UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 95th CONGRESS
SECOND SESSION

VOLUME 124—PART 12

MAY 24, 1978 TO JUNE 6, 1978

(PAGES 15173 TO 16440)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1978

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 95th CONGRESS, SECOND SESSION

SENATE—*Wednesday, May 24, 1978*

(Legislative day of Wednesday, May 17, 1978)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. ROBERT MORGAN, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

Almighty God, for this brief moment we hush all other sounds except the divine knocking of the Master and His voice saying, "If any man will open the door, I will come in." We would open the door of our hearts and bid Thee enter, Thou Spirit of Love and Purity, expelling all that is ugly and unclean. Fill us with life anew that we may love what Thou dost love and do what Thou dost do.

Be with this Republic that it may take its rightful place among the nations, strong and free and great and good. Make us a people compassionate and generous, industrious and frugal, supporters of the weak and the oppressed.

By the power of Thy Spirit reinforce the President, his counselors, and all others in positions of authority that justice and righteousness may prevail at home and peace may abide among the nations.

We pray in the Master's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 24, 1978.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT MORGAN, a Senator from the State of North Carolina, to perform the duties of the Chair.

JAMES O. EASTLAND,
President pro tempore.

Mr. MORGAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF LEADERSHIP

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

THE JOURNAL

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, May 23, 1978, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Tennessee (Mr. BAKER).

SPECIAL ORDERS

Mr. BAKER. Mr. President, I understand there is a preference of the two Senators on this side who have special orders that the order of those speeches be reversed.

I ask unanimous consent that that might occur. I understand it will make Senator BARTLETT first and then Senator DOLE.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I would inquire of the distinguished acting majority leader if he has any requirement for the remainder of his time under the standing order and, if not, if we might combine it with mine which is remaining and yield it to the distinguished minority whip?

Mr. METZENBAUM. I have no objection. That is agreeable.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Alaska (Mr. STEVENS).

Mr. STEVENS. Mr. President, I thank the distinguished acting majority leader and the minority leader for yielding me their time.

FEDERAL LANDS IN ALASKA

Mr. STEVENS. Mr. President, one of the most difficult problems that I have ever faced in the 25 years of my career in public life has been the question of the so-called d-2 lands in Alaska.

This question concerning what is the proper action for Congress to take with regard to determining the criteria for the use of Federal lands in Alaska is a most unique one. One of the difficult things about the subject today is that, as the House of Representatives has proceeded with the consideration of H.R. 39 there has been increasing rhetoric about that bill. It is said that the bill will unlock the Federal lands in Alaska.

I have had comments to make in the past about this approach and about the statement and I wish to have printed in the RECORD an editorial from the Fairbanks Daily News-Miner of Wednesday, May 17, 1978, which is entitled "What Can One Say."

This editorial reflects the feelings that I expressed when the ad appeared in the Washington Post which was entitled "The Unlock Bill."

In that ad it was stated that in Alaska, land area 2½ times larger than California will be open for development if the Interior Committee bill becomes law. The ad also said that 90 percent of Alaska will be open for oil production if H.R. 39 becomes law, and 96 percent of the lands with favorable potential for oil.

Mr. President, I asked for this time this morning, and I am indebted to the two leaders for allowing me to use their time, to report that I have had a conversation with at least one of the principal sponsors of this bill and I have told him that any time the proponents of H.R. 39 want to fashion a bill which will make the ad that they placed in the newspaper truthful, I personally will be ready not only to work on the bill but to be a sponsor of it.

If they are ready to present to the Senate a bill that will open for development in Alaska an area 2½ times larger than California, if they are ready to present a bill that will permit 90 percent of Alaska to be open for oil production and 96 percent of the lands with favorable oil potential to be available for leasing, then I think they would be acting in the national interest and I would be more than willing to help them.

I think that the Senate should know that Alaskans are ready to work with anyone who would approach the question of H.R. 39 and the problem that it poses in a balanced way.

It is not balanced, in my opinion, as it stands. As it stands, it would create almost 70 million acres of wilderness in the State of Alaska when there are only 15 million acres of wilderness in the whole United States, including Alaska, after almost 15 years of the Wilderness Act.

H.R. 39 would double the area of the National Park Service notwithstanding the fact that we already have 25 per-

cent of the National Park Service in our State. I think it would create such havoc in terms of proper land use planning it would be impossible for Alaskans for many years to restore the concept of proper land use planning.

As I pointed out yesterday to the Senate Energy Committee, Alaska is the only State that for 5 years now has paid half the cost of maintaining the Federal-State Land Use Planning Commission for Alaska and its duty was to plan for the use of Federal lands.

Mr. President, I ask unanimous consent that this editorial entitled "What Can One Say" be printed in the RECORD at this point, and I urge those who are the proponents of H.R. 39 to come forward and make this ad that appeared in the Washington Post a truthful ad.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Fairbanks (Alaska) Daily News-Miner, May 17, 1978]

WHAT CAN ONE SAY

We must be winning the d-2 battle—our opponents are stooping to new lows in their campaign for H.R. 39.

A full-page advertisement in the Washington Post May 4 called H.R. 39 "The Unlock Bill". It was sponsored by the "Americans for Alaska" group, a bunch that's about as concerned with Alaska as Idi Amin is concerned with the Yukon Native claims.

Their message is that putting 100 million acres of Alaska into wilderness will open the rest of Alaska for development. Both Morris Udall and John Seiberling said similar things many times last year, arguing that they were only taking one third of Alaska in their bill, and the rest was state selection and Native corporation land open to development.

The list of sponsors in last week's ad includes many of the wealthy and powerful names in America. There's James Buckley, Cathy Douglas, Dan Evans, Marshall Field, Leonard Firestone, Mrs. Lyndon Johnson, Nancy Kissinger, Henry Cabot Lodge, Elmo Zumwalt, Theodore Roosevelt IV, Laurence Rockefeller and George Romney.

There are also a few more familiar names like Bishop William Gordon, Juneau State Rep. Mike Miller and Nathaniel Reed.

"An Alaskan land area 2½ times larger than California will be open for development if the Interior Committee bill becomes law," the ad says. "Ninety percent of Alaska will be open for oil production if H.R. 39 becomes law—and 96 percent of the lands with favorable potential for oil."

It says that federal land status has been uncertain and "H.R. 39 will end that uncertainty, allow investment decisions to be made and development to proceed."

It says once H.R. 39 is passed the State of Alaska and the Natives can select the 149 million acres open to them and "a second 100 million acres . . . of remaining federal land will be open to mining, timbering and oil production."

One should think at least some of the people who sponsored that ad know better. We know Mike Miller does.

For one thing, who says the state and Native lands will all be open to development? Surely not the state and Natives. We have already created more state parks than any other state in the U.S. Much of the state land, we hope, will go for homesites. One careful look at Native land selections shows they are greatly interested in protecting villages and hunting areas from outside interference.

The Americans for Alaska also overlook the fact that H.R. 39 takes back many existing state land selections and closes a lot of good land off from future selections.

As for that other 100 million acres of federal land left out of H.R. 39, it comes under Section 603 of the BLM Organic Act and meets that law's criteria for placement in wilderness study areas. That means nothing can be done on that land that would ruin its value as a future wilderness area until the Interior Department comes up with a wilderness proposal and gets it through Congress. That's likely going to be a long time.

And that 100 million acres of land in H.R. 39 is drawn so that it either takes in known mineral reserves or blocks access to minerals on state, Native or federal d-1 lands.

Of course all this leaves out the argument this newspaper has advanced time and again. If H.R. 39 is to protect us from overdevelopment, why doesn't it allow Alaskans to hunt, farm, build homes and live in these wilderness settings? Without a special dispensation from the Secretary of Interior the bill would close most of this land to motorboats, snowmachine travel and aircraft landings. One wouldn't even be able to carry a firearm on more than 40 million acres where such freedom exists now. We fail to see how barring our cabins and hunters keeps the land safe from Anaconda Mining.

It wouldn't be so bad to see these lies in advertisements if so many people didn't believe them. For instance a routine Associated Press article on the House Rules Committee debate last week ended with, "In addition to the lands picked by the state and Alaska Natives, roughly another 100 million acres of federal land left out of the parks bill would be open for development."

What can one say?

SPECIAL ORDER

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma (Mr. BARTLETT) is recognized for not to exceed 15 minutes.

THE GEOPOLITICS OF SALT

Mr. BARTLETT. Mr. President, in the next few months we shall all be involved in the ongoing debate over the difficult, technical problems associated with SALT II. As the ranking Republican member of the Research and Development Subcommittee of the Senate Armed Services Committee, I already find myself spending many hours sorting out the complex issues associated with strategic weaponry.

As I listen to the discussions of SALT II which are so frequent these days, I see many of my colleagues preoccupied with strategic hardware issues such as throwweight, fratricide, hardness, kill radius, circular error probable, equivalent megatonage, and the like. Equally esoteric strategic concepts such as parity, stability, deterrence, verifiability, equity, counterforce, and linkage grow out of these hardware issues. All of these technology-related issues are important, and I intend to contribute more than my fair share to the discussion of them. However, before we become so completely immersed in these cold, dry, esoteric nuclear statistics, I would like to set the record straight as I see it: SALT is more a geopolitical issue than a technological problem. Any new SALT agreement will impact upon allies and friends overseas just as much as upon the United States itself.

SALT II is not simply a cooperative effort by the United States and the Soviet Union to achieve strategic nuclear stability and reduced defense budgets. It is also a forum for Soviet-American competition. Although the arms control policies of the Soviet Union contain ample reference to the pacifism associated with Marxist-Leninist ideology, Soviet arms negotiations are characterized by a tenacious exploitation of opportunities combined with a pugnacious resistance to making even minor concessions. At SALT, the Soviets stress the Russian-American rivalry; their goal is geopolitical advantage.

Arms control decisionmaking in the United States also contains these cooperative and competitive dimensions; but the focus is less clear. The arms control constituency in the United States, dominated by dovish hawks and hawkish doves, is far more diverse and divided than that which exists in the Soviet Union, and its policy objectives seem more vague. The American approach to SALT is influenced by competing circles of technocrats, bureaucrats, politicians, academics, clerics, and the media. For this reason, it should not be surprising that American arms negotiations are more intense within the United States than at the table with the Soviet Union.

For a sizable number of American arms controllers, technology, not the Soviet Union, drives the arms race. They see the United States as primarily responsible for the arms race because it is the world leader in technology. Often they ignore the consistent momentum of Soviet technological initiatives and are unaware of the difficulties facing the United States in maintaining a technological lead over the Soviet Union sufficient to counter Soviet superiority in numbers. In many areas, the United States is pushing technology about as far as it can. In the case of ballistic missiles, the small size of U.S. strategic delivery vehicles makes additional improvements expensive and difficult.

The Soviet advantage in missile throwweight permits the Russians to achieve operational equality at a lower level of technology than that used by the United States, and to achieve operational superiority as they catch up in those technologies where the United States has been ahead. For the antitechnologists, however, the Soviet Union is a valuable ally in their efforts to keep more American weapons genies in the bottle by hobbling the dynamism of the Pentagon. In the process, this school hopes to persuade the Kremlin that new weapons technologies accelerate the arms race. They hope that Moscow will rein in its extensive weapons development programs.

I doubt, however, that the Soviet Union will limit its own technological advancement in the name of arms control. On the contrary, the consistency and force behind all Soviet foreign policy

reflects a clear effort to exploit technology to gain geopolitical advantage over the West. For example, the United States has not deployed an antiballistic missile defense system or an extensive civil defense network because Americans do not believe that anyone in their right mind would initiate a nuclear exchange. The Soviet Union, on the other hand, has stressed ballistic missile defense, civil defense, and the possibility of nuclear war, not because it wants nuclear war, but because Moscow believes that the Soviet Union should not only survive, but win a nuclear war if it should occur.

Also, obtaining political leverage from strategic forces requires that the threat of the Soviet Union surviving and winning a nuclear exchange be seen as credible. Thus, the U.S.S.R. hopes to gain political advantage from superior strategic nuclear forces. The United States, on the other hand, seeks merely to neutralize strategic weapons as a factor in the Soviet-American rivalry. The impact of these different goals can be seen in the arms development programs of the two superpowers following SALT I.

Since 1972, the year SALT I was ratified, the Soviet Union has tested 10 models of 5 ICBM's, including 4 entirely new intercontinental ballistic missiles. They have at least four additional new land based intercontinental missiles under development. In the same period, they have tested five models of four submarine launched ballistic missiles, including three new SLBM's and have at least one additional new SLBM under development. This contrasts sharply with the United States which, since SALT I, has developed only one new strategic ballistic missile, the Trident I SLBM, which will be deployed in 1980.

America's arms control difficulties grow not only out of nuclear weapons policies, but also out of the absence of a coherent American foreign policy—in Europe, in Africa, in Asia, in the western Pacific, and around the world. It is in this context that some of America's concessions at SALT II become most worrisome.

The world has grown small, and America's vital economic and political interests are spread throughout the globe. If the United States had had a choice, it might have decided not to position its vital interests on the periphery of the Soviet Union, but the geography of our planet has placed them there.

Following World War II, our Nation adopted a policy of "containment" designed to protect these interests against threats from the Soviet Union. We formed alliances and provided a nuclear umbrella for our friends overseas and for our own interests. Since then, the immediate goal of Soviet foreign policy has been to counter these developments. Today, our overseas alliances are in trouble, and the linkage between our strategic nuclear forces and the protection of our allies is questionable. U.S. arms control efforts, consummated or under negotiation, frequently make them worse. Take SALT II for example. Even if SALT II should serve to make the strategic nuclear balance more stable at best, an uncertain outcome, it will not reduce Soviet threats to our allies and interests overseas. Although not yet concluded, it contains tentative provisions which have already served to disrupt the unity and effectiveness of NATO. Most significant in this regard is the proposed protocol to SALT II.

With its limits on technology, America's counterweight to Soviet numbers, the proposed protocol makes the actual SALT II treaty worse for the United States than it would be otherwise and promises to make SALT III negotiations more difficult for the United States. It is the protocol which places limits on cruise missiles and the MX missile, both of which are necessary to counter the Soviet strategic buildup. Worse, the protocol has already caused our allies in NATO and the Pacific great concern.

Many of our NATO allies have been unhappy that they were not consulted before the formulation of the concessions on the ranges and testing of cruise missiles which were included in the protocol. Many were disappointed and alarmed that later consultations seemed designed by the American administration to close off criticism and debate in Europe. Certainly, SALT is not a domestic matter of importance only to the United States.

Our NATO allies, who have their own cruise missile programs, are also alarmed at the noncircumvention, nontransfer provisions of the protocol which add insult to injury by the possible restrictions on the transfer of cruise missile technology to our allies. NATO sees the United States stressing closer cooperation and greater NATO standardization on the one hand, and on the other hand, they see the United States and the Soviet Union concluding a formal agreement to shut off Western Europe from important new defense technologies. Soviet compromise on the technology transfer issue does not remove the lack of confidence in the United States which was created in Europe in the first place, and which still exists due to certain noncircumvention provisions.

Europeans ask why the United States limits theater systems such as the conventional and nuclear ground launched cruise missile at SALT while excluding Soviet systems such as the SS–20 and Backfire at present which have similar missions. Some remember that the United States would not conclude the 1972 SALT I Interim Agreement on Strategic Offensive Arms until the Soviet Union abandoned its insistence on the inclusion of U.S. "forward based systems" (FBS). At that time, everyone recognized that the "forward based systems" issue was designed to drive a wedge between the United States and its allies. Certainly the SALT II protocol has already permitted the Soviet Union to place the tip of the wedge between the United States and Western Europe. We must act quickly and decisively to insure that they do not expand the crack.

The 600-kilometer restriction on submarine-launched cruise missiles and ground-launched cruise missiles and the 2,500-kilometer restriction on air-launched cruise missiles add support to the Soviet definition of strategic systems as being those weapons which can hit the homelands of the superpowers from wherever they are based. This contrasts with the American approach which has focused on weapons with a generally intercontinental range.

The danger in accepting this Soviet definition of "strategic" is that it calls into question the legitimacy of U.S. nuclear (and nonnuclear) military forces deployed on the periphery of the Soviet Union in order to aid our allies and protect our interests. Under this Soviet definition of strategic, Soviet weapons designed to attack Western Europe appear legitimate while U.S. forces designed to defend NATO appear illegitimate. This notion, should it become widespread, would provide the Soviet Union with considerable leverage in its geopolitical efforts to divide the United States from its allies and to pry the United States away from the rimland of the Soviet Union.

Although the United States should never lose sight of its ultimate goals in arms control, it must take Soviet-American competition more seriously in its arms control negotiations. Magnanimity in arms control is counterproductive and destabilizing. Only a strong defense and tough negotiation by the United States will make arms control a necessity for the Soviet Union rather than an opportunity for Moscow to further itself around the world. Failure to stand firm will weaken the United States, divide it from its allies and overseas resources, and force nations on the periphery of the Soviet Union to reach an accommodation with Moscow or deploy nuclear weapons themselves. In short, the overall foreign policy objectives of the United States would be undermined by an inadequate SALT II agreement.

Mr. President, I yield the remainder of my time to the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, the Senator is very thoughtful and gracious.

SENATE JOINT RESOLUTION 137—REAFFIRMATION OF THE UNITY OF THE NORTH ATLANTIC ALLIANCE COMMITMENT

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a joint resolution on behalf of myself, Mr. BAKER, Mr. STENNIS, Mr. SPARKMAN, Mr. KENNEDY, Mr. NUNN, Mr. GRIFFIN, Mr. TOWER, Mr. PERCY, and Mr. DANFORTH, and I ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, and I shall not object, I simply wish to express to the Sen-

ate what the distinguished majority leader already knows, and that is that this resolution is fully supported on both sides of the aisle, and it is my privilege, along with others on this side, to cosponsor it with the majority leader.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished minority leader.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 137) reaffirming the unity of the North Atlantic Alliance commitment.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to its immediate consideration and without objection, the joint resolution will be considered to have been read the second time at length.

Mr. ROBERT C. BYRD. Mr. President, June 11 will mark the 30th anniversary of a historic and farsighted resolution that laid the cornerstone of U.S. foreign policy following World War II.

The Vandenberg resolution, which took its name from the distinguished Senator from Michigan who served in this Chamber for more than two decades, paved the way for U.S. membership in the North Atlantic Alliance and helped to create a community of nations unprecedented in power, but dedicated to the preservation of peace. It demonstrated to all nations this country's bipartisan commitment to stand firmly for the ideals in which we believe.

The extent of the alliance's achievements has been even greater than could have been imagined when the North Atlantic Treaty was signed in 1949. Not only has the alliance preserved peace and stability on the European continent, but it has helped establish the foundation for a freer, more prosperous, and more dignified way of life.

The alliance has evolved into a true community of states, each acting freely on the basis of its own sovereignty to maintain the common values of democracy which bind the Western World together.

As NATO moves toward its 30th anniversary, we have probably come to take it too much for granted—yet its role is as crucial as ever, if not more so. We must insure that it retains the capability to deter aggression, particularly in view of the continuing military buildup of the Warsaw Pact nations.

NATO can only fulfill its purpose of providing collective security to its members if it has adequate military strength. From a base of strength, it can also best pursue possible agreements on arms control—agreements which would enhance allied security and help stabilize the military balance and reduce tensions in Europe.

As the leaders of the NATO countries prepare to gather in Washington on May 30 and 31 to discuss these and other vital issues facing the Atlantic community, I believe it is appropriate for the Senate to express once again its strong and continuing commitment to the North Atlantic Alliance.

It is for this reason that I have introduced on behalf of myself and the other Senators aforementioned and that I strongly urge the adoption of this resolution reaffirming that commitment and expressing our support for the strengthening of NATO's defensive capabilities.

As I have already stated, I am pleased to be joined by the distinguished minority leader, Mr. BAKER, in sponsoring this resolution, along with Messrs. STENNIS, SPARKMAN, KENNEDY, NUNN, GRIFFIN, TOWER, PERCY, and DANFORTH, all of whom have a strong interest in NATO.

Mr. President, it is particularly appropriate that the distinguished chairman of the Committee on Armed Services (Mr. STENNIS) and the distinguished chairman of the Committee on Foreign Relations (Mr. SPARKMAN) are cosponsors of this resolution. Both were Members of the Senate at the time of the Vandenberg resolution in 1948 and when the NATO Treaty was approved in 1949, and because of their committee responsibilities, both of them have had and continue to have a special interest in the alliance.

● Mr. KENNEDY. Mr. President, I am pleased to consponsor this resolution which reaffirms the support of Congress for the North Atlantic Alliance as a vital commitment and cornerstone of U.S. foreign policy.

We consider this resolution in connection with the forthcoming NATO summit meeting in Washington, which will surely underline the common foundations and common aspirations of the alliance.

It is a mark of NATO's success that we have secured the peace in Europe, achieving unparalleled prosperity and security, and permitting the West to pursue détente with the East, with confidence in our own strength. We should never forget that NATO is not just a military alliance, but a political alliance in which diplomatic and strategic consultation has become increasingly important and intense.

This political dimension will be crucial as we seek to resolve the fundamental issues of relations with the Soviet Union: strategic and theater arms control (SALT and MBFR); the imperative of mutual restraint; respect for fundamental human rights; and the possibility of expanded East/West cooperation in the future.

So it is only fitting for the Congress to express our appreciation for the success story of NATO and our expectation of an increasingly vital North Atlantic Alliance in the future.●

● Mr. BAKER. Mr. President, I am pleased to join with the distinguished majority leader and eight of our colleagues in sponsoring a resolution that recognizes and reaffirms the commitment of the United States to the North Atlantic Alliance. The Alliance remains after 30 years the cornerstone of the foreign policy and defense of the United States. It is not, however, only an alliance for mutual defense, it is a community of shared interests and ideals—a standard against which the world community at large can measure its progress toward the achievement of political and individual freedom.

It is with a strong measure of pride that I remind my colleagues that on this side of the Atlantic the initiative for forming this Alliance came from this Chamber. It was a resolution proposed by the distinguished Senator Vandenburg, which encouraged President Truman to approach the newly formed Brussels Pact and proceed to the "progressive development of regional and other collective arrangements for individual and collective self-defense * * *". That resolution marked a recognition by the United States that the democracies of Europe and North America could not again afford to await complacently the fact of aggression before preparing to defend against it.

That recognition was well founded. From the ashes and destruction of World War II, NATO has become a strong and vital bulwark against the threat of aggression and there is, to be sure, little reason for complacency. In the statement by the Chairman of the Joint Chiefs of Staff on the Defense Posture of the United States for fiscal year 1979, General Jones noted:

NATO conventional strength has not kept pace with the Warsaw Pact. . . . NATO's qualitative advantages which have offset Warsaw Pact numerical advantages in the past have diminished.

We must recognize and deal with the reality that the Soviet Union and the Warsaw Pact have every intent of establishing a clear superiority over the defense capabilities of the NATO Alliance.

So it is all together fitting and proper, Mr. President, that we recognize this 30th anniversary of a successful Alliance tempered with the realization that the threat against the Alliance not only remains after 30 years, but continues to grow. It goes without saying, I believe, that the capabilities of the Alliance must begin to keep pace with the strength of the Warsaw Pact, and the Alliance must be unquestionably able and determined to deter, if possible, and defeat, if necessary, the threat poised against it.●

The joint resolution (S.J. Res. 137) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 137

Whereas thirty years ago the Congress passed the Vandenberg Resolution, which has come to represent the highest qualities of bipartisan statesmanship; and

Whereas the North Atlantic Alliance has preserved the peace in Europe for an entire generation, allowing its members to attain unprecedented levels of prosperity and well being for their people; and

Whereas the leaders of the Alliance will gather in Washington, D.C., on May 30 and 31, 1978, to renew their adherence to its principles and rededicate themselves to its objectives; and

Whereas this meeting will be the capstone of efforts to ensure that the needs of collective security will be met over the next decade: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of

America in Congress assembled, That the North Atlantic Alliance be reaffirmed as a vital commitment and cornerstone of United States foreign policy, and that the bipartisan spirit that inspired its birth be rededicated to the purpose of strengthening it further in the cause of peace and security.

SEC. 2. The Congress recognizes the extraordinary success of the North Atlantic Alliance in fulfilling its goals of safeguarding the freedom, common heritage and civilization of its peoples, founded on the principles of democracy, individual liberty and the rule of law.

SEC. 3. On the occasion of the NATO Summit meeting in Washington, the Congress declares its support for efforts to reaffirm the unity of the North Atlantic Alliance, to strengthen its defensive capabilities to meet threats to the peace, and on this basis to persevere in attempts to lessen tensions with the Warsaw Pact states.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. Mr. President, will the majority leader withhold that motion just for the moment?

Mr. ROBERT C. BYRD. Yes, indeed.

Mr. BAKER. The reason is, as I notice, there were certain minor language changes that were done, and I have been unable to check with one member who is a senior member of one of the jurisdictional committees, and if we can reconsider the motion and table that motion later I shall appreciate it.

Mr. ROBERT C. BYRD. Surely. I withhold it.

The ACTING PRESIDENT pro tempore. Without objection, the motion to reconsider is withdrawn.

Mr. ROBERT C. BYRD. Yes, by unanimous consent.

(Later the following occurred:)

Mr. BAKER. Mr. President, if the majority leader will yield to me, I am now in a position to proceed to the consideration of the motion to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I thank the minority leader. I so move.

Mr. BAKER. I move to lay that motion on the table.

The ACTING PRESIDENT pro tempore. Without objection, the motion is in order. Without objection, the motion to lay on the table is agreed to.

(Conclusion of later proceedings.)

DRUG ABUSE OFFICE, PREVENTION, AND TREATMENT AMENDMENTS OF 1978

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 751.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, that item, as the majority leader knows, is clear on our Calendar, and we have no objection to proceeding to its consideration and its passage.

The Senate proceeded to consider the bill (S. 2916) to amend the Drug Abuse Office and Treatment Act of 1972 to extend the programs of assistance under that act for drug abuse prevention, education, treatment, and rehabilitation, and for other purposes, which had been reported from the Committee on Human Resources with amendments as follows:

On page 2, beginning with line 3, insert the following:

(c) Section 410(a) of such Act is amended by inserting after "Secretary" a comma and the following: "acting through the National Institute on Drug Abuse,".

On page 2, line 6, strike "(c)" and insert "(d)";

On page 2, line 15, strike "(d)" and insert "(e)";

On page 5, beginning with line 8, insert the following:

SEC. 6. (a) Title V of the Drug Abuse Office and Treatment Act of 1972 is amended by adding at the end thereof the following new section:

"§ 504. Scientific Peer Review

"The Secretary acting through the Institute, shall, by regulation, provide for review of all research grants and contracts, training, treatment, and prevention activity grants, and programs over which he has authority under this Act by utilizing, to the maximum extent possible, appropriate peer review groups, composed principally of non-Federal scientists and other experts in the field of drug abuse.".

(b) The table of sections at the beginning of title V of such Act is amended by adding at the end thereof the following new item:

"504. Scientific Peer Review.".

On page 5, line 22, strike "6" and insert "7";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Drug Abuse Office, Prevention, and Treatment Amendments of 1978".

SEC. 2. (a) Section 1 of the Drug Abuse Office and Treatment Act of 1972 is amended by striking "Office" and substituting "Office, Prevention,".

(b) The first sentence of section 409(a) of such Act is amended (1) by striking out "and" after 1977,", and (2) by inserting after "1978," the following: "and September 30, 1979,".

(c) Section 410(a) of such Act is amended by inserting after "Secretary" a comma and the following: "acting through the National Institute on Drug Abuse,".

(d) Section 410(b) of such Act is amended by adding at the end thereof the following: "For the fiscal year ending September 30, 1979, there is authorized to be appropriated (1) $153,000,000 for grants and contracts under paragraphs (3) and (6) of subsection (a) for drug abuse treatment programs, and (2) $24,000,000 for grants and contracts under such subsection for programs and activities, (other than for grants and contracts under paragraphs (3) and (6) of subsection (a)).

(e) Section 503 of such Act is amended (1) by striking "and" after "1977"; and (2) by inserting after "1978" the following: "and $7,000,000 for the fiscal year ending September 30, 1979".

SEC. 3. (a) Section 405(b) of the Drug Abuse Office and Treatment Act of 1972 is amended to read as follows:

"(b) The Secretary shall transmit a report to the President and the Congress with respect to each fiscal year on—

"(1) the health consequences and extent of drug abuse in the United States,

"(2) a description and evaluation of the effectiveness of the drug abuse prevention functions carried through any entity of the Department of Health, Education, and Welfare in the fiscal year for which the report is made,

"(3) a description of the manner in which such functions were carried out, the amount of funds expended, and a description and evaluation of the coordination within the Department of Health, Education, and Welfare in carrying out such functions,

"(4) a description and evaluation of the effectiveness of experimental methods and programs implemented in carrying out such functions, recommendations for implementation of such methods and programs by others in carrying out their drug abuse prevention functions, and a description and evaluation of the effectiveness of the means used to disseminate information respecting such methods and programs, and

"(5) proposals for changes in the drug abuse prevention functions carried out through the Department of Health, Education, and Welfare (including recommendations for legislation).

The report required by this subsection shall be transmitted not later than January 15 of each year.".

(b) Section 405 of such Act is amended by adding at the end thereof a new subsection (c) as follows:

"(c) Within one hundred-twenty days of the date of enactment of the Drug Abuse Office, Prevention, and Treatment Amendments of 1978, the Secretary shall submit to the Congress a report on the extent and nature of drug abuse in rural areas, the special needs and circumstances which must be addressed in providing drug abuse prevention function to these areas, and specific recommendations to alleviate drug abuse in rural areas. For purposes of this subsection, 'rural areas' means areas that are nonurbanized areas as defined by the Bureau of the Census.".

(c) Section 502(b)(3) of such Act is amended by striking "control and treatment" and substituting "prevention, control, and treatment".

SEC. 4. Section 303(2) of the Drug Abuse Office and Treatment Act of 1972 is amended by inserting immediately after "used" the following: "and shall include a mechanism to identify, provide for, and evaluate effective drug abuse prevention programs, especially for primary prevention designed to discourage persons from beginning drug abuse with equal attention to the needs of metropolitan areas and areas which are not urbanized areas as defined by the Bureau of the Census".

SEC. 5. (a) Section 409(e)(7) of the Drug Abuse Office and Treatment Act of 1972 is amended to read as follows:

"(7) provide assurance that the State agency will coordinate its planning with local drug abuse planning agencies, and with State and local health planning agencies and educational agencies, as appropriate;".

(b) The first sentence of section 409(e) of such Act is amended by striking "July 15" and substituting "July 31".

SEC. 6. (a) Title V of the Drug Abuse Office and Treatment Act of 1972 is amended by adding at the end thereof the following new section:

"§ 504. Scientific Peer Review

"The Secretary, acting through the Institute, shall, by regulation, provide for review of all research grants and contracts, training, treatment, and prevention activity grants, and programs over which he has authority under this Act by utilizing, to the maximum extent possible, appropriate peer review groups, composed principally of non-Federal scientists and other experts in the field of drug abuse.".

(b) The table of sections at the beginning of title V of such Act is amended by adding at the end thereof the following new item:

"504. Scientific Peer Review.",

SEC. 7. Section 502 of the Marihuana and Health Reporting Act (Public Law 91-296) is amended by striking out "annually" and inserting in lieu thereof "biennially",

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The amendments were considered and agreed to en bloc.

● Mr. HATHAWAY. Mr. President, S. 2916 revises and extends the authorizations of appropriations for 1 year under the Drug Abuse Office and Treatment Act of 1972 (Public Law 92-255) to continue the drug abuse research, prevention, treatment, and rehabilitation programs of the National Institute on Drug Abuse (NIDA) in the Department of Health, Education, and Welfare. It proposes a total of $229 million in authorizations of appropriations during fiscal year 1979 for these programs. Under existing law, $212 million is appropriated for fiscal year 1978.

The bill provides greater emphasis on prevention and demonstration activities within the special grants and contracts program, and on evaluation of such activities. It requires a report on drug abuse in rural areas, and encourages the general drug abuse strategy to focus on prevention and on the needs of both urban and rural areas.

It encourages greater coordination of drug abuse planning at the State and local levels with the planning activities of health and educational agencies. It stipulates activities peer review of grant and contract proposals within the National Institute on Drug Abuse. S. 2916 provides for an annual report on the health consequences and extent of drug abuse.

HISTORY OF LEGISLATION

On March 21, 1972, the Drug Abuse Office and Treatment Act of 1972 (Public Law 92-255) was signed into law. The purpose of the 1972 act was to "focus the comprehensive resources of the Federal Government and bring them to bear on drug abuse with the immediate objective of significantly reducing the incidence of drug abuse in the United States within the shortest possible period of time, and to develop a comprehensive, coordinated long-term Federal strategy to combat drug abuse."

In 1972, illicit drug abuse was widely perceived as having reached epidemic proportions, afflicting between 200,000 and 300,000 individuals. A message from the President to the Congress stressed that in New York City, narcotic deaths rose from 200 in 1969 to over 1,000 in 1970. At the same time, federally funded community treatment facilities had the capability of providing services for only 16,000 addicts. The linkages between drug abuse and other societal problems and costs were also widely recognized. These other factors included increased crime rates, rates of death, increased health costs, lost productivity, and other associated costs.

In response to the drug abuse problem, the 1972 act established several programs. First, it established the Special Action Office for Drug Abuse Prevention (SAODAP) within the Executive Office of the President. It required the Director of SAODAP to provide overall planning and policy and to establish objectives and priorities for all Federal drug abuse prevention functions. Second, it provided for the establishment of the National Advisory Council for Drug Abuse Prevention to advise the SAODAP Director. Third, it required the President to establish a strategy council composed of the SAODAP Director, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense, the Administrator of the Veterans' Administration, and other officials to prepare a comprehensive Federal drug abuse strategy.

Finally, it provided authority for an expanded drug abuse prevention and treatment program within the Department of Health, Education, and Welfare. Specifically, it established the National Institute on Drug Abuse within the National Institute on Mental Health. It provided for formula grants to States for drug abuse programs under section 409. It provided for special project grants and contracts for drug abuse treatment and prevention programs under section 410. It also contained other directives relating to other drug abuse functions and programs within NIDA and other agencies in the Department of HEW. In 1974, Public Law 93-282 removed NIDA from the National Institute of Mental Health and located the agency in the newly established Alcohol, Drug Abuse, and Mental Health Administration.

On March 19, 1976, the Congress enacted new legislation to amend the Drug Abuse Office and Treatment Act of 1972 (Public Law 94-237). The purpose of the 1976 amendments was to continue the focus of governmental resources on the problem of drug abuse while recognizing that drug abuse problems could not be solved as rapidly as envisioned by the 1972 act.

The 1976 amendments recognized that drug abuse was not a crisis which could be solved but rather a continuing problem calling for a continued Federal responsibility. These amendments made several changes in the drug abuse program. They established the Office of Drug Abuse Policy (ODAP) within the Executive Office of the President. SAODAP's drug abuse programmatic responsibilities were transferred to the National Institute on Drug Abuse within the Department of Health, Education, and Welfare. In addition, the authority and role of the Secretary of HEW and the Director of NIDA respecting drug abuse functions were clarified and the authorizations of appropriations for section 409, State drug abuse formula grants, and section 410, drug abuse project grant and contracts, were extended for 3 fiscal years through fiscal year 1978.

Generally, ODAP was required by statute to oversee all organizational and policy issues and to recommend and implement resource and program priorities. President Ford signed the legislation authorizing ODAP on March 19, 1976, but did not implement the Office, despite enactment of a specific line-item appropriation. On March 14, 1977, President Carter issued a memorandum to initiate the Office, urging full cooperation on the part of all Cabinet members. On May 25 a Director and Deputy Director were confirmed by the Senate.

On July 15, 1977, the President sent to Congress Reorganization Plan No. 1. Among other things, this plan proposed to abolish ODAP. Under the Reorganization Act of 1977, this plan was to take effect at the expiration of 60 days (both Houses in session) unless either House vetoed the whole plan by majority vote. Senator HATHAWAY as chairman of the Subcommittee on Alcoholism and Drug Abuse questioned the ODAP aspect of the plan in testimony before the Committee on Governmental Affairs on July 27, 1977.

Subsequent meetings occurred among Members of Congress, the reorganization staff of the Office of Management and Budget, and Mr. James McIntyre, Deputy Director of OMB, to discuss these issues.

The Office of Drug Abuse Policy was the successor coordinative agency to SAODAP which had been phased out.

The legislative intent made clear that Congress as a whole were dissatisfied with inconsistent and sometimes conflicting Federal drug abuse policies, with no clear overall direction. The involvement of the Justice Department, Treasury, the Central Intelligence Agency, and the State Department in enforcement issues; the involvement of the Department of Health, Education, and Welfare, and the Department of Labor, and Veterans Administration in treatment and rehabilitation; and the involvement of HEW, DOD, and Justice, along with the Department of Transportation in prevention and education, created special problems.

The Congress was particularly concerned with establishing a central mechanism for accountability to avoid the prior situation where individual agencies or departments were able to assert that a particular aspect of the drug problem was outside their realm of responsibility, or that the drug problem was primarily one of enforcement, or treatment, or prevention, to the exclusion of an integrated strategy.

In Title II of the Drug Abuse Office and Treatment Act, as amended in 1976, ODAP's functions are spelled out in great detail. Its role was to insure a coherent Presidential drug abuse policy throughout the executive branch. It was to be headed by a Director and Deputy Director, both of whom were subject to Senate confirmation. Both were by statute required to testify before congressional committees when so requested. Previously White House aides had refused to testify when requested, citing executive privilege. Other ODAP personnel were designated in the statute as well.

On September 25, 1977, Mr. McIntyre wrote to me and other concerned Members of Congress outlining the administration's proposals for continued coordination of drug policy in lieu of ODAP. He indicated that the overall functions of ODAP would continue to be carried out

within the Executive Office of the President. ODAP's policy development and coordination functions would be handled primarily by the domestic policy staff, with several members of that staff assigned exclusively to drug abuse issues. He assured us that Dr. Peter Bourne, Director of ODAP, would continue to take the lead in formulating a comprehensive drug abuse policy, subsequent to the termination of ODAP as a discrete entity, including planning, enforcement, and other critical issues, in his capacity as the Special Assistant to the President for Health Issues. He would remain available to testify before congressional committees on drug abuse issues. Subsequent to its termination, the reorganization functions of ODAP would be transferred to the President's reorganization project. Mr. McIntyre also indicated that ODAP could continue to exist until April 1, 1978 to complete its ongoing studies and policy recommendations.

With respect to ODAP, the President's Reorganization Plan took effect on March 26, 1978. Its staff members were assigned to various offices in the Executive Office and in other departments and agencies of the Federal Government. A core staff of ODAP was transferred directly to the Domestic Policy Staff under the supervision of the former deputy director. All of these individuals report directly to the Special Assistant to the President for Health Issues.

NEED FOR THE LEGISLATION

Federal drug abuse policy, if it is to be effective, must be coordinated at the highest levels of the executive branch. While many problems in our complex society inevitably cut across multiple Federal departments and agencies, none appears to be more insidious in impact or intractable in cause than drug abuse. Further, to help stem these tragic social and economic costs, continued Federal support of prevention, treatment, and rehabilitation is vitally needed.

The scope of licit and illicit drug use and abuse is staggering in its magnitude. In 1977, 1.4 billion prescriptions were written—or 7 for every individual in the Nation. The per capita consumption of alcohol was slightly over 2 gallons for every person over 15 years of age. Fifty-five million Americans smoke cigarettes daily. There are between 450,000 and 500,000 daily users of heroin, and over 4 million Americans who have tried cocaine.

Active nonmedical use of other drugs, such as amphetamines, tranquilizers, and barbiturates is estimated on the part of at least 5 percent of the adult population, or among at least 7 to 8 million Americans. So-called poly-drug abuse, or use of more than one drug at a time, appears to be reaching epidemic proportions. And the deadly drug Phencyclidine, PCP, or "angel dust," is increasingly becoming a favored chemical of abuse, especially among our Nation's youth.

In this regard, three tables adapted from the March 1978, Office of Drug Abuse Policy study "Drug Use Patterns, Consequences, and the Federal Response: A Policy Review" are instructive.

Mr. President, I ask unanimous consent that these tables be printed in the RECORD at this point.

TABLE I.—ESTIMATE OF RECENT NONMEDICAL USE (IN THE PAST MONTH) BY AGE GROUP, BY DRUG OF ABUSE

	12 to 17 yr (24,938,000 persons)	18 to 25 yr (30,553,000 persons)	Over 26 yr (117,266,000 persons)
Cocaine	200,000	1,130,000	(1)
Hallucinogens	399,000	611,000	(1)
Inhalants	175,000	(1)	(1)
Stimulants	324,000	764,000	704,000
Sedative/hypnotics	200,000	855,000	(1)
Tranquilizers	175,000	733,000	450,000
Other opiates	150,000	306,000	(1)
Over the counter	200,000	750,000	1,150,000
Marihuana/hashish	4,015,000	8,463,000	3,753,000

[1] Indicates negligible use.

TABLE II.—*Annual use by high school seniors for 1975, 1976, and 1977*

	Percent
Marihuana:	
1977	47.6
1976	44.5
1975	40.0
Heroin:	
1977	0.8
1976	0.8
1975	1.0
Inhalants:	
1977	3.7
1976	3.0
1975	(1)
Cocaine:	
1977	7.2
1976	6.0
1975	5.6
Stimulants:	
1977	16.3
1976	15.8
1975	16.2
Other opiates:	
1977	6.4
1976	5.7
1975	5.7
Hallucinogens:	
1977	8.8
1976	9.4
1975	11.2
Sedatives:	
1977	10.8
1976	10.7
1975	11.7
Tranquilizers:	
1977	10.8
1976	10.3
1975	10.6

[1] Not available.

TABLE III.—FACT CHART ON MEDICAL AND NONMEDICAL DRUG USE AND FEDERALLY FUNDED TREATMENT CLIENTELE

	Medical use (1977) (prescriptions filled annually)	Nonmedical use (1977)	Number in federally funded treatment
Cluster 1 (Stimulants):			
Amphetamines	3,894,000	1,800,000	8,000
Cocaine	13,000	1,700,000	3,200
Cluster 2 (Cannabis products): Marihuana	(1)	16,200,000	15,900
Cluster 3 (depressants-narcotics):			
Heroin	(1)	550,000	170,000
Licit narcotics	53,317,000		
Cluster 4 (depressants-sedatives):			
Minor tranquilizers	89,987,000	1,400,000	3,200
Barbiturates	16,467,000	1,055,000	11,000
Over the counter	(1)	2,100,000	0
Nonbarbiturate sedatives	21,229,000		
Cluster 5 (psychedelic):			
LSD	(1)	1,100,000	4,800
PCP	(1)		
Cluster 6 (inhalants):			
Solvents/aerosols	(1)	175,000	1,600

[1] Indicates negligible use.

Mr. HATHAWAY. Mr. President, upon analysis, table I also points out that the rate of inappropriate use of sedative/hyphotics on an age group basis is greatest among the 18 to 25 age group, next greatest among the 12- to 17-year-old group, and least among the over 26 group. In fact, the inappropriate usage rate among the over 26 group is approximately 20 percent of that for the 18- to 25-year-old group, and 25 percent of that in the 12- to 17-year-old group.

For this highly at risk youth group abuse of certain drugs appears to be growing at a disturbingly rapid rate. Table II indicates that use of heroin, stimulants, hallucinogens, sedatives, and transquilizers among high school seniors has either stabilized or declined over the 3 years 1975–77, but use of marihuana, inhalants, cocaine, and other opiates has increased at a fairly rapid rate. Daily use of these substances among high school seniors is even more alarming, both in number and trend.

Table III utilizes 1977 data to compare the medical and nonmedical use of various drugs with the number of individuals in federally funded treatment slots. This data shows that heroin users constituted only 2 percent of the combined numbers of individuals engaged in nonmedical use of drugs, while accounting for 78 percent of the number in federally funded treatment.

This historic concentration of Federal effort on the treatment of heroin addiction is appropriate given the extraordinary personal and societal destruction wrought by that substance. On both the supply and the demand side of this drug, crime and violence are concomitant by-products.

The astronomical sums of money associated with heroin trafficking and distribution make inevitable the involvement of national and international organized crime. A very substantial proportion of urban crime can be traced directly to heroin users, with over 52 percent entering treatment having prior arrest records. Estimates of the economic loss resulting from drug abuse, including narcotic-related crime, lost productivity, increased health costs, and treatment and rehabilitation programs range from $10 billion to $17 billion annually. Other intangible costs which cannot be estimated include the tragic human costs of mental and physical pain, unfulfilled potential, destruction of families, and disruption of neighborhoods.

To attempt to contain and limit all of these complex variables and contributing factors, a unified and well-coordinated Federal effort is essential. The potential benefits from a consistent, effective policy are particularly evident when examining enforcement policy, but are no less true with respect to treatment and rehabilitation. At the same time, the benefits from progress in any one area inevitably spill over into all of the others. Conversely, stagnation in any one area frustrates progress in each of the others.

In this regard, I have been most impressed with the initiatives and accomplishments of the Office of Drug Abuse Policy in the course of its 1-year exist-

ence and believes that ODAP ably carried out its legislative mandate in that brief timespan.

ODAP recognized that controlling the supplies of illicit drugs requires that those suppliers be attacked at every point in the distribution chain, from the fields to the processing laboratories, to transshipment, and the sales and distribution network. In this regard, cooperative efforts with foreign nations to attack distribution networks as close to the source of the drugs as possible, and to help in the development of substitute sources of income for the local population, offer the most promising avenue of success. Such efforts necessarily stress additional border and law enforcement forces for interdiction and concentrate on long-term programs to reduce cultivation.

ODAP devoted considerable attention to bilateral diplomatic negotiations and missions, working with the United Nations and other international organizations.

Further, to foster increased coordination among Federal departments and agencies having program responsibility for drug control, ODAP instituted biweekly meetings involving the Senior Advisor and Coordinator for International Narcotics Matters to the Secretary of State, the Director of the National Institute on Drug Abuse, the Administrator of the Drug Enforcement Administration, and the Commissioner of the U.S. Customs Service.

Concurrent with all of these efforts, heroin availability in the United States declined over the last 12 months to its lowest level in 7 years, with a national average rating purity of 5 percent and a price of $1.69 per milligram pure. One year earlier purity was 6.4 percent, and the price was $1.26. An aggressive cooperative opium poppy eradication program of the Mexican Government was a strong contributing factor to this result.

This decline in availability and purity, and increase in price resulted in a decline in heroin-related deaths to their lowest level since data began to be assembled in mid-1973. Deaths declined over 40 percent since July 1976, and heroin-related injuries showed a similar decrease. Thus, the lives of as many as 600 young Americans have been saved over the past 12 months. At the same time the crime rate nationwide has been reduced by approximately 9 percent.

These promising trends ought not to inspire complacency but rather should encourage continued Federal leadership and initiative. Drug abuse is not a problem on which a "state of war" can be waged in hope of vanquishing forever the foe. Rather, it is an ongoing Federal responsibility calling for ongoing efforts.

The improved situation with respect to heroin allowed for increase attention to the other drugs of abuse, which data indicate are far more widely used. An ODAP analysis indicated that barbiturates ranked almost as high as narcotics as a cause of death, and that three categories of drugs—barbiturates, narcotics-analgesics, and other sedatives, including those taken in combination with alcohol, accounted for over three-fifths of all drug related deaths.

As a result of these findings, ODAP coordinated a variety of initiatives directed to limiting inappropriate utilization of barbiturates. The Department of Health, Education, and Welfare has directed all health care facilities to review utilization and prescribing practices. The Department of Defense has decreased use of barbiturates by 80 percent. The Drug Enforcement Administration is auditing all 120 barbiturate manufacturers. Due to these and other programs directed at affecting the prescribing behavior of physicians, the number of barbiturate related deaths has declined by 26 percent in 1977.

In other areas, increased incidence of use of phencyclidine, or PCP, poses a particularly grave problem. Its component chemicals are widely available and have recognized industrial uses. It can be synthesized through relatively unsophisticated chemical procedures, on a fairly small and inexpensive scale.

This chemical appears to produce severe behavioral and physical changes and has many chemical variations, all equally devastating. All of these factors when viewed together distinguish this problem from those associated with control of heroin or other drugs of abuse, which have built-in economic, technological, or other constraints on availability and utilization.

Despite the very recent successes with respect to supplies and purity of heroin, declining death rates, and crime rates, and new initiatives regarding barbiturates and other drugs, there remains a strong need to maintain Federal support for treatment of drug abuse.

From 16,000 treatment slots in 1972, the Federal Government in the current fiscal year now provides partial funding through the National Institute on Drug Abuse for approximately 102,000 treatment slots throughout the Nation. The vast majority of these, approximately 95,000, are supported pursuant to Project Grant and Contract authority contained in section 410 of the act. The remainder are funded through section 409 formula grants and other Federal sources. Of the 95,000 slots, 208 are inpatient detoxification slots with an average annual cost per slot of approximately $40,000, of which $15,000 is funded from non-Federal sources. There are 10,812 residential slots, of which over 95 percent utilize drug-free treatment methods. The average annual cost per residential slot is $5,400, with approximately $2,000 funded from non-Federal sources. There are 4,647 so-called day care slots approximately 90 percent of which utilize free drug treatment. The average annual cost per day care treatment slot is approximately $2,500 with $960 from non-Federal sources. Outpatient treatment slots total 79,175. Approximately 55 percent of these are drug free, 41 percent methadone maintenance, and 4 percent detoxification. The average annual cost for outpatient slots is $1,800, with $700 from non-Federal sources.

Overall, these slots create a total cost of $226 million, with $140 million from Federal sources, and $86 million from non-Federal sources, for roughly a 60–40 funding ratio. Three-fourths of these slots are administered through the so-called statewide services contract method, which is intended to rely upon the administrative abilities of the single State drug abuse agencies—SSA's—and to encourage the development of non-Federal funding sources.

Overall, 1977 figures indicate that among all individuals admitted to NIDA-funded treatment, approximately 60 percent were users of heroin and other opiates. Among all clients during 1977, approximately 22 percent completed treatment, while only 17.4 percent of heroin clients completed treatment. For all drug abuse clients, NIDA funded and otherwise, drug-free treatment of non-opiate abusers showed the best record, with approximately 30 percent completing treatment. Depending on modality, between 20 and 60 percent of those completing treatment return again within the first year. A large proportion continue to be involved in the criminal justice system, and all face very high barriers in gaining and keeping employment.

These figures do not imply that treatment has failed, but rather that it is an extremely complex, difficult, expensive, and long-term proposition—for the individual affected, for the service providers, and for society as a whole.

It is equally clear that these problems cannot be ignored, and call for renewed attention to issues of effectiveness and cost. Treatment must be provided as an ongoing Federal responsibility to the extent that other resources are not made available. Until such time as a comprehensive national health insurance program is implemented, it appears necessary for the present level of support, with a minimum of 60 percent Federal funding, be provided. At the same time, these realities and their economics indicate that greatly increased attention must be devoted both to the areas of research and prevention. Federal efforts must be broader than simply treating the casualties lest this activity absorb a larger and larger share of a growing Federal health budget.

In research, there are a number of ongoing efforts on the part of the National Institute on Drug Abuse which deserve encouragement and continued support. These include development of LAAM (so-called longer-acting methadone), synthetic analgesics, and naltrexone (a heroin blocking agent). Other initiatives involve clinical investigation of the opiate receptors and the presence of morphine-like substances in the brain. Other areas of concern include studies on PCP abuse, studies seeking to identify the biomedical characteristics of those at risk, studies involving the social and psychological aspects of drug abuse—with particular attention to those from high risk environments who are "immune" to a drug abuse epidemic surrounding them, and studies on the effectiveness of education programs on the prevention of drug abuse.

In order to foster successful long-term approaches to the staggering problem of drug abuse it is essential that these activities continue and that the results of this

research be widely disseminated to the service providers, medical, academic, and lay community.

The basic purpose of the bill is to provide a 1-year extension of the appropriations authorized under the Drug Abuse Office and Treatment Act of 1972. Ordinarily for programs of such obvious importance serving a compelling need, the committee would recommend at least a 3-year extension to insure program continuity and to foster long-range planning at the Federal, State, and local levels.

We have determined not to follow this pattern in this situation to assure continued scrutiny of the drug abuse policy coordination mechanisms within the executive branch. This determination allows for a reexamination of these issues in a legislative context over the upcoming calendar year and requires that prior to May 15, 1979, additional legislation be reported authorizing appropriations for the 1980 fiscal year.

I have been very favorably impressed with the accomplishments and direction provided by the Office of Drug Abuse Policy and am concerned that these functions continue to be fully undertaken subsequent to the implementation of the President's reorganization plan on March 26, 1978. Subsequent to implementation of that plan, all of the functions and responsibilities set forth in title II of the Drug Abuse Office and Treatment Act of 1972 which were vested in ODAP remains as continuing responsibilities on the part of the Executive Office of the President. The various functions of ODAP have been redelegated to particular elements of the Executive Office of the President, as delineated in Mr. McINTYRE's letter to Members of Congress of September 25, 1977, and it is my hope that these activities will continue to be carried out consistent with the example set by ODAP.

The 1-year extension of program authority contained in S. 2916 will allow us to monitor these matters closely, and to consider appropriate legislative action on a timely basis in the event that policy coordination difficulties arise once again, as was the case in 1972 and 1976.

The proposed legislation addresses another area of concern regarding reports to Congess under Reoganization Plan No. 2. Section 223 of the Drug Abuse Office and Treatment Act of 1972 requires the Director of ODAP to submit an annual report to the President and Congress on drug abuse policy and agency coordination objectives, activities, and accomplishments section 405(b) of the act requires the Secretary of HEW to submit an annual report to the Director of ODAP on new methods of drug abuse treatment and rehabilitation, their implementation and effectiveness in community programs, and administrative and legislative recommendations for inclusion in the "section 223 ODAP" report.

As a substitute for these reporting requirements, the proposed legislation requires the Secretary of HEW to transmit his information in an annual report to the Congress and to the President not later than January 15 of each year. In addition, it requires the Secretary to report other information comparable to that required for alcohol abuse and alcoholism programs under section 102 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

The report will address the consequences and extent of drug abuse. It must include a description and evaluation of the drug abuse prevention functions of the department of the 1979 fiscal year, with a description of the manner in which such functions were carried out, including the amount of funds expended, along with an evaluation of the coordination within the department. It also will include particular attention to experimental programs and methods, with evaluation of the effectiveness of the means used to disseminate information respecting such programs. Finally, it is to include proposals for changes in these functions, including legislative changes.

An annual report describing the department's response to drug abuse will greatly increase the evaluation capabilities of both the executive branch and the Congress, provide invaluable information to those working in the drug abuse field, and serve as an additional mechanism by which the effectiveness of the President's drug abuse reorganization measures can be gauged.

A 1-year extension will further permit the completion of a study of drug abuse problems in rural areas. This bill requires such a study to be completed by the Secretary within 120 days after the enactment of this bill, to ensure that the Congress will be able to consider fully the findings of such a study in the context of next year's renewal legislation. The study is required to address the nature and extent of drug abuse in rural areas, the special needs and circumstances which must be addressed in meeting those needs, and specific recommendations to alleviate these problems.

Federal efforts since 1972 have largely concentrated on problems of heroin addiction which have manifested themselves most dramatically and tragically in major metropolitan areas. It has become increasingly apparent, however, that there is a less visible but no less real problem of drug abuse throughout all parts of our Nation in small towns as well as major urban centers.

At its recent hearing of this bill, and at a field hearing on March 24, 1978 in Bangor, Maine, the Subcommittee on Alcoholism and Drug Abuse received further testimony on the nature and extend of drug abuse problems in rural areas. This testimony indicated that the drug abuse client population in such areas is generally younger, often in their late teens, and tends to exhibit problems stemming from use of amphetamines, marihuana, hallucinogens, polydrug abuse, and in combination with alcohol. Data assembled by NIDA indicate that among rural populations there is a higher rate of heavy usage (2 or more times a week) than their urban counterparts for the following substances: opiates exclusive of heroin, tranquilizers amphetamines, and hallucinogens.

Treatment programs located in rural areas face difficult problems of management and resource utilization. Due to the geographic dispersal of the client population, treatment personnel must necessarily be dispersed to meet this need. Staff traveltime and transportation costs create an obvious problem of additional overhead costs, but there are other more subtle problems of administration. The committee has received further testimony that non-Federal matching requirements may be more difficult to fulfill in these areas, due to an apparent lack of recognition at the local levels of the severity of the problems involved. Also, federally imposed paperwork burdens and other regulatory constraints cause further problems for the relatively smaller staffs operating these programs.

The National Institute on Drug Abuse is to be commended for undertaking studies of some of these problems and for considering changes directed toward alleviating them. These include grants addressing programmatic issues such as outreach, linkages to their programs, or transportation.

The report required in this bill will allow for a comprehensive review of all these activities and form the basis for future initiatives. Consistent with these goals, the bill also includes a provision directing the Strategy Council to address drug abuse prevention needs of persons residing in both urban and rural areas.

Another area of serious concern in this legislation is the continued organizational integrity of the National Institute on Drug Abuse as both a programmatic and policy-making entity. Consistent with that goal, Public Law 94–737 formally established NIDA in section 501 of the act, subsection (a) of which is as follows:

§ 501. Establishment of Institute.

(a) There is established the National Institute on Drug Abuse (hereinafter in this title referred to as the "Institute") to administer the programs and authorities of the Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the "Secretary") with respect to drug abuse prevention functions. The Secretary, acting through the institute, shall, in carrying out the purposes of sections 301, 302, and 303 of the Public Health Service Act with respect to drug abuse, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of drug abuse and for the rehabilitation of drug abusers. The Secretary shall carry out through the Institute the administrative and financial management, policy development and planning, evaluation, and public information functions which are required for the implementation of such programs and authorities.

This language stressed an unmistakable intent that these programs be conducted through the institute lest the unique aspects of drug abuse as a social and health problem be submerged in a bureaucracy which might otherwise pursue other objectives more vigorously.

Recognizing at the same time that NIDA's programs ought not to function in isolation from those of its sister institutes, Congress provided at the same time that the Alcohol, Drug Abuse, and Mental Health Administration should assure cooperation and coordination in section 201 of Public Law 93–282, as

amended, subsections (b) and (d) of which are as follows:

(b) The Secretary, acting through the Administration, shall supervise the function of the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse in order to assure that (1) the programs carried out through each such Institute receive appropriate and equitable support, and (2) there is cooperation among the Institutes in the implementation of such programs.

(d) The Secretary of Health, Education, and Welfare, acting through the Administration, shall evaluate and make recommendations regarding improved, coordinated activities, where appropriate, for public education and other prevention programs with respect to the abuse of alcohol and other substances.

I am concerned that while carrying out its legitimate supervisory and coordinative functions, ADAMHA pay appropriate attention to the statutory responsibilities of the component Institutes. In this regard the high degree of cooperation which has existed among the Institutes, and the leadership which has been exerted by ADAMHA in encouraging this result is certainly to be commended. In meeting the program needs of the States, in fostering overall research objectives, in the area of primary prevention, and in insuring uniform programs and policies, this has been particularly important. This role will acquire heightened significance with the consideration of national health insurance initiatives and an overall administration emphasis on health prevention measures. I am sure that ADAMHA, working with the Institutes, will continue ably to meet these challenges.

Against this record of achievement, ADAMHA recently advanced a tentative proposal which appeared to go beyond its statutory responsibilities and contravene existing law. That plan was to restructure the initial review of all discretionary grants and research contracts of the three institutes within the Office of Administrator of ADAMHA. The expressed goals of this proposal were to improve the quality and objectivity of scientific peer review and to foster increased efficiency of the review process.

While other members of the Human Resources Committee and I strongly supported each of these goals, we questioned whether this particular proposal was consistent with the law and whether it might have the ancillary adverse effect of undermining other prior efforts on the part of each institute to assemble competent, objective review teams and structures and to conduct policy-making functions. These concerns were expressed at the public hearings and at subsequent meetings with the Secretary and the Administrator. We are gratified that the department has determined not to proceed with such centralization at the ADAMHA level, but rather to work toward further centralization within each Institute. We are in full support of this approach and trust that upon implementation it will achieve the goals originally sought.

In concert with this determination, the bill adds a new section 504 to the Act stipulating that review of all grants and contracts shall be conducted by the Secretary through the National Institute on Drug Abuse by utilizing, to the maximum extent possible, appropriate peer review groups composed principally of non-Federal scientists and other experts in the field of drug abuse. Another amendment to section 410 stipulates that special project grants and contracts shall be awarded by the Secretary through the National Institute on Drug Abuse. The new section 504 is virtually identical to section 502 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended.

Also included in the pending legislative proposal are two amendments to the requirements under section 409 of the act for State plans which must be submitted to receive State drug abuse formula grants. One would require assurance that the single State drug abuse agency coordinate its planning with local drug abuse planning agencies, with State and local health planning agencies, and with educational agencies, as appropriate. This latter coordination is particularly important if the highly at-risk youth group is to be impacted successfully with primary prevention programs. There is also pending on one Senate Calendar legislation amending the Alcohol and Drug Abuse Education Act to require that at the Federal level the Secretary coordinate all such school-based programs through the Office of Alcohol and Drug Education within the Office of Education. Coordination among the comparable agencies at the State and local levels is equally important. The bill also amends section 409 to require annual State plans to be due on July 31, as opposed to July 15 as in existing law.

The proposed legislation also includes an amendment to clarify the requirement that the National Institute on Drug Abuse provide technical assistance to State and local governments and individuals regarding grants and contracts for drug abuse prevention programs, consistent with the increased emphasis on prevention provided elsewhere in the bill.

The proposed legislation provides for the continuation of the marijuana and health report on a biennial basis. This report is an important health document at a time when marijuana use continues to increase and when Federal, State, and local governmental agencies appear to be shifting toward a policy of discouragement of marijuana use through prevention and education, with decreasing emphasis on a policy invoking severe criminal sanctions against its use.

With regard to ongoing programmatic activities of NIDA, the proposed legislation divides the authorizations of appropriations for drug abuse project grants and contracts under section 410 of the act between those for treatment programs and those for prevention, demonstration, and other programs and activities. This provision is intended to provide more visibility and accountability respecting expenditures for drug abuse programs and activities authorized under those subsections. Also, it more specifically reflects the committee's intent regarding the relative budgetary levels for each of these categories of activities. Other members of the committee and I are concerned that the funding levels in the President's fiscal year 1979 budget request for prevention and demonstration programs will cause a severe cutback in these programs.

The authorization level in the proposed legislation for these programs is viewed a realistic reflection of the curent budgetary needs for these programs particularly with regard to polydrug and substance abuse and those meeting the special needs of women and other population groups. It includes modest increases for growth in these programs offsetting increased costs due to inflation. It is my hope that the Appropriations Committees of the Senate and House will provide for comparable increases in their fiscal year 1979 appropriations for these programs.

The authorization level in the proposed legislation for drug abuse treatment programs under section 410 of the act is slightly higher than the President's fiscal year 1979 budget request to offset part of the increased costs of treatment and to permit a modest, expansion of treatment capacity where necessary. The authorization levels in the proposed legislation for State drug abuse formula grants under section 409 of the act and special addictive and therapeutic substance research under section 503 of the Act represent the minimum amounts needed to maintain and continue these programs during fiscal year 1979 at current levels of effort and support.

I am supportive of the effort of the National Institute on Drug Abuse of the Department of Health, Education, and Welfare with respect to its responsibilities under the Drug Abuse Office and Treatment Act and the Public Health Service Act.

The Institute is to be commended for its collaborative efforts with other Federal agencies to develop and recommend specific national goals for future Federal activities in drug abuse prevention. This is a good beginning given current budgetary constraints, but much more needs to be done. Specifically, the administration's budget request included only $5.2 million for prevention activities under section 410 of the act for fiscal year 1979 as compared to $6.5 million in fiscal year 1978 appropriations and $4.7 million in fiscal year 1977 appropriations. This is an inadequate level of funding for project grants and contracts in prevention at a time when the incidence of drug abuse, polydrug abuse, and other types of substance abuse (of the types not normally associated with heroin addiction treatment programs) seems to be rising.

Consistent with this overall stress on prevention-related activities, the title of the act is amended to read: "The Drug Abuse Office, Prevention, and Treatment Act of 1972."

We view favorably the efforts of the Institute to provide technical assistance to individuals and organizations involved in drug abuse programs and activities outside the Institute, to cooperate with law enforcement and international agen-

cies and organizations activities aimed at reducing the supply and demand for drugs, and to develop a national training network.

We are cognizant of the successes of some of NIDA's demonstration programs and encourages it to support more of these programs as effective new technologies and methods are developed and are ready to be disseminated to and implemented by drug abuse service workers in the prevention, treatment, and rehabilitation field. We are concerned, however, that the administration's budget request included only $7.5 billion for drug abuse demonstration activities under section 410 of the act for fiscal year 1979 as compared to $8.6 million in fiscal year 1978 appropriations and $12.6 million in fiscal year 1977 appropriations. This decrease in the level of effort for demonstration programs could cause irreparable injury to technology transfer efforts with respect to drug abuse. There is, for example, a need for further demonstration programs addressing the particular problems of drug abuse among women, and for the incorporation of treatment technology appropriate to this population into the general treatment services system.

Despite the accomplishments of the National Institute on Drug Abuse and the successes of its programs, it does not appear that the overall incidence of drug abuse in the United States is substantially responding to Federal programs to control or eliminate it. Recognizing that the programs of NIDA and other agencies in the Department do not have all the resources and authority sufficient to eliminate or control drug abuse in this country, the committee nevertheless believes strongly that the Secretary of Health, Education, and Welfare should augment those programs and activities in several respects.

First, the Secretary should take steps to improve the coordination between programs and activities within the department and those outside the department which relate to drug abuse, including those involved in education, mental health, alcohol, cigarette smoking, drug regulation, employment, law enforcement, international drug control, and all appropriate community health and social services.

The Secretary acting through the institute should also commit new resources to programs aimed at the prevention of drug abuse. Priority should be given to projects that develop and demonstrate the use and effectiveness of new and improved techniques in prevention, to biomedical and behavioral research into prevention, and to expansion of Federal efforts for the provisions of technical assistance to State, local and other appropriate entities in prevention.

In addition, the Secretary is strongly encouraged to undertake a thorough evaluation of all of the department's activities in the primary prevention area. At the present time, there is a distressing dearth of information on which programs work well and why, and what factors are necessary to successfully meet this growing need. In this regard, the recommendation contained in ODAP's Drug Use report calling for a "state of the art" paper on the results of all evaluations to date should prove helpful.

In addition, the Secretary acting through the institute should utilize existing resources and commit additional resources for prevention, demonstration, treatment and technical assistance programs involving drug abuse, poly-drug abuse, and abuse of other chemicals and substances targetted at specific types of population groups and geographical areas. Special attention should be given to programs addressing the special needs of the young, women, and other significantly impacted population groups. Special attention should also be given to programs addressing the special needs and circumstances of rural areas in providing drug abuse services to their populations.

NIDA and the department should work closely with other governmental agencies and private organizations to insure the individuality of drug abusers under treatment and their constitutional and statutory rights to fair, non-discriminatory treatment. The Secretary should take special actions to work with other agencies in improving employment opportunities for individuals who receive drug abuse treatment.

Finally, the Secretary should continue to enhance the research programs of the department aimed at developing knowledge concerning the social, behavioral, and biomedical mechanisms underlying drug abuse and other forms of substance abuse, as well as those aimed at developing and testing non-addictive and less-addictive therapeutic and antagonistic drugs and substances and detoxification-agents to ease the physical effects of withdrawal from addiction. The need to strengthen efforts to disseminate the results of research to the field and to translate that research into effective and practical application is particularly important.

Mr. President, there is clearly a strong and continuing need for all of these programs and efforts, and I urge my colleagues to support this legislation.●

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, while we are awaiting the arrival of Senators, I ask unanimous consent that there be a brief period for the transaction of routine morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Routine morning business transacted and additional statements submitted are printed later in today's RECORD.)

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

SPECIAL ORDER

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Kansas (Mr. DOLE) is recognized for 15 minutes.

S. 3137—PUBLIC COURSING PREVENTION ACT OF 1978

Mr. DOLE. Mr. President, today I am introducing a bill to prohibit public coursing in the United States.

Coursing is a so-called sport in which greyhounds chase down and kill live rabbits. Those involved in public coursing say that the practice helps them train their dogs for legitimate greyhound racing.

In reality, coursing is an outdated and inhumane event in which thousands of rabbits are brutally killed.

Mr. President, today in the United States there is a thriving business in the Southwest and Midwest in the sale of wild rabbits for use in coursing.

In addition, there have been reports that sometimes live kittens, puppies, or other animals are utilized for this purpose.

My bill would stop such practices.

Today, I have written letters to the Secretary of Agriculture and the Attorney General of the United States requesting a legal opinion as to the applicability of the existing Animal Welfare Act to public coursing activities.

Mr. President, I ask unanimous consent that the letters I have previously referred to be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
May 24, 1978.

Hon. GRIFFIN B. BELL,
Attorney General, U.S. Department of Justice, Washington, D.C.

DEAR MR. BELL: I understand that the Secretary of Agriculture has requested an opinion from the Department of Justice as to the applicability of section 26 of the Animal Welfare Act (7 U.S.C. 2156) to an activity known as coursing.

Coursing involves a race between two or more greyhounds in pursuit of a live rabbit or other small animal which is used as a visual lure. The winner of the race is declared on the basis of points scored for turning ability, and also by which the dog catches the rabbit first. Thousands of rabbits are brutally killed each year in these events.

I urge you to respond to the request of the Department of Agriculture for a legal opinion on this matter as promptly as possible, and would appreciate having a copy of that opinion.

Sincerely yours,

BOB DOLE,
U.S. Senate.

WASHINGTON, D.C.,
May 24, 1978.

Hon. BOB BERGLAND,
Secretary, United States Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: I understand that the Department of Agriculture has requested an opinion from the Attorney General of the United States as to the applicability of section 26 of the Animal Welfare Act (7 U.S.C. 2156) to an activity known as coursing.

Coursing involves a race between two or more greyhounds in pursuit of a live rabbit or other small animal which is used as a visual lure. The winner of the race is declared on

the basis of points scored for turning ability, and also by which the dog catches the rabbit first. Thousands of rabbits are brutally killed each year in these events.

I wish to request a legal opinion on this matter from the Department of Agriculture as well as to request that you urge the Department of Justice to issue its opinion as promptly as possible.

Sincerely yours,

BOB DOLE,
U.S. Senator.

Mr. DOLE. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3137

Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Coursing Prevention Act of 1978".

SEC. 2. The Congress finds and declares that public coursing is cruel and inhumane; that dogs which participate in public coursing may compete unfairly in races with dogs which have not participated in public coursing; that the movement, exhibition, sale, purchase, or transportation in intrastate commerce of dogs that have participated in public coursing adversely affects and burdens interstate and foreign commerce; that all animals that are subject to this Act are either in interstate or foreign commerce or substantially affect such commerce; and that, the prohibition of public coursing is appropriate to prevent and eliminate burdens upon commerce and to effectively regulate such commerce.

SEC. 3. For purposes of this Act—

(a) the term "public coursing" means any public event that involves the pursuit by one or more dogs of another live animal used as a visual lure and is conducted in a confined area for purposes of sport, wagering, or entertainment;

(b) the term "animal" means any live dog, bird, cat, rabbit, or other mammal, except man;

(c) the term "State" means any State of the United States, the District of Columbia, Puerto Rico, and any territory or possession of the United States;

(d) the term "interstate instrumentality" means telephone, telegraph, radio, or television operating in interstate or foreign commerce.

SEC. 4. (a) No person shall knowingly sponsor or exhibit an animal in any public coursing.

(b) No person shall knowingly sell, buy, transport, or deliver to another person or receive from another person for purposes of transportation, any dog or other animal for purposes of having the dog or other animal participate in any public coursing, or for purposes of using the dog or other animal as a visual lure in public coursing.

(c) No person shall knowingly use the mail service of the United States Postal Service or any interstate instrumentality for purposes of promoting or in any other manner furthering public coursing.

SEC. 5. Any person who violates the provisions of section 4 of this Act shall be fined not more than $5,000 or imprisoned for not more than one year, or both, for each such violation.

SEC. 6. The Secretary of Agriculture or any other person authorized by the Secretary shall make such investigations as the Secretary deems necessary to determine whether any person has violated or is violating any provision of this Act, and the Secretary may obtain the assistance of the Federal Bureau of Investigation, the Department of the Treasury, or other law enforcement agencies of the United States, and State and local governmental agencies, in the conduct of such investigations, under cooperative agreements with such agencies. A warrant to search for and seize any animal which there is probable cause to believe was involved in any violation of this Act may be issued by any judge of the United States or of a State court of record or by a United States magistrate within the district wherein the animal sought is located. Any United States marshal or any person authorized under this section to conduct investigations may apply for and execute any such warrant, and any animal seized under such a warrant shall be held by the United States marshal or other authorized person pending disposition thereof by the court in accordance with this section. Necessary care including veterinary treatment shall be provided while the animal is so held in custody. Any animal involved in any violation of this Act shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal is found and upon a judgment of forfeiture shall be disposed of by sale for lawful purposes or by other humane means, as the court may direct. Costs incurred by the United States for care of animals seized and forfeited under this section shall be recoverable from the owner of the animals if the owner appears in such forfeiture proceeding or in a separate civil action brought in the jurisdiction in which the owner is found, resides, or transacts business.

SEC. 7. Section 3001(a) of Title 39, United States Code, is amended by inserting after "title 18" the following: "section 4 of the Public Coursing Prevention Act".

SENATE RESOLUTION 463—SUBMISSION OF A RESOLUTION WITH RESPECT TO REFUSAL OF U.S. SCIENTISTS TO VISIT THE SOVIET UNION

Mr. DOLE submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. RES. 463

Whereas Yuri Orlov, a prominent Soviet scientist, was convicted by the Soviet Union of selling "slanderous material to the West" after a trial in which he was denied the representation of his choice and the right to call witnesses on his own behalf;

Whereas during the trial Orlov's family was harassed and abused by Soviet authorities and Mrs. Orlov was denied the right to visit her husband;

Whereas the entire 19-member delegation of United States scientists to the Sixth Joint U.S.-U.S.S.R. Symposium on Condensed Matter Theory announced on May 20 that they were canceling their scheduled trip to the Soviet Union to participate in the Symposium because of the conviction of Yuri Orlov;

Whereas two prominent scientists, Robert E. Marshak and Nicolaas Bloembergen, also decided to forego visits to the Soviet Union this week; and

Whereas Jewish scientists who have been refused permission to emigrate from the Soviet Union, known as "refuseniks", have lost their jobs, have been forbidden all contact with the scientific community, have been denied access to scientific literature, and have been subjected to severe penalties of imprisonment and banishment, as in the case of Anatoly Scharansky: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should support the action of certain United States scientists in refusing to visit the Union of Soviet Socialist Republics in protest of the conviction of the prominent Soviet scientist Yuri Orlov;

(2) the United States should assume leadership in condemning the violation by the Union of Soviet Socialist Republics of the basic human rights of its scientists and other citizens;

(3) the President should direct the heads of the departments and agencies of the Government to begin an intensive and careful evaluation of international conferences and exchanges of scientists with the Union of Soviet Socialist Republics, sponsored by the respective departments and agencies, and such an evaluation should continue until the Government of the Soviet Union expresses its willingness to comply with the human rights provisions of the Helsinki Accords.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. DOLE. Mr. President, last week Yuri Orlov, a prominent Soviet scientist whose only crime was to monitor compliance with the Helsinki Final Act, was tried under the charge of selling "slanderous material to the West" and sentenced to the maximum penalty of 7 years in prison and 5 years of internal exile. Throughout his "trial" Yuri Orlov was denied the representation of his choice and the right to call witnesses on his own behalf, making a mockery out of Soviet justice. During his months of imprisonment, Yuri Orlov's family was harassed and abused by Soviet authorities and Mrs. Orlov was denied the right to visit her husband.

In an unprecedented show of protest against the Soviet violations of the most basic human rights and the Soviet parody of legal procedures, all 19 members of an American delegation to a scientific symposium to be held in Moscow from May 22 to May 26, and sponsored by the National Academy of Sciences, canceled Friday, May 19, their scheduled trip to the Soviet Union. In addition to the 19 scientists, Nicolaas Bloembergen, professor of applied physics at Harvard University, and Robert E. Marshak, president of City College of New York, canceled their trips as well. In view of the fact that Mr. Marshak has been well known for his support of Soviet-American exchanges, his decision to forgo the visit ought to be viewed as particularly significant.

The trial of Yuri Orlov has focused attention on the fact that the Helsinki Agreement has had no impact on the plight of many citizens in the Soviet Union. Soviet scientists of Jewish birth who have requested permission to emigrate, and have become known as "refuseniks," have been singled out for "special treatment." They have lost their jobs; they have been forbidden all contact with the scientific community, and they have been denied access to scientific literature. In almost every instance, the "refuseniks" have been denied their right to emigrate, in direct violation of the Helsinki Agreement, which stipulates that "everyone shall be free to leave any country, including his own." More severe penalties of imprisonment, banishment, and house arrest are not unusual, as the case of Anatoly Scharansky clearly indicates. The aim of this policy of repression is to set an example for other scientists contemplating a request for permission to emigrate.

The trial of Yuri Orlov clearly demonstrates what the Soviet Union thinks of the Helsinki Agreement as it applies to

"dissidents," or those who do not adhere to officially sanctioned thinking. The Soviet Union's failure to abide by even the most fundamental principles set forth in the Helsinki Agreement is now giving rise to protests from individuals and groups who have, until now, shown reluctance to interfere with matters sometimes considered to be the internal affairs of another nation. The Senator from Kansas concurs with the strong action taken by our scientists and with the view expressed by Mr. Marshak that "the closed trial and inhuman punishment imposed on our high-energy physics colleague, Yuri Orlov, make it impossible for me to attend the seminar in Moscow next week." I feel that it is imperative for the U.S. Senate to not only express support for the position taken by the 21 American scientists, but for the United States to assume leadership in condemning the Soviet Union's utter disregard of basic human rights.

Today I am submitting a resolution calling on the U.S. Senate to express its support for the position taken by the 21 American scientists not to attend the upcoming physics symposium in the Soviet Union. The resolution also calls upon the United States to assume leadership in condemning the Soviet Union's disregard of basic human rights of its scientists and other citizens, and requests that all agencies of the U.S. Government initiate an intensive and careful evaluation of their sponsorship of international conferences and exchanges of scientists with the Soviet Union.

In the next few months, two prominent Soviet scientists, Anatoly Scharansky and Alexander Ginzburg, are scheduled to go on trial for crimes similar to those alleged against Yuri Orlov. I would like to underline a veiled threat made by the president of the National Academy of Sciences, Dr. Philip Handler:

> Should the trials of Ginzburg and Scharansky turn out similarly, Soviet-American scientific relations will have been profoundly damaged.

I call on our own sense of justice and morality not to remain silent witnesses to the Soviets' blatant disregard of established principles of human dignity. Let this expression of revulsion with the Soviet legal system serve as a warning to the Soviet Union that any remnant of international scientific cooperation is, indeed, in jeopardy. Specifically, I call on those agencies of Government sponsoring international conferences and exchanges of scientists to give careful consideration to governmental involvement with those activities until the Soviet Union demonstrates a willingness to abide by the principles asserted in the Helsinki agreement.

A STRONGER NAVAL RESERVE

Mr. DOLE. Mr. President, the Senator from Kansas was pleased to learn that the Committee on Armed Services reported the fiscal year 1979 military authorization bill in a fashion that begins to reflect serious concern toward strengthening the defense capabilities of this country. In particular, the Senator from Kansas is pleased with the committee's recommended Naval Reserve strength of 87,000. This is an increase from the 51,400 proposed in the defense budget for fiscal year 1979.

Mr. President, the turmoil in the Naval Reserve has been of much concern to many of us during the past several years. I, for one, have offered amendments in the past 3 years which have averted the proposed cuts by the administration, and I fully intend to take whatever action is needed to prevent this crippling reduction in our Naval Reserve.

Mr. President, the problem surrounding the Naval Reserve issue is not new—we have been fighting this annual Naval Reserve cutback proposal for the past 5 years. When you look at the trend that has developed in the past 5 years, one can see clearly the steady decline. Since 1973 we have seen the Naval Reserve strength steadily decrease from 129,000 to 87,000 billets. For the past 2 years the President's budget has requested a totally inadequate level of 52,100, for fiscal year 1979 the level has decreased even further to 51,400.

In the meantime, the Naval Reserve has remained in a serious state of uncertainty. There is no doubt in this Senator's mind that the combat readiness of the Naval Reserve force has suffered considerably. The Reserves have been proven to be the most cost-effective military asset we have, providing ready military manpower at one-fifth cost of active duty counterpart. This, of course, is not to suggest that we reduce active military strength—we need all our current active strength and probably more, but we need a strong reserve as a backup force.

Naval reservists are to be commended for their dedication in doing their best despite all they have had to go through in the past 5 years.

Mr. President, I take some comfort from the fact that we have at last some recommendations from the committee to increase the Naval Reserve strength, but I also believe that it is time for the Navy and the Naval Reserve to aggressively work together in addressing the new and expanded roles of the Naval Reserve. As I have stated before, the time has come to stop saying, "Let's take it out of defense," and Defense must stop saying, "Let's take it out of the Naval Reserve." I believe that with more coordination, cooperation, and objectivity, we can have a strong, stable, effective, and responsive Naval Reserve.

Mr. President, I commend the committee for its hard work and for what appears to be the beginning of a new attitude toward addressing our overall defense needs and capabilities.

Mr. ROBERT C. BYRD. Mr. President, does the Senator yield?

Mr. DOLE. I am pleased to yield to the distinguished majority leader.

Mr. ROBERT C. BYRD. Does the Senator yield the floor?

Mr. DOLE. Yes.

ORDERS FOR RECESS UNTIL 9 A.M. TOMORROW AND FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today and tomorrow, it stand in recess, respectively, until the hour of 9 o'clock tomorrow morning and 9 o'clock Friday morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LABOR LAW REFORM ACT OF 1978

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume the consideration of the unfinished business, H.R. 8410, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 8410) to amend the National Labor Relations Act to strengthen the remedies and expedite the procedures under such act.

Mr. BAKER. Mr. President, for over a week, we have heard the views of both the proponents and opponents of H.R. 8410—the House version of S. 2467—which provides for certain changes in existing labor laws. However, we have not had the benefit, thus far, of an up-to-date, reputable public opinion poll which indicates the views of the American people on the pending legislation in particular, and current labor laws in general.

It is for that reason that I am pleased to share with my colleagues the results of a poll just completed. The survey consisted of 1,500 in-home interviews conducted under the direction of Cambridge Reports, Inc., between April 20 and May 15 of this year, at the request of the American Retail Federation.

The survey indicates that, although 45 percent of those polled believe that changes in the existing labor laws are necessary, few support the changes proposed in the pending legislation. Indeed, 65 percent oppose allowing union organizers access to employers' property for the purpose of soliciting votes during an organizing campaign; and 70 percent believe that there should be an adequate waiting period, such as a month, before representation elections are held in order to permit the union and the employer to explain their positions and campaign for support.

Most people—44 percent—feel that existing labor laws already favor labor unions in a dispute—as opposed to 31 percent who feel that the laws favor business—and 50 percent feel that labor unions have more power than businesses. Moreover, 53 percent feel that labor unions have too much power in politics; and by a margin of 57 to 24 percent, they believe that there should be more restrictions on political campaign contributions by labor unions.

In short, "Most Americans feel labor is already powerful enough—if not, indeed, too powerful already," according to the Cambridge research firm. Therefore, Mr. President, it is difficult to understand why the proposed changes in existing labor laws are necessary when a majority of Americans clearly do not favor them.

I think it is essential that we recognize the scope of the proposal we are now considering. The bill before us does not simply "tinker" with the mechanisms used in collective bargaining. Rather, it calls for a major overhaul of the col-

lective-bargaining process and a redesigning of the principal overseer of that process, the National Labor Relations Board.

Any decision of this nature must be compelling and necessary. We cannot afford to adopt new restraints and create new remedies without being totally convinced that damage is being done by the present system. To date, such damage has not been shown.

I listed, in my opening statement, three major areas of concern with this legislation. First, it represents a prime example of the Congress legislating an overly broad solution to an exaggerated problem. Second, it would have a very harmful impact on the small businesses of this Nation. And third, it would result in the destruction of the delicate balance that presently exists between labor and management in the collective-bargaining process. I should like to elaborate on that first point now in greater detail.

The proponents of this bill have asserted two major deficiencies in the present operation of the collective-bargaining process. The first allegation is that the present structure of the NLRB contributes to excessive delays and that these delays deny employees their rights to bargain collectively with management. The second problem centers around the Board's so-called inability to punish recalcitrant employers and willful violators of the NLRA.

But the proponents of this bill are offering proposals which are in no way suited to those tasks. They argue that the ever-increasing number of cases coming before the NLRB mandate that we increase the size of that governing body from five members to seven members in order to allow them to handle additional cases more expeditiously. This idea, however, fails to focus on the proper component of the decisionmaking process. It seeks to increase the number of decisionmakers, as opposed to effectively restructuring the process itself.

In testimony by former NLRB Chairman McCulloch, it was stated that such an expansion of the Board would in no way improve the Board's operation. Furthermore, since there is no provision for allowing an appellate court-type panelization that would utilize a smaller number of Board members, every decision made by a three-member panel—as proposed in this bill—would still have to be cleared by all the nonparticipating Board members before it could be issued as a ruling. Thus, instead of having two additional members who would have to be consulted about the prior decision, four would now be necessary. This could only lengthen the time necessary for decisionmaking, rather than reducing it.

Section III would mandate some reaffirmation of the decision of administrative law judges; and, in S. 2467, it would authorize law clerks for these administrative judges. While these additions may be desirable, there was never any testimony which would indicate their necessity, or how either of these additions would improve the present problem of delays. It would appear that they simply provide a new opportunity for Federal intrusion and would increase the lag time in receiving a final resolution of disputes in collective-bargaining situations.

Section IV requires the Board to establish administrative rules in a variety of areas. This, too, is supposed to streamline the present decisionmaking process. Unfortunately, codification of the present law will not expedite representation procedures. The delays that exist under the present system lie not in identifying the appropriate considerations for each case, but rather in applying those considerations to the individual case at hand. All that such codification would do to the system is create litigation when the Board decides to deviate from a ruling which does not apply to a particular case.

Section V of the bill would change section 9(b) of the NLRA, which at present provides that any union representing nonguard employees shall not be certified as a representative of guards. This provision of the law exists to insure that, during a labor dispute, the employer would be certain that his security guards were loyal to him. But, under the bill, this would no longer be the case.

I fail to see the correlation between this section and the arguments that we need to remove delays in the election process. Rather, it appears simply to be an attempt to eliminate a very important portion of the present Labor Relations Act that provides protection for employers. It is one of many "mystery" provisions I have found in the bill which have no nexus to the objectives listed for this legislation.

Section VI reasserts the necessity for expeditious elections. Although this objective has been stated repeatedly since the debate began, the delays which this section seeks to remedy simply have not occurred. In fiscal year 1977 I am told that 77 percent of the 14,399 election cases filed with the Board were conducted by agreement with the parties without formal hearings or contested decisions. Elections were held within a median of 37 to 44 days after filing of the petitions. Even in those cases that were contested, the median time was only 75 days.

I am convinced that the changes proposed in this bill would seriously undermine the most critical element in the present collective-bargaining process; for example, voluntary election agreements. It will result in extensive post-election proceedings which would impede commencement of bargaining far more than any existing preelection delays.

The same is true when one looks at unfair labor practices charges. The vast majority of these charges are simply lacking in merit. For example, in 1976, of all charges filed with the Board, 35.6 percent were withdrawn before any complaint was issued; and 35.9 percent were dismissed before a complaint was issued. In other words, a total of 71.5 percent of the charges filed with the Board are disposed of because there is absolutely no merit to the charge. Moreover, in the remaining 23.4 percent of the cases, a settlement or a judgment was reached prior to the filing of a complaint with the Board. Thus, only about 5 percent of the ULP's were left for disposition by the Board.

In view of these statistics which indicate the effectiveness of existing procedures, I cannot see the necessity for section IX of the bill. That section imposes severe penalties upon employers for violation of the NLRA when only a tiny percentage now fall into that category.

In effect, the proponents are recommending that a sword be held over the head of the vast majority of employers who abide willingly by the provisions of the National Labor Relations Act. The facts simply do not support either the necessity or the rationale for such a strong step.

The case most often cited as evidence of the need for this bill involves the J. P. Stevens Co. But the scope of the solution proposed far exceeds the extent of the problems illustrated by the J. P. Stevens Co. Indeed, some have suggested that H.R. 8410 should be redrafted in the form of a private relief bill. At the risk of prejudicing the J. P. Stevens Co.'s case, I might even consider that, but this should not be a bill designed to accommodate one difficult labor relations situation.

My point is not to belittle the motives of the authors of this bill, but rather to suggest that they have seized upon an isolated case and grossly exaggerated the necessity for a comprehensive solution.

There are other provisions of the bill which appear less controversial. They include automatic enforcement of Board orders, mandatory injunctions in discharge cases, provisions for individuals with religious convictions, injunctive relief against sympathy wildcat and stranger picketing. However, they all tend to obscure the primary thrust of this legislation, which is to provide the unions greater leverage in both organizing and penalizing a variety of business establishments.

As I stated last week, I have always supported the collective bargaining process and my position on this bill does not alter that. However, the condition upon which that support rests is the preservation of the precarious, but essential balance between labor and management.

I believe that the results of the national opinion poll which I cited earlier indicate a majority of Americans think a balance between labor and management is necessary. However, they are concerned that that balance is now in jeopardy of being tipped in favor of one side against the other.

I share that deep concern and reiterate my view that this bill would destroy the equilibrium that has been sought for the past four decades. Therefore, I urge my colleagues to stand firm in demanding the defeat of this unnecessary legislation.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. WILLIAMS. Mr. President, once employees have decided that they are interested in union representation, our laws should provide them the opportunity to make that choice promptly in a free and noncoerced manner.

Similarly, once they have voted in a free and fair election, that they desire union representation, our laws should provide them with the opportunity to bargain with their employer within a reasonable time.

Current law promotes the kind of bureaucratic nightmare that only frustrates the legitimate desires of workers.

The case of Linda Leroy and her fellow workers is but one example:

WHY AMERICA'S WORKERS NEED LABOR LAW REFORM: CHAPTER 6

Linda Leroy is an employee of the Kustom Electronics Company in Chanute, Kansas. Linda and her fellow workers became interested in having the Communication Workers of America represent them in collective bargaining.

By December 9, 1974, more than half the production and maintenance workers in the plant had signed cards, and on that date, the Communication Workers filed a petition for an election with the regional office of the National Labor Relations Board. A few days later, the company laid off more than 40 employees.

Two issues immediately developed: Whether the production and maintenance unit sought by the union was "appropriate" and whether the employees who had been laid off were eligible to vote in the election. After a series of informal and formal conferences on these issues; the National Labor Relations Board issued its direction of election on April 7, 1975.

After being twice postponed, the election was finally held on June 18, 1975.

Seventy-five votes were cast for the union, 68 votes were cast against the union. There was 1 void ballot, and there were 47 challenged ballots. Most of the challenged ballots were cast by the laid-off employees.

The employer filed objections to the election. Five months later, on November 20, 1975, the regional director concluded that the objections and challenges raised material issues of fact, and ordered a hearing. More than six months after that, on May 7, 1976, the hearing officer issued his report. He recommended that the objections be overruled. The hearing officer also concluded that the 36 laid-off employees who had cast challenged ballots had a reasonable expectation of being recalled and that their ballots should be counted.

The company appealed these recommendations to the Board, and Linda Leroy and her fellow workers waited five more months for the Board to decide. On October 15, 1976, the Board adopted the hearing officer's recommendations and findings.

On October 22, 1976, 22 months after the petition was filed, and 16 months after the election was held, the 39 challenged ballots were opened and counted. The total vote was 103 for the union, 79 against the union, and 1 void ballot. The union had won before all of this bureaucratic procedure, and the union was still the winner after all of the bureaucratic procedure had ended.

Mr. WILLIAMS. I am sure Linda Leroy and her fellow workers breathed a sigh of relief that their long period of uncertainty was over, and that, at last, their employer would sit down and negotiate with their union. The union sent the employer a letter, requesting bargaining, on November 3, 1976. It sent another letter on November 16. It sent another letter on November 19. On November 24, the union received a letter from the company stating refusal to bargain and alleging that the union did not represent an uncoerced majority and that it had been improperly certified.

On December 2, 1976, the union filed an unfair labor practice charge, alleging that the company was refusing to bargain in good faith.

On July 27, 1977, more than 2½ years after the petition was filed, the Board issued its decision, finding once again that the challenged ballots had properly been counted. The Board again ordered the company to bargain in good faith.

Mr. President, whether the challenged ballots were counted or not, the union was still the winner of the election. Yet, at the company's urging, the Board spent more than 2 years deciding and redeciding the question of the challenged ballots.

Thus, the employer was able to tie up the Board and delay bargaining for more than 2 years over an issue which, in a practical sense, was moot. The union had won the election whether or not the challenged ballots were counted.

During these 2½ years of dilatory tactics, Linda Leroy and her fellow employees were not enjoying the benefits of collective bargaining and union representation.

This case is now pending before the U.S. Circuit Court of Appeals for the Tenth Circuit, and Kustom Electronics still will not bargain collectively with its employees.

Mr. President, current law permits unconscionable bureaucratic delays in resolving these issues. It is now nearly 3½ years since the petition, supported by a majority of employees in the unit, was filed. It is nearly 3 years since the union won the election. The employer is still not bargaining with the union.

If labor law reform had been enacted, the election would have been promptly held. The challenges and objections would have been resolved after the election in an expeditious manner, and the employer would have been discouraged from raising and reraising the question of whether the laid-off employees should have voted—a clearly frivolous question, when we consider that it makes no difference in determining the election outcome.

Mr. President, how long can we continue under a law which rewards those who would raise and reraise frivolous contentions? It costs the employer nothing to delay under current law. Under 8410's make-whole remedy, this would not be the case. But now, it costs Linda Leroy and her fellow workers a great deal.

Mr. President, it is cases like Linda Leroy's that labor law reform is all about.

There is a persistent statement here by those who oppose this legislation that this bill is addressed singly and solely to the J. P. Stevens case. This is an employer out in Kansas, employing about 200 people. It is a classic case of what is wrong with procedures, remedies, opportunities for fair disposition under the law as it is. Here is a 200-employee employer who wanted not only to delay the whole election result for 3 years but still is not in there bargaining. The law has said for 42 years, if there is an election and the union wins, then there shall be bargaining. They still are not bargaining with the duly elected, finally certified union in Kustom Electronics in the State of Kansas.

Mr. President, on May 7, 1978, the Cleveland Plain Dealer, in an editorial, urged enactment of the labor law reform bill. The newspaper said that "The record clearly justifies changes" to our current law. The Plain Dealer said:

The changes are needed and would help even out a system that has become over balanced against workers. Employers with reasonable employee practices would not be hurt.

The Plain Dealer predicted in its editorial, which was printed before our debate started, that opponents "will try to filibuster or amend it to death." They were prophetic.

While our extended debate has not yet become a filibuster, the Plain Dealer has its views on the subject. It says that such a filbuster would give Senators a firsthand lesson on "Why a great many people approve" this legislation. The editorial said:

It is just those kinds of actions in labor-management relations—stalling tactics and endless litigation—that spawned the so-called labor reform legislation.

A May 17, 1978, editorial of the Minneapolis Star also supports this legislation, the Star noted some of the fears which have been expressed here, and gave its opinions:

. . . It is doubtful, as management spokesman maintain, that [the bill] would force open the plant gates to a horde of labor organizers.

We do not believe the bill, if passed, will mean the forced unionization of American business and industry. It could mean an end, however, to the practice by some companies of using legal maneuvers to delay union representation elections, sometimes for years.

The Star concluded:

We can anticipate more emotional overkill as the debate progresses. But we hope that when the Senate finally gets to vote on the merits of the bill, it will approve it as an adjustment to a law that hasn't been working too well.

Mr. President, I ask unanimous consent that the editorials of the Minneapolis Star and the Cleveland Plain Dealer be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Plain Dealer, May 7, 1978]

ENACT LABOR LAW CHANGES

Senators who favor or have yet to decide about revision of the nation's labor laws are about to get a lesson in why a great many people approve of the changes.

Opponents of the legislation are pulling out all of the stops to prevent its getting to the Senate floor. If backers are able to convince Senate Majority Leader Robert C. Byrd, D-W. Va., to schedule the bill—an action not at all presently assured—those against it will try to filibuster or amend it to death.

It is just those kinds of actions in labor-management relations—stalling tactics and endless litigation—that spawned the so-called labor law reform legislation.

We endorsed the bill, now called S. 2467, last August and applauded the House for having approved it, 257–163, in October. We

denounce artifices and dodges designed to sink it now.

Opponents of the bill rightly perceived that their best chance to ambush it lay in the Senate. There, senators from smaller and/or less industrialized states might be expected to be unsympathetic with its aims. And, of course, their power is enhanced because in the Senate each state has only two votes regardless of population.

The legislation is backed by the Carter administration and by the AFL–CIO. Employer groups bitterly opposed to the changes are fond of referring to those who come down on the side of reform as labor dupes.

But a study of the record since the National Labor Relations Act was passed in 1935 shows good reasons for amendment.

We believe that record clearly justifies changes, among others, that would shorten the sometimes interminable time period between petitioning for union representation and an election; return to their jobs employees fired for union activities; compensate workers for wages lost when employers refuse to bargain with legally certified representatives; impose financial penalties on employers who violate labor laws during a period of union organizing; bar federal contracts for a specified period to companies that willfully and repeatedly violate labor laws.

The changes are needed and would help even out a system that has become overbalanced against workers. Employers with reasonable employee practices and policies would not be hurt.

The Senate should not allow itself to be bullied. The legislation should be scheduled. It should be enacted.

[From the Minneapolis Star, May 17, 1978]

TOO MUCH ADO ABOUT LABOR

Supporters and opponents of the labor law reform measure, now before the Senate, are guilty of overkill. They have brought out some of their heaviest guns in years, and have spent millions of dollars in lobbying and propaganda efforts for and against the measure.

Union lobbyists see the bill as an effort to strengthen the 43-year-old Wagner Act and end a "pattern of employer abuse" of the National Labor Relations Board procedures. It is charged, with considerable emotion, that those abuses have caused "massive frustration and denial" of workers' rights to choose or reject participation in collective bargaining.

The bill would clearly benefit unions, but it is doubtful, as management spokesmen maintain, that it would force open the plant gates to a horde of labor organizers. It is doubtful, too, that the legislation will put the government in the role of forcing businesses to organize, as the bill's critics charge. Among those most fearful of the legislation are small businessmen, who believe the measure would give unions an unfair advantage over their efforts to resist organizing attempts. Small businessmen may indeed be vulnerable to organizers, since they can't afford to hire the lawyers to assert their interests.

We do not believe the bill, if passed, will mean the forced unionization of American business and industry. It could mean an end, however, to the practice by some companies of using legal maneuvers to delay union representation elections, sometimes for years. The measure does not create a new labor policy; rather, it seeks to reform, and make more workable, the policy on labor-management relations that was enunciated in the Wagner Act. That policy has not been working properly. The NLRB has permitted cases charging labor law violations to pile up at an alarming rate. It also has been lax in its scheduling of union representation elections.

The reform bill, endorsed by President Carter and passed by the House, is being held up by what could be a lengthy filibuster in the Senate. We anticipate more emotional overkill as the debate progresses. But we hope that when the Senate finally gets to vote on the merits of the bill, it will approve it as an adjustment to a law that hasn't been working too well.

Mr. WILLIAMS. I yield the floor.

Mr. HATCH. Madam President, earlier this morning, the Senate minority leader released to the news media several public opinion polls on the labor law reform. One poll was conducted by Cambridge Reports, Inc., owned by Mr. Patrick Caddell, President Carter's pollster. There is nothing new about the result of the survey. One poll by the Opinion Research Corp. of Princeton, N.J., said that the people in this country do not want Congress to give the powers contained in the labor law reform bill to organized labor.

The Cambridge poll was based on personal, in-home interviews of a sample of 1,500 adult Americans and was designed to reflect the views of the whole adult population of the United States. It was completed just over 1 week ago by trained professional interviewers under the supervision of the Cambridge Reports field staff.

I might add it was completed after tremendous intensive lobbying by the leaders of organized labor in our country among their rank and file workers all over the country, in almost a daily press release or a daily release to their workers, that this bill is in their best interests. The fact of the matter is that the vast majority of people in this country do not believe that this bill is in the best interests of either union or nonunion men and women alike.

I might mention, also, that the fact of the matter is that when we hear on the floor of the Senate, Why is the minority thwarting the will of the majority with regard to this extended debate? I should like to rephrase that question. We in the minority, or at least allegedly the minority, who are conducting this extended debate, actually represent the vast majority of all the people in our country. So who is thwarting the will of the majority? I think the majority of the people in the country are a lot more important than maybe a majority of just the Members of the U.S. Senate.

Ordinarily, in this representative form of democracy, the representatives of the people, the U.S. Senators and Congressmen, should do everything they can to represent the people themselves.

That is really what one of the problems is here. The real will of the majority, the majority of all American citizens, including union members as well as nonunion members, is being supported by a minority in the Senate itself, and those of us who are arguing in this extended debate for a reason and for consideration of needs of small business and employees throughout this country actually represent the vast majority of all people in the country.

I think it is pretty dramatic to look at these polls and realize just how serious they are and how very much they go against the arguments being made by the proponents of this legislation and how they are bucking against the tide with regard to this legislation.

I think the distinguished minority leader (Mr. BAKER) has done us all a great favor by releasing this poll which should be disseminated all over America today. I think it is a pretty important and dramatic poll.

I wonder if I can ask the distinguished minority leader just a couple of questions. He is aware, the first question was, "Congress is currently considering a labor law reform act that would change the laws that govern labor unions, management, and employee rights. Do you think the current labor laws need changes or not?"

And 45 percent of the people who answered said, "Yes," the current labor laws do need changes. Thirty-four percent were not sure. Twenty-one percent said, "No."

I would like to ask the distinguished minority leader what the significance is of that particular question and the answers shown by Mr. Caddell and the Cambridge association.

Mr. BAKER. I thank the Senator for putting the question and I think it is an appropriate one for the Caddell firm to put first in their survey.

The significance to me is that while it is true that 45 percent of Americans think there should be changes in the labor law, which is far and away the biggest percentage, the changes that they then express are not the changes suggested by this bill. The reforms they most often want point toward a reduction in the ability of unions to organize in other fields, rather than increase in their power in that respect.

The second most mentioned item by those respondents who thought there should be changes in the labor law had to do with a desire for more controls on strikes, which is really rather remarkable considering that this bill would, I think, substantially expand the authority, ability, and opportunity for unions to organize and to conduct their strikes and their negotiations on company time.

Mr. HATCH. With regard to that point, as I understand it, this poll brings out the public sentiments with regard to having secret ballots, whether or not a strike should be conducted. Can the distinguished Senator from Tennessee give us any enlightenment on that?

Mr. BAKER. That is correct.

As a matter of fact, I do not readily have the page reference at hand, but the report shows, I believe, that 79 percent of those interviewed indicated that a secret ballot should be held on whether or not a strike should be called.

Mr. HATCH. The Senator is correct. On page 7 of the poll, in response to the question, "Some people say that before a union strikes a secret ballot should be held among all members to see whether they want a strike or not. Would you favor or oppose this idea?" and 79 percent of them said "yes" and only 8 percent were opposed.

Mr. BAKER. Will the Senator yield for a brief moment in that respect?

Mr. HATCH. Yes.

Mr. BAKER. It seems to me these questions are put in several variations, apparently to elucidate a cross section of the viewpoints and ideas in rather great depth.

I might point out, as the distinguished Senator from Utah knows, that I had nothing to do with the formulation of these questions and I am sure no one else on this bill did.

The question is often put, "Well, you know, if you frame a question a particular way, you can get the answer you want."

But I really doubt that anybody would seriously contend that Pat Caddell is a Republican pollster—if there is such a thing—or challenge that his is a reputable polling organization.

The Cambridge Reports is a reliable national firm that would not conduct a poll other than to try to produce a reliable and accurate profile of public opinion. So when responses of that sort are elucidated by this rather in-depth survey, I believe they become more important if one considers the reliability, the affiliations, and clients of this particular pollster.

Mr. HATCH. It is pretty tough to argue with a question such as, "some people say that before a union strikes a secret ballot should be held among all members to see whether they want a strike or not. Would you favor or oppose this idea?"

That is a pretty fair question, I would say.

It would be interesting for the distinguished minority leader to note that the Opinion Research Corp. report poll has been vastly ignored by the other side in this matter, and on this particular question the Caddell poll showed that 79 percent of the people polled want secret ballots with regard to the determination of a strike.

The Opinion Research poll shows 81 percent—in other words, 2 percent difference, but right in the same ball park—incidentally, among union members, the difference between the Caddell poll and the Opinion Research poll is that among union members the Opinion Research came to a conclusion there and 79 percent of union members would like to have a secret ballot with regard to strike votes.

Mr. BAKER. I do not know what that is in the sample opinion under nationwide, but nationwide, even with a sample of that size, which is very large and costly as the Senator knows, the margin for error is probably plus or minus 2 or 3 percent.

So it is remarkable the two polls should be within that range of the margin of error. I would say the two reports were virtually identical.

Mr. HATCH. Is the distinguished Senator from Tennessee aware that one of the points we had in our employee bill of rights, which did not come out of the Human Resources Committee, it did take two minor points, which we were grateful for in this bill, but one of the major points we made in the Bill of Rights Act that we found was that there should be secret ballots with regard to strikes.

I wonder if the distinguished Senator from Tennessee was aware of that?

Mr. BAKER. I am aware of that. I think it is an extraordinarily important matter.

Few things are more important than the concept of peer pressure. The very idea of secret ballots, whether it is in the election of Federal officers or local officials in the general political realm, or the expression of private and discreet opinions in the private realm, is the cornerstone of representative government in this Republic.

It seems to be virtually indefensible and unconscionable that the same protection should not be extended to union members who wish to express a matter of the most fundamental economic and social importance to them—that is, as to whether or not there should be a strike in their place of business.

Mr. HATCH. One of the gripes many people seem to have about this bill across the country—and I have spoken all across the country concerning this bill—is that the big leaders in Washington make the decisions for the little working people all over this country. Sometimes they are not what the working people want, and this seems to bear them out.

With regard to the first point of the distinguished Senator from Tennessee, that 45 percent of the people polled versus 34 percent think that the current labor laws should be changed and that the changes should be curtailment of union power and labor power, it is interesting that in the Caddell poll, with regard to "What kind of changes do you think are needed?" 28 percent said, "Unions have too much power, unions are too strong, and unions want to take over."

In the Opinion Research poll, among the public at large, 63 percent of the people felt that way.

Incidentally, the 28 percent was the largest single percentage in the Caddell poll, which shows a definite correlation. But in the Opinion Research poll, among union members, 51 percent of those polled indicate that they feel their unions have too much power today and that they are too strong and that they do want to take over this country and control it.

I think that is a pretty important point that the distinguished Senator has brought up.

One of the questions that was asked was this:

> One possible change in the labor law being considered would make it easier for unions to recruit new members in companies where they are not currently represented. Do you think this change is needed or not?

Forty-one percent of those polled, versus 33 percent, said they did not think this change was needed. In the Opinion Research poll, it was 40 percent versus 22 percent. In other words, it was pretty correlated. The Opinion Research poll was taken a number of months ago.

Mr. BAKER. Mr. President, if the Senator will yield on that point, on the question of whether or not this poll was a good poll and approaches the task of establishing a national profile on the issues involved, I invite the Senator's attention to the pair of questions on page 4 of the Cambridge Report. The Senator has just quoted from the first one and the results. The second one is interesting to me because it is the hallmark of a conscientious polling organization—that is, to try to have more than one point of view.

It says:

> When we asked the question slightly differently at another point in the questioning, we found an even larger margin of rejection.
>
> "In general, do you think the rules by which unions gain the right to represent employees need to be made easier for the unions or not?"

Then the numbers change to yes 22 percent and no 48 percent.

Mr. HATCH. Better than 2 to 1.

Mr. BAKER. I invite the Senator's attention to two points. The first I have made already—that Cambridge reports follows a traditional and accepted practice of approaching an important question from two directions, with two different questions, so that they can differentiate and query and establish a better point of view. The second one is that they put the second question at a different point in the survey.

I am told that in a personal interview, for polling purposes, a certain momentum develops, and there sometimes is an unconscious tendency of the respondent to try to answer in a way that is pleasing to the interrogator. That idea sounds fairly exotic to me, but I have been told that is true.

Mr. Caddell satisfies even that principle. He approach the question from two vantage points and at two different times in the interview. This technique adds credibility in the sense that he is following the accepted norm.

Mr. HATCH. I thank the Senator for pointing that out.

With regard to the first question, as to whether it should be made easier for unions to recruit new members, the Caddell poll says the "no's" were 41 percent, versus 33 percent. The Opinion Research poll of the general public was 40 to 22 percent.

It is interesting to look at the Opinion Research poll of union members. With regard to union members, it was 48 percent "no" but exactly the same "yes"—33 percent. This would lead one to believe that perhaps the Caddell poll was reaching a number of union members. It is just an interesting correlation.

With regard to the equal access provision of this labor law reform bill, if the employer talks about unionization on his premises, on his time, and at his expense, he would have to open up his premises, at his expense and on his time, and let the organizers come on the premises and preach unionism to his employees. In essence, he would subsidize the unionization of his own plant, which we feel is unfair.

Is there anything in the Caddell poll which indicates how the people who were polled felt with regard to the equal access provison?

Mr. BAKER. I think there is a very

logical and sound approach to that question. That is one of the most important questions to many people in this entire debate, because it deals with several fundamental rights and several aspects of concern—and in some cases emotionalism—about their respective rights.

I have studied very carefully the nature of that questioning, and I reiterate for our colleagues what the distinguished Senator from Utah already knows—that is, we have had absolutely nothing to do with the formulation of these questions. They were prepared professionally, by a reputable polling operation. The question posed was this:

One possible change in the labor law would allow labor union organizers to go onto the property of businesses at any time, including working time, and try to recruit members. Do you favor or oppose this idea?

The results are a little short of startling. Those who favor it are 17 percent. Those who oppose it are 65 percent. Eighteen percent, which is a fairly small number, do not know or have no opinion.

I think that result is important in several aspects. The disparity in numbers is significant. That is an overwhelming number in opposition to the idea. But the relatively small size of those who do not know is important.

What this means to me is that people have strong views on this subject, and there are not many middle men—that is, most people say they should or should not, and the overwhelming number say they should not.

So this is one question I think was addressed in a meaningful way and an important way in the Cambridge report.

By the way, this question appears on page 5 of the report, together with the explanatory language, both before and after the question, which I commend to the Senator from Utah.

Mr. HATCH. I think that is interesting. It shows that the people of this country are pretty upset about this equal access provision.

Mr. BAKER. I think they are upset, and they should be, because I believe it strikes a responsive chord—that is, the basic, fundamental, equitable question of fairness. What is fair?

I doubt if there is a Member in this body who feels—certainly, I do not feel—that there should be a bias against organizational activity. I said on the first day of this debate, in the first speech of this debate, that I think one of the most fundamental tenets of the free enterprise, personal initiative system that we have nurtured and elaborated in the United States is the opportunity to have fair ballots between management and labor, between unions and companies.

I think that the overwhelming majority of people in this country feel that that fairness, that balance of equity between the two sides, is essential for the collective-bargaining process. Indeed, and, in fact, it is the very essence of the collective-bargaining process.

This provision of the bill, I believe, impresses people very forcefully; and they do recognize it as an assault on that equity, and arrangement of equality between management and labor.

I believe one of the most fundamental concepts of the American political system has been the most understated—I speak now of political in the competitive sense, as Republican and Democrat politics. I sincerely believe that Americans do not want to see our great national debates polarized on labor-management, conservative-liberal grounds; but, rather, they want fairness and equity. Nobody wants to see this bill or the collective-bargaining process degenerate into an antilabor/prolabor, or antibusiness/probusiness bias which tilts or shifts that essential balance between the two parties.

So this particular question, it seems to me, strikes a responsive chord, and I am not surprised by the overwhelming nature of this result.

Mr. HATCH. I thank the Senator for the comment because I feel exactly the same way the distinguished Senator from Tennessee does. Having been raised in the union movement, I hate to see the unions subjected to a tilt against them. I do not think that would be right. Of course, some of the proponents of this bill would have you believe that because there are some exceptions, there are some abuses on management side, and very seldom are the abuses on labor's side mentioned, this bill is only a little modest bill that will correct those abuses, but this shows that the people in this country are not buying that particular argument, that they know that this bill has a lot more in it than just the modest correction of, say, one, five, or six, which has been mentioned in front of our committee, major corporation abuses, and yet hardly anything is directed toward the abuses that labor performed. In other words, these are some of the problems we are trying to fight on, and I agree with the distinguished Senator that this should never devolve into a pro-union/anti-business, pro-business/anti-union approach. We should be talking about this on the merits of what is fair, equitable, and create a good balance.

Mr. BAKER. And we do not try to shift that essential balance which already exists in labor and management.

Mr. President, I thank the Senator for yielding. I have a commitment I have to keep away from the floor now, and I have taken more time than I probably should have. I wish to return later in the day if I might to continue the debate.

Mr. HATCH. I shall be delighted.

Mr. BAKER. I thank the Senator for yielding.

Mr. HATCH. I thank the distinguished Senator from Tennessee because I think the colloquy has been useful in helping me to understand this poll and certainly hopefully to help our colleagues and members of the public to understand it as well.

There is one thing that caused a great deal of concern, as I have read this poll cursorily, among those who were polled, and Mr. Caddell writes upon it with regard to union political power. He says one other controvery about labor unions is their involvement in politics. When asked about this we find that most Americans feel labor unions have too much power over politics and that it should be restricted. In other words, that power should be restricted, I take it.

The first question they asked under that heading was do you think labor unions have too much political power, too little political power, or do they have about the right amount of power?

It is interesting to note that of those polled 53 percent felt they had too much power, only 7 percent thought they had too little power, about 25 percent thought they had about the right amount of power, and 15 percent said they did not know. In other words, a better than 2-to-1 ratio, or at least what appears to be a 2-to-1 ratio of the people polled indicated that they felt that the labor unions have too much power under present law as contrasted to about the right amount.

What is interesting is that in the Opinion Research poll of the general public, 56 percent of the people said there was too much power, and 25 percent said it was about right. Twelve percent under the opinion research poll said the power was too little in the labor unions and 7 percent said they do not know.

So the correlation is quite startling.

With regard to the union members, under the Opinion Research poll 43 percent of the union members felt that the labor unions have too much power under our present political system and laws, 26 percent thought that they have too little as contrasted to 7 percent in the Caddell and 12 percent of the general public, and 27 percent of the union members thought that the power was about right, or 2 percent higher than both the Caddell and the Opinion Research general public poll.

I think these are startling correlations, and I commend this particular study to those who are seriously considering this matter to show that along with Opinion Research poll, and I think any other poll conducted in this area, those of us who are conducting this extended debate and talking about the serious problems that we have in our society literally represent the majority and the vast majority of the people in this country in fighting against this bill and, therefore, it is not some small insignificant minority which is threatening or thwarting the will of the majority.

I would say that we represent the vast majority and, therefore, have every right to fight this with everything that we can.

Incidentally, it has been interesting for me to see an occasional press release read into the RECORD by the proponents of the bill. I might mention that we have around 1,200 press releases across this country against this bill by newspapers all over the country in every State in the Union. It runs about 3 to 1 against the bill to those that are in favor of the bill. I think that is a pretty important point to be making here today.

If it became necessary, we could read every one of these editorials into the RECORD as the one or two per day that are being read into the RECORD by the proponents of the bill.

Yes, there are those who are for this bill in the newspapers but the over-

whelmingly number of editorials written in this country are against this bill and there is very good reason for that. The reason is that the people in this country are sick and tired of having bills labeled "reform" bills which have no relationship to reform and which really become anything but reform bills. The problem with this bill is, as pointed out by the distinguished minority leader, that this particular bill tilts the balance drastically in favor of labor and labor organizations here in Washington, which may or may not represent and I think under these circumstances do not really represent the vast majority of their members let alone of the vast majority of the people in this country.

Incidentally, the American Newspaper Publishers Association sent a letter to all Senators. This is the American Newspaper Publishers Association. This went to all Senators, as I understand it.

DEAR SENATOR: The American Newspaper Publishers Association believes that many provisions of S. 2467, the "Labor Law Reform Act," would have a severe, adverse impact on newspaper operations. These provisions are of special concern to ANPA because a stable labor environment is an inherent part of the ability of a newspaper to publish regularly and, in turn, to be a free society's forum for the free expression of ideas.

ANPA is a trade association of newspapers whose 1286 members represent more than 91 percent of daily and Sunday newspaper circulation in the United States. Several non-dailies also are members.

Attached is a sampling of editorials from newspapers across the country that have studied this bill and concluded, as ANPA has, that S. 2467 would help neither employers nor employees. The sole benefactors of this special interest legislation would be the labor unions.

S. 2467 would give unwarranted and inequitable power to labor unions during organizational campaigns; deprive employers of important rights of free speech; deprive employees of an ample opportunity to make their own decisions whether or not to be represented by labor organizations; unfairly punish many employers for technical and esoteric violations of labor law; and foster the very litigation and delay which the authors of the bill wish to remedy. On this latter point, the general counsel of the National Labor Relations Board estimates his office alone would need an additional $28 million and 900 more staffers to handle the surge in litigation the legislation would cause.

ANPA asks that you carefully consider the provisions of this bill and their obvious bias; that you consider the public opposition to the bill evident in the preponderance of newspaper editorials and the results of numerous public opinion surveys; that you consider the litigation explosion, the new bureaucracy and the taxpayer cost this bill would initiate; and, based on these considerations, that you oppose S. 2467 when it comes before the Senate.

Sincerely,

JERRY W. FRIEDHEIM.

I might mention that it is very rare that the American Newspaper Publishers Association comes out for or against any particular issue.

Generally, those matters are left to the editorial boards of the respective newspapers. But here they have taken occasion, representing 91 percent of daily and Sunday newspaper circulation in the United States, to particularly put their viewpoint in writing to every Senator of the U.S. Senate.

We may have some isolated editorials read into the RECORD by the proponents of this bill. But do not let anybody be deceived. We could inundate the RECORD with editorials against this bill and against the reprehensible thrust of this bill.

I might also add that the National Newspaper Association wrote a letter to every U.S. Senator. This is an interesting letter, because the National Newspaper Association, they go on to say:

Urges you to examine the attached compilation of editorials which have appeared in newspapers throughout America opposing passage of S. 2467, the so-called "Labor Law Reform Act."

We realize that, already, no single piece of legislation has ever generated as much mail, and that you may feel no need to read additional material. But you should study these editorials, for they present—in capsule form—comment on this vital issue from all sectors of our nation. Nowhere will you find a more accurate barometer of public opinion.

NNA is an organization of some 5,500 weekly and 900 small city daily newspapers with members in all 50 states. NNA itself has taken a formal position opposing passage of S. 2437.

We take this position, quite simply, because the bill is blatantly unfair and totally one-sided in its approach to "reform." From its "packing" of the NLRB, to its "quickie" elections, to its "equal" access, to its cruelly punitive sanctions, the bill is clearly an injustice—designed by its writers to accomplish one goal: halt and reverse the downward slide of union membership.

We fear especially S. 2657's effect on the typical NNA member: the small independent newspaper. Small business in general is obviously the primary target of this legislation. No bargaining unit will be too small or too difficult to organize. Small businessmen with little knowledge of labor law or union tactics, and with no access to experienced labor attorneys, are going to be viewed by organizers as easy prey. Our members—the small independent newspapers—will be no exception.

Please take the time to consider our views—and the views expressed in these editorials—and then vote against passage of S. 2437.

Here are the National Newspaper Association and the American Newspaper Publishers Association telling us to vote against this bill. I might add it is even more significant if we understand that very seldom do the national newspaper organizations ever come out against any piece of legislation as a national situation. That gives even greater credibility to the fact that what we are fighting for here is not only small business, which will be drastically hurt, but for the vast majority of all people in this country, and I am pleased that both the Caddell and the Opinion Research polls have been presented so that we understand really what is involved here. So nobody has to be deceived.

When we hear this business of "a small minority thwarting the will of the majority," because it is believed that 51 or more U.S. Senators will vote in favor of this bill, that has got to be one of the most one-sided, blatant, hypocritical comments ever made on legislation before the Senate, because the fact of the matter is that those of us who are fighting for this country's very existence, the fabric upon which this country is built, the free enterprise basis that has made this country the greatest in the world, represent the majority, and the majority's will across this country may very well be threatened and thwarted, if you will, by what happens to be a minority of maybe more than 50 Senators in the U.S. Senate.

I submit if we voted on this bill by secret ballot so that neither the employer community nor the labor community knew which way we were going, this bill would be shot down by an overwhelming margin which, I think, would approximate the margin nationally in the Caddell and Opinion Research polls.

In other words, we hear a lot about special interests in the Senate and, generally, it is directed against the big corporations and the big oil companies—and I think there is some justification for those criticisms—but never against the Washington labor union leaders who, I think, ignore the wishes and the needs in many ways of a lot of my fellow union men out there in the field, out there in the shops, out there in the manufacturing facilities; yes, even in newspapers, if you will, in their zeal to control this country and to control the workplace in this country, even though only one out of five persons in our country belongs to an organized labor organization.

When you think about it, it is pretty tough in my eyes for anybody to really legitimately argue that this bill deserves to be passed. I think the logic, the facts, the editorials, if you will, the law, the past circumstances, the statistics, the Board statistics, if you will, all militate against this bill.

Yet we hear consistently on the floor that this is just a modest bill. Why, it is only to get at those few companies that have breached the labor laws. Why should we be so upset and concerned with this "reform" bill?

All I can say is that any time the Senate or the Congress puts the word "reform" on a piece of legislation then everybody in this country ought to immediately get upset and realize that it is very likely not going to be a true reform bill but something that promulgates and reinforces special interests in our society.

There is no more powerful special interest in our society than those who run our labor organizations from Washington, D.C. That is why 51 percent of the labor union members themselves, my fellow labor union members, believe that no further power should be lodged in the hands of this great special interest group here in Washington.

I might add that I think I would fight just as strongly to make sure that the powers are not tilted in the other direction. I do not want to see business given a clear edge in its negotiations with labor. I think they should be equal. I think they both ought to have a fair shot at negotiation for their respective sides.

In this morning's Washington Post there was a very interesting advertisement, especially coming on the heels of the last part of yesterday's debate. It is entitled "Let Small Business Speak for

Itself: A Rebuttal to George Meany And Other Advocates of 'Labor Law Reform' Legislation From NFIB," the National Federation of Independent Business, the largest small business organization in the country today.

The article goes on to say:

Within the past few weeks, small business has been pictured in big labor, union-sponsored national advertising as a smokesscreen for big business and as a victim of a shell game in the current debate over labor law "reform". The National Federation of Independent Business (NFIB), the nation's largest small business organization, with more than one-half million members, wishes to refute this myth.

Small business has every reason to be wary of big labor's designs. Small business is labor intensive. It depends more upon its workers and less upon expensive equipment for success and growth. So when big labor leads the fight for an unnecessarily steep increase in the minimum wage, small business gets hurt.

When big labor refuses to support an expansion in the youth apprenticeship wage program, small business feels it as much as the young and unemployed. NFIB supported an apprenticeship wage proposal that could have provided thousands of young people with jobs. Big labor and its political allies shot it down.

I might interpolate at this point that some 85 percent of the young blacks in the Philadelphia ghettos have no opportunity for employment. Approximately 40 percent of the young blacks all over this country have no opportunity for employment in this society. About 20 percent, across the board, of our youth in this country have no opportunity for employment.

I can recall one of the saddest days in my life, standing here on the floor of the Senate arguing for a youth differential to give businessmen an incentive to hire youth, specifically minority youth, by allowing them to pay 85 percent of the minimum wage for a training period for these young people, and then have them go to the minimum wage. That effort was completely shot down, as a result of the lobbying activities of those who claim they represent the workingmen in our society, who perhaps have been in Washington too long.

These are things that really concern the small business sector. The advertisement goes on to say:

And when big labor tells the President to take a walk with his voluntary wage restraint program, small business will certainly end up paying the price of higher inflation.

Small business was told not to fear OSHA, not to worry about ERISA. Now small business is being told not to fear the "labor law reform" bill, S2467. It is only a procedural matter; it is not aimed at promoting organized labor—so we are told. But let's look at the facts.

Then the National Federation of Independent Businesses goes into the facts, and shows that they are better off, because the facts are contrary to the statements of those who say, "This is just an itty-bitty bill that don't help nobody and don't hurt nobody". As Richard Russell used to say, we better beware of those itty-bitty bills—and that this is just a modest proposal that will stop lawbreaking and stop those few corporations that are commonly complained of all day long for breaking the law.

Small business is not taken in. Neither, I might add, are the American Newspaper Publishers Association or the National Newspaper Guild, the two organizations which represent almost all the newspapers of this country.

You know, that is historical, when they come out and are so strongly against a reform bill. It makes one wonder if this is really reform. It really makes you wonder.

Mr. President, I ask unanimous consent that the advertisement of the National Federation of Independent Business be printed in the RECORD at this point.

There being no objection, the advertisement was ordered to be printed in the RECORD as follows:

LET SMALL BUSINESS SPEAK FOR ITSELF: A REBUTTAL TO GEORGE MEANY AND OTHER ADVOCATES OF "LABOR LAW REFORM" LEGISLATION FROM NFIB

Within the past few weeks, small business has been pictured in big labor, union-sponsored national advertising as a smokescreen for big business and as a victim of a shell game in the current debate over labor law "reform". The National Federation of Independent Business (NFIB), the nation's largest small business organization, with more than one-half million members, wishes to refute this myth.

Small business has every reason to be wary of big labor's designs. Small business is labor intensive. It depends more upon its workers and less upon expensive equipment for success and growth. So when big labor leads the fight for an unnecessarily steep increase in the minimum wage, small business gets hurt.

When big labor refuses to support an expansion in the youth apprenticeship wage program, small business feels it as much as the young and unemployed. NFIB supported an apprenticeship wage proposal that could have provided thousands of young people with jobs. Big labor and its political allies shot it down.

And when big labor tells the President to take a walk with his voluntary wage restraint program, small business will certainly end up paying the price of higher inflation.

Small business was told not to fear OSHA; not to worry about ERISA. Now small business is being told not to fear the "labor law reform" bill, S2467. It is only a procedural matter; it is not aimed at promoting organized labor—so we are told. But let's look at the facts.

This proposed labor law legislation has been pushed by the bureaucrats and power brokers of organized labor. This is not surprising. It seems that the union leaders have noticed a phenomenom very disturbing to them: more workers want less union involvement than ever before. Today only one out of five workers belong to unions, compared to more than one out of four 20 years ago. And last year unions won fewer than half of the certification contests supervised by the NLRB.

TWISTED LOGIC

Small business recognizes the motivation of union bosses. It is as obvious as it is audacious: unions have not been successful under our present system of labor laws, so they want to change the rules to improve their organizational record. This logic completely overlooks the obvious question. If unions are so good for their members, why don't more members join unions?

Wherever the fault lies, it is not with the federal labor law. In the 40 years since passage of the original National Labor Relations Act, workers in this nation have enjoyed tremendous gains in wages, fringe benefits and job security. And the resulting economic and political impact of unions is awesome and obvious. The present federal labor law generally has worked as it was intended and is not in need of wholesale reform.

But the bill's proponents disagree and claim several current examples of organizing efforts frustrated because the federal law is not tough enough. Whatever the facts may be in those cases, it is certain that large national companies will continue to have legions of lawyers and labor consultants available to advise them on how to stay in the bounds of the law and still give the unions a good fight. Small businesses, however, will be severely affected by this bill.

SMALL BUSINESS ALREADY AN EASY TARGET

Big labor may well complain that it cannot win against big business. The NLRB 1976 annual report lists labor as winning only 22 percent of the 111 organizing elections of units with 500 or more workers. But big labor has been going after small business with a vengeance and has been very successful at it. For the same period the NLRB supervised 3,865 elections in units with fewer than 20 employees and unions won 57 percent, nearly three out of every five organizing drives for small units. Small businesses with small groups of employees are clearly easy targets for the big labor leaders.

These statistics document a situation distressing but familiar to many small businesses. Not only do they usually lack regular counsel on labor affairs and laws, but they often lack the time and resources to effectively fight any organizing drive. Small business owners do not sit in board rooms giving orders. They are often their own foremen, inspectors, accountants, and janitors. They cannot take the time to print placards or organize employee rallies to discuss their views on unions. They are sharply restricted by law and NLRB decisions as to the type and content of contracts with their employees on the union issue. And they are often unaware of any movement toward unionization of their firms until they are presented with the certification petition by the NLRB By then the union has done all its advance work and the business owner faces a stacked deck. Such circumstances sometimes lead employers to feel pressured and react precipitously, especially if they are unfamiliar with the nuances of the federal labor law, as most small business owners are.

This bill, in the name of streamlining "procedures", will further handcuff the small business owner who is faced with an organizing campaign from a sophisticated, expertly advised national union. The elections would be even quicker and the penalties would be even harsher.

This viewpoint of labor law reform based on the realities of the small business owner's environment, is substantiated in a recent analysis by the Small Business Administration (SBA):

" . . . The Labor Reform Bill will give unions an unfair advantage over small businesses who have neither the time nor expertise (including resources to acquire the expertise) to walk the very thin compliance line proposed by the bills. Since the penalties for noncompliance are so severe, most small businesses confronted with a union organization drive will likely give up in advance rather than risk any action which might be construed later to have been illegal. This will result in unnecessarily increased costs which small businesses are least able to pass on to consumers. Projected further, this means many more small businesses going out of business."

Congress is responsible for legislating in the public interest. Trade unions now are large, powerful bureaucracies. What is good for big unions and their leaders is not necessarily good for the nation. Federal labor laws must strike a balance for workers, among unions and businesses, large and small. Each has different needs and problems. The Senate should realize that S2467 will badly tip that balance against small business.

Mr. HATCH. I would like to talk a little bit today about the other side of labor law reform.

Against a backdrop of a Senate Permanent Investigations Subcommittee hearing looking into increasing union corruption, the Senate will soon consider legislation which President Carter and its sponsors argue will improve procedures of the National Labor Relations Act (NLRA or act) by speeding up elections, strengthening remedies, and, for the first time, injecting the National Labor Relations Board (NLRB or Board) into the collective bargaining and Government contracting process. Opponents of the bills, H.R. 8410 and S. 2467, view them as thinly disguised union attempts to take advantage of uninformed employees with quickie elections and to tilt the presently equitable posture of the NLRA toward organized labor through excessive new penalties directed solely at employer violators. As justification for the measures, the administration and the proponents focus upon a few experiences with a handful of the literally hundreds of thousands of employers in the United States—or, I might add, millions of employers in the United States.

The Board's own statistics show that these experiences are the exception rather than the rule [1] and that the need for the legislation is highly questionable.

Slowly recovering from a serious energy shortage caused by the recent mine workers strike, the American people and their economy have a great stake in legislation that would increase the scope of unionization and the power of unions. Noted economist Pierre Rinfret had predicted that enactment of the bills would likely produce increased inflation,[2] further eroding the purchasing power of consumers and upsetting one of the major objectives of the Carter administration. The proponents, however, have either accidentally or purposely avoided explaining why organized labor deserves to be favored with legislation which disadvantages employers while overlooking the problem of union malpractice, some of which will be discussed below. These malpractices range from repeated violations of the NLRA, to corruption, race discrimination, interference with union members' rights, featherbedding, and systematic destructions of property and violent personal attacks and beatings.

NATIONAL LABOR RELATIONS ACTS VIOLATIONS

Some unions routinely and flagrantly violate the NLRA, disrupting production and preventing those who want to work from carrying out their duties. One of the most notorious violators of the act is Local 294, International Brotherhood of Teamsters in New York. This local has been found guilty of unlawfully discriminating against its own members who opposed election of some officers supported by the local's business agent,[3] in violation of section 8(b)(2) of the act. The discrimination consisted of revising the seniority lists to place certain members at the bottom, insuring their layoff in slow periods. Subsequently, local 294 violated section 8(b)(1)(A) of the act when it tried to punish this same member by fining and suspending him for filing charges with the NLRB to protect his rights.[4] Local 294 was found in violation of section 8(b)(1)(A) twice again in 1973 when it interfered with the seniority rights of transferred employees [5] and when it obtained the discharge of an employee who opposed the local's incumbent officer.[6] In the latter case, the union was required to provide back pay to the employee.[7]

Local 294's favorite violation is not discriminating against its own members even though it does that quite well. It specializes in secondary boycotts where the local tries to get neutral employees to stop working, threatens neutral employers, or seeks to get work being done by other workers assigned to its members. In 1971, local 294 was found in violation of section 8(b)(4)(i) and (ii)(B) when it induced neutral employees not to work and threatened neutral employers who dealt with the primary employer the local was trying to organize.[8] In that case, the local also violated NLRB organizational picketing rules. A temporary injunction had to be obtained by the NLRB to stop the unlawful picketing and pressure.[9] Also in 1971, local 294 unlawfully (section 8(b)(4)(D)) tried to get for its members work on a construction project which was legitimately being done by other crafts,[10] by other unions, if you will.

In 1972, local 294 violated section 8(b)(4)(i) and (ii)(A) and (B) when it caused stoppages, induced neutral employees not to work, and tried to get neutral employers not to deal with an employer from whom it sought a hot cargo clause in violation of the labor laws of this country, and specifically the National Labor Relations Act.[11] Again in 1972, local 294 was found to have unlawfully: First, induced neutral employees to strike; second, threatened neutral employers; and third, sought to get a warehouse employer to recognize and bargain with the union even though it was not certified as the representative of the employees.[12] In a 1973 case, local 294 unlawfully tried to force an employer to use union members to drive a small truck one-half mile in the morning and one-half mile in the evening.[13] Other Teamster locals, such as local 676 in New Jersey, local 671 in New England, and local 70 in the Alameda/San Francisco Bay area, have also been found in violation of the NLRA on numerous occasions.[14]

The Teamsters, however, are just the tip of the iceberg, and other unions also are responsible for pattern and practice violations of the NLRA. Take local 3 of the International Brotherhood of Electrical Workers (New York City) for example. Even though the courts had ruled as early as 1964 that the Western Electric Co. could use its own represented employees to install specialized communications equipment on building sites,[15] local 3 continues to engage in secondary boycott activity to try to get this work for its own members in violation of section 8(b)(4)(D). In fact, the NLRB has had to go to court numerous times to stop local 3 from disrupting work and interfering with the work of neutral employees. A 1971 epidemic of these disruptions [16] caused the NLRB to seek several injunctions and a contempt citation against local 3.[17] The U.S. Court of Appeals at New York has consistently enforced findings of NLRA violations against local 3, IBEW.[18]

In spite of the settled law in this subject area, local 3 continues to seek work to which it is not entitled and to interfere with neutral employees and employers. Thus, in Danielson against Local 3, IBEW, a 1973 case, the NLRB was able to enjoin local 3's attempt to snatch work from union (but nonlocal 3) employees.[19] Local 3 has been found guilty of violating the NLRA's secondary boycott and other provisions on numerous occasions in recent years.[20]

One of the most notorious other locals is local 825 of the International Union of Operating Engineers in New Jersey. The NLRB has noted this union's proclivity to violate the secondary boycott provisions of the act,[21] and the local has been the subject of almost 20 Board and court proceedings involving NLRA violations over the past 20 years,[22] including several findings of contempt and one of criminal contempt.

Jurisdictional disputes (section 8(b)(4)(ii)(D)) are among the most troublesome for employers, because all production stops while unions squabble over who will get the work, but sometime an employer is able to recover part of its losses by suing the unions. For example, Noranda Aluminum recovered almost a million dollars from the Carpenters Union in 1976.[23]

The NLRA is not the only statute violated by unions that seek passage of the labor law reform bills, however. For example, local 713 of the Textile Workers Union had to pay $15,000 in damages to a union member it suspended in violation of the Landrum-Griffin Act's bill of rights provision.[24] Elections in many unions, including the International Ladies Garment Workers Union (ILGWU)[25] have been overturned because members were denied their democratic rights. Commentators have noted that Landrum-Griffin is too weak to protect union members' rights.

Arthur Fox, former executive of PROD, a Teamster dissident group, observes that private slush funds are common among Teamster officials who collect them when they retire. Fox says that Leo Da Lesio, former president of Baltimore Local 31, IBT and its Joint Council 62, salted away $250,000, and that Joseph Bernstein, president of local 781 in Chicago, has $600,000 gathered so far.[26] Fox says that free speech, although guaranteed by title I of Landrum-Griffin, is curbed in many locals and that those who speak out can be punished for "disloyalty." [27]

Footnotes at end of article.

In the employee bill of rights that we filed we had a provision that prevented that, prevented indiscriminate fining of union members by the unions such as this.

Fox further noted that the financial reports unions must file do not provide adequate information.

Incidentally, with regard to indiscriminate fining of union members, although we have that in the employee bill of rights, that was conveniently ignored as the so-called reform bill came out of committee.

DISCRIMINATION

The propensity of organized labor to discriminate against nonmembers and racial minorities is well known. Herbert Hill of the National Association for the Advancement of Colored People (NAACP), has said that there exists in the building trades unions "a nationwide continuing pattern of racial discrimination." [28] at the NAACP's 66th annual convention in July 1975, Hill Observed that—

A vote for trade union seniority is a vote against black people.

This discrimination may occur at the local union level, but sometimes it comes from much higher up. The U.S. Department of Labor once ruled that the ILGWU constitution prevented democratic elections and that the union illegally interfered with the political rights of black challengers to appear on the ballots and to distribute campaign literature.[29] Even something as subtle as a $3,000 entrance fee may keep out a minority who wants to join a union. John A. Senna wanted membership in Plumbers and Steamfitters Local 77 in New Bedford, Mass., but could not get a union job until he filed a complaint with the Massachusetts Commission Against Discrimination. Said Armand O. Demanche, Business Manager of Local 77:

Senna can abide by union rules or go back to nigger outfits, or back to the cotton fields, for all I care.[30]

In many cases, however, unions have undertaken a pattern and practice of job bias against minorities. In United States against Local 189, Paper-Workers (Crown Zellerbach),[31] the white local discriminated against blacks in promotion, training, seniority and other employment areas. In United States against Iron Workers Local 86,[32] the local was found to have had a pattern and practice of bias in membership, training, and referral. In EEOC against Local 638, Steamfitters et al,[33] Local 28 of the Sheetmetal Workers Union and its Joint Apprentice Committee were found to have engaged in denial of access to blacks in membership and training. In a related case,[34] Local 638 was found to have committed a pattern and practice of race discrimination against blacks and Puerto Ricans in violation of title VII of the Civil Rights Act of 1964.[35]

We can go on and on, but these give just a few illustrations.

With regard to the pattern of violence that erupts, union malpractices are not limited to so-called labor laws, but extend into areas which are subject to criminal sanctions. One of these areas is violence, which is common in building trades industry labor disputes, because sites are accessible and employers may be unable to protect widely distributed work locations. The Carter administration has not explained why unions that dynamite, maim, and burn should be entitled to "equal access" to an employer's project or should be given quickie elections and extra back wages. If there is doubt that violence exists, the following exposition should dispel it.

In the early 1970's, Local 675 of the International Union of Operating Engineers in Fort Lauderdale, Fla., was ordered five times by Florida courts to stop beating up workers and destroying construction equipment. A jury awarded $1.2 million to a man savagely beaten during a union raid on a nonunion project, and both the local and its parent international were held responsible.[36] In 1970, Local 675 members rushed from a site in Hallandale, Fla., where their beatings and burnings had done $50,000 damage, to a Fort Myers public housing project where they wrecked an office, firebombed a crane and lashed the foreman with a chain. Even though some of the assailants were identified, no convictions were obtained.[37]

On Florida's west coast in 1972, over 50 union supporters beat 7 nonunion men digging trenches on Marco Island. A deputy sheriff was beaten with a pipe wrench and one worker had three ribs broken and steel shavings poured in his eyes. The "wrecking crew" also offered to "cut off his hands and put them in his back pocket." Union violence has continued at Marco Island for several years.[38]

On April 6, 1970, about 1,500 union construction workers overran a Palm Beach, Fla., facility being built nonunion by Spreen Volkswagen, axed the new roof, battered down concrete walls, firebombed trucks and trailers and sledgehammered and burned many new VW's and Audis parked in rows on the lot. Of 11 indictments obtained, 8 men were convicted.[39]

Six members of Florida Ironworkers Local 402 were indicted in connection with a bomb manufacturing ring, and with conspiring to blow up a nonunion Vero Beach firm. In an April 1973 explosion, that firm suffered shattered windows and a destroyed concrete storage site.[40]

Even disputes between unions can be costly. William Beck, former business agent of local 803, Pipefitters in Orlando, Fla., was convicted along with two other local 803 members, on charges of bombing a carpenter's union hall and causing $500,000 damage. Beck was angry, because some of the carpenters' members crossed his union's picket line. (Beck also had hired an expipefitter to vandalize nonunion projects and equipment between 1969 and 1973.)[41] Joe Valdastri of Florida Sheetmetal Workers Local 223, commenting on the problem of jurisdictional disputes (in violation of section 8(b)(4)(D)), observed that 300 to 500 men typically have a showdown on a site with two-by-fours and pipes, and "we've had two of those in the last 3 years." [42]

Of course, Florida has no corner on the market for labor violence. Washington, D.C., got a taste of it when local 6, pressmen, struck the Washington Post, a liberal and usually editorially prounion paper.

I might add that the Post has come out with three editorials against this bill until this last week, when it came out with an editorial for it, contradicting all three of the prior editorials, which may show the consistency of much of the Post's writings in the eyes of some people.

Employees were beaten in this Washington Post pressmen's problem, vandalism committed, and threats made.

One employee's wife was told:

We're going to kill you and the baby, if we see you on the street.

That was quoted in a statement by the Post publisher, in the Washington Post, December 11, 1975, page Z14. Several members of Local 6 were indicted and convicted of the destruction of the Post's pressroom.

In North Carolina, the conviction of a Textile Workers Union member to conspire to bomb a struck textile mill was upheld.[43] In another textile case, the Central Massachusetts Joint Board of the Textile Workers Union, AFL–CIO was found in violation of section 8(b)(1)(A) of the NLRA for threatening and assaulting nonstriking employees and for kicking the company's vice president as he led workers into the plant.[44] In 1972, union construction workers went on a rampage in Michigan wrecking nonunion construction projects in Lapeer in June, tearing down cement block walls at a W. T. Grant site in October, and storming and firebombing the new Walter Reuther Junior High in December.[45] In an effort to restrain this violence, an NLRB charge against four international unions (ironworkers, laborers, roofs and carpenters), the Michigan Building and Construction Trades Council, and several local unions and officials was filed. This action was settled by a consent decree filed with the U.S. Court of Appeals for the Sixth Circuit,[46] in which unions promised an end to violence.

On August 26, 1974, over 1,000 men stormed a nonunion shopping center project in Swansea, Mass., injuring 10 and causing several hundred thousand dollars damages.[47] Also in 1974, Local 1181 of the Amalgamated Transit Union of metropolitan New York was suspected of being behind the vandalism that put 75 buses used to transport handicapped children out of commission.[48]

No area or type of industry is immune. In February of 1976, a bomb blew two fingers off the right hand of Patrolman George Johnson as he picked up a piece of pipe that had been thrown against the offices of the Delaware County, Pa., Daily Times. Since the strike against the paper by Local 10 of the Greater Philadelphia Newspaper Guild began several months earlier, the paper's lobby had been firebombed and an underground explosion had been caused by

Footnotes at end of article.

igniting gasoline poured into a vent.[49] During the summer of 1976, 11 suburban Chicago restaurants were bombed in what Larry Buckmaster, president of the Chicago and Illinois Restaurant Association called a union organizing effort with heavy arm twisting. Union organizers would ask employers whether they had heard about what happened down the street. All the bombings occurred within the jurisdiction of Local 450, Hotel and Restaurant and Bartenders International Union (H. & R. & BIU), the local where H. & R. & BIU President Edward Hanley got his start.[50]

Death is not an unknown visitor where labor violence is found. In 1973 in St. Joseph, Mo., Charles E. Smith, business agent for a striking sheetmetal worker's local, was killed by a blast from a 12 gage shotgun he allegedly had used to sabotage metal work being done despite the strike. The three men charged in Smith's death were all affiliated with the union, including one representative from the parent international.[51] And on January 15, 1976, Joe Hooper, a 26-year-old construction worker was gunned down while he crouched in an office trailer during an attack by 150 Louisiana AFL–CIO Building Tradesmen on a Jupiter Chemical Co. project in Lake Charles. Employees on the project were members of a non-AFL–CIO union. Officials of the Southwest Louisiana Building Trades Council and 15 other men were indicted in the attack and charged with crimes up to and including murder.[52] And the U.S. Department of Justice's "Coal Strike Incidents Daily Summary Report" for March 24, 1978, showed to date two fatal assaults and 34 bombings, as well as 72 "disruptions" covering 17 railroad sabotages, 6 gunfires at persons, and 16 property damage of mines.

Although it does not appear that they have killed anyone yet, Local 30, Roofers, of Philadelphia and its members are something of a legend when it comes to quantity of violent actions. In July 1974, the Philadelphia Bulletin did a series of reports of Local 30 and provided a litany of examples of Local 30's ferocity.[53]

Richard Harper, a Bryn Mawr, Pa., contractor, was warned by Local 30 about using a nonunion roofer on a King of Prussia, Pa., warehouse project. Two Local 30 officials, Stephen J. Traitz and Carlton Brown, visited the site and told the foreman "you don't heed very well, do you?" A few days later Harper's office trailer was burned. The nonunion roofer, Louis Welch of West Philadelphia whose only crew includes his two sons, a son-in-law and one other, was told that if he completed Harper's job he was a "dead man."

On June 5, 1972, 1,000 pickets from the Philadelphia Building Trades Council arrived in buses chartered by local 30 ("for a picnic") at the site of a Sheraton Hotel being constructed by Leon J. Altemose, a nonunion general contractor. Overrunning the site, the pickets threw firebombs, wrecked equipment, and did an estimated $300,000 worth of damage. Of the 23 arrested, 17—all but one members of local 30—have been convicted. Philadelphia Inquirer, September 7, 1975. Ten months before this attack, Traitz had warned Altemose that something "stronger than picketing" would happen unless Altemose went 100 percent union. Altemose says he was threatened at least 50 times by the unions, and on August 18, 1972, he was beaten during the lunch hour on a downtown Philadelphia street by persons he identified as local 30 members. Three local 30 members, including Traitz were arrested, but later acquitted.

Kitson Bros., Inc. is a nonunion roofing company in the Philadelphia area. In February 1973, its employees rejected membership in local 30 in an election.[54] In May, local 30 pickets appeared at a job Kitson was doing for Container Corp. of America, and Kitson's employees fled to a diner where they were attacked by 12 men, including one identified as Traitz. Because local 30's picketing stopped other work on the project, 2 weeks later Kitson lost the job. In February 1973, Kitson workers fled five or six carloads of men at a Standard Pressed Steel project in Fort Washington, Pa., and did not return. In August 1973, Kitson equipment received $4,000 in vandalism at a Bucks County, Pa., project. In all, Kitson estimates that local 30 has cost him about $60,000 in damaged property alone.

Traitz was there on July 25, 1972, when local 30 picketed a Bethlehem Steel plant in Pottstown, Pa., over the use of a Pittsburgh union roofing firm. One Bethlehem employee was punched in the face.

In August 1972, a nonunion Ephrata, Pa., firm was roofing a Holiday Inn addition in Chester County, Pa. Local 30 pickets appeared and the nonunion employees fled, but a witness saw union men puncture the tires of another contractro's vehicle on the signal of a local 30 business agent.

Local 30 gets across the Delaware River to New Jersey, too, as Nicholas Karnavas was sorry to discover. He is a nonunion roofer who spent 6 days in the hospital with a broken nose, cracked ribs, head gashes and cuts and bruises after being clubbed, along with two of his employees, on a Camden jobsite. Karnavas had refused to join local 30 earlier, and its business agent, Joe Enright, was present at the beating. The Camden Housing Authority chairman at the time, Joseph P. Di Renzo, also was president of the United Building Trades Council of Camden County and vicinity, and he said picketing could continue until Karnavas joined the union or paid union rates. (A review of the records by the Bulletin showed that Karnavas was paying union rates.) Subsequently Karnavas subcontracted the work to a union firm.

Even former members of local 30 who go into the roofing business for themselves do not fare well with Local 30 if their business is nonunion. Such a person was William Hargrove of Camden, N.J. On one occasion he watched a carload of men smash his truck's windows, slash its tires, and chase him with baseball bats. Afterward, local 30 officials suggested that he stay off the job. But on May 26, 1973, Hargrove was in his shop with five employees when 50 to 60 Local 30 members appeared, throwing bricks and wrecking his equipment. Police were unable to disperse the mob, and while the police were distracted, some local 30 members threw tear gas bombs into the building. Hargrove drove them off by firing a shotgun into the ceiling.

Minutes after local 30 roofers warned the general contractor on a Cherry Hill, N.J., project that the roofer, I. Alper Co. of Camden, was not paying a union rate, the general contractor's office trailer burned. Alper was replaced by a union contractor.

Back in Pennsylvania, 15 men carrying baseball bats hand lettered "local 30" beat six nonunion roofers in Springfield Township. All had broken bones, but the only black worker, Benjamin Hayward of Philadelphia, was savagely clubbed and had a broken right arm and a fractured skull. A local 30 member who complained about the Hayward beating was later found shot to death. A local 30 member was tried twice in the case—one jury could not agree and one acquitted him. During the trial, the prosecuting attorney had 14 officials of local 30 ejected for "staring down" jurors.

On August 17, 1974, four shots fired from a moving car peppered the jobsite where nonunion roofers were working near Norristown, Pa. Police were of the opinion that it was probably Local 30, the "same gang that was involved in the Altemose affair."[55] The NLRB is familiar with Local 30, too. In one case, Local 30 violated section 8(b)(1)(A) by mass picketing, blocking entry, physical assaults on employees and supervisors, threats to employees and families, chasing employees and damaging and destroying equipment.[56] For Local 30 incidents involving Kitson Brothers, Inc., including picket line violence against employees and their property as well as blocking access to traffic (including an ambulance), the Board found violations of section 8(b)(1)(A).[57]

In response to the widespread campaign of intimidation against nonunion contractors in the Philadelphia area, the Chamber of Commerce of the United States, Altemose Construction Co. and Associated Builders and Contractors have filed an antitrust suit against the Philadelphia Building Trades Council and its member unions arguing basically that they are using violence to control markets and to restrain competition.[58]

Lastly, the Colorado Bureau of Investigation (CBI) uncovered a pattern of crime in which a union official would seek a union shop agreement, and if the contractor refused the structure being built would burn just prior to completion. Then the union official would make a second visit to see whether the employer was ready to sign up. In 1972 and 1973 these fires did $2.1 million and $2.7 million damage in Colorado respectively, but through the use of undercover agents the CBI was able to get convictions of two Colorado union leaders for arson and one New Mexico unionist for explosives.[59]

Since much of the labor violence occurs during union organizing efforts, and

Footnotes at end of article.

since the proposed labor law reform legislation will encourage if not assist organizing, it is reasonable to expect that the enactment of S. 2467 will increase the amount of labor violence. It is more difficult, however, to determine why President Carter supports legislation which would benefit unions which have been shown to be repeat violators of the NLRA and those for which violence is part and parcel of their way of life. But pattern violations and violence are not the only union malpractices not addressed by S. 2467. Union corruption is an area that has been getting more attention because it is becoming more of a problem.

(NOTE.—For the reader's information, a copy of an actual NLRB order to remedy a union violence related unfair labor practice charge is attached as Attachment A. It may be educational for some, but to others it is all too common.)

Mr. President, I ask unanimous consent to have this document printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

ATTACHMENT A

Operating Engineers Local 101 (17–CB–1761; DS–1001), Kansas City, Mo. Oct. 26. Pursuant to stipulation, the Board ordered the Union to cease restraining and coercing employees of The Heavy Constructors Association of the Greater Kansas City Area and its members; assaulting nonstriking employees; engaging in mass picketing and trespassing on jobsite(s); entering a trailer on a jobsite and damaging and destroying documents; slashing a job superintendent's truck tires at a jobsite; following employees from jobsite(s), firing a gun at them and brandishing clubs; blocking and hampering ingress and egress to the premise(s) or jobsite(s) of the Association and its members; threatening to assault a nonstriking employee; hitting trucks crossing the picket line with baseball bats, causing damage to these vehicles; and hitting and damaging motor vehicles driven by nonstriking employees.

The Union was further ordered to cease trespassing on jobsite(s) while carrying clublike objects and taking pictures of nonstriking employees; throwing dirt on nonstriking employees and threatening them with physical harm; bringing a cannon to various jobsites and aiming it at nonstriking employees; threatening to blow up jobsites and going through the motion of loading and aiming the cannon; striking employees with picket signs and otherwise assaulting and causing physical harm to nonstriking employees and other persons entering and leaving jobsite(s); damaging motor vehicles and other property of employees, suppliers, customers and supervisory personnel as they enter and leave jobsite(s); throwing rocks and other objects toward nonstriking employees, supervisory personnel, suppliers or customers entering, or attempting to enter, or exiting from jobsite(s); and by other acts of violence, or threats of violence, restraining or coercing employees of the Association and its members in the exercise of their rights under the Act.

(Chairman Fanning and Members Jenkins and Murphy participated.)

Charges filed by The Heavy Constructors Assn. of the Greater Kansas City Area; all-party stipulation entered into July 22, 1977.

CORRUPTION

Mr. HATCH. Mr. President, organized crime participation in labor racketeering was the focus of hearings beginning April 24, 1978, before the U.S. Senate Permanent Subcommittee on Investigations.

Acting Deputy Attorney General Benjamin R. Civiletti testified that labor-management racketeering is "one of the priority areas for strike force investigations." Mr. Civiletti said that there are several hundred syndicate-influenced unions, mostly concentrated in a handful of national or international labor organizations and the problem is getting worse. He went on to give examples of the types of criminal activity the Department of Justice is examining: First, no-show or ghost employees who are frequently organized crime members paid for doing no work; second, kickbacks to trustees of pension funds in return for loans to questionable investment projects which are in turn looted; third, payoffs to union officials in return for their keeping employer labor costs down; and fifth, embezzlements from union treasuries. Mr. Civiletti noted that these practices cost either the consumer or the employee money.

I might add that, generally, it costs both of them money. It is about time somebody starts standing up for the employees in this country and not worrying too much about the big corporations or the big unions, but worry about whether the employees are being treated properly and whether they are being treated fairly.

Mr. Civiletti listed several recent successful prosecutions of union officials:

First. Richard Nell, former president of Local 675 IUOE, convicted in 1977 of seven counts of embezzlement, was sentenced to serve 8 years in jail and to pay a $10,000 fine. "Nell and his associates had been responsible for considerable labor violence in southern Florida, including destruction of equipment, beatings, bombings, extortion, and bribery." [62]

Second. Bernard G. Rubin, convicted of embezzling assets from six labor union organizations and funds in 1975, was sentenced to 5 years in jail, a $50,000 fine, and forfeiture of all union offices.

Third. Michael C. Bane was convicted in December 1975 of embezzlement of benefit and union funds and mail fraud on Local 794, Hotel and Restaurant and Bartenders International Union (Pontiac, Mich.) by giving himself bonuses and obtaining reimbursement for nonexistent expenses.

Fourth. In 1976, Irving Stern, international vice president of the Meatcutters, and Moe Fliss and Nicholas Abondolo, officials of Local 342, Meatcutters, pled guilty to tax evasion in cases arising out of charges that they accepted bribes from employers and were sentenced to terms of from 4 to 6 months in jail.

Fifth. Also in 1976, Charles L. O'Brien, an international Teamster organizer and head of Local 212, IBT, (Detroit), was convicted of accepting a bribe from an employer and was sentenced to 1 year in jail and fined $2,500.

Sixth. In April 1977, Joseph M. Bane, Sr., president of Local 614, Teamsters (Detroit) was convicted of embezzlement of union funds and mail fraud after a 4-week jury trial.

Seventh. In July 1977, John Priore pled guilty to extortion, bribery and embezzlement in running Local 690 of the Amalgamated Workers Union of North America (Brooklyn, N.Y.).

Eighth. An ongoing Justice Department investigating into racketeering in the International Longshoremens' Association has already resulted in indictments against a number of ILA officials and businessmen.

Ninth. David Frye, chief steward for Teamster Local 714 (Chicago) was convicted of 73 counts of Taft-Hartley violations and one racketeering count and was permanently enjoined from participating in union activities in March 1978.

The statement of Robert C. Stewart, attorney in charge of the Newark, N.J., and Buffalo, N.Y. Justice Department field offices, shows how crime syndicates use their control of some local unions to protect them for tax purposes and to influence the economic lives of ordinary citizens, and how they manage to keep criminals in the union's power structure.[63] Stewart mentioned that even though extortion, property damage, and other misconduct by a Niagara Falls, N.Y., local is well known, an atmosphere of intimidation makes it difficult to prosecute. Stewart believes that these crime dominated locals threaten the economic life of the community, because business is unwilling to exist in that environment.

Stewart mentioned that one of Rochester, New York's most powerful unions is controlled by a syndicate boss who used it to force competitors of a company he owned out of business.[64] Stewart discussed the problem of kickbacks required for local membership, selling of jobs to the highest bidder, corrupt union stewards encouraging theft (and providing fencing outlets) employers fearful of labor trouble if they complain, the beating of honest union stewards who demand work of "ghost" employees as an object lesson, and extortion of kickbacks from employers as the price of labor peace.[65]

Stewart went on to discuss the apparent effort of an individual controlling a $150-million benefit fund to get kickbacks for placing fund money in loans. The individual had an annual income in 1974 of almost $100,000 from several funds and local unions. Stewart testified as to how organized crime uses its contacts in unions to keep things quiet while the syndicate drains money out of companies. Stewart testified as to the connection of a 12,500-member northern New Jersey local with convicted criminals, its total domination by organized crime, and an occasional murder.[66] Employer payments for nonexistent services to insure labor peace become commonplace, and misuse of member benefit funds routine with labor racketeering.

Strike force attorney Douglas Roller of Cleveland told the Senate subcommittee that in Cleveland a great number of union officials are either organized crime figures or are associates of them. A Miami Justice Department attorney

Footnotes at end of article.

said that at least four or five major south Florida unions are rampant with labor racketeering. This is found in the Daily Labor Report cited at footnote 61.

In spite of pervasive evidence of corruption, union leaders seems to feel little obligation to do anything about it. For example, Leonard Woodcock, president of the UAW, has said:

> The instinctive tradition of the labor movement is that it's not our job to clean up corruption. It's sort of traditional that we don't cooperate with the government on those things because the government to some extent is the perennial enemy.[67]

I am continuing my remarks from this morning where we went into the National Labor Relations Act violations by unions, where we discussed a large number of those, where we discussed discrimination against blacks and others, where we discussed union violence and, of course, where we discussed union corruption.

We are now in the middle of the discussion on union corruption, and I think it is important, because all we hear about are those few companies, such as J. P. Stevens, which the unions constantly cite as a reason to have this awful bill.

Frankly, the malpractices committed by the labor movement in some areas are not corrected by this bill any more than the J. P. Stevens problem, which they cite, is corrected by this bill.

This bill happens to be an easy organizing bill.

Mr. President, I am going to continue with regard to union corruption.

Union corruption is everywhere and it has a severe impact on the cost of doing business. One Justice Department official said that an official of Local 842, IUOE (New Jersey) doubled the cost of building a pipeline in New Jersey compared to surrounding States by extorting money from contractors and forcing them to subcontract to his friends.[68] In February 1978, the U.S. Department of Labor filed a suit against 17 former trustees of the $1.4 billion teamsters central States pension fund attacking questionable loan practices and imprudent management.[69]

The Justice Department and Department of Labor are investigating possible misuse of member funds and possible ties between the 430,000-member Hotel and Restaurant and Bartenders International Union's officers and organized crime.[70] In a series on this union, the Chicago Tribune reported that H. & R. & BIU President Edward Hanley received favorable loans from financial institutions serving as depositories for his union and from institutions connected with hotels where his union represents the employees.[71] Some of the union's officials have been charged or convicted of crimes ranging from burglary to acceptance of benefits from employers and extortion. Others have other jobs as well.[72]

Some of the corruption is minor, such as the President of H. & R. & BIU Local 355 (Florida) who was convicted of seeking a discount on a hotel room from an employer of H. & R. & BIU labor[73] or officials of Retail Clerks International Association Local 400 (Metropolitan Washington, D.C.) being arrested for paying $1,000 to a drug store chain employee for the names and addresses of the chain's 4,500 employees.[74]

Other corruption is more shocking such as the apparent use of the Teamsters Union by Gerardo Carena, a reported New Jersey Mafia chieftain, to force his detergent product into New York and New Jersey foodstores. A. & P. resisted and two of its store managers were murdered and five stores burned.[75] In another case, the garbage carting industry in New York City is virtually controlled by Mafia companies having strong Teamster ties.[76] The head of the New Jersey Teamsters, Anthony Provenzano, has been indicted in an alleged conspiracy to arrange a kickback on a $2.3 million loan from union funds.[77] One might content that the pattern and practice of violence, violations of the NLRA and corruption by local unions is coincidental and exists without the guidance or support of the parent international unions. There is evidence, however, to the contrary. For example, in *Kaiser Roth Corp.* v. *Textile Workers*, 479 F. 2d 524 (6th Cir. 1973); cert. denied. 414 U.S. 976 the court upheld a lower court finding that officials of the parent Textile Workers Union of America had "personally participated in, observed, supervised, and controlled the activities of the strikers." These activities included obstructing entrances to the plant, blocking, stoning, and overturning cars of nonstrikers throwing nails and glass on the road and slashing truck tires. The court found that international representatives told the pickets to use any means to keep employees out of the plant, including stripping off the clothes of nonstrikers if necessary. An award of $1.16 million to the company for losses and damages was upheld by the appeals court.

Even if repeated union violations of the NLRA, labor violence and labor racketeering were not enough to raise questions in the minds of supporters of S. 2467, including President Carter, the cost of putting the legislation into effect and its impact on the economy should give pause to its enactment.

COST

The general counsel of the NLRB, John Irving, has estimated that it will cost the agency an additional $28 million to hire the extra 900 employees. This does not include the $2 million it would cost to add 2 new Board members and their staffs of 20 attorneys each plus clericals.[78] Among other things, Mr. Irving predicted an increase in the number of organizing attempts leading to a 20-percent increase in Board election proceedings and a 6-percent increase in unfair labor practice cases. He also said that the bill's equal access provision, which is about the same as S. 2467's, would produce increased litigation, because the statutory language leaves many issues to be resolved by the courts. Increases in representation case hearings would be expected, reducing consent or stipulated elections from the present 75 to 40 percent and employers would be less likely to agree to backpay which would be double ordinary pay under H.R. 8410.

In S. 2467 back pay would be 1½ times the regular rate for unlawful discharges during organizing campaigns or while bargaining for a first labor contract.

Economists have estimated that the proposed labor law amendments would increase U.S. inflation and impact severely on small business.[79] The increase in unionization would not only increase unit labor costs, but also the number of hours lost due to work stoppages. A strike can be very costly to an industry and the surrounding community. For example, a 2-week strike by the Hotel and Restaurant and Bartenders International Union cost the Las Vegas tourist industry $26 million in March 1976.[80]

The question is whether U.S. taxpayers and consumers can afford this bill.

CONCLUSION

A careful examination of the country's problems with organized labor's pattern and practice violations of the NLRA, violence and corruption shows that the so-called labor reform legislation, S. 2467/H.R. 8410, will do nothing to stop the malpractices and may even make these problems worse. It is time for every American, including President Carter, to ask himself or herself whether blindsided reform deserves to become law when so much other needed labor reform will be overlooked.

Mr. President, I ask unanimous consent that attachment A and the footnotes with regard to the remarks that I have made throughout the day be incorporated within the RECORD throughout at the appropriate places and at the end of the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOTNOTES

[1] Of the more than 9,000 representation elections held in fiscal 1975 by the NLRB, 82% were held between 12 and 44 days from the filing of the petition for election. NLRB oversight hearings 4, 94th Cong. 2d Session (1976). And in fiscal 1977, of 9,960 certifications issued by the NLRB, 8,116 followed elections by consent or stipulation. 42d Annual Report of the NLRB, Table 10, p. 287. As far as unfair labor practice proceedings were concerned, of 37,602 cases closed in fiscal 1977, only 2.3% were decided by the Board itself and 1.2% went to a circuit court of appeals. Id, Table 8, p. 285. These statistics reject the notion that massive employer racalcitrance is undermining the effectiveness of the Board's procedures.

[2] "Proposed Labor Law Amendments Would Increase U.S. Inflation, Impose Major Economic Burdens on Small Business," Press Release, Rinfret Associates, Inc., New York, N.Y., (April 11, 1978).

[3] *Local 294, International Brotherhood of Teamsters (August Bohl Construction Co.)* 183 NLRB No. 104 (1970), enforced *NLRB v. Local 294, I.B.T.*, 79 L.R.R.M. 2928 (2d Cir. 1971).

[4] *Local 294, I.B.T.* 193 NLRB No. 138 (1971), enforced *NLRB v. Teamsters Local 294*, 81 L.R.R.M. 2920 (2d Cir. 1972).

[5] *Local 294, I.B.T. (Time-D.C., Inc.)*, 203 NLRB No. 174 (1973).

[6] *Local 294, I.B.T. (Rubber City Express)*, 204 NLRB No. 92 (1973) enforced *NLRB v. Local 294, Teamsters*, 90 L.R.R.M. 2843 (D.C. Cir. 1973).

[7] *Local 294, I.B.T.*, 222 NLRB No. 45 (1976).

[8] *Local 294, I.B.T. (Gene Graham Ford, Inc.)*, 188 NLRB No. 81 (1971).

[9] *Vincent v. Local 294, I.B.T.*, 75 LRRM 2858 (N.D. N.Y. 1970).

[10] *Local 294, I.B.T. (Eastern New York Construction Employers)*, 192 NLRB No. 22 (1971).

[11] *Local 294, IBT (Rexford Sand & Gravel Co.)*, 195 NLRB No. 75 (1972).

[12] *Local 294, IBT (Northeast Industrial Park, Inc.)*, 196 NLRB No. 48 (1972).

[13] *Local 294, IBT (John Warren, Inc.)* 203 NLRB No. 185 (1973).

[14] In 1971, Local 676 was adjudged in civil contempt for repeatedly ignoring a court order to cease its secondary boycott activity directed at neutral employers and employees. The appeals court was so angry that it indicated future violations by the local would result in a $20,000 fine and a $2,000 per day penalty. *NLRB* v. *Local 676, IBT*, 78 LRRM 2417 (3d Cir. 1971). In another case, Local 676 threatened to beat employees and pointed a gun at them, in violation of § 8(b)(1)(A). *Teamsters Local 676, IBT (DeSimone Cadillac Co.)* 230 NLRB No. 109 (1977).

Local 671, IBT violated § 8(b)(1)(A) in 1971 by failing to adequately represent part-time employees in the unit who were not union members. *Local 671, IBT (Airborne Freight Corp.)* 199 NLRB No. 167 (1972). In 1975, Local 671 was found to have picketed in violation of the NLRB's organizational picketing rules, and an injunction to stop this was obtained by the NLRB. *Fuchs* v. *Local 671, IBT*, 90 LRRM 2934 (D. Mass. 1975).

Local 70, IBT has been found guilty of refusing to bargain in good faith *Local 70, IBT (Granny Goose Foods, et al)* 195 NLRB 454 (1972), *Local 70*, IBT (California Trucking Assn.), 194 NLRB 674 (1971) and discriminating against members who it thought opposed incumbent officials of the local *Local 70, IBT*, 197 NLRB 262 (1972). *Hoffman* v. *Local 70, IBT*, 85 LRRM 2353 (9 cir. 1974) affirmed a contempt citation given for disregard of picketing restrictions. In *Hoffman* v. *Local 70, IBT*, 88 LRRM 3509 (ND Cal 1975) NLRE got an injunction against violations of secondary boycott provisions committed by Local 70.

[15] *NLRB* v. *Local 3, IBEW*, 58 LRRM 2003 (2d Cir. 1964).

[16] As described by the U.S. Court of Appeals for the Second Circuit, after a warning to New York Telephone Company officials by Thomas Van Arsdale, Local 36 business manager, "a number of interruptions began to occur on Manhattan projects. On September 9, employees of Comstock (represented by Local 3) on a job at 94th and Park Avenue, and employees of Lord (represented by Local 3) at a job on Madison Avenue, refused to install wire and cable. On September 10, a Livingston foreman, a member of Local 3, refused to do a job at One Liberty Plaza involving deliveries by management personnel. On the same day Livingston employees (represented by Local 3) at 1409 Broadway refused to accept deliveries from 'strike-breakers.' On September 17, Livingston electricians at 919 Third Avenue refused to install material delivered by Telco personnel." *NLRB v. Local Union No. 3, IBEW*, 477 F. 2d. 260, 263 (2d Cir. 1973).

[17] See *Kayward v. Local 3, IBEW*, 76 LRRM 2795 (E.D.N.Y. 1971) (Injunction granted to prevent violations of § 8(b)(4)(i) & (ii)(B) & (D); *McLeod v. Local 3, IBEW*, 80 LRRM 2557 (S.D.N.Y. 1971) (Injunction granted to prevent violation of § 8(b)(4)(i) & (ii)(B) and *McLeod v. Local 3, IBEW*, 337 F. Supp. 31 (S.D.N.Y. 1971) (Union held in contempt for violation of order in 80 LRRM 2557).

[18] *NLRB. v. Local 3, IBEW*, 467 F 2d 1158 (2d Cir. 1972) (Enforcing NLRB finding of violations of § 8(b)(4)(i) & (ii)(B); and *NLRB v. Local 3, IBEW*, 477 F.2d 260 (2d cir. 1973).

[19] *Danielson v. Local 3, IBEW (Diesel Construction)*, 82 LRRM 3114 (S.D.N.Y. 1973).

[20] *Local 3 IBEW (Mansfield Contracting Co.)* 205 NLRB 559 (1973): Union tried to interfere with contract awarded to employer with teamster employees in violation of § 8(b)(4)(i)&(ii)(B); *Local 3, IBEW (Hylan Electric Co. Inc.)* 204 NLR (1973: Union picketed site when primary employer was absent in violation of § 8(b)(4)(i)&(ii)(B), and failed to name particular employer on sign; *Local 3, IBEW (Madison Square Garden Inc)*, 202 NLRB 722 (1973): in violation of § 8(b)(4)(ii)(D) union tried to get work already assigned to other union workers; *Local 3, IBEW (Wickam Construction Co.)* 220 NLRB 785 (1975) enforced *NLRB v. Local 3*, 93LRRM 2417 (2d Cir. 1976) union pressure on school board to avoid contractors not represented by Local 3; and *Local 3, IBEW (Gessin Construction Co.)*, 93 LRRM 1070 (1976) enforced *NLRB v. Local 3, IBEW*, 96 LRRM 2106 (2d Cir. 1977): Local 13, violated organizational picketing rules.

[21] See *IUOE Local 825 (R. G. Maupai Co.)*, 135 NLRB 578 (1962); enforced *NLRB v. Local 825 IUOE*, 315 F. 695 (3d Cir. 1963).

[22] For example see:

I.U.O.E., Local 825 (Building Contractors Association of New Jersey), 118 NLRB 978 (1957);

Local 825, I.U.O.E. (Charles Simkin & Sons, Inc.), 120 NLRB 809 (1958);

Booth and Flinn Co., 120 NLRB 545 (1958);

I.U.O.E., Local 825 (Fluro Electric Corp.), 128 NLRB 725 (1960);

I.U.O.E., Local 825 (Carleton Bros. Co.), 131 NLRB 452 (1961);

I.U.O.E., Local 825 (R. G. Maupai Co.), 135 NLRB 578 (1962); enf'd 315 F.2d 695 (3d Cir. 1963);

I.U.O.E., Local 825 (Schwerman Co. of Pa., Inc.), 139 NLRB 1426 (1962);

I.U.O.E., Local 825 (United Engineers and Constructors, Inc.), 138 NLRB 279 (1962), enf'd 322 F.2d 478 (3rd Cir. 1963);

I.U.O.E., Local 825 (Building Contractors Association of New Jersey), 145 NLRB 952 (1964), enf'd August 5, 1966, by consent decree in Civil No. 15,928;

I.U.O.E., Local 825 (Nichols Electric Co.), 137 NLRB 1425, enf'd in part F.2d 213 (3d Cir. 1964), adjusted in criminal contempt (3d Cir.) *cert.* den. 379 U.S. 934;

I.U.O.E., Local 825 (Peter Weber, President and business Manager) and Utilities Line Construction Co., Inc., 159 NLRB 1416.

Local 825, I.U.O.E. (American Dredging Co.) 168 NLRB 193 (1967), enf'd sub. nom. *N.L.R.B.* v. *Weber*, F.2d 387 (3rd Cir. 1967);

Local 825, I.U.O.E. (Morin Erection Co.), 168 NLRB No. 1 (1967).

Local 825, I.U.O.E., 162 NLRB 1617 (1967); enf, den. F.2d 5 (3rd Cir., 1969); reversed and remanded *sub nom Burns & Roe* v. *Local 825, I.U.O.E.; NLRB* v. *Local 825, I.U.O.E.; NLRB* v. *Local 825, I.U.O.E.*, 400 U.S. 297 (1971).

NLRB v. *Local 825, I.U.O.E.*, 430 F.2d 1225 (3rd Cir., 1970), adopting a Special Master's recommendation that Local 825 be adjudged in civil contempt by reason of its contemptuous misconduct on three separate construction site projects, in violation of prior secondary boycott court decrees.

Local 825, I.U.O.E. (Humble Oil & Refining Co.), 195 NLRB 322 (1972).

[23] *Noranda Aluminum Inc. v. United Brotherhood of Carpenters et al*, 528 F.2d 1305 (8th Cir. 1976); *cert.* denied, 93 LRRM 2363.

[24] 29 U.C.S.A. § 411(a)(5); *Simmons v. Local 713, Textile Workers*, 60 LRRM 1035 (4th Cir. 1965).

[25] *The Unions*, Johnson and Katz, The Washington Post Company (1972) p. 165.

[26] BNA *Daily Report for Executives*, No. 63, p. CC–1 (March 31, 1978).

[27] Id, p. CC–3.

[28] *The Washington Post*, June 2, 1975.

[29] *The Unions, supra*, p. 165.

[30] *The Boston Globe*, September 1, 1976.

[31] 9 FEP Cases 1178 (ED. La. 1968), aff'd, 1 FEP Cases 875 (5th Cir. 1969), *cert.* denied 397 U.S. 919 (1970).

[32] 2 FEP Cases 741 (W.D. Wash. 1970), aff'd, 3 FEP cases 496 (9th Cir. 1971).

[33] 12 FEP Cases 712 (S.D.N.Y. 1975); remanded 12 FEP Cases 755, (2d Cir. 1976), aff'd as modified, 15 FEP Cases 1620 (2d Cir. 1977).

[34] 6 FEP Cases 319 (S.D.N.Y. 1973). This was affirmed in *Rios v. Steamfitters Local 638*, 8 FEP Cases 293 (2d Cir. 1974), where the court noted that the union had a long standing policy of egregious discrimination on the basis of race. 8 FEP Cases at p. 301.

[35] To the extent that the signatures of international union officials on industry wide EEO consent decrees indicate responsibility at the parent union level for employment discrimination, it might be that high union officials play a larger role in the activities of locals than is normally assumed.

[36] *The Unions, supra*, p. 151–3, Local 657's president was convicted of trying to bribe a state government official, and then assessed his members to pay his attorneys' fees. The U.S. Department of Justices' investigation into the local collapsed because witnesses refused to testify. Id at p. 163.

[37] "The Tyranny of Terrorism in the building Trades", *Reader's Digest*, June 1973.

[38] Id.

[39] "No Holds Barred in Construction Trades War", *Human Events*, (June 14, 1975) pp. 10, 13.

[40] *The Contractor*, November 3, 1973, p. 5.

[41] "No Holds Barred . . ." *Human Events*, supra, p. 10.

[42] "The Unions", *supra*, p. 15.

[43] *State* v. *Walker*, 47 LRRM 2981 (Sup. Ct. of N.C. 1960).

[44] *Textile Workers Union (Chas. Weinstein Co.)*, 43 LRRM 1481 (1954).

[45] "The Construction Unions Declare War", *Readers' Digest*, July, 1973.

[46] "NLRB to See If Some Unions Use Violence on Non-union Builders, AFL–CIO Cleared," *The Wall Street Journal*, June 21, 1974; *Engineering News Record*, February 15, 1975. The Contractor and the owner of a Shell Oil project agreed to pay $125,000 each to the city of Kalkaska, Michigan to offset the savings they made by using non-union labor in order to obtain labor peace. *Detroit Free Press*, July 18, 1973.

[47] *Washington Post*, August 28, 1974.

[48] *New York Times*, May 23, 1974, p. 41.

[49] *The Philadelphia Inquirer*, February 15, 1976.

[50] *Institutions/Volume Feeding*, November 1976, p. 51.

[51] *Plattsburg (Mo.) Leader*, October 5, 1973.

[52] "Murder on the Bayou", *New Times*, March 19, 1976. Some observers believe that this outrageous attack was a primary inspiration for Louisiana's enactment of a right to work law in the spring of 1976.

[53] All of the examples are from this *Bulletin* series which appeared on July 14, 15, 16 and 17, 1974, unless otherwise noted.

[54] "The Construction Unions Declare War", *Readers' Digest, supra*.

[55] *Philadelphia Inquirer*, August 18, 1974, p. 1.

[56] *Local 30, Roofers (Associated Builders and Contractors)*, 227 NLRB No. 229 (1977).

[57] *Local 30, Roofers (Kitson Bros, Inc.)*, 228 NLRB No. 88 (1977).

[58] U.S. District Court for the Eastern District of Pennsylvania Docket No. 73–773.

[59] "Arson to Order in the Building Trades," *Readers' Digest*, March 1976.

[60] Statement of Benjamin R. Civiletti before the Senate Permanent Subcommittee on Investigations, April 24, 1978, p. 3.

[61] Id at p. 4; Bureau of National Affairs *Daily Labor Report* Vol. 79 p. A–9, 10 (April 24, 1978).

[62] Id at p. 5: All enumerated cases cited are from Mr. Civiletti's testimony on April 24, 1978. A major proportion of that state-

ment was directed to what Mr. Civiletti perceived as an inadequate commitment on the part of the U.S. Department of Labor (which supports the labor law reform bill) to the joint Justice Department/Labor Department labor racketeering strike force program.

[63] Statement of Robert C. Stewart, Attorney in charge, Newark and Buffalo field offices, Criminal Division, Department of Justice, before the Permanent Investigations Subcommittee, United States Senate, April 24, 1978, at pages 2, 3.

[64] Id at p. 5.

[65] Id at 7, 8.

[66] Id at 19.

[67] *The Unions, supra*, p. 156.

[68] Id at p. 164.

[69] U.S. Department of Labor Press Release No. 78–87 (Feb. 1, 1978).

[70] *Nation's Restaurant News*, August 2, 1976, p. 1 & September 1976; *New York Times*, July 24, 1976, p. 1; *U.S. News & World Report*, June 7, 1976.

[71] *Chicago Tribune*, January 16, 1977, p. 1.

[72] *Chicago Tribune*, January 17, 1977.

[73] *Institutions/Volume Feeding*, October 1, 1976, p. 58.

[74] *Washington Post*, August 4, 1977.

[75] "Organized Crime and Organized Labor," Boehm, Foundation for the Public Trust, Arlington, Va. (1977), p. 29.

[76] *New York Times*, October 13, 1974, p. 1; *Village Voice*, February 2, 1976.

[77] *New York Times*, December 20, 1977.

[78] "Study by NLRB General Counsel Irving Estimating Cost Impact on Operations Under His Supervision of Passage of H.R. 8410," Office of the General Counsel, December 29, 1977; Bureau of National Affairs, *"Daily Labor Report"*, Vol. 24, p. A–11–13. February 3, 1978.

[79] Rinfret Associates, Inc. study, *supra*.

[80] *Chicago Tribune*, January 16, 1977.

Mr. DECONCINI. Mr. President, I ask unanimous consent that Mr. Romano Romani and Mr. John Mulkey be accorded the privilege of the floor during debate and vote on this legislative matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I wish to speak for a few minutes on three different areas that I think are of interest.

First, I shall continue an outline of an analysis of the bill that I started last week and I say today, as I have said before, that so far we have had a very constructive, very interesting, and informative discussion of the so-called labor reform bill.

I wish to offer an outline and analysis of two additional issues relating to this bill. That is, the illegal work stoppage provision and the economic impact of the bill.

Mr. President, the Senator from Kansas has previously stated, and I do so again today, that before we get through this bill I hope the sponsors of this bill will have looked at the entire picture. My concern, and I think the concern of others of my colleagues, with this piece of legislation is that it tends to look at a very small portion of what is a very large labor picture. Before we have concluded considering this piece of legislation I would hope that we would give our friends on both sides of the aisle a chance to examine some of these other issues which address the real concerns of all working men and women of this country. I do not, for one minute, deny that there are some abuses, some wrongdoings on the side of business, some delays and some frustrations, and they should, indeed, be addressed. However, I think we would be remiss in our duties and responsibilities if we were to believe for one moment that all concerns on the side of labor and all concerns on the side of management, have been addressed in this bill.

I said at the outset that this bill is neither as bad as some have suggested nor is it as good as others have suggested, and there may yet be some meeting of the minds on some good, sound labor reform legislation.

I would suggest, if we are going to talk about labor reform, that it should be two-sided and address itself to both labor as well as management abuses. I think that the basic consideration that we should keep in mind, is not the protection of big labor, not the protection of big business, but the protection and where possible the enhancement of the lives of working men and women.

ILLEGAL WORK STOPPAGES

Under current law, injunctive relief may be obtained under certain circumstances against wildcat strikes, but not against stranger picketing.

Section 13 of the bill provides that an employer may seek injunctive relief against stranger picketing where the picket line is not maintained by a labor organization in connection with a labor dispute. As a result, injunctions would not be available if the picket line is maintained by a labor organization in connection with a labor dispute. An employer can also secure injunctive relief if the refusal to work is not authorized, initiated or ratified by a labor organization. If the union does authorize, initiate or ratify the illegal activity, no restraining order can issue under this section.

ANALYSIS

An analysis of this provision must begin with review of the Supreme Court's decision in Boys Market, Inc. against retail Clerk's Union, Local 770 and Buffalo Forge Co. against United Steelworkers of America. These decisions both involve the availability and utilization of injunctive relief under section 301 of the Labor Management Relations Act. In Boys Markets, the Supreme Court held that an injunction may issue when a strike takes place over a grievance which the parties are bound under the terms of the collective bargaining agreement. In Buffalo Forge, in a divided 5 to 4 decision, the Supreme Court, in considering the propriety of injunctive relief in sympathy strike situations, held that injunctive relief was not appropriate.

Boys Markets and Buffalo Forge are cases illustrating the divisive nature of Federal Court intervention in labor disputes and a balancing of the policies contained in the Norris-LaGuardia Act and section 301 of the Taft-Hartley Act. Boys Markets, wherein the court held that arbitration is the primary vehicle of promoting industrial peace, was an affirmation of the underlying principles which have promoted labor peace. If the parties between themselves bargain for a no-strike clause, the employer should be able to have that bargain enforced by a court order.

Conversely, Buffalo Forge calls into question the principle that the Government should take a minimal role in labor-management relations except to enforce a bargained contract. The allowance of sympathy strikes can indirectly undermine a no-strike clause which was arrived at by good-faith bargaining.

Justice Stevens in his dissent in Buffalo Forge noted that the question of whether employees can honor a picket line is a subject for arbitral determination. However, requiring an employer to go first to arbitration and allow the work stoppage to continue frustrates not only the arbitration process but makes virtually meaningless the union's agreement not to strike. Granting injunctive relief, therefore, promotes the policies of allowing the parties to bargain on virtually all terms and conditions of employment.

As observed by Justice Stevens, the concerns which prompted passage of the Norris-LaGuardia Act were not applicable to a situation where a court was dealing with the enforceability of an agreement:

> Like the decision in Boys Markets, this opinion reflects, on the one hand, my confidence that experience during the decades since the Norris-LaGuardia Act was passed has dissipated any legitimate concern about the impartiality of federal judges in disputes between labor and management, and on the other, my continued recognition of the fact that judges have less familiarity and expertise than arbitrators and administrators who regularly work in this specialized area. The decision in Boys Markets requires an accommodation between the Norris-LaGuardia Act and the Labor Management Relations Act. I would hold only that the terms of that accommodation do not entirely deprive the federal courts of all power to grant any relief to an employer, threatened with irreparable injury from a sympathy strike clearly in violation of a collective bargaining agreement, regardless of the equities of his claim for injunctive relief pending arbitration.

Since another critical aspect of national labor policy is the concept of free collective bargaining, it is difficult to argue that the utilization of injunctive relief to enforce a bargain freely struck runs contrary to these policies. Injunctions designed to enforce what has been agreed to are to be encouraged and not prohibited as this bill would do. As recognized by the Supreme Court in Boys Markets, there has been a shift from the protection of the emerging labor movement to evolving a policy designed to encourage free collective bargaining and the peaceful settlement of disputes.

Few people would argue that the unions are not at any disadvantage in their bargaining with employers. If one of the primary purposes of our national labor laws is to promote labor peace, the law should encourage both parties to abide by their agreements. If either party violates the contract, the normal contract remedies should be available to the courts, including injunctions in appropriate cases.

It should, of course, be noted that in nearly all collective-bargaining agreements the only promise a union makes in the entire contract is not to strike. The remainder of the obligations are placed

squarely upon management's shoulders. This provision of the bill, however, undercuts the enforceabiilty of the union's only obligation.

Against this background, it is clear that section 13 is not an adequate remedy for employers faced with strikes in violation of a no-strike clause in a collective-bargaining agreement. Indeed, the Senate report emphasizes that the rule of Buffalo Forge be preserved and that the present balance between employers and unions be maintained. However, the recent debilitating effects of the coal mine strikes is a prime illustration that an equitable balance does not exist if the courts do not act.

ECONOMIC IMPACT

In a recent, indepth study—Rinfret Associate Report—it was determined that this legislation would only add pressure to the general inflationary trend of the United States. The economic effects of this bill are inconsistent with the administration's objective of reducing the already high U.S. inflation rate which is close to double-digit levels.

The most pressing concern of the Senator from Kansas is the economic impact of the make-whole provision upon small business. The make-whole provisions would certainly be an extreme settlement solution and can operate inequitably, unfairly, and may violate the spirit of equality. An unfair economic advantage for large trade unions and for large business would result.

The committee has adopted a measure for the make-whole remedy which is guaranteed to punish small businesses. If the NLRB finds that an employer failed to bargain in good faith, an order of backpay may be entered. The Senator from Kansas agrees that an employer should have to pay damages if he does not bargain in good faith. However, the fairness of the provision ends there. The hidden penalty is the use of an inflator for these wages.

The bill provides that these back wages will be increased by a percentage equal to the average wage increases in major collective-bargaining settlements for that quarter. That means the smallest business in Kansas will have to pay the same wage increase as General Motors or United States Steel. The inherent dissimilarities of these kinds of businesses are apparent and the Senator from Kansas feels that this is a major deficiency in the bill.

LITIGATION

The conclusions regarding the significant inflationary impact of this legislation finds further support in a report by NLRB General Counsel Irving. According to Mr. Irving, the proposed legislation will substantially increase litigation and require a corresponding increase in Board staff amounting to an increase of nearly $28 million a year. As the report admits, this estimate may be low.

A large amount of litigation will be engendered for two primary reasons.

First, the severe penalties imposed upon employers for violation of the act makes it in the employer's best interest to litigate most, if not all, controversies where the penalites could be triggered. Correspondingly, it may be in the union's best interest to litigate all controversies to have the threat of having the Board assess severe penalties hanging over the employer. The standard operating procedure of management and labor will be litigation and the end will be increased labor strife.

The statistics produced before the House Education and Labor Committee showing the high settlement rate of Board cases is compelling evidence that Congress should not interfere with the bargaining process. Those statistics indicate that settlement agreements are reached in 23.4 percent of the charges filed with the Board prior to the issuance of a Board complaint and in 82 percent of the charges filed with the Board in which a Board complaint is issued. As a result, there are only 5 percent of the unfair labor practice charges which the Board is forced to decide on their merits. Similarly, about 80 percent of the representation elections which are conducted by the Board are consented to by management and labor.

Since the Board would, of course, like the parties to settle their disputes rather than having matters litigated which strains the Board's budgetary and personnel resources, any legislative efforts in this area should be directed to this end. Board Chairman Fanning concurred with this observation in his testimony on H.R. 8410 when he stated that successful enforcement under the National Labor Relations Board "depends in large part on voluntary compliance by employers and unions alike." Regrettably, the committee's bill will take away the settlement incentive and diminish voluntary cooperation between the parties. The bill encourages distrust, suspicion, and arbitrary attitudes. In short, employers and unions are invited by this legislation to engage in costly, time-consuming litigation, and inevitably embittering both parties and clogging the dockets of the Federal courts.

Some of the areas in which litigation is likely to increase markedly, if the legislation is enacted, are the following. First, the expedited election provision will result in fewer elections being agreed to in light of the arbitrary time periods. According to Mr. Irving:

> The number of election agreements will be substantially reduced from its present rate of 75 percent to a conservative 40 percent of merit dispositions.

These figures come from an administration which strongly supports this bill. Without a proper time period for the employer to present his views on unionization, the employer will be forced to litigate issues after the election to which he would otherwise have consented. Since the employer is not given adequate notice of a campaign or of the proper unit determination, the employer's only recourse is to litigate all issues relating to the election. And, assuming that the employer follows this course, the amount of litigation before the regional offices of the Board will increase dramatically.

Second, under the committee bill, 150 percent backpay would be awarded to an employee where there was an illegal discharge, layoff, or refusal to reinstate. Significantly, there is no qualifying language in this provision concerning voluntary unemployment or duty of mitigation. It seems perfectly obvious that if an employer stands to have 150 percent backpay assessed against him he will vigorously litigate that issue. Under these circumstances, he has very little to lose by contesting such an award before both the Board and the appellate courts.

Third, the committee's bill extends the Board's injunctive authority under section 10(l) of the National Labor Relations Act to section 8(a)(3) discharge cases. Under this provision, the Board would be required to seek injunctive relief to have a discharged employee reinstated during an organizational campaign if the Board's preliminary investigation convinces the Board's regional office that there is "reasonable cause" to issue a complaint.

As predicted by Mr. Irving, this provision will result in a dramatic increase of section 10(1) petitions because respondents litigating these controversial cases will be less inclined to settle the underlying unfair labor practice charges.

Unions will be more than tempted to file section 8(a)(3) charges as a matter of course against employers in hope that the Board will find merit and seek injunctive relief. It is questionable if the union will be interested in the validity of all charges at this stage because the union is seeking all the employee support it can muster. Thus, unions may merely go through the motions of filing charges to assure employees that it can provide this assistance. The Board, however, is not relieved of its duties at that stage because it must still have a hearing before an administrative law judge to decide the merits of the discharge.

A record number of cases are being filed with the Board. The backlog problem has aroused many requests for more Board members and an expansion of the staff. Yet, the bill would cause those problems to multiply many fold.

Since the Board's primary purpose is to serve the public interest by reducing interruptions in commerce caused by industrial strife, a premium is placed on the expeditious handling of cases. It is, however, difficult to understand how the Board can cope with the anticipated increases of cases resulting from this legislation.

Similarly, the likely increase of litigation in the Federal courts should not be taken lightly. Indeed, there is great concern in the Federal judiciary over other recent congressional action. There is too little consideration given to the increased caseload caused by the new legislation.

In sum, there is very little question that this bill will result in an enormous increase of cases before the Board and the Federal courts. Unless congress is willing to significantly expand the number of personnel in the Board's regional office and increase the number of Federal judges, it is clear that the backlog of cases will mount. Adding governmental employees with its attendant cost in the millions of dollars is, of course, contrary to the administration's avowed

goals of reducing the bureaucracy and cutting Government spending.

The added costs to the Government will not be nearly as significant as the extra inflationary pressure due to increased price levels. When employers must pay excessive awards to employees and suffer through more labor unrest, prices for consumers must rise. The inevitable result will be more pressure on the inflation which the present administration has been unable to control.

The inevitable result will be more pressure on the inflation which the present administration has been unable to control.

Unquestionably the most important and difficult economic problem facing America is our continuing high rate of inflation. When President Ford left office, the inflation had gone below 6 percent. Now, only 2½ years later—or less than that, actually a year and a half later—approaching double digits.

The Carter administration has publicly stated that controlling inflation is the No. 1 economic concern at this time. I am glad that the administration has begun recognizing what most Americans have known for a long time. The American working people have realized the importance of inflation every time they go to the store and every time more is taken out of their paycheck to pay for taxes. This year the average American worked until May 6 to pay his Federal tax bill.

Two of the primary causes of inflation relate directly to the Government. Both of these problems will only be intensified by passage of this labor law reform bill. The biggest cause is deficit spending of an unprecedented magnitude by the Federal Government. The other important trend is the imposition by the Government of nonproductive costs on business through regulation and interference with the economics of the marketplace.

I am going to address the sections of this bill in order and illustrate why this bill can be expected to add to the rate of inflation. Virtually every section of this bill can be shown to be an inflationary influence. Therefore, the benefits of the sections must be carefully weighed against these additional costs before a decision is made on them.

SECTION 2—NEW BOARD MEMBERS

The first substantive section of the bill is section 2. This portion adds two new members to the NLRB. This would increase the Board's membership from 5 to 7.

That may not seem like a great deal to the American people, to add only two additional Federal employees—though highly paid Federal employees—but in addition, these two employees will have large staffs, an added cost that will directly affect the taxpayers, and go against what the President is advocating, a more streamlined, responsive Government for the American people.

Obviously the addition of these two members will have a significant cost directly to the Government. Along with these new members will come the inevitable staff increases and building space demands.

The committee report cites statistics of the increase in number of cases and the length of time needed to decide them as justification for the new members. While additional members may be needed, the committee has accepted the statistics uncritically. The Senator from Kansas wonders whether some internal procedures of the NLRB could be responsible for the delays. The questions also occurs whether Congress would ever be ready to reduce the size of the Board if the caseload were to decrease. Given the present troubles that unions are having in organizing, a decrease in the work of the Board is a definite possibility.

SECTION 3—ALJ LAW CLERKS

Section 3 of the bill permits the appointment of law clerks to administrative law judges (ALJ's). The bill does not place a limit on the number of clerks that may be hired under this provision. This section also requires ALJ's to write short form decisions.

The reason for this section is the time lapse between a hearing and the decision of the ALJ. While I agree that steps need to be taken to shorten this time, I must question the analogy in the report between ALJ's and district judges in the need for law clerks. The ALJ hears cases in only one area and should develop considerable expertise which a district court judge can not match. It would seem that the better and less costly approach would be to see how much effect the shorter opinions have before spending more money for law clerks.

SECTION 4—EQUAL ACCESS

One of the most controversial provisions is contained in section 4. The provision for equal access involves fundamental questions of property rights and the equality of opportunity to speak.

On its face, this section would not seem to cost the Government anything. Yet a closer analysis reveals possibilities of significant outlays. Because this section will allow the NLRB to force employers to let union organizers on their premises, a constitutional challenge is certain. Members of the bar have characterized this as a taking of property without due process of law. The Government would be an essential party to any such suit.

Assuming that the constitutional challenge is not successful, a number of cases before the NLRB will occur. Regardless of the specificity of the rules, there will be challenges to the application of the rules in a given circumstance. An unknown amount of the NLRB's time may be spent hearing these new complaints and challenges. The Senator from Kansas has not been convinced that unions have been severely handicapped by not speaking to the employees as a group. Given the other opportunities that unions enjoy that business does not, the wisdom of adopting this equal access approach with its concurrent costs must be severely questioned.

SECTION 6—QUICK ELECTIONS

Section 6 of H.R. 8410 would set strict time limits for the holding of representation and decertification elections. The election would have to be held not less than 21 nor more than 30 days after a petition is filed.

One of the most heavily sought after provisions in this bill by labor organizations has been the strict time limits for elections. The Senator from Kansas does not object to time limits unless they will operate to deny employees the opportunity to make a reasoned, unpressured decision.

Placing the entire election process in a short time limit will intensify the feelings and reduce the accommodations that normally occur.

I might suggest that changes do occur in election campaigns, whether it is in this kind of an election or in some political election.

I can recall an election in 1976 when President Ford, at one point, was 30 points behind in the polls. On election day he was less than 2 points behind. So changes do occur, and there must be a reasonable time for both sides to present their views, and, even more important, because the interested party, in this case the employee and in the other case the voter, needs time to assess, judge, analyze, and scrutinize the candidates, or in this case the bargaining units, and then make a judgment based on those facts. I believe that placing the entire election process in a short time limit will intensify the feelings and probably reduce the accommodations that normally occur. Employers will be forced to challenge the selection of the bargaining unit in order to stall the election long enough to respond to the union's claims. An increase in the number of unfair labor practice charges can also be foreseen due to the more intense lobbying and campaigning that will occur in the shorter time period.

Each of these reactions to the time limits will entail more work for the NLRB. More cases will be argued before the administrative law judges and more elections will be set aside and have to be held again. Many of the most serious problems would be avoided by making the time limits more reasonable. For example, the time could start running from when the bargaining unit is established rather than from when the petition is filed.

SECTION 8—DEBARMENT

The debarment portion of the bill, section 8, would forbid the granting of Government contracts to any company that violates a final order of the NLRB. Rather than the parties working out a settlement, the Government through the NLRB would inflict the punishment on the business.

I might suggest that ways to address the business community if it is intransigent, if it is not cooperative, if it refuses to comply, ought to be devised. However, who is going to carry the burden of this kind of arrangement?

Unfortunately, the persons who will bear the biggest part of the costs of this section will be the employees themselves. They will be the ones who are put out of work when the Government contract is cancelled. The employees will be the ones out on the street trying to find new employment.

Not the employers, but the employees, the working men and women.

And while perhaps not as significant as the impact on employees, additional cost to the Government is to be expected under the assumption that Government contracts go to the lowest bidder, the Government will have to pay more to another contractor, though this in itself should not be the sole factor.

For those employees who are put on the unemployment rolls, the Government will incur more welfare and unemployment compensation expenses. The employer is certain to litigate any imposition of this penalty if Government contracts are a major part of his business. The costs of that suit will also be borne partially by the NLRB in defending its order.

Before going to the next section, the Senator from Kansas wants to again make the point that this section is at odds with the fundamental purpose of the Labor-Management Act. This section does not protect employee rights, but rather forces them to carry the biggest part of the burden under this section. This change in thrust of the act from a remedial focus to a punitive one bothers the Senator from Kansas greatly. There ought to be a better way to have compliance from the employer without indirectly punishing the employee.

SECTION 9—BACK PAY

Under section 9, the NLRB also is given the authority to award employees compensation for the period of delay in bargaining caused by an unfair labor practice. The Senator from Kansas agrees that the employees should receive an amount equal to their actual damages suffered due to the unfair labor practice. However, the bill would end up granting employees excessive amounts in many cases.

The awards may be too large because of the inflator that the committee has chosen to put in the bill. Given that inflation will always be present, the committee wisely chose to increase the back pay to compensate for that factor. The choice of the measure to be used in calculating the back pay was not as wise. The bill would use the wage increases from major collective-bargaining settlements. This measure is derived from settlements involving 5,000 or more workers. Since the average bargaining unit is around 50 employees, a significant degree of distortion is being introduced.

The distortion is certain to be on the high side. Major settlements have traditionally been larger than that of smaller companies. Also, major settlements are always front loaded. This means that a larger portion of the total increase is in the first year of a multiyear contract. The statistics for the first 3 months of 1978 offer an excellent example.

The first year changes for these settlements averaged 14.6 percent. The adjustments for the life of the contracts was only 8.5 percent, a number which more closely parallels the cost-of-living index, though it is higher under this administration. The bill would impose settlements like 14.6 percent on small businesses which would not have approached those numbers in any kind of bargaining.

A more sensible approach would be to adopt the Consumer Price Index or some other measure which would more fairly reflect the costs of business across the Nation. I am certain that a more appropriate index can be applied for these cases.

SECTION 11—PRELIMINARY INJUNCTIONS

Section 11 would require the NLRB to petition for a temporary injunction to reinstate a discriminatorily discharged employee. This remedy is limited to cases occurring in a representational campaign before the first contract is signed or during a campaign to deauthorize or decertify a union.

While the Senator from Kansas would favor any provision that helps an employee who is unfairly discharged assert his rights, this section would not accomplish its stated goals. The injunction is simply unsuited to remedy the problem.

Most discharge cases depend on the motivations and credibility of the employer and employee. A temporary injunction issued by a district court judge may be given without in-court testimony. The requirements of a full scale hearing with sworn, in-person testimony are not consistent with the procedures for a temporary injunction.

The remedy would also be costly due to a duplication of effort. After the employee files an unfair labor practice petition under section 10(l) of the NLRA, both parties would have to appear befor an administrative law judge regardless of the outcome on the temporary injunction. The traditional method of relief has been payment of money damages to the employee. This remedy has not been shown to be inadequate. If it is adequate, the Senator from Kansas does not see why we should impose another remedy which will clog the Board and the courts at a substantial expense.

SECTION 13—ILLEGAL WORK STOPPAGES

Section 13 of the act relates to stranger picketing. Stranger picketing is any picketing of an employer by nonemployees on behalf of a union with whom the employer has had no bargaining relationship. An employer would be able to obtain an injunction against stranger picketing. Unlike present law, no injunctive relief would be granted against a wildcat strike. A wildcat strike, in the context of this bill, is a work stoppage undertaken by union members without official authorization or sanction from the union. Injunctions would not be given if the picket line is maintained by a labor organization in connection with a labor dispute.

As I have previously discussed, this section will be a stimulant to increased litigation. Both the NLRB and the courts will bear the burden of this increasing litigation. This section undermines the principle of collective bargaining by denying an employer access to a court to enforce a no-strike clause in a contract.

If an employer can no longer be assured that the union will be held to its no-strike commitment, a decay in the collective bargaining process will certainly occur. More labor unrest and the resultant increase in cases for the NLRB will not only cost the Government money but also work against the avowed principle of the bill to promote industrial peace.

Mr. President, the Senator from Kansas has not covered every section in this bill. Several sections would make changes in the National Labor Relations Act which would not be significant from a cost perspective.

Also, I am not suggesting that every section of the bill that I have referred to should be defeated because of the costs involved. Some provisions may be meritorious enough to justify their price tags. Nevertheless, the point which must be made is that the higher costs of this bill cannot be ignored.

The committee report states that enactment of this legislation will only cost the Government $1 million for each additional board member and $210,000 for new law clerks. Assuming these figures are correct, these are significant expenditures. However, the report then states that:

> Other provisions of the bill have no direct cost impact: However, they may increase the workload and the staff requirements of the National Labor Relations Board. We are unable to estimate these possible indirect costs at this time.

It seems to the Senator from Kansas that these "indirect" costs will be far more significant than the salary of two new members. Yet, the Senate is not even given an estimate of the total cost. We are asked to make a decision without enough information. We are asked to pass on any cost to the American taxpayer who feels heavily burdened already with increased costs in Government, in Congress, in agencies, in social security taxes.

It seems to the Senator from Kansas that these indirect costs will be far more significant than the salary of the two new members.

While the failure to estimate the costs to the Government is disturbing, the next section of the report causes me even more concern. The report states:

> The committee believes that this legislation will result in decreased labor strife, will reduce the number of labor disputes, and will considerably shorten the time it takes to resolve them. . . . For this reason, the committee determines that the legislation will have no detrimental economic impact on the individual, consumers, and businesses affected.

With due respect to the committee members, the Senator from Kansas finds this conclusion very interesting but tenuous. In several prior speeches, I have listed the ways in which this bill will increase litigation and filing of unfair labor practice petitions. This increased litigation will inevitably cost consumers and businesses more money. Because I do not accept the premise of the committee, I do not agree with their conclusion.

Unfortunately, the figures from which exact cost estimates may be made are not available to the Senator from Kansas. Yet, it would not be unreasonable to assume that the tab for consumers and businesses and employers will run into

millions of dollars. Each Member of the Senate should carefully weigh these additional costs before making a decision on this bill.

(Mr. WILLIAMS assumed the chair.)

Mr. DOLE. Mr. President, it seems to me that what we are trying to do in this debate, is to come to grips with the real problem. I would like to address later today what I consider to be punitive provisions in this so-called reform bill.

I yield the floor.

Mr. LUGAR. Mr. President, earlier in the debate today, we heard, first of all, a colloquy and then remarks by both the distinguished minority leader, the Senator from Tennessee (Mr. BAKER), and Senator ORRIN HATCH, of Utah, about the Cambridge Reports, Inc., survey, in which Cambridge attempted to do three things: To measure attitudes toward labor law reform in this country presently; to determine what kind of reforms people want, if any, and how they react to reforms currently before Congress; and, finally, to look at how attitudes toward labor unions, business, and some other issues may affect their attitudes toward labor law and labor law reform.

I was deeply pleased that this survey could be made available at this timely juncture in the debate, in that in previous remarks I have made on other occations, we have tried to address these issues as pertinent to the debate on S. 2467. Clearly, the assertion that I have been making and that others have been making on the floor of the Senate is that there is a desire for labor law reform in the country and that it is strongly felt. As a matter of fact, in the Cambridge survey, 45 percent of the country apparently believes that we ought to be involved here in Congress in labor law reform. At least, there is an affirmative answer by 45 percent that changes need to be made. Only 21 percent feel that there is no need for change currently.

I think that those percentages are not only indicative of the public mood, but it is abundantly clear to any Member of this body who visits with constituents that there is, indeed, dissatisfaction with labor law in the country. The point that this Senator and others have been attempting to make throughout the debate, and we think is still important to consider, is that the public, generally, throughout the United States of America, have a very different idea of the type of labor law reform that is required.

Indeed, when the Cambridge Reports, Inc., asked people in an open ended question, "What kinds of changes do you think are needed?" the first and overwhelming response by 28 percent of the people, just in terms of total recall, said something to the effect that unions have too much power, unions are too strong, unions want to take over. This was the immediate response by far the largest group of people who had an attitude with regard to labor law reform.

Of course, that attitude works almost totally at cross purposes with the intent of those who are advocating Senate bill 2467. Indeed, this sentiment that is abundant in the public is totally ignored, really, by the nature of the legislation before us.

If we drop to the second thought that people in this country have on their minds, and I go back again to the Cambridge Reports poll, is for provisions against strikes, time limit on strikes, no union should be able to cripple the country, teachers and police officers should not be able to strike.

Once again, that is a sentiment that any Senator here who has ears to hear, who is open to constituents back in our home States. If there is an initial sentiment that the tilt in the country has gone too strongly toward labor, the second major concern of the public is that, in critical areas of service—policemen, firemen, teachers, sanitary workers—or in national strikes, such as the coal strike that cripple the country, there ought to be some remedy under law for the ordinary citizen in order that the ordinary citizen might retain his or her job in the face of that kind of dispute or, at least, maintain property and person with some degree of safety.

I mention these because, as we go on down through the other sorts of changes that are suggested by the public, by the people of this country—not by businesses or labor unions or Members of Congress, but by the people—additional thoughts the people have are that we ought to have labor law that gets rid of corrupt people, gets mobs out of the union. Three percent of the people mentioned this, in immediate recall.

We have the thought of 2 percent that people should have a choice whether to join a union or not as an item of labor law reform; a suggestion that we need more arbitration and cooperation between management and workers mentioned by 2 percent.

I suspect that it is equally fair to mention that there are, on the other side of the coin, 7 percent of the people who say that labor law reform, to them, means higher wages. We need more money, higher minimum wage, or raising of the wages. Five percent say we need labor law reform that would offer better protection to blacks, to women, to those who are in senior citizen status. Four percent believe labor law reform ought to lead to better benefits and better pensions.

I suspect that these are the thoughts that come to mind as labor law reform is suggested. One of the baffling things for the general public throughout this debate is to get any handle on what we are talking about, because labor law reform, to the public, means the things that I have cited and the things that are reiterated in Pat Caddell's poll, of Cambridge Reports, Inc. This is what the public is thinking about.

The problem, of course, Mr. President, is that, in order to try to draw all of this down to the very narrow focus of what we have been talking about, the question is raised:

> One possible change in the labor law being considered would make it easier for unions to recruit new members in companies where they are not currently represented. Do you think this change is needed or not?

As we heard earlier this morning, 33 percent of the public said yes, the change is needed; 41 percent said no, the change is not needed; 26 percent are not sure. On balance, when asking the public whether labor law ought to be changed to ease recruiting of new members by labor unions, the public, by 33 to 41, says no.

To narrow this a little further, Cambridge Reports, Inc., asked this question:

> In general, do you think the rules by which unions gain the right to represent employees need to be made easier for the unions or not?

That, of course, is the gist of this bill, S. 2467. Twenty-two percent said yes, the rules should be made easier; 48 percent said no, they should not be made easier.

I do not know how a question could be phrased more clearly. It gets to the heart of the matter as to whether people in this country believe that the rules of the game ought to be changed to assist unions. Very clearly, by over 2 to 1, people think, no, that would not be in the best interest of the public.

During the course of this debate, we have had discussion of some provisions of the bill and the so-called equal access provision has been high in our consideration.

Then the public is asked about that type of situation through this question, which I quote:

> One possible change in the labor law would allow labor union organizers to go onto the property of businesses at any time, including working time, and try to recruit members. Do you favor or oppose this idea?

Well, 17 percent said they favored it. Sixty-five percent said they opposed it. Eighteen percent said they did not know.

Mr. President, admittedly, this is a rough-cut at the public sentiment, and the refinements of the debate have suggested that those who have drafted the law have tried to contrive the circumstances in which there is not unlimited access, which access occurs and is triggered by certain events. Indeed, during the course of this debate that may be amended further or, at least, colloquies may occur that could refine the concept.

But, basically, the American public does not see very much equity in the thought that labor organizers could go onto the property of business on working time and recruit members.

There is something that offends a sense of justice as one thinks of the small employer, who has been mentioned frequently in this debate, allowing someone on the premises, on his time, on his money, arguing this situation.

However, many times we may want to try to refine this backward and forward, I would suggest that percentages of 17 for and 65 against are substantial and simply are not going to give much solace to those who are pushing the so-called equal access provision.

In short, Mr. President, what clearly emerges from the Cambridge report, and it is consistent with the Opinion Research Corp. report of last December that has been cited extensively in our debates, is that, by and large, a number of people in this country are skeptical of big business, of big labor, of big government. All three come off rather poorly.

Mr. President, when we take a look at the causes for inflation and the difficulties with regard to this, very clearly, the public is not in favor of tilting the rules of the game to assist one of these parties at this point to create at least a danger of greater inflation or of greater union power.

Now, given this disposition on the part of the public, I felt it was useful, Mr. President, to initiate my discussion in this way this morning, and I want to take the balance of my time during this speech in discussing a very good analysis of the National Labor Relations Board and the evolution of the legislation that we are now looking at.

This particular analysis comes from an administrative appraisal of the National Labor Relations Board written by the former Chairman of the NLRB, Edward Miller.

Mr. Miller was asked by the University of Pennsylvania, the industrial research unit, in 1977, to compose his thoughts about the evolution of the National Labor Relations Board prior to his tenure and during his service. He has done so, I think, in an exemplary volume that was copyrighted in 1977 by the trustees of the University of Pennsylvania.

Mr. Miller proceeds through a history of the National Labor Relations Board in a volume that is superb for students of the labor relations legislative process and those of us who are attempting to find out more about that during this debate.

But at the present time I would like to cite chapter 10, which is entitled "The NLRB, How Can We Make It Work Better?"

That clearly is the narrow focus of labor reform as we are taking a look at it, and although I have suggested the American public, by and large, would like to take a look at all of those other things as we discuss labor law reform, for the benefit of the debate I would like to cite chapter 10 of Mr. Miller, and he starts with a subtitle, "The Advantages and Disadvantages of Past Changes.":

THE ADVANTAGES AND DISADVANTAGES OF PAST CHANGES

It must be remembered, first of all, that the machinery is now over forty years old, that the improvements to the machinery over those years have been minor, and any redesign virtually nonexistent. Perhaps the most significant repair was to separate the General Counsel from the decision-making side of the agency. This was a policy change, not intended to improve efficiency, though improved efficiency has been one of its results.

The delegation of decision-making authority to regional directors in representation cases was another repair and has been much touted as effecting a major improvement in the Board's procedures. But a close look at the data strongly suggests that its impact on promptness and efficiency has probably been much overrated. It has, however, been of some value in enabling the agency to cope with its ever-increasing case load.

Effective implementation of standards of timeliness and standards of performance have been accomplished primarily by sound administration from within rather than by any repair or redesign from without. The Congress has not had to tamper with the basic structure of the agency in order to make most of the General Counsel's operations efficient. That efficiency has been enforced by General Counsels dedicated to improving timeliness and productivity and who are assisted by career administrators who have followed through and implemented the intent of the presidentially appointed General Counsels.

In insisting that the Board employ no attorneys except as assistants to individual Board members, the Congress may well have done a good judicial deed; but in doing that deed, it also created an administrative problem. This external "repair" has encouraged each Board member to build his own little kingdom and has effectively deprived the chairman or any administrator on the decision-making side of the agency of any opportunity for centralized control of timeliness or performance on the "Board side" of the agency. Similarly, in enacting the Administrative Procedures Act, the Congress may also have done a good judicial deed, but that "repair," too, created an administrative hardship; for, at least as it has worked out in practice, the "judicial independence" conferred by that Act seems to have rendered the Board and the administrative staff of its Division of Judges virtually impotent in adopting and enforcing administrative controls over the first-line decision-making function.

In sum, external repair and redesign seem to have helped the General Counsel by making him independent and giving him authority to run his own show, but the external repairs to the Board side of the agency have probably, *in toto*, hurt, rather than helped, the administrative effectiveness of the decision-making side of the agency.

REORGANIZATION PLAN 5

The major piece of external redesign and repair which has been seriously proposed over the Board's forty-year history, but not accepted, was President Kennedy's so-called Plan 5, which would have enabled the Board to review more cursorily many of the decisions of its administrative law judges and to be selective about those to which it would give more thorough review. The plan was defeated in the Congress some years ago.

Whatever one may think of the merits of that proposal—and one's opinions on that score are likely to be shaped by one's opinions of the ability and judiciousness of the current corps of administrative law judges—the statistics demonstrate that it would have had a relatively minor effect in improving timeliness. When one looks at the entire time span from filing of charge to entry of enforceable court decision, one discovers that the Board's assembly line review process takes a median time of about 130 days, of which at least 30 days is dead waiting time while briefs are being filed and other mechanics of the appeal are taking place. This means the Board's actual decision-making time runs, on the median, slightly over three months. Even if a provision for more cursory review could cut this time in half, only about one and one-half to two months could be saved out of a total two-year process.

Although former Chairman Murphy once estimated that this Plan 5 variety of certiorari approach could save 180 days in case-processing time, one can find no rational basis for such a prediction. A maximum saving of from 45 to 60 days seems more in line with reality if one examines carefully the segments of time involved in processing cases, Thus, while in virtually every session of the Congress someone seeks to breathe life back into this previously defeated plan, it must be doubted whether such a change would have any major effect on the dispatch with which the Board exercises its decision-making function.

Former Chairman Murphy also appointed a task force of labor, management, and public members to review internal Board procedures and processes and to recommend improvements in efficiency and performance which would not require external repair or redesign. As was predictable, although the task force labored conscientiously and formulated some sixty-nine recommendations, most of which the Board has now adopted, none of them are going to effect any fundamental change or improvement in the operation of the system. They could not be expected to do so. Both the Board and the General Counsel have, over the years, given a good deal of attention to administrative matters, and no outside group was likely, particularly on the basis of a relatively short period of study, to hit upon previously undiscovered means of improvement. The changes will, in large part, affect neither timetables nor costs to any significant degree. A few are doomed to predictable failure, such as the recommendation that administrative law judges be "prodded" to increase their timeliness and to improve their productivity. We have pointed out why such "prodding" has not been and cannot really be effective within the present system. Thus, this recommended "jaw-boning" will probably be about as effective as some other jawboning which the federal government has attempted within the last decade or two.

THE LABOR REFORM ACT

Representative Frank Thompson of New Jersey has introduced legislation in the form of a bill called the Labor Reform Act of 1977 (H.R. 77),[1] allegedly intended to correct deficiencies in the operation of the Act which Congressman Thompson says he has discovered in the fourteen years he has served as chairman of the House Labor Subcommittee on Labor-Management Relations. As pointed out in the *Daily Labor Report* for January 6, 1977, this bill "is similar and consolidates several measures proposed during the last Congress by Thompson. . . ."[2]

Plan 5—Again

One of these warmed-over suggestions is yet another attempt to breathe life back into Reorganization Plan 5 in the same manner as had been embodied in H.R. 8110 in the 94th Congress, First Session, 1975. We have already pointed out how that plan would merely further accentuate the cursory nature of Board review and would not materially shorten the total time lapse between filing of a charge and entry of an enforceable court order.

Election proceedings

Another portion of the Thompson bill is addressed to the Board's election processes. It would require that if disputes over the appropriate bargaining unit or the eligibility to vote of specific employees are not resolved after forty-five days following the filing of an election petition, the Board must nevertheless go ahead and conduct an election in the unit designated by the union. We have already pointed out that the Board's record in the conduct of elections is a very good one, and that timetables on the whole are very satisfactory. The Thompson proposal, while well-intended, would probably have the unfortunate effect of dragging out election proceedings. A challenge to a unit would, in many instances, take place only after the election, thus leaving the results of the election in doubt and increasing the number of cases in which a rerun election would have to be held because some defect was found in the unit. The proposed procedure would have the surface appeal of having elections conducted quickly, but holding an election is of no real value to anyone, particularly the employees in the unit, if the re-

[1] H.R. 77, 95th Cong., 1st Sess. (1977).

[2] *Thompson Introduces Extensive Taft-Hartley Reform Measure*, Daily Labor Report, January 6, 1977, at A–11.

sult of the election has little likelihood of finality.

It would also seem reasonable that delays in the postelection procedures would be more likely, since the pressure which currently builds to get problems out of the way so that the election can be held would be materially reduced. The election would have already been held, and there would be no other clearly identifiable dramatic event to motivate the staff to meet time targets. Time targets artificially set without such visible real targets are more difficult to administer. The proposal thus seems addressed to a very small problem (those few cases in which prompt elections are not held today) and may have the opposite effect of creating substantial time delays in many election cases because it can open the door to postelection unit challenges which are not now possible.

Mr. President, I submit that this particular analysis of the election procedure, of the timing of elections is important. Admittedly, it is the testimony and the opinion of only one man, although in this case a veteran observer, a former chairman of the National Labor Relations Board, who is commenting about one of the critical elements of the bill we have been discussing.

To sum it up in its most rudimentary form, the suggestion has been made by the proponents of this bill that justice could be obtained for employees and for those intending to organize them by guaranteeing an election fairly early on.

What is being suggested by Mr. Miller is that this, in essence, is an illusion: First of all, that in most cases elections are held fairly rapidly, and we have ample testimony to this effect. What Mr. Miller is suggesting, however, is that in the event that the election timing is accelerated and that many of the elements with regard to the paricular unit that is to be involved have not been finalized, we are very likely to see, after the election is held, a stringing out of the procedures in which the Board under no particular compulsion, manages to spend almost as much time as before; that, in fact, it is unlikely, given the analysis of Mr. Miller, that the so-called speedy election provision will lead to speedier elections. As a matter of fact, Mr. Miller is suggesting that in those cases we would have a stringing out of justice and decisionmaking and, therefore, that this particular pattern of having quick elections is unwise, if we truly are going about the thought of an earnest and prompt resolution of the difficulty.

I submit that, for this debate, all honest men and women on the floor of the Senate will differ in their judgments, but that if our intent is truly to make certain that we have quick elections, we had best pause for a second and think out rapidly how it is that we finally get to total decisions, as opposed to initial impressions that the election may bring about.

Mr. Miller continues:

ENCOURAGEMENT OF MANEUVERS FOR DELAY

The proposal presents a further problem. Although designed to prevent game playing for delay, it may well encourage just such game playing. An employer or union today will agree to a unit description so long as it can obtain a date for an election which is suitable, and will enter into an agreement for an election and waive its rights to a hearing.

The sophisticated practitioner knows that he can obtain somewhere between four and eight weeks if he agrees to an election, because the Board and the other parties know he can obtain about that much time if he raises issues and insists on a hearing. So, in most cases, an agreement is reached on that basis, and no hearings are necessary. Under Thompson's proposed legislation, there is no incentive for the parties to reach such an agreement. If they do not, the election will be held after at least forty-five days, and no party will have waived its right to a hearing.

Mr. President, obviously the 45 days suggested here refers to the initial legislation that Representative THOMPSON introduced as a forerunner of the debate that we are having here.

Thus, any experienced labor attorney—and there are over 8,000 of them now practicing—will, doubtless, advise his client not to agree to an election. The Board will hold the election anyway; and if either the employer or a nonpetitioning but interested union does not like how the election comes out, it can then demand a hearing and delay the certification until after the hearing and a Board decision. Because this will substantially increase the number of "R" case hearings, the Board's workload will enjoy an immediate bulge, and there will be delays resulting from the Board's inability to cope with that increase. The net result—further delay.

CARD-CHECK RECOGNITION

Thompson's bill would also permit certification of a union if at least 55 percent of the workers in an appropriate unit are shown to be members by card check. This is a highly controversial policy matter and is not really a procedural reform at all. It would represent a substantial and serious change in direction in the federal labor policy. In a discussion directed primarily at the administration of the law rather than at its substance, we would point out only that, because card-check recognition has been and is so highly charged with emotion, it is only reasonable to expect widespread contests of certifications if this provision were to become law. There would be endless litigation of the circumstances under which each card was signed, whether there was any fraud or misrepresentation involved, and so on. Imagine the length of a hearing in which the circumstances of the signing of each card in a thousand-person unit will be subject to examination and cross-examination of both the card signer and any witnesses to the signing! It is difficult to imagine a more successful means of clogging the Board's calendar and creating total administrative chaos.

SELF-ENFORCING BOARD ORDERS

The Thompson bill also attempts to make Board orders "self-enforcing," unless and until a court of appeals either sets them aside or orders, upon petition of the respondents, the order stayed pending determination of the appeal. This change could substantially affect the timetable for effectuating compliance with Board orders, if the courts of appeals are chary with respect to issuing stays. Court review time is, as we have pointed out earlier in this appraisal, a substantial delay factor.

I am happy to yield to the majority leader.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Indiana.

ORDER TO PROCEED TO CONSIDERATION OF H.R. 8423 at 3 P.M. TODAY AND TIME-LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a message from the House of Representatives on H.R. 8423, renal disease, be laid before the Senate at 3 p.m. today with a 20-minute limitation on a motion to concur in the House amendment to the Senate amendment, the time to be equally divided between Mr. TALMADGE and Mr. CURTIS.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate today to hear witnesses on S. 2626, comprehensive farm legislation. This request has been cleared on the minority side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate today to hear witnesses on S. 3064, aircraft noise reduction legislation. This request has been cleared on the minority side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate today to hear witnesses on diplomatic immunity legislation (H.R. 7819, S. 476, S. 477, S. 478, S. 1256 and S. 1257). This request has been cleared on the minority side.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREE—S. 1633

Mr. ABOUREZK. Mr. President, I ask unanimous consent that Mr. DECONCINI be appointed as a conferee to the conference asked by the Senate on S. 1633.

The PRESIDING OFFICER. Without objection, it is so ordered.

LABOR LAW REFORM ACT OF 1978

The Senate continued with the consideration of the bill.

Mr. LUGAR. I am pleased to yield at this time to the distinguished Senator from Virginia.

Mr. SCOTT. Mr. President, I appreciate the distinguished Senator from Indiana yielding.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. LUGAR. I am yielding the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. SCOTT. Mr. President, S. 2467, the proposal to amend the National Labor Relations Act, has caused much concern and certainly has led to conflicting views between management and labor.

As one who has not specialized in labor law but who has examined the bill and the report of the Committee on Hu-

man Resources, I do not consider the measure as beneficial to labor as some of the proponents believe, nor as damaging to business as some of the opponents indicate. Nevertheless, the bill does appear designed so that the National Labor Relations Board can handle more disputes and I am fearful that it would tend to stimulate friction between labor and management although a prosperous and expanding economy should be helpful to both management and labor. I believe we need less friction and doubt that it will be achieved by more litigation.

It would appear that we should consider not only the labor relations aspect, but all of the problems that business and industry face.

It is doubtful that many will disagree with the notion that a full level of industrial activity in our country means jobs: and that spells economic health from which all segments of our economy benefit.

Therefore, it would appear that we as legislators ought to be mindful of the impact that particular bills will have on the Nation's general economic well-being.

Mr. President, despite generally good levels of economic activity in the country these past few years, there is apprehension over the general functioning of the economy. And this is reflected in various polls which show people concerned, for example, by the unchecked inflation that is reducing the value of the dollar.

The American economy has tremendous underlying strength, and our people are as creative and productive as those anywhere.

But the American businessman does face problems increasing productivity and, therefore, it would appear that our legislative efforts should be directed toward more positive steps that will stimulate investment and production, which is an important anti-inflationary step.

I believe that we should continue to press for relief from the growing regulatory burden that is sapping the strength of our industrial sector. It is extremely important that the growing power and scope of our regulators be curbed and then rolled back so that businessmen can spend more time managing, competing, and producing and less time coping with bureaucratic redtape.

It was pleasant to learn yesterday, Mr. President, that the Supreme Court had ruled a section of the Occupational, Health and Safety Act permitting surprise inspections of the business community to be contrary to the constitutional provision against unreasonable searches and seizures without a warrant.

Mr. President, redtape, the uncertainty and expense of an overwhelming tide of Federal regulations constitutes an enormous part of the cost of doing business. Business taxes, like any other expenses, must ultimately be recovered in prices if private business is to survive.

Businessmen have indicated that it is sometimes more difficult to get environmental approval for a new plant than to continue operating an older plant which contributes more to air and water pollution.

So between inflation, taxes, problems of raising capital, the regulatory and paperwork burden on American industry—each of which affects its ability to generate jobs, I believe we ought to consider carefully any additional legislation that could make matters worse.

At a time when business and industry is attempting to cope with so many problems—when the business of marshaling our national efforts to raise productivity, to compete with foreign nations and provide jobs should be the major order of the day—we have embarked on the consideration of a bill that appears to depart from our present labor policy, a policy which over the past generation has served our country well.

Mr. President, I shall read from a portion of a report prepared by the Congressional Research Service of the Library of Congress, and it is entitled "How the National Labor Relations Act Works," and that is how the present law works:

The National Labor Relations Act, as amended, is the basic Federal law governing collective bargaining between employers and their employees in the private sector. The act is designed in part to lessen industrial disputes by establishing protected rights of employees to join or not to join union organizations and to bargain with their employers over issues such as wages and working conditions.

The act also defines various unlawful actions of employers or unions which are unfair labor practices, and provides for the prevention of these practices by remedial action.

The quasi-judicial National Labor Relations Board, composed of five members appointed by the President for five-year terms, was established to administer, to implement and enforce the provisions of the NLRA. It does not initiate actions but responds to requests for elections or to charges of unfair labor practices.

The general counsel and his staff investigate and prosecute unfair labor practice cases and conduct secret ballot representation elections to determine what union, if any, a majority of the workers of the unit want to represent them.

Unfair labor practice hearings are conducted by NLRB administrative law judges who use the rules of evidence and procedure that apply in United States Federal District Courts.

Based on the hearings, the hearing record, the judges make findings and recommendations to the board. The five-member board settles representations questions and decides unfair labor practice cases. If the board finds that an unfair labor practice has been or is being committed it may order the violator to cease and desist the practice or other appropriate affirmative action, such as reinstating an employee with back pay, refund or illegally collected dues or the posting of notices of cessation of the practice.

The board may ask for a court injunction in some unfair labor practice cases, and is required by law to seek injunctions preventing certain types of union picketing or work stoppages. If the employer or union does not voluntarily comply with the board order, the board may ask for a court order requiring compliance with the original order. Any person may file a final board order in the United States Court of Appeals.

The strength of the National Labor Relations Act has been its balanced approach to resolving labor-management disputes, and for many years there has been a hesitancy to change the act from one of impartiality to one that can become a punitive device.

For roughly 40 years, the act has only twice been substantially altered—those alterations being the Taft-Hartley Act of 1947 and the Landrum-Griffin Act, known as the Labor-Management Act of 1959.

Many constituents visiting our office from various parts of Virginia have indicated that the measure before us will produce greater management resistance, stimulate more litigation, and lead to more labor strife than presently exists.

It seems to be popular to utilize the word "reform" in the title of a bill, or some similar terminology conveying a good connotation, to gain support for a measure; and I do not say this in criticism of the sponsors of proposals, but it does appear that each of us should look within the bill to determine its thrust rather than to vote based on the title or enacting clause.

The underlying philosophy in forming the National Labor Relations Board was to protect employee rights. Many, however, appear convinced that the proposed legislation would change the philosophy to a punitive one against employers for some technical violation of the law—a violation that might easily be resolved at an informal level, rather than invoke the machinery of courts and injunctions.

We might look at a few of the key provisions of the proposal:

Section 2 amends the act to expand the membership of the Board from five to seven members, and lengthens the terms of the members from 5 to 7 years.

It would not appear that adding two additional members or lengthening their terms would result necessarily in more expeditious consideration of business before the Board. Although S. 2467 does authorize a group of three Board members to summarily affirm decisions of administrative law judges in unfair labor practice cases when appropriate upon motion for summary affirmance, I am not sure whether the full seven-man Board would then, in one manner or another, affirm the decision of the three-member panel, or whether it would be final insofar as the Board is concerned.

Mr. President, the distinguished Senator from New Jersey being on the floor, being the floor manager of the bill, might be able to enlighten me on this. If the three-man panel decision is not final it would tend to constitute an additional administrative level, and if the decision of the three-member panel is final it could result in different panels coming to contrary decisions based upon similar circumstances.

I wonder if the distinguished Senator could tell me whether or not under the proposed legislation the three-man panel's decision is final insofar as the National Labor Relations Board is concerned or under his bill would there be a poll of seven members of the Board to determine, to make a final decision.

Mr. WILLIAMS. The answer is "Yes."

Mr. SCOTT. There would be a poll but

not in an en banc meeting of the entire Board. They would just be polled.

Mr. WILLIAMS. That is correct.

Mr. SCOTT. I thank the distinguished Senator for his response.

If not final, it would tend to constitute an additional administrative level and, if final, it could result in different panels coming to contrary decisions based upon similar circumstances.

If there is some justification for raising the number of members from five to seven, if it could be shown how that would increase efficiency of the NLRB, a case might be made for such an increase, but the increase in the number of Board members, as well as providing law clerks for administrative law judges, appears to be empire building something that needs to be guarded against in all branches of Government. I would submit that the private sector attempts to guard against this.

It is interesting to note in this connection a tabulation of total cases received, closed, and pending for the 1977 fiscal year on page 266 of the annual report of the National Labor Relations Board. The report indicates that there were a total of 52,943 cases received during the fiscal year and 53,908 cases closed, which, of course, decreased the backlog. The tabulation indicates that there were 19,173 cases pending on October 1, 1976, but only 18,208 pending on September 30, 1977, a reduction of 965 cases during this 1-year period.

From these statistics, it would not appear that the increase in Board members is necessary; and if the three member panels resulting from the increase do in fact add another layer, it would appear to be undesirable.

Section 2 of the bill would also amend the act to provide for summary affirmance of decisions of the administrative law judges. Not too long ago, Mr. President, those now known as administrative law judges were called hearing officers and their function was to assist members of boards and commissions throughout the Government by presiding at hearings and to make recommendations to members of boards and commissions. Over the years, however, the title of hearing officers has been abandoned and general schedule of pay has been gradually increased.

Section 3 amends the act to permit the appointment of law clerks to administrative law judges who would be authorized to review transcripts and prepare drafts of opinions. Again this appears to be empire building.

As indicated, the administrative. law judges were formerly known as hearing officers or examiners and now are charged with the responsibility that would be delegated to law clerks under the bill. In other words. they serve as factfinders for the administrative agencies as well as for the executive departments. They presently make findings of fact and conclusions of law that are subject to review, approval, or reversal by agency or department heads.

Mr. President, I have a copy of a letter dated September 26, 1974, from the Chairman of the Civil Service Commission, Robert E. Hampton, to the chairman of the Subcommittee on Courts, Civil Liberties and the Administration of Justice of the House Committee on the Judiciary. In this letter—it is a 3-page letter—he reviews somewhat the history of the hearing examiners and the metamorphosis to administrative law judges. Some would even have them become constitutional judges. But, Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

The PRESIDING OFFICER (Mr. HODGES). Without objection, it is so ordered.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FROM CHAIRMAN, CIVIL SERVICE COMMISSION,
Washington, D.C., September 26, 1974.

Hon. ROBERT W. KASTENMEIER,
Chairman, Subcommittee on Courts, Civil Liberties, and the Administration of Justice, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. KASTENMEIER: This is response to your letter of September 16, 1974, in which you ask for comment on a letter from a member of the Committee on the Judiciary. In that regard you also pose several questions relative to the action taken by the Commission on the title of persons who perform adjudicative functions under the Administrative Procedure Act of 1946.

The Act, now codified in Title 5, United States Code, places a number of responsibilities on the Commission in connection with presiding officers who conduct formal rule making and adjudicative proceedings. Since the Act did not contain a specific designation for the incumbents of these positions, the Commission had the responsibility of establishing a position title. In 1946 and 1947, after discussions with the representatives of many interested organizations, the Commission decided upon Hearing Examiner, a designation which was well accepted for several years.

The issue of a more appropriate designation first arose in 1955. The Task Force on Legal Services and Procedures of the Hoover Commission, noting the judicial role of the APA presiding officer, recommended a new title with the status of an administrative trial judge. However, the Congress did not act favorably on the recommended title of Hearing Commissioner.

In 1962 the matter surfaced again in a presentation to the Civil Service Commission. After considering oral argument that it adopt the title of Hearing Commissioner, the Commission disapproved the suggestion because it was felt that persons so titled would be confused with the officials of various agencies who held the title of Commissioner.

In 1968 suggestions were again made that consideration be given to a title more descriptive of the presiding officer functions. The Committee on Personnel of the Administrative Conference of the United States studied the matter and conducted public hearings. The question was then considered at the plenary session of the Administrative Conference but it did not take favorable action on the Committee's recommendation for a change.

With respect to legislation, bills proposing a change were introduced in 1966 and 1969. H.R. 16550, introduced by Congressman Machen on July 29, 1966 proposed a change to Administrative Judge. This bill was referred to the Committee on Revision of the Laws of the Judicial Conference. In the absence of a sufficient showing of necessity for a change, the Committee did not approve the proposal. Another bill (S. 1380), proposing a redesignation of the position to Administrative Trial Judge, was introduced on March 7, 1969 by Senator Tower, but was not enacted.

In the latter part of 1971 several Federal regulatory agencies were favorably considering the use of a title different from that of Hearing Examiner. Since the adoption of various titles in different agencies for the same position would not be in the interest of orderly and efficient administration, the Civil Service Commission amended its regulations by requiring the use of the class title of Hearing Examiner, pending a study of the question of whether a more appropriate title should be adopted. During its study, the views of the top officials of the agencies, Hearing Examiners, bar associations and practitioners before the agencies were elicited, along with the views of the Administrative Conference and members of the judiciary. After an analysis of this study, the Commission published a proposal in the Federal Register to change the title of Hearing Examiner to Administrative Law Judge as the one which most appropriately covered the kinds of proceedings and the variety of functions performed by all Hearing Examiners. The comments received in connection with this proposal were almost unanimously in favor of the proposal. Accordingly, the Commission approved a change in title to that of Administrative Law Judge. The change became effective upon publication in the Federal Register on August 19, 1972.

More recently, in February 1974, the Commission learned that the title Administrative Judge was being used in an agency by the incumbents of certain boards. These proceedings and the personnel conducting them were not subject to the provision of the APA. Accordingly, in the interest of orderly administration and to avoid confusing agency personnel, practitioners, litigants and the general public, the Commission further amended its regulation on June 6, 1974. The regulation (5 CFR 930.203a) now provides that Administrative Law Judge is the official class title for an administrative law judge position, each agency shall only use this class title for personnel, budget, fiscal and all other purposes, and may not use the word "Judge" as the title or part of the title for any other position for any purpose.

The Commission's action in connection with the designation of the presiding officer position was based on the provisions of the APA and Section 5105 of Title 5, United States Code. The latter authorizes the Commission to develop standards for classifying positions and to establish official class titles.

I trust the foregoing is responsive to your questions. If I can be of any further assistance, please let me know.

Sincerely yours,

ROBERT E. HAMPTON,
Chairman.

Mr. SCOTT. Let me read just a portion of the letter, from page 2 of the letter. Chairman Hampton says this:

In the latter part of 1971 several Federal regulatory agencies were favorably considering the use of a title different from that of Hearing Examiner. Since the adoption of various titles in different agencies for the same position would not be in the interest of orderly and efficient administration, the Civil Service Commission amended its regulations by requiring the use of the class title of Hearing Examiner, pending a study of the question of whether a more appropriate title should be adopted. During its study, the views of the top officials of the agencies, Hearing Examiners, bar associations and practitioners before the agencies were elicited, along with the views of the Administrative Conference and members of the judiciary. After an analysis of this study, the Commission published a proposal in the Federal Register to change the title of

Hearing Examiner to Administrative Law Judge as the one which most appropriately covered the kinds of proceedings and the variety of functions performed by all Hearing Examiners. The comments received in connection with this proposal were almost unanimously in favor of the proposal. Accordingly, the Commission approved a change in title to that of Administrative Law Judge. The change became effective upon publication in the Federal Register on August 19, 1972.

I note that further on it states that others may not use the word "judge" as the title or part of the title for any other position or purpose.

Administrative law judges are government officials who may have considerable experience and talent, but although they are designated as "judges," they are still appointees of the particular agency they serve, and their grades are established by the Civil Service Commission. It is understood that their appointments do not require confirmation by the Congress. Certainly they are not constitutional judges.

I seriously question the need and the wisdom of providing law clerks to perform functions that are the responsibility of the administrative law judges. The administrative law judges, by whatever title, serve as hearing officers and advisers to boards and commissions; and it would appear that providing law clerks for them would place them on a higher plane, somewhat closer to our Federal trial judges and more remote from the facts and the law that they pass upon. It would tend to place the law clerks in the position of making the initial determination of how a case should be decided and tend to add to Government expense and administrative delay in the decisionmaking process.

Section 4 of the bill provides that the Board shall, within 12 months after passage, establish procedures to provide for the prompt handling of petitions for representation elections, or in fact to codify existing general rulemaking power.

I believe the present flexibility in interpreting the Board's rulemaking power more readily enables it to meet and resolve everchanging conditions in the labor-management field, and the creation of hard-and-fast rules in representation matters could simply create new and unnecessary issues for litigation.

Mr. President, one of the more controversial provisions of proposed section 4 is that involving "equal access" which would compel employers, who address their employees on company property and on company time, to give "equal access" to union representatives.

This would appear to invite more potential discord and strife since the only opportunity an employer has to present his side of the story to employees is on his own property and on his own time. It would appear reasonable for union organizers and union members to meet and determine their course of action on their own time rather than on the time and at the expense of management. The employer ordinarily would not be expected to be in the union hall or to visit the employee in his home. This might, in fact, be an unfair labor practice. Therefore, it appears reasonable to permit an employer to talk with the employees at the place of business and at his own expense and to permit union members and union officials to determine the place of their meetings and to meet at their own expense.

I believe the present arrangement, whereby union representatives who are also employees can solicit coworkers after hours at their homes, in nonproduction areas provided by the employer, such as lunchrooms, locker rooms, lounges, parking lots and so forth, are reasonable.

This is one of the balances in existing legislation that may well be preferable to the proposed change.

Another equally controversial provision involves proposed section 6 of the bill mandating expedited elections.

Under this provision, if 50 percent of the employers petition for union representation, I understand that the Board must order an election within 13 days and hold it in not less than 21 days nor more than 30 days. In any other case it is understood the Board must direct that the election be held not more than 45 days after filing of the petition, except that the Board may direct the election in not more than 75 days when there are unusual circumstances.

I believe that in the case of union representation matters, sufficient time should be allowed both labor and management to decide the difficult issues that may arise.

On page 29, table 11B of the fiscal year 1977 annual report of the National Labor Relations Board, it is indicated that of a total of 9,795 representation elections in which objections or determinative challenges were ruled on, 7,128 or more than 81 percent, were closed by stipulation or voluntary agreements between the parties. In fact, page 62 of the committee report indicates that 90 percent of the unfair labor practice cases were resolved in a median of 42 days without the necessity of formal litigation before the Board.

Section 9 would amend the present act to provide for institution of complaint proceedings against any person charged with willful noncompliance with the terms of an existing Board order or of a court decree enforcing a Board order. But the sanctions which this section provides would tend to transform the Board from a remedial to a punitive agency with far-reaching powers which might aggravate labor-management harmony, rather than promote it.

For example, the bill would provide for Federal contract debarment against willful violators of the act for up to 3 years. This provision may tend to punish the very employees the act is intended to protect. Federal contract debarment could result in the elimination of jobs of employees working for such contractors. It could also reduce the number of qualified bidders desirable to obtain the best product at the least possible cost.

It would appear that the debarment provision, particularly as it may be applied for a mere technical violation, could have the effect of putting a company out of business. This is true because, as the bill provides, once the Board General Counsel has decided to issue a complaint seeking debarment and the Board determines that a willful violation occurred, the statute removes any discretion on the part of the Board to determine whether debarment is an appropriate remedy under the circumstances, since it provides that the Board "shall" issue the order which will result in debarment.

Section 9 further provides that, in cases where the Board has found an unlawful refusal to bargain prior to the entry into the first collective bargaining agreement, the Board may award the employees compensation for the period of delay in bargaining caused by the unfair labor practice. This provision would appear to indicate that the remedies are intended to be imposed against employers who are merely engaging in technical refusals to bargain for purposes of securing court review of Board-made election rules or certifications. It would appear that the measure would punish the employer for having elected to pursue a course of action that presently is his legal right to pursue.

Section 11 of the bill refers to unlawful discharges during representation campaigns and provides for injunctive reinstatement for employees alleged to have been unlawfully discharged. The stated purpose of the provision is both to relieve quickly the unlawfully discharged employee of the burden of unemployment and to demonstrate to the other employees that the law can protect them in the exercise of their rights.

This provision could work harm to an employer who discharges a worker by reason of incompetency, dishonesty or for some violent act, but which it may be claimed, was for union organizing activity. Under the provisions of the bill, a mandatory injunction for reinstatement would immediately issue, thus generating additional litigation.

Let me again cite the 1977 Annual Report of the National Labor Relations Board. On page 185 it indicates with regard to illegal discharges alleging discriminatory conduct toward an employee during organizing campaigns, that in the 15-month period from July 1976 through September 1977, the Board filed 55 petitions for temporary relief under the present section 10(j) of the act against employers in only 45 instances. Of these, injunctions were granted in 31 cases while the rest were denied or dismissed.

It is noted also on page 23 of the 1977 report, that considering the many thousands of businesses in this country and the millions of employees, in fiscal year 1977 there were only 29 contempt cases before the circuit court of appeals. Thus out of 37,600 unfair labor practice complaints filed with the Board during 1977, only 29 cases were so serious that the Board had to seek contempt proceedings.

Inequities may exist in the present labor-management structure of the Nation, and probably will continue to exist given the nature of our economy, with the constant shifting of capital, new plant expansion, new products coming on the market, differing skills needed,

and the natural inclination of employers to resist unionization.

However, a review of the National Labor Relations Board's own reports indicate that given the large number of businesses in our country and the millions of employees who work for these firms, there has not been the abuse of existing statutes which would require radical changes in our labor laws at the present time.

The present bill would tend to tip the scale in labor-management relations in favor of labor unions, and would appear to add other elements of litigation within the employer-employee relationship, not only before the National Labor Relations Board but within our court system as well.

In fact, the Washington Post, which can hardly be accused of right wing sympathies, has described the bill, in an editorial dated March 15, 1978, as the "Union Organizing Act of 1978," and states that:

Most of its major provisions are aimed at making it easier for unions to organize new units.

Further on, it states that:

One major section would put the government in the business of blacklisting companies that are persistent violators of the labor laws.

Mr. President, I ask unanimous consent that this editorial from the Washington Post, dated March 15, be printed at this point in the RECORD in its entirety.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE LABOR BILL

The Labor Reform Act of 1978 is one of those pieces of legislation whose pluses and minuses are buried under the cloud of rhetoric that accompanies it. The bill is (depending on which version of the literature you prefer): a) a measure desperately needed to protect vital rights of working men and women from destruction by law-breaking and vindictive employers; b) a last-ditch effort by labor unions to bolster their sagging membership rolls by stacking the deck against workers who do not want to join unions; c) a relatively insignificant measure that tinkers with, but makes no monumental changes in, present law.

Regardless of which view is closest to the truth, the bill is going to be the major battleground between the unions and business organizations this year. Both sides have already invested vast sums of money and lobbying power in the fight. More will be forthcoming as the time for the Senate to begin debate on the subject draws closer. Both sides, it seems to us, have staked far more on the bill than its merits deserve. Organize labor appears to regard its passage as the best way to retrieve at least part of the prestige it lost last year when the common situs picketing bill was defeated. Business groups seem to see the bill as an opportunity to demonstrate that the political clout the labor movement once had is slipping quickly away.

We do not intend to get into the specifics of this legislation just now. It is enough, for the moment, to say that the bill is mislabeled. It ought to be called the "Union Organizing Act of 1978." Most of its major provisions are aimed at making it easier for unions to organize new units. Some of these are aimed at well-documented problems, but others are not. Much of the rest of the bill involves procedural changes at the National Labor Relations Board. However, one major section would put the government in the business of blacklisting companies that are persistent violators of the labor laws.

Last fall, when the House passed its version of this act, we noted that we were less troubled by what the bill did than by what it failed to do. That is still true. Like the House, the Senate Human Relations Committee has lost sight of the need to change the law so that it better protects the rights of workers. This bill does improve the protection of some of those rights against abuses by management, but it does nothing to protect them from labor unions. And one kind of abuse is about as common as the other these days. The main focus of this legislation is on the rights of unions—as unions, not as representatives of workers. We doubt that adding additional provisions strengthening the law against union misdeeds would take much of the bitterness out of the fight that is going on over passage of the bill. But that would at least reduce the one-sidedness of this "reform" act.

Mr. SCOTT. It would appear that there are many more crucial matters with which the Senate should be concerned that have a decidedly more adverse effect upon our economy and upon the welfare of both labor and management. In an industrial nation such as ours, we must find a way to expand, not decrease, the amount of energy available.

The last paragraph of the editorial I referred to had this to say:

Last fall, when the House passed its version of this act, we noted that we were less troubled by what the bill did than by what it *failed* to do. That is still true. Like the House, the Senate Human Relations Committee has lost sight of the need to change the law so that it better protects the rights of workers. This bill does improve the protection of some of those rights against abuses by management, but it does nothing to protect them from labor unions. And one kind of abuse is about as common as the other these days. The main focus of this legislation is on the rights of unions—as unions, not as representatives of workers. We doubt that adding additional provisions strengthening the law against union misdeeds would take much of the bitterness out of the fight that is going on over passage of the bill. But that would at least reduce the one-sidedness of this "reform" act.

I personally dislike to see restrictions put on the mining of coal, as we did in the surface mining bill, or undue restrictions remain on the utilization of our oil and gas resources. But as long as we are going to restrict the utilization of our fossil fuels, it seems reasonable to me that we must find alternate sources of energy. The most available source that could meet the needs of the country in my judgment is nuclear energy with reasonable safeguards upon its use. Expansion of industry means more jobs and ultimately better pay and working conditions for employees and more profits for the employer, thus benefiting American citizens far more than any adjustment we might make in our present labor-management laws.

If we would concentrate on the adverse effect of unnecessary paperwork, of unnecessary regulation of business generally, of unreasonable environmental constraints, if we would provide tax credits to stimulate business and provide employment, it would seem far preferable to changes in labor-management laws.

It would seem that we ought to be concerned about the problem of inflation that tends to reduce the value of our money and also reduce the standard of living of those on a fixed income. Mail received in our office reflects the concern of the people with regard to these matters.

Last January, we included a questionnaire in our newsletter to Virginians to obtain their thoughts on a number of issues confronting the Congress. The labor reform bill was not mentioned but space was provided for constituents to comment on any matter of concern. A large percentage of the 40,000 Virginians returning the questionnaire indicated they opposed any changes in existing labor-management law.

I might add parenthetically, Mr. President, we received more write-ins about the proposed changes that are in this bill than any other matter. It was the greatest concern of the people of Virginia. Our daily mail continues to indicate that a large number of my own constituents oppose this legislation, and believe it would disturb the present balance between labor and management.

It seems reasonable to believe that all of us desire to improve the relationship between labor and management rather than to aggravate it. Certainly a friendly atmosphere means more profit for management and more pay for labor. If, in fact, labor union membership is declining and if unions are losing an increasing number of representative elections, it does not logically follow that a change should be made in the basic labor-management law so as to increase the effectiveness of labor at the expense of both management and the general public.

Labor should have the right to organize, to bargain collectively and to strike when necessary for the relief of its grievances. But, the Government, in my judgment, should be impartial, should not take sides, but undertake to improve the ability of labor and management to settle their own differences rather than to aggravate conflicts when they develop.

In conclusion, Mr. President, I believe most Senators know the feelings of the people they represent.

It was interesting, however, to note on the desk a copy of a statement by the distinguished minority leader, Senator BAKER of Tennessee. I understand that he made some comments earlier in the day. Let me refer to just one paragraph that supports many of the statements that I have just made. That is the second paragraph, his reference to a survey that was conducted in 1,500 in-home interviews.

The survey indicates that, although 45 percent of those polled believe changes in the existing labor laws are necessary, few support the changes proposed in the pending labor law reform bill. Indeed, 65 percent oppose the bill's provision to allow labor union organizers to enter the property of businesses at any time, including during working hours, to recruit members. Moreover, 70 percent believe that employee elections should not be held until there has been an adequate waiting period, such as a month; and 79 percent say that a secret ballot should be held on whether to strike before a union strike is ordered.

Mr. President, I commend the distinguished Senator for sharing the results

of this poll with us. But if there is some doubt in the mind of an individual Senator, it would seem reasonable that he talk with the people back home, that he read his constituent mail, and that he give great weight to constituents' opinions before voting for or against this legislation.

In my own case, I am satisfied that the people of Virginia do not want any drastic change in the present labor-management law.

Mr. President, I suggest the absence of a quorum.

Mr. WILLIAMS. If the Senator will withhold that request, I wonder if the Senator will yield. Without delaying the Senator unduly, I hope, I would like to discuss one aspect of the subject.

Mr. SCOTT. Mr. President, I am glad to withhold the suggestion and to yield to the distinguished chairman of the committee.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. WILLIAMS. Mr. President, again I do not want to at this time deal at great length with the observation made by the Senator from Virginia, but there is just one matter to which I would like to refer.

The distinguished Senator from Virginia developed a theme similar to that of others who are opposed to the bill as it is before us; and that deals with the provision in the bill that would increase the National Labor Relations Board from five to seven members. I believe the Senator from Virginia suggested that maybe this is unnecessary, that it smacks of empire building in the National Labor Relations Board.

I just want to give a little bit of the background that brought us to this provision in the bill.

While we mentioned its origin on other occasions, I did not take the time to read the position of the first to propose the seven-person board.

Again, I say the RECORD shows it came from the senior Senator—I believe the senior Senator—from the State of Ohio at that time, Senator Robert Taft, Sr.

In a bill that was reported from the then Senate Labor and Public Welfare Committee, there were minority views. I would like to read from the minority views. Author Senator Robert Taft, Sr., in the minority views said at that time:

> The 1947 act increased the Board from three to five members and permitted panelization by authorizing it to delegate its powers to three of such members. The bill passed by the Senate at that time would have created a seven-member Board, but in conference the lower number was agreed upon. The size of the Board was increased in the hope that case handling might be expedited. Congress recognized that speed is of the essence in the determination of labor controversies. Delay in case handling tends to encourage use of self-help by the litigants which may take the form of strikes.

Continuing to read from the minority views:

> In the amendment we have proposed, the seven-member Board agreed upon by the Senate in 1947, is again placed in the bill. Also, in accord with the recommendation of the Hoover Commission with respect to the membership on administrative agencies, we have required that no more than four of the members may be members of the same political party.

That was the genesis of the seven-person Board. Of course, it never came to pass. Senator Robert Taft, Sr., did not have his way in the congressional processes in this regard.

Now we have this proposal before us again.

Since that statement in the minority views on the bill before the Senate back in 1949, of course, many people of great knowledge in the whole area of labor-management affairs have joined in the recommendation that the Board be increased in size.

It will be noted that we have been faithful to Senator Taft's suggestions, even to the inclusion of the Hoover Commission suggestion that party not be a factor here, that no more than four members of a seven-member board could be of one political party.

I will say that right now, and, of course, this is temporary and it is only to be observed in connection with this President at this time; I do not think there is any possibility of a President being less political in selection of members of the Board than President Carter. He has reappointed Mr. Fanning, who was first nominated by President Eisenhower, and he has named a career staff person, Mr. Truesdale, party affiliation unknown, to fill the other vacancy that has developed on the Board since the term of President Carter.

So I wanted the record to deal with that.

I know the size of the Board is not a major matter with the Senator from Virginia or the opponents of the bill. But it has great dignity. The idea has the dignity given to it by the great, esteemed Senator, a former leader of our land, Senator Robert Taft, Sr.

Mr. SCOTT. Mr. President, I appreciate the distinguished chairman's sharing the report of some 29 years ago with us and the comments with regard to the late Senator Robert Taft, Sr.

Certainly, it was good of him to commend the distinguished Senator. But the Senator is a lawyer. He knows that ordinarily as a matter of evidence we do not quote from dead people that have been dead for 29 years when they are not here to refute any misstatement of their thoughts at all.

I do not know how Senator Robert Taft, Sr., would feel today about this bill. He is not a voting member of this Chamber at this time.

My concern, and it was wrapped up into a package, my concern was adding to the number, raising it from five to seven, adding to the term, extending it from five to seven years, giving law clerks to the administrative law judges.

The whole concept is tied together and I submit it is empire building.

But I am grateful for the distinguished chairman sharing his thoughts on this matter.

Mr. WILLIAMS. If the Senator will yield further, I do not believe that it is inappropriate to quote from the past, when the person to be quoted is no longer available, particularly in the situation where Senator Taft addressed himself to the NLRB.

Mr. TOWER. Will the Senator yield?

Mr. WILLIAMS. Yes.

Mr. TOWER. So that I might agree with the distinguished Senator from New Jersey.

I think it is altogether neat and proper to quote from the wisdom of the past. I am delighted to see my distinguished friend from New Jersey endorse the views of the late Robert Taft, Sr.

I would like to ask the Senator from New Jersey if he would endorse all of the views expressed by Senator Taft on matters affecting labor and management?

Mr. WILLIAMS. I have come to accept the Taft-Hartley Act, yes.

Senator Taft happened to be a hero of mine. I recall—this is the first time I have had occasion to recall this—the first time I came to visit this Chamber and sat in the gallery. I stayed as long as Senator Taft, as leader on the Republican side, stayed; and I listened to everything he said, with great admiration and respect.

Then his son became a member of our committee and had the same respect—they are most constructive Americans.

There is another reason why it is helpful also to quote Senator Taft from 1949. He was addressing himself then to the workload of the National Labor Relations Board; and to expedite its work, he was suggesting a larger Board. The statistics show that when he first advanced the idea, in 1947, there were 115 decisions issued by the National Labor Relations Board in that year.

Looking now at 1977, the latest figures for a full year are as follows: unfair labor practice cases decided by the Board, 1,127; representation cases, 721—a total of 1,848.

So, what would the Senator suggest to that? If his reasoning were applied today, as it was then, Senator Taft now would continue to advance the idea of a seven-person Board. Since then, his thought has been agreed to, accepted, and advanced by many others, such as the American Bar Association, which we find lends such dignity to questions of procedural matters before our courts and before our boards.

Mr. SCOTT. Mr. President, I am not clairvoyant, and I am very hesitant to say what the point of view of the distinguished former Senator from Ohio would be today. But I submit that there is good reason in a court of law to omit from the evidence the testimony or statements of people long deceased.

Mr. WILLIAMS. There is an exception to the hearsay rule in the law, as I understand it, that we, as lawyers, work under ancient documents. So I will raise that, Your Honor.

[Laughter.]

Mr. SCOTT. Mr. President, I yield to the distinguished Senator from Texas.

Mr. TOWER. I thank the distinguished Senator from Virginia.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I ask unanimous consent that Emily Preston, of Senator HATCH's staff, be accorded the privilege of the floor.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered.

Mr. McCLURE. Mr. President, in a statement made on July 18, 1977, the President said that an election on union representation should be held within a fixed brief period of time after a request for an election is filed with the Board. This period should be as short as is administratively feasible. The Board, however, should be allowed some additional time to deal with complex cases.

The House version of the so-called labor reform bill, H.R. 8410, which passed the House on October 6, 1977, by a vote of 257 to 163, calls for a 25-day period. When the bill was considered in the Senate, an amendment was made that alters the election deadlines. The bill, as introduced in the Senate, would have required the NLRB to direct a representation election not more than 15 days after a petition is filed. Senator HARRISON A. WILLIAMS of New Jersey, committee chairman and the bill's chief sponsor, changed the time limit from 15 to 21 days before the subcommittee approved the bill on January 20.

By a surprisingly close vote of 8 to 7, the committee adopted an amendment by Senator ROBERT STAFFORD of Vermont, which was further amended by Senator THOMAS EAGLETON, of Missouri, requiring the National Labor Relations Board to direct an election in not less than 21 days and not more than 30 days and, if both the union and employer agree, an election could be held outside of that time period. Senator JAVITS, of New York, has been quoted as saying that he favored the amendment, calling it "a minor concession which would respond to the complaints of small businesses." The proponents of the legislation claim that a shortened period is necessary. In order to properly get this matter before the Senate, it is essential that the present method of handling elections and other matters be reviewed.

The National Labor Relations Board has been described as an agency with two important but limited roles. The first role is to provide honest ballot association. And second, the Board acts as a public law enforcer.

As an honest ballot association, it sets up and runs elections. These are the now commonplace employee elections in which the employees decide by secret ballot vote whether they want to be represented by a union and, if so, by which one. If a majority of those voting choose union representation, then by law the union is the exclusive agent for every employee in the voting unit. Now, this is true whether he or she casts a ballot or not and it is true regardless of the way which he or she may have voted and covers dealings with the employer concerning virtually all matters affecting wages, hours, and working conditions. Such an election usually results from the petition filed with the National Labor Relations Board by a union which seeks to demonstrate its majority status and thus gain governmental sanction and legally enforceable bargaining rights. Frequently, however, such an election is held because employees who have union representation have filed a petition for an election to oust the union which has been representing them.

The proponents of the so-called labor law reform bill would have you believe that there is presently no way to have quick, proper elections at which the employees have a right to decide whether or not they wish to be represented by a particular union or whether or not they do not wish to be represented by a particular union.

The Board has developed guidelines for the circumstances under which it will grant a petition for election submitted to it by a union or by employees trying to get out from under union representation. The Board will not hold an election during the life of a collective-bargaining contract of reasonable duration—not over 3 years. That rule has its roots in considerations of industrial relations stability. Effective collective bargaining cannot work if established relationships are allowed to be disrupted at frequent and unpredictable times.

Nor will the Board conduct an election if only a very small group of employees seem to want one. A 30-percent showing of interest is required. That is an administrative rather than a public policy rule, designed to save the Board the time and expense of holding an election when there is not enough employee interest to suggest that the election has any practical chance of resulting in a change in the status quo, either from union representation to removing union representation where the employees so wish.

As a part of running elections, one of the functions, then, of the National Labor Relations Board as an honest ballot association is to make rules and to apply and enforce them. Such rules cover not only when and if to run an election, but also determinations of what kinds of employee groups are appropriate for bargaining and, hence, for the holding of an election. Which employees are eligible to vote, and, once the votes have all been cast, whether the election is valid or invalid. Was it properly run by the National Labor Relations Board? Did one party or another conduct itself, either at the polls or in the course of the election campaign, in a manner which so tainted the atmosphere of the election as to make the result unreliable?

The National Labor Relations Board's role thus involves not only administering the mechanics of balloting, but also a substantial area of administrative supervision, rulemaking, and deciding disputes over whether its rules have been violated.

The Board's second role as it is now constituted and operating under the present labor law is as a public enforcer. Each one of the three words in that title embodies an important concept.

The Board is a public law enforcer. With but a few exceptions, only the Board can enforce this law. Unions cannot. Employers cannot. Employees cannot. A union cannot go into court and file a lawsuit against an employer complaining that the employer has committed unfair labor practices. An employee cannot go into court and do that either. An employer faced with illegal recognition picketing cannot go to court to enjoin that picketing or to seek damages caused by it.

When the National Labor Relations Act was passed, the concept was that there should be a public enforcer, not a rash of individually brought lawsuits seeking to enforce private rights and resulting in cluttering the courts with a mass of litigation over labor disputes.

That basic concept has continued, but some exceptions have been engrafted onto the law as the National Labor Relations Act has been amended. Employers can now sue unions for damages for certain prohibited secondary boycotts. An individual employee can now sue a union in a private suit if that union has failed to represent him fairly. A union can sue an employer for breach of a collective-bargaining contract. Despite these exceptions, however, the National Labor Relations Act continues to be primarily enforced by and through the National Labor Relations Board.

The concept of public prosecution has proved to be very sound. It has prevented harassment of parties by groundless lawsuits while at the same time insuring that law violations do not go undetected and unremedied because an injured party may not have either the resources or the will to maintain a private suit. Employers and unions have come to have respect for this law, because they know a public prosecutor will pursue alleged violations through litigation if voluntary compliance does not occur.

The National Labor Relations Board is a public law enforcer. It does not and cannot enforce anything but the law. This does not always seem widely understood. Many people seem to expect the Board to formulate and administer abstract justice in the labor relations field. Some seem to envision the Board as a governmentally sponsored Robin Hood with a mission of aiding the weak and restraining the strong. With some frequency, one hears the complaint that the Board does not stop big unions from forcing small, weak employers into paying highly inflationary wage rates, or that the Board will not help employees even though their employer has forced them to work unduly long hours or under onerous conditions, or that it has not helped some small union which seemed unable to win elections among employees in a major company whose lawfully conducted election campaigns are regularly successful in persuading employees to vote against union representation.

There are some who think that the Board's only function in life is to compel employees to belong to unions, that the success of the National Labor Relations Act and the success of the Board are measured only in terms of the industries

that are completely organized. This denies the individual employee, the individual worker, the rights that should be guaranteed to him—that after being given adequate time in which to make a conscious decision and then with a secret ballot be able to determine whether or not he wishes to be represented by a union.

Still others see the Board in the role of the public's representative in bargaining and ask why it has not prevented inflationary settlements or settled lengthy strikes which are disruptive of the nation's economy.

The Board has authority to do none of these things. It has and should only have the narrow authority to be an enforcer of the law which gave rise to its existence.

This Congress has written and twice substantially amended the National Labor Relations Act. It is to those enactments and only to those enactments that one must look to find the boundaries of the Board's enforcement authority. Only where conduct of unions or employers is prohibited by the act does the Board have any authority to enter the picture. It is a public law enforcer, not a policy setter, not a setter in morals, economics, the conduct of internal union affairs, or the development of employer personnel practices.

Thirdly, the National Labor Relations Board is a public law enforcer. Within its own structure, this Board has a variety of interwoven processes by which it makes tentative determinations of whether the law has been violated. It has, however, no authority either to make final determinations of guilt or innocence or to remedy any violations which are tentatively found by it to have taken place. No order of this agency has any force or effect until a court concurs with the Board's findings and gives court sanction to a remedial order recommended by the Board. Other Federal and State agencies have administrative enforcement tools, such as the right to grant and revoke licenses. The National Labor Relations Board has none. Nor does a violation of the law administered by this agency give rise to any criminal liability.

If the Board finds that an unfair labor practice has been committed, it can enter an order designed to remedy the unfair practice. But if the respondent union or employer does not heed its order, then the Board must go to a court of appeals and persuade that court that the Board's order is worthy of enforcement under all of the circumstances. If the court agrees and enforces the Board order but the violation continues or remains unremedied, then and then only has the offending employer or union truly run afoul of the law, in which instance civil or criminal contempt penalties may be invoked. Because the National Labor Relations Board has been so settlement minded and because a large measure of voluntary compliance has been achieved, this basic lack of agency authority sometimes tends to be forgotten. It is and has been an important factor in the law's administration and the delicate balance between labor and management. We do not need to tamper with this delicate balance at this time.

The Board's role when the law is violated is public. The Board's role has its roots only in the law, and must be affirmatively enforced in a court of law by the petition of the Board.

The so-called labor relations reform bill wishes to put severe time constraints on the holding of elections. Organized labor is endorsing the measure and claiming that it needs to have the time between the filing of the petition for a certification election and the date of the actual election severely restricted. Let's examine the process by which a certification election is now held.

The National Labor Relations Board's election cases are presently begun when representatives of a union or of a group of employees file a petition for an election. When that election petition is filed, the Board's first act is to notify all interested parties. Thus, if a union files a petition seeking an election in an unorganized plant, the employer is promptly notified. If a group of employees files a petition to oust a union as the bargaining agent, the union and the employer are promptly notified. The reason for the notification is more than courtesy or legal formality. The Board wants to know promptly whether it can get the agreement of the other party to hold an election.

In a very substantial number of cases, the other party has shown itself willing to cooperate and the details of the election are worked out by voluntary agreement of the parties with the aid and assistance of a Board agent.

Such agreements can be reduced to writing and executed in the course of a Board-arranged conference, often within a matter of an hour or two, or, in the case of very large elections, perhaps a day or two. In these cases, the parties primarily want a referee. They want the election run correctly. They want proper notices of the election to be posted. They want the ballots counted by an impartial observer. They want someone to supervise the polling. And they want a proper certificate of the results. The Board performs all those jobs very well. It has accumulated a fantastic amount of experience in its 40 years in conducting elections.

To assist the parties in reaching these agreements, Board agents will be found in many places—on the premises of employers in remote country towns, in heavily industrialized segments of our cities, or aboard ships in harbors, and at virtually every hour of the day or night.

Even in the simplest of elections, there are many details to be tended to. Basics include suitable agreements about when and where the election will take place. Most employers are willing to permit an NLRB election to be held in a convenient location. Dates and times of day for the election are selected under the supervision of the Board and in a manner designed to afford the employees a convenient time to vote, while at the same time enabling the election to be conducted as efficiently as possible. For example, polling times are set to encompass the end of one shift and the beginning of another.

Printed notices designed to be impartial and to advise employees of both the details of the election and of their rights under the law are prepared and sent out to the locations involved for posting several days in advance of the election. Ballots must be printed, sometimes in one or more foreign languages, if there are a number of voters whose knowledge of English is limited. Election observers from both the union and the company must be instructed in their duties.

The utmost care must be taken to preserve the secrecy of the ballot, which means that suitable polling areas must be arranged for. Municipal voting booths may have to be borrowed or portable booths may have to be brought out to the election site by the Board agent. Ballot boxes which can be properly sealed and watched must be provided and brought to the election. Properly prepared ballots must also be ready in time for the election.

Polls must be supervised tactfully but firmly so that the voting can take place in an orderly and dignified manner. Proper announcements of the election may sometimes be made over the plant's loudspeaker system, usually by a Board agent. If there is a problem of releasing voters from work, suitable arrangements must be made and supervised by Board agents so that employees receive clear and timely notice of their right to leave their work stations to mark and deposit their ballots. The ballots must be counted and, if no objections are filed within the time period provided in the Board's rules, a properly worded certificate of the election's outcome must be issued.

Even though in most cases the parties primarily want a referee, there are a host of duties to be performed, ranging from simple clerical functions to considerable feats of diplomacy in arranging things to the satisfaction of all parties concerned so that time-consuming formal proceedings can be avoided. The holding of these elections is one of the most important functions that the Board performs. The administration of these elections is of vital significance to unions, employees, and employers. The present method of handling elections, the time frame within which the elections are held, the complexity of making certain that sanitary conditions exist should not be disturbed. The process is one that cannot be hurried if the people are to have a fair, honest election. The time constraints of the proposed bill are entirely too short in some cases—they may work in some. But the Board's discretion that has been determined from the judgment arrived at by holding thousands of elections adequately and correctly protects the rights of all parties. There is no need to amend the labor laws in order to put a severe time constraint on the holding of representation elections.

There are sometimes real controversies over whether there should be an election at all, over what unit, if any, is appropriate for the holding of an election, and over who is eligible to vote. Is John Doe

a supervisor and thus ineligible to vote or is he merely a "leadman," a more experienced craftsman to whom employees look for guidance but who has no true supervisory duties, and thus eligible to vote? Does Jane Doe work with the unit with sufficient regularity to be a regular part-timer and thus eligible to vote or does she work so sporadically as to be deemed a casual employee without a continuing interest in terms and conditions of employment and thus ineligible to vote?

Some questions of eligibility can be postponed until after the election. Thus, if John shows up at the polls he may vote, but his ballot may be challenged by whatever party believes him ineligible. If his vote is necessary to determine the outcome of the election, the eligibility issue can be decided then. If his vote is not determinative, then it will not be necessary to resolve the challenge. But that procedure is followed only when the number of such voters is fairly small and will not unduly prolong the postelection procedures.

There are many serious questions about the size and shape of the unit, questions such as whether the group is appropriate at all for an election. Sometimes the question is, should an election be held in just one plant of an employer or are the employer's three plants so interdependent and so integrated that only a unit comprised of all three plants is an appropriate one in which to hold an election? Is there a contract in effect which bars an election until near its expiration? Or, does a contract claimed to be a bar not really cover this unit of employees? Is it defective as a bar because it contains illegal provisions?

These serious questions about the appropriateness of a unit cannot always be determined in advance. The legislation being considered would require the Board to adopt in advance rules that would determine units so that they could not be contested or changed. The Board has for many years had the authority to promulgate rules and regulations concerning units. The Board, with the greatest knowledge imaginable about the holding of elections and the appropriateness of units, has decided that it would be best for unions, employers, and employees to not attempt to promulgate rules and regulations in advance fixing units. The Congress should bow to this superior knowledge on the part of the Board. This legislation, which would require the Board to attempt to do that which in its wisdom it has seen fit not to do for so many years, would be completely unwise.

It is recognized that some disputes may not prove resolvable in the conference room by agreement of the parties. When agreement is not reached, a hearing must be held and the decisionmaking process invoked. Administratively, this means that the agency must provide somebody to conduct a hearing and somebody to make a decision. For over half of the Board's history to date, the decisionmaking function in this kind of proceeding lay with the full Board in Washington, D.C. The National Labor Relations Act was amended in 1959 and the Board was authorized to delegate substantial decisionmaking authority to its regional directors at its discretion. The Board has exercised most of that discretion and today only very few cases of this kind reach the full Board. On his own, a regional director may transfer a case of this kind to the Board for decision if he thinks the issues are extraordinarily difficult, complex, or novel. He is not, however, supposed to do so just because the record is long or the issue a little ticklish. In addition to such transfers, the Board reaches some cases by the review route. If a party believes the decision he gets from the regional director is wrong, he may for certain limited reasons request review by the Board in Washington. Such requests are filed in 25 to 35 percent of the cases and the Board grants review of about 10 percent of those requested. Thus, out of every 1,000 regional director decisions, only about 30 will actually be fully reviewed by the Board.

There have been accusations that there has been a great deal of game playing—that people have requested review when there were no genuine issues. This may be true. However, the overwhelming number of certification elections held are done so with a genuine interest on the part of all of the parties to have an honest and fair election. The Board and its regional directors have conducted thousands of elections. They know the people; they know the ones that are honest and truthful; they can require the holding of the elections; they can do it within a time frame that protects everyone. The hurrying of elections, the preventing of people from getting to know the real issues involved can do indefinitely more harm to the individual, to an employer, to a union than going through the orderly processes that have been established by the Board.

When the voting is completed and the ballots counted, the Board's role is not necessarily over. A party may protest that the election was not valid or, if there are challenged ballots in sufficient numbers to affect the outcome of the election, voter eligibility questions may have to be dealt with.

Protests of the validity of the election are called "objections" and a number of different kinds of objections may be made. For example, it may be asserted that the company or the union intimidated voters by making threats or offering bribes, or that last-minute material misrepresentations were made by one party or the other, or that some employees were prevented from voting, or that the Board agent conducting the election failed to keep the ballot box under close and careful observation at all times, or that improper electioneering occurred at the polling place. It is obvious from just these few examples that a potential exists in this area for a host of disputes and, thus, for further work for the agency.

The Board attempts to handle these issues without the necessity of holding a hearing on every objection. Parties making objections are required to support them with documents and by tendering witnesses. If the objections are legally sufficient, if proved, to require that the election be set aside, the documents will be reviewed and the witnesses interviewed by a Board agent. If they are legally insufficient, the objections may be dismissed without any further investigation. For example, if a union objects to an election because the employer told employees that he did not think unions were a good thing, no investigation would be made. Such employer comment is noncoercive "free speech" and would be legally insufficient to invalidate the election. The objection would be promptly dismissed. A similar dismissal would occur if an employer were to file an objection alleging that the union promised the employees it would negotiate a good contract for them if elected and that there would be big wage increases for everybody. Such forecasts of negotiating success are not regarded by the Board as improper and thus, again, the objection could be dismissed without the need of an investigation of the allegations.

In others, however, where the incidents alleged to have occurred would, if proved, be sufficient to affect the validity of the election, a factual investigation is required. Following the investigation, a report on objections is issued to the parties. That report may recommend that the election be validated, that it be set aside, or that the investigation was inconclusive and that a hearing is necessary before there can be a proper resolution of the issues of fact and law raised by the objections.

The investigative process may or may not eliminate the need for hearing and a written decision. If a hearing and written decision are required, the work is done by the regional offices and not by the Board in Washington.

The administrative functions to be performed after the voting include an investigation, a report on objections, and possibly a hearing and formal decision. Most of the functions in this area are performed in the regional offices, with some review functions being performed by the Board in Washington.

The labor law reform bill would change the concept of the Board as it now exists. It would give it certain authoritative rights that could destroy it as the settlement-minded agency that it now is and should continue to be. The new law would provide debarment powers which are severe to say the least. Ever since its inception, the National Labor Relations Board has been a public law enforcer.

Mr. President, I yield the floor to the Senator from Nevada.

Mr. LAXALT. I thank the Senator from Idaho. Mr. President, I, too, am opposed to the so-called labor reform bill, H.R. 8410. I feel the Senate has far better things to do with what remains of this session than dissipate it in a prolonged struggle to alter what, by any objective analysis, is one of our better run regulatory agencies—the National Labor Relations Board. What is more, I feel, if enacted, H.R. 8410 will render the NLRB less efficient and less equitable than it is now.

As one who led the floor fight in the

Senate against the situs picketing bill in 1975, I know the emotion and controversy which is generated by organizational issues. Both business and labor pull out all the stops. It is for good reason that observers have referred to the activities which surround congressional action on these matters as "holy wars" and any consideration of H.R. 8410 promises to be no exception. Just check the constituent mail, phone calls, and daily schedules which are cluttered with people who want to talk to us about labor reform—both pro and con. It is clear that both sides are geared up.

The focus of the combat is basic to the collective bargaining process as we know it. The NLRB is the agency established to enforce the National Labor Relations Act. Whether it is fair and efficient or inequitable and cumbersome is what this debate is all about.

President Carter introduced the Labor Reform Act to Congress with the stated objective "to make the laws which govern labor-management relations work more efficiently, quickly, and equitably." The President also noted that "unnecessary delay is the most serious problem." So. the need for this legislation is apparently to help reduce the problems of delay and to cure a number of related problems with our labor laws. Or, in the words of Secretary of Labor Marshall, "to reform the NLRB which has become a somewhat sluggish and unresponsive regulatory agency."

With all due respect to Secretary Marshall, President Carter, and other supporters of H.R. 8410, I must strongly disagree. It is my contention that the NLRB, outside of a few isolated cases, is an effective agency with an excellent record of maintaining the delicate balance between labor and management.

The NLRB performs two functions vital to the administration and enforcement of the NLRA. As was pointed out by the former chairman of the NLRB, Edward B. Miller, in his insightful analysis entitled, "An Administrative Appraisal of the NLRB," the NLRB is, first, an honest ballot association—that is an important distinction—and, second, a public law enforcer.

As an honest ballot association, the NLRB is responsible for determining whether particular groups of employees are to be represented by a labor organization. Thus, the Board must conduct employee elections during which it is decided by secret ballot whether the shop will be represented by a union and, if so, which one.

In addition to administering the actual election, the NLRB must decide a number of pre-election and post-election issues. Before any ballots are cast, the scope of the unit in which the election is to be held must be determined as well as what employees are part of each particular unit. Post-election issues usually relate to the conduct of the election, including threats or misrepresentations that may have affected the outcome.

An examination of the Board's election record reveals an efficient operation: Of the 9,000 elections conducted by the NLRB each year, 80 percent are held by agreement of the parties concerned and terminated within a median time of 44 days. On the regional board level, of the 1,614 elections held last year by the regional director, the median time from the filing of the petition until the vote was 75 days. Indeed, in only ½ of 1 percent of all cases is a median time of more than 75 days required, and these cases involve new and unusual issues requiring thorough consideration by the five-member Board here in Washington.

I will not deny that some issues do occur requiring detailed consideration by the Board. Yet, when 80 percent of the elections take place by mutual agreement of those affected in a median time of 44 days, it is obvious that the complaints about delays in the election process refer to isolated incidents. There is always room for improvement, but the facts show that the Board's performance in carrying out elections is highly commendable.

In the area of representational proceedings, the major changes proposed by H.R. 8410 can be described as follows:

(1) Hold quicker elections in units which the Board will establish by rulemaking;

(2) Provide union organizers access to an employer's property; and

(3) Restrain employers from exercising existing rights of appeal of Board representational decisions.

As stated, much of the intent of H.R. 8410 concentrates on speeding up the NLRB's representational proceedings. As reported out by the Senate Committee on Human Resources, the bill requires that where a majority of employees have indicated a desire to be represented by a union and where the bargaining unit sought conforms to a Board rule the Board must conduct an election not less than 21 days and no more than 30 days from the date the union files its petition. In most other cases, those where there is either no majority support or no rule, the Board must conduct an election not more than 45 days from the filing of the petition.

It is interesting to me that the proponents of this bill have such a strong attachment to haste in carrying out what they see as employee desires. In my opinion, voting for or against a union raises significant issues for each employee which require careful evaluation. Majority rule bears with it the consequences of foreclosing individual negotiations and requires adherence to a contract which someone else negotiated. Objectively assessing the importance of collective bargaining for individual rights, to me, requires careful consideration.

Union election campaigns, like other campaigns, require individuals to sift through the arguments, pro and con, and decide on a course of action. The potential shift from individual freedom of contract to aggregate freedom of contract is a terribly important issue.

Congress has previously recognized the substantial impact collective bargaining occasions on individual rights. In 1959, the Senate Labor Subcommittee considering government regulation of internal union affairs noted:

Under the National Labor Relations and Railway Labor Acts, the union which is the bargaining representative, has power in conjunction with the employer to fix a man's wages, hours, and conditions of employment. The individual employee may not lawfully negotiate with his employer. He is bound by the union contract. In practice, the union also has a significant role in enforcing the grievance procedure where a man's contract rights are enforced. The government which gives unions this power has an obligation to insure that the officials who wield it are responsive to the desires of the men and women who they represent.—(S. Rep. No. 187, 86th Cong., 1st. Sess. 20 (1959).)

One would think that these same concerns might lead to allowing employees the maximum, not minimum, time to make an informed decision on whether a union and, if so, which union should be chosen to represent their interests. By mandating that elections be conducted within a prescribed period of time and by mandating that the Labor Board establish bargaining units by rulemaking, the sponsors of H.R. 8410 will actually impair employee rights and increase litigation, an objective which the sponsors presumably wish to avoid.

The time periods mandated under H.R. 8410 amount to a bias on the part of the bill's proponents and sponsors. Since union organizers can readily secure employee signatures on authorization cards without employer knowledge, there will be little difficulty in meeting the majority requirement of the quickie election provision. Objectively, employees who have only been given a sales pitch by a union organizer should have more, not less, time to hear the other side of the story. Yet, H.R. 8410 gives an employer less time to get his story across after the union has made a successful pitch than it allows unions when their salesmen have not been successful in securing authorization cards.

Moreover, having the NLRB establish bargaining units by rulemaking is a concept which even the Labor Board has rejected on numerous occasions. The hostility toward rulemaking in the bargaining unit area was noted by former Board Chairman Frank McCulloch, when he stated in a speech to the American Bar Association that, in the labor relations area, rulemaking was "a cumbersome process—that necessarily impedes the law's ability to respond quickly and accurately to changing industrial practices." Similarly, in 1971, the Labor Board rejected a petition by the American Association of University Professors to establish bargaining units for faculty members in colleges and universities by rulemaking. Thus, to require, as H.R. 8410 does, that the Board utilize rulemaking for bargaining unit determinations is to have the Labor Board engage in a process rejected earlier on because it was not equitable. Indeed, if the Board wanted to make greater use of rulemaking, there is nothing to stop it from doing so.

Under H.R. 8410, the Labor Board is also given authority to impose a make-whole remedy when an employer refuses to bargain in a first contract situation. This remedy will result in the Government writing contracts for the employer and undermines the entire process of free collective bargaining, a process which lies at the cornerstone of labor-

management relations in this country. The seriousness of this remedy cannot be underscored too heavily.

Under H.R. 8410, the Board is given authority to order a make-whole remedy based on the Bureau of Labor Statistics' average wage and benefits settlement index. The index is not relevant for many, particularly small, employers since it covers wage and benefits settlements for bargaining units containing over 5,000 employees. Thus, the Government would be using as a national economic index collective bargaining settlements with the automobile companies, steel companies or coal companies. Such settlements are hardly relevant for small employers or even for larger corporations in many industries.

In my opinion, the make-whole remedy is totally unncessary and represents an attempt to place a punitive provision into the law so that employers will not exercise their legal right of appeal. Since many Board decisions concerning bargaining unit issues are overturned in the courts, there is a need to maintain a viable avenue of judicial review. H.R. 8410 restricts that review. The presence of this remedy will, as recognized by the General Counsel of the Labor Board, serve to encourage the filing of more charges by unions and, hence, greater litigation.

Besides mandating units by rule and quick elections, the drafters of H.R. 8410 also propose to allow union organizers entry onto company property so as to afford equal access. The notion that unions need equal access is one which has been consistently rejected by the Board and Federal courts. Unions are already provided the names and addresses of employees in a bargaining unit and have ample means to communicate their position in any organizing campaign. The proposed equal access provision contradicts the Board's lengthy experience in carefully balancing the rights of labor and management.

Moreover, the proposed equal access provision raises substantial constitutional questions and is so fraught with uncertainty that it will also be the focal point of much litigation. The provision implies that, should management choose to speak to its employees on its time, it not only must afford union organizers the same opportunity but must pay its employees to hear the union organizers' sales pitch. The equal access provision is not even limited to periods when a petition is on file with the Labor Board, and it is subjected to an exceedingly broad interpretation, an interpretation that would enable virtually all labor organizers the opportunity to come on an employer's property just because the employer chose to exercise his free speech rights.

The NLRB's other major function, in addition to conducting elections, is to enforce the NLRA's unfair labor practice provisions. To carry out this responsibility the NLRB is divided into two independent parts: the Office of the General Counsel and the five-member Board. The General Counsel, acting through the NLRB regional directors and attorneys, exercises final authority in the investigation of unfair labor practice charges, the issuance of complaints based on those charges, and the prosecution of the complaints. The formal decisionmaking function is performed by the Board and its corps of administrative law judges.

The Board's record in this area is commendable. By following the practice of avoiding time-consuming litigation whenever possible, more than 95 percent of the approximately 35,000 unfair labor practice charges filed last year were resolved without a hearing in a median time of 55 days.

H.R. 8410 contains three proposals which supporters claim will expedite the processing and deciding of unfair labor practice cases. Briefly stated, the three provisions would increase the size of the Board from five to seven members, require a summary affirmance procedure for resolving uncomplicated cases by two Board members, and require court review petitions to be filed by an aggrieved party within 30 days of the Board's order. In my opinion, upon review, these measures will prove to be counterproductive.

First of all, Mr. President, proponents for expanding the Board from 5 to 7 members claim that by increasing the size of the Board and allowing it to continue deciding cases via three-member panels, the workload of each individual Board member is reduced and case decisions will be expedited. All well and good, but, by focusing on the number of decisionmakers rather than on the decisionmaking process itself, H.R. 8410 embraces an approach characterized by former NLRB chairman McCulloch as an "oversimplified, mathematical approach, not carefully tooled to the realities of the Board's operations."

It should be kept in mind that each decision issued by a three-member panel of the Board will still have to be cleared for issuance by all of the nonparticipating members. Under the terms of H.R. 8410, instead of 2 nonparticipating Board members, clearance from 4 will be required. Additionally, in the more complex cases which are currently considered by the full Board, consensus will be 40 percent harder to attain and dissents will be more frequent than found today. The end results are bound to cause a lengthening, rather than a shortening of case processing time, in my opinion.

Turning now to the summary affirmance procedure proposed by H.R. 8410, I have concluded that this provision is neither desirable nor necessary. Under current Board practices, cases fit for summary treatment receive it regularly now. In fact, the Board adopts the administrative law judge's decision in approximately 20 percent of its cases. These are the ones suitable for summary affirmance. They are decided as quickly as the proposed summary procedure outlined in H.R. 8410 would allow.

The other 80 percent of the cases are reversed or modified in some respect by the Board. Consequently, in the vast majority of instances, a Board decision on the merits would be required in any event. The summary procedure contained in the Labor Reform Act would simply add one more time-consuming step to the process. In the final analysis, summary affirmance will delay rather than expedite overall case processing by the NLRB.

In another attempt to expedite the enforcement of Board orders, H.R. 8410 permits the Board to obtain automatic enforcement of its decisions in a court of appeals, unless a petition for review is filed within 30 days of the decision. Under existing law, the Board's orders are unenforceable until affirmed by the court of appeals after full review of the merits upon either the Board's application for enforcement on a party's petition for review.

Underlying this proposal is the assumption that 30 days is a sufficient period of time within which respondents can decide whether or not to comply with Board orders. In many cases, this assumption is simply not valid. Under current practice, during the period immediately following issuance of a Board order, the parties and the Board's regional staffs attempt to compute the cost of compliance. In many cases, such as those involving multiple discharges, the computations may be so complex that the regional staff is unable to ascertain within 30 days what the respondent's financial liability will be.

In addition, the vast majority of all unfair labor practice cases—about 69 percent—decided by the Board, closed on voluntary compliance with a Board order without resort to the courts. In some of these cases, additional time beyond 30 days was required to obtain that voluntary compliance. By requiring that petitions for review be filed within 30 days, this proposal seriously jeopardizes the efforts of the Board to obtain voluntary compliance and may require significant additional appellate court litigation. Additional litigation, of course, requires additional time.

Finally, Mr. President, a review of the Board's record will show that this proposal does little besides confirming present practice at the expense of needed flexibility. Although in the late 1960's and early 1970's the Board did require over 250 days to file petitions for enforcement after attempts to obtain voluntary compliance failed, for the last few years enforcement petitions have been filed by the Board in a median time of approximately 30 days from failure of voluntary compliance. In sum, this proposal designed to expedite enforcement of Board orders may cause a litigation explosion, thereby increasing the time required to resolve unfair labor practice cases.

Passage of H.R. 8410 by the Senate will only result in making the NLRB less efficient, increase case handling delays, require more litigation by our already overburdened courts, further delay elections, and insure that employees will be less than fully informed before voting on unionizing. I feel it would be far more advantageous to devote our time and resources to true Government reform which is not embodied in H.R. 8410.

After all, Mr. President, everyday at least one of us stands up on this floor and decries an instance where big Govern-

ment has mishandled a situation or unfairly muscled one of our constituents, a daily occurrence on this floor and in our offices. These complaints are sincere, come from both sides of the aisle, this has nothing to do with partisanship, and reflect a general dissatisfaction Americans throughout this country evidence over the performance of their Federal Government. The system simply is not responsive.

And, in view of the many pressing requirements for Government reform which surround us in this town, it is almost amusing that we are considering this particular piece of legislation labeled as it is a "reform" measure. Though tagged "reform," we are dealing with a special interest measure having a targeted constituency and taking time away from what could be a true reform task if that is really the aim of this Congress.

Instead of focusing on the National Labor Relations Board in the name of "reform," it seems to me the Congress should spend its time more fruitfully concentrating on problems within the Environmental Protection Agency. HUD, or some of the other Federal bureaucracies which appear at odds with the needs and aspirations of most of our citizens.

Right now the rural community of Winnemucca in my State is engaged in a dialog with EPA that is positively surreal. The agency is upset with the town because of its air quality or, as Washington sees it, lack of quality. EPA has pinpointed an air pollutant and told the people this particle must be removed immediately or suffer the pains of fines and a cutoff of Federal funding. Well, that's a rather harsh approach, but what makes the whole matter utterly ridiculous is that the pollutant EPA wants Winnemucca to get rid of is dust. We are talking here about the dust that is kicked up by the wind and blows in off the desert.

It has been my suggestion that Winnemucca counter by applying for an EPA pollution control grant. With the moneys attained a special altar to the rain gods could be constructed to petition the Heavens periodically for waters to wet down the dry lands.

This tale of Winnemucca dust and the Federal response is not unique to Nevada. People everywhere are extremely upset with the course Government has been steering for a number of years, for far too many years. And the direction we have chosen has produced some tragic results which cannot be treated lightly.

Just over 20 years ago, under the guidance of the Department of Housing and Urban Development, about $37 million was spent erecting what was to be a revolutionary urban renewal project in the ghettoes of St. Louis. The Pruitt-Igoe Housing Complex consisting of 33 11-story buildings was constructed to house 10,000 people. The concept, planning, design, and building of Pruitt-Igoe were accompanied by the standard Federal fanfare and promises that a new life was dawning for many of the underprivileged in St. Louis. This complex was to be a model for urban renewal projects across the country.

Unfortunately, things did not work out as had been promised and many dreams were shattered. First of all, most of the new residents of Pruitt-Igoe had never occupied a high rise complex and could not acclimate. And a good portion of the early tenants were displaced persons from a shanty town in the area. A lack of familiarity with the accommodations led, according to the Executive Director of the St. Louis Housing Authority, to tragic situations like those who tried to defrost their refrigerators by lighting fires in them. A coarchitect of the project acknowledged that Pruitt-Igoe was designed by middle-class whites for a group whose values and lifestyle they did not understand.

Predictably, the area began to deteriorate. The frustrated tenants who had been dumped into Pruitt-Igoe from surrounding slums were having their hopes dashed. The disappointment was manifested as the residents became victims of, and participants in, rapes, murders, muggings, and vandalizing. A few years after people began occupying Pruitt-Igoe, the incidents of rape, robbery and aggravated assault was 2½ times that of the entire city of St. Louis. This is in one development—2½ times that of the entire city. And, because of its massive structure and design, the complex was impossible to police effectively. The city's police chief noted that, "The only security there was for the thief."

The cost of this project ran well over $57 million when interest on bonds, a failed modernization effort, operating subsidies, and other costs are computed. $57 million went into that ill-fated project. A short time ago HUD pronounced Pruitt-Igoe a failure and it has since been razed. $57 million down the drain—another misguided Federal project.

How in the world did we get so far off-base here that $57 million was literally thrown down a rathole? Those funds could have improved the lives of every man, woman and child who suffered through this failed Federal experiment.

The sad thing is that we in Congress sit here and debate the merits of measures like H.R. 8410 which bears the bogus label of "reform" when our energies could be spent on genuinely improving the functions of government if that is what we truly want.

We have already heard and, undoubtedly, will be told more about the need to pass this bill because proponents claim it offers the working person a helping hand. That charade was exploded earlier in this statement. But our workforce does, of course, face some difficulties this Congress could deal with without manufacturing legislation that turns an advantage towards special interests.

For example, each year our Government contributes millions of tax dollars to international organizations which, in turn, loan money to developing nations. This is as it should be. And, as members of the governing bodies of these groups, we are expected to exercise some scrutiny over how these moneys are distributed. I doubt anyone expects us to act in contravention to our interests, especially people here at home. Well, that expectation may be a bit optimistic.

For instance, currently the domestic copper market is suffering through a depression. World prices have undercut our own because many producing nations refuse to cooperate and, instead, glut the market with this mineral. Consequently, plants across America have been compelled to reduce work forces or shut down altogether. Yet, today the United States is considering supporting a $322.6 million loan proposal by the International Monetary Fund for the financially troubled, state-owned copper industry of Zambia. And Zambia is one of those countries that is responsible for the depressed conditions of our own copper industry. Why have we not rejected this proposal out-of-hand until some understanding can be reached about the responsibilities copper producers should be expected exercise?

Would it not make a lot more sense to address ourselves to problems like this here in the Senate and try to straighten out these situations so a segment of the workforce could be put back on the job? What good are we doing them today? Strengthening the unions would not mean much to those for whom jobs are not available.

The bottom line here is this. The argument offered by the proponents of the bill claims reform of a government function is vitally needed to protect the working person in America today. That argument emanates from a narrow constituency interested primarily in advancing organized labor with a boost from Congress.

We agree on one thing, reform in this town is certainly called for. We part company on the scope of the effort. I say broaden our horizons and tackle those agencies where weaknesses have been so evident for years and where those weaknesses penalize an entire population.

The American people, I believe, are all for government reform. What we are proposing to do here should not be confused with such an effort and I doubt very seriously that many see what we are doing as helpful towards making our Government a more responsive system. And that is what reform is all about.

END STAGE RENAL DISEASE PROGRAM

The PRESIDING OFFICER (Mr. PAUL G. HATFIELD). The hour of 3 o'clock having arrived, under the previous order the Chair lays before the Senate a message from the House on H.R. 8423.

The message is as follows:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 8423) entitled "An Act to amend titles II and XVIII of the Social Security Act to make improvements in the end stage renal disease program presently authorized under section 226 of that Act, and for other purposes", with the following amendment:

In lieu of the matter proposed to be inserted by the said amendment, insert:

That (a) title II of the Social Security Act is amended by inserting immediately after section 226 the following new section:

"SPECIAL PROVISIONS RELATING TO COVERAGE UNDER MEDICARE PROGRAM FOR END STAGE RENAL DISEASE

"SEC. 226A. (a) Notwithstanding any provision to the contrary in section 226 or title XVIII, every individual who—

"(1)(A) is fully or currently insured (as

such terms are defined in section 214 of this Act) or would be fully or currently insured if his service as an employee (as defined in the Railroad Retirement Act of 1974) after December 31, 1936, were included in the term 'employment' as defined in this Act, or (B) is entitled to monthly insurance benefits under title II of this Act or an annuity under the Railroad Retirement Act of 1974, or (C) is the spouse or dependent child (as defined in regulations) of an individual who is fully or currently insured or would be fully or currently insured if his service as an employee (as defined in the Railroad Retirement Act of 1974) after December 31, 1936, were included in the term 'employment' as defined in this Act, or (D) is the spouse or dependent child (as defined in regulations) of an individual entitled to monthly insurance benefits under title II of this Act or an annuity under the Railroad Retirement Act of 1974;

"(2) is medically determined to have end stage renal disease; and

"(3) has filed an application for benefits under this section;

shall, in accordance with the succeeding provisions of this section, be entitled to benefits under part A and eligible to enroll under part B of title XVIII, subject to the deductible, premium, and coinsurance provisions of that title.

"(b) Subject to subsection (c), entitlement of an individual to benefits under part A and eligibility to enroll under part B of title XVIII by reasons of this section on the basis of end stage renal disease—

"(1) shall begin with—

"(A) the third month after the month in which a regular course of renal dialysis is initiated, or

"(B) the month in which such individual receives a kidney transplant, or (if earlier) the first month in which such individual is admitted as an inpatient to an institution which is a hospital meeting the requirements of section 1861(e) (and such additional requirements as the Secretary may prescribe under section 1881(b) for such institutions) in preparation for or anticipation of kidney transplantation, but only if such transplantation occurs in that month or in either of the next two months,

whichever first occurs (but no earlier than one year preceding the month of the filing of an application for benefits under this section): and

"(2) shall end, in the case of an individual who receives a kidney transplant, with the thirty-sixth month after the month in which such individual receives such transplant or, in the case of an individual who has not received a kidney transplant and no longer requires a regular course of dialysis, with the twelfth month after the month in which such course of dialysis is terminated.

"(c) Notwithstanding the provisions of subsection (b)—

"(1) in the case of any individual who participates in a self-care dialysis training program to the third month after the month in which such individual initiates a regular course of renal dialysis in a renal dialysis facility or provider of services meeting the requirements of section 1881(b), entitlement to benefits under part A and eligibility to enroll under part B of title XVIII shall begin with the month in which such regular course of renal dialysis is initiated;

"(2) in any case in which a kidney transplant fails (whether during or after the thirty-six-month period specified in subsection (b)(2)) and as a result the individual who received such transplant initiates or resumes a regular course of renal dialysis, entitlement to benefits under part A and eligibility to enroll under part B of title XVIII shall begin with the month in which such course is initiated or resumed; and

"(3) in any case in which a regular course of renal dialysis is resumed subsequent to the termination of an earlier course, entitlement to benefits under part A and eligibility to enroll under part B of title XVIII shall begin with the month in which such regular course of renal dialysis is resumed.".

(b) Section 226 of such Act is amended—

(1) by striking out subsections (e), (f), and (g), and

(2) by redesignating subsections (h) and (i) as subsections (e) (f), respectively.

SEC. 2. Part C of title XVIII of the Social Security Act is amended by adding at the end thereof the following new section:

"MEDICARE COVERAGE FOR END STAGE RENAL DISEASE PATIENTS

"SEC. 1881. (a) The benefits provided by parts A and B of this title shall include benefits for individuals who have been determined to have end-stage renal disease as provided in section 226A, and benefits for kidney donors as provided in subsection (d) of this section. Notwithstanding any other provision of this title, the type, duration, and scope of the benefit provided by parts A and B with respect to individuals who have been determined to have end-stage renal disease and who are entitled to such benefits without regard to section 226A shall in no case be less than the type, duration, and scope of the benefits so provided for individuals entitled to such benefits solely by reason of that section.

"(b)(1) Payments under this title with respect to services, in addition to services for which payment would otherwise be made under this title, furnished to individuals who have been determined to have end-stage renal disease shall include (A) payments on behalf of such individuals to providers of services and renal dialysis facilities which meet such requirements as the Secretary shall by regulation prescribe for institutional dialysis services and supplies (including self-dialysis services in a self-care dialysis unit maintained by the provider or facility), transplantation services, self-care home dialysis support services which are furnished by the provider of facility, and routine professional services performed by a physician during a maintenance dialysis episode if payments for his other professional services furnished to an individual who has end-stage renal disease are made on the basis specified in paragraph (3)(A) of this subsection, and (B) payments to or on behalf of such individuals for home dialysis supplies and equipment. The requirements prescribed by the Secretary under subparagraph (A) shall include requirements for a minimum utilization rate for covered procedures and for self-dialysis training programs.

"(2)(A) With respect to payments for dialysis services furnished by providers of services and renal dialysis facilities to individuals determined to have end-stage renal disease for which payments may be made under part B of this title, such payments (unless otherwise provided in this section) shall be equal to 80 percent of the amounts determined in accordance with subparagraph (B); and with respect to payments for services for which payments may be made under part A of this title, the amounts of such payments (which amounts shall not exceed, in respect to costs in procuring organs attributable to payments made to an organ procurement agency or histocompatibility laboratory, the costs incurred by that agency or laboratory) shall be determined in accordance with section 1861(v). Payments shall be made to a renal dialysis facility only if it agrees to accept such payments as payment in full for covered services, except for payment by the individual of 20 percent of the estimated amounts for such services calculated on the basis established by the Secretary under subparagraph (B) and the deductible amount imposed by section 1833 (b).

"(B) The Secretary shall prescribe in regulations any methods and procedures to (i) determine the costs incurred by providers of services and renal dialysis facilities in furnishing covered services to individuals determined to have end-stage renal disease, and (ii) determine, on a cost-related basis or other economical and equitable basis (including any basis authorized under section 1861(v)), the amounts of payments to be made for part B services furnished by such providers and facilities to such individuals. Such regulations shall provide for the implementation of appropriate incentives for encouraging more efficient and effective delivery of services (consistent with quality care), and shall include, to the extent determined feasible by the Secretary, a system for classifying comparable providers and facilities, and prospectively set rates or target rates with arrangements for sharing such reductions in costs as may be attributable to more efficient and effective delivery of services.

"(C) Such regulations, in the case of services furnished by proprietary providers and facilities may include, if the Secretary finds it feasible and appropriate, provision for recognition of a reasonable rate of return on equity capital, providing such rate of return does not exceed the rate of return stipulated in section 1861(v)(1)(B).

"(D) For purposes of section 1878, a renal dialysis facility shall be treated as a provider of services.

"(3) With respect to payments for physicians' services furnished to individuals determined to have end-stage renal disease, the Secretary shall pay 80 percent of the amounts calculated for such services—

"(A) on a reasonable charge basis (but may, in such case, make payment on the basis of the prevailing charges of other physicians for comparable services) except that payment may not be made under this subparagraph for routine services furnished during a maintenance dialysis episode, or

"(B) on a comprehensive monthly fee or other basis for an aggregate for services provided over a period of time (as defined in regulations).

"(4) Pursuant to agreements with approved providers of services and renal dialysis facilities, the Secretary may make payments to such providers and facilities for the cost of home dialysis supplies and equipment and self-care home dialysis support services furnished to patients whose self-care home dialysis is under the direct supervision of such provider or facility, on the basis of a target reimbursement rate (as defined in paragraph (6)).

"(5) An agreement under paragraph (4) shall require, in accordance with regulations prescribed by the Secretary, that the provider or facility will—

"(A) assume full responsibility for directly obtaining or arranging for the provision of—

"(i) such medically necessary dialysis equipment as is prescribed by the attending physician;

"(ii) dialysis equipment maintenance and repair services;

"(iii) the purchase and delivery of all necessary medical supplies; and

"(iv) where necessary, the services of trained home dialysis aides;

"(B) perform all such administrative functions and maintain such information and records as the Secretary may require to verify the transactions and arrangements described in subparagraph (A);

"(C) submit such cost reports, data, and information as the Secretary may require with respect to the costs incurred for equipment, supplies, and services furnished to the facility's home dialysis patient population; and

"(D) provide for full access for the Secretary to all such records, data, and infor-

mation as he may require to perform his functions under this section.

"(6) The Secretary shall establish, for each calendar year, commencing with January 1, 1979, a target reimbursement rate for home dialysis which shall be adjusted for regional variations in the cost of providing home dialysis. In establishing such a rate, the Secretary shall include—

"(A) the Secretary's estimate of the cost of providing medically necessary home dialysis supplies and equipment;

"(B) an allowance, in an amount determined by the Secretary, to cover the cost of providing personnel to aid in home dialysis; and

"(C) an allowance, in an amount determined by the Secretary, to cover administrative costs and to provide an incentive for the efficient delivery of home dialysis;

but in no event shall such target rate exceed 70 percent of the national average payment, adjusted for regional variations, for maintenance dialysis services furnished in approved providers and facilities during the preceding fiscal year. Any such target rate so established shall be utilized, without renegotiation of the rate, throughout the calendar year for which it is established. During the last quarter of each calendar year, the Secretary shall establish a home dialysis target reimbursement rate for the next calendar year based on the most recent data available to the Secretary at the time. In establishing any rate under this paragraph, the Secretary may utilize a competitive-bid procedure, a pre-negotiated rate procedure, or any other procedure which the Secretary determines is appropriate and feasible in order to carry out this paragraph in an effective and efficient manner.

"(7) For purposes of this title, the term 'home dialysis supplies and equipment' means medically necessary supplies and equipment (including supportive equipment) required by an individual suffering from end-stage renal disease in connection with renal dialysis carried out in his home (as defined in regulations), including obtaining, installing, and maintaining such equipment.

"(8) For purposes of this title, the term 'self-care home dialysis support services', to the extent permitted in regulation, means—

"(A) periodic monitoring of the patient's home adaptation, including visits by qualified provider or facility personnel (as defined in regulations), so long as this is done in accordance with a plan prepared and periodically reviewed by a professional team (as defined in regulations) including the individual's physician;

"(B) installation annd maintenance of dialysis equipment;

"(C) testing and appropriate treatment of the water; and

"(D) such additional supportive services as the Secretary finds appropriate and desirable.

"(9) For purposes of this title, the term 'self-care dialysis unit' means a renal dialysis facility or a distinct part of such facility or of a provider of services, which has been approved by the Secretary to make self-dialysis services, as defined by the Secretary in regulations, available to individuals who have been trained for self-dialysis. A self-care dialysis unit must, at a minimum, furnish the services, equipment, and supplies needed for self-care dialysis, have patient-staff ratios which are appropriate to self-dialysis (allowing for such appropriate lesser degree of ongoing medical supervision and assistance of ancillary personnel than is required for full care maintenance dialysis), and meet such other requirements as the Secretary may prescribe with respect to the quality and cost-effectiveness of services.

"(c)(1)(A) For the purpose of assuring effective and efficient administration of the benefits provided under this section, the Secretary shall establish, in accordance with such criteria as he finds appropriate, renal disease network areas, such network organizations (including a coordinating council, an executive committee of such council, and a medical review board, for each network area) as he finds necessary to accomplish such purpose, and a national end stage renal disease medical information system. The Secretary may by regulations provide for such coordination of network planning and quality assurance activities and such exchange of data and information among agencies with responsibilities for health planning and quality assurance activities under Federal law as is consistent with the economical and efficient administration of this section and with the responsibilities established for network organizations under this section.

"(B) At least one patient representative shall serve as a member of each coordinating council and executive committee.

"(C) The Secretary shall, in regulations, prescribe requirements with respect to membership in network organizations by individuals (and the relatives of such individuals) (i) who have an ownership or control interest in a facility or provider which furnishes services referred to in section 1861 (s)(2)(F), or (ii) who have received remuneration from any such quality or provider in excess of such amounts as constitute reasonable compensation for services (including time and effort relative to the provision of professional medical services) or goods supplied to such facility or provider; and such requirements shall provide for the definition, disclosure, and, to the maximum extent consistent with effective administration, prevention of potential or actual financial or professional conflicts of interest with respect to decisions concerning the appropriateness, nature, or site of patient care.

"(2) The network organizations of each network shall be responsible, in addition to such other duties and functions as may be prescribed by the Secretary, for—

"(A) encouraging, consistent with sound medical practice, the use of those treatment settings most compatible with the successful rehabilitation of the patient;

"(B) developing criteria and standards relating to the quality and appropriateness of patient care; and network goals with respect to the placement of patients in self-care settings and undergoing or preparing for transplantation;

"(C) evaluating the procedure by which facilities and providers in the network assess the appropriateness of patients for proposed treatment modalities;

"(D) identifying facilities and providers that are not cooperating toward meeting network goals and assisting such facilities and providers in developing appropriate plans for correction; and

"(E) submitting an annual report to the Secretary on July 1 of each year which shall include a full statement of the network's goals, data on the network's performance in meeting its goals (including data on the comparative performance of facilities and providers with respect to the identification and placement of suitable candidates in self-care settings and transplantation), identification of those facilities that have consistently failed to cooperate with network goals, and recommendations with respect to the need for additional or alternative services or facilities in the network in order to meet the network goals, including self-dialysis training, transplantation, and organ procurement facilities.

"(3) Where the Secretary determines, on the basis of the data contained in the network's annual report and such other relevant data as may be available to him, that a facility or provider has consistently failed to cooperate with network plans and goals, he may terminate or withhold certification of such facility or provider (for purposes of payment for services furnished to individuals with end stage renal disease) until he determines that such provider or facility is making reasonable and appropriate efforts to cooperate with the network's plans and goals.

"(4) The Secretary shall, in determining whether to certify additional facilities or expansion of existing facilities within a network, take into account the network's goals and performance as reflected in the network's annual report.

"(5) The Secretary, after consultation with appropriate professional and planning organizations, shall provide such guidelines with respect to the planning and delivery of renal disease services as are necessary to assist network organizations in their development of their respective networks' goals to promote the optimum use of self-dialysis and transplantation by suitable candidates for such modalities.

"(6) It is the intent of the Congress that the maximum practical number of patients who are medically, socially, and psychologically suitable candidates for home dialysis or transplantation should be so treated. The Secretary shall consult with appropriate professional and network organizations and consider available evidence relating to developments in research, treatment methods, and technology for home dialysis and transplantation. The Secretary shall periodically submit to the Congress such legislative recommendations as the Secretary finds warranted on the basis of such consultation and evidence to further the national objective of maximizing the use of home dialysis and transplantation consistent with good medical practice.

"(d) Notwithstanding any provision to the contrary in section 226 any individual who donates a kidney for transplant surgery shall be entitled to benefits under parts A and B of this title with respect to such donation. Reimbursement for the reasonable expenses incurred by such an individual with respect to a kidney donation shall be made (without regard to the deductible, premium, and coinsurance provisions of this title), in such manner as may be prescribed by the Secretary in regulations, for all reasonable preparatory, operation, and postoperation recovery expenses associated with such donation, including but not limited to the expenses for which payment could be made if he were an eligible individual for purposes of parts A and B of this title without regard to this subsection. Payments for postoperation recovery expenses shall be limited to the actual period of recovery.

"(e)(1) Notwithstanding any other provisions of this title, the Secretary may, pursuant to agreements with approved providers of services and renal dialysis facilities, reimburse such providers and facilities (without regard to the deductible and coinsurance provisions of this title) for the reasonable cost of the purchase, installation, maintenance and reconditioning for subsequent use of artificial kidney and automated dialysis peritoneal machines (including supportive equipment) which are to be used exclusively by entitled individuals dialyzing at home.

"(2) An agreement under this subsection shall require that the provider or facility will—

"(A) make the equipment available for use only by entitled individuals dialyzing at home;

"(B) recondition the equipment, as needed, for reuse by such individuals throughout the useful life of the equipment, including modification of the equipment consistent with advances in research and technology;

"(C) provide for full access for the Secretary to all records and information relating

to the purchase, maintenance, and use of the equipment; and

"(D) submit such reports, data, and information as the Secretary may require with respect to the cost, management, and use of the equipment.

"(3) For purposes of this section, the term 'supportive equipment' includes blood pumps, heparin pumps, bubble detectors, other alarm systems, and such other items as the Secretary may determine are medically necessary.

"(f)(1) The Secretary shall initiate and carry out, at selected locations in the United States, pilot projects under which financial assistance in the purchase of new or used durable medical equipment for renal dialysis is provided to individuals suffering from end stage renal disease at the time home dialysis is begun, with provision for a trial period to assure successful adaptation to home dialysis before the actual purchase of such equipment.

"(2) The Secretary shall conduct experiments to evaluate methods for reducing the costs of the end stage renal disease program. Such experiments shall include (without being limited to) reimbursement for nurses and dialysis technicians to assist with home dialysis, and reimbursement to family members assisting with home dialysis.

"(3) The Secretary shall conduct experiments to evaluate methods of dietary control for reducing the costs of the end stage renal disease program, including (without being limited to) the use of protein-controlled products to delay the necessity for, or reduce the frequency of, dialysis in the treatment of endstage renal disease.

"(4) The Secretary shall conduct a comprehensive study of methods for increasing public participation in kidney donation and other organ donation programs.

"(5) The Secretary shall conduct a full and complete study of the reimbursement of physicians for services furnished to patients with end stage renal disease under this title, giving particular attention to the range of payments to physicians for such services, the average amounts of such payments, and the number of hours devoted to furnishing such services to patients at home, in renal disease facilities, in hospitals, and elsewhere.

"(6) The Secretary shall conduct a study of the number of patients with end renal disease who are not eligible for benefits with respect to such disease under this title (by reason of this section or otherwise), and of the economic impact of such noneligibility of such individuals. Such study shall include consideration of mechanisms whereby governmental and other health plans might be instituted or modified to permit the purchase of actuarially sound coverage for the costs of end stage renal disease.

"(7) The Secretary shall conduct a study of the medical appropriateness and safety of cleaning and reusing dialysis filters by home dialysis patients. In such cases in which the Secretary determines that such home cleaning and reuse of filters is a medically sound procedure, the Secretary shall conduct experiments to evaluate such home cleaning and reuse as a method of reducing the costs of the end stage renal disease program.

"(8) The Secretary shall submit to the Congress no later than October 1, 1979, a full report on the experiments conducted under paragraphs (1), (2), (3), and (7), and the studies under paragraphs (4), (5), (6), and (7). Such report shall include any recommendations for legislative changes which the Secretary finds necessary or desirable as a result of such experiments and studies.

"(g) The Secretary shall submit to the Congress on April 1, 1979, and April 1 of each year thereafter a report on the end stage renal disease program, including but not limited to—

"(1) the number of patients, nationally and by renal disease network, on dialysis (self-dialysis or otherwise) at home and in facilities;

"(2) the number of new patients entering dialysis at home and in facilities during the year;

"(3) the number of facilities providing dialysis and the utilization rates of those facilities;

"(4) the number of kidney transplants, by source of donor organ;

"(5) the number of patients awaiting organs for transplant;

"(6) the number of transplant failures;

"(7) the range of costs of kindey acquisitions, by type of facility and by region;

"(8) the number of facilities providing transplants and the number of transplants performed per facility;

"(9) patient mortality and morbidity rates;

"(10) the average annual cost of hospitalization for ancillary problems in dialysis and transplant patients, and drug costs for transplant patients;

"(11) medicare payment rates for dialysis, transplant procedures, and physician services, along with any changes in such rates during the year and the reasons for those changes;

"(12) the results of cost-saving experiments;

"(13) the results of basic kidney disease research conducted by the Federal Government, private institutions, and foreign governments;

"(14) information on the activities of medical review boards and other networks organizations; and

"(15) estimated program costs over the next five years.".

SEC. 3. (a) Section 226(a) of the Social Security Act is amended—

(1) by striking out "specified in subparagraph (B)" and inserting in lieu thereof "specified in paragraph (1)"; and

(2) by striking out "specified in subparagraphs (A) and (B)" and inserting in lieu thereof "specified in paragraphs (1) and (2)".

(b) Paragraphs (2) and (3) of section 226(e) of such Act (as redesignated by subsection (b)(2) of the first section of this Act) are each amended by striking out "subsection b" and inserting in lieu thereof "subsection (b)".

SEC. 4. (a) Section 1811 of the Social Security Act is amended—

(1) by striking out "section 226" and inserting in lieu thereof "sections 226 and 226A";

(2) by striking out "and" at the end of clause (1), and inserting in lieu thereof a comma; and

(3) by inserting immediately before the period the following: ", and (3) certain individuals who do not meet the conditions specified in either clause (1) or (2) but who are medically determined to have endstage renal disease".

(b) Section 1833(a)(1) of such Act is amended—

(1) by striking out "and" at the end of clause (C), and

(2) by adding the following after "section)," in clause (D): "and (E) with respect to services furnished to individuals who have been determined to have endstage renal disease, the amounts paid shall be determined subject to the provisions of section 1881, and".

(c) Section 1833(a)(2) of such Act is amended by inserting "(unless otherwise specified in section 1881)" after "other services".

(d) Section 1861(s)(2) of such Act is amended—

(1) by striking out "and" at the end of clause (D);

(2) by inserting "and" at the end of clause (E); and

(3) by adding the following new clause after clause (E):

"(F) home dialysis supplies and equipment, self-care home dialysis support services, and institutional dialysis services and supplies;".

(e) The first sentence of section 1866(a)(2)(A) of such Act is amended by inserting the following before the period: "(but in the case of items and services furnished to individuals with endstage renal disease, an amount equal to 20 percent of the estimated amounts for such items and services calculated on the basis established by the Secretary)".

(f) Section 1814(b)(1) of such Act is amended by inserting "and as further limited by section 1881(b)(2)(B)" after "1861(v)".

SEC. 5. The third sentence of section 1817(b) of the Social Security Act, and the third sentence of section 1841(b) of such Act, and section 1876(b)(2)(B) of such Act, are each amended by striking out "Commissioner of Social Security" and inserting in lieu thereof "Administrator of the Health Care Financing Administration".

SEC. 6. The amendments made by the preceding sections of this Act shall become effective with respect to services, supplies, and equipment funished after the third calendar month which begins after the date of the enactment of this Act, except that those amendments providing for the implementation of an incentive reimbursement system for dialysis services furnished in facilities and providers shall become effective with respect to a facility's or provider's first accounting period which begins after the last day of the twelfth month following the month of the enactment of this Act, and those amendments providing for reimbursement rates for home dialysis shall become effective on April 1, 1979.

SEC. 7. Section 15(d) of Public Law 93–233 (as amended by section 7(c) of Public Law 93–368 and the first section of Public Law 94–368) is amended by striking out "October 1, 1977" and inserting in lieu thereof "October 1, 1978".

SEC. 8 (a) The first sentence of section 1905(c) of the Social Security Act is amended—

(1) by striking "and (3)" and inserting in lieu thereof "(3)"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof the following ", and (4) meets the requirements of section 1861(j)(14) with respect to protection of patients' personal funds.".

(b) The fourth sentence of section 1905(c) of such Act is amended by striking out "clauses (2) and (3)" and inserting in lieu thereof "clauses (2), (3), and (4)".

(c) The Secretary of Health, Education, and Welfare shall, by regulation, define those costs which may be charged to the personal funds of patients in intermediate care facilities who are individuals receiving medical assistance under a State plan approved under the provisions of title XIX of the Social Security Act, and those costs which are to be included in the reasonable cost or reasonable charge for intermediate care facility services as determined under the provisions of such title.

(d)(1) The amendments made by subsections (a) and (b) shall become effective on July 1, 1978.

(2) The Secretary of Health, Education, and Welfare shall issue the regulations required under subsection (c) within 90 days after the date of enactment of this Act but not later than July 1, 1978.

(e) Section 20(c)(2) of the Medicare-Medicaid Anti-Fraud and Abuse Amendments (Public Law 95–142) is amended by striking out "section 1905(g)" and inserting in lieu thereof "section 1903(g)".

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

ORDER FOR CONSIDERATION OF SENATE CONCURRENT RESOLUTION 89

Mr. ROBERT C. BYRD. Mr. President, this request has been cleared all around. I ask unanimous consent that upon completion of action by the Senate on H.R. 8423, Senator STEVENSON be authorized to call up for immediate consideration a concurrent resolution authorizing the printing of additional copies of the Senate Ethics Committee's hearings on the Korean inquiry, and that there be a time limit on the measure of not to exceed 10 minutes, equally divided between Mr. STEVENSON and Mr. SCHMITT.

Mr. JAVITS. Mr. President, will the Senator yield, so that we can have a quorum call when the intervening measures are dealt with?

Mr. TALMADGE. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

END STAGE RENAL DISEASE PROGRAM

The Senate continued with the consideration of the message from the House of Representatives on H.R. 8423.

THE PRESIDING OFFICER. Under the previous order, debate on the motion to concur in the House amendment to the Senate amendment to the bill shall not exceed 20 minutes, to be equally divided between Senator TALMADGE and Senator CURTIS.

Mr. TALMADGE. Mr. President, I am willing to respond to any questions the distinguished Senator from Nebraska may have.

Mr. CURTIS. I thank the distinguished chairman of the subcommittee.

Mr. President, with regard to the renal dialysis measure before the Senate, H.R. 8423, I believe that a number of significant steps are undertaken which should improve the delivery of services in this critical area. A more appropriate balance should be struck between facility dialysis and home dialysis under the provisions of the bill, and new reimbursement mechanisms are put in place which should establish a desirable move away from pure cost-related reimbursement.

As many of the Members know, I have had a "hold" on this bill to enable us to review the changes which were made by the House. Language was added by that body in the expressed wish to avoid a conference; that language, as it relates to the establishment of goals and guidelines, differs somewhat materially from the bill that was reported by the Committee on Finance and adopted by the Senate. In the belief that the original House-passed language—which would have established, as an overall objective, the goal that a majority of kidney patients be placed in home care—would have interfered with physicians' professional judgments and would have created arbitrary standards, the Senate deleted these provisions. The House has now restored language which would direct network organizations to develop goals regarding home dialysis and transplantation; to identify facilities and providers that "are not cooperating toward meeting network goals and assisting such facilities and providers in developing appropriate plans for correction"; and to file an annual report, to include a full statement of their goals, data on their performance in meeting their goals (and comparative performance data on facilities and providers), identification of facilities that "have consistently failed to cooperate with network goals," and recommendations on the adequacy of network services in achieving their goals.

In addition, the bill would authorize HEW termination or suspension of a facility or provider which "has consistently failed to cooperate with network plans and goals" until HEW determines that it "is making reasonable and appropriate efforts to cooperate." The legislation would also empower HEW, "in determining whether to certify additional facilities or expansion of existing facilities within a network, (to) take into account the network's goals and performances • • •" and to provide guidelines to assist networks in the development of their respective goals to promote optimum use of self-dialysis and transplantation of suitable candidates.

Finally, the measure gives specific legislative sanction to network organizations and their coordinating councils, executive committees, and medical review boards, and mandates patient representation on coordinating councils.

In light of the Senate's express deletion of the goal language which was in the original House legislation, I have several concerns about the provisions of the bill as it now stands. I have no trouble with the establishment of goals per se, but these appear to be goals and guidelines with potential sanctions that may go far beyond what is consistent with the Senate's original intention. The last thing we want is to give further Federal entities—be they network organizations or HEW—further arbitrary control over the practice of medicine. We have had enough experience with the health planning guidelines in recent months to make it clear that we do not want arbitrary, bureaucratically established "standards" imposed on local treatment decisions. Accordingly I have several questions that I would like to direct to the distinguished chairman of the subcommittee to clarify legislative intent in this critical area; this is particularly important, I think, in the absence of a conference committee report.

First, is my understanding correct that goals are to be developed only by network organizations and that these organizations are local in nature?

Mr. TALMADGE. That is correct. Any such numerical goals are to be developed only by the local network organizations.

Mr. CURTIS. Second, even though the legislation mandates only a patient representative on the coordination councils, is the intention to continue the present practice where each facility is represented on such councils?

Mr. TALMADGE. The bill does not call for any change in the representation of facilities on the coordinating councils. However, it does require the Secretary to prescribe regulations concerning membership by individuals to prevent conflicts of interest.

Mr. CURTIS. Third, is my understanding correct that, first, the goals network organizations are to develop are to be general statements of desirable direction and not numerical in nature? second, the goals are never intended to interfere with individual treatment decisions or the practice of medicine by the individual's physician? and third, the medical, social, and psychological suitability of the patient is to be the primary consideration, and is to supersede any goals, in the decision as to whether he is treated with home dialysis or facility dialysis?

Mr. TALMADGE. Network goals on the placement of patients are not intended to be rigid numerical quotas.

The bill is quite clear in stating that decisions about the treatment of patients are to be made on a patient-by-patient basis and that each decision is to take account of the individual patient's particular medical, psychological, and social situation, and is not to be overridden in order to satisfy any goals.

Mr. CURTIS. Fourth, are the guidelines (which HEW is authorized to adopt) intended to be solely to assist networks in an advisory way, and not in any sense to be standards imposed or required by the Federal Government?

Mr. TALMADGE. That is correct.

HEW's guidelines are intended only to assist networks in the development of their respective goals to promote optimum appropriate use of self-dialysis and transplantation for suitable candidates.

Mr. CURTIS. I thank the distinguished chairman. I believe it important that these issues be clarified before we move to concur with these latest changes made by the House.

Mr. President, I have no further remarks, and whenever the distinguished chairman of the subcommittee is ready to yield back his time, I shall yield back mine.

Mr. TALMADGE. Mr. President, I am pleased that this important legislation is on its way to the White House.

Just a few days ago the President indicated to me his support of the bill and his desire to see H.R. 8423 enacted into law as soon as possible.

Giving credit where credit is due, I would like to compliment the work on this measure by the House Ways and Means Committee.

I also compliment the ranking minority member of the subcommittee, the Senator from Kansas (Mr. DOLE), who was most cooperative. I also compliment the staff, who worked diligently on this matter.

It should also be noted that a bill with similar objectives was originally introduced by Senator LONG in the 94th Congress.

The strong support of Senator MAGNUSON in moving this bill through the Congress should also be acknowledged.

Mr. DOLE. Mr. President, as I have noted in my previous remarks on the end stage renal disease bill, this program has given hope to thousands of individuals. It has protected them from possible financial disaster that frequently is caused by the prohibitive costs of dialysis and transplantation.

Problems with this program have existed in the past and it is these problems that we have attempted to address with this legislation.

COST OF PROGRAM

The cost to the Federal Government of the end stage renal disease program has risen at a faster rate than any of us expected. Current estimates by the Department of Health, Education, and Welfare, indicate that the cost of the program in fiscal year 1978 will be $900 million and will continue to rise.

Our concern has been to determine ways to reduce costs without placing the patients' welfare in jeopardy. We believe an increase in the use of home dialysis is a step toward solving the problem.

HOME DIALYSIS

It has been demonstrated that the cost of home dialysis can be considerably lower than that of institutional dialysis after the first year. Additionally, home dialysis is seen as the treatment of choice for many patients, because it enables them to build the dialysis treatments around their life rather than build a life around dialysis.

PATIENT AND PHYSICIAN DECISIONMAKING

Our legislation, while removing the fiscal disincentives to home dialysis, in no way attempts to mandate any one particular form of treatment. That decision is appropriately left to the physician and the patient.

It should also be noted that it has always been our assumption that only those patients who are medically, socially, and psychologically suitable would be placed in home dialysis. No artificial goals or standards should be allowed to override these considerations.

REIMBURSEMENT SYSTEM

There have been numerous criticisms in the past of our methods of reimbursement for renal dialysis services. When the program was enacted in 1972 we recognized the difficulties that would arise in developing a reimbursement system that was equitable. Little data was available at that time on actual treatment costs. This legislation attempts to make the system a more equitable one. In an attempt to lower costs it is our intention that the reimbursement system, with respect to dialysis services furnished by facilities to patients, will encourage more efficient and effective delivery of services.

The Secretary will be authorized to develop numerous methods of reimbursement, including where possible, the use of prospectively set rates, target rates, and other such incentives that they determine will encourage a more cost-effective system. It is contemplated that in some instances a simple cost related system will be most appropriate where as in others another method may be more effective.

CLASSIFICATION AND COMPARISON SYSTEM

Inherent in the development of a reimbursement system which provides incentives for good management and efficiency, we believe the development of a system for classifying and comparing facilities may well be appropriate.

RELATED ORGANIZATIONS

The bill authorizes the secretary to utilize any basis under section 1861(v) of the Social Security Act for reimbursement. This would enable the Secretary to collapse profit generated by a vertically integrated company. While there are certain circumstances in which this would be appropriate, this principle should not work to discourage arrangements designed to encourage efficiency.

It seems to me that the Secretary of Health, Education, and Welfare should consider the possibility of determining whether, and the extent to which, such arrangements may work to reduce program costs so program savings can be taken into account in deciding whether profit should be allowed.

COST SHARING

The bill also authorizes the Secretary to initiate target rates, with a provision for sharing cost savings with the Government. This is an innovative approach. But it should be recognized that the incentive payments that proprietary facilities earn will be subject to taxes, the same as their other profits. The Secretary of Health, Education, and Welfare should carefully review the performance of the proprietary facilities to determine whether the amount of the incentive payments that can be retained after taxes is sufficient to effectively promote efficiency, or whether an alternative incentive payment system would be appropriate.

CONCLUSION

End stage renal disease is a frightening, lifelong condition for a great number of people. This bill will do much to improve our assistance to these individuals.

I thank my colleagues for their support of this legislation, and I thank the distinguished Senator from Georgia (Mr. TALMADGE) for his work and leadership in this area.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time, and I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. CURTIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY TO PRINT ADDITIONAL COPIES OF "KOREAN INFLUENCE INQUIRY"

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Illinois.

Mr. STEVENSON. Mr. President, I send to the desk a concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 89) authorizing the printing of additional copies of volume II of the Senate hearings entitled "Korean Influence Inquiry."

Mr. STEVENSON. Mr. President, this concurrent resolution has been discussed with the minority; it has been discussed with the chairman of the Rules Committee and the ranking minority member of that committee.

It would authorize printing, for the use of the Senate Select Committee on Ethics, 2,000 additional copies of its hearings entitled "The Korean Influence Inquiry."

I do not know of any objection to the resolution, and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 89) was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Select Committee on Ethics two thousand additional copies of volume II of its hearings of the Ninety-fifth Congress, second session, entitled "Korean Influence Inquiry".

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LABOR LAW REFORM ACT OF 1978

The Senate continued with the consideration of H.R. 8410.

Mr. HATCH. Mr. President, I ask unanimous consent that my remarks made this day will not be in violation of the second speech rule under the rules.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HELMS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. HATCH. Yes.

Mr. HELMS. I thank the able Senator.

Mr. President, I ask unanimous consent that Mr. Terry McCourt, of Senator LAXALT's staff, be accorded the privilege of the floor during consideration of the pending bill and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that the remainder of my remarks be printed in the RECORD immediately following my remarks made earlier this morning as though they were given at the same time.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. HATCH's remarks at this point are printed earlier in today's RECORD.)

Mr. HATCH. I notice that the distinguished Senator from North Carolina

is here, and I am delighted to yield the floor at this time in favor of him.

Mr. MORGAN. Mr. President, I do thank my distinguished colleague, for I do have a conflict in my scheduling today.

Mr. President, on three other occasions I have spoken here on the floor of the Senate with regard to the proposed legislation which is before us.

I have dealt so far on the Senate floor with the motivations behind the labor law reform bill and the specifics of the first section of the bill, that part dealing with delay.

Today, I wish to discuss a part of the bill which is so serious that it deserves separate attention, the section of S. 2467 which creates a rule known as "equal access." I believe that this provision is the most serious change proposed under the bill and I want to spend a few moments exploring it.

Section 6 of S. 2467 directs the National Labor Relations Board to create a rule which provides that if an employer addresses his employees on his own premises or during working hours concerning representation issues, then the labor organization, upon notice to the employer of its intent to represent the employees, would be given an opportunity to come onto the premises and address the employees for the same amount of time.

In other words, if an employer speaks to his own employees on his own property at his own expense, then a labor organization would be able to come onto the premises, on the employer's time and at his expense to address the employees concerning representation issues. My understanding of the bill is that it is not limited to captive audience speeches but could apply to written presentations as well.

Now, I have some serious reservations about this approach. Mr. President, I wish to present some considerations that I hope the supporters of this bill will take up and respond to during the course of our discussion.

My first concern is that the Congress is taking what is a remedy under current practice and making it into a rule of general application. Let me be specific on this point. Under current practice what this bill calls "equal access" is already available. It is a remedy for extreme violations of the law or to cure physical imbalances that deny employees an ability to get information from unions.

Mr. President, under current law, what this bill terms "equal access" and what I call "remedial access," is already available.

For example in the Supreme Court case of *NLRB* v. *Babcock & Wilcox Co.*, 351 U.S. 105 (1956), the court stated that the right of self-organization depends in some measure on the ability of employees to learn the advantages of self-organization. If the location of a plant and living quarters place employees beyond the reach of reasonable union efforts to communicate with them, the employer may be directed to allow the union to come onto his property to approach his employees. What this case noted, as did several others such as the Tamiment case (*NLRB* v. *Tamiment*, 451 F.2d 794 (1st Cir. 1971)), the Kutsher's case (*NLRB* v. *Kutsher's Hotel*, 427 F.2d 200 (2nd Cir. 1970)) and the Grossinger's case (*NLRB* v. *S & H Grossinger's Inc.*, 372 F.2d 26 (2nd Cir. 1967)), was that if an employer's workers are living on the employer's property and unions are excluded from those premises, then the employer may be forced by a court or by the Board to allow a union to come and speak on the premises. A remedy of the imbalance is available and remedial access is provided after careful review. As a remedy, one case noted that it is so much of an invasion of property that if the union was allowed to come on the property, the employer was not required to provide the union with an opportunity equal to that which the employer had taken to address the employees.

Let me state that remedial access is available not only when a physical situation interferes with access to information; it is also available when an employer is ruled to have repeatedly violated the law such that information is denied or where he has committed serious unfair labor practices. Let me give an example, in the J. P. Stevens case, an administrative law judge ruled on December 21, 1977, that the company would have to allow union representatives into its plant for reasonable amounts of time to communicate with the employees. While I would not pass on the merits of this case, the NLRB has seen fit to order remedial access and to allow the union in question to have two 30-minute speeches to the employees. In short, we have remedial access for either physical advantage or for repeated violations of the law. The remedy is managed by the courts and by the NLRB.

SITUATION TODAY

Mr. President, we are dealing with apples and oranges here. Simple equations, that if an employer speaks, then a union should have equal time, are just that—simple and divorced from any reality. What we have now, under the delicate framework created by the NLRB and the courts, is, I repeat, equal access. An employer cannot go to an employee's home and a labor organization cannot come onto company property. Other rules, hammered out over a long period of time, have created a situation which guarantees an employee equal access to information. Where this right is denied, we have a remedy.

PRIVATE PROPERTY

We began in this country with the concept that private property is an important value, something to be guaranteed by the Constitution. An employer's workplace was his private domain. During the years, it was determined that employees had a right to the protection of their health so maximum hour and minimum wage laws were passed; in recent times, to protect workers from unsafe conditions, the Occupational Safety and Health Act was passed.

I might mention, much to the surprise of many, the Supreme Court yesterday ruled that even in this situation private property was important, and that Federal inspectors could not go onto private property, in the absence of consent of the owner, without adequate court orders.

I have not read the case, and I am not in a position to comment on the details of it. But it is some indication of the importance placed by the courts in this day and time on private property.

To allow them to bargain collectively, which is the real purpose of the law, the National Labor Relations Act was passed. All of these things were created and in a way involved the Government in the operation of the workplace. In all of this, the employer gave away and was given little in return. Now we see under this proposal the final attack on the workplace. No longer may an employer control who comes on and off his property; the Federal Government will do that for him.

POLICY DETERMINATION

I believe the challenge that must be met by the proponents of this bill is whether they can ask the Congress in good faith to determine that every employer in this country is violating our labor laws such that they deny their employees information. If this is not the case, and I do not believe it is the case, then we should not take what is a remedy and make it into a rule. If we cannot make that determination, then I do not think we should make remedial access a national policy.

CONSTITUTIONALITY

The second point I would like to deal with is the reality that exists today in labor-management relations. The reality denies any need for so-called equal access or for making remedial access into a rule of practice. The reality is that this bill is attempting to apply the equal time concept of public elections to representation elections. There is no link, Mr. President. A political election is conducted in public and interferes with no one's property rights. A representation election centers on collective bargaining and involves some very important property rights. Providing in S. 2467 that equal time should not interfere with normal business operations is an insufficient guarantee. Besides the infringement on constitutional property rights—the taking of property without due process by requiring an employer to pay for union speeches—I have a concern about the chilling effect of this proposal on the freedom of speech guaranteed by the first amendment. We already have limits on employer speech and now we could be adding more restraint. There is to my mind a very real constitutional question raised by the equal access provision. I hope the sponsors of this bill will address it.

As I mentioned earlier, the decision of the Supreme Court yesterday, in the OSHA case, which was rendered after I prepared my remarks for delivery today, adds even greater emphasis to the question of the constitutionality of this provision.

MANAGEMENT OF ACCESS

There is another reality to be faced and that is management of the proposal. What about retail stores which have large showrooms? How are we to police who is on the floor and who is campaigning? Are we to limit the types of communication raised by this bill? Would the posting of a safety poster by an employer require equal time for a union? The rea-

son I raise these problems is because I believe that one day they will be the subject of court cases. I raise them, because the first part of the bill seeks to cure delay; this part of the bill will, in my judgment, create the need for extensive court review and further delay. The bill creates problems which it attempted to cure at another point.

SUMMARY

The reasoning of S. 2467 seems to be that either employers are denying employees information or that there is a link between the inability to get on an employer's property and the drop in votes in favor of union representation. Both of these are weak arguments. There is no indication that there has been a massive campaign to deny employees access to information about the benefits of collective bargaining through union representation. Nor is there any proof that employees reject unions, because of an absence of union campaign materials. Let me be candid, Mr. President, on the whole I believe that labor-management relations in this country are at a very good level and again I am at a loss to see a need for the provisions of this bill. Again I would challenge the Senate to determine that there is such a problem in this country to necessitate our creating an imbalance in our labor laws and to create a rule which I believe to be unjustified, unnecessary, of doubtful constitutionality, and which makes a policy judgment which is ill-advised.

Mr. President, in the several months that this matter has been pending in Congress, I have given much thoughtful and careful consideration to the merits of the bill as my time permitted. I have tried, in the several comments I have made on this floor, to give an analysis, as thoughtful an analysis as I can, on the objectives and the problems raised in the bill.

We have sought the advice of the Congressional Research Service on the various issues, to assure ourselves that we were on sound ground. With regard to the question which I have addressed today, concerning labor union access to employees during organizational campaigns, I ask unanimous consent to have printed in the RECORD immediately following my comments today a memorandum prepared by the Congressional Research Service on this question, dated January 19, 1978.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C.,
January 19, 1978.

From American Law Division.
Subject: Labor Union Access to Employees During Organizational Campaigns.

The access of labor unions to employees during organizational campaigns is a matter which involves an adjustment between the employees' right of self-organization and the employers' right to maintain discipline in their establishment. In the course of administering the Act, The National Labor Relations Board and the courts have established certain basic presumptions concerning the rights of employees, employers, and nonemployee organizers to communicate through personal solicitation, the distribution of literature, and the holding of meetings.

In general, a rule adopted by an employer that prohibits union solicitation by employees outside working time, although on company property, is an unreasonable impediment to self-organization and therefore discriminatory in the absence of evidence that special circumstances make the rule necessary for maintaining production and discipline. *Republic Aviation Corp.* v. *NLRB*, 324 U.S. 793, 803 n. 10 (1945). On the other hand, the promulgation and enforcement of a no-solicitation rule for working hours must be presumed valid in the absence of evidence that it was adopted for a discriminatory purpose. *Peyton Packing Co.*, 49 NLRB 828, 843–44 (1943).

Oral solicitation by employees may be prohibited only during working hours, while the distribution of literature may be prohibited both during working hours and in working areas. *Stoddard-Quick Mfg. Co.*, 138 NLRB 615 (1962).

The rules applicable to nonemployees, however, are substantially different. An employer may prohibit the distribution of union literature by nonemployee union organizers if reasonable efforts by the union through other available channels will enable it to reach the employees, and if the employer does not discriminate against the union by allowing distribution by other nonemployees. *NLRB* v. *Babcock & Wilcox*, 351 U.S. 105 (1956). Therefore, nonemployee organizers can enter the property of an employer only if the employees are so inaccessible as to make attempts through usual channels ineffective or practically impossible. *See, e.g., Central Hardware Co.* v. *NLRB*, 407 U.S. 539 (1972).

If an employer makes a "captive audience speech" to his employees on company time and on the business premises, he is not obliged to give the union an opportunity to reply, where the union has other means to carry its message to the employees. *Livingston Shirt Co.*, 107 NLRB 400, 409 (1953).

The Board has taken different positions on the problem of captive audience speeches over the years. Under the original Wagner Act of 1935, the Board prohibited captive audience speeches. *Clark Bros.*, 70 NLRB 802 (1946). In 1947, the Taft-Hartley Act amended section 8(c) to assure the employer's right of free speech. The Board responded by promulgating the equal opportunity doctrine, which obliged the employer to permit a reply if he delivered captive audience speeches coupled with no-solicitation rules. *Bonwit-Teller, Inc.*, 96 NLRB 608 (1951). This doctrine was reversed two years later by the *Livingston Shirt* case, *supra*.

In 1966, the Board declined to reinstate the *Bonwit-Teller* rule, and instead voted to postpone any reconsideration of the question of plant access until it had the benefit of experience under the *Excelsior* rule. The *Excelsior* rule requires the employer to furnish the union with the names and addresses of all employees prior to the representation election. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966).

The proposed Labor Reform Act of 1977, as passed by the House on October 7, 1977, would require the Board to reinstitute the equal access policy by means of its rulemaking power. The bill requires the Board to issue regulations providing that if an employer addresses employees on its premises or during working time on issues relating to representation by a labor organization, then the employees shall be assured on equal opportunity to obtain in an equivalent manner information from the union. H.R. 8410, 95th Cong., 1st Sess. (1977).

The rules promulgated by the Board would be subject to reasonable conditions, including due regard for the needs of the employer to maintain the continuity of production. The rules would also provide that employees are assured an equal opportunity overall to obtain such information from the employer and the labor organization, with due regard for the employees' rights to self-organization, the labor organization's right to conduct meetings without undue interference, and the employees' right to the privacy of their own homes. Such rules would be subject to a Congressional veto after being promulgated by the Board.

Mr. MORGAN. I thank the Chair.

Mr. HELMS. Mr. President, I want to compliment my distinguished colleague from North Carolina on his remarks. Obviously he has done his homework, and he always does, and has contributed in excellent fashion to the discussion of this legislation now pending before the Senate.

DRUG REGULATION REFORM

Mr. HELMS. Mr. President, before beginning my remarks on the bill, I would like to call the attention of the Senate to some testimony given before a Senate committee recently.

MR. ROUSE AND MR. COLLEY OFFER ANALYSIS OF S. 2755, THE DRUG REGULATION REFORM ACT OF 1978

Mr. President, last week Mr. Elmore Rouse, president of the National Pharmaceutical Alliance and Mr. William Colley, counsel of the alliance testified before the Subcommittee on Health and Scientific Research of the Senate Committee on Human Resources. NPA is an association of over 100 small pharmaceutical firms dedicated to preserving the small business aspect of this industry and the competition and innovation it provides. Such small firms provide over 30 percent of all pharmaceutical supplies used today. Mr. Rouse is also president of Mayrand, Inc., a pharmaceutical company located in Greensboro, N.C.

The Subcommittee on Health and Scientific Research is considering the first major revision of the Food, Drug and Cosmetic Act since the enactment of the so-called Kefauver amendments in 1962. The National Pharmaceutical Alliance points out that the results of these amendments have been numerous, but not the ones intended. The purpose of the amendments was to remove ineffective drugs from the market. However, it is generally conceded by those knowledgeable in the field, including the 1975 Economic Report of the President, that the number of ineffective drugs on the market has not been reduced.

The total number of drugs introduced on the American market has declined dramatically from an average of 43 new drugs before 1962 to only 17 between 1962 and 1971 to 13 since 1971. In addition, 75 percent of the drugs developed by American pharmaceutical companies cannot be sold in the United States and are only sold in other countries.

The cost of the 1962 amendments are staggering. It costs approximately $1 billion a year to taxpayers to administer the FDA. The pharmaceutical companies must now spend between $8 and $20 million to get each new drug approved as compared to as little as $1 million before 1962. In addition, approval takes from 7 to 10 years as compared with 1 to 2 years before the amendments. And paperwork has increased from an average of 75 pieces of documentation required in the past to

anywhere up to 200,000 pieces of paper. These requirements cost the consumer approximately $0.50 per prescription in additional costs.

Higher prices due to the more limited competition has cost consumers $50 million a year in their drug expenditures.

Hidden costs, such as the effect on the economy of forcing small drug companies out of business because they could not afford the cost required to fulfill the post 1962 FDA requirements, are impossible to estimate.

The absence of drugs on the American market which are available in other countries makes these amendments discriminatory against the poor who cannot travel to get the drugs they need.

Mr. President, last year I introduced legislation to amend the 1962 amendments to limit the regulatory power of the Food and Drug Administration. That bill, S. 1683, has been endorsed by the National Pharmaceutical Alliance and many experts concerned with American health care such as Prof. Yale Brozen of the University of Chicago. Earlier this year, I introduced S. 3018, the "Food and Drug Reform Act of 1978" which makes further proposals to hold down the cost of prescription drugs.

In their testimony on S. 2755, presently being considered by the subcommittee, Mr. Rouse and Mr. Colley provide an important analysis, especially in regard to the impact of many of its provisions on the small pharmaceutical firms. Because of the importance of the issues and the significant contribution of Mr. Rouse and Mr. Colley, I ask unanimous consent that a portion of their testimony be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF THE NATIONAL PHARMACEUTICAL ALLIANCE

Mr. Chairman: We appreciate the opportunity to present the views of the small drug companies on the Drug Regulation Reform Act of 1978 which will have a tremendous impact, to say the least, on our members. NPA was not in existence when the last major reform of the drug laws took place 16 years ago, but we look forward to working with the Subcommittee in perfecting this legislation which will restructure the regulatory system regarding drug products in the United States.

NPA supports reform of the drug laws. There are many provisions of S. 2755 that we wholeheartedly endorse. However, we do have reservations about some of the sections of the bill. Because of limitation of time, we would like to submit for inclusion in the record our detailed comments on the bill and merely touch on some of the highlights during our appearance today.

In our opinion, the bill gives unprecedented discretionary authority to the Secretary which would have a devastating effect on the small drug companies. The Secretary could literally put a company out of business by exercising the powers conferred upon him by S. 2755 to (1) issue his own subpoena commanding the presence of individuals anywhere in the United States; (2) require batch certification for any drug; (3) require virtually any records which in his judgment are appropriate; (4) conduct searches of private property without limitations; (5) restrict hearing rights and due process guarantees of manufacturers; (6) limit the distribution and use of prescription drug products; (7) impose severe fines on the basis of nonjudicial proceedings; (8) require investigations for suspected or even trivial adverse effects; and (9) permit FDA to be prosecutor, judge and jury in imposing civil penalties. NPA recognizes that a federal agency must have reasonable authority to fulfill its responsibility, but the discretionary provisions of this bill go far beyond the authority that should be conferred on the Secretary.

We oppose the requirement for licensing for individual over-the-counter products. We believe it would be an unnecessary burden on the small companies when the same information is available through the Drug Listing Act of 1972. We also strongly believe that the OTC Monograph Review program should be incorporated into S. 2755.

Although we endorse the general provisions of Section 158, we believe it essential that sampling or furnishing starter dosages be permitted in response to written physician requests and appropriate records are maintained indicating the amount of the drug product, the date, and the name of the physician. The small company cannot afford to advertise in the medical journals, print colorful brochures, or host educational seminars. For many of our members the only method of making the physician aware of their products is to provide starter doses for the evaluation by the doctor.

We enthusiastically endorse Section 197 of the bill which provides for federal preemption of the state laws concerning the packaging and labeling of drug products. This has been an extremely troublesome area for our members since many states have conflicting laws and regulations.

With respect to Section 147 which requires the name of the actual manufacturer to appear in the identification labeling, we would like to have the option of listing the name and address of the manufacturer or the manufacturer's registration number. If a distributor purchases a drug product from various manufacturers, he would have to print different labels with each purchase. However, if he were able to utilize the registration number, he could mass produce his labels and merely overprint the number.

NPA supports the criminal penalties provision that substitutes willful offenses and negligence for the strict liability doctrine embodied in the *Park* case. However, we suggest that the definition of negligence contained in S. 2040 be adopted, thereby providing for consistent interpretation.

We oppose the publication of a federal compendium on the grounds that it is not needed. The physician and the pharmacist have presently available to them all the information that would appear in the compendium.

We believe a more flexible method of defining drug efficacy should be adopted. In those instances where scientific evidence of effectiveness cannot be demonstrated, the Secretary, on advice of qualified experts, should be allowed to exercise discretion. This was done in the medical devices amendments of 1976 and we urge that similar langauge be included in S. 2755.

Mr. Chairman, thank you again for giving us the opportunity to testify and we are prepared to offer our assistance in achieving the goals and objectives of S. 2755.

LABOR LAW REFORM ACT OF 1978

The Senate continued with consideration of H.R. 8410.

Mr. HELMS. Mr. President, just so that the record may be perfectly clear in terms of the rules governing this debate, I should like to propound three or four parliamentary inquiries.

The PRESIDING OFFICER. The Senator will state his inquiries.

Mr. HELMS. I thank the Chair.

First, Mr. President, rule XIX of the Standing Rules of the Senate provides that "no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate." Under the precedents, the "same day" refers to the same legislative day; is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair.

Mr. President, it is also my understanding that under the precedents, the word "question" in the portion of rule XIX which I have previously quoted refers to such things as amendments, amendments to amendments, and motions, such as motions to recommit, motions to postpone to a day certain, or motions to postpone indefinitely. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. So, Mr. President, for instance, each Senator would be entitled to give two speeches in the same legislative day on each amendment that was called up and pending before the Senate even if he had already spoken twice on the pending bill or on another amendment to that bill. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Mr. President, is it also true that a Senator who has given two speeches on the same question in the same legislative day would still be entitled to be recognized for the purpose of calling up an amendment or making a motion, suggesting the absence of a quorum, asking for the yeas and nays, or for any other proper purpose under the rules, except for the purpose of making a third speech on the same question? Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair.

Mr. President, last week during this debate, I discussed briefly the results of a poll conducted by the Opinion Research Corp. of Princeton, N.J. This poll, as I said on that occasion, concerned the public attitudes toward labor issues. I am glad to see that a new poll, the results of which have been released today by the distinguished Senator from Tennessee, the able minority leader (Mr. BAKER), tend to confirm the findings of the Opinion Research Corp.

The interesting thing about this new poll is that the survey was conducted by Pat Cadell's polling organization. As we all know, Mr. Cadell is President Carter's personal pollster.

In any event, during my discussion of the Opinion Research poll last week, my good friend, the able Senator from New Jersey (Mr. WILLIAMS), suggested that the complete results of the poll be made public. This I promised to do. So at this time, Mr. President, in accordance with that commitment to my good friend from New Jersey, I ask unanimous consent that the results of a nationwide survey on attitudes toward labor issues conducted by the Opinion Research Corp. be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. The nationwide survey on attitudes toward labor issues, confidential survey conducted for the Chamber of Commerce of the United States, December 1977, follows:

ABOUT THE SURVEY

Research procedures

The findings presented in the attached tables are based on telephone interviews with a national probability sample of 1,018 adults age 18 and over. The interviewing was conducted during the period of December 16–18, 1977. All interviewing was conducted by experienced interviewers from a central WATS facility, with constant supervision.

Survey objectives

The purpose was to obtain from a representative sample of the American public attitudes and opinions toward a number of current labor issues. The survey was sponsored by the Chamber of Commerce of the United States.

Sampling

Opinion Research Corporation's master sample is based on a new probability sample design, prepared in consultation with J. Stevens Stock of Marketmath, Inc., and modified and updated by ORC.

The essential characteristic of probability sampling is that, for each person in the population under study, the probability that he will be included in the sample can be specified. This means that the degree of reliability of any finding from a study based on a probability sample can be estimated mathematically.

This new sample design is a major improvement over standard areal probability designs now in common use There areal methods depend upon the use of maps showing geographic segments for which rough population estimates can be made. These maps are often out of date and otherwise inaccurate; and population estimtaes are frequently unreliable for small geographic areas, particularly as time passes from one census to another. The new sampling method eliminates these important problems of traditional probability sampling by using current address directories as the basis for a system of defining intervewing starting points—a system which, of course, includes in the sample households not in the directory as well. The new method is both statistically and administratively as efficient as possible, providing the most reliable data for any given expenditure.

The ORC master sample consists of 360 counties in the contiguous United States. This master sample of 360 counties comprises, in fact, six sub-samples of 60 counties each. Each of these subsamples is itself a national probability sample. Depending on the needs of any particular study, the master sample can be used as a whole, or any combination of the six subsamples can be used.

To construct the sample, the counties within each state were arranged in order of descending population size, and all the states were grouped in geographical order from Maine to California. Sixty counties were then chosen by statistical procedures that ensure representative geographical distribution. This process was repeated to obtain the six subsamples that make up the master sample of 360 counties.

The next step in the sampling design was to select an area from each of the 360 counties in the master sample. Again, a probability sampling method was used to select, within each county, a minor civil division as defined by the Bureau of the Census. A minor civil division may be a town, township, city, or part of a city. The probability that any particular minor civil division was selected in a county was proportional to the population of that minor civil division. Thus, the larger a minor civil division, the greater the likelihood that it be selected.

In sampling for the WATS line usage, we employ the basic ORC sampling plan to determine the telephone books that cover the minor civil divisions. These telephone books constitute the primary sampling units.

From each primary sampling unit, we draw an equal number of telephone numbers that appear to be residential. In order to obtain both listed and unlisted numbers, we add a fixed quantity (from one to ten) to each telephone number for purposes of providing a list of numbers for actual dialing. For example, if the number that comes up is 672–2424, adding one, we would dial 672–2425. The result is an equal probability random selection of all residential telephone households in the United States.

Once all interviews have been completed, weighting procedures are employed to ensure that the sample properly represents the population from which it was drawn. This sampling procedure is rigorous in concept and practice and allows for the exact determination of the statistical precision of any finding.

Reliability of survey percentages (sampling tolerances)

Results of any sample are subject to sampling variation. The magnitude of the variation is measurable and is affected by the number of interviews and the level of the percentages expressing the results.

The table below shows the possible sample variation that applies to percentage results reported in this study. The chances are 95 in 100 (the 95% confidence level) that a study result does not vary, plus or minus, by more than the indicated number of percentage points from the result that would be obtained if interviews had been conducted with all members of the universe represented by the sample.

Size of sample on which survey result is based	Approximate sampling tolerances applicable to percentages at or near these levels				
	10 or 90	20 or 80	30 or 70	40 or 60	50
1,018	2	3	4	4	4
900	2	3	4	4	4
600	3	4	5	5	5
500	3	4	5	5	5
400	4	5	6	6	6
350	4	5	6	6	7
300	4	6	6	7	7
250	5	6	7	8	8
200	5	7	8	8	9
150	6	8	9	10	10
100	7	10	11	12	12
50	10	14	16	17	17

Sampling tolerances when comparing two survey results

Tolerances (or sampling variation) are also involved in the comparison of results from different parts of any sample (subgroup analysis). A difference, in other words, between two subgroups must be of at least a certain size to be considered statistically significant. The table below is a guide to the sampling tolerances applicable to such comparisons in this survey. These figures, too, represent the 95 percent confidence level.

Size of samples compared	Differences required for significance at or near these precentage levels				
	10 or 90	20 or 80	30 or 70	40 or 60	50
1,000 and 1,000	3	4	5	5	5
1,00 and 750	4	5	5	6	6
750 and 500	4	5	6	7	7
500 and 250	5	7	8	8	9
250 and 100	8	10	12	13	13
750 and 750	4	5	6	6	6
750 and 500	4	6	6	7	7
500 and 250	5	7	8	9	9
250 and 100	8	10	12	13	13

Size of samples compared	Differences required for significance at or near these percentage levels				
	10 or 90	20 or 80	30 or 70	40 or 60	50
500 and 500	5	6	7	8	8
500 and 250	6	8	9	9	9
250 and 100	8	11	12	13	13
250 and 250	7	9	10	11	11
250 and 100	9	12	13	14	14
100 and 100	10	14	16	17	17

Distribution of the sample

Following are shown the number of respondents in all subgroups of the sample:

	Number of respondents *
Men	500
Women	518
18–29 years of age	324
30–39	228
40–49	157
50–59	145
60 years or older	156
8th grade or less education	61
High school incomplete	102
High school complete	371
Some college or graduate	470
Family income under $10,000	211
$10,000–$14,999	258
$15,000–$24,999	285
$25,000 or more	156
East	259
Midwest	308
South	300
West	151
Union member	145
Union household	347
Nonunion household	654
Work for very big/big company	316
Medium-sized company	118
Small company	159
Democrat	523
Republican	302
Independent	150
Liberal	389
Conservative	498
In Between	90
Aware of proposed new labor reform legislation	405
Great deal of awareness	55
Fair amount	350
Not aware	595
White	890
Nonwhite	119
Total public	1,018

* Where subgroups do not add to the total of 1,018 it is because of no response.

In accordance with the Code of Ethics of the American Association for Public Opinion Research, we are bound to maintain the anonymity of respondents and cannot release any information that would tend to identify the views of anyone taking part in this research. Furthermore, our authorization is required for any publication of the research findings or their implications in order to ensure the accuracy of the release.

SUMMARY OF FINDINGS

Very little support (22 percent) exists among members of the general public for the passage of federal legislation that would make it easier than it now is for unions to organize non-union employees. As a matter of fact, as many people (25 percent) believe that there should be legislation that would make organizing non-union employees more difficult than at present. Four in ten (40 percent) do not believe the current laws should be changed. Source Q.19.

The lack of support for legislation that would simplify union organizing efforts is evident not only in all parts of the country, but also among people of all political persuasions—Democrats as well as Republicans

and Independents. This view is held by those who say they have read or heard about new labor reform legislation as well as by those who say they are not aware of such legislation.

In fact, the proposal to make it easier for unions to organize does not win majority support from current union members. Only one-third (33 percent) support the idea, while almost half (48 percent) think that the present laws should not be changed.

As it is, the majority of Americans think that the power and political influence of organized labor already is too great.

Most people (63 percent) think that there is too much power concentrated in the hands of labor leaders of big unions in this country. This is the attitude of majorities of people in all major political subgroups and among liberals as well as conservatives. Even union members tend to feel this way. Source Q.20.

Union members' attitude toward power of labor leaders

	Percent
Too much	51
Too little	11
About right	37
No opinion	1

By better than four to one (60 percent vs. 14 percent), the public thinks that labor unions have more power than employers. Again, this is the attitude of majorities of people in all major political subgroups and among liberals as well as conservatives. Source Q.9.

The public today continues to believe that labor unions in this country have "grown too powerful." Half (51 percent) of the people feel this way, while 18 percent would like to see unions have more power and 26 percent believe that the power of unions is "about right." These latest findings are in line with the trend in public attitudes in previous ORC studies, which showed a shift toward the "too powerful" alternative in the public's thinking between 1974 and 1975. Source Q.10.

ATTITUDES TOWARD POWER OF LABOR UNIONS IN THIS COUNTRY

	General public (percent)					
	1971	1972	1974	1975	1976	1977
Too powerful	55	46	42	50	52	51
Power about right	24	31	33	29	28	26
Not strong enough	14	10	10	8	9	18
No opinion	7	13	15	13	11	5

If anything, more people think that present federal laws favor labor unions (26 percent) than feel that employers are favored (14 percent). Furthermore, almost as many people (39 percent) blame labor unions for frequently violating the current labor laws as blame employers for doing the same thing (45 percent). Q. 8, Q. 22, 23

Generally speaking, the public does not have a very high opinion of organized labor when it comes to its impact on the economy.

For example, the government, compared with either labor or business, is singled out as being the prime cause of inflation. However, almost twice as many people (31 percent) blame labor unions for inflation as blame business (16 percent). Q. 1, 2

Also, among those who believe the country is making economic progress, labor unions are given the least credit, in comparison with either government or business, for their contribution to the economic progress of the country. People who believe that the personal freedoms of Americans are being threatened are more likely to be concerned about labor unions (22 percent) than business (9 percent), although government is feared the most (62 percent). Q. 3, 4, Q. 6, 7

The public as a whole (61 percent) thinks that labor union leaders do at least a fair job of representing the interests of their members, although union members appear more divided than the public as a whole in this regard. Q. 13

HOW WELL UNION LEADERS REPRESENT THE INTERESTS OF THEIR MEMBERS

	Percent	
	Total public	Union members
Very well	14	16
Fairly well	47	43
Total	61	59
Fairly poorly	19	19
Very poorly	14	21
Total	33	40
No opinion	6	1

On the other hand, half of the general public (51 percent) believe that labor union leaders do a poor job of acting in the best interests of the public as a whole, while 44 percent think that labor union leaders are doing at least fairly well (35 percent) or very well (9 percent) in this regard. Q. 14

Significantly, the public believes that, when labor leaders take a public stand on political matters, they usually represent their own views rather than the views of their members. What is more, union members feel the same way. Q. 17

WHOSE POLITICAL VIEWS UNION LEADERS USUALLY REPRESENT

	Percent	
	Total public	Union members
Views of leaders	54	54
Views of members	5	5
Both	34	38
No opinion	7	3

Furthermore, the majority of Americans (56 percent) think that labor unions are too much involved in political action. Four union members in ten also are of the same opinion. Q. 15

Most Americans (73 percent) think that organized labor has at least a fair amount of influence on Congress (44 percent think it has a great deal of influence). And, on balance, those who think any such influence exists think that it is excessive. Q. 16, Q. 16A

Amount of influence organized labor has on Congress

	Percent
Too much	51
Too little	18
About right amount	27
No opinion	4

(Those who say labor has some degree of influence on Congress.)

Indeed, the majority (54 percent) of Americans would favor a law that would prohibit the spending of union dues for political purposes. In fact, as many union member (51 percent) favor such a law as oppose it (48 percent). Q. 18F

In general, the public favors the enactment of laws that might curb union power and protect employees' rights in unionization and collective bargaining practices:

Large majorities of both the general public (77 percent) and union members (83 percent) continue to approve the secret ballot as the only way to determine whether or not non-union employees want union representation. This view is in line with attitudes expressed in previous ORC studies. Q. 18A

SECRET BALLOT TO DETERMINE UNION REPRESENTATION

	General public (percent)			Union members (percent)		
	For	Against	No opinion	For	Against	No opinion
1977	77	17	6	83	15	2
1976	70	18	12	79	18	3
1974	67	19	14	73	18	9
1972	66	18	16	74	21	5
1971	65	18	17	71	19	10
1970	65	16	19	68	20	12
1969	64	18	18	71	20	9
1968	62	20	18	72	21	7
1967	64	18	18	72	20	8
1966	57	14	29	77	14	9

Similarly, high percentages of both groups (81% and 79%) would approve a law that requires worker approval by secret ballot before a strike can be called. Again, this is in line with similar findings in previous ORC studies. Q.18B

SECRET BALLOT REQUIRED BEFORE A STRIKE (PERCENT)

	1972	1974	1976	1977
General public:				
For	83	84	80	81
Against	8	7	11	14
No opinion	9	9	9	5
Union members:				
For	86	90	83	79
Against	9	7	16	19
No opinion	5	3	1	2

Large majorities of both the general public (83%) and union members (75%) approve of a legal requirement that, after a strike has been in effect for 30 days, a secret ballot be taken among members to determine their wishes about continuing or not. This, too, reflects similar views in previous ORC studies. Q.18C

SECRET BALLOT REQUIRED ON VOTE TO CONTINUE A STRIKE

	General public (percent)			Union members (percent)		
	For	Against	No opinion	For	Against	No opinion
1977	83	12	5	75	19	6
1976	80	11	9	76	20	4
1974	85	7	8	86	11	3
1972	83	8	9	81	15	4
1971	77	10	13	81	15	4
1970	77	11	12	73	21	6
1969	79	9	12	77	17	6
1968	75	9	16	76	18	6
1967	79	10	11	73	22	5

The public also strongly favors (72%) a law that would allow a person to get and keep a job without joining a union, an issue on which even union members themselves are divided. Q.18D

LAW TO ALLOW A PERSON TO GET AND KEEP A JOB WITHOUT JOINING A UNION

	Percent	
	Total public	Union members
Favor	72	50
Oppose	23	46
No opinion	5	4

The public as a whole is pretty much divided in its opinion (48% in favor, 45% opposed) in respect to a law that might make it easier for labor unions to organize the

employees of a small business. The higher the income and the higher the education, the more people are opposed to such a law. Moreover, among those most opposed to such a law are people who say that they work for small companies. Q.18E

LAW TO MAKE IT EASIER FOR UNIONS TO ORGANIZE EMPLOYEES OF SMALL BUSINESSES

	Percent		
	Favor	Oppose	No opinion
Total public	48	45	7
By education:			
8th grade or less	66	27	7
High school incomplete	56	36	8
High school complete	47	46	7
Some college	35	59	6
By all households where someone works for a profitmaking company:			
Big companies	46	46	8
Medium-sized companies	43	46	11
Small companies	45	53	2

Overall, throughout this survey there are relatively few regional differences in the attitudes of the general public toward the various labor issues studied.

Finally, the majority of people, including union members, appear to be unaware or have little or no knowledge about proposed new labor reform legislation. Q.21

HAVE HEARD OR READ ABOUT PROPOSED NEW LABOR REFORM LEGISLATION

	Percent	
	Total public	Union members
A great deal	5	7
A fair amount	32	39
	37	46
Very little	43	44
Nothing at all	18	9
	61	53
No opinion	2	1

APPENDIX

LABOR UNION SURVEY, DECEMBER 1977

Question 1. Do you believe we are or are not in a period of inflation; that is, a period in which prices are going up and the dollar is buying less than it used to?

[1. Are in period of inflation; 2. Are not in period of inflation; 3. No opinion]

	Percentage base				
	Unweighted	Weighted	1	2	3
Total public	1,018	3,214	96	3	1
Men	500	1,531	96	3	1
Women	518	1,683	95	3	1
18–29 years of age	324	1,011	95	4	1
30–39	228	526	90	2	(*)
40–49	157	463	94	3	3
50–59	145	502	96	4	0
60 years or older	156	702	95	4	1
8th grade or less	61	463	95	4	1
High school, incomplete	102	629	94	4	2
High school, complete	371	1,228	96	3	1
Some college	470	869	97	3	(*)
Family income under $10,000	211	1,288	95	4	1
$10,000 to $14,999	258	580	97	3	(*)
$15,000 to $24,999	285	813	96	3	1
$25,000 or more	156	378	97	3	0
East	259	751	97	2	1
Midwest	308	872	96	3	1
South	300	1,033	93	5	2
West	151	557	97	2	1
Union member	145	427	94	3	3
Union household	347	1,060	95	3	2
Nonunion household	654	2,112	96	3	1
Work for very big /big company	316	975	97	2	1
Medium-sized company	118	331	90	10	0
Small company	159	450	96	3	1
Democrat	523	1,761	96	3	1
Republican	302	831	96	4	(*)
Independent	150	473	96	3	1
Liberal	389	1,171	96	3	1
Conservative	498	1,562	96	4	(*)
In between	90	315	94	1	5
Aware of new labor laws	405	1,197	96	4	(*)
Great deal of awareness	55	168	98	2	0
Fair amount	350	1,030	95	5	(*)
Not aware	595	1,961	96	3	1
White	890	2,788	95	4	1
Nonwhite	119	411	96	2	2

Question 2. In your opinion, which one of the following is most responsible for inflation—Government, business, or labor unons? (Asked of those who say we are in a period of inflation.)

[1. Government; 2. Business; 3. Labor unions; 4. Other; 5. No opinion]

	Percentage base						
	Unweighted	Weighted	1	2	3	4	5
Total public	980	3,075	44	16	31	2	10
Men	481	1,466	46	16	31	3	8
Women	499	1,609	43	16	31	2	12
180–29 years of age	308	966	51	26	20	1	6
430–39	224	514	50	13	31	2	8
50—49	152	438	39	9	43	2	8
59	139	480	45	13	33	3	12
60 years or older	150	670	32	12	37	4	17
8th grade or less	57	438	35	16	34	1	16
High school incomplete	96	593	49	8	28	4	15
High school complete	355	1,177	47	17	29	2	8
Some college	459	845	42	21	34	2	6
Family income under $10,000	201	1,228	43	15	28	2	15
$10,000 to $14,999	251	561	43	20	31	4	8
$15,000 to $24,999	275	781	46	16	34	2	6
$25,000 or more	152	366	46	19	35	2	5
East	254	731	42	19	36	4	5
Midwest	296	837	45	18	28	3	10
South	284	966	46	13	30	1	12
West	146	540	42	15	30	2	13
Union member	138	400	52	22	19	5	7
Union household	334	1,012	50	21	24	3	7
Nonunion household	630	2,024	41	14	35	2	11
Work for very big/big company	307	942	51	19	26	1	6
Medium-sized company	111	299	40	12	35	2	17
Small company	154	434	45	16	29	4	7
Democrat	502	1,690	40	20	29	3	10
Republican	292	795	50	8	34	1	12
Independent	147	456	49	15	30	5	5
Liberal	375	1,131	45	23	23	3	9
Conservative	482	1,498	42	12	38	2	11
In between	84	296	49	13	29	4	8
Aware of new labor laws	392	1,146	47	15	35	2	5
Great deal of awareness	54	165	33	5	58	5	4
Fair amount	338	982	50	17	31	2	6
Not aware	571	1,876	43	17	29	3	12
White	855	2,664	43	17	33	2	9
Nonwhite	116	397	51	11	19	4	17

Question 3. Do you believe the country as a whole is or is not making economic progress?

[1. Is making progress; 2. Is not making progress; 3. No opinion]

	Percentage base				
	Unweighted	Weighted	1	2	3
Total public	1,018	3,214	53	39	8
Men	500	1,531	56	38	6
Women	518	1,683	49	41	10
18–29 years of age	324	1,011	61	34	5
30–39	228	526	62	32	6
40–49	157	463	44	48	8
50–59	145	502	47	46	6
60 years or older	156	702	43	41	15
8th grade or less	61	463	38	47	17
High school incomplete	102	629	52	41	8
High school complete	371	1,228	54	38	6
Some college	470	869	58	36	3
Family income under $10,000	211	1,288	47	40	15
$10,000 to $14,999	258	580	53	42	4
$15,000 to $24,999	285	813	62	34	3
$25,000 or more	156	378	52	45	7
East	259	751	49	44	6
Midwest	308	872	57	37	0
South	300	1,033	51	39	10
West	151	557	53	37	16
Union member	145	427	52	42	7
Union household	347	1,060	51	42	8
Nonunion household	654	2,112	53	39	6
Work for very big/big company	316	975	54	40	6
Medium-sized company	118	331	52	42	7
Small company	159	450	59	34	7
Democrat	523	1,761	56	37	9
Republican	302	831	54	37	8
Independent	150	473	41	51	6
Liberal	389	1,171	61	33	8
Conservative	498	1,562	51	41	4
In between	90	315	42	44	13
Aware of new labor laws	405	1,197	57	40	8
Great deal of awareness	55	168	48	44	3
Fair amount	350	1,030	58	39	1
Not aware	595	1,961	51	38	11
White	890	2,788	52	40	8
Nonwhite	119	411	55	38	7

APPENDIX

LABOR UNION SURVEY, DECEMBER 1977—Continued

Question 4. Which one of the following do you think contributes most to economic progress in this country—Government, business, or labor unions? (Asked of those who say the country is making progress.)

[1. Government; 2. Business; 3. Labor unions; 4. Other; 5. No opinion]

	Percentage base						
	Unweighted	Weighted	1	2	3	4	5
Total public	555	1,688	28	50	16	2	5
Men	293	863	25	57	14	2	5
Women	262	825	32	42	19	2	5
18–29 years of age	197	615	27	49	21	(*)	5
30–39	138	324	30	56	9	3	2
40–49	75	203	25	61	15	0	1
50–59	68	235	34	41	18	3	4
60 years or older	73	305	27	44	15	3	13
8th grade or less	22	177	52	23	16	6	3
High school incomplete	53	328	24	43	25	4	4
High school complete	201	670	28	49	17	0	7
Some college	271	499	23	64	10	1	4
Family income under $10,000	101	611	36	33	23	3	5
$10,000 to $14,999	143	308	26	53	15	2	4
$15,000 to $24,999	178	501	25	63	9	(*)	5
$25,000 or more	85	196	19	63	12	1	5
East	123	369	30	47	17	3	3
Midwest	182	499	29	51	14	(*)	7
South	164	525	32	45	19	3	2
West	86	294	18	59	16	(*)	8
Union member	79	222	20	59	20	2	3
Union household	183	538	28	49	18	4	3
Nonunion household	363	1,122	29	49	16	(*)	6
Work for very big/big company	178	525	23	54	21	(*)	2
Medium-sized company	63	172	30	60	9	1	2
Small company	89	266	33	54	7	1	6
Democrat	305	984	33	42	19	2	5
Republican	162	447	20	64	12	2	3
Independent	67	194	24	54	16	2	4
Liberal	238	708	30	45	19	3	4
Conservative	265	800	25	55	14	1	5
In between	42	133	22	51	18	1	8
Aware of new labor laws	228	678	23	57	16	1	6
Great deal of awareness	29	81	28	62	0	5	5
Fair amount	199	597	22	56	18	0	6
Not aware	321	997	32	45	17	2	5
White	485	1,449	28	51	14	1	5
Nonwhite	64	228	28	39	29	4	5

Question 5. Which one of the following do you think is most responsible for the lack of economic progress in this country—Government, business, or labor unions? (Asked of those who say the country is not making progress.)

[1. Government; 2. Business; 3. Labor unions; 4. Other; 5. No opinion.]

	Percentage base						
	Unweighted	Weighted	1	2	3	4	5
Total public	390	1,267	58	14	21	2	8
Men	180	577	57	13	25	2	7
Women	210	690	59	15	17	3	9
18–29 years of age	113	350	57	23	17	1	3
30–39	73	171	63	14	17	1	6
40–49	70	224	60	6	28	1	9
50–59	68	233	56	14	19	5	11
60 years or older	62	285	55	8	24	4	11
8th grade or less	30	218	41	12	30	4	13
High school incomplete	43	257	72	3	16	2	11
High school complete	142	465	62	16	18	2	5
Some college	169	315	53	21	23	2	5
Family income under $10,000	83	512	53	12	24	3	8
$10,000 to $14,999	104	245	63	11	12	5	11
$15,000 to $24,999	96	279	64	20	21	0	3
$25,000 or more	66	172	57	17	21	2	7
East	116	333	53	15	22	6	8
Midwest	109	319	53	17	22	2	10
South	112	406	63	9	22	0	7
West	53	209	63	17	15	2	5
Union member	59	180	69	15	10	0	7
Union household	144	446	60	19	13	3	7
Nonunion household	241	812	56	11	25	2	8
Work for very big/big company	118	389	58	20	13	1	9
Medium-sized company	46	139	61	9	29	0	9
Small company	61	152	64	16	17	2	1
Democrat	186	652	55	17	22	1	9
Republican	117	311	62	12	22	5	2
Independent	71	244	66	10	18	3	5
Liberal	128	389	51	23	20	(*)	8
Conservative	200	635	61	9	23	4	6
In between	38	140	65	6	10	4	16
Aware of new labor laws	163	480	57	11	23	4	8
Great deal of awareness	23	73	59	5	24	0	12
Fair amount	140	407	57	13	23	4	7
Not aware	219	752	58	16	20	2	7
White	342	1,108	56	13	22	2	9
Nonwhite	46	156	73	17	11	3	0

Question 6. Do you believe that the personal freedoms of Americans are or are not being threatened?

[1. Are being threatened; 2. Are not being threatened; 3. No opinion]

	Percentage base				
	Unweighted	Weighted	1	3	3
Total public	1,018	3,214	59	34	7
Men	500	1,531	59	36	5
Women	518	1,683	60	32	8
18–29 years of age	324	1,011	54	41	5
30–39	228	526	53	41	6
40–49	157	463	70	24	6
50–59	145	502	64	28	8
60 years or older	156	702	61	29	10
8th grade or less	61	463	67	25	8
High school incomplete	102	629	67	22	11
High school complete	371	1,228	57	38	5
Some college	470	869	53	42	5
Family income under $10,000	211	1,288	60	32	8
$10,000 to $14,999	248	580	60	37	3
$15,000 to $24,999	285	813	61	35	4
$25,000 or more	156	378	55	37	8
East	259	751	61	35	4
Midwest	308	872	56	36	8
South	300	1,033	65	29	6
West	151	557	52	38	10
Union member	145	427	61	30	9
Union household	347	1,060	61	34	5
Nonunion household	654	2,112	59	34	7
Work for very big/big company	316	975	61	33	6
Medium-sized company	118	331	60	33	7
Small company	159	450	59	35	6
Democrat	523	1,761	59	33	8
Republican	302	831	56	39	5
Independent	150	473	67	27	6
Liberal	389	1,171	56	38	6
Conservative	498	1,562	62	32	6
In between	90	315	54	35	11
Aware of new labor laws	405	1,197	59	36	5
Great deal of awareness	55	168	70	30	0
Fair amount	350	1,030	57	37	6
Not aware	595	1,961	60	33	7
White	890	2,788	60	35	5
Nonwhite	119	411	56	29	15

Question 7. Which one of the following do you think represents the biggest threat to personal freedom in this country—Government, business, or labor unions? (Asked of those who say personal freedoms are being threatened.)

[1. Government; 2. Business; 3. Labor unions; 4. Other; 5. No opinion]

	Percentage base						
	Unweighted	Weighted	1	2	3	4	5
Total public	580	1,908	62	9	22	2	7
Men	287	897	64	12	19	2	5
Women	293	1,011	59	6	24	3	8
18–29 years of age	174	546	64	13	17	2	4
30–39	123	276	76	5	16	3	2
40–49	103	327	58	7	24	1	10
50–59	84	323	64	6	28	1	4
60 years or older	92	432	50	10	25	5	12
8th grade or less	39	310	50	10	31	0	12
High school incomplete	67	421	49	8	30	5	9
High school complete	218	704	67	8	20	2	4
Some college	247	457	73	11	11	3	3
Family income under $10,000	121	774	54	8	29	3	8
$10,000 to $14,999	151	346	61	13	18	5	5
$15,000 to $24,999	167	497	70	8	21	1	2
$25,000 or more	85	207	76	6	5	1	12
East	144	454	57	15	19	0	10
Midwest	176	487	71	6	15	7	4
South	181	674	54	10	31	1	5
West	79	293	71	4	17	2	8
Union member	88	259	69	13	12	4	5
Union household	203	643	68	11	16	3	4
Nonunion household	367	1,248	58	8	24	2	8
Work for very big/big company	180	592	62	10	22	2	4
Medium-sized company	71	198	62	2	24	4	10
Small company	92	265	76	8	10	1	6
Democrat	293	1,043	55	11	27	1	7
Republican	168	467	74	4	17	2	4
Independent	96	318	63	11	16	4	10
Liberal	219	656	67	15	15	2	3
Conservative	291	975	62	5	23	3	7
In between	48	170	48	5	32	4	13
Aware of new labor laws	232	706	57	10	26	4	5
Great deal of awareness	36	117	51	8	38	3	1
Fair amount	196	589	58	10	23	4	6
Not aware	339	1,173	65	9	20	2	7
White	511	1,668	61	10	22	3	6
Nonwhite	62	228	66	1	21	2	13

LABOR UNION SURVEY, DECEMBER 1977—Continued

Question 8. Do you think present Federal labor laws favor employers, favor employees, favor labor unions, or are all treated about the same?

[1. Favor employers; 2. Favor employees; 3. Favor labor unions; 4. All treated the same; 5. No opinion]

	Percentage base						
	Unweighted	Weighted	1	2	3	4	5
Total public	1,018	3,214	14	8	26	37	15
Men	500	1,531	15	7	30	36	12
Women	518	1,683	13	9	23	37	18
18–29 years of age	324	1,011	18	8	24	39	11
30–39	228	526	21	8	27	34	10
40–49	157	463	13	11	24	39	13
50–59	145	502	12	11	30	31	16
60 yearse or older	156	702	4	3	29	39	25
8th grade less	61	463	12	1	19	41	27
High schooi Incomplete	102	629	12	6	16	48	18
High school incomplete	371	1,228	14	8	30	36	12
Some college	470	869	16	12	34	28	10
Family incom under $10,000	211	1,288	11	5	23	41	20
$10,000 to $14999	258	580	15	9	23	39	14
$15,000 to $24999	285	813	14	11	32	33	10
$25,000 or more	156	378	21	12	35	27	5
East	259	751	18	10	26	36	10
Midwest	308	872	15	9	29	33	14
South	300	1,033	13	6	22	41	18
West	151	557	9	6	31	37	17
Union member	145	427	29	8	15	40	8
Union household	347	1,060	21	10	21	35	13
Nonunion household	654	2,112	11	7	29	37	16
Work for very big/big company	316	975	20	8	25	34	13
Medium-sized company	118	331	16	9	37	29	9
Small company	159	450	13	9	28	35	15
Democrat	523	1,761	15	8	20	42	15
Republican	302	831	7	7	41	31	14
Independent	150	473	17	11	31	30	11
Liberal	389	1,171	21	9	21	39	10
Conservative	498	1,562	9	9	32	35	15
In between	90	315	8	4	27	42	19
Aware of new labor laws	405	1,197	13	10	33	35	9
Great deal of awareness	55	168	12	7	43	29	9
Fair amount	350	1,030	14	10	31	36	9
Not aware	595	1,961	15	7	22	38	18
White	890	2,788	14	8	29	34	15
Nonwhite	119	411	12	9	9	55	15

Question 9. Generally speaking, which do you think has more power—employers or labor unions, or is their power about the same?

[1. Employers; 2. Labor unions; 3. About the same; 4. No opinion]

	Percentage base					
	Unweighted	Weighted	1	2	3	4
Total public	1,018	3,214	14	60	24	
Men	500	1,531	19	57	23	1
Women	518	1,683	10	63	24	3
18–29 years of age	324	1,011	19	57	22	2
30–39	228	526	15	63	19	3
40–49	157	463	11	57	31	1
50–59	145	502	16	67	16	1
60 years or older	156	702	8	59	29	4
8th grade or less	61	463	9	63	27	1
High school incomplete	102	629	9	59	30	2
High school complete	371	1,228	15	63	20	2
Some college	470	869	20	56	21	3
Family income under $10,000	211	1,288	11	60	28	1
$10,000 to $14,999	258	580	19	59	20	2
$15,000 to $24,999	285	813	13	63	21	3
$25,000 or more	156	378	25	55	19	1
East	259	751	16	57	25	2
Midwest	300	872	15	61	22	2
South	300	1,033	13	60	24	3
West	151	557	11	63	24	2
Union member	145	427	34	36	29	1
Union household	347	1,060	22	53	23	2
Nonunion household	654	2,112	11	64	23	2
Work for very big big company	316	975	19	55	24	2
Medium-sized company	118	331	13	63	18	6
Small company	159	450	14	64	20	2
Democrat	523	1,761	17	56	25	2
Republican	302	831	10	65	23	2
Independent	150	473	13	63	20	4
Liberal	389	1,171	18	57	24	1
Conservative	498	1,562	12	63	23	2
In between	90	315	13	59	27	1
Aware of new labor laws	405	1,197	14	60	24	2
Great deal of awareness	55	168	14	76	10	0
Fair amount	350	1,030	14	58	26	2
Not aware	595	1,961	15	60	23	2
White	890	2,788	14	61	23	2
Nonwhite	119	411	16	51	31	2

Question 10. Please tell me which one of these statements best describes the way you feel about labor unions in this country—

1. Labor unions today are not strong enough, I would like to see them grow in power.
2. Labor unions today have grown too powerful, I would like to see their power reduced.
3. The power the labor unions have today is about right, I would like to see it stay the way it is.

	Percentage base					
	Unweighted	Weighted	1	2	3	No opinion
Total public	1,018	3,214	18	51	26	5
Men	500	1,531	20	51	26	3
Women	518	1,683	16	51	26	7
18–29 years of age	324	1,011	21	47	28	4
30–39	228	526	15	49	30	6
40–49	157	463	18	58	23	1
50–59	145	502	22	53	19	6
60 years or older	156	702	11	55	27	7
8th grade or less	61	463	22	42	27	9
High school incomplete	102	629	26	45	25	4
High school complete	371	1,228	16	54	27	3
Some college	470	869	11	59	25	5
Family income under $10,000	211	1,288	22	45	28	5
$10,000 to $14,999	258	580	19	53	24	4
$15,000 to $24,999	285	813	11	60	24	5
$25,000 or more	156	378	14	56	27	3
East	259	751	19	52	24	5
Midwest	308	872	12	52	33	3
South	300	1,033	22	49	23	6
West	151	557	16	55	24	5
Union member	145	427	34	26	35	5
Union household	347	1,060	26	38	33	3
Nonunion household	654	2,112	14	58	22	6
Work for very big/big company	316	975	23	46	26	5
Medium-sized company	118	331	10	59	23	8
Small company	159	450	12	50	35	3
Democrat	523	1,761	22	45	28	5
Republican	302	831	9	63	25	3
Independent	150	473	17	55	23	5
Liberal	389	1,171	22	46	29	3
Conservative	498	1,562	14	59	23	4
In between	90	315	17	44	31	8
Aware of new labor laws	405	1,197	13	58	25	4
Great deal of awareness	55	168	10	78	11	1
Fair amount	350	1,030	14	55	27	4
Not aware	595	1,961	20	49	27	4
White	890	2,788	14	56	26	4
Nonwhite	119	411	40	22	30	8

Question 11. Generally speaking, would you say we are in a period of labor peace and quiet, or are we in a period of labor trouble and friction?

[1. Peace and quiet; 2. Trouble and friction; 3. Other; 4. No opinion]

	Percentage base					
	Unweighted	Weighted	1	2	3	4
Total public	1,018	3,214	24	69	1	6
Men	500	1,531	25	69	1	5
Women	518	1,683	23	70	1	6
18–29 years of age	324	1,011	21	75	(*)	4
30–39	228	526	21	71	1	7
40–49	157	463	27	67	2	4
50–59	145	502	24	73	1	2
60 years or older	156	702	28	58	3	11
8th grade or less	61	463	26	66	0	8
High school incomplete	012	629	19	74	2	5
High school complete	371	1,228	21	74	1	4
Some college	470	869	31	61	2	6
Family income under $10,000	211	1,288	22	70	1	7
$10,000 to $14,999	258	580	22	72	1	5
$15,000 to $24,999	285	813	27	69	1	3
$25,000 or more	156	378	33	61	2	4
East	259	751	28	68	(*)	4
Midwest	308	872	28	65	1	6
South	300	1,033	20	73	1	6
West	151	557	21	69	2	8
Union member	145	427	30	68	0	2
Union household	347	1,060	25	72	(*)	3
Nonunion household	654	2,112	24	68	2	6
Work for very big/big company	316	975	24	71	1	4
Medium-sized company	118	331	30	67	0	3
Small company	159	450	32	60	2	6
Democrat	523	1,761	26	68	1	5
Republican	302	831	25	69	1	5
Independent	150	473	18	75	2	5
Liberal	389	1,171	23	71	1	5
Conservative	498	1,562	25	70	1	4
In between	90	315	31	60	1	8
Aware of new labor laws	405	1,197	22	74	1	3
Great deal of awareness	55	168	12	86	0	2
Fair amount	350	1,030	23	72	2	3
Not aware	595	1,961	26	67	1	6
White	890	2,788	25	68	1	6
Nonwhite	119	411	16	78	1	5

LABOR UNION SURVEY, DECEMBER 1977—Continued

Question 12. In general, who do you think deals more fairly with employees—labor unions, employers, or do they both treat employees with about equal fairness?

[1. Labor unions; 2. Employers; 3. Both the same; 4. No opinion]

	Percentage base					
	Unweighted	Weighted	1	2	3	4
Total public	1,018	3,214	15	20	45	10
Men	500	1,531	25	19	47	9
Women	518	1,683	25	21	43	11
18–29 years of age	324	1,011	33	18	44	5
30–39	228	526	30	22	42	6
40–49	157	463	27	28	39	6
50–59	145	502	19	26	41	14
60 years or older	156	702	12	13	57	18
8th grade or less	61	463	14	17	51	18
High school incomplete	102	629	28	16	44	12
High school complete	371	1,228	28	19	46	7
Some college	470	869	23	27	42	8
Family income under $10,000	211	1,288	21	16	51	12
$10,000 to $14,999	258	580	30	22	40	8
$15,000 to $24,999	285	813	27	21	45	7
$25,000 or more	156	378	24	31	36	9
East	259	751	31	17	47	5
Midwest	308	872	25	21	47	7
South	300	1,033	25	22	41	13
West	151	557	26	19	30	15
Union member	145	427	38	10	45	7
Union household	347	1,060	37	13	41	9
Nonunion household	654	2,112	19	24	47	10
Work for very big/big company	316	975	30	20	40	10
Medium-sized company	118	331	27	15	49	9
Small company	159	450	23	24	48	5
Democrat	523	1,761	29	18	45	8
Republican	302	831	15	30	46	9
Independent	150	473	24	17	46	13
Liberal	389	1,117	31	14	42	6
Conservative	498	1,552	17	26	48	9
In between	90	315	11	21	55	13
Aware of new labor laws	405	1,197	27	26	41	6
Great deal of awareness	55	168	21	34	43	2
Fair amount	350	1,030	28	25	40	7
Not aware	595	1,961	23	17	49	11
White	890	2,788	23	21	46	10
Nonwhite	119	411	35	14	43	8

Question 13. Overall, how do you think labor union leaders represent the interests of their members—very well, fairly well, fairly poorly, or very poorly?

[1. Very well; 2. Fairly well; 3. Fairly poorly; 4. Very poorly; 5. No opinion]

	Percentage base						
	Unweighted	Weighted	1	2	3	41	5
Total public	1,018	3,214	14	47	19	14	6
Men	500	1,531	14	43	22	16	5
Women	518	1,683	14	50	16	13	7
18–29 years of age	324	1,011	10	52	23	10	5
30–39	228	526	12	49	18	15	6
40–49	157	463	13	47	17	18	5
50–59	145	502	21	38	18	17	6
60 years or older	156	702	17	44	13	16	10
8th grade or less	61	463	8	46	18	23	5
High school incomplete	102	629	14	56	11	14	5
High school complete	371	1,228	20	45	17	11	7
Some college	470	869	8	44	27	15	6
Family income under $10,000	211	1,288	14	49	16	14	7
$10,000 to $14,999	258	580	14	49	21	13	3
$15,000 to $24,999	285	813	14	45	19	15	7
$25,000 or more	156	378	11	42	26	18	3
East	259	751	18	45	15	18	4
Midwest	308	872	14	49	21	13	3
South	300	1,033	14	45	18	14	9
West	151	557	9	51	20	12	8
Union member	145	427	16	43	19	21	1
Union household	347	1,060	16	45	21	15	3
nonunion household	654	2,112	13	48	18	14	7
Work for very big/big company	316	975	14	50	17	17	2
Medium-sized company	118	331	9	47	19	15	10
Small company	159	450	11	48	21	13	5
Democrat	523	1,761	16	52	16	11	5
Republican	302	831	15	41	23	15	6
Independent	150	473	6	41	23	22	8
Liberal	389	1,171	14	53	20	9	4
Conservative	498	1,562	17	43	17	18	5
In between	90	315	8	44	20	18	10
Aware of new labor laws	405	1,197	14	43	20	19	4
Great deal of awareness	55	168	8	32	22	34	4
Fair amount	350	1,030	16	45	19	16	4
Not aware	595	1,961	14	49	18	12	7
White	890	2,788	13	47	20	14	6
Nonwhite	119	411	18	47	11	17	7

Question 14. Overall, how do you think labor union leaders represent the interests of the general public—very well, fairly well, fairly poorly, or very poorly?

[1. Very well; 2. Fairly well; 3. Fairly poorly; 4. Very poorly; 5. No opinion]

	Percentage base						
	Unweighted	Weighted	1	2	3	4	5
Total public	1,018	3,214	9	35	24	27	5
Men	500	1,531	8	32	24	31	5
Women	518	1,683	11	38	23	23	5
18–29 years of age	324	1,011	5	41	30	19	5
30–39	228	526	7	36	25	30	2
40–49	157	463	10	31	28	28	3
50–59	145	502	17	32	19	29	3
60 years or older	156	702	12	32	13	33	10
8th grade or less	61	463	12	38	15	28	7
High school incomplete	102	629	15	43	14	24	4
High school complete	371	1,228	10	38	22	25	5
Some college	470	869	4	24	37	31	4
Family income under $10,000	211	1,288	16	37	18	23	6
$10,000 to $14,999	258	580	6	42	23	25	4
$15,000 to $24,999	285	813	6	31	28	31	4
$25,000 or more	156	378	4	25	32	38	1
East	259	751	11	35	21	31	2
Midwest	308	872	8	36	27	26	3
South	300	1,033	12	36	22	24	6
West	151	557	6	33	25	27	9
Union member	145	427	10	45	17	25	3
Union household	347	1,060	12	40	23	22	3
Nonunion household	654	2,112	8	32	24	30	6
Work for very big/big company	316	975	9	36	28	25	2
Medium-sized company	118	331	7	30	28	26	9
Small company	159	450	7	35	25	28	5
Democrat	523	1,761	12	40	23	19	6
Republican	302	831	7	28	27	35	3
Independent	150	473	8	32	19	38	3
Liberal	389	1,171	9	41	26	20	4
Conservative	498	1,562	9	30	22	35	4
In between	90	315	9	40	23	21	7
Aware of new labor laws	405	1,197	11	29	24	34	2
Great deal of awareness	55	168	6	12	14	68	0
Fair amount	350	1,030	12	32	25	29	2
Not aware	595	1,961	8	39	24	23	6
White	890	2,788	8	33	25	29	5
Nonwhite	119	411	18	48	15	15	4

Question 15. In your opinion, are labor unions involved too much in political action, not involved enough, or is their degree of involvement just about right?

[1. Involved too much; 2. Not involved enough; 3. Just about right; 4. No opinion]

	Percentage base					
	Unweighted	Weighted	1	2	3	4
Total public	1,018	3,214	56	12	25	7
Men	500	1,531	55	15	26	4
Women	518	1,683	56	9	25	10
18–29 years of age	324	1,011	51	17	26	6
30–39	228	526	59	13	20	8
40–49	157	463	61	10	25	4
50–59	145	502	57	13	24	6
60 years or older	156	702	56	5	28	11
8th grade or less	61	463	40	10	34	16
High school incomplete	102	629	48	13	33	6
High school complete	371	1,228	61	14	20	5
Some college	470	869	63	10	22	5
Family income under $10,000	211	1,288	50	11	29	10
$10,000 to $14,999	258	580	57	14	23	6
$15,000 to $24,999	285	813	65	9	23	3
$25,000 or more	156	378	59	17	18	6
East	259	751	52	13	29	6
Midwest	308	872	58	9	24	9
South	300	1,033	55	14	24	7
West	151	557	59	11	23	7
Union member	145	427	43	26	27	4
Union household	347	1,060	49	17	29	5
Nonunion household	654	2,112	60	10	23	7
Work for very big/big company	316	975	54	15	25	6
Medium-sized company	118	331	59	11	22	8
Small company	159	450	50	11	32	7
Democrat	523	1,761	52	15	27	6
Republican	302	831	64	5	27	4
Independent	150	473	57	14	19	10
Liberal	389	1,171	52	16	28	4
Conservative	498	1,562	60	10	24	6
In between	90	315	61	10	21	8
Aware of new labor laws	405	1,197	62	10	24	4
Great deal of awareness	55	168	80	6	13	1
Fair amount	350	1,030	59	11	26	4
Not aware	595	1,961	53	13	26	8
White	890	2,788	58	10	25	7
Nonwhite	119	411	38	16	28	8

LABOR UNION SURVEY, DECEMBER 1977—Continued

Question 16. In your opinion, does organized labor have a great deal of influence on Congress, a fair amount of influence, only a little influence, or no influence on Congress?

[1. Great deal; 2. Fair amount; 3. Only a little; 4. None; 5. No opinion]

	Percentage base						
	Unweighted	Weighted	1	2	3	4	5
Total public	1,018	3,214	44	29	16	5	6
Men	500	1,531	48	27	18	5	2
Women	518	1,683	40	30	14	5	11
18–29 years of age	324	1,011	36	31	22	5	6
30–39	228	526	46	29	15	3	7
40–49	157	463	42	33	11	8	6
50–59	145	502	55	20	13	7	5
60 years or older	156	702	47	30	12	3	8
8th grade or less	61	463	41	30	14	8	7
High school incomplete	102	629	31	24	19	11	15
High school complete	371	1,228	45	29	19	3	4
Some college	470	869	55	31	9	1	4
Family income under $10,000	211	1,288	38	29	16	8	9
$10,000 to $14,999	258	580	38	31	22	3	6
$15,000 to $24,999	285	813	56	29	12	1	2
$25,000 or more	156	378	52	27	12	6	3
East	259	751	42	29	18	7	4
Midwest	308	872	47	30	16	1	6
South	300	1,033	41	27	17	8	7
West	151	557	49	31	9	3	8
Union member	145	427	32	28	30	6	4
Union household	347	1,060	40	27	22	5	6
Nonunion household	654	2,112	46	30	13	5	6
Work for very big/big company	316	975	40	27	22	6	5
Medium-sized company	118	331	46	26	17	4	7
Small company	159	450	48	36	11	2	3
Democrat	523	1,761	38	33	17	6	6
Republican	302	831	55	28	8	5	4
Independent	150	473	46	16	24	3	11
Liberal	389	1,171	41	32	17	5	5
Conservative	498	1,562	48	28	14	5	5
In between	90	315	41	29	13	3	14
Aware of new labor laws	405	1,197	51	30	13	3	3
Great deal of awareness	55	168	70	22	6	2	0
Fair amount	350	1,030	48	31	14	4	3
Not aware	595	1,961	40	29	17	6	8
White	890	2,788	47	29	14	4	6
Nonwhite	119	411	25	25	29	8	13

Question 16A. In your opinon, does organized labor have too much influence on Congress, too little influence, or about the right amount of influence? (Asked of those who say labor has a great deal, fair amount, or only a little influence.)

[1. Too much; 2. Too little; 3. About right amount; 4. No opinion]

	Percentage base					
	Unweighted	Weighted	1	2	3	4
Total public	933	2,850	51	18	27	4
Men	478	1,436	52	19	25	4
Women	455	1,414	50	17	29	4
18–29 years of age	298	898	45	24	28	3
30–39	213	478	49	19	27	5
40–49	144	398	52	19	24	5
50–59	131	442	62	14	20	4
60 years or older	142	629	50	12	32	6
8th grade or less	50	395	48	18	29	5
High school incomplete	77	465	36	27	31	6
High school complete	347	1,148	51	20	26	3
Some college	450	828	60	11	24	5
Family income under $10,000	181	1,072	47	20	28	5
$10,000 to $14,999	240	526	44	24	28	4
$15,000 to $24,999	277	788	58	12	27	3
$25,000 or more	146	343	57	15	23	5
East	237	665	46	20	30	4
Midwest	292	809	50	16	30	4
South	267	881	50	24	21	5
West	137	495	57	10	28	5
Union member	137	386	36	31	29	4
Union household	322	949	43	26	26	5
Nonunion household	599	1,874	55	14	27	4
Work for very big/big company	293	868	46	24	27	3
Medium-sized company	111	297	55	21	22	2
Small company	153	425	50	12	32	6
Democrat	484	1,557	43	22	31	4
Republican	278	754	64	8	24	4
Independent	135	407	54	24	17	5
Liberal	367	1,063	43	22	30	5
Conservative	459	1,404	56	15	26	3
In between	79	261	53	19	24	4
Aware of new labor laws	389	1,126	56	13	27	4
Great deal of awareness	54	165	75	2	20	3
Fair amount	335	961	53	15	28	4
Not aware	535	1,694	47	21	27	5
White	821	2,511	53	16	26	5
Nonwhite	103	324	30	35	32	3

Question 17. When labor union leaders publicly take a position on political matters, do you think the position usually represents the views of their union members, usually represents the views of the union leaders, or usually represents the views of both the members and the leaders?

[1. Usually represent views of members; 2. Usually the views of leaders; 3. Both; 4. No opinion]

	Percentage base					
	Unweighted	Weighted	1	2	3	4
Total public	1,018	3,214	5	54	34	7
Men	500	1,531	5	55	37	3
Women	518	1,683	5	52	33	10
18–29 years of age	324	1,011	5	56	35	4
30–39	228	526	3	55	37	5
40–49	157	463	4	59	35	2
50–59	145	502	7	54	30	9
60 years or older	156	702	5	45	36	14
8th grade or less	61	463	8	41	37	14
High school incomplete	102	629	5	39	49	7
High school complete	371	1,228	5	59	32	4
Some college	470	869	3	64	27	6
Family income under $10,000	211	1,288	8	43	39	10
$10,000 to $14,999	258	580	2	57	36	5
$15,000 to $24,999	285	813	2	65	31	2
$25,000 or more	156	378	3	63	28	6
East	259	751	7	50	35	8
Midwest	308	872	4	64	29	3
South	300	1,033	5	50	38	7
West	151	557	5	47	36	12
Union member	145	427	5	54	38	3
Union household	347	1,060	6	54	35	5
Nonunion household	654	2,112	4	54	35	7
Work for very big/big company	316	975	6	55	33	6
Medium-sized company	118	331	5	55	32	8
Small company	159	450	3	66	27	4
Democrat	523	1,761	6	52	37	5
Republican	302	831	2	57	32	9
Independent	150	473	3	59	32	6
Liberal	389	1,171	5	54	38	3
Conservative	498	1,562	5	54	34	7
In between	90	315	4	50	32	14
Aware of new labor laws	405	1,197	4	56	36	4
Great deal of awareness	55	168	13	56	27	4
Fair amount	350	1,030	2	56	38	4
Not aware	595	1,961	5	53	35	7
White	890	2,788	5	56	32	7
Nonwhite	119	411	4	38	50	8

Question 18A. Now I want to read you statements about some possible Federal laws for each one, please tell me if you favor or oppose it—A. A law that requires a secret ballot as the only way to determine whether or not nonunion employees want union representation.

	Percentage base				
	Unweighted	Weighted	Favor	Oppose	No opinion
Total public	1,018	3,214	77	17	6
Men	500	1,531	83	14	3
Women	518	1,683	72	20	8
18–29 years of age	324	1,011	76	19	5
30–39	228	526	88	8	4
40–49	157	463	79	20	1
50–59	145	502	80	15	5
60 years or older	156	702	68	20	12
8th grade or less	61	463	65	23	12
High school incomplete	102	629	78	19	3
High school complete	371	1,228	76	18	6
Some college	470	869	87	9	4
Family income under $10,000	211	1,288	68	23	9
$10,000 to $14,999	258	580	82	13	5
$15,000 to $24,999	285	813	87	12	1
$25,000 or more	156	378	85	13	2
East	259	751	79	17	4
Midwest	308	872	76	19	5
South	300	1,033	78	15	7
West	151	557	75	17	8
Union member	145	427	83	15	2
Union household	347	1,060	81	18	1
Nonunion household	654	2,112	75	17	8
Work for very big/big company	316	975	83	14	3
Medium-sized company	118	331	78	15	7
Small company	159	450	88	9	3
Democrat	523	1,761	76	19	5
Republican	302	831	81	12	7
Independent	150	473	80	15	5
Liberal	389	1,171	84	15	1
Conservative	498	1,562	74	20	6
In between	90	315	77	11	12
Aware of new labor laws	405	1,197	84	13	3
Great deal of awareness	55	168	91	5	4
Fair amount	350	1,030	83	14	3
Not aware	595	1,961	74	19	7
White	890	2,788	79	15	6
Nonwhite	119	411	66	28	6

LABOR UNION SURVEY, DECEMBER 1977—Continued

Question 18B. Now I want to read you statements about some possible Federal laws for each one, please tell me if you favor or oppose it—B. A law that requires worker approval by secret ballot before a strike can be called.

	Percentage base				
	Unweighted	Weighted	Favor	Oppose	No opinion
Total public	1,018	3,214	81	14	5
Men	500	1,531	87	11	2
Women	518	1,683	76	16	8
18–29 years of age	324	1,011	82	16	2
30–39	228	526	87	8	5
40–49	157	463	83	17	0
50–59	145	502	79	13	8
60 years or older	156	702	76	13	11
8th grade or less	62	463	76	10	14
High school incomplete	102	629	75	19	6
High school complete	371	1,228	81	16	3
Some college	470	869	90	7	3
Family income under $10,000	211	1,288	74	17	9
$10,000 to $14,999	258	580	85	13	2
$15,000 to $24,999	285	813	91	8	1
$25,000 or more	156	378	85	12	3
East	259	751	84	15	1
Midwest	308	872	81	12	7
South	300	1,033	79	15	6
West	151	557	85	9	6
Union member	145	427	79	19	2
Union household	347	1,060	82	15	3
Nonunion household	654	2,112	81	13	6
Work for very big/big company	316	975	87	11	2
Medium-size company	118	331	77	18	5
Small company	159	450	85	11	4
Democrat	523	1,761	80	14	6
Republican	302	831	88	10	2
Independent	150	473	81	15	4
Liberal	389	1,171	86	12	2
Conservative	498	1,562	82	15	3
In between	90	315	80	8	12
Aware of new labor laws	405	1,197	81	17	2
Great deal of awareness	55	168	89	11	0
Fair amount	350	1,030	80	17	3
Not aware	595	1,961	82	12	6
White	890	2,788	83	12	5
Nonwhite	119	411	71	24	5

Question 18C. Now I want to read you statements about some possible Federal laws for each one, please tell me if you favor or oppose it—C. Take the case of a strike that is not settled after 30 days do you favor or oppose a law requiring a secret ballot to find out if workers want to stay out strike or go back to work.

	Percentage base				
	Unweighted	Weighted	Favor	Oppose	No opinion
Total public	1,018	3,214	83	12	5
Men	500	1,531	84	13	3
Women	518	1,683	82	10	8
18–29 years of age	324	1,011	85	13	2
30–39	228	526	89	7	4
40–49	157	463	82	18	0
50–59	145	502	79	11	10
60 years or older	156	702	77	11	12
8th grade or less	61	463	76	9	15
High school incomplete	102	629	79	17	4
High school complete	371	1,228	86	11	3
Some college	470	869	87	9	4
Family income under $10,000	211	1,268	80	11	9
$10,000 to $14,999	258	580	84	13	3
$15,000 to $24,999	285	813	88	11	1
$25,000 or more	156	378	82	12	6
East	259	751	82	16	2
Midwest	308	872	80	14	6
South	300	1,033	83	11	6
West	151	557	89	3	8
Union member	145	427	75	19	6
Union household	347	1,060	82	15	3
Nonunion household	654	2,112	83	10	7
Work for very big/big company	316	975	81	15	4
Medium-sized company	118	331	81	13	6
Small company	159	450	91	8	1
Democrat	523	1,761	84	12	4
Republican	302	831	88	8	4
Independent	150	473	82	11	7
Liberal	389	1,171	86	11	3
Conservative	498	1,562	83	13	4
In between	90	315	82	8	10
Aware of new labor laws	405	1,197	82	13	5
Great deal of awareness	55	168	78	19	3
Fair amount	350	1,030	83	12	5
Not aware	595	1,961	85	11	4
White	890	2,788	83	11	6
Nonwhite	119	411	79	18	3

Question 18D. Now I want to read you statements about some possible Federal laws for each one, please tell me if you favor or oppose it—D. A law that allows a person to get and keep a job without joining a union.

	Percentage base				
	Unweighted	Weighted	Favor	Oppose	No opinion
Total public	1,018	3,214	72	23	5
Men	500	1,531	70	25	5
Women	518	1,683	74	21	5
18–29 years of age	324	1,011	78	18	4
30–39	228	526	73	23	4
40–49	157	463	72	26	2
50–59	145	502	67	29	4
60 years or older	156	702	67	24	9
8th grade or less	61	463	58	37	5
High school incomplete	102	629	65	32	3
High school complete	371	1,228	73	21	6
Some college	470	869	84	11	5
Family income under $10,000	211	1,288	66	28	6
$10,000 to $14,999	258	580	73	22	5
$15,000 to $24,999	285	813	79	18	3
$25,000 or more	156	378	80	16	4
East	259	751	67	28	5
Midwest	308	872	69	25	6
South	300	1,033	73	22	5
West	151	557	82	13	5
Union member	145	427	50	46	4
Union household	347	1,060	62	33	5
Nonunion household	654	2,112	77	18	5
Work for very big/big company	316	975	72	24	4
Medium-sized company	118	331	68	22	10
Small company	159	450	78	19	3
Democrat	523	1,761	68	27	5
Republic	302	831	83	15	2
Independent	150	473	72	23	5
Liberal	389	1,171	74	22	4
Conservative	498	1,562	74	23	3
In between	90	315	77	13	10
Aware of new labor laws	405	1,197	77	21	2
Great deal of awareness	55	168	84	15	1
Fair amount	350	1,030	76	21	3
Not aware	595	1,961	71	24	5
White	890	2,788	73	22	5
Nonwhite	119	411	68	29	3

Question 18E. Now I want to read you statements about some possible Federal laws for each one, please tell me if you favor or oppose it—E. A law that would make it (easier/less difficult) than it now is for labor unions to organize the employees of small business.

	Percentage base				
	Unweighted	Weighted	Favor	Oppose	No opinion
Total public	1,018	3,214	48	45	7
Men	500	1,531	48	47	5
Women	518	1,683	49	42	9
18–29 years of age	324	1,011	54	41	5
30–39	228	526	45	48	7
40–49	157	463	42	53	5
50–59	145	502	54	39	7
60 years or older	156	702	42	46	12
8th grade or less	61	463	66	27	7
High school incomplete	102	629	56	36	8
High school complete	371	1,228	47	46	7
Some college	470	869	35	59	6
Family income under $10,000	211	1,288	56	36	8
$10,000 to $14,999	258	580	49	46	5
$15,000 to $24,999	285	813	39	55	6
$25,000 or more	156	378	42	52	6
East	259	751	52	42	6
Midwest	308	872	47	46	7
South	300	1,033	49	44	7
West	151	557	44	47	9
Union member	145	427	55	41	4
Union household	347	1,060	56	38	6
Nonunion household	654	2,112	44	48	8
Work for very big/big company	316	975	46	46	8
Medium-sized company	118	331	43	46	11
Small company	159	450	45	53	2
Democrat	523	1,761	54	39	7
Republican	302	831	41	54	5
Independent	150	473	40	51	9
Liberal	389	1,171	56	40	4
Conservative	498	1,562	42	52	6
In between	90	315	49	40	11
Aware of new labor laws	405	1,197	46	52	2
Great deal of awareness	55	168	44	54	2
Fair amount	350	1,030	46	52	2
Not aware	595	1,961	50	41	9
White	890	2,788	46	47	7
Nonwhite	119	411	65	29	6

LABOR UNION SURVEY, DECEMBER 1977—Continued

Question 18F. Now I want to read you statements about some possible Federal laws for each one, please tell me if you favor or oppose it—F. A law that prohibits the spending of union dues for political purposes.

	Percentage base				
	Unweighted	Weighted	Favor	Oppose	No opinion
Total public	1,018	3,214	54	41	5
Men	500	1,531	53	42	5
Women	518	1,683	54	40	6
18–19 years of age	324	1,011	60	37	3
30–39	228	526	58	40	2
40–49	157	463	49	47	4
50–59	145	502	54	39	7
60 years or older	156	702	42	47	11
8th grade or less	61	463	45	41	14
High school incomplete	102	629	43	52	5
High school complete	371	1,228	58	41	1
Some college	470	869	59	35	6
Family income under $10,000	211	1,288	47	45	8
$10,000 to $14,999	258	580	58	38	4
$15,000 to $24,999	285	813	62	36	2
$25,000 or more	156	378	54	43	3
East	259	751	51	45	4
Midwest	308	872	53	43	4
South	300	1,033	53	40	7
West	151	557	57	38	5
Union member	145	427	51	48	1
Union household	347	1,060	56	41	3
Nonunion household	654	2,112	53	41	6
Work for very big/big company	316	975	60	36	4
Medium-sized company	118	331	61	34	5
Small company	159	450	54	43	3
Democrat	523	1,761	52	42	6
Republican	302	831	57	39	4
Independent	150	473	52	47	1
Liberal	389	1,117	54	42	4
Conservative	498	1,562	54	41	5
In between	90	315	52	44	4
Aware of new labor laws	405	1,197	54	44	2
Great deal of awareness	55	168	51	49	0
Fair amount	350	1,030	54	43	3
Not Aware	595	1,961	54	40	6
White	890	2,788	55	40	5
Nonwhite	119	411	42	52	6

Question 19. Do you think Federal legislation should be passed that makes it easier than it now is for unions to organize nonunion employees, that makes it harder than it now is for Unions to organize nonunion employees, or should the current laws not be changed?

[1. Makes it easier; 2. Makes it harder; 3 Not be changed; 4. No opinion]

	Percentage base					
	Unweighted	Weighted	1	2	3	4
Total public	1,018	3,214	32	25	40	13
Men	500	1,531	24	25	42	9
Women	518	1,683	21	25	38	16
18–29 years of age	324	1,011	28	22	37	13
30–39	228	526	25	28	38	9
40–49	157	463	18	22	39	21
50–59	145	502	23	24	43	10
60 years or older	156	702	15	31	43	11
8th grade or less	61	463	26	22	42	10
High school incomplete	102	629	30	17	39	14
High school complete	371	1,228	21	28	39	12
Some college	470	869	17	29	41	13
Family income under $10,000	211	1,288	26	23	40	11
$10,000 to $14,999	258	580	25	20	40	15
$15,000 to $24,999	285	813	16	34	38	12
$25,000 or more	156	378	20	24	44	12
East	259	751	22	25	43	10
Midwest	308	872	22	22	45	11
South	300	1,033	22	29	31	18
West	151	557	22	24	43	11
Union member	145	427	33	12	48	7
Union household	347	1,060	32	17	41	10
Nonunion household	654	2,112	17	30	40	13
Work for very big/big company	316	975	23	22	45	10
Medium-sized company	118	331	16	26	39	19
Small company	159	450	22	21	41	16
Democrat	523	1,761	24	23	41	12
Republican	302	831	19	32	40	13
Independent	150	473	19	29	39	13
Liberal	389	1,171	30	23	37	10
Conservative	498	1,562	17	31	41	11
In between	90	315	20	16	46	18
Aware of new labor laws	405	1,197	20	34	41	5
Great deal of awareness	55	168	13	53	31	3
Fair amount	350	1,030	21	31	42	6
Not aware	595	1,961	24	20	40	16
White	890	2,788	20	27	40	13
Nonwhite	119	411	34	14	41	11

Question 20. Do you think the power concentrated in the hands of the labor leaders of big unions in this country is too much, too little, or about right?

[1. Too much; 2. Too little; 3. About right; 4. No opinion]

	Percentage base					
	Unweighted	Weighted	1	2	3	4
Total public	1,018	3,214	63	8	25	4
Men	500	1,531	60	8	28	4
Women	518	1,683	66	7	23	4
18–29 years of age	324	1,011	59	15	23	3
30–39	228	526	65	5	27	3
40–49	157	463	69	4	25	2
50–59	145	502	65	5	26	4
60 years or older	156	702	63	5	27	5
8th grade or less	61	463	54	5	32	9
High school incomplete	102	629	45	14	39	2
High school complete	371	1,228	66	10	22	2
Some college	470	869	76	3	17	4
Family income under $10,000	211	1,288	57	11	28	4
$10,000 to $14,999	258	580	66	8	22	4
$15,000 to $24,999	285	813	67	4	26	3
$25,000 or more	156	378	76	3	20	1
East	259	751	61	9	25	5
Midwest	308	872	66	4	26	4
South	300	1,033	58	11	28	3
West	151	557	72	6	20	2
Union member	145	427	51	11	37	1
Union household	347	1,060	56	10	32	2
Nonunion household	654	2,112	68	7	21	4
Work for very big/big company	316	975	62	8	28	2
Medium-sized company	118	331	68	9	19	4
Small company	159	450	63	(*)	34	3
Democrat	523	1,761	58	9	29	4
Republican	302	831	73	3	22	2
Independent	150	473	65	12	20	3
Liberal	389	1,171	58	10	28	4
Conservative	498	1,562	69	7	22	2
In between	90	315	65	5	28	2
Aware of new labor laws	405	1,197	70	5	24	1
Great deal of awareness	55	168	86	6	8	0
Fair amount	350	1,030	68	5	26	1
Not aware	595	1,961	60	9	27	4
White	890	2,788	67	5	24	4
Nonwhite	119	411	38	23	37	2

Question 21. How much have you heard or read about proposed new labor reform legislation—a great deal, a fair amount, very little, or nothing at all?

[1. Great deal; 2. Fair amount; 3. Very little; 4. Nothing at all; 5. no opinion]

	Percentage base						
	Unweighted	Weighted	1	2	3	4	5
Total public	1,018	3,214	5	32	43	18	2
Men	500	1,531	6	31	46	16	1
Women	518	1,683	5	32	40	20	3
18–29 years of age	324	1,011	4	34	42	18	2
30–39	288	526	3	32	51	14	(*)
40–49	157	463	4	34	40	21	1
50–59	145	502	6	38	42	10	4
60 years or older	156	702	9	24	40	26	1
8th grade or less	61	463	9	17	38	30	6
High school incomplete	102	629	2	29	46	22	1
High school complete	371	1,228	4	35	44	16	1
Some college	470	869	6	38	41	13	2
Family income under $10,000	211	1,288	5	25	43	25	2
$10,000 to $14,999	258	580	3	33	46	15	3
$15,000 to $24,999	285	813	6	43	39	12	(*)
$25,000 or more	156	378	9	39	45	7	0
East	259	751	7	29	42	21	1
Midwest	308	872	4	38	40	17	1
South	300	1,033	5	30	46	17	2
West	151	557	6	30	43	19	2
Union member	145	427	7	39	44	9	1
Union household	347	1,060	5	35	42	17	1
Nonunion household	654	2,112	5	31	43	19	2
Work for very big/big company	316	975	5	40	40	14	1
Medium-sized company	118	331	5	27	46	20	2
Small company	159	450	8	30	43	19	0
Democrat	523	1,761	4	27	46	21	2
Republican	302	831	6	43	37	14	(*)
Independent	150	473	10	31	42	14	3
Liberal	389	1,171	5	34	43	17	1
Conservative	498	1,562	6	36	42	16	(*)
In between	90	315	7	24	47	19	3
Aware of new labor laws	405	1,197	14	86	0	0	0
Great deal of awareness	55	168	100	0	0	0	0
Fair amount	350	1,030	0	100	0	0	0
Not aware	595	1,961	0	0	70	30	0
White	890	2,788	5	32	43	18	2
Nonwhite	119	411	6	27	45	21	1

LABOR UNION SURVEY, DECEMBER 1977—Continued

Question 22. In your opinion, do employers violate current labor laws very frequently, fairly frequently, fairly infrequently, very infrequently, or never?

[1. Very frequently; 2. Fairly frequently; 3. Fairly infrequently; 4. Very infrequently; 5. Never; 6. No opinion]

	Percentage base							
	Unweighted	Weighted	1	2	3	4	5	6
Total public	1,018	3,214	18	27	22	16	3	14
Men	500	1,531	19	27	23	18	4	9
Women	518	1,683	16	27	22	13	3	19
18–29 years of age	324	1,011	22	34	22	13	3	6
30–39	228	526	17	34	21	14	3	11
40–49	157	463	16	18	29	20	4	13
50–59	145	502	19	22	19	17	0	23
60 years or older	156	702	11	22	22	17	4	24
8th grade or less	61	463	14	19	11	16	9	31
High school incomplete	102	629	26	26	20	16	1	11
High school complete	371	1,228	21	31	19	18	2	9
Some college	470	869	8	27	34	13	3	15
Family income under $10,000	211	1,288	18	26	17	17	5	17
$10,000 to $14,999	258	580	19	30	25	12	3	11
$15,000 to $24,999	285	813	16	28	24	19	2	11
$25,000 or more	156	378	23	23	30	11	1	12
East	259	751	22	30	22	14	4	8
Midwest	308	872	14	29	27	16	3	11
South	300	1,033	14	22	23	15	4	22
West	151	557	23	29	14	18	1	15
Union member	145	427	25	33	22	15	4	1
Union household	347	1,060	24	35	18	15	3	5
Nonunion household	654	2,112	14	23	24	17	3	19
Work for very big/big company	316	975	23	29	23	15	2	8
Medium-sized company	118	331	16	28	29	13	3	11
Small company	159	450	12	26	32	18	0	12
Democrat	523	1,761	18	28	22	16	3	13
Republican	302	831	15	26	25	16	4	14
Independent	150	473	20	28	18	15	2	17
Liberal	389	1,171	22	29	23	14	2	10
Conservative	498	1,562	17	25	24	18	4	12
In between	90	315	8	25	23	16	1	27
Aware of new labor laws	405	1,197	17	32	29	13	2	7
Great deal of awareness	55	168	21	32	32	12	0	3
Fair amount	350	1,030	16	32	29	13	2	8
Not aware	595	1,961	19	24	18	18	4	17
White	890	2,788	16	20	24	15	2	15
Nonwhite	119	411	30	22	13	18	8	9

Question 24/25. In politics as of today, do you consider yourself a Democrat, lean Democrat, a Republican, lean Republican, an Independent, or something else?

[1. Democrat; 2. Lean Democrat; 3. Republican; 4. Lean Republican; 5. Independent; 6. Something else; 7. Refused]

	Percentage base								
	Unweighted	Weighted	1	2	3	4	5	6	7
Total public	1,018	3,214	42	13	17	9	9	6	4
Men	500	1,531	40	13	15	10	11	7	4
Women	518	1,683	44	12	19	7	7	5	6
18–29 years of age	324	1,011	37	18	15	9	8	9	4
30–39	228	526	42	11	17	10	8	7	5
40–49	157	463	46	11	18	10	8	4	3
50–59	145	502	42	9	22	8	11	6	2
60 years or older	156	702	47	11	18	7	9	1	7
8th grade or less	61	463	55	8	14	5	7	4	7
High school incomplete	102	629	46	9	17	7	8	8	5
High school complete	371	1,228	42	14	16	6	11	6	5
Some college	470	869	32	16	21	16	8	5	2
Family income under $10,000	211	1,288	52	12	13	5	8	4	6
$10,000 to $14,999	258	580	39	15	18	9	6	5	8
$15,000 to $24,999	285	813	36	13	18	12	12	6	3
$25,000 or more	156	378	28	13	25	16	7	11	(*)
East	259	751	44	9	18	8	11	7	3
Midwest	308	872	33	16	14	11	11	7	8
South	300	1,033	51	12	16	6	7	5	3
West	151	557	37	14	23	12	6	4	4
Union member	145	427	45	12	10	8	14	8	3
Union household	347	1,060	47	13	12	8	9	7	4
Nonunion household	654	2,112	40	13	19	9	9	5	5
Work for very big/big company	316	975	41	16	14	10	9	6	4
Medium-sized company	118	331	39	11	18	10	12	8	2
Small company	159	450	37	8	19	11	13	7	5
Democrat	523	1,761	77	23	0	0	0	0	0
Republican	302	831	0	0	66	34	0	0	0
Independent	150	473	0	0	0	0	60	40	0
Liberal	389	1,171	48	17	12	5	7	7	4
Conservative	498	1,562	38	11	22	12	10	4	3
In between	90	315	35	11	17	9	13	6	9
Aware of new labor laws	405	1,197	33	13	21	13	12	4	4
Great deal of awareness	55	168	36	6	15	14	17	12	0
Fair amount	350	1,030	33	14	22	13	11	3	4
Not aware	595	1,961	47	13	15	7	7	6	5
White	890	2,788	39	13	18	10	9	6	5
Nonwhite	119	411	60	13	9	2	5	8	3

Question 23. In your opinion, do labor unions violate current labor laws very frequently, fairly frequently, fairly infrequently, very infrequently, or never?

[1. Very frequently; 2. Fairly frequently; 3. Fairly infrequently; 4. Very infrequently; 5. Never; 6. No opinion]

	Percentage base							
	Unweighted	Weighted	1	2	3	4	5	6
Total public	1,081	3,214	14	25	24	13	4	20
Men	500	1,531	14	28	27	17	2	12
Women	518	1,683	15	23	21	9	5	27
18–29 years of age	324	1,011	13	27	33	12	4	11
30–39	228	526	12	35	24	14	1	14
40–49	157	463	16	21	29	15	3	16
50–59	145	502	19	19	12	15	5	30
60 years or older	156	702	13	24	18	9	4	32
8th grade or less	61	463	10	18	17	13	6	36
High school incomplete	102	629	19	23	24	12	7	15
High school complete	371	1,228	16	29	24	13	2	16
Some college	470	869	11	27	28	11	3	20
Family income under $10,000	211	1,288	16	24	20	11	5	24
$10,000 to $14,999	258	580	14	26	24	15	4	17
$15,000 to $24,999	285	813	12	28	27	15	3	15
$25,000 or more	156	378	14	28	32	8	2	16
East	259	751	16	27	22	14	7	14
Midwest	308	872	14	26	30	14	1	15
South	300	1,033	13	20	22	13	6	26
West	151	557	14	34	20	7	2	23
Union member	145	427	15	30	33	15	5	2
Union household	347	1,060	15	26	28	15	5	11
Nonunion household	654	2,112	14	25	22	11	4	24
Work for very big/big company	316	975	17	26	29	11	4	13
Medium-sized company	118	331	8	32	20	16	5	19
Small company	159	450	7	25	34	15	3	16
Democrat	523	1,761	14	25	25	14	4	18
Republican	302	831	14	27	23	10	4	22
Independent	150	473	15	23	25	13	4	20
Liberal	389	1,171	13	31	26	13	3	14
Conservative	498	1,562	18	21	26	11	5	10
In between	90	315	6	35	17	11	0	31
Aware of new labor laws	405	1,197	17	33	25	11	4	10
Great deal of awareness	55	168	35	43	12	4	1	5
Fair amount	350	1,030	14	31	27	13	5	10
Not aware	595	1,961	13	21	24	14	3	25
White	890	2,788	13	26	24	13	3	21
Nonwhite	119	411	20	25	24	12	7	12

Question 26/27. Regardless of the political party you might favor, do you consider yourself to be a liberal, lean liberal, conseravtive, lean conservative, or somewhere in between?

[1. Liberal; 2. Lean liberal; 3. Conservative; 4. Lean conservative; 5. Somewhere in between; 6. Refused]

	Percentage base							
	Unweighted	Weighted	1	2	3	4	5	6
Total public	1,018	3,214	21	15	26	23	10	5
Men	500	1,531	24	16	29	21	6	4
Women	518	1,683	18	15	23	24	13	7
18–29 years of age	324	1,011	29	21	19	22	6	3
30–39	228	526	26	17	23	21	11	2
40–49	157	463	19	13	28	25	10	5
50–59	145	502	12	13	25	27	12	11
60 years or older	156	702	12	11	37	20	13	7
8th grade or less	61	463	15	11	29	17	13	15
High school incomplete	102	629	18	12	24	26	12	8
High school complete	371	1,228	20	17	26	24	10	3
Some college	470	869	27	18	25	22	7	1
Family income under $10,000	211	1,288	21	14	25	20	13	7
$10,000 to $14,999	258	580	16	18	29	24	9	4
$15,000 to $24,999	285	813	21	17	26	25	8	3
$25,000 or more	156	378	28	16	26	25	3	2
East	259	751	22	16	27	26	4	5
Midwest	308	872	24	13	25	24	10	4
South	300	1,033	17	17	26	20	14	6
West	151	557	21	17	24	21	11	6
Union member	145	427	25	17	27	18	8	5
Union household	347	1,060	25	17	26	18	7	7
Nonunion household	654	2,112	19	15	26	25	11	4
Work for very big/big company	316	975	26	17	23	21	7	6
Medium-sized company	118	331	12	15	31	28	10	4
Small company	159	450	19	19	30	17	11	4
Democrat	523	1,761	26	18	20	23	8	5
Republican	302	831	12	11	39	25	10	3
Independent	150	473	18	17	28	18	13	6
Liberal	389	1,171	57	43	0	0	0	0
Conservative	498	1,562	0	0	53	47	0	0
In between	90	315	0	0	0	0	100	0
Aware of new labor laws	405	1,197	21	17	29	25	8	(*)
Great deal of awareness	55	168	20	14	26	26	14	0
Fair amount	350	1,030	21	17	29	25	7	1
Not aware	595	1,961	20	15	25	22	11	7
White	890	2,788	20	16	26	24	9	5
Nonwhite	119	411	29	14	23	14	14	6

LABOR UNION SURVEY, DECEMBER 1977—Continued

Question 28. Are you, or is anyone in your immediate family, a member of a labor union?

[1. Respondent is union member; 2. Someone else in household is union member; 3. No one is a union member; 4. Don't know]

	Percentage base					
	Unweighted	Weighted	1	2	3	4
Total public	1,018	3,214	13	20	66	1
Men	500	1,531	22	12	64	2
Women	518	1,683	5	27	67	1
18–29 years of age	324	1,011	14	27	58	1
30–39	228	526	21	21	56	2
40–49	157	463	17	19	62	2
50–59	145	502	13	21	66	0
60 years or older	156	702	4	8	87	1
8th grade or less	61	463	4	11	84	1
High school incomplete	102	629	14	23	60	3
High school complete	371	1,228	17	23	60	(*)
Some college	470	869	12	18	69	1
Family income under $10,000	211	1,288	8	19	72	1
$10,000 to $14,999	258	580	17	24	58	1
$15,000 to $24,999	285	813	19	20	61	(*)
$25,000 or more	156	378	17	17	66	0
East	259	751	20	26	53	1
Midwest	308	872	16	18	65	1
South	300	1,033	8	18	72	2
West	151	557	11	15	73	1
Union member	145	427	100	0	0	0
Union household	347	1,060	40	60	0	0
Nonunion household	654	2,112	0	0	100	0
Work for very big/big company	316	975	22	26	52	(*)
Medium-sized company	118	331	17	25	57	1
Small company	159	450	14	19	62	5
Democrat	523	1,761	14	22	63	1
Republican	302	831	10	17	72	1
Independent	150	473	20	16	63	1
Liberal	389	1,171	15	22	61	2
Conservative	498	1,562	12	18	70	(*)
In between	90	315	11	15	72	2
Aware of new labor laws	405	1,197	16	19	64	1
Great deal of awareness	55	168	18	12	70	0
Fair amount	350	1,030	16	19	63	2
Not aware	595	1,961	12	20	67	1
White	890	2,788	13	18	68	1
Nonwhite	119	411	18	29	51	2

Question 29. Do you or does any member of your household work for a profit-making company?

	Percentage base				
	Unweighted	weighted	Yes	No	Don't know
Total public	1,018	3,214	55	44	1
Men	500	1,531	60	39	1
Women	518	1,683	50	48	2
18–29 years of age	234	1,011	67	31	2
30–39	228	526	64	35	1
40–49	157	463	64	35	1
50–59	145	502	59	40	1
60 years or older	156	702	22	77	1
8th grade or less	61	463	26	74	0
High school incomplete	102	629	53	46	1
High school complete	371	1,228	60	38	2
Some college	470	869	66	33	1
Family income under $10,000	211	1,288	41	59	(*)
$10,000 to $14,999	258	580	51	47	2
$15,000 to $24,999	285	813	70	29	1
$25,000 or more	156	378	81	18	1
East	259	751	55	44	1
Midwest	308	872	59	39	2
South	300	1,033	52	47	1
West	151	557	55	45	(*)
Union member	145	427	81	19	(*)
Union household	347	1,060	72	26	2
Nonunion household	654	2,112	46	53	1
Work for very big/big company	316	975	100	0	0
Medium-sized company	118	331	100	0	0
Small company	159	450	100	0	0
Democrat	523	1,761	53	46	1
Republican	302	831	56	43	1
Independent	150	473	63	35	2
Liberal	389	1,171	58	41	1
Conservative	498	1,562	54	45	1
In between	90	315	47	52	1
Aware of new labor laws	405	1,197	60	39	1
Great deal of awareness	55	168	60	40	0
Fair amount	350	1,030	60	39	1
Not aware	595	1,961	53	46	1
White	890	2,788	56	43	1
Nonwhite	119	411	52	47	1

Question 30. How big would you say this company is—is it very big, big, medium-sized, or a small company? (Asked of those who say they/any member of their household work for a profit-making company.)

[1. Very big; 2. Big; 3. Medium; 4. Small; 5. Don't know]

	Percentage base						
	Unweighted	weighted	1	2	3	4	5
Total public	600	1,768	35	20	19	25	1
Men	324	924	35	18	19	27	1
Women	276	845	35	22	18	24	1
18–29 years of age	215	681	32	25	19	23	1
30–39	147	338	40	16	18	26	(*)
40–49	107	295	38	12	18	32	0
50–59	88	297	43	14	16	25	2
60 years or older	42	157	20	28	24	26	2
8th grade or less	17	122	33	27	4	34	2
High school incomplete	52	335	46	20	17	17	0
High school complete	222	738	34	21	21	24	(*)
Some college	308	572	32	17	20	30	1
Family income under $10,000	91	529	38	20	21	21	0
$10,000 to $14,999	136	297	28	22	24	24	2
$15,000 to $24,999	200	572	35	22	14	29	0
$25,000 or more	125	308	41	13	16	29	1
East	157	412	38	20	17	24	1
Midwest	195	514	35	21	19	25	(*)
South	164	539	34	19	20	25	2
West	84	304	34	19	17	29	1
Union member	112	345	44	19	17	19	1
Union household	251	768	40	21	18	20	1
Nonunion household	342	976	32	19	19	29	1
Work for very big/big company	316	975	64	36	0	0	0
Medium-sized company	118	331	0	0	100	0	0
Small company	159	450	0	0	0	100	0
Democrat	294	940	36	23	18	22	1
Republican	191	464	34	17	19	29	1
Independent	98	298	36	12	22	30	0
Liberal	231	682	40	21	13	25	1
Conservative	300	845	32	19	23	25	1
In between	48	148	34	11	22	33	0
Aware of new labor laws	257	719	43	18	15	23	1
Great deal of awareness	38	101	49	1	16	34	0
Fair amount	219	618	42	21	14	22	1
Not aware	338	1,030	30	21	21	27	1
White	539	1,547	33	19	19	28	1
Nonwhite	56	213	47	24	19	10	0

Question 31. In what age group are you?

[1. 18–20 years; 2. 21–29 years; 3. 30–39 years; 4. 40–49 years; 5. 50–59 years; 6. 60 years or older; 7. Refused]

	Percentage base								
	Unweighted	Weighted	1	2	3	4	5	6	7
Total public	1,018	3,214	7	24	16	15	16	22	(*)
Men	500	1,531	9	25	17	14	14	21	(*)
Women	518	1,683	6	23	16	15	18	22	(*)
18–29 years of age	324	1,011	24	76	0	0	0	0	0
30–39	228	526	0	0	100	0	0	0	0
40–49	157	463	0	0	0	100	0	0	0
50–59	145	502	0	0	0	0	100	0	0
60 years or older	156	702	0	0	0	0	0	100	0
8th grade or less	61	463	0	2	6	9	26	57	0
High school incomplete	102	629	9	13	16	21	17	24	0
High school complete	371	1,228	11	28	16	14	15	16	0
Some college	470	869	5	39	22	14	11	9	0
Family income under $10,000	211	1,288	7	22	8	11	17	35	0
$10,000 to $14,999	258	580	7	33	20	13	12	15	0
$15,000 to $24,999	285	813	6	25	26	17	14	12	0
$25,000 or more	156	378	6	18	22	25	23	6	0
East	259	751	7	29	17	15	14	18	(*)
Midwest	308	872	8	25	15	11	16	25	(*)
South	300	1,033	8	18	18	17	18	21	(*)
West	151	557	6	26	14	12	15	26	1
Union member	145	427	4	29	26	19	15	7	0
Union household	347	1,060	9	30	21	16	16	8	0
Nonunion household	654	2,112	7	21	14	13	16	29	(*)
Work for very big/big company	316	975	8	32	19	15	18	8	(*)
Medium-sized company	118	331	13	26	19	16	15	11	0
Small company	159	450	7	27	19	21	17	9	0
Democrat	523	1,761	7	24	16	15	15	23	(*)
Republican	302	831	7	22	17	15	18	21	(*)
Independent	150	473	9	28	16	12	19	16	(*)
Liberal	389	1,171	9	34	19	13	11	14	0
Conservative	498	1,562	6	20	15	16	17	26	(*)
In between	90	315	6	13	18	16	19	28	(*)
Aware of new labor laws	405	1,197	8	24	15	15	18	20	(*)
Great deal of awareness	55	168	12	10	11	10	18	39	0
Fair amount	350	1,030	8	26	16	16	18	16	(*)
Not aware	595	1,961	7	24	17	15	13	24	(*)
White	890	2,788	7	24	16	14	16	23	(*)
Nonwhite	119	411	14	26	19	18	11	12	(*)

LABOR UNION SURVEY, DECEMBER 1977—Continued

Question 32. What was the last grade in school you completed?

[1. 8th grade or less; 2. High school incomplete (grades 9, 10, 11); 3. High school complete (12th grade); 4. Some college or college graduate; 5. Don't know]

	Percentage base						
	Unweighted	Weighted	1	2	3	4	5
Total public	1,018	3,214	14	20	38	27	1
Men	500	1,531	14	18	36	32	(*)
Women	518	1,683	14	21	41	23	1
18–29 years of age	324	1,011	1	14	48	37	0
30–39	228	526	5	19	38	37	1
40–49	157	463	9	29	36	26	0
50–59	145	502	24	22	36	18	(*)
60 years or older	156	702	37	21	28	12	2
8th grade or less	61	463	100	0	0	0	0
High school incomplete	102	629	0	100	0	0	0
High school complete	371	1,228	0	0	100	0	0
Some college	470	869	0	0	0	100	0
Family income under $10,000	211	1,288	29	24	34	12	1
$10,000 to $14,999	258	580	6	23	45	25	1
$15,000 to $24,999	285	813	2	14	46	38	0
$25,000 or more	156	378	4	8	29	59	0
East	259	751	15	19	34	31	1
Midwest	308	872	10	19	46	25	(*)
South	300	1,033	17	22	36	24	1
West	151	557	14	18	35	32	1
Union member	145	427	4	21	49	26	0
Union household	347	1,060	6	22	47	25	(*)
Nonunion household	654	2,112	18	18	35	28	1
Work for very big/big company	316	975	8	22	41	29	(*)
Medium-sized company	118	331	1	18	46	35	0
Small company	159	450	9	13	40	38	0
Democrat	523	1,761	17	19	39	24	1
Republican	302	831	11	18	33	38	(*)
Independent	150	473	10	21	44	24	1
Liberal	389	1,171	11	16	39	34	0
Conservative	498	1,562	14	20	39	26	1
In between	90	315	18	24	40	18	(*)
Aware of new labor laws	405	1,197	10	17	41	32	(*)
Great deal of awareness	55	168	24	9	32	34	1
Fair amount	350	1,030	8	18	42	32	(*)
Not aware	595	1,961	16	22	37	24	1
White	890	2,788	15	17	39	29	(*)
Nonwhite	119	411	9	40	36	13	2

Question 33. Your total income, before taxes, in 1976?

[1. Under $10,000; 2. $10,000–$14,999; 3. $15,000–$24,999; 4. $25,000 or more; 5. No answer]

	Percentage base						
	Unweighted	Weighted	1	2	3	4	5
Total public	1,018	3,214	40	18	25	12	5
Men	500	1,531	34	18	29	15	4
Women	518	1,683	45	18	22	9	6
18–29 years of age	324	1,011	37	23	25	9	6
30–39	228	526	20	22	40	16	2
40–49	157	463	30	17	29	20	4
50–59	145	502	43	14	22	17	4
60 years or older	156	702	65	12	15	3	5
8th grade or less	61	463	80	8	4	3	5
High school incomplete	102	629	50	21	18	5	6
High school complete	371	1,228	36	21	30	9	4
Some college	470	869	17	17	36	26	4
Family income under $10,000	211	1,288	100	0	0	0	0
$10,000 to $14,999	258	580	0	100	0	0	0
$15,000 to $24,999	285	813	0	0	100	0	0
$25,000 or more	156	378	0	0	0	100	0
East	259	751	39	18	24	12	7
Midwest	308	872	39	17	27	13	4
South	300	1,033	45	17	25	9	4
West	151	557	34	22	24	15	5
Union member	145	427	23	23	37	15	2
Union household	347	1,060	33	22	30	12	3
Nonunion household	654	2,112	44	16	23	12	5
Work for very big/big company	316	975	31	15	33	17	4
Medium-sized company	118	331	34	21	25	15	5
Small company	169	450	24	16	37	20	3
Democrat	523	1,761	46	18	23	9	4
Republican	302	831	27	19	30	19	5
Independent	150	473	35	14	30	14	7
Liberal	389	1,171	39	17	26	14	4
Conservative	498	1,562	38	19	27	12	4
In between	90	315	51	16	21	4	0
Aware of new labor laws	405	1,197	31	17	34	15	3
Great deal of awareness	55	168	35	10	31	20	4
Fair amount	350	1,030	31	18	34	14	3
Not aware	595	1,961	45	18	21	10	6
White	890	2,788	38	18	26	13	5
Nonwhite	119	411	54	20	17	5	4

Question 34. Are you white, black, or some other race?

[1. White; 2. Black; 3. Other; 4. Not reported]

	Percentage base					
	Unweighted	Weighted	1	2	3	4
Total public	1,018	3,214	87	10	2	1
Men	500	1,531	86	11	3	(*)
Women	518	1,683	88	10	2	(*)
18–29 years of age	324	1,011	84	12	4	(*)
30–39	228	526	85	14	1	(*)
40–49	157	463	83	14	2	1
50–59	145	502	91	6	3	0
60 years or older	156	702	92	6	2	(*)
8th grade or less	61	463	92	5	3	0
High school incomplete	102	629	74	23	3	0
High school complete	371	1,228	88	10	2	(*)
Some college	470	869	93	4	2	1
Family income under $10,000	211	1,288	83	15	2	0
$10,000 to $14,999	258	580	86	9	5	(*)
$15,000 to $24,999	285	813	91	7	1	1
$25,000 or more	156	378	94	3	3	(*)
East	259	751	90	8	1	1
Midwest	308	872	89	8	3	(*)
South	300	1,033	85	13	2	(*)
West	151	557	82	13	5	(*)
Union member	145	427	81	15	3	1
Union household	347	1,060	81	15	3	1
Nonunion household	654	2,112	90	8	2	(*)
Work for very big/big company	316	975	83	13	3	1
Medium-sized company	118	331	88	8	4	0
Small company	159	450	95	5	0	0
Democrat	523	1,761	83	14	3	(*)
Republican	302	831	94	5	1	(*)
Independent	150	473	89	8	3	0
Liberal	389	1,171	84	13	2	1
Conservative	498	1,562	90	7	3	(*)
In between	90	315	82	16	2	0
Aware of new labor laws	405	1,197	88	9	2	1
Great deal of awareness	55	168	84	13	2	1
Fair amount	350	1,030	88	8	3	1
Not aware	595	1,961	86	11	3	(*)
White	890	2,788	100	0	0	0
Nonwhite	119	411	0	81	19	0

Question 35. Sex of respondent.

	Percentage base				
	Unweighted	Weighted	Male	Female	Not reported
Total public	1,018	3,214	48	52	0
Men	500	1,531	100	0	0
Women	518	1,683	0	100	0
18–29 years of age	324	1,011	51	49	0
30–39	228	526	50	50	0
40–49	157	463	47	53	0
50–59	145	502	41	59	0
60 years or older	156	702	46	54	0
8th grade or less	61	463	48	52	0
High school incomplete	102	629	43	57	0
High school complete	371	1,228	44	56	0
Some college	470	869	56	44	0
Family income under $10,000	211	1,288	41	59	0
$10,000 to $14,999	258	580	46	54	0
$15,000 to $24,999	285	813	55	45	0
$25,000 or more	156	378	60	40	0
East	259	751	48	52	0
Midwest	308	872	48	52	0
South	300	1,033	48	52	0
West	151	557	47	53	0
Union member	145	427	79	21	0
Union household	347	1,060	49	51	0
Nonunion household	654	2,112	47	53	0
Work for very big/big company	316	975	50	50	0
Medium-sized company	118	331	53	47	0
Small company	159	450	56	44	0
Democrat	523	1,761	46	54	0
Republican	302	831	47	53	0
Independent	150	473	58	42	0
Liberal	389	1,171	52	48	0
Conservative	498	1,562	49	51	0
In between	90	315	30	70	0
Aware of new labor laws	405	1,197	48	52	0
Great deal of awareness	55	168	55	45	0
Fair amount	350	1,030	47	53	0
Not aware	595	1,961	48	52	0
White	890	2,788	47	53	0
Nonwhite	119	411	51	49	0

LABOR UNION SURVEY, DECEMBER 1977—Continued

Question 36. Region.

	Percentage base					
	Unweighted	Weighted	East	Midwest	South	West
Total public	1,018	3,214	23	27	32	18
Men	500	1,531	23	27	33	17
Women	518	1,683	23	27	32	18
18-29 years of age	324	1,011	27	29	26	18
30-39	228	526	24	25	36	15
40-49	157	463	25	21	39	15
50-59	145	502	20	27	36	17
60 years or older	156	702	19	31	30	20
8th grade or less	61	463	25	19	39	17
High school incomplete	102	629	22	26	36	16
High school complete	371	1,228	21	33	30	16
Some college	470	869	26	24	29	21
Family income under $10,000	211	1,288	23	26	36	15
$10,000 to $14,999	258	580	23	26	30	21
$15,000 to $24,999	285	813	22	30	31	17
$25,000 or more	156	378	23	29	26	22
East	259	751	100	0	0	0
Midwest	308	872	0	100	0	0
South	300	1,033	0	0	100	0
West	151	557	0	0	0	100
Union member	145	427	35	31	20	14
Union household	347	1,060	33	28	26	13
Nonunion household	654	2,112	19	27	35	19
Work for very big/big company	316	975	25	30	29	16
Medium-sized company	118	331	22	29	33	16
Small company	159	450	22	28	30	20
Democrat	523	1,761	23	24	37	16
Republican	302	831	23	26	27	24
Independent	150	473	28	33	27	12
Liberal	389	1,171	24	28	30	18
Conservative	498	1,562	26	27	31	16
In between	90	315	9	28	44	19
Aware of new labor laws	405	1,197	23	30	30	17
Great deal of awareness	55	168	30	20	29	21
Fair amount	350	1,030	21	32	31	16
Not aware	595	1,961	24	25	33	18
White	890	2,788	24	28	32	16
Nonwhite	119	411	17	22	37	24

Mr. HELMS. Mr. President, there are some who have participated and who are participating in this debate who profess no desire to contravene the wishes of the overwhelming majority of the American people by increasing the power of union leaders. They state that they understand that this legislation is not designed to increase the power of the union leaders, but, rather, to overcome certain procedural delays used to thwart the labor laws.

With all due respect, Mr. President, I am constrained to say that anyone believing that will believe anything.

Let me cite one example. Under the Senate version of this legislation, elections concerning union representation must be conducted no less than 21 nor more than 30 days from the time a petition is filed. Before an election can be held, however, it would seem logical that determinations be made as to such basic questions as who can vote, what unit would be represented by the petitioning union, who would be in that unit, and so forth.

Under the present system, these issues are naturally decided prior to the election. In most cases, these questions are not complex and elections are held without undue delay. In a few cases, however, these questions may require some hearings.

In any case, the pending bill proposes to conduct the election between 21 and 30 days after the petition is filed, regardless of whether these issues have been settled or not. In other words, the election is held even though no one is sure who is permitted to vote. If there is a dispute, the ballots have to be impounded and the issues decided after the election.

The ostensible purpose of all this is said to be to expedite elections. That, admittedly, it would do. But what counts is not the election but the election results. The purpose of the election, after all, is to determine whether the workers want a union. Let us assume that they do. They can cast their votes for unionization, but only after the results have been certified is their employer obligated under the law to recognize the union.

Mr. President, what difference in terms of time does it make if, for instance, there are 60 days of hearings before the election or 60 days of hearings after the election? I submit that the difference is none at all. In each case the union, if it wins the election, will be certified at the same time. So this section does not expedite anything. Then what does it do? That is a good question: What does it do?

Now we are getting down to the bottom line, Mr. President.

What it does is cause elections to occur before the employer, especially the small businessman, has had sufficient time to tell his side of the story to his own employees. It causes the election to be held before the employees have had sufficient time for reflection. It causes the election to be held before there is sufficient time for exaggerated or even false union promises and inducements to be rebutted. So this was a very clever tactic on the part of those who drafted this proposal. Perhaps it is not quite clever enough.

The point, Mr. President, is that this is the story of this piece of legislation through and through. Consider the so-called debarment section. This section is designed to blacklist companies unfavored by the newly packed National Labor Relations Board to prevent them from receiving Federal contracts for 3 years.

Now what do we have here, Mr. President? If there ever were a case of cutting off one's nose to spite one's face, this has to be it.

Remember, Mr. President, although sometimes it is hard for some to do, that the purpose of the labor laws is to aid workers, not union leaders. But what would happen with many companies if they were barred from Federal contracts?

Obviously, many of them would have to go out of business.

And who would be unemployed as a result? The same workers that we presumably are trying to protect. Of course, Mr. Meany would still have his job; all of the other union leaders would have their jobs and their chauffeur-driven limousines and their big annual salaries. So I guess it boils down to this: It is always easy to sacrifice someone else for a cause, just so long as you, yourself, do not have to sacrifice.

That is what the workers of this country had better understand about this piece of legislation. This bill goes on and on, section after section, provision after provision, and nowhere, Mr. President, does it expedite anything. It pretends to. For example, it increases the membership of the Board from 5 to 7 members, and it certainly will increase the staff, making up to $40,000 or $50,000 a year apiece. The Senator from North Carolina, admittedly, is a bit naive about the Federal bureaucracy, but I remain absolutely convinced that the way to speed things up in this country is to have fewer bureaucrats, not more. Instead of having to get five members of the board to agree on things and achieve some degree of unanimity, now we are going to have a situation, if this bill is passed, wherein seven must have a meeting of the minds.

It is just a coincidence, of course, that the two additional members would be appointed by President Carter and will undoubtedly be pro-big union in their outlook. Oh, Mr. President, certainly that is just a coincidence. Nobody in his right mind would assume that there is anything else to it.

Mr. WILLIAMS. Will the Senator yield for just a comment?

Mr. HELMS. Yes.

Mr. WILLIAMS. I just want to observe that that, obviously, is a fair comment, nothing wrong with that. But on the record, President Carter has had two appointments to the board and we have not gotten any big labor background person. Fanning was reappointed and he was originally appointed by President Eisenhower; Mr. Truesdale the other appointment has had a career within the National Labor Relations Board. So on the basis of the record, we have not had big labor backgrounds with those two appointments.

Mr. HELMS. We shall see with those additional two. We shall see.

Mr. WILLIAMS. I am glad to hear that we shall have that opportunity.

Mr. HELMS. We shall see. Perhaps we will have that opportunity; perhaps we shall not.

As I was saying, it is just a coincidence, Mr. President, that the two new members that will be appointed to the Board if this legislation is enacted will un-

doubtedly have the blessings of big labor. Surely, all of this is just coincidence, and surely the Moon is made of green cheese.

Mr. President, a true labor reform bill—and I say that advisedly, because this bill is neither a reform bill nor a labor bill—a true labor reform bill would, I think, address itself to such issues as union violence, union racketeering, the solvency and the management or mismanagement, as the case may be, of union trust funds, and the double-dipping of certain relatively minor union officials that hoist their salaries into the six-digit range. Surely, a true labor reform bill would address itself to featherbedding and wildcat strikes.

If such a bill addressed even some of these issues, and, in all fairness, if it also addressed certain management abuses, I believe such a piece of legislation would be welcomed and it would be accepted by the overwhelming majority of the Members of the Senate. But such issues, Mr. President, will not be addressed, because we know who has the veto power over what and whom. And I am not talking about the constitutionally established Presidential veto power.

Let us talk about a couple of the issues that should be included in any true labor reform bill. Maybe the salaries of union officials would be a good place to start. Who is the highest paid trade unionist in America today? George Meany? Frank Fitzsimmons? No, his name is Harold Friedman. That is right, Harold Friedman. Virtually unknown, even in his hometown of Cleveland, Mr. Friedman heads a small local of the Bakery and Confectionery Workers Union, as well as a local of the Teamsters' Union. He also serves on the national executive board of a bakery union. His combined income from these three union positions in 1976 was what? Would you believe $337,182, Mr. President?

Mr. Friedman is just one of dozens of big union officers and little union officers around the country who have attained the six-digit income level. He, like the others, does so by the double-dipping technique which is so scathingly rebuked in other quarters by the same major news media which endorsed this bill.

These union officers receive separate paychecks for separate union offices. Yet those same politicians who wax so eloquently against our retired servicemen for so-called double dipping, even though they are receiving no more than they were promised as an inducement to enlist in the armed services, close their eyes to these flagrant abuses. I imagine that they hope that the average working man who belongs to a union or the average working woman who belongs to a union will not realize that he or she is being ripped off. It seems to me, that a true labor reform bill would address this kind of issue and not be silent in seven languages about it.

It is important to remember that most of these six-digit salaries paid to union bosses are not approved by the union membership. They do not have a thing in the world to say about it. They do not have a chance to approve or disapprove.

I have an amendment at that desk which I intend to call up at the appropriate time which addresses itself to this issue. Just so it will be a matter of record, it is amendment No. 1725 and it is written very simply so that everybody can understand it. Let me quote it:

> Every labor organization shall require the approval of the membership, by secret ballot, of any increases in salary, allowances, and other direct or indirect disbursements (including reimbursed expenses) for each officer or employee, who during the fiscal year of such labor organization, received more than $50,000 in the aggregate from such labor organization and any other labor organization affiliated with it or with which it is affiliated, or which is affiliated with the same national or international labor organization.

Now, we will have some discussion about this at the time the amendment is called up. But, even so, I am sure it will be voted down. That is the way things so often work around here. Even if by some miracle the amendment should be accepted, it would not have a long livelihood when it reached conference.

The reason these things will happen is because this is not a piece of legislation for the union member. It is purely and simply and clearly a piece of legislation by and for the union leaders of this country.

Now then, Mr. President, let us turn back to the question of union violence which, unfortunately, is almost constantly in the news in one part of the country or another.

Here is another area for true labor reform.

If we learned anything from the recent coal strike, surely we learned that it gives one a vivid look at a very unfortunate and ugly side of the labor union movement.

Mr. President, let all understand I do not believe for a moment the vast majority of union members condone or participate in violence against their fellow workers. They do not, and I want to make that clear.

But that is the way it always is with violence and lawlessness. It is a small minority. The only difference is that in general society we do not tolerate it. But in the union movement it is overlooked; it is swept under the rug.

The average citizens with whom I talked during the recent coal strike simply could not understand what gives the radical mine workers, and others who engage in union violence, what appears to be special exalted privileges in our Republic, privileges that are not shared by ordinary citizens.

What gives them the privilege to threaten bodily harm to innocent people? What gives them the privilege to destroy public and private property, obstruct highways, and forcefully prevent citizens from even going about their business?

What gives them the right to say that it is useless for the President of the United States to obtain a Taft-Hartley back-to-work injunction because, as they said on television repeatedly, they were not going to obey the law?

I saw some televised reports on some striking miners who were playing poker, and they laughed at the President of the United States. They said, "He can do anything he wants to, but we're not going to obey the law. We're not going to obey the law."

But I submit that such an attitude, Mr. President, is frightening, and is being allowed to grow and to fester because the leadership of some unions and some of their members have announced in no uncertain terms that they will not obey the law and they do not care whether the Nation is cold, or whether business is shut down, or whether schools must close. They are not going to obey the law.

Why then, Mr. President, do we not have a bill before us that addresses itself to this kind of needed reform?

If we did, and if it did, the Senator from North Carolina would not be engaged in extended debate on this question. He would be standing beside the Senator from New Jersey exhorting his fellow Senators to approve the bill.

"We will not obey the law." That has been repeatedly declared with snickers and ridicule of the President of the United States. And what was the response to this arrogance on the part of the administration which, surely, must have felt affronted? What was the response of most of those who are so interested in passing this legislation?

I may be wrong, and I hope I am, Mr. President, but it seemed to me to be a collective shrug of the shoulders and a "boys-will-be-boys" attitude.

Well, the majority of the good, decent, American people just do not understand and will not accept that kind of thinking, Mr. President. In fact, if I am any judge of the attitude of the American people as I travel around this country, they are becoming more and more fed up.

No citizen—and I repeat, no citizen—has the right to declare arrogantly that he will not obey the law and that he fears no consequences.

Now, surely, Mr. President, a citizen can disobey the law as a form of protest, or to make a point, or even as a matter of conscience, but in a civilized society, this citizen must be prepared to pay the consequences for so doing. The twin ogres of anarchy and barbarism will always be breathing down the back of decency and order, and a civilization, if it is to survive, must be unceasingly vigilant.

When the President takes the oath of Office, under the Constitution, he says the following:

> I do solemnly swear that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States.

One of the duties of the President, under article II, section 3 of the Constitution is to "take care that the laws be faithfully executed." This is basic to all Government. It is not surprising that the legitimacy of the new American Republic was not firmly established until, by force, George Washington put down the "whiskey rebellion."

The laws should be "faithfully executed," Mr. President. A message should be sent out loud and clear that arrogrant defiance of the law will not be tolerated in the United States; because we have no choice: We must send some message. We can either let it be known that no citizen is above the law, or we can send out a message to every union in the land:

Make any demand you want, strike long enough to create a threat of misery to be imminently inflicted on the general populace, declare that you will obey no law that does not suit your purposes—and you will be sure to get what you want. One message or the other, Mr. President, we are going to send. But by refusing to tolerate violence, fraud, and racketeering, we will not be crushing something in a wholly negative sense, but we will be defending liberty in a most positive sense; for history teaches us that liberty depends on order.

Not to make a choice, Mr. President, is to make a choice. To accept open defiance of the law is to condone open defiance of the law. And just as sure as the sun rises in the east, we eventually become part of what we condone.

Sometimes I wonder whether we have lost our capacity to become indignant at anything. I watched with disgust while night after night during the coal strike I would see scenes of violence on the television—smashed windows, overturned vehicles, spikes and nails on the highway, threats of personal injury or death, sometimes carried to fruition. We hear much talk today about "human rights" abroad. What about the human rights of the decent, law-abiding American citizen, who simply wants to be able to go to work in the morning, unmolested and unthreatened by union violence.

So here we have a labor "reform" bill, so-called, that totally ignores union violence, racketeering, large-scale fraud of pension funds. But is that all right? Does that satisfy the conscience of the Senate? Who, after all, are victims of violence and theft of union funds? It is the average working man and working woman, the union members who pay their dues.

I realize that some will respond by telling me that the vast majority of union members and leaders are law-abiding and honest. Fine. I will agree to that. I said that earlier in my remarks. So why do not those who are law-abiding and honest, and those politicians who claim to speak for them, get together and do something about those who are not? If we must judge by the pending legislation, this is not going to happen.

Just this past Monday, May 15, the Jack Anderson column appearing in the Washington Post and other publications pointed out that mobster influence in labor unions has not abated since the days that our distinguished late colleague, Senator John McClellan, investigated the matter 20 years ago.

I, of course, cannot vouch for the accuracy of everything contained in Mr. Anderson's column, or any other column he writes. But he does invite us to do some serious reflecting. I think it might be useful for this column to appear in the RECORD at this point. It is headlined "Mobsters Still Infest Labor Unions," by Jack Anderson:

Two decades ago, the late Sen. John McClellan (D-Ark.), the embodiment of righteous wrath, held hearings that shook the labor movement. He exposed links between labor bosses and crime lords. His investigation led to the conviction of Teamsters president James R. Hoffa.

The flamboyant Hoffa has been liquidated, according to underworld informants, by the mobsters he befriended, and McClellan has succumbed to old age. But little else has changed. The labor racketeers still infest the unions.

We have sought to bring the story of labor racketeering up-to-date. The Teamsters, for example, brought in the former All-American football player, Daniel Shannon, to clean up its Central States Pension Fund, which allegedly has made illegal loans to gangsters.

Last year, he testified before the Senate investigations subcommittee about the mobsters he had discovered in the shadows. He blasted Allen Dorfman, a convicted racketeer, by name. Intelligence documents in our possession describe Dorfman as "the man to see to get a loan."

Shannon was forced to resign as a pension fund trustee, say our sources, because he dared to stand up to the mob. Now we have learned that Shannon has received death threats. In view of Hoffa's experience, these cannot be dismissed lightly.

The Justice Department and Senate subcommittee are conducting a low-key investigation of the death threats. The federal authorities will try to determine whether they are related to Shannon's previous testimony and are intended to prevent him from testifying again.

Since he is still under Senate subpoena, it would be a federal crime to prevent him from testifying. Our sources believe this should deter any underworld hit men. But as a precaution, the government is protecting him.

We have also been checking into Local 210 of the International Laborers Union, a brass-knuckle local, which controls the construction industry in Buffalo, N.Y. We have identified Local 210 as the power base of the late Stephano Magaddino, who has been named in Senate testimony as the former boss of Buffalo's "powerful, well-entrenched organized crime syndicate."

The syndicate's "principal remaining source of power," according to the Senate testimony, "is complete control of a single, though important union local."

We have determined this is Local 210; it was run by Victor Randaccio whose brother, Freddy, is listed in federal records as a Mafioso.

A Mafia killer, whom our sources have identified as Dan Domino, is carried on the union payroll as a "custodial" worker. "He specializes in enforcer type activities, and he is believed to have been responsible for some four unsolved murders," testified Robert Stewart, who heads the federal strike force offices in Buffalo and Newark. Earlier, Domino was "convicted of bank robbery in 1968."

Labor Department records show he started out as a "business agent" for the notorious Local 210. But the Labor Department forced the union to oust him after he was convicted of "making a false loan application to a federally insured bank." The local immediately rehired him for two "custodial" jobs, paying him a combined annual salary of $18,500.

A companion local in Niagara Falls, according to Senate testimony, is also dominated by an organized crime figure. Without naming the union, Stewart testified: "There have been persistent rumors over the past five years of extortionate demands upon industry, acts of property destruction and assorted misconduct.

"Authorities have found it impossible, however, to develop a viable prosecution because the atmosphere of intimidation is so complete that no one is willing to testify."

We have identified this racketeer-ridden union as Local 91, which is run by Michael (Butch) Quarcini.

Stewart summarized the problem in urgent language. "Unless there is a drastic improvement in the enforcement capabilities of the federal government," he declared, "the trend . . . created by the labor racketeering problem cannot be reversed."

Footnote: Our associate Marc Smolonsky tried without success to get comments from the two locals. An attorney for Local 210 said only: "They didn't know what Stewart was talking about." An official of Local 91 said: "There is no one here, and I can't talk to you." He refused to put Smolonsky in touch with anyone else who could speak for the union.

The point, Mr. President, is this: this labor reform bill, which is neither a labor bill nor a reform bill, does not address that issue.

Apparently the authors of this legislation consider that there are more important "reforms" to be initiated such as quickie elections and NLRB board packing schemes.

Criminal conduct, however, is only part of the story. Dramatic and well-publicized examples of misconduct should not be permitted to obscure the continuous day-to-day cost of unreasonable and concentrated power in the hands of a few union leaders. Strikes, chronic and uncontrollable absenteeism, featherbedding, jurisdictional disputes, inefficient production techniques, and interruptions in the smooth flow of commerce all exact a toll on the American people, on the consumers of America about whom Members of this Senate so constantly profess a deep concern. The fact that it may be statistically difficult or impossible to exactly measure this toll should not be an excuse for ignoring it.

I hope we will not engage in the rather puerile economic argument which declares that, after all, it is "only business" that is being hurt. Any time there is waste, unneeded expense or inefficiency in the economy, that waste, unneeded expense, or inefficiency is eventually borne by all of the consumers, including, I might emphasize, union members themselves.

We pay through higher taxes, sometimes through inflation, sometimes through poorer quality of goods or services, but eventually every one of us pays.

Therefore, in the most literal sense, the curb of union abuses is in the national economic interest. It is in the consumer's interests. Every citizen has a stake in such reform, but it must be true reform, and it is dismaying that this bill contains nothing that addresses this serious problem.

The economic cost of abuse of union power, if this legislation should be enacted, will be extended from the Northeast where it is now concentrated so as to ravage the prosperous South and the West.

A few months ago I received a letter, Mr. President, from a good friend of mine in Winston-Salem, N.C., Mr. Harry Bagnal.

In his letter, Harry Bagnal told the story of just one episode of abusive union power, and the cost, not to mention the frustration, to just one business caught in a typical union "Catch-22" situation.

This will be considered, no doubt, as a small episode, insignificant, I suppose, but it was not insignificant to Mr. Bagnal. You multiply this episode daily by thousands of similar instances, and then one comes to an understanding of what this legislation will do to the economy. It is sad irony that the people who can least afford further erosion of

their purchasing power, the blue collar workers of this country, are the very citizens whose interests are supposed to be advanced by this bill. But then we must not forget this is not a labor union member bill; it is a labor union leader bill.

I want to share Mr. Bagnal's letter, to which I alluded a moment ago, with the Senate. My dear friend from New Jersey has often declared that the purpose of this bill is to establish what he calls justice in labor-management relations, so let me read this letter and, perhaps, there will be some light thrown on where the injustices truly lie.

The letter was dated February 15 of this year. He said:

Hon. JESSE HELMS,
U.S. Senate,
Washington, D.C.

DEAR JESSE: I am writing to bring a matter to your attention. I would appreciate knowing if there is any action you might take on our behalf or if anything could be done. I will briefly explain what happened to the best of my knowledge.

This company received an order from Leyenaar Hardhout in Rotterdam, The Netherlands for some kiln dried Oak dimension furniture parts. Due to the strike at the port we were delayed in shipping this order for several months. When the strike was settled we delivered part of this order from Jackson, Tennessee to the Wilmington Bonded Warehouse by a truck owned by Tennessee Dimension in Jackson, Tenn. on December 16, 1977. On January 9, 1978 we delivered additional parts for this order from Associated Forest Products Company in Live Oak, Florida. This was also shipped on their own truck and delivered to the Wilmington Bonded Warehouse. When both shipments were received, they were loaded into a container for overseas shipment and sent over to the port of Wilmington to be loaded on a container ship. The International Longshoremen's Union refused to load this on a vessel at the port and the vessel sailed without the shipment. We called Hipage Company which has an office in Wilmington and acts as our forwarding agent and were informed that since the material was not loaded in a container by the Union we would have to pay a $1,000.00 fine or this would not be loaded on any future ship. They also stated if we did not comply they would strip this container and leave the material at the port. We called the North Carolina Ports Authority to see if they could get this container loaded on a vessel, but they said that they had no authority to make the Union load any container they did not desire to load. This material in the container had a value of $19,472.12. The Hipage Company paid the International Longshoreman's Union fine of $1,000.00 and we repaid this amount to the Hipage Company for this expense and the container was loaded on the M.S. *Poplawski*. We were informed that Union can refuse to load on board any container loaded within a 50 mile radius of Wilmington. Since this stock would have been ruined if it had been unloaded at the dock and not in a warehouse that is bonded or secured or heated, we could not deliver this directly to the port. We have shipped many containers to our customer in Rotterdam and all previous shipments were loaded in containers at the mill and shipped to the port. Since this was not possible because the material came from two different mills approximately 800 miles apart, we handled this in the only manner we could. This is the most outrageous thing I know of and it is inconceivable to me that a company in this country must pay extortion or blackmail to a labor union. We are a small company and it is not possible for us to become involved in a long and costly law suit. I understand there are a number of other companies that have been involved in the same thing. It is no wonder we have a large trade deficit and that no country wants to do business with shipping companies in the states. In the last year and a half we have probably shipped the equivalent of sixty to eighty container loads but we do not intend to ship through the North Carolina ports again.

I would like to know if there is any action you can take or any assistance you can give us in recovering our $1,000.00 and to see that this terrible situation does not occur again.

Looking forward to hearing from you soon, I am

Sincerely yours,
DIMENSION ENTERPRISES,
HARRY BAGNAL.

(Mr. RIEGLE assumed the chair.)

Mr. HELMS. Mr. President, the destruction wrought by compulsory unionism is not restricted to economic devastation. It also can be expressed in human terms. A few days ago I ran across a poignant article appearing in the Chicago Sun-Times about an outstanding young schoolteacher who was fired for her unwillingness to compromise her professionalism by supporting a union. Let me share this with my colleagues. It is from the Chicago Sun-Times of Thursday, May 4, 1978. The headline is "An 'Outstanding' Teacher Is Fired," and this is the story:

Susan LaVine—by all accounts, an excellent German teacher—has the unhappy distinction of being the first teacher in Illinois to be fired because she won't pay her union dues.

LaVine, who taught for four years at Lyons Twp. High School in west suburban La Grange beginning in 1973, won an evaluation in February, 1977, that praised her with great extravagance.

The evaluation, by Estela Gahala, chairman of the school's language department, begins this way:

"As her immediate supervisor and one of her teaching colleagues, I need an entirely new list of superlatives to express adequately my professional and personal opinion of her."

LaVine, whose job experience also includes teaching English to West German high school students, was a member of the Lyons Twp. High School Faculty Assn. when it met on the first day of the 1975–76 school year to consider ratifying a new contract.

She objected to a new article in the agreement that established the school as an "agency shop." That meant that a teacher who chose not to join the union still had to pay it an amount equivalent to dues paid by members.

But the agreement was ratified with the agency-shop provision intact, and LaVine protested by refusing to pay her $122 annual dues. The school board, acting under its contract with the union, fired her in March, 1977.

"I was a member of the association and would join again," said the teacher. But she believes that dues-paying union membership "is not what makes a teacher good, or what he should be retained for. It's a matter of principle."

I might interject here, Mr. President, that of course it is a matter of principle. But let me continue the article from the Chicago Sun Times:

She was ordered reinstated in March, 1978, after an arbitration hearing conducted by a hearing officer for the state Board of Education. But LaVine has not returned to the classroom because the high school, on behalf of the union under the contract, is suing in Circuit Court to overturn the ruling.

"She is an outstanding teacher: she plans well; she is imaginative and inventive in her methodology; she is thorough in her presentation; she has complete mastery of her subject; she understands and likes young people; she is concerned about their intellectual, social and personal development. Her students love her and learn from her . . . ."

The arbitrator, James F. Stack, citing LaVine's high ratings, noted that she stood accused of "deficient and unsatisfactory performance as a teacher" for her refusal to abide by the agency-shop article.

He said firing a teacher for that reason was a violation of the Illinois School Code, which holds that a teacher may be dismissed, in Stack's words, only when his or her "moral character, mental capacity and ability" are in question.

LaVine, whose husband, Lester, is principal of the elementary school in Lincolnshire, now is spending most of her time in their Gurnee home with their year-old daughter.

"I do hope to return to teaching," she said. "A lot depends on how this case comes out."

"Any school would be fortunate to have her services. I only hope that Lyons Twp. High School will continue to be graced by them indefinitely."

The point, Mr. President, is that this pending legislation, which is neither a labor bill nor a reform bill, does not even look in the direction of a problem like this. Nowhere in this bill is there a "reform" addressing itself to this problem. The committee having jurisdiction of this legislation is called the Human Resources Committee, and my good friend, the distinguished Senator from New Jersey (Mr. WILLIAMS) is chairman of this committee.

What, I ask, ever happened to the "human resources" of Susan LaVine, a good teacher, an effective teacher, a teacher loved by the students, a teacher who knows how to teach, a teacher who is dedicated. What happened to her human rights? What happens to the rights of the students who will no longer be able to benefit from her outstanding capacity to communicate knowledge and learning to these young people?

(Mr. KENNEDY assumed the chair.)

Mr. RIEGLE. Mr. President, will the Senator yield briefly at that point?

Mr. HELMS. I yield, Mr. President, on the condition that I not lose my right to the floor and that my yielding will not cause my subsequent remarks to be considered a second speech on the same legislative day.

Mr. RIEGLE. I appreciate the Senator's yielding. Are you suggesting—of course, our bill does not purport to cover public employees. Is the Senator suggesting it ought to? Is that the point he is making?

Mr. HELMS. The point I am making is that this bill accomplishes nothing except to facilitate pushbutton unionism. It does not address itself to the human problems. It does not address itself to violence. It is a bill that, if it was not written by George Meany and his associates, it well could have been. That is the point I am making.

Mr. RIEGLE. If the Senator will yield a moment further, the reason for my question was, I was wondering about your raising the case of this teacher, which falls outside the jurisdiction of what we are proposing here. Is it your suggestion that we ought to redraft this legislation so as to cover public employees as well?

Mr. HELMS. I do not think NLRA jurisdiction should be extended to public employees. I do think, however, that all Americans should be able to pursue their chosen occupations without being harassed by labor unions.

Mr. RIEGLE. Well, I thank the Senator.

Mr. HELMS. Mr. President, I think it is clear to any reasonably objective observer that we have before us a bill which labeled as "reform," it is not reform at all, but purely and simply, as characterized by one of the newspapers in my State the other day, an attempted power grab by the big labor bosses who feel, hopefully mistakenly, that they have the votes to ram this legislation through this Congress.

There will be no ramming, Mr. President. We are going to be on this bill for a long, long time, unless it is pulled down by the majority leader at some appropriate time.

Having said all this—and I shall conclude momentarily—I would gladly support legislation aimed at true reform. But frankly I must confess that I wonder if the proponents of this legislation are interested in true reform. Surely, no one is so naive to think that only business needs reforming. Why, then, does this legislation address not one, not one reform aimed at the powerful union leaders and the powerful mechanisms which are growing in monopoly influence in this country?

I think most of us know the answer, Mr. President. That is why the Senator from North Carolina is standing here this afternoon, attempting, in a virtually empty Chamber, to show why the legislation must be defeated, and as we say in North Carolina, to the length of my cable tow I will see to it that it is defeated as long as I have two legs to stand on in this Chamber.

Its defeat would not in any way foreclose true reform which, I say again and again, I would favor. Rather, the defeat of this bill would sow the seeds of true reform that perhaps could be enacted by the next Congress.

Mr. President, I yield the floor.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without, objection, it is so ordered.

Mr. DOLE. Mr. President, we have listened to the distinguished Senator from North Carolina and we have listened to other colleagues with reference to labor reform. The Senator from Kansas spoke briefly this morning about certain sections of the so-called labor reform legislation, whether or not certain sections were inflationary.

In addition, the Senator from Kansas continued his analysis of the bill on a section-by-section basis. The analysis that we have now completed is part of the RECORD. I understood earlier in the debate the distinguished Senator from New York at some appropriate time would address the analysis to indicate to the Senator from Kansas and others whether it was accurate, whether it was objective, and whether it raised questions which should be considered as we get into the amendment stage, if and when we get into the amendment stage.

At this point the Senator from Kansas would address another area, because it appears to some that the Labor Law Reform Act transforms the NLRA from a remedial to a partially punitive statute.

First, the bill would subject any employer found by the Board to have willfully violated a Board or court order to debarment from all Federal contracts for a period of 3 years. Second, the bill provides that employers who unlawfully refuse to bargain during initial contract negotiations shall be subject to a make-whole remedy measured by Bureau of Labor Statistics (BLS) figures relating to collective bargaining settlements in units with 5,000 or more employees. Finally, this bill provides that employees who are unable to work as a result of unfair labor practices occurring during certain specified periods of time may receive an award of backpay in an amount equal to "1½ the employee's wage rate—less the wages the employee has earned" during the backpay period. The extraordinary relief is available during periods when the employees are, first, seeking to certify a union; second, seeking to decertify a union; third, seeking to rescind a union security agreement; and fourth, prior to execution of an initial collective bargaining agreement.

These punitive remedies conflict with Congress' original intent to restrict the NLRB's power to undoing the effect of the unfair labor practices committed. The U.S. Supreme Court first defined the limits of the Board's remedial jurisdiction in Consolidated Edison Co. of New York, Inc., against NLRB, stating:

> The power to command affirmative action is remedial, not punitive, and is to be exercised in aid of the Board's authority to restrain violations and as a means of removing or avoiding the consequences of violation where those consequences are of a kind to thwart the purposes of the act.

Although the application of this formula has undergone minor modifications through the ensuing years, as the circumstances of particular cases have dictated, the general principles stated therein have retained their validity.

For example, the Supreme Court has often upheld Board decisions which have the legitimate purpose of removing or avoiding the effects of an unfair labor practice. Thus in Virginia Electric & Power Co. against NLRB, the Court approved remedies purported to restore the status quo as a means of depriving the violator of the advantage gained by the unfair labor practice. And in Phelps Dodge Corp. against NLRB, the Court fashioned a remedy directed toward returning the parties to the position which would have existed, but for the illegal conduct. Alternatively, the Board's relief may be justified on the grounds that it prevents the consequences of a violation from thwarting the purposes of the act.

Conversely, the Court in local 60, Carpenters against NLRB, that where "no 'consequences of violations' are removed * * *; and no 'dissipation' of the effects of the prohibited action is achieved, * * * the order * * * becomes punitive and beyond the power of the Board."

The Supreme Court has held that a Board order, which directed the employer to pay to appropriate Government agencies an amount of money equal to that which had been earned by discriminatorily discharged employees on "work relief projects" and to credit that amount of money to a backpay award, was beyond the Board's remedial authority. Such payments, the Court claimed, had neither the effect of making employees whole nor of assuring them of their right to bargain collectively. Hence, the remedy served no statutory purpose, indeed, the Court felt that such payments were in the nature of an exaction, since the "work relief" payments constituted consideration for valuable services which the Government received.

Significantly, in Republic Steel the Court also rejected the Board's argument that the remedy was permissible since it would have the effect of deterring others from violating the act. Although a remedy may incidentally act as a deterrent, the Court noted that if the NLRB was permitted to impose remedies solely on the basis of acting as a deterrent, the Board would be free to set up any system of penalties which it could deem adequate to that end. The Court's holding reflects the principle that the rational relationship between unlawful conduct and the relief which is granted is not satisfied when the remedy purports to achieve ends other than those contemplated by the statute. Moreover, the remedies which the Board has fashioned have, with few exceptions, proven quite adequate in remedying flagrant, repeated or widespread unfair labor practices.

CEASE AND DESIST ORDERS

The most common of all NLRB remedial orders is the "cease-and-desist" order; that is, an order directing a party found to have engaged in an unfair labor practice to cease and desist from the particular conduct found to be unlawful. Sometimes, the Board goes further and orders the offender also to cease and desist from "any other conduct" violative of rights guaranteed in the act.

In 1941, the Supreme Court, in NLRB against Express Publishing Co., set out the doctrine that the Board must consider the nature and seriousness of the unfair labor practices found, the offender's past history of violations, and the probability of recurrence. These guiding principles, still valid today, are the bases upon which the Board can rely in order to justify its issuance of a broad cease-and-desist order.

Pursuant to the Express Publishing doctrine, the Board may justify a broad order where the additional violations restrained bear some resemblance to the violation(s) found. For example, in Windsor Manufacturing against NLRB, the court held that a broad order couched in the language of section 7 was justified where, in addition to a section 8(5) vio-

lation, there was evidence of other misconduct violative of section 8(1).

In another case, Marshfield Steel Co. against NLRB, the employer had challenged an order directing him to cease and desist from discouraging membership in the United Steelworkers of America "or in any other labor organization," on the grounds that the company had not engaged in violations against members of any union other than the steelworkers. The court reasoned that the employer's reliance on Express Publishing was misplaced, stating that the doctrine stood for the proposition that the Board could not restrain an employer from committing "other unfair labor practices in which it has not been found to be engaged * * *," while the order in the case at bar "merely restrains (the employer) from conducting against other labor organizations the same unfair labor practices in which it has been found to be engaged." The court concluded that the order was fully within the guidelines of Express Publishing, as the restrained violations bore complete resemblance to those which the employer had already committed.

Furthermore, because many employers have several plants and multistate operations, and unions often operate on a regional or national basis, the Board has often ordered remedial action that extends beyond the immediate units involved in the case. Thus, where it had been shown that the employer had instituted a systemwide, centrally directed, and coordinated policy to commit unfair practices, the courts have found that the Board had properly included all the employer's plants within its order.

Moreover, the Board may properly consider that, if not deterred, the employer would pursue the same discriminatory policies at every unit within a certain geographic area, and may apply its cease-and-desist order to that entire area. Cases demonstrate that when emloyers who have such a coordinated systemwide policy commit flagrant unfair labor practices, the courts have not hesitated to find the application of Board orders to plants other than those at which the violations occurred to be found particularly appropriate. When the employer controls several corporations, or one corporation with separate divisions, Board orders applying to more than one division or corporation have also been upheld.

The importance of the Board's cease-and-desist powers cannot be overestimated, considering that the employer may thereafter become the target of contempt of court proceedings for future violations of that order.

NOTICE AND ACCESS REMEDIES

In addition to the negative, or cease and desist, provisions of an NLRB order in an unfair labor practice case, the Board's remedy will almost always include an affirmative requirement covering the posting of notices. Compliance usually requires that, for a period of 60 days, the respondent employer or union will post, and maintain in a conspicuous location, a signed notice which sets forth the terms and conditions of the cease-and-desist order.

Generally, the provisions covering notification simply stipulate that the notice be posted in conspicuous places, such as bulletin boards, time clocks, department entrances, meeting hall entrances, or dues payment windows. If, however, "flagrant and gross" unfair labor practices are involved, the Board may require extraordinary notification provisions in addition to the normal posting requirements. In an attempt to neutralize the effect of aggravated unfair labor practice conduct, the board has ruled that the respondents mail a copy of the notice to each employee.

The Board has also required the employer to make his bulletin board available to the union for a specified period of time.

ATTORNEYS' FEES AND LITIGATION EXPENSES

In Tiidee Products, Inc., the Board noted that litigation expenses normally are not recoverable by the charging party in Board proceedings even though the public interest is served when the charging party protects its private interest before the Board. But the Tiidee decision further indicated that the Board would order payment of attorneys' fees and litigation expenses when the respondent's defense is "frivolous."

Cases indicate a "frivolous" defense is one which obviously lacks merit, is not debatable, and not one which fails simply upon the administrative law judge's resolutions of conflicting testimony.

The Supreme Court explained in Heck's that—

It cannot be said that the finding here that Heck's asserted at least "debatable" defenses to the unfair labor practice charges, whereas objections to the representation election in Tiidee were "patently frivolous," might have been viewed by the Board as putting the question of remedy in a different light. We cannot say that the board in performing its appointed function of balancing conflicting interests, could not reasonably decide that where "debatable" defenses are asserted, the public and private interests in affording the employer a determination of his "debatable" defense, unfettered by the prospect of bearing his adversary's litigation costs, outweigh the public interest in uncrowded dockets.

REIMBURSEMENT FOR LOST UNION ORGANIZING EXPENSES, DUES, AND INITIATION FEES

When union organizing campaigns have been subject to employer unfair labor practices the Board has been requested to require the employer to reimburse the union for losses in organizing expenses and dues. In Heck's, Inc., the Board held that the union had not established that the respondent's conduct had contributed to the loss of any dues or fees.

Following the Heck's decision, the Board issued Tiidee Products, Inc., in which it denied a similar request for organizing expenses and lost dues and fees. The Board did not state, however, that such a remedy should never be granted, but rather held that there was "no nexus" between the employer's unlawful conduct and the union's preelection organizing expenses. After the Board issued this Tiidee decision, Heck's decision reached the District of Columbia circuit in Food Store Employees, Local 347 against NLRB. In view of the Board's statement that the conduct of Heck's had probably caused the union additional organizational costs, the Court, relying on Tiidee, ordered such remedies paid the union. The Supreme Court reversed the court of appeals and determined that the case should have been remanded to the Board for a determination of whether or not there existed a nexus between the employer's conduct and the union's preelection organizing expenses. On remand, the Board did not deal directly with the merits of the union's claim for organizational expenses. Rather, it determined, as it did with the union's request for legal expenses, that the employer's defenses were debatable rather than frivolous. As the previous discussion indicates, where the employer has a frivolous defense, organizing expenses may be ordered if the union can show a nexus between the employer's illegal conduct and an increase in the union's organizing expenses.

COURT CONTEMPT AND INJUNCTION PROCEEDINGS

Once the Court enforces a Board order pursuant to section 10(E) of the NLRA, the employer may be subject to contempt of court proceedings. This makes available powerful sanctions beyond the purely remedial power of the Board.

It is well established that courts should impose whatever sanctions are necessary under the circumstances to grant full remedial relief, to coerce the contemnor into compliance with the Court's order, and to fully compensate the complainant for losses sustained.

Thus, in NLRB-related civil contempt proceedings, the courts will routinely order respondents to pay the Board all fees, costs, and expeditures incurred during the contempt proceedings. These include counsel fees incurred in investigation, preparation, presentation, and final disposition of the contempt case. Further, in order to assure that the respondent complies with the terms of the decree, the courts consistently order a fine for each further violation plus a fine for each day each violation continues. In NLRB against Amalgamated Local Union 355 (Robin Ford), the court anticipated future violations and ordered compliance fines of $10,000 from the union, and $2,000 from each of two union officers. Also in that case, if such future violations were of a continuing nature, the union and officers would have been required to pay fines of $1,000 and $2,000 per day respectively. In NLRB against Johnson Manufacturing Co., the employer who had refused to bargain in good faith with the union was fined $50.000, which was to be returned if the employer presented within 60 days satisfactory evidence of compliance with the new court order.

In contempt proceedings involving employer refusals to bargain, the Fifth Circuit has devised remedies which surpass those employed by the Board in similar violations. In NLRB against Schill Steel Products, Inc., the employer was ordered to bargain until full agreement

or bona fide impasse was reached. The existence of such impasse was to be decided by the court, and the failure to find such an impasse was to be considered a failure to bargain in good faith. Such a failure would subject the employer to compliance fines of $5,000 for the violation, plus a fine of $1,000 for each day the violation continued. In addition, the employer was not permitted to refuse to meet with the union at reasonable times, or to withdraw recognition from the union until further order of the court. Also, unless the union gave written permission otherwise, bargaining sessions were to be held at least 15 hours per week. Sworn reports signed both by employer and union were to be filed with the court clerk and the Board every 30 days detailing the nature and course of the bargaining. If the Board determined that the employer was not bargaining in good faith, it was required to submit a report and supporting brief to the court and propose appropriate sanctions. If the company was found to have engaged in bad faith bargaining, the compliance fines mentioned above would then be imposed. The court may issue a writ of body attachment under which the appropriate officer or agent of the offending respondent will be confined to jail until compliance with the court's decree is forthcoming.

Finally, if it can be shown that the respondent "knowingly, willfully, and intentionally" violated the Court's decree, the Board may petition the court to find the respondent criminally liable for his conduct. Sentences for criminal contempt include monetary fines and imprisonment.

One basic legal principle continually recurs in this discussion: the NLRB has been granted broad authority by Congress to fashion unfair labor practice remedies in order to effectuate the policies of the National Labor Relations Act. This power is subject to the stipulation that its use be restricted to undoing the effects of unfair labor practices found to have been committed. Stated in another and perhaps more conclusory fashion, Board orders must be remedial and not punitive or confiscatory.

For the most part, the remedies utilized by the Board are accepted as appropriate manifestations of the Board's remedial powers. For example, bargaining orders, backpay, reinstatement, notice posting, and cease-and-desist orders are all considered to be "traditional" remedies which the Board may apply with flexibility and discretion.

NLRB and judicial decisions have also recognized that respondents who engage in repeated or flagrant violation, or who advance frivolous defenses to unfair labor practice charges, deserve to receive harsher and more imaginative remedies. Thus, the Board has fashioned remedies designed to confront the particular circumstances of the violations found. For example, where a respondent has demonstrated a proclivity to violate the act, and where it can be anticipated that further violations will occur, the Board will issue a "broad" order which requires that the act not be violated "in any other manner." Also, special notice provisions may be ordered to inform the employees that an unfair labor practice has been found and is being remedied. The respondent may be required to mail the notice to the employees, given the union access to company bulletin boards, or read the notice aloud to the employees. Where a flagrant unfair labor practice is unaccompanied by a debatable defense, the respondent may be ordered to pay attorneys' fees and litigation expenses.

The act also provides the NLRB with authority to seek injunctions to prevent the continuance of unfair labor practices where it can be shown that such relief is "just and proper." If such an injunction is issued, the unfair labor practice will be restrained until the Board issues a final order which will then contain the appropriate NLRB remedy. Under section 10(l) of the act, the general counsel is required to seek an injunction from a U.S. district court against certain specified union unfair labor practices. Injunctions against other unfair labor practices are covered by section 10(j). While the injunction is in effect, a breach of the injunction will subject the defendant to powerful contempt of court sanctions.

Other contempt sanctions are available for use against a respondent who violates a Board order which has been enforced by the appellate courts. The NLRB order has then become the order of the court and a refusal to comply with that order, or the commission of a similar future violation, will subject the contemnor to whatever sanctions are necessary under the circumstances to grant full remedial relief, to coerce the contemnor into compliance with the court's order, and to fully compensate the complainant for losses sustained. These sanctions in almost all NLRA civil contempts cases will include payment to the Board of fees, costs, and litigation expenses incurred. Additionally, the court can coerce compliance by fining the contemnor and even placing his responsible officer or agent in jail through a writ of body attachment. Willful violations may be prosecuted by way of criminal contempt, with its attendant penalties of fines and imprisonment.

As shown, harsher remedies presently are available for use against the flagrant or recalcitrant violator. But availability is not the only touchstone for their utilization. In dealing with requests for these extraordinary remedies, the Board and courts have recognized that when the severe remedy is ordered, they must address questions involving the fundamental fairness of the proceeding. One basic problem is the possibility that harsh remedies and penalties tend to coerce respondents with potentially meritorious claims into settling the case in order to avoid the remedy. In order to minimize this chilling effect on the assertion of possibly valid defenses, the Board and courts have rejected requests for attorneys' fees, litigation costs, union organizing expenses, and "make whole" remedies for refusals to bargain, where the respondent has been able to present a debatable, or nonfrivolous defense.

The potential unfairness becomes more pronounced when considering that high financial penalties will most affect litigants with small financial resources. A flagrant violator with a sound economic position, however, may be able to pay the price and continue violating the act. If such a violator is undeterred by potential contempt of court compliance fines and jail terms, the possibility of paying double back pay may not deter him either. While valid reasons exist for concern about those respondents who repeatedly commit serious labor practices, those concerns should be balanced by recognizing, as the Board and courts have done, that certain proposed remedies in this area are unacceptable, because they may unfairly coerce settlements and hinder a full determination of whether the alleged violation actually occurred.

Mr. President, the Congress has too often in the past failed to distinguish between small and large businesses when legislation is passed. Examples abound of where every mom and pop grocery store or small manufacturer has to meet the same standards as the corporate giants of America. All of us have been deluged with the complaints about the application of ERISA, the Employee Retirement Income Security Act, to small businesses. We should be forewarned of the consequences of imposing this kind of excessive penalties on small businesses before we act on this bill. The Senator from Kansas continues to have grave doubts about the impact that this bill will have on our economy.

DEPARTURE FROM HISTORICAL PREMISES

Mr. President, during the extended debate which has already taken place on the Labor Law Reform Act, most of the remarks have focused on the problems which would be created by enactment of this bill. The proponents have argued that the problems encountered under present law justify a change in the National Labor Relations Act.

I would like to take a different approach in this speech in the next few minutes. I want to address the aspects of this bill which represent a change in the underlying philosophy of the National Labor Relations Act. Many experts feel that this act would depart from the primary focus of protecting employee rights and begin to make the statute punitive rather than remedial. These experts question whether the use of debarment, 1½ back pay and other remedies will change the act's basic philosophy from encouraging good-faith bargaining to punishing violations.

To properly understand the underlying foundations of the National Labor Relations Act, it is necessary to look at the original debate and discussion on this legislation. Many of the remarks made back in 1935 remain as true today as they were then. The Senator from Kansas believes that our decisions on H.R. 8410 can be guided by the thoughts and statements of our predecessors who created the National Labor Relations Act, recognizing a lot of time has passed. We have had changes take place. It is a different world. Labor and management are far different than in 1935.

One of the major forces behind creation of the National Labor Relations

Board was a great Senator, Senator Wagner. His remarks made when that bill first came to the floor are very illustrative. His first statement was:

Today, with economic problems occupying the center of the stage, we strive to liberate the common man from destitution, from insecurity, and from human exploitation.

Mr. President, those views apply today to both employers and unions. No one seriously contends that unions are in an inherently inferior bargaining position. When we free employees from "exploitation," we must recognize that that exploitation can come from more than one source. Any action that we take which unbalances the carefully reached equilibrium between employers and unions has the potential to make employees subect to the "exploitation" of the party we give more power to, and that happens in many instances when we start tinkering around with Government programs, Government regulations, and Government edicts.

DUTY TO BARGAIN COLLECTIVELY

The 1935 act made it an unfair labor practice for an employer to refuse to bargain collectively with the representatives of his employees. Senator Wagner, in his explanation of this provision, said:

It does not compel anyone to make a contract of any kind if no terms are arrived at that are satisfactory to him. The very essence of collective bargaining is that either party shall be free to withdraw if its conditions are not met.

The act is designed to encourage collective bargaining without forcing anyone into a contract. Yet, if Congress imposes penalties which are so severe they could destroy a business, an important part of the freedom to contract has been taken away.

When an employer is faced with loss of Government contracts that may be a major part of his business, he may be induced not to pursue or defend claims because he is not assured of having his defense upheld. For example, if an employee or group of employees file an unfair labor practice petition, the employer is faced with a possible award of 1½ back pay. Any employer without unlimited financial resources may be forced to settle without even presenting a defense which might be found valid. The risk is too great.

H.R. 8410 has been challenged as having the potential of making the NLRB no longer a disinterested forum. Suggestions have been made that the newly expanded Board may not reflect a variety of viewpoints and that, with the new members, one side of all disputes will be given a more favorable hearing. Also, the bill contains new penalties which will weigh more heavily against employers than unions in their actual application. For example, debarment can be applied against unions, however, few unions and many employers have Government contracts.

The Senate was cognizant of the problems which could be created if the NLRB failed to provide an impartial forum. In speaking of the NLRA, Senator Wagner noted that—

In applying the healing balm of an unright, impartial, and peaceful forum to industry and labor it will benefit employers, workers, and the country at large.

The present Congress should be careful that we do not take actions, which are well intentioned, but may nevertheless have the ultimate effect of denying any party access to an impartial trier of fact. If either employers or unions feel, even if these beliefs are unfounded, that the NLRB does not give them a fair hearing, they will resort to higher court review. Because of the structure of the NLRA, many cases which are now settled by consent will have hearings before the NLRB so that the order can then be appealed to the district court or court of appeals. The costs of this litigation both to the parties and the Government will not be insignificant.

Mr. President, when the National Labor Relations Act was debated in the House, it was not adopted without significant opposition. Those who opposed that legislation, like those who oppose this bill, are not puppets for business interests. Those formers members of Congress were concerned about the rights of workers, too. Those men, so far as this Senator knows, were honest and forthright in expressing their concerns about the possible implications of the NLRA.

However, I might suggest that it was often the case that perhaps certain horror stories were told on either side. Legislation often is never as good as its proponents claim and never as bad as its opponents claim.

Fortunately, most of their worst fears did not come to pass. However, some of them were well founded, as is evidenced by subsequent legislation passed by Congress. I refer in particular to the 1947 amendments to the NLRA, the Labor Management Relations Act and the 1959 act. The Labor Management Reporting and Disclosure Act.

One Congressman who spoke on the 1935 act made this observation about that bill:

It places the relation of employer and employee upon a permanent and unalterable war basis. It rests upon the false assumption that the interests of employer and employee are by their intrinsic nature absolutely irreconcilable.

The Senator from Kansas does not agree that that has been the effect of the 1935 act. Yet, the problems created by that act have required Congress to make subsequent changes. I believe that it is important that we keep these fears of our predecessors in mind. We must insure that we do not create the kind of problems that they feared.

EMPLOYEE RIGHTS PARAMOUNT

Mr. President, the Senator from Kansas—and many other Senators—has some very intense concerns about this bill. Unlike most of the Congressmen who opposed the 1935 act, my primary misgiving is not about the direct effect of this bill on employers and their businesses. While many of the sections of this bill can be predicted to have an adverse impact on the normal course of some businesses, the free enterprise system and its component parts will survive almost anything that Congress can do to them. It may not be easy, but business will survive.

It will survive, perhaps, through some court ruling as we had yesterday, which said, in effect, that you cannot make surprise visits. We all want health and safety, but we also want to preserve some balance in this country—some balance for business and some balance for labor. I suppose it is fair to say that we are talking about business now in the broad sense, not the giant corporations, not those who, by one ruse after another, abuse the NLRA.

The uppermost concern of the Senator from Kansas is how this will impact the vast majority of American workers. Undoubtedly, some employees have been denied the right to fully exercise their legal rights by the actions on some employers who have violated the law or the spirit of the law, or somehow frustrated the rights of employees. Equally true is the fact that unions have at times denied employees, most notably minorities, the opportunity to make reasoned decisions and incur the benefits of the collective-bargaining system.

Mr. President, the method to correct these past abuses of employee's rights is not to pass legislation which will cause more deprivations or other rights of other employees. The legislative history and the case law that surrounds the National Labor Relations Act and its accompanying legislation reveals that employees are best protected when a balance between the employer and the union exists. When this balance is absent, the employee suffers more than the employer or the union.

The 1935 act was originally spawned by the labor disturbances that occured during the depression. At that time, the principal problems was a failure by employers to recognize unions as the bargaining agents of their employees. So-called company unions were created by the employer as an excuse to avoid recognizing other, legitimate unions. The 1935 act corrected this problem by compelling both recognition of and bargaining with employee-chosen unions.

The equilibrium between labor unions and employers was not brought to a balance until the 1947 adoption of the Taft-Hartley Act. That legislation protected employees against some abuses of unions that occurred due to the imbalance created by the 1935 act. The employees' right to have a free and uncoerced choice in selecting a representative or in choosing not to select a representative was established. This is what we are ultimately trying to preserve.

The basic philosophy of the National Labor Relations Act is to encourage good faith bargaining between the adverse interests of the employers and the employees. This philosophy can only be continually carried out by leaving untouched the balance that has been so carefully reached by the adoption of the NLRA. The important thing is that the employee, the workingman, be free from exploitation from either side. Passage of the so-called Labor Reform Act—I am talking about the Labor Reform Act in

its present form—would damage this equilibrium by giving one party added strength which would enable them to exert more influence on the workingman and take away from his freedom of choice. This is not what our predecessors intended when the act was adopted. I would urge that the balance that has been carefully established not be upset without very compelling reasons.

PROTECTION OF EMPLOYEES

Mr. President, although the Washington Post has since changed its opinion on whether this bill should be passed, the Post made a point in an editorial on March 15, 1978, which the Senator from Kansas believes should be made again. In that editorial, the Post pinpointed the basic problem permeating the labor reform act when it said that Members of Congress had "lost sight of the need to change the law so that it better protects the rights of workers." The article continued by saying that—

> This bill does improve the protection of some of those rights against abuses by management, but it does nothing to protect them from labor unions. And one kind of abuse is about as common as the other these days. The main focus of this legislation is on the rights of unions—as unions, not as representatives of workers.

And there is a vast difference, I might say, between that.

The proponents of this legislation have given us many speeches why larger fines and penalties are needed against employers, however, the necessity for similar action against unions has been virtually ignored. Therefore, an examination of the judicial treatment of cases involving employees subjected to fines by labor unions illustrates how the benefits of the labor law reform would run primarily to unions.

In 1935, Congress enacted the National Labor Relations Act, the Wagner Act, in order to protect employees who want to join or assist labor unions. During the next 12 years, unions grew signicantly in both size and power. As a result, in 1947, in order to curtail some of the ways in which unions were exercising their power, Congress again passed legislation in the field of labor law. It amended the Wagner Act by passing the Labor Management Relations Act, the Taft-Hartley Act. This act, among other things, restricts union conduct by defining union unfair labor practices.

In drafting the Taft-Hartley Act, Congress had to balance, on the one hand, the maintenance of employee freedom which lies at the heart of industrial democracy, and on the other hand, the right of a labor union to discipline its members so it can function effectively. Congress attempted to guarantee employee freedom by amending section 7 of the Wagner Act.

Section 7 states in part that—

> Employees . . . shall also have the right to refrain from any and all such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment.

That final reference in the section refers to the practice of having a closed snop which is primarily a matter of State law. Some States such as my home State of Kansas have made the decision that employee rights are better served by not allowing any business to require union membership as a condition of employment.

Mr. RIEGLE. Mr. President, will the Senator yield briefly for a unanimous-consent request?

Mr. DOLE. I am happy to yield, even for a half-hour.

Mr. RIEGLE. I appreciate it.

Mr. President, I ask unanimous consent that Mr. Richard Yurko, of my staff, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Would the Senator like to have more time?

Mr. RIEGLE. Not at the moment. The Senator is very gracious offering it.

Mr. DOLE. Mr. President, I appreciate the Senator's asking me to yield. I will be happy to yield at length with anyone without losing my right to the floor, either in or out of the Chamber.

Mr. President, at the same time that Congress changed section 7, Congress limited the power of the union to discipline its members by enacting section 8(b)(1)(A) which states:

> It shall be an unfair labor practice for a labor organization or its agents (1) to restrain or coerce (A) employees in the exercise of the rights guaranteed in section 7: *Provided*, That this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein.

The amendment to section 7 referred to in this section gave employees "the right to refrain from any or all such activities," except under certain collective bargaining contracts.

Section 8(b)(1)(A) limits the action a union may take against a member by making it an unfair labor practice to restrain or coerce an employee in the exercise of his section 7 rights. At the same time, the proviso in section 8(b)(1)(A) makes clear that the union may adopt internal rules on membership requirements.

The Senator from Kansas believes that these amendments were necessary, given the condition of the labor movement and labor-management relations at that time. Yet, despite the obvious need for this section, a great amount of litigation has occurred because of it. This may serve as a lesson for us in the consideration of this bill. Many of the provisions of this bill are equally certain to engender many new court cases. We must carefully weigh the benefits of each before we subject the court system to this additional burden.

Beginning in 1967, the Supreme Court has had to decide a series of cases dealing with union discipline. These decisions have answered some of the questions raised by these sections. An examination of these cases will reveal that some questions of union discipline are still unresolved. It appears that these uncertainties might have properly been a subject for congressional consideration. Nevertheless, none of the problems that I am going to address are covered by this bill.

It just seems to this Senator that Congress should not allow itself to look at only one side of the picture. The other point that should be made before discussing the cases is the length of time that litigation has been occurring under these amendments. The act was passed in 1947 and many of the questions have only been recently resolved. More than 30 years of cases have not answered every question. Some of the sections that H.R. 8410 would change originated in the 1935 act. Before we throw out 40 years of case law and NLRB decisions, we must judge the benefits of the changes as compared to the costs of again unsettling this area of the law. In decisions such as this, caution dictates that the justification for change be very compelling before this kind of action is taken.

Turning to the cases that I previously mentioned involving union discipline, I want to emphasize that the important issue is not whether the courts have found some union action illegal. It is unquestioned that both labor and management have committed many violations of this law. The major issue is that this legislation does not evenly address the problems created by both parties. This unbalanced nature of the bill may cause severe problems in the future.

One of the first major cases in this area was NLRB against Allis-Chalmers Manufacturing Co. This case posed the question of whether judicial enforcement of a reasonable fine against a full member of a union for crossing a properly authorized picket line to return to work during a strike is an unfair labor practice. The issue was whether the fine represented an improper restraint on the rights of the members or did it represent a legitimate control device for the union.

Justice Brennan for the court decided that a union may impose a reasonable fine on members for crossing a picket line. The majority concluded that if the fine itself is legitimate, then there is no question of its enforceability in court. Since the relationship between a member and the union is viewed as contractual, the contractual obligations are enforceable in court.

Mr. President, at this point I would like to note how this relates to the section of H.R. 8410 that denies an injunction against wildcat strikes. These are strikes in violation of a valid contract. The employer could not obtain a temporary injunction against a wildcat strike regardless of how much his business will be hurt. I believe that the Supreme Court showed the proper respect for contracts when it allowed court enforcement of its provision. The portion of H.R. 8410 which undermines the contractual relationship is highly questionable.

The minority in the Allis-Chalmers case challenged whether a valid contract existed between the employee and the union. While the arguments made carry some weight, the majority was clear in its affirmation of the contractual relationship. Unfortunately, the Senate is not as firm in its support for the maintenance of a contractual relationship.

LIMITS ON WORK

In 1969, another case concerning union discipline reached the Supreme Court.

In Scofield against NLRB, the Court was called upon to decide whether a union could legitimately impose fines on members for violating a union rule concerning production and pay ceilings. The issue was whether a member had the right to earn as much as he can by his efforts, or may a union limit the amount a member may earn per day in order to serve union goals.

Justice White, for the Court held that the rule restricting daily earnings was one that served legitimate union interests and was not contrary to any public policy. As such, it was valid and could be enforced against members by court-enforceable fines. The Court reasoned that such unity or action was manifestly a matter affecting the interest of the group and was important to its collective bargaining strength.

Another point raised in the Scofield case bears directly on the bill before the Senate. The court pointed out that the fines imposed were reasonable in amount. The court in a later decision determined that the reasonableness of the fine is to be settled in State courts.

The important point this raises in reference to H.R. 8410 is the Court's insistence that, notwithstanding the contract, the fines must be reasonable. If the same standard of reasonableness were to be applied to some of the sections of this bill, I believe they would not pass muster. For example, debarring an entire company and causing the possible layoff of many workers does not seem to be a reasonable penalty for any but willful violations of the act.

The dissenting Justices in subsequent cases have questioned the effectiveness of allowing State courts to determine the reasonableness of fines. As Justice Douglas noted:

> It is no answer to say that the reasonableness of a fine may be tested in a State-court suit. That envisions a rich and powerful union suing a rich and powerful employee. Employees, however, are often at the bottom of the totem pole, indigent and unworldly when it comes to litigation. . . . In my view the Labor Board can not properly perform its duties unless it determines whether the nature and amount of the fine levied by a union constitute an unfair labor practice.

It would appear that if the Senate is seriously worried about the rights of individual employees, and not just the rights of unions, this area seems to be a proper subject for amendment in any labor law reform bill.

MEMBERSHIP FOR DISCIPLINARY PURPOSES

In the Granite State case in 1972, the Court held that a union may take direct disciplinary action only against its members. But a union can, in many circumstances, interfere with the job rights of nonmembers by requesting the employer to impose discipline for improper work-related conduct. The core question is who counted as a full union member. Most cases have revolved around whether an employee who pays only the required fees without participating in the union is a member of the union.

An employee who has paid dues to keep his job must carefully refrain from any act which exceeds the minimum legal obligation to avoid being a full union member. If he does exceed the minimum, he may be deemed to have indicated an intention to become a full member. As a full member, he suddenly finds himself subject to union discipline.

In this instance, the courts have offered little guidance as to what actions are sufficient to alter an employee's status from nonmember to member. No specific list has been drawn of what actions cross the nebulous line. Therefore, if an employee participates in union activities or receives union benefits, he risks being considered a union member without having made a conscious decision.

The fundamental question in the context of this bill is whether the union should assume the burden of full disclosure to the employee before he makes his decision. Such disclosure would at least demonstrate that the employee has an opportunity for a reasoned choice by knowing his options and their advantages and disadvantages. It would also put the burden of proof concerning membership where it should be—on the party trying to curtail the freedom on the individual.

The employee should be given a clear choice by the union, reasonably explained, so that he knows his alternatives and their consequences. If he chooses not to join, but merely to pay dues, the union should accept that decision as part of the employee's exercise of his right to not join a union. Given the disparity between the union with professional staff and experienced administrators and the individual employee, such disclosure by the union does not seem unreasonable. Nevertheless, the legislation before us fails to even address this problem.

RESIGNATION

In the past, almost no unions had, in their bylaws, provisions relating to resignation. It was commonly understood that one simply ceased paying dues in order to resign from union membership. Recently, some unions have amended their bylaws to place restrictions on a members' right to resign. Many union constitutions also place such restrictions on resignation.

These restrictions have been criticized on several grounds. They severely limit the right to resign and may not give the employee the option to do so at any relevant time. He may be unable to resign at or after the time a policy is decided, when a strike is called, or during a strike.

In order to restrict the right of a member to resign, the union rule must serve a legitimate union interest. Since it impinges on individual rights, it must be narrowly written if it is to be valid. Neither the Board nor the Supreme Court has ruled on whether any restrictions are valid. It may be appropriate for Congress to act now to prevent any undue restriction on the individual rights of the very employees the Labor Law Reform Act is purported to protect.

CONCLUSION

Mr. President, each time that the Senator from Kansas has addressed the Senate on this bill, I have emphasized that the paramount concern of the Senate should be the protection and expounding of employee rights. I have outlined several cases where union practices can restrict these rights. The proponents of this bill have also listed numerous cases of violations by employers. I am certain that violations of the spirit and letter of the National Labor Relations Act have been committed by both sides.

Yet, the bill in virtually every section would only work to remedy the supposedly massive violations by employers. Since I believe that the vast majority of American businessmen want to abide by the law, I must question the harshness of some of these remedies. I also must question the wisdom of only addressing one side of the problem.

The Senator from Kansas knows that the intention of every member of the Human Resources Committee is to make improvements in our national labor law. The only reason that the Senator from Kansas has engaged in this extended debate is that I share their belief that improvements need to be made. Unfortunately, after an examination of all of the provisions in this bill, I cannot agree that it would make an overall improvement.

At the present time, a relatively stable balance between the power of organized labor and the employers they bargain with has been established. This balance was achieved despite the problems that the proponents of this legislation have pointed out. This balance has been the primary protection to employees against the manipulation and exploitation by their side. Most labor disputes are settled by a compromise. If we give one side a clear advantage, the incentive to bargain will be less. As our predecessors in Congress have found, the ones who are hurt by an unequality in power are the individual workers. They suffer more than either the union or the employer.

Mr. President, the collective bargaining process has worked very well, especially in the last few years. With a few notable exceptions like the recent coal strike, the United States has been in a period of labor peace. The Senator from Kansas believes that large credit for that peace must go to those policies that have made the bargaining power of both parties equal and thereby forced good-faith bargaining.

We must be very careful in taking any actions which could upset this balance that has been established. The balance will be destroyed if we only look at one side of the problem, as the committee bill does. Only if we see the whole picture can we make the proper decisions. The Senator from Kansas is convinced that if this bill is adopted in its present form, the delicate balance will no longer exist. Regardless of the other benefits that may or may not be achieved, placing a major stumbling block in the path of encouraging collective bargaining is too big a price to pay.

Mr. President, I suggest the absence of a quorum.

Mr. WILLIAMS. Mr. President, will the Senator withhold that?

The PRESIDING OFFICER (Mr. STEVENSON). Does the Senator from Kansas withhold his suggestion?

Mr. DOLE. I withhold the request and I yield the floor.

Mr. HATCH. Mr. President, I ask

unanimous consent that my remarks continue following the earlier remarks I have made on two separate occasions today, and that this not be considered a third speech in violation of the two-speech rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I thank the Chair.

(Mr. HATCH's remarks are printed earlier in today's RECORD.)

Mr. HATCH. Mr. President, I yield the floor.

Mr. WILLIAMS. Mr. President, may I ask my friend from Utah whether he would like me to take some time now and fill in until his next speaker arrives to address the question of labor law reform?

Mr. HATCH. I am delighted to do whatever the distinguished Senator wants.

Mr. WILLIAMS. There is need for a lot of clarification on the RECORD on the issue which has been before us for a week or more.

Mr. HATCH. I will be glad to do the clarifying myself, if that is the desire of the distinguished Senator from New Jersey.

Mr. WILLIAMS. Are you asking me to yield to you for another speech?

Mr. HATCH. Either way. If you care to take over, or if you care to recess for the day, it is all right with me.

Mr. WILLIAMS. There are two matters I wanted to discuss. Both deal with the content of speeches delivered by proponents of the bill, the Senator from Indiana (Mr. LUGAR) and the Senator from New Mexico (Mr. SCHMITT). I had thought I would wait until they were here. Does the Senator have any knowledge of whether they are coming in again this afternoon?

Mr. HATCH. I do not believe they will be back today, but I will certainly have them both here tomorrow.

Mr. WILLIAMS. Well, I think maybe some of the observations I would like to make probably should be in the RECORD today, and then we might be able to develop the matters further with them when they are here.

Mr. HATCH. Yes; I do not think either of the Senators would be upset if the Senator from New Jersey would put his remarks into the RECORD, except for those matters, perhaps, that they would need to be in attendance to answer.

Mr. WILLIAMS. I appreciate that. Mr. President, the Senator from Indiana dealt with the Cambridge Report survey, which was first introduced into the debate this morning by the distinguished minority leader; and his talk raises certain questions that I wanted to discuss.

I think it could be agreed that in polling public opinion it is difficult to formulate questions in a manner that is both precise and does not suggest a response. The Cambridge poll presented several questions that, in my view, were not accurate if they were intended to elicit public opinion about the bill that is before us here in the Senate. As an example, one of the questions was put this way:

> In general, do you think the rules by which unions gain the right to represent employees need to be made easier for the unions or not?

That was the question.

This question certainly does not accurately reflect the bill before us. The bill does not make the rules easier for a union to organize workers, yet the question was put in exactly those terms:

> Do you think the rules by which unions gain the right to represent employees need to be made easier for the unions or not?

What we have before us is a bill that makes it easier for employees to obtain the information they need to decide. The bill makes it easier for workers to decide in a prompt election whether they want a union. All of the provision here run directly to the individual, the employee, not to the union. It goes to the employee in terms of the opportunity to be educated and informed on the decision that he or she will have to make at the time of the election. It makes it easier for the employee to have an opportunity to express that decision in a democratic election, whether that decision is to have a union, or not to have a union.

So instead of asking a question in terms of making it easier for unions, I was wondering, as the Senator from Indiana was speaking, what the response would have been if the question was put this way:

> Do you think the rules should be changed to make it easier for workers to get information equally from both sides before they vote on whether or not they want a union?

I would have asked the Senator whether he would agree that had this question been asked, the answer, given the American public's sense of fair play, would have been quite different than as it was to the question presented in the Cambridge poll.

Mr. HATCH. Will the Senator yield at that point?

Mr. WILLIAMS. Yes.

Mr. HATCH. Mr. President, I would not think that question would be fair under the facts in this bill. If equal access were to be applied, I think this would be unequal. Today the balance is in favor of labor with regard to the special treatment that it gets in regard to explaining its provision. If we add the equal access provision, that gives it almost total control over the explanation concerning the unionization of any particular business.

I do not think the Senator from Indiana would think that was a fair question.

Mr. WILLIAMS. Here is another question, on page 5 of the Cambridge poll:

> One possible change in the labor law would allow labor union organizers to go on to the property of businesses at any time, including working time, and try to recruit members. Do you favor or oppose this idea?

This is probably the most inaccurate description of what the bill does in terms of equal access, yet that was the preface to the question, "Do you favor or oppose this idea?" The preface to that was, "One possible change in the labor law would allow labor union organizers to go on to the property of businesses at any time, including working time."

The bill's equal access provision does not grant this opportunity or right at all. There is nothing in the bill which says that the union organizers can go on to company premises at any time. With a reading of the bill itself we can see that there are situations where the employer opens the door and creates thereby an equal opportunity for the employees to have access to information from those who would advocate the union. But in no way does it open that door at any time to union organizers to come on to the property.

Here, again, we have the question that is leading the person interviewed to the answer, the classical case of a leading question.

I wonder if in asking public opinion about access, the results would have been different if the question had been put this way:

> If the employer calls the workers together in the plant to give an antiunion speech, do you think the workers should have an equivalent opportunity to hear the other side?

A question put in that form would reflect what this bill seeks and provides, an equivalent opportunity to match, in argument, the arguments made by the employer. That is all. Under the legislation, it certainly would not be at any time and at the will or the instigation of those who are advocating the union. It is only when the employees have been systematically exposed to the views of the person who speaks with the most authority, the employer, that the other side would get its opportunity for the presentation of its opposing view.

Again, I think the great American spirit of fair play would result in a clear answer by the American people of yes if the question had been phrased to accurately describe exactly what is in our bill.

On page 6 of the poll included in the RECORD earlier today, this question was put:

> When union elections are held, should the election be held immediately after some employees indicate they want a union, or should there be a waiting period such as a month between then and the election so that both the union and the business can explain their positions and campaign for support among employees?

First, I would have to say that my first reaction in hearing that question was that it is not talking about this bill at all, because the bill does not require or even suggest that elections be held immediately.

Second, what the question suggests as a reasonable waiting period, about a month, is pretty close to what this bill does provide, as a matter of fact. The shortest period is 21 days and for the simplest situation the period is 21 to 30 days.

On this question, Mr. President, if the actual terms of the bill had been related I wonder whether the results would have been different.

I think that the same 70 percent would have favored the bill's provisions without the erroneous suggestion that the alternative was to hold the election immediately. After that, regarding a wait-

ing period of about a month, the result probably would have been the same.

Another question that was asked in the Cambridge survey:

Some people say that if a majority of employees of a firm or factory want to have a labor union, then every employee should have to pay dues to the union since the union will be representing them. Do you agree with this idea or not?

This has to do with the so-called right-to-work issue. Yet there is nothing in this bill that would deal with the right-to-work issue or would compel union security agreements. Including that question in this poll stacks up an opinion and an attitude that is in character with so much of the opinion and attitude about this bill that has been developed; a focus on issues that have no part, are not relevant to, are not included within, and are not going to be included in this bill.

I just raise this because I did feel that the Senator from Indiana, in raising it earlier today, had been very reasonable in his approach. I wanted to commend him for that, but I also wanted to point out that the questions in the Caddell Cambridge reports poll do not reflect the bill before us; therefore, the answers to the questions are not reliable in determining what American public opinion is on this legislation.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS. I am happy to yield.

Mr. JAVITS. I think the Senator is rendering a fine service by analyzing this policy and the results; therefore, I wish to associate myself with his views.

I point out that in the Joint Economic Committee, we had a series of hearings as to polls and what they mean, with testimony by the outstanding experts—Lou Harris and a whole group of other people who take polls. Their testimony is clear that the answers are heavily dictated by the questions. This is the technical side, the professional side of polling. How you write the question is a decisive factor in what answers you get and what the percentages are. The Senator has gleaned that truth from this analysis which he has just made. That is their professional testimony, that this is a decisive element in polling, how you ask what question you are asking.

Mr. WILLIAMS. I think that those of us who have been trained in the law are particularly sensitive to this. I respectfully suggest this to one of the leading Members that has a record of such distinction in the law. There is nothing like getting a lecture from the judge when you are trying to lead a witness into a question and have that gavel come down so you feel it is almost on your head.

We are particularly sensitive to this. I am sure that we all can fall into this polling error as we put questions.

We have included a poll in the record—and again, all sides develop and contract for a poll. We have the poll that the unions engaged, the AFL–CIO. It might be interesting to compare a couple of questions here. One is the poll that was contracted for by the AFL–CIO. The other is the Cambridge poll. Let me just read comparable questions. This might be somewhat redundant. First, I read from one poll. I shall not identify it at the outset:

The question was whether you favor—

A law making it easier for workers in large companies to vote on whether or not they wish to join labor unions.

From the same poll:

A law making it easier for workers in a small company to vote on whether or not they wish to join labor unions.

Both of those questions were answered predominantly yes, 73 percent and 67 percent, the first two questions.

Now, from the other poll:

One possible change in the labor law being considered would make it easier for unions to recruit new members in companies where they are not currently represented. Do you think this change is needed or not?

The answer in the affirmative on that question was 33 percent; not sure, 26 percent; no, 41 percent.

Those are two good polling agencies. They both, I am sure, have the highest competence in accurate sampling for desired results. The questions dealt with the same issue. The responses were diametrically opposite.

The first two questions I read were from the opinion poll contracted for by the American Federation of Labor–Congress of Industrial Organization, that had 73 percent yes to the first question, 67 percent yes to the second question.

The third question I read was from the poll contracted for by the retail federation, the Cambridge poll that I started my discussion of polling about earlier.

It came to the exact opposite result, again suggesting, as the Senator from New York described, and as I have, too, that we have to look at the polling techniques: The question produces and leads to certain answers.

So, when we are considering, when it is important to understand what people are thinking, in order to really know what they are thinking, we had better really know how the question that was put to the public was phrased.

SUPPORT FOR LABOR LAW REFORM IS STRONG, WIDESPREAD, AND WELL INFORMED

● Mrs. HUMPHREY. Mr. President, I believe that the labor-management policy of the United States, as defined in the Wagner Act, is magnificently designed to protect the interests of both management and workers, to encourage mutual respect for each other's rights, and to provide machinery by which, through free discussion and give and take at the bargaining table, they can reach mutual agreements that are fair and just to both sides.

I believe that the institution of collective bargaining, as it has grown and evolved in this country, has done more to secure justice and dignity for working people and their families, and to stabilize industrial relations, and to strengthen social and economic democracy in America, than any other single institution.

I am aware that many workers do not choose to organize and use the collective bargaining machinery that is available to them. I am aware that many employers pay fair wages, remedy grievances promptly and in general follow enlightened labor-relations policies so that their employees see no need to organize.

Such employers are breaking no laws, and the legislation before us has no effect whatever on them except to encourage them to keep on doing what they are doing now. To preserve such situations it is essential that the right and possibility of organizing be available at all times. Company officials and workers alike need to be aware that changes in company policy or ownership can be countered by changes in employee attitudes toward collective action. Such knowledge on both sides helps to insure that good relations remain good.

Only employers who are demonstrably unfair—employers who use their economic power to control their workers and who unlawfully deny workers their right to decide for themselves whether or not to organize—only these employers are the target of this bill, and they deserve to be. Our aim is not to write new laws, but to curb a pattern of open, contemptuous violation of a law that has been on the books for 43 years.

I believe the labor relations policy of the United States is a good policy that provides maximum freedom and maximum protection for workers and employers alike. I am convinced that it is essential to a free economy and a free people to make that policy and its enforcement machinery work fairly, smoothly, quickly, and efficiently so that workers and employers meet their obligations to each other and to the law to the fullest extent possible.

These deep, life-long convictions, which were so fully shared by my husband, are not merely the personal views of Hubert and MURIEL HUMPHREY. In recent months I have seen evidence, in the support given by responsible citizens and leaders from every walk of life to the labor law reform bill, that these views are shared by the overwhelming majority of the American people.

Thousands of endorsements and public statements by leaders in the fields of law, economics, religion, civil rights, public administration, the arts, education, and sports, calling for passage of this bill, make it clear that the issues are understood in every corner of the land.

The President and Vice President of the United States have stated their firm support for passage of the labor law reform bill. Public officials at all levels of Government also have fully endorsed this legislation.

The Secretary of Labor, Ray Marshall, has expressed his firm commitment to this bill. Joining him in this position are seven of his predecessors—all of the living former secretaries of labor who held that post in Democratic and Republican administrations alike; Peter Brennan, John Dunlop, Arthur Goldberg, James Hodgson, George Shultz, W. J. Usery, and Willard Wirtz. These men vary widely in their political philosophy, but on fundamental issues of law and the administration of law, they are united.

State officials from the North, South, East, and West support this bill: The Governors of California, Connecticut, Hawaii, Massachusetts, Montana, New Mexico, New York and Pennsylvania; the Lieutenant Governor of Kentucky, the State treasurer of Oregon, the attorney general of Louisiana, the State labor Commissioners of Hawaii, Iowa, Massachusetts, New Jersey, Tennessee, and Wyoming. More than 300 State legislators in all 50 of our States have joined Americans for justice on the job in urging passage of the labor law reform bill. So have the mayors of more than 75 cities in every part of the country, from North Platte, Nebr., to Bolton, Miss.

John Fanning, chairman of the National Labor Relations Board, which administers the Nation's labor-management relations policies, and former Chairman Frank McCulloch support this bill.

I have had the honor to serve, as my husband did before me, as chairperson of the advisory committee of Americans for Justice on the Job, which is a coalition of citizens representing so broad a cross-section of the American public that it may be unique in history.

Mr. President, I would like to review briefly the names of some of the outstanding citizens and organizations who make up that coalition, who have explored dispassionately the problems that exist in American labor management relations and who have called unequivocally for action to correct the injustices they see.

More than 100 law professors from 52 law schools are members of Americans for Justice on the Job, including such distinguished men as Joseph W. Bishop, Jr., and Eugene V. Rostow of Yale, Stephen B. Goldberg of Northwestern, Howard Lesnick of the University of Pennsylvania, and the past president of the Society of American Law Teachers.

Other academic leaders—more than 200 of them from 153 colleges and universities—include James MacGregor Burns of Williams College, Barry Commoner of Washington University, John Kenneth Galbraith of Harvard, Jeane Kirkpatrick of American Enterprise Institute for Public Policy Research, Arthur S. Link of Princeton, Seymour Martin Lipset of Stanford, James D. Barber of Duke, Henry R. Glick of Florida State, Daniel Bell of Harvard, the Reverend Andrew Greeley of the University of Chicago, Sidney Hook of the Hoover Institute at Stanford, Clark Kerr, former president of the University of California, Robert Lekachman of Lehman College, Wassily Leontif of New York University, the Reverend Donald W. Shriver, Jr., of Union Theological Seminary.

These are distinguished names, Mr. President, famous scholars in a wide range of disciplines, each of whom has earned a respectful hearing on social and public-policy issues.

There are many, many other Americans of equal stature who are universally recognized as leading figures in social thought and social action; civil rights leaders like Julian Bond; Benjamin Hooks of the NAACP, Vernon Jordan of the National Urban League, Coretta Scott King of the Martin Luther King Center for Social Change, Raul Yzaguirre of La Raza, Eleanor Smeal of the National Organization for Women, Dorothy Height of the National Council of Negro Women, Mildred Jeffrey of the National Women's Political Caucus, LaDonna Harris of Americans for Indian Opportunity, Gloria Steinem of Ms. Magazine.

There is Midge Decter of Basic Books, Ben Wattenberg, Msgr. George Higgins of the U.S. Catholic Conference, Rabbi Joseph B. Glaser of the Central Conference of American Rabbis, Luther Tyson of the United Methodist Church. There is Chesterfield Smith, past president of the American Bar Association, Robert R. Nathan of the National Consumers League, Max Kampelman of the legal firm of Fried, Frank, Harris, Shriver, Kampelman.

To further illustrate the breadth of support for labor law reform, let me point out that the objectives of Americans for Justice on the Job have been endorsed by more than 350 professional athletes and by the national players associations for baseball, basketball, football, hockey and soccer, as well as by the athletic directors or coaches of 80 colleges and universities.

More than 150 personalities of the stage, screen, and television have joined Americans for Justice on the Job, including such well known performers as Theodore Bikel, Lorne Greene, Charlton Heston, E. G. Marshall, Kathleen Nolan, Sylvester Stallone, Jean Stapleton, and Dennis Weaver.

Where, it might be asked, are the business and industrial leaders? That is a question that should be asked and should be answered. Thousands of employers in this country not only obey the law, recognize their employees' unions and negotiate fairly with them, but make speeches in praise of the collective bargaining system and the benefits it brings in terms of industrial harmony and stability to companies and workers alike.

Where are they now? Why are they not speaking up for fair play and justice? Why are they not publicly disassociating themselves from those firms with a history of wholesale violation of workers' rights?

Well, many of them are; not as many of them as should, but there are well over a thousand businesses and business executives who belong to Americans for Justice on the Job and who are publicly advocating passage of the Labor Law Reform Act.

Among them is Herbert Alper, president of the United Knitwear Manufacturers League and head of the Cornish Knitgoods Manufacturing Corp. of Brooklyn, N.Y. Others are Anthony Conticelli, president of the American Cloak and Suit Manufacturers Association; Aaron Feurenstein, president of the Malden Mills, Inc.; Arthur Krim, chairman of the board of United Artists; Bernard Rapoport, president of the American Income Life Insurance Co. of Waco, Tex.; Joseph Robbie, managing general partner of the Miami Dolphins; Carl Rosen, president of the Puritan Fashion Corp.; Adm. Elmo Zumwalt, president of the American Medical Buildings of Milwaukee, and Frank Baum, executive vice president of Wallace Security Agency, Inc., of Portland, Oreg.

I submit that these men and their thousand fellow-businessmen who support labor law reform are not wild-eyed revolutionaries or dreamy idealists. They are sober, fair-minded men of proven judgment who see the plain fact that America's basic labor law is in serious need of improvement—not drastic change, but modifications to make it work more smoothly, more quickly, and more equitably.

I think it is important that all of America's businessmen and businesswomen be aware that not all members of the business community subscribe to the views put forth by some business organizations to the effect that the labor law reform bill is a revolutionary instrument designed to turn the country over to labor bosses, to subject businessmen to harassment and bankruptcy at the hands of union organizers.

These charges are not true, and the business leaders I have named know they are not true. They are aware that the reform bill would not deprive any employer of any lawful right he now holds, that it would not confer any rights on workers that have not been guaranteed for 43 years. They know because they have read the bill and have understood it and are not panicked by phantom provisions that are not there.

Earlier, I named officials of several religious institutions as members of Americans for Justice on the Job, and I should like to emphasize that the governing bodies of their organizations—the Central Conference of American Rabbis, the U.S. Catholic Conference and Union Theological Seminary—have taken action putting the institutions themselves on record in support of labor law reform.

That is true also of the Board of Church and Society of the United Methodist Church, the National Catholic Conference for Interracial Justice; the National Coalition on Domestic Violence, the North Carolina Council of Churches, the Office for Church in Society of the United Church of Christ, the Religion and Race Council, the Synagogue Council of America and many other national and regional religious bodies.

These organizations and their members know the meaning of the verse from the Book of Micah which President Carter quoted in his Inaugural Address:

> . . . What does the Lord require of you but to do justice, and love kindness, and to walk humbly with your God?

They have brought their religious principles into their daily lives and into their social relationships and business relationships and employer-employee relationships.

In the same way, Americans for Justice on the Job has been joined by a number of organizations whose members are concerned with many aspects of the quality of life in America—conservationists, environmentalists, social action groups of all kinds. Among them are:

Americans for Democratic Action, American Jewish Committee, American Nurses Association, Inc., American

Veterans Committee, Center for National Policy Review, Child Welfare League of America, Inc., Clamshell Alliance, Coalition for a Democratic Majority, Congress Watch, Environmentalists for Full Employment, Frontlash, Freedom from Hunger Foundation, Jewish Labor Committee, League for Industrial Democracy, National Association of Social Workers, National Coalition for Economic Justice, National Consumers League, National Council of Senior Citizens, National Education Association, National Farmers Union, New York Metropolitan Allstate Agents Association, SEA Alliance, Social Democrats, USA, Social Systems Intervention, Inc., Southerners for Economic Justice, The Children's Foundation, The Workmen's Circle, Urban Environment Conference, Veterans for Peace, Young Democrats.

Some of these are private-interest groups, some are social-welfare groups, some are "single-issue" advocates primarily interested in rather narrow causes. Why do they take the trouble to work for labor law reform?

They do it because they know that their own interests are intimately involved with the interests of their fellow man. They know that the fight for clean air and clean water loses its point in a poisoned social atmosphere. They do it because they care for human rights in all dimensions, and they know a human rights issue when they see one.

The same is true of the Nation's women's organizations. Women are workers, just as men are. They know that the most vital and most tenaciously defended source of injustice toward women is in our economic structure. They know that women have little chance of progress without written, enforcible guarantee like those in the equal rights amendment and in labor-management agreements that spell out equal pay, equal rights, equal opportunity for all workers of both sexes.

Having thought the matter through and studied the true issues, the following women's organizations have declared themselves unequivocally in support of labor law reform:

Black Women's Association, Inc., Club Unifiques, Coalition of Labor Union Women, Federally Employed Women, Inc., Iota Phi Lambda Sorority, National Association of Colored Women's Clubs, National Association of Media Women, National Council of Jewish Women, National Council of Negro Women, National Federation of Licensed Practical Nurses, Inc., National Organization for Women, National Women's Political Caucus, Women's Equity Action League, Women for Racial and Economic Equality, Women's Institute of International Relations, Women's International League for Peace and Freedom U.S. Section.

Finally, Mr. President, I want to draw your attention to the extraordinary number of civil rights and human rights organizations that have made labor law reform their own cause.

Racism, Mr. President, is a time-honored weapon of unfair employers who have used it in countless cases and in countless ways to divide and conquer working people.

Since 1964 and the passage of the Civil Rights Act, that weapon has lost its potency. And that is because the trade unions of America, led by George Meany, persuaded President Kennedy and the House and the Senate to make sure the bill included title VII, the Fair Employment Practices section, which forbids racial discrimination in hiring, in the workplace and in the union hall. I know of no other institution that has called for legislative sanctions to police itself and has demanded the force of law to undergird its own principles, in its own ranks, among its own members. But that is what the AFL–CIO did.

In testifying in favor of title VII, George Meany pointed out that economic rights are the fundamental rights that give force and meaning to all of our other rights. He said this:

Equal education has meaning only for those Negro youngsters whose parents can afford to keep them in school. Equal access to housing has meaning only for those who can afford to buy. Equality in places of public accommodation is relevant only for those with money to spend. So it seems to us in the AFL–CIO that the vital issue, the chief among equals, is jobs.

I believe that supporting labor law reform, the great minority group organizations are following Mr. Meany's argument exactly and taking it one step further. They are recognizing that civil rights and economic rights and job rights depend on yet another right: the right to join or organize a union, and the right to equal protection of the law.

And I think all of them will agree with me when I say that the Labor Law Reform Act is no less important to minority workers than the Civil Rights Act itself, and the Voting Rights Act and the Fair Housing Act. It guarantees the one right that gives meaning to our other rights.

And so I take great pride in naming the following organizations as members of Americans for Justice on the Job:

Americans for Indian Opportunity, American GI Forum of the United States, A. Philip Randolph Institute, Black Caucus—NEA, Black Illinois Legislative Lobby, Citizens United for Racial Equality, Congress of Italian American Organizations, Indianapolis Urban League, Inc., Italian American Labor Council, Japanese-American Citizens League, Labor Council for Latin American Advancement, Leadership Conference on Civil Rights, Martin Luther King Center for Social Change, National Association for Puerto Rican Civil Rights, National Association for the Advancement of Colored People, National Council of La Raza, National Council of Puerto Rican Volunteers, National Urban League, Southern Christian Leadership Conference.

Mr. President, I would like to present to my colleagues a handful of the comments made in support of labor law reform by some of those I have named.

Willard Wirtz, Secretary of Labor under Presidents Kennedy and Johnson:

The opposition to the Reform Act is being cast in terms of preserving this country's time-tested labor policies which properly seek to achieve a balance in labor-management relations. The organizations making this argument, and referring now in supportive terms to the Wagner Act of 1935, are those which opposed bitterly the establishment by Congress of that balance in labor-management relations. This is only a new verse of the same old song.

John T. Dunlop, Secretary of Labor in the Ford administration:

All seven former Secretaries of Labor support the objective of the reform bill. The objective is fair to managements and labor organizations who comply with the law without seeking to use administrative and judicial procedures against the purposes of the long-established national policy.

Vice President WALTER F. MONDALE:

If we can defend human rights around the world, as we are, we can protect the rights of American workers here at home. Any employer who cares to, and has enough money, can totally frustrate the law of the land. S. 2467 is not changing the law; we are not asking employers to do anything they are not required to do by law.

Eleanor Smeal of NOW, speaking of the thousands of documented cases of employer abuse of workers' rights:

I shudder to think of the thousands of cases that have gone unreported and of all those who wanted so badly to exercise their rights but opted not to out of the fear of coercion and intimidation that pervaded the workplace.

The National Organization of Women strongly believes in the institution of collective bargaining as one of the most effective means of bettering the lives of all American workers. We therefore . . . call upon Congress to examine the consequences of the NLRA and make the necessary changes to provide the currently non-existing equality in opportunity for all workers.

Audrey Rowe Colom of the National Women's Political Caucus:

Women comprise 46 percent of employees in retail trades, 80 percent of hospital workers, 46 percent in textile mills, 81 percent in the apparel trades, but only 28 percent of all manufacturing workers. A union closes the earnings gap between male and female workers. The labor law reform package will affect women in many service fields and industries where a high percentage of female employees correlates with a low incidence of unionization.

Eileen Thornton of Women's Equity Action League:

The reforms that we endorse do not change the "do's" and "don'ts" of established labor-management relationships. They merely insure that unorganized workers can freely exercise their rights and get prompt justice.

Olga Madar of the Coalition of Labor Union Women:

What good is a law if you see for yourself that other workers who exercise their "right" to a union get harassed or fired? We get many calls from women interested in joining a union. . . . And always one thing is very clear: fear; the fear of losing their jobs. They want secrecy. And for this to happen in a free society scares me.

Kermit J. Alexander of the NFL Players Association:

I was cut by Philadelphia after our strike in 1974 because of my position in the union. I watched the NLRB proceedings drag on through a 44-day hearing during the 1975 season. When the decision finally came out on June 30, 1976, it was good that we had finally exposed the illegal practices of the NFL, but the two years it took made it clear the NLRB was not the answer. Maybe I'm naive, but I though the NLRB was designed to promote industrial peace, not to create

turmoil by rewarding those who violate the law.

Edward R. Garvey, executive director of the football player's organization:

The Board of Representatives of the NFLPA, comprising team representatives from each of the 28 NFL member clubs, has unanimously endorsed this legislation. The executive director of the Baseball Players Association, Marvin Miller; the executive director of the NBA Players Association, Larry Fleischer, and the executive director of the NHL Players Association have authorized me to state that they are also committed to passage of (S. 2467). The unions of all major sports in this country urge passage of this legislation.

Stephen B. Goldberg, professor of law at Northwestern University:

We support those provisions which would speed up the operations of the Board, particularly with regard to the prompt conduct of elections.

Howard Lesnick, professor of law at the University of Pennsylvania:

It seems a distressing thing in many ways that the climate of militancy in opposition escalates on tepid proposals like these, as if they were momentous reorientations of the law. They are not; they are minor adjustments.

The Journal of the American Bar Association:

If reform is passed and brings about more collective bargaining and less administrative maneuvering, with new penalties for attempted evasion of the law, lawyers for both sides may be expected to spend more time at the bargaining table and less time grinding through NLRB procedures.

Rev. Andrew M. Greeley, professor of sociology at the University of Chicago:

The National Labor Relations Act, designed to protect workers, has weaknesses and imperfections which management lawyers have been clever to exploit. Sometimes it takes five, six and even seven years to get an unfair labor practice charge processed. (The) reform bill before Congress would increase the efficiency of the National Labor Relations Board.

Mr. President, I believe I have demonstrated that support for the Labor Law Reform Act is broad, deep, and well informed. and if there is a desire for further evidence I will be more than happy to supply it.

The American people are not misled by false and empty charges that the bill before us is unnecessary or in any sense unfair to either American workers or to law-abiding employers.

Mr. President, as my remarks make clear, I feel very strongly that, for the good of the country and for the future of decent labor-management relations, the Labor Law Reform Act should be enacted.

When he first came to the White House, President Carter studied the problem of labor-management relationships intensively. He found that in the vast majority of cases, they serve the public good. He found that the collective bargaining process has worked for America's benefit. But it was apparent, to him and to others, that our basic labor law is in serious need of improvement. Not drastic change, but modifications so that it will work smoothly, more quickly, more equitably. At present, the labor relations law is not working as well as it could and should.

It is because of the stories of many of our fellow citizens who have suffered injustice under our existing labor law that I agreed to serve as chairperson of Americans for Justice on the Job. For the same reasons, I will vote for passage of the labor law reform bill.

The Senate will have spent many days in full and free debate on this legislation. Obviously, there must be reasonable and searching debate on this issue. Many Members of the Senate, myself included, have never participated in a full-scale examination of how the Nation's labor relations law has deteriorated in the last 42 years.

However, the proponents of delay may want to continue to talk in the hopes of keeping the Senate from ever voting on this matter.

When this time comes, I will support a move for cloture, because I am proud to be a friend of America's workers and a supporter of a President who believes in and who fights for human rights at home as well as abroad.

I believe that we are going to be victorious in this fight for social justice because our cause is good and because the future of so many depend so completely on us. I am confident that the Senate will recognize the case for justice as clearly and decisively as do the vast majority of Americans. And I am convinced that my colleagues will vote overwhelmingly for this vital legislation to provide justice on the job for all Americans.

Mr. President, I ask that a partial list of supporters of this important legislation be printed at this point in the RECORD.

The material follows:

CITIZENS ORGANIZATIONS

Alternative Energy Coalition.
Americans for Democratic Action.
American Jewish Committee.
American Nurses Association, Inc.
American Veterans Committee.
Center for National Policy Review.
Child Welfare League of America, Inc.
Citizens Energy Project.
Clamshell Alliance.
Coalition for a Democratic Majority.
Congress Watch.
Environmentalists for Full Employment.
Frontlash.
Freedom from Hunger Foundation.
Full Employment Action Council.
Jewish Labor Committee.
League for Industrial Democracy.
Liberal Party of New York State.
National Association of Social Workers.
National Coalition for Economic Justice.
National Committee on Household Employment.
National Consumers League.
National Council of Senior Citizens.
National Education Association.
National Federation of Licensed Practical Nurses, Inc.
National Farmers Union.
National Legal Services Fund.
New York Metropolitan Allstate Agents Association.
SEA Alliance.
Ser-Jobs for Progress, Inc.
Social Democrats, USA.
Social Systems Intervention, Inc.
Southerners for Economic Justice.
The Children's Foundation.
The Workman's Circle.
Urban Environment Conference.
Veterans for Peace.
Young Democrats.

LABOR

AFL–CIO.
International Brotherhood of Teamsters.
District 65, Distributive Workers of America.
Rhode Island Workers Union.
United Auto Workers.
United Electrical, Radio and Machine Workers of America.
United Mine Workers.
United Plant Guard Workers of America.

MINORITY ORGANIZATIONS

Americans for Indian Opportunity.
American GI Forum of the United States.
A. Philip Randolph Institute.
Black Caucus—NEA.
Black Illinois Legislative Lobby.
Citizens United for Racial Equality.
Congress of Italian American Organizations.
Indianapolis Urban League, Inc.
Italian American Labor Council.
Japanese-American Citizens League.
Labor Council for Latin American Advancement.
Leadership Conference on Civil Rights.
Martin Luther King Center for Social Change.
Migrant Legal Action Program, Inc.
National Association for Puerto Rican Civil Rights.
National Association for the Advancement of Colored People.
National Council of La Raza.
National Council of Puerto Rican Volunteers.
National Urban League.
Nebraska Mexican-American Commission.
Southern Christian Leadership Conference.

PROFESSIONAL ATHLETIC ASSOCIATIONS

Major League Baseball Players Association.
National Basketball Players Association.
National Football Players Association.
National Hockey League Players Association.
North American Soccer League Players Association.

RELIGIOUS ORGANIZATIONS

Board of Church and Society, United Methodist Church.
Central Conference of American Rabbis.
Inner City Communications.
Jesuit National Office of Social Ministries.
Jewish Labor Committee.
Massachusetts Catholic Conference.
National Catholic Conference for Interracial Justice.
National Coalition on Domestic Violence.
Network.
North Carolina Council of Churches.
Office for Church in Society, United Church of Christ.
Religion and Race Council.
Synagogue Council of America.
Union Theological Seminary.
U.S. Catholic Conference.

WOMEN'S ORGANIZATIONS

Black Women's Association, Inc.
Black Women's Community Development Foundation, Inc.
Club Unifiques.
Coalition of Labor Union Women.
Federally Employed Women, Inc.
Iota Phi Lambda Sorority.
National Association of Black Women Attorneys.
National Association of Colored Women's Clubs.
National Association of Cuban-American Women, Inc.
National Association of Media Women.
National Council of Jewish Women.
National Council of Negro Women.
National Organization for Women.

National Women's Political Caucus.
Women's Equity Action League.
Women for Racial and Economic Equality.
Women's Institute of International Relations.
Women's International League for Peace and Freedom, U.S. Section.

JUSTICE ON THE JOB

ADVISORY COMMITTEE: AMERICANS FOR JUSTICE ON THE JOB; HONORABLE MURIEL HUMPHREY, CHAIRPERSON

Herbert Alper, Pres., Cornish Knitgoods Manufacturing Corp.
Gov. George R. Ariyoshi, Hawaii.
Arnold Aronson, Leadership Conference on Civil Rights.
Theodore Bikel, Pres., Actors' Equity Assoc.
Bill Bradley, New Jersey.
Mayor Michael Bilandic, Chicago, Illinois.
Dr. Barry Commoner, Washington University.
Anthony Conticelli, Executive Director, American Cloak and Suit Manuf. Assoc., Inc.
Midge Dector, Editor, Basic Books.
Lt. Gov. Mervin Dymally, California.
David E. Feller, School of Law, University of Cal.
Aaron Feuerstein, Pres., Malden Mills, Inc.
Rev. W. W. Finlator, The Pullen Memorial Baptist Church.
Frank Fitzsimmons, Pres., Intl. Bro. of Teamsters.
Lawrence Fleisher, General Counsel, Nat. Basketball Players Association.
Doug Fraser, Pres., United Auto Workers.
Edward R. Garvey, Exec. Dir., Nat. Football League Players Assoc.
Rabbi Joseph B. Glaser, Cen. Conf. of American Rabbis.
Lorne Greene.
Nancy Greene.
Atty. Gen. William J. Guste, Louisiana.
LaDonna Harris, President, Americans for Indian Opportunity.
Len Hauss, Wash. Redskins.
Dorothy Height, President, National Council of Negro Women.
Charlton Heston.
Rev. Msgr. George G. Higgins, U.S. Catholic Conference.
Benjamin Hooks, Exec. Dir., NAACP.
Mildred Jeffrey, Chairperson, National Women's Political Caucus.
Vernon Jordan, Exec. Dir., National Urban League.
Max M. Kampelman, Esquire, Fried, Frank, Harris, Shriver & Kampelman.
Professor Everett M. Kassalow, University of Wisconsin.
Coretta Scott King, President, Martin Luther King Center for Social Change.
Jean Kirkpatrick, Resident Scholar, American Enterprise Institute.
Lt. Gov. Ernest P. Kline, Pennsylvania.
Mayor Edward Koch, New York, New York.
Arthur Krim.
Dr. Arthur S. Link, Princeton University.
Dr. Joseph Echols Lowery, Pres., Southern Christian Leadership Conference.
Olga Madar, President Emeritus, Coalition of Labor Union Women.
Frank W. McCulloch, Former Chrm., National Labor Relations Board.
George Meany, President, AFL–CIO.
Arnold Miller, President, United Mine Workers.
Marvin J. Miller, Exec. Dir., Major League Baseball Players Assoc.
Clarence Mitchell, NAACP.
Mayor George R. Moscone, San Francisco, California.
Clay Myers, Treasurer, Oregon.
Robert R. Nathan, Robert R. Nathan & Associates.
Kathleen Nolan.
Michael Novak.
S. Garry Oniki, Exec. Dir., Office for Church in Society, United Church of Christ,
Alan Page, Minnesota Vikings.
Bernard Rapoport, President, American Income Life Insurance Company.
Joseph Robbie, Managing General Partner, Miami Dolphins.
Carl Rosen, President, Puritan Fashions Corporation.
Saul Rosen, National Chairman, American Veterans Committee.
Eugene V. Rostow, Yale Law School.
Bayard Rustin, President, A. Philip Randolph Institute.
Governor Milton J. Shapp, Pennsylvania.
Benjamin M. Shieber, Louisiana State University Law School.
Rev. Donald W. Shriver, Jr., President, Union Theological Seminary.
Leon Shull, Director, Americans for Democratic Action.
Eleanor Smeal, President, National Organization for Women.
Chesterfield Smith, Esquire, Past President, American Bar Association.
Sylvester Stallone.
Jean Stapleton.
Gloria Steinem, Editor, Ms. Magazine.
Lt. Gov. Thelma Stovall, Kentucky.
William L. Taylor, Director, Center for National Policy Review.
Eileen Thornton, President, Women's Equity Action League.
Ben Wattenberg, Chairman, Coalition for a Democratic Majority.
Dennis Weaver.
Raul Yzaguirre, National Director, National Council of La Raza.
Admiral (Ret.) Elmo R. Zumwalt, Jr., President, American Medical Building.●

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, there are several nominations cleared. I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar beginning with New Reports on page 2.

I ask the distinguished acting Republican leader if all nominations have been cleared on his side beginning with New Reports.

Mr. STEVENS. The distinguished majority leader is correct, Mr. President. All of the nominations commencing, as I understand it, with Calendar No. 154, have been cleared.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

I ask unanimous consent, therefore, that the nominations following New Reports be considered en bloc.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Gen. David C. Jones, U.S. Air Force, to be Chairman of the Joint Chiefs of Staff, serving in the grade of general.

U.S. AIR FORCE

Gen. Lew Allen, Jr., U.S. Air Force, to be Chief of Staff of the U.S. Air Force.

Lt. Gen. Howard M. Fish, [redacted], U.S. Air Force, for appointment as indicated, to be Senior U.S. Air Force member of the Military Staff Committee of the United Nations.

Brig. Gen. Paul R. Day, [redacted], Air National Guard of the United States, to be major general.

Brig. Gen. Richard L. Frymire, Jr., [redacted], Air National Guard of the United States, to be major general.

Brig. Gen. James C. Smith, [redacted], Air National Guard of the United States, to be major general.

Col. LeRoy R. Bartman, [redacted], Air National Guard of the United States, to be brigadier general.

Col. Ronald E. Chytraus, [redacted], Air National Guard of the United States, to be brigadier general.

Col. Bobby W. Hodges, [redacted], Air National Guard of the United States, to be brigadier general.

Col. Leslie D. Kampschror, [redacted], Air National Guard of the United States, to be brigadier general.

Col. Irvin G. Ray, [redacted], Air National Guard of the United States, to be brigadier general.

U.S. ARMY

Col. Kermit Douglas Johnson, [redacted], U.S. Army, to be brigadier general.

Gen. Walter Thomas Kerwin, Jr., [redacted] (age 60), Army of the United States (major general, U.S. Army), to be general.

Lt. Gen. Allen Mitchell Burdett, Jr., [redacted] (age 56), Army of the United States (major general, U.S. Army), to be lieutenant general.

Maj. Gen. William Burns Caldwell III, [redacted], Army of the United States (major general, U.S. Army), to be lieutenant general.

Lt. Gen. CJ Le Van, [redacted] (age 55), Army of the United States (major general, U.S. Army), to be lieutenant general.

U.S. NAVY

Adm. Thomas Bibb Hayward, U.S. Navy, to be Chief of Naval Operations.

Rear Adm. Sylvester R. Foley, Jr., U.S. Navy, to be vice admiral.

U.S. MARINE CORPS

Maj. Gen. Edward J. Miller, [redacted], U.S. Marine Corps, to be lieutenant general.

DEPARTMENT OF COMMERCE

Donald W. Banner, of Illinois, to be Commissioner of Patents and Trademarks.

DEPARTMENT OF STATE

Nancy Ostrander, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Surinam.

Richard F. Kneip, of South Dakota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

Richard W. Murphy, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Philippines.

Terence A. Todman, of the Virgin Islands, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

Kenneth M. Curtis, of Maine, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

INTER-AMERICAN FOUNDATION

Arnold Nachmanoff, of Virginia, to be a member of the Board of Directors of the Inter-American Foundation.

Alberto Ibarguen, of Connecticut, to be a member of the Board of Directors of the Inter-American Foundation.

Peter Taylor Jones, of California, to be a member of the Board of Directors of the Inter-American Foundation.

Carolyn R. Payton, of the District of Columbia, to be a member of the Board of Directors of the Inter-American Foundation.

Nominations placed on the secretary's desk in the Air Force, Army, Navy and Marine Corps.

(The nominations confirmed, are printed at the end of today's proceedings.)

● Mr. MUSKIE. Mr. President, I am pleased to support the nomination of Kenneth Curtis to the International Joint Commission, United States and Canada. Governor Curtis began his public career as an aide to former Congressman Jim Oliver. He has since served as Maine's Secretary of State, Governor of Maine and chairman of the Democratic National Committee. Four years after he left the Governor's office, he remains the most popular public figure in Maine.

Governor Curtis is uniquely qualified to serve as a Commissioner on the International Joint Commission. During his 8 years as Governor, he established an excellent relationship between Maine and our neighboring provinces of Quebec and New Brunswick. He created an Office of Canadian Affairs to facilitate communications with the provincial and Federal Governments of Canada. The Governor met regularly with the premiers of the Maritime Provinces to discuss matters of mutual concern. But, perhaps most important, Ken Curtis brings to this office his great ability, his imagination and his compassion.

I might add, Mr. President, that many of us in Maine share not only a border, but a common heritage with our Canadian neighbors. For this reason, I believe it is particularly appropriate that a former Governor of Maine, and a very able one, be appointed to this position. It is an excellent appointment and I commend the committee for voting favorably on it. ●

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to move en bloc to reconsider the vote by which the nominees were confirmed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I so move.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

MESSAGES FROM THE HOUSE

At 9:02 a.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 11777. An act to authorize and direct the Secretary of Agriculture to provide cooperative forestry assistance to States and others, and for other purposes;

H.R. 11778. An act to authorize and direct the Secretary of Agriculture to carry out forest and rangeland renewable resources research, to provide cooperative assistance for such research to States and others, and for other purposes; and

H.R. 11779. An act to provide for an expanded and comprehensive extension program for forest and rangeland renewable resources.

ENROLLED BILLS SIGNED

At 10:28 a.m., a message from the House of Representatives delivered by Mr. Berry, announced that the Speaker has signed the following enrolled bills:

S. 2370. An act to remove the limitation on the amount authorized to be appropriated under the Volunteers in the National Forests Act of 1972;

H.R. 9005. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1978, and for other purposes; and

H.R. 11662. An act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

At 11:58 a.m., a message from the House of Representatives delivered by Mr. Berry, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 634. A concurrent resolution providing for an adjournment of the House from May 25 to May 31, 1978, and a recess of the Senate from May 26 to June 5, 1978.

At 4:13 p.m., a message from the House of Representatives delivered by Mr. Berry, announced that the House has passed the following bill, with an amendment in which it requests the concurrence of the Senate:

S. 2553. An act to authorize appropriations for the fiscal year 1979 for certain maritime programs of the Department of Commerce, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 8535. An act to amend the Internal Revenue Code of 1954 with respect to the treatment of amounts paid to relatives for purposes of the credit for expenses for household and dependent care services necessary for gainful employment; and

H.R. 11370. An act to authorize an appropriation to reimburse certain expenditures for social services provided by the States prior to October 1, 1975, under titles I, IV–A, VI, X, XIV, and XVI of the Social Security Act.

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 8535. An act to amend the Internal Revenue Code of 1954 with respect to the treatment of amounts paid to relatives for purposes of the credit for expenses for household and dependent care services necessary for gainful employment; to the Committee on Finance.

H.R. 11779. An act to provide for an expanded and comprehensive extension program for forest and rangeland renewable resources; to the Committee on Agriculture, Nutrition, and Forestry.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 24, 1978, he presented to the President of the United States the following enrolled bill:

S. 2370. An act to remove the limitation on the amount authorized to be appropriated under the Volunteers in the National Forests Act of 1972.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. DOLE:

S. 3137. A bill to prohibit public coursing in the United States; to the Committee on Environment and Public Works.

By Mr. HART:

S. 3138. A bill to amend the Internal Revenue Code of 1954 to provide for the indexation of individual income tax brackets, and for other purposes; to the Committee on Finance.

By Mr. JAVITS:

S. 3139. A bill to amend the National Labor Relations Act to give the employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry; to the Committee on Human Resources.

By Mr. BENTSEN:

S. 3140. A bill to amend the Internal Revenue Code of 1954 to provide for the treatment of defined contribution retirement plans funded exclusively by employer IRA contributions; to the Committee on Finance.

By Mr. HATHAWAY:

S. 3141. A bill entitled the "Fair Labor Pension Practices Act of 1978"; to the Committee on Human Resources.

S. 3142. A bill entitled the "Pension Protection Act of 1978"; to the Committee on Finance and the Committee on Human Resources, jointly, by unanimous consent.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE:

S. 3137. A bill to prohibit public coursing in the United States; to the Committee on Environment and Public Works.

(The remarks of Mr. DOLE when he introduced the bill appear elsewhere in today's proceedings.)

By Mr. HART:

S. 3138. A bill to amend the Internal Revenue Code of 1954 to provide for the indexation of individual income tax brackets, and for other purposes; to the Committee on Finance.

INDEXING THE TAX CODE

● Mr. HART. Mr. President, inherent in the present tax code is a hidden inflation tax, a perverse, automatic response to the rising cost of living. In every year that Congress does not legislate a tax reduction, inflation pushes people into higher tax brackets, even though they may have no increase in their real income. As their tax burden grows, they have less to spend, and worse, less to save and invest.

The income tax today does not distinguish between that part of a wage increase which is merely a cost-of-living adjustment and that part which goes beyond the cost-of-living and is a real increase. Accordingly, any increase in wages is taxed at higher and higher rates, whether it reflects a meaningful increase in real income, or only a cost-of-living adjustment. The argument that this automatic response of the tax code to inflation can always be offset by careful discretionary policy is, in the light of recent experience, clearly unpersuasive.

Indexing the tax code represents the most effective way to remedy this situation. Indexing automatically corrects the income tax system to prevent inflation from pushing taxpayers into higher and higher tax brackets. An inflation indexed tax system would prevent inflation from producing an increase in a taxpayer's liability, when the taxpayer has had no increase in real income.

The inflation penalty in the present tax code reaches every segment of our society, but ironically, it is the low income wage earner who is hardest hit. The low income wage earner is most affected in percentage terms because he is a victim of rapid escalation of the tax brackets which are narrow at the low end of the scale. In addition, the hidden inflation tax is one of the basic causes behind inflationary wage demands, since a worker must receive a wage increase in excess of the cost of living increase, simply to maintain the real value of his take-home pay.

Congress should act to prevent inflation from increasing the average American's tax bill when there has been no real increase in his income. It is fundamentally wrong for the U.S. Treasury to be reaping a windfall in increased revenues each year, without ever having to enact a tax bill that the President must sign. The hidden tax increase escapes unnoticed by the public and the press, and is a dramatic example of taxation without legislation. The Federal Government will continue to take advantage of this destructive economic phenomenon unless Congress acts now.

The legislation I am introducing today will index the income tax brackets and the standard deduction, in proportion to the rate of inflation. It is designed to halt the bracket creep which occurs as cost-of-living raises, which are meant to maintain a worker's purchasing power in the face of inflation, push him into a higher tax bracket. The result of this proposal will be a tax system that is more fair and equitable due to the elimination of the tax increases now caused by rising price levels. This proposal constitutes a fair and meaningful tax adjustment for every American.

Unlike most tax reforms, my proposal is much more than an isolated incentive to a particular segment of the economy or special interest group. Indexing will minimize the effects of inflation on the taxes paid by all Americans. It will increase disposable income and encourage both consumption and investment, thereby assuring a healthier economy.

Mr. President, I offer my proposal as a sound beginning toward the principle that our tax system should tax real, not nominal income. This proposal will apply to taxable years 1979 through 1981.

It is, in a sense, an experimental program, one that will offer both Congress and the American people an opportunity to evaluate the merits of the indexing concept. The legislation also directs the Council on Wage and Price Stability to conduct a study of the impact of the proposal and to report to the President and to Congress, not later than July 1, 1982, the results of such study together with its recommendations concerning the continuation of indexing the individual income tax brackets.

Indexing tax brackets may only be the first step toward eliminating the hidden tax burden caused by inflation. Surely, it is a fair and rational place to begin. Once we have established the principle that taxpayers should not be subject to the nonlegislated tax increases that are caused by inflation, we may find merit in indexing other relevant provisions of our tax laws. My proposal will allow us an opportunity to examine and explore the benefits of an indexed tax code. At the same time it will provide a well-deserved break to the American taxpayer who has been the victim of rapidly increasing inflation in recent years.

Mr. President, I would like to take this opportunity to discuss a few of the important questions that have been asked about indexing the tax code.

(1) WHAT IS THE RELATIONSHIP BETWEEN INFLATION, PERSONAL INCOME, AND INCOME TAX RATES?

As inflation increases the cost of living, an individual's income must also increase, if that individual is to continue to buy the same goods and services. As the income level rises, however, the taxpayer must pay a higher tax despite the fact that the increased income was due to a cost-of-living adjustment to compensate for the rate of inflation, rather than a real increase in personal income.

(2) HOW WILL INDEXING MITIGATE THE EFFECT OF INFLATION OF PERSONAL INCOME?

The proposal I am introducing today automatically corrects the income tax system to prevent inflation from pushing taxpayers into higher and higher tax brackets. It establishes a procedure that widens all tax brackets by a proportion equal to the rate of inflation. This has the effect of holding the real value of the tax brackets constant and prevents taxpayers from moving from one bracket to another unless their real incomes have changed.

Indexing does not promise to end or even diminish inflation although it might help. It does promise, however, that no increased tax burden will be placed upon the American taxpayer without legislation enacted by Congress.

(3) HOW DOES THE PROPOSAL WORK?

Immediately following September 30 and prior to December 1 of each year, the Secretary of Labor will report to the Secretary of Treasury the average rate of increase in prices which occurred during the four previous quarters ending on September 30. Each dollar amount in the tax brackets shall be increased by this percentage increase in the price level and this rate structure will apply for the following calendar year. Such a procedure will keep effective tax rates on real taxable income constant. Because the standard deduction is included as a zero bracket amount in the tax rate schedules, this change will automatically index the standard deduction as well.

(4) WHY NOT INDEX OTHER RELEVANT PROVISIONS OF OUR TAX LAWS?

Although the idea of indexing is not a new one, its application in this country has not yet been tried. It has been successfully employed on a limited basis in other nations such as Canada and Brazil, but the dynamics of every country's economy are different. It seems logical, therefore, that we begin by establishing a simple, modest approach which will offer both Congress and the American people an opportunity to evaluate indexing on its merits. It is for this reason that my proposal focuses on taking the first step of indexing the tax brackets.

Mr. President, I ask unanimous consent that both the bill and an analysis prepared by the Library of Congress concerning the estimated tax liability of an average family for the years 1978 to 1985 under current law and my indexing proposal, be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 3138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1 of the Internal Revenue Code of 1954 (relating to tax imposed) is amended by adding at the end thereof the following new subsection:

"(f) Cost-of-living Adjustment.—

"(1) IN GENERAL.—Immediately following September 30 and prior to December 1 of each year, the Secretary of Labor shall report to the Secretary of the Treasury the ratio which the price index for the 4 consecutive calendar quarters ending September 30 of that year bears to the price index, for the base period. Each dollar amount in the tables under subsections (a), (b), (c), and (d) under the heading 'If the taxable income is' shall be increased by an amount equal to such dollar amount multiplied by such ratio and, as so increased, shall be the amount in effect for taxable years beginning in the calendar year following the calendar year in which such report is made.

"(2) AMOUNT OF TAX.—The Secretary shall adjust each dollar amount in the tables under subsections (a), (b), (c), and (d) under the heading 'The tax is' to reflect the changes made under paragraph (1).

"(3) DEFINITIONS.—For purposes of paragraph (1)—

"(A) the term 'price index' means the average of the relevant 4 consecutive calendar quarters of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

"(B) the term 'base period' means the 4 consecutive calendar quarters ending September 30 of the calendar year preceding the Secretary of Labor's report.".

(b)(1) Section 63 of such Code (relating to the definition of taxable income) is amended by adding at the end thereof the following new subsection:

"(i) ADJUSTMENT FOR CHANGES IN BRACKET AMOUNTS.—Prior to the beginning of each calendar year, the Secretary shall, after adjusting each dollar amount listed in the tables under subsections (a), (b), (c), and (d) of section 1, as provided in section 1(f), adjust each dollar amount in subsection (d) to reflect the adjustments made under section 1(f) which are to be in effect for taxable years beginning in such calendar year.".

(2) Subparagraph (B) of section 3402(m)(1) of such Code (relating to withholding allowances based on itemized deductions) is amended—

(A) by striking out "$3,200" and inserting in lieu thereof "the dollar amount in effect under section 63(d)(1)"; and

(B) by striking out "$2,200" and inserting in lieu thereof "the dollar amount in effect under section 63(d)(2)".

(3) Subparagraph (C) of section 402(e)(1) of such Code (relating to imposition of a separate tax on lump-sum distributions) is amended by striking out "$2,200" and inserting in lieu thereof "the dollar amount in effect under section 63(d)(2)".

(4) Section 6012(a)(1) of such Code (relating to persons required to make returns of income) is amended by adding at the end thereof the following new subparagraph:

"(D) Each time an adjustment is made under section 63(i) with respect to any dollar amount under section 63(d), the Secretary shall adjust each dollar amount under subparagraph (A) to correspond to such adjustments and such amount, as adjusted and rounded to the nearest $1, shall be the amount in effect under such subparagraph for taxable years beginning in any calendar year with respect to which such adjustment is in effect under section 63.".

SEC. 2. Section 3402(a) of the Internal Revenue Code of 1954 (relating to tax withheld) is amended by adding before the last sentence thereof the following new sentence: "The tables prescribed under this section shall be adjusted in accordance with section 1(f) with respect to the wages paid in the year following the Secretary of Labor's report under such section.".

SEC. 3. The Council on Wage and Price Stability shall conduct a study of the impact of the amendments made by the first section of this Act and shall report to the President and the Congress, not later than July 1, 1982, the results of such study together with its recommendations including recommendations for continuing the indexation of individual income tax brackets.

SEC. 4. The amendments made by the first section of this Act shall apply with respect to taxable years beginning after December 31, 1978, and before January 1, 1982, except that the first report required to be made under section 1(f) of the Internal Revenue Code of 1954 shall be made in calendar year 1978. The amendment made by section 2 shall apply with respect to wages paid after December 31, 1979, and before January 1, 1982.

ESTIMATED TAX LIABILITIES UNDER CURRENT LAW AND PROPOSED INDEXATION OF TAX RATE BRACKETS

Year	Income (current $)	Income Tax Under Current Law ($)	Percent (%)	Tax Under Indexation Proposal ($)	Percent (%)
1978	$10,000	$442.	4.42	$442.	4.42
1979	10,600	551.	5.20	500.	4.72
1980	11,236	675.	6.01	560.	4.98
1981	11,910	808.	6.78	624.	5.24
1982	12,625	941.	7.45	706.	5.59
1983	13,383	1,080.	8.07	778.	5.81
1984	14,186	1,216.	8.57	870.	6.13
1985	15,037	1,385.	9.21	982.	6.53

●

By Mr. JAVITS:

S. 3139. A bill to amend the National Labor Relations Act to give the employers and performers in the performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry; to the Committee on Human Resources.

PERFORMING ARTISTS FAIR REPRESENTATION ACT OF 1978

● Mr. JAVITS. Mr. President, I introduce a bill to amend the National Labor Relations Act to give employers and performers in the live theater rights similar to those given by the act to employers and employees in the construction industry.

Mr. President, in 1959 the Congress recognized—with bipartisan support—that there are some industries in which the labor force is so transient on a particular job that the ordinary delays inherent in collective bargaining might make labor negotiations practically impossible. This was found to be particularly true in the construction industry, characterized by casual employment patterns and the need for a highly skilled work force. Accordingly, the Congress wisely permitted construction unions and construction companies to sign contracts before a particular construction job got underway—thereby permitting the contractor to know his labor costs and availability in advance and allowing the union to negotiate collective-bargaining agreements without engaging in work stoppages that could be disastrous to the construction project. The construction industry proviso to section 8(f) of the act has served that industry well in the years since its enactment as part of the 1959 Landrum-Griffin amendments.

The very same conditions exist in the theater. Live theatrical productions often last no longer than construction jobs. In the theater, as in construction, a 30-day delay in the effectiveness of a union security agreement could completely undermine union security. And a strike on opening night would be a disaster for all concerned. Accordingly, it is my view that the live theater is entitled to the same treatment we have previously given construction unions—at least in the two respects I have just mentioned.

In 1959 the theater was not included with the construction industry because at that time the live theater and its workers were not clearly subject to the coverage of the National Labor Relations Act due to the largely local nature of its activities. When it began to appear that the Labor Relations Board might extend its jurisdiction to performing artists in 1966, I introduced a similar bill to provide equivalent treatment to the performing arts as already provided to the construction industry. That bill, S. 3794, was supported by both representatives of performing artists and by the major theater owners organizations. Both the performing artists and theater management have again joined in support of the bill I introduce today.

The theatrical industry has grown in stature since 1959. Our public support for the arts and a renewed interest among the public all across the country have spawned a great expansion in theater productions. A rigid application of the National Labor Relations Act, as it now exists, to the theater industry would, in a short time, destroy bargaining relationships that have existed for decades and which have served the industry and its performers well. It has therefore become a matter of some urgency that the Congress bring the theater within the mainstream of the nation's labor relations statute so that it may operate in fact and in law within its ambit. All that the bill would accomplish would be to legitimize existing patterns of labor-management relations for performing artists in the live theater.

This bill would permit unions and employers in the performing arts, just as is now the case for construction unions and construction contractors, first, to sign "prehire agreements," which may become effective before a representative number of employees has been hired, and second, to include in such agreements union security provisions effective after 7 days of employment, in contrast to the 30-day period customary in other industries.

Mr. President, I ask unanimous consent that the text of this bill, together with the text of letters from both labor and management, supporting its enactment be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 3139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Performing Artists Fair Representation Act of 1978."

SEC. 2. Section 8(f) of the National Labor Relations Act is amended by inserting "(1)" after "(f)", and by adding the following subparagraph (2) at the end of subsection (f):

"(2) It shall not be an unfair labor practice under subsections (a) and (b) of this section for an employer (other than an em-

ployer in the broadcasting or motion picture industries) engaged primarily in the performing arts to make an agreement covering employees engaged (or who, upon their employment, will be engaged) in the performing arts with a labor organization of which performing artists are members (not established, maintained, or assisted by any action defined in section 8(a) of this Act as an unfair labor practice) because (1) the majority status of such labor organization has not been established under the provisions of section 9 of this Act prior to the making of such agreement, or (2) such agreement requires as a condition of employment membership in such labor organization after the seventh day following the beginning of such employment or the effective date of the agreement, whichever is later: *Provided*, That nothing in this subsection shall set aside the final proviso of section 8(a)(3) of this Act: *Provided further*, That any agreement which would be invalid, but for clause (1) of this subsection, shall not be a bar to a petition filed pursuant to section 9(c) or 9(e).".

ACTORS' EQUITY ASSOCIATION,
May 1, 1978.

Hon. JACOB K. JAVITS,
Russell Senate Office Building,
Washington D.C.

DEAR SENATOR JAVITS: As the Senate moves toward consideration of various labor law reform proposals, I hope you will urge upon your colleagues the provisions of a bill you first introduced in 1966 (S. 3794), which amends the NLRA so that appropriate consideration is given the special needs of the arts and entertainment industry.

I regard this matter as unfinished business which the Congress probably should have addressed in 1959. At that time the Congress amended Section 8(f) to acknowledge the casual nature of employment in the construction industry and the need for the stability that pre-hire contracts afford to both management and labor when the life of many projects are short-lived. The same conditions prevail in the live performing arts. Employment is casual and usually of short duration. Thirty day union security provisions are totally inappropriate in such a situation. Because theatrical enterprises are often short-lived there is great need for employing organizations to know—in advance of commencing operations—exactly what their labor costs will be. A dispute on opening night would be a disaster for all concerned—artists, employers and audiences. Hence, the pre-hire contract is not only desirable but a necessity.

When Section 8(f) was amended in 1959 to provide for 7 day union security provisions and pre-hire contracting in the construction industry, the performing arts should have been included because the same conditions as exist in the construction industry also exist in the theatre and other arts and entertainment areas. I believe the main reason they were not then included was because such activities were generally considered to be intra-state rather than interstate and beyond the pale of the NLRA. Since then, the growth of the live performing arts has placed many such activities plainly within the scope of the NLRA. Unfortunately, this law, drafted with more typical labor relations patterns in mind fits employer and employee alike in the unique arts and entertainment industry like a badly tailored suit of clothes. Unless changed, I strongly fear the application of the NLRA to this industry will create great confusion and instability thus undermining the major purpose of the law.

As you know, the need to address the special situation of the live arts and entertainment industry now was expressed by me and by others in statements submitted as part of the hearings on labor law reform conducted by your committee last winter. Support for the legislation I urge you to seek was also stated by the League of New York Theatres and Producers, Inc., and the National Association of the Legitimate Theatre, Inc., the major organizations of employers of theatre performers.

Employer and employee, management and union are united in their desire to see the NLRA amended so that the performing arts can live comfortably and prosper within its ambit.

Needless to say, we all deeply appreciate your concern for the well being of the artist, a concern which you have so consistently demonstrated. We are certain you recognize the urgency prompting our request for this amendment.

Sincerely,

THEODORE BIKEL,
President.

THE LEAGUE OF NEW YORK
THEATRES AND PRODUCERS, INC.,
New York, N.Y., May 19, 1978.

Hon JACOB K. JAVITS,
U.S. Senate, Committee on Human Resources,
Washington, D.C.

DEAR SENATOR JAVITS: By means of this letter I wish to convey to the subcommittee the views of The League of New York Theatres and Producers, Inc. and the National Association of the Legitimate Theatre, Inc. with respect to H.R. 3383 to amend the National Labor Relations Act to give employers and performers in the performing arts rights similar to those given by Section 8F of the Act to employers and employees in the construction industry.

The League of New York Theatres and Producers, Inc. is the association representing Broadway theatrical producers and theatre owners in New York, and the National Association of the Legitimate Theatre, Inc. is an association of the leading producers and theatre owners throughout the United States. I am the Executive Director of both associations.

The League of New York Theatres and Producers, Inc. has represented theatrical employers in literally hundreds of negotiations with the theatrical unions. It is our firm impression that under the present provisions of the laws, the theatrical employee is well represented in labor negotiations and the unions have found no difficulty in seeking and obtaining representation.

Nonetheless, recognizing the fact that in many instances theatrical employment is of short duration and the existing provisions of the National Labor Relations Act may be considered impractical for such employment, our associations support amending Section 8(f) of the National Labor Relations Act to permit theatrical unions to execute prehire agreements with theatrical employers. Moreover, our associations support permitting the union shop provisions in theatrical contracts to be effective after seven days of employment in contrast to the minimum of 30 days presently provided by law. Both of these amendments to the existing law are incorporated in H.R. 3383, and we therefore support enactment of this bill.

We appreciate this opportunity to express our views on these pending bills. It is requested that these views be considered by the subcommittee and be made a part of the official hearings of the subcommittee.

Sincerely yours,

IRVING W. CHESKIN,
Executive Director.

By Mr. BENTSEN:

S. 3140. A bill to amend the Internal Revenue Code of 1954 to provide for the treatment of defined contribution retirement plans funded exclusively by employer IRA contributions; to the Committee on Finance.

SIMPLIFIED PENSION PLAN ACT

● Mr. BENTSEN. Mr. President, I am today introducing the Simplified Pension Plan Act which would give smaller businessmen the option to create a greatly simplified retirement plan with very little paperwork or redtape. My bill would enable employers to establish a pension plan which combines the best features of the so-called Keogh or H.R. 10 plans for the self-employed with the best features of the individual retirement account (IRA). Under the proposal for a simplified pension plan, businessmen would make contributions up to the annual $7,500 Keogh limitation but these contributions would be made directly into separate individual retirement accounts for each employee. The minimum Keogh standards would apply.

This combination Keogh-IRA plan would be advantageous to both employers and employees. The businessman would not have to establish a separate trust fund for the company pension plan since the annual contributions will go directly into individual retirement accounts for the employees. This would substantially reduce paperwork and redtape. Employees would benefit from "portability" under this proposal since the employee could take his individual retirement account with him upon a change of jobs.

Mr. President, there has been a great deal of concern about the excessive paperwork and redtape that has resulted from the Employee Retirement Income Security Act (ERISA). As chairman of the Private Pension Subcommittee, of the Senate Finance Committee, I have been particularly disturbed that many good, smaller pension plans have terminated, because of unnecessarily complex reporting requirements, regulatory delays, and overlapping jurisdiction in the implementation of ERISA. Last year the Senate Finance Committee unanimously approved my Pension Requirements Simplification Act, S. 2352, which would help eliminate overlapping jurisdiction in the administration of ERISA and would insure that pension plans generally only have to file one Federal form each year. The legislation I am introducing today would further simplify ERISA, particularly for smaller businesses.

Prompt enactment of both S. 2352 and the legislation I am introducing today would help relieve businessmen from the regulatory burdens of ERISA. At the same time these two bills would insure that pension plan participants and beneficiaries continue to receive full protection from the minimum standards of ERISA.

Mr. President, I would now like to briefly describe how the optional "Simplified Pension Plan" would work.

Generally, the plan would operate in the same manner as a qualified defined contribution Keogh or H.R. 10 plan except that contributions would be made directly to the separate employee IRA's. The employer would have to provide coverage for all eligible employees. The maximum deductible contribution for the employer or employee would be the lesser of 15 percent of earned income or $7,500.

The existing standards for vesting, participation, nondiscrimination, and social security integration that apply to Keogh plans would also apply to "Simplified Pension Plans." For example, employees with 3 years of service must be allowed to participate in the plan. Immediate vesting would be required. The plan could not discriminate in favor of officers or highly compensated employees.

In addition, under my proposal, if the employer's pension contribution for an employee does not exceed the $1,500 IRA limitation, the employee could make up the difference.

Under the proposal, an employer could adopt an IRS prepared model simplified pension plan, copies of which would be filed with the IRS and distributed to the employees together with a copy of the IRA agreement. Individually designed plans could also obtain IRS approval. Existing reporting and disclosure standards would apply. However, the plan should be sufficiently simple that under existing regulations, a copy of the plan could be used as a summary plan description, bank statements (or similar documents furnished by an insurance company) should satisfy all applicable requirements regarding disclosure to participants of their interests in the plan. The employer would be required to file very simplified reports with IRS to support his deduction for plan contributions and the qualification of the simplified plan and no accounting for plan assets would be required.

Mr. President, the simplified pension plan would give businessmen the option to establish a pension plan with a minimum of paperwork and redtape. Prompt enactment of this legislation would be a constructive step toward reducing the regulatory burdens of ERISA.●

By Mr. HATHAWAY:

S. 3141. A bill entitled the "Fair Labor Pension Practices Act of 1978"; to the Committee on Human Resources.

S. 3142. A bill entitled the "Pension Protection Act of 1978"; to the Committee on Finance and the Committee on Human Resources, jointly, by unanimous consent.

● Mr. HATHAWAY. Mr. President, I am introducing two legislative initiatives today in order to correct a major deficiency in pension guarantee provisions of the Employee Retirement Income Security Act of 1974.

ERISA, which was enacted September 2, 1974, provides for a comprehensive revision of pension plans and the rights of employees. For terminated pension plans, ERISA established the Pension Benefit Guaranty Corporation which provides guaranteed benefits to the plan participants. This guarantee applies with respect to plans which are terminated after September 2, 1974.

The plans which are covered by the PBGC include pension and welfare plans which meet the requirements of the Internal Revenue Code. Among those requirements are the establishment of a formal trust arrangement. The benefits afforded by the enactment of the PBGC is a great step in the protection of employees' hard-earned pension.

Mr. President, it has now come to my attention that there is an omission in the legislation which the Congress enacted in 1974. The issue has been raised in the context of Madison Paper Co., Madison, Maine.

The Kennebec River Pulp & Paper Mill in Madison, Maine, was initially built in 1891. The mill was operated by the Great Northern Paper Co. from the 1890's until 1955. In 1955, the mill was sold to Louis Calder, Sr., head of the Perkins-Goodwin Co. In the early 1960's, Louis Calder died and the mill was left to 11 charities.

Under the ownership of the 11 charities, the mill was renamed the Kennebec River Pulp & Paper Co. (KRPP). The Perkins-Goodwin Co. continued to manage and operate the facility for the charities. In 1971, the mill was sold to the Kennebec Development Corp., and Kennebec River Pulp & Paper Co. retained a lease-buy option on the mill.

In early 1973, the Kennebec River Pulp & Paper Co. was sold to the Southeastern Capital Corp., an investment group based in Atlanta, Ga.

On March 3, 1976, Penntech Papers, Inc., purchased KRPP from Southeastern Capital Corp. under a separate holding company, entitled T. P. Properties, Inc. The purchase entailed the acquisition of all personal property and rolling stock of the mill along with the transfer of a lease giving operating rights to the mill's fixed assets and real property. The title to the mill and associated woodlands remained in the possession of the Kennebec Development Corp. On March 29, 1977, Penntech closed the mill, laying off 330 employees.

The mill has now been reopened as the Madison Paper Co. and operates as a subsidiary of the Myllykoski Co. of Finland.

Mr. President, I have recounted this long and involved series of transactions because, while the companies transferred assets back and forth and reorganized, the ordinary employee was shortchanged.

When Penntech closed the mill in 1977, management had its pension benefits assured by PBGC; the union employees did not. How could this have happened?

The Kennebec River Pulp & Paper Co. had established two pension plans—a trusteed plan for salaried management and a nontrusteed, pay-as-you-go plan for the hourly union employees. In the negotiated labor agreement which was effective January 31, 1976, the following provision was included:

PENSIONS

The Kennebec River Pulp & Paper Company, Inc. Hourly Employees Pension Plan applicable to hourly employees, amended as necessary to comply with applicable ERISA requirements, shall be in effect during the term of this Agreement.

The pension plan was originally adopted and became effective April 15, 1968. The plan was as follows:

KENNEBEC RIVER PULP & PAPER COMPANY, INC., MADISON, MAINE

PENSION PLAN

Effective date:

This plan becomes effective April 15, 1968 and shall apply to all hourly employees on the payroll of the Kennebec River Pulp & Paper Company, Inc. as of October 4, 1961 and thereafter.

This is a non-contributing plan in that the entire expense shall be absorbed by the Kennebec River Pulp & Paper Company, Inc.

Eligibility:

Any employee on the Kennebec River Pulp & Paper Company, Inc. payroll as of October 4, 1961 or thereafter, who attains 15 years or more continuous service with the Great Northern Paper Company, The Economy Corporation and/or the Kennebec River Pulp & Paper Company, Inc. on or before the employees 65th birthday.

Amount of pension:

The Pension shall be computed as follows:

Effective April 15, 1963

A. 15 years of service, $25.00 per month.

B. 16 years but less than 36 years of service, $1.65 per month per year of service.

C. 36 years or more of service, $57.75 per month.

Effective April 15, 1969:

A. 15 years of service, $25,00 per month.

B. 16 years but less than 36 years of service, $1.70 per month per year of service.

C. 36 years or more of service, $59.50 per month.

Effective April 15, 1970:

A. 15 years of service, $25.00 per month..

B. 16 years but less than 36 years of service, $1.75 per month per year of service.

C. 36 years or more of service, $61.25 per month.

Normal retirement date:

Any employee who is eligible for pension in accordance with the provisions outlined above will retire on his 65th birthday and shall be paid on the first of each month following his retirement.

Disability retirement:

Any employee who becomes disabled prior to his 65th birthday and who would be eligible for pension on his 65th birthday under the provisions outlined above may be retired at the Company's option. In the event of such a disability retirement, the pension payable will be equal to the pension he would have been entitled to at the age of 65 times the ratio of the number of years of credited service to the number of years with which he would have been credited had he remained at work until the normal retirement date.

In order to qualify for any disability pension an employee must have had 10 years of continuous service.

A doctor's certificate shall be required to qualify for disability retirement and an annual physical examination may be required to continue receiving disability retirement benefits. Any physical examination required under this paragraph will be at Company expense.

Early retirement:

The requirements for early retirement shall be as follows:

A. An employee must be able to attain 15 years of continuous service at age 65.

B. Minimum retirement age 62.

Benefits to be computed as follows:

(1) Retirement benefits at age 64–93 percent of full earned pension

(2) Retirement benefits at age 63–85 percent of full earned pension

(3) Retirement benefits at age 62–79 percent of full earned pension

In all cases early retirement must be approved by the Company.

Length of service:

Any employee on the Kennebec River Pulp & Paper Company, Inc. payroll as of October 4, 1961 or thereafter, with 15 years or more of continuous service with the Great Northern Paper Company, The Economy Corporation and or the Kennebec River Pulp & Paper Company, Inc.

Insurance:

If an employee retires with at least 15 years of continuous service $1,500 of Group Life Insurance will be continued at no expense to the employee as provided under length of service.

The Company will pay to the employee $4.00 per month towards the Employees monthly premium for the Medical Insurance portion of Medicare.

In determining an employee's length of continuous service for the Insurance coverage, the continuous service with the Great Northern Paper Company, The Economy Corporation and or the Kennebec River Pulp & Paper Company, Inc. as provided under length of service will apply.

In 1975, the management sent the following memo to the hourly employees concerning their pension plan:

NOVEMBER 13, 1975.

To Hourly Employees.
From J. E. McLeod.
Subject: Pension Benefits.

The following Amendments to the Hourly Pension Plan were agreed to and effective on April 15, 1971. Since the current Pension Booklet does not include them, this notice should be inserted and retained in that booklet for your reference.

1. The normal retirement age for employees eligible for Pension will coincide with Social Security.

2. Pensions for employees having more than 15 years of service shall be computed at the rate of $1.75 for each year of eligible and continuous service—no maximum.

3. The Company shall, for the life of the Current Pension Agreement, pay the full cost of the Medical Insurance portion of Medicare.

JOHN E. MCLEOD,
Manager-Industrial Relations.

Management did not further amend the hourly plan and when Penntech closed the mill in 1977, the hourly employees were left without any guaranteed pension benefits. However, the plan covering management employees was covered by PBGC.

I have tried to obtain coverage for these employees through PBGC and the Labor Department. It has not been possible. I ask unanimous consent that correspondence and the answers from the agencies be included in the RECORD.

Mr. President, the bills I am introducing today will assure that this unfair and discriminatory labor practice cannot occur. It will redress the inequities at companies where the management is protected and the laborer left vulnerable. It is important legislation. It is urgently needed and I advise my colleagues that I will raise these issues during the debate on the labor reform bill.

In order that my colleagues may be informed about these bills, I ask unanimous consent that the texts be included in the RECORD at the conclusion of my remarks.

There being no objection, the letters and bills were ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
April 27, 1978.

Hon. WILLIAM D. HATHAWAY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATHAWAY: This is in response to your letter of March 10, 1978, to Mr. John H. Fanning, Chairman, National Labor Relations Board, concerning the March 1977 closing of Kennebec River Paper and Pulp Mill, Madison, Maine, and the loss of hourly employee pension benefits due to failure of the company to establish a "qualified pension plan" pursuant to provisions of the Employee Retirement Income Security Act of 1974 (ERISA). In his response to you, Chairman Fanning indicated your letter was being referred to the Secretary of Labor for consideration and further reply.

As you are aware, the Department of Labor shares responsibility with the Internal Revenue Service (IRS) and the Pension Benefit Guaranty Corporation (PBGC) for administration of ERISA. The purpose of the Act is to protect the interests of participants and their beneficiaries who depend on benefits from employee pension and welfare plans. The law establishes minimum plan participation, vesting, and funding standards for pension plans; requires disclosure of pension and welfare plan provisions and financial information; and, establishes standards of conduct for trustees and other parties serving in a fiduciary capacity with regard to employee pension and welfare plans.

Under the provisions of Title IV, ERISA, the PBGC is responsible for guaranteeing, within certain limits, pension benefits for plan participants who participate in a tax qualified defined benefit pension plan.

Under the provisions of Title I, ERISA, a plan sponsor may establish or continue to maintain a retirement plan, such as a profit sharing plan, which is not a defined benefit plan and thus is not within the jurisdiction of the PBGC. However, all pension plans, including plans not covered by the PBGC, must meet the minimum standards imposed by the Act.

Under the provisions of Section 502, Title I, ERISA, any individual who is a participant in an employee benefit plan subject to the provisions of Title I, ERISA, may bring a private civil action in an appropriate Federal District Court to halt and correct violations of Title I provisions, thus plan participants affected in such matters may obtain private legal counsel and seek recourse in their own behalf.

The Labor-Management Services Administration (LMSA) Boston Area Office is currently conducting a fiduciary investigation of the factual situation surrounding the hourly employees retirement plan maintained by the Kennebec River Pulp and Paper Company. The purpose of the investigation is to determine the current status of the plan and to determine if there are Title I, ERISA violations involving the plan. Contact has been made with PBGC to examine information regarding the plan obtained by that Office. In addition, copies of the attachments to your letter to Chairman Fanning are being provided to the Boston Area Office for review in the course of the investigation. Should your constituents obtain additional information regarding this matter they may wish to contact the LMSA Boston Area Office, located at Room 211, New Studio Building, 110 Tremont Street, Boston, Massachusetts 02108, telephone (617) 223–6736.

Until the LMSA Boston Area Office investigation is completed, the Department of Labor is not in a position to determine what, if any, action should be considered to correct and/or prohibit future occurrences similar to the Kennebec fact situation. You may be assured that upon completion of the investigation, the results will be reviewed in the light of ERISA and other applicable statutes, and that the Department will determine what action is to be taken consistent with is responsibility in administering these statutes.

I trust this information will be of assistance to you in replying to your constituents.

Sincerely,

FRANCIS X. BURKHARDT,
Assistant Secretary of Labor.

WASHINGTON, D.C.,
July 27, 1977.

Hon. WILLIAM D. HATHAWAY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATHAWAY: This is in response to your letter dated and received on June 23, 1977, and subsequent telephone conversations with Ms. Cherri Sparks of your staff. You wrote on behalf of the terminated hourly employees and the pensioners of the Kennebec River Paper and Pulp Mill in Madison, Maine (Company). You requested that this Corporation keep you apprised of the development in this case.

As you know, Title IV of the Employee Retirement Income Security Act of 1974 established the Pension Benefit Guaranty Corporation to provide for timely and uninterrupted payment of pension benefits to participants of private pension plans covered under Title IV, and to guarantee certain basic benefits when such plans terminate.

As we understand the facts, the Company established an hourly pension plan in April, 1968. The benefits provided under this plan were paid out of company earnings and were not funded through a pension trust which is a principle requirement for a qualified plan under Section 401(a) of the Internal Revenue Code of 1974. The Company did not apply for a qualification of this plan with the Internal Revenue Service.

The Company also established a Retirement Plan for Salaried Non-Bargaining Employees of Kennebec River Pulp and Paper Company, Incorporated. This plan was qualified by the Internal Revenue Service.

Section 4021 of the Act sets forth the requirements for coverage by Title IV of the Act. Section 4021(a)(1) provides that plans which have in practice met the requirements for tax qualification, as in effect for the preceding five years of the plan, are covered by Title IV. Section 4021(a)(2) provides that a plan which is, or has been determined by the Secretary of the Treasury to be a plan which meets the requirement of Section 401 (a) or section 404(a)(2) of the Internal Revenue Code of 1954 is covered by Title IV.

The hourly plan is an unfunded "pay as you go" plan. It has not been determined by the Secretary of Treasury to meet Section 401(a) or Section 404(a)(2) of the Code, nor does it in fact meet the requirements of those sections. In addition, it has not been tax qualified in practice for the five preceding plan years.

Accordingly, the Plan does not meet the requirements of Section 4021(a)(1) or Section 4021(a)(2) of the Act, and is therefore not subject to the guaranteed benefit provisions of Title IV of the Act.

Since the salary Plan was qualified by the Internal Revenue Service, this plan is covered under the provisions of Title IV of the Act. It is the Company's intent to terminate this plan in the very near future.

We hope this information will assist you in responding to your constituents.

Sincerely,

CAROL LERNI,
for JESSE L. PAREDES,
Branch Chief, Division of Plan Review.

S. 3141

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Fair Labor Pension Practices Act of 1978."

SEC. 2. (a) Section 8 of the National Labor Relations Act is amended by adding at the end thereof the following new subsection:

"(h) It shall be an unfair labor practice for any employer or any labor organization to enter into any contract or agreement (express or implied) whereby such employer or labor organization establishes or maintains an employee pension benefit plan, pension plan, employee welfare benefit plan, or welfare plan or plans (as defined in section 3 of the Employee Retirement Income Security Act of 1974) which was established prior to September 1, 1974 unless such plan qualifies for the guarantee of benefits under title IV of the Employee Retirement Income Security Act of 1974) or labor organization maintains a plan for officers, directors, and

other highly compensated employees which does qualify for the guarantee of such benefits.

(b) The amendment made by this section shall be effective September 2, 1974.

SEC. 3. (a) Section 4021(a)(2) of the Employee Retirement Income Security Act of 1974 is amended by—

(1) striking out "; or" at the end of (a)(1) and substituting ";".

(2) striking out the period at the end of (a)(2) and substituting "; or", and

(3) adding at the end thereof the following:

"(3) is, or has been determined by the National Labor Relations Board to be, a plan established or modified pursuant to an unfair labor practice under section 8(h) of the National Labor Relations Act and which would meet the requirements of section 401(a) or section 404(a)(2) of the Internal Revenue Code of 1954 except that no trust has been established by the employer.".

(b) The amendment made by this section shall be effective September 2, 1974.

S. 3142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Pension Protection Act of 1978."

SEC. 2. Section 4021 (a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321) is amended by—

(1) striking "; or" at the end of paragraph (1) and substituting a semicolon;

(2) striking the period at the end of paragraph (2) and substituting "; or" and

(3) inserting the following immediately after paragraph (2):

"(3) is a plan, which does not otherwise qualify for coverage under this title, which is established prior to the date of enactment of this Act by an employer who also maintains a plan described in paragraphs (1) and (2) for officers, directors, or other highly-compensated employees.".

SEC. 3. The amendments made by Section 2 shall be effective September 2, 1974.●

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a bill introduced by the Senator from Maine (Mr. HATHAWAY), to amend ERISA, be jointly referred to the Committees on Finance and Human Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS

S. 324

At the request of Mrs. HUMPHREY, her name was added as a cosponsor of S. 324, a bill to amend the Social Security Act to provide for improvements in the program relating to the diagnosis, screening, and referral of child health and maternal conditions established by title V of this act.

S. 1168

At the request of Mr. ABOUREZK, the Senator from Oregon (Mr. MARK O. HATFIELD) was added as a cosponsor of S. 1168, to amend the Payments in Lieu of Taxes Act.

S. 2384

At the request of Mr. CRANSTON, the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 2384, the Veterans' and Survivors Income Security Act.

S. 2441

At the request of Mr. WILLIAMS, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 2441, the Federal Public Transportation Act of 1978.

S. 2505

At the request of Mr. DOLE, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2505, to provide that certain handicapped individuals shall be eigible for medical assistance.

S. 2583

At the request of Mr. DOLE, the Senator from Delaware (Mr. ROTH), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 2583, to provide for the temporary transfer of the U.S.S. *Sanctuary*, to Life International, a nonprofit corporation.

S. 2856

At the request of Mr. MORGAN, the Senator from Montana (Mr. PAUL G. HATFIELD) was added as a cosponsor of S. 2856, the Uniformed Services Survivor Benefit Plan Amendments Act of 1978.

S. 3096

At the request of Mr. CRANSTON, the Senator from Montana (Mr. PAUL G. HATFIELD) was added as a cosponsor of S. 3096, the Veterans' Programs Extension Act of 1978.

SENATE RESOLUTION 114

At the request of Mr. ANDERSON, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of Senate Resolution 114, requesting the Committee on Commerce, Science, and Transportation to make a full and complete investigation of the telecommunications policies of the Federal Government.

SENATE CONCURRENT RESOLUTION 68

At the request of Mr. CURTIS, the Senator from Florida (Mr. CHILES) was added as a cosponsor of Senate Concurrent Resolution 68, expressing the sense of the Congress on the Baltic State question.

SENATE RESOLUTION 464—SUBMISSION OF A RESOLUTION IN OPPOSITION TO REORGANIZATION PLAN NO. 2

Mr. RIBICOFF (by request) submitted the following resolution, which was referred to the Committee on Governmental Affairs:

S. RES. 464

Resolved, That the Senate does not favor the reorganization plan numbered 2 transmitted to the Congress by the President on May 23, 1978.

● Mr. RIBICOFF. Mr. President, by request, I submit a resolution relating to Reorganization Plan No. 2 and ask that it be appropriately referred.

I ask unanimous consent that Reorganization Plan No. 2 of 1978 relating to the civil service be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

REORGANIZATION PLAN NO. 2 OF 1978

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 23, 1978, pursuant to the provisions of chapter 9 of title 5 of the United States Code.

PART I. OFFICE OF PERSONNEL MANAGEMENT

Section 101. Establishment of the Office of Personnel Management and its Director and Other Matters. There is hereby established as an independent establishment in the Executive Branch, the Office of Personnel Management (the "Office"). The head of the Office shall be the Director of the Office of Personnel Management (the "Director"), who "shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for level II of the Executive Schedule. The position referred to in 5 U.S.C. 5109(b) is hereby abolished.

Section 102. Transfer of Functions. Except as otherwise specified in this Plan, all functions vested by statute in the United States Civil Service Commission, or the Chairman of said Commission, or the Boards of Examiners established by 5 U.S.C. 1105 are hereby transferred to the Director of the Office of Personnel Management.

Section 103. Deputy Director and Associate Directors.

(a) There shall be within the Office a Deputy Director who shall be appointed by the President by and with the advice and consent of the Senate and who shall be compensated at the rate now or hereafter provided for level III of the Executive Schedule. The Deputy Director shall perform such functions as the Director may from time to time prescribe and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the Office of the Director.

(b) There shall be within the Office not more than five Associate Directors, who shall be appointed by the Director in the excepted service, shall have such titles as the Director shall from time to time determine, and shall receive compensation at the rate now or hereafter provided for level IV of the Executive Schedule.

Section 104. Functions of the Director. The functions of the Director shall include, but not be limited to, the following:

(a) Aiding the President, as the President may request, in preparing such rules as the President prescribes, for the administration of civilian employment now within the jurisdiction of the United States Civil Service Commission;

(b) Advising the President, as the President may request, on any matters pertaining to civilian employment now within the jurisdiction of the United States Civil Service Commission;

(c) Executing, administering and enforcing the Civil Service rules and regulations of the President and the Office and the statutes governing the same, and other activities of the Office including retirement and classification activities except to the extent such functions remain vested in the Merit Systems Protection Board pursuant to Section 202 of this Plan, or are transferred to the Special Counsel pursuant to Section 204 of this Plan;

(d) Conducting or otherwise providing for studies and research for the purpose of assuring improvements in personnel management, and recommending to the President actions to promote an efficient Civil Service and a systematic application of the merit system principles, including measures relating to the selection, promotion, transfer, performance, pay, conditions of service, tenure, and separations of employees; and

(e) Performing the training responsibilities now performed by the United States Civil Service Commission as set forth in 5 U.S.C. Chapter 41.

Section 105. Authority to Delegate Functions. The Director may delegate, from time to time, to the head of any agency employing persons in the competitive service, the performance of all or any part of those functions transferred under this Plan to the Director which relate to employees, or applicants for employment, of such agency.

PART II. MERIT SYSTEMS PROTECTION BOARD

Section 201. Merit Systems Protection Board.

(a) The United States Civil Service Commission is hereby redesignated the Merit Systems Protection Board. The Commissioners of the United States Civil Service Commission are hereby redesignated as members of the Merit Systems Protection Board (the "Board").

(b) The Chairman of the Board shall be its chief executive and administrative officer. The position of Executive Director, established by 5 U.S.C. 1103(d), is hereby abolished.

Section 202. Functions of the Merit Systems Protection Board and Related Matters.

(a) There shall remain with the Board the hearing, adjudication, and appeals functions of the United States Civil Service Commission specified in 5 U.S.C. 1104(b)(4) (except hearings, adjudications and appeals with respect to examination ratings), and also found in the following statutes:

(i) 5 U.S.C. 1504–1507, 7325, 5335, 7521, 7701 and 8347(d);

(ii) 38 U.S.C. 2023

(b) There shall remain with the Board the functions vested in the United States Civil Service Commission, or its Chairman, pursuant to 5 U.S.C. 1104(a)(5) and (b)(4) to enforce decisions rendered pursuant to the authorities described in Subsection (a) of this Section.

(c) Any member of the Board may request from the Director, in connection with a matter then pending before the Board for adjudication, an advisory opinion concerning interpretation of rules, regulations, or other policy directives promulgated by the Office of Personel Management.

(d) Whenever the interpretation or application of a rule, regulation, or policy directive of the Office of Personnel Management is at issue in any hearing, adjudication, or appeal before the Board, the Board shall promptly notify the Director, and the Director shall have the right to intervene in such proceedings.

(e) The Board shall designate individuals to chair performance rating boards established pursuant to 5 U.S.C. 4305.

(f) The Chairman of the Board shall designate representatives to chair boards of review established pursuant to 5 U.S.C. 3383 (b).

(g) The Board may from time to time conduct special studies relating to the Civil Service, and to other merit systems in the Executive Branch and report to the President and the Congress whether the public interest in a workforce free of personnel practices prohibited by law or regulations is being adequately protected. In carrying out this function the Board shall make such inquiries as may be necessary, and, to the extent permitted by law, shall have access to personnel records or information collected by the Office of Personnel Management and may require additional reports from other agencies as needed. The Board shall make such recommendations to the President and the Congress as it deems appropriate.

(h) The Board may delegate the performance of any of its administrative functions to any officer or employee of the Board.

(i) The Board shall have the authority to prescribe such regulations as may be necessary for the performance of its functions. The Board shall not issue advisory opinions. The Board may issue rules and regulations, consistent with statutory requirements, defining its review procedures, including the time limits within which an appeal must be filed and the rights and responsibilities of the parties to an appeal. All regulations of the Board shall be published in the Federal Register.

Section 203. Savings Provision. The Board shall accept appeals from agency actions effected prior to the effective date of this Plan. On the effective date of Part II of this Plan, proceedings then before the Federal Employee Appeals Authority shall continue before the Board; proceedings then before the Appeals Review Board and proceedings then before the United States Civil Service Commission on appeal from decisions of the Appeals Review Board shall continue before the Board; other employee appeals before boards or other bodies pursuant to law or regulation shall continue to be processed pursuant to those laws or regulations. Nothing in this section shall affect the right of a Federal employee to judicial review under applicable law.

Section 204. The Special Counsel.

(a) There shall be a Special Counsel to the Board appointed for a term of four years by the President by and with the advice and consent of the Senate, who shall be compensated as now or hereafter provided for level IV of the Executive Schedule.

(b) There are hereby transferred to the Special Counsel all functions with respect to investigations relating to violations of 5 U.S.C. Chapter 15; 5 U.S.C. Subchapter III of Chapter 73 (Political Activities); and 5 U.S.C. 552(a)(4)(F) (public information).

(c) The Special Counsel may investigate, pursuant to 5 U.S.C. 1303, allegations of personnel practices which are prohibited by law or regulation.

(d) When in the judgment of the Special Counsel, such personnel practices exist, he shall report his findings and recommendations to the Chairman of the Merit Systems Protection Board, the agency affected, and to the Office of Personnel Management, and may report such findings to the President.

(e) When in the judgment of the Special Counsel, the results of an investigation would warrant the taking of disciplinary action against an employee who is within the jurisdiction of the Board, the Special Counsel shall prepare charges against such employee and present them with supporting documentation to the Board. Evidence supporting the need for disciplinary action against a Presidential appointee shall be submitted by the Special Counsel to the President.

(f) The Special Counsel may appoint personnel necessary to assist in the performance of his functions.

(g) The Special Counsel shall have the authority to prescribe rules and regulations relating to the receipt and investigation of matters under his jurisdiction. Such regulations shall be published in the Federal Register.

(h) The Special Counsel shall not issue advisory opinions.

PART III. FEDERAL LABOR RELATIONS AUTHORITY

Section 301. Establishment of the Federal Labor Relations Authority.

(a) There is hereby established, as an independent establishment in the Executive Branch, the Federal Labor Relations Authority (the "Authority"). The Authority shall be composed of three members, one of whom shall be Chairman, not more than two of whom may be adherents of the same political party, and none of whom may hold another office or position in the Government of the United States except where provided by law or by the President.

(b) Members of the Authority shall be appointed by the President, by and with the advice and consent of the Senate. The President shall designate one member to serve as Chairman of the Authority, who shall be compensated at the rate now or hereafter provided for level III of the Executive Schedule. The other members shall be compensated at the rate now or hereafter provided for level IV of the Executive Schedule.

(c) The initial members of the Authority shall be appointed as follows: one member for a term of two years; one member for a term of three years; and the Chairman for a term of four years. Thereafter, each member shall be appointed for a term of four years. An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(d) The Authority shall make an annual report on its activities to the President for transmittal to Congress.

Section 302. Establishment of the General Counsel of the Authority. There shall be a General Counsel of the Authority, who shall be appointed by the President, by and with the advice and consent of the Senate for a term of four years, and who shall be compensated at the rate now or hereafter provided for level V of the Executive Schedule. The General Counsel shall perform such duties as the Authority shall from time to time prescribe, including but not limited to the duty of determining and presenting facts required by the Authority in order to decide unfair labor practice complaints.

Section 303. The Federal Service Impasses Panel. The Federal Service Impasses Panel, established under Executive Order 11491, as amended, (the "Panel") shall continue, and shall be a distinct organizational entity within the Authority.

Section 304. Functions. Subject to the provisions of Section 306, the following functions are hereby transferred:

(a) To the Authority—

(1) The functions of the Federal Labor Relations Council pursuant to Executive Order 11491, as amended;

(2) The functions of the Civil Service Commission under Sections 4(a) and 6(e) of Executive Order 11491, as amended;

(3) The functions of the Assistant Secretary of Labor for Labor-Management Relations, under Executive Order 11491, as amended, except for those functions related to alleged violations of the standards of conduct for labor organizations pursuant to Section 6(a)(4) of said Executive Order; and,

(b) to the Panel—the functions and authorities of the Federal Service Impasses Panel, pursuant to Executive Order 11491, as amended.

Section 305. Authority Decisions. The decisions of the Authority on any matter within its jurisdiction shall be final and not subject to judicial review.

Section 306. Other Provisions. Unless and until modified, revised, or revoked, all policies, regulations, and procedures established, and decisions issued, under Executive Order 11491, as amended, shall remain in full force and effect. There is hereby expressly reserved to the President the power to modify the functions transferred to the Federal Labor Relations Authority and the Federal Service Impasses Panel pursuant to Section 304 of this Plan.

Section 307. Savings Provision. All matters which relate to the functions transferred by Section 304 of this Plan, and which are pending on the effective date of the establishment of the Authority before the Federal Labor Relations Council, the Vice Chairman of the Civil Service Commission, or the Assistant Secretary of Labor for Labor-Management Relations shall continue before the Authority under such rules and procedures as the Authority shall prescribe. All such matters pending on the effective date of the establishment of the Authority before the Panel, shall continue before the Panel under such rules and procedures as the Panel shall prescribe.

PART IV. GENERAL PROVISIONS

Section 401. Incidental Transfer. So much of the personnel, property, records, and unexpended balances of appropriations, allocations and other funds employed, used, held, available, or to be made available in connection with the functions transferred under this Plan, as the Director of the Office of Management and Budget shall determine, shall be transferred to the appropriate

agency, or component at such time or times as the Director of the Office of Management and Budget shall provide, except that no such unexpended balances transferred shall be used for purposes other than those for which the appropriation was originally made. The Director of the Office of Management and Budget shall provide for terminating the affairs of any agencies abolished herein and for such further measures and dispositions as such Director deems necessary to effectuate the purposes of this Reorganization Plan.

Section 402. Interim Officers.

(a) The President may authorize any persons who, immediately prior to the effective date of this Plan, held positions in the Executive Branch of the Government, to act as Director of the Office of Personnel Management, the Deputy Director of the Office of Personnel Management, the Special Counsel, the Chairman and other members of the Federal Labor Relations Authority, the Chairman and other members of the Federal Service Impasses Panel, or the General Counsel of the Authority, until those offices are for the first time filled pursuant to the provisions of this Reorganization Plan or by recess appointment, as the case may be.

(b) The President may authorize any such person to receive the compensation attached to the Office in respect of which that person so serves, in lieu of other compensation from the United States.

Section 403. Effective Date. The provisions of this Reorganization Plan shall become effective at such time or times, on or before January 1, 1979, as the President shall specify, but not sooner than the earliest time allowable under Section 906 of Title 5, United States Code.●

SENATE RESOLUTION 465—SUBMISSION OF A RESOLUTION PROPOSING A TREATY BETWEEN THE UNITED STATES AND CANADA TO CONTROL TRANSBOUNDARY AIR POLLUTION

Mr. PAUL G. HATFIELD (for himself, Mr. CHURCH, Mr. STEVENS, Mr. YOUNG, Mr. RIEGLE, Mr. STAFFORD, Mr. JACKSON, Mrs. HUMPHREY, Mr. MELCHER, Mr. NELSON, Mr. MOYNIHAN, Mr. GRAVEL, Mr. MAGNUSON, Mr. METZENBAUM, Mr. PROXMIRE, and Mr. ANDERSON) submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. RES. 465

Whereas the United States and Canada share a common environment along a 5,500-mile frontier; and

Whereas the United States and Canada are both becoming increasingly concerned about the effects of pollution, particularly that resulting from power generation facilities, as each country's facilities affect the environment of the other; and

Whereas the United States and Canada have both subscribed to international conventions and joined in the environmental work of the United Nations, the Organization for Economic Cooperation and Development, and other international environmental forums; and

Whereas the United States and Canada have entered into and implemented effectively the provisions of the historic Boundary Waters Treaty of 1909; and

Whereas the United States and Canada have a tradition of cooperative resolution of issues of mutual concern which is nowhere more evident than in the environmental area: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of State should make every effort to negotiate a cooperative agreement with the Government of Canada aimed at preserving our mutual airshed so as to protect and enhance air resources and ensure the attainment and maintenance of air quality protective of public health and welfare.

SEC. 2. It is further the sense of the Senate that the Secretary of State, working in concert with other interested Federal agencies, as well as the affected States, should take whatever diplomatic actions appear necessary to reduce or eliminate any undesirable impact upon both countries resulting from air pollution from any source.

● Mr. PAUL G. HATFIELD. Mr. President, I am today submitting a Senate resolution which would call upon the Governments of the United States and Canada to negotiate a treaty to control transboundary air pollution.

I am pleased to have as cosponsors a bipartisan array of Senators from States which border Canada and who share a deep concern about the maintenance of high air quality standards.

Mr. President, this resolution is being offered in the same spirit which has long characterized the cooperation between our two countries. With a border fully 5,500 miles long, we have a record of peaceful settlement of problems which is the envy of the world. Central to our success has been the willingness to spot potential problems in advance and to move forward to meet them in timely fashion.

If I may be permitted a personal note, I feel a special sense of responsibility in that my State of Montana borders on three Canadian Provinces—the only State to do so. We have long maintained cordial relations with British Columbia, Alberta, and Saskatchewan. Our mutual borders residents are good friends and neighbors. What affects the environment of one affects all. The same is true for residents the entire length of the border.

Currently, resolution of United States-Canadian transboundary environmental problems is governed by the Boundary Waters Treaty of 1909. As its name implies, the sole focus of the pact is on water—both quality and quantity. The treaty created the International Joint Commission, a body which has a distinguished history of settling water disputes, particularly with respect to allocation.

When the treaty was signed, no one could envision the future threat of air pollution. In the absence of a mechanism to deal with it, the International Joint Commission later created an International Air Pollution Advisory Board. However, the fact remains that neither the act nor the IJC's own rules of procedure mention air or air quality. Needed is a separate high-level forum for dealing with air problems.

The deficiency is highlighted by the growing nature of the threat. Principal cause for alarm is the return by both nations to coal as a major source of energy. There is considerable concentration of American industry along the border, with attendant problems for Canadian air. On the Canadian side, a string of coal-fired powerplants is either being expanded or constructed, ranging from the 300-megawatt plant to the Poplar River, 5 miles north of the Montana border, to the giant 4,000-megawatt Nanticoke complex under construction in southern Ontario. Additionally, there is the problem of increasing amounts of particulate matter settling in the Great Lakes, adding to pollution of those already troubled bodies of water.

Mr. President, there are a great many barriers—institutional and political—to achieving a binding agreement on air pollution. They include the special relationships between the States and Provinces and their respective central governments, as well as that between Ottawa and Washington. But solutions begin with first steps, and this legislation represents, in our opinion, a significant first step.

The resolution is not only a directive to the Secretary of State to press for a treaty; it is a special plea to all the Provinces and States, and to individual citizens who inhabit our mutual "airshed," to recognize the magnitude of the growing threat and to cooperate in our mutual best interests to meet that threat.●

AMENDMENTS SUBMITTED FOR PRINTING

LABOR LAW REFORM ACT OF 1978—H.R. 8410

AMENDMENTS NOS. 2240 AND 2241

(Ordered to be printed and to lie on the table.)

Mr. HATHAWAY submitted two amendments intended to be proposed by him to the bill (H.R. 8410) to amend the National Labor Relations Act to strengthen the remedies and expedite the procedures under such act.

AMENDMENTS NOS. 2242 AND 2243

(Ordered to be printed and to lie on the table.)

Mr. CHAFEE submitted two amendments intended to be proposed by him to the bill (H.R. 8410), supra.

NOTICES OF HEARINGS

COMMITTEE ON THE JUDICIARY

● Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, June 6, 1978, at 9:30 a.m., in room 2228 Dirksen Senate Office Building, on the following nomination:

Shane Devine, of New Hampshire, to be U.S. district judge for the district of New Hampshire vice Hugh H. Bownes, elevated.

Any person desiring to offer testimony in regard to this nomination shall, not later than 24 hours prior to such hearing, file in writing with the committee a request to be heard and a statement of their proposed testimony.

This hearing will be before the full Judiciary Committee.●

SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE

● Mr. ABOUREZK. Mr. President, I wish to announce that the Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary, will have a meeting to continue markup of pending legislation. The

meeting will be on May 24, 1978, at 10 a.m., 155 Russell Building.●

COMMITTEE ON THE JUDICIARY

● Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, June 7, 1978, at 9:30 a.m., in room 2228 Dirksen Senate Office Building, on the following nominations:

Mary Johnson Lowe, of New York, to be U.S. district judge for the southern district of New York vice John M. Cannella, retired.

Philip B. Heymann, of Massachusetts, to be an Assistant Attorney General vice Benjamin R. Civiletti, elevated (Criminal Division).

Any persons desiring to offer testimony in regard to these nominations shall, not later than 24 hours prior to such hearing, file in writing with the committee a request to be heard and a statement of their proposed testimony.

This hearing will be before the full Judiciary Committee.●

ADDITIONAL STATEMENTS

AN ADVISORY OPINION

● Mr. STEVENSON. Mr. President, pursuant to title II, section 206, Senate Resolution 110, 95th Congress, the Senate Select Committee on Ethics has given formal approval to the following advisory opinion.

It is the opinion of the select committee that it is improper conduct which reflects upon the Senate for a Senator to authorize or allow a non-Senate individual, group, or organization to use the words "United States Senate" and "Official Business", or any combination thereof, on any letterhead or envelope. The use by a Senator of his or her own name followed by the words "United States Senate" is not hereby deemed improper.

This advisory opinion will become effective on Monday, August 14, 1978.●

WATERWAY USER FEES

● Mr. DANFORTH. Mr. President, I would like to submit for the record editorials which appeared on May 5 in the St. Louis Globe-Democrat and the St. Louis Post-Dispatch. Both editorials urge acceptance by the President of the Senate's recently passed version of the waterway user fee legislation—H.R. 8309. They make an eloquent case for compromise and reason.

The editorials follow:

GET GOING ON ALTON LOCKS

The Senate's 88 to 2 approval of an Alton Locks and Dam compromise supported by Missouri Sens. John C. Danforth and Thomas F. Eagleton should signal President Carter that his threatened veto defies logic.

The compromise worked out with the help of Louisiana's Sen. Russell B. Long appears to be as fair as could be expected. It would impose towboat diesel fuel taxes that eventually would total about $150 million a year in revenue. The administration is demanding still more than this, insisting on $30 million additional tolls to apply to construction costs of other waterway projects.

Sen. Danforth is justified in terming the threatened veto unreasonable. If the president sticks to his stubborn position there ought to be enough votes to override him.

Before a bill reaches the president's desk an agreement will have to be worked out between Senate and House conference committee members. Under the Danforth-Eagleton-Long formula the government would start collecting diesel taxes starting at 4 cents a gallon and rising to 12 cents after nine years. The House already has passed a bill calling for a maximum 6-cent tax. There should be no great obstacle to agreeing in conference to a figure somewhere between 6 and 12 cents.

The President ought to appreciate that the principle of user fees, which he sought, is firmly established in the Senate bill. There is plenty of room down the road for adjustment in the rate of taxation. Barge operators, who oppose user fees, are becoming reconciled to the inevitable. Railroads, desiring stiffer user fees on the waterways, should overcome their disappointment and drop objections to the project.

Replacement of Alton Locks and Dam 26 has been a vital necessity for years. Business groups, farm organizations and construction unions have been strong in support of the project, while environmentalists have opposed it. Even if final approval is forthcoming soon there could be a long delay in getting work under way because of court challenges.

The project is vital to the economic growth of mid-America, up the river and down the river.

Reasonable user fees that make barge operators pay their way are a sound approach toward insuring fair competition with railroads and trucks. Excessive taxes on the barges cannot be justified.

President Carter, presently on a trip to mend his political fences, ought to rethink his stand on the Alton dam proposal which is part of a $2.5 billion public works parcel. He could wind up a big loser if he makes the wrong move.

Get going on new Alton Locks and Dam!

LOCKS AND RIVER FEES

If President Carter is as determined to veto the new Alton dam and lock bill as Secretary of Transportation Adams says he is, the president is inviting unnecessary political trouble for himself and a disservice to river commerce and the Midwestern region it serves.

Mr. Carter may not be getting anything close to what he wants in the bill the House passed last year, which would impose an initial tax on barge line fuel of 4 cents a gallon and raise it to 6 cents in 1981. But on an 88-to-2 vote the Senate offered him a fair compromise between his demand and no riverways taxes at all.

This measure, pushed by Missouri's two senators, would authorize a new lock and dam at Alton and start user fees at 4 cents, raising them to 12 cents by 1985. It was the culmination of several Senate efforts at a compromise with the administration's original, unprecedented and untested idea that user fees ought to return to the government all its riverways' maintenance costs and half its capital expenditures.

On the way to a compromise, the administration also compromised somewhat. It supported a measure by Sens. Stevenson of Illinois and Domenici of New Mexico that was intended to require the barge industry to repay 10 percent of the costs of new construction projects on the river. The Senate rejected it, for good reasons.

The main one was that, since no user fees have ever been charged on America's waterways, no one can know what their effect will be on the barge lines, or on the region they serve and its shippers and consumers. The barge companies had estimated that the original administration concept of fees would amount to one-third of their gross revenues, which could prove ruinous.

The administration-backed compromise called on the Department of Transportation to study the imposed charges and develop a schedule of fees. This was putting the cart before the horse, as a dam proponent said, and so was making the single Alton project a hostage to a new fee system. In contrast, the Senate bill delays the fees until construction of the new lock and dam has begun, and it graduates the fees slowly enough so that the DOT can complete a study of their economic effects in time for Congress to review them.

After all, the administration concedes the need to replace the Mississippi River bottleneck known as Locks and Dam 26 at Alton, and even the barge lines concede the fairness of some user fee system to help pay, in effect, for their subsidized roadbeds. Most modes of transportation are subsidized, of course, but most also pay back some of the federal money. The issue is what is fair for the barge lines, and Congress will need some experience with the initial fee system to discover the answer.

If the administration is interested in establishing the precedent of riverways user fees, and interested at all in a new lock and dam at Alton, it ought to accept something like the Senate bill. That measure faces a conference committee, but it is closer to what Mr. Carter wants than the House bill. If, on the other hand, the administration insists on making the Alton project contingent on high barge line fees, the river system and the Midwest will get nothing, and if it vetoes the final congressional legislation, the administration is likely to get nothing. In an election year, a veto may well be overriden.

Somewhere along the line this administration ought to learn to recognize a rational compromise when it is offered one. Otherwise its programs will continue to face a watery route through in Congress.●

BOEING'S AWKWARD POSITION

● Mr. ABOUREZK. Mr. President, an article by Eric Prokosch and Gordon Foer in the April 25, 1978 edition of the Philadelphia Daily News on the sale of five Boeing Vertol helicopters to Argentina illustrates two possible consequences of our sales of ostensibly nonmilitary equipment to foreign countries. First, American equipment sold for nonmilitary purposes can easily be used by recipient countries to repress their own peoples. Second, American labor which is supportive of their fellow union workers in foreign countries produces the very equipment that is often used to suppress these unions.

I ask that the entire article be printed in the RECORD.

The article follows:

BOEING'S AWKWARD POSITION

(By Eric Prokosch and Gordon Foer)

The proposed sale of five Chinook helicopters to Argentina's military, dictatorship places Boeing Vertol workers in Ridley Township in the awkward position of producing weapons for a country that suppresses organized labor.

The $27-million helicopter sale, announced Feb. 1, would provide Vertol employes with badly needed work at a time when U.S. Army contracts have been cut back.

The dilemma is that those helicopters may be used by the dictatorship to crush strikes and take over strikebound factories. Two of the five are being sold to the Argentine Army, according to Vertol sources. Three will go to the Argentine Antarctic Directorate.

The U.S. State Department, which must approve that sale, needs to ask: What assurance is there the helicopters, even though sold unarmed, won't subsequently have weapons mounted or be diverted from Antarctic duty and used for labor-busting or other human rights violations?

Argentine has traditionally had a strong labor movement, especially in its mining and auto industries. But since the military junta took power in March 1976, trade union activities have been suspended, the right to strike has been revoked, and soldiers have been sent in to run factories where discontent has resulted in slowdowns or work stoppages.

Union leaders have been jailed, have disappeared or been killed by right-wing assassination squads acting with government complicity. Workers who protest reportedly have been arrested or shot on the spot.

Amnesty International estimates that as of January 1977, the military junta held at least 6,000 political prisoners, and that 15,000 people have simply disappeared or been assassinated.

Since the 1976 coup, Argentine workers have been hit hard as the government lifted price controls and froze wages. Real wages had risen to 125 percent of the 1960 level before the coup; afterwards, they dropped to 58 percent of the 1960 level.

Two AFL–CIO officials who visited Argentina last September wrote that "according to Argentine labor sources, economic conditions for workers have never been worse." They cited "rapidly worsening real wages of Argentine workers" and "the appearance for the first time in the last quarter-century in that nation of hunger, real hunger.

"In dollar terms, the wages in Buenos Aires are around $35–$50 per month," they wrote. "A decent meal in an average restaurant in Buenos Aires costs at least $10 today.

The AFL–CIO officials noted that "the right to strike and to bargain collectively has been canceled . . . the destruction of the national and state or provincial levels of the trade union movement will bring nothing but chaos to the already tarnished spectrum of social institutions in Argentina."

The Chinook, described by Boeing as "the world's best medium lift helicopter," could be used to carry troops and supplies to strikebound mines and factories in outlying areas. The junta has used soldiers, guns and tear gas to stifle labor protests by forcing people back to work and arresting those who refuse.

In Vietnam, the Chinook was used extensively for transport and rescue. It also was used for defoliation and as a gunship. Its ability to operate in mountains and jungles makes it suitable for a large country like Argentina, with its diversity of terrain and climate.

Argentina's deplorable human rights record prompted Congress last year to cut off U.S. military aid and training. It would be consistent with that decision if the State Department and Congress also refused to allow the Chinook helicopter sale.

Boeing Vertol is in the difficult position of depending on the deadly arms trade to stay alive as a company. This paradox points to the importance of planning for economic conversion—the transformation of military weapons-producing plants to civilian work that would provide stable employment and products of benefit to everyone.●

TO KEEP THE PRESSURE ON CHILE

● Mr. KENNEDY. Mr. President, in 1976 Congress voted to terminate U.S. military aid and supply to Chile on the grounds that this South American country was in gross violation of human rights. This was a laudable action—one which helped give us, the Chilean people, and the entire world community a solid base on which to build and establish a fair and humane government in Chile.

But this was only one step in the right direction.

General Pinochet is still in power and continues to rely on his secret police.

We still do not know the whereabouts or condition of 1,500 "disappeared" political prisoners.

Chileans continue to be arrested without warrants.

The people of Chile continue to be denied the right of free speech.

On May 4 I spoke out against backdoor aid to Chile, in the form of military and economic assistance from the private sector. At that time I also voiced my opposition to $38 million in CCC wheat credits for Chile, which will be used to enhance Chilean exports, not to feed the Chilean people.

In a recent editorial, the New York Times warned that these credits could be seen as an "easing of pressure" on General Pinochet and called for the United States to "keep the pressure on Chile." I strongly agree with the Times that "it would be a mistake to ease the pressure just as it begins to have positive effects. Better to use the present opportunity to extend the modest gain into a major one." I request that this editorial be printed at this point in the RECORD.

The editorial follows:

TO KEEP THE PRESSURE ON CHILE

Human rights are getting a little more respect from Chile's military Government these days, after more than four years of unmitigated repression. Much of the credit belongs to the United States Congress and the Carter Administration. Washington has applied steady pressure on the Chilean junta by ending military assistance and making economic aid contingent on relaxation of the repression. Unfortunately, an agricultural credit approved last week will be seen as an easing of the pressure, which should be maintained.

The first piece of encouraging news from Chile came in early March, when the state of siege was finally lifted. Since then, most of the acknowledged political prisoners have been granted amnesty, more civilians have been added to the Cabinet and plans for a new constitution have been accelerated. But much of the apparatus of repression remains intact. A state of emergency is still in effect. The amnesty leaves untouched hundreds of "missing" persons. The constitutional preparations are taking place in a political vacuum, with the main parties banned, trade unions restricted and dissent severely punished. Most important, a powerful secret police force continues to operate above the law and outside the formal command structure—a private political army of intimidation, loyal only to President Pinochet.

The firm United States stance, maintained in the current investigation of the 1976 murder in Washington of Orlando Letelier, the Allende-era diplomat, has had its effect. Many of the military and right-wing civilian supporters of the junta want to see Chile break out of its diplomatic isolation; their pressure for less arbitrary rule has evidently contributed to the recent lifting of some of the bars.

The State Department, which praised the improvements, should now focus on the remaining areas of greatest concern. Chile should agree to admit United Nations investigators; it should further relax the state of emergency and restore the rights of political association and free speech; it needs constitutional controls on the domestic security forces.

It would be counterproductive for Washington to rule out an eventual rapprochement with Chile or to demand the re-establishment of pre-coup conditions. But it would also be a mistake to ease the pressure just as it begins to have positive effects. Better to use the present opportunity to extend a modest gain into a major one.●

URUGUAYAN OPPRESSION

● Mr. ABOUREZK. Mr. President, 2 years ago in May of 1976, two Uruguayan democratic leaders were assassinated in Argentina. The victims were Congressman Hector Gutierrez Ruiz—Speaker of the Uruguayan House of Representatives—and Senator Zelmar Michelini. Both had been living in exile in Argentina since the 1973 military coup in Uruguay. When the military took over in Argentina, Uruguayan security forces began to operate freely in that country with no limits to their actions.

Democratic opposition leader, Senator Wilson Ferreira Aldunate, who miraculously escaped with his life when his colleagues were murdered, recently visited the United States and described how Argentina and Uruguayan forces continue to collaborate in repression.

I think, Mr. President, that the best way to honor these prominent leaders who died defending democracy and freedom is to continue the struggle for those principles and ideals.

Uruguayans continue to disappear in their own country and in Argentina. We need some kind of refugee program to deal with this situation. Day after day the repression continues to worsen in Uruguay, the homeland of Gutierrez Ruiz and Michelini. The Government of Uruguay must know that so long as the conditions continue like those which lead to the assassination of these two democratic leaders, relations with the United States will not be entirely normal.

Uruguay today has the highest percentage of political prisoners in the world and a few days ago Amnesty International released a new list of people recently assassinated in Uruguayan jails. But through all of this the Uruguayan love of democracy is still alive among the people and the day is not far away when democracy and the rule of law will be restored in the homeland of Gutierrez Ruiz and Michelini.●

FLOYD HASKELL: KEY CONTRIBUTOR TO ETHICS LEGISLATION

● Mr. RIBICOFF. Mr. President, on the occasion of the first filing of public finance disclosure statements under the new Senate Code of Conduct, I would like to publicly note the enormous contribution to the enactment of the Senate Code of Conduct made by my colleague from Colorado, FLOYD HASKELL.

FLOYD HASKELL had been actively working for full public financial disclosure and a stringent Code of Official Conduct well before the passage of such provisions became popular or inevitable. To a large extent, the ethics rules and regulations passed by the Senate this Congress are based upon legislation FLOYD

HASKELL introduced in the 93d, 94th, and 95th Congresses.

The contributions of Senator HASKELL are most visible in the two so-called ethics packages passed by the Senate last year. Senate Resolution 110 created a Senate Code of Official Conduct. In addition to requiring full public financial disclosure, Senate Resolution 110 restricts outside income and lobbying by former Members, and establishes stronger enforcement procedures for the Code of Conduct. It bans lameduck travel, sets new standards on the use of the frank, bars discrimination in Senate employment and tightly restricts the receipt of gifts.

Senator HASKELL not only contributed legislative ideas which were incorporated into this code, but he also helped create the climate which made such a code possible by his personal voluntary financial disclosure each year well before such disclosure was required by the Senate rules.

The second major piece of ethics legislation passed by the Senate last year is S. 555, the Public Officials Integrity Act of 1977. That legislation incorporates the financial disclosure requirements of the Senate Code of Conduct into statutory law—thereby providing criminal and civil penalties for failure to file the required information—and applies the same financial disclosure requirements now imposed on us to high level officials in the executive and judicial branches. This legislation also draws on a key concept originally proposed in legislation introduced by Senator HASKELL by creating an Office of Government Ethics in the Civil Service Commission. This Office would be responsible for executive branch enforcement of the new financial disclosure and ethics provisions.

FLOYD HASKELL's legislative proposals have been years ahead of the rest of the Congress and have contributed innovative and responsible ideas ultimately adopted as part of the Senate Code of Official Conduct and the Public Officials Integrity Act.

Mr. President, Senator HASKELL has long correctly stated that it would be wrong to enforce higher standards of conduct on executive branch officials than we impose on ourselves. The Senate Code of Conduct and the Public Officials Integrity Act set tough but fair public financial disclosure requirements equally applicable to those in all three branches of the Federal Government in a large part because of the dedicated and effective work of FLOYD HASKELL.●

HEW'S 25TH ANNIVERSARY

● Mr. MAGNUSON. Mr. President, yesterday was the 25th anniversary of the Department of Health, Education and Welfare. They held a little "birthday" party and it was a festive occasion, attended by a number of Members from the Senate and the House. I was honored to be included in that ceremony.

From a relatively small beginning, HEW has grown over the past two decades. Much of that growth we required by the enactment of legislation approved by the Congress, by six Presidents and with the overwhelming support of the American people.

HEW has grown in importance to the American people and our economy. It is truly a people's agency of Government. For the young and the elderly, for those of all ages who are handicapped or facing temporary setbacks HEW is the lead agency of the Federal Government in helping to meet the special needs of our fellow citizens.

While HEW is on the firing line in helping to meet those needs, it is equally on the firing line of criticism—some justified, and that we in the Congress, along with the President and all administration officials, constantly address. There is always room for improvement in the effectiveness of Government programs and in their efficiency. No one is more dedicated to bringing that about than the Secretary of HEW, Joseph Califano, and all of his associates.

Secretary Califano reviewed the missions of HEW yesterday. His remarks were most appropriate, to the occasion and to this time when the costs of Government programs are of equal concern to all of us. I wanted to see that his remarks received wider attention and I would like to have them printed in the RECORD.

The remarks follow:

REMARKS BY JOSEPH A. CALIFANO, JR.

"The moral test of government is how that government treats those in the dawn of life, its children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy, and the handicapped."

In these words, on a day last November when we dedicated this building to him, Hubert Humphrey expressed a part of his philosophy—and he summed up eloquently the mission of this Department. For this Department, through twenty-five turbulent years, has devoted itself to helping the most vulnerable of the nation's people: Those who are very young or very old; those who are sick, or poor, or handicapped. We are the agency through which this government has sought to meet and measure up to that exacting moral test of Hubert Humphrey's: To hold a light aloft for those who live in the twilight or the shadows.

This Department represents the greatest act of compassion of any society in the history of civilization.

What can we learn from its twenty-five years of effort and struggle?

For me, there are three conclusions to be drawn, and the first of them is this: The efforts of government to deal with social problems—to effect social change—can be successful; sometimes spectacularly so.

Consider these bits of evidence:

Between 1965 and 1975, the number of American families living in poverty was reduced by half—from more than 30 million to about 15 million; from 15 percent of our population to about seven percent. That is an achievement every bit as exciting as the landing of a man on the moon. And it happened, in large part, because of this Department.

In only ten years, the proportion of young black Americans entering college has doubled. Today a high school graduate who is black has almost the same chance to go to college as his white classmate. That, too, is a striking social achievement. It happened in large part, because of this Department: Its programs of equal opportunity; programs of educational enrichment; programs of student financial aid.

Life expectancy in America has grown in the past few years, and infant mortality has declined—largely because of programs administered by this Department: Medicaid and Medicare; programs of maternal and child health; programs of scientific and medical research sponsored by the United States Government.

It is a measure of our high standards as a nation that when such things happen, we quickly take them for granted. We Americans accept, as routine, advances that in other ages and other nations would be hailed as revolutionary.

In an age of deep pessimism about the capacity of government to do almost anything right, such achievements come as rays of light. They are not reasons for government to congratulate itself, but for the American people to congratulate themselves. Such achievements are signs of our national health: signs that our nation is not only coping with its problems, but often overcoming them. That in itself is cause for celebration.

The daily work of this Department may seem prosaic: writing regulations, dispensing Federal funds, mailing out forms, gathering statistics.

The results are anything but prosaic; they are of breathtaking diversity and deep impact. We measure them, not just in budgets and organizational charts, but in other ways: in the delight of a child watching Sesame Street; in our pride when a scientist at the National Institutes of Health wins the Nobel Prize; in every hard-won victory of a handicapped person or mentally retarded child against great odds.

I think it is entirely fitting after twenty-five years, for the American people to remind themselves of these successes—and for us to rejoice in them.

The second lesson of these years has to do with the omnipresence of controversy: This Department was born in controversy, has lived amid controversy, and will probably celebrate its fiftieth anniversary in the midst of controversy.

And that is as it should be.

For HEW, after all, pricks our national conscience; it touches our most sensitive national nerves. We are not only the largest government Department; we also deal with the largest issues.

We confront a tangle of social problems which are difficult to define, much less solve: discrimination; poverty; medical ethics. We are charged by law to deal with human difficulties that other institutions—the family, the schools, the national economy—have failed to solve.

And we must deal with these problems in the open. We must accommodate, somehow, all the competing, contending views of this diverse, contrary nation; we extend ourselves to serve the interests of young and old, black and white, Hispanics, Eskimos and Indians; women and handicapped citizens.

But the controversies that are a feature of life in this Department are also a blessing, however mixed. For they are the debates of a lively democracy—the earnest discussions of a people who not only care, but care passionately.

I believe, quite simply, that the crosswinds of opinion and controversy that blow constantly through this Department blow not ill, but good for America. They do not chill our national life. They invigorate and refresh our democracy.

I would draw, finally, a third lesson: A lesson about the virtues of efficiency. This Department has grown tremendously since it was founded. In 1953, its total budget was barely $7 billion; next year it will reach $182 billion, a 26-fold increase in 25 years. In 1954, we were 35,000 employees. Today, we are 145,000 employees and we pay the salaries of another 980,000 state, local and private employees. That growth, thrust upon us by the Congress and the American people, has created a more just and caring society; but that

growth has also come, sometimes, at the expense of efficiency.

For years, the foremost challenge that faced us was to tackle the unfinished business of a generation: to launch compassionate new programs; to address problems that the nation had not faced, much less solved.

Today our challenge is no less awesome: not only to meet the needs of our people for social justice and a higher standard of living—but also to answer another demand of the American people: their demand for careful, prudently managed government. Ours is the challenge of expressing compassion—but compassion disciplined by competence; we must be as wise as we are caring.

Nothing less will work, in a time of limited resources. Nothing else will do, if we are to restore people's confidence in their government. That is why HEW has recently embarked on an historic effort to increase the efficiency of its programs; to root out fraud and abuse; to streamline the machinery of Government. Without these efforts, our compassion would be a flabby, sentimental, aimless thing; we would be like a physician overflowing with sympathy for his patients—but lacking the skill or the medicines to treat them.

I believe that I speak for every past Secretary of this Department—and for all the devoted people who serve in this Department—when I say that these three things—the satisfaction of great achievement; the excitement of great controversy; and the unending challenge to do better—are the things that make this Department the most exciting and rewarding of all government departments. We would rather be here at this moment in history than anywhere else in the public service: here in the Department of the People.

Today I bring a pledge, from the people of HEW, to the American people whose stewards we are:

We are determined to build upon these achievements of twenty-five years; determined to emerge from the controversies of today with policies that serve all the people of this varied and vital land; determined to do good, and to do it well.

As we seek to do these things; as we seek to meet the moral test that Hubert Humphrey set forth and that he met so well in his own life, we can profit by the words of two other national leaders.

One is Lyndon Johnson. More than any other President before him, he shaped the mission and the programs of this Department. He once described his vision for America this way:

"The Great Society is not a safe harbor, a resting place, a final objective, a finished work. It is a challenge constantly renewed, beckoning us toward a destiny where the meaning of our lives matches the marvelous products of our labor."

And this week, in a telegram concerning this anniversary, Lady Bird Johnson recalled some other words of his that describe our nation and—I believe—this Department: ". . . always becoming, trying, probing, falling, resting and trying again; but always trying, and always gaining."

The other words are from another President who today challenges us with a simple, insistent question: "Why not the best?"

How well we answer that question will shape the next twenty-five years of this Department—and of this nation. We are looking forward to doing a good job.

Thank you.●

WHERE LAUNDRY IS THE FLAG AND VIOLENCE THE WAY OF LIFE

● Mr. ABOUREZK. Mr. President, Joe Klein, a reporter for Rolling Stone magazine, recently visited Southern Lebanon and Israel. His observations are extremely interesting and I hope will be read by all Members of Congress. I ask that it be printed in the RECORD.

The article follows:

WHERE LAUNDRY IS THE FLAG AND VIOLENCE THE WAY OF LIFE

(By Joe Klein)

I: THE LAUNDRY IS THE PROUD FLAG OF FATAHLAND

It had been so horrible, so difficult to understand, that the woman was still searching for an appropriate response two weeks later and, not finding any, she giggled nervously. "We were eating breakfast when the planes came. I saw them in the window. They threw bombs on the village and all the houses fell upon each other. I was pulled out from under the stones. More than twenty children were killed." The woman smiled. She was small and dark, and had a cast on her left leg. She was Lebanese.

"Ask her if any other members of her family were hurt," I said to the Palestinian doctor, who was translating.

The woman nodded. "Two of my daughters are dead. They are under the stones."

"Ask her why the Israelis dropped the bombs."

"I don't know," she said. "I think there is a quarrel."

"Ask her if there were any Palestinians in her village."

"Only one, an old man."

"Ask her what she will do now."

She giggled, embarrassed this time. "I want to leave the hospital and sleep with my husband."

We were in the Red Crescent hospital—the Palestinian equivalent of the Red Cross—in the port city of Sidon, the first stop for tens of thousands of refugees fleeing the Israeli invasion of southern Lebanon in March. It was a small hospital, and all the serious cases had been moved to better facilities in Beirut. Now the doctors were beginning to think in terms of the larger health problem: how to care for the masses camped out in schools, in vacant apartment buildings, mosques, soggy tents and alleyways. That afternoon, Dr. Mohammed Musa was to make a survey of the refugee sites, and invited me to come along.

Dr. Musa is about thirty years old and prematurely gray. Despite all that he had seen, especially in the last few weeks, he still would wince and shake his head as we moved from school to school, visiting the poor, shattered families jammed together in classrooms. Usually there were two families, an average of twenty-five people, crowded into each small room, their belongings piled high against the walls, the women sitting quietly on the floor, the children running crazily through the halls and the men talking to each other in tight knots outside. In the first place we visited, a classroom had been turned into a bakery—the Palestine Liberation Organization was providing some flour—with large wheels of unleavened bread drying on newspapers on the floor. It was all the food they had, except for a few chickens strutting in the schoolyard. Also in the yard, tied to a pole at the end of the basketball court, was a cow that one family had somehow managed to bring along. Children followed us wherever we went, the crowd of them gradually swelling, competing for Dr. Musa's attention, a quick hug, a pat on the head. There were 200 people in that first school; 150 in the next; 300 in the next; several thousand in the next, a high school, and on and on.

The day turned hot and steamy, the faint odor of garbage became stronger as we moved from school to school. At one refugee site, a UN truck had pulled up and was handing out small quantities of sardines and bread. A crush of women was shouting at the men in the truck, reaching up their hands for more.

The last place we visited was a half-finished hospital construction site. We walked across several planks onto the foundation, then down a flight of stairs and into near-total darkness. As my eyes adjusted, I realized there were people actually living in the basement. There were perhaps 150 people camped out there. They had piled their belongings into feeble barriers that separated family from family on the cold concrete. It was damp, with pools of standing water that congealed into a stagnant lake down toward the open end of the site, where greasy light filtered down through the pilings. The air was thick with the smells of vegetables cooking, of the sickly sweet gas from the cookstove burners, of ——— and ———. It reminded me of one of those medieval woodcuts, a vision of hell.

On our way back to the hospital, we passed the concrete shells of unfinished apartment buildings. There was laundry hanging down from several of the balconies. "Do you see that?" the doctor asked. "Wherever you see the laundry, you find my people. The laundry is our flag."

In Beirut, laundry flew from the most unlikely places; there even were clotheslines on the balconies of luxury buildings, where armed guerrillas had led small bands of refugees into vacant apartments. Most of the others fleeing the South weren't so lucky, of course. They would live in their classrooms and tents until they found a niche in one of the existing refugee camps or decided to risk going back to their villages.

The process was nothing new in Lebanon: refugees had fallen upon the country like layers of sediment since 1948, when Israel became a state. Each new layer packed the camps tighter and made the refugees more militant. The angry Palestinians became a tumor inside the country, gradually building tensions among the Lebanese themselves. Finally, in 1975, a civil war exploded between the Moslems and Christians. It was a brutal, bloody war—thousands had been killed in hand-to-hand fighting. It had raged in the streets of Beirut, and now it was almost impossible to find a building that didn't have at least one bullet hole in it. Many were splattered with holes, exposing the gray cinder block beneath the soft tans and pale oranges of Beirut. In some sectors, the bullets created a vast concrete contagion—a pox—that seemed to leap from one building to the next, reducing some to rubble, leaving others crippled or merely scarred.

Beirut had always been well armed—like most American cities—but the civil war had touched off a mad rush for weaponry. Lebanese shopkeepers quickly added guns and ammo to the pyramids of cigarette cartons and liquor they sold on bridge tables along the roadsides, and now virtually everyone in town had a gun. The casual, almost jaunty, acceptance of violence was rather terrifying to an outsider. The tanks in the streets, the sandbagged machine-gun placements were routine annoyances to the natives; the occasional thin clatter of small-arms fire in the distance often didn't even interrupt conversations. The official cease-fire only had ended the official warfare: there were plenty of horror stories about random violence, about personal arguments resolved by gunplay, about cabdrivers losing their tempers in traffic snarls and coming out firing.

Lebanon once had been known as the Switzerland of the Middle East, and Beirut the most sophisticated city. But "civilization" had proven a flimsy defense against the militant irrationalities of religion and nationalism. Now there was chaos. Dozens of armies roamed the country, alternately blowing up buildings and directing traffic, shooting at each other and keeping the peace. Determining the exact number of armies was something of a sport among the journalists who hung out at the Commodore Hotel bar—a classic neocolonial outpost where events

in the war zone were reviewed and drowned each evening: there were the United Nations truce forces (France, Iran, Norway, Sweden), the Arab Defense Force (mostly Syrians, with help from Saudi Arabia, the Sudan and the United Arab Emirates). There were about six right-wing Lebanese Christian factions and about ten left-wing Moslem factions—and no fewer than eight Palestinian groups (affectionately called "the Pals" by the gang at the Commodore). And, of course, there now were Israelis in the South.

In the midst of all this anarchy, remarkably, the Lebanese bureaucracy continued to putter along, presiding over an imaginary country, providing some peripheral services—customs and a press office among others—but not the vaguest promise of safety.

The Palestine Liberation Organization also presided over an imaginary country. It existed, for the time being, within the borders of Lebanon—but geography was not an important consideration. It was a country defined by suffering and anger, and held together by an odd sort of ballistic theology; the central doctrine was salvation via the gun, and the dominant symbol was the Russian semiautomatic assault rifle, the Kalashnikov.

There also was an elaborate martyrology: the annointed were terrorist fallen in the hijacking of airplanes, the raiding of villages, the storming of buses. Those who died at the hands of Israelis were canonized immediately. Their pictures were plastered all over the refugee camps; their life stories became models for the children; their homes often became shrines. In some cases, the elevation of a new martyr was announced officially by WAFA, the Palestine News Agency: "Yasser Arafat proclaimed today . . ."

Rifles were everywhere in the narrow, busy streets near the Arab University in Beirut, where the PLO kept offices. The Kalashnikovs bobbled along on the shoulders of dark-eyed young dudes, casually dressed, who slouched through the area on patrol; the rifles jiggled on the knees of guards sitting mysteriously on bridge chairs in front of random buildings; they were cradled, clutched, leaned on and rested in every possible angle.

My first day in Beirut, I approached two young men standing like hunters in front of the PLO press office with rifles hitched up under their armpits, the snouts resting on their forearms. They smiled, shook my hand, and directed me up to the third floor, where there was a small waiting room for foreign press papered with PLO posters, all of which had one thing in common: guns. The most jarring were pictures of young children carrying rifles and trying to look defiant; also a drawing of a chorus line of Kalashnikovs parading into the Promised Land. Beneath a poster of Fidel Castro cuddling some children—one of the few that didn't include a gun—sat a Palestinian college student who handed me a form to fill out. With a minimum of fuss, I was assigned a PLO guide to take me down to the front lines in South Lebanon. The guide was a calm, soft-spoken young man named Naji, who had curly black hair and gold-rimmed eyeglasses. He was twenty-one years old; his family had fled the West Bank after the Israelis took the area in 1967, and now it was dispersed through Europe and the Middle East. Most of his brothers and sisters were well educated and holding down good jobs—a pretty typical story, since Palestinians have the highest rate of college graduates in the Arab world. When I asked him why, with his family doing so well, he was still intent on regaining Palestine, he said impatiently, "Because it is ours."

We were driven down the Lebanese coast in an old green Plymouth by a hired madman named Fouad, who felt no reluctance about using anything concrete—sidewalks, oncoming lanes—to get us where we were going. Also in the car were an American reporter and photographer, a woman and a man, who identified themselves as "freelancers" and rather pointedly left it at that.

It was a day of fast-moving, intense rainsqualls and pale sunshine. Syrian checkpoints slowed the traffic through the sad, ruined towns that had been classy Mediterranean resorts before the civil war. Just south of Sidon, at an oil refinery, we moved into territory controlled, de facto, by the Palestinians. *Fatahland*, the journalists called it. Now it was guerrillas—usually members of Fatah, the dominant PLO faction—who guarded the checkpoints. Most wore standard green fatigues, but others had on T-shirts, longish hair, and all sorts of wild paraphernalia. I saw one fedayeen wearing a cowboy hat, Texas Tech T-shirt and platform shoes. The guerrillas managed to affect a tough, street-smart pose and yet seem very friendly (later, I'd come across checkpoints where the Palestinians would stick their rifles into the car, then insist on shaking hands with everyone). In looks and attitude, they reminded me of a Puerto Rican street gang that had managed somehow to rip off a cache of rifles, grenades and grenade launchers. Some were very, very young: the Qasmieh bridge, the crucial north-south link over the Litani River and target of numerous Israeli bombs, was "held" that day, rather nonchalantly, by two apple-cheeked boys just pushing puberty.

"See those hills over there?" Naji asked, pointing to a line of gentle, green slopes running parallel to the road as we crossed the bridge. "The Israelis hold those."

South of the bridge, the Palestinians controlled little more than the coast road and the city of Tyre, a picturesque port with famed Roman ruins. Before the Israeli offensive, Tyre had been run by the PLO and left-wing Lebanese and called itself "The People's Republic of Tyre." Now it was mostly deserted. The Israelis, obviously wanting to clear the place out, had randomly bombed civilian neighborhoods. Naji showed us piles of rubble that once had been houses; bits of domesticity were trapped in the concrete: children's notebooks, men's shoes, splintered chairs.

We stopped at one pile that had been the home of Elias Moayed, a Lebanese fisherman who happened to be Christian. Moayed, his wife and three children had been killed in the attack, three others seriously wounded. The neighbors stood vacantly in the rubble, still stunned. Hasan Akandh, who had owned a grocery store on the first floor of the blasted house and luckily was out on an errand when the planes struck, said, "This house was the strongest in the area. When the Israelis came before, the people in the neighborhood would come here to hide. This time, the planes came too quickly and it was gone."

A woman named Latifa, a young mother who spoke English, said she hadn't heard the planes until they passed, and then, "They made a savage noise, a crying sound and then the explosions. I knew the people in this house. They were good people. Why do the Israelis make war against civilians? If they want to fight, why don't they make war against the commandos?"

I started to say that the commandos made war on civilians too, but realized it would be a difficult point to explain to someone whose next-door neighbors had been blown away.

Lee, the woman "freelance" reporter, approached with a tape recorder and asked, "Is there anything you'd like to say to the working people of America?"

Latifa looked at the machine, a bit nonplused and then exploded, "Why don't you Americans care about us? Aren't we people too? Aren't we human beings?"

We drove several miles south of Tyre, through banana groves, to the Rashidieh refugee camp: a thicket of narrow dirt alleys and cinder-block shacks tucked in behind a citrus orchard. It was deserted now, except for guerrillas who were older and more menacing than the ones we had seen on the road. These were on the order of tough, grizzled Mexican bandits. One of the guards, a vicious-looking man with randomly scattered teeth and a ratty old sweat shirt, briefly disputed Naji's credentials but then allowed us to pass into the camp with a motorcycle escort. At the top of a rise, a man with a telescope was sitting on a bridge chair looking out across a plowed field (studded with cluster bombs, I later learned, a mine field imposed from the sky) at the Israeli position not more than a mile away. When the car stopped, he came over and offered his telescope. "Want to look at some Jews?" he asked.

"Zionists," Naji quickly corrected him. The man shrugged and smiled. I felt nervous.

We walked down a dirt lane, past several shacks blasted by Israeli mortars, around a corner, and into a tiny, dark, damp cinder-block cottage with a rusting tin roof. About six guerrillas sat inside on army blankets, smoking American cigarettes and reading Arabic newspapers. One had a portable tape deck, which he switched on briefly. It was playing a *Star Wars* cassette. Most of them wore fatigues, although one had on a powder-blue leisure suit. Several Kalashnikovs rested in a corner; the man sitting next to me whittled on a piece of wood with his knife. A young boy entered with glasses of sweet tea on a tray.

The guerrillas decided to let Mohammad Hayaneen do most of the talking for them. He was an exotic-looking man, with high cheekbones, large, fierce brown eyes and dark auburn hair that lightened improbably into a streak of blond at the front. He was twenty-nine years old, had joined Fatah ten years earlier after the Six Day War, dropping out of college to do so. He was wearing camouflage fatigues and a black turtleneck, and sat with his legs crossed. When he spoke, it was quietly and without expression. He never looked at us. He said he'd grown up in a refugee camp in South Lebanon: "We heard our parents talk about the times of prosperity in Palestine, and we decided that our life was not worth living. It wasn't life. We had no rights. Without a homeland, we were worth nothing." He was reciting. I wanted to get in closer, find out more about growing up in a camp, about his parents, about how it actually felt to fight this sort of war—but it was difficult to make human contact across languages and harder still to pierce his discipline. What's more, the "freelancers" had taken over, bringing the greetings of the American working class, and asking questions like: "What is the role of American imperialism in this struggle?" As it happened, the guerrillas were quite well grounded in Marxist rhetoric and seemed to enjoy that sort of discussion. It was very frustrating.

Finally, the guy in the blue leisure suit asked them why, if the American working class was so adamantly anti-imperialistic, he kept hearing about "the workers' aristocracy in the United States and Europe?"

The Marxists (members of an obscure Midwestern splinter group, it turned out) spluttered, and I decided to see what effect the truth would have: "Most American workers have cars, houses and color television sets and they are satisfied with that. They don't feel they need to control the state. It may well be like that here too: many Palestinians may be satisfied with a state on the West Bank and Gaza Strip, and not want to fight to regain all the land."

The Marxists groaned, Naji shook his head and the guerrillas giggled. I tried to make

myself small, and the conversation moved on to the need for and glories of armed struggle. The meeting adjourned eventually for the obligatory photos, with Kalashnikovs, on the terrace. The two young boys who'd been serving the tea were summoned, handed rifles and instructed to smile for the American working class.

Back in Beirut several hours later, Naji took us into the Arab University, down several stairways that grew progressively smokier, past groups of Palestinian boy and girl scouts, through a thick crowd of people and into a jammed meeting hall. It was the Day of the Land, an annual commemoration of several Palestinian martyrs who died trying to prevent the Israelis from confiscating their land. Naji led us to the front of the hall and then left, saying he had work to do.

I looked around. It wasn't a huge hall—long and narrow, with maybe a thousand seats. But all the seats were filled, and the aisles were packed as well. Every last person—they were mostly young men—seemed to be smoking a cigarette. The room was lit by strings of bare light bulbs that transformed the cloud of smoke into a yellowish smog. PLO posters were all over the place. And in the front, where I stood, were gathered about a hundred men with guns of all different descriptions.

The weaponry seemed a bit much, even by Palestinian standards, until I glanced to my left and saw the entire leadership of the PLO, including Yasser Arafat, sitting in the front row. Each of them apparently had brought a half-dozen bodyguards. On the podium, making a rare appearance, was George Habash of the ultramilitant Popular Front for the Liberation of Palestine (PFLP). He was saying, I later learned, that it was very sad that the "offensive" against Israel had to be directed from eight separate war rooms. His seven colleagues in the front row sat quietly as the audience cheered.

When Habash finished, he sat down next to Arafat, not more than ten feet away from me. I watched them, the two most powerful Palestinian leaders, as they listened to the other speakers. Habash was strikingly handsome, with steel-gray hair and jet-black eyebrows, eyes, mustache, leather coat. He was an ideologue, not a politician, and felt no need to laugh at the other speakers' jokes, applaud their rhetoric or even acknowledge their existence. His presence at the meeting was for the benefit of the media: a show of unity after the Israeli offensive. Arafat, with his usual three-day stubble, was smaller, mouse-like, a politician. He laughed at the jokes, applauded the rhetoric. A large semi-automatic pistol dangled from his hip.

A strange thing happened just after Arafat began to speak. One of the bodyguards, perched atop a chair and straining to see, toppled over, his rifle clattering to the floor. There was a slight gasp in the hall, and the other guards moved instinctively for their weapons. If the gun had gone off, the place probably would have exploded. It occurred to me that, despite all the weapons, there wasn't much security. No one had been frisked. It wouldn't have been hard for an Israeli hit team to penetrate the room, wipe out the entire PLO leadership and maybe even escape in the confusion.

Arafat turned out to be a great speaker, spellbinding even in Arabic. The last two words of his speech were "until victory . . ." and he repeated them until the crowd picked up the chant: "until victory . . . until victory . . . until victory. . . ."

It was hard to believe that in the late 1950s, Yasser Arafat had been just another refugee, running a construction company in Kuwait. Palestinian nationalism seemed a wild idea back then, the plaything of a handful of Arab intellectuals. But as the refugee camps grew more crowded and conditions worsened, the idea began to take hold. Just as suffering in the Jewish Diaspora created the dream of Israel, suffering in the Arab diaspora had created Palestine. And now, in the dense, squalid anger of the camps, Palestine was the only dream around.

It had been nurtured in places like Sabra and Shattila, which form a vast running sore on the south side of Beirut, home to 210,000 people. Even after the spring rain, a patina of dust hung in the air; the narrow streets were packed with vendors and children; the walls plastered with the pictures of the "martyrs" from the Tel Aviv bus raid. In a winding alley between two of the jumbles of cinder block that pass for housing, I found several families that already had begun to seep into the camp from the South. We were beginning to talk via a PLO interpreter when a massive woman wearing men's pajamas under a housecoat approached and gently began to wring my neck. "Why don't you ask him about the F-15s and the cluster bombs?" She slapped me on the head, playfully, and then rested her arm on my shoulder as she reached down to pick up a pebble. "With this rock, I will liberate Palestine," she said, and the gathering crowd laughed.

I asked her name, and she said, "You can call me . . . Mrs. Sadat."

She began to tell her story: her family had been forced out of Galilee when she was a little girl. They had been tenant farmers, and the rich Arabs had sold the land to the Jews. When her father protested, he was killed by the Israelis. "They killed many of our young men. The rest of us came to this camp in 1948. I have lived here ever since."

"Do you have any children?" I asked.

"Twelve sons, and they are all fighting the Israelis."

"Aren't you afraid they'll be hurt?"

She shrugged, "It would be all right if eleven of them died in the war if the twelfth could die in peace in Palestine."

II: SECURITY IS A PHANTOM

Pa Za'el is a speck of green in the desert, surrounded by a Cyclone fence topped with barbed wire: a metaphor for Israel. It is one of the West Bank settlements, considered by the diplomats to be more a political statement—an Israeli attempt to hold conquered territories—than a community and, in truth, it does seem rather precarious. It is home to forty families who live along tiny avenues of squat, cement "security" houses with adjoining bomb shelters. The avenues are arrayed like spokes off a dusty, crescent-shaped community center. There is an empty swimming pool and a neglected basketball court—one gets the impression that recreation is an afterthought.

The settlement is a *moshav*, which means that equipment is bought cooperatively, but each family works its own piece of turf. The men are tanned and muscular, and seem to be more concerned with the upcoming melon harvest than the international negotiations that may, eventually, cause them to leave this place. One afternoon, a poised, handsome young farmer named Tuvia sat on the curved steps of the community center and told me about his father: "He spent several years in the Nazi slave labor camps. He had to stay strong. If he collapsed or lost his health, they would have shot him." It was, perhaps, the basic lesson taught to Israeli children through thirty years of statehood: stay strong or die. Tuvia had the simple, cleareyed conservatism of a man whose hands usually were caked with dirt from his fields—politics often seemed a simpler matter than the vagaries of irrigation. His arrogance was at once quietly disarming and remarkably narrow: "I want peace. The Arabs can live here, but we must stay here too. We must stay here for security." It was as simple as that.

The women of Pa Za'el were relentless homemakers and somewhat the worse for wear; invariably, their husbands looked younger than they. But then, the women were faced with the more difficult task of trying to impose permanence on a decidedly makeshift operation. They had created an atmosphere that resembled, when one forgot about the barbed wire, a garden apartment complex for young marrieds in the suburbs. There were no political posters or flags, but pathetic little flower beds and toys strewn about. Despite their best efforts, though, even the simplest ceremonies of domesticity seemed like acts of defiance.

Galia Kaspi had a Van Gogh still life on her living-room wall, a bookcase full of photo albums, and carefully arranged copies of *Good Housekeeping* and *Redbook* on the coffee table. She served Cokes and chocolate cookies and said, "We don't get Israeli television. We get television from Jordan. King Hussein is very kind to us: he gives us the news in Hebrew and in English every evening, and it is surprisingly objective."

Galia is an American, a graduate of UCLA who wanted to see what Israel was like and decided to stay. She has short, severely cut black hair and her pallor seems a shock, compared to the ruddiness of the men—her husband is lanky and brown, the picture of health. Galia isn't exactly unhealthy,; she's obviously a very tough woman. She has lived in Pa Za'el from the beginning, about seven years ago, and met her husband there. "I believed in the necessity of settling these territories for security reasons," she said, but there were deeper reasons too. There was the sense—an almost mystical sense that Menachem Begin conveys when he calls the West Bank its Biblical names, Samaria and Judea—that no matter what any politician said, this land was *Israel*. "We get our water from an ancient well that we found here," Galia said, proudly. "It's likely that the well was built by Jews and 2000 years ago Jewish people were drawing water from it, just as we are.

"This settlement may not seem like much to you, but it was barren when we came here. Now we grow green peppers, eggplant, tomatoes, watermelon and grapes. We sell off-season vegetables to Europe, and so we're able to do quite nicely.

The idea of "making the desert bloom" is at the very heart of Israel. It was the product of simpler times (colonial times, the PLO would say) when bringing civilization to the underdeveloped world—there was no such concept as a "Third World" in those days—seemed quite altruistic. There wasn't much thought given to the Bedouins who roamed the area freely and may have wanted their desert to remain unbloomed. It was perhaps the ultimate black joke that history played on the Jews: they, of all people, would be the last to carry the "white man's burden" of western progress into heathen territory with a clear conscience. Having spent centuries being kicked around by the Europeans for being Semites, they would now be kicked around by the Semites for being Europeans.

"What happens to you if this becomes a Palestinian state?"

It was as though the idea had never entered her mind. She seemed shocked: "It won't happen. It couldn't happen. A West Bank state would put them forty miles from the Mediterranean. It would be too easy for them to cut Israel in half."

"But what if it did happen? What would you do?"

"I wouldn't stay here," she said. "I wouldn't want to have someone stick a gun in my head when I was sleeping."

"But do you feel safe now?" I asked, as we went outside to the backyard. "There are all those militant Arabs who won't be happy until they have a Palestinian state."

"Let them have a state on the *other* side of the Jordan. It is the Arabs' problem—let them solve it."

"But you know that's no answer," I said, looking at the flimsy barbed-wire fence. "That fence doesn't seem like much security against all the anger."

A Phantom jet streaked across the horizon, then made a sharp, banking turn straight for Pa Za'el. "Oh, you're lucky," she said. "You're going to see a show."

We went around to the front yard. The plane dived down and buzzed the housetops and then pulled up. "He comes by every so often," Galia said. "His sister lives across the street and he comes by to say hello. Last week he was out in the fields with our men; this week he's up there."

The Phantom had turned again and was making another pass over the houses. A crowd had gathered in the street. People were laughing and applauding. Galia's husband, holding their young daughter, started to laugh. "Look, he has his landing wheels down." And he came in again, this time straight down the avenue of cement houses as though he were going to land. Several of the children grew frightened and started to cry. The jet seemed to approach faster and lower now; the ground trembled and the air buzzed with the shreik of the engines. The plane whipped through, up, off into the distant mountains, and the settlement grew quiet and drowsy again under a white-hot sky.

Galia smiled, "You were asking about security. . . ."

"Tons of explosives were hurled into the town that night, the incendiary shells creating frightening silhouettes in the sky . . . It was an awful lot of explosives to dump on a town that was supposed to have a maximum of 100 terrorists in it . . . It worked out to about a dozen 155 mm. artillery shells . . . for every estimated terrorist, not to mention the 20-odd tons of TNT dropped by the air force . . . The Israeli army once renowned for its Davidian finesee, was a huge stomping Goliath, hitting with all its might at places from which the terrorists had already fled.—JERUSALEM POST, March 24th, 1978."

It was in the name of security that the Israelis built and electrified the "good fence" that ran the length of the Lebanese border—but the guerrillas lobbed rockets over the fence and circumvented it by sea.

And it was in the name of security that the Israeli attacked and held South Lebanon—but the guerrillas, expecting the attack, had retreated with few casualties, and the Israelis had bombed civilians. It was a public-relations disaster and now, with guerrilla teams studded through the hills and quite happy to wage a Vietnam-style war of attrition, picking off a jeep here and a lone soldier there, the operation was in danger of becoming a military problem as well.

On a gorgeous day in April, with the exquisite perfume of orange blossom in the air, I entered Lebanon from the south with a dapper Israeli press officer named Uri, who owned a music store in Jerusalem and had six children. "If we come under shelling attack," he said, "leave the car immediately and dive down on the ground. I'm not so frightened of shelling—the shells must land very close to hurt you, and their aim isn't so good."

He had no advice to give, though, about the small-arms fire that began to rattle through a nearby village as soon as we crossed the border. He just said, "Keep moving," and I did, down a road that ran along the crest of a hill, thoroughly pitted by mortar craters. Off to the left, across a beautiful valley and perched on a green cliff, was Beaufort Castle—a ruined fortress built by the crusaders and held now by the Palestinians. It was within firing range of three villages held by the Lebanese Christians, and every so often the Palestinians would lob a rocket across—sometimes they would aim at traffic, like us, proceeding along the road. The Lebanese, for their part, had Russian tanks (gifts from the Israelis, captured in the Sinai from the Egyptians) aimed in the general direction of the guerrillas. It was a situation where Russian armaments fired on Russian armaments.

The dun-colored town of Marj'uyun, once rather prosperous, had been bombed by all sides, and only a few people—most of them selling cheap cigarettes and booze in the town square to the various armies in the neighborhood—remained. Rockets had smashed the sewer lines, and raw sewage flowed in the streets. On a wall in the square, the Lebanese Christians had scrawled in blue paint: "Norwegians Get Out!" It seemed hysterically funny: the Norwegian UN troops had just arrived two days before for their first military operation in many, many years. We drove down a steep hill, past mine fields marked with bright red and yellow signs, to see what was happening over at the Norwegian headquarters in the splattered town of Ibl as-Saqi.

The Norwegians were caught in a ridiculous political tangle. They were stuck in the roughest part of the "truce" zone, and no one wanted them to stay there. They themselves had requested an area where there wouldn't be any shooting, but now they were facing a Palestinian faction—mostly PFLP—that hadn't agreed to the cease-fire. When the Norwegians had stationed themselves in the town of Kawkaba the day before, the Palestinians had come out smiling, to shake hands. Then they returned to their positions and started shelling the place. The Palestinians obviously wanted to prove the UN presence meaningless; they wanted to force the Israelis to stay in the area and fight a guerrilla war. They also wanted to be able to continue calling the Israelis expansionists, who used "security" as an excuse to grab Arab lands.

The Lebanese Christians, meanwhile, wanted the Israelis to stay too. They didn't have much faith that the Norwegians would be able to protect them from a Palestinian massacre once the Israelis left—and they were probably right. The Norwegian commander was explaining the complexities of his situation—the UN wouldn't let him pull back *or* fire back—when we heard the resonant *thunk* of mortar fire. Several Norwegian reporters and I ran up to the roof of a building from which we could see the Palestinians shelling Kawkaba. Actually, we could only see wisps of smoke rising from the next hill.

I asked a Norwegian officer with binoculars where the shelling was coming from.

"I don't know."

"But could you give me a general idea of where the lines are?"

"There are no lines," he said, a statement worthy of Vietnam.

It was a wonderful image: the poor, confused, sunburned Aryans—some wearing silly paper cones on their noses to protect them from the sun—in their neatly pressed, rather spiffy uniforms, pinned down in the midst of vast hordes of sloppier but much more efficient Semites. The Norwegians were refreshingly unmilitary, unbloodthirsty, inept—the sort of people Jews once had been, but were no longer.

Israel was, quite obviously, a garrison. Soldiers, both male and female, clogged the roads, hitching rides. My car was always filled with them. At first I figured there were so many soldiers visible because of the Lebanese invasion, but then it dawned on me that this was *normal*.

Israelis had become inured to violence and, often, insensitive to it. The reports of Israeli terror-bombing in southern Lebanon were all too easily dismissed with shrugs and, "So, they kill our civilians, too." The constant tension, the fear of attack, the sense of impending doom—all of it numbed and debased the Israelis. Uri, the dapper press officer, told me about his youngest son, who recently had become old enough to be curious about his grandfather's death. "How was he killed?" the boy had asked.

Hillel Schenker is thirty-six, a small man with dark, curly hair turning gray, and large, soft brown eyes. He is an intellectual, a writer, a folk singer, an editor of the socialist magazine *New Outlook*. He is unfailingly rational and so gentle in his ways that he never curses. (In fact, he told me an interesting thing about cursing: Hebrew, which had been dead except for religious purposes before it was resurrected as the national language, *had* no curses, and so the Israelis borrowed some from Russia, Arabic and Yiddish.) Obviously, he is not a martial sort, but in Israel everyone has a war story, even Hillel Schenker: when he serves in the army, he sets mine fields.

"I realize I may have killed people," he says. "But I look at it this way: mines are defensive weapons. When we lay a mine field, we mark it very clearly—it's required by the Geneva Convention—so the function usually isn't to kill the enemy, but to slow it down. If the Arabs decided to attack us, they would either have to clear the fields or go around them and, theoretically, that would give us more time to prepare our defenses."

Hillel served in the Yom Kippur War in 1973, mining the Golan Heights. One day his unit was at work in a field—they eventually learned that it was safer to put down mines at night—when the Syrians opened fire and he jumped down into a ditch. There were five corpses in the ditch. "It was disgusting, and one of my friends began to vomit. My thoughts were strange: my first thought was, 'Thank God, they're theirs.' But when we looked closer, it turned out that two of them were ours. They had all looked the same. We saw many dead bodies during that operation and—you talk about people being brutalized—some of our men wanted to take their watches and valuables: you know, the spoils of war. We had a big debate about it and finally an officer came up with a compromise: we would be allowed to take their weapons, but no personal belongings.

Hillel told me that story on a bus to Herzliyya, the suburb of Tel Aviv where he lived. It was a warm, pleasant night, and the streets of the town were crowded when we got off the bus. In the first block, I saw about a half-dozen soldiers, several carrying nasty-looking weapons, and two little old men patrolling the street with carbines. "Did you see that?" I asked.

But Hillel hadn't seen the old men, or any of the others. He was used to seeing guns in the street. "I can't get over the fact," I said, "that someone like you knows how to use an M–16 and lay mines."

He laughed. "It would be a lot stranger if I didn't, given our circumstances here."

Actually, the strangest thing about Hillel, given the circumstances, was how hard he fought to remain rational, how devoted he was to solving problems that most likely had no solution. There was no doubt that a special series of events—the centuries of persecution, the Holocaust—had made a Jewish state absolutely necessary; there could also be no doubt that Zionism—the formation of a new country on the basis of race (or religion or whatever it is to be Jewish)—seemed a form of racism to the Arabs, who had the misfortune of being born on the lands the Jews had staked out. It was one of those untidy situations where both sides had a case, and where decisions were made emotionally. Hillel refused to deal with the past altogether: "It's not important now what happened thirty years ago. The important thing is that Israel exists, the Palestinians exist, and how are we going to find a way to live together peacefully?"

"But how do you convince Israelis to trust the Arabs," I asked, "when there's no earthly reason why they should trust the Arabs?"

"You do it slowly," Hillel said, and he

spun out an elaborate scenario for a gradual withdrawal from the occupied territories, a gradual establishment of what he called a Palestinian "entity." It was all very complex, with third-party guarantees and clauses and exceptions—and quite probably impossible, since there wasn't exactly a bull market for rational thought in the Middle East. But Hillel was calmly optimistic. There was a growing peace movement in Israel. It wasn't very radical: the leaders made vague statements about peace being more important than occupied territories, but no definite proposals . . . and not a word about Palestinians. Still, it was good to see PEACE Now bumper-stickers on cars, and the crowds gathered around the petition tables in downtown Tel-Aviv. It was, in fact, the first really positive trend Hillel had seen in years.

The grand socialist tradition that he'd been born into—the tradition that had, in large part, built Israel—was clearly on the wane. The kibbutz movement was stagnating. The Mapam party, the bastion of leftist Zionism, seemed archaic and a bit irrelevant. It certainly didn't make much sense to the Oriental Jews, the refugees from Arab countries, who seemed more interested in taking a hard line against their old Moslem oppressors than indulging an old European fantasy. They formed a vast underclass in Israel, the base of Menachem Begin's right-wing coalition. (There were rumors, too, that the Oriental Jews' desire for revenge was responsible for the Israeli army's recent tendency toward brutality in Lebanon and on the West Bank.)

But it was too easy to blame it all on the Oriental Jews. There also was a whole new generation of Israelis who didn't care much for the old socialist establishment. It was softhearted, humanitarian, while they were battle-hardened. There was a tendency toward selfishness and practicality among the young. Several women complained to me that there was a revival of *machismo* in the country; but then, the women admitted, *machismo* was probably the easiest way for a young man to deal with the insanity of a situation in which he had to kill or be killed. There wasn't much room for sensitivity in a warrior state. It was odd and rather sad that here, as in Beirut, "civilization" was proving a flimsy defense against the forces of nationalism and religion.

No, it was worse than sad or odd. It was a crushing irony: for centuries, Jews had carried "civilization" through a dark world that saw it (and them) only as a disease to be eradicated. Now, finally, in order to hold onto their dream of nationhood, they had to become less civilized.

III: AN ARAB'S STORY

In 1940, a road gang worked near the town of Nazareth under the direction of a young Arab. Yusuf Khamish was eighteen and very frustrated. He had wanted to go to the university, but his father didn't have the money. So he was stuck with a boring job, supervising Arabs from town and Jews from a nearby kibbutz. He didn't like the Jews; they scared him: in school, the British taught him that kibbutz Jews didn't believe in God and didn't have families.

One day the kibbutz sent, as part of its crew, an old man. "You can't work," Yusuf told him. "It's too hot for an old man."

"Nonsense," said the man. "Of course I can work."

Yusuf hesitated, intrigued. "Well . . . come with me," he said. "You'll work inside today."

It turned out that the man was a professor of economics, a Marxist. They had long discussions together, and the professor began bringing Yusuf pamphlets about the Russian Revolution, then books. He taught Yusuf not to hate his father for being too poor to send him to college: the capitalist system was to blame. He gave Yusuf a beautiful vision of the future, when all people would live and work together in peace. One day the old man came to work and said, "You must come to the kibbutz with me. The leaders want to talk to you about building an access road."

"No," Yusuf blurted, a reflex action.

"Don't be silly," the professor said. "We won't hurt you."

Yusuf stayed at the kibbutz for three weeks, saw socialism in practice and became a true believer. He was arrested twice in the next several years. First by the mufti of Jerusalem, for being a radical. Then by the Israelis, for being an Arab radical. He quickly was sprung by his friends in the Mapam party and decided to stay in Israel even though many other Arabs were leaving. The growing forces of Jewish and Arab nationalism seemed, well . . . irrelevant to the class struggle. And hadn't the Russians aided the Israelis in those first days of independence?

Unfortunately, though, most Jews weren't like the old professors. Yusuf saw there were cases where Arabs were brutalized, their lands confiscated, their civil rights abused. But he was safely in the Mapam cocoon by that time, rising through the party ranks, becoming a public figure, eventually getting elected to the Israeli parliament, the Knesset.

Now, as he sat with me in the cafeteria at Mapam headquarters, a middle-aged man with thinning white hair and cocoa skin, Yusuf Khamis seemed a rather lonely figure, an oddity of history. He was not tremendously popular in Israel because he supported a Palestinian state, "not in place of Israel, but next to it." At the same time, when he went to international meetings, the Arabs would make fun of him, call him a "so-called Arab" bought by the Jews. "How can they do that to me? How can they call me that?" he said. "In Stockholm, I went to a meeting where there were representatives of the PLO. One of them came to me quietly and asked how things were in his hometown of Safad. I described how it was, and he began to cry. I felt bad for him, but then the PLO threatened my life at the meeting."

The Israelis, who'd seemed to wonderfully rational at first, had become extremists. The Palestinians, a political movement that barely existed when Yusuf was making his life decisions, also were extremists. Even the Russians had turned out to be a major disappointment. All that had survived was the dream the professor had given him—and that still burned brightly, against all odds.

"You ask about the future," he said. "Okay. I would like to see a Palestinian state and a Jewish state next to each other. Gradually, I think they would see how much they had in common—both people look so much alike, both so hard-working, so intelligent. Gradually, I think they would come to depend on each other economically. Gradually, I think they would begin to mix and become one. I know, I know—it's ridiculous," he chuckled. "People tell me that all the time. They say that it's just an old man dreaming. Well of course! Of course it's a dream! But what's so bad about dreaming? When you live in this part of the world, dreaming is usually a lot more pleasant than real life."●

SPEEDING ENERGY CONSERVATION IN INDUSTRY

● Mr. KENNEDY. Mr. President, for over a year I have been saying that industrial use of energy has been neglected as a potential area of conservation which could save the United States large quantities of imported oil. While industry has made substantial strides I believe that a great deal more can be done.

I will have more to say on this subject in the months ahead but for now I wish to point out that investments in energy conservation equipment are not being made as rapidly as possible. The authority for this statement is an article in the industrial newspaper, Energy User News from May 15. The article surveys the experience of a number of businesses and concludes that companies are applying a more difficult standard for investments in conservation which would yield a return on the dollar from money saved, compared to investments in production. This is the same evidence given before the Subcommittee on Energy of the Joint Economic Committee in hearings last August.

The article quotes from Harvard Business Review, a half dozen company executives and a national accounting firm, all with the same conclusion.

One important message here is that companies are waiting for more clear signals from the Government before making investments. The price of natural gas, the price of oil and tax treatment of conservation investments are all holding up additional conservation in industry.

Because industrial energy conservation is so critical and accounts for so much of our energy, I hope Members of the Senate will continue to look for savings in this area. I ask that the article to which I refer, by Michael Millenson, be printed at this point in the RECORD.

The article follows:

DOUBTS FORCE CONSERVATION OUTLAY DELAYS

(By Michael L. Millenson)

NEW YORK.—When in doubt, don't.

That maxim, applied by corporate policymakers uncertain about energy prices, government actions and the reliability of all manner of devices making energy-saving claims, appears to be resulting in the postponement of capital expenditures of energy conservation by a number of companies. The money goes, instead, to more traditional investments.

There is the example of the project to recover heat from waste water at Caterpillar Tractor Co.'s Mapleton, Ill., plant and use it to heat buildings. Despite the project's 2½-year payback, a staff engineer said, "the money for the installation is not available." Instead, it went for activities directly related to production.

There is the engineer for United States Shoe Corp., Cincinnati, who after saying, "I've met a lot of people who are very frustrated in trying to get (conservation) projects through," acknowledged that he's encountered the same problem with his higher-ups. (The engineer, Steve Leesman, said he could recall no specific examples.)

And there is the tale of a large Michigan meat processor, who preferred to remain anonymous, who was given the chance to use heat from waste water to preheat air in a smokehouse now heated by natural gas. Management looked at current gas prices, looked at the Congressional debate on investment incentives, and, in the words of a source familiar with the decision "decided to bide their time."

In talks with plant and corporate energy managers, consultants, and vendors of conservation equipment, the theme of caution by many (but by no means all) companies emerged.

"A FUZZY PICTURE"

"About one-half of the companies I visit, usually have a list of (energy conservation) projects with maybe a two- to three-year payback," commented Robert Redd, director of the Grand Rapid, Mich. based energy audit division of Seidman & Seidman, a national

accounting firm. "They're waiting because of a fuzzy picture on fuel costs and they're waiting for signals from the government."

The cost of that wait to the nation as a whole could be high, according to a group of consultants writing in a recent issue of the Harvard Business Review. The four, including two from Thermo Election Corp., one M.I.T. professor of engineering, and a former head of the Federal Energy Administration's conservation office, warned that failure to give enough funds for energy conservation "will erode competitive strength."

Contending that both today's technology and economic situation justify more spending, they continue, "Cost-effective investments (in which the total cost of the energy saved is equal to or less than the replacement cost of the fuel or electricity saved) could save about 25 percent . . . the equivalent of 4.5 million barrels of oil per day . . . of the industrial energy that will be in demand by 1985, and thereby do much to offset higher energy costs."

Still, despite these and other proddings to spend for conservation, there is little doubt that there exists a reluctance to immediately do so, even when the energy savings are clearly spelled out by plant engineers. Part of this is due to uncertainty over the problem, part to uncertainty over the proposed solutions.

SOME DOUBTS

Roy Rittenhouse director of engineering for Hatfield (Pa.) Packing Co., with sales of about $50 million, noted that some potential energy conservation projects are being held back because of doubts over which conservation technology works. Money is funneled instead to a building project.

"We wanted to be sure we went with the right thing," Rittenhouse explained. "There are so many gimmicks on the market. It takes evaluation time."

Don Hall, vice president, marketing, of Pacific Technology Inc., a Remton, Wash., manufacturer of demand control systems, acknowledged that skepticism regarding the energy savings claims made by vendors of widely varying types of devices made some companies put their money into more comfortable investments.

"They get into an electronic computer (demand control) system, and their perception of the savings is less because they don't fully comprehend how it works," Hall said. "It gives them many reasons to say, 'let's wait on this one.' "

A Cranford, N.J., manufacturer of heat wheels agreed. Said Lee Johnson, marketing manager for the Wing Co. division of Wing Industries, "A lot of it is just not being sure what will work in that particular application; not being 100 percent sure and not wanting to be the first one to try it."

RATE OF RETURN

Yet, even when top management believes that an energy conservation project will work as planned, the going is not always smooth. Energy conservation must compete for money with other capital projects, and so it must prove an attractive rate of return. But when the beauty contest is with increased production, many engineers have found, the curves of energy conservation produce the less attractive figure.

"Once they (plant engineers) get the technical aspects down, the biggest problem they have is in selling the project (to management)," said Al Thumann, executive director of the Atlanta-based Association of Energy Engineers and a part-time consultant. Thumann estimated that this difficulty afflicted 50 percent of the plant engineers he encountered.

"The economic rate of return is competing against bucks that will be spent for increased production," he said. "Predictably, the return on investment is a lot less."

An example of that problem was provided by Don Nell, a staff engineer for Caterpillar. Caterpillar, whose sales have expanded rapidly in the past two years, has been pushing expansion of its manufacturing facilities in order to keep pace. As a result, said Nell, money for energy conservation has become more difficult to obtain.

MONEY NOT AVAILABLE

"I've had many cases where I felt a heat pump could recover (heat from) waste water going out." The heat, said Nell, could be used to heat buildings, paying back the initial capital cost of $500,000 to $750,000 in less than 2½ years. "Yet the money for the installation is not available."

According to Nell, part of the problem comes from a tendency of managment to count energy costs as overhead costs and energy conservation equipment as non-productive equipment. "You can't count the (hot) air (being recovered) in a building," he noted.

When energy costs are figured in terms of current prices, rather than what they will be when a project is finished, the hurdles are even higher, observers noted.

And the phenomenon of waiting until tomorrow to worry about tomorrow's energy costs—reportedly more prevalent in the lower-cost Sunbelt states than further north—especially worries the group of consultants writing in the Harvard Business Review.

"Energy-efficiency investments are not being undertaken as fast as economic circumstances and anticipated developments warrant, primarily because they are evaluated on an unequal basis in comparison with investments in new energy supplies, they stated. In the foreseeable future, this practice will erode competitive strength."

But next to the warning comes a prediction of abundant reward, in the form of increased sales and profits, for those—and there are many—who heed the warnings to spend now to conserve energy tomorrow.

"Companies recognizing that energy prices will eventually rise to their next replacement-cost plateau can seize the opportunity to use energy efficiency as a means of increasing market share," the consultants predict.●

VETERANS

● Mr. HATHAWAY. Mr. President, on March 23 and March 24, 1978, the Maine House of Representatives and the Senate of Maine passed a joint resolution outlining some of the hardships faced by Maine veterans, especially Vietnam veterans. I inserted the text of this joint resolution in the RECORD on April 16, 1978.

In response to this joint resolution, Max Cleland, Administrator of Veterans' Affairs, in a letter to the secretary of the Maine Senate, detailed some recent efforts by the Veterans' Administration to respond to the problems of Maine veterans.

As a disabled Vietnam veteran, Max Cleland suffers many of the same problems of those people he is trying to serve. As a result, he is acutely aware of the hardships they face. He has done a great deal to improve and expedite veterans services and benefits.

Nonetheless, much remains to be accomplished. We must continue to make every possible effort to ameliorate the problems of veterans. They deserve a government that is responsive to their needs. I ask that Mr. Cleland's letter be printed in the RECORD.

The letter follows:

VETERANS' ADMINISTRATION,
Washington, D.C., May 3, 1978.

MS. MAY M. ROSS,
Secretary of the Senate State House,
Augusta, Maine.

DEAR MS. ROSS. Thank you for sending me the Joint Resolution Memorializing the President, the Administrator of Veterans Affairs for the United States, the Maine Congressional Delegation, the Governor, and the Director of the Maine Bureau of Veterans Services Concerning the Current Hardships Faced by Maine Veterans.

I deeply share the concerns expressed by the legislators of Maine on behalf of the resident veterans, their dependents and survivors and I want to assure you that the Veterans Administration will continue to make every possible effort to effectively serve the veterans of Maine. The paragraphs which follow describe some of our more recent efforts in the areas of education benefit payments, home loans, employment assistance, and communications.

In the fall of 1977 three significant revisions in educational assistance payment procedures were implemented by VA as mandated by PL 94–502. These were:

the change in certification of veteran-student enrollment from annual to semester or quarterly certification;

the change in GI bill payments from the beginning of the month of entitlement (prepayment) to the end of the month for which the veteran or eligible person is entitled to receive benefits (postpayment);

the change in advance pay procedures. Advance payment could be made upon the veteran's request, as long as the institution involved agrees and is able to comply with certain requirements of the Veterans Administration relative to delivery and certification of delivery of advance pay checks.

The numerous administrative and operational adjustments associated with implementing the changed payment procedures did not alter the mission and obligation of the VA to ensure that timely payment of financial aid is accomplished. However, for the system to be most efficient the total cooperation of the VA, the student and the school is required. If the VA needs information upon which a claim is to be processed, a failure by the student or school to provide it results in delay. Inevitably, there are individual instances where one part or another of the payment system fails to function properly. But in the vast majority of cases the new payment procedures instituted in 1977 were successful. Indeed, in a letter dated January 5, 1978 to Senator Alan Cranston, Chairman of the U.S. Senate Committee on Veterans Affairs, the Comptroller General of the United States reported that the VA:

"prepared extensively for the implementation of legislative changes from a prepayment to a postpayment system through circulars, media publicity, letters to schools, personal contacts, and task force monitoring of enrollments;

placed special emphasis on streamlining applications for loans and work-study agreements so veteran students could avoid 'financial binds';

established and maintained communications with school officials and did not realize appreciable delays due to erroneous data from schools;

centrally monitored the regional enrollment processing volume and backlog against desired weekly output levels;

experienced no inordinate delays with student fall enrollment workload;

incurred no significant increase in pay complaints especially related to the postpayment changes, advance pay changes or the 1977 fall enrollment in particular;

benefited from the personal interest and participation of the Administrator in efforts

to get correct checks to veteran students in a timely manner."

Despite these accomplishments VA is continually pursuing new initiatives aimed at improving internal management and operations. We are now in the process of installing an advanced computer processing system throughout the nationwide network of VA Regional Offices and Centers. Known as TAR GET, this system is scheduled for activation at the Togus VA Center in January 1979. Installation of the TARGET system will shorten the VA processing time for many types of financial benefits, thus reducing the time a veteran must wait for a check.

I would like to mention here that there is a relatively new form of financial aid available to veterans. PL 95–202, enacted November 23, 1977, provides that veterans and eligible persons, in resident institutions, with remaining entitlement after they have completed their entire program, may use the remaining entitlement to cancel a portion of their Veterans Administration loan under certain conditions. Before the acceleration program becomes effective, a state (or local governmental unit) must have its own program of funding as a part of this program. Students enrolled in a state that does not participate in the program will not be eligible under the provisions of the law. The law provides that states will have until January 1, 1983 to establish such a program of funding. In those states which do participate, excess entitlement may be used to repay a part of the VA education loan not to exceed the amount which the state or local unit contributes. The amount of accelerated payments paid by the Veterans Administration and the amount of matching payments made by the states will be used to reduce the amount of the Veterans Administration loan owned by the veteran or eligible person to the Veterans Administration. I urge the Maine legislature to enact enabling legislation to permit veterans enrolled in schools in the State of Maine to participate in the acceleration program.

Concerning financial benefits for housing, I am pleased to report that veterans living in Maine, and particularly Vietnam Era veterans, are utilizing the benefits available to them under VA's Loan Guaranty Program. Each of the following items shows a marked increase in activity from the previous year.

Total home and mobile home loans closed to veterans in Maine was 2,237 for calendar year 1977 and 2,227 for calendar year 1976. Of these loans, 1,676 or 75.4% were to Vietnam Era veterans for calendar year 1977 and 1,546 or 69.4% for calendar year 1976.

The total amount of GI loans made to veterans in Maine was $61.9 million in calendar year 1977 as compared to $61.4 million in calendar year 1976, representing a $500 thousand increase.

Direct loans to veterans in Maine also showed an increase from calendar year 1976. In calendar year 1977 there were 134 direct loans made for $3.1 million as compared to calendar year 1976 in which 60 loans were closed in the amount of $1.1 million.

Concerning employment assistance to veterans, it should be noted that even though primary responsibility for providing this effort rests with the Department of Labor (DoL), the Veterans Administration does render assistance to veterans visiting its offices, as well as provide information and guidance to DoL representatives. Early in 1977, the secretary of Labor announced that DoL was establishing a Disabled Veterans Outreach Program (DVOP) to contact disabled veterans and assist them with employment problems. VA volunteered to train DVOP personnel in veterans benefits programs so that they might be of maximum assistance to the disabled veterans they contacted and also made available in each state a list of the names and addresses of Vietnam Era veterans receiving compensation for disabilities. DOL's employment activities operate through providing Federal funds for State Employment Administrations and providing the state organizations with directives as to the actions to be taken and procedures to be followed. Funds were made available to the states to hire about 2,000 disabled veterans for the DVOP and in August 1977, DoL granted funds, sufficient to hire 11 disabled veterans, to the American Legion, Department of Maine.

The Joint Resolution states there is a lack of communication between many Vietnam Era veterans and VA. I agree there may be individual cases where communications have suffered. However, it is my impression that for the most part there has been a healthy rapport between the VA and the Vietnam Era veterans. The VA has taken positive action to enhance communications with these veterans by establishing Vietnam Civic Councils at VA field stations. The Councils were formed in 1975 to assist younger veterans in identifying problems and making recommendations for improvement to appropriate officials. These groups meet on a regular basis (at least quarterly) and are made up of Vietnam Era veterans and other interested parties. The Civic Councils have submitted numerous recommendations to VA and afford the Agency an excellent means for responding to issues considered important by Vietnam Era veterans. Since they have been successful in providing input to the Agency, the Councils have been included in VA's Consumer Representation Plan.

You may wish to note that a very active VVCC has been established at our Togus Center. This group meets regularly and has submitted several proposals to VA Central Office in Washington, D.C. One of those recommendations is aimed at improving communications between Civic Councils. Based on the recommendation of the Maine VVCC and on other suggestions received on this topic, we are currently developing a newsletter which will achieve this goal. I believe that the Togus VVCC has succeeded in improving communications with veterans in Maine and look forward to continued success in this regard.

In summary, I want to reiterate that the Veterans Administration will continually strive to provide the best possible service to the veterans of Maine, not only in the areas discussed in this letter but in all aspects of veterans programs. I am confident that we will be successful.

On behalf of their constituents, I want to thank the legislators of Maine for the interest they have shown in veterans affairs.

Sincerely,

MAX CLELAND,
Administrator.●

VOTER INITIATIVE

● Mr. ABOUREZK. Mr. President, the public support for the voter initiative amendment (S.J. Res. 67) that I introduced last July, has been growing at a rapid pace. I have always felt that once the American people heard about my idea of letting them vote on some national issues, they would strongly support it. The amount of press coverage this proposal has received and the number of letters my colleagues and I are receiving seem to confirm my convictions about the innate popularity this proposal has among the American people. Now, two nationally known polling organizations have conducted surveys on the voter initiative amendment. The Gallup organization and the Pat Caddell organization, Cambridge Survey Research, have shown that the American people think that voting on national issues would be a great idea.

Here are some of the questions that Cambridge Survey Research asked in its survey about the voter initiative amendment that it conducted for its clients:

(1) Would you favor a Constitutional Amendment, similar to the laws which 23 states already have, which would permit the citizens of the United States to place a proposed law on a national ballot by collecting a specified number of signatures on a petition and have that law take effect if approved by a majority of the nation's voters at the next general election or not?

	Percent
Yes	57
Not sure	18
No	25

(2) Do you think allowing citizens to vote directly on national issues would give citizens greater control over the government, less control over the government or don't you think it would make much difference?

	Percent
Greater control	45
Less control	8
No difference	42
Don't know	5

(3) Would you be more inclined or less inclined to actually go to vote on issues as well as on candidates?

	Percent
More inclined	74
Less inclined	7
No difference	13
Don't know	5

(4) Do you think allowing citizens to vote directly on issues will make elected officials more responsive or less responsive to the will of the people?

	Percent
More responsive	77
Less responsive	10
No difference	7
Don't know	7

Mr. President, I ask that the following article which appeared in the Washington Post of May 14, 1978, summarizing the Gallup organization poll be printed in the RECORD.

The article follows:

THE GALLUP POLL.—NATIONAL INITIATIVE PROCESS FAVORED BY 57 PERCENT OF VOTERS

(By George Gallup)

PRINCETON, N.J.—Voters of the nation like the idea of being able to pass judgment on proposed national legislation.

A constitutional amendment, described by its sponsors as the Voter Initiative Amendment, would require a national vote on any issue if 3 percent of all voters in the previous presidential election sign petitions asking for such a vote. This percentage, applied to the last presidential election, would mean that a national vote could be held on any issue when approximately 2.5 million people signed petitions.

By a 57-to-21 percent majority, the public in a nationwide Gallup Poll survey expresses approval of this plan. A total of 22 percent were undecided. Significantly, voters who have attended college approve of the initiative amendment by a vote of 59 percent with 11 percent undecided.

The initiative, a time-honored device for direct citizen participation in the legislative process, is currently authorized in 23 states. And, according to the Library of Congress, in the past 80 years approximately 1,200 issues have been decided in this manner.

The constitutional amendment that would make the initiative federal policy is spon-

sored in the Senate by James Abourezk (D-S.D.) and Mark Hatfield (R-Ore.), and in the House by James Jones (D-Okla.) and Harold Sawyer (R-Mich.).

Support for the federal initiative is found among all major groups of the population.

Interestingly, nearly identical proportions of Republicans, Democrats, and independents agree the initiative is a good idea—an unusual finding on any question of political significance.

Similarly, about equal majorities in the various geographic regions support such an amendment to the Constitution.●

HUMAN RIGHTS AND U.S. POLICY

● Mr. RIEGLE. Mr. President, I rise today to express my concern about recent reports of serious human rights violations in the People's Republic of Poland. Along with most Americans, I was very hopeful that President Carter's visit to Poland several months ago, in which he conveyed sincere messages of friendship from our Government and people to their Polish counterparts, would evoke a response from the Polish Government indicating a reciprocal desire to establish and enhance relations based on mutual respect and good will. I had hoped that this response would take the form of greater awareness of and sensitivity to the universally recognized human rights of Polish citizens. Apparently, this has not come to pass.

I understand that, in recent months, Polish police have instituted a disturbing crackdown on academic freedom and individual self-expression. Scholars and writers who have attempted to organize a so-called Flying University, in order to pursue studies in the humanities and social sciences not permitted by state educational institutions, have been repeatedly gassed, beaten and arrested. A worker's "Social Self-Defense Committee" was subsequently established, to document cases of harsh repressive tactics used by the police, and members of that committee have since become victims of the same tactics themselves.

I do not intend, Mr. President, to describe in detail every atrocity which these Polish citizens have suffered. I do wish to point out, however, that such brutal treatment, clearly condoned by the Polish Government, calls into question its commitment to protecting the rights and liberties of Polish citizens, and to the provisions of the Helsinki agreement.

Mr. President, we in the Congress have taken many important strides toward improving our political and economic relations with the countries of Eastern Europe. I have supported such moves, and continue to believe that we must do everything possible to ease the tensions which exist between the United States and those nations, and to facilitate contact and cooperation between our two peoples. In the economic sphere, the Senate will shortly be called upon to consider President Carter's recommendation that most-favored-nation treatment be extended to Hungary. I intend to support that recommendation.

Nevertheless, we must be absolutely certain that our expressions of good will are not viewed by the recipient governments as a carte blanche to continue or even intensify repressive activities which we consider to be intolerable. I am a realist, and I am well aware that human rights cannot and should not be the sole consideration upon which our foreign policy is based. But I believe that all nations with whom we deal should be on notice that the moral focus of our relations with other states is to be taken seriously, and that advantageous trade and other agreements are subject to reevaluation at any time, if in our view those agreements are contributing to the continuing deprivation of fundamental rights or liberties. I hope that, if he has not already done so, President Carter will communicate this message to every country seeking improved relations with the United States, so that our policy in this regard may be clear and unquestioned.●

BERT GASTER WINS AWARD FOR ARTICLE

● Mr. RIBICOFF. Mr. President, Bert Gaster, editor and copublisher of the Connecticut Jewish Ledger, has won the Valley Forge Honor Certificate Award for an article he wrote in the Ledger of February 10, 1977. In the article, Mr. Gaster writes eloquently and movingly about leaving Vienna 38 years ago and coming to the United States.

Bert Gaster, who is a longtime personal friend of mine, wrote an excellent, heartfelt article, and I commend him for it and congratulate him for winning this award.

Mr. President, I ask that Mr. Gaster's article, "The American Dream—A Personal Anniversary," be printed in the RECORD.

The article follows:

THE AMERICAN DREAM—A PERSONAL ANNIVERSARY

(NOTE.—The following article is adapted from a radio address delivered recently on WTIC Radio's "Sabbath Message" program by Bethold Gaster, copublisher of the Connecticut Jewish Ledger.)

(By Berthold Gaster)

We recently witnessed the inauguration of a new president of the United States, emphasizing the continuity of our government, moving as it does from one administration to another without missing even a half step.

Over the past year, we also witnessed a signal event in our history—the bicentennial of our existence as a nation. The celebrations, the hoopla and the serious reflections upon the significance of this milestone all served to re-establish for all to know that this republic of ours has a permanence, that what was founded 200 years ago by struggling settlers of a new world has been worked upon over the decades and decades since, as we strive continuously to fashion an ever more perfect union.

The American dream, so much admired in lands less fortunate than ours, has not yet given us the perfect society. But every generation that has passed through the American scene has built upon the foundations of the one that preceded it. And just as Jewish tradition teaches us that we must continue to study, for there is so much more to learn, so has the American tradition been not to accept the status quo as the most perfect product that man can create, but to continue to improve upon what we have.

The continuing strides made in the process of perfecting the American dream have special significance to me personally. Next Thursday, Feb. 17, I shall observe the 38th anniversary of my entry into these United States as a refugee from Nazi dominated Austria, brought here with my family as the fortunate recipient of an American visa backed up by my American relatives' pledge that my family would not be a burden on the society we were privileged to join.

ELEVEN MONTHS UNDER HITLER

We had had nearly 11 months of Hitler rule in Vienna, a period which included for my physician-father seven months' interment in the infamous concentration camps of Dachau and Buchenwald. It is difficult for a native-born American who has always taken his rights and privileges for granted to appreciate fully what it means to live in a police state. It is, therefore, beyond my capacities to produce the right words to describe exactly how we felt as we crossed the border from Austria to Switzerland on a very cold, clear February morning.

It is impossible for me to impart to my readers what it meant to drop a stone from one's heart as we passed from darkness to light and, for the first time in many years, breathed in deeply the free Swiss air on that cold winter day. I emphasize many years, because Austria had had a Fascist dictator for five years before the Nazis took over, a Fascist dictatorship that not only abolished political freedom, but one which seriously cut into civil rights, particularly for the country's more than 200,000 Jews.

It is in this context that I came to these shores. It was difficult for my new American friends to comprehend what we related about Nazi excesses in a land far away. For, while America had broken with its isolationist past to enter World War I and save the western powers from defeat, in 1939 Europe still seemed very far away from many Americans who had come to look upon the Atlantic and Pacific Oceans as bastions that blew away the evil from our land. They felt this way in the mistaken belief that if we buried our heads in the sand, we could not see the monster of world upheaval threatening our way of life and our future.

OFFERED SO MUCH MORE

I came to an America that was still struggling to come out of a catastrophic depression. I came to a land that, nevertheless, compared with what I had seen in Europe, offered so much more to so many people. In the starryeyed bewilderment of a new lease on life, it was difficult to seek out or even admit that faults did exist in the American society.

Of course, as one matures, he judges more objectively. And as one becomes an active citizen, criticism which a grateful immigrant would disdain, becomes part of the every-day scene. But it is the very right and duty to criticize and seek to perfect that is an indispensable facet of every American's make-up.

As the apostles of the democratic way of life, we have sought not only to achieve a more perfect society for ourselves, but we have reached out across the world with the zeal of political missionaries, to bring what we believe is the best form of government to other nations. And sometimes, failing to achieve this goal, we have accepted the lesser plateau of helping them ward off an invasion by forces of tyranny or of providing a buffer between potential adversaries. This has not always brought us the gratitude of those we seek to help. But were this political missionary zeal not part of our make-up—coupled with the recognition that similar conflict is not impossible—I doubt very much that we today would be involved in so wide a gamut of commitment as our leadership in

NATO, our position in southeast Asia, our involvement in the volatile southern Africa situation, or our dispatching of observers to the Sinai desert.

Much has happened to America in these past 38 years, and I don't refer only to a world war and lesser conflicts in Korea and Vietnam. The land of opportunity, which drew immigrants to these shores before and since its inception and was swelled by giant waves of newcomers from central, southern and eastern Europe late in the 19th and early in the 20th centuries, has, via the dual path of evolving maturity and necessary legislation, continued the process of achieving the more perfect union, with new doors opened to Catholics, Jews, Blacks, Hispanics and other minorities whose share of the American dream had not been equitably apportioned under a system which, after all, is man-governed and therefore at times man mis-managed.

RESISTANCE TO CHANGE

The road to the more perfect society which we seek is paved with the uneven cobble-stones of resistance to change by some of our citizens. These obstacles are compounded by the need for patience, by the inevitable cost in material sacrifice that we must endure in order to achieve greater equality and justice at home while, at the same time, maintaining a posture of deterrent strength that will make a potential adversary think often and carefully before he strikes.

As I write today about the American dream and my opportunity to share in it, I would be remiss if I did not say a word about those less fortunate than I, who, for the lack of an American visa or the chance to enter some other free land, joined the millions of Jews in eastern Europe who fell under the Nazi yoke in World War II and perished in Hitler's gas chambers.

Most of those who died—and they included one million children—could have been saved, had there been in existence 38 years ago a country whose membership in the family of nations we today take pretty much for granted. I refer to the State of Israel.

Just as it was difficult 38 years ago for my new American friends to accept man's inhumanity to man, so is it most difficult for an American proud of his heritage and proud of his citizenship to place himself in the shoes of a man or woman without a country. But in the late '30s and early '40s, when the gates of the free lands in this world either were shut, or, at best, open but a crack, a European Jew without a country to go to had an almost sure one-way ticket to a death camp.

HAVEN FOR ALL JEWS

The State of Israel represents ancient Israel reborn in its homeland. But it also represents a haven for all Jews who live in oppression, anywhere in the world, so long as they are able to get out. The most striking example of a country with large numbers of Jews who want to leave—and cannot—is the Soviet Union. And it is to the credit of Americans of all creeds and all stations of life—from Senators to ministers to priests to civic and political leaders and just plain citizens across the land—that the American sense of justice and decency has been brought into play. But for this demonstration of solidarity—as also exemplified by the recent observance of Human Rights Month for Soviet Jewry in Connecticut as designated by our governor—and the pressure exerted upon Soviet authorities by Americans and our friends in Europe, it is very doubtful that more than 100,000 Soviet Jewish emigrants just in the last three or four years would have gotten a second lease on life, much as I did some 38 years ago. American involvement in this latest freedom fight is but the latest chapter of a glorious book of American history that has been filled with pages of achievement for our citizens, and protests on behalf of and assistance to, the oppressed in many lands.

At the outset, I alluded to the important event of the past month—the inauguration of a new president. And I reflected upon the significant observance of the past year—that of our bicentennial, I took special pride in this observance because of my membership in the Connecticut Historical Commission and the state's American Revolution Bicentennial Commission.

As we, in the past few minutes, have looked back to the past, so should we now turn to the future.

A RESOLUTION

As we enter our third century as a nation, let us resolve that the good we have been trying—and very often successfully—to achieve, will not elude us as we seek to continue the process that has made us the great nation that we are. And in a world that becomes ever more materialistic and selfish, let us resolve that the mission of America—very often idealistic and at times even naively so—will be undiminished in its zeal. That which three million citizens began, and more than 200 million now enjoy, must serve not as an end initially, but, true to our tradition, as a stepping-stone to an even greater society for all our citizens, so that America's achievements may continue to be a shining beacon for all to see.●

THE EQUAL RIGHTS AMENDMENT

● Mr. CLARK. Mr. President, I am joining Senator BAYH and 23 of my colleagues in cosponsoring Senate Joint Resolution 134 legislation proposing a 7-year extension of the time period for ratification of the equal rights amendment.

The decision to support such a proposal was not made lightly, for those of us serving in the Congress cannot afford to take lightly our responsibility to the orderly process of amending the Constitution of the United States.

My decision is based on two key points.

First, there is no question in my mind that the Constitution allows Congress to set the ground rules for enacting amendments to the Constitution, including the amount of time for ratification.

Given that, it then becomes a question of whether the conditions that prevailed when the equal rights amendment was passed by Congress in 1972 prevail today. If they do—as I believe they do—then it is appropriate for Congress, if it desires, to allow additional time for the States to complete the ratification process.

I would like to refer to the language of article V of the Constitution, which is that document's reference to the amending process:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year 1808 shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

That is the sum and substance of the guidance the Founding Fathers gave Congress on the constitutional amending process. There is no mention of a time period for ratification; in fact, there is not even an indication that a time period of any kind is necessary.

Before passage of the 18th amendment in 1917, in fact, Congress had never used the 7-year limit.

It would appear, then, that the Constitution leaves to the discretion of Congress the matter of determining how much time should be allowed for ratification of a constitutional amendment. This is also the conclusion of the courts.

In Dillon against Gloss (1921), the Supreme Court established that ratification of a constitutional amendment must come within a reasonable time after it is proposed and that "keeping within reasonable time limits," Congress has the power to "fix a definite period" for the ratification of amendments. In another pertinent case, Coleman against Miller (1939), the Court said that the question of what constitutes a reasonable limit of time for ratification is a political matter Congress is empowered to determine under article V.

So we are left to determine what constitutes a reasonable time period.

It can be argued, it seems to me, that the present 95th Congress can judge the reasonableness of the time period as well as the 92d Congress which enacted the ERA with the original 7-year period for ratification.

I think we must judge this question on the basis of whether the conditions that existed in 1972 when Congress passed the ERA continue to exist and whether the ERA remains responsive to public needs.

I happen to believe that the equal rights amendment continues to be viable, and that its passage continues to be imperative if we are to guarantee that every person in this country has equality under the law.

The ERA has been approved by two-thirds of the U.S. Congress, by 34 of the 50 States, and is favored by a majority of the American people, according to public opinion polls. In Iowa, where the ERA was ratified in 1972 and where the legislature has just passed a State ERA, the margin is 59 to 34 percent in support of the equal rights amendment.

There is no question that interest in the ERA remains high and that a great deal of support exists for it. As a result, I think it is appropriate that Congress extend the time for ratification of the amendment.●

OPENING OF THE MINNESOTA ZOOLOGICAL GARDEN

● Mrs. HUMPHREY. Mr. President, on May 22, after decades of vision, years of planning, fund raising by dedicated citizens in Minnesota, and actual construction, the dream of so many has be-

come a reality: The Minnesota Zoological Garden was opened to the public.

The opening of the new zoo, incorporating the most modern concepts in zoo facilities that preserve and respect the freedom of animals, is a landmark event. About a month ago, I had the rewarding privilege of participating in a walk through the zoological garden. I was able to witness firsthand the extensive efforts that went into creating open, free roaming areas for an abundant variety of wildlife, and the thoughtful planning to develop the horticultural aspects of the zoo to closely resemble the natural environments of the animals exhibited.

I was particularly pleased with the sensitivity of the Minnesota Zoological Board to the public interest, in designing access to zoo facilities and exhibits to meet the special requirements of the elderly and handicapped. It appears that every effort was made to develop programs and design features to make the zoo an enjoyable and rewarding experience for all, including those with physical limitations and special needs, and parents with tiny infants.

Mr. President, I would like to share with my colleagues excerpts from an article on the Minnesota Zoological Garden's accessibility to the handicapped, which appeared in the Minnesota Zoological Garden's newsletter. I ask unanimous consent that these portions of this article be printed in the RECORD.

The article follows:

ZOO ACCESSIBLE TO HANDICAPPED

In this new era of increasing awareness of the problems of the handicapped, institutions such as MZG are working to realize their responsibilities to lead the way to greater public sensivity.

All of our exhibit areas—Northern Trek, Tropics, Whales/Sealife, Minnesota Wildlife—are fully ramped. All exhibit areas (with the exception of some Sealife aquaria) are visible, no matter what the zoogoer's viewing height, through the use of plate glass or other open barriers extended to floor level.

All interior public areas, including the zoo theater, library, and gift shops, are fully ramped to accommodate wheelchair traffic. Restrooms and drinking fountains meet approved design specifications for use by those with physical limitations. Dairy Queen eating facilities are designed to be as accessible as possible. Cafeteria and checkout aisles are wheelchair width and several tables are available that accept wheelchairs.

The Northern Trek, the largest outdoor exhibit area, as viewed from a blacktop pathway (Phase I about a mile in length) that will be kept clear of debris and snow throughout the year. Alternative access to these exhibits (as well as to new exhibits to be added over the next few years) is provided by ZooRide, a monorail train system (projected completion: Autumn, 1978). Though still in the construction stage, MZG has been assured by the supplying firm that the monorail will accommodate persons in wheelchairs. The MZG Solar Energy exhibit, also projected for completion this autumn, will be fully ramped and will provide indoor access from the main building complex to the monorail loading station.

The Children's Zoo is designed for close animal contact, feeding and handling, as well as intimate views into the lives of smaller animals such as honeybees, hummingbirds and tarantulas. The benefits of this type of open animal area may also cause problems for some zoo visitors. The Children's Zoo outdoor plaza is accessible and easily viewable, though the animal contact space is inaccessible to wheelchairs, due to animal traffic, containment and crushed rock surfaces. Most interior exhibit areas can accommodate wheelchair traffic. There are some access limitations, however, due to stairway needs and certain space limitations.

Programs for the blind, deaf and mentally handicapped are under development by the Interpretive Services/Education Department. Such opportunities are presently extended mainly to school groups, though expansion of these programs to the general public will proceed as time permits. Resource people willing to help with handicapped program development or training of volunteers are invited to call IS/E at the number listed below. We can use your expertise!

MZG Public Safety, First Aid, and Lost and Found areas are accessible by ramps or elevator. First Aid staff includes three full-time Emergency Medical Technicians. In addition, the entire Public Safety staff has been trained in basic first aid and cardiopulmonary resuscitation.

Several other services have been instituted to make visits to the zoo both safer and more convenient. Parking spaces near the zoo entrance gates are reserved for handicapped parking. The lower level entrance has a turnaround drive for dropoffs and all curbs are ramped. Entrance gates, adjacent to general public turnstiles, can be opened by admissions clerks to provide entrance for those in wheelchairs. Limited numbers of wheelchairs and adult-size strollers are available for public use.

To facilitate communications, a public address system is installed throughout most areas at the zoo and can be used for emergency announcements. All directional signage and graphics are designed to be as visually accessible as possible. In most areas, a universally recognized system of symbols (including the symbol of accessibility) has been used. Script for signage is large and easy to read.●

QUIET SHORT-HAUL RESEARCH AIRPLANE—AN EXAMPLE OF GOVERNMENT-INDUSTRY COOPERATION

● Mr. STEVENSON. Mr. President, the quiet short-haul research airplane recently was "rolled-out" in a ceremony at Boeing Field, Seattle, Wash. This milestone in the development of the QSRA program is part of a 10-year effort to provide the necessary technology for solving two of commercial aviation's most difficult problems—excessive airport noise and congestion.

With present air traffic growth, our existing terminals and ground handling systems wil be overwhelmed unless major new airport facilities are developed. An alternative to this approach is to use existing secondary airports and the shorter, secondary runways at existing major airports. Moreover, airline deregulation is likely to expand the market for commuter-type service at secondary airports feeding major hubs. This type of air service will require a new airplane with short takeoff and landing performance for the short fields and with high maneuverability to fit within existing traffic patterns at very low noise levels. All of these technological capabilities are incorporated in the quiet short-haul research airplane.

The QSRA is a 50,000-pound airplane with four Lycoming YF–102 engines and the fuselage shell of a C–8A Buffalo. In structure, the airplane is newly designed for high speed cruising. The propulsive lift concept of upper surface blowing is used to provide efficient high-lift performance in combination with wing shielding to minimize ground noise.

Wind tunnel model testing of the QSRA's performance has been more successful than the original program requirements. The approach lifting capability is the highest ever demonstrated in flight with commercial operating margins—three times that of the 737, which has the highest capability of present commercial airplanes. Control power will substantially exceed normal operating requirements. The airplane design is highly versatile, making it practical to explore a wide range of operating conditions, including various field lengths for landings and takeoffs. In addition to having the highest lift capability, the QSRA will be the quietest jet airplane ever flown. This is the result of using modern, high bypass ratio engines and placing the engines above the wing. The maneuvering and operating flexibility of the airplane will permit further reduction of noise on the ground.

NASA will determine and document the QSRA's full operating capability for another year. Following that, a flight experiments program is planned to further extend the airplane technology with advances in aerodynamics, guidance, navigation, and control systems, operating procedures, and further reductions in noise. These flight experiments should be most valuable, not only for their application to short takeoff and landing and short-haul operation, but for their use in conventional aircraft as well.

The Boeing Co. conducted the QSRA program for NASA's Ames Research Center. The project was completed on schedule and under budget. In addition, the quiet short-haul research airplane exceeds the technical requirements which were established initially. The program is a good example of positive cooperation between Government and industry. Both Boeing and NASA are to be commended. Dr. Alan M. Lovelace, Deputy Administrator of NASA and Mr. T. A. Wilson, chairman and chief executive officer of the Boeing Co., as well as other officials attended the rollout ceremony for the quiet short-haul research airplane on March 31, 1978.

NEW YORK CITY BAR SUPPORTS ESTABLISHMENT OF AN OFFICE OF CONGRESSIONAL LEGAL COUNSEL

● Mr. ABOUREZK. Mr. President, I am pleased to announce that the prestigious Association of the Bar of the City of New York has just issued a report favoring the establishment of an Office of Congressional Legal Counsel. The Senate has twice adopted legislation to establish such an office and similar legislation is now pending in the House. I ask that the report be printed following my statement.

(See exhibit 1.)

On June 27, 1977, the Senate adopted legislation to establish an Office of Congressional Legal Counsel as title II of S. 555, the Public Officials Integrity Act. A similar proposal was adopted on July 21, 1976, as title II of S. 495, the Watergate Reform Act. The other titles of these two bills—on appointment of temporary special prosecutors and on Governmentwide financial disclosure—are better known than title II. This fact does not, however, detract from the significance of the congressional counsel proposal.

The Bar Association report concludes that establishing a Congressional Counsel Office "promises more effective representation" for Congress in court and that establishing "a single (House-Senate) office affording consistency, anticipation and coordination is preferable." The report even raises the possibility that the existing arrangement whereby the Justice Department represents Congress may violate "the constitutional requirement of separation of powers." Finally, the report endorses the provisions in title II authorizing Congress to seek civil enforcement of congressional subpenas.

As I said in a January 26, 1978, statement on the need for a Congressional Counsel Office:

It is time for Congress finally to wake up to the fact that litigation affecting Congressional interests will not go away if Congress takes no steps to protect its interests. In fact, the converse is true. The less Congress acts vigorously to protect its constitutional rights in court, the more Congress further encourages litigants to attempt further to erode these rights. These facts are just as true when Congress and the executive branch are controlled by the same party. Congress needs its own counsel irrespective of the attitudes and policies of the executive branch. 124 Cong. Rec. S602.

By endorsing this important proposal I hope the Bar Association report helps to alert other Members to the need for a Congressional Counsel Office.

EXHIBIT 1

THE ESTABLISHMENT OF AN OFFICE OF CONGRESSIONAL LEGAL COUNSEL

In recent years there has been a rise in the numbers of lawsuits involving Congress and its members and in the problems associated with representation by the Department of Justice. Similarly, there has been impetus for expanding the means of recourse available to Congress to obtain subpoenaed information. As a consequence, it has been proposed that an office of congressional legal counsel be established and that, among other things, it be empowered to bring proceedings in federal court to enforce congressional subpoenas and to defend members of Congress when they are sued in their official capacities. This proposal forms the basis of Title II of S. 555, which passed the Senate on June 27, 1977. This report focuses only on the provisions of this bill relating to an office of congressional legal counsel.

Subject to the comments contained in this report, we favor the establishment of an office of congressional legal counsel. We oppose, however, vesting jurisdiction in such an office to intervene as a matter of right in any pending legal proceeding in which the constitutionality of a statute is at issue. We believe that the granting of such jurisdiction would raise serious constitutional problems and be unwise as a matter of policy.

I. SUMMARY OF LEGISLATION

Title II of S. 555 would (1) grant jurisdiction to the federal district court for the District of Columbia to hear civil actions brought to enforce a congressional subpoena and (2) create an office of congressional legal counsel. The office of congressional legal counsel would be headed by a single counsel and staffed by a deputy counsel and such other assistant counsel as would be necessary to perform the duties of the office, subject to available appropriations. A list of candidates for the position of counsel and deputy counsel would be proposed by the majority and minority leaders of the Senate and the House of Representatives, and from this list the counsel and the deputy counsel would be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives, subject to approval of both Houses by a concurrent resolution.

The counsel would have the responsibility of appointing assistant congressional legal counsels. Neither the counsel nor his assistants could "engage in any other business, vocation or employment" during their terms of service. The terms of the counsel and his deputy would expire at the end of the Congress following the Congress during which the appointments were made. Congress could remove the counsel or deputy counsel at any time by concurrent resolution and could reappoint the counsel or deputy counsel at the termination of any term of service.

The counsel would be directly accountable to a joint leadership group composed of the Speaker of the House, the President pro tempore of the Senate, the majority and minority leaders of both Houses, the chairman and ranking minority member of the judiciary committees of both Houses, and the chairman and ranking minority member of the committee in each House having jurisdiction "over the contingent fund of that body."

The principal duties of the congressional legal counsel would be (1) to bring civil actions in federal district court to enforce or secure a declaratory judgment concerning the validity of congressional subpoenas; (2) to defend Congress, the House, the Senate, offices and agencies of Congress and their officers and employees, and committees, subcommittees, members, officers, and employees of either House in any civil action in which any of them was named as a defendant and in which the validity of a proceeding or action by them in an official or representative capacity was placed in issue or in any action in which any of the individuals described above had been subpoenaed in his official representative capacity; and (3) to intervene or appear as amicus curiae in any pending legal action in which the powers and responsibilities of Congress under the Constitution of the United States are placed in issue.

In addition to these principal duties, the counsel would be empowered to represent either house of Congress or a committee or subcommittee thereof in immunity proceedings under Section 201(a) of the Organized Crime Control Act of 1970. He would also be empowered and obligated to "advise, consult, and cooperate with" (i) the United States Attorney for the District of Columbia with respect to criminal proceedings for contempt of Congress, (ii) congressional committees that have a responsibility to identify court proceedings of vital importance to Congress or to either house, (iii) numerous offices and agencies of Congress, the House, and the Senate, (iv) any member, officer or employee of Congress, with regard to obtaining private legal counsel for such person in the event that counsel did not provide such representation, (v) specified officers of both houses with regard to any subpoena or other demand or request for the withdrawal of papers presented to either house or which raises an issue of the privileges of either house; and (vi) any committee or subcommittee with regard to rules and procedures "for the use of congressional investigative powers" and with respect to questions that may arise in the course of congressional investigations. Counsel also would maintain legal files[1] and perform other consistent duties as directed by Congress or a house of Congress.

II. ANALYSIS OF REASONS FOR THE LEGISLATION

A. Civil jurisdiction to enforce subpoenas[2]

In pursuing its duty to legislate, Congress conducts investigations, in the course of which Congress often issues subpoenas to obtain necessary information. Presently, when witnesses refuse to comply with subpoenas, Congress has only two means of recourse. It may try the witnesses before the bar of either house,[3] or it may turn the matter over to the United States Attorney for criminal contempt proceedings.[4] Neither of these methods is especially helpful in achieving the primary goal of obtaining the information sought by Congress.[5]

A congressional trial is ineffective both in practice and result.[6] A trial requires the time and efforts of congressional members who more profitably could be involved in their legislative functions. Furthermore, the process of trying a witness often has been delayed because courts frequently have reviewed congressional contempt proceedings. Most important, at least in terms of obtaining the subpoenaed information, is the fact that Congress' ability to sanction the stubborn witness is severely limited, since it can imprison him only until the end of the legislative session. Given these drawbacks, it is not surprising that this procedure has not been used since 1945.

Likewise, a criminal contempt proceeding has proved to be an unsatisfactory method of enforcing congressional subpoenas. Section 192 of Title II of the United States Code provides that any subpoenaed witness who refuses to answer any pertinent question posed by Congress shall be deemed guilty of a misdemeanor and shall be subject to a fine and imprisonment for not more than one year.[7] A conviction under this statute may satisfy any congressional desire to punish the unresponsive witness, but in fact the very possibility of a conviction often deters Congress from taking action when its subpoena is not complied with. Since a contempt conviction following a criminal proceeding is not purged by a subsequent disclosure of the information sought, a witness literally imperils his freedom in attempting to challenge a congressional subpoena. As a result, Congress is understandably reluctant to initiate criminal proceedings. When a subpoenaed witness resists the demand in good faith, the dilemma is obvious, as one Senator noted in precisely such a circumstance:

"I would like to make it perfectly clear that the subcommittee has no interest in punishing individuals. What we want is the subpoenaed material."[8]

The criminal contempt proceeding is justifiable only when Congress believes that the witness has acted in bad faith in refusing to testify and, under Senate 555, Congress would continue to have flexibility to certify such an action.[9]

Under S. 555 the civil enforcement proceeding becomes the preferred method in the usual situation in which a witness resists a congressional subpoena in the good faith belief that a response is not required

Footnotes at end of article.

or that the subpoena was issued *ultra vires*. At the conclusion of a civil proceeding to enforce a subpoena a witness who continues to resist may be found in civil contempt of Congress and imprisoned until he agrees to provide the information required. The undesirable element of punishment, inherent in the criminal proceeding, is happily absent in a civil proceeding; and a witness is able to regain his freedom simply by complying with the subpoena.

Historically, efforts to seek civil enforcement proceedings in the absence of a jurisdictional statute have not succeeded. By a standing order issued in 1928,[10] the Senate had authorized its committees to bring civil proceedings to enforce subpoenas. During the Watergate crisis the Senate Select Committee brought such a proceeding against President Nixon, but Judge Sirica held that the standing order did not confer jurisdiction on the courts to hear such proceedings.[11] Congress then passed a statute giving the district court jurisdiction over suits brought by the Select Committee to enforce subpoenas against the executive branch.[12]

Senate 555 is both broader and narrower in scope than that statute. Section 205(f) of the bill would amend Title 28 of the United States Code to grant to the federal district court in the District of Columbia original jurisdiction to hear a civil enforcement proceeding brought on behalf of Congress, either house or any committee of Congress. The jurisdictional grant, however, excludes proceedings to enforce a subpoena directed to an officer or employee of the federal government acting within his official capacity.[13] Apparently, the exclusion is the result of concern over constitutional questions involved in subpoenaing federal officers.[14] However, the language chosen may have failed to avoid this problem while creating others. The Senate report on S. 555 states that the exclusion is to be

". . . construed narrowly. Therefore, a subpoena against federal governmental officers or employees not acting within the scope of their official duties is not excluded from the coverage of this jurisdictional statute." [15]

This standard often will be virtually impossible of application. Under this bill, would the federal court have jurisdiction to hear a civil proceeding against an executive officer or an employee suspected of illegal conduct, as in the Watergate affair, for example, or in a civil rights action? If so, this jurisdictional statute would require the court, in order to determine if it has jurisdiction, to review the actions of the federal officers to determine whether they were acting within the scope of their official duties.

The procedures prescribed in the bill which must be followed by a committee intending to bring a civil enforcement proceeding are stated to be an exercise of the rule-making power of each house, and the question whether a committee followed the required procedures in filing a report is expressly made not reviewable by a court of law. The purpose of this provision is to insure that failure to follow such procedures may not be used by recalcitrant subpoenaed parties as "another technicality" to defeat the enforcement of the subpoena.[16]

In subpoena enforcement proceedings Congress may seek to otbain either an order of the court requiring the witness to comply with the subpoena or a declaratory judgment that the subpoena is valid. In the latter case, the subpoenaed party will have the opportunity to comply before being ordered to do so by the court.[17] In either case if the witness refuses or fails to obey such an order, Congress may initiate a summary contempt proceeding, which is to be considered expeditiously by the court.[18] The sanctions imposed after such a proceeding are intended to compel obedience to the court's order. To insure that such sanctions are effective, however, they are not to abate upon adjournment *sine die* at the end of a Congress if the party which issued the subpoena certifies to the court that its interest in obtaining the information is a continuing one. This provision, while attempting to insure an effective sanction, also protects the rights of the subpoenaed party; he must be released from confinement upon the adjournment *sine die* at the end of a Congress unless the Congress affirmatively certifies its continuing interest in the information sought. The provision is, however, harsh on a defendant from whom testimonial evidence is sought who decides to purge himself of contempt during a recess; with Congress not in session, there would be no one before whom to testify.

B. Roles of the congressional legal counsel

Congress requires and receives considerable legal assistance provided on an ad hoc basis primarily by the Department of Justice [19] and to a lesser extent by private counsel. Although standing and special committees and subcommittees normally have staff counsel, the principal role of staff counsel is that of counselor and advisor, and cases in which staff counsel have taken a litigation role [20] are rare. Congress, however, is regularly and frequently involved or interested in pending litigation.

Senate 555 isolates four broad categories of litigation to which the congressional legal counsel could be assigned in appropriate circumstances. The first category is the largest, namely, cases in which Congress, its houses, an office or agency of Congress or the officers or employees of such office or agency, or any committee, subcommittee, member, officer or employee of either of the houses of Congress, had been made defendants on account of their performance of official functions or in which they had been subpoenaed. In such cases, congressional legal counsel would be directed to act as defense counsel. The second category relates to the civil enforcement proceedings described above. Counsel normally would be the attorney for Congress, the house or the committee in whose name the enforcement proceeding was brought.[21] The third category involves cases in which Congress was not a party but in which "the powers and responsibilities of Congress under the Constitution of the United States" were placed in issue. In such cases counsel could be directed to intervene or appear as *amicus curiae*. The fourth category is representation of either house of Congress or any of its committees in seeking a court order granting immunity to a witness who has refused to testify or to otherwise provide information on the basis of a privilege against self-incrimination.

Supporters of an office of congressional legal counsel say that reliance on private counsel is too expensive and that private attorneys lack the familiarity with the specialized historical material regarding the constitutional status, customs, and procedures of Congress necessary for effective representation.[22] We suspect that the proposal for a congressional counsel is best defended on the latter ground. Creating a legal office to handle a caseload which is only intermittently demanding or important may turn out to be far more expensive than private attorneys hired on an as-needed basis for particular assignments. Furthermore, the bill would not eliminate the power to retain private counsel to represent Congress, and it is not unlikely that when a case of major constitutional importance arose, Congress would hire distinguished outside counsel.

The Department of Justice has regularly provided the legal representation for Congress, its houses, officers, members, committees and subcommittees. As the amount and seriousness of litgiation in which Congress is involved or in which it has an interest has greatly increased during recent years, however, the problems connected with the Department's representation of Congress also have increased. Principal among these problems is the conflict of interests that frequently exist between the legislative body and the executive branch of which the Department is a part.[23]

Indeed, because the Department represents both the executive and the legislative branches it has been required on occasion to argue inconsistent positions with respect to a single issue. For example, in *Gravel* v. *United States*,[24] the Solicitor General asserted arguments that, if successful, would have limited the scope of the speech and debate clause that grants members of Congress immunity from prosecution for the performance of official functions. The Senate appeared in the case as *amicus curiae* and presented arguments in opposition to those of the Solicitor General. In *Doe* v. *McMillan*,[25] a suit in which the speech and debate clause was central to the defense, the Department of Justice represented the legislative defendants in the two courts below. When the case reached the Supreme Court it became apparent that the Solicitor General would have been obliged to argue, in defense of his current legislative clients, a position inconsistent with one he had only recently taken on behalf of his executive clients in *Gravel*. The Department, therefore, ceased its representation of the legislative defendants, who were obliged to seek new counsel at the Supreme Court level.[26] Indeed, although the issue has never been formally raised, it is possible that the Department's representation of Congress violates the constitutional requirement of separation of powers.[27]

The *Gravel* case highlights another problem caused by the Department's representation of both the executive and legislative branches. Under the constitutional principle of checks and balances the two branches are frequently in an adversarial position.[28] In such situations, even where the Department has already commenced representation of Congress, when the executive branch demands legal assistance the Department will withdraw from the congressional representation and actively represent the executive branch. Although there has never been any question concerning the good faith of the Department, such occurrences place Congress at a severe disadvantage.

Furthermore, although the statements are invariably deferential and correct, there is a strong undercurrent in congressional comments on Justice Department representation that Congress has received less than it is entitled to as a co-equal branch of the government.[29]

Title II of Senate 555 would not establish the office of congressional legal counsel as the single source of legal counsel for Congress. Although it is expected that counsel would advise committees and officers of Congress in the course of their official activities,[30] the office is intended primarily to be the litigation arm of Congress. Counsel would not be a general counsel for Congress and committee staff counsel would continue to function.[31]

When properly directed to do so, congressional legal counsel would assume control over the four categories of litigation described above. Two of the categories—subpoena enforcement proceedings and immunity proceedings—require no detailed discussion. Since Congress in this bill creates jurisdiction in the federal district court to hear civil enforcement proceedings brought on behalf of the proper house or committee of Congress, it follows that Congress should have an attorney to bring such cases. Section 205 gives council the power to bring such proceedings when properly authorized to do so.

Footnotes at end of article.

The fact that Congress here is involved in an "enforcement" function raises no serious constitutional separation of powers problems, since this is a matter of Congress' enforcing its investigative powers rather than a statute or law.[32] Similarly, Congress already has established a mechanism to obtain court orders granting immunity to certain witnesses. Senate 555 will empower the congressional legal counsel to represent Congress in obtaining such orders.

The other two categories require some discussion, the defense function because it represents the most common type of litigation in which Congress is involved and the intervention and amicus curiae function because it raises potentially serious constitutional problems.

Defense of Congress

Section 204 provides that congressional legal counsel, when directed to do so, would defend Congress, a house of Congress, an office or agency of Congress, a committee, subcommittee, member, officer, or employee of a house of Congress when any of such parties are made defendants in a civil action and in which there was placed in issue the validity of any proceeding of, or action taken by, such defendants in an official or representative capacity. Counsel would also represent such parties in any proceeding where such parties are subpoenaed to appear and produce documents.[33]

The language of this section carefully avoids the creation of "a free legal defense fund for personal legal matters of members of Congress or their employees." [34] At the same time, the presumption is established that in any civil suit that raises the question of whether actions of a member, officer or employee of Congress are part of his official duty, congressional legal counsel can be directed to defend him. Thus, it has been argued: "[I]f there is a close question as to whether a particular action is within the official duties of the individual, Congress must have the option of authorizing representation by the Congressional Legal Counsel." [35] Senate 555 preserves this option.

If Title II of S. 555 is enacted, it can be expected that counsel will be directed to defend Congress, or individuals or entities associated with Congress in, *inter alia*, cases (1) challenging acts of Congress; (2) challenging subpoenas issued by Congress or any of its committees; (3) attempting to compel performance of official functions; (4) attempting to prevent performance of official functions; (5) attempting to recover damages resulting from the performance of official functions by an individual or entity associated with Congress; (6) challenging the status of individuals as members of Congress; or (7) attempting to compel production of congressional documents. However, Senate 555 does not broaden the category of cases in which members, officers or employees of Congress will be entitled to representation. With few exceptions the Department of Justice has previously represented such individuals in these types of cases.

Section 204 does not permit representation by congressional legal counsel when the action involves unofficial activities of the defendant. Thus, for example, counsel would not represent members of employees in suits dealing with campaign practices, in suits alleging individual abuses of certain privileges (such as abuse of the franking privilege [36]), and in private damage suits. Also, criminal proceedings against an individual associated with Congress are beyond the scope of the bill.

Counsel is also empowered to defend Congress or any individuals or entities associated with Congress who have been subpoenaed if the subpoena arises from the performance of official duties. Such representation is authorized regardless of whether the subpoena is issued in a civil or in a criminal proceeding. The controlling criterion is the relationship between the subpoena and the performance of official duties.

Of course, counsel would represent an individual associated with Congress only if the individual consented to the representation.[37] In some cases it is possible that a conflict could arise between counsel's duty to protect the best interests of the individual legislative defendants and his duty under Section 209 of this bill vigorously to defend all of the constitutional powers and responsibilities of Congress. The bill prescribes procedures which are to be used in an attempt to resolve conflicts, and an individual has the right to retain private counsel on account of such conflicts or for any other reason. If the individual so chooses, congressional legal counsel is authorized under Section 208(a)(4) of the bill to advise him with respect to obtaining private counsel. Congress is authorized under Section 210(d) to make reimbursement of expenses for private counsel. Reimbursement is optional, however, and Congress may examine the individual's reasons for choosing private counsel.[38]

Our Committee believes that the present arrangement whereby Congress, and individuals and entities associated with Congress, and represented by the Department of Justice can be improved. Although this Committee does not subscribe to the prediction offered in support of the bill that establishment of an office of congressional legal counsel will not cost more than the present arrangement,[39] we believe that the bill promises more effective representation and is worth the modest additional cost involved.

Intervention or Appearance as Amicus Curiae

Section 206 provides that when directed to by either or both houses of Congress the counsel would intervene or appear as *amicus curiae* in any pending legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue. Counsel's power to intervene exists "only if standing to intervene exists under Section 2 of Article III of the Constitution of the United States" (§ 206(a)).

While a reading of Section 206(a), which permits participation as intervenor or *amicus curiae* were the "powers and responsibilities of Congress under the Constitution" are at issue, might suggest that intervention would be limited to cases involving procedural issues, such as separation of powers, other sections make it clear that participation in a much broader class of cases is contemplated. Thus, Section 209(7) provides that in performing any function under the Title, the counsel "shall defend vigorously when placed in issue . . . the constitutionality of Acts of Congress;" and Section 212(b) requires the Attorney General to notify the counsel whenever he or the Solicitor General has decided not to appeal a decision holding an act of Congress unconstitutional.

Hence, it seems clear that participation by congressional counsel could be authorized in every case in which the constitutionality of a statute were attacked.

Intervention, of course, means much greater involvement in a case than does participation as *amicus curiae*. When one intervenes in an action one becomes a party and is bound by any decision in that action. Any participation as *amicus curiae* simply enables the participant to inform the court of his views but does not bind him to the results of the action. While this Committee can see no constitutional problem with respect to Congress' participation as *amicus curiae* in pending legal actions when appropriate, the Committee believes that the issue of intervention by Congress—at least in the ordinary case in which the constitutionality of a statute is at issue—raises serious constitutional problems. The power and duty to enforce the Constitution and laws of the United States is exclusively part of the President's constitutional responsibility to take care that the laws be faithfully executed.[40] The counsel would not be part of the executive branch since he would be appointed by the President pro tempore of the Senate and the Speaker of the House. Rather, he would represent the interests of Congress, and thereby possibly infringe on the exclusive authority of the executive branch. Furthermore, the government must be able to speak with one voice. Stipulations, settlements, and appeals become complicated if not impossible if two counsels purporting to represent the United States take opposite positions.

A principal motivation for including intervention as an option in addition to *amicus curiae* participation is that an *amicus curiae* cannot take an appeal; an *amicus* is therefore powerless to act unless one of the parties appeals. Concerned about cases in which the Justice Department decides not to appeal rulings holding acts of Congress unconstitutional, the draftsmen of S. 555 wanted Congress to be able to do the job itself. We believe, however, that this is simply not Congress' role under our constitutional scheme. It is the function of the executive to represent the government in court. The question whether the executive must in order to "take care that the laws be faithfully executed" exhaust appellate remedies where an act of Congress has been declared unconstitutional is an interesting one. If Congress believes that the executive branch must do so, Congress might consider seeking a writ in the nature of mandamus to compel the executive to file an appeal the next time an appropriate case arises. In our opinion the provision that "counsel shall be authorized to intervene only if standing to intervene exists" is an unsatisfactory evasion of the responsibility for confronting this problem.[41]

While the case against *amicus* participation is not as strong as the case against intervention, we believe that Congress should not give counsel power to do either. Our system of separation of powers works best when head-on clashes between branches of the government are avoided. To make the fighting of such battles a part of counsel's job will generate institutional pressure to provoke confrontations.[42] When from time to time a case arises in which the voice of Congress ought to be heard, Congress can make an individual determination to seek to appear as an *amicus curiae* [43] and can authorize counsel or any other lawyer to represent it.

III. ANALYSIS OF PROCEDURAL AND TECHNICAL ASPECTS OF THE BILL

A. A single office for both Houses of Congress

Senate 555 reflects the strong preference of the sponsors of the bill to have a single office of Congressional legal counsel for both houses of Congress. Although the bill provides in Section 202 that the office would be accountable to a joint leadership group drawn equally from both houses, the authorization procedures are drawn so as to give each house sole control with respect to matters relating only to it.[44] In this way, neither house can dominate the counsel and each has equal access to the counsel's services. Moreover, if there is conflict between demands being made by both houses, S. 555 provides that the joint leadership group must resolve the conflict before counsel can represent either house.

We agree that a single office affording con-

Footnotes at end of article.

sistency, anticipation and coordination is preferable. In the usual case in which congressional legal counsel would be called upon, the interests involved would be those of Congress as an institution rather than those of a particular house. The development of coherent, long range strategies for protecting the interests of Congress would be helped if the cases were centralized in one office, and the cost of one office would be substantially less than the cost of two. Furthermore, the bill is structured so as to ensure that the congressional legal counsel would be no less effective in representing a particular house than its own counsel would be.

The composition of the joint leadership group would prevent either house from dominating the counsel, and the authorization procedures deny the other house any role where the case involves just one of them.

B. Subpoena enforcement

Section 205 of S. 555 empowers the congressional legal counsel, when so directed by the appropriate unit of Congress, to bring a civil action "to enforce, to secure a declaratory judgment concerning the validity of, or to prevent a threatened failure or refusal to comply with, any subpoena" issued from Congress.*

Counsel can be directed to bring such an action only by a resolution of either or both houses of Congress authorizing a committee or a subcommittee to bring such an action. When a committee or subcommittee seeks enforcement, the resolution must be reported out of the full committee by the majority of members voting, a majority being present. The committee report must state (i) the procedure followed in issuing the subpoena, (ii) the extent to which the subpoenaed party has complied, (iii) any objections or privileges raised by the subpoenaed party, and (iv) "the comparative effectiveness of bringing a civil action under the section, certification of a criminal action for contempt of Congress, and initiating a contempt proceeding before a House of Congress."

In light of the fact that the civil enforcement of subpoenas has been proposed precisely because in most cases it is more efficient and more effective than either of the means presently available to Congress to enforce its subpoenas, the last provision quoted above appears superfluous. It is anomalous that a Congress which has concluded that a criminal proceeding is ordinarily inappropriate and ineffective should require a congressional committee to reassert a justification for preferring a civil proceeding each time it desires to initiate one. It would make more sense to require a reporting committee that intends to use any method other than a civil enforcement proceeding affirmatively to state a justification for doing so.

C. Authorizing counsel to act

Section 203 outlines a remarkably detailed procedure for authorizing congressional legal counsel to act. Basically, the bill provides that counsel may act in a matter involving only one house on a two-thirds vote of the leadership of that house or a resolution of its members and may act in a matter involving both houses on a two-thirds vote of the joint leadership group or on a concurrent resolution. There are, however, a number of exceptions.[46]

Since Congress is a collegial body whose constitutent houses ordinarily act by means of votes of their entire memberships and since intervening in or otherwise participating in litigation may amount to seeking a legislative goal through the judicial process, it seems desirable that such ventures be approved by a vote of the members of the house or houses involved. Except for the special case of subpoena enforcement, the bill would require the house or houses involved to vote approval before the counsel would be permitted affirmatively to involve Congress in a case. Where, however, the Congress or one of its members or employees is named as a defendant in a suit the joint legislative group may authorize the counsel to provide a defense. While it might be argued that delegation to the joint legislative group should not be permitted in these cases as well, the role of the joint legislative group permits action while Congress is not in session and speedy authorization in emergency situations. Given the composition of the joint legislative group and the requirement of a two-thirds vote, it appears most unlikely that a vote of the group would not reflect the will of Congress.

D. Eligibility to serve as congressional counsel

As noted previously, congressional legal counsel must be appointed by the President pro tempore of the Senate and the Speaker of the House from among a list of candidates recommended by the bipartisan leadership of the Senate and the House. The bill expressly prohibits appointment on the basis of political affiliation and thus establishes a type of merit selection system.

In an apparent attempt to insure that the counsel selected will be professional, objective, and not overly involved in the partisan or parochial aspects of congressional activities,[47] the bill prohibits the appointment of any person who within the previous three years (i) was a member of Congress, (ii) was a candidate for congressional office, (iii) actively participated in the management or conduct of a congressional campaign, or (iv) was an officer or an employee of either house of Congress. We believe that these exclusions are ill-conceived. Because one of the goals of the bill is to obtain for Congress a legal representative who has a sophisticated understanding of Congress and its operations, it is counter-productive to exclude any person who has had any official connection with Congress during the three immediately prior years. And whatever limitations are enacted, Congress will employ the counsel it deserves. Exclusion of a group which includes a number of the most qualified potential candidates merely because they might be in a position to exercise political influence will not stop a Congress so motivated from filling the position on a political basis. This being so, there is no reason to prevent a Congress concerned only with the merits from having access to all qualified candidates.

E. Advisory Role

The bill contains a rather odd provision (in Section 203(e)) to the effect that the counsel could make no recommendation in connection with the consideration of a resolution or a concurrent resolution which would authorize the counsel to act. A principal reason for establishing the office of counsel is to develop a repository of knowledge and expertise on the institutional interests of Congress; Congress should not deprive itself of the counsel's judgment as to whether his office should be authorized to proceed in a particular case. Indeed, Section 203(e) seems inconsistent with Section 206 (b), which imposes a duty on the counsel to notify the joint leadership group of any action in which he believes that Congress or a house of Congress should intervene or appear as *amicus curiae* together with the reasons for his opinion.

CONCLUSION

Subject to the comments noted throughout this report, we favor the establishment of an office of congressional legal counsel and the granting of civil jurisdiction to enforce congressional subpoenas.

Respectfully submitted,

The Committee on Federal Legislation*.
John D. Feerick, Chairman; Mark A. Belnick, James A. Benedict, Harvey E. Benjamin, Barry A. Berger, Donald L. Borod, Halsey B. Collins, George A. Davidson, John Doar, Howard L. Feinsand, Blair C. Fensterstock, Thomas V. Heyman, Kathleen Imholz, Lawrence M. Kaye, Robert J. Kheel, James C. Kirby, Jr., John G. Koelti, Victor Lewkow, Leslie Lupert, Leonard M. Marks, Gerald T. McLaughlin, John F. X. Peloso, Dean Ringel, Rhoda S. Roth, Robert C. Sheehan, Thomas J. Schwarz.

May 1, 1978.

FOOTNOTES

[1] See *Representation of Congress and Congressional Interests in Court:* Hearings Before the Subcommittee on Separation of Powers of the Committee on the Judiciary, United States Senate, 94th Cong., 2d Sess., at 145 [hereinafter "Representation Hearings"] (remarks of C. Ludlam), where the need for a central file for congressional litigation records is discussed.

[2] See generally Sky, *Judicial Review of Congressional Investigations: Is There an Alternative to Contempt?*, 31 Geo. Wash. L. Rev. 399 (1962).

[3] *Anderson v. Dunn*, 19 U.S. 204 (1821). This procedure has not been used since 1945. See note 5, *infra*.

[4] 2 U.S.C. §§ 192–94.

[5] S. Rep. No. 95–170, 95th Cong. 1st Sess. 16–18, 97 (1966) [hereinafter referred to as "Senate Report"].

[6] Senate Report at 97.

[7] Under 2 U.S.C. § 194, a statement of the facts constituting contempt must be certified to the United States Attorney, who will then bring the matter before a grand jury.

[8] *Steel Companies (Subpoenas)*: Hearings before the Senate Committee on the Judiciary, 87th Cong., 2d Sess., at 85 (remarks of Senator Kefauver), cited in Senate Report at 17.

[9] In the proper situation, Congress may even certify a criminal action after a court has held an individual to be in civil contempt for the same misconduct. See American Law Division of the Library of Congress, Congressional Research Service, *Memorandum To Senate Separation of Powers Committee* (1977), reprinted in *Public Officials Integrity Act of 1977, Blind Trusts and Other Conflict of Interest Matters:* Hearings before the Committee on Governmental Affairs, United States Senate, 95th Cong., 1st Sess., at 798–800 [hereinafter "Integrity Act Hearings"].

[10] 69 Cong. Rec. 10596 (1928).

[11] *Senate Select Committee* v. *Nixon*, 366 F. Supp. 51 (D.D.C. 1973).

[12] Act of December 18, 1973, Pub. L. No. 93–190, 87 Stat. 736; Representation Hearings at 61 n. 1.

[13] The legislative history of S. 555 does not adequately explain why the bill fails to provide for the representation of Congress in controversies between the legislative and executive branches. The bill was opposed in part on this basis. See 123 Cong. Rec. S. 21006 (remarks of Senator Baker, June 27, 1977).

[14] Congress has worked on legislation (S. 2170, 94th Congress) that would define Congress' ability to obtain information from the executive branch.

* We note that the legislation does not appear to provide for nationwide service of process on subpoenaed parties.

* We acknowledge with deep appreciation the assistance of Joseph B. Valentine of the New York Bar.

[15] Senate Report at 92.
[16] Senate Report at 91.
[17] *Id.* at 89.
[18] S. 555, § 205(f).
[19] The Justice Department's representation of Congress is based on a broad reading of the narrow provision of 2 U.S.C. § 118 which empowers the Department to defend the officers of Congress against claims relating to their official duties but is silent as to defense of congressional members and committees. The Justice Department also has discretion to represent Congress under 28 U.S.C. §§ 517 and 518 which authorize the Attorney General to conduct litigation in which the "United States" has an interest.
[20] The Senate Watergate Committee used its staff counsel in some litigation.
[21] Any attorney may be appointed, however. See subsection (d) of § 205(f)(1); Senate Report at 96. Counsel may, under § 208(a)(6), cooperate with a committee staff in negotiating with a subpoenaed party to secure compliance with a subpoena, 123 Cong. Rec. p. 20956 (remarks of Senator Abourezk, June 27, 1977).
[22] See Senate Report at 14; Representation Hearings at 54.
[23] See 123 Cong. Rec. p. 20956 (remarks of Senator Ribicoff, June 27, 1977); Representation Hearings at 55; Id. at 119–38, discussing the ramifications of *Buckley* v. *Valeo*, 424 U.S. 1 (1976), in which the Department of Justice submitted a brief on behalf of legislative defendants and at the same time submitted an *amicus curiae* brief challenging the constitutionality of the statute in question. See also Letter from R. E. Lee, Assistant Attorney General to K. Harding, Sergeant-at-Arms of the House of Representatives, (August 10, 1976), reprinted in Integrity Act Hearings at 815–17 (outlining particular conflict of interest problem).
[24] 408 U.S. 606 (1972).
[25] 412 U.S. 306 (1973).
[26] See Letter from F. Vinson, Jr. to Senator J. Abourezk, dated August 6, 1975, reprinted in Representation Hearings at 67–68; letter of E. Griswold, Solicitor General, to Representative A. Nelson, dated April 13, 1972, reprinted in Representation Hearings at 69–70.
[27] See Representation Hearings at 37, 50. This also raises questions as to the appropriateness of the present attorney-client relationship between the Justice Department and Congress.
[28] Sellers, *Legal Services for Congress*, 63 A.B.A. Journal 1728 (1977).
[29] See Senate Report at 12–13.
[30] Sellers, *supra* note 26, at 1729–30.
[31] 124 Cong. Rec. p. 1128 (remarks of Senator Abourezk, January 26, 1978).
[32] Prepared statement of John Harmon, Assistant Attorney General, in Integrity Act Hearings at 12, 30–31.
[33] See generally Kay, *Congressional Papers, Judicial Subpoenas, and the Constitution*, 23 U.C.L.A. L. Rev. 57 (1975).
[34] Senate Report at 87; see 123 Cong. Rec. p. 20958 (remarks of Senator Abourezk, June 27, 1977).
[35] Senate Report at 88.
[36] This type of case is in the "grey area" where an allegation of individual abuse in effect may be an attack on the very existence of the privilege. In such a case the appropriate entity of Congress charged with directing counsel to represent the defendant must make a preliminary judgment whether the conduct challenged is within the scope of the defendant's official duties. As noted in the text the presumption is in favor of an affirmative judgment. Senate Report at 87.
[37] S. 555, § 204(b); Senate Report at 88.
[38] Senate Report at 88.
[39] 124 Cong. Rec. p. 1119 (remarks of Senator Abourezk, January 26, 1978). Senator Baker also challenged the argument that costs would not go up. He hoped that "we are not spawning a new bureaucracy which will vastly increase congressional involvement in litigation across the country." 123 Cong. Rec. p. 21006 (June 27, 1977).
[40] U.S. Const. Art. II, § 3; *Buckley* v. *Valeo*, 424 U.S. 1, 138 (1976); *United States* v. *Cox*, 342 F.2d 167, 171 (5th Cir.), *cert. denied*, 381 U.S. 935 (1965); congressional suit to enforce its subpoenas might be distinguished on the ground that it represents enforcement of congressional investigatory power rather than enforcement of laws or statutes. See note 32, *supra*, and accompanying text.
[41] Congress' standing is problematical at best where all that is at issue is the constitutionality of a statute. Congress as an institution could well be met with the same arguments that have been used to deny individual congressmen standing. Congressmen have been held to have no greater interest than any other citizen in enforcement of laws, see *Harrington* v. *Bush*, 553 F.2d 190 (D.C. Cir. 1977); *Harrington* v. *Schlesinger*, 528 F.2d 455, 459 (4th Cir. 1975), since the responsibility for enforcing laws is in the executive branch, see, e.g., *Holtzman* v. *Schlesinger*, 484 F.2d 1307, 1315 (2d Cir. 1973), *cert. denied*, 416 U.S. 936 (1974). However, cases may arise in which Congress would appear to have standing to intervene. See note 43, *infra*.
[42] *Cf.* remarks of Senator Baker quoted in note 39, *supra*.
[43] Occasionally, intervention may be appropriate. *Cf. United States* v. *AT&T*, 551 F.2d 384 (D.C. Cir. 1976) (Department of Justice sued AT&T to block it from complying with subpoena of congressional subcommittee; Rep. Moss intervened for himself, his committee, and the House).
[44] The joint leadership group, as earlier noted consists of the Speaker of the House, the President or Deputy President pro tempore of the Senate, the majority and minority leaders of both houses, the chairman and ranking minority member of the judiciary committees of both houses, and the chairman and ranking minority member of the committees of each house having "jurisdiction over the contingent fund of that body."
[45] As Senator Abourezk has noted (123 Cong. Rec. S. 10725 (June 27, 1977)), even under the detailed procedures for authorization it sometimes will be unclear what section of the bill is to be applied when directing counsel to act. Both Senator Abourezk and Senator Ribicoff urged a "common-sense approach" to the interpretation of these procedures. *Id.*
[46] See 123 Cong. Rec. p. 20974 (remarks of Senator Thurmond, June 27, 1977).
[47] See also Section 208(a), authorizing the counsel to consult with committees, members, officers, and agencies of Congress in various circumstances.●

KEN CURTIS

● Mr. HATHAWAY. Mr. President, I wish to express my strong endorsement of Ken Curtis to be a member of the Canada-United States International Joint Commission.

Ken has furnished distinguished public service at many levels of government, and most recently served as Chairman of the Democratic National Committee.

His appointment to the Commission is a fitting one, since one of the many achievements of his administration while Governor of Maine was an increased sensitivity to relations with the provinces of Quebec and New Brunswick, who constitute Maine's neighbors for 610 miles of international boundary.

Canadians frequently observe that while they are reasonably conversant with the ways of America, Americans are sadly ignorant of Canada and its workings. Ken Curtis should offer a healthy antidote to that malaise.

His kindness and generosity will continue to earn for him the respect which he and his leadership have long enjoyed throughout the State of Maine and I am in full support of his nomination today.●

IN COMMEMORATION OF HECTOR GUTIERREZ RUIZ AND ZELMAR MICHELINI

● Mr. KENNEDY. Mr. President, we commemorate the assassination of two prominent democratic leaders of Uruguay. One of them, Hector Gutierrez Ruiz, was the Speaker of the House of Representatives until it was dissolved in 1973 at the time of the military coup. The other, Zelmar Michelini, was a Senator, a former Cabinet Minister, and a Presidential candidate.

They came from different political parties. One was a "Blanco" and the other a "Colorado"—the two traditional democratic parties in Uruguay. But they were united in their struggle for human rights and a prompt return to democratic rule in their country.

In 1973, after the coup in Uruguay, Michelini, Gutierrez Ruiz and a third prominent Uruguayan, Senator Wilson Ferreira Aldunate, sought refuge in Argentina. But after the March 1976 military coup in Argentina, Uruguayan security forces operated with impunity in Argentine territory, persecuting the Uruguayan exile community.

Two years ago today, in May 1976, both Uruguayan legislators were kidnapped and subsequently brutally murdered. Senator Ferreira Aldunate managed to escape, leaving Argentina under the protection of the Austrian Embassy. Since then, Ferreira has joined in worldwide protests against the brutality of the Uruguayan regime.

Today, I want to honor the memory of these two prominent colleagues from Uruguay, who dedicated their lives to the struggle for democracy and human dignity. It is important for us, when we deal with human rights, to remember that this is not an abstract issue. There are people like us suffering every day in countries like Uruguay, where democratic freedoms have disappeared.

The best commemoration of the deaths of Speaker Gutierrez Ruiz and Senator Michelini will be the continuation of the struggle for the principles and ideals for which they died. The tide of history in Uruguay, and elsewhere in our hemisphere, is against the forces of dictatorship and repression, and toward the forces of democracy and freedom.●

JACK R. JOHNSON

● Mr. RIEGLE. Mr. President, I was proud to join with thousands of others in my hometown of Flint, Mich., who yesterday honored a distinguished leader of the labor movement and a close friend—Mr. Jack R. Johnson.

Jack Johnson is one of Flint's most distinguished citizens. He has given freely of his time and talents, and in

so doing, has helped to forge a better community. I have known Jack for many years and have great admiration for his many achievements.

Jack Johnson was born and raised in the city of Flint, graduated from Flint's Northern High School, and has since played an important role in Flint's continuing growth. An active member for many years in the American Federation of State, County, and Municipal Employees, Jack rose through the ranks of this organization and now retires from the presidency of the Greater Flint AFL–CIO Council. In the past he has held many important posts, including the office of president of the AFL–CIO Council 29, and AFSCME Local 1600.

Jack Johnson is married and has two daughters. He continues to participate in various nonprofit and humanitarian organizations. Presently he works for the United Way of Genesee County as co-chairman of their government unit. In addition, he serves as board member for both the Urban Coalition and the Economic Development Commission.

On behalf of the city of Flint, his friends, and coworkers, it is with honor that I salute Jack Johnson for his achievements, contributions, and, most of all, for his willingness to help others. He has clearly earned the admiration of his community.●

THE CONSUMER COOPERATIVE BANK ACT—THE VOLUNTARY SELF-HELP CONCEPT

● Mr. HAYAKAWA. Mr. President, the Senate will soon have an opportunity to make a major commitment to the voluntary self-help concept. I am referring to the pending National Consumer Cooperative Bank Act.

Earlier this year I was pleased to testify in behalf of the bill before the Senate Subcommittee on Financial Institutions. In my testimony I stressed the importance of the self-help concept to the consumer cooperative movement. Indeed, the movement is based on this concept and that of local initiative—the very finest traditional Republican values.

The Bank will assist consumers in meeting their own needs and solving their own problems. It provides an exciting alternative to the current trend toward Government hand-out programs.

In my testimony I also responded to the concerns many small businessmen and women have expressed about the Bank. Let me assure my colleagues that those of us who support this bill are aware of both the necessity of fair competition in the marketplace and the role small business plays in the economy. This bill contains specific safeguards against the kind of unfair competition small businesses oppose. The Bank will include an assessment of the impact of any loans on existing area small businesses in its criteria for loans. Furthermore, the Senate Committee on Banking, Housing, and Urban Affairs has acted to assure that the small business community will have permanent representation on the Bank's Board of Directors.

I hope my colleagues will seize this opportunity to support the self-help idea. Millions of Americans want to solve their own problems. Let us provide them the mechanism to do just that.

Mr. President, I ask that my testimony before the Senate Subcommittee on Financial Institutions be printed in the RECORD.

The testimony follows:

CONSUMER COOPERATIVE BANK BILL TESTIMONY OF SENATOR S. I. HAYAKAWA

Mr. Chairman, I appreciate the opportunity to come before the Senate Subcommittee on Financial Institutions to speak in support of a national consumer cooperative bank. I have been a member of the cooperative movement since I joined my first cooperative in 1937, and would like to share with you some of my thinking on the need for the bank.

It has been my privilege to witness first hand, in the midwest as well as in California, the efforts of consumers to run their own retailing enterprises with their own sources of funding and through their own voluntary efforts and employment of skilled management. I might add that they have done so independent of government.

This has been an enlightening experience and one, unfortunately, that too few Americans have been able to enjoy. The simple fact is that in few instances have organized consumers had the courage and tenacity to undertake their own retail businesses for themselves, or have even had the know-how to do so.

This wide and continuing gap in the fabric of American enterprise is one reason why I support the bill for a national consumer cooperative bank. The bank will provide not only initial funding through a mechanism that consumers eventually can own and control, but also technical assistance to consumers who are willing to take the big step toward becoming business owners.

Retail stores run by consumers are not the single or ultimate goal of this proposal. In fact, it seems to me that the efforts by consumers to set up their own stores may in some respects be one of the least important end results of a co-op bank. A great deal of attention, however, has been focused on this aspect of the bank because in the few instances where co-ops have been successful, they have done especially well in food distribution.

One of the frequent complaints about the bank is that it would help consumers to run stores to the disadvantage of "mom and pop" groceries and other small neighborhood businesses. It is quite obvious to those who understand retailing in America that the primary competition for all small enterprises, especially in the food field, is from large integrated chain operations.

Cooperatives, as well as other retailers, have suffered from this kind of competition. Even with assistance from the proposed bank, it is hardly conceivable that cooperatives in the retailing field will become a dominant force or one seriously threatening other small busnesses in their area.

The fact is that in a great many instances cooperatives in both rural and urban communities have helped other small businesses to grow and prosper. I could cite one example with which I am personally familiar, the Hyde Park Cooperative store in Chicago. It has been the principal magnet drawing trade to other stores in the shopping center it occupies. It has also joined with other businesses in joint operation of another center near its main location. Cooperatives have had this positive, catalytic effect in both urban and smaller rural communities.

Other small businesses really have little, if anything, to fear from cooperatives, either now or after they receive the assistance of the kind of hard-headed business advice which a bank will provide for them.

I feel this will be true also of the special assistance provided for in this bill for cooperatives serving low-income consumers. Their need for such help—both technical and financial—is of course even greater than that of the average consumer group. It should be pointed out, in addition, that it is only the low-income cooperative to which the bill proposes to make available loans and other assistance on a below-market basis. All other prospective borrowers of the bank would pay full market terms for their loans.

It appears that the major uses for this bank will be in the areas where consumers have had the least chance to exercise some kind of control over costs, and where they have been pinched the worst. These areas include health, housing, repair, transportation and other services which often are either non-existent or very difficult for the average family to get and pay for. It is in these areas especially that consumers need a great deal of assistance, both in terms of funding and the technical help a bank staff can provide.

One factor which stands out as critical in this entire matter of bank assistance to consumer cooperatives is the naivete with which consumers approach the matter of going into business. They need all kinds of technical guidance to begin to help themselves.

Finally, one other aspect of the bill I would like to emphasize involves its probable impact in rural areas in particular. Producer cooperatives in many of our farm communities have for years been able to obtain credit through the Banks for Cooperatives. In recent years, more and more nonfarm families have moved into these communities. When a cooperative's members become increasingly non-farm, the cooperative loses its eligibility for this assistance. The proposed National Consumer Cooperative Bank will be able to provide these cooperatives with the necessary assistance for which they are no longer eligible through the Farm Credit System.

Cooperatives provide Americans with a major chance to stand on their own feet and meet their own needs. It is for this reason that cooperatives have won the bipartisan support of our nation's leaders in all walks of life. I urge my colleagues to join me in supporting the national consumer cooperative bank.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 43, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF FOREIGN TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. STEVENSON. Mr. President, it is required by paragraph 4 of rule 43 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committe on Ethics has received a request for a determination under rule 43 which would permit Mr. Jeff M. Bingham, administrative assistant to Senator GARN, to participate in a program sponsored by a foreign educational organization, the Atlantic Council of

Young Political Leaders in Lisbon, Portugal, from May 24–28, 1978.

It has been determined that participation of Mr. Bingham in the program in Portugal, at the expense of the Atlantic Council to discuss "Eurocommunism" is in the interest of the Senate and the United States.●

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders Nos. 759, 785, 802, and 829.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS ENERGY LOAN ACT

The Senate proceeded to consider the bill (H.R. 11713) to create a solar energy and energy conservation loan program within the Small Business Administration, and for other purposes, which had been reported from the Select Committee on Small Business with an amendment to strike all after the enacting clause and insert the following:

That this Act may be cited as the "Small Business Energy Loan Act".

SEC. 2. Section 7 of the Small Business Act is amended by adding at the end thereof the following new subsection:

"(l)(1) The Administration also is empowered to make loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator may determine to be necessary or appropriate to assist any small business concern in financing plant construction, conversion, expansion (including acquisition of land for such a plant), or startup, and the acquisition of equipment, facilities, machinery, supplies, or materials to enable such concern to architecturally design or engineer, manufacture, distribute, market, install, or service any of the following energy measures:

"(A) Solar thermal energy equipment which is either of the active type based upon mechanically forced energy transfer or of the passive type based on convective, conductive, or radiant energy transfer or some combination of these types.

"(B) Photovoltaic cells and related equipment.

"(C) A product or service the primary purpose of which is conservation of energy through devices or techniques which increase the energy efficiency of existing equipment, methods of operation, or systems which use fossil fuels, and which is on the Energy Conservation Measures List of the Secretary of Energy or which the Administrator determines to be consistent with the intent of this subsection.

"(D) Equipment the primary purpose of which is production of energy from wood, biological waste, grain, or other biomass source of energy.

"(E) Equipment the primary purpose of which is industrial cogeneration of energy, district heating, or production of energy from industrial waste.

"(F) Hydroelectric power equipment.

"(G) Wind energy conversion equipment.

"(H) Engineering, architectural, consulting, or other professional services which are necessary or appropriate to aid citizens in using any of the measures described in subparagraphs (A) through (G).

No money shall be provided under this subsection for research and development.

"(2) No loan shall be made under this subsection if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund established by this Act would exceed $500,000. No loan made or effected under this subsection directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate basis shall exceed $350,000.

"(3) No financial assistance shall be extended pursuant to this subsection unless the financial assistance applied for is not otherwise available on reasonable terms from non-Federal sources.

"(4) No immediate participation may be purchased unless it is shown that a deferred participation is not available; and no loan may be made unless it is shown that a participation is not available.

"(5) In agreements to participate in loans on a deferred basis under this subsection, the Administration's participation shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

"(6) The Administration's share of any loan made under this subsection shall bear interest at the same rate as loans made under subsection (a) of this section. The maximum term of any such loan, including extensions and renewals, may not exceed fifteen years.

"(7) All loans made under this subsection shall be of such sound value as reasonably to assure repayment, recognizing that greater risk may be associated with loans made to business concerns in this field: *Provided*, That factors in determining 'sound value' shall include, but not be limited to, quality of the product or service; technical qualifications of the applicant or his employees; sales projections; and the financial status of the business concern.

"(8)(A) The Administration, after consultation with the Department of Energy and other Federal departments and agencies as the Administrator deems appropriate, shall publish in the Federal Register for public comment not later than sixty days after the date of enactment of this subsection proposed regulations to carry out the provisions of this subsection. The Administration shall make all reasonable efforts to solicit comments from small businesses and shall take into consideration comments submitted regarding such proposed regulations.

"(B) The Administration shall publish final regulations under this subsection not later than one hundred and eighty days after the date of enactment of this subsection.".

SEC. 3. Section 7(d) of the Small Business Act is amended by inserting "(1)" after "(d)" and by adding at the end of such subsection the following paragraph:

"(2) The Administration is authorized to hold seminars throughout the Nation to make potential applicants aware of the opportunities available under this subsection and related government energy programs, and to make grants to qualified organizations to provide training seminars for small business concerns regarding practical and easily implemented methods for design, manufacture, installation, and servicing of equipment and for providing services listed in paragraph (1) of this subsection, except that recipients of loans made pursuant to this subsection shall not subsequently be eligible for such grants.".

SEC. 4. Section 4(c) of the Small Business Act is amended—

(1) in subparagraph (B) of paragraph (1), by inserting "7(l)," after "7(i),"; and

(2) in subparagraph (B) of paragraph (2), by inserting "7(l)," after "7(i),".

SEC. 5. (a) Section 20(e) of the Small Business Act (15 U.S.C. 649(e)) is amended by adding at the end thereof a new paragraph as follows:

"(10) For the programs authorized by section 7(l) of this Act, the Administration is authorized to make $30,000,000 in direct and immediate participation loans, and $45,000,000 in guaranteed loans.".

SEC. 6. (a) REPORT TO CONGRESS.—The Administration shall annually report to Congress the number and amount of loans, the number of applications, the total amount applied for, and the number and amount of defaults for each type of equipment or service for which loans are authorized by this subsection, and on the projected and actual energy savings and numbers of jobs created by firms through loans made under section 7(l) of the Small Business Act. The Department of Energy shall assist the Administration in obtaining information and compiling this report.

(b) PAPERWORK; MINIMIZING PAPERWORK AND REGULATORY BURDEN.—It is the intent of Congress that the paperwork burden and regulatory impact on applicants under section 7(l) of the Small Business Act shall be minimized, and that to the maximum extent practicable, the Administrator may rely upon consultation with the Department of Energy and other agencies, upon paid consultants, and upon voluntary public submissions of information to obtain market data, industry sales projections, energy savings, and other economic information needed to carry out the provisions of section 7(l)(1) (D) and (E). Nothing in this subsection shall be construed as precluding the Administrator from using any of his lawful powers to obtain information from applicants.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–828), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Section 1. Title

Sec. 2.—Amends Section 7 of the Small Business Act, creating a new subsection (1) authorizing direct, immediate participation and guaranteed loans to certain small businesses.

Loans are for the purpose of funding plant construction, conversion, expansion (including acquisition of land), or start-ups, acquisition of equipment, facilities, machinery, supplies or materials. Loans are limited to businesses which design, manufacture, distribute, market, or install renewable energy or energy conservation measures described in this section, and to firms which provide professional architectural, engineering, or consulting services which are necessary or appropriate to the use of renewable energy or energy conservation.

Measures which would qualify their purveyors for these loans are: active solar energy systems, passive solar energy equipment of deign, photovoltaic cells and related equipment, energy conservation products or measures, biomass energy equipment (including wood heating devices), industrial cogeneration or district heating equipment, hydroelectric power equipment, wind energy equipment, and architectural, consulting, or engineering services which are necessary or appropriate to the named measures.

Par. (2)—Ceiling for guaranteed loans is $500,000; ceiling for direct loans is $350,000.

Par. (3)—Applicant must seek funding from non-Federal sources first.

Par. (4)—Applicant must seek a guaranteed loan before applying for a direct loan, and must seek a deferred participation loan before an immediate participation loan.

Par. (5)—SBA small not guarantee any more than 90 per cent of a loan under this subsection.

Par. (6)—Interest rate for this program is the same as the interest rate for the 7(a) program of SBA.

Par. (7)—Requires that loans be of sound value but recognizes that risks under this program may be greater than under other business loan programs.

Par. (8)—SBA must issue regulations governing this program within 180 days of enactment.

Sec. 3.—SBA is authorized to hold seminars to inform businesses of this program and to provide grants for seminars by private groups for training small business personnel to install energy conservation and renewable energy measures.

Sec. 4.—Renumbers paragraphs in Small Business Act to conform.

Sec. 5.—Authorizations:

For direct loan program, $30,000,000 is authorized.

For guaranteed loans, $45,000,000 is authorized.

For administrative purposes and seminars, $3 million is authorized for fiscal 1979, $2 million is authorized for fiscal 1980, and $1 million is authorized for fiscal 1981 and 1982.

Sec. 6.—(a) Reports to Congress on number and amount of loans, applications, and defaults, and energy savings achieved under the program.

(b) SBA is required to minimize paperwork and regulatory burden as much as possible.

LEGISLATIVE HISTORY

Following hearings in May, October, and November 1975, on the needs of the nascent solar energy industry, Senator Thomas J. McIntyre introduced S. 807 on February 24, 1977. The bill was referred jointly to the Select Committee on Small Business and to the Committee on Energy and Natural Resources. The two major titles of S. 807 would have set up a loan program in the Small Business Administration for qualified companies which have market-ready solar energy/conservation products, and a small grants program in the Department of Energy—then the Energy Research and Development Administration—for energy-related inventions which are in need of further development.

Legislative hearings were held on S. 807 on May 25 and 26, 1977, by the Select Committee on Small Business and a related field hearing was held in Portland, Maine, on May 23, 1977.

While the proposed small grant program was added to the fiscal 1978 budget of the Department of Energy, administration witnesses testified that the proposed loan program was unnecessary.

It was the judgment of the committee at that time to give the SBA an opportunity to take administrative action to remedy the difficulties faced by small solar energy and energy conservation firms, documented at some length in the hearings. These administrative actions which were not effective, will be reviewed below.

Subsequently, S. 807 was redrafted and reintroduced by Senator McIntyre on March 13, 1978, as S. 2733. A third day of legislative hearings was held on April 3, 1978, on both S. 807 and S. 2733. S. 2733 has been subsequently redrafted again to incorporate suggestions made by witnesses, including the Administrator of the SBA, A. Vernon Weaver, and an Assistant Secretary of the Department of Energy, Donald Beattie, made at the April 3 hearing. On May 2, 1978, the House passed a nearly identical companion bill, HR 11713, by a 375 to 17 vote. Because the House bill has been passed, the committee has decided to report the Senate version, as redrafted and amended, under the House bill number.

UP AMENDMENT NO. 1322

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. McINTYRE, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD), for Mr. McINTYRE, proposes an unprinted amendment numbered 1322.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, delete lines 17 through 20, and substitute the following:

"(10) For the programs authorized by section 7(1) of this Act, the Administration is authorized to make $30,000,000 in direct and immediate participation loans and $45,000,000 in guaranteed loans in fiscal years 1979 through 1982."

(b) Section 20 of the Small Business Act (15 U.S.C. 649) is amended by redesignating subsection "(g)" as subsection "(h)" and inserting the following new subsection "(g)"—

"There are authorized to be appropriated to the Administration for fiscal year 1979 $36,750,000 to carry out the programs referred to in subsection (c), Paragraph (10)."

The amendment was agreed to.

The committee amendment, as amended, was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FARM CREDIT SYSTEM LOANS TO PRODUCERS AND HARVESTERS OF AQUATIC PRODUCTS

The Senate proceeded to consider the bill (S. 2833) to amend, improve, and clarify the Farmer-to-Consumer Direct Marketing Act of 1976, which had been reported from the Committee on Agriculture, Nutrition, and Forestry with an amendment to strike all after the enacting clause and insert the following:

That section 7(b) of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3006(b)) is amended by adding at the end thereof a new sentence as follows: "For each of the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981, there is authorized to be appropriated $3,000,000 for purposes of carrying out the provisions of section 5 of this Act.".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill to extend the Farmer-to-Consumer Direct Marketing Act of 1976.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–854), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION

S. 2833 extends the Farmer-to-Consumer Direct Marketing Act of 1976 for 3 years, and provides annual authorizations for appropriations of $3 million for fiscal years 1979, 1980, and 1981. The annual authorization under existing law is $1.5 million.

PURPOSE AND NEED FOR LEGISLATION

S. 2833 extends for 3 years the authorization for appropriations under the Farmer-to-Consumer Direct Marketing Act of 1976. That act directed the Secretary of Agriculture to initiate and coordinate a program designed to facilitate direct marketing from farmers to consumers.

I

In recent years, an enhanced interest has developed among farmers and consumers for direct farmer-to-consumer food marketing. In the case of consumers, the interest results from consumer preferences for fresh and unprocessed foods, and increased costs associated with conventional retailing channels. To many small farmers, especially producers of fruits and vegetables, direct marketing can mean increased financial returns and, in some cases, the continued existence of the farm as a viable economic enterprise.

A program of direct marketing contains the promise of substantial economic benefits to the Nation. The program aids smaller farmers, whose farms are in the more populated areas of the country, to stay in business. The program also makes it possible for more consumers to purchase fresh, field-ripened produce, often at lower prices than are otherwise available.

Although the Farmer-to-Consumer Direct Marketing Act places primary reliance upon private individuals and groups to take initiatives toward new methods of direct marketing, on an economically self-sustaining basis, the act encourages flexibility and innovation in those instances where direct marketing appears to be feasible and beneficial. Section 5 of the act provides that appropriated funds may be used within the States for the purpose of conducting or facilitating activities that will initiate, encourage, develop, or coordinate methods of direct marketing. The successful operation of a direct food marketing facility within a town or city can, of course, have many beneficial side effects. They include attracting people into the downtown shopping district, stimulating retail trade, and opening communications and developing understanding between rural and urban people.

II

There are various obstacles to direct marketing arrangements that are built into our economy. The program of technical assistance authorized by the Farmer-to-Consumer Direct Marketing Act helps farmers overcome these obstacles.

The direct marketing effort initiated under the Act is just getting underway. However, successes are already being realized and there is mounting enthusiasm at the local level. Theoretically, the Department of Agriculture could conduct a direct marketing program under other authorities. However, until explicit authority was enacted in 1976, the Department showed little interest in this area. While the Department is now giving direct marketing more appropriate attention, the extension of the 1976 act is necessary to assure the success of the direct-marketing program.

COST ESTIMATE

In accordance with section 252 of the Legislative Reorganization Act of 1970, the committee estimates that the costs that would be incurred by the Federal Government in carrying out the bill would not be in excess of $3 million for each of the fiscal years 1979, 1980, and 1981.

The committee's estimate is in accord with the cost estimates furnished by the Congressional Budget Office.

FEDERAL AID IN NONGAME FISH AND WILDLIFE CONSERVATION ACT OF 1979

The Senate proceeded to consider the bill (S. 1140) to encourage and assist the States to develop improved programs for the conservation of nongame species of native fish and wildlife, and for other purposes, which had been reported from the Committee on Environment and Public Works with amendments as follows:

On page 1, line 4, strike "1977" and insert "1978";

On page 1, line 8, strike "species of native";

On page 2, line 4, strike "these species" and insert "nongame fish and wildlife";

On page 2, beginning with line 9, strike through and including line 13, and insert in lieu thereof the following:

(3) Urban dwellers and other Americans have limited opportunity to participate in interpretative or recreational programs or pursuits that foster understanding of fish and wildlife and, thereby, gain a greater appreciation and awareness of the natural environment.

On page 2, line 20, strike "species have been" and insert "have been limited or nonexistent, and the limited benefits that have accrued to nongame fish and wildlife and nonconsumptive users have been indirectly";

On page 3, line 1, strike "not" and insert "neither";

On page 3, at the beginning of line 2, insert "nor fully appropriate";

On page 3, line 3, strike "species," and insert "fish and wildlife";

On page 3, line 5, strike "The";

On page 3, line 12, strike "species of native";

On page 3, line 15, strike "this" and insert "their";

On page 3, line 16, strike "practicable," and insert "practical, and consistent with each agency's statutory responsibilities";

On page 3, line 18, strike "actively seek";

On page 3, line 19, strike "species of native";

On page 3, line 20, strike "the" and insert "their";

On page 3, line 20, strike "of such species,";

On page 4, line 1, strike "insure" and insert "assure";

On page 4, line 3, strike "species of native";

On page 4, line 8, after "education," insert "propagation, population manipulation,";

On page 4, line 9, strike "transplantations" and insert "transplanting";

On page 4, beginning with line 10, strike through and including line 15, and insert in lieu thereof the following:

(2) The term "nongame fish and wildlife" means (A) all wild, unconfined birds, mammals, fishes, reptiles, and amphibians, and (B) at the dscretion of the State agency any mollusk, crustacean, arthropod, or other invertebrate which are (i) valued for cultural aesthetic, educational, or other nonconsumptive purposes; (ii) may not be legally fished for, hunted, trapped, or otherwise taken for sport, food, or commercial purposes within the period or at the place directly affected by or involved in a nongame program in a State participating in programs authorized under section 4 of this Act; and (iii) are not listed as an endangered species, or threatened species under the Endangered Species Act of 1973.

On page 5, line 7, beginning with "is certified", strike through and including line 9, and insert in lieu thereof the following:

having direct has statutory responsibility for the administration of State laws or programs for the conservation of nongame fish and wildlife occurring in such State."

On page 5, beginning with line 13, strike through and including line 21;

On page 5, line 22, strike "(5)" and insert "(4)";

On page 5, line 22, rtrike "a comprehensive and continuing" and insert "an adequate and active";

On page 5, line 24, strike "and rehabilitation";

On page 5, line 24, strike "species of";

On page 6, line 2, strike "plans" and insert "plan";

On page 6, line 4, strike "(6)" and insert "(5)";

On page 6, line 5, strike "conserve or rehabilitate" and insert "promote the conservation of";

On page 6, line 6, strike "species of";

On page 6, line 7, strike "(7)" and insert "(6)";

On page 6, line 8, strike "directly or" and insert "acting";

On page 6, line 9, strike "as appropriate";

On page 6, beginning with line 10, strike through and including line 14;

On page 6, line 15, strike "(9)" and insert "(7)";

On page 6, line 20, strike "NONGAME FISH AND WILDLIFE CONSERVATION PROGRAM" and insert "DUTIES OF THE SECRETARY";

On page 6, line 23, strike "species of native";

On page 7, line 1, strike "species" and insert "fish and wildlife";

On page 7, beginning with line 5, insert the following:

(b) PROMULGATION OF PROGRAM STANDARDS.—Not later than six months after the date of enactment of this Act, and after consultation with the States, the Secretary shall develop and publish such guidelines as the Secretary deems necessary and appropriate to provide that management plans and projects developed by States under section 5 of this Act result in the conservation of nongame fish and wildlife. Such guidelines shall include, but need not be limited to, the requirements set forth under sections 4(e) (2) and (3) of this Act.

On page 7, line 15, strike "(b)" and insert "(c)";

On page 7, line 21, strike "FUND" and insert "PLANS AND PROJECTS";

On page 7, line 24, strike "2" and insert "two";

On page 7, line 25, strike "2" and insert "two";

On page 8, line 5, strike "paid" and insert "expended";

On page 8, line 9, strike "program" and insert "programs";

On page 8, line 19, after "to" insert "the designated";

On page 9, at the beginning of line 18, insert "(A)";

On page 9, line 18, after "has a" insert "designated";

On page 9, line 21, strike "species of native";

On page 9, line 22, after "and" insert "(B)";

On page 9, at the beginning of line 24, insert "of this subsection";

On page 10, line 2, after "(4)" insert "of this subsection";

On page 10, line 3, after "The" insert "designated";

On page 10, line 3, after "State" insert "agency";

On page 10, line 3, strike "shall" and insert "may";

On page 10, line 4, strike "comprehensive fish and wildlife resource management";

On page 10, line 6, strike "native";

On page 10, line 6, strike "species under its jurisdiction" and insert "fish and wildlife within such State";

On page 10, beginning with line 8, strike through and including line 9;

On page 10, line 10, strike "(B)" and insert "(A";

On page 10, line 11, strike "in the plan and projects to be carried out";

On page 10, line 13, strike "such plans and projects" and insert "programs";

On page 10, line 14, strike "(C)";

On page 10, line 15, strike "comprehensive";

On page 10, line 17, strike "(D)" and insert "(C)";

On page 10, line 17, strike "perpetuate" and insert "conserve";

On page 10, line 18, strike "species" and insert "Nongame fish and wildlife";

On page 10, line 19, strike "and" and insert "educational or";

On page 10, line 20, strike "enrichments" and insert benefits;

On page 10, line 20, after "of the" insert "people of the";

On page 10, line 20, strike "and its residents and visitors";

On page 10, beginning with line 22, strike through and including line 25;

On page 11, line 1, strike "(F)" and insert "(D)";

On page 11, beginning with line 5, insert the following:

(E) contain such other provisions as the Secretary and the State determine are necessary.

On page 11, line 7, strike "A" and insert "The designated";

On page 11, line 7, after "State" insert "agency";

On page 11, line 9, strike "a proposal" and insert "proposals";

On page 11, line 9, after "for" strike "a";

On page 11, line 10, strike "project" and insert "projects";

On page 11, line 10, strike "one or more native";

On page 11, line 11, strike "species" and insert "fish and wildlife within such State";

On page 11, line 13, after "prescribe" insert "pursuant to section 4(b) of this Act,";

On page 11, beginning with line 16, strike through and including page 12, line 2, and insert in lieu thereof the following:

(4)(A) Upon a finding that a plan submitted under paragraph (2) of this subsection or a project submitted under paragraph (3) conforms to standards and criteria established by the guidelines, the Secretary shall approve such plan or project.

On page 12, at the beginning of line 8, insert "(B)";

On page 12, line 11, strike "comprehensive";

On page 12, line 12, strike "involved";

On page 12, line 13, after "involved" insert "except that during fiscal years 1979 and

1980, the Secretary shall fund up to 90 percent of such costs";

On page 12, line 15, after the period, strike through and including line 25;

On page 13, beginning with line 5, strike through and including line 24, and insert in lieu thereof the following:

(f) PROJECT OR PLAN FUNDING.—(1) When the Secretary finds that any approved project or plan has been completed or is being conducted in accordance with such plan or project, the Secretary shall pay the Federal pro rata share of the cost incurred in conducting such project or plan.

On page 14, beginning with line 9, strike through and including line 22;

On page 14, line 23, strike "(4)" and insert "(2)" During fiscal year 1981,";

On page 14, line 23, strike "Not" and insert "not";

On page 14, line 24, strike "10" and insert "5";

On page 14, line 24, after "costs" insert a comma and "and beginning in fiscal year 1982 none of the States share of the program costs";

On page 15, line 3, strike "(5)" and insert "(3)";

On page 15, line 7, after "in" insert "one or more";

On page 15, line 7, strike the second "a";

On page 15, line 8, strike "species of native";

On page 15, line 9, strike "program or";

On page 15, line 10, strike "species" and insert "fish and wildlife";

On page 15, line 11, after the period, insert "The Secretary is authorized to coordinate the jointly undertaken programs or project agreements.";

On page 15, line 16, strike "the Secretary of Agriculture of";

On page 15, line 17, strike "the Governor of";

On page 15, line 18, strike "the Governor of";

On page 15, line 19, strike "and";

On page 15, line 19, strike "Mayor of the";

On page 15, line 20, after the comma insert "the Trust Territories of the Pacific Islands and Marianas";

On page 15, line 22, strike "programs" and insert "plans and projects";

On page 15, line 22, strike "program" and insert "plan or project";

On page 16, line 7, strike "and";

On page 16, line 8, after "percent" insert a semicolon and "(6) for the Trust Territories of the Pacific Islands, one-sixth of 1 percent; and (7) for Marianas, one-sixth of 1 percent,";

On page 16, at the beginning of line 12, insert "cited in this section";

On page 16, line 12, strike "25" and insert "10";

On page 16, line 13, strike "involved" and insert "involved during fiscal years 1979, 1980, and 1981, or 25 percent of such costs thereafter";

On page 16, line 20, strike "program" and insert "programs";

On page 16, line 25, strike "practicable" and insert "practical for each agency and consistent with its statutory responsibilities";

On page 17, line 4, strike "species of native";

On page 17, line 7, after "resources" insert "or interests therein";

On page 17, line 10, strike "in lands and waters" and insert "therein";

On page 17, line 14, strike "species of native";

On page 17, line 15, strike "such";

On page 17, line 16, after "appropriate" insert "designated";

On page 17, line 19, strike "species of native";

On page 17, line 22, after "with" insert "designated";

On page 18, line 2, strike "such";

On page 18, line 2, strike "species" and insert "fish and wildlife";

On page 18, line 6, strike "species" and insert "fish and wildlife";

On page 18, line 10, strike "declaration of policy" and insert "purposes";

On page 18, line 15, strike "1978" and insert "1979";

On page 18, line 15, strike "1979" and insert "1980";

On page 18, line 16, strike "1980" and insert "1981";

On page 18, line 17, after the period, insert "Funds appropriated shall remain available until expended.";

On page 18, line 22, strike "or any amendments to existing rules and regulations";

On page 19, line 3, strike "the Chairman of the Council on Environmental Quality," and insert "other Federal departments and agencies and interested persons";

On page 19, line 8, strike "and";

On page 19, line 8, strike "ways and means" and insert "methods";

On page 19, line 11, after "wildlife" insert a comma and "and (3) methods of coordinating joint programs of States as authorized in section 5(g)";

On page 19, line 12, strike "On or before the expiration of the 24-month period following the date of the enactment of this Act," and insert "The";

On page 19, line 16, strike "thereto." and insert "thereto. on or before the expiration of the 24-month period following the date of enactment of this Act.";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Aid in Nongame Fish and Wildlife Conservation Act of 1978".

SEC. 2. DECLARATION OF POLICY.

(a) FINDINGS.—The Congress finds and declares the following:

(1) Nongame fish and wildlife are of ecological, economic, educational, esthetic, historical, recreational, and scientific value to the Nation and its people.

(2) The improved conservation of nongame fish and wildlife, including acquisition, retention, maintenance, and improvement of their habitat, would help assure a healthier and more esthetically pleasing environment for all Americans.

(3) Urban dwellers and other Americans have limited opportunity to participate in interpretive or recreational programs or pursuits that foster understanding of fish and wildlife and, thereby, gain a greater appreciation and awareness of the natural environment.

(4) Existing State programs for nongame fish and wildlife have been limited or nonexistent, and the limited benefits that have accrued to nongame fish and wildlife and nonconsumptive users have been indirectly supported largely on the basis of hunting and fishing license revenues and excise taxes on certain hunting and fishing equipment. These traditional financing mechanisms are neither adequate nor fully appropriate to meet the needs of programs for both nongame and game fish and wildlife and they must be supplemented.

(5) States should be encouraged to develop, expand, and maintain, in urban and nonurban areas, programs for the conservation of nongame species of native fish and wildlife.

(b) PURPOSE.—It is the purpose of this Act—

(1) to provide financial and technical assistance to the States for the development, expansion, and maintenance of conservation programs for nongame fish and wildlife; and

(2) to direct that all Federal departments and agencies utilize their statutory and administrative authority, to the maximum extent practical, and consistent with each agency's statutory responsibilities to conserve and to promote conservation of nongame fish and wildlife and their habitats, in furtherance of the policy of this Act.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The terms "conserve", "conserving", and "conservation" mean to use, and the use of, methods or procedures which are necessary to assure, to the extent practicable and desirable, the continued existence of populations of nongame fish and wildlife. Such methods and procedures may include any activity associated with scientific resources management, such as research, census, law enforcement, habitat acquisition, maintenance and development, information and education, propagation, population manipulation, live trappings, and transplanting.

(2) The term "nongame fish and wildlife" means (A) all wild, unconfined birds, mammals, fishes, reptiles, and amphibians, and (B) at the discretion of the State agency any mollusk, crustacean, arthropod, or other invertebrate which are (i) valued for cultural, aesthetic, educational, or other nonconsumptive purposes; (ii) may not be legally fished for, hunted, trapped, or otherwise taken for sport, food, or commercial purposes within the period or at the place directly affected by or involved in a nongame program in a State participating in programs authorized under section 4 of this Act; and (iii) are not listed as an endangered species or threatened species under the Endangered Species Act of 1973.

(3) The term "designated State agency" means a commission, department, division, or other unit of a State government which having direct has statutory responsibility for the administration of State laws or programs for the conservation of nongame fish and wildlife occurring in such State.

(4) The term "plan" means an adequate and active program for the conservation of nongame fish and wildlife under the jurisdiction of any State. Such plan may include a number of nongame fish and wildlife projects.

(5) The term "project" means an undertaking designed to promote the conservation of nongame fish and wildlife.

(6) The term "Secretary" means the Secretary of the Interior, acting through the United States Fish and Wildlife Service.

(7) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Mariana Islands, and the Trust Territories of the Pacific Islands.

SEC. 4. DUTIES OF THE SECRETARY.

(a) PROGRAM.—The Secretary shall cooperate with the States in programs for the conservation of nongame fish and wildlife by providing through designated State agencies, financial assistance to carry out approved plans or projects for the conservation of such fish and wildlife. Such assistance shall be provided pursuant to the formula set forth in section 5(c) and in accordance with the requirements of sections 4(b) and 5 (e) and (f).

(b) PROMULGATION OF PROGRAM STANDARDS.—Not later than six months after the date of enactment of this Act, and after consultation with the States, the Secretary shall develop and publish such guidelines as the Secretary deems necessary and appropriate to provide that management plans and proj-

ects developed by States under section 5 of this Act result in the conservation of nongame fish and wildlife. Such guidelines shall include, but need not be limited to, the requirements set forth under sections 4(e) (2) and (3) of this Act.

(c) TRANSFER OF PERSONNEL AND EQUIPMENT.—The Secretary may, in assisting the States in carrying out programs under subsection (a), assign or transfer personnel and equipment and share scientific information, in such manner as the Secretary deems appropriate.

SEC. 5. NONGAME FISH AND WILDLIFE CONSERVATION PLANS AND PROJECTS

(a) UNEXPENDED FUNDS.—Any amount apportioned to a State pursuant to subsection (b) which is unexpended or unobligated at the close of two fiscal years may be used by the Secretary, during the succeeding two fiscal years, to assist other States in carrying out approved nongame conservation plans or projects. Any amount granted to any State under this paragraph shall be supplemental to, and shall not be charged against, any funds apportioned to such State under subsection (c). Any amount which is not expended or obligated by the Secretary pursuant to this paragraph after the close of the second such two-year period shall be made available for expenditure by the Secretary in carrying out any programs administered by the Fish and Wildlife Service which serves the nongame fish and wildlife resource.

(b) ADMINISTRATIVE EXPENSE.—The Secretary may use not to exceed 8 percent of funds appropriated pursuant to this Act for the expenses incurred in administering this Act, including the study authorized by section 10. Such sums shall be available until the expiration of the next succeeding fiscal year. If any such amount remains unexpended by the Secretary at the close of such fiscal year, the Secretary shall, within 60 days thereof, apportion such amount to the designated State agencies on the same basis and in the same manner as is provided for other amounts authorized by subsection (c) to be apportioned among the States for such fiscal year.

(c) APPORTIONMENT.—The Secretary, after making deductions under subsection (b), shall, subject to the provisions of section 6, apportion the remaining appropriated funds among the several States for each fiscal year in the following manner:

(1) one-half in the ratio which the area of each State bears to the area of all of the States; and

(2) one-half in the ratio which the population of each State bears to the population of all States; except that no State shall receive less than one-half of 1 percent, nor more than 5 percent, of the total amount apportioned.

(d) CERTIFICATION.—For each fiscal year, the Secretary shall certify to the Secretary of the Treasury and to each designated State agency the sum which the Secretary has estimated to be deducted for the administration of this Act under subsection (b) and the sum which the Secretary has apportioned to each State.

(e) SUBMISSIONS AND CONSIDERATION.—(1) If a State wishes to avail itself of the benefits of the Act, it shall (A) certify to the Secretary that it has a designated State agency (which shall be identified) which has adequate statutory and administrative authority and the necessary resources and personnel to conserve nongame fish and wildlife, and (B) it shall make submissions to the Secretary in accordance with paragraph (2) or (3) of this subsection. The Secretary shall consider any such submissions and make determinations thereon pursuant to paragraph (4) of this subsection.

(2) The designated State agency may prepare and submit a plan to the Secretary, with respect to the conservation of the nongame fish and wildlife within such State. Any such plan shall—

(A) include a description of all applicable methods of conservation to be used and projections as to possible future programs;

(B) indicate the general chronological order in which phases of the plan should be carried out over a period years;

(C) be designed to conserve the nongame fish and wildlife covered for the cultural, esthetic, scientific, educational or recreational benefits of the people of the State;

(D) provide for such conservation for a period of 5 or more years, and shall include a provision for review and revision at regular intervals, not to exceed 3 years.

(E) contain such other provisions as the Secretary and the State determine are necessary.

(3) The designated State agency may elect instead to avail itself of the benefits of this section by preparing and submitting proposals to the Secretary for conservation projects with respect to nongame fish and wildlife within such State. Any such proposal shall be submitted in such form and with such content as the Secretary shall prescribe pursuant to section 4(b) of this Act, and shall include a detailed description of the project involved.

(4)(A) Upon a finding that a plan submitted under paragraph (2) of this subsection or a project submitted under paragraph (3) conforms to standards and criteria established by the guidelines, the Secretary shall approve such plan or project.

(B) Upon approval, the Secretary shall notify the designated State agency of such State and shall immediately set aside, from funds apportioned under this Act, up to 75 percent of the cost of implementing segments of any plan or of the total estimated cost of the project involved except that during fiscal years 1979 and 1980, the Secretary shall fund up to 90 percent of such costs.

(5) If any Federal funds provided for an approved plan or project are used or applied for any other purpose, the State involved shall replace or return such funds before it may receive any additional apportionment under this Act.

(f) PROJECT OR PLAN FUNDING.—(1) When the Secretary finds that any approved project or plan has been completed or is being conducted in accordance with such plan or project, the Secretary shall pay the Federal pro rata share of the cost incurred in conducting such project or plan. Such payments shall be made by the Secertary to such official, officials, or depository, as may be designated by the designated State agency in accordance with the laws of such State.

(2) During fiscal year 1981, not more than 5 percent of the State's share of program costs, and beginning in fiscal year 1982 none of the States share of the program costs in any year may be from funds derived from the sale of hunting, fishing, and trapping licenses and permits.

(3) Not more than 25 percent of a State apportionment under this Act may be used for information and education programs, law enforcement, and extension services.

(g) INCREASED FEDERAL SHARE.—Whenever two or more States have a common interest in one or more nongame fish and wildlife and jointly undertake a project agreement with the Secretary for conservation of such fish and wildlife, the Federal share of the cost involved may be up to 90 percent. The Secretary is authorized to coordinate the jointly undertaken programs or project agreements.

SEC. 6. PAYMENT OF FUNDS TO, AND COOPERATION WITH RESPECT TO CERTAIN DESIGNATED AREAS.

The Secretary may cooperate with the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Trust Territories of the Pacific Islands and Marianas in the conduct of nongame fish and wildlife conservation plans and projects. Any such plan or project shall be conducted pursuant to such terms and conditions as the Secretary deems fair and equitable, and which are likely to be effective for such purpose. The Secretary may apportion to such jurisdictions, out of the money available for apportionment under this Act, such sums as the Secretary shall determine; except that such sums shall not exceed (1) for Puerto Rico, one-half of 1 percent; (2) for Guam, one-sixth of 1 percent; (3) for the Virgin Islands, one-sixth of 1 percent; (4) for American Samoa, one-sixth of 1 percent; (5) for the District of Columbia, one-half of 1 percent; (6) for the Trust Territories of the Pacific Islands, one-sixth of 1 percent; and (7) for Marianas, one-sixth of 1 percent, of the total amount apportioned for one year. The Secretary shall not require any cooperating agency cited in this section to pay an amount which will exceed 10 percent of the cost of the project involved during fiscal years 1979, 1980, and 1981, or 25 percent of such costs thereafter. Any unexpended or unobligated balance of any such apportionment shall be available for expenditure in any such jurisdiction in the succeeding fiscal year on any approved project and, if unexpended or unobligated at the end of such fiscal year, may be made available for expenditure by the Secretary in carrying out any programs administered by the Fish and Wildlife Service which serves the nongame wildlife resource.

SEC. 7. COOPERATION AND COORDINATION.

(a) IN GENERAL.—All Federal departments and agencies shall, to the maximum extent practical for each agency and consistent with its statutory responsibilities, cooperate and coordinate their programs and activities with the States in establishing and maintaining programs for the conservation of nongame fish and wildlife.

(b) REVIEW OF EXISTING PROGRAMS.—Each Federal department and agency which has management authority over land and water resources or interests therein shall, within one year after the date of enactment of this Act, review each of its existing programs for lands, waters, and interests therein subject to its control or authority to determine which of such programs, if any, can be extended or modified, without jeopardizing the purposes of such programs, to include the conservation of nongame fish and wildlife as authorized by this Act. Upon making an affirmative determination, any such department or agency shall notify the appropriate designated State agency and cooperate with such agency in the establishment of conservation efforts with respect to nongame fish and wildlife.

(c) COOPERATIVE AGREEMENTS.—All Federal departments and agencies are authorized to enter into cooperative agreements with designated State agencies under subsection (b). Each such cooperative agreement shall—

(1) specify those areas in which such programs will be implemented;

(2) provide, where appropriate, for habitat improvements or modifications designed to conserve nongame fish and wildlife;

(3) provide, to the extent practicable, for educational and recreational programs to foster greater appreciation and understanding of such nongame fish and wildlife; and

(4) contain such other terms and conditions as the Federal department or agency, or

the State agency, deems necessary and appropriate to carry out the purposes of this Act.

SEC. 8. AUTHORIZATION FOR APPROPRIATIONS.

There are hereby authorized to be appropriated to the Secretary to carry out the purposes of this Act for fiscal year 1979, the sum of $20,000,000, for fiscal year 1980, the sum of $30,000,000, and for fiscal year 1981 the sum of $40,000,000. Funds appropriated shall remain available until expended.

SEC. 9. ADDITIONAL REGULATIONS.

The Secretary is authorized to promulgate any rules and regulations or any amendments to existing rules and regulations which are deemed necessary to carry out the provisions of this Act.

SEC. 10. STUDY.

The Director of the United States Fish and Wildlife Service, in consultation with other Federal departments and agencies and interested persons shall conduct, out of funds available for the administration of this Act, such study or studies as may be necessary to determine (1) the best means of funding projects under this Act, (2) methods of coordinating the program authorized by this Act with existing programs of the Fish and Wildlife Service involving fish and wildlife, and (3) methods of coordinating joint programs of States as authorized in section 5(g). The Director shall report to the Congress the result of such study or studies, together with his recommendations with respect thereto, on or before the expiration of the 24-month period following the date of the enactment of this Act.

● Mr. CHAFEE. Mr. President, S. 1140, the Federal Aid in Nongame Fish and Wildlife Conservation Act of 1978, and the philosophy behind the bill, are welcome additions to the existing body of conservation legislation. Most fundamentally, the bill represents a recognition by the Congress of the importance of ecosystem management rather than just species management. S. 1140 will encourage the development of State and Federal programs which reflect a realization that while some species may be more important than others under certain circumstances, each is an integral part of the wildlife resource for which we are responsible.

The expansion of present wildlife programs envisioned in this bill will facilitate the enjoyment by millions of Americans, particularly those in our urban areas, of a vast and interesting array of wildlife that heretofore has been essentially untended. I am particularly pleased that the bill will yield benefits in environmental quality and environmental educational opportunities for a large number of citizens who, for various reasons, are currently unable to enjoy our Nation's wonderful wildlife resources.

The legislation should result in the development of some very innovative programs for the management of urban wildlife. This is most important because, as our society has grown to be increasingly urbanized, it has been difficult for a large group of Americans to remain in touch with and understand many ecological processes and relationships. By having wildlife in its natural habitat nearby, the public will be better able to understand and appreciate the importance of natural habitats, complex food chains, and other principles upon which our own existence, as well as that of wildlife, depends.

Wildlife habitat in urban areas also has important indirect environmental and economic benefits. It offsets many of the adverse environmental effects of urbanization by improving air quality, slowing storm water discharge rates, and so forth. Economic benefits will undoubtedly include an increase in property values and a reduction in open space management costs.

Mr. President, in short, the bill before us for consideration today provides the public with a means fully recognizing the importance of all our fish and wildlife resources and their contribution to our daily lives. For this reason, I strongly support S. 1140 and urge its adoption by the Senate.●

● Mr. McCLURE. Mr. President, the Federal Aid in Nongame Fish and Wildlife Conservation Act of 1978 represents a new direction in our Nation's conservation efforts. For many years sportsmen have been the principal supporters of nearly all wildlife management programs. In the past what little effort has been made to enhance nongame species either directly or indirectly has been accomplished through revenues received from hunters and fishermen.

While it should be recognized that there will always be some overlap between game and nongame management programs it should be noted that this legislation encourages the States to develop additional sources of funding for the new nongame programs. This approach was adopted by the committee for a number of reasons. First, it seemed unfair that large amounts of money be drawn from already strained game management budgets to finance the new nongame programs. Second, since game management funds by and large come directly from consumptive users unnecessary controversy and competition could develop between the game and nongame programs if no additional source of funding is established for the new programs.

S. 1140 recognizes these problems and addresses them by mandating that in fiscal years 1979 and 1980 the State share of nongame program costs can be drawn from any funding source available to the States share of program costs is to the sale of hunting and fishing licenses. However, beginning in fiscal year 1981 only 50 percent of the State's share can be drawn from such revenues, and in fiscal year 1982 and thereafter none of the States' share of program costs is to come from such sources.

This gradual phaseout of game management funds should insure that the nongame management programs which this bill initiates will have adequate start-up funding but it also puts the States on notice that they must develop new funding sources for their programs. Over time I believe the policy adopted by the committee on this subject will be of benefit to management efforts for all our wildlife resources.

Mr. President, as I am sure you know, most Federal aid to State game management programs has historically been financed through excise taxes on hunting and fishing equipment. In testimony received by the Environment and Public Works Committee all the States and most conservation groups asserted that a similar funding scheme should be used to finance the nongame programs created in this legislation. Such a financing system allows the users of particular resources to pay directly for the management programs which benefit their activities. Excise taxes, in addition, would provide a secure and predictable source of funding for the new nongame programs, an important element in any successful management strategy.

Since the House of Representatives must act first on tax measures our committee was unable to include a provision within this bill to accommodate these requests made for an excise tax. The committee did, however, thoroughly discuss the concept and believed it might be of benefit to incorporate it into the Federal nongame legislation at some time in the future.

Mr. President, I would like to reiterate my support for the concept of nongame management contained in this legislation and hope that the Senate will approve the legislation before us today.●

● Mr. WALLOP. Mr. President, I would like to state my strong support for the Federal Aid in Nongame Fish and Wildlife Conservation Act of 1978.

I am one of many cosponsors of this important legislation, and feel that its enactment will go a long way toward promoting better nongame fish and wildlife management and programs throughout the country than have existed in the past. Traditionally wildlife management has focused on game animals, financed primarily by hunters and fishermen who buy licenses and pay taxes on sporting equipment. These programs have been highly successful and are in no way diminished by this legislation.

Unfortunately, few programs exist for the benefit of nongame species, those fish and wildlife valued for cultural aesthetic, educational, or other purposes which are not fished for, hunted, trapped or otherwise taken for sport, food, or commercial purposes. Public appreciation of all wildlife species, including nongame ones, is growing with outdoor activities like nature photography and hiking, and State game and fish agencies all support the need to broaden wildlife conservation programs for nongame species.

This legislation authorizes and directs the Secretary of Interior to provide financial and technical assistance to States wishing to participate for nongame conservation programs. A State wishing to receive Federal funds under this act would design nongame management plans or submit projects for conserving individual nongame species. Activities which might be eligible for funding include habitat acquisition and modification, census taking and population monitoring, educational and interpretative programs, and improving related law enforcement, as the State so outlines. The bill authorizes $20 million for 1979, $30 million for 1980, and $40 million for

1981. The Federal Government would pay 90 percent of the costs for 2 years, and 75 percent thereafter, while the States would fund the remaining costs. Funding would be distributed to State based equally on population and State area considerations.

In addition, S. 1140 directs all Federal agencies to coordinate their wildlife management programs with the States, and allows them to enter into cooperative agreements. I think this is especially good since States have responsibility for managing wildlife, while Federal agencies manage habitat.

My one disappointment with this legislation is that it does not create an excise tax which would provide a steady, reliable source of funding for nongame programs. Environmental groups and the State game and fish agencies recommended such an excise tax be placed on various kinds of outdoor gear, thereby allowing people enjoying outdoor activities and nongame species to support this program. However, the U.S. Constitution requires that all tax measures originate in the U.S. House of Representatives. I hope the House will enact such a measure, and in the meantime S. 1140 directs the U.S. Fish and Wildlife Service to report to Congress in 2 years on alternative methods of funding this program.

A 1975 report prepared by the Wildlife Management Institute on nongame fish and wildlife programs in this country found that 35 States have instituted programs for protecting nongame species. However, less than 2 percent of the wildlife management funds authorized by these States was earmarked for nongame species. The Wyoming Game and Fish Department has developed a proposed nongame conservation program for excellent wildlife management and I think this proposed program can furnish an idea of how some States may hope to manage certain nongame species.

Mr. President, I want to compliment Senator CULVER for his excellent leadership in considering it in committee. I hope the Senate sees fit to pass it by a wide margin. Finally, I ask that the attached letter from Mr. Earl Thomas, director of the Wyoming Game and Fish Department, be inserted in the CONGRESSIONAL RECORD at this time.

The letter follows:

GAME AND FISH DEPARTMENT,
Cheyenne, Wyo., May 4, 1978.

Hon. MALCOLM WALLOP,
U.S. Senator, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR WALLOP: This letter concerns a matter which we consider of grave importance concerning our wildlife and its environment and Congressional action with reference thereto. In our opinion, programs to enhance the habitat and encourage nongame species production have been needed for some time. Legislation has been introduced which represents an excellent initial effort to fill this need. After several redrafts to improve the legislation, the House Merchant Marine Subcommittee on Fisheries and Wildlife Conservation and the Environment, favorably reported H.R. 10255 on March 15. The full House Committee gave its endorsement to this same bill. The Senate Subcommittee on Resource Protection has favorably reported S. 1140. S. 1140 is a similar piece of nongame legislation sponsored by Senator Hart of Colorado and twenty-three other Senators. It is our hope that this bill can be reported out of the full Senate Committee on Environment and Public Works early in May.

We are told that people in the Office of Management and Budget (OMB) were opposed to legislation of this type since it represents what they call a "categorical grant program." We did not know until recently that OMB would make a special effort to lobby for the defeat of this legislation. Apparently this lobbying effort has the personal backing of President Carter. Reportedly, the main objection of the President and OMB to this legislation is its cost. The authorization ceiling for H.R. 10255 is $100 million and for S. 1140 is $90 million. At first glance, this appears to be a tremendous sum of money; however, this amount is for a three year period and we have learned that Congress rarely appropriates the maximum amount of any authorization. We would expect the actual dollars to be made available to be only $10 million or less.

We sincerely feel that it would be a mistake for the administration to kill a program of such minor financial significance which could have such major importance to general fish and wildlife conservation efforts nationwide. Nongame funding is one federal program where a relatively few dollars could go a long way. We feel that because of the President's stated opposition, many Congressmen may be inclined to vote "NO" on the bills unless they know how we feel about it. We are, therefore, expressing our support for nongame legislation and would ask that you, in your considerations of this legislation, also support its passage.

We appreciate your consideration of this concern.

Very sincerely,
EARL M. THOMAS, *Director.*●

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill to encourage and assist the States to develop improved programs for the conservation of nongame fish and wildlife, and for other purposes.

The following proceedings occurred later:

Mr. STEVENS. Mr. President, I thank the majority leader for withholding the usual motion to reconsider the vote on Calendar No. 802, S. 1140, which was done at my request, solely for the purpose of checking with the Senator from Idaho (Mr. MCCLURE).

Mr. President, I move to reconsider the vote by which S. 1140 was passed.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–872), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

GENERAL STATEMENT

Conservation of fish and wildlife has been an American tradition, rooted deeply in our Nation's heritage. As early as February 1646, Portsmouth, R.I., proclaimed May through November as closed season on the hunting of deer, and similar actions were taken in most of the Colonies by the mid-1750's. By the time of the Nation's centennial, most coastal States had enacted laws regulating the taking of fish, oysters, and other aquatic creatures from their shores. Nearly all of these and other fish and wildlife conservation actions which developed in this country, however, whether State or Federal in nature, had three features in common. First, they were generally directed toward an individual species or a small group of species such as water fowl or deer. Second, their primary purpose was to restore populations that had already been depleted. Finally, these programs focused mainly on game animals, those species which are hunted, trapped, fished, or otherwise used for consumptive purposes.

Funding for these conservation programs has come primarily from sportsmen who buy licenses and pay excise taxes on hunting and fishing equipment. These efforts have been highly successful in maintaining the populations of species that are so managed. Few programs, however, have been initiated directly for the conservation of nongame wildlife, those species which are not used in a consumptive manner. Programs which do exist for nongame wildlife, such as that which resulted from the Endangered Species Act of 1973, are limited in scope and, for the most part, are also designed to restore populations which have become depleted.

Over the last decade, professional wildlife managers and conservationists have found this "rescue mission" approach to be expensive and often ineffective. At the same time, nonconsumptive uses of wildlife resources by the public have been increasing dramatically as backpacking, wildlife observation and nature photography have become more popular. Accordingly, much attention has been focused recently on the need for programs which conserve nongame resources.

The situation was recently documented in a 1975 report prepared by the Wildlife Management Institute under contract to the Department of the Interior and the Council on Environmental Quality. The study, entitled "Current Investments, Projected Needs, and Potential News Sources, for Nongame Fish and Wildlife Programs in the U.S.", was the first comprehensive review of nongame fish and wildlife programs throughout the country. In its report, the Wildlife Management Institute found that although 35 States have instituted programs for the protection of nongame species, only $3.3 million, or approximately 2 percent of the $176 million authorized in these States for fish and wildlife management, was set aside specifically for the conservation of nongame species. The report concluded that "a nongame fish and wildlife Federal matching grant in aid program should be authorized by Congress." Similarly, in his 1977 Environmental Message, President Carter acknowledged the urgent need for nongame conservation programs.

S. 1140, the Federal Aid in Nongame Fish and Wildlife Conservation Act, is intended to fill the gap which exists in this country's fish and wildlife management programs. The bill authorizes and directs the Secretary of the Interior to cooperate with and provide grants to the States for conserving nongame fish and wildlife. Activities which may be eligible for funding under this program include habitat acquisition and modification, census taking and population monitoring, educational and interpretative programs, and improved wildlife-related law enforcement. The bill authorizes $90 million through fiscal year 1981. The Federal share of project costs would be 90 percent in the first two years and thereafter 75 percent. States become eligible for such funds by submitting proposals for individual nongame conservation projects, or by preparing a long-range,

comprehensive plan for the management of nongame conservation.

There is sufficient evidence of activity in this area to be assured that States will use these funds. On August 3, 1977, the Subcommittee on Resource Protection conducted a hearing on S. 1140 and received testimony from administration officials and representatives of State conservation agencies and national conservation groups. The subcommittee learned that the interest in conserving nongame fish and wildlife species is not a new idea at the State level. Indeed, for a number of years, several States have been conducting very active programs in this area. Colorado, for instance, is currently attempting to reintroduce to its biota the river otter, which has not been found in the State for the last 75 years. The white pelican is another nongame animal for which conservation efforts have increased. California's budget for nongame programs totaled approximately $500,000 last year, about 8 percent of the State's total fish and wildlife budget. Approximately 70 rare, endangered, or threatened species benefit from this effort, including the limestone salamander, desert pupfish, and San Joaquin kit fox.

A survey of States conducted in April 1977, by the Fish and Wildlife Service, shows a diversity of potential projects to be considered. Iowa proposes to conduct research on selected songbirds including sandpipers, gold finches, and bobolinks. Massachusetts is considering a 4 year life history and habitat study of shrews, while Delaware anticipates a public education program aimed principally at schoolchildren to convey information about life systems. Finally, Illinois has proposed a study to determine the abundance and distribution of all nongame species found in the State and to develop plans for the conservation of these animals.

While there are many reasons for the recent increased interest in the conservation of such animals, witnesses who appeared before the subcommittee cited two primary reasons. Wildlife is now recognized as an integral part of a complex community with man, rather than being viewed as isolated and separate from him. By focusing conservation efforts on game species, an important segment of our wildlife has been left unattended.

In addition, as Americans have gained more leisure time and begun looking for recreational activities, they have turned to the outdoors. Over the last decade, there has been a dramatic increase in camping, hiking, backpacking, and other nonconsumptive uses of nature.

To respond to this new interest, several States have attempted to devise innovative sources for funding these programs. California, Colorado, Washington, Ohio, Michigan, and New Hampshire have all offered wildlife stamps, decals, or personalized license plates to encourage public support and financing of these efforts. Unfortunately, however, none of these mechanisms has provided sufficient funds to sustain a comprehensive program. Thus, State witnesses unanimously supported the Federal grant-in-aid program established by S. 1140.

DR. ALLAN JOSEPH CAWLEY

The Senate proceeded to consider the bill (S. 2687) for the relief of Dr. Allan Joseph Cawley. which had been reported from the Committee on the Judiciary with an amendment on page 1, beginning with line 3, strike all through and including line 10, and insert in lieu thereof the following:

That, for the purposes of the Immigration and Nationality Act, Doctor Allan Joseph Cawley shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence as of the date of the enactment of this Act the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraph (1) through (8) of section 203(a) of the Immigration and Nationality Act.

So as to make the bill read:

That, for the purposes of the Immigration and Nationality Act, Doctor Allan Joseph Cawley shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence as of the date of the enactment of this Act the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

SEC. 2. Upon compliance with the provisions of section 1 of this Act, Doctor Allan Joseph Cawley shall be held and considered to have satisfied the requirements of section 316 of the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States and may be naturalized at any time thereafter if he is otherwise eligible for naturalization under the Immigration and Nationality Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE I, 95TH CONGRESS, 2D SESSION—REMOVAL OF INJUNCTION OF SECRECY

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Additional Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America—Executive I, 95th Congress, 2d session, transmitted to the Senate today by the President; and ask that the treaty be considered as having been read the first time, that it be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith Additional Protocol I to the Treaty for the Prohibition of Nuclear Weapons in Latin America. The Protocol was signed by me on behalf of the United States on May 26, 1977.

For the information of the Senate, I transmit also the report of the Department of State on the Protocol and a copy of the Treaty to which it pertains.

The Treaty for the Prohibition of Nuclear Weapons in Latin America, done at Mexico City, February 14, 1967, constitutes the first successful attempt to establish a nuclear weapon-free zone in any populated area of the world. The Treaty itself is open only to States located in the zone and has been signed by all of them, with the exception of Cuba and Guyana. It has been ratified by all signatories, except Argentina, which announced in November 1977 its intention to ratify the Treaty. It is not yet in force for Brazil and Chile. At present, it is in force for twenty-two States.

The Treaty is accompanied by two Protocols. Protocol II to the Treaty, intended for signature by nuclear weapon States, was ratified by the United States on May 12, 1971. It calls on the nuclear weapon States to respect the Latin American Nuclear Free Zone, not to contribute to any violation of the Treaty, and not to use or threaten to use nuclear weapons against the Parties to the Treaty. Other nuclear weapon States that have ratified Protocol II are France, the People's Republic of China and the United Kingdom.

Protocol I, transmitted today for your advice and consent to ratification, is open to all States having international responsibility, *de jure* or *de facto*, for territories lying within the zone of application defined in the Treaty. It has been ratified by the Netherlands and the United Kingdom and obligates States adhering to it to apply pertinent provisions of the Treaty to such territories lying within the zone. The territories affected by United States adherence include Puerto Rico, the Virgin Islands, the Canal Zone (until entry into force of the Panama Canal Treaties), and our military base at Guantanamo.

I am convinced that it is in the best interest of the United States to ratify Protocol I. Such a step will strengthen our relations with our Latin American neighbors, further our global non-proliferation and arms control objectives and contribute to the full realization of the Latin American Nuclear Free Zone. It is my sincere hope that adherence by the United States to Protocol I will induce other countries, eligible to become Parties to the Treaty or its Protocols, to take the necessary steps so that the Treaty may enter into full force and effect for the entire zone of application.

I recommend that the Senate give early and favorable consideration to Additional Protocol I and give its advice and consent to ratification, with the same understandings and declarations attached to United States ratification of Protocol II, and with the additional understandings and declarations concerning transit and transport privileges, exercise of the freedoms of the seas and passage through territorial waters, which accompany the report of the Department of State.

JIMMY CARTER.

THE WHITE HOUSE, *May 24, 1978.*

JOINT REFERRAL OF BILL—S. 3142

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a bill introduced by the Senator from Maine (Mr. HATHAWAY), to amend ERISA, be jointly referred to the Committees on Finance and Human Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TECHNICAL AND CLERICAL CORRECTIONS—H.R. 10569

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendment to H.R. 10569.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 466—HEROISM OF TUGBOAT CAPTAIN GLENN E. McDONALD AND CREWMAN BILL KENNEY

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. STONE and Mr. CHILES, I send to the desk a Senate resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 466) to commend the heroism of tugboat captain Glenn E. McDonald and crewman Bill Kenney.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 466

Whereas on May 8, 1978, National Airlines Flight 193 carrying 58 passengers and crew members missed the runway at the Pensacola, Florida Airport and crashed into Escambia Bay, thereby endangering the lives of all on board;

Whereas the fast action of Tugboat captain Glenn E. McDonald and his crewman Bill Kenney in bringing their tug "Little Mac" and the attached barge alongside the wreck and helping the stranded and panicked passengers to the safety of the vessel resulted in the rescue of all but three of the passengers and crew: Now, therefore, be it

Resolved, that the Senate commends the valor of these two men and recognizes their contribution to saving many of the 55 people who survived the crash.

ORDER FOR H.R. 39 TO BE HELD AT THE DESK

Mr. STEVENS. Mr. President, I ask unanimous consent that H.R. 39, which is being held at the desk, be held at the desk until the close of business on June 6.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—and I do not object—I understand that this has been cleared with Mr. JACKSON.

Mr. STEVENS. I did not talk to the Senator personally. That is the understanding his staff has conveyed to mine—that he has no objection to extending this until the close of business on June 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

OUR BIG CHALLENGE

Mr. PROXMIRE. Mr. President, there is no more grim challenge this country faces than the world arms race. Few of us realize the immense potential for destruction military technology has now given this world.

Richard Strout—writing as TRB—in Saturday's Washington Star spelled it out eloquently.

Strout calls our attention to the U.N. Disarmament Conference that began in New York yesterday, and to the remarkable analysis of World Military and Social Expenditure—1978, by Ruth Leger Sivard, and sponsored by six private foundations that has just been issued.

We all hope and pray the Disarmament Conference makes some headway; but except for some finger pointing and rhetoric it is unfortunately doubtful if anything will be done even to slow up, let alone reverse, the world's race to global suicide.

Mrs. Sivard's study documents how very suicidal the next war will be. Here is why, in the words of Richard Strout:

The munitions trade is changing; it is no longer a kind of used-car market, but often has the latest model state-of-the art technology. In 1975, 95 nations took major weapons systems. Only one country got long-range surface-to-air missiles in 1958; in 1975 it was 27. Last Monday the Senate approved the administration's deal with Saudi Arabia, Israel and Egpyt— $5 billion.

This is all done, of course, to defend the United States. We have got so much nuclear security by now that we are no longer safe. The two great powers, the U.S. and the USSR, representing only 11 percent of the world's population, have shaped the military competition since World War II. A mutual distrust bordering on the pathological drives them on.

The formula is crazy: An adequate defense means an offense sufficient to deter attack; this must be constructed on worst-case assumptions of the opposing threat. As the enemy responds in kind, the reality of the threat automatically grows—the dog comes closer and closer to catching its tail.

It is obvious that it can't last. Only last week the New China News Agency speaking of Russia, declared, "War will inevitably break out someday."

The average person, all over the world, accepts this incredible situation calmly. It is regarded as the normal lot of the earth dweller.

Also, Mr. President, Strout suggests what all this leads to:

The thought of a small dead planet spinning endlessly through space with no people on it after a nuclear war. . . . No passengers, no birds singing, no children playing.

This is the big challenge of our time, and we should never forget it.

Mr. President, I ask unanimous consent that the article by Richard Strout (TRB) in the Saturday Washington Star be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TRB—ARMS THAT SHORTCHANGE HUMANITY

I've always had an odd partiality for the human race. The thought of a small dead planet spinning endlessly through space with no people on it after a nuclear war, oppresses me. No passengers—no birds singing, no children playing. Ugh!

And yet the nightmare can't be lightly dismissed. The burden of armaments is growing all the time; even now it's questionable, if all the 50,000 nuclear bombs possessed by the United States and the Soviets were detonated at once, whether the earth would be habitable. And we have only just started.

Covering D-Day off the Normandy coast, June 6, 1944, in the U.S. Cruiser Quincy, we were pretty proud of our big bombs, called "block-busters." But the bang that comes from one of our new nuclear bombs is a quarter of a billion times greater. Block-busters: These are city-destroyers! Their aggregate explosive power is now equivalent to several tons of TNT for each person on earth.

These reflections come from reading the fourth annual report on "World Military and Social Expenditures—1978," by Ruth Leger Sivard (32 pages, $2.50; WMSE Publications, Leesburg, Va.). It is an independent analysis sponsored by six private foundations. It is issued just as the largest official gathering on disarmament that has ever assembled meets in New York—the UN's special disarmament session, to run from Tuesday through June 28. Will anything come from it but words? It is not too likely.

Mrs. Sivard was formerly chief of the economics division of the U.S. Arms Control and Disarmament Agency. She started World Military Expenditures while there.

To make a point she published tables of world expenditures for health and education alongside those for arms and bombs. Defense Secretary Laird complained that this made it harder for him to get his budget through Congress, and the Nixon administration ordered the publication stopped. Mrs. Sivard retired and continued the annual report with the aid of supporting groups including the Rockefeller Foundation. It is the equivalent, in some ways, of the annual survey by the International Peace Research Institute at Stockholm.

All right then—ready for some statistics?

The global arms bill is now $400 billion annually in public funds. There are 23 million men actually under arms with a back-up force of perhaps the same number. The arms race is out of control, stimulating price inflation (by using scarce resources for non-commercial goods), contributing to unemployment and poverty.

The world spends almost $1 million a minute on arms—20 times more than the industrialized nations spend in aid to help the poorer countries.

The average family pays more in taxes to support the world arms race than to educate its children.

Nuclear bomb inventories of the two superpowers, already big enough to destroy every city on earth seven times over, are growing. The leaders are not satisfied; they have an unobtainable goal but they want to be able to destroy each city nine or ten times over, and are busily turning out three bombs a day.

Says Mrs. Sivard: "Modern technology has made it possible to deliver a bomb across the world in minutes; women in rural areas in Asia and Africa still walk several hours a day for the family's water supply."

Had enough? It's boring, but it is probably worth spending five minutes a year in contemplating the consequences of armaments on a small, frightened planet where nobody is in charge and where everybody must guard against his neighbor.

Way back in the '20s an isolationist sena-

tor named Gerald P. Nye of North Dakota set out to show that the gullible United States had been egged into Woodrow Wilson's war by the munition makers. He held dramatic hearings. The slogan was, "Take the profits out of war," and it was believed that we would have peace, probably forever, if we controlled the "Merchants of Death."

How perplexing it all is. The United States government itself is now the world's chief arms exporter; according to the Pentagon, in 1960 through 1977 we sent arms worth $71 billion to 161 countries. It was good business. Some of the smallest, hungriest countries were most avid for arms; we sent or withheld them according to our favor.

Speakers at the U.N. Disarmament Conference are apt to mention this, and the field will be ripe for propaganda, with Russia prepared to lead the way. The Soviets have been selling arms, too, to their clients. The U.S., Russia, France and Britain account for more than four-fifths of all military sales.

The munitions trade is changing; it is no longer a kind of used-car market, but often has the latest-model state-of-the-art technology. In 1975, 95 nations took major weapons systems. Only one country got long-range surface-to-air missiles in 1958; in 1975 it was 27. Last Monday the Senate approved the administration's deal with Saudi Arabia, Israel and Egypt—$5 billion.

This is all done, of course, to defend the United States. We have got so much nuclear security by now that we are no longer safe. The two great powers, the U.S. and the USSR, representing only 11 percent of the world's population, have shaped the military competition since World War II. A mutual distrust bordering on the pathological drives them on.

The formula is crazy: An adequate defense means an offense sufficient to deter attack; this must be constructed on worst-case assumptions of the opposing threat. As the enemy responds in kind, the reality of the threat automatically grows—the dog comes closer and closer to catching its tail.

It is obvious that it can't last. Only last week the New China News Agency, speaking of Russia, declared, "War will inevitably break out some day."

The average person, all over the world, accepts this incredible situation calmly. It is regarded as the normal lot of the earth dweller.

One billion people—a quarter of the earth's population—go to bed hungry at night. It is in their countries, the report shows, that since 1960 the proportion of military expenditures has risen most.

The report is factual, statistical, rather dull. There is little editorializing.

In it you discover curious facts. Developing countries—the ones with high birth rates, short life expectancy and few doctors—invest more public revenue in arms than in education and health combined.

Another item: For the estimated cost of a new mobile intercontinental missile (the MX, 50 milion malnourished children in developing countries could be adequately fed, 65,000 health centers opened, 340,000 primary schools built.

THE KHMER ROUGE AND THE PRINCIPLES OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, during the course of the Nazi rule in Germany, the Nazis went to great length to disguise the genocidal campaign which they were waging against the Jews. They made no mention of mass killings, death camps, and gas chambers. They spoke rather of "resettlement" and "special action" plans. Their attempt to mask the horror of what they were doing, though, was in vain. The extermination of 6 million Jews between 1938 and 1945 stands as the most horrible example of genocide in the history of the world.

Sadly, though, genocide did not disappear with the Nazis and, indeed, a similar attempt is being made today in Cambodia to mask the terrible genocide being waged against the Cambodians by the Khmer Rouge. As Jack Anderson reported in a recent column, the Khmer Rouge has gone to great lengths to seal off the country by patrolling the borders and mining them. Anderson also reports that, just as the Nazis did, the Khmer Rouge uses euphemisms to describe its genocidal ways. Terms which refer to a "sweeping clean" of Cambodia are used in lieu of terms which really convey what is happening there; namely, terms meaning murder and genocide.

For 3 years now, according to numerous press reports, wholesale slaughter has been occurring in Cambodia, and descriptions as to how it has been carried out have shocked the world. The Nazis used bullets and gas; the Khmer Rouge uses garden hoes to bludgeon their victims to death. The goal of the Khmer Rouge is to eliminate all members of the old society in Cambodia, and they have shown no signs of abating their genocidal policy.

The Genocide Convention was written shortly after World War II and marked an effort by civilized nations to unite against governments seeking to institute a policy of genocide. The Jewish holocaust was certainly compelling proof of the need for the Genocide Convention, and the genocide occurring in Cambodia is yet another example of its need today. For 30 years though, the United States has delayed ratifying the convention.

The blame for this outrageous oversight does not lie with the executive branch. President Truman signed the treaty in 1948, and sent the treaty to the Senate for ratification. Since then, every President has urged the Senate to pass the treaty. Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, and most recently President Carter have pressed for its ratification. The blame for the delay lies clearly with the Senate.

Genocide is a crime which knows no concern for ideology. It has been committed by both right wing facists and left wing Communists. The Genocide Convention is an effective measure against this horrible crime, and I urge the Senate to ratify this treaty.

I ask unanimous consent that the Jack Anderson column, entitled, "Cambodia, Obliterating a Culture," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN CAMBODIA, OBLITERATING A CULTURE

(By Jack Anderson)

There is another Holocaust story, every bit as stark as the recent TV saga, which should be rubbed into the world conscience.

Holocaust dramatized the ordeal of the Jews who were brutalized and massacred by the Nazis 40 years ago. We have compiled an equally staggering story of the horrors that are going on inside Cambodia today.

The Nazis began the systematic slaughter of all Jews under their control. The Cambodian Communists are trying to eradicate not a race but a culture. They are engaged in a deliberate, disciplined campaign to remake the society from the ground up. Intelligence reports tell of "completing the execution of all people who are not from the poor farmer-working class."

Six million Jews perished under the Nazi heel; this was more than six percent of occupied Europe. There has been no body count of how many Cambodians have died from mistreatment and execution. Competent sources have offered estimates ranging from 1.8 million to 2.5 million, about one-third of the seven million people who inhabited Cambodia.

The Nazis tried to conceal their monstrous crime from the world. They used such euphemisms as "resettlement," "removal," and "special action" to describe the mass executions. The Cambodian comrades also have their special vocabulary. A former communist official, who has participated in the killings, told U.S. intelligence sources:

"The Khmer word for 'kill, assassinate, execute' was never spoken when the annihilation policy was discussed. The Khmer term used was 'baoh caol,' literally 'sweep, throw out' or 'sweep, discard'; or 'baoh saad," literally 'sweep clean.' "

The Nazis used firing squads and gas chambers to exterminate the Jews. In Cambodia, the communists began with firing squads. But they decided that bullets were too precious to waste on their victims. So hundreds of thousands were simply bludgeoned to death and buried in mass graves.

The favorite weapon of extermination in Cambodia has become the garden hoe. The same grisly report keeps recurring in intelligence dispatches: "Each man was blindfolded, led to the edge of a ditch and beaten to death with a hoe."

The brutality began even before the communists swept to victory in Cambodia. Some of the last classified cables from the U.S. embassy reported that communist guerrillas had turned upon the civilian population with a sudden savagery. "The attacks are seen by the refugees as enemy punishment inflicted upon them for rejecting KCP [Khmer Communist Party] offers to come over to the KCP side," alleged one of the final cables.

The communists swarmed over the capital city of Phnom Penh on April 17, 1975. The wholesale slaughter began on the same day. It was not the ravages of undisciplined troops gone wild. Rather, it was the calculated, cold-blooded policy of the communist conquerors to eradicate all vestiges of the existing social order. "The KCP rationale is to completely rid the society of all elements which are not of the lower social class," according to a former Communist official.

Officers of the former army were the first to die. "The KCP simultaneously began executing all wealthy farmers, prostitutes, high level monks, teachers, fortune tellers, former enlisted men and civil servants."

Nor were their families spared.

The crude bludgeonings continued for more than a year. "Toward the latter part of 1976," the intelligence reports claim, "the search for and execution of old society people slackened off. In April 1977, however . . . it once again became a primary party activity to search out and eliminate the last vestiges of the old society."

The most recent cable we have seen on this subject was dated Feb. 13, 1978. It declares tersely: "A renewed emphasis was placed on completely eliminating all vestiges of the former government and completing the executions of all people who were not from the poor farmer-working class."

This maniacal attempt to establish a new order by mass murder was supposed to be kept secret. The communists sealed off their country tightly. The borders are mined and patrolled.

Yet a few refugees managed to escape, some after harrowing experiences. Less than two months after the communist takeover, we were able to get enough eyewitness accounts to report on June 4, 1975: "It appears that

the Khmer Rouge, as the Cambodian communists call themselves, may be guilty of genocide against their own people." Now we have compiled intelligence reports and eyewitness accounts two inches thick. The evidence is overwhelming.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

SPECIAL ORDERS FOR TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow after the prayer Mr. JAVITS be recognized for not to exceed 15 minutes and that Mr. BENTSEN then be recognized for not to exceed 15 minutes. This will eliminate the usual order for the recognition of the two leaders, except that I might provide for 2 minutes each for the two leaders prior to the two orders for the recognition of the aforementioned Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders for the recognition of Senators tomorrow, the Senate resume its consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I move, in accordance with the previous order, that the Senate stand in recess until 9 o'clock tomorrow morning.

The motion was agreed to; and at 6:39 p.m. the Senate recessed until tomorrow, Thursday, May 25, 1978, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 24, 1978:

DEPARTMENT OF COMMERCE

Donald W. Banner, of Illinois, to be Commissioner of Patents and Trademarks.

DEPARTMENT OF STATE

Nancy Ostrander, of Indiana, a Foreign Service officer of class 2, to be Ambasador Extraordinary and Plenipotentiary of the United States of America to the Republic of Surinam.

Richard F. Kneip, of South Dakota, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

Richard W. Murphy, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Philippines.

Terence A. Todman, of the Virgin Islands, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

Kenneth M. Curtis, of Maine, to be a commissioner on the part of the United States on the International Joint Commission, United States and Canada.

INTER-AMERICAN FOUNDATION

The following-named persons to be members of the board of directors of the Inter-American Foundation for the terms indicated:

For the remainder of the term expiring September 20, 1980:

Arnold Nachmanoff, of Virginia.

For a term expiring September 20, 1982:

Alberto Ibarguen, of Connecticut.

Peter Tayor Jones, of California.

Carolyn R. Payton, of the District of Columbia.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF DEFENSE

Gen. David C. Jones, U.S. Air Force, to be Chairman of the Joint Chiefs of Staff, serving in the grade of general, pursuant to title 10, United States Code, section 142.

IN THE AIR FORCE

Gen. Lew Allen, Jr., U.S. Air Force, to be Chief of Staff of the U.S. Air Force, pursuant to title 10, United States Code, section 8034.

Lt. Gen. Howard M. Fish, [redacted], U.S. Air Force, for appointment as senior U.S. Air Force member of the Military Staff Committee of the United Nations, under the provisions of title 10, United States Code, section 711.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapters 35, 831, and 837, title 10, United States Code:

To be major general

Brig. Gen. Paul R. Day, [redacted], Air National Guard of the United States.

Brig. Gen. Richard L. Frymire, Jr., [redacted], Air National Guard of the United States.

Brig. Gen. James C. Smith, [redacted], Air National Guard of the United States.

To be brigadier general

Col. LeRoy R. Bartman, [redacted], Air National Guard of the United States.

Col. Ronald E. Chytraus, [redacted], Air National Guard of the United States.

Col. Bobby W. Hodges, [redacted], Air National Guard of the United States.

Col. Leslie D. Kampschror, [redacted], Air National Guard of the United States.

Col. Irvin G. Ray, [redacted], Air National Guard of the United States.

IN THE ARMY

The following-named officer for temporary appointment in the Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Col. Kermit Douglas Johnson, [redacted], U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Walter Thomas Kerwin, Jr., [redacted], (age 60), Army of the United States (major general, U.S. Army).

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Allen Mitchell Buxdett, Jr., [redacted], (age 56), Army of the United States (major general, U.S. Army).

The following-named officer to be assigned to a position of importance and responsibility designated by the President under the provisions of title 10, United States Code, section 3066(a) in grade as follows:

To be lieutenant general

Maj. Gen. William Burns Caldwell III, [redacted], Army of the United States (major general, U.S. Army).

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. CJ Le Van, [redacted], (age 55), Army of the United States (major general, U.S. Army).

IN THE NAVY

Adm. Thomas Bibb Hayward, U.S. Navy, to be Chief of Naval Operations, pursuant to title 10, United States Code, section 5081.

The following-named officer having been designated for commands and other duties of great importance and responsibility in the grade of vice admiral within the contemplation of title 10, United States Code, section 5231, for appointment while so serving as follows:

To be vice admiral

Rear Adm. Sylvester R. Foley, Jr., U.S. Navy.

IN THE MARINE CORPS

The following-named officer under the provisions of title 10, United States Code, section 5232, to be assigned to a position of importance and responsibility designated by the President, in grade as follows:

To be lieutenant general

Maj. Gen. Edward J. Miller, [redacted], U.S. Marine Corps.

IN THE AIR FORCE

Air Force nominations beginning James A. Silver, to be colonel, and ending David J. Omara, to be lieutenant colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 1, 1978.

IN THE ARMY

Army nominations beginning David A. Adam, to be second lieutenant, and ending Robert W. Berry, to be a permanent professor, United States Military Academy, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 1, 1978.

IN THE NAVY

Navy nominations beginning Rudolph Abel, Jr., to be commander, and ending Helen G. Wolford, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 24, 1978.

Navy nominations beginning Edwin D. Abbott, to be lieutenant, and ending Nancy C. K. Knapp-Parisi, to be lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 1, 1978.

Navy nominations beginning Donn V. Aaby, to be captain, and ending Sherry A. H. Taylor, to be commander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 1, 1978.

Navy nominations beginning Kimberly O. Viner, to be lieutenant, and ending George D. Wilkinson III, to be lieutenant (j.g.), which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 1, 1978.

IN THE MARINE CORPS

Marine Corps nominations beginning Jerry T. Bowlin, to be colonel, and ending Richard C. Yezzi, to be colonel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 24, 1978.

Marine Corps nominations beginning Robert K. Aiken, to be second lieutenant, and ending "W" "L" Wolf, to be first lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 1, 1978.

HOUSE OF REPRESENTATIVES—*Wednesday, May 24, 1978*

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

It is good for me to draw near unto God; I have put my trust in Him.—Psalms 73: 28.

Our Father God, far beyond us yet ever near, we bow at the altar of prayer erected by our fathers to remind us of Thy presence and to have us remember that we were born as a nation of free men and women. May we play our full part in keeping this memory alive and in remembering that freedom must be more than a memory. It must be won by us day after day, year after year. So we wait upon Thee praying that Thou wilt guide us in our efforts to keep freedom alive in our world.

Set our feet firmly with steadfast purpose that in our day we may meet our joys with gratitude, face our difficulties with courage, do our duties with faithfulness, and accept our successes with humility. So may we serve our people and our Nation with our very best this day and all days. Amen.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, under rule I, clause 1, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 364]

Ambro	Ford, Mich.	Oakar
Ammerman	Fraser	Pepper
Andrews, N.C.	Frey	Perkins
Archer	Garcia	Pressler
Armstrong	Giaimo	Regula
AuCoin	Goldwater	Rodino
Beilenson	Harsha	Roe
Breckinridge	Heckler	Runnels
Burke, Calif.	Heftel	Sarasin
Burlison, Mo.	Kasten	Scheuer
Burton, John	Kazen	Shuster
Byron	Keys	Simon
Carter	Krueger	Solarz
Chisholm	Lundine	Spellman
Clawson, Del	McDonald	Steiger
Cochran	McKinney	Taylor
Conyers	Marlenee	Thompson
Delaney	Martin	Thornton
Dellums	Mathis	Tucker
Dent	Mazzoli	Udall
Derwinski	Metcalfe	Vander Jagt
Diggs	Milford	White
Dingell	Miller, Calif.	Wiggins
Dodd	Mitchell, Md.	Wilson, C. H.
Duncan, Oreg.	Mollohan	Wilson, Tex.
Evans, Ga.	Murphy, Ill.	Young, Alaska
Fish	Nix	Young, Tex.
Flowers	Nolan	

The SPEAKER. On this rollcall 351 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3994. An act for the relief of Charles P. Abbott.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9005) entitled "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1978, and for other purposes," the message also announced that the Senate agreed to House amendments to Senate amendments numbered 20, 26, and 37, of the foregoing bill.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 2401) entitled "An act to amend the Consumer Product Safety Act to establish an interim consumer product safety rule relating to the standards for flame resistance and corrosiveness of certain insulation, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FORD, Mr. CANNON, and Mr. PACKWOOD to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1826. An act for the relief of Kainoosh-Fard Bullock and her son, Kami Bullock;

S. 2237. An act for the relief of Lee Myong Sook;

S. 2247. An act for the relief of Eugenia Cortes;

S. 2379. An act for the relief of Jesusa Navarro Romero and Antonio Angeles Romero;

S. 2928. An act to amend the International Investment Survey Act of 1976, and for other purposes;

S. 2973. An act authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes;

S. 3045. An act to amend the Farm Credit Act of 1971 to extend the term for production credit association loans to producers or harvesters of aquatic products; and

S.J. Res. 137. Joint resolution reaffirming the unity of the North Atlantic Alliance commitment.

REQUEST FOR PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT DURING 5-MINUTE RULE TODAY

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be allowed to sit today during the 5-minute rule for markup.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. SCHULZE. Mr. Speaker, I object.

The SPEAKER. Objection is heard. The Chair will state it takes 10 Members to object. The objectors will have to remain standing.

(Messrs. MICHEL, BAUMAN, CUNNINGHAM, DORNAN, ASHBROOK, DEVINE, EDWARDS of Oklahoma, RUDD, HILLIS, HOLLENBECK, WHITEHURST, and HANSEN also objected.)

The SPEAKER. A sufficient number have objected.

Objection is heard.

A PERSONAL EXPLANATION

(Mr. FUQUA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

● Mr. FUQUA. Mr. Speaker, late last Thursday afternoon I was called out of town to respect longstanding obligations in my home district in Florida. Regretfully, I was not here during the final debate on the Alaska National Interest Lands Conservation Act.

As the RECORD shows, on Thursday I voted to maintain the strongest possible legislation because of my sincere belief that the protection of these lands represents one of the most important environmental issues facing Congress in our lifetimes, Thursday I was unable to be present to vote on the substitute language offered by the gentleman from Washington (Mr. MEEDS). Had I been present to vote on rollcall No. 336, I would have voted "no."

Final passage of this act came on Friday and I would like to indicate that, had I been able to be here. I would have enthusiastically supported passage of this extremely crucial legislation and would have voted "yes" on rollcall No. 340.●

TRIBUTE TO BOB HOPE

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, tomorrow those of us on the congressional SALT II watchdog team leave for Geneva. This will be a critically important factfinding journey. The road to Geneva on this SALT II issue should be much traveled

by Senators and Congressmen because the future of Western civilization, as we know it, is at stake in these disarmament talks with the Soviets. It appears that the curse of Munich appeasement is fading from our memory. My only regret in hitting the road to Geneva is that I will miss a once in a lifetime tribute in this Chamber tomorrow to an absolutely one-of-a-kind patriot. This outstanding citizen has traveled more roads for his beloved adopted Nation to serve our fighting men and women than any human being has ever traveled for such selfless purposes in all of recorded history. Lesley Towne came to the great State of Ohio from our mother country of Great Britain as a baby and two decades later under the lights of the "Great White Way" in New York City he exploded as one of the incomparable entertainers of all time. A show business career spanning more than half a century assured this giant of comedy a lasting place in history but this tireless worker for peace well renamed after the virtue of Hope went the extra million miles. Of course I am speaking about a living legend named Bob Hope. The walls of this great Hall will ring with the applause of respect and love tomorrow.

I am heartsick I will not be here to see that jutting chin and Pepsodent smile up there in the gallery. I hope Mr. Hope brings his gallant lady, Dorothy, with him to share his magnificent 75th birthday with Congress in this great Federal City they have served so well. Without the total support of his lovely wife he could not have given so much of his boundless energy to the millions of GI's, sailors, marines, and airmen that they together loved so well.

Bob, I will toast to your fourth quarter-century in Geneva and remind the Russians that the United States has a secret weapon that they had better take into account; namely "Rapid Robert."

Thank you for the memories.

ADJOURNMENT OF THE HOUSE FROM THURSDAY, MAY 25, 1978, TO WEDNESDAY, MAY 31, 1978, AND THE SENATE FROM FRIDAY, MAY 26, 1978, TO MONDAY, JUNE 5, 1978

Mr. ROSTENKOWSKI. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 634), and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 634

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, May 25, 1978, it stand adjourned until 12 o'clock meridian on Wednesday, May 31, 1978, and that when the Senate recesses on Friday, May 26, 1978, it stand in recess until 12 o'clock meridian on Monday, June 5, 1978.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute.)

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I wonder if the distinguished acting majority leader, the gentleman from Illinois (Mr. ROSTENKOWSKI) would tell us what the program might be for the remainder of the week in view of the fact that we are passing the concurrent resolution providing for a recess?

Mr. ROSTENKOWSKI. In reply to the inquiry of the gentleman from Maryland (Mr. BAUMAN) let me say that of course what we intend to do is to conclude the debate on the bill presently under consideration, and then go into the tuition tax credit possibly. Of course, if all the legislation that was arranged for this week is concluded, we will work through until Thursday late in the afternoon but it is very difficult at this point to give any indication of what legislation will be coming up other than the tuition tax credit. This is due to the length of the debate on the present legislation we are considering.

Mr. BAUMAN. Mr. Speaker, if the gentleman will yield still further, the only reason I asked the question is I know that a number of the Members are leaving tomorrow for various foreign climes and it appears that this present bill might take all day, so that if we were to take up the tuition tax credit as proposed, have the reception of former Members to dispose of, it might well be 1 o'clock tomorrow before we would really start our legislative business. It would be very helpful to the Members if they might know what legislation will be considered so that they can make their plans accordingly.

Mr. ROSTENKOWSKI. At the present time the leadership expects to follow the program previously set forth, and that we would try to take up the tuition tax credit and do as much work on that as we could. As the gentleman knows, the time for adjournment on Thursday has been left open so that we could possibly work late or adjourn early.

Mr. BAUMAN. If the gentleman will yield further, does the gentleman expect that we will consider the FEC legislation?

Mr. ROSTENKOWSKI. Under the present scheduling I doubt very much whether we would get to that.

Mr. BAUMAN. I thank the gentleman.

DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1979

Mr. PRICE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 10929) to authorize appropriations during the fiscal year 1979, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, to authorize the military training student loads, and to authorize appropriations for civil defense, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois (Mr. PRICE).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 10929, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Tuesday, May 23, 1978, all time for general debate on the bill had expired. Pursuant to the rule, the Clerk will now read by titles the committee amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Defense Appropriation Authorization Act, 1979".

POINT OF ORDER

Mr. ZABLOCKI. Mr. Chairman, in accordance with the rule, House Resolution 1188, I make a point of order that section 805 of the committee amendment in the nature of a substitute, if offered as a separate amendment to H.R. 10929 as introduced, would be in violation of clause 7 of House Rule XVI regarding germaneness. This provision which deals with the withdrawal of troops from Korea, and section 805 which deals with the withdrawal of troops from Korea, is not germane to the Department of Defense authorization bill.

Mr. Chairman, a key criterion in determining germaneness is a committee's jurisdiction over a matter. The Korean troop withdrawal issue falls clearly within the jurisdiction of the Committee on International Relations. Both sections 805(a) and 805(b) fall clearly within the jurisdiction of the Committee on International Relations, pursuant to clause 1, subparagraph (k) of House Rule X.

Compelling evidence of the primary jurisdiction of the International Relations Committee over the issue of troop withdrawal from Korea is found in the fact that all legislation, the President's arms transfer request, and related reports have been referred solely to the International Relations Committee.

Thus, there can be no doubt that the issue of the Korean troop withdrawal lies within the jurisdiction of the Committee on International Relations, and

accordingly section 805 is not germane to this bill.

In addition, the issue of U.S. troop withdrawal from Korea is not relevant to either the subject matter or to the purpose of H.R. 10929, as introduced. As introduced, H.R. 10929 consists entirely of provisions relating to the annual authorizations for the Department of Defense. It contains no general policy provisions for the Department of Defense. It contains no general policy provisions of any type, let alone any policy provisions relevant to the withdrawal of U.S. troops from Korea. It is well established that an amendment of a general and permanent nature is not germane to a bill containing only temporary authorizations.

Thus, by what ever test of germaneness one examines, section 805 is not germane to H.R. 10929.

Mr. Chairman, without regard to the merits of the issue, H.R. 10929 is not the proper vehicle for House consideration of the issue of U.S. troop withdrawal from Korea. Accordingly, I must insist on the point of order.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. STRATTON. Mr. Chairman, I desire to be heard on the point of order.

Mr. Chairman, the gentleman from Wisconsin (Mr. ZABLOCKI), makes the point of order that section 805 is not germane on the ground that it deals with a matter that is related to something that has been before his committee. As he indicated before the Committee on Rules, if this had been introduced as an original bill, it would have been referred sequentially to the Committee on International Relations as well as to the Committee on Armed Services.

I submit, Mr. Chairman, that, first of all, the question of germaneness does not depend on what committee it might be referred to sequentially. In fact, the whole idea of sequential referral is a relatively new concept. I believe, in fact, that it has only been practiced in this House during this present Congress, and perhaps a few times previously.

H.R. 10929, is the annual authorization bill for the Department of Defense. It traditionally covers a wide variety of topics relating to defense. I would point out that the title of the bill after it lists the various items that the gentleman from Wisconsin has already referred to concludes, "and for other purposes."

Traditionally, matters related to the defense of our country which the Committee on Armed Services has regarded as being of importance have been included in this annual legislation year after year. Section 805 is no different from any of the other matters we have traditionally handled under "general provisions."

It is true that the gentleman's committee has had legislation before it regarding the transfer of American equipment to Korean forces; but section 805 refers to the stationing and positioning of U.S. ground forces; "no ground combat units of the 2d Infantry Division," and so on and so forth. It makes no reference to any transfer of equipment to Korean forces. We are providing here for the stationing of troops in an area that is of great importance to our national sceurity. If that is not something which is within the concern of the Committee on Armed Services, then I do not know what our proper area of responsibility is.

Subsection (b) of section 805 spells out the recommendations of the committee as to what the minimum ground combat strength of our Armed Forces stationed in the Republic of Korea should be based on information we gleaned in an on-the-spot visit to Korea in January; so it is clearly within the province of the Committee on Armed Services. The gentleman from Wisconsin does not dispute that. The gentleman could not dispute it; but to suggest that because if it were introduced as a bill under today's procedures it might have been referred sequentially to the gentleman's committee or to some other committee, completely misses the point. If the size and location of Armed Forces of the United States are not a responsibility of the Committee on Armed Services, and are instead the responsibility of the Committee on International Relations, then something is very drastically wrong in this House.

Further, Mr. Chairman, the authority to determine where American Forces shall be stationed is clearly within the province of the Congress. The Constitution provides that Congress shall not only "raise and support armies," but that we shall provide for the "regulation and governing of the land and naval forces," in section 8 of article I.

Congress has previously enacted the war powers bill, which limits the authority of the President as far as the stationing of troops abroad is concerned. The Constitution does not give a broad grant of power to the Commander in Chief alone in stationing troops abroad. He has no constitutional power to put troops wherever he wants to, because Congress has determined that he cannot put troops abroad under certain conditions without the expressed approval of the Congress of the United States.

Well, if we can limit the President's ability to send troops overseas, it follows that we can also limit his ability to bring those troops back home, if in the opinion of the Congress, we determine that that withdrawal action, which certainly is the case of Korea, would increase the risks of war.

So, Mr. Chairman, I urge that the point of order be overruled. Section 805 is clearly within the authority of the committee. It is clearly germane to the broad purposes of the bill and the House should have the right to vote on this important question.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Wisconsin makes a point of order against section 805 of the committee amendment in the nature of a substitute recommended by the Committee on Armed Services, on the grounds that section 805 of said amendment would not have been germane if offered to the bill H.R. 10929, as introduced.

As indicated by the gentleman from Wisconsin, the special order providing for consideration of this measure, House Resolution 1188, allows the Chair to entertain a point of order on the basis stated by the gentleman, that section 805 of the committee amendment would not have been germane as a separate amendment to H.R. 10929 in its introduced form.

The bill as introduced and referred to the Committee on Armed Services contains authorizations of appropriations and personnel strengths of the Armed Services for fiscal year 1979. It contains no permanent changes in law or statements of policy except for minor conforming changes to existing law relating to troop and personnel strengths.

Section 805 of the committee amendment in the nature of a substitute prohibits: First the withdrawal of ground combat units from the Republic of Korea until the enactment of legislation allowing the retention in Korea of the equipment of such units, and second, the reduction of combat units below a certain level in the Republic of Korea until a peace settlement is reached between said Republic and the Democratic People's Republic of Korea ending the state of war on the Korean peninsula.

The subject matter of section 805 of the committee amendment is unrelated to H.R. 10929 as introduced. The strength levels prescribed in the bill are for 1 fiscal year only and deal with the overall strength of the Armed Forces, not with the location of Armed Forces personnel. As indicated in the argument of the gentleman from Wisconsin, the withdrawal of American Forces stationed abroad pursuant to an international agreement, and the relationship of that withdrawal to peace agreements between foreign nations and to the transfer of American military equipment to foreign powers, are issues not only beyond the scope of the bill but also within the jurisdiction of the Committee on International Relations. Although committee jurisdiction over an amendment is not the sole test of germaneness, the Chair feels that it is a convincing argument in a case such as the present one where the test of germaneness is between a limited 1-year authorization bill and a permanent statement of policy contingent upon the administration of laws within the jurisdiction of another committee.

For the reasons stated, the Chair sustains the point of order.

PARLIAMENTARY INQUIRIES

Mr. BAUMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BAUMAN. Mr. Chairman, the Chair may have just stated a novel concept which has never before been heard in a ruling. That is that the sequential referral rule somehow serves as the basis for jurisdiction, and thus can support a point of order dealing with a section in a bill such as the one before us.

The parliamentary inquiry I have is this: Simply because under the new pro-

cedure adopted for the first time in this Congress the rules allow sequential referral at the discretion of the Speaker, does that mean that a committee that has primary jurisdiction, such as the Committee on Armed Services, may be challenged on the floor and have a point of order sustained removing a provision that might be partially under the jurisdiction of another committee on a sequential referral?

The CHAIRMAN. The ruling of the Chair does not stand for that proposition.

Mr. BAUMAN. Mr. Chairman, the gentleman from Maryland understood the Chair to say that the argument of the gentleman from Wisconsin was persuasive to the Chair regarding jurisdiction. If that is the case, it seems to me every committee of this House is somehow going to be challenged on the floor henceforth if its jurisdiction is shared to the slightest degree by another committee.

The CHAIRMAN. All the Chair has stated is that section 805 is not germane to the introduced bill, and the rule provides that the point of order would lie on that ground.

Mr. BAUMAN. Mr. Chairman, I have this further parliamentary inquiry:

Then the ruling of the Chair is based on germaneness of this amendment to this bill and does not go to any effect the sequential jurisdiction would have on the provision?

The CHAIRMAN. The gentleman is correct.

Mr. SNYDER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SNYDER. Mr. Chairman, did I understand the Chair correctly to infer that since this is a 1-year authorization and the prohibition in the paragraph or the section in question was permanent, perhaps the Chair might have ruled differently had it not been a 1-year restriction?

The CHAIRMAN. The introduced bill is a 1-year authorization; the provision against which the point of order was raised is not.

Mr. SNYDER. Mr. Chairman, I thought I understood the Chair to put some emphasis on the fact that there was a different period of time in the authorization bill as opposed to the restriction that is in question.

The CHAIRMAN. The test of germaneness as stated in the rule is the relationship between section 805 and the introduced bill, and the Committee on Rules provided for this. The introduced bill is a 1-year bill.

Mr. SNYDER. Mr. Chairman, I thought I heard the Chair infer in its ruling that the ruling would have been different had the two times coincided.

The CHAIRMAN. I think that the Chair would have taken that into consideration had that been the fact.

Mr. SNYDER. I thank the Chair.

The CHAIRMAN. Pursuant to the rule, the Clerk will read by titles the committee amendment recommended by the Committee on Armed Services now printed in the bill, without section 805 included therein, as an original bill for the purpose of amendment under the 5-minute rule.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CARR

Mr. CARR. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. CARR: Strike out all after the enacting clause and insert:

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1979 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

Aircraft

For aircraft: for the Army, $1,017,800,000; for the Navy and Marine Corps, $4,078,800,000; for the Air Force, $6,897,700,000.

Missiles

For missiles: for the Army, $773,200,000; for the Navy, $1,553,600,000; for the Marine Corps, $23,100,000; for the Air Force, $1,676,800,000.

Naval vessels

For naval vessels: for the Navy, $3,712,400,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $1,532,500,000; for the Marine Corps, $21,700,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, $364,100,000.

OTHER WEAPONS

For other weapons: for the Army, $104,100,000; for the Navy, $129,800,000; for the Marine Corps, $28,000,000; for the Air Force, $300,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1979 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $2,721,400,000;

For the Navy (including the Marine Corps), $4,495,912,000;

For the Air Force, $4,339,100,000; and

For the Defense Agencies, $917,000,000, of which $27,600,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

TITLE III—ACTIVE FORCES

SEC. 301. For the fiscal year beginning October 1, 1978, and ending September 30, 1979, each component of the Armed Forces is authorized an end strength for active duty personnel as follows:

(1) The Army 771,700;
(2) The Navy, 521,700;
(3) The Marine Corps, 190,000;
(4) The Air Force, 565,600.

SEC. 302. (a) The computation of the annually authorized end strength for the active military personnel of any component of the Armed Forces for any fiscal year shall include all personnel of that Armed Forces component on active duty who are paid by or through that component's active military personnel appropriation, subject to the exclusions contained in subsection (b).

(b) In computing the authorized end strength for the active duty personnel of any component of the Armed Forces for any fiscal year, there shall not be included—

(1) civil works officers;
(2) members paid from appropriations for the Reserve Components;
(3) Reserves ordered to active duty in time of war, or national emergency declared by Congress or the President after January 1, 1978;
(4) units and members of the Selected Reserve ordered to active duty (other than for training) under section 673b of title 10, United States Code;
(5) members of the Army National Guard or members of the Air National Guard called into Federal service under sections 3500 or 8500 of title 10, United States Code;
(6) members of the militia of any State called into Federal service under chapter 15 of title 10, United States Code;
(7) Reserves ordered to temporary active duty for administration of the Reserves who are covered by section 678 of title 10, United States Code;
(8) Reserves on active duty filling positions in accordance with the provisions of section 265 of title 10, United States Code; and
(9) Reserves on active duty for training.

(c) Title 10, United States Code, is amended—

(1) by striking out ", but shall not be counted against any prescribed military strengths" in section 2114(b);

(2) by striking out clauses (1) and (5) in subsection (a) and clauses (1) and (4) in subsection (b) of section 3201;

(3) by repealing section 3230 and by striking out the corresponding item for that section in the chapter analysis of chapter 331;

(4) by repealing sections 5415 and 5416 and by striking out the corresponding items for those sections from the chapter analysis of chapter 531;

(5) by striking out clauses (1), (2), and (6) in subsection (a) and clauses (1) and (4) in subsection (b) of section 8201; and

(6) by repealing section 8230 and by striking out the corresponding item for that section in the chapter analysis of chapter 831.

(d) Section 625(b) of the Department of Energy Organization Act (91 Stat. 598) is amended by striking out the second sentence.

TITLE IV—RESERVE FORCES

SEC. 401. (a) For the fiscal year beginning October 1, 1978, and ending September 30, 1979, the Selected Reserve of each Reserve component of the Armed Forces shall be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 363,000;
(2) The Army Reserve, 196,700;
(3) The Naval Reserve, 51,400;
(4) The Marine Corps Reserve, 33,000;
(5) The Air National Guard of the United States, 92,400;
(6) The Air Force Reserve, 53,200;
(7) The Coast Guard Reserve, 11,700.

(b) The average strength prescribed by subsection (a) of this section for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year; and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such Reserve component

shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

TITLE V—CIVILIAN PERSONNEL

SEC. 501. (a) For the fiscal year beginning October 1, 1978, and ending September 30, 1979, the Department of Defense is authorized an end strength for civilian personnel of 1,007,531.

(b) The end strength for civilian personnel prescribed in subsection (a) of this section shall be apportioned among the Department of the Army, the Department of the Navy, including the Marine Corps, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within sixty days after the date of enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

(c) In computing the authorized end strength for civilian personnel there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program. Whenever a function, power, or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, he may authorize the employment of civilian personnel in excess of the number authorized in subsection (a) of this section but such additional number may not exceed 1¼ per centum of the total number of civilian personnel authorized for the Department of Defense by subsection (a) of this section. The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under the authority of this subsection.

TITLE VI—MILITARY TRAINING STUDENT LOADS

SEC. 601. For the fiscal year beginning October 1, 1978, and ending September 30, 1979, each component of the Armed Forces is authorized an average military training student load as follows:

(1) The Army, 67,843;
(2) The Navy, 58,086;
(3) The Marine Corps, 21,324;
(4) The Air Force, 44,917;
(5) The Army National Guard of the United States, 11,793;
(6) The Army Reserve, 5,959;
(7) The Naval Reserve, 991;
(8) The Marine Corps Reserve, 3,074;
(9) The Air National Guard of the United States, 2,471; and
(10) The Air Force Reserve, 1,184.

TITLE VII—DEFENSE CIVIL PREPAREDNESS AGENCY

SEC. 701. Funds are hereby authorized to be appropriated during the fiscal year 1979 for carrying out the purposes of the Federal Civil Defense Act of 1950, as amended, for the Defense Civil Preparedness Agency, in the amount of $96,500,000.

This Act may be cited as the "Department of Defense Appropriation Authorization Act, 1979".

Mr. CARR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CARR. Mr. Chairman, the amendment which I have just introduced is the amendment in the nature of a substitute. First, permit me to explain the substitute. The substitute is nothing more than the original bill proposed by the President and introduced by the chairman and the ranking minority member of the committee, at the request of the administration, minus $1 billion in the Navy shipbuilding account, to reflect what the House action on May 3 during its consideration of the budget resolution. During that consideration the House adopted the Budget Committee recommendation that the figure for military expenditures exclude $1 billion for the Trident submarine, which because of log jams and backups at Groton, Conn., cannot be built or obligated in 1979.

The bill retained long lead items for that submarine, and the committee, on its work on the committee bill, the committee version, agreed with that principle. So the Trident submarine is not at issue here.

Now, why a substitute to the entire work of the Committee on Armed Services? That is a legitimate question—in the House, which reveres its committee tradition to allow the primacy of committee work to be the vehicle on the House floor for the deliberation in the House working its will.

It is not a step that I took lightly, but I did it primarily for two reasons:

First and foremost, on May 3, an amendment was offered to the budget resolution, an amendment offered by my colleague on the Committee on Armed Services, the gentleman from New York (Mr. STRATTON), to increase the target $2.5 billion.

The reason this amendment was added, as discussed among members of the Committee on Armed Services during its secret markup session, was to provide enough money into the budget resolution for the bill which they knew they were going to be reporting out in a few hours.

In other words, the Committee on Armed Services itself recognized that the budget target did not include enough money for the bill they were about to bring to the Members today.

The gentleman from New York (Mr. STRATTON) offered an amendment increasing that budget target by $2.5 billion. The House voted overwhelmingly to reject—to reject—the committee position as expressed in the Stratton amendment.

Mr. Chairman, the vote was 262 to 142. When we get back into the House, as opposed to the Committee of the Whole, I will be asking unanimous consent to insert extraneous matter; and I will include once again that vote in which 262 people went on record as holding the line on military expenditures.

I would point out that the bill before us today brought by the House Committee on Armed Services is almost $1 billion over the Stratton amendment of 3 weeks ago. It seems to me that the House has expressed its will in this regard and that the committee has a responsibility to bring to us a bill that is in closer conformity with the expressed wishes of the House. In addition, the House Committee on Armed Services session which marked up this bill was conducted in secret. In a Christmas-like attitude, a lot of amendments were added, which were opposed by the leadership of the committee; and many of us voted against them. However, we never could manage a majority. Many of these items had never had a hearing. They add up to a lot of money.

Additionally, it is pointed out to all of us through the flood of "Dear Colleague" letters we have been receiving that one of the majority monetary differences is the nuclear cruiser and the nuclear aircraft carrier.

In 1975 this House expressed its will quite clearly. The House-expressed will in this Congress in 1975 was against the nuclear carrier.

Once again, Mr. Chairman, the House Committee on Armed Services has brought us a bill which it believes, in all sincerity, is the best for the Nation's defense; but it is not in step and in tune with the House as a whole.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CARR) has expired.

(By unanimous consent, Mr. CARR was allowed to proceed for 5 additional minutes.)

Mr. CARR. To continue, Mr. Chairman, some of the items which the Committee on Armed Services added included A–7D's for the Air National Guard, a $141 million item; A–7E's for Navy at $200 million; C–12's for the Army at $19 million; and a Grumman Gulfstream II, so that the Commandant of the Marine Corps will have an executive jet to fly around in when even the Secretary of the Navy has to take an old Convair.

Mr. Chairman, it also includes title VIII, which includes the provision that was just ruled out of order by the Chairman, section 805. It includes an amendment offered by the gentleman from New York to allow—I underline "allow," with a lot of moral suasion—the Secretary of Defense to use assets of the Nation's military in furtherance of the Olympic winter games at Lake Placid.

Mr. Chairman, I am told that when this was done by a separate bill, with separate hearings, several years ago, when the Olympic Winter Games were at Squaw Valley, that item cost the U.S. Government, the military budget, $150 million. We did not even have hearings on that item, but we were bending over backward on this secret markup to accommodate the members of the committee and their needs back home.

Mr. Chairman, is this an attack on the committee system? Absolutely not. Indeed, by disregarding the will of the House, I think the Committee on Armed Services, in trespassing on the International Relations Committee's territory and in its disregard for those here in the whole House, has attacked the committee system.

I might point out that many of the members of the Committee on Armed Services were making these same statements. Many of the Members who are making arguments to us today against the substitute, in that secret committee markup were saying that the Committee on Armed Services was turning itself into a Pentagon wish-list turning itself into a eunuch among congressional committees.

Is that an attack on the committee chairman? No, it is not; emphatically, it is not. I have the utmost respect for our colleague, the gentleman from Illinois (Mr. PRICE), the chairman, as well as for the other members of the committee. The gentleman from Illinois (Mr. PRICE) and other leaders of the committee attempted to hold down the add-ons. They were just unsuccessful.

Now what the chairman is doing is simply supporting the committee's position. I think we can all commend him for that.

Mr. Chairman, some of the things the committee did were good. The R. & D. Committee specifically should be singled out along with its chairman. The gentleman from Missouri (Mr. ICHORD) did an admirable job on the research and development title, and there will be an amendment to reinstate that title in the substitute amendment.

I want to say that while the R. & D. subcommittee did not do everything I wished it would do, I think it represented some of the best work product of the Armed Services Committee, and we want to get it restored.

This is not a cut. It has been portrayed as a cut. We are starting from the President's figure. It includes 2 percent real growth for military spending, and there is enough in there for 3 percent commitment to NATO, which the President has signed on to.

It has been claimed that the committee is now only $300 million above the President, but the real difference is still $3.4 billion. The committee claim ignores the fact that the President's budget contains $1 billion added for the Trident, which we have all decided is going to be excluded.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. CARR. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I appreciate the gentleman's complimentary remark concerning the work of the R. & D. subcommittee, but I would state frankly to the gentleman that, for the life of me, I just cannot understand why he is proceeding as he is. Instead of introducing his own views, he is going back to the original bill and asking this House to mark up a bill on the floor of the House. Since I abhor the procedure he is following so much, I have refused, at his request, to introduce as an amendment to his substitute what he has described as very admirable work of the R. & D. subcommittee. Unfortunately I am placed in the position of opposing the work of my own subcommittee because of the manner in which the gentleman is proceeding. I will elaborate on my own time.

Mr. CARR. I thank the gentleman. He accurately states his particular predicament, and I respect his judgment.

Mr. ICHORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the Committee, I do not argue with the right of my good friend, Congressman CARR, to proceed as he is proceeding. As was brought out in the discussion on the rule, Mr. CARR would have the right to introduce as a substitute the original bill with or without the rule.

But I say again, to the gentleman from Michigan, for the life of me I cannot understand why you are choosing to proceed as you are. In fact, I would state to the gentleman from Michigan that during the 18 years that I have served in this House, I have seen the legislative process completely break down on a few occasions. I have seen the House unintentionally mark up a bill on the floor of the House. But, this is the first time, ladies and gentlemen of the Committee, that I have seen a Member consciously and deliberately ask the House to mark up a bill on the floor of the House.

I hope I am not being unkind to my good friend, the gentleman from Michigan, but I seriously think this procedure that he is asking us to follow borders on the edge of anarchy and to use his own terms which someone described as cute and humorous—rhetoric, I have got to question who has lost his moorings? Who has flipped his wig? Who has blown his top?

Why do I say that? Examine the views of the gentleman from Michigan (Mr. CARR) closely. Cutting through this cute and humorous rhetoric, he only has really three major differences with the work of the House Committee on Armed Services. And what are those differences?

The first is the large nuclear carrier.

Second, there is aircraft procurement. I would state that I do not agree with all of the aircraft procurement. The gentleman well knows I supported some of his views in the committee. He has described my statement on the floor of this House about speaking out in what I thought was fiscal responsibility.

The third difference is that he wants an add-on for the wide-bodied cruise missile carrier.

But now is he presenting an amendment on the floor of this House expressing his own views, his own honest views, his real views? No, I would state to the gentleman from Michigan, he is not doing that. In fact he came to me as chairman of the R. & D. Subcommittee, and I appreciate his remarks commending the work of the R. & D. Subcommittee, and he asked me to introduce an amendment to his substitute bill restoring the work of the R. & D. Subcommittee. He does not even agree with his own substitute. He does not agree with his bill in regard to aircraft procurement. He has gone around and asked Members of this House to make deals adding back the F–14's. Adding back—I am sure it was the F–14, I would state to the gentleman from New York (Mr. DOWNEY)—adding back various systems which the committee acted upon.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(By unanimous consent, Mr. ICHORD was allowed to proceed for 5 additional minutes.)

Mr. ICHORD. Mr. Chairman, what the gentleman is doing, I would state to the gentleman from Michigan, is proceeding in such a manner which is an imposition upon the time of the Members of this House. It is a waste of time. We are going to be voting on the propositions, I would state to the members of the committee, by the way the gentleman is proceeding, twice—more than twice. There is no way we can proceed in any other way.

Why did not the gentleman from Michigan offer a bill expressing a substitute, expressing his own honest view? He is going to put the Members of the House in a position of voting upon proposition after proposition about which they cannot possibly know enough to cast an intelligent vote. He is going to be wasting our time. To proceed in such a manner is throwing away the work of 134 committee meetings and subcommittee meetings. It is throwing away more than 500 hours of work. It is throwing away 175 different budgetary and language amendments which the gentleman from Michigan agrees with.

I ask again: Why is he proceeding in such a manner? He is making more than just a direct attack upon the committee system. Some may disagree with the committee system, but the committee system is the best system until someone comes along with something better. He is not only directly attacking the committee system, but he is attacking the chairman of the committee. I cannot in good conscience proceed in such a farce, with such a charade. I cannot cooperate with my good friend.

I cannot offer the work of the R. & D. Subcommittee that he praised so highly, as an amendment.

The gentleman has put me in a position so that I have to oppose him. I will state this, and listen very carefully to the rulings of the chairman in the consideration of this bill. I am not going to participate in a charade of intention-

ally marking up a bill on the floor of the House, therefore I am going to oppose the gentleman on every amendment. I am going to raise every point of order I can. The gentleman has heard the Speaker say the amendment is going to be subject to a point of order so therefore I would suggest, to save the time of the Members of this House, that we proceed expeditiously to dispose of the amendment offered by the gentleman from Michigan (Mr. CARR), in the nature of a substitute. The gentleman will have the right to offer amendments to the committee bill to take up the large issues about which the gentleman is so concerned.

This is the only way we can proceed in a logical and expeditious parliamentary manner.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Chairman, I thank the gentleman for yielding. As the gentleman is aware, during the committee procedures on marking up the bill I offered an amendment to provide $9 million to re-engine the KC–135 aircraft. Does the gentleman recall that amendment?

Mr. ICHORD. Yes, I do, and that was adopted.

Mr. HILLIS. It was adopted in the bill to provide for money enough to extend the life of this aircraft.

I would also like to mention to the gentleman that I was approached to offer this as an amendment, I was asked by our colleague, the gentleman from Michigan (Mr. CARR), to offer this amendment to his substitute and he responded that he would accept it.

Mr. ICHORD. I think the amendment of the gentleman from Indiana would not be subject to a parliamentary point of order. Certainly all of the general provisions that will be offered to the Carr substitute will be subject to a parliamentary point of order and I intend to raise every parliamentary point of order I can raise to the amendments that are not germane to the Carr substitute because I cannot see the House conducting itself in such a silly manner.

Mr. HILLIS. If the gentleman will yield still further, I also refused to make the offer of the amendment to the Carr substitute because I thought it was in the tone of making a deal, because I had the suspicion that it was that type of an approach.

Mr. ICHORD. I not only have a suspicion, I know it has happened because the gentleman from Michigan (Mr. CARR) came to me and asked me to introduce the R. & D. amendment.

Mr. BENNETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think everybody should be clear about what is now involved in the Carr substitute. Briefly, the administration's position has changed to the point where Mr. CARR's substitute now represents a substantial cut from the administration bill as submitted.

Mr. CARR's substitute, as submitted, was $1 billion below the administration bill as submitted. However, the administration has now indicated its support for a CVV carrier. The cost for that carrier, as contained in an amendment intended to be introduced by the gentleman from Wisconsin (Mr. ASPIN) is $1.5 billion. That means that Mr. CARR's amendment is $2.5 billion below the administration bill. In addition, Mr. CARR has indicated he will accept an amendment which I understand is to be introduced by the gentlewoman from Colorado (Mrs. SCHROEDER) to accept most of the deletions in title II, which would be an additional cut of more than $600 million in the bill. That means that Mr. CARR's amendment, in other words, is more than $3 billion below the legislation as now supported by the administration.

Voting for such a proposal could hardly be defined as supporting the administration. It represents a substantial cut in defense. The proposal is really quite similar to the Mitchell transfer amendment which was soundly defeated on the House floor during consideration of the budget resolution.

By contrast, since the administration has now indicated its support for an add-on of $1.5 billion for an aircraft carrier, the difference between the committee bill and the administration proposal is only $848 million, in contrast with the Carr proposal which is $2.5 million less than the administration's recommendation.

Therefore, a vote for Carr is more of an antiadministration vote than a vote against the committee bill.

Mr. Chairman, in conclusion I would like to say that if we were to handle a $38 billion bill like this, with the care that the committee has had in bringing it to the floor and then if we were to substitute a proposal which is obviously very, very improperly organized and not thought through, then we would be bound to have chaos, chaos about perhaps the most important thing this Nation does, which is to defend itself.

To approach this matter in such a cavalier fashion in such a political atmosphere, with so little thought behind it, seems to me to be a travesty on the legislative process. Hundreds of hours have been thoughtfully spent by the Committee on Armed Services and the subcommittees in working out these various matters.

All of the proposals which the gentleman from Michigan (Mr. CARR) now wants to bring out he could have brought to the committee. In some cases he did; in some cases he did not. Anyway, those things were fully debated in the committee. To prostitute the legislative process by now bringing a bill here in such disarray as this bill would be if we used the substitute instead of the committee bill, then it would not only be a terrible reflection on the committee process of Congress but, more importantly, it would be a great blow to the confidence of the American people in the way in which their defense requirements are faced and achieved. The Carr proposal should be rejected.

Mr. WHITE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we should all reflect on the atmosphere in which we meet today and the importance of this particular bill, considering the state of our defense in comparison with the state of the Soviet and Warsaw Pact nations' defense, where our security has become very critical, and it seems to me we should be mindful of this to bolster our defenses.

The amendment as proposed really would wipe out the effect of all of our hearings, the testimony, and the committee consideration. I feel, the work of this House is the work of committees.

The net increase in the bill as reported by the committee was $2.4 billion over the President's total budget request of $126 billion. That was consistent with the committee's recommendations to the Committee on the Budget, and it proposed transferring more money into procurement of major combat systems, principally shipbuilding, and making corresponding reductions in lower-priority items. But now, the the gentleman from Florida (Mr. BENNETT) has suggested, the administration has recommended a conventional aircraft carrier, and that in itself will make the difference only $850 million, a half of 1-percent increase. I remind the Members that that particular aircraft carrier has not been planned as yet. As I understand, the plans have not been drawn, so there may be no difference whatever. But more than that, more than just the nuts and bolts procurement of weaponry, the state of our manpower itself is in very critical condition in this country, and this particular bill addresses some highly important changes that are necessary in order to bolster our defenses and build our numbers so that we can respond to any threat against our Nation.

Let me point out some of these particular changes that I think we are advancing that are removed from the amendment offered by the gentleman from Michigan (Mr. CARR). There are 17 statutory changes in the committee bill regarding manpower. There are 14 major recommendations in the report.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Missouri

Mr. ICHORD. I thank the gentleman for yielding. In what title are those provisions?

Mr. WHITE. There are four titles. Titles III through VI are titles in which these changes are made and these are dropped.

Mr. ICHORD. There are six titles to the original bill? How many titles are there in the original bill?

Mr. WHITE. Seven,

Mr. ICHORD. I am talking about the committee amendment in the nature of a substitute.

Mr. WHITE. There were eight.

Mr. ICHORD. What about the original bill introduced in behalf of the administration.

Mr. WHITE. There were seven. One was added in committee, and that was knocked out by a point of order.

The increases in training are in the committee bill, for the Army, Navy, and Marine Corps, and permission for women on ships, is in order to give some opportunity for those graduating from the academies to train, and to provide the necessary repairs on ships on a temporary basis. In the Reserve Forces, mind you, it knocks out numbers of the Reserves. It drops back the Naval Reserve from 87,000 to 51,400. In effect it wipes out the Seabee Reserve which is the major construction backbone of the Navy.

Reserve recruiting incentives are knocked out, and these are highly significant and important if we are going to have a back up force of Reserves. We are limiting the transfer to the Standby Reserve to help the serious Individual Ready Reserve problem.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding

In effect what the Carr substitute does is it totally knocks out all of the improvements that we have made in our original bill for the Reserve Forces. Officials from the Department of Defense said if the Reserves are to survive, they are going to have to have incentives, which are included in the original bill which the Carr substitute does not even address itself to.

I do not plan, as the gentleman from Missouri, to offer any amendment to the Carr substitute correcting this situation; but if the Members want to finish the National Guard Reserve, then they ought to vote for the Carr substitute but to support the good work of the committee in Reserve affairs vote against the Carr substitute and for the committee bill.

Mr. WHITE. Mr. Chairman, if we want to bring back a necessity for a draft for the Armed Forces, then vote for the amendment of the gentleman from Michigan (Mr. CARR). These were the changes that were pleaded for, that were begged for by those associated with the Reserves, the National Guard. It was partly through the leadership of the gentleman from Mississippi.

There were a number of other parts omitted by the Carr substitute amendment. I will not take the Committee's time on that.

Mr. Chairman, we have worked on this committee bill very carefully. I implore the Committee not to accept the Carr amendment, but let the Committee go forward in an orderly complete posture as we have on this bill.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, a moment ago the gentleman made the statement that if you want to bring back the draft, you should vote for the Carr substitute. Would the gentleman elaborate on that?

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. WHITE was allowed to proceed for an additional 2 minutes.)

Mr. WHITE. Mr. Chairman, at the present time we are something like 300,000 short on our individual Ready Reserves. We are something like 60,000 or 70,000 short in the National Guard and Reserves. These are the backup forces when the men in the front lines are pushed back by attacking forces. It is imperative to have these backup forces to insure that we have a victory wherever the attack is, presumably in Europe.

In order to retain the manpower we need, we have to give incentives to pull people into these Ready and Active Reserves. If we do not give them the incentive, they are going to decline to the point it is absolutely imperative for the insurance of peace and security in this Nation to develop an active draft system so we have the forces ready to repel anv threat.

Mr. NICHOLS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Michigan (Mr. CARR). A number of problems with the gentleman's amendment have been pointed out. One of the major problems is the loss of all general provisions included in the authorization bill. Several of these provisions would authorize the temporary extension of expiring enlistment—reenlistment bonuses—special pay health professional authorities. It is certainly true that these authorities could be extended through the normal legislative process. However, testimony received by the committee has indicated the continued need for these authorities and the general provisions of the original bill provide a timely means of accomplishing this end.

I strongly urge all Members to reject the amendment offered by the gentleman from Michigan (Mr. CARR).

The primary impact of H.R. 10929 lies in the authorization of funds for the procurement of the Nation's major weapon systems today, and for research, development, test and evaluation of the Nation's weapon systems of the future. In addition, the bill specifies the personnel levels required to support these complex systems. On a less grand scale—but no less important to those service members affected or to the overall management of the force—the committee has included, in the general provisions of the bill, 2-year extensions of three expiring authorities and language placing in statute the current organizational structure of the Army Dental Corps.

The following authorities expire on September 30:

Reenlistment and enlistment bonuses for enlisted personnel in critical skills;

Special pay for health professionals; and

Subsistence allowance for Marine Corps officer candidates in the platoon leaders class.

The committee included the expiring authorities in this bill in order to insure their timely extension. Testimony received by the committee highlighted the continuing need for these authorities and the detrimental effect on accession and retention caused by the uncertainty of short periodic extensions. Further, in the case of special pay for health professionals and the subsistence allowance for Marine Corps officer candidates, proposals have been developed that would substantially revise and replace the present systems. The 2-year extensions add a degree of stability and will permit the Congress to consider fully the proposed change.

REENLISTMENT AND ENLISTMENT BONUSES

Authority to provide reenlistment and enlistment bonuses to enlisted personnel in critical skills expires on September 30, 1978. These programs provide up to $15,000 as a reenlistment bonus and up to $3,000 as an enlistment bonus.

The cost of the extended authority would be $155 million and is included in the Defense Department's appropriation request for fiscal year 1979.

The committee also included a retraining provision addressing the situation where the supply of qualified reenlistees in a critical bonus skill is insufficient to meet the reenlistment objectives for the skill. A valuable secondary source of supply for these skill shortages is personnel with less critical skills who can be induced to undergo voluntary retraining and subsequently to reenlist in the more critical skill. The selective reenlistment bonus has the potential to be a strong incentive for encouraging such personnel to volunteer.

Under present law, a member may only be paid a bonus when the skill in which he reenlists is designated for a bonus at the time of reenlistment. Under the bill, the bonus in effect for a skill at the time a member agrees to retrain in that skill would be the bonus payable to him once he qualifies and reenlists in the new skill.

SUBSISTENCE ALLOWANCE FOR MARINE CORPS OFFICER CANDIDATES

Authority to provide financial assistance to officer candidates under the Marine Corps platoon leaders class program expires on September 30, 1978. This program provides a subsistence payment of $100 for each of the 9 months of the college year after an officer candidate has successfully completed summer training. This is similar to the subsistence allowance paid to ROTC cadets while in the senior ROTC program.

The cost of extending this program would be approximately $1 million and has been included in the Defense Department's appropriation request for fiscal year 1979. Approximately 1,200 officer candidates receive this payment each year.

JUNIOR ENLISTED TRAVEL

The committee, during its markup of H.R. 10929, reaffirmed its strong desire

that travel and transportation benefits be provided to dependents of junior enlisted personnel. The committee is particularly concerned with the economic circumstances of junior enlisted personnel stationed overseas. The committee believes that the single most important action that can be taken to alleviate the financial plight of these personnel is to provide travel and transportation benefits.

A system of station cost-of-living and housing allowances attempts to insure that service members stationed overseas are not placed at an economic disadvantage compared to their counterparts stationed in the United States. The committee commends the Department of Defense for the administrative actions it has taken to lessen the hardships incurred by these junior members, such as providing, as of March 1, 1978, full station allowances—instead of a partial payment—to junior members who currently have their dependents overseas.

However, much remains to be done administratively and legislatively. For example, because housing allowances make up a major portion of the service members' expenses, it is especially important that they be computed accurately and adjusted in a timely manner. The Department of Defense has within its administrative authority the ability to specify the method for computing the amount of the housing allowance. Some methods, although administratively more complex, provide a more accurate reimbursement for the higher housing costs incurred by our service members stationed in high-cost overseas areas. Serious consideration should be given to revising the computation method.

The long-range benefits of providing travel and transportation benefits to dependents of junior enlisted personnel and other actions include potentially better reenlistment rates, less attrition before completion of enlistment, and longer overseas tours. These management considerations aside, a grievous inequity exists, and the burden of this inequity falls most heavily on those least able to bear it.

I take this opportunity, during the debate on a major weapons procurement bill, to reemphasize for the record the committee's strong support for the administration's request for funds for junior enlisted travel entitlements. Without the availability of our highly qualified junior enlisted personnel, the weapons we discuss are useless.

Mr. Chairman, we have before us a bill that sets the foundation for the defense of our Nation. I believe it is a solid foundation, and I strongly urge my colleagues to support the committee bill and to reject the amendment by the gentleman from Michigan (Mr. CARR).

Mr. Chairman, I yield to the gentleman from Virginia (Mr. DAN DANIEL).

Mr. DAN DANIEL. Mr. Chairman, I rise in opposition to the Carr amendment. A basic issue which we have before us today—trimmed of all the rhetoric—is the preservation of the time-honored system of legislating through committees.

Congress, like all legislative bodies, relies heavily upon the work experience and wisdom of its committees. Obviously, it would be impractical—if not impossible—to write every bill here on the floor. Even the least controversial of problems would confound us if we sought to do all our business in the manner being suggested here today.

But on a matter of this magnitude, it borders on the irresponsible to expect that what our committee has spent weeks to achieve can be effectively reshaped in a matter of hours. Our committees spend months considering matters within their jurisdiction and then bring to the floor what is considered to be the best collective judgment of the majority. While the results certainly do not represent perfection, it is the collective judgment of elected representatives. It is not the judgment of faceless planners in the Office of Management and Budget.

Members would do well to consider that while we tend to rely upon precedents in this body, once an established procedure is abandoned, it could come back to haunt us. The administration may see this as good procedure for today, but it could be used in precisely the opposite way tomorrow or next week or next month.

The business of Congress has become too complicated as it is. Let's not further aggravate the situation by trying to cast aside the work of the Armed Services Committee in the name of expediency. If it is done, this will not be last attempt to thwart the committee system, because it will come again, as surely as night follows day.

AMENDMENT OFFERED BY MR. DELLUMS AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CARR

Mr. DELLUMS. Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. DELLUMS as a substitute for the amendment in the nature of a substitute offered by Mr. CARR:

Strike out all after the enacting clause and insert the following:

That this Act may be cited as the Department of Defense Appropriation Authorization Act, 1979.

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1979 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

Aircraft

For aircraft: for the Army, $1,017,800,000; for the Navy and Marine Corps, $3,591,600,000; for the Air Force, $5,376,900,000.

Missiles

For missiles: for the Army, $773,200,000; for the Navy $1,553,600,000; for the Marine Corps, $23,100,000; for the Air Force, $1,461,800,000.

Naval Vessels

For naval vessels: for the Navy, $1,798,100,000.

Tracked Combat Vehicles

For tracked combat vehicles: for the Army, $1,259,100,000; for the Marine Corps, $21,700,000.

Torpedoes

For torpedoes and related support equipment: for the Navy, $364,100,000.

Other Weapons

For other weapons: for the Army, $93,100,000; for the Navy, $34,300,000; for the Marine Corps, $28,000,000; for the Air Force, $300,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated for fiscal year 1979 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $2,570,274,000.

For the Navy (including the Marine Corps), $3,777,000,000.

For the Air Force, $3,887,000,000.

For the Defense Agencies, $692,816,000, of which $27,600,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

TITLE III—ACTIVE FORCES

SEC. 301. For fiscal year 1979, each component of the Armed Forces is authorized an end strength for active duty personnel as follows:

(1) The Army, 724,700.

(2) The Navy, 519,700.

(3) The Marine Corps, 170,000.

(4) The Air Force, 561,600.

TITLE IV—RESERVE FORCES

SEC. 401. (a) For the fiscal year beginning October 1, 1978, and ending September 30, 1979, the Selected Reserve of each Reserve component of the Armed Forces shall be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 363,000;

(2) The Army Reserve, 196,700;

(3) The Naval Reserve, 51,400;

(4) The Marine Corps Reserve, 33,000;

(5) The Air National Guard of the United States, 92,400;

(6) The Air Force Reserve, 53,200;

(7) The Coast Guard Reserve, 11,700.

(b) The average strength prescribed by subsection (a) of this section for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total-authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year; and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

TITLE V—CIVILIAN PERSONNEL

SEC. 501. (a) For fiscal year 1979, the Department of Defense is authorized an end strength for civilian personnel of 1,018,200.

(b) The end strength for civilian personnel prescribed in subsection (a) of this section shall be apportioned among the Department of the Army, the Department of the Navy (including the Marine Corps), the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within sixty days after the date of the enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

(c) In computing the authorized end strength for civilian personnel there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency), whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Fedreal junior fellowship program and personnel participating in the worker-trainee opportunity program. Whenever a function, power, or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, he may authorize the employment of civilian personnel in excess of the number authorized in subsection (a) of this section, but such additional number may not exceed 1¼ percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a) of this section. The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under the authority of this subsection.

TITLE VI—MILITARY TRAINING STUDENT LOADS

SEC. 601. For the fiscal year beginning October 1, 1978, and ending September 30, 1979, each component of the Armed Forces is authorized an average military training student load as follows:

(1) The Army, 67,843;
(2) The Navy, 58,086;
(3) The Marine Corps, 21,324;
(4) The Air Force, 44,917;
(5) The Army National Guard of the United States, 11,793;
(6) The Army Reserve, 5,959;
(7) The Naval Reserve, 991;
(8) The Marine Corps Reserve, 3,074;
(9) The Air National Guard of the United States, 2,471; and
(10) The Air Force Reserve, 1,184.

TITLE VII—CIVIL DEFENSE

Authorization for Defense Civil Preparedness Agency

SEC. 701. There is hereby authorized to be appropriated to the Defense Civil Preparedness Agency for fiscal year 1979 for the purpose of carrying out the provisions of the Federal Civil Defense Act of 1950 the sum of $80,000,000.

TITLE VIII—GENERAL PROVISIONS

RESTRICTION ON CONTRACTING OUT COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS

SEC. 801. (a) The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and House of Representatives providing the details of any proposed change in policy or regulations, from those in effect before June 30, 1976, regarding the determination of whether commercial or industrial type function at Department of Defense installations located in any State, the District of Columbia, the Commonwealth of Puerto Rico, and Guam should be performed by Department of Defense personnel or by private contractors during the period beginning on October 1, 1978, and ending on September 30, 1979.

(b) No commercial or industrial type function at any Department of Defense installation referred to in subsection (a) shall be performed by private contractors unless such contractor performance began before the date of the enactment of this Act or performance would have been allowed by the policy and regulations in effect before June 30, 1976. The prohibition in the preceding sentence shall apply until the end of the ninety-day period beginning on the date the report required by subsection (a) is received by the Committees on Armed Services of the Senate and House of Representatives.

Certification of Claims

SEC. 802. Notwithstanding any other provision of law, none of the funds authorized to be appropriated for the Department of Defense by this Act shall be used for the purpose of paying any contract claim, request for relief under Public Law 85–804, or other similar request which exceeds $100,000 unless (1) the senior company official in charge at the plant or location involved has certified at the time of submission of such contract claim request for equitable adjustment to contract terms, request for relief under Public Law 85–804, or other similar request, that the claim and supporting data are accurate, complete, and current; or (2) in the case of any outstanding claim, request for equitable adjustment to contract terms, request for relief under Public Law 85–804, or other similar request in excess of $100,000 which was formally submitted without such certification before the date of the enactment of this Act, either (A) such senior official submits such a certificate within 120 days after the date of the enactment of this Act, or (B) a contracting officer's decision has been rendered before such date of enactment, in which case this section shall not constitute a bar to any payment.

Mr. DELLUMS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. BAUMAN. Mr. Chairman, reserving the right to object, is it the understanding of the gentleman from California (Mr. DELLUMS) that all of the provisions of the amendment are germane?

Mr. DELLUMS. Mr. Chairman, if the gentleman from Maryland will yield, the gentleman would stake his reputation on that. I have checked with the Parliamentarian, and to the best of my knowledge that is correct.

Mr. BAUMAN. Mr. Chairman, I thank the gentleman, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STRATTON. Mr. Chairman, I reserve a point of order on the substitute amendment.

Mr. ICHORD. Mr. Chairman, I also reserve a different point of order on the same amendment.

The CHAIRMAN. The Chair will state that only one reservation of a point of order is in order.

The gentleman from New York (Mr. STRATTON) reserves a point of order on the amendment.

The gentleman from California (Mr. DELLUMS) is recognized for 5 minutes in support of his amendment.

Mr. DELLUMS. Mr. Chairman, we now have before us three alternatives: First, the alternative offered by the full committee that has been challenged by my distinguished colleague, the gentleman from Michigan (Mr. CARR); then we have a second alternative, an amendment in the nature of a substitute for the committee bill, placing before this body the budget offered by the President of the United States, President Carter; and now we have a third alternative, an amendment offered as a substitute for the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. CARR).

This amendment provides a cut. It cuts over $9 billion from the bill of the Committee on Armed Services and over $7 billion from the President's bill.

I would first like to open with a general statement and then go specifically to a discussion of how we arrive at the cuts. Then, finally, Mr. Chairman, I will make some statement as to why I think these cuts are necessary and appropriate.

Every year we come to this point in the budget legislative process when we are faced with the choice of either accepting a defense budget plotted by the actions of the Committee on Armed Services or deleting piece by piece one weapons system at a time. I find this process particularly tedious and intellectually infeasible. It is for that reason that I applaud my distinguished colleague, the gentleman from Michigan (Mr. CARR), who has attempted in his own way today to provide a different framework within which to view the foreign policy and the military posture of this Nation.

I feel that if the Members of this body were given a chance, they would reflect other values than those in the defense budget levels. The committee's authorization proposal shows a lack of discernment, rationale, and restraint. I believe it is now time to present a real choice for a vote on the defense budget. Our intent should be to shape a foreign policy and supporting military structure that reflects our limitations and our true interests.

Our foreign policy should be noninterventionist with our military posture sufficient to defend the United States and our vital interest, but without the adornments necessary for being the police officer of the world or intervenor in the Third World.

It is time to make a choice. Either we must commit yearly over one-fourth of $1 trillion by the Government to build our defenses, in an attempt to patrol and control the actions of the entire world, or we will try to participate in world affairs in ways other than the projection of our military power.

Clearly I feel that we must change our posture in the world militarily and attempt to do only what the American people are willing to pay for and to take those risks that the people are willing to accept.

Mr. Chairman, I would at this point ask this question: What would it take to make the Members of this Congress secure?

We constantly talk about national

security. What would make the Members more secure? If we stationed 100,000 more troops in Korea, would that make us more secure? If we increased our overall military strength from a figure of $1.2 billion to $3.2 billion, would that make us more secure?

If we increased the number of our troops to make it equal to that of the Warsaw Pact nations, would that make us more secure? If we built the B–1 bomber, if we had the FB–111, if we sprinkled the terrain with thousands of neutron bomb warheads, if we increased our inventory by a certain number of cruise missiles, would that make us more secure?

What would do it? What would make everyone here secure, who constantly talk about the insecurity of the United States? And I might add, parenthetically, that adding my test, that we should do what the American people are prepared to pay for, and what they are prepared to risk should be the bottom line. Are the American people prepared to pay the billions and billions and billions of dollars to continue to perpetuate a war machine all over the world? And, secondly, are the American people prepared to risk more Vietnams, more Angolas, more Koreas? I hope that we have learned some lessons.

The CHAIRMAN. The time of the gentleman from California (Mr. DELLUMS) has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, our attempts to project our power throughout the world lock us into situations where our security and our lives are challenged unnecessarily. Our efforts to maintain third rate dictatorships could be the portal to World War III.

Obviously we cannot pack up and go home but we must decide now where our long-term interests are and begin to shape our foreign policy and military posture accordingly. This will require patience, thoughtful reflection, and effective diplomacy. In Asia, we should back off our capacity to fight a land war in that region. We should assist an indigenous "balance" between China, Japan and the Soviet Union. We should insure a withdrawal from Korea. The prime responsibility for conventional control of Europe must gravitate to our allies.

I have submitted a defense authorization bill which I feel reflects this viewpoint. This substitute authorizes $28.8 billion for military procurement and research and development and lowers the personnel levels for the military. This is $9.5 billion lower than the committee recommendation and $7 billion lower than the President's request. There would be another $1 billion saved as a result of the reduction and deactivation of 83,550 military personnel from the committee bill and 73,000 from the President's. These cuts in military manpower reflect a foreign policy and defense posture that sees our carrier force reduced by one carrier, the Army staying at 13 divisions with a reduction of an air wing for the Air Force and approximately one-half a division for the Marine Corps, reevaluating their mission and subsequent size. Our naval forces should be for any future war, not the conflicts of World War II or Korea. I have cut off the solid gold plating from the committee's naval offerings. Our strategic forces must provide security but they must not provoke. Moves toward a first-strike capability do not provide security for America but greater insecurity in the world.

Specifically, with respect to the Army, the C–12 aircraft, 20, we save $19.6 million. These aircraft were not requested by the President.

Title I, procurement, Navy. The F–14A is an aircraft which has an astronomical cost, weak acceleration, excessive size, and a poor safety and combat readiness record. Fewer planes will be needed if our excessive overseas carrier deployment is reduced. Any gaps in the inventory should be filled with the more cost-effective F–18. This would save $300 million.

Regarding the CH–53E, the proposed total buy of 49 helicopters is not attractive from a cost-effectiveness standpoint. We would cut out 14. This would save $168.1 million.

The Gulfstream, strike $8.1 million for the procurement of a Gulfstream II. This addition was made by the committee to provide a plane for the Commandant of the Marine Corps for his use when traveling between commands. It is certainly unnecessary to add yet another plane to the vast number we already possess in the military inventory. $8.1 million.

Aircraft spare parts and repair, strike $9 million from the committee budget and accept the $6.1 million reduction by the committee. Since these planes will be reduced or canceled, the purchase of spare parts and repair is also reduced or canceled.

The A–10, strike $51.6 million for the procurement of the A–10 aircraft and limit their production this year to nine. The A–10 is a waste of tax dollars. It is expensive and vulnerable when deployed.

As to the F–15, there is no foreign policy or national security justification for carrying through with the expansion of active Air Force wings from 22 to 26. The Air Force wings should be maintained at the post-Vietnam level of 22. Sufficient F–15's have already been assured to modernize the existing 22 wings. Additional F–15's to expand the Air Force structure are simply not necessary. There will be a saving of $1,327,800,000.

Mr. Chairman, with respect to the advance tanker cargo aircraft, we will save $15 million.

The Tomahawk cruise missile, the sea-launched cruise missile, poses severe arms control dangers because it will create the potential to turn every naval vessel into a strategic launch vehicle, thus rendering SALT limitations meaningless and making verification impossible.

The CHAIRMAN. The time of the gentleman from California (Mr. DELLUMS) has expired.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent to be permitted to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. BADHAM. Mr. Chairman, reserving the right to object, it is my assumption that we are under the 5-minute rule.

I wonder how much longer the gentleman is going to proceed.

Mr. DELLUMS. If the gentleman will yield, Mr. Chairman, I will proceed for 5 or 10 additional minutes. We are talking about a substantial bill here. I am willing to stay with the gentleman all night and be here until tomorrow morning. I do not know how long we will talk about it. I think this floor ought to be filled with Members of Congress talking about one of the most important decisions that we will make.

I hope the gentleman will refrain from inhibiting my ability to speak. I have never challenged any Member in this well as to his standing here and speaking as long as he wanted to.

Mr. BADHAM. Further reserving the right to object, Mr. Chairman, I enjoy hearing the gentleman's annual speech, as the gentleman well knows. I am just wondering how long the gentleman is going to proceed.

Mr. DELLUMS. For some minutes.

Mr. Chairman, if the gentleman is going to object, let us not play games with each other. This is a very serious bill before us here.

Mr. BADHAM. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there any objection to the request of the gentleman from California?

Mr. CUNNINGHAM. Reserving the right to object, Mr. Chairman, I would ask the gentleman from Missouri (Mr. ICHORD) if all of this argument has been made before the committee and whether they had a chance to weigh this matter or consider this approach.

Mr. ICHORD. If the gentleman will yield, Mr. Chairman, I am sure that the gentleman from California (Mr. DELLUMS) did not attend all of the committee meetings. However, he did express his views before the committee on several occasions, and some of the things he wanted were rejected.

Mr. DELLUMS. If the gentleman will yield, Mr. Chairman, the gentleman from Missouri (Mr. ICHORD) will recall that my father died during the time of the committee markup. I specifically indicated that I was not prepared at that time because of that major catastrophe, but that I reserved the right to have an opportunity to speak on the floor of Congress.

Mr. ICHORD. The gentleman is correct. The gentleman was absent because of the unfortunate death of his father for a few days.

Mr. CUNNINGHAM. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. CHARLES H. WILSON of California. Reserving the right to object again, Mr. Chairman, I want to say that as the gentleman from California (Mr. DELLUMS) just stated, he did serve no-

tice on the committee, because of his inability to appear at the committee sessions and to offer amendments or suggestions, that he would, nevertheless, have some comments to make on the floor of the House.

Mr. Chairman, I personally hope that we can allow him the privilege of using whatever time is required to set forth his views.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. DELLUMS) is recognized for 5 additional minutes.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to my colleague, the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I want to say in response to what the gentleman from Washington (Mr. CUNNINGHAM) said, that, whatever arguments were made before the committee, I think the gentleman from California (Mr. DELLUMS) is raising some very fundamental points regarding the effect of the defense budget not only on our national defense capabilities but on the well-being and the economy of the United States of America.

It is a shame that the whole House is not present to hear him because he is doing the country a service, and we have an obligation to the American people to face the issues that he is raising. I want to commend him for taking the opportunity to do so.

Mr. DELLUMS. Mr. Chairman, I thank my distinguished colleague, the gentleman from Ohio (Mr. SEIBERLING).

In addition, the weapon is more advantageous to the Soviet Union since the American coastline is more exposed and vulnerable than the Soviet Union's. Since U.S. submarines can launch strategic missiles from 4,000 miles, there is no justification based on deterrents to develop a missile which must be launched from closer to Soviet shores. This would make U.S. submarines more vulnerable and thus weaken deterrents. The saving would be $40.1 million.

Air Force missiles: The air-launched cruise missile should not be produced and developed until more efforts are made in SALT to negotiate trade-offs with the Soviet Union. Development of a full program could create 3 to 8,000 more nuclear warheads; cause proliferation problems with third countries; and create hard-target kill capability which might be feasible for limited nuclear war scenarios. We should not rush ahead before our diplomats have the chance to negotiate real constraints. The saving here is $235 million.

Navy vessels: The SSN–688, an attack submarine, should remain in the force, but it cannot possibly be built 1 day earlier if we contract for it this year or next year. Electric Boat Co., the sole producer, is an average of 3 years behind delivery for each SSN–688 already contracted for. Authorizing a new contract will only give more leverage to Electric Boat Co. to coerce profitable "settlements" from the Navy. Delay this ship until next year. It will save $411.4 million.

CVN—nuclear carrier: This expensive sitting duck is unnecessary and vulnerable, and I would suggest to my colleagues that having a big nuclear aircraft carrier floating around the ocean in the event of the horror of a global nuclear war, this will be the first thing blasted out of the water. We would save the American taxpayer $2.389 billion.

The CGN–42 nuclear cruiser: This is another budget buster for all those people who want to save taxpayers' dollars. There is no program for an all-nuclear Navy. This expensive addition will not solve fueling problems for the fleet. We do not need it in the Third World. Why are we talking about building this? Is it because we want a toy to play with? That toy will cost us $1.096 billion.

What about these frigates—frigging frigates? Strike procurement of four frigates. This is an obtrusive system which is vulnerable in the Atlantic and improper in Asia. This would save us $1.533 billion.

Navy vessel procurement, growth and escalation, strikes $530.1 million for cost growth, and $105.4 million for escalation for prior years. These additional funds are unnecessary and should not be included in this budget to allow—perhaps even encourage—the shipbuilders to obtain cost overruns on their production. If the additional expenses are legitimate, then supplemental legislation can be introduced on a case-by-case basis.

The XM–1 series deserves support, but procurement should be phased in at a slower pace. This would save us $151 million.

The CHAIRMAN. The time of the gentleman from California has again expired.

(By unanimous consent Mr. DELLUMS was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. The MK–15 close-in weapons system, otherwise known as Phalanx, has never been demonstrated to work properly against realistic targets. Test and evaluation to date have been against targets that do not adequately simulate the threat. Deferring funding would save us $95.5 million.

R.D.T. & E. Navy: The Trident II missile program; this Trident would create unwarranted counterforce capabilities through improved accuracy and maneuverable warhead.

The 4,000-mile range of the Trident I is sufficient to protect the deterrent role for the foreseeable future. Why do we want to go beyond the deterrent to a counterforce capability which puts us in a first strike nuclear capacity, then forcing the Soviet Union to do the same thing, and thereby destabilizing the peace and not bringing it about? That would save us $5 million.

The Aegis missile system is intended to protect our carriers and other high profile ships from high intensity threats. There are two basic problems. First, the offense probably would have the advantage since it could saturate the Aegis system with large numbers of cheap cruise missiles and overwhelm even the Aegis' impressive computer capability. Second, the Navy mission for which the Aegis was originally planned—protecting supercarriers in a power projection role against the Soviet Union—has been significantly deemphasized by Navy planners. It would not be cost-effective to procure the Aegis system to protect smaller carriers in a sea-control mode. That would save $25.4 million.

On surface effect ships, the system is not supported by the Department of Defense, and that would save us $93 million.

On the R.D.T. & E. Air Force, finally, the advanced ballistic reentry system (ABRES) is a major stride toward maneuverable reentry vehicles and first strike capacity. This is destabilizing the world peace, and we have argued about that many times. My point is simple. With two nations capable of deterring each other, we have not fought a war against each other, but once one gets a first strike capability, then the other has to attain it, and then bad communications, et cetera could trigger a holocaust. This item saves us $130 million.

The AMST would provide technical capability to airlift troops from one NATO sector to another. Again, there is a superior alternative to this unilateral upgrading of U.S. contributions so that the durability of NATO does not depend on U.S. reinforcement capabilities. The current C–130 fleet is sufficient for most airlift needs. U.S. improvements for NATO should be focused on defense of the American sectors, not on a U.S. assumption of defense of other sectors—at least not until better efforts to raise contributions from allies have been made. That would save us $3 million.

Mr. Chairman, for those who believe that our military budget is too low, I agree with them if we accept their assumptions. Our former Secretary of Defense Mr. Schlesinger also agreed with them. That is why they knocked him out of the last administration—because of his hard line. He stated that if we are to play our role as we see it, of the police officer, the most powerful insurgency force in the world, and all these things that people want to do, and get involved in Zaire, and so on, all over the world, it would cost a considerably larger amount of money. His challenge to the administration was that they keep introducing a political budget, high enough to get some improvements but not high enough to get the job done. If we are to go down that road, then we will be spending at least a quarter of a trillion dollars for defense by the late 1980's.

When we do that, what do we do with the other human services programs? Do we throw them out the window? It seems to me that we cannot do that.

Then we must chart a new course, a course different than moving toward a $250 billion budget by the latter part of the 1980's, or a military budget which is a political budget that does not get the job done as you perceive it. Like the budget before us now.

I have a third alternative, and that is a budget that reflects a different role in

the world. The world is changing. We cannot return to the 1950's dominance of the world, no matter how much we believe we want to.

The CHAIRMAN. The time of the gentleman from California (Mr. DELLUMS) has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 3 additional minutes.)

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, of course this is the first time I have had an opportunity to review the amendment offered by the gentleman from California. I would like to ask him just what he is doing. The committee authorized $37.9 billion; the administration bill, as submitted authorized $35.5 billion; and the Carr substitute has $34.5 billion.

I would like to ask just what the gentleman's substitute authorizes?

Mr. DELLUMS. It is $28,409,200,000.

Mr. ICHORD. The gentleman then is approximately $6 billion under the Carr substitute.

Mr. DELLUMS. That is correct, and it is almost $9 billion under the committee.

Mr. ICHORD. I thank the gentleman for yielding.

Mr. DELLUMS. My point, Mr. Chairman, was that our role in the world now must change. We cannot return to our dominant role of the 1950's. How can we? Do we add a million troops here, or more B–1 bombers here, or more troops in Korea, or more in Africa?

Why should we try to turn back to the dominance we had in the 1950's? Even if we could, or even if we thought we could, you simply cannot turn back the hands of time. This is a changing world and therefore our role in the world must also change. It must not be based upon a projection of our military power. For goodness sakes, right now we are frightening to death the American people with the prospects that face us, yet you and I know we have the capability to destroy all life on the Earth. Just refer back to a study that was made in the days of McNamara, and that study said that once you got 400 nuclear weapons you could knock out 30 percent of the Soviet Union and 70 percent of the Soviet Union's economy. But the same study also pointed out that it would knock out 70 percent of our economy and population because of the close proximity of our population to the developmental centers of our country. Each nation has the ability to destroy each other. We ought to change this posture. We ought to be pressing throughout the world a demonstration that ours is a role of peace in the world. Let us try to secure a breakthrough and to move away from the planned destruction that we are moving toward. Because if we continue to develop these more sophisticated weapons we will eventually arrive at a first-strike nuclear war capability, but that also could mark the end of the Earth as we know it now because at that point somebody else would also develop such a capability and then all kinds of hell could and probably will break loose.

I would ask: Where can we fight a conventional war where it will not escalate into a nuclear war? We must stop lying to the American people that building more bombs protects them and gives them more security. It does not, it brings them less security.

Finally, Mr. Chairman, what of the American people who are putting locks on their windows and bars on their doors and who are buying watchdogs, what is that for?

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. LLOYD of California and by unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. As I was saying, Mr. Chairman, what about the American people who are buying watchdogs and putting bars on their doors and windows, is it because they are worried about the Soviet Union coming over here? That is not what makes the American people feel insecure. And I would suggest to my colleagues that building bigger and more dangerous bombs is not bringing about security for the American people. I believe that we therefore should use some logical reasoning and sanity in approaching this military budget.

The amount in this budget is not enough to do what some of you want to do. I would agree with that and many people also agree. I do not think you want to take it to that high a level. And if you do not then I say let us redefine our military posture in the world and let us separate insanity from the reality of the moment.

Mr. LLOYD of California. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from California.

Mr. LLOYD of California. Mr. Chairman, I can understand what the gentleman is saying, and I do not necessarily agree with what the gentleman is saying. While there are many who believe in what the gentleman is saying, there are many others who do not including myself concur in the gentleman's views on this subject.

The only way we can survive is through what we can do by maintaining adequate protection for this country and that is all we are talking about today.

Mr. DELLUMS. I also agree with that principle but I come right back to the gentleman and say that I believe we already have that adequate protection. We already have the ability to destroy all life on the earth now. We have superiority over the Soviet Union.

Mr. LLOYD of California. But not if we were involved in a war.

Mr. DELLUMS. Yes, but I hope we never have to fight a war.

And that is the insanity of this whole discussion, we seem to talk like we really want to fight a nuclear war. Does the gentleman realize what would happen in a nuclear war?

Mr. LLOYD of California. I certainly do.

Mr. DELLUMS. Millions of Americans would be blown to smithereens.

Mr. LLOYD of California. I do realize what would occur but I just believe that if we are adequately defended in peace we will not have to fight any war. And that is precisely what we are talking about.

Mr. DELLUMS. And I would suggest simply that we are already at that point.

The CHAIRMAN. Does the gentleman from New York (Mr. STRATTON) desire to be heard on his point of order?

Mr. STRATTON. I do not, Mr. Chairman. I withdraw my point of order.

The CHAIRMAN. The gentleman withdraws his point of order.

Mr. BRINKLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I could have the attention of the gentleman from California, for whom I have a great deal of respect and for whom our committee has a great deal of respect, we oftentimes have similar goals although different routes to achieve them. There are two ways to cut defense. One is through the old Republican way, the Bow amendment, whereby slashes were taken across the board of 5 or 10 percent, and things of that nature. We nickel and dime the Department of Defense to death, and we spread them thin all around the world. I think that is the wrong way to go about it.

I think it is our responsibility to pick and choose and to identify those programs which are weak and which are of low priority and to phase them out.

The gentleman a few years ago was attracted to the Mansfield amendment, as I was, for he has little confidence in the ability of NATO to respond under present circumstances. There are those who believe that NATO should be beefed up, and that is the route through which this administration is proceeding; but I would suggest that we should again take a look at NATO and under the leadership of the gentleman from Illinois, our chairman, (Mr. PRICE) there are three panels which have been set up to look into the structure of NATO and provide some input into mutual and balanced force reduction, into SALT, and also with reference to the Indian Ocean to see whether or not we can do better.

The main point I have to make is the fact that if we cut across the board, we are going to be spread too thin everywhere, and that is not the way to go. For example, the personnel cuts are alarming, whether in California, Georgia, or wherever they might be. We cannot afford less people than are necessary to do the job. Therefore, I would encourage this House to consider very carefully any effort to make piecemeal cuts; rather, we should identify areas of low priorty and get cuts.

Before I yield the floor, I would like to point out the fact that much reference has been made to mutual assured self-destruction, I will call it. There has been some misconception about the ability of this Nation and Russia to destroy the world. That just is not true. We do not have enough weaponry in this country, nor does the Soviet Union have, to destroy the world. That concept is predicated on the notion that everyone will come into town on bombing day. That is not going to happen in

Russia, for on bombing day all of the people are going to start walking. They plan to live. They plan to survive, and we must do the same thing to survive.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

I am intrigued by what the gentleman says. What he says is so true. Is it not true that there are what we call prime targets, prime potential targets, which in the event of attack would be the first areas which would receive a nuclear warhead?

Mr. BRINKLEY. The gentleman is absolutely correct. They are basically unprotected. We have systems which are on the drawing boards, to be sure, but they have not been developed, nor have they been practiced. There needs to be much emphasis placed in that area.

Mr. SKELTON. I might point out that there are some 50 areas that are in the so-called prime target areas. They are the nuclear retaliatory force areas, including ICBM fields such as the one in my district, certain SAC bases, and certain submarine bases. These areas have some 10 million people in them. In the event of a nuclear holocaust or war, these are the areas that would receive the attention from any enemy; is that not correct?

Mr. BRINKLEY. That is correct. They are prime targets.

Mr. SKELTON. Let me point this out. Is it not true that Russia, a potential adversary, feels or has a different concept than what many people feel or have. They feel that most of the people could survive any initial strikes in a nuclear war; is that not correct?

Mr. BRINKLEY. That is correct. They are taught that in grammar schools. They have citizen training so many hours a year. They plan to live.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. SKELTON, and by unanimous consent, Mr. BRINKLEY was allowed to proceed for 2 additional minutes.)

Mr. SKELTON. If the gentleman will yield further, is it not true also that the civil defense of Russia is based on a comparable level to a department agency that we have here, a Cabinet agency that we have in this country? Is that not correct?

Mr. BRINKLEY. That is correct.

Mr. SKELTON. Is it not also true that every youngster in the Soviet Union has a handbook of civil defense preparedness and orders in the event of attack? Is this not correct?

Mr. BRINKLEY. That is correct.

Mr. SKELTON. So their philosophy is different from ours. They intend in the event of a war to survive. Should we not look at it through the same view?

Mr. BRINKLEY. That is correct. The Soviet system is a system of dispersal.

We are developing that in pilot centers in New York, Robins Air Force Base in Georgia, and other places. Together with that, there should be emphasis on high risk areas.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I think the gentleman has made a very thoughtful statement.

May I ask, has the gentleman been reading about the inhabitants of Bikini Atoll recently? Yesterday's paper reported that radioactive cesium and other radioactive elements were present in their bodies, absorbed from the soil and so forth, at levels considered to be unsafe and they are once more moving them out of Bikini and they cannot go back for 30 years.

I would like to ask how the American people would fare in the years following a full scale nuclear exchange?

Mr. BRINKLEY. Mr. Chariman, I will tell the gentleman, far better if we had a civil defense system and knew what to do. I have served on this Committee on Armed Services which has investigated the return of these natives to their island. It will involve some preparation, but I will tell the gentleman, we would be far better served if we were prepared.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. BRINKLEY) has again expired.

(At the request of Mr. SEIBERLING, and by unanimous consent, Mr. BRINKLEY was allowed to proceed for an additional 3 minutes.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield further?

Mr. BRINKLEY. I yield.

Mr. SEIBERLING. Mr. Chairman, a couple weeks ago I put another article in the RECORD about the Bikini situation. It pointed out that civil defense authorities in the United States are concerned that following a large-scale nuclear exchange, the radioactive fall-out would go into our soil and would find its way into our rivers, lakes, and underground water systems, and that cleaning up large areas contaminated by radioactive particles that have gone into the soil would be practically impossible. If we can't even make a tiny island like Bikini safe to live on, how would we ever clean up the whole United States after a nuclear war?

I ask the gentleman if the gentleman has read that article and how the gentleman responds to this?

Mr. BRINKLEY. I have not read it, but I must agree with the thrust of what the gentleman is saying. I think what the gentleman is saying is the fact that nuclear war is unthinkable, and we should go to all extremes to avoid it.

Mr. SEIBERLING. Mr. Chairman, if the gentleman will yield further, my point is that civil defense, while it may save some lives in the immediate aftermath of an attack, is not able to do very much about the long-range effects which could wipe out the entire population of North America.

Mr. BRINKLEY. I do not agree with the gentleman at all. If the gentleman had listened to the testimony in our committee or to the civil defense authorities and other authorities, he would know that there are wide areas in this country which would be basically unaffected. If we could get a dispersal system which would be effective, we would have sufficient warning to implement it.

This Nation, I will tell the gentleman, has never launched a surprise attack on another nation. Therefore, every Soviet plan contemplates 3 days of warning before an attack.

We have surveillance systems that also provide us with warnings. We can have dispersal.

Mr. DOWNEY. Mr. Chairman, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from New York.

Mr. DOWNEY. Mr. Chairman, I know my friend, the gentleman from Georgia, has studied the issues and is knowledgeable in this field.

The gentleman is aware, of course, that our targeting doctrine is not just to slaughter Russians, but rather to cripple the Soviets' ability to wage war on their industrial base, which we are quite confident would be two-thirds destroyed in half an hour, and as a result of collateral points, immediately one-third of their population would be killed.

The gentleman is not suggesting that the Soviet state of civil defense is going to allow them to disperse their population to overcome an almost destroyed industry, people lacking food, lacking heating oil to heat their homes, and as I understand, the Russian winters are pretty severe; so while I agree that a nuclear war is a big mistake for both sides, I think we are making a big mistake in thinking that somehow the Soviets have the ability to survive a nuclear war that we do not have. Neither side will be the victor.

Mr. BRINKLEY. Mr. Chairman, the gentleman is not entirely accurate, because the Russian defense system is geared to protect their industrial base.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

(By unanimous consent, Mr. BRINKLEY was allowed to proceed for 1 additional minute.)

Mr. BRINKLEY. Mr. Chairman, the precise thing that the Russians do intend to protect is their industrial base. They do have some underground shelters, et cetera, and the damage to people inflicted by this would be collateral damage; but they wish to avoid that as well.

While it would not be our intention to destroy people, I think we would.

Mr. DOWNEY. Absolutely.

Mr. Chairman, will my friend, the gentleman from Georgia, yield further to me?

Mr. BRINKLEY. Yes, I yield to the gentleman from New York.

Mr. DOWNEY. Mr. Chairman, I would only say, counter to the fact that the Soviets are in the process of industrial expansion, the gentleman is, of course, correct.

The other point is that if we develop our cruise missile and put it on B–52's or air-launch platforms, they will have sufficient accuracy so that we would be able to pinpoint industrial targets within the Soviet Union in a nonprovocative way to destroy that heavy machinery and so

that we would be on our way to knock out the Soviet's ability to wage war.

The CHAIRMAN. The time of the gentleman from Georgia (Mr. BRINKLEY) has expired.

(On request of Mr. DOWNEY, and by unanimous consent, Mr. BRINKLEY was allowed to proceed for 1 additional minute.)

Mr. BRINKLEY. Mr. Chairman, I have one point only to make. The gentleman from New York (Mr. DOWNEY) has a good point, and I would simply suggest this:

I would simply say that we are being too minimal in our resources in this program. I am not suggesting that unlimited resources be provided or that we put everything underground, but we should simply be prepared from the standpoint of attitude, and some plan should be formulated, in my opinion. I do think a civil defense plan should be augmented.

Mr. PRICE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment in the nature of a substitute and also in opposition to the Dellums substitute amendment.

Some have referred to this bill as being a budget-busting bill. I think if the Members will read it carefully and get the committee reports and compare the reports on this bill with those of bills from previous years, they will find that it is far from being in that classification.

I hope that it is important for the Members to understand the true facts about the budget. The administration proposal as submitted called for $35.5 billion for the budget categories subject to authorization. The administration has now supported an add-on of $1.5 billion for an aircraft carrier. This was confirmed in a letter to me from the Secretary of the Navy.

That brings the total of the bill supported by the administration to slightly over $37 billion. The committee bill, therefore, is only about $850 million above— and I say, "only" with apologies—the request now supported by the administration. This is a position reflecting a change after the figures were originally given to us.

I might point out that in other authorizations reported to date, the committee accomplished a $201 million reduction: $123 million from the nuclear energy authorization bill and $78 million from the military construction bill. In the total authorizations reported by the committee to date, therefore, we find a net increase of only $650 million above the administration request for this fiscal year.

By contrast, the amendment offered by the gentleman from Michigan (Mr. CARR) was $1 billion below the administration when introduced, and because of the change in the administration position it is now $2.5 billion below the administration's bill.

To support the committee bill, therefore, would mean voting for an increase of less than $1 billion in defense, an increase of less than 2 percent. Voting for the amendment offered by the gentleman from Michigan (Mr. CARR), by contrast, would mean supporting a $2.5 billion reduction in defense—a cut of 7 percent in our defense effort.

Mr. Chairman, I urge the Members to vote against the substitute and all amendments thereto. I hope that the judgment of the committee will prevail.

Mr. Chairman, remarks have been made here that this committee acted in deep secrecy during the consideration of this legislation. We have had as many open sessions as was possible without violating the normal rules of security. The markup of the bill was had in executive session.

But our voting records are all matters of public record and anyone who was deeply interested or interested enough could come and find what happened—sometimes practically at the end of the day. But the hearings themselves, the markup, because of the sensitiveness and the security involved, were in executive session. But there were enough open sessions, there were enough printed reports, and there is nothing hidden from the public in those printed reports. The hearings are always printed.

I urge the Members of the Committee to support the committee action.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois (Mr. PRICE) has expired.

(On request of Mr. STRATTON and by unanimous consent, Mr. PRICE was allowed to proceed for 3 additional minutes.)

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from New York.

Mr. STRATTON. I thank the gentleman for yielding.

Mr. Chairman, I just want to commend our chairman for his statement and to point out, just as the gentleman has said, that the action of the committee was taken according to normal procedures. Many of our sessions were in the open. The gentleman, serving as chairman, has given every member an adequate opportunity to present his views to the committee and to have them acted on. He was most fair.

The attack on the gentleman as chairman and on the committee itself, is I think, an unmerited and unworthy slur on the great leadership of the gentleman from Illinois, and I hope that the Members will support his call for the defeat of the Carr amendment and the Dellums amendment so that we can go back to the committee bill, which represents a careful and reasoned approach.

Mr. PRICE. Every committee gets opposition when they present legislation. But I do not want any incorrect impression left in the committee that we performed only in executive session.

Mr. STRATTON. If the gentleman will yield further, is it not true that all of the rollcall votes that were taken in the committee, even in executive session, have been available for public inspection?

Mr. PRICE. Immediately following the meetings.

Mr. STRATTON. I thank the gentleman.

Mr. BOB WILSON. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from California.

Mr. BOB WILSON. I thank the gentleman for yielding.

Mr. Chairman, I just want to say, on behalf of the Republican side of the aisle, we have the fullest confidence in the chairman, and the frivolous criticism that has been cast against the committee under the chairman's leadership is entirely unwarranted, and I hope we can show this to the public by a resounding vote against the Dellums substitute, which is a frivolous substitute, and against the Carr substitute, which is even more frivolous.

Mr. PRICE. I have not considered this as a personal attack on the chairman. It is a normal situation. We have it not only on armed services legislation, we have it frequently on many other acts. I have never considered it a personal matter.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Chairman, I have the greatest admiration for the gentleman in the well, and I do not construe the very thoughtful and serious substitutes offered by the gentleman from Michigan (Mr. CARR) and the gentleman from California (Mr. DELLUMS) as an attack on the gentleman.

As a matter of fact, I know they have great respect for the gentleman in his role as chairman, and I understand the chairman himself opposed many of the amendments that his committee adopted, which got into this bill and turned it into somewhat of a Christmas tree. Is that not correct?

Mr. PRICE. My vote was not unanimous all the time with the committee; but on major matters involved, I supported the majority. I accepted the committee's position.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Carr amendment.

Mr. Chairman, as one of the Members just pointed out, I am standing here in what looks like a uniform, I guess, and I did not intend to wear a uniform today. But I must say that I also have found myself in a unique position today as I rise in support of the Carr substitute, and I would like to talk to some of the Members about many of the things that have been said there.

First of all, I also want to reiterate that this is absolutely never intended and never has been and never would be intended as an attack on the gentleman from Illinois (Mr. PRICE) and his leadership of the committee. I think he has done a very, very good job and a fair job of allowing everyone to be heard. I am sorry that people have tried to use this as a personality matter to try to get votes

based on criticism. I do not think that is correct. That is not what was intended or meant.

Mr. Chairman, let me tell the Members why I am supporting the Carr substitute and why I was a little bit distressed with what happened.

Every one of us around here is fully aware of the time pressures we all have. We all are on too many committees; we all are on too many subcommittees. We are running all the time.

The Committee on Armed Services has one of the largest chores there is, in that we are marking up one of the biggest budgets we have every year. We all know that pressure.

We also have adopted a new process in this House since I came here. Many people have said it was the gift of the process liberals which has made them the bane of the House's existence ever since then.

If that is true, I must be guilty of being a process liberal. However, as that process liberal, let me tell the Members what some of the problems are and how we have gotten ourselves into a box by adopting legislation that authorizes the Committee on the Budget to set the budget.

Mr. Chairman, we have all voted on putting a lid on ourselves. I happen to think it is a good idea to put a lid on ourselves. It is similar to the situation in which all of us had credit cards. Imagine what we could do here if we could vote credit cards, rather than our consciences. Mr. Chairman, we just have to discipline ourselves in this respect.

Therefore, I think the budget process, in having a lid put on it, is very, very important. We, as a committee, have to, I think, take much more cognizance of the lid; or we, as a committee, have really become rather useless. What we would do is end up being a menu-providing service, a situation in which we would provide the largest possible menu to the Committee on Appropriations and to the Committee on the Budget to whack away at. I think we will have lost a lot of our effectiveness if we do that.

Mr. Chairman, I find it rather tragic that we have spent hours and hours and hours in marking up and in working on the bill if we come out over the budget. In essence, I think we really are going to hurt national defense.

Mr. Chairman, how can I, PAT SCHROEDER, say we are going to hurt national defense by coming out over the budget? Because the budget is there. They are going to have to stick to the budget. I do not think anyone thinks an increase in the budget is going to float around here this year when we are worried about inflation and everything else.

Therefore, Mr. Chairman, what will happen when this authorization request goes to the Committee on Appropriations is that they will be making the choices if we, the committee, did not manage to keep it within the budget authority.

What will happen if they make that request? I truly think it is going to come out of readiness. I think the biggest fear we have is readiness, readiness, readiness. However, there is no readiness lobby.

Let us talk seriously. Whom do we know who is around here lobbying for readiness versus whom we know around here lobbying for hardware? I do not know of anybody who belongs to the readiness lobby. I know of a lot of persons who belong to Grumman and other people like that who happen to be selling hardware.

Mr. Chairman, I just think that when we have readiness versus hardware, we are going to buy more hardware. We are going to have that same old problem over and over again. That is why I fault the committee for giving us much too big a menu of hardware to select.

Mr. ICHORD. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am delighted to yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, as the gentlewoman from Colorado (Mrs. SCHROEDER) well knows, I opposed some of the adds-ons in the full committee, just as did the gentlewoman from Colorado.

However, the gentlewoman from Colorado is making what I must consider a very esoteric statement because she said she rose in support of the Carr substitute. I do not see how she can do that because, as the gentlewoman well knows, in the R. & D. subcommittee we cut $635 million from the bill.

The CHAIRMAN per tempore. The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has expired.

(On request of Mr. ICHORD and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mr. ICHORD. Mr. Chairman, will the gentlewoman yield further?

Mrs. SCHROEDER. I yield to the gentleman from Missouri.

Mr. ICHORD. To continue, Mr. Chairman, as the gentlewoman from Colorado (Mrs. SCHROEDER) well knows, she supported each and every one of those cuts with the exception of one cut.

Mr. Chairman, I ask the gentlewoman from Colorado how she can stand in the well there and say that she is in support of the Carr substitute when she is going to have an amendment to the Carr substitute? That is my question about this procedure.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for asking the question because he is my distinguished committee chairman. I think he did a very fine job.

Mr. Chairman, I will be offering an amendment to the R. & D. susbtitute, as the gentleman said.

I feel very strange about doing this because I am going to add on the wide-body cruise missile. I do find it a little strange that I am going to be offering an amendment below that of the Carr substitute but above what the gentleman from Missouri (Mr. ICHORD) wants. That is not my usual position. I am usually not below one and above another. Somehow I have to work all of that out.

Mr. ICHORD. If the gentlewoman will yield further, Mr. Chairman, I think we are both in a strange position because I cannot support the gentlewoman's amendment due to the way in which she is proceeding.

Mrs. SCHROEDER. If the gentleman from Missouri will allow me to respond to the question, let me just say that where I think we probably differ—we did have the markup in closed session, I think both of us agree, and both of us agree that we voted against some things that passed anyway. Where I am a little bit confused is that the gentleman says that he does not want to have to vote on any of these amendments on the floor, that all amendments to that substitute are going to be voted on, whether one agrees or disagrees. The committee bill is the only bill, and we are not going to allow Members to work their will or take a vote even if they agree 100 percent; their hands should be slapped if they even respect the Carr substitute.

I think the Carr substitute is a very serious attempt to have the House look at the budget level. As the gentleman remembers, when we first dealt with this issue of our committee being over the budget, the then Budget Committee chairman attempted to make a point of order, and we were told that a point of order of being over the budget was not sustainable in an authorization, as I recall.

The CHAIRMAN pro tempore (Mr. EVANS of Colorado). The time of the gentlewoman from Colorado has again expired.

(By unanimous consent Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mrs. SCHROEDER. So, as a consequence, we have gotten ourselves in this position—and I am talking to the gentleman from Missouri very seriously. I am very frustrated that we cannot make a point of order if we are over the budget. We are really deferring all the selections to another committee, and we are not making the hard choices that the gentleman from Missouri was willing to make in his subcommittee.

Mr. ICHORD. If the gentlewoman will yield further, I think this problem is because of the inadvisable manner the gentlewoman is proceeding. If the gentlewoman had offered a substitute expressing her honest views, then I think she would be in a much more credible position.

Mrs. SCHROEDER. I would like the opportunity to represent what my views are. I think other Members are going to try to do so also. I find it sad, but I will tell the gentleman why we offered the President's budget rather than ours. I suppose it is a bit of humbleness, and of none of us being able to totally come together.

Mr. ICHORD. But the gentlewoman does not agree with the President's budget.

Mrs. SCHROEDER. I agree with a lot of it, and with the R. & D. part of the gentleman's.

Mr. ICHORD. The gentlewoman agrees with an awful lot of the committee bill, does she not?

Mrs. SCHROEDER. I certainly do, but I think we should still try and get the committee bill back down to the budget figure or all of the work could be cast

aside. I care too much about it for it to be cast aside, all the work the committee has done, and have some other committee take over and make hard choices that I think we should make, because I think, in all honesty, that our committee knows more about a lot of the things and issues than other committees, such as Appropriations and Budget, which have much broader jurisdiction. I think we are the specialists, and we are the ones who should make these very tough decisions.

Therefore, I urge the Members to support the Carr substitute, and also to amend the Carr substitute where they think it is incorrect or not enough. I think it makes a lot of sense, and I will be offering the R. & D. amendment, which will, I think, be just a bit above my chairman. I find myself in a unique position.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Carr substitute.

Mr. Chairman, a good portion of this authorization bill and the military budget generally reminds me of the famous story about the Mississippi River steamboat which had such a big whistle that every time it blew its whistle the engines stopped. It seems to me that the gentleman from California (Mr. DELLUMS), while his cut probably goes farther than anybody would realistically expect this House to support, nevertheless has raised some very basic questions about the whole tenor and thrust of our Defense budget.

He pointed out the gold-plated character of the budget. Not only do we have a nuclear supercarrier, mere 60,000-ton non-nuclear carriers, and nuclear cruisers in this proposal, but we have MX missiles and a host of other expensive gadgets. Happily we have disposed of the B–1 bomber, but it is a symptom. A few years ago we disposed of the then version of the main battle tank that everybody finally realized was another gold-plated monster. We are still toying with a neutron bomb which would provide less deterrence for NATO and cost twice as much.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, the gentleman said we have already disposed of the main battle tank. There is a good deal of money in this budget for the XM–1 tank program and that is the main battle tank. And we should be glad that money is there for tanks to protect our troops in Europe.

Mr. SEIBERLING. We disposed of an earlier version. Since then, they made some changes in it, and maybe it is a little better. But it is still another monster.

The gentleman from California (Mr. DELLUMS) did a very good job of cataloging this kind of thing.

I think we do need to beef up NATO. I commend the chairman for his efforts to do so. But I question whether a lot of the things in this budget are going to move in that direction or move us in the opposite direction. The situation with the military budget is still as described by former Gen. James Gavin in a private conversation I had with him about 7 years ago. He said that the military would like to have every military application of technology as fast as it can be created and that if we let them have their way they would bankrupt the country.

Certainly the Congress has an obligation to exercise some very tough restraints. It is not just important from a military standpoint. It is important from an economic standpoint. The military spending that is going on around the world, as well as in this country, is the most important factor feeding the constant rise in prices and in inflation. We have spent $2 trillion in this country on military budgets since World War II, and 95 percent of it produces no benefits for the Nation's economy. It is like printing money to pay one's bills: It puts money into circulation but does not create the goods and services to satisfy the demand created by that money. It is highly inflationary. In addition, it takes huge chunks of capital from the civilian economy that could produce far more jobs than spending the money on military programs. So it also adds to our unemployment problem.

I am not suggesting we do away with the Defense budget, but I am suggesting we could do away with a lot of these unnecessary and very costly programs.

For example, funding an additional $1 or $2 billion aircraft carrier would in my view be one of the most foolish mistakes this House could make. Last year we rejected the *Nimitz* class super carrier. There is no reason why we should reverse direction now.

There are at least two major grounds for questioning the missions which carriers have been used to carry out in the recent past. First, the carrier has been used extensively since World War II in power projection missions against Third World countries. It was used in Lebanon, in Vietnam, in the Dominican Republic, and elsewhere. By now we should have learned the futility of this type of armed counterinsurgency. Certainly this country is determined not to engage U.S. Forces in future Vietnam-type wars. We do not need new carriers for the type of mission which we might have to carry out. And in the event of an emergency which could require offshore power projection against a small country, our current resources are more than adequate now.

As to the super carrier, its use in power projection missions against the Soviet Union is already being deemphasized within the Navy.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for 2 additional minutes.)

Mr. SEIBERLING. Mr. Chairman, that role is being deemphasized in the Navy and there are several reasons. First, the area around the Soviet Union will certainly be a high threat environment in the event of a war in Europe. It will be extremely costly to protect the carrier in this environment. Expensive Aegis carrier defense missile systems set on nuclear strike cruiser and other platforms will have to fend off attacks. If the carrier survives, only 36 of the 85 aircraft on board the supercarrier are designed for the attack role. The rest are committeed to carrier defense, air superiority, electronic countermeasures, reconnaissance, antisubmarine missions, and so on.

Hence, the closer the supercarrier moves toward the Soviet Union, the greater the assets it must commit simply to defend itself and the greater likelihood that several well-paced cruise missiles or other type of precision-guided munitions will knock the carrier out of action for a long enough period of time to render it useless.

So the giant carrier added on by the Armed Services Committee does not make political sense, it does not make military sense, and it does not make economic sense. We just simply have to end this kind of gold-plated approach toward the military budget.

The alternative is to exercise fiscal discipline and to hope that the President can move ahead with negotiations in the SALT talks to put a curb on the technological arms race and end this vicious spiral that is so destructive of the economy, of our people's morale, and of the hopes of the people of the world for a more sensible and humane order of things.

AMENDMENT OFFERED BY MRS. SCHROEDER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CARR

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER to the amendment in the nature of a substitute offered by Mr. CARR: Strike all of the language following "section 201." of title II, and insert the following:

Funds are hereby authorized to be appropriated for fiscal year 1979 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $2,586,215,000, of which the $8,100,000 available for cooperative tank gun development shall not be obligated unless the Committee on Armed Services of the House of Representatives acts favorably on the proposed reprogramming action for fiscal year 1978 funds for cooperative tank gun development as requested by the Department of Defense on January 31, 1978.

For the Navy (including the Marine Corps), $4,287,009,000, of which $10,000,000 shall be available only for research and development of the existing Extremely Low Frequency (ELF) system and none of which shall be available for full-scale development or construction of a new test bed facility for such system.

For the Air Force, $3,989,400,000, of which $29,200,000 shall be available for continued research and development of a Cruise Missile Carrier (CMC).

For the Defense Agencies, $974,816,000, of which $27,600,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

PARLIAMENTARY INQUIRY

Mr. BOB WILSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN pro tempore. (Mr. EVANS of Colorado). The gentleman will state his parliamentary inquiry.

Mr. BOB WILSON. Mr. Chairman, I thought the amendment offered as a substitute by the gentleman from California (Mr. DELLUMS) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. CARR) was the issue before the House and I do not see how an amendment to the Carr amendment in the nature of a substitute is in order.

The CHAIRMAN pro tempore. The Chair will state that perfecting amendments to the Carr amendment in the nature of a substitute are in order at a time.

Mr. BOB WILSON. But, Mr. Chairman, we have not yet disposed of the Dellums substitute to the Carr amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Chair will further advise the gentleman from California (Mr. BOB WILSON) that the amendment offered by the gentleman from California (Mr. DELLUMS) was a substitute for the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. CARR) and that amendments to the Carr amendment in the nature of a substitute are in order.

Mrs. SCHROEDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mrs. SCHROEDER. Mr. Chairman, this amendment, in essence, would restore the research, development, test, and evaluation section, title II, of the committee bill, in the fiscal year 1979 defense authorization.

Mr. CARR. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN pro tempore. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The committee will resume its business.

Mrs. SCHROEDER. Mr. Chairman, this amendment will restore the research, development, test, and evaluation section in title II of the committee bill, with one exception. That exception would be an add-on of $29.2 million which would be used in further continued research and development of the wide-bodied cruise missile carrier.

This amendment would further the R.D.T. & E. activities of over $11 billion. I have the exact figures if someone wants them; but it would be approximately $607 million below the Carter administration—Carr substitute.

Mr. WHITEHURST. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Virginia.

Mr. WHITEHURST. Mr. Chairman, I notice the gentlewoman is adding $29,200,000 for the cruise missile carrier; is that correct?

Mrs. SCHROEDER. That is correct.

Mr. WHITEHURST. I have two questions. One is what programs will this money be taken from, any specific ones?

Mrs. SCHROEDER. This would be exactly what we passed out of the R. & D. Committee with this added on for a cruise missile study, wide-bodied cruise missile study. This is an add-on to what we reported out of the committee.

Mr. WHITEHURST. Mr. Chairman, let me ask this. Since the Department request was $41.2 million, how do we arrive at this particular figure of $29.2 million; what is this going to do?

Mrs. SCHROEDER. That is an excellent question. The gentleman knows that we did have a request in the $41 million figure for two of these. They were going to lease two wide-bodied carriers. We have looked at it and determined they could probably do very adequately with one and we could save money by not leasing two of them.

So what we would be asking the Members to do is to carry on the study with one leased wide-bodied carrier, and, therefore, we were able to reduce the cost from the $41 million we had in the President's request originally down to the $29.2 million I have put in here.

Mr. WHITEHURST. Mr. Chairman, I thank the gentlewoman.

Mr. LLOYD of California. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from California.

Mr. LLOYD of California. Mr. Chairman, I have a question for the gentlewoman, and that is this:

What are the specifics that would be applicable to this wide-bodied carrier that we have in this program?

Mrs. SCHROEDER. Mr. Chairman, let me state the specifics. I must admit that I voted against this in committee because I felt that two were too many, but the specifics would be to allow us to lease a 747 or one of the other wide-bodied carriers and attempt to put air-launched cruise missiles on them.

Mr. LLOYD of California. The gentlewoman does not really intend that this would be in our weapons systems arsenal?

Mrs. SCHROEDER. This is to be in research and development. We are not procuring this for the weapons systems arsenal.

Mr. LLOYD of California. Just for research and development?

Mrs. SCHROEDER. And test and evaluation.

Mr. LLOYD of California. Research, development, test, and evaluation in what area? Are we going to harden the airframe? Are we going to do anything about increasing the speed and capability of the aircraft?

Mrs. SCHROEDER. Mr. Chairman, if the gentleman will allow me to explain, we have a classified document—and I think the gentleman from New York (Mr. DOWNEY) had it last—stating how the wide-bodied cruise missile carrier could survive, and it gives more details about what really could be done.

I am always a little leery about coming down here and saying exactly what we are going to do because I am never exactly sure about what is classified and what is not. The document talks about the rate of attrition and how survivable they would be and what they would be doing to test it in the test and evaluation program.

I do not know that I would propose that this is what they should do over the long-range or that they should put it in the arsenal, but I think if we will read the report, we can learn more about it. I think it is necessary that a test and evaluation should be made of one unit that is leased, and then we can decide where we go from there. I think we are guessing about some things in some instances, although we do have details in the report.

Mr. LLOYD of California. But the gentlewoman is suggesting in reality that the B-52's are not adequate; is that what the gentlewoman is suggesting?

Mrs. SCHROEDER. No; the gentlewoman is not suggesting that the B-52's are not adequate. The gentlewoman is saying that there are differences between penetrating bombers and stand-off air platforms.

The CHAIRMAN. The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has expired.

(On request of Mr. LLOYD of California, and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mrs. SCHROEDER. Mr. Chairman, the gentlewoman feels that the stand-off air platform might make some sense, at least enough sense that it would be reasonable to spend $29 million to test it.

What it would do is this: It would have the cruise missiles on it, and it clearly would not be intended to penetrate boundaries or penetrate lines. It would be standing off and firing from a long distance, so we would not be worrying about hardening it in quite the same way as we would worry about that in the use of a penetrating bomber.

The question to be answered is: Would these be much cheaper? Would they be more survivable? A lot of it would depend on the air-launched cruise missiles.

There are all sorts of ancillary considerations. I think it would be wrong for us to cut off this alternative by not proceeding on the test and evaluation since it is really not all that expensive. It is not meant to be a substitute for the penetrating bomber; it is just another idea.

Mr. LLOYD of California. Mr. Chairman, I am still not sure I understand. The gentlewoman says she does

not want it in place of a penetrating bomber, as far as this airframe is concerned.

Will it be used in a combat situation, or would it be used in a based air-to-air attack?

Mrs. SCHROEDER. I think it depends on how far it can stand off?

Mr. LLOYD of California. How far does the gentlewoman suggest it could stand off, 1,000 miles, 500 miles, or 10,000 miles? Are there some figure?

In other words, I think the gentlewoman is asking us to accept an amendment which says: Let us test this thing, but we are not talking about specifics as to what it will really do to enhance our weapons system capability. That is what I am concerned about.

Mrs. SCHROEDER. Mr. Chairman, I hope the gentleman will read the report that is available. As I say, I have read it. I always hesitate to say anything and go into such specific details because sometimes I put my head in a noose. But the report makes some very strong comments and suggest that this might be the way to go, that it would be survivable, and that it really is not as undefendable as people thought in the past. An awful lot of it depends on what range we have on the air cruise missiles, as we all know.

The CHAIRMAN. The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has expired.

(On request of Mr. ICHORD, and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mr. ICHORD. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am delighted to yield to the chairman of the subcommittee.

Mr. ICHORD. Mr. Chairman, I have asked for this additional time for the gentlewoman because I do not quite understand the amendment.

The gentlewoman has the same figures as the R. & D. Subcommittee reported out for the Air Force, that is $3,989,400,000, of which $29,200,000 shall be available for continued research and development of a cruise missile carrier.

From what programs are you taking the $29,200,000. Since the gentlewoman is using the same figures the Subcommittee on Research and Development came out with, the gentlewoman has to get $29,200,000 from some other program. I ask the gentlewoman what program she is taking $29,200,000 from.

Mrs. SCHROEDER. We added it to the bill.

Mr. ICHORD. I do not believe the gentlewoman did.

Mrs. SCHROEDER. We did. We added it to the total aggregate sums.

Mr. ICHORD. Would the gentlewoman look at her amendment, please? The gentlewoman has the same figures, $3,989,400,000.

Mrs. SCHROEDER. I ask the gentleman to look at the total figures. If the gentleman will look at the total figures, we are coming in at $11,866,640,000.

Mr. ICHORD. I would state to the gentlewoman, with all respect for her views, she still has $3,989,400,000 for the Air Force. Now she has lost the $29,200,000 some place.

Mrs. SCHROEDER. No. My understanding is that this is a $29.2 million add-on to the total R.D.T. & E. package. And that is what our intention is. If it is incorrect, we will submit a technical amendment. But I understand that that total sum adds up to $29.2 million above what we reported in the committee bill at the moment. As I say, I find it unique that I am offering more than the gentleman from Missouri and to be worrying about that position.

Mr. ICHORD. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the members of the committee will have the report before them. I would direct their attention to page 61. If the members will get a copy of the amendment of the gentleman from Colorado, I direct their attention to the next-to-the-last paragraph.

A few minutes ago, I raised objections to proceeding in what I characterized as a very inane manner, and I think that I can show the members just how inane this procedure is.

My good friend, the gentlewoman from Colorado, rose on the floor and said she was for the Carr amendment. She is not for the Carr substitute. She has just shown that she is not for the Carr substitute. She has offered an amendment cutting $635 million from the Carr substitute.

Going back to page 61 of the committee report, the Subcommittee on Research and Development, in title II, reported out $3,989,400,000 for the Air Force R.D.T. & E. program.

Now I go to the gentlewoman's amendment the next-to-the-last paragraph, and it states: For the Air Force, $3,989,400,000, of which $29,200,000 shall be available for continued research and development of a cruise missile carrier.

Mr. Chairman, I ask the gentlewoman from Colorado (Mrs. SCHROEDER) what program in the Air Force R. & D. program is she reducing. She is keeping the same overall figure. She is saying $29.2 million shall be devoted to the CMC.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentlewoman from Colorado. I hope she will please give me an answer.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding.

I will be quite happy to give an answer to the gentleman from Missouri (Mr. ICHORD).

First of all, the gentleman asked me why did I say I was for the Carr substitute when I am now offering the research and development section from the bill? Because I probably agree with more of the Carr substitute than I agree with in the committee package. I am trying to make it something with which I can live. I think it is more within the budget.

For the reasons we discussed before, I feel we should try very hard to stay within the budget or we lose our effectiveness.

In other words, Mr. Chairman, I heard the gentleman saying that while he is for some of the committee report, he is going to vote against it, even though I offer it.

Mr. ICHORD. We are both in strange positions, but where does the gentlewoman get this $29.2 million figure from?

Mrs. SCHROEDER. If the gentleman is correct and it is not added in there correctly, then I should offer a technical amendment to it. I am sorry that I did not do it.

Mr. Chairman, the gentleman can consult with my husband. He will tell the gentleman that I do have great trouble in balancing my checkbook also. However, what I am saying is that I do not think this is the first amendment that has been incorrect. Clearly, the purpose of this amendment was to have this added on. That is clearly my intent. I did want to add more than the gentleman from Missouri did, and I suppose it was a psychological, Freudian slip because somehow I had great trouble in offering more money than the gentleman from Missouri was for. That is why I probably blew it. It was a psychological slip.

In any event, that is certainly what I intended. I will offer a technical amendment to make sure that that is so.

Mr. ICHORD. Mr. Chairman, I appreciate the candor of the gentlewoman from Colorado. I appreciate her honesty and her frankness with the committee. However, this is exactly the point I have been making all along. I think the gentlewoman made a great tactical error by introducing a substitute which she is not in agreement with and which the gentleman from Michigan is not in agreement with because the gentlewoman supported all of the cuts of the R. & D. subcommittee, and then she has to introduce this amendment. Where does the $29.2 million come from?

The CHAIRMAN. The time of the gentleman from Missouri (Mr. ICHORD) has expired.

(By unanimous consent, Mr. ICHORD was allowed to proceed for 2 additional minutes.)

Mr. ICHORD. To continue, Mr. Chairman, here we are with the gentlewoman from Colorado (Mrs. SCHROEDER) marking up a bill on the floor of the House, and intentionally doing so.

Why did not the gentlewoman come back and offer a version as a substitute which she truly supports? She is consuming the time of the House. She is wasting the time of the House. We are going to be voting more than twice on every issue. We can vote on the CMC later on as a separate amendment. We can vote on the large nuclear aircraft carrier later on as a separate amendment. We can vote on the add-ons on the airplanes on a separate amendment.

However, Mr. Chairman, I wonder why the gentlewoman from Colorado proceeds in this manner, which I consider an imposition upon the time of the Members of the House.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, one of the reasons I feel strongly that this is the proper way to go is that I agree with more of the substitute than I do with the committee bill.

Yes, we can offer an amendment to strike the Olympics and some of the other things in there; and we will if we go back to the committee bill. However, I think this is a good way to go.

The reason I selected the Commander in Chief budget rather than my writing my own is that sometimes I do not add things up right, and I feel the Commander in Chief budget is more apt to be accurate than if I, PAT SCHROEDER, put together a magic bill which I think everyone will accept.

I think that was a very good starting point, had tremendous backup and all sorts of authority behind it. Many, many thousands of people worked on it. Obviously, we are just a few over here. We just feel that was a good starting point for the Congress so that it could work on the budget of the other branches and amend it as it goes forward.

Mr. ICHORD. If I may reclaim my time, Mr. Chairman, by the time the gentlewoman corrects her amendment, by the time we have all the other amendments, and the deals that have been made, we are going to be here all week. The amendment should be voted down and permit the House to get down to more serious business and especially proceed in a more expeditious parliamentary manner.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the committee bill is definitely a step in the right direction. The substitutes that have been proposed would be damaging, seriously damaging, at a time when we need to add to America's conventional warfare capability; to our posture as a nation able to defend itself.

We are gaining more and more the image of a paper tiger that can be pushed around at will. There are none who do not recognize the tremendous superiority in conventional weapons which the Russians have. There are those who say it is our nuclear capability that serves as a deterrent to the Russians. What deterrent? What is stopping the Russians? They are moving all over the world. One nation after another is falling into their orbit.

The Communists now have nearly all of Asia; they are moving in Africa, into one country after another. They want the Cape; they want the Horn of Africa, then they can control the shipping which brings oil to us; then they can control the minerals of Africa which industry must have to function.

Mr. Chairman, I do not for a moment believe there are Members of this body who knowingly, willingly seek to cripple America's defenses. There are differencs of opinion on what is required for our security. The facts should not be difficult to comprehend, but apparently they are. There is obviously a strong feeling on the part of some that we do not need a defense establishment that has capabilities comparable to those which the Russians possess.

There just is not any way to deny that the Russians are far ahead of the United States and our allies in conventional weapons. The evidence is very clear. Four times as many tanks, most of them more modern than ours. Twice as many aircraft, fully protected from airborne strikes and ground sabotage. We cannot say as much for the protection of our aircraft. They have twice as many nuclear submarines; four times as many conventional submarines. This year's budget calls for 15 new U.S. naval ships instead of the 30 we were promised. The Russians build 60 to 70 a year. This has been going on for a number of years. There is no way that America can retain mastery of the sealanes and protection of our merchant vessels, which are essential to supply lines, with this inequality in construction of modern ships. Our armored personnel carriers are Korean War vintage, miserably poor in comparison with the very modern armored personnel carriers which the Russians have in numbers far greater than our poor ones.

It is bad enough to be short on equipment and weapons. There also is a constant effort in and out of Congress to cut back on Operations and Maintenance funds—the heart and guts of any military program. Cutbacks in O. & M. mean cutbacks in capability. The critics like to write in the press about dead-lined military equipment—ships, planes, tanks, trucks, et cetera. They blame the services. In some instances this is correct. But in a great many cases it is the administration and the Congress which should be blamed for cutting too deeply in O. & M. appropriations.

I have talked only about conventional weapons. There are many who like to think we have sufficient nuclear capability to serve as a deterrent to Russian aggression. What is happening in Africa and in Asia and elsewhere in the world should tell us that this is a false hope. Our nuclear capability is no longer a deterrent. For one thing, the SALT I talks gave the Russians the right to "equivalency" in nuclear weapons and, in some areas, the opportunity for superiority. The Russians have taken full advantage of this situation. They are now moving ahead of us. That is what is meant when you are told we have "rough equivalency." That means the Russians are ahead, but we do not know how far ahead. And when we catch them cheating, they deny it and they always promise not to do it again.

The SALT talks now in progress will probably give the Russians a greater edge in nuclear capability. They simply wear us down. They have the patience to repeat the same argument day after day after day. Our delegates want results. They want something which will make headlines at home. Too often they yield. If you need an example, just remember Helsinki. There are those who would like to forget Helsinki and the Russian disregard of the Helsinki agreements.

Unbelievably, we give away highly important bargaining chips without even taking them to the negotiating tables. The B–1 was scrapped. The Russians knew its capabilities and they were very much afraid of it. The neutron bomb is being held in abeyance. The Russians said they will not build them if we do not. The Russians do not have a neutron bomb. It would take them several years to match our capability. They do not need a neutron bomb. We would need them to help stop a massive onslaught of tanks and armored personnel carriers across the plains of Europe. Their offer was a farce and everyone knew it.

Apparently we are willing to limit the effectiveness of our cruise missiles, the most important new weapon we have left. We now want to use a commercial-type aircraft, like the Boeing 474, to deliver cruise missiles only because it is the cheapest way. Those aircraft also are most vulnerable to enemy defenses. Apparently we also are willing to paint them a distinctive color so they would not be mistaken for commercial airliners. Can you imagine the Russians making a concession of this type?

A streamlined, economy-type defense package like those which are offered as a substitute today would set us back many years in defense. There are many facets to national defense. It is now a highly sophisticated, highly complicated, very costly program. But if it does not match the enemy's capabilities, it is of little value. For instance, there are the satellites upon which we depend now for much of our intelligence about Russian military programs. An ominous overtone is the fact that Russia can—and probably would at the beginning of hostilities—shoot down our satellites. We are not moving fast enough to counter this threat.

Russia's aims for world conquest should no longer be in doubt. America's official response has been half-hearted and inconclusive. An inadequate defense of our country spurs Russian adventurism. A stock phrase is that we already have the nuclear capability to kill everybody in the world at least once, and every Russian five times. I fail to see an advantage there if we are all dead first. That could happen if they strike first. We are tempting them when they grow stronger and we stand still.

But that is not the way the showdown will come. Russia does not want to acquire a ruined world. They are in no hurry. One step at a time suits Russia very well. Let us look around us at the world picture. The Communists now have most of Asia. South Korea and Taiwan are the only well armed non-Communist nations in Asia. There are those in our own country who are working to get us out of both. Japan, whose economy we rebuilt, now depends on us for defense when they should provide their own. Ironically, that means they can manufacture and sell their products to us cheaper than we can make them. They do not have to bear military costs to protect the oil they, too, must have. We do it for them.

Africa is now Russia's prime objective. They are using 45,000 to 50,000 Cubans

in 14 countries to accomplish this. They want the undeveloped mineral resources of Africa—the largest in the world—minerals we and other developed nations must have. They want the Horn and the Cape, where much of the world's oil traffic and many other ships must pass. They could then deny us the oil we must have from the Middle East and the minerals we must have from Africa. Rhodesia and South Africa are on their timetable. They have Angola and Ethiopia; they dominate Mozambique. They are moving to take Eritrea.

For the second time, in Zaire, Russian-equipped and Cuban-trained revolutionaries from Angola seized much of Zaire's copper-rich province which is essential to the economic stability of that country. Our response again was timid. Fortunately, other countries had courage enough to face the facts and to move to prevent a Communist takeover of another country.

Russia is self-sufficient in oil. That means they can play a waiting game in the Middle East while we bankrupt ourselves buying oil abroad at exorbitant prices. European Communists may, in a few years, hand over much of Europe to the Communist orbit. This is particularly applicable to Italy and France. Then NATO would be of no consequence. The Russians know how to play a waiting game.

A short time ago, an outlawed Communist group seized power in Afghanistan. Afghanistan extends like a dagger far along the borders of Pakistan and Iran. They are old enemies. Russia now has a staging area to move in new directions. When Russia moves, we blink and look in other directions. We don't have a foreign policy worthy of the name. That is all the more reason for being strong enough to take care of ourselves.

We are being isolated. Once before, in World War II, we were virtually isolated—German subs in the Atlantic—the Japanese fleet in the Pacific. We rearmed and overcame unbelievable obstacles. It was a herculean effort. But we did it. It was fight or capitulate. We fought and won.

In the late 1950's the Russian Sputnik electrified the world. We found we had been left behind in space. We rolled up our sleeves and went to work. We had the determination needed to be the leader. The world knows how we recaptured the lead. To this date the Russians have not matched us in space.

In 1962 we had a showdown with Russia. They were installing guided missiles in Cuba which were trained toward American shores—American cities. We had a President with courage. Jack Kennedy demanded that the Russians get their missiles out of Cuba. We had the guns. They did not. They knew it. They backed down.

Now the walls may be closing in on us again. This time the Russians have the guns. We do not. The time may be approaching when we must fight or capitulate. I do not know in today's world of strange forces how much heart and guts America will have for that confrontation. The easy way would be compromise. Then compromise again—and again—until all that America stands for is gone.

I do not believe the American people ever will want the easy way on that day of uncertainty, and it can be avoided. It can be avoided in a very simple, straightforward and easily understood way. We can make our country too strong to be afraid—but we have to start now. It is late—very late—and wars now move too fast to try to catch up after they start. There is too much of the attitude that we will have all the time we need. We do not know the Russian timetable. We must make America stronger now. The committee bill moves in the right direction. It is definitely an improvement over the administration's budget proposals. I urge the defeat of all the substitutes and the approval of the committee bill.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. SCHROEDER) to the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. CARR).

The question was taken; and on a division (demanded by Mrs. SCHROEDER) there were—ayes 5; noes 35.

Mrs. SCHROEDER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee of the Whole appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentlewoman from Colorado (Mrs. SCHROEDER) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 107, noes 297, not voting 30, as follows:

[Roll No. 365]

AYES—107

Addabbo	Cornell	Harkin
Allen	Cornwell	Harrington
Armstrong	Dellums	Heckler
Aspin	Dicks	Holtzman
Baldus	Diggs	Jacobs
Bedell	Dodd	Jeffords
Bellenson	Early	Jordan
Benjamin	Edgar	Kastenmeier
Bingham	Edwards, Calif.	Keys
Blanchard	Eilberg	Kildee
Blouin	Ertel	Kostmayer
Bonior	Evans, Colo.	Leggett
Brademas	Fascell	Lehman
Brodhead	Fenwick	Levitas
Brown, Calif.	Fithian	Lujan
Caputo	Ford, Mich.	Lundine
Carr	Fraser	McCloskey
Cavanaugh	Garcia	McHugh
Chisholm	Green	McKinney
Clay	Hamilton	Maguire
Markey	Obey	Solarz
Mattox	Ottinger	Stark
Meyner	Pattison	Stokes
Mikulski	Pease	Studds
Mikva	Pike	Thompson
Mineta	Pressler	Traxler
Mitchell, Md.	Rangel	Udall
Moakley	Reuss	Vanik
Moffett	Richmond	Vento
Moorhead, Pa.	Roncalio	Volkmer
Mottl	Rosenthal	Walgren
Murphy, Pa.	Ryan	Weaver
Nix	Scheuer	Weiss
Nolan	Schroeder	Whalen
Nowak	Seiberling	Wirth
Oberstar	Sharp	

NOES—297

Abdnor	Emery	Long, La
Akaka	English	Long, Md.
Ambro	Erlenborn	Lott
Anderson, Calif.	Evans, Del.	Luken
Anderson, Ill.	Evans, Ind.	McClory
Andrews, N.C.	Fary	McCormack
Andrews, N. Dak.	Findley	McDade
Annunzio	Fish	McDonald
Ashbrook	Fisher	McEwen
Ashley	Flippo	McFall
Badham	Flood	McKay
Bafalis	Florio	Madigan
Barnard	Flowers	Mahon
Baucus	Flynt	Mann
Bauman	Foley	Marks
Beard, R.I.	Ford, Tenn.	Marlenee
Beard, Tenn.	Forsythe	Marriott
Bennett	Fountain	Martin
Bevill	Fowler	Mathis
Biaggi	Frenzel	Mazzoli
Boggs	Frey	Meeds
Boland	Fuqua	Michel
Bolling	Gammage	Milford
Bonker	Gaydos	Miller, Ohio
Bowen	Giaimo	Minish
Breaux	Gibbons	Mitchell, N.Y.
Brinkley	Gilman	Mollohan
Brooks	Ginn	Montgomery
Broomfield	Glickman	Moore
Brown, Mich.	Goldwater	Moorhead, Calif.
Brown, Ohio	Gonzalez	Moss
Broyhill	Goodling	Murphy, Ill.
Buchanan	Gore	Murphy, N.Y.
Burgener	Gradison	Murtha
Burke, Fla.	Grassley	Myers, Gary
Burke, Mass.	Gudger	Myers, John
Burleson, Tex.	Guyer	Myers, Michael
Burlison, Mo.	Hagedorn	Natcher
Burton, John	Hall	Neal
Burton, Phillip	Hammer-schmidt	Nedzi
Butler	Hanley	Nichols
Byron	Hannaford	O'Brien
Carney	Hansen	Panetta
Carter	Harris	Patten
Cederberg	Harsha	Patterson
Chappell	Hawkins	Pepper
Clausen, Don H.	Hefner	Perkins
Clawson, Del	Heftel	Pettis
Cleveland	Hightower	Pickle
Cohen	Hillis	Poage
Coleman	Hollenbeck	Preyer
Collins, Tex.	Holt	Price
Conable	Horton	Pritchard
Conte	Hubbard	Pursell
Conyers	Huckaby	Quayle
Corcoran	Hughes	Quie
Corman	Hyde	Quillen
Cotter	Ichord	Rahall
Coughlin	Ireland	Railsback
Crane	Jenkins	Regula
Cunningham	Jenrette	Rhodes
D'Amours	Johnson, Calif.	Rinaldo
Daniel, Dan	Johnson, Colo.	Risenhoover
Daniel, R. W.	Jones, N.C.	Roberts
Danielson	Jones, Okla.	Robinson
Davis	Jones, Tenn.	Roe
de la Garza	Kelly	Rogers
Delaney	Kemp	Rooney
Dent	Ketchum	Rose
Derrick	Kindness	Rostenkowski
Derwinski	Krebs	Rousselot
Devine	Krueger	Roybal
Dickinson	LaFalce	Rudd
Dingell	Lagomarsino	Ruppe
Dornan	Latta	Russo
Downey	Le Fante	Santini
Drinan	Leach	Satterfield
Duncan, Oreg.	Lederer	Sawyer
Duncan, Tenn.	Lent	Schulze
Edwards, Ala.	Livingston	Sebelius
Edwards, Okla.	Lloyd, Calif.	Shuster
	Lloyd, Tenn.	Sikes

Sisk	Stump	Whitley
Skelton	Symms	Whitten
Skubitz	Taylor	Wilson, Bob
Slack	Thone	Wilson, C. H.
Smith, Iowa	Treen	Wilson, Tex.
Smith, Nebr.	Trible	Winn
Snyder	Tsongas	Wolff
Spellman	Ullman	Wright
Spence	Van Deerlin	Wydler
St Germain	Vander Jagt	Wylie
Staggers	Waggonner	Yates
Stangeland	Walker	Yatron
Stanton	Walsh	Young, Fla.
Steed	Wampler	Young, Mo.
Steers	Watkins	Zablocki
Steiger	Waxman	Zeferetti
Stockman	White	
Stratton	Whitehurst	

NOT VOTING—30

Alexander	Evans, Ga.	Runnels
Ammerman	Gephardt	Sarasin
Applegate	Holland	Shipley
Archer	Howard	Simon
AuCoin	Kasten	Teague
Breckinridge	Kazen	Thornton
Burke, Calif.	Metcalfe	Tucker
Cochran	Miller, Calif.	Wiggins
Collins, Ill.	Oakar	Young, Alaska
Eckhardt	Rodino	Young, Tex.

Messrs. WYDLER, PRITCHARD, RUSSO, YATES, and D'AMOURS changed their vote from "aye" to "no."

Ms. HOLTZMAN and Mr. DELLUMS changed their vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DELLUMS) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. CARR).

The amendment offered as a substitute for the amendment in the nature of a substitute was rejected.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. CARR).

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CARR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 115, noes 287, not voting 32, as follows:

[Roll No. 366]

AYES—115

Addabbo	Dellums	Holtzman
Anderson, Ill.	Diggs	Jacobs
Ashley	Dingell	Kastenmeier
Aspin	Dodd	Keys
Baldus	Drinan	Kildee
Bedell	Early	Kostmayer
Beilenson	Edgar	Leggett
Benjamin	Edwards, Calif.	Lehman
Bingham	Eilberg	Lundine
Blanchard	Ertel	McCloskey
Blouin	Evans, Colo.	McHugh
Bonior	Fascell	McKinney
Brademas	Fenwick	Maguire
Brodhead	Fisher	Markey
Brown, Calif.	Ford, Mich.	Meyner
Burton, John	Forsythe	Mikulski
Burton, Phillip	Fraser	Mikva
Carr	Garcia	Mineta
Cavanaugh	Giaimo	Mitchell, Md.
Chisholm	Gibbons	Moakley
Clay	Green	Moffett
Conable	Hamilton	Moorhead, Pa.
Conyers	Harkin	Murphy, Pa.
Cornell	Harrington	Myers, Michael
Cotter	Hawkins	Nedzi
Nix	Richmond	Tsongas
Nowak	Roncalio	Udall
Oberstar	Rose	Ullman
Obey	Rosenthal	Vanik
Ottinger	Roybal	Vento
Patterson	Schroeder	Volkmer
Pattison	Seiberling	Walgren
Pease	Sharp	Weaver
Pike	Solarz	Weiss
Pritchard	Stark	Whalen
Pursell	Steers	Wirth
Rahall	Stokes	Yates
Rangel	Studds	
Reuss	Thompson	

NOES—287

Abdnor	Findley	McDonald
Akaka	Fish	McEwen
Allen	Fithian	McFall
Ambro	Flippo	McKay
Anderson, Calif.	Flood	Madigan
Andrews, N.C.	Florio	Mahon
Andrews, N. Dak.	Flowers	Mann
Annunzio	Flynt	Marks
Armstrong	Foley	Marlenee
Ashbrook	Ford, Tenn.	Marriott
Badham	Fountain	Martin
Bafalis	Fowler	Mathis
Barnard	Frenzel	Mattox
Baucus	Frey	Mazzoli
Bauman	Fuqua	Meeds
Beard, R.I.	Gammage	Michel
Beard, Tenn.	Gaydos	Milford
Bennett	Gilman	Miller, Ohio
Bevill	Ginn	Minish
Biaggi	Glickman	Mitchell, N.Y.
Boggs	Goldwater	Mollohan
Boland	Gonzalez	Montgomery
Bolling	Goodling	Moore
Bonker	Gore	Moorhead, Calif.
Bowen	Gradison	Moss
Breaux	Grassley	Motti
Brinkley	Gudger	Murphy, Ill.
Brooks	Guyer	Murtha
Broomfield	Hagedorn	Myers, Gary
Brown, Mich.	Hall	Myers, John
Brown, Ohio	Hammer-schmidt	Natcher
Broyhill	Hanley	Neal
Buchanan	Hannaford	Nichols
Burgener	Hansen	O'Brien
Burke, Fla.	Harris	Panetta
Burke, Mass.	Harsha	Patten
Burleson, Tex.	Heckler	Pepper
Burlison, Mo.	Hefner	Perkins
Butler	Heftel	Pettis
Byron	Hightower	Pickle
Caputo	Hillis	Poage
Carney	Hollenbeck	Pressler
Carter	Holt	Preyer
Cederberg	Horton	Price
Chappell	Hubbard	Quayle
Clausen, Don H.	Huckaby	Quie
Clawson, Del	Hughes	Quillen
Cleveland	Hyde	Railsback
Cohen	Ichord	Regula
Coleman	Ireland	Rhodes
Collins, Tex.	Jeffords	Rinaldo
Conte	Jenkins	Risenhoover
Corcoran	Jenrette	Roberts
Corman	Johnson, Calif.	Robinson
Cornwell	Johnson, Colo.	Roe
Coughlin	Jones, N.C.	Rogers
Crane	Jones, Okla.	Rooney
Cunningham	Jones, Tenn.	Rostenkowski
D'Amours	Jordan	Rousselot
Daniel, Dan	Kelly	Rudd
Daniel, R. W.	Kemp	Ruppe
Danielson	Ketchum	Russo
Davis	Kindness	Ryan
de la Garza	Krebs	Santini
Dent	Krueger	Satterfield
Derrick	LaFalce	Sawyer
Derwinski	Lagomarsino	Scheuer
Devine	Latta	Schulze
Dickinson	Le Fante	Sebelius
Dicks	Leach	Shuster
Dornan	Lederer	Sikes
Downey	Lent	Sisk
Duncan, Oreg.	Levitas	Skelton
Duncan, Tenn.	Livingston	Skubitz
Edwards, Ala.	Lloyd, Calif.	Slack
Edwards, Okla.	Lloyd, Tenn.	Smith, Iowa
Emery	Long, La.	Smith, Nebr.
English	Long, Md.	Snyder
Erlenborn	Lott	Spellman
Evans, Del.	Lujan	Spence
Evans, Ind.	Luken	St Germain
Fary	McClory	Staggers
	McCormack	Stangeland
	McDade	Stanton
Steed	Waggonner	Wilson, Tex.
Steiger	Walker	Winn
Stockman	Walsh	Wolff
Stratton	Wampler	Wright
Stump	Watkins	Wydler
Symms	Waxman	Wylie
Taylor	White	Yatron
Thone	Whitehurst	Young, Fla.
Traxler	Whitley	Young, Mo.
Treen	Whitten	Zablocki
Trible	Wiggins	Zeferetti
Van Deerlin	Wilson, Bob	
Vander Jagt	Wilson, C. H.	

NOT VOTING—32

Alexander	Evans, Ga.	Rodino
Ammerman	Gephardt	Runnels
Applegate	Holland	Sarasin
Archer	Howard	Shipley
AuCoin	Kasten	Simon
Breckinridge	Kazen	Teague
Burke, Calif.	Metcalfe	Thornton
Cochran	Miller, Calif.	Tucker
Collins, Ill.	Murphy, N.Y.	Young, Alaska
Delaney	Nolan	Young, Tex.
Eckhardt	Oakar	

The Clerk announced the following pairs:

On this vote:

Mr. AuCoin for, with Mr. Ammerman against.

Mr. Miller of California for, with Mr. Teague against.

Mr. Metcalfe for, with Mr. Shipley against.

Mrs. Burke of California for, with Mr. Runnels against.

Mr. HEFNER changed his vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. GONZALEZ was allowed to speak out of order.)

PRESIDENT AND ATTORNEY GENERAL BELL DESERVE CREDIT FOR THEIR EFFORTS ON CIVIL RIGHTS IN TEXAS

Mr. GONZALEZ. Mr. Chairman, this morning there appeared on the television network a person who says that the Carter administration is insensitive and unresponsive to the needs of Americans of Mexican descent. The same story appeared in my home town newspaper this morning. This is pure and simple hogwash.

There are statements that the Department of Justice is not vigorously defending civil rights. The truth is that right now, today, the Department of Justice is pursuing no less than 60 police brutality cases involving Mexican-Americans.

Last year, not 1 month after he became Attorney General, Griffin Bell came to my office personally to tell me that he had reversed a longstanding policy of Justice Department inaction on civil rights cases that might involve a dual prosecution.

Before that change in policy, the U.S. attorneys almost never investigated civil rights complaints, much less took action. In the case I was interested in, the Republican U.S. attorney had publicly refused to act, even though the situation involved the coldblooded murder of a handcuffed prisoner by a chief of police.

Griffin Bell changed that, and the case was investigated and prosecuted.

This was not the action of a man who was indecent or uncaring. It was the action of a man who truly wants to

bring justice to all Americans, and who is matching his words with real action.

No administration has done more than this one has to bring justice to Hispanic Americans. No administration has been more sensitive or effective in this area.

It is unfair, unjust, and bitterly disappointing to me that self-appointed spokesmen curse the very President and Attorney General who have brought real meaning to the word justice—these spokesmen have short memories, and do not remember that the previous administration not only did nothing, but adopted policies that prevented anything from being done.

Attorney General Bell and the President deserve praise for what they have done. They have not perfected the world, but they ought to be given credit for making the first real effort to make civil rights mean something in Texas.

Mr. MITCHELL of Maryland. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise not only in opposition to this bill but also in indignation, and amazement. I find the totals in this bill, to say nothing of the laundry list of nonwanted and nonneeded items, utterly incredible, unacceptable, and unbelievable. That we should even have to consider a bill of this nature, of this magnitude, at this time, raises questions in my mind as to whether anyone is even asking questions about national needs, national priorities, and national budgetary restraints. Just 2 weeks ago this house passed a budget resolution which provided essentially the President's budget for defense.

It made a minor adjustment in the President's request to allow for the slippage of one Trident submarine, but it essentially supported the balance of the President's budget estimates. I supported that resolution and that defense total. I thought it was too high, I tried to change it, but in the end I supported the total. Then last week we voted on a conference report which I reluctantly could not support. In our conference with the Senate, the conferees restored the unneeded funding for the Trident submarine and also agreed to add $300 million beyond that. I felt that number was grossly out of proportion to our defense needs and grossly out of balance in our ordering of National priorities. As I said, I reluctantly voted against the budget resolution conference report because of that overfunding of defense at the expense of domestic needs. But the defense spending which would be set in motion by the authorization bill before us today is even in excess of the greatly inflated defense number in the budget resolution conference report. How can anyone support such a total? How can anyone justify it?

It is some $2.1 billion over the amount assumed in the conference report, $2.4 billion over the amount President Carter asked for and it is $3.4 billion, yes $3.4 billion in excess of the total this house supported when we approved the House budget resolution earlier this month.

Mr. Chairman, I do not intend to go into all the reasons why I think this bill should be defeated. I had my opportunity to express my concerns about our Nation's priorities and our Nation's need when we discussed my transfer amendment during the consideration of the budget resolution. At that time I wanted to reduce the defense number and transfer some of the funds to other needs. I was not sucessful. Others attempted to raise the total for defense by $2.4 billion. They were not successful either.

But now we have this defense authorization bill which is $3.4 billion higher than the original House passed target. Mr. Chairman, it is so far out of line with the totals we considered earlier, so far out of line with what our President requested, and so far out of line with our national needs, that it is not worthy of serious debate.

Mr. Chairman, I am not an expert on national defense. I have not even heard all the arguments for or against building more nuclear aircraft carriers, although I suspect that many of the ultrasophisticated weapon systems we are now procuring may prove to be unreliable and nonmaintainable in a combat situation, I do not intend to get drawn into discussion of that nature today. My concern today is the lack of planning, the lack of balance, the lack of prioritizing and the lack of consideration of the long term costs which are inherent in the type of bill now before us. Mr. Chairman, the President sent up an authorization request which was the result of months of planning, and in the final analysis represented the President's best judgment on how much of his long range requirements could be provided for within his fiscal year 1979 budget guidelines.

I did not happen to agree with the President concerning how much he should have allocated for defense, but I think I understand the logic behind his decisionmaking process. However, in the case of this armed services bill before us today I do not only disagree with the total but I defy anyone to explain the logic behind the program content.

Mr. Chairman, the logic cannot be explained because there was none. This bill is not based on a logical balancing of needs and wants within at least some very broad fiscal guidelines. Instead it appears to be a Christmas tree of program favorites, one added on top of the other without any regard to balance, tradeoffs or long-range needs.

Mr. Chairman, I believe this bill should be defeated and the committee should be sent back to come up with a more rational and balanced proposal.

I hope that it will be voted down.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE I PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1979 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $1,037,400,000; for the Navy and Marine Corps, $4,554,880,000; for the Air Force, $7,046,400,000.

MISSILES

For missiles: for the Army, $795,600,000; for the Navy, $1,593,700,000; for the Marine Corps, $23,100,000; for the Air Force, $1,632,100,000.

NAVAL VESSELS

For naval vessels: for the Navy, $7,026,100,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $1,518,900,000; for the Marine Corps, $24,300,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, $426,800,000.

OTHER WEAPONS

For other weapons: for the Army, $93,100,000; for the Navy, $129,800,000; for the Marine Corps, $30,200,000; for the Air Force, $300,000.

Mr. PRICE (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER: In title I, page 11, line 5 strike the figure $4,554,880,000 and insert in lieu thereof the figure $4,546,780,000.

Mrs. SCHROEDER. Mr. Chairman, this amendment would strike $8.1 million for a Grumman Gulfstream II aircraft for the Marine Corps. This is not your basic big ticket item, but then it is fairly rare when one can single out items in the defense budget that contribute absolutely nothing to our national security. It is an item that is highly symbolic of the goodies that were handed out in the Armed Services Committee's closed markup session.

The Gulfstream II was not requested by the administration. No hearings were held on it. It was approved by the committee on the basis of one-half page of justification offered to the committee in markup. The lack of critical review is clearly suggested by the committee's report which simply regurgitates that brief statement.

There are numerous unanswered questions about this aircraft. The Marine Corps has indicated its intention to replace two C–118's and one C–131 with the Gulfstream II. But how can one aircraft possibly replace three. The talk I and my staff have had with Marine Corps officials indicate that you can not. To accomplish the full range of missions accomodated by the three aircraft the Gulfstream would have to be supplemented by aircraft from Cherry Point. The costs associated with the operation of these additional aircraft cast serious

doubt on the calculated cost savings presented to the committee.

One might also reasonably ask why if this aircraft is so cost-effective, particularly given the dramatic portrayal of dedicated Marine Corps brass putting their lives on the line flying in the current inventory, this request did not sail through the DOD-OMB budget process.

It might also be asked why Marine Corps officials cannot avail themselves of the interservice pool of executive jets that the Nation currently owns. Aside from service snobbery I have no idea.

Nor has it been satisfactorily explained to me how a $5 million off-the-shelf aircraft can be turned into an $8 million plus aerial limousine simply through the addition of an interior and some additional avionics.

If the Congress can with so little scrutiny ratify this amphibious assault on the cookie jar for an item whose contribution to national security is so opaque, can the Navy, Army, and Air Force requests be that far behind.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mrs. SCHROEDER. I yield to the gentleman from Missouri.

Mr. ICHORD. I thank the gentlewoman for yielding.

I want to compliment the gentlewoman from Colorado now that we are back proceeding in a more orderly, expeditious, and parlimentary manner. As the gentlewoman well knows, I supported this amendment in the full committee. I will vote for her amendment on the floor of the House, and I compliment her that she is now back on track and not imposing upon the membership of the House.

Mrs. SCHROEDER. I thank the gentleman from Missouri. I am delighted that he has joined me in this amendment. Let me just summarize and say I hope all Members will vote for this amendment. Yes, it is symbolic, and it is not a huge amount. When the Secretary of the Navy is flying around in a prop plane, when we have a pool of executive jets they can all share, when they can also call on the Navy force, I think it is really silly that we give the Marine Commandant his own separate plane. I do not think it helps national security in any way, shape, or form. Not only that, we are being charged over $3 million what it would cost us to buy the jet in the private market.

Mr. DAN DANIEL. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Virginia.

Mr. DAN DANIEL. I thank the gentlewoman for yielding.

Mr. Chairman, I rise in support of the amendment offered by the gentlelady from Colorado. In doing so, I yield to no Member in my support of the Marine Corps and my admiration and respect for Gen. Louis Wilson, its Commandant.

In this particular instance, I happen to believe that there are resources currently available in the Department of Defense which should be assigned the Commandant.

Mrs. SCHROEDER. I thank the gentleman. The Marine Commandant might be a little embarrassed to receive such great glamorous gifts.

Mr. Chairman, I yield back the remainder of my time.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the gentlewoman has perhaps given a somewhat misleading representation of this situation. The committee added to the bill funds for a Gulf Stream 2 aircraft not only for the Commandant of the Marine Corps; but actually for many other units of the Marine Corps, by the Navy, by the various other establishments.

I do not think there is anything unusual about providing an executive-type aircraft for the Marine Corps similar to what is made available to the Air Force, to the Navy, to the Army, and to the Coast Guard.

The fact of the matter is that the present aircraft which was available for these missions, not just for the Commandant, but for other officers of the Marine Corps, happen to be DC–118's. These old planes have had six engine failures, either on takoff or en route; two engine failures occurred with the present Commandant aboard, one with the Assistant Commandant, and three engine failures with former Commandants embarked.

In addition, these DC–118's have experienced numerous other failures which are not only a threat to life, but have caused cancellation of important commitments.

The present fleet of Marine and support aircraft based at the Andrews field are all piston aircraft which require higher cost fuel than do turbine engines. The superior reliability of present turbine engines has been demonstrated very clearly.

This new aircraft is going to be available not only to the headquarters of the Marine Corps here, but to the Marine Corps and educational center, the Marine Corps schools at Quantico, and to the Marine Corps at 8th and I Streets, the Marine Corps Band, and the Marine Corps Drum and Bugle Corps.

How many Members have tried to get the Marine Corps Band or the Marine Corps Drum and Bugle Corps in their districts for Memorial Day functions, for example.

So this is not a frivolous proposal at all. I think the Commandant of the Marine Corps deserves a safe aircraft.

I think the Commandant deserves an aircraft that is going to cost less than the present arrangement. I am advised that by retiring these three old C–118's and replacing them with the Gulfstream II we would save $1 million in maintenance costs.

When compared to the DC–118, this purchase is a cost-effective proposal and it should be approved.

We ought to give the Marine Corps, one of our most respected military forces, at least as good equipment as the others. This should apply as well to the other aircraft.

Mr. DANIELSON. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from California.

Mr. DANIELSON. Mr. Chairman, the gentleman asked, "Have you ever tried to get the Marine Corps Band or the Marine Corps Drum and Bugle Corps to appear at an appropriate event?"

Answer: I have. In April 1971 I requested that the Marine Corps send a delegation of its band to appear at the Armenian Martyr's Day celebration in Bicknell Park in Montebello, Calif., and they turned me down. It was an affront to the entire Armenian-American community.

Mr. STRATTON. The reason they turned the gentleman down was that they did not want to trust the band to these dangerous DC–118 aircraft.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is an amendment that should be very easy to support. I have been trying to remember what I did in the committee. It was discussed at length. I think we probably spent more time today on the $9 million than we did on the $127 million item that preceded this and the $200 million item that followed it.

The fact is that the matter is not understood. If I might take this brief time, let me explain what is involved here. I talked to the Commandant of the Marine Corps. He said he is embarrassed to have this attributed to him, because he will retire before this plane comes on board. He was on a flight to Panama in a prop plane that is provided to the Commandant and because of serious motor trouble they had to abort the mission and come back. It is not a question of him being given equal treatment with the Air Force generals or whatever. The fact is that this is a simple economic measure. They will retire three propeller aircraft and replace them with one turbo jet aircraft. They will retire three.

Now, the Air Force has already done this. Members of the House probably are not aware of this, but General Jones when he came aboard as Chief of the Air Force got rid of every executive transport propeller aircraft the Air Force had.

And so we have, I suppose, created the "Jones Airline" or something like that, I do not know.

But there are no longer any propeller-driven aircraft based at the various bases. They all go into a pool, and they are centrally dispersed by MAC, the Military Airlift Command. So there are no executive propeller-driven planes. This was done on an economy basis.

What is proposed here—the statistics prove it, and there is no refutation of the facts—is that in buying one plane for $8.1 million they are going to retire three aircraft at an annual savings of $1,790,000.

It takes over 90 personnel to take care of the crew and maintenance problems on the old propeller-driven aircraft, and with the simplicity of the new jet types, this will save over 90 slots, 90 man slots, just in maintenance and crew alone, and

there will be a savings of over $1 million per year.

So, Mr. Chairman, we are not throwing money away. We are not just offering some embellishment to the office of the Commandant. This is just dollars and cents.

Mr. LLOYD of California. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from California.

Mr. LLOYD of California. Mr. Chairman, I do want to make one point. The gentleman did say there were no propeller-driven airplanes left.

There are turbo-pro aircraft still left, and certainly the C–130's are still there. We have some aircraft there that are used and that are superior.

The gentleman and I have worked very hard together, and we will stick together on this. I believe the key factor to be safety, involved in a new aircraft versus on old aircraft. That is the point I want to make.

Mr. DICKINSON. Mr. Chairman, I thank the gentleman for bringing up that point. Safety is a very important factor here.

We are belaboring this point on a $8 million item, because it is cost-effective. This will save money. We will be able to retire three aircraft, and these planes will take their place. To label this as something different is just misleading, and I certainly think we would be foolish indeed not to replace three old aircraft that are not airworthy with planes that are more ecoonmical.

As a matter of fact, I am told privately that they even have a used one in sight. It would not necessarly be a new one coming off the assembly line. They tell me they think they have a good buy.

I would hope, Mr. Chairman, that we would not be foolish in this instance and say that "we are not going to gild the lily" and "we are not going to gold-plate the job of the Commandant." Regardless of who the Commandant is or how worthy he might be, this is not for him as a person. This is cost-effective, it is economical, it is needed, and I see no reason why we should not add this $8.1 million.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am very pleased to yield to the gentlewoman from Colorado, the author of the amendment.

Mrs. SCHROEDER. Mr. Chairman, I think one of the problems with this issue is, although the gentleman is testifying today, we should have had testimony at the hearings, but we did not. Testimony on the floor is not proper.

The information that I have is counter to what I have just heard.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. DICKINSON) has expired.

(On request of Mrs. SCHROEDER, and by unanimous consent, Mr. DICKINSON was allowed to proceed for 1 additional minute.)

Mrs. SCHROEDER. Mr. Chairman, if I may continue, the information I have is that there is no way that this Gulfstream can possibly carry on the missions of the three airplanes the gentleman is saying it will replace. First of all, it cannot carry the Marine band because it is not big enough. So the savings that are being implied are not there, because the Marines would have to bring up C–9's from Cherry Point to run many of these missions. Further there are many planes in the Navy and Air Force inventory that are available for some of these duties we are talking about.

Mr. Chairman, I question whether this kind of an item is one that we should be giving as a goodie hand-out, because if we grant this one, everybody else will want one next year, even fancier.

Mr. DICKINSON. Mr. Chairman, if I may reclaim my time, I might ask: Who else might want one? This is just one plane for the Commandant of the Marine Corps.

Mr. Chairman, I do not think that is asking too much, and I certainly hope we vote down this amendment.

Mr. DOWNEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, let me say first that part of the Gulfstream II is built on Long Island. It is a wonderful airplane, and to those Members who can afford one, I suggest they might go out and buy one. You might use my name, and maybe you will get a discount.

Let me further say that General Wilson as Commandant of the Marine Corps is unquestionably one of the finest Commandants the Marine Corps has ever had, and I hope he is replaced by a man or a woman of equal capability.

He does not need a Gulfstream II to fly him around. As the gentleman from Alabama indicated, there is a whole fleet of Air Force airplanes that could fly him around. There are many Navy airplanes that could fly him around. I think the members could strike a small blow for the taxpayers by voting for this amendment. The good general and those that replace him might find suitable accommodations in existing Navy aircraft or possibly, God forbid this should happen, they could fly in an Air Force aircraft. There are plenty of T–38's to take the good general around.

Mr. LLOYD of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. LLOYD of California. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, I wanted to respond to the gentleman from New York (Mr. DOWNEY) by saying that, while the Gulfstream might be in fact made in the gentleman's district, 12 miles from his home, so are the F–14's, and we added 12 of those, at $200 million, so let us not worry about conservatism here.

Mr. DOWNEY. Mr. Chairman, will the gentleman yield?

Mr. LLOYD of California. I yield to the gentleman from New York.

Mr. DOWNEY. That is because we needed the F–14.

Mr. LLOYD of California. Mr. Chairman, I would like to point out that the major reason for doing this is for safety reasons. The aircraft that "it is to replace," as somebody said, if you count speeds, and all of that, they are absolutely right, one Gulfstream, in essence, does not replace two C–118's and one C–131. But what has to be done is to retire these aircraft.

We are talking about $8.1 million, including the maintenance of this aircraft. If indeed we do this, we insure the fact that these other aircraft go out of service, and that solves the problem of old aircraft and it also does something else—it reduces the requirement for maintenance and operations requiring 9 officers and 93 men. It takes logistical support for those other three aircraft. And we must remember that is what we are talking about. I know it is cute and clever to say, "Oh, we have a private aircraft for the Commandant of the Marine Corps." But that is not what it is really about. They are not going to take those other older aircraft off the line if we do not replace it with this aircraft. This aircraft will be used for reasonable, justifiable reasons.

Mr. GINN. Mr. Chairman, will the gentleman yield?

Mr. LLOYD of California. I yield to the gentleman from Georgia.

Mr. GINN. I thank the gentleman for yielding.

Mr. CHAIRMAN, I simply want to point out that the Gulfstream II is not made in New York. It is made in Savannah, Ga., in my district, and I think that is one reason why we ought to vote down this amendment.

Mr. LLOYD of California. I thank the gentleman for his comments.

Mr. DENT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I did not hear much complaining around here when we gave Anwar Sadat a multi-million-dollar helicopter. We are now talking about a man who has command of the U.S. Marine Corps, an important branch of our Armed Forces. It seems to me if we can give Sadat a helicopter, we can maintain the Commandant's plane.

I am probably the oldest living member of the Marine Air Corps today in this room.

We flew in the twenties by the seat of our pants, and I would not want to recommend that today.

If there are any technological innovations to improve an airplane, we ought to have them for our military commanders who have the responsibility of maintaining the defense of this Nation.

Mr. Chairman, we are talking about a couple of million dollars for military defense. It is not just a joke, but there are more Federal executive automobiles around here which cost more than the total cost of this airplane.

Do the Members know what it means

when one is called out on an emergency and there is an equipment failure?

In my day, any failure at all with the plane and you would spin into a crash. I crawled away from five crashes, and I was mighty happy to see the first air-cooled airplane motor come on the scene.

Here, Mr. Chairman, we have a new technology which can be developed for very little money.

No one says a word about how much it is going to cost this country for the airplanes we are selling to the Arabs, the Israelis, and the Egyptians.

Mr. Chairman, we want these funds so that the man who has charge of the Marine Corps can reach a trouble spot faster and a little bit more safely.

Mr. Chairman, I have sat in this House when we have spent billions of dollars for foreign aid, and no one so much as utters a whisper to say, "My God, look at what is going to be spent."

How many executive airplanes are going to be bought with the money we have kicked overseas in the last 20 years? Are we sending a signal to the whole world that we are so poor today that we cannot afford to maintain our military commanders?

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my distinguished colleague who preceded me in the well indicated that he is probably the oldest marine on the floor. I am probably the youngest; and given my extraordinary youth, it leads me to a different position than that of my distinguished colleague, and that is to be in support of this amendment.

Mr. Chairman, I have two brief remarks and then I will be finished.

First of all, it seems to me that this incredible debate on this $8.1 million item only serves to point out one of the old laws that when people come together to discuss budgets, they spend more time in discussing dollars than in discussing millions of dollars. This fact seems to me to underscore that by being willing to debate millions of dollars as against billions of dollars we may be on safer ground.

We can understand that.

Mr. Chairman, the second point is, as I have said many times on the floor, given limited resources and difficult choices, whatever we do should be based upon a rational, intelligent, thoughtful set of priorities.

It would seem to me that last week or the week before last in this body, over 200 Members of Congress, without extraordinary debate, voted to cut 5 percent across the board from the Department of Health, Education, and Welfare budget, which amounted to several billions of dollars—200 Members voted to do that across the board.

Now we find Members trotting into the well and arguing valiantly against cutting even $8.1 million out of the approximately $38 billion budget.

For those Members who do not understand a billion dollars, they can take 1,000 people and give them each a million dollars. That means that they can take 38,000 people and give them all $1 million, and we are here concerned because we cannot cut $8.1 million from the budget.

I would point out how hypocritical that is, to take an across-the-board 5 percent cut from HEW without any intelligent regard for the priorities established in that Budget, and we cannot cut $8.1 million.

We are not trying to challenge the respect for the Commandant from the Marine Corps. Far from it. We are simply saying, given limited resources, given difficult choices, let us make an intelligent set of priorities. No one on this floor can tell me that there is an extraordinary urgency about giving the Commandant of the Marine Corps the Gulfstream airplane. That is the height of absurdity and insanity.

Somebody ought to wake me up. I thought I was in a dream listening to this debate. It seems to me that if we cannot cut $8.1 million, for all those Members who get up and talk about saving taxpayers' money, then they ought to cut this $8.1 million since the Commandant already has three planes he can fly. He can fly but one at a time.

The gentleman mentions that we would save $15,000 flying the North Atlantic. How long would this plane have to fly to get back this $8.1 million?

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I just want to tell the gentleman that I voted against the $5 billion cut in the HEW budget the other day, but I still think we need this plane for the Marine Commandant.

Mr. DELLUMS. It is not going to make us combat efficient; it will not scare off the Soviets. It seems to me this is what all this rhetoric is about. We can cut this $8.1 million, and I do not think a single American taxpayer will get uptight.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I agree with the gentleman. I support the amendment. I have supported almost every dollar we have spent and have tried to spend on defense spending since I have been in this House, but this one goes a little too far.

Mr. DELLUMS. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. SCHROEDER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. SCHROEDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 266, noes 136, not voting 32, as follows:

[Roll No. 367]

AYES—266

Abdnor	Foley	Moakley
Addabbo	Ford, Tenn.	Moffett
Allen	Forsythe	Moore
Anderson, Calif.	Fountain	Moorhead, Calif.
Anderson, Ill.	Fowler	Moss
Annunzio	Fraser	Mottl
Armstrong	Frenzel	Murphy, Ill.
Ashbrook	Fuqua	Murphy, Pa.
Ashley	Gammage	Myers, Gary
Aspin	Garcia	Myers, John
Bafalis	Gaydos	Natcher
Baldus	Gephardt	Neal
Baucus	Giaimo	Nolan
Bauman	Gibbons	Nowak
Beard, R.I.	Glickman	O'Brien
Bedell	Goodling	Oberstar
Beilenson	Gore	Obey
Benjamin	Gradison	Ottinger
Bennett	Grassley	Panetta
Biaggi	Green	Patten
Bingham	Guyer	Patterson
Blouin	Hall	Pattison
Boland	Hamilton	Pease
Bonior	Hanley	Perkins
Bonker	Hannaford	Poage
Brademas	Hansen	Pressler
Brodhead	Harkin	Pritchard
Brooks	Harrington	Quayle
Broomfield	Harris	Quie
Brown, Calif.	Hawkins	Rahall
Brown, Mich.	Heckler	Railsback
Broyhill	Hefner	Rangel
Burke, Fla.	Holland	Regula
Burlison, Mo.	Hollenbeck	Reuss
Burton, John	Holt	Richmond
Burton, Phillip	Holtzman	Rinaldo
Butler	Horton	Risenhoover
Carr	Hubbard	Roe
Cavanaugh	Hughes	Rogers
Chisholm	Hyde	Roncalio
Clausen, Don H.	Ichord	Rose
Clay	Ireland	Rosenthal
Cleveland	Jacobs	Rousselot
Cohen	Jenkins	Roybal
Coleman	Jenrette	Russo
Collins, Ill.	Jones, Okla.	Ryan
Collins, Tex.	Jones, Tenn.	Santini
Conte	Jordan	Satterfield
Cornell	Kastenmeier	Scheuer
Cornwell	Kemp	Schroeder
Cotter	Ketchum	Seiberling
Crane	Keys	Sharp
Cunningham	Kildee	Shuster
D'Amours	Kostmayer	Smith, Iowa
Daniel, Dan	Krebs	Smith, Nebr.
Danielson	Krueger	Solarz
Davis	Latta	Spellman
de la Garza	Leach	Staggers
Dellums	Leggett	Stanton
Derrick	Lehman	Stark
Derwinski	Levitas	Steed
Devine	Lloyd, Tenn.	Steers
Dicks	Long, La.	Steiger
Diggs	Long, Md.	Stockman
Dingell	Lujan	Stokes
Dodd	Luken	Studds
Downey	Lundine	Thompson
Drinan	McCloskey	Thone
Duncan, Oreg.	McCormack	Traxler
Duncan, Tenn.	McDade	Tsongas
Early	McHugh	Udall
Edgar	McKay	Van Deerlin
Edwards, Calif.	McKinney	Vanik
Edwards, Okla.	Maguire	Vento
Eilberg	Mahon	Volkmer
Emery	Mann	Walgren
English	Markey	Watkins
Erlenborn	Marks	Waxman
Ertel	Marlenee	Weaver
Evans, Del.	Mattox	Weiss
Evans, Ind.	Mazzoli	Whalen
Fascell	Meyner	White
Fenwick	Michel	Wilson, C. H.
Findley	Mikulski	Wirth
Fisher	Mikva	Wylie
Fithian	Milford	Yates
Florio	Miller, Ohio	Yatron
Flowers	Mineta	Zeferetti
	Minish	
	Mitchell, Md.	

NOES—136

Ambro	Barnard	Bolling
Andrews, N.C.	Beard, Tenn.	Bowen
Andrews, N. Dak.	Bevill	Breaux
Badham	Blanchard	Brinkley
	Boggs	Brown, Ohio

Buchanan	Huckaby	Quillen
Burgener	Jeffords	Roberts
Burke, Mass.	Johnson, Calif.	Robinson
Burleson, Tex.	Johnson, Colo.	Rooney
Byron	Jones, N.C.	Rostenkowski
Caputo	Kelly	Rudd
Carney	Kindness	Schulze
Carter	LaFalce	Sebelius
Cederberg	Lagomarsino	Shipley
Chappell	Le Fante	Sikes
Clawson, Del	Lederer	Sisk
Conable	Lent	Skelton
Corcoran	Livingston	Skubitz
Corman	Lloyd, Calif.	Slack
Coughlin	Lott	Snyder
Daniel, R. W.	McClory	Spence
Dent	McDonald	St Germain
Dickinson	McEwen	Stangeland
Dornan	McFall	Stratton
Edwards, Ala.	Madigan	Stump
Evans, Colo.	Marriott	Symms
Evans, Ga.	Martin	Taylor
Fary	Mathis	Treen
Fish	Meeds	Trible
Flippo	Mitchell, N.Y.	Ullman
Flood	Mollohan	Waggonner
Flynt	Montgomery	Walsh
Ford, Mich.	Moorhead, Pa.	Wampler
Frey	Murphy, N.Y.	Whitehurst
Gilman	Murtha	Whitley
Ginn	Myers, Michael	Whitten
Goldwater	Nedzi	Wiggins
Gonzalez	Nichols	Wilson, Bob
Gudger	Nix	Wilson, Tex.
Hagedorn	Pepper	Winn
Hammer-schmidt	Pettis	Wolff
	Pickle	Wright
Harsha	Pike	Wydler
Heftel	Preyer	Young, Fla.
Hightower	Price	Young, Mo.
Hillis	Pursell	Zablocki

NOT VOTING—32

Akaka	Eckhardt	Sarasin
Alexander	Howard	Sawyer
Ammerman	Kasten	Simon
Applegate	Kazen	Teague
Archer	Metcalfe	Thornton
AuCoin	Miller, Calif.	Tucker
Breckinridge	Oakar	Vander Jagt
Burke, Calif.	Rhodes	Walker
Cochran	Rodino	Young, Alaska
Conyers	Runnels	Young, Tex.
Delaney	Ruppe	

The Clerk announced the following pairs:

On the vote:

Mr. Miller of California for, with Mr. Akaka against.

Mr. Runnels for, with Mr. Teague against.

Mr. BROWN of Ohio and Mr. BADHAM changed their vote from "aye" to "no."

Mr. FLOWERS and Mr. BUTLER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I offer an an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPIN: Page 11, line 12, strike out "$7,026,100,000" and insert in lieu thereof "$6,471,500,000".

Mr. ASPIN. Mr. Chairman, the amendment which I am offering here is the carrier amendment. The amendment would strike the money for the large nuclear carrier which is in the bill and replace enough money into the bill to buy a smaller conventionally powered carrier.

Mr. Chairman, this is an issue which is not new to this House, nor is it new to the debate over the last few years. Many people and many administrations have wrestled with this question of which kind of aircraft carrier should we buy. The last Republican administration when Mr. Ford was President and when Mr. Rumsfeld was Secretary of Defense looked at the issue and decided what we ought to buy was the smaller conventionally powered carrier.

When Mr. Carter came into office and Mr. Brown was Secretary of Defense, they looked at the issue and decided what we ought to buy is the smaller conventionally powered carrier.

Indeed, this House of Representatives has looked at the issue and the last time we voted on it a little more than a year ago the House voted in favor of a smaller and conventionally powered carrier; but the issue is still before us and the Committee on Armed Services has put in enough money for a nuclear carrier.

Mr. Chairman, I think it is important to remember what this issue is and what it is not. The issue is not whether a conventional carrier is more effective than a nuclear carrier. It is not. A nuclear carrier is a more effective ship; however, it also cost more money.

The issue is not whether we are going to have a nuclear Navy or a conventional Navy. We have in the fleet and under construction a combination of nuclear ships and conventional ships; four nuclear aircraft carriers, eight conventional aircraft carriers; so whatever we do with this ship, we are going to have a mix.

The question we have to decide is the question about what the next ship should be.

There are some very, very good arguments as to why we should buy the smaller and conventional carrier. First, a smaller ship costs less money, and, therefore, we can buy more ships; second, more ships mean that we can be in more places at the same time; and third, because all ships are vulnerable, the best way to minimize vulnerability is to maximize the number of ships.

Mr. Chairman, no one should doubt that on an individual basis a nuclear carrier is more effective. However, nobody should doubt either that on an individual basis a nuclear carrier is more expensive.

There are lots of different ways of looking at the cost comparisons. If we have a comparison of just shipbuilding costs, we see that a nuclear carrier costs about twice as much as a conventional carrier. If we look at life cycle costs, we see that the comparisons are more like 5 to 4. If we look at life cycle costs, plus the aircraft, the comparison is perhaps 4 to 3 or 3 to 2. If we look at the life cycle costs plus the aircraft, plus the escorts, the comparison is somewhere on the order of better than 3 to 2.

The costs are different but no matter how we look at it the costs in every case show that a conventional carrier is less expensive than a nuclear carrier and, therefore, we can buy more ships.

The essential argument against a nuclear carrier is that it costs $2.4 billion or $2.5 billion. It makes no sense to put $2.4 billion or $2.5 billion afloat in one ship. The technology of ships, the technology of radar, and the technology of missiles are such that ships are vulnerable. When we put $2.4 billion afloat in one ship, that is more than a third of our defense budget for shipbuilding which every year runs about $7 billion.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. ASPIN) has expired.

(On request of Mr. EVANS of Colorado, and by unanimous consent, Mr. ASPIN was allowed to proceed for 3 additional minutes.)

Mr. EVANS of Colorado. Mr. Chairman, will be gentleman yield?

Mr. ASPIN. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I thank the gentleman for yielding.

The gentleman informed us that the anticipated cost of constructing this carrier is about $2.5 billion?

Mr. ASPIN. The gentleman is correct.

Mr. EVANS of Colorado. I would ask the gentleman if he can tell us, when this carrier is complete, how many aircraft would be stationed aboard the ship?

Mr. ASPIN. It carries 89 to 94 planes. A *Nimitz*-size nuclear carrier carries 89 to 94 planes.

Mr. EVANS of Colorado. Mr. Chairman, I will ask the gentleman what the average cost of each one of those planes would be, as best the gentleman can give it to us.

Mr. ASPIN. The planes aboard would be a mix of planes. The most expensive would be the F–14, and the F–14 costs about $20 million each. Then we would go down to the least expensive plane, and that would be about $10 million. So I would guess it would be an average of $15 or $16 million, somewhere in there.

Mr. EVANS of Colorado. About $15 million. Can the gentleman give us any estimate of the cost of supplies that such a carrier would normally have aboard?

Does the gentleman have any ballpark figure of what the cost or the value of the supplies and the munitions, and so forth, would be?

Mr. ASPIN. I have no idea.

Mr. EVANS of Colorado. Mr. Chairman, I have another question.

How many persons would be expected to be stationed aboard such a nuclear carrier?

Mr. ASPIN. I am not sure. Does any Member know offhand? Would it be about 5,000?

Mr. LLOYD. of California. Mr. Chairman, if the gentleman will yield, it would be about 3,000.

Mr. ASPIN. Including the pilots?

Mr. LLOYD of California. Yes.

Mr. EVANS of Colorado. Three thousand persons.

Mr. Chairman, I want to commend the gentleman from Wisconsin (Mr. ASPIN) for offering this amendment. I am a little disappointed that his amendment was not to strike the carriers completely.

It seems to me that it is most unreasonable for this Congress to put somewhere in the neighborhood of a total of $4 billion into one ship and put 3,000 persons aboard the ship and expect it to survive in modern warfare. To me that is the height of insanity.

Mr. Chairman, I wish the gentleman would change his amendment and just

simply word it to strike all aircraft carriers. However, if forced to and if I have no other alternative, I certainly will support the gentleman's amendment.

Mr. ASPIN. Mr. Chairman, I appreciate the comments of the gentleman from Colorado (Mr. EVANS).

Let me point out one more thing before my time expires. The conventional carrier that I am advocating we buy is by no means a small ship. It is 60,000 tons. It is bigger than any carrier we had in World War II, the average size of those being about 40,000 tons.

This conventional type carrier is almost twice as big as the carriers the Russians are building, and those are about 35,000 tons. This is a very large and a very capable ship that we are putting into this bill, and it is, I think, very adequate for the defense of our country and adequate to accomplish the things we want to accomplish.

Mr. BENNETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment should be defeated. It should be defeated because there probably has not been any matter of national defense that has been given the degree of study by all levels of Government and come up more consistently with the fact that this is what we ought to do.

I am not a person who has always been wedded to the nuclear carrier. Last year, in conference, many members of the Committee on Armed Services thought I was other than as vigorous and persistent as I should be when I conceded the point that we ought to evaluate alternatives. I acknowleded that many new points had been raised by some in the Senate as to why maybe it should be a conventional carrier, rather than a nuclear carrier, so I agreed to one more study. All studies had been favorable for the CUN in cost effectiveness, battle effectiveness and personnel saving effectiveness. But I felt, since there was still so much said negatively about it, we should have one more study. That new study has come in. It is unanimous. There is no dissent in it at all. It is 100 percent unanimous. It is on page 25, I believe, of the report, the resumé of it. The authorities who looked into it came to the conclusion that, even though they liked the small carrier, the cheaper carrier, nevertheless, the nuclear carrier was the way to go because it was the cost effective way to go.

It is no answer to say how many men will be aboard it. Of course, if you want to save money, you could abolish 10 divisions of the U.S. Army, get rid of those thousands of men. Then you have no defense.

Of course this carrier is vulnerable, but it just happens to be the least vulnerable—not the most, but the least vulnerable—piece of geography that the world has ever had, because it has all kinds of protective devices in addition to its mobility. When you soon add the AEGIS system, it will certainly be even more the least vulnerable piece of property in the world.

Everybody has agreed, without dissent, including OMB, including the Secretary of Defense, including the President, that we must have at least 12 carriers. Although I am not at liberty to tell the Members what the Joint Chiefs of Staff say about it, I can certainly say they have no smaller number than 12 in mind as the least number. We are not to have two or three new carriers between now and the year 2000. Only one is planned to be requested between now and the year 2000. If you are going to get only one carrier between now and the year 2000, why not get the carrier that is going to do the most for national defense?

When this carrier goes into service, it is going to supplant a carrier 40 years old.

It is cost effective. The differential between this and the other type of carrier is only about 5 percent of the life cycle of the ship. Five percent can be looked at in many different ways. If we think OPEC oil will go up—and who does not?—my guess is that it will be three times what it is today—if that is so, we could perhaps logically buy several nuclear carriers.

Mr. Chairman, in view of this situation, it makes good sense for us in 1978 to produce the nuclear carrier. One reason is that the Senate committee asked for a full study to be made of this matter and the study has come in without dissent for the nuclear carrier.

If this law is passed and authorizes a nuclear carrier the Navy authorities state they will build it with enthusiasm because they need it.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Chairman, I want to say to the gentleman from Florida (Mr. BENNETT) that on a previous vote a year or so ago, I voted against building another *Nimitz*-class carrier. However, I am impressed by the argument which the gentleman has made, and I support him in the position he is taking.

Mr. LLOYD of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am sure that it comes as no surprise that I am here in support of the large carrier; and I do not want to sound parochial and say what a goody guy I am because I have operated off a group of carriers—14, to be exact—and that I have some interest in this subject.

Mr. Chairman, I think for those of us who have had the experience of operating off and in and around carriers, the size really does make a difference.

I remember the first carrier I operated from, which was a Jeep carrier. Interestingly enough, we have submarines today that are bigger, both in weight and size, than that carrier. That was rather an interesting operation to start off with. I remember what we called the fleet carrier at that time, which was, of course, the one that was referred to before as the old World War II-type carrier.

We thought those ships were immense. Then we saw the *Midway-Franklin D. Roosevelt*-class carrier come along, and there just never was going to be anything any bigger.

When we consider that fact that the "small carrier" that has been alluded to as the CVV is actually about the same as the old *Midway-FDR* class, it is not a small ship by any manner of means. And about this, the gentleman from Wisconsin (Mr. ASPIN) is correct.

However, in the ease of operation commensurate with the aircraft we are trying to operate, it is imperative that we give them a sufficient amount of deck space and that the tighter that deck is, the tighter the squeeze for aircraft operation.

Mr. Chairman, let me tell the Members that as big as a 60,000-ton vessel would be—and fully loaded it will probably be 90,000 tons—it is nevertheless a very tight operation for today's modern aircraft; the F–14, the A–7's, the A–3's, whatever it is that we are operating on that ship, it is going to be a tight squeeze. So safety is a major consideration.

We do, indeed, increase the capability of operating with the big carrier; but the key factor in all of this is that we are talking about a new carrier, the CVV.

When we talk about the CVV carrier, no plans exist for this carrier. There have been no tests and development program of that carrier. There have been no planes which have landed on it. No engineering studies have been made. We are starting from scratch, and what we are talking about is the building of one, not two or three.

I agree with my chairman (Mr. BENNETT) when he said that if we were talking about three, the tradeoffs at this point might be reasonable. However, we are talking about just one of these carriers versus a carrier the basics of which have already been built and which are afloat. We have three of them operating, with the fourth under construction. This is the fifth, so what I am saying is let us stick with what we have because, in reality, it will cost us less.

Mr. Chairman, something else has been talked about here by my colleague, the gentleman from Wisconsin. He said it costs more money. He is right. It does cost more money.

That is like buying an automobile. One gets a cheaper one for $5,000 and it gets 10 miles a gallon; or he gets one which cost $10,000, and it gets 25 miles a gallon. So which cost more in the life of a car.

That is the difference about which we are talking. In the lifetime of this ship it will cost us more to operate that small carrier than it will that big one; and that is the compelling reason for building the CVV.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield?

Mr. LLOYD of California. I yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Chairman, I thank the gentleman for yielding.

I hope I help the cause of the large nuclear carrier by supporting it here and urging a vote against the amendment. I use this occassion to applaud Admiral Rickover for the way he has saved fuel

for this country during the last 20 years in having fathered the successful unclear fuel fleet which we have today. We are a much more secure country—militarily—today thanks to him, and I hope the next nuclear carrier launched in this country will be christened the U.S.S. *Rickover*.

Mr. LLOYD of California. I thank my colleague.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. LLOYD. I yield to the gentleman from Arizona.

Mr. RUDD. Mr. Chairman, I thank the gentleman from California for yielding to me. I recognize his background and experience on this subject. He has flown off carriers and I have flown off carriers.

I just want to talk about the concept of platforms for just a moment. In World War II, I think we had as high as, at one time, something like 14 million people in uniform. We are talking about a movable platform, a working platform here.

In today's warfare techniques there could be annihilated many hundreds of thousands of people at one time in the walking military which does not apply to the self-protective carrier platform.

But, the whole concept of platforms extends from that carrier, which develops a huge punch, either for defense or for attack. That means we can put all this power on to one platform in order to deliver that punch. It is the same concept as an airplane.

Mr. LLOYD of California. That is correct.

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Mr. RUDD and by unanimous consent Mr. LLOYD of California was allowed to proceed for 2 additional minutes.)

Mr. RUDD. An airplane is not just for the fun of flying. Its purpose is to put all the armament we can possibly get on a platform to deliver a telling punch.

Mr. LLOYD of California. A weapons system.

Mr. RUDD. This is the same concept with a carrier. The bigger the carrier, the bigger the punch is going to be, and it is able to defend itself because of the other punches surrounding it.

Mr. LLOYD of California. That is correct.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. LLOYD of California. I am happy to yield to the gentleman from Texas.

Mr. ROBERTS. Would the gentleman take a page out of his experience and tell us first, how long can we keep that nuclear carrier at sea when we have to refuel the other? Does it take a fleet of tankers to refuel conventional carriers at sea.

Mr. LLOYD of California. I would, indeed. Replenishment at sea under normal conditions for a fully operating carrier is about every 3 or 4 days. It can go for, say, 30 days on its ammunition, on its food, but generally speaking, we replenish every 3 or 4 days, and never more than a week. But, with a nuclear carrier the only replenishment is the demand for aviation fuel. That is the controlling factor, and we can expand that time to 10 to 14 days. Therefore, we have tripled the capabilities.

Mr. ROBERTS. Would the gentleman explain what does occur while they are refueling out there?

Mr. LLOYD of California. When they are out undergoing replenishment at sea, the best they are going to make is about 8 knots as opposed to 30 knots. In addition to that, they are hooked up and tied up to that tanker or supply ship, a dangerous situation.

Mr. ROBERTS. I thank the gentleman.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. LLOYD of California. I yield to the gentleman from Texas.

Mr. WHITE. With the nuclear carrier, is it not true that with the fuel it has it can go something like 10 years without refueling?

Mr. LLOYD of California. That is absolutely correct.

Mr. WHITE. With a conventionally powered carrier, that carrier can only go as fast as the supply ships themselves.

Mr. LLOYD of California. That is true. It can never get away from its base of supply, but the nuclear carrier can operate on its own.

Mr. WHITE. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from California has again expired.

(At the request of Mr. WHITEHURST and by unanimous consent Mr. LLOYD of California was allowed to proceed for 2 additional minutes.)

Mr. WHITEHURST. Mr. Chairman, will the gentleman yield?

Mr. LLOYD of California. I am happy to yield to the gentleman from Virginia.

Mr. WHITEHURST. I want to commend the gentleman, and I think that this is the appropriate time, when we are talking about characteristics of the two carriers, to mention that the CVV will have two elevators as opposed to four on CVN. It will have two catapults as opposed to four. What about battle damage if one of those is knocked out?

Mr. LLOYD of California. It would really be hampered. I would say that 50 percent of ship capability would be lost with the elevator being damaged.

Mr. WHITEHURST. This is what the Members of the House should recognize. There is no comparison in making the choice between the CVV and the nuclear ship.

Mr. LLOYD of California. None whatsoever.

Mr. WHITEHURST. The title of this amendment ought to be, "Why not the second best?"

Mr. LLOYD of California. I thank my colleagues.

Mr. SOLARZ. Mr. Chairman, I move to strike the requisite number of words.

I wonder if my distinguished friend, the gentleman from Wisconsin (Mr. ASPIN) would respond to some questions on his amendment. As someone who is not a member of the Armed Services Committee, I am a little bit confused about the need for an additional carrier, and whether or not the administration believes, in fact, that we do need one.

My understanding was that the administration had not made a request for funds for an additional carrier and that it was added on in the committee. The gentleman seeks by his amendment to knock out the nuclear-powered carrier and replace it with a conventional one. But what is the position of the administration with respect to the need for any kind of additional carrier?

Mr. ASPIN. Will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Wisconsin.

Mr. ASPIN. The position is that everybody in the administration, Graham Claytor, Harold Brown, the President, Admiral Holloway, have all said that we need another carrier. The reason we need another carrier is that the *Midway* is getting old and will need to be replaced. The question has always been, when will it be replaced, and what will we replace it with? The administration's original plan in their 5-year projected budget was to put a CVV into the budget in 1980.

The House Armed Services Committee has put a CVN in the budget in 1979. The administration has said that they will accept a CVV, a smaller carrier in 1979. They have always been in favor of the smaller carrier. The only question was whether it would be put in the 1979 or the 1980 budget. Now there is room in the budget, now that the Trident submarine has been delayed a year. There is room to put it in this budget for 1979.

I have a letter from the Secretary of the Navy, and I would be glad to have anyone read it. In that he has come out strongly in favor of the CVV in this year's budget.

Mr. SOLARZ. I appreciate the gentleman's clarification.

If everybody agrees we need another carrier, then the only question is whether it should be a nuclear or a conventional carrier. There seems to be some disagreement between the gentleman and some of the gentlemen who oppose his amendment as to the lifetime costs of one versus the other. I think many of us who are not familiar with the technical aspects of this question would probably accept the judgment that we need another carrier, but we want the one which is most cost effective.

We have heard some persuasive arguments to the effect that over the lifetime of these ships, the nuclear carrier is more cost effective. Could the gentleman indicate if that is in his judgment not the case, and, if not, why?

Mr. ASPIN. That is absolutely not the case. It has been stated by every study that has been done. It depends on what costs we look at to see how much cheaper the CVV is. It depends on whether we look at the lifetime costs of the ships alone or at the costs with the planes. No matter how we do it however it comes out that the CVV, the conventional carrier, is cheaper.

The ratio of how much it is less expensive varies, depends upon what we look at, but in absolutely every case—and I will state it categorically, that in absolutely every case—the conventional carrier comes out cheaper. That has been confirmed by the Republican administration and by the Democratic administration and by Navy people and by Congressional Budget Office people, by everybody who has looked at it.

Mr. SOLARZ. Can the gentleman give us some indication in rough terms as to how much cheaper it is? Does it come out to a few million dollars or does it come out to hundreds of millions of dollars or does it come out to billions of dollars?

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. SOLARZ was allowed to proceed for 1 additional minute.)

Mr. ASPIN. Mr. Chairman, if we take the worst case for the conventional carrier, which is just the lifetime cost of the two ships, that is the ship by itself without the planes, the ratio comes out to 5 to 4 cheaper for the conventional carrier, which is $1 billion. When we add in the planes the cost increases, and when we add the escort ships the cost increases. The difference in the lifetime costs of those two ships is $1 billion. The $1 billion will buy us a lot of ships.

Mr. SOLARZ. What is the difference if we add in everything, with the support ships and planes and everything else?

Mr. ASPIN. Then it becomes more like a 3-to-2 ratio, that we can buy three CVV's for two nuclear carriers.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, we ought to look at the facts. The facts are that it has been demonstrated over the life cycle of the carrier, when we add in the fuel costs—and that is the important difference between the nuclear ship and the oil-fired carrier—when we add in the fuel costs over the 13-year period the figures are very different.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLARZ) has expired.

(On request of Mr. STRATTON, and by unanimous consent, Mr. SOLARZ was allowed to proceed for 3 additional minutes.)

Mr. STRATTON. Mr. Chairman, if the gentleman will yield further, when we add in the costs of the fuel over the 13-year life cycle—and that is the first time a nuclear ship has to be refueled—the figures show that it costs less money to operate a nuclear ship than an oil-fired ship.

Admiral Rickover is the author of those figures, and I do not dispute him on that.

If the gentleman would yield further, I think the gentleman would want to have the full picture.

We have been talking a lot about the energy crisis. We have been talking about shifting to some energy source besides oil. Is it not better to have the one type of ship which provides the Navy's edge over the Soviet Union and gives us superiority over them, using a fuel supply that will be available so we will not have to be running constantly somewhere else to try to find oil?

Mr. SOLARZ. Mr. Chairman, I thank the gentleman for his additional explanation.

Mr. GIAIMO. Mr. Chairman, would the gentleman yield?

Mr. SOLARZ. I am happy to yield to the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Speaking about correct information, I think the correct information both on life cycle both as to the lead ship and the follow-on ships is that we have about $1 billion in savings, and that includes the estimates on fuel costs.

If you buy the CVV rather than the CVN you save $1 billion on the lead ship, on the life cycle cost over the CVN and you also save $1 billion in the original construction cost. So you are talking about an overall savings of $2 billion.

Second, we have four CVN's in the force now which will take care of the high speed missions that you might need. You do not need 13 carriers to take care of the high speed missions. If you save that $2 billion, which is not hay to start with, you could use it to buy more ships or other types of naval ships that are in short supply and which we need. I think we would, therefore, get a better mix.

We do not need an all nuclear carrier force. Certainly the Soviet Union does not have anything like what we have in nuclear carriers or any other kind of carriers.

Mr. SOLARZ. Mr. Chairman, I thank the gentleman from Connecticut (Mr. GIAIMO) for his information.

Mr. LLOYD of California. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from California (Mr. LLOYD).

Mr. LLOYD of California. Mr. Chairman, the gentleman from Connecticut (Mr. GIAIMO) does not include the support ships that have to be used. The gentleman has no way of knowing what the cost of oil will be in the year 1995. The gentleman also has not included the operability of the ships where you do not have to refuel on a schedule of once every 4 days.

I believe it is an advantage, as my colleague the gentleman from New York (Mr. STRATTON) said, to move forward and do this, to do it in this way so as to continue the advantage that we have over the other people, and, in addition, it has a real economic value.

I do not wish to accept anything else.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBERT W. DANIEL, JR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all let me say something, with all due respect to the gentleman from Connecticut (Mr. GIAIMO) in regard to the statement the gentleman has just made. He mentioned something about a lead ship. This is misleading, because this is not only the lead ship, it is also the end ship, and all the ships in between of this nature that are going to be built in the rest of this century. This is a fact that was developed by the chairman of the Subcommittee on Sea Power and Strategic and Critical Materials of the Committee on Armed Services. Further, the gentleman from California (Mr. LLOYD) was dead on the target in his analysis of the situation when you take into consideration the support ships and all of the other associated costs. The findings of our own Congressional Budget Office, which is supposed to provide us with guidance in such matters as these states:

> The *Nimitz* is clearly the most cost-effective option for a one-carrier purchase.

There is only one that is going to be purchased. Therefore, I believe that we should defeat this amendment and buy the better ship for the same life cycle costs.

Mr. CARR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take my full 5 minutes. I am only here to say that I think when we need a ship, or when we are concerned with an air platform, then I think we ought to have the CVV.

I do not think we need to build any air platform on the sea this year. Therefore, should the amendment offered by the gentleman from Wisconsin (Mr. ASPIN) fail then I am prepared to offer an amendment to strike the funds for any carrier in 1979.

Mr. TRIBLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to put this debate in proper perspective:

Two years ago the House appropriated funds for the construction of the fourth *Nimitz*-class aircraft carrier. When President Carter was elected, he moved to rescind these funds and the House and Senate supported the rescission. Many Members were persuaded by the argument that we should be investing our moneys in many smaller nonnuclear carriers rather than one large nuclear carrier, but the posture of this question has changed dramatically in the intervening year. The administration and the Committee on Armed Services agree that we need only one more carrier in order to meet our minimum force requirements until the 21st century. So it is not a choice between one nuclear carrier and many smaller nonnuclear carriers, but it is a question of building one carrier and deciding what carrier is the best investment.

Everyone will agree that the nuclear carrier on a ship-to-ship basis is far more capable.

The nuclear carrier on a ship-to-ship basis is far more capable. It is bigger; it can carry more airplanes; more fuel; more ammunition. It can cruise at higher speeds and for longer duration. Moreover, I would suggest that everyone would agree that the nuclear ship is more survivable. It is sturdier. It is a bigger ship. It can absorb a surprising

number of hits and keep fighting. Small ships cannot do that.

The question of cost is of importance to the Members of this body, and I would suggest that the question of cost has not been well resolved. We have heard arguments on both sides, but the key is this: No one knows precisely what the first ship of a new class will cost, a one-ship class. Let me point out some statistics. First of all, in this intervening year at the direction of the Congress the Navy completed a cost analysis study, and that sea-based air platform assessment has in it the life-cycle cost of the CVN nuclear carrier vis-a-vis the nonnuclear CVV. The study shows the ratio to be four CVN's to five CVV's. With the ships and the air groups combined, the ratio of CVN and CVV cost is 3 to 4. Over a lifetime there is not much difference between the cost of these two ships, and we are talking about building only one ship, not many.

Let us talk about the cost to the taxpayers of this country. That is important. I would suggest to the Members that if you will look critically at the figures of this chart in the well, you will be convinced that there is not much difference between the cost of those carriers. Indeed, we can buy a nuclear carrier for less.

First, let me direct your attention to No. 2. That is the itemization of the cost of a nuclear carrier. The construction cost with modifications, which makes it more expensive than the Senate version, is $2.3 billion. That includes the cost of propelling that ship for 13 years. Already the House and Senate have appropriated and expended $268 million for the acquisition of long-lead items for this ship. If we do not build the ship, this money is going to be lost. If we build the ship, it reduces the cost of the ship of $2.1 billion.

What is the cost of the nonnuclear ship? The estimated construction cost is $1.5 billion, but that is an estimated cost for a new ship that has never been built, a sophisticated ship.

I would suggest that experience tells us that a new ship of its class inevitably costs more than the initial estimate. If we are going to look at this ship and assess its cost, we have to factor in the cost of the fuel to propel that ship for 13 years. If we estimate the cost of procuring, storing, and delivering of the fuel for that 13-year period, we will arrive at a sum of $630 million. In order to arrive at that sum, I have factored in a 6-percent increase in inflation per year, which I think is a reasonable sum. If we add those figures up, we find that we can purchase and propel a nuclear carrier for $93 million less than the non-nuclear carrier.

In arriving at those figures I suggest we should consider other factors that we cannot quantify: the cost of inflation over and above 6 percent; the cost of that fuel oil with the price increases that will be encountered inevitably in the next 20 years; the cost overruns for the design and construction of the new ship. If we look at those figures and they are not precise because no one can speak with absolute precision, but I think they are as precise as we will find, and, I think they show eloquently that the nuclear ship is the best investment we can make.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. STRATTON, and by unanimous consent, Mr. TRIBLE was allowed to proceed for 3 additional minutes.)

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. TRIBLE. I yield to the gentleman from New York.

Mr. STRATTON. I thank the gentleman for yielding.

Is is not also true that one of the very important advantages of a nuclear ship is that it can proceed at maximum speed indefinitely; it does not have to worry about fuel consumption; it does not have to worry about running out of oil; and, therefore, it can be in the danger spot where it is needed more quickly and, therefore, it can save lives?

Mr. TRIBLE. Absolutely. The nuclear ship can propel itself for 13 years at higher speeds than the nonnuclear ship.

Mr. STRATTON. I thank the gentleman.

Mr. TRIBLE. I thank the gentleman from New York.

Mr. CARR. Mr. Chairman, will the gentleman yield?

Mr. TRIBLE. I yield to the gentleman from Michigan.

Mr. CARR. I thank the gentleman for yielding.

One of the factors that I think everyone ought to be aware of here—and of which I am sure the gentleman from Virginia is aware—is that one of the costs that was not in the study here is that we pay more for the nuclear-qualified officers to operate the *Nimitz*-class carriers.

Now, those officers get bonuses if they enlist, they get a bonus somewhere around $5,000 a year. I would like to ask my colleagues in the Committee on Armed Services, I am not sure, maybe the gentleman knows how many nuclear-qualified officers are on a *Nimitz*-class carrier that are not on a CVV?

Mr. TRIBLE. Those costs have been considered in the life cycle costs of the larger nuclear carrier cost. The figures are reflected in the conclusions rendered in the naval study.

Mr. CARR. Mr. Chairman, if the gentleman will yield further, my understanding is, if the gentleman can show me I would like to see it. My understanding is that the cost studies that were done by the DOD did not include the fact it cost more in personnel to operate the nuclear carrier than it does a CVV. Therefore, that is one area where the studies were comparing apples and oranges.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. TRIBLE. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I would like to commend the gentleman from Michigan. The gentleman is absolutely right. But there is one other point that ought to be made about escort ships.

The point is that the escort ships which the gentleman from California (Mr. LLOYD) raised; the gentleman said that the gentleman from Connecticut (Mr. GIAIMO) did not include escort ships in his cost comparison. It is fortunate that he did not include escort ships, because the argument goes the other way, against the gentleman from California (Mr. LLOYD). To escort a nuclear carrier you have to have nuclear escorts. It makes no sense to have a nuclear carrier without nuclear escorts. We have not enough escorts now for the four nuclear carriers which are in the inventory and under construction. To build a fifth would require that we need even more nuclear escorts.

On the other hand, we do have conventional escorts. The *Midway* has conventional escorts. If we were to replace the *Midway* with a conventional carrier, she would be able to use the conventional escorts from the *Midway*.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

(At the request of Mr. BENNETT, and by unanimous consent, Mr. TRIBLE was allowed to proceed for an additional 3 minutes.)

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. TRIBLE. I yield to the gentleman from Florida.

Mr. BENNETT. Mr. Chairman, my understanding is that they have fewer escorts for nuclear than nonnuclear.

Mr. TRIBLE. That is correct.

Mr. BENNETT. I wanted to add, the reason for that is that the nonnuclear escorts have to be refueled and things like that. Therefore it takes more nonnuclear escorts to provide the same protection on station as the nuclear escorts provide.

Mr. LLOYD of California. Mr. Chairman, will the gentleman yield?

Mr. TRIBLE. I yield to the gentleman from California.

Mr. LLOYD of California. Mr. Chairman, the point I would like to make to the gentleman from Wisconsin is that the gentleman's statement is just simply not correct. It takes at least 20 to 25 percent more people to man the vessels that are required to support the conventional fleet. Secondly, when you have a nuclear operation, you do not run the ship at 30 knots all the time. Normally the carriers and their two escort ships are running at a higher speed when they refuel themselves. They are tied to the carrier, and the speed of the carrier is the driving factor of the task force.

The reason I know, is that I was a qualified officer of the deck underway aboard a carrier. I do know what I am talking about.

Mr. TRIBLE. Mr. Chairman, in conclusion let me say that in the nuclear ship we have a ship that we know precisely how much it will cost. In the nonnuclear ship we are building, the first ship of its class, we have no real ideas of its cost.

I would suggest that those who support the nonnuclear ship bear the burden of proving its cost to the satisfaction of this body, and they have failed to do so.

Mr. DORNAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to associate myself with the remarks of the gentleman from Virginia.

Mr. Chairman, I rise in strong support of the committee's position and in particular associate myself with the remarks of the gentleman from Virginia (Mr. TRIBLE) and his very articulate support for authorization for a nuclear-powered attack aircraft carrier for the Navy.

I believe it would be worthwhile for me to quote from a study done by the Center for Strategic and International Studies at Georgetown University. The introduction gives an excellent abbreviated history of the status of our carrier forces. John Lehman's policy paper begins as follows:

Like the movie "Casablanca," the carrier issue has been a hearty perennial since the Second World War. Louis Johnson and Stuart Symington provided vintage years as they cut carrier force levels down to a total of seven by 1950. Then the crucial role of carriers in the Korean war so impressed the Eisenhower administration that six of the *Forrestal* class, and the first nuclear carrier, *Enterprise*, were commissioned between 1955 and 1961, averaging one per year.

Through the 1960's, the United States maintained a level of about 15 attack carriers, with active debate centering on whether all new ones should be nuclear powered. Robert McNamara was opposed to nuclear power, but enthusiastic in support of carriers themselves. As late as December 1967, McNamara recommended to the President an optimum level of seventeen attack carriers (CVA's).

This was not to be, however, as the first of the "unfunded" $30 billion per year costs of the Vietnam war, and then the rise of the antidefense era in the Senate decimated successive procurement budgets. First went the 12 anti-submarine (ASW) carriers, leaving 15 combined ASW and attack carriers called CV's. This number fell to 13 in 1974 and then 12 with the retirement of the *Roosevelt* in October of this year—1978.

Mr. Chairman, that short history tells the tale in stark and frightening reality. The U.S. Navy's capabilities to provide security for our sealanes, to project the impressive power of the United States in the most remote parts of the globe, and to provide security to the fleet which is essential to the proper functioning of the entire force, has rapidly been eroded.

I can appreciate as well as any of my colleagues that budgetary constraints are essential and that it is impossible for optimum funding of all programs and projects. But I implore my colleagues to consider this point—A tired, hackneyed, overused and yet still valid point—without our national security, all other efforts are insignificant. I contend, and I commend the Committee on Armed Services for its contention, that without another nuclear-powered, large-deck aircraft carrier, the national security of the United States will be in serious jeopardy as the 1980's see the retirement of additional carriers from the present fleet. This new carrier will maintain the force level at only 12.

But, what are we really talking about when we debate the carrier issue? Let me emphasize a few of the facts of the case:

We are talking about an authorization in this bill of some $2.13 billion—none of it in the President's budget request. And what do we get for that sum as opposed to the alternative mini-carrier? For one thing, we get a platform which, when the fuel cost differential is considered, is only $205 million more than the mini-carrier. And what do we get for those extra millions? We get a carrier which will carry three times the fuel for its aircraft, twice as much ammunition and ordnance, two more catapults, two more elevators, and 31 to 35 more aircraft. Let me repeat that last point. We get a carrier that carries 31 to 35 more aircraft than the alternative. In addition to all of this, the large-deck carrier operates in weather conditions which, in the North Atlantic, halt the activities of smaller carriers approximately 25 percent of the time.

In conclusion, Mr. Chairman, I want to again compliment the Armed Services Committee for its consistency, its constancy in the forthcoming seapower crisis, and its continued support of U.S. naval carrier capabilities. This carrier will insure that the minimum force of 12 large-deck carriers will be maintained. I would point out, parenthetically, that I would support the minicarrier concept wholeheartedly if it were additive to the first priority: nuclear-powered, large-deck attack aircraft carriers.

I urge my colleagues to support this effort and this authorization bill.

Mr. BOB WILSON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, one thing that I think has not been made sufficiently clear is the safety factor for the pilots and the crews also operate on a nuclear-powered carrier. It is at least 25 percent safer to fly off a large decked carrier than it is to fly off a medium or small sized carrier, and it is 50 percent safer when flying at night.

Less than half the accidents per sortie occur when taking off from or landing on a large carrier, as opposed to operating from small carriers.

What is that worth? To the wives and children of pilots, that is worth hundreds of millions of dollars in each instance.

It just seems to me that we have a great opportunity here. If we are going to build just one more major carrier, why should we be satisfied with something that is just half as good? Let us go all the way.

It is not going to be any more expensive. The fact is that if we buy this CVN carrier, it is already fueled for 13 years of operation, and the fact is that if we are buying this CVV, we are paying one-and-a-half times more for it. The CVV will cost the one-and-one-half times more than it would normally cost because it is a so-called lead ship and we are paying a premium for it. For nearly the same price we are getting a ship that is worth only half as much and only half the efficiency and operational capacity of a nuclear powered carrier.

Mr. Chairman, it just does not make sense to me, as long as we know this is going to be our last carrier, to buy the second best one. Let us get the best possible one for the Navy.

Mr. ROBERT W. DANIEL, JR. Mr. Chairman, will the gentleman yield?

Mr. BOB WILSON. I yield to the gentleman from Virginia.

Mr. ROBERT W. DANIEL, JR. Mr. Chairman, I do not want to let go unchallenged the statement of the gentleman from Wisconsin (Mr. ASPIN) when he said it made absolutely no sense—and I think I am quoting him correctly—to have conventional escorts for the nuclear carrier.

It makes very good sense indeed, because while it is ideal to have nuclear escorts for the nuclear carrier, the fact is that the nuclear carrier can carry fuel for the escorts, and that enhances the capability of the whole group. The ships together would be more efficient, and they would have a greatly enhanced combat effectiveness.

Mr. ASPIN. Mr. Chairman, will the gentleman yield on that point?

Mr. BOB WILSON. I will be happy to yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I would just like to respond to the gentleman from Virginia (Mr. ROBERT W. DANIEL, JR.).

The problem is that if we use conventional escorts for a nuclear carrier, we are doing two things: No. 1, we are taking away the advantage of the nuclear carrier in not having to be reliant on oilers, because then the escorts do rely on oilers; and, second, we take away its ability to move at its top speed, because a nuclear ship can move faster. If we have conventional escorts for nuclear carriers, we might as well have a conventional carrier in the first place.

Mr. ROBERT W. DANIEL, JR. But overall the capability of the task group is enhanced, is it not, regardless of the type of escorts?

Mr. ASPIN. It would not be making the maximum use of its capabilities. If we are going to have conventional escorts, we might as well have conventional carriers.

Mr. ROBERT W. DANIEL, JR. Perhaps it is not the best answer in the world, but it is a lot better than having only conventional ships.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. BOB WILSON. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, the point has been made that we can only be in one place at one time with one carrier and that we can be in two places at one time with more ships if we have conventionally powered carriers.

I just want to add this observation: That is if the tanker is cut off from the fleet and if the fossil fuel is unavailable, none of the conventional carriers can be any place at any time.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from Wisconsin (Mr. ASPIN) to delete $2.1 billion for a fifth nuclear aircraft carrier (CVN) and to substitute $1.5 billion for construction of a conventionally powered carrier (CVV).

Mr. ASPIN's amendment offers the House a choice between a 94,000-ton super carrier with a tremendously expensive propulsion system and a somewhat superior military capability, and a 60,000-ton conventionally powered carrier which is vastly less expensive but still an effective weapons platform. Both the Ford and the Carter administrations have endorsed the concept of building smaller carriers, and last year the House endorsed that concept by a vote of 252 to 161, rejecting an attempt to prevent the recission of fiscal year 1978 funds for a fifth nuclear carrier. I urge my colleagues to adopt the Aspin amendment today and hopefully put an end once and for all to the "never say die" advocacy of nuclear super carriers.

The fundamental point to be considered in making this decision is that the Navy cannot have it both ways—reaching its goals of more ships while at the same time building more expensive nuclear ships—without requiring enormous increases in the defense budget which I cannot believe the Nation will accept. The Navy already gets 44 percent of the procurement, research and development funds authorized for the Department of Defense and has 115 ships under construction. Unless the Congress endorses the administration's request for a smaller carrier, the Navy share and the total military budget will contribute to escalate out of sight.

Another point worth emphasizing is the falsity of the claim made by the advocates of nuclear carriers that they are in fact cheaper in the long run than smaller conventional carriers. They make this claim only by distortion and exaggeration of the cost of purchasing oil to operate the conventional carrier, and by underestimating the costs of operation of the nuclear carrier, including the replacement of its $100 million plus fuel core every 13 years. There is no question that the nuclear supercarrier is at least a half a billion dollars more expensive than a conventional carrier, and I urge my colleagues not to be misled by false claims of economy.

Finally, I challenge the claim that the nuclear carrier is less vulnerable to attack by Soviet forces than a conventionally powered carrier would be. The Soviet Union has 375 Badger, Blinder, and Backfire bombers assigned to naval warfare. All of these planes carry antiship missiles which can be equipped with nuclear warheads, and it is impossible to assume that even with improved air defenses none of these missiles will reach their targets.

In addition, the Soviets have 195 attack submarines and 65 cruise missile submarines whose principal mission in wartime would be to attack U.S. Navy vessels. It is irrelevant to cite the U.S.S. *Enterprise*'s ability to withstand the explosion of nine conventional bombs on her flight deck years ago as evidence of the nuclear carrier's survivability. I submit that any carrier subjected to intensive attack by these Soviet forces has little chance of surviving a hit by a nuclear-tipped missile. In fact, since the nuclear carrier is partially designed to use its aircraft for power projection onto enemy shores, requiring it to approach those shores and increase its exposure to enemy attack, one can argue that the nuclear carrier is more likely to be put out of action in the event of war.

I hope the House will resist the allure of these awesome ships by focussing on their equally awesome cost and their undeniable vulnerability. We do not need a fifth nuclear aircraft carrier.

Mr. GIAIMO. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, we have a great debate here as to whether we should add the CVN, which is the nuclear carrier, or the CVV, which is a nonnuclear carrier. I do not think we should argue the relative merits of which is the better ship. Rather, I think we should recognize the fact that we have both types and both are good.

We have 4 nuclear carriers either in being or in production, and we have in all 13 carriers in the fleet. We may reduce the number to 12. We will have four that are nuclear and nine or eight which will be nonnuclear. I think what we want to arrive at is the proper mix.

First of all, what do we need them for? What are some of the differences in the areas served? How can we best utilize scarce dollars to get the greatest naval capability? I think that is what we want to do.

I do not want to get into an argument as to which is the better ship. Sure, if everything were nuclear and all the ships including the escort ships were nuclear and they did not cost any more that would be fine, and perhaps we could go down that road. But nuclear ships do cost more. And we have to be concerned about that tradeoff.

We do not have all nuclear ships, we do not have all nuclear escort ships, and we have different naval missions.

We will have four nuclear ships, and certainly they are for high-speed purposes or for projecting power in certain kinds of scenarios. But we have other kinds of missions in the Navy. We have those that do not call for the use of nuclear ships, those that do not relate, for example, to the need to defend ourselves against the Soviet Union. Quite frankly, I highly question our carrier capability of defending ourselves against the Soviet Union, regardless of whether or not we have more or less carriers. I do not think the purpose of carriers will be to defend the United States in a strategic conflict with a nation such as the Soviet Union. I have the feeling that carriers can be used to fight a war like the last war, or to project American power in other parts of the world, like the Pacific or the Mediterranean or in the Indian Ocean, if you will. Given that, and given the fact that we have a scarce amount of dollars, let us not move precipitously. The administration and the Navy indicated they did not want a nuclear carrier, that they preferred to go the route of the smaller, less expensive carrier. They did not ask for that smaller, less expensive carrier in the 1979 budget, from what we hear however, they are intending to do so in the 1980 or in the 1981 budget. The fact is, they wanted to have options and they wanted to study the options.

I know there were those who were unhappy, because the nuclear carrier was rescinded last year, and they want to restore it now. I do not think it is the wise thing to do. I think it saves money if we do not build the additional nuclear carrier. It will save $1 billion in production. It will save $1 billion in life cycle expenditures related to that ship. That is $2 billion. That is a lot of money. The Navy could buy a lot of ships for that amount of money. The Navy could beef up its force. For example, it would be the cost of three DD-963's; it would be the cost of nine frigates; it would be the cost of six cruisers or 1½ DDG-47's the nonnuclear *Aegis* destroyers. They would be additional ships the Navy could get. I think we ought to think about that. I do not think there is anything magical about having one more nuclear carrier, certainly since there is a serious question about how effective it would be in any kind of a conflict with the Soviet Union.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. GIAIMO) has expired.

(On request of Mr. BURLISON of Missouri and by unanimous consent, Mr. GIAMO was allowed to proceed for 1 additional minute.)

Mr. GIAIMO. So I would urge the members to support this amendment. Let us get a better mix as to nuclear and non-nuclear carriers in our Navy, and also other types of ships which we can then buy with the money we would have saved.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. Mr. Chairman, I want to commend the gentleman from Connecticut (Mr. GIAIMO) on his remarks and I want to associate myself with them.

The recommendation of the administration to not build another nuclear-powered carrier, at least at this point, and instead build a CVV, is warranted on the legitimate arguments of savings in the sum of 1 to 2 or more billion dollars. The argument is logical that there is no need to have a nuclear carrier when you do not have nuclear support ships with it. Therefore, I am in support of the amendment.

Mr. PRICE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am in agreement with what the gentleman from Connecticut (Mr. GIAIMO) stated. However, I do not come to the same conclusion.

He recognized the need for a nuclear task force, and I think even mentioned

the fact that we probably should have four nuclear carriers. But how are we going to get them if we do not build them?

Mr. Chairman, if we reject the CVN and this particular program, it will be the second year in succession that the House has turned down the recommendation of the committee.

I think we ought to start now to get those nuclear carriers, and I hope that the committee will vote down this amendment.

Mr. ALLEN. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from Tennessee.

Mr. ALLEN. Mr. Chairman, I am, of course, not on the Committee on Armed Services and am at a great disadvantage in trying to discuss the technical advantages of one ship over the other.

What I would like to know, if the chairman will tell me, is, What is the recommendation of our Commander in Chief and of his military advisers?

Mr. PRICE. Mr. Chairman, the gentleman can read that in any way he wants.

Right now I haye a letter in my hand from the Secretary of the Navy which indicates their interest in carriers and in a nuclear Navy. Right now they want to go with a conventional carrier. Nevertheless, they are still interested in a nuclear carrier force.

Mr. ALLEN. That indicates that the Secretary of the Navy prefers the *Nimitz*-type carrier over the conventional carrier; is that correct?

I call to mind last year's debate when the House rejected a CVN by an overwhelming margin, and we wound up with no carrier at all. Although in its five-year shipbuilding plan, a CVV was included in FY 80 rather than FY 79, the Administration will now support a CVV this year. While Admiral Holloway has testified that he prefers a CVN to a CVV because of its admittedly superior capability, I can say categorically that he joins me in putting top priority on getting one more large-deck carrier regardless of its method of propulsion, and would prefer a CVV to no carrier at all.

Evidently the Navy is for a nuclear carrier, rather than no carrier at all—if you read that letter carefully.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. PRICE. I yield to the gentleman from Florida.

Mr. BENNETT. Mr. Chairman, I think since I heard all the hours and hours of testimony, I can boil this down quickly for the Members.

Without dissent, nobody in the Navy, that is, the military people in the Navy, gives other than top priority to the CVN. They all want the CVN over the CVV.

However, the Office of Management and Budget did not allow the Department of Defense to have enough money to give the Navy sufficient money for this carrier. Therefore, the official position of the White House, of the Secretary of Defense, and, in a way, the official position of the Secretary of the Navy even, is that they have to go along with the civilian management of the budget.

That is what the gentleman from Connecticut (Mr. GIAIMO) says; but the people who actually have to fight on the scene, and who know what they need to do about it, say that it is not only cost-effective but a better way to save lives of our men and a better way in which to win a war if we have the CVN.

Mr. Chairman, I want to say something with respect to what was said by the chairman of the Committee on the Budget. He refers to the fact that the Russians do not have as good a carrier. They have no need for a carrier. It is fantastic to me that the Russians are producing a carrier for which they do not have any real need. They have a tremendous land mass with an ability to bring to themselves almost all the natural resources in the world without going to sea. They have no problem in that respect.

We have a problem. If we have a war, we are going to have men and material going across the sea. Only 5 percent of those men and material can be carried by air. The men and material have to be carried by sea. We have to have the sea lanes open. The Russians do not.

Mr. Chairman, that is what the study of the air-based platforms was all about.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. ASPIN).

The question was taken; and the Chairman announced that the noes appered to have it.

RECORDED VOTE

Mr. ASPIN. Mr. Chairman, I demand a record vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 139, noes 264, answered "present" 2, not voting 29, as follows:

[Roll No. 368]

AYES—139

Addabbo	Edwards, Calif.	Metcalfe
Anderson, Ill.	Eilberg	Mikulski
Ashley	Ertel	Mikva
Aspin	Evans, Colo.	Mineta
Baldus	Fisher	Minish
Baucus	Florio	Moakley
Bedell	Ford, Mich.	Moorhead, Pa.
Beilenson	Forsythe	Moss
Bingham	Fowler	Natcher
Blanchard	Fraser	Nedzi
Blouin	Garcia	Nolan
Boland	Gephardt	Nowak
Bolling	Giaimo	Oberstar
Bonior	Gibbons	Obey
Bonker	Glickman	Ottinger
Brademas	Hamilton	Panetta
Brodhead	Hawkins	Pattison
Brown, Calif.	Heckler	Pease
Burlison, Mo.	Holland	Pickle
Burton, John	Holtzman	Pike
Burton, Phillip	Hughes	Preyer
Caputo	Jacobs	Pritchard
Cavanaugh	Jordan	Pursell
Chisholm	Kastenmeier	Rahall
Clay	Keys	Rangel
Collins, Ill.	Kildee	Reuss
Conte	Kostmayer	Richmond
Cornell	Krebs	Rogers
Cotter	Lederer	Rooney
Davis	Leggett	Rose
Delaney	Lundine	Rosenthal
Dellums	McFall	Roybal
Diggs	McHugh	Russo
Dingell	McKay	Ryan
Dodd	McKinney	Scheuer
Drinan	Maguire	Schroeder
Duncan, Oreg.	Mahon	Seiberling
Early	Markey	Sharp
Eckhardt	Mattox	Solarz
Edgar	Mazzoli	Stark
Edwards, Ala.	Meeds	Steers
Stokes	Vanik	Whalen
Studds	Vento	Wirth
Thompson	Walgren	Wolff
Traxler	Waxman	Yates
Tsongas	Weaver	
Udall	Weiss	

NOES—264

Abdnor	Frey	Murphy, N.Y.
Akaka	Fuqua	Murphy, Pa.
Allen	Gammage	Murtha
Ambro	Gaydos	Myers, Gary
Anderson, Calif.	Gilman	Myers, John
	Ginn	Myers, Michael
Andrews, N.C.	Goldwater	Neal
Andrews, N. Dak.	Gonzalez	Nichols
	Goodling	O'Brien
Annunzio	Gore	Patten
Armstrong	Gradison	Patterson
Ashbrook	Grassley	Pepper
Badham	Green	Perkins
Bafalis	Gudger	Pettis
Barnard	Guyer	Poage
Bauman	Hagedorn	Pressler
Beard, R.I.	Hall	Price
Beard, Tenn.	Hammer-schmidt	Quayle
Benjamin		Quie
Bennett	Hanley	Quillen
Bevill	Hannaford	Railsback
Biaggi	Hansen	Regula
Boggs	Harkin	Rhodes
Bowen	Harris	Rinaldo
Breaux	Harsha	Risenhoover
Brinkley	Hefner	Roberts
Brooks	Heftel	Robinson
Broomfield	Hightower	Roe
Brown, Mich.	Hillis	Roncalio
Brown, Ohio	Hollenbeck	Rostenkowski
Broyhill	Holt	Rousselot
Buchanan	Horton	Rudd
Burgener	Hubbard	Ruppe
Burke, Fla.	Huckaby	Santini
Burke, Mass.	Hyde	Satterfield
Burleson, Tex.	Ichord	Sawyer
Butler	Ireland	Schulze
Byron	Jenkins	Sebelius
Carney	Jenrette	Shipley
Carr	Johnson, Calif.	Shuster
Carter	Johnson, Colo.	Sikes
Cederberg	Jones, N.C.	Sisk
Chappell	Jones, Okla.	Skelton
Clausen, Don H.	Jones, Tenn.	Skubitz
	Kelly	Slack
Clawson, Del	Kemp	Smith, Iowa
Cleveland	Ketchum	Smith, Nebr.
Coleman	Kindness	Snyder
Collins, Tex.	LaFalce	Spellman
Conable	Lagomarsino	Spence
Corcoran	Latta	St Germain
Corman	Le Fante	Staggers
Cornwell	Leach	Stangeland
Coughlin	Lehman	Stanton
Crane	Lent	Steed
Cunningham	Levitas	Steiger
D'Amours	Livingston	Stockman
Daniel, Dan	Lloyd, Calif.	Stratton
Daniel, R. W.	Lloyd, Tenn.	Stump
Danielson	Long, La.	Symms
de la Garza	Long, Md.	Taylor
Dent	Lott	Thone
Derrick	Lujan	Treen
Derwinski	Luken	Trible
Devine	McClory	Ullman
Dickinson	McCloskey	Van Deerlin
Dicks	McCormack	Vander Jagt
Dornan	McDade	Volkmer
Downey	McDonald	Waggonner
Duncan, Tenn.	McEwen	Walker
Edwards, Okla.	Madigan	Walsh
Emery	Mann	Wampler
English	Marks	Watkins
Erlenborn	Marlenee	White
Evans, Del.	Marriott	Whitehurst
Evans, Ind.	Martin	Whitley
Fary	Mathis	Whitten
Fascell	Meyner	Wiggins
Fenwick	Michel	Wilson, Bob
Findley	Milford	Wilson, Tex.
Fish	Miller, Ohio	Winn
Fithian	Mitchell, N.Y.	Wright
Flippo	Moffett	Wydler
Flood	Mollohan	Wylie
Flowers	Montgomery	Yatron
Flynt	Moore	Young, Fla.
Foley	Moorhead, Calif.	Young, Mo.
Ford, Tenn.		Zablocki
Fountain	Mottl	Zeferetti
Frenzell	Murphy, Ill.	

ANSWERED "PRESENT"—2

Harrington	Mitchell, Md.

NOT VOTING—29

Alexander	Evans, Ga.	Runnels
Ammerman	Howard	Sarasin
Applegate	Jeffords	Simon
Archer	Kasten	Teague
AuCoin	Kazen	Thornton
Breckinridge	Krueger	Tucker
Burke, Calif.	Miller, Calif.	Wilson, C. H.
Cochran	Nix	Young, Alaska
Cohen	Oakar	Young, Tex.
Conyers	Rodino	

The Clerk announced the following pairs.

On this vote:

Mr. Miller of California for, with Mr. Teague against.

Mrs. Burke of California for, with Mr. Runnels against.

Mr. Archer for, with Mr. Nix against.

Messrs. WYLIE, LENT, DANIELSON, NEAL, FREY, and BUTLER changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CARR

Mr. CARR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CARR: Page 11, section 101, line 12, delete "$7,026,100,000" and insert in its place, "$4,896,500,000".

Mr. CARR. Mr. Chairman, I am not going to take my 5 minutes. I know that the Members have had their fill of carrier debate; but I put this amendment on the floor so that those of us who want to vote "no" on any carrier this year will have a chance.

The main thing here is that the President sent up to our Sea Power Subcommittee a 5-year building plan which does not include a new carrier. The fact of the matter is that the President decided, because of shipbuilding problems throughout America and particularly with respect to shipbuilders' claims that we could slip a lot of Navy stuff in here and save ourselves some money. When he sent his budget up to us this spring he sent it up without any carriers.

The recent letter we have seen circulated on the floor stating the administration's preference for a CVV in support of the Aspin amendment is a very Johnny-come-lately effort by the administration to get some votes and to try to effect a change in the House.

The fact of the matter is that we do not need a nuclear carrier in fiscal year 1979.

Mr. Chairman, I ask the House to support the amendment and defer any new carrier of any kind.

Mr. EVANS of Colorado. Mr. Chairman, I rise in support of the amendment. I will be very brief.

I know the distinguished gentleman from Florida and the committee have made a decision that they feel is in the best interests of this Nation. I just happen to have a strong, overwhelming, basic disagreement with these large aircraft carriers. It is not just the cost of $2.5 billion. It is not just the fact that you put about $1.5 billion in aircraft aboard. It is not only that you have 3,000 people on board such a carrier that is almost the size of the Empire State Building.

To me, I am absolutely convinced that once we get into a serious situation with Russia, one of the first targets Russia would look at would be these big aircraft carriers, and whether it be by missiles, surface-to-air, or air-to-surface or by submarine, these carriers are going to get knocked out quick and early.

I do not think it is wise to put so much investment of money and men into one combat machine. I hope the amendment carries.

Mr. BENNETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is no piece of equipment, no place on Earth that is less vulnerable, that is more protected than the nuclear carrier.

The second point is that the Secretary of the Navy has presented this matter to us and he did say that they do support a carrier this year. They must have 12 deployable carriers in the future. The Secretary of Defense testified they must have 12. They will not have 12 unless we build one such carrier in the immediate future.

The Secretary of the Navy says if the law is passed that authorizes and directs the nuclear carrier, they will build it with enthusiasm. He so testified before the Seapower Subcommittee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CARR).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CARR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 106, noes 293, not voting 35, as follows:

[Roll No. 369]

AYES—106

Addabbo	Garcia	Ottinger
Aspin	Gephardt	Pattison
Baldus	Giaimo	Pease
Bedell	Gibbons	Pike
Beilenson	Green	Pritchard
Bingham	Harrington	Quie
Blouin	Hawkins	Rangel
Bonior	Holtzman	Reuss
Brademas	Jordan	Richmond
Brodhead	Kastenmeier	Rosenthal
Brown, Calif.	Keys	Roybal
Burlison, Mo.	Kildee	Ruppe
Burton, John	Kostmayer	Ryan
Burton, Phillip	Leggett	Scheuer
Caputo	Lehman	Schroeder
Carr	Long, Md.	Seiberling
Cavanaugh	McCloskey	Smith, Iowa
Clay	McEwen	Solarz
Collins, Ill.	McHugh	Stark
Conable	McKinney	Steers
Conyers	Maguire	Steiger
Cornell	Markey	Stockman
Coughlin	Mattox	Stokes
Dellums	Metcalfe	Studds
Dingell	Meyner	Thompson
Downey	Mikva	Tsongas
Drinan	Mineta	Vanik
Early	Mitchell, Md.	Volkmer
Eckhardt	Moffett	Weaver
Edwards, Calif.	Moorhead, Pa.	Weiss
Evans, Colo.	Moss	Whalen
Fenwick	Nedzi	Wirth
Fisher	Nolan	Yates
Forsythe	Nowak	Young, Mo.
Fraser	Oberstar	
Frenzel	Obey	

NOES—293

Abdnor	Fowler	Myers, Gary
Allen	Frey	Myers, John
Akaka	Fuqua	Myers, Michael
Ambro	Gammage	Natcher
Anderson, Calif.	Gaydos	Neal
Andrews, N.C.	Gilman	Nichols
Andrews, N. Dak.	Ginn	O'Brien
Annunzio	Glickman	Oakar
Armstrong	Goldwater	Panetta
Ashbrook	Gonzalez	Patten
Ashley	Goodling	Patterson
Badham	Gore	Pepper
Bafalis	Gradison	Perkins
Barnard	Grassley	Pettis
Bauman	Gudger	Pickle
Beard, Tenn.	Guyer	Poage
Benjamin	Hagedorn	Pressler
Bennett	Hall	Preyer
Bevill	Hamilton	Price
Biaggi	Hammer-schmidt	Pursell
Blanchard	Hanley	Quayle
Boggs	Hannaford	Quillen
Boland	Hansen	Rahall
Bolling	Harris	Railsback
Bonker	Harsha	Regula
Bowen	Heckler	Rhodes
Breaux	Hefner	Rinaldo
Brinkley	Heftel	Risenhoover
Brooks	Hightower	Roberts
Broomfield	Hillis	Robinson
Brown, Mich.	Holland	Roe
Brown, Ohio	Hollenbeck	Rogers
Broyhill	Holt	Roncalio
Buchanan	Horton	Rooney
Burgener	Hubbard	Rose
Burke, Fla.	Huckaby	Rostenkowski
Burke, Mass.	Hughes	Rousselot
Burleson, Tex.	Hyde	Rudd
Butler	Ichord	Russo
Byron	Ireland	Santini
Carney	Jacobs	Satterfield
Carter	Jenkins	Sawyer
Cederberg	Jenrette	Schulze
Chappell	Johnson, Calif.	Sebelius
Clausen, Don H.	Johnson, Colo.	Sharp
Clawson, Del	Jones, N.C.	Shipley
Cleveland	Jones, Okla.	Shuster
Coleman	Jones, Tenn.	Sikes
Collins, Tex.	Kelly	Sisk
Conte	Kemp	Skelton
Corcoran	Ketchum	Skubitz
Corman	Kindness	Slack
Cornwell	Krebs	Smith, Nebr.
Cotter	LaFalce	Snyder
Crane	Lagomarsino	Spellman
Cunningham	Latta	Spence
D'Amours	Le Fante	St Germain
Daniel, Dan	Leach	Staggers
Daniel, R. W.	Lederer	Stangeland
Danielson	Lent	Stanton
Davis	Levitas	Steed
de la Garza	Livingston	Stratton
Dent	Lloyd, Calif.	Stump
Derrick	Lloyd, Tenn.	Symms
Derwinski	Long, La.	Taylor
Devine	Lott	Thone
Dickinson	Lujan	Traxler
Dicks	Luken	Treen
Dodd	McClory	Trible
Dornan	McCormack	Udall
Duncan, Oreg.	McDade	Ullman
Duncan, Tenn.	McDonald	Van Deerlin
Edgar	McFall	Vander Jagt
Edwards, Ala.	Madigan	Vento
Edwards, Okla.	Mahon	Waggonner
Eilberg	Mann	Walgren
Emery	Marks	Walker
English	Marlenee	Walsh
Erlenborn	Marriott	Wampler
Ertel	Martin	Watkins
Evans, Del.	Mathis	Waxman
Evans, Ga.	Mazzoli	White
Evans, Ind.	Meeds	Whitehurst
Fary	Michel	Whitley
Fascell	Mikulski	Whitten
Findley	Miller, Ohio	Wiggins
Fish	Minish	Wilson, Bob
Fithian	Mitchell, N.Y.	Wilson, C. H.
Flippo	Moakley	Wilson, Tex.
Flood	Mollohan	Winn
Florio	Montgomery	Wolff
Flowers	Moore	Wright
Flynt	Moorhead, Calif.	Wydler
Foley	Motti	Wylie
Ford, Mich.	Murphy, Ill.	Yatron
Ford, Tenn.	Murphy, N.Y.	Young, Fla.
Fountain	Murphy, Pa.	Zablocki
	Murtha	Zeferetti

NOT VOTING—35

Alexander	Cohen	Miller, Calif.
Ammerman	Delaney	Nix
Anderson, Ill.	Diggs	Rodino
Applegate	Harkin	Runnels
Archer	Howard	Sarasin
AuCoin	Jeffords	Simon
Baucus	Kasten	Teague
Beard, R.I.	Kazen	Thornton
Breckinridge	Krueger	Tucker
Burke, Calif.	Lundine	Young, Alaska
Chisholm	McKay	Young, Tex.
Cochran	Milford	

The Clerk announced the following pairs:

On this vote:

Mr. Miller of California for, with Mr. Nix against.

Mrs. Burke of California for, with Mr. Teague against.

Mrs. Chisholm for, with Mr. Jeffords against.

Mr. CONTE changed his vote from "aye" to "no."

Mr. YOUNG of Missouri changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LLOYD OF CALIFORNIA

Mr. LLOYD of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LLOYD of California: Page 11, line 5, strike on line 6 the amount "$7,046,400,000" and insert in lieu thereof the amount "$6,984,200,000."

Mr. LLOYD of California. Mr. Chairman, this amendment is not the same amendment that I offered before. I am not trying to strike all of the funds for the A–10. What I am talking about is the long-lead items for 125 of these, aircraft plus $22.9 million for an inertial navigation system.

What I am really doing, in essence, is saying to the Air Force, "OK, if you want the A–10 in the northern European environment, you got it," but what I am also saying, because I firmly believe this to be the absolute poorest aviation weapons system that we have today in our arsenal—is that it is archaic; the technology that is involved in this weapons system is over 25 years old, it is a straight wing aircraft; we have a proven engine, and there is nothing wrong with the aircraft and its flight capability—it flies. The only thing wrong is that it is rated at a little over 400 knots, but as soon as we put any kind of load on it we are back to the speeds we were back to at the time of the Korean war.

I am told that the major function of this aircraft is bringing this gun, which is a 30 millimeter high cyclic rate of fire gun, to bear on tanks. They go out and kill tanks with the aircraft, and do it at 100 feet off the ground in the battleline environment.

I will tell you who are going to be killed in a battle scenario at 100 feet off the ground. Pilots are going to be killed. The reason I know is that I have flown close air support, and I want to tell the Members that this is not the right support application of this system.

I spoke to some marines the other day, and I said, "If you had your choice, would you take the A–10 or the A–4?"

They flat out told me that they did not want the A–10 under any circumstances, that they will take the A–4, which is two generations older than this airplane.

In addition, I have asked Navy people; I am not talking about admirals and generals and those great analysts over there in the Department of Defense—I am talking about the people who have to fly this airplane during wartime. They tell me they do not want it. They say it is the last one they want, but if you put it on the point of whether it is this plane to fly or no flying at all, yes, they will fly it.

I hear from my flying colleagues and I asked some of the pilots whether they really want this as a weapon system. The answer is "no."

Any pilot who gets into an airplane does not believe that aircraft to be the best is a damn fool. I have flown some pretty sick airplanes in my day, but never did I crawl into an airplane and not believe that it would operate properly. These guys who operate the A–10 are going to do the same thing exactly and I admire them for it. They are going to take their chances in an aircraft that ought not be going into the main battlefield area in support of ground troops. If this is a good weapons system so too is the F–111 and the F–14, and we can use anything at that point. We do not need this expensive aircraft.

We started out with this aircraft at $1.8 million. That was all it was going to cost us. We are now up to $6.3 million and going higher every day. We were told that we did not need the sophisticated infrared systems or the inertial navigations system, and yet, by golly, here it is and we need it. We really are being had by a weapons system that is not good enough operationally and economically.

If we have to have the A–10, for goodness sake, reduce the buy and put the extra money into the F–16's or F–15's, and let us put our money where it counts. That is why I am asking the Members to vote with me on this amendment. Show the pepole we have the ability to discriminate in weapons systems.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

I think what we have here is an individual who has had a very distinguished record as a pilot of a very rapid flying jet aircraft, who finds it difficult to accommodate himself to the idea of the A–10, which is a new type and slower plane, developed very largely in response to the efforts of the House Armed Services Committee to provide a really effective close air support for our troops on the battlefield, whether in Vietnam or in Europe.

The A–10 is admittedly a cumbersome looking aircraft. It does not fly as rapidly as the other jets. But actually it is a kind of flying tank. It was built to be used for close air support, and is specifically designed against tanks. Maybe those who fought in previous wars do not think that an aircraft can be used against tanks, but that is exactly what the aircraft is for. It has demonstrated its usefulness, and I think it would be a serious mistake for us to cut it out.

The Air Force has demonstrated that it can work. The Air Force wants the money in there for it. As I say, it was largely pressure from the House Armed Services Committee to develop a close air support plane that could be utilized in a combat situation, that led to the production of the A–10.

It has long been under development and in production. We have got several hundred of them in the inventory already. The Air Force wants 200 more. The gentleman from California wants to cut out the long leadtime items. That means we are going to deprive our troops in Europe of these planes if the Russian superiority in tanks should suddenly be used and they should break through with their 18,000 tanks against our 6,000. This plane would give us an ability to take out those tanks.

Mr. BADHAM. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from California.

Mr. BADHAM. Mr. Chairman, I understand this amendment is to knock out the inertial navigation system. My impression of the inertial navigation system basically was that it would permit a pilot in a plane where he knows where he is to go off to some place where he does not know where he is going. If this is for use in Europe in an airplane for close air support against tanks where presumably the pilot knows where he is, why is this necessary to have in that aircraft?

Mr. STRATTON. I do not know what the exact reasons are for the Air Force request but my understanding is the European environment is very frequently involved in fog and the number of rainy days and days of poor visibility are extremely numerous in that theater.

The use of this inertial navigation system will make it possible for the pilot to be absolutely certain where he is and for zeroing in on his target in spite of the weather. If that is so, if the Air Force feels that is what they need, I think we ought to give it to them.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Chairman, I would state that on low approaches, when they are flying 100 feet or so above the ground it is very difficult to know where one is and this system permits such low level flying with very accurate navigation which is very important.

Mr. Chairman, let me add that I wish to associate myself with the remarks made by my colleague, the gentleman from New York (Mr. STRATTON), on this issue. We have gone down this road before, this is not the first time that we have had this issue before us because we have had it before us for the last few years. We are committed to the program, and to the A–10 plane. We have approved an increase in its numbers for 4 or 5 years

and if we do not go this route we will not have anything.

This plane is well armored with a titanium armored seat around the pilot. It has a very high performance gun. It has other things that help adapt it to use against tanks. The A–7's and all the others do not have the features to go after tanks that this plane does.

Mr. STRATTON. Mr. Chairman, if there is any one Member of this body who is responsible for this plane's being developed, it is the very knowledgeable and respected former member of our committee who, unfortunately, will be retiring at the end of this year. I am referring to the distinguished gentleman from New York (Mr. PIKE).

The gentleman from New York (Mr. PIKE) stayed after the Air Force to develop this kind of plane. It was clearly as result of his foresight that we have finally developed the A–10. Therefore, Mr. Chairman, I think, in the year that marks the last service of the gentleman from New York (Mr. PIKE) in this body, it would be most ungrateful for us to knock out this plane of his.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOWNEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. LLOYD of California. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY. I will yield briefly to the gentleman from California.

Mr. LLOYD of California. Mr. Chairman, I thank the gentleman for yielding and I would just like to make one point that was brought up by the gentleman from California (Mr. BADHAM) who inquired about the inertial navigation system, and there is no question about the fact that this aircraft needs this INS system. However, they led us to the conclusion that they did not need it when they first proposed the A–10. They told us they did not need it, whereas it is, clearly, needed for this aircraft.

There is also no question about the gentleman from New York (Mr. PIKE) doing what was said but the war this aircraft was designed for is over and gone.

Mr. AMBRO. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY. I will yield briefly to my colleague, the gentleman from Long Island, N.Y. (Mr. AMBRO).

Mr. AMBRO. Mr. Chairman, I thank the gentleman for yielding me this time. We are asked to consider an amendment to the DOD authorization bill that would cut the Air Force budget by $51.6 million for long lead time procurement and associated R. & D. funds for the A–10 antitank attack aircraft—a plane designed specifically for close air support of ground troops facing an armor threat.

In considering whether to reduce this program, I think it is important that you recognize that procurement levels authorized in this bill are precisely the same as those recommended and requested by the Secretary of the Air Force, the Secretary of Defense, and the President of the United States. They are the same as those approved by a House Armed Services Subcommittee, the full committee, Senate subcommittee and full committee. Every tier in the Federal budget making process, on both the executive and legislative side, with authority and expertise in military and defense matters has endorsed this program precisely as it is contained in the bill on the floor. There have been neither add-ons nor reductions.

Furthermore, amendments essentially the same as this one to reduce A–10 procurement and related program ingredients were offered in committee by the sponsor of this amendment; and defeated in each instance by almost 3-to-1 margins.

The sponsor of this amendment, my good friend and colleague from California, (JIM LLOYD), offers this measure in the firm and sincere belief that the plane is unworthy of the tax dollars being spent on it.

Not a single Member of the House can question either Mr. LLOYD's commitment to this Nation's military preparedness or his knowledge of fighter aircraft and aviation. I will be the first to defend his determination that this Nation's defense capability be second to none, as well as his expertise in aviation.

But all other experts, whether at the Department of the Air Force, Department of Defense, White House, House or Senate Armed Services Committees, disagree with him on this matter.

They believe that the United States and our NATO allies desperately need the A–10 to counter the Soviet and Warsaw Pact armor and tank numerical superiority.

They believe that on-schedule procurement and deployment of A–10 squadrons are essential to force modernization and tactical preparedness.

They believe that recent changes in the air defense threat, particularly in Europe, require lower altitude capabilities than originally called for in A–10 design and that the current budget provides those capabilities, including:

Flying at extremely low altitudes; as low as 100 feet;

Eliminating the need for straight and level flight which virtually rules out effective antiaircraft sighting by enemy forces.

They believe that total Air Force modernization calls for procurement recommended in this bill, which includes A–10 deployment for our Air Force Reserve components.

They believe that the A–10 is the weapon that should meet Soviet and Warsaw Pact armored divisions rolling across Eastern Europe should a breakthrough occur. They believe that such a threat is real. They believe that such a threat mandates a highly maneuverable, unconventional, devastatingly effective warplane. They believe the A–10 is that plane.

The House and Senate Armed Services Committees believe them. The White House believes them. The Secretary of Defense believes them. The Secretary of the Air Force believes them. And I believe them.

The sponsor of this amendment, obviously, thinks otherwise. The experts disagree with him.

I ask you to join our associates on the Armed Services Committee and once again reject this attempt to reduce the procurement of this incredibly capable "tank killer," just as you rejected such an attempt by a 2-to-1 margin a year ago.

I just wanted to ask the gentleman from upstate New York (Mr. STRATTON) whether or not it is true, since neither of us is a pilot and that, as a result, our judgments are made through the recommendations given by the experts, from reviews, from fly-offs, and is it not true that this plane, at this level of funding, comes from recommendations of the President, the Department of Defense, the Air Force, the Joint Chiefs of Staff, General Haig, and all the others who have reviewed this plane and its capabilities, its mission and that they indeed want it?

Mr. STRATTON. Mr. Chairman, will the gentleman yield briefly?

Mr. DOWNEY. I will be happy to yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I would say that the gentleman from New York (Mr. AMBRO) is absolutely correct. As a matter of fact, we have had objections to this A–10 before, in the discussions of the Committee on Armed Services, and we had a fly-off between the A–7 and the A–10. After that fly-off the pilots came in before the committee and they testified that for the mission of the A–10, the A–10 was the best aircraft.

Mr. AMBRO. Mr. Chairman, I thank the gentleman very much for yielding and I also thank the gentleman for his remarks.

Mr. DOWNEY. Mr. Chairman, the A–10 was designed to shoot down tanks. It has a 30-millimeter gun known as a Gau–8. It is essentially an airplane that has been built around a gun. It has a titanium cockpit to protect the pilot against ground fire.

I might add that it is not a very sexy looking aircraft and it does not fly very fast and as I say, it does not look very sleek, but it does its mission, especially in the European theater where it will come up against the Russian tanks, and it can destroy them emphatically.

My good friend the gentleman from California (Mr. LLOYD) is a very able pilot but does not like the A–10, despite the trips that he has taken to New York to look at the plane. The plane is under cost and on schedule, a rarity for Department of Defense programs, and I urge the committee to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LLOYD).

The question was taken; and on a division (demanded by Mr. LLOYD of California), there were—ayes 23, noes 45.

So the amendment was rejected.

The CHAIRMAN. Are there any further amendments to title I? If not, the Clerk will read.

The Clerk read as follows:

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated for fiscal year 1979 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $2,586,215,000, of which the $8,100,000 available for cooperative tank gun development shall not be obligated unless the Committee on Armed Services of the House of Representatives acts favorably on the proposed reprogramming action for fiscal year 1978 funds for cooperative tank gun development as requested by the Department of Defense on January 31, 1978.

For the Navy (including the Marine Corps), $4,287,009,000, of which $10,000,000 shall be available only for research and development of the existing Extremely Low Frequency (ELF) system and none of which shall be available for full-scale development or construction of a new test bed facility for such system.

For the Air Force, $3,989,400,000.

For the Defense Agencies, $974,816,000 of which $27,600,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

Mr. PRICE (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. DOWNEY

Mr. DOWNEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DOWNEY. Page 12, section 201, delete line 21, and insert in its place the following: "For the Air Force, $4,018,600,000, of which $29,200,000 shall be available for research, development, test, and evaluation of a wide-body strategic cruise missile carrier including, at the discretion of the Secretary of Defense, use of wide-body aircraft originally placed in the Air Force inventory for other purposes."

Mr. DOWNEY. Mr. Chairman, I might say at the outset that the wide-bodied cruise missile carrier is not built on Long Island nor anywhere near Long Island. I suspect if it is built at all, it will be built in Seattle. It is a program that the administration and the Air Force have asked for. What the administration asked for is $41 million to study a number of different prototypes to be cruise missile carriers. What I am asking for is $29 million to provide for a study of the number of options—basically, the airframe of the 747, which would be configured as a cruise missile carrier.

Why do we need a cruise missile carrier? President Carter indicated when he decided not to go ahead with building the B–1 bomber that he wanted to have a mix of B–52's and cruise missile carriers to stand outside the Soviet Union, in the case of the cruise missile carrier to fire cruise missiles on targets into the Soviet Union in the event that a war should break out.

The cruise missile carrier has certain advantages over the B–52. If it is a 747 or an L–1011 or a C–5, that particular platform could carry between 60 and 70 cruise missiles as opposed to 20 which could be carried on a B–52.

The alert rate of the B–52 and the cruise missile carrier are approximately the same. In other words, they can both take off quickly under attack and with additional money, if it is provided in out years, it can be hardened to as the flexing command post is against a nuclear blast.

It has a number of unique advantages, over the B–52. It can carry more missiles. It has additional room for crew space, so it can stay on alert longer. In a Cuban missile-type crisis, it can be airborne as quickly as a B–52 and stay on alert longer and in the air longer.

The last point I want to make, and I do not normally like to make this argument, but I believe it is an important one, is that during the SALT II negotiations we have managed to get the Soviets to concede the fact that we can produce a cruise missile carrier. It seems to me that this Congress, and particularly the Committee on Armed Services, would not want to preclude our SALT II negotiators from one of the effective positions they have negotiated. If we do not provide the money in the House, it is provided in the Senate bill and I suspect some compromise could be worked out, but I think it is very important for the Members to further realize that the cruise missile has advantages in the terms of warheads it can carry, the time it can stay aloft and it is equal to if not better escaping a short SLBM attack.

I think it is a $29 million option that we want to preserve. If you are against the $29 million, you are against the option and it seems to me it leaves you in the position that you either go back to the B–1 or another penetrator, or in the future look to some alternative platform for a cruise missile, which would be more expensive.

One other thing I will say about the cruise missile carrier, that it, that the carrier is very expensive. It is almost 80 to 90 percent of the cost of a B–1 bomber. Fortunately we do not want to develop 244 of them. We may want to build 50 or we may want to build 100, but we do want the option of keeping the B–52 and the cruise missile carriers.

I urge in terms of strategic deterrents and hard targets kill capability the cruise missile is the most positive way to go. It will do much toward destroying the hard-target points in the Soviet Union that we would want to do with our bombers, but which we might not want to do with our ballistic missiles.

I urge that we keep the $29 million to keep the option for acquiring the planes and keeping our deterrent forces strong.

Mr. ICHORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, my good friend, the distinguished gentleman from New York (Mr. DOWNEY) is in a very unusual position in that the gentleman is going against his R. & D. Subcommittee on a deletion. It is not very often that the gentleman from New York comes before this House asking for an add-on and not supporting reductions; but I would state to the Members of the House that we looked at this wide-bodied cruise missile carrier very, very carefully, in the R. & D. Subcommittee. After giving it a long hard look, we voted on the program.

There were only two Members, if my memory serves me correctly, who supported this, and I refer to this $41.2 million for a wide-bodied cruise missile carrier. I believe they were the gentlewoman from Colorado (Mrs. SCHROEDER) and the gentleman from New York (Mr. DOWNEY).

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentlewoman from Colorado since I mentioned her name.

Mrs. SCHROEDER. Mr. Chairman, I want to clarify the gentleman's statement. He is correct that I did support the deletion of the wide-bodied cruise missile carrier. I supported the deletion when it was at the higher figure, but I think the gentleman from New York (Mr. DOWNEY) has now lowered it to $29 million and has provided the test be one plane rather than two planes. Therefore I now support this program.

Mr. ICHORD. Mr. Chairman, whether it is $29 million or $41.2 million, let me state to the Members of the House that what they are asking us to do is to start off on a multibillion dollar program, building an airplane that is going to cost better than $100 million a copy.

Now, we thought the B–1 was high in price. This one is going to cost $100 million a copy, and it is going to be sitting out there, particularly with the 2,500-kilometer limitation, like a sitting duck.

The logical defense against a wide-bodied cruise missile carrier is to deny that wide-bodied cruise missile carrier a launch point. If we have a 2,500-kilometer limitation—and it looks like we are going to have that in SALT II—I can tell the Members of this body today that they are very, very vulnerable.

I was talking to the Air Force only last night, and I was told that in the 1980 time frame, when the wide-bodied cruise missile, this monster that costs $100 million a copy, does come into the inventory, there is not going to be any doubt about the Soviets being able to shoot it out of the air. Personally, I believe that such a plane, if it were in existence today, it would be very vulnerable. In any event we can expect the Soviets to continue to extend their defense parameters.

Mr. Chairman, I want to make one more point. The committee was greatly concerned that the SALT II treaties themselves would make the wide-bodied cruise missile carrier a dead issue. I have just received the latest report from the SALT II negotiations which supports and

substantiates the decision of our Subcommittee on Research and Development. Apparently the gentleman from New York (Mr. DOWNEY) has not received it as yet.

This is the report, the latest word that I have received: It is that the Soviets have accepted our approach for B–52's carrying ALCM's contingent upon agreement that no ALCM carrier can have more than 20 cruise missiles, and also contingent upon exclusion of Bison tankers from the overall aggregate.

They further state they will not accept fragmentization limits on ICBM's unless we accept similar limits on ALCM carriers.

The CHAIRMAN. The time of the gentleman from Missouri (Mr. ICHORD) has expired.

(By unanimous consent, Mr. ICHORD was allowed to proceed for 3 additional minutes.)

Mr. ICHORD. Mr. Chairman, the report further states that this approach is intended to avoid contentious negotiations during conclusion of the SALT II negotiation by putting this issue off for now. It would be most acceptable to the Soviets if limits on new types of ICBM's were contained only in the protocol. The question of cruise missile, other than B–52's, is bound up with other issues that should be addressed in SALT II.

Mr. Chairman, I say to the Members of the House that it is all over. We have 120 B–52 (G)'s already in the inventory that can carry 20 missiles each, and they are asking us to embark on a multibillion dollar program that most certainly will be canceled in the very near future. Why do we need a $100 million aircraft that can carry 60 missiles if SALT limits our cruise missile carriers to 20 missiles?

In my early remarks I pointed out that we must halt this expensive start and stop syndrome. This is one program that will never go any place, I assure the Members, because of the vulnerability of the aircraft and I ask you to support your Subcommittee on Research and Development.

Mr. WHITEHURST. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Virginia.

Mr. WHITEHURST. Mr. Chairman, this is a quotation in support of the gentleman's own arguments which are very effective. Secretary of Defense Harold Brown on April 29 last year made this statement, and let me just read it into the RECORD:

> The estimated cost to develop and procure one hundred 747-type cruise missile carriers is about $10.6 billion. . . The cost of cruise missiles would add about $5.9 billion in inflated dollars, or about $5.1 billion in constant fiscal year 1978 budget dollars, to this total.

It is obvious we will have a total cost of about $16 billion to convert a commercial aircraft to a cruise missile carrier.

Mr. ICHORD. The gentleman is correct. I thank the gentleman for his most astute observation. Mr. Chairman, I want to point out to the Members of the House that I have a parochial interest in this matter. One of the contenders for the missile carrier is made by McDonnell Douglas, which is located in Missouri; parochial interests naturally tend to make a Member look with more favor on a given program but this proposal is so ludicrous that I could never vote for such a program.

Mr. BADHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment to restore funding to the cruise missile carrier aircraft program. I do so not because of concerns over the issues of survivability, affordability, and performance—although I, too have these concerns—but because of what the Department proposes to do in their research and development program.

Let me first remind the Members that this is not a $41 million program, it is a $96 million program. That is the total price tag. And what do we get for this effort? Do we get an operational cruise missile carrier aircraft? Absolutely not. In fact, the Government will not even own the aircraft, it will either be leased or furnished by the contractor.

Let me read what the Air Force proposes to do for $96 million, and I want to point out that this description comes directly from the Air Force research and development justification books:

> The Cruise Missile Carrier Aircraft (CMCA) program is an orderly examination of the operational and technical suitability of current generation wide body aircraft to perform the standoff cruise missile carrier role. It is a forward looking program with the objective of providing a mid-term (1980s) option to supplement the B–52 if this capability is required. The B–52G can carry cuise missiles in sufficient quantities to fulfill anticipated national needs well into the mid-term period.

What this all boils down to is simply this: the Air Force wants to determine whether it is possible to dump a cruise missile out the rear end of a 747, DC–10, L–1011, or C–5A. In my view, that is a rather pedestrian sort of thing to do. Where is the technical challenge in that? Why should it cost $96 million to demonstrate this capability? And, let me again remind you, for this $96 million, we are not even buying an aircraft.

I think the Defense Department is grandstanding on this one. First, there is no immediate need to go to a wide-body cruise missile carrier fleet. By the Air Force's own admission, the B–52G's can do this job well into the midterm.

Second, if we ultimately need to go to a wide body carrier, we do not need to "warm up" with a $96 million program. After modifying the B–52G's to carry cruise missiles, modifying a wide body aircraft should be a "piece of cake." That is not to say it will be cheap or that some research and development will not be needed.

My point is, why do it now? We do not need a wide body cruise missile carrier at present and, if and when we do, let us do the research and development once and for all. The technical challenge is not that great. Compared to the complexities involved in designing a nuclear powered submarine, a high performance fighter aircraft or a sophisticated surface-to-air missile, modifying a wide body commercial aircraft to carry cruise missiles is a relatively simple task.

I urge you to join with me in voting to defeat this amendment.

Mr. LLOYD of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment to add funds for the conversion of a wide bodied commercial aircraft to a cruise missile carrier.

Each of us here today has an obligation to maintain, through legislation, the national security of this country. Let us not forget, however, that we also have an obligation to insure that the tax dollars of our constituents are used effectively and efficiently to reach this objective. If the Congress provides funds to build a dedicated cruise missile carrier, then I believe that we are acting capriciously and certainly not in the best interests of the people we represent.

Let us review for a moment the President's statement of last June 30 to terminate production of the B–1 aircraft. The President said:

> * * * we should begin deployment of cruise missiles, using air-launched platforms such as our B–52s, modernized as necessary.

Earlier in the statement, the President alleged that the bomber-delivered cruise missile system was a more cost effective approach than the B–1.

Whether you agree or disagree with the President on this point—or whether you are for or against the B–1—is a rather moot point at this time. The President recommended killing its production; Congress has voted to support that recommendation. And I have reluctantly accepted that decision. I am not up here to reincarnate the B–1. I am up here to solicit your support to defeat an amendment that would give us a weapon system that is most certainly cost and performance ineffective. I urge each and every one of you here today to vote against this folly called a cruise missile carrier. It is a folly because the Department of Defense is talking about converting a $35 or $45 million commercial aircraft into a weapon system that, when finished, will cost $100 million per aircraft—an aircraft that would have virtually no chance of surviving in combat.

I am not going to throw out numbers in the absence of supporting data. Today, a DC–10 or a 747 cost $35 and $45 million respectively. Using the Department of Defense estimates, the conversion of either of these aircraft to cruise missile carriers would add in excess of $50 million to this price tag. Now, this resulting $100 million aircraft would not be capable of surviving in a nuclear environment.

The supporters of this amendment contend that such an aircraft could launch cruise missiles outside the Soviet air space. This is a little far-fetched and it does not take a mathematician to realize that the cruise missile range constraint that is currently being negotiated in SALT II would make it absolutely essential for this cruise missile

carrier to operate well within the range of the existing Soviet defense capability.

So for those of you who did not like the B–1 because of its $85 million cost, I ask you to consider how we could justify an aircraft that costs at least $20 million more and cannot do nearly as much.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

I have sat and listened to the debate; and of course, am aware that one of these wide bodied aircraft is built in my district, as are others in other districts.

Mr. Chairman, while not a member of the committee, I have had an opportunity to see the presentation of using the wide bodied aircraft as a cruise missile launcher. We have heard a lot of conversation today on the floor to the effect that we are building one of this and one of that. Now we have an opportunity to look at existing aircraft that already are flying, that already are being produced, and that already have a performance rating, and to spend money to look at what additional services wide bodied aircraft can provide.

We have the new special performance Boeing 747. I certainly would think that this would be a prudent investment. To say that when we need it, we will do the research and development is a case of locking the barn door after the horse has been stolen.

David would have a tough time finding a stone once Goliath was stepping on him.

Mr. DOWNEY. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from New York.

Mr. DOWNEY. Mr. Chairman, I thank the gentleman for yielding.

I might point out that the gentleman from Missouri (Mr. ICHORD) mentioned an interesting proposal in SALT about the limitation on the volumetric, I would assume, constraint on the B–52.

I followed those negotiations resonably closely, and I find nothing in the negotiations at the present time that would preclude us—quite the contrary—from having a wide-bodied option, which is something we would negotiate.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, in answer to the gentleman from New York (Mr. DOWNEY), I think the gentleman from New York was out of the Chamber when I made my remarks, and he can be advised that that information is fresh from the State Department.

I think the gentleman will agree that if we are going to limit the cruise missile carrier to 20 cruise missile carriers, then the wide-bodied cruise missile carrier, which will carry approximately three times the 20, or 60 cruise missiles—and it has been estimated as high as 70—is out the window, would he not?

Mr. DOWNEY. If the gentleman will yield further, Mr. Chairman, I would certainly agree, and I do not question the veracity of my friend, the gentleman from Missouri. I would only question the unique timing of his information.

Mr. ICHORD. It just so happened that it just arrived, I would state to the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. DOWNEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DOWNEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 145, noes 246, not voting 43, as follows:

[Roll No. 370]

AYES—145

Addabbo	Foley	Moakley
Ambro	Ford, Mich.	Moffett
Aspin	Fowler	Mottl
Baldus	Fraser	Nedzi
Bedell	Garcia	Nowak
Bingham	Gaydos	O'Brien
Blanchard	Gephardt	Oberstar
Blouin	Giaimo	Obey
Boland	Gibbons	Ottinger
Bonior	Glickman	Panetta
Bonker	Gore	Patten
Brademas	Green	Patterson
Brodhead	Hall	Pattison
Brown, Calif.	Hamilton	Pease
Broyhill	Hannaford	Pressler
Burlison, Mo.	Harkin	Preyer
Caputo	Harris	Pritchard
Carr	Heckler	Pursell
Cavanaugh	Hefner	Quayle
Chisholm	Hightower	Railsback
Clausen, Don H.	Huckaby	Rangel
Clay	Hughes	Reuss
Cohen	Ireland	Richmond
Conte	Jacobs	Rosenthal
Cornell	Jenkins	Russo
Cornwell	Kastenmeier	Santini
Cotter	Keys	Scheuer
Cunningham	Kildee	Schroeder
D'Amours	Kostmayer	Seiberling
Derrick	Krebs	Sharp
Dicks	LaFalce	Solarz
Diggs	Lederer	Staggers
Dingell	Lehman	Stark
Dodd	Lujan	Studds
Downey	Lundine	Thompson
Early	McCloskey	Traxler
Eckhardt	McCormack	Tsongas
Edwards, Ala.	McHugh	Udall
Edwards, Calif.	McKinney	Van Deerlin
Eilberg	Maguire	Vento
Emery	Mahon	Waxman
Evans, Ga.	Markey	Weaver
Evans, Ind.	Mattox	Whalen
Fascell	Mazzoli	Whitley
Fisher	Meeds	Wilson, Tex.
Fithian	Meyner	Wirth
Flood	Mikulski	Yates
Florio	Mikva	Yatron
	Mineta	

NOES—246

Abdnor	Brooks	Daniel, Dan
Akaka	Broomfield	Daniel, R. W.
Allen	Brown, Mich.	Danielson
Anderson, Calif.	Brown, Ohio	Davis
Andrews, N. Dak.	Buchanan	de la Garza
Annunzio	Burgener	Dellums
Armstrong	Burke, Fla.	Derwinski
Ashbrook	Burke, Mass.	Devine
Badham	Burleson, Tex.	Dickinson
Bafalis	Butler	Dornan
Barnard	Byron	Drinan
Bauman	Carney	Duncan, Oreg.
Beard, R.I.	Carter	Duncan, Tenn.
Beard, Tenn.	Cederberg	Edgar
Bellenson	Chappell	Edwards, Okla.
Benjamin	Cleveland	English
Bennett	Coleman	Erlenborn
Bevill	Collins, Ill.	Ertel
Biaggi	Collins, Tex.	Evans, Colo.
Boggs	Conable	Evans, Del.
Bowen	Conyers	Fary
Breaux	Corcoran	Fenwick
Brinkley	Corman	Findley
	Coughlin	Fish
	Crane	Flippo
	Flowers	McClory
	Flynt	McDade
	Ford, Tenn.	McDonald
	Forsythe	McEwen
	Fountain	McFall
	Frenzel	Madigan
	Frey	Mann
	Fuqua	Marlenee
	Gammage	Marriott
	Gilman	Martin
	Ginn	Mathis
	Goldwater	Metcalfe
	Gonzalez	Michel
	Goodling	Miller, Ohio
	Gradison	Minish
	Grassley	Mitchell, Md.
	Gudger	Mitchell, N.Y.
	Guyer	Mollohan
	Hagedorn	Montgomery
	Hammer-schmidt	Moore
	Hanley	Moorhead, Calif.
	Hansen	Moorhead, Pa.
	Harrington	Moss
	Harsha	Murphy, Ill.
	Hawkins	Murphy, N.Y.
	Heftel	Murphy, Pa.
	Hillis	Murtha
	Holland	Myers, Gary
	Hollenbeck	Myers, John
	Holt	Myers, Michael
	Holtzman	Natcher
	Horton	Neal
	Hubbard	Nichols
	Hyde	Nolan
	Ichord	Oakar
	Jenrette	Pepper
	Johnson, Calif.	Perkins
	Johnson, Colo.	Pettis
	Jones, N.C.	Pickle
	Jones, Okla.	Pike
	Jones, Tenn.	Poage
	Jordan	Price
	Kelly	Quie
	Kemp	Quillen
	Ketchum	Rahall
	Kindness	Regula
	Lagomarsino	Rhodes
	Latta	Rinaldo
	Le Fante	Risenhoover
	Leach	Roberts
	Lent	Robinson
	Levitas	Roe
	Livingston	Rogers
	Lloyd, Calif.	Roncalio
	Lloyd, Tenn.	Rooney
	Long, La.	Rostenkowski
	Long, Md.	Rousselot
	Lott	Roybal
		Rudd
		Ruppe
		Ryan
		Satterfield
		Sawyer
		Schulze
		Sebelius
		Shuster
		Sikes
		Sisk
		Skelton
		Skubitz
		Slack
		Smith, Iowa
		Smith, Nebr.
		Snyder
		Spence
		St Germain
		Stangeland
		Stanton
		Steed
		Steers
		Steiger
		Stockman
		Stokes
		Stratton
		Stump
		Symms
		Taylor
		Thone
		Treen
		Trible
		Vander Jagt
		Vanik
		Volkmer
		Waggonner
		Walgren
		Walker
		Walsh
		Wampler
		Watkins
		Weiss
		White
		Whitehurst
		Whitten
		Wiggins
		Wilson, Bob
		Wilson, C. H.
		Winn
		Wolff
		Wright
		Wydler
		Wylie
		Young, Fla.
		Young, Mo.
		Zablocki
		Zeferetti

NOT VOTING—43

Alexander	Cochran	Rodino
Ammerman	Delaney	Rose
Anderson, Ill.	Dent	Runnels
Andrews, N.C.	Howard	Sarasin
Applegate	Jeffords	Shipley
Archer	Kasten	Simon
Ashley	Kazen	Spellman
AuCoin	Krueger	Teague
Baucus	Leggett	Thornton
Bolling	Luken	Tucker
Breckinridge	McKay	Ullman
Burke, Calif.	Marks	Young, Alaska
Burton, John	Milford	Young, Tex.
Burton, Phillip	Miller, Calif.	
Clawson, Del	Nix	

Mr. BONKER changed his vote from "no" to "aye."

Mr. LEACH changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

TITLE III—ACTIVE FORCES

SEC. 301. For fiscal year 1979, each component of the Armed Forces is authorized an end strength for active duty personnel as follows:

(1) The Army, 776,600.
(2) The Navy, 525,300.
(3) The Marine Corps, 191,500.
(4) The Air Force, 566,350.

ASSIGNMENT OF WOMEN TO NAVAL VESSELS

SEC. 302. Section 6015 of title 10, United States Code, is amended by striking out the last sentence and inserting in lieu thereof the following: "However, women may not be assigned to duty in vessels or aircraft that are engaged in combat missions nor may they be assigned to other than temporary duty on vessels of the Navy except for hospital ships, transports, and vessels of a similar classification not expected to be assigned combat missions. For purposes of this section, a member assigned to temporary duty on a vessel will not fill a billet authorized for that vessel, but will serve in addition to all such authorized billets, and for a period of not more than six months' duration. If a vessel on which women are serving on temporary duty is assigned a combat mission, every reasonable effort will be made to disembark them prior this section, 'combat mission' is defined as to execution of such mission. For purposes of one which has as one of its primary objectives to seek out, reconnoiter, or engage the enemy. The Secretary of the Navy shall promulgate regulations governing the assignment of women hereunder.".

Mr. PRICE (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any amendments to title III?

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: Page 13, line 2, after "SEC. 301." insert "(a)".

Page 13, after line 8, insert the following new subsection:

(b) No funds authorized to be appropriated by this Act may be used for the purpose of reducing Army combat troops stationed in the Republic of Korea below 26,000.

The CHAIRMAN. The Chair recognizes the gentleman from New York.

Mr. STRATTON. Mr. Chairman, this amendment is a very simple one.

POINT OF ORDER

Mr. VOLKMER. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. VOLKMER. I make the point of order that the amendment is not germane to the bill.

The CHAIRMAN. The gentleman from New York (Mr. STRATTON) has already begun his remarks, and that precludes the point of order.

Mr. STRATTON. Mr. Chairman, this amendment is a very simple one, but I think it brings to the House the opportunity to express our will with regard to a very important action that is already underway; namely, the withdrawal of the 32,000 infantry combat troops now stationed in the Republic of Korea. This amendment is being offered not simply by myself, although the parliamentary situation makes it necessary for us to do that. It is essentially the same language approved by a 2-to-1 vote in the Committee on Armed Services, and the recommendation it contains resulted from a factfinding subcommittee of our committee that visited Korea in January of this year and then visited the neighboring countries of Japan, the Republic of China on Taiwan, and the Philippines.

What this amendment would do is to allow the President to withdraw 6,000 troops from Korea in the coming fiscal year, but not to reduce those forces any further, so that 26,000 troops would remain. The fact of the matter is that Korea is probably the most volatile spot in Asia. There is a very definite edge in North Korea in terms of combat capability. Although there has been peace, supposedly, in Korea for 25 years, the North Korean Dictator, Kim Il Sung, is poised with very substantial forces to attack across the demilitarized zone. Even the National Security Council acknowledges that if he did attack, he could probably capture Seoul, and it would take three Marine amphibious forces and five carrier task groups for us to dislodge the North Koreans from Seoul.

We do not want that kind of conflict to erupt. We want to deter a war in Asia just as much as we want to deter a war in NATO. The single most important factor, as our committee found in visiting Korea, in deterring a North Korean attack is the presence of the American 2d Division. The South Koreans do have greater population than the North. They have got a better economy too. But Kim Il Sung is lean and tough and hard, and he has been concentrating primarily on aggressive military tactics. The one thing that he does not want to do, however, is to tangle with American troops.

If we were to remove all our infantry forces from Korea, if we were to announce that the first removal is simply part of a plan that will result in the entire removal of American forces in 5 years, the temptation would be very great for Kim Il Sung to attack.

General Singlaub, for example, who testified before our committee after he had been transferred by the President for speaking what was, in fact, the truth, said that the removal of the 2d Division would increase the risk of war in Korea. If South Korea were to fall to the Communists—it is now the only non-Communist part of the Asian littoral from the Arctic Circle to the South China Sea—if Korea were to fall to the Communists it would be a dagger at the heart of Japan. So what we really seek, it seems to me, is to maintain peace and stability just as much in Asia as in Europe. This can be very easily done by maintaining those forces in Korea, as my amendment would do.

Now, the President has made plans to withdraw 6,000 troops from Korea this year. We do not object to that. I am willing to allow him to take 6,000 out; but when he says that this first withdrawal is just the first part of a larger which will remove all U.S. ground forces from Korea by 1982, then I think the Congress of the United States must express its will on this very risky plan.

The CHAIRMAN. The time of the gentleman from New York has expired.

(At the request of Mr. WOLFF, and by unanimous consent, Mr. STRATTON was allowed to proceed for an additional 3 minutes.)

Mr. STRATTON. Mr. Chairman, I yield to my friend, the gentleman from New York (Mr. WOLFF).

Mr. WOLFF. Mr. Chairman, does the gentleman realize that the gentleman's amendment means that as the troops are pulled out, that none of the funds in this bill can be used to refurbish the troops that are pulled out in the United States?

In other words, as the troops are pulled out, it means there will be no further funds available for those troops that are pulled out so that they can be refurbished in the United States.

Mr. STRATTON. Well, refurbishing in the United States is something entirely different. It is not touched in this amendment.

Mr. WOLFF. This says that none of the funds can be used for the replacement of those troops. None of those funds can be used for the replacement of the troops or the replacement of the equipment that the men have that they are going to leave in Korea.

Mr. STRATTON. If the gentleman will allow me to recover my time, there is presently in the gentleman's own committee legislation which would authorize the transfer of equipment to the South Korea forces.

I would not oppose this insofar as it relates to the 6,000 troops. Transferring the equipment of those troops would cost about $80 million or $90 million, as General Vessey has testified. Frankly, it would be a lot easier to pass a transfer of $80 million or $90 million than the $800 million that is now in the bill coming out of the gentleman's committee.

The removal of 6,000 troops from Korea is all we are concerned about in my amendment. There is nothing in it that would prevent withdrawal of the 6,000. If we want to resupply them when they get back here, then the Army would of course have to come before our committee for reprograming of funds.

Mr. WOLFF. Mr. Chairman, in other words, if the gentleman will yield further, the gentleman would deny the replenishment of any of those troops that are repatriated to the United States.

Mr. STRATTON. No, no. All this amendment does is prevent any money in this bill from being used for the purpose of reducing Army combat troops in Korea below 26,000. The President has already said he is only going to withdraw 2,000 this year. So if that is what is done there will be no limitation on using these funds. However, if the force in Korea drop below 26,000.

Mr. WOLFF. Mr. Chairman, if the gentleman will yield further, as I recall, during the consideration of the war powers bill or resolution that was before the House, the gentleman made a particular point of the fact that the President was the Commander in Chief and he did not want to tie his hands in any actions that he had to take as Commander in Chief.

The gentleman has now changed his mind, and he wants now to tie the President's hands so he cannot remove the troops from Korea; is that correct?

Mr. STRATTON. That is exactly the point.

The CHAIRMAN. The time of the gentleman from New York (Mr. STRATTON) has expired.

(By unanimous consent, Mr. STRATTON was allowed to proceed for 2 additional minutes.)

Mr. STRATTON. Mr. Chairman, if there is a chance of this country getting into a situation where we are likely to have a war in the Pacific, that is a pretty serious matter. Every knowledgeable person to whom our committee spoke during our trip agreed that pulling our troops out of Korea would increase the risks of war.

So if the President has embarked on a course that could increase the risk of war, I believe it is the duty of Congress to say something about it. My amendment is the simplest way to do something about it.

Mr. WOLFF. Mr. Chairman, will the gentleman yield further?

Mr. STRATTON. Yes, I will be glad to yield to the gentleman from New York.

Mr. WOLFF. In other words, the gentleman wants to strip the President completely of his powers as Commander in Chief; is that correct?

Mr. STRATTON. We have already demonstrated that the President does not have absolute power in this area when we passed the War Powers Act. The War Powers Act made it perfectly clear that the President does not have any untrammeled ability to move troops into a foreign country. He is required to come back to Congress and get approval.

In my amendment we are doing exactly the same thing, saying that when the national security is threatened he ought to withdraw those troops. The Constitution provides to the Congress the authority to provide for the "regulation and the government of the land forces." If that does not include a decision as to where they are stationed, then I do not know what the Constitution means.

Mr. WOLFF. Mr. Chairman, will the gentleman yield further?

Mr. STRATTON. I will be glad to yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, what powers does the gentleman think the President has, then, as Commander in Chief of our Armed Forces?

Mr. STRATTON. Mr. Chairman, the President's authority is limited to the extent that Congress decides to put limitations on it. The gentleman from New York (Mr. WOLFF), as has just been pointed out, was one of the major advocates of that war powers resolution. If we did not put limitations on the President's powers in that bill, I do not know what we did. All one has to do is to pick up the paper in the morning and read that the President is complaining about the restrictions we put on him.

The CHAIRMAN. The time of the gentleman from New York (Mr. STRATTON) has again expired.

(On request of Mr. LEVITAS, and by unanimous consent, Mr. STRATTON was allowed to proceed for 1 additional minute.)

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Chairman, I have a question. I do not know yet how I am going to vote on this amendment, but I have a question.

In the event there were an incident elsewhere in the Western Pacific outside of the Republic of Korea and it was necessary in the opinion of the President to move a large contingent of forces to meet that problem, say, in the Philippines, in Japan, or someplace in the Western Pacific, could he use the forces in Korea if it meant a reduction below 26,000, assuming they were the most readily available combat troops to assign? Could he do that even though it meant a reduction below 26,000 in Korea?

Mr. STRATTON. I happened to be in this Chamber, in the gallery, the day we declared war on Japan, and anybody would be surprised at how rapidly it is possible in an emergency for the House of Representatives to reverse itself.

Actually I think it would be very risky for the President to pull the 2d Division out of Korea if we had something erupting in the Philippines, because that would open the way to Kim Il Sung. We have emergency forces in Hawaii and in Okinawa to meet these emergencies. It would be risky to be faked out of the key defensive position in Korea.

Mr. SOLARZ. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I have great respect for my friend, the gentleman from New York (Mr. STRATTON), who I know feels very strongly about this question.

However, I must say that this amendment is a little bit like a legislative version of the old shell game. Earlier today we had a similar amendment which was ruled out of order by the chairman on the grounds that it was not germane. Unfortunately, the chairman did not this time recognize one of the Members who had risen to challenge the germaness of this amendment, so we are not in a position, by virtue of the fact that debate had already started, to test the parliamentary acceptability of this amendment.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I will be happy to yield as soon as I have finished.

Mr. STRATTON. Mr. Chairman, I yielded to the gentleman on my time, and I would appreciate his yielding to me.

Mr. SOLARZ. I yield briefly to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I just wanted to point out that the wording of my amendment is almost identical with that of the Dellums troop withdrawal amendment and that of the O'Neill withdrawal amendment of previous years. So I think any Member who wanted to rise and challenge it would have been on shaky grounds.

Mr. CHARLES H. WILSON of California. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. Mr. Chairman, if I may, I would like to finish my statement first, and then I will be happy to yield. I am afraid that my time may run out.

I want to address myself to the substance of the amendment which is before us. First of all, this amendment, even if it were adopted, would not accomplish what it purports to accomplish. What the amendment does is to prohibit the use of any funds from this act for the purpose of reducing the number of American combat troops in South Korea below 26,000. But there is nothing in the amendment which would prohibit the President from using funds from other acts to reduce our ground combat presence in South Korea below 26,000. So if, in fact, your objective is to keep at least 26,000 American combat troops in South Korea, the adoption of this amendment will simply not accomplish the objective.

But let us, for argument's sake, say that people are interested in making a policy statement rather than accomplishing a policy objective. It seems to me that, even under those circumstances, this is the wrong amendment, at the wrong time, for the wrong reasons. The fact of the matter is that even if we do gradually withdraw our ground combat forces from South Korea—which the President does not plan to complete until 1982, and then only after we have transferred almost $1 billion worth of assets of the 2d Division, which is already in place north of Seoul but south of the DMZ—the South Koreans are perfectly capable of effectively defending themselves. They have more than twice the population of North Korea. They have a gross national product that is more than twice as large as the gross national product of North Korea. And over a period of time, with continued American logistical and military assistance, there is absoultely no reason why they should not be in a position to defend themselves.

Some may think that the withdrawal of our ground forces from South Korea will create a vacuum into which the forces of North Korea will move. The fact of the matter is that if this amendment is rejected, and if the President is allowed to continue his policy of gradually withdrawing our ground troops from South Korea, the Mutual Defense Treaty will remain intact. We will still have a military presence in South Korea because, while it is the President's plan over 5 years to gradually withdraw our ground combat presence, he is not planning to withdraw our air presence, or our naval presence within South Korea and surrounding waters. We are planning to provide the South Koreans of upwards to $2 billion of military assistance during this transition period in order to give them the ability to effectively defend themselves if war should break out anyway.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLARZ) has expired.

(By unanimous consent, Mr. SOLARZ was allowed to proceed for 1 additional minute.)

Mr. SOLARZ. The thrust and the spirit of this amendment is, in effect, to say to the President and to the people of this country that, in spite of the fact that the Koreans will be able after 5 years to defend themselves, in spite of the fact that the mutual defense treaty will still be in existence, and in spite of the fact that the South Koreans have the economic capacity and the manpower to defend themselves, that we are in perpetuity going to keep almost 26,000 American combat troops in South Korea who would be immediately and gratuitously involved in another war on the Asian mainland if another conflict broke out in South Korea. That would be a tragedy for our country, but it is precisely what could happen if this amendment and the logic behind it were adopted, and I urge its rejection by the committee.

Mr. WOLFF. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I shall not take the full amount of time that is given to me here, except to state that the Congressional Budget Office made a study of the troop withdrawal for the Subcommittee on Asian and Pacific Affairs. This study showed that the Koreans can adequately defend themselves today without American ground forces.

In addition, evidence the fact that it costs the people of the United States about $1.3 billion a year to keep those people in Korea.

Mr. Chairman, I think it is about time that we took the step and followed the President in this and removed the ground troops from Korea.

Mr. ROBERT W. DANIEL, JR. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I had the privilege of accompanying the gentleman from New York (Mr. STRATTON), our chairman, on a trip to Japan, Korea, Taiwan, and the Philippines, as he mentioned, in January.

Mr. Chairman, it was the uniform opinion, shared by the military and civil leadership in each country, and the opinion of our U.S. military leaders in each country that the risk of war will be unacceptably heightened with the withdrawal of these troops.

That trip persuaded me of the danger of our withdrawal. It persuaded me of the wisdom that most of our troops remain, as the amendment would provide.

Therefore, Mr. Chairman, I urge the support of the amendment.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. ROBERT W. DANIEL. JR. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, I thank the gentleman for yielding.

Does the gentleman know that the Joint Chiefs of Staff have recommended the withdrawal of our ground forces on an extended basis?

Mr. ROBERT W. DANIEL, JR. I think on an genuinely extended basis we could have a withdrawal. It depends on how extended it is.

I think the withdrawal as proposed—and this is what we are dealing with in the real world—was considered dangerous by the military and civil leaders to whom we talked, and I certainly find it to be so.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. ROBERT W. DANIEL, JR. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I appreciate the gentleman's yielding.

The gentleman from Virginia (Mr. ROBERT W. DANIEL, JR.) was a very knowledgeable and effective member of our delegation; and he has reported the facts exactly as they are.

Mr. Chairman, the gentleman from New York (Mr. WOLFF) says that it costs x billions of dollars to keep these forces in Korea. The fact of the matter is that it is going to cost a lot more to bring them back to the United States, and that is an absolute fact. It would cost still more if by another miscalculation we were to get into another war in Korea.

Mr. Chairman, the interesting thing is that for many years we had an annual effort on this floor, and in the other body, to withdraw troops from NATO on the ground that it had been 25 years since they went over there. Senator Mansfield, before he became Ambassador to Japan, annually put in an amendment to pull 150,000 of them back to the United States.

Fortunately, both the President of the United States and the Congress now recognize that our troops in Europe are protecting our own security and are deterring an attack in Europe. We have 300,000 troops in Europe, and only 32,000 in Korea, yet those 32,000 are also deterring an attack, and are serving a very valuable purpose.

Why should we risk the possibility of war by withdrawing 32,000 troops while we still keep 300,000 in Europe? We are getting security cheap by maintaining a single division in Korea until there is an actual settlement of the Korean war.

Mr. ROBERT W. DANIEL, JR. Mr. Chairman, the gentleman from New York (Mr. STRATTON), our chairman, certainly made most persuasive points that these troops would cost more stationed anywhere else in the world, including in the United States, and that it is our security that is so intimately bound up in their continued presence there.

AMENDMENT OFFERED BY MR. LEVITAS TO THE AMENDMENT OFFERED BY MR. STRATTON

Mr. LEVITAS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. LEVITAS to the amendment offered by Mr. STRATTON: Add in the Stratton amendment after "26,000.", the following ", except in the case of an emergency declared by the President."

The CHAIRMAN. The gentleman from Georgia (Mr. LEVITAS) is recognized for 5 minutes in support of his amendment.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I am happy to yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, the gentleman from Georgia (Mr. LEVITAS) has been kind enough to show me his amendment, and I will be glad to accept it as an amendment to my own.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. LEVITAS) to the amendment offered by the gentleman from New York (Mr. STRATTON).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON), as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STRATTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were--ayes 142, noes 247, not voting 45, as follows:

[Roll No. 371]

AYES—142

Abdnor	Gilman	Myers, Gary
Armstrong	Goldwater	Myers, John
Ashbrook	Gonzalez	Nichols
Badham	Gradison	O'Brien
Bafalis	Grassley	Pettis
Bauman	Gudger	Pickle
Beard, Tenn.	Guyer	Poage
Bennett	Hagedorn	Price
Boggs	Hall	Quillen
Bowen	Hammer-schmidt	Rhodes
Brown, Mich.	Hansen	Robinson
Brown, Ohio	Harsha	Roncalio
Broyhill	Holt	Rousselot
Burgener	Hubbard	Rudd
Burke, Fla.	Huckaby	Santini
Burleson, Tex.	Ichord	Satterfield
Butler	Ireland	Schulze
Byron	Jones, Okla.	Sebelius
Carter	Jones, Tenn.	Shuster
Cederberg	Kelly	Sikes
Chappell	Kemp	Sisk
Clausen, Don H.	Ketchum	Snyder
Cleveland	Kindness	Spence
Cohen	Lagomarsino	Stangeland
Coleman	Latta	Stanton
Cornwell	Leggett	Stockman
Crane	Levitas	Stratton
Cunningham	Livingston	Stump
Daniel, Dan	Lloyd, Tenn.	Symms
Daniel, R. W.	Long, Md.	Taylor
de la Garza	Lott	Treen
Derwinski	Lujan	Trible
Devine	McClory	Vander Jagt
Dickinson	McDonald	Waggonner
Dornan	McFall	Walker
Duncan, Oreg.	Madigan	Wampler
Duncan, Tenn.	Mann	Watkins
Edwards, Okla.	Marriott	White
English	Martin	Whitehurst
Erlenborn	Mathis	Wiggins
Evans, Del.	Michel	Wilson, Bob
Evans, Ind.	Miller, Ohio	Wilson, C. H.
Findley	Mitchell, N.Y.	Wilson, Tex.
Fish	Montgomery	Winn
Flynt	Moore	Wydler
Fountain	Moorhead, Calif.	Young, Fla.
Frey	Murphy, N.Y.	Zeferetti
Gammage		

NOES—247

Addabbo	Anderson, Calif.	Annunzio
Akaka	Andrews, N. Dak.	Ashley
Allen		Aspin
Ambro		Baldus

Barnard	Glickman	Oberstar
Beard, R.I.	Gore	Obey
Bedell	Green	Ottinger
Beilenson	Hamilton	Panetta
Benjamin	Hanley	Patten
Bevill	Hannaford	Patterson
Biaggi	Harkin	Pattison
Bingham	Harrington	Pease
Blanchard	Harris	Pepper
Blouin	Hawkins	Perkins
Boland	Heckler	Pike
Bonior	Hefner	Pressler
Brademas	Heftel	Preyer
Breaux	Hightower	Pritchard
Brinkley	Hillis	Pursell
Brodhead	Holland	Quayle
Brooks	Hollenbeck	Quie
Broomfield	Holtzman	Rahall
Brown, Calif.	Horton	Railsback
Buchanan	Hughes	Rangel
Burke, Mass.	Hyde	Regula
Burlison, Mo.	Jacobs	Reuss
Burton, John	Jenkins	Richmond
Caputo	Jenrette	Rinaldo
Carney	Johnson, Calif.	Risenhoover
Carr	Johnson, Colo.	Roberts
Cavanaugh	Jones, N.C.	Roe
Chisholm	Jordan	Rogers
Clay	Kastenmeier	Rooney
Collins, Ill.	Keys	Rosenthal
Collins, Tex.	Kildee	Rostenkowski
Conable	Kostmayer	Roybal
Conte	Krebs	Ruppe
Conyers	LaFalce	Russo
Corcoran	Le Fante	Ryan
Corman	Leach	Sawyer
Cornell	Lederer	Scheuer
Cotter	Lehman	Schroeder
Coughlin	Lloyd, Calif.	Seiberling
D'Amours	Long, La.	Sharp
Danielson	Lundine	Skelton
Davis	McCloskey	Slack
Dellums	McCormack	Smith, Iowa
Dent	McDade	Smith, Nebr.
Derrick	McEwen	Solarz
Dicks	McHugh	Spellman
Dingell	McKinney	St Germain
Downey	Maguire	Staggers
Drinan	Mahon	Stark
Early	Markey	Steed
Eckhardt	Marks	Steers
Edgar	Marlenee	Steiger
Edwards, Ala.	Mattox	Stokes
Edwards, Calif.	Mazzoli	Studds
Eilberg	Meeds	Thompson
Emery	Metcalfe	Thone
Ertel	Meyner	Traxler
Evans, Colo.	Mikulski	Tsongas
Fary	Mikva	Udall
Fascell	Milford	Van Deerlin
Fenwick	Mineta	Vanik
Fisher	Minish	Vento
Fithian	Mitchell, Md.	Volkmer
Flippo	Moakley	Walgren
Flood	Moffett	Walsh
Florio	Mollohan	Waxman
Flowers	Moorhead, Pa.	Weaver
Foley	Moss	Weiss
Ford, Tenn.	Mottl	Whalen
Forsythe	Murphy, Ill.	Whitley
Fowler	Murphy, Pa.	Whitten
Fraser	Murtha	Wirth
Frenzel	Myers, Michael	Wolff
Fuqua	Natcher	Wright
Gaydos	Neal	Wylie
Gephardt	Nedzi	Yates
Giaimo	Nolan	Yatron
Gibbons	Nowak	Young, Mo.
Ginn	Oakar	Zablocki

NOT VOTING—45

Alexander	Delaney	Miller, Calif.
Ammerman	Diggs	Nix
Anderson, Ill.	Dodd	Rodino
Andrews, N.C.	Evans, Ga.	Rose
Applegate	Ford, Mich.	Runnels
Archer	Garcia	Sarasin
AuCoin	Goodling	Shipley
Baucus	Howard	Simon
Bolling	Jeffords	Skubitz
Bonker	Kasten	Teague
Breckinridge	Kazen	Thornton
Burke, Calif.	Krueger	Tucker
Burton, Phillip	Lent	Ullman
Clawson, Del	Luken	Young, Alaska
Cochran	McKay	Young, Tex.

The Clerk announced the following pairs:

On this vote:

Mr. Runnels for, with Mr. Miller of California against.

Mr. Teague for, with Mrs. Burke of California against.

Mr. LIVINGSTON changed his vote from "no" to "aye."

Mr. FORD of Tennessee changed his vote from "aye' to "no".

So the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

Mr. PRICE. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The remainder of the bill is as follows:

TITLE IV—RESERVE FORCES

SEC. 401. (a) For fiscal year 1979, the Selected Reserve of each Reserve component of the Armed Forces shall be programmed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 363,000.

(2) The Army Reserve, 196,700.

(3) The Naval Reserve, 87,000.

(4) The Marine Corps Reserve, 33,000.

(5) The Air National Guard of the United States, 92,400.

(6) The Air Force Reserve, 53,200.

(7) The Coast Guard Reserve, 11,700.

(b) The average strength prescribed by subsection (a) of this section for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

EDUCATIONAL ASSISTANCE PROGRAM FOR ENLISTED RESERVES

SEC. 402. (a) Section 2132(b)(1) of title 10, United States Code, relating to eligibility for educational assistance, is amended—

(1) by striking out "automatically extended by two years" and inserting in lieu thereof "not less than six years"; and

(2) by striking out "eighth anniversary" and inserting in lieu thereof "last day of the term".

(b)(1) Section 2135 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 106 of such title is amended by striking out the item relating to section 2135.

REENLISTMENT BONUS FOR MEMBERS OF SELECTED RESERVE

SEC. 403. Subsection (a) of section 308b of title 37, United States Code, relating to reenlistment bonuses for members of the Selected Reserve, is amended—

(1) by striking out clause (1);

(2) by redesignating clause (2) as clause (1) and striking out "service as a member of a reserve component" in such clause and inserting in lieu thereof "total military service"; and

(3) by redesignating clause (3) as clause (2).

(b) Subsection (b) of such section is amended by inserting "an amount not to exceed" before "$450", "$900", and "$150".

(c) Subsection (g) of such section is repealed.

BONUS FOR ENLISTMENT IN THE SELECTED RESERVE

SEC. 404. (a) Chapter 5 of title 37, United States Code, is amended by inserting after section 308b the following new section:

"§ 308c. Special pay: bonus for enlistment in the Selected Reserve

"(a) Any person who, after September 30, 1978, enlists in the Selected Reserve of the Ready Reserve of an armed force for a term of enlistment of not less than six years, is a graduate of a secondary school, and has never previously served in an armed force may be paid a bonus as provided in subsection (b).

"(b) The amount and method of payment of a bonus to be paid under subsection (a) shall be determined in accordance with regulations prescribed under subsection (c), except that the amount of such bonus may not exceed $2,000 and—

"(1) one-half of the bonus shall be paid upon completion of the initial active duty for training of such person; and

"(2) the remainder of the bonus may be paid in periodic installments or in a lump sum, as determined by the Secretary concerned.

"(c) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy.

"(d) A member who fails to participate satisfactorily in training with his unit during a term of enlistment for which a bonus has been paid to him under this section shall refund an amount which bears the same ratio to the amount of the bonus which has been paid to him as the unexpired part of such term of enlistment bears to the total length of such term of enlistment.

"(e) The Secretary of Defense shall submit a report to the Congress every three months stating the number of members of the Selected Reserve of the Ready Reserve who at the time of such report are serving a term of enlistment for which a bonus has been paid under this section and listing each unit of the Selected Reserve of the Ready Reserve to which any such member is assigned at the time of such report. The first such report shall be made not later than December 31, 1978.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 308b the following new item:

"308c. Special pay: bonus for enlistment in the Selected Reserve.".

AUTHORIZATION OF APPROPRIATIONS FOR RESERVE EDUCATIONAL ASSISTANCE PROGRAM AND RESERVE ENLISTMENT AND REENLISTMENT BONUS

SEC. 405. There is hereby authorized to be appropriated for fiscal year 1979 to carry out the provisions of chapter 106 of title 10, United States Code, and sections 308b and 308c of title 37, United States Code, the sum of $32,750,000.

RESTRICTION ON TRANSFER FROM READY RESERVE TO STANDBY RESERVE

SEC. 406. (a)(1) Section 269 of title 10, United States Code, relating to transfers from the Ready Reserve, is amended—

(A) by striking out "eligible to transfer" in subsection (a) and inserting in lieu thereof "transferred";

(B) by striking out the colon at the end of the third sentence in subsection (d) and inserting in lieu thereof a period;

(C) by striking out subsection (e) and inserting in lieu thereof the following:

"(e) Subject to subsection (g) and under regulations prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member in the Ready Reserve may be transferred to the Standby Reserve."; and

(D) by striking out subsection (f) and inserting in lieu thereof the following:

"(f) A Reserve, if he is qualified and so requests, may be transferred to the Retired Reserve under regulations prescribed by the Secretary concerned and, in the case of the Secretary of a military department, approved by the Secretary of Defense.".

(2) The amendments made by paragraph (1) shall not apply with respect to a member of the Ready Reserve of an Armed Force who served on active duty (other than for training) before the date of the enactment of this Act.

(b) Section 271 of such title, relating to continuous screening of the Ready Reserve, is amended—

(1) by inserting "(a)" before "Under regulations";

(2) by striking out "significance" in clause (1) and inserting in lieu thereof "significant"; and

(3) by adding at the end thereof the following new subsection:

"(b) Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, any member of the Ready Reserve who is designed as a member not to be retained in the Ready Reserve as a result of screening under subsection (a) shall, as appropriate, be transferred to the Standby Reserve, discharged or, if such member is eligible and applies therefor, transferred to the Retired Reserve.".

(c)(1) Section 511(b) of such title, relating to terms of enlistments in Reserve components, is amended—

(A) in the first sentence—

(i) by striking out "the Secretary concerned" and inserting in lieu thereof "the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy"; and

(ii) by striking out "sections 451–473 of title 50, appendix" and inserting in lieu thereof "the Military Selective Service Act (50 U.S.C. App. 451–473)"; and

(B) in the second sentence—

(i) by inserting "not less than" in clause (1) before "two years" and by adding "and" at the end of such clause;

(ii) by striking out clause (2); and

(iii) by redesignating clause (3) as clause (2) and striking out "Standby Reserve" in such clause and inserting in lieu thereof "Ready Reserve".

(2) The amendments made by paragraph (1) shall not apply with respect to a person who enlisted as a Reserve for service in the Armed Forces under section 511(b) of title 10, United States Code, before the date of the enactment of this Act.

(d)(1) Chapter 37 of such title, relating to general services requirements, is amended by adding after section 651 the following new section:

"§ 652. Individual Ready Reserves: requirement of notification of change of status

"Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, each member of the Individual Ready Reserve shall notify the Secretary concerned of any change in such member's address, marital status, number of dependents, or civilian employment and of any change in such member's physical condition which would prevent him from meeting the physical or mental standards prescribed for his armed force.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 651 the following new item:

"652. Individual Ready Reserves: requirement of notification of change of status.".

REPEAL OF REQUIREMENT FOR ANNUAL REPORT ON RESERVE FORCES

SEC. 407. (a) Section 264 of title 10, United States Code, is amended by striking out subsection (c).

(b)(1) Section 279 of such title is repealed.

(2) The table of sections at the beginning of chapter 11 of such title is amended by striking out the item relating to section 279.

TITLE V—CIVILIAN PERSONNEL

SEC. 501. (a) For fiscal year 1979, the Department of Defense is authorized an end strength for civilian personnel of 1,018,200.

(b) The end strength for civilian personnel prescribed in subsection (a) of this section shall be apportioned among the Department of the Army, the Department of the Navy (including the Marine Corps), the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within sixty days after the date of the enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

(c) In computing the authorized end strength for civilian personnel there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency), whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program. Whenever a function, power, or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end strength authorized for such department or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, he may authorize the employment of civilian personnel in excess of the number authorized in subsection (a) of this section, but such additional number may not exceed 1¼ percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a) of this section. The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under the authority of this subsection.

TITLE VI—MILITARY TRAINING STUDENT LOADS

SEC. 601. (a) For fiscal year 1979, each component of the Armed Forces is authorized an average military training student load as follows:

(1) The Army, 67,843.

(2) The Navy, 58,086.

(3) The Marine Corps, 21,324.

(4) The Air Force, 44,917.

(5) The Army National Guard of the United States, 11,793.

(6) The Army Reserve, 5,959.

(7) The Naval Reserve, 991.

(8) The Marine Corps Reserve, 3,074.

(9) The Air National Guard of the United States, 2,471.

(10) The Air Force Reserve, 1,184.

(b) The average military training student loads for the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components authorized in subsection (a) of this section for fiscal year 1979 shall be adjusted consistent with the manpower strengths authorized in titles III, IV, and V of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components in such manner as the Secretary of Defense shall prescribe.

REDUCTION OR REALIGNMENT OF THE TRAINING BASE

SEC. 602. (a) Notwithstanding any other provision of law, no action may be taken to effect or implement any substantial reduction of the training base (as defined in subsection (c)) or any substantial force structure realignment of the training base planned as a part of the fiscal year 1979 Defense manpower program unless and until the provisions of subsection (b) are complied with.

(b) No action described in subsection (a) with respect to a substantial reduction or realignment of the training base may be taken unless and until—

(1) the Secretary of Defense or the Secretary of the military department concerned notifies the Committees on Armed Services and Appropriations of the Senate and House of Representatives in writing of the specific reduction or realignment proposed;

(2) the Secretary of Defense or the Secretary of the military department concerned certifies that such reduction or realignment is in the best interest of the national security and provides for the most cost effective and efficient management of the training base, both in time of peace and in ability to meet mobilization requirements; and

(3) a period of thirty legislative days expires following the date on which the notification and certification referred to in clauses (1) and (2) have been submitted to such committees, during which period no irrevocable action may be taken to effect or implement such reduction or realignment.

For the purpose of paragraph (2), a legislative day is a day in which either House of Congress is in session.

(c) For the purposes of this section, the term "training base" means the composite of installations, posts, camps, stations, and bases that have as a primary or secondary mission the conduct of formal entry level, advanced individual, or specialty training.

TITLE VII—CIVIL DEFENSE

AUTHORIZATION FOR DEFENSE CIVIL PREPAREDNESS AGENCY

SEC. 701. There is hereby authorized to be appropriated to the Defense Civil Preparedness Agency for fiscal year 1979 for the purpose of carrying out the provisions of the Federal Civil Defense Act of 1950 the sum of $137,000,000.

TITLE VIII—GENERAL PROVISIONS

EXTENSIONS OF AUTHORITY FOR SPECIAL PAY FOR HEALTH PROFESSIONALS

SEC. 801. (a) The second sentence of section 2 of the Act entitled "An Act to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to medical officers of the uniformed services", approved May 6, 1974 (88 Stat. 96; 37 U.S.C. 302 note), is amended to read as follows: "The authority for the special pay provided by the amendments made by the first section of this Act shall expire on September 30, 1980.".

(b) Sections 302a(c) and 303(c) of title 37, United States Code, are each amended by striking out "September 1978" and inserting in lieu thereof "September 1980".

AUTHORITY FOR ENLISTMENT AND REENLISTMENT BONUSES

SEC. 802. (a)(1) Section 308(a) of title 37, United States Code, is amended—

(A) by inserting "(1)" after "(a)" and by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(B) by striking out "designated as having a critical military skill" in paragraph (1)(B) (as redesignated by subparagraph (A)) and inserting in lieu thereof "qualified in a military skill designated as critical"; and

(C) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding paragraph (1)(B) of this subsection, a member who agrees to train and reenlist for service in a military skill which, at the time of that agreement, is designated as critical, may be paid the bonus approved for that skill, at the rate in effect at the time of agreement, upon completion of training and qualification in that skill, if otherwise qualified under this subsection and even if that skill is no longer designated as critical at the time the member becomes eligible for payment of the bonus.".

(2) The amendments made by paragraph (1) shall take effect on October 1, 1978.

(b) Sections 308(f) and 308a(c) of title 37, United States Code, are each amended by striking out "September 30, 1978" and inserting in lieu thereof "September 30, 1980".

EXTENSION OF AUTHORITY FOR SUBSISTENCE ALLOWANCE FOR MARINE CORPS PLATOON LEADER CLASSES

SEC. 803. The Act entitled "An Act to provide subsistence allowance for members of the Marine Corps officer candidate programs," approved November 24, 1971 (85 Stat. 491; 37 U.S.C. 209 note), is amended by striking out "September 30, 1978" and inserting in lieu thereof "September 30, 1980".

CHIEF OF ARMY DENTAL CORPS; AIR FORCE ASSISTANT SURGEON GENERAL FOR DENTAL SERVICES

SEC. 804. (a) Section 3040(b) of title 10, United States Code, is amended by inserting after the first sentence thereof the following new sentence: "He is Chief of the Dental Corps and is responsible for making recommendations to the Surgeon General to the Chief of Staff on all matters concerning dentistry and the dental health of the Army.".

(b)(1) Chapter 307 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 3081. Dental Corps: Chief, functions

"(a) The Chief of the Dental Corps shall be an officer of that corps appointed as prescribed in section 3040 of this title.

"(b) Under such regulations as the Secretary of the Army may prescribe, all dental functions of the Army shall be under the direction of the Chief of the Dental Corps. All matters relating to dentistry shall be referred to the Chief of the Dental Corps.

"(c) The Chief of the Dental Corps shall—

"(1) establish professional standards and policies for dental practice;

"(2) initiate and recommend action pertaining to organization requirements and utilization of the Dental Corps and dental auxiliary strength, appointments, advancement, training assignment, and transfer of dental personnel; and

"(3) serve as the advisor to the Office of the Surgeon General on all matters relating directly to dentistry.

"(d) Under such regulations as the Secretary of the Army may prescribe, dental and dental auxiliary personnel throughout the Army shall be organized into units commanded by a designated Dental Corps officer. Such officer will be directly responsible to the commander of installations, organizations and activities for all professional and technical matters and such administrative matters as may be prescribed by regulation.".

(2) The table of sections at the beginning of chapter 307 of title 10, United States Code, is amended by adding at the end thereof the following new item:

"3081. Dental Corps: Chief, functions.".

(c)(1) Chapter 807 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"8081. Assistant Surgeon General for Dental Services.".

"There is an Assistant Surgeon General for Dental Services in the Air Force, who is appointed by the Secretary of the Air Force upon the recommendation of the Surgeon General, from officers of the Air Force above the grade of major who are designated as dental officers under section 8067(b) of this title. The term of office of the Assistant Surgeon General for Dental Services is four years but may be increased or decreased by the Secretary of the Air Force.".

(2) The table of sections at the beginning of chapter 807 of title 10, United States Code, is amended by adding at the end thereof the following new item:

"8081. Assistant Surgeon General for Dental Services.".

RERSTRICTION ON CONTRACTING OUT COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS

SEC. 806. (a) The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and House of Representatives providing the details of any proposed change in policy or regulations, from those in effect before June 30, 1976, regarding the determination of whether commercial or industrial type functions at Department of Defense installations located in any State, the District of Columbia, the Commonwealth of Puerto Rico, and Guam should be performed by Department of Defense personnel or by private contractors during the period beginning on October 1, 1978, and ending on September 30, 1979.

(b) No commercial or industrial type function at any Department of Defense installation referred to in subsection (a) shall be performed by private contractors unless such contractor performance began before the date of the enactment of this Act or performance would have been allowed by the policy and regulations in effect before June 30, 1976. The prohibition in the preceding sentence shall apply until the end of the ninety-day period beginning on the date the report required by subsection (a) is received by the Committees on Armed Services of the Senate and House of Representatives.

ASSISTANCE TO 1980 OLYMPIC WINTER GAMES

SEC. 807. Notwithstanding any other provision of law, the Secretary of Defense is authorized—

(1) to provide logistical support and personnel services, including medical services, transportation, communications, course preparation, and security, to the XIII Olympic winter games;

(2) to lend and provide equipment to officials of the Lake Placid Olympic Organizing Committee; and

(3) to provide such other services as the Lake Placid Olympic Organizing Committee may consider necessary and the Secretary may consider advisable.

RESTRICTION ON PROCUREMENT OF ARTICLES CONTAINING FOREIGN-PRODUCED SPECIALTY METALS

SEC. 808. (a) Except as provided in subsection (b), no funds may be obligated or expended (except in amounts not exceeding $10,000) for procurement of any article for which appropriations are required under section 138 of title 10, United States Code, to be authorized by law if such article contains specialty metals (including stainless steel flatware) not produced in the United States or its possessions.

(b) The provisions of subsection (a) shall not apply—

(1) with respect to procurement of an article containing specialty metals to the extent that the Secretary of the military department concerned determines that a satisfactory quality and sufficient quantity of such specialty metals produced in the United States or its possessions cannot be procured as and when needed at United States market prices; and

(2) with respect to procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements by establishments located outside the United States for the personnel attached thereto.

CERTIFICATION OF CLAIMS

SEC. 809. Notwithstanding any other provision of law, none of the funds authorized to be appropriated for the Department of Defense by this or any other Act shall be used for the purpose of paying any contract claim, request for relief under Public Law 85–804, or other similar request which exceeds $100,000 unless (1) the senior company official in charge at the plant or location involved has certified at the time of submission of such contract claim request for equitable adjustment to contract terms, request for relief under Public Law 85–804, or other similar request, that the claim and supporting data are accurate, complete, and current, or (2) in the case of any outstanding claim, request for equitable adjustment to contract terms, request for relief under Public Law 85–804, or other similar request in excess of $100,000 which was formally submitted without such certification before the date of the enactment of this Act, either (A) such senior official submits such a certificate within 120 days after the date of the enactment of this Act, or (B) a contracting officer's decision has been rendered before such date of enactment, in which case this section shall not constitute a bar to any payment.

SEA-BASED AIRCRAFT PLATFORM STUDY FUNDS

SEC. 810. The unobligated balance of $40,000,000 authorized to be appropriated in section 201 of the Department of Defense Appropriation Authorization Act, 1978 (Public Law 95–79; 91 Stat. 323), for conducting

comprehensive evaluation studies of sea-based aircraft platforms shall after the date of the enactment of this Act be available and primarily applied toward performing any design work related to any such sea-based aircraft platform authorized by this Act.

CARRIER SERVICE LIFE EXTENSION PROGRAM AND DDG–2 DESTROYER CONVERSION

SEC. 811. (a) Notwithstanding any other provision of law, the Secretary of the Navy may not take any action (other than the procurement of long-lead items) (1) with respect to the use of either public shipyards or private shipyards for conversion, overhaul, or repair work under the carrier Service Life Extension Program (SLEP) and the program for the modernization of DDG–2 class guided missile destroyers, or (2) for the employment of additional personnel in, or transfer of additional personnel to, any public or private shipyard to engage in such conversion, overhaul, or repair work, until the provisions of subsection (b) have been complied with.

(b) No action described in subsection (a) (other than the procurement of long-lead items) may be taken until—

(1) the Secretary of the Navy completes a least-cost approach study comparing the costs of carrying out the programs referred to in subsection (a) at public shipyards and at private shipyards;

(2) a written report of such study is submitted to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives; and

(3) a period of sixty days of continuous session of Congress expires following the date on which the report referred to in paragraph (2) is submitted to such committees.

(c) For purposes of subsection (b)(3), the continuity of a session of Congress is broken only by an adjournment sine die, and days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of such sixty-day period.

Mr. PRICE. Mr. Chairman, I move that all debate on the bill and all amendments thereto close at 6:30.

The CHAIRMAN. The question is on the motion offered by the gentleman from Illinois (Mr. PRICE).

The motion was agreed to.

PARLIAMENTARY INQUIRY

Mr. ASHBROOK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ASHBROOK. Mr. Chairman, am I to understand the time is limited?

The CHAIRMAN. That was the gentleman's motion.

Mr. ASHBROOK. Mr. Chairman, had the Chair recognized Members that will be permitted to speak?

The CHAIRMAN. The Chair is endeavoring to identify Members who are standing and who want to participate in the debate.

The Chair recognizes the gentlewoman from Colorado (Mrs. SCHROEDER).

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER: Page 34, line 8, insert "(a)" before "Notwithstanding".

Page 34, after line 18, insert the following: "Notwithstanding paragraphs (1) and (3), no services shall be provided under this section if such services are available from civilian sources and if such services do not, in the opinion of the Secretary of Defense, confer some training benefits to the military personnel to be utilized to provide such services.

"(b) The Secretary of Defense may spend only such funds for the purposes of this section as the Congress may specifically appropriate for such purposes.".

Mrs. SCHROEDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mrs. SCHROEDER. Mr. Chairman, this amendment would add some restrictive language to the blank check the committee has written to the Lake Placid Olympic Organizing Committee. It would provide that the Department of Defense be restricted to providing only those services to the OOC that are not available from civilian sources, and which, in the opinion of the Secretary of Defense, confer some training benefits on the military personnel to be utilized. The amendment would also require that any costs to the Federal Government involved in the provision of services and equipment be specifically appropriated.

This section of the Defense authorization bill is a real honest-to-goodness ripoff of the Public Treasury. The gentleman from New York (Mr. STRATTON), in the committee's markup noted that there is a precedent for the provision of such services by DOD, but, in fact, this language will break more precedents than it will follow.

While it is true that military personnel were utilized in limited numbers in the 1960 Winter Olympics at Squaw Valley, the authorizing authority was embodied in separate legislation (S. 3262) on which hearings were held, and the funds provided to support such activities were specifically approved through the appropriations process.

No hearings were held on the language currently contained in the fiscal year 1979 Defense authorization bill and no dollar limitation is contained in the language. My conversations with Department of Defense officials suggests that the Department contemplates paying such costs from its regular appropriations. In this case there would be no congressional oversight. The language in this bill constitutes a signed blank check. The House should block payment.

A few numbers are pertinent to this debate. The Federal Government has already appropriated $58 million in public funding to a private organization. That is a figure more than four times greater than that provided by the State of New York. In 1960 the State of California bore the burden of the games providing more than 12 times the meager Federal contribution of $4 million. At Squaw Valley only an estimated 160 Army personnel and a smaller number of Navy personnel were provided. Before Colorado turned down the 1976 winter games the Olympic Organizing Committee was talking about the utilization of about 6,000 military personnel and this at a time prior to the Munich Olympics and the consequent demands for additional security. In 1976 the Canadians spent $100 million just to provide security at the summer games or about $8,000 per athlete. The Congress should demand an accounting of the expenditures to be involved in the provision of these services and require an authorized appropriation ceiling.

The Armed Services Committee reports on S. 3262 also make clear that the Department of Defense was to provide only those services "uniquely within the competence of the Department of Defense" and that such support was not intended "as a replacement for services available from civilian sources." The language in this year's authorization bill is virtually open ended as to the types of services that could be provided. I think we can all remember Japanese soldiers at Sapporo in the 1972 winter games carting snow around the slopes. I do not believe that type of activity provides useful military training and I would not like to see it repeated.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this section of the bill is itself a New York State amendment. All the section does is give the Secretary of Defense authority to provide help, if he believes it is appropriate, to the winter Olympics at Lake Placid in 1980. This help would relate primarily to security matters. We are going to have a lot of foreign visitors there. They will need protection against possible terrorism. It would also relate to communications. And it would relate to emergency evacuation if that were required. The Secretary if the amendment is adopted, will be the one who would decide what type of assistance would be appropriate and what would not be appropriate. The gentlewoman from Colorado does not really understand the substance of this section which was included in the bill on my motion. I urge that her amendment be rejected.

Mr. BIAGGI. Mr. Chairman, I move to strike the last word. I rise in opposition to the amendment.

Mr. Chairman, there is no question this provision in the bill is substantial and should be retained. We witnessed in the previous Olympics at Munich the Israeli competitors assassinated in cold blood. We do not want a recurrence or even the slightest potential of such a recurrence. To remove the availability of the military contains the seed of disaster and an invitation to terror acts.

I urge strongly and most vigorously that this amendment be defeated.

(By unanimous consent, Mr. MITCHELL of New York yielded his time to Mr. MCEWEN.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. MCEWEN).

Mr. MCEWEN. Mr. Chairman, I agree with the gentleman from New York (Mr. STRATTON). This is a New York amend-

ment; it is also a United States of America amendment.

The site of the 1980 winter Olympic games is to be in a little village in the Adirondacks, a village of less than 3,000 people, known as Lake Placid. The host nation is the United States of America. During that summer the summer Olympics will be in the Soviet Union, and the site will be Moscow.

All of us, I know, recall the tragedy of Munich. One of the things we hope this authorization will provide is military support that can avoid a tragedy like that of Munich. The military can provide security, and the military can help and provide aid in the event of accident to any of the young men and women who are competing in the games or in the event of accident to any of the spectators who are on the scene in this mountain community that is served only by narrow, two-lane roads. In the event of trouble we would hope the military might provide helicopters for evacuation purposes.

Any of us who read the Washington Post this past Monday know there was an article that talked about $150 million for shoveling snow, but that is not so—this is not for that purpose. Neither is it for $100 million for security; that is a figure that was ascribed to Montreal, a figure which I cannot verify.

Mr. Chairman, what this language does mean is that the military of this Nation will be able, as has the military of every host nation in modern Olympics, to provide support for these games.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. SCHROEDER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HILLIS

Mr. HILLIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HILLIS: Page 38, after line 9, add the following new section:

CEILING FOR PAYMENTS TO PHYSICIANS UNDER CHAMPUS

SEC. 812. (a)(1) Section 1079 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Payment of a charge for physician services for which a claim is submitted under a plan contracted for under subsection (a) may be denied because the charge is in excess of a predetermined charge level based upon customary charges made for similar services in the same locality only to the extent that such charge is in excess of the charge level that, on the basis of statistical data and methodology acceptable to the Secretary of Defense, in consultation with the Secretary of Health, Education, and Welfare, is equivalent to the 90th percentile of the customary charges made for similar services in the same locality during the last preceding calendar year elapsing before the start of the twelve-month period (beginning July 1 of each year) in which the claim for the payment is submitted.".

(2) Section 1086 of such title is amended by adding at the end thereof the following new subsection:

"(f) The provisions of section 1079(h) of this title shall apply to payments for physician services under a plan contracted for under subsection (a).".

(b) The amendments made by subsection (a) shall apply with respect to claims submitted for payment for services provided on or after the first day of the first calendar year beginning after the date of enactment of this Act.

Mr. HILLIS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HILLIS. Mr. Chairman, my amendment is aimed at improving a serious deficiency which developed in the CHAMPUS program after it was originally enacted in 1966.

The Armed Services Committee has been looking into the problems which have resulted in a gradual deterioration of military health care for active duty members, their dependents, and retired members and their dependents. Military hospitals across the country have had to curtail health care, particularly for dependents and the retired community, because of a shortage of physicians and other deficiencies which have plagued military medicine in recent years.

In rather sudden fashion, many beneficiaries found themselves with more limited medical care in military facilities or no medical care at all when services were curtailed. This situation caused many to turn to the CHAMPUS program for their medical problems, and in all too many instances, use of CHAMPUS became difficult and expensive.

For those of my colleagues who may not be aware of it, CHAMPUS is an acronym for the civilian health and medical program of the uniformed services, which is basically an extension of military health care for dependents of active duty personnel, retired members, and their dependents. The program affords an opportunity for health care in the civilian community on a cost-sharing basis. For example, after certain deductibles, a retired member pays 25 percent of the approved charges with the Government paying 75 percent.

Obviously there must be some method of arriving at charges to be approved for payment. Basically what happens is this: The system establishes a profile for each physician in a geographical area for given procedures, such as an appendectomy, which results in determining the average charge by that physician for each procedure.

Next, the charges by all physicians for that procedure in that area are laid out on a vertical scale from the lowest to the highest. The CHAMPUS program then goes up that scale to the 75th percentile and strikes a figure which represents the highest fee that will be approved for that procedure in that area.

It is the compilation of basic data and striking the fee at the 75th percentile which has created difficulties in CHAMPUS. First, compilation of the basic data has been delayed in some instances up to 2 years, which means that in some cases payment schedules are 2 years old. Second, many physicians refuse to agree to the charge at the level of the 75th percentile.

This amendment would seek to correct those problems. It would provide for payment up to the 90th percentile and would require fee schedules to be updated every 12 months. At one time CHAMPUS did allow payment at the 90th percentile and in some instances, had more timely fee schedules. Experiences under that formula indicated wider approval of the program and a great deal more satisfaction among beneficiaries.

The evil of the 75th percentile system is that the beneficiary is often required to pay far in excess of what the Congress intended when it set the CHAMPUS cost-sharing formula in 1966. At that time Congress mandated that retired people pay 25 percent of the charges for care in civilian facilities and 25 percent of the charges for outpatient care. A combination of charges above the 75th percentile and outdated fee schedules has resulted in patients paying up to 45 to 50 percent of the actual charges rather than the 25 percent as clearly intended by Congress. The same result has plagued dependents of active duty personnel when seeking care under CHAMPUS.

The Armed Services Committee has acted favorably on this legislation which was reported last November as H.R. 8647. However, due to the urgency of implementing its provisions and the expected crush of other legislation before the House, I thought it expedient to include the provisions with the fiscal year 1979 Department of Defense authorization bill as, I understand, was also done in the other body.

Mr. Chairman, I urge my colleagues to support this amendment to offer an early and significant improvement to CHAMPUS and at once illustrate that Congress is certainly not indifferent to attempts at erosion of military benefits.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. HILLIS. I yield to the chairman of the committee.

Mr. PRICE. Mr. Chairman, the amendment offered by the gentleman from Indiana (Mr. HILLIS) is a good one. I have had an opportunity to look it over. The committee gave the original bill its unanimous approval, so I see no reason why we would not be willing to accept this amendment.

Mr. BOB WILSON. Mr. Chairman, will the gentleman yield?

Mr. HILLIS. I yield to the gentleman from California.

Mr. BOB WILSON. Mr. Chairman, I am happy to say that our side will accept the amendment also.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HILLIS).

The amendment was agreed to.

(By unanimous consent, Mr. ICHORD yielded his time to Mr. DICKINSON.)

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Chairman, I rise for the purpose of asking my colleague and distinguished subcommittee chairman, Mr. ICHORD, a question regarding an Air Force research and development program titled the "engine model derivative program."

This program seeks to demonstrate and develop the growth potential in current operational military jet engines. Specifically, the program will provide for increases in the performance of current gas turbine engines to—

Permit higher thrust to weight ratios to be realized;

Decrease life-cycle costs;

Increase fuel efficiency; and

Increase reliability and maintainability.

Simply stated, this is a jet engine product improvement program. Through this program, the Air Force is trying to squeeze that last 10 to 15 percent in performance out of existing inventory engines.

As the gentleman from Missouri knows, our R. & D. Subcommittee recommended terminating funding for this program because of the belief that industry should fund this effort out of its own funds in that industry would be the ultimate beneficiary of any increased Air Force business.

Since our markup, I have talked with the Air Force Systems Command and have discovered that engine development is an extremely costly endeavor and few contractors are willing to commit resources of this magnitude on speculation. Further, using independent research and development funds in pursuit of a program with the objectives of the engine model derivative program would insure a philosophy of the rich-get-richer since only those contractors with large military/commercial business could afford to invest in a program of this nature.

My question to the gentleman is simply this. Would the gentleman be willing to have the R. & D. Subcommittee review this additional information? Although the justification presented to the committee during our budget hearings was admittedly rather weak, I believe the subcommittee will find the Air Force actually has a well structured, eminently supportable program.

Mr. ICHORD. Mr. Chairman, if the gentleman will yield, I would say to the gentleman from Alabama (Mr. DICKINSON) that I would be very pleased to review this program with him.

The gentleman will recall that the committee omitted the money primarily because it was an Air Force program and we thought it should be a joint Navy-Air Force program.

I would state to the gentleman that I personally am a great believer in product improvement, and I certainly am interested in getting as much use as we possibly can out of current inventory jet engines. In that regard I might mention that the thing of the future in engine development is in the field of ceramics for high temperature environments such as one experiences in a modern gas turbine engine. Right now metal matrix is ahead of ceramics.

Mr. Chairman, I would be anxious to delve deeper into this program to see if the Army, the Air Force, and the Navy plan to pursue this technology.

AMENDMENT OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SKELTON: On page 27, immediately after line 23 insert the following new section:

"SEC. 702. (a) From the sum authorized to be appropriated to the Defense Civil Preparedness Agency pursuant to Section 701 of this act, the sum of $200,000 shall be used for a study of the special civil defense needs of areas which contain significant elements of the United States' strategic nuclear retaliatory forces.

(b) The study provided for in subsection (a) of this section shall include, but not be limited to, the following information:

(1) An identification of areas in the United States which because they contain significant elements of the United States' strategic nuclear retaliatory forces are prime targets in case of a nuclear attack.

(2) A determination of what civil defense evacuation and shelter plans and warning systems are now available or are proposed to be available to these areas.

(3) An evaluation of the effectiveness of these existing evacuation and shelter plans and warning systems.

(4) A determination of the feasibility of establishing more effective evacuation and shelter plans and warning systems for these areas, and a determination of the potential costs and methods of financing.

(5) A detailed analysis of the specific effects of a nuclear attack on each of these areas.

(6) A determination of the need for educating and the most effective methods of educating the public in these areas on civil defense matters.

(c) The study required by this section shall be complete, and copies filed with the Committees on Armed Services of the Senate and House of Representatives, before April 1, 1979.

Mr. SKELTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Chairman, the purpose of this proposed amendment is to provide for a study of the special civil defense needs of areas in the United States which contain significant elements of the U.S. strategic nuclear retaliatory forces.

For instance, Missouri's Fourth Congressional District contains 150 intercontinental ballistic missiles (ICBM's). These missiles are saturated throughout the district. In some cases, the missiles are actually located in people's backyards, as was pointed out in a 1972 NBC television report.

This amendment should be adopted because of the following: 50 areas of the United States contain about 10 million people which are located in similar high risk or prime target areas. It is my opinion that these high-risk areas will be the first to receive a nuclear strike in case of an attack against the United States. This opinion is shared by the Defense Civil Preparedness Agency (DCPA). As of now, these 10 million people are virtually defenseless. It is my understanding that the immediate future holds little hope for truly effective protection in these 50 areas.

This study should be completed in order to—

First. Provide new facts and information about the prime target areas that are not now available.

Second. Learn what information is already available that can be made applicable to the special needs of these 10 million people. Available information should be funneled to a program or programs that are concerned with high risk areas.

The DCPA has informed me that some of the facts for which I am looking are available. However, this does not solve the problem. The information must be gathered with the knowledge that it possibly is going to be used for meeting the special protection needs of these 10 million people. Much of the information must be localized to these special areas.

For example, in response to my question about warning systems the DCPA sent me an answer which looked at the national warning system and a Missouri State warning system. One sentence went thusly:

The local warning points activate outdoor warning sirens and/or contact radio and television stations to alert the public of an attack or natural disaster.

I know for a fact that a large portion of the communities in my district do not have warning sirens. I also know for a fact that during the 1972 false alert when all radio and TV stations were given orders to go off the air because a nuclear attack was imminent * * * none in my district, to my knowledge, went off the air. My point is this * * * the DCPA information was of a national or at best a State nature. It needs to be on the level of all the 50 local areas.

Under my amendment, no additional authorization would be required. The study would be funded from money the Armed Services Committee has authorized DCPA for research and development.

The elements of the amendment are:

1. A determination of what civil defense evacuation and shelter plans and warning systems are now available or are proposed to be available to these areas.

2. An evaluation of the effectiveness of these existing evacuation and shelter plans and warning systems.

3. A determination of the feasibility of establishing more effective evacuation and shelter plans and warning systems for these areas, and a determination of the potential costs and methods of financing.

4. A detailed analysis of the specific effects of a nuclear attack on each of these areas.

5. A determination of the need for educating and the most effective methods of educating the public in these areas on civil defense matters.

Let us look at the humanistic side.

At this moment, the United States is paying $124 million to harden the ICBM silos at the Whiteman Air Force Base in Missouri. I do not disagree with the need to harden these silos. However, I cannot

but help raise the following question: If my country can spend more than a tenth of a billion dollars on this project * * * why cannot it invest a lesser amount into protecting the lives of the half million people who live in this part of Missouri? They did not ask to be part of the high risk areas. Their property and lives are in a very special danger. For this sacrifice, I believe we should study the possibility of providing them with the protection they need.

Right now, the Federal Government is spending more money on hardening the missile silos in my district alone than it is spending on the entire fiscal year 1978 civil defense budget.

I believe these 50 areas of the Nation which contain the 10 million people all deserve this special study.

This map is compiled from two publications that are in the public domain. One source is found on page 50 of a Senate Subcommittee publication titled: Analyses of Effects of Limited Nuclear Warfare. It was printed in September of 1975. The same map can be found on page 21 of a Library of Congress publication titled: United States and Soviet City Defense. It was printed in August of 1976. The second source or publication in TR 82 which is published by the Defense Civil Preparedness Agency. It is titled: High Risk Areas. This is also in the public domain as all of the above are.

I urge the adoption of the Skelton amendment, as it will give us this much needed study of potential high risk areas. Thank you.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Illinois.

Mr. PRICE. I thank the gentleman for yielding.

Mr. Chairman, the committee has had an opportunity to examine the amendment offered by the gentleman from Missouri (Mr. SKELTON) and we are willing to accept it.

Mr. SKELTON. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GARY A. MYERS

Mr. GARY A. MYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARY A. MYERS: Page 35, line 10, strike out "and".

Page 35, line 15, strike out the period at the end thereof and insert in lieu thereof "; and".

Page 35, after line 15, insert the following:

(3) with respect to the procurement of specialty metals, or an article containing specialty metals, produced outside the United States or its possessions when such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or where such procurement is necessary in furtherance of the standardization and interoperability of equipment requirements within NATO so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act and with section 814 of the Department of Defense Appropriation Authorization Act, 1976.

(c)(1) The Secretary of Defense shall conduct a study regarding the effects of subsection (b)(3) of this section—

(A) upon producers of specialty metals in the United States;

(B) upon producers of equipment for the Department of Defense; and

(C) upon the economy of the United States.

(2) Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and House of Representatives containing the findings and conclusions of the Secretary of Defense regarding such study.

Mr. GARY A. MYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Ms. HOLTZMAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk continued the reading of the amendment.

Ms. HOLTZMAN (during the reading). Mr. Chairman, I ask unanimous consent to withdraw my objection.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. GARY A. MYERS. Mr. Chairman, I ask unanimous consent that I be allotted one-half my time at this time and reserve the balance for another amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GARY A. MYERS. Mr. Chairman, this amendment would simply do two things. It would add to the section of the bill addressing the question of limited ability to purchase material through the special steel uses and add the present language that was in the 1978 appropriations bill. It would also require a study to be sent to the Congress on the impact of such language if in fact it is included in this bill.

Mr. PRICE. Mr. Chairman, the committee has had no opportunity to even see this amendment or to study this amendment, so the committee opposes the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GARY A. MYERS).

The amendment was rejected.

AMENDMENT OFFERED BY MR. WOLFF

Mr. WOLFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLFF: add on page 38 after line 9 the following:

SEC. 812. (a) The Department of Defense shall report to the Congress at the end of fiscal year 1979 what efforts it has taken during the fiscal year to formulate a productivity plan with respect to manpower needs and what efforts it has taken during the fiscal year to gather productivity data under that plan upon which to base manpower requests for subsequent fiscal year authorizations.

(b) The Department of Defense shall make such plan and data available to the Congress at the end of fiscal year 1979.

Mr. WOLFF (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOLFF. Mr. Chairman, I rise today to offer an amendment to the Department of Defense authorization bill for fiscal year 1979. This amendment would require the Department of Defense to report to the Congress at the end of fiscal year 1979 what efforts it has taken during the year to formulate a productivity plan with respect to manpower needs. Furthermore, it would require that the Department report to the Congress what efforts it has taken during the fiscal year to gather productivity data under any such plan which to base manpower requests for subsequent fiscal year authorizations. Finally, the Department would be required to make available to the Congress the actual plan and data themselves by the end of fiscal year 1979.

The rationale behind this amendment is clear and speaks to an ever growing concern of the American public. Simply stated, the public is worried about increasing spending and is demanding that whatever money is spent be governed by the admonition—distinguish between the essential and the excessive.

As we know, when Government spending is increased, the country runs two risks. First, if the spending results in a deficit, then there could very well be an adverse impact on the rate of inflation. Recent public opinion polls point out in stark terms the growing anxiety which Americans feel with respect to the high cost of living. Second, if the spending results in an increased budget, then taxes may have to be raised in order to avoid a deficit. I am sure that my colleagues have heard from their districts, as I have from mine, that taxes are already too high and that the people will not stand for more. Given these two unpalatable risks which we run as the result of increased Government spending, it is our responsibility in the Congress to insure that whatever money is spent be spent efficiently so as to reach for the greatest degree of productivity.

Of course, everyone favors efficiency as a goal. The real issue, then is can efficiency be achieved and how can it be done. A recent General Accounting Office report entitled "Improving Federal Agency Efficiency Through the Use of Productivity Data in the Budget Process" speaks directly to this issue. Although the report concedes that some types of activity are not quantifiable in

terms of productivity under current methodologies, it clearly states:

It has been our experience, however, that these types of activities are a small part of the overall Government workload. Our work on the Federal productivity measurement system has shown that the majority of the Federal activities can be measured.

The report further states:

Productivity data is necessary for management to accurately determine the personnel and funds required to meet the organization's goals. Emphasizing productivity during budget preparation and approval can help ensure more efficient use of the Federal budget dollar.

Therefore, productivity data can be effectively utilized in the analysis of manpower requirements.

The concept of productivity data encompasses all measures of efficiency. This may take the form of productivity measurement data. which is the ratio of output to input measured against a predetermined base year. Or it may take the form of work measurement data, which is the comparison of output and input to a standard targeted performance. Efficiency could also be measured by unit cost data, which looks to the cost of producing a single unit of output. Finally, there are certainly other measures of productivity which can be developed in the future as aids to the budgetary process. As I have already indicated, I am aware that there may be some manpower requests to which productivity analysis is not suitable. Nevertheless, since productivity data can be helpful in the majority of cases, it is the Congress responsibility to see to it that the Department seeks to formulate a productivity plan with respect to manpower needs and seeks to implement that plan. This is what my amendment is intended to do.

I am hopeful that the effect of this amendment would be to emphasize throughout the budgetary process the concept of productivity regarding manpower needs. The GAO report spoke directly to the need for congressional initiative in encouraging the use of this data. In the words of the report:

The process of institutionalizing productivity improvements in the Federal Government is an area where much remains to be done. The use of productivity data as a management tool has been very sporadic, dependent mostly on motivation and commitment of individual managers. This process now needs to be revived by the top executive branch and congressional support.

Therefore, this amendment should strongly encourage the department to factor productivity data into its manpower requests, and should aid the Armed Services Committee in focusing on those requests during the review process.

Finally, Mr. Chairman, my amendment simply asks the Defense Department to strive to use productivity data in the formulating of manpower requests. Logic compels its use. The American people demand it.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Illinois.

Mr. PRICE. Mr. Chairman, I have read this amendment, and it does not entail any costs. However, we have not had much opportunity to study it. We will be willing to take this to conference and see what we can do and work with the other body.

Mr. WOLFF. I thank the Chairman.

Mr. BOB WILSON. Mr. Chairman, if the gentleman will yield, we will be happy to accept the amendment on this side.

Mr. WOLFF. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WOLFF).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. QUAYLE

Mr. QUAYLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. QUAYLE: Page 33, strike out line 8 and all that follows through line 6, on page 34.

Redesignate the succeeding sections accordingly.

The CHAIRMAN. The gentleman from Indiana (Mr. QUAYLE) is recognized.

Mr. QUAYLE. Mr. Chairman, in 45 seconds it is going to be very difficult to explain this amendment.

It strikes section 806. What it does is to allow fair competition with DOD and the private contractors. DOD is the only Government agency now that has a special rating when it computes its costs.

Mr. Chairman, that is unfair. I do not think anybody, even the committee, will dispute the fact that it is unfair.

This amendment will do two things, one, save money; and two, allow small business to compete in DOD procurement. If this amendment is not adopted, we are going to see the continual decline of small business activity in DOD procurement. We are not going to help Boeing or any of the other big companies. We are just going to help small business people like laundry services.

Mr. Chairman, I urge support for the amendment.

Mr. PRICE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the committee, first, has not had any opportunity to study this amendment and would like to study it before we pass any judgment on it.

PARLIAMENTARY INQUIRY

Mr. GARY A. MYERS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GARY A. MYERS. Mr. Chairman, with all due respect to the gentleman from Illinois (Mr. PRICE), I am not certain that he has time to speak now.

Has he not already consumed his time?

The CHAIRMAN. The Chair will state that the gentleman's additional time was yielded to him by other Members.

The gentleman from Illinois (Mr. PRICE) is recognized for 20 seconds more.

Mr. GARY A. MYERS. I thank the Chairman.

Mr. PRICE. Mr. Chairman, the committee urges rejection of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. BOB WILSON).

Mr. BOB WILSON. Mr. Chairman, I want to speak against the amendment.

We have had this provision of law for 1 year or 2 years. It was put in there primarily to prevent the abuses which the Government was engaging in with regard to contracting out. They were firing Federal employees and having the job contracted out at about 1½ or 2 times the expense. It is not a money-saving procedure at all. In fact, it is an expensive procedure if that is permitted.

Therefore, Mr. Chairman, I am very much opposed to this amendment and urge that it be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. QUAYLE).

The question was taken; and on a division (demanded by Mr. QUAYLE) there were—ayes 37, noes 61.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. CORNWELL

Mr. CORNWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CORNWELL:

TITLE V—CIVILIAN PERSONNEL

Page 24, line 18; delete 1¼, and insert 2.

Mr. CORNWELL. Mr. Chairman, I rise to offer an amendment to increase the authority given to the Secretary of Defense to exceed the civilian manpower ceiling from 1¼ to 2 percent. This is a modest proposal, increasing by approximately 7500 the number of manpower billets which may be added when it is deemed to be in the national interest.

As you may remember, we are well below the 3 percent flexibility approved by the House during consideration of last year's Defense Authorization Act.

I believe that the discusison of the Dodd amendment made clear many of the problems associated with the civilian manpower ceiling. While such ceilings look good politically by implying efficient management of a tightly controlled civilian workforce, we have seen that the ceilings work in the reverse by compromising efficient management efforts. I am sure that each of my colleagues with an industrially funded activity in their district has seen the inhibition on valid employment caused by the manpower ceilings. Each of you is aware of the millions of taxpayer dollars squandered every year by installations in attempting to find means of meeting the manpower ceilings. Similarly, more millions of taxpayer dollars are wasted each year on the hundreds and probably thousands of Defense Department employees who do nothing but study and re-study installation manpower ceilings. It is not, however, my intention to turn this amendment into a referendum on the manpower ceilings' applicability to industrially funded activities. Rather, it is my hope that through passage of this amendment we will call further DoD attention to congressional concern that all defense civilian installations, and particularly industrially funded activities, be allocated sufficient manpower to meet their funded workloads.

I have already discussed the problems

encountered at Crane Naval Weapons Support Center, an IFA in my district. Briefly, the manpower ceiling allocated the installation by the Navy was 360 billets below that needed to meet the funded workload. After weeks of disarray, the Navy finally decided to increase Crane's manpower ceiling by 120, but only if the slots could be taken away from another installation. Finally, a sacrificial shipyard was found, and Crane got its 120 slots. When we debated the increase in the endstrength flexibility last year, I and many of my colleagues stated that we hoped that an increase in the endstrength flexibility might put an end to, or at least ease, the defense agencies' practice of playing off one installation's manpower needs against another's. Unfortunately, the example at Crane shows that the Defense Department has not followed our intentions.

Further, the Senate has seen fit this year to approve an endstrength flexibility of only ½ percent in opposition to the administration's request to retain the 1¼ percent now in law. As such, passage of this amendment would send a message to the Senate that we aim to maintain the endstrength flexibility at its current level.

Until we either exempt IFA's from the manpower ceilings, or remove the ceilings on civilian personnel altogether, the long-term problems created by the ceilings will not be solved. We will continue to waste millions of taxpayer dollars supporting an inefficient management system that no responsible businessman would endorse. Until such time, it is necessary to provide a means of alleviating the rigidity of the ceiling policy and to urge the Defense Department to use that means to the best of its ability. It is in this light that I urge your support for my amendment.

Mr. BOB WILSON. Mr. Chairman, will the gentleman yield.

Mr. CORNWELL. I yield to the gentleman from California.

Mr. BOB WILSON. Mr. Chairman, we are very happy with this amendment and accept it on this side.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. CORNWELL. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Chairman, the committee will accept the amendment providing for the 2 percent.

Mr. PRICE. Mr. Chairman, we will accept the amendment.

Mr. CORNWELL. Mr. Chairman, I urge support for the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. CORNWELL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GARY A. MYERS

Mr. GARY A. MYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARY A. MYERS: Page 38, after line 9, add the following new section:

RESTRICTION ON ABORTIONS

SEC. 812. (a) Chapter 55 of title 10, United States Code, relating to medical and dental care, is amended by adding at the end thereof the following new section:

"1090. Restriction on abortions

"No abortion—

"(1) may be provided under the provisions of this chapter if, on the date on which such abortion would be performed, any law of the United States prohibits the use of Federal funds to perform such an abortion on any person entitled to medical assistance under any State plan approved under title XIX of the Social Security Act; or

"(2) may be paid for (A) under any contract entered into under section 1079 or 1086 of this title, or (B) under any other provision of this chapter if, on the date on which such abortion was performed, any law of the United States prohibited the use of Federal funds to perform such an abortion on any person entitled to medical assistance under any State plan approved under title XIX of the Social Security Act.".

(b) The table of sections at the beginning of chapter 55 of such title is amended by adding at the end thereof the following new item:

"1090. Restriction on abortions.".

Mr. GARY A. MYERS. Mr. Chairman, I offer this amendment in the name of the gentleman from Pennsylvania (Mr. GOODLING), whose amendment it is. His intent is simply to bring consistency to our present Federal policy on abortion.

I would also point out that last year some 11,000 abortions were performed in military hospitals and through the CHAMPUS program, at an expense of $5 million.

Ms. HOLTZMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, for many reasons this is a highly objectionable amendment. It is also extremely dangerous to the well being of our Armed Forces.

There are over 117,000 women who now serve in the Armed Forces of this country. In addition, well over 50 percent of the men serving are married.

This amendment will have a serious and adverse impact on the ability of this country to recruit women into the voluntary army and to recruit men who are married. I think it undermines the security of this country.

In addition, I would like to point out that this amendment, contrary to what the gentleman from Pennsylvania says, imposes additional hardships on women that are not contained in the policy adopted by the Congress on medicaid abortions. I urge defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GARY A. MYERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GARY A. MYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANSEN: On page 38, after line 9, add the following new section:

"SEC. 812. Notwithstanding any other provision of law, none of the funds authorized to be appropriated for the Department of Defense by this or any other Act shall be used directly or indirectly for the purpose of effecting any force reduction or base realignment in the Panama Canal Zone in support of implementation of the Panama Canal Treaties approved by the United States Senate in 1978 without specific Act of Congress."

Mr. HANSEN. Mr. Chairman, this amendment is very simple. As it was read, it simply provides:

Notwithstanding any other provision of law, none of the funds authorized to be appropriated for the Department of Defense by this or any other Act shall be used directly or indirectly for the purpose of effecting any force reduction or base realignment in the Panama Canal Zone in support of implementation of the Panama Canal Treaties approved by the United States Senate in 1978 without a specific Act of Congress.

Today's amendment is similar to House Concurrent Resolution 347 which has 240 cosponsors and states:

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress of the United States that any right to, title to or interest in the property of the United States Government agencies in the Panama Canal Zone or any real property and improvements thereon located in the zone should not be conveyed, relinquished, or otherwise disposed of to any foreign government without specific authorization of such conveyance, relinquishment, or other disposition by an Act of Congress.

Today's amendment is also similar to H.R. 11201 which is supported by over 80 percent of the members of the House Armed Services Committee and states:

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, no right, title, or interest of the United States in or to any real property located in the Canal Zone which on the date of the enactment of this Act is under the jurisdiction of the Secretary of a military department may be transferred or otherwise disposed of unless such transfer or disposal has been specifically authorized by Act of Congress enacted after the date of the enactment of this Act.

And finally, today's amendment is similar in purpose to my recent amendment to the first concurrent resolution on the budget designed to stop any slush funding of the Panama treaties which originally passed the House by a vote of 231 to 170 and which was finally accepted by both the House and the Senate in the conference report last week. This amendment declared an intent by Congress to eliminate the never-used $40,000,000 borrowing authority of the Canal company and bring the Panama budget closely under the scrutiny of the Congress so that there is no authority for transfer of funds or property in Panama without a specific act of Congress.

This is our opportunity to vote on the principle of House Concurrent Resolution 347, Mr. Chairman.

With the adventures of Castro's Cuba in exporting revolution and terrorism across the world, this is hardly the time to take lightly any efforts to withdraw

U.S. presence from the Caribbean and particularly the Canal Zone and I strongly urge the approval of this amendment.

The CHAIRMAN. Are there any Members on the list who wish to be heard on this amendment?

If not, the question is on the amendment offered by the gentleman from Idaho (Mr. HANSEN).

The question was taken; and on a division (demanded by Mr. HANSEN) there were—ayes 61, noes 35.

So the amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, there is one issue of overriding importance facing us today. That issue is the survival of our Nation.

Since the early 1960's our military strength relative to that of the Soviet Union has been declining. We have let military superiority slip from our grasp.

Any objective analysis will show the growing threat to our national security. The hard truth is that we are more vulnerable to a Soviet attack than ever before.

The Library of Congress has prepared an excellent analysis of the United States-Soviet military balance. According to that report: "American armed services possessed pre-eminent strength at the time of the Cuban military crisis in 1962. U.S. forces have registered many improvements since that time, but their relative decline when compared with Soviet counterparts has been dramatic."

The relative decline of U.S. military power has indeed been "dramatic." Under liberal pressure and influence our overall military strength has been undercut to the point where in 1978 we face a clear and present danger.

Today the U.S.S.R. would go into a confrontation with superiority in virtually every area. And the situation is rapidly growing worse. The Library of Congress analysis notes that even our intercontinental ballistic missiles are becoming vulnerable. It states:

Most authorities agree that Soviet ICBM's will pose substantial threats to Titan and Minuteman missiles in the 1980's. The key questions are not whether the Soviets could eventually crush them with a first strike, only when they could achieve that capability, and how seriously that situation affects U.S. security.

In other areas the Library of Congress study shows that the situation is the same. Our tactical air forces are in danger of being overwhelmed by massive numbers of Soviet aircraft. Our Navy is entering "an era of reduced options and reinforced risk." Our ground forces are a mere drop in the bucket compared with the vastly superior Soviet forces. Our overall military position vis-a-vis the Soviet Union is eroding.

In no area can we more clearly trace the decline of U.S. military superiority than in our basic declaratory policy. Let's look for a moment at the statements of our Government leaders over the past 25 years on U.S. military policy toward the Soviet threat and our own military capabilities.

Massive retaliation. In the 1950's our avowed policy was for massive retaliation against an enemy whether we were confronted with regional or local aggression of any type. We were clearly superior. In 1954 we had no throw weight in missiles but we had 1,500 B–47's and 500 B–52's. The U.S.S.R. had very few bombers and few missiles and the U.S.S.R. could not stand up in any type of confrontation. All this began to change with the McNamara policies of the 1960's.

Sure destruction policy (1965). The U.S.S.R. deployed a missile force after the Cuban missile crisis. The United States talked for the first time in terms of damage to our own population. Secretary McNamara began to phase out our bombers and at this point our superiority began to deterioriate.

Mutual assured destruction (announced by Secretary McNamara in 1967). The Soviets gained parity and for the first time they had more deployed throw weight in missiles than the United States. The U.S.S.R. clearly had momentum and we lost it. At this point the U.S.S.R. sought a SALT agreement on the grounds they could stop our ABM and MIRV while the liberals in the Congress were scuttling both and telling our people we could hold down the U.S.S.R. momentum by a SALT accord. Our imbalance got worse so we again changed our policies.

Strategic sufficiency (announced by President Nixon in 1969 at the U.N.). Suddenly we had passed to sufficiency, whatever that is, while the U.S.S.R. was rapidly moving ahead.

Essential equivalence (Secretary Schlesinger, 1974). This was the beginning of the whistling in the dark. The U.S.S.R. in the meantime had started a massive civil defense program, spending billions of dollars and circumventing the avowed purposes of the ABM treaty.

Rough equivalence (Secretary Rumsfeld, 1976). This policy was vague and couched in terms of hopes of what the United States could do rather than a firm statement of our ability to deter an aggressor.

More or less equal (Secretary Harold Brown, May 1977). At this point the Soviet Union is clearly superior, believes their civil defense is successful and that there is no way that we can deter them.

We have gone from a position of superiority to a situation where the United States has no real declaratory policy today. It is fair to say that our declaratory policies have followed our military realities. The military realities today are that we are falling behind and are in a very precarious position. The Library of Congress study summarizes the situation as follows:

Quantitative changes since the Cuban missile crisis favor the Soviet Union, with scattered exceptions. U.S. qualitative superiority, less pronounced than in the past, is slowly slipping away.

As it stands:

Mutual Assured Destruction seems less mutual than it was in the last decade.

Only about one-fourth of all U.S. divisions are free to contend with contingencies without undercutting U.S. capabilities in Europe.

The U.S. Navy is poorly prepared to cope with Soviet anti-ship cruise missiles, which severely constrain its mission capabilities.

The U.S. Merchant Marine could support small-scale contingencies, but even modest attrition from Soviet attacks would sap it quickly.

Emerging Soviet offensive strength is creating a new range of threats against NATO, whose forces cannot stand large losses.

America's land, sea, and air forces alike would be hard pressed to support NATO plans at existing levels and deal concurrently with large-scale diversions including those caused or sustained by the Kremlin in spots that contain U.S. life lines.

In short, current trends curtail U.S. freedom of action. The upshot abridges abilities of U.S. armed services to deter attacks on the United States, defend this country effectively if deterrence should fail, and safeguard associates whose security is closely linked with our own.

We cannot allow the present course of events to continue. If we are to make nuclear war more unthinkable, then we must have a superior defense. We must have a better air defense, we must have the B–1 offensive bomber. We must have the air-launched cruise missile (ALCM), we must have mobile land-based minutemen missiles, we must have the Trident submarine. We must move ahead with the cruise missile and develop antisatellite missiles. We must not yield the technological edge to our enemies.

Our goal must be to regain military superiority. This is the only way of assuring our ability to keep the peace and survive as a nation.

At this point in the RECORD I am including a statistical summary of the current United States-Soviet military balance as prepared by the Library of Congress.

TABLE I.—STATISTICAL SUMMARY (JANUARY 1978)

Category	Current status		U.S. standing
	United States	U.S.S.R.	
Strategic nuclear:			
Offensive/retaliatory systems:			
ICBM's	1,054	1,469	−415
Ballistic missile submarines [1]	41	86	−45
SLBM's	656	878	−222
Bombers [2]	376	170	+196
Total	2,086	2,517	−431
Nuclear weapons:			
ICBM's	2,154	2,555	−401
SLBM's	5,120	878	+4,242
Bombers [3]	2,034	200	+1,834
Total	9,308	3,633	+5,675
Strategic defensive systems:			
ABM launchers [4]	0	64	−64
SAM launchers [4]	990	12,300	−11,310
Intercepter aircraft [5]	270	2,700	−2,430
Total	1,760	15,064	−13,804
Ground forces:			
Armies:			
Active military manpower [6] deployable [7]	501	1,710	−1,239
Total [8]	781	2,467	−1,786
Divisions:			
U.S. active, Soviet categories I and II:			
Armor/Tank	4	32	−28
Mechanized/motor rifle	5	48	−43
Infantry	5	0	+5
Air assault	1	0	+1
Airborne	1	7	−6
Total	16	87	−71

Footnotes at end of table.

TABLE I.—STATISTICAL SUMMARY (JANUARY 1978)—Con.

Category	Current status: United States	Current status: U.S.S.R.	U.S. standing
Ground forces—Continued			
U.S. National Guard, Soviet category III:			
Armor/tank	2		−13
Mechanized/motor rifle	1	68	−67
Infantry	5	0	+5
Airborne	0	1	+1
Total	8	84	−76
Grand total	24	171	−147
Tanks:			
Heavy, medium	9,465	45,000	−35,535
Light [9]	2,065	3,000	−935
Total	11,530	48,000	−36,470
APC/AFV [10]	11,370	44,000	−32,630
Artillery	4,440	21,000	−15,560
Antitank guided missiles	123,000	7,000	+116,100
Heavy mortars [11]	1,685	7,200	−5,515
Tactical ballistic missiles [11]	156	1,150	−994
Tactical air defense:			
Missiles	435	4,200	−3,765
Guns	543	7,600	−7,057
Marines/naval infantry:			
Active military manpower [6] deployable [13]	97	12	+85
Total	192	12	+180
Divisions:			
Active	3	0	+3
Reserve	1	0	+1
Total	4	0	+4
Tanks:			
Medium	176	0	+176
Light	0	200	+200
Total	176	200	−24
Armored carriers:			
LVTP's [14]	470	0	+470
APC/AFV [10]	0	750	−750
Total	470	750	−280
Artillery	276	0	+276
Antitank guided missiles	144	90	+54
Heavy mortars	18	180	−162
Naval forces (general purpose):			
Active military manpower [6]	507	398	
Surface combatants:			
Aircraft carriers:			
Attack	13	0	+13
Antisubmarine warfare	0	3	−3
Helicoper	8	0	+8
Total	21	3	+18
Cruisers:			
SSM	0	23	−23
Other	28	10	+18
Total	28	33	−5
Destroyers:			
SSM	0	35	−35
Other [15]	97	54	+43
Total	97	89	+8
Frigates [16]	65	103	−38
Small combatants: [17]			
SSM	0	135	−135
Other	112	470	−358
Total	112	605	−493
Attack submarines:			
SSM	1	67	−66
Other	76	185	−109
Total	77	252	−175
Naval aircraft:			
Afloat;			
Fighter/attack	608	30	+578
ASW:			
Fixed wing	118	0	+118
Helicopter	137	190	−53
Ashore:			
Bombers	0	445	−445
ASW:			
Fixed wing	203	175	+28
Helicopters	0	60	−60
Total	1,066	900	+166
Tactical air forces:			
Active military manpower [18]	447	430	+17
Fighter/attack:			
Air Force	1,656	3,600	−1,944
Marine	324	0	+324
Total	1,980	3,600	−1,620
Bombers	0	655	−655
Grand total	1,980	4,255	−2,275
Helicopter gunships	647	450	+197
Airlift:			
Strategic	304	130	+174
Tactical:			
Active	234	600	−366
Reserve	396	0	+396
Total	630	600	+30
Utility/cargo helicopters [19]	2,885	1,600	+1,285
Sealift:			
Merchant cargo ships: [20]			
Active	305	1,400	−1,095
Reserve	146	0	+146
Total	451	1,400	−949
Tankers: [20]			
Active	525	350	+175
Reserve	18	0	+18
Total	543	350	+193
Grand total	994	1,750	−756
Amphibious ships [21]	62	20	+42

[1] Includes 19 Soviet G-class diesel submarines.
[2] Strategic bombers include B–52, FB–111, Bear, Bison, and Backfire (less those assigned to Soviet naval aviation).
[3] U.S. bomber loads are based on an average of 1.6 bombs and 3.84 SRAM's per B–52; 2 bombs and 2 SRAM's per FB–111; 1 large bomb or air-to-surface missile (ASM) per Bear and Bison; 2 ASM's per Backfire.
[4] ABM, SAM figures do not count reload capabilities. They do count 3 arms per Hawk launcher and 2 or 4 rails per SA–3. Each arm or rail holds 1 missile. U.S. figures include active and National Guard systems.
[5] U.S. interceptor aircraft include Air National Guard.
[6] Manpower figures are in thousands.
[7] U.S. Army deployable manpower includes mission-oriented base operating support. Soviet strengths exclude command and general support.
[8] U.S. Army manpower excludes strategic nuclear forces. Soviet strengths exclude paramilitary border guards and internal security troops, which total 460,000.
[9] U.S. light tanks include Sheridan armored assault vehicles.
[10] Armored personnel carriers (APC) and armored fighting vehicles (AFV) include wheeled and tracked vehicles.
[11] Heavy mortars include United States, 4.2 in; Soviet, 120 mm and 240 mm.
[12] Tactical ballistic missiles include U.S. Pershing and Lance, Soviet FROG and SCUD.
[13] U.S. Marines exclude air wings.
[14] Landing vehicle tracked personnel (LVTP).
[15] U.S. destroyer figure counts 28 in Naval Reserves.
[16] 7 U.S. frigates were armed with Harpoon missiles late in 1977.
[17] Soviet small combatants include Nanuchka and Osa SSM boats, Grisha, Poti, fast torpedo boats, submarine chasers, hydrofoils, and miscellaneous. U.S. figures include 109 Coast Guard cutters and patrol boats.
[18] Air force manpower figures for both sides exclude strategic nuclear forces and include airlift forces.
[19] U.S. cargo/utility helicopters include 2,640 Army and 245 Marine.
[20] U.S. merchant cargo ships and tankers include those in Military Sealift Command, the rest of our merchant marine, the effective U.S. controlled fleet, and national defense reserve fleet.
[21] U.S. amphibious ships include 8 helicopter carriers.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. DAN DANIEL).

Mr. DAN DANIEL. Mr. Chairman, I move to strike the last word.

The fate of the United States and the future of our children and our children's children rests on small events. One such event is the action of this House today in approving the bill prepared by the Armed Services Committee. It should be obvious to the administration that rhetoric does not prevent the overthrow of governments or massacres like the one perpetrated in Zaire last week. This brings me to the second point I wish to make about national survival—faith.

How can we have faith in the utterances of the leaders of the Soviet Union today when we learned from the media that the Soviets started buying cobalt—most of which comes from Zaire—at least 6 months before the invasion and destruction of a vital mining area. The United States faces no impending shortage of cobalt; we have plenty for the time being. How much did the head Communist know about the impending slaughter of innocent men, women, and children in Zaire? The answer is obvious. The Soviet leaders who now rule in Angola knew before the start of the year that an invasion with subsequent destruction and massacre were planned.

These are the same despotic rulers we are told we must trust to live up to the terms of a SALT Treaty and of a Comprehensive Test Ban Treaty. Let us just consider two items, one from each projected treaty.

We have been told by aviation experts—not the disarmers—time after time that the Soviet Backfire bomber can reach the United States and drop nuclear weapons on us. Our nonexpert disarmament negotiators say they do not think Backfire can reach the United States. They expect to get a note from Papa Brezhnev saying he will keep all the Backfire aimed at Iran, so we will not have to worry.

During hearings on a possible comprehensive test ban, we were told that there was a nuclear weapon yield threshold below which the Soviets could test without the United States verifying or proving that they were testing. Such actions—no tests by the United States, tests by the Soviets—would destroy the credibility, and probably the actual effectiveness of our nuclear weapons stockpile in some 5 years or so.

We are told by our disarmament experts that we do not have to worry. The Soviets would fear world opinion. In other words, my distinguished colleagues, we must have faith that the Soviets will not cheat on a comprehensive test ban.

Mr. Chairman, I have no faith in Soviet promises. I have very little faith in the Soviets adhering to the terms of treaties they sign, if they feel an obvious transgression suits their national purpose or if they can violate treaty provisions with little chance of the violation being proved.

It has been obvious for years that the only thing the Soviets fear is modern weapons—such as the enhanced radiation weapon—and the will of a nation with modern weapons to call their hand on adventures such as the one in Cuba in the 1960's.

Mr. Chairman, unless we start to rebuild a collective national will, backed by modern arms, we are going to be in the unenviable position of taking advice from the Soviets, not giving it to them.

We must rekindle the faith we had in America as a world leader or our fate will be decided for us.

I strongly support the committee bill.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. MATHIS).

AMENDMENT OFFERED BY MR. MATHIS

Mr. MATHIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MATHIS: Add the following new section to Title VIII—General Provisions:

"AUTHORITY TO PROTECT MILITARY PERSONNEL STATIONED OVERSEAS AGAINST DEVALUATIONS IN THE DOLLAR

"SEC. 814. Chapter 17 of title 37, United States Code, is amended by adding the following new section:

" 'SEC. 908. Without regard to the monetary limitations of this title, the regular military compensation available to military personnel stationed overseas shall, under regulations prescribed by the Secretary of Defense, be periodically adjusted to reflect any changes since January 1 1977, in the rate of exchange between the dollar and the official currency of the country in which such personnel is stationed, except that in no case shall such compensation be adjusted below that payable on the date of enactment of this section.' "

Mr. MATHIS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. MATHIS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MATHIS. Mr. Chairman, due to the fact that the gentleman from Georgia had this amendment printed previously in the RECORD, is the gentleman entitled to the full 5 minutes?

The CHAIRMAN. The answer is that under the rules the gentleman is entitled to the 5 minutes, yes.

Mr. MATHIS. Mr. Chairman, the amendment I am offering would require that the regular military compensation now being paid to personnel stationed overseas be increased to offset the decline in the value of the dollar since January 1, 1977. Once this adjustment is made, regular military compensation would float with the dollar in the international exchange markets. The amendment does not provide backpay to compensate for losses already sustained. It provides that, upon enactment, compensation in terms of the foreign currency will be the same as it was as of January 1, 1977. Thereafter, such compensation would fluctuate with the dollar.

Since the devaluation of the dollar in 1971, and the subsequent floating of the dollar in March of 1973, the value of the dollar in relation to other world currencies has gone up and down. Taken as a whole, the other currencies have declined somewhat against the dollar since 1973. However, beginning last year, the dollar has declined steadily in relation to many of these currencies, particularly the German mark and Japanese yen.

The 230,000 U.S. servicemen stationed in West Germany have seen the price of the mark increase by 11 percent since last year. The 50,000 in Japan have experienced a dramatic 28-percent increase in the price of the yen. As a result, military personnel in these countries now receive less compensation, in terms of marks and yen, than they received on January 1, 1977. The purchasing power of the mark and yen in the local economies has also declined at rates of 4 and 5 percent, respectively, due to inflation in these countries. The combined effects of a falling dollar and local inflation have seriously eroded the standard of living of military personnel serving in Japan and Germany. Members of the armed services already have the same inflationary forces to contend with as other Americans and should not have to bear the added burden of international dollar devaluation. I might add that an additional 75,000 servicemen serve in Britain, the Philippines, and South Korea, where the value of the dollar has also fallen.

The Department of Defense provides cost of living allowances for servicemen stationed in some countries, but this is not enough to compensate for dollar devaluation and local inflation. More importantly, over 100,000 military men and women in Germany and Japan get no such allowance.

Mr. Chairman, I believe this amendment will provide some of the assistance needed by our servicemen overseas and I urge its adoption.

Mr. NICHOLS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Georgia (Mr. MATHIS).

Mr. Chairman, I must, with some hesitation, rise in opposition to the amendment offered by the gentleman from Georgia (Mr. MATHIS) although I strongly agree with his intent.

Let me point out that the Subcommittee on Military Compensation is presently hearing testimony on this situation from representatives of the Department of Defense and we hope to have representatives from the noncommissioned officers and enlisted men who have just returned from Germany and Japan to testify before our committee. These witnesses have expressed general satisfaction with the present system of station allowances. In other words, the housing allowance and cost of living allowance. They admitted, however, that the system could be improved. As the subcommittee continues its deliberations it is quite possible that it will recommend a change as substantial as that suggested in the amendment offered by the gentleman from Georgia (Mr. MATHIS).

However, I would like to point out that the present system has certain advantages over those contained in the amendment. First, the current station allowances are adjusted whenever the cost of living increases by 2 percent, or the housing cost increases by 5 percent. However, the costs incurred by the member may change as a result of more than the devaluation of the dollar. For example, some of the factors that are included in the adjustment procedures are the, one, trends in the cost of living and exchange rates; two, the differences in leases available to new arrivals; three, increases in the general cost of living overseas compared to that in the United States, and four, anticipated increases in the cost of housing, utilities, and other expenses. Further, action may be suspended if the dollar is improving, and doubts are resolved in favor of the member. In other words, if the member's compensation is tied only to changes in the exchange rate, he may suffer as a result of such occurrences as a general increase in rents in a particular area.

Much remains to be done, and this is recognized by the Subcommittee on Military Compensation but the service member I think in the long run will be better off if the solution to his problems is addressed within the context of an overall package.

Mr. Chairman, I must oppose this amendment on a procedural ground, even though I support the basic objective of the gentleman from Georgia.

Mr. MITCHELL of New York. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from New York.

Mr. MITCHELL of New York. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Georgia (Mr. MATHIS). The intent of the gentleman's amendment is commendable because there are various serious problems being experienced by our servicemen who are stationed abroad. However, as the chairman of the Subcommittee on Military Compensation of the Committee on Armed Services, the gentleman from Alabama (Mr. NICHOLS) has so clearly pointed out, our committee, and other committees, are holding hearings, and the cost-of-living allowance of those stationed overseas is working reasonably well in most areas, but, there are other factors that we are looking into that are even more important, such as traveling expenses and housing costs for junior enlisted men, who have to obtain loans so that they can secure a home to move into, and these factors are being reexamined, because these things occur immediately upon these people reaching their overseas areas and it presents a difficult problem.

As I indicated before, the amendment offered by the gentleman from Georgia (Mr. MATHIS) is a good one, but it is a rather piecemeal attempt to solve a very complex problem. As I say, we are in the process of studying this in every detail and I therefore must oppose the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. MATHIS).

The question was taken; and on a division (demanded by Mr. MATHIS) there were—ayes 13, noes 74.

So the amendment was rejected.

Mr. LEDERER. Mr. Chairman, I rise today to caution the Congress against unnecessary delays in the Navy SLEP program to overhaul the fleet of aircraft carriers essential to the defense of the Nation.

The Armed Services Committee meas-

ure passed today requires the Secretary of the Navy to submit a report on the Navy's decision to overhaul the first of these carriers in the naval shipyard at Philadelphia, Pa. The Navy's decision was made after lengthy consultation with Members of Congress and the committees concerned. The decision of the Navy that the job can be done cheaper and better in Philadelphia is sound.

I understand that the Secretary of the Navy will submit a report on the SLEP placement to the Congress shortly in response to previous congressional requests. I urge my colleagues not to delay this vital carrier program any more than is needed. While we as Representatives have a right and a duty to oversee such expenditures, we also must act in the overall interests of the Nation. In this case, I believe the decision of the Navy should not be unwarrantedly delayed.

● Mr. GIAIMO. Mr Chairman, the Budget Committee does not generally comment on authorization bills, which do not directly result in providing budget authority. However, because of the special interest of the House in the budget request for national defense, I would like to set forth the budget perspective on this bill.

First, let me state the exact purpose of this bill. H.R. 10929, the defense appropriation authorization bill authorizes the Congress to appropriate funds for fiscal year 1979 for the procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes and other weapons; all research development, test and evaluation for the Armed Forces; and civil defense.

This bill also prescribes the authorized personnel ceilings for Active and Reserve Forces and for civilian employment. It does not provide funding for these personnel ceilings.

This bill covers only 28 percent of the funding requested by the President for function 050 national defense.

It does not provide budget authority. It simply authorizes the Congress to appropriate funds for procurement and research and development of major weapons systems.

The Members of the House are all too familiar with the difficulties we had over the past few weeks passing our first budget resolution for fiscal year 1979. Many of the difficulties we had revolved around the target for function 050 national defense. We finally approved a target of $128.7 billion for budget authority, which is $300 million higher than the President's request.

Since this bill does not provide budget authority, there is no specific target under the Budget Resolution assigned to the Armed Services Committee. Rather these items are included in the targets assigned to the Appropriations Committee. The House Appropriations Committee, in subdividing its spending targets as required by section 302(b) of the Budget Act will set the budget authority target level for the Defense Subcommittee.

The Budget Committee, of course, is keenly interested in the program levels set by authorization bills, and it fully understands the significant pressures which can be generated for funding once programs are established by law. On the other hand, the committee recognizes that authorization bills generally set program ceilings and authorized appropriations are often below the authorized levels. In fact, in the last 4 years, on the average, final appropriations for the items in this bill have been $1.8 billion below the authorized amount.

However, if appropriations were made as authorized in this bill and no other changes were made in the "non authorized" portion of the Defense budget, the target would be exceeded by $2.1 billion above the comparable estimate in the resolution.

I recognize that some adjustments to these totals will occur, either as a result of House consideration or as a result of conference or during the appropriations process. If proper adjustments are not made, then we will have a significant problem meeting our targets for Defense. However, the proper time for the Budget Committee to address this problem is during consideration of the appropriations bill for fiscal year 1979.●

● Mr. VANIK. Mr. Chairman, as we consider a portion of the defense budget, I would like to discuss some potentially harmful effects of increased defense spending. The Department of Defense Authorization Act, H.R. 10929, would allocate about $37.9 billion for fiscal year 1979 for procurement, research, and development of new weapons. It represents a total increase of $1.05 billion over the defense allocation for fiscal year 1978. Although increased military spending does create new jobs in certain areas of the Nation, primarily the Sun Belt States, some argue that more jobs would be created if the money were directed toward private spending or other Government agencies. Thus, when military spending is increased, many jobs in other areas of the Nation are forgone. I am particularly concerned about this loss of jobs, since Ohio, and many other States, suffer a negative impact from the increased military spending despite shouldering a disproportionate share of the Federal tax burden.

In 1978, the Public Interest Research Group in Michigan (PIRGIM), published an update of "The Empty Pork Barrel," a report which argues that military spending actually decreases employment. The report states:

> Sixty percent of the U.S. public live in states which suffer a net loss of jobs every time the military budget goes up.

According to the report, more jobs are lost than gained due to increased military spending for two reasons. First, because increased military allocations are primarily used to purchase expensive equipment and large quantities of raw materials, they cannot be directed toward the hiring of people. If military allocations were spent in the private sector of the economy, more jobs would be created. In other words, Department of Defense spending goes to mostly capital intensive industry rather than labor-intensive work. Second, other Government agencies and departments have the capacity to hire more people per dollar spent than the Defense Department. Thus, if the money spent for defense were directed toward other areas of Government, more jobs would be created.

The PIRGIM study demonstrated that Ohio ranked fourth, with an average of approximately 136,000 jobs forgone annually between 1970 and 1974, in order of negative impact of military spending. The three States ranking above Ohio in the study were New York, Illinois, and Michigan. For the period studied, military spending was found to have a negative effect on certain geographical areas of the Nation: the New England States, where about 41,500 jobs were forgone, the Middle Atlantic States, where about 392,000 jobs were foregone, the East North Central States, where about 572,000 jobs were forgone, the Great Plains States, where about 56,900 jobs were forgone, and the East South Central States, where about 43,000 jobs were forgone. Overall, the United States experienced a net annual loss of jobs on the average between 1970 and 1974.

Geographically, the States which experienced a net job gain for military spending form a band extending from Maryland, south to Georgia, west to California and north to Washington State. Thus, increased military spending benefits certain areas of the Nation, particularly the Sun Belt, while other areas, especially the industrial Northeast and Midwest, experience a decrease in the total number of available jobs.

The Northeast-Midwest Research Institute and the Coalition of Northeast Governors Policy Center's study on military spending further enforce the finding that some areas benefit more greatly than others. The study indicates that the Northeast and Midwest sections of the country account for about 45 percent of the population while they only account for about 20 percent of the military installations and 17 percent of the wage and salary disbursements.

It is time for a closer look at the nature and effect of defense spending. If it will continue to be directed into certain favored sections of America without economic justification, the base of support may suffer critical erosion.●

● Mr. WHITE. Mr. Chairman, the Hillis amendment is aimed at improving a serious deficiency in CHAMPUS, which has developed since the program was originally enacted in 1966.

The amendment would establish a ceiling for payments to physicians at the 90th percentile of the customary charge made for similar services in the same geographical area instead of at the 75th percentile and would require the customary charge profiles to be updated every 12 months.

After extensive hearings in the Armed Services Committee on Health Care, I am convinced that the remedies provided by this amendment will go far to reestablish CHAMPUS as a viable and effective health care program for military dependents and retired personnel. That de-

velopment is particularly important at a time when health care in military medical facilities is in extreme difficulty due to a critical shortage of physicians and support services.

We know from experience that when physicians could be paid up to the 90th percentile of customary charges and when fee schedules were more current than at present, that the program was working as Congress intended. That is, the patient paid no more than the share of the cost contained in the cost-sharing formula. Unhappily, at the present time instead of the retired patient paying 25 percent of the bill as was intended by the Congress, the excess cost must also be paid by the patient which sometimes results in sharing 45 to 50 percent of the total bill.

The Armed Services Committee has acted favorably on this legislation. However, due to the urgency of implementing its provisions, I believe it is expedient to include the provisions with the fiscal year 1979 Department of Defense authorization bill.

I urge my colleagues to support this amendment.●

The CHAIRMAN. Are there further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WRIGHT) having assumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10929) to authorize appropriations during the fiscal year 1979, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, to authorize the military training student loads, and to authorize appropriations for civil defense, and for other purposes, pursuant to House Resolution 1188, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 319, nays 67, not voting 48, as follows:

[Roll No. 372]

YEAS—319

Abdnor	Edwards, Ala.	Keys
Akaka	Edwards, Okla.	Kindness
Allen	Eilberg	Krebs
Ambro	Emery	LaFalce
Anderson, Calif.	English	Lagomarsino
Andrews, N.C.	Erlenborn	Latta
Andrews, N. Dak.	Ertel	Le Fante
Annunzio	Evans, Colo.	Leach
Armstrong	Evans, Del.	Lederer
Ashbrook	Evans, Ga.	Leggett
Ashley	Evans, Ind.	Lehman
Badham	Fary	Levitas
Bafalis	Fascell	Livingston
Barnard	Findley	Lloyd, Calif.
Bauman	Fish	Lloyd, Tenn.
Beard, R.I.	Fisher	Long, La.
Beard, Tenn.	Fithian	Long, Md.
Benjamin	Flood	Lott
Bennett	Flowers	Lujan
Bevill	Flynt	Lundine
Biaggi	Foley	McClory
Boggs	Ford, Mich.	McCloskey
Boland	Ford, Tenn.	McCormack
Bolling	Fountain	McDade
Bowen	Fowler	McDonald
Brademas	Frenzel	McEwen
Breaux	Frey	McFall
Brinkley	Fuqua	McHugh
Brooks	Gammage	McKinney
Broomfield	Gaydos	Madigan
Brown, Mich.	Gephardt	Mahon
Brown, Ohio	Gibbons	Mann
Broyhill	Gilman	Marks
Buchanan	Ginn	Marlenee
Burgener	Glickman	Marriott
Burke, Fla.	Goldwater	Martin
Burke, Mass.	Gonzalez	Mathis
Burleson, Tex.	Gore	Mazzoli
Burlison, Mo.	Gradison	Meeds
Butler	Grassley	Michel
Caputo	Green	Mikulski
Carney	Gudger	Milford
Carter	Guyer	Miller, Ohio
Cavanaugh	Hagedorn	Mineta
Cederberg	Hall	Minish
Chappell	Hamilton	Mitchell, N.Y.
Clausen, Don H.	Hammer-schmidt	Mollohan
Cleveland	Hanley	Montgomery
Cohen	Hannaford	Moore
Coleman	Hansen	Moorhead, Calif.
Collins, Tex.	Harris	Moorhead, Pa.
Conable	Harsha	Moss
Conte	Hawkins	Mottl
Corcoran	Heckler	Murphy, Ill.
Corman	Hefner	Murphy, N.Y.
Cornwell	Heftel	Murphy, Pa.
Coughlin	Hightower	Murtha
Crane	Hillis	Myers, Gary
Cunningham	Holland	Myers, John
D'Amours	Hollenbeck	Myers, Michael
Daniel, Dan	Holt	Natcher
Daniel, R. W.	Horton	Neal
Danielson	Howard	Nichols
Davis	Hubbard	Nowak
de la Garza	Huckaby	O'Brien
Delaney	Hyde	Oakar
Dent	Ichord	Patten
Derrick	Ireland	Patterson
Derwinski	Jacobs	Pease
Devine	Jenkins	Pepper
Dickinson	Jenrette	Perkins
Dicks	Johnson, Calif.	Pettis
Dingell	Johnson, Colo.	Pickle
Dornan	Jones, N.C.	Pike
Duncan, Oreg.	Jones, Okla.	Poage
Duncan, Tenn.	Jones, Tenn.	Pressler
Eckhardt	Jordan	Preyer
Edgar	Kelly	Price
	Kemp	Pritchard
	Ketchum	Quayle
	Quie	Skelton
	Quillen	Skubitz
	Rahall	Slack
	Railsback	Smith, Iowa
	Regula	Smith, Nebr.
	Reuss	Snyder
	Rhodes	Solarz
	Rinaldo	Spellman
	Risenhoover	Spence
	Roberts	St Germain
	Robinson	Stangeland
	Roe	Stanton
	Rogers	Steed
	Roncalio	Steers
	Rostenkowski	Steiger
	Rousselot	Stockman
	Rudd	Stratton
	Ruppe	Stump
	Ryan	Symms
	Santini	Taylor
	Satterfield	Thone
	Sawyer	Traxler
	Schulze	Treen
	Sebelius	Trible
	Sharp	Tsongas
	Shuster	Udall
	Sikes	Van Deerlin
		Waggonner
		Walgren
		Walker
		Walsh
		Wampler
		Watkins
		Waxman
		Whalen
		White
		Whitehurst
		Whitley
		Whitten
		Wiggins
		Wilson, Bob
		Wilson, C. H.
		Wilson, Tex.
		Winn
		Wirth
		Wolff
		Wright
		Wydler
		Wylie
		Yatron
		Young, Fla.
		Young, Mo.
		Zablocki
		Zeferetti

NAYS—67

Addabbo	Fenwick	Ottinger
Aspin	Forsythe	Panetta
Baldus	Fraser	Pattison
Bedell	Giaimo	Pursell
Beilenson	Harkin	Rangel
Bingham	Harrington	Richmond
Blanchard	Holtzman	Rosenthal
Blouin	Hughes	Roybal
Bonior	Kastenmeier	Russo
Brodhead	Kildee	Scheuer
Brown, Calif.	Kostmayer	Schroeder
Burton, John	Maguire	Selberling
Carr	Markey	Stark
Clay	Mattox	Stokes
Collins, Ill.	Metcalfe	Studds
Conyers	Meyner	Thompson
Cornell	Mikva	Vento
Cotter	Mitchell, Md.	Volkmer
Dellums	Moffett	Weaver
Diggs	Nedzi	Weiss
Drinan	Nolan	Yates
Early	Oberstar	
Edwards, Calif.	Obey	

NOT VOTING—48

Alexander	Downey	Rooney
Ammerman	Flippo	Rose
Anderson, Ill.	Florio	Runnels
Applegate	Garcia	Sarasin
Archer	Goodling	Shipley
AuCoin	Jeffords	Simon
Baucus	Kasten	Sisk
Bonker	Kazen	Staggers
Breckinridge	Krueger	Teague
Burke, Calif.	Lent	Thornton
Burton, Phillip	Luken	Tucker
Byron	McKay	Ullman
Chisholm	Miller, Calif.	Vander Jagt
Clawson, Del	Moakley	Vanik
Cochran	Nix	Young, Alaska
Dodd	Rodino	Young, Tex.

The Clerk announced the following pairs:

On this vote:

Mr. Flippo for, with Mr. Moakley against.

Mr. Shipley for, with Mr. Miller of California against.

Mr. Ammerman for, with Mrs. Burke of California against.

Mr. Teague for, with Mr. Phillip Burton against.

Mr. Staggers for, with Mrs. Chisholm against.

Until further notice:

Mr. AuCoin with Mr. Baucus.
Mr. Florio with Mr. Garcia.
Mr. Runnels with Mr. Sisk.
Mr. Byron with Mr. Krueger.
Mr. Applegate with Mr. Dodd.
Mr. Ullman with Mr. Breckinridge.
Mr. Vanik with Mr. Del Clawson.
Mr. Alexander with Mr. Downey.
Mr. Kazen with Mr. Bonker.
Mr. McKay with Mr. Nix.
Mr. Rooney with Mr. Rose.
Mr. Simon with Mr. Thornton.

Mr. Archer with Mr. Anderson of Illinois.
Mr. Goodling with Mr. Cochran of Mississippi.
Mr. Jeffords with Mr. Kasten.
Mr. Lent with Mr. Luken.
Mr. Vander Jagt with Mr. Sarasin.

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to authorize appropriations for fiscal year 1979 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and for research, development, test and evaluation for the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, to authorize appropriations for civil defense, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PRICE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TRIBUTE TO HON. MELVIN PRICE, CHAIRMAN OF THE COMMITTEE ON ARMED SERVICES, ON PASSAGE OF H.R. 10929

(Mr. BOB WILSON asked and was given permission to address the House for 1 minute.)

Mr. BOB WILSON. Mr. Speaker, I just want to say a word or two about our chairman.

I think he did a magnificent job on a very difficult bill this afternoon. He is a very kind, patient, real gentleman; and in the face of what I think were some very snide remarks made about the committee, his point of view prevailed very strongly, much stronger than it did last year.

Again, Mr. Speaker, I just want to compliment him on his leadership of the committee.

As we know, there was a group of dissenting views in the committee report by two or three members of the committee, who said some things that were very unkind about the committee. I want to say, Mr. Speaker, that the Committee on Armed Services has not "run amok." It has not "slipped its moorings." It has not "lost its bearings." It has not "stripped its gear." It has not "gone off its trolley." It has not "flipped its wig."

Mr. Speaker, I would say CARR stripped its gear and ran out of gas. That is what really happened today.

Again, Mr. Speaker, I thank the chairman for what he did.

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. BOB WILSON. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Speaker, I would just like to pay tribute to our chairman, too.

I think he has done an outstanding job, and certainly the quick way in which the gentleman from Illinois went through this legislative procedure is a tribute to him. We had a substitute amendment out of the way quickly, which was also a tribute not only to his skill but to the affection which all the Members hold for him.

Mr. PRICE. Mr. Speaker, if the gentleman will yield, I want to thank the gentleman from California (Mr. BOB WILSON), the gentleman from New York (Mr. STRATTON), every member of our committee, and every Member of the House for their cooperation and help over the past several days.

I think that the work of the committee is rewarding enough for anyone, and I am grateful to the staff of the committee and to everyone who participated in bringing out what I think is a very good bill. I am sure, like all pieces of legislation, our job will be that much easier when we go through the conference process.

REPORT ON PROCEEDINGS AGAINST HANCHO C. KIM

Mr. FLYNT, from the Committee on Standards of Official Conduct, submitted a privileged report (Rept. No. 95-1214) on the proceedings of the Committee on Standards of Official Conduct against Hancho C. Kim, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives, which was ordered to be printed:

WASHINGTON, D.C., *May 24, 1978.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I hereby submit the annual compilation of personal financial disclosure statements filed with the Clerk of the House of Representatives pursuant to House Rule XLIV, as amended by House Resolution 287, March 2, 1977.

This compilation contains the personal financial disclosure statements filed by all Members of the House subject to House Rule XLIV and includes the financial transactions as reported therein which occurred between October 1, 1977 and December 31, 1977.

House Rule XLIV, pt. A, clause 1, provides that the annual compilation of reports filed with the Clerk be printed as a House Document by June 1, 1978 and by June 1 of each year thereafter. In concurrence with the Committee on Standards of Official Conduct and the Select Committee on Ethics, this initial compilation is submitted accordingly.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE REPORT

Mr. EVANS of Georgia. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight tonight to file a report.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERSONAL EXPLANATION

Mr. PRESSLER. Mr. Speaker, due to previous commitments I was unable to be present for the complete consideration of H.R. 39, the Alaska National Interest Lands Conservation Act.

Had I been present, I would have voted as follows:

Rollcall No. 335, an amendment by Mr. YOUNG, "no."

Rollcall No. 336, an amendment by Mr. MEEDS, "no."

Rollcall No. 337, to resolve into the Committee of the Whole, "yes."

Rollcall No. 338, an amendment by Mr. SANTINI, "no."

Rollcall No. 339, a motion to recommit, "no."

Rollcall No. 340, on final passage, "yes."

BRZEZINSKI'S WORDS ON RED CHINA

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUDD. Mr. Speaker, President Carter's National Security Adviser wrote in Newsweek magazine following President Nixon's 1972 trip to Red China that such a trip would "be short on tangibles and concretes."

He also warned that any closer relations with the Communist dictatorship of Mainland China must also take into consideration "the tangible concerns of our existing friends"—namely, the Republic of China, Japan, the Philippines, Indonesia, Australia, and New Zealand.

Mr. Speaker, the Arizona Republic has brought attention to these former words of Zbigniew Brzezinski, in connection with his own current trip to Peking.

I hope that Mr. Brzezinski and the administration will heed his own early warnings about closer U.S. relations with Red China. I would like to include the Arizona Republic editorial at this point in the RECORD:

ZBIG'S WIDER VIEW

"I rather suspect," wrote Zbigniew Brzezinski in Newsweek magazine for Feb. 14, 1972, "that Mr. Nixon's trip to China will turn out much like a fortune cookie; it

will be pleasant, it will hold out promise, but it will be short on tangibles and concretes."

Now, six years later, Brzezinski is representing President Jimmy Carter on a similar trip to Peking. Since he allowed no reporters to go with him, the president's national security adviser can control all information about his mission.

So it is a reasonable assumption that the fortune cookie analogy won't be made this time. Perhaps it would be better to compare the trip to a cream puff.

In commenting on the Nixon trip Brzezinski asked, back in 1972, whether the mission couldn't have been accomplished by the secretary of state. Well, the Carter administration sent Secretary of State Cyrus Vance to Peking last August and he came back saying only the visit had "created more understanding" about the problems in the way of the "normalization" of relations between Red China and the United States.

We look forward to the same sort of a generalized statement from the national security adviser. For much as he may want to make book with the Chinese communists, the geopolitical realities are against him.

In his Newsweek piece Brzezinski wrote: "The point to bear in mind as the President travels to Peking is that the dialogue with the Chinese—historic, long overdue, vital and in ways risky—cannot become a substitute for a wide Pacific policy, one that focuses on the tangible concerns of our existing friends."

Those existing friends are Japan, Nationalist China, the Philippines, Indonesia, Australia and New Zealand. Only a fool would endanger those friendships—with their commercial, political and military implications—for the doubtful gains of normalizing relations with Communist China.

SPECIAL OLYMPICS AND PRISONER REHABILITATION: A CHANCE TO SHOW WE CARE

(Mr. QUIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. QUIE. Mr. Speaker, I want to call to the attention of my colleagues a letter they have already received but may not have read. It is about a special athletic event where everybody is a winner and which deserves our strong support.

Some 300 handicapped individuals from the District of Columbia, Maryland, and Virginia gather at the Lorton Correctional Facility on June 24 for the fourth annual special Olympics games. You have received an invitation to a fundraising event for Friday evening, June 23, at Constitution Hall. The featured performer is Ben Vereen, whom most of you know from the broadway hit "Pippin" and more recently as the actor who played the role of Chicken George in the television saga "Roots."

I urge all of my colleagues to take part in this very special performance, the proceeds of which will benefit the handicapped and will help rehabilitate the incarcerated.

Specifically, funds are earmarked for the mentally retarded children of Special Olympics, Inc. The athletic event, created in 1968 by the Joseph P. Kennedy Foundation, has become the largest program of sports-health activities for the handicapped in the world reaching more than 1,000,000 handicapped persons. Special Olympics sets a special goal. The goal is not to win, although each person tries. No time is too slow, no distance is too great, no challenge is too small. No records are ever broken, except those for courage, determination, and sportsmanship. Special Olympics is a program that gives the less fortunate a feeling of glory, satisfaction, and personal worth. It allows the handicapped to show others what they can do.

The handicapped have always been told, "You can't do it." Special Olympics says: "You can do it. All you need is a chance."

The balance of funds will go to support on-going projects to help residents at Lorton become rehabilitated.

Society has spent millions of dollars over the years but has largely failed to correct the offender or provide permanent protection to society. Funds will be used to identify the most effective rehabilitation programs for the incarcerated as they begin returning to their communities as useful citizens.

We in Congress often deal with legislation affecting the handicapped and the incarcerated. Let me say, however, that legislation passed by Congress can only go so far. More needs to be done. The special event on Friday, June 23, is one way in which all of us can help those who are less fortunate.

I urge you to show your strong, enthusiastic support. If we take the lead, others will follow.

JARVIS-GANN IS A WARNING TO GOVERNMENTS EVERYWHERE THAT HIGH TAXES WILL NOT BE TOLERATED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

● Mr. KEMP. Mr. Speaker, as election day in California rapidly approaches, interest in the Jarvis-Gann initiative throughout the United States grows daily, which is but a manifestation of growing concern.

There is no question about it. State governments everywhere are scared. And no State government is more scared than the California State government.

At a stroke, the Jarvis-Gann amendment would massively cut property taxes in California by holding taxes to 1 percent of assessed valuation. The fear among government officials, of course, is that this will cut their tax revenues by this amount, leaving them with less of the taxpayer's money to squander on pet projects.

As a supporter of the Jarvis-Gann initiation I believe that the issues in the debate have been misrepresented by both supporters and opponents of the amendment, but particularly the opponents.

The principal issue is not really that taxes are too high, but that they are rising steadily and quickly without any action by government to increase tax rates. This is because inflation increases the nominal value of property just as it increases nominal incomes, thereby requiring taxes to be paid on "phantom" or inflated gains. In California many homes have doubled or tripled in market value in just a few years, meaning that taxes have often increased by a similar amount.

Although Jarvis-Gann is aimed at correcting the insidious increase in property taxes, it is actually the income tax which is most to blame for the great increase in total taxation in California. This is because California State income tax rates are steeply graduated, just as New York State and Federal tax rates are. This means that as one's nominal income increases, even though there is no change in purchasing power, taxes go up more than proportionately. At the Federal level, Federal income tax revenues go up 1.6 percent for every 1 percent increase in the consumer price index. A similar ratio holds for California income taxes as well but probably as much or twice as much.

Thus California has been blessed with a bonanza of tax revenues every year which has allowed it to spend money on a myriad of projects which the voters would surely never approve if they required a legislated tax increase. But despite the growth in government spending the State has still managed to run massive surpluses. The result is that California now has more than $4 billion in surplus funds.

I would certainly prefer to see a constitutional amendment in California and New York and even in the United States which would deal with the increase in income taxes rather than property taxes, since I believe the problem is much worse in this area. But in any case, there is no reason why the surplus revenues from the income tax could not be used to offset lost property tax revenues. The fact that the State legislature failed to deal with this problem except under pressure from Jarvis-Gann does not speak well for the leadership of government in California. Something should have been done about this problem long ago, but in California, as at the Federal level, government officials always think they know best how to spend our money.

Actually, the situation is even more perverse than it seems, for it is not necessary for government to have high tax rates in order to get an adequate amount of revenue. As I have often noted before with regard to income tax rates, high marginal tax rates discourage so much work and investment and create so much of an incentive to find ways of avoiding taxation that they actually bring in less revenue than lower rates would. This follows from the simple observation that there are always two tax rates, or prices, which will bring in the same revenue: high rates on a small base or low rates on a large base.

Income tax rates, both in California and on the Federal level, clearly are in the former situation, where a reduction in rates would lead to such an expansion of the tax base that no revenue would be lost. The fact is that property tax rates may be in the same situation. In other words, Jarvis-Gann may not necessarily result in anything close to the massive

revenue losses predicted by its opponents.

As noted by Prof. Neil Jacoby of UCLA and Prof. Arthur Laffer of USC, high property tax rates have had a very depressing effect on building in California, not only for new structures but for expansion and improvement of existing structures as well. The result is that Jarvis-Gann will certainly lead to an increase in building and renovation, an expansion of the economy, which will cause an expansion of the tax base, leading thus to higher revenues.

In conclusion, Jarvis-Gann is not the perfect tax reduction proposal, but it's a good proposal which deals with a real problem and deserves support. I would strongly urge all Californians to support the Jarvis-Gann initiative. Furthermore, I would urge all government leaders to pay close attention to the support Jarvis-Gann has acquired and realize that this is not an isolated case, but the leading edge of a taxpayer revolt which is spreading throughout the country. The California State government has responded by putting enormous pressure on businesses and community leaders throughout the State to publicly oppose Jarvis-Gann. If Jarvis-Gann loses it will be because of this pressure and because government officials at all levels have been extremely irresponsible in projecting the consequences of its passage. The fact is that no essential State services will be cut. The State surplus and the expansion of the property tax base ought to leave revenues right about where they are now.

Sooner or later government must learn that it is the servant of the people and not their master. If Jarvis-Gann accomplishes no other purpose perhaps it will make some politicians realize this fact.

The following essay by Jude Wanniski from this morning's Wall Street Journal reiterates many of these points, and I commend it to my colleagues:

THE CALIFORNIA TAX REVOLT

(By Jude Wanniski)

SACRAMENTO.—There is a raw edge to life in California these last days of May, a rising sense of quiet panic as June 6 approaches—Election Day, the day Californians finally come to grips with Proposition 13, the exhilarating adventure in democracy arranged by Howard Jarvis.

The name Jarvis is everywhere. As you travel from one end of the state to the other, you fairly swim in Jarvis, a vast, boiling sea of anxiety and debate. The name, which belongs to a 75-year-old tax crusader, is probably uttered a dozen times a day by every citizen of the state over the age of 10.

If you don't know by now, Mr. Jarvis is cosponsor of a ballot initiative that would limit property taxes to 1% of market value and limit reassessment increases to 2% a year as long as the property isn't sold. The initiative also would require a two-thirds majority in state and local governments to enact new taxes of any kind. The other cosponsor of the measure is Paul Gann, a 65-year-old former real estate salesman. The initiative is known nationally as the Jarvis-Gann amendment, but here in California they simply refer to it as "Jarvis."

Conditions in California are perfect for a tax revolt. First, because of the nature of the tax mechanism in the state, the dollar inflation manufactured in Washington has a pecular impact on California. Second, the political class has failed to understand the flaws in the mechanism and how they automatically produce oppression. Last and most important, there is in California the avenue of the initiative. The people themselves can force their representatives to act more correctly, not out of a sense of obligation, but for sheer political survival.

Here, to begin with, are some numbers. California state and local governments spend roughly $40 billion. Local governments rely chiefly on the property tax, expected to yield $12 billion in the year starting July 1. Should Proposition 13 pass, property tax receipts would drop to about $5 billion. The $7 billion loss has inspired a general hysteria among local public officials and employes, who foresee a wholesale closing of schools and contraction of public services.

DEEP CLOVER

On the other hand, the state is in deep clover. In a "progressive" moment when he was governor, Ronald Reagan scaled the personal income-tax rates up to 11%. In the last several years of inflation, Californians have been propelled into these higher tax brackets, with a river of tax revenues flowing into Sacramento. Even after merry spending, with big raises for themselves and state employes, the legislators saw the surplus grow. With a modicum of frugality, the $4 billion surplus could hit $7 billion in the next year or so.

Had there been no inflation, there would be no problem and no Jarvis. Instead of gushing into Sacramento as inflated revenues, money would have remained in the after-tax incomes of the people, providing greater incentives to work, produce and invest. Instead, the reverse occurred, shrinking the nonproperty tax base and forcing more of the burden of local services on property. At the same time, the Washington-built inflation had a fiendish impact on California's local taxing mechanism.

In California, the state sets the property tax rate and the county tax assessors determine assessed valuation. The state rate has stayed the same, but for several years the assessments have climbed faster than they have anywhere else in the nation. The main reason is that since 1971 the assessor is bound by new state law to use the latest sale price in fixing all neighborhood values. Say a group of 50 homes sold originally for $50,000 and one now sells for $150,000. All other homes are bumped to an equivalent value, and because the assessor has no flexibility on rate, local property revenues soar, to be squandered by local governments on palatial buildings, lavish arts subsidies, bridle paths and, in Los Angeles, buying up railroads.

The problem is most severe in Southern California. Housing prices have been bid sky-high, partly as a result of the influx of well-to-do people who moved to the area to live out their lives on ample savings in sunshine that can't be taxed. At the same time, this process has squeezed the young managers, engineers and other professionals who form the productive base of the area. Their houses, purchased for $50,000, are now worth $150,000—nominally a nice increase. But their after-tax incomes, perhaps $30,000, are whacked another $5,000 in property tax.

Given other fixed expenses, they have little discretionary income left. They live in high-priced homes whose furniture and carpeting are getting shabbier by the day. They eat chicken instead of steak, drink beer instead of scotch. Finally, in disgust, they sell, perhaps moving to Houston, further diminishing the productive base in California.

Jarvis would change all this.

Initiatives are, next to war and revolution, the least efficient political tools. The citizenry, which expects its paid representatives to work things out, would rather be bowling or golfing than debating public finance. The initiative, though, is a wonderful thing to have when the political class systematically fails to do its job.

In California, most of the political leadership of both parties, from Gov. Jerry Brown on down, as well as corporate, banking and civic leadership, has failed utterly in what seems to be a simple political task.

Here the people of California are building enormous surpluses in one bank account at the same time they are being squeezed pitifully on their other accounts. The solution is to shift resources from the one to the other and adjust the taxing mechanism to see it doesn't happen again. The state, though, doesn't want to give up its tax bonanza. Local politicians don't want to lose their property-tax bonanza. All loathe Jarvis because it reminds them that these resources belong not to them but to the people. Indeed, the entire Establishment is arrayed against Jarvis, including the Business Roundtable and the "conservative" newspapers of San Diego. Those in control fear their system is threatened when the people take matters into their own hands.

The only reason Jarvis will not pass in a landslide is that the establishment is frantically peddling the idea that chaos will result if Jarvis passes. The voters must consider the possibility that Gov. Brown, Assembly Speaker Leo McCarthy and the other chief anti-Jarvis leaders will, out of pique, incite chaos by standing back and doing nothing except insist that the people's problems are not the state's. So far, this is precisely the governor's posture, which is why he has had a precipitous decline in popularity.

Mr. Brown would surely be knocked off this fall if he had a strong pro-Jarvis opponent. But the influence of the Establishment is so pervasive that there are none. Among the GOP contenders, former L.A. Police Chief Ed Davis is the most aggressively pro-Jarvis and has been endorsed by Howard himself. But Chief Davis, like Mr. Jarvis an old-school conservative, has yet to learn that Proposition 13 will not force austerity on the state as he pictures it. There is no GOP candidate arguing that Jarvis will mean more, not less, revenue to state and local governments. Prof. Neil Jacoby of the UCLA Business School makes this argument, as does Prof. Arthur Laffer of the USC Business School. Both see Jarvis expanding the tax base.

Mr. Jacoby argues that there will be a building and renovation boom once people can be sure they won't be penalized for adding a new porch to their house or committing funds for a new factory. Not only would this boost the property tax base—helping to offset any direct revenue loss from lower property tax rates—but it would stimulate personal and business income, thus expanding the income tax base.

EARLY SUPPORTER

One of the most impressive public officials in the state is Assembly Minority Leader Paul Priolo. Mr. Priolo for years has understood the nature of the problem and has been shunned in attempts to correct the taxing mechanism. An early supporter of the Jarvis bill, for the correct reasons, he now spends his time trying to get his legislative colleagues to plan for a post-Jarvis transition. His bill, to disburse most of the state surplus to local education boards on a simple formula, would buy a year's time for the legislature to work out new mechanisms. But

he is now spurned by those who wish to keep alive the idea that Jarvis means chaos.

The latest Field poll shows Jarvis in the lead, 42 percent to 39 percent. But since then, the Los Angeles County assessor has released the year's new assessments. There were hysterical women all over Los Angeles, reading their new tax bills and calculating they would be forced to rearrange their family lives to much lower standards. Even much of the working press seems to have been won over to Jarvis, moved by the clear injustices of the system and their own property taxes.

If Jarvis passes on June 6, the hysteria will abate and California will be sunny and relaxed again. The political class will be forced to put aside any thought of chaos and retribution and buckle down to a serious transition, listening, it is to be hoped, to Mr. Priolo for a change. Speaker McCarthy, an intelligent and powerful man who has so far played hardball, seems privately ready to soften should Jarvis pass. He knows this is no local matter, that the whole world will be watching this exciting experiment in democracy. California often fancies itself the center of the planet. On June 6, Howard Jarvis and Paul Gann have arranged that it will be.●

ABC NEWS: A SHOCKING CASE OF INCOMPETENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 10 minutes.

● Mr. STEIGER. Mr. Speaker, the Pentagon's traditional manpower policies received little meaningful criticism in ABC's, "The American Army: A Shocking State of Readiness" (Thursday, April 20, 1978). Although advertised as a show about "what the Pentagon won't tell you," virtually every issue raised by the show has been the subject of numerous statements emanating from the Pentagon. Indeed, the Pentagon policymakers interviewed by ABC candidly discussed the major problems faced by the American Army. There was no deception, no covering.

Remarkably, this self-advertised "exposé" failed to discuss any significant proposals for change. The show undoubtedly comforted the opponents of reform within the Pentagon, but it did little to elevate the level of debate about our national security or the impact of manpower policies on the average GI. Instead of the penetrating analysis associated with quality documentaries, we were served an old laundry list of problems—hyped by sports jargon about losers—but unaccompanied by meaningful ideas about the causes of military manpower problems or potential solutions.

ABC totally ignored the defects in military manpower management that have been documented before Congress by such nationally recognized experts as Richard Cooper of the Rand Corp. and Martin Binkin of the Brookings Institution. If ABC failed to interview such independent experts on military manpower, then the show represents a shoddy piece of work unworthy of network journalism. If such interviews were held, but were not shown, because the content did not comport with ABC's simplistic jargon, then the network has committed a fraud on the American public.

The Army's managerial difficulties may not present the type of entertainment ABC feels is required for high ratings, but the issues are worthy of serious attention. For example, with no increase in the overall budget, the compensation system could be modified to provide the flexibility needed to focus on high-caliber recruits in a cost-effective manner; mental and medical standards for recruits and for various military occupational specialties—often bear no relationship to job requirements; there has been insufficient attention to the opportunities in service for women; many military positions could be filled by civilians; the recruiting process does not adequately inform the individual about the nature of military service; management of the recruiting force and the overall recruiting system needs to be modernized; the discharge system is not structured to permit proper control of the attrition problem; and military pay and allowances do not adequately account for differing costs of living in different parts of the country and the world. Special attention must be paid to recruiting and retaining forces for the Reserve and National Guard.

These issues are also cited as the source of many problems faced by GI's in the field. Although reform in these areas would address the causes of the problems noted in the ABC show, none of these matters was discussed by ABC. Instead, ABC chose to place the blame on the fact that our soldiers are now volunteers rather than conscripts. ABC provided no basis for this simplistic link between voluntarism and the problems depicted in the show. Rather than create such a link, the program ignored it, raising the non sequitur to an art form.

Much of the program dealt with the morale of our soldiers in Germany, attributing the soldier's plight to the decline in value of the dollar. How is this related to the volunteer force? If anything, the situation would be absolutely disastrous without the pay raises instituted in 1971 to provide GI's with compensation equivalent to their civilian counterparts. Indeed, during the period of conscription in the late sixties, GI poverty was even worse than today. As a result of dependence on the draft, recruit pay was kept at artificially low rates despite years of rapid inflation. For example, from 1936 to 1964, the basic pay of a recruit at the entry level rose a mere $3, from $75 a month in 1946 to $78 a month in 1964. For a recruit, the monthly compensation package in 1964, including allowances, was worth only $133.50. By 1971, the last year of an active draft, tens of thousands of GI families—in the United States as well as abroad—were dependent upon public welfare for survival. As ABC points out, even today's pay rates create hardships in high cost areas; and as a legacy from the draft era, low ranking service members are denied travel and transportation allowances for their families. Today, just as in the draft era, thousands of GI's are either separated from their families or are deeply in debt as a result of paying dependent transportation costs. ABC's attempt to link this problem to the volunteer force is not only foolish, but it detracts attention from the major compensation reforms that have been proposed to deal with such problems.

ABC showed a number of interviews to underscore the "low morale" of GI's in Germany. Pressed by the low value of the dollar, isolated from their families, and bored with garrison life, the picture is not encouraging. For black soldiers, faced with racial discrimination, the situation is even less appealing. But was it any better during the draft? By all measures, the situation was worse. One of the best means of gaging the caliber and morale of our force is in disciplinary statistics. Since the end of the draft, there has been dramatic improvement in numbers of AWOL's, desertions, crimes of violence, serious drug offenses, and courts martial.

Like ABC news, many Pentagon leaders prefer to stick their heads in the sand and state that the problems are attributable to the recruits. But, would the situation improve if we reinstituted the draft? How would that take care of the problems of finances, isolation, and garrison duties? So long as persons in a position of leadership feel that these matters can be addressed by a return to conscription, little reform can be expected.

ABC stated that—

After five years of voluntary enlistment, the cost is rising . . .

As with other shoddy reporting in this show, no facts and figures were presented, either because the network made an assumption based upon ignorance, or because it was decided to ignore facts contrary to their bias.

The active duty portion of the defense budget has decreased every year following the initial investment in the volunteer force; that figure is easy to find—for anyone willing to look for it. Inflation has increased faster than the rate of pay at the recruit level over the same period. At the same time, significant savings have been achieved. The active Army now operates at a net annual savings of $81 million in fiscal year 1978 compared to manning the same units under a 2-year draft system.

To cite these savings is not to ignore the great potential for increased economies in the training process and in the reserve programs; rather, it is to emphasize that the issue of cost is a matter of management, not a question of the volunteer composition of the Army.

The idea that we could achieve substantial savings through a return to the draft is illusory. Out of our $120 billion defense budget, if we returned to the draft right now, the savings would only be less than $300 million. For the Army alone, the savings would only be $3 million. Even if we slashed recruit pay to the minimum wage—a step that would spell disaster for GI's in Europe—the savings for the Army would only be $1.3 billion.

ABC asserted that the volunteer force has "created new" problems:

Today there are more poor people in the Army, not less. Today's recruits come increasingly from the ranks of the unemployed.

How did they prove these assertions? First, they noted that there is high unemployment among young people, especially minorities. Second, they interviewed recruits. Defense Department studies, provided to Congress, show that 74 percent of all volunteers were either working or in school when they enlisted. These well-known studies have been presented to Congress on numerous occasions. ABC's failure to discuss these data reflects either ignorance of the subject matter or a conscious decision to disregard data that failed to meet the network's preconceptions.

The Gates Commission findings imply an unemployment elasticity of about 0.15. Dr. Richard Cooper in his Rand study on the AVF found that high unemployment rates has allowed the AVF to set higher enlistment standards. If there is any danger, he said, it is that high unemployment may cause the services to "set unrealistically and unnecessarily high quality standards for the longer run, based on their quality experience during this period, rather than on what actual job requirements may dictate."

ABC provided no evidence to prove that there are "more poor people" in the Army today than there were during the draft era. On the contrary, it has been shown that the middle of the economic spectrum is represented in almost identical proportions under the AVF as it was in the conscripted Army.

The myth that the volunteer force is an Army of the poor has been disproved in every serious study of the subject. In 1975, the Army found that 14 percent of its recruits came from families with income greater than $20,000, and 34 percent came from families with incomes from $11,000 to $20,000, figures roughly comparable to income groups in the Nation as a whole. In a later study by Richard Cooper of Rand, the following information was developed about the socioeconomic characteristics of persons entering the Army:

TABLE 10-16.—DISTRIBUTION OF MALE ENLISTED ACCESSIONS BY SMSA ZIP CODES, RANKED ACCORDING TO AVERAGE FAMILY INCOME[1]

Percentile[2]	Income range[3] (thousands of dollars)	In percent: Enlisted accessions[4] Draft	Enlisted accessions[4] AVF	16–21 male population[5] All	16–21 male population[5] NS
>99	>24.5	0.38	0.34	1.06	0.43
95 to 99	17.0–24.5	2.84	2.67	5.13	2.59
90 to 95	14.7–17.0	5.08	4.93	7.36	4.61
75 to 90	12.2–14.7	19.33	18.95	20.83	16.65
50 to 75	10.3–12.2	29.88	29.70	28.56	28.01
25 to 50	8.4–10.3	25.17	25.23	22.63	27.70
10 to 25	6.3–8.4	13.21	13.99	12.13	16.79
5 to 10	1.3–6.3	2.88	3.02	2.10	2.91
<5	<1.3	1.24	1.18	.19	.42

[1] Reports the percentage distributions for total DOD enlisted accessions (inductions and enlistments) by percentile rankings of 5-digit zip codes located in standard metropolitan statistical areas. SMSA 5-digit zip codes were ranked according to average family income within the zip code, and then grouped into percentile groupings. Accessions were then matched with these percentile groupings by using the home address zip code for each enlistee or inductee. Sources: U.S. Census and Manpower Research and Data Analysis Center, OASD (M. & R. A.), provided the data tapes.

[2] Percentile rankings, based on within zip code average family income, for 5-digit SMSA zip codes. Based on 10,708 5-digit zip codes out of 11,972 Zip codes located in SMSA's (data on either ponulation or income were not available for the remaining 1,264 zip codes).

[3] The range of within zip code average family incomes for each percentile grouping. Based on 1969 incomes reported in the 1970 census.

[4] Percentage distributions for DOD enlisted accessions (see note above). Time periods draft January 1971 through December 1972; AVF, January 1973 through June 1975.

[5] Percentage distributions for all 16- to 21-yr-old males residing in these zip codes (all) and those not enrolled in school (NS).

Rather than rely on data that would be contrary to their thesis, ABC chose to prove its points by interviews—that "80 percent of a group of volunteer recruits at Fort Dix" told ABC "stories like these." Two of the stories involved individuals who joined the Army, because they had trouble finding jobs on the outside. The third said:

I joined the Army because I thought it would be the most enjoyable experience and the best education that I could—figured that I could receive.

How does the latter statement prove that "there are more poor people in the Army"? How does it prove that there is a significant increase in the number of previously employed in the Army? What percent of the 80 percent who told ABC "stories like these" joined the Army, because it would be an "enjoyable experience and the best education" rather than simply because they had no other alternatives? It is a sad day for broadcast journalism when newscasters become so preoccupied with preconceived notions that they fail to even listen to the content of their interviews.

When a substantial portion of the people joining the Army do so, because they welcome the experience and the training, it is simply false and misleading to imply that the Army is repository for the problem of youth unemployment.

ABC cited a 1977 Senate Armed Services Committee report for the proposition that "little better than half of today's Army recruits have high school diplomas." Again, ABC is off base. In fiscal year 1971, 67 percent of Army recruits had high school diplomas. For the first 3 months of fiscal year 1978, 75 percent of all enlistees have had high school diplomas—and we have not yet reached the peak high school recruiting months of May, June, and July.

ABC correctly notes that attrition rates are higher than in the draft Army. But they are incorrect in stating that this "has cost us an additional $193 million for an all volunteer Army, so far." Inexplicably, the network overlooked the fact that soldiers are now obligated for a longer term of service than during the draft. Even with the increased attrition, this has meant that the average length of a tour of service has increased by 4 months per recruit. This has resulted in annual savings for the Army. The $193 million cited by ABC does not represent a cost of the volunteer force—rather, it is an estimate of the further savings that could be achieved by further reductions in the rate of attrition. The Army is unable to account for where this figure came from.

As ABC notes, there has been some drop in the number of recruits rated in the upper percentiles by military testing over the last 2 years. But does this support ABC's thesis that this is a problem caused by the volunteer force? A quarter of the force in fiscal year 1971 was in the lowest mental category, category IV, as compared to only 11 percent today. Percentages of the total force for the two times are as follows: Fiscal year 1971—category I, 5 percent; category II, 27 percent; category III, 44 percent; category IV, 24 percent; Fiscal year 1978 first quarter—category I, 5 percent; category I, 28 percent; category III, 55 percent category IV, 12 percent.

Taking a pot shot at costs, Wordham asserts that the "recruitment and training (of each soldier) has cost the American taxpayer nearly $6,000 apiece for each volunteer. That is almost what it would have cost to attend a first-rate Ivy League college for 1 year." If we we to revert to the draft, it would cost $4,750 to select, process, and train each draftee. If there are unnecessary expenses, it is a matter to be resolved by improved management, not by erroneously attributing the costs to the volunteer force.

ABC highlighted a number of problems facing our Army in Europe—boredom in garrison units, preoccupation with personnel problems, the dilemma of having dependents in the midst of a potential battlefield, equipment shortages and malfunctions, and inadequate training time. By contrast, the show noted the comparatively higher readiness of our forces in Korea. Korea is manned by the same volunteer Army. Their recruitment and basic training is no different from that of the soldiers sent to Germany. If the Army in Korea is ready, and the Army in Germany is not, that tells us something about the comparative management of the two operations. If there are defects, they are not attributable to the volunteers. They can be traced to the manpower policies applied to our forces in Europe.

The situation in Europe is not good—but it is appreciably better than it was in the sixties during the period of conscription.●

POPE PAUL'S INVOCATION AT THE MEMORIAL MASS FOR ALDO MORO

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, as a member of the American delegation representing President Carter at the May 13 memorial service for former Italian Prime Minister Aldo Moro, I would like to call to the attention of my colleagues in the House of Representatives an English translation of Pope Paul's invocation which was forwarded to me by the Honorable Richard N. Gardner, U.S. Ambassador to Italy.

Aldo Moro was a noble and compassionate exponent of freedom's ideals, and the Pope's moving prayer at the solemn rite on behalf of this great man follows:

THE POPE'S INVOCATION

Following is the text of the prayer written personally by the Holy Father and said by Him at the end of the solemn rite for On. Aldo Moro:

"And now our lips, closed as if by an enormous obstacle, similar to the heavy stone rolled at the entrance of the sepulchre of Christ, become open to express the 'De profundis,' that is the cry and the tears of the unutterable grief with which this tragedy chokes our voice.

"Lord, hear us!

"And who can hear our lament, if not You once again, O God of life and death? You have not heard our Supplication for the safety of Aldo Moro, of this kind, gentle, wise, innocent and friendly man; but You, O Lord, have not abandoned his immortal soul, marked by his Faith in Christ, who is Resurrection and Life. For him, for him.

"Lord, hear us!

"O God, Father of mercy, let not the communion be interrupted that, even in the darkness of death, still intercedes between the Dead who departed from this temporal existence and we who are still alive on this day with a sun that is inexorably going down. The program of our being redeemed is not vain: our flesh will be resurrected, our life will be eternal! O! Let our faith be right from now equal to this promised reality. We shall see again Aldo and all those who live in Christ, blessed in the infinite God!

"Lord, hear us!

"And in the meantime, O Lord, make our heart, appeased by the virtue of your Cross, forgive the unjust and deadly outrage inflicted on this very dear man and on all those who shared the same cruel fate; make us all acquire from the pure sudarium of his noble memory the surviving heritage of his straightforward conscience, of his human and cordial example, of his devotion to the civil and spiritual redemption of our beloved Italian Nation.

"Lord, hear us!"

After having said this prayer, the Pope went on:

"And now, before the end of this ceremony, in which we have prayed for the eternal rest of this brother of ours, we raise our arms to bless all those present in this church and those who, having been unable to find place within its walls, have remained outside in the square and also all those who, even though far away, are present in spirit: in particular, we intend to embrace with our fatherly gesture also those who bear anguish and grief in their hearts for some relative, victim of the same savage violence. For everyone we invoke the comforting assistance of the Lord, bearer of peace and hope."●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

● Mr. ASPIN. Mr. Speaker, because of the Oregon primary election on May 23 I was unable to be present for rollcall vote Nos. 330, 335, 336, 339, and 340 on H.R. 39, the Alaska National Interest Lands Conservation Act. Had I been present I would have have cast my votes as follows:

Rollcall No. 330 "yea."
Rollcall No. 335 "nay."
Rollcall No. 336 "nay."
Rollcall No. 339 "nay."
Rollcall No. 340 "yea."●

CITIZENS' POSTAL RATE RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. FORD) is recognized for 5 minutes.

● Mr. FORD of Michigan. Mr. Speaker, last Friday, May 19, the U.S. Postal Service Governors, by a vote of 4 to 2, accepted the recommended decision of the Postal Rate Commission, which means that first class postal rates will be increased from 13 to 15 cents, effective May 29. In doing so the Governors, while expressing reservations of the Commission's recommendations, passed up an opportunity to express its displeasure with the Commission by not either rejecting their recommendations or accepting them under protest.

While a committee of the Board of Governors recommended protesting the rejection of a citizens rate, the Governors as a whole turned their backs:

On half of the members of the Rate Commission—although the Commission Chairman ultimately voted against the citizen rate, he did so not on the basis that it was not a sound idea, but rather that sufficient evidence had not been submitted in the short time allowed to fully support the concept,

On the former Postmaster General Bailer,

On President Carter, and

On this Congressman.

Last summer, June 1 to be exact, I addressed my colleagues on the alarming increase in the cost of mailing letters, on the inordinate share of the Postal Service's operating expenses borne by the individual citizen and on the need for protecting the American citizen from a level of postal rates that threatens his traditional freedom of expression.

In referring to the vital communication needs filled by our mail system, I mentioned the thousands of letters we receive daily from our constituents—letters from persons who are writing their Congressman "as their court of last appeal."

At the time I did not realize how prophetic this description would turn out to be. Now that the Postal Rate Commission has turned a deaf ear to the citizen rate proposal with the Governors' acquiescence and moved to deny individuals their right to communicate by mail at a reasonable cost, it is clearly up to the legislative branch to serve as the citizen's court of last resort.

I am, therefore, reintroducing my bill, the Citizens' Postal Rate Relief Act, H.R. 12844. Since its original introduction and designation as H.R. 7537, it has been revised and is now much more easily administered.

My bill provides a 13-cent first class postal rate for personal letter mail. It restricts eligibility to private individuals. It protects the Postal Service against misuse by providing a fine of $500 for each piece of mail sent by anyone other than a private individual. Any revenue shortfall would not be made up with revenue from other classes of mail.

The new version of the bill eliminates the section of the original version that would have required adjustments of the personal rate by relating it to the Government's cost-of-living index. I believe this makes the revised bill much easier to administer.

Instead of the adjustment procedure, the revised bill suggests a simple formula for maintaining a differential between personal mail and regular first class. In the future, the level of the personal mail rate could not exceed 80 percent of the rate established for regular first class.

Originally, my motivation was concern over rapidly rising postal rates. I now wish the revised bill to express my sense of outrage over the Postal Rate Commission's rejection of the 13-cent personal rate and 16-cent regular first class rate requested by the Postal Service and their recommendation and decision for an across-the-board 15-cent rate for all first class mail.

Mr. Speaker, I feel that when it created the Postal Rate Commission, Congress intended a vigilant regulatory agency that would stand up to powerful lobbying groups for business mail users—an agency that would begin showing some interest in lifting from the shoulders of individual mail users the heavy burden of paying the difference between actual operating costs and the preferential rates enjoyed by business.

Instead, I am outraged to find that we have put our trust in a group of appointed officials who apparently perceive their role as protecting the cut-rate postage prices given to business—a group that, in effect, is telling the American citizen: look out for yourself, because we are here to take care of business mailers.

I trust that my many colleagues who already have indicated their support for a 13-cent rate for individuals sending personal mail by serving as cosponsors of my bill will come forward again. This time they will have the added satisfaction of helping to right the injustice done by the Postal Rate Commission.

My confidence that the legislative branch will prove more responsive than the Commission and the Governors to the needs of the people also is bolstered by Representative HANLEY's assurance that his Subcommittee on Postal Operations

and Services will schedule hearings on my revised bill as soon as possible.

As I said last June, the one true and meaningful means for the American people to communicate must be available to them at a price that is reasonable and fair.

This revised bill will accomplish that goal, and I urge my fellow members to to join with me in cosponsoring it.

Mr. Speaker, one last word to my colleagues. This week we shall begin our district work week. Next Monday, during our stays in our district, first class postage will again escalate. At that time, while public utility companies will be able to send their bills to consumers at the 13-cent presorted rate, private citizens will have to mail their payments back at the increased 15-cent rate. I for one, do not wish to face my constituents and say that I have done nothing to prevent this and allow yet another increase in their constantly rising cost of living.

The bill follows:

H.R. 12844

A bill to amend title 39, United States Code, to establish a reduced rate of postage for certain mail matter of private individuals

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Citizens' Postal Rate Relief Act of 1978".

SEC. 2.(a) Subchapter II of chapters 36 of title 39, United States Code, is amended by adding at the end thereof the following new section:

"§ 3629. Reduced rate for certain mail matter of individuals

"(a) Notwithstanding the provisions of this subchapter or of subchapter III of this chapter, the rate of postage established under such subchapters for qualified mail matter (as defined in subsection (d) of this section) shall be established in accordance with subsection (b) of this section.

"(b)(1) Until such time as an adjustment is made under paragraph (2) of this subsection, the rate referred to in subsection (a) of this section shall be 13 cents for the first ounce of each piece of mail matter and 11 cents for each additional ounce or fraction of an ounce.

"(2) If the rates for the class of mail that is maintained under section 3623(d) of this title for the transmission of ordinary letters sealed against inspection are adjusted under subchapter II or subchapter III of this Chapter, the Postal Service shall adjust the rates for qualified mail matter as defined in subsection (d) of this section so that the rates for such mail matter shall in no event exceed 80 percent of the rates for such class, rounded to the nearest whole cent.

"(c)(1) Except as authorized by this section, no person shall mail any matter at the rates prescribed pursuant to subsection (b) of this section.

"(2) The Postal Service may fine any violator of paragraph (1) of this subsection an amount it deems reasonable but not to exceed $500 for each piece of mail matter so mailed.

"(3) The Postal Service shall provide an alleged violator with written notice of the decision to fine and the charges upon which it is based. The Postal Service may, and upon timely request by the alleged violator shall, order a hearing on the charges pursuant to sections 554–555 of title 5, United States Code.

"(4) The decision of the Postal Service to fine a violator, whether or not pursuant to a hearing under subsection (c) of this section, shall be final and conclusive unless it is appealed to any court of appeals of the United States within 15 days after service of the decision upon the violator. The court shall review the decision, in accordance with section 706 of title 5, and chapter 158 and section 2112 of title 28, except that the facts underlying a decision to fine shall not be subject to trial de novo by the court. Issues which became final and conclusive because no appeal was taken to a court of appeals, and issues which were raised or might have been raised in a court of appeals, may not be raised as a defense to a suit by the Postal Service for collection of a fine.

"(d) For purposes of this section, the term 'qualified mail matter' means domestic letter mail—

"(1) of the class that is maintained under section 3623(d) of this title for the transmission of ordinary letters sealed against inspection;

"(2) prepared in accordance with such reasonable mail preparation requirements as the Postal Service may prescribe by regulation; and

"(3) sent by an individual.

For purposes of this subsection, the term "individual" does not include a corporation, company, business, association, partnership, professional entity, proprietorship, institution, or governmental unit or any similar entity."

(b) The table of sections for subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end thereof the following new item:

"3629. Reduced rate for certain mail matter of individuals".

SEC. 3. Section 2401(c) and section 3627 of title 39, United States Code, are amended by striking out "and 3626" in section 2401(c) and inserting in lieu thereof "3626, and 3629" and by striking out "or 3626" in section 3627 and inserting in lieu thereof "3626, or 3629".

SEC. 4. The amendments made by the foregoing provisions of this Act shall apply to any qualified mail matter (as defined in section 3629 of title 39, United States Code, as added by section 2 of this Act) which is mailed on or after the effective date of such regulations as are prescribed pursuant to subsection (d)(2) of such section 3629, but not later than 60 days after the date of enactment of this Act.●

A VETERAN IS A VETERAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ROBERTS) is recognized for 5 minutes.

● Mr. ROBERTS. Mr. Speaker, as chairman of the Committee on Veterans' Affairs, I read with interest the reprint of a Washington Post editorial in the May 19, 1978, CONGRESSIONAL RECORD. The newspaper is exercised about "inadequacies of the GI bill" and applauds 11 Members of Congress who are Vietnam era veterans for banding together as "legislative advocates" for these veterans.

Those of us who deal directly with veterans' affairs have given up trying to enlighten the Washington Post. Its editorial writers prefer fancy to fact and, I suppose, the prose that drifts up from their pipedreams is more entertaining to their readers than cold, hard facts. Unfortunately, those of us who legislate cannot indulge in flights of fancy. I assume the Vietnam veterans in Congress who were the subject of the editorial are also interested in facts.

All veterans' organizations supported the present system of educational benefits for Vietnam era veterans as established in the Veterans Education Improvements Act passed in November 1977. With this new law, the American people made available to the married veteran with one child in excess of $30,000 to complete 5 years of education—$18,990 monthly educational assistance checks, a maximum of $12,500 in loans. This assistance is scaled up or down comparably for single veterans and those with more than two dependents. The Congress felt this was a generous amount for an individual who may have served as little as 18 months in military service.

Most veterans who have suffered a service-connected disability are entitled to the full cost of tuition, books and fees for education or training, in addition to subsistence payments based on the number of his dependents.

The American Legion numbers 700,000 Vietnam era veterans among its membership and R. E. Lyngh, director of the Legion's National Veterans Affairs and Rehabilitation Commission made the following statement about the program:

The present GI Bill program is the best of the three programs for World War II, Korean and Vietnam veterans. Vietnam veterans receive benefits under the present program that were never given to earlier veterans. For example, 45 months of training as against 36 months for World War II; the entitlement to benefits while completing high school level work without loss of any of the total 45 months entitlement; tutorial assistance to help do college level work; a liberal loan program; entitlement to benefits prior to discharge.

The Veterans of Foreign Wars has 500,000 Vietnam era veterans as members. Mr. Al Poteet, assistant director of this organization's National Legislative Service, in testimony before the House Veterans' Affairs Committee, said:

I can guarantee you, Mr. Chairman, that as a Vietnam veteran who has and who is still utilizing the GI Bill, this VA educational program is reasonable and affords veterans a golden opportunity to attain their educational objectives whatever they may be.

The argument is advanced that because most committee members are not Vietnam-era veterans, they cannot legislate intelligently for them. A moment's reflection reminds us that World War I veterans in Congress passed the first GI bill for World War II veterans who, then as Members of Congress, enacted the Korean GI bill.

Mr. Speaker, there is no one in a better position to refute this argument than the legislative director of the Paralyzed Veterans of America, Mr. Lawrence W. Roffee, Jr. In a letter to "TIGER" TEAGUE who is chairman of our Subcommittee on Education and Training, Mr. Roffee said:

You have been criticized for being insensitive to Vietnam veterans. I personally know, and PVA as an organization knows, that you have been an outstanding leader in doing everything possible for disabled and Vietnam veterans. You have always been very

sensitive to the problems of these groups of veterans.

Mr. Speaker, the record makes it abundantly clear that Vietnam-era veterans have had their say in every forum. They participate in all veterans' affairs. Their opinions are listened to attentively. Members of Congress who are Vietnam-era veterans are urged to share with this committee any and all views they may have on veterans legislation. Our hearings are open to them. I have no doubts about the sincerity of their concerns.

As for the Washington Post and its new-found interest in veterans' affairs, Mr. Speaker, I am not so sure. I hesitate to second-guess another's motives but could there be, I ask, a better way to dilute the influence of veterans organizations than to divide and conquer?

In years past a veteran was a veteran. It was taken for granted that equal service was an entitlement to equal benefits. Whether one was in frontline combat or at a typewriter in the rear echelon, the Government used its military personnel according to the demands of war. But now one hears special demands being made for special service. Shall we go on to provide a special program for those who were in actual combat? Will the infantry scout get more than the artilleryman? Will the pilot be entitled to more benefits than the man who fueled his plane? These distinctions could go onto infinity and absurdity.

All of us concerned about veterans must put aside these divisions and return to the ties that unite us. The surest way to destroy our system of veterans benefits is to pick it apart from within.

Only veterans themselves, Mr. Speaker, can prevent this by insisting to those who set themselves up as champions of special groups, "A veteran is a veteran."●

PROMPT ACTION NEEDED ON KIM DONG JO TESTIMONY

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOSTMAYER. Mr. Speaker, this morning the Committee on International Relations approved a resolution expressing the sense of the Congress that all nonmilitary aid to the Government of South Korea be cut off unless that government compels its former Ambassador to the United States, Kim Dong Jo, to testify before a committee of this House on the so-called Korean bribery scandal.

I hope that the House will act favorably on the resolution. Each day the American people become more convinced that we are being less than diligent in bringing this matter to light. The Carter administration should support the resolution, rather than oppose it with a lot of legal mumbo-jumbo from the State Department.

The administration should not protect those who are guilty. There is no reason why full compliance should not be forthcoming from the Korean Government. The State Department's dire warnings of another Korean War or of former American Ambassadors being forced to testify about alleged bribery by American officials simply do not hold water. In fact, such revelations might be helpful.

If the Congress and the leadership are serious about the commitment made to Mr. Jaworski and to the American people, then we must act promptly and forcefully, and the administration must do likewise.

IMPROVEMENTS NEED TO BE MADE IN NAVAL SHIPBUILDING PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 5 minutes.

● Mr. EILBERG. Mr. Speaker, I am prepared to vote for final passage of the Department of Defense authorization for fiscal year 1979 because of my belief that America must maintain a strong national defense and that this bill aids in that goal.

However, I wish to strongly voice my serious reservation about the provision contained in section 811(b) which calls for further cost-analysis studies before aircraft carriers in the service life extension program can be overhauled, converted or repaired.

Most immediately affected by this provision is the aircraft carrier U.S.S. *Saratoga*. As I informed my colleagues during the floor debate on Tuesday, the Navy originally assigned the overhaul of the *Saratoga* to the Philadelphia Naval Shipyard.

There has been growing criticism of the chaos in the Navy shipbuilding program and of the large cost overruns which have been incurred. This is an area obviously where improvements need to be made.

Objective evaluation of all criteria relating to the *Saratoga* assignment shows that—

The Philadelphia Naval Shipyard is the best equipped on the east coast to meet the SLEP requirements;

The shipyard has an outstanding on-time completion record for the jobs it has performed;

The Philadelphia Naval Yard has already completed the planning process required for such a major overhaul; and

The shipyard has the most advanced job safety equipment of any yard on the east coast.

The clear conclusions of these facts is that the Philadelphia Naval Yard can do the job most effectively and in the most cost-efficient manner.

Therefore, although I will vote for final passage of H.R. 10929, Mr. Chairman, I do so only with the strongest reservation about section 811.●

MORE SUPPORT FOR CONGRESSIONAL VETO OF FTC RULES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 5 minutes.

Mr. LEVITAS. Mr. Speaker, I would like to draw to your attention and that of my colleagues the strong support that congressional control over bureaucratic rules and regulations has in this House. To date, over 200 Members of the House have cosponsored bills to provide for a congressional veto of administrative rules and regulations. The public has long supported this concept of having elected officials be able to control agency rules adopted by unelected bureaucrats. Now Congress is beginning to catch up with the public.

The support for congressional control over bureaucratic regulations was again clearly demonstrated by the House when we rejected the conference report on H.R. 3816, the FTC Act amendments, simply because it did not include the House-adopted amendment providing for congressional veto of FTC regulations. I am proud that the House held its position on the FTC Act, and I trust that the House will continue to hold fast until the Senate and the administration see the wisdom of this provision in the FTC bill.

A significant, new voice has recently been added to those who support congressional control over agency rules. I refer to the distinguished Lee Loevinger whose background and experience in Government, as well as in the private practice of law, makes him a knowledgeable and persuasive proponent of the congressional veto of regulations concept. Judge Loevinger's service in the executive branch includes 3 years as Assistant Attorney General in charge of the Antitrust Division at the Department of Justice under the Kennedy administration. He served as a Commissioner to the Federal Communications Commission for 5 years thereafter. His career in Government began as a staff attorney with the National Labor Relations Board.

Judge Loevinger sat as a member of the Minnesota Supreme Court for 2 years. In the legislative branch, he was special counsel to the Senate Small Business Committee for a number of years. As an attorney in private practice, Judge Loevinger has handled many cases involving the FTC and other executive agencies in court. In addition, he was a professor of jurisprudence at the University of Minnesota Law School and a professorial lecturer at American University. He was a member of the U.S. Administrative Conference.

Mr. Speaker, Judge Loevinger has written to me to express his strong support of the congressional veto provision in the FTC bill, and I commend his letter to my colleagues. As Judge Loevinger points out in his letter, the FTC, by maintaining that it is not subject to executive or congressional control, operates with all the independence of the judiciary with the added power to legislate. We cannot let this free-wheeling situation continue. We must take steps to insure that the bureaucracy is sensitized and accountable by providing for a congressional veto over its rules. The letter follows:

WASHINGTON, D.C.
May 8, 1978.

Hon. ELLIOTT LEVITAS,
House of Representatives, Congress of the United States, Washington, D.C.

DEAR CONGRESSMAN LEVITAS: The Antitrust and Trade Regulation Report in a recent is-

sue reports that you are the leader of a group in the House of Representatives which is insisting on the right of Congressional veto for FTC Trade Regulation Rules.

I am a lawyer engaged in private practice who has had many years experience with the FTC and has in the past had a number of years experience as a government lawyer, both in the Department of Justice and in administrative agencies. Based on many years of experience I simply wish to convey to you an expression of my support for your position.

It is paradoxical and anomalous that the FTC and other administrative agencies have objected to being subject to orders issued by the White House, even on such noncontroversial subjects as writing regulations in plain English. The objection has been that the agencies are the creatures of Congress and, therefore, not subject to control by the Executive. However, now that Congress proposes to exercise direct control, the FTC comes in and says that this is an infringement of its independence. The net effect of this position is that the FTC (and, presumably, other administrative agencies) is a free floating independent lawmaking authority which is not answerable to anyone. If its several objections are correct, the FTC is not subject to control by the Executive or by Congress and it is not answerable to any electorate. This would give it all of the independence of the judiciary but with the power, not exercised by the judiciary, to legislate. I submit that this is an illogical paradox and a monstrosity.

In all candor, I must admit to considerable doubt that the Congressional veto will be exercised often or effectively. However, its mere existence may have some salutary effect in restraining the FTC and its staff. In recent years the FTC and its staff have become one of the least restrained, and, sometimes, least responsible, agencies in Washington. This limited and reasonable step toward providing a warranted restraint on the legislative action of the FTC appears to be entirely reasonable and I hope that you and the House of Representatives will adhere to the position which you have taken.

Sincerely yours,

LEE LOEVINGER.

ANNOUNCEMENT AS TO VOTES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. TSONGAS) is recognized for 5 minutes.

● Mr. TSONGAS. Mr. Speaker, due to other commitments I was absent from five important rollcall votes on Thursday, May 18, and Friday, May 19, 1978. The rollcalls concerned the Alaska National Interest Lands Conservation Act of 1978, H.R. 39.

As a member of the Interior Committee, the Alaska Lands Subcommittee, and a cosponsor of the legislation, I regret that I was unable to be present. I would like to announce how I would have voted had I been present:

Rollcall No. 335, I would have voted "no".

Rollcall No. 336, I would have voted "no".

Rollcall No. 338, I would have voted "no".

Rollcall No. 339, I would have voted "no".

Rollcall No. 340, I would have voted "aye". ●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MOTTL) is recognized for 5 minutes.

● Mr. MOTTL. Mr. Speaker, on Friday, May 19, 1978, I had numerous important appointments with constituents in my Parma congressional office, otherwise I would have been present on the House floor. Had I been present I would have voted "yea" on rollcall No. 340, final passage of the bill H.R. 39, the Alaska National Interest Lands Conservation Act. I realize the importance of this ecological legislation.

As the record shows, I did vote against two amendments that would have dramatically cut the size of the land that was to be set aside for parks or wilderness. If my vote would have been essential to pass the bill, I would have been present to vote for H.R. 39. ●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ALEXANDER (at the request of Mr. WRIGHT) for today, on account of official business.

Mr. PHILLIP BURTON (at the request of Mr. WRIGHT) for May 24 and 25, on account of official business.

Mr. GARCIA (at the request of Mr. WRIGHT) after 4:30 today and for May 25, on account of serving as representative of the House at the NATO Conference.

Mr. KAZEN, for today and tomorrow, on account of family illness.

Mr. RODINO (at the request of Mr. WRIGHT) for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RUDD) to revise and extend their remarks and include extraneous material:)

Mr. KEMP, for 5 minutes, today.

Mr. STEIGER, for 10 minutes, today.

(The following Members (at the request of Mr. EVANS of Georgia) and to revise and extend their remarks and include extraneous matter:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. AUCOIN, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. BOLLING, for 5 minutes, today.

Mr. FORD of Michigan, for 5 minutes, today.

Mr. ROBERTS, for 5 minutes, today.

Mr. GAYDOS, for 5 minutes, today.

Mr. DODD, for 5 minutes, today.

Mr. EILBERG, for 5 minutes, today.

Mr. LEVITAS, for 5 minutes, today.

Mr. TSONGAS, for 5 minutes, today.

Mr. MOTTL, for 5 minutes, today.

Mr. ASPIN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RUDD), and to include extraneous material:)

Mr. QUIE.

Mr. CONABLE.

Mr. ANDERSON of Illinois.

Mr. ARMSTRONG.

Mr. DERWINSKI in two instances.

Mr. GOLDWATER in two instances.

Mr. DORNAN.

Mr. GREEN.

Mr. FRENZEL in three instances.

Mr. MCCLOSKEY.

Mr. SNYDER.

Mr. WINN.

Mr. STEIGER.

Mr. WAMPLER.

Mr. KEMP in three instances.

Mr. ABDNOR.

Mr. STOCKMAN.

(The following Members (at the request of Mr. EVANS of Georgia), and to include extraneous matter:)

Mr. ANDERSON of California in three instances.

Mr. GONZALEZ in three instances.

Mr. MURPHY of Pennsylvania in five instances.

Mr. MANN in three instances.

Mr. FAUNTROY.

Mr. CORNWELL in three instances.

Mr. BAUCUS in three instances.

Mr. DODD.

Mr. CORRADA.

Mr. DOWNEY.

Mr. MCDONALD in five instances.

Mr. TEAGUE.

Mr. FARY.

Mr. STARK in two instances.

Mr. UDALL.

Mr. CLAY in three instances.

Mr. HANNAFORD.

Mr. CONYERS.

Mr. RICHMOND.

Mr. HAMILTON.

Mr. BRODHEAD.

Mr. JACOBS in two instances.

Mr. WAXMAN.

Mr. REUSS.

Mr. MURPHY of Illinois in two instances.

Mr. TUCKER.

Mr. CARNEY.

Mr. FRASER.

Mr. MOTTL.

Mr. VANIK in three instances.

Mr. PEPPER.

Mr. OTTINGER.

Mr. SKELTON.

Mr. BYRON in two instances.

Mrs. SPELLMAN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1826. An act for the relief of Kainoosh-Fard Bullock and her son, Kami Bullock; to the Committee on the Judiciary;

S. 2237. An act for the relief of Lee Myong Sook; to the Committee on the Judiciary;

S. 2247. An act for the relief of Eugenia Cortes; to the Committee on the Judiciary;

S. 2379. An act for the relief of Jesusa Navarro Romero and Antonio Anegles Romero; to the Committe on the Judiciary; and

S. 3045. An act to amend the Farm Credit Act of 1971 to extend the term for production credit association loans to producers or harvesters of aquatic products; to the Committee on Agriculture.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2370. An act to remove the limitation on the amount authorized to be appropriated under the Volunteers in the National Forests Act of 1972.

ENROLLED BILLS SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 9005. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1978, and for other purposes; and

H.R. 11662. An act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did not this day present to the President, for his approval, bills of the House of the following title:

H.R. 9005. Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1978, and for other purposes; and

H.R. 11662. To provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes.

ADJOURNMENT

Mr. EVANS of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock p.m.), the House adjourned until tomorrow, Thursday, May 25, 1978, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4244. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to repeal section 5770 of title 10, relating to the requirement for sea or foreign service for certain officers of the Regular Navy; to the Committee on Armed Services.

4245. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to provide assistance for specific neighborhood conservation and revitalization projects, to improve the capabilities of neighborhood organizations in planning and carrying out such projects and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

4246. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of a proposed license for the export of certain defense equipment sold commercially to Jordan (transmittal No. MC–26–78), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on International Relations.

4247. A letter from the Principal Deputy Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting notice of an increase in a war reserve stockpile, pursuant to section 514(e) of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

4248. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting volume two of the Administration's first annual report, pursuant to section 57(a)(2) of the Federal Energy Administration Act of 1974, as amended (90 Stat. 1139; 91 Stat. 572); to the Committee on Interstate and Foreign Commerce.

4249. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of October 31, 1977, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

4250. A letter from the Secretary of Commerce, transmitting the 1977 annual report on the Department's implementation of the Fishery Conservation and Management Act of 1976, pursuant to section 305(f) of the Act; to the Committee on Merchant Marine and Fisheries.

4251. A letter from the Secretary of Commerce, transmitting the semiannual report on the extent of known and estimated compliance with the provisions of the Fishery Conservation and Management Act of 1976, covering the period March through August 1977; to the Committee on Merchant Marine and Fisheries.

4252. A letter from the Acting Assistant Secretary of the Treasury for Tax Policy, transmitting a draft amendment to the proposed Revenue Act of 1978 (H.R. 12078) to replace the new jobs tax credit with a targeted employment tax credit; to the Committee on Ways and Means.

4253. A letter from the Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations), transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to eliminate the requirement that a member of the armed forces maintain a household in the United States to be eligible for earned income credit; to the Committee on Ways and Means.

4254. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to provide Federal assistance to encourage community and neighborhood artistic and cultural activities, to promote sound urban design, and to contribute to neighborhood conservation and revitalization, and for other purpose; jointly, to the Committee on Banking, Finance and Urban Affairs, and Education and Labor.

4255. A letter from the Comptroller General of the United States, transmitting a report on the evaluation of the National Center for Productivity and Quality of Working Life (FGMSD–78–26, May 23, 1978); jointly, to the Committees on Government Operations, Banking, Finance and Urban Affairs, and Education and Labor.

4256. A letter from the Comptroller General of the United States, transmitting the third report on causes of and means of reducing overpayments in the supplemental security income program (HRD–77–126, May 23, 1978); jointly, to the Committees on Government Operations, and Ways and Means.

4257. A letter from the Secretary of Health, Education, and Welfare, transmitting the first annual report on the professional standards review organization program, pursuant to section 1172 of the Social Security Act; jointly, to the Committees on Interstate and Foreign Commerce, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOLAND: Select Committee on Intelligence. H.R. 12005. A bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice, and for other purposes; with amendment (Rept. No. 95–1148, pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. ZABLOCKI: Committee on International Relations. Report on allocation of budget totals under the first concurrent resolution on the budget for fiscal year 1979 (Rept. No. 95–1213). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLYNT: Committee on Standards of Official Conduct. A report on proceedings against Hancho C. Kim (Rept. No. 95–1214). Referred to the House Calendar.

Mr. MURPHY of New York: Committee on Merchant Marine and Fisheries. H.R. 12571. A bill to amend the Fishery Conservation Zone Transition Act in order to give effect to the Reciprocal Fisheries Agreement for 1978 between the United States and Canada (Rept. No. 95–1215). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ULLMAN:

H.R. 12841. A bill to prohibit the issuance of regulations on the taxation of fringe benefits; to the Committee on Ways and Means.

By Mr. BALDUS:

H.R. 12842. A bill to amend the Internal Revenue Code of 1954 to provide a more equitable estate tax treatment of joint interests in farm and closely held business property; to the Committee on Ways and Means.

By Mr. EDWARDS of Alabama:

H.R. 12843. A bill to amend the Internal Revenue Code of 1954, as amended, so as to exempt subsistence allowances of law enforcement officers of the United States from Federal income taxes; to the Committee on Ways and Means.

By Mr. FORD of Michigan:

H.R. 12844. A bill to amend title 39, United States Code, to establish a reduced rate of postage for certain mail matter of private individuals; to the Committee on Post Office and Civil Service.

By Mr. NIX (by request):

H.R. 12845. A bill to provide for the employment and compensation of employees of the General Accounting Office without regard to certain provisions of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. PICKLE (for himself and Mr. JENKINS):

H.R. 12846. A bill to amend the Internal Revenue Code of 1954 to clarify the application of the investment tax credit to certain enclosures or structures used for the housing, raising, or feeding of poultry or their produce; to the Committee on Ways and Means.

By Mr. PRESSLER:

H.R. 12847. A bill to amend section 218 of the Social Security Act to require that States having agreements entered into thereunder will continue to make social security payments and reports on a calendar-quarter basis; to the Committee on Ways and Means.

By Mr. ROBERTS:

H.R. 12848. A bill to amend the Trade Act of 1974; to the Committee on Ways and Means.

By Mrs. SPELLMAN (for herself and Mr. KELLY):

H.R. 12849. A bill to assist cities and States by amending section 5136 of the Revised Statutes, as amended, with respect to the authority of national banks to underwrite and deal in securities issued by State and local governments, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RYAN:

H.R. 12850. A bill to amend the Federal Water Project Recreation Act to provide for recreation facilities to meet demonstrated public need, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SEIBERLING by request):

H.R. 12851. A bill to amend the Internal Revenue Code of 1954 to provide that a taxpayer receiving a disability pension may, upon reaching age 65, continue to exclude a portion of such pension from taxable income; to the Committee on Ways and Means.

By Mr. STANGELAND (for himself, Mr. WALSH, Mr. SNYDER, and Mr. HAGEDORN):

H.R. 12852. A bill to exempt certain highway construction and improvement projects from the environmental impact statement requirements of the National Environmental Policy Act of 1969; to the Committee on Public Works and Transportation.

By Mr. WAMPLER:

H.R. 12853. A bill to amend the Occupational Safety and Health Act of 1970 to provide that the requirements of such act with respect to employers shall apply to the Occupational Safety and Health Administration; to the Committee on Education and Labor.

By Mr. FLYNT (for himself, Mr. BALDUS, Mr. BREAUX, Mr. CARTER, Mr. DAVIS, Mr. DERRICK, Mr. GOLDWATER, Mr. HARRIS, Mr. MANN, Mr. ROBINSON, Mr. SKELTON, Mr. SPENCE, and Mr. ST GERMAIN):

H.J. Res. 938. Joint resolution to authorize and request the President to issue annually a proclamation designating the first Sunday of September after Labor Day of each year as "National Grandparents Day"; to the Committee on Post Office and Civil Service.

By Mr. MURPHY of New York (for himself, Mr. ALEXANDER, Mr. BAFALIS, Mr. BAUCUS, Mr. BINGHAM, Mr. BURKE of Massachusetts, Mr. BURLESON of Texas, Mr. DEL CLAWSON, Mr. DOWNEY, Mr. DUNCAN of Oregon, Mr. ERTEL, Mr. FLYNT, Mr. FORSYTHE, Mr. GILMAN, Mr. HANLEY, Mr. HARSHA, Mr. HYDE, Mr. MINISH, Mr. PRITCHARD, Mr. RANGEL, Mr. ST GERMAIN, Mr. SIMON, Mr. SNYDER, Mr. WAGGONNER, and Mr. WALGREN):

H.J. Res. 939. Joint resolution authorizing and requesting the President of the United States to issue a proclamation designating the 7 calendar days beginning September 17, 1978, as "National Port Week"; to the Committee on Post Office and Civil Service.

By Mr. STOCKMAN:

H.J. Res. 940. Joint resolution disapproving proposed regulations of the Department of the Treasury requiring centralized governmental registration of firearms; jointly, to the Committees on the Judiciary, and Ways and Means.

By Mr. BROOKS (by request):

H. Res. 1201. Resolution to disapprove Reorganization Plan No. 2 transmitted by the President on May 23, 1978; to the Committee on Government Operations.

By Mr. DODD:

H. Res. 1202. Resolution expressing the sense of the House of Representatives on Indochinese refugees; jointly, to the Committees on International Relations, and the Judiciary.

By Mrs. SPELLMAN (for herself and Mr. CARR):

H. Res. 1203. Resolution expressing the sense of the House of Representatives with respect to the need for a balanced budget and the steps which must be taken to achieve such a budget by 1980; jointly, to the Committees on Government Operations, and Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

416. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to the Connecticut River Basin program; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DICKS:

H.R. 12854. A bill for the relief of Rebecca Sevilla DeJesus; to the Committee on the Judiciary.

By Mr. DORNAN:

H.R. 12855. A bill for the relief of Remedios R. Alcudia; to the Committee on the Judiciary.

By Mr. FISHER (by request):

H.R. 12856. A bill for the relief of Elena Schwarze-Chamier; to the Committee on the Judiciary.

By Mr. HEFNER:

H.R. 12857. A bill for the relief of Sylvester Lung-Yee Zee; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 11983

By Mr. WIGGINS:

In section 2, insert the following new paragraph "(6)" to proposed section 501 of the Federal Election Campaign Act of 1971:

"(6) The term 'qualified campaign expense' means an expense—

"(A) incurred—

"(i) by a candidate to further his election

"(ii) by authorized committees of the candidate to further the candidate."

In section 2, insert the following new paragraph "(7)" to the proposed section 501 of the Federal Election Campaign Act of 1971:

"(7) the term 'expenditure' has the same meaning as defined in section 301 of the Act except that for the purposes of this title, the term expenditure does not include:

(a) any costs incurred by a candidate or candidate's principal campaign committee in connection with the solicitation of contributions by the candidate or principal campaign committee

(b) the costs in preparing any political advertising or broadcasts except direct charges for airtime or direct charges for advertising space."

In section 2, add the following new subsection at the end of proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding any other provision of this Act, no person shall receive any funds under this Act if, in the election, he or she is the candidate of both major parties."

In section 2, strike paragraph "(3)" of proposed section 504(a) of the Federal Election Campaign Act of 1971.

In section 2, insert the following new paragraph after paragraph (5) of proposed section 504(a) of the Federal Election Campaign Act of 1971:

"(6) Notwithstanding any other provision of this subsection, no candidate is entitled to the payment of any amount under this section which, when added to the total amount of contributions received by him and his authorized committees and any other payments made to him under this title for his general election campaign, exceeds the amount of the expenditure limitation applicable to him for that campaign under section 320(b)(2).

In section 2, insert the following new proposed section 512:

"UNLAWFUL USE OF PAYMENTS

"SEC. 512. Unlawful Use of Payments.

"It shall be unlawful for any person who receives payment under this chapter or to whom any portion of such payment is transferred, knowingly and willfully to use, or authorize the use of, such payment or such portion for any purpose other than for the specific purposes authorized by this title."

In section 2, redesignate proposed sections 512 and 513 of the Federal Election Campaign Act of 1971 as proposed sections 516 and 517 respectively.

In section 2, insert the following new proposed section 513.

"FALSE STATEMENTS

"SEC. 513. False Statements.

"It shall be unlawful for any person knowingly and willfully with intent to deceive to (a) furnish any false, fictitious, or fradulent evidence, books, or sworn material testimony to the Commission under this title or to (b) include in any evidence, books, or information so furnished any misrepresentation of a material fact, or to falsify or conceal any evidence, books, or information relevant to a certification by the Commission or an examination and audit by the Commission under section 508."

In section 2, insert the following new proposed section 515.

"PENALTY FOR VIOLATIONS

"SEC. 515. Penalty for Violations.

"Any knowing and willful violation of any provision of this chapter is punishable by a fine of not more than $25,000, or imprisonment for not more than one year, or both."

And in section 2 strike (c) of proposed section 506.

EXTENSIONS OF REMARKS

SALUTE TO MSGR. LOUIS A. MARTORELLA IN CELEBRATION OF HIS 40 YEARS IN SERVICE TO GOD

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. BIAGGI. Mr. Speaker, on Sunday, June 4, there will be a celebration of love in the Bronx, N.Y. Foremost, it will be a celebration of the love of man for his God, and that love is divinely inspired. It will be a celebration of affection and respect for a leader among churchmen and servants of God. It will be a genuine outpouring of admiration for one very special man among men. Bronxites, friends, and parishioneers alike, will celebrate the life and vocation of Msgr. Louis A. Martorella on the very beautiful occasion of his 40th anniversary in the holy priesthood.

The festivities will begin at 4:30 p.m. when Monsignor Martorella will offer a Mass of Thanksgiving in holy celebration at Our Lady of Mount Carmel Chruch, 187th Street and Belmont Avenue, Bronx. A gala reception and dinner will follow so that the many people who have had their lives touched by his example can share the happiness and significance of this day with him.

A native New Yorker, Monsignor Martorella was born in the heart of New York City, the borough of Manhattan, on September 3, 1911. He, like so many other distinguished Americans, is the son of immigrant parents, Mary Barone and Louis Anthony Martorella, from Sicily. He received his primary education at Public School 158, 77th Street and York Avenue in Manhattan, and went on to DeWitt Clinton High School, Bronx. He was then to attend Fordham University. Cathedral College prepared him for the very exacting and yet so special discipline and privilege of studying for the priesthood. And young Louis continued on his formal path to the calling of God's vocation at St. Joseph's Seminary at Dunwoodie, Yonkers, N.Y. The Culmination of study and holy prepartion was his ordination as an Apostle of Christ and Prince of the Church on June 11, 1938 at St. Patrick's Cathedral. But his work was only to begin.

Significantly, he was first to serve as a model to the flock in the important work of the parish priest. He was to serve his church in following years at Our Lady of Peace, East 62d Street, Manhattan; Saint Anthony's, Richardson Avenue, Bronx, and Our Lady of Mount Carmel in Poughkeepsie, N.Y. His personal attributes and abilities supported him as pastor of the first Italian-American Auxiliary. In 1964, his talents on behalf of the Lord were to lead him in elevation to domestic prelate the right reverend monsignor, as recommended by his Eminence, the late and beloved Francis Cardinal Spellman, Archbishop of New York.

It is truly a momentous occasion when a leader in God's service assumes the awesome responsibility of pastorship, directing part of His province and providing the way to the salvation of souls, which was Louis Martorella's sacred reason d'etre. Monsignor Martorella pastored in East Harlem from 1958 to 1966. Nineteen hundred and sixty-six brought him to Staten Island as pastor of the Church of the Assumption until 1969. From October 1969 until October 1972, Pastor Martorella was to give his loving leadership and example to the Van Ness community of the Bronx at St. Dominic Church. And very happily and meaningfully for all who know and love him there, Monsignor Martorella remains in his devoted service, begun in 1972, as the pastor of Our Lady of Mount Carmel Church in the familiar Belmont area—a parish and neighborhood which is so near and dear to me in the Bronx. This parish numbers 20,000 strong, and has the largest, 900 students, parochial school in New York.

Louis Martorella believed in civic duty. He knew of the necessity to organize and to lead, in order to render full human services to the people of the communities and neighborhoods he valued, and to be of assistance to those in need. Importantly, he was the founder of the Council of Belmont Organizations, known as COBO, which has become a fountain of development and progress for the community. Recognizing the special needs of the elderly in our society, he founded the Mount Carmel Senior Citizens Center. Monsignor Martorella also capably serves his borough on the Bronx Borough President Advisory Committee.

The Columbia Association of the New York City Police Department and the Columbus-ESCA Alliance of Italian-American Business Professionals and Elected Officials enjoy his guidance and inspiration as their spiritual director.

An activist, prompted by church organizational concerns as well, Monsignor Martorella is now serving a 3-year appointment by Cardinal Cooke on the Archdiocesan Priests Retirement Board. He recently completed another special appointment by the cardinal to the Interparish Committee of the New York Archdiocese.

Yes; we are paying tribute today to a man who helps people be better people. We are saluting a leader who enables people to live out days of their lives as best they can. In that form, they are true to themselves, a credit to their community, and an important contributing factor to the success of God's service and His work here on Earth.

I implore him, on behalf of all his friends and admirers, to continue in all his good works, with good health God willing, and never to go too far away from our neighborhoods and communities where he is widely loved and respected. I further ask and trust that he will permit us to partake of his talents and wisdom for a long time to come. I take great personal pride in being among the wealth of his dear friends, and one who has encouraged him in his community endeavors and accomplishments.

Warmest and heartiest congratulations to you, Monsignor Martorella, on your 40th anniversary in the holy priesthood. And may God bless you and keep you always.●

VOTING REPRESENTATION MEASURE

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. FAUNTROY. Mr. Speaker, following the floor debate on House Joint Resolution 554, the District of Columbia full voting representation measure, one of my constituents who was in the House gallery recorded her impressions of the proceedings in a poem. I believe this poem captures the hope and, indeed, the feelings of the District of Columbia community on this matter. The poem follows:

While I sat in the gallery in the Capitol today
I watched one of God's messengers and I started to pray

Lord please let his resolution past
I'm terribly excited Lord please do it fast

My breath was cut short anxiety pains in my chest
As I watched his colleagues put 554 to a test.

I watched this representative for God and man
Step forward to deliberate his legislative plan

He reminded me of Martin Luther King
His speech was to let all freedom ring

He asked for respect from every nation
By giving the District full voter representation

I looked in that pit what a heavenly sight
As his colleagues shook his hands and urged him to fight

When the voting was over God I watched his face wet with tears
He was thankful for your encouragement all of these years

Now we are waiting for the Senate to give its final touch
By voting yes for legislation that we need so much.

Let it ratify victory, it's a beautiful plan
To make men equal in this God blessed land . . . America.

(To Congressman WALTER FAUNTROY and the United States Congress and Senate from Mrs. Elaine Johns.)●

Statements or insertions which are not spoken by the Member on the floor will be identified by the use of a "bullet" symbol, i.e., ●

FISCAL YEAR 1979 DEFENSE AUTHORIZATION: WHAT IT COSTS AND WHAT IT BUYS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. CONYERS. Mr. Chairman, once again the annual defense authorization rite is upon us. The figures may change, almost always in an upward direction, but the underlying assumptions, attitudes, and inducements to spend on national defense remain the same.

This year there are a few interesting variations on the usually perennial theme that American military spending is the only key to earthly security and salvation. The authorization bill is $2.4 billion above the President's request and $3.4 billion above the House's version of the first budget resolution for fiscal year 1979.

Also this year for the first time in several years a group of dissident committee members, outraged by the arbitrariness and excessiveness of the committee bill, have devised a substitute bill, which would call up the President's initial request as the baseline for authorization. Apparently, the committee's action was even more flagrantly irresponsible this year than in past years. One Member characterized the committee bill as "the most pork-laden" in recent history. Another member, who is usually sympatheic to Pentagon demands, thought the committee "ran amok" this time around. A third member refers to the bill as "the Christmas tree bill." Among other goodies, the bill authorizes $8.1 million for a private Gulfstream executive jet for the Marine Corps Commandant. It also offers a virtual blank check to the Lake Placid Olympic organizing committee to provide the Pentagon with funds to shovel snow and provide security at the 1980 Olympics in upstate New York. Apparently, this authorization won support after a senior committee member convinced his colleagues that his district, which includes the site of the 1980 Olympics badly needs Pentagon assistance. Since the Defense Department seems to have its hand in so many domestic projects and social events, I am tempted to request that it lend its helpful hand to the cities of Detroit and Highland Park, in my own district, to help eliminate unemployment and assist in the local crime prevention and urban security effort.

In a more serious vein, however, as flagrantly irresponsible as these pork-barrel projects are, far more serious are the misguided and dangerous assumptions that lie behind the defense authorization request. We have become inured of late to the notion that whereas the Russians are currently outspending us on military matters, and because the Russians seem to be having a rather successful time in their support of armed struggles in Third World countries, it is simply a matter of national reason, honor, and security to raise sharply the level of funds going to military research, development, and production. The current Defense Authorization bill is the perfect embodiment of this dubious logic, particularly its request of $2.1 billion for a new super-class nuclear carrier, which has been opposed by the former President, is opposed by President Carter, and was rejected last year by both Houses of Congress.

The convenient assumption behind this current authorization bill is that it, along with the new nuclear carrier, will furnish us with the national security we need in the years ahead. Let us examine this assumption. What are we buying with this new $2.1 billion *Nimitz*-class carrier, or for that matter with the whole authorization bill of $37.9 billion? What is this new carrier actually going to cost us in the lifetime of its mission?

What does this additional nuclear carrier actually provide in terms of force structures and military missions? And why are the underlying assumptions about force structures and missions, which this carrier represents, warranted at all? These questions ought to be asked of every weapon authorization and appropriation, but unfortunately are generally not? What are we buying, and for what reason? What will it be costing American taxpayers not only this year but in future years?

For answers to these questions I consulted with Dr. Earl Ravenal, a former high official in the Department of Defense, a leading expert on defense and foreign policy, and a professor at Johns Hopkins and Georgetown Universities. This is his breakdown of the costs of the *Nimitz*-class carrier that will be incurred over the years in order to enable it to fulfill its mission:

$2.1 billion for the ship itself;

$3 billion for its complement of 90 aircraft of various types (most of which are for the defense of the carrier itself);

$3 billion for 6 escort ships for the defense of the carrier;

$1.5 billion for various replenishment and support vessels; and

$1.5 billion for its shore facilities.

Total: $11.1 billion just for the hardware itself.

But this is not all of the cost:

$11.1 billion for the hardware;

$22.6 billion to operate the carrier over its 35-year life; and

$66 billion for 2 more carriers, which are necessary, one is reserve and one in overhaul.

Grand total: $100 billion.

A $2.1 billion authorization for a new super-class nuclear carrier can cost us as much as $100 billion. Unfortunately, we do not think of weapons systems in terms of force structures and missions, even though this is the name of the national security game. I suspect we are not inclined to this mode of thinking because the fiscal and other implications of our rather casual incrementalist decisions on national defense would blow our cover and confront us with the incredible implications of the decisions that we make.

I will leave aside for the time being the connection of the spending called for in the current defense authorization bill, on the one hand, and our Nation's security or even our defense against Russian moves in the world, on the other. Whether we like it or not, recent Russian successes in the Third World are centrally related to the sides they chose in the struggles and other political factors, not to how many nuclear carriers we have.

The best information available to me indicates that in terms of our military rivalry with the Soviet Union, we remain far ahead in numbers and firepower. For example, one estimate shows America as having 9,000 strategic and 22,000 tactical nuclear warheads—as compared to 4,500 strategic and 7,000 tactical on the Russian side. We remain ahead by several years in terms of nuclear technologies. Put in another way, we have enough weaponry now to kill every Russian 36 times, and every person on Earth 12 times. Is this not enough deterrence?

I oppose the defense authorization bill for these reasons. Coincidentally, this week the United Nations special session on disarmament convened, which will exist for 5 weeks. The nations of the world will spend over $400 billion this year on armaments, the equivalent of $1 million on guns, tanks, missiles, and bombs each and every minute of the day. The United States ranks first in the selling of arms. As one of the congressional advisers to the U.N. disarmament session, I plan to participate as much as possible in meeting with other delegates and addressing the issues of arms control and disarmament. The U.N. session is an opportunity, which may not happen again, for the world community to turn away from militarism and avert the catastrophe of nuclear war. It is worthwhile juxtaposing the defense authorization bill for fiscal year 1979 with the dialog in New York on arms control. I would respectfully suggest that the future of the world, depends more on what happens at the U.N. disarmament session than on the flagrantly irresponsible add-ons of weapons upon weapons that go into each year's defense authorization bill. Military spending, of the scale that we countenance, offers no hope at all.●

FOR THE BIRDS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. STARK. Mr. Speaker, this Thursday the 15th annual Leonard J. Waxdeck Bird Calling Contest will be conducted at Piedmont High School in Piedmont, Calif.

In these times of crisis when the world seems preoccupied with violence and strife, this unique event celebrates gentler pursuits. Students have worked long and hard to master the etherial flutescale of the veery, the variations on themes of the wood and hermit thrushes, the familiar trills of the goldfinch, bobolink, black-capped chickadee and, not to be ignored, the tappings, calls, and flight songs of sapsuckers and flickers. The familiar calls of the virtuoso songster, the song sparrow, will ring in Piedmont

High calling to mind the lively picture and joyful sounds of a May morning.

This contest is an exceptionally fine way to encourage young people to discover and explore woodland, field, and shoreline and to become familiar with their feathered residents. I salute those who participate and those who make it possible. This is an event which is truly for the birds.●

TERRORISM AND SAMI ESMAIL

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. McDONALD. Mr. Speaker, on Monday, May 22, a briefing was held for Members of Congress and staff aides on the trial of Sami Esmail, a U.S. citizen, in Israel. A presentation was made by three members of the National Committee to Defend the Human Rights of Sami Esmail and by Esmail's defense attorney, Felicia Langer.

Sami Esmail was born in Brooklyn, N.Y., in 1954. In 1960, his family returned to the West Bank region of Jordan, now under the control of Israel. Esmail was educated in a Quaker school in the town of Ramallah. He returned to the United States in 1972 for university education. He is currently working toward a masters degree at Michigan State University in electrical engineering. To continue the sketch of events, Esmail was arrested upon his arrival in Israel on December 21, 1977; on December 25, he met with a U.S. consular official while still in detention. On December 26 and 27, he wrote and signed various documents in English and Hebrew admitting that he had traveled to Libya for 2 weeks in 1976 and attended a training camp of the Marxist-Leninist and terrorist Popular Front for the Liberation of Palestine (PFLP). He has been tried on charges of belonging to the PFLP, an organization outlawed in Israel for its terrorist acts; a verdict is expected early in June.

Prof. Robert Barr led off the talk. Barr, a member of the engineering department at Michigan State University, said he was acquainted with Esmail, that Esmail had not acted terroristically in his presence and that Esmail was a bright student. Barr, who had attended the Esmail trial, concluded an uninterrupted half hour of personal testimonials with the statement he was "sickened and outraged" by the charges that Esmail was a member of a terrorist group "because he's not an ordinary student * * * he had a .76 grade average"

Professor Barr is apparently unaware that most of the members of the Baader-Mainhof Gang, Red Brigades, Weather Underground, and the like have attended college, that some terrorists have higher degrees or are members of professions including PFLP leader George Habash, a medical doctor like Ernesto "Che" Guevara. The fact that a person has education in no way precludes their also being a member of a terrorist organization.

Reporting on Esmail's defense, the MSU professor said that Esmail had actually gone to Libya in August 1976 "to see about a job when he got his Ph. D." He admitted that at that time, Esmail's Ph. D. was "still a long way in the future." In fact at this time he is still working toward a masters degree.

Felicia Langer, Esmail's defense attorney, provided additional information. She stated that Esmail repudiated the nine-page confession in which he admitted being a member of the of the PFLP, having sold the PFLP magazine in Michigan, and having taken training with the group in Libya. According to Miss Langer, Esmail's trip to Libya was organized by the Libyan Arab Socialist Party (the ruling party in Colonel Qaddafi's dictatorship) through an unnamed friend in East Lansing. Langer did not find it unusual for a 22-year-old still 5 to 6 years away from his Ph. D. to travel to Libya to look for a future job. There was no mention of the leading role played by Libya in providing bases for international terrorist groups like the so-called Carlos network and the militant terrorist groups of the Palestine Liberation Organization's Rejectionist Front led by Habash's PLFP.

Professor Barr had said that the Esmail confession could not have been written by Sami Esmail, because it referred to the PFLP as a terrorist organization. Said Barr:

Sami would never refer to them as terrorists.

A member of the audience asked Attorney Langer whether she, personally, would characterize the PFLP as terrorist.

Ms. Langer then commenced a magnificent demonstration of how not to answer an embarrassing question. My opinion is not important; it is Sami's case that is important. Palestinians are human beings with rights to be safeguarded, and so on. Langer's questioner was persistent and again asked her to please state on the record whether or not she believed the PFLP was a terrorist group. After more statements of the I am not on trial variety she said:

No, the whole organization is not terrorist. I am not blaming or stigmatizing organizations.

In an outburst of increasing emotion, Langer denounced Israel's recent incursion into the Fatahland region of southern Lebanon and said that that was worse than what Palestinian groups or individuals are doing. She excused acts of terrorism, recent acts including the bus hijacking and barbaric machine-gunning of motorists in Israel and on Saturday the thwarted massacre attempt at Orly Airport in France, as a result of the occupation. Whether she meant Israeli control of the West Bank or whether she meant existence of the State of Israel as an occupation of Palestine was unclear.

I asked Ms. Langer why she, as a person born in Poland, who emigrated to Israel in the early 1950's as a young woman, and who was a member of the Central Committee of RADAH, the Communist Party in Israel, had not chosen to live in the Soviet Union rather than Israel. Langer's response was another highly emotional outburst. She said she and her family and her husband's family "were saved from the holocaust by the Soviet Union. We owe our lives to the Soviet Union." She said her childhood was spent in the Soviet Union during the Second World War, and reiterated that she owed them her life. She did not answer why she had gone to Israel if she owed so much to the U.S.S.R.

When I asked her whether she, as a survivor of the Nazi holocaust, thought that the Communist holocaust that was still continuing in Cambodia, Angola, Ethiopia, and other countries was also an atrocity, Ms. Langer walked out. The panel of "human rights for Sami Esmail" activists then decided the question was "out of order."

I would note that Langer, Robert Barr, and the two women from the Esmail support group, Meg Jacobson and Barb Tiebolt, made a great point over the fact that Esmail's indictment included actions that had taken place outside of Israel—taking training in a PFLP camp, selling PFLP literature, organizing support for the PLO and the like. Esmail grew up on the Jordanian West Bank and from 1967 to 1972 when he came to the United States to study, that region was under Israeli control. Therefore, it is unlikely that he was ignorant of the fact that membership in the PFLP is illegal in Israel, as is taking training in a terrorist camp in Libya. Esmail voluntarily entered Israel, thus placing himself under their jurisdiction. It seems the height of hypocrisy for Langer to object to the "extraterritoriality" of the offense of training in a PFLP camp and then entering Israel when her beloved Soviet Union exercises "extraterritoriality," including the kidnaping of anti-Communists and refugees to the U.S.S.R. for trial followed by execution or enslavement.

Another complaint made by the Esmail supporters was that they believe the FBI had provided the Israeli officials with information that Esmail was making a sudden trip to that country. Esmail says he suddenly left for Israel (in the middle of the MSU exam week), because he received a phone call that his father was very ill. His father indeed was ill and died early in January. They also state that the FBI had questioned Esmail about his trip to Libya in October 1977, a year after the event. They also admitted he had told the FBI that indeed he had been in Libya and that he had refused "to answer who arranged the trip or who went with him." They said that like Terry Fleener, another of Langer's clients recently convicted of being a member of and courier for the PFLP terrorists and who also is a U.S. citizen, Esmail was being "persecuted."

When I asked whether they objected in the abstract to the FBI telling an allied government that a terrorist who was a U.S. citizen was going to their country, they said they had no position on any question other than that Esmail is innocent.

As the meeting broke up, various supporters of Esmail asked the staffers present to help put pressure on the adminis-

tration and on Congress to demand that Esmail be immediately released to return to the United States prior to the verdict.

The National Committee To Defend the Rights of Sami Esmail distributed information packets at the meeting including lists of endorsers. They included Saul Landau, the replacement to KBG agent Orlando Letelier at the Institute for Policy Studies' Transitional Institute, who in 1976 wrote to the chief of the Americas division of the Cuban Communist Party Central Committee that he felt it was time to become a full-time "propagandist" for revolution in the United States; George Murphy of the Afro-American newspaper chain and an identified member of the Communist Party, U.S.A.; Morton Halperin, organizer of efforts to smash the U.S. domestic and foreign intelligence agencies; Angela Davis of the Communist Party, U.S.A. Central Committee and a leader of the CPUSA's front, the National Alliance Against Racist and Political Repression (NAARPR); Leonard Weinglass of the CPUSA-front National Lawyers Guild who has been sent as an observer of trials of terrorists in Iran and recently defended members of the Symbionese Liberation Army; and a number of others who have been active in supporting the Vietcong, PLO, and similar terrorist "liberation movements."

The considerable internal contradictions in the presentation of the Esmail case, taken with Felicia Langer's emotional defense of the Soviet Union and long record of defense work for arrested terrorists in Israel, gives me the strong impression that the National Committee To Defend the Human Rights of Sami Esmail is more interested in making sure that a PFLP member escapes jail in Israel rather than in human rights.●

MEMORIAL DAY 1978

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. DODD. Mr. Speaker, this week communities across our Nation are preparing for the approaching Memorial Day celebrations. It is appropriate that we pause to pay tribute to our servicemen who have fought so gallantly for our Nation.

Since Memorial Day began to honor the soldiers who fell during the Civil War, approximately 736,000. American servicemen have lost their lives in succeeding conflicts. I call your attention to the fact that 2,446 American servicemen died during the Spanish-American War; World War I cost us 116,516 American servicemen's lives; 405,399 American servicemen perished during World War II; 54,246 American servicemen died during the Korean war. At the close of the conflict in Southeast Asia the death toll was 56,962. We must also remember that countless more servicemen were listed as MIA's or unaccounted for at the close of these conflicts.

Mr. Speaker, the statistics I have just quoted are indeed staggering. These losses are felt by all Americans.

On Memorial Day I hope that our Nation's leaders will not only remember the Americans who have died in war, but will open their hearts and minds to the present concerns of their survivors and comrades. We can ill afford to forget the sacrifices our veterans and their families have made for our country. We must not forget our obligations to assist our veterans in finding employment, obtaining medical, continuing their education, and finding housing. Memorial Day is an opportunity to heed these concerns.

Memorial Day is an appropriate time to reflect on the fact that the United States is not engaged in conflict with other nations. We have paid a tremendous price for peace. The peace we enjoy today has not been easy to come by. It may not be easy to retain.●

ROCKFORD, ILL., SCHOOLCHILDREN COMMENT ON FREE ENTERPRISE AND PRIVATE PROPERTY

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. ANDERSON of Illinois. Mr. Speaker, I have been reading some essays about free enterprise which I would like to commend to my colleagues. While revealing to us their perspective of adult life, a group of seventh and eighth grade schoolchildren will often sweep aside the curtain of subjectivity obscuring our view of ourselves. Just such a group of students, from the schools in Rockford, Ill., were asked to write about "Why It's Important to Preserve the Right of Free Enterprise and Private Property Ownership." A few examples from these 13 and 14 year olds' essays will demonstrate, far better than my words, their strong sense of certain fundamental assumptions in our society. Rick Landgren, the seventh grader who won first place, said:

Local Rockford businessmen provide services and products for the people of Rockford. We have a better chance of having better services and higher quality products provided for us this way, than if we have to depend on businesses that are not locally owned.

Vicki Vince, the seventh grader who acheived second place, wrote:

Life's ambitions can be fulfilled. One can own his own business and work towards his own goals. Free enterprise encourages creativeness.

Linda Hippler, the eighth grader who was awarded first place, commented:

Without free enterprise, many rights are eliminated. The individual's right to earn the most money according to his ability and talent is destroyed. The right for business to compete with one another, abolished. For Americans, the purpose and desire to live is lessened.

Julie Ross, the winner of second place in the eighth grade contest, concluded:

Americans have had the freedom to become successful in their own businesses, and thus, feel a pride in their work. It is this pride that has made us the superior nation that we are. However, if the government interferes, this pride will be lost.

We must prove that we are able to control our lives and our businesses in such a way that government will not need to control them for us.

These words draw us back to the fundamental principles on which we base our society and our lives. The ability to return to basic principles is essential in a life where complexities build geometrically, jumbling our perspective. I would like to commend these students both on their awards and on their deep commitment, interest and involvement in a better future for America.●

BIG BROTHER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. TEAGUE. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include an editorial from the May 11, 1978, edition of the Duncanville Suburban, of Duncanville, Tex., concerning the proposed directives of the Department of Agriculture with respect to the sale of so-called junk food in school buildings and school cafeterias.

I would agree that this food is not nutritious, but have we at last reached the point where the Federal Government is going to tell us what to eat.

Editorial follows:

LIVING GREEN

Have you heard about the latest in federal meddling in connection with our school systems? Big brother, this time in the form of the U.S. Department of Agriculture, wants to prohibit the sale of candy, soda water, frozen deserts and chewing gum on school premises until after the last lunch period. Their stand is being taken on a public law that gives them authority to prohibit the sale in schools of food items that the department determines to be of little nutritional value.

Well, now, we will have to admit there is little nutritional value in the items on the proposed list, but we just don't think it's up to the feds to tell us, or our children, what we can and can't eat. Such regulation is reserved, in our opinion, for the parents. And, if school officials choose to eliminate such foods from campus, that's fine, too. But the feds should not be able to come to Duncanville—or send word—that certain foods cannot be sold on campus during a specified time.

Something tells me that the federal lunch program just isn't getting the reception expected. Maybe too many of the so-called poor who supposedly can't afford good meals, are spending their money on junk. Certainly that doesn't make for a healthy diet, but don't each of us have the right to decide whether or not we eat good food or junk food? Should the federal government have the right to deny anyone the right of choice in such matters?

Oh, the junk food regulations are not all that serious, but they are just one more link in the ever growing chain of federal meddling in matters that are not federal business.

The ban is merely proposed at this stage and comments are invited by USDA. Comments may be sent to Margaret O'K. Glavin, acting director, school programs division.

Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250 by June 9.●

LONG ISLANDERS BACK SALT TALKS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. DOWNEY. Mr. Speaker, this week the United Nations begins a month-long special session on disarmament. Meanwhile, the Carter administration SALT negotiators are continuing significant arms control talks with the Soviets at Geneva.

Some Members of Congress, and defense industry spokesmen, would have us believe that these two steps toward arms control will put us in an inferior military position with the Russians.

The American people see through the smoke and support arms control because they know that the costly and destabilizing weapons race must be stopped. I would like to insert into the RECORD a recent poll taken by Long Island's Newsday newspaper. The Newsday poll, surveying an area with a significant defense industry, clearly shows that Long Islanders are in favor of our SALT efforts and other attempts to put a lid on nuclear weapons.

LIERS BACK SALT TALKS WITH SOVIETS

OPINIONS ON SALT

NOTE.—Findings are based on telephone interviews conducted May 15 and 16 with 526 Nassau and Suffolk telephone subscribers.

[In percent]

Are the SALT talks—	
An attempt to reach a European troop reduction agreement with the Russians?	3
An attempt to reach an agreement with the Russians on a ceiling on salt prices?	3
An attempt to reach an agreement with the Russians on limitation of nuclear weapons?	71
Don't know	23
Do you think it is in the best interest of the United States to sign a strategic arms limitation agreement with the Russians?	
Yes	60
No	34
Don't know	6
In general, do you think that the United States is militarily—	
More powerful than the Russians?	22
Less powerful than the Russians?	27
Equally powerful?	47
Don't know	4
Can the Russians be trusted to abide by an arms limitation agreement?	
Yes	70
No	23
Don't know	7
Should the United States refuse to sign an arms limitation agreement with the Russians unless they agree to recognize the basic human rights of their own citizens?	
Yes	63
No	32
Don't know	5

SIXTY PERCENT SUPPORT AN ACCORD ON LIMITATION OF NUCLEAR WEAPONS

(By Bernie Bookbinder)

As the current strategic arms limitation talks between the United States and the Soviet Union appear to be nearing their conclusion, Long Islanders solidly support ratification of the agreement that emerges.

Asked by LI Poll interviewers if they thought "it is in the best interest of the United States to sign a strategic arms limitation agreement with the Russians," 60 per cent of the random, representative sample of 526 Nassau and Suffolk telephone subscribers replied that it was, 34 per cent said that it wasn't and 6 per cent were undecided.

Responses to other questions turned up seeming contradictions, however, and suggested that some of the people who backed arms limitation, particularly those with strong anti-Communist feelings, were less then fully committed to SALT.

Professor Stephen Cole, a sociologist at the State University at Stony Brook, found when he analyzed responses to the basic arms limitation question that people who were better informed about the SALT discussions were more likely to support ratification. This was determined through a question aimed at finding out how familiar Long Islanders were with the talks and their purpose.

Those interviewed were asked if the talks were (1) an attempt to reach a European troop reduction agreement with the Russians, (2) an attempt to reach an agreement with the Russians on a ceiling on salt prices, or (3) an attempt to reach an agreement with the Russians on limitation of nuclear weapons. Seventy-one per cent correctly said that the talks dealt with nuclear weapons, while 3 per cent said troop reductions, 3 per cent said salt prices and 23 per cent said they didn't know the answer.

When the results were tabulated Cole found that among those who answered the question correctly, 62 per cent felt that the agreement was in the best interest of the United States, 33 per cent felt that it wasn't, and 5 per cent had no opinion, while among those who hadn't known what the SALT talks were about, 52 per cent said that they were in the U.S. interest, 38 per cent said they weren't and 10 per cent had no opinion.

In dealing with feelings about SALT, the poll was interested in the effect of attitudes about the relative military strengths of the United States and the Soviet Union.

When interviewers asked whether the United States was militarily more powerful than the Soviet Union, less powerful or equally powerful, 22 percent of the sample said "more powerful," 27 percent said "less powerful," 47 percent said "equally powerful," and 4 percent said they didn't know.

Analysis determined that, as might be expected, those who said that the United States was more powerful than the Soviet Union were more likely to support an arms limitation agreement than those who thought the Soviets were more powerful than the United States. Cole found that the people most in favor of an agreement were those who thought that the two nations were equally powerful.

As reported in yesterday's article, 44 percent of the sample thought that the United States should spend more money on defense than it does now, 19 percent said that it should spend less, 34 percent said that there should be no change, and 3 percent were undecided. When these responses were tabulated with attitudes toward SALT, it was found that those who favored reducing defense expenditures were more likely to back a SALT agreement than those who favored boosting defense spending and those who thought the present spending level should be maintained.

Aside from opposing arms limitation because they thought that the United States was militarily inferior to the Soviet Union and had to catch up, some people might be against SALT because they thought that the Soviets were not trustworthy. When Long Islanders were asked whether they agreed or disagreed that "the Russians can't be trusted to abide by an arms limitation agreement," a substantial proportion (70 percent) agreed, while 23 percent disagreed and 7 percent had no opinion. Those who thought the Russians couldn't be trusted were more likely to oppose an agreement than those who didn't feel that way. Among those who agreed that the Russians were not trustworthy, only 52 percent supported an arms limitation agreement, while among those who disagreed, 81 percent supported such an agreement.

Since there has been some feeling that detente with the Soviets should be linked to a liberalization of Soviet treatment of dissidents, those polled were asked whether or not they agreed that "the United States should refuse to sign an arms limitation agreement with the Russians unless they agree to recognize the basic human rights of their own citizens." Fully 63 per cent of Long Islanders agreed with the statement, while 32 per cent disagreed, and 5 per cent were undecided.

The responses to this question seem to contradict those given to the question of whether the United States should sign a SALT agreement with the Soviet Union. This contradiction, Cole said, indicates that not all of those who initially said that they favored SALT were equally committed to arms limitation and detente and that, when they were given the opportunity to justify withdrawing their support, they might do so. A further analysis of the data showed that the Long Islanders who changed their minds about SALT (when it was linked to Soviet human rights policies) were those who, in general, had strongly negative attitudes toward Communism and the Soviets. For example, those who believe that "it is the duty of the United States to prevent the Communists from taking over the world" were far more likely than those who didn't feel that way to think that the United States should refuse to sign a SALT agreement unless the Russians agree to respect human rights.

Finally, there has been some controversy over whether U.S.-Soviet relations have improved or worsened under President Carter. When the poll asked Long Islanders what they thought had taken place over the past year, the result was a virtual standoff: 17 per cent said that relations had gotten better, 18 per cent said that they had gotten worse, 62 per cent said that they were unchanged, and 3 per cent had no opinion.●

ALASKA LANDS—H.R. 39

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. STARK. Mr. Speaker, due to a prior commitment in my district I was absent for rollcall No. 336, Alaskan wilderness, on Thursday, May 18 and I missed all votes on Friday, May 19 when the House of Representatives concluded consideration on H.R. 39. Had I been present I would have voted "nay" on rollcall No. 336, an amendment to cut in half the wilderness acreage proposed for our national interest lands in Alaska. Had I been present on May 19, I would have voted "nay" on rollcall No. 338, an amendment that requires the President to submit a proposal to Congress by

October 1, 1981, for a procedure for evaluating applications by individuals wishing to carry out mineral exploration or extraction on conservation system lands. Had I been present I would have voted "nay" on rollcall No. 339 to recommit the bill to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries, and "yea" on rollcall No. 340, final passage of the bill.●

REDUCING INFLATION

HON. MAX BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. BAUCUS. Mr. Speaker, inflation is among the most serious problems this Nation faces. The President has announced action he intends to take to counter price increases. But his efforts will not help unless Congress makes a strong commitment to reducing inflation.

The most recent statistics show prices increasing at an annual rate of 10 percent. Since 1975, we have had steady inflation of at least 6 percent.

This inflation erodes the standard of living for those who live on fixed incomes. It constantly creates imbalances and tensions in the society if some groups benefit and some lose from inflation. It inhibits business investment and growth by making it almost impossible for businessmen to predict future costs and prices.

We in Congress can take the lead in fighting inflation by voting for responsible spending and revenue measures, encouraging the growth of industrial productivity and paying attention to the Government regulatory process that provides inflationary pressure.

Deficit spending invariably leads to inflation. Our national economy still suffers from the 1975 recession, and some deficit spending may be necessary to maintain business and employment recovery.

But the $60 billion deficit proposed by the President this year is simply too large. Our House Budget Committee has approved a budget reducing the President's deficit. I support a smaller deficit and will oppose efforts to increase outlays. As we vote on spending measures in the coming months, we must consider the impact each will have on the budget deficit and resultant inflation.

Once inflation begins, it tends to sustain itself via the wage price spiral. The budget deficits run in the late 1960's in spite of low unemployment led to the unacceptable inflation we have now.

As the employment situation improves, the budget should be in surplus. As unemployment recedes, incomes, profits and tax revenues rise while unemployment-related expenditures fall. These natural tendencies should lead to a balanced budget, but historically they have not. Instead, Federal spending has increased dramatically in prosperous times.

I asked a successful amendment to the Full Employment Act which will require the President to submit a surplus budget when unemployment is low. Additionally, I will soon introduce the full employment Budget Surplus Act to provide further assurance that this Nation attacks its deficit spending and national debt problems.

It is important that we consider the inflationary impacts of Government regulations; these can be staggering. For example, housing has been affected by inflation such that many families can no longer afford their own homes. Shockingly, a congressional panel found that Federal regulations added $5,000 to the average cost of homes in an Oregon community.

Similarly, the increasing flood of Federal redtape has been an enormous burden for businessmen that has increased costs and forced the closing of many enterprises in Montana and elsewhere.

Most of these regulations come from executive agencies and departments which operate virtually unconstrained by congressional or judiciary oversight.

I cosponsored the Administrative Rulemaking Reform Act to provide additional opportunity for public participation in agency rulemaking and create opportunities for congressional and judicial review. I would urge this House to seriously consider that proposal. Additionally, we must consider the inflationary impact of all bills we pass. It would make sense to require "inflationary impact" estimates for major proposals.

Mr. Speaker and fellow colleagues, recent polls show that Americans regard inflation as this Nation's primary economic problem. As elected representatives, we have an obligation to pursue policies to combat inflationary pressure. We must meet that obligation.●

A TRIBUTE TO JOSEPH P. SHERIDAN

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. FLORIO. Mr. Speaker, in memory of Mr. Joseph P. Sheridan of Gloucester City, N.J., I would like to enter the following statement. Joe Sheridan passed away on November 16, 1977.

During his lifetime, Joe Sheridan compiled an outstanding record in both civic affairs and public office. For five consecutive terms, Mr. Sheridan served as member of the Common Council of Gloucester City from January 1, 1962 to December 31, 1976.

As a councilman, Joe spearheaded several projects for the youth of his city. He was a leader in developing programs to build football fields, baseball fields, basketball courts, tennis courts, and playgrounds throughout Gloucester City.

Besides his elected responsibilities as councilman, Joe Sheridan was a member of the Camden County Democratic Committee, the Gloucester City Democrat Executive Committee, and a member of the Gloucester City Welfare Board.

He was a veteran of World War II, a charter member and president of the Gloucester City Sportsmen's Club and a member of the Gloucester Catholic Fathers Club, and Townsend C. Young VFW Post 3620 and the Gloucester City American Legion Post 135. Employed by Ragens Transportation Co., Joe was a member of Teamsters Local 676.

Joe Sheridan's lifetime career is a shining example of one man's dedication to his city, county, State, and its citizens within. Every position of responsibility he held was utilized to its fullest potential. He worked with untiring zeal and devotion and proved himself a capable leader with genuine concern for those he served.

His family and friends can be proud of this man's record. He will be sadly missed by those who loved him, knew him, and had the privilege of working with him.●

THE STATE HOSPITAL—HOW CAN IT SERVE?

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. QUIE. Mr. Speaker, recently, we have seen a deserved emphasis placed on the need for more considerate approaches to treatment of mental disorders. Dr. Francis Tyce of the Rochester State Hospital in Rochester, Minn., has prepared a paper which was presented at the convention of the American Psychiatric Association in Atlanta earlier this month. Dr. Tyce has outlined what he feels are the services and qualities necessary for a mental health facility to best fulfill its purpose of helping the mentally and emotionally ill. Because it gives a very comprehensive view, I would like to share the paper with my colleagues. It reads as follows:

THE STATE HOSPITAL AS A CENTRE FOR MENTAL HEALTH AND A LEAST RESTRICTIVE ALTERNATIVE IN THE TREATMENT OF SOCIAL DYSFUNCTION

The socially dysfunctioning individual is one markedly out of phase with the society in which he lives. His dysfunction can be protean; mental illness, neurosis, marital or family problems, problems in functioning in living as a child, adolescent, adult, or aged person. His dysfunction can be caused by vocational problems, illegal behavior, rebelliousness against the system in which he lives; or by abuse of chemicals, alcohol; developmental disabilities, learning disorders, helplessness in the problem of adjusting to the life experience, loneliness, rejection, alienation by others of different racial and ethnic origin. This list is far from complete.

If a state hospital is to attempt to deal with some of these problems, what qualities should it possess, or try to develop, to assist those people I have called socially dysfunctioning?

The state hospital—

1. Should be visible to the community it serves. They should know where it is.

2. Should be accessible. Easy of access—on a good transportation pattern.

3. Must be available. 24 hours a day—7 days a week. A good hotel can be very visible, a skyscraper in the middle of the traffic pat-

tern, but if it is closed, it is useless, it is not available. It is a hollow promise.

4. It must be penetrable, devoid of restrictive policies, and easily penetrated by consumers, relatives, visitors, media, other community facilities, and all sub units within the hospital should be easily penetrable also.

5. It must be credible. Those who work in the hospital and those who use it should believe in it.

6. The hospital must be cooperative, finding it easier to say yes than no in its relationship with the community, and the community facilities it works with.

7. The hospital must be Sensitive, attuned to all small cries from the community.

8. It must be Responsive, that is, willing to act.

9. It must be Flexible, willing to adapt.

10. It must be Changeable, that is, willing to give up old ideas.

11. It must be Creative, that is, willing to be imaginative.

12. It must be Courageous, willing to accept challenge and not regard timidity as a safer and desirable goal.

13. It must be Accountable to its consumers, its staff, its community, and its central authority.

If the hospital has the physical qualities of visibility, accessibility, availability, penetrability, and has developed credibility, and if it continuously strives to be cooperative, sensitive to the community needs for the treatment of its socially dysfunctioning, and most importantly responsive to these needs, and is willing to be flexible, changeable, then creative and courageous in trying to meet these needs, what programs might it develop for the socially dysfunctioning person?

For the mentally and emotionally ill, a psychiatric service should contain the following elements:

I. a. An inpatient adult psychiatric service in mixed male, female open units which are regionalized—that is each unit individually serves a certain fixed geographic area in the hospital's total receiving areas. These geographic sub areas should contain a community mental health center. Traffic between the inpatient unit and the area and community agencies it serves should be open, encouraged, reciprocal and continuous.

b. A Day Hospital for patients who need not stay in hospital at night.

c. A Day Nursery attached to the Day Hospital. Since most patients in a Day Hospital program are women and married, they need somewhere to leave their preschool children while they use the Day Hospital. The Day Nursery is available to patients who use other services on the hospital campus, staff people who have a family crisis and to volunteers who work regularly at the hospital and cannot find or afford regular baby sitting.

d. A Night Hospital. Unlike the Day Hospital which will be a separate entity—each psychiatric unit can function as its own night hospital.

e. Adolescent in-patient services with an accredited school program supervised and staffed by the local school district.

f. Out-Patient Services. Again each psychiatric unit should provide out-patient services to those who need it after previous hospitalization. Thus continuity of care is provided by the team that looked after the patient in hospital.

II. For the socially dysfunctioning who are chemically dependent, the following programs are needed:

a. A Detoxification service for those chemically intoxicated.

b. A Chemically Dependency Unit closely associated with the Detoxification Unit so passage from it to the treatment unit is easy and expected.

c. Night programs for the still working alcoholic.

d. Diversionary programs designed in conjunction with local judges so treatment rather than punishment is an alternative which can be chosen by the chemically dependent law breaker.

e. Half-Way Houses for those who can now work in the community, but still need supervised living arrangements.

f. Programs for the families of the chemically dependent so they can develop understanding and support in his efforts to obtain sobriety.

III. Residential care for the developmentally disabled—both long term programs designed in conjunction with the local school district, and respite care for shorter periods of time. Here the resident lives at home and can be admitted for short periods when the parents need assistance in learning to program for him at home, or when there is parental illness, a family crisis, or simply a need for a parental vacation.

IV. A Geriatric Service for the dysfunctioning aged person, living alone, or with family, or in a nursing home. Admission should be made easy, and close cooperation and swift assistance given. This will persuade both nursing homes and family to take the patient back when they have the assurance of good followup care.

V. Residential Care for the Criminal Offender—another group of socially dysfunctioning people both young and adult. The State Hospital has had long experience in helping to create and design new programs. It is sensitive also the effects of total institutionalization and has a lot to offer in helping to set up programs in community corrections.

VI. Special programs—the State Hospital might help to set up programs for state-wide needs, for children services, forensic services, and special diagnostic and treatment services.

VII. For all these programs a strong medical service is a vital necessity, for even if we are willing to question the medical model, the consumer is not. He is still old fashioned—when he comes to a hospital campus he expects good medical care.

VIII. Vocational and Rehabilitation Services. Years ago in Phase I in the history of state hospitals, the hospital may have provided good medical care and benign custody. With the advent of new drugs and new techniques, the hospital moved to Phase II or the removal of symptoms and revolving admissions. Now in Phase III we know good medical care, removal of symptoms is not enough, without vocational counseling, and habilitation, and rehabilitation that makes certain the patient on discharge is vocationally independent and self-supporting.

Thus the state hospital may respond to local, regional and state-wide needs and create a diversity of programs. But to do this it needs money and personnel. I doubt any state hospital has ever had, or will have, enough money. The hospital should therefore have a basic unchanging commitment that it will strive to give away all, or as much as it can, of its operation back to community control, community funding, and community programming. If completely successful the "hospital" image disappears, the diveristy of programs remain, and the campus becomes a regional resource for the socially dysfunctioning person.

Personnel in state hospital systems is equally as scarce as money, but here we can substitute ingenuity, and historically state hospitals have demonstrated ingenuity. If personnel time in patient contact can be increased, then their usefulness expands. The commitment should be that all clinically trained personnel, psychiatrists, psychologists, social workers, nurses, rehabilitation workers etc. should remain in positions of direct patient care. If the director of the hospital is a psychiatrist, he should have clinical responsibility for one psychiatric unit. To maintain highly trained professionals in administrative work only is to waste their expertise and leads to program design without continuing experience, and communication by memoranda—a time consuming, self deceiving relatively inaccurate method of communication.

Responsibility and authority to act and to participate in treatment planning should be forced down and down, through all staff levels down to and including the patient and his family.

Why should the psychiatrist spend time compiling the psychiatric history? This should be done by the patient's primary nurse with the patient writing his own developmental history and autobiography which is then included as part of the psychiatric history. Who knows his developmental history better than the patient? The psychiatrist can read it later. The patient's autobiography should include his list of the problems that have brought him into the hospital and his ideas for their solution. To make the best use of time, remember that confrontation with the patient and his problems should be direct and speedy. Transference develops rapidly when time is short.

All interviewing with patient, patient and relatives, patient and community resources should be interviewing shared with the patient's primary nurse and other team members who will work with the patient. Single interviewing between patient and psychiatrist means that information gained has to be passed on often incompletely to other staff after the interview, and time is thus wasted.

I have yet to meet a patient who will not discuss his problems frankly with a number of people in the room, when he realizes all are interested in helping him. This does not obviate single staff to patient psychotherapeutic treatment sessions when it is indicated.

Discharge summaries can be written by the head nurse or unit director, read and countersigned by the unit psychiatrist, freeing more of his time for patient contact and teaching on his own unit.

The work of recreational therapists can be greatly expanded by inviting young people or resident volunteers, to live in the units with patients, in exchange for room and board. They can devise one-to-one or group activities for patients during the empty times when staffing is lowest—the evenings and weekends.

HOSPITAL INTERFACE WITH THE COMMUNITY:

The hospital should be seen as an important ally in the communities' attempts at social engineering and social planning. Sound trusting relationships must be built between hospital, law enforcement, courts, media and citizen groups all of whom are prime movers in community action and can support or deter new programs for the socially dysfunctioning person.

What happens to a state hospital if it becomes a centre for mental health?

It is predictable that:

1. Hospital census will go down.
2. Admissions will go up.
3. The % of voluntary admissions where people seek treatment volitionally will go up.
4. Outpatient visits will increase.

To have said at the beginning of this paper that I was describing a particular hospital would have been presumptuous, to have described as existing, what actually does not exist would have been delusionary.

I'm sure I have described nothing that is not familiar to you who work in state hospitals across the country, but if some aspects are unfamiliar, the operating policies and the program activities described all exist on the campus of the state hospital where I work which I hope make it with other cooperative but autonomous programs based on the campus a center for mental health and a least restrictive alternative in the treatment of the socially dysfunctioning individual in souteastern Minnesota.●

THE INABILITY TO PROTECT OURSELVES

HON. DAVID L. CORNWELL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. CORNWELL. Mr. Speaker the ever increasing threat of attack on United States soil by those who would enjoy our destruction is a thought we all find to be deplorable. I find the probable inability of this great Nation to protect its populace in the face of such a threat to be inexcusable.

Today this body will be considering measures which would more adequately protect our citizens in the event of war. I make reference to H.R. 10929, the Department of Defense Appropriation Act for fiscal year 1979, and more specifically title VII of the bill which pertains to civil defense.

The May 21 edition of the Washington Post's Parade Magazine carried as its cover story an article by Michael Satchell which discusses the comparative status of this country's civil defense capabilities. I strongly urge my colleagues to study carefully the article which follows:

WHY THE U.S. WORRIES ABOUT NEGLECTED CIVIL DEFENSE

(By Michael Satchell)

WASHINGTON, D.C.—It's called "Mutual Assured Destruction"—or MAD for short. Conventional wisdom has it that war between the United States and the Soviet Union is impossible because each side knows it would be destroyed in the holocaust of a nuclear exchange. Right?

Wrong.

From the Pentagon to the White House to the halls of Congress, there is mounting concern that the scales of nuclear balance may be tipping the scales steadily in favor of the Soviets.

The reason: a massive, continuing civil defense buildup in Russia to protect not only Kremlin leaders but the Russian population and its industry. Intelligence experts estimate the USSR has invested $65 billion in the last decade in an ambitious program to ensure national survival in a nuclear war.

This country has spent a comparatively paltry $898 million on civil defense during the past 10 years, and Bardyl Tirana, head of the Pentagon's Defense Civil Preparedness Agency (DCPA), candidly admits: "We have no civil defense program, merely the apparatus to start one. When you look at civil defense in the United States, you find the emperor has no clothes."

To many Americans, the subject of civil defense is a bore, but contemplate this scenario concocted for next year by Pentagon doomsday planners. The events envisioned happen over a two- to three-month period, starting next spring.

DOOMSDAY SCENARIO

War breaks out in the Middle East and Soviet "volunteers" join the Arab forces . . . in Germany, Soviets block access on the Berlin autobahn and NATO forces are mobilized . . . conventional air and ground battles break out and NATO forces are pushed back . . . the U.S. responds with tactical nuclear strikes on Soviet offensive positions in Europe and they reply in kind . . . the fighting escalates and within days the two superpowers are on the brink of all-out nuclear war.

Should the worst happen, Tirana estimates that up to 145 million Americans would be killed or lethally dosed with radiation—even given a couple of months lead time to throw together some kind of civil defense shelter and evacuation program.

But the Soviets, with their superior civil defense, would lose less than 10 million, several experts estimate.

In the case of a surprise attack on the U.S. by the Soviets—that is, with only two or three days' advance warning—the casualty gap could be even more glaring.

Maj. Gen. George Keegan, who retired last year as head of Air Force intelligence, believes that an unexpected nuclear strike could kill 160 million Americans, while our return salvo would kill 5 million Russians.

"This is how far Soviet civil defense preparations have progressed," Keegan says. "In a nuclear war today, we as a nation would die. The Soviet Union would survive. Their cities would be destroyed, but basically their leadership, control apparatus and urban population would survive."

ASK CARTER FOR DOUBLE

Concern over the ominous buildup of Soviet civil defense has been expressed on several key fronts recently. Both the National Security Council and the Department of Defense have just completed secret studies, and Defense Secretary Harold Brown has recommended to President Carter that civil defense spending be more than doubled to $230 million a year.

Brown reportedly told the President that such a sum could buy a modest population relocation and fallout shelter program that could cut expected U.S. casualties in nuclear war from four-fifths of the population to about one-half.

Lt. Gen. Samuel V. Wilson, head of the Pentagon's Defense Intelligence Agency, told a Congressional committee in recently released secret testimony that Soviet civil defense in another five to six years could alter the strategic military balance between the two nations.

President Carter, who wants reduced Soviet civil defense spending as part of an arms limitation agreement, has reinstituted White House nuclear evacuation rehearsals—a practice ignored since the Cuban missile crisis.

National Security Adviser Zbigniew Brzezinski and his secretary—playing the roles of President and Mrs. Carter—tested the procedures in an unannounced drill one night, catching the Secret Service napping and finding the whole evacuation machinery extremely rusty.

It took 45 minutes to get "President" Brzezinski out of the White House and aboard the National Airborne Command Post Boeing 747 stationed a 10-minute helicopter ride away at Andrews Air Force Base.

Subsequent mock alerts have polished the plan, and President Carter—anxious to underscore his interest in nuclear readiness—has flown aboard his airborne command post, taken a nine-hour sail on a nuclear submarine, visited the Strategic Air Command headquarters in Nebraska and several emergency command posts around Washington.

While preparations for the safety of the President, his family and government leaders may be up to snuff, plans for the rest of the country are woefully inadequate. A comparison with the Soviets underlines just how much.

Take the respective civil defense bosses. America's Bardyl Tirana is a lawyer by training whose job was staging the Presidential inaugural activities before Carter appointed him to head the DCPA in April 1977. Although he may be an able administrator, Tirana admitted when he was tabbed for the DCPA job that he knew next to nothing about civil defense.

The Soviet program is headed by Alexander Altunin, a four-star general in the Soviet army. He commands a civil defense military force on equal footing with their army, navy and air force. In Russia, there are several civil defense academies much like West Point and Annapolis, and General Altunin has dozens of regiments of troops whose entire training and duty are devoted to civil defense.

Tirana heads an agency of 600 federal employees who coordinate civil defense activities with about 5500 state and local workers—their primary focus being more on natural disasters, such as fires and floods, rather than on nuclear attack. This year's DCPA budget is about $91 million, most of it spent to simply maintain a framework upon which a civil defense program could be built.

In the USSR, according to Harriet Fast Scott, an expert on Soviet civil defense, Altunin runs a program with 100,000 active-duty military personnel involved every day in civil defense, and Soviet spending is currently running at about $1 billion a year, 10 times what the U.S. spends.

Soviet civil defense courses and training are compulsory up to the age of 60. Children are introduced to the subject in second grade and study it throughout their academic careers. Adults are required to complete 40 hours of study.

Throughout the country, the government has erected model training villages of bombed-out buildings, downed power lines and other debris where civilians practice firefighting, rescue, medical aid and restoring public services. They also are taught how to build emergency shelters and they learn decontamination procedures to combat fallout.

Gen. George S. Brown, chairman of the Joint Chiefs of Staff, estimated in his 1978 message to Congress that the Soviets have enough hardened blast shelters to protect 10 to 20 percent of the work force from all but a direct hit.

PREARRANGED SHELTERS

In the event of imminent attack, Russian industrial workers would go underground and the rest of the urban population would head for prearranged relocation areas in small towns and villages.

There is evidence that these are more than paper plans. The Soviet press has carried stories about city families actually traveling to their assigned relocation areas to meet the families with whom they would live.

During the past 15 years the Soviets have dispersed their industry throughout the country instead of creating Russian equivalents of Chicago, Detroit or Pittsburgh that provide easy, inviting targets during a nuclear war.

Additionally, much of their industrial equipment and machinery has been "hardened" by using permanent protective canopies, structures and sandbagging techniques.

MACHINERY IS KEY FACTOR

The Boeing Company of Seattle did actual blast tests using Soviet industrial hardening techniques and found that while a factory roof may be blown off, more than half the machinery remained usable—a key factor if a nation is to struggle back to its economic feet after a nuclear knockdown.

Another key element of the Soviets' overall defensive plan is the stockpiling of enough food in huge underground storage depots to feed their population for at least a year.

All of this information has been gathered by Western military and intelligence experts from such sources as Soviet publications, interviews with defectors and emigrés, and from reconnaissance satellites. But what it means is open to interpretation.

Some believe it to be nothing more than a paper plan, a grandiose program that would—given the notorious inefficiency of the Soviet system and bureaucracy—fall apart if ever put to a true test.

Others see it as irrefutable evidence that the Soviets are planning for an Armageddon in which their losses would be acceptable,

thus encouraging them to attack first and win.

What really matters is not whether the Soviets can win a nuclear war, but whether they believe they can—a supposition likely to be reinforced if they compare their civil defense program with ours. With the rough balance of nuclear weaponry, civil defense today could make the difference.

Our own DCPA was recently described in a Congressional report as "the orphan of the Department of Defense," and its threadbare program reflects this lowly status.

The agency, for example, has eight regional command centers, but only six are underground and blast-proof.

And though DCPA has more fallout shelter spaces nationwide than there are people, they are not all in the right place—meaning some areas have far more spaces than needed and others not enough.

Stockpiling the large public shelters has been largely discontinued. Much of the $150 million worth of food once stored in the shelters has spoiled and either been used as pig fodder or sent overseas before it became too rancid. Drugs, medical supplies and Geiger counters have been removed from the shelters for fear of theft.

Relocating urban populations to the countryside—which is DCPA's strategy for the future—isn't feasible in such areas as the Boston-New York-Washington corridor, the Chicago-Detroit complex and the state of California, most of which are prime target areas for attack.

Planners wonder if—in an unregimented society such as ours—an orderly mass evacuation can be accomplished with the threat of nuclear attack only days or hours away. Will troops desert? Will police officers, bus and train drivers and other vital workers report to their posts or simply take their families and join the exodus?

Says Tirana: "You do your best to protect the entire nation, although you know the chances for relocation working in some areas are better than in others. You have to do more than get people out of town. You have to have the ability to support the relocated population until the crisis has passed. And who knows how long that will be?"

If President Carter and Congress approve the Pentagon's request for increasing the civil defense budget in order to begin planning a relocation program, it will represent only a modest effort designed to save maybe half the population. It will not pay any attention to protecting industry.

That's about the cheapest program money can buy. A top-of-the-line program, planners say, would cost $12 billion, or about $50 per person, and protect 93 percent of the population in a nuclear attack. That's a little over one-tenth of this year's total U.S. defense budget of $117 billion.

FRACTION OF SOVIET OUTLAY

While $12 billion is a considerable expenditure, it is much less than the $65 billion spent since 1968 by the Soviets and only twice the anticipated cost of Washington, D.C.'s, planned 100-mile subway system, most of which will be paid for by the federal government.

Though several federal agencies are responsible for civil defense, the DCPA is the principal one, and Tirana is a worried, frustrated man.

"The law says we shall have a civil defense program and protect the people, but we are not doing it," he says. "I just wish the Executive and the Congress would make a decision, because right now we are not prepared."

Just how unprepared can best be summed up by Tirana's reply when asked what he would do with his wife and two children if a nuclear attack were imminent.

After a long, thoughtful pause, he replied: "I don't know. I guess I'd tell my wife to get in the car and start driving. To where, I don't know." ●

THE WORKING PEOPLE ARE THE SCAPEGOATS

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

Mr. CONABLE. Mr. Speaker, a little over a week ago, the President announced that he would revise his recommendations to the Congress on taxes to scale down his proposed reduction from $24.5 billion in fiscal year 1979 to $15 billion for that period. His three-paragraph statement is as vague as to the reasons for this abrupt policy change as is his overall political philosophy.

What makes this latest policy waffle of the President most incredible is that he has repeatedly stated he wouldn't take such action and his key advisers have continually pleaded for a tax cut of the size recommended by the President in order to assure economic expansion. As late as the day of the surprise announcement, Secretary of Commerce Krebs was reported to be calling for the President's tax package saying: "It is no time to waffle on taxes."

The previous week, in a speech to the National Press Club, the President's chief economic adviser, Charles L. Schultze, made a ringing endorsement of the President's tax program—particularly the size of the tax cut—and linked it to the administration's growing concern about inflation. The following excerpts from that speech underlined the administration's position as of May 2. Of course on May 12, it had changed completely. First, the administration on May 2:

We need a tax cut and we need a sizeable one. Without it, the recovery will be in serious danger of faltering next year."

We estimate that failure to enact the President's tax program would cost the economy almost 1 million jobs by the end of 1979, and unemployment might therefore be rising again next year.

. . . Abandoning the tax cut might have a small effect on inflation. But that slight improvement would come at an enormous cost—a million jobs, and $40 billion in cost output by late 1979.

The downward insensitivity of the rate of wage and price inflation to moderate increases in the level of unemployment and idle capacity is the very essence of our nation's most troubling economic problem. If a modest increase in the current economic slack—as might be produced by cutting back or delaying the tax cut—could yield a prompt and significant reduction in the inflation rate, then such a course might well recommend itself. But the World isn't built that way, and the gains would be far outstripped by the costs.

Ten days later on May 12, the administration did another flip-flop by announcing that it would scale back its tax recommendations by $10 billion. The same administration spokesman, CEA Chairman Schultze in briefing the press:

We do not believe, . . . that this action will increase the rate of unemployment above our earlier forecasts.

This change would slightly reduce the projected rate of growth but only by a small amount. But, it would do it.

He also indicated that if the economy continues "to behave as it appears to be moving, no further changes will be needed" but that he could not rule out "further changes if there are more radical changes in the economy" in the future. Thus it seems that the only thing that is constant about the administration's economic policy is change—from one week to the next.

I have recited this history to illustrate what should be obvious—that the President has no economic or tax policy and that, accordingly, the Congress should put no more weight on his most current views than it was prepared to prior to the latest waffle. Most importantly, we must look to the impact of the latest administration proposal, what would it mean, who would it affect and how?

If we assume that $10.5 billion of the $15 billion total tax cut—70 percent—goes to individuals it would mean an average reduction of $3 per return per week. Yet inflation over the 2-year period since the last tax cut has increased taxes on individuals alone by $15 billion or $4.30 per return per week. The President's plan is not to cut taxes but only slow the rate of tax increases.

The apparent justification for reducing the size of the tax cut is to have a smaller deficit. While that goal is laudatory, it should be apparent that this can be accomplished more satisfactorily by reducing spending than by not having a larger tax cut. Yet, the administration adamantly refuses this route since it would obviously damage its already shaky relations with special interest political constituencies on whom it relies for political support.

The only real loser in the President's proposal are taxpaying working people whose incomes are already overtaxed by a Democratic-controlled executive branch and Congress.

In my view, we should cut taxes by at least $25 billion and reduce spending accordingly to achieve the budget deficit level projected by the Budget Committee. Why are working people always the scapegoats and nonworking people the beneficiaries of this administration's economic policies? The time has come for the taxpayers of this country to protest against an administration and a Democratic Congress who considers them pawns in an economic and political chess game. ●

PERSONAL STATEMENT

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. ULLMAN. Mr. Speaker, because of two long-scheduled engagements in Oregon, I was absent from Washington the latter half of Thursday, May 18, and all day Friday, May 19. I missed several votes on H.R. 39, the Alaska National Interest Lands Conservation Act of 1978.

Had I been in attendance, Mr. Speaker, I would have voted in favor of H.R. 39 as passed by the House and would have opposed all other substitutes.

Thank you very much for this opportunity to clarify my position on this important legislation. ●

THE FIRST AMENDMENT AND THE CHAINS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

Mr. UDALL. Mr. Speaker, I and 74 other Members of the House have joined in introducing a piece of legislation that has sparked a great deal of interest within the newspaper industry.

That bill, H.R. 12395, the Local Independent Newspaper Act of 1978, simply provides the means by which publishers of locally owned and operated newspapers can finance the heavy burden of estate taxes without forced sale of the newspaper property.

This threat of sale because of taxes is a principal factor in the decision by many independent newspaper owners to sell their properties to newspaper chains. The large chains, most public corporations capable of financing purchases through the issuance of stock, have been likened to scavengers awaiting the first signs of uncertainty and concern by publishers before swooping down with generous merger and acquisition offers.

Ever since I first voiced concern about the trend toward concentration within the communications industry, and proposed this modest piece of legislation, I have encountered two questions which cause hesitation even among publishers who would like some protection from forced sale. Those questions revolve around concern that congressional action would somehow jeopardize the first amendment protections of the Constitution, and, secondly, that singling out one element of the economy might be resented by the business community.

I have countered these concerns by noting that this legislation has no regulatory aspects whatsoever and that the press as an institution is unique in its social implications and has been singled out by the framers of the Constitution to play a unique and important role in keeping constructive public access to the facts and a forum for diverse opinion alive in our governmental process.

Absentee ownership of newspapers is on the rise. With it there is a loss in the sociopolitical role of the local newspaper—a loss that can only diminish the newspaper's function as envisioned by the framers and protected by the first amendment.

Chief Justice Burger recently called attention to the applicability of first amendment provisions to the giant media conglomerates in an important comment on the trend within the communications industry—a comment not lost on the giants.

And on May 17 of this year, the respected and articulate former editorial page editor of the New York Times, John B. Oakes, also commented on this trend in giving the Washington Journalism Center's Frank E. Gannett Memorial Lecture.

Mr. Speaker, I commend Mr. Oakes' speech to the attention of all my colleagues. The speech follows:

SPEECH BY JOHN B. OAKES

Most of you in this room tonight—being in one way or another connected with the press, or with government, or even with both—will surely agree with the late Justice Black of the Supreme Court of the United States who, nearly forty years ago, viewed "the guarantee of the First Amendment as the foundation upon which our government structure rests and without which it could not continue to endure."

Some of you in this room will agree that freedom of the press as guaranteed by that same First Amendment, has in recent years been under an insidious attack frequently in the courts, sometimes in the legislatures—an attack which finds its wellspring in an underlying public attitude toward the press, of mistrust resentment and fear.

But I doubt that very many of you in this room will agree with me at this moment—though I hope you will at the end of my talk—when I say that I think a good deal of the fault for this situation in which press freedom is under attack—and a great deal of the cure for it—lies in the hands of the press itself.

The issue of freedom of the press is of course as old as our country, dating all the way back to 1690 when the very first American news-letter, not far behind its English counterparts, was born in Boston. It was known as "Publick Occurrences," lasted only one issue, and was immediately suppressed by the royal governor of Massachusetts because that one issue included a couple of early if primitive examples of investigative journalism: an account of the corruption of Indians by the colonists and the seduction of his daughter-in-law by the King of France—two forms of human endeavor, corruption and seduction, that are not totally foreign to our investigative press today. But "Publick Occurrences," as the outraged governor noted, had been published "without the least. . . . countenance of authority," and so it ended almost before it began. The next newspaper to appear a few years later had better luck, lasting until the Revolution, because it carried under its logo the telling phrase "Published by authority," which doubtless improved its fortunes and certainly stultified its contents.

Eventually adopted, press freedom—the right to publish anything one pleased "without countenance of authority" was taken for granted, and exercised to the fullest—though not yet written into law. When it was, a few years later with adoption of the First Amendment, it was couched in broad but negative terms, that "Congress shall make no law. . . . abridging the freedom. . . . of the press . . ." It carried with it no guarantee that publishers and editors would act responsibly or with restraint, no guarantee even that the press should be a free marketplace for ideas and opinions or a forum for debate.

However, the rationale for a guaranty of press freedom would seem to rest on the assumption that the discussion of public affairs and the expression of opinion would be the primary function of the press—at least that was the function that required the special protection. The Supreme Court has repeatedly emphasized its belief that the First Amendment's major purpose was "to protect the free discussion of governmental affairs."

And it may have been this postulate that Alexander Hamilton had in mind when, in the last but one of the Federalist papers, at the height of the debate in New York over adoption of a Constitution that then contained *no* Bill of Rights, he wrote of the press: ". . . its necessity, whatever fine declaration may be inserted in any constitution respecting it, must altogether depend on public opinion and on the general spirit of the people and of the government."

I think it's something that the embattled press ought to have very much in mind today, as it defends itself on First Amendment grounds against perceived attempts of courts or legislatures to erode its freedom. We need to remember that it is the "general spirit of the people" on which, as Hamilton pointed out, the basic guarantees must ultimately depend.

And this is the issue I want to discuss with you this evening: the relationship of the press to the "General spirit of the people"—what it portends and what can be done about it.

The American press has changed completely in character, in structure and even, to a considerable extent, in purpose not only over the past two hundred years, when the First Amendment was written into the Constitution, but over the past twenty years; and it is changing at an accelerated pace every day.

It isn't the press alone that is changing. It is the audience, too. With a change in character and in audience has come a change in public attitudes toward the press, a weakening in that public understanding and support of the First Amendment in "the general spirit of the people," that is the rock on which its protective power ultimately rests. Unless we establish a new relationship between press and public, we are eventually going to see the basic Constitutional guaranty outmoded in the public mind, and therefore, because the courts do indeed eventually follow the election returns, weakened by courts or legislature if not ultimately destroyed.

Hardly a hundred years ago, we were in the golden age of personal journalism. It took little capital to start a newspaper, little readership to keep it alive. What it did take was a strong, articulate editor who had a distinct point of view and was willing and able to express himself with force and cogency. This was the era of the partisan personalities of American journalism, whose names—Greeley, Bennett, Dana, Pulitzer—were synonymous with their newspapers.

As industrialization developed, education broadened, and means of communication improved, the limited audience to whom the editors of the 19th century were addressing their message, changed both qualitatively and quantitatively. Publishers and editors discovered that the new mass audience was interested in a wider spectrum of news and information than had been the norm for the relatively rarefied elite of earlier decades, a point Adoph Ochs demonstrated in two ways when, to save his tottering newspaper at the turn of the century, he broadened and deepened its content and at the same time lowered its price.

The old-style, highly competitive personal journalism began to give way to the journal of information; and throughout this century, through two world wars and on to the present day, American newspapers, reflecting and at the same time stimulating existing trends in American industrial society, have increasingly moved toward a kind of standardization and away from the peculiar and often erratic individualism that had once been their characteristic.

They have also become Big Business, a development that has already had and will doubtless continue to have a subtly adverse effect on both public and judicial perception of the First Amendment's protection of press freedom. What has happened, especially in the last 20 years, is that there has been a massive concentration of control of larger and larger numbers of newspapers in fewer and fewer top managerial hands; huge corporate conglomerates are replacing private or individual ownership; and along with this trend there has been a corresponding reduction of competition to the point where less than 50 of the 1550 cities of this country with daily papers have two or more under competing ownership.

It's easy to say that these developments

have been inevitable, paralleling similar developments in many other areas of commerce and industry; but it is just because the free working of the press, both print and electronic, is of such peculiar importance in our democratic society that the consequences of this kind of evolution take on a special significance, threatening to undermine Constitutional protections that we now take for granted.

Press freedom is not something to be taken for granted simply because that one phrase was written as an afterthought into the Constitution. In much of the world—and not only in Communist countries—it is not even accepted in principle; and in most of the rest of the world, where it is in fact accepted in principle, it is rejected in practice. In many areas the press is considered to be properly a creature of the state rather than its critic; and many millions of people who theoretically believe in freedom as we understand it have been forced to learn to live without it. It is easily undermined; and I think that we of the American press would be living in a fool's paradise if we believed that we could continue to enjoy public support for our Constitutional protection under the First Amendment, if we forgot our implied responsibilities under it. By allowing our credibility to be eroded or destroyed.

The First Amendment as it applies to the press is clearly designed to protect a public rather than a vested interest; our Constitutionally protected purpose is essentially one of public service rather than private profit.

Only a few days ago, the Chief Justice of the United States wrote a concurring opinion in which he went out of his way to state, in effect. that he could see little if any distinction between the First Amendment rights of a newspaper corporation and those of any other kind of corporation. It is clear that Mr. Justice Burger believes that the Constitutional guarantee of freedom of the press does not necessarily involve protection of the press as a unique kind of institution requiring the special institutional protection that Mr. Justice Stewart, for example, attributes to it. The point is important not only because Mr. Burger is Chief Justice, but because he has put his finger on a Constitutionally tender spot in the anatomy of huge press corporations.

While he spoke against "limiting the First Amendment rights of corporations as such", Mr. Burger seemed at the same time to be suggesting a reinterpretation of First Amendment protections in light of—and here I quote—"the evolution of traditional newspapers into modern corporate conglomerates in which the daily dissemination of news by print is no longer the major part of the whole enterprise. . . ."

The converse of Mr. Justice Burger's opinion implicit in this recent Massachusetts case fits, I believe, a growing public perception of press conglomerates replete with built-in conflicts of interest. I think this perception may lead to a questioning of the need for special protection of the press as such, under a First Amendment that was in fact designed to ensure the free flow of information and opinion, and not the accretion of corporate power.

As the capital investment required to produce and publish newspapers has increased, three distinct but related economic developments have taken place, affecting the industry and its relationship to the public; the formation of "media conglomerates" linking under one ownership a wide variety of large enterprises; the establishment of enormous newspaper and broadcasting chains; and the development of both conglomerates and chains into publicly-held stock corporations. When to the already great power of a quasi-monopoly in a given city is added the greater strength of chain ownership, some troublesome questions of public policy are inevitably raised.

While many chains operate in such a way as to leave editorial independence in the hands of individual components, and use their vast resources to upgrade their papers—as has happened in a large number of cases already—this is not true of all chains and there is no guarantee that it will always be true of any. The potential threat of centralized, remote control, of concentrated economic and editorial power, is always there.

The late Justice Black, considered to be the most "absolutist" of all justices of the Supreme Court on freedom of the press issues, warned as long ago as 1945 that the First Amendment "rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public." I think it's not too great a temptation to read for "diverse and antagonistic sources," the substitution of diverse and competitive ownership.

The ten largest newspaper chains control one-third of the country's total readership—20 out of 61 million. And the big chains are getting bigger, as our hosts of tonight have so recently and dramatically demonstrated.

As the mad race within the communications industry toward bigger combinations and conglomeration goes on, we are going to see intensified moves to extend anti-trust and other kinds of restrictive legislation, which will of course be fought on "free press" grounds, much as the efforts to break up industrial trusts and combines early in this century were also fought—and with the probability of just as little success.

As recently as 15 or 20 years ago, no newspaper shares were traded on the stock market. Today there are at least a dozen, including some of the largest newspaper corporations, controlling in all about 20% of national circulation. There are perfectly sound economic reasons for this trend, but there are also inherent dangers.

Most people who buy publicly-offered shares in this industry do so as a straightforward business investment, no different from investing in a shoe company or a soap company. Is it unreasonable to suppose that stockholders or even directors who have no interest in or connection with the press other than as a financial investment will exercise more pressure to improve bottom line than top quality, whenever the two conflict?

What essentially worries critics of the growing concentration of power in the news industry in the hands of relatively few communications companies—publicly and privately held—is that the more concentrated power becomes, the more likely it is to move the focus of print journalism away from its original goals and purposes into becoming a mere money-machine, as has happened in the television industry. It is this potential threat that inevitable colors the public perception of the press as an independent institution.

That perception is further altered—and not for the good—when the press lobbies for special privileges and exemptions from, for example, the anti-trust laws—as it did in connection with the Failing Newspaper Act a few years ago, and from the child labor laws and a good many years before that. To use the battle cry of "Freedom of the Press" as a shield on every possible occasion for special economic benefits is to debase the currency of freedom whose integrity we desperately need to preserve.

Meanwhile, the newspaper audience has been changing, and we have to face the fact that, relatively speaking, it has also been declining, especially among younger readers. The reason? It's too simplistic to blame it all on TV—though TV has undoubtedly given them a taste for the "quick fix" in news rather than for in-depth reporting. More deep-seated causes may be found in the new mobility of the American family and its resultant loss of deep-seated roots; the growth of leisure time and of affluence, affording in both respects a wider choice of interests to compete with the daily newspaper; but above all, the loss of credibility in all institutions, including the press.

These are among the factors that have affected in varying degrees the responsiveness of the American reader to the daily newspaper and have already led to profound changes in the attitudes and content of newspapers themselves. These changes have been taking place in a society that seems increasingly to be turning in to itself, more interested in problem-evasion than in problem solving, more concerned with style than with substance, more self-indulgent than self-critical.

Newspapers are now desperately trying to recapture the attention of their readers, as broadcasting has always done to its viewers and listeners by supplying, in Henry Geller's felicitous phrase, "chewing gum for the eyes." The press is now moving in that direction, emphasizing "chewing gum for the brain." Service-oriented journalism is the word today, to grab the reader who, it is confidently believed, is more interested in "what will it do for me?" than in "what do I need to know?"

In the effort to win back readership in the suburbs, among youth, from the TV audience, American newspapers have been shifting their emphasis away from what the editor thought the reader ought to have, to what they now believe the readers want. The press has been increasingly catering to shallowest taste, increasingly forgetful of its constitutional obligation to inform the democracy. However, so long as the shift of focus is made not at the expense of traditional news values, so long as it does not inhibit the expression of the most unorthodox opinion, it may not do too much harm and may temporarily help weak newspapers to survive.

But to the degree that it tends to downgrade those traditional mainstays of news and opinion which the First Amendment was obviously designed to protect, just to that extent, it seems to me, American journalism is weakening its moral if not its legal claim on the public to that special status it has rightly held in our society.

As a matter of fact, a survey taken early this year showed that readers are more interested in every category of so-called "hard" news than American editors give them credit for; and so it seems to me that both the practical and philosophical ends of journalism would be better served by concentrating our efforts on improving our coverage and our analysis of the great trends of our society—social, economic and political—than by trying to combat TV on its own grounds in the race for mass audiences. Unfortunately, there is a Gresham's Law for the press as well as for economics: bad programming, bad news policy, tends to drive out good—not always successfully, thank God, but often enough to raise concern over the advent of least-common-denominator journalism.

The press unfortunately stands exceptionally low in the eyes of the public today. In a listing of 20 professions and occupations, a Harris poll taken only a few months ago showed that the press—or, more exactly, the people "running" the press, meaning presumably the top editors, managers, publishers—stood 16th in public esteem, followed only by law firms, Congress, organized labor and advertising agencies in that order. Such measurements as this suggest that the widespread reports are true that "they hate you out there," as Louis Banks so delicately put it in a recent article in the Atlantic. Banks was talking about the mistrust, the fear, even the hatred of business executives toward the press; other have observed that similar feelings are prevalent in far broader segments of American society, more so than in many years, a feeling that

simply cannot be dismissed by the post-Vietnam and post-Watergate cliches about the messenger bearing bad news. The feeling goes, I believe, far deeper than that, A "public antipathy toward the press" as the respected ombudsman of the Post, Charlie Seib, put it not long ago.

Last January, the Times of London was briefly shut down because one of the printers' unions within the plant refused to permit publication of one issue containing an article highly critical of the union. In a magnificent editorial discussing the problem, the Times of London had this to say:

"Those who wish to maintain the freedom of a nation must stand behind the editorial freedom of the press, even though they know that it will sometimes be abused and often be wrong in its judgments. Those in the press who want to maintain its freedom must also try to raise the standard of its news reporting, its sense of responsibility, its willingness to report all sides and its essential fairness. *Only a fair press will retain the public confidence that is needed by a free press.*"

Once the American public loses faith in the press as an institution of prime importance to the democratic process, the most fundamental protection of the press—far greater than that embodied in the First Amendment—will have been lost. I think there are ominous symptoms today that we of the press are indeed in danger of losing that public confidence.

The growing number of attacks on press freedom in the courts is, I believe, a reflection of that development in the public mind. The tidal wave of gag rules, of subpoenas, of efforts to force revelation of confidential sources, and now the new vogue of closing off pre-trial hearings, are all part of this trend, which is clearly subversive of First Amendment guarantees and must be resisted as much in the public interest as in the press' interest.

But I think the institutionalized press would place itself in a better position to fight the real encroachments on its freedom if it acknowledged, more readily than it is now prone to do, that when competing constitutional rights collide—as often happens especially between First and Sixth Amendments—it is not necessarily true that the press in every case must prevail. I don't think we are very convincing when we take—as we tend to do—an even more absolutist position than Justice Black would have done, by regarding the First Amendment as automatically overriding every other provision of the Constitution, not to mention common sense.

The press certainly has an obligation to fight every attempt by executive, legislature or judiciary to prevent it from scrutinizing these three branches of government—and all three branches attempt it from time to time; but we cannot expect to retain public confidence, the ultimate bastion of our liberty, if we are perceived to be arrogant and insincere in the lip-service we sometimes give to the conflicting constitutional rights of others, or none too concerned about maintaining the most rigid standards to protect and preserve our own integrity and independence.

As confidence in all institutions has been weakened, as our society has at the same time grown more complex, more broadly sophisticated and less trustful; and as newspaper management has tended to move steadily away from the personally directed journalism of an individual editor and toward the impersonality of the corporate structure, the newspaper's direct relationship to the public has inevitably become more distant; and the public understanding of the connection between press liberty and public liberty has become most dangerously blurred.

A great deal has been heard in recent years about the right of newspapers' access to the records, documents and files of government. But although we newspapermen are generally highly articulate on the public's right of access to government, as we should be, we are not usually quite so strong on the public's right of access to ourselves.

Governmentally enforced access to the press is not the answer. Far from it. To force a newspaper to publish an item is no less an infringement on its freedom than to forbid it from publishing one, as the Supreme Court has pointed out. In a number of West European countries, there is a mandatory right of reply, under which newspapers are required to publish corrections—in some cases, I am told, even if the "correction" is itself incorrect. This is hardly what we need here. Nevertheless, the public demand for greater accessibility to the press is not to be laughed off—and I believe that in one form or another, the threat of governmentally enforced access will remain, just as long as there is a public perception that newspapers tend to operate less in the public interest than in their own interest. We need to cut away from our characteristic arrogance, and to open ourselves much more than has been the custom in the past to accessibility by the public as well as accountability to it.

It was in fact with this basic thought of opening up the newspaper to a fuller and freer exchange of ideas that I introduced the concept of an OP Ed page to the Times a few years ago, establishing it in the Editorial Department as a kind of public forum, affording greater scope for access to the columns of our newspaper, and in greater depth, than was possible in our "Letters to the Editor" or anywhere else. This was certainly not the first Op Ed page—the old New York World had a very famous one a half-century ago—but it was, I think, the first to be established with the specific motivation of opening up the paper to the public on so wide and broad a base.

I think we have have to take much firmer steps than we have taken to make ourselves voluntarily more accountable to the public. The other day an Idaho newspaper, the Lewiston Tribune, created a sensation by giving an entire page to a self-examination, publicly looking into possible conflict-of-interest situations among members of its own staff from publisher to part-time reporter. An editor of the Tribune observed, "The impressive thing is not that the Tribune wrote a story about itself but that the piece so startled our fellow journalists." He was more modest than accurate because it is no small feat to list for the benefit of a newspaper's readers the connections, both civic and financial, of its publisher, directors, editors and reporters, exposing precisely where potential conflicts of interests might be concealed in its news or editorial coverage. Why shouldn't other newspapers follow this excellent precedent, also giving far greater coverage to matters affecting the newspaper industry itself, including especially anything that looks as though a conflict-of-interest question could be raised about ownership, management, directors—and news, editorial and business staffs.

Only about twenty newspapers have established ombudsmen, a valuable device for linking the individual newspaper with the individual reader whose daily complaints of inaccuracy, bias, unfairness, vindictiveness, or simple error might otherwise go unheeded and unanswered—and in many newspapers throughout this country, often or usually do.

The establishment of a News Council a few years ago seems to me to have been another sensible way to open better channels of communication between press and public—without in any way infringing or remotely threatening to impinge on freedoms of the press. Modeled after the successful British Press Council, the American News Council has no compulsory powers at all—nor should it have. It acts simply as a means of receiving complaints from individuals or groups who feel they have been unjustly treated in the press and have failed to obtain any redress or satisfaction from the offending newspaper. All the News Council does is to act as an objective, disinterested judge, make its findings and hope that the subject newspaper will accept them and publish them. It has already proved to be a useful buffer between press and public as well as a means of offering an outlet for public frustration with the press.

When the News Council was first established about five years ago, it was greeted with extreme hostility by much of the working press. It's a hopeful sign of maturity on the part of the press itself that the News Council is now beginning to gain wider and broader acceptance, funded now—in part—by some of the most highly regarded names in American journalism.

In a sense, the American newspaper is an unregulated public utility, and that's the way we want it to be maintained—unregulated, unlicensed and free. But this is an era when every value is being reexamined and every right is under question, even the Constitutional protection of freedom of the press. In defending itself from that attack, it seems to me the press has to be accountable to something more than our own business offices and our stockholders; we have to be accountable in the narrowest sense, and first of all, to our own consciences, of course; but in the broadest sense to the public interest as we see it.

I am not saying that the First Amendment establishes virtue as a criterion for management, editors and reporters. It clearly doesn't—fortunately for us. What I am saying is that given the special and privileged position of newspapers under the Constitution, it is vital that public confidence in the credibility of the press be maintained and strengthened. Its erosion is a threat to that freedom, because, as Hamilton so clearly warned us, it is on the "General spirit of the People" that freedom of the press in the longest run depends.

EXPLANATION OF MISSED VOTES ON H.R. 39

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. CONYERS. Mr. Speaker, I was unavoidably absent from the floor during House consideration of H.R. 39, the Alaska National Interest Lands Conservation Act of 1978. As a strong supporter of one of the most important conservation measures ever before the Congress, I am pleased that the House has so overwhelmingly approved it, and I would like to indicate how I would have voted on the bill and key amendments:

Rollcall No. 330, the rule, "yes";

Rollcall No. 335, an amendment by Mr. YOUNG, "no";

Rollcall No. 336, an amendment by Mr. MEEDS, "no";

Rollcall No. 338, an amendment by Mr. SANTINI, "no";

Rollcall No. 339, motion to recommit, "no"; and

Rollcall No. 340, final passage, "yes." ●

MAKING IMPORT SENSE

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. ABDNOR. Mr. Speaker, on a number of occasions during the past 2 years, I have spoken out on the urgent need for Congress to close 14 glaring loopholes and inconsistencies in the 1964 Meat Import Act.

I am pleased the House Ways and Means Subcommittee on Trade is now reviewing the problems attendant to this act. My testimony before them on Monday of this week follows:

Mr. Chairman and Members of the Subcommittee, it is ironic that we are finally getting together to talk about remedying the flaws in the Meat Import Act of 1964.

It is ironic for a couple of reasons: First, cattle prices have improved so that amendments in the law are not as urgent to cattlemen at the moment as they were. Secondly, it has recently been suggested that the import quotas be raised to hold down meat prices, and the existing law provides for just the reverse. If the anguished cries of cattlemen had been heeded, the law would have been changed years ago to deal more rationally with the cattle production cycle.

In any event, I am glad we are now discussing the problem, and I want to thank the Chairman for the opportunity to appear before the Subcommittee.

The primary point I wish to make is that, while cattle prices are now improving, they had a long way to improve to reach break even levels. Cattlemen suffered tremendous economic losses during the years prices were depressed, and the Congress failed to act in any decisive way to aid them. We did pass emergency credit legislation, but allowing cattlemen to go more deeply in debt is not my idea of relief.

It is obvious that cattlemen are a tiny minority of the electorate, and they are practically the only ones who are more concerned about livestock prices than about retail meat prices. Protecting the rights of minorities is a basic precept upon which our nation is based, however, and action designed to arbitrarily reduce meat prices at this time would constitute economic discrimination of the grossest sort.

Even Mr. Bosworth of the Council on Wage and Price Stability acknowledged on national television that cattlemen must be allowed to recoup their losses. In light of the political realities, though, pressure will continue to be applied; and I urge in the strongest possible terms that the Members of the Subcommittee resist the temptation to hit cattlemen just as they are about to get up. To do so might be a politically attractive alternative to many Members of Congress, but it would be totally defenseless to anyone with a sense of fairness.

What, then, can be done to rationalize the Meat Import Act in a fashion which serves the best interests of consumers and is at the same time equitable to the cattlemen?

First, the most obvious and least controversial step that should be taken is to make the quota formula countercyclical so that meat imports are increased when domestic production is decreased and vice versa. This change is included in most of the legislative proposals, including my own bill, H.R. 12239, and should have the support of producers and consumers alike.

Second, all livestock and meat products should be covered. These products all compete to a greater or lesser degree with each other, and the exclusion of some of them invites circumvention of the law. The importation of livestock may not be an issue of major concern nationally, but it is of great concern in my state and certain other areas where disorderly marketings from Canada and Mexico adversely affect local markets. Additionally, imported cattle should not be counted as domestic production for purposes of calculating import quotas.

Third, imported meat products should be labeled as such to their ultimate consumers. It is my understanding that consumer groups support this suggestion, consistent with their view that consumers are entitled to full and factual information on the products they buy.

Finally, the institution of a countercyclical formula should maintain meat import levels at the present time, since domestic production is in a period of reduction. I believe the base quota should be reduced somewhat, however, to help ensure that producers are able to recover their costs of production. Producers cannot operate at a loss over the long run, and they will continue to be driven out of business if they cannot obtain an adequate return.

Producers are beginning to recover from the critical financial straits they have faced, but their recovery must not be aborted. Although it is the producer who suffers from inadequate returns in the short run, over the longer term consumers wil also pay as producers are driven out of business, production falls, and retail meat prices rise.

Meat imports are certainly not the only cause of the difficulties faced by cattlemen, but rationalization of the Meat Import Act will be of real assistance to them in periods of depressed prices. The improvements which have been proposed will also be of benefit to consumers in times of higher prices and in maintaining our domestic production over the long run.

Mr. Chairman, I urge enactment of H.R. 12239 and thank you for your consideration.●

WORLD TRADE WEEK, MAY 24, 1978

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. CORRADA. Mr. Speaker, despite its observance over the past 50 years, the importance of World Trade Week, May 21-27, is especially visible this year.

Last year's record trade deficit of $26.7 billion has once again summoned up the specter of protectionism. I am a firm believer in "fair" trade, a phrase which promotes free trade while recognizing the need for a degree of protectionism.

While trade negotiations are an essential vehicle for the creation of a healthy international trade system, at the core of our current trade difficulties is our lack of a national export policy. The lowering of a foreign tariff on U.S. exports will not be beneficial if American manufacturers cannot export their products. According to the Department of Commerce, 92 percent of American manufacturers are not selling their products overseas.

The need for an integrated national export policy is clear, not only insofar as it concerns dissemination of information, but also providing firms with technical assistance in export promotion, export financing, and export distribution. The importance of such an export policy transcends a desire to engage in fair trade; it contributes to a healthy domestic economy, by increasing sales and creating jobs.●

THE TAX CUT PROPOSAL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for May 24, 1978, into the CONGRESSIONAL RECORD:

THE TAX CUT PROPOSAL

American economic policy is gradually changing in response to an uncommon phenomenon: growing public disenchantment with a large tax cut if the result would be to increase the federal deficit.

The President has agreed to trim the size of his $25 billion tax reduction package to $19.4 billion and to postpone its effective date three months to next January 1. The effect of the cutback and the postponement would be to reduce the federal deficit by $7 billion to $53 billion next year. This economic policy shift is the first major consequence of the President's judgment that inflation has become the nation's dominant economic problem.

In large measure the President's action was an acceptance of the inevitable. In taking it he acceded to a new feeling in the country and the recent changes in economic conditions, principally the improved employment picture and the troublesome acceleration of inflation. He was also mindful of House and Senate proposals for a smaller tax cut and a smaller federal deficit. He also took note of the many liberal and conservative economists, both in and out of government, who argued that the Administration should back away from its first plan.

The reasoning behind the President's move is clear. The large tax cut was intended to keep the economy from spinning into a recession later this year, but the economy is now performing too well to benefit from substantial stimulus. The President's basic economic decisions were made last winter, but economic conditions have changed markedly since that time and the economic policy-setting machinery has not responded quickly enough. Undoubtedly a different tax strategy will cause political trouble for the President, but a chief executive must be prepared to adjust his course of action when the economic realities demand it. One of the economic realities—capacity problems in some industries—makes a smaller federal deficit all the more necessary.

The Federal Reserve Board has had a hand in shaping the President's new policy. As inflation crept steadily upward, the Board threatened to raise interest rates unless fiscal restraint was shown. Because the Board had brought about a half-point rise in short-term interest rates since William Miller took office as Chairman in March, the threat was not idle. The President's action, however, should encourage the Board to keep interest rates down. It is apparent that the President and Mr Miller are working together in matters of economic policy. Such co-operation between the chief executive and the head of the nation's central bank is unusual and signals a welcome departure from the way things have been done in the recent past.

The new Administration proposal would strengthen the anti-inflation program be-

cause a growing federal deficit is widely regarded as inflationary. I applaud the new direction in fiscal policy. Spending restraint and a smaller federal deficit must be primary targets. But the policy should be implemented cautiously, and there should be an effort to pursue initiatives that would directly reduce inflation. For example, tax cuts for business must provide incentives for the production of capital goods, which would help to increase industrial capacity and productivity and thus would lessen inflationary pressure.

It should be noted that there is an element of mystery in the current economic news. Recent data on retail sales, housing starts and orders of capital goods have been reassuring, but they do not account for the gains that have been occurring in employment. Even though the Gross National Product actually fell during the first three months of this year, new jobs have been created at a record rate. Some reasons for this curious trend may be the jobs-creation programs of the federal government and the underlying strength of the economy, both of which may have been underestimated.

The President continues to hope that his tax cut proposal will be balanced with revenue-raising tax reforms, but Congress has not shown much interest in most of the reforms he has suggested. My own view is that the President would be wiser to leave tax reform until next year. Although several of his reforms are quite respectable and do merit serious consideration, the path to true tax reform is blocked by many obstacles and the need for changes in the tax code remains secondary to the need for a tax cut.

The prospects for the President's tax cut package are uncertain. It appears to me that the details of the final bill—the size of the cuts for businesses and individuals, the modification of deductions and shelters and the potential reduction of social security taxes—will probably be in flux at least until September.●

INVESTMENT CREDIT FOR POULTRY STRUCTURES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. PICKLE. Mr. Speaker, I am today introducing a bill that would put an end to extensive tax litigation that has resulted from problems with the Internal Revenue Service attempt to deny the investment tax credit to structures designed and used for the housing, raising, or feeding of poultry or their produce. These structures that are designed for the raising of poultry and their produce should have been included in the investment tax credit.

When the investment credit was restored in the Revenue Act of 1971, the Senate Finance Committee in its accompanying report attempted to make clear that the credit was intended to apply to special purpose agricultural structures by giving the example of a unitary system for raising hogs. It was the intention of Congress to make clear that under the investment credit as restored, such earlier revenue rulings as Rev. Rul. 66–329, 1966–2 C.B. 16, relating to structures for raising hogs, and the reference to poultry houses in Rev. Rul. 66–89, 1966–1 C.B. 7 would no longer be applicable.

Despite this clear statement in the 1971 committee report, the Internal Revenue Service nevertheless in numerous cases has denied the credit to special purpose agricultural structures or enclosures for raising poultry for food or egg production which have uses and physical attribues indistinguishable from the unitary system for raising hogs. The U.S. Tax Court has correctly sustained the taxpayers and allowed the credit in the case of these poultry structures.

Seven years after the restoration of the credit it is time to end the effort by the Service to deny the credit in these cases contrary to the clear intent of Congress as expressed in the 1971 committee report and affirmed by the Tax Court.

Continued litigation is expensive and volved. This needless expenditure of time and money prompts the provision in the bill to make it effective for all taxable years ending on or after August 15, 1971. A comparable controversy over the application of the investment credit to motion picture films was ended by a provision in section 804 of the Tax Reform Act of 1976 that was made retroactive, and there is even more reason to do so in the present case because of the smaller amount involved and the relatively greater burden of the expense of litigation.●

PAY CUT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. JACOBS. Mr. Speaker, here is why inflation is winning: Sacrifice is in the vocal cords not the pocketbook.

Like the church board that adopted a resolution against other people's drinking, personal economic restraint is usually for the other person.

For example, Arthur Burns, former chairman of the Council of Economic Advisers, economically advised yesterday that the President and all high officials of the Federal Government voluntarily take 10 percent pay cuts as examples against inflation.

Dr. Burns' advice would suggest that he is holier than thou or even piouser than people.

But the record indicates that Dr. Burns refused to take his own economic medicine when he was a high official of the Federal Government. He testified that he personally did not take a pay cut because Richard Nixon, who appointed Burns, would not take a pay cut either. At the time, Burns had just accepted a 41-percent and Nixon a 100-percent pay increase from the taxpayers. That was in 1969 when inflation was beginning its romp in the garden of American dreams.

By 1975 Dr. Burns, serving as chairman of the Federal Reserve Board, was still preaching voluntary pay cuts for high officials. And he was still refusing to practice what he preached. One might even say he declined to serve the way he sermonized.

George Bernard Shaw wrote:

To do good is noble: to advise others to do good is also noble—

And much less trouble.●

A TRIBUTE TO THE LATE PRESIDENT JOHN F. KENNEDY ON THE 61ST ANNIVERSARY OF HIS BIRTH

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. FARY. Mr. Speaker, I would like to bring to the attention of my distinguished colleagues that May 29 marks the 61st anniversary of the birth of the late President John F. Kennedy, who without a doubt, ranks as one of the finest Chief Executives this country has ever known.

John Kennedy's record of accomplishments, sense of national purpose, and commitment to democratic principles are praised and respected not only by our own people, but by people the world over, for he did much more than pay mere lipservice to the concept of "liberty and justice for all".

Under his brief, but progressive, administration, this country experienced the kind of leadership needed in an era when prompt and decisive action was called for. Bringing a well seasoned staff to Washington, he geared its operations to the most efficient handling of complex problems. He pushed himself and his staff unmercifully, but his brilliant mind and hard work made his administration highly effective.

Only once did John Kennedy's administrative and decisionmaking machinery break down and the result was the Cuban "Bay of Pigs" fiasco at the beginning of his term in office in April of 1961. It was his decision to let loose on Castro's Cuba an ill-prepared, inadequate expedition of Cuban exiles trained and equipped in the United States and Kennedy accepted full responsibility for the failure of the invasion.

Later, in May of 1961, the President created by Executive order the establishment of the Peace Corps and in August authorized the formation of the Alliance for Progress to aid in the economic development of Latin America. He also met with Soviet Premier Khrushchev in Vienna to discuss a number of problems but in the wake of the Cuban affair, these talks were largely unproductive. Tension accelerated between the two superpowers when East Germany, with Soviet support, constructed a wall to shut off West Berlin from Communist East Berlin. The President's response to this was to increase the U.S. troop commitment in Europe and 2 years later, in an effort to dramatize American support, delivered his historic 'Ich bin ein Berliner"—"I am a Berliner"—speech at the wall.

In October of 1962, a major crisis arose over Cuba because aerial reconnaissance photographs clearly showed that the Soviet Union had placed intermediate-range missiles in Cuba capable of striking the U.S. mainland. In a emergency telecast to the Nation, the President announced that he had ordered a blockade around Cuba and demanded that the Russians remove their offensive weapons. Tension mounted and war was

a very real possibility but the Russians blinked first and agreed to withdraw their missiles.

The President now sought a new understanding in Soviet-American relations and in 1963 signed the first arms control agreement with the Soviet Union and Britain, banning above ground nuclear testing. In addiiton, he also agreed to the installation of a hot line between the White House and the Kremlin.

Domestically, the President's New Frontier program was partially successful in Congress, which passed legislation in the fields of higher education, urban renewal, a higher minimum wage, relief of economically distressed areas, liberalization of social security procedures and benefits, and improvement of water quality. Civil rights and tax-reduction measures he recommended were enacted after his death.

John Kennedy's most notable efforts were in the field of civil rights. He appointed many blacks to Federal posts, legally ended religious and racial discrimination in housing built or purchased with Federal funds, strengthened equal job opportunity in Government contract work, and pushed for an extensive program of registration of black voters.

To foster school integration, the President was forced to send U.S. marshals and troops to Oxford, Miss., to insure enrollment of James H. Meredith, the University of Mississippi's first black student. Federal forces were also sent to the University of Alabama for similar reasons.

John Kennedy's personal popularity was immense and, no doubt, he would have run for reelection in 1964. With election year politics in mind, the President decided on a short speaking trip to Texas, where his popularity was suffering. Arriving in Dallas on the fateful morning of November 22, 1963, the President and his entourage proceeded by motorcade into the city when an assassin's bullet cut short his young life. Words can never express the sorrow and grief this Nation felt as a result of this senseless and cruel act.

Mr. Speaker, John Kennedy will be remembered as the young President who brought a youthful flair to American politics and was able to capture the imagination of our young people. But more importantly, he will be remembered as a brave and bold reformer in a period desperate for reforms long overdue. In view of this, I am truly honored to pay tribute to such an inspiring leader. John Kennedy will never be forgotten.●

RAE SHERMAN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. WAXMAN. Mr. Speaker, it is with the greatest pleasure that I wish to extend my heartiest congratulations to Mrs. Rae Sherman of Hollywood, who on May 27 will celebrate her 101st birthday. I am sure all my colleagues join me in sharing our greetings to her and her family on this joyful occasion, as well as our hope for Mrs. Sherman's continued health and vigor.●

THE NEED FOR MORE NUTRITION RESEARCH

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. RICHMOND. Mr. Speaker, the need for a comprehensive nutrition research and education plan is long past due. The May 23 edition of the Washington Post carried an editorial by Daniel S. Greenberg on the reasons behind our failure to analyze our nutritional problems and seek realistic solutions to them.

This failure is dramatized by the fact that only $125 million is spent annually on nutritional studies by the Federal Government, compared to a total research budget of $28 billion. In justification, the National Institutes of Health try to claim that studies on the "Specific Effects on Auditory Far Fields in Animals" qualify as nutrition research.

I believe Congress must resist this pressure from our entrenched and self-centered bureaucracy and from those in the food industry who would rather rely on controlled advertising than unpredictable science for shaping food preferences. We should immediately work toward increasing our commitment to nutrition as one of the best forms of preventive medicine we have.

I commend Mr. Greenberg's article to my colleagues:

NUTRITION, STEPCHILD OF THE MEDICAL SCIENCES

A lot of "what's left?" exasperation has been provoked by the recent inclusion of commonplace hamburger on an already long and bewildering list of suspected carcinogens in the food supply. But the real, and long-neglected, issue in this and other food-safety alarms is the threadbare condition of the nutritional sciences in the vast and otherwise generally well-financed array of American research activities.

Given the paucity of serious nutritional research, and the limited efforts to expand it, the inevitable outcome has been scattered bits of reliable information, crank advice, ignorant shouts and alarms, and profit-seeking quackery. The relationship between nutrition and health is unarguably as important to personal and public well-being as anything can be. But, in view of the record of recent years, the public cannot blame for responding with skepticism to the confusing din of nutritional contention.

Despite the deluge of food advice aimed at us, the reality is that very little is reliably known about the relationship between nutrition and health. In fact, after surveying the field and consulting scores of nutrition experts, the General Accounting Office concluded in a recent report that with "the present state of nutrition knowledge, it is not possible to say what constitutes an adequate diet."

It can be argued, of course, that mankind managed to get on reasonably well for eons before the advent of the nutritional sciences. But since World War II, the diet of the American population has radically altered in favor of processed, fabricated and supplemented foods, so that an estimated 75 percent of our average caloric intake now comes out of factories—surely a monumental and research-worthy change in biological history.

Nevertheless, as Ross Hall, professor of biochemistry at McMaster University, Ontario, has pointed out, "The science of nutrition has essentially stagnated since the early 1950's when the last vitamin to be discovered was announced."

Why is this so? Why, out of total research-and-development expenditures of over $28 billion this year, does the federal government spend—by generous estimate—only about $125 million on nutritional studies? And that latter figure represents a big and recent jump, mainly in grudging response to congressional pressure.

Why does the National Cancer Institute spend less than $10 million a year on nutritional research—out of a total budget of over $800 million—when diet is believed to be a causative element in perhaps half of all cancers?

And, to get down to fine detail, why is it that only 16 of 40 or more known essential nutrients are covered in the government's widely touted "recommended daily allowances" (RDAs), and that many of the RDAs, according to a report by the White House science office, "are based on limited data and need to be modified in the future"?

The answers aren't difficult to find.

Nutrition ranks low in the prestige pecking order of the medical sciences, which traditionally have been preoccupied with the heroics of disease-crisis management, rather than the mundane business of crisis avoidance. The medical curriculum pays little or no attention to nutrition. It is disease oriented, rather than health oriented. Nutrition is a low-status field, the work of high school dieticians, unworthy of university professors.

The $3-billion-a-year National Institutes of Health epitomizes elite, Nobel-level science, and has little patience for public and congressional efforts to prod it into expanding nutritional studies, which, it must be acknowledged, are relatively dull and laborious feed-and-measure exercises. Experienced in resisting Congress' "disease of the month" pressures, NIH is deft at telling Congress that it has already anticipated the legislators' wishes.

Thus, when George McGovern (D-S.D.) last year wanted to know why NIH is neglecting nutritional research, the NIH leadership responded with a computer printout listing $80 million worth of projects "relative to nutrition." Among them were the "Biological Effects of Environmental Radiation" and "Specific Effects on Auditory Far Fields in Animals"—which left the senator justifiably puzzled. McGovern, who has been diligently dogging the issue, will grill the NIH chiefs again at hearings next month.

Finally, there are the farming and food-processing industries, which well know that public emotions about food and health are volatile. They would rather rely on controlled advertising than unpredictable science for shaping food preferences, and, to the extent possible, seek to dampen any free-wheeling inquiries into nutrition. One effective device is to buy up the consulting services of academe's nutrition specialists, thus steering these relatively scarce talents into uncontroversial paths, and, rendering them ineligible, in this era of conflict-of-interest purism, to take part in independent, government-sponsored studies.

The White House science office recently reviewed the state of the nutritional sciences

and concluded that "research gaps . . . are profound. . . . Food sciences research is still in its infancy. Support has lagged well behind the extensive changes in food production. . . . The result is that we understand little about the effects of these changes on human diets and health."

So, don't blame the hamburger alarmists, who, after all, were performing a public service. (Would it have been preferable for them to suppress their findings?) Rather, exasperation should be directed toward a government whose sense of research priorities is often deplorable.●

OPPOSITION TO GUN CONTROLS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. SKELTON. Mr. Speaker, recent attempts by several Government agencies to silently slip antigun regulations on the books, contrary to the express mandate of Congress, lead me to reiterate my opposition to gun control and to speak out on behalf of the many people in the Fourth Congressional District of Missouri who find pleasure in owning and using firearms for hunting, competition, and collection.

Throughout my career as a public official, I have consistently opposed proposed gun controls and firmly believe in the American right to keep and bear firearms. This conviction is not only based on the commonly accepted belief that the second amendment to the U.S. Constitution guarantees citizens the right to own firearms, it is reinforced by statistics which show that gun controls have proven to be of no consequence in significantly reducing violent crime. As a matter of fact, recent studies indicate that States which do have some form of gun registration experience higher homicide rates than jurisdictions with no such restrictions. This is true not only in the United States, but also abroad. A study conducted in England concluded that the use of firearms in crimes was actually less frequent when there were no gun controls.

As consumers and taxpayers, all of us are aware of the effect that inflation has on our wallets. It is, of course, indisputable that excessive Government spending by an ever-expanding bureaucracy is a contributing factor to the growth of inflation. In light of this, can we possibly justify the money and machinery that would be necessary to register the 6 million firearms which appear on the civilian market annually? Could we economically register the 140 million weapons already in civilian hands? My answer to these questions is no.

Finally, I would like to point out one ramification of proposed gun controls that garners very little attention—the effect that increased restrictions would have on the small businessperson; the firearms dealers, gunsmiths, and stockcrafters who make a living by providing necessary services to gun buffs. On May 4 of this year, Mr. Rex Davis, director of the Bureau of Alcohol, Tobacco, and Firearms, stated in his testimony before the House Judiciary Subcommittee on Crime, that of the approximately 153,000 licensed retail gun dealers in America, 23,000 go out of business each year. While Mr. Davis did not elaborate on the reasons for this high attrition rate, one cannot avoid questioning the effect that the numerous Federal, State, and local regulations and forms had on the businessperson's decision to close up shop. At a time when nearly everyone recognizes the crying need to free our small businesses from excessive bureaucratic redtape, can we afford to implement a gun registration system that will only add to their burdens?

Mr. Speaker, many people in the fourth congressional district of Missouri are concerned about recent attempts by the bureaucracy to limit their access to firearms. Recently, I asked a sampling of people in my district to respond to a questionnaire. Among other things, I asked their opinion on the question, "Should the Government restrict the ownership or possession of handguns?" I was not surprised at the results: 71.6 percent of those responding said no. I am in full agreement with their sentiments and hope to continue to merit the confidence of my constituents by monitoring the activities of regulatory agencies which attempt to restrict the ownership of firearms, and by supporting legislation which would punish criminals rather than law-abiding citizens who enjoy firearms for recreation or occupation.●

PERSONAL EXPLANATION

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. MANN. Mr. Speaker, I am pleased with the decisive action taken by the House in overwhelmingly approving H.R. 39, the Alaska National Interest Lands Conservation Act of 1978. I have visited the great and beautiful State of Alaska, and am convinced of the national importance of preserving these pristine wilderness lands for the people of America. Truly, as the bill's proponents say, this is our "last great first chance."

As the RECORD will show, I was present and voting on Thursday, May 18, to oppose two key amendments to H.R. 39 which would have slashed the Alaskan acreage to be accorded protection—the Meeds substitute and the Young State selection amendment. Due to my participation in the First Annual Peter W. Rodino Institute of Criminal Justice, however, I was absent on Friday, May 10, 1978, and unavoidably missed four votes concerning the Alaska Lands Act. Had I been present, I would have voted: "aye" on rollcall No. 337, that the House resolve itself into the Committee of the Whole House for further consideration of H.R. 39; "aye" on rollcall No. 338, an amendment to H.R. 39 requiring the President to submit a proposal to Congress by 1981 for the evaluation of applications to carry out mineral exploration or extraction on conservation system lands; "nay" on rollcall No. 339, a motion to recommit H.R. 39 to the Committees on Interior and Merchant Marine; and resoundingly "aye" on rollcall No. 340, final passage of H.R. 39.●

BOTH THE CARTER ENERGY PLAN AND THE SO-CALLED COMPROMISE ENERGY BILL WILL MEAN SHARPLY HIGHER PRICES FOR CONSUMERS IN NEW YORK STATE AND AROUND THE COUNTRY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. KEMP. Mr. Speaker, last year President Carter proposed a program to resolve the country's energy ills. He called it the national energy program.

The American people heard him and read the details of that program. They then called it something else. They called it the biggest and most unnecessary tax increase in our history—a quarter of a trillion dollars in new taxes between 1978 and 1985. All of that on the backs of people who know they are already taxed to much.

There is little wonder—in light of the six new energy taxes proposed by the President and in light of what the people felt about those new taxes, their minimal impact upon demand, and their failure to increase domestic supply—why the Congress refused to rubber stamp that program. Congress looked at the President's proposal and the combined $220 billion to $275 billion price tag, and said let us take a more careful look.

Quite frankly, there was hope in many quarters that Congress would write an energy bill which would assure adequate supply without increases in taxes in imports, and in consequent consumer prices. Unfortunately, it looks like Congress has failed in that task. The so-called compromise energy bill—now in what looks like its final stages in the joint House-Senate conference committee—is not much better than what the President proposed. In some ways, it may be worse.

I think its worth a moment of our time to contrast the two.

TAX ASPECTS OF THE PRESIDENT'S ENERGY PROGRAM

The President proposed six new taxes.

The first is the crude oil equalization tax—COET. The tax would be imposed in 1978 at a level of $3.50 per barrel on domestically produced crude oil—raising the price to the consumer in the process. It would rise again in 1979 and again in 1980, until it equaled the difference between the artificial controlled price and the real world market price.

The second is the standby gasoline tax. Beginning in 1979 a standby gasoline tax would go into effect if specific nationwide gasoline consumption targets were not met. For each 1 percent that consumption exceeds the target level, the tax would be increase 5 cents per gallon. The cumulative amount of the tax could not exceed 50 cents per gallon—on top of

the current per gallon costs, including existing taxes. To avoid triggering the tax, nationwide gasoline consumption would have to decline 10 percent from 1977 levels by 1985, something which is not about to happen if we have an economic recovery.

The third is a new industrial use tax, imposed on all industrial using petroleum or natural gas as a fuel. For oil, the tax would begin at 90 cents a barrel in 1979 and would increase to $3 per barrel by 1985—on top of other per barrel taxes. For natural gas the tax would vary with the user's cost and would be calculated to equalize on a Btu basis the cost of oil and natural gas. This would have a dramatic impact—a depressing, negative one—on industry in New York State. I will return to this point.

The fourth is a new tax on utilities. Similar to the industrial use tax, this tax would begin in 1983. For oil the tax would be a flat $1.50 per barrel—once again on top of all other per barrel taxes, and for natural gas the tax would again be the difference between the individual utility's cost of natural gas and the cost of an equivalent amount of oil. For utilities, the tax would be fully effective in 1988.

The fifth new tax is the proposed gas guzzler tax. It would be imposed on both automobiles and light-duty trucks that failed to meet previously mandated congressional standards. In 1978 the tax would range from $52 to $449, depending on the car's gas mileage, but by 1985, the range would be from $67 to $2,488. That is a tax of two-and-a-half thousand dollars per car.

The last proposed tax is an increase in an existing one, the motorboat and general aviation fuel tax. The current 7 cents per gallon tax on fuel for general aviation would be raised to 11 cents. The additional 4 cents, unlike the present 7 cents, would not be earmarked for the Airport and Airway Trust Fund, from which improvements are made for civil aviation. The additional 4 cents would go into the general revenues. The current 2 cents per gallon tax on motorboat fuels would be doubled.

Now, what do we get for all these new taxes? What do the people receive in exchange for them? Do they accomplish the President's stated goal of reducing demand, of reducing consumption? Do they accomplish his unstated goal of bringing in billions more for the Treasury's coffers? Let us deal with these, one by one.

IMPACT OF CARTER ENERGY PROGRAM

The first thing we would get from enactment of the President's energy message would be the additional $220 to $275 billion in taxes. Actually, we do not get that; we lose it. Uncle Sam gets it.

The second thing we would get would be a jump in the inflation rate. While estimates of the exact inflationary impact of the program vary, they range up to an additional 1.4 percent per year by 1980. It could be much higher than that during the 1980 to 1985 period.

The third thing we would get would be sharp increases in the cost of heating our homes, running our cars, driving the machinery in our plants, and lighting, and so forth. And we would get increases in prices for goods made in the plants and factories having to pay for these higher costs by passing along the costs in the form of higher prices for finished products.

Then we get the additional bureaucracy. One hundred and forty more pages in the Internal Revenue Code. An additional 1,100 tax collectors. And $15 million more in administrative costs.

There are some circumstances under which the American people might be willing to bear these burdens. But all those circumstances rest upon a common denominator—meeting the program's stated goals; in short, reducing America's dependence on energy.

Would the President's program meet the President's goal. The answer is "No." For example, reports issued by the Congressional Budget Office, the General Accounting Office, and the Office of Technology Assessment have concluded that the crude oil equalization tax would save slightly less than 1 percent of oil consumption in 1982. Yet the COET would cost the American people $85 billion between 1978 and 1985. We are being asked—the Carter program would demand—a payment of $85 million in order to reduce demand by 1 percent. Clearly, this goal fails.

The Congressional Budget Office has also estimated that the savings in oil imports from businesses and utilities buying coal rather than oil—as the President's program would require—would be 25 percent less in 1985 than the administration has projected. That goal fails.

I might add that the impact of these reports is most strongly felt when one considers what these offices are—they are groups which would normally be assumed to support the President's plan. The Congressional Budget Office is an arm of the 2-to-1 Democratically controlled Congress. The General Accounting Office is the investigative arm of the Congress and reports directly to it and its leadership. And the Office of Technology Assessment is an office of that Congress.

But the area where the program fails most miserably is in its handling of the tax aspects of the plan.

We all recall how the President assured Congress and the people that they need not fear this tax burden because it would be rebated, that it would be given back to them. Everyone assumed—wrongly so—that the additional taxes they paid would come back to them, presumably in the form of tax reductions or tax credits.

It is becoming increasingly evident that those who pay these taxes will never see those dollars again. The Treasury Department has even admitted now that the energy program would hit hardest at middle-income taxpayers. By 1985, those making between $10,000 and $20,000 per year would have their taxes raised anywhere from 3.1 percent to 4.7 percent over present levels.

And where would this money go? No one knows exactly, but we have some fairly concrete glimpses. Energy Secretary Schlesinger has already said that the Government would keep about $7 billion for itself; in other words, keep it. And would the rest of it go back to the taxpayers? Not by a long shot. The President intends to use these dollars to finance welfare programs. So, instead of citizen A's new tax dollars coming back to him, they will go to citizen B or citizen C, themselves not taxpayers but tax consumers. Thus, these taxes would be no different from any others—out of one person's pocket to line another's.

THE SO-CALLED COMPROMISE ENERGY BILL IS NO BETTER

You would think, in light of the taxpayer reaction to the President's proposals that Congress would have fashioned a better remedy. It has not, and that is particularly true if you look at the impact the so-called compromise energy bill would have on the people, economy and cost of living, working, and doing business throughout New York State.

What would that impact be? And Why?

New York State is the most heavily dependent State in the country upon petroleum. Overall, 64 percent of the State's energy needs are met by oil products, as compared to 45-percent nationally. That is one-third higher than the national average. Our costs could be pushed up by the energy compromise by that amount compared to costs of producing in other States.

New York State now consumes more middle distillate oil—for home heating—and residual fuels—for utilities, schools, hospitals, and industry—than any other State in the Nation. There are nearly 2 million oil burners in the State, heating 56 percent of all the homes.

Therefore, any plan to conserve energy by raising the price of oil and its products will fall disproportionately on the backs of New Yorkers, making it more expensive for business and industry to operate and expand in the State, thereby contributing to the pressures which drive them out.

There are many examples of this.

The crude oil equalization tax would discriminate against the State because of that heavy dependence on oil as a fuel. That discrimination would be in the form of higher prices paid by New Yorkers, since our principal form of energy used—petroleum—is greater than other forms used by other States. The COET is also inequitable since it most burdens those least able to pay and is ineffective as a means of serious conservation. It is also inflationary. In short, its enactment would make it more difficult to live and work in New York.

Proposals for oil import fees—or import quotas—are equally discriminatory against New Yorkers. Each would considerably raise the cost of gasoline and home heating oil, as well as other petroleum products, essentially making permanent the OPEC price. They would also signal a major step toward protectionist trade policies, the likes of which have not been seen since the enactment of the Smoot-Hawley Act, the trade barrier act which perpetuated the Great Depression.

The compromise bill would also assure that incrementally priced interstate boiler fuel customers in New York State would experience rapidly escalating de-

livered natural gas costs, rising about 120 percent over the next 5 years. These increased costs would be passed on to consumers of the products manufactured in plants with such boiler facilities.

There is much more in the hundreds of pages of the compromise bill which would be bad for New York, too.

WHY THE PRESIDENT AND CONGRESS ARE MISSING THE MARK

Since 1973, energy prices have risen sharply. The public has responded by insulating homes at a record clip, and by switching to smaller cars. Businesses are installing computers to regulate heating, cooling, and air circulation in office buildings, saving one-third or more of their fuel requirements. Industrial plants are recapturing waste heat, recirculating it to pre-heat materials about to be processed, or to heat the factory or to help generate steam for power production. The public is far ahead of the energy bill proposed by the President and Congress in conserving energy.

On the conservation front, this bill is obsolete. But, if the energy bill does little for conservation, does it redeem itself by stimulating production? No.

On the production front, the energy bill is a disaster.

The bill establishes 18 categories of gas, with definitions so complicated, and redtape so tangled, that the only additional energy produced will be generated by lawyers in the heat of debate and argument before courts all over the country. Intrastate wellhead prices and incentives will actually be reduced under the bill for years. How can the Congress think that drilling and gas production will not be disrupted? Particularly hard hit will be small producers who will be unable to cope with the confusion.

Because the energy bill fails to bring forth anything like the amount of gas which could be produced under decontrol, the people of New York will face sharply higher prices and will be penalized more than consumers in most other States. Why? Because New York is paying more than most other States to support half-empty pipelines—pipelines which could be filled by decontrolled gas at a big saving in per unit transportation charges, and a big saving in the use of higher priced oil, electricity, and liquified gas from overseas.

Consider the following report by the Wall Street Journal of June 21, 1977:

Yes, it sounds like a free lunch, having the wellhead price of natural gas rise, yet having the cost to the consumer fall. But a lot happens to a cubic foot of natural gas from the time it enters the pipeline in Texas or Louisiana until it burns under a frying pan in Brooklyn. When the Brooklyn customer pays his gas bill, only 20 percent of it goes to buy gas. With the other 80 percent he buys pipelines. Whether his bill goes up or down depends principally not on the cost of gas but on whether the pipelines operate efficiently.

Consider. The price paid at the wellhead averages 45 cents per thousand cubic feet (mcf). The Brooklyn Union Gas Co. charges its residential customers $3.38 per mcf for heating and cooking and $5.78 for only cooking. Just four years ago, when the average wellhead price was 25 cents, Brooklyn Union was charging $1.72 and $3.42 for comparable services. Thus while the wellhead price went up by only 20 cents, the cost at retail went up by $1.66 and $2.36.

The reason for this lies mostly in pipeline costs. In the U.S. there's about $40 billion worth of pipeline on which principal and interest has not been paid. The pipeline companies, regulated by the FPC, are permitted to charge enough to pay off the debt, along with operating costs and a small profit. Say gas costs 52 cents, and the pipeline is being amortized at 10 percent a year. If only one cubic foot of gas moves through the system, the customer at the end will pay $4,000,000,000.52. If two cubic feet move through the system, the retail price plummets to $2,000,000,000.52.

The point is that if the pipeline is not full, each cubic foot bears a higher transmission burden. In 1973, the pipeline was full. Now, because it was against the law for the pipeline company to pay more than 52 cents and nobody would sell gas at that rate, the pipeline supplying Brooklyn Union runs half empty. The cost goes from 50 cents per mcf to $1.00 per mcf for all the pipeline customers. Brooklyn Union has its own pipeline network to pay off and must, in the same fashion, spread these charges over an underutilized distribution system.

Then too, it gets colder in Brooklyn, and when winter comes and there is no extra gas in the pipeline, Brooklyn Union must kick in its synthetic gas plant. Last year about 12 percent of the gas Brooklyn Union's customers burned was synthetic, which costs $4 per mcf to produce. Some New England utilities paid as high as $6 per mcf for peak-period gas, because the pipeline supplying them was not permitted to pay more than 52 cents. These high costs, of course, are rolled into the price of the gas under the frying pan.

Without new supplies resulting from higher prices, Brooklyn Union's 1980 price would be $4.45 per mcf. But if the pipeline were kept full with new gas costing $2.50, Brooklyn Union's retail price would be $3.98. If new gas came in at $1.50, the retail price would be $3.31.

Though the whole country will benefit from these efficiencies, the effect on retail prices for each region depends on how much pipeline they must pay for. Higher wellhead prices would probably mean higher retail prices for some sunbelt customers close to the gas, but the Northeast would clearly benefit. Deregulation of new gas would truly be a free lunch for New England, New York and the Atlantic States, and especially for their financial hub, New York City.

Not only would the delivered price of gas not rise for New York under decontrol. In addition, New Yorkers who will be denied gas under this bill, but who could get gas under decontrol would save a fortune in the cost of other fuels if we had deregulation.

Nationwide, the savings from making fuller use of the established pipeline system, and the savings from replacing high cost substitute fuels with gas, could amount to tens of billions of dollars. New York's share of that savings would be well in excess of our share of the gas market. That is why the energy bill misses the mark for the country in general, and for New York in particular.●

PERSONAL EXPLANATION

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. MURPHY of Illinois. Mr. Speaker, on Friday, May 19, 1978, I was unavoidably absent from the House. Had I been present, I would have voted on matters coming before the House as follows:

"Nay" on rollcall No. 339, on a motion to recommit the bill H.R. 39, the Alaska National Interest Lands Conservation Act; and "yea" on rollcall No. 340, final passage of the bill H.R. 39, the Alaska National Interests Lands Conservation Act.●

A TRIBUTE TO BILL LEAR

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. GOLDWATER. Mr. Speaker, "Can't do" was not a part of his vocabulary. "Can do" was his mission in life. He was Bill Lear, one of the most remarkable people it has ever been my privilege to know.

When the rollcall of American inventors is taken, he will assume a position with the likes of Fulton, Edison, Bell, Morse, Goddard, and the Wright brothers.

Bill Lear is what America is all about. He loved this country. He loved free enterprise. He loved to see people working, making a decent living and producing goods and services for the betterment of mankind.

He is gone now, but what a legacy he left us. Every time a school child has an idea in a science class for a new invention, Bill Lear will be looking over his and her shoulders. And he will be saying "hang in there, don't give up, it'll come to you if you have faith and dedication." And no one experienced the inventive genius of youth more than Bill Lear, who at the age of 13 invented a successful battery charger.

It is hard to believe that Bill Lear has left us. I must admit that I always looked forward with the greatest anticipation to his latest invention. Maybe it is because I love to build things, to tinker with engines, to find ways to solve mechanical problems or just look over the horizon for a new gadget that makes life a little easier for us all.

Bill was always looking over the horizon. Maybe it was because he was born in that great American river town, Hannibal, Mo., the home of Mark Twain. And like the lovable characters of Mark Twain's remarkable pen, Huck Finn and Tom Sawyer, Bill Lear was always looking for a new adventure, a new experience.

He never stopped. Leukemia had him in its terrible grip; yet, just a few days before his death, Bill Lear announced to the world that he had finished the design of the Lear fan, a turbopowered plane that will be the first aircraft made of plastic.

People will scoff at that design and say it cannot be done. They scoffed when he invented a business jet aircraft and today the Lear jet is an important part of this Nation's aircraft inventory. Ask any Air Force pilot who served in the Korean war about Bill Lear, and he will tell you that his invention of the automatic pilot

for jet fighters made the mission easier and improved chances of bringing him home alive.

I could run on forever about his inventions, his incredible feats as a pilot, and just plain accomplishments. For instance, the next time one of my colleagues puts the eight-track stereo tape in the car tapedeck, think of Bill Lear. He invented it. In fact, he actually coinvented the car radio, a device that has become an inescapable part of our lives, especially those of our teenage children.

He was not always successful. He invented a steampowered car that worked but was not economically feasible for the American people. But that did not stop Bill Lear. Nothing stopped him from realizing the American dream. If he invented a "turkey," he had a unique way of transforming it into a porterhouse steak.

Bill Lear has left behind a beautiful and great lady, his wife, Moya. He has 7 children and 11 grandchildren to carry on the family name. To Moya and his children, I express my profound sympathy at this sad time. To the American people I say that you have lost a remarkable man, a man whose productive genius has improved our lifestyle and contributed mightily to the industrial growth of our country.

He packed a lot of life into his 75 years. I will miss him, and I commend the memory and career of Bill Lear to the attention of my colleagues and a grateful Nation.●

A–10 AN IMPRESSIVE AIRCRAFT

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. BYRON. Mr. Speaker, today an amendment was again offered to the DOD authorization bill which would have reduced the funds for the A–10 close air support airplane. This amendment was defeated by a voice vote of 2 to 1. I am pleased that Congress has again shown its support for this highly successful airplane by defeating this crippling amendment.

I would like to take this opportunity to reiterate my strong support for this impressive aircraft which has proven itself highly capable of fulfilling the important close air support missions for which it has been designed. Earlier this year I went to Luke Air Force Base in Arizona to observe the training of pilots for the A–10 and to be briefed in the airplane and watch a demonstration of its capabilities. I am pleased to be able to report that the A–10 is a success from every perspective. Its technical proficiency in providing close air support for ground troops and destroying enemy tanks will make an important contribution to our defense needs, particularly in view of the armored buildup facing our NATO allies. Moreover, the number of features designed into the plane to improve its survivability are very impressive. The production of the airplane is ahead of schedule and virtually all of the increase in the cost of the plane is attributable to inflation. In base year (1970) dollars the price of the plane is stable.

It has now been the judgment of Congress and the Defense Department and several Presidents that the A–10 is a well-designed, successfull-produced highly effective, and quite economical solution to a very basic and important defense need—close air support. I am pleased that Congress today reaffirmed the belief of the majority of Americans that we must maintain a strong national defense by defeating this amendment.●

CAMPAIGN FINANCING MYTHS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. ANDERSON of Illinois. Mr. Speaker, when the House takes up the rule on the Federal Election Commission authorization bill, H.R. 11983, I intend to urge defeat of the previous question so a substitute rule can be offered which would make in order the offering of a partial public financing amendment for House general election campaigns beginning in 1980. This is virtually identical to the Foley-Conable amendment made in order by the rule to the Federal Election Campaign Act Amendments on March 21. That rule was defeated not so much because it made in order a public financing amendment, but because the bill it made in order contained provisions which would obviously harm the Republican Party more than the Democratic Party. That controversial, partisan provision is not contained in the pending FEC bill and so we will have a clear opportunity to vote on the merits of public financing of congressional elections.

Late last week I received a copy of a memorandum being sent to selected congressional districts by the U.S. Chamber of Commerce on our public financing amendment. Because that memo contains some very misleading statements, I am at this point including in the RECORD a copy of the memo along with my response to the chamber. I commend these documents to the reading of my colleagues to assist them in responding to any letters from chamber members in their district.

The materials follow:

WASHINGTON, D.C.,
May 5, 1978.

To business members in selected congressional districts.

From Hilton Davis, Vice President, Legislative Action.

Subject: Taxpayer Subsidies for Congressional Election Campaigns.

Last year, the Senate rejected taxpayer financing of Congressional election campaigns.

But bad ideas—expensive ideas, anti-taxpayer ideas, let's-take-care-of-ourselves-first ideas—die hard in Washington. Efforts now are being planned in the House to slip this one through the side door because there is a hard core of liberals who consider campaign fund-raising to be "demeaning" and who want to "free Congress from the special interests." Their scheme: open the door of the U.S. Treasury—despite the fact that it is already $700 billion in the red and facing a $53 billion deficit this fiscal year and a $60 billion deficit next year.

One thing must be kept in mind about the Congressman who favor public financing. It is not that they don't want to use your money to get reelected; they just don't want to have to ask you for it!

Your Representative needs to know you are capable to making up your own mind about whose campaign you are going to support.

And, if you are concerned about inflation, as the vast majority of citizens are, tell him you want less federal spending, not more—and this is a great place to start.

Status and action needed:

We do not know for certain when the House will take up this issue, or how it will be done. But there is little doubt that an effort will be made. These campaign subsidies have long been a major goal of Common Cause—they are greatly desired by many Congressmen—they are a goal of labor union leaders—and they are supported by President Carter.

Under these circumstances, we must assume House action sometime in the very near future. However, since the House Administration Committee has not approved a bill for campaign subsidies and is not expected to do so, proponents will have to bring up the legislation as an amendment to some other bill on the House floor. Right now, one such vehicle is H.R. 11983, a bill that authorizes funding for the Federal Election Commission. Democratic leaders may ask the House Rules Committee to send that bill to the House floor under a rule that would allow specifically for the offering of a floor amendment to add the provision for campaign subsidies. This FEC authorization bill may reach the House floor about May 10.

It is essential, therefore, that you let your Representative know now—by mailgram or phone call—how you feel about campaign subsidies . . . and that you want him to oppose any move to pass such legislation, whether by amendment or any other ruse.

WASHINGTON, D.C.,
May 24, 1978.

Mr. HILTON DAVIS,
Vice President for Legislative Action, U.S. Chamber of Commerce, Washington, D.C.

DEAR MR. DAVIS: My attention has been called to your memorandum of May 5, 1978, sent to "business members in selected congressional districts," on the subject of "taxpayer subsidies for congressional election campaigns." Since your memorandum contains several misstatements and misunderstandings about our public financing amendment, I thought you'd appreciate learning more about the amendment from one of the authors.

First, you state that proponents of partial public financing favor the concept on the grounds that they don't want to have to ask people for campaign funds. Nothing could be further from the truth: in order for a candidate to qualify and receive Federal matching payments, he would have to demonstrate an ability to raise small contributions from a large number of people. Since only the first

$100 of a contribution from the same source could be matched, a candidate would have to receive contributions from at least 500 contributors to receive the maximum of $50,000 in matching funds. Without public financing a candidate tends to rely more on wealthy individual contributors and special interest groups: for example, a candidate could raise the same $100,000 from 50 contributors of $1,000 each and 10 political action committees contributing $5,000 each.

Second, you imply that public financing deprives people of making up their own mind about whose campaign they are going to support. Again this is false. No taxpayers' funds would be used for the matching payment program unless those taxpayers so designate on the $1 checkoff box on their income tax forms. Moreover, there would be more incentive for voters to contribute to the candidates of their choice, knowing their small contribution would be doubled by a Federal matching payment.

Third, you imply that public financing is somehow an inflationary, budget-busting concept. Again this is not so. Sufficient funds are already available from the dollar checkoff to finance House general election campaigns. The estimated cost of the program is $25 million every two years, or 25 tenthousandths of 1 percent of the total Federal budget.

I hope these comments on our amendment have disabused you of any mistaken notions you might have about public financing of congressional campaigns. Our primary purpose in offering this amendment is to encourage greater, not less, public participation in campaigns through small contributions; to make candidates less dependent on wealthy contributors and special interest groups for campaign financing; and to place a reasonable ceiling on campaign spending ($150,000 for those accepting matching funds) as an alternative to the ever-escalating, runaway campaign spending that is becoming more the rule than the exception.

I would further hope that the Chamber of Commerce would reassess its own position on partial public financing of congressional campaigns. The success of this concept in the 1976 presidential elections has demonstrated its validity and vitality. We should not only be willing to learn from the mistakes of the past (which led to the enactment of public financing as an alternative to abuses disclosed in the Watergate scandal), but be willing to learn from and build on our successes, which public financing has proven to be. I think it would be consistent for the Chamber to support this concept since it is voluntary for taxpayers and candidates alike, it encourages greater participation and competition in the process, and it enhances the integrity of our system of government and free enterprise by removing the public perception that large contributions from a wealthy few individuals and interest groups buy special influence and favors.

With all best wishes, I am

Very truly yours,

JOHN B. ANDERSON,
Member of Congress.●

ARE IRISH PRISONS HAVENS FOR BARBARISM?

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. BIAGGI. Mr. Speaker, as chairman of the 105 House and 1 Senate Member Ad Hoc Congressional Committee for Irish Affairs I have grown increasingly concerned about reports I continue to receive and read about conditions for political prisoners housed in jails under British control.

In its May 6 edition, the Irish Echo, the largest Irish American newspaper called for an investigation into one of the more notorious facilities, the Long Kesh Prison. This prison has been the scene of a major protest involving some 300 prisoners who have charged mistreatment at the hands of prison officials. To quote the Echo editorial:

> There is every indication that prisoners are being treated in similar fashion to the way Soviet dissidents are treated in Soviet labor camps in Siberia.

This in a democratic nation?

The prison situation took on an even more serious tone with the suspicious death of 27-year-old Brian Maquire, a prisoner at the Castlereagh facility. His cause of death was listed as an apparent hanging but few believe this especially in light of repeated instances of police brutality exercised in the prison. This has been investigated by Amnesty International which will soon be issuing a report.

This is very much the type of situation I was investigating when I visited Ireland in 1975. I sought and was refused permission by the Irish Government to visit the Portlaoise Prison where reports of prisoner mistreatment were brought to my attention. The refusal of the Irish Government heightened my suspicions about conditions which were later confirmed by the European Commission and Courts of Human Rights which cited Britain for inhumane treatment of prisoners. Britain admitted their guilt and pledged to cease.

Yet reports indicate that these violations are ongoing. In the coming weeks, the Ad Hoc Committee will be seeking a complete but impartial investigation into the Long Kesh Prison and the death of Mr. Maquire. We view this matter with the gravest of concern and intend to get a complete report. We also intend to review the matter with the Department of State and if these charges are proven true we would expect the President as the apostle of human rights around the world to at long last speak out.

At this point in the RECORD I wish to insert the Irish Echo editorial entitled "Investigate Long Kesh":

INVESTIGATE LONG KESH

An investigation into the operation of the Maze Prison (Long Kesh) in Northern Ireland should take place immediately.

There is every indication that prisoners there are being treated in similar fashion to the way Russan dissidents are treated in Soviet slave labor camps in Siberia.

The world is reluctant to believe that in this day and age the government of the United Kingdom—Great Britain—could possibly condone this type of prison within its jurisdiction.

The fact of the matter is it does. And only outside agencies can do anything about it—particularly if the government of the Republic of Ireland does not protest about conditions in the prisons of Northern Ireland:

We appeal to the International Red Cross, Amnesty International, the United Nations and other international bodies to look into the treatment of prisoners in Long Kesh.

Also, let's ask our President about it. What happened to your human rights campaign, Jimmy? Doesn't it apply to Irishmen and women imprisoned by a foreign nation in their own land?●

COMMENTS ON NUCLEAR LICENSING REFORM

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. UDALL. Mr. Speaker, the Interior Committee's Subcommittee on Energy and the Environment is conducting comprehensive hearings on the administration's proposals to reform the nuclear licensing process. I believe these hearings will provide the information we need to determine how we might best move toward the goal of making the nuclear licensing process efficient, predictable, and capable of protecting the public health and safety.

On May 12, the subcommittee received important testimony from the commissioners of the Nuclear Regulatory Commission. A statement presented by Commissioner Peter Bradford contained some thoughts which I believe are particularly deserving of consideration by my colleagues.

Mr. Bradford expressed concern that the legislation in its present form seeks to expedite the regulatory process at the cost of limiting public participation and a full consideration of the issues. I am impressed by his observation that the legislation in its present form reflects the attitudes of those who believe the current nuclear hiatus has resulted from actions taken by critics motivated by a desire to change America's lifestyle rather than by a concern about nuclear safety. I agree with Commissioner Bradford; the low state of the nuclear enterprise results primarily from a premature commitment to an unproven technology whose promoters promised achievements that could not be realized.

An enormous financial commitment was made prior to resolution of major problems of nuclear waste management and reactor safety. Moreover, the commitment was based on the assumption that electric power demand would expand at a much higher rate than is actually occurring. The late recognition of the magnitude of the problems and the costliness and elusiveness of solutions is the primary cause of our dilemma, which is exacerbated by a massive erosion of public confidence.

While the present picture is bleak, I am nevertheless optimistic that fission power has a role in our energy future. I believe that candor of the kind demonstrated by Mr. Bradford will help clarify

what that role should be. I commend Mr. Bradford's statement to my colleagues:

TESTIMONY OF PETER A. BRADFORD, COMMISSIONER, U.S. NUCLEAR REGULATORY COMMISSION

I would like to be able to support this bill, or at least not to oppose it. A great deal of time and effort by people whose judgment I respect has gone into it. Furthermore, it contains some provisions that seem to me to be useful and others that are no worse than harmless. Under these circumstances, I would not oppose the overall thrust of the bill were it not for three provisions. The first limits the NRC's use of adjudicatory hearings in matters arising under the National Environmental Policy Act; the second provides for extensive construction activity to go forward under some circumstances without the need for the plant in question having been specifically determined; the third states that issues that could have been raised in a previous proceeding may not be raised in any subsequent proceeding even if they were not raised and are therefore still unresolved.

Before returning to these three concerns, I want to speak about the context in which this legislation arises, for that contex says a lot about what the bill should contain. The proposed legislation comes from an Administration commitment to the effect that "Reform of the nuclear licensing process is clearly needed. The present process is unsatisfactory to all participants: industry, intervenors, and the federal government. The President . . . has proposed that reasonable and objective criteria be established for licensing and that plants that are based on a standard design not require extensive individual licensing."

Together with this Presidential commitment, the legislation comes before the Congress at a time when demand for additional nuclear power plants has declined sharply. Consequently, some suggest that the legislation is needed to send the industry a message of encouragement. This does not seem to me to be a legitimate legislative function, but it is in any case amply fulfilled this year as in many others, by other specific legislation and by the still substantial nuclear share of the federal energy research and development budget.

Lastly, the legislation was shaped during a time when the licensing process was under a cloud resulting from a series of court judgments to the effect that NRC procedures were not adequate to deal with the legally required issues. That cloud has since been lifted by the Supreme Court, so there is less need than there ever was for legislative modification of the recent lower court decisions.

As the Chairman's statement indicates, I support most of the provisions of this bill. I do not feel that it addresses some of the most important issues confronting nuclear power, but the provisions on early siting, standardization, and intervenor funding clarify and strengthen Commission authority in useful ways. The Commission has also indicated support for the delegation of NEPA responsibility, though in a form different and less complicated than this bill contemplates. Each Commissioner would undoubtedly assign different priorities to these measures, but we feel that they can be so administered as to improve nuclear licensing.

I cannot say the same for the three points that I mentioned earlier and which I will now discuss specifically.

First, Section 103 of the bill would produce a significant change in the Commission's NEPA hearings. It would provide that NEPA related issues should be heard in informal hearings, that is without such basic tools as discovery, subpoena powers, cross-examination, or witnesses put under oath. Only the factual and legal issues that the licensing board deems "essential to the outcome of the proceeding" would be heard in an adjudicatory format. This section is unfortunate for several reasons.

First, adjudicatory hearings, which the NRC currently uses for all contested powerplant licensing issues, are a better way to get an accurate assessment of complex factual issues. If they are run effectively, they will not take significantly longer than informal hearings, but they will be a much more reliable decisionmaking tool. They are more reliable because they permit direct confrontation between the views of different parties under circumstances that allow each party a maximum of opportunity to probe the assumptions and the weaknesses of the other's position. Informal hearings, by contrast, allow the parties to make statements that contain untested allegations and assumptions and that need not face cross-examination. Within limits, this favors the witnesses who are most careless with the truth. In any clash of statements the chances of the fallacious ones prevailing, especially if they are sufficiently financed to be repeated by several witnesses, improve in direct proportion to the informality of the proceeding. As one of the officials who must pass judgment based on the records that will be built at these hearings, I ask you in the strongest terms not to change the current adjudicatory format.

Reliability is not, however, the only basis for my concern. The provision does not make all NRC powerplant licensing hearings informal. It does so only with respect to hearings under the National Environmental Policy Act. Unfortunately, the distinction between NEPA hearings and health and safety hearings rests on a distinction between environmental and safety issues. While that distinction has not posed a problem in NRC proceedings to date, it is necessarily artificial, for human health is inseparable from the environment. Furthermore, some environmental issues come before us not merely under NEPA but under other environmental laws which have compelled adjudicatory hearings for all contested issues. If a legal distinction is made between NEPA issues and all others, the question of whether the correct type of hearing has been held will be a new and significant issue for the courts to decide, and Congress will have reopened a variant of the issue that the Supreme Court just told the lower courts to leave alone. The problem is made even more difficult by the provisions of the legislation that delegate NEPA to the states.

A third concern with this provision is that it will vest new responsibility and discretion in NRC licensing boards. They will have to decide what issues arise only under NEPA and are essential to the outcome, and they will have to evaluate and penetrate the imprecisions of the informal record. In vesting such increased discretion, Congress should consider the fact that many of our Licensing Boards are not currently held in high regard. They have some individually excellent members, but as a whole, the Licensing Boards have been strongly criticized by intervenors and industry alike. In addition, these Boards have often been rebuked by the Appeals Boards that oversee their work for failing to comply with fundamental agency decisionmaking standards.

The second provision in the bill that seems unsound to me is the proposed Section 193(e) that allows extensive construction in some cases without a definitive finding that the power is needed. The construction may be considerably more extensive than is contemplated by our current Limited Work Authorization procedure. While the bill provides that the costs of this construction should not prejudice subsequent decisionmaking, such prejudice is almost inevitable. It is simply not likely that a meaningful need for power proceeding, especially one involving alternative sources, can take place if $100 million is already spent on a nuclear plant. No hardship results from requiring a finding of need for the particular unit before construction commences. To do otherwise is to force the Commission and/or the relevant state agencies to choose between declaring very large sums misspent or staging compromised need for power hearings.

While the law addresses this problem by saying that the NRC or the state may prevent early construction, this provision is of little use to concerned citizens if the state and the Commission should not be inclined to take such a step.

The importance of a sophisticated need for power analysis is well illustrated by the situation that has existed in New England in the last two or three years. Utility customers have had to support investment that has produced reserve margins of more than 40% for some utilities. The Connecticut Public Utilities Control Authority has recently urged Northeast Utilities to cut back its commitment to additional future capacity.

Excess capacity produces high consumer costs of its own, and these costs are ignored in the analysis of the costs of delay that are cited as supporting this provision's bias in favor of construction first, questions later.

The third provision that I feel must be modified is in Section 189a(2)(c) found in Section 103 of the bill. It requires that anyone seeking to raise several types of issues at proceedings for construction permits or operating licenses or renewals of permits must show that "no opportunity for hearing" on the issues in question existed at an earlier hearing or that information not previously in existence had been discovered. When this Committee heard from the Department of Energy, the claim was made that this concept embodied only the well settled legal principles of res judicata and collateral estoppel and that the effect of this section would be to encourage early resolution of issues. None of those statements is correct.

The legal principles exist, and they are useful, but they are significantly different in normal application from this bill. Furthermore, the bill as written actually encourages concealment rather than resolution of many issues. What collateral estoppel and res judicata provide is that no party may raise an issue if it has already been raised by any party and decided by the tribunal. Furthermore, current NRC practice already provides that a party is normally obliged to make his contentions known in a timely manner or forfeit them. This bill goes a significant step beyond these principles. It says that a person seeking to raise an issue must, unless he shows "significant new information" likely to cause the facility to be in violation of the law or NRC regulations, somehow show that no one could have raised the issue at a previous hearing.

A hypothetical example will illustrate just how unfair this provision might be. Let us say that the Public Service Company of Arizona, to pick one at random, follows the early siting provision and gets a site approval in 1983. In 1985 a citizen of New York moves to Arizona and settles near the site. Unbeknownst to him, the NRC is at that time in the process of approving six different standard designs. In 1988, Public Service of Arizona takes one of the six standard designs and starts construction on the site. The hypothetical citizen feels that a different cooling tower would produce less fog and that the transmission lines will have a disastrous impact and should be rerouted. Neither issue was raised in either of the

earlier hearings, in which he would not have been involved. Both issues could have been raised but, by design if you will, were not mentioned by the utility or uncovered by the Licensing Board. Under conventional application of res judicata and collateral estoppel, these issues could still be raised. More importantly they should be raised and resolved. Under the legislation before you, they cannot be raised, and the DOE witnesses' testimony that this extraordinary result stems from conventional legal principles stretches those principles past the breaking point. Furthermore, far from encouraging early resolution of issues, this provision as drafted encourages their concealment, for if they escaped unnoticed at the first hearing, they cannot come up again in the absence of significant information not in existence at the time of the earlier hearing. The way to encourage early resolution of issues is to provide that issues actually considered in previous hearings may not be relitigated. Taken together with the principle that a party must raise his issues at the appropriate stage of a proceeding or forfeit them, this different standard is needed to make the legislation conform to the testimony of its sponsors.

As I have said earlier, parts of this legislation are desirable. Intervenor funding in particular is necessary to a full presentation of the issues in some proceedings. To those who say that this proposal favors some "special interests groups" and their views in NRC proceedings I would point out that our research program, not to mention DOE's routinely contracts for millions of dollars of work that applicants can use directly in their license applications. Indeed, some of this money goes directly to the reactor vendors and architect engineers who will use it in standard design applications. If funding "special interest groups" to help their participation in the licensing process contravenes the intent of Congress, this research needs to be reviewed and redirected.

Committed as I am to intervenor funding and however much potential I may see in early siting and standardization, the Commission can move in these directions on its own, albeit not as clearly as this legislation contemplates. Nevertheless, I would urge that the Congress not enact these gains if it meant accepting the limits on public participation discussed above. Those limitations only make sense if one accepts the view that nuclear power's troubles flow from misguided citizen groups asking too many questions. No responsible study supports this proposition, and several studies rebut it.

In short, the abridgements on public participation contemplated by this bill are part of a "love it or lose it" attitude toward which some industries, especially energy industries, are inclined as part of efforts to blame their troubles on their critics. Without detracting from the contribution that I hope nuclear power can continue to make toward meeting the world's real energy needs, I would suggest that the industry's troubles come mostly from a different direction—a direction that this bill does not address.

Much of the problem lies with the commitments, pressures and expectations spawned by the grave overestimates of nuclear needs and possibilities that once emanated from the AEC and from ERDA. As bureaucratic and institutional prestige became committed, one almost rational step at a time, to stated and perceived national goals that had very little to do with real national interests, truth and other people's money were the first casualties. The truth took a beating in silenced concerns and rigged or suppressed studies. Conclusions were expressed in assurances of safety so absolute that the industry and the Commission can now be embarassed into shutdowns by occasional showings that assertedly impossible accident sequences are merely very highly improbable. Massive financial commitments were made by utility ratepayers and by taxpayers to a nuclear future clearly in excess of anything that the nation really needed within the time it was to be provided. Alternatives, including some nuclear alternatives, were given short shrift. As criticism grew, those who participated in the initial misjudgments behaved as though openminded reevaluations would be admissions of previous errors. Instead they blamed nuclear power's troubles on delays and losses of confidence caused by its critics, whose patriotism and integrity and allegiance to the American dream were subtly or not-so-subtly called into question.

If one is to understand the ways in which large governmental entities can become overcommitted to casual and ultimately self-justifying definitions of national well-being, our energy past is important both as a map and as a warning. The limitations on hearings and issues in this legislation can be described as an extension of that past—a desire to avoid real issues that is based on an ill-informed exaggeration of dimly perceived dangers. The savings in time ascribable to the hybrid NEPA hearings, the omitted need-for-power determination, and the limitations on raising new issues are negligible. The losses in reliability of the hearing process are large. These proposals may offer solace of a sort to those present DOE officials who were frustrated at the AEC by NEPA, by intervenors and by the courts during nuclear power's happier hours five years ago. They have no other logic. They can do very little good and may do considerable harm. Neither this Committee nor the Congress should endorse them in anything like their present form.●

THEA S. KLEIN RETIRES AFTER LONG SERVICE TO NEW YORK'S PUBLIC SCHOOLS

HON. S. WILLIAM GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. GREEN. Mr. Speaker, many New Yorkers remember with affection and gratitude those teachers and principals in our city's public schools who have been the cornerstone of their educational experience. At this time I wish to commend one of these New York educators, Mrs. Thea S. Klein, who has faithfully served the city in the public schools of Manhattan for nearly one-half century.

Mrs. Klein is a lifelong New Yorker. Before she began her service to the city, Mrs. Klein attended New York public schools herself and graduated from Hunter College. She also did graduate work at City College, Columbia University, and received a master of arts degree from Hunter College.

Thea Klein is retiring this year as principal of Public School 402, which is located on East 81st Street in the 18th Congressional District. Her long career has included the following positions of: Elementary school and special education teacher, elementary school assistant principal, elementary school principal, principal of the "400" School for Hospitalized Children, and coordinating principal of the "400" schools.

Service to the city's public schools is clearly a tradition in the Klein family. Mr. Arthur Klein, her husband, served for 50 years with the New York Board of Education as a teacher, principal, and member and chairman of the board of examiners. Mrs. Klein's mother was also both a teacher and principal for nearly 50 years.

I would like to take this opportunity to applaud Mrs. Klein and her family for their professional excellence and dedication to New York's children, and to wish Mrs. Klein much happiness as she retires this June.●

STEELWORKERS SUPPORT EFFORT TO ADOPT INTERNATIONAL STANDARDS FOR ENVIRONMENTAL PROTECTION, WORKER SAFETY AND HEALTH

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. REUSS. Mr. Speaker, on May 1 I introduced House Concurrent Resolution 591, calling on U.S. trade negotiators to work toward international standards for environmental protection and the safety and health of workers.

The reason for such standards would be to minimize the competitive trade advantages one country may gain over another by having much lower standards in these areas. The lower costs of production are of course reflected in lower prices in world markets.

There is always pressure in this country to forego the environmental and workplace standards we think desirable on the grounds that other countries with lesser standards could undersell us. Rather than backtracking on our own standards, it would be far preferable to persuade other nations to raise theirs.

The Trade Act of 1974, which authorized the current round of GATT negotiations, calls for negotiation toward more uniform fair labor standards. Such standards are not defined, however. This resolution would express the will of Congress that the negotiations include environmental protection and health and safety standards for workers.

A number of colleagues have offered to cosponsor the resolution, and I invite others to join in this effort.

The United Steelworkers of America, in a letter to me May 12, from legislative director John J. Sheehan, expressed the need for this resolution very well. He wrote:

> We have long felt that this is a very important matter for a number of reasons—the need to minimize unfair competitive advantage for foreign producers; the need to remove an incentive for plant runaways; and the simple moral commitment we should have for public and worker health throughout the world.

Mr. Sheehan addressed this issue as early as October 31, 1975, in a statement before the International Conference on Heavy Metals in the Environment, at Toronto, Canda.

After recounting the rapid progress

made in this country on environmental and workplace standards, Mr. Sheehan noted that economic dislocation was minimized by approaching controls on a national basis, so that one State would not be tempted to compete economically against another through lower standards. Then he continued:

The problem, however, is also international in scope. In the world economy of today, two fairly recently developed trends facilitate the international flight of industrial investments. One is the rapid growth of the multinational corporations. The multinationals are structured so as to divert their investments on a global basis to the area of lowest cost and greatest profitability. Social requirements, including environmental controls, which the host country imposes upon its industries are bound to be given careful consideration.

The second trend is the growing urge of the less developed nations to concentrate upon their own rapid economic growth. The more they perceive the need for speed in development, and the more they see that speed as being dependent upon diverting investments away from industrialized countries, the less need they are going to see for environmental control.

Brazil, for instance, has openly and actively campaigned for foreign investment specifically on the basis that they are not concerned about pollution at this point. They may have been more open than others in their efforts, but their feelings are not uncommon.

This situation may be especially true regarding the regulation of heavy metal emissions. These emissions are heavily associated with many of the basic industries, such as ferrous and nonferrous metals, which are often considered essential for a growing industrial base. Therefore, many of the countries undergoing development may be particularly reluctant to require nonproductive investments by these industries.

Undoubtedly the ideal solution is to establish and enforce uniform international standards. Logically there should be no other goal—not only for the plant runaway problem but also for the humanitarian, public health needs (assuming the standards would be based on health requirements). To this end, activities such as the International Labor Organization's efforts to develop recommended international standards should be greatly expanded. But realistically, we are a long way off from having ILO standards, or any other international standards being uniformally adopted on any large scale, let alone from having them uniformally enforced. The motivation is simply too unequal among countries. We learned long ago that voluntary compliance could not work as the basis for occupational safety and health protection in the United States. The problems involved with trying to apply voluntary compliance among countries on a world-wide basis are far more complex.

Nevertheless, we must not allow the reluctance of some countries to work as a constraint on others in their environmental control efforts. If one country decides that action is needed to protect public health, it should not be inhibited from taking that action on the basis that other nations might not take similar action. The active nation should not have to face the threat that its control actions will play a role in the flight of its industry to a non-active country.

That type of dilemma rescurrects the jobs vs. environment scare tactic—the "smoke means jobs" mentality—that we have finally been overcoming in recent years. We may have to accept the notion of socially acceptable risk in setting compliance timetables, but foreign trade considerations should not have any weight in the determination of an acceptable risk. To put it the other way around, there ought to be certain minimum prerequisites in the exercise of the right to engage in international trade. Since highly industrialization nations must now begin to regulate their own growth, national interests will demand that the new growth problems, created by domestic societal responsibilities, not be exacerbated by unfair—"unenvironmental"—foreign competition.

A case in point might be our domestic ferroalloy industry. Regardless of environmental controls, that industry is extremely vulnerable to competition from foreign imports, and the relocation of U.S. production facilities in foreign countries has already begun. Naturally there are great pressures that the abatement requirements on this industry be eased on the basis that stringent requirements will only accelerate its demise. Yet a significant easing of the requirements could have adverse health effects upon the employees of that industry and upon the communities in which they are located.

Somehow we need to find a way to impose the necessary control requirements on an industry in this kind of situation, and yet isolate the adverse effects of those requirements from the industry's status in the world market. In other words, we need to find some way of offsetting the effects that standards have on world commerce without trading away the standards. . . .

House Concurrent Resolution 591 pursues this goal by asking our trade negotiators to include environmental and health standards among the international fair labor standards to be adopted. The resolution follows:

H. CON. RES. 591

Whereas, to the extent that the costs of preventing environmental pollution and protecting the safety and health of production workers are borne by producers, such costs must be recovered through increased product prices; and

Whereas, differing national standards with respect to environmental pollution and occupational safety and health may operate to the trade disadvantage of nations which adopt responsible and humanitarian policies in these areas; and

Whereas, section 121(a)(4) of the Trade Act of 1974 (19 U.S.C. § 2131(a)(4)) requires the President to take such action as may be necessary to bring trade agreements into conformity with principles promoting the development of an open, nondiscriminatory, and fair world economic system, including the adoption of international fair labor standards: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that in carrying out his duties under section 121 of the Trade Act of 1974 (19 U.S.C. § 2131), the President should seek to bring about the adoption and application of trade agreements in such manner and form as to include environmental and safety and health standards among the international fair labor standards to be adopted.●

GORDON B. NASH, JR.

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. MURPHY of Illinois. Mr. Speaker, I wish to extend congratulations to one of my constituents, Mr. Gordon B. Nash, Jr., who was recently selected by the Attorney General of the United States to receive the John Marshall Award for outstanding professional achievement in the trial of litigation.

This award, named for the fourth Chief Justice of the United States, is a highly coverted honor. It is designed to recognize outstanding professional achievement by attorneys of the Department of Justice. Only one award is granted in the area of trial of litigation each year.

I extend my sincere congratulations to Mr. Nash, whose family and friends are justly proud of him for earning this distinguished award.●

THE CALIFORNIA TAX REVOLT

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. GOLDWATER. Mr. Speaker, on Monday I shared with my colleagues in the House the efforts of many angry taxpayers in California to constitutionally limit the taxing power of our State legislature.

In today's edition of the Wall Street Journal, associate editor Jude Wanniski has written an excellent piece on this initiative. I am having this editorial reprinted in the RECORD, and believe the Members of the House will find it indicative of the mood of property owners in my home State:

THE CALIFORNIA TAX REVOLT

SACRAMENTO.—There is a raw edge to life in California these last days of May, a rising sense of quiet panic as June 6 approaches—Election Day, the day Californians finally come to grips with Proposition 13, the exhilarating adventure in democracy arranged by Howard Jarvis.

The name Jarvis is everywhere. As you travel from one end of the state to the other, you fairly swim in Jarvis, a vast, boiling sea of anxiety and debate. The name, which belongs to a 75-year-old tax crusader, is probably uttered a dozen times a day by every citizen of the state over the age of 10.

If you don't know by now, Mr. Jarvis is cosponsor of a ballot initiative that would limit property taxes to 1% of market value and limit reassessment increases to 2% a year as long as the property isn't sold. The initiative also would require a two-thirds majority in state and local governments to enact new taxes of any kind. The other cosponsor of the measure is Paul Gann, a 65-year-old former real estate salesman. The initiative is known nationally as the Jarvis-Gann amendment, but here in California they simply refer to it as "Jarvis."

Conditions in California are prefect for a tax revolt. First, because of the nature of the tax mechanism in the state, the dollar inflation manufactured in Washington has a peculiar impact on California. Second, the political class has failed to understand the flaws in the mechanism and how they automatically produce oppression. Last and most important, there is in California the avenue of the initiative. The people themselves can force their representatives to act more correctly, not out of a sense of obligation, but for sheer political survival.

Here, to begin with are some numbers California state and local governments spend roughly $40 billion. Local governments rely chiefly on the property tax, expected to yield $12 billion in the year starting July 1.

Should Proposition 13 pass, property tax receipts would drop to about $5 billion. The $7 billion loss has inspired a general hysteria among local public officials and employes, who foresee a wholesale closing of schools and contraction of public services.

DEEP CLOVER

On the other hand, the state is in deep clover. In a "progressive" moment when he was governor, Ronald Regan scaled the personal income-tax rates up to 11%. In the last several years of inflation, Californians have been propelled into these higher tax brackets, with a river of tax revenues flowing into Sacramento. Even after merry spending, with big raises for themselves and state employes, the legislators saw the surplus grow. With a modicum of frugality, the $4 billion surplus could hit $7 billion in the next year or so.

Had there been no inflation, there would be no problem and no Jarvis. Instead of gushing into Sacramento as inflated revenues, money would have remained in the after-tax incomes of the people, providing greater incentives to work, produce and invest. Instead, the reverse occurred, shrinking the nonproperty tax base and forcing more of the burden of local services on property. At the same time, the Washington-built inflation had a fiendish impact on California's local taxing mechanism.

In California, the state sets the property tax rate and the county tax assessors determine assessed valuation. The state rate has stayed the same, but for several years the assesments have climbed faster than they have anywhere else in the nation. The main reason is that since 1971 the assessor is bound by new state law to use the latest sale price in fixing all neighborhood values. Say a group of 50 homes sold originally for $50,000 and one now sells for $150,000. All other homes are bumped to an equivalent value, and because the assessor has no flexibility on rate, local property revenues soar, to be squandered by local governments on palatial buildings, lavish arts subsidies, bridle paths and, in Los Angeles, buying up railroads.

The problem is most severe in Southern California. Housing prices have been bid sky-high, partly as a result of the influx of well-to-do people who moved to the area to live out their lives on ample savings in sunshine that can't be taxed. At the same time, this process has squeezed the young managers, engineers and other professionals who form the productive base of the area. Their houses, purchased for $50,000, are now worth $150,000—nominally a nice increase. But their after-tax incomes, perhaps $30,000, are whacked another $5,000 in property tax.

Given other fixed expenses, they have little discretionary income left. They live in high-priced homes whose furniture and carpeting are getting shabbier by the day. They eat chicken instead of steak, drink beer instead of scotch. Finally, in disgust, they sell, perhaps moving to Houston, further diminishing the productive base in California.

Jarvis would change all this.

Initiatives are, next to war and revolution, the least efficient political tools. The citizenry, which expects its paid representatives to work things out, would rather be bowling or golfing than debating public finance. The initiative, though, is a wonderful thing to have when the political class systematically fails to do its jobs.

In California, most of the political leadership of both parties, from Gov. Jerry Brown on down, as well as corporate, banking and civic leadership, has failed utterly in what seems to be a simple political task.

Here the people of California are building enormous surpluses in one bank account at the same time they are being squeezed pitifully on their other accounts. The solution is to shift resources from the one to the other and adjust the taxing mechanism to see it doesn't happen again. The state, though, doesn't want to give up its tax bonanza. Local politicians don't want to lose their property-tax bonanza. All loathe Jarvis because it reminds them that these resources belong not to them but to the people. Indeed, the entire Establishment is arrayed against Jarvis, including the Business Roundtable and the "conservative" newspapers of San Diego. Those in control fear their system is threatened when the people take matters into their own hands.

The only reason Jarvis will not pass in a landslide is that the Establishment is frantically peddling the idea that chaos will result if Jarvis passes. The voter must consider the possibility that Gov. Brown, Assembly Speaker Leo McCarthy and the other chief anti-Jarvis leaders will, out of pique, incite chaos by standing back and doing nothing except insist that the people's problems are not the state's. So far, this is precisely the governor's posture, which is why he has had a precipitous decline in popularity.

Mr. Brown would surely be knocked off this fall if he had a strong pro-Jarvis opponent. But the influence of the Establishment is so pervasive that there are none. Among the GOP contenders, former L.A. Police Chief Ed Davis is the most aggressively pro-Jarvis and has been endorsed by Howard himself. But Chief Davis, like Mr. Jarvis an old-school conservative, has yet to learn that Proposition 13 will not force austerity on the state as he pictures it. There is no GOP candidate arguing that Jarvis will mean more, not less, revenue to state and local governments. Prof. Neil Jacoby of the UCLA Business School makes this argument, as does Prof. Arthur Laffer of the USC Business School. Both see Jarvis expanding the tax base.

Mr. Jacoby argues that there will be a building and renovation boom once people can be sure they won't be penalized for adding a new porch in their house or committing funds for a new factory. Not only would this boost the property tax base—helping to offset any direct revenue loss from lower property tax rates—but it would stimulate personal and business income, thus expanding the income tax base.

EARLY SUPPORTER

One of the most impressive public officials in the state is Assembly Minority Leader Paul Priolo. Mr. Priolo for years has understood the nature of the problem and has been shunned in attempts to correct the taxing mechanism. An early supporter of the Jarvis bill, for the correct reasons he now spends his time trying to get his legislative colleagues to plan for a post-Jarvis transition. His bill, to disburse most of the state surplus to local education boards on a simple formula, would buy a year's time for the legislature to work out new mechanisms. But he is now spurned by those who wish to keep alive the idea that Jarvis means chaos.

The latest Field poll shows Jarvis in the lead, 42 percent to 39 percent. But since then, the Los Angeles County assessor has released the year's new assessments. There were hysterical women all over Los Angeles, reading their new tax bills and calculating they would be forced to rearrange their family lives to much lower standards. Even much of the working press seems to have been won over to Jarvis, moved by the clear injustices of the system and their own property taxes.

If Jarvis passes on June 6, the hysteria will abate and California will be sunny and relaxed again. The political class will be forced to put aside any thought of chaos and retribution and buckle down to a serious transition, listening, it is to be hoped, to Mr. Priolo for a change. Speaker McCarthy, an intelligent and powerful man who has so far played hardball, seems privately ready to soften should Jarvis pass. He knows this is no local matter, that the whole world will be watching this exicting experiment in democracy. California often fancies itself the center of the planet. On June 6, Howard Jarvis and Paul Gann have arranged that it will be.●

"NATIONAL PORT WEEK"

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. MURPHY of New York. Mr. Speaker, we have 169 of the required 218 cosponsors for a House Joint Resolution which authorizes the President to proclaim the week of September 17–23, 1978, as "National Port Week."

The United States is first in world trade. As such, the Nation's ports provide a vital service in the transfer of this cargo.

For the benefit of my colleagues who have not cosponsored our legislation, please consider what the American port industry provides in direct and indirect benefits to the economy:

Employment for 1,046,800 Americans—each 600 long tons carried in America's foreign trade sustain one job in the national economy.

Generates annual personal income of $19.2 billion and business income totaling $7.4 billion.

Produces Federal taxes of $10.4 billion.

Stimulates some $4 billion in State and local taxes.

Accounts for gross sales within the total national economy of $56 billion and a $30 billion contribution to the GNP.

These are Maritime Administration figures that are based on a Department of Commerce commissioned study of the maritime industry.

The following Members are cosponsors of this joint resolution:

Mr. Alexander, Mr. Bafalis, Mr. Baucus, Mr. Bingham, Mr. Burke of Massachusetts, Mr. Burleson of Texas, Mr. Del Clawson, Mr. Downey, Mr. Duncan of Oregon, Mr. Ertel, Mr. Flynt, Mr. Forsythe, Mr. Gilman, Mr. Hanley, Mr. Harsha, Mr. Hyde, Mr. Minish, Mr. Pritchard, Mr. Rangel, Mr. St Germain, Mr. Simon, Mr. Snyder, Mr. Waggonner, and Mr. Walgren.

On behalf of our country's ocean and inland ports, I welcome the addition of these Members to our present list of cosponsors.

A list of all 169 Members who have cosponsored "National Port Week" resolutions follows:

Mr. Addabbo, Mr. Akaka, Mr. Alexander, Mr. Anderson of California, Mr. Annunzio, Mr. Ashley, Mr. AuCoin, Mr. Bafalis, Mr. Baucus, Mr. Beard of Tennessee, Mr. Benjamin, Mr. Bevill, Mr. Biaggi, Mr. Bingham, Mrs. Boggs, Mr. Bonior, Mr. Bonker, Mr. Bowen, Mr. Breaux, Mr. Brooks, Mr. Burgener, Mr. Burke of Florida, Mr. Burke of Massachusetts, Mr. Burleson of Texas, Mr. John Burton, Mr. Phillip Burton, Mr. Carney, Mr. Don Clausen, Mr. Del Clawson, Mr. Clay, Mr. Conte, Mr. Corman, Mr. Cornell, Mr. Cornwell, Mr. Corrada, Mr. Cotter, Mr. D'Amours, Mr. Robert W. Daniel, Jr., Mr. Davis, Mr. de la Garza, Mr. de Lugo, Mr. Dent, Mr. Derrick, Mr. Dicks, Mr. Dornan, Mr. Downey, Mr. Duncan of Oregon, Mr. Early, Mr. Eckhardt, Mr. Edwards of Alabama, Mr. Eilberg, Mr. Emery, Mr. Ertel, Mr. Evans of Delaware, Mr. Early, Mr. Fithian.

Mr. Flood of Pennsylvania, Mr. Florio, Mr. Flynt, Mr. Forsythe, Mr. Frey, Mr. Garcia, Mr. Gammage, Mr. Gephardt, Mr. Gilman, Mr. Ginn, Mr. Goldwater, Mr. Green, Mr. Hanley, Mr. Hannaford, Mr. Harsha, Mr. Hawkins, Mr. Heftel, Mrs. Holt, Ms. Holtzman, Mr. Howard, Mr. Hughes, Mr. Hyde, Mr. Ireland, Mr. Jenrette, Mr. Johnson of California, Mr. Jones of Oklahoma, Mr. Kazen, Mr. Kemp, Mr. Ketchum, Mr. Kostmayer, Mr. LaFalce, Mr. Lagomarsino, Mr. Lederer, Mr. Le Fante, Mr. Leggett, Mr. Livingston, Mr. Lloyd of California, Mr. Long of Maryland, Mr. Long of Louisiana, Mr. Lott, Mr. McCormack, Mr. McDade, Mr. McFall, Mr. Mann, Mr. Markey, Mr. Marks, Mr. Meeds, Mr. Metcalfe, Ms. Mikulski, Mr. Minish, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Moorhead of Pennsylvania, Mr. Moss, Mr. Mottl, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Murtha, Mr. John T. Myers, Mr. Michael O. Myers, Mr. Nix, Mr. Nowak, Ms. Oakar, Mr. Oberstar, Mr. Patten, Mr. Patterson, Mr. Pepper, Mr. Price, Mr. Pritchard, Mr. Pursell, Mr. Rahall, Mr. Rangel, Mr. Reuss, Mr. Richmond, Mr. Rinaldo, Mr. Risenhoover, Mr. Roberts, Mr. Robinson, Mr. Rodino, Mr. Roe, Mr. Rogers, Mr. Roncalio, Mr. Rooney, Mr. Rose, Mr. Rosenthal, Mr. Rostenkowski, Mr. Ryan, Mr. St Germain, Mr. Sikes, Mr. Simon, Mr. Snyder, Mr. Solarz, Mr. Stanton, Mr. Stark, Mr. Stokes, M. Thompson, Mr. Treen, Mr. Trible, Mr. Van Deerlin, Mr. Vander Jagt, Mr. Vanik, Mr. Waggonner, Mr. Walgren, Mr. Weaver, Mr. Weiss, Mr. Whitehurst, Mr. Bob Wilson, Mr. Charles H. Wilson, Mr. Wolff, Mr. Won Pat, Mr. Young of Alaska, Mr. Young of Missouri, and Mr. Zeferetti.●

TUITION TAX CREDITS—WHO IS SERVED BY THE NONPUBLIC SCHOOLS?

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. FORD of Michigan. Mr. Speaker, in recent discussions of tuition tax credits for the parents of elementary and secondary schoolchildren, anecdotal evidence has been presented indicating that some nonpublic schools have large enrollments of minority and low income students. This is no doubt true in the specific cases that are cited. However, in debating tuition tax credits we will be making national policy, and our decisions ought to be informed by the facts concerning the national situation in the enrollment of minority and low income students in nonpublic schools.

Fortunately, we have some excellent data available on this subject. In 1976, the Department of Commerce conducted the Survey of Income and Education. From the survey one learns the following concerning who attends nonpublic elementary and secondary schools in this country:

Mostly middle and upper class children: in 1975

Only 4 percent of all children from families with incomes less than $5,000 were in private schools;

17 percent of all children from families with income above $25,000 were in private schools;

25 percent of children from families with incomes above $50,000 were in private schools.

Proportionately more white children than from other races: 17 percent of all white children attend private schools while only 5 percent of all minority children do so.

I hope that these facts will enable Members to put in context who is served by the nonpublic schools generally.●

SINISTER CHILDISHNESS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. McDONALD. Mr. Speaker, it may sound contradictory to speak of sinister childishness, and yet this is exactly the term which comes to mind when we examine the thrust of the recent Sun Day episode.

On the one hand, the planned "festivities" were so childish as to invite scorn. It is inconceivable that the dedication of a sundial in Houston be taken seriously as showing the way to America's future. One is amazed that they did not, at the same time, rediscover the clothesline. Efforts to appeal to youth with modern forms of pagan Sun worship were received more tongue-in-cheek than they were made, which we may regard as a refreshing sign of sanity.

The childishness earns the modifier "sinister" when we consider that the long range goal of the Sun Day braintrusters is to block energy production, then reduce it level by level until Americans have been pushed back to something like the energy consumption levels of 1910. Nuclear energy is their major target, but fossil-fuel-fired generating plants are not far behind on their hit list.

SOLAR POWER NOT REALISTIC OPTION FOR NEAR FUTURE

(By M. Stanton Evans)

"Sun Day" in the Nation's Capital was on a Wednesday; and it began with the inflation of a hot air balloon—as eloquent a commentary on the subject as one is likely to see in print.

The idea of Sun Day, of course, was to promote reliance on solar energy and other so-called soft technologies for the power needs of our society. It's a pleasant-sounding idea, but one with potentially unpleasant consequences for the vast majority of Americans. Maybe someday solar energy will be feasible for society as a whole, but at the moment it's a plaything of the well-to-do and the artsy-craftsy types.

The great expense of solar energy on a widespread basis has been suggested by Peter Beckmann, editor of Access to Entry. "The laws of physics," Beckmann observes, "cannot be beaten . . . and one still has to use a square meter of area to expose it to one kilowatt of solar power." Solar power can be converted to useful energy only by gathering and focusing it, which requires such large devices as collector panels of enormous size.

"The biggest drawback of solar energy," Beckmann writes, "is its diluteness—only 1.36 kWm^2 in space (at Earth distance) where there is no night and day and no atmosphere (let alone clouds). Large collecting areas are thus needed to generate the power that can be generated in compact facilities by other methods.

"There are, however, some applications where solar energy can be economically harnessed—those where not much energy is needed and sufficient collecting area is available. Heating and cooling homes is a possibility, though often only on the economic fringe. Heating water to boil a secondary working fluid for turbine-generated electric power is technically feasible, but the cost is about double that of conventionally generated electricity, and other methods are even more costly."

This subject is also discussed by energy experts Lawrence Rocks and Richard Runyon in their authoritative study, The Energy Crisis (Crown Publishers). In New York City, these authors note, "assuming a 10 percent conversion efficiency, we would need a panel about seven by seven feet to light a 100-watt bulb. To provide one billion watts of power [the size of an average New York power plant], we would require a panel, if shaped as a square, about four miles on each side. To provide electrical power for New York City would require a solar panel 15 miles on each side."

Rocks and Runyon further note that if U.S. electrical needs by 1980 rise to 500 billion watts, we would require about 8,000 miles of sunshine-collecting surface to supply the necessary power. Using mirrors to collect the sunlight would require the nation's entire 1970 production of aluminum (10 billion pounds) rolled out in sheets. The authors estimate the cost of electricity from solar cells at 500 times the present cost of electricity, though this is based on economic relationships as of 1972 and has doubtless been reduced since then.

* * * of the soft energy people is a fine-tuned, individual energy source for each household, relying on its own solar converter, windmill, or other personal device. This, of course, would be even more expensive than the mass-electricity approach.

In a recent study called Soft vs. Hard Energy Paths (Charles Yulish Associates, Inc.), Daniel W. Kane of the Council for Energy Independence estimates that solar heating panels for 64 million American households would cost $364 billion, while personal windmills as a backup energy system for each household would cost an additional $520 billion.

Kane comments that "natural gas prices would need to increase by three times or more before solar panel heating truly becomes barely economical to the homeowner. If the U.S. government and/or industry were to invest $364 billion in large-scale coal gasification plants to produce synthetic natural gas for home owner use, the 'problem' of natural gas shortages would essentially be solved."

At these price levels, solar power is obviously not a current option for most of us, and is unlikely to be so in the short-term future. If it is to become feasible despite these costs, it will do so because alternative systems have grown even more expensive. That can be accomplished, if ever, simply by deregulating the prices of oil and natural gas and letting them seek their market level. If scarcity makes these fuels expensive enough, sun power could conceivably be economic. If not, there is no need for government policy to promote reliance on the sun.

The real enemy of the sun people, of course, is not oil and gas, but nuclear power. By most available indices, it is nuclear power which represents the realistic long-term substitute for fossil fuels. The technology already exists and is waiting in the wings to take its place in our energy drama, but it has been bitterly resisted by the environmentalists and self-styled consumerists. Down deep, it is fear of nuclear energy and a desire to block its development that motivates such happenings as Sun Day, and the romantic quest for soft supplies of energy in general.●

PROGRAM ON VOLUNTEER ARMY RILES PRIVATE TO GENERAL

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. STEIGER. Mr. Speaker, elsewhere in this RECORD, I have given my assessment of the ABC–TV documentary, "The American Army: A Shocking State of Readiness." It was in my view, a shoddy piece of work and a disservice to our men and women in uniform.

Following that program, two Louisville Courier-Journal reporters talked with soldiers stationed at Fort Campbell, Ky., to get their analysis of the documentary. From private to general, they were riled.

It is important to have the views of these soldiers about what the Army is really like. A close reading of the article by Bill Powell and Howard Fineman of the Courier-Journal is far more informative about the state of today's Army than was the ABC show. I hope it will receive the attention of all who care about the Nation's defense forces. The article follows:

PROGRAM ON VOLUNTEER ARMY RILES PRIVATE TO GENERAL

FORT CAMPBELL, Ky.—From private to general, the 101st Airborne Division was riled by the ABC portrayal of the volunteer soldier.

"I was very disappointed. The report was unanimously negative," Maj. Gen. John N. Brandenburg, commanding general of the nation's only air assault (helicopter) division said at a news conference yesterday.

In Washington, Maj. Dale Keller, an information officer at the Pentagon, said the program had some practical, good points. The problem, he said, wasn't what the documentary discussed but what it didn't.

The tone of the ABC report was that American Army forces in Germany were too weak, under-equipped and ill-organized to withstand any major thrust into Western Europe by the Russians.

Keller acknowledged that ABC had accurately reported the history of serious equipment shortages and repair problems in the European command.

What it didn't note, Keller said, was the improvement made since the Vietnam War and the Arab-Israeli War of 1973 drained equipment and attention from Europe.

"The status of equipment and readiness in Europe is now genuinely and generally good," Keller said.

In 1975, he said, 75 percent of the reports from Europe on equipment showed a good "state of readiness." By last month, he said, the figure had risen to 90 percent.

Keller said that ABC had raised a valid question about whether the reports were completely truthful. But he said the report failed to give the Army's response.

"There probably are some people who try to hide things in those reports," he said, "but overall we think they're valid."

The reason, he said, is that officers have an interest in accurately reporting equipment problems. If they don't report the problems, he said, they don't get more money or new materiel.

As for the quality of the volunteer Army's soldiers, Keller said that the ABC report failed to note the subtleties of the situation.

It is true that the dropout rate is higher than during the draft years, he said. But, in part, he said, this was a deliberate policy to weed out unfit candidates.

Another reason for the higher dropout rate, he said, was that applicants sign up for longer hitches—three or four years, compared with two in the draft.

Brandenburg, who has been commander of the 101st division and of Fort Campbell since March, said he didn't like ABC's reference to the volunteer soldier as a "loser."

"It is my impression that our troops (in Germany) would do quite well in meeting a Russian onslaught across the border," Brandenburg said.

Brandenburg also said troops of the 101st were much better educated than the ABC program "might lead you to believe."

Ninety percent of the enlisted men of the division at Fort Campbell in southwest Kentucky have a high school diploma or a General Education Development certificate, he said.

Brandenburg, who led combat troops in Vietnam during the draft, said "the soldiers we have now are as good as the ones I commanded then." He added that they may be "in even better physical condition."

Numerous Fort Campbell soldiers randomly polled yesterday said they resented the program. Not one agreed that the volunteer Army was a "loser."

Some typical comments included:

Pfc. Stephen Conner, 22, said any impression that the soldier "can't or won't fight makes me mad.

"I'm nothing but a clerk. But if a war started, I would not be behind a desk. I know how to fight and how to use our equipment," he said.

Spec. 4 James Cox, 21, said he didn't "like the program one bit." He said he was proud to be in the Army, although he did not plan to make it a career.

"I know a volunteer Army would not be enough in wartime. But, I tell you, it is unbelievable the way the men here train. It is super," Cox said.

Staff Sgt. Mike Lamkin, 34, a veteran of 14 years in the service, said "the ABC program just showed the bad parts or made the good parts look bad. Our soldiers are better and smarter than they were portrayed to be."

Sgt. Chistopher Owens, 26, who has been in the Army eight years, said "some of the program was true." He said it is no secret that economic conditions are poor for the Americans in Europe and that "some prejudice persists." But the helicopter crew chief said "some things were overly dramatized.

"You have all kinds in the Army. You had all kinds in Vietnam, in Korea and in World War II," he said.

Staff Sgt. George Stein, 29, who has been in service 12 years, said he had served with American forces in Italy and that he did not think there were enough troops representing the North American Treaty Alliance there. He also acknowledged that some soldiers could not support themselves and their families properly on Army pay.

But he said the average soldier "just doesn't come in off the streets because he can't find a job or wants to quit school. Everybody knows you have a better chance to get an education in the Army than you have on the streets," he said.

Spec. 4 Curtis Barker, who at 21 has been in service 20 months, said "what I saw on television is not what I see at Fort Campbell.

"Sure, lots of our people are not well educated, but lots of people in civilian life, and doing good jobs, aren't either," he said.

Barker said "lots of men who were in the old CCC (Civilian Conservation Corps) during the Great Depression simply because they were poor and had to have jobs went on to make good soldiers in World War II.

"They were used to keeping their noses to the grindstone. They knew how to live together, in barracks, and how it was to fight for survival. They hit the beaches. They won as many medals as anyone else. And I don't believe Alvin York (World War I hero) had enough education to speak of," he said.●

STOP FEDERAL GUN REGISTRATION

HON. DAVE STOCKMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. STOCKMAN. Mr. Speaker, today I am introducing legislation to insure that the Department of the Treasury does not implement a nationwide gun registration proposal without specific instruction from the Congress.

The Bureau of Alcohol, Tobacco, and Firearms has proposed regulations that would require the application of a unique identifying serial number to every gun manufactured or imported in the United States. Currently, firearms bear a number which identifies only the manufacturer. The unique number would indicate the manufacturer or importer, production or importation year, firearm model and caliber or gage, and the serialized number of the particular model made or imported during a given year. This standardization, the Bureau claims, would tremendously assist law enforcement officials in accurately identifying recovered and confiiscated firearms, eliminate confusion in tracing weapons associated with the crime, reduce the time needed to trace these weapons—from several days to hours or minutes—and improve chances of successful prosecution.

But the requirement of the unique serial number, in combination with BATF's centralized computer capability, creates the potential for a de facto centralized gun registration system in this country. Under authority of the Gun Control Act of 1968, the Bureau may require the submission of form 4473 information, including name and address of a firearm purchaser, which must be divulged to the dealer at the time of purchase. The danger—a well-founded one, in my view—is that the Bureau has the capability, if not the inclination, to store in its computerized files vast numbers of these reports. This would create a national gun registration system.

Mr. Speaker, these regulations are yet another in a long string of efforts by the bureaucracy to circumvent the will of the Congress and to deprive the American people of their rights. The Congress has never voted to permit any kind of national gun control law, and for numerous good reasons.

The resolution that I am introducing today would eliminate all doubt about whether the BATF has the authority to implement nationwide gun registration without an express instruction from the Congress. It would block the implementation of any such regulations that have the effect of creating a central Federal computerized gun registration file. I hope that an overwhelming majority of my colleagues will join me in sending this clear signal to the BATF.

In closing Mr. Speaker, I wish to express my great dismay at the lack of honesty represented by these proposed regulations. If the President and his administration want a Federal gun control law, they should come to the Congress

and ask for it by name. Trying to achieve the same result through the back door can only damage further the confidence of the American people in their democratic form of Government.

Text of resolution follows:

H.J. RES. 940

Joint resolution disapproving proposed regulations of the Department of the Treasury requiring centralized governmental registration of firearms

Whereas the Bureau of Alcohol, Tobacco, and Firearms of the Department of the Treasury, on March 21, 1978, proposed regulations:

(1) requiring quarterly reports of all firearms transactions in federally licensed commerce, including reports on sales to individual citizens, with said reports to be centrally maintained by Government computer;

(2) requiring the placing of additional serial numbers on all firearms manufactured or imported into the United States, identifying the firearms as to importer or manufacturer, importation or manufacturing year, model, and caliber or gage, and the serialized numerals of the models; and

(3) making certain other changes in existing Federal firearms regulations; and

Whereas these regulations, if permitted to become effective, could be construed to permit centralized Federal registration of firearms; and

Whereas the Congress has consistently refused authority for such registration as demonstrated by the House of Representatives defeat of three proposals to require the registration of firearms during consideration of the 1968 Gun Control Act; and

Whereas the Congress has enacted no legislation since 1968 which might be construed as conferring authority upon the Treasury Department to implement centralized Federal registration of firearms; and

Whereas the proposed regulations could permit by regulation what Congress has refused to authorize by legislation: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the Department of the Treasury does not possess authority to retain on file, in excess of the minimum time necessary to complete a request for trace of a firearm, any of the information currently required by law to be reported at the time of purchase and recorded on Bureau of Alcohol, Tobacco, and Firearms Form 4473;

(2) the Department does not possess the authority to require submission of Form 4473 information except as presently permitted under law; and

(3) the Department shall seek explicit congressional authorization before proposing any rules or regulations for the consolidation of centralization or transfer to the Government of records required to be maintained under existing Federal firearms laws.●

HOW I WOULD HAVE VOTED

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. BONKER. Mr. Speaker, due to previous commitments in my congressional district, I was unable to be present for the final passage of the Alaska National Interest Lands Conservation Act.

Had I been present, I would have voted "no" on the motion to recommit the bill and "yes" on final passage.●

HONORING HELEN CREHAN, EUGENE SCHLESINGER, AND ALLAN R. IDE

HON. MARK W. HANNAFORD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. HANNAFORD. Mr. Speaker, the Long Beach, Calif., Chapter of the National Conference of Christians and Jews has chosen three distinguished Americans as the recipients of its 15th annual Humanitarian Awards. I thought you and the other Members of the House assembled here today would like to join the chapter in honoring the recipients—Helen Crehan, Eugene Schlesinger, and Allan R. Ide. They will receive their awards in Long Beach on Thursday, May 25.

Mrs. Crehan is a well known and highly respected Long Beach businesswoman. An active member of the American Business Women's Association, she has in past years been president and vice president of the Long Beach chapter of ABWA, which named her "Woman of the Year" in 1969. Mrs. Crehan owns Tom's Restaurant in Long Beach and has been operating it successfully for the past 22 years. She has an abiding interest in the future of downtown Long Beach and has made significant donations of time and effort to a number of civic organizations and commissions which share her concerns.

Eugene Schlesinger is a self-made man who fled both Hitler and the Communists for the promise of America. Hard-working Schlesinger saw that promise fulfilled. He owns the Center Meat Co. of Fullerton, which operates several retail and wholesale meat markets in the Southland. Mr. Schlesinger's considerable contributions to the Jewish community and to Long Beach at large are overshadowed only by the list of honors he has received from various local and national groups.

Mr. Speaker, the third honoree, Mr. Allan R. Ide, is currently president of the Metropolitan Stevedore Co. in Wilmington. A native Californian, Mr. Ide joined the Seabees at the start of World War II and performed his duty in the South Pacific theater. He serves on the boards of numerous community organizations, including several which are concerned with health care. He has a deserved reputation as a philanthropist, and some of his gifts have benefited the American Red Cross, Goodwill Industries, and the City of Hope, to name but a few. Mr. Ide is the director of the Long Beach Chapter, National Conference of Christians and Jews.

The chapter says that its awards are bestowed on the basis of substantial contributions to the community in furthering the cause of brotherhood and human relations. Mr. Speaker, I cannot think of three more qualified individuals, and I know you will join me in congratulating these outstanding public citizens.●

EFFECT OF 1969 TAX REFORM ACT ON FEDERAL TAX REVENUE FOR 1969

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. FRENZEL. Mr. Speaker, in the discussion relative to H.R. 12111, the Investment Incentive Act of 1978, there has been some dispute with regard to the impact of the Tax Reform Act of 1969 (69 TRA) on the stock market during calendar 1969. The dispute centers on the effective dates of the capital gains provisions of the 69 TRA.

More specifically, the provisions of the 69 TRA phased up the alternative tax on long term capital gains in excess of $50,000 for individual taxpayers. The maximum tax rate on the included half of long-term capital gains above $50,000 was increased to 29.5 percent in 1970, 32.5 percent in 1971 and 35 percent in 1972 and later years. The alternative tax rate on corporate long-term capital gains was increased to 28 percent in 1970 from 25 percent and to 30 percent in 1971 and later years. In addition the 69 TRA generally reduced to 50 percent the use of capital losses to offset ordinary income for taxable years beginning after December 31, 1969.

A minimum tax which included in its base, in the case of individuals, one-half of net long-term capital losses was also first imposed by the 69 TRA for taxable years ending after December 31, 1969.

In light of these effective dates, detractors from the Investment Incentive Act of 1978 contend that the 69 TRA did not have a negative effect on the stock market during calendar 1969. However, the facts relevant to this issue are clear. The 69 TRA placed a significant cloud over taxpayers with unrealized capital gains during calendar 1969 even though the 69 TRA was not effective in final form until 1970.

The public knew that these capital gains tax changes were adopted by the Ways and Means Committee and it was widely believed they would be effective from July 1969 forward. A press release dated July 25, 1969, issued by then chairman of the Ways and Means Committee, Wilbur D. Mills, states in relevant part:

The tentative decisions since July 11, 1969, for drafting purposes are as follows:

A. CAPITAL GAINS AND LOSSES

The Committee tentatively decided to modify the tax treatment of capital gains and losses in the following manner:

(1) It was tentatively decided to require that net long-term capital losses be reduced by 50 percent before they may be deducted from ordinary taxable income. Net short-term capital losses would continue to be deductible in full, and the present overall limitation of $1,000 on the amount of capital losses which may be offset against ordinary income also would continue to apply. . . .

(3) It was tentatively decided to extend the long-term capital gains holding period from six months to one year. Thus, long-term

capital gains treatment would be accorded only to gains on capital assets held for more than one year.

(4) It was tentatively decided, in the case of individuals, to eliminate the alternative long-term capital gains tax computation. The alternative capital gains tax presently provides a maximum tax rate of 25 percent on long-term capital gains. Under this tentative decision, one-half of an individual's net long-term capital gains would in all events be included in taxable income and, accordingly, would be taxed at the regular tax rates.

There was no effective date stated in the press release of July 25, 1969. However, some time between July 25, 1969, and before August 2, 1969, when the committee filed its report on the 69 TRA, the committee published a document entitled "Summary of Principal Decisions on Tax Reform Subjects." The summary states in relevant part:

A. Capital gains and losses

The committee adopted without substantive change its tentative decisions, effective January 1, 1970, *except that the provision eliminating the alternative tax is applicable to transactions occurring after July 25, 1969.*" (Emphasis added).

Similarly, the committee report indicates that changes relative to the alternative tax for corporations were effective July 31, 1969.

Thus it can be clearly seen that from late July or early August 1969, the effect of the decisions of the Committee on Ways and Means were a matter of public record—the alternative capital gains tax would be substantially cut back, effective for transactions occurring after July 25, 1969, for individuals or after July 31, 1969, for corporations.

The financial world was doubtless aware of what was occurring at the Ways and Means Committee. This is evidenced by newspaper articles which appeared at the time of the committee's actions.

On July 23, 1969, the Wall Street Journal carried an editorial titled "The Attack on Capital Gains." The editorial, generally, attempts to refute arguments in favor of higher capital gains taxation rates. A week later on July 30, 1969, the Wall Street Journal, on page 2, carried an article titled "Senate GOP Still Mulling 5-Month Surtax Pushed by Democrats; Deadline Seen Near." The article stated:

Meanwhile, the House Ways and Means Committee continued final drafting of its comprehensive tax-reform bill scheduled for House action next week. The Committee adopted, with few changes, a series of decisions announced earlier as being only tentative. It will take up other reform items today.

The Committee decided that transactions after last Friday will be ineligible for the 25-percent alternative tax rate on long-term capital gains. Earlier, the Committee had said this alternative rate would be eliminated but hadn't set an effective date." (Emphasis added).

Similarly, the New York Times on Sunday, August 3, 1969, carried a front page article titled "Liberals To Seek a Larger Tax Cut in Middle Levels." Continued on the inside of the paper the article was accompanied by a summary of the major items in the House bill; it stated:

A higher tax on long-term capital gains for those at the upper end of the income scale was voted by the Ways and Means Committee. . . .

The Committee has proposed elimination of the alternative 25 percent rate, and thus would make the tax on long-term capital gains progressive all the way up through all the tax brackets.

A long-term capital gain today is defined as appreciation in value of property from the time it was bought until the time it was sold, provided it was owned at least 6 months. The Committee proposed to change the mandatory holding period, in order to receive the favorable treatment, to one year.

The extension of the mandatory holding period to one year has greatly disturbed Wall Street, which fears many stocks that otherwise would have been traded will simply go off the market while their owners wait for the year to elapse. . . .

The Treasury Department which did not recommend either of these changes is more concerned over the increase in the capital gains tax at the top of the income scale. It is not that the changes are necessarily thought to be wrong, but simply that the Treasury wants to take a leisurely look at (sic) whole subject of capital gains taxation—with an eye to comprehensive revision—and feels that it is foolish to make piecemeal changes now.

Again on August 5, 1969, the Wall Street Journal on page 4, stated:

The alternative maximum capital-gains tax rate of 25% would be eliminated for individuals, effective on transactions after last July 25. This provision is expected to increase federal revenue by $360 million a year.

The holding period that's required before the sale of an asset is eligible for capital-gains tax treatment would be lengthened to one year from the current six months. This change would apply to taxable years beginning after last July 25, and would increase annual federal revenues by $150 million after next year.

The corporate tax rate on long-term capital gains would be increased to 30% from 25%. This change would apply to transactions after last July 31, and would increase annual revenues by $175 million a year.

On Wednesday, July 30, 1969, the Washington Post stated:

Capital Gains. The holding period would be extended from six months to a year. Gains from property held less than that would be subject to the higher ordinary income-tax rates. The alternative maximum capital gains tax of 25 per cent would be repealed. This means that the rate for top-bracket taxpayers could rise to 38½ per cent. Estimated annual revenue gain: $350 million.

On July 21, 1969, Barron's stated:

TAX REFORM SERIOUS

On the important capital gains issue, the committee has reached tentative agreement to lengthen the required holding period from six months to one year. A companion proposal being favorably considered would provide that each dollar of net long term capital loss could offset only 50 cents of ordinary taxable income, making tax treatment of capital losses consistent with that of capital gains.

Investors were not shielded from these changes in the taxation of capital gains until action by the House-Senate conference was completed on December 19, 1969. However, from July 1969 to mid-December there was little question but a well-advised investor would have been aware of the potential tax implications of the House committee's action.

Lest there be any question about the impact of these tentative decisions by the Ways and Means Committee one could look to the newspaper articles which followed the committee's tentative 1969 vote to include interest on municipal obligations within the minimum tax base. The municipal bond market immediately hit the skids. The business and finance section of the New York Times, on July 30, 1969, on page 47 stated:

TAX UNCERTAINTY HURTS BOND SALES—NEWARK AND CHICAGO REJECT OFFERS AS MAJOR CITIES ENCOUNTER HIGH RATES

Major states and cities ran into great difficulty yesterday in selling their bonds.

This financial market, normally a quiet, efficient mechanism for handling hundreds of millions in new securities each week, was described as shaken to its foundations by uncertainty over the future tax status of interest income from bonds that historically has been tax-exempt. . . .

KEY PROPOSAL

The key proposal rocking the tax-exempt bond market would impose a minimum income tax on individuals and corporations now taxed lightly, if at all.

Similarly, the August 3, 1969 edition of the New York Times carried an article titled, "'Reform' Hits Tax-Exempt Market;" it states:

These problems [higher interest rates on municipal bonds] were caused by tentative proposals by the House Ways and Means Committee to impose Federal taxes on income from state and local government bonds, long exempt for taxation. The proposal was part of a reform program that would establish what has become known as a 'minimum tax' on individuals with large amounts of income currently taxed lightly, if at all. . . .

The prospect of this change in Federal income taxation threw the municipal bond market—a term that includes the market for all local government securities—into a tailspin last week. Prices plummeted and interest rates shot up to their highest levels in American financial history. Many investment bankers dropped out of the bidding for these bonds, and state and city controllers complained bitterly of the higher costs they had to accept.

A similar article appeared in the August 3, 1969 edition of the Los Angeles Times which states:

The municipal bond picture remained fuzzy last week as dealers and investors awaited final action on tax reform measures proposed in Congress.

The tax-exempt bond prices experienced gains late in the week on news that banks and corporate investors would be excluded from the suggested formula for taxing at least a portion of interest from the currently tax-free municipals."

From the above it is clear that, while the 69 TRA was not effective during calendar 1969, it had a significant impact on taxpayers during that year.●

IN FAVOR OF ALASKA BILL

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. McCLOSKEY. Mr. Speaker, due to business in my district, I was not present to vote last Thursday and Friday on H.R. 39, the Alaska National Interest

Lands Act. Had I been here, I would have voted in favor of those amendments accepted by the House, and for final passage of this most important conservation bill of the century.●

RESULTS OF MY 1978 QUESTIONNAIRE

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. SNYDER. Mr. Speaker, I would like to share with my colleagues the results of the 1978 edition of my annual questionnaire. Seventeen thousand of the citizens of the Fourth Congressional District of Kentucky took the time to pass along their opinions to me this year and since the issues dealt with are all national in scope, my colleagues here in the House should find them quite interesting.

The tabulations are self explanatory. Unfortunately, space will not permit a listing of the responses to question number 12 which was not really a question but rather an invitation for additional comments. It is unfortunate because the thoughtful remarks penned in by so many of the respondents would do a lot to reinforce my standing contention that we would be in better shape if more of us took the time to listen to the people we represent.

Although the results of this questionnaire are based on the opinions of the people of the Fourth Congressional District of Kentucky, it is highly unlikely that the views reflected in the tabulations are confined to the boundaries of this one district. It would seem much more likely that these opinions are shared by many people throughout the country.

Questionnaire results follow:

RESULTS 1978 QUESTIONNAIRE

(All answers are in percentage)

(1) One of the points that has tied up the Energy Bill is a disagreement over the regulation of natural gas prices. Should the Federal Government continue to control the price of natural gas? Yes, 53; no, 40.4; no answer, 6.6.

(2) The Panama Canal Treaties are now being considered by the Senate. Do you favor the ratification of these treaties? Yes, 14; no, 80.6; no answer, 5.4.

(3) Do you favor a tax credit or tax deduction for parents who send children to college? Yes, 61.6; no, 35; no answer, 3.4.

(4) Should Congressional elections be funded by Federal tax money? Yes, 15.6; no, 82; no answer, 2.4.

(5) Should we establish a separate Department of Education with cabinet status? Yes, 24.6; no, 67.6; no answer, 7.8.

(6) President Carter has proposed a tax cut, but at the same time he is proposing to spend half a trillion dollars with a deficit of more than 60 billion dollars. Should we cut taxes without cutting spending first? Yes, 6.8; no, 90.6; no answer, 2.6.

(7) Should the Federal Government declare war on smoking as suggested by HEW Secretary Califano? Yes, 19.8; no, 77.8; no answer, 2.4.

(8) The Food Stamp program has always been controversial. Now it is suggested that the government should give cash instead of food stamps. Do you approve of this proposal? Yes, 2.4; no, 97; no answer, 0.6.

(9) Should we erect tariffs and trade restrictions to protect our industries from foreign competition? Yes, 64.6; no, 28.2; no answer, 7.2.

(10) This year we expect to spend over five billion dollars on foreign aid. President Carter would like to see this amount increased considerably over the next few years. Do you agree with him? Yes, 2.4; no, 95.8; no answer, 1.8.

(11) Do you think a balanced budget should be one of the top priorities of this nation? Yes, 90.4; no, 7.8; no answer, 1.8.●

SENATOR ZELMAR MICHELINI

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. FRASER. Mr. Speaker, today I pay tribute to my friend and colleague, Uruguayan Senator Zelmar Michelini. Today was the second anniversary of his tragic assassination in Buenos Aires. Just 3 years ago, I and other Members of Congress were scheduled to meet with Senator Michelini here in Washington to discuss with him the situation of human rights in his country. Apparently afraid that he would prove too credible and articulate a witness, the Uruguayan authorities invalidated his travel documents. They prevented him from leaving Argentina, where he had lived in exile since the June 27, 1973, coup that closed the Uruguayan Parliament.

Senator Michelini never made it to Washington after that. A year later he was assassinated along with former Speaker of the Uruguayan Chamber of Deputies Hector Gutierrez Ruiz, in circumstances that implicate both the Argentine and the Uruguayan Governments. Although the abductions of both men occurried in downtown Buenos Aires and were witnessed by numerous members of the Argentine security forces, no one intervened to help them. All efforts by friends and relatives to establish their whereabouts were obstructed. President Videla's expressions of "official concern" were not communicated to the proper authorities. Three days after they disappeared, the bullet-ridden bodies of both victims were discovered in an abandoned car.

These facts have been related to me personally by former Uruguayan Senator Wilson Ferreira Aldunate, a survivor of that tragic episode who was fortunately not at home when his would-be assassins came looking for him. Senator Ferreira and I have spoken together on several occasions about these and other violations of human rights for which the Government of Uruguay is responsible. Delivered shortly after the murder of his colleagues, Senator Ferreira's testimony before our subcommittee was of great value in congressional deliberations regarding the discontinuation of U.S. military aid to Uruguay.

Senator Michelini was a tireless and eloquent defender of human rights. From his seat in the Uruguayan Parliament, he demanded time and again that allegations of torture be investigated; that those responsible be held accountable; that the Uruguayan Constitution be upheld. During his exile in Buenos Aires, he continued his struggle for justice and democratic rights. Believing that responsibility for human rights transcends national borders, as a public figure he sought the assistance of his colleagues abroad; at the same time, he advocated the creation of international mechanisms that might guarantee adherence to standards recognized in principle, yet ignored in fact, by many governments. Privately, the Senator assisted countless Uruguayans who came to him on a personal basis with their problems. A compassionate man, he never forgot that oppressed peoples are not abstractions—concrete human lives are affected when human rights are violated.

Perhaps the high personal price the Senator had to pay for his defense of principles made it easier for him to understand the suffering of each Uruguayan he met. The last years of his life were full of attempts to intimidate him. Especially cruel and painful to him was the torture of his oldest daughter Elisa—a political prisoner and alleged subversive—in reprisal for her father's political activities. And especially courageous was his refusal—even then—to be silenced. Nor did Senator Michelinis tragedy end with his murder. Only weeks after he was assassinated, an exiled daughter, Margarita, disappeared in Buenos Aires. Margarita and her husband turned up 5 months later in Montevideo, along with over 20 other Uruguayans—all of them abducted and tortured in Buenos Aires, then illegally deported to their country of origin to be tortured and imprisoned there. It is a sad indication of the state of human rights in Argentina and Uruguay that international organizations are still attempting to locate 40 other Uruguayans whose whereabouts remain unknown following their disappearance in Argentina. In that group are several small children.

Unfortunately, as a victim of repression Zelmar Michelini is not unique among legislators or among Uruguayans. We should not forget that many of our colleagues abroad suffer persecution, imprisonment, and death simply for seeking to do the job which we do here without risks to our personal safety. Nor should we forget that Senator Michelini's country, once known as the "Switzerland of South America," today has the highest per capita ratio of political prisoners of any country in the world. In a total population of only 2½ million, 1 in 500 is in prison; 1 in 50 has been arrested; over half of those arrested have been brutally tortured.

Happily, Senator Michelini shared with his fellow countrymen not only suffering but also a love of democracy which, having reasserted itself throughout Uruguayan history, augurs well for the eventual restoration of democratic freedoms in Uruguay. Many of us in the U.S. Congress have expressed our belief in the Uruguayan people by insisting that

their human rights are our concern; by supporting a cutoff of military aid to Uruguay; and by voting into existence a growing body of human rights legislation by means of which we can stand up for our shared principles abroad.●

OPEN SCHOOL'S SUCCESS FAILS TO SPARK BOARD

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. BRODHEAD. Mr. Speaker, in recent years, the public school systems of many of our older major cities have faced growing difficulties. Aging facilities, rising costs, and declining populations have made it nearly impossible to operate these systems efficiently.

However, in my own district, the Detroit school system has operated a most successful open school project at the Burgess Elementary School which has resulted in a long waiting list of parents who wish to enroll their children. One of the reasons for the success of this project is the total involvement of parents in the day-to-day operation of the school. While the Detroit School Board has been reluctant to start additional open schools, the success of the Burgess School makes such a decision more and more desirable.

The project was recently described in the Detroit Free Press by writer Thomas BeVier and I offer his story to my colleagues as a possible solution to some of the problems of our troubled school systems:

OPEN SCHOOL'S SUCCESS FAILS TO SPARK BOARD

(By Thomas BeVier)

One of the Detroit public schools' most successful innovations has failed to blossom because of scant interest and a lack of material support by school administrators.

It is the open school program, which features unregimented instruction with children from up to three different grade levels learning together.

For the last three years, in what has become sort of bizarre rate of spring scores of parents have pitched tents and camped overnight outside Region 4 offices to enroll their children in the school system's only open school, conducted—along with a traditional school—in Burgess Elementary at 24601 Frisbee.

This May there were only 34 kindergarten openings for the next year at the open school and six places scattered in grades one through eight. There is a waiting list of more than 200.

The long line of parents is the most visible sign of the open school's success since it began in 1972. The line also raises the question: Why do public school administrators fail to provide ample opportunity for the alternative form of education in the face of apparent success and demand?

"It doesn't make sense," said Mrs. Jacqueline Campbell, whose son has gone to the open school for four years. As a parent, she proselytized for several years for expansion of the program. Finally, almost in exasperation, she ran for election to the Region 4 school board and won.

"How can you possibly not spread something that is good?" she asked. "They say it's because of lack of housing, but I don't accept that."

"If I had room, I'd have another one (open school)," said John F. Hauck, Region 4 superintendent.

Mrs. Campbell and a number of other open school supporters say that there has never been a shortage of verbal support from administrators but that material support, such as housing and staff, has been in short supply.

The open school did not originate in Detroit at the initiative of administrators. In fact, they resisted it in the beginning before bowing to pressure from parents who rallied behind a kindergarten teacher who had taught traditionally for 20 years before learning of the open school concept while she was an exchange teacher in England.

The teacher, Laurajean Milligan, began teaching with the open method in 1972. The next year it was made a regional program with children bused to it from throughout northwest Detroit.

"I never could go back to the traditional way of teaching," Miss Milligan said.

A significant difference between a traditional classroom and the open school is that children from up to three grades are grouped together.

"The older children help the younger children," Miss Milligan said. "The older children become teachers as they reinforce their own learning."

She said teaching in the open school is more difficult for teachers because there is no set program to follow. "It requires more imagination on the part of the teacher," she said.

Achievement tests show that the average scores of open school students are slightly above the national average and considerably above the city average.

Miss Milligan, a woman of seemingly endless energy and good humor, directs the program without benefit of title.

"Part of the success is due to the interest of the parents," she said.

Indeed, if there is one overwhelming difference between the open school program and ones found in traditional schools, it is in the amount of parental involvement. Parents work as aides to teachers, hold auctions to raise money for field trips and lobby continually with school officials. And they are irritated with the system.

"We represent a threat to the system," said Mrs. Aaron Bresnay, chairman of the Burgess School's parent committee. "I don't think the administration really wants to work with parents."

She and other parents see the system as being highly politicized and they behave accordingly.

In their view, one that is not disputed by administrators, the program has been in effect long enough to establish it as a success. They are irritated that administrators have shown little interest in what they are doing and that their open school has not been utilized for in-service training of teachers so other such schools can be established.

None argue that the open school should entirely replace the traditional way of teaching. "We know there are some children who require a more disciplined learning experience," said Mrs. Karen Majorov, who has two children at Burgess. "But the open school should be available to those who think it would be best for their children."

Perhaps their arguments are beginning to be heard.

Dr. Melvin Chapman, the deputy superintendent at the Detroit Board of Education whose duties include alternative programs, admits that "we have not done enough."

"The problem is that we've had other priorities," he said. "I believe it will be expanded."●

MONEY HAS A NEW MEANING TODAY

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. McDONALD. Mr. Speaker even the Atlanta Journal & Constitution, like the proverbial blind hog, occasionally finds an acorn. Such an acorn is Prof. James Green of the University of Georgia, who writes what I feel, are some of the finest columns in the country on economic and financial matters. In point of fact, one of his most recent columns, which appeared in the Sunday, May 14, 1978, edition, outlined why we as Americans are contending not with a money problem, but, with a paper problem, that is to say, a monetary system based upon a printing press and a promise, not backed by gold or silver. This paper money continually aggravates the problems of our economy as he very succinctly pointed out. The column follows:

MONEY HAS A NEW MEANING TODAY

Today we work for and spend money. Right? No, wrong. Money in its traditional meaning is gone. Too many Americans don't really understand this. They don't recognize who has been fooling around with their money nor what has happened to it and to them.

The Federal Reserve creates what we now call money based on the government's promise to pay (IOU's). Commercial banks create money based on private promises to pay (IOU's). Monetized debt, then, is what we now call money.

Look carefully at any bill in your wallet. This is a Federal Reserve note.

Stated on it is "This note is legal tender." But "tender" for what? An IOU? If it is tender for nothing more than a promise to give another piece of paper just like it, is it really a legal and binding contractual obligation?

Originally the Federal Reserve note was not designated as legal tender nor was it lawful money? Why? Because it was not redeemable for anything of value. It still isn't.

Honest money was defined by Locke as "some lasting thing that men might keep without spoiling, and that by mutual consent men would take in exchange for truly useful, but perishable supports of life."

Good representative money, the gold and silver certificates which circulated widely a few years ago stated: "Will pay to the bearer on demand gold (silver) or lawful money at any Federal Reserve Bank." These certificates were substitute (representative) money and were redeemable. When the government revoked redeemability the floodgates to economic instability, persistent inflation and capital confiscation were open wide.

ROOSEVELT DEVALUED DOLLAR

President Franklin Roosevelt devalued the dollar by 40 percent Jan. 31, 1934, raising the price of gold from $20.64 to $35 an ounce. Suits were filed charging confiscation of property without due process of law when American citizens were no longer allowed to hold gold as a private possession. The Supreme Court, however, sustained the seizure of gold and the abrogation of gold contracts. In legal jargon, the court ruled that "the issue of money is a political question to be determined by Congress." Here lies the answer as to "who has been fooling with your money." Now let's see what has been done to it and to you.

In its wisdom Congress has changed the basic essence of money. We have been moved from hard, commodity money which had intrinsic value in itself to substitute money which was redeemable into good money to fiat paper money with neither redeemability nor intrinsic worth.

Given worthless pieces of paper called money, your savings have been confiscated. Since 1939 Americans have saved some $4,430 billion (in 1972 dollars) in savings accounts, insurance and pension funds, trusts, bonds of all kinds and mortgages. Of this, inflation has destroyed $2,078 billion of your saved-up purchasing power.

DISCIPLINE IS GONE

In the first 192 years of our nation's growth to 1967, we created $350 billion of more or less good money to grease the wheels of our economic expansion. In just 10 years we have more than doubled the supply of worthless fiat money. The broad measure of money supply now stands at $820 billion . . . up $470 billion. This is irresponsible. Monetary discipline is gone.

In 10 years, consumer prices have doubled. Housing prices have doubled. Medical care cost has doubled. The purchasing power of your dollar has been cut in half.

Worthless paper money without intrinsic value spawns inflation, debases the nation's currency and confiscates your capital. Webster defines what the Congress is doing to us as embezzlement, theft and fraud. Webster is right.●

VERONICA THORNE

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mrs. SPELLMAN. Mr. Speaker, Henry Adams once said, "A teacher affects eternity; she can never tell where her influence stops." Those words have very special meaning, for I know that Mrs. Veronica M. Thorne has affected the futures of hundreds of children, and her very positive influence will serve as a motivating guidance throughout their lives.

Mrs. Veronica Thorne is a beloved teacher at the Mutual Elementary School in Calvert County, Md. Her dedication to her profession, coupled with her love and concern for her students, have endeared her to both children and parents, alike. For over 12 years, Mrs. Thorne taught in the St. Marys County school system, and because of her commitment to bringing better education into the schoolroom, she served on special committees on social studies, science, and mathematics, developing curriculum guides to be used by the teachers. Mrs. Thorne is now rounding off her fourth year of teaching in Calvert County.

As a wife—she is married to Earl Thorne, vice principal of a middle school—and mother of two straight "A" students, Cynthia and Christine, Mrs. Thorne found time to be a contributing member of her community, involving herself in worthwhile, beneficial projects. She is currently serving on the advisory committee to the county commissioners, the board of parks and recreation, the board of Calvert County Branch of the American Cancer Society, the board of the March of Dimes, treasurer of the Calvert High School Athletic Booster's Club, president of the parent club of the Calvert Strutter's Marching Group, and a member of the Calvert High School Band Booster's Club.

Mrs. Thorne's classrooms are so busy, as well supervised classrooms should be. There are interesting corners where guppies and mealworms reside, where science projects and live plants attract the attention and interest of inquisitive minds. Each child feels very important in the love and comfort Mrs. Thorne extends, and isn't it nice to know that the morning finds students anxious to be there and not begrudgingly present. She inspires them to achieve at their own paces and to the best of their capabilities. And each child knows that he has her complete support and encouragement. Armed with that, they cannot fail.

I am especially honored to detail for my colleagues the accomplishments of Mrs. Thorne. We hear so much today of shortcomings of our schools. I want to call attention to one of the strengths—a truly dedicated and talented teacher.

Mr. Speaker, I am heartened that we have educators such as Veronica M. Thorne in our school system, and I am thankful she is affecting eternity by touching the children.●

LIBRARY OF CONGRESS REPORT SHOOTS HOLES IN CAPITAL GAINS STUDY ON THE "STEIGER AMENDMENT" TO TAX BILL

HON CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. VANIK. Mr. Speaker, on May 16, I inserted in the CONGRESSIONAL RECORD the entire text of a Library of Congress report that I had requested on the projections made in a private capital gains study. The Chase Econometrics model had predicted all sorts of economic benefits if the Steiger amendment to the still-pending tax bill was adopted. The Steiger amendment proposes to change tax treatment of capital gains to pre-1969 levels.

The Library report concluded that the basic assumptions of the Chase study were in some cases impossible to understand, and in at least one case actually false.

I want to make clear that despite what proponents say the amendment will do, there is little or no proof at all that they are correct. I implore Members of the House to carefully look at this piece of major tax alteration before they decide it is the panacea it is presented to be.

While its projected benefits are extremely attractive, the projections they are based on are simply useless. I urge my colleagues to review the Library of Congress report inserted in the May 16 CONGRESSIONAL RECORD, page 14006.●

THE HISS CASE REVISITED

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. DORNAN. Mr. Speaker, 40 years ago this House was shaken by revelations of one of the most sensational espionage cases in history. The personalities involved in this matter have become the objects of what must be regarded as one of the most bitter controversies in the history of this Republic.

A committee of this House launched an investigation into the background of Alger Hiss, and revealed that his machinations on behalf of the Soviet Union had penetrated the highest levels of the U.S. Government. Since that time, there have been charges and countercharges, accusations, and recriminations. A steady stream of essays, articles, and books have taken up the cudgels of one party or the other. But no work has more definitively answered the questions raised by the conflict than Prof. Allen Weinstein's monumental volume, "Perjury: The Hiss Chambers Trial."

Professor Weinstein has carefully analyzed and weighed the evidence. And he has pronounced Alger Hiss guilty as charged. This finding is most significant, Mr. Speaker, because Professor Weinstein originally intended to write his book exonerating Hiss.

Surely one of the reasons for the length of the controversy was the reputation of Mr. Hiss himself. Alger Hiss was a brilliant young Washington lawyer, a product of the finest schools, a man whose connections reached into the stratosphere of Washington's social register. Hiss was a major figure in the Roosevelt administration. He played a variety of critical roles in the conduct of our foreign policy. He was present at the ill-famed Yalta Conference. He was present at the founding of the United Nations. Few men were in a better position to know the innermost secrets, plans, or projects of the United States overseas. With such friends, connections, and such an impressive social or academic background, no man could have enjoyed a higher confidence, in his loyalty and dedication to the public service of the United States. And few men could have been in a better position to most viciously render assistance to the secret service of America's most hateful enemies.

The chief witness against Alger Hiss was Whittaker Chambers, a comparatively drab and unimpressive figure. At first, the charges Chambers leveled against Hiss seemed preposterous and even ludicrous. An ugly duckling had cast mud at the swan. A dirty little street urchin had spat in the face of a Prince. In his book, "Witness," Chambers remarked:

It was not invariably, but in general, the "best people" who were for Alger Hiss and who were prepared to go to almost any length to protect and defend him. It was the enlightened and the powerful, the clamorous proponents of the open mind and the common man, who snapped their minds shut in a pro-Hiss psychosis, of a kind which, in an individual patient, means the

simple failure of the ability to distinguish between reality and unreality, and, in a nation, is a warning of the end.

Mr. Speaker, the sophisticated defenders of Hiss had forgotten the warning of Scripture that the Prince of Darkness often comes arrayed in all the finery of an Angel of Light.

Years have passed and the roles have changed. It is ironic that Richard Nixon, a former Member of this House who had done more than any other Congressman to bring Hiss to justice, languishes in disgrace. While Nixon's star was sinking, Hiss' star seemed to be rising. We were being prepared for another attempt at a sacrilegious Hiss resurrection. We were being softened up for the eventual "coming-out" of one of Washington's "persecuted heros." Far too many liberal intellectuals wanted to believe in their heart of hearts that Hiss was a martyr of the McCarthyite wave that swept over the Nation, a man who endured the villainies of a "social outcast" like Chambers, a "viper" like Nixon, and a volatile public opinion whipped up into a vicious frenzy by demogogic politicians.

I imagine that there are some twisted minds who believe that the transgressions of J. Edgar Hoover, Joseph McCarthy, and Richard Nixon somehow approximate the crimes of Alger Hiss. That cannot be surprising. We live in an age when a Daniel Ellsberg can steal Government secrets and be roundly hailed as a hero, however, briefly. Jane Fonda can cozy up with the North Vietnamese torturers of American prisoners of war, hundreds of whom are still missing, and still she is welcomed back onto the merry-go-round of tinsel town.

Yes, Mr. Speaker, times and circumstances change. But I cannot help but be reminded of the fine lines of the Poet T. S. Eliot:

The world turns and the world changes,
But one thing does not change
In all of my years, one thing does not change,
However you disguise it, this thing does not change:
The perpetual struggle of Good and Evil.

Mr. Speaker, the Hiss-Chambers controversy was such a struggle. Our supreme duty is to recognize such a struggle when it occurs, and take sides. Whittaker Chambers wrote a book which John Kenneth Galbraith once described as poetic. It was surely poetic, in the sense that poetry is a means by which we penetrate more deeply the truth of the human condition. Chambers expressed the fear that we in the West had lost our will to survive. He once remarked that, in breaking with the Communist movement and exposing Alger Hiss, he changed from the winning side to the losing side.

Chambers knew that the Communist revolutionary is impelled by a faith that transcends every other consideration. Hiss was cold and ruthless, hardly the pathetic persecuted figure he has been, and is, made out to be. In "Witness," Chambers wrote:

I wondered at Hiss's inhumanity even while I understood its causes. In Communism the individual is nothing.

Our failure is the failure to recognize that the world is still moved by faith, even if there are those among us who have long since abandoned their own. Communism is such a faith. It is a fighting faith, presenting itself as antithetical to the entire Western Judeo-Christian tradition. The Communist is not a romantic, a misguided humanist, or a somewhat more authoritarian version of the Socialist. He is a disciplined visionary, who holds in contempt those who view him as anything less. Hiss and Chambers had a perfect understanding of one another. They had both once shared the same fighting faith. They were men whose hearts and minds were steeled to fight and win the ultimate war with Western civilization. That is why Chambers, emerging from his own dark night of the soul, expressed such horror and revulsion at his own crimes. And that, Mr. Speaker, is why Alger Hiss will forever remain an aging, but impenitent revolutionary, a man who will carry his deception to his grave. He will doubtless harbor the same contempt that all true Communist revolutionaries harbor toward the liberal intellectuals who plead for tolerance toward him and his comrades.

Mr. Speaker, I hope that we will have learned from this tragic episode in our history. Mr. Weinstein's book ought to serve as a reminder that the Communist revolution can also be pursued in business suits. We must also remember that the strength of communism is not simply calculated in terms of Soviet military might, the sophistication and extent of its underground apparatus, or in the number of fools and charlatans it is able to recruit or bribe into its service. It is a faith that must be fought with a faith, a faith in personal freedom, and a confidence in the potential of our own civilization. We must remember with St. Paul that—

We wrestle not against mere flesh and blood, but against principalities, against powers, against rulers of the darkness of this world, against the spiritual wickedness in high places.

Mr. Speaker, intellectually honest men will agree with Mr. Weinstein. The verdict on Alger Hiss and his career is—guilty as charged.

I commend the profound observations of Mr. D. Keith Mano of National Review in his recent review of Professor Weinstein's book; and I insert it into the RECORD as part of my remarks:

THE LAST TRAITOR

(By D. Keith Mano)

This is Brechtian: absurd: a typewriter. Sixty pages, seventy, and still I read about it: one goddam *typewriter*. Isn't my time worth more than that? A typewriter: Alger Hiss's Woodstock N230099, with which, single-space, on unerasable bond, the social legend of America was revised. Katydid noise: two-finger clacking in a 1930s night: Woodstock Nation. Watergate tape; bridge at Chappaquiddick. Things arbitrate and draw men down.

Hiss/Chambers, like menarche, was the gate of our fitful pubescence: from it a dark fertility rose. If you don't know the story—cast and hand props and plot—don't ask me to summarize now. I haven't patience or words enough here. Without rancor, with Breughel single-brush-hair love for detail, with strong unembellished style—for embellishment is partisan—Allen Weinstein has made a dig, stratum after stratum down, artifact and shard, separating intrusive burial from authentic trace of human habitation. His book is stupendous and illegal: it has put Alger Hiss in double jeopardy. Exclusive interviews; documents never before released; to this conclusion: "the body of available evidence proves that he did in fact perjure himself when describing his secret dealings with Chambers, so that the jurors in the second trial made no mistake in finding Alger Hiss guilty as charged." It is irrefutable, done with: say good night, Gracie: gone.

Yet it is refuted already. Irving Howe for the *New York Times Book Review*: "Weinstein has significantly added to the evidence pointing to Hiss's participation in an espionage apparatus . . . nevertheless . . . none of this makes it certain that Hiss *did* what Chambers said he had done." And one week later in the *NYTBR*, a full-page ad for *The Nation* and Alger Hiss: "Whatever his original motives and aspirations, Professor Weinstein is now an embattled partisan hopelessly mired in the perspective of one side, his narrative obfuscatory, his interpretations improbable, his omissions strategic, his . . ." But why go on? Poke the Hiss mimosa at any place and all its leaves close. I'd react similarly, I suppose, to "proof" that Christ was resurrected by deep heart massage. But Hiss . . . What lame Christs some of us have.

I was seven when Hiss came to trial. Weinstein limns a time I never knew. It has been U.S.–U.S.S.R., super-rivals, since I have cared about the world outside my brow. By page 200 or so, I understood that pro-Soviet espionage need not—for a weak, self-absolving mind—have been anti-American: in the mid-Thirties at least. Most of what Hiss stole, about German and Japanese preparation, was secret but not all that crucial to U.S. defense. The air didn't yet sizzle with polarity: a man could fellow-travel and remain American and leave only ten or fifteen stretch-marks on his liberal imagination. By August of 1945, though, Popular Fronters with any moral strength were surfacing like bombed fish: guilt- or Stalin-sick, afraid, apathetic, spent.

Communist infiltration before World War II succeeded in large measure because U.S. security was primitive and lax. You could even feel compassion for the GPU, if you were so disposed. They had to coddle romantic, frivolous, neurotic Left-liberal types: I'd rather have an orangutan for my amanuensis. Chambers was clownish and unstable. Hiss: sentimental, undisciplined. Bykov, their ranking Soviet contact, was an ass who gave Bokhara rugs to his people—as one might in some IBM sales incentive program. By 1938, Amtorg, the Soviet industrial espionage apparatus, had tried filching trade secrets from my family's cement firm: for bathtub crack filler, no less. Which, when you consider Russian plumbing, then and now, would have been an uncertain coup.

I don't minimize the significance of Hiss/Chambers. Dred Scott was not more important: possibly less. But what mean pivots for an era to turn on: typewriter and second-hand car and pumpkin and rug: they diminish us. It's a question of style. Ultimately Weinstein's magisterial book will come up short: truth will come up short. Because a fact is a small machine: a made object: *facere*: in all cases, though in Hiss/Chambers most explicitly so. Your liberal mind has need of high passion, sentiment, great ideas. The Hiss lobby is, by not too wide an extension, I think, a late Luddite revolt against industry and man's contriving brain. That Alger Hiss—suave, bright, noble—should be brought low by metal and microfilm seems enormous and unjust. We traffic in two modes of experience here. The evidence is irrefutable: but so, by its peculiar lights, is Hiss's relentless denial. Even I, who wish Alger Hiss nothing but the finest misfortune, was worn headsore with detail. Had Hiss confessed in 1949, he would in all

probability have gone free: and we with him. Thirty years later the nation is still punch-drunk from contention. I can handily assert that no public figure—no liberal public figure anyhow—will ever be indicted as a traitor again. We haven't the stamina for it.

Something happened then. Sun rot ate the weave of confidence. I wasn't there: and I'm not the only Seventies conservative who'd like to understand. Where did American certainty go? How does one people move with such bluff resolve from Joe McCarthy to Daniel Ellsberg: a pendulum swung clean off its hinge? "More than any other factor, Alger Hiss's conviction gave McCarthy and his supporters the essential touch of credibility, making their charges of Communist involvement against other officials headline copy instead of backpage filler." It was a moment brutally seized. I suppose, after so many New Deal years, you could fault no Republican or conservative for zeal that might, here and there, shade toward base opportunism. Hiss in jail could win elections. But it was—if not morally, then strategically—a catastrophic mistake. ". . . guilt over past radical associations and beliefs hung plainly on the shoulders of many of Hiss's critics in the literary and scholarly communities. To them the Case dramatized the failure of their own previous radical CP affiliations or flirtations with Stalinism. Their essays revealed the deep uncertainties of a penitential liberalism, the emergence of a new self-questioning .. ."

But not many men have a real aptitude for guilt: it's a dying trade. After a while antibodies in the mind rush out. For better or worse, American thought has been rough-hewn in this century by articulate Left-liberal folk. Most were in sympathy with Hiss at first, yet few were Party-line Communists and fewer still had the subversive strength of his convictions. Gullible, yes; foolish often, still. McCarthy and his supporters (I probaby would have been one) gave them no space for penance, just abject surrender. And they—intelligent, cohesive, media-wise, desperate finally—were the wrong people to corner. It was time for amnesty; some greatness of spirit. Hindsight, I know, and hard to enforce. But I know, as well, that Hiss's imprisonment eventually hurt the Right more than the Left.

Before Weinstein we spoke of a "rehabilitated" Hiss: campus lecturer, victim-hero, amateur innocent. But it wasn't Hiss, it was the groundsill of our thought that had undergone a drastic warp—thought "rehabilitated" by Left intellectuals in order to discharge their irritating post-Hiss guilt. It's a stark, almost unimaginable leap from McCarthy to Ellsberg: yet it occurred. In the process our concepts of espionage, of national security, of nation itself were put up for sale. Individual conscience is set today against national conscience: if, indeed, national conscience can be said to survive at all. In that sense *Perjury* is irrelevant, because Hiss is no longer on trial. Unable to spring Hiss, Left intellectuals indicted treason, the crime, in his stead. National loyalty, on which any operative definition of treason must depend, was made a distant second to personal conscience. There are no traitors now: just, well, men with differing points of view. In leak-ridden 1978, Alger Hiss would use, not Whittaker Chambers, but Jack Anderson as his courier to Moscow.●

PERSONAL STATEMENT

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. CARNEY. Mr. Speaker, on the afternoon of Thursday, May 18, 1978, and on Friday, May 19, 1978, the House of Representatives voted on amendments to, and on passage of, the "Alaska National Interest Lands Conservation Act," H.R. 39. Due to official business in my congressional district, I was unable to be present on the House floor for some of these votes. Had I been present, I would have voted "nay" on rollcall No. 336, and "yea" on rollcall No. 340.●

ARMSTRONG-KEMP AMENDMENT HELPS HALT IRS PLAN TO TAX EMPLOYEES' FRINGE BENEFITS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. KEMP. Mr. Speaker, for some time it has been very clear that the Internal Revenue Service has been and is planning to issue regulations requiring that all employees' fringe benefits be made taxable. I first helped bring this to the attention of the House last August. At that time I put forth a resolution together with Senator HATCH disapproving of this action with large bipartisan support which the Ways and Means Committee incorporated into legislation preventing the IRS from issuing such regulations before July 1, 1978.

Since the Ways and Means deadline is rapidly approaching the IRS has pressed forward with its plans. Since I believe that the Congress still needs more time to deal with this problem, Congressman BILL ARMSTRONG and I offered an amendment to the Treasury Department appropriation for fiscal year 1979 which was adopted and which would prevent the Treasury Department from using any funds for the implementation of regulations to include fringe benefits in gross income for tax purposes.

Although this is a temporary solution, both Congressman ARMSTRONG and myself are prepared to fight any effort by Treasury to tax fringe benefits. The reason for this is quite simple: it is nothing more than a backhanded effort to raise taxes on the working people of America without going through the Congress.

What are the major fringe benefits? They are such things as free parking spaces, travel passes for airline and rail employees, telephone discounts for telephone company employees, company run day-care centers for working mothers, subsidized meals in company cafeterias, free checking accounts for bank employees and discounts for employees in general. Although I would agree that such things are income, broadly defined, they have never previously been subjected to taxation and it is extremely unfair to suddenly subject them to taxation now after people have planned their financial affairs around them. It is well known, for example, that in recent years many union contracts have been emphasizing increases in fringe benefits above increases in wages during negotiations with management. Obviously this is because of the tax-free nature of such benefits. Thus if such benefits were made taxable it would, in effect, destroy the basis of almost every union contract in the country, leading to great hardship.

The following article from the Wall Street Journal summarizes some of the issues regarding fringe benefits and calls the Armstrong-Kemp amendment a setback to the IRS attempts to tax employees' fringe benefits.

HOUSE PANEL ACTS TO BLOCK TAXATION SOON BY THE IRS OF FRINGE BENEFITS AS INCOME

WASHINGTON.—The controversy over taxing fringe benefits is heating up again.

A key House committee has acted to block the Internal Revenue Service from issuing regulations anytime soon that would require certain fringe benefits to be taxed as income.

The House Appropriations Committee approved by voice vote an amendment to a routine Treasury Appropriations bill that would bar the Treasury Department from using money in the bill "to issue or administer regulations providing for the inclusion of fringe benefits not included as of July 1, 1978, in gross income."

The amendment, which was offered by Republicans William Armstrong of Colorado and Jack Kemp of New York, is designed to extend in effect a verbal agreement between the Treasury and the House Ways and Means Committee. Under that pact, the Treasury agreed that the IRS wouldn't issue final regulations before July 1.

Although it's uncertain whether the amendment will become law, the House panel's move is a setback for IRS Commissioner Jerome Kurtz. The IRS chief, who is out of the country and didn't comment on the action has pushed hard to tax fringe benefits.

"If Congress feels fringe benefits should be taxed, then Congress and not some administrative agency should act, "Rep. Armstrong said after his amendment was approved. Rep. Kemp declared: "The IRS proposals to tax fringe benefits will affect virtually every working American and will raise the real tax burden for each one by at least $240 per year."

As explained by one of Mr. Armstrong's aides, the amendment would be effective for a 15-month period—from July 1 through Sept. 30, 1979, when fiscal 1979 ends.

AMENDMENTS FUTURE UNCLEAR

The amendment will go to the House floor June 7. A congressional staffer said yesterday that it's "by no means assured that it will stay in the bill."

Mr. Kurtz has made his general views on the fringe benefit issue extremely clear. "The statute says all income is taxable, and I believe that's right," he said earlier this year. "I believe that's the way an income tax ought to be administered. And all income includes income in kind as well as in cash."

The IRS commissioner has noted that the tax code specifically exempts "the biggest fringe benefits"—group medical insurance, pension plans and group life insurance. Among the fringes that might be subjected to taxation under an IRS regulation are free plane rides for airline employes, free tuition for children of college teachers, free parking spaces in company lots, subsidized lunches in employe cafeterias and annual, company-provided medical exams.

INTENTIONS REMAIN OBSCURE

However, the exact intention of the IRS—if it is allowed to issue such a regulation—remains obscure. Mr. Kurtz said on CBS-TV's "Face the Nation" in late March:

"What I would like to do is to develop regulations which would carry out what the code says, but at the same time recognize that there are very difficult administrative problems. Many of these items are very small and aren't worth the trouble."

Mr. Kurtz's stated aim has been to issue fringe-benefit rules "in proposed form" sometime this summer. They would then be

available for public comment before being issued in final form.

In the closing days of the Ford administration, then-Treasury Secretary William Simon was prepared to decide whether fringe benefits should be taxed as income. But after a storm of protest from airline and other employes, he relented and issued a statement declaring that the Treasury Department was "no longer considering" taxing certain employe benefits as income.●

OBSERVATIONS ON THE CANADIAN HEALTH CARE EXPERIENCE

HON. CLAUDE PEPPER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. PEPPER. Mr. Speaker, the enactment of a national health insurance program is among the foremost goals of the Carter administration, and it certainly has been among my own highest priorities for many years.

The administration has indicated that we will have a proposed bill before the year is out, so action appears to be relatively imminent.

Considerations of national health insurance have time and again elicited comparisons to the Canadian health care program. I have felt it would be helpful to those of us who will be involved in the development and enactment of a health insurance program to better understand the Canadian system and to have the benefit of their experience in a matter which so deeply concerns all Americans.

Mr. Richard Lehrman, who serves with the Select Committee on Aging, which it is my privilege to chair, has prepared an excellent paper which explores the Canadian health care program, and I wish to have included, at this point in the RECORD, the first of four parts of this paper, which is entitled: "Observations on the Canadian Health Care Experience":

OBSERVATIONS ON THE CANADIAN HEALTH CARE EXPERIENCE

The Canadian experience with national health insurance has been a largely successful one. The keynote of its success is the accomplishment of the major goal of the health insurance program—the removal of financial barriers to medical care. With the advent of national medical coverage in 1966, in addition to the national hospital coverage enacted a decade earlier, Canada became the next-to-last major industrialized country to provide the population with a national health program.[1] The only such country that, to a great extent, leaves its population vulnerable to financial catastrophe as a result of medically incurred expenses, is the United States.

National health insurance as practiced in Canada provides some very crucial lessons for any similar program proposed for the United States. Canada provides for the medical needs of almost its entire population, while only the elderly, disabled, and the very poor are covered in America by Medicare and Medicaid. Yet, surprisingly, health expenditures as a percentage of Canada's GNP are actually lower than those of the United States.[2] Because of the similarities between Canadian and American government and society, as well as health care approaches, the Canadian health care system merits our consideration.

Despite the fulfillment of its major goal, the Canadian health care system is not without its deficiencies. The largest of these, cost control, plagues most countries that have a national health program. Yet, of five western industrialized countries with such a program, the United States, which does not have a national program, spent a greater portion of its Gross National Product than three, and was outspent only by Sweden and West Germany.[3] Thus, skyrocketing medical costs are not restricted to nations with national health insurance.

The causes of the accelerating cost increases in the Canadian Health Insurance Program appear to have their roots in the Federal-Provincial Cost-Sharing structure in effect until early 1977. The previously utilized structure accounted for the tendency of the system toward overinstitutionalization.[4] The former cost-sharing system also accounted for the maintenance of costly and unneeded facilities that served to make the system more vulnerable to the inflation of hospital and physician costs.[5] An offshoot of this phenomenon, that in turn helped to perpetuate it was the fostering of an attitude that the government is wholly responsible for a person's health.[6] This attitude, as well as the former financing structure, contributed to the numerous unnecessary medical procedures and duplicative hospital and clinic facilities. Finally, the politicized nature of National Health Insurance budget decisions often works at cross purposes with the goals of NHI.[7] What may be useful to an American version of National Health Insurance is an analysis of the deficiences, and the formulation of policies designed to avoid or correct them.

HISTORY

Canadian health care legislation owes its form and content to a constitutional division of powers between the provinces and the federal government, which generally reserves health care to provincial jurisdiction.[8] The scheme had its roots in the 1975 Federal-Provincial Conference on Post-War Reconstruction. The Conference proposed Federal-Provincial cost sharing to cover the expenses of hospital, medical, dental, pharmaceutical and nursing services for all Canadians.[9] The concept was accepted in principle; plans and construction grants were enacted.

From a similar concept of providing government-financed health care, the evolution of Health Care in Canada followed a parallel, but different progression from that of the United States. The United States began extending protection gradually to a host to benefit groups, that is, various segments of the population that have been defined as in need of attenion at the federal level.[10] These segments have been categorically defined (aged, veterans, poor, blind, disabled, federal employees) in terms of groups for whom there is a national obligation.[11] By contrast, Canadian national health care began with hospital coverage, followed a decade later by full scale coverage of physicians' charges.[12] This coverage extended to the entire Canadian population. The progression of health care coverage in Canada has special significance regarding the cost factor that will be discussed later below.

Although several provinces produced legislative initiatives aimed at broader coverage of their populations, only Saskatchewan actually proceeded on its own to adopt a "benefit" approach to the problem of financing of health services.[13] In 1974 a newly elected government began a hospitalization plan for all residents of the province financed by a combination of general tax revenues and compulsory premiums.[14]

By 1955, Alberta, British Columbia, Ontario, Newfoundland, and Saskatchewan had enacted "province wide hospital insurance schemes which both bailed hospitals out of financial hot water and proved very popular."[15] By early 1956, specific federal proposals for a shared cost program of health insurance to be introduced on a phased basis were placed before the provinces.[16] The first benefits were to provide for hospitalization and diagnostic services to the population as adopted province by province. The Hospital Insurance and Diagnostic Services Act was passed later that year, with the five provinces having signed agreements to participate.[17] The act provided for federal cost sharing at an average of 50 percent, depending upon the wealth of the province.[18] That is, the federal government share varied inversely with each province's per capita spending on covered medical services, the highest subsidy being about 80 percent.[19] By 1961, all provinces and territories had agreements adopting provincial health insurance programs plus federal cost sharing.[20] Thus, by this time, this basic group of benefits (hospitalization) was available to all Canadians.

The progression of health care coverage in Canada adheres to certain patterns. Constitutionally and traditionally, health and social programs are provincial responsibilities. The federal guidelines which do exist are general, and the provinces receive federal help merely by adhering to them. In social policy areas, several provinces will generally initiate programs with their own funds. Federal legislation assuring cost-sharing is developed once national consensus on the value of the program exists.[21]

New beneficiary approaches by Newfoundland and Labrador in 1957 and 1958 provided broad coverage for all children under 16 years of age. Continuing its pattern of heading the pack in health care, Saskatchewan implemented the Medical Care Insurance Act on July 1, 1962.[22] Alberta, British Columbia, and Ontario added benefits for selected beneficiary classes in the succeeding five years. However, the costs of health care began to rise at an ever-increasing rate.[23]

In 1964, a Royal Commission on Health Services was appointed at the national level to "inquire into the report upon the existing facilities and the future need for health services for the people of Canada and the resources to provide such services, and to recommend such measures, consistent with the constitutional division of legislative powers in Canada, as the Commissioners believe will ensure that the best possible health care is available to all Canadians."[24]

The Royal Commission Study, as the most important analysis of Canadian health services to date, provided the impetus for more recent developments. The most important of its recommendations—universal coverage for medical (as opposed to hospital) care—became the Canadian "Medicare" in 1966. The Canadian version of Medicare applied to almost the entire population. Thus by 1968 almost all Canadians were covered by a combination of hospitalization and physician benefits.

During the later 1960's, however, costs continued to soar. In 1968, the federal-Provincial Report on the Cost of Health Services "blew the whistle on mounting health care costs."[25] According to Vayda, "the federal government had no control over costs generated by the system—costs that increased far more rapidly than the growth of the Gross National Product. So, an increasing proportion of federal tax revenues . . . (went) . . . to pay for health care services."[26]

The Provincial governments, also dissatisfied with the increasing costs, instituted controls to constrain hospital budgets which included: refusal to budget for inpatient, outpatient, and or laboratory and radiology volume increases; moratoriums on physical plant construction or renovation; refusal to budget additional funds for new services; mandated bed closings; limiting salary increases which would be funded; ordering reductions in the budget base; and manipulating inflation projections.[27]

After a brief stabilization, prices began to rise again.[28] New modes of thought regarding cost control resulted—in effect declaring

Footnotes at end of article.

that perhaps the solution to the problem of rising costs was not a mere "tightening of the belt". In 1974, Marck Lalonde, the Minister of Canada Health and Welfare, authored a national report entitled "a New Perspective on the Health of Canadians".[29] The main thrust of the report was a new emphasis on the distinction between health services and medical services.[30] In a New Perspective, Lalonde, warns that Canadians cannot expect more medical care to make them healthier.[31]

The principal underlying factors in the causes of early deaths (motor vehicle accidents, heart disease, lung cancer and suicide) are (1) self imposed risks, and (2) the environment.[32] In effect, the Lalonde report states that it is wasteful for the government to continue paying hospital and doctor bills without taking action to prevent some of these costs by cleaning up the environment and by trying to change lifestyles.[33]

Thus, the focus of cost-control measures turned to prevention, as well as giving provincial administrators incentives to cut costs by curtailing the building of newer hospitals as well as closing some of those already builtin measures which were politically unpopular. Due to the decentralization of health care in Canada, however, the federal government could not intervene directly in the provincial organization or management of health care services in an effort to hold down costs. Therefore, the Federal Government utilized the only mechanism in its power for controlling cost. In 1975, Canada notified the provinces that existing cost-sharing under the Hospital Insurance and Diagnostic Services Act would be terminated within five years.[34]

The new law that governs federal contributions to the cost of provincially operated hospital and medical care insurance plans, as well as extended health care benefits, was enacted in late 1976. Parliament passed Bill C-37, culminating years of negotiations between Canada and the provinces. The new financial arrangements under the bill addressed a few of the cost-related concerns associated with National Health Insurance previously, and should be of some interest regarding any considerations in the United States.

Comemncing April 1, 1977, federal contributions to the established programs of hospital insurance, medical care, and post-secondary education were no longer directly related to provincial costs but take the form of tax credit transfers to the provinces, associated equalization, and cash payments.[35] As contrasted to the former cost sharing, the tax credits are unrelated to the cost of care in a particular province.[36] At the outset the cash payments approximate the value of the tax credits, and are in the form of per capita payments, based on federal contributions for the programs in fiscal year 1975-76. However, these per capita payments will be escalated yearly in accordance with changes in the Gross National Product, and adjusted gradually over time so that all provinces at the end of five years will be receiving equal per capita cast contributions.[37]

In addition, Bill C-37 provides for extended health care services, in an effort to provide the provinces with financial assistance towards the cost of lower-cost alternatives to the insured services covered under the Hospital Insurance and Medical Care programs. In short, new emphasis toward provincial accountability, prevention, and alternatives to expensive hospital and physician care are the basics of the recent effort aimed at controlling the cost of Canada's health care program.

FOOTNOTES

[1] Lee, Dr. Sidney S. M.D. "Health Insurance in Canada—An Overview and Commentary" *New England Journal of Medicine*, 290:713-716, 1974.

[2] Marmor, Theodore R. and Tenner, Edward "National Health Insurance: Canada's Path, America's Choices" *Challenge*, p. 21 May-June 1977.

[3] Hollobon, Joan excerpts from Encyclopedia Britainnica's 1977 Medical and Health Annual in *Perspective*, p. 17 Summer 1977.

[4] From correspondence between Mr. Pierre Glavelle, Asst. Deputy Minister of the Health Programs Branch, Canada Health and Welfare Ottawa, Ontario, and Representative Claude Pepper, Chairman, U.S. House of Representatives Select Committee on Aging. Henceforth referred to as "H & W, Canada".

[5] Vayda, Dr. Eugene M.D. "When it comes to Health Care Financing, What Can We Learn From Canada?" *Perspective*, pp. 13-14. Summer 1977.

[6] Nelson, Harry "Canada's Health Insurance Offers Lessons for U.S." in the *Los Angeles Times* November 29, 1974.

[7] "Government Controls on the Health Care System: The Canadian Experience," Summary of Vol. I of a report by Lewin and Associates Commissioned by the Health Resources Administration.

[8] Marmor, p. 15.

[9] Vayda, p. 13.

[10] Lee, p. 713.

[11] Ibid.

[12] Marmor, p. 13.

[13] From Gerber, S. M., and Taylor, M. G., *The Administration of Health Insurance In Canada*, Oxford University Press, Toronto, 1956.

[14] Gerber and Taylor.

[15] Vayda, p. 13.

[16] Lee, p. 713.

[17] Vayda, p. 13.

[18] Marmor, p. 15.

[19] Ibid.

[20] Vayda, p. 13.

[21] Lewin Report Summary.

[22] Lee, p. 714.

[23] Marmor, p. 16.

[24] Hastings, D. "Toward A National Health Program: The Canadian Experience" *New York Academy of Medicine Bulletin* Vol. 48 pp. 66-67, 1972.

[25] Vayda, p. 14.

[26] Ibid.

[27] Lewin Report Summary, p. 9.

[28] Ibid.

[29] Harry Nelson.

[30] Marmor, p. 21.

[31] Ibid.

[32] Ibid, p. 15.

[33] Harry Nelson.

[34] Vayda, p. 15.

[35] H & W, Canada.

[36] Vayda, p. 15.

[37] H & W, Canada.●

PERSONAL EXPLANATION

HON. DAVID L. CORNWELL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. CORNWELL. Mr. Speaker, on Thursday and Friday, May 18 and 19, 1978, I was unavoidably absent from the House. Had I been present, I would have voted on matters coming before the House relating to H.R. 39, the Alaska National Interest Lands Conservation Act, as follows:

"Yea" on rollcall No. 330; "nay" on rollcall No. 335; "nay" on rollcall No. 336; "nay" on rollcall No. 338; "nay" on rollcall No. 339; and "yea" on rollcall No. 340, final passage of the bill.●

KAUNDA'S PEACE PRIZE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. McDONALD. Mr. Speaker, as soldiers of the French Foreign Legion parachuted into action in the Zairian copper town of Kolwezi on Friday, May 19, 1978, the man from whose country the attack was launched, Kenneth Kaunda, President of Zambia, was in Atlanta, Ga., to receive the Martin Luther King Peace Prize and to attempt to justify guerrilla wars of invasion against southern African countries on the incomprehensible grounds of "self-defense." In the context of the terror invasion of Kolwezi, unchecked if not actually supported by Kenneth Kaunda, sometimes known as the gentle giant of Africa, the words of Atlanta Mayor Maynard Jackson were particularly inappropriate, "We all can learn by his example the importance of resisting the forces of violence and hatred that still plague us throughout the world."

Two days earlier, the Domestic Zambian radio service carried an editorial comment on the Zaire invasion based on the statements of President Kaunda. Said the broadcast:

> * * * the civil war is most agonizing in that we are being dragged into something over which we know nothing about and over a people we have no concern. This is more so when it is reported that the rebels launched their attack on Shaba province (Zaire) from Zambia. * * *.
>
> What is also common knowledge is that Zambia has been concentrating all her forces on the border with Rhodesia, because Rhodesia is the common enemy of both Zambia and Zaire. Everyone also knows that the border with Zaire is so vast that even if we had the manpower to seal it, it would not succeed. It must be because of that the rebels must have chosen Zambia from where to launch their attack on Shaba province, knowing they would not be detected and barred by Zambian forces.

This facile excuse does not hold water. Kenneth Kaunda, who has ruled Zambia since it was given independence by the British in 1964 and who rules a one-party dictatorship—he outlawed the opposition party in 1972—has moved into close alliance with the Soviet Union's Africa policies during the past several years. Kaunda's principal political adviser has been widely reported in the European press to be the Soviet Ambassador in Lusaka, Solodatinov, the KGB's chief African affairs expert. Zairian President Mobutu has charged that the invading forces of the National Congolese Liberation Front—FNLC—led by Col. Nathaniel Mbumba, were accompanied by two companies of Cuban troops with Soviet advisers, and that they prepared for the raid in Angola. It is inconceivable that the Soviets would not have informed their Zambian ally of the mounting of the invasion so that excuses of "plausible deniability" could be prepared in advance.

Does not this coverup of Zambia's tacit support for the Cuban-trained FNLC

terror gangs make a mockery of Kuanda's statement in Atlanta that:

Man can conquer by love. This must start with the recognition and acceptance of human rights as the principal road to peace.

The Zambian President followed his speech by leading the capacity crowd in singing the Zambian liberation anthem, "Tiyende Pamodzi"—Let's Go Forward Together—which is performed with clenched fist salutes. The emotion of the occasion appears to have nearly overcome President Kaunda who was accompanied during the awarding of the Martin Luther King Peace Prize by the U.S. Ambassador to the U.N., Andrew Young; by former Atlanta mayor Ivan Allen; Mayor Maynard Jackson; Mrs. Coretta Scott King and by other dignitaries from Atlanta. Kaunda was reported to have twice during his speech paused for long periods of time to compose himself and wiped tears from his eyes.

At this point it is appropriate to consider the purpose of the terror raid on Kolwezi by the Cuban-trained FNLC which clearly did not have the strength to permanently hold either Shaba Province or Kolwezi.

Operation Dove, as the terror invasion was dubbed by its Cuban military planners, was designed to disrupt and close down the copper mines and refineries located in Kolwezi. These refineries process about 75 percent of the copper and 95 percent of the cobalt mined in Zaire. Additionally, the Metalkat facility in Kolwezi produces all of Zaire's cadmium and zinc, and 65 percent of the Free World's supply of cobalt, a strategically vital mineral for heat-resistant alloys, comes from that province.

The terrorism against the families of the Belgian, French, and other European technicians was designed to drive out all those not slaughtered by the FNLC gangs. This has apparently been successful since many of those evacuated have said they will not go back to Zaire and again place their families in jeopardy. Since Zaire's economy is almost entirely dependent on exports of those minerals, the Cuban-Soviet "Operation Dove" terror raid has struck a dangerously severe blow at the pro-Western government of President Mobutu.

With the Kolwezi copper mines and refineries in a shambles, where are the next available sources of supply. Just coincidentally, perhaps, Kenneth Kaunda's Socialist economy is also dependent on copper exports. Dissatisfied with the amounts of his subsidies from British and American taxpayers while he plays political football with the Soviet Union in southern Africa, Kaunda has been pressing for large increases in aid and prices of copper. But Zambian copper had a Zairian competitor. But thanks to his Soviet and Cuban allies, Kaunda has no more competitors in Zaire. For permitting his country to be used as the staging area for the terror raid on Kolwezi, Kaunda reaps vast economic benefits and the Soviet Union achieves a vast political blow against the pro-Western government of a strategically vital nation.

Doubtless after Kolwezi, Kenneth Kaunda is now qualified for the Lenin Peace Prize.●

ALBERT ALLENBACK

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. BYRON. Mr. Speaker, I would like to take this opportunity to honor the memory of a Washington County resident and highly respected citizen of Smithsburg, Mr. Albert Allenback.

Certain individuals touch the lives of people around them with great influence, and Al Allenback was a moving force in his community and State. It is with a great sense of personal loss that I note his passing.

Mr. Allenback was the executive director of the Community Action Council and president of the Community Services Council, and was very dedicated to the interests of social service organizations such as the Boys' Club, the Commission on Aging, and the Southeastern Washington County Health Center.

Although Mr. Allenback's contributions are too numerous to list here, his services will long be remembered and appreciated. He will be greatly missed by his wife, Wanda, family, friends, and coworkers. I know you will join me in extending the official sympathies of the House in honor of this unselfish and dedicated American.●

ALASKA LANDS—H.R. 39

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. WINN. Mr. Speaker, my absence in the House of Representatives on Friday, May 19, prevented me from participating in the vote on final passage of H.R. 39, the Alaska National Interest Lands Conservation Act. Several longstanding commitments in my congressional district on the 19th could not be changed or canceled when it became apparent that the House would be unable to conclude the business of H.R. 39 on Thursday, May 18. For the record, I requested to be "paired" in favor of H.R. 39. Had I been present in the House on Friday, my position would have been recorded as "yea" in support of this legislation.●

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT, H.R. 39—REMARKS

HON. JIM GUY TUCKER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1978

● Mr. TUCKER. Mr. Speaker, on Friday, May 19, 1978, I was unavoidably absent from the House during the consideration of the Alaska National Interest Lands Conservation Act, H.R. 39. Had I been present, I would have voted "nay" on rollcall No. 339, on a motion to recommit the bill, and "yea" on rollcall No. 340, final passage of the bill.

I consider this bill, which preserves some 102 million acres of our last frontier, a balanced and reasonable attempt to insure that our children and their children can benefit from the spiritual and material riches of Alaska. I believe H.R. 39 is one of the most significant conservation measures on our era.●

SENATE COMMITTEE MEETINGS

Title IV of the Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committees scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, May 25, 1978, may be found in Daily Digest of today's RECORD.

MEETINGS SCHEDULE

MAY 26

10:00 a.m.

Banking, Housing and Urban Affairs.

To continue hearings on S. 2716, the Interstate Land Sales Full Disclosure Act Amendments.

5302 Dirksen Building

*Foreign Relations

To meet in closed session to receive a briefing by Secretary of State Vance on the status of SALT discussions.

S–116, Capitol

JUNE 5

10:00 a.m.

Banking, Housing, and Urban Affairs.

To resume hearings on S. 72, to restrict the activities in which registered bank holding companies may engage, and to control the acquisition of banks by holding companies and other banks.

5302 Dirksen Building

JUNE 6

9:30 a.m.

Environment and Public Works

To mark up S. 1493, to provide financial and technical assistance to States, local governments, and Indian tribes to manage impacts caused by energy development.

4200 Dirksen Building

Judiciary

To hold hearings on the nomination of Shane Devine, to be U.S. district judge for the district of New Hampshire.

2228 Dirksen Building

Energy and Natural Resources
To resume hearings on S. 499, 1500, 1546, 1787, and 2465, to designate or add certain lands in Alaska to the National Park, National Wildlife Refuge, National Wild and Scenic Rivers, and National Wilderness Preservation Systems.
3110 Dirksen Building

JUNE 7

9:30 a.m.
Environment and Public Works
To hold hearings on a proposed Nashville, Tenn., public building prospectus.
1318 Dirksen Building
Judiciary
To hold hearings on the nominations of Philip B. Heymann, of Massachusetts, to be an Assistant Attorney General, Department of Justice, and Mary Johnson Lowe, to be U.S. district judge for the southern district of New York.
2228 Dirksen Building
Judiciary
Juvenile Delinquency Subcommittee
To hold hearings jointly with the Human Resources Subcommittee on Alcoholism and Drug Abuse on S. 2778, and other proposals, to tighten controls on and increase penalties for the manufacture and distribution of the drug PCP (angel dust).
4232 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 22, to remove statutory and regulatory restrictions on broadcasters operation under the Communications Act of 1934.
235 Russell Building
Environment and Public Works
Environmental Pollution Subcommittee
To mark up S. 2900, proposed Oil Spill Liability Fund and Compensation Act.
4200 Dirksen Building
Governmental Affairs
Federal Spending Practices and Open Government Subcommittee
To hold oversight hearings on the Government in the Sunshine Act (P.L. 94–409).
3302 Dirksen Building

JUNE 8

10:00 a.m.
Banking, Housing, and Urban Affairs
To mark up S. 50, the Full Employment and Balanced Growth Act.
5302 Dirksen Building
Environment and Public Works
Environmental Pollution Subcommittee
To continue markup of S. 2900, proposed Oil Spill Liability Fund and Compensation Act.
4200 Dirksen Building
Rules and Administration
To resume hearings on S. 2 and 1244, to require periodic reauthorization of Government programs.
301 Russell Building

JUNE 9

10:00 a.m.
Environment and Public Works
To continue markup of S. 2900, proposed Oil Spill Liability Fund and Compensation Act.
4200 Dirksen Building

JUNE 13

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 747, H.R. 8729, and H.R. 11986, proposed Aircraft and Airport Noise Reduction Act.
235 Russell Building

JUNE 14

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on S. 747, H.R. 8729, and H.R. 11986, proposed Aircraft and Airport Noise Reduction Act.
235 Russell Building
Human Resources
To hold hearings on S. 2910, proposed Adolescent Health, Services, and Pregnancy Prevention and Care Act.
4232 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 864, to reduce the radio frequency interference with home entertainment products.
155 Russell Building
Rules and Administration
To mark up S. 2, and 1244, to require periodic reauthorization of Government programs.
301 Russell Building

JUNE 15

10:00 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2981, to provide for the expansion of the category of rail lines eligible for rehabilitation, deferred maintenance, and various alternative facilities.
1202 Dirksen Building
Human Resources
Health and Scientific Research Subcommittee
To mark up S. 2755, the Drug Regulation Reform Act.
4232 Dirksen Building
Judiciary
Citizens and Shareholders Rights and Remedies and Administrative Practice and Procedures Subcommittees
To resume joint hearings on S. 2117, to expand the basis upon which the U.S. can be held liable for the conduct of its employees under the Tort Claims Act.
5110 Dirksen Building

JUNE 16

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on S. 747, H.R. 8729, and H.R. 11986, proposed Aircraft and Airport Noise Reduction Act.
235 Russell Building
Veterans' Affairs
Housing, Insurance, and Cemeteries Subcommittee
To hold hearings on S. 1643 and H.R. 4341, to eliminate the requirement for inspections of the mobile home manufacturing process by the VA, and S. 1556, authorizing funds through FY 81 to assist States in establishing and maintaining VA cemeteries.
Room to be announced

JUNE 19

10:00 a.m.
Banking, Housing, and Urban Affairs
Rural Housing Subcommittee
To hold oversight hearings on the impact of solar energy on rural housing.
5302 Dirksen Building

JUNE 20

9:30 a.m.
Environment and Public Works
Resource Protection Subcommittee
To hold hearings on the environmental impact aspects (section 5) of S. 3077, proposed Export-Import Bank Act Amendments.
4200 Dirksen Building
Select Small Business
Monopoly and Anticompetitive Activities Subcommittee
To resume hearings on the Federal Government patent policy.
424 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Rural Housing Subcommittee
To continue oversight hearings on the impact of solar energy on rural housing.
5302 Dirksen Building
Human Resources
Health and Scientific Research Subcommittee
To resume mark up of S. 2755, the Drug Regulation Reform Act.
4232 Dirksen Building

JUNE 21

9:30 a.m.
Select Small Business
Monopoly and Anticompetitive Activities Subcommittee
To continue hearings on the Federal Government patent policy.
424 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Financial Institutions Subcommittee
To hold hearings on H.R. 10899, the International Banking Act.
5302 Dirksen Building
Environment and Public Works
Resource Protection Subcommittee
To hold oversight hearings on the Resource Recovery and Conservation Act (PL 94–580).
4200 Dirksen Building
Human Resources
Health and Scientific Research Subcommittee
To continue mark up of S. 2755, the Drug Regulation Reform Act.
4232 Dirksen Building

JUNE 22

10:00 a.m.
Banking, Housing, and Urban Affairs
Financial Institutions Subcommittee
To continue hearings on H.R. 10899, the International Banking Act.
5302 Dirksen Building
Environment and Public Works
Resource Protection Subcommittee
To continue oversight hearings on the Resource Recovery and Conservation Act (P.L. 94–580).
4200 Dirksen Building

JUNE 23

9:00 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To hold hearings on S. 2857, proposed Customs Courts Act.
4232 Dirksen Building

JUNE 26

9:30 a.m.
Select Small Business
Monopoly and Anticompetitive Activities Subcommittee
To resume hearings on the Federal Government patent policy.
318 Russell Building

JUNE 27

9:00 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To resume hearings on S. 2857, proposed Customs Courts Act.
4232 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, May 25, 1978*

The House met at 10 o'clock a.m.

The Reverend Harold Council, Southland Baptist Temple, Paducah, Ky., offered the following prayer:

Our Father, we thank Thee for this great privilege to call upon Thy holy name through our precious Lord and Saviour Jesus Christ.

We knowest that Thou doth govern in the affairs of men. Thou knowest our needs and how inadequate we feel ourselves to be in the presence of a troubled world and the challenges of this hour.

O Lord, help each of us, and especially the Members of this body, its officers and its servants, to see the right and to do the right under Your divine direction.

Make Thy will and Thy way clear to each of us this day and every day.

We ask this in the name of our Lord and Saviour Jesus Christ. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

THE REVEREND HAROLD COUNCIL

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, Rev. Harold Council, who led our invocation today, is an outstanding minister and pastor and a longtime close friend of mine.

Harold Council organized the Southland Baptist Temple of Paducah, Ky., in December 1953 with 53 members. He is still the successful pastor of that now famous church which has more than 3,100 members, a huge sanctuary which seats 2,500, has 17 acres of land, with the total property of the church being valued now at $1.5 million.

Harold Council is a hard-working, effective pastor. He has led a radio ministry over WKYX radio station in Paducah for the past 25 years.

Southland Baptist Temple maintains a State-accredited Christian school with classes from kindergarten through high school. The ministry of the church also includes a Christian day care center. It is a real pleasure for me as their Congressman to have visiting with me today Pastor Harold Council and his lovely wife, Sue.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10569. An act to amend the Alcohol and Drug Abuse Education Act to extend the authorizations and appropriations for carrying out the provisions of such Act, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the Senate amendment to a bill of the House of the following title:

H.R. 8423. An act to amend titles II and XVIII of the Social Security Act to make improvements in the end stage renal disease program presently authorized under section 226 of that Act, and for other purposes.

The message also announced that Mr. DECONCINI be an additional conferee, on the part of the Senate, on the bill (S. 1633) entitled "An act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes."

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 89. Concurrent resolution authorizing the printing of additional copies of volume II of the Senate hearings entitled "Korean Influence Inquiry."

CALL OF THE HOUSE

Mr. FINDLEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. FINDLEY. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 373]

Allen	Dickinson	Nolan
Ambro	Diggs	Nowak
Anderson, Ill	Dingell	Pike
Andrews, N.C.	Dodd	Pressler
Andrews, N. Dak.	Dornan	Rhodes
	Drinan	Risenhoover
Applegate	Edwards, Okla.	Rodino
Archer	Flippo	Roncalio
Armstrong	Ford, Mich.	Rose
Ashley	Ford, Tenn.	Rosenthal
AuCoin	Garcia	Runnels
Badham	Gibbons	Sarasin
Baucus	Goldwater	Scheuer
Beard, Tenn.	Goodling	Shipley
Beilenson	Harrington	Shuster
Blouin	Harsha	Simon
Bolling	Heckler	Staggers
Bonker	Holland	Steiger
Breckinridge	Jacobs	Stokes
Brodhead	Kasten	Teague
Brown, Calif.	Kazen	Thompson
Broyhill	Kemp	Thornton
Burke, Calif.	Keys	Treen
Burton, John	Krueger	Tsongas
Burton, Phillip	Lott	Tucker
Chisholm	McCloskey	Udall
Clawson, Del	McDonald	Wiggins
Clay	McKay	Wilson, C. H.
Cochran	Markey	Wilson, Tex.
Conyers	Milford	Young, Alaska
D'Amours	Miller, Calif.	Young, Tex.
Dellums	Moorhead, Pa.	
Dent	Murphy, N.Y.	

The SPEAKER. On this rollcall 338 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

TRIBUTE TO BOB HOPE ON HIS 75TH BIRTHDAY

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. FINDLEY) for a long minute, and the Chair would request the Members to ask the gentleman to yield. That will be the procedure.

Mr. FINDLEY. Mr. Speaker, today is the 75th birthday celebration of Bob Hope, the greatest humorist of this century. But we are not celebrating just Mr. Hope's humor today. Instead, we are taking this time to express our deep gratitude on behalf of the American people for his consistent willingness over the years to contribute countless hours serving his country and worthy charities.

Most appreciated is Bob Hope's entertainment of U.S. military personnel. During World War II and the Korean conflict he traveled more than a million miles to entertain over 10 million servicemen and women in appearances at nearly every U.S. overseas military base.

For 22 Christmases, between the years of 1948 and 1972, while most of us enjoyed our homes and families, Bob Hope was overseas, entertaining those who could not be home for Christmas because they were serving their country in military uniform.

Bob Hope bridges generations—lots of them. He is indestructible.

We can have our children with us when we watch a Bob Hope movie or television show and never have an embarrassing moment. His work is always in good taste. He is a great physician. He has eased the pain of inflation and taxes, something no Member of this House has ever done. He never hurt anyone, except when we laughed too hard. Christmas away from home, whether in the cold reaches in Germany during World War II or the sweltering heat of Vietnam years later, was still enjoyable and memorable to millions of American men and women because Bob Hope was there.

Fortunately, at age 75 Bob Hope shows little sign of slowing down. Last year he performed on stage 126 times, spent 50 days rehearsing and taping television shows, appeared on 27 television talk shows, played golf 36 times for charities, and made numerous other appearances. He has traveled by air over 8 million miles, and, in typical good humor, he estimates that his luggage has traveled over 10 million miles.

At some distant time—perhaps 100 years from now after he hangs up his shoes—no doubt the American people will build a memorial to Bob Hope. For now we pause to salute you in the midstream of your career. This is an occa-

sion for us. You have lifted our hearts and spirits for over 50 years. We look forward eagerly to the next 50.

The procedure this morning is one in which I ask the Members' cooperation. I will put most of my thoughts about Mr. Hope in the RECORD. I will yield to those who would like to express a sentiment, and I would hope that each would keep his or her remarks short. I will ask unanimous consent that all Members may revise and extend their remarks, so the Members do not have to repeat those words, even once, this morning.

GENERAL LEAVE

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent that I may be permitted to revise and extend my remarks on the subject of this tribute to Bob Hope on his 75th birthday, that all Members may be permitted to revise and extend their remarks, and that they may have 5 legislative days in which to do so.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SCHULZE. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Pennsylvania.

Mr. SCHULZE. I thank the gentleman for yielding.

Mr. Speaker, it gives me great pleasure today to join the gentleman from Illinois (Mr. FINDLEY) and my many colleagues in honoring one of our Nation's finest citizens, Bob Hope, on this special occasion, his 75th birthday.

It is a tribute to those of us here today that Bob Hope has chosen to share this special occasion with us, the Representatives of the Government which he has served so well for so long.

Twenty-five years ago Adlai Stevenson described patriotism in this way:

> What do we mean by patriotism in the context of our times? A patriotism that puts country ahead of self, a patriotism which is not short, frenzied outbursts of emotion, but the tranquil and steady dedication of lifetime.

Who better embodies that spirit of patriotism than the man we honor here today, Bob Hope.

Bob Hope has always put his country ahead of himself, and ahead of his family. He spent 22 years entertaining our troops around the world at Christmastime and has spent countless of hours working on behalf of the USO and other charitable organizations. He has received innumerable awards here and abroad for his humanitarian efforts. He is the most decorated civilian in the United States and yet we really can not thank him enough.

Bob Hope lives a lesson from which we all have a great deal to learn. His steady dedication to the ideals which made America great. And his belief that, and I quote:

> America is going to be here long after we're gone if we treat it right.

Make me believe that words are not enough. Bob Hope is America. So let me merely close by saying, thank you Bob, from all of us, and happy birthday.

Mr. FINDLEY. I thank the gentleman for his remarks.

Mr. Speaker, I want to mention, also, that immediately after the tributes here today to Bob Hope, Mr. Hope and his family will be in the Rayburn reception room across the aisle. This occasion must be limited to Members only, because of the limited space available; but he will be there, and we hope and expect that he will have a few remarks to make and give each of us a chance to meet him personally with a handshake and his words and contributions.

Also, Mr. Speaker, during that occasion there will be presented to him, on behalf of all of us, a plaque which is now here in case any of the Members would like to take a look at it, expressing the text of the resolution introduced, but, of course, not adopted by the House, expressing our sentiments and gratitude and good wishes.

Mr. Speaker, I yield to the majority leader, the distinguished gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, I thank the gentleman for yielding.

I would like to say on behalf of many of us in this Chamber as well as on behalf of many thousands of our countrymen who first saw and heard Bob Hope in places as farflung as Saipan and Salerno, "Thanks for the Memory."

I would not want to suggest that Bob Hope has been entertaining American troops for a long time, but it seems only fair to report that there is no other entertainer in America who has fan letters from Lexington and Concord.

Nor would I want to leave the impression that Bob is getting old, but the first time he was entertained by Washington, George said——

Actually I am only kidding. Bob Hope in fact was born in London and came here at an early age. It was England's way of getting even for the Revolution.

But Bob liked America, and Americans loved Bob; and soon, because of his great talent and lilting humor, he became rich and famous. I really would not want to say rich; but if Bob Hope ever moved back to England and started paying his taxes there instead of here, the American Government would have to go on a half-day week.

So, Bob, for all of us who have come to love you and appreciate the humor and the laughter which you have injected into our society, we thank you—because laughter is the safety valve of any free society.

We in the Congress especially thank you for helping us to laugh at ourselves. We had darn well better. It we did not, we would be the only ones in America who were not.

Mr. FINDLEY. Mr. Speaker, I yield to the gentleman from Ohio (Mr. GUYER).

WHERE THERE'S HOPE, THERE'S LIFE

Mr. GUYER. Mr. Speaker, God in His infinite wisdom, knowing that the people He created would often be downcast, despondent, and discouraged, got a great idea—He made Bob Hope.

Bob Hope is sunshine personified, motivation glorified, and humanity edified. He taught this world to be less concerned about our standard of living, but more concerned about our standard of giving.

While we were lighting our Christmas trees, Bob was on the other side of the world, lighting the hearts, faces, and spirit of thousands of scared, lonely, homesick service men and women who often wondered if anybody cared.

When others were down on America, Bob was up on it. He made us glad to be alive, grateful to be born, and eager for each tomorrow.

Though showered with hundreds of honors, he proved that while it is nice to be important, it is more important to be nice. He walked with kings but never lost the common touch.

My father used to say: "Post mortem eulogy will never atone for ante mortem neglect." Well sir, today is Bob Hope's day. Wherever there is Hope, there is idea—He made Bob Hope!

Bob Hope electrified the world with the lifter of laughter, is one of the greatest brothers for others, is a magnificent salesman of happiness, missionary of mirth, clown, prince of patriots, and the world's ambassador of good will. God bless him and his family

Mr. FINDLEY. Mr. Speaker, I now yield to the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, as my colleagues know, I have the privilege of representing the congressional district in which the University of Notre Dame is located. I remember very well, therefore, how over a period of many years Bob Hope has from time to time visited that university and has entertained the people of my own midwestern community.

I have, like most of my colleagues of my generation, grown up on the "Road" pictures, and regard them still as one of America's great contributions to modern humor.

I have another recollection of Mr. Hope, however, that I am sure is unique. As a high school student in South Bend, I worked as a waiter at a country club where Mr. Hope used to come to play golf, and I remember that on one occasion I served Mr. Hope the broccoli, but, Mr. Speaker, Bob Hope has been serving us fine wit and good humor for many years now and I hope, speaking on behalf of the people of my district, that he will continue to do so for many years to come.

Mr. FINDLEY. Mr. Speaker, I yield now to Bob Hope's representative in the House, the gentlewoman from California (Mrs. PETTIS).

Mrs. PETTIS. Mr. Speaker, I do not believe there is anyone in the civilized world—or uncivilized, for that matter, who does not know Bob Hope. I have the privilege of being his Representative in Washington, as was my husband before me, and we always treasured the few encounters we had with this widely traveled, beloved, incredible American. We all know how often he entertained our servicemen over the years on many a makeshift stage at many a cheerless

outpost and brought them the priceless gift of laughter, and the needed assurance that somewhere life was still joyful and good and without fear.

For this gallantry alone he is remembered across the Earth, and for countless other efforts for mankind. In my congressional district, in which he and his lovely wife Dolores live, he has lent his support to a myriad of desert activities—the Eisenhower Medical Center, the Desert Museum, to mention the barest minimum, and the Bob Hope Air Force Association annual golf tournament, which quietly sends the major part of its proceeds to the new Veterans Hospital at Loma Linda "to do those things which rules and regulations make difficult or impossible for an agency of the Government."

Today, on his 75th birthday, I wish him the joy and delight he gives so many others, and thank him from the bottom of my heart for his dedication to doing "those things which rules and regulations make difficult or impossible * * *." He knows that sometimes those difficult or impossible things are the difference between happiness and anguish, between life, and death.

Mr. FINDLEY. Mr. Speaker, I yield to the gentlewoman who represents Bob Hope's old hometown, the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Speaker and Members, as a native Clevelander I am honored to stand in tribute to Bob Hope, who was raised in my home city of Cleveland and is indeed Cleveland's favorite son.

Mr. Hope, it was on your 71st birthday that I was privileged, as a member of Cleveland City Council, to present a resolution to you in Cleveland. Today, on your 75th birthday, to you as an international goodwill ambassador we say from the bottoms of our hearts from Cleveland, Ohio, thank you, Bob Hope. Thanks for all the memories that you have given to us. Thanks for sticking by the Cleveland Indians through thick and thin.

You have always been synonymous to us with Santa Claus for all of the kinds of efforts and the Christmases you have given to the Armed Forces on far off shores. It is you who has taught us all that both Christmas and our lives should be time giving.

One of my former students who traveled to Vietnam with your troupe as a member of the Gold Diggers, an entertainment group, experienced Bob Hope's humanitarianism. Bob knew that this young lady had a brother who was on the front line in Vietnam, and he made sure that she got to see her brother, and also made sure that the brother, who was in the service, could spend some time with his sister. Shortly after they left Vietnam the young man was injured in battle. He spent months in the hospital, but he was sustained by being able to recall the fond memories of Bob Hope and his sister's visit to Vietnam.

You are more than the Will Rogers of today. You are the one and only Bob Hope whose name—and example—gives all of us hope. Happy birthday to you and your lovely wife Dolores. May you have many more. Clevelanders are very proud of you, Bob. Come home soon.

Mr. FINDLEY. Mr. Speaker, I want to say those who express their remarks in one or two sentences will have an extra star in their crown.

I yield to our assistant floor leader, the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Speaker, I thank the gentleman for yielding.

I am going to violate the House rules for that one sentence and address a comment on our distinguished guest, Bob Hope

The SPEAKER. The gentleman is aware of the rules.

Mr. WYDLER. I am aware of the rules.

On behalf of the people in my district, Bob, and on behalf of the people in America just this one sentence sums up our feelings toward you, and that is: "Thanks for the Memories."

Mr. FINDLEY. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Speaker, it is against the rules of the House to sing in the House, so I would just like to take the song "Thanks for the Memories" and recite a parody I have written around it and just address it to our guests today. In doing so I am saving the Members, I am sure, a little bit of strain on their ears.

Thanks for the memories,
You've gave us through the years
Brought us smiles and tears,
How as G.I.'s you cheered us guys,
And chased away our fears,
How lovely it was.

Thanks for the memories,
Of golf with Tip and Ford,
None of us ignored,
It sure took guts to sink those putts,
Which showed how well you scored,
How lovely it was.

With the Republicans at the White House you've feasted
With the Democrats at the White House you fasted
Oh, it was swell while it lasted,
Now Carter's here,
Serving Billy Beer.
And thanks for the memories,
Of road trips that were fun,
That kept Bing on the run,
We're very glad you got to make,
The road to Washington,
We thank you so much.

Mr. FINDLEY. Mr. Speaker, the gentleman from Massachusetts now is qualified as the poet laureate of this institution.

Mr. Speaker, I yield to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I appreciate having this opportunity to express, along with my colleagues, my appreciation for the unselfish service which Bob Hope has rendered to our country. He has, as we are all aware, traveled millions of miles to entertain our troops wherever they were stationed, regardless of the personal risks involved. However, providing shows for our troops was just the beginning.

Bob Hope has shown himself to be a true humanitarian. Whenever he was not performing for the troops on stage, he was visiting those who could not come because they were confined to a hospital bed. All of this was done, in addition to pursuing an extremely successful professional career and raising a family.

Once again, I would like to express my most sincere thanks to Bob Hope for providing, of his own free will, an invaluable and irreplaceable service to his country.

Mr. FINDLEY. Mr. Speaker, will those who would like to say something please stand, so I can see the size of the problem?

Mr. Speaker, I implore each Member just to say one sentence.

I yield first to the young fellow, the gentleman from Florida, Mr. CLAUDE PEPPER.

Mr. PEPPER. Mr. Speaker, it is really an exciting experience for us to be able to pay honor to the most popular man in America, the most beloved man in this Nation, a man who at 75 epitomizes in the finest and highest degree the vitality of mind and spirit and body which this House has recently recognized in legislation it has passed, this man who has done so much for America and so much for so many Americans and people in the world—Bob Hope.

Bob, if you want to endear yourself further to everybody in this House, just assure us before you leave that you will not run against any of us.

Mildred joins me in happy birthday, Bob, and many more happy years to you and your lovely Dolores.

Mr. FINDLEY. Mr. Speaker, I yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, one of the great privileges of serving in this body is the rare opportunity it affords us as Members to get up on the floor and say what we think—within reason, of course.

I take advantage of the opportunity to express my sincere admiration and join in the acclaim of a man who has brought real pleasure and happiness to untold millions of people in this and other countries through his unparalleled capacities as an entertainer.

But Bob Hope is more, much more than an entertainer, more than a tremendous comedian. He is a great humanitarian, a man whose serious purpose—to make better the lives of his fellow citizens—is demonstrated by his support of and membership in many organizations dedicated to the improvement of the life styles of all Americans.

He has been generous to a great degree in brightening the lives of countless members of our Armed Forces by his appearances on bases in and outside this country, in time of war, and, in time of peace, in the hospitals to which our disabled veterans are confined.

All Americans agree that Bob Hope is a great man and a modest man. Sitting in the gallery, I suspect he feels a bit embarrassed by this unique tribute. But he

is deserving of every word of praise that is being said here today.

I am proud to be a part of this tribute to this good old boy from Ohio.

Mr. FINDLEY. Mr. Speaker, I yield to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, from one of a thousand military bases whose people Bob Hope has made happier, Eglin Air Force Base in Florida, I bring happy birthday greetings along with my own.

Bob, you honor us in the House of Representatives. The Congress loves you and the Nation loves you, so again, Mr. Speaker, I am happy to join my colleagues in paying special tribute to America's good friend Bob Hope in the celebration of his 75th birthday. It is indeed fitting that the Congress honor this outstanding American. Any day that he can be with us is a special occasion for us as well.

Bob Hope has long been a staunch supporter of the American way of life. He deserves much credit for his contributions to the morale and welfare of the military services. During World War II, the Korean and the Vietnamese conflicts, he traveled to almost every American military base in the world entertaining our troops. He became an annual visitor to many of them.

While I am sure everyone here today is well aware of the annual Bob Hope Christmas program where this generous and talented individual entertained service personnel all over the world, not everyone is aware of his participation in lesser but equally important community projects. It was my distinct privilege to appear on the same program with Mr. Hope last year at Eglin Air Force Base at Fort Walton Beach, Fla., in my congressional district. The purpose of the program was to raise funds in support of the Air Force Enlisted Men's Widows and Dependents Home Foundation. His presence at this function greatly strengthened the fundraising campaign for facilities for the widows and dependents of Air Force enlisted men. This benefit show provided over $26,000 for the foundation. This is but one example of Bob Hope's many humanitarian efforts.

I was very pleased to cosponsor the resolution recognizing Bob Hope on his 75th birthday. It is proper the Congress express its deep and sincere appreciation for his many years of dedicated service to our country.

Mr. FINDLEY. I yield to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. Mr. Speaker, in expressing warm birthday greeting to our Nation's most beloved citizen, Bob Hope, I am reminded that my wife, Doris, as president of the Congressional Club, had the opportunity to introduce Bob Hope yesterday to more than 1,000 wives of our Members, wives of the Supreme Court Justices, the diplomatic corps and other women prominent in Government and in our Capital City.

This was a thrilling experience for Doris, who presided at the First Lady's Breakfast and presented our gracious and beloved First Lady—as Bob Hope joined in paying tribute to her and in entertaining those who were at the Shoreham Americana Hotel to honor Rosalynn Carter.

Mr. Speaker, having now the opportunity to address these few remarks of greeting and good wishes to Bob Hope, I am sure he will be thoroughly convinced of the McClory family's attitude toward him—toward his great service in behalf of our Nation, our fighting men and women, our citizens everywhere, and for the great love and honor which he communicates to his fellow man both here and abroad.

Mr. Speaker, I am pleased to join my colleagues today in a hearty and resounding happy birthday greeting to America's First Citizen of stage, screen, and television—America's number one public relations emissary—Bob Hope.

Mr. FINDLEY. Mr. Speaker, I now make the plea for short sentences along with this "long" minute.

I yield to the gentleman from Iowa (Mr. HARKINS).

Mr. HARKIN. Mr. Speaker, although I spent 8 years as a Navy pilot I never had the pleasure and the experience of hearing Bob Hope in one of his USO shows. But I know how much that meant to the troops serving overseas. For instance, I remember going to Da Nang after a Christmas show in 1966 where Bob appeared before I do not know how many thousands of troops, and they were still all excited and still talking about the Christmas show. And I said, "There was a Christmas show here?" And they said, "Yes." And I said, "What was it all about," And they said, "Racquel Welch was here with some guy who told a lot of funny jokes."

On behalf of all who have served overseas, thanks to Bob Hope for all he has done for the troops.

Mr. FINDLEY. Mr. Speaker, I yield to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Speaker, I think it is an interesting thing that almost every city or town in the United States considers Bob Hope as its own hometown boy. I come from Dallas, and I can say that our hometown hero in Dallas is a man who was born in England but is the most American American in the United States. He is all heart as he serves both as a great humanitarian and as one who has done a great deal for all of America, and that is Bob Hope. Today he is certainly the hometown hero that we all feel is a friend.

Mr. Speaker, it is a great day in Congress when we have a subject on which we can all agree—Bob Hope.

I sat and wondered how Bob Hope has stayed at the top for over 50 years. Radio, movies, and TV have seen him star, and he gets better every year. As he keeps the show on the road, I am amazed at his unlimited energy. Born in England, he is the most American American that I have ever known. Every town feels like he is a native son. Cleveland, Palm Springs, and Hollywood all claim him, but in Dallas we always feel like Bob Hope is our home town hero.

Why is Bob Hope such a natural person? Many people in show business seem to get lost up in the clouds. But Bob has time besides doing all his work to give so much to others—to do charity benefits for universities, hospitals, USO, golf classics, and the arts. Everywhere you feel his influence, and out at SMU we have the Bob Hope Theater.

With his sparkling humor, you are always laughing at Bob as he kids himself even more than the stories he tells. From show business we have gained some of our greatest Americans. There was Will Rogers. Today we have John Wayne and Jimmy Stewart. We could name so many famous men and women. But there has never been a man with more heart than Bob Hope.

I liked Mrs. Hope's comment in last night's newspaper—

> I have never seen him except bright, with it and alert.

That says it so well. Bob Hope is "with it" and his delightful spirit and warm personality always gives an uplift to all of us.

Bob Hope has shared more, given more, to bring happiness to America, than anyone in our Nation's history. Bob Hope is the one time when a nice guy finishes first. It is not just "Thanks for the Memories." Bob Hope is a living legend. Bob Hope is the best all around American citizen in the U.S.A.

Mr. FINDLEY. Mr. Speaker, I yield to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I recall attending a performance in Vietnam where Bob Hope was putting on one of his great shows. His wife Dolores was with him and she was invited from the audience to sing to the homesick troops. When she had finished you could have heard the cheers for Dolores all the way back to Saigon.

Mr. FINDLEY. I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object. I will not, because the gentleman from Illinois (Mr. FINDLEY) has asked for this time for the very special purpose of wishing happy birthday to Bob Hope and I do not want to cut off all the fine things that will be said here in the House of Representatives about this great American. It is with the richest sense of admiration that I join my colleagues to pay tribute to a fellow Californian, a man of outstanding excellence. Bob Hope has touched the lives of so many through his expressive sense of humor. During tragic times, troubled times, prosperous times, and frustrating times, Bob Hope has shown us how to laugh our spirits upward. He caricatures us all by humor, and through his wit shines his wisdom and the essence of all his qualities. A courageous, tireless, risk-taking entertainer, Bob Hope is a noble soldier in defense of the principles of a free nation. He possesses all the qualities of greatness:

Tolerance, compassion, understanding, humility, and love for his fellow man. Happy birthday, Bob Hope.

Mr. FINDLEY. Mr. Speaker, I now yield to a man who is in the very unique position that not many of us can claim, and that is that he once was a caddy for Bob Hope. I recognize the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Speaker, I had not planned to speak, but about 15 or 20 years ago in Wichita, Kans., I carried Mr. Hope's golf clubs and I would have to say that his golf is still better than mine today.

Happy birthday, Bob.

Mr. FINDLEY. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, I thank the gentleman from Illinois (Mr. FINDLEY) for yielding.

I rise to congratulate the leadership of the House for setting aside this time to pay this unusual, unique and highly deserved tribute to an incredible human being, Mr. Bob Hope, on the occasion of his birthday.

The remarks of our colleague from Iowa, TOM HARKIN, relative to the USO shows brought back a few memories to me. During my service in the Army in World War II and after all the fighting was over, I had the pleasant task of booking USO shows for our servicemen in many areas of the Philippines and Bob Hope and his troop came to Manila and other areas of those islands. As always, he overwhelmed our servicemen and they overwhelmed him.

In 1963, President Kennedy, acting on the authorization of this Congress, bestowed on Bob Hope a gold medal in recognition of his service in entertaining American troops around the globe.

There is no doubt that Bob more than deserved that expression of gratitude—there is little more I can add to what was said then and has been said many times since about Bob's efforts on behalf of the Nation's servicemen.

But today, Mr. Speaker, I want to go beyond that aspect of Bob's life. He was not put here on Earth for servicemen only—although every one of them who has been entertained by Bob around the world will stake an exclusive, justifiable claim on him. He has been a part of every American's life.

The resolution authorizing his medal stated that "moments enriched by humor are moments free from hate and conflict."

Bob Hope has provided this country with a countless number of those precious moments in the turbulent years of this century. Let me just say that World War II, the cold war, Korea, Vietnam, all share one thing in common. All of us who experienced them, can thank God, that Bob Hope was there to make the troubled times a little less troubled. To remind us that, in the situations when humor seemed the farthest thing away, a belly laugh was only a one-liner away.

Mr. Speaker, I will not catalog Bob's achievements, Bob's contributions here. Others will do that better than I.

But, I could not let this opportunity pass without adding my own brief thought—

Man is the only animal that laughs.

Humor is what sets us above the rest of the world. In spite of all else we do that seems to the contrary, laughter places us a little closer to the angels. For this reason, men and women who can cause that laughter have always been special to us here in the United States. Since this Nation was founded, we have cherished those who can make the comment that will turn around a bad day.

Mr. Speaker, we do that today. We recognize a man who had done a little thing—making all of us smile—in a magnificent way.

On this occasion, we tip our legislative hat also to Bob's magnificent, devoted, and gracious wife, Dolores.

Dolores is a story in herself. She has been a dedicated and inspiring partner to Bob during 44 beautiful years of married life. In that time, she has been a mother of four successful children, a coperformer with Bob, a helpmate, an inspiration, someone who kept the home fires burning. Her own birthday is Saturday.

To you both, happy birthday.

Mr. FINDLEY. I just want to say to my colleagues that we are up against a tough problem here. I plan to recognize the gentleman from New York (Mr. STRATTON), the gentleman from Virginia (Mr. DAN DANIEL), the gentleman from Illinois (Mr. MICHEL), and our Speaker. I hope the Members will forgive me, because we must have these proceedings done in a very short time.

Mr. Speaker, I now yield to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. I thank the gentleman for yielding.

As one of the few remaining Members of this body old enough to recall World War II and to have served in it, I would just like to pay my personal respects to Bob Hope. I can recall in December of 1944 that I was in the audience when he came out to speak to a group of us there in Hollandia, New Guinea. We were waiting to go into an operation in the Philippines. Frances Langford was along with Bob, and the combination was something that really lifted the spirits of everybody who was there. It was a tremendous experience. A lot of people have read about the impact Bob had, but it was something wonderful to really experience.

About 12 years ago I finally had the opportunity to meet Bob personally. They were breaking ground in my district for a new university, Eisenhower College. Bob, as a great friend of the former President, was there to participate in the ground breaking. As the Congressman, I sat on the platform, along with Governor Rockefeller and President Eisenhower. I sat next to Bob. Bob was going through the notes for his ad libbed impromptu jokes, and he leaned over to me and said:

"By the way, are you a Republican or a Democrat?" I said "I am a Democrat." He said—

Damn, I have got to throw this one out. I was going to say, this is the first time I have seen three Republicans agree about anything.

Mr. FINDLEY. Mr. Speaker, I yield to the gentleman from Virginia (Mr. DAN DANIEL).

Mr. DAN DANIEL. Mr. Speaker, 3 weeks ago I had an opportunity to play golf in one of Bob Hope's charity tournaments in California. He was there, of course, and as loose as a goose, as usual. He told the story about having visited with John Wayne recently who had just received a pig valve.

He said, "John, how are you?"

"Oh, I'm fine."

He said, "Well, how's the pig?"

And he said, "Oh, he's out shooting Indians."

These are at least three things which improve with age—compound interest, California and New York wine and Bob Hope.

Happy birthday, Bob.

Mr. FINDLEY. Mr. Speaker, I yield to the gentleman from Illinois, (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, our minority leader, the gentleman from Arizona (Mr. RHODES) could not be here today because of a previous commitment. But, Bob, I have a special handwritten note from JOHN to you.

Mr. Speaker, If I could be granted one wish today it would be that this House could claim as a member, our honored guest, Bob Hope.

Think of it: All that expertise in foreign affairs from a man who has been on the road to Morocco, Singapore, and Zanzibar. Who knows more about defense than the man who has traveled more than a million miles to entertain 10 million American service men and women. The experience of the man who once wrote a book titled: "I Owe Russia $1,200" would be invaluable when it came time to discussing the problems of détente.

Following the traditional prayer, Congressman Hope could regale us with a 1-minute comic monolog on the legislation before us. Since quite a bit of the legislation is funny enough as it is, his comments would serve as frosting on the cake.

The man who once was a prizefighter under the name of "Packy East" would have no trouble adjusting to the floor battles between Republicans and Democrats.

I strongly urge Mr. Hope to consider running for Congress. There are so many benefits. Why, he could even introduce his own bill to provide for the "Oscar" Hollywood has oddly neglected to award him over the years.

While I would like to think Bob Hope is inclined to be a Republican, he plays golf like a Democrat. Why, he is the only golfer ever to run up a deficit score on the course.

On the other hand, he ought to be a Republican since he has ruled the entertainment industry with his gags—and there is no one who knows more about "gag rule" than a Republican in the minority.

Notwithstanding our minority position, Mr. Speaker, you will have to admit that we are a likable lot. We like a good joke as much as anyone else. We also enjoy our lighter moments in this body, and because of that I would like to conclude this welcome with a parody on a familiar refrain so well known to our honored guest:

THANKS FOR THE MEMORIES

Thanks for the memories,
Of places you have gone,
To cheer our soldiers on.
President sent Kissinger,
But you sent Jill St. John.
We thank you so much!

Thanks for the memories,
Of bringing Christmas cheer,
You did your best, I hear,
But servicemen all say your jokes,
Were worse than Billy Beer. . . .
We thank you so much!

(Chorus)

Seventy plus five is now your age, Bob
We're glad to see your still upon the stage, Bob
We hope you make a decent living wage, Bob
For the more you make,
The more we take!

So thanks for the memories,
We honor you today,
And this is what we say:
Thank God you left Old England
And came to the U.S.A. . . .
We . . . thank you . . . soooooooo much!

Mr. FINDLEY. Mr. Speaker, when the gentleman from Illinois (Mr. MICHEL) told me about the vocalizing he had in mind, he said,

I'm a little troubled about the House rules on that question. Actually, when I sing, it really isn't singing.

I am glad now to yield to our distinguished Speaker.

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois, BOB MICHEL, be excused for "singing."

The SPEAKER pro tempore (Mr. HANLEY). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. O'NEILL. Mr. Speaker, I explain to our guests, particularly, that singing in the House, and speaking in a foreign language are not customary in the House. Also, you may be interested to know that in my 26 years in Congress, and I know there are Members senior to me here, never before have I ever witnessed anything of this nature. The rules say that nobody can be introduced from the galleries and that rule cannot be waived. Presidents' wives and former Presidents merely sit there. I have seen distinguished visitors, who have come to this House, sit in the galleries; but never before have I seen anything compared to what is transpiring on the floor today. It is a show of appreciation, of love and affection to a great American, and I think it is a beautiful tribute.

It is a high personal privilege for me to join my colleagues in paying tribute to this famous entertainer and distinguished American. I think it is particularly fitting that we have chosen the occasion of his 75th birthday to salute Bob Hope for his outstanding services to the Nation, and particularly his days of traveling for the USO.

Bob Hope is not only world famous—he is the world's greatest comedian; and his humor has always been of the highest caliber, known for its purity, decency, freshness, and sensitivity. For 50 years, Bob Hope has poked fun at the rich and powerful; his gags and one-liners have made people all over the world forget their troubles for awhile, laugh a little, and feel good to be alive. Bob Hope's humor has been a positive force in the entertainment field; and it has been accepted in the homes and families not only of this country, but around the world.

In saluting Bob Hope, I would be remiss if I failed to honor his beautiful wife, Delores, a talented woman who has been a great pillar of strength to him throughout their 44 years of married life. I think that is beautiful.

It just so happens that Dolores' birthday is Saturday; so happy birthday to you, too, Dolores.

Those of us who serve in public life can identify with the personal sacrifices that Bob and Dolores Hope and their four children have felt by the great distance which separated them for so many consecutive Christmases, when Bob was entertaining American servicemen, who were also miles from their homes and their loved ones during the holiday season.

It is a family tradition in America to be home for Christmas; we all want to be with our families on Christmas. So what a sacrifice this was for our men and women who were overseas miles from their homes and their loved ones. And what a ray of sunshine and blessedness they received when Bob Hope and his entertainers arrived on the scene.

We in the Congress applaud the unselfishness and moral support of Dolores Hope and the dedication and sincere devotion which enabled Bob Hope to visit our American servicemen and others who were stationed in the faraway lands of this Earth. Bob Hope's visits were the brightest and the happiest and the most cherished moments of their Christmas season. Bob and his entertainers not only brought our boys closer to home and to their loved ones than any other means of communication could have, but the unbridled enthusiasm and energy that spirited each one of his trips with the USO also made the Bob Hope Christmas show an integral part of the winter season's entertainment for those of us who were here at home.

I could not chronicle for you the number of benefits that Bob Hope has done gratuitously or the thousands of dollars raised for individual charitable organizations. They total actually in the millions. I know for a fact that each year Bob Hope makes a point of reorganizing his schedule so that he can do a certain number of benefits for charitable purposes.

Of Bob Hope, we can truthfully say his successes and his world recognition have never gone to his head. In each professional performance he has always lived up to the highest principles of fairness, decency, and integrity. He has never made a motion picture that was not appropriate for the children and for adults and that was not appropriate to be brought into our homes. He has never given a benefit that was not of the purist of thought and of language. As America's ambassador of good will overseas, Bob Hope has never been involved in an activity that was not in the greatest interest of this Nation.

Of Bob Hope we can truthfully say: He is a fine American, he is a great American, he is an all-American.

Happy birthday, Bob Hope. [Applause.]

Mr. Speaker, may I now announce that there will be a reception for Bob and Dolores in the Rayburn Reception Room.

As the Members know, we will follow along with our program. We are going to receive the alumni of the Congress of the United States. We will devote an hour to that purpose. I understand that the former President, our former colleague, Gerry Ford, will be with the former Members.

I was told a story about Gerry Ford, who is a golfer of note and who occasionally plays with Bob Hope. Whether there is any truth to this story, I do not know, but I was told that one day when Gerry Ford and Bob Hope were playing together, Gerry hit a ball that came down and hit a fellow on the side of the head. When the ball came down, it knocked him colder than a mackerel and came to rest in his mouth.

The man was lying there, and Gerry Ford took a 3-iron out of his bag. Bob Hope said, "You are not going to hit the ball in his mouth, are you?"

Gerry Ford said, "I thought we were playing summer rules."

● Mr. GILMAN. Mr. Speaker, I rise to join my colleagues in paying tribute to a man who has brought good will to countless people throughout the world. A man who has always "thanked us for the memory," and now finally, we have the chance to thank him for the wonderful memories he has given all of us.

The headline of an article by Sally Quinn appearing in today's Washington Post states, "Where There's Hope, There's Laughter."

I would like to go a little farther. Where there is Hope, Bob Hope, there is love for mankind and charity for those less fortunate.

For an ex-pugilist from Cleveland, Bob Hope has gone a long way. When he gave up the boxing gloves, and shoved off on the road through the vaudeville stops in America, he obviously made the right decision.

This great gentleman over the years has visited the 26th Congressional District in New York State on several occasions at West Point and Mount Saint Mary's College in Newburgh where he performed. He also took part in the opening ceremonies of Eisenhower College in Seneca Falls, from where my son graduated.

Is there any among us who has not heard of Bob's dedication and love of country? Of the Christmases he spent away from home and family, to be with his "other family," the servicemen serving overseas? In peace and war he brought America to Americans. He brought peace and good will to men and women engaged in war. He brought a beautiful gift, a blessing from God—he brought comedy and laughter.

We thank him for the most wonderful gifts and on Bob Hope's 75th birthday, we hope and pray he will see many, many more.●

● Mr. STOKES. Mr. Speaker, I commend my colleague, the gentleman from Illinois (PAUL FINDLEY) for offering a resolution on the floor of the House today in honor of Bob Hope. It is indeed an honor to join with you and my distinguished colleagues from Cleveland, Ohio, Representatives VANIK, OAKAR, and MOTTL to pay tribute to this great American.

For more than a half century, Mr. Speaker, this multitalented individual has captured the hearts of the American public and millions of people the world over. In addition to his film and stage career, he has raised millions of dollars for charitable and humanitarian organizations. In Cleveland I am proud that Camp Hope, which is for underprivileged children, was named in honor of Bob Hope by my brother, former Mayor Carl Stokes. In addition, one cannot fail to mention his unselfish contribution of his time and talents to our troops abroad.

Mr. Speaker, certainly Bob Hope's career has been a long and distinguished one, filled with good deeds toward his fellow man.

Yet, with all of his contributions, perhaps the most precious gift he has given to us is the gift of laughter. For this, we can all be thankful.

Cleveland is proud of her famous son and I join with my colleagues in the U.S. House of Representatives in wishing him the happiest of birthdays.●

● Mr. DE LA GARZA. Mr. Speaker, I join my colleagues in saying to Bob Hope "Thanks for the memory."●

● Mr. RHODES. Mr. Speaker, humor has been called a tonic for the soul. Today America honors a man who has been bringing both humor and good sense to the world for half a century, Bob Hope.

He is more than a humorist, he is an institution in this land. No entertainer has given so generously of himself, his time and his effort, to worthy causes and to the men and women of our Armed Forces. His Christmas tours of our far-flung military bases are well and gratefully remembered.

Bob Hope is a man who has crossed the generation gap with a bridge of laughter. He has poked gentle fun at our most sacrosanct institutions and has given us the luxury of laughing at our problems. He has been an ambassador of good will for America in the capitals of the globe.

I join my colleagues in the House, and millions of our fellow Americans, in wishing Bob Hope a most happy 75th birthday, and many more years of providing us all with laughter, as can only be done by a truly great entertainer. As an American, I am grateful that there is a Bob Hope. If there had not been, we would have to have invented one.

Most of all, Betty Rhodes and I are grateful for his personal kindnesses and his friendship.●

● Mr. PATTEN. Mr. Speaker, back in the late sixties, someone was quoted as saying that "Christmas Won't Be Christmas Until Bob Hope Can Stay at Home."

This statement not only reflected the turmoil of those years, but also just how much Bob Hope meant to America and all the troops stationed overseas which he entertained and to whom he brought a few hours of the Spirit of Christmas during his "Around the World Christmas Tours."

Bob Hope has been one of the most honored, applauded, and awarded Americans in the history of our country. But neither the awards he has received, nor all of them amassed can begin to repay him what he has given us, or reflect the goodwill he has spread around the globe.

When the last round is played, and the scores are in, I know that we will find that Bob Hope has birdied every hole. I wish him a happy birthday, and pray that he will have many more years to make us laugh and love him all the more.●

● Mr. JENRETTE. Mr. Speaker, we have been privileged in South Carolina to have had Bob Hope visit us. As usual, the auditoriums were packed. His performance was outstanding as usual. Mr. Hope was not performing for his own gain, but for others. The proceeds for that show went to the American Cancer Society.

I am sure there is no State in the Nation where its citizens have any more respect or admiration for Bob Hope than in South Carolina. For years, he has cheered us and given us that gentle nudge in the ribs that has kept us laughing through the years—through the good times and, more importantly through the bad.

South Carolina is especially grateful for your constant and vigilant work with the Nation's military. For though we are one of the smaller States, we house two of the Nation's military training bases—Fort Jackson in Columbia, and Parris Island at Beaufort—as well as the four air bases and a naval base. We always knew that no matter how bitter or how unpopular the conflict, that Bob Hope was there keeping the morale of our young men and women high.

The comedian that is in the bigtime today is barely making it tomorrow. Bob Hope is more than a comedian. He is an institution. This country will never know another Bob Hope but we hope that the Hope we now have be with us another 75 years. Happy birthday, Bob.●

● Mr. JONES of North Carolina. Mr. Speaker, it is an honor and a privilege for me to take part in this tribute to one of our Nation's most deserving citizens, Bob Hope. Mr. Hope is known worldwide for his traditional Christmas trips to military bases all over the world. Those trips were worthwhile endeavors and very meaningful to our troops stationed at those bases and away from their families during the holiday season.

But I also want to make note of another special occasion just as worthwhile on which Bob Hope appeared in my own congressional district in west Tennessee. Bethel College is a small church affiliated school in the small town of McKenzie, Tenn. That school, 3 years ago, was suffering financial problems and struck upon the idea of asking Mr. Hope to make an appearance at the school to raise funds. With his customary generosity and big heartedness, Mr. Hope accepted the invitation.

In addition to making the appearance, he also agreed to it free, so that all the funds collected from ticket sales would go toward the benefit of the school. Needless to say, there was a large turnout to greet him and very successful fundraising show.

I think this particular instance provides us all with a great example of Bob Hope's efforts to do something for his fellow man. I know that Bethel College will never forget his efforts on its behalf, and the people of west Tennessee will always be grateful to him.

His appearance in McKenzie, Tenn., and thousands of other appearances just like it have endeared Bob Hope to all Americans. His generosity, open heartedness, and feeling for those who are less fortunate are examples that we all should strive to emulate. I just want to say, Bob, on behalf of the people of west Tennessee, thank you from the bottom of our hearts.●

● Mr. DERWINSKI. Mr. Speaker, it is most appropriate that Members of Congress honor Bob Hope on the occasion of his 75th birthday. At the risk of sounding corny, one might say that he is 75 years young.

Proper humor is an American tradition. We as a nation are an informal and carefree people. Bob Hope has certainly exemplified throughout his great career that humor is what makes America tick. Bob has even managed to keep his sense of humor while dubing around the golf course with ex-President Jerry Ford.

We take this special time to express our sincere appreciation for his 24 trips overseas to entertain millions of servicemen who could not make it home for the Christmas holidays. He has always given of himself. His service to this country as an ambassador of good will is

evidence of his deep sense of patriotism and love of this country.

We are not only here to honor Bob Hope on his 75th birthday, but to say thanks for his wonderful contributions to the American theatre, television and radio, and the film industry; for lifting the spirits of our troops abroad during times of conflict; for entertaining people here in the United States and worldwide; but most of all Bob, "Thanks for the Memories," and those to come.●

● Mr. FLOOD. Mr. Speaker, we honor today a man who, when all is said and done, has honored this Nation and its people in his own lifetime perhaps more than any individual in the world of entertainment.

Bob Hope is more than a name; Bob Hope is more than a star; indeed, Bob Hope is an American institution, of which all Americans can be so proud. Bob Hope has brought honor to his nation, and honor to its Armed Forces. He has been the ambassador extraordinaire, the man for all seasons, and I submit to this grateful House today that is one of the proudest enterprises of America and all that it stands for.

I have always loved Bob Hope, always admired Bob Hope, and always laughed at Bob Hope. But it was not until 6 years ago, when the area of northeastern Pennsylvania which I represent was hit by hurricane Agnes floods, the worst natural disaster in the history of this Republic, that I truly realized what he stands for. I shall never forget that hot and muggy July afternoon in 1972 when Bob Hope, his entourage and his golf club in tow, came into my office at the Naval Reserve Center and told me that in a few weeks he was going to run a nationwide telethon for the benefit of the Red Cross and the hurricane Agnes victims. That was Bob Hope, walking through the streets of Wilkes-Barre and the surrounding areas with hip boots pasted with mud. Bob Hope was there to encourage the people of my district, to convince them that it was worth it, after all.

Two weeks later, because of Bob Hope, $17 million was raised for the Agnes flood victims, and to this day, how grateful they are.

As a former Shakespearian actor who spent many a night on many a stage, my greatest dramatic moment on any stage was the three separate occasions when I shared the stage with Bob Hope. What greater tribute could a former thespian have than to share the limelight with an actor and entertainer who means more than most contemporary institutions in our time.

I salute my friend Bob Hope, and perhaps as England's greatest all time contribution to this country, outside of the colonies themselves, may I conclude my remarks by saying to you, Bob, many thanks, not only for the memories, but thanks for being what you do best, making us all proud to be Americans.●

● Mr. ASHBROOK. Mr. Speaker, it is, of course, difficult to add anything new and fresh to the many commendations received by Bob over the years. Aside from extending our sincere thanks for his prescription of laughter as medicine for this sick world, one serious reminder, I think, is in order.

Our American servicemen in Southeast Asia, Bob Hope and the USO were into the fight for human rights long before that issue became so popular. This Nation eventually lost over 56,000 American citizens in defense of the human rights of the people of Southeast Asia. Would that those who, regardless of motivation, effectively helped to divest these people of their most fundamental rights now work to regain those rights which our American boys and Bob Hope labored so hard to retain.

To Bob, his wife Dolores and their children, may the thanks and appreciation of the American people, so richly deserved, continue to be enjoyed by you for many, many years to come.●

● Mr. GOLDWATER. Mr. Speaker, the Congress is capable of noble, legislative acts on occasion. For example, we fooled around with changing daylight savings time, and lifted the blackout on professional football broadcasting. Having fearlessly ventured into such areas, it is appropriate that we now do something with, or to, the reputation of our Nation's most beloved modern-day comedian and patriot—Mr. Bob Hope.

It is the long-standing custom of the House not to honor living individuals. The tradition is well founded, because history teaches that adulation of the living all too often leads to demagoguery and tyranny. In the case of Bob Hope, we are more than justified in making an exception to this rule. First, he is not a politician. Second, he has been a public servant and good will ambassador without peer of our Nation for over 40 years. He has been a mainstay of our national humor and morality and has taken what is good about America to the rest of the world. He is justifiably respected for his many civic and charitable activities. He is a personally devout man, who has never lost the common touch even though he has walked with kings, princes, and presidents.

For my part, we owe Bob Hope a debt of gratitude we can never repay as individuals and as Americans. This is an excellent although insufficient opportunity to say "Thank you" and "Happy birthday." I am uncommonly grateful to call him my friend.●

● Mr. BENNETT. Mr. Speaker, as a former infantryman who fought in New Guinea and the Philippines in World War II, I have a sense of deep gratitude to Bob Hope for the lift that he gave us soldiers of that era, a personal sense of gratitude which I am sure was and is shared by millions of soldiers, sailors, and airmen.

As a member of the House Armed Services Committee, I have a sense of deep gratitude for all Bob has done to help the national defense and unity of our country. His sacrificial labors for the inspiration of our servicemen and of the entire country have reaped a rich harvest for all of us. Truly he is one of America's alltime greats.

He, Jack Benny, and I all received honorary degrees from Jacksonville University in 1973. My potential opponent at that time cracked that three comedians were being honored. To be in that company was indeed a great honor for me, all the more so because of the company in which I was placed.

Happy birthday to you Bob and the same to your wonderful wife who celebrates hers only a few days from now.●

● Mr. MOORHEAD of California. Mr. Speaker, I am pleased that we in this Chamber can honor Bob Hope today. I am glad that, as a fellow Californian, I can join my colleagues in paying tribute to him.

Perhaps no other American is more loved than he. His life has touched others in a way that no other American's ever has. More than 10 million of our service men and women were entertained by him during World War II and the Korean conflict—and it was with grateful hearts that millions of other Americans, unable to be with their loved ones serving around the world, listened week after week to his radio program broadcast from a different military base.

In recent years, when being a real America-lover was not very fashionable, Bob Hope kept loving his country and proclaiming her good points across this Nation and around the world. He has made us laugh—and cry—and has kept us reminded of the things we all owe our country.

The list of awards he has received is endless. Included among them are the USO Gold Medal, the Medal of Freedom awarded to him by President Johnson, the Congressional Gold Medal by President Kennedy, and the Medal of Merit presented to him on behalf of the U.S. Government by President Eisenhower. He has also received the top civilian awards given by all three services—the Army, Navy, and Air Force. His favorite award, however, may well be the love and esteem in which he is held in the hearts of the American people.

Bob Hope is a living example of the opportunities afforded by this country to every boy and girl willing to pursue their goals. We are proud of him—and grateful for this privilege of honoring him on this very special day.●

● Mr. YOUNG of Florida. Mr. Speaker, it gives me a great deal of pleasure to join with my colleagues in paying this tribute to a great star, a great comedian, a great American, but above all a great human being, Bob Hope.

Like so many great Americans before him, Bob Hope was not born on these shores, but elected to adopt the United States for his home, and we have been a fortunate country with Hope ever since. His desire to help people appears insatiable and nearly every nationally recognized charitable organization has benefited at one time or another from his time and talent. And his Christmas trips to entertain U.S. Armed Forces stationed around the world have been legend. When, gratefully, there were no more of our men on battlefronts, he discontinued his annual Christmas tour to foreign shores, but the desire to help went unabated, and in 1972 he began

touring, with his minitroupe, the veterans and military hospitals in the United States. To the fighting man away from home, to the hospitalized veteran or soldier, to all those he has helped through the years, he has brought a message of Hope, Bob's own particular brand.

As we pay tribute to Bob today on the occasion of his 75th birthday, remembering the entertainment he has given us all, the selfless way in which he has given of his time and energies in service to others, I would like to close my message to him by saying, Bob, it is we, who say, "Thanks for the Memories," and God bless you.●

● Mr. ROYBAL. Mr. Speaker, it is truly a great honor to have Bob Hope and members of his family present today in the U.S. House of Representatives.

With his 75th birthday only 4 days away, I feel privileged to have this opportunity to join in wishing Bob a very happy birthday. Today's recognition is but a very small gift in comparison to the gift of humor which he has so generously bestowed upon the American people. His caring and enthusiasm as he reached out to millions of our GI's at home and abroad has been a gift of incalculable worth to our Nation.

It is no wonder that Bob is the most decorated civilian in the United States. He has done more than any one person to literally bring hope to our servicemen away from home, as well as to many of our sick and wounded here in the States.

But today's salute is one which must rightfully be shared with Bob's lovely and talented wife, Dolores. In addition to being a dedicated and supportive wife. Dolores accompanied her husband on many tours—winning the hearts of the audiences through her own performances. I had the privilege of serving with Dolores on the board of the Holy Family Adoption Center in Los Angeles, and know personally of the many humanitarian contributions she has made in her own right.

While Bob Hope has been called "America's most prized ambassador of goodwill" and received innumerable awards for his humanitarian efforts, we hope that today's expression of appreciation may be given a special place in his heart—as he will certainly always have a special place in the hearts of the American people.●

● Mr. CEDERBERG. Mr. Speaker, with greatest pleasure I take these few minutes to personally pay tribute to a man who is a part of every household in the United States, Mr. Bob Hope.

We are here to honor this man for his unselfish service to the country and the countless hours spent giving of himself for others. More than anyone else in the world Bob Hope understands the true meaning of Christmas. He has spent almost every Christmas away from home sharing his gift of entertainment with thousands of homesick GI's.

From his first radio show for servicemen in March of 1941 he has been continually concerned with the morale of our servicemen.

Bob Hope has very strong feelings about this country. He was born in England but in 1920 he became a naturalized citizen of the United States. He once said: "America is going to be here long after we are gone, if we treat it right." And Bob Hope has certainly done his part to treat this country right.

Bob Hope is a living legend for us all. He has always maintained high integrity and honesty in his personal life as well as his professional career, something that is becoming increasingly harder to do.

Bob Hope is not only famous in America, he is well known throughout the world. We are honored to have him as a representative of our country, as our Ambassador of Goodwill and Comedy, to the world.

Bob Hope is respected by those who have watched him on the screen, listened to him on the radio, or seen him on television. He is also highly respected by his peers. There are many famous stars in Hollywood but there are and have been very few truly great stars. Bob Hope is one of them and we owe him many thanks.●

● Mrs. HOLT. Mr. Speaker, the name Bob Hope has a special place in the hearts of all Americans. Of course, his reputation as an entertainer is beyond question. His movies, television shows, and personal appearances have brought joy to millions of people, and his jokes have put smiles on the faces of generations of Americans.

To me, Mr. Hope represents much more than just an all-star performer. He is the personification of the American spirit, a living example of what is good about our country. Our Nation's sense of humor is one of its greatest assets. Our people have used this good humor and the indestructible spirit that comes from it to overcome even the greatest of adversity. No matter what the difficulty, and no matter how great the problem, our country's morale will not sag, and our spirit cannot be broken. Beginning with that first hard winter at Valley Forge on through today, we have maintained our pluck and overcome the odds no matter how overwhelming.

Bob Hope is an important part of this spirit. He has helped up keep our spirits up when they were in danger of dropping. His trips around the world to entertain our fighting men are legendary, and the Christmases he has spent abroad helping our fighting men maintain their morale have been the strongest secret weapon we have ever devised. Our enemies may come up with more men, or they may develop a bigger arsenal, but they will never better our men. As long as we have Bob Hope to entertain the troops, we need fear no enemy.

I would like to join my colleagues in wishing Mr. Hope a happy 75th birthday, and at the same time salute him for his eternal youth and boundless energy.

The "Road to Thanks" that my colleagues and I have taken today could not begin to convey the gratitude the Nation feels for what Bob Hope has done. We thank Dolores for letting us share her husband. He has kept our spirits up, he is given our men in the Armed Forces a reminder of what they are fighting for when it was needed the most and he has made us laugh. What more could we ask of any man? Bob Hope, thanks for the memories.●

● Mr. KETCHUM. Mr. Speaker, no doubt most American servicemen who have ever served abroad think of Bob Hope when they think of Christmas. I am equally certain that the words "comedian," "entertainer," and "world citizen" would elicit the same response from most of us. Speaking personally, if I were asked to give the name of the private citizen who has done more for the image of America abroad than any other, I would be inclined to say "Bob Hope."

The honors Mr. Hope has received indicate pretty clearly that many others share my feeling: As our most decorated civilian—and I might add that every award has been more than duly earned—he has proven himself to represent all the qualities which we consider great about America. He is able to laugh in the face of adversity; he remains a humanitarian in the most dehumanizing circumstances, and he has certainly followed the cause of freedom wherever it has led, no matter how long the miles or how dangerous the course.

If I were to enumerate all of Mr. Hope's accomplishments, we would surely be standing here until he celebrates his 76th birthday. Therefore, let it suffice to say that I am both pleased and proud to take part in this tribute today, and that I extend every best wish to him as he celebrates 75 very full years of living. If they were full years for him, then surely many of them were even more full for those who were fortunate enough to cross Bob Hope's path in life.●

● Mr. BIAGGI. Mr. Speaker, we are in the midst of a national celebration; namely, the 75th birthday of the master of American comedy, Bob Hope. Bob Hope in just three-quarters of a century has already provided this Nation with a lifetime worth of humor and good will.

Bob Hope embodies much of what America is. He is a man who thrives on activity—someone for whom chronological age has no meaning. He capitalizes on one of America's favorite pastimes—laughter. He is a symbol of the good times of the past and the hopeful future.

Bob Hope has had a remarkable career in show business, a star of stage, screen, and television. No matter the medium, the style remains the same. The rapid fire joke delivery—the unforgettable expressions, the distinct facial features. They symbolize Bob Hope as a living legend for millions of Americans. Yet his legacy is not purely based on his considerable talents. It is also based on his humanitarian deeds over the years. Most noteworthy is the annual sojourn Hope takes to provide entertainment for our troops overseas during the past 22 Christmas holidays. For many it is the one chance a year to be associated with things familiar to home. Bob Hope is familiar, after all he is America's Ambassador of Good Will.

It is appropriate that the Congress join with the rest of the Nation in paying their regards to Bob Hope on his birthday. He has been feted royally while

in Washington and rightly so. Bob Hope is a living legend, an artist of comedy, a man of strong conviction and deep compassion for his fellow man. He thrives on people and they in turn respond to him. To Bob and his lovely wife Dolores, I wish to extend my warmest best wishes for a happy birthday and the fervent hope that his unique style of entertainment will continue for years to come. To paraphrase a favorite Hope theme—"Thanks for the Memories"—keep them coming.●

● Mr. HANLEY. Mr. Speaker, I want to join with my colleagues in the celebration of the 75th birthday of one of America's treasures, Bob Hope.

It is virtually impossible to meet anyone who does not know of Bob Hope and of his contribution to this Nation. Although he has walked with Kings and golfed with Presidents, Bob Hope has never forgotten the little guy. He has brought immense joy into the lives of millions.

Bob Hope has been unequalled in his support of this country's military efforts throughout the world. It is impossible to measure what his personal sacrifices have meant to our young, fighting men in distant parts of the world, as he and his troupe travelled all over the globe to be with them Christmas after Christmas after Christmas to let them know somebody really did care.

Much of Bob Hope's early success derived from his now classic "Road to * * *" movies. Well, Bob Hope's life has been a "Road to * * *" life. It seems that he spends almost all of his time on the road to somewhere to do something helpful for somebody.

We owe a lot to Bob Hope. He has served to lift this Nation's spirit when it most needed lifting. I am proud to add my voice to the tribute to this truly great American patriot.●

● Mr. NOWAK. Mr. Speaker, it is a pleasure to join my colleagues and the Nation today in paying tribute to one of our most popular and most well-known citizens, Bob Hope.

It is not, however, Bob's fame or popularity that we salute today. Rather, we honor him for the reasons for his fame and popularity—the litany of his accomplishments that endears him to our Nation.

As a great entertainer, he has enriched our lives with humor—very often until our sides ached.

As a patriot, he has nurtured our national spirit by preaching and practicing love of country—very often reminding us that the sight of our flag or the sound of our national anthem can moisten the eye of a very grown up man or woman.

As a good will ambassador, he has been an inspirational figure reflecting great credit on America and its ideals.

As a community servant—whether entertaining troops abroad or working for a deserving charity at home—he has set a sterling example of good citizenship.

Amid all this he has found time to promote his favorite sport—golf.

Today, therefore, we salute a very talented man who has shared his talents to the benefit of his fellow man. So, while we express our gratitude for his contributions to America, on Bob Hope's 75th birthday we also wish him continued good health and success.

And, we look forward to collecting more fond memories of him.●

● Mr. CORMAN. Mr. Speaker, Bob Hope is as much of an institution in this country as the U.S. Congress, and in many circles is more highly respected. Among the American public he is better known than many of us because he delivers the gift of warmth and wit. He was won the hearts of millions by his rare ability to make people laugh.

He has touched each of us somewhere along the way in his 50 years of entertaining. My first memories of Mr. Hope are now somewhat obscure, for it seems I have always known about him. In 1942, when I was a Marine Corps lieutenant he performed for the troops and brought smiles and laughter at a time when it was least thought possible to feel these emotions. I will never forget the spiraling effect he had on my morale. Bob Hope had the same effect on all my fellow soldiers and made all our burdens easier to bear. Since 1942, he has continued to amuse and delight all Americans and I am pleased to join with my colleagues today in saying, "thanks for the memories." ●

● Mrs. BOGGS. Mr. Speaker, I take special pleasure in joining my colleagues in honoring the accomplishments, the good will, and the patriotism of Bob Hope.

Not only have I admired this legendary entertainer for many years, but I also feel a particular closeness to him because he has been so good to the people of New Orleans.

In 1973 Bob Hope served as King of the Krewe of Bacchus. For those uninitiated in the rites of the New Orleans Mardi Gras, the Krewe of Bacchus is a local civic organization which produces an elaborate parade for the city every year during our carnival. As the celebrity King of Bacchus, Bob Hope contributed immeasurably to the mirth and merriment of that year's Mardi Gras.

This past April Bob Hope again gave his time and effort to our city, by serving as master of ceremonies for the Associated Catholic Charities Annual Ball. His good-humored presence helped draw an enormous crowd to the event which raised funds for humanitarian projects throughout the Archdiocese of New Orleans.

I know that I speak for the citizens of my district and throughout Louisiana, when I say that we truly love and appreciate the warmth and friendliness Bob Hope has shown us and we take special pride in pointing to his long association with our home city.

Bob Hope is a beautiful example of how one individual can incorporate into his or her life hard work and success in a chosen profession, and the responsibility of participating in humanitarian and civic causes. Not all of us have Bob Hope's gift of making people laugh, but we can strive to imitate his energy and spirit in doing good for his fellow men and women.●

● Mr. ROE. Mr. Speaker, it is a great privilege and honor to join with my colleagues here in the Congress today in testimony to a great American, Bob Hope, a one-man, dynamic force with a God-given blessing unmatched by anyone in the world for bringing the lightheartedness of laughter to all of our people, particularly during our Nation's darkest hours and under the most trying of circumstances.

Mr. Speaker, we are here today to extend our grateful thanks and pay tribute to Bob Hope for his outstanding public service to members of our armed services. I was pleased to join with Congressman PAUL FINDLEY of Illinois, et al., in sponsoring House Resolution 1169 in recognition of Bob Hope's diamond jubilee birthday celebration to express our deep appreciation to Bob Hope for enhancing national unity with unfailing commitment and good humor and for keeping high the spirit and prestige of U.S. military service.

Bob Hope has provided an invaluable inspiring respite to millions of Americans while away from home fighting for our country. To the parents and loved ones who were left behind and had the good fortune to be a part of the listening audience he brought refreshment of a smile and the warmth of knowing that he was entertaining our service personnel on the battlefield. Bob Hope's unique artistry in the entertainment world has spanned vast miles of oceans and continents, erasing the cares and ills of the day and electrifying masses of people into a family unit of one in a communion of good spirit and comradeship.

Many, many thanks, Bob, for the recreation of "hope" you have brought to all of our people. Your mastership of the art of communication and lifetime of achievements have made an indelible mark on the American way of life and truly added to the quality of life here in America. We do indeed salute you, Bob—and happy birthday.●

● Mr. McDADE. Mr. Speaker, I rise, as my fellow colleagues have, to recognize that great American, Mr. Bob Hope, a unique individual who has given this Nation a sense of joy and happiness that no one else could or did provide.

An Englishman and an American patriot wrapped into one. He was born in London and came to the United States at the age of 4. He grew to prominence on the American stage. Ziegfeld's Follies had the privilege of having child star Bob Hope as part of its production.

He began his career in earnest during 1938 when he appeared in five different motion pictures. Between 1938 and 1948, Bob Hope starred in 25 films and a total of 38 by 1958. This tremendous pace could only be accomplished by a true performer but it does not tell the whole story. In addition to his great but taxing work with films we know him best as a good will ambassador who has traveled

over 6 million miles to entertain American troops around the world.

Many Americans remember his contributions to the morale of our troops during World War II. Not only were his films full of inspiration and fun for weary Americans but his work with the USO brought a rare commodity to the lines—laughter. Many of the Members assembled here today had the pleasure of a short respite with Bob Hope on a sandy island or a muddy English or French field. More recently, American troops in the jungles of Southeast Asia looked forward to a day of R. & R. with Bob Hope. His contribution to our armed services is without equal. He has dedicated 33 years of his life to USO activities.

It is certainly true that Bob Hope has been recognized by many organizations. He has, as a matter of fact, received a doctor of laws degree from the University of Scranton, my hometown, which was given in great appreciation for his contribution to America. As an author, performer, and humanitarian, he has been recognized by organizations and institutions throughout the world but I would like to add one special addition.

In my opinion, Bob Hope has given all of us one of the greatest gifts one human can offer another and that is laughter. Too often, each of us becomes entangled in our daily worries and aspirations that we not only ignore the joys of life but seem to deny their existence. Bob Hope has given us many moments of pure joy and laughter. He has helped us all "to smell the flowers along the way."

"Thanks for the Memories" has become his theme song. It also says what all Americans feel for Bob Hope, a true national treasure.●

● Mr. BEARD of Rhode Island. Mr. Speaker, I am delighted to be able to join with the Members of this House to honor the presence of one of the most remarkable personalities this Nation has ever known. Bop Hope is a true humorist, in the tradition of Mark Twain and Will Rogers. But Bop Hope is unique because of his great service to America and in particular, to the many thousands of our servicemen and women through three wars. Bob Hope, truly unique among entertainers, travelling to the farthest corners of the world, enduring heat, cold, enemy fire, discomforts that few of us can imagine. Bob Hope did it all and millions today remember him for that for his unblemished record over so many years for being a very funny man. I wish him the very best of health and happiness and I know the Members of this House will join me in the thought that longevity and good humor go together. Bob Hope is the epitome of the classical humorist and I hope he will continue to remind us that laughing at ourselves can often reveal significant truths.●

● Mr. HUGHES. Mr. Speaker, I welcome this opportunity to pay tribute to an outstanding American, Bob Hope. Bob Hope is not just a talented entertainer. He is also a selfless man who has given so much of himself to American service men and women for more than 30 years. He has traveled millions of miles to put in appearances at holiday time so that American military personnel stationed overseas would have a memorable Christmas. I am told that he has appeared at almost every military base in the world. He certainly has brought the gift of laughter to more Americans both at home and abroad than any other 10 people I can think of.

This alone is quite an accomplishment. Yet he has devoted himself to countless other charities and worthwhile causes as well. Although he has received numerous awards and commendations for his contributions to America and the world, I feel it is only fitting that we honor him again today. So I join with my colleagues in the House of Representatives in wishing a great American a very happy birthday.●

● Mr. WALSH. Mr. Speaker, it seems most appropriate that Bob Hope's theme song is "Thanks for the Memory"—particularly when one recalls the many happy and warm memories he has given to the thousands of GI's away from home during the holidays. No matter where he goes, happiness and laughter follow in his wake, and what a marvelous talent to be remembered and honored for here today.

His overwhelming commitment to use his unique gift for many humanitarian causes is what makes Mr. Hope one of the outstanding men of this century. We were most grateful in Syracuse, N.Y., for the benefit performance he gave to raise funds for Crouse-Irving Memorial Hospital in 1976. The show was such a success in terms of both money and community enthusiasm that the benefit gala has now become a tradition at the hospital. The show was a sellout weeks in advance despite the fact Mr. Hope was in Syracuse only 2 months earlier at the New York State Fair.

Take this one event in one community and multiply it thousands of times in thousands of places in this Nation and the world. Then you have some idea of the generosity of this man with his time and his talent for so many worthwhile causes.

Back in World War II when Bob Hope appeared to entertain us before I went overseas in 1942 he made our lot seem a little easier. In 1945 when I saw him again in Hawaii he made the whole sacrifice seem worthwhile.

Happy birthday Bob, and many, many years of the happiness you brought to all of us.●

● Mr. WON PAT. Mr. Speaker, it certainly is a pleasure to have Bob Hope here in our presence today. On behalf of the people of Guam I want to join my colleagues in extending Bob Hope the heartiest of congratulations on the celebration of his 75th birthday. Our best wishes also go to his wife and family who are with us on this occasion.

I have lost track of how many times Bob visited us on Guam with his annual Christmas show but I do know that he is sorely missed now that it is no longer an annual event.

Bob Hope has a joke for everything and Guam is no exception. I would wince at times over his "Guam jokes" but they were always done in good fun and I would soon be laughing with him.

Being an American serviceman overseas at Christmas time has never been an enjoyable experience and to try to turn it into one was certainly a formidable task, but no one has ever been more up to the task than Bob Hope. And in bringing a certain glow and extra cheer to the thousands of servicemen serving on Guam he would bring cheer to all of Guam as this warm spirit would spill over into the entire community.

Yes, like Americans elsewhere, the people of Guam will always hold a very special place in their hearts for Bob Hope. Thanks Bob. Thanks for the memories.●

● Mr. PATTERSON of California. Mr. Speaker, I would like to join my colleagues in paying tribute to a man who has brought laughter and joy into all of our lives.

I, like many Americans of my generation, really grew up with Bob Hope. When I was a child and turned on the radio, he was there. And later, when I watched television, Bob Hope was there, too. Even at the movies, he was there. Then when I went into the military service Bob came to our base and entertained us. We all love him.

On behalf of all of the service men and women from Orange County, Calif., I would like to give special thanks to Bob Hope for the many miles he traveled and hours he spent entertaining our troops, at home and abroad.

Happy birthday, Bob Hope, and "Thanks for the memories."●

● Mr. RUSSO. Mr. Speaker, I admire and respect Mr. Hope and I am delighted to have the opportunity to say "happy birthday" to him today. Over the years I have enjoyed his jokes and marveled at his stamina, and I want to say a personal "thank you" to him for the laughter he has provided me on many occasions.

But it is the thousands and thousands of people in uniform who have shared the fun and madcap of a Bob Hope show overseas that would applaud the loudest if they were here today. He has been there for them, when they must have felt so alone and homesick.

A member of my staff was in Korea a decade ago for one of those shows, and was impressed, not only with the show, but with the fact that Mr. Hope and several members of the company journeyed, at dawn, to some of the observation posts at the 38th parallel to shake hands and say "Hello" to a few of the men who could not leave their post to see the show. There were no cameras, no fancy traveling gear. Just one human being reaching out to another to say, "I know you're here. I care. Let's have a smile together."

So today there are a lot of us who want to congratulate you, Mr. Hope, on your three-quarters of a century. To think, that of all the combat zones you have been to, through the years, you are just now making it to the floor of Congress. I am going to ignore the rumor going around Capitol Hill, that you are not here to accept an award, but rather

to pick up new material for your next 10 shows.

Happy birthday, Mr. Hope.●

● Mr. ANDERSON of California. Mr. Speaker, I wish to join my colleagues in expressing my admiration to Bob Hope for the unselfish manner in which, over the years, he has so generously contributed his time and his talents in boosting morale of the members of our Armed Forces serving overseas.

While many members of the entertainment business have made several trips to overseas areas to entertain our troops, and thus bring them a touch of America while they are serving in foreign lands, they have usually done so in times of national crises and on a limited basis. Bob Hope, however, has done so in times of relative peace when, as Kipling stated, "the soldier is forgotten," as well as in times of war, and he has done so not just a few times, but continuously year after year. His travels, generally accompanied by troops of good-looking American girls and musicians, have ranged from our bases in the frozen northland to the steaming jungles of the Pacific; and from the deserts of Morocco to the fertile valleys of Germany. And while the American girls are a much-appreciated sight, it is always Bob Hope, the patriot-comedian, who is the real star of the show.

I personally want to say how much I appreciate what Bob Hope has done for his country, both in the entertainment field and in numerous charitable efforts, and wish him a very happy 75th birthday and many more in the future. God bless you, Bob Hope.●

● Mr. ROGERS. Mr. Speaker, it is an honor to join my colleagues in welcoming Bob Hope and his lovely wife, Dolores, to the House of Representatives on the occasion of his 75th birthday.

It is appropriate to join Mr. Hope in celebrating this day herein this institution, because I do not know of any person who has a greater devotion to the American people. Each of us can take a lesson from Bob's incredible drive, which has sustained him over the years, in all corners of the globe.

Bob has been in the public service longer than many Members can remember. He has served with his great gifts—his sense of humor and his great personality. He has shared these unselfishly over many years with countless members of our armed services, and in support of efforts against some of our most dreaded diseases.

I join my colleagues in saying for all of this, "Thank you," and "Happy birthday."●

● Mr. RINALDO. Mr. Speaker, I am pleased to join with my colleagues today as we honor Bob Hope, by officially recognizing his many contributions to our Nation.

Bob Hope has brought joy to millions. He has eased the burdens of the highest offices of this land, and reached into the living rooms of mainstream Americans, to give them moments of laughter and happiness.

We are here today to recognize his contributions to the American service personnel; to his relentless dedication to bring joy and happiness into otherwise lonely duty stations around the world.

To these outposts, to hundreds of thousands of America's finest men and women, Bob Hope has brought the same gift of making them laugh at their foibles and fears, at their positions and pretensions, that he would demonstrate to kings and Presidents, to legislators and the American public in less perilous areas.

It is hard for us here in the safe confines of the Capitol to realize the loneliness and despair that can be experienced on Christmas Eve behind the Berlin Wall when your family is 4,000 miles away; or to stand guard at the top of the world, Shemya, Alaska, closer by thousands of miles to the Iron Curtain than to the hearths and heartland of this great Nation; or, for several thousands, spending the last days of their lives in a foresaken rice paddy in Southeast Asia. Bob Hope knows those feelings; he has been there, and he has eased the pains and heartaches of those who were there, bringing his name, Hope, into their lives.

Few of us would have voluntarily traveled to such places in calm times during nonholiday seasons, let alone spending Christmas after Christmas seeking them out as Bob Hope has done for those in service to our Nation.

"Our Nation." That phrase rings so deeply to those of us who were born here. But it means as much to Bob Hope though he is not a native of America; he adopted us, and we are fortunate he did. His achievements are known by all, and this tribute is only one of hundreds he has justly earned. In the words of Kipling, "he has walked with kings, but not lost the common touch."

I would close this brief tribute by quoting a famous line from Bob Hope: "America is going to be here long after we're gone, if we treat it right." As long as figures such as Bob Hope brighten our lives, America is being treated right.●

● Mr. LATTA. Mr. Speaker, I, too, wish Bob Hope a very happy 75th birthday and also wish to thank him for the outstanding service he has rendered to his country and to people throughout the world. Bob Hope has made us laugh and that is important everywhere.

His humanitarian contributions have made him one of the most beloved persons in the world. He is a living example of how one can live life to the fullest just by giving happiness to others.

Too often, a successful life is measured in terms of the wealth, prestige and power one accumulates. Bob Hope's accomplishments are mirrored in the smiles and hearts of people everywhere and especially servicemen and servicewomen who were stationed overseas at Christmastime in days gone by. He entertained them for an unbelievable 22 years. Traveling more than a million miles, Bob Hope brought joy and entertainment to over 10 million troops appearing at almost every military base from World War II to Vietnam. His humanitarian and professional contributions have earned him well over a thousand awards and citations making him the most decorated civilian in the United States.

In his 75 years, he has displayed an incredible ability to look at life's difficulties, uncertainties and joys and extract humor from them. There are many comedians who are funny—who can turn a joke on any subject—but there are very few people who can capture the essence of life and reveal its meaning through humor. Bob Hope is such a man. His life-long service to his fellowman and his consistent support of America have strengthened this country while making him one of our most beloved citizens.●

● Mr. DEVINE. Mr. Speaker, it seems to me, the Congress has delayed much too long in honoring one of America's great patriots, Bob Hope. His devotion to his country and his personal service to the members of the military worldwide have been immeasurably beneficial.

At great personal sacrifice, Bob Hope has given freely of his time and talents which have been a great factor in high morale among our servicemen and women.

Those of us in Ohio take particular pride in honoring this resident and adopted son who should be accorded the highest honor that this Nation can bestow.

Bob Hope, you are a great American.●

● Mr. WALKER. Mr. Speaker, while it is not necessary to recite the unending list of unselfish acts performed by Bob Hope for the people and the armies of this great Nation, I would like to share an observation with my colleagues.

That observation is that never has a man been so appropriately named as Bob Hope. Hope is and always has been his mission. Thomas Carlyle once wrote that, "Man is, properly speaking, based upon Hope; he has no other possession but Hope."

Through our Nation's conflicts to protect freedom, and help extend the privilege of hoping through out the world, Bob Hope has always been there, side by side with our fighting men. Moreover, he has been there, side by side, with each of us through these periods of national trial helping us understand that in the darkest hours there is room for laughter and joy, and thus room for hope.

Today we are at peace with our neighbors and with the rest of the world. Peace is the end product of the kind of commitment to joy that Bob Hope symbolizes. To join with my colleagues today in this tribute to the man behind that symbol is indeed an honor. Bob Hope, we thank you for helping us keep clearly in mind that which is best in us.●

● Mr. BROOMFIELD. Mr. Speaker, it is a privilege to join in this tribute to a great American, Bob Hope.

In war and peace, he has lifted the spirits of Americans in far-off lands and at home. He has been a constant patriot and booster of America for more than a half century—a source of strength and confidence in times when we had some doubts about our course as a Nation.

Bob Hope has never had any doubts about America's greatness.

Presidents have come and gone, but he has remained a symbol to us and the

world of what was right and good about America.

He has been a reminder that no matter how important our careers may seem, each of us has other responsibilities—responsibilities as citizens, to our families, to God, and to our fellow men.

What he has done for America, Bob Hope also has done for Americans. Countless hospitals, civic organizations and charitable groups have been the beneficiaries of his concern for his fellow man.

He has given us all many happy memories in our lifetimes for which we thank him. We thank him, too, as a Nation, for the strength and goodness he has provided by the example of his life.●

● Mr. MOORHEAD of California. Mr. Speaker. I am pleased that we in this Chamber can honor Bob Hope today. I am glad that, as a fellow Californian, I can join my colleagues in paying tribute to him.

Perhaps no other American is more loved than he. His life has touched others in a way that no other American's ever has. More than 10 million of our servicemen and women were entertained by him during World War II and the Korean conflict—and it was with greatful hearts that millions of other Americans, unable to be with their loved ones serving around the world, listened week after week to his radio program broadcast from a different military base.

In recent years, when being a real American-lover was not very fashionable, Bob Hope kept loving his country and proclaiming her good points across this Nation and around the world. He has made us laugh—and cry—and has kept us reminded of the things we all owe our country.

The list of awards he has received is endless. Included among them are the USO Gold Medal, the Medal of Freedom awarded to him by President Johnson, the Congressional Gold Medal by President Kennedy, and the Medal of Merit presented to him on behalf of the U.S. Government by President Eisenhower. He has also received the top civilian awards given by all three services—the Army, Navy and Air Force. His favorite award, however may well be the love and esteem in which he is held in the hearts of the American people.

Bob Hope is a living example of the opportunities afforded by this country to every boy and girl willing to pursue their goals. We are proud of him—and grateful for this privilege of honoring him on this very special day.●

● Mr. FUQUA. Mr. Speaker, I rise to join my colleagues in paying tribute to a man who is truly a great American. A man who has received countless awards for his humanitarian and professional achievements. A man whose selfless service to his country has touched many lives both here and abroad.

I am speaking of course of Bob Hope.

This Nation is truly indebted to the unswerving dedication Mr. Hope has displayed in entertaining our troops abroad for 22 Christmases between 1948 and 1972. He sacrificed his Christmases at home in order to bring laughter into the lives of our service personnel who could not be home because they were serving their country.

He has not only brought laughter into the lives of our service personnel abroad but also to millions of Americans in the United States. I would like to wish Bob Hope years of continued success, good health, and hope that he keeps us laughing for many years to come.●

● Mr. KEMP. Mr. Speaker, no one is more deserving of the acclaim of the American people and their Representatives in Congress assembled than the man we honor here today, Bob Hope. On behalf of the people of western New York, I welcome him, his lovely wife Delores and his family to our Chamber and to Washington for this week of activities in his honor—in the Nation's Capitol today, at the White House, and at the Kennedy Center later.

Bob Hope's life stands as an example which ought to be emulated by all Americans in his service to our Nation. His sincerity, his conviction, his selfless service, his caring and his boundless energy have combined to bring joy and purpose to millions. He has touched their lives, our lives, in ways which compel us, out of respect and appreciation, to honor him, not just as a great man of comedy, but as a great American.

I first met Bob through a tour of U.S. bases in Asia which I did with the National Football League for the USO in 1968. We worked closely together in the following years, especially in 1972. In 1974, Bob was the master of ceremonies at my "main event" of that year, bringing laughter to thousands in western New York. I look forward to working with him in the many years to come.

Bob is the most decorated civilian in the United States. He was awarded the Congressional Gold Medal by President Kennedy, the third civilian in history to be so honored. He was presented the Medal of Freedom by President Johnson; the Medal of Merit, presented in behalf of the U.S. Government by President Eisenhower; the George C. Marshall Award; the Distinguished Service Medal, the Navy's highest award; and the Department of Defense's Distinguished Public Service Medal, the highest award the military can bestow on a civilian. Bob's many other awards and honors have already been made a part of today's proceedings.

But I have always thought he deserved the Congressional Medal of Honor, whether it can customarily be bestowed on a civilian or not. Bob Hope has seen far more military service, been in more combat areas and exposed to risk to life, and acted on behalf of the American fighting men over a sustained period of time than almost anyone else—military or civilian. And it would add to the pride that those existing Congressional Medal of Honor winners have in that honor.

Is there any wonder why the world, why our Nation, our people have responded with such open hearts to Bob Hope's service. His compelling sense of duty, his unfailing courtesy, his fidelity to American ideals, his unflagging resources mark him not just for our day, for our time, but for history. He has served this Nation with conspicuous ability. And he has won the respect, admiration, and confidence of all those whom his life has touched.

My wife, Joanne, the Kemp family, and I join in saluting Bob Hope.●

● Mr. HILLIS. Mr. Speaker, I am not sure it is possible to adequately describe the feelings most American's have for Bob Hope. The biographies I reviewed in preparation for today listed Bob Hope as a radio entertainer and film actor. While it is certainly true that very few men have ever had such a successful show-business career, there is much more to Bob that makes him the world personality he is today.

Perhaps it was Bob's desire to entertain our servicemen that has made his career so unique. It was 37 years ago when he first did a radio show for servicemen at March AFB in California. In the years since, his Christmas tours overseas have become an American tradition. By going overseas throughout the 1950's, sixties, and seventies, Bob did more than just entertain GI's. Through his efforts he let the boys who had been sent to war know that America hadn't forgotten them. Because of him, millions of servicemen renewed their sense of humor and sanity in the far corners of the world. I am confident that not one of them has ever forgotten the day Bob and his touring group stopped by to put on a show. It is for them that today we say "Thanks for the Memories."

The years of laughter and wit Bob has supplied has enriched all of our lives. His appeal has always been universal due to his empathy with America's changing moods. His ability to find meaningful humor in every aspect of our lives has made him America's most loved personality. May the spirit of love and the dedication toward our fellowman exemplified by Bob always be a part of our lives. There are few who have ever been so well loved or honored as Bob Hope, but none who deserved it more.●

● Mr. MOORE. Mr. Speaker, as the Nation's "Ambassador of Good Humor and Commanding General of the GI Benefit Road Show," Bob Hope has tirelessly given his own time and talent to bring a smile to the worn faces of war and rekindle a little mischief is our hearts when humor is most needed. We are here to give him our thanks for what he has done to make America a better home for all of us, but our tribute is of small dimension when compared to the millions of Americans who have found the Bob Hope experience and his benevolence in love of country touch their lives. We wish to give him our "Thanks for the Memories" he has given us and continues to provide through and long beyond his 75th year. I am a long and ardent fan of his and wish to join my colleagues in welcoming Bob Hope, a true man of all our people, and his family to the peoples' House. We are honored and pleased to receive them.●

● Mr. THONE. Mr. Speaker, we are here to celebrate the 75th birthday of Bob Hope. Any 75th anniversary is known as a diamond jubilee. What we are celebrating here then is the Hope diamond and its radiant sparkle.

The Hope diamond that we are celebrating has more sparkle and many more facets than the huge jewel that is locked up at the Smithsonian Institution.

The facet, or aspect, of Bob Hope to which the citizens of the United States are most in his debt is his entertainment of our men in uniform. America can never repay Bob Hope for the countless days of his life, including many, many Christmas holidays, that he spent playing to the GI's overseas.

But all Americans who have never been in uniform are obligated to Bob Hope also. He has helped all of us keep our national sense of humor. Those of us in public office are particularly apt to get swelled up with an overrated sense of our own importance. Thankfully, Bob Hope—just like Will Rogers down the Hall used to do—keeps sticking pins in politicians and letting some of the hot air out.

Bob Hope does not deserve all the glory of this occasion and he would be the first to say so. Dolores Hope will also celebrate her birthday this week. Their 44 years of marriage is a tribute to both of their love. She serves on the board of directors of a dynamic Nebraska-based insurance company, Mutual of Omaha. The members of this body, however, realize that the marriage partner who is not always in the limelight has the tougher job of keeping a family together. We have not only two beautiful people in Dolores and Bob Hope but also their four fine children who have come to Washington with them. They are Tony Hope, Linda Hope, Mrs. Nora McCullough, and Kelly Hope.

The old saying is: "Where there's life, there's hope." Let us paraphrase that and say: "Where there's Hope, there's life—and it's a better life for all of us because Bob Hope brightened it." ●

● Mr. MONTGOMERY. Mr. Speaker, it is very difficult to realize Bob Hope is 75. But I think I know his secret. His love of life, his love of other people and his love of country is his fountain of youth. This completely unselfish man simply thrives on doing for others.

It was my good fortune to see Bob Hope a couple of times at Christmas in Southeast Asia. I recall an open, hot red clay field at a Marine base in Vietnam where Bob was putting on his great show. His wife, Dolores, was with him. She was invited from the audience to sing for our homesick troops and when she was finished you could have heard the cheer for Dolores all the way back to Saigon.

Mr. Speaker, I join with my colleagues in saying thanks to Bob Hope and his family for all they have done for all of us.●

● Mr. BURKE of Florida. Mr. Speaker, although I have not had the pleasure of seeing Bob Hope in person since he and Bing Crosby entertained a group of wounded veterans, of which I was one, in Germany, yet I feel I know him very well. I am sure millions of Americans do also feel that he is part of their families. It is one of the phenomenon of modern times that people in Maine, Chicago, Los Angeles, Cleveland, New York, Tokyo, London, Paris, and in fact all of the major cities of the free world talk about the same things and the same people. There are very few people whose name you can mention anywhere in the world and have whoever one is talking to who will not recognize the name and be conversant about Bob Hope. Bob Hope is one of these outstanding people that we have been blessed with.

It is an honor for me to have the opportunity to pay tribute to him today. He has touched so many lives, and eased so many wounded minds with his jokes and antics, that his contribution to our American way of life is incalculable. There is an old cliche that laughter is the best medicine and surely Bob Hope has given us laughter when we needed it to overcome our differences, to overcome our injuries and to overcome our fears. I wish you a very happy birthday but also I humbly say thanks. You Bob Hope are a great man and I pray that God will continue to bless you as he has the people of the world with your presence among us.●

● Mr. ABDNOR. Mr. Speaker, it gives me pleasure to join with my colleagues in paying tribute to one of our greatest Americans, Bob Hope.

His humorous genius is legendary. So too, has been his dedication to American freedom and those who have fought to reserve it.

Few of the great institutions in this country have been untouched by his generosity of time and talent. Much of his charity has been of such proportion to command national headlines.

Much more, though of major impact, has been of a strictly local nature and in this connection a recent occasion in South Dakota comes to mind.

On April 10 of this year Bob Hope took time from his busy schedule to come to Mitchell, S. Dak., and give a benefit performance for a performing arts scholarship fund at Dakota Wesleyan University. All proceeds from the evening went to the fund. Bob Hope's services for the evening—worth thousands of dollars if he had been playing anywhere else—were donated.

Thanks, Bob, for helping a small college in South Dakota.

And, thanks for the memory of your good deeds across this great country.●

● Mr. HORTON. Mr. Speaker, it is with great pleasure that I rise to say a few words about one of America's most famous and best-loved comedians and humanitarians, Bob Hope. Today is Bob Hope's 75th birthday and the House has set aside time for those of us who wish to extend our best wishes and appreciation to Bob for his services to the country and U.S. servicemen and women around the world and at home. I am particularly pleased to address the House on this occasion because, like over 100 of my colleagues, I sponsored House Resolution 1152, a resolution commemorating Bob Hope for his selfless service to his country.

Many years ago, Bob Hope began his now legendary trips to entertain American troops at home and abroad. Those trips, to Berlin, England, Cuba, and South Vietnam, to mention only a few of the places to which he traveled, brought tremendous enjoyment and a little bit of home to over 10 million American soldiers. Beginning sometime during the 1960's, television brought the Hope humor and talent on those trips to millions upon millions of Americans at home. Those telecasts from such places as Vietnam and Hawaii, showed Americans just how awesome Bob's contributions to our service men and women and the USO were.

During one of his wartime trips to the North African theater, specifically to Bizerte, Tunisia, I saw Bob Hope for the first time entertaining the troops. My recollection of this particular show is particularly vivid because Bob lived up to the old adage, "The show must go on." One-third of the way into the show, German aircraft appeared over the horizon and passed overhead, straffing a location near by. Undaunted, Bob resumed the show after the Germans were driven off.

It is only fitting, then, that the House of Representatives take these few moments to commemorate this great American. My best wishes to Bob Hope and his family on this important day for him and the USO. Thanks for the memories, Bob.●

● Mr. DUNCAN of Tennessee. Mr. Speaker, it is indeed an honor and a pleasure for me to join with my colleagues here today in paying tribute to Bob Hope.

It is hard to think about the past 40 or so years in this country without thinking of Bob Hope. He is inextricably a part of our post-war experience as a nation and as individuals. We have a whole generation of Americans for whom Christmas would not be Christmas without Bob Hope, and for whom life in general would be less sweet if he had not been here.

I am told that Bob Hope is the most decorated civilian in the United States. I am not surprised by this statement, only awed by this man who so richly deserves each and every award and decoration which comes his way.

Bob Hope is probably the closest thing we shall ever see to the American Dream incarnate. He is a self-made man in the very best sense of the term. And he is a man who has returned to his nation and his fellow humankind a thousandfold the blessings he has himself received.

National histories can be changed, even erased; however, national memories cannot. Bob Hope has given, and continues to give, us all beautiful memories of love and selflessness which represent the best of which man is capable.

Thank you Mr. Hope, thank you for those memories.●

● Mr. CARNEY. Mr. Speaker, it gives me great pleasure to join with my colleagues in honoring Bob Hope on his 75th birthday.

Bob Hope is a great entertainer and a distinguished citizen. A man who has brought smiles and laughter to the faces of millions of Americans on countless occasions, he is devoted to his family, he is devoted to his profession, and he is devoted to his country.

For 22 years, Bob Hope has spent his Christmases away from home so that

he could entertain members of our armed forces who were serving their country overseas and could not be home for the holidays.

He has given unselfishly of his time and energy on behalf of humanitarian causes too numerous to mention. I had the privilege of meeting Bob Hope at a Parkinsonian Society convention in Miami Florida. I was deeply impressed with his dedication to his work. He is a perfectionist in the best sense of the word.

In behalf of my constituents, I wish you a very happy birthday, Bob. I am delighted that you are sharing this important occasion with us.●

● Mr. HYDE. Mr. Speaker, when history records those vital few whose impact upon our Nation has been significant and enduring, surely Bob Hope deserves to be near the top of the list. Born 75 years ago, not only with the gift of laughter, but with the rare gift of sharing that laughter, his contribution to making this battered old world a little more livable is beyond calculation.

His Christmas journeys to our servicemen and women in the most desolate spots of the globe have dispelled their sense of loneliness and isolation, and that is no mean accomplishment.

In the final scene of Joyce Carey's great book, "The Horse's Mouth," the irrepressible Gulley Jimson is in a hospital, dying.

"I should think, at a time like this, Mr. Jimson, you'd do more praying than laughing," his nurse scolded. "Why Sister," he replied, "don't you know, it's the same thing?"

To Bob Hope, on the occasion of his 75th birthday, our profound gratitude and our prayers for all he has done and has yet to do.●

● Mr. NICHOLS. Mr. Speaker, this legislative body has periodically saluted Americans who have sacrificed of themselves for the benefit of others. But seldom, Mr. Speaker, have we so honored a citizen twice. Surely to do so is testimony of the high respect the Members of the House hold for such an American.

In 1971, as chairman of the House Flag Day Committee, it was my responsibility to select a person who personified those qualities which are embodied in the red, white, and blue of our national banner. Without hesitation, the choice was Mr. Bob Hope. An actor, comedian, and ambassador of good will, each of these hats Bob Hope has worn with pride and in recognition and for his ability he joined the House of Representatives as our honored guest for Flag Day, 1971.

One again, on the occasion of his 75th birthday, the House pays tribute to Bob Hope. A man familiar to us all—we have each enjoyed his movies, radio programs, and television specials, yet those who will remember and appreciate him most are the servicemen and servicewomen overseas, homesick, and battle weary, seeking some relief to the tension of war, looking for humor in what are often grim surroundings.

Unselfishly, Bob Hope provided the comedy and organized the entertainment. He put on the show for our boys overseas and did so even with the cooperation of a supporting news media. Bob, thank your lucky stars you were not a Congressman. Just think of the field day the media would have had with your annual junkets and your typical group of lovely ladies.

Winston Churchill, another native Englishman, once said:

> To every man there comes in his lifetime a special moment when he is figuratively tapped on the shoulder and offered a chance to do a very special thing, unique to him and fitted to his talents. What a tragedy if that moment finds him unprepared, unqualified for the work which would be his finest hour.

By now, Bob Hope's shoulder must be getting pretty sore for he has shared with America so many of his finest hours.●

● Mr. ADDABBO. Mr. Speaker, I am delighted that Mr. Hope and his family are in the gallaries today as the House commemorates his years of service to America's fighting men and women. It is particularly gratifying that we can do this on the occasion of his 75th birthday.

There are many things we could say to Mr. Hope, Mr. Speaker, about his dedication to this Nation and to his career, but I think that in the obvious need for brevity so that all Members can speak to this matter, I would prefer to say it very simply: Bob Hope, for myself, my family, my colleagues in Congress and for the American people—thanks for the memories.●

● Mr. CONTE. Mr. Speaker, I am pleased to join my colleagues in extending birthday greetings to a great American, Bob Hope.

Bob Hope has mastered all of the entertainment media—stage, screen, radio and television. It is clear that he has conquered this forum as well.

Almost an institution in this country, Bob Hope and his special brand of humor has been embraced worldwide. But, more than a superb comedian, he is a great humanitarian. His works of public service and contributions to private charity are renowned.

His good humor has lightened the burden of a Nation. It is a pleasure to extend to Bob Hope, on the occasion of his 75th birthday, my very best wishes for many happy returns of the day.●

● Mr. PICKLE. Mr. Speaker, every American has to honor Bob Hope because in so many ways he embodies the spirit of our Nation.

When we have been down, Bob Hope is the man who has always been there to give us a lift. When we have had doubts, he has always known how to make us remember our heritage and regain our spirit and move forward.

His magic has never lost its spell. Youngsters of 12 and senior citizens of six times 12 both enjoy and appreciate the wit and the man that is Bob Hope.

I am proud that this country, and this Congress, takes the time today to honor Bob Hope on his 75th birthday. He has loved and served us well, and it is only appropriate that we take time out to let him know that we as a people love him and recognize his many contributions to us.

I add my voice to the millions and millions of Americans who congratulate and wish Bob Hope well at this happy and memorial milestone.●

Mr. FINDLEY. Mr. Speaker, let me say to Bob Hope: You have lifted our spirits for 50 years. We look forward to the next 50.

Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize Members for 1-minute speeches after the recess.

RECESS

The SPEAKER. Pursuant to the authority granted the Speaker on Friday, May 19, 1978, the Chair declares a recess subject to the call of the Chair, to receive the former Members of the House of Representatives.

Accordingly (at 11 o'clock a.m.), the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The SPEAKER of the House presided.

The SPEAKER. On behalf of the Chair and the Chamber, I consider it a high honor and a distinct personal privilege to have the opportunity to welcome nearly 100 of our former Members and colleagues in the Congress who are here today for the occasion of the Eighth Annual Alumni Reunion of Former Members.

Those of us who are presently in positions of public trust are especially grateful to you, who have preceded our tenure in the House of Representatives and the Senate, for your efforts to promote not only the cause of good government, but also for your efforts in strengthening the U.S. Congress as an institution.

I am delighted that we will also have with us today our popular former colleague, and last year's recipient of the "Distinguished Service Award", the former President, Gerald R. Ford.

It is with great pride that we are so privileged to have with us today, both the former President and Vice President of the United States. Former Vice President Nelson A. Rockefeller is this year's recipient of the "Distinguished Service Award" in recognition of more than three decades of exemplary public service which has made an important contribution toward the resolution of many of the economic and political problems of our time.

Since this reception is bipartisan, and in that spirit, the Chair is going to recognize the majority and minority floor leaders.

Before that, however, the Clerk will now call the roll of former Members of the House of Representatives.

The Clerk called the roll of former Members of the House of Representatives, and the following former Members answered to their names:

ROLLCALL OF FORMER MEMBERS OF CONGRESS ATTENDING "ALUMNI DAY" REUNION, THURSDAY, MAY 25, 1978

E. Ross Adair, Indiana.
Hugh Q. Alexander, North Carolina.
Elizabeth Andrews, Alabama.
Leslie C. Arends, Illinois.
Robert T. Ashmore, South Carolina.
William H. Ayres, Ohio.
Lamar Baker, Tennessee.
Robert R. Barry, New York.
Laurie C. Battle, Alabama.
Andrew J. Biemiller, Wisconsin.
John A. Blatnik, Minnesota.
J. Caleb Boggs, Delaware.
Lyle H. Boren, Oklahoma.
Reva Beck Bosone, Utah.
Daniel B. Brewster, Maryland.
John Young Brown, Kentucky.
Charles B. Brownson, Indiana.
J. Edgar Chenoweth, Colorado.
Marguerite Stitt Church, Illinois.
Jeffery Cohelan, California.
W. Sterling Cole, New York.
William Cramer, Florida.
Willard S. Curtin, Pennsylvania.
David S. Dennison, Ohio.
Harold Donahue, Massachusetts.
Francis E. Dorn, New York.
Charles K. Fletcher, California.
John R. Foley, Maryland.
Edward A. Garmatz, Maryland.
Newell A. George, Kansas.
George A. Goodling, Pennsylvania.
George M. Grant, Alabama.
G. Elliott Hagan, Georgia.
Cecil M. Harden, Indiana.
Porter Hardy, Jr., Virginia.
Harry G. Haskell, Delaware.
Brooks Hays, Arkansas.
David N. Henderson, North Carolina.
Chet Holifield, California.
Craig Hosmer, California.
William L. Hungate, Missouri.
Jed Johnson, Jr., Oklahoma.
Charles R. Jonas, North Carolina.
Walter H. Judd, Minnesota.
Edna F. Kelly, New York.
David King, Utah.
Horace R. Kornegay, North Carolina.
John Davis Lodge, Connecticut.
John Y. McCollister, Nebraska.
Mike McKevitt, Colorado.
Donald F. McGinley, Nebraska.
Ray Madden, Indiana.
William S. Mailliard, California.
George Meader, Michigan.
D. Bailey Merrill, Indiana.
John S. Monagan, Connecticut.
Charles A. Mosher, Ohio.
Frank E. Moss, Utah.
Abraham J. Multer, New York.
F. Jay Nimtz, Indiana.
Masten O'Neal, Georgia.
LaFayette L. Patterson, Alabama.
Howard Pollock, Alaska.
James M. Quigley, Pennsylvania.
Wm. J. Randall, Missouri.
John M. Robsion, Jr., Kentucky.
Byron G. Rogers, Colorado.
Robert Tripp Ross, New York.
Fred Schwengel, Iowa.
Hugh Scott, Pennsylvania.
Carlton R. Sickles, Maryland.
Alfred D. Sieminski, New Jersey.
Henry P. Smith III, New York.
Neil Staebler, Michigan.
Lynn Stalbaum, Wisconsin.
William G. Stratton, Illinois.
William Stuckey, Georgia.
Roy A. Taylor, North Carolina.
Robert A. Taft, Jr., Ohio.
Lera Thomas, Texas.
James E. Van Zandt, Pennsylvania.
Joseph Vigorito, Pennsylvania.
George M. Wallhauser, New Jersey.
John H. Ware III, Pennsylvania.
Ralph W. Yarborough, Texas.
Samuel H. Young, Illinois.

The SPEAKER pro tempore (Mr. DANIELSON). The Chair announces that 86 former Members of the House of Representatives have responded to their names.

The Chair now recognizes the distinguished majority leader, the gentleman from Texas, the Honorable JIM WRIGHT.

Mr. WRIGHT. Mr. Speaker, it is always a happy occasion when we are visited by our former colleagues. Today is an even more special occasion, for included among them is our esteemed former colleague from Michigan who later went on to higher office, our former President, the Honorable Gerald Ford.

To all of you, on behalf of the majority, I say welcome!

With the passing of years it seems to me that the former Members of Congress as an association is coming to play an increasingly important role.

For one thing, the oral history program is adding immeasurably to the record of congressional activity and change in recent decades. In fact, it has been so well organized and planned that the National Endowment for the Humanities has provided funding for it.

Second, there is the college fellow program, which sends former Members to college campuses to lecture and meet with faculties and students of government. There have been 10 of these visitations so far, and it is expected there will be 25 in the course of this year, including one in my State at Baylor University. Funding for this program comes from the Ford Foundation, Hewlett Foundation, and the Dr. Scholls Foundation.

Perhaps the most interesting new activity of the former Members of Congress has been the program to bring Pacific parliamentarians to this country. Funded through the cultural affairs bureau of the State Department, this program is serving to provide a greater understanding and friendship between this country and the various Pacific states. Leading parliamentarians have come here under association auspices to meet with present Members of Congress and key personnel in the executive branch.

Finally, the association is helping other countries to establish their own associations of former members of their parliaments.

All of these activities tend to prove that the energy, the drive, and the public interest that leads people to run for Congress and to serve in Congress does not disappear when they retire from Congress.

It is a great pleasure having all of you with us today.

The SPEAKER pro tempore (Mr. DANIELSON). The Chair now recognizes the distinguished minority whip, the gentleman from Illinois, Mr. ROBERT MICHEL.

Mr. MICHEL. Mr. Speaker, Mr. President (and Mrs. Ford), Mr. Vice President, Mrs. Rockefeller, Henry Smith, my colleagues, former Members, ladies and gentlemen.

First, may I say how good it is to see so many of our former Members back for the reunion. I am told there are now about as many as or more dues paying members of the former Members Club than we have active Members of the House and Senate.

If I might be partisan for only a moment, I am sure you would all understand why I would express the hope that any swelling of your ranks after November come from the majority side of the aisle.

I do want to commend your organization for giving us an opportunity today to point up the goodness of politics and nobleness of our profession by honoring one who has indeed symbolized those traits.

Nelson Rockefeller's political career has been crowned with so many successes that I once asked the Vice President to what he attributed it to and he said:

> Bob, you know one of the great loves of my life has been modern art. I am a collector, and I have been studying it for many years. And let me tell you something: Modern art, with its distortions of reality, wild fantasies and total abandoning of rules is a perfect training ground for the political life.

So, I guess the move from the art of Picasso to the art of politics is not as strange as most of us think it is at any rate, Vice President Rockefeller has brought with him to the art of politics the attributes that go into all great works of art: Creativity, imagination, daring, intuitive knowledge of essential things, and, above all, the confidence to do things his own way.

Some of you may remember the familiar lines of Kipling:

> If you can meet with triumph and disaster and treat those two imposters just the same . . .

Well, Nelson Rockefeller has been able to do just that. And while we honor him for his distinguished service to our country we should also remember that he has served as a model of courage, fortitude, and integrity at times when things were not going his way as well as on those many occasions when success crowned his efforts.

Mr. Vice President, we salute you. We are highly honored to join in this very fitting tribute to you and Happy.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, as the majority whip, I want to take this moment to add my own warm word of welcome to our distinguished former colleagues from both the other body and the House of Representatives as well as to our distinguished former Vice President, Mr. Rockefeller and Mrs. Rockefeller, of course to our distinguished former colleague in the House, President Gerald R. Ford, whom I espied coming around the corner just as I was walking onto the floor of the House and who I understand will be shortly joining us as well.

Mr. Speaker, there can be no higher privilege for a citizen of the United States than to serve his country in the Congress of the United States, and it is therefore with particular affection as well as respect that I join in saying to our former colleagues who have served in this body how very pleased we are to have you with us today and to wish you well in all that you undertake now to do and to express the thanks of all of us for all that you have done to serve our country.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore. The Chair announces that a most distinguished former Member of this body, and former President of the United States, the Honorable Gerald R. Ford, will now enter the Chamber.

(The Honorable Gerald R. Ford, accompanied by the Executive Committee, Mr. Kornegay, Mr. Brownson, Mr. Mailliard, Mr. Sickles, Mr. Caleb Boggs, Mr. Judd, and Mr. Brooks Hays, entered the Hall of the House of Representatives.)

[Applause, the Members rising.]

The SPEAKER pro tempore. The Chair now recognizes the distinguished gentleman from North Carolina, the Honorable Horace R. Kornegay, to speak and to control the time.

Mr. KORNEGAY. Mr. Speaker, on behalf of all of the alumni of the Congress, it is my honor to express our deep appreciation to you for your kindness in once again granting our annual reunion the hospitality of the House floor.

Especially, I want to express the gratitude of the more than 88 of our Members from 31 States who are present here today, for the warm words of welcome from the majority leader, the majority whip and the minority whip.

It is my pleasant duty to stand in the well of the House and to report on our organization's programs which seek to improve public understanding and public support of the Congress as an institution.

As former Members, we have a special feeling for the Congress. We are proud of it, we are proud of its role in American history and proud of our service in this great national legislature. Although we no longer answer its rollcalls or participate in its deliberations, we have a real and continuing interest in this vital institution. We have a special devotion to its past, its present and certainly to its future.

As Montesquieu put it so well—

A government is like everything else, to preserve it, we must love it.

We love the Congress and we intend to do everything in our power to help to preserve it.

To this end, we have undertaken a program to help the public better understand and appreciate the Congress, a program that will, hopefully, assist in offsetting some of the misunderstandings and verbal abuse that is so often directed at Capitol Hill.

Last year, we initiated a campus fellows program to utilize the experience of our Members on college campuses across the country. Funded by the Ford Foundation, this pilot program has already taken them to 14 colleges in nine States.

It operates in a rather simple and direct fashion. Once an application is approved, the college selects a former Member from the roster of more than 100 who are available. The former Member then becomes a Fellow—and, let me say to you that it does not matter whether it is a girl or a boy, it is still a Fellow—and he or she spends 1 week on campus.

Since they are no longer running for reelection, they can, first of all, afford to be away from their offices for 7 days. Secondly, they can afford to answer questions with a sense of detachment and objectivity and to keep the focus on Congress as a national institution. Campus Fellows may not be assigned to a college in the State from which they served as Members.

This program has been remarkably successful. On campus after campus we have received favorable comments from students, faculty, and administrators. The personal contact has helped erase the stereotyped cartoon image of a Congressman from the minds of students, and has replaced it with the reality of fundamentally decent—and highly intelligent—human beings.

Hobbs said that a democracy, in effect, is no more than an aristocracy of orators interrupted sometimes with a temporary monarchy of one orator. There may be some substance in that observation, given a podium and platform and an impressive setting such as this for speechmaking, but oratory takes a back seat in the give-and-take of college life and on the campus during the course of this week that we speak of. On campus, what comes across to college students is not the former U.S. Representative or former Senator, but the person, the individual.

The first year's Fellows have included Wake Forest University in North Carolina, visited by former Missouri Congressman Bill Hungate. Former Congressman Henry Smith III, of New York, visited three colleges in Kansas—Kansas-Newman College, Friends University, and Southwestern College; former Senator Frank Moss of Utah visited Whitman College in Washington State; former Senator Hugh Scott of Pennsylvania visited William and Mary College in Virginia; former Congressman John Marsh of Virginia visited Dartmouth College in New Hampshire; former Congressman Brooks Hays visited Murray State University in Kentucky; former Congressman John Monagan of Connecticut visited the Naval Academy in nearby Annapolis, and former Congressman Bill Mailliard of California visited Carleton and St. Olaf's College in Minnesota and Hamilton, Kirkland Colleges and Colgate University in New York.

This coming academic year, under a renewal grant from the Ford Foundation, and grants from the Hewlett Foundation of California and the Dr. Scholl Foundation in Illinois, we will visit at least 26 colleges in 25 States.

Another program that I want to call your attention to is our oral history of the Congress project. This program has been funded by grants from the National Endowment for the Humanites, the Ford Motor Company Fund of Michigan, and the Finance Factors Foundation of Hawaii. Interviews are being conducted from Hawaii to New Jersey by trained oral historians.

Although each of the Presidential libraries has long had oral history projects of the Presidencies, this is the first major oral history of the Congress. We expect to have 110 taped interviews completed by the end of this year.

Under a grant from the Rockefeller Foundation, we will be undertaking the oral history of the Congresswomen in the modern Congress.

These oral history tapes are being researched in an office in the Library of Congress which will serve as the depository for the collection. Additionally, microfiched copies will be made available through the New York Times Microfilming Corp. to studens in colleges throughout the country. This will be an excellent new resources tool for students and scholars of the Congress.

A third and final program that I want to call to your attention is one funded by the Education and Cultural Affairs Bureau of the Department of State. Under this program we brought to the U.S. mainland a group of distinguished parliamentarians from nine Pacific countries following a seminar at the East-West Center in Honolulu. This seminar included some 40 parliamentarians from Japan, Australia, New Zealand, Malaysia, Singapore, Samoa, South Korea, Indonesia, and the United States, to explore our common problems of an increasingly interdependent world.

The Pacific parliamentarians met in Washington with many of the high public officials of the administration and of the Congress and we are confident that the resulting free flow of expression across national boundaries had great benefit both to our friends across the Pacific as well as to us in the United States.

We are what you might call "advocates of Democracy" in this country and abroad. We agree with Winston Churchill's classic statement that democracy is the worst form of government, except for all the others that have been tried.

Mr. Speaker, we believe in the Congress. We believe that the Congress is the essential safeguard of our individual liberty and collective security. We believe that without the Congress our Republic would not long endure. Therefore, we, your alumni, want to do all within our power as an association and as individuals to help strengthen the Congress and to support it. That is our reason for existence.

Finally, I am pleased to report to you that we will carry on next year in good fashion. Our nominating committee has nominated Charles Brownson of Indiana for president and Carlton Sickles of Maryland for vice president. Additionally nominated to serve on our board of directors are Robert Taft of Ohio, Frank Moss of Utah, Bill Hungate of Missouri, John Ware of Pennsylvania, and Gordon Allot of Colorado.

Mr. Speaker, I am particularly pleased to announce that Henry Smith III, of

New York has joined our staff. I would like to recognize a colleague of ours who was sworn into the House exactly 50 years ago, in May of 1928. He is the oldest former Member of the Congress attending this meeting, both in terms of the year in which he was sworn into the body and, second, in terms of age. He told me just before we started that he certainly had no sensitivity about my announcing that he is 90 years young; so I would just like to ask our fellow Member (Mr. Lafayette Patterson) of Alabama if he would stand up.

Good luck to you and we look forward to seeing you back next year, Mr. Patterson.

As you know, ours is a totally bipartisan organization. We rotate our presidency between the two major parties in this country. We take no position as an organization on any issue before the Congress.

Now, let me say that the distinguished service award for outstanding service to our Republic in the ideas and ideals for which it stands was first presented to our long-time colleague, the Speaker of the House, John W. McCormack. It was next presented to our then Vice President and colleague, Gerald R. Ford. The third recipient was the long-time and beloved House Parliamentarian, Lewis Deschler, who received it shortly before his death. The fourth recipient was, like myself, a native of North Carolina, Sam J. Ervin, Jr. Now, it is with great pleasure that I present to our distinguished honored guest today the distinguished service award. It gives me great pleasure, Mr. Speaker, to call upon our colleague to do that honor, and that is the honorable Hugh Scott of Pennsylvania.

Mr. Scott.

Mr. HUGH SCOTT. Mr. Speaker, Mr. President, Mr. Vice President, Mr. Rockefeller, and my former colleagues: This is the first time in 20 years that I have spoken from this network, but I have the feeling that I have not been missed in this Chamber in the general cacophany that has ensued in the subsequent two decades. At least I am aware that this audience is more attentive than it was when we were all sitting Members and had other things on our minds besides the necessity of assuring our constituents that we were actually here and alive.

Today this Chamber is really "Rockefeller Center" for the time being, because we meet to honor someone who is very much beloved and highly respected by all Americans and by all who have served in the two bodies of Congress. It is a privilege to be included in that membership.

We are well aware that all of our sitting Members of Congress are candidates as future alumni for membership in our organization. We note that most of them do not seem to be in any great hurry to join us, but we want you to know that when you are ready, we will be ready to receive you. And we will have work for you to do, because this is not an organization devoted to anecdotage but to work.

It is my great pleasure to be here to make two presentations. I will say what they are, and then I will ask that our most distinguished alumnus, President Ford, who will have something to say in a moment, to join me in the presentation after the conclusion of his remarks.

What is to be presented is a gavel with a suitable plaque in recognition of the distinguished services of the Vice President in his capacity as a Member of our legislature and a volume of letters from sitting Members of the House of Representatives, beginning with a very fine and moving letter from the Speaker and including letters from the House leadership and others. Among them are references to the fact that they do plan to join our organization, but not immediately. I think and I hope that the Vice President will cherish these letters.

So before I again return to this rostrum, may I at this time simply say that it is a tremendous honor to be asked to make these presentations to someone for whom I worked in any capacity in which he designated I should work—not always successfully, but frequently with decibels to accompany the work. Having fought with him in many an Amageddon, I have a special emotional sense in being here on this occasion.

So, Mr. Speaker, after we hear from the President, we will then proceed with the presentations.

Thank you.

The SPEAKER pro tempore (Mr. DANIELSON). The Chair recognizes the gentleman from North Carolina (Mr. Kornegay).

Mr. KORNEGAY. Thank you, Mr. Scott, for those remarks.

Mr. Speaker, former fellow colleagues, and ladies and gentlemen: It is indeed an honor to have with us today one of our former colleagues who is long-known well-beloved, the former Vice President of the United States, the former President of the United States, the Honorable Gerald R. Ford of Michigan.

[Applause.]

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan, the gentleman from California, and the gentleman from Virginia.

Mr. GERALD R. FORD. Mr. Speaker, my former colleagues, Vice President Rockefeller, and guests: As I was sitting here, I could not help but become a little nostalgic. The things that have remained the same obviously hit me.

The lack of attention by those in the Chamber has not changed. We still have the House reporters coming and going like Greyhound buses. Many of the staff people are the same as those who were here when I was privileged to serve.

I might add that I also could not help but notice that the members of the press are no more attentive now than they usually were. But then the things that are the same are matched by those that are different.

I approve of the new carpeting, but it is different. And the faces among those who are regular Members are considerably different. But despite the similarities and the differences, I have the same great feeling that I have always had—that the House of Representatives and the Senate combined make the greatest legislative body in the history of mankind.

Although there have been differences expressed in the House Chamber and the Senate Chamber as to what was good policy and what was bad policy, when you add it all up, by any standard, the legislative achievements of the Congress of the United States for almost 200 years represent more good for more people than any other that man has ever devised.

So I was honored to be a part of this Congress for 25-plus years, and I know that those who follow will be equally jealous of their heritage and will be equally determined to continue that record in the years ahead.

It is my privilege this morning to join with Hugh Scott in recognizing who I believe to be one of the great public figures in the United States during my lifetime. I was proud to have the opportunity to nominate him as Vice President. I was extremely pleased to see the vote that the Members of the House and the Senate gave to him on the basis of his accomplishments and his new responsibilities. And I can say, as one who served with him in the executive branch of the Government, he was an outstanding Vice President of the United States, for which I was personally very grateful. But I would add one postscript. Although Nelson Rockefeller and I formerly had been in the political arena in many, many areas for a period of time, I never knew Nelson Rockefeller on an intimate basis. But during the span that he was Vice President and I was President, a personal relationship developed that I cherish, and I cannot thank him enough for the job he did as Vice President and I cannot express myself adequately for our personal friendship.

I am honored to be here with you, Nelson, and I am pleased to have a small part in making this presentation in giving you the recognition which you so richly deserve.

Thank you very much.

[Applause.]

Mr. HUGH SCOTT. Mr. Rockefeller, in presenting this Distinguished Service Award and this volume of letters, I ought to say that all Members are reported to have signed their own letters this time.

(At this point the Distinguished Service Award was presented to Mr. Nelson Rockefeller.)

[Applause.]

Mr. NELSON A. ROCKEFELLER. Mr. Speaker, distinguished present and former Members of Congress, to be recognized by one's peers is always a source of immense satisfaction and pride.

I am deeply grateful to you, the former Members of Congress, for this recognition and honor in the form of a distinguished service award. I would especially like to thank Senator Hugh Scott and former President Gerry Ford, as well as Jim and Bob, my old colleagues and dear friends, for their most generous gesture.

Walter Lippmann had some very interesting reflections on the subject of public service. He said:

Surely the task of statesmanship is more difficult today than ever before in history. The distance between what we know and

what we need to know appears to be greater than ever before. Nor can we keep the problem within our borders. Whether we wish it or not, we are involved in the world's problems, and all the winds of heaven blow through our land.

What he said is more true today than ever before. Because you have honored me with your public service award here in these hallowed halls of democracy, I feel compelled to set forth briefly and candidly the realities I see which the American people urgently need to know and understand. I am speaking of those realities which political leaders, quite naturally, are reluctant to state bluntly, on the old theory of "Why should I always be the one who has to bring the bad news?"

However, my own experience shows that the American people are not afraid of the hard realities if they feel someone is being totally honest with them.

The hard reality is that free societies today are facing the most serious challenge to their survival in the history of democracy.

In the past, the ruthlessness of an invading armed force galvanized democratic people into action in the common cause of defending their own freedom and even the freedom of their neighbors. Unfortunately, however, this is not true of the slow, relentless penetration and disruption of free society through subversion, deception, and the carefully laid plans to confuse, divide, intimidate, and undermine the will and the ultimate capacity of free people to either understand or resist the destruction of their own freedom and of free nations throughout the world. Yet, that is exactly what we are witnessing in Africa, in Asia, in Latin America, in Europe; yes, and even in the United States.

These are the stark realities of today. This is no time for recrimination or for a search for scapegoats. Rather, it is a time to stand together.

When we Americans understand the problem and make up our minds to deal with it, there is nothing we cannot do. You as Members of this, the world's greatest democratic deliberative body, have the capacity to make this possible. The future of freedom is in your hands, but the hour is later than we think.

I thank you.

[Applause. The Members rising.]

Mr. KORNEGAY. Mr. Speaker, with deep appreciation we yield back the balance of our time.

The SPEAKER pro tempore. Would the Members kindly attend for just a moment, please?

Speaker O'NEILL has asked me to express his regrets that he has not been able to be here during most of this program. He hopes to meet and talk with his former colleagues sometime during the day.

The Chair again wishes to thank the former Members of the House for their presence here today.

Before terminating these proceedings, the Chair would like to invite all those former Members who have not been previously recorded to come to the well and to give the Reading Clerk their names for inclusion in the RECORD.

Good luck to you all.

The House will stand in recess until 12:15 p.m.

Accordingly (at 11 o'clock and 58 minutes p.m.), the House continued in recess until 12:15 o'clock p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EVANS of Colorado) at 12 o'clock and 15 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS AND GENERAL LEAVE

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess to receive former Members be printed in the RECORD, and that all Members and former Members who spoke during the recess have the privilege of revising their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 634. Concurrent resolution providing for an adjournment of the House from May 25 to May 31, 1978, and a recess of the Senate from May 26 to June 5, 1978.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 11713. An act to create a solar energy and energy conservation loan program within the Small Business Administration, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1140. An act to encourage and assist the States to develop improved programs for the conservation of nongame fish and wildlife, and for other purposes;

S. 2687. An act for the relief of Dr. Allen Joseph Cawley;

S. 2833. An act to extend the Farmer-to-Consumer Direct Marketing Act of 1976; and

S. 2916. An act to amend the Drug Abuse Office and Treatment Act of 1972 to extend the programs of assistance under that Act for drug abuse prevention, education, treatment, and rehabilitation, and for other purposes.

OSHA'S DELAY MAY IMPERIL COTTON WORKERS

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute.)

Mr. KOSTMAYER. Mr. Speaker, the administration's order to OSHA to delay a rule intended to protect 800,000 American cotton workers, because it may be inflationary is callous and reprehensible.

This action by the White House which does not have the support of Dr. Eula Bingham, the head of OSHA, or Labor Secretary Marshall is a strong indication that the Council on Wage and Price Controls is willing to risk the lives and safety of American workers in its battle against inflation.

The rule which was due May 31 as a result of a court order has been delayed once again even as American workers are being subjected to byssinosis or cotton dust disease.

I do not think we can place a price tag on the safety of American workers. According to an article in yesterday's New York Times, a significant number of persons exposed to cotton disease eventually get byssinosis, a "lung disease that can lead to chronic coughing, reduced breathing capacity, total disability and finally death."

Last year Dr. Bingham told my Subcommittee on Manpower and Housing that OSHA would put the safety of workers before profits.

Now is the time for the administration to allow her to do so.

REPUBLICAN CAMPAIGN COMMITTEE ASKED TO RELOCATE

(Mr. ERTEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ERTEL. Mr. Speaker, almost a year ago, I expressed to the Speaker my feelings that it was improper for any campaign committee to occupy Federal office space. The Speaker agreed. And ever since, he has sought to persuade them to relocate. Through the Speaker's efforts. And with the cooperation of the gentleman from California (Mr. CORMAN) the Democratic Congressional Committee has moved to private quarters. On the Senate side, both campaign committees have done the same. Only the Republican Congressional Committee has so far refused to relinquish the 14 rooms they currently occupy.

The correspondence I will insert in the RECORD indicates, a thoroughly cynical and evasive approach in this matter. They will move they say, but at their own pace, and on their own terms. Meanwhile, the taxpayer must go on suffering this misuse of public facilities. At the same time, Members of Congress will go on without the additional space they need so desperately.

One would think that this committee is aware of criticisms of the billion dollar Congress.

One might guess that they can appreciate attacks on wasteful spending by Congress.

And one can be certain that this fall, candidates financed by political money raised out of those Federal offices—candidates advised and directed by staff working from these publicly financed offices—will be out on the hustings criticizing the free spending, billion dollar Congress.

It is cynical.

It is hypocritical.

And, it is wrong.

We have a responsibili'y here. And that responsibility is not carried out when a group criticizes Government waste but tries to cash in on it anyway.

Now I know that some will see this as a strictly partisan effort. They will say it is no more than an example of Democrats trying to force out Republicans.

That is not the case. When we started this effort, both House campaign committees were ensconced in Federal offices. Both had something to lose. One committee chose to leave; one chose to stay. It was not our decision that created this situation—it was the committee's.

Additionally, if it were a strictly partisan initiative, why would I take part? I am a Democrat from a Republican district. I have more partisan problems than I need. Incurring the wrath of a million dollar Republican campaign organization does not create a partisan advantage, it creates political disadvantage.

I am not here today to play politics, but rather to make a simple distinction between right and wrong. It is wrong for a political campaign committee to be located in Federal offices. They ought to leave their Federal offices and they ought to do so immediately.

A CALL FOR REPUBLICAN CAMPAIGN COMMITTEE TO VACATE OFFICE SPACE

(Mr. VOLKMER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I, too, wish to join in the comments of the gentleman from Pennsylvania (Mr. ERTEL), who just preceded me in the well.

As one Member who has worked with the rest of our freshman class to do what we can to bring about a better system for Congress, I, too, feel very strongly that it is improper for any political campaign committee, whether it be Democratic or Republican, to use public offices or public buildings from which to campaign.

I feel that the Republican Congressional Campaign Committee should honor the trust of the American people and should remove itself from the buildings they presently occupy so that we can use those offices for the work of this Congress and not the work of political campaigning.

HOUSE OFFICE SPACE SHOULD BE MORE EFFECTIVELY USED

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I also wish to echo the remarks of my colleagues. The freshman class has been doing a study, and we find a demonstrable lack of usable space in these House office buildings. We as freshmen, as well as some of the less senior Members of Congress, do not have very much space, and we have to do a preliminary office study report to show that many, many committee rooms are not using their space very well. Many rooms are locked, many rooms have no people in them. And then to find out that 14 rooms in the House Office Building are being used by the Republican Congressional Campaign Committee, which could be used by Members of Congress, because the taxpayers are paying for those rooms, is just absolutely incredible.

The public has a diminished feeling about Members of Congress, the roles of Members of Congress, their perks, the improperly used funds for personal efforts, and here the public is paying for campaign committee offices, which is clearly wrong. What is more, it deprives me and my colleagues on both sides of the aisle of office space.

I urge the Speaker, as well as the chairman of the Republican Campaign Committee, and the gentleman from Arizona (Mr. RHODES), or anybody else affected, to remedy this problem immediately.

REPLY OF CONGRESSMAN VANDER JAGT REGARDING REPUBLICAN CAMPAIGN COMMITTEE OFFICE

(Mr. VANDER JAGT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANDER JAGT. Mr. Speaker, if the preceding remarks were not so misleading, they really would be somewhat amusing. Apparently, there is great panic on the other side about the hundreds of thousands of little givers who have given to our campaign committee, because they agree with our thesis that this Nation desperately deserves a better Congress than it has today.

Our fund-raising operation, by the way, is privately contracted and carried on miles away from any public property whatsoever. The note of self-righteous is particularly amusing when one considers the fact that the Democrat Campaign Committee vacated only last year public property which they had occupied for some 30 years, rent free, the cost borne by the taxpayers.

Most of that time our committee was paying the full rental rate. We could stay where we are for another quarter century and we still would have caught up to the Democrats. Nevertheless, when the Speaker asked us to vacate last fall we took immediate steps to do so. The property has been acquired. The building is under construction, we can move into it later this year and the Members who previously spoke on this matter can rest easier. All of this could have the previous speakers found out in a simple phone call to me instead of going off halfcocked, in the well of the House, without knowing what it is they are talking about.

CONGRESSIONAL CAMPAIGN COMMITTEE SHOULD RELOCATE OFFICE

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I rise today in support of the efforts of my colleague from Pennsylvania to call attention to the fact that the Republican Congressional Campaign Committee still maintains 14 offices—and a staff of 40 persons—in the House Annex Office Building.

This is an issue that should not take our time today. For almost 1 year, the Speaker has repeatedly urged that all congressional campaign committees relocate from House office buildings. The Speaker's order last June was predicated on grounds that less than adequate office space is available for Members and their staffs, and that campaign committees should not be housed in public office buildings which are—and most definitely should be—for the exclusive use of legitimate congressional business. It is unfortunate that the Republican Congressional Campaign Committee—after 1 year—has not yet been able to secure office space and that this issue must be raised today in order to prompt that move.

When I came to Washington last year, I was unaware that office space was in such short supply. Although I was fortunate to have secured office space in the Cannon Building (after a brief time in the Longworth Building), I am well aware of the crowded conditions that many of my colleagues—especially my freshman colleagues—are forced to endure. While most Members and their staffs are more than accepting of such conditions, it seems to me that there can be no question that it is blatantly unfair that any campaign committee be given any space whatsoever in House office buildings. All available space should be designated for use by congressional offices and committees, and there should be no exception to this rule.

Aside from the obvious lack of office space for Members and their staffs, it is highly inappropriate that any space in any office building be afforded campaign committees. The presence of such committees in Federal office buildings only adds fuel to the fire for those who continually preach that Members of Congress are only interested in their reelection. This is not the case, but certainly the public will continue to look skeptically at Congress unless meaningful and sincere changes are instituted.

I joint with my colleagues of both the Democratic and Republican Parties in urging the minority leader to take immediate action to secure office space for the Republican Congressional Campaign Committee. I urge that relocation take place as soon as possible.

REMARKS OF CONGRESSMAN DON J. PEASE ON ERTEL AMENDMENT TO THE LEGISLATIVE APPROPRIATIONS ACT

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, I strongly support Congressman ERTEL's efforts to

see that the GOP congressional campaign committee is relocated outside of Federal office space. He is quite right to point out that this committee is not engaged in the conduct of official business, but is in pursuit of partisan politics such as news releases for GOP opponents to use in attacking Democratic Members of Congress. It is inappropriate that such campaign committees are housed on Government property.

It is my suspicion that the claim of these committees to Federal office space has just evolved as a matter of convenience. No conscious judgment was made about the propriety of locating them in Government buildings. However, the appearance of such arrangements is just as damning in the public eye as the reality. Given the low regard in which the Congress is held by the general public, we should compel these committees to find accommodations elsewhere.

CONGRESS SHOULD ELIMINATE RESTRAINTS AND RESTRICTIONS ON DEFENSE OF FREEDOM AROUND THE WORLD

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, many of us were here just a few moments ago when the first Distinguished Service Award was granted by the former Members of Congress to former Vice President Nelson Rockefeller.

I would like very much to call the Members' attention briefly to the remarks addressed in this Chamber by Mr. Rockefeller on the receipt of that award. Mr. Rockefeller called attention to the fact that freedom is disappearing in the world.

Mr. Speaker, I think we should reappraise actions which we have taken in the Congress restraining and restricting the activities of the Executive with regard to the defense of freedom around the world. Mr. Rockefeller's remarks suggest to me the need to eliminate those restraints and those restrictions so that we can use our energies in defending freedom in Africa, in Asia, in Europe, in Latin America, and wherever freedom is being threatened.

Mr. Speaker, it is later than we think, as the former Vice President said. I urge the Members to take his message very much to heart. In addition, I recommend that we take prompt action by way of legislation to free the hands of the President and others in the executive branch to take all appropriate steps to aid freedom loving people throughout the world—to help themselves. Restraints and restrictions which prevent the President from providing humanitarian, economic, and military aid by any and all appropriate means to aid this cause of freedom—must be terminated now.

Mr. Speaker, again, I call attention to the perceptive and timely remarks of former Vice President Rockefeller. His warning demands our immediate attention—and action.

THE OFFICE SPACE PROBLEM OF MEMBERS OF THE HOUSE

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Mr. Speaker, over the last 17 months some of us have expressed the need for office space for many of our colleagues in which to adequately do their job.

Some of us were appointed to approach the leadership about this problem. Please note that the leadership was willing to move the Democratic Campaign Committee out so that additional space could be provided for certain Members.

For over a year we have urged some of our colleagues from the other party to try to do the same thing. Many of us hope that they will move on this problem and will not take a full 1½ or nearly 2 years in which to act.

Mr. Speaker, I think it behooves us to realize that many people are concerned about office space being utilized for political parties and feel the discontinuation of such activity would help restore the faith and trust of the people across this country. I think, because of this fact alone the Republican Party should have acted promptly, just as the Democratic Party did, and not have continued to delay over 17 months in making a move, even if it had been an inconvnience to them. I think the public has a knowledge and an awareness of the fact the Democratic Party did make a decision and then took immediate action. I know the public appreciates such action.

(Mr. RISENHOOVER asked and was given permission to address the House for 1 minute.)

Mr. RISENHOOVER. Mr. Speaker, I would like to associate myself with the remarks made by previous spokesmen on the Democratic side of the House about the space problem.

I would like to urge the Speaker to go one step further. I am a publisher by profession. Although my newspaper is relatively small, most of the media has become big business. I urge the Speaker to charge the media rent for office space they now occupy free. The media can pay its share, along with the taxpayers of this country, for the cost of Government. That would be an improvement over criticizing the Members of this body all the time. The media has had a free ride long enough.

REPUBLICAN CONGESSIONAL CAMPAIGN COMMITTEE SHOULD MOVE OUT OF HOUSE OFFICE SPACE

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. GEPHARDT. Mr. Speaker, I join with my colleagues in expressing concern about the failure of the Republican Congressional Campaign Committee to move out of official House office space, as its counterpart on the Democratic side has.

While I understand the committee maintains it has reimbursed the House for rooms it occupies, this does not solve the problem. First of all, who is to say if the payments in fact represent fair compensation.

Even more pressing, however, is the serious need for additional space for congressional offices. While most of our staffs are sitting on top of each other in only two or three room suites, the Republican Campaign Committee houses 40 staff members in 14 offices—an average of 3 people per room.

In the past few years, the House has had to establish two annexes to the existing House office buildings. It is understandable that the taxpayers balk if we consider proposals for building new offices or acquiring more space when political organizations are permitted to locate in Government buildings.

Our space needs demand that we take every step possible to maximize use of the room available to us. It is only appropriate that offices with nonlegislative functions be the first to yield, and top among these are the compaign committees which contribute nothing to the operation of the Congress. I applaud the Democratic Campaign Committee for seeking offices in commercial buildings. It is now incumbent on the Republican committee to follow suit.

DEMOCRATIC CAMPAIGN COMMITTEE SHOULD PAY RENT FOR 30 YEARS PUBLIC OFFICE SPACE

(Mr. WYDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYDLER. Mr. Speaker, I was back in my office listening to the righteousness flowing into this Chamber today. I am only going to suggest to the Members who have made the speeches concerning the office space that they also suggest that the Government go back and calculate the amount of money that is due and owing from the Democratic Congressional Committee for all the space they used for the last 30 years, with interest, and demand that their party pay it.

POLITICAL ACTIVITIES SHOULD NOT BE ON HILL

(Mr. CORMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORMAN. Mr. Speaker, I will need to make a deal with my counterpart to borrow a little money, because I realize he is in a good position to lend it. But, when I first became chairman of the Democratic Campaign Committee, there was discussion within the Democratic caucus that we ought to move political activities off Federal property. We did that as quickly as we could.

I realize that many things have changed, but I hope that we will not be retroactive in whatever we do. We have survived tolerably well. It is a little bit expensive. When that new building goes up on the corner, I would like to have the

Members on the other side of the aisle build an extra floor, because it would be handier for us.

But, Mr. Speaker, I think there is some wisdom in our having our political activities off the Hill. It is a very, very difficult thing to measure what is and what is not political, but clearly Mr. VANDER JAGT and I are in the business of politics. I have found him a very effective and honorable adversary. I hope he continues to represent the minority party in its political efforts.

AUDIT OF PARTISAN POLITICAL OFFICE USE CALLED FOR

(Mr. BROWN of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Michigan. Mr. Speaker, I think we ought to put this in context when we are talking about space. Have the gentlemen, the previous speakers, discussed with the Speaker the removal of all those who are occupying space in that annex for living quarters? Have the gentlemen consulted with the Speaker concerning the rent for all the time occupied in that same annex by the Democratic Club? Have the gentlemen bothered to look back and see that the Republican Party was the first party to attempt to separate its partisan activities from official functions of the House by removal of employees from the House payroll, which practice continued for some time by the Democratic Party? And are they aware that we have tendered rent checks to the Speaker pending occupancy of our new quarters in November?

It is nice to be here as first-termers. Most first-termers, if not all, only want to reflect upon the history of the past few months. I would suggest some kind of audit, and I would be glad to support those Members in a GAO audit of how the taxpayers' money has been used, from the standpoint of partisan politics. I think the gentlemen would be a little embarrassed at the issue they have raised this morning.

I would really suggest that this whole matter appears to be a "tale told by an idiot, full of sound and fury, signifying nothing."

PERSONAL EXPLANATION

Mr. DOWNEY. Mr. Speaker, yesterday I was in the Chamber and inadvertently did not vote on the final passage of the Department of Defense Authorization Act. Had I done so, I would have voted "yea."

REAFFIRMING UNITY OF NORTH ATLANTIC ALLIANCE COMMITMENT

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 137) reaffirming the unity of the North Atlantic Alliance commitment, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. EVANS of Colorado). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 137

Whereas thirty years ago the Congress passed the Vandenberg Resolution, which has come to represent the highest qualities of bipartisan statesmanship; and

Whereas the North Atlantic Alliance has preserved the peace in Europe for an entire generation, allowing its members to attain unprecedented levels of prosperity and well being for their people; and

Whereas the leaders of the Alliance will gather in Washington, D.C., on May 30 and 31, 1978, to renew their adherence to its principles and rededicate themselves to its objectives; and

Whereas this meeting will be the capstone of efforts to insure that the need of collective security will be met over the next decade: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the North Atlantic Alliance be reaffirmed as a vital commitment and cornerstone of United States foreign policy, and that the bipartisan spirit that inspired its birth be rededicated to the purpose of strengthening it further in the cause of peace and security.

SEC. 2. The Congress recognizes the extraordinary success of the North Atlantic Alliance in fulfilling its goals of safeguarding the freedom, common heritage and civilization of its peoples, founded on the principles of democracy, individual liberty and the rule of law.

SEC. 3. On the occasion of the NATO Summit meeting in Washington, the Congress declares its support for efforts to reaffirm the unity of the North Atlantic Alliance, to strengthen its defensive capabilities to meet threats to the peace, and on this basis to persevere in attempts to lessen tensions with the Warsaw Pact States.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate Joint Resolution 137, reaffirming our commitment to the unity of the North Atlantic Alliance.

This resolution is similar to one introduced by myself and over 30 cosponsors on May 18. On Monday of this week, the Committee on International Relations unanimously agreed to report that resolution favorably. It was my intention to bring that resolution to the floor as soon as possible. However, in view of the fact that the other body acted on Senate Joint Resolution 137 first and in view of the fact that the leaders of the NATO Alliance will convene in Washington on May 30, I make this request in the interest of time.

The purpose of Senate Joint Resolution 137 is—preparatory to the NATO summit meeting here in Washington on May 30 and 31—to:

Express congressional reaffirmation of the U.S. vital commitment to the alliance;

Recognize the extraordinary success of the alliance in safeguarding freedom and the principles of democracy; and to

Declare the support of the Congress for efforts to reaffirm the unity of NATO, to strengthen its defensive capabilities, and, on this basis to persevere in attempts to lessen tensions with the Warsaw Pact states.

As NATO prepares to enter its fourth decade, its role is more crucial than ever. Its members must insure that it has the capability to deter aggression by responding as needed to any Warsaw Pact military buildup. The alliance's military efforts must also be coupled with efforts to meet new challenges in the economic and social sphere, in order to sustain the unprecedented prosperity and social betterment which alliance members have achieved. The future thus puts a premium on the continued dedication by all NATO countries to the objectives of the alliance and to the strong defense of the ideals for which it stands.

As the leaders of NATO countries prepare to gather in Washington next week, to discuss these and other vital issues facing the Atlantic community, I call upon my fellow colleagues to join together in expressing our unswerving commitment to the North Atlantic Alliance and to adopt this resolution.

Mr. BROOMFIELD. Mr. Speaker, the resolution we have before us today reaffirms the North Atlantic Alliance as a vital commitment and cornerstone of U.S. foreign policy. As you know, in the permanent interests of U.S. foreign policy—particularly that of peace and security—NATO plays an important role.

Since 1949—when the alliance was formed—NATO has been of great value to both the United States and the European community. That Western Europe has remained free and protected from external threat is—to be sure—in no small part attributable to this alliance. The alliance, for example, has denied Moscow the opportunity to dominate Western Europe and has provided the West with a sense of security and confidence. Moreover, NATO has provided us with an opportunity to seek a gradual resolution of East-West differences on terms that can be more acceptable to the West.

However, while efforts are being made to better resolve these differences, the Soviet Union and its Warsaw Pact allies are rapidly moving toward a conventional military superiority over NATO. Soviet forces in Europe have undergone significant expansion in the past decade and are now being qualitatively improved with new weaponry. Soviet weapons also threaten the alliance—more than ever before—particularly with the deployment of the new Backfire bomber and mobile missiles, which can devastate all of Western Europe. To be sure, the challenges before NATO are formidable, but no doubt within the resources of the alliance. The North Atlantic alliance does not so much lack the military or economic means; however, the alliance, in partnership with the United States, must better demonstrate that it does not lack the will. In times like these—when the future of Western security seems more in doubt—it is especially important that the United States stand by our NATO friends, as we have throughout all these years. Truly, that is the purpose of Senate Joint Resolution 137, and I urge my colleagues to support it.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, I am pleased to see the special attention the House is giving to the NATO Alliance. It has served us well and it has served our allies well and it will continue to serve us and our allies well if we give it the support that the alliance deserves. In view of the pending meeting of NATO heads of state I believe that it is doubly important that we reaffirm in both our legislative and executive branches our determination to support a strong, effective, and continuing NATO Alliance.

Mr. BROOMFIELD. I thank the gentleman for his remarks.

Mr. KETCHUM. Mr. Speaker, will the gentleman from Wisconsin yield?

Mr. ZABLOCKI. I am happy to yield to the gentleman from California.

Mr. KETCHUM. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. ZABLOCKI) for yielding to me and I would like to associate myself with the remarks of the distinguished chairman of the committee and the distinguished ranking minority member. I think that NATO has probably done more for world peace than any other organization and I certainly believe, as a veteran of World War II, that it is one of the better outcomes of that peace.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Senate joint resolution was ordered to be read a third time and was read a third time.

The SPEAKER pro tempore. The question is on the Senate joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DERWINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 370, nays 0, answered "present" 1, not voting 63, as follows:

[Roll No. 374]

YEAS—370

Abdnor	Bedell	Brodhead
Addabbo	Beilenson	Brooks
Akaka	Benjamin	Broomfield
Alexander	Bennett	Brown, Calif.
Allen	Bevill	Brown, Ohio
Ammerman	Biaggi	Broyhill
Anderson, Calif.	Bingham	Buchanan
	Blanchard	Burgener
Andrews, N.C.	Blouin	Burke, Fla.
Annunzio	Boggs	Burke, Mass.
Armstrong	Boland	Burleson, Tex.
Ashbrook	Bolling	Byron
Ashley	Bonior	Caputo
Aspin	Bonker	Carney
Bafalis	Bowen	Carr
Baldus	Brademas	Carter
Barnard	Breaux	Cavanaugh
Bauman	Brinkley	Cederberg
Chappell	Hollenbeck	Patten
Chisholm	Holt	Patterson
Clausen, Don H.	Holtzman	Pattison
	Howard	Pease
Clay	Hubbard	Pepper
Cleveland	Huckaby	Perkins
Cohen	Hughes	Pettis
Coleman	Hyde	Pickle
Collins, Tex.	Ichord	Pike
Conable	Ireland	Poage
Conte	Jacobs	Pressler
Corcoran	Jeffords	Preyer
Corman	Jenkins	Price
Cornell	Jenrette	Pritchard
Cornwell	Johnson, Calif.	Pursell
Cotter	Johnson, Colo.	Quayle
Coughlin	Jones, N.C.	Quie
Crane	Jones, Okla.	Quillen
Cunningham	Jones, Tenn.	Rahall
D'Amours	Jordan	Railsback
Daniel, Dan	Kastenmeier	Rangel
Daniel, R. W.	Kelly	Regula
Danielson	Ketchum	Reuss
Davis	Keys	Richmond
de la Garza	Kildee	Rinaldo
Delaney	Kindness	Risenhoover
Dent	Kostmayer	Roberts
Derrick	Krebs	Robinson
Derwinski	Krueger	Roe
Devine	LaFalce	Rogers
Dicks	Lagomarsino	Roncalio
Diggs	Latta	Rooney
Dingell	Le Fante	Rosenthal
Downey	Leach	Rostenkowski
Drinan	Lederer	Roybal
Duncan, Oreg.	Leggett	Rudd
Duncan, Tenn.	Lehman	Ruppe
Early	Lent	Russo
Eckhardt	Levitas	Ryan
Edgar	Livingston	Santini
Edwards, Ala.	Lloyd, Calif.	Satterfield
Edwards, Calif.	Lloyd, Tenn.	Sawyer
Edwards, Okla.	Long, La.	Scheuer
Eilberg	Lott	Schroeder
Emery	Lujan	Schulze
English	Luken	Sebelius
Erlenborn	Lundine	Seiberling
Ertel	McClory	Sharp
Evans, Colo.	McCormack	Shuster
Evans, Del.	McDade	Sikes
Evans, Ga.	McDonald	Sisk
Evans, Ind.	McEwen	Skelton
Fascell	McFall	Skubitz
Fenwick	McHugh	Slack
Findley	McKinney	Smith, Iowa
Fish	Madigan	Smith, Nebr.
Fisher	Maguire	Snyder
Fithian	Mahon	Solarz
Flippo	Mann	Spellman
Flood	Markey	Spence
Florio	Marks	Staggers
Flowers	Marlenee	Stangeland
Flynt	Marriott	Stanton
Foley	Martin	Stark
Ford, Mich.	Mathis	Steed
Forsythe	Mattox	Steers
Fountain	Mazzoli	Stockman
Fowler	Meeds	Stokes
Fraser	Metcalfe	Stratton
Frenzel	Meyner	Studds
Frey	Michel	Stump
Fuqua	Mikva	Symms
Gammage	Milford	Taylor
Gaydos	Miller, Ohio	Thompson
Gephardt	Mineta	Thone
Giaimo	Minish	Traxler
Gibbons	Mitchell, N.Y.	Treible
Gilman	Moakley	Udall
Ginn	Mollohan	Ullman
Glickman	Montgomery	Van Deerlin
Goldwater	Moore	Vander Jagt
Gore	Moorhead, Calif.	Vanik
Gradison		Vento
Grassley	Moorhead, Pa.	Volkmer
Green	Moss	Waggonner
Gudger	Motti	Walgren
Guyer	Murphy, Ill.	Walker
Hagedorn	Murphy, N.Y.	Walsh
Hall	Murphy, Pa.	Wampler
Hamilton	Murtha	Waxman
Hammer-schmidt	Myers, Gary	Weaver
	Myers, John	Weiss
Hanley	Myers, Michael	Whalen
Hannaford	Natcher	White
Hansen	Neal	Whitehurst
Harkin	Nedzi	Whitley
Harris	Nolan	Whitten
Harsha	Nowak	Wiggins
Hawkins	O'Brien	Wilson, Bob
Heckler	Oakar	Wilson, Tex.
Hefner	Oberstar	Winn
Heftel	Obey	Wirth
Hightower	Ottinger	Wolff
Hillis	Panetta	Wright
Wydler	Yatron	Zablocki
Wylie	Young, Fla.	Zeferetti
Yates	Young, Mo.	

NAYS—0

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—63

Ambro	Dellums	Nix
Anderson, Ill.	Dickinson	Rhodes
Andrews, N. Dak.	Dodd	Rodino
	Dornan	Rose
Applegate	Fary	Rousselot
Archer	Ford, Tenn.	Runnels
AuCoin	Garcia	Sarasin
Badham	Goodling	Shipley
Baucus	Harrington	Simon
Beard, R.I.	Holland	St Germain
Beard, Tenn.	Horton	Steiger
Breckinridge	Kasten	Teague
Brown, Mich.	Kazen	Thornton
Burke, Calif.	Kemp	Treen
Burlison, Mo.	Long, Md.	Tsongas
Burton, John	McCloskey	Tucker
Burton, Phillip	McKay	Watkins
Butler	Mikulski	Wilson, C. H.
Clawson, Del	Miller, Calif.	Young, Alaska
Cochran	Mitchell, Md.	Young, Tex.
Collins, Ill.	Moffett	
Conyers	Nichols	

The Clerk announced the following pairs:

Mr. Phillip Burton with Mr. Anderson of Illinois.

Mr. Shipley with Mr. Badham.

Mr. Simon with Mr. Kemp.

Mr. John L. Burton with Mr. Long of Maryland.

Mr. St Germain with Mr. Rousselot.

Mr. Garcia with Mr. Watkins.

Mr. Mitchell of Maryland with Mr. Andrews of North Dakota.

Mr. Miller of California with Mr. Treen.

Mr. Breckinridge with Mr. Sarasin.

Mr. AuCoin with Mr. Kasten.

Mr. Baucus with Mr. Young of Alaska.

Mr. Beard of Rhode Island with Mr. Beard of Tennessee.

Mrs. Burke of California with Mr. McCloskey.

Mr. Kazen with Mr. Steiger.

Mr. Harrington with Mr. Archer.

Ms. Mikulski with Mr. Horton.

Mr. McKay with Mr. Ford of Tennessee.

Mr. Fary with Mr. Dornan.

Mr. Dodd with Mr. Brown of Michigan.

Mr. Teague with Mr. Butler.

Mr. Rose with Mrs. Collins of Illinois.

Mr. Runnels with Mr. Cochran of Mississippi.

Mr. Nichols with Mr. Del Clawson.

Mr. Nix with Mr. Conyers.

Mr. Dellums with Mr. Dickinson.

Mr. Applegate with Mr. Goodling.

Mr. Ambro with Mr. Tsongas.

Mr. Charles H. Wilson of California with Mr. Moffett.

So the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO HAVE UNTIL MIDNIGHT, FRIDAY, MAY 26, 1978, TO FILE REPORT ON HOUSE RESOLUTION 1194

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on International Relations may have until midnight, Friday, May 26, 1978, to file a report on House Resolution 1194, regarding the requested testimony of former Korean Ambassador Kim Dong Jo.

The SPEAKER pro tempore. Is there

objection to the request of the gentleman from Wisconsin?

There was no objection.

ADMINISTRATIVE CONFERENCE ACT AMENDMENTS

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate bill (S. 1792) entitled "An act to amend the Administrative Conference Act," with Senate amendments to the House amendment thereto, and concur in the Senate amendments to the House amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendments to the House amendment, as follows:

Page 1, line 8, of the House engrossed amendment, strike out "and".

Page 1, line 9, of the House engrossed amendment, strike out "1981."." and insert "1981, and $2,300,000 for the fiscal year ending September 30, 1982."."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I wonder if the gentleman from California (Mr. DANIELSON would explain these amendments to us?

Mr. DANIELSON. I will, Mr. Speaker, if the gentleman will yield.

Mr. BAUMAN. I am pleased to yield to the gentleman from California.

Mr. DANIELSON. Mr. Speaker, the Senate amendments do one thing only, and that is to extend by 1 year the term of authorization. There is no difference in amounts. The only difference is that instead of a 3-year authorization, we now have a 4-year authorization.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, due to a prior commitment in my congressional district, I was absent on Friday, May 19, when the House concluded consideration of H.R. 39, the Alaskan lands bill. Had I been present I would have voted "yea" on rollcall No. 340, final passage of the bill.

PERSONAL STATEMENT

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, I insert at this point a statement regarding one recorded vote I missed on Thursday, May 18, 1978, and three votes on Friday, May 19, 1978, and an indication of how I would have voted had I been present.

The votes are as follows:

Rollcall No. 336, on May 18, 1978, a vote on an amendment to the Udall substitute to H.R. 39, the Alaska National Interest Lands Conservation Act, to reduce lands to be designated as wilderness from approximately 66 million acres to 33 million acres. The amendment was rejected by a vote of 119 to 240. Had I been present, I would have voted against the amendment.

Rollcall No. 337, on May 19, 1978, a vote on a motion to resolve into the Committee of the Whole for the further consideration of H.R. 39, agreed to be a vote of 280 to 8. Had I been present, I would have voted for the motion.

Rollcall No. 338, on May 19, 1978, a vote on an amendment to the Udall substitute that continues minerals assessments provisions, and requires the President to submit a proposal to Congress by October 1, 1981, for a procedure for evaluating applications by individuals wishing to carry out mineral exploration or extraction on conservation system lands. The amendment was agreed to by a vote of 157 to 150. Had I been present, I would have voted against the amendment.

Rollcall No. 339, on May 19, 1978, a motion to recommit H.R. 39 with instructions to substitute the language of H.R. 12703, the Meeds substitute. The motion was rejected by a vote of 67 to 242. Had I been present, I would have voted against the motion.

Rollcall No. 340, on May 19, 1978, on final passage of H.R. 39. The bill was passed by a vote of 277 to 31. Had I been present, I would have voted for the bill.

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 12571) to amend the Fishery Conservation Zone Transition Act in order to give effect to the Reciprocal Fisheries Agreement for 1978 between the United States and Canada.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. FORSYTHE. Mr. Speaker, reserving the right to object, I do so not to object but to give the chairman an opportunity to inform the House as to just what we are trying to do and the importance of the action we are taking today.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

Mr. FORSYTHE. I yield to the gentleman from New York.

Mr. MURPHY of New York. Mr. Speaker, the fishery zone of the United States was extended from 12 to 200 miles on March 1 of last year. The act that provided for this extension provides that no foreign fishing vessel can fish within our 200-mile fisheries zone unless the foreign nation concerned has signed a Governing International Fishing Agreement—better known as a GIFA—with the United States and has received a permit for each of its vessels planning to fish in our waters and has paid the appropriate fees associated with the issuance of such permits.

Mr. Speaker, the need for legislation arises from the fact that the agreement which the United States and Canada have entered into is not a GIFA but a reciprocal fisheries agreement, and for the agreement to come into force and effect it becomes necessary to waive certain requirements of the 200-Mile Fishery Zone Act and to give congressional approval to it. This would be accomplished by the passage of H.R. 12571. It is only in this way that our U.S. fishermen will be able to continue fishing in Canadian waters and that Canadian fishermen will be able to continue fishing in our waters.

Mr. Speaker, although this agreement is unique it is not the first time the United States and Canada have entered into such an agreement. The first of such agreements dates back to 1973. That agreement expired in 1977, and in February 1977 the second of such agreements was entered into. As the Members will recall, legislation was passed last year in the form of H.R. 5638 in order to allow for these reciprocal arrangements to go forward during calendar year 1977.

The 1977 agreement expired at the end of last year, and now it becomes necessary to give congressional approval to the third of such agreements, which will allow reciprocal fishing arrangements for 1978.

Mr. Speaker, the United States fishery in the Canadian fishery zone is valued at approximately $7 million, and approximately $15 million in the disputed boundary areas, over which jurisdiction is claimed by both countries.

I think it is necessary that we protect this distant water fishery and I hope the Members will support the passage of the legislation so that our U.S. fishermen can continue fishing in Canadian waters for the remainder of this year.

Mr. Speaker, I now yield such time as he may consume to the gentleman from California, the chairman of the subcommittee that handled this legislation.

Mr. FORSYTHE. Mr. Speaker, further reserving the right to object, I rise in support of this legislation. When this Congress enacted the Fishery Conservation and Management Act of 1976, it was clearly intended that no foreign fishing vessel would be allowed to fish within the U.S. 200-mile zone unless the United States and the nation involved had entered into a governing international fisheries agreement. It was also intended that no foreign fishing vessel would be allowed to participate in any fishery unless it was found that U.S. vessels would be unable to harvest the entire optimum yield from that fishery. The effect of the optimum yield determinations was that many Canadian fishermen would be unable to fish within the U.S. 200-mile zone.

At the same time the United States was moving forward with the establishment of its 200-mile zone, the Canadians were establishing a similar conservation program. The Canadian statute which is similar to the United States program would also result in the exclusion of

many American fishermen from the Canadian zone.

Recognizing that the United States and Canada had many reciprocal fishing interests on both the Atlantic and Pacific coasts, the State Department negotiated a reciprocal fisheries agreement which will protect the interests of both fishermen in the zone of the other nation. I believe that this agreement, which is not in strict compliance with the requirements of our law, offers the best opportunity for protecting the resource and for protecting the access of U.S. fishermen to that resource.

In 1977, for example, U.S. Atlantic coast fishermen harvested $3.5 million worth of products from waters subject to Canadian jurisdiction. Canadian fishermen harvested $5.5 million of fisheries resources from Atlantic waters within U.S. jurisdiction. In the disputed boundary zone U.S. fishermen harvested $15.7 million of fisheries products. It is estimated that in this disputed area the total harvest could approximate over $70 million. To protect the U.S. interest it is important that we approve this reciprocal fisheries agreement.

I would note, however, that under the literal terms of the agreement, Canadian fishermen operating off the east coast of the United States will be able to increase their harvest from what they were actually harvesting in 1976 because in 1976 the Canadians did not take their entire ICNAF quota. Nevertheless, I do not believe it is the intent of this Congress, and I can assure you it is not my intent, that Canadian fishermen be allowed to significantly expand their harvest level over those levels prevailing in 1976. With that understanding, Mr. Speaker, I urge the adoption of H.R. 12571 which will provide important protection for the fishing rights of U.S. citizens who are currently operating within the Canadian zone.

Mr. Speaker, I include the following material:

"FISH WAR" MAY BREAK OUT ON WEST COAST AS U.S., CANADA FACE SHOWDOWN ON PACT

(By Leonard Zehr and John Urquhart)

VANCOUVER.—A "fish war" is spawning on the West Coast between the U.S. and Canada.

There isn't likely to be a replay of the gunboat confrontations that marked the "cod war" between Britain and Iceland in 1976.

But the U.S.-Canadian conflict—which could come to a head this Friday—could result in sour tastes on both sides of the border and competitive overfishing that could seriously damage fish stocks off Washington State and British Columbia for years to come.

At issue is an interim agreement reached by negotiators for the two countries earlier this year on reciprocal fishing privileges in each other's 200-mile-wide so-called "offshore economic zone."

The 1978 accord is basically a replay of the 1977 agreement, setting down the specific times and places for fishermen from the U.S. to ply Canadian waters and when Canadian fishermen could go south.

THREE ADDITIONS

This year's pact, though, had three additions, and therein lies the dispute.

Canada agreed to comply with a U.S. request to ban fishing in the Swiftsure Bank, a 200-square-mile area, for two months so salmon could cross unimpeded to reach spawning grounds in U.S. rivers.

In return, Canadian fishermen were to get wider access to U.S. fishing grounds. Canadians, moreover, were to be allowed to cross over into U.S. waters with 26-inch salmon caught in Canada without running the risk of being fined by U.S. regulators enforcing a more stringent U.S. limit of 28 inches.

The sides really shouldn't have had too much confidence that their understanding would survive the year.

The 1977 accord fell apart when the U.S. Fisheries Management Council for the Northwest revised catch limits, forcing Canadian boats to leave the Washington coast with 40,000 fewer salmon than they had expected. Canada retaliated by closing the shrimp grounds off Vancouver Island to boats from the U.S. (Those shrimp grounds are still closed this year, but to Canadian as well as U.S. fishermen.)

This year's problems started last month when the Canadians refused to abide by a U.S. request to close off fishing in the Swiftsure Bank. In the view of Canadian officials, there wasn't any conservation reason to close off the area, even though the U.S. was in its rights to make the demand.

Not until last week did the Canadians agree to the U.S. request to halt Canadian fishing in the bank.

By then, though, tempers had flared on both sides of the border.

The Washington State Trollers Association and the Quileute Indian Tribe, contending the Canadians weren't justified in refusing to close the Swiftsure Bank, obtained a temporary injunction May 5 to ban all Canadian boats from trolling for salmon in U.S. waters. The court, in acting, said the 1978 interim agreement was invalid because it lacked congressional approval.

That injunction was stayed several days later, but the U.S. has yet to comply with its part of the 1978 accord by allowing Canadians to have wider access to U.S. waters and permitting Canadian boats with 26-inch fish to cross into U.S. waters.

Therein lies Friday's deadline. If the U.S. doesn't comply by then, the Canadians have threatened to declare the 1978 agreement null and void.

At the least, says Romeo LeBlanc, Canadian minister of fisheries and the environment, the fishermen of each country will be confined to their own waters.

At the worst, Canadian officials may permit fishermen to make a major effort to net salmon along the British Columbia coast. That could curtail the flow of fish to U.S. waters, which could severely damage the U.S. fishing industry.

CONGRESSIONAL APPROVAL

The Carter administration, for its part, voices support for the interim agreement. But this year's agreement, because of the May 5 U.S. court decision, has to pass congressional muster (the question of congressional approval was ignored last year), and several Congressmen argue that the U.S. hasn't any obligation to honor the agreement because of Canada's belated compliance on the Swiftsure Bank.

The Senate Commerce Committee plans to resume deliberations this week, but an aide to Sen. Warren Magnuson (D., Wash.), the ranking member of the panel, says the Senator is "skeptical" of giving Canada a larger salmon trolling role off Washington State. The committee may impose some sort of resource control over the waters, the aide adds.

About Friday's deadline and a possible "fish war," another staffer replies: "The Senator doesn't respond directly to ultimatums."

"The ball is in the U.S. court," says Ian Todd, manager of Canada's West Coast Commercial Fisheries Division. He indicates there is only an outside chance the U.S. will agree to comply with the interim agreement by Friday. "In a fish war, the only thing that happens is that the resource tends to lose," he adds.

Complicating the issue is the Pacific Trollers Association, a Canadian trade group, which plans to seek a court injunction this week to force the reopening of the Swiftsure Bank.

At stake is an estimated $15 million annual catch by U.S. fishermen in Canadian waters when fishing is good.

About half the Pacific U.S. trawl landings of groundfish, or $3 million a year, and nearly $1 million of salmon are regularly caught off British Columbia. The totals swell, however, when albocare tuna comes north in the fall and American boats cross the international boundary. In 1974, the last big catch, U.S. boats took about $12 million of tuna off British Columbia.

British Columbia fishermen annually land about $6 million of halibut in the Gulf of Alaska and $2 million of salmon off Washington State.

Mr. Speaker, I withdraw my reservation of objection.

Mr. CUNNINGHAM. Mr. Speaker, reserving the right to object, we just learned about this today. Not being a member of the committee, I wonder if the chairman could assure us that, if we do consider this now, once an agreement is worked out as to who is allowed to fish where and what expansions or limitations are made, we will have an opportunity here in the Congress to respond?

Mr. MURPHY of New York. If the gentleman will yield, the committee has been conducting extensive oversight in this area. The United States-Canadian agreement entered into on April 11, 1978, will only be in effect until the 31st of December of this year, and it, in fact, will cover just this interim period. We have had meetings with the gentleman's colleagues from Washington and with Ambassador Cutler, the U.S. negotiator of this agreement. The position of the fishermen from the State of Washington was very clearly and effectively articulated by those representatives at those meetings. Ambassador Cutler knows specifically what fishing areas are open for negotiation.

I think eventually there will be a very satisfactory long-term agreement negotiated.

Mr. Speaker, the fishery zone of the United States was extended from 12 to 200 miles on March 1 of last year. The act that provided for this extension provides that no foreign fishing vessel can fish within our 200-mile fisheries zone unless the foreign nation concerned has signed a Governing International Fishing Agreement—better known as a GIFA—with the United States and has received a permit for each of its vessels planning to fish in our waters and has paid the appropriate fees associated with the issuance of such permits.

Mr. Speaker, the need for legislation arises from the fact that the agreement which the United States and Canada have entered into is not a GIFA but a reciprocal fisheries agreement and for the agreement to come into force and effect it becomes necessary to waive certain requirements of the 200-Mile Fish-

ery Zone Act and to give congressional approval to it. This would be accomplished by the passage of H.R. 12571. It is only in this way that our U.S. fishermen will be able to continue fishing in Canadian waters and that Canadian fishermen will be able to continue fishing in our waters.

Mr. Speaker, although this agreement is unique it is not the first time the United States and Canada have entered into such an agreement. The first of such agreements dates back to 1973. That agreement expired in 1977, and in February 1977 the second of such agreements was entered into. As the Members will recall, legislation was passed last year in the form of H.R. 5638 in order to allow for these reciprocal arrangements to go forward during calendar year 1977.

The 1977 agreement expired at the end of last year, and now it becomes necessary to give congressional approval to the third of such agreements, which will allow reciprocal fishing arrangements for 1978.

Mr. Speaker, the U.S. fishery in the Canadian fishery zone is valued at approximately $7 million, and approximately $15 million in the disputed boundary areas, over which jurisdiction is claimed by both countries.

I think it is necessary that we protect this distant water fishery, and I hope the Members will support the passage of the legislation so that our U.S. fishermen can continue fishing in Canadian waters for the remainder of this year.

Mr. Speaker, I now yield such time as he may consume to the gentleman from California, the chairman of the subcommittee that handled this legislation.

Mr. LEGGETT. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. LEGGETT. Mr. Speaker, the gentleman makes the point that he is concerned about further agreements and modifications. He is well aware of provisions in the existing agreement which provide for certain expanded fishing activity by the Canadians in the interim period on the obtainment of certain conditions.

We can assure the gentleman that the conditions referred to have not obtained. As a result, no expanded fishing has occurred. No expanded fishing over that of last year will occur until the State Department fully consults with our congressional committees concerning any further and/or additional activity.

Mr. Speaker, the purpose of H.R. 12571 is to waive certain requirements of the Fishery Conservation and Management Act of 1976, better known as the 200-Mile Fishery Zone Act, in order to permit fishermen of the United States and Canada to continue fishing off the coasts of each nation during the remainder of this year.

Mr. Speaker, the need for this legislation arises from the fact that the United States and Canada entered into a reciprocal fisheries agreement on April 11, 1978, which would allow the nationals and vessels of each country to continue fishing in the fishery zone of the other and without the necessity of obtaining permits for their vessels.

Mr. Speaker, this agreement is not considered to be a GIFA, within the terms of the 200-Mile Fishery Zone Act. It is a reciprocal agreement and, therefore, in order for the nationals and vessels of each nation to continue fishing in the fishery zone of the other, it becomes necessary to waive the procedural requirements of the act and to give congressional approval to the agreement, which would be accomplished by the passage of H.R. 12571.

Mr. Speaker, briefly explained, H.R. 12571 would give congressional approval to the agreement; it would make the agreement effective from January 1, 1978 to December 31, 1978; it would authorize Canadian nationals and vessels to fish within the fishery zone of the United States, notwithstanding the requirements of title II of the 200-Mile Fishery Zone Act and the prohibition provisions of such act, provided such fishing is carried out in accordance with the agreement; it would require any person of the United States engaging in fishing in Canadian waters to which the agreement applies or any person of the United States receiving any fish caught in such waters to provide the Secretary of Commerce such statistics regarding such fishing or such receipt as the Secretary may require; and it would authorize the assessment of a civil penalty against persons failing to provide such statistics.

Mr. Speaker, H.R. 12571 has the strong support of the administration, in particular, Secretary Vance and Secretary Kreps, and it has strong bipartisan support of the members of the Committee on Merchant Marine and Fisheries. The fishermen of our country in general support the agreement and the enactment into law of this legislation would result in no additional cost to the Federal Government.

Mr. Speaker, before concluding, I might point out that opposition to this agreement was voiced by some of the commercial salmon trollers fishing off the west coast of the United States at hearings held by my subcommittee in Oregon and Washington on the 21st and 22d of last month. Their primary concern centered around the fact that Canadian salmon trollers might be able to fish farther south than they did last year and to have 26-inch size chinook salmon on board when entering U.S. waters. Since those hearings, Canada failed to close the Swiftsure Bank area to fishing when it was originally requested to do so by the United States, even though it subsequently closed it on May 15 of this year. Consequently, pursuant to the agreement, the United States is not obligated to allow the Canadian fishermen to fish under these more favorable conditions. In fact, Ambassadors Cutler and McKernon, the negotiators of the reciprocal agreement, have given us their assurance that the Department of State will consult with the Committee on Merchant Marine and Fisheries before allowing Canadian fishermen to fish in the U.S. zone pursuant to the more favorable conditions of the 1978 agreement.

Mr. Speaker, I urge the prompt passage of H.R. 12571.

Mr. BONKER. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Washington.

Mr. BONKER. Mr. Speaker, I thank the gentleman for yielding.

To continue on with what the chairman of the subcommittee has just stated, I had offered an amendment in the committee to preclude expanded Canadian fishing off our coast in order to preserve the status quo of existing treaties and conventions between the United States and Canada.

That amendment was withdrawn, but only after we had met with representatives of the State Department and Ambassador Cutler and got his assurances that there would be no expanded fishing, even if the Canadians had closed fishing off Swiftsure Bank which they had agreed to.

Pursuant to that agreement, I think we can move forward with those assurances, knowing that the Coast Guard has been notified that it will enforce any fishing restriction below Carroll Island which was established by previous agreement.

Therefore, Mr. Speaker, I would like to commend both the chairman of the full committee and the chairman of the subcommittee for their cooperation in obtaining these concessions from the State Department.

Mr. CUNNINGHAM. Mr. Speaker, I withdraw my reservation of objection.

● Mr. RUPPE. Mr. Speaker, I rise in support of H.R. 12571, which implements the United States-Canadian Reciprocal Fisheries Agreement. Although the Reciprocal Fisheries Agreement is not in strict compliance with requirements of the Fishery Conservation and Management Act, it should be recognized that the United States has significant fishing interests in waters which are subject to exclusive Canadian jurisdiction.

In the absence of a reciprocal agreement, U.S. fishermen would, pursuant to the Canadian 200-mile law, be excluded from the Canadian zone. Such an occurrence would have a significant and adverse impact on U.S. fishermen. In 1977, for example, the total value of the U.S. fishing effort in waters subject to exclusive Canadian jurisdiction was estimated to be $7.1 million. The value of the fishery to the United States is even greater than these figures would suggest because on the east coast there is an extensive area over which both nations assert jurisdiction. In the disputed boundary zone, there is an estimated potential fishing effort of over $70 million. Although the Reciprocal Fisheries Agreement does not attempt to resolve the Boundary question, it provides a cooperative framework within which United States and Canadian negotiators can attempt to resolve this complicated issue.

Mr. Speaker, I think it is clear that the interests of the U.S. fishing industry are best served by approving this agreement. In view of these facts, Mr.

Speaker, I urge the adoption of H.R. 12571.●

● Mr. PRITCHARD. Mr. Speaker, I rise in support of the 1978 Canadian-United States Reciprocal Fisheries Agreement. This interim agreement is of the utmost importance at this time in order for both the United States and Canada to continue their existing fishing operations off each other's coasts.

Much criticism has been leveled by both sides and much posturing has been occurring over the past few months by affected parties in this very important but protracted set of negotiations. Among issues being negotiated besides fisheries are those involving hydrocarbons as well as boundary issues on both coasts. We realize the significant economic importance of these natural resource negotiations, but, representing a large fishing community such as Seattle, I find it essential that we stress the importance of fisheries management, particularly management of the salmon resource, as one of the more critical elements of these negotiations.

What is really at stake here is whether or not both countries can agree to a more rational management scheme for the Pacific salmon resource in order that both countries can then undertake large-scale investments in the enhancement of this resource. Without such a long-term agreement, which by the way I believe is very close at hand, both nations will be unable to make this very important investment decision regarding a very unique and valuable resource.

We realize there are many tradeoffs that have to be evaluated by both sides, but we would urge that this long-term agreement be established as soon as possible so that we can begin to use our valuable fisheries resources in a more efficient manner.

Mr. Speaker, this interim agreement is important in maintaining existing fishing patterns by both countries, and it is essential at this time in order to encourage a continuation of what has historically been valuable cooperation between two great fishing nations.

It is essential that we implement this interim agreement because our fishermen catch many fish in Canadian waters. In the case of Chinook salmon alone, due to the fact that these fish migrate northward, the Canadians now catch roughly one-third of the U.S.-origin fish, and by expanding their fishing effort very slightly, they can increase this catch of U.S.-spawned salmon even more significantly. Therefore, Mr. Speaker, I strongly support this legislation.●

● Mr. BONKER. Mr. Speaker, members of this committee have met often with the State Department since May 8 when this reciprocal fishing agreement with Canada was first sent to Congress.

Those meetings have resulted in a better understanding, I feel, on everyone's part about the plight of domestic salmon fishermen in the Pacific Northwest.

I have attempted to explain to Ambassador Cutler the regional situation, and he has made me aware of the national ramifications of the agreement. In short, each of us has tried to make the other realize the importance of his position.

I am convinced that he now understands that all domestic salmon fishermen have been restricted severely in their fishing opportunity because of a dwindling resource. There are other considerations, including Federal court decisions, that have been used as reasons for this curtailment, but the basic fact is that there are too many users for the number of salmon that are available for harvest.

The Fishery Conservation and Management Act of 1976, authored, debated, and passed by this committee, sought to address the need to protect our Nation's fish resources and to provide for priority consideration to domestic fishermen.

Now, at a time when the Pacific Management Council set up by that act is proposing to reduce the number of domestic ocean fishermen, and the President's Task Force on Northwest Fisheries has recommended major reductions of every domestic fleet, the State Department has negotiated an interim agreement that proposes to sustain and enlarge Canadian fishing pressure on Pacific salmon stocks that must be protected.

The Pacific Council has imposed severe regulations on ocean fishermen during the past 2 years to conserve these same salmon stocks. Those regulations applied equally to Canadian fishermen within our fishery conservation zone.

But the State Department in proposing this interim fishering agreement, has taken the position, and affirmed it in testimony before the subcommittee, that the regulations of the Pacific Council upset traditional fishing patterns of Canadians. Because of that, the State Department argues that concessions must now be made to Canada.

Keep in mind that these same regulations were imposed on domestic fishermen and also disrupted their traditional fishing patterns, but no concession has been made, or even considered, to our fishermen.

It is my understanding, and firm belief, that I and the chairmen of the subcommittee and full committee have a commitment from Ambassador Cutler that he will consult with us before he allows Canadian fishing on any terms more favorable than the 1977 agreement provided. It is also my understanding and belief that the U.S. position is that Canada did not provide the "quid" by closing the Swiftsure Bank as agreed upon so there is no obligation or intention to provide her the "quo" of an expanded fishing zone off the coast of Washington.

And, I hope that all these meetings and discussions with the State Department have resulted in a clear understanding of the intent of this committee and Congress in enacting the FCMA. I anticipate that the Ambassadors involved will consider that intent carefully while negotiations continue toward the long-term governing international fishery agreement with Canada that is required by the FCMA. And if the State Department feels unsure again of what would be acceptable to Congress, it will consult with us before the fact rather than presenting us again with a fait accompli that does not adhere to congressional intent in the FCMA.●

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

H.R. 12571

A bill to amend the Fishery Conservation Zone Transition Act in order to give effect to the Reciprocal Fisheries Agreement for 1978 between the United States and Canada

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Fishery Conservation Zone Transition Act (Public Law 95–73; 91 Stat. 283) is amended to read as follows:

"(a) CONGRESSIONAL APPROVAL.—That Congress hereby approves the Reciprocal Fisheries Agreement for 1978 between the Government of the United States and the Government of Canada (hereinafter in this section referred to as the 'Agreement') as contained in the message to Congress from the President of the United States dated May 1, 1978. The Agreement shall be in force and effect with respect to the United States from January 1, 1978, until such later date in 1978 as may be determined pursuant to the terms of the Agreement.".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, H.R. 12571.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 12598, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1979

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 95–1216) on the resolution (H. Res. 1204) providing for the consideration of the bill (H.R. 12598) to authorize appropriations for fiscal year 1979 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, to make changes in the laws relating to those agencies, to make changes in the foreign service personnel system, to establish policies and responsibilities with repect to science, technology, and American diplomacy, to establish a Commission on Proposals for a Center for Conflict Resolution, to establish an Institute for International Human Rights, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 12240, INTELLIGENCE AND INTELLIGENCE-RELATED PROGRAM AUTHORIZATION ACT FOR FISCAL YEAR 1979

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 95–1217) on the resolution (H. Res. 1205) providing for the consideration of the bill (H.R. 12240) to authorize appropriations for fiscal year 1979 for intelligence and intelligence-related activities of the U.S. Government, the intelligence community staff, the Central Intelligence Agency retirement and disability system, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 12426, NEW YORK CITY FINANCIAL ASSISTANCE ACT OF 1978

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 95–1218) on the resolution (H. Res. 1206) providing for the consideration of the bill (H.R. 12426) to authorize the Secretary of the Treasury to provide financial assistance for the city of New York, which was referred to the House Calendar and ordered to be printed.

FEDERAL EMPLOYEES FLEXIBLE AND COMPRESSED WORK SCHEDULES ACT OF 1978

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1165 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES 1165

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 7 of rule XIII to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7814) to authorize Federal agencies to experiment with flexible and compressed employee work schedules. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, the resolution provides for the consideration of the bill (H.R. 7814) to authorize Federal agencies to experiment with flexible and compressed employee work schedules.

This is a relatively straightforward 1 hour open rule which contains a technical waiver of clause 7 of rule XIII; the rule requires the report to accompany a bill to contain a committee cost estimate. This requirement was placed in the rules of the House as a result of the Legislative Reorganization Act of 1970 but has become largely obsolete since enactment of the Congressional Budget Act of 1974. Section 403 of that act requires reports to contain a cost estimate prepared by the Congressional Budget Office. Since CBO is better equipped to prepare such estimates, committees normally comply with the old rule by simply inserting a statement in the report accepting the CBO estimate.

Although the report (H. Rept. 95–912) to accompany this bill does not contain such a statement, it does contain the estimate required by section 403 of the Budget Act and the Committee on Post Office and Civil Service does accept the estimate. It might also be noted that the estimate projects relatively minor costs largely for the expenses of the Civil Service Commission in monitoring the program and submitting a report which will assist the Congress in evaluating the experiment authorized by the bill.

Mr. Speaker, I might note at this point that I have become concerned by the frequent need to waive clause 7 of rule XIII; as I have stated, it is an overlapping and largely obsolete requirement. I have introduced a resolution (H. Res. 1166) to amend the rules of the House of Representatives to provide that a committee cost estimate will not be required to be contained in a committee report if such report contains a cost estimate prepared by the Congressional Budget Office. The resolution is pending before the Subcommittee on Rules and Organization of the House which is presently reviewing technical amendments concerned with the budget process.

Mr. Speaker, the bill (H.R. 7814) authorizes Federal agencies to establish experimental programs in flexible and compressed work schedules.

Employees eligible to participate in a flexible time program could elect to alter the standard workday to accommodate personal needs or preferences. Such variations, of course, would be subject to agency regulations to insure that the efficiency of an office would be unimpaired.

Under compressed work schedules, agencies could experiment with 4-day workweeks. Of course, employees would work the same total number of hours and be subject to regulations the agency might establish. The establishment of such work schedules would be contingent on approval by a majority of the employees affected.

It should be stressed that the bill only authorizes a 3-year trial of this program. And the test, in most cases, would be restricted to selected offices within an agency. No major overhaul of the work pattern of Federal workers could occur unless Congress enacted subsequent legislation based on our experience with this trial program.

Mr. Speaker, although the bill failed of the requisite two-thirds under a motion to suspend the rules, it was supported by a decisive majority of the House. I am advised that even some of the opposition to that motion actually reflected a desire to address specific concerns which are open to amendment under this rule.

I believe that this is a very worthwhile bill and that the rule provides a fair and orderly procedure for its consideration.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Massachusetts has explained that this is a 1-hour, open rule making in order the consideration of H.R. 7814, the Federal Employees Flexible and Compressed Work Schedules Act of 1978. Clause 7 of rule XIII, which requires a committee cost estimate to be included in each committee report, is waived by the rule. The bill is to be read by titles instead of sections.

This legislation would establish a 3-year experimental program to test the expanded use of flexible and compressed work schedules in the Federal Government. The Congressional Budget Office cost estimate for fiscal year 1979 through fiscal year 1981 is $5.7 million.

The Members will recall that this measure was brought to the floor under suspension of the rules on March 13 but was defeated by a vote of 242 to 141. I know of no objection to the adoption of this rule, however.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 360, nays 0, not voting 74, as follows:

[Roll No. 375]

YEAS—360

Abdnor	Bauman	Breaux
Addabbo	Bedell	Brinkley
Akaka	Bellenson	Brodhead
Alexander	Benjamin	Brooks
Allen	Bennett	Broomfield
Ambro	Bevill	Brown, Mich.
Ammerman	Biaggi	Brown, Ohio
Anderson, Calif.	Bingham	Broyhill
	Blanchard	Burgener
Andrews, N.C.	Blouin	Burke, Fla.
Armstrong	Boggs	Burke, Mass.
Ashbrook	Boland	Burleson, Tex.
Ashley	Bolling	Burlison, Mo.
Aspin	Bonior	Byron
Bafalis	Bonker	Caputo
Baldus	Bowen	Carney
Barnard	Brademas	Carr

Carter
Cavanaugh
Cederberg
Chappell
Chisholm
Clausen, Don H.
Clay
Cleveland
Cohen
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cornell
Cornwell
Cotter
Coughlin
Crane
Cunningham
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis
de la Garza
Delaney
Derrick
Derwinski
Devine
Dicks
Dingell
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Ellberg
Emery
English
Erlenborn
Ertel
Evans, Colo.
Evans, Del.
Evans, Ga.
Evans, Ind.
Fascell
Fenwick
Findley
Fish
Fisher
Fithian
Flippo
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Forsythe
Fountain
Fowler
Frenzel
Frey
Fuqua
Gammage
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Glickman
Goldwater
Gonzalez
Gore
Gradison
Grassley
Green
Gudger
Guyer
Hagedorn
Hamilton
Hammer-schmidt
Hanley
Hannaford
Hansen
Harkin
Harris
Harsha
Hawkins
Heckler
Hefner
Heftel
Hightower
Hillis
Hollenbeck
Holt
Holtzman
Horton
Hubbard
Huckaby
Hughes
Hyde
Ichord
Jacobs
Jeffords
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kastenmeier
Kelly
Ketchum
Keys
Kildee
Kindness
Kostmayer
Krebs
Krueger
LaFalce
Lagomarsino
Latta
Le Fante
Leach
Lederer
Leggett
Lehman
Lent
Levitas
Livingston
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Luken
Lundine
McClory
McCormack
McDade
McDonald
McEwen
McFall
McHugh
McKinney
Madigan
Maguire
Mahon
Mann
Markey
Marks
Marlenee
Marriott
Martin
Mattox
Mazzoli
Meeds
Mikulski
Milford
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Moss
Motti
Murphy, Ill.
Murphy, N.Y.
Murphy, Pa.
Murtha
Myers, Gary
Myers, John
Myers, Michael
Natcher
Neal
Nedzi
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Purcell
Quayle
Quie
Quillen
Rahall
Railsback
Rangel
Regula
Reuss
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Roe
Rogers
Roncalio
Rooney
Rosenthal
Rostenkowski
Roybal
Rudd
Ruppe
Ryan
Santini
Satterfield
Sawyer
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shuster
Sikes
Sisk
Skelton
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Staggers
Stangeland
Stanton
Stark
Steed
Steers
Stockman
Stokes
Stratton
Studds
Stump
Symms
Taylor
Thompson
Thone
Traxler
Trible
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vento
Volkmer
Waggonner
Walgren
Walker
Walsh
Wampler
Watkins
Waxman
Weaver
Weiss
Whalen
White
Whitehurst
Whitley
Whitten
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Mo.
Zablocki
Zeferetti

NAYS—0

NOT VOTING—74

Anderson, Ill.
Andrews, N. Dak.
Annunzio
Applegate
Archer
AuCoin
Badham
Baucus
Beard, R.I.
Beard, Tenn.
Breckinridge
Brown, Calif.
Buchanan
Burke, Calif.
Burton, John
Burton, Phillip
Butler
Clawson, Del
Cochran
Collins, Ill.
Conyers
Dellums
Dent
Dickinson
Diggs
Dodd
Dornan
Edwards, Okla.
Fary
Ford, Tenn.
Fraser
Garcia
Goodling
Hall
Harrington
Holland
Howard
Ireland
Jenrette
Kasten
Kazen
Kemp
McCloskey
McKay
Mathis
Metcalfe
Meyner
Michel
Mikva
Miller, Calif.
Moffett
Nichols
Nix
Nolan
Rhodes
Rodino
Rose
Rousselot
Runnels
Russo
Sarasin
Shipley
Simon
St Germain
Steiger
Teague
Thornton
Treen
Tsongas
Tucker
Wiggins
Wilson, C. H.
Young, Alaska
Young, Tex.

The Clerk announced the following pairs:

Mr. Phillip Burton with Mr. Andrews of North Dakota.

Mr. Shipley with Mr. Nix.

Mr. Nichols with Mr. Dornan.

Mr. John L. Burton with Mr. Young of Alaska.

Mr. Moffett with Mr. Hall.

Mr. AuCoin with Mr. Anderson of Illinois.

Mr. Dellums with Mr. Buchanan.

Mr. Dodd with Mr. Goodling.

Mr. Garcia with Mr. Wiggins.

Mr. Harrington with Mr. Conyers.

Mr. Rose with Mr. Edwards of Oklahoma.

Mr. Russo with Mr. Dent.

Mr. Simon with Mr. Treen.

Mr. St Germain with Mr. Archer.

Mr. Tsongas with Mr. Butler.

Mr. Charles H. Wilson of California with Mr. Cochran of Mississippi.

Mr. Mathis with Mr. Steiger.

Mr. Jenrette with Mr. Badham.

Mr. Kazen with Mr. Holland.

Mrs. Meyner with Mr. Beard of Tennessee.

Mr. Miller of California with Mr. Dickinson.

Mr. Mikva with Mr. Sarasin.

Mr. Teague with Mrs. Collins of Illinois.

Mr. Fraser with Mr. Ireland.

Mr. Fary with Mr. Del Clawson.

Mr. Ford of Tennessee with Mr. Diggs.

Mr. Beard of Rhode Island with Mr. Metcalfe.

Mr. Breckinridge with Mr. Michel.

Mr. Brown of California with Mr. Kemp.

Mrs. Burke of California with Mr. Kasten.

Mr. Annunzio with Mr. McCloskey.

Mr. Baucus with Mr. Thornton.

Mr. Applegate with Mr. McKay.

Mr. Howard with Mr. Rousselot.

Mr. Nolan with Mr. Runnels.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mrs. SCHROEDER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7814) to authorize Federal agencies to experiment with flexible and compressed employee work schedules.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Colorado (Mrs. SCHROEDER).

The question was taken; and on a division (demanded by Mr. BAUMAN) there were—yeas 55, nays 2.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 338, nays 2 not voting 94, as follows:

[Roll No. 376]

YEAS—338

Abdnor
Addabbo
Akaka
Alexander
Allen
Ambro
Ammerman
Anderson, Calif.
Andrews, N.C.
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Baldus
Barnard
Bauman
Beard, R.I.
Bedell
Beilenson
Benjamin
Bennett
Bevill
Biaggi
Bingham
Blanchard
Blouin
Boggs
Boland
Bonior
Bonker
Bowen
Brademas
Brinkley
Brodhead
Brooks
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Caputo
Carr
Carter
Cederberg
Chappell
Chisholm
Clausen, Don H.
Clay
Cleveland
Cohen
Coleman
Collins, Tex.
Conable
Conte
Corcoran
Corman
Cornell
Cornwell
Crane
Cunningham
D'Amours
Daniel, R. W.
Danielson
Davis
de la Garza
Derrick
Derwinski
Devine
Dicks
Dingell
Downey
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Ertel
Evans, Colo.
Evans, Del.
Evans, Ga.
Evans, Ind.
Fascell
Findley
Fish
Fisher
Fithian
Flippo
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Forsythe
Fountain
Fowler
Frey
Fuqua
Gammage
Gaydos
Gephardt
Giaimo
Gibbons
Gilman
Ginn
Glickman
Goldwater
Gonzalez
Gore
Gradison
Grassley
Green
Gudger
Guyer
Hagedorn
Hall
Hamilton
Hanley
Hannaford
Harris
Harsha
Hawkins
Heckler
Heftel
Hightower
Hillis
Hollenbeck
Holt
Holtzman
Horton
Hubbard
Huckaby
Hughes
Hyde
Ichord
Ireland
Jacobs
Jeffords
Jenkins
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kastenmeier
Kelly
Ketchum
Keys
Kildee
Kindness
Kostmayer
Krebs
LaFalce
Lagomarsino
Latta
Le Fante
Leach
Lederer
Leggett
Lehman
Lent
Levitas
Livingston
Lloyd, Tenn.
Long, La.
Lott
Lujan
Luken
Lundine
McClory
McCormack
McDade
McDonald
McEwen
McFall
McHugh
McKinney
Madigan
Maguire
Mahon
Mann
Markey
Marks
Marlenee
Marriott
Mathis
Mattox
Mazzoli
Meeds
Mikulski
Miller, Ohio
Mineta
Minish
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Moss
Motti
Murphy, N..Y
Murphy, Pa.
Murtha
Myers, Gary
Myers, John
Myers, Michael
Natcher
Neal
Nedzi
Nolan
Nowak
O'Brien
Oakar
Oberstar
Ottinger
Panetta
Patten
Patterson
Pattison
Pease
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Purcell
Quie

Quillen	Sikes	Vander Jagt
Rahall	Sisk	Vanik
Railsback	Skelton	Vento
Rangel	Skubitz	Volkmer
Regula	Slack	Waggonner
Reuss	Smith, Iowa	Walker
Richmond	Snyder	Walsh
Rinaldo	Solarz	Wampler
Risenhoover	Spellman	Watkins
Roberts	Spence	Weaver
Robinson	Staggers	Weiss
Roe	Stangeland	Whalen
Rogers	Stanton	White
Roncalio	Stark	Whitehurst
Rooney	Steed	Whitley
Rosenthal	Steers	Wiggins
Roybal	Stockman	Wilson, Tex.
Rudd	Stokes	Winn
Ruppe	Stratton	Wirth
Ryan	Studds	Wolff
Santini	Stump	Wright
Satterfield	Symms	Wydler
Sawyer	Taylor	Wylie
Scheuer	Thompson	Yates
Schroeder	Thone	Yatron
Schulze	Traxler	Young, Fla.
Sebelius	Trible	Young, Mo.
Seiberling	Udall	Zablocki
Sharp	Ullman	Zeferetti
Shuster	Van Deerlin	

NAYS—2

Hammer-schmidt	Lloyd, Calif.

NOT VOTING—94

Anderson, Ill.	Dodd	Moffett
Andrews, N. Dak.	Dornan	Murphy, Ill.
Annunzio	Edwards, Okla.	Nichols
Applegate	Fary	Nix
Archer	Fenwick	Obey
AuCoin	Ford, Tenn.	Quayle
Badham	Fraser	Rhodes
Baucus	Frenzel	Rodino
Beard, Tenn.	Garcia	Rose
Bolling	Goodling	Rostenkowski
Breaux	Hansen	Rousselot
Breckinridge	Harkin	Runnels
Broomfield	Harrington	Russo
Brown, Calif.	Hefner	Sarasin
Burke, Calif.	Holland	Shipley
Burton, John	Howard	Simon
Burton, Phillip	Jenrette	Smith, Nebr.
Carney	Kasten	St Germain
Cavanaugh	Kazen	Steiger
Clawson, Del	Kemp	Teague
Cochran	Krueger	Thornton
Collins, Ill.	Long, Md.	Treen
Conyers	McCloskey	Tsongas
Cotter	McKay	Tucker
Coughlin	Martin	Walgren
Daniel, Dan	Metcalfe	Waxman
Delaney	Meyner	Whitten
Dellums	Michel	Wilson, Bob
Dent	Mikva	Wilson, C. H.
Dickinson	Milford	Young, Alaska
Diggs	Miller, Calif.	Young, Tex.
	Mitchell, Md.	

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7814, with Mr. DOWNEY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentlewoman from Colorado (Mrs. SCHROEDER) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. DERWINSKI) will be recognized for 30 minutes.

The Chair now recognizes the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. I yield myself such time as I may consume.

Mr. Chairman, H.R. 7814 would establish a 3-year experimental study of flexible and compressed work schedules in the executive agencies of the Federal Government.

The bill was ordered reported by the Committee on Post Office and Civil Service on January 25, 1978. The vote to report was 23 to 1.

After H.R. 7814, as amended, was ordered reported, an additional change was proposed to it by Congressman DERWINSKI and agreed to by the sponsor of the bill, Congressman SOLARZ, and myself. This change is noted in Congressman DERWINSKI's supplemental views in the committee report. Amendments to make these changes will be offered after the adoption of the Committee amendments.

Flexitime replaces fixed work hours—the 40-hour, 9-to-5 work schedule, for example—with two different types of time. "Core time" is the set hours where most workers must be present. "Flexible hours" are those that proceed and follow the set hours and the time in which employees can choose their own times of arrival and departure. Flexitime may not be used by an employee to reduce hours of work nor operate to relieve an employee from fulfilling a basic workweek requirement.

Flexible hour scheduling permits employees some control over their hours of work, so that they can adjust their work hours to meet personal needs and preferences. Flexitime, consequently, immediately benefits persons with child care responsibilities, the elderly and handicapped who can travel to work more easily outside the hours of peak traffic, or any employee who for personal reasons requires something different from a traditional work schedule.

Flexible hour sheduling also immediately benefits employers. Organizations with flexible work schedules have found that usage of sick leave by employees greatly decreases, overall productivity and efficiency increases, and hours of service may easily be extended to serve the public.

Flexible work schedules also have been shown to have small but favorable impacts on the use of mass transit facilities, communter travel patterns, and energy consumption.

We know that these benefits of flexitime exist, because they have been proven. There is now extensive, successful use of flexible work scheduling in Germany, England, Switzerland, and Canada. Flexitime has been used to a lesser extent in the private sector in the United States. The General Accounting Office has estimated that 10,000 private sector organizations with 1.2 million employees are using successfully compressed schedules and from 300,000 to 1 million private sector employees are on flexible work schedules. I commend to my colleagues examination of the 5 days of hearings we held last year for further information on the extent of flexitime coverage.

Within the Federal Government, experimentation with flexitime began in 1974 at the Social Security Administration when 400 clerical employees were permitted to go on flexitime as a means of combating loss of productivity attributed to tardiness and extensive use of leave without pay. The results were positive, virtually eliminating tardiness and increasing employee morale. Both management and labor supported the plan to extend flexitime usage to some 23,000 Social Security Administration employees, which is now in effect.

Since 1974, the use of flexitime has spread to some 90 other Federal units and an estimated 141,000 employees. However, these flexitime programs are of the simplest variety since broader experimentation in Government is limited by pay and hours of work laws. Such laws require payment of overtime for hours worked in excess of 8 hours per day or 40 hours per week. This is one of the reasons H.R. 7814 requires enactment, as it will suspend for 3 years such limiting provisions in order to permit full-scale testing in the Government work force of a complete range of alternative work schedules which are available to the private work force to determine whether all types of flexitime will lead to increased efficiency, worker satisfaction, and service to the public. As a result, while agency test programs may be as simple as permitting employees to begin work several hours early which is now possible, H.R. 7814 will assure that some experiments will be as complex as the 4-day 40-hour week or a program that permits the employees to work more than 40 hours one week and less the next week. The key to a successful program, however, is the involvement of management, employees, and supervisors in the development of the program. We expect that all types of programs will be tested sufficiently to acquire valid data by which the experiments may be evaluated.

H.R. 7814, as amended, requires the Civil Service Commission to establish a program under which a sufficient number of agency experiments will be conducted to measure the effectiveness of the experiments. The Commission is authorized to require selected agencies to engage in such experiments. At the same time, the legislation permits an agency not selected by the Commission to conduct an experiment according to regulations set forth by the Commission.

Two points must be emphasized concerning this flexitime legislation.

First, the employee's choice of arrival and departure times is subject to limitations to insure that duties and requirements of the position are fulfilled. Accumulation of time is also limited by a maximum of 10 hours which may be accumulated in order to vary the workday or workweek.

Second, H.R. 7814, as amended, will not change overtime pay requirements for hours worked in excess of 8 hours in a day or 40 hours in a week which are officially ordered in advance. In other words, overtime is suspended when connected with a flexitime experiment. The nature of this legislation must be emphasized. It is because employees and employers agree on a strictly voluntary basis to work more than 8 hours a day or 40 hours a week that a partial suspension of the overtime compensation statute will be necessary for the duration of the experiment. No other purpose is intended.

A couple of other points of this bill are worth noting:

Section 302 insures that where written agreements exist between management and labor, no flexitime experiment can be introduced unless it is part of the agreement. Moreover, in units not represented by an employee organization, a majority of the employees in each unit must vote to be included in a compressed workweek experiment. Even in this framework, we have added an escape clause. If an employee in such a unit asserts that participation would cause personal hardship, upon written request, the agency shall except the employee, or reassign the employee to the first position within the agency which becomes vacant outside the experiment area for which the employee is qualified and which is acceptable to the employee. We believe that, in operation, this provision will seldom be utilized: in most compressed work schedule plans the employees workdays are staggered to provide 5 days coverage, and an employee feeling hardship could easily work a regular 5 day workweek within the experiment area as his version of flextime.

Section 303 of the bill provides protection against coercion of employees concerning participation in flexible or compressed schedule experiments. The committee recognizes the possibility that an overzealous agency supervisor or manager could exert pressure on employees with regard to the introduction or implementation of alternative work schedules. Accordingly this section prohibits, for example, a supervisor from interfering with an employee's prerogative under a flexitime experiment to elect arrival or departure time, to work credit hours, or to request compensatory time off in lieu of payment for overtime hours. It also bars interference with the employee vote on whether or not to be included within a flexitime experiment and an employee's request for exemption from an experiment because of personal hardship that participation might cause. Any employee who violates these prohibitions could be removed from his position, suspended without pay, or otherwise disciplined by the Civil Service Commission.

Enactment of H.R. 7814 will not immediately extend flexible work scheduling to all 2.7 million civilian employees working for the federal Government. However, I may add, the subcommittee received strong evidence that such a move, if properly planned and implemented, would not be disruptive, as some might think. This legislation will permit a limited, controlled experiment under the guidance and assistance of the Civil Service Commission to evaluate and assess the potential and problems associated with alternative work scheduling.

Mr. Chairman, I urge passage of this bill.

The real reason that this bill must be passed is that otherwise to carry on this kind of experiment would be very, very costly because of the overtime provisions, so this will waive those overtime provisions for the people in that experiment, and therefore make the experiment much more feasible.

At this time I yield such time as he may consume to one of the authors of the bill, the gentleman from New York, Congressman SOLARZ, who has been very, very helpful in putting this all together.

Mr. SOLARZ. Mr. Chairman, I thank the gentlewoman for yielding.

Let me say first of all she has played, as chairwoman of the subcommittee which reported out this legislation, a very constructive role in focusing attention on the need for flexitime programs and in marshaling support on behalf of this legislation.

I am delighted to say that the time for flexitime seems finally to have arrived. This bill has been bouncing around on and off the calendar for the last few weeks, being shifted aside first by this bill and then by that bill, but now in the closing moments of this session, before the recess for the Memorial Day weekend, we have finally gotten to it.

The chairwoman has explained basically what is in the bill. I simply want to say at this point that ever since flexitime was first introduced into West Germany in 1967, it has swept across all of Western Europe. Today there are over 10,000 firms with over 1 million employees in the private sector of our economy in our country who have some form of flexitime where they work.

On the Federal level, 13 of the 15 major departments and 15 of 17 independent agencies and commissions also have flexitime programs.

Flexitime is one of those ideas which benefits virtually everyone and harms practically no one. Whenever it has been tried it has resulted in an increase in productivity and in a decrease in tardiness. It has resulted in a significant increase in worker satisfaction because it provides those employees who participate in flexitime programs an opportunity to determine at least to some extent, the conditions and circumstances of their own employment. It is helpful to people who have young families who want to arrange time during the day to take care of some of the family needs which they have.

It even helps us deal with the energy crisis, because by enabling some employees to come to work before the rush hour and other employees to come to work after the rush hour, it cuts down on gas consumption, which is very useful given our increasing dependence on imported oil.

Even beyond this, to the extent it extends the number of hours in the day in which those Federal agencies which have flextime would be open to do business, since a number of employees presumably would be working before 9 in the morning or after 5 in the afternoon, it is a convenience to the public at large, because those individuals who cannot come into a Federal facility between the hours of 9 to 5, due to the fact that they have employment obligations of their own, would be in a better position to take advantage of the assistance which the Federal Government can offer, because they would be able to come into a Federal installation with a flexitime program before 9 in the morning or after 5 in the afternoon.

There is not a single unit of the Federal Government which has established flexitime which has stopped the experiment once it has been started. Virtually everywhere it has been tried, it has been a great success: Management likes it; labor likes it; the Democrats like it; and the Republicans like it.

The time has come to move forward in a more significant way than we have in the past by enacting this legislation.

May I say in conclusion that when we go into the 5-minute period I intend to offer an amendment, originally suggested by my good friend, the gentleman from Illinois (Mr. DERWINSKI), designed to clear up one of the potential problems in the legislation which I think should make it more acceptable all around, by eliminating what is now a mandatory aspect of the bill and transforming it into a completely voluntary program.

Mr. DERWINSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 7814, a bill to permit the Federal Government to conduct a 3-year experiment with various forms of flexible time schedules.

As I stressed in my supplemental views on this legislation, I am in total agreement with the amendments which will be offered to the bill by the gentleman from New York (Mr. SOLARZ). These amendments, I believe, strike a necessary and practical balance between the mandatory and voluntary features of previous bills, while meeting the ultimate objective of this legislation, which is to move ahead with flexible and compressed work schedules in the Federal sector in the interest of efficiency.

In its simplest terms, the amendments do not require each agency to conduct a flexitime or compressed work schedule experiment but it does permit each agency to conduct such an experiment. The Civil Service Commission is required to establish a program under which a sufficient number of agency experiments will be conducted to measure the effectiveness of the experiments, and the Commission is authorized to require selective agencies to engage in such experiments.

In a letter dated March 9, 1978, to Mr. NIX, chairman of the Committee on Post Office and Civil Service, Alan Campbell, Chairman of the Civil Service Commission, announced his support of the bill if it is amended as described above. He said, "We view these proposed revisions to H.R. 7814 as essential improvements. With the proposed revision, H.R. 7814 would give the Commission sufficient authority to insure that experiments are conducted in accordance with its master plan, thereby providing a solid base for evaluation of the experimental program. We, therefore, support the proposed revisions and recommend enactment of H.R. 7814 provided it is so amended."

It should be emphasized, this is a 3-year experimental program. It is voluntary, and at the same time, it gives management of the Federal service sufficient flexibility to conduct and evaluate flexitime experiments.

Mr. Chairman, it also should be borne in mind, the House passed similar legis-

lation in the 94th Congress. However, no action was taken in the other body. This is practical, progressive legislation, which simply permits the establishment of Government-wide comprehensive flexitime experiments to determine what effect, good or bad, these programs will have on the public, Government, and the employees. At the present time, there are approximately 164,000 Federal employees involved in some form of flexitime experiments.

I urge approval of this legislation.

Mr. Chairman, I would like to point out that the gentleman from New York (Mr. SOLARZ) has indicated that we do have a very effective agreement on the committee amendment that will be offered. I did have supplemental views in the report and everything, as indicated, has been properly worked out.

The fact that our committee approved this bill by a vote of 23 to 1 should give some indication as to its overall merits and practicality because we have a committee that is composed of varying and diverse opinions and very rarely do we come that close to unanimous agreement.

Let me point out that this is a volunteer program. Employees not represented by an employee organization may not be required to participate in the compressed workweek experiment, unless a majority of the employees want to be included, so that there may not be any coercion, threat or intimidation against any employee to participate or not to participate. This is purely a voluntary program. In all areas subject to this experiment it has worked well. We think this 3-year test program, which will have a minimal cost to the Federal Government, will show if any bugs exist in the program.

I think it will be beneficial to the public. It will be to the interest of the employees. As the gentleman from New York (Mr. SOLARZ) has indicated, wherever it has been tested it has had almost complete success.

So I urge support for the bill, for the specific amendments that will be offered and I would urge strong support on final passage of the measure.

Mr. Chairman, at this point I yield 6 minutes to the gentleman from New York (Mr. GILMAN), one of the great scholars on this committee.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Illinois (Mr. DERWINSKI) for yielding to me and for his kind remarks.

Mr. Chairman, I rise again in support of H.R. 7814, the Federal Flexible and Compressed Work Schedules Act of 1978. I commend the gentlewoman from Colorado (Mrs. SCHROEDER), and the gentleman from Illinois (Mr. DERWINSKI) for their efforts in bringing this measure to the floor. Earlier this year, March 13 to be precise, I similarly urged this body to suspend the rules of the House and pass this legislation. That motion failed, I believe, due in great part to misunderstandings about the scope of this complex legislation. It is hoped that during the course of today's debate we can clear up these misunderstandings and explain to the satisfaction of the majority of the Members of the House the necessity for the passage of this bill.

H.R. 7814, as amended by the Derwinski-Solarz substitute, to be offered at the conclusion of general debate, establishes a sound framework within which the Civil Service Commission can conduct a 3-year experiment throughout the Federal Government.

Title 5 now provides that any Federal employee who works in excess of 8 hours a day, or more than 40 hours a week, or after 6 p.m. is required to receive overtime or premium pay. H.R. 7814, as amended, would change this to permit the waiver of overtime and premium pay requirements in those limited situations in which an employee voluntarily, and in advance, agrees to participate in a flexitime or compressed work program.

H.R. 7814 would also require the Civil Service Commission to establish a program under which a sufficient number of agency experiments will be conducted to measure the effectiveness of the same. The Commission is further authorized to require selected agencies to engage in such experiments. At the same time, the legislation permits an agency not selected by the Commission to conduct an experiment according to regulations set forth by the Commission.

This legislation before us, by permitting the use of flexible and compressed work schedules for employees of the executive branch, will aid us in determining what impact, whether positive or negative, these alternative work patterns may have on such factors as efficiency of Government operations, service to the public, mass transit facilities and energy consumption, as well as in encouraging the entrance into the Federal work force of talented and skilled personnel unable to work standard hours, that is, elderly individuals who do not want total retirement; students; the handicapped; and parents who wish to enjoy both a worklife and a family life.

As the ranking minority member of the Subcommittee on Employee Ethics and Utilization, from whence this bill originated, I was privileged to hear testimony from all sectors of our economy—the administration; Federal employers and employees; State and local government; private industry; representatives of minorities, the aged, and the infirmed; social scientists; and finally educators, all who spoke most eloquently of the multiple benefits to be derived by the Government and its employees alike by passage of this legislation.

Faced as we are with changing lifestyles and the multitude of problems associated therewith, the Congress must seek enlightened alternatives to the traditional concepts of work schedules and the scheduling of work hours. H.R. 7814 provides, in part, an answer to this growing problem.

The amendment to be offered later by the gentleman from Illinois (Mr. DERWINSKI) and the gentleman from New York (Mr. SOLARZ) to this bill strikes a reasonable balance between a mandatory and voluntary approach to implementing this legislation. Rather than require each agency to conduct a flextime experiment as originally envisioned by the authors of this legislation, this amendment would instead permit an agency to establish flexitime or compressed work schedule program under the auspices of the Civil Service Commission. Their amendment also assures us that a sufficient number of experiments will be authorized by the Commission to enable us to measure the efficacy of these experiments and to ensure that a representative sample of agencies are included.

I also urge my colleagues to approve the other amendment to be offered by the gentleman from New York (Mr. SOLARZ), which would remove the obstacles to attending religious observances that take place during the course of a normal workweek. Mr. Solarz' amendment would waive the mandatory overtime pay requirements imposed by title 5 in those limited circumstances where a religious observant asks to work overtime in order to compensate his or her employer for the time that he or she absented himself or herself to attend bona fide religious services.

Testimony at a hearing last February in New York City which I participated in revealed the seriousness of the problem that confronts religious minorities. Currently, religious observants must seek annual leave to attend their services, if these services occur during their work periods. This imposes a great hardship for those who must request annual leave on a regular basis for this purpose. One witness testified that he was forced to take over 1 week in annual leave to meet his religious obligations. When one considers that the total number of days granted to him annually is just 20 days, the hardship is obvious. Accordingly, I ask my colleagues to support the gentleman from New York's amendment.

Mr. Chairman, flexible and compressed work schedules can benefit both employer and employee as has been frequently demonstrated in the private sector. Federal and private organizations which have experimented with alternative work scheduling have reported increased productivity, a reduction in tardiness and the use of sick leave, and heightened morale.

For these reasons alone, Mr. Chairman, notwithstanding the many other benefits to be gained by passage of this legislation, I urge my colleagues to approve H.R. 7814 as amended by the Derwinski-Solarz substitute and the Solarz amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 7 minutes to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Chairman, first I want to state that I do not challenge the flextime experiment, particularly with the option that is going to be provided by an amendment to be offered by the gentleman from New York (Mr. SOLARZ). But I want to point out to the House that inherent in this bill as it is now written is a very bad precedent which I hope

to have removed by my amendment which merely removes section 302.

This bill provides under section 302:

Employees within a unit with respect to which an organization of Government employees . . . shall not be included within this experiment except to the extent expressly provided under a written agreement between the agency and such organization.

Then there is a second subsection (b) that relates to the same type of idea.

Take the committee report in your hands and read page 5, approximately two-thirds of the way down where it says:

The committee's bill insures that any election by the employee to work hours . . . is specifically made subject to collective bargaining where employees are represented by a labor organization which has exclusive recognition.

Then look over on page 22 of the committee report, and it states:

Where a labor organization has exclusive recognition, it is the intent of the committee that the parties to the contract negotiate the introduction of any experimental program provided for under the bill, in accordance with labor-management relations, Executive orders, or any other applicable collective bargaining agreement. . . . The committee believes that the establishment of flexible or compressed schedules is an appropriate area for negotiation between the agency and the labor organization.

I should report first that the committee asked for a letter of explanation from the U.S. Civil Service Commission. The Civil Service Commission in the letter which has been distributed here dated May 8 stated that:

The provisions of section 302 of H.R. 7814 do not permit collective bargaining where there was none before.

All right, I concede that point. Then it says:

Actually, Section 302 is a savings provision; it retains for exclusive representatives their present right under the terms of Executive Order 11491, to negotiate on workday and workweek schedules. . . .

But the fact is it is given something by statute that has not existed by statute before. This is the point I am trying to make. It does add by statute more than a protection.

It adds to the unions that are the collective bargaining units for employees the statutory right to negotiate for agreements as to the time.

Now, under this bill by option and by Executive order this could be done without printing it in the bill and an Executive order could merely provide for the provision and the option is with the head of each agency as to the application of flexitime and, therefore, that could be done.

What I am saying to the House is this. We do not need this foot in the door in order to provide for unions to negotiate collectively in the Government.

This letter that was presented—by the way, I might further state, under the U.S. Civil Service this states there is a precedent. There is a precedent in the Postal Reform Act. The Postal organization is the only organization under the executive department that has this right to collectively bargain and, of course, we are acquainted with that operation.

There is one in the legislative branch, but all others are by Executive order.

What I am saying is for the House to preserve what we have now, preserve it by Executive order to provide for flexitime and, of course, the option is with the agencies themselves. Once we freeze it into statute, then it is an erosion, a precedent that will come forward in other years. I do not think we should disturb the precedent in this bill.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I want to make it perfectly clear, what the gentleman is objecting to in section 302 is the fact it recognizes an Executive order in a legislative bill; is that correct.

Mr. WHITE. No; to a certain degree, but I am objecting to the allowance by statute of the right of a union in Government, in executive agencies, to collectively bargain on matters of flexitime, as provided.

Mrs. SCHROEDER. No, what this bill does and I think I heard the gentleman agree with what the Civil Service Commission has said is where there are unions currently operating under the Executive order signed by President Kennedy way back in the early sixty's, this bill will not override these rights.

Mr. WHITE. But Madam Chairman, it goes further. It says they can take the overt action of negotiating further. In fact, the committee report so states.

Mrs. SCHROEDER. But they already have that right.

Mr. WHITE. They have it under the Executive order. They have it by statute. It says specifically collective bargaining by labor organizations that have exclusive recognition.

Mrs. SCHROEDER. My response to the gentleman is that we would be attempting to override an Executive order if we did not recognize in this bill. This does not expand the Executive order in any way. I want to make clear the bill does not expand the Executive order. It only recognizes the rights granted under the order.

Mr. WHITE. It says that they can negotiate on these hours. The President can by Executive order make allowance and the option is with the Agency to apply it and they cannot apply it in instances where there is already a negotiated contract. There is no problem about that.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, I know the gentleman is concerned about this issue, but I think it is important for us to be aware of what the facts are. This committee is informed by very distinguished legal counsel that while Executive orders have the force of law, they do not have the ability to override legislative enactments.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mrs. SCHROEDER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. SOLARZ. Mr. Chairman, if the gentleman will yield further, an Executive order cannot override a legislative enactment. If this bill is passed without section 302, there is no way that the President, by issuing another Executive order, can give Federal employee unions the right they have under the existing Executive order.

Mr. WHITE. Mr. Chairman, if the gentleman will yield, I will answer his question.

We have provided in this bill strict options and strict discretion in the agencies that are the caretakers of the power delegated by the President. They can opt to apply this or not, and he can direct them by Executive order whether or not to apply flexitime, and that would be inconsistent with the collective-bargaining agreement. So they do have that control. If this was an absolute, all right, but that is different. We have already said we would have option by amendment.

Mr. DERWINSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, when H.R. 7814 came before the House on March 13, 1978, I raised questions about the experimental program proposed by the legislation. Several of those concerns have been dealt with, and I thank the gentleman from New York (Mr. SOLARZ) and the gentlewoman from Colorado (Mrs. SCHROEDER) for giving me the information I needed.

However, I must say that there is a central question that has yet to be addressed. Just the other day, Mr. Chairman, the House approved a $501 billion budget. We are constantly being told that reorganization and savings will result in a decrease in the size of the Federal budget and the budget deficit.

Rightly or wrongly, the cost of government is often blamed on Federal employees. These well-meaning persons are victims of the policies which Congress writes. The public, however, does not have a high opinion of Government employees. They blame them for the size of Government, when the real cause is to be found in the House and in the other body. The public refers to these employees as "bureaucrats."

The public sees studies indicating that Federal employees are substantially better paid than their counterparts in the private sector. They see these people as less productive. I for one, Mr. Chairman, am glad that I do not get all the government I pay for with my taxes.

Now we are faced with H.R. 7814, allowing experiments with flexitime for Federal agencies. I can see the headlines now: "House Okays Four-day Workweek for Bureaucrats."

Whether we like it or not, that is the bottom line.

Personally, Mr. Chairman, I have no objection to experimenting with different times of arrival and departure. However,

I do believe that Congress ought to insist that each Federal employee put in an 8-hour day.

The prospect of Federal employees working 4 10-hour days is not a threat to their productivity but to the public perception of their activities, which is already low.

Further, Mr. Chairman, I see no need for such a sweeping experiment at this time. To spend $1.5 or $2 million to experiment in every agency seems to be too much too soon. A more limited experiment, perhaps one that would focus on agencies naturally suited to flexitime would be better.

Many have successfully experimented with flexitime. Many private industries also find the system successful. However, Government has no check on productivity as private industry does.

I would, therefore, ask that changes be made to limit the scope of the experiment, to assure productivity, and to require 8-hour work periods per day.

Mr. Chairman, my concern is not a greater utilization of Federal employees in the hours they work, but, for instance—and I have discussed this with the gentlewoman from Colorado (Mrs. SCHROEDER)—the State of Washington has adopted, in its hourly wage laws, laws very similar to the existing Federal law which states that should one work more than 8 hours in 1 day, that person will be paid overtime. One cannot waive the overtime or additional premium pay for anything over 8 hours.

If this bill were passed and if the experiment were conducted in any part of the Federal employment sector of the State of Washington, these people could now be out of synch with the normal work force for the State, and although I share with the committee its goal of efficiency, I would voice a sincere concern as to whether or not we at this time want to so broadly do anything to fuel this antagonism and this animosity that exists between the private employee and the public employee.

Mr. DERWINSKI. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, just to wrap up the debate, I would like to point out that the gentleman from Washington did raise some proper questions. I would like, for the record, to direct my remarks to his point. First, I remind you that the amendment that the gentleman from New York (Mr. SOLARZ) and I will offer will answer most of his objections. That amendment, in its simplest terms, would not require each agency to conduct a flexitime or compressed work schedule experiment, but each agency can conduct such an experiment. In other words, it is permissive rather than mandatory. The Civil Service Commission would be required to establish a program under which a sufficient number of agency experiments would be conducted. The Commission would authorize the selective agencies to engage in these experiments.

I would also like to point out that the gentleman from Texas (Mr. WHITE), of course, had raised these objections the last time this bill was on the floor, and he has raised them in committee. The Federal Labor Relations Council, which administers the Executive order that has been referred to, has issued three decisions that hours of work are subject to negotiation by management and labor. One of these issues deals directly with a union proposal for flexitime. So there is nothing new in this bill. It is an already established situation.

Mr. Chairman, the most important thing for the Members to consider is that this is a voluntary program and that no employee who is not represented by an employee organization would be required to participate in the flexitime program.

The advantages to management, to personal convenience of individuals, to better morale that would develop, all of these are positive features of this proposal. This is a 3-year experiment. It will be closely monitored. I think, especially after we accept the two amendments, we will have a near-perfect piece of legislation.

Mr. Chairman, I again urge support for the bill.

Mr. GARY A. MYERS. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Pennsylvania.

Mr. GARY A. MYERS. I thank the gentleman for yielding.

Mr. Chairman, the gentlewoman from Colorado, in announcing the benefits, announced that among benefits that we would probably see would be savings in energy.

Is it the committee's intent to have some sort of oversight in that respect, as to what steps the agencies are taking to improve energy utilization? In other words, when we have individuals in the agencies who are requesting a flexitime schedule. Will those individuals who have made some agreement on car pooling or van pooling to be given preference over those who are simply going to extend their hours over a period of time for more convenient personal travel in their own cars?

It seems to me that one could argue that some might want to go on flexitime so that it is more convenient to them to use their car, whereas if they were forced into a rush-hour situation that would be using mass transit. I think the agency, if it is our intent to have some sort of effect on energy savings, ought to have a car pooling or van pooling preferences.

Mr. DERWINSKI. Mr. Speaker, I yield to the gentlewoman from Colorado (Mrs. SCHROEDER) to respond to the gentleman.

Mrs. SCHROEDER. Mr. Speaker, on page 3 of the bill the criteria the agencies will use to report to us during this 3-year experiment over which we will have oversight. Page 3 of the bill it sets out the main things we will be looking for, and the mass transit facilities and traffic are No. 2 in that whole list. I think that is a very important aspect. For some handicapped people and older people, flexitime is much preferable, because they can come in in nonpeak traffic hours. For people in car pools, we also want to take that into consideration. The committee wants to watch the flexible time experiment very carefully and take into account the items the gentleman has mentioned. No. 1 was the efficiency of Government operations, which I think has to be No. 1, but No. 2 is the mass transit facilities and the traffic, and No. 3, levels of energy consumption.

The gentleman may want to look at page 3. The committee will be doing the oversight and monitoring on the 3-year program, and we will be evaluating it based on the items set out on page 3.

Mr. DERWINSKI. Does that satisfy the gentleman?

Mr. GARY A. MYERS. It satisfies the gentleman.

Mr. DERWINSKI. Mr. Chairman, I have no further requests for time.

Mrs. SCHROEDER. Mr. Chairman, I yield 4 minutes to the gentlewoman from Maryland (Mrs. SPELLMAN).

Mrs. SPELLMAN. Mr. Chairman, we have before us this afternoon a most workable bill, one which provides for a program that I know from personal experience benefits not only the employee but also provides better service for the public. Flexitime is a familiar friend—I used it many years ago in my division of a Federal agency, and it was a fantastic success, extremely popular with both personnel and management. What was most interesting to me as a supervisor was the astounding increased in productivity. Besides in those days when Federal employees worked on Saturdays, through our flexitime policy we were able to accommodate an employee who was a Seventh-Day Adventist and who was, because of her religion, precluded from Saturday employment.

About 30 years later, when I was a member of the legislative body of Prince Georges County, Md., I worked with one of the best administrators I have ever known, Miss Elizabeth Hage, who was in charge of the library system for the county. At my request she introduced flexitime into one branch of the system. Although initially the employees were reluctant to try this new concept, once underway it became so successful and popular that soon the personnel within all the other branches of the library system asked to have equal treatment. We found that because employees participate in the setting of their work hours, and because they have greater flexibility in those work hours, tardiness and absenteeism were significantly lowered, and employee morale was dramatically increased. We found that we could keep the libraries open longer, too, to serve the public far better.

Wherever it has been used, flexitime has worked well. Both flexitime and its sister, compressed time, brings workers into the decision making process of management. Hours are no longer something imposed from above to be rebeled against; they are something jointly decided upon and responsibly implemented. Nonwork time, both its amount and the way in which it is made available to the employee, is an important factor in employee morale. Flexible working hours give the employee a sense of control over his worklife—the more discretion a person has on the job, the more highly motivated the employee becomes.

The bill before us this afternoon—the Schroeder substitute—establishes a 3-year experimental program in the executive branch to test flextime and compressed work hours concepts. The Civil Service Commission will be the coordinating agency, insuring that enough experiments are conducted so that the measurements are accurate, and establishing criteria for the evaluation of the experiments. Employees' rights are protected, too. They cannot be coerced into participation in a flexible working hours program; their participation must be voluntary. An employee whose unit is working under compressed work hours and who finds this causes personal hardship can be excepted or reassigned upon written request. In those instances where a labor union has exclusive recognition, a flexible work hours schedule can be implemented only under a written agreement between the agency and the union.

During the last Congress we debated the question of suspending certain premium pay provisions. I think that an acceptable and most equitable compromise has been arranged. Because flexible working hours permit an employee to voluntarily extend working hours on one day in order to shorten hours on another day, certain accommodations with existing laws are necessary. The Schroeder substitute provides this accommodation. Hours worked in excess of the compressed time or flextime schedule will receive overtime pay; hours worked in excess of the 8-hour day while on a compressed time or flextime schedule will not receive overtime or premium pay.

There are many reasons for supporting flextime. I am confident that experimentation in the Federal Government will bear out the results found by private industry, and that it will become an integrated part of the American employment scene. As a member of the subcommittee which worked on this bill, and as an "old hand" with flextime, I am very happy to support the Schroeder substitute. I urge my colleagues to join me in that support.

Mrs. BOGGS. Mr. Chairman, will the gentlewoman yield?

Mrs. SPELLMAN. I yield to the gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Chairman, I rise today to express my strong support for the Schroeder substitute amendment for H.R. 7814, the flexible and compressed work schedules for Federal employees bill.

I have supported the concept of flexible workweeks for some time now due to the benefits received both from employees and employers. Similar programs have proven highly successful in the public and private business sectors and I feel these benefits should be extended to Federal Government employees as well. This concept has received broad support from all segments of society including the administration, the Civil Service Administration, and various labor unions throughout the country.

Results of studies which have been conducted in businesses that have already implemented the use of flextime have shown that there has been a great increase in productivity and in employee morale.

One example of increased productivity and employee morale can be seen in the case of working mothers. Under flextime schedules working mothers are able to arrange their schedules to be in congruence with those of their children. This allows parents to spend more time at home with their children and thus cuts down on child care costs. Knowing that they are able to spend more time at home with their families without hurting the family budget serves as a wonderful incentive for increasing workers morale toward their jobs.

Employers also benefit from such a program, for increased morale often results in increased productivity. Having a positive job outlook makes workers more willing to perform the job requirements and thus increases output. Furthermore, by careful arrangement of work shifts, employers are able to operate longer hours, resulting in increased returns and increased service to the public.

Society in general also benefits from flexible work schedules since increased operational hours means greater accessability to services being offered by companies and agencies working under such a program. Also, since people's work schedules will be varied, the number of workers who travel during peak traffic times will be reduced, resulting in less traffic congestion and air pollution from auto emissions of stop and go traffic.

Realizing the benefits that all may receive by passage of the Schroeder amendment, I strongly appeal to my colleagues to support this amendment and thus extend to Federal employees and employers the benefits of flexible work schedules.

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. HARRIS), a gentle and patient man.

Mr. HARRIS. Mr. Chairman, I am pleased today to support the bill that would stimulate more flexible-time jobs in the Federal Government, H.R. 7814. This is an important bill because what it represents is an effort to accommodate the workplace to some of the realities of 1978. This bill addresses a real need that quite frankly we have ignored.

All too often we assume, "That's the way it is." In the working world, we assume an 8-hour day, 5-day week is somehow fixed in concrete. While in the historical perspective, the 40-hour week resulted from long struggles to make work schedules more humane, we must face the fact that the 40-hour week just does not suit everybody; nor is it always necessary. Most of all, it is not sacrosanct.

So I am pleased that this body is taking the step of modifying the system to make it work for the people—instead of the reverse.

Part-time and flexitime jobs are needed by many individuals in our society—elderly people who do not want total retirement; students wishing to finance their education; handicapped persons and people with special health problems who cannot bear the strain of a "regular" work schedule; and parents who want to have both a worklife and a family life.

Besides providing opportunities for people, this bill benefits the Government as well. Studies have shown that part-time and flexitime employees are more productive and have a more positive attitude about work, thus turnover rates and absenteeism are lessened. Providing flexible hours can mean that Government offices can be open during nontraditional, workday hours, making Government services more accessible. Additionally, flexible hours can mean more use of mass transit during non-rush-hour periods and greater use of community services, such as recreational facilities. I believe a most important reason for adopting this legislation is that it can enhance family life. There is probably nothing so alien to family life as the 8-hour day (which is probably really 9 hours, counting travel time) and the 40-hour week. After all, family life requires contact with each other.

During our subcommittee consideration, Prof. Urie Bronferbrenner of Cornell University gave us this most telling insight from his research: the area "that was seen as the principal source of stress, exceeding all others, was the conditions of the parent's work, both the father, and in many instances, the mother as well." He found that the most frequent complaint was the inflexibility of working hours. In his studies of two-parent famlies, he found:

> Highest stress scores were obtained by mothers working full time. Mothers not working at all were next in line whereas the lowest strain of all was experienced by mothers engaged in part-time employment. Moreover, these mothers reported higaer satisfaction than the other two groups not only in relation to the job but also in the areas of child care, housework, and perhaps most importantly, their own adequacy as a parent and their positive attitude towards the child and his future.

I believe these findings should give us great pause. There is, frankly, a lot of talk about preserving and strengthening the family. But public enemy No. 1 might very well be inflexible work schedules. Parents find it hard to cram parenting into a few hours after dinner every night. It is not easy to nurture, guide, and love children when you are worn out from working all day. Pediatricians and dentists often do not schedule appointments after the normal working day. PTA performances, parent-student conferences, and Cub Scouts cannot always be held after 6 p.m.

Professor Bronferbrenner put it well:

> For many of the great majority of families . . . the introduction of flexible work schedules and parttime positions can remove an unnecessary and destructive conflict plaguing the lives of millions of American families: the agonizing choices between doing right by one's job versus doing right by one's child."

I say children are important. I hope we pass these bills.

Mr. LEGGETT. Mr. Chairman, after considerable delay, the much praised

H.R. 7814, the Federal Employees Flexible and Compressed Work Schedules Act of 1978, has found its way to the House floor.

I would like to take this opportunity to express my opposition to this legislation and the proposed substitute.

My esteemed colleague from Colorado (Mrs. SCHROEDER) will offer a substitute amendment for H.R. 7814. The substitute, as I understand it, would provide a 3-year experiment for executive branch employees in the use of flexible and compressed work schedules. It would require the Civil Service Commission to conduct agency experiments to measure the effectiveness of the scheme along with other criteria for evaluation.

We have listened to the supporters of this proposal argue that flexitime is used successfully throughout Europe and in many private companies in the United States. They claim it will improve employee morale and productivity. They claim that it will reduce tardiness and sick leave. They claim that it will increase the hours an agency can be open to the public. They claim it will reduce energy consumption. These are indeed admirable goals.

However, as many of my colleagues are no doubt aware, there is an impression prevalent throughout our Nation—that Federal employees have special privileges not enjoyed by most workers in the private sector. I cannot count how many times I have had a constituent come up to me and ask, "How do I get one of those 'soft' Government jobs?". I am sure many of my colleagues have had the same experience. Passage of this proposal would only heighten that impression already widespread throughout the country.

Although supporters of flexitime say this is not the case, a close examination of the proposal indicates that it would, in fact, give Federal employees special advantages. It would allow them to waive the mandatory payment of overtime for work done in excess of 8 hours a day. Workers in the private sector, however, are covered by the Fair Labor Standards Act and have no such right. As a result, many private sector employees cannot obtain the flexible schedules they desire.

Another serious problem I see with this proposal is the possibility of widespread abuse of the 4-day workweek. Although title V of the United States Code covers certain provisions of Federal employment, I cannot really see what would keep an employee from moonlighting on another job the other 3 days of the week. I find this most disturbing when one stops to consider our legitimate desire to increase employment in the private sector, when coupled alongside the current uproar against so-called double-dipping by Federal employees, it demands our attention.

I am well aware that Federal statute long ago recognized the existence of Federal employee unions. But, enactment of this proposal would be the first time Congress has recognized the right of these Federal employee unions to bargain for hours.

On page 5 of the committee report it states:

The Committee's bill insures that any election by an employee to work hours which would not be compensated as overtime is purely voluntary, and contains provisions against coercion, and in addition, under Section 302, the introduction of any flexible or compressed schedule experiment is specifically made subject to collective bargaining where employees are represented by a labor organization which has exclusive recognition.

Then on page 22, it says:

Where a labor organization has exclusive recognition, it is the intent of the Committee that parties to the contract negotiate the introduction of any experimental program provided for under the bil. . . .

The intent of these passages is quite clear. This is the very first time, except for the Postal Service, by statute, where civil service employees will be subject to collective bargaining. I do not object to the existence of the unions themselves, but we have not, until this time, had collective bargaining by civil service employees. This, I think, is a most dangerous precedent.

Mr. Chairman, I agree that this proposal has a great deal of merit and I would like to commend the Committee on Post Office and Civil Service for the thoughtful consideration it has given this proposal. And, the 4-day workweek, I agree, has promise.

There is certainly nothing wrong with allowing both management and labor, employer and employee, the right to work in such a way to get the best hours, get the best job done, achieve the highest results. However, my concern with this proposal is that it affects only one segment of the total work force.

For these reasons, Mr. Chairman, I cannot in good conscience confer upon Federal employees special privileges and advantages not enjoyed by all workers in our country. The potential for moonlighting is unmistakable and the precedent for acknowledgement of collective bargaining rights for Federal public servants, through their unions, is intolerable. Therefore. I ask my colleagues to join with me in rejecting this proposal in the hope that at some future time we can deal with this idea in a more even-handed manner.

Mrs. SCHROEDER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the bill by titles.

The Clerk read as follows:

H.R. 7814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Employees Flexible and Compressed Work Schedules Act of 1977".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress finds that new trends in the usage of 4-day workweeks, flexible work hours, and other variations in workday and workweek schedules in the private sector appear to show sufficient promise to warrant carefully designed, controlled, and evaluated experimentation by Federal agencies over a 3-year period to determine whether and in what situations such varied work schedules can be successfully used by Federal agencies on a permanent basis.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "agency" means an executive agency and a military department (as such terms are defined in sections 105 and 102. respectively, of title 5, United States Code);

(2) the term "employee" has the meaning given it by section 2105 of title 5, United States Code;

(3) the term "Commission" means the United States Civil Service Commission; and

(4) the term "basic work requirement" means the number of hours, excluding overtime hours, which an employee is required to work or is required to account for by leave or otherwise.

EXPERIMENTAL PROGRAMS

SEC. 4. (a) Within 180 days after the effective date of this section, and subject to the requirements of section 302 and the terms of any written agreement referred to in section 302(a), each agency shall establish a program which provides for the conducting of one or more experiments under title I or II (or both) of this Act. Such experimental program shall cover a sufficient number of positions throughout the agency, and a sufficient range of worktime alternatives, as to provide an adequate basis on which to evaluate the effectiveness and desirability of permanently maintaining flexible or compressed work schedules within the agency.

(b) The Commission shall, not later than 90 days after the effective date of this Act, establish a master plan which shall contain guidelines and criteria by which the Commission will study and evaluate experiments to be conducted by agencies under titles I and II of this Act. Such master plan shall provide for the study and evaluation of experiments within a sample of organizations of different size, geographic location, and functions and activities, sufficient to insure adequate evaluation of the impact of varied work schedules on—

(1) the efficiency of Government operations;

(2) mass transit facilities and traffic;

(3) levels of energy consumption;

(4) service to the public; and

(5) increased opportunities for full-time and part-time employment.

(c) The Commission shall provide educational material, and technical aids and assistance, for use by an agency before and during the period such agency is conducting experiments under this Act.

(d) If the head of an agency determines that the implementation of an experimental program referred to in subsection (a) would substantially disrupt the agency in carrying out its functions, such agency head shall request the Commission to exempt such agency from the requirements of subsection (a). Such request shall be accompanied by a report detailing the reasons for such determination. The Commission shall exempt an agency from such requirements only if it finds that the conducting of such a program by the agency would not be in the best interest of the public, the Government, or the employees. The filing of such a request with the Commission shall stay the requirement under subsection (a) to implement an experimental program until the Commission has made its determination or until 180 days after the date the request is filed, whichever first occurs.

TITLE I—FLEXIBLE SCHEDULING OF WORK HOURS

DEFINITIONS

SEC. 101. For purposes of this title—

(1) the term "credit hours" means any hours, within a flexible schedule established under this title, which are in excess of an employee's basic work requirement and which the employee elects to work so as to vary the length of a workweek or a workday; and

(2) the term "overtime hours" means all

hours in excess of 8 hours in a day or 40 hours in a week which are officially ordered in advance, but does not include credit hours.

FLEXIBLE SCHEDULING EXPERIMENTS

SEC. 102. (a) Notwithstanding section 6101 of title 5, United States Code, an agency may conduct one or more experiments to test flexible schedules which include—

(1) designated hours and days during which an employee on such a schedule must be present for work; and

(2) designated hours during which an employee on such a schedule may elect the time of such employee's arrival at and departure from work, solely for such purpose or, if and to the extent permitted, for the purpose of accumulating credit hours to reduce the length of the workweek or another workday.

An election by an employee referred to in paragraph (2) shall be subject to limitations generally prescribed to ensure that the duties and requirements of the employee's position are fulfilled.

(b) Notwithstanding any other provision of this Act, but subject to the term of any written agreement under section 302(a)—

(1) any agency experiment under subsection (a) of this section may be terminated by the Commission if it determines that the experiment is not in the best interest of the public, the Government, or the employees; or

(2) if the head of an agency determines that any organization within the agency which is participating in an experiment under subsection (a) is being substantially disrupted in carrying out its functions or is incurring additional costs because of such participation, such agency head may—

(A) restrict the employees' choice of arrival and departure time,

(B) restrict the use of credit hours, or

(C) exclude from such experiment any employee or group of employees.

(c) Experiments under subsection (a) shall terminate not later than the end of the 3-year period which begins on the effective date of this title.

COMPUTATION OF PREMIUM PAY

SEC. 103. (a) For purposes of determining compensation for overtime hours in the case of an employee participating in an experiment under section 102—

(1) the head of an agency may, on request of the employee, grant the employee compensatory time off in lieu of payment for such overtime hours, whether or not irregular or occasional in nature and notwithstanding the provisions of sections 5542(a), 5543(a)(1), 5544(a), and 5550 of title 5, United States Code, section 4107(e)(5) of title 38, United States Code, section 7 of the Fair Labor Standards Act, as amended, or any other provision of law; or

(2) the employee shall be compensated for such overtime hours in accordance with such provisions, as applicable.

(b) Notwithstanding the provisions of law referred to in paragraph (1) of subsection (a), an employee shall not be entitled to be compensated for credit hours worked except to the extent authorized under section 106 or to the extent such employee is allowed to have such hours taken into account with respect to the employee's basic work requirement.

(c)(1) Notwithstanding section 5545(a) of title 5, United States Code, premium pay for nightwork will not be paid to an employee otherwise subject to such section solely because the employee elects to work credit hours, or elects a time of arrival or departure, at a time of day from which such premium pay is otherwise authorized; except that—

(A) if an employee is on a flexible schedule under which—

(i) the number of hours during which such employee must be present for work, plus

(ii) the number of hours during which such employee may elect to work credit hours or elect the time of arrival at and departure from work,

which occur outside of the night work hours designated in or under such section 5545(a) total less than 8 hours, such premium pay shall be paid for those hours which, when combined with such total, do not exceed 8 hours, and

(B) if an employee is on a flexible schedule under which the hours that such employee must be present for work include any hours designated in or under such section 5545(a), such premium pay shall be paid for such hours so designated.

(2) Notwithstanding section 5343(f) of title 5, United States Code, and 4107(e)(2) of title 38, United States Code, night differential will not be paid to any employee otherwise subject to either of such sections solely because such employee elects to work credit hours, or elects a time of arrival or departure, at a time of day for which night differential is otherwise authorized; except that such differential shall be paid to an employee on a flexible schedule under this title—

(A) in the case of an employee subject to such section 5343(f), for which all or a majority of the hours of such schedule for any day fall between the hours specified in such section, or

(B) in the case of an employee subject to such section 4107(e)(2), for which 4 hours of such schedule fall between the hours specified in such section.

HOLIDAYS

SEC. 104. Notwithstanding sections 6103 and 6104 of title 5, United States Code, if any employee on a flexible schedule under this title is relieved or prevented from working on a day designated as a holiday by Federal statute or Executive order, such employee is entitled to pay with respect to that day for 8 hours (or, in the case of a part-time employee, one-tenth of the employee's biweekly basic work requirement).

TIME-RECORDING DEVICES

SEC. 105. Notwithstanding section 6106 of title 5, United States Code, an agency may use recording clocks as part of its experiments under this title.

CREDIT HOURS; ACCUMULATION AND COMPENSATION

SEC. 106. (a) Subject to any limitation prescribed by the agency, a full-time employee on a flexible schedule can accumulate not more than 10 credit hours, and a part-time employee can accumulate not more than one-eighth of the hours in such employee's biweekly basic work requirement, for carryover from a biweekly pay period to a succeeding biweekly pay period for credit to the basic work requirement for such period.

(b) Any employee who is on a flexible schedule experiment under this title and who is no longer subject to such an experiment shall be paid at such employee's then current rate of basic pay for—

(1) in the case of a full-time employee, not more than 10 credit hours accumulated by such employee, or

(2) in the case of a part-time employee, the number of credit hours (not in excess of one-eighth of the hours in such employee's biweekly basic work requirement) accumulated by such employee.

TITLE II—4-DAY WEEK AND OTHER COMPRESSED WORK SCHEDULES

DEFINITIONS

SEC. 201. For purposes of this title—

(1) the term "compressed schedule" means—

(A) in the case of a full-time employee, an 80-hour biweekly basic work requirement which is scheduled for less than 10 workdays, and

(B) in the case of a part-time employee, a biweekly basic work requirement of less than 80 hours which is scheduled for less than 10 workdays; and

(2) the term "overtime hours" means any hours in excess of those specified hours which constitute the compressed schedule.

COMPRESSED SCHEDULE EXPERIMENTS

SEC. 202. (a) Notwithstanding section 6101 of title 5, United States Code, an agency may conduct one or more experiments to test a 4-day workweek or other compressed schedule.

(b)(1) An employee in a unit with respect to which an organization of Government employees has not been accorded exclusive recognition shall not be required to participate in any experiment under subsection (a) unless a majority of the employees in such unit who, but for this paragraph, would be included in such experiment have voted to be so included.

(2) Upon written request to any agency by an employee, the agency, if it determines that participation in an experiment under subsection (a) would impose a personal hardship on such employee, shall—

(A) except such employee from such experiment; or

(B) reassign such employee to the first position within the agency—

(i) which becomes vacant after such determination,

(ii) which is not included within such experiment,

(iii) for which such employee is qualified, and

(iv) which is acceptable to the employee.

A determination by an agency under this paragraph shall be made not later than 10 days after the day on which a written request for such determination is received by the agency.

(c) Notwithstanding any other provision of this Act, but subject to the terms of any written agreement under section 302(a), any agency experiment under subsection (a) may be terminated by the Commission, or the agency, if it determines that the experiment is not in the best interest of the public, the Government, or the employees.

(d) Experiments under subsection (a) shall terminate not later than the end of the 3-year period which begins on the effective date of this title.

COMPUTATION OF PREMIUM PAY

SEC. 203. (a) The provisions of sections 5542(a), 5544(a), and 5550(2) of title 5, United States Code, section 4107(e)(5) of title 38, United States Code, section 7 of the Fair Labor Standards Act, as amended, or any other law, which relate to premium pay for overtime work, shall not apply to the hours which constitute a compressed schedule.

(b) In the case of any full-time employee, hours worked in excess of the compressed schedule shall be overtime hours and shall be paid for as provided by whichever statutory provisions referred to in subsection (a) are applicable to the employee. In the case of any part-time employee on a compressed schedule, overtime pay shall begin to be paid after the same number of hours of work after which a full-time employee on a similar schedule would begin to receive overtime pay.

(c) Notwithstanding section 5544(a), 5546(a), or 5550(1) of title 5, United States Code, or any other applicable provision of law, in the case of any employee on a compressed schedule who performs work (other than overtime work) on a tour of duty for any workday a part of which is performed on a Sunday, such employee is entitled to pay for work performed during the entire tour of duty at the rate of such employe's basic pay, plus premium pay at a rate equal to 25 percent of such basic pay rate.

(d) Notwithstanding section 5546(b) of title 5, United States Code, an employee on a compressed schedule who performs work on a holiday designated by Federal statute or Executive order is entitled to pay at the rate of such employee's basic pay, plus pre-

mium pay at a rate equal to such basic pay rate, for such work which is not in excess of the basic work requirement of such employee for such day. For hours worked on such a holiday in excess of the basic work requirement for such day, the employee is entitled to premium pay in accordance with the provisions of section 5542(a) or 5544(a) of title 5, United States Code, as applicable, or the provisions of section 7 of the Fair Labor Standards Act, as amended, whichever provisions are more beneficial to the employee.

TITLE III—ADMINISTRATIVE PROVISIONS

ADMINISTRATION OF LEAVE AND RETIREMENT PROVISIONS

SEC. 301. For purposes of administering sections 6303(a), 6304, 6307 (a) and (c), 6323, 6326, and 8339(m) of title 5, United States Code, in the case of an employee who is in any experiment under title I or II, references to a day or workday (or to multiples or parts thereof) contained in such sections shall be considered to be references to 8 hours (or to the respective multiples or parts thereof).

APPLICATION OF EXPERIMENTS IN THE CASE OF NEGOTIATED CONTRACTS

SEC. 302. (a) Employees within a unit with respect to which an organization of Government employees has been accorded exclusive recognition shall not be included within any experiment under title I or II of this Act except to the extent expressly provided under a written agreement between the agency and such organization.

(b) An agency may not participate in a flexible or compressed schedule experiment under a negotiated contract which contains premium pay provisions which are inconsistent with the provisions of section 103 or 203 of this Act, as applicable.

PROHIBITION OF COERCION

SEC. 303. (a) An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with—

(1) such employee's rights under title I to elect a time of arrival or departure, to work or not to work credit hours, or to request or not to request compensatory time off in lieu of payment for overtime hours; or

(2) such employee's right under section 202(b)(1) to vote whether or not to be included within a compressed schedule experiment or such employee's right to request an agency determination under section 202(b)(2).

For the purpose of the preceding sentence, the term "intimidate, threaten, or coerce" includes, but is not limited to, promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

(b) Any employee who violates the provisions of subsection (a) shall, upon a final order of the Commission be—

(1) removed from such employee's position, in which event that employee may not thereafter hold any position as an employee for such period as the Commission may prescribe;

(2) suspend without pay from such employee's position for such period as the Commission may prescribe; or

(3) disciplined in such other manner as the Commission shall deem appropriate.

The Commission shall prescribe procedures to carry out this subsection under which an employee subject to removal, suspension, or other disciplinary action shall have rights comparable to the rights afforded an employee subject to removal or suspension under subchapter III of chapter 73 of title 5, United States Code, relating to certain prohibited political activities.

REPORTS

SEC. 304. Not later than 2½ years after the effective date of titles I and II of this Act, the Commission shall—

(1) prepare an interim report containing recommendations as to what, if any, legislative or administrative action shall be taken based upon the results of experiments conducted under this Act, and

(2) submit copies of such report to the President, the Speaker of the House, and the President pro tempore of the Senate.

The Commission shall prepare a final report with regard to experiments conducted under this Act and shall submit copies of such report to the President, the Speaker of the House, and the President pro tempore of the Senate not later than 3 years after such effective date.

REGULATION

SEC. 305. The Commission shall prescribe regulations necessary for the administration of this Act.

EFFECTIVE DATE

SEC. 306. The provisions of section 4 and titles I and II of this Act shall take effect on the 180th day after—

(1) the date of the enactment of this Act, or

(2) October 1, 1977,

whichever date is later.

Mrs. SCHROEDER (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will read the first committee amendment.

The Clerk read as follows:

Committee amendment: On the first page, line 6, strike out "1977" and insert in lieu thereof "1978".

Mrs. SCHROEDER (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendments be considered as read, printed in the RECORD, and considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

The Clerk read the remaining committee amendments, as follows:

Committee amendments: Page 2, line 8, strike out "executive" and insert in lieu thereof "Executive".

Page 3, line 20, strike out "and".

Page 3, line 22, strike out the period and insert in lieu thereof "; and".

Page 3, immediately after line 22, insert the following:

(6) individuals and families generally.

Page 9, strike out lines 15 and 16, and insert in lieu thereof the following:

an appropriate portion of the employee's biweekly basic work requirement as determined under regulations prescribed by the Commission).

Page 13, line 12, immediately before "employee" insert "full-time".

Page 16, line 8, strike out "suspend" and insert in lieu thereof "suspended".

Page 17, line 18, strike out "1977" and insert in lieu thereof "1978".

The committee amendments were agreed to.

AMENDMENTS OFFERED BY MR. SOLARZ

Mr. SOLARZ. Mr. Chairman, I offer amendments which are related, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. SOLARZ: Page 2, strike out line 20 and all that follows down through line 6 on page 3, and insert in lieu thereof the following:

EXPERIMENTAL PROGRAM

SEC. 4. (a)(1) Within 180 days after the effective date of this section, and subject to the requirements of section 302 and the terms of any written agreement referred to in section 302(a), the Commission shall establish a program which provides for the conducting of experiments by the Commission under titles I and II of this Act. Such experimental program shall cover a sufficient number of positions throughout the executive branch, and a sufficient range of worktime alternatives, as to provide an adequate basis on which to evaluate the effectiveness and desirability of permanently maintaining flexible or compressed work schedules within the executive branch.

(2) Each agency may conduct one or more experiments under titles I and II of this Act. Such experiments shall be subject to such regulations as the Commission may prescribe under section 305 of this Act.

Page 3, line 8, strike out "Act," and insert in lieu thereof "section,".

Page 3, beginning on line 10, strike out "to be conducted by agencies" and insert in lieu thereof "conducted".

Page 4, line 8, insert before "subsection (a)" the following: "any experiment conducted by the Commission under".

Page 4, beginning on line 11, strike out "the conducting of such a program by the agency" and insert in lieu thereof "including the agency within the experiment".

Page 4, beginning on line 14, strike out "stay the requirement under subsection (a) to implement an experimental program" and insert in lieu thereof "exclude the agency from the experiment".

Page 5, beginning on line 9, strike out "an agency may conduct one or more experiments" and insert in lieu thereof "experiments may be conducted in agencies".

Page 6, line 3, strike out "agency".

Page 9, line 23, before "an agency" insert the following "the Commission or".

Page 10, line 3, before "agency" insert the following: "Commission or the".

Page 11, beginning on line 11 strike out "an agency may conduct one or more experiments and insert in lieu thereof the following: "experiments may be conducted in agencies."

Page 12, line 17, strike out "agency".

Page 15, line 11, strike out "An agency" and insert in lieu thereof the following: "The Commission or an agency".

Mr. SOLARZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLARZ. Mr. Chairman, not since Henry Clay, the Great Compromiser, served in this distinguished body has the House known a more accomplished master of the art of legislative accommodation than my good friend, the distin-

guished gentleman from Illinois (Mr. DERWINSKI). I think it is a tribute to his parliamentary creativity, as it were, that he originally devised the idea for this compromise which we now have before us.

The bill as it is currently written would require every department, agency, and commission of the Government to establish a flexitime program, unless the head of that department, agency, or commission could establish that it would substantially disrupt the operations of his unit of government. That provision raised a few hackles in the committee, and the distinguished gentleman from Illinois suggested that it might possibly broaden the base of support for this otherwise meritorious legislation if we eliminated the mandatory aspects of the bill, which this compromise amendment does, by simply providing that in addition to whatever flextime experiments are established pursuant to the determination of the Civil Service Commission, each department, agency, and commission of the Federal Government will have the opportunity on a voluntary basis and on its own initiative to establish a flexitime experiment.

However, there will be no legislative mandate that they actually do so. Consequently, these amendments eliminate all mandatory aspects of the bill. They provide that those departments, agencies, and commissions of the Government that want to establish such a program have the right and the opportunity to do so within the framework of the overall guidelines for the experiment which will be established by the Civil Service Commission. At the same time, I think we ought to, for the purposes of legislative history on this amendment, make it clear that we do expect the Civil Service Commission to actively encourage as many departments, agencies, and commissions as possible to adopt such experiments.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the series of amendments the gentleman from New York has offered. As indicated in the general debate, as well as in the explanation the gentleman just provided, we feel these amendments will meet all the objections that did develop in committee to any mandatory application to the departments and agencies. These amendments have been carefully worked out and approved by the Civil Service Commission and I would urge the adoption of these amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. SOLARZ).

PARLIAMENTARY INQUIRY

Mr. WHITE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Texas will state it.

Mr. WHITE. Mr. Chairman, I have just been advised that the Solarz amendments do amend section 302(d), which is a section I am attempting to remove from the bill by offering an amendment.

The CHAIRMAN. The Chair would advise the gentleman from Texas that his amendment would still be in order upon the adoption of the amendments offered by the gentleman from New York (Mr. SOLARZ).

Mr. WHITE. I thank the chairman.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. SOLARZ).

The amendments were agreed to.

AMENDMENTS OFFERED BY MR. SOLARZ

Mr. SOLARZ. Mr. Chairman, I have another page of several amendments at the desk which are all related and which I offer. I ask unanimous consent that they be considered en bloc, and that they be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The amendments are as follows:

Amendments offered by Mr. SOLARZ: Page 18, after line 6 insert the following new title:

TITLE IV—ADJUSTMENT OF WORK SCHEDULES FOR RELIGIOUS OBSERVANCES

COMPENSATORY TIME OFF FOR RELIGIOUS OBSERVANCES

SEC. 401. (a) Subchapter V of chapter 55 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5550a. Compensatory time off for religious observances

"(a) Not later than 30 days after the date of the enactment of this section, the Civil Service Commission shall prescribe regulations providing for work schedules under which an employee whose personal religious beliefs require the absention from work during certain periods of time, may elect to engage in overtime work for time lost for meeting those religious requirements. Any employee who so elects such overtime work shall be granted equal compensatory time off from his scheduled tour of duty (in lieu of overtime pay) for such religious reasons, notwithstanding any other provision of law.

"(b) In the case of any agency described in subparagraphs (C) through (G) of section 5541(1) of this title, the head of such agency (in lieu of the Commission) shall prescribe the regulations referred to in subsection (a) of this section.

"(c) Regulations under this section may provide for such exceptions as may be necessary to efficiently carry out the mission of the agency or agencies involved.".

(b) The analysis for chapter 55 of title 5, United States Code, is amended by adding after the item relating to section 5550 the following:

"5550a. Compensatory time off for religious observances.".

Page 2, line 5, insert after "basis." the following new sentence: "The Congress also finds that there should be sufficient flexibility in the work schedules of Federal employees to allow such employees to meet the obligations of their faith.".

Page 2, line 7, after "Act" insert: "(other than title IV)".

Page 17, line 23, insert "the foregoing provisions of" before "this Act".

Mr. SOLARZ. Mr. Chairman, the belief in religious liberty is one of the cornerstones of our Nation. Many of the first colonialists were refugees from religious tyranny who came to the "New World" to be able to practice their religion as they chose. Since the founding of our Nation, millions of persons have emigrated to the United States to find religious freedom.

The belief in religious liberty is not only rooted in our history and embedded in our traditions, but it is also manifested in our laws. The first amendment to the Constitution provides that "Congress shall make no law respecting an establishment or prohibiting the free exercise thereof." Our statutes make it illegal to discriminate on the basis of religion in either employment, housing or public accommodations.

The amendment to H.R. 7814, which I am offering today, I believe is consistent with the religious protections provided by our Constitution and our civil rights laws. The change in our civil service laws that I am proposing is designed to guarantee that all Federal employees are treated equally, regardless of their religion, and to make sure that no Federal employee is discriminatorily or unnecessarily penalized because of their devotion to their faith.

Mr. Chairman, the need for my amendment to the civil service laws arise out of the fact that Federal work schedules are designed to meet the needs of the religious majority and not to accommodate the needs of religious minorities. Federal work schedules recognize Sunday as the weekly day of rest and Christmas and Easter are treated as national holidays. However, Federal work schedules ignore other days in which members of minority faiths are required by their religious beliefs to abstain from work. As a result of the current bias of Federal work schedules in favor of the dominant religious group, members of minority faiths must either choose between reduced incomes or diminished annual leaves if they are to abstain from work during certain periods of time, as they are required to do by their religion.

Mr. Chairman, I believe it is both discriminatory and unnecessary to force members of a religious minority to make such choices just because they cannot meet work schedules designed for members of the majority religion. A much more just and equitable approach to problems posed by the conflicts which occasionally arise between the requirements of minority faiths and Federal work schedules is embodied in the amendment I am offering today. The amendment would permit members of all faiths to accommodate themselves to Federal work schedules by permitting them to work compensatory overtime for time lost because of religious obligations.

The amendment makes this accommodation possible by requiring the Civil Service Commission to prescribe regulations providing for work schedules under which an employee, whose personal beliefs require the abstention from work during certain periods of time, may elect to engage in overtime work for time lost meeting such obligations. Employees who elect such overtime work under the amendment waive their right to premium overtime pay rates for such work and are only to be granted equal com-

pensatory time off from their schedules tours of duty.

The bill also requires that heads of agencies, which are not subject to Civil Service Commission regulations, provide for similar regulations.

Although the amendment authorizes the use of overtime for the purpose of obtaining compensatory time off for religious purposes, I want to make it clear that it does not mandate any such work.

Nothing in the amendment requires a Federal employee to engage in overtime work to make up for time lost for religious purposes. The provisions of the amendment only become operative if an employee elects to ask for the overtime work. Any overtime work which is required of an employee by a superior would be subject to the existing provisions of title 5 which mandate an hourly rate of pay one and one-half times the usual rate of pay for that employee.

Besides not compelling any employee to engage in overtime work, the amendment also does not compel every Federal manager to accept a request for such work when the request is made for purposes of making up for time lost for religious reasons. Subsection (c) of the amendment provides the regulations promulgated under it may provide for such exceptions as may be neccessary to efficiently carry out the mission of the agency or agencies involved. Therefore, if the provision of overtime compensatory work provides an undue hardship on the agency or interfere with its efficiency, the agency need not grant such work.

I believe the approach I have just outlined is a very reasonable one. The amendment in no way is designed to grant a special preference to any particular religious sect or denomination. The sole purpose of the legislation is to require the Federal Government, as an employer, to make reasonable accommodation to the religious needs of its employees who, because of their religious faith, are unable to work during certain periods of the normal workday or workweek.

Mr. Chairman, in this century we have made great strides as a Nation in recognizing that ours is a pluralistic, multiracial, multireligious and ethnically diverse society which occasionally requires the adoption of new laws to accommodate the needs of the different groups in our midst. Early in the century we provided in our selective service laws for an exemption from military service for those persons whose faith did not permit them to engage in combat.

More recently, we have passed legislation to protect the rights of black people and women and other disadvantaged segments of our population. I believe we were right to create these exceptions and develop these special programs. And I believe it is now right for us to create a minor exception in our civil service laws so that members of religious minorities may be able to enjoy the full benefits of Federal employment without in any way compromising the capacity of the Federal government to do its job.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Virginia (Mr. HARRIS).

Mr. HARRIS. Mr. Chairman, I am pleased to support the amendment by my colleague from New York (Mr. SOLARZ), which will allow individuals to work compensatory overtime to make up for job absences due to bona fide religious holidays.

In this multi-ethnic and multi-religious country, we cannot assume that every Federal employee will practice his or her religion on the same day, traditionally Sunday for most Christian faiths. Indeed, our Federal laws and policies should recognize the pluralism of society and not unduly discriminate against individuals because of their religious faiths. Freedom of religion is a keystone of our Constitution; a government that is neutral in religious matters is basic to our democracy. Yet I do not feel current civil service regulations provide enough flexibility for members of "minority" faiths to practice their chosen religion.

This amendment requires the Civil Service Commission to issue regulations allowing employees to elect to engage in overtime work to obtain compensatory time off when they participate in religious observances. The amendment authorizes the use of overtime, but it does not mandate overtime work. The provision would become operative if an employee elects to work overtime. Also, it does not compel every Federal manager to accept a request for compensatory work. The amendment permits the Commission to issue regulations to allow exceptions that may be necessary to efficiently carry out the mission of the agency.

I believe that this would be a minor change in our policies, but it represents a major forward step in recognizing the importance of freedom of choice in religious matters.

The bill will particularly accommodate the religious practices of orthodox Jews who must leave work early on Friday's during the winter months and take off complete days during the rest of the year for the holidays of Rosh Hashanah, Yom Kippur, Passover, Succoth, and Shavuoth, when the holidays fall on weekdays. Such individuals now may be granted leave for religious observances but the time they take off is either deducted from their salary or their annual leave.

I believe such a policy is unnecessarily punitive and discriminatory. We should not expect individuals to make this kind of choice and suffer a reduction in pay or leave because their religious practices do not follow the "customary" calendar or schedule we have established in this country. I urge my colleagues to join me in voting for the Solarz amendment, a small but important step toward flexibility and sensitivity to individual religious choices.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I also compliment the gentleman from New York. I think it is a sensitive amendment and exactly corresponding to what we are pointing to in the flexitime, which is for management to provide a more humane environment for our workers.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from New York (Mr. GILMAN), who helped me shape this legislation, and then I will yield to the gentlewoman from Maryland (Mrs. SPELLMAN).

I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I compliment the gentleman from New York (Mr. SOLARZ) for introducing this amendment. It complements the legislation in helping those who have religious beliefs and observances which they wish to pursue but cannot because of the financial penalty imposed on them by having to take off appropriate time and not being able to make up such lost time in their work schedule. This amendment addresses the principle that the Government should not penalize a person because of his or her religious beliefs. This legislation will put an end to such religious discrimination. This is a sound amendment and I urge its adoption.

Mr. SOLARZ. Mr. Chairman, I thank the gentleman from New York (Mr. GILMAN) for the observations he has made.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to my good friend the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, I would like to commend the gentleman from New York (Mr. SOLARZ) and I reemphasize that his amendment has been carefully drafted to avoid any constitutional problems. That is a point that the Civil Service Commission recommended. So this is not only a practical amendment but it has been very carefully drafted so as to meet the interest of those individuals who do have such religious beliefs and who otherwise have been faced with complications.

Mrs. SPELLMAN. Mr. Chairman. will the gentleman yield?

Mr. SOLARZ. I yield to the gentlewoman from Maryland (Mrs. SPELLMAN).

Mrs. SPELLMAN. Mr. Chairman, I also want to commend the gentleman from New York (Mr. SOLARZ) for presenting this amendment. I wish to say that in the testimony we heard during a hearing held by the Subcommittee on Employee Compensation and Benefits, in New York City, we learned that there were many people who have no annual leave as we know it, who are able to take no vacations, because they must use their leave an hour or two at a time each Friday evening to get home before sundown for religious reasons. I think the gentleman has certainly found the solution for their problem and he is to be again commended.

Mr. SOLARZ. Mr. Chairman, I thank the gentlewoman from Maryland (Mrs. SPELLMAN) for her endorsement. I see that the millenium has just about arrived

but, before it does, let me yield for a minute to my very good friend and next door neighbor in Brooklyn, the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. I thank the gentleman for yielding me this time.

Mr. Chairman, I too would like to commend the gentleman from New York (Mr. SOLARZ) for offering this very important amendment, which gives clear recognition to the need to accommodate religious diversity in this country. The Federal Civil Service has not done this adequately in the past. It is terribly important that we allow Federal employees to observe their religious traditions and beliefs without being penalized for doing so—which is the case at present.

Again I commend the gentleman for his effort in this regard.

Mr. SOLARZ. I thank the gentlewoman for her comment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York (Mr. SOLARZ).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. WHITE

Mr. WHITE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE: Page 15, line 3, strike out all of section 302 of the bill (lines 3 through 15) and renumber the following sections in sequence.

And strike the words in section 4(a)(1) beginning with "and" line 2 through "section 302a(),".

EXPERIMENTAL PROGRAM

SEC. 4. (a)(1) Within 180 days after the effective date of this section, and subject to the requirements of section 302 and the terms of any written agreement referred to in section 302(a), the Commission shall establish a program which provides for the conducting of experiments by the Commission under titles I and II of this Act. Such experimental program shall cover a sufficient number of positions throughout the executive branch and a sufficient range of worktime alternatives, as to provide an adequate basis on which to evaluate the effectiveness and desirability of permanently maintaining flexible or compressed work schedules within the executive branch.

(2) Each agency may conduct one or more experiments under titles I and II of this Act. Such experiments shall be subject to such regulations as the Commission may prescribe under section 305 of this Act.

Mr. WHITE. Mr. Chairman, this is the same amendment that I had spoken of earlier except that the gentleman from New York (Mr. SOLARZ) has added some extra words which are included in the amendment previously adopted. The Chair had said that I could amend that language at a subsequent time.

What I am attempting to do is to strike section 302 which is worded:

. . . subject to the requirements of section 302 and the terms of any written agreement . . .

And so forth, and the wording that the Clerk has just read.

Mr. Chairman, the point I am trying to make is that now with the Solarz amendment which does not make mandatory the imposition of any provision in this bill, then section 302 is not needed in any way and in fact establishes a precedent which I think will come back to haunt us later.

Section 302 gives a clear green light to unions representing employees in the various agencies to negotiate collective bargaining for them for flexitime. Now, under the provisions of the amendment that has already been adopted by this House, the executive department, the agency head, and the President can already make that exception as far as any contract that has already been negotiated.

Why provide for a statutor" overt act? Why provide and freeze into the law a provision for collective bargaining for a labor union that does not exist by statute in any other provision of law except for the Postal Reorganization Act, for the Postal organization, and one for legislative branch printers? All other collective bargaining provisions are by Executive order, and this is where they should be at the present time until such time as this House passes a total organic act relating to negotiations for collective bargaining with employee unions. So I ask the House to delete section 302 and any reference to section 302 so we can preserve the present status of not by statute providing for collective bargaining and thereby not set the stage for unions in the future to come back for additional and additional and additional powers.

I yield back the remainder of my time.

Mr. FORD of Michigan. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, if my memory serves me correctly, I offered this or a part of this section of the bill as an amendment in the committee either in the last Congress or the Congress before. I cannot remember how far back we started considering the legislation. But one would not recognize it from the way the gentleman from Texas (Mr. WHITE) has described it because I think he totally misunderstands its intent and purpose. If the Members read it, it is very clear to me, but it seems to be confusing to him. All it says is "within a unit"—and these are artful words that we are using here. This is a definable unit where someone, some one organization, has petitioned for and been recognized under the existing law as a collective bargaining agent to represent people in that unit. It says that the limitation is not only as to the unit but only those units where there is "an organization of Government employees." The reason that it says "an organization of Government employees" rather than "a collective bargaining agent for a union" is that it means union but it also means organizations that do not call themselves unions, such as the groups that serve with respect to the National Guard technicians. We have unions representing some of them. We have groups that do not call themselves unions representing others. But in any event, where "an organization of Government employees has been accorded exclusive recognition"—that is, they have been recognized by the Government as the exclusive agent to represent the employees in that unit, the employees in that unit will not be included in an experiment under titles I and II except to the extent expressly provided under a written agreement between the agency and such organization.

In short, all that means is that if you are to experiment in a unit where there is a collective-bargaining agreement in existence, and where there is recognition, exclusive recognition, for an agent, that you can only enter into an agreement with respect to those employees that the agent participates in and represents the employees in and bargaining for. There is nothing too unusual about it. As a matter of fact, it would be extremely unusual if we struck that provision. This was put in because there was an ambiguity in the legislation without it, but having now put it into the bill for two successive Congresses, if we were in this committee to strike the section, it would create legislative history that would imply exactly the opposite of what has been intended by the authors of this legislation from its beginning.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentleman for yielding.

Is the gentleman saying in essence this is a grandparent clause of sorts to recognize bargaining units that are already in effect?

Mr. FORD of Michigan. It has the effect of encouraging the use of this provision by suggesting that you would not under the guise of this bill in any way interrupt or interfere with on-going or existing relationships between employees and employers in the Federal Government.

Mrs. SCHROEDER. I thank the gentleman.

Mr. SOLARZ. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

I think the gentleman from Michigan has very lucidly explained some of the deficiencies with this amendment. I just want to add one additional observation. Far from creating a new right for Federal unions in the bill, were the amendment to be adopted, Federal employee unions would lose a right they have already, which they have enjoyed for the last 16 years, as a result of President Kennedy's Executive order in 1962. From that time to the present any flextime program established in the Federal Government could only be established, in those units for which there are Federal employee unions, with the consent of those unions.

If this amendment is adopted and the bill then passes, it will supersede the Executive order, so Federal employee unions will lose a right which they have had for the last 16 years.

Now, the gentleman from Texas (Mr.

WHITE) who offered the amendment tells us that nonetheless, if this amendment is defeated, and the bill is adopted, for the first time in the history of the Republic the right of Federal employee unions to bargain collectively over something will be enshrined in law.

Well, aside from the fact that we have already given Federal employee unions the right by law and statute to bargain collectively, at least in the Postal Service, my answer is, "so what?"

What is so terrible about putting into statute a right which has existed in Executive order, which has the force of law anyway, for the last 16 years?

I must say I do not think, even if this amendment is defeated and the bill is adopted, that the foundations of Western Civilization will somehow collapse. This great Nation has survived 200 years. It survived with President Kennedy's Executive order for the last 16 years. We are not going to be confronted by strikes or anything else. It simply maintains a right which Federal employee unions have had for almost two decades. But if the gentleman's amendment is adopted, we will be taking away a right which they have enjoyed for the last 16 years.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I will not take the 5 minutes, because the gentleman from New York and the gentleman from Michigan have properly explained the issue as we saw it in the Committee and as it exists here.

I think the gentleman from Texas (Mr. WHITE) does not properly interpret the intent of this section. It is clear this has not provided a new extension of unions jurisdiction on individual Federal employees.

Basically what this does is dovetail an existing Executive order under which interpretations have been applied that permits negotiations for flexible time; so this is consistent with practice and, on that basis, I would suggest the rejection of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE).

The question was taken, and on a division (demanded by Mr. WHITE) there were—ayes 9, noes 20.

Mr. WHITE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when quorum of the Committee of the Whole appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from Texas (Mr. WHITE) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

Mr. ROONEY. Mr. Chairman, I rise in strong support of H.R. 7814, the Federal Employees Flexible and Compressed Work Schedules Act of 1978. This legislation would authorize Federal agencies to experiment with flexible and compressed scheduling programs for employees, thus encouraging the entrance into the Federal labor force of talented and skilled personnel who are unable or who do not desire to work standard hours. Because of the critical need in this country for more flexible employment options for many workers, especially older Americans, I feel that the passage of H.R. 7814 would give the Federal Government the opportunity to lead the way and explore new kinds of flexible work arrangements which would accommodate greater numbers of ready, willing, and able older American workers.

The Subcommittee on Retirement Income and Employment, which I chair, recently held a joint hearing with another subcommittee of the House Select Committee on Aging, the Subcommittee on Human Services. The joint hearing focused on public policy and the future of work and retirement. At that hearing, witness after witness testified to the fact that our notions of work and retirement as they currently exist will undoubtedly undergo marked transformation as we collectively grow older.

Present labor force trends and practices are such that growing numbers of older persons will remain or become jobless and be unable to provide for their economic needs. Older workers are leaving the labor force at a considerably more rapid rate than other categories of workers. While the costs of maintaining incomes and health care for the retired are rapidly moving upward and while the drain on the social security system steadily increases, it becomes increasingly apparent that we must encourage the establishment of more flexible work schedules to accommodate older Americans and give them the opportunity to earn a decent standard of living.

Flexible and compressed scheduling programs offer many advantages to senior citizens. For various health reasons, many older workers are unable to enter the labor market and compete for available positions because they cannot work standard schedules. A flexible work pattern would also be desirable as a gradual phasein of retirement for older individuals. Such "easing into" retirement could help remove the "sting" often accompanying an abrupt retirement and loss of work and social role. Flexibility on the job could allow older workers the chance to explore different types of leisure and recreational activities—activities which could ease their transition into full retirement in years to come.

America's senior citizens hold a wealth of priceless life experiences and abilities which we cannot continue to waste. We have an obligation to offer older workers a variety of personally and economically rewarding work options in both the public and private sectors. Flexible and compressed work schedules are two promising options to be explored. H.R. 7814 will make such an exploration within the Federal work force possible and will hopefully lead the way in the establishment of more flexible employment practices to accommodate the special needs of many talented and skilled older workers. I strongly support this bill and urge its prompt passage.

The CHAIRMAN. Are there further amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DOWNEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7814) to authorize Federal agencies to experiment with flexible and compressed employee work schedules, pursuant to House Resoluution 1165, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McDONALD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 288, nays 57, not voting 89, as follows:

[Roll No. 377]

YEAS—288

Addabbo	Ashley	Blouin
Akaka	Aspin	Boggs
Alexander	Bafalis	Boland
Allen	Baldus	Bonior
Ambro	Beard, R.I.	Bonker
Ammerman	Bedell	Bowen
Anderson, Calif.	Biaggi	Brademas
	Bingham	Breaux
Armstrong	Blanchard	Brodhead

Brooks	Hanley	O'Brien
Broomfield	Harkin	Oakar
Brown, Calif.	Harris	Oberstar
Brown, Mich.	Harsha	Obey
Buchanan	Hawkins	Ottinger
Burgener	Heckler	Panetta
Burke, Mass.	Hefner	Patten
Burlison, Mo.	Heftel	Patterson
Butler	Hillis	Pattison
Byron	Hollenbeck	Pease
Caputo	Holt	Pepper
Carney	Holtzman	Perkins
Carr	Horton	Pettis
Carter	Huckaby	Pike
Cederberg	Hughes	Pressler
Chisholm	Hyde	Preyer
Clausen, Don H.	Ichord	Price
Clay	Ireland	Pritchard
Cleveland	Jacobs	Pursell
Cohen	Jeffords	Quayle
Coleman	Jenrette	Quillen
Conable	Johnson, Calif.	Railsback
Conte	Johnson, Colo.	Rangel
Corcoran	Jones, N.C.	Regula
Corman	Jones, Okla.	Reuss
Cornell	Jordan	Richmond
Coughlin	Kastenmeier	Rinaldo
Crane	Keys	Risenhoover
D'Amours	Kildee	Robinson
Daniel, Dan	Kindness	Roe
Daniel, R. W.	Kostmayer	Roncalio
Danielson	Krebs	Rooney
Davis	Krueger	Rosenthal
de la Garza	LaFalce	Roybal
Derrick	Lagomarsino	Ryan
Derwinski	Le Fante	Santini
Devine	Leach	Sawyer
Dicks	Lederer	Scheuer
Diggs	Lehman	Schroeder
Downey	Lent	Schulze
Drinan	Livingston	Seiberling
Duncan, Oreg.	Lloyd, Calif.	Sharp
Duncan, Tenn.	Long, La.	Sikes
Early	Long, Md.	Sisk
Eckhardt	Lott	Skelton
Edgar	Lujan	Smith, Iowa
Edwards, Ala.	Luken	Smith, Nebr.
Edwards, Calif.	Lundine	Solarz
Eilberg	McClory	Spellman
Emery	McCormack	Spence
Erlenborn	McDade	Staggers
Ertel	McFall	Stanton
Evans, Colo.	McHugh	Stark
Evans, Del.	McKinney	Steed
Evans, Ga.	Madigan	Steers
Evans, Ind.	Maguire	Stockman
Fascell	Mann	Stokes
Fenwick	Markey	Stratton
Findley	Marks	Studds
Fish	Marriott	Taylor
Fisher	Mathis	Thompson
Fithian	Mattox	Thone
Flippo	Mazzoli	Traxler
Flood	Meeds	Treible
Florio	Meyner	Udall
Foley	Mikulski	Ullman
Ford, Mich.	Miller, Ohio	Van Deerlin
Forsythe	Mineta	Vander Jagt
Frenzel	Minish	Vanik
Frey	Mitchell, Md.	Vento
Fuqua	Mitchell, N.Y.	Volkmer
Gammage	Moakley	Walgren
Gaydos	Moore	Walsh
Gephardt	Moorhead, Calif.	Waxman
Giaimo	Moorhead, Pa.	Weiss
Gilman	Moss	Whitley
Glickman	Murphy, N.Y.	Wiggins
Goldwater	Murphy, Pa.	Wilson, Bob
Gonzalez	Murtha	Wilson, Tex.
Gore	Myers, Gary	Wirth
Gradison	Myers, John	Wolff
Grassley	Myers, Michael	Wright
Green	Natcher	Wydler
Gudger	Neal	Wylie
Guyer	Nedzi	Yates
Hagedorn	Nolan	Yatron
Hamilton	Nowak	Young, Mo.
		Zablocki

NAYS—57

Abdnor	Cunningham	Latta
Andrews, N.C.	Dingell	Leggett
Ashbrook	English	Levitas
Barnard	Flynt	Lloyd, Tenn.
Bauman	Fountain	McDonald
Benjamin	Fowler	Mahon
Bennett	Gibbons	Marlenee
Brinkley	Ginn	Martin
Broyhill	Hansen	Milford
Burke, Fla.	Hubbard	Mollohan
Burleson, Tex.	Jenkins	Montgomery
Chappell	Jones, Tenn.	Mottl
Collins, Tex.	Kelly	Pickle
Cornwell	Ketchum	Poage
Rahall	Skubitz	Watkins
Rogers	Slack	White
Ruppe	Snyder	Whitten
Satterfield	Walker	Winn
Shuster	Wampler	Young, Fla.

NOT VOTING—89

Anderson, Ill.	Fary	Rodino
Andrews, N. Dak.	Flowers	Rose
Annunzio	Ford, Tenn.	Rostenkowski
Applegate	Fraser	Rousselot
Archer	Garcia	Rudd
AuCoin	Goodling	Runnels
Badham	Hall	Russo
Baucus	Hammer-schmidt	Sarasin
Beard, Tenn.	Hannaford	Sebelius
Bellenson	Harrington	Shipley
Bevill	Hightower	Simon
Bolling	Holland	St Germain
Breckinridge	Howard	Stangeland
Brown, Ohio	Kasten	Steiger
Burke, Calif.	Kazen	Stump
Burton, John	Kemp	Symms
Burton, Phillip	McCloskey	Teague
Cavanaugh	McEwen	Thornton
Clawson, Del	McKay	Treen
Cochran	Metcalfe	Tsongas
Collins, Ill.	Michel	Tucker
Conyers	Mikva	Waggonner
Cotter	Miller, Calif.	Weaver
Delaney	Moffett	Whalen
Dellums	Murphy, Ill.	Whitehurst
Dent	Nichols	Wilson, C. H.
Dickinson	Nix	Young, Alaska
Dodd	Quie	Young, Tex.
Dornan	Rhodes	Zeferetti
Edwards, Okla.	Roberts	

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Rudd.

Mr. Phillip Burton with Mr. Anderson of Illinois.

Mr. Nichols with Mr. Ford of Tennessee.

Mr. Zeferetti with Mr. Roberts.

Mr. Shipley with Mr. Kemp.

Mr. Russo with Mr. Badham.

Mr. John L. Burton with Mr. Dent.

Mr. Garcia with Mr. Kasten.

Mr. AuCoin with Mr. Andrews of North Dakota.

Mr. Delaney with Mr. Teague.

Mr. Dodd with Mr. Holland.

Mr. Kazen with Mr. Dornan.

Mr. Baucus with Mr. Archer.

Mr. Miller of California with Mr. Hall.

Mr. Murphy of Illinois with Mr. Nix.

Mr. Waggonner with Mr. Brown of Ohio.

Mr. Charles H. Wilson of California with Mr. Edwards of Oklahoma.

Mr. Moffett with Mr. Beard of Tennessee.

Mr. Bevill with Mr. Goodling.

Mr. Hannaford with Mr. Metcalfe.

Mr. Harrington with Mr. Hammerschmidt.

Mr. Howard with Mr. Bellenson.

Mr. Breckinridge with Mr. Dickinson.

Mrs. Burke of California with Mr. Cavanaugh.

Mr. Cotter with Mr. Michel.

Mr. Fary with Mr. Hightower.

Mr. Fraser with Mr. Mikva.

Mr. Rostenkowski with Mr. McCloskey.

Mr. Flowers with Mr. Del Clawson.

Mr. Rose with Mr. Quie.

Mr. Simon with Mr. McEwen.

Mr. St Germain with Mr. Whitehurst.

Mr. McKay with Mr. Cochran of Mississippi.

Mr. Dellums with Mr. Stump.

Mr. Conyers with Mr. Steiger.

Mrs. Collins of Illinois with Mr. Young of Alaska.

Mr. Applegate with Mr. Rousselot.

Mr. Thornton with Mr. Symms.

Mr. Weaver with Mr. Sarasin.

Mr. Runnels with Mr. Sebelius.

Mr. Tsongas with Mr. Whalen.

Mr. Treen with Mr. Stangeland.

Mr. EVANS of Indiana changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO HAVE UNTIL 5 O'CLOCK P.M., FRIDAY, MAY 26, 1978, TO FILE A REPORT ON H.R. 9486

Mr. NEDZI. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until 5 o'clock p.m., Friday, May 26, 1978, to file a report on the bill H.R. 9486.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, I ask for this time in order to inquire of the majority leader the schedule for the balance of the day, the balance of the week, and the schedule for the week following the Memorial Day recess.

Mr. WRIGHT. Mr. Speaker, if the gentleman will yield, it is our purpose immediately to resume and conclude consideration of the bill H.R. 9400, Civil Rights for Institutionalized Persons. We do not anticipate that that should take very long.

When that is done, we will be finished for the day and finished for the week. The House by prior arrangement will be resuming deliberations on Wednesday next. We will come in at noon next Wednesday following the Memorial Day home district work period.

After this colloquy, it will be my purpose to ask unanimous consent that we may have a few suspensions on Wednesday in order to catch up on the big backlog of bills that has cascaded around us. If that is granted, we would hope to schedule the following five bills on suspension for Wednesday:

First, House Resolution 1194, a sense of Congress resolution that the Korean Government should cooperate with the Committee on Standards of Official Conduct.

H.R. 7041, Glenn Cunningham and Standing Bear Lakes designations,

H.R. 212, R. Shaefer Heard Park designation.

Following that there will be H.R. 11286, National Traffic and Motor Vehicle Information Act; and

Finally, H.R. 12441, the Toxic Substances Control Act authorizations.

After the suspensions we would hope to take up H.R. 12598, the Foreign Relations Authorization Act for fiscal year 1979. That is under an open rule, with 1 hour of debate. That is simply the State Department authorization; it is not the foreign aid program authorization.

Finally, we would begin consideration of H.R. 12050, Tuition Tax Credit Act of 1978. That will come as a modified open rule, with 2 hours of general debate. It would be our plan to conclude general debate on Wednesday next but have no votes on amendments or on that bill until Thursday. We would finish it on Thursday and then take up H.R. 12157, the Export-Import Bank Act, which is under an open rule, with 1 hour of debate; and H.R. 15, the Elementary and Secondary Education Act Amendments of 1978, subject to the granting of a rule.

On Friday we would meet at 10, as also we would on Thursday and on Friday. We would hope to have H.R. 12240, intelligence authorizations, subject to the granting of a rule. This is a bill which will have come out of the Special Ad Hoc Committee on Intelligence.

Then we will take up H.R. 12505, Solar Power Research and Development Act, subject to the granting of a rule; and H.R. 8099, water rights for the Ak-Chin Indians, under an open rule, with 1 hour of debate. That would be the program for next week.

We would come in at noon on Wednesday, at 10 on Thursday and Friday, adjourn by 3 o'clock on Friday, by 5:30 on Thursday, and by whatever time we are able to adjourn at on Wednesday.

Any further program will be announced later. Conference reports may be brought up at any time.

Mr. DEVINE. I wonder if the majority leader would answer a couple more questions. First, on Thursday the last bill that is scheduled is H.R. 15, the ESEA Amendments for 1978. If that bill is not concluded on that day, does the gentleman intend to continue it until completing it on Friday?

Mr. WRIGHT. That would be the normal expectation, yes.

Mr. DEVINE. Mr. Speaker, I thank the gentleman.

Now, I see that the House when we reconvene following the Memorial Day recess convenes at 12 o'clock noon on Wednesday. Heretofore it has been our policy normally to meet at 3 o'clock on Wednesdays. Are we now going to resume 12 o'clock sessions on Wednesdays henceforth?

Mr. WRIGHT. Mr. Speaker, if the gentleman will recall, the general practice has been that following May 15, at which time the authorizing committees were to have completed their labors and the budget was to have been set in motion, the normal meeting time on Wednesday is 10 o'clock. It was a concession to those who might be late in arriving that we have suggested that it be put back until 12 o'clock.

Mr. DEVINE. Mr. Speaker, finally, in order that Members may be informed, it has been rumored or perhaps announced on the floor that it is the feeling of the leadership that the House will be in session on all Fridays in the month of June, except for the last Friday; is that correct?

Mr. WRIGHT. Mr. Speaker, if the gentleman will yield further, we begin consideration of the appropriation bills in June, and for that reason we feel we have the responsibility to stay at it until those bills are completed. That means Friday sessions.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, I take this time to announce to the Members of the House that the classified annex to House Report 1075, which accompanies H.R. 12240, the Intelligence and Intelligence Related Program Authorization Act for all Members of the House on Wednesday, May 31, Thursday, June 1, and Friday morning, June 2 between the hours of 9 a.m. and 5 p.m. in the office of the House permanent Select Committee on Intelligence, in room H–405, the Capitol.

H.R. 12240 is scheduled to be considered by the House on Friday, June 2, and the committee wishes to make its report available for 3 legislative days before consideration by the House. This will afford all Members an opportunity to acquaint themselves with the recommendations of the committee.

The classified annex will be made available to Members of the House only, and under, the provisions of rule 48 of the rules of the House and the rules of the committee dealing with classified information.

Mr. DEVINE. Mr. Speaker, I would finally ask the majority leader, Does the gentleman have any predicted time of adjournment for today?

Mr. WRIGHT. Yes; immediately when we consider the bill, H.R. 9400, which should not take very long, the House will adjourn.

Mr. DEVINE. Mr. Speaker, I thank the gentleman from Texas.

FURTHER ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. May I add in addition to what the majority leader has said that while we meet on Wednesday and we hope to conclude the rule and general debate on the tuition tax credits bill, I would hope that on Thursday when we meet at 10 o'clock that instead of rising at 5:30, we would be able to complete ESEA; so I would anticipate that the House on Thursday next would go to at least 7 o'clock at night, if necessary. As the majority leader said, on Friday we will adjourn at 3 o'clock in the afternoon at the usual hour.

AUTHORIZING CLERK TO RECEIVE MESSAGES AND SPEAKER TO SIGN BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING ADJOURNMENT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, May 31, 1978, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM THE SENATE, NOTWITHSTANDING ADJOURNMENT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until May 31, 1978, the Clerk be authorized to receive messages from the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday of next week be dispensed with.

The SPEAKER. Is there objection to the request of the Gentleman from Texas?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, May 31, 1978, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MAKING IN ORDER AUTHORITY FOR THE SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES NOTWITHSTANDING PROVISIONS OF RULES OF THE HOUSE ON WEDNESDAY, MAY 31, 1978

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that on Wednesday, May 31, 1978, it shall be in order for the speaker to entertain motions to suspend the rules notwithstanding the provisions of clause I, rule XXVII, of the rules of the House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, if this permission is granted, I would ask the majority leader whether the five suspensions he listed are the only ones that are going to be brought up?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the majority leader.

Mr. WRIGHT. The gentleman is correct, Mr. Speaker. These are the only ones that are planned for consideration under suspension of the rules on that day.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS

Mr. KASTENMEIER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 9400) to authorize actions for redress in cases involving deprivations of rights of institutionalized persons secured or protected by the Constitution or laws of the United States.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 9400, with Mr. OBERSTAR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, May 1, 1978, all time for general debate had expired, and pending was the committee amendment in the nature of a substitute, which was open to amendment at any point.

Are there further amendments to the committee amendment?

Mr. KASTENMEIER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to indicate to the membership what the intention of the gentleman from Wisconsin as the bill manager is and to restate where we are in terms of consideration of the bill.

As the Chairman of the Committee of the Whole indicated, the bill was last considered on May 1, 1978. We then agreed to a rule, concluded general debate, and took up a principal amendment, an amendment offered by the gentleman from Pennsylvania (Mr. ERTEL), which the House adopted. The hour had then reached 5:30, and the Committee rose.

I will say this for the benefit of my fellow Members, Mr. Chairman, so they may be guided somewhat as to how long this bill may take: There is an amendment to be offered by the gentleman from Virginia (Mr. BUTLER), and I think the Committee can agree to that. The gentleman from Virginia is a member of the subcommittee.

There is a new amendment to be offered by the gentleman from Illinois (Mr. RAILSBACK), and I do not think that amendment is controversial.

There are, as I understand it, three amendments to be offered by the gentleman from Ohio (Mr. KINDNESS), and there are perhaps as many as five amendments to be offered by the gentleman from California (Mr. WIGGINS) which will need to be discussed.

It will not be the intention of this Member to debate these amendments at great length. I think the amendments are fairly clear, and the Committee can make a judgment on them without extended debate. It is, therefore, my intention, Mr. Chairman, to proceed as expeditiously as possible.

Mr. Chairman, this is a simple bill. It is to afford standing for the Attorney General to initiate suits in certain cases and to intervene in suits in certain cases. Those cases cover persons who are either mentally ill, disabled, retarded, chronically ill, handicapped, juveniles, or those who are detained prior to trial, those who require certain skilled nursing care and those who are confined in primarily public facilities or institutions where there is a pattern or practice which in effect denies the civil rights of the inmates.

This is a balanced bill. There is a procedure required of the Attorney General which is not now required of the Attorney General, in terms of notifying the States as to what the complaint is against them. When I say "the States," I am talking about the Governor, the attorney general, or the chief executive and legal officer of the political subdivision of the State, and the superintendent of the institution. There is a procedure for offering consultation and advice, in terms of how that institution can make correction, so that the civil rights of the inmates are no longer adversely affected.

The bill also contains a recommendation by the former attorney general in the Ford administration, Mr. Levi, to provide a system of exhaustion of remedies. This system is voluntary. It is not required. It is designed to divert from the Federal courts prisoner petitions. These prisoner petitions covering the status of their confinement, are, of course, presently very often found in the Federal courts in the thousands. We achieve an effective way of handling these matters, rather than making each one the possible subject of a trial in Federal court. These are diverted back through a procedure within the States and within the local institutions affected.

This, essentially, is what the bill provides.

Mr. Chairman, I would like to note the great amount of correspondence which has been received in the past 3 weeks encouraging the committee to reinstate sentenced prisoners in some way into the coverage of the bill, H.R. 9400. Among the correspondence have been letters from Attorney General Griffin Bell, the American Bar Association, the public advocate of the State of New Jersey. In addition, two national newspapers have published editorials supporting the coverage of sentenced prisoners. I am submitting the above-mentioned materials as part of the RECORD.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., May 22, 1978.

Hon. PETER W. RODINO,
Chairman, Committee on the Judiciary, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing in regard to H.R. 9400, a bill to authorize "pattern or practice" litigation on behalf of institutionalized persons.

On May 1, 1978, the Committee of the Whole House on the State of the Union amended the definition of "institution", so that the Attorney General would not be authorized to institute or intervene in a civil action to redress deprivations of the rights of persons sentenced to confinement in jails, prisons, and other correctional facilities.

I urge the House to reexamine this decision and to support an amendment permitting the institution and intervention in prison suits in carefully limited circumstances. In my view, the national public interest in effective and humane law enforcement and in the administration of criminal justice requires the Department of Justice to have some jurisdiction for egregious cases involving the deprivation of prisoners' constitutional rights.

The purpose of H.R. 9400 is not to allow the Attorney General to represent individual inmates or prisoners with complaints against institutions. Under the bill the Attorney General may only take action against a pattern or practice of deprivation of basic constitutional or statutory rights. The practices we seek to curb are not only cruel and unusual, but often promote crime and recidivism. Achievement of national law enforcement policy should not depend on individual petitions filed by prisoners. Such petitions normally are filed without benefit of counsel and are focused on individual grievances rather than on the underlying pattern or practice leading to such grievances.

Another purpose of the bill is to help stem the tide of individual prisoner petitions in the federal courts. This would be accomplished through two complementary provisions—section 5, which encourages use of state administrative remedies rather than federal court petitions, and section 2 and 4, allowing an Attorney General suit to address a pattern or practice of deprivation of basic rights. A pattern or practice suit will normally moot many individual complaints and eliminate the conditions which would otherwise lead to many more such petitions.

It has been argued that the willingness of some courts to call upon the United States to participate as an *amicus curiae* demonstrates that the authority contemplated by the present bill is unnecessary. I disagree. The important rights and interests at stake in such litigation should not be left to chance or depend upon the judicial district in which persons are confined. Rather, these basic rights should be addressed in a consistent, uniform manner through thoughtful litigation designed to correct the most serious abuses.

It has been argued that the resources we would commit to "pattern or practice" suits involving penal institutions would dilute our efforts to aid the even less articulate classes of institutionalized persons, such as the retarded or mentally ill. Because I feel that a serious situation exists in many of our nation's jails and prisons, I believe that commitment of resources in that area is justified. I also believe that we can make a creditable contribution in improving all

categories of institutions covered by H.R. 9400 because many conditions found in various institutions are quite similar, and our work in each area enhances our ability in others. In legislating, it is, of course, the prerogative of Congress to set priorities. I would ask you to consider the conditions in our nation's penal institutions which the committee report on H.R. 9400 documents and to restore in some measure the proposed authority for the Attorney General to seek a remedy for those conditions.

Sincerely,

GRIFFIN BELL,
Attorney General.

AMERICAN BAR ASSOCIATION,
Washington, D.C., May 11, 1978.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, the American Bar Association was one of the earliest and strongest supporters of H.R. 9400, which is now under consideration by the House of Representatives. In our view, it is essential that the Attorney General be given an effective means of assuring to institutionalized persons the full enjoyment of their constitutional rights.

If anything has been made clear by the Supreme Court in this decade, it is that prisoners are persons and that the Constitution protects their interests. If anything has been made clear in this decade's outpouring of prisoner litigation, it is that these interests have been denied in institutions operated at every level of government and in every part of the country.

The tentative House action last week eliminating sentenced prisoners from coverage under H.R. 9400 is unwarranted and unwise. Even if we could, we must not step backward to the days when the prisoner was the "slave of the state" and our attitude toward his rights was one of "hands off." As I know from my own experience, as chairman of the New York Special Commission on Attica, that path can only have tragic consequences.

We ask that you redouble your efforts to effect the enactment of H.R. 9400 in terms as broad as the problems we face. Elimination of sentenced prisoners from the coverage of the bill would in itself constitute the very type of official discrimination we once countenanced.

Sincerely,

ROBERT B. MCKAY,
Chairman.

STATE OF NEW JERSEY.

Re H.R. 9400, rights of institutionalized persons.

Hon. PETER W. RODINO,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN RODINO: I understand that the above-referenced bill will be coming to the House floor on May 15, 1978. I wish to take this opportunity to reiterate my support for this legislation, which I expressed at the Hearings before Representative Kastenmeier's Subcommittee, and to urge you to vote in favor of its enactment.

This legislation as reported out by the Judiciary Committee would provide the Attorney General with authority to bring suits on behalf of persons housed in mental hospitals, nursing homes, penal facilities and other institutions where such action is necessary to protect the constitutional rights of the persons confined therein. When initially considered by the House two weeks ago, the bill was amended to delete coverage of jails and persons. I consider this action regrettable, and urge you to support reconsideration of the amendment. Federal courts throughout the nation have held that conditions in jails and prisons violated basic and rudimentary constitutional standards. To deny the Department of Justice the authority to act in this area, would perpetuate conditions in which not even lip service is paid to the requirements of the United States Constitution.

As you are aware, the Department of the Public Advocate in New Jersey has statutory authority to represent the interests of institutionalized persons within the State of New Jersey. Our experience in the four years that we have existed indicates to me that such authority, discretely exercised, is an extremely valuable asset in insuring that the rights of all citizens are respected. While the presence of this Department in New Jersey makes it unlikely that the Attorney General will find it necessary to exercise the authority granted by H.R. 9400 in this state, none of the other states have provided an agency with the power to enter into matters such as these.

Some concern has been expressed by state officials and others that this bill constitutes untoward interference in states' rights. As I stated in my testimony, federalism in this regard cuts two ways. The federal government must respect the proper authorities of the states to run their own institutions, but the states must respect the rights of United States citizens as guaranteed to them by the federal constitution. Where the latter are abridged, it is clearly within the responsibility of the United States to see to it that they are respected. As a state official I have no problems with the "federalism" questions underlying this bill.

While I urge the reconsideration of the amendment deleting penal facilities from the coverage of the act, even as amended the legislation would serve to protect the rights of some of the voiceless in our society and I therefore suggest that it merits your support.

Very truly yours,

STANLEY C. VAN NESS,
Public Advocate.

[From the Washington Post, Wednesday, May 24, 1978]

HELPING STATE INMATES

In the mistaken belief that it was protecting states' rights and refusing to coddle criminals, the House of Representatives voted early this month to exclude prisons and correctional facilities from a bill that would provide additional protection for inmates of state institutions. The House will have an opportunity to undo this damage on Thursday, and we hope it will do just that. The bill, as originally proposed by Rep. Robert W. Kastenmeier (D-Wis.), would authorize the attorney general to bring suit in federal court against a state-operated prison, hospital, nursing or juvenile facility if he found it were systematically depriving inmates of their civil rights. The authority is needed to overcome judicial rulings that appear to limit the role the Department of Justice can have in such cases. Two courts have ruled it cannot initiate them, and other courts have questioned the scope of its participation.

The need for the federal government to be concerned about these cases and for the Department of Justice to have a principal role in them is clear. The evidence developed in recent years by federal courts in states as diverse as Alabama and New York demonstrates that inmates in many institutions are systematically abused and that nothing is done about it until the courts intervene. The Justice Department has been involved in about 40 of these cases, often at the request of the courts. That's because it can mount a broader investigation into the general practices of an institution than can an individual inmate or a single lawyer. By permitting the department to initiate cases, as well as join them later, Congress would not be opening new ways for Washington to harrass states. It would simply be helping the department use its resources—and the time of the courts—more efficiently by picking its cases rather than piggybacking on whatever some individual inmate decides to do. Indeed, Mr. Kastenmeier's bill would be more considerate of states' rights than the present system. It would require the attorney general to give states a warning and time to correct deficiencies before filing suit. An inmate doesn't have to give any warning.

The sentiment in the House when the bill was first debated seemed to be that federal intervention may be needed to protect the rights of juveniles and physically or mentally ill adults—but not the rights of adult criminals. The argument was that the latter know their rights and can protect themselves. The House agreed, voting 227 to 132 to delete from the bill the attorney general's power to sue prisons. In reconsidering that question, the House should note the specious nature of that argument. As a class, convicts may know more about their rights than other inmates, but they have been remarkably unsuccessful in protecting them. Seldom, if ever, has any convict won major changes in prison administration without outside help. And that help usually comes from the Justice Department.

The fact is that cases of this kind are so complex that they require more money and legal resources than any inmate of any institution is likely to have. But convicts, just like other inmates, do have rights. And their claim on federal help in enforcing those rights is just as valid as the claim of those confined in hospitals and other institutions.

[From the New York Times, May 24, 1978]

WHY LEAVE OUT PRISONS?

Over the last year, the House of Representatives has been developing an effective answer to the snake pit: a bill to permit the Department of Justice to bring suit to correct barbarous conditions in state prisons, mental hospitals, juvenile and nursing homes, and other facilities. But three weeks ago, in a peculiar and backward step, the House voted to delete prisons.

It is not as though snake-pit conditions have become so rare in prisons. There is evidence aplenty to the contrary. In Oklahoma, for instance, a prison built for 2,400 inmates has been used for 4,600—requiring groups of four prisoners to share unventilated cells six feet square. No, the argument made for exempting prisons is that prisoners can speak for themselves. The young, old or mentally ill may not have the wits to do so but, the argument goes, prisoners are mentally competent and can obtain free legal assistance.

That condition strikes us as dubious on its facts and mean in its spirit. It is one thing for a prisoner to have the ability to protest inhuman conditions; it is another to have the courage or opportunity to do so. In fact, there is painfully little legal assistance available to prisoners around the country. If, as the House now seems to agree, reforms are needed as a matter of principle, then why should society have to rely solely on the underfunded, hit-or-miss capabilities of a few private lawyers?

The House will have a chance this week to restore to the bill at least some coverage for prisons; the case for doing so is clear.

● Mrs. MEYNER. Mr. Chairman, it is with great pleasure that I express my support of H.R. 9400, to protect the civil rights of institutionalized persons. Apart from my particular concern as a member of the Select Committee on Aging about the compelling need for such protection of elderly patients in nursing homes, I have an additional personal reason for being gratified by the passage of this bill; that is, the leadership which the State of

New Jersey has given the Nation in this important field.

The State of New Jersey alone among the States has provided a model for the rest of the country in the establishment of a department of public advocacy which has statutory authority to represent the interests of institutionalized persons. This office, under the capable leadership of Public Advocate Stanley C. Van Ness, has time and again earned the respect and gratitude of concerned citizens and officials both in New Jersey and the Federal Government. When asked this week for an informal assessment of our New Jersey Department of Public Advocacy, an attorney with the Department of Health, Education, and Welfare could not, and I quote, "find enough nice things to say about it."

Through the diligent work of our department of the public advocate and assistance from other organizations, citizens and the press, New Jersey has made important strides toward higher sensitivity to the plight of institutionalized persons, which has in turn helped to bring about better laws and more compassionate treatment. To illustrate this process, I recall in particular the generative effects of an excellent series of articles on private schools for the handicapped in New Jersey, which ran about a year ago in the Daily Record, a fine newspaper serving the district I represent. All aspects of the subject were investigated in the course of the series, and the reporting led to the discovery by the SCI (State commission of investigation) of financial wrongdoing. Another salutary result of the series was hearings, now in progress, on proposed improvements in the State laws regulating such schools.

Although the great majority of private schools for the handicapped in the Nation are under dedicated, responsible management, there are others—and New Jersey is by no means a special magnet for them—run by unscrupulous operators who are attracted by the fortunes to be made in the field of institutional care. New Jersey has a progressive headstart in the effort to root out institutional wrongdoing. It is with pride and pleasure that I note this in connection with the House of Representatives consideration of H.R. 9400, whereby institutionalized unfortunates in other States will be assured a similar legal voice and redress.●

AMENDMENT OFFERED BY MR. BUTLER

Mr. BUTLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUTLER: On page 13, at line 7, after the word "facility." insert the following new sentence: "The Attorney General shall submit such proposed standards for publication in the Federal Register in conformity with section 553 of title 5, United States Code. Such standards shall take effect 30 legislative days after such publication unless, within such period, either House of the Congress adopts a resolution of disapproval."

And on page 15, strike lines 1–9, and renumber the subsections that follow accordingly.

Mr. BUTLER. Mr. Chairman, this is the congressional veto. The Members will recall that the will of the House has been expressed a number of times in favor of the congressional veto in other areas.

Section 5 of this bill deals with the promulgation of standards by the Attorney General with reference to the exhaustion of remedies and establishing minimum standards for the resolution of grievances of individuals in institutions.

There is some reservation expressed in some of the correspondence I received about delegating congressional authority to the Attorney General.

There has also been some question about whether or not we are turning the Attorney General loose on something which may not be the desire of the Congress. However, we have met this problem in other areas of legislation in the past by providing a congressional veto; and this amendment would do exactly that.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. I yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, while there is a provision in the bill, it is not essentially a one-House veto.

Inasmuch as the House last week during the consideration of the Alaska land bill, adopted a similar measure, a one-House veto; and inasmuch as that appears to be in accordance with the desires of the House with respect to House review of such matters, I am inclined to accept the gentleman's amendment.

Mr. BUTLER. Mr. Chairman, I thank the gentleman.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, I concur with what has been said by the chairman of the subcommittee. I believe that this amendment is a good one and that it ought to be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. BUTLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RAILSBACK

Mr. RAILSBACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAILSBACK: On page 11, after line 10, add the following new section to be numbered "4", and renumber those sections which follow accordingly:

SEC. 4. If a petition or complaint regarding conditions in a prison, jail or other correctional facility has been filed with a court and such court has reason to believe that the assistance of the Attorney General of the United States will aid in presenting and resolving the issues raised by such petition or complaint regarding conditions in such prison, jail or other correctional facility, the court may transmit a copy of such petition or complaint to the Attorney General for consideration as to the appropriateness of instituting a civil action in accordance with this Act. Whenever the Attorney General has received such a transmittal and has reasonable cause to believe that any State or political subdivision of a State or any official, employee or agent thereof is subjecting persons confined to such prison, jail or correctional facility to conditions which deprive them of rights, privileges, or immunities secured or protected by the Constitution of the United States, and that such deprivation is pursuant to a pattern or practice of resistance to the full enjoyment of such rights, privileges, or immunities, the Attorney General for or in the name of the United States may institute a civil action in any appropriate United States district court against such party for such equitable relief as may be appropriate to insure the full enjoyment of such rights, privileges or immunities. The Attorney General shall personally sign the complaint in such action.

On page 9, line 21, after "2", add the following language: "or the institution of an action under section 4".

On page 15, line 18, delete "5" and insert in lieu thereof "6".

Mr. RAILSBACK. Mr. Chairman, this is an amendment which was worked out with the gentleman from Pennsylvania (Mr. ERTEL) and is a response to his amendment which was adopted by this body on May 1. That amendment had the effect of deleting prisons, jails, and correctional facilities from the application of this legislation.

Under the compromise amendment, the U.S. Attorney General could not initiate a suit on behalf of prisoners unless the court, in the normal course of receiving petitions or complaints regarding conditions in State prisons, has referred such complaint or grievance to the Attorney General. Upon receipt of such referral, the Attorney General would have to find that the State or its agents are subjecting prisoners to conditions which deprive them of rights, privileges, or immunities secured or protected by the Constitution of the United States, and that such deprivation is pursuant to a pattern or practice.

The Attorney General would then have to provide the State with all of the notice requirements of section 3 of H.R. 9400.

Mr. Chairman, and Members of the Committee, let me say that in visiting with the gentleman from Pennsylvania, who I see in the Chamber, it was my belief that the gentleman had not intended, in offering his original amendment which was adopted, to completely prevent an intervention or an appearance as an amicus curiae. So, I went to the gentleman from Pennsylvania and I visited with him about it. It was clear from the CONGRESSIONAL RECORD that that indeed was not his intention. So, he and I have tried to work out an amendment.

Mr. Chairman, I would be happy at this time to yield to the gentleman from Pennsylvania if he would like to clarify or explain his position.

Mr. ERTEL. Mr. Chairman, I thank the gentleman from Illinois for yielding to me.

I would ask the gentleman, as we have jointly worked out this amendment, it is true, is it not, that the Attorney General would not be the reviewing agency for petitions from prisoners; but, a court would be the reviewer, and it would be

within the discretion of the court whether or not it would ask the Attorney General to institute an action?

Mr. RAILSBACK. That is correct, and that is our intent.

Mr. ERTEL. And is that the present law at the present time, as the gentleman understands it?

Mr. RAILSBACK. That is my understanding. I think that is a very important point to make. In other words, right now, and in the past sometimes the courts have asked the Department of Justice to come in, and in that case the Department of Justice has done that. We would avoid, by this compromise, the necessity on the part of the Department of Justice to have to review all these prisoner complaints.

Mr. ERTEL. So that we are clear on the issue, once the court may make this decision that there is a reason to believe, number one, that there is a pattern or practice; and two, that the Attorney General would be helpful in resolving the issue raised, when he transmits that to the Attorney General he may intervene in the action which has already been filed by the prisoner—which he has a right to file in any event—or to institute an independent action which would be based on the prisoner's complaint. The reason for instituting the separate action would be to frame the issues in better framework so that the court could understand them, and also other parties.

Mr. RAILSBACK. The gentleman is correct. Furthermore, we have added some additional requirements, I might add, such as notification requirements to require notice to the State, as we had in one of the other sections. In other words, to make sure that there is a cooperative effort and an attempt to try to remedy the conditions.

Mr. ERTEL. If the gentleman will yield further, if in fact a petitioner's complaint has been filed with the court, the court then transmits that to the Attorney General of the United States in the belief that that help would be helpful.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(At the request of Mr. ERTEL and by unanimous consent Mr. RAILSBACK was allowed to proceed for 2 additional minutes.)

Mr. ERTEL. Is it true that the Attorney General would then have to go through the procedure of contacting the State and trying to work it out prior to instituting or initiating the action?

Mr. RAILSBACK. If the Attorney General elected—and it would be optional—but if the Attorney General elected to pursue it, he would then have to go through those procedures just alluded to by the gentleman from Pennslyvania.

Mr. ERTEL. That is a further protection for the State and local institutions which is not in the existing law at the present time?

Mr. RAILSBACK. That is.

Mr. ERTEL. This is more protective of the States, as the amendment is written?

Mr. RAILSBACK. Actually, it is a greater safeguard, a greater protection for the States than what has been recognized under existing law.

Mr. ERTEL. The gentleman is correct. I thank the gentleman. I would agree with the gentleman's amendment. It meets the intent that I intend to create—no additional burdens, and to eliminate the petitions going to the Justice Department and requiring a bureaucracy there, and it also protects the State institutions to the best of our ability.

Mr. RAILSBACK. I thank the gentleman for his comments.

Mr. MARKS. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Pennslyvania.

Mr. MARKS. Mr. Chairman, as I understand the gentleman's amendment, he is suggesting that a court that obviously has jurisdiction of the prison, jail, or correctional facility that is involved would have to be applied to by some petitioner or complainant regarding conditions in a jail or correctional institution of which he is in charge, and he would have to determine whether or not those concerns would be sent on to the Attorney General.

Mr. RAILSBACK. The way that it has worked in the past—at least, this is my understanding—we have a prisoner filing what is a 1983 petition, alleging a violation of his civil rights.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. RAILSBACK was allowed to proceed for 2 additional minutes.)

Mr. RAILSBACK. Mr. Chairman, that petition would then be filed with a Federal district judge. The Federal district judge perhaps has had other petitions coming from prisoners or inmates within the same institutions. The judge may be of the opinion that there are allegations serious enough so that the Department of Justice may be interested in making an intervention or instituting a suit based on those allegations, provided the terms of the bill are met.

Mr. MARKS. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Pennsylvania (Mr. MARKS).

Mr. MARKS. Mr. Chairman, my question turned on whether or not a petition would go to a State court first, because if in fact that is what would happen, would it not be unnecessary?

Mr. RAILSBACK. In my opinion it could go to a Federal court or a State court. The gentleman is correct.

Mr. MARKS. If it goes to the State court, that court obviously has jurisdiction over the institution, and it seems to me there is very little chance that court will pass on its concern to the Attorney General or anyone else at that time and the odds are these people or this person having the difficulties will never have the petition ruled on.

Mr. ERTEL. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Pennsylvania (Mr. ERTEL).

Mr. ERTEL. Mr. Chairman, if I may address the comments of the gentleman from Pennsylvania (Mr. MARKS), he is right, if a person applies to a State court, in many cases the State court would not see fit to invite the Attorney General of the United States in. But at this point this legislation is generally geared toward the Federal courts, and under the Federal law that would be the basic approach of this. All State prisoners are allowed to file in the Federal courts under the appropriate statutes of the United States, so it is not as if we are cutting off any rights the prisoner might have. He has the right to file in the Federal courts.

Mr. RAILSBACK. The gentleman is correct.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

(On request of Mr. MARKS, and by unanimous consent, Mr. RAILSBACK was allowed to proceed for 1 additional minute.)

Mr. RAILSBACK. Mr. Chairman, if I might also just briefly mention, as the gentleman knows, the number of 1983 petitions going to the Federal courts has escalated dramatically. In other words, I think probably almost every prisoner has the knowledge that he can file a petition under the 1983 rights that he has.

Mr. WIGGINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment was introduced as a compromise and perhaps therefore it is suggested that all controversy with respect to the issue has been resolved.

It has not. It is to be remembered that the House of Representatives took a position the last time this bill was on the floor and voted by a significant majority to delete correctional institutions from the bill. Those Members who embraced that point of view were not parties to this compromise agreement, and they should understand that the position they espoused then has been compromised away. They may not choose to agree with this compromise to which they were not party.

Let me say first that the compromise is subject to question because it arguably casts the Federal court judge in an improper role.

He is being asked to invite the Attorney General to file, as distinguished from participating in, civil litigation. A civil action is filed with a court by an inmate of a prison and the court prior, apparently, to a resolution of the issue, invites the Attorney General to take a look at the complaint with a view to filing another action. Well, I am not so sure that is a proper role for a judge who is supposed to be a neutral, detached magistrate in civil litigation. The case is to be distinguished from the case in which a Federal court is witness to criminal conduct. It must then naturally report that criminal conduct to the Attorney General.

Moreover, Mr. Chairman, even if a majority of the committee believes that it is appropriate for the Federal judge to advertise a piece of private litigation, I am not at all sure that the language of

the amendment serves the purposes intended by the author.

Mr. ERTEL. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I will yield in just a moment to the gentleman from Pennsylvania (Mr. ERTEL).

It is to be assumed that the court will seek the aid of the Attorney General if he believes that the Attorney General will be of assistance to the petitioner in resolving the issue raised by his petition or complaint. Well, of course, if the Attorney General acts he will be of little assistance to the petitioner because he will not act in that litigation at all; he must file an independent lawsuit. He may choose to file that lawsuit in an entirely different court, and various other issues must be raised in the action filed by the Attorney General, for example a certain pattern or practice must be alleged by him. And then what happens to the individual complainant? His action is still pending while all of this process is percolating in Washington. Is the private action to abate? Of course not, the man is entitled to prove his cause of action. It is not to be delayed while the Attorney General goes through the conciliation process and while he continues his own investigation.

In my view, the amendment produces delay and the delay is unnecessary because the Attorney General has a right to intervene directly in the lawsuit pending.

Mr. ERTEL. Mr. Chairman, if the gentleman will yield, I agree with the gentleman, he can intervene under existing law. I might point out to the gentleman that, No. 1, the court below has been in the past inviting the Attorney General to intervene. There is a body of law on that. I think there are approximately 10 cases.

Mr. WIGGINS. I do not challenge that.

Mr. ERTEL. So, therefore, we are not changing existing law. The court is asking him to intervene in the action and to help present the case. So there is no change in the point the gentleman made.

Mr. WIGGINS. Intervention is something different from filing an independent lawsuit.

Mr. ERTEL. If I might just comment on that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WIGGINS. Mr. Chairman, I would be glad to ask for additional time if the gentleman wishes to pursue this.

(On request of Mr. ERTEL, and by unanimous consent, Mr. WIGGINS was allowed to proceed for 2 additional minutes.)

Mr. ERTEL. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. Yes, I yield to the gentleman from Pennsylvania.

Mr. ERTEL. No. 1, if you read the language carefully, the court below must believe that the assistance of the Attorney General of the United States will aid in bringing a resolution to the issue raised by such petition or complaint. He is going to be raising in that complaint some sort of practice or pattern and is going to give consideration also on the point of whether he could resolve or aid in presenting it.

Mr. WIGGINS. If that be true, then the amendment is illusionary. The complaint does not say anything about pattern or practice.

Mr. ERTEL. With this new language on the books, if he feels that there is a pattern or practice he will put that in the petition. And I think some of the prisoners are better lawyers than most of the lawyers in the United States as witnessed by some of the cases they have won.

Mr. WIGGINS. A cleaner way to handle this, is to have a separate vote in the House on your amendment. The original committee bill language is far better with respect to the rights of prisoners than this unusual procedure.

Mr. ERTEL. If the gentleman will yield further, I do not consider it unusual, it is existing practice, and that is what I am trying to use, but, in addition to that, I would have still voted the same way I did.

Mr. KINDNESS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the amendment that we have before us at this point is, as the gentleman from California has pointed out, asking us to change our minds about a decision made a few weeks ago when this bill was on the floor. Let us face it: H.R. 9400 seems to have been presented primarily for the purpose of having an effect upon jails and prisons. The other stuff that is in this bill seems to be window dressing, from what I gather in terms of the attitudes displayed toward the measure.

I would invite the attention of the Members of the Committee to section 5 of the bill. If this amendment that is presently before the Committee of the Whole is not adopted, then section 5 of the bill obviously does not belong in here; does it? We have before us in this bill two different areas of subject matter, so to speak: An attempt to develop a system whereby the Attorney General can go into situations to help people in mental institutions, and the like, and the other is to provide a set of minimum standards for a grievance procedure whereby the inmates would run the jails. Look at section 5 on page 13.

> The minimum standards shall provide—
> (1) for the participation of employees and inmates of correctional institutions * * * in the formulation, implementation, and operation of the system;

That is what this bill is really all about, apparently. The problem is that with jails and prisons now out of the bill, pursuant to the amendment of the gentleman from Pennsylvania (Mr. ERTEL) the last time that this measure was on the floor, this bill does not mean a thing. Section 5 has to come out of it.

If the amendment that is before us now is adopted, then there is a thread, there is some reason for section 5 to continue in the bill. That is why there is all this desperate effort to effect something called a compromise. It is no compromise. It is a rejection of the vote of the House when this bill was before us previously.

Mr. ERTEL. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS. I yield to the gentleman from Pennsylvania.

Mr. ERTEL. I thank the gentleman for yielding.

I am getting in the very unusual position of defending the bill which I amended. Some people thought I took most of it out the last time, but if I might give my interpretation of section 5—and I stand subject to correction—section 5 is a procedure which requires exhaustion of remedies. At the present time under 1983 a State prisoner can come directly into Federal court, file his petition with no notification to the State whatsoever, and the Federal court must take jurisdiction of that action under 1983.

Mr. KINDNESS. I might just correct the gentleman's impression there.

Mr. ERTEL. May I finish, and then I will be glad to yield back the gentleman's time.

What section 5 does is require a prisoner to go to the State system before he goes into Federal court. No. 1, it would help alleviate the caseloads of the Federal court; and second, it would allow the States to take care of the action within the States where it properly should be. I am not for taking from the States and removing things into the Federal courts until the States have a reason or inability to resolve them. This has been one of the biggest controversies that has existed in 1983 that I know of, which is the fact that they can move directly into the Federal court without going through any State court. This is really a protection of the State institutions.

Mr. KINDNESS. I hope the gentleman will be so generous as to get me some more time so I can complete my thoughts on this.

Mr. ERTEL. I will be glad to.

Mr. KINDNESS. I certainly would not agree with the interpretation that the gentleman places on section 5 as the initial thing that it provides. Certainly that is an effect of it. But the initial effect of section 5 is to give the Department of Justice, to give the Attorney General, the power to establish minimum standards for a grievance procedure, and those minimum standards include participation of employees and inmates of correctional institutions in the formulation, implementation, and operation of this system and so on. This is the initial effect.

Mr. ERTEL. Will the gentleman yield so that I may answer that?

Mr. KINDNESS. I yield to the gentleman.

Mr. ERTEL. Again I do not want to be in the position I am in, but the system is only voluntary. They, the State, can say we are not going to issue any stand-

ards. Then you proceed with 1983 petitions as you do at the existing time.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. ERTEL, and by unanimous consent, Mr. KINDNESS was allowed to proceed for 2 additional minutes.)

Mr. ERTEL. If the gentleman will yield further, all this does is it says to the States, look, if you want to avoid getting dragged into Federal court all the time like you presently are and consequently—you are wasting your resources; you are wasting your time—then you can set up these standards and avoid that waste. It is an option. It is a real benefit to the States.

I do not know of any States which would reject having such an opportunity for an option. They may say they do not want it, but at least they have got the ability to choose. It is not interfering with the State system.

Mr. KINDNESS. Mr. Chairman, I thank the gentleman and the gentleman can get some of his own time. I will perhaps ask the gentleman to yield at that point.

Mr. Chairman, the problem we have before us is that we have two areas of subject matter in this bill. The jails and prisons are out of this bill now. It is a good time to leave them alone. The subject matter of this amendment is really the subject matter for another bill sometime.

This amendment does not basically change the law, we are told, that exists at the present time. Then what is it for?

It is only being proposed for one purpose, that is to get these minimum standards for grievance procedures into the law. That is all. That is all the issue is here. The House has already decided that.

I will offer an amendment later to strike section 5 if jails and prisons are left out of the bill, as they very well should be.

Let us not forget the imposition of costs on the State that is very deeply involved in the enactment of such legislation as this. We have a case here in which we are saying we are going to give you a problem, State and local governments, and we are not going to tell you how to meet the cost. We are certainly not helping them to meet the costs, so let us at least be very cautious in what we are going to impose on the States, and leave jails and prisons out of the bill, as they are at the present time.

● Mr. KASTENMEIER. Mr. Chairman, I rise in support of the amendment of the gentleman from Illinois (Mr. RAILSBACK). It has been developed in consultation with the gentleman from Pennsylvania (Mr. ERTEL) who offered an amendment on May 1 to delete correctional institutions confining sentenced prisoners from the coverage of the bill. I understand that the gentleman from Pennsylvania (Mr. ERTEL) and the gentleman from New York (Mr. ZEFERETTI) do not oppose this amendment.

This amendment does not entail the creation of a Justice Department bureaucracy to screen prisoner petitions. Rather it would leave to the court the initial decision of whether to send the Attorney General a copy of a prisoner petition or complaint—and this could include a prisoner letter to a court which the court would treat as a filed petition or complaint. The court could in its discretion transmit a copy of the petition or complaint to the Attorney General if it believes the assistance of the Attorney General will aid in presenting and resolving issues raised by such petition or complaint regarding conditions in a prison, jail, or correctional facility confining sentenced prisoners. The next step would be to allow the Attorney General to exercise his discretion in determining whether to initiate a civil action based on the information received in the complaint or petition and any additional information which he received indicating a pattern or practice of deprivations of constitutional rights by the State, political subdivision, or an official employee or agent thereof. If the Attorney General believed that such a pattern or practice existed he could institute a civil action for equitable relief (not money damages), but only after following the certification procedures set forth in section 3 of this bill.

I want to make clear that the petition or complaint originally filed with the court would not have to be held in abeyance pending a decision by the Attorney General on whether to institute a civil action. In fact, such a delay might prejudice the individual rights of that plaintiff. Obviously the petitioner or complainant could consent to such a delay, if he felt it would not compromise his rights or result in immediate harm to him. But he should not relinquish his own individual rights merely because the court believes his complaint or petition raises issues about institutional conditions which are part of a "pattern or practice" of constitutional violations. The purpose of this amendment is to utilize the court's unique position of receiving complaints or petitions about institutional conditions in a limited geographic area.

Another point I wish to clarify is that the amendment offered by the gentleman from Illinois (Mr. RAILSBACK) is not to effect or diminish existing standing rights which the Attorney General already has regarding prisoners—for example allegations of racial discrimination. Neither does this amendment remove the inherent right of the court to call upon the Justice Department as a "friend of the court" that is an "amicus curiae," nor does it govern procedures for such participation. In many cases courts have turned to the Justice Department to brief and present evidence on the issues of conditions of confinement. This amendment leaves untouched such judicial powers, nor does it affect the Justice Department's power to intervene under existing law as set forth under Rule 24 of the Federal Rules of Civil Procedure. The gentleman from California (Mr. WIGGINS) has raised a question about the constitutionality of this amendment. Although I do not share his concern, I would like to emphasize that it is our intent that this amendment be severable from the rest of the bill.

I am confident that this amendment is a sound compromise to overcome the concerns of the gentleman from Pennsylvania (Mr. ERTEL) and to address the rights of sentenced prisoners.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RAILSBACK).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. KINDNESS. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. The gentleman cannot make that point of order in the Committee of the Whole.

Mr. KINDNESS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee of the Whole appears.

Members will record their presence by electronic device.

Mr. KINDNESS. Mr. Chairman, I ask unanimous consent to withdraw the point of order of no quorum.

The CHAIRMAN. The Chair will advise the gentleman that the Chair has already announced the absence of a quorum. The call has gone out. Nothing can be done to change it at this point.

Members will record their presence by electronic device.

The call was taken by electronic device.

The CHAIRMAN. A quorum of the Committee of the Whole has not appeared.

The Chair announces that a regular quorum call will now commence.

Members who have not already responded under the noticed quorum call will have a minimum of 15 minutes to record their presence. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 378]

Akaka	Burke, Calif.	Edwards, Okla.
Anderson, Ill.	Burke, Fla.	Eilberg
Andrews, N.C.	Burlison, Mo.	Fary
Andrews, N. Dak.	Burton, John	Florio
	Burton, Phillip	Flowers
Annunzio	Cavanaugh	Flynt
Applegate	Cederberg	Ford, Tenn.
Archer	Clausen, Don H.	Forsythe
Armstrong		Fraser
Ashbrook	Clawson, Del	Fuqua
Ashley	Clay	Garcia
AuCoin	Cochran	Gephardt
Badham	Collins, Ill.	Giaimo
Bafalis	Conyers	Gibbons
Baucus	Corman	Goldwater
Beard, R.I.	Cotter	Goodling
Beard, Tenn.	Crane	Gradison
Bellenson	Danielson	Hagedorn
Bevill	Delaney	Hall
Bingham	Dellums	Hammer-schmidt
Blanchard	Dent	
Blouin	Dickinson	Harrington
Boland	Diggs	Harsha
Bolling	Dingell	Heckler
Bonior	Dodd	Hightower
Brademas	Dornan	Hillis
Breckinridge	Early	Holland
Broomfield	Eckhardt	Howard
Brown, Calif.	Edwards, Ala.	Hughes
Brown, Ohio	Edwards, Calif.	Jeffords

Jenkins	Nichols	St Germain
Johnson, Colo.	Nix	Stangeland
Kasten	Pattison	Stark
Kazen	Quie	Steiger
Kemp	Quillen	Stratton
Ketchum	Rhodes	Stump
Leggett	Risenhoover	Symms
Lloyd, Calif.	Roberts	Teague
Lujan	Rodino	Thornton
Lundine	Roncalio	Treen
McCloskey	Rose	Tsongas
McDade	Rosenthal	Tucker
McDonald	Rostenkowski	Udall
McEwen	Rousselot	Ullman
McFall	Roybal	Volkmer
McKay	Rudd	Waggonner
Madigan	Runnels	Wampler
Martin	Russo	Waxman
Metcalfe	Ryan	Weaver
Michel	Santini	Weiss
Mikva	Sarasin	Whalen
Milford	Scheuer	Whitehurst
Miller, Calif.	Sebelius	Whitten
Mitchell, N.Y.	Shipley	Wilson, C. H.
Moakley	Sikes	Yatron
Moffett	Simon	Young, Alaska
Moorhead, Pa.	Sisk	Young, Tex.
Murphy, Ill.	Smith, Iowa	Zeferetti
Murphy, N.Y.	Smith, Nebr.	
Nedzi	Solarz	

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. OBERSTAR, Chairman of the Committee of the whole House on the State of the Union, reported that that Committee having had under consideration the bill H.R. 9400, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 259 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 109, not voting 147, as follows:

[Roll No. 379]

AYES—178

Addabbo	Erlenborn	Kostmayer
Allen	Ertel	Krebs
Ammerman	Evans, Colo.	Krueger
Anderson, Calif.	Evans, Ind.	LaFalce
	Fascell	Latta
Ashley	Fenwick	Le Fante
Aspin	Findley	Leach
Baldus	Fish	Lederer
Bedell	Fisher	Leggett
Benjamin	Fithian	Levitas
Bennett	Flippo	Lloyd, Calif.
Biaggi	Flood	Long, Md.
Bingham	Ford, Mich.	Luken
Blanchard	Fowler	McClory
Bonker	Gammage	McHugh
Brademas	Giaimo	McKinney
Brodhead	Gibbons	Madigan
Brooks	Glickman	Maguire
Buchanan	Gonzalez	Markey
Burgener	Gore	Marks
Burke, Mass.	Green	Mattox
Butler	Guyer	Mazzoli
Byron	Hamilton	Meeds
Carney	Hanley	Meyner
Carr	Hannaford	Mikulski
Carter	Harkin	Mineta
Chisholm	Harris	Minish
Conte	Hawkins	Mitchell, Md.
Corcoran	Heckler	Moakley
Cornell	Hollenbeck	Moss
de la Garza	Holtzman	Murphy, N.Y.
Derrick	Horton	Myers, Gary
Derwinski	Hyde	Myers, Michael
Dicks	Jacobs	Natcher
Diggs	Johnson, Calif.	Nedzi
Dingell	Johnson, Colo.	Nolan
Downey	Jones, Okla.	Nowak
Drinan	Jones, Tenn.	O'Brien
Duncan, Oreg.	Kastenmeier	Oakar
Edgar	Keys	Oberstar
Edwards, Calif.	Kildee	Obey
Ottinger	Richmond	Studds
Fanetta	Rinaldo	Thompson
Patten	Roe	Thone
Patterson	Rooney	Traxler
Pattison	Rosenthal	Udall
Pease	Sawyer	Van Deerlin
Pepper	Scheuer	Vanik
Perkins	Schroeder	Vento
Pettis	Schulze	Walgren
Pressler	Seiberling	Walsh
Preyer	Sharp	White
Price	Sisk	Wilson, Bob
Pritchard	Solarz	Wilson, Tex.
Pursell	Spellman	Winn
Rahall	Staggers	Wirth
Railsback	Stark	Wylie
Rangel	Steed	Yates
Regula	Steers	Zablocki
Reuss	Stokes	

NOES—109

Abdnor	Fountain	Moore
Ambro	Frenzel	Moorhead, Calif.
Andrews, N.C.	Frey	Motti
Barnard	Fuqua	Murphy, Pa.
Bauman	Gaydos	Murtha
Boggs	Ginn	Myers, John
Bowen	Grassley	Neal
Breaux	Gudger	Pike
Brinkley	Hansen	Poage
Brown, Mich.	Harsha	Quayle
Broyhill	Hefner	Robinson
Burleson, Tex.	Holt	Rogers
Caputo	Hubbard	Ruppe
Cederberg	Huckaby	Satterfield
Chappell	Ichord	Shuster
Cleveland	Ireland	Sikes
Cohen	Jenrette	Skelton
Coleman	Jones, N.C.	Skubitz
Collins, Tex.	Kelly	Slack
Conable	Kindness	Snyder
Cornwell	Lagomarsino	Spence
Coughlin	Lent	Stanton
Crane	Livingston	Stockman
Cunningham	Lloyd, Tenn.	Stratton
D'Amours	Long, La.	Taylor
Daniel, Dan	Lott	Trible
Daniel, R. W.	McCormack	Vander Jagt
Davis	McDonald	Walker
Devine	Mahon	Watkins
Duncan, Tenn.	Mann	Whitley
Edwards, Ala.	Marlenee	Wiggins
Emery	Marriott	Wolff
English	Martin	Wydler
Evans, Del.	Mathis	Young, Fla.
Evans, Ga.	Miller, Ohio	Young, Mo.
Foley	Mollohan	
Forsythe	Montgomery	

NOT VOTING—147

Akaka	Delaney	Lundine
Alexander	Dellums	McCloskey
Anderson, Ill.	Dent	McDade
Andrews, N. Dak.	Dickinson	McEwen
	Dodd	McFall
Annunzio	Dornan	McKay
Applegate	Early	Metcalfe
Archer	Eckhardt	Michel
Armstrong	Edwards, Okla.	Mikva
Ashbrook	Eilberg	Milford
AuCoin	Fary	Miller, Calif.
Badham	Florio	Mitchell, N.Y.
Bafalis	Flowers	Moffett
Baucus	Flynt	Moorhead, Pa.
Beard, R.I.	Ford, Tenn.	Murphy, Ill.
Beard, Tenn.	Fraser	Nichols
Bellenson	Garcia	Nix
Bevill	Gephardt	Pickle
Blouin	Gilman	Quie
Boland	Goldwater	Quillen
Bolling	Goodling	Rhodes
Bonior	Gradison	Risenhoover
Breckinridge	Hagedorn	Roberts
Broomfield	Hall	Rodino
Brown, Calif.	Hammer-schmidt	Roncalio
Brown, Ohio		Rose
Burke, Calif.	Harrington	Rostenkowski
Burke, Fla.	Heftel	Rousselot
Burlison, Mo.	Hightower	Roybal
Burton, John	Hillis	Rudd
Burton, Phillip	Holland	Runnels
Cavanaugh	Howard	Russo
Clausen, Don H.	Hughes	Ryan
	Jeffords	Santini
Clawson, Del	Jenkins	Sarasin
Clay	Jordan	Sebelius
Cochran	Kasten	Shipley
Collins, Ill.	Kazen	Simon
Conyers	Kemp	Smith, Iowa
Corman	Ketchum	Smith, Nebr.
Cotter	Lehman	St Germain
Danielson	Lujan	Stangeland
Steiger	Ullman	Whitehurst
Stump	Volkmer	Whitten
Symms	Waggonner	Wilson, C. H.
Teague	Wampler	Wright
Thornton	Waxman	Yatron
Treen	Weaver	Young, Alaska
Tsongas	Weiss	Young, Tex.
Tucker	Whalen	Zeferetti

Mr. STARK changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. KASTENMEIER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. EVANS of Colorado) having assumed the chair, Mr. OBERSTAR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under the consideration the bill (H.R. 9400) to authorize actions for redress in cases involving deprivations of rights of institutionalized persons secured or protected by the Constitution or laws of the United States, had come to no resolution thereon.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

A VIGIL FOR FREEDOM

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, for the past 2 years, I have participated in a vigil on behalf of Soviet Jewish families who remain separated as a result of the Soviet Government's repressive emigration policies. All the nations which signed the Helsinki Final Act, including the Soviet Union, pledged to do everything possible to reunite families separated by political boundaries. However, since the Soviets are not living up to the provisions contained in that promise, we in the Congress are once again conducting this vigil to bring attention to the plight of these valiant prisoners and their families.

The case of my "adopted prisoner," Ilya Shostakovsky, is typical of those who have been repeatedly harassed and persecuted simply for their desire to emigrate to Israel to join their families.

Ilya Shostakovsky is a 32-year-old bachelor, living in Leningrad without any family since 1973. In 1973, Ilya and his parents applied for permission to emigrate to Israel where many of their relatives were living. Four months after applying, Ilya was called to the visa office and told that his parents would be allowed to leave right away, but that he would have to wait 1½ years before joining them. When only 7 months of that period were left, the waiting period was

extended 5½ more years. His visa application has been repeatedly refused ever since.

Ilya's visa refusals can hardly be justified on the basis of his being a security risk. Ten years ago when he graduated from the Science Institute with a degree in nuclear physics, he was not allowed to enter that field. For the next 2 years, he obtained a position as a junior engineer at a nonclassified geological project where he had no access to strategic or secret information. After being fired from that job, he has had no connection with science or technology and has been reduced to employment as night watchman in a milk store—punishment for having applied to leave the Soviet Union.

In the meantime, Ilya's father has had a heart attack and the family is despondent at the long separation they have endured with no hope for an immediate reunion.

Shortly after this unfortunate incident, Ilya's telephone was disconnected and he came under tremendous pressure at work. This culminated in his being dismissed from his job. Five days later, he was summoned to the KGB and subjected to endless harassment and questioning. The KGB threatened him with either a charge of parasitism or conscription into a hard labor gang. This threat still stands—a "Catch 22" situation which so many Soviet Jews find themselves caught up in.

For last reports, Ilya's health and welfare are very poor. He has suffered for no other reason than for being a Jew and wanting to emigrate to Israel.

Ilya Shostakovsky's parents anxiously await his arrival in Israel. It is my sincere hope that they will be able to reunite with him very soon.

PACIFIC DAILY NEWS EDITORIAL ON THE PHILIPPINE ISLANDS

(Mr. WON PAT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WON PAT. Mr. Speaker, in recent years the U.S. global defense posture has been undergoing extensive realinement, with the end not yet in sight. Changing conditions within and outside our Nation are causing major retrenchments in many regions.

Nowhere is this more the case than in Asia and the western Pacific where a major question mark remains in the future of the U.S. presence in the Philippine Islands where we have maintained major naval and Air Force bases since World War II.

Naturally, I, and my constituents on Guam, are particularly interested in developments in the Philippines. The Republic of the Philippines is our nearest neighbor. Honolulu is three times further from Guam than Manila.

Recently, Joe Murphy, editor of Guam's Pacific Daily News, a member of the Gannett newspaper company, visited the Philippines to make a firsthand assessment. His report was made in an editorial.

Editor Murphy's conclusions and comments are very cogent and I would like to share them with our colleagues:

[From the Pacific Daily News, May 10, 1978]

CONTINUING R.P. BASES SEEN AS A WASTE

It's time to face facts. The days America could use bases in the Philippines as an extension of our foreign policy are over.

Four days in the Philippines convinced us that the United States might as well forget about the Philippine bases and, instead, concentrate on a gradual pullback to Guam and Tinian in the Marianas.

We also suggest that the United States avoid making the same mistake in Guam and Tinian that it did in the Philippines: actively promoting nationalism among the native people. We should be smart enough to see the error of our ways, and begin a renewed effort in Guam and the Northern Marianas to make the people full-fledged, committed U.S. citizens rather than just more "little brown brothers."

When we say the United States should immediately start making plans for an eventual pullout from the Philippines, we realize this goes against the grain of most of the military, which likes to hold on to its empires. But, under the proposed new base treaty, we can't see how the Philippine bases could ever be effective for U.S. purposes.

While Vice President Walter Mondale, undoubtedly speaking for President Carter, made all kinds of assurances to our Asian allies that the United States would remain a Pacific power, the truth is that proposed base restrictions would make the bases virtually impossible to keep for any great length of time.

There are half a dozen reasons why this is so. The first is the attitude of the Filipinos. Although a vast reservoir of good will exists between the Filipinos and the Americans, that good will is steadily being eroded by the Philippine press, presumably with full prior knowledge of President Marcos and other Filipino leaders.

If this erosion of good will continues, the U.S. military and its dependents won't want to go to the Philippines even to visit.

The second reason the bases won't fit into any long-range U.S. plan is that the reduction of size is far too dramatic to allow the bases to continue functioning effectively. Clark Air Base will probably be reduced from 128,000 acres to 11,000 acres, and Subic Bay Naval Base will be reduced by about half, to some 19,000 acres. Such reductions will limit U.S. target areas and will undoubtedly hamper security to a point where it may become impossible to maintain the bases.

The third reason is the reassessment of the military bases agreement to be conducted every five years "So that if we don't want it anymore, we would be able to dispose of it." This leads us to believe that a pullback is now being seriously considered.

A main problem facing the United States in the new agreement is the Philippines' desire for full sovereignty over the bases, complete with a Filipino flag and a Filipino base commander. This, in effect, makes them Filipino bases, not U.S. bases and, in our opinion, makes them nearly worthless as instruments of U.S. policy. Suppose we needed the bases in the event of an attack, to supply Israel, or Hong Kong, or Thailand, or Korea. A Filipino base commander, naturally acting at the direction of HIS president, could simply restrict use of the bases in a thousand ways.

We saw what happened three years ago when Saigon fell and original plans called for sending Vietnamese evacuees to the Philippines. The Filipino government decided the United States couldn't do that, and the refugees subsequently were sent to Guam.

That should have been a clue that the real effectiveness of the Filipino bases was gone, permanently.

There are other, less important reasons why the United States must immediately admit that the Philippine bases are almost worthless. One is the money involved. Marcos wants more than $1 billion over a five-year period, or about $200 million a year. That money could be better spent building permanent and secure installations on Guam and Tinian.

One of the main reasons the United States is in such a mess in the Philippines today is the arrogance the military and other U.S. leaders have shown toward the Filipinos. We never learned to think of the Filipinos as equals, but only as our little brown brothers. The Filipinos are a sensitive people, and they resent being looked down on. Crimes have been committed by military people who then were spirited out of the islands, out of reach of Filipino courts. Filipinos have been arbitrarily searched while on the bases. And there have been a thousand other examples of U.S. insensitivity to the needs and customs of the Filipino people.

All of this has been coupled with a rise in Filipino nationalism and a corresponding rise in anti-Americanism, especially in the press and among the Filipino leadership.

One Filipino writer, Teodoro Valencia, was disgusted that Vice President Mondale invited Philippine opposition leaders to the U.S. Embassy. Valencia went on and on about the "American lackeys" and "the horrible implications of their pro-American posturings." He said: "Let the U.S. Congress stop giving us 'aid' and start paying rentals or get out of the country. If they don't want to get out, let the world know they're here by force of arms. In such a case, we would be getting the queerest kind of protection from outside invaders by being invaded by the protector."

That's strong stuff. And Valencia has often been accused of being a confidant of President Marcos.

We firmly believe the usefulness of the Philippine bases has been lost forever. It was probably lost on that day three years ago when the Filipinos worried that the United States was going to pull out of Asia entirely, decided against our landing Vietnamese refugees in their country. We can imagine, then how effective the bases would be with a Filipino commander.

There is no big rush. If the base agreements are signed the U.S. military will probably have five years or longer before it is forced out completely. But it certainly is time that the U.S. Congress be informed of how bad the situation is in the Philippines and how thin that "reservoir of good will toward Americans" is becoming.

Military planners should be working feverishly on a master plan calling for major expansion at:

—Apra Harbor, with a major Ship Repair Facility, to enable it to handle the U.S. 7th Fleet.

—Andersen Air Force Base, to handle some of the Clark units in the years immediately ahead.

—Tinian, especially at the harbor and the airport and in communications, to allow the island to become a major supply area.

It goes without saying that the proposed ammunition wharf must be started quickly.

If the United States decides, as we have, that the Philippine bases are down the tubes and that major new expansions are in line, we must remember mistakes made in the past. All efforts must be made to integrate Guam and the Northern Marianas into every aspect of American life. We should even think in terms of statehood for the Marianas, rather than creating another situation in which nationalism would increase among the local people.

If the United States, as Mondale insists, is to remain a Pacific power, then the first and most important steps are shifting the Philippine bases to Guam and the Northern Marianas and, at the same time, moving Guam and the Marianas more fully into the American system. JCM.

LEGISLATION TO CLARIFY PUBLIC LAW 94–265

The SPEAKER. Under a previous order of the House, the gentleman from Maine (Mr. EMERY) is recognized for 5 minutes.

● Mr. EMERY. Mr. Speaker, today I am introducing legislation whose aim is to clarify the relationship which exists between the regional fishery management councils, newly created under Public Law 94–265, the Fishery Conservation and Management Act of 1976, and the National Oceanic and Atmospheric Administration in the Department of Commerce.

My legislation would establish a mechanism whereby the regional management councils may request an administrative law judge hearing should NOAA arbitrarily overrule a council recommendation or management plan. The Secretary of Commerce has the burden of proof that the provision of the plan or amendment to which the Secretary has objected is inconsistent with the national standards or any other provision of Public Law 94–265. If a council recommendation cannot be proven to be inconsistent with the act, it would have the authority to proceed with its management plan and policies unhampered by NOAA decisions. If a council's recommendations or plan were ruled inconsistent with the act, the council could then proceed by filing a petition for review with the appropriate court.

Mr. Speaker, the two preceding decades of over fishing by foreign vessels led to the establishment of a 200-mile exclusive economic zone in waters adjacent to our coastal States, within which the United States would exercise sovereign jurisdiction. Depleted fishery stocks resulted in conservation and management plans whose aim is to allow rebuilding of our fishery stocks for domestic commercial and recreational use. It was the intention of this Congress that regional fishery management councils, made up with representatives from Government and industry, would draw up these conservation and management plans. The Secretary of Commerce was to disapprove or partially disapprove a council plan if it were inconsistent with the goals and standards established under the act.

Unfortunately, the Secretary of Commerce has not disapproved just those council recommendations which were inconsistent with the act. The Commerce Department, through NOAA, has repeatedly overruled council actions in the New England area, despite protests from the industry and the political community. Because of this unpleasant experience with NOAA with regards to implementing Public Law 94–265, I have introduced my legislation with the hope that the management councils will be able to do their job unhampered by a Federal bureaucracy in Washington.

The second part of my legislation addresses the equally important issue of funding enforcement efforts under Public Law 94–265. Currently, the National Marine Fisheries Service allocates money from their overall budget for the implementation of Public Law 94–265, out of which enforcement is specified. I am proposing that there be established in the Federal Treasury a foreign fishing enforcement fund consisting of all fees collected from foreign fishermen operating within the 200-mile exclusive economic zone. Any moneys in the fund not currently needed for enforcement will be kept on deposit, invested in obligations, or guaranteed by the United States. Such a fund will guarantee that fees collected from foreign fishermen will not be siphoned off into some other area of NMFS's budget, thereby resulting in weakened enforcement efforts by the United States.

Mr. Speaker, I believe that my legislation addresses two very important aspects of implementing Public Law 94–265, the Fishery Conservation and Management Act of 1976—those being the authority of the regional fishery management councils intended by Congress, and the need for adequate funding for enforcement.●

SENATOR MATHIAS CHAMPIONS BANK RECORD PRIVACY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 10 minutes.

● Mr. WHALEN. Mr. Speaker, last week the Senate Banking Subcommittee on Financial Institutions held hearings on the important issue of bank record privacy. Regretably, I was not able to attend the hearings, because I was in New York City on United Nations business.

However, the House of Representatives was ably represented at the hearing by Congressman NED PATTISON, who presented a joint statement for himself and BARRY GOLDWATER. Sharing the witness table with Mr. PATTISON was Senator CHARLES MATHIAS, one of the foremost congressional champions of citizens rights to privacy.

Back in 1974, before the Watergate and impeachment hearings had sensitized the rest of the country to the importance of this issue, MAC MATHIAS was the first congressional advocate of legislation to protect the privacy of third party records. Government access to bank, telephone, and credit records would be regulated by the Bill of Rights Procedures Act, which he first introduced in the 93d Congress. In this present Congress, I am proud to be the chief House sponsor of that legislation.

In this body, we are watching with great interest as the House Committee on Banking, Housing and Urban Affairs proceeds in its consideration of the Right to Financial Privacy Act, which is derived from title I of the Bill of Rights Procedures Act. This is being considered as a separate title in the omnibus Safe Banking Act, which is now halfway through markup in the Subcommittee on Financial Institutions Supervision, Regulation, and Insurance.

It is expected that the Financial Institutions Subcommittee will get to markup of the bank records privacy legislation right after we return from the Memorial Day recess next week. Consequently, I am taking this opportunity to insert in the RECORD the text of the prepared remarks Senator MATHIAS delivered at last week's hearing. As usual, he sheds considerable light on the subject of bank record privacy:

REMARKS BY SENATOR CHARLES MCC. MATHIAS, JR., BEFORE THE SUBCOMMITTEE ON FINANCIAL INSTITUTIONS

Mr. Chairman, I welcome the opportunity to be here today as the Subcommittee begins its consideration of S. 2096, the Right to Financial Privacy Act of 1977. This legislation serves an objective that has been high on my legislative agenda for many years: to provide statutory guidelines covering government access to a citizen's private records held by a financial institution.

I have long been troubled by the absence of Federal statutory provisions to safeguard against arbitrary and unwarranted review of private records held by third parties, including banks, credit issuing and telephone companies. Without such provisions, citizens' privacy depends on the policy of the individual firms with which they deal.

The necessity for federal law to provide basic protections against privacy invasions becomes abundantly clear when you consider the nature of the records banks maintain. A bank account is not just a collection of paper. It contains more than just simple statistics of net worth and income. There is enough information in these records to describe your politics, what you read, what you owe, where you like to take your vacations, even what you eat and drink.

Simply because information in bank accounts is so rich in detail, it is much sought after by various government agencies and officials. The very richness of the information contained in bank accounts raises the specter of government abusing basic individual rights and liberties in order to obtain it.

The dangers inherent in this void in our federal law regarding governmental access to banking records were heightened by the Bank Secrecy Act of 1970. As noted in the July, 1977, report of the Privacy Protection Study Commission, "Personal Privacy in an Information Society":

"Until recently the account record maintained by one's bank frequently did not include a copy of each individual check, with the payee, date, and often place and reason for drawing the check clearly noted; rather, the record might simply have noted the dollar amounts of transactions and the date of processing by the bank. The Bank Secrecy Act of 1970 and the Treasury regulations which give that law effect, however, now require depository institutions to keep copies of the checks an individual uses to draw on the funds in his account. The checking account has become an intimate mirror of individual activity in a way it never was before the Bank Secrecy Act."

My concern over the failure of the federal law to provide fundamental privacy safeguards, reinforced by revelations of unwarranted invasions of privacy by government officials, led me to introduce legislation to fill this vacuum in our federal laws. In the 93rd Congress I introduced the Bill of Rights Procedures Act as S. 3440, and again early in the 94th Congress as S. 1888. Former Congressman Charles Mosher, long a supporter of citizens' right to privacy and a distinguished legislator, introduced H.R. 214, in the 94th Congress, the House counterpart to S. 1888. This legislation would have required a court order before any federal agent could inspect or obtain bank, credit, telephone, medical, or other related records.

During the 94th Congress, the House Judiciary Subcommittee on Courts, Civil Lib-

erties, and the Administration of Justice, under the leadership of Representatives Kastenmeier and Railsback conducted extensive hearings on H.R. 214, and following a lengthy markup, reported the bill to the full House Judiciary Committee. On April 29, 1976, I introduced in the Senate as S. 3349 the version of the Bill of Rights Procedures Act which had been reported out by the House Judiciary Subcommittee. Unfortunately, there was no further progress on the Bill of Rights Procedures Act in the 94th Congress. Nevertheless, the bill drew wide support from citizens and organizations, including endorsement by the AFL-CIO, the American Express Co., the Communications Workers of America, the Bank of America, the House Republican Task Force on Privacy, the Maryland Bankers Association, and the National Association of Mutual Savings Banks.

On January 10, 1977, I again introduced the Bill of Rights Procedures Act, S. 14. Our distinguished colleague, Congressman Charles Whalen, who unfortunately cannot be with us here today, simultaneously introduced an identical bill, H.R. 215, in the House. In its present form the bill would establish procedural safeguards to protect citizens' privacy rights with regard to records held by banks, credit issuing and telephone companies. The bill also sets out procedures for federal officials to follow in seeking to examine the outside envelopes of mail received by an individual. It further sets out conditions governing telephone company monitoring of calls for service quality. In addition, the bill extends the existing wiretap law to telegraph, telex and other nonaural messages.

The primary substantive changes in the present version of "The Bill of Rights Procedures Act" is a new provision which prescribes that:

"Any financial institution, communication common carrier, credit car issuer or consumer reporting agency to which a subpoena is directed pursuant to sections 5 and 7 of this Title shall be entitled to reasonable costs incurred in compliance with such subpoenas and summonses."

The need for such a provision was first called to my attention by the Maryland Bankers Association. I believe it to be reasonable and consistent both with a provision of the Tax Reform Act of 1976, which awarded such costs for IRS administrative summonses, and also with lower Federal court decisions which have awarded such reimbursement costs. S. 2096 contains a similar provision providing such reimbursement costs.

The importance of enacting legislation such as the Bill of Rights Procedures Act, and the bill under consideration by the Subcommittee today, was highlighted by the recent Supreme Court decision, *United States* v. *Miller*, 425 U.S. 435 (1976), which narrowly interprets an individual's right to privacy in his bank records and related documents.

The decision held that a citizen's banking records are not his private papers, protected by the Fourth Amendment. The court ruled that these records—checks, balances, loan data, and other information—belong to the bank, thus leaving a citizen no right to a court contest, or even to notification, when a government agency seeks to obtain bank records.

The Miller decision was a great disappointment to those of us who had hoped to see the Fourth Amendment's protection against unreasonable searches and seizures extended to a citizen's bank records and to similar third-party records. By ruling to the contrary, the court flaunted the reasonable expectation of millions of Americans, as well as the realities of modern finance.

The Miller decision underscores the need for prompt, effective legislative action to fill the void in our Federal law regarding statutory protections against unrestricted access to third-party records. Without such Congressional action what recourse is there for someone who wants to keep his financial records private? Is he to abandon the bank in favor of a stuffed mattress?

In considering a Congressional response to the Miller decision, it is instructive to review the actions taken by many State legislatures to provide statutory protections against unlimited access to third-party financial records. A summary of such State actions, is contained in Appendix 1 to the Report of the Privacy Protection Study Commission entitled "Privacy Law in the States." As indicated in this material, my own State of Maryland is the vanguard of states that have acted to guarantee privacy of business records. In Maryland it is now illegal for a bank or credit union to give out a client's records without that indivdual's permission or in repsonse to a subpoena or court order.

With respect to S. 2096, I urge the Subcommittee to make certain that the proposal fully implements recommendation No. 1 contained in Chapter 9 of the Report of the Privacy Protection Study Commission which urges Congress to recognize legislatively an individual's proprietary right in his personal records held by third parties. As noted in the Commission's Report:

"Without such a protectible interest in his records, an individual given notice, standing, and the right to challenge a government request for his records would have little basis for any real challenge, other than to snipe at the facial validity of a summons or subpoena and to question the government's adherence to the proper procedural path. . . . If one accepts that an individual's bank records are to some extent his private records, creation of a protectible interest, of a legitimate expectation of confidentiality in those records is essential."

I urge the Subcommittee to expeditiously report out legislation insuring the privacy of third-party bank records. But let us not forget that similar and equally important privacy interests attach to other third-party records, especially those held by credit issuing companies, and that additional legislation, such as that contained in the Bill of Rights Procedures Act must be considered concurrently by the Congress.

Mr. Chairman, I would be remiss if I did not acknowledge the recent efforts by the Department of Justice to draft its own proposal to safeguard the privacy of financial records. For the past several months, the Department has been meeting with a number of Congressional offices in an effort to produce a financial privacy bill. Today, the Department by unveiling its own version of this important legislation at least acknowledges the need for statutory safeguards regulating government access to third party financial records.

This is a hopeful sign. Nonetheless, this Subcommittee and the entire Congress must proceed with great care in reviewing the Department's recommendations. We must be especially vigilant in assessing the legitimacy of the exceptions to the statutory procedures in the Department's proposal. I am concerned about the scope of these exceptions. But, I am encouraged to at least finally have the opportunity to review recommendations of the Department in this important area.●

THE LIBERATOR OF BULGARIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, the advancement of human rights has always been a priority concern of our Government and its citizens.

Today I would like to pay tribute to one who spent much of his life pursuing that ideal—Januarius Aloysius MacGahan.

Unfortunately subsequent events have undone much of the good he accomplished and as a result his contributions to the world order have been somewhat obscured by history. I think however, it is particularly appropriate during this period of heightened international awareness with regard to civil liberties, that I call attention to this courageous Ohioan, on the observance of the 100th anniversary of his death.

Born and reared in Perry County, Ohio, Januarius MacGahan crowded a lot of living into 34 short years. Caught up in world events as a result of his role as a newspaper correspondent for the New York Herald and the London Daily News, his on-the-scene accounts of the conditions that existed in Bulgaria in the 1870's stirred the world's emotions and ultimately led to that nation's independence. The grateful new nation hailed him as its liberator, acknowledging that without his graphic descriptions of the plight of these long-suffering people, their suppression might have continued indefinitely.

To further detail Mr. MacGahan's notable legacy I would like to share with you an article written by George Condon that appeared in the April 30 Cleveland Plain Dealer:

100 YEARS LATER—BULGARIANS STILL HAIL LIBERATOR FROM OHIO

NEW LEXINGTON, OHIO.—One day soon the world will be formally reminded of the incredible deeds of a man named Januarius Aloysius MacGahan on the 100th anniversary of his death, but they need no reminding here in the hills of Perry County. A century has not dimmed his memory.

MacGahan is buried in the New Lexington graveyard under a heavy, classical tombstone on which, under his name, are etched the words that his admirers considered the ultimate compliment: "The Liberator of Bulgaria."

That title is no exaggeration. It may even be an understatement because it alludes only to one phase of his fantastic career as one of the first of modern journalism's war correspondents and perhaps the greatest.

MacGahan belonged to these hills. He was born in a town called Pigeon Roost, just a few miles south of New Lexington, June 12, 1844. There is nothing left of his birthplace, neither the house nor the town itself. Bulldozers of strip mining coal companies scraped them off the Ohio map many years ago.

It was an unprepossessing birthplace at best and the bulldozer operators could not possibly have guessed that there was anything historic in the tumbledown old frame house that once was the home of the MacGahans. The parents were Irish immigrants and the family lived in mean circumstances. Not far away, in Somerset, were some relatives named Sheridan, including the famous Gen. Philip Sheridan of Civil War fame.

Januarius Aloysius MacGahan had a thirst for education and fought his way loose of the Ohio hills at an early age to attend Notre Dame University. From there he traveled to St. Louis, where he worked briefly as a part-time correspondent for the Post-Dispatch before deciding to go to Europe to study law.

He was enrolled in a law school in Brussels in 1870 when the Franco-Prussian War broke out and his journalistic background brought him an invitation from the New

York Herald to serve as its correspondent covering the conflict. He not only filled the assignment to the paper's satisfaction, he won recognition as one of the world's best journalists.

The career that followed was filled with so many incredible adventures and accomplishments that even a Hollywood scenario writer with no regard for veracity would hesitate to follow the script for fear of being ridiculed.

In one memorable effort, he followed the army of the Russian czar thousands of miles across the ice-bound steppes, the Ural Mountains and the morasses and arid wastes of the tundra of northern Siberia to report the Russian conquest of the small principality of Khiva. Even the Russian commander, one Gen. Kaufmann, was so dazzled by MacGahan's show of determination that he took him under his protection. The reporter from Pigeon Roost thereafter was the toast of the czar's court and the darling of Russian society.

But MacGahan was saving his best for the last. In between wars, lolling about London's Fleet Street pubs, he detected an interesting filler item in one of the papers suggesting that the Turks were going outside of military bounds in the way they were quelling an uprising of the Bulgarians, a people who had been under Turkish domination for some 500 years.

MacGahan sensed there was more to the story than was being reported and hired himself out to a London paper, the Daily News, to investigate the Bulgarian scene. He won credentials from the Turkish army and traveled to the scene of the fighting for a first-hand report.

The stories he filed startled and horrified the civilized world, recounting as they did the unspeakable atrocities that were being committed against the Bulgarians. It was a case of murder, mayhem and mutilation on a scale that jolted even Turkey's friends, Russia and England.

Out of MacGahan's reports came a breakup between Russia and Turkey and the outbreak of war between the two. They also led to the toppling of Prime Minister Disraeli of England and the rise of Gladstone. Most of all, they were directly responsible for the liberation of the Bulgarians by the czar's army. MacGahan died shortly thereafter, of typhoid fever in Constantinople, at the age of 34.

The grateful Bulgarians, who had wanted to make MacGahan their king, wrote epic poems and songs of tribute to commemorate the memory of the red-bearded young man from Ohio. He was called, among other things, "The Knight of the Pen."

The handsome grave marker in the New Lexington cemetery was the gift of the Bulgarian people. And people of Bulgarian descent from many states and many nations will gather in the small Perry County seat on June 3 to mark the 100th anniversary of the hero's death. Some 1,000 visitors, including descendants of MacGahan, are expected to be on hand for the program.

Among officials planning the commemorative program is George Petrov of Cleveland, who is secretary of the MacGahan-Bulgarian Centennial Commemoration Committee. Committee headquarters are in Akron and are under the direction of Christ Anastasoff, chairman.

Mr. Speaker, the actions and accomplishments of Januarius MacGahan are a source of pride to all who share his high ideals of truth, freedom, and justice. Thus, it is with a deep sense of gratitude for the rich heritage that men like Januarius MacGahan have passed on to us that I pause to acknowledge the 100th anniversary of his passing and call to your attention the ceremony that will be held in New Lexington, Ohio, on Saturday, June 3, to commemorate this event.

AMERICAN DREAM ACT COULD MAKE HOMEOWNERSHIP A REALITY TO MILLIONS OF AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, the seemingly unending spiraling of housing costs today has devastated the hopes of millions of young couples of owning their own homes. The price of buying a new home increased by 12 percent last year and projections are that prices will increase by at least 7 percent in 1978.

Undoubtedly, the group hit the hardest by these increases are young married couples trying to buy their first home. Most young persons starting out in the business world, despite promising futures, have been effectively priced out of the housing market by inflation and escalating prices.

Realizing the seriousness of this situation, the Department of Housing and Urban Development commissioned a Federal task force to study the problems of prospective homeowners and how homes can become more affordable to a greater number of Americans. Among their recommendations to alleviate these problems was a call for expansion of the use of graduated mortgage payment loans, GMP's, loans by which mortgage rates correspond raises in the young homeowner's incomes.

Mr. Speaker, I am the author of a bill calling for a substantial increase in the availability of GMP loans, a bill I call the American Dream Act. This bill is cosponsored by 16 members of the Committee on Banking, Finance and Urban Affairs.

The American Dream Act would allow federally chartered savings and loans to offer GMP's. Under this type of loan, monthly payments begin at a low level and gradually increase over the life of the mortgage. Both the rate of increase and the interest rate are fixed throughout the life of the loan.

Mr. Speaker, the American dream has always been to own your own home. Research shows this legislation could realize that dream for an estimated 2½ million young couples.

The American Dream Act would also help another segment of our population, our senior citizens, by allowing federally chartered savings and loans to offer reverse annuity mortgages (RAM's). Under this type of loan, senior citizens are permitted to draw equity from their homes without having to sell.

Under RAM's, the homeowner would not only retain ownership but also receive a monthly cash payment based on the equity of his house. When the homeowner dies or decides to sell, the amount of these payments is merely deducted from the proceeds of the sale and returned to the lender. Most importantly, RAM's would give countless senior citizens, particularly those living on fixed incomes, the right to live out their lives in their own home.

At present, there is no provision to allow federally chartered savings and loans to offer these two types of loans. Since the American Dream Act merely grants permissive rather than mandatory authority to make the loans, I am optimistic that we can deal with it speedily, without protracted hearings.

Although availability of these loans is currently limited, the Federal Housing Authority has been offering GPM's since regulations were first published in 1976. An article published in the New York Times May 20, shows how these alternative loans are making the dream of homeownership a reality to some young couples today.

Mr. Speaker, I submit the Times article in its entirely to illustrate how graduated mortgage payments and reverse annuity mortgages could aid millions of Americans.

FLEXIBLE MORTGAGE GAINS FAVOR

(By Alan S. Oser)

With the help of a newly available "graduated payment" mortgage, James and Margaret Tessmer last week moved into a $35,000 split-level house in Deptford, N.J.

Their monthly payments will start at $280, instead of the $300 or more that a conventional mortgage would have required. For a couple in their 30's with three young children, the lower payments "give us a chance to breathe," as Mrs. Tessmer put it.

The graduated payment mortgage is only one in a basketful of alternate mortgage instruments slowly gaining a foothold in a nation accustomed to the traditional fixed-rate, fixed-term home mortgage.

Among the alternates, variable rate mortgages, called V.R.M.'s, which banks in California have introduced, and somewhere over the horizon, R.A.M.'s, or reverse annuity mortgages, which would let older homeowners covert into an annuity the equity amassed in a home.

Of about $12 billion in alternate mortgage loans currently outstanding in the United States, $8 billion are some form of variable rate mortgage—bearing interest rates that can rise and fall according to prevailing rates elsewhere in the financial world.

Graduated payment mortgages, however, in which monthly repayments start low and rise, appear to be the fastest growing of all alternate types. Mortgage brokers accustomed to dealing with the Department of Housing and Urban Development, which grants Federal insurance for such loans, have begun to utilize the program. In addition, the Government plan is getting competition from private insurers.

Graduated payment mortgages have been available since the Government first published regulations in 1976. But they started slowly, partly because of state laws that threw up roadblocks.

There are five Federal plans for such loans, all for 30-year mortgages. In the first three plans, the buyer's monthly payments start low and rise steadily for five years, thereafter remaining level. The annual increases are, respectively, 2½ percent, 5 percent and 7 percent, with the lower increases reflecting a higher initial outlay.

Under Plans 4 and 5, the payments rise for 10 years and stabilize in the 11th. Monthly increases are, respectively, 2 percent and 3 percent.

Plan 3, which offers the lowest initial monthly payment, has proved that most

popular, with two-thirds of all graduated payment mortgage users choosing it.

Plan 3 works as follows for the buyer of a house costing $50,000: The buyer might qualify for a $46,600 graduated payment mortgage, paying $276 a month in principal and interest on the loan during the first year. This would rise to $397 in the sixth year and level off. The figures assume a 30-year mortgage at 8¾ percent interest.

By contrast, a buyer with a conventional uninsured loan would probably have to make a 20 percent down payment. Payments for the next 30 years would remain at $314 a month. With an insured but ungraduated loan, the conventional F.H.A. loan, the buyer might get the full $46,600 mortgagge, but monthly payments from the start would be $366.

In graduated payment mortgages, the down payment is adjusted to prevent the amount of the loan still outstanding from exceeding 97 percent of the total mortgage. Although such a development sounds impossible, it could happen as deferred interest payments are added to the amount of loan outstanding.

Major builders such as Ryan Homes and National Homes have begun to offer graduated payment mortgages to buyers of new homes. Most of the graduated loans up until now have been on existing houses, according to Chester C. Foster, director of the actuarial division in H.U.D.'s Office of Housing. Forty percent were made in California.

PRIVATE SECTOR APPROACH

In the Government's graduated payment plan, mortgage balances start at one level and rise to another. Not so, however, under the "flexible loan insurance plan," called F.I.P., started by a Bucks County real estate operator named Allen Smith.

In his system, all or most of the down payment goes into a bank savings account. Interest from the account supplements the monthly mortgage payments.

Mr. Smith's FIP Mortgage Corporation, based in Newtown, Pa., has perhaps $300 million in outstanding loans in 16 states, he said. The private mortgage insurance industry, he added, has promoted them.

Such so-called "pledged" savings accounts are also used by another private plan, Home Ownership Made Easier Inc., based in Honolulu. The entrepreneur, Dennis Krum, has five plans to match the H.U.D. system, but he says his system allows a lower down payment.

In New York State none of these plans is likely to have a strong impact on mortgage lending as long as a usury ceiling weakens the attractiveness of making home loans for the lender. In New Jersey, however, graduated payment mortgages are coming into use. Recently Kaufman and Broad, using a private plan, began to promote them for its developments.

Among the fans of such plans is Mrs. Christina Little, who, with her auto salesman husband, used a graduated payment plan to buy a house in Maple Shade, N.J. "We would have bought the house even without it," she said, "but this was $50 a month less, plus tax benefits. It makes a great deal of difference."●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. AuCoin) is recognized for 5 minutes.

● Mr. AuCOIN. Mr. Speaker, because of the Oregon primary election on May 23 I was unable to be present for rollcall votes Nos. 330, 335, 336, 339, and 340 on H.R. 39, the Alaska National Interest Lands Conservation Act. Had I been present I would have cast my votes as follows:

Rollcall No. 330, "yea."
Rollcall No. 335, "nay."
Rollcall No. 336, "nay."
Rollcall No. 339, "nay."
Rollcall No. 340, "yea."●

DUKE UNIVERSITY PRESIDENT OPPOSES TUITION TAX CREDITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Preyer) is recognized for 5 minutes.

● Mr. PREYER. Mr. Speaker, as we prepare to debate tuition tax credit proposals, I want to call to the attention of my colleagues a thoughtful letter to the parents of Duke University students from Terry Sanford, president of Duke University and former Governor of North Carolina.

Governor Sanford persuasively argues that tax credits would be a waste of tax money and would not provide significant assistance to the parents of Duke students. He urges expansion of existing student aid programs as the means to put the money where it is needed and * * * provide much more for most middle income families than the tuition tax credit.

Governor Sanford's comments are particularly significant since he presides over the largest private institution in our State, one of the major private institutions in America and since he as Governor and university president has supported some public financial support for private higher education.

Duke University,
Durham, N.C.

Dear Parents of Duke Students, I recently wrote to you about the necessity for an increase in tuition. We have kept within our projections, and we have managed to hold down tuition while improving our level of excellence, about as well as any other university in the country.

Now I write to explain another position close to the hearts of some of you. In a conference I attended last week, the president of a private university somewhat similar to Duke, pointed out that he was opposed to the tuition tax credit bill now before Congress, but that he could not assert such opposition to the parents of his students. He felt they would neither understand nor appreciate his opposition.

I am against that proposal. I think I should explain to you my reasons. I hope that you will not only understand, but that you will support our position with your Congressmen.

This is what the present bill does: The first year this is effective you will receive a tax credit of $100 (if you pay $200 or more in tuition), $200 in the second year, and $250 in ensuing years. Of course this would be very helpful to some of you. Others do not need it. Others are in tax brackets where their income is too low to use any credits.

So far, so good. Why should anyone be against that proposition?

Because the plan would be extremely wasteful of tax money, and at the same time is not enough to reduce your tuition bill by a significant amount. It would take the place of better proposals that will likely give you more dollar relief in your college bills. The plan would use substantial monies for the credits, and likely cause the continuation of the under-funding of student financial aid. This alone will deny young people the opportunity of a college education.

Here is what Duke supports. 1) Work-Study: the student at Duke who needs financial assistance must work for the first $1,000 of that need. 2) Subsidized loans: the next segment of need is met by a loan, usually up to about $950, with interest of 3% accruing after graduation. 3) Grants or scholarships: for need beyond $1,950 Duke provides grants. The federal government provides most of the money for these three programs.

There are two deficiencies in this three-way program. 1) It is presently not adequately funded. 2) Of even greater concern, the eligibility is based on family income, presently set at a figure unrealistically low.

The best way to help the parents who need some relief in the cost of college, especially families in the middle income group, is to raise the eligibility level so that middle income families are eligible for student financial assistance, and for Congress to add more funds to this three-way student aid program. This would put the money where it is needed, and in dollar amount would provide much more for middle income families than the tuition tax credit which would be spread too thinly to do much good.

The total cost of the tax credit is estimated to be $1.4 billion by 1980 and $5.25 billion by 1983. The cost of the expanded program will be some $1.5 billion over present expenditures, and $1.7 billion by 1980 with no authorized increase after 1980. I am not against the tax credit because of these total figures; I am against it because our students, I believe, would receive more aid if we do not get off on the tuition tax credit side track.

It is unreasonable to expect Congress to support both programs at meaningful levels. We would have a partial approach for each, adequate neither singly or together.

Such an approach, quite aside from the fact that it does not help the middle income family, is an example of the inefficiency in government that so many of us deplore in so many areas. We should not support a cosmetic gesture toward the middle income families with college students, especially one that is detrimental to more people than it helps. It does not seem to be a good public policy to enact a minor tax credit, instead of including the middle income group in the work load grant programs. That will, we think, deny worthy and able students a fair chance or choice in going to college.

I am not really calling on you to write your Congressman. I just want you to know that we have thought this through and have come to these conclusions.

With best wishes always,
Sincerely,

Terry Sanford.●

BATF GUN CONTROL PROPOSALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. Baucus) is recognized for 5 minutes.

● Mr. BAUCUS. Mr. Speaker, the Bureau of Alcohol, Tobacco and Firearms (BATF) is right now attempting to expand its regulatory authority to more closely control firearms.

This attempt at firearms control through regulation would allow gun control proponents to go around Congress and accomplish by bureaucratic fiat what they have failed to accomplish by legislation. In short, they mean to create a new, expensive, centralized and computerized recordkeeping system, com-

plete with new layers of paperwork and redtape, in a clear breach of the discretion given to BATF by law.

I strongly oppose these gun control efforts. I have introduced H.R. 560 to stop them.

Recently, the House Judiciary Subcommittee on Crime has held hearings concerning these BATF proposals, and I would like to take this opportunity to place in the RECORD of our proceedings a copy of my testimony before the subcommittee. This testimony more fully explains the controversy and why I think Congress must put a stop to these gun control regulations.

TESTIMONY OF MAX BAUCUS

Mr. Chairman, Members of the Committee:

I deeply appreciate this opportunity to testify on a subject which is of such deep concern to Montana and to me personally—the Federal bureaucracy's latest attempt to go around Congress and implement new gun controls.

The Bureau of Alcohol, Tobacco, and Firearms is seeking to create a costly gun control system of dubious usefulness with as little Congressional inquiry as they feel they can get away with.

I say this not simply in an emotional response to new gun control proposals; my deep conviction and work against gun control measures in the past is well known. Rather, I am convinced, as I will try to demonstrate from my following remarks, that the Bureau of Alcohol, Tobacco, and Firearms is attempting to expand its authority in a wasteful, bureaucratic attempt to ensnarl legitimate gun users in red tape and paperwork.

Gun control advocates have failed to convince the American people and Congress to enact new gun control legislation. Last Congress they failed to slide gun control measures through the Consumer Product Safety Commission in the guise of ammunition regulations. Now, they intend to drown the gun user in a red tape eruption of regulations and paperwork.

I believe there are several concrete reasons why Congress should put a stop to these regulations.

GUN CONTROL REGULATIONS EXPENSIVE

First, it is clear that the gun control regulations are going to cost a lot. Assistant Secretary of the Treasury for Enforcement, Richard Davis, told a Congressional staff briefing held March 15, that the funding necessary to begin collecting and computerizing firearms transactions records would simply be "reprogrammed" from existing appropriated funds. I think the Bureau is clearly trying to create the impression that because of this there would be no additional costs to the taxpayer if this program is allowed.

This is ridiculous. There is no such thing as a free lunch when it comes to federal programs.

Treasury officials, including Mr. Davis, have repeatedly estimated that the start-up costs for this proposed system will run from $5 million to $8 million for the remainder of this year. Whether this requires new appropriations or whether the money comes from funds already at the Bureau's disposal is irrevelant. In the end, it all comes out of the same taxpayers' pockets.

Further, these estimates run totally counter to past statements by the Bureau's Director as to costs for similar programs. In a letter printed in Senate hearings in 1975, Bureau Director Rex Davis stated that a dealer theft tracing program, sounding identical to the one now proposed, would require 800 additional positions and over 23 million dollars. In the same letter, and again in an April, 1977, press release, the Bureau stated that requiring dealer reports on all transactions, as is being now proposed, would require 4,400 additional personnel and $104 million.

Looking beyond what this will cost to the taxpayer, there will be additional millions of dollars in costs to legitimate gun purchasers because of additional paperwork and the retooling to accommodate the additional serial numbers being proposed for firearms. The Bureau estimates that these costs will add to $8 million for paperwork plus $5 million for retooling. Forgive my scepticism, but given the lack of a firm basis for these estimates, I suggest that there is some likelihood that the real figures will be much, much higher.

NO JUSTIFICATION FOR RED TAPE OR PAPER WORK

A second reason to be disturbed about these regulations is the total lack of justification for this additional paperwork. There is no law enforcement reason whatever to require that the theft of firearms be reported to the Bureau of Alcohol, Tobacco, and Firearms. The reason for this is simple: They have no statutory authority to investigate the theft.

This is merely an attempt by the Bureau to expand its bureaucratic reach and duplicate the work of local police and the FBI. And in this attempt to thrust its bureaucratic tentacles into ever new areas of concern, the Bureau may in fact inhibit legitimate police work. If these regulations had the effect of causing licensees to report thefts to the Bureau rather than to the police, police investigations would be retarded.

If a firearm is stolen from the premises of a licensee, it is grand or petty larceny, over which there is no Federal jurisdiction and which should be investigated by the local police authorities.

If a theft is from a shipment moving in interstate commerce, the FBI would have jurisdiction and would proceed to investigate it.

These proposed regulations would merely add another layer of paperwork to the burdens imposed upon another category of businessmen—firearms dealers. It makes absolutely no sense to report something to bureaucracy which has no authority to investigate it—except for those interested in expanding that bureaucracy. It makes great sense from that standpoint, since these regulations would permit them to add more agents and send them traipsing all over the country investigating things. Next, they will need more paper-pushers to process these reports. Then, they will need more public relations people to issue press releases noting all the additional investigations they have conducted.

The best part of all this, from their point of view, is that they can have no failures, since they do not have to do anything as a result of their investigations.

It is a bureaucrat's dream. With some luck, they will be able to use their new information to require even further regulations, no doubt with a claim that the bureau is now the expert in preventing firearm thefts.

In short, what we have here is your basic bumbling bureaucratic boondoggle. I suggest that we put a stop to it.

BUREAUCRATIC SELF-EXALTATION AT OUR EXPENSE

It disturbs me that these regulations are clearly against both the will of Congress and desires of the people whom I represent. Yet, in direct opposition to the legislative record of Congress, the Bureau has attempted to establish, by bureaucratic fiat, a Federal gun registration program.

These proposed regulations are outside existing law and also in direct opposition to the legislative intent of Congress. I have introduced House Concurrent Resolution 560 to express our dismay with this self-exaltation.

Over the last few years, I have received thousands and thousands of letters from Montanans concerning the freedom of gun ownership. Montana opposes gun control. I believe a majority of Congress is unwilling to pass further gun controls. Finally, I believe that this Committee will be shirking its duties if it does not take strong, positive action to stop the Bureau of Alcohol, Tobacco, and Firearms from implementing these regulations.●

THE FIRST AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

● Mr. BRADEMAS. Mr. Speaker, John B. Oakes, for many years the distinguished editor of the editorial page of the New York Times, recently delivered, under the auspices of the Washington Journalism Center, the first Frank E. Gannett Memorial Lecture. In his May 17 lecture, Mr. Oakes discussed an issue of importance to our Nation—the first amendment to the Constitution and the duties and responsibilities of the press in regard to that amendment.

Mr. Oakes, whom many of us have known and respected for many years both as a person and as a powerful voice whose editorials have had a lasting effect on public policy, expressed concern over attitudes in the press that may be contributing to an erosion of public support for the press and the first amendment.

His thoughtful remarks, while primarily intended for his colleagues in the press, deserve wider dissemination and will be of considerable interest to all of us in the House.

REMARKS OF JOHN B. OAKES

Most of you in this room tonight—being in one way or another connected with the press, or with government, or even with both—will surely agree with the late Justice Black of the Supreme Court of the United States who, nearly 40 years ago, viewed "the guarantee of the first amendment as the foundation upon which our government structure rests and without which it could not continute to endure."

Some of you in this room will agree that freedom of the press as guaranteed by that same First Amendment, has in recent years been under an insidious attack; frequently in the courts, sometimes in the legislatures—an attack which finds its wellspring in an underlying public attitude toward the press of mistrust, resentment and fear.

But I doubt that very many of you in this room will agree with me at this moment—though I hope you will at the end of my talk—when I say that I think a good deal of the fault for this situation in which press freedom is under attack—and a great deal of the cure for it—lies in the hands of the press itself.

OLD ISSUE

The issue of freedom of the press is of course as old as our country, dating all the way back to 1690 when the very first American newsletter, not far behind its English counterparts, was born in Boston. It was

known as "Publick Occurrences," lasted only one issue, and was immediately suppressed by the royal governor of Massachusetts because that one issue included a couple of early if primitive examples of investigative journalism: an account of the corruption of Indians by the colonists and the seduction of his daughter-in-law by the King of France—two forms of human endeavor, corruption and seduction, that are not totally foreign to our investigative press of today.

But "Publick Occurrences," as the outraged governor noted, had been published "without the least . . . countenance of authority," and so it ended almost before it began. The next newspaper to appear a few years later had better luck, lasting until the Revolution, because it carried under its logo the telling phrase "Published by authority," which doubtless improved its fortunes and certainly stultified its contents.

When independence was established and the Constitution eventually adopted, press freedom—the right to publish anything one pleased "without countenance of authority" was taken for granted, and exercised to the fullest—though not yet written into law. When it was, a few years later with adoption of the First Amendment, it was couched in broad but negative terms, that "Congress shall make no law . . . abridging the freedom . . . of the press. . . ." It carried with it no guarantee that publishers and editors would act responsibly or with restraint, no guarantee even that the press should be a free marketplace for ideas and opinions or a forum for debate.

BASED ON ASSUMPTION

However, the rationale for a guaranty of press freedom would seem to rest on the assumption that the discussion of public affairs and the expression of opinion would be the primary function of the press—at least that was the function that required special protection. The Supreme Court has repeatedly emphasized its belief that the First Amendment's major purpose was "to protect the free discussion of governmental affairs."

And it may have been this postulate that Alexander Hamilton had in mind when, in the last but one of the Federalist Papers, at the height of the debate in New York over adoption of a Constitution that then contained *no* Bill of Rights, he wrote of the press: ". . . Its necessity, whatever fine declarations may be inserted in any constitution respecting it, *must altogether depend on public opinion and on the general spirit of the people* and of the government."

I think it's something that the embattled press ought to have very much in mind today, as it defends itself on First Amendment grounds against perceived attempts of courts or legislatures to erode its freedom. We need to remember that it is the "general spirit of the people" on which, as Hamilton pointed out, the basic guarantees must ultimately depend.

And this is the issue I want to discuss with you this evening: the relationship of the press to the "general spirit of the people"—what it portends and what can be done about it.

CHANGING PRESS

The American press has changed completely in character, in structure and even, to a considerable extent, in purpose not only over the past 200 years, when the First Amendment was written into the Constitution, but over the past 20 years; and it is changing at an accelerated pace every day.

It isn't the press alone that is changing. It is the audience, too. With a change in character and in audience has come a change in public attitudes toward the press, a weakening in that public understanding and support of the First Amendment in "the general spirit of the people," that is the rock on which its protective power ultimately rests. Unless we establish a new relationship between press and public, we are eventually going to see the basic Constitutional guaranty outmoded in the public mind, and therefore, because the courts do indeed eventually follow the election returns, weakened by courts or legislature if not ultimately destroyed.

Hardly 100 years ago, we were in the golden age of personal journalism. It took little capital to start a newspaper, little readership to keep it alive. What it did take was a strong, articulate editor who had a distinct point of view and was willing and able to express himself with force and cogency. This was the era of the partisan personalities of American journalism, whose names—Greeley, Bennett, Dana, Pulitzer—were synonymous with their newspapers.

As industrialization developed, education broadened, and means of communication improved, the limited audience to whom the editors of the 19th century were addressing their message, changed both qualitatively and quantitatively. Publishers and editors discovered that the new mass audience was interested in a wider spectrum of news and information than had been the norm for the relatively rarefied elite of earlier decades, a point Adolph Ochs demonstrated in two ways when, to save his tottering newspaper at the turn of the century, he broadened and deepened its content and at the same time lowered its price.

The old-style, highly competitive personal journalism began to give way to the journal of information; and throughout this century, through two world wars and on to the present day, American newspapers, *reflecting* and at the same time *stimulating* existing trends in American industrial society, have increasingly moved toward a kind of standardization and away from the peculiar and often erratic individualism that had once been their characteristic.

CONCENTRATION OF CONTROL

They have also become Big Business, a development that has already had and will doubtless continue to have a subtly adverse effect on both public and judicial perception of the First Amendment's protection of press freedom. What has happened is that there has been a massive concentration of control of larger and larger numbers of newspapers in fewer and fewer top managerial hands; huge corporate conglomerates are replacing private or individual ownership; and along with this trend there has been a corresponding reduction of competition to the point where less than 50 of the 1,550 cities of this country with daily papers have two or more under competing ownership.

It's easy to say that these developments have been inevitable, paralleling similar developments in many other areas of commerce and industry; but it is just because the free working of the press, both print and electronic, is of such peculiar importance in our democratic society that the consequences of this kind of evolution take on a special significance, threatening to undermine Constitutional protections that we now take for granted.

Press freedom is not something to be taken for granted simply because that one phrase was written as an afterthought into the Constitution. In much of the world—and not only in Communist countries—it is not even accepted in principle; and in most of the rest of the world, where it is in fact accepted in principle, it is rejected in practice. In many areas the press is considered to be properly a creature of the state rather than its critic; and many millions of people who theoretically believe in freedom as we understand it have been forced to learn to live without it. It is easily undermined; and I think that we of the American press would be living in a fool's paradise if we believed that we could continue to enjoy public support for our Constitutional protection under the First Amendment, if we forgot our implied responsibilities under it by allowing our credibility to be eroded or destroyed.

PUBLIC, NOT PRIVATE INTEREST

The First Amendment as it applies to the press is clearly designed to protect a public rather than a vested interest; our Constitutionally protected purpose is essentially one of public service rather than private profit.

Only a few days ago, the Chief Justice of the United States wrote a concurring opinion in which he went out of his way to state, in effect, that he could see little if any distinction between the First Amendment rights of a newspaper corporation and those of any other kind of corporation. It is clear that Mr. Justice Burger believes that the Constitutional guarantee of freedom of the press does not necessarily involve protection of the press as a unique kind of institution requiring the special institutional protection that Mr. Justice Stewart, for example, attributes to it. The point is important not only because Mr. Burger is Chief Justice, but because he has put his finger on a Constitutionally tender spot in the anatomy of huge press corporations.

While he spoke against "limiting the First Amendment rights of corporations as such," Mr. Burger seemed at the same time to be suggesting a reinterpretation of First Amendment protections in light of—and here I quote—"The evolution of traditional newspapers into modern corporate conglomerates in which the daily dissemination of news by print is no longer the major part of the whole enterprise . . ."

The converse of Mr. Justice Burger's opinion implicit in this recent Massachusetts case fits, I believe, a growing public perception of press conglomerates replete with built-in conflicts of interest. I think this perception may lead to a questioning of the need for special protection of the press *as such*, under a First Amendment that was in fact designed to ensure the free flow of information and opinion, and not the accretion of corporate power.

ECONOMIC DEVELOPMENTS

As the capital investment required to produce and publish newspapers has increased, three distinct but related economic developments have taken place, affecting the industry and its relationship to the public; the formation of "media conglomerates" linking under one ownership a wide variety of large enterprises; the establishment of enormous newspaper and broadcasting chains; and the development of both conglomerates and chains into publicly held stock corporations. When to the already great power of a quasi-monopoly in a given city is added the greater strength of chain ownership, some troublesome questions of public policy are inevitably raised.

While many chains operate in such a way as to leave editorial independence in the hands of individual components, and use their vast resources to upgrade their papers—as has happened in a large number of cases already—this is not true of all chains and there is no guarantee that it will always be true of any. The potential threat of centralized, remote control, of concentrated economic and editorial power, is always there.

The late Justice Black, considered to be the most "absolutist" of all justices of the Supreme Court on freedom of the press issues, warned as long ago as 1945 that the First Amendment "rests on the assumption

that the widest possible dissemination of information *from diverse and antagonistic sources* is essential to the welfare of the public." I think it's not too great a jump to read, for "diverse and antagonistic sources" the substitution of "diverse and competing ownership."

The 10 largest newspaper chains control one-third of the country's total readership—20 out of 61 million. And the big chains are getting bigger, as our hosts of tonight have so recently and dramatically demonstrated.

As the mad race within the communications industry toward bigger combinations and conglomeration goes on, we are going to see intensified moves to extend anti-trust and other kinds of restrictive legislation, which will of course be fought on "free press" grounds, much as the efforts to break up industrial trusts and combines early in this century were also fought—and with the probability of just as little success.

As recently as 15 or 20 years ago, no newspaper shares were traded on the stock market. Today there are at least a dozen, including some of the largest newspaper corporations, controlling in all about 20 percent of national circulation. There are perfectly sound economic reasons for this trend, but there are also inherent dangers.

BUSINESS INVESTMENT

Most people who buy publicly offered shares in this industry do so as a straightforward business investment, no different from investing in a shoe company or a soap company. Is it unreasonable to suppose that stockholders or even directors who have no interest in or connection with the press other than as a financial investment will exercise more pressure to improve *bottom line* than *top quality*, whenever the two conflict?

What essentially worries critics of the growing concentration of power in the news industry in the hands of relatively few communications companies—publicly and privately held—is that the more concentrated power becomes, the more likely it is to move the focus of print journalism away from its original goals and purposes into becoming a mere money machine, as has happened in the television industry. It is this potential threat that inevitably colors the public perception of the press as an independent institution.

That perception is further altered—and not for the good—when the press lobbies for special privileges and exemptions from, for example, the anti-trust laws, as it did in connection with the Failing Newspaper Act a few years ago, and from the child labor laws a good many years before that. To use the battle cry of "Freedom of the Press" as a shield on every possible occasion for special economic benefits is to debase the currency of freedom whose integrity we desperately need to preserve.

CHANGING AUDIENCE

Meanwhile, the newspaper audience has been changing, and we have to face the fact that, relatively speaking, it has also been declining, especially among younger readers. The reason? It's too simplistic to blame it all on TV—though TV has undoubtedly given them a taste for the "quick fix" in news rather than for in-depth reporting. More deep-seated causes may be found in the new mobility of the American family and its resultant loss of deep-seated roots; the growth of leisure time and of affluence, affording in both respects a wider choice of interests to compete with the daily newspaper; but above all, the loss of credibility in all institutions, including the press.

These are among the factors that have affected in varying degrees the responsiveness of the American reader to the daily newspaper and have already led to profound changes in the attitudes and contents of newspapers themselves. These changes have been taking place in a society that seems increasingly to be turning in to itself, more interested in problem evasion than in problem solving, more concerned with style than with substance, more self-indulgent than self-critical.

Newspapers are now desperately trying to recapture the attention of their readers, as broadcasting has always done to its viewers and listeners by supplying, in Henry Geller's felicitous phrase, "chewing gum for the eyes." The press is now moving in that direction, emphasizing "chewing gum for the brain." Service-oriented journalism is the word today, to grab the reader who, it is confidently believed, is more interested in "what will it do for me?" than in "what do I need to know?"

In the effort to win back readership in the suburbs, among youth, from the TV audience, American newspapers have been shifting their emphasis away from what the editor thought the reader ought to have, to what they now believe the readers want. The press has been increasingly catering to shallowest taste, increasingly forgetful of its constitutional obligation to inform the democracy. However, so long as the shift of focus is made not at the expense of traditional news values, so long as it does not inhibit the expression of the most unorthodox opinion, it may not do too much harm and may temporarily help weak newspapers to survive.

But to the degree that it tends to downgrade those traditional mainstays of news and opinion which the First Amendment was obviously designed to protect, just to that extent, it seems to me, American journalism is weakening its moral if not its legal claim on the public to that special status it has rightly held in our society.

As a matter of fact, a survey taken early this year showed that readers are more interested in every category of so-called "hard" news than American editors give them credit for; and so it seems to me that both the practical and philosophical ends of journalism would be better served by concentrating our efforts on improving our coverage and our analysis of the great trends of our society—social, economic and political—than by trying to combat TV on its own grounds in the race for mass audiences. Unfortunately, there is a Gresham's Law for the press as well as for economics: Bad programming, bad news policy, tends to drive out good—not always successfully, thank God, but often enough to raise concern over the advent of least-common-denominator journalism.

LOW STANDARDS OF THE PRESS

The press unfortunately stands exceptionally low in the eyes of the public today. In a listing of 20 professions and occupations, a Harris poll taken only a few months ago showed that the press—or, more exactly, the people "running" the press, meaning presumably the top editors, managers, publishers—stood 16th in public esteem, followed only by law firms, Congress, organized labor and advertising agencies in that order. Such measurements as this suggest that the widespread reports are true that "they hate you out there," as Louis Banks so delicately put it in a recent article in the "Atlantic." Banks was talking about the mistrust, the fear, even the hatred of business executives toward the press; others have observed that similar feelings are prevalent in far broader segments of American society, more so than in many years, a feeling that simply cannot be dismissed by the post-Vietnam and post-Watergate cliches about the messenger bearing bad news. The feeling goes, I believe, far deeper than that—a "public antipathy toward the press" as the respected ombudsman of The Washington Post," Charlie Seib, put it not long ago.

PUBLIC CONFIDENCE REQUIRED

Last January, the Times of London was briefly shut down because one of the printers' unions within the plant refused to permit publication of one issue containing an article highly critical of the union. In a magnificent editorial discussing the problem, the Times of London had this to say:

"Those who wish to maintain the freedom of a nation must stand behind the editorial freedom of the press, even though they know that it will sometimes be abused and often be wrong in its judgments. Those in the press who want to maintain its freedom must also try to raise the standard of its news reporting, its sense of responsibility, its willingness to report all sides and its essential fairness. *Only a fair press will retain the public confidence that is needed by a free press.*"

Once the American public loses faith in the press as an institution of prime importance to the democratic process, the most fundamental protection of the press—far greater than that embodied in the First Amendment—will have been lost. I think there are ominous symptoms today that we of the press are indeed in danger of losing that public confidence.

The growing number of attacks on press freedom in the courts is, I believe, a reflection of that development in the public mind. The tidal wave of gag rules, of subpoenas, of efforts to force revelation of confidential sources, and now the new vogue of closing off pre-trial hearings, are all part of this trend, which is clearly subversive of First Amendment guarantees and must be resisted as much in the public interest as in the press's interest.

But I think the institutionalized press would place itself in a better position to fight the real encroachments on its freedom if it acknowledged, more readily than it is now prone to do, that when competing constitutional rights collide—as often happens especially between First and Sixth Amendments—it is not necessarily true that the press in every case must prevail. I don't think we are very convincing when we take—as we tend to do—an even more absolutist position than Justice Black would have done, by regarding the First Amendment as automatically overriding every other provision of the Constitution, not to mention common sense.

The press certainly has an obligation to fight every attempt by executive, legislature or judiciary to prevent it from scrutinizing these three branches of government—and all three branches attempt it from time to time; but we cannot expect to retain public confidence, the ultimate bastion of our liberty, if we are perceived to be arrogant and insincere in the lip-service we sometimes give to the conflicting constitutional rights of others, or none too concerned about maintaining the most rigid standards to protect and preserve our own integrity and independence.

As confidence in all institutions has been weakened, as our society has at the same time grown more complex, more broadly sophisticated and less trustful; and as newspaper management has tended to move steadily away from the personally directed journalism of an individual editor and toward the impersonality of the corporate structure, the newspaper's direct relationship to the public has inevitably become more distant; and the public understanding of the connection between press liberty and public liberty has become most dangerously blurred.

PUBLIC ACCESS TO PRESS

A great deal has been heard in recent years about the right of newspapers' access to the

records, documents and files of government. But although we newspapermen are generally highly articulate on the public's right of access to government, as we should be, we are not usually quite so strong on the public's right of access to ourselves.

Governmentally enforced access to the press is not the answer. Far from it. To force a newspaper to publish an item is no less an infringement on its freedom than to forbid it from publishing one, as the Supreme Court has pointed out. In a number of West European countries, there is a mandatory right of reply, under which newspapers are required to publish corrections—in some cases, I am told, even if the "correction" is itself incorrect. This is hardly what we need here. Nevertheless, the public demand for greater accessibility to the press is not to be laughed off—and I believe that in one form or another, the threat of governmentally enforced access will remain, just as long as there is a public perception that newspapers tend to operate less in the public interest than in their own interest. We need to cut away from our characteristic arrogance, and to open ourselves much more than has been the custom in the past to accessibility *by* the public as well as accountability *to* it.

It was in fact with this basic thought of opening up the newspaper to a fuller and freer exchange of ideas that I introduced the concept of an Op Ed page to the Times a few years ago, establishing it in the editorial department as a kind of public forum, affording greater scope for access to the columns of our newspaper, and in greater depth, than was possible in our "Letters to the Editor" or anywhere else. This was certainly not the first OP Ed page—the old New York World had a very famous one a half-century ago—but it was, I think, the first to be established with the specific motivation of opening up the paper to the public on so wide and broad a base.

I think we have to take much firmer steps than we have taken to make ourselves voluntarily more accountable to the public. The other day an Idaho newspaper, the Lewiston Tribune, created a sensation by giving an entire page to a self-examination, publicly looking into possible conflict-of-interest situations among members of its own staff from publisher to part-time reporter. An editor of the Tribune observed, "The impressive thing is not that the Tribune wrote a story about itself but that the piece so startled our fellow journalists."

He was more modest than accurate because it is no small feat to list for the benefit of a newspaper's readers the connections, both civic and financial, of its publisher, directors, editors and reporters, exposing precisely where potential conflicts of interests might be concealed in its news or editorial coverage. Why shouldn't other newspapers follow this excellent precedent, also giving far greater coverage to matters affecting the newspaper industry itself, including especially anything that looks as though a conflict-of-interest question could be raised about ownership, management, directors—and news, editorial and business staffs.

Only about 20 newspapers have established ombudsmen, a valuable device for linking the individual newspaper with the individual reader whose daily complaints of inaccuracy, bias, unfairness, vindictiveness, or simple error might otherwise go unheeded and unanswered—and in many newspapers throughout this country, often or usually do.

The establishment of a News Council a few years ago seems to me to have been another sensible way to open better channels of communication between press and public—without in any way infringing or remotely threatening to impinge on freedom of the press. Modeled after the successful British Press Council, the American News Council has no compulsory powers at all—nor should it have. It acts simply as a means of receiving complaints from individuals or groups who feel they have been unjustly treated in the press and have failed to obtain any redress or satisfaction from the offending newspaper. All the News Council does is to act as an objective, distinterested judge, make its findings and hope that the subject newspaper will accept them and publish them. It has already proved to be a useful buffer between press and public as well as a means of offering an outlet for public frustration with the press.

When the News Council was first established about five years ago, it was greeted with extreme hostility by much of the working press. It's a hopeful sign of maturity on the part of the press itself that the News Council is now beginning to gain wider and broader acceptance, funded now—in part—by some of the most highly regarded names in American journalism.

UNREGULATED UTILITY

In a sense, the American newspaper is an unregulated public utility, and that's the way we want it to be maintained—unregulated, unlicensed and free. But this is an era when every value is being reexamined and every right is under question, even the Constitutional protection of freedom of the press. In defending itself from that attack, it seems to me the press has to be accountable to something more than our own business offices and our stockholders; we have to be accountable in the narrowest sense, and first of all, to our own consciences, of course; but in the broadest sense to the public interest as we see it.

I am not saying that the First Amendment establishes virtue as a criterion for management, editors and reporters. It clearly doesn't—fortunately for us. What I am saying is that given the special and privileged position of newspapers under the Constitution, it is vital that public confidence in the credibility of the press be maintained and strengthened. Its erosion is a threat to that freedom, because, as Hamilton so clearly warned us, it is on the "General spirit of the People" that freedom of the press in the longest run depends.●

H.R. 8860—TAX REDUCTIONS TO STIMULATE THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 5 minutes.

● Mr. LEVITAS. Mr. Speaker, as an early cosponsor of Representative JACK KEMP's bill to provide an across-the-board tax cut for every taxpayer, I am pleased to note the following article which appeared in the Atlanta Constitution of May 24, 1978.

The Kemp bill embodies the concept of tax cuts initiated by our Democratic President John F. Kennedy more than 15 years ago. The concept worked then not only to ease the tax burden but also to stimulate economic growth. Therefore, it is a proven concept. I commend Congressman KEMP for his leadership on this issue. I am proud to be part of this effort.

The article follows:

QUARTERBACK CALLS SIGNALS AGAINST TAXES

(By Edward C. Burks)

WASHINGTON.—His half-closed eyes glint slyly, and Jack Kemp cocks his arm just as he did in the old days when he was quarterbacking the Buffalo Bills. Then with evangelical fervor he tells a visitor: "I've got the No. 1 offensive play in the country."

Only nowadays he is talking about his plan to slash federal income taxes to restore America's "incentive to work, produce and invest"—and about the support he is attracting.

In his fourth term in Congress as a conservative Republican representative from a suburban Buffalo district, Jack French Kemp has become a hot Republican property increasingly in demand for tub-thumping speeches to party faithful across the land.

Is this Mr. Republican of the future?

Handsome, still very much the athlete and with the same big sock of hair across the forehead—and initials—of John F. Kennedy, ex-No. 15 from Buffalo believes that he is out in front in dealing with the issue Americans care about most.

The Republican national chairman, Bill Brock, describes Kemp as "one of the party's most exciting speakers, tremendously motivated, greatly respected, and in enormous demand." He says that the Kemp program for "an across-the-board, substantial reduction in taxes for all Americans is the most central theme of our campaign this fall."

Kemp, with 148 co-sponsors in the House, and joined by Sen. William V. Roth, Jr., R-Del., and 19 other senators, calls for an across-the-board tax cut averaging 30 percent over the next three years for every taxpayer.

It would "put back the rungs on the ladder of economic opportunity in America," Kemp says.

Kemp, with 148 co-sponsors in the House, and joined by Sen. William V. Roth, Jr., R-Del., and 19 other senators, calls for an across-the-board tax cut averaging 30 percent over the next three years for every taxpayer.

It would "put back the rungs on the ladder of economic opportunity in America," Kemp says.

As a conservative Republican in a Democrat-dominated Congress, he knows that a tax-cut bill will not bear his name even though it may include some of his ideas. His sights are obviously on the electorate at large, where he hopes to find plenty of Americans of all economic levels who agree with him.

Recently, he sought to attach his tax cut plan to the Full Employment and Balanced Growth Act, the so-called Humphrey-Hawkins Bill, backed by the Democratic majority. He was defeated by only 22 votes, 216 to 194. The near victory "tipped" his decision, as he puts it, in favor of running in 1980 for the seat in the Senate now held by Jacob K. Javits, the liberal Republican from New York City. Kemp makes it plain that he is ready to run in 1980 whether or not Javits seeks re-election.

On a recent weekend, Kemp went to Buffalo, to Ohio, to Maryland and to Florida to speak for Republicans running for re-election and to advance his plan. At a national gathering in Easton, Md., he talked of what has happened to the American dream.

"Whereas at one time," he said, "the purpose of government was to create a climate of freedom and opportunity and be the impartial referee, today government is the competition. It's the other team and it's winning."

Prominent Democrats in New York State who once hoped to label Jack Kemp as just another "dumb jock" trading on his athletic fame (pro football quarterback, 1957–70) have long since given him grudging respect.

He is attracting increasing attention by repeating the following points:

Americans, and especially New Yorkers, are grossly overtaxed. Factory workers in New York State, for example, worked for the past decade without a real increase in pay—in some cases, with losses. The wage doubled,

but taxes increased even more as the worker saw himself kicked upstairs into higher tax brackets.

Forty-three percent of all the income produced by the American people in the private sector is now taken by government at the federal, state or local level.

More and more Americans are pushed to higher brackets every year by inflation. Congress therefore, will be advocating higher taxes unless it takes immediate action to make major slashes in the tax rates.

The tax cuts will increase productivity, savings and investments and more than offset any immediate loss of revenue by expanding the overall tax base.

Kemp said that he "reluctantly" came to the conclusion that John F. Kennedy had "the best economic record of any government in the past 26 years" because he carried through a major tax cut at all levels. Real investment growth was the highest in modern history as a result of that cut, Kemp said, and inflation was the lowest.

The Kemp plan would cut today's highest rate (70 percent) to 50 percent. And those now paying 14 percent, down near the bottom of the income ladder, would pay 8 percent under the Kemp-Roth proposal.

He has recently set up a "Coalition for Economic Growth," which he describes as a grass-roots, nonpartisan organization with the sole purpose of lowering the maximum federal income tax rate to 25 percent by the end of the 1980's.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, on May 17, May 18, and May 19, 1978, I was absent from the legislative session of the House of Representatives. Had I been present, I would have voted as follows on rollcall votes on the Alaska National Interest Lands Conservation Act, H.R. 39:

Rollcall No. 330: Adoption of the rule, "yes";

Rollcall No. 335: An amendment to reduce the acreage within parks and wildlife refuges by approximately 5 million acres, "no";

Rollcall No. 336: An amendment to reduce lands to be designated wilderness from approximately 66 million acres to 33 million acres, "no";

Rollcall No. 338: An amendment to continue minerals assessments provisions and for other purposes, "no";

Rollcall No. 339: A recommittal motion, "no"; and

Rollcall No. 340: Passage of H.R. 39, "yes." ●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

● Mr. COTTER. Mr. Speaker, due to a prior commitment in my congressional district, I was absent on Friday, May 19 when the House of Representatives concluded consideration of H.R. 39, the Alaska lands bill. Had I been present, I would have voted "nay" on rollcall No. 339 to recommit the bill to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries, and "yea" on rollcall No. 430, final passage of the bill.●

"RUNAWAY" COMPANIES TAKE JOBS WITH THEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 5 minutes.

● Mr. GAYDOS. Mr. Speaker, the unrestricted flow of foreign imports into domestic markets and their effect on the Nation's economy and employment has received considerable attention lately and justifiably so. I have been criticizing the unfair practices of certain international trading "partners" for years, and I am gratified to see the problem become a national issue.

However, today, I want to address myself to a U.S. "export" that is having similar adverse impact on economy and employment. I refer to the "exportation" of jobs and tax revenue by "runaway" American firms seeking greater profits in greener pastures outside our borders.

For years, we have known of the "cabbage patch" in Mexico, that narrow strip of land where numerous U.S. firms have found it lucrative to establish operations. By sending some of its work there, an American company not only realizes financial savings through the use of cheap labor but also can send its finished product back over the border through loopholes in our tariff schedule. At one time, I recall, it was estimated more than 100,000 Mexicans owed their jobs to American firms in the cabbage patch.

My interest in these "runaways" was heightened by an announcement from Westinghouse Electric Corp., a prominent firm in the 20th Congressional District of Pennsylvania, that it planned to shift some of its operations from facilities in east Pittsburgh to Puerto Rico. This transfer will cost approximately 500 jobs to an already depressed area.

And, news of the proposed move came just about the time another firm—Copperweld Corp., which had been taken over by Societe Imetal of France less than 3 years ago—revealed plans for a cutback in facilities at Glassport, Pa. In this instance, the shift will not be outside our national borders, but the end result will be the same: The loss of several hundred jobs and a severe jolt to the local economy.

I recognize the fact that not every "runaway" is rooted in purely selfish monetary reasons. I know that sometimes a company may have no choice but to relocate or close. And, it is these reluctant runaways I want to help through a bill I introduced in January 1977, H.R. 2069.

Provisions of this bill are designed to discourage plants that have a moral obligation to people and to a community from pulling up stakes without regard for the effect of its action. At the same time, it would provide Federal help for the plant that is forced to consider relocation if it is to continue to operate.

The bill provides a firm considering closing or relocating be required to give prenotification of its intent to employees and to the community in which it is located. Public hearings would be held to determine the economic need and justification for the action as well as the potential impact it would have on the community and its people.

If the reasons are legitimate, the firm could qualify for Federal financial assistance as an inducement to stay. In the event even this help would not save the company, then such aid would be made available to the employees, through retraining or other benefits, and the community, via direct grants to replace lost tax revenue.

If purely selfish reasons are the underlying motive for the proposed relocation, the plant would be subjected to certain penalties.

I realize this is a delicate piece of legislation, one that must be skillfully drafted in order not to infringe upon the rights of private enterprise. But, I believe it is necessary, particularly where a community and its people have become highly dependent upon the continued existence of a long established plant. The sudden relocation of such a plant under such circumstances has a wrenching and devastating impact on those left behind. Communities can go bankrupt. Human lives, hopes and dreams will be shattered by the uprooting.

I believe if a company wants to stay in a community where it is needed and that company needs Federal help to do so, it should be forthcoming. I hold it to be an obligation to people who have no control over the economics of the situation.

But, if that company is running away to another area or another country solely for greater financial profits without regard for the human or economic wreckage it leaves strewn behind in its flight then, I say, the company should pay for the privilege and pay dearly.

Mr. Speaker, I would hope the Committees on Education and Labor and Banking, Finance and Urban Affairs give serious consideration to my bill in the near future. Time is running out on people where companies run away.●

FLORIDIAN LETTER TO EDITOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.

● Mr. PEPPER. Mr. Speaker, distinguished colleagues concerned about the quality and dependability of Amtrak service to your areas, I would like to present to you a well-written "Letter to the Editor," which appeared in the Miami Herald on May 22, and points to some of the problems Amtrak has encountered in following its mandate as well as its own procedures, according to congressional intent.

Top-heavy management, expenses unrelated to direct transportation efforts, refusal to reroute less favored and badly scheduled trains, such as the Floridian, as Amtrak's "Route and

Service Criteria" themselves prescribe, and a noticeable lack, so far, of responsiveness to the public on the part of Amtrak, make the following letter from my area worthwhile reading. It is my hope that someone in Amtrak's well-staffed administrative offices does read the CONGRESSIONAL RECORD, and that the Floridian, which prevents Florida's Chicago and Midwest-bound passengers from having to go by way of Washington, Philadelphia, or New Orleans, as Amtrak currently recommends, will not be cut off, but instead be routed directly through Atlanta and Indianapolis, as any smart crow would try to do.

The article follows:

HOW AMTRAK CAN CUT COSTS

It was a foregone conclusion among rail-passenger advocates that Amtrak's Miami-Chicago Floridian would be on the discontinuance list recently put out by Transportation Secretary Adams. This is the third discontinuance threat to this train, and it has been stated that trying to eliminate the Floridian is almost an annual tradition.

Apparently the bureaucrats in the DOT are not aware that we have a democratic form of government, in which the mandate of the people dictates policy. In the last attempt to eliminate this train, Amtrak asked for public input. They got it in the way of 12,043 calls and letters; all but 315 stated that they wanted the train to stay on.

It is understandable that the deficit of Amtrak should be kept to a minimum. But the way to do it is not to take off the Floridian, but rather to cut top-heavy expenses in other areas of Amtrak. The ICC, in its report to Congress on the effectiveness of Amtrak, stated that transportation expenses totaled only 31.4 percent of Amtrak. They went on: "We are convinced that the share of expenses attributable to transportation is so low . . . we noted that even reductions in service over unprofitable routes would have a minimal impact on Amtrak's operating deficit, as the burden caused by transportation expenses is minimal."

During the years 1975–77, the number of executives, officials, and staff assistants rose 59 per cent; professional, clerical, and general staff jumped 65 per cent. Amtrak does not need an administrative and clerical staff totaling one-third of all employes and contributing to a total payroll of $272.3 million in fiscal year 1977.

The Floridian would be a success if managed correctly. Expenses should be cut in other areas of operation, not by taking off a train that the taxpayers have overwhelmingly mandated they want and which they would patronize given the obvious inducements.

CHARLES A. DUNN.●

A BILL TO REFORM THE MILITARY HEALTH CARE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, today I am introducing legislation to resolve a very serious crisis in the military health care system. This crisis adversely affects retired soldiers and their dependents and amounts to a terrible burden on the pocketbook of the American taxpayer. Paradoxically, while the hundreds of military health care facilities throughout the country remain half empty, more and more retirees and their dependents are being forced into CHAMPUS at a tremendous cost both to themselves and to the Government.

The cause of the current crisis is threefold. There are not enough physicians willing to elect a career in the Armed Forces; the number of retirees and dependents entitled to care at military facilities is growing larger every year while the size of our active duty peacetime force is shrinking; and finally, we are saddled with a disjointed military health care system that results in wasteful utilization of limited resources.

The essential elements of my legislation are the following:

First. Unifying the separate health care systems of the Army, Navy, and Air Force within the Office of the Secretary of Defense to improve coordination and planning of the entire military health care system.

Second. Introduction into the military health care system of efficient—capitation—budgeting methods to emulate the Kaiser-Permanente plan.

Third. Utilization of private physicians within the military health care system.

Fourth. Introduction of variable incentive pay for successful cost-containment by physicians within the military health care system.

Fifth. Maximization of the use and training of physician assistants, nurse practitioners and others involved in the provision of health care.

Sixth. Improved collection of third party payments for provision of care in military health care facilities.

Specifically, I would like to address each of these areas:

First. My legislation would improve planning and coordination within the military health care system by bringing together within the Office of the Secretary of Defense the now separate systems of the Army, the Navy and the Air Force. I propose the creation of regional authorities within the Office of the Secretary of Defense to coordinate budgeting, planning, programing, and evaluation of all activities of the military health care system and to coordinate the allocation of resources of the system.

Second. I propose a series of budgetary reforms to emulate the highly successful Kaiser-Permanente plan which has demonstrated the advantages of the pre-paid approach. The analogue of this approach within the military health care system is the adoption of "capitation" budgeting, or budgeting based on the projected cost of providing complete health care to a specific number and mix of eligible beneficiaries. My proposal allows each retiree and dependent to enroll in the military health care system for his complete health care needs.

Third. The military physician shortage threatens to continue due to the very nature of the limited manpower requirements of our peacetime forces. To pick up the slack in the underutilized military medical facilities, we need a public and private partnership. I propose that private physicians be allowed to treat patients at military medical facilities on a case-by-case basis with their fees paid through CHAMPUS. This will encourage greater use of military facilities which are cheaper to the Government and to the retiree than comparable facilities in the private sector.

Numerous problems, centered around CHAMPUS' billing and fee schedules, have discouraged many doctors from accepting patients under this program. My legislation calls for a claims officer at each military health care facility to speedily process CHAMPUS claims of physicians who treat patients at the military facility. Another incentive for private physicians to accept a commander's request to treat a patient at a military facility is that the Government will assume his malpractice liability as if while performing that service he were a military physician.

Fourth. Not only is the cost of CHAMPUS increasing at an alarming rate, but inadequate cost containment incentives at military health care facilities also result in an alarming amount of waste. The administration is developing the idea of variable incentive systems to improve performance in the civil service; I propose the creation of a variable performance incentive pay to encourage military physicians to contain health care costs. Although this approach is a departure from traditional methods of reimbursement, it promises to effect tremendous savings to the taxpayer while improving the quality of health care to retirees and dependents.

The variable performance incentive pay I propose would be paid to military physicians only if a surplus remains in the year end budget of their facility. In addition, at least 50 percent of any surplus would automatically be paid to the U.S. Treasury and none of the surplus would be subject to reprograming for purposes other than those directly related to the support of the military medical system. Input from patients, retirees, and dependents will be taken into consideration in evaluating doctor performance to determine the amount of incentive pay they are to receive.

Fifth. Another initiative called for by my legislation that will increase the availability of care at military health care facilities is the directive to the Secretary of Defense to maximize the use and training of physician assistants, nurse practitioners, and similar practitioners. The military's unique experience in training combat medics and other specialists who perform one or more functions typicaly performed by a physician should be put to greater use in its health care facilities.

Sixth. Finally, I propose that the Secretary of Defense take steps to improve the collection of third party payments for provision of care in military health care facilities. A recent GAO report stated that as much as $230 million a year could be saved if the respective armed services vigorously pursued these claims. My legislation directs the Secretary of Defense to provide for this recovery.

It is encouraging to note that the Armed Forces are presently implementing uniform reporting and recordkeeping which will enable the reforms that I have outlined in my legislation.

Mr. Speaker, the purpose of my legislation is to improve the quality of medical care this Nation is providing our present and former members of the Armed Forces and their dependents. Just as important, it is intended to bolster the commitment this country made to provide these citizens with decent health care services.

There is a crisis today in the military health care system. Insufficient medical personnel, wasteful utilization of limited resources, ineffective and inefficient health care services are all contributing to this crisis. And the price we pay is not only in inadequate health care; it is in a serious erosion of morale and confidence in our military services. It is my hope that this legislation will help restore that confidence and will insure that this Nation will indeed stand by its commitment to provide a strong and secure health care system for those who serve and have served in protecting a strong and secure America.

MISSION OBJECTIVES AND PREPARATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

Mr. FINDLEY. Mr. Speaker, on March 17, 1978, I led an 18-member agriculture mission representing a broad range of Illinois agricultural organizations and agricultural-support industries to the People's Republic of China. Gov. James R. Thompson, originally scheduled to head the mission, was unable to leave Illinois at the time the mission was scheduled to depart and designated me chairman.

The objectives of the Illinois agriculture mission included the desire to learn first-hand about China's agriculture and to exchange experiences in agricultural production, research, and technology with Chinese counterparts. As representatives of the leading agricultural export State in the United States, the mission also wanted to develop friendly contacts with the decisionmakers and buyers of soybeans, corn, breeding stock, farm machinery, and other agricultural commodities and equipment in order to make them aware of the high-quality products which Illinois has to offer and to encourage them to purchase Illinois products.

Another objective was to establish an exchange of scientists between Illinois and China, particularly in the areas of soybean and corn research. Invitations to buyers and scientists to visit Illinois were tendered so that closer commercial and scientific relations could be developed. Accomplishment of any or all of these objctives, or even the attempt to do so, had the overall additional benefit of strengthening friendly relations between the Chinese and American people and between their governments.

Preparations began in earnest as soon as the China International Travel Service (CITS) letter of August 13, 1977, approving the trip was received. After a series of meetings with China specialists in Washington, a suggested itinerary was sent off on October 6, 1977, to the host, CITS, giving dates, times, flight numbers, places, and names of organizations and communes the mission wished to contact and the types of activities which members hoped to observe while in China. The Chinese now had a concrete proposed program to examine 5 months before the mission was to depart.

That sequence points to one of the most important and basic features of the eventually highly successful visit of the Illinois mission—an early start on a thorough preparation for the trip. Identification of objectives, supported by background information on recent developments, problems, and questions to be explored and other related material, is an essential step to be taken as early as possible. Careful selection of the 18 members of the mission (a limit imposed by the Chinese) was designed to provide top-level representation of a wide range of Illinois agricultural interests and institutions. Seriousness of purpose and willingness to prepare on the part of each mission member were essential.

With early and thorough preparation recognized as essential, work began on briefing papers in September 1977, a half-year before departure. As mission membership crystallized and major and individual objectives were refined, materials were prepared on China's geography, political and economic situation, agricultural economy, population, foreign trade, and other basic subjects for study. Both the Department of Agriculture and the State Department provided comprehensive briefing books which were distributed to all mission members prior to the extensive briefing sessions by experienced China specialists which were held in Washington on January 25–26, 1978. The briefings were highlighted by a dinner for the entire mission given by Ambassador Han Hsu at the Chinese liaison office.

Work then continued on additional papers prepared by selected mission members for prior transmission to the various ministries, foreign trade corporations, and agricultural institutions which the mission expected to visit. We wanted the Chinese to know precisely what issues we wanted to discuss, especially in the area of expanding agricultural trade. The itinerary was again refined and sent off to Peking.

We also began assembling various agricultural and academic materials for presentation to the Chinese when we arrived. More than a dozen films dealing with subjects from egg production to food inspection were selected after viewing three times that number. The latest appropriate USDA publications were obtained for presentation. Seed samples of crops and varieties which would be of interest to the Chinese were secured from the leading seed producers and experiment stations in the country. A comprehensive directory of Illinois firms interested in trading with China was prepared and translated into Chinese to enhance its usefulness. Photos and biographic sketches of each member were assembled on an attractive brochure printed in Chinese and English.

In the latter months of 1977, preparations began for the selection and shipment of a prize Illinois boar to be presented as a gift to the farmers of China from the farmers of Illinois. The gift of a prize breeding hog, brought with difficulty and at considerable expense all the way from the United States, was immediately and highly appreciated by the Ministry of Agriuclture to whom it was formally presented. It was an indication not only of good will but also a demonstration of the quality animals China can obtain in Illinois as it attempts to modernize its agriculture and upgrade its swine through improved breeding.

SCHEDULE OF VISITS AND MEETINGS

Altogether the mission covered an impressive amount of ground during its relatively short stay in China. After arriving in Peking on March 20, 1978, we met with the Vice Minister of Agriculture and Forestry; the Vice Minister of Foreign Trade; and the Managing Director of China National Cereals, Oil, and Foodstuffs, Import and Export Corp. ("Ceroilfood") which is the largest and most important state foreign trade corporation (importing all grain, soybeans, and other oilseeds and vegetable oils, seed, feeds, and many other agricultural commodities). Mission members also met with three additional foreign trade corporations—"Native Produce," "Sinochem," and "Machimpex"—which import breeding stock, agricultural chemicals, and agricutlural machinery, all of which Illinois produces in quantity and quality and desires to sell to China.

Two dinners, both "firsts" for Peking, highlighted the visit to that city. One was a typical Illinois farm supper prepared in the kitchen of U.S. Ambassador Woodcock's residence from foods brought from Illinois by the mission. Minister of Culture Huang Chen (the former Ambassador in Washington) and his wife topped the array of high-level officials from several ministries and foreign trade organizations who attended the dinner. It was the largest dinner ever served in our Liaison Office, with far more Chinese present than at any time perviously. Furthermore, for many of the Chinese present it was their first visit to the U.S. Liaison Office.

The other dinner was the unexpected, unprecedented dinner hosted for us by 2 vice ministers of agriculture and forestry, along with 13 of their high-ranking officials and specialists. The attendance and friendly atmosphere at the two dinners clearly reflected an eagerness to communicate and exchange ideas that would not have seemed possible just a few months earlier. It was definitely a signal of desire for contact and friendship between the Chinese and Americans.

In Ch'ang-ch'un, the mission visited a tractor plant, a soybean crushing plant, and a people's commune. In addition, an important session was held with a group

of scientists from the Kirin Academy of Agricultural Sciences to discuss breeding work in corn, soybeans, wheat, and livestock.

In Shanghai, the mission visited a chemical fertilizer factory, which produced the widely used ammonium bicarbonate fertilizer, a swine breeding farm, and a grain commune. Several of the members also called at the Shanghai branch office of the China National Native Produce and Animal By-Products Import and Export Corp. (the Peking office of "native produce" had recommended the appointment, because the Shanghai branch handles the actual imports of breeding animals).

In Canton, the mission toured one of the large city produce markets, visited another commune, and held extensive discussions with a large group of professors from Kwangtung Huanan (South China) Agricultural College. Those discussions revealed the trend toward restructuring universities along more traditional lines after more than 10 years of disruption, if not chaos, following the Great Cultural Revolution of the 1960's.

The Chinese consider it essential for foreign visitors ("friends," as they are called) to see as much of China's ancient and modern culture as time allows. Although sightseeing was kept to a minimum in each city, we did visit the Great Wall, the Ming Tombs, the Forbidden City, and Chairman Mao's Mausoleum in Peking.

Other activities included a visit to the Ch'ang-ch'un Film Studio, the viewing of "Meng Lung Sha," a film banned for nearly 10 years by Chiang Ch'ing (Mao's wife and leader of "the Gang of Four"), Easter Sunday services in Catholic and Protestant Churches, a visit to the Shanghai Children's Palace, an acrobatic troupe performance and a visit to the National Peasant Movement Institute in Canton.

ACCOMPLISHMENTS

Although it was not known in 1977 when the dates for the trip to China were set, the visit could not have taken place at a better time for several reasons. In his report of February 26 to the Fifth National People's Congress, Chairman Hua called for modernization of China's agriculture and set several highly ambitious goals for 1985, including the production of 400 million metric tons of grain and the complete mechanization of agriculture. As a result of this speech and the new goal, there will be an all-out effort across the land.

Among areas which must be strengthened considerably to give the 1985 goals even an outside chance of being met is the highly important area of agricultural science. China has fallen far behind the West, especially since the Great Cultural Revolution, as its scientists freely admit. A massive effort must be made to rebuild China's universities and research stations and to upgrade the quality of China's science and scientists. China must turn outward to get the best available technology and scientific knowledge which can be obtained and adapted to its own needs. In fact, a national science conference was in progress during our mission's visit to Peking—one of the followup conferences resulting from Chairman Hua's directives at the National People's Congress. The conferences was opened by Chairman Hua and guided on a daily basis by Vice Premier Teng Hsiao-p'ing, because the subject of upgrading agricultural production is of such overriding importance and the need so obviously urgent.

China is vitally interested in the latest developments in plant and livestock breeding which are areas of great strength in Illinois. In addition to the germ plasm and a prize breeding Yorkshire boar, we also brought an offer to exchange scientists in corn and soybean research, areas of mutual interest and of increasing importance to China, especially in light of the new goals for 1985. Vice Minister of Agriculture Ho K'ang thanked us for the proposal to exchange scientists for perhaps 4 months at a time and promised to give us a decision in the near future. Vice Minister Ho stressed that he personally was convinced that such an exchange would be in the best interests of both countries. If he agrees, it will be a first for the University of Illinois College of Agriculture. In addition, Vice Minister of Agriculture and Forestry Chang Ken-sheng is expected to visit mid-America (Michigan, Illinois, and neighboring States) this summer to learn more about how our countries can help one another in the field of agriculture.

For the long term, scientific exchanges and related activities do much to improve the climate of friendly relations between our two countries. We believe that the dialog we have started with the Chinese officials can lead to improved relations.

PRC-US TRADE POLICY

As the leading producer of corn and soybeans in the United States, Illinois has the largest stake in expanding agricultural exports. In the period of 1972–74, China purchased large quantities of corn and soybeans from the United States (corn—$261 million; and soybeans—$208 million). Recently it has renewed its purchase of smaller amounts of soybeans and soybean oil.

The meeting with Vice Minister of Foreign Trade Chen Tuo-pin was particularly useful, because he was forthcoming in a number of statements. For example, he attributed the sharp drop in U.S. agricultural exports after the peaks of 1973 and 1974 to several factors including: First, a reduction in PRC requirements, and second, the lack of diplomatic relations. The Vice Minister assured the mission members, however, that it was China's overall policy to encourage United States-PRC trade, particularly since the "smashing of the "Gang of Four" which had objected to importation of foreign technology. Those objections no longer exist; in fact, Chairman Hua encourages the acquisition of foreign technology wherever it can be adapted to China's needs.

The Vice Minister mentioned that COCOM restrictions adversely affect United States-PRC trade, but played down the importance of the lack of MFN and blocked assets except to remark that in China's view, "the United States is not willing to solve the blocked assets problem." The real problem, Vice Minister Chen said, was the Taiwan problem; normalization must take place before trade can be improved.

I pointed out that our military forces on Taiwan have been reduced very substantially, a development which I hoped the Chinese Government would view favorably.

Queried as to the possibilities of barter as a trade tool, the Vice Minister responded that "generally speaking, we do not engage in direct barter, but it would depend on what commodities are involved.

Questioned by Congressman MADIGAN as to whether MFN or CCC credits (if granted) would be considered as positive steps in improving United States-PRC trade relations, Vice Minister Chen stressed that "credit has little to do with normalization. We do not like to be in debt; we had a bad experience with the U.S.S.R. so we no longer like to use credit. We do, however, accept the customary practices in international trade of deferred payments and payment by installments."

The Vice Minister went on to say:

> In most of our trade we pay cash and in package-plant imports we use deferred payments. We do not like either bank-to-bank credits or government-to-government credit.

In response to a question, the Vice Minister said there was "no doubt" that United States-PRC trade would improve if COCOM restrictions were lifted.

Vice Minister Chen's statement which was most encouraging for Illinois was his clear invitation:

> We welcome Illinois enterprises to establish contacts with our corporations directly.

He continued:

> We wish to develop direct business with Illinois.

These specific comments followed his general statement:

> We are preparing to increase our trade. A big increase.

He expressed the hope that "trade with the United States will increase, even without normalization, but it will be restricted."

Before the candid, informative meeting ended, Vice Minister Chen stressed that in the modernization of China's economy, agriculture has priority. "It is the foundation," he stressed. He assured the mission that "China will import the most advanced agricultural technology available—anywhere." The statements were positive and encouraging.

Indeed, it was only a few days after our mission returned to the United States that China bought a million tons of American wheat. It was encouraging that

the Chinese again bought U.S. wheat after the problems of 1973–74, and after a certain amount of lecturing on the TCK smut problem at the Ceriolfood meeting. A successful experience with the U.S. shipments to begin in May should greatly strengthen our competitive position in China's wheat market. We shall soon see how effective the measures taken in response to China's earlier complaints have been.

Of course, China must export in order to earn the foreign exchange with which to buy American agricultural products. Vice Minister Chen pointed out that the commodities which China would be interested in exporting to the United States include: First, textiles; second, minerals (including bauxite); and third, light industrial products. China is also interested in exporting petroleum, but domestic requirements are "very great," he said.

MISCELLANEOUS INFORMATION OF INTEREST

In the course of some 20 meetings and visits to communes and agricultural-support industries, a certain amount of agricultural information is bound to surface. Much that is learned is of peripheral or ephemeral interest, while a number of other items which could be considered to be of more-than-passing interest have already been mentioned above. A few other bits of information of possible interests will be noted here.

CHINA'S GRAIN TRADE POLICY

In more than one meeting the mission was reminded that China's grain trade policy was not simply to buy more grain, as a rule, but rather "to provide variety through export sales of higher-priced rice and imports of lower-priced wheat." This balance may be off sharply in some years. For example, from November 1976 through July 1977, China purchased nearly 12 million metric tons of wheat, but exported less than a million tons of rice. Despite this disparity, Chinese officials continue to cite a trade-off with rice as the major reason for wheat purchases, however costly.

HOG BREEDING

Chinese officials, long proud of their large litters and high survival rates, and with good reason, informed members of the Illinois mission that what they look for first in imported breeding stock is daily weight gain in meat-type hogs. Their litters are still large by U.S. comparisons. On the Star Swine Farm in Shanghai, average "Meisan" breed litters were 15.5, but litters of 17, 18, and 19 were observed. The largest litter at the farm had been 33. Results of cross-breeding with Soviet Whites have been better than those with Yorkshires and Danish Landrace, but tests are now underway with Duroc boars and the Chinese may test Canadian "Lacombe" boars.

HOG FEEDS

A variety of components are fed, reflecting local availabilities in most cases. Rations appear generally low in protein in the Shanghai area: Dried sweet potato slices (3 to 4 percent protein), vegetable greens, soybean meal, "soaked" barley and wheat bran and brewer's residue. In the Northeast, hogs were fed sorghum, corn meal, soybean meal, wheat bran and husks and brewer's residue.

IMPORTS OF U.S. SWINE

The mission was informed that China already has imported U.S. Duroc boars and that negotiations were underway for additional swine imports from the United States. (The outlook appeared good for Illinois in this potentially significant area.)

EGG PRODUCTION

On the Clear Moon Commune, total egg production and total egg mass produced is just over half what might be expected in an efficient U.S. operation. We were told that the average number of eggs per bird is 150 annually, and the average egg size is 50 grams each, yielding a total annual egg mass of 7,500 grams per bird. In the United States, one of our mission members expects his birds to produce 240 eggs annually averaging 60 grams per egg, or 14,400 grams total egg mass annually per bird. Thus, if this commune were to use U.S. breeding stock and technical support, it could expect to increase total egg production by 92 percent—almost overnight.

AGRICULTURAL MECHANIZATION

With a national goal of 85 percent mechanization by 1985 outlined by Chairman Hua in February, China's commitment cannot be questioned. Indeed, mechanization is vital if agricultural production is to grow to meet population demands. The bulk of mechanization will be accomplished from domestically produced equipment, and it is to be expected that low technology foreign designs will be copied, while specific high technology product gaps will be filled by imports (this will give U.S. machinery manufacturers an advantage). If mechanization is to be fully utilized, however, field sizes and cropping patterns must be drastically changed. Another problem will be what to do with labor freed as a result of mechanization. One commune director in Shanghai, asked what the workers might do, responded with three possibilities: First, more intensive farming (requiring hand labor); two, work in commune enterprises; and three, engage in "sideline production" such as raising pigs or poultry or growing mushrooms.

TRENDS IN MANAGEMENT

Since the Great Cultural Revolution of the sixties, the management of industrial facilities and people's communes, universities, and other institutions has been provided primarily by the revolutionary committees which had been installed in all such bodies. The direction was highly political, often at the expense of unused managerial or substantive expertise on hand. There is no question that the primacy of politics in many areas inhibited modernization, productivity, incentive, morale, and other requirements for healthy growth in production and science.

In our visits to factories and communes and in discussions with faculty representatives of research and educational institutions, members of the Illinois agriculture mission noted what appears to be new trends in the area of management. In Kirin Province, for example, direction of the Ch'ang-ch'un Tractor Plant, formerly carried out by the revolutionary committee, is now being provided by directors and engineers, although the factory will still be "under the leadership of the party committee." The mission was informed that "in general" the director of any factory is concurrently the deputy secretary of the factory's party committee, rather than a top official of the revolutionary committee, an indication that the revolutionary committee is now less powerful than in the recent past.

It was difficult to assess, in visits to only three rural people's communes, whether a similar change had taken place in the country as in the Kirin plant. Revolutionary committees were still in evidence, but on one commune, in Shanghai, the director was the secretary of the commune party committee (a smaller, perhaps more select group than the revolutionary committee). She was, however, concurrently a vice-chairman of the commune's revolutionary committee.

The roles of the two committees in introducing new production plans indicated that the party committee had more clout than the revolutionary committee. When the plan comes down to the commune from the state through the county structure, the revolutionary committee mobilizes the masses (commune members) for "discussion." But it is the commune's party committee which assigns the specific production quotas to be fulfilled by each production brigade and production team, reflecting more of a managerial than a political responsibility.

Discussions with faculty members of South China Agricultural College in Canton revealed similar changes in academia. Under an apparently recent reorganization, the college administration is now headed by a dean whose direction has replaced that of the revolutionary committee and the party committee which previously jointly ran the school. Mission members felt that a trend was developing toward restructuring universities along more traditional lines after more than 10 years of less efficient operation following the Great Cultural Revolution. The Canton college is now organized into eight faculties, or departments, which will be charged with an accelerated program of making up for lost time in training scientists and in carrying out agricultural research.

Other traditional management techniques also seem to be returning. In one commune-operated industry we visited, workers were paid under a system of "workpoints" which comprised a complex of factors. It was obviously an incentive system, which appeared to be in operation in other commune enterprises as well: Work harder, earn more.

RATIONING

The "planned supply" system, as the Chinese prefer to call "rationing," is designed to insure that commodities in limited supply are made available as equitably as possible. The mission learned that at least on one commune in the Shanghai area, certain commodities were rationed, as follows: First, rice—210 catties (105 kg) per family, regardless of size, per month; second, pork—1.25 kg per person per month; third, vegetable oil—0.3 kg per person per month; and fourth, cotton cloth—approximately 6 meters (1 meter wide) per person per year. Fish is not rationed nor is cloth made from manmade fibers.

CONCLUSIONS

China is committed under the new leadership to modernizing its "agriculture, industry, national defense, and science and technology" by the end of the century. Long before then according to Chairman Hua—by 1985—China must "lay a solid foundation for agriculture, achieve 85 percent mechanization in all major processes of farmwork * * * produce 400 million metric tons of grain "and increase the value of agricultural output by 4 to 5 percent annually."

China's communes, factories, universities, and research facilities are right now studying Chairman Hua's directives and making plans to strive to reach what many might consider next-to-impossible goals in such a short period.

With the recent and more practical approach of obtaining whatever foreign technology can be adapted to the Chinese need, we can expect a much more open approach to seeking technological and scientific support in overcoming candidly admitted shortcomings in many areas of China's agricultural economy. Those areas include needed improvements in most every sector of that country's crop and livestock economies—research, mechanization, agricultural chemicals, plant and livestock breeding, and feeding.

The Chinese are strong in some areas; rice production for example. But in those activities which Illinois does best—corn, soybean, and hog production, manufacture of farm machinery and equipment, and agricultural science research—China obviously can use support through the mutual exchange of information and scientists, the acquisition of high-quality swine and poultry breeding stock (which they have already begun) and the purchase of advanced technology. Any organization wishing to sell these products to the PRC will require some presence in China, at least in Peking, to be successful. Sales agents or other third parties can often assist in the development of business relations where it is not possible for U.S. firms regularly to send a representative abroad. Without question, there is no substitute for face-to-face contact by those who possess considerable trading expertise. That can take months, and years, to acquire. With the Chinese, patience is not only a virtue, it is essential.

The Illinois agriculture mission went to China to learn all we could and to make the Chinese aware of what we have to offer. The mission paved the way with goodwill, friendship, information, and interest. The Chinese know much more about Illinois now and they have expressed interest in visiting the State this summer and doing business with its firms. They will remember the visit; it made an unprecedented impact on a number of China's most senior agriculture and trade officials. It is up to the Chinese to take up the offers we left with them. It is up to both Illinois firms and the Chinese to meet again to discuss ways of developing a mutually beneficial trade relationship. I believe that the chances for success are excellent on both fronts.

Those who made up the Illinois Agriculture Mission to the PRC were:

Paul Findley, Chairman, Pittsfield, Member of Congress; Member, Committee on Agriculture.

Edward R. Madigan, Lincoln, Member of Congress; Member, Committee on Agriculture.

John R. Block, Knoxville, Director, Department of Agriculture, State of Illinois; and farmer (hogs corn, soybeans).

Donald L. Duster, Springfield, Director, Department of Business and Economic Development, State of Illinois.

Harold B. Steele, Princeton, President, Illinois Agricultural Association (Farm Bureau), largest farmer organization in the U.S.; and farmer (hogs, corn, soybeans).

Dr. Orville Bentley, Urbana; Dean, College of Agriculture, University of Illinois.

Hans W. Becherer, Moline; Vice President, Deere and Company, a major producer of farm machinery in the United States.

Allen Aves, Kirkland; Member, Soybean Operating Board for Illinois; Vice-President, American Soybean Association; Director, Land of Lincoln Soybean Association; and farmer (soybeans, corn).

Harold Dodd, Loami; President, Illinois Farmers Union; and farmer (corn, soybeans, wheat).

James Lilly, Chicago; Editor, Prairie Farmer magazine.

Orion Samuelson, Chicago; Farm news editor, WGN-TV and Radio, Chicago.

John R. Nelson, DeKalb; Vice President for Animal Sciences, DeKalb Ag Research, Inc.

Carrol Bolen, Princeton; President, Illinois-Wisconsin Division, Pioneer Hi-Bred International, Inc.

William W. Allen, Bloomington; Executive Director of Information, Illinois Agricultural Association.

Craig Findley, Virginia; Editor, Gazette-Times, Virginia, Illinois; and photographer.

Phil Bradshaw, Griggsville, Former President, Illinois Pork Producers Association; and farmer (hogs, corn).

Robert J. Wichser, Quincy; Administrative Assistant to Congressman Paul Findley.

Harold C. Champeau, Washington, D.C., Assistant to the Chairman and Foreign Agricultural Affairs Officer, Office of Agricultural Attaches, Foreign Agricultural Service, U.S. Department of Agriculture.

Our schedule of briefings prior to our departure included the following:

Wednesday, January 25:

3:00 p.m.—David Broder, a Washington Post newsman who recently returned from the People's Republic of China. 1301 Longworth Building.

7:30 p.m.—Dinner with Ambassador Han Hsu at the Chinese Embassy, 2300 Connecticut Avenue, N.W.

Thursday, January 26:

8:15 a.m.—Coffee and donuts, 1302 Longworth Building.

8:30 a.m.—Ambassador Christopher H. Phillips, President, National Council for U.S.-China Trade. Ambassador Phillips has traveled widely in China and should be able to answer questions on how to initiate and carry on trade with the People's Republic of China. 1302 Longworth Building.

9:30 a.m.—Ambassador George Bush, the United States' second Chief of our Mission in the People's Republic of China (appointed by President Nixon) and recently returned from a visit to China. 1302 Longworth Building.

10:30 a.m.—Break.

10:45 a.m.—Details and mechanics of trip to be reviewed. 1302 Longworth Building.

11:00 a.m.—Harry E. T. Thayer, Director for People's Republic of China Affairs, State Department; former Deputy Chief of U.S. Mission in the People's Republic of China. Mr. Thayer's staff prepared the green briefing book. He should be able to tell us what to expect, what to ask for and when, and how hard to press if we are denied our first request. 1302 Longworth Building.

12:00 noon—Break. Sandwiches will be provided during following briefing.

12:10 p.m.—Halsey L. Beemer, Jr., Committee on Scholarly Communication with the People's Republic of China. Mr. Beemer has escorted many Chinese agricultural groups around the United States and in turn accompanied several U.S. agricultural and scientific groups on trips throughout China. Mr. Beemer can tell us what similar Chinese delegations do in the U.S. and what we should seek to see and do in China. 1302 Longworth Building.

1:00 p.m.—Dr. Thomas B. Wiens, senior research analyst, Mathematica, Inc. Dr. Wiens will show a film he personally took of Chinese agriculture and give us a briefing on the current state of agriculture in the PRC. 1302 Longworth Building.

Our schedule of meetings and activities while we were in China was as follows:

(1) March 20, 1978 (1930) (Peking): Meeting with China International Travel Service (CITS) To plan Peking program. (See list of CITS dinner hosts, Item 3 below, for those present at meeting).

(2) March 21, 1978 (0830–1700) (Peking): Visit to Great Wall and Ming Tombs (while CITS worked out schedule of appointments).

(3) March 21, 1978 (1800) (Peking):

Dinner hosted by CITS at Restaurant of Nationalities:

(1) Mr. Yueh T'ai-heng, Deputy Head of CITS.

(2) Mr. P'I Hsueh-ch-en, Director of North American Section, CITS.

(3) Mr. Chang P'ei-ken, Chief of Reception of Americans, CITS.

(4) March 22, 1978 (1000) (Peking):

(5) Miss Lai Fang, Peking Office.

(6) Mr. Kuo Ch'un-sheng (Shanghai) in charge of permanent escort.

(7) Mr. Yuan P'ing (Shanghai) Interpreter (permanent escort).

(8) Mr. Kuo Rong-sheng (Shanghai) Interpreter (permanent escort).

(4) March 2, 1978 (1000) (Peking):

Ministry of Foreign Trade:

(1) Vice Minister Chen Tuo-pin.

(2) Mr. Chang Wen-chung, Deputy Chief of 3rd Department (U.S. Trade).

(3) Mr. S.P. Ch'en, U.S. Trade Desk Officer.

(4) Ms. Mao Wei-ch'ien, Deputy Chief of Division, Import Bureau.

(5) March 22, 1978 (1430) (Peking):

China National Cereals, Oils, and Foodstuffs Import and Export Corporation:

(1) Mr. Chang Chien-hua, Managing Director.
(2) Mr. P'u Chin-ch'in, Deputy Director.
(3) Mr. Wang Chieh-yen, Deputy Director.
(4) Mr. Shen An-jan.
(5) Mr. Liu Fu-ch'un.
(6) March 22, 1978 (1600) (Peking) (One group from mission):
China National Native Produce and Animal By-Products Import and Export Corporation:
(1) Mr. Ch'en Kuo-t'ai, Leading member of Import Division.
(2) Mr. Wang Hung-lin, Staff member of Import Division.
(7) March 22, 1978 (1600) (Peking) (One group from mission):
China National Machinery Import and Export Corporation:
(1) Mr. Huang, Manager, First Import Department.
(2) Mr. Liu Ching, Deputy Director.
(3) Mrs. Fan Gwei-shar, Responsible Person.
(8) March 22, 1978 (1600) (Peking) (One group from mission):
China National Chemicals Import and Export Corporations: (1) Mr. Tu, Deputy Director.
(9) March 22, 1978 (1830) (Peking):
Dinner at USLO hosted by Illinois Agricultural Mission: (See Attached List).
(10) March 23, 1978 (1030) (Peking):
Ministry of Agriculture and Forestry:
(1) Vice Minister Ho K'ang.
(2) Mr. Li Yung-kai, Director, Department of International Relations.
(3) Mr. Chao Shui-chung, Deputy Director, Department of Animal Husbandry and Aquatic Products, Peking.
(4) Mr. Ch'en Yao-ch'un, Poultry Specialist.
(5) Mr. Cheng Shao-p'ing, Swine Specialist.
(6) Mr. Huang Yung-ning, Staff Member, Department of International Relations.
(7) Mr. Ch'ien Fa-ken, Interpreter.
(11) March 23, 1978 (1550) (Ch'ang-Ch'un Kirin Province):
Meeting with CITS (To plan Ch'ang.ch'un program):
(1) Mr. Chai Shou-he, Manager of Ch'ang-ch'un Branch. CITS.
(2) Mr. Yen Lai-chiu, Interpreter.
(3) Mrs. Kan Huei-fen, Interpreter.
(4) Mr. Lu Cha, Interpreter.
(5) Mr. Liang Chang.
(6), (7) & (8) Permanent escorts: (Messrs. Kuo, Yuan and Kuo).
(12) March 23, 1978 (1900) (Ch'ang ch'un):
Meeting with Scientists from Kirm Academy of Agricultural Sciences:
(1) Prof. Ch'ao Shih-chun, Vice Chairman of Administration, Office of Institute of Agricultural Sciences.
(4) Prof. Wang Chin-hsien (Wheat Research Laboratory of Crop Breeding.
(3) Prof. Chang Yu-ming, Vice Director of Research Laboratory (Livestock).
(4) Prof. Wang Chin-hsien (Wheat Research).
(5) Ms. Kuo Wen-sui, Director of Corn Laboratory.
(13) March 24, 1978 (Ch'ang-ch'un):
Ch'ang-ch'un Tractor Plant:
(1) Mr. Ch'en Yao-wen, Deputy Chief Engineer.
(2) Mr. Chi Chieh-chih, Engineer.
(3) Mr. Liu Chao-lin, Director of the Administrative Office (of the tractor plant).
(14) March 24, 1978 (Ch'ang-ch'un) (Viewing of "Meng Lung Sha"): Visit to Ch'ang-ch'un Film Studio.
(15) March 25, 1978 (Ch'ang-ch'un):
Ch'ang-ch'un Municipal Soybean Crushing Plant:
(1) Mr. Sung En-chia, Vice Director of plant.
(2) Mr. Sung Shih-wen, Chief of Production Section.
(16) March 25, 1978 (Ch'ang-ch'un):
Ching Yueh (Clear Moon) People's Commune: Mr. Sung Hung-shen, Vice Chairman of the Revolutionary Committee.
(17) March 26, 1978 (1000) (Peking): Easter Sunday Services (at both Catholic and Protestant Churches).
(18) March 26, 1978 (1400–1600) (Peking): Visit to Chairman Mao's Mausoleum and Tour of Forbidden City.
(19) March 26, 1978 (1900) (Peking): Dinner for Mission hosted by Ministry of Agriculture and Forestry: *(See Attached List).
(20) March 27, 1978 (Peking): Visit to temporary quarantine quarters to inspect Illinois gift boar, "Big Jim".
(21) March 27, 1978 (Shanghai):
Meeting with CITS (To plan Shanghai program):
(1) Mr. YU San-shen, Leading member, CITS, Shanghai.
(2), (3) & (4) Permanent escorts: Messrs. KUO, YUAN and KUO.
(22) March 28, 1978 (Shanghai):
Chia-t'ing Chemical Fertilizer Plant:
(1) Mr. Hua Te-yuan, Director.
(2) Mr. Hsu Shih-ch'eng, Vice Director.
(3) Mr. Pao Li-t'ang, Technician.
(23) March 28, 1978 (1400) (Shanghai) (One group from mission):
Chia-Ting County Pig Breeding Farm ("Star Swine Farm"): (1) Cheng Fu-ming, In charge of Administrative Office, Chia-T'ing County Revolutionary Committee.
(24) March 28, 1978 (1530) (Shanghai) (One group from mission):
Shanghai Children's Palace: (1) Mr. 'Chiang Kung-tao, Host.
(25) March 28, 1978 (1900) (Shanghai): Shanghai Acrobatic Troupe Performance.
(26) March 29, 1978 (0900) (Shanghai) (One group from mission):
Shanghai Branch of China Native Produce and Animal By-Products Import and Export Corporation:
(1) Mr. Lee Tei-chung; Head of Import Department.
(2) Mr. Chou Yang-chien, Assistant Head of Import Department.
(3) Mr. Yang Rong-fan.
(4) Mr. Shen Kou-fu.
(27) March 29, 1978 (Shanghai):
Huang Tu (Yellow Ferry) People's Commune:
(1) Ms. Yang Hsiu-ying, Vice Chairman of the Revolutionary Committee and Secretary of the Commune Party Committee.
(2) Mr. Ku Yin-sheng, Head of Revolutionary Committee Administrative Office.
(28) March 30, 1978 (Canton):
Lok Gang People's Commune:
(1) Mr. Chen Char, Deputy Director of Commune.
(2) Mr. Chung Wo-kang.
(3) Mr. Tien Kuen.
(29) March 30, 1978 (1900–2200) (Canton):
Meeting with Professors of Kwangtung Huanan (South China) Agricultural College (Kwangtung Province): *(See Attached list).
(30) March 31, 1978 (0800) (Canton):
Canton Produce Market: (1) Mr. Wei Yeh-chin, Market Staff Member (conducted tour of market).
(31) March 31, 1978 (Canton): National Peasant Movement Institute (Inaugurated July, 1924) (Chairman Mao was Headmaster in 1926).
(32) March 31, 1978 (Canton): (Meeting of mission members to discuss observations and interpretations of visits and meetings in the People's Republic of China.)
(33) March 31, 1978 (Canton):
Goodbye Dinner in leading Canton Restaurant "Bei-vuan" (Illinois Agricultural Mission for CITS Permanent Escort):
(1) Mr. Kuo Ch'un-sheng (In charge).
(2) Mr. Yuan P'ing (Interpreter).
(3) Mr. Kuo Rong-sheng (Interpreter).
(4), (5), (6) and (7) (Representatives of CITS, Canton).
(34) April 1, 1978 (0830–1015) (Canton to Hong Kong):
Train trip to border. Observation of intensive rice cultivation (and harvest of winter wheat crop).

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT OF 1978

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 5 minutes.

● Mr. BOLAND. Mr. Speaker, the Alaska Act of 1978 has received the overwhelmingly support of the Members of the House. The impressive 277 yeas to 31 nays for passage of H.R. 39 is clear evidence that the vast majority of this body insists upon the protection for future generations a magnificent set of beautiful areas—seven new national parks.

Mr. Speaker, I have been a strong supporter of this legislation and am delighted that the House supported it so emphatically.

Because of previous and longstanding commitments, I was unable to be present on Friday, May 19 during consideration of several amendments to the bill and final passage. I had made my position known to the distinguished chairman of the Interior and Insular Affairs, the Honorable MORRIS UDALL on the amendments and passage of the bill. Had I been present I would have voted "no" on rollcall 336, "yes" on 337, "no" on 338, "no" on 339, and "yes" on 340 on final passage.●

PERSONAL EXPLANATION

(Mr. DUNCAN of Tennessee asked and was given permission to extend his remarks at this point in the RECORD).

● Mr. DUNCAN of Tennessee. Mr. Speaker, on May 22, President Carter visited my congressional district, stopping in my central city of Knoxville and nearby Oak Ridge. Due to this visit, I was unavoidably absent for all rollcall votes on this date. Had I been present, I would have voted as follows:

Rollcall No. 342, H. Resolution 1072, "yea"; rollcall No. 343, H.R. 11777, "yea"; rollcall No. 344, H.R. 11778, "yea"; rollcall No. 345, H.R. 11779, "yea"; rollcall No. 346, S. 2370, "yea"; rollcall No. 347, H.R. 12353, "yea"; rollcall No. 348, House Concurrent Resolution 555, "nay"; rollcall No. 349, House Resolution 1193, "yea"; rollcall No. 350, H.R. 12602, "yea"; rollcall No. 351, amendment to committee amendment No. 6 to H.R. 10729, "nay."●

PERSONAL EXPLANATION

(Mr. PREYER asked and was given permission to extend his remarks at this point in the RECORD.)

● Mr. PREYER. Mr. Speaker, due to a speaking engagement which I committed some 6 months ago, I was unable to be present on Friday, May 19, when several votes on amendments and final passage of H.R. 39, the Alaska National Interest Lands Conservation Act, were taken. Had I been present, my votes would have been as follows:

Rollcall No. 338, that continues mineral assessment provisions, and requires the President to submit a proposal to Congress by October 1, 1981, for a procedure for evaluating applications by individuals wishing to carry out mineral exploration or extraction on conservation system lands: "nay";

Rollcall No. 339, motion to recommit the bill: "nay";

Rollcall No. 340, final passage of H.R. 39: "yes." ●

BOB HOPE APPRECIATION

(Mr. CARTER asked and was given permission to extend his remarks at this point in the RECORD.)

● Mr. CARTER. Mr. Speaker, I am very pleased to join in congratulating Bob Hope on his 75th birthday and in letting him know the appreciation his fellow countrymen feel for his many years of service.

As one of the GI's in the Pacific whose spirits were lifted by the humor and patriotism of Bob Hope, I can testify that, for the thousands of us overseas during World War II, he truly served the national interest as none other could.

Proverbs tells us, "a merry heart doeth good like a medicine," and "he that is of a merry heart hath a continual feast."

Bob Hope certainly deserves a continual feast, and I salute him for his many years of cheerful sharing of his great good heart. May God grant Bob Hope many more years to entertain and to lift up the spirits of all Americans.●

OSHA REGULATIONS AND ENFORCEMENT PROCEDURES

(Mr. WAMPLER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. WAMPLER. Mr. Speaker, for years I have received complaints from small businessmen concerning OSHA regulations and enforcement procedures.

While the original purpose of the act establishing this agency was well intentioned, OSHA apears to have assumed more power than was intended by the Congress. We have all heard of some of the more senseless regulations issued by OSHA, such as those advising farmers of the dangers of cows and barns. Often, OSHA cites firms for violations without having any idea of how these violations can be corrected.

The millions of taxpayers dollars spent by OSHA have done little to improve the safety and health of workers in this country. The cost to private companies to comply with OSHA regulations is astounding; yet these regulations have been of little, if any, help to the worker. Statistics show that approximately three-fourths of work related accidents are caused by conditions beyond OSHA's control, such as behavioral problems or momentary unsafe conditions.

The many trivial regulations forced on small business by OSHA are ignored by the agency itself. OSHA's building in Washington, D.C. has been found to have hundreds of violations of their own regulations. OSHA should know, firsthand, what they are asking of our small businesses. They should have to comply with the same safety and health regulations. If OSHA feels their regulations are sensible and reasonable, they should have no objections to being in compliance with them.

I have introduced legislation to provide that requirements of the Occupational Safety and Health Act of 1970 with respect to employers shall apply to the Occupational Safety and Health Administration. Through amending the act in this manner we can hope to create some basic sensitivity for the problems of small businesses by making this agency subject, by law, to the same health and safety requirements.

The text of my bill follows:

H.R. 12853

A bill to amend the Occupational Safety and Health Act of 1970 to provide that the requirements of such Act with respect to employers shall apply to the Occupational Safety and Health Administration

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(5) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652(5)) is amended by adding at the end thereof the following new sentence: Such term also includes the Occupational Safety and Health Administration within the Department of Labor."

SEC. 2. Section 3(6) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652(6)) is amended by adding at the end thereof the following new sentence: "Such term also includes any employee of the Occupational Safety and Health Administration within the Department of Labor.".●

CITES CAROL FOREMAN'S PROPOSED NITRITE-FREE MEAT PRODUCTS A HEALTH HAZARD

(Mr. WAMPLER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. WAMPLER. Mr. Speaker, on April 28, the Assistant Secretary of Agriculture for Nutrition and Consumer Services, Ms. Carol Foreman, issued a proposed rule in the Federal Register to allow the use of the names "bacon," "hot dogs," "bologna," "ham," "salami," and "corned beef," on new, like-meat products that contain little or no nitrite or nitrate, key chemicals used in curing and preserving meat.

Meat processors seeking to qualify their nitrite-free products to use these traditional names would have to label their products stating the fact that the nitrite-free products are not actually preserved and that they must be refrigerated at temperatures below 40° Farenheit at all times.

Mr. Speaker, this is a dangerous proposal. It has not been adequately tested and on its face it invites an outbreak of the deadly bacteria, botulism, and food poisoning across the country; especially among children.

Picture, if you will, the mother arising early in the morning, reaching into a refrigerator containing two identically named and shaped packages of bologna—one nitrite-cured, the other nitrite-free—to make sandwiches for her children's school lunches. If she uses the nitrite-cured bologna, her children will be safe from botulism or food poisoning, even though it stays in a warm school locker for hours on end. On the other hand, if she uses the identical looking nitrite-free products she exposes them to potential disaster.

Monday evening I was joined by 13 of my colleagues from the House Committee on Agriculture in a letter to Secretary Bergland urging him to reverse and redraft his assistant secretary's proposal. We are not opposed to a new family of meat products—but we are opposed to permitting these products to be marketed under traditional generic names when the new products do not meet the same food safety standards.

A copy of our letter follows:

COMMITTEE ON AGRICULTURE,
Washington, D.C., May 22, 1978.

Hon. ROBERT BERGLAND,
Secretary, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: We the undersigned Members of the House Committee on Agriculture urge you to reverse the proposed rule of your assistant secretary for Nutrition and Consumer Services, Ms. Carol Tucker Foreman, to introduce new and untested noncured meat products under the generic name of traditional cured meat products into the market place. This action, if allowed to be promulgated as proposed, threatens the safety of millions of American consumers, including children of all ages, with exposure to the deadly bacteria, botulism, and food poisoning.

Your assistant secretary has stated to the press that this proposed rule to amend the Federal Meat Inspection regulations, appearing in the Federal Register of April 28, 1978 at page 18193, amending sections 317.17 and 318.7, and adding section 319.2, is "in response to consumer requests for nitrite-free products." In our many years as Members of Congress, we have received few, if any, requests on this subject from our constituents, whom we consider well-enlightened. We are also of the opinion that a poll of our colleagues would find only a few of their constituents who have requested this action. On the other hand, we have received a multitude of complaints regarding proposed actions by your Department to lower nitrites in processed meat products to such levels that the public might be susceptible to severe botulism hazards and other food poisoning.

We are quite aware that the meat industry

expressed early concern about the nitrosamine question and requested your predecessor to convene an Expert Scientific Panel to resolve this question. This, we might add, was well before pressures were exerted on your Department by so-called consumer organizations to ban nitrite as a meat curing agent.

The Expert Panel, after years of diligent study made a number of what we consider to be most reasonable recommendations to deal with the nitrosamine problem and the counter and concurrent problem of botulism and food poisoning. However, your assistant secretary has consistently, even as a "consumer advocate," fought the recommendations of the panel and has apparently chosen to adopt courses of action that seize upon new methods, as proposed in her April 28th rule or an even later proposed rule of May 15th, which have been inadequately tested to determine if these new processed meats could meet the demands of the public for these types of products and still be relatively low-cost, easily handled, and safe from botulism hazards and spoilage which induces food poisoning. In this regard, we wish to make it abundantly clear—we are not impressed by the flirtation of those in your Department with those with self-contrived consumer causes who wish to regulate the industry and force-feed our people with self-proved products—we are impressed, however, by solid scientific recommendations by the Department's Expert Panel which had, from our view, all of the public in mind.

In this particular instance the alternative proposal of your assistant secretary particularly disturbs us for food safety reasons. The proposed safety controls for these new and potentially high volume meat products are completely inadequate and invite an outbreak of botulism and other bacterially induced incidents across the country. It is obvious to us that your assistant secretary has overlooked the grave consequences inherent in the potential for accidental misuse of the new meat products proposed to replace traditional cured meat products. Hot dogs, salami, bacon, ham and corned beef are high volume, popular, traditional American foods. Current curing technology allows these products to be processed, stored, shipped, handled and cooked in a rather simple, and we might even say sloppy manner, in relative safety under the rules proposed by the advisory panel. On the other hand, the safety precautions prescribed by your assistant secretary require strict refrigeration controls at each step from processing to consumer use and place the burden of safety on each party handling the new product; children who take sack lunches to school would be particularly vulnerable. Moreover, confusion among the two types of products would most likely occur causing accidental misuse if generic names and shapes of products are permitted to be identical as proposed.

The very fact of the high degree of safety inherent in our existing meat products is the heart of the problem with FSQS' proposed rule. People know hot dogs are safe, even if they are taken on a picnic and perhaps not kept well chilled. People know bologna is safe to pack in a child's lunch and to be kept for hours in an unrefrigerated school locker. People know that if they mistakenly leave bacon on the kitchen counter long enough for it to come to near room temperature, they can still use it, re-refrigerate it, and use it again without risk. They know these things because they have learned them all their lives. They have learned they can confidently enjoy a wholesome diet of safe and reliable meat products.

We are not opposed to a new family of meat products. However, we are greatly opposed to permitting these products to be marketed under traditional generic names and the labeling proposed for the reasons outlined above.

To revise the proposal does not seem to be an obstacle to us. For example, we recommend your assistant secretary's proposed label be changed to read: "WARNING: The Secretary of Agriculture has determined that failure to keep this product refrigerated at temperatures below 40 degrees farenheit at all times is dangerous to your health." additionally, we recommend new and different generic names and distinct shapes for the new products. The new, non-cured meat product that would compete with the commonly called "hot dog," a cured product, could be called the "cold dog," to show that the non-cured product must be kept refrigerated to be safe. As to the shape of this new product, it could be made square to avoid its accidental confusion with the traditional round, cured "hot dog" which might be stored side-by-side with the new non-cured product.

In view of the above, we urge you to withdraw your assistant secretary's proposed rule and to direct this proposed rule be taken back to the drawing board, incorporating at the least changes similar to our recommendations.

We thank you for your continued cooperation.

Sincerely,

CHARLES THONE.
DAWSON MATHIS,
HAROLD L. VOLKMER,
WILLIAM C. WAMPLER,
TOM HAGEDORN,
JAMES M. JEFFORDS,
CHARLES E. GRASSLEY,
W. HENSON MOORE,
JAMES P. JOHNSON,
KEITH G. SEBELIUS,
EDWARD R. MADIGAN,
STEVEN D. SYMMS,
RICHARD KELLY,
RON MARLENEE.●

SOCIAL SECURITY UNIVERSAL COVERAGE STUDY WILL PROTECT PAST PENSION CONTRIBUTIONS

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, when the House considered the Social Security Financing Act (H.R. 9346) last year, we defeated a proposal to require universal social security coverage by 1982. This provision would have automatically included 7 million employees of Federal, State, and local government, and nonprofit organizations, in the social security system. However, the serious issues and questions raised by universal coverage were not addressed in that legislation, and we voted overwhelmingly to require the Department of Health, Education, and Welfare to conduct a comprehensive analysis of existing retirement programs which are independent of social security, and the financial impact of universal coverage for beneficiaries of these plans, and for State and local employers.

Last month, I sent a letter to HEW Secretary Joseph A. Califano, cosigned by 22 of our colleagues, explaining in detail what we consider to be the major issues which must be examined during the feasibility study. I am concerned about the possibility that universal coverage would increase costs to State and local governments already facing serious fiscal problems. However, my primary concern is to obtain assurance for workers not now contributing to social security that their pensions contributions will be protected and that their pension benefits will not be reduced, or their pension payments increased, by any proposal for universal social security coverage.

Secretary Califano has responded to our letter, and has expressed his agreement that past pension contributions must be protected under any universal coverage plan. I know that many other Members are concerned. Therefore, I am submitting for the RECORD my letter to Secretary Califano, and his response:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 19, 1978.

JOSEPH A. CALIFANO,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: As you begin studying the feasibility of universal social security coverage as mandated by Sec. 311 of the Social Security Financing Act (PL 95-216), we wish to bring to your attention several questions and issues which we believe the study should address.

As supporters of the so-called Fisher amendment which required this study, we also rejected a proposal to automatically implement social security coverage of employees of federal, state and local governments and non-profit organizations in 1982. We took this stand not because we oppose the concept of universal coverage but because we believe that the means of integrating government workers into the social security system should be carefully worked out before being mandated by law. With the future retirement of seven million workers dependent upon our action, we felt it would be irresponsible to approve a leap into mandatory coverage without a guarantee that the pension rights of all workers would be protected on an equitable basis.

We represent districts where many employees participate in retirement plans that are totally independent of social security. These federal, state, municipal, and school system workers fear that, should Congress mandate universal coverage, these independent retirement plans will be dissolved, or absorbed into social security trust funds. While these fears may be unfounded, our constituents have raised several serious questions which we feel must be thoroughly examined in the course of the feasibility study.

As we understand it, private retirement plans to supplement the basic social security payment may still exist under a universal coverage program. However, many independent retirement plans now offer full pension benefits after a given number of years, before the beneficiary reaches 65. What would be the effect of universal coverage on the ability of supplemental retirement plans to provide early retirees with adequate income before they achieve eligibility for full social security benefits?

Under universal coverage, the size of contributions made by employers and employees to private retirement systems would be smaller, thus reducing the fund's future earning power through investment. What additional costs would this mean for subscribers? Would overall benefits be reduced under a modified, supplemental system?

Many state and municipal employers are already faced with serious fiscal problems, especially in areas of high unemployment and slow economic growth. Who would finance the costs of integrating these retire-

ment plans with social security and how? The study should include proposals describing how and to what extent the Social Security Administration and other Federal agencies could assist State and municipal governments with the transition necessary to implement universal coverage.

We recognize the benefits of universal social security coverage. Employees will be able to carry their coverage from public to private employment, and retirees will be eligible for supplemental benefits, such as medicare, which serve the special needs of retired persons. However, if universal coverage is to become a reality, we must assure that all retirees participating in other systems receive what they deserve and expect from their past contributions. This is our primary concern, and we expect the feasibility study to analyze the impact of universal social security coverage on the retirement income of persons now participating under other plans.

We hope that the concerns expressed in this letter are shared by you, and we welcome any initial comments you may have concerning these recommendations.

Sincerely,

ROMANO MAZZOLI, JOHN F. SEIBERLING, GLADYS NOON SPELLMAN, GERRY STUDDS, AUSTIN J. MURPHY, DAN GLICKMAN, TOM HARKIN, JAMES JEFFORDS, PETER W. RODINO, RONALD MOTTL, WILLIAM HARSHA, CHARLES WHALEN, DON EDWARDS, WILLIAM HUGHES, B. F. SISK, RICHARD OTTINGER, JERRY PATTERSON, TENNYSON GUYER, FLOYD FITHIAN, JAMES SANTINI, JAMES WEAVER, STEWART MCKINNEY, and JOSEPH L. FISHER.

Members of Congress.

SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C.

Hon. JOHN F. SEIBERLING,
House of Representatives,
Washington, D.C.

DEAR MR. SEIBERLING: Thank you for your letter regarding the study of the feasibility and desirability of universal social security coverage mandated by the Social Security Amendments of 1977.

The issues presented in your letter are serious and important ones. I have asked Don I. Wortman, the Acting Commissioner of Social Security, who is organizing the study, to be sure that these issues are carefully addressed during the study and in our report to the President and the Congress.

I agree that any plan to bring under social security employees who are not now covered must protect their past contributions to other retirement systems. Currently, over 70 percent of State and local government employees and an even higher percentage of non-profit organization employees participate voluntarily in social security under the provisions of Section 218 of the Social Security Act. Most of these employees work under staff retirement plans for which both contributions and benefits have been coordinated with the social security system. We believe this experience will aid us significantly in examining the issue of universal coverage.

Sincerely,

JOSEPH A. CALIFANO, Jr.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CORMAN (at the request of Mr. WRIGHT), after 4 p.m. today, on account of official business.

Mr. DELLUMS (at the request of Mr. WRIGHT), for today, on account of illness.

Mr. KEMP (at the request of Mr. MICHEL), for today, and Wednesday, May 31, on account of official business.

Mr. RODINO (at the request of Mr. WRIGHT), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. QUAYLE) and to revise and extend their remarks and include extraneous matter:)

Mr. EMERY, for 5 minutes, today.
Mr. WHALEN, for 10 minutes, today.
Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. BLANCHARD) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. AUCOIN, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. PREYER, for 5 minutes, today.
Mr. BAUCUS, for 5 minutes, today.
Mr. BRADEMAS, for 5 minutes, today.
Mr. LEVITAS, for 5 minutes, today.
Mr. RODINO, for 5 minutes, today.
Mr. COTTER, for 5 minutes, today.
Mr. GAYDOS, for 5 minutes, today.
Mr. PEPPER, for 5 minutes, today.
Mr. ENGLISH, for 5 minutes, today.
Mr. PANETTA, for 5 minutes, today.
Mr. BOLAND, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FRENZEL, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,314.

Mr. ROONEY, on H.R. 7814, in the Committee of the Whole today.

(The following Members (at the request of Mr. QUAYLE), and to include extraneous matter:)

Mr. COLLINS of Texas in two instances.
Mr. KETCHUM.
Mr. CLEVELAND.
Mr. RUDD in two instances.
Mr. GILMAN in two instances.
Mr. LENT.
Mr. DERWINSKI in two instances.
Mr. RUPPE.
Mr. HYDE.
Mr. STEERS.
Mr. ASHBROOK in two instances.
Mr. LEACH.
Mr. FINDLEY.
Mr. MILLER of Ohio.
Mr. DORNAN.
Mr. FRENZEL in three instances.
Mr. BROYHILL.
Mr. DEVINE.
Mr. PRESSLER.

(The following Members (at the request of Mr. BLANCHARD), to include extraneous matter:)

Mr. WEISS in two instances.
Mrs. SPELLMAN.
Mr. ERTEL in two instances.
Mr. BRODHEAD.
Mr. CARNEY in two instances.
Mr. CORMAN.
Mr. DINGELL in two instances.
Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. FLOOD.
Mr. PEPPER.
Mr. REUSS.
Mr. MINETA in three instances.
Mr. RISENHOOVER.
Mr. WON PAT.
Mr. SKELTON.
Mr. ROSE.
Mr. TEAGUE.
Ms. MIKULSKI.
Mr. BEILENSON.
Mr. NOWAK in five instances.
Mr. OTTINGER.
Mr. MCDONALD.
Mr. BRECKINRIDGE.
Mr. CORNWELL.
Mrs. MEYNER in two instances.
Mr. PATTERSON of California.
Mr. NEAL.
Mr. BEARD of Rhode Island.
Mr. BYRON in two instances.
Mr. WALGREN.
Mr. SANTINI.
Mr. WAXMAN.
Mr. FRASER.
Mr. MAGUIRE.
Mr. ULLMAN.
Mr. MAZZOLI.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2687. An act for the relief of Dr. Allan Joseph Cawley; to the Committee on the Judiciary;

S. 2833. An act to extend the Farmer-to-Consumer Direct Marketing Act of 1976; to the Committee on Agriculture; and

S. Con. Res. 89. Concurrent resolution Authorizing the printing of additional copies of volume II of the Senate hearings entitled "Korean Influence Inquiry"; to the Committee on House Administration.

ENROLLED BILL SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3994. An act for the relief of Charles P. Abbott.

ADJOURNMENT

Mr. BLANCHARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 634 of the 95th Congress, the House stands adjourned until 12 o'clock meridian, Wednesday, May 31, 1978.

Thereupon (at 5 o'clock and 5 minutes p.m.), pursuant to House Concurrent Resolution 634, the House adjourned until Wednesday, May 31, 1978, at 12 o'clock meridian.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[*Omitted from the Record of May 24, 1978*]

4258. A letter from the Clerk, U.S. House of Representatives, transmitting the annual compilation of personal financial disclosure statements filed with the Clerk, covering the period October 1 through December 31, 1977, pursuant to rule XLIV of the Rules of the House of Representatives (H. Doc. No. 95–342); and ordered to be printed.

[*Submitted May 25, 1978*]

4259. A communication from the President of the United States, transmitting a draft of proposed legislation to provide for a National Commission on the International Year of the Child, and for other purposes (H. Doc. No. 95–343); jointly, to the Committees on Education and Labor, and International Relations, and ordered to be printed.

4260. A letter from the Deputy Assistant Secretary of Defense (Installation and Housing), transmitting notice of various construction projects proposed to be undertaken by the U.S. Army Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

4261. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting proposed final regulations governing the citizen education for cultural understanding program, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

4262. A letter from the Attorney General, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4263. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during April 1978, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

4264. A letter from the Librarian of Congress, transmitting the annual report of the Library of Congress, including the Copyright Office and the Library of Congress Trust Fund Board, pursuant to 29 Stat. 256 [2 U.S.C. 139], 17 U.S.C. 108(1), and 43 Stat. 1108 [2 U.S.C. 163]; to the Committee on House Administration.

4265. A letter from the Assistant Secretary of the Interior, transmitting a report on the Department's inability to promulgate standards of water conservation and efficient management to implement section 8(d) of Public Law 95–18, as amended; to the Committee on Interior and Insular Affairs.

4266. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of a proposed manufacturing licensing agreement for the production of certain military equipment in Japan (transmittal No. MC–27–78), pursuant to section 36(d) of the Arms Export Control Act; to the Committee on International Relations.

4267. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, Department of State, transmitting the justification for a proposed increase in the funding level of the agency's fiscal year 1978 program in Tanzania, pursuant to section 653(b) of the Foreign Assistance Act of 1961, as amended (88 Stat. 1801); to the Committee on International Relations.

4268. A letter from the Assistant Secretary of the Treasury for Legislative Affairs, transmitting various project performance audit reports prepared by the International Bank for Reconstruction and Development, pursuant to section 301(e)(3) of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

4269. A letter from the Acting Assistant Secretary of the Treasury for Tax Policy, transmitting draft amendments to the proposed Revenue Act of 1978 (H.R. 10278) to implement the Small Issue Industrial Development Bond and the Differential Investment Tax Credit proposals of the President's urban program; to the Committee on Ways and Means.

4270. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to provide for the protection from unauthorized disclosure of safeguards information and for other purposes; jointly, to the Committees on Armed Services, and Interior and Insular Affairs.

4271. A letter from the Task Panel on Migrant and Seasonal Farmworkers, President's Commission on Mental Health, transmitting the final report of the panel; jointly, to the Committees on Interstate and Foreign Commerce, and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JOHNSON of California: Committee on Public Works and Transportation. H.R. 1609. A bill to amend the Mineral Leasing Act of 1920, and for other purposes; with amendment (Rept. No. 95–924, pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 1204. Resolution providing for the consideration of H.R. 12598. A bill to authorize appropriations for fiscal year 1979 for the Department of State, the International Communication Agency, and the Board of International Broadcasting, to make changes in the laws relating to those agencies, to make changes in the foreign service personnel system, to establish policies and responsibilities with respect to science, technology, and American diplomacy, to establish a Commission on Proposals for a Center for Conflict Resolution, to establish an Institue for International Human Rights, and for other purposes. (Rept. No. 95–1216). Referred to the House Calendar.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 1205. Resolution providing for the consideration of H.R. 12240. A bill to authorize appropriations for fiscal year 1979 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes. (Rept. No. 95–1217). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 1206. Resolution providing for the consideration of H.R. 12426. A bill to authorize the Secretary of the Treasury to provide financial assistance for the city of New York. (Rept. No. 95–1218). Referred to the House Calendar.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3924. A bill to declare that the United States holds in trust for the Pueblo of Santa Ana certain public domain lands; with amendment (Rept. No. 95–1219). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 10240. A bill to declare that the United States holds in trust for the Pueblo of Zia certain public domain lands; with amendment (Rept. No. 95–1220). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3121. A bill to convey all interests of the United States in certain real property in Sandoval County, New Mexico, to Walter Hernandez; with amendment (Rept. No. 95–1221). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

Mr. ASHLEY (for himself, and Mr. REUSS) (by request):

H.R. 12858. A bill to provide assistance for specific neighborhood conservation and revitalization projects, to improve the capabilities of neighborhood organizations in planning and carrying out such projects, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 12859. A bill to provide Federal assistance to encourage community and neighborhood artistic and cultural activities, to promote sound urban design, and to contribute to neighborhood conservation and revitalization, and for other purposes; jointly to the Committees on Banking, Finance and Urban Affairs, and Education and Labor.

By Mr. BEARD of Rhode Island (for himself and Mr. St GERMAIN):

H.R. 12860. A bill to settle Indian land claims within the State of Rhode Island and Providence plantations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BINGHAM:

H.R. 12861. A bill entitled "The Urban Recreation Act"; to the Committee on Interior and Insular Affairs.

By Mr. BURKE of Massachusetts (for himself, Mr. PERKINS, Mr. THOMPSON, Mr. MURTHA, Mrs. CHISHOLM, Mr. MOLLOHAN, Mr. MAZZOLI, Mr. DENT, Mr. DUNCAN of Tennessee, Mr. PRICE, Mr. JOHNSON of California, Mr. YATES, Mr. EVANS of Colorado, Mr. MOSS, Mr. STAGGERS, Mr. CARNEY, Mr. JONES of North Carolina, Mr. FOUNTAIN, Mr. LONG of Maryland, Mr. ALLEN, Mr. PATTEN, Mr. STEED, and Mr. ANDERSON of California):

H.R. 12862. A bill to make Federal Employees Group Life Insurance available to otherwise eligible Members of Congress and congressional employees at any time before retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. COTTER (for himself, Mr. GRASSLEY, Mr. BLOUIN, Mr. ICHORD, and Mr. FLIPPO):

H.R. 12863. A bill to provide that certain statutory subsistence allowances received by State police officers will not retroactively be included in gross income; to the Committee on Ways and Means.

By Mr. EMERY:

H.R. 12864. A bill to amend the Fishery Conservation and Management Act of 1976 in order to improve the procedures relating to the approval of fishery management plans, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. EVANS of Colorado:

H.R. 12865. A bill to modify the boundaries of the San Juan and San Isabel National Forests in the State of Colorado, and for the other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FLIPPO (for himself, Mr. BEVILL, and Mr. FLOWERS):

H.R. 12866. A bill to amend section 15d of the Tennessee Valley Authority Act of 1933 to provide that expenditures for pollution control facilities will be credited against required power investment return payments and repayments; to the Committee on Public Works and Transportation.

By Mr. FLIPPO (for himself, Mr. HUGHES. Mr. LENT, Mr. FITHIAN, Mr. PATTERSON of California, Mr. KEMP, Mr. HEFTEL, and Mr. WHITEHURST):

H.R. 12867. A bill to provide for a research, development, and demonstration program to determine the feasibility of collecting in space solar energy to be transmitted to Earth and to generate electricity for domestic purposes; to the Committee on Science and Technology.

By Mr. HYDE (for himself, Mr. BUTLER, Mr. COHEN, Mr. EMERY, Mr. KELLY, Mr. LIVINGSTON, Mr. WINN, Mr. FRENZEL, Mr. MCCLORY, Mr. WIGGINS, Mr. RAILSBACK, and Mr. ASHBROOK):

H.R. 12868. A bill to provide an improved procedure relating to certain illegal searches and seizures; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 12869. A bill to amend title 28 of the United States Code to make certain changes in the places of holding Federal district courts, in the divisions within judicial districts, and in judicial district dividing lines; to the Committee on the Judiciary.

By Mr. KOSTMAYER (for himself, Mr. LUNDINE, Mr. MCHUGH, Mr. LEDERER, Mr. DRINAN, Mr. CONYERS, Mr. CARNEY, Mr. ADDABBO, Mr. MCKINNEY, Mr. DIGGS, Mr. MOAKLEY, Mr. DOWNEY, Mr. NIX, Mr. MURPHY of Pennsylvania, Mr. MARKS, Mr. ROYBAL, Mr. FAUNTROY, Mr. WALGREN, Mr. STOKES, Mr. ROSENTHAL, Mr. MINETA, Mr. HARRINGTON, Mr. RICHMOND, Mr. MITCHELL of Maryland, and Mrs. SCHROEDER):

H.R. 12870. A bill to preserve jobs and stabilize communities by facilitating employee, or employee-community, ownership of concerns that would otherwise close down or move out of the community, and for other purposes; to the Commitee on Banking, Finance and Urban Affairs.

By Mr. LAFALCE:

H.R. 12871. A bill to amend the Internal Revenue Code of 1954 to reduce from age 65 to age 62 the eligibility requirement for the exclusion of a certain portion of the gain from the sale of a principal residence; to the Committee on Ways and Means.

By Mr. LEACH:

H.R. 12872. A bill to amend the Coinage Act of 1965 to change the size, weight, and design of the $1 coin, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LENT:

H.R. 12873. A bill to amend the Internal Revenue Code of 1954 to provide pre-1969 tax treatment for capital gains; to the Committee on Ways and Means.

By Mr. MCCORMACK (for himself, Mr. TEAGUE, and Mr. GOLDWATER):

H.R. 12874. A bill to provide for an accelerated program of research, development, and demonstration of solar photovoltaic energy technologies leading to early competitive commercial applicability of such technologies to be carried out by the Department of Energy, with the support of the National Aeronautics and Space Administration, the National Bureau of Standards, the General Services Administration, and other Federal agencies; to the Committee on Science and Technology.

By Mr. MOAKLEY (for himself, Mr. RANGEL, Mr. STOKES, Mr. RINALDO, Mr. OTTINGER, Mr. MCHUGH, and Mr. CARNEY):

H.R. 12875. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for the cutting and removal of corns, warts, and calluses and the reduction of club nails; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. NEAL (for himself, Mr. FRASER, Mr. STUDDS, Mr. HARRIS, Mr. RANGEL, Mr. AKAKA, Mr. ALLEN, Mr. BRODHEAD, Mr. DELLUMS, Mr. BONKER, Mr. FREY, Mr. HEFTEL, Mr. PRESSLER, Mr. MADIGAN, Mr. PEASE, Mr. SCHEUER, Mr. WAXMAN, Mr. EDGAR, Mr. FORD of Michigan, Mr. GIBBONS, Mr. LENT, Mr. STARK, Mr. PRICE, Mr. BINGHAM, and Mr. LAGOMARSINO):

H.R. 12876. A bill to establish a Solar Energy Development Bank to provide long-term low-interest loans for the purchase and installation of solar energy equipment in commercial and residential buildings in the United States; to the Committee on Banking, Finance and Urban Affairs.

By Mr. NEAL (for himself, Mr. D'AMOURS, Mr. YOUNG of Missouri, Mr. WEISS, Mr. DOWNEY, Mr. AMMERMAN, Mr. CONTE, and Mr. PANETTA):

H.R. 12877. A bill to establish a Solar Energy Development Bank to provide long-term low-interest loans for the purchase and installation of solar energy equipment in commercial and residential buildings in the United States; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PANETTA:

H.R. 12878. A bill to amend title 10, United States Code, to promote the maximum efficient utilization of military health care resources and facilities, to contain the cost of military health care, to provide an improved health care program for members and eligible former members of the armed forces and their dependents, and for other purposes; to the Committee on Armed Services.

By Mr. RANGEL (for himself, Mr. BENJAMIN, Mr. BINGHAM, Mr. BRODHEAD, Mr. BURKE of Florida, Ms. COLLINS of Illinois, Mr. CONYERS, Mr. DICKS, Mr. DIGGS, Mr. GARCIA, Mr. GREEN Mr. HAWKINS, Mr. HARRINGTON, Mr OTTINGER, Mr. MITCHELL of Maryland, Mr. PATTERSON of California, Mr. PEASE, Mr. PEPPER, Mr. RICHMOND, Mr. ROSENTHAL, Mr. RYAN, and Mr. WHITEHURST):

H.R. 12879. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit to employers who hire unemployed youths; to the Committee on Ways and Means.

By Mr. ROE (for himself, Mr. STARK, and Mr. THORNTON):

H.R. 12880. A bill to increase the authorization for the Local Public Works Capital Development and Investment Act of 1976; to the Committee on Public Works and Transportation.

By Mr. RUDD:

H.R. 12881. A bill to repeal the Metric Conversion Act of 1975 (89 Stat. 1007); to the Committee on Science and Technology.

By Mr. RUPPE:

H.R. 12882. A bill to amend the Tariff Schedules of the United States to provide duty-free treatment for certain gloves and trousers which incorporate protective features designed specifically for use in forestry; to the Committee on Ways and Meaans.

By Mrs. SPELLMAN (for herself, Mr. SKUBITZ, Mr. CONTE, Mr. SISK, Mr. WHITE, Mr. MOSS. Mr. FASCELL, Mr. PIKE, Mr. RAILSBACK, Mr. WALSH, Mr. BOB WILSON, and Mr. CARTER):

H.R. 12883. A bill to make Federal Employees Group Life Insurance available to otherwise eligible Members of Congress and congressional employees at any time before retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. VANIK:

H.R. 12884. A bill to amend the Tariff Schedules of the United States in order to permit the duty-free entry of petroleum and petroleum products necessary for the strategic petroleum reserve program; to the Committee on Ways and Means.

By Mr. WALKER (for himself, Mr. GOODLING, Mr. GREEN, Mr. MCDONALD, and Mr. ROBINSON):

H.R. 12885. A bill to amend title 5, United States Code, to deny Federal retirement annuities to individuals convicted of any felony, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WAMPLER (for himself, Mr. MATHIS, Mr. SEBELIUS, Mr. JEFFORDS, Mr. BALDUS, and Mr. WHITLEY):

H.R. 12886. A bill to provide for the regulation by the U.S. Department of Agriculture of transactions in, and the movement of, biological control organisms in the United States so as to prevent and eliminate hazards to the agricultural community and to enhance the production of food and fiber; to the Committee on Agriculture.

By Mr. WHITTEN:

H.R. 12887. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to pay claims for damage to a water well, spring, or artesian well used or susceptible for use as a water supply, if construction or operation of any segment of the Tennessee-Tombigbee Waterway project is the cause of said damage; to the Committee on Public Works and Transportation.

By Mr. WON PAT:

H.R. 12888. A bill to amend the Internal Revenue Code of 1954 to provide that the pension plan reserves of a life insurance company shall include amounts allocable to certain trusts forming part of a pension, profit sharing, or stock bonus plan all of the participants of which are residents of Guam; to the Committee on Ways and Means.

By Mr. BAUCUS (for himself, Mr. ADDABBO, Mr. ALEXANDER, Mr. ANDREWS of North Dakota, Mr. ANNUNZIO, Mr. AUCOIN, Mr. BALDUS, Mr. BEARD of Rhode Island, Mr. BEDELL, Mr. BRADEMAS, Mr. BRECKINRIDGE, Mr. BRODHEAD,, Mr. BROWN of California, Mrs. BURKE of California, Mr. BYRON, Mr. CARNEY, Mr. CARTER, Mr. CHAPPELL, Mr. CONTE, Mr. CONYERS, Mr. CORMAN, Mr. CORNELL, Mr. DAN DANIEL, Mr. DENT, and Mr. DERRICK):

H.J. Res. 941. Joint resolution to authorize and request the President to issue a proclamation designating Sunday, September 24, 1978, as "National Good Neighbor Day"; to the Committee on Post Office and Civil Service.

By Mr. BAUCUS (for himself, Mr. DODD, Mr. DUNCAN of Oregon, Mr. EILBERG, Mr. FAUNTROY, Mr. FITHIAN, Mr. FLOOD, Mr. FORSYTHE, Mr. FUQUA, Mr. GUYER, Mr. HOLLAND, Mr. HOWARD, Mr. HUGHES, Mr. ICHORD, Mr. JACOBS, Mr. LAGOMARSINO, Mr. MANN, Mr. MAZZOLI, Mr. MCDADE, Mr. MCHUGH, Mr. JOHN T. MYERS, Mr. MURPHY of Illinois, Mr. MURPHY of Pennsylvania, Mr. PEPPER, and Mr. PRICE):

H.J. Res. 942. Joint resolution to authorize and request the President to issue a proclamation designating Sunday, September 24, 1978, as "National Good Neighbor Day"; to the Committee on Post Office and Civil Service.

By Mr. DEVINE:

H.J. Res. 943. Joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to enact and repeal laws by voting on legislation in a national election; to the Committee on the Judiciary.

By Mr. MAHON:

H.J. Res. 944. Joint resolution making urgent grain inspection supplemental appropriations for the Department of Agriculture, Federal Grain Inspection Service for the fiscal year ending September 30, 1978; to the Committee on Appropriations.

By Mr. BRECKINRIDGE (for himself, Mr. LIVINGSTON, Mr. EDGAR, Mr. RINALDO, Mr. SYMMS, Mr. SPENCE, Mr. MARRIOTT, Mr. KINDNESS, Mr. HYDE, Mr. ROBINSON, Mrs. CHISHOLM, Mr. HAGEDORN, and Mr. FORD of Michigan):

H. Res. 1207. Resolution relating to voluntary pooling of clerk-hire funds; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

417. The SPEAKER presented a memorial of the Legislature of the State of Arizona, relative to exempting public pension plans from Federal tax liability; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GORE:

H.R. 12889. A bill for the relief of Bobby G. Sanders; to the Committee on the Judiciary.

By Mr. HALL:

H.R. 12890. A bill for the relief of David J. Thomas; to the Committee on the Judiciary.

By Mr. ROBERT A. YOUNG:

H.R. 12891. A bill for the relief of Shoba Mansukhani; to the Committee on the Judiciary.

H.R. 11983

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

By Mr. FRENZEL:

(Amendments to the amendment of Mr. ANDERSON of Illinois.)

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Eighth District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Ninth District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 10th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 11th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 12th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 13th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 14th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 15th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 16th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 17th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

(c) Notwithstanding the provisions of this section no incumbent from the 18th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 19th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 20th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Eelection Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 21st District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 22d District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 23d District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 24th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 25th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 26th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 27th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 28th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 29th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 30th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 31st District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 32d District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 33d District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 34th district of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 35th district of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 36th district of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 37th district of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 38th district of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 39th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 40th District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 41st District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 42d District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 43d District of the State of California shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Colorado shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Colorado shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Colorado shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Colorado shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Colorado shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Connecticut shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Connecticut shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Connecticut shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Connecticut shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Connecticut shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Connecticut shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the At Large District of the State of Delaware shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Florida shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Florida shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Florida shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Florida shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Florida shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Florida shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of Florida shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Eighth District of the State of Florida shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Ninth District of the State of Florida shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 10th District of the State of Florida shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 11th District of the State of Florida shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971.

"(c) Notwithstanding the provisions of this section no incumbent from the 12th District of the State of Florida shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 13th District of the State of Florida shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 14th District of the State of Florida shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 15th District of the State of Florida shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Georgia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Georgia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Georgia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Georgia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Georgia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Georgia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of Georgia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Eighth District of the State of Georgia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Ninth District of the State of Georgia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 10th District of the State of Georgia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Hawaii shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Hawaii shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Idaho shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Idaho shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Illinois shall be eligible to receive payments under this title.'

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Eighth District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Ninth District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 10th District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new para-

graph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 11th District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 12th District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 13th District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 14th District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 15th District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 16th District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 17th District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 18th District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 19th District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 20th District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 21st District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 22d District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 23d District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 24th District of the State of Illinois shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Indiana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Indiana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Indiana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 4th district of the State of Indiana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the fifth district of the State of Indiana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the sixth district of the State of Indiana shall be eligible to receive payments under this title."

In section 2 insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the seventh district of the State of Indiana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the eighth District of the State of Indiana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the ninth District of the State of Indiana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 10th District of the State of Indiana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 11th District of the State of Indiana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Iowa shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Iowa shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Iowa shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Iowa shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Iowa shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Iowa shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Kansas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Kansas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Kansas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Kansas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Kansas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Kentucky shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Kentucky shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Kentucky shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Kentucky shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Kentucky shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Kentucky shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of Kentucky shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Louisiana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Louisiana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Louisiana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Louisiana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Louisiana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Louisiana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of Louisiana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Eighth District of the State of Louisiana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Maine shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Maine shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Maryland shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Maryland shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Maryland shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Maryland shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Maryland shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Maryland shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of Maryland shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Eighth District of the State of Maryland shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Massachusetts shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Massachusetts shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Massachusetts shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Massachusetts shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Massachusetts shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Massachusetts shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of Massachusetts shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Eighth District of the State of Massachusetts shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Ninth District of the State of Massachusetts shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 10th District of the State of Massachusetts shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 11th

District of the State of Massachusetts shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 12th District of the State of Massachusetts shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Michigan shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Michigan shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Michigan shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Michigan shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Michigan shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Michigan shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of Michigan shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Eighth District of the State of Michigan shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Ninth District of the State of Michigan shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 10th District of the State of Michigan shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 11th District of the State of Michigan shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 12th District of the State of Michigan shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 13th District of the State of Michigan shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 14th District of the State of Michigan shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 15th District of the State of Michigan shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 16th District of the State of Michigan shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 17th District of the State of Michigan shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 18th District of the State of Michigan shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 19th District of the State of Michigan shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Minnesota shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Minnesota shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Minnesota shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Minnesota shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Minnesota shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Minnesota shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of Minnesota shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Eighth District of the State of Minnesota shall be eligible to receive payments under this title." title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Mississippi shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Mississippi shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Mississippi shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Mississippi shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Mississippi shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Missouri shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Missouri shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Missouri shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Missouri shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Missouri shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Missouri shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of Missouri shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Eighth District of the State of Missouri shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Ninth District of the State of Missouri shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 10th District of the State of Missouri shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Montana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Montana shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Nebraska shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Nebraska shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the at large district of the State of Nevada shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of New Hampshire shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of New Hampshire shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of New Jersey shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of New Jersey shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of New Jersey shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of New Jersey shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of New Jersey shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of New Jersey shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of New Jersey shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Eighth District of the State of New Jersey shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Ninth District of the State of New Jersey shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 10th District of the State of New Jersey shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 11th District of the State of New Jersey shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 12th District of the State of New Jersey shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 13th District of the State of New Jersey shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 14th District of the State of New Jersey shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 15th District of the State of New Jersey shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of New Mexico shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of New Mexico shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Eighth District of the State of New York shall be eligible to receive payments under this title."

In section 2 insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Ninth District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 10th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 11th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 12th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 13th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 14th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 15th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 16th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 17th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 18th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 19th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 20th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 21st District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 22d District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section on incumbent from the 23d District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 24th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 25th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 26th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 27th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971;

"(c) Notwithstanding the provisions of this section no incumbent from the 28th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971;

"(c) Notwithstanding the provisions of this section no incumbent from the 29th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971;

"(c) Notwithstanding the provisions of this section no incumbent from the 30th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971;

"(c) Notwithstanding the provisions of this section no incumbent from the 31st District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971;

"(c) Notwithstanding the provisions of this section no incumbent from the 32d District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971;

"(c) Notwithstanding the provisions of this section no incumbent from the 33rd District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 34th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbert from the 35th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 36th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 37th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 38th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 39th District of the State of New York shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of North Carolina shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of North Carolina shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of North Carolina shall

be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of North Carolina shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of North Carolina shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of North Carolina shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of North Carolina shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Eighth District of the State of North Carolina shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Ninth District of the State of North Carolina shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 10th District of the State of North Carolina shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 11th District of the State of North Carolina shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent At Large from the State of North Dakota shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of of this section no incumbent from the Fourth District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Eighth District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Ninth District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 10th District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in propcsed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 11th District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 12th District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 13th District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 14th District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of of this section no incumbent from the 15th District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of of this section no incumbent from the 16th District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of of this section no incumbent from the 17th District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of of this section no incumbent from the 18th District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 19th District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 20th District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of of this section no incumbent from the 21st District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of of this section no incumbent from the 22d District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 23d District of the State of Ohio shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Oregon shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Oregon shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Oregon shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Oregon shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Oklahoma shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Oklahoma shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Oklahoma shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Oklahoma shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Oklahoma shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Oklahoma shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Eighth District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Ninth District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 10th District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 11th District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 12th District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 13th District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2 insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 14th District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 15th District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 16th District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 17th District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 18th District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 19th District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 20th District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 21st District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 22d District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 23d District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 24th District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 25th District of the State of Pennsylvania shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Rhode Island shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Rhode Island shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of South Carolina shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of South Carolina shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third

District of the State of South Carolina shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of South Carolina shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of South Carolina shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of South Carolina shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Tennessee shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Tennessee shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Tennessee shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Tennessee shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Tennessee shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Tennessee shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of Tennessee shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstading the provisions of this section no incumbent from the Eighth District of the State of Tennessee shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Nothwithstanding the provisions of this section no incumbent from the First District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section in incumbent from the Third District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Eighth District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Ninth District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 10th District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 11th District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 12th District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 13th District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 14th District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 15th District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 16th District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 17th District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 18th District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 19th District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 20th District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 21st District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 22d District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 23d District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 24th District of the State of Texas shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent At Large from the State of Vermont shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Utah shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Utah shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Virginia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Virginia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Virginia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Virginia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Virginia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Virginia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of Virginia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Eighth District of the State of Virginia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Ninth District of the State of Virginia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the 10th District of the State of Virginia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Washington shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Washington shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Washington shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Washington shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Washington shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Washington shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of West Virginia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of of this section no incumbent from the Second District of the State of West Virginia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of West Virginia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of West Virginia shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the First District of the State of Wisconsin shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Second District of the State of Wisconsin shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Third District of the State of Wisconsin shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fourth District of the State of Wisconsin shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Fifth District of the State of Wisconsin shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Sixth District of the State of Wisconsin shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Seventh District of the State of Wisconsin shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Eighth District of the State of Wisconsin shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent from the Ninth District of the State of Wisconsin shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent at large from the State of Wyoming shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no delegate from Guam shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no incumbent at large from the State of Wyoming shall be eligible to receive payments under this title."

In section 2, insert the following new paragraph in proposed section 502 of the Federal Election Campaign Act of 1971:

"(c) Notwithstanding the provisions of this section no delegate from the Virgin Islands shall be eligible to receive payments under this title."

SENATE—*Thursday, May 25, 1978*

(Legislative day of Wednesday, May 17, 1978)

The Senate met at 9 a.m., on the expiration of the recess and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray:

O Thou who are the Great Burden Bearer, a man of sorrows and acquainted with grief, we beseech Thee to be graciously near to our colleague, QUENTIN BURDICK. In the loss of a bright and promising son do Thou support and comfort Thy servant, his wife and family, in the knowledge that though we walk through the valley of the shadow of death Thou art with us, Thy rod and Thy staff, they comfort us and underneath are the everlasting arms. Draw them and all of us closer to Thee and to one another in the bonds of sympathy and love at the departure of Gage.

O Thou who are the Light of the minds that know Thee, the Life of the souls that love Thee, the Strength of the wills that serve Thee, help us so to know Thee that we may truly love Thee, so to love Thee that we may fully serve Thee, whom to serve is perfect freedom; through Jesus Christ our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 25, 1978.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair.

JAMES O. EASTLAND,
President pro tempore.

Mr. ROBERT C. BYRD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF LEADERSHIP

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Wednesday, May 24, 1978, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. BAKER. Mr. President, I have no requirement for my time under the standing order but on the off chance that one of our colleagues who is not yet in the Chamber may, on my time, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Senator has only 2 minutes.

Mr. BAKER. I shall use it.

The ACTING PRESIDENT pro tempore. That is not enough time for a quorum call.

Mr. BAKER. Very well. Then, in that view, I yield back those 2 minutes and now I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. And the time will come out of the first order.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SPECIAL ORDER

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from New York (Mr. JAVITS) is recognized for not to exceed 15 minutes.

THE ROLE OF THE BUSINESS COMMUNITY IN CETA

Mr. JAVITS. Mr. President, on Tuesday evening I participated, by invitation of the President, at a White House meeting called by the President to discuss preparations for implementing the new private sector employment and training program which has been included as a new title VII in the CETA reauthorization bill just reported by the Human Resources Committee.

This innovative new approach, called "Private Sector Opportunities for the Economically Disadvantaged," would enlist representatives of business and labor and, as provided for in our committee bill on CETA, S. 2570 (Comprehensive Employment and Training Act Amendments of 1978) representatives of community based organizations and local education agencies, in an effort to develop and foster greater training opportunities for the structurally unemployed.

The plan is based upon the pending bill for comprehensive employment and training, S. 2570, which has been reported out of the Human Resources Committee, of which I am the ranking member, as the amendments of 1978. We will devote something in the area of $11 billion to this program and under it some 725,000 public service jobs are contemplated. But in addition to this part of the program we have inserted a new title in the act, and I have the honor to have had a good deal to do with that, which seeks to start with roughly 100,000 to 125,000 of the structurally unemployed or one might call the hard core unemployed, that is, those who have been unable to break into the business system, or those who have been so long unemployed that they are part of the structurally unemployed, through the establishment of a Government-business partnership, which will involve a subsidy for training paid by the United States out of a fund of $400 million provided for in this title VII. This will require a very creative spirit both by the Government and by business.

My own relationship to this matter has existed for a very long time because we have had on-the-job training as part of the so-called CETA program. For some time we have been studying ways to engage the constructive participation of the private business community in the employment and training of the economically disadvantaged. We have sought guidance in this matter from, among others, the Committee for Economic Development, which published a most instructive report, entitled: "Jobs for the Hard-to-Employ—New Directions for a Public-Private Partnership."

There is near universal agreement that our CETA programs have overemphasized "public" approaches to employment and training and underutilized private sector opportunities.

Of course, public sector jobs and training must be an essential element of our unemployment program, but they cannot be relied upon as more permanent solutions.

Eli Ginzberg, the Chairman of the National Commission for Manpower Policy, testified recently that we had little information about the absorption rate of CETA public jobholders into unsubsidized employment. Clearly, there is need to build the private business sector into our Federal employment and training system.

Speaking in New Orleans before the U.S. Conference of Mayors last November, I made this very point:

> In my judgment we have not made the best use of the private sector of our economy in our manpower programs. There is some OJT in CETA, of course, but I suspect the inducement for private enterprise participation is somewhat limited. I believe a private-public partnership needs to be reestablished so that the long term unemployed can be given training and a real chance at lifelong careers.

Mr. President, the administration and the Human Resources Committee, collaborating in a bipartisan spirit and led by our chairman, Senator WILLIAMS and our subcommittee chairman, Senator NELSON (I am the ranking minority member on both), have developed a proposal incorporated in title VII of S. 2570, that has the main characteristics essential for success, to wit: First, direct participation of business and labor through local councils; second, involvement of the voluntary nonprofit sector; third, emphasis on reimbursement for private sector OJT; and fourth, integration within the existing manpower services delivery system.

I might add at this point, Mr. President, that the provisions of this new program are similar in many ways to the provisions of the youth employment bill coauthored by myself and the late Senator Hubert Humphrey, and introduced in January 1977 as S. 170.

Part B, of our bill "Youth Opportunities in Private Enterprise" was designed to "foster cooperation between the public and private sectors in the development of job opportunities for youths." We proposed an emphasis on private sector OJT in these programs and provided that prime sponsors give special consideration to applications for OJT programs submitted by for-profit employers, where supportive services were provided by community based organizations. Our intent was to involve prime sponsors, business and CBO's in OJT programs for disadvantaged youth. I am so pleased that the atmosphere of collegiality that prompted Hubert and I to develop that proposal now has been reflected in this White House endeavor as well as in this congressional proposal.

The new title VII of CETA provides for the establishment of local private industry councils (PIC's), to be composed of representatives of business, labor and, (if appointed by prime sponsors), representatives of community based organizations and local education agencies, which will be the front line troops, so to speak, in enlisting private businesses to hire and train the structurally unemployed. The PIC's will go out and promote OJT contracts, as well as conduct other activities, to facilitate and simplify the involvement of private business.

Many feel that existing OJT arrangements are heavily encumbered by red-tape and the need always to substantiate the calculation of "extraordinary" expenses reimbursement.

Hopefully, the PIC's will be able to simplify this process and persuade the private sector that much is to be gained from working with the local PIC's in obtaining productive employees and in saving on the extra costs of making new people productive.

Naturally, we have sought to have active business cooperation in this program. This is the first time that the money has been provided for, hopefully it will be appropriated, of $400 million, and that business itself has been enlisted to organize itself for the purpose of doing its part of the job, and the goal of 125,000 jobs has been set this year.

The principal agency for the purpose is the National Alliance of Businessmen, and it is they, through their president, Dr. Matlack, who is chairman of TRW, Inc,. who made the presentation, in addition to the President and the Cabinet, at the White House on Tuesday evening.

The National Alliance of Businessmen is for all practical purposes a coalition of the major business and industrial organizations in the country.

There is another aspect of this which is important, Mr. President, and that is that the presence at this White House meeting of the leading business people in the country. This augured well for the hopes for success of this enterprise. Present at the meeting were the president of General Motors, the president of duPont, the president of General Electric, and many others of the chief operating officers of the major corporations of our country, including A.T. & T., through John DeButts, and others of similar quality. There was a universal pledge of cooperation.

Now, the source of these projects will be the so-called prime sponsors, of whom there are 450 of these CETA programs in the United States, and those mostly are under the control of local government, such as mayors and the equivalent officials in given labor market areas, which we have boiled down, after a lot of trial and error, to 450.

The emphasis is going to be upon the hard-to-employ and the untrained, and it will be not only a training opportunity but also an educational opportunity through this particular title.

Mr. President, this represents the fruition of a magnificent effort and, at the local level, as I said, the operating arm will be what are called Private Industry Councils Committees, what we call PIC's, which will be composed of business, labor, and, permissively, representatives of voluntary organizations and other elements which the local prime sponsor may think desirable in order to do the job.

One of the big aspects of doing this job is the fact that these are local voluntary organizations, many of which are national, umbrella, organizations which operate locally. This program will be heavily focused, as can be understood, on the minorities, because one of the most aggravating factors in terms of the figures is the fact that you have among minority youth, for example, as much as 50 and 60 percent unemployment in given depressed areas of our country, especially in urban settings, and even on the national average figures, youth unemployment among minorities runs to three and four times, which is about its average, somewhere between 18 and 22 percent of the total unemployment, so it is a very shocking figure.

Now, in absolute figures compared to a work force of some 100 million it is not that great, but the social impact and the area impact, because of the heavy impact in given areas, like my own city of New York, the cities of Chicago, Los Angeles or other centers all across the country, is extremely serious, and so the participation of so-called community-based organizations or voluntary organizations in these efforts is very important to focus on that heavily impacted group.

The other reason for its importance is that we have found by experience—and there is a great deal of testimony on this before the Human Resources Committee, of which Senator WILLIAMS, who was just in the Chamber, and I guess he still is, is the chairman and I am the ranking minority member—in order to make this work, it is not just enough to have an enterprise like General Electric, let us say, take on some thousands of young people to teach a skill, but you also have to prepare a young person for knowing how to get up in the morning, knowing how to brush his teeth, take a bus, get to work, punch a clock, and so on.

In those respects the so-called community-based organizations are remarkably successful intermediaries in that threshold training, which is really pre-skill training, and the answer is that a number of them, like the Opportunities Industrialization Centers run by the Reverend Leon Sullivan of Philadelphia, are actually in the process of training in excess of 50,000 young people constantly in the various centers in the country in just this way, as intermediaries.

Mr. President, I am very pleased that title VII makes provision for the participation of community-based organizations on the local PIC's. I was deeply concerned that the original proposal we received in February did not provide for the membership of the CBO's. I have long been impressed with the demonstrated track record of Urban League, OIC, the Vocational Foundation and other voluntary associations to act as intermediaries in preparing and placing the disadvantaged in private sector employment. It is true that not enough OJT has been done under CETA, but that is not the fault of our dedicated nonprofit organizations.

They have labored in these vineyards for decades and, in my judgment, are indispensable to the success of any program designed to get the poor into regular employment. These community-based organizations have huge constituencies and have demonstrated their effectiveness in motivating the disadvantaged and in preparing them for the world of work. The CBO's have been enormously successful in teaching marketable job skills and in inculcating the attitudes and work habits necessary to function productively in modern society. OIC, for example, has operated classroom training programs in Philadelphia and elsewhere which have been successful in placing thousands of unemployed and disadvantaged youths in the private sector.

The National Urban League, under the leadership of Vernon Jordan, has an established record in operating employment and training programs going back to 1910, and is highly regarded for its job development programs with the private sector.

And since the 1930's, the Vocational Foundation in New York, headed by Walter Thayer, has been involved in preparing and placing in the private sector the most disadvantaged of our society.

There are other remarkable successes like an outfit called VERA; SER, which is essentially heavily concentrated among the Hispanic unemployed, is another of the same type.

We have taken great pains in our committee, with the cooperation of Senator WILLIAMS and Senator NELSON, who is chairman of our Employment Subcommittee, and are as deeply committed to this as anyone, to implement these organizations into this particular plan.

These private, voluntary organizations have succeeded, and often where others, including the public sector, have not: in preparing the disadvantaged and minorities for productive careers.

In my judgment, it is clear that the involvement of community-based organizations and local education agencies is indispensable to the private sector doing its job through on-the-job training.

The Urban League testified before our committee in March and had this to say about the PIC's:

> Presently under Title I there are effective community deliverers of OJT, job training and necessary support services who have a history of demonstrated effectiveness in working with the private sector and labor communities. In order to assure non-duplication of services and the participation of present deliverers in the planning and implementation of Title VII the following is recommended:
>
> (1) That private non-profit organizations which deliver OJT, job development and other training and support services under present Title I programs be funded for similar services under Title VII through contractual agreements with the prime sponsor and/or Private Industry Council; to avoid duplication of such services in each prime sponsor jurisdiction.
>
> (2) That private non-profit organizations who are deliverers of such OJT and job training programs be equitably represented on the Private Industry Councils with business and labor.

I hope Mr. Jordan, the Reverend Leon Sullivan, and all those who have worked so hard over the years to accomplish the very goals title VII of our bill proposes to establish will realize that their place in this process and on these PIC's is secure even though their participation is permissive rather than mandated.

I am so deeply indebted to our chairman, Senator WILLIAMS, and our subcommittee chairman, Senator NELSON, that they agreed to support an active role for these intermediary voluntary organizations in this program. Their leadership in this proposal and others we have considered is well known.

So, Mr. President, I think in the Human Resources Committee we have put together the elements needed to create that public-private partnership we have sought for so long; we have the catalyst that can marshal the support of the private business community in our country.

When our CETA bill comes to the floor, perhaps in late July, I believe we will have strong bipartisan support for title VII. I know our distinguished minority leader is personally as pleased as I am at what our committee has done. We conferred frequently on this proposal and the need to get the intermediaries involved and I know title VII reflects his own views.

I think it very important, and I could not be more pleased, that both the majority and minority leaders are here, as is the chairman of the Human Resources Committee. It seems entirely proper that we should focus this kind of attention on the proposition, because businessmen have every reason to be rather cynical about Government and politicians, and are always fearful we are going to exploit them, notwithstanding their good designs.

Mr. President, the new title VII looks very promising and seems to have aroused the real interest of American business, which is a particular interest of mine, and has been, for many years and hence, its future looks quite auspicious.

Right now it looks as if the worst features of any antagonistic relationship beween business and Government have been stripped from this effort, and that the best features are very prominent both on the business side and the Government side. I hope very much that my colleagues, who can be really decisive in this matter, will take a personal interest in their own community in this ongoing effort which is so important not only economically and respecting unemployment, but the freedom itself as at least five out of six jobs are in the private sector, and we all know that unless our people wear two hats, one as a citizen in the economy and one as a citizen in the polity, both equally independent, our freedoms are in jeopardy, and that is very much, therefore, directed at the right target.

So, Mr. President, I hope very much these words will be heard and that our colleagues will interest themselves on the local level, where this will all take place, in this very promising effort.

Finally, I repeat what I said about our private enterprise-Government OJT program when Hubert and I introduced our youth bill in January 1977:

> Business can become full and equal partners with Government; partners in the preservation of free enterprise, partners in the achievement of full employment; and partners in the extension of U.S. economic democracy to all Americans.

I ask unanimous consent that various exhibits from a number of publications may be made part of my remarks.

The PRESIDING OFFICER (Mr. HODGES). Without objection, it is so ordered.

The material ordered to be printed in the RECORD follows:

CARTER'S NEW PRIVATE SECTOR JOB PROJECT FOR UNSKILLED POOR TO COST $400 MILLION

WASHINGTON.—The Carter administration announced the details of its plan to enlist private businesses and labor organizations in an effort to find jobs for unskilled poor persons.

The $400 million program, called for in the President's budget proposal for the fiscal year that ends Sept. 30, 1979, actually will take shape over the next few months in a preliminary program involving efforts in 34 areas of the country.

That initial effort, to cost about $1 million, will provide funds to state and local governments as part of a "start-up phase" to test the plan while Congress considers the $400 million program.

Called the Private Sector Initiative Program, the plan ultimately will be administered by 450 state and local governments that currently are "prime sponsors" under the federal Comprehensive Employment and Training Act. Prime sponsors are governmental units that funnel federal funds into efforts to find jobs, most of them public-service jobs, for the unemployed.

But the new program is designed to open up jobs in private business to persons, mostly 18 to 24 years old, who normally have difficulty finding employment because they lack job skills. The program, as explained by the Labor Department yesterday, would be administered locally with the active participation by businesses, labor official and community-action groups.

PUBLIC SERVICE PROGRAM, TOO

Labor Secretary Ray Marshall described the program as an experiment designed to provide the "missing link" making it possible to transfer from public employment to private-sector jobs.

According to Mr. Marshall, the private-sector initiative is designed to augment the government's public service jobs program, which is projected to cost about $6 billion during the coming fiscal year. For that year, the administration wants a total of $11.4 billion for jobs initiatives, most of them designed to create jobs in the public sector.

The government currently provides about 750,000 public service job slots under the Comprehensive Employment and Training Act, and officials say the proposed private-job program would provide jobs for about 125,000 persons during fiscal 1979.

Under the program, the government will pay "stipends" to employers who agree to take on unskilled persons and provide the training they need to make them eligible for employment.

Labor Department officials said the stipends will average about $1,600 a year and range from about $300 annually for certain basic skills to $2,200 for more difficult skills. The projected jobs will carry wages ranging from the minimum wage, currently $2.65 an hour, to $5 an hour.

TO FUND TRAINING

But the officials emphasized the program isn't designed to augment the wages of those hired but to pay for the training poor persons need to help them compete for existing jobs.

Under the program, the prime sponsors will set up "private industry councils," made up of local business leaders, labor leaders and community-action groups, to act as clearinghouses to match up available jobs and training slots with job seekers.

The success of the program, officials agreed, depends on business willingness to

take on poor persons and give them training that other job applicants may have already. At a news conference yesterday, officials were questioned about the similarity between the proposed private-job plan and a current program to provide training for Vietnam-era veterans.

The government discovered from that program that many employers preferred to offer jobs to veterans without getting government reimbursements for training costs rather than become involved in the government red tape in the reimbursement process. But officials say that business has responded positively to the ideas contained in the new plan. "The reaction of the business community has been enthusiastic," said one official associated with the plan.

JOBS, JOBS EVERYWHERE—WITH HIRING HIGH AND SKILLS SHORT, TRAINING IS NEEDED

Looking for a job? It is the best of times—for people who have marketable skills. Before long they should be able to pick and choose among high-bidding employers. For just about everybody else, it is . . . well, hardly the worst of times, but at least a moment for worry. The unskilled jobless, especially if they are young and/or black, can expect little help from any further surge in business, unless job-training programs are expanded. And the nation as a whole is either at or nearing the danger point where a little bit less unemployment means a whole lot more inflation—which would hurt the jobless, retired people and even most of the employed and their families.

What has happened is an increase in hiring. Unemployment has dropped nearly two points since late 1976, to 6% last month, when 535,000 people found jobs. The 93.8 million Americans at work in April constituted 58.4% of the entire population aged 16 or over, by far the highest percentage ever; the prerecession peak was 54.7% in March 1974.

The newly employed include many people who traditionally have the most trouble finding work. In the past twelve months the economy has created more new jobs for adult women (2 million) than for men (1.6 million). Black unemployment has stayed high because of a flood of new job-seekers, but the number of employed blacks last month rose 7.2% above a year earlier, vs. a gain of 4.1% in employment of whites. The number of blacks at work jumped from 9.7 million to 10.4 million.

The growth of payrolls has been far larger than could have been predicted from any increase in sales or production. Says one bewildered Government economist: "Based on G.N.P. growth, the unemployment rate should be about 7%, not 6%." Some other experts see no mystery; in their view employers are rushing to catch up on hiring that they might have begun two or even three years ago, but put off because they feared that the business expansion would not last. Says James Fromstein, vice president of Manpower, Inc., a temporary-help firm: "Management has taken heart with each quarter of recovery, when things did not fall apart once more. When all the doubt was around, employment decisions were postponed. Now those decisions to hire cannot be delayed."

Already there are signs of shortages of skilled workers. The index of help-wanted advertising is at the highest point since tabulations began in 1951. Michigan mines and power plants cannot find enough ironworkers, pipe fitters, welders or millwrights. Allstate Insurance Co. has such difficulty hiring office help that it sends recruiters to Chicago-area high schools in search of students who are learning typing and shorthand. Says Employment Manager Charles Bashaar: "We even have the Welcome Wagon lady give a pitch for working at Allstate when she hands out gifts to newcomers in her area."

Economists differ on whether these signs add up yet to "full employment," an increasingly misleading term that is taken to mean the point at which further demand for workers sets off an inflationary wage explosion. Henry Wallich, a governor of the Federal Reserve, insists that the U.S. is already at full employment, even with a jobless rate of 6%. Liberal economists put the trigger point at 5½% or less, meaning that there is still some safety margin, but not much.

Herbert Striner, dean of the business school at American University, warns: "Wages are going to be bid up, because in another month or two we will have run through all the available skilled people. The labor market is going to get tight, and we're going to be hiring people away from each other."

Meanwhile, 6 million would-be workers—nearly all unskilled, and disproportionately concentrated among the young and black—remain jobless. What can be done for them? The answer decidedly is not to pump up the whole economy with more federal spending, bigger tax cuts or a faster rise in the money supply. That would only set off a further competition among employers to hire the skilled at inflationary wages.

The Administration has greatly expanded use of the Comprehensive Employment and Training Act, which provides states and municipalities with funds to hire the unemployed for public service jobs, such as playground supervisors or road crew laborers. CETA funding has doubled during the Carter presidency, to more than $11 billion budgeted for fiscal 1979, and the number of jobs to be filled has leaped from 310,000 to 725,000. The program, however, is at best a stopgap substitute for welfare. It takes the jobless off the streets but does not prepare them for permanent employment. Says Bernard Anderson, an economist at the University of Pennsylvania's Wharton School: "Most of the money has been spent on Job Corps-type programs of scraping graffiti off telephone poles rather than skill-training for specific jobs."

A much sounder approach would be to provide federal encouragement and money for training programs run by private business. One good model is the string of Opportunities Industrialization Centers started by the Rev. Leon Sullivan in Philadelphia and now operating in 137 communities. OIC first gives the hard-core unemployed brush-up courses in English, math, dress and deportment, then trains them for specific jobs (welding, typing, data processing), many of which, local businessmen report, are actually there waiting to be filled. In 14 years, says Sullivan, OIC has graduated 400,000 trainees and placed 300,000 of them in jobs; 80% stick.

In January the Administration put $400 million into the CETA budget to start business-conducted training programs. Some of this money will be paid to the employer to make up the difference between a trainee's worth and his wage. Last week the Administration followed up with a more generous plan: tax credits for companies that hire the hard-core unemployed, up to $2,000 for each person put to work. The cost could be $1.5 billion a year. This week President Carter will entertain 140 business and black leaders at a White House dinner and plead with them to hire and train under the program. Chances are they will agree, because blacks need jobs and business needs skilled workers.

OUR TURN TO LISTEN

Fourth. Expand on-the-job training (OJT) and apprentice ship programs in private industry, under contracts with government and under the supervision of private nonprofit organizations with proven capability in the field.

Amend Title I and Title III of CETA to allow more extensive on-the-job training for dropout teenagers, and coordinate this effort with increased permanent in-school presence of State Employment Service (as recommended in Barrier Breaker 1), and with expanded programs for cooperation among business, labor, and nonprofit organizations in hiring and training these youths.

OJT programs (under which government pays half of the training costs) now comprise only 8 percent of CETA Title I funds, and many localities offer no special assistance for minors leaving school. Yet subsidized OJT, under contracts between CETA prime sponsors and private industry, is the best currently available instrument for bringing dropout youths into the private sector where four-fifths of the jobs are found. Performance under OJT contracts can be monitored by private non-profit organizations that specialize in easing the transition between school and work for disadvantaged teenagers.

The nation's largest program of this kind is Chicago's Alliance of Business Manpower Services (CABMS), which in fiscal 1977 is expected to provide over 30,000 OJT jobs with more than 550 employers. Using a major accounting firm to simplify OJT procedures and reduce red tape, and employing management trainees to market the program, CABMS in two years has reduced approval time on OJT contracts from several months to 10 days, has substantially cut administrative costs, and has quadrupled Chicago's OJT activities. Although this effort differs from VFI's, in that only one-fifth of the Chicago trainees are under 22, there is no evidence of "creaming." CABMS clients are overwhelmingly minority dropouts without jobs for the last six months. Three-quarters of the contracts are with small businesses where the trainee-to-employee ratio is 1:4 or 1:3, and half of all the companies are minority-owned. Most of the training lasts between three and nine months, and costs less than $3,200. Few of the jobs involve unions or official apprenticeships, though union leadership participates regularly in CABMS. Retentions and positive turnovers to other jobs are estimated at more than 65 percent in the programs.

Programs of this kind, based on cooperation between business, labor, government, and nonprofit organizations, should be launched in major American cities and focused on the problems of the minority high school dropout. Businesses reluctant to hire disadvantaged youths because of the many special costs and disincentives, nonetheless will be more encouraged to participate in subsidized OJT with the assistance of nonprofit intermediaries like CABMS and VFI.

These programs will require approximately one-billion dollars of additional money for Title I and Title III of CETA—much of which could be shifted from Title II Public Service Employment and from Public Works funds, far less cost-effective in delivering jobs to the disadvantaged.

Mr. JAVITS. I yield to my colleague, the minority leader.

Mr. BAKER. Mr. President, I thank the Senator from New York for yielding. It is a great pleasure for me to have an opportunity this morning to join in this colloquy with the distinguished senior Senator from New York (Mr. JAVITS). There are few, if any, Members of this body who have been as instrumental in expanding the role of community-based organizations in the training and employment of the jobless than Senator JAVITS. I commend him for his work in this area and pledge my support for his efforts in the future to strengthen the role of community-based organizations.

I am particularly pleased, Mr. President, that President Carter has seen fit to recommend the appropriation of $400 million to support the creation of private industry councils. I am particularly pleased, again, to see the administration

embrace the concept of targeted tax credits as a means of encouraging private sector employers to hire the hard-to-employ. Both Senator JAVITS and I recommended the use of targeted tax credits for that purpose months ago, and I am certain that the distinguished Senator from New York was encouraged to see the administration come to this position. I commend Senator JAVITS for his leadership in the conceptualization of these efforts and his energy in pursuing that initiative.

The administration's proposals are significant, Mr. President, not so much because of their specific provisions, but because it indicates an increasing recognition of the fact that the private sector is the only real answer to the problem of structural unemployment. Last year, an unprecedented 4 million jobs were created in the private sector simply because the economy was expanding at a moderate rate. All of our best efforts here in Washington cannot compare to the capacity of the private sector to generate new jobs in an expanding economy. However, even in an expanding economy, there are those whom businesses are reluctant to employ for a variety of reasons. That is why community-based organizations and private sector job incentives are so necessary and important.

The $400 million sought by the administration for the creation of private industry councils represents a good start, in my judgment. However, much more can and should be done.

The targeted tax credit recommended by the President and aimed at the handicapped and unemployed youth is also a step in the right direction. However, it is not enough. For instance, Senators BELLMON, DANFORTH, RIBICOFF, and I have recommended in a welfare reform proposal a two-pronged private sector job creation effort.

We have proposed an expanded tax credit targeted at unemployed youth, employable AFDC recipients, and the long-term unemployed. We also suggested the creation of a jobs voucher program aimed at the same group of people. The reasons for two private sector employment initiatives, instead of one, are several.

First, the job creation tax credit concept is already in law, even though its success apparently has been limited. We believe that by targeting it and improving it in other ways, it can have a substantial impact on unemployment. However, the tax credit alone is not sufficient, because there are some businesses that are not eligible to participate. Those include firms which have not increased their employment over the previous year, as well as organizations which pay no taxes.

Another reason for a jobs voucher program is to test a concept which has been debated at great length, but never really tried. It is for that reason that I was very pleased to see the Human Resources Committee provide for a large demonstration project for job vouchers under title III of the CETA Reauthorization Act recently reported out of that committee.

The important considerations to bear in mind with respect to any private sector jobs program include the following: The necessity to minimize paperwork and the specter of Government supervision or intrusion in the affairs of businesses inclined to participate; the importance of aggressive advertising at the local level so that the private sector is fully aware of the existence of the incentives; proper targeting so that the incentives encourage the hiring of the hard-to-employ but do not so restrict the eligibility of the program to those most stigmatized in the employment context; and the propagation of a positive attitude among the private sector not only about the efficacy of the program, but also the significance of their contribution to solving one of this Nation's most serious problems.

Finally, Mr. President, the significance of community-based organizations in bridging the gap between the public and private sectors cannot be overemphasized. In the bill which I mentioned previously, we provide the Governor of each State the option of using community-based organizations not only for providing training and employment, but also as the administrative agency for the private sector jobs programs at the local level.

Mr. President, I ask the Senator to yield further only to say we are all indebted to him for his long, enlightened initiatives in this field, and again, as I have on previous occasions, I rise to commend him for what is not only important, but especially and uniquely the product of the fertile mind of the distinguished Senator from New York.

Once again, I commend the distinguished senior Senator from New York for conducting this colloquy, and look forward to further discussion of these issues in the near future.

Mr. JAVITS. Mr. President, I thank the Senator for those kind words. A number of other names should be listed in this connection, among them that of the Senator from Pennsylvania (Mr. SCHWEIKER), who ranks next to me on the Human Resources Committee and who worked with me on this matter, and the Senator from Georgia (Mr. TALMADGE), who has joined with me and Representative RANGEL of New York in sponsoring a bill for tax credits for initiatives of this kind.

I ask unanimous consent that our "Dear Colleague" letter dated March 23, 1978, be printed in the RECORD, as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

YOUTH EMPLOYMENT PARTNERSHIP ACT

DEAR COLLEAGUE: The Youth Employment Partnership Act of 19788, S. 2436/H.R. 11230, would replace the existing Jobs Tax Credit, due to expire on January 1, 1979, with a tax credit targeted specifically to the hiring of long-term unemployed teenagers.

Youth unemployment, particularly among minorities and in the inner cities, persists at intolerable levels, despite continued economic recovery of 1977 that has led to the creation of over four million new jobs. Indeed, the officially recorded unemployment rate for non-white youths was higher in January, 1978, than in January, 1977, even though the national unemployment rate fell in 1977 from 7.4% to 6.3%. Many observers believe these official statistics grossly understate the magnitude of youth unemployment in our country.

Federal jobs and training programs, such as the new Youth Employment and Demonstration Projects Act of 1977, can give some temporary relief but, because current appropriations enable us to reach only about 15% of the total number of unemployed youth and, because the programs do not offer career opportunities, they cannot be relied upon indefinitely. Since the problems of youth unemployment can best be addressed by the private sector, there is a critical need to generate private employment.

Accordingly, the Youth Employment Partnership Act would provide a refundable tax credit for private companies that hire and train either long-term unemployed youth or those youths who have been enrolled in CETA programs.

Our bill requires that for a firm to be eligible for the credit, overall FUTA wages must equal or exceed the previous year's FUTA wage base—defined as that part of the wage upon which unemployment insurance contributions are based. The maximum limit for this is $6,000 per year per employee for whom unemployment insurance contributions are paid by the employer. The amount of the credit, therefore, would be equal to one-half of the increase in the unemployment insurance wage base paid youths in excess of the previous year's aggregate unemployment insurance wage base. Hence, the maximum allowable tax credit per annum per such new employee would be $3,000.

This tax credit incentive would involve little administrative difficulties, would not substitute teenagers for existing employees, would involve little or no windfall for employment that might have occurred without the credit, and, finally, would involve little or no certification redtape for the firm.

The existing Jobs Tax Credit law has been found to have a number of deficiencies which the Youth Employment Partnership Act would remedy. First, the existing jobs credit is calculated from a base amounting to 102 percent of the previous year's unemployment insurance wages. The Youth Employment Partnership Tax Credit would be calculated on a base of 100 percent of the previous year's wages and, thus, provides a subsidy to to employer for hiring unemployed teenagers.

Second, because the Jobs Tax Credit is applicable for the hiring of any individual, there is no incentive to hire those who are most severely disadvantaged in the labor market. Our tax credit, on the other hand, is targeted exclusively at the hiring of teenagers whose history of long-term unemployment suggests the need for some employment cost subsidy and makes it unlikely that they would have been hired in the absence of the tax credit incentive.

We believe the Youth Employment Partnership Act can initiate a new spirit of collaboration between business and the Federal Government in the amelioration of one of our country's most severe economic and social ills. Indeed both the Committee for Economic Development and the National Urban League have endorsed the concept of providing special tax incentives for the hiring and training of unemployed youth.

We hope that you will give careful consideration to this bill and that we will have the benefit of your support and co-sponsorship. If you have any questions or require further information, please call Jim O'Connell (4–7686) or Bill Signer (5–4365).

Sincerely,

CHARLES B. RANGEL,
Member of Congress.
JACOB K. JAVITS,
United States Senator.

Mr. JAVITS. Mr. President, I wish to call attention to the fact that a member of the British Parliament, Mrs. Lynda Chalker, is my guest this morning. She has communicated to me, and I am

deeply indebted to her, the British experience with the intermediaries which I have described in my speech, and which she has emphasized are a necessary part of the effort we are about to undertake.

I now yield such time as I have remaining to the Senator from New Jersey.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. ROBERT C. BYRD. Mr. President, I understand that the Senator from Texas (Mr. BENTSEN) does not wish to use the time allocated to him. I ask unanimous consent that that time be placed under my control.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the Senator from New York for 5 minutes.

Mr. JAVITS. I thank the Senator. I yield to the Senator from New Jersey.

Mr. WILLIAMS. Mr. President, I rise to applaud the Senator from New York for taking this time to describe an important initiative that is new and yet an outgrowth of the many initiatives generated within our committee in connection with the CETA program. Certainly this new initiative through the President's program is not only most welcome, it is an element that is so greatly needed; and the enthusiasm of the business community, small businesses and large businesses alike, is remarkable.

We shared an afternoon and evening under the auspices of the President in the White House on Tuesday. The crosssection of business interest was complete and their enthusiasm refreshing and encouraging. It demonstrated that all of the attitude that will make an effort to move is there. The business people want to participate in this program of bringing jobs—and more than jobs, job training—to those who are finding it hardest to get meaningful and lasting jobs in this country.

Adapting this concept in the CETA bill that we have reported, together with the President's promise of $400 million for the program, augur well for it. In the first wave of response, 100,000 unemployed young people will benefit, then, in the time frames that are set, 200,000 and then 300,000, and this is one of the most promising responses we have seen for those whom we call the structurally unemployed. All of the necessary elements are together, including the capability to address the problem effectively and, most importantly, commitment and enthusiasm. Certainly the Senator from New York has done a real service to focus here in the Senate on this very, very worthwhile new initiative.

Mr. JAVITS. I am very grateful to my colleague, and thank the majority leader very much for his gracious courtesy and the minority leader for his participation in this discussion.

THE STATE OF THE ECONOMY

Mr. ROBERT C. BYRD. Mr. President, we are seeing increasing signs that the administration and the Congress have been making the right choices these past 16 months in their decisions regarding the economy. This is not to say that the economic picture is altogether rosy. Indeed, according to economic analysts, insuring continued economic growth will necessitate a fair-sized tax cut in fiscal year 1979.

The point that I wish to make is that there is much that is right about our economy—much that is right because of decisions made in light of the priorities of this administration

Most importantly, unemployment is at the 6-percent level, the lowest it has been in some 3½ years. The economic stimulus program proposed by the administration last year and passed by the Congress is to a considerable extent responsible for the dramatic increase in the number of employed persons and the drop in the number of jobless.

The improved economic picture is not limited to the employment situation. To get a sense of where we are, just take a look at the statistics reported last week. Personal income jumped 1.4 percent in April; this was the second such consecutive increase. Industrial output spurted 1.1 percent in April. Housing starts rose 6 percent in April after a record 31-percent gain the previous month.

The improved economic picture is also reflected in the status of the U.S. dollar. Pressure against the dollar has abated markedly in the past several weeks with the result that some of the value it had recently lost has been regained.

What this adds up to is that our economy should experience a strong second quarter; indeed, some analysts think that real growth in April, May, and June of this year may be as high as 8 percent. In short, currently there is considerable forward momentum in the economy although the expectation is that the rate of growth will moderate later this year.

Now, in order to sustain the forward momentum of the economy it is absolutely necessary that we persevere on the anti-inflation front. The pricing and economic decisions to be made in the months ahead by labor, business, and government must be consistent with the development of wage and price stability. The administration has proposed a good anti-inflationary program which I believe has the potential to bring down the rate of inflation.

It can and should be perfected, but most importantly it should be given a chance to work.

Success on the anti-inflation front—which can be achieved but not achieved easily—will mean that the administration and the Congress will have succeeded in steering the economy toward balanced growth—which means full employment and price stability.

I realize that it is currently fashionable to criticize the administration's anti-inflation program as doing too little; the same criticism was made last year of the stimulus proposals. I believe, nonetheless, that the administration's approach to combating inflation can guide our economy in the right economic direction, a direction which—if followed—will produce the same positive payoff as did the economic stimulus program enacted last year.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Resources of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate today to consider S. 707 and S. 3046, the Coal Pipeline Act of 1978.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate today to consider a prisoner exchange treaty with Bolivia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate today to consider S. 2995, legislation on the National Visitor Center.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Health and Scientific Research of the Committee on Human Resources be authorized to meet during the session of the Senate today to consider S. 3115, the National Disease Prevention and Health Promotional Act of 1978.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Routine morning business transacted and additional statements submitted are printed later in today's RECORD.)

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

LABOR LAW REFORM ACT OF 1978

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the unfinished business, H.R. 8410, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (H.R. 8410) to amend the National Labor Relations Act to strengthen the remedies and expedite the procedures under such act.

The PRESIDING OFFICER. The Senator from Utah (Mr. HATCH) is recognized.

Mr. HATCH. Mr. President, this morning in the Washington Post is an article I would like to characterize as excellent because of its factual data. I think it is

a good job of investigative reporting. That is the article by Jerry Knight, one of the Washington Post staff writers, entitled "SBA Withheld Criticism of Labor Law Revisions."

I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 25, 1978]

SBA WITHHELD CRITICISM OF LABOR LAW REVISIONS

(By Jerry Knight)

A Small Business Administration staff report highly critical of Carter administration-backed labor law revisions was withheld by the SBA for three months and released only after the Labor Department had written an accompanying rebuttal.

The SBA report claims the proposed changes in union organizing laws now being considered by Congress "would trip the delicate balance which exists between small business and labor in favor of the latter."

The report notes that labor unions in 1976 won 58.6 percent of their organizing elections in firms with 10 or fewer employes, compared with 50 percent of the votes in firms with up to 500 employes.

Describing proposed deadlines for action on labor organizing efforts as "quickie elections," the report calls other parts of the bill "patently discriminatory," and says "small firms will be most vulnerable" to the changes in labor laws.

The report was written by SBBA's Office of Advocacy, a small bureau created by Congress two years ago to assess the impact of government policies on small businesses and to act as a voice for small firms.

The Office of Advocacy in late January gave SBA Administrator A. Vernon Weaver its analysis of the labor law revisions that passed the House last session and now are the subject of a Senate filibuster.

The report was considered so sensitive that its authors made only six copies, carefuly coding each of them so leaks could be traced, then locked up the computer tape used to reproduce the reports on automated typewriters, according to SBA sources.

The SBA document remained secret until a few days ago, when—after more than two weeks of cajoling—Weaver turned over a copy to Sen. Orrin Hatch (R-Utah), a leading opponent of the labor law overhaul.

Accompanying the eight-page report—which carries two separate disclaimers stressing it "does not represent the official position" of the SBA—was a nine-page response from the Labor Department.

Along with both reports came charges from Hatch and SBA career employees that the White House Office of Management and Budget and the Labor Department tried to make Weaver keep the report secret and to intimidate its authors into changing their assessment of the bill.

OMB and Labor spokesmen yesterday denied they sought to suppress the report.

Recounting a series of phone calls to Weaver and lengthy delays in getting the report, Hatch said, "I don't think any United States Senator should have to go through this much pain just to get information like this."

One of the authors, attorney Michael Cawley, left the SBA recently after his temporary assignment ended and he was not reappointed. Another, Steve Mollett, director of the Office of Advocacy, has told coworkers he fears he will lose his job in an SBA reorganization now under way.

Mollett yesterday termed the report "a hot potato" that "certainly does not reflect the administration position" on the labor law revisions.

"If they had just released the ——— damn paper back in February, I don't think it would have been as volatile as it is today," said Mollett.

He confirmed that the Office of Advocacy was asked to rewrite the report, but declined to do so, apparently leading backers of the legislation to get the Labor Department to write a rebuttal.

SBA chief Weaver could not be reached for comment. Describing the flap as "an embarrassing situation," a spokesman for Weaver said he had sought Labor Department advice to get a more balanced picture of the impact of the bill.

"Weaver is on record supporting the bill," said the SBA press officer. Privately, however, Weaver is said to have defended his staff and expressed misgivings about the legislation.

SBA sources said Weaver feared making the critical report public because he had already been called on the carpet at the White House for another Office of Advocacy report. The office last year published a study saying the then-proposed consumer protection agency would harm small businesses. Under orders from the White House, Weaver wrote letters to members of Congress saying the SBA supported the consumer agency legislation, which died in Congress.

The author of the consumer agency report, a GS15 named Barbara Dunn who had worked for the government for less than a year, was later fired.

An aide to Labor Secretary Ray Marshall said that department prepared its response to balance an unfair report by SBA's Office of Advocacy. "Every time a piece of social legislation like this comes down the pike, this group at SBA does something like this," he complained.

Mollett responded that his nine-member office is supposed to represent the position of small businesses, adding that "95 percent of small businessmen are opposed to this bill."

The SBA study says that if the measure becomes law "a largely unorganized management (will be) pitted against an efficient and effective union effort."

It criticizes "equal access" provisions of the law which would allow union organizers to talk to workers on the job if management decides to address workers on the job. While the Office of Advocacy says this would "penalize employers for utilizing the only available forum," the Labor Department response contends it would put labor and management on an equal footing.

Also criticized is a provision of the law that would allow companies found guilty of willful violation of orders of the National Labor Relations Board to be denied government contracts. The report contends this will make union organizing easier at many small companies that operate under SBA's 8A program for minority firms. The small firms will give in to unionizing efforts rather than risk losing the government contracts on which they depend, the study predicts.

The Labor Department counters that the threat of losing government contracts is used as a penalty in enforcing equal opportunity and other laws and does not single out small business.

The department also says that "employers have an overwhelming advantage" in telling their side of the story to employees, requiring changes in the law. It contends that deadlines for holding elections on union representation are needed to keep employers from stalling indefinitely to avoid a vote.

Mr. HATCH. I shall not read this article because almost everyone has read it. I do compliment Mr. Knight. As an investigative reporter, I believe he has done an excellent job of delving into the facts, of finding out the true state of facts regarding this particular controversy. Other than a few parts that I would personally change if I were writing it, I think it is an excellent article and makes very good points.

One of the things I would like to say is that having been personally involved in what was a very difficult time in getting this Office of Advocacy report, it pleases me that people in the media are interested enough in trying to get the actual facts in this matter. There are some facts which are not included in the report, though I believe I have covered a number of them in prior comments on this particular issue.

What bothers me is that any Senator, regardless of his lack of seniority, regardless of his party affiliation, should have to go through the pain that I had to go through to get that Office of Advocacy report.

I really believe that the bureaucracy should be amenable and cooperative to Senate requests. Whether it is this particular problem or problems raised by my friends, Senators ABOUREZK and METZENBAUM, with whom I disagreed in the Pearson-Bentsen debate, I think there should be cooperation.

I do congratulate the head of the Small Business Administration because he felt we deserved this information. The impoundment was placed on the information by the Office of Management and Budget, which I believe received its orders from somebody at the White House. I do not know who at the White House gave the orders, but this was not the first time that we have been stonewalled on obtaining information which was uncharacteristically, for this administration, unkind to this particular bill.

The first time was when, having learned that a report existed, we tried to get the economic impact analysis done by the General Counsel's Office of the National Labor Relations Board. I cannot begin to tell you, Mr. President, the frustration that we went through just trying to get that economic impact analysis. And that was before this bill was to be reported by the committee. The fact of the matter is that it was the type of information which the committee needed before it did report the bill. In fact, we did report the bill prior to getting that information, which was also impounded by Mr. McIntyre of the Office of Management and Budget.

In the same way, the SBA Office of Advocacy report was stonewalled. That bothers me.

There are two views within the administration concerning this bill. There is the view of Mr. F. Ray Marshall, who is the Secretary of Labor, that this bill is the nirvana for the labor movement. I would have to agree with that particular characterization, that it is the nirvana for the labor movements, but it is the depths, or as the teenagers say today the pits, for everybody else. That viewpoint has been adequately expounded by the administration and by admininstration leaders all over the country.

On the other hand there is a large segment of career civil servants, who really want to do what is right in matters such as this, who indicate that this bill has basically no redeeming social

significance or consequences, and that this bill really will be detrimental not only to small business but to almost every business in this country and in the end really, I believe to the employees themselves most of all.

Regardless of these two particular points of view, and they are divergent points of view, I do not see why this administration or any other administration should try to stonewall these records and these reports. I think in the process they have done the proponents of this particular bill a great disservice because in the process they have made it look like they have something to hide, like they really have something to hide.

As a matter of fact, during the frustrating process of trying to get these two particular bits of information, which are crucial to an understanding of this bill, I have to admit I felt as though not only were they trying to stonewall it but they were trying to, in an undignified and I think totally irresponsible way, promulgate only their point of view irrespective of the fact that there can be differing points of view on legislation such as this.

I have indicated in the past when I have discussed this bill on the floor that I was raised in the union movement and I have a lot of respect for it. I do not want this delicate balance which presently exists to be tilted in favor of large corporations. I just do not want that to happen. I believe I would fight just as strongly against a tilt toward the large corporations. This is more than a lift if this bill passes. This will be a landslide toward the Washingtonian labor union leaders' points of view.

I believe what we should be doing in legislation like this is to try to come up with the best legislation which will be good, balanced, and reasonable for everybody. If we have ills on both sides—and I pointed out a number of ills yesterday just as a preliminary to future speeches on this matter—we ought to correct them. If we are going to call something "reform," then it ought to be reform. It ought not to be an easy organizing bill such as this, a bill which I think oppresses certain businesses in this country, certain employees in this country, and, I think, the country as a whole.

We have had more than ample evidence that this bill is inflationary, or would be inflationary if it passed; that it would be detrimental to small business; that it would be detrimental to big business; that it would be detrimental to employees; that it would be very beneficial for those who want to organize America. If that is the greatest goal of America, then this bill certainly should be given great consideration, as I am sure it will be.

But I do not think that is the greatest goal in America. I think the greatest goal in America is fairness, decency, balance, and an even-handed approach toward all segments of our society, not just an overhanded approach to one segment in society.

With regard to the Patrick Caddell Cambridge research poll:

Mr. President, we in Washington, it seems to me, need the support and opinions of our countrymen. We get all kinds of advice every day, in the press, on the radio and television, in letters from our constituents, and so forth.

Yesterday, the distinguished minority leader released a poll taken by an American poll taker which gave us the results of findings he has uncovered in the last few weeks. This was a nationwide survey on what the American public thinks about labor unions and the need for legislation on this subject.

Mr. President, this new survey is especially timely since we are at this moment engaged in debating this bill to give unions more power and to help them to expand their union membership, especially since over the last 2 years they have lost 760,000-plus dues-paying members, better than 51 percent. They have lost better than 51 percent of the representational elections. They have lost better than 51 percent of the decertification elections.

They have been losing local unions across this country. And, of course, they have had very great difficulties in some ways because, I believe, the labor movement in America is becoming too fat and too Washington-oriented; Washington-oriented in the sense that they play centrally-planned economics over the free enterprise system, which creates jobs in our society. It seems to me they are centralizing on creating public-sector jobs, rather than private-sector jobs, jobs which, I submit, would be the lifeblood of the union movement if they would just recognize it.

Mr. President, Patrick Caddell, Jimmy Carter's personal poll taker, has come up with a conclusion based on extensive interviews that "most Americans do not favor efforts to expand the power of unions or to make it easier for them to gain additional power."

They might have trepidation, Mr. President, in that particular comment. The public is saying that unions today have overstepped. Pat Caddell's survey findings leave no other conclusion.

Mr. President, to be brief, I shall sum up the results of this just-concluded poll by President Carter's own poll taker.

The results, announced yesterday, are that two out of three Americans oppose the Carter-Meany bill to give unions more power. I repeat, Mr. President: two out of three Americans oppose the Carter-Meany bill to give union bosses more power.

Let me elaborate.

Mr. Caddell's survey concludes that the direction of labor law reform Americans desire is to reduce labor union power—not increase it as the bill before us proposes.

Of the 45 percent who said they favor changes in the law 28 percent said unions have too much power, unions are too strong, unions want to take over.

The next target group—7 percent—said we need provisions against strikes or controls on strikes.

The next three groups cited higher wages, better treatment of workers, or protection against discrimination.

The poll said:

> The survey conducted for the American Retail Federation to measure the attitudes of adult Americans toward Labor Law "Reform" found that when most Americans think of Labor Law "Reform" they do not think of the kinds of changes envisioned in the Labor Bill (H.R. 8410), now being debated by the Senate.
>
> Sixty-five percent oppose the bill's provision to allow labor union organizers to go onto the property of businesses at any time, including working time, to recruit members.

The distinguished chairman of the Human Resources Committee pointed out yesterday that that question could have been better worded. That is true, except other polls indicate the same thing where the questions have been better worded. In fact, if anything, they are stronger against this equal access provision. Or should I say this "equal" access provision.

> On the controversial section in the bill on union elections, 70 percent think employee elections should be held only after a waiting period such as a month, while 79 percent say that before a union strikes, a secret ballot should be held among all members to see whether they want a strike.

That is extremely interesting to me, because one of the major provisions that we offered in our employee bill of rights, which I feel was ignored in committee, was that union members should have a right to vote with regard to strike votes, and it should be by secret ballot, to determine whether or not they want to strike and whether or not they want to end a strike, or on any other aspects of strikes.

The public affirms the right of unions to exist, but the public also receives, 44 percent, that present laws are tilted in favor of unions.

I might add that I am not so sure that the present laws should not be tilted in favor of unions. I think they are, also. When I recall what happened through the 1800's in the industrial explosion and around the early 1900's. I can see why the laws have been tilted in favor of unions. This particular bill is ridiculous, because it is not a tilt, it is a landslide.

Only 31 percent say business gets an edge. Forty-four percent have said that the present laws are in favor of unions, but only 31 percent say business gets an edge.

Fifty percent of the public was found by President Carter's poll taker to believe that unions have more power than business, Thirty-three percent think business has more power.

President Carter's poll taker found that 53 percent of the public feels labor unions have too much political power.

Only 7 percent—I repeat, 7 percent—think unions have too little power.

Hear this: President Carter's poll taker found that 57 percent of the public thinks that the ability of labor unions to contribute to political candidates ought to be restricted.

The poll said:

> Most Americans feel labor is already powerful enough—if not, indeed, too powerful already.

Mr. President, this poll by President Carter's own public opinion consultant is one of many polls on this same subject. It confirms what many other reputable polls already have disclosed.

However, before I tell you about the other polls, I would like to elaborate a bit on this one.

It was released just yesterday by Cambridge Reports, for the American Retail Federation.

The American Retail Federation is composed of 50 State retail associations, the District of Columbia Board of Trade, and 31 national retail associations. Also individual retailers.

The Federation represents 1 million—I say again, 1 million—retail establishments. These enterprises employ nearly 14 million employees.

Mr. President, these retailers are worth listening to. They are the backbone, the grassroots of American enterprise. They made this country strong. They are independent, courageous, sound, high-minded—in short, Mr. President, they are the largely small businessman—who makes the economy tick. They are what America is all about.

I have told you what Jimmy Carter's poll taker uncovered about what Americans think about labor unions. I shall tell you about some other polls which basically tell the same story.

Other major public opinion polls disclose widespread antiunion attitudes of the American public. Caddell is not alone.

The polls are by Opinion Research Corp. Gallup, Lou Harris, Roper and Yankelovich.

These polls also show very little support for Federal legislation which would make it easier for unions to organize nonunion workers.

They further agree that the public has lost confidence in labor unions and their leaders. A majority of Americans feel that the power and political influence of organized labor already is too great.

The Opinion Research poll finds that very little support exists among members of the public for legislation to make it easier than it is now for unions to organize nonunion employees.

Indeed, the bill to make it easier for unions to organize does not command majority support among current union members. Only one-third support the idea. Almost half of union members polled think that present laws should not be tampered with.

The majority of Americans believe that the power and political influence of organized labor already is too great, and 63 percent of respondents say labor leaders of big unions are too powerful. The poll finds that this is the view of the majority of people in all major political subgroups—liberals and conservatives alike. Union members share this attitude.

Finally, the majority of Americans feel that labor union heads are too much involved in political action—primarily for their own interests rather than that of their members. Union members feel the same way.

In May 1977, the Gallup poll indicated firm public opposition to forced union membership.

Late in 1977, the Lou Harris poll showed only 15 percent of the American public has much confidence in labor, compared with 23 percent for business. The Harris poll found that 39 percent of Americans felt that labor leaders are representative of their constituency, while 45 percent of business leaders were believed representative.

The Roper polls in 1977 indicated a lessening of confidence in labor, and the Yankelovich Corporate Priorities Report for 1977 disclosed a steady antiunion attitude of the public. The public feels that wage rates for union workers have risen too fast and too far.

Still another survey by Mr. Caddell—Cambridge Report No. 9—indicated that a large majority of the public want to reduce unions' political influence. Many Americans favor keeping unions out of political activity entirely.

All the other major polls, with the exception of one by the AFL itself, report similar data. For example, a May 1977, Gallup poll indicates a strengthening in public opposition to forced union membership.

A late, 1977, Lou Harris poll shows that only 15 percent of the American public has a great deal of confidence in labor, while there is 23 percent for business. When asked by the Lou Harris organization whether labor leaders are representative of their constituency, only 39 percent of those questioned felt they are representative, whereas business leaders were thought by 45 percent to be representative. Importantly, the public felt that business has become more representative but labor has become less representative.

The Roper organization has released several reports during 1977 which show a gradual disenchantment with labor, a steady decrease in public confidence.

The Yankelovich Corporate Priorities Report for 1977 follows a similar pattern. Their recent research indicates that the general public's attitudes have a steady growth curve toward antiunionism. The general public believes that wage rates for union leaders are held in less regard than business leaders in ratings of both credibility and confidence.

I might add, this is one of the reasons I dislike this bill so much. I really believe if it is passed, it is going to create even more antiunion sentiment in this country. I think it will be devastating to the union movement as well as small business.

In the end, I think we will wind up very much like England.

The Cambridge Report No. 9 contains a chapter on American values regarding work. One of the conclusions is that an equally large majority of the American people want to reduce the unions' political influence. There was also a small shift away from a prolabor position of giving labor a voice in business' management and a steady majority continue to favor breaking up the unions. But, the strongly held opinion is that the majority of Americans would like to keep unions out of all kinds of political activity.

In summary, the polls show very little support for the passage of Federal legislation that would make it easier for unions to organize nonunion employees. All the polls shows that the public has lost confidence in labor unions and labor leaders, and the majority of Americans think that the power and political influence of organized labor already is far too great. The various polls cited confirm our support for defeating the so-called labor law reform bill S. 2467, now H.R. 8410.

Mr. President, I notice the distinguished Senator from California is here. I am delighted to yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mr. HAYAKAWA. I thank the Senator from Utah.

Mr. President, when I last spoke on the history of racism in the American trades union movement, I was calling attention to the shameful history of the union label which union people are so proud of today.

But the original purpose, I was saying, of the union label was to say, "This cigar is made by white people and not by Chinese."

That use of the union label as a racist designation to keep the Chinese out of work was invented and pushed by the San Francisco Cigarmakers Union. They extracted a promise from the producers that all Chinese would be removed from the industry the moment white workers could be found to replace them.

Meanwhile, organized labor in general responded to the controversy in the cigar trade by mounting a new attack on the Chinese. On November 30, 1885, delegates from 64 Pacific coast organizations gathered at an extraordinary congress to frame a program against the Chinese "menace." Represented were trade unions, radical and conservatives alike, the Knights of Labor, the Anarcho-Communists of the International Working People's Association, and the Socialist Labor Party. "It was," said the chairman of the congress, "a queer combination of heterogenous elements." But on one thing they could all agree: that the Chinese must go. The question was how and when.

It did not take the congress long to take up the question. One of the representatives of the Sailors' Union offered a resolution to expel the Chinese from San Francisco within 60 days. But the conservatives, consisting mainly of Knights of Labor delegates, thought labor should not lay down ultimatums which it could not enforce except by insurrectionary violence. Opposing the resolution too were the more principled members of the Socialist movement.

The advocates of immediate expulsion came from the left. Generally, those of the extreme left were the more intense in their desire to take up arms against the Chinese. One member of the International Working People's Association, a sailor named Alfred Fuhrman, maintained that the Chinese should be thrown out of the city at once. He asserted:

> By force is the only way to remove the coolie and 20 days is enough to do it in.

Under this kind of pressure, the congress passed the resolution by a vote of 60 to 47. Most of the representatives of the Knights of Labor then left the hall; they refused to be part of an organization openly advocating force and violence.

The other trade unions in the congress were perhaps as adverse as the Knights to force and violence, and they had no intention of honoring the resolution. But they wanted the Knights to leave the congress, and so used the militant radicals for their own ends. After the Knights left, the trade unions demanded that the resolution be reconsidered on the floor. Reference to an exact time period for the expulsion of the Chinese was deleted. In its final form the resolution merely expressed the sense of the congress that the Chinese should leave San Francisco and the Pacific coast. The congress did, however, establish a trade union council for San Francisco—later the Federated Trades Council, then the San Francisco Labor Council—that over the next decades remained in the forward ranks of the crusade against the oriental races in America.

These extraordinary stories, it is hard to believe, all actually happened once in our country, after all our uproar against racism. But racism, for the longest time, was simply built into the whole labor movement. It was one of the fundamental platforms.

The American Federation of Labor's predecessor and parent organization, the Federation of Organized Trades and Labor Unions, at its first convention in 1881, condemned the Chinese cigarmakers of California and recommended that only union label cigars be bought. But the leaders of the Federation—after 1886 the AFL—were not content merely to sanction, perhaps cynically, the movement against the Chinese. Instead, they became the most articulate champions of the antioriental cause in California. Although we honor his name today, no man was more persistent in providing leadership and support in these racist endeavors than Samuel Gompers, the president of the AFL—except for 1 year—from its inception to his death in 1924.

He was himself an immigrant Jew who had early in his life embraced Socialist ideals of brotherhood and the solidarity of the toiling class. But he later repudiated these ideas and became the major spokesman for concepts of racial and national superiority within organized labor.

What he really thought of Oriental workers—leaving aside his professions of "profound respect" for them in the autobiography he wrote in the last years of his life—is best revealed in a tract that he and another official of the AFL, Herman Gutstadt, coauthored at the turn of the century. Its title, "Some Reasons for Chinese Exclusion: Meat vs. Rice, American Manhood Against Asiatic Coolieism—Which Shall Survive?" will give an accurate enough idea of its content. First published in 1902, the pamphlet was written at the behest of the Chinese Exclusion Convention of 1901. Its purpose was to persuade Congress to renew the exclusion law, due to expire the following year. Gompers states:

> The racial differences between American whites and Asiatics would never be overcome. The superior whites had to exclude the inferior Asiatics by law, or if necessary, by force of arms.

The Chinese were congenitally immoral:

> The Yellow Man found it natural to lie, cheat and murder and 99 out of every 100 Chinese are gamblers.

Gompers draws all the arguments that the anti-Chinese forces had been advancing since the 1850's. Only now they are decked out in new dress, for this is the period when the West trembled at the yellow peril and imagined that the dread Mongol hordes were about to march again. The Chinese conspire to overcome class differences, thereby placing white labor at a serious disadvantage. He stresses a familiar theme: the tendency of the Chinese to relentlessly degrade labor and create a new servile element in society.

Modeling himself on a Victorian dime novelist, Gompers conjures up a terrible picture of how the Chinese entice little white boys and girls into becoming "opium fiends." Condemned to spend their days in the back of laundry rooms, these tiny lost souls yield up their virgin bodies to their maniacal yellow captors. Gompers writes:

> What other crimes were committed in those dark fetid places, when these little innocent victims of the Chinamen's wiles were under the influence of the drug, are almost too horrible to imagine. . . There are hundreds, aye, thousands, or our American girls and boys who have acquired this deathly habit and are doomed, hopelessly doomed, beyond a shadow of redemption.

"Meat Against Rice" was reissued by the Asiatic Exclusion League in 1908, 6 years after it had been first published. Yet, the Chinese question had long since closed, the third and final exclusion law having been enacted in 1902. Gompers and the labor federation arranged for its reissue because the "Mongolian menace" had suddenly reemerged. This time the enemy were the Japanese, several thousand of whom were immigrating to the United States every year.

Accordingly, all that Gompers had said about the Chinese was applied with equal force to the Japanese. Having learned much from its experience in the attack upon the Chinese, organized labor once again assumed leadership of the campaign and did not rest until the Japanese too had been driven out of competing occupations and denied entry into the United States. The Japanese immigration came considerably later in American history than that of the Chinese.

Before 1890, only a handful of Japanese had emigrated to the United States, less than 150 in all. Japan was closed to the world until 1853, when Admiral Perry's fleet opened Japan to the Western World. Between 1886 and 1890, 3,000 Japanese came to America. During the next 10 years, the number rose to 27,000, and during the next 8 to 127,000. In the period of the greatest immigration—1902 to 1908—the yearly total fluctuated between 11,000 and 30,000. At the beginning, the issei—or first generation Japanese—faced little discrimination. Issei dressed and otherwise bore themselves like Westerners and were unfailingly "polite, courteous, smiling" as one newspaper put it. Most of them served as railroad men, as domestics, in some places as miners, lumbermen or fishermen, or they became storeowners catering to their own communities, notably around San Francisco, Sacramento and the upper San Joaquin Valley. Later, the bulk of them moved to southern California.

Until 1905, attacks against the issei were sporadic and brief. As early as 1888, the San Francisco Trades Council called attention to a "recently developed phase of the Mongolian issue." Four years later, Denis Kearney came out of retirement to alert the public to "another breed of Asiatic slaves" who were filling the gap "made vacant by the Chinese." "We are paying out our money," he cried, so that "fully developed men who know no morals but vice (may) sit beside our * * * daughters to debauch (and) demoralize them. The Japs must go." But Kearney's day was over. The public paid no heed to his ranting; nothing was heard of him again.

In 1900, a rather serious upsurge of anti-Japanese sentiment took place in San Francisco. It was instigated by the local labor unions and their friends, among them the mayor of San Francisco. He spoke a language which must have sounded familiar to many of his listeners:

> The Chinese and Japanese are not bona fide citizens. They are not the stuff of which American citizens can be made.

Later that same year, the AFL took official notice of the Japanese and included them in demanding the total exclusion of "cheap coolie labor." And in 1901 the Chinese Exclusion Convention, which consisted largely of delegates from organized labor—800 out of 1,000—was told that it had better become aware of "the Japs" for they were "more intelligent and civilized * * * than the Chinamen."

By mid-1905, the labor unions of California had joined forces to establish the Asiatic Exclusion League. Four prominent San Francisco labor union executives were primarily responsible for launching the league's career; all four, it should be mentioned, were themselves immigrants—as were Kearney and Gompers. They were Patrick H. McCarthy from Ireland, chief of the San Francisco Building Trades Council: his assistant, Olaf Tveitmoe, from Sweden, later to be convicted of participating in a plot to bomb the Los Angeles Times; Walter MacArthur, from Scotland, and Andrew Furuseth, from Norway, both representing the Sailors' Union.

Historians and biographers have duly acknowledged Furuseth's achievements. By the sheer force of his personality, he persuaded Congress to improve working conditions on American merchant ships. But beneath the aura that encircles his life and work lies the specter of racism. Improving the lot of seamen was less important to him than excluding "the oriental" from American ships. The power of the white races, he claimed, rested on its mastery of the seas. That control over the world which the white race—or a segment of it—had main-

tained unimpaired for 3,000 years now stood in jeopardy because "oriental" seamen were replacing the whites. It followed that the law Furuseth wanted passed should include a provision forcing Asian seamen off the ships. Such a provision was indeed incorporated into the La Follette Seamen's Act.

Such thinking was typical of the Asiatic Exclusion League. Its purpose was not only to stop all further Japanese immigration to America; it was also to deny or circumscribe their right to a livelihood.

Usually the exclusionists depended on sweeping demagogic verbal attacks on the issue. The league, for example, declared in its statement of principles: First, that the Japanese—like the Chinese—were unassimilable; second, that "foreigners so cocky, with such distinct racial, social and religious prejudices" would only cause friction; third, that Americans could not compete "with a people having a low standard of civilization, living, and wage;" fourth, that American women must not be allowed to intermarry with Asiatics; fifth, that they must not be allowed to become citizens; and sixth, that if "the Jap" is not excluded how can the Chinese continue to be kept out?

During this period AFL refused charters to agricultural workers unions whose membership consisted mainly of Mexican and Japanese farm laborers in the sugar beet fields of California. There were Japanese trade unions in the early 1900's, but whenever they turned to their white "brethren" for help, they found none other than Samuel Gompers and the AFL in their path.

That is even trade unionists would not permit the Japanese workers to form their trade unions, and the Japanese unions could not look to the other trade unions for any kind of assistance.

In 1902–03, the Japanese workers and contractors—middlemen who supplied labor and maintained discipline—of Oxnard, Calif., beetfields organized a strike after the owners, acting in concert, decided to eliminate the contractors and recruit the men themselves. The strike proved successful. More important, it resulted in the creation of the Sugar Beet and Farm Laborer's Union of Oxnard, its members consisting of Mexican as well as Japanese field hands. The union promptly did what other unions were doing at the time—it applied to the American Federation of Labor for a charter.

In reply, Samuel Gompers wrote:

> Your union must guarantee that it will under no circumstances accept membership of any Chinese or Japanese.

In short, Gompers was asking the union to disband as the condition for securing a charter. J. H. Larraras, secretary of Oxnard union, denounced Gompers' racism and inhumanity. He pointed out:

> Our Japanese here were the first to recognize the importance of cooperating and uniting in demanding a fair wage scale.

That is, they had the basic idea of trade unionism.

But Gompers refused to grant the charter. His blatant repudiation of earlier working class principles was excessive even for a number of unions within the federation. It is strange, but the Los Angeles Labor Council resolved, in a show of solidarity with the Sugar Beet and Farm Laborers' Union, "that time has come to organize Japanese workers in fields into the federation." And these sentiments were shared by the Chicago-based American Labor Union Journal. It wrote, in June 1903, that so long as nonwhites were barred from membership in the AFL, just so long would it be impossible "to organize the wage workers of California for the protection of their interests." It is the same story over again.

As before with the Chinese, Gompers led the attacks upon the Japanese within organized labor. What Gompers thought of the prospect of organizing the Japanese can be gaged by his remarks at the 1904 convention of the American Federation of Labor.

"The American God." He solemnly stated before his audience of delegates representing more than a million workers, "was not the God of the Japanese."

The convention went on to give his anti-Japanese position its seal of approval by passing a resolution specifying that—

> The Japanese were as difficult to assimilate into the American culture as were the Chinese.

At the turn of the century, the American Federation of Labor was committed to a policy of racial superiority and national glorification and many of its affiliates engaged in a variety of overt discriminatory practices against Negroes and orientals. This development, together with the refusal to organize the unskilled and mass-production workers, further alienated nonwhites from organized labor. The discriminatory pattern was now firmly established and would continue for many decades.

Throughout the early months of 1906 tension continued to build in San Francisco as the Japanese were subject to one harassment after another. It was commonplace for them to be assaulted and beaten by gangs of hoodlums. Between May and November 290 cases of assault were reported; none of the white assailants were captured, but 7 Japanese were arrested for defending themselves.

While Japanese individuals feared to walk the streets, Japanese restaurants were terrorized by a boycott organized by the labor-dominated Asiatic Exclusion League. In June 1906 the league's executive board concluded that too many "wage earners, laborers, and mechanics" were eating in Japanese restaurants and ordered union members to cease eating in them or face penalties. The ban went into full effect 4 months later, picket lines were formed around the restaurants and matchbooks were distributed with the label, "White men and women patronize your own race." The organizers frequently punctuated their racial admonitions by smashing windows and beating up owners. Again no arrests were made. The boycott illustrated the racism of the white trade unionists.

Significantly, the Japanese restaurant workers applied for admission to the San Francisco Cooks' and Waiters Union—the prime movers of the boycott—but were resoundingly turned down. The boycott also revealed the corruption to which racism naturally lent itself. When the Japanese consented to pay over $350 for protection the boycott was lifted. The union leaders had made a modest killing.

In 1920 the California State Federation of Labor helped form the Japanese Exclusion League of California; the other contributing charter organizations were the Native Sons of the Golden West, the American Legon, the California Federation of Women's Clubs. the California State Grange, the Farm Bureau and the Loyal Order of Moose. The Old League had been led by San Francisco labor; this one was dominated by middle-class and small-town elements.

It was the farmers, the small businessmen and other "respectable" citizens of California who were principally responsible for pressuring the legislature to enact a second Alien Land Law in 1920. More importantly, they were largely responsible for getting Congress—in the face of vigorous protests from the Japanese Government—to pass an immigration law that barred all but a handful of Japanese—or members of any other nonwhite race—from entering the United States.

The chapter thus was closed. The Japanese had officially joined the Chinese as a people unworthy of becoming Americans.

Mr. President, I cannot help but be deeply moved by not only this history but the enormous changes that have taken place in the situation of both the Chinese and Japanese in the intervening years.

I stated these things that have happened to the Japanese and Chinese many years ago—and when I say many years ago, it was not awfully long ago because I am talking about a period during which I myself was a child. The fact that the society that I am describing here of the labor unions and the respectable middle class that joined together to exclude the Chinese and Japanese altogether, and the fact that that same society would, two generations later, elect me to the U.S. Senate overcomes me as an irony and also as a tribute to the extraordinary capacity for change and adjustment that this society contains.

But, nevertheless, it is not possible for me to forget, Mr. President, that in this campaign, in this age of exclusion and discrimination, it was the labor unions that took the leading role all along. White working-class racism did not suddenly emerge full blown. It gestated over a long period of time, advancing from stage to stage, incorporating the Chinese and the Japanese question and, next, the Negro question. Their success in excluding what they called Mongolians from the labor force suggested to the leadership of the American labor movement how they could deal with the black worker.

(Mr. ANDERSON assumed the chair.)

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. HAYAKAWA. I would be happy to.

Mr. MELCHER. I, too, am moved by the very fine presentation of tracing this

outright bigotry on the part of some people of our country in the past. I want to commend the Senator for the very fine and detailed speech on bringing to our attention these past injustices.

I think the three Senators who are here, who are of Japanese-American ancestry, have demonstrated, including the Senator from California, the very fine and wonderful contribution that Japanese-American people have made to our country, the United States.

I hope that the past in terms of bigotry toward both the Japanese and the Chinese in America will never be repeated.

I think it is worth pointing out that American labor unions no longer discriminate against orientals or blacks or whatever color. I think it is pertinent also to point out that after 1935, with the passage of the Wagner Act, and the creation of the National Labor Relations Board in that act, there has been a moving spirit both in America and in the labor movement in America, I mean throughout America, throughout all of our society, and in the American labor movement specifically, to correct these wrongs. Perhaps it has taken us too long to reach that point, and I would not ignore the injustices that were done to the Japanese-American people during World War II. It is certainly a blot on our record, and one which we will live a long time atoning for.

But I am proud to be in the United States Senate at a time when the U.S. Senate does have three excellent, marvelous Senators of Japanese-American ancestry, including the Senator from California.

I thank the Senator for yielding.

Mr. HAYAKAWA. I thank the distinguished Senator from Montana for those kind words.

I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, if the distinguished Senator will yield, I would like to echo what was said by the distinguished Senator from Montana. At a later time I may have further to say along this line. What happened in World War II cannot be erased. In fairness to everybody involved, wartime is not a time where reason prevails. I believe there is a greater appreciation in the minds and hearts of American people for the people of Japanese ancestry than either the general public or those distinguished people who are of Japanese ancestry realize.

The American people are inherently just and fair, and when they think back and realize some of the mistakes that have been made, many who are not loquacious and will talk about it end up with a strong conviction that these things must never happen again.

If I am not imposing too much on the time of the distinguished Senator, I would like to recite a personal experience that I had.

During World War II I was home on a certain occasion. The war had not begun to be won yet. I was in a meeting in a local hall, and word was sent in that there was a delegation outside who wanted to see me.

I stepped out. I saw they had a matter to talk over with me for quite a little while, so I said, "Let us go to my office."

There were two or three officers of the U.S. Army Air Force, and one or two noncommissioned officers, and then a Nebraska boy of Japanese ancestry. Here was the unusual request they made: This Japanese boy, Ben Kuroki, a great hero, said,

Congressman, I am an American. My parents live here in Nebraska. They have lived here for years. I have been a tailgunner in the European theater.

Then he told how many missions. He said, "I want my country to win this war." He said, "Our crew was brought back for retraining," and, as I recall, it was for the B–29. He said,

We fortunately have been together all the time. Our crew is to leave within a couple of days for the Pacific Theater, and orders have come out of Washington that I cannot go.

He said,

They let the boys of German descent fight against Germany. Why are they doing this to me?

I was out in Nebraska. As I say, it was in wartime. We did not have much stenographic help in those days, as compared with the staffs now.

We went back to the office and talked a little while. I called Ben into the back room and I said—

Ben, I don't doubt you, but just between the two of us, I want you to tell me is this really how you feel?

He said, "Yes, I want to go."

I said I was short of stenographic help, I was out there without any. So I sat down at a typewriter—and that is a job for me—[laughter] and I typed up a message to the Chief of Staff, Gen. George Marshall, and related this whole story, and asked him would he please let Ben Kuroki go to the Pacific theater. This was about 2 days before the crew were to take off.

General Marshall granted the request, but he sent an order back direct to Ben Kuroki. Ben was stationed at a U.S. Army Air Force Base at Harvard, Nebr., in Clay County. They were to take off for the Pacific from the Kearney, Nebr., U.S. Army Air Base. So he was just happy; he was going to get to fight in the Pacific.

Well, the order had not come through channels yet. He goes up the stairway to get on his plane, and the Army Intelligence grabbed him and said, "You can't go."

He said, "Oh, yes, I can," and he presented the orders from General Marshall.

Ben Kuroki served with distinction throughout the Pacific. His father was one of the most successful and outstanding truck farmers in Nebraska. Ben would write me letters from the Pacific. He would say, "I can't tell you what island I am on, but it is a very rich and productive island." He said, "I had some seeds sent to me, and I am raising vegetables for the crew. Today I provided them with cucumbers and fresh tomatoes," and this and that.

In another letter that I received from Ben Kuroki, he said, "I can't tell you where I am, but," he said, "I bombed the third Axis capital yesterday." He said, "The other two were Rome and Berlin."

Ben Kuroki came back to the United States. We visited about what he should do. He was going to go to school under the GI bill of rights.

I said,

Ben, it takes a while for things to heal.

He had received many insults. Here was one of our Nation's great fighting men, and in the days of sharing taxis, he would be in a taxicab, other people would grab the cab and start to get in, and back out and say, "I won't ride with a Jap." One of the Nation's heroes.

He talked about the GI bill of rights, and I said,

Ben, it is going to take time to heal, but time will tell.

He took his training, and went into the newspaper business. He has a distinguished career. He is author of the book, "The Boy From Nebraska."

I thank my friend for yielding.

Mr. HAYAKAWA. I thank the Senator from Nebraska. I thank him especially for telling the rest of the story of Ben Kuroki, whom all of us Japanese-Americans know by name and reputation as one of the great heroes of the war. I am glad to know that the Senator from Nebraska (Mr. CURTIS) helped him achieve the great record he did achieve.

Mr. President, I no longer carry any grudge or chip on my shoulder relative to the treatment of Japanese and Chinese in this country. They are doing all right now. But I do cite this history regarding the trade union movement, because it continues to this day, especially with regard to Latins. There are all-white unions still; and when they are pressured, for example, by equal opportunity programs, and so on, to take in black apprentices, I have known this to happen: They would take the black apprentices in, but those apprentices would never become journeymen, because if they wanted more journeymen they would give them on-the-job training, without putting them in the apprenticeship program. In one way or another, a very large number of AFL–CIO trade unions to this every day, without doing it in the open, without the racist rhetoric of a few generations ago, continue the racist practices I have been talking about. So I wanted to call attention to the fact that many blacks and other minorities are still limited in their opportunities by the racist traditions that have long chained and discolored the American labor movement, from its early days.

In each instance the objective was the same: To drive the workers of the offending "non-Caucasian" race from the job market, either (as in the case of the Chinese and the Japanese) by keeping them out of the country or (as in the case of blacks, Mexican-Americans and other "tainted" groups) by limiting them to low-paying, unskilled, nonmobile jobs outside of the mainstream of the American labor force.

Mr. President, let me wind up these remarks by saying that while it may be

objected that the racial views of Gompers, Furuseth and other labor leaders should not be singled out for special notice or criticism, for, as some have argued, they merely reflected the zeitgeist, the fallacy of the zeitgeist argument is that it receives its justification in retrospect from the labor historians who either eliminated or diminished the choices that confronted the major figures in the period under investigation. The zeitgeist did not command American labor organizations to embrace a policy of racism, and it certainly did not command the AFL, which spoke for the overwhelming majority of organized workers from the 1890's on, to be even more militantly racist than Americans in general.

The responsibility for what the AFL and its affiliated unions did lay with the AFL itself—it could have taken an alternative course at the time. It could have practiced what its leaders occasionally preached; namely, that all workers were equal, that no person should be treated as a commodity, that capital was the common enemy of all workers. Instead, the American Federation of Labor acted on the assumption that non-Caucasians were inferior, that they deserved to be used as commodities, that differences of race, not class or wealth, defined the important issues between men.

The ground rules that organized labor created made conflict between the races inevitable. Organized labor chose the path it walked in the years following the Civil War. In fact, it created its own zeitgeist. How different American life might have been if organized labor had not repeatedly acted against the interests of non-Caucasian workers, both oriental and black, who could have joined in a racially unified struggle for the equal rights of all working people. That could have been the history, but it was not; and therein lies the tragedy of the American labor movement.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection. it is so ordered.

Mr. CURTIS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 8410.

Mr. CURTIS. Mr. President, I hold in my hand an article from the front page of the Omaha World Herald, Omaha, Nebr., for last Friday. It is a report of an interview with the Secretary of Labor, Mr. Marshall, concerning the bill that we now have under consideration. "Hoodwinking Charged. Filibuster Blamed on Union Haters."

I will read from this article which carries the story of what the Secretary of Labor, Mr. Marshall, said.

The opponents of this bill are not opposed to this bill; they are opposed to unions.

Then he goes on a little bit later:

They oppose unions and would like to eliminate unions.

Mr. President, the Secretary of Labor owes an apology to the opponents of this bill. If a provision of a bill says that if a man is discharged, has a hearing, and it is found that he should not be discharged, that he should have punitive damages and receive twice the amount of wages he would have had if he worked, according to the House bill, or one and a half times, according to the Senate bill, and that they do not need to take into account any wages he drew working some place else, if some Senator thinks that is unjust and unfair and gives cause for voting against the bill, what right does someone holding a high position as a Cabinet officer to say—

The opponents of this bill are not opposed to the bill; they are opposed to unions. They oppose unions and would like to eliminate unions.

Well, I do not know whether Secretary Marshall associates with people other than union leaders or not. I am sure he is associated with students in the academic world. But there is not any sentiment over the country to eliminate unions, to do away with the right of workers to organize and bargain collectively. The right to bargain collectively is a right that is here to stay. It is just and fair and I support it. How else could we have working arrangements made when our industries have grown so large, with tens and tens of thousands of workers working for one employer? The employer cannot know them all. He cannot set up his own system of checking on their work and handling them individually. They have to have collective bargaining.

What the Secretary of Labor was talking about was living back in the 1870's or 1880's. I think he ought to be invited into the 20th century. I think he ought to get acquainted with America.

People who oppose the punitive provisions of this bill have a right to do so, and I think they are on the side of justice and fairplay. Also, I believe that those who oppose the provision in this bill which permits the packing of the National Labor Relations Board have a just case. Why do they want the law? So that a prounion administration can pack the Labor Relations Board.

There are many Senators who believe that the role of government in labor-management contests, or any other contest between private individuals, should be that of referee and not partisan on either side. To pack the Labor Relations Board is not fair, it is not sound government.

When we go to a baseball game we want the man who is paid to umpire not to pitch for one of the teams. The umpire should not be a player. There are many people who believe that. Why would a Cabinet officer try to deceive a whole State by saying those Senators who are carrying on this filibuster and who are opposed to this measure are not opposed to the measure but they just want to eliminate unions? Why did he not take the occasion to discuss the punitive measures in this bill? Why did he not take the occasion to defend the idea of packing the National Labor Relations Board?

I wish the Secretary would get out among the people, including workers, small businessmen, farmers, employers, everybody, professional people, self-employed, and find out what America is like. He has lost sight of the real purpose of collective bargaining. This interview is the most unusual statement I have read in a long time.

Mr. President, the right to organize and bargain collectively is a right that belongs to workers. The Secretary of Labor thinks it is a right which belongs to union organizers.

A union organizer is an outsider who wants to go into a plant and convince workers and management that his outfit ought to be the collective-bargaining agent they should pay dues to. He is a hired servant. The union organizer has no right in the field so far as a protected right that belongs to those who work. The workers shall have the right to organize and bargain collectively.

Sure, if they are of that opinion, they should be entitled and encouraged to seek advice, guidance, and assistance from anybody they choose, including a union organizer. But that is far different, having the request come from the employees, than implying that a union organizer has a right to pick out a factory in an area and say, "I am going to go in and organize it."

I am not suggesting that we should take away any right to talk to those people, but the Secretary of Labor ought to realize that the right to organize and bargain collectively is a right of the workers.

Here is why I know that he is on the wrong track. He said:

Unions should be given a fair shot at organizing companies.

He did not say that workers should be reinsured in their right to organize and bargain collectively. He is talking about the outsiders who come from another State or someplace and go into a plant.

He said, "The union should be given a fair shot at organizing companies."

Mr. President, I thought that a Cabinet officer was an officer of the United States and had an obligation to work for what he felt were the best interests of all the people, and not to be an agent, an advocate, of a particular few.

This man does not say a word about the right of workers to organize and bargain collectively. He talks about the right of the unions to have a fair shot at the companies.

Let us consider these provisions in this bill. Here is a small company, or maybe a medium-sized company. Trouble arises with an employee, and that sometimes happens. That is part of life. Sometimes, maybe, the employer is wrong. Also, we know that nobody is perfect and there are times when maybe the employee is wrong. Maybe he is lazy or careless. Or maybe he is a pessimist that is always finding fault and is a troublemaker and breaks down the morale of everybody he

works with, not alone for production, but just for living.

Suppose his job is taken away from him. The law provides that he can have a hearing. If the appointed tribunal set up for that purpose should find that he should not have been fired, he is entitled to be made whole. That means to have all the wages he would have gotten if he had stayed on the job. But if he were able to pick up another job and earn some money, he is still entitled to be made whole.

How do you make him whole? All the wage he would have got less what he did get and the difference he should get. That is justice. But here we have a bill that said, no; if he is fired and he goes out and gets a job that makes him just as much money or more but, after due hearing, it is held there was an unfair labor practice in firing him, he not only can keep the money that he made outside—of course he can. We will not even count that. He will be able to collect twice as much, or 1½ times as much as his regular wage.

That is not just. I doubt if it were put there with any idea of being just, but I know what it will develop into. It will develop into a blackmail weapon. An employer can say, "Well, this guy; I don't want to hire him, but if I fire him and I should be held to be in the wrong, I will get stuck with so much that I don't dare."

At that point, you no longer have any management.

Mr. MELCHER. Will the Senator yield?

Mr. CURTIS. I am happy to yield.

Mr. MELCHER. I thank the Senator for yielding. On this particular point, I want to say that if there is any error in judgment in the bill concerning the make whole provision, if it is overly generous, the remedy goes to the individual employee, the employee himself or herself. It does not go to the union. If, in the terms of making whole, the law finds that the union was in error, then the union must pay the employee the make whole remedy.

Admittedly, there can be a question on whether the make whole provision of 150 percent for an illegally discharged employee, is fair, that is a legitimate question. I respect the Senator's views on that. But if it is an error in the bill as being too generous, that error is in the favor of the employee and would apply just as much to the employer or to the union, whichever is wrong, to make whole the employee's losses.

I want to say to the Senator that I think perhaps the remarks he read from the Omaha World Herald about Secretary Marshall's reference to those who oppose this bill were probably harsh. The bill is very narrow. I do not know of anybody who is introducing an amendment that would try to move us back into some position of infringing on collective bargaining. The bill is very narrow, involving the processes before the National Labor Relations Board and the exercise of the Board's functions.

If the Senator will permit me, I should like to comment on the remarks that the distinguished Senator has made about the addition of two members to the Board. The provision in the bill would increase the Board, from five members to seven members. I point out that President Carter has already made two appointments to the Board. One is John Fanning, whom he appointed Chairman of the Board. John Fanning has been a member of the Board since 1957, when he was appointed by President Eisenhower, and has served continuously on the Board. President Carter has reappointed him and made him Chairman.

The other appointment President Carter has made is John Truesdale, who was a career National Labor Relations Board attorney. Most recently, prior to his appointment to the Board, he was executive secretary of the Board, so he has had a long carrier in this very field, associated with the Board.

John Fanning was in the Federal Civil Service from 1942 to 1957, when President Eisenhower appointed him to the Board. President Carter has followed through on that by reappointing him as chairman.

I think it speaks well for the two appointments President Carter has made to the Board. He has been conscientious in exercising that responsibility. I think it is fair to point out that all Presidents, since the Board was created by Congress, have followed a rule of appointing no more than a majority of three of either political party to the five-member board. I think that is proper.

In addition, it is also fair to say of the bill that if the bill becomes law, instead of that just being a practice, it will be a requirement of the law, that the appointments to the Board be of both parties and that, at no time, can more than a majority of either party be more than four out of the seven.

I thank the Senator for yielding.

Mr. CURTIS. I thank the distinguished Senator for his helpful comment. I believe the conclusion must be drawn that opinions about enlarging the National Labor Relations Board are legitimate items of discussions. Those who oppose should not be spoken of by the Secretary of Labor as out to eliminate all unions.

I also believe that all of this discussion leads to the same conclusion in reference to the punitive remedies.

But not everyone who opposes believes the puntive remedies for error in firing somebody should be as written in this bill.

Yet the Secretary of Labor says—

> Though the opponents of the bill are not opposed to the bill, they are opposed to unions. They oppose unions and would like to eliminate unions.

Now, why would the Secretary say this?

Well, he knows that in most any place, the union bosses do not have many votes, but if he can convince the great unorganized people that certain Senators are against individuals that work, then he has got something going for him politically.

I cannot think of any other reason why the Secretary of Labor would send a story into a State that makes these false charges.

But he does not take a single line to discuss the details of the bill or tell why the critics are wrong.

The Secretary of Labor is not the only one doing this. I hold in my hand a reprint of an article from the Salt Lake Tribune, May 6, and the Under Secretary of Labor, Mr. Robert J. Brown, bursts forth, this time attacking right-to-work laws, people who are in favor of right-to-work, and right-to-work States.

Well, he is totally wrong. Those who believe in right-to-work law are exponents of voluntarism, They believe that no one should be forced to join any organization, the Presbyterian Church, or a union, or a lodge, or chamber of commerce.

But that is an individual decision and it should not be placed as a condition for employment. That is all the argument is about.

Yet, here, the taxpayers not only have to listen to this, but have to pay the expenses of someone going around the country making charges like this.

Mr. President, I yield the floor.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER (Mr. MELCHER). The Senator from Indiana.

Mr. LUGAR. Mr. President, during the debate yesterday on the labor law reform bill mention was made, in fact, considerable mention from the outset of debate, about a survey taken by Cambridge Reports, Inc., entitled "A Brief Overview of an Analysis of American Attitudes Toward Labor Law Reform" prepared for the American Retail Federation, by a firm headed by Patrick Caddell, often associated with taking polls for the President of the United States.

Mention was made of this poll, first of all, by the distinguished minority leader, the Senator from Tennessee (Mr. BAKER), early in the morning, and the press is replete with accounts of the poll and analysis of it, and those who are opposed to its results. Throughout the debate during the day the distinguished Senator from Utah (Mr. HATCH) and I mentioned this poll and what it indicates of our labor law reform in the country as the people see it.

During the windup of the debate yesterday afternoon, the distinguished floor leader, the Senator from New Jersey (Mr. WILLIAMS), mentioned that this poll had been cited earlier in the day by Senator HATCH and by me. Senator WILLIAMS made his own analysis of the finding and, in fact, suggested some of the questions were leading questions.

He was joined in that viewpoint by the distinguished ranking member of the Human Resources Committee, the Senator from New York (Mr. JAVITS).

I was not on the floor at that time and I appreciate the courtesy of Senator WILLIAMS in mentioning that he had hoped that I might be on the floor to engage, perhaps, in a colloquy or discussion with him.

I appreciate likewise his comments that my approach throughout analysis of the various polls that we have seen and heard about during this debate had

been a reasonable one. I shall try to make these remarks equally in that spirit, because a great deal can be said about polls and a great deal can be made of them.

The points that Senator WILLIAMS made yesterday afternoon are quite valid in the sense that if we ask a leading question, or ask a question which presumes an answer that is favorable, very frequently we can obtain that, that the American public can be asked a series of questions that almost lead to supposedly contradictory results, but due to the wording of the question, even the inflection of the questioner, very different sorts of results can be obtained and can be used to prove a case.

I think we ought to say simply at the outset that all of us in this debate are agreed that the Senate of the United States, quite apart from public opinion polls, must look carefully at the language of the bill before us, must try to evaluate all of the new answers that might come from very careful study of the words in the law.

The optimum use of polls would, at best, be simply a general mood that the country feels with regard to a certain subject.

Polls would not be useful in going through a line-by-line analysis or even necessarily in trying to find some public consensus on particular sections of a piece of legislation.

I think we take that as given in the debate, and that we have a specific responsibility to go line by line and word for word through the bill.

But as I read the Cambridge Reports, Inc., poll, the objectives of that survey, and I quote them again as I did yesterday, were: First, to measure attitudes toward labor law reform; second, to determine what kinds of reforms people want, if any, and how they react to reforms currently before the Congress; and third, to look at how attitudes toward labor unions, business, and some other issues may affect their attitudes toward labor law and labor law reform.

In other words, to get some idea generally of what the public thinks of when it hears the idea of labor law reform, whether there appears to be a need for this type of reform as perceived by the general public and, if so, how that particular attitude may begin to focus on some of the broad issues that are a part of the debate on S. 2467, specifically.

In my judgment, Mr. President, the Cambridge Reports, Inc., survey does meet those limited objectives. It meets them, first of all, by raising what it calls the basic question. We have not really had, I think, a comment by Senator WILLIAMS, or others, about this question. It is neither leading nor misleading. The basic question is simply:

> Congress is currently considering a Labor Law Reform Act that would change the laws that govern labor unions, management and employee rights.

I think that is an indisputable fact. We are doing precisely that. The Senate right now is engaged in that sort of debate.

> Do you think the current labor laws need changes or not?

That is not a leading question, once again. Either a person thinks we need a change or we do not. Forty-five percent of the American public said, "Yes, we do need changes." Twenty-one percent said, "No, we do not need changes." Thirty-four percent were not sure.

So, with regard to the basic question of the survey, it appears to me that we have a question that is perfectly straightforward, perfectly neutral in terms of its implications. The public, by and large, by a vote of more than 2 to 1—45 percent to 21 percent in this case—believes that our labor laws need change.

Therefore, it appears to me in this debate that there might be a degree of general consensus within this body that correlates very well with what the American public perceives.

But the second question on page 3 of the survey is, of course, the heart of the matter. It is easy enough, in a political campaign, to say that we need reform. I suspect that each Senator, during a campaign, has railed against the evils of the world and has suggested that we need a genuine reform in this country. People have talked about tax reform, welfare reform, and, in this case, labor law reform. As we found in question 1, a majority of the people in the country agree that we do need reform, change of our labor laws. However, Mr. President, the heart of the matter is, what kind of reform and what sort of changes?

Clearly, here we have a parting of the ways in terms of those who are proposing this legislation and those of us who are opposing it. Those of us opposing it have pointed out throughout the debate, from our own perceptions of the public mood, from our own visits with constituents, that we believe that the people of this country do indeed want changes in the labor laws.

As a matter of fact, we have mentioned that during the coal strike, many people in the country felt that the President thought Taft-Hartley was inadequate, that it should be amended, so that it would become adequate to protect the interests of the average individual in this country caught in that sort of economic dispute.

We have pointed out, as we have visited with those who have seen turmoil in various communities—and I cited on this floor the other day the case of the State of Ohio, as I recall from the press accounts, 12 simultaneous public employee disputes going on, which left many citizens in several communities in considerable distress, if not jeopardy—that the public wants some changes with regard to this.

When labor law reform comes to mind, many people say, "Sure, we need change, if we are going to have police and fire service and the schools and the hospitals will continue."

When the Patrick Caddell-Cambridge reports approached this question, they said:

> If you are among those who believe that change needs to come, what kind of changes do you think are needed?

Overwhelmingly, the answer by the largest number of people, 28 percent—the next group in this survey was only 7 percent—was this:

> Unions have too much power. Unions are too strong. Unions want to take over.

In brief, Mr. President, the leading perception of those who want change in the labor laws in this country, who want labor law reform, addresses that sort of reform to the proposition that they believe that the tilt of authority and power in this country may have gone too strongly already to unions.

However, the second item in popularity among people who want reform is this: People want provisions against strikes, time limits on strikes, the thought that no union should be able to cripple the country, the thought that teachers and police officers should not be able to strike. That was the sort of reform they had in mind.

That is not a leading question. If you ask, "What kind of changes do you think are needed?" and people reply off the top of their heads, "These are the issues in which we need change and reform," that is not leading anybody on. That is simply a collection of the perceptions of people who answer a question: "If you say we need change, what kind of change do we need?"

The point that opponents to S. 2467 have made consistently is that this bill simply misses the mark of what people in this country want. The facts of life are that the people in this country do not have a great deal of interest in this bill. They never have had interest in this bill. And even after 8 days of debate, they do not have much interest in this bill. They wonder why it is before us at all.

What impelling reason of public policy, what sort of priorities in terms of scheduling, what sort of things are occurring in this country, that could lead to the scheduling of this bill and debate for 2 weeks—and, I trust, for a third and maybe for a fourth, until the bill is withdrawn, until it is gone from us, until we finally get on to the business of this country, the things that people want the Senate to address? That is the telling question, and it simply has not been answered by those proposing this bill. They almost give the impression that in some vast lottery, S. 2467 suddenly came up; that there was some overwhelming obligation for a day in court for this particular sliver of what labor law reform in its widest sense might have been considered to be.

Mr. President, I think we have discussed candidly throughout this debate why S. 2467 is before us. It is not because the people of this country want this law. As a matter of fact, they appear to be very skittish about the whole idea of anything that might lead to a greater tilt toward organized labor at this point—mighty skittish, indeed—and I think with some good reason, as has been expressed. Nevertheless, we have it before us.

If we take a look at the Cambridge Reports, Inc., survey, it appears to me that we see how vulnerable the proponents of this bill are in their assertion that this particular piece of legislation matches up at all with public desire or need or with what we should be doing

in the Senate of the United States with regard to this issue or any other priorities

During his analysis of my remarks and of others, the distinguished Senator from New Jersey (Mr. WILLIAMS) did go into two questions that he felt were leading. I refer to his remarks yesterday as they appear in the RECORD on page S8209. Senator WILLIAMS said that the question he felt might be leading with this one:

In general, do you think the rules by which unions gain the right to represent employees need to be made easier for the unions or not?

Senator WILLIAMS suggested that that was a leading question. He suggested, first of all, that it was a misreading of the bill, and he states this:

That was the question.

This question certainly does not accurately reflect the bill before us. The bill does not make the rules easier for a union to organize workers, yet the question was put in exactly those terms:

Senator WILLIAMS went on:

What we have before us is a bill that makes it easier for employees to obtain the information they need to decide. The bill makes it easier for workers to decide in a prompt election whether they want a union. All of the provision here run directly to the individual, the employees, not to the union. It goes to the employee in terms of the opportunity to be educated and informed on the decision that he or she will have to make at the time of the election. It makes it easier for the employee to have an opportunity to express that decision in a democratic election, whether that decision is to have a union, or not to have a union.

So instead of asking a question in terms of making it easier for unions, I was wondering, as the Senator from Indiana was speaking, what the response would have been if the question was put this way:

Do you think the rules should be changed to make it easier for workers to get information equally from both sides before they vote on whether or not they want a union?

I would have asked the Senator whether he would agree that had this question been asked, the answer, given the American public's sense of fair play would have been quite different than as it was to the question presented in the Cambridge poll.

I would accommodate the Senator's request by saying I presume that the answer would have been different had the question been a different one. Earlier in a colloquy with Senator WILLIAMS I came to, I think, a consensus with my colleague that the fairness of the American public in regard to these issues is legion and abundant. I think the facts are clear that most persons when asked whether people should have equal access to information respond usually, not prohibitively, yes, they should. The dilemma, of course, is where we find ourselves under law. We debate the issue of equal access to information in all sorts of ways. For example, in political campaigns, in which many of us have been involved, we could argue as candidates that voters should have equal access to our views. We could argue that as to a challenger to an incumbent. Having been in that sort of a predicament from time to time, having run against incumbents both on the mayoralty level in Indianapolis, quite apart from the senatorial level in the State of Indiana, I faced at least on three occasions a situation in which an incumbent, an officeholder, had many forums every day, had many ways of making his record and his viewpoints known to voters, to all of the citizens at his behest. Depending upon the time and situation he could summon the media and they came and they published and they photographed. As a lonely challenger in the field, without a great deal of attention to whatever my efforts might have been, we could shake hands at the factory gates and at picnics, at street corners and wander through stores, conduct walks and runs back and forth through the city or the State, and we could claim that we should have equal access to all the voters that theoretically it would be a wonderful idea if each voter in this country, or at least in the city or the jurisdiction in which we are running, had equal access to information about us, that the entire election would have been a happier procedure if that had been so.

Mr. President, we are discussing equal access to information and the general fairness doctrine involved in this, and through my analogy of political campaigning and equal access to information, during that sort of endeavor, I am simply agreeing with the Senator from New Jersey that when you ask a question should the rules be changed to make it easier for workers to get information equally to both sides before they vote on whether they want a union or not, there is a great deal of validity in this supposition that the answer to that question will be "yes" on the part of the majority of fairminded people.

But, Mr. President, to leap from the phrasing of that question to suggest that somehow or other the question that was raised in the Caddell Cambridge reports poll is leading and leading at least to a distortion of the record seems to me requires a bit of further analysis.

On page 4 is the question that has been discussed by the distinguished floor manager, Senator WILLIAMS, and myself, and I repeat again. The question was: In general, do you think the rules by which unions gain the right to represent employees need to be made easier for the unions or not? Twenty-two percent said yes, 48 percent said no, and 29 percent were not sure.

I am willing to grant for the sake of the debate and the spirit of reasonableness that has characterized the analysis of these polls—and the question is either leading or misleading—that that question does lead to a result that is likely to lead a fairminded person who already has answered other questions in this poll along the lines that unions are too powerful, that the major needs for labor law reform are the curbing of this power. If already we know from the poll that the overwhelming sentiment expressed in the poll and by the American public is that the need for reform is the need to curb what is already seen as overwhelming union power, then a case can be made that if you ask people do you believe that unions ought to have things easier, people have answered that we are trying to curb unions, they are going to say "no," and in that respect the observation of Senator WILLIAMS, at least in that context, has some validity. And I simply say that the problem becomes even more complex if we take a view of what is going to transpire in this equal access to information. If we were to pose it that way, or making it easier for the unions the other way, I argue as a commonsense interpretation of this question, S. 2467 does make it easier for a union organizer to get to employees and to make a case because the equal access provision when triggered, as we have heard during the debate activities by the employer, gives certain rights to a union organizer to come on the premises. It does enhance the possibilities of organization. If this were not so, I trust that many members of organized labor and certainly most union organizers and labor leaders would not be so much in favor of the bill.

It almost defies reason to suggest that we are discussing all of this antiseptically and it will not really be of benefit to unions at all. Very clearly the bill is of benefit to unions, and very clearly that is why the bill is in front of us at all. And very clearly that is the gist of most of the advertisements in our papers, on the radio, and on every conceivable lip of every lobbyist who is coming to us from organized labor or from business. This is a meaningful bill with regard to unionization of employees.

One can, as Senator WILLIAMS suggests, simply raise the question of whether we ought to have equal access to information. But the bill, I suspect, leads us to the very considerable physical difficulties of how the information is to be imparted.

I raised this question a few moments ago with regard to political campaigns and suggested that life was not altogether fair in the imparting of information there. There are those in America, I suppose, who would say that too can be remedied. It might be that if we could erase from memory all recognition of candidates, if everyone started at zero, name, face, recognition, and reputation, if from that point onward each opportunity to meet the public was matched by a comparable opportunity mediawise, or in personal appearance, then in the best of all worlds conceivably you do have some neutrality in these things.

But that really is not a reasonable proposition or is it one that is going to be supported by the American public or this body. In fact, the group of employees we are talking about in terms of this typical election situation, this typical group of people are citizens of the United States of America who read newspapers, watch television, visit with their relatives and friends every day. They have ideas about the business in which they are employed, about the union which might be seeking to organize them; have all sorts of impressions.

These are not people who start from ground zero in terms of recognition of the issues or the information. It simply seems to me very clear that the question that has been offensive here, "In general, do you think the rules by which unions gain the right to represent employees need to be made easier for the

unions or not?" The fact is the law does make it easier for unions to get information to the employees.

Those who are advocating the bill may say it should be easier. In fact, they would say it is far too hard right now for information to reach the employees.

Some would even say it is not only too difficult but that, in a large number of ways, management deliberately has frustrated these attempts, has blotted out information that could have been useful to members of a unit who were in the process of an organization election or consideration of this.

On this honest men will differ. I think both sides have presented a fairly good case of how many elections occur in the country and do not appear to have disputes attached to them; what sort of groups of people have elections at all, and we have found out that the typical group, depending upon the State, the time and place, are about 18 to 24 people. That is not a large group of people. One could make a normal presumption that a business with 18 to 24 people in it, the typical group, has a great deal of internal communication with or without the union organizer on the premises.

But let us say for the sake of argument today that that was a leading question. We would still have the proposition that if the imparting of this information is to be done in the ways that have been suggested in this law, we have on page 5 of the survey a question which gets to the heart of that process, and that question is:

> One possible change in the labor law would allow labor union organizers to go onto the property of businesses at any time, including working time, and try to recruit members. Do you favor or oppose this idea?

Now, criticism could be made fairly of that question that it does not state technically what the bill provides.

Second, it may not state what we finally end up with with respect to the so-called equal access provision and, therefore, it is a leading question.

I would recognize some validity in that charge. It is a way, I would say in a rough cut, of getting, however, to the heart of a very knotty problem, and that is granted that equal access to information is desirable and useful, the problem still remains of how that is to occur in the real world. What are the equities for an employer with regard to this? Should the employer be required to give up potential production time on his own premises, with his own money, to provide equal access?

The point made by the proponents of this bill is, of course, that he should if he has stopped work, if he has shut down the power in the shop or plant, if he has assembled in a captive audience situation his employees. And yet those of us who are raising questions about equal access simply wonder, still in terms of equity, if the employer thinks it is important enough to talk about an organization situation, it is important enough to curtail his own production, to curtail his own potential profits during that period of production, to use that particular time to visit about the union, whether there is really equity and fairness in an equal obligation to pay for the provision of the union doing a similar thing.

I would guess that expressed in that way it may still be a leading question but that on balance a majority of the public will not feel that the employer is really obtaining justice in that predicament. Clearly the employer would not be shutting down the power and assembling the employees if he were not deeply concerned about the future of the business, maybe his own future, maybe his own equity, being at stake.

Mr. President, what we are talking about when we are talking about small business in the throes of one of these disputes is, perhaps, simply survival of many small businesses. The point can be made, I think, with facility by proponents of the bill that this sort of thing really is not going to cause the death of any small business.

Yet I would simply suggest, Mr. President, that as you visit with small businessmen around this country, there is a clear perception on their part that this bill is going to lead to considerable weakness in terms of the longevity of their businesses, if not the potential winding up of the same.

I think there is likewise the fear on the part of many employees of small businesses that this bill is very likely to lead to jeopardy of their jobs. Why is this so? It is so because, as we pointed out in this body, we have talked about hard core unemployment in this country, we have talked about employment in situations in which businesses are only marginally successful, barely able to keep up; we have discussed how young people get their first jobs, how they get any point on the ladder with regard to this, and, by and large, it occurs in very small businesses.

It comes often because those businesses have wages that are substantially less than those of General Motors or International Harvester or U.S. Steel. No doubt that that is the competitive advantage of many, many small businesses, and the fear is a valid one economically.

(Mr. CLARK assumed the chair.)

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. LUGAR. I would be happy to yield to the Senator from Montana for a question.

Mr. MELCHER. The distinguished Senator from Indiana and I serve on the Committee on Agriculture together, and I know the Senator is very thoughtful, conscientious, and straightforward, and I do not doubt the Senator's statements on the national poll.

But would it not be true that if a poll were taken in the United States that asked whether individual people approved of activities of companies, with very astute attorneys, that could continually enter in at every stage of the procedure under the National Labor Relations Board's jurisdiction to slow it down, to thwart it, and to eventually make a mockery of the law and avoid the law I ask whether the people of this country would approve? If that sort of situation should prevail in this country and grow just because a handful of companies have the very experienced and able attorneys to represent them in the Board's procedures, and could thwart the actual intent of the law, I ask whether the people of this country would approve? If that sort of situation should prevail in this country and grow just because a handful of companies have the very experienced and able attorneys to represent them in the Board's procedures, and could thwart the actual intent of the law, I ask whether or not the people of this country would approve of allowing that condition to continue?

Mr. LUGAR. I see the Senator's question as a provocative and a good one. My impression is that the answer is no, the people of this country would not be in favor of a law that would enable people generally to evade legal responsibility. It seems to me the answer is clearly no, that they would not be in favor of that.

I think it is important to say that the field of labor law is not the only area in which the public has some concern in this respect. But it very rapidly becomes a matter of quality judgment as to whether a law is becoming mocked or frustrated.

If the Senator were raising the question in a different way, as to whether Americans should have due process of law, should there be every avenue available for exploration and appeal, I believe most Americans would answer yes, that they should, but they would want each step in the process to be preserved.

Mr. MELCHER. I would agree with the Senator that there are many areas of Federal regulation and Federal law that afford opportunities for those who can employ and pay for an astute and experienced attorney to enter into and delay final decisions. But I wonder, on the subject of equal access and that procedure that is provided in the proposed bill we are considering, if the Senator would consider with me some of the questions that would involve those people in small business who might become subject to an effort by a union to organize their employees. First of all, let us consider an employer, suppose it is a big drugstone, where there are 15 employees, and they have a volume of business of over half a million dollars a year, so they are subject to the Act.

If the employer wanted to talk to his employees about this whole subject matter, ordinarily would not the employer say to the employees, "Now, let's get together some place after work and talk this over; why don't you come to my home?"

Some of the employees might say, "I don't know; I have a babysitter problem. Why don't you come to my home?"

Under existing law where the employer is invited into the home of the employee, that is permissible as I understand it. I think the point is often made that the employer cannot go to the employee's home, but then it fails to say that the employees can invite the employer into their homes. That is legal. I

hardly know of any place where anyone, employee or otherwise, can invite themselves into someone else's home. I think that is common law, that goes back to the old English principle that a person's home is his castle and therefore he invites into his home those who he welcomes.

That would be my judgment of what would sometimes happen in the discussion between the employer and the employee, in such a situation as the drugstore situation that I have proposed.

Now, getting back to the uncertainty of what the Federal law sometimes means by regulations, by the law itself, and by the case law, I find that in discussing this bill with my small business people, most of them seem to feel that if there is a method of defining what the access of the union organizer is to their property, they would like it spelled out clearly.

The case law is so confusing on the subject, and unless you are a labor attorney sometimes you cannot keep up with the latest case law and the latest rulings, that maybe it would be better to have equal access defined by the law, and remove all the uncertainty. This would allow, for instance, this drugstore employer to say to the union organizer, "I don't want you in here; you interfere with business. I don't want you talking to the employees on my property. I think that is my right."

As I understand the bill, the equal access provision makes statutory, first of all, when the union can obtain equal access, and second, it says to the employer, "If you don't give your permission to have that union organizer on your property, he does not come on there. However, you could lose that right by consulting with your employees on the job in a systematic campaign advocating against unionization, or against having an election to find out whether they do want a union."

Does that not strike you in different ways as perhaps being the better method to arrive at the situation?

Mr. LUGAR. I believe the Senator from Montana has raised some intriguing questions, and I want to address first of all the thought that came prior to the question on equal access, about the opportunity for business to employ attorneys.

There are problems that some businesses may have in affording that. Second, I want to address the question of equal access in terms of a successful organizer, whether it be by a union, as in this case, or in other affairs; and third, the thought, as expressed by the Senator from Montana, that certain small businessmen would favor greater certainty as to the law.

I think the Senator from Montana makes an excellent point, with which I concur, that businesses have unequal ability to employ legal counsel. One of the problems those of us opposing this bill find in it is a fear on the part of small businessmen, which I must say I share with them, having been a small businessman, that those companies which are relatively large, that is, have a sufficient volume of sales and net worth, have better opportunities to obtain the very best counsel in the field of labor law. Clearly that is a situation that is not going to be faced, I think, by this legislation.

To the contrary, it was clear to me—and this is simply one Senator's judgment—that in the event the election procedure is speeded up, for example, that legal inquiry is not protracted, negotiation and maybe litigation is likely to follow in regard to bargaining positions or other aspects of the case that are not disposed of within 30 days, and this small businessman we keep getting back to, hiring 18 to 24 people, may not be able to stand the time and expense to go into this protracted litigation. In this respect, it can be truthfully said that big business and big labor are fairly well protected. I would guess that both are able to hire a host of attorneys, battle pole to pole, and go to bat in one court or another, and the Supreme Court at last.

What we are talking about in this bill is that the thrust of the problem, as organized labor leaders in this country see it, is the inability to organize small business.

This has been the rub as the organizational attempts have been foundering. It is not a question of looking all over a metropolitan area for hundreds of persons and not being able to find them in their homes, or having to hunt them up in the streets. For example, in the last year, the average size of the group in one of these elections was 24 or less. That was true in more than half the cases, and 62 percent of the votes were lost.

It is not that difficult until it gets to the 24 or fewer people. That is really not the heart of the matter, though they have been very persistent in some cases.

With regard to equal access, I would be willing to accommodate the Senator from Montana. There are real difficulties if you are an organizer in life in attempting to get to the people. I am certain that is true of a labor organizer. It is true if you are involved in a city cause, or if you are involved in running for office, to try to get people to settle down on a certain evening or a certain breakfast meeting, wherever you might be, whether it is an open field, a horse barn, or wherever you might want to bring them together. It is very tough. We have so many things to do in life and, furthermore, many people do not seek controversy. They do not want to be a high profile. All things considered, they want to leave it alone.

I appreciate acutely the problem of the union organizer who says, "How will I ever get the group together to make my case?"

Here the employer brings them together, because he is paying their wages. He is paying the gas, the lights, and he has the whole group there. He talks.

"What can I do?"

It is a perfectly understandable desire to say, "Why cannot I do the same, and share the overhead expenses, perhaps?"

That is not suggested by the bill, but it may be that the organizer could pick up the utilities or the rent on the premises, something like that I think when we get to the technical aspects of how this is to be done, we will have some problems and some disagreements.

It may be, as the Senator has suggested, that certain small businesses would say: "All right, it would not be a hassle but we would like greater certainty in the law. As it stands, we have union organizers meeting people behind the fence, out on the roadway, coming onto the parkway, and maybe hiding in the washroom. They are just hiding all over the place right now. It would be better to somehow get this down, to get it into law, and spell it out."

Would that that could be done. I suspect that may be if we labored over this thing long enough we could think of sufficient and strange cases, that would settle once and for all, all the ways that human contact might be made in an excellent way. I am not certain it is possible, but it is not a bad idea to work for.

Mr. MELCHER. Will the Senator yield?

Mr. LUGAR. I am happy to yield for a question.

Mr. MELCHER. In order to clarify this, I want to make a brief comment. It has been stated before but I wish to restate it in the context of our discussion here, and particularly how it affects small business people.

The employer, since he owns the property, has the right to refuse access. The intent of the bill is to provide, in this section dealing with equal access, only that instance where he might lose the right of saying no to refuse access to the union organizer wanting to come onto his property. The employer can send letters, of course, to the employees. He can have meetings in other places, like a restaurant or a hotel. He can talk casually to the workers on the job. He can go to the workers' homes, of course, if he is invited.

Under all of those situations, the letters, the meetings, the casual conversations with his employees, or in going to their homes when invited, he can talk about his reasons for not wanting to have an election for the purpose of organizing his employees into a union.

The only point that would be established with equal access in the bill, to clarify this, deals with when he would lose that right to refuse to let the union organizer come onto his property.

That would happen if the employer gathered the employees together to discuss this matter, the question of the election for the purpose of unionizing his employees. Then he would trigger the equal access provision in the bill which would permit, under the law, the opportunity for the union organizer to have an equal amount of time to discuss the same situation with the employees from his point of view.

I should also include that a systematic approach by the employer where the employer approached each employee on the job and says, "Here is my side of it" would also trigger the equal access. That is where he systematically covers all the employees, spending a certain amount of time with each one, giving his side. That also would trigger equal access for the union organizer to have an equivalent opportunity.

But I repeat those would be the type of instances that would trigger the union's access. Under this bill, unless the employer did those things he could refuse access to his property to the union organizer.

I think in the context of our discussion we might reach different conclusions as to whether that is advisable. I would point out to my friend from Indiana that some small business people I have talked to in Montana would feel more confident with this procedure being definite rather than attempting to keep up with the various case laws and various rulings of the Board regarding instances of compliance.

Mr. LUGAR. I appreciate the comments of the Senator with regard to my opinions. The Senator has, in fact, made a good explanation of his view of what the equal access provides, and it is a view shared by a good number of people as to what this bill has to say.

Let me just reply from the standpoint of one who has been a small businessman, that the second case that the Senator raises, namely the systematic visitation, gives pause, I believe, to me and to most people who have been in small business. Clearly, the strength of our businesses has been based upon the fact that they are small, small enough to have individual contact with employees, not only on a systematic basis but a very frequent systematic basis.

I can recall my own experience, and I cite this simply as an illustration of how complex what appears to be straight-forward can really become.

I can remember on at least a weekly basis visiting with each member of the assembly line, each person in the machine shop. These visits were in the days of the early 1960's when we were still on a weekly paycheck basis, though eventually we got to biweekly. On a weekly basis I made certain, when I passed out checks, if not at an intervening point during the week, that we visited. We visited about the families of each of the many employees, about specific thoughts that he or she might have about the business, about what we were doing, and about where we were going.

Very clearly, the strength of our relationship made it possible for us to stay in business from a point at which, as my brother and I came into the thing and took over, we were losing money, losing a lot of money. The thing was hemorrhaging and might have gone under altogether.

The issues we are talking about today were not unknown to me in that business. As I have said, in other places, in other contexts, we have, in fact, known the National Labor Relations Board through a number of successful organization attempts, one by the Steelworkers of America, one by the Machinists, two disaffiliation situations involving likewise these two unions, and other independent unions who have come and gone. This is not an area with which the Senator from Indiana is unfamiliar.

I simply say that the predicament of attempting to reach findings as to whether we are involved in things which are fair or unfair under the previous law, quite apart from this one, have involved a great deal of heartache and hearing. As a matter of fact, during one situation, our firm was accused of an unfair labor practice because an employee who turned out to be an organizer for a union was discharged in a layoff in which my brother was then in charge, after my moving into public life. He laid off this person. The hearing officer of the National Labor Relations Board said, "In a business as small as yours, you should have known that he was an organizer and, whether on a seniority basis or not, you should not have laid him off. Almost on a prima facie basis, it is very clear that you are in violation."

It is that sort of thing that leads most small businessmen in this country to be highly skeptical about this piece of legislation and about the interpretation of equal access, even given the relative simplicity of style with which the Senator from Montana has presented this, in a most reasonable way.

Mr. MELCHER. Will the Senator yield?

Mr. LUGAR. I am happy to yield for a question.

Mr. MELCHER. I think the Senator, from his own experience, has contributed very much to the understanding of people in business, particularly small business, about what is involved in this bill. I think it is helpful for them to be able to understand exactly what equal access would mean. I certainly agree with the Senator that all people in business, particularly small business, says: "Well, what are you doing to me now? What does this mean to me and how much harder is it going to be to stay in business?"

I think we contribute, perhaps, to answering that question by this very colloquy. The very points that the Senator from Indiana made about distribution of the paychecks and the visits with the employees—that is so common in small business and it is a part of the reason that many workers like the opportunity to work for a small business, because of their genuine favorable relationship with the boss, the people that are signing the paycheck.

Those points that the Senator has described would not, in any way, trigger equal access for the union organizer, because it is clear from the committee report that conversations between the employees and the boss, do not trigger equal access unless such conversations are a part of a systematic employer anti-union campaign. Thus, the initiative remains with the employer.

What the Senator has described is not systematic, is not a campaign at all.

It is also fair to point out that whenever the employee, in conversation with the supervisor or the employer, says, "What do you think about this union stuff, what do you think about union organization?" or if the employee, at a routine meeting that the employer has called, even if it is at the workplace and even if it is during working hours, raises the subject, "What is your view, Boss, about this union organization that is being talked about here by such and such union organizer?"—that also does not trigger equal access.

I think it is pertinent that the Senator's example in regard to the ordinary day-by-day or week-by-week discussions with employees on the job clearly does not mean that that employer has sacrificed his right to say no to the union organizer, "You haven't got my permission to come on here, onto my property, and I don't want you, so stay out." He has not triggered equal access by those casual, ordinary communications with his worker.

Mr. LUGAR. In response to my colleague from Montana, let me say that I have appreciated the colloquy with him through his questions and my opportunities to reply. Of course, in the event the hearing officer of the National Labor Relations Board was in agreement that my visits with employees up and down the line did not constitute unfair practice, in essence, unfair campaigning, that there was not an allegation that my interest in the employees at that particular time and comforting remarks, thoughtful remarks that I might have made, would be an influence, then, of course, I would be less disquieted. It appears to me, Mr. President, that in the real world, however, of these hearings and in the reading of this sort of law, of the word "systematic," there is the thought that if, in fact, as I have already admitted, I was meeting with the employees one by one, week by week, if not more often, could lead to a thought on the part of one or more of the employees, or could lead to a charge on the part of one or more of my employees that, in fact, I had said something that might have influenced the organization situation.

Indeed, in the context and in the heat of one of these battles, I feel fairly confident that that sort of allegation would be made and, unfortunately, I have some confidence that the allegations would be sustained by the National Labor Relation Board, that it would not be congenial to my testimony as a small businessman about what I have said in the event that the employee indicated that he had been influenced by what I had to say to him.

Admittedly, this is an area in which honest men and women on the floor of this body will differ. That is what makes the debate interesting. I look forward to continuing the debate with my colleague.

At this time, Mr. President, I am happy to yield the floor.

UNION ABUSE OF POWER

Mr. HATCH. Mr. President, I have spoken previously on this floor relative to union corruption and union violence, which are issues ignored by S. 2467, H.R. 8410.

Accordingly, I wish to address my remarks not to a discussion of the provisions of the Labor Reform Act, but, rather, to a discussion at this point of the provisions which the act should contain, for if we are to pass a true labor reform bill, then the bill should be what the name implies.

The proposed amendments to the National Labor Relations Act contained in Senate bill 2467 are not labor reforms,

or, at best, as the Washington Post says, are an incomplete set of labor reforms. The Labor Reform Act allegedly responds to those labor practices of management that are considered by some to be inconsistent with the letter of the law, and it establishes various mechanisms to terminate these practices. The act does not, however, respond to the substantial number of inappropriate and illegal activities by labor unions. Nor does it establish mechanisms to provide further protection of the worker from abuses by labor unions as well as from abuses by management. Intentionally omitted from the bill are the following:

First, the Employee Bill of Rights Act of 1977, which I introduced, included provisions to guarantee secret ballot elections, strike votes, and protection from fines for exercising rights under the act.

In other words, with regard to all strike votes, there would be a secret ballot election and a way for the men to determine whether or not they have got to be put out of their jobs for a long period of time or whether or not they have to continue to support labor union leaders who are not listening to them. It gives them a certain amount of freedom and a certain amount of rights that they really need to have.

On the other hand, there is no question that there is presently allowed indiscriminate firing of union members, of the workers, sometimes under the worst of circumstances.

Second, improvements to the Labor-Management Reporting and Disclosure Act; for instance, enforcement to the Attorney General.

Third, prohibition of excessive union fines.

Fourth. A solution to the commission of violent acts in labor disputes.

Basically, the act fails to provide protection for the worker against the abuses and corruption of unions. Instead the act strengthens the hand of labor unions, with a certain result of increasing the probability of union abuses of power.

By ignoring the abuses of power of unions, the act circumvents the most crucial area of labor law reform—it is this area on which I wish to speak at this time.

The corrupting influences to which union officials may succumb take many and subtle forms. Often it is difficult to draw a clear distinction between justified and unjustified personal gain of labor leaders or between valid application and abuse or their power. Involved are such questions as the proper use of union moneys (including expense accounts and welfare funds), the distribution and receipt of favors and union patronage, the use of questionable means to achieve organizational aims, and the levy of compulsory payments of different kinds, ranging from union assessments and fines to various forms of extortion.

Whether corrupting influences in organized labor in America have been increasing with environmental changes and as unions have grown in size and power, is difficult to determine. Some writers have stressed that the opportunities and temptations for personal enrichment of officials at the workers' expense have grown with the increase in the power of unions, with the expanding volume of funds under union control, and with the changing living standards of union hierarchs. Also, it is claimed that the centralization of union control and the entrenchment of top labor leaders afford greater latitude of action to the officialdom and reduce the checks on waste and improper activities.

Failing a systematic study of racketeering in unions that covers at least a decade, it is not possible to definitely determine whether the corrupting influences within American unionism have been waxing or waning. One can, however, analyze the factors and developments that contribute to corruption in union affairs and by that means arrive at some understanding of underlying forces. Instead of stress on single horrible examples, such an analysis examines developments within American unions and their environment that affect the character of our labor organizations and their leadership.

Particularly in its early stages, trade unionism assumes the character of a crusade, with high ideals, strong moral precepts, and a missionary zeal, which generates self-sacrifice, creates unity through a common feeling, and helps to preserve the integrity of the organization. Understandably, it is difficult to maintain the militancy and idealism of the formative years. As the union settles down to a more mundane and routine existence, the scale of values of leaders and members shifts and corroding influences are prone to seep in.

The leadership of unions, once the self-sacrificing servants of the working man, now control large, powerful, and secure groups of workers, and their life styles frequently reflect this change of position. The president of a national union is likely the manager of a well-established enterprise, which is responsible for numerous solid benefits embodied in enforceable contracts. In unions with 50,000 or more members, his duties, salary, office, and expense account approach those of the executive head of some large corporations. In addition, some union leaders charge large sums to their official expense accounts, because they stay at the best hotels, enjoy fine food and drink, and spend rather lavishly on entertainment. Many of them devote considerable time to investments of various sorts, including personal stock and property holdings, while their families seek to fulfill upper middle-class aspirations. Under those circumstances, the way of life of many union leaders may not be significantly different from that enjoyed by executives, in business and other types of enterprise.

An example of such enrichment is shown by the report of PROD, a nationwide and rank and file Teamster membership organization. In the report entitled "Teamster Democracy and Financial Responsibility," the PROD staff revealed the following facts about the salary levels and special benefits of top Teamster officials:

First. The international general president's salary is set by the union convention. In light of the tremendous powers the president has to influence convention delegates, it is no surprise that Teamster General President Frank Fitzsimmons draws an annual salary of $125,000, plus allowances and expenses—far and away more than other unions pay their top officials.

In addition to the large cash disbursements Fitzsimmons receives annually, the Teamsters provide him with a host of other benefits whose value is difficult to calculate. For example, Fitzsimmons and other Teamster officials and employees enjoy "haute cuisine" prepared for them by the two French chefs employed at the IBT headquarters near the Capitol in Washington, D.C., known to most members as the union's marble palace. The union furnishes Fitzsimmons with a home in a nice residential suburb of Washington, D.C., for which it paid $98,-051 in 1971. To aid him in commuting to and from the Teamster headquarters, the union makes available a new Lincoln or Cadillac each year. When traveling out of town, Fitzsimmons has use of the union's fleet of airplanes. In fact, the union even picks up the tab whenever Fitzsimmons wants to take a vacation in this country or abroad, not only for him, but for his wife, secretaries, and any others who can provide "services which he deems necessary while so engaged."

The International Teamsters Union does almost as well by its general secretary-treasurer. His salary is set at $100,-000 and he, too, enjoys the use of luxurious automobiles and aircraft owned by the union as well as being able to qualify under the same travel provision as the general president for all expenses-paid vacations wherever and whenever he pleases.

Fitzsimmons and Miller are not the only two Teamster officials who manage to collect kingly ransoms from union treasuries. During 1974, at least 17 Teamster officials topped the $100,000 mark, and that number would have been greater had not at least 5 other officials slid temporarily below it. In fact, if we were to focus upon a more reasonable salary level—say, $40,000, for example, or even the $57,500 a Senator makes—we find that a total of at least 147 Teamster officials topped that figure in 1974. There are two basic reasons why Teamster salaries are so high. First, the rank and file have no control above the local level. Secondly, the International Brotherhood of Teamsters constitution, written and modified by local union officials, specifically provides for those officials to hold multiple offices, and receive multiple salaries, in the union's extensive organizational hierarchy above the local level.

Second. The creative use of union "allowances" can often insure that an officer takes home considerably more cash each month than the rank and file think they are providing him. If an official thinks he deserves a raise or simply wants more money than he is receiving but the rank and file would disapprove of a raise, the increase can often be arranged in the form of some allowance or another.

Third. Many Teamster officials have virtually unlimited use of union credit cards. The sums charged to these union accounts are never attributed to the individual officials and are lumped into various other union expense categories on their LM–2 reports. There simply is no way of calculating the value of this benefit to any given official without asking the union to open its books to a member so he can inspect who signed for what. The only time the union is required to report an "expense" figures for particular officials is when it has reimbursed those officials for sums they reportedly spent out of their own pockets on union business.

Fourth. Travel accounts are just one form of expense accounts which a number of teamster officials have the privilege of enjoying in varying degrees. Nonetheless, they warrant special mention. A number of Teamster officials may all travel whenever they please to posh, warm-weather resorts and may bring along wives and/or secretaries or in some cases any number of business associates. The Teamsters membership must pick up the entire tab for their frequent and luxurious vacations.

Fifth. The one benefit most frequently enjoyed by high Teamster officials is personal use of union-owned automobiles, and, judging from the make and model of cars purchased by most officials, the common attitude is "nothing but the best." For example, not only does Frank Fitzsimmons drive a late model Lincoln or Cadillac, so do his two assistants, Walter Shea and Weldon Mathis, who both traded their 1973 Cadillacs for $12,000 Lincolns in 1974.

Sixth. Expensive automobiles are not the only form of transportation that Teamsters are providing their officers. In 1969, the union began assembling a fleet of airplanes which has grown to the point where today it includes five luxurious jets and two turboprops worth over $13 million at 1974 values. In the private sector, the Teamster's private "air force" is exceeded in numbers only by the Nation's largest corporation, General Motors, which owns six jets and six turboprops.

This is what really bothers some of us who have been raised in the union movement and who have worked in the union movement and who believe that the men are not being treated properly by many of these fat cat leaders in Washington today.

I do not want to mislead. I think there are a number of dedicated and very strong-minded and reasonable and decent union leaders throughout our society, and there are even some here in Washington. On the other hand, there are many who are not, and they should be called to task, just as the leaders in business who are not doing what is right are called to task.

Even further, although I have to acknowledge that many business executives make more money—at least ostensibly—than some of the officials we have been talking about, the fact is that when these men come up through the rank and file and when they earned their way to become the leaders of the rank and file, there is no reason for them to have all the props and features of a Saudi Arabian sheikdom, while the men they represent are paying what may be inordinately high dues to keep these features alive.

Seventh. Teamster officials occasionally manage to obtain sizable loans from different union treasuries. Sometimes it is impossible to determine the terms of the loan, whether, for example, they are more advantageous than the terms available for money in the open market. Indeed, it is sometimes impossible to determine even if the loans were ever repaid.

A close look at the international's LM–2 reports from 1959 to 1974 reveals that 9 top union officials have been repaying real estate loans ranging from $5,000 to $40,000 which were made out of the union's general treasury. The Landrum-Griffin Act of 1959 made it illegal for unions to loan, either directly or indirectly, more than $2,000 to any officer or employee. This provision would appear to forbid the union from making loans to its officials out of its various pension and health insurance funds as well as the union treasuries, themselves.

Eighth, in addition to the other forms of compensation Teamster officials receive, certain officers have also received handsome gifts from time to time from various segments of the unions. We have already seen examples of automobiles being given (sometimes for a minimal price) to officials as retirement presents or in appreciation of their services.

These excerpts from the PROD report verify the observation that the days of significant self-sacrifice for the union cause have largely disappeared; the temptations to use the union for purposes of personal gain seem to have increased, at least in some unions. In view of the developments within unions and society at large, it seems doubtful that the old union virtues will generally regain their earlier power to combat corrupting influences.

In addition to standards of moral conduct, unions rely on democratic processes to help prevent corruption and improper activities. Democratic controls, including discussion, disclosure, and membership approval by majority vote, are assumed to be particularly effective at the local level, where the units are not too large and the members are well acquainted with one another. An additional check at the local level is the supervision exercised by the national over the activities and finances of its locals.

In some unions, local democratic checks may be rendered less effective by an increasing centralization of functions and control in the national headquarters. No higher body actually supervises or approves the activities and finances of the national union.

The national union is much more likely to be controlled by a personal political machine than is true of the locals. Election contests and turnover of officers are generally far more frequent in locals than at the national level. However, the PROD report indicates that teamster locals are mere microcosms of the international organization:

The structural and political dynamics of the 800 Teamster locals closely paralleled those of the international. Although local elections are held every third year, they frequently do not provide a realistic opportunity for challengers to unseat the incumbents. An incumbent local president, like the international general president, has no policy maintaining a high degree of visibility in union papers and occasionally in the local news media, at local meetings, and from time to time at his members' place of employment. He generally uses these media both to promote his political image in the community and among his members and to belittle, distort, or denounce his potential rivals.

A challenger may have great difficulty promoting his candidacy among the local membership. In larger locals, the incumbent officials generally hold separate monthly meetings for the members employed in different crafts or industries. At most, the challenger may be known only to those members who are employed by the same company, or in the same industry, and who have attended the local membership meetings. This assumes that he has been allowed by the incumbents to speak out regularly on issues discussed at those meetings. Teamster officials running these meetings often refuse to recognize their critics or rule them out of order.

It is important to remember that rival candidates are employees who are being paid during the course of the campaign to drive a truck or perform some other job, not to engage in public relations, a principal activity of the incumbent union officials. The rival candidates may have considerable difficulty getting time off the job in which to run their campaigns. Moreover, their platforms typically call for more aggressive pursuit of the members' interests vis-a-vis their employers, a position which hardly endears them to their own employers. Short of discharging an employee running for union office on such a platform, an employer will often collaborate with the incumbents either openly or tacitly, by denying the challenger his accrued vacation or by assigning him overtime to prevent him from campaigning.

In almost all cases, then, the national administration of a union usually has many sources of power and control that enable it to remain in office unchallenged. The president has considerable patronage to dispense; he generally appoints, in some cases subject to approval by the union's executive board, the national union's representatives, the organizers, and staff personnel. There is also a tendency to give union presidents appointive power unrestricted by executive board approval.

The officialdom tends to behave like a government ruling over the membership and entrusted with the union's destiny. The president and his appointees generally control the lines of communication within the union, including the union's newspaper or magazine. The national's administration manages the convention, which serves as both the legislature and supreme court in most national unions. The president of the national headquarters also can withdraw local charters, appoint trustees to take over the

affairs of a local, and control the expenditure of funds of the national union, including strike funds. By such means, officials can help to perpetuate themselves in office and penalize critics of their leadership. In addition, as a union shakes down, as the officers become entrenched, and as the most active members congeal into "one team," a tendency exists for union conventions to grant increasing powers and authority to the president and the executive board. The corrupting influence of additional concentration of power within unions may be subtle but it is detectable from a reading of successive convention proceedings of particular unions and from informal conversations with persons in subordinate positions in those organizations.

A national administration has at hand various sanctions. In addition to patronage and promotion within the union, it can levy fines and assessments and even expel a person from membership for such reasons as "insubordination," "conduct unbecoming a union member," or "slander" of an official. Such powers are especially significant where unions hold exclusive bargaining rights, where the union shop is widely established in the industry or occupation, and where union mobility is within the single union and not from one national union to another.

Other factors may tend to reduce the effectiveness of democratic checks within unions. They include the increased size of national unions and bargaining units, the development of more layers in the union hierarchy, and growth in rank-and-file nonparticipation in union meetings and activities. Where such developments occur, they help to expand any gap in viewpoint between the top and the bottom of the union pyramid. The life of national officials tends to be distinct from that of the rank-and-file, and headquarters officials may come to assume that they are experts who know best how to run the union and to negotiate agreement.

Personal rule, which is the antithesis of democracy, encourages deals—secret understandings in advance or in place of negotiations—between management and union officials.

To the extent that collective bargaining is short circuited by a side deal, concealed by the subterfuge of role-playing, the process is really corrupted into a form of collusion, which may lead to some subtle means of personal "payoff" to the union official involved.

Some may consider such "businesslike dealing" and collaborative activities to be an advanced stage in collective bargaining and, therefore, evidence of maturity in union-management relations. Any such drift toward centralization of power and authority is, however, an indication of some atrophy of the democratic and bargaining processes. And a weakening of popular control and democratic checks within a union enhances the opportunity and temptations to use power for corrupt purposes.

When unions are still struggling for their existence and security, they are likely to be headed by individuals who are not too squeamish about the means they employ to obtain their objectives. Some "labor statesmen" early in their careers, condoned the use of strong-arm methods and industrial sabotage. And even in recent years, it is not unusual for unions to violate the law by such means as mass picketing and roughing-up persons who oppose union policies.

We went into a number of examples yesterday of those types of activities.

A union's normal activities often involve the threat to use pressure and power either against employers or in politics. As organized labor has gained in economic and political strength, its threats of punishment become more potent. The strike aims at inflicting economic damage. In politics, unions resort to lobbying, campaign contributions, and other political activities in order to obtain favorable treatment by Government, including the police and the courts.

Union leaders are accustomed to the use of the threat of force and money to win their objectives. Their approval or disapproval of an employer's proposal may mean much to him in terms of money cost; their favor can, in some cases, represent significant economic advantages. Consequently, it has been possible for officials in some unions to benefit personally from employer contributions to testimonial dinners and from gifts of one sort or another.

The McClellan committee received during the first half of 1957 a large volume of letters from union members charging misuse of union funds, sellouts to management, racketeering, and local-union dictatorship maintained by various undemocratic methods, including trustees and gangster tactics, although more complaints were lodged against the Teamsters than any other union, many others were also named. If such widespread allegations have factual support, corruption of one kind or another is fairly prevalent in a significant section of organized labor in this country.

And, in conclusion, what should be the verdict on corruption in labor unions? Like Israel, as John L. Lewis once said, labor has many sorrows. The labor movement in America, like other social and economic movements, has suffered the privations of an unfriendly environment. And the arrows of armies and critics; like many such movements, it has struggled for many years with the problems of growth and influence in a time when prosperity, technological change, and the skill of the opposition present the prospect of decline; its problems are universal. But corruption has been a special sorrow. Alone among its peers, the American labor movement has been accused of corruption in intolerable degree. The charges, and various versions of the facts, have become a currency of international conversation, and have left a mark at home.

It is obvious that many of the environmental and institutional factors that have contributed to corruption within American unions seem likely to continue to operate much as they have in the past. They are both pervasive and deep seated. Consequently, vigorous and unremitting efforts will be required if some lasting reduction is to be affected in the acquisitive activities of union officials, pursued at the expense of their organizations and the membership.

For these reasons, I believe that a real labor reform bill should address the issue of union abuse of power as well as the alleged abuse by some businesses. The protection of workers from the abuses of union power requires such a labor reform act. The following statements from PROD's counsel, Arthur Fox, further illustrates the need for such reforms:

PROD was founded in 1972 to improve safety and health conditions in the trucking industry. It has since broadened its activities to include involvement in internal Teamsters affairs. PROD is an acronym for a dissident Teamsters group called Professional Drivers Council for Safety and Health (PROD). There now are "PROD candidates" in many IBT local elections. Fox says PROD has 5,400 dues-paying members.

Fox believes the Labor-Management Reporting and Disclosure Act (Landrum-Griffiin Act) has been ineffectul in protecting the rights of union members from abuses by labor leaders. He would like to see Congress amend the Act so that it will insure democratic trade unionism.

Leo Da Lesio resigned as president of Teamsters Local 31 in Baltimore and as president of the union's Joint Council 62 on December 31, 1977. During the last 10 years in which Da Lesio had his job he reportedly salted away $250,000 in a personal severance fund.

Arthur Fox, counsel to PROD, the dissident Teamsters group, told BNA of Da Lesio's "slush fund," calling it an outrage. As a result of a suit filed by a PROD member, the U.S. District Court in Baltimore issued a temporary restraining order barring him from getting at the fund. The order was lifted after an agreement was reached that Da Lesio temporarily could draw only a maximum of $5,000 per month from the fund while the case is being litigated.

Joseph Bernstein is president of Teamsters Local 781 in Chicago. Fox says Bernstein has a "private slush fund" in the neighborhood of $600,000. This fund was started in 1962. By 1976, members of the local had contributed $498,000 into the fund, according to Fox. When Bernstein decides to step down, he gets the money. Bernstein's two sons, who work for their father, also have their own private severance funds.

James E. Coli is secretary-treasurer of Teamsters Local 727 in Chicago, a local whose 2,200 members are "general drivers, embalmers, and car washers." Over the past 3 years, their contributions to his personal pension fund have added up to $164,000, Fox asserts.

Jackie Presser earns over $200,000 a year as a Teamsters official. He is a vice president of the International, secretary-treasurer of Local 507 in Cleveland, and an officer of Joint Council 41 and the Ohio Conference of Teamsters. Fox says Joint Council 41 wrote into its bylaws a special provision giving Presser in effect a personal expense account in addition to his salary.

"The union is picking up all of his living expenses," Fox says, "even the rent on his condominium in Florida, his clothes, groceries, car, and bar bill."

This is something to think about.

Fox also charges that Presser has two businesses on the side which present a conflict of interest with his duties—an automotive maintenance business that repairs employer-owned trucks, and a restaurant frequented by employers.

So nobody really knows what Mr. Presser owns, or what he earns. All we know is he earns a heck of a lot more than any other teamster in America, expect maybe a couple of teamster leaders, and other labor leaders besides himself.

In an interview with the Bureau of National Affairs, Fox cited these situations to illustrate why he feels the Labor-Management Reporting and Disclosure Act is "largely a farce." He thinks Congress should amend the act because it does not sufficiently protect workers from union abuses. The congressional labor committees have not held any major hearings on the law since its passage in 1959.

And that is something to think about.

During a hearing on July 26, 1977, Chairman FRANK THOMPSON of the House Labor Subcommittee on Labor-Management Relations conceded that the laws has received only scanty congressional oversight. "I would hope that whoever is here in the next Congress and is on this subcommittee," he said, "will have an extensive oversight directed to the act so that we can look at the whole thing. It is quite old now and needs review."

The law is based upon congressional finding of a need "to eliminate or prevent improper practices on the part of labor organizations, employers, labor relations consultants, and their officers and representatives which distort and defeat the policies of the Labor-Management Relations Act of 1947, and the Railway Labor Act.

"If the Secretary of Labor took a high profile in enforcing Landrum-Griffin, it would send a tidal wave through the labor unions," Fox said. "Union officials would clean up their acts. Workers would be made more aware of their rights and be more active in union affairs. And more people would run for union office and debate the many vital issues affecting their welfare."

With regard to that, Mr. President, I would cite a very important editorial written by Allen F. Richardson. Let us see what the Labor Department, headed by Mr. Ray F. Marshall, the Government's chief advocate of organized labor and one of the chief advocates of the bill before us—let us see what the Federal Government under his leadership is doing about the situation which Fox described as a "farce" at the Labor Department. In an article entitled "Labor Department Row Deep-Sixes Expanded Probes of Rackets," published in the Daily News Record of Thursday, May 18, 1978, just a few days ago, Mr. Allen F. Richardson, under a New York headline, had this to say:

A request by U.S. Attorney General Griffin Bell for additional investigators to expand government probes of organized crime and labor racketeering was apparently "submarined" by Labor Department officials last week at a budget hearing in Washington.

Testifying behind closed doors at the Office of Management and Budget, Labor Department representatives told the hearing board that organized crime probes had a low priority with the agency, FNS has learned.

Those representatives—when asked by the OMB board about a joint request from Bell and Secretary of Labor Ray Marshall for 125 additional investigators and support staff to specialize in labor probes—"could not reiterate Secretary Marshall's position," one knowledgeable source said.

According to the source, the "sloppy" presentation "leaves OMB with no choice but to turn down the request."

The Justice Department is eager to hire the new investigators to strengthen labor racket inquiries around the country. The 125 specialists would be assigned to Strike Force offices in most major U.S. cities, which coordinate the efforts of Justice, the FBI, IRS, local police and the Labor Department to combat organized crime.

The Labor Department representatives were given the task of justifying the expense before the OMB, which submits budget proposals to the President. OMB had no comment on the hearing.

Although not made public, Bell's request was greeted with widespread approval by Strike Force officials in many cities. They had feared their departments would be trimmed from a national total of 65 investigators to 15.

That proposal had already been made by Frank Burkhardt, the assistant Secretary of Labor, and had been a source of bitter controversy.

But on March 31, according to knowledgeable sources, Bell and Marshall met in private and decided to expand, rather than reduce the number of labor investigators.

Publicly, both men targeted labor racketeering as a major priority for law enforcement agencies around the country.

Why the Labor Department at OMB last week would seek to undermine Bell's and Marshall's position has confused and outraged several Justice Department officials.

Fearing further damage, none would comment at this time for the record, but several said they were "furious" with the performance of the Labor Department Group at the hearing.

"It was an inept presentation, which could only be designed to frustrate the request," one knowledgable Justice Department source said.

"We are shocked," another said. "They made all that noise on the Hill (before a Senate committee) and then turned around and submarined Marshall."

A spokesman for the Labor Department said that version of the OMB hearings "did not square with the facts." He refused further comment on the matter, but cited several public statements by Secretary Marshall that support aggressive investigation and prosecution of labor racketeers.

Officially, the Justice Department said only that it was "opposed to having the program reduced."

There is the widespread impression here, and in Washington, that several officials in the Labor Department would rather see the Strike Forces reduced, than expanded.

"We thought we had finally beat City Hall," one New York official in the Labor Department said about the Bell proposal. "Burkhardt was trying to dismantle the program."

Another Labor Department official, Dan Gill, a chief of the national enforcement branch, said political pressure was causing the apparent schism. "You wonder about this, with major legislation on the Hill. Any talk of investigation upsets the labor movement.

The comment refers to the bitter debate under way in the Senate over proposed amendments to the National Labor Relations Act.

Organized labor considers the bill crucial to modern labor movements. Business is vehemently opposed to it.

I want to compliment Mr. Richardson, because I think Mr. Richardson has done the public a great service in this fine editorial explaining the problem. Almost everyone in America has heard that they wanted to reduce, in the Labor Department, the investigative force against labor racketeering from 65 down to 15. I think it should be a part of the RECORD that Burkhardt, who is seriously criticized in this report, is a former official of the painters' union. As a matter of fact, I think if an analysis was made and it was really looked into, not one of the high-level people, Assistant Secretaries of Labor, is a person who would be considered to be no pro-labor, or a person who would be considered to be a moderate, middle-of-the-road person trying to do what is right for all segments of the work force in our society.

Not the least of these people is Mr. Secretary Marshall himself, because I cannot help but believe that he knows what is going on. He sent these people there. We cannot ignore the top man in the Labor Department like this, and scuttle this program which is so drastically needed. If anything, more than 125 more investigators are needed.

It is easy to see why Mr. Fox and the broad group within the Teamsters' union can get upset. And they are not the only ones. There are thousands of people all over this country, many of them my brothers in the labor movement, who are upset, too. They know that if this trend continues, they will be trod upon, just like the Teamsters in America. We have to stop it, and unfortunately this bill does not do anything about it.

Going a little bit further, Mr. Fox said:

The way the law is written the union member has the sole responsibility to make sure his union isn't corrupt. The union member isn't capable of that responsibility—he's driving a truck 60 to 70 hours a week.

"Although the law imposes the common law fiduciary duty upon union officers to act solely at the behest of their members," Fox said, "working people generally lack an understanding of this duty and the ability to investigate and prosecute violations." The result, he said, is that "union officers may virtually do as they please, whether beneficial or detrimental to their members."

Joseph Rauh, a former noted union labor lawyer in Washington, has also confirmed many of the assertions made by Fox in his analysis of what needs to be done in any "true labor reform." Mr. Rauh has never been known as a spokesman for the business community, or even for the other side of the fence in this particular area.

Fox suggested that "Union lawyers who aid officials in accomplishing their unlawful ends should themselves be held accountable." A case in point, he said, would be the attorney who wrote "Presser's Travel and Expense By Law."

These are some of the things that have to be considered.

Mr. President, I would like to read one more editorial and compliment the writer, who is world renowned for his analysis of labor problems, and who is known for his courage in this particular area. This is a release dated May 19, 1978, by Victor Riesel. It is entitled "Why the Odd Couple, Carter-Meany, Must Grin And Bear Each Other." It is datelined in Washington:

WASHINGTON.—The nation's most professional curmudgeon, labor's chief of chiefs, George Meany, whose avocations include amateur painting, organ grinding, melodious singing of Irish songs and media-mashing, has accused the press of "looking for blood on the floor."

This caustic crack referred to newspaper accounts of an alleged closed-door confrontation between President Carter and the president of the AFL–CIO. This actually is one of the hottest tales in town. So it's politically vital to reconstruct the meeting of the two powerful men the morning of May 10, during which, says Meany, Mr. Carter asked the labor chiefs to accept "wage controls" voluntarily.

According to several influential members of labor's high command who were in the Indian Treaty Room that morning, the president of the U.S. walked in exactly at 9 o'clock. Almost immediately he began a 20-minute appeal for deceleration of future wage demands albeit without any specifics. Then he started to leave.

Meany reportedly said, "Wait, Mr. President. I think you ought to wait and hear what I have to say."

The smiling president sat down again. For another 20 minutes he listened to labor's elder of elders explain why their high command couldn't go along with deceleration. Slowly, Mr. Carter's smile did a Dorian Gray. Swifter and swifter his fingers tapped the table.

When Meany finished, Jimmy Carter left in cold, controlled anger, as one senior White House official said afterwards. What the president later told his domestic policy braintruster Stu Eizenstat had enough acid in it to etch the Capitol dome on the Washington monument.

The president had asked the AFL–CIO Executive Council members that morning to notify their local and international unions to take a voluntary decelerating position on their new contracts. This would mean deceleration to something below what they had won in their last collective bargaining agreement. Mr. Carter didn't get much of what he wanted, except for some antiinflation rhetoric.

However in the technical sense this wasn't a confrontation. The odd couple, Carter and Meany, need each other. The president positively needs labor's political machine—especially with the congressional and gubernatorial election and the Democratic party midwinter mini-convention moving in swiftly.

Actually, authentic reports have it that the AFL–CIO professional political activists who run their powerful Committee on Political (COPE) haven't been in touch with a single White House political strategist for almost a year.

COPE and the Democratic National Committee have been as intimate as Hatfield and McCoy. Such a continual split in the ranks could be disastrous for the Democrats at the ballot box this fall—and thus collapse what is left of Jimmy Carter's political standing.

But on the socio-economic front, the story is as sharply different as a bikini is from a monk's robe. Since last June the AFL–CIO's second echelon officials have been in almost daily contact with Mr. Carter's Stu Eizenstat and his staff. Together, for months, they developed, line by line, the wording of the proposed "labor law reform."

The AFL–CIO's secretary treasurer Lane Kirkland or Meany's executive assistant Tom Donahue, Vic Kamber, head of the Labor Law Reform Task Force and Larry Gold their lawyer, were over in Eizenstat's own office with the regularity of a grandfather clock's chimes.

Paragraph by paragraph, the new act was drawn and put on Jimmy Carter's desk by Eizenstat. Line by line, the President approved, edited or rewrote the proposals. So much so that Jimmy Carter legitimately could claim he wrote it—and that he was labor's "partner" in the push for the Senate passage of S. 2467.

Further, the White House directed Labor Secretary Ray Marshall to get into the fight, which some have called a "holy war." And Marshall sure has. I don't recall, either from research or from personal coverage, any Secretary of Labor who has so openly made himself one of the leaders of the labor's propaganda and legislative drives.

His has been a slashing assault on all critics of the bill. He has spoken at an outdoor rally. He has accused a prominent economist, critical of the act, of selling out to big business.

It's a "bloody" battle, as one insider put it. Both the President and Meany need a heavy congressional victory.

Jimmy Carter must have it to launch his drive for reelection.

Meany needs it to launch his movement's drive on the Sunbelt. And both men need organizational victories.

For Meany, the Washington pro, it's an old ball game. For Jimmy, the amateur, it's his first real pitch. The Panama Canal was just a spring training warm-up.

So the odd couple make like they're a team.

I thought that was an interesting article, not because I really believe that Jimmy Carter wrote this bill, because I do not. I know who wrote the bill. Frankly, the AFL-CIO labor lawyers had a major role in writing it. That is one reason why it is written in such a partisan manner and does not take care of the problems I have been discussing today.

I have only discussed a few of the changes that should occur. We will bring out many more during the course of this debate, which I believe will go on for quite a significant period of time.

(Mr. BUMPERS assumed the Chair.)

Mr. HATCH. In any event, Mr. President, I think it is time that we started putting employees first and big corporations and labor unions second. But even then when we put them second there ought to be a balance there. They ought to be treated basically equal.

I would suggest that the present law, which has served labor and management well, but pursuant to which we have this bill, should be preserved, and we should, as legislators, work on trying to solve the problems that really exist and not create easy organizing legislation for one side to the detriment of everybody else.

I note that the distinguished Senator from Wyoming is here. I will yield the floor at this time.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I compliment my colleague, the junior Senator from Utah. Without his persistence in commanding the withheld report from the Small Business Administration, I think the Congress and the American people would not have been privileged to the information from at least one major part of the executive branch which has the obligation to look after the welfare of the principal part of America's economic greatness, the small business world. It would have never come to light. We would never have had the balancing opinion offered to us, and the public would not have had the balancing opinion offered to them, which is provided within it.

I would hope that the fears expressed within the article in the Washington Post this morning concerning the possible tenure of one of the two remaining authors of that report would not be so.

The majority party and, certainly, the President, have talked about how difficult it is to get rid of civil servants; that is why we need reform in the civil service. Yet, they apparently have no difficulty removing from their sides the various thorns who might disagree, however honestly, with postures taken by the administration. In other era, it might have been called book burning. Unfortunately, it is not the first time that we have had this unfortunate type of behavior within this administration.

I refer to the fact that the second page of the Washington Post article says, "One of the authors, Attorney Michael Cawley, left the SBA recently after his temporary assignment ended and he was not reappointed. Another, Steve Mollett, Director of the Office of Advocacy, has told coworkers he fears he will lose his job in an SBA reorganization now under way."

Mr. President, I suggest that, for the whole of this country, it is unfortunate that people who do honest work that they are hired to do must feel such a threat on their horizon. The administration does not have to accept their report; the Labor Department does not have to agree with their reports. But how are this country and its agencies of Government supposted to represent the interests for which they were created if their honest research efforts are not allowed to become public simply because they disagree with the ideas and opinions of another section of the government?

Again, the item says:

Mollett yesterday termed the report "a hot potato" that "certainly does not reflect the administration position" on the labor law revisions.

"If they had just released the ——— paper back in February, I don't think it would have been as volatile as it is today," said Mollett.

I think that may be true. It is unfortunate that the administration, in a variety of issues, has seen fit to hold things in until the steam builds behind them to such an extent that the public must demand that the reports be released and then must ask itself and the administration what was in it that was so critical, so devastating, that the origi-

nal arena for debate of these issues, the Congress of the United States, could not make a legitimate, balancing assessment between the reports of the Small Business Administration, for example, and the report of the Labor Department.

The problem is that the Labor Department did not really have answers for the statements that were in the report from the Small Business Administration. Again, one has to express the same kinds of worries, the same kinds of concerns over the tenure of people and the ability and desire of this administration to allow those people who are hired to do their work to express the things that they determine, in the course of their research, to be the facts as they see them.

I refer in the article to a report about the proposed consumer agency's effect on small business. "The author of the Consumer Agency Report," says the article, "a GS–15 named Barbara Dunn, who had worked for the Government for less than a year, was later fired."

I think it is a sad state when people of this Government cannot do the work that they are hired to do. It is a question of having somebody say—again, I have used this quote so often. It is a funny thing that the Congress of the United States seems to have these endless series of circumstances arise in which one has to point out that the "emperor is indeed naked." The clothes on the emperor are an illusion in the mind of the emperor himself, and those who clothe him with intelligence and the best assessments that they can come up with are shunted off, fired, allowed to go their own way. The reports, the work that they would do, that would clothe in respectability some of the dialog that occurs in this country, would clothe that emperor in that respectability.

I find it so hard, frankly, to believe that people would be so frightened of information that they would seek to suppress those kinds of reports. Surely, if there is merit on the side of an argument—and in a democracy, we are created to look at all sides of the arguments and make decisions based on them—surely, if they had real confidence in the posture that they have taken, no amount of reports from the Small Business Administration, the Department of Defense, or anywhere else could deter them from the logical discussion of the issues as they saw them. And the rest of the country would feel comforted in knowing that this is indeed an arena in which contrasting ideas were discussed and, on balance, Congress came down on one side or the other. To deny the Congress and the public the privilege of a report such as that is to deny that this is a legitimate arena for argument and that those who are elected to this arena have within them the capability of making a decision based in any manner on the merits of the arguments in front of them.

Are we, Mr. President, elected here to make our decisions based on the selected information that the administration allows out in public, or are we here to make our decisions on all the information that is available and the best minds that the country can hire to work on the various problems?

One need not agree either with the conclusions of the Small Business Administration's Office of Advocacy or with the rebuttal of the Department of Labor. But one must agree, the country must agree that to withhold information on one side or the other when that information exists is to make a judgment that, somehow or other, Congress would give more weight to one argument than another and would not consider carefully the issue at hand. I suggest, Mr. President, that that amounts to an insult to the Congress of the United States. It amounts to a charge that we would not, in fact, do our work, that we would be more influenced by one report from this Government than another, and that the arguments contained are, in some manner, too difficult. I guess that is the only conclusion that one can draw, that they must think it is too difficult indeed, for us to decide amongst them.

Earlier, I was describing why I thought provisions in this bill were slanted toward labor and slanted, indeed, toward bigness in America—big Government, big business, and big labor. The reason that I said that is contained in this report. I had not seen it, I had not even known of its existence. Senator HATCH had been carrying that fight and I think it was well that he did; but I had not known of it. The problem that we have in all of this is that the small employers of this country become incapable of standing up to the provisions of the bill. Why does one say that? Would it not affect big business as well as small business? The plain fact is that, as we discussed earlier, big business has economic power, political power, perhaps defense-related power, and small business probably does not have, and could not afford to fight any sort of decision to remove from them the Government contracts, the benefits of years of Government contracts.

Small business just simply does not have the economic power to hire teams and batteries of lawyers to stand and fight on and on and on. Big labor does. Big business does.

I felt so strongly about this that we investigated. We asked the Department of Labor to find for us a breakdown of the charges of unfair labor practices in my State of Wyoming during the past year, the disposition of those charges and against whom they were made, whether by unions against employers or by employers against unions.

Curiously enough, to back up what others have felt, although the greatest number of cases filed were by unions against employers, the majority of the union charges were ruled "unmeritorious" by the NLRB. That is an interesting thought.

I think the Senator from Utah described quite clearly the problem that exists with this bill and, indeed, with present law. That is why one can scarcely call what is in front of us reform, because it does nothing for the person, presumably, for whom labor laws were drafted in the first place.

We asked Mr. Moser, Chief of the Data Systems branch, to provide for us a breakdown of the unfair labor practice charges in Wyoming last year, and there were 58. We asked if we could find out who filed the charges against whom and if there was merit in that charge. We got back a very interesting response.

There were 58 charges made in Wyoming last year, 20 of which had merit and 38 of which were deemed to be nonmeritorious.

Breaking that down, there were 15 meritorious charges by unions against employers, or that were disposed of as having been meritorious, and 26 that were nonmeritorious.

There were 5 meritorious charges by employers against unions and 12 nonmeritorious ones.

But what this portends for small business, with the sanctions that are in this bill, is that the number of those charges which end up with a meritorious disposition will increase simply because of their inability, or economic unwillingness, to challenge the Board and any decisions by that Board.

If one is an employer of 6, or 8, or 10 people, he undoubtedly does not have a full-time attorney, let alone a battery of them. He may not even have an attorney on demand, but must go to a retainer relationship. The fight through the courts may take years, with the might and power of the National Labor Relations Board, with the endless ability to spend, to confront challenges in the courts, to sustain their charge, and the very minimal ability of a small employer of a few people to contest it economically. The winning may prove more devastating than the losing.

So those charges will go up and the conclusions that they were meritorious will increase, not because more meritorious charges were there, but because of the accession, the crying "Uncle," if you will, because of the economic power behind the National Labor Relations Board.

The small businesses will not be able to contest or sustain the remedial provisions, and the formula by which those remedial figures are determined has no real relationship with the employment circumstances of most people in the world of small business.

On the so-called make-whole remedy, wherein the National Labor Relations Board rules that if an employer refuses to bargain, the Board may award the employee compensation under a special formula. How marvelous for a board to be able to award the employee compensation. They do not have to pay for it. Indeed, the employer, if he is unable to pay for it, may go out of business. That is a great service, a great reform. If one is an employee of America and loses his job because Government ran the employer out of business in the name of reform on his behalf, surely he will go to bed at night thanking the powers that be along the Potomac who reformed his family into hunger and unemployment.

I, for one, cannot understand how we can proceed with this. The formula is based on back benefits and wages to be received, plus increases, as completed by the Bureau of Statistics.

The Bureau of Statistics is nationwide. Those statistics have a national bearing, but they have literally no bearing on any one of our individual States.

The hodgepodge of results that come from such nationalizing of the compensatory factors in this country, or any other factors, ends out a disservice to any State, any individual, and any employer, wherever he may be within this country.

Now, no employer should be permitted to block employees' rights to organize by using stalling tactics.

But the effect of this provision among small employers will be to discourage an employer from contesting any proposal a union might make for fear of financial penalties if the case is brought before the Board.

Once more, the economic power contained or granted to this Board by this Congress, if it sees fit to go through with this, gives them such a lever and a hammer that the small people of this country when confronted with these kinds of bargaining tactics will accede.

Sooner or later, it will be found that they accede every time an issue is brought before them, and sooner or later after that, it will be found that, one by one, those small businesses dropped from the landscape in America, will be picked up by the computerized big, to be lost forever from the scene of this country and replaced by some substandard, plastic arrangement contrived by the big in this world. We will then end up with a tripartite government of big business, big labor, and the Government itself, to the exclusion of the small, and perhaps with the vanishing of the species called small.

Big will be able to survive, because big can wallow in that mishmash. Big does not concern itself so much with the efficiency, or lack thereof, and the difficulties required by numerous forms and endless reporting and data gathering. They can lay it on, and lay it on the consumer on the other end. But the small cannot do that. Small has to compete for its customers. Small has to compete for its existence.

This formula puts one more great, big club in the hands of the big. When that club is there, it will be exercised, whether intentionally or by default, simply because they have the economic power to compete. If these small employers are discouraged from contesting any proposals any union might make, pretty soon those proposals will drive them into the mother maw of the great businesses in this country.

It does another thing: It changes the basic philosophy of the original National Labor Relations Act from compensation—compensation to injured parties—to punish all those deemed, in the eyes of this nonelected, appointed Board, to be wrongdoers in this country, regardless of the merit of the justice involved.

When we in Congress try to make these labor laws lose the purpose of protecting the rights of employers and in so doing enhance and increase the economic and political power of union bosses and not union members, the country ends up the worse for it, and so, too, in the long run, do the employees.

There is another part of it that becomes even worse—the extra backpay provisions. Under this measure, the National Labor Relations Board could award an illegally fired employee extra backpay.

Mr. President, I understand that the Senator from North Carolina would like a few minutes to speak, and I ask unanimous consent that he be permitted to speak and that his remarks appear at the conclusion of my remarks; also, that the interruption will not count as my having made a second speech this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MORGAN which were delivered at this point are printed later in today's RECORD.)

Mr. WALLOP. I thank the Senator from North Carolina, and I compliment him as well on his argument.

I do not want, myself, to get into the circumstances surrounding the backpay issue, because, while admittedly one can avoid those criteria by so-called bargaining in good faith, the determination as to who is bargaining in good faith may become a threat if you do not have the economic capability of withstanding the might possessed by the National Labor Relations Board, or the union, if you are a small employer.

Mr. JAVITS. Mr. President, will the Senator yield for one point?

Mr. WALLOP. As a question, yes.

Mr. JAVITS. It is a fact, is it not, that there is court review which is available to the employer if he feels that a finding of an unfair labor practice in such a situation by the NLRB is improper?

Mr. WALLOP. The Senator is correct, but—and it is a big question—it depends on how much financial ability you possess to contest it. Going to court is an expensive business, and there is nobody to pick up the tab when you go there.

That is why I worry about the size. It is fine for Ford Motor Co. or Exxon Co., or someone like that; they can go to court, and will. But if you are an employer of 50 or 60 or 75 people, it may be economically impossible for you to go through and contest the full might of the U.S. Government, which is, after all, the economic power you are facing in a decision by the Board.

They can appeal ad infinitum. If you do not possess the economic power to resist, then at some point you capitulate.

Mr. JAVITS. I think the opponents of this bill really claim too much, if the Senator will forgive me. I think the Senator knows me well enough to know that I am not blindly partisan in this. I think they claim that everything about the record of the NLRB will now be undone. The fact is that the NLRB rulings on the whole have been considered fair by employers. They have found time and again unfair labor practices by labor and have exculpated time and again management from unfair labor practices.

Using the word "unfair" is really a very woolly standard. We use it as a rubric. As a matter of fact, the rules of law are very clear about good faith bargaining. It is not all that up in the air and all that woolly. Good faith bargaining is defined in cases and as adjudicated by courts. That is a businessman's risk for everybody—litigation. That is not a reason why we should deny a remedy where a remedy is deserved.

As I say, I am not trying to tempt the Senator into some forensic argument, but I do submit those arguments to the Senator as standing side by side with the arguments he made.

Mr. WALLOP. Mr. President, I would like to continue to speak for a moment on the so-called extra backpay, because it, like the other provisions, change the direction of this law from a law which has served this country well in trying to bring about labor harmony within the working arena in America, trying to control and even order labor orderliness. Now we are moving from a protective posture to a punitive posture. Government in this instance will no longer be a benign coordinator of the labor problems as they arise in America, but will be possessed of a club. We are to be, as it were, small children who must submit to our Government rather than be served by it.

This punitive nature here and in other parts of the bill go a long way toward causing those of us who have concern about it to question the results which will come about should this legislation pass. Certainly one can question the motives of those on the outside pushing it, because they seek more economic and political power and basically do not seek to remedy the situation as it exists in America.

There are penalties here for employers, though it is said the penalties go both ways. They probably do in isolated instances. But given the circumstances that exist, penalties will go toward employers 20 to 1, simply by reading the bill, compared to unions.

As part of that, one has to look back at history. Why not study recent history? Why not talk for a moment about the lack of penalties here for union leaders who engage in unfair labor practices, even things contrary to law, practices which are not addressed in this bill and over which remedies do not exist?

I feel that there is a bias and a cast to this legislation which, despite the protestations of the proponents, exists in the language of the report and exists in the bill itself. I think historically, and in recent history, one can look to the Labor Department and its characterization of events in the labor relations field and have nothing but trepidation as to where this bill might go.

During the recent coal strike, Secretary Marshall from time to time characterized it as essentially orderly. Finally, even after it was over, in an appearance on Issues and Answers on May 21, last week, he characterized the coal strike as:

> Secondly, during the coal strike there was a minimum of violence in spite of a lot of predictions that there was going to be.

Mr. President, I now wish to refer to a document from the Department of Justice, dated March 24, 1978, a coal strike incidence daily summary report.

I would like to run down through what the Secretary terms as a strike with a

minimum of violence and ask the Senate if it agrees that 3 fatal assaults were minimally violent, 2 assaults, 37 bombings, 1 hostage taken, 72 disruptions, for a total of 111 occurrences, prior to March 6 of severe violence. During that time, there were 9 injuries, 3 deaths; 17 instances of railroad sabotage; 6 incidents of gunfire involving persons, 11 incidents of gunfire involving motor vehicles, 2 incidents of gunfire involving trains; 16 instances of mine property damage; zero instances of property damage to unions; personal property damage, 1 incident; picketing of union mines, 4; picketing of nonunion mines, 5; blockading highways, 3; demonstrations, 1; firearms displays, 1; threats of violence, 2; and others, 3.

Mr. President, I ask unanimous consent that this document be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

COAL STRIKE INCIDENTS, DAILY SUMMARY REPORT

	Occurring prior to Mar. 6	Occurring since Mar. 6	
		New incidents	Total
1. Incidents:			
Fatal assault	2		1
Assault	2		
Bombings	34		3
Hostages	1		
Disruption	72	9	72
Total	111	9	76
2. Location:			
Alabama	6		9
Illinois	7		
Indiana	9		4
Kentucky	44	2	23
Ohio	5	1	1
Pennsylvania	14	5	18
Tennessee	1		1
Virginia	18		6
Washington, D.C			2
West Virginia	7	1	12
Total	111	9	76
3. Casualties:			
Injuries	9	2	3
Deaths	2		

DISRUPTION INCIDENT SUBCATEGORIES

	Occurring since Mar. 6	
	New incidents	Total
(a) Sabotage, railroad	3	17
(b) Gunfire, persons		6
(c) Gunfire, motor vehicles	1	11
(d) Gunfire, trains		2
(e) Property damage, mine	4	16
(f) Property damage, union		
(g) Property damage, personal		1
(h) Picketing, union mine		4
(i) Picketing, nonunion mine		5
(j) Blockade, highway		3
(k) Blockade, railroad		
(l) Demonstration		1
(m) Firearms, display		1
(n) Threats of violence		2
(o) Other	1	3
Total	9	72

Mr. WALLOP. Mr. President, one can scarcely call that minimum violence and get such characterization from the chief labor officer of this country. When one couples that with the bill that casts the court language, one again has to come to the conclusion that it is too narrowly drawn, that it is drawn as a vendetta, as it were, against employers in this country, without recognizing that labor problems exist on both sides of the line. Inasmuch as they do, no piece of legislation can legitimately bear the title "reform" until it deals with both sides evenhandedly on the problems in the labor movement.

When I suggested this earlier, I was told that any legislation which went that far would be too broad and too much for us to take up. I guess that it is wrong for us to go so narrowly, to consider only the perceived problems of one side of the labor confrontation arena. Both sides are in it, both sides must find means of reconciliation. Anyone who characterizes such violence as listed above as minimal can only lead people to believe that one will not receive evenhanded treatment at the hands of this Government, and we should be able to do that.

I should also like to have printed in the RECORD, Mr. President, and read, an article from the Wall Street Journal of March 24, 1978, entitled "Labor vs. Labor—Department That Settles Work Disputes Can't Reach Accord With Its Own Union." The article is by Mr. Robert W. Merry, staff reporter of the Wall Street Journal. I bring this out because, basically, rules and regulations and cast of this legislation will be managed, produced, promulgated, and otherwise implemented by this Department. The dateline is Washington. The article reads as follows:

WASHINGTON.—Employers seeking guidance on how to handle their labor relations might consider the example of the U.S. Labor Department—as a lesson in what to avoid.

The department is the agency that steps in to help solve seemingly insoluble labor crises such as the coal strike, but for the past three years it has been unable to negotiate a contract with its own little union, Local 12 of the American Federation of Government Employees.

The impasse, which isn't likely to be resolved soon, has generated a lot of bitterness. Many officials in the department, whose constituency is organized labor, cling to their general pro-union views, but they insist that Local 12 is different. Local 12 leaders, for their part, view department managers as hypocritical.

The department's labor-relations problem is rooted deep in its past.

"There was always this mentality of 'Look, we're the Labor Department. We're supposed to be miracle-workers in handling our union,'" says one department official. "So whenever there was a threat of bad publicity, people would say, 'Look, we just can't take that kind of publicity. We're the Labor Department.'"

CHERISHED AND REPUDIATED

However successful the department has been at avoiding such bad publicity, it has been unable to end its struggle with Local 12, which has about 2,200 members out of roughly 4,400 eligible department employees at the Washington headquarters.

The struggle dates back to 1975, when the existing labor contract was scheduled to be replaced. On-again, off-again efforts to reach a new contract produced little more than a lot of bickering and a single ad hoc agreement, which is cherished by the union but has been repudiated by the department on the ground that it would severely restrict the agency's flexibility in hiring and promotions.

The union says it won't resume contract talks until the ad hoc agreement is put into effect. The department, which signed the pact back in 1976 in a characteristic act of yielding to avoid controversy, now contends the plan is unworkable and probably illegal.

Meanwhile, Local 12 remains well-entrenched. The department subsidizes it with free office space and telephone service. The union's president, Russell Binion, pulls down a full salary in the $35,000 range as an equal-employment specialist, but he almost never shows up for work; he relies on a liberal interpretation of a contract provision allowing "reasonable time" for union business. He also gets a parking space at nominal cost while most other department workers must be in car pools to get that privilege.

While observers differ on just how the impasse developed, many think it had something to do with Mr. Binion's shrewd perception that political pressure in the public-employment arena serves the function of economic pressure in the private sector. Federal employees are barred by law from striking, but because the department fears offending its labor constituency by appearing tough toward its union, Mr. Binion has been able to wield a big stick in dealing with department officials.

There is no better symbol of that stick than the controversial 1976 agreement, known as the "Sept. 3 agreement" in memory of the fateful day it was signed.

That was shortly before Labor Day in the bicentennial year, and just about everyone of any consequence in American labor was looking forward to a gala commemoration at Washington's Kennedy Center, complete with a parade of limousines, hundreds of labor VIPs in full splendor and a performance of "Celebration of Work in Word and Music," by Morton Gould and Carolyn Leigh, which had been commissioned for the occasion by the Labor Department.

But then Russ Binion threatened to spoil the show by placing an unsightly picket line between the limousines and the door. He wanted progress on the contract talks, and his threats generated "all kinds of frantic phone calls," as one insider puts it, between department officials and then-Labor Secretary W. J. Usery, known as one of the country's leading labor negotiators, who was traveling in the Middle East.

There wasn't enough time to reach a settlement on the whole contract, so discussions narrowed to Mr. Binion's most important demand. Thus was the Sept. 3 agreement born.

KEY PROVISION

It stipulated that all job openings above the bottom level must be filled by persons within the bargaining unit who are eligible to join the union, just so long as the unit contains at least three "qualified" candidates.

It is unclear whether the department officials who negotiated the pact realized what they were doing, but it didn't take long, after the Labor Day show went off untarnished, for officials to back away from the agreement.

As one reason for retreating they point out that "qualified," in civil-service jargon, denotes applicants with the bare minimum qualifications for a job. Such persons almost always are passed up in favor of "highly qualified" candidates.

But the department also contends that the agreement would require illegal discrimination against department employees who work outside Washington, or in certain headquarters jobs, since they aren't eligible to join Mr. Binion's union and thus would be denied promotions. Besides, they argue, such restrictions would retard the department's effort to increase job opportunities for blacks and women.

Mr. Usery renounced the agreement while still in office, but the present Labor Secretary, Ray Marshall, last year offered a compromise: He would put the plan into effect for six months pending negotiation of the full contract, with the promotion-and-hiring provision to be negotiated along with other issues. Mr. Marshall's offer, it is said, was sweetened with promises of significant concessions in the resumed talks.

AN OPINION OBTAINED

Mr. Binion rejected the offer, and so Secretary Marshall sent the ad hoc agreement to the Civil Service Commission for an opinion on its legality. The reply: It's illegal. The result is an impasse, with the department insisting that the agreement is a dead letter and Mr. Binion arguing that the agency has a moral obligation either to live up to its signed contract or else "buy it back" with further concessions.

Mr. Binion says that the agreement is necessary to protect minority workers from getting passed over in promotions. He also criticizes what he terms "arbitrary and capricious" personnel policies at the department. These, he says, are the legacy of a long history of management "paternalism" toward Local 12 (which takes such issues as grievance procedures and promotion policies very seriously, partly because it is barred by law fom bargaining on pay issues).

"Local 12 has always tended to be what you might call a company union," Mr. Binion says. "The old trade unionists (who held high positions in the department) always thought there should be a union here, but they couldn't conceive of an adversary relationship since they were so completely pro-union. And until recently the union never stood up and said, 'Hey, we don't want you to give us anything. We prefer an adversary relationship.'"

That is precisely what Mr. Binion and his Labor Department critics have now. He charges that the department wants to "bust" his union. Its officials retort that Mr. Binion and his minions are out control and that management prerogatives must be restored.

"I believe in unions; I grew up in a union family," says one high-level staffer who has been a Local 12 member since joining the department a decade ago. "But I've come to the reluctant conclusion that this union is almost impossible to deal with in any way that is beneficial to its members."

Now we have here our Labor Department trying to solve a labor dispute within its ranks, unable to, unwilling to come to the point of confrontation. Yet that same Department is going to be making endless decisions on the implementations that accompany this law. That, plus the report language, and the unfortunate characterization of the nature of events in the coal strike by the Secretary of Labor, tend very much to indicate to this Senator, at least, that this legislation and the report that accompanies it, if it goes out of here at all, must be better balanced. It must not be punitive to employers alone.

Curiously, I doubt whether the employees of local 12 would have any opportunity to avail themselves of the provisions of this bill with the U.S. Government. If it did, I guess the taxpayers would be the only ones to foot that bill because, for however far it goes, it is only their money which would go into "make whole" remedies.

We cannot debar the Government from doing business with itself. So that is a remedy that is not available.

The problem is with the bill as it lies in front of us, characterized by the Washington Post editorial, it is pro-union and spends insignificant time on the problems of individuals who belong to the work force in America, whether the unionized work force or the non-unionized work force.

In the long run, these very provisions, as the Senator from North Carolina pointed out, debarment provisions, end up being a penalty basically on employees, not the penalty on employers.

If that happens, they get caught in the squeeze between employers and their big unions, union bosses who are doing things in the interest of economic and political power, not the power of individuals, and this Government which cannot seem to make up its mind as to which side of the world it wants to come down, to do the decent and right thing, and that is on the side of the employee, the individual working men and women in this country.

Mr. President, I suggest that we will have a difficult time in this country should this legislation pass in its present form, because the basic strength of America's economic system lies not in its big companies, but in its small employers and the people who work for them. The people who work for them outnumber the people who work for the large employers of this country, and they primarily will be the ones who finally feel the brunt of this in unemployment and penalties thrust vindictively at their employers, but the result of which end up in penalties on their pocketbooks and, indeed, on their States.

(The following proceedings occurred during Mr. WALLOP'S remarks and are printed at this point by unanimous consent:)

Mr. MORGAN. Mr. President, I welcome this opportunity to speak to the Senate on the third part of the labor law reform bill, the section that I call the remedies section.

For 3 consecutive days I have spoken of various parts of the bill now pending before the Senate. For the last several weeks and months, I have tried very carefully to analyze this bill as thoroughly as I could and to weigh the merits of the bill. I have done so under tremendous pressure from those among my constituents who support the bill and from those who oppose it.

I estimate that I have had approximately 50,000 pieces of correspondence on this bill, not counting the literally hundreds or even thousands of telephone calls that have come into the three offices that I maintain.

Because of all this tremendous pressure, I think it is important that the bill be analyzed and considered very carefully, rather than on the basis of the views of special interest groups who either oppose or support the bill.

So, having discussed previous parts of the bill, today, I do want to talk about the remedies section.

I welcome this opportunity to speak to the Senate on the third part of the labor law reform bill, the section I call the remedies section.

THE REMEDIES

S. 2467 has four basic changes in the current law which would alter the remedies of the National Labor Relations Board and would create new powers for the Board.

There are two changes relating to employees improperly discharged for union activity. The first calls for increasing the present back pay provision from 100 percent of lost wages to 150 percent.

The second remedy deals with injunctions. At present the NLRB may seek injunctions for various purposes under title 29, United States Code, sections 160(J) and 160(L). Currently, injunctions to reinstate employees improperly discharged during representation campaigns are sought under 160(J). S. 2467 would move these injunctions to 160(L) and order that these injunctions be given priority by the Board among all its cases.

S. 2467 also provides that the remedy of debarment will be available to the NLRB. Under the bill before us, debarment from Federal contracts, a remedy that exists in other statutes, would be ordered by the Board where a party was found to have willfully violated an order of the Board. All contracts, except those of a strategic nature, would be canceled.

The fourth remedy is called make whole. I assume that this is modeled on the antidiscrimination laws. Under title VII of the Civil Rights Act, an employee is to be made whole by paying him a wage he would have made "but for" race, sex, or religious discrimination. The bill before us, S. 2467, applies this to collective bargaining. Using Bureau of Labor Statistics figures, the Board would direct that employees be made whole for injuries during the period of an unlawful refusal to bargain. A contract would be imposed by the Government. The remedy appears to be aimed primarily at employers.

BACK PAY

The first of the new remedies is not a very realistic one. I say realistic because I am not adamantly opposed to the concept; I simply do not think it means very much. At present, if an employee is improperly discharged, the NLRB may order that the employer pay that employee his lost wages. The courts have determined that the mitigation rules apply here; that is, that the employee must seek other employment in good faith or accept reinstatement in order to receive back pay. The pay is reduced by the amount received from the other employment.

That is a fundamental and elementary rule of law and a rule of damages that has come down to us from common law days. This bill would increase the amount of the backpay from the current 100 percent of wages to 150 percent.

Mr. President, this simply is not very realistic. For the big businessman, I am sure that he would be willing to pay four times an employee's wages if the employee is engaged in organizing activities and if he could be discharged during the crucial election period. I do not think 150 percent backpay will do the trick.

For the small businessman, this represents an economic burden, but I do

not believe that it poses a real deterrent. I believe that here we see backpay operating as a penalty on the employer rather than as an incentive to retain the employee.

The real issue is how to induce employers to allow organizing campaigns to take place and how to induce them not to violate the law. I believe that a fair labor relations law will do that; I am afraid that S. 2467 will reduce the incentive.

Additionally, my concerns over 150 percent backpay go to the spirit of the change. At present, no other statute provides for more than 100 percent backpay. I am not sure that this labor law needs greater sanctions than the Fair Labor Standards Act or the Equal Employment Opportunity Act. I am concerned that there will be some increase in employee efforts to encourage a discharge so as to reap an economic windfall. I am not suggesting that this is going to reach epidemic proportions, but I do think it can increase. The employee would be encouraged to drag out the settlement of his case to receive more wages.

I believe that there is an important issue of mitigation. It is not clear whether S. 2467 does away with the mitigation rule. If this proposal assumes that an employee cannot secure work and therefore should make no efforts in that direction, then I am against it as a very bad policy. I think that an employee should attempt to protect himself and not await a windfall of 150 percent backpay plus interest.

PRIORITY INJUNCTIONS

The other proposal dealing with improper discharges is what I call the priority injunction. At present, the National Labor Relations Board may seek a preliminary injunction to reinstate an employee on its own determination. Under S. 2467, the Board is ordered to seek the injunction, to give it priority over other cases and to do so on a mere allegation that the discharge was motivated by organization activities of the employee. I am not against this idea in principle, but I think we ought to review the facts more carefully.

First, I believe that it is unnecessary. At present, the NLRB may seek to reinstate employees and may give the injunction priority if the Board believes a case to be meritorious. Second, I think that a review of the record speaks to the lack of need in this area. Last year the Board sought only 55 injunctions under section 160(j) and only a few of these dealt with reinstatement. At the same time that these injunctions were few in number, the Board was increasing its overall activity in seeking injunctions. In 1976, the Board made 163 filings under 160 (j) and (l) and this number rose to 229 in 1977. In other words, at the same time that the number of injunctions were rising, reinstatement injunctions stayed at a low level. I do not believe that is because of an intent on the part of the Board but out of an absence of need.

A more telling statistic is that in 1977 only 67 percent of the employees who were offered reinstatement, accepted it. Again, Mr. President, the need is to prevent discharges. Once discharged, it is hard to return even if the job is offered to you. I stand by my earlier statement that preventing discharges by encouraging employers to allow organizing campaigns to go on, is more effective than threats. I believe we can encourage employers to allow campaigns to go on and to compete fairly with the union if the labor laws are not unreasonable and punitive.

We are told that under this change certain injunctions will be given priority by the Board and by the courts. What we are not told is that several other statutes have priority injunctions. A judge is going to be presented with his normal criminal caseload and with an increasing load of priority injunctions from the EEOC law and the OSHA law. There is not going to be any time savings, only some name changing. There will also be an increase in the workload for the Federal district courts.

Again, this proposal will tilt the balance of the National Labor Relations Act to a presumption of guilt on the part of employers. Since unions have no authority to require employers to discharge employees during representation campaigns and since unlawful union acts of violence and coercion are not covered by the proposal, I believe this measure will apply to employers only and will have the negative impact I alluded to earlier.

CONTRACT DEBARMENT

The third proposal under the remedies section is debarment from Federal contracts for willful violators of Board orders. This proposal would require the Board to automatically, without any discretion, inform the Secretary of Labor of a violation and the employer would lose his Federal contracts for up to 3 years.

Now, debarment exists in other statutes, most notably under the Executive orders on discrimination and the Office of Federal Contract Compliance Programs. The concept of debarment is to deter violations of agency orders. I have no doubt that it would have some deterrent effect. However, I believe that there are several drawbacks to debarment.

First, the threat is more effective than the use. The threat of a 3-year debarment may be less realistic than that created by a 1-year debarment. Debarment is seldom used and once imposed, it represents a breakdown of the system. Second, after a few months of debarment, the greatest impact is on the employees the remedy was intended to help. A loss of Federal contracts will eventually result in a loss of jobs. I have heard some arguments that this is not the case, but I do not think there can be any other result.

The remedy is purely punitive. It is aimed at employers and if the motive of the remedy is to cure a few major law violators, it may not achieve that goal and may alienate many employers who are not violators of the law, and produce more delay. As this bill tries to remove sources of delay, I am surprised that we are creating so many new remedies which will require court review and years of interpretation. Debarment fits into that category.

Let us assume for the sake of argument that there is a manufacturing plant of 100 or 150 employees where the employer is doing contract work for the Department of Defense manufacturing, as a usual rule, one particular item, such as T-shirts or undershirts. If for some reason the employer is held to have willfully violated a fair labor practice or has been found guilty of an unfair labor practice, he would be debarred from carrying out the Federal contract to manufacture T-shirts and would be put out of business. But the 100 or 150 employees that this bill is purportedly designed to protect would also be put out of work and their jobs would be gone.

The remedy that it provides for invades, in my opinion, the province of the National Labor Relations Board by removing its discretion under section 160(c) to shape remedies it determines are necessary. I think this is a serious move to take without further consideration.

It seems to me that the proponents of this bill lack confidence in the National Labor Relations Board, a lack of confidence which I do not think is justified in light of the years of service and the kind of service that it has provided.

One final note on debarment, the purpose of this remedy is to prevent violations or to cure violations of Board orders. Personally, I believe that this is unnecessary. There is a part of our law today which will, if utilized, achieve the same result. At present there is contempt power in the courts and the ability of the NLRB to seek nationwide injuctions. There have been only a few repeating law violators and I believe that they have been given undue attention by the Senate.

"MAKE-WHOLE"

The fourth and final remedy is the make-whole provision. Mr. President, I stated in my first address to this Senate on S. 2467 that I would not stand in the way of needed reform. I must state that I feel that this provision is the most unjustified and unmanageable provision of this bill.

Under S. 2467, the remedy would be triggered by an unlawful refusal to bargain. The purpose of the bill is to induce employers to bargainn in good faith less he incur the wrath of the make-whole remedy. If he does not, then a settlement would be imposed on the employer. It would compensate the employees for wages and benefits they would have received if the employer had bargained in good faith. The figure to be employed would be one provided by the Bureau of Labor Statistics for the percentage increase in wages and benefits secured by employees in units of 5,000 or more in a quarterly period.

My objections to this provision are so many that I would do better to list them than to go into each one in detail.

First, I would like to know the source of using Bureau of Labor Statistics to determine what employes would have received. Under title VII, for example, back pay is awarded on the basis of actual losses and not any measure of contractual damages. This approach is too speculative.

Second, I would like to know what business the Government has interfering in collective bargaining. The law is to facilitate bargaining not to preempt the need for it.

Third, how do we avoid the inflationary impact of this proposal? Will not every union seek the percentage increase of the Bureau of Labor Statistics figures as a basis for any negotiation? I believe that any union that did not would be foolish.

Fourth, do we not have inducements now on an employer to bargain in good faith in the form of remedial action by the Board and a requirement that an employer pay attorney's fees?

Fifth, are we not just creating more delays and more litigation which were supposed to be reduced in the earlier parts of this bill?

(Mr. HARRY F. BYRD, JR. assumed the Chair.)

Mr. JAVITS. Mr. President, will the Senator yield to me, if it is convenient?

Mr. MORGAN. Not at this time.

Mr. JAVITS. All right.

Mr. MORGAN. I have all these questions and more about the so-called make-whole remedy. I believe that of all the proposals under this bill, this one is the most one-sided and the most unmanageable. It flies in the face of labor law experience and the thrust of the National Labor Relations Act, which is to promote, not to dictate, collective bargaining. I really do not think there is much more to be said. I feel this is a bad proposal and an unneeded one.

SUMMARY

I have mixed emotions about the remedy section. There are certain provisions to which I am not averse; there are others with which I have some concern about their effectiveness, necessity or bias, and there are others which I find insulting and injurious to our system of labor-management relations.

I hope the sponsors of the bill will address some of these specifics.

I am delighted to yield to the Senator from New York for——

Mr. JAVITS. Just a question.

First, let me say I appreciate the thoughtful way, which is quite characteristic of the Senator from North Carolina, in which he has approached this problem. I do not rise to debate with him now, but I would like to ask him if his understanding is like mine with reference to the law at present, and his understanding of the bill.

I might say to the Senator, we did not intend to establish any new standard for good-faith bargaining. We intended to leave the present standard as it is, and that the so-called make-whole remedy is exactly what it is, a remedy. There is no question about that.

Does the Senator understand or believe there is anything in this bill that changes the substantive law as to good-faith bargaining, in respect of a first time?

Mr. MORGAN. I understand that it does not change the standard by which you would determine whether or not there had been good faith bargaining. But the elements that go into making such determination vary.

I think the fact that the Bureau of Labor Statistics could be injected and could have some effect on whether or not one would be willing to enter into certain negotiations or agreements could, overall, have a detrimental effect.

Mr. JAVITS. Right. May I just say this: If the union is guilty of failure to bargain in good faith, they would be just as liable as the employer; and if the Senator can find anything in the bill which prejudices the substantive issues, we certainly would want to change that, because our sole purpose was to give a remedy where there now is none. There is no remedy whatever today except that in a few cases the NLRB has decided that they will give the counsel fee with respect to prosecuting the case.

Senator WILLIAMS and I are in agreement with the Senator from North Carolina that we should try to find some other index. This is the only one we could find at this time which was reliable. I will assure the Senator we will continue our efforts to find some other index with which to deal with small business, as distinguished from very rich bargaining units.

Mr. MORGAN. I will say to the Senator I certainly agree that if a union refused to engage in collective bargaining, holding out, let us say, for wages that would meet this index, it would, of course, be guilty, in my judgment, of an unfair labor practice.

But the difficulty is that the facts are not always clear. It is not always easy to see which party is guilty of an unfair labor practice. It troubles me that discipline itself may impose a problem wherein the employer might be held to be guilty of an unfair labor practice.

Let us be candid and frank about it: The cost of living in the distinguished Senator's State of New York is—I was going to say tremendous, and I think I would say it is tremendous; it is a great deal higher than it is in my home State of North Carolina. We are told that we have among the lowest per capita incomes in the Nation, and yet a very responsible, recognized economist recently did a study taking into consideration cost of living, local property taxes, State taxes, and various city taxes, and found that North Carolinians have more disposable income than citizens of any other State, I think, save 10, or 11, or 12.

So it seems to me it would be extremely unfair for this kind of index to be used by the Government to impose a settlement in North Carolina, even assuming that the employer were guilty of an unfair labor practice.

Mr. JAVITS. Let me say to the Senator that when the Senator says "guilty of an unfair labor practice," all it means is that the employer refused to bargain. I wish to make this legislative record on the part of the proponents of the bill: An employer is not obligated to agree. Collective bargaining does not compel agreement. So long as he bargains in good faith, there is no penalty against him whatever.

Second, the penalty is a percentage penalty, so it would be based on the standard of wages or salaries involved in the case.

So it seems to me that those factual details are dealt with fairly. But as I say, we are trying to consider a better approach to the index.

One thing the Senator has said which I would beg him to consider carefully: That is that if we prescribe a remedy where there is no remedy, is it fair, then, to say "Because you have prescribed the remedy, it will encourage unions to make complaints"? That is really the philosophic question which we face.

There is no remedy now. We should give a remedy if we really mean what we say. Therefore, are we to say to ourselves, "No, we will not give a remedy because if we do it will encourage people to complain"?

Mr. MORGAN. First of all, I would agree that the remedy now might not be adequate. But I do say if this standard or this index is held over the head of the employer, a shrewd bargaining agent could, in the course of collective bargaining and negotiation, quite often put the employer in the position of appearing not to be acting in good faith.

Like the Senator from New York, I practiced law in the courtroom for about 20 years, and I always sought as much as I could to leave the impression with the judge that I wanted to be cooperative, but it was the other side that was wanting to be cantankerous and difficult to get along with.

I suspect the bargaining sessions in collective bargaining are not a whole lot different, and we are dealing with pretty shrewd people on both sides. I feel sure of that.

I guess I am encroaching upon the time of the distinguished Senator from Wyoming, and I do thank him for yielding to me to make these remarks in the middle of his presentation.

(Conclusion of earlier remarks.)

Mr. WALLOP. Mr. President, I note the distinguished Senator from Oklahoma (Mr. BARTLETT) has entered the Chamber. I think he has considerable to add to the debate and discussion on this issue. So at this time I yield the floor to the Senator from Oklahoma (Mr. BARTLETT).

Mr. BARTLETT. I thank the distinguished Senator from Wyoming.

Mr. President, I am not sure I understand why we are here debating H.R. 8410, the so-called labor law reform bill. From all the evidence presented thus far, it seems that the law as it now is written works quite well. The law provides a good balance between the demands and genuine needs of labor and the demands and genuine needs of business. The statistics will bear me out.

Of the over 9,000 elections held by the Board annually, over 80 percent are held in a period between 12 and 44 days from the time the petition is filed. Approximately 19 percent of the remaining

cases, in which numerous issues were contested, the election was held in the median time of 75 days from the petition. More than 80 percent of all elections are held pursuant to agreement of the parties without a hearing or procedural delay.

Moreover, as to the 20,000 unfair labor practice cases pending adjudication, the misleading impression created by the authors of this legislation is that they are all hopelessly back-logged, waiting consideration by an overworked, five-member National Labor Relations Board and that all have resulted from employers' unfair labor practices. The fact of the matter is these cases representing charges filed against employers and unions alike have been filed in the NLRB's regional offices and are awaiting disposition at some stage in the administrative process. Of the cases filed last year, 97.5 percent were either dismissed, because they lacked merit or were settled administratively at the Board's regional offices.

These facts notwithstanding, the bill as it is presently written would call for elections to be held not more than 45 days, and in most cases not more than 25 days, after the petition is filed. And this is just the tip of the iceberg. There are a whole host of other provisions in H.R. 8410 that would in effect metamorphose the National Labor Relations Act from a remedial law into a punitive one designed primarily to intimidate the employer to the point of submission to any and all union demands.

For example, the bill as it is drafted requires the Board to seek immediate court-ordered reinstatement of employees believed to be illegally discharged during a union organizing prior to a Board decision on the merits of the case. It provides for automatic court enforcement of NLRB orders with no right of objection unless the aggrieved party files a petition for court review within 30 days after issuance of the Board order.

Where the NLRB has found an employee to have been illegally discharged during an organizing campaign, or prior to an initial contract, it can award to that employee backpay from the time of discharge at 1½ times the regularly hourly wage rate. Where an employer refuses to bargain in good faith, the NLRB is authorized to award to employees compensation based on the difference in wages and benefits actually received during the refusal to bargain, multiplied by the percentage increase in the wages and benefits determined by the Bureau of Labor Statistics for major collective bargaining agreement covering units of 5,000 or more employees. And finally, H.R. 8410 would authorize the Board to find a party in willful violation of a Board order, and, upon such finding, the Secretary of Labor would be required to bar such person from receiving Government contracts for 3 years.

This hardly seems to be in the best interests of the working individual. So, the question must be asked: Why is this bill being pushed so hard? The unions have admitted that its primary goal is to make it easier for them to organize non-union workers. But why should government tie the hands of the employers just for the sake of the unions? The National Labor Relations Board annual report issued in March provides some insights into this question.

For the third straight year, union organizers in 1977 lost more NLRB supervised representation elections than they won. The report reveals that unions won only 46 percent of all representation (certification and decertification) elections and lost 54 percent. These figures show a continuation of a steady decline in the number of union election victories from 1972 to 1977. In 1972, 54 percent of all representation elections were won by unions. By 1976, this had dropped to 48 percent, then to 47 percent in 1977.

The NLRB election data is actually a combination of two different types of union election results.

Certification elections are held at the request of union organizers—at the time when they feel they have enough support to win the privilege of representing a group of employees. Nonetheless, in 1977, unions lost 4,476 certification elections (52 percent) and won only 4,159 (48 percent).

Decertification elections are held at the request of employees attempting to oust a union which already represents them. Unions lost 645 (76 percent) decertification elections in 1977, and won only 204 (24 percent). While the percentage of decertification elections won by unions has not changed significantly in recent years, the number of decertification elections requested by employees has increased more than threefold in a decade.

The NLRB report also states that of the 570,716 employees eligible to vote in the 1977 elections, only 244,764 (43 percent) cast ballots for union representation. In addition, out of 504,241 votes actually cast, the majority 259,477 (51.5 percent), were against union representation.

The latest findings have a special significance when considered in connection with the so-called labor law reform bill that is now before us. It is obvious for all to see that big labor is desperate to stem the tide of independence among American workers. That is understandable. But instead of making unions more attractive and selling unionism on its own merits, union officials have turned anew to Congress, demanding that an increase in their already substantial powers to compel individuals to join or support a union as a condition of continued employment. What is particularly tragic about this decline in union membership is that if union officials had adhered to the principle of voluntarism—what Samuel Gompers, founder of the American labor movement, called the "cornerstone" of unionism—it might never have occurred.

In 1916 Gompers said:

> Workers of America adhere to voluntary institutions in preference to compulsory systems which are held to be not only impractical but a menace to their rights, welfare and their liberty.

Unfortunately, the proponents of this legislation, as well as George Meany and his fellow modern day union bosses, have chosen to ignore this wisdom, causing the labor movement to suffer decline in membership, and worse yet, causing millions of workers to suffer the outrages of compulsory unionism. As New York Times labor writer A. H. Raskin said:

> Most unions have got out of the habit of organizing in the years since World War II. To the extent that they have acquired new members, outside the Civil Service and health fields, it has been primarily through union shop contracts and other kinds of "push-button unionism" in which the employer delivers over workers . . .

According to a poll released by U.S. News & World Report in February, an overwelming majority of the American public is opposed to any action by the Federal Government which would make it easier for unions to organize. So again I must ask the question: Why are we here today? When asked if the Federal Government "should make it easier for unions to organize workers," 59 percent of the Nation's household heads said "no." Only 24 percent said "yes" and another 17 percent had no opinion.

The public's attitude toward compulsory unionism came through strongly when people were asked if "where a company has a union, it is all right if new workers were required to join a union to keep their job." In this case, 32 percent of those responding to the survey agreed, while 59 percent disagreed, and 10 percent had no opinion.

Similar results were reached in a nationwide opinion poll conducted by the Opinion Research Corp. of Princeton, N.J. Asked whether legislation should be passed making it easier for labor unions to organize nonunion employees, only 22 percent of the public favored such changes. Fully 25 percent of those polled supported legislation making it harder for unions to organize nonunion employees, and 40 percent of those responding believe there should be no change in the present law.

In view of these survey results, it seems totally unreasonable to me that the U.S. Congress should even consider passing still another piece of special privilege legislation to give union bosses even more power to force unionism on workers. Indeed, 52 percent of those surveyed by Opinion Research believe unions today have grown already too powerful. There is absolutely no mandate from the public to change our labor laws. As a matter of fact, the mandate is from the other direction. It comes from an overwhelming number of Americans who believe their rights should be strengthened in relation to union control over their affairs.

Seventy-three percent of the public and 83 percent of the union members favor the secret ballot as the only way to decide on union representation. Eighty-one percent of the public and 79 percent of the union members favor a law requiring worker approval by secret ballot before a strike can be called. And finally, 72 percent of the public favors a law that would allow a person to get

and keep a job without joining a union. Even so it seems that a small majority of Senators for the time being might have the votes to prevail in an up-and-down vote on this so-called Labor Reform Act.

Mr. President, as I understand it, the first purpose of H.R. 8410 is to expedite the processing and ultimate resolution of unfair labor practice cases by: First, increasing the size of the Board from five to seven members; second, requiring a summary of affirmance procedure for resolving uncomplicated cases by two Board members; and, third, requiring court review petitions to be filed by a grieved party within 30 days from the Board's order.

A good many people, however, have indicated that this bill will not appreciably decrease the time required to process unfair labor practice cases, and may, instead, expand that time.

The so-called summary affirmance and 30-day court petition basically codify current practices except that mandating the procedures by a statute may, in a case of summary affirmance, add another step to the Board's litigation process, and may, in the case of required 30-day petitions result in more court litigation thus creating increased delays in the resolution of cases. I think that this is bad policy, may increase litigation costs to some, and is totally at odds with the announced purposes of the bill.

Further, to increase the size of the Board but retain current case processing procedures simply means that seven rather than five members must review each decision, thus further delaying the ultimate resolution of unfair labor practices cases and, at the same time, raising the charge of "Board packing" by the President reminiscent of the Roosevelt Supreme Court packing proposal of the 1930's. I believe neither the increased delay nor politicizing the image of the Board to be good policy. In sum, this bill's attempt to tinker with Board procedures adds little and is more apt to delay rather than expedite the final resolution of unfair labor practice cases.

I understand that the second purpose of the bill is to expedite NLRB election cases so that employees may more quickly vote on the question of whether or not they wish to be represented by a union.

This is to be accomplished first by requiring the Board to issue regulations defining appropriate units so that there will be no need to litigate basic unit issues prior to an election. But after 42 years of experience under the NLRA, there is virtually no litigation now concerning the composition of basic election units, so this requirement does nothing and will merely create new litigation concerning the wisdom and application of the new regulations.

The second step toward Board elections is to set an outside limit of 75 days from election petition until election. However, as I stated before, under present Board practice, more than 80 percent of all NLRB elections held each year occur sooner than 45 days after a petition has been filed. As for the remaining 20 percent, the median election date is now 75 days after petition.

(Mr. NELSON assumed the chair.)

Mr. BARTLETT. Mr. President, elections held later normally involve serious issues, which, when resolved after an election (as contemplated by H.R. 8410), may well require costly and time-consuming new elections. Finally, to the extent that an election might be appropriate prior to a resolution of various representation case issues, the NLRB is fully capable of doing so under its new "vote and impound" rules promulgated on August 15, 1977 (29 CFR section 102.-67). Accordingly, H.R. 8410 accomplishes nothing of expedition but, instead, requires the Board to hold elections in cases where the ultimate judgment of the Board will almost inevitably require a time-consuming and costly second election.

The third step contemplated by this bill is to require that elections in cases other than exceptionally novel or complex issues be held within 45 days of petition unless certain circumstances require a 21-day election. But, again, over 80 percent of all NLRB elections are now held within 45 days of the time a petition is filed with the Board. So far, then, H.R. 8410 has done little more than confirm present practice.

The final step is to require that an election be held within 21 days of petition-filing by a union, but only when that union has convinced a majority of employees to support it, and only when that union is not seeking to raid another union. This provision does change present Board practice and will expedite elections—radically so—but only when it suits the institutional interests of organized labor to hold elections so quickly that employees will have no opportunity to be fully informed about the consequences of their vote. And, in addition, this proposal will allow, indeed encourage, unions to time their election petitions so as to gain unfair advantage at election time.

It is not unusual for a union to campaign among workers for days, weeks, or months convincing employees of the value of representation by it before an employer even knows that his employees are being organized. During that period, the employees hear only the union's position, only its side of the story. The Board's election processes are then commenced by the union's filing of a petition. If the union has convinced a majority of employees to sign cards supporting it, H.R. 8410 requires that an election be held so quickly that an employer has no time to advise his employees of possible adverse consequences of unionism. This is particularly true of small businessmen who often know little about labor law or where to go for advice and counsel. By the time the employer has himself learned the other side of the labor story, the election may have been long over and certainly the election will have often been held before employers can become informed.

Not only is this the effect of the bill before us, it is clearly its purpose. Thus, quickie elections are to be held only when it suits union interests to stand for election before the electorate can be fully informed. If the union has not amassed a majority of employees when it files the petitions, it is granted 45 campaign days to build a majority. If another union's interests are threatened by a raid, it is given 45 campaign days to retain its position. If an employer files a petition, no quick election is possible. If employees file a petition to decertify a union, the union is given 45 days to defend itself.

Further, under this bill unions will be able to time their petitions to insure unfair election victory by filing them before an employer has hired all of a new work force during lay-off or vacation periods, et cetera. This unfair strategy will be effective because the NLRB is to be denied the power to set a reasonable election date by the strict mandatory provisions of H.R. 8410.

In addition, to protect the union's majority from lawful employer campaigns, H.R. 8410, under the guise of insuring that employees receive full information before they vote, requires an employer who addresses his employees (which, given the timeframe, is the only feasible way an employer can inform his employees) to open his plant to speeches by professional union organizers who can use that forum to promise employees increased wages and benefits and even malign the employer. And yet the employer is not to be given access to the union hall, may make no promises whatsoever, must still allow the union's employee organizers to campaign in the plant during their breaks, not visit employees in their homes, but must provide the union with the names and addresses of all employees prior to the election.

Finally, H.R. 8410 substantially limits court review of labor board determinations in representation cases, and under the guise of providing a meaningful remedy for serious labor practices coerces employers from seeking court review under the threat of massive retroactive payments to the employees.

In short, the only meaningful attempt at expediting election cases contained in this bill turns out to be a rush to elections before employees are informed and a union's majority can be tested by a lawful employer campaign.

I do not believe it is necessary for me to apologize for vigorously and, indeed, emotionally objecting to this legislation, labeling it a pro-union, anti-employee proposal, particularly when one remembers that it is 98 percent directed at small business and 75 percent directed at very small business, inasmuch as 75 percent of all Board elections last year were held in units of less than 50 employees and 98 percent were held in units of less than 400 employees.

The third and final purpose of H.R. 8410 is to provide additional sanctions for violations of the Labor Act in order to deter unlawful conduct. Interestingly, although this is not supposed to be an organized labor bill, there is no meaningful attempt to deal with union violence, union fines of employees who seek to exercise their right to work, union strike injustices, or any union activity

at all. New sections seek to punish management, not for the primary purpose of deterring violations, but rather to insure and secure union election victories.

Of the four proposed remedies, three are to be applied only during the period from the commencement of union organizing until a first argeement is made between the union and the employer. H.R. 8410 thus provides that if any employee is discharged by an employer during that period and the NLRB ultimately finds that the discharge violated the Labor Act, the employee shall be reinstated and receive a backpay award of 1½ times his regular hourly wage for his period of discharge whether or not he worked elsewhere, whether or not he sought out other work, or whether or not he had any desire to return to work with his prior employer. And this remedy applies even though the employer may have believed that he lawfully discharged the employee. It is clear that H.R. 8410 intends this remedy only to assist unions in organizing and winning elections—for the remedy is not available to any employee discharged at any time other than during a union's organizing campaign. Clearly, nothing aids a union more than the claim that it causes an employer to rehire a discharged employee. Thus, by imposing the threat of punitive damages upon an employer, and in at least 75 percent of the cases upon a very small employer who cannot afford the costs of litigation plus the possibility of time-and-a-half backpay with interest at 7 percent in addition to the wages paid to the dischargee's replacement, H.R. 8410 imposes a threat sufficient to require many employers to rehire even lawfully discharged employees and thereby aid and perhaps insure a union election victory.

If, however, the small businessman chooses to defend himself despite the threat of punitive damages, H.R. 8410 gives further aid to union organizing efforts by requiring the Board to petition for a Federal court injunction requiring that the employer rehire the discharged employee. No finding that the employer violated the Labor Act is required, for all the Board and court need determine is whether there is reasonable cause to believe that the employee was wrongfully discharged. If the employer gives lawful reasons for the discharge, but the employee argues that his discharge was motivated by the employer antiunion bias, no determination is to be made of the actual reasons of discharge—that decision will come later after an administrative trial, but in the meantime, the employer will be required to rehire and employ the worker. Again, it is clear that the remedy proposed in H.R. 8410 is intended purely to insure union election victories, for such injunctions are not to be available to any employee discharged at any time other than during a union's organizing campaign.

The third prefirst contract remedy would require that an employer who refuses to bargain with a union retroactively pay his employees wages and fringe benefits from the time they would have received benefit increases had the employer bargained and reached agreement with the union, the amount of payment to be determined by nationwide survey of bargaining settlements in employee units of 5,000 or more employees. Again, this remedy applies only in first contract bargaining situations.

This remedy is, of course, punitive and seeks to threaten employers with massive retroactive payments in order to deter them from refusing to bargain a first agreement with a union.

In reality, however, the so-called remedy will operate to coerce employers to keep them from exercising their right to court review of Labor Board decisions in representation cases. Indeed, an employer's refusal to bargain a first contract with the union is not a serious Labor Act violation—rather it is his only means of obtaining court review. Thus, it has long been held that the Board's decisions in a representation case are not immediately appealable to the court of appeals. Therefore, in order for an employer to contest legally the Board's determination of unit or other representation issues, it must first refuse to bargain with the union. Thereafter, the general counsel issues a complaint alleging the refusal to bargain by the employer, the Board issues an order finding that the employer has refused to bargain and the case then goes to the court of appeals. At that time, the employer is free to argue that the Board's determination in the representation case was wrong. That is the only way in which such Board orders are court reviewable. To impose a penalty upon an employer merely because he seeks to pursue his only avenue for court review is, at best, unfair.

And the remedy as proposed is particularly unfair, for it requires payments by small businesses determined by bargaining agreements in big business units of 5,000 or more employees. Again, 75 percent of all Board elections last year were held in units of less than 50 employees, 98 percent were held in units of less than 400 employees, and in 1976 the Board reported no election in a unit of 3,000 or more employees.

Therefore, I have compelled to conclude that the so-called remedy provisions set forth in H.R. 8410 are intended to insure union election victories and thereafter secure them by threat or punishment to an employer who seeks legitimate court review. And my conclusion is confirmed by the final remedy proposed in H.R. 8410. The final remedy would require the debarment of an employer from Government contracts for an arbitrary period of 3 years if he willfully fails to comply with a prior court or Board unfair labor practice order, even though the employer may immediately thereafter comply, even though his violation may be technical in nature, and even though debarment may no doubt result in lost jobs for his employees. This remedy is proposed as the final deterrent against employers (and particularly small employers) pursuing their rights to contest union claims before the Board and courts, for failure to settle a case will set the stage for employer debarment and, in the case of many small businesses, total business failure.

To reiterate, I see no reason to apologize for my conclusion that H.R. 8410 is a prounion, antiemployee, antiemployer bill.

Mr. President, this piece of legislation is not only an affront to the American public's sense of fair play, but it is also an affront to Mr. Joe Workingman's pocketbook. This was the conclusion by Rinfret Associates in a study conducted by them on the economic impact of the proposed legislation. Evaluating the inflationary impact of increased unionization, Dr. Rinfret stated that statistical and mathematical evidence indicates that an increase in the degree of unionization leads to an increase in the degree of inflation.

Dr. Rinfret observed:

On the basis of historical relationships between the degree of unionization, employee compensation and consumer prices that existed in 1976, our study finds that for each 10 percent increase in union membership, the consumer price index would increase by at least 5 index points. This means a 3 percent increase in the rate of inflation. A 3 percent increase in the rate of inflation would mean that the base rate of inflation, which now appears to be about 7 percent would rise to 10 percent. The base rate of 10 percent is clearly in conflict with and in violation of Administration and Congressional objectives.

Noting the potential impact of the proposed legislation on the small businessmen, Dr. Rinfret pointed out that—

Few people appreciate or understand the importance of small business in the U.S. economy. Businesses with 250 or less employees account for 66% of total employment. Large businesses employing 1,000 or more people account for only 16% of employment.

In general, union representation is won in a higher percentage of cases where there are fewer employees. Representation elections are most frequently won in units where there are 99 or less employees. Thus, small units and small businesses will be affected most by changes in union election procedures that are proposed in H.R. 8410.

To the extent that the proposed revisions expand unionization in small business and to the extent that resulting wage increases match those negotiated in large businesses, there would be a rise in production costs not only for the small units but for the U.S. economy as a whole and a further acceleration of inflation.

According to Dr. Rinfret the "make-whole" provision of the proposed legislation would have particularly adverse impact on small business. Under this provision, the employer who has allegedly delayed union recognition would be required to compensate, or "make whole" employees for wages supposedly lost during this period. Compensation in such cases would be based on wage and benefit scales negotiated for establishments with 5,000 or more employees. But, establishments of this size are the most highly unionized and paid the highest wages. Imposition of these maximum wage scales on small businesses is inappropriate and an unfair cost burden. Small

businesses tend to operate on a relatively smaller profit margin. This added economic disadvantage will make it increasingly difficult for small businesses to compete and to survive.

The Rinfret study further found that employer wage and salary costs would tend to rise materially as a result of expanded unionization. Said Dr. Rinfret:

> For U.S. industry as a whole, which is currently 24% unionized, our study indicates that wage costs would increase by 17% when a non-union establishment becomes unionized.

And he concluded that the increase would be almost twice as large in nonmanufacturing industry which is presently only 16 percent unionized. This includes the service industries, wholesale and retail trade, finance, insurance, and real estate establishments, which are, for the most part, small businesses. Wage costs in nonmanufacturing would rise by 31 percent following the unionization. In manufacturing industry, which is already 44.6 percent unionized, wage costs would increase by at least 10 percent, he noted.

Moreover, we cannot even be certain that these wage increases would be offset by equivalent gains in productivity. Rather, the converse seems to be true. Inflation has tended to accelerate as productivity increases have tended to decelerate. Between 1972 and 1977, for example, consumer prices, hourly earnings, and unit labor costs each increased at average annual rates exceeding 7 percent while productivity increased by only 1.2 percent.

At this point I would like to note for the record that Dr. Rinfret is known for the independence of his political and economic views as well as a broad scope of his evaluations. He has provided economic counsel to both Democratic and Republican administrations, including Presidents Kennedy, Johnson, and Nixon. His analyses have also been used by other members of the executive and legislative branches of the Government.

Mr. President, as the elected Representative of the people of my State of Oklahoma, I consider myself duty-bound to question the impact that passage of this legislation would have on my constitutents. After a review of the evidence it is my feeling that the citizens of Oklahoma have everything to lose and nothing to gain by the adoption of this so-called Labor Law Reform Act. Whether viewed in terms of increases in labor costs per unit of output or increases in consumer prices, or loss of employment opportunities or even loss of income, the net effect of this legislation is a minus for my State. Assuming a 12-percentage point increase in workers unionized as a result of this Federal labor law reform by 1985, a family of four would stand to lose $1,665 in purchasing power. This translates into a net loss of income for that same family of four of $214. The net loss of employment to my State could reach as high as 11,000 jobs. Even assuming only 6-percentage point increase in workers unionized, Oklahoma would still lose roughly 5,000 jobs, a family of four's purchasing power would diminish $833, and the net loss of income for a family of four would be $94.

I emphasize the point that these results are in no way limited to my own State. Each and every one of the 50 States stands to lose substantially if this legislation is adopted. It would seem ill-advised then, for us in the Senate to be debating a bill whose potential for economic harm is so significant. But then again, abiding by the wishes of those who have elected us to the Senate has not been the overriding concern on a great many issues.

Mr. President, I understand that the distinguished Senator from New Jersey (Mr. WILLIAMS) wishes to speak. Is that correct?

Mr. WILLIAMS. Yes.

Mr. BARTLETT. Mr. President, I ask unanimous consent that I have the right to continue my remarks later today and have it only count as my first address before the Senate on this particular bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARTLETT. On that occasion, Mr. President, I yield to the distinguished Senator from New Jersey.

Mr. WILLIAMS. Mr. President, I seek recognition in my own right.

The PRESIDING OFFICER. The Senator from New Jersey (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. President, one of the important features of the labor law reform bill is to provide remedies which will deter law violators. A law with no effect is a paper tiger. Statutory rights without effective remedies are illusory, at best.

Mr. President, each day I have introduced into this debate the description of a specific case that highlights one of the aspects of the inadequacy of present law in meeting situations that are unfair and illegal in labor-management relations, when there is a desire on the part of workers to have an opportunity to choose or reject a union and if there is a union to be bargained with.

So this is chapter 7 in this series of individual cases that highlight, in particular, some of the problems working people face through the inadequacies of present law in two areas, elections and bargaining.

Mr. President, late in 1974, two individuals, Alpe and Roberts, contacted an official of the International Brotherhood of Electrical Workers to seek aid in organizing their fellow employees. They invited their five fellow workers to an organizational meeting, and by the 9th of December 1974, they had signed up six of the seven employees of the Franklin Parish Broadcasting Co. in Louisiana—the radio station where they were employed.

The union filed a petition for an election on December 9, 1974. When the employer received the petition, he called the workers together and accused them of going behind his back, and spoke individually with many of them.

The regional office held a hearing on the petition in January of 1975. At the hearing, the Company contended that Alpe was a supervisor. The hearing officer issued his decision in January, 1975, finding that Alpe was not a supervisor, and an election was ordered for February 14, 1975. The employer appealed to the National Labor Relations Board in Washington. On February 14, 1975, he asked Alpe to sign a document indicating that he (Alpe) was a supervisor. When Alpe refused to sign the document, the employer fired him.

On March 5, 1975, the union filed an unfair labor practice charge. On March 31, 1975, the regional director issued a complaint, alleging that the discharge of Alpe was unlawful and that the company had restrained and coerced its employees in violation of section 8(a)(1).

After a trial in June 1975, the administrative law judge issued his decision, on September 19, 1975, finding that the company had unlawfully discharged Alpe and that the company had coerced its employees in the selection of their bargaining representative. The administrative law judge's decision was affirmed by the Board on February 27, 1976. The Board ordered the company to reinstate Alpe with back pay, to cease and desist in the unlawful practices, and to bargain with the union in good faith.

In the meantime, the employer had fired Davis Roberts, who had helped Alpe organize the employees, and who had testified for Alpe at the hearing in the unfair labor practice case. Roberts' discharge was the basis of another unfair Labor practice charge. After a hearing on that charge, the administrative law judge found that Roberts had been illegally discharged due to union activities, and because he had testified against the employer in the earlier Board unfair labor practice trial.

On May 11, 1977, the Board ordered Roberts reinstated with backpay. By that time, nearly 2½ years after Alpe and Roberts had organized their fellow employees, and nearly a year and a quarter after the Board had ordered the company to bargain with the union selected by six out of its seven workers, not only had bargaining not begun, but both Alpe and Roberts had been illegally discharged by the company.

Mr. President, 3½ years have now elapsed and the Franklin Parish Broadcasting Co. has not yet bargained with the union. Alpe and Roberts have still not been reinstated. The six employees who originally supported the union have all left the company.

As a result of this lawless conduct, the employer got just what he wanted—the union has been completely crushed, and the employees who supported the union are all gone.

In place of the bargaining rights promised by the act, the employees have received only useless Board orders.

Mr. President, under H.R. 8410, these workers would have been temporarily reinstated, and the atmosphere of coercion in the radio station would have been considerably lessened. The employer's refusal to bargain, despite the overwhelming desire of his workers, would have subjected him to a meaningful make-whole remedy for as long as that refusal persisted.

Mr. President, it is cases like that of Davis Roberts and Charles Alpe that labor law reform is all about.

Mr. President, at this point, I want to discuss some editorials that have appeared that are enlightening in these days of less than complete enlightenment on what this bill is all about, what its impact is, what our communities can expect if this bill becomes law.

On May 17, 1978, the Charleston, W. Va., Gazette published its editorial entitled "Labor Law Reform Overdue and Modest."

The Gazette's starting point was that "men and institutions opposed to labor unions rarely are persuaded to accept them."

The editorial noted the basic reforms this bill would provide: Speedy elections, an atmosphere not conducive to reprisal, and elimination of some of the incentives for employers to skirt the law.

The Charleston Gazette said:

These guarantees are at the core of the proposed legislation, and while we might quibble with the language of some of the lesser provisions we cannot conscientiously object to the measure as a whole. The proposed reforms strikes us as overdue, but modest, nothing for the NAM or Orrin Hatch to get excited about.

It has been said that the proposed reforms will force workers to join unions. We find, instead, that they do no more in this area than bar employers from interfering in the free choice legally available to workers today.

It has been said that the proposed reforms will force employers to accept unions. We find no evidence to support this. Our reading of the proposed reforms suggests that they will have only the slightest impact, if any, on law-abiding employers.

The editorial in the Charleston Gazette concluded:

We don't understand how such reforms could offend any reasonable American, and we cannot accept opposition couched in the frightened anti-union generalizations of 1903.

Mr. President, that is no typographical error, "1903." That has reference to another part of the editorial, where they look at some of the attitudes expressed against unions back in 1903 and they find that some of the rhetoric of 1903 that was opposed to unions is the same kind of rhetoric we are hearing these days on the floor of the Senate against unions.

The other editorial I want to bring to the attention of the Members of the Senate is in the Louisville, Ky., Courier Journal. In an editorial of May 19, 1978, entitled "Labor Reform Doesn't Rate All This fuss—and Alarm," it also expressed support of this bill.

The Courier Journal discussed the contention that the bill would make it easier for unions to organize workers:

The reason union organizing would be easier is because the reforms would make it harder for employees to stall, to harass and fire organizers, to delay representation elections and generally to thwart a true test of their workers' wishes. The reforms would not—cannot—make unionization more appealing to workers who distrust organized labor and who believe they are better off without a union.

The editorial also discounts the suggestion that this bill is inflationary. The Courier Journal said the bill is not likely—

. . . to have the adverse effect on inflation that business leaders warn about. The same fear of unionization that fuels the anti-reform movement also forces most non-unionized firms to pay wages comparable to those paid by businesses whose workers are organized.

Finally, commenting on our extended debate here, the Courier Journal concluded:

Whether we're headed in the direction of more fairness for working men and women who want to decide for themselves about unionization remains to be seen.

As we said before, we'll bet on a favorable vote. It's just too bad that so much of the Senate's time will be wasted by reform opponents . . . in filibustering a bill that should have been on the books years ago.

Mr. President, I ask unanimous cossent that these editorials, in their full text, be printed in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

LABOR LAW REFORM OVERDUE AND MODEST

"In 75 years of history, some things change little," begins a special report from the AFL–CIO on labor law reform. Thereupon the report quotes from a National Association of Manufacturers statement on labor unions. The statement, made in 1903, raised the alarms one might expect from the NAM. Opposite it, the AFL–CIO reproduces a 1978 statement by Sen. Orrin Hatch, R-Utah, notoriously terrified by union workers. The statements are pretty much the same.

The point is that men and institutions opposed to labor unions rarely are persuaded to accept them, even by ample proofs that organized labor isn't a fearsome destroyer of life and liberty. The familiar anti-union forces today oppose passage of labor law reform legislation that would strengthen the 43-year-old Wagner Act to guarantee:

Speedy labor board elections; removal of present justifications for deliberate delays.

Labor elections conducted in an atmosphere not conducive to reprisal.

Elimination of some of the incentives for employers to skirt federal law regarding the recognition of unions.

These guarantees are at the core of the proposed legislation, and while we might quibble with the language of some of the lesser provisions we cannot conscientiously object to the measure as a whole. The proposed reforms strike us as overdue, but modest, nothing for the NAM or Orrin Hatch to get exercised about.

It has been said that the proposed reforms will force workers to join unions. We find, instead, that they do no more in this area than bar employers from interfering in the free choice legally available to workers today.

It has been said that the proposed reforms will force employers to accept unions. We find no evidence to support this. Our reading of the proposed reforms suggests that they will have only the slightest impact, if any, on law-abiding employers.

Basically, the measure deals with delays, harassment and intimidation as techniques for discouraging lawful union activity and provides penalties for refusal to recognize a union or to bargain with it in good faith. We don't understand how such reforms could offend any reasonable American, and we cannot accept opposition couched in the frightened anti-union generalizations of 1903.

The Gazette supports the labor law reform measure and recommends it to the West Virginia delegation in Congress.

LABOR REFORM DOESN'T RATE ALL THIS FUSS—AND ALARM

The great battle over labor law reform has been joined. Hundreds of thousands, perhaps millions of words will be spoken, filling page after unenlightening page of the *Congressional Record*. Predictions, statistics, emotional appeals and just plain insults will be exchanged.

And when the smoke clears, we'll wager, the U.S. Senate will end the anti-reform filibuster and approve a bill that is fair and sensible, and everyone will wonder what all the fuss was about.

Not that the stakes in all the current fuss and filibuster are trivial. Reform of the nation's basic labor law, already approved by the House, is organized labor's top-priority legislative goal, and its defeat rates just as high among many business groups. A lot of prestige and political clout is involved. But the reforms that are the cause of the commotion are so obviously fair and innocuous that historians a decade or so hence surely will be amazed that they generated such intense opposition and alarm.

REFORMS AIMED AT ABUSES

Opponents claim that the measures that organized labor and the Carter administration are pushing would make it easier for unions to organize workers at non-union factories, offices and construction sites. Their claim is doubtless correct.

But so what? The reason union organizing would be easier is because the reforms would make it harder for employers to stall, to harass and fire organizers, to delay representation elections, and generally to thwart a true test of their workers' wishes. The reforms would not—cannot—make unionization more appealing to workers who distrust organized labor and who believe they are better off without a union.

EFFECT ON WAGES MINIMAL

That distrust has been increasing in this country. The portion of the work force that is unionized has slipped from around 40 percent three decades ago to 24 percent today. Some of the decline may be due, as some labor leaders charge, to unpunished abuses by anti-union employers. But it is also due to the shift of industry and jobs to the traditionally anti-union South. What's more, national opinion polls suggest that Big Labor, like so many other American institutions, has slipped badly in the public esteem.

The reform bill pending in the Senate won't change this sentiment. Nor is it likely to have the adverse effect on inflation that business leaders warn about. The same fear of unionization that fuels the anti-reform movement also forces most non-unionized firms to pay wages comparable to those paid by businesses whose workers are organized. The upward pressure on wages will continue regardless whether the reform bill becomes law.

Besides, if the fear of worse inflation were a valid excuse for defeating the reform bill, it would be just as valid a reason for Congress to try to outlaw unions and strikes altogether. A few crusty reactionaries might applaud such an attempt, but this country obviously isn't headed in that direction.

Whether we're headed in the direction of more fairness for working men and women who want to decide for themselves about unionization remains to be seen. As we said before, we'll bet on a favorable vote. It's just too bad that so much of the Senate's time will be wasted by reform opponents, including Indiana's Senator Lugar, in filibustering a bill that should have been on the books years ago.

Mr. WILLIAMS. Mr. President, there is an old adage, a proverb, that if we give someone enough rope, he will hang himself.

Sometimes people have enough money and it can be hazardous to their well-being. They can get themselves into trouble with too much money.

I am going to cite an example that might be a case in point. As I look at page A–19 of yesterday's Washington Post, where there is what I gather from inquiry to be somewhere between a $10,000 and $15,000 full-page ad that was placed there by the Marathon Manufacturing Co.

Mr. President, I ask unanimous consent that the text of the editorial, without the $7,000 pictorial rendering, that is included, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HELP GUARANTEE DOUBLE-DIGIT INFLATION

I am convinced that Senate Bill S. 2467 could do just that. In one fell swoop. Read the small print in section (3)(A):

"(3)(A) In a case in which the Board determines that an unlawful refusal to bargain prior to the entry into the first collective-bargaining contract between the employer and the representatives selected or designated by a majority of the employees in the bargaining unit has taken place, the Board may enter an order pursuant to Paragraph (1) of this subsection which includes an award to the employees in that unit of compensation for the delay in bargaining caused by the unfair labor practice in the amount equal to the difference per hour during the period of delay between (i) the wages and other benefits such employees were receiving at the time of the unfair labor practice increased by a percentage equal to the change in wages and other benefits stated in the Bureau of Labor Statistics' average wage and benefits settlements, quarterly report of major-bargaining settlements, for the quarter in which the delay began and (ii) the wages and other benefits actually received by such employees during that period. If the Secretary of Labor certifies to the Board that the Bureau has, subsequent to the effective date of the Labor Law Reform Act of 1978, instituted regular issuance of a statistical compilation of bargaining settlements which the Secretary determines would better effectuate the purposes of this subsection than the compilation specified herein, the Board shall, in administering this subsection, use the compilation certified by the Secretary."

Now, read between the lines.

How do you like the implications of double-digit inflation? Or the provisions which penalize employers found guilty of an "unlawful" refusal to bargain on a first contract? Or tampering with the basic American rights of an employer or employee to join or refrain from joining a union?

In my judgment, the major economic burden of this bill would be borne by small business. These are the businesses that tend to have a low degree of unionization. And they make up a dramatic 66 percent of our total work force in this country.

Do you want to spread the Coal Strike settlement of 31.4 percent across the country? And what comes after that? Aluminum, chemicals, tires, refining, brewers—are we going to ask every small businessman to face the increases given in our biggest industries and passed on to the consumer? Let's have more of it! Let's make sure we have *Double-Digit* Inflation. Let's all join on the road to a British economy.

Are we going to approve legislation which forces the NLRB to become the de facto arbitrator of contract terms under the guise of remedying unfair refusals to bargain? I suggest that this line of reasoning endangers the basic concept of collective bargainning.

The country cannot tolerate this abuse.

We need your help to defeat Senate Bill S. 2467. Please call me at (713) 659–7444. Or write me at Marathon Manufacturing Company, P.O. Box 61589, Houston, Texas 77208.

GENE M. WOODFIN,
Chairman of the Board and Chief Executive Officer.

Mr. WILLIAMS. Mr. President, the Marathon Manufacturing Co. of Houston, Tex., ran a full-page ad in the Washington Post, as I indicated, on Wednesday, May 24, 1978, attacking the labor law reform bill, on the ground that the make-whole remedy would place a "major economic burden" on small businesses and would cause double-digit inflation in our economy. As I have repeatedly stated, and as several of us here have said, the potential effect of this bill on small businesses in greatly exagerated. We have also addressed the issue of the inflationary impact of this bill; and, I submit, it is manifest that this legislation is not inflationary. These issues have been the subject of substantial debate, and I am sure that we will continue to discuss them as this legislation progresses here in the days ahead.

However, in light of the extreme views on these issues which have been expressed on behalf of the Marathon Manufacturing Co., by its chief executive officer, I think it is appropriate to amplify the record concerning the status of that company.

Again, to emphasize its thrust, it purports in this ad to be the protector of small business.

The most glaring fact which needs to be brought out is that this Marathon Manufacturing Co. is not, by any stretch of the imagination, a small business. The directory of corporate affiliations for 1978, which is published by the National Register Publishing Co., reveals that Marathon Manufacturing Co. is actually a conglomerate with combined sales of nearly $300 million per year—approximately $294 million. This corporate giant is not only engaged in metal manufacturing but, through its wholly owned subsidiaries and divisions, is engaged in such diverse enterprises as mineral oil refining, concrete and asphalt paving, manufacturing artificial Christmas trees and venetian blinds, residential real estate development, and the manufacture of paint, hardware, and furniture.

Mr. President, I ask unanimous consent that the Directory of Corporate Affiliations, which lists under Marathon Manufacturing, the activities that this company, the protector of small business, is engaged in, be printed in the RECORD at this point.

There being no objection, the listing was ordered to be printed in the RECORD, as follows:

DIRECTORY OF CORPORATE AFFILIATIONS: 1978
WHO OWNS WHOM

*Marathon Mfg. Company, 600 Jefferson, Houston, TX 77002. Mailing Address: P.O. Box 61599. Houston, TX 77061. Tel.: 713–244–7444. MTM–(NYSE) Approx. Sls.: $294,000,000. DE

Metal Mfg.

Gene M. Woodfin (Chm. Bd. & Chief Exec. Officer).

Charles P. Siess, Jr. (Pres. & Chief Opr. Officer). Robert M. Baumgartner (V.P. & Treas.). Ray R Seegmiller (Chief Fin. Officer). James F. O'Haren (Sec. & Legal Officer).

Vinson & Elkins (Legal), 600 Jefferson, Houston, TX 77002, 713–659–7444.

Divisions:

Marathon Battery Co., 8301 Imperial Dr., Waco, TX 76710. Tel.: 817–776–0650. Mfr. Nickel Cadmium Rechargeable Batteries. Richard W. Cowan (Chief Opr. Officer). (100%).

Marathon Carey-McFall Co., Loyalsock Ave., Montoursville, PA 17754. Tel.: 717–368–8666. Mfr. Artificial Christmas Trees & Venetian Blinds. E. O. Ross (Chief Opr. Officer). (100%).

Marathon Carey-McFall Co., P.O. Box 8800, Estes Pky., Longview, TX 75601. Hap Childress (Plant Mgr.)

Marathon Marine Engineering Co. Same as Parent Co. Tel.: 713–659–8265. Marine Engrng. Robert E. Bradbury, Jr. (Chief Opr. Officer).

Subsidiaries:

Handy Venetian Blind Corp., 18–20 Steinway St., New York, NY 11105. Tel.: 212–721–5300. Mfr. Venetian Blinds. Marvin J. Linnemann (Chief Opr. Officer). (NY) (100%).

Kelven, Inc., 245 S. Jamie Blvd., Avondale, LA 70501. Tel.: 504–776–1400. Residential Real Estate Devel. William F. Kelly (Chief Opr. Officer. (LA) (100%).

Marathon Battery Co., Kemble Ave., Cold Spring, NY 10516. Tel.: 914–265–9282. Mfr. Nickel Cadmium Batteries. Richard W. Cowan (Chief Opr. Officer). (DE) (100%).

Division:

Marathon Battery Co.: Rte. 1, Roe Pk., NY 10566, Tel.: 914–737–5081, Mfr. Nickel Cadmium Batteries, Richard W. Cowan (Chief Opr. Officer). (100%)

Marathon International Co.: 600 Jefferson, Houston, TX 77002, Tel.: 713–659–7698, Domestic Intl. Sls. Corp., Thomas C. Mankin (Chief Opr. Officer). (DE) (100%)

Marathon Leasing Co.: Same as Parent Co., Leasing, Robert M. Baumgartner (Chief Opr. Officer). (DE) (100%)

Marathon LeTourneau Co.: Same as Parent Co. Offshore Drilling Platforms, Heavy Wheeled Equip. (DE) (100%)

Divisions:

Gulf Marine Div.: Farm Rd. 792, Brownsville, TX 78520, Tel.: 512–831–4561, Offshore Drilling Platforms, John B. Allison (Chief Opr. Officer).

Longview Div.: 7400 S. MacArthur, Longview, TX 75601, Tel.: 214–753–4411, Heavy Wheeled Equip., Cranes, Paul E. Glaske (Chief Opr. Officer). (100%)

Marine Div.: Hwy. 61, Vicksburg, MS 39180, Tel.: 601–636–4132, Offshore Drilling Platforms, Clyde H. Wilson (Chief Opr. Officer). (100%)

Marathon Le Tourneau Leasing Co.: Same as Parent Co., Leasing, Robert M. Baumgartner (Chief Opr. Officer). (TX) (100%)

Marathon LeTourneau Offshore Co.: 600 Jefferson, Houston, TX 77002, Tel.: 713–659–8265, Mktg. Offshore Drilling Platforms, Kenneth V. Farmer (Chief Opr. Officer). (TX) (100%)

Marathon LeTourneau Sales & Service Co.: P.O. Box 11254, Piedmont Station, Portland, OR 97211, Tel.: 503–281–1276, Sales & Service of Heavy Wheeled Equip., Dale Cedergreen (Chief Opr. Officer). (OR) (100%)

Marathon Marine Ventures, Inc.: Same as Parent Co., Construction of Mini-Semi Offshore Drilling Platforms, David C. Crawford (Chief Opr. Officer) (TX) (100%)

Marathon Metallic Building Co.: 4601 Holmes Rd., Houston, TX 77021, Tel.: 713–734–1611, Pre-Engineered Steel Bldgs., Davis Allen (Chief Opr. Officer). (TX) (100%)

Divisions:

Marathon Metallic Building Co.: E. US

Hwy. 24, El Paso, IL 61738, Tel.: 309–527–5420, Pre-Engineered Steel Bldgs., Fred Cartwright (Chief Opr. Officer). (100%)

Marathon Metallic Building Co.: Ft. Collins, CO 80521, Tel.: 303–221–4540. (100%)

Marathon Morco Co.: 4401 Park Ave., Dickinson, TX 77539, Tel.: 713–337–1534, Mineral Oil Refining, William E. Harris (Chief Opr. Officer). (TX) (100%)

Marathon Paving & Utility Constructors, Inc.: 922 Holmes Rd., Houston, TX 77045, Tel.: 713–666–2131, Concrete & Asphalt Paving, Utility Easements & Plants, Guy L. Moss (Chief Opr. Officer). (TX) (100%)

Marathon Shipbuilding Co.: P.O. Box 870, Vicksburg, MS 39180, Tel.: 601–636–9161, Tugboat & Barge Construction, O. Jack Tohill (Chief Opr. Officer). (DE) (100%)

Marathon Steel Co.: 1841 W. Buchanan St., Phoenix, AZ 85005, Tel.: 605–252–5971, Steel Fabrication & Mfg. of Reinforcing Rods, Daniel L. Greengard (Chief Opr. Officer). (AZ) (100%)

Divisions:

Marathon Steel Co.: 12200 Bloomfield Ave., Santa Fe Springs, CA 90670. Tel.: 213–863–4771, Steel Fabrication, H. Cliff Lansdown (Chief Opr. Officer) (100%).

Marathon Steel Co.: 830 S. 700 W., Salt Lake City, UT 84104, Tel.: 801–328–2018, Steel Fabrication, Dwayne L. Vawdrey (Chief Opr. Officer) (100%).

Southmost Supply Co.: Farm Market Rd. 1792, Brownsville, TX 78520, Tel.: 512–831–4561, Paint, Hardware, Furniture, John B. Allison (Chief Opr. Officer) (TX) (100%).

Marathon Oil Company: 539 S. Main St., Findlay, OH 45840, Tel.: 419–422–2121. OH. MRO—(NYSE Bo Cl MW Ph PS).

Oil Co.: H. D. Hoopman (Pres.), C. K. Morgan (Treas.), G. R. Jetton, Jr (Sec.), and K. B. Hampton (Legal).

Subsidiaries:

Frontier Resources, Inc.: Metropolitan Bldg., Denver, CO 80202, Tel.: 303–892–1036.

Frontier Spar Corp., Salem, KY 42078, Tel.: 502–988–2970.

Marathon Finance Co., Same as Parent Co.

Marathon International Finance Co., Same as Parent Co.

Marathon International Oil Co., Same as Parent Co.

Marathon Petroleum Australia, Ltd., Same as Parent Co.

Marathon Petroleum Egypt, Ltd., Same as Parent Co.

Marathon Petroleum Indonesia, Ltd., Same as Parent Co.

Marathon Petroleum Netherlands Antilles, N.V., Same as Parent Co.

Marathon Pipe Line Co., Same as Parent Co.

Marathon Trading & Shipping Co., Same as Parent Co.

Pan Ocean Oil Corp., Same as Parent Co.

Pan Ocean Oil Corp. (Abu Dhabi), Same as Parent Co.

Affiliates:

Clam Petroleum Co., Same as Parent Co. (33.3%).

Platte Pipe Line Co., Same as Parent Co. (25%).

Foreign Subsidaries:

Deutsche Marathon Petroleum GmbH, Munich, W. Germany.

Marathon International Petrolum (G.B.) Ltd., London, England.

Marathon Petroleum Canada, Ltd., Calgary, AB, Canada.

Marathon Petroleum Co. (Ireland) Ltd., Dublin, Ireland.

Marathon Petroleum Ireland, Ltd., Dublin Ireland.

Marathon Petroleum Libya, Ltd., Tripoli, N. Africa.

Marathon Petroleum North Sea (G.B.) Ltd., London, England.

Marathon Petroleum Pakistan, Ltd., Karachi, Pakistan.

Marathon Petroleum Tunsia, Ltd., Tunis, Tunisia.

Pan Ocean Oil Corp., (Nigeria), Victoria Island, Lagos, Nigeria.

Pan Ocean Oil Ltd., Calgary, AB, Canada.

Pan Ocean Oil Norge A/S, Norway.

Pan Ocean Oil (U.K.) Ltd., London, England.

Foreign Affiliates:

Compania Iberica Refinadora de Petroleos S.A., Madrid, Spain (27.7%).

Erodol-Raffinerie Mannheim, GmbH, Mannheim, W. Germany (40%).

Oasis Ooil Co. of Libya, Inc., Tripoli, N. Africa 3.33%).

Mr. WILLIAMS. Mr. President, a corporate giant of this magnitude, and with these diversified industrial interests, strikes me as a most improbable representative of and spokesman for America's small businesses.

However, it would appear that this company is a good example of how large, antiunion corporations conduct their labor relations policies. In a recent case, the Gulf marine division of one of this company's wholly owned subsidiaries, the Marathon Letourneau Co., not only committed numerous unfair labor practices during the course of a union organizing campaign, but also engaged in other types of conduct which destroyed the opportunity of the company's employees to make a free, uncoerced decision with regard to unionization.

As the Board found in *Marathon Letourneau Co.*, 208 N.L.R.B. 213 (1974), the company trained and organized its supervisors to threaten and coerce its employees in what proved to be a successful effort to get them to vote against the union. Foremost among these were what the Board found to be "thinly veiled threats of plant closure if the union won the election" (208 N.L.R.B. at 213). The Board stated that—

> We can perceive no factual basis for (the company's) prediction of possible plant closure (id.).

The Board's opinion reveals that this was a very sophisticated campaign in which the company president made six different speeches to assembled groups of employees; and supervisors engaged in a systematic campaign of assembling small groups of employees in company offices to make antiunion statements. Although there was nothing improper about assembling the employees for these speeches and statements, the Board found that the company's president and supervisors repeatedly made illegal and coercive statements during the course of these presentations, and in the course of other discussions with employees.

Another company tactic which the Board found to require setting aside the election was the raffling of a color television set on the day of the election. Only employees who voted in the election were eligible to participate in the raffle. Furthermore, during a 6½-hour break in the voting, the employer kept a list of those who had voted, which revealed those who had not voted as well. Board Chairman Miller, who sat as a member of the panel which reviewed the case, concluded that the holding of this raffle alone should require that the election be set aside.

Despite the strength and clarity of the Board's decision, the company refused to comply with it voluntarily, and the Board was forced to obtain an enforcement order from the U.S. Court of Appeals for the Fifth Circuit.

The validity of the court's judgment that the employer's illegal conduct interfered with the election is made even more clear by the fact that the Steelworkers Union won the rerun election which was held at a later date.

However, the story of this employer's treatment of its employees has not ended. The first contract negotiated between the Steelworkers and this company expired in July 1977. A 1-month strike ensued, and a new contract covering the employees in this bargaining unit has still not been negotiated.

Moreover, it is my understanding that there are three unfair labor practice charges presently pending as a result of these circumstances. One union activist has allegedly been discharged, and several others have been refused reinstatement. Three other charges are pending against another division of the Marathon Letourneau Co., the Longview Division.

A Board complaint has issued in one of those three cases alleging illegal threats and coercion and eight unlawful discharges (16 CA 7723, filed 1/31/78),

I would also like to point out that another wholly owned subsidiary of Marathon Manufacturing has engaged in unfair labor practices and conduct which interfered with their employees' right to a free election, which is quite similar to the conduct of the Marathon Letourneau Co. in the Gulf Marine Division case. In a case involving the Marathon Metallic Building Co., the Board found that the plant manager made a speech in which "the message intended and conveyed was that, by the union's conduct in filing a petition for an election, the employees were being deprived of benefits they might otherwise have received and that these benefits would be restored immediately if the union lost the election but would not be restored for an indefinite period of time if the union won the election" (Marathon Metallic Building Co., 224 N.L.R.B. 121, at 123 (1976)).

The Board also found that the company vice president violated the act by statements made in his speech to assembled employees.

It seems likely to me that the antiunion conduct engaged in by this company's wholly owned subsidiaries does far more to explain the motivation underlying the full-page ad which they ran in the Washington Post than does any concern which they might have about the welfare of small businesses.

I do not want to speculate too far along these lines. Certainly I would not prejudge any of the unfair labor practices which are presently pending against that employer. And I have no knowledge concerning the control which the parent company does or does not exercise over its subsidiaries' labor policies.

However, in light of the company's apparently extreme concern about the make-whole remedy in this bill, I cannot help but wonder whether they are concerned that their own conduct, or that of their subsidiaries, might lead to a make-whole remedy being invoked.

There is a longstanding equitable principle of law, that if you come into a court of equity and you do not have clean hands, you must get out of court.

If there is any case I can imagine of a company that does not have clean hands to talk about this bill, it is the Marathon Co., which extravagantly took this whole page in the Washington Post to plead the case for the small businesses of America—a record of arrogant disregard of the simple principles in the law, that if people want to make a decision on whether to have a union, they have that right; and if they do decide to have a union, they have the right to be bargained with.

That is all we are talking about here. We want to make sure that nobody denies either of those rights and makes a profit in the process.

So Marathon perhaps might be guilty now of true inflationary impact. They might have another ad tomorrow or the next day.

But let the record be very clear: This company has a record of knowledge of what this law is all about, and they have a record of denying the provisions of the present law by skirting, avoiding, delaying, getting charged, and delaying some more—a record of unclean hands. It is an equitable principle that I think applies here; and we can discount their expensive plea advancing what they describe as their concern for the small businesses of this country. That, as they say, will be the end of that.

The senior Senator from the Commonwealth of Pennsylvania has indicated that there is an interest among his constituents who have visited him—I am sure it is the same as to those who visit me—who have read in the newspapers that there is a filibuster underway here; and the question arises as to where the word "filibuster" came from. I believe the record should include the origin of the word "filibuster," as found in the Oxford English Dictionary.

It used to be that Members of the Senate were less candid and never would claim they were engaged in a filibuster, but the honesty in disclosure these days is entirely different. Those who oppose the bill freely describe their activity as that of a filibuster.

Mr. President, I ask unanimous consent to have printed in the RECORD the full origin of the word "filibuster," as it appears in the Oxford English Dictionary.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Filibuster. The F. form *flibustier*, adopted about 1790, was superseded about 1850 by *filibuster*, ad. Sp. *filibustero*. †1. *gen.* = FREEBOOTER (*rare*). 1587. 2. *spec.* One of a class of piratical adventures who pillaged the Spanish colonies in the West Indies in the 17th c. 1792. b. Applied to the lawless adventurers from the United States who between 1850 and 1860 followed Lopez in his expedition to Cuba, and Walker in his expedition to Nicaragua. 1854. 3. Hence, One who engages in unauthorized and irregular war against foreign states 1860. 4. *nonce-use.* A pirate craft. MOTLEY. 5. *U.S.* One who practices obstruction in a legislative assembly 1889.

Filibuster, *v.* 1853. [f. prec. *sb.*] 1. *intr.* To act as a filibuster. Also *trans.* To subject to the methods of a filibuster 1862. 2. *U.S.* To obstruct progress in a legislative assembly 1882.

2. The objectionable practices of 'filibustering' and 'stone-walling' SIR M. H. BEACH.

Mr. WILLIAMS. Mr. President, it is interesting to note that the origin of the word goes well back into the 18th century and traces its way through the 19th century. It refers to "One of a class of piratical adventurers who pillaged the Spanish colonies in the West Indies in the 17th century. Applied to the lawless adventurers from the United States who between 1850 and 1860 followed Lopez in his expedition to Cuba, and Walker in his expedition to Nicaragua. 1854. Hence, One who engages in unauthorized and irregular war against foreign states."

It had been in evolution down to the point that it is now described as "One who practices obstruction in a legislative assembly." That, of course, is what we are engaged in here on this pleasant May afternoon—witnessing a filibuster.

I am glad that the Senator from Pennsylvania indicated the wide interest in how we got the word "filibuster."

Mr. SCHWEIKER. Mr. President, I thank the Senator for answering my question.

Yesterday, a school child in a visiting group asked me about this, and I had to confess that I knew where the word "bunk" originated—in the House, during a speech by a Representative from Buncombe County, N.C. I knew where the word "bunk" originated, but I did not know where the word "filibuster" originated.

I appreciate very much the Senator from New Jersey, the chairman of our committee, putting in the RECORD that very clarifying point.

Mr. WILLIAMS. Not being engaged in a filibuster, those are my remarks this part of the day, I wanted to express appreciation to the Senator from Oklahoma who yielded the floor to give me an opportunity to include some things in the RECORD. I appreciate that. I know he wants to continue with his speech. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BARTLETT. Mr. President, I thank the senior Senator from New Jersey. I say that the definition and derivation of a filibuster which he just read and also submitted for the RECORD may be the most interesting statement which has been made in this debate. I think it will attract a lot of interest. I thank him for it very much.

Is the distinguished Senator from Illinois interested in obtaining the floor for a moment? If he is, I will delay my remarks.

Mr. PERCY. The Senator from Illinois is ready to proceed but would certainly yield to his distinguished colleague.

I would also mention that I have not yet had the chance to be on the floor during this debate.

Mr. President, first, I ask unanimous consent that Barbara Block, Mary Joyce, and Lucinda Oliver of my staff be granted privilege of the floor during debate and votes on the pending Labor Reform Act, H.R. 8410, although it is not anticipated that more than one would be on the floor at any time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Some of us had the opportunity the other day to witness the affection and esteem in which our distinguished colleague (Mr. BARTLETT) is held by his constituents and the leaders of the State of Oklahoma. It was one of the most fascinating and meaningful evenings that Loraine and I have spent in a long time. The outpouring of affection shown to Senator BARTLETT was certainly well deserved.

I believe the two Senators from Oklahoma, Senator BARTLETT and Senator BELLMON, have contributed so much. Both of them are former Governors. They have brought an expertise to this body which is really unparalleled. I am grateful indeed for both of our distinguished colleagues.

Mr. BARTLETT. If the Senator will yield, I would like to thank him very much for his kind remarks. The Senator from Illinois is my very good friend. He and his wife were kind enough to participate in a function with us. I am very pleased that he enjoyed the performance and the reception. It was a very gratifying occurrence for me which was enhanced by the Senator's presence.

Mr. PERCY. Mr. President, I would like to thank Senator BARTLETT, Senator LUGAR, Senator WALLOP, and their staffs. I have just returned from the U.N. session on disarmament, in New York. I was not certain until a few hours ago just what time I would be able to return to Washington. I very much appreciate the understanding of my colleagues in this regard and their willingness to accommodate my schedule.

Mr. President, as I indicated a few days ago, I would be taking the floor at the end of this week to discuss for the first time in a substantive way the Labor Reform Act. I will be addressing my remarks to the floor managers of the bill in the hope that my comments and their responses will be constructive and contribute to better public understanding of some of these issues. I respectfully have to disagree with a statement made by Senator WILLIAMS, when I first came to the floor, who said, if I heard him correctly, that this bill would not be inflationary.

In the judgment of the Senator from Illinois, inflation is the No. 1 domestic enemy we have in this country today. It is robbing the working people of the value of their income, lifesavings, and other financial resources.

George Meany was an articulate spokesman a week ago when he recognized that even the distressing problem of unemployment is not now as cruel an enemy of the people of this country as inflation.

It is my contention that the bill before us is inflationary.

In the course of the next few weeks I will be speaking on the general provisions of the pending Labor Reform Act and on the related issues and problems in the field of labor law that have been brought to our attention over the last

several months. I am fully committed to a thorough debate in order to guarantee that this bill and the changes it will bring about in the conduct of labor-management relations are as fully understood as possible by all Senators and by the American public.

I am disturbed by the emotional presentations of some extremists on opposing sides of this issue which have made rational and reasonable discussion of this bill very difficult. We have all received more mail on this issue than on probably any other single issue that has faced the Congress this year or in many years, including such controversial issues as the Panama Canal and the Mideast arms sale package.

We have met personally with probably more delegations from our own home States on this one issue than on any other single issue. There is no group on this issue that I have refused to see. I know I can certify that no issue in my 12 years in the Senate has ever aroused the high emotions that this one has, manifested by the 115,000 pieces of mail I have received on this bill alone.

I must say that I have met with some extraordinarily well informed people on both sides, both labor and management, who have studied the bill carefully. I have met with many who are reasonable in their approach to this legislation, who point out either the need for it or the lack of need for certain provisions in it.

I have also met with some very ill-informed people on both sides of this issue whose emotions have overcome them, who are given to the rhetoric printed in the canned releases of the Washington lobbyists, without fully understanding the issues involved. They really, I felt, ought to have gone back to do their homework.

Some management representatives want absolutely no legislation at all, regardless of the reasonable argument that parts of the present law do not respond to current problems or really do not and cannot fulfill the intent of Congress when present law was originally adopted.

Some on the other side seem to be saying that the role of Government should be changed so that it comes down squarely on the side of the union organizers whose successes have markedly decreased in recent years.

I must simply reject both of these extreme positions. The neutral role of Government should not change. The choice of unionization should belong to the worker alone, without pressure from employers, unions, and certainly not the Federal Government.

When I say pressure, I mean without undue pressure, because obviously employers and unions do have a right and a duty to express their views as to what, in their opinion, is in the best interest of workers. The Federal Government's role, however, should not be as an advocate of either position. It should be neutral. It should insure that the rules of the game are fair, and then step aside.

However, an increasing number of reasonable people have become aware of the need for changes in current law and procedures to eliminate needless and deliberate delays and to strengthen the protection available for workers harassed and intimidated for union activities.

(Mr. ZORINSKY assumed the chair.)

Mr. PERCY. The J. P. Stevens situation and similar cases have tainted labor relations in this country. I do not believe that we need substantive changes in the balance or in the direction of existing labor law. What we do need is a strengthening of the law as it exists now to guarantee the effective implementation of the National Labor Relations Act, without hurting the thousands of employers who play by the rules and without forcing unionization on workers who do not wish to be so represented.

I have sufficient serious reservations about this legislation as it is now written to cause me to vote against it in its present form. But I do not think, if it is killed by a filibuster now, that it will just simply go away. If we do not deal substantatively with this legislation now, it will be back again and again, giving Washington lobbyists a field day for whipping up the emotions of their constituencies.

I believe that with careful thought and amendment we can achieve a practical piece of legislation acceptable to reasonable people on both sides. If the House will not accept reasonable amendments, the Senate can and should reject the bill which comes out of conference.

I ask my distinguished colleagues who feel that there is only one approach to this bill, that of a filibuster: do they want to continue spending the rest of this year and next year grappling with the same issue?

It impedes the ability of the Senate to get other work done. It slows up all of our processes, including seeing people on other issues.

It is not going to go away. Those who think they are going to kill this bill by filibuster this year and that it is just going to go away do not know anything about organized labor and its determination. So we had best face up to this issue now.

We should not be here to write a whole new set of labor laws. We should strengthen the ability of the Government to enforce what is already on the books. That is why I oppose the present bill, and I respectfully do so knowing that the committee has worked on it very hard, and has also improved, in some respects, the bill as it came out of the House. We should give full credit to the committee for seeing that the House-passed bill was unacceptable.

All the Senator from Illinois is doing is saying is, "Let us work together with an open mind now to continue that process." I do not think in the end, if it is a question of passing the bill or not passing the bill, that the managers are going to be close-minded and saying, "You have got to take this bill as it is, the way we have it, without any change."

That is unrealistic.

Some have suggested that the House will run roughshod over the Senate in a conference committee. That is the perception they have. I say, "You just do not know the Senate."

There are many, many cases where the Senate has prevailed on issues. I just point to the votes in conference yesterday on the energy bill. Did we ever think the House would accept moving away from total regulation? No. Now, they have. I would appreciate some comment by the floor manager, Senator WILLIAMS, as to whether or not he feels the House is going to be so rigid if there are amendments passed by the Senate. Will the Senate simply recede?

Mr. WILLIAMS. Well, it is a very fair question. Before I respond to it, I want to commend the Senator from Illinois for his approaches here to this subject matter this afternoon. They are most constructive, and the kind of attitude that can move us in fashioning legislation that should be brought to a vote. Who knows what that final vote will be, but it has been the most constructive kind of attitude and approach, and should be greatly appreciated by this country, I would think, which witnesses again a Senate bogged down, and they see too much of that, it seems to this Senator.

I have heard others express this attitude that the House will be adamant and will resist any bill that had changes made here in the Senate. I could recall for the Senator, prefatory to the final conclusion on this question of the House's attitude about a Senate bill, this Senate bill, if it is passed, that our history has been one that has brought a legislative product to conference with the House where there has been, in all cases where there were differences, a situation where we, in being faithful to the Senate's position, had major appreciation in the House, and receding to the Senate's position.

I could go back beginning with the coal mine health and safety bill of 1969 and trace it through other bills, and this is just out of the labor area of our activity, the occupational safety and health bill, pensions and minimum wages, pregnancy disability, the amendments we had there. We have with time been able to be well received by House conferees in our product, and, in good measure, it has been the final product of the conference, in areas of labor concern. So I do not have any hesitation in saying that, perhaps, it is the time that the Senate rules permit upon our measure, but whatever it is, and we fashion something, the House will not shut the door adamantly at the beginning and say, "It is ours or nothing."

We will work this out in a way that I know we will be successful in being faithful, but there will be fidelity to the Senate product that will be fashioned over such a long, long period of time.

Mr. PERCY. I thank my distinguished colleague.

I am very pleased that Senator JAVITS, a floor manager of the bill and the ranking minority member of the Human Resources Committee, is on the floor.

I would like to ask for a brief response from him as to whether he feels that, if amendments are passed by the Senate, our conferees would fight for those changes. Would they be up against a stone wall in the House of Representatives? Some businessmen have told me

they oppose amendments because they simply feel the Senate position will not prevail in the House.

Mr. JAVITS. Mr. President, I would like to say, I have made the point before and I will make it again and again, that when I am a conferee I consider it my duty to fight for the Senate bill. I have always done that, and I would certainly do it in this case.

With no question, I will stand up strongly, firmly, and do my utmost as a loyal representative of the Senate.

When we get to conference, I represent the Senate. In conference I am the representative of the Senate; I am not my own representative. When I vote I am my own representative. When I sit in this chair I am the representative of the committee, insofar as the committee manifests its will. That is the way I feel about this situation.

Let me tell the Senator one other thing: the frame of reference is always very important in conference. This is a situation in which a bill is desired by the House. If we yield to opposition, there can be no bill. That will satisfy the opponents; they do not want a bill. So I think we have a stronger position than usual. This is something which the House has voted for overwhelmingly. They want it.

We are not going to vote it that overwhelmingly, first, and second we are going to write some things into it. We already have as the Senator has pointed out.

I am very honored to be the person who is trying to work it out. So I think our position in conference, and I intend to exploit it to the full, is strong. The bill is desired, and if the Senate does not concur, there is no bill. If the Senate turns down a conference report there is no bill. I feel very strongly, therefore, that the Senator has every reasonable basis for assuming that a Senate bill must, in the main, prevail, and I consider that my bounded duty.

Mr. PERCY. I thank the distinguished Senator. I know that it would not be revealing a confidence to say that this same pledge was made by the distinguished Senator from New York to his fellow Republicans. We all know that the Senator from New York carries tremendous weight with the House Members in a conference. He has served on many, many conferences, and I feel confident that with any amendments we work out here, many of the House Members are going to be very happy indeed.

Subsequent to the House vote, many House Members have told me that they had not had an opportunity to study the bill or to talk with their constituents about it. Now they will be talking with their constituents, and I feel confident they are going to agree with what I am saying today.

My opposition to the bill as written is based on:

The short time periods within which NLRB-supervised elections ar required to be held;

The equal access provision;

Summary affirmance of the decisions of administrative law judges by a minority of the National Labor Relations Board; and

The fourth provision is the so-called "make-whole" remedy.

These provisions are the most disturbing examples of proposed changes in existing labor law that would tip the balance too far in the direction of organized labor. I will address each of these provisions in the course of the debate.

Today, I would like to discuss the "make whole" provision. While I understand the reasons behind it, I cannot support it as now written in the bill. I am willing to propose what I consider to be a reasonable alternative, and hope that full consideration will be given to this alternative, or any modifications that can be suggested in it by the managers of the bill.

S. 2467 provides that the Board may, as a remedy for a demonstrated refusal to bargain in good faith prior to the entry of the first agreement, award to the affected employees compensation for the loss incurred by the delay in bargaining caused by the unfair labor practice. The measure of such damages shall consist of the following:

> The difference between the wages and other benefits received by the employees during the period of delay and the wages and other benefits they were receiving at the time of the unfair labor practice increased by a percentage equal to the change in wages and other benefits stated in the Bureau of Labor Statistics average wage and benefit settlements, quarterly report of major collective bargaining settlements for the quarter in which the delay began.

An easier way of expressing this would be as follows:

Original wage levels plus percentage increase in nationwide settlements minus wages actually earned equals amount to be paid.

Under current law, there is no provision for a make whole remedy. In the event of a failure to bargain in good faith, the aggrieved party files a charge of an unfair labor practice with the Board. If the Board finds that the charge has merit, it issues an order to bargain which, if disregarded, brings the case to Federal court.

Though the instances are not numerous, the J. P. Stevens Co. case has dramatized that the National Labor Relations Act provides insufficient incentive for the employer to bargain in good faith with the union. If he does not, a bargaining order issued months or years later merely requires him to do what he should have done originally without any provision for the damage done to the employees in the meantime. There is the opportunity, for employers who choose to use it, to delay action indefinitely in the hope of breaking down the union completely.

I say that it is only a very small percentage of companies which has seen fit to frustrate the intent of present law and have found ways to evade it. I think this does nothing to serve the interests of the collective bargaining process, to which I think and hope most of us are firmly committed.

Proponents argue that there is not only a need for a disincentive for such a refusal to bargain by the establishment of this remedy but also a need for the establishment of an objective standard by which the amount of damages to be paid will be determined.

Mr. President, I believe that the provision in the bill before us has several serious flaws:

First. It is, today, highly inflationary;

Second. It interferes with the free collective bargaining process as we know it; and

Third. It could adversely affect the employer's right to appeal in Federal court the determinations of the National Labor Relations Board on questions related to a representation election.

I. INFLATIONARY IMPACT

Mr. President, I am greatly concerned about this section of the bill because it could easily add to the inflationary pressures that are all too evident in the economy. Just 3 weeks ago the Labor Department reported the wholesale price of finished goods rose 1.3 percent in April, the largest single increase in more than 3 years. On an annual basis that is a jump of 15.6 percent and I do not think anyone in this Chamber can disregard such a warning about the state of the economy.

If this economic fact of life slipped by some of my colleagues, I am sure the words of George Meany did not. Speaking on "Issues and Answers" on May 14, Mr. Meany commented on inflation. His statement is important and I would like to read it to my colleagues. The AFL–CIO chief said:

> I want to repeat that I agree with the President that inflation is our number one domestic problem at the present time. A few months ago I may have said that unemployment is the problem. Unemployment has come down. It is encouraging. It has come down a little bit at a time. It is now down to 6 percent. On the other hand, inflation is certainly on the rise.

Mr. Meany wisely pointed out what many economists and journalists have told us for months: namely, that unemployment was no longer the country's major problem. It has been displaced by inflation.

Every Member of Congress who will be back in his home district next week for the Memorial Day recess will hear from his constituency about this.

I believe the "make whole" provision of the Labor Reform Act would, as presently written, add to the inflation of the economy over the long run. By accepting this part of the bill, the Senate would build into the economy pressures for large wage increases in industries that have had moderate wage increases in recent years. The reason for my concern stems from the stipulation in the bill that the "make whole" remedy be based on the Bureau of Labor Statistics' average wage and benefits settlements index, which is issued quarterly. The BLS includes not only wages but also other wage settlement items such as pensions and fringe benefits. What is most worrisome about the use of this particular index is revealed in the BLS chart, at the conclusion of my remarks, for the first quarter of 1978. As can be seen in this table (table I), collective bargaining settlements affecting only wages experienced a 9.9-percent annual rate of increase in the first quarter. When benefits are combined with wages,

however, we see a jump in the rate of increase to 14.6 percent. Were this standard to be applied right now in failure to bargain cases and otherwise used as an example across the country and down to the smallest units, the effect could be quite inflationary. We would in effect be saying: the largest negotiated increases should serve as the yardstick for the rest of the country. I do not think many of my colleagues would be comforted by a spate of contract renewals all of which included terms like the recent coal settlement.

The people who will be hardest hit by another round of escalating wages and prices are lower- and middle-income Americans. Everyone feels the impact of inflation, but these hard-working Americans—many of them members of labor unions—will feel the pinch most severely. They are also the ones who are least able to afford inflation, as they have mortgage payments to meet, growing families to feed and care for and utility bills to be paid.

To illustrate just how inflation undercuts the American family's budget, we have only to look at the Council on Wage and Price Stability's 13th quarterly report on inflation. The Council identifies "problem sectors" of the economy that it has found are "especially troublesome": food, energy, medical care, housing, and Government activities.

Food prices were one of the factors that led to the increases in wholesale prices last month, rising at a rate of 1.9 percent, or 22.8 percent annually. The Council found that consumer food prices have, in the last 10 years, "increased more rapidly than prices for other consumer products * * *" This burden is borne most heavily by the middle income worker.

Two weeks ago, in the fine community of Kankakee, Ill., I stood outside a shopping center for several hours, just to talk to people as they came out, pushing their baskets. I have never heard so many people so enraged, so angry, and so discouraged about inflation.

For many Americans it is a demeaning thing—certainly, for people who are working hard for a living—to face this kind of inflation. I do not think they want to accept anything in a so-called labor reform law that would accelerate that inflationary process.

Working people and their families are hit equally hard in the pocketbook when they pay their bills for gasoline, home heating oil, and electricity. Since the 1973 Arab oil embargo, the price of imported petroleum has skyrocketed 350 percent.

Increased housing costs have sent homeownership beyond the reach of nearly all middle income families and increasing costs for health care have made this sector of the economy one of the most inflation-prone.

Even after the taxpayers have cleared all the hurdles of housing, medical care, food, and energy, they are not home safe. They still have the tax bill to pay. And our tax system has a built-in inflation penalty which hits hardest the middle-income worker. Assuming a 6-percent annual rate of inflation over the next 3 years, the average taxpayer making $10,000 today will pay $230 more in taxes in 1980 if his wages rise by only enough to keep up with inflation. Taxpayers earning $20,000 today will pay $268 more. Just to stay even, a family's income must rise faster than the inflation rate, otherwise our middle income workers are worse off than before their "raises."

Mr. President, it becomes clear that Congress has the serious obligation to fight this particularly stubborn bout of inflation and to avoid entangling ourselves in new proposals that could add to it.

A second reason for my concern is that the BLS index cited in the bill is based on large employee units of at least 5,000 workers, including industries such as telephone, steel, automobile, aluminum, and rubber—the industries traditionally where some of the highest settlements are achieved. It is hardly fair to impose the percentage increases of these settlements on businesses which have considerably fewer employees. Most Board units contain fewer than 50 employees. This provision would try to make apples out of oranges by forcing a smaller employer into the mold of a larger employer by requiring him to make a comparable settlement. The second table at the conclusion of my remarks represents the reality we face. It will be noted that employees in small firms do not generally receive wage increases of the magnitude of those in larger firms, many located in high cost urban areas. Settlements in large establishments are, in fact, a whole percentage point higher than those for all workers.

Mr. President, we are doing more here than just "making whole" employees. We are, in effect, directing that they be given quite a bit more. Just 2 years ago Congress wisely repealed the so-called "1 percent add-on" for Federal retirees, which gave them much more than cost-of-living increases. I mention this because it was another case of congressionally mandated built-in inflation which eventually had to be altered. We should not fall into that trap again, but we are on the verge of it with the present language.

I turn to the second reason for opposing the present provision and that involves interference with the collective bargaining process itself.

II. INTERFERENCE WITH COLLECTIVE BARGAINING PROCESS

The "make whole" remedy under the bill represents a fundamental shift in Board policy concerning collective bargaining. That policy, which dates back to the Wagner Act of 1935 has been for the parties to reach their own agreement without Government interference with respect to the terms of the settlement. Using the Bureau of Labor Statistics' figures on collective bargaining settlements for units of 5,000 or more employees calls to the attention of the individual worker in a dramatic and personal way the extent of wage and benefit increases in other industries, despite the fact that he or she may be living in a rural lower cost area. Why should they settle for anything less for the terms of the contract they hope to negotiate? In spite of proponents' arguments that the "make whole" remedy is a one-shot deal and not a "contract" imposed on the employer, there is considerable validity to the argument that it would seriously affect the eventual outcome of the normal bargaining process and seriously undercut the very procedures that labor unions were established to facilitate. The BLS figures could, in a sense, become a substitute for bargaining and be looked upon as a target to aim for or exceed in collective bargaining proceedings unrelated to the particular NLRB case adjudicated. Employees in units not affected by the "make whole" remedy, or those negotiating new contracts—encouraged by the experiences of their colleagues in other bargaining units—could begin to use BLS figures in future bargaining until we face the possibility of those figures becoming nationwide standards. As such, it would represent a total departure from longstanding Government neutrality in these matters.

I wish to comment briefly on the effect on the right of appeal.

III. EFFECT ON RIGHT OF APPEAL

Under the act, the Board has delegated to its regional directors its powers in contested cases to determine the appropriate bargaining unit, direct an election, and certify the results. A public hearing in contested cases is conducted by an agent of the Board and the record of the evidence and arguments of the parties form a basis for decisonal action. Upon the request of an interested party, the Board may review any action of a regional director under the delegated powers, but Board review shall not operate to stay the regional director's action unless the Board specifically so orders, and it usually does not.

Under current practice, then, an employer must refuse to bargain with a union if he wishes to seek appellate court review of what he considers an erroneous bargaining unit determination or an objection to the election. If the court rules against the employer, the Board may then issue a bargaining order as a remedy. It is my concern that, under the Labor Reform Act, an employer will be deterred from seeking court review since he risks a more severe sanction if he loses, even though he may sincerely feel that he had a legitimate case.

In this case I indicate to my distinguished colleague, Senator WILLIAMS, that some of the most responsible business people in Illinois have come to me and pointed out this particular provision. They feel that it would put too severe a sanction on the employer for wanting an appellate review of Board decisions a right we should fight to protect. And I have been deeply impressed with the sincerity of those who have come to the Senator from Illinois, not in an attempt to gut the issue, but simply to point this out as a process of law that they would be denied.

The make-whole remedy, as drafted, is particularly inappropriate because a refusal-to-bargain charge by the NLRB which arises out of delays occurring before the signing of a first contract is often a minor, technical violation of the act. Moreover, any unilateral change by an employer with respect to mandatory subjects of bargaining may also violate

the act's requirement for good-faith bargaining, irrespective of management's good intentions.

(Mr. DECONCINI assumed the chair.)

Mr. PERCY. Similarly, an employer may violate the act if he refuses during negotiations to accede to a request such as to allow a union representative to examine his books and records with particular reference to the unit costs and profit margins. The case law on this subject shows that employers acting in complete good faith are oftentimes found in violation of the good-faith bargaining requirement. The imposition of a remedy of such impact is unfair and disproportionate to the violation it is designed to cure.

All of these criticisms, Mr. President, do not mean that I am not sympathetic to the kind of situation in labor-management relations which has given rise to the amendment. I thoroughly support the principle that the Government should provide a disincentive for those who engage in bad-faith bargaining for the purpose of delaying perhaps forever the time when they will have to deal with the duly chosen representatives of their employees.

This concept does not have to be eliminated entirely from the bill, but I believe it must be considerably improved. At the appropriate time I intend to call up an amendment which, I believe, represents a good-faith attempt to provide a workable solution.

My amendment attempts to accomplish two objectives:

First, to guarantee that an employer who seeks in good faith a court review of Board determinations concerning the bargaining unit or the election procedures will be free from the threat of the make-whole remedy, and

Second, to provide that any damages awarded to the injured employees under the make-whole provision would be determined by the Board with regard to the circumstances of the individual employer, instead of using the BLS index.

First, my amendment corrects the inflationary bias of the provision. It does not eliminate this section but substitutes a more realistic formula for the BLS index in determining compensation. The Board should be given discretion to consider a number of factors which pertain to the case at hand. My amendment requires the Board to base its award on the following factors: First, wage increases received by employees in the same geographical area for the same time in question; second, wage increases received by bargaining unit employees prior to the refusal to bargain; and third, wage increases received by employees in other plants of the employer. Other factors could be considered, too, if the Board thought them relevant to the situation.

Second, my amendment provides that in a case in which the Board determines that an employer's refusal to bargain prior to the entry into the first collective bargaining agreement was based on a genuine issue of law or a fact was present to warrant a refusal to bargain other than the sole purpose of delay, the remedy would not apply.

Mr. President, this amendment will not inflate the economy because it does not apply the average settlement of the country to small towns and suburbs or to areas where salaries and costs of production are lower. It just is not commonsense to apply a standard that includes high-cost areas like New York City and Chicago to lower cost Peoria and Springfield. Awards should be based on the individual situation and the prevailing wage in the area if we are to keep from fueling the fires of inflation with this bill.

Mr. President, I ask unanimous consent to have incorporated in the RECORD at the conclusion of my comments here tables I and II to which I have previously referred.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I.—ANNUAL RATE OF INCREASE IN COMPENSATION, 1976 THROUGH 1ST 3 MO 1978

[Mean adjustments]

Major collective bargaining settlements	Annual rate of increase (in percent)			
	Full year		1st 3 mo	
	1976	1977	1977	1978
Wages: (1,000 workers or more):				
1st-yr wage rate adjustment	8.4	7.8	7.7	9.9
Wage rate changes over life of contract	6.4	5.8	6.7	7.3
Wages and benefits combined (5,000 workers or more):				
1st-yr changes	8.5	9.6	9.0	14.6
Averaged over life of contract	6.6	6.2	7.5	8.5

Source: BLS.

TABLE II.—WAGE RATE CHANGES EFFECTIVE IN 1976 BY UNIT SIZE AND TYPE OF ESTABLISHMENT

[Percent increases]

Type of establishment	Number of workers in establishment				
	Fewer than 100	100 to 499	500 to 999	1,000 or more	All
All workers	6.5	6.6	7.0	8.3	7.3
Union establishments	7.0	7.1	7.4	8.4	7.8
Nonunion establishments	6.0	5.9	6.2	7.0	6.1

Source: Bureau of Labor Statistics, "Current Wage Developments," September 1977.

Mr. McGOVERN. Mr. President, will the Senator yield to me momentarily?

Mr. PERCY. Yes, of course.

Mr. McGOVERN. Mr. President, I have been interested to see what the Senator from Illinois has to say about the Labor Reform Act, and I have been very attentive to his remarks. But I have some brief remarks to make on another matter that I know the Senator is interested in, the restrictions the Congress is placing on the conduct of foreign policy in the executive branch. I wonder if, with the understanding that it will appear at the end of the Senator's remarks, he would be willing to yield to me briefly in order to make these observations. If the Senator is on too tight a schedule to do that, I will understand.

Mr. PERCY. I would be very pleased indeed, especially considering that the distinguished Senator is a full delegate to the United Nations session. I know he is doing double duty in both New York and Washington, and I would be most anxious to hear his comments, because I am vitally interested in the subject of whether the President is under restrictions now in his operations in Africa.

I would ask our distinguished colleague from Wyoming, however, since I know he is waiting to make a speech, whether it would be all right with him if I yielded to the Senator from South Dakota for a period of about 10 minutes to make comments on another subject.

Mr. WALLOP. By all means. I would suggest to the Senator, however, that he phrase his unanimous-consent request in the traditional form, that he will not, in returning to his remarks, be considered as having made two speeches.

Mr. PERCY. I hereby make that request. I also ask unanimous consent that Senator McGOVERN's comments appear in the RECORD following the remarks on labor reform bill today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from South Dakota is recognized.

(The remarks made at this point by Mr. McGOVERN and the related colloquy is printed later in today's RECORD.)

Mr. WALLOP. Mr. President, I wonder if the Senator from South Carolina will yield to me under the same terms and conditions that he yielded to the Senator from Illinois so that I might respond just a little to the remarks the Senator from Illinois has made?

Mr. THURMOND. Mr. President, I ask unanimous consent that I be allowed to yield under the same conditions that I yielded to the distinguished Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. I thank my friend from South Carolina and I thank the Senator, and I pay my compliments to the Senator from Illinois. He has brought out the fact that good-faith people in this country have sincere and honest concerns about the effects this legislation will have on the manner in which the employer-employee relationship is conducted in this country. Without that the bill becomes the most damaging thing not only to our economy but to the future of labor and employer relations in this country.

I agree in most respects with what the Senator says, that the way to kill the bill is not through a filibuster. But I would suggest that one of our only levers at this moment in time is to prolong this debate to the extent that we bring out the points, as the Senator brought out today and intends to bring out in future days, and make certain that there is some agreement that those will be accommodated in the amendment process before

this terminates and our leverage disappears.

So again I can do nothing but pay my compliments to the Senator from Illinois. It was a rational presentation of genuine problems that exist in this bill, and to the extent that they are delineated that clearly, the "make-whole" provision, and the other concerns that the Senator speaks about, I think he does a service to the whole process of debate.

I again compliment him and I again attempt to prolong the arguments, but fashion the arguments in behalf of the other concerns which he expressed here, hope that he will bring out in as lucid a and that they not be considered as any genuinely bringing out concerns that have to be dealt with before this bill is ever put in the position of obtaining a final vote.

Mr. PERCY. Mr. President, would my distinguished colleague yield for just a response?

Mr. WALLOP. I yield.

Mr. PERCY. I very much appreciate the comments of the Senator from Wyoming, and I have previously commended on the floor those who have spoken.

I would like to report quite honestly and openly there have been a great many urging the Senator from Illinois to engage in a filibuster. The filibuster process works right within the rules of the Senate and exists to protect certain rights.

My own conclusion has been that I do not intend to rush into this. I think we are a long way from having all of the issues fully understood. Eventually I have said I would vote to close debate, and I would respectfully suggest to others opposed to this bill that we have a number of alternatives in trying to find a way to work out a rational and sensible approach.

The Senator from Illinois is adamantly against changes which I do think this bill would bring about. I think the role of neutrality of the Government should be preserved, and I have said this to my own labor advisory committee in Illinois, consisting of 26 labor leaders. We should not be promanagement; we should not be prounion. We should be proworker and his rights.

I respect the right of a company to resist unionization, as long as it does so legally. I also feel that some of the loopholes they have discovered should be plugged to strengthen the process rather than doing discredit to it.

It is the hope of the Senator from Illinois that we would end up with a bill which addresses itself only to the most flagrant abuses of the law.

I do wish to thank my distinguished colleague from Wyoming for his thoughtful comments, and I fully respect and honor the position he has taken and the conviction with which he has fought for what he believes in.

Mr. WALLOP. I thank the Senator. I might just add that the only thing we have in our pocket right now is the strength of the debate. Until we find that there is genuine willingness and genuine likelihood that these errors of major concern can be addressed, I suggest that this bill will come back again and again and again, for different reasons, unless we do a good job.

So I think it is incumbent upon us, for the entire country, that we take as much time as necessary in this arena to keep it, as the Senator says, neutral and balanced, not only in the sight of labor and in the sight of management, but maybe, for once, in the sight of the workers.

I thank the Senator from South Carolina for yielding to me under the circumstances in which he did.

Mr. JAVITS. Mr. President, will the Senator yield me 2 or 3 minutes, under the same conditions?

Mr. THURMOND. Mr. President, I ask unanimous consent to yield to the Senator from New York under the same conditions I yielded to the Senator from Wyoming.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I listened to our colleague from Illinois very carefully, and what I missed I will read carefully. As usual, he has been very clear and thoughtful, and has very clearly expressed his position.

I think it is fair to say for myself that I, too believe Government should provide the methodology, which is what I have always contended, in these labor-management matters, and should not load it either way.

That said, I think the Senator has, directly as well as by implication, put his finger on a very critical element of this debate.

Every businessman, and I think it is true of labor as well, wants finality: "Tell me the rules, and I will work within them."

So that is our first consideration. We have to be precise enough so that we do not have these long dragouts. That has been the problem with the Stevens case. Many people feel that Stevens has ruined the whole labor climate for them, and brought on this bill. I do not blame them; they felt that was what they ought to do. But labor feels it has been victimized.

My second point is that there are Members in this Chamber, and I love them dearly, many close friends of mine, who will not have this bill under any circumstances, on matter what we do to it. They are just against it; it is basic and congenital, in their view. Then there are some who feel we dealt with it as best we could in committee, and they are for it. That goes for Senator WILLIAMS and myself.

Then there are those who feel, like the Senator from Illinois, that they want something done, that they want finality, and that they are ready to try to refashion the rest of it, whatever they feel is wrong with it, on the Senate floor. To that the Senator from Illinois is making a real contribution and I promise him, as I did before, even when we were marking up the bill, my loyal efforts to inventory, examine, work with, and use whatever expertise I have to try to fashion a remedy for those two groups, those who want the bill and those who are willing to do whatever they can to command support here.

This is by no means in derogation to those who feel we should not legislate, that we ought to let matters stand as they are, though that view I cannot support.

Mr. PERCY. I thank the distinguished Senator. I realize he wants to be fair; I realize he wants fairness and justice. There is no stronger foe of inflation in this body than he, and for that reason I think we can work together in this effort.

I thank the Senator from South Carolina for yielding.

Mr. THURMOND. Mr. President, I rise in opposition to H.R. 8410, the so-called Labor Reform Act. In the RECORD on May 22, 1978, Senator ROBERT MORGAN, the distinguished Senator from North Carolina said:

> I remain convinced that this bill was raised for political purposes and as an attack on the economic progress that has been taking place in certain parts of our Nation.

Mr. President, I agree with Senator MORGAN.

On May 18, 1978, Congressman JOSHUA EILBERG of Pennsylvania, reinforced my view with a statement which he placed in the RECORD. His statement is entitled "Imports, Sun Belt Nibble At Textile Jobs." Congressman EILBERG stated on Monday, May 15, the Philadelphia Evening Bulletin reported on the growing competition from imports in the textile field and the continuing flow of jobs from the Northeast States to the Sun Belt States. Referring to the account in the Bulletin with approval, Congressman EILBERG gives us cause to examine that account. I quote from the account in the Bulletin:

> Men's and boys' clothing makers, women's clothing manufacturers and knit-goods makers (mostly sweater makers) are feeling a severe pinch because of a largely unrestricted flood of imports from Taiwan, Hong Kong, South Korea, Italy and other Countries, and to a lesser degree because of competition from open-shop manufacturers in the South's Sun Belt.

I share the concerns expressed concerning imports affecting the textile industry and thus the loss of jobs nationwide. However, I firmly believe that the motivation of some of those who try to pass this bad legislation before us can be traced to that seemingly innocuous phrase buried in the account found in the Bulletin. I say again the Bulletin lays a part of the blame on the loss of jobs in the Northeastern States to "competition from open-shop manufacturers in the South's Sun Belt."

Mr. President, an editorial from the Atlanta Constitution, October 11, 1977, puts it this way:

BIG LABOR'S BILL

> In recent years, Big Labor has been losing some of its clout—the clout that had been threatening to push the United States down the tragedy road of Great Britain. About 25 percent of America's labor force is now unionized as against 35 percent a decade or so ago. Last year, for the first time in many years, unions were rejected in a majority of organizing elections—rejection by the workers they were trying to organize.
>
> So, faced with declining strength, what does Big Labor do? It goes to the "Big Crutch"—Uncle Sam—and asks for addi-

tional muscle. And it has gotten it from the House of Representatives.

By a vote of 257 to 163, the House adopted the Labor Law Reform Act of 1977, a measure which will make organizing much easier for the unions and to, as one supporter said, "do economic justice to workers." But a spokesman for the U.S. Chamber of Commerce was much closer to truth when he called the bill "nothing more than phony reform" that would "push employees into compulsory unionism."

The main result of the bill is that it puts the federal government more on the side of the unions by making a number of changes in the operation of the National Labor Relations Board. As now set up, the NLRB provides for an important balance in labor-management relations—but the new legislation tilts NLRB regulations strongly toward labor.

The House passage of the bill is something of a "sop" to unions by the representatives—and also by President Carter since he supports the measure—because of some big defeats by Big Labor earlier this session, especially the defeat of common situs picketing. But there's danger in the "sop," to the South specifically as well as the nation.

The passage of the bill would be just another reason for industries to decide not to move South as they have been doing in increasing numbers in recent years. One reason they've been leaving the North and Midwest and moving to the South is the better labor conditions here because many southern workers are traditionally antiunions; most of the right-to-work states are in the South. But the new Labor Reform legislation would make it much easier for the unions to organize in southern states and "run" business here as they do elsewhere. There have been other legislative moves made recently by northern legislators to discourage industry from leaving their states to come here; this new labor bill is another step in that direction.

But it can still be stopped. It has yet to pass the Senate. It probably will not be considered by the senators until early next year. With sufficient advice from constituents, the Senate can be convinced to stop the giveaway to Big Labor.

While this wish to place lead in the shoes of the Sunbelt and other right-to-work States is certainly an important motivating factor for the proponents of this legislation, an editorial in the Greenville News, Greenville, S.C., January 17, 1978, places this measures in the perspective it deserves:

SENATE BATTLE ON UNION SHAPING UP

Return of Congress to Washington for its 1978 session means that the Senate soon will begin action on a House-approved bill to pack the National Labor Relations Board and slant the National Labor Relations Act drastically in favor of unions.

The measure, carrying the backing of President Carter, would speed up union elections and would stiffen penalties against companies found by the revamped NLRB to be in violation of the act. The bill essentially is a payoff to union bosses for political support in 1976.

It is billed as a reform measure. Union leaders claim it is aimed at breaking resistance to unions in the South. Those claims mask the real purpose of the measure—to help unions recoup membership losses all over the nation. The losses occur because of growing worker discontent with union bosses and union methods.

By playing up large southern textile firms, the unions also seek to make the fact that the measure is aimed at small businesses all over the country.

Details of the bill have been published many times and are well known. They add to a permit for unions to use steamroller tactics to overcome right-to-work laws in many states and eventually to exercise virtual monopolistic control over American industry. A model for what can result in America is the union dominated British system.

A Senate subcommittee plans to begin drafting its version of the bill about Jan. 20. The measure can go to the Senate floor soon thereafter, as union bosses push hard for early action.

Unions control far more than enough Senate votes to pass the bill, because of their political support for many senators in 1976 and earlier. It is important to offset this advantage by keeping the measure from reaching a vote if it cannot be modified into a balanced bill.

Therefore, opponents, here and elsewhere, would be well advised to encourage their senators right now to resort to the filibuster, if that be necessary to keep a bad measure from getting through Congress.

Mr. President, the distinguished chairman of the Human Resources Committee indicated he wanted to adjourn about 5:45. If that is the case, I am willing to stop at this point and would ask unanimous consent that I be allowed to continue my remarks another day without being charged with a second speech.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AN UNNECESSARY "CAMPAIGN" AGAINST CONGRESSIONAL FOREIGN POLICY RESTRICTIONS

(The following proceedings occurred earlier during consideration of H.R. 8410 and are printed at this point by unanimous consent:)

Mr. McGOVERN. Mr. President, I thank the Senator from Illinois for yielding. I would never have asked him to yield at this point had I not known of his interest in the subject I am about to discuss.

In the past few days, the American people have been informed that the administration contemplates undertaking a major "campaign" to bring about the lifting of certain restrictions which are said to be tying the President's hands as he attempts to conduct the Nation's foreign policy.

The purpose of my statement today is simply to declare my conviction that such a campaign will be unnecessary. All that needs to be done, if the administration is indeed serious about altering certain provisions of law, is to prepare remedial legislation to submit it to Congress along with a reasoned explanation as to the need for the change.

I might just add parenthetically, Mr. President, speaking as the chairman of the Subcommittee on International Operations, which has jurisdiction over matters of this kind, that I could assure the administration of very prompt and expeditious handling of any such legislation. But until such a request is offered, it is difficult for me to believe that this so-called campaign to lift the congressional restrictions on the President is anything more than a kind of a public relations gesture on the part of some administration officials, whose frustration at being unable to control complicated international events—and to establish an image as tough-fisted wielders of power—has compelled them to place the blame on Congress.

Behind this thus far nebulous campaign, I must say a rather confusing campaign not only to Senator CLARK, who has expressed his sense of confusion about what it is all about, there are three possible motives: The first is that the administration, having adopted a policy of watchful watching in Africa, may feel that such a policy is vulnerable to a militant right-wing attack within the context of U.S. policy. Therefore, rather than justifying current policy on the grounds that it is prudent and rational—and, Mr. President, I happen to think the administration's policy in Africa has been prudent and rational, though it may be frustrating that we have not been able to do anything more dramatic than we have but one has to also look at the realities of the situation and the limits that face us on that continent—administration officials nevertheless may have decided to project the idea that the reason they are following the course that they are is that they are hamstrung by the Congress and have no other choice.

Perhaps they also feel that this will enable them to engage in some tough talk about the Soviet and Cuban involvement and that by being seen as hard-nosed they will somehow strengthen their hand in attaining Senate approval of the SALT Agreement.

If this is the tactic, I question its efficacy. To the degree that they unleash the Communist bogeyman in American politics, I think they will find that he comes back to haunt them. Already, a number of Senators have joined in a declaration that they will withhold support for a SALT Agreement so long as Soviet-Cuban activity in Africa persists. This attitude is far more likely to spread than to be curtailed by administration statements giving credence to the dubious notion that important U.S. interests in Africa are now being directly and adversely affected, because of some kind of mysterious congressional restraints on administration policy.

The second possible motive for raising the specter of "congressional restrictions" is that, having won important but tough victories over congressional opposition to the Panama Treaties and the Middle East arms package, some administration officials may have decided to press their advantage.

Perhaps they have surmised that the momentum is now with the President, and that the time is ripe to swing the pendulum hard against the general assertiveness of Congress in the foreign policy process. If the idea can be generated that Congress is meddlesome and an impediment to effective Presidential action, some administration officials may feel Congress might be rendered more docile in the future. I also doubt the wisdom of this reasoning. The days of the so-called imperial Presidency are over, and I believe that for the foreseeable fu-

ture Congress will be participating in, and evaluating, significant foreign policy questions on a case-by-case basis.

I also think that in his more thoughtful moments that is the position of the President. I am sure it is the position of the Secretary of State who has been very careful to consult with the members of the Foreign Relations Committee and other Members of the Congress.

I do not believe that Members of this body are about to be diverted from that role by a vague public relations foray against "congressional restrictions."

The third and most curious possible motive behind these reverberations out of the executive branch is that the administration actually wishes to remove a number of foreign policy-related restrictions from the law. On Monday, as if they were releasing some heretofore secret document, the administration distributed to journalists a list labeled "Restrictions on Presidential authority to provide assistance to foreign nations and conduct foreign operations." There was, however, nothing secret or even esoteric about this list. It consisted of nothing more than a compilation, that any one of the interns in our offices could have prepared, of those provisions or limitations governing the kind and volume of aid that may or may not be given to designated countries or categories of countries, under certain circumstances.

Such provisions have always characterized foreign aid law, and quite reasonably, for there is absolutely no constitutional basis for the assumption—which is implicit in the title of this list—that the President should have an unfettered ability to dispense funds from the National Treasury on his own prerogative, particularly when the recipient is a foreign nation.

The Constitution of the United States very clearly places that authority on the authorization and appropriation of funds within the Congress of the United States.

If the administration does, however, wish any of these provisions altered, the appropriate and traditional process is—as I indicated earlier—the submission to Congress of draft legislation along with solid justification for removing these restrictions.

On the third assumption—that the administration is serious about eliminating or modifying certain provisions of law—the question arises as to exactly which provisions are being referred to, which ones are, in effect, tying the President's hands so that he is powerless to do anything about the Cubans or the Soviets and their activities in Africa and elsewhere.

In one case, it should be acknowledged, the administration has formally asked for a change in existing law—by requesting the repeal of the partial arms embargo against Turkey. This matter is now before the Congress and is being duly considered.

I might say, the outcome is uncertain. In this particular instance, because I do not believe the bargain will be effective in bringing about the resolution of the Cyprus question, I happen to support the administration. I think the time has come to lift the embargo and I think the administration took the proper course in saying publicly that they thought it was a mistake and then coming here to the Congress and asking us to lift it.

I think that the embargo was established by Congress with good cause, that there continue to be good arguments on both sides of this question, and that it is quite a reasonable and appropriate procedure for the matter to be decided by a majority vote in both Houses.

We cannot be absolutely certain about who is right on this matter. One thing is clear, that the Congress acted clearly within its legal and constitutional rights in placing that partial embargo in the first place and we can go through the same legislative processes, if it is so indicated by the realities, of removing it.

With regard to all other provisions on this list the State Department has furnished, Mr. President, a seven- or eight-page list which I will ask to have printed in the RECORD at the end of my remarks, the administration has not made a single move to seek either modification or repeal of that long list of restrictions that are allegedly paralylzing the President of the United States.

It is difficult to discern exactly which provisions might be at issue. Certainly, the administration cannot have in mind repealing the war powers resolution, which places perfectly reasonable—and indeed some would say insufficient—limits on the President's ability to commit American forces in prolonged hostilities abroad.

Is there really any citizen in this land who wants us to repeal the War Powers Act and go back to the days when the President arbitrarily made decisions to commit American forces abroad and leave them there indefinitely without formal action by the Congress?

Nor can anyone in the administration believe that the American people would favor a repeal of the so-called Hughes-Ryan amendment, which does no more than require that the appropriate congressional committees be kept confidentially informed of covert U.S. activities abroad. Is there really anybody in the administration who is going to argue that it is an infringement on the capacity of the President to conduct foreign policy for us to ask that the appropriate committees in Congress be kept advised confidentially on what the covert activities of our intelligence agencies are abroad—activities that, if they get out of hand, could get and have, in the past, gotten us into serious difficulty?

Much has been made, of course, about alleged restrictions governing U.S. aid to African countries. But as a quick summary easily shows, these provisions pose little difficulty to American policy.

What are those restrictions placed by Congress as they relate to Africa? One of them prohibits aid to Ethiopia. Would the administration wish to supplement Soviet and Cuban aid in the light of today's realities to Ethiopia?

Another stipulation requires that Congress be informed of aid supplied to Zaire. But this provision involves no restriction. Indeed, during the fighting of the past few days, such aid was supplied and Congress was duly informed. All the amendment says is that, if he wants to send in some kind of assistance, if he wants to become involved in Zaire, let Congress know that there is a national security question involved. The President did that and I have not heard one voice raised on the floor of the Senate about the C–130 aircraft that were used to airlift the threatened European citizens out of Zaire.

Finally, of course, the so-called Clark amendment, which is the one that has been in the press, prohibits aid to any faction in Angola without congressional approval. It does not say that if the national interest is threatened and the President feels that it is in our interest to back a particular faction in Angola, he cannot do it. All it says is if he wants to do that, if he wants to send in young Americans to get involved in a war in Angola or he wants to do something in the way of covert paramilitary operations, all he has to do is tell Congress and get the approval of Congress.

Earlier this month, and this is one of the confusing things about this, Mr. President, President Carter himself declared his support for that principle in the Clark amendment. And quite reasonably so, because which one of us, after the experience of Vietnam, would favor a significant American involvement abroad without a clear and formal expression of congressional support?

As to what other provisions in law the administration might wish to change, it is only possible to speculate. A number of provisions involve the application to foreign aid decisions of those human rights principles which the President has repeatedly espoused. In other words, we have placed certain restrictions on military and, in some cases, even economic aid to countries that have flagrantly violated elementary human rights principles. One finds it very difficult to think that the administration would object to the Congress of the United States trying to underscore the commitment of our country to human rights.

Other provisions prohibit aid to Communist countries, such as Vietnam, Cambodia, and Cuba. Presumably, the administration is not complaining about these provisions.

But extended speculation is pointless. The administration has a standing invitation to submit legislation to the Foreign Relations Committee any ime it really means business and is not simply engaged in a propaganda exercise.

Having extended this invitation, I should like to comment very briefly on the overall relationship between Congress and the executive branch in the foreign policy process. As commonly perceived, and I think it is fair to say this is primarily a result of the Indochina era, Congress's role has been that of a restraining or limiting force on the executive branch. To some who believe that the administration has needed restraining—and I am not talking just about this administration, but a whole series of abuses in the executive branch, I think abuses, or maybe I should say failure of congressional responsibility to exercise

the restraints that the Constitution places upon us—this new role of Congress being involved in a partnership with the administration on foreign policy is a valuable one. To others who believe that Congress has impeded the implementation of foreign policy, of course, the role is seen as perverse. But what I wish to emphasize, against both of these interpretations, is that the role of Congress goes well beyond the simple function of blocking or limiting or restraining. There is a positive contributing congressional role as well.

One extremely important example is the Senate's recent action on the proposed Middle East arms sales. Mr. President, had it not been for Senator NELSON's foresight some years ago in requiring that an arms sale package of this size be submitted to Congress with a 30-day opportunity to reject it on our part, this decision to sell arms to the Middle East would have been carried out by the executive branch unilaterally, and virtually every Senator would have been tempted to stand up on this floor and assail the President of the United States, knowing the deal was going to go through anyway. It would have been a popular political thing to dump the whole responsibility on President Carter and Secretary Vance, and all of us get up here, making our speeches, deploring the sale of arms into the Middle East. But when we had to face the hard decision of voting yes or no and take the responsibility for the interest of the United States in this sale, it was quite a different result. By a vote of 54 to 44, a clear majority of the U.S. Senate said, in effect, to the world, we uphold the hands of the President of the United States. So I think we did an enormous service by sharing the responsibility of that very agonizing and difficult decision with the President of the United States.

That Senate vote gave clear confirmation and strong impetus to an important new American role in the Middle East: That of friend and ally not only of Israel, but also of the moderate Arab States as well. I believe that this new departure in American policy, formalized by Senate support, will be shown by history to have far-reaching and beneficial consequences for the American and Israeli goal of a just Middle East peace.

Other examples of a positive, contributing congressional role often occur on a routine basis, and thus out of the headlines. One of which I am particularly proud is the Foreign Relations Committee's just-completed consideration of fiscal year 1979 authorizations for the foreign affairs agencies, contained in the Foreign Relations Authorization Act (S. 3076), the report on which I believe will become available today. Being intimately familiar with this bill, because it falls under the jurisdiction of the International Operations Subcommittee which I chair, I believe that it represents, in all respects, a responsible and measured congressional contribution to the foreign policy process. More than 30 provisions of the bill were initiated by members of the Foreign Relations Committee, and not 1 of these, I submit, constitutes an unreasonable intrusion into American foreign policy or a restriction on necessary Presidential flexibility. I invite the attention of the press to the provisions of this bill, which characteristically have gone unnoticed.

One provision of the bill mandates a tripling of the extremely important international exchange-of-persons program by 1983. Another seeks to set right, through the formalization of reasonable procedures, unresolved questions surrounding the Senate's treaty power. Still another provision serves the modest but useful purpose of extending American congratulations to Spain for the establishment of democratic institutions—an action I note which has been very favorably received among the Spanish people. Several provisions of the bill relate to strengthening the caliber and morale of the U.S. Foreign Service. Several other provisions identify areas in which executive branch action is desirable but which are drafted to allow the administration wide latitude in deciding upon the specifics of policy design and implementation. Still other provisions seek to facilitate U.S. compliance with the Helsinki Act, and thereby to encourage other nations to do the same. All in all, I submit, this bill is well conceived and an excellent example of prudent congressional action.

Some weeks ago, the able Washington Post journalist, William Greider, wrote a thoughtful article about the temptations faced by a President attempting to project his image as a forceful and adroit national leader. During most recent presidencies, Greider noted, moments of international "crisis" seem to have been more conducive than anything else to creating such a presidential image.

Given this phenomenon, Greider surmised, the advisors to a President who has not yet had his "crisis" might well be inclined to seek one out. Subsequently, my distinguished colleague from Idaho (Mr. CHURCH) aptly labeled this temptation the "situation room syndrome"—the false idea that policymakers, by rolling up their sleeves and bringing in the photographers to cover some urgent and fateful decisionmaking, can give the country a boost of pride in the virility of its leadership. In a significant op-ed piece, Senator CHURCH cogently argued that the political advantages conferred upon modern Presidents from a crisis have been at best fleeting and the dangers considerable, and I strongly agree. Whatever his natural desire to appear bold and decisive, any President must surely recognize the paramount lesson of our recent history: that an imprudent use of power carries with it heavy risks both for the country and for his presidency. Having no appetite for unwarranted risks and unnecessary war, the American people will, in the final analysis, place their greatest confidence in a leader who maintains the Nation's security through the competent use of peaceful means.

This, I believe, can be accomplished in partnership with the Congress. We do not need false "crises". We do not need unnecessary flexings of national muscle in order to placate right-wing critics and columnists. Already this year, the Senate has supported the President on two important foreign policy decisions.

I believe it will do so again when a clear and well justified request is made. In the meantime, campaigns against unspecified "congressional restrictions" serve no purpose other than to irritate the Congress and obfuscate the real issues.

I know the Senator from Illinois is anxious to take the floor again. I shall not continue, other than to say that our Committee on Foreign Relations has added some 30 constructive, positive, forward-looking changes in the operations of foreign policy this year in a report that I think was made available to the Senate today. I am very proud of those amendments. Senator PERCY had some role in some of them; they were supported by Senator JAVITS, who is here on the floor.

Before Senator JAVITS came on the floor, I referred to the War Powers Act and the valuable role that serves.

I just want to say by way of conclusion, Mr. President, that this so-called tying of the President's hands is, in my judgment, a bogeyman. There is no real substance to it. If there are restrictions that we need to take another look at, I am sure Congress is willing to do that. Meanwhile, we await a clear explanation of what this campaign is all about.

Mr. President, I ask unanimous consent that the administration's list of all the limitations that Congress has placed on the President, together with the Foreign Relations Committee staff analysis of that list, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Document No. 1]

LIMITATION PROVISIONS IN VARIOUS STATUTES

ARMS EXPORT CONTROL ACT

Section 3(a), eligibility criteria/3rd party transfers.
Section 3(c), ineligibility procedures.
Section 3(d), 3rd party transfer procedures.
Section 3(f), terrorism.
Section 4, Authorized purposes/Conte Long.
Section 5, discrimination.
Section 21(c), combat activities.
Section 21(h), combat readiness.
Section 31(a) and (b), financing authorization and ceiling.
Section 31(d), EDA.
Section 32, ExIm.
Section 33(a), African ceiling.
Section 35(a), diversion of dollar by LDC's.
Section 36(b), 30 day Cong. review of big sales.
Section 36(c), 30 day Cong. review of comm. exports.
Section 38(b)(3), restrictions on commercial exports.
Section 42(c), offshore procurement.

FOREIGN ASSISTANCE ACT OF 1961

Section 502(B), human rights.
Section 502, authorized purposes.
Section 502(a)(2), MAP (see also Sec. 516).
Section 505, eligibility conditions/3rd party transfers/stockpiling.
Section 620(a), Cuba.
Section (e), Hickenlooper.
Section (f), Communist countries (see also (b)).
Section (l), aggressive countries.

Section (m), wealthy countries.
Section (q), countries in default.
Section (t), countries with which no dip. rels.
Section (x), Turkey.
Section 620A, terrorism.
Section 620(B), Argentina.

[Document No. 2]

RESTRICTIONS ON PRESIDENTIAL AUTHORITY TO PROVIDE ASSISTANCE TO FOREIGN NATIONS AND CONDUCT FOREIGN OPERATIONS

Restriction and effect:

Sec. 25—International Security Assistance Act of 1977; prohibits assistance in FY 1978 for military or paramilitary operations in Zaire unless President determines such assistance is in the national security interests and submits a description and certification to Congress.

Sec. 404—International Security Assistance and Arms Export Control Act of 1976; prohibits assistance of any kind to promote military or paramilitary operations in Angola.

Sec. 662—Foreign Assistance Act of 1961, as amended (Hughes-Ryan amendment); prohibits non-intelligence covert operation abroad by CIA unless President finds it is important to national security and reports it to Congress.

Sec. 620B—Foreign Assistance Act of 1961, as amended; prohibits military assistance, training, foreign military sales or financing, and Munitions Control export licenses for Argentina after September 30, 1978.

Sec. 406—International Security Assistance and Arms Export Control Act of 1976; prohibits, with respect to Chile, the same activities prohibited for Argentina by Sec. 620B of the FAA (described above).

FY 1978 Foreign Assistance and Related Programs Appropriations Act; prohibits the use of funds for a number of countries in Latin America and Africa.

Sec. 503—Foreign Assistance and Related Programs Appropriations Act (Brooke Amendment); prohibits assistance to a country in default for more than one year in repayment of a loan from the U.S. unless previously disputed or default being cured.

Secs. 504(a)(2) and 516—Foreign Assistance Act of 1961, as amended; prohibit grant military assistance to any country unless the country and the amount of assistance are specified by law. (This precludes immediate grant assistance to a country not specifically included in the annual authorization bill.)

[Document No. 3]

COUNTRY-SPECIFIC PROHIBITION ON U.S. ASSISTANCE

Herewith are the statutory country-specific prohibitions on U.S. assistance.

Foreign Assistance and Related Programs Appropriation Act, 1978:

Title I—Foreign Assistance Act Activities—International Military Education and Training: None of the funds appropriated under this paragraph shall be used to provide international military education and training to the Government of Argentina.

Section 107. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Uganda, Cambodia, Laos or the Socialist Republic of Viet-Nam.

Section 114. None of the funds appropriated or made available pursuant to this Act shall be obligated or expended to finance directly any assistance to Mozambique or Angola.

Section 503A. None of the funds appropriated or made available pursuant to this Act shall be used to provide military assistance, international military education and training or foreign military credit sales to the Governments of Ethiopia and Uruguay.

Section 503B. None of the funds appropriated or made available pursuant to this Act shall be used to provide foreign military credit sales to the Governments of Argentina, Brazil, El Salvador, and Guatemala.

Section 503C. Of the funds appropriated or made available pursuant to this Act no more than $18,100,000 shall be used for foreign military assistance, not more than $1,850,000 shall be used for foreign military credit sales, and not more than $7,000,000 shall be used for international military education and training to the Government of the Philippines.

Section 506. None of the funds appropriated in this Act shall be used for any form of aid or trade, either by military payment or the sale or transfer of any goods of any nature, directly to Cuba.

International Security Assistance and Arms Export Control Act of 1976 (PL 94-329):

Section 406. (a)

(1) No military or security supporting assistance and no military education and training may be furnished under the Foreign Assistance Act of 1961 for Chile; and no credits (including participation in credits) may be extended and no loan may be guaranteed under the Arms Export Control Act with respect to Chile. No deliveries of any assistance, credits, or guarantees may be made to Chile on or after the date of enactment of this section.

(2) No sales (including cash sales) may be made and no export license may be issued under the Arms Export Control Act with respect to Chile on or after the date of enactment of this section.

International Security Assistance Act of 1977 (PL 95-92):

Section 25. No assistance of any kind may be furnished for the fiscal year 1978 for the purpose, or which would have the effect, or promoting or augmenting, directly or indirectly, any military or paramilitary operations in Zaire unless and until the President determines that such assistance should be furnished in the national security interest of the United States and submits to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing—

(1) a detailed description of the assistance proposed to be furnished, including the amounts of such assistance, the categories and specific kinds of assistance proposed, and the purposes for which such assistance will be used; and

(2) a certification that the President has determined that the furnishing of such assistance is important to the national security interests of the United States and a detailed statement, in unclassified form, of the reasons supporting such determination.

Section 28. (a)(1) It is the sense of the Congress that the President should take all effective measures to assure that the Republic of Korea is cooperating fully with the investigation (including any resulting prosecutions) being conducted by the Department of Justice with respect to allegations of improper activity in the United States by agents of the Republic of Korea.

(2) Accordingly, the President is requested to report to the Congress, within ninety days after the date of enactment of this Act and once during each ninety-day period thereafter while such investigation (including any resulting prosecutions) is underway, with respect to the extent to which the Republic of Korea is cooperating with such investigation.

(b) It is the further sense of the Congress that the President should take all effective measures to assure that the Republic of Korea is cooperating fully with the investigations being conducted by committees of Congress.

Foreign Assistance Act of 1961 as Amended:

Section 513. Military assistance authorizations for Thailand and Laos, and South Vietnam. (a) After June 30, 1972, no military assistance shall be furnished by the United States to Thailand directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act.

(b) After June 30, 1974, no military assistance shall be furnished by the United States to Laos directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act.

(c) After June 30, 1976, no military assistance shall be furnished by the United States to South Vietnam directly or through any other foreign country unless that assistance is authorized under this Act or the Foreign Military Sales Act.

Section 533. Southern African Special Requirements Funds.—(a)(1) Of the funds authorized to be appropriated by section 532 for the fiscal year 1978, $80,000,000 shall be available only for the countries of southern Africa to address the problems caused by the economic dislocation resulting from the conflict in that region, and for education and job training assistance for Africans from Namibia and Zimbabwe (Southern Rhodesia). Such funds may be used to provide assistance to African refugees and persons displaced by war and internal strife in southern Africa, to improve transportation links interrupted or jeopardized by regional political conflicts, and to provide trade credits for the purchase of United States products to those countries in the region adversely affected by blocked outlets for their exports and by the overall strains of the world economy.

(2) Of the funds made available under this section, not more than the following amounts may be made available for the following:

Botswana	$15,000,000
Lesotho	15,000,000
Swaziland	5,000,000
Regional programs for education, training and refugee assistance	45,000,000

(3) To the extent practicable consistent with the purpose specified in paragraph (1), assistance under this section should be used to meet the objectives set forth in sections 102 (c) and (d) and in other sections of chapter 1 of part I of this Act.

(4) Before obligating any funds under this section, the President shall notify the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate with respect to the specific projects and programs for which such funds will be used.

(b) Of the funds made available under subsection (a) of this section for regional programs, not to exceed $1,000,000 may be used by the President for the preparation of a comprehensive analysis of the development needs of southern Africa to enable the Congress to determine what contribution United States foreign assistance can make.

(c)(1) None of the funds made available under this section may be used for military, guerrilla, or paramilitary activities in any country.

(2) No assistance may be furnished under this section to Mozambique, Angola, Tanzania, or Zambia, except that the President may waive this prohibition with respect to any such country if he determines (and so reports to the Congress) that furnishing such assistance to that country would further the foreign policy interests of the United States.

(d) It is the sense of the Congress that the United States should support an internationally recognized constitutional settlement of the Rhodesian conflict leading promptly to majority rule based upon democratic principles and upholding basic human rights. The Congress declares its intent to support United States participation in a Zimbabwe Development Fund. The Congress intends to authorize the necessary appro-

priation when progress toward such an internationally recognized settlement would permit establishment of the Fund.

Section 620, Prohibitions Against Furnishing Assistance (a)(1) No assistance shall be furnished under this Act to the present Government of Cuba. As an additional means . . . the President is authorized to . . . embargo . . . Cuba.

(f) No assistance shall be furnished under this Act as amended, (except section 214 (b)) to any communist country. . . . the phrase communist country shall include specifically, but not limited to the following countries: Peoples Republic of Albania, Peoples Republic of Bulgaria, Peoples Republic of China, Czechoslovakia Socialist Republic, German Democratic Republic (East Germany), Estonia, Hungarian Peoples Republic, Latvia, Lithuania, North Korean Peoples Republic, North Vietnam, Outer Mongolia-Mongolian Peoples Republic, Polish Peoples Republic, Romania Peoples Republic, Tibet, Federal Peoples Republic of Yugoslavia, Cuba and Union of the Soviet Socialist Republics (including its captive constituent republics).

(x)(1) All military assistance, all sales of defense articles and services (whether for cash or by credit, guaranty, or any other means), and all licenses with respect to the transportation of arms, ammunitions and implements of war (including technical data relating thereto) to the Government of Turkey, shall be suspended on the date of enactment of this subsection, unless or until the President determines and certifies to the Congress that the Government of Turkey is in compliance with the Foreign Military Sales Act and any agreement entered into under such Acts and that substantial progress toward agreement has been made regarding military forces in Cyprus; provided, that for the fiscal year 1978 the President may suspend the provisions of this subsection and of section 3(c) of the Arms Export Control Act with respect to cash sales and extensions of credit and guarantees under such Act for the procurement of such defense articles and defense services as the President determines are necessary to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization, except that during the fiscal year 1978 the total value of defense articles and defense services sold to Turkey under such Act either for cash or financed by credits and guaranties shall not exceed $175,000,000.

Section 620B. Prohibition Against Assistance and Sales to Argentina. (1) After September 30, 1978 no assistance may be furnished under chapters 2, 4, or 5 of part II of this Act to Argentina.

(2) No credits (including participation in credits may be extended and no loan may be guaranteed under the Arms Export Control Act with respect to Argentina.

(3) No sale of defense articles or services may be made under the Arms Export Control Act to Argentina; and

(4) No export license may be issued under section 38 of the Arms Export Control Act to or for the Government of Argentina.

Section 655. Limitations Upon Assistance to or for Cambodia. (a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other law may be obligated in any amount in excess of $377,000,000 . . . for or on behalf of Cambodia during the fiscal year ending June 30, 1975.

(c) No funds may be obligated for any of the purposes described in subsection (a) of this section in, to, for, or on behalf of Cambodia in any fiscal year beginning after June 30, 1972, unless such funds have been specifically authorized by law . . .

(e) After the date of enactment of this section, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Cambodia for any fiscal year, the President shall furnish a written report to the Congress explaining the purpose for which such funds are to be used in such fiscal year.

(g) Enactment of this section shall not be construed as a commitment by the United States to Cambodia for its defense.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., May 24, 1978.

MEMORANDUM

To: all members, Committee on Foreign Relations.
From: Paul Baker, Hans Binnendijk and Michael Glennon.
Subject: legislative restrictions regarding assistance to Africa and other restrictions compiled by the State Department.

At a breakfast meeting with congressional leaders of May 16, 1978, President Carter was reported to have expressed frustration at legislative restrictions placed upon the President's authority to render military assistance to Zaire. In subsequent talks between Administration officials and Members of Congress, and in the press, further controversy arose about congressional limitations on the freedom of the executive branch in responding to foreign policy problems in general. This memorandum analyzes (I) military restrictions regarding Africa and (II) other legislative restrictions compiled by the State Department.

Summary. Applicable statutory restrictions on military involvement have presented no obstacle to the achievement of publicly announced United States objectives in Africa. Indeed, during the recent crisis in Zaire, the President possessed the authority under existing law to take far more extensive action, had he so desired. No prohibition exists against military involvement in, or military aid to, specific countries or groups in Africa except with respect to Angola and the Government of Ethiopia. Only reports, presidential certifications, and compliance with the consultation provision and 60-day time limit of the War Powers Resolution, are required.

The Executive Branch has also compiled three lists of legislative restrictions on foreign assistance and military sales. The most prominent restriction is the partial arms embargo on Turkey which the President seeks to have repealed. Other restrictions relate primarily to human rights violators and to communist countries. The list also includes prohibitions on economic assistance to Angola and Mozambique contained in appropriations legislation.

With the exception of the restrictions respecting Turkey, the Administration has not requested the repeal of any of these prohibitions or restrictions.

I. MILITARY RESTRICTIONS REGARDING AFRICA

(1) Section 25 of the International Security Assistance Act of 1977 (the so-called "Haskell Amendment") provides as follows:

POLICY ON ZAIRE

Sec. 25. No assistance of any kind may be furnished for the fiscal year 1978 for the purpose, or which would have the effect, or promoting or augmenting, directly or indirectly, any military or para-military operations in Zaire unless and until the President determines that such assistance should be furnished in the national security interests of the United States and submits to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing—

(1) a detailed description of the assistance proposed to be furnished, including the amounts of such assistance, the categories and specific kinds of assistance proposed, and the purposes for which such assistance will be used; and

(2) a certification that the President has determined that the furnishing of such assistance is important to the national security interests of the United States and a detailed statement, in unclassified form, of the reasons supporting such determination.

This provision is more loophole than prohibition. It simply requires the President to determine that the furnishing of military assistance to Zaire in FY 78 is "important to the national security interests of the United States." He is required to submit to Congress a certification to that effect, plus a report detailing the assistance to be provided. Such certification was made on May 18, 1978.

(2) Section 404 of the International Security Assistance and Arms Export Control Act of 1976 (the so-called "Clark Amendment") provides as follows:

LIMITATION ON CERTAIN ASSISTANCE TO AND ACTIVITIES IN ANGOLA

SEC. 404.[7] (a) Notwithstanding any other provision of law, no assistance of any kind may be provided for the purpose, or which would have the effect, of promoting or augmenting, directly or indirectly, the capacity of any nation, group, organization, movement, or individual to conduct military or paramilitary operations in Angola unless and until the Congress expressly authorizes such assistance by law enacted after the date of enactment of this section.

(b) If the President determines that assistance prohibited by subsection (a) should be furnished in the national security interests of the United States, he shall submit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing—

(1) a description of the amounts and categories of assistance which he recommends to be authorized and the identity of the proposed recipients of such assistance; and

(2) a certification that he has determined that the furnishing of such assistance is important to the national security interests of the United States and a detailed statement in unclassified form, of the reasons supporting such determination.

(c) The prohibition contained in subsection (a) does not apply with respect to assistance which is furnished solely for humanitarian purposes.

(d) The provisions of this section may not be waived under any other provision of law.

The President on several occasions mentioned this provision specifically as one that concerns him. Why this should be so is not clear since it relates only to Angola and not Zaire. Moreover, at his May 4 press conference, the President expressed his agreement with the intent of the amendment:

Question: What is your view, Mr. President, of the South African military action against Angola taken today and what can the United States do in this case?

The President: Well, our Congress and my predecessor in the White House finally reached an agreement that we should not intercede in Angola, a decision with which I agree. We are not about to send American troops to Angola to participate in a war in that Western African country. . . . We have no intention to intercede in any way in Angola.

(3) Section 503 of the Foreign Assistance Appropriation Act of 1978 (Public Law 95-148; 91 Stat. 1230) (the so-called "Brook Amendment") provides as follows:

Sec. 503.[17] No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act unless (1) such debt has been

disputed by such country prior to the enactment of this Act or (2) such country has either arranged to make payment of the amount in arrears or otherwise taken appropriate steps, which may include renegotiation, to cure the existing default.

Although Zaire was technically prohibited from receiving assistance under the terms of this section, that obstacle was easily overcome by President Mobutu writing a check for the approximately $400,000 arrearage, permitting the President to announce that $20 million in FY 78 funds was now available for Zaire.

(4) Section 503A of that same act provides as follows:

Sec. 503A.[18] None of the funds appropriated or made available pursuant to this Act shall be used to provide military assistance, international military education and training, or foreign military credit sales to the Governments of Ethiopia and Uruguay.

These are human rights prohibitions.

(5) Section 662 of the Foreign Assistance Act of 1961 (the so-called "Hughes-Ryan Amendment") provides as follows:

Sec. 662. Limitation on Intelligence Activities.—(a) No funds appropriated under the authority of this or any other Act may be expended by or on behalf of the Central Intelligence Agency for operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, unless and until the President finds that each such operation is important to the national security of the United States and reports, in a timely fashion, a description and scope of such operation to the appropriate committees of the Congress, including the Committee on Foreign Relations of the United States Senate and the Committee on Foreign Affairs of the United States House of Representatives.

(b) The provisions of subsection (a) of this section shall not apply during military operations initiated by the United States under a declaration of war approved by the Congress or an exercise of powers * * *.

This provision permits unlimited intelligence gathering and simply requires that CIA covert activities, other than intelligence gathering be reported to appropriated committees of Congress with a Presidential certification that such operations are "important to the national security of the United States."

(7) Section 5(b) of the War Powers Resolution provides as follows:

(b) Within sixty calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier the President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted) unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States. Such sixty-day period shall be extended for not more than an additional thirty days if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.

The 60-day time limit imposed by the Resolution is the only applicable restriction contained therein, although the President is also required (under section 3) to consult and (under section 4(a)(1)) to transmit a report within 48 hours after the armed forces are introduced into hostilities, or into a situation in which imminent involvement in hostilities is clearly indicated by the circumstances.

In sum, there is no provision in current legislation that specifically prohibits the President from providing military assistance to Zaire or to any other country in Africa, except for Ethiopia and Angola—two countries which are in the midst of civil wars. The "Clark Amendment" spells out the procedure to be followed if the President determines that covert or overt military assistance to Angola is necessary for the national security interests of the U.S. Such assistance could be provided only if "the Congress expressly authorizes such assistance by law."

No funds made available under the Foreign Assistance Appropriation Act 1978 may be used to provide military assistance to the government of Ethiopia.

Legislative restrictions on executive branch action in Africa can therefore be found only in reporting requirements and prohibitions regarding Angola and Ethiopia.

II. OTHER RESTRICTIONS COMPILED BY THE STATE DEPARTMENT

The State Department has provided the Committee with three lists (attached) of other foreign assistance restrictions, many of which do not relate to Africa. Perhaps the most notable is section 620(x) of the Foreign Assistance Act which limits arms sales to Turkey. The Administration has requested repeal of this provision in this year's legislation but the Committee voted 8 to 4 against such a repeal.

Other restrictions on the State Department's list are the result of human rights violations by the countries specified. Restricted countries include Uganda, Chile, Argentina, the Philippines, Ethiopia, Brazil, Uruguay, El Salvador and Guatemala. Restrictions vary from total arms embargoes to limitations on foreign military sales credits. The Executive Branch was the first to determine that most of these countries were human rights violators. Another, non-binding provision relates to the Korean bribery scandal.

In addition, there are restrictions on aid to communist countries, including Cuba, Cambodia, Laos and Vietnam, and other restrictions still on the books that limit U.S. activity in Indochina.

Finally, some provisions listed by the State Department restrict economic assistance to several southern African countries. Restrictions in the authorizing legislation can be waived by the President. The prohibition of economic assistance to Angola and Mozambique in appropriations legislation is non-waivable, however.

Mr. McGOVERN. I thank, very warmly, the Senator from Illinois (Mr. PERCY) for yielding this time to me. I am grateful to the Senator.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Illinois has the floor.

Mr. THURMOND. I am scheduled to speak, Mr. President. I shall be glad to yield to the Senator from Illinois, but I am scheduled at this time.

Mr. PERCY. Mr. President, I believe, under the previous unanimous-consent agreement, the Senator from Illinois did yield. He did not lose his right to the floor. It would be the intention of the Senator from Illinois to complete his comments and then yield to my distinguished colleague.

Mr. THURMOND. Could I have the floor and then yield to the Senator?

Mr. PERCY. Certainly.

The PRESIDING OFFICER. The Senator from Illinois yields to the Senator.

Mr. THURMOND. I am getting the floor in my own right and then I will yield to him.

Mr. President, before beginning my address today, I ask unanimous consent that I be allowed to yield to the able and distinguished Senator from Illinois with the understanding that I do not lose my right to the floor and that when I resume it will not be called a second speech in this legislative day.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(At this point Mr. PERCY addressed the Senate on certain nongermane matters which are printed later in today's RECORD.)

Mr. PERCY. Mr. President, I should first like to comment on the statements made by the distinguished Senator from South Dakota, very briefly and simply indicating that should the President ever need to take action in Africa, I think the Congress of the United States and the Senate, that has a particular responsibility in this regard, would be pleased to hear from the President or his representatives the procedures that have been very carefully worked out.

Senator JAVITS has served as a lead member in the Government Affairs Committee. We worked out over a period of many months the new approach to the intelligence oversight activities of the Senate. The procedures are now, I think, such that the President, with great confidence, can reveal to the appropriate Senate committee what he has in mind, or what he would have in mnd, for Africa and, with the due process that has been worked out, he can present this to Congress and to the Senate with the confidence that this approach, and such approaches as he might suggest might be fully taken into account and be addressed.

It would be my hope we could demonstrate and prove the confidence shared with us would be fully respected in the national interest.

But I, having been a strong supporter of the so-called Javits-Stennis War Powers Act, feel that that act certainly does not restrain the President at the present time. He would have an appropriate period of time to take action and then come to the Congress, and the Congress has demonstrated in the past that when an emergency faces this country we can act.

As I understand the other amendments that have been referred to, there would be sufficient leeway to work within those so that the President is not unduly restrained in what he may or may not wish to undertake in Africa.

So I would hope the President would not hesitate to come to Congress and frankly and freely discuss with us under the Rules of the Senate recently now adopted that would enable him to feel that we could be partners in working together with him in the national interest.

A COMPREHENSIVE VIEW OF THE MIDDLE EAST

Mr. PERCY. Mr. President, earlier this year Mr. Robert Adams, a member of

the Washington Bureau of the St. Louis Post Dispatch, traveled widely in the Middle East to report on the political, military, and economic complexities of the region.

Mr. Adams' reports, which were published as a Post-Dispatch series, comprise an excellent view of life in the Middle East and the prospects for peace in that world trouble spot. The reports cover the Middle East dilemma from various points of view: Israeli, Egyptian, and Palestinian.

The series is particularly informative because of the number of personal accounts it contains. Mr. Adams conducted "man-in-the-street" interviews with scores of individuals throughout the Middle East. This aspect of his reports provides rare human insight into the Middle East crisis.

Mr. President, Mr. Adams' Middle East reports are informative, enlightening, and thought provoking. I ask unanimous consent that the series be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ISRAELIS PUT SECURITY FIRST

(By Robert Adams)

TEL AVIV, ISRAEL.—Mrs. Dvora Chaiken, grandmother of 10, sat in downtown Tel Aviv on a sunny day and talked of war and peace. A granddaughter in a pink jumpsuit rested in a baby buggy nearby.

All Israel was happy, Mrs. Chaiken recalled, when Egyptian President Anwar Sadat came to Jerusalem. Everybody thought peace was coming. Men jumped in the water fountains for joy.

Now it has changed. She still likes Sadat, she said. But she spoke bitterly of a more recent event: of Black Sabbath, when Palestinian terrorists killed 37 Israelis on March 11.

"We want peace. Every day. Every year. All the Jewish people want peace. Even this child wants peace. But always with the Arabs, they kill and kill. How much can we stand? Our Jewish blood goes like water.

"You know, we don't want to kill anyone. But they come on a Saturday, when Jewish people are out for a walk. They put bombs on the bus. A little child, like this, they killed. They threw him from the window like he was garbage. We don't want to make peace with murderers. If it is going to be terrorists, Israel can be terrorists, too."

Her comments, with their mixture of rage and poignancy, reflect some of the deepest currents of public opinion in Israel today as the Middle East stands at a historic crossroad between peace and war.

Although it is difficult to generalize about any nation of 3,500,000 persons, interviews in recent weeks with scores of Israelis from various walks of life produce these clear impressions:

First, Israelis genuinely want peace. Sadat's dramatic visit last November touched an emotional chord in every household. The wish for peace, for "true shalom," is almost tangible even today. One can feel it, touch it, taste it. After four wars in 30 years, the people of this country passionately want an end to belligerency. They want no more of their sons and fathers, their sisters and brothers, maimed or killed in war.

But even more, Israelis want security. Peace without security would be hollow and dangerous, they declare. Memories of the Nazi holocaust are burned into their collective consciousness. They are not willing to trade the land they captured in the Six-Day War of 1967 for a piece of paper. They are unwilling—especially since March 11—to give the Palestinians a country of their own.

For Israelis, the days ahead are strewn with question marks. Even if Sadat makes peace with Israel, they ask, what about his successor? When Sadat dies or passes from power, will whoever follows him honor his commitment to peace? And what about Jordan and Syria, which have not yet joined the peace negotiations?

Beyond this, Israelis are worried about the United States. They see a shift in the American position from staunchly pro-Israel to a more neutral stance. Many fear that America will sell out Israel in exchange for Arab oil. And some cast a wary eye on President Jimmy Carter, whom they suspect of double-dealing, or of trying to pressure Israel's Prime Minister Menachem Begin into what they regard as unfair concessions.

To be sure, there are political debates going on in Israel. The saying in Tel Aviv is that Israel has not one prime minister, but 3,000,000. There are those who feel that Begin has been too inflexible, that he is missing a historic chance for peace.

But Israelis are determined to make decisions about their future themselves. They resent any hint of American fishing in their political waters. They are prepared to defy world opinion—as in the massive invasion of southern Lebanon which followed the March 11 terrorist attack.

"We have carried the cross on our backs for 2000 years," said Prof. Mordechi Abir, a professor of political science at Hebrew University in Jerusalem, who has fought in three wars. "It is about time that we looked after our own interests."

A balding, articulate man on the hawkish side of the political spectrum, Abir noted how intensely personal every decision is for every Israeli. His daughter, he said, is in a tank battalion in the Sinai Desert. She could lose her life if Israel blunders.

"I begin to feel it in my stomach," Abir said. "This is something the people in the West don't understand. It is not a matter of giving up a few miles here or there. It is a matter of survival."

How deep is the longing for peace? One measure is the euphoria that greeted Sadat's visit to Jerusalem. Israelis still look back fondly, wistfully, on those hope-filled hours.

"We were flying," said Marty Isaacs, social director at the Plaza Hotel in Jerusalem.

"It was like a dream. It was paradise," recalled Danny Abrahm, a 23-year-old psychology student. "Everybody thought peace would come in two days."

"When Sadat came, they said that the Messiah came," said Mrs. Alisa Rosensweig, a Tel Aviv woman with three sons in the Army. "Where is the Messiah now?"

The wars—and the lack of peace—take their toll in various ways. Virtually every able-bodied Israeli man has fought in at least one war. Many in their late 40s and early 50s have fought in all four—in 1948, 1956, 1967 and 1973.

One sees artificial hands in larger numbers than expected. Men speak matter-of-factly of having lost an eye, or a friend, or a brother.

"See this?" said Moses Edy who runs a chain of cosmetics stores in Tel Aviv, showing an ugly scar over his right eye. "I got this in the 1948 war. I was more dead than alive."

He went on, however, to fight in 1956, 1967 and 1973. He has a daughter in the army now.

For Mrs. Rosensweig, wars have produced a family with too many widows. She lost four brothers and sisters to the Nazis in Poland. In the October War of 1973, three of her nieces lost their husbands. Another family member was killed in a helicopter crash after the war.

The absence of peace has given rise to a whole generation that cannot imagine life without wars or rumors of wars.

"We don't know what peace is," lamented Mrs. Rachel Khalouin, 21, whose husband owns a clothing store in the port city of Ashdod.

A group of students at Hebrew University in Jerusalem ponder a life without war. Debbie Weinstein, a 21-year-old art student who is originally from Canada, grapples with the concept.

"I am used to it, in a way," she said of the no-peace existence. "I don't remember anything else. But I am tired of it. I don't want to raise my children in that environment.

"We are so close to them," she said of the Arab countries that border Israel. "We are their neighbors. But we can't speak to them and we can't touch them.

"I think Israel would be like a normal European country if there were peace, because we are very European. But it is hard to imagine, because everything around here is army, army, army."

"If peace comes, philosophy will have a place," Yael Cohen, a philosophy student, said hopefully.

Michael Itah, the 38-year-old owner of a restaurant in Ashdod, had a more prosaic idea of peace.

"I want to go home and sleep without a pistol under my pillow," he said.

He spoke also of the economic benefits that peace could bring—for Arab as well as for Jew.

"All the money we spend on security could go to other things," he said. "We could build schools. We could build better houses. We could develop industry and agriculture. I am sure on the other side it would be the same."

"I would like to see the pyramids," said Mrs. Aviva Ben-Shachar Raveh, a native-born Israeli who runs a public relations firm in Tel Aviv. An energetic, articulate woman, she looks younger than her 50 years.

"I would like to live in Israel the way I would live in Brussels or America or Holland. I would just need a visa to travel. I would love to take my car and go to Giza. I have been 13 times to America. I have never seen the pyramids in Egypt.

"If there were peace, we would not live in such horrible tension. My birthday was Tuesday. And I just heard from my son yesterday (four days later). Can you imagine?"

Would peace help Israel's economy?

"Oh, fantastic," she said. "Israel could share its doctors, its engineers, its technology. The Arabs could share their money from oil. This would really be the land of milk and honey."

"I pay 58 per cent of my wages to the government in taxes," said Alex Sidi, 66, a retired merchant seaman, over a cup of coffee in Michael Itah's restaurant in Ashdod. Much of that goes to the military. More than a third of Israel's gross national product goes for defense. Peace, he said, would mean: "I pay less taxes."

The absence of peace necessitates a standing army. Israel, with its small population, keeps its army strong by one of the toughest draft laws in the world. All able-bodied men must serve in the army for three years, starting at age 18. Women must serve two years. The men stay in the reserves for 20 years after that. They serve 30 to 80 days a year on active duty.

Thus the military cuts a wide swath across Israel's youth. It puts off college and careers two years for women, three years for men. Often it puts off marriage, too.

Miss Orit Swery, pretty even in her olive drabs, is 20. She has been in the army for almost two years. She has the rank of sergeant. Her army career is about to end, and she is delighted. She cannot imagine her life beyond that.

"I get out in two weeks," she said as she hitched a ride in a taxicab on the main road between Jerusalem and Tel Aviv. "After that, it's all a blank."

Two years in the army, she noted, is a long time, although she understands the need.

"You can't run away from it," she said.

"These are the best years," said a soldier named Josef, who is 19. Asked if he is married, he laughed.

"Do you know how much I get? Three hundred pounds. That's $20 a month. How can I afford a wife and children?"

Jean-Pierre Abu Hasera, a Jew who came to Israel from Morocco in 1964, noted that his wife is scheduled to give birth in 12 days. That happens to be the day he is due back in the Army for active duty.

What would Israelis be willing to give up for peace?

As in any democracy, there are political factions, hawks and doves. But a broad consensus seems to exist on some of the crucial issues — a consensus that does not inspire optimism for a quick agreement.

According to a public opinion poll taken earlier this year, 71 per cent of the people opposed pulling back to the pre-1967 borders, even in exchange for peace treaties. By 72 per cent, they opposed giving up the controversial Israeli settlements in the northern Sinai—settlements the United States considers illegal.

On the West Bank of the Jordan River, only 5 per cent favor complete Israeli withdrawal; 44 per cent favor a small withdrawal; 23 per cent oppose any withdrawal at all. Public opinion is thus clearly with Begin in his hard-line stand on these points.

On the other hand, six out of 10 oppose Begin's policy of building new settlements while the peace talks go on. The head-on clash between Begin and Carter on this and other issues in recent weeks may give Israelis further pause about these policies—although overt American pressure would be sure to rally the country around Begin.

Surprisingly, the military in Israeli is no more hawkish than the rest of the population. It may, in fact, be less. Last month, 350 military reservists wrote to Begin asking him to choose peace over land. Eight of them were heroes of past wars.

When Israelis talk peace, they talk maps. Every Israeli carries his own peace map inside his head.

Most Israelis are willing to give up most of the Sinai. It is mainly sand, anyway. But the Israeli settlements in the northern strip of the Sinai, called the Rafiah Salient, are something else. Sharp differences exist on them—and on the West Bank-settlements as well.

"I would love to keep the West Bank and the Sinai. The land is beautiful, and there are emotional reasons. But it does not belong to us," said Myrna Pollak, who runs a book-exporting firm in Tel Aviv.

The Israeli settlers?

"If they are an obstacle to peace, throw them out."

She feels that the Palestinian Arabs have a just cause, but fears that they want all of Israeli back.

"If they were willing to take the West Bank (alone), I would be very happy to wrap ribbons around it," she said.

But another view came from Jankele Jeffet, a cab driver in Jerusalem. If it came down to keeping the settlements or getting a peace treaty, which would he choose?

"If you say to me, which would you rather I take, your life or your heart—what do I say? To take one is to take the other."

Feelings against the establishment of an independent Palestinian state are running high, especially since March 11. Israelis fear that the Palestinians would use it as a launching pad for more attacks.

"Now you have proof in blood," said Mrs. Rosa Goldberg, a mother of two.

"Twenty-one Arab states are enough", said Asher Beulolo, a 39-year-old shopkeeper. As U.S.-Israeli policy differences sharpen, there is an increasing fear that America's energy needs will shape American policy, to Israel's detriment. "Carter should not be scared of the Arab oil," said Alex Elnekave, 17, a student.

How do Israelis feel about Arabs as Arabs?

Aside from the aftermath of Black Sabbath, one finds a surprising absence of hate language. There is suspicion and skepticism and lack of trust. But many accept the Arabs as human beings. They say they could live with them in peace.

Some Israelis have had the intellectual courage to overcome past stereotypes. Mrs. Shoshana Cohen, a secretary in Jerusalem, grew up hearing that Arabs were dirty, untrustworthy. But her daughter, she said, does not share those feelings.

"They teach them differently in school about the Arabs than I learned," Mrs. Cohen said.

Sentiment against Arabs seems to be strongest among the Sephardic, or "Oriental" Jews—those who came to Israel from Arab countries such as Morocco, Algeria, Libya, Syria, Iraq. They make up about half the population of Israel. The other half are "Ashkenazi" Jews—Jews who came to Israel from Western Europe or North America. The Sephardic Jews have had their own, first-hand experiences with Arabs, and some are unpleasant.

But some European Jews have strong feelings, too.

"Never can be peace," declared Moses Edy the shopkeeper in Tel Aviv, who came from Poland. "What the Arabs want and what we want are like south and east. Never can be together. Never can live in peace."

Others are still struggling with their own feelings and with the Middle East's heritage of hate. On a kibbutz at the Dead Sea, on the occupied West Bank, a group of Israeli teenagers were interviewed on a basketball court when they took a break from planting.

"My feelings toward the Arabs will not change," said Claudia Rahimzade, 16. "I know the Arabs killed my cousin in the Yom Kippur War. I may talk with them. But I will not be friends with them."

One of her companions tried to dissuade her. The Germans killed Jews once, he said, but now that was over. Israel was friends with the Germans. You cannot hate forever. Things can change.

"I don't think I will be able to change," she said.

PUTTING TINY ISRAEL IN SCALE

(By Robert Adams)

TEL AVIV, ISRAEL—To Israelis, the most important fact about Israel—and the hardest for Westerners, particularly Americans, to grasp—is the tiny size of the country.

In the Arab world, of course, the view is very different. Despite Israel's small size, it is considered a military giant. It now occupies territory that has been owned by all four of its Arab neighbors.

But to Israelis, the small size of Israel is a central, strategic fact.

In terms that a St. Louis reader would find familiar, the narrowest part of Israel before the 1967 war was only nine miles wide. That is roughly the distance from the Gateway Arch to the near side of Ladue.

Pre-1967 Israel, plus the now-occupied West Bank of the Jordan River, is less than half the size of Missouri. Its population is less than half of Missouri's.

From Tel Aviv to Jerusalem is only 40 miles. That is about as far as from downtown St. Louis to the western edge of St. Charles County. To go from Jerusalem across the occupied West Bank to the Jordan River is another 25 miles. From the river, it is only 25 miles to Amman, the capital of Jordan. One could drive from Tel Aviv to Amman in fewer than three hours.

It is 40 miles from Tel Aviv, in the heart of Israel's population centers, to the occupied Gaza Strip. From the start of the Gaza Strip to the northern edge of the Sinai Peninsula is another 35 miles. Each of those distances is slightly more than the distance from the northern edge of St. Louis County to the southern edge of St. Louis County. By automobile, it is two hours from Tel Aviv to the Sinai. By tank, it would take somewhat longer, but the time would be measured in hours.

From the Lebanese border in the north, to the northern edge of the Sinai in the south, is about 150 miles. That is less than the distance from Hannibal to Cape Girardeau, Mo.

From the Golan Heights in occupied Syria in the north, to the port of Eilat, at the southern tip of the Negev Desert, is 265 miles. That is less than the distance from Missouri's northern border to the bottom of the Missouri Bootheel.

To an Israeli, a St. Louisan trying to put himself in a roughly comparable position would have to imagine himself semi-surrounded by hostile armies in Iowa, Illinois and Arkansas, with nothing west of Jefferson City but a large body of water.

Israelis argue that, despite their military power, the short distances make Israeli cities vulnerable to Arab attack and give Israeli armies no place to retreat, except into the Mediterranean Sea.

"Israel is such a small country," declared Michael Schlesinger, vice president of Hebrew University, who has fought in four wars. "It is hard for people to understand why we are so paranoiac. Some in the media say we are stubborn and intransigent. We rather prefer to be stubborn than dead."

FAMILY'S STRUGGLE TO SUCCEED IN AN ISRAEL PLAGUED BY WAR

(By Robert Adams)

REHOVOT, ISRAEL—What effect does the absence of peace have on Israeli families?

Jon and Sandy Meyer Gershovitz, formerly of St. Louis and now of Israel, can provide some perceptive answers. As a young couple with three children, they feel the pressure of military duty, inflation and general uncertainty on their own lives. As a social worker, Jon has gained vivid insights into the situation's destructive effects on others.

Jon and Sandy are not sympathy-seekers. Like most Israelis, they see themselves not as victims of unpleasant circumstances, but as people struggling to make a living and build a country.

But the pressures are undeniably there. Number one is the army.

Jon and Sandy came to Israel from St. Louis in 1970. They have dual American-Israeli citizenship. And as an Israeli, Jon serves one month a year in the army.

"With the situation in the country I don't begrudge the service," Jon says. "But if peace really comes, I wouldn't be sorry to kiss my army days goodbye and recall them fondly. I know very few people who wouldn't be deliriously happy to be out."

Then there is inflation. Sandy buys groceries for herself, Jon and their three children: their daughter, Dena, 11, and their sons Shabtai, 5, and Boaz, 22 months.

Last year the cost of living in Israel rose by a budget-breaking 42 percent. Much of that stems from the fact that Israel spends more than a third of its gross national product on the military.

"The prices are like a blur," Sandy says. "When we first came to Israel, I cut out the lists of prices. Finally I just gave up trying to keep track. You have to eat, and so you just do away with the frills and close your eyes when they ring up the bill."

A sharp jump in prices last fall—when the Israeli pound dropped overnight from 10 cents to 7 cents in value—pushed the Ger-

shovitz family into the red. Every Israeli was hard hit.

The bank lets them overdraw, although the bank charges for that service. "I couldn't believe the prices I was paying for children's clothes," Sandy says. "We used to be in the black. In America I never had overdrafts. It was such an embarrassing thing. It was seven years before I could get used to writing a check when I knew there was nothing in the account. But when the kids need a new pair of shoes . . .

"We're living in the red. We hope someday to catch up."

Like most Israeli families, Jon and Sandy own their own apartment. They bought their two-bedroom apartment in 1972, on a mortgage, for 70,000 pounds.

One of the few good things about inflation is that it is kind to those who owe money. Jon and Sandy now pay about 250 pounds a month on the mortgage, or about 15 dollars a month in American money. It is only 5 percent of their income.

Food, however, takes up 50 percent of their income. The Israeli government subsidizes some products, such as milk, bread, flour, eggs and frozen chicken, which helps, although the amount of the subsidy can vary.

"I stick to the subsidized chicken and every once in a while some hamburger, just to spice it up," Sandy says. "I try to use all my fish recipes. We hate fish, that's the trouble." The family eats lots of tuna and cheese, and there is less soda pop and fewer snacks for the kids.

Aside from inflation, some things simply cost more in Israel than they do in the United States. Israel imports virtually all its oil, and gasoline is now about $1.66 a gallon.

"It hurts," Jon says. "In the United States, we saved about 10 percent every month. Here, we're in debt."

Last month, Sandy took a part-time job as an English teacher to help with the family budget.

Then there is the unknown. Will there be a fifth major war? Will Jon have to fight in it? They don't live in constant fear of attack, Jon and Sandy say, but the uneasiness always lies beneath the surface.

The uncertainties of life in Israel were vividly brought home on March 11. Palestinian terrorists attacked along the coastal road between Haifa and Tel Aviv, killing 33 Israelis.

"It was just horrible," Sandy says of that day. "We had been on that road a million times. It could have been us."

Other families, Jon believes, feel the strain even more. "I see families under pressure—financial pressure, or the father being out of the home a lot," he says. "I find these pressures take their toll.

"I was in Ashdod yesterday for a staff meeting. In the middle of it, a guy knocked on the door. His 72-year-old father was with him. The father was building up to heart trouble again. His other son lives in Haifa, and when this son is in the army, he can't look in on his father every day.

"That was yesterday's example. There's a couple I'm seeing for marriage counseling. The problem is that the wife is attracted to other men—and then the husband has to go into the army again.

"There are people who are self-employed. Say you're in a service business. You repair machines. Your clients are used to calling you at home. But you're away in the army. So the client starts with somebody else. When you get back, maybe he'll come back to you and maybe he won't. Every time, you take that risk.

"I know a psychology student who was doing an experiment. He had it all carefully worked out. He'd get almost to the point where he had the rock to the top of the hill and then, bang, in the army again.

"It's almost a subliminal thing. In the nursery schools, they teach kids not to pick up strange objects because of the possibility of booby traps."

Then, of course, there are the wars. Jon was not involved in the recent Israeli invasion of Lebanon. He was a volunteer in the October 1973 War, screening soldiers for shell shock.

"We saw some terrible, terrible heartbreaking things," he says. "Two of my former students were killed. Everybody in this country, bar none, is related to somebody, or knew somebody, who was killed in a war."

Along with other Israelis, Jon and Sandy were outraged by the March 11 terrorist attack. "I was very, very, very angry," Jon says. "If I could have gotten my hands on those people, I think I would have loved to have wrung their necks. That was my first feeling. I can't accept the approach of killing for political reasons."

They support the Israeli invasion, although they regret the civilian casualties among the Lebanese in that operation. Of the terrorists, Jon says: "If they're going to kill me, and I think they would be happy to, I'm glad the army went in and killed 300 of them."

They realize, however, that world opinion did not favor the invasion. "World opinion is a very strange thing, in my opinion," Sandy says. "Someone sitting in, say St. Louis, would think it's terrible for families to be killed coming home from a picnic. But they live very far away and it probably won't happen to them. I take it more personally. over it? But the connection is very clear to over it? But the connection is very clear to me. I think no matter what world opinion says, Israel has to make her own decisions."

Both hope that Anwar Sadat's peace initiative will someday bear fruit.

"I watched him come off the plane, and I remembered watching Neil Armstrong land on the moon," Jon recalls. "So I guess we thought he'd bring the moon home with him.

"I think it may take 10 or 15 years. But I think a process has been started that's inevitable, at least with Egypt."

Sandy was born in St. Louis. She went to school in University City and graduated from Washington University. She taught in University City schools later. Jon worked at the St. Louis Jewish Community Center from 1964 to 1970. They still feel culturally American, although somewhat removed, after eight years, from American life.

Both come from families with a strong Jewish tradition, which figured in their decision to become Israeli citizens. Jon is director of social work services at the Kaplan Hospital in Rehovot, and finds the job particularly rewarding because social workers are in short supply in Israel. They were going to work in Israel for a year. They decided to make it a lifetime. "We're at home here now," Sandy says.

WEST BANK SETTLERS: "THIS IS OUR LAND"

(By Robert Adams)

OPHRA, On the West Bank.—The setting is quiet and pastoral. The rugged beauty of the Judean hills seems to enfold the houses.

Clothes hang from the lines on a gray, overcast day. Small flower and vegetable gardens grow beside the road. Birds are singing in the cool breeze. In the near distance, a baby cries.

On the surface, there is nothing controversial about this small, farm settlement. But because it was built by Israelis on the occupied West Bank of the Jordan River, Ophra—and the 72 other settlements beyond the old borders—is in the thick of a controversy between Israel and its Arab neighbors.

In the middle of that controversy are the 9,300 persons who live in the settlements. Probably no other group of Israelis stands to be affected more immediately by any peace agreement—or by the absence of one.

The settlers thus represent not only one of the major political problems of the Middle East, but one of its human stories as well. And whether others share their special perspective, the settlers have views with a significant influence on Israeli politics.

Those who live in the settlements strongly defend their right to be there. They reject President Jimmy Carter's description of the settlements as illegal. They deny that the settlements are an obstacle to peace. Rather, the settlers view themselves as pioneers, creating farms and towns where there was sand and wilderness.

They worry about whether their countrymen will sell them out in a peace agreement. Many say they would move back into Israel proper rather than submit to the sovereignty of Egypt or Jordan or Syria. But some say they would try to stay at all costs.

Their justifications for building the settlements vary. In the Golan Heights, security is the main concern. The settlements provide a buffer zone between Israel and Arab armies. In the Sinai Desert, the justification is security plus economic development. On the West Bank, security is mingled with a religious fervor to claim what some regard as ancient Jewish land.

"It is not a question of security at all. This is our land," declared Edna Factor, a young mother of three children at Ophra. "And we want a few million more Jews to come and settle here.

"The Arabs have 20 countries. The Jews want only a little place in the world. So I don't think you can say it's unfair to the Arabs for us to be here."

Mrs. Factor talked scornfully of a possible Palestinian-Arab state on the West Bank and in the Gaza Strip.

"They say there is a problem with the Palestinians," she said. "But they say it only for the last 10 years. Before 1967, the Arabs had the West Bank. And they never thought about making a homeland for the Palestinians. Only after we come here."

The occupied territories were captured by Israel from Jordan, Syria and Egypt in the Six-Day War of 1967.

A Palestinian state, Mrs. Factor fears, would be only a first step.

"The next step is all of Israel. But this is Israeli land. It is simply our land. It does not make any difference if a few Arabs live here," she said.

The settlers use the Biblical names for the West Bank. They call it Judea and Samaria. They base their claim to it on the fact that Jews lived in this land centuries ago. Historically, Jews have felt that it is not enough simply to possess land. They must till it, cultivate it, build houses on it.

Significantly, Israeli Prime Minister Menachem Begin also speaks of "Judea and Samaria." He angered Carter by contending that United Nations Resolution 242—which calls for Israeli troop withdrawals—did not apply to the West Bank. Begin speaks of the Arabs who live in Gaza and the West Bank as "the Arabs of Eretz Yisrael"—the Arabs of Greater Israel.

Demands that Israel give up the West Bank "is like saying: 'We will make peace with you, if everybody cuts out an eye,'" said Debby Hirsch, a 17-year-old teachers' aide at Ophra. "That is the way we feel about Judea and Samaria. It belongs to us. It is ours. It is part of our bodies—the land of Israel.

"Turn it around. We will tell (Egyptian President) Anwar Sadat: 'We will not attack you, if you will give us back the land beyond the Nile.' But nobody thinks of it that way."

Others make still another claim on the land. It is what Americans might call "sweat equity." The settlers have worked the soil, put up houses, brought in technology. Doesn't this, they ask, give them some rights?

"In this area of Ophra, before 1967, there was nothing done with this land," said Naaman Lourie, 29, who runs the community kitchen in Ophra. "Some people have this fallacy that we have taken away this land from the Arabs. No Arab ever lived here.

"In 1975, when we came here, there was nothing. It was barren. There were a few shells of homes, which the Jordanians never finished. We turned them into homes for people."

Lourie said he thinks that giving back the West Bank would bring war, not peace.

"America talks about guaranteeing a treaty," he said. "But the only guaranteed security is ourselves. Security is really people. Villages, towns, people."

About 40 families live at Ophra. They hope to have 15 more by summer. The settlement is a moshav, a kind of collective farm. Each family grows its own crops, but much of the buying and marketing is done in common. Ophra was founded in 1975 with the help of the Gush Emunim, the ultra-nationalist "Faith Bloc" that has been promoting West Bank settlements.

The moshav has a chicken coop, some plum trees and a honey-processing shop. The houses are yellow buildings of prefabricated concrete. They are not luxurious, but they have gas, electricity and running water.

Four out of every 10 adults who live at Ophra work elsewhere. They commute to Jerusalem, about 10 miles to the south—behind the old borders.

A synagogue is in the center of Ophra. Not far away is the elementary school, where children from Ophra and some nearby settlements go to classes.

The tops of some of the buildings have guard towers. The residents take turns standing guard every night. Most of the adults keep rifles at home.

"Don't forget, we are all alone here," Miss Hirsch said.

Besides agriculture, Ophra has light industry.

Avi Friher, a teen-ager, grinds metal pieces in a welding shop, sparks flying. Nearby, Moshe Hoffman works on a metal stamping machine. He is making parts for motor mounts to be used by the Israeli Army.

In another workshop, Ayala Kapach runs a silk-screening operation. She is wearing an ink-stained smock, as she puts blue ink labels on yellow hospital gowns.

Why did she settle in Ophra?

"I lived in Jerusalem," she said. "We felt we wanted to do something—not just go to school, to buy, to go to the movies, and that is all. And so we went to the Gush Emunim. And we decided to come."

Mrs. Kapach has five children. Her oldest son will go into the army in a few months.

"So we hope, all of us, that there will not be war," she said.

She is against giving the conquered lands back.

"I think, every place a Jew is sitting, I don't think we have the right to give back," she said.

"You know we believe in God. And so we say: 'Yeheah tov—it will be good.' We hope it will be good.

"I have been through four wars. I was a child in Jerusalem in 1948. We live with this: There can be a war. Our husbands are gone for one month every year to the army. It belongs to the life.

What would happen if Began signed a treaty giving up the West Bank?

"He would lose his majority," snapped Miriam Tenami, as she hung clothes out to dry. "You see what we have here to give up. It is so small. Ask Jimmy Carter if he would give up his land for peace."

"I don't want to think about it," said Debby Hirsch. "Realistically, you can say they will sign the document, and that is what it will be. But you can't forget that we have made all these sacrifices. We are staying here. We will never reconcile ourselves."

At Maale Adumim, another West Bank settlement, Shoshana Spalter explained why she settled beyond the 1967 borders.

Her husband's brother was badly wounded in the 1973 war, she said. He was 50 percent disabled. She and her husband wanted to make a sacrifice of their own to help Israel achieve security.

"We decided we needed to have a belt of settlements around Jerusalem," she said. "There was a very bad war right here. Jordanian soldiers were here. Everybody remembers it. So that is why we settled here."

Her brother was in two wars. So was her husband. Her father was in a war. Other brother-in-law, she said: "He was so young. Fifty percent disabled. You can see them in every family.

Mrs. Spalter teaches 25 perschool children. Her son, Yehuda, she said proudly, was the first baby born in Maale Adulmim, which is several miles east of Jerusalem. As Mrs. Spalter carried a basket of groceries home, she talked about what the continuing uncertainty means to the children.

"They don't know what is peace," she said. "Every child knows what is war. They really don't know what is peace."

She would be willing to return some of the Sinai to Egypt, she said. But she feels that the West Bank and the northern strip of the Sinai are essential to prevent future wars.

A similar view is expressed by Ely Tirosh of Maale Adumim, a member of the central committee of all the settlements. Tirosh is in the Hirut wing of Begin's right-wing Likud Party.

"The day Begin gives up the settlements for a peace treaty," Tirosh said, "that might be his last day as prime minister."

He noted that his party believes that both banks of the Jordan River—east and west—belong to Israel.

He summed up his feelings in a proverb: "There is an old saying of the prophet: 'The lamb will lie down with the wolf.' I say: 'Yes, but I wouldn't want to be the lamb.'

"I don't want to be the wolf, either," he said with a smile. "But certainly not the lamb."

The Israeli government's policy on the settlements has been one of the biggest running controversies of the faltering peace talks. Last January, bulldozers began moving sand at new places in the Sinai, even as the talks were going on.

Begin said he was not building new settlements. He said he was simply strengthening old ones.

That explanation drew private ridicule from many, including some Israeli officials involved in building the settlements. An inspection by the Post-Dispatch at the time showed that some of the outposts being constructed were more than 15 miles from the settlements that they were supposed to be strengthening.

A little later, the government was red-faced over an incident at Shiloh. Israeli officials said an "archeological dig" was being started at that ancient site on the West Bank. But the people working there said they knew nothing about archeology. They had arrived to live there.

Political opponents of Begin at home, and press and public comments around the world, condemned the move as a subterfuge that jeopardized the peace talks. After the recent Israeli invasion of southern Lebanon, there were jokes that an archeological dig would be started there.

What do Israelis behind the pre-1967 lines think of the settlements? Public opinion polls show that the vast majority of Israelis oppose a complete pullback.

Friends and relatives behind the old borders have lobbied intensely for the settlers. But there is a feeling that, if the settlements were the only remaining obstacle in the way of a real peace agreement, many would swallow their objections and tell the settlers to move back.

One view is summarized by David Shoham, a banker in Tel Aviv.

"It was a desert," he said of the northern Sinai, "and if we leave, it will be again a desert. Most of the people feel that the settlements will stay."

The other side is expressed by Mair Hyman, a 21-year-old student of social work at Hebrew University in Jersusalem.

"My favorite quote is the one from the lady in a magazine, who said: 'I did not come from Miami Beach to live in Egypt.' My question is: 'So why did you settle in Egypt?' " he said.

"I am willing to die for this country. I am not willing to die for the settlements," Hyman said.

As the debate goes on, so does the human story.

Renne Katchelkovitch, who lives in the settlement of Yamit in the northern Sinai, was born in Estonia. His father was in Stalin's prison camps. His family was twice exiled to Siberia. He arrived in Israel in 1972. He is 42, and he has a wife and son. He does not want to move again.

"If I believed I had to pack my bags and leave here to let all the people live in peace, then I would make that sacrifice," he said. "But I don't believe that would do it.

"It is hard to understand how much we would like peace. We never had it in Russia. We never had it here. It is a dream—to live a quiet life with open borders.

"It is impossible to achieve that by one-sided concessions. Words are not security. I come from Estonia. We had no international guarantees there. Now there is a government in exile of Estonia, and there are ships that sail with the Estonian flag. But there is no state.

"If we (Israelis) were to lose in a war, it would be the physical destruction of the people who live here. It would be another Holocaust," he said

---

Poor Egyptians Are Rich With National Pride

(By Robert Adams)

Cairo, Egpyt.—Anybody who thinks Egypt is desperate for peace because of its poverty might want to meet Mohamed Anwar Hashim.

Hashim is 28 years old. He is in the army now, but before that he worked in a textile factory and plans to work there again. He lives in the Helwan industrial area south of Cairo. Helwan was a major center of the riots that killed 79 Egyptians in January 1977 when the price of basic commodities went up.

Like other Egyptians, he acknowledges that his people are poor. But also like other Egyptians, he equates national pride and freedom with the return of Egypt's land from Israel. They will not trade their land, Egyptians say contemptuously, for a crust of bread.

"If I want to live as a free man, I may have to go hungry," Hashim said in an interview at a coffee shop on Sharia Mansour Street in Helwan. "Freedom has a price. We can be even more hungry than we are now. But we have to have freedom.

"If we don't get our lands, we shall fight. If the peace efforts fail, we shall fight until we get our territory back, as the Vietnamese continued to fight until the Americans got out. Even if we have to live 20 years like the

Vietnamese, we won't give up the land. I would rather die than give up the land."

As Egyptians consider their future in the aftermath of Egyptian President Anwar Sadat's peace initiative and trip to Jerusalem last November, a man-in-the-street consensus is clear on several points. Interviews with scores of Egyptians from various walks of life, as well as diplomatic and other observers, yield the following conclusion:

Egyptians are strongly behind Sadat's peace initiative. They admire his courage in taking that surprising step. They scorn the Arabs who reject it. They would even back Sadat if he signed a separate peace treaty with Israel, although the complicated politics of the Arab world will probably prevent that.

At the same time, Egyptians demand the return of their land. They may not care very much whether Syria gets the Golan Heights. They have only limited sympathy for the Palestinians these days. But they will insist on getting every inch of the Sinai, which Israel captured from Egypt in the Six Day War of 1967.

Many in America, Israel and elsewhere point to Egypt's poverty as a strong motive for seeking peace. Some Israelis are counting on economic pressures to force Sadat into making major concessions—such as letting Israel keep control over a strip of land in the northern Sinai. But Egyptians interviewed dismiss that idea. They have been poor a long time, they observe. They would prefer poverty or war to a sell-out.

"I was a soldier in the 1973 war," said Saddah Abd el Ghani Mohamed, 30, a welder at the Egyptian Steel Co. in Helwan. "I saw the war as it truly was, and I saw its bitterness. I'm not scared of war. If war came again, I'm willing to die for my family and for freedom."

He said he favored peace over war. War, he said, only breeds poverty for both sides. If there were peace, Egypt could spend money on rice and sugar and higher wages rather than on weapons. He now makes $45 a month. He has a son and a daughter. But he says convincingly: "We are prepared to be hungry rather than give up our rights."

The unanimity among Egyptians on the return of the Sinai is strikingly similar to the unanimity among Israelis about keeping secure borders. Israel has offered to accept the principle of Egyptian sovereignty over all of the Sinai. It has not agreed to pull out Israeli troops or to give up effective control of the northern strip, where several Israeli settlements have been built.

Sadat's dramatic trip to Jerusalem stunned his countrymen, but they quickly rallied around him. Support for his peace initiative runs deep among Egyptians at all economic and social levels.

"This was the most thrilling political event in our time," said Commodore Hassan Luxor, an Alexandria man who teaches at the Arab Maritime Academy.

"We can see that President Sadat is the most popular man in Egypt in 50 years. He's the man of peace. Everybody is envying him from the other Arab countries. A brave man, really."

"It's a very courageous move," said Sherif Malaty, who runs a gasoline station in Helwan.

"He's a wise leader—clever, brave, and we trust him," said Mohamed Yehia, a young employee of a travel agency in Cairo.

Many Egyptians are disappointed in the response by Israel. They condemn Israel for building settlements in the occupied Sinai. But most do not hold Sadat responsible for that. They blame Israeli Prime Minister Menachem Begin for being too stubborn.

Part of the reason for Sadat's public support lies in his personal popularity. He has liberalized Egyptian life after the 18-year reign of Gammal Abdul Nasser. He has allowed more freedom of the press. He has let some opposing politicial parties develop. He rolled back the price increases after the riots of 1977. He has the common touch.

But part of his support stems also from a traditional reverence for the leader. Egyptians have an almost mystical feeling about their presidents. An aura of the ancient pharaohs hovers over them.

Close observers of Egyptian life note that public opinion in this country can be easily swayed. Some fear that if Sadat could turn his people in favor of peace with Israel virtually overnight, he could turn them to war overnight, too.

This view is borne out by the comments of the Egyptians themselves. Mohamed el Mansouri, 50, runs a travel office in Alexandria. He was asked whether he would support a separate peace with Israel.

"Yes, of course, if the president says so," he said. "If the president thinks it's right, we're with him."

Would Egyptians support Sadat if he switched and declared war? "Yes, Yes, of course. As a people who want to free their land, if the president says that, the people will support him," he said.

In Israel, virtually every able-bodied man has fought in at least one war. Many bear the scars. In Egypt, a much smaller percentage has fought in wars. Perhaps one Egyptian in every half dozen interviewed had been in a war himself. In Israel, the figure is almost one in one.

Draft laws are much less tough in Egypt. Israeli men serve in the army three years, and in the reserves 20 years, depending on their specialty. Egyptians' time in the reserves is much less. Women are not drafted.

But Egyptians bear the marks of battle, too. Farouk Abdul Aziz Abdul Hamid, 30, a baker, rolls up a trouser leg to show an ugly scar. He got it, he said, when an Israeli land mine blew up in the October War in 1973.

In Alexandria, Amir Haridi, 56, who runs the Yacht Club of Egypt, is a former one-star general in the Egyptian army. He wears a pair of dark glasses. He lost his left eye to an Israeli booby-trap in the Gaza Strip in 1956, he explains. The vision in his right eye is poor.

The economic consequences of war—and the absence of peace—have been devastating in Egypt. Money that could relieve poverty has gone for weapons.

Egypt's economic resources are severely-limited to begin with. All but 5 per cent of the land is uninhabitable desert. Egypt's 38,000,000 people are squeezed into Cairo, Alexandria, the Nile delta, and a small ribbon of land along the river. Parts of Cairo have a population density of 250,000 per square mile, one of the highest in the world. Sixty per cent of the people cannot read or write. The average per capita income is $250 a year—less than a dollar a day. At least a quarter of Egypt's gross national product goes to the military.

A typical dwelling for a factory worker in Helwan, where iron, steel, concrete, and textiles are made, is an apartment in the Nasser housing complex. The five-story concrete buildings would remind a St. Louis visitor of the old Pruitt-Igoe housing complex, which became a symbol of urban decay and was finally torn down.

The Nasser complex is crowded and dirty. Goats and chickens run in the streets. Clothes hang in many of the windows.

Mrs. Om Nashet, mother of nine, lives there with her family in two small rooms and a hall. Her husband works at a can company in Helwan. They own a goat, some ducks, and 10 chickens. Their apartment window is crammed with baskets where the chickens are kept.

For breakfast, Mrs. Nashet said, her family usually has ful, a popular Egyptian dish made with beans. For lunch they have potatoes. For dinner they have bread, white cheese, and halawa, a sweetened meal. Once a week they can afford meat with lunch. Her husband makes 50 pounds, or $75, a month.

Americans would call her family poor. But Mrs. Nashet insists that she gets along. "We don't need anything," she said. "We're all right." She wants peace, she said, not for economic benefits but so that her children won't fight in wars.

Aside from a simple desire to live in peace, Egyptians cite another incentive for seeking an agreement with Israel. That is the Soviet threat in Africa. The Nile River, on which Egypt's life depends, rises in Ethiopia, where the Russians have penetrated. It flows through the Sudan, where the Russians are said to have sinister intentions. Egyptians don't like Soviet meddling in an area so vital.

"We've had an experience with the Soviets. It was rather a sad experience," said Samy Nashed, 65, a retired government official, referring to Egypt's flirtation with Russia under Nasser. "We realized that they just want to build up an empire in this part of the world."

Under Nasser, relations between Egypt and the Soviet Union had grown close. The Russians built the Aswan High Dam on the Nile and gave military aid. But Sadat, who became president in 1970 after Nasser's death, threw out the Soviet military advisers in July 1972. Now Sadat refers to the Soviet presence in Africa as one reason why he seeks peace with Israel. If Egypt no longer had to worry about Israel, it could concentrate on keeping the Russians out of Africa.

Egypt today is on a rising wave of Egyptian nationalism. Long gone, or at least submerged, is the pan-Arabism of Nasser. The vast majority view themselves as Egyptians first, Arabs second.

"First, second and third, we are Egyptians," declared Aala Sharshar, a 23-year-old Cairo resident who is in the army and hopes to go into the hotel business later.

"Egyptians were pharoahs at first, not Arabs. We were conquered by Arabs, and that was the beginning of the downfall of Egypt.

"The Jews, they are our cousins," he went on. "I would prefer to marry a Jewish girl rather than an Arab girl if she is not an Egyptian. And I'd prefer to work with the Jews. Many Egyptians have that way of thinking."

He spoke with scorn of the Arab countries that opposed Sadat's peace initiative. "Libya, Iraq, Algeria—they don't weigh a dime," he said. "We don't care about them. After all, Egypt is Egypt. Peace comes from Egypt. War comes from Egypt. If Egypt says white, it's white; if Egypt says black, it's black. And after a while, the others will come along with us."

Nor is there much sympathy for the Palestinian Arabs right now. Palestinian terrorists were blamed for the murder of Yussef el-Sebi, the editor of the Cairo newspaper, Al Ahram, last February.

"After today, no Palestinians! No Palestinians!" Crowds shouted as Sebai's coffin was born through the streets. Most Egyptians echo Sadat's call for an independent Palestinian state. But many think it should be linked to Jordan as a moderating influence.

How do Egyptians view the United States? Many see it as the key to peace. They are counting on Jimmy Carter to put pressure on Menachem Begin.

"I think the United States is probably the only country that can ensure peace in this area," said Adel Mohammed, a 25-year-old Cairo man. "It should bring about a real balance of power in the military, and once that balance is there, Israel will not be able to be aggressive."

"Everything is in the hands of America," declared Naslachah Wahba, a 22-year-old commerce student at Cairo University. "In 1967, what made Israel fight was the weapons that America gave them."

Miss Wahba suggested that maybe America should stop sending weapons to either side. "Why give weapons to both, because they'll only destroy each other? We're losing our souls, and theirs."

Egyptians have a lot to say about Jewish influence in America. Many are convinced that Jews have a virtual hammerlock on key American institutions—businesses, universities, Congress, the press. They hold this responsible for America's continuing support for Israel.

One Egyptian woman thought the Jews had driven Richard M. Nixon from the presidency. Another thought most members of Congress were Jewish.

"I have been in America, and I know the Jews have a lot of influence there," said Mourad Abdalla, an Alexandria businessman, in an interview on the sundeck of a Cairo hotel as the Nile flowed past. "In Congress, in everything. They're too rich, and a lot of congressmen are Jews."

Nashed, the former government official, asserted that on his trips to America people would whisper—he leaned over to show how—"you are from Egypt; we are not free to express our point of view."

How do Egyptians feel toward Jews as Jews? As in Israel, there is a surprising absence of hate language toward the other side. Egyptians have no love for the Begin government. They strongly oppose the building of Israel settlements in the occupied Sinai. But most express a willingness to live with the Jews as good neighbors—provided that Israel is willing to return Egypt's land.

"For 30 years we have been subjected to anti-Jewish propaganda," noted Abdalla Ali Abdalla, 25, a physical therapist. "From 1952 onward, all we heard about the Jews was that they were the enemies and we didn't live with Jews and we didn't know them." All that changed, he said, with Sadat's visit to Jerusalem.

The world view of many Egyptians is summed up by Kamelia Badran, a 23-year-old artist in Cairo. She won a prize, she said, for her painting of the United States and Russian. She drew a sketch of it on a tablecloth with a pen.

The Americans were on one side, and the Russians on the other. There was a crack in the middle. Below each flag there were human skulls. Above each flag, there were planes dropping bombs.

Asked how she would draw Egypt and Israel, she replied: I would draw a dove of peace for Egypt, and a vulture for Israel."

THE BURNING DESIRE FOR PEACE IS HEATED BY TROPHIES OF WAR

CAIRO, EGYPT.—Nabeya and Niemat Darwish are sisters. In an interview at Cairo's Ahli Sports Club, they spoke of Egypt's 30 years of war.

They offered a mournful plea for an end to war and its horrors. But without quite realizing it, they also gave vivid insight into why wars happen—and may happen again.

"Why fight?" Nabeya Darwish asked plaintively at the beginning. "A young man loses one of his eyes, one of his arms, his hopes, his future. Why?

"The authorities have no right to decide the lives and future of families. They have no right to decide what happens to young men. Why a man decides something and then another man goes to his death. Why?

"Believe me, you'll find everyone feels the same as us. I saw on the television the young soldiers. I suffer to see them. Without legs, without arms. The October War—we won. But all lose in war."

Her sister picked up the theme. "Why fight 30 years now. Why?" Niemat Darwish said. "Why should we live in perpetual fear? I saw people who were burned—families and sons. A little land here, a little land there—does that deserve to have war? You lose more than you gain.

"The blind man, the man who lost his stomach, the man who lost his mind, his legs, his hands. And the families of the dead, who came to the Red Cross to see their children. The government used to give the families compensation but they didn't want to take it. They wanted their children. In Israel it's the same thing."

But then the conversation with the two middle-aged women, who had lived in Cario all their lives, turned to Egypt's land. And here the tone changed.

They would not be willing to let Israel keep any of the Sinai Desert, they said. They shook their heads vigorously when asked if they would give up even a small part of the land in exchange for peace.

"Would you like the Russians to have your land?" Niemat Darwish asked. Anwar Sadat had offered enough, she thought, in simply recognizing Israel. "He said in Israel everything he has to say: 'We're human; we want peace."

"We're not cowards," Nabeya Darwish said. "Egyptian soldiers are very brave. Man to man, better. We're ready to fight. We're able to fight.

"We don't want to fight. We want peace. We just want back our land; that's our right. We didn't invite them; they didn't pay. They killed our young men and took it. So just give it back to us.

"The Israelis want to walk like an octopus, spreading out," she said. Making a walking motion with her fingers. "We just want back our land, and we would be good neighbors with Israel.

"Our land is very dear to us. Every inch. If you have a garden, do you like it if someone comes and sits in it and builds in your garden? We're not asking so much. Just to have our land back, that's all. Our men are very brave and our faith is in our God. If we have to fight, we are so, so, so ready.

"But we don't want to," she said. "We would like to give life to others, and have others give life to us."

PEACE IS NOT BEING CALLED A "DONKEY"

CAIRO, EGYPT.—For Ghieth Barakat, the key to peace with Israel lies in the Arabic phrase, "Mota Saaweyeen." It means "as equals."

If Israel will treat the Egyptians as equals, Barakat said, there could be peace. Otherwise, the two nations could never live together. Peace.

Barakat, 28, is a mathematics teacher in El Zagazig, a city in the Nile Delta. He is originally from the area of Sodot in the Sinai Desert. It was captured by Israel in the Six Day War of 1967.

Today, he declared, Israelis feel superior to Egyptians. "They come from European countries and have more advanced technology," he said. "For that reason, they think of themselves as superior.

"They treat the Arabs as second-class citizens, whose thoughts and education aren't as good as theirs. If I had received a better education than my brother, I would not treat him any differently. I would still feel that he is my brother. After all, we're all from Abraham."

Returning the Sinai, Barakat feels, would mean Israel accepts Egyptians as equals. As it is now, he said, his parents live near Sodot, but they aren't allowed to build a new house or even to plant trees.

He said he fled during the 1967 war, hoping to return when the fighting ended. "Now I can only return as a visitor," he said. "If I try to return to live, the Israelis won't let me.

"The Israelis treat each other very, very well," he continued. "They have a great humanity toward each other. But when it comes to somebody outside, the treatment is bad.

"It may seem like a small thing. But among themselves, they would never say, 'You donkey!' With an Arab, it's one of the first things they say. And no Arab can retort to a Jew in the same way, even if he's joking. In a factory, any Jewish worker can call any Arab worker a donkey."

Barakat said he doesn't hate Jews. "My feeling toward the Jews is simply that they have taken lands," he said.

Of Sadat's peace initiative, he said: "It was a lovely moment." It revived his hopes for going to live some day. "I still have high hopes," he said.

PALESTINIAN LAMENT: "WE'RE LIKE A PUPPET"

(By Robert Adams)

JERUSALEM.—Khalil Kader was only 6 years old when it happened, in 1948. The details are still vivid in his memory.

The Israeli soldiers, he said, came in and started shooting in the streets. Bombs were falling on the houses. His parents, their seven children, and various relatives left their Arab homes and their olive trees in the city of Lod.

They wandered in the desert for days, he said. They were hungry, thirsty, afraid. Finally they came to the Gaza Strip with nothing but the clothes they wore. They had to live in tents, and then in mud huts that washed away in the rain. The summers were brutally hot.

"It was very hard for us," he said, "living in a paradise—and then going to live in hell."

Khalil Kader is a Palestinian Arab. He is a member of a group of more than 3 million who collectively constitute the toughest problem of the Middle East. The peace talks between Israel and Egypt broke down last January largely over the Palestinians. Diplomatic officials say that settling the Palestinian problem is the key to peace.

Who are the Palestinians? To many Americans, they are associated with two images: the bomb-throwing Palestinian terrorist, or the refugee living in a squalid camp.

But the Palestinians include many other elements as well—shopkeepers, journalists, students, intellectuals, housewives, ordinary people, struggling for both a day-to-day existence and a national identity.

Technically, the word "Palestinian" means anybody who comes from the ancient land called Palestine. Palestine, as it existed under the British mandate from 1922 to 1948, included all the land from the Jordan River to the Mediterranean Sea. That land includes present-day Israel. It includes the West Bank, which Israel captured from Jordan in the Six Day War of 1967. It includes the Gaza Strip, which Israel captured from Egypt in the same war.

The word "Palestinian" takes in not only those who live there now, but those who fled, and the children of those who fled.

There are between 3,000,000 and 3,500,000 Palestinian Arabs today. Estimates of their numbers in any given place will vary. A U.S. congressional study said there are 400,000 within the pre-1967 borders of Israel; 350,000 in the Gaza Strip; 600,000 on the West Bank; 1,500,000 in Jordan; and 500,000 in Lebanon, Syria, Egypt and other countries.

More than half the Palestinians, like Khalil Kader, are refugees. That means they or their parents left Palestine in the 1947–48 Arab-Israeli conflict—which culminated in open warfare when Arab armies attacked the newly proclaimed state of Israel—or they are refugees from the wars since then.

Some of the Palestinians are twice refugees—they fled to the West Bank or Gaza in 1948, and fled again during fighting in those areas in the wars of 1956 or 1967.

What do the Palestinians want? Most of all, a national homeland. They want a country—within the former "Palestine"—that they can call their own—a demand Israel says it can never accept. Some dream of see-

ing an Arab flag fly once again in Haifa, or Tel Aviv. More realistic Palestinians hope for a nation consisting of the West Bank and the Gaza Strip.

Most Palestinians are not terrorists. But a large majority of those interviewed say they support the Palestine Liberation Organization, or PLO—the umbrella group headed by Yasser Arafat which uses terrorism as a political weapon.

In addition, Palestinians feel increasingly bitter, angry and isolated in the aftermath of the Israeli invasion of southern Lebanon last month. Not a single Arab country came to their aid.

"The people here feel betrayed by the other Arabs," said Prof. Nafez Nazzal, chairman of the Department of Middle East Studies at Bir Zeit University on the West Bank.

"The students are saying: 'They're selling us words,'" said Nazzal, a Palestinian refugee himself. "They just use the Palestinians, as they've used them before. The people here feel they've been deceived by their Arab brothers."

Khalil Kader, who is now a 36-year-old school teacher with four children, has a personal history similar to those of many Palestinians. He spent much of his youth in a refugee camp but got out. He dreams of going back to Lod but knows it will probably never happen.

Arabs and Israelis disagree over what prompted the mass exodus of Arabs from Palestine in 1947–48, which sowed the seeds of today's problems. Arabs say the Jews ran them out. Israelis say Arab leaders told their people to leave. More objective observers say it was a combination. Many may have left simply to get out of the line of fire.

"There was nobody who left of his own accord," Kader said of his own family's flight. "The people were forced to leave under fire." Soon after the Kaders left, their house was hit by a bomb, Kader said.

Quakers gave his family blankets and tents when they got to the Maghazi refugee camp in the Gaza Strip, Kader said. They lived in tents for four years. Then the United Nations build mud huts, but the first rain washed them away. Later the U.N. built permanent houses.

"My father was living very nicely in Lod," Kader said. "When he saw his wife and children living in a tent where he couldn't bring them a piece of bread, he got discouraged and died." That was in 1956.

At 13, Kader, the oldest child, became the sole support of his family. He left school to work. Though he never went beyond high school, he says proudly that all his brothers and sisters went to universities. Kader now lives in a rented house in Gaza.

Like most Palestinians, Kader voices support for the PLO, although he opposes terrorism.

"The PLO is the legal representative of all the Palestinians," he said. "It's the only body that expresses our hopes and aims."

He would accept an independent Palestinian state of only the West Bank and the Gaza Strip, but he wants Israel to grant him the right to return to his old home in what is now Israeli territory.

"It's my land, my home," he said. "No matter what, I feel like a stranger here."

Support for the PLO cuts a wide swath across Palestinian opinion. One finds it among the young and the middle-aged, among intellectuals and working people.

"The PLO represents me completely and wholly," said Akram al Maleh, 17, of Gaza. Of terrorism, he declared: "I agree that if somebody did something wrong to the Palestinian cause, he should get it!"

"Is there anybody who denies his father?" asked Naim Shahed, a 40-year-old truck driver in the Arab city of Nablus on the West Bank, in reference to the PLO.

"It solved our identity problem," said Hama Nahhas, 23, who teaches Arab cultural studies at Bir Zeit University. "People would say: 'Who represents you?' Now the PLO is our representative."

Support for the PLO is particularly strong in the refugee camps, where human misery abounds and the feeling of abandonment is deep.

"Things cannot be solved except through the PLO," a middle-age man living in the Shaati refugee camp in the Gaza Strip said in an interview. "Everybody on the West Bank or in Gaza who says he represents the Palestinians—there's no truth to it at all. Everything that has to do with the Palestinian people is the PLO. Only the PLO."

But politically sophisticated Palestinians draw a careful distinction. They distinguish between the PLO as a symbol, as a rallying point for Palestinian nationalism, and the PLO as a terrorist group headed by Arafat. They are quick to note that Israeli Prime Minister Menachem Begin was a terrorist 30 years ago against the British. Once a Palestinian homeland is established, they contend, the reason for terrorist attacks would melt away.

"When we say the PLO," Prof. Nazzal of Bir Zeit observed, "we mean the Palestinian people who have been living outside of Palestine since 1948. It's not just the fighters. It's the intellectuals, it's the shopkeeper, it's the Palestinian people."

Nazzal said he opposes hijackings and political murders, but understands why they occur. For years, he noted, the Palestinians were peaceful. "And what did the world do to us? We were a forgotten people.

"Unfortunately, only when the Palestinians began to carry a gun, and innocent people are killed, do you begin to hear about the Palestinian-cause. This is one way of announcing to the world: 'We have a just cause. Please, world, hear us.' Before that, they didn't hear us."

At 36, Prof. Nazzal typifies the plight of the Palestinian intellectual. His family left Jaffa, he said, when it fell to the Israeli army in 1948. He lived in East Jerusalem until 1962, when he went to America to study and teach. He stayed in America until 1974.

While he was gone, East Jerusalem was captured by Israel in the 1967 war. "I was refused re-entry," he said. "So I became an American citizen. I'm here as an American with a tourist visa. I'm not ashamed of being an American. But the feeling of being a 'tourist' in my home. . . ."

Although the pro-PLO sentiment seems deep and sincere, there are some who say it is based more on fear than love. At least four West Bank moderates have been assassinated by PLO-type terrorists in recent months.

Rashad Shawa, the mayor of Gaza, is sometimes cited as an example of the power of fear. At one time he was considered a moderate rather than pro-PLO. A couple of years ago the PLO tried to kill him. He has been pro-PLO ever since.

"They probably didn't know enough about me," Mayor Shawa said blandly in an interview in his office in Gaza.

Shawa noted that Israel had forbidden Arabs in Gaza and on the West Bank to form political parties—a policy which some feel left a vacuum for the PLO to fill. "If the people had been given the right to choose somebody else, they might have chosen somebody else," Shawa said. "Now it's far too late."

Above all, Palestinians want a national homeland. They want a flag, a passport, a nation. They reject the "self-rule" offered by Menachem Begin. That plan would create an "administrative council" for housing, justice, education and other services but would leave Israeli security forces in control.

"We want our identity," said Hamada Asfour, a 24-year-old Gaza man who has studied in Egypt.

"I go to Arab countries, and I swear at the Arab countries, because we're not recognized. We don't have an embassy to help us. If an Iraqi and a Palestinian have the same problem, the Iraqi will solve it and the Palestinian won't.

"The most important thing is to have something to take care of us—a shepherd," he said. Would the PLO be a good shepherd? "Of course," he said.

"We want, first of all, self-determination—a sovereign state," said Mrs. Raymonda Taweel of Ramallah, a prominent Palestinian journalist. "We're entitled, like any other people in the world, to have our identity."

In two interviews before she was arrested by Israelis in a crackdown on West Bank dissidents during the invasion of Lebanon, Mrs. Taweel spoke of her own feelings of Palestinian nationalism.

"I was asked last week, 'why did you decide to be a Palestinian? Is it a fad to be a Palestinian?'" she recalled. "I said: I was born during the (British) mandate. My country was called Palestine. I knew that I was a Palestinian. I didn't 'choose' to be a Palestinian. I am a Palestinian.

"They thought that in 30 years people would forget. There would be a new generation. But it's not true. We are one people. How can we forget?" Mrs. Taweel said.

"I sympathize with the Jewish people in the Holocaust," she went on. "They should have their own state. But not on the ruins of Palestine. We are two suffering people. We should learn to live together."

Mousa Jayousi, a lawyer in the Arab city of Nablus on the West Bank, believes most Palestinians would settle for a state consisting of the West Bank and the Gaza Strip, provided it included East Jerusalem. Israel has said it will never give any of Jerusalem back.

"I believe," he added, "that after the establishment of such a state the Israelis themselves would conclude that it's in the interests of both sides to have one secular, democratic state for both of them." It would, he noted, take time.

For Palestinians living in the occupied territories, the first goal is to get rid of the Israeli army. Like any people living under military occupation, these Palestinians despise the occupiers. They strongly resent the Israeli settlements on the West Bank. They tell stories about brutality by the Israeli authorities.

West Bank students demonstrating against the Israeli invasion of Lebanon last month charge that Israeli authorities arrested and beat them. Daoud Taweel, a Ramallah banker and husband of Raymonda Taweel, said Israeli troops knocked on his door with guns at quarter to one in the morning to take his wife way.

Taweel said the Israeli confiscated some film, which his wife had taken of demonstrations that day, and the PLO flag she kept at her house. His wife was still in prison 10 days later. "Somebody comes at midnight and wakes you when you're sleeping—imagine yourself in that position," he said.

Israelis deny reports of brutality. "If you look back in history, I don't think you'll find any (occupation) more liberal than ours," an Israeli official said confidently.

Of the Arabs on the West Bank, the official said: "They accept me. You don't feel any resentment."

The view from the Arab side is very different. A young Palestinian law student on the West Bank, driving this reporter back to Jerusalem one night, saw two Israeli soldiers trying to hitch a ride in the rain.

"They expect me to stop for them," he said derisively.

"They occupy our land," he said with deep intensity. "They drove us off our land. So how

shall we love them? How shall we feel toward them? We just want the Israelis off our land."

But for all their resentment toward Israel, many Palestinians are just as bitter toward their fellow Arabs. Even PLO officials, interviewed in Beirut, admitted that more Palestinians have been killed by other Arabs than by Israelis in the last 30 years. They were mauled in the Jordanian civil war of 1970. They were mangled in the civil war in Lebanon in 1975–76.

Egypt controlled the Gaza Strip until 1967, and Jordan controlled the West Bank until 1967. But the Palestinians who were refugees in those areas stayed in their camps. Neither Arab country tried to set up a homeland for the Palestinians. Diplomatic observers say that Egypt and Jordan—while paying lip service to the idea of a Palestinian state—may actually fear it.

The Palestinians are pawns, and they know it. "We're like a puppet, in a way—moved by other people," lamented Maha Misleh, a 24-year-old woman majoring in business administration at Bir Zeit.

For an illustration, one can go to Damour, a city 15 miles south of Beirut in Lebanon. Mrs. Hadeya Dochy lives there in a concrete house with plastic covering the windows.

Inside, a single light bulb dangles from the ceiling. Mrs. Dochy, wearing a black dress and sandals, says she used to live in Tel al-Zaata, a Palestinian section of Beirut. She got caught in the crossfire during the Lebanese civil war. She finally left with a son and a daughter and moved to Damour.

She was asked what happened in Tel al-Zaata. Her tears needed no translation.

Her mother-in-law pointed to the wall. On the wall were eight photographs. The wall was bare except for them. They were photos of the dead—of the husband and seven children Hadeya Dochy lost. They had been killed in the clash between Arab armies.

"NO MORE MODERATES LEFT," SAYS BETHLEHEM MAYOR

BETHLEHEM.—There are no more moderates left on the West Bank," an angry Mayor Elias Freij declared. "I am including myself."

He no longer supports Egyptian President Anwar Sadat in his attempt to make peace with Israel. "His peace initiative is dead," Freij said grimly. "It is gone with the wind. It was buried under the dead corpses of the Palestinian women and children who were massacred in south Lebanon."

Arabs, the Bethlehem mayor said, must now unite and prepare for war. "There's going to be no peace," he said. "There will be no peace here during this generation, or the generation to come."

The words were a dramatic change from just two months earlier. In February, Freij had sat in the same office and told the Post-Dispatch of his hopes for peace. He was the most moderate of the 24 Arab mayors on the occupied West Bank. He was probably the West Bank's most respected spokesman for peaceful coexistence.

In that earlier interview, he had spoken of trade with Israel, of tourism, of open borders. He backs Sadat in spite of opposition from more militant Palestinians. "I will support any peace initiative by anybody," he said then.

Now it was April. It was three weeks after Israeli tanks, plances and infantry had swept into southern Lebanon. And that event had produced a profound change in the Bethlehem mayor's attitude.

Israel invaded in the aftermath of a terrorist attack by the Palestine Liberation Organization that left 35 persons dead and more than 80 wounded. Israelis said they wanted to clean out the PLO bases in southern Lebanon.

But to Freij, a Palestinian, it was a deliberate and planned attempt to kill Palestinians, many of whom live in refugee camps in Lebanon. "I believe that was Israel's last answer to the peace initiative," he said.

"We tried to be moderates," Freij went on. "I am by nature a moderate man. An optimistic man. I don't believe in violence. But look how we were beaten! And the whole world watching. And now, he said with sarcasm. "The Americans are sending us some old clothes for our people. Some medicine. Some powdered milk.

"The Americans condemned the Fedayeen attack which cost 35 Israeli lives. They didn't use the same language when 2000 innocent civilians were killed in Lebanon."

"I have a question for the Americans," he said. "Do they give weapons to the Israelis for the purpose of invading Arab countries and killing Arab women and children? And where are the 'human rights' about which Mr. Carter speaks so often?

"You ask me why I'm so gloomy, so angry? We expected the Americans to at least condemn the invasion—if not with their hearts, at least with their tongues. But they did neither."

Before the invasion, he said, maybe half the people on the West Bank supported the PLO—although others would have put the figure higher. Now it is virtually a hundred per cent, he said.

Freij said Sadat should now break off his negotiations with Israel. He should begin mending his fences with the other Arab countries. The Arabs should take their money, "which lies sleeping in American banks," and use it to buy the best weapons they can. They should also use the power of Arab oil to squeeze the American economy, he said.

"The Americans must know one thing: They can't write off the Palestinian people," said Freij, an articulate man of 58 who speaks fluent English. "We have to become united and strong. When we are united and strong, we will be able to achieve our rights—either through negotiations or through fighting."

Freij said he foresees changes of government—perhaps by assassinations—in the Arab nations. The new regimes, he said, would be more radical. He predicted "catastrophes and upheavals and changes which will thunder like volcanoes throughout the Arab world."

What happened in Lebanon, he said, would make the Palestinians even more determined.

"You know these tragedies," Freij said. "It's like when you put cast iron into a fire to make pure steel out of it. All these tragedies are going to make pure steel out of the Palestinian people."

TIME BOMB FOR THE MIDDLE EAST FUSED BY PALESTINIAN REFUGEE CAMPS

(By Robert Adams)

SHAATI REFUGEE CAMP, THE GAZA STRIP.—A small boy hops over a stream of sewage trickling through the sand. Ducks nibble at food in an open garbage pit.

Goats and chickens wander the streets along with poorly dressed children. Women wash their dishes surrounded by animals at a common water distribution point. The drab concrete homes often house 12 or more persons in two rooms.

A refugee camp isn't a nice place to visit, and you wouldn't want to live there. The word "squalor" might have been created to describe it. But as many as 600,000 Palestinian Arabs do live in refugee camps—constituting both a continuing human tragedy and a political, social and moral time bomb for the Middle East and for the world.

Bitter arguments have raged over who is to blame for the condition of the refugees. Israelis note that the Arab countries failed to assimilate the Palestinian refugees after they left their homes 30 years ago. Arabs counter that it was Israel and its army that drove the Arabs out of Palestine in the first place.

Others note, and Palestinians confirm, that some Palestinians rejected absorption because it might dilute their Palestinian identity. Whatever the merits of the arguments, the camps, and people in them, are still there.

The Shaati refugee camp is on the Mediterranean Sea in the northern part of the Gaza Strip. Te beauty of the sea is in sharp contrast to the desolation of the camp, where about 30,000 refugees live.

The 61 Palestinian refugee camps in the Middle East are, at least theoretically, under the control of the country in which they are situated. Before 1967, the Gaza Strip and its camps were under Egyptian control. Israel captured the Gaza Strip during the Six Day War of 1967 and still holds that strategic tract of land.

Hence Israel is now responsible for overall administration of the Shaati camp and the other camps there. Services for the refugees are provided by the United Nation's Relief and Works Agency, including food, medical care, sanitation and schools.

Rageb Abu Ryal, 42, lives in the Shaati camp. He has two rooms for himself, his wife, and their three children. He is a fisherman, and says he makes about six dollars a day.

He was interviewed sitting in sand in a new room without a roof which he is building onto his house for drying clothes. His 6-year-old daugter, Nadia, barefoot and wearing a black dress, played with a doll that had no clothes. Like most interviews in the camps, the interview was conducted through an interpreter.

At the time of the Arab-Israeli fighting in 1948, Ryal said, his Father owned 35 acres of land near what is today the Israeli city of Ashkelon.

"We were very happy there," he said. "We were much more happy than today."

Like many Arab families, the Ryals fled when they heard rumors about what Jews were allegedly doing to Arabs.

"People started saying Jews were massacring Arabs," Ryal said. "I myself didn't see anything. But my father heard it from people. So we left. We took only the clothes we had on."

They came south on camels and donkeys. Their first year in the camp was spent living under trees which were strung with paper as a cover. They lived in tents for three years after that.

"What do you imagine?" The sun-bronzed fisherman said of those years. "The wind came and took it (the tent) away. It was very hot in the summer. It was the most miserable way of life you can think of."

In 1969, he said, some Jews came to the camp and said they wanted some laborers to work in Ashkelon. He offered to go.

"When I got there, I knew that it was my land," he said. "And I told the Jews that took us to work that this was my land. I have all the papers saying that I'm the owner of the land. I have them from my father. Now, my land is all planted with oranges.

"Some people didn't want to go to see it," he continued. "Some people went and saw their land and died."

Ryal said he still goes to see his old land regularly. "I go once or twice a week," he said. "I go and make myself bitter and come back."

Life is easier now than it has been, Ryal said. At least he has regular work, and a stone house with a roof of clay. "But life is getting so expensive," he said, referring to the soaring inflation in Israel now. "We're not keeping pace with it. I'm not saving anything."

Asked about the peace talks between

Israel and the Arabs, he said: "Everybody knows what peace means, and that's to return to our land and our homes." He would be willing to go to war to regain his land, he said.

His wife, Miriam, noted that the Israeli government has been building new houses in a "refugee suburb" not far away. The Ryal family, she said, was offered a chance to buy one if they would move out and tear down their present house.

"But we refused to go to a house made by the Israelis," she said. "If we want to leave this house here, we will only go back to our house in Ashkelon."

As he talked, his daughter Nadia brought over a photo of her father and proudly set it in the sand on display. Later, the family had dinner sitting in the sand, eating out of a common dish.

Reflecting the powerlessness felt by many refugees, Ryal said he wanted peace, but added: "Me, myself, what can I decide? I'm sitting her. It's for the big people to decide."

Jamil Rbdo, 18, walked barefoot on the sandy street outside. "I was born in the camp," he said. "There's no future for me."

"Look at our streets here, where you're walking," he said, indicating the poverty and filth around. "This is life. We lived in paradise before. I'm not happy at all here."

"Who do you think would be happy?" demanded Mohammed Jaber, a 63-year-old resident of the Shaati camp. "I have 10 children in two small rooms. Is this fit for any human being? All of us feel the same way. We're miserable and living terrible. What about the boys who want to study? What about the older girl who wants to change her clothes? I have a son who is married and he sleeps with us at home with his wife. A very terrible situation."

Jaber said he once owned two acres and a house in Jaffa. He recited the horrors of flight, of living in tents. He himself does not work. His oldest son, he said, worked until he lost a finger in a machine accident.

He said he supports the Palestine Liberation Organization, or PLO, the terrorist group headed by Yasser Arafat. "It represents the Palestinian state consisting of only the West Bank and the Gaza Strip, which some have proposed as a compromise. Israel has said it cannot accept an independent Palestinian state of any kind.

"How could we be satisfied?" he asked. "My home town is Jaffa. I was born in Jaffa. My father was born in Jaffa. We have many things in Jaffa. We left everything in Jaffa. So to forget about Jaffa is impossible. Even if I stay living a hundred thousand years, I will never forget Jaffa."

On the occasions when he goes to visit Jaffa, he said, his feelings are summed up in an Arabic phrase: "Albi Hazzeen"—"My heart is sad."

Another resident of the Shaati camp, Mrs. Halimi Hassan, lives in two cramped rooms with her five children. Her husband, she said, fled in fear of the Israelis during the fighting in Gaza in 1967. He hasn't lived there since.

She offered her visitors small wicker chairs with no backs. She does her cooking in a tiny kitchen no more than eight feet long and four feet wide. A large stone for making bread rests on the floor.

"This is broken," she said, pointing to a crack in the roof. The roof is made of clay tile, with wood and old tires on top to keep the tile from blowing or rotting away. "We can't repair it. When we sleep at night, rain comes in on us. It's like we're sleeping outside."

The United Nations gives her some flour and other food, she said, but it wasn't enough for her family. "Only the relatives who pity me give me money to survive," she said.

The 61 Palestinian refugee camps are scattered around five areas in the Middle East: The Gaza Strip, the West Bank, Jordan, Lebanon and Syria. Conditions vary from camp to camp, but even the best are poor.

The Shatila refugee camp in Lebanon, just south of Beirut, houses more than 4,000 people. The Palestine Liberation Organization took effective control in 1970 because of the weakness of the Lebanese government.

There is one water pipe to serve every 25 homes or so. The PLO claims that before 1970 there were no pipes at all and women had to haul in water in buckets on their heads.

The streets are strewn with garbage—orange peels, babana peels, scraps of paper, thread, cloth, broken dishes. The walls of the worn-looking houses are speckled with graffiti in Arabic.

On the streets, a woman carries loads in both arms and on her head, a boy eats bread and an orange as he sits amid stones and rubble in a narrow alley. Elsewhere a small child bends over to defecate in the street. Nobody particularly notices.

Mrs. Om Assad, who has eight children, lives in a concrete house in the camp with two rooms and a kitchen. She wears a dress and a white headscarf, and nothing on her feet.

The plaster on the pale green walls is beginning to crumble. As she welcomes her guests, Om Assad carefully wipes the surface of a worn table with a damp cloth.

She was born Lebanese, she explains. But she married a Palestinian, and her children are Palestinians. She now considers herself a Palestinian, too. If the Palestinians go back to Palestine, she and her family would go along. Asked what she thought of Yasser Arafat, she used an Arabic expression that translates, roughly: "He's tops."

In the classroom of a grade school run by the United Nations Relief and Works Agency in the Shatila camp, small children sit three to a desk. The windows look out on lines full of clothes hung to dry. There is nothing on the walls but a green chalkboard and a calendar with incongruous pictures of healthy. European-looking children bathing and brushing their teeth to illustrate good hygiene.

The PLO has a small army sandwiched between the Shatila camp and the Sabra refugee camp next to it. Israelis claim the PLO deliberately puts its guerrilla bases in such places because of Israeli reluctance to hit population centers in its retaliatory strikes against the PLO.

On the west bank, the largest refugee camp is the Balata camp, just south of the Arab city of Nablus. The streets are poorly paved and laundry hangs from lines strung between barrels. As in the Shaati camp, many of the drab homes have television antennas sprouting from the roofs. The TV sets are the only items that would pass for luxury in the camps.

Hassan Darwish, 27, is better off than most in the Belata camp. He teaches physical education at a high school in another camp, and there are two other teachers in his family. Fourteen people sleep in three rooms at his home every night.

His parents fled from a place near Qiryat Gat in 1948. He was born in a tent at Balata. He says he has never seen his parents' land.

His family is sitting on a rug on the floor in a small room, watching television. The walls and ceiling have begun to peel. He has electric lights inside his house, and a phone, and vases with plastic flowers.

"We're much better off than others," he noted. "Some of our houses are like graves."

He was asked if the PLO represents him. "No," he said. "If something is going to represent me, then I have to have my vote in it. At present," he declared, "I think I represent myself."

Outside, a 26-year-old laborer named Salim talks about his own house, into which he says 12 people are crammed. "It's a very sad life," he said.

Fuad Taher, a medical officer with the United Nations Relief and Works Agency who works in the Nablus area, says malnutrition is a problem in the camps. There is a special clinic for children who suffer from it. About 100 children from Balata and the other camps near Nablus are treated there. But the facilities are not enough.

"We're concentrating on infants and those under three years of age," Taher said. "We give them food and special treatment. The adults who are malnourished do not yet come within our scope. But of course there are cases among adults, too."

He estimated that 75 percent of the homes at Balata now have running water, and about 80 percent have inside latrines connected to a general sewage system. He hopes 100 percent will have inside latrines next year.

Before, he said, the public latrines would fill up and people would pump the waste water out into the street. "It was not very sanitary," he observed.

Other UNRWA officials estimate that 94 percent of the people in all the camps now have inside latrines. Waste water from sinks, however, is often piped directly out into the streets. Most homes have access to electricity in some form, either from nearby cities or a private hook-up. But often the service is limited. Electricity may not be available during the day. That means refrigerators must be run by kerosene or butane gas if refrigerators are used at all. At night the electricity may go off after 10 p.m.

About half the families in the Shaati camp are said to have running water in their homes. The figure is 75 percent for Balata. But some camps, like the Deir Ammar camp near Jerusalem, don't have private water lines at all. The nearly 1000 people who live at Deir Ammar, according to UNRWA, have to get their water from 30 public water taps.

An approach now being pursued by Israel is that of creating "refugee suburbs" with new homes. One such suburb is the Sheikh Radwan area not far from the Shaati camp. About 1000 new, one-story housing units have been built in Sheikh Radwan, and 2000 units elsewhere in the Gaza Strip, since Israel began building them in 1973.

The new homes cost the refugees 59,000 Israeli pounds each, or about $3500. Of that, 20,000 is lent by Israel. There is only one condition: When a refugee moves into the new house, he must demolish his old house in the camp.

UNRWA officials dislike the demolition requirement. They say the vacated homes could be used by families still in the camps who are worse off. The Israeli position is that tearing down the houses helps clean out the camps and lets air and light into the crowded slums.

Rafiq Shbeir, a 23-year-old construction worker, moved from the Shaati camp to Sheikh Radwan a year and a half ago. He lives there with his wife, their three children, his parents, and several other family members. He was given two rooms, a kitchen, and a garden outside. He has added two rooms and a hall.

To buy it, he said, he had to borrow 37,000 pounds—about $2200—from relatives. He installed the water lines and electricity himself. His new home is clean and relatively spacious. It isn't paradise, but, he said, "this is better than the house we used to live in."

The new house, however, has not dimmed the family's Palestinian aspirations.

"I own 60 acres of land as Ashkelon," said his father, Yahia Shbeir. "I still have the papers registered in my name. I take all the children once or twice a month and point to each piece of land I own. I want to teach my children."

His son, Rafiq, was asked where he considered home now. It was Ashkelon, he said, "where we left our land."

UN AGENCY, ISRAEL DIFFER ON REFUGEES IN CAMPS

JERUSALEM.—How many Palestinian refugees live in refugee camps?

The figures are a subject of dispute between Israel and the United Nations Relief and Works Agency, which provides services. The UN agency counts nearly 600,000 registered refugees living in the camps. That includes about 197,000 in the Gaza Strip, 77,000 on the West Bank, 170,000 in Jordan, 94,000 in Lebanon and 54,000 in Syria.

But the Israelis say those figures are inflated. They claim the UN agency is slow to take people off the rolls when they die or move out. They also claim some refugees exist only on paper, while somebody else gets the rations. The Israeli figure for the camps in the Gaza Strip, for example, is 180,000—17,000 less than UNRWA's.

One explanation for the continuing friction between Israel and UNRWA on this and other points is that virtually all of UNRWA's 16,000 field staff members are hired from the ranks of the Palestinian refugees themselves. An international staff of 120 oversees the entire UNRWA operation.

Israelis contend that the issue of Palestinian refugees should be discussed in connection with the issue of Jewish refugees from Arab countries. Between 600,000 and 800,000 Jews are said to have left countries such as Morocco, Tunisia, Algeria, Libya, Egypt, Syria, Iraq, Yemen and Lebanon since 1948 as a result of anti-Jewish activities. As many as 300,000 came from Morocco alone, according to Israelis, after mobs sacked Jewish establishments and the government banned Zionist activities.

Jews from these Arab countries are called Sephardic, or oriental, Jews. They and their descendants now constitute about half of Israel's 3,500,000 people. The other half are from western Europe and North America. Unlike the Palestinian refugees, the Sephardic Jews in general don't want to go back. But many feel they deserve compensation for the property they left behind.

An Israeli official said the question of whether Israel should compensate the Palestinian refugees "is bound to the right of compensation for the Jewish refugees." The right of Palestinians to return to their old homes in present-day Israel, the official said, "would be an issue to be negotiated between us and them."

An UNRWA official described his agency's frustration in dealing with the Palestinian refugees. "It proved to be a unique problem," he observed. "Usually, you start with huge numbers (of refugees), and then in 5 or 6 years, no more refugees." The Palestinians, he noted, were never absorbed by the other Arab countries, although Jordan gave them citizenship, and so the number of refugees and their descendants grew rather than diminished.

Historians note that Arab governments felt the Palestinians would lose their feeling of national identity if they were absorbed into other Arab countries. That, in turn, would have made it easer for Israel to survive as a nation.

Some Arab countries, however, are said to fear the creation of an independent Palestinian state almost as much as Israel does. This may help explain why neither Jordan, which controlled the West Bank until 1967, nor Egypt, which controlled the Gaza Strip until 1967, ever tried to set up a Palestinian nation in those areas.

Beyond this, many Palestinians, like Miriam Ryal of the Shaati camp, reject moves to absorb them or move them—unless it is back to their homeland. Some refugees at first even resisted planting trees at the camps. Anything that smacked of permanence was suspect. However impossible it might seem, they planned—and still plan—to return home some day.

ISRAEL'S ARABS FIND THEMSELVES IN TWILIGHT ZONE OF UNACCEPTANCE

(By Robert Adams)

NAZARETH, ISRAEL.—Not all the citizens of Israel are Jews. More than 400,000—roughly one Israeli in eight—are Palestine Arabs.

These are Arabs who kept on living in areas that were taken over by Israel during Israel's fight for independence in 1947–48. Because they were living in the ancient land called Palestine, they are counted among the more than 3,000,000 Palestinians who are at the center of a bitter struggle in the Middle East.

The Israeli Arabs occupy a peculiar and ambivalent position. On the one hand, they enjoy certain advantages as Israelis. They generally hold better-paying jobs than Palestinians elsewhere. They can travel with an Israeli passport. Because Israel exempts them from the draft, they don't have to worry about the army.

On the other hand, they are not fully accepted by either side. Jews suspect them because they are Arabs. Other Arabs distrust them because they are Israelis.

"It's two worlds we're living in," observed Dr. Samir Muammar, a Palestinian Arab physician in the Israeli city of Nazareth.

"One world is our daily life, our work, the people we deal with. I have quite a lot of Jewish patients. I have a warm feeling toward the Jewish people as people. Almost every week I visit the homes of Jews. I visit them; they visit us.

"But when you look at what's been happening since 1948 to your own people"—he was referring to the Palestinians—"it's a completely different feeling," he said.

About 42,000 people live in Nazareth, the city where Jesus and his family lived 20 centuries ago. Virtually all of them are Arabs. Several thousand Jews live in "Upper Nazareth," an area on the outskirts of town built after Nazareth became part of Israel in 1948.

In an interview at his comfortable home here, Dr. Muammar spoke bitterly about what he said was discrimination by Israel against its Arab population. Medical services, he declared, are much better in the Jewish parts of Israel. There are more doctors, nurses, hospital equipment. Arab patients from Nazareth are sometimes forced to go to hospitals in other cities.

"They realize they can economize in the Arab sector more easily, because there will be less complaining," Dr. Muammar said.

Of Nazareth, he declared: "Look at it. It's a can of sardines. There are too many people for the space. That's because of the confiscation of Arab land."

Paradoxically, he said, when he was in medical school at Hebrew University, he was given certain breaks because he was an Arab. Ten years ago he didn't apply for a particular medical job because he thought he'd have no chance. "I never had the guts to discuss it with my boss," he said. "Ten years later, I discovered I was completely wrong.

"We persistently have this insecure feeling as Arabs in Israel," he observed thoughtfully. "Part of it is justified—and part of it is not justified."

Other Israeli Arabs take a more solidly pro-Palestinian position. "The refugees are a piece of me," said Kamal Jabour, 45, a Nazareth lawyer and a Palestinian.

"Even if they're not relatives, there are strong ties between Palestinians all over the world. I carry Israeli citizenship because Nazareth came under the occupation of Israel. No more than that."

"Fifth-class citizens" was his derisive label for the way Jews treat Arabs in Israel. "They don't give any good jobs to the Arabs in Israel unless there's no Jew to fill it up," he declared. Government officials treat Arabs badly, he contended: "They'll never accept what the Arab says his income is. The same with property taxes."

Arabs are allowed in the Israeli army only if they know a security officer who will vouch for them," he said. Arab laborers are paid less than Jews for the same work. Security checks on Arabs at Ben Gurion airport near Tel Aviv sometimes take five hours, with the Arabs having to strip naked to have their clothes searched," he said.

Jabour supports the PLO. "My sons are more radical than we are, and we have to calm them down," he said. "Always life is tense."

The Israeli position is that Arabs in Israel are treated as well as Jews. An Israeli official denied that discrimination exists in jobs, security checks, medical care or anything else. Land is not confiscated from Arabs, the official said, but is sometimes purchased whether the owner wants to sell or not, through a process similar to eminent domain in American cities.

Abdulwab Abas, an 18-year-old Israeli Arab who works at a pizza place in Tel Aviv, said things get uncomfortable after the PLO terrorist raid on March 11 that killed 35 Israelis. "I talked to some Jews, friends of mine," he said. "And everyone sort of looked at me like I did it myself—as if I had killed those people."

The day after the attack, he said, he went to a store to buy a knife. The knife was to prepare food for a picnic. "Somebody looked at me and said: "Why do you buy that knife—to kill someone?'" he said.

Mansour Kardosh, who owns the Kardosh cafe and souvenir shop on Mary's Well Street in Nazareth, is an Israeli citizen but is militantly pro-Palestinian. He supports the PLO.

"I don't consider that the Israeli identity card in my pocket is one of the Ten Commandments given by God," he said sardonically. "Cards and papers don't change the identity of a Palestinian."

Kardosh has been in trouble with Israeli authorities off and on for helping to found a militant group of Israeli Arabs called "Al Ard," which means "the land." Israeli officials acknowledge that there has been an increase in radicalism among Israeli Arabs in recent years. Seven of the 120 members of Israel's Knesset, or Parliament, are Arabs, and four of the seven are Communists.

If the West Bank and the Gaza Strip were turned into an independent Palestinian state, would Kardosh live there? No, he said. He would prefer to stay in Nazareth. Such a state, he said, should be only a first step. Eventually he would like to reunite Palestine. It could become one nation, he said, with Arabs and Jews living side by side in peace.

"There will come a time when both people will find that it's the only possible way to live together for good," he said. But he admitted: "It's a dream now."

DAYAN TRYING TO GET PEACE TALKS RESTARTED

WASHINGTON.—Israeli Foreign Minister Moshe Dayan is pressing the Israeli campaign to halt the sale of American planes to Saudi Arabia while at the same time working with the State Department to get the stalled Mideast peace negotiations moving again.

Dayan had breakfast today with a group of influential members of the Senate Foreign Relations committee, including Frank Church, D-Idaho, who expressed strong opposition Wednesday to the plane sale.

Dayan has also opposed linking the sale of 90 American warplanes to Israel with the 110 other planes going to Saudi Arabia and Egypt under the Middle East aircraft package proposed by the White House.

A spokesman for the Israeli Embassy said Wednesday night that his country "does not want to be part of a package deal."

"If as a result of this position the United States government will decide to punish us

because of our opposition to the sale of the military planes to Saudi Arabia and Egypt and therefore not supply us our planes, then we will have to accept the punishment," the spokesman said.

Church said that the committee members told Secretary of State Cyrus R. Vance that the Saudi part of the plane deal was excessive.

A senate source said an earlier Defense Department study had recommended only 40 planes to modernize the Saudi air force.

The senators are also reported to have said that the sale should at least be postponed until the peace negotiations in the Middle East get back on track.

In the package, Saudi Arabia is to get a total of 60 F–15s, the most advanced interceptor in the U.S. inventory.

PALESTINIANS: THORNY ISSUE

The Palestinian Arabs constitute the thorniest single problem of the Middle East. Between 3,000,000 and 3,500,000 Palestinians are scattered about the Middle East and elsewhere. As many as 600,000 are refugees who live in camps.

The Palestinians are Arabs who live—or whose families used to live—in the ancient land called Palestine. That includes present-day Israel; the West Bank of the Jordan River, which Israel seized from Jordan during the six-day war of 1967; and the Gaza Strip, which Israel captured from Egypt in the same war.

Most Palestinians want to have a nation of their own. Many would be satisfied with a Palestinian state consisting of the West Bank and the Gaza Strip. President Jimmy Carter has said the Palestinians have a right to some kind of homeland. Israel has said it cannot accept the idea of an independent Palestinian state. Some Arab countries privately oppose the idea, too, fearing that radicals like the Palestine Liberation Organization, or PLO, might become the leaders of such a country.

The Palestinian refugee camps, like the Shaati camp in the Gaza Strip shown in some of the photos on this page, are places of misery and hopelessness. Support for the terrorist PLO is strong among many refugees, because they feel they have no place else to turn. Sanitation is often poor in the camps, with sewage water trickling out of the homes and down the street. Many refugees in the camps don't have running water inside their homes. They have to make do with public water taps outside.

In many homes, 12 people are crammed into two small rooms. The best hope for the Palestinians, and others in the Middle East, is a comprehensive peace agreement. The peace process remains stalled, however. All of it is enough to make any man turn to worry beads.

MIDEAST ADVERSARIES TAKE STOCK OF PEACE

(By Robert Adams)

JERUSALEM.—Ahmed Abdulla of Egypt has learned an important lesson about wars: It is the common man who foots the bill.

"Who pays for the wars but the people?" asked Abdulla, a 55-year-old textile worker. "The expense of every gun comes out of our pockets. When a plane comes to bomb a factory, don't I lose out?

"The money that's spent on a plane can build a whole school. It can build a hospital. It can build a factory. It could fix the potholes in the roads."

To be sure, Abdulla—and others like him in Egypt, Israel, and elsewhere—is intensely patriotic. He would rather have no peace agreement than one that might harm his country. But more and more, Arabs and Israelis, are taking stock of the benefits that peace could bring.

And those benefits could be considerable—not only in the sense Ahmed Abdulla mentioned, which involves the transfer of defense money to civilian needs, but also in the broader sense of improving the economies of all parties through an exchange of trade, tourism and technology.

One man who has taken a long look down that road is Avraham Asheri, the deputy director general of Israel's Ministry of Industry, Trade and Tourism. He is cautious about some kinds of predictions, noting that much would depend on the exact nature of the peace agreement—whether it would include all of Israel's Arab neighbors or just one or two; whether it would involve a free flow of goods and people across open borders, or whether limits would be imposed.

But he and other economic experts point to several kinds of benefits that might come with peace.

The first would be a channeling of military money into civilian needs. Right now, more than one-third of Israel's gross national product goes for defense. The figure is 25 percent in Egypt.

A second benefit would be the exchange of Israeli technology for Arab labor. Israel is well known for its advances in making the desert bloom. Those techniques would be valuable in countries like Egypt and Jordan, which are largely desert. Israel is short of manpower to work in its industries, and Egypt has millions of hands with no work to do.

A third benefit would be trade and tourism. Many products manufactured in Israel could be sold in the Arab lands, and Arabs could sell their wares in Israel. Israelis could visit the Pyramids at Giza, and Arabs could visit the sacred shrines of Jerusalem.

Asheri noted that the military burden on Israel is one of the highest in the world. Although neither he nor other Israelis would cast away that country's military strength, the arms budget would probably be cut if a real peace is achieved.

What would the money go for? Better housing, for one thing. "People aren't living in the streets, but many people live in small apartments built 20 years ago," Asheri noted. "People deserve better."

Telephones, for another. "I can tell you there are a quarter of a million Israelis waiting for telephones," Asheri said. Some of them wait as much as four years. "If we could invest more in it," he said, "we could solve the problem in two or three years. But it's not feasible now."

The cost of living soared 42 per cent in Israel last year. At least some of that was because of military spending. More money would also be available for welfare programs if less were spent on the army.

Israel also needs better roads and more buses for transportation. Today, Asheri noted, "we're limiting our investments to what's left after defense."

Beyond this, a peace agreement might provide more hands to turn the wheels of industry in Israel. Although Israel is the most technologically advanced country in the Middle East, its 3,500,000 people do not provide a large enough labor pool. Some 70,000 Arabs from the occupied West Bank and Gaza Strip cross over the border to work every day.

Egypt, which has a population of 38,000,000, has an unemployment rate estimated as high as 25 per cent. Israel needs labor, and Egypt has workers to spare. In some ways, the economies of the two countries would seem to be made for each other. Egypt's labor surplus could solve Israel's labor shortage.

For its part, Israel could pass along its technology to the Arabs. Although Israeli officials are sensitive about becoming the "Ugly Israelis" or being accused of technological imperialism, the Arab countries don't deny that they could use some expertise in making their deserts green.

In irrigation, Israel has pioneered in the use of the so-called "drip system." In this method, small amounts of water drip through devices called "emitters" attached to irrigation hoses. The emitters drip the water right onto the soil next to the plants, with no water wasted. Egypt currently has a major land reclamation project under way to turn some of its sand—95 per cent of the country is uninhabitable desert—into productive land. Egyptian officials say the Israeli techniques could be useful.

Israeli technology in other fields—health, transportation, manufacturing—could also be made available to the Arab countries.

As for trade, Asheri's office has already compiled a country-by-country list of what Israel might buy or sell to the Arabs, and what they might buy or sell to Israel.

Egypt, he said, could offer Israel oil, tobacco, rice, cotton, textiles, some chemicals, furniture, and some kinds of ready-to-wear clothes. Israel could offer Egypt machinery, communications equipment, tires, chemicals and spare parts.

"Many Israeli manufacturers have already found agents in Egypt for their products, and vice versa." Asheri said. "They're waiting for the time when they will be allowed to start doing business."

As for Jordan, Asheri said, Jordan could offer tobacco, textile, leather goods, building materials, and some kinds of fruits and vegetables. Israel could sell Jordan manufacturing equipment, various industrial products and its own fruits and vegetables.

Asheri uses the West Bank of the Jordan River as an example of how trade might develop. Israel captured the West Bank from Jordan in the Six Day War of 1967 and has occupied it ever since. Israel exports such things as pencils, pens, water faucets, concrete, electrical equipment and building materials to the West Bank. Israel buys shoes, fruits and vegetables, clothes and other products from the Palestinian Arabs there.

Arabs from the West Bank provide labor for jobs in Israel. In general, they make more money than they could working on the West Bank, although some complain that they are treated badly by Israeli bosses on the job.

"You can see that the mixing of the two economies gave quite a big benefit to both sides," Asheri said. "We're enjoying more manpower, which we lacked. We're using the agricultural products they have. And they use our industrial products. The end result is a tremendous increase in the standard of living."

For the long run, Asheri talks about possible partnerships between Arabs and Israelis. Oil from Egypt, Saudi Arabia and the Persian Gulf states could combine with Israeli technology to create a thriving petrochemical industry in the Middle East, as one example.

More foreign investment from the United States and elsewhere would flow into the Middle East if there were peace, Asheri believes. Today, businessmen are reluctant to sink big money into plants that might get wiped out in the next war. "There's no question about the fact that people are hesitating," Asheri said. If there were genuine peace, this barrier would be removed.

In Egypt, the economic benefits might be even greater than in Israel. The per capita income in Egypt is only $250 a year—less than a dollar a day. The country's 38,000,000 people are crammed into Cairo, Alexandria and the Nile Delta. The population density is one of the highest on earth, the standard of living one of the lowest.

The population in Egypt is expanding at an estimated rate of 2.58 per cent a year. Birth control is being introduced, but even so, Egypt's population is expected to reach 60,000,000 or more by the end of the century.

Even with its current population, Egypt has so little arable land that it cannot feed its people. It imports wheat and other foods, creating a huge balance-of-payments deficit. An urgent priority of Egyptian President Anwar Sadat is the reclamation of land in desert areas between the Nile River and the Red Sea. Officials in Cairo say Israeli technology could help.

The importance of growing more food for Egypt can't be overstated. In January 1977, when the prices of basic commodities went up, riots killed at least 79 people and forced a rollback. Today, the Egyptian government is quietly raising prices again.

This time it is being done indirectly. The same price is being charged for a package of flour, for example, but the package will contain less flour. Although the vast majority of Egyptians say they would rather go hungry than accept an inglorious peace, a peace agreement would certainly ease the pressure on prices, and hence on Sadat.

One authoritative Egyptian official in the economic field, who asked not to be named, noted that one of Egypt's greatest problems is what economists call "infrastructure." That means things like electricity, water supply, drainage, roads, public transportation, telephones—the basic services needed to make a society function.

Even a casual visitor to Cairo can see why. The traffic jams in that city of 8,000,000 are monumental. The buses are sardine cans. People grab on to the sides of the packed buses in scenes that look like the U.S. evacuation of Saigon.

The telephones are a national joke. It can take 20 minutes to get a local call through because of the inefficiency of the system. Turn on a water faucet, and rust may come out along with the water. The housing shortage is critical, too. Money now spent on arms could ease these problems, although not solve them.

"I think the most important thing might be the transfer of technology," said the Egyptian official, as the sound of honking horns from the noonday Cairo traffic filtered through his open window. "That may cover many fields—agriculture, industry, all kinds of activities."

He also noted that Egypt has a huge foreign debt for a country its size. The most recent figure is 12 billion dollars—almost exactly the size of Egypt's gross national product. That would be the equivalent of a two trillion dollar foreign debt for the United States. As much as a quarter of the Egyptian debt has been financed by loans from commercial banks in other countries at high interest rates. That problem, too, might be helped by a peace agreement.

In addition, Egypt's industrial plants need modernization. There is equipment in the textile plants that dates from the 1940s. Some of the equipment in the steel plants was sent from the Soviet Union years ago, when Egypt was carrying on a political flirtation with the Soviets.

The people who pay the bills in Israel and the Arab lands—while they insist on peace terms that won't compromise their interests—are keenly aware of the lift that peace could give to their standard of living, and to life in general.

"The money that goes into the military can go to economic problems," said Zvi Gilboa, a 22-year-old economics student at Hebrew University in Jerusalem. "And everyone wouldn't be living in fear that tomorrow there's going to be a war."

"Our desert is not so green, but it is better than the desert of Egypt," said Ely Tirosh, who lives in the Israeli settlement of Ma'ale Adumim on the occupied West Bank. "Every Israeli prime minister has said: We can work together in this area. We can maybe use the water of the Nile together. We could help them and they could help us."

"I have a publishing company, but I can't do business with Arabic publishing companies," said Myrna Pollak, a New York-born professional woman in Tel Aviv. "This is a country of only 3 million people, and how many people read books? This isn't just true of my business, but of everybody's business. I don't know if anybody who doesn't live here can understand the sense of claustrophobia that comes from closed borders."

"I think we're going to have a flowering in this country, almost like the '60s in the United States," said Mair Hyman, 21, a Canadian-born student of social work at Hebrew University. "Only not a protest 'against' something. It will be something 'for'—music, art, poetry, travel."

The Palestinian Arabs, too, feel there would be economic benefits from peace, although their highest priorities are getting rid of the Israeli occupation of the West Bank and the Gaza Strip and the creation of a Palestinian state.

"Like the Germans and the French," said Sami Abdel Nour, 29, a shop-owner in the Arab city of Nablus on the West Bank. "They were at war, and now they're living in peace. Maybe for the economy it would be better, because we can bring a lot of investors from the Arab world.

"If there is peace, everything is possible. The Israelis, if they have the know-how, we can mix it together with the Arab oil."

In Egypt, the feeling is similar. "It would be very different," said Khaled Mortagy, 17, a mathematics student in Cario whose father was an Egyptian general during the 1967 war with Israel. "Now Egypt's money is going for weapons. If there weren't war, this money could go for the benefit of humanity in Egypt."

"We have economic problems that nobody can deny," said Abdullah Sodani, 45, who lives in the Hewan industrial area south of Cairo. "We have a terrible housing problem. I hope this will ease off a bit once the wars are over.

"I get 50 pounds (about $75) a month. Only 6 pounds of that goes for housing. But I have four children and I have to take them all to school and at the end of the month, every single piaster (penny) is gone.

"We can't split our resources between military and economic development," he said. Sadat's idea is that we can't build the country—we can't grow—while maintaining such a military budget."

"Of course, it's going to be much better," said Ayaad Brince Mohamed, 37, an Egyptian service station attendant whose wife is expecting their second child. "We're going to be more healthy. There will be more food. There won't be price increases, there won't be wars, and there won't be service in the military. Everything will be good."

Some observers say that peace might not be an entirely unmixed blessing. Like the United States after World War II, Egypt, Jordan, Israel and other countries might suffer some dislocations in going from a wartime to a peacetime economy.

In Egypt, for example, there is already a labor surplus. Half a million men are now under arms. If they were dumped from the army into the job market all at once, the unemployment might temporarily get worse.

In Israel, probably the deepest social and economic division today is between the Sephardic, or "Oriental" Jews—those who came to Israel from elsewhere in the Middle East—the European, or "Ashkenazi" Jews from Europe and North America. The population is split about half and half.

The Sephardic Jews are Israel's have-nots. They are disproportionately represented in lower-level jobs. They make up 50 percent of the population but only 17 percent of the university students. The need to present a united front has submerged the tensions between the two. If peace came, these tensions might bubble to the surface.

Other things might enter Israeli life as well. Drugs, women's lib, the sexual revolution—all have by-passed Israel thus far, as that country's preoccupation with security has eclipsed everything else. If there were peace, Israel might have to deal with them.

"Whatever one does, it's risky," observed Yehezkel Dror, a dovish professor at Hebrew University. "It's a gamble with high stakes. If peace comes, it will bring social and psychological changes. We will have to take a look at ourselves. It will bring problems.

"But," he added with a smile, "I'd rather have those problems."

PLO Offers Israeli Soldier in Return for Prisoner List

BEIRUT, LEBANON.—Palestinian guerrillas say the only Israeli prisoner of war in Palestinian hands will face trial as a war criminal, but the PLO indicates that it might free him in exchange for a list of Palestinian prisoners now held in Israeli jails.

The Popular Front for the Liberation of Palestine-General Command, a small splinter group, took reporters to a secret site in southern Lebanon Thursday to show them Avraham Nissim Amram, the soldier who the guerrillas said was the first Israeli prisoner of war ever captured by the Palestinians.

Amram, 34, who was captured April 4 about three miles south of Tyre in south Lebanon, looked fit and told reporters he had been treated well.

He asked reporters to relay a message to his wife and three children, telling them he was all right and would be coming home soon "with God's help."

The guerrillas who displayed Amram said he had been given an attorney and would be tried on charges of "participating in wars against Arabs, entering Palestinian positions illegally, entering Lebanese territory and committing acts of aggression against the Lebanese and Palestinian people."

However, the guerrillas said the Palestine Liberation Organization, the guerrilla umbrella group of which the PFLP-GC is a member, might be willing to return Amram if Israel gives it a complete list of Palestinian prisoners held in Israeli jails.

Amram's right hand and arm were bandaged where he was wounded just before his capture. He said he was "interrogated" but never beaten or tortured. He said he had been visited three times by a doctor.

Peace—The Political Obstacles

(By Robert Adams)

WASHINGTON.—Although spring has long since come to Washington and to the Middle East, the Israeli-Egyptian peace talks are still locked in the ice of January.

Israeli Prime Minister Menachem Begin is about to arrive in the United States to celebrate Israel's 30th birthday and to have more discussions about breaking that ice.

Egypt, Israel and the United States are still officially upbeat. All three point to the fact that Egypt and Israel are at least talking to each other, although much of it is done indirectly. "The efforts are not dead. They're not even half dead. They're very much alive," an Egyptian official declared.

But when pressed, no one familiar with the peace process can point to any substantive progress in the last several weeks. The Israeli-Egyptian political committee and military committee—which began direct talks amid much optimism last January—are still frozen.

Right now, the most intense efforts are aimed at getting Israel and Egypt to agree on a "declaration of principles" for the peace talks. Egyptian President Anwar Sadat, who broke off the peace talks last January, says he won't resume until a declaration is achieved. But even this modest goal seems hardly any closer today—if at all—than it was in January.

Behind the wrangling over the language of the declaration are sharp disagreements over the most profound issues that divide Israel and the Arabs. They are issues that have figured in four wars in the last 10 years, issues among the most bitterly controversial and complicated on the planet.

The disputes center on two basic points.

First, the land: What would "secure borders" for Israel constitute? Will Israel give back territories it seized from Egypt, Jordan and Syria in the Six Day War of 1967? If so, how much—and with what security guarantees for Israel?

Second, the Palestinian Arabs: Will they be given self-determination? Can a Palestinian homeland be established in the Middle East under conditions Israel and the Arabs can both accept? And who will speak for the Palestinians at the negotiating table?

"You've gotten to a point," observed one U.S. official, "where the euphoria of Sadat's trip to Jerusalem and what happened after it—including expectations that rose much, much too high— are past. You're now in a time when there's just no way of ducking the tough issues. And there are tough issues on both sides."

For Egypt, the dispute over land involves only the Sinai Desert. Israel captured the Sinai and the Gaza Strip from Egypt in 1967, but Egypt has not demanded Gaza back. Because Gaza is populated by Palestinians, the Egyptians assume that the future of the Gaza Strip is tied to the Palestinian question.

But on the Sinai, Egypt is adamant. It is insisting on the return of every inch.

Israel has no problem with giving back most of the Sinai. It consists almost entirely of sand. But a strategic tract called the Rafiah Salient, in the northeastern Sinai, is a different story. That is the area where Israeli and Egyptian tanks roll when one country is attacking the other. It is also the area where Israel has built more than one dozen settlements. The largest settlement, called Yamit, has 1,500 inhabitants, and Israel talks about making it a city of 20,000.

Israel has acknowledged, in principle, Egyptian sovereignty over all of the Sinai. But Israel has insisted on keeping its settlements and on keeping a "security force" there to protect them.

Egypt maintains that this would be a gross infringement on Egyptian sovereignty. The Jewish settlers would be allowed to stay in the Sinai as Egyptian citizens subject to the laws of Egypt, but Egypt refuses to accept the idea of Israeli troops on Egyptian land.

With Jordan, the main point of controversy is the West Bank of the Jordan River. It is here—and in the Gaza Strip—that the question of land runs head-on into the Palestinian question.

Because the West Bank and Gaza were part of Palestine until 1948, the 600,000 Arabs who live on the West Bank and the 350,000 in Gaza are Palestinians.

Jordan and the Palestinians say they should have self-determination. They should vote on whether they want to become an independent state, or develop some kind of link with Jordan, or with Israel. Israeli troops, they contend, must withdraw completely from the West Bank and the Gaza Strip, with interim security arrangements to be negotiated. Egypt takes the same position.

But Israel—which has dozens of Israeli settlements sprinkled throughout the West Bank—has not committed itself to any withdrawal at all. Its position is that the pre-1967 borders of Israel were, and are, indefensible. If the West Bank is given back into Arab hands, the argument goes, it would leave Tel Aviv and other major cities only a few miles from Arab artillery.

The controversy was highlighted by the recent dispute between the United States and Israel over United Nations Resolution 242. That resolution was adopted not long after the 1967 war. Its formula—worded ambiguously enough so that both Israel and the Arabs accepted it—was essentially that Israel would withdraw "from territories" captured in the war, in return for Arab recognition of Israel's right to exist with secure borders. Israel would trade land in exchange for peace.

But the resolution does not call for withdrawal from "the territories" or from "all the territories." It only says "from territories." How much territory? That was to be decided later.

Until Begin was elected a year ago, Israeli governments had said Resolution 242 required at least some Israeli withdrawal on all fronts. Begin's interpretation is different. He has said—in the face of opposition from President Jimmy Carter—that it doesn't necessarily apply to the West Bank or to Gaza.

Added to this is Begin's well-known feeling that the West Bank is part of the historic land of Israel. He calls the West Bank territories by their biblical names, Judea and Samaria. He has allowed new settlements to spring up on the West Bank even as the peace talks were going on.

Earlier this month, the Begin administration further clouded the issue. It said it was willing to negotiate on the basis of 242 with all parties—specifically including Jordan. That seemed to mean that Israel was committing itself to at least some withdrawal from the West Bank. But Israeli officials refused to concede that this was what it meant.

"They implied that 242 might be applicable to all fronts," a Jordanian official commented sourly. "They didn't say specifically that 242 applies to the West Bank." The issue is thus left in a haze of blue smoke and words.

For the Palestinians, Israel has proposed "self-rule." Boiled down, the Israeli proposal is that an "administrative council" be elected by the residents of Gaza and the West Bank. This council would run things like transportation, education, agriculture, health, welfare, and rehabilitation of the Palestinian refugees—as many as 600,000 of whom live in poverty and misery in refugee camps. Residents could opt for either Jordanian or Israeli citizenship. The whole arrangement would be reviewed after 5 years.

The stinger from the Arab viewpoint is this: Israel would not give up its claim of sovereignty over the West Bank and Gaza. And Israel would maintain "security and public order" in those areas. In short, Israel would keep its troops there. Jordan and the Palestinians say they can't accept this.

Beyond this, the parties can't agree on who would speak for the Palestinians at the bargaining table. Interviews by the Post-Dispatch in recent weeks indicate that the majority of Palestinians say they want the radical Palestine Liberation Organization, or PLO to represent them. Israel refuses to negotiate with the PLO or its leader, Yasser Arafat.

With Syria, the main point of dispute is the Golan Heights. Israel seized this land in the 1967 war and has built settlements there. Syria demands the return of the Golan Heights. Israel, noting that the high hills of Golan are an ideal place for firing positions inside Israel, says no.

In Lebanon, Israel still has forces left in the aftermath of the Israeli invasion of southern Lebanon in mid-March. But that situation appears to be cooling off as Israeli soldiers withdraw and United Nations troops move in. It is hoped the "Blue Helmets," as the UN troops are called, will be able to keep the PLO out of south Lebanon.

What is the American role in all this? The U.S. interests in the Middle East are enormous. A major flare-up there could draw in the major powers, pitting the United States against the Soviet Union. America has an historic and a moral commitment to the survival of Israel, which is both a democracy and the strongest military power in the Middle East. America also needs to keep Arab oil flowing. If Middle East hostilities shut off that flow, as they did in the October War of 1973, America would suffer and Western Europe and Japan might face economic collapse.

For a while, the U.S. role was that of "honest broker." Now it is more than that. Alfred Atherton, assistant U.S. secretary of state, has been shuttling back and forth among Cairo, Jerusalem and Washington hoping to thaw the negotiating climate. President Carter reportedly had stern words for Begin during their celebrated face-down in Washington a few weeks ago. But there has been no visible movement from either Israel or Egypt.

A recent event that has caught the eye of Carter and Sadat has been the development of a fledging peace movement inside Israel. "Peace Now" is its name. Not long ago, 350 Israeli reserve officers—some of them with medals from past wars—called on Begin to be more flexible. Groups of Israeli intellectuals—and, significantly some influential American Jews—support the move. Last Wednesday, hundreds of Israelis carrying signs that read "Peace Now" in English and Hebrew demonstrated along the main highway between Jerusalem and Tel Aviv.

Cairo and Washington are hoping the movement will put enough pressure on Begin to force some concessions—at least enough so that Israel and Egypt can agree on a declaration of principles. But Begin's main bloc of grass-roots support in Israel—the Sephardic Jews, Israel's have-nots—haven't joined the peace movement.

Begin is even under pressure from some in the rightwing Hirut wing of his own Likud Party for having "given up too much" to Sadat. Whether the peace movement will emerge as a major force in national politics, as the anti-Vietnam War movement did in the 1960s in the United States, is open question.

The most optimistic scenario being sketched by diplomatic observers for the Middle East runs something like this: Pressure from Carter and from the peace movement nudges Begin toward concessions on territorial withdrawal and on the Palestinians. A declaration of principles is agreed on. The direct talks between Egypt and Israel pick up again.

The declaration is broad enough to let Sadat claim that the Palestinians and the other Arab countries are taken care of. Then Sadat proceeds to negotiate an agreement on the Sinai. Jordan, which has stood on the sidelines, decides to enter the talks. Syria, which has rejected Sadat's initiative, finds it has no choice but to negotiate. Eventually, treaties are signed guaranteeing the return of the land, open borders, free trade, and some kind of arrangement for the Palestinians.

But the road to such a happy state of affairs is as rock-strewn as the Judean hills. And there is an uneasy sense that time may be running out.

Atherton touched on the latter point in a speech April 5 in Atlanta. "There are strong forces," he said bluntly, "forces of historical distrust and suspicion, of bitterness and violence, of national ambition and ideological commitment, of perceived injustices on both sides—which are working against the success of all that we and our friends in the Middle East are seeking to achieve. And time is on their side, not ours."

Privately, many diplomats wonder how longer Sadat can go on without some tangible results. His man-in-the-street popularity remains very high, and there is no vocal opposition at home. He has dismissed his

critics in the Arab world as "dwarfs." And the Egyptian people have rallied around him.

But there is always the chance that if Sadat doesn't achieve success soon, things could take a dramatic change for the worse. What if Sadat were assassinated, or died, or was overthrown in a military coup? His successor might be far less open to peace.

In addition, Jordan's King Hussein, once considered a moderate, has seemed to take a tougher stand lately. Israel, he told the newspaper An Nahar in Beirut, isn't interested in peace. Therefore, Arabs should start gathering arms. Palestinian bitterness, already high, soared after the Israeli invasion of Lebanon, which took many Palestinian lives.

Some observers point to next October as a possible moment of truth. That is when Israel and Egypt must renew their approval of the stationing of United Nations troops in the Sinai in accord with the interim disengagement of 1975. If Sadat has not achieved real results by then, some fear, there may be increasing pressure on him to turn tough.

In Egypt, a 25-year-old Cairo man named Adel Mohammed summed up the uneasiness.

"If this opportunity isn't taken," he said of the Sadat initiative, "I don't think there will be an opportunity in the next 20 or 30 years. This man can come only once."

A REPORTER'S NOTEBOOK

(By Robert Adams)

It was 7 o'clock in the morning. I had checked out of the Jerusalem Plaza Hotel and settled into the back seat of a cab for the hour's ride to the airport. I was bound for Cairo.

The driver turned on the radio. Would I like an English-language news broadcast? He asked. I said yes.

I dozed, half-listening. Suddenly the words cut into my slumber: "Police today were seeking the murderer of Abdul-Nur Khalil Janko, a prominent businessman on the West Bank. Janho was shot to death last night . . ."

I sat up, startled. My God, wasn't that the man I had interviewed just 14 days ago? I listened for details.

Janho was a widely known Arab moderate. He was also a controversial figure. Only two weeks before, he had sat in his store telling me how it felt to be trapped between the Israelis on the one hand and the terrorist Palestine Liberation Organization on the other. He had spoken out for co-existence with Israel, and the PLO had threatened to kill him. He had warned of a vicious circle of violence that could last till doomsday.

Now he was dead—the PLO was claiming responsibility.

I sat stunned for perhaps half a minute.

"How fast," I asked the driver, "can you get me back to Jerusalem?"

It was a jarring introduction to the stark and brutal uncertainties of the Middle East. Life and peace are never sure anywhere, but they are decidedly unsure in that part of the world. A man, a building, a city—all can be wiped off the planet overnight, and while I was there, some were.

I didn't go to Cairo that Thursday. I checked back into the Jerusalem Plaza—I could almost hear the desk clerk thinking that all Americans are half-mad—and wrote a story about Janho. The next day, I talked to his son and to his widow.

I talked to other Arab moderates, too. Their response was not only sorrow but anger. Someday, said Janho's son, Khalil, people would run the PLO out of the West Bank as if they were wild ducks.

Three days later, I finally got to Cairo. One of the people on my list to call there was Ussef Sebai, the influential editor of Al Ahram. Before I could call, he, too, was murdered by Palestinian terrorists.

Another day, another taxi. Night this time.

I was riding from Nazareth to Tel Aviv with Lester J. Millman, an American free-lance photographer who lives in Israel. We had spent three grueling days doing interviews and taking photos in Palestinian refugee camps. Tomorrow would be a quiet day. Maybe a day of rest.

As we approached Tel Aviv, we realized something was wrong. The main road was blocked. An Israeli civilian was standing there with an M–16.

We asked what happened. There had been a terrorist attack, one of the guards answered. A bus had been hijacked. Some of the terrorists had escaped. They were thought to be roaming in northern Tel Aviv—in the area where Lester lived.

It was Saturday night, March 11, a date that was later to be called Black Sabbath. Palestinian terrorists had seized a tourist bus on the road north of Tel Aviv. In the end, 35 people were dead and more than 80 injured. It was the worst terrorist attack in 30 years of Israeli's existence.

Our press cards got us past the roadblock. I felt a weird mixture of fear and excitement. None of it seemed real.

Cautiously, we made our way to Lester's house. He hauled his camera gear out as the driver waited nervously. "Bob," said Lester, who had photographed the 1973 war, "do me a favor. Keep your head down."

There was no rest on Sunday. I spent the day in a sleet storm—a rarity for sunny Israel—interviewing people on the streets of Jerusalem for reactions.

I was prepared for anger, but the depth of their fury startled me. People were talking about hanging the terrorists from lampposts.

"They kill children, we kill children—why not?" said an enraged taxi driver as he talked of retribution.

At a press conference that day, an angry Menachem Begin compared the PLO to the Nazis. My own, very personal hope was that Israel would resist the temptation to strike back massively. I thought it might do irreversible damage to the peace negotiations. After the interviews, after the rage in the streets, retaliation seemed a tragic inevitability.

It came Tuesday night, when Israeli tanks rolled into southern Lebanon. Wednesday morning, I was headed north, toward the battlefront.

Bizarre things happen when you cover an invasion—some of them funny, some frightening, some just odd. I rode from Jerusalem to the Lebanese border with two other newsmen, a stringer for the Washington Post and a reporter for the Seattle Times.

We were hardly past Jericho when a hard object smashed into our windshield. Nobody was hurt (thank God for safety glass). But what in the world was it? We were three hours from the Lebanese border. There was nobody around. Surely the artillery fire couldn't reach this far south. Or could it?

We drove on, debating whether to stop. The glass was still in the windshield. It was held there by its plastic covering. But the cracks made it hard to see through, and the cracks kept widening, eventually making the windshield almost opaque.

Finally, we got out and ripped out the windshield by its rubber edges. Glass was everywhere. I sacrificed a T-shirt to wipe the seats and to clean off the dashboard so chips of glass wouldn't fly into our faces. Then we drove on. It was a windy trip.

A bad omen? We allowed ourselves some gallows humor. Nothing else happened, though, either on our way north or after we got there. What caused our fright? Probably, we concluded, nothing but a rock kicked up from the road.

The informality of the Israeli army astounded me. We saw soldiers hitchhiking toward the battlefront. It was a far cry from the regimentation of my days as a private at Fort Knox.

We picked up one, a young woman in olive drab. Like reporters, we pumped her for information. Like a soldier, she gave none.

We wondered how far north we'd get before the Israeli army stopped us. We found the answer at Metulla.

Metulla is an Israeli village of 500 people. It sits right on the Lebanese borders. Its inhabitants spend a lot of time in bomb shelters. On the main street, we found a large crowd of reporters in front of the town's only hotel. This was the stopping point.

We spent the day getting briefed by the military and talking to people in bomb shelters. Where to spend the night was a problem. The little hotel was fast filling up, so I grabbed a room there. But the hotel had only one Telex and two telephones for perhaps a hundred newsmen. The lines were very long.

My two colleagues and I headed south a few miles. We stopped at a hotel in Kiryat Shmona, another small town. Thus, I managed to be checked into three different hotel rooms on the same night—in Metulla, in Kiryat Shmona and in the room I still had at the Jerusalem Plaza. Try explaining that on your expense account.

The next day was a day of waiting. We were promised a trip into the occupied territories, but fighting was still going on. It might create a public relations problem, the Israelis thought, if a hundred foreign reporters got blown away by PLO artillery after the Israeli army said it had cleaned out the PLO.

So we had the incongruous spectacle of dozens of newsmen—some of whom had covered Vietnam—lounging, dozing, sipping beer or 7-Up in the warm sun outside the hotel in Metulla while, only four miles away, people were fighting and getting killed. All of us knew that if we went away even for a minute, the bus would come, the army would say, "Get in," and it would be gone. So there was nothing else to do, no place else to be.

We had only the BBC cracking over our short-wave radios to keep us in touch. Often we learned more about the invasion from the BBC than we did from our official military briefers.

"The guys I worry about," Jon Borders of the Chicago Tribune was saying of other reporters, "are the guys who say, 'Where are the bodies? I want to see the bodies.' And then when they see them, they puke."

At last the word came, and we scrambled onto a bus. Ironically, we went across the Lebanese border at the "good fence"—an opening in the border through which Lebanese had been allowed to come and work or get medical care in Israel. It had become a symbol of quiet Arab-Israeli cooperation. Now it was an invasion route; tanks and artillery had rolled through for two days.

The scene was filled with ironic contrasts. Ugly tank tracks blotched the beautiful spring green of the Lebanese hillsides. Israeli soldiers calmly ate lunch under a tree as fighting went on just a few miles away. Donkeys and sheep wandered the hills as if nothing were happening.

Besides an Israeli military officer, one of our guides was a Lebanese Christian, a schoolteacher, who spoke English with a French accent. Some of the villages had French-sounding names, such as Marj Ayun, left over from the days when France had control of Lebanon, earlier in this century. As we went through the small Christian villages, little kids flashed V-for-victory signs with their fingers. For a moment, I felt as if I'd gone through a time warp—it was 30 years earlier, and we were covering the liberation of France.

I was dubious about those V signs. Was that a show put on for the benefit of these

foreign newsmen? Had the Israeli army put the kids up to it? Was it something the kids had seen in an old World War II film on TV? Or was it a sincere expression of gratitude to the people who had just invaded their country?

The last, apparently, was closest to the truth. The PLO had been harassing the Christian villages in south Lebanon, and the Christians had quietly cooperated with the Israelis before. The people were genuinely glad to see Israel's army, and the soldiers didn't have to fight for these villages. Some villages that were PLO strongholds, though, were demolished.

In Marj Ayun, we stopped in the village square to talk to people. A little later, there was a loud explosion. It was PLO artillery fire, aiming for, but not hitting, the village. Our Israeli military officer spoke English slightly out of syntax, but his meaning was perfectly clear: "In my opinion—back to the bus!"

That ended the trip. There were no dead bodies around on this journey, and I know one correspondent who wasn't sorry.

"The Phoenicia Hotel?" The taxi driver in Beirut laughed out loud. "The Phoenicia Hotel? The Phoenicia Hotel doesn't exist."

Of course it existed, I told him irritably. The American Express travel agent in Cairo, where I had begun the day, told me I had a confirmed reservation there. Would American Express lie to me?

True, my recent luck with hotels hadn't been spectacular. TWA had managed to strand me in Israel with neither hotel nor baggage. At my first hotel in Cairo, I had to be led to my room by candlelight. At my second hotel in Cairo, I turned on the water faucet and rust came out. At my third hotel in Cario, I had no desk and no chair and had to perch my typewriter on a shelf.

Still, a hotel that didn't exist? The investigative reporter in me came to the fore. What was this, some Lebanese con game? Did this guy have a brother who owned a hotel and gave the cabbie a kickback every time he steered some gullible American there? Did he actually think he could fool me?

"Take me to the Phoenicia," I insisted.

And so he took me to the burned-out, rusting skeleton of a building that once was the Phoenicia Hotel. It had been destroyed in the Lebanese civil war of 1975–76. Once it had been one of the finest hotels in Beirut. Now it was rubble.

Embarrassed, I asked the cab driver for advice. He had the grace not to gloat as he took me to a new hotel called the Mediterranee, on the Mediterranean Sea.

It was so new it hadn't officially opened, but it was taking guests anyway. There were eight persons there, including me, and we rattled around the building like BBs in a bucket.

I was braced for Beirut. I'd never been to Lebanon—this was late in February, before the Israeli invasion—and like most Americans, I knew Beirut entirely through the newspapers. It was the city of the Moslem-Christian war, the headquarters of the PLO. I was prepared for filth, for bullets, for blood in the streets.

What I wasn't prepared for was its beauty.

Before the war, Lebanon was the Switzerland of the Middle East. It was a tourist's paradise. Beirut was built in a spectacularly beautiful setting that looks out over the blue sea on one side and up to the lovely, snow-capped Senine Mountains on the other. There were no bodies, no filth, no blood on the seafront road this day. Only peace and calm and blue water.

The next morning, I went to the shore and spent an hour just looking. After two weeks in the traffic-choked, people-clogged, nerve-jangled streets of Cairo, the serenity was like a warm bath. Later, I went jogging along the seacoast.

"A far sea moves in my ear," Sylvia Plath wrote. This sea will move in mine a long time.

In spite of the beauty, heartbreak was never far away in Beirut. In a way, the entire city is a war cripple. Entire city blocks were destroyed, and countless human lives were destroyed as well.

I remember a woman I met at a hospital run by the PLO. She had a scar on her forehead, and she was being treated by an orthopedic physician.

Was she Palestinian? Lebanese? I never found out. Somehow her nationality got lost as the doctor, in that clinical way doctors have, explained in English exactly how much of her foot had been blown away and described the wondrously advanced artificial arms and legs and hands his hospital was manufacturing.

At one point, the woman shyly asked the doctor something in Arabic. She had been looking at an artificial foot, tinted in flesh tones, with toes painted in. It looked so natural, she thought; could she have one of those?

The doctor explained, in English to us, in Arabic to her, that it wouldn't be as comfortable as a different kind, without the toes.

A war casualty of a different kind was a cab driver named Tony. His full name was Tony Handal, but that wasn't the way he introduced himself. He said he was Tony from the St. George's.

He had driven his cab for 18 years, working out of the St. George's Hotel. His father had driven a cab at the St. George's before him. He told me that his father had once driven Winston Churchill from that hotel. Tony said it as if the hotel were part of his own name: Tony-From-The-St-George's.

Only the St. George's didn't exist any more. Like the Phoenica, it was destroyed during the war. Tony had been working the Mediterranee Hotel recently, but the loss of the St. George's affected him almost like an amputation, as if a part of him were gone.

One afternoon, when I had some time, I had him take me into the Senine Mountains, and later he showed me the bombed-out areas of Beirut. His descriptions were in past tense.

"Here they used to buy flowers," he said, pointing out the rubble. "Here coffee, cake, This used to be a bank."

The entire main market area of the city had been destroyed.

I got out and poked through the dust and twisted metal and ashes of one building. Strewn amid the rubble were some bills of lading, dated 1966.

Later, Tony asked me to remember him to Fred Friendly, a prominent American newsman he had once shown around Beirut. He wondered if Friendly would remember him.

"Tell him Tony said hello," he said. "Tony from the St. George's."

The police in the Helwan industrial district south of Cairo were very polite. Would we take a seat, they wondered? Would we like some tea?

I wasn't in a sitting mood, and I didn't want any tea. What I wanted were some answers. Such as, what the hell were we doing in a police station in the first place? And when were we getting out?

We had been taking pictures. I was with Ramsey Amine, a young student at American University who served as my interpreter in Egypt, and J. Ross Baughman of the Associated Press, who was shooting the photographs (and who won a Pulitzer Prize for some other photos a few weeks later).

Ross and I had our Egyptian press credentials and our passports; Ramsey had his papers, too. The place we were photographing was just a housing development where factory workers lived. I had spent part of a day interviewing people there earlier that week; now we wanted some pictures.

Officially, there is no censorship of the foreign press in Egypt. Reporters can write what they please. We weren't in a military area. Why, then, had we been picked up by the Egyptian police?

Being in a police station is bad enough anytime. If you don't speak the language, it's worse. Ramsey Amine exchanged some words with them in Arabic. "They're being stubborn," he summed up.

What had happened, as it turned out, was that one of the people living in the housing project was a security guard at one of the plants nearby. When he saw some foreign-looking guys taking pictures, his reaction was to call the police. The police, not quite knowing what to do with us, were making us wait for a higher-up security official to come down from Cairo. And so he waited.

After a while, Ross handed over the roll of color film he'd shot—too readily, I thought—and the Big Security Official said he would develop the firm. If there was nothing sinister on it, we could have it back. Trouble was, it was taken on Kodak Ektachrome Six film. The chemicals necessary to develop it weren't available in Egypt, which is why we had planned to send the film to St. Louis unprocessed. The chemicals the Helwan police had would ruin the film.

Ross tried to explain that, but to no avail. After two hours, we were let go, minus the film.

That afternoon, I headed for the office of Ahmed Shohdi, the head of the Egyptian government's press office. He had already heard about what happened. Ross had got a call through to the AP, and the AP had called the press office.

Why hadn't I had a government escort, Shohdi wanted to know. Didn't I know Helwan was a sensitive area, because they had factories there? Trying to keep my temper below the boiling point, I politely asked why the hell he hadn't told me that escorts were necessary in some parts of Cairo. We'd been on an open road; any tourist could have taken the shots we took. Why was an escort necessary?

Finally, I asked him for a list of "sensitive" areas so that I could get the required escort next time. Then came the tip-off.

There was no list of sensitive areas, he said.

"Just tell us where you want to go. The government will send an escort along to help you." Officially, there is no censorship in Egypt.

Officially, there is censorship in Israel. Under Israeli law, all stories dealing with national security matters are supposed to be approved by a government censor before being filed.

In practice, many reporters just file their stories anyway. I didn't submit any of my stories to the censors while I was there, and nothing happened. The government, however, has one way of exercising censorship even if the story hasn't been submitted in advance.

It is an open secret that the censors monitor the Telex machines of the major foreign news organizations in Tel Aviv and Jerusalem. If one of them sends something the censors don't like, they simply garble the copy—or pull the plug and stop the Telex.

The stories get into the American papers anyhow, reporters being a sly and resourceful bunch. They dictate the touchy parts over the phone to their home offices in the United States; they fly to Cyprus or Greece to file the story. But the efforts of the censors have made some American newsmen very bitter.

I was in a newsroom in Tel Aviv one night and heard an American correspondent on the phone, blistering the hide of a censor who had garbled his copy. The part they garbled, he was saying, was a statement that Prime Minister Menachem Begin had made on national television. Maybe it had to do

with security, but the secret was out, and trying to censor it was, he thought, ridiculous. But the censor won; the reporter had to bring the story over.

Photos have to be censored, too, and here I couldn't escape. None of the airlines flying out of Tel Aviv will ship color film unless it has the censor's green sheet of approval attached. So the photographer and I had to make two trips to the censor's office.

None of the photos was cut out, but just going through the process stirred the deepest kind of revulsion in me. It was the first time in my life I had been forced to ask the permission of any government official to print something. Who were these people, I fumed, to put blinders on the people of St. Louis?

After the second time, as we left, I indulged in the childish gesture of spitting in the general direction of the building. Maybe the grass will be a little greener there.

"What do you think? What do you really think?"

Wherever I went in the Middle East, people asked my own opinion—about war, peace, Jimmy Carter, the chances for a settlement and which side I thought was right. Reporters are trained to keep their feelings out of their stories, and they try; but no one can visit that turbulent corner of the world without drawing some conclusions, for better or worse.

My strongest impression is a sense of how much all of us are prisoners of our personal histories. Given the separate experiences of the Israelis, the Egyptians, the Palestinians, given the special prisms through which each side looks at the Middle East and at the world, the viewpoint of every side is understandable.

I kept trying to put myself in the place of the people I met. What would my own views be if I had lived what they lived, suffered what some of them suffered? If I had been born Jewish instead of Roman Catholic, if I'd had memories of the Holocaust burned into my brain, if I had lost a brother fighting for the survival of my country through four wars, if I had grown up listening to Arab leaders talk about driving us into the sea, how else could I see the world except as the Israelis see it?

I was startled at how little time it took to cross Israel—less than an hour from Tel Aviv to Jerusalem by car, less than an hour from Jerusalem across the West Bank to the Jordan River. After that, I had no trouble understanding the Israelis obsession with secure borders; there is, literally, no place to retreat except into the Mediterranean.

And the Palestinians? Like Carl Sandburg, I love the Illinois prairie where I was born. If any foreign army had driven our family away, I can readily imagine dedicating my life single-mindedly to getting back that land. By terrorist attacks, by murdering women and children? That I couldn't do, any more than most Palestinians can, but like them—maybe I would take a secret pride in the attention it would bring. I saw men who still had papers from 30 years ago saying they owned land in what is now Israel. I saw children playing among garbage in the refugee camps. Can anything except despair—and desperate acts—come from such places?

Everybody I met said they wanted peace. People talked passionately, longingly, about peace. But peace always seemed to be second on the agenda. Israel wants peace—but security first. Egypt wants peace—but the Sinai first. Syria wants peace—but the Golan Heights first. The Palestinians want peace—but a national homeland first. One thinks of Lincoln summing up the Civil War: All pray to the same God, and each invokes His aid against the others. The prayers of all will not be answered; those of none will be answered fully.

More than anything else in the Middle East, one gets a sense of powerful forces at work, social and historic and political and human forces moving unseen, like the tectonic plates under the surface of the earth, toward some tragic and inevitable climax.

Watching the Middle East is like measuring the movement of the earth along geologic fault lines or tracking a comet on a collision course with North America.

You can predict more or less where the earthquake will strike, you can forecast approximately when the ball of flame will plunge through the atmosphere and demolish New York City, but as in a dream where one runs and goes nowhere, like a nightmare where one must move but stands frozen and paralyzed, there is nothing you can do to prevent the final, horrifying outcome.

My own dark scenario—which I passionately hope turns out to be a false prophecy—is that pressures for "peace now" inside Israel will force Begin to soften his position just at the time when pressures inside Egypt and the Arab world force Anwar Sadat to harden his. The two will miss each other like ships in the night, and the Middle East, having learned nothing from history, will be condemned to repeat it.

It is impossible not to feel a profound humility in the face of some experiences. I talked to a Palestinian woman in Lebanon who lost eight members of her family in the Lebanese civil war. I talked to Israelis who had fought in four wars, and had scars to show for it. I talked to a man in Israel who had lost an eye fighting the Egyptians; I met a man in Alexandria who had lost an eye to an Israeli land mine. I saw men consumed with bitterness in the refugee camps. I saw grandmothers in bomb shelters during the invasion of Lebanon, guarding small children with quiet courage.

And I met people on both sides who showed deep sensitivity and insight. A secretary in Jerusalem had grown up with stereotypes about Arabs; now she was able to see the injustices that Arabs had suffered. An attractive young commerce student in Cairo pleaded for America to stop arming both sides: "We're losing our souls, and theirs." A Palestinian student on the West Bank noted the hopelessness felt by her people: "We're like a puppet, in a way—moved by other people."

I was haunted by the beauty of Jerusalem, saddened by the casualties of war, moved by the hope and tragedy everywhere. The impressions are indelible. I may be through with the Middle East, but I suspect the Middle East isn't through with me.

Is it possible to put all of it, half, a tenth, a hundredth, on paper? One turns to T.S. Eliot: "Words strain . . . slip, slide, perish." Or Robinson Jeffers: "Better mirrors than yours would crack in the flame."

In Bethlehem, after interviewing the mayor, Elias Freij, I stopped at the Church of the Nativity. It was here that Jesus was born 2,000 years ago. Today, it is a city under military occupation. One trusts that the Prince of Peace has a sense of humor, or a sense of irony.

At 36, I was 18 years past my days as an altar boy at St. Malachy's. Further still, in measures other than time. But the people, the faces, the fears and hopes, were printed on my brain. It was, for them—the people—that a backsliding Catholic knelt in a church in Bethlehem that day and lit a candle for peace.

CONTINENTAL BANK CONTRIBUTES TO REHABILITATION EFFORT

Mr. PERCY. Mr. President, the Continental Bank Foundation of Chicago recently made a 5-year pledge of $375,000 to Neighborhood Housing Services of Chicago, Inc., to rehabilitate a South Side neighborhood, the fifth such Chicago community to benefit from the NHS rehabilitation program.

I would like to commend Continental Bank for this contribution to the community. The Continental grant to fund a new neighborhood rehabilitation effort is the first from any single financial institution in the country to any of more than 40 NHS offices in cities across the country.

The grant will be used to organize, staff and administer an NHS office in the Little Village (South Lawndale) neighborhood on Chicago's near Southwest Side. Within the Little Village area, NHS expects to concentrate its efforts on an area bordered on the north by 22d Street, on the south by 31st Street, Kedzie Avenue on the east, and Central Park on the west. This half-square mile area is the home of an estimated 18,000 people and the site of some 2,000 residential structures, many of them four-flats built up to 60 years ago.

The four Chicago communities where NHS already is active include Heart of Chicago, Central Austin, Near Northwest, and West Englewood. Since NHS was organized in Chicago in 1975 as a partnership effort of community residents, financial institutions, and city government, almost $12 million in conventional and revolving purchase and rehabilitation grants and loans have been made to residents of the four target areas. In that time, the four neighborhood NHS offices have handled more than 1,300 requests for technical or financial rehabilitation assistance from residents.

Continental's grant for the Little Village community would defray costs involved in selecting the site and operational costs of salaries, neighborhood office space, equipment, and supplies. Those costs are estimated at about $375,000 over the 5-year period. Continental will make its first payment of about $75,000 toward the 5-year grant during the second quarter of 1978.

Continental Bank should be commended for its commitment to community improvement and its leadership role in funding numerous community organizations and redevelopment projects. It is through recruitment and active participation of lending institutions in the community, like Continental Bank, that these programs are able to succeed in providing the assistance needed for neighborhood revitalization.

ASSOCIATION FOR THE STUDY OF MOROCCAN-AMERICAN RELATIONS

Mr. PERCY. Mr. President, last month in Rabat, Morocco, the Association for the Study of Moroccan-American Relations sponsored a major international seminar entitled "From Anfa to Aix-les-Bains—1943–56." The seminar was the first in a series having the general theme "Toward a Third Century of Unbroken Ties," and featured a distinguished panel of American and Moroccan scholars, who examined the pre-independence period of Morocco's rela-

tions with the United States. It was attended by many prominent Moroccans, including the Governor of Tangier Province, Mohammed Kaissi.

The Association for the Study of Moroccan-American Relations (ASMAR) was officially created in May 1977, and has the enthusiastic support of Morocco's leaders, including His Majesty King Hassan II. I discussed plans to form ASMAR in August 1976 with Ambassador Robert Anderson. At that time it was my privilege to present to him a Bicentennial flag on behalf of the Congress. On the occasion of last month's seminar, Ambassador Anderson presented the flag to ASMAR's President Mehdi Elmandjra for permanent display in the Tangier American Legation Museum, which is ASMAR's official headquarters. President Elmandjra and Governor Kaissi asked me to convey ASMAR's appreciation to the Congress for this gesture of interest and friendship.

Mr. President, I am pleased to report on these happy events, and I ask unanimous consent that Ambassador Anderson's welcoming remarks at the ASMAR seminar be printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY AMBASSADOR ROBERT ANDERSON

Governor Larbi Kaissi, Mr. President, Excellencies, ladies and gentlemen, thank you for the opportunity to add a few words of welcome to this distinguished group. Much has happened in the past two years to enable us to be here today.

First and foremost is the deep interest and full support of His Majesty King Hassan II. On February 14, 1977 His Majesty told me, during a long discussion on the goals of the then proposed binational organization called "The Association for the Study of Moroccan-American Relations", that this enterprise had the potential of making the most enduring contribution in history to Moroccan-American relations.

Three months later ASMAR was formally created in Rabat with the wise counsel and active participation of one of Morocco's most outstanding leaders, the Minister of State for Cultural Affairs Hadj M'Hammed Bahnini. His continuing assistance and guidance as we now move forward to give substance to the objectives of the Board have and will continue to be a sine qua non for the success of ASMAR.

I would also like to express our deep appreciation for that indispensable link with the American academic and cultural communities, the Tangier American Legation Museum Society in Washington. The presence here today of James Tull, the official archivist of TALMS, a member of its Board and a valued colleague when I arrived in Morocco two years ago, bears witness to the importance our sister organization across the Atlantic places in contributing in every way possible to the future activities of ASMAR.

This memorable occasion which we will be sharing for the next two days would have been an unfulfilled dream were it not for the dynamism and imagination of Dr. Mahdi Elmandjra. Mr. President, I must tell you that not since my days with Dr. Kissinger have I been associated with someone who spends virtually his entire life in the air and accomplishes so much on those rare occasions when he touches down. We know you face far too many demands. We know you welcome challenges, no matter how difficult, to achieve the goals in which you believe. For the key role you have played in bringing us together in this historic setting, we thank you.

For quite some time I have been holding an historic memento for presentation to ASMAR to be retained permanently here in the old Legation. We are about to embark on the first Moroccan-American endeavor to deepen our relations through a profound and scholarly exchange among eminent private personalities from both our countries. I can therefore think of no more appropriate occasion than now to make this presentation. Mr. President, I have here a very special flag of the United States of America. On July 1, 1976 it flew over the Capitol in Washington on the occasion of the official opening by President Gerald R. Ford of the Centennial box of historic memorabilia sealed on July 4, 1876. At that time the American Congress decreed, and the President approved, that a similar box of memorabilia would be prepared and remain sealed until the 300th birthday of our country on July 4, 2076. This symbol of the enduring friendship between the Kingdom of Morocco and the United States of America was presented to me on behalf of the Congress of the United States by the Honorable Charles H. Percy, Senior Senator of Illinois for permanent retention in the Tangier American Legation Museum. Mr. President, I would like at this time to present you this flag from our Congress for appropriate display.

That we may move on to the exciting prospects before us without further ado, may I close simply by wishing everyone present an informative productive two days together. Your conference will, I am totally confident, always be remembered as a unique landmark in the relations between our two countries.

Thank you.

WORLD TRADE AND THE U.S. ECONOMY

Mr. PERCY. Mr. President, President Carter has proclaimed this week, May 21–27, as World Trade Week. It is highly appropriate that we should celebrate international trade for the United States recorded the largest trade deficit in its history last year—$26.7 billion. The Commerce Department predicts that the trade imbalance will be nearly as great this year and that the value of the dollar abroad and inflation at home will be seriously affected.

One of the major reasons for the trade imbalance is the recovery of the U.S. economy and the corresponding lag of the European and Japanese economies. An invigorated market the size of the United States pulls in a large number of imports as it expands. Economies with slower growth rates usually have less demand for imports and consequently are in a better position to balance their trade account. The President's 1978 Economic Report to Congress assessed the situation quite well, and I would like to quote a passage.

The world economy in 1977 continued to feel the aftershocks of the 1972–75 period; output remained well below productive potential while unemployment reached new peaks in many countries, inflation continued at high levels, and unusually large imbalances in current accounts persisted. These are problems that are likely to continue to command the attention of policy makers in the coming year. Economic growth in the United States was stronger than in the industrial countries abroad. This difference in growth rates and strongly rising oil imports contributed to the emergence of an unprecedented U.S. deficit on current account transactions. Concern over the U.S. deficit was a major factor leading to a substantial depreciation of the dollar against many foreign currencies, which was especially rapid toward the end of the year.

The economies of our major trading partners nearly stagnated during 1977, as the following table shows:

Real GNP growth in major industrial countries, 1977

Country:	IQ	IIQ	IIIQ	IVQ
United States	7.5	6.2	5.1	3.8
Canada	7.6	−.1	5.3	3.4
France [1]	5.8	−2.8	1.3	5.7
Germany	3.0	.0	−.4	5.7
Italy	7.0	−9.6	−1.9	−.5
Japan	8.8	6.8	1.8	4.2
United Kingdom [2]	−2.8	1.8	−1.1	.4

[1] Gross domestic product excluding nonmarket activity such as compensation of employees in the government sector.

[2] Gross domestic product.

SOURCE.—Council of Economic Advisors.

Only the United States and Japan posted positive growth in the second and third quarters of 1977 and only the United States was able to maintain a steady growth momentum. It is not surprising, then, that our own trade balance has been in the red the past year and a half. The question we should be addressing this week and throughout the year is: How do we correct this imbalance?

To some extent, the imbalance will correct itself. The dollar is now cheaper than the yen, deutsche mark, and Swiss franc and the goods of those countries are now more expensive for us to buy. Consequently, consumers in the United States will begin to buy comparatively lower priced American products. We are already beginning to see this with automobiles, for example. Popular foreign cars have become so expensive that Americans are turning more and more to Detroit's models, which now enjoy a competitive edge. Chrysler, for example, has had extraordinary success with a new compact it introduced earlier this year and its Belvedere, Ill., plant may not be able to fill all of this year's orders.

The large U.S. purchases overseas should also stimulate the European and Japanese economies and their subsequent growth should pull in increasingly larger amounts of U.S. goods and raw materials.

We cannot, however, rest on these market forces alone. The Federal Government can help in several ways to increase our exports, reduce imports, and restore foreign confidence in the strength of the U.S. economy.

One of the strongest actions we can take to bolster the dollar is to pass the energy bill that has been languishing in conference committee for so long. The value of the dollar and leading Wall Street indicators rise or plummet depending on news from the conference committee. On days when compromise seems to have been achieved, the dollar value rises. When the future of the year-old program seems in doubt, our currency receives a vote of no confidence. Clearly money markets are telling us something and, that is, that we need to get our energy use under control.

The Organization for Economic Co-operation and Development (OECD) recently published its 1978 report on the economies of its member countries. It included a revealing table on per capita energy consumption, which I am attaching to my statement. It shows how far the United States needs to move toward a realistic energy policy. Among the major industrial countries, only Canada and Luxembourg surpass the United States in consumption.

Per capita energy consumption

(Total primary energy requirements in tons of oil equivalent—1976)

OECD country:	
Australia	4.69
Austria	3.22
Belgium	4.55
Canada	8.51
Denmark	3.82
Finland	4.77
France	3.36
Germany	4.23
Greece	1.45
Iceland	4.86
Ireland	2.26
Italy	2.42
Japan	3.09
Luxembourg [1]	11.48
Netherlands	4.73
New Zealand	3.37
Norway	5.16
Portugal	.87
Spain	1.81
Sweden	6.11
Switzerland	3.49
Turkey	.71
United Kingdom	3.69
United States	8.10

[1] 70% of total energy requirements (more than double the OECD average) are consumed by the industry sector mainly for export.

SOURCE.—The OECD Observor No. 91, March 1978.

The Government should resist pressures to impose quotas or higher tariffs on goods as a way to "improve" our trade position. We know all too well from past experience that these "beggar-thy-neighbor" policies will only fly back at us like a boomerang. Shutting out competition from overseas—when it is fair competition—is no way to reduce the trade imbalance.

Our own exports could eventually be targets for exclusion by foreign governments.

Unfair trade practices, on the other hand, should be speedily dealt with by our Government. Unfortunately, this has not always been the case in the past and some industries feel they have been "run over" by unfair foreign competition. The U.S. Anti-Dumping Act needs to be overhauled and its penalties imposed more quickly. I have introduced legislation that would reform the anti-dumping law. Enactment of this bill would remove one of industry's greatest concerns at this time.

Mr. President, what we really need to do, however, is change the focus and attitude of the U.S. Government toward exporters and productive investment. Many of our trading partners are far more active in aiding their exporters than is the U.S. Government. I do not think we should enter a "race" with our allies to see which country can outsubsidize the other. That would be as dangerous as the trade policies of the 1930's when nations competed to close out as many of each others' products as possible. What we should be doing is working with our trading partners to equalize government subsidies. The OECD nations have recently reached an accord on export credits and I am including an OECD report on it with my statement because it is indicative of the way in which we should be moving. As the following report explains, the goal of these guidelines is "to put all participants on an equal footing in this aspect of competition for foreign markets":

NEW GUIDELINES ON EXPORT CREDITS

Most OECD governments support credits offered by their exporters and financial institutions to potential buyers, and this can be a crucial element in international competition for markets. An important international objective is to prevent the distortion of trade which may result from excessive competition in official support for export credits. It is, for example, reflected in the official communique of the most recent OECD Council Meeting at Ministerial level.[1]

After intensive negotiations at OECD headquarters, twenty countries[2] have reached agreement on a set of guidelines for government action with regard to such export credits. This "Arrangement on Guidelines for Officially Supported Export Credits" was to come into effect on 1st April 1978 subject to confirmation by participating governments.

The present arrangement supersedes a "Consensus on Converging Export Credit Policies" of July 1976 (also referred to as a "gentlemen's agreement") among the same countries. It is the result of an extensive review of participants' experience with this consensus and of proposals for improvement.

The guidelines are applicable to officially supported export credits with a repayment term of two years or more. The basic terms set forth are:

Minimum cash payments of 15 per cent, whatever the destination of the exports.

A maximum repayment period of from 5 to 10 years depending on which of three groups the country of destination falls into: relatively rich, intermediary or relatively poor.

A minimum interest rate of 7.25 to 8 per cent depending again upon the group to which the country of destination belongs and also on the repayment period.

The arrangement is an across-the-board one, covering all exports with the exception of military equipment and agricultural commodities; certain other exports, e.g. power stations, ground satellite-communication stations, aircraft, and most seagoing ships, are subject to special treatment.

The guidelines fix procedures for participants to follow vis-a-vis both their own exporters and other participants in the arrangement. The most important provision spells out a government's obligations if it intends for one reason or another to support more favourable terms than those set forth in the guidelines. In such a case, the other participating countries have the right to match these terms in a way which is specified in the arrangement.

Participants are required to give full information on earlier commitments to support credits at softer terms. The procedures to be followed in such cases are designed to avoid competitive matching.

By stipulating what should be the most favourable terms and by ensuring the transparency of participants' export credit transactions, the guidelines are designed to put all participants on an equal footing in this aspect of competition for foreign markets. Periodic reviews of the guidelines are envisaged, and these will give participants the opportunity to examine the operation of the agreement in practice as well as to suggest further improvement. The first such review is envisaged for the autumn of this year.

SOURCE.—The OECD Observor, No. 91, March 1978.

Mr. President, we also need to spur investment in our plant and equipment in this country if we are to remain competitive overseas. Frank Weil, Assistant Secretary of Commerce for Domestic and International Business has estimated that 20,000 U.S. companies export, but that another 20,000 could successfully enter the world marketplace. The Federal Government should make sure that our firms are able to mobilize the productive investments that are needed to enter international competition. We now have the lowest rate of capital formation of any of the major industrial countries, as the following table shows.

Gross fixed capital formation—1976

(As percent of gross domestic product)

OECD country:	
Australia	23.7
Austria	26.0
Belgium	20.6
Canada	23.1
Denmark	21.5
Finland	27.0
France	23.1
Germany	20.7
Greece	21.5
Iceland	29.5
Ireland	24.5
Italy	20.3
Japan	29.6
Luxembourg	28.2
Netherlands	19.7
New Zealand	25.2
Norway	36.3
Portugal	23.9
Spain	22.9
Sweden	20.6
Switzerland	20.7
Turkey	17.9
United Kingdom	19.2
United States	16.2

(SOURCE.—OECD Observor No. 91, March 1978.)

[1] Ministers welcomed the progress achieved in multilateral co-operation concerning export credits and underlined the need for further efforts to improve and extend the consensus on guidelines for the extension of officially-supported export credits. Communique, 24th June 1977.

[2] Australia, Canada, the European Economic Community (composed of the following Member States: Belgium, Denmark, Germany, France, Ireland, Italy, Luxembourg, Netherlands, United Kingdom) Finland, Greece, Japan, Norway, Portugal, Spain, Sweden, Switzerland, the United States.

Is it any wonder that U.S. firms are not competing as readily as many of our competitors? I feel the Federal Government, through its tax policies, could reverse this and produce healthy economic growth and expansion domestically. Closely related to our expenditures on capital investments is our productivity rate. Not surprisingly, the United States is also one of the lowest countries in productivity growth during this decade, as the following table shows:

Productivity growth in manufacturing, 1970–76

Country:	*Percent*
United States	2.1
Canada	2.9
Japan	5.5
France	4.9
Germany	6.0
Italy	5.5
United Kingdom	2.6
Denmark	6.8
Sweden	3.9
Switzerland	3.5

SOURCE.—U.S. Department of Labor, Bureau of Labor Statistics, Office of Productivity and Technology.

In short, Mr. President, I feel that a sound economy at home will help us bolster our international trading position. If we carefully cut back on our oil imports and work to invigorate the domestic economy, our trade imbalance will shrink and our unemployment rate will drop even further. Productivity gains will reduce pressures of inflation. The road ahead will not be easy because the problems we must deal with are complex and often interrelated. As we celebrate World Trade Week, however, we should realize that our solutions to international trade imbalances lie right here at home.

THE VOICE OF AMERICA

Mr. PERCY. Mr. President, those of us who have been strong supporters of the Voice of America over the years were very pleased to read in the Portfolio section of the Washington Star of May 21, 1978, an excellent article by Joy Billington about some of the great and popular personalities of the Voice, including Willis Conover, Phil Irwin, Pat Gates, Tatiana Retivov, Roger-Guy Folly and Luis Daniel Uncal.

The plaudits are well deserved, the article well written. I would hope that future articles would be devoted to other stars of the Voice of America: The news and current affairs team, the correspondents, the engineers, the producers, the announcers, and all the others who make outstanding and essential contributions to this international radio service.

I ask unanimous consent that the Washington Star article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ANONYMOUS STARS OF THE VOICE OF AMERICA

(By Joy Billington)

The stars of the Voice of America couldn't be more anonymous if they hid in the Statue of Liberty . . . broadcasting secretly from a microphone in her torch.

They don't, of course. They operate from the second floor of the Health, Education and Welfare Building in Washington—that "tower of Babel" from where civil servants broadcast to the world in 36 languages.

At home, the broadcasters are unknown in their own country. Abroad, their fans tune in regularly on short-wave radios . . . students in Uganda who want to hear Roger-Guy Folly, jazz lovers in Siberia who listen for Willis Conover's voice on dark arctic nights, Siamese eating glutenous rice at sunrise as the "Breakfast Show" moves into their time zone on its leisurely daily journey with the sun.

By comparison to the inflated salaries in commercial broadcasting, even the top VOA stars—Willis Conover, Pat Gates and Phil Irwin—earn salaries that are modest. Gates and Irwin are more likely to get royal treatment at the Asoka Hotel in Delhi than at New York's "21"—even though their audiences are probably bigger than Barbara Walters' and Harry Reasoner's. Conover can move about Washington and New York quietly, unrecognized. In Warsaw or Moscow he'd be lionized. When Uncal attends a soccer match in Latin America, the organizers announce his presence and cheers fill the stadium.

For these government radio stars, the anonymity and medium-range salaries are equalized by two factors: the security of government work and the fulfillment of the low-key but none-the-less missionary zeal that is their driving force. They *want* to tell the story of America.

They speak of the infinite variety of American life, of traffic jams and supermarkets, cold winds in winters, painting summer houses, of black life in Washington and of jazz . . . in sentences and anecdotes bridging pieces of music, interviews and news. And their soft-sell propaganda is expert.

It was a rare thing, last Nov. 15, when Willis Conover took the stage in the White House East Room to introduce Dizzy Gillespie and Sarah Vaughan. Many of the American guests at the state dinner for the Shah of Iran knew his name, but few had actually ever heard that deep-pitched voice with its slow, perfect articulation. "He introduces our great music . . . to other lands. And we are very proud of him," Carter said of Conover.

The VOA star who is probably best known in his own country, 57-year-old Conover is the Eric Sevareid of jazz, the elder statesman and academician whose "Music U.S.A." programs on VOA have influenced jazz musicians abroad since they began in 1955. His entry in "The Encylopedia of Jazz in the '70s" runs several inches. Among the listed accomplishments:

That musicians in Eastern Europe and the USSR "call him the source of their own jazz activities."

That he helped desegregate Washington in the '40s by assembling integrated groups.

That he emceed the Newport Jazz Festival for a decade, "produced" Duke Ellington's 70th birthday concert at the White House, and established and chaired the jazz panel for the National Endowment for the Arts. Conover is chairman of the White House record library commission. He recently received the Order of Merit from the Polish Ministry of Culture in recognition of his contribution to the development of jazz in Poland.

With his shirt sleeves rolled up, Conover sits in his studio at VOA planning yet another "Music U.S.A.," a program that the New York Times once estimated has a following of 30 million listeners. The 45-minute program, which goes out six nights a week over short-wave frequencies for world-wide English-speaking listeners, is divided into two parts: dance music and American song in one section, jazz in the other. "I think there have been between 14 and 15 thousand programs," Conover says, chain-smoking Marlboros.

The reason for the program's great popularity in Eastern Europe and Russia, he believes, is "partly their great musical heritage and partly their cultural preparedness to accept America's great music . . . more easily than do many Americans.

"I can remember vividly my early years in commercial radio, fighting with station managers to keep what some insisted was 'nigger music' on the air. I'm still more interested in the lyricism and quality of good jazz than in the stuff the kids hear today.

"In Eastern Europe, first the Nazis and then the Stalinists silenced such musical expression. My programs were the first aural window on that music, and the vitality it proclaimed. Jazz has served as an icebreaker for creative artists in other fields. In those Eastern European countries where jazz has been allowed—even encouraged—the whole cultural scene has prospered. In Warsaw, the International Jazz Jamboree just had its 20th anniversary, and it was covered on Polish national TV."

In 1959 when Conover arrived at Warsaw airport for the first time, a mob of fans waited to greet him. In the Soviet Union on another trip, the Leningrad Dixieland band and hundreds of fans met him at the train station with a blast of music.

Conover has just returned from Bombay, where he was master of ceremonies at India's first jazz festival. In Delhi, when he lectured on the "Classics of Jazz," 500 jazz buffs crowded into a 200-seat auditorium, including a supreme court justice and the solicitor general of India.

Conover lives in a Manhattan apartment overlooking Central Park with his wife, Carroll. He keeps "a pad" on Capitol Hill for the three or four days a week he works at VOA, taping his programs over long sessions of listening and planning. In New York, he unwinds listening critically to new records or listening to tapes of new programs that have not yet been broadcast, in order, he explains, to "hear them from two perspectives, my wife's and my own when not working." Musician friends like John Dankworth and Cleo Laine may drop by if they're in New York.

Conover writes poems, commentaries for album jackets, lyrics. In Washington recently, he woke up at 2:30 one morning with music in his head. The result was: "Swing with, Sing with, Sigh with Django . . .", for the late guitarist Django Reinhardt, which he hopes composer John Lewis will like. The closets in Conover's studio burst with stacks of record albums. He estimates his library contains some 60 or 70 thousand 3-minute selections.

A freelance contractor earning fees of about $38,000 a year from VOA, Conover says he earns between "three to 10 times that amount" for comparable commercial work. Conover treasures his independence, avoids VOA internal politics and has the reputation among VOA staffers of being a loner. He describes himself as broadcaster, freelance writer, concert producer, narrator and lecturer.

Meticulous in planning the tempo of a program, Conover listens to every piece of music he uses, times it, works out his commentaries and gradually builds the programs with Jim Finn, his studio technician. Then, with his signature tune "The A Train" setting the tone, the slowly precise words begin, the antithesis of the fast-speaking American. He plays his voice like a baritone sax. Its languid pace survives the fluctuations of shortwave radio.

Conover doesn't seem to mind not being known at home, outside of the jazz world. "Away from my work I welcome not having to shave or put on a tie. But I'd like to do a domestic program for the creative satisfaction, not exclusively jazz, but the kind of music I play at home with friends. Everyone

appreciates qualified approval and I wouldn't mind getting that."

The "Breakfast Show" is one of the most popular VOA programs, with an estimated 30 million listeners. Its co-hosts, Pat Gates and Phil Irwin, both have a strong sense of their image around the world, demonstrated when they insist on remaining mysterious about their ages:

"Our listeners can't tell by our voices," Gates says. "Some letters I get say 'will you marry me' . . . others 'you remind me of my mother'." Irwin adds: "Let's leave it to the listeners' imaginations."

They have shared the daily hour-long program for 10 years. The show cycles westward through "breakfasts" in many times zones, with Gates at the microphone one day, Irwin the next. A magazine type program of music and interviews interspersed with news, "The Breakfast Show" format has been such a success that several other language divisions of VOA have copied it.

Gates, a GS–13 who earns $29,490 a year, is a petite blonde New Englander who has worked in radio in Europe for NBC and the American Forces Network and at the White House "on loan" as a special assistant to Pat Nixon. Her style is to share with her listeners an account of a weekend at her Chesapeake Bay log cabin . . . how she is slowly installing storm windows to offset the tough winter winds. Or how a son and his wife were taking a cross-country trip in a van loaded with their belongings, like the pioneers. She will feature an interview on death education, a regular science item, a trip Mrs. Carter is planning or, during International Women's Year, ask listeners to nominate women of accomplishment in their countries.

Irwin's style is to tell jokes, or tape some gurgles from his newborn son. "If I get in a traffic jam coming to the office from my home in Rappahannock County and want to share the frustration of being in a traffic jam, I try to put it in perspective," he explains about their ad-libbing. "The listener may not even have a car. You have to be sensitive. If we sound off about our escalator being out of order again, it shows we don't think we have a perfect society. We try not to take ourselves too seriously." He likes to feature science and agriculture interviews, and offbeat things like a report on a hollerin' contest. "That led to an international hollerin' contest between 32 countries," he says.

Irwin, an FAS4 earning $33,931 a year, hails from New York State. He also worked in radio in Germany for the American Forces Network.

Irwin also has another program "Country Music U.S.A."

For material in addition to their own interviews, Gates and Irwin can use "the facilities of the house." That means policy editorials from the VOA editorial department and anything else in any language division that takes their fancy. Similarly, their material is available to other divisions.

On occasion, Gates and Irwin do a show together, like a July 4th show in Philadelphia in the Bicentennial year. In 1973, they made a world tour, visiting 11 countries to "meet our listeners."

Letters are piled high on the desks of their tiny cubicle offices. "Whenever possible we try to answer our own letters. How many? Thousands," Gates says. "We have the smallest staff in VOA, just one secretary and us." The letters may come from a Peace Corps volunteer in the Central African Empire, to Irwin: "I enjoy your jokes and find myself laughing as the other guy's groan . . ." Or from Pakistan to Gates: "Pat, My Darling, when I hear you I go around smiling at my fellow beings . . ."; from an Indian gentleman: "My regards to that madame who says 'if you see someone without a smile please give yours.' "

Gates and Irwin are proud of their independence. "No one listens to our show before it goes out, no one checks us," they say. "We stick our necks out every day." And they insist they don't care about not being known in the U.S. It would be a nuisance to be a star, Irwin says. "It doesn't bother me at all," Gates says. "My sense of mission is fulfilled, and when some fan says 'I've listened to you for years' that's enough. We believe that we have the largest audience in international radio."

Roger-Guy Folly dresses sharply like so many French-speaking Africans, and has the aplomb to carry off a floral tie with a check tweed jacket. In a VOA studio, he tapes his daily music request program which is broadcast to a potential audience of millions of French-speaking Africans.

Folly sits behind his headphones, moving his body to the music: "Massamba" played by a Congo Brazzaville group, "Poor Little Pitiful Me," by Linda Ronstadt. He alternates American and African music, closing the hour-long six-days-a-week show with his theme song, "Listen People."

Back home in Togo, his parents listen to the voice of their 43-year-old son—who has been in Washington for 10 years—come filtering over the airwaves. Like most VOA broadcasters, Folly has no accurate measurement of the size of his audience. But he receives between 900–1,000 letters a month.

Occasionally, he will include a request from a Nigerian student, with a few words in English, or something for a fan in Kampala, Uganda. But essentially, his job is to communicate in French. "The objective is to retain the audience through music . . . for the heavier stuff. I try to make it entertaining, with some comments about life in the States. I might explain that Washington is just like Abidjan or Dakar, with its black majority; that the mayor is a man called Washington. These things add to their knowledge of America.

"In 1976 I did a six-week P.R. tour of 11 African cities. It was tremendous. Everywhere I went people came with enthusiasm. A lot of people told me that my program at 20 hours GMT comes after their local news, so they switch back to VOA. A relationship has built up over the years. In remote villages like one I visited in Cameroon, the village chief wouldn't believe that 'the man who he listens to every day' had actually come to his village. The interpreter had to convince him. Then he wanted to give me two new wives. I was to pick two girls from the village. I had a hard time convincing him that the U.S. government has a $50 limit on gifts. . . ."

A GG–12 (general grade) earning $21,303 a year, Folly also broadcasts news, reads commentaries, interviews visiting African dignitaries for other programs in his division. Two thirds of the VOA programming is beamed at the developing world. The African division broadcasts in English, French, Swaheli and Portuguese. The division has 10 on-air staffers who do whatever comes to hand. (Arabic broadcasts to North Africa come under the Near East division.)

Folly, who lives on Capitol Hill with his wife and three children, is not a U.S. citizen. About one in 10 VOA employees are not citizens of this country. His radio career began in Ghana, after a stint at a university in Paris. But Radio Ghana turned out to be too propagandistic for the young Togolese, at a time when Kwame Nkrumah was trading insults with all his west African neighbor countries.

Folly was delighted to be offered a job with the Voice in Monrovia, Liberia, at that time a center for training African broadcasters and for producing programs for the continent. In 1968, however, in a budget cut, the operation there closed down. "It's a pity," Folly says. "The BBC and French radio are doing that now and the Voice missed the chance . . ." Folly returned with the VOA crew to Washington, and for the last 10 years had been steadily building his name.

Folly believes that the Voice has the edge in Africa over the Soviets in terms of appealing programs—such as his half hour Sunday program "Rhythms d' Afric" with African music that features instruments and ritual ceremonies, and his half hour Sunday pop program "Rock, Pop and Soul"—because they are free of polemics. "In Africa the listeners' own local stations don't have sophisticated facilities to gather news, and most seem proud to say 'I heard that on the VOA news so it's true . . .' The credibility is high. We have African presidents who listen regularly."

Tatiana Retivov, known as Tanya, uses a pseudonym when she broadcasts, a habit left over from 15 years ago when she started at the Voice and wanted to protect relatives still in the Soviet Union. She is 48, curly haired, and came to the U.S. in 1946 with her parents after years in German labor camps. Her father taught Russian to an American officer in Germany, a circumstance which eased the family's passage to America. Tanya, a GS13 earning $27,756 a year, is an American citizen; she is married to another Russian emigre and has two grown children.

Tanya's weekly 20-minute program "Art Today" concentrates on the work of emigre Russian artists—"we call them non-conformist artists"—in New York and Paris and on American art. She may interview a Jamie Wyeth or George Segal after visits to the Soviet Union . . . talk about the Egyptian and Chinese exhibits touring the States . . . a Russian costume exhibit at the Metropolitan . . . or about other cultural exchanges.

Rather than attempting to describe pop art, op art, kinetic art to Soviet listeners, she prefers to interview an artist and let him verbalize the work.

The interviewing of emigre Russians—whose numbers have increased in the last few years—does "incur the wrath" of the Soviet authorities, she admits. "Some of these artists were made to leave. For instance in early April we interviewed Mihail Chemiakin, whom Chagall helped emigrate to Paris. He was having a New York show. His work is called metaphysical synthesis, something that a Leningrad group started 10 years ago. He told me he had a small exhibit opening simultaneously in a friend's Moscow apartment. The same day as my broadcast, police barred access to the Moscow show."

Tanya tells this story, without appearing to grind ideological axes, as an example of Soviet official attitudes to modern art. Her program is repeated twice during the week for the different time zones of the Soviet Union. VOA broadcasts in five languages to the U.S.S.R.: Russian, Ukrainian, Georgian, Armenian and Uzbek. According to a 1976 MIT survey there are "tens of millions" of listeners. "And Rostropovich has said that VOA is the Russians' daily bread," she says.

Tanya also edits four jazz programs broadcast to the U.S.S.R. The U.S.S.R. division, one of the biggest at the Voice, employs 140 people. Russian language broadcasts go out 14 hours a day. Ukrainian one hour and the other three languages an hour a day. Tanya is one of about a dozen VOA broadcasters who are well known to Russian listeners.

Luis Daniel Uncal is one of the few VOA broadcasters who reports sports. In fact, his nickname could be Uncal Soccer, for Uncal has been an influence in the growing popularity of soccer in the U.S.

The former professional soccer player's 35-minute Sunday program "Inter-American Sports Network," which has been running for seven years, reports soccer scores from American cities and from all over the hemi-

sphere. He also gives the results of tennis matches. The program is picked up by 200 radio stations in Latin America, which means an audience in the millions. Uncal has another program devoted to soccer playoff matches leading to the world cup.

An FAS5 earning $25,177 a year, Uncal is a U.S. citizen. He came here "11 years, three months and seven hours ago," he says the day of an interview. Sent by his Argentinian radio station to cover the U.N., he married a Peruvian, worked for the U.N. radio briefly, and joined VOA in 1967.

Today, at 51, Uncal enjoys popularity not only for sports reporting (with the exception of Uncal's sports programs VOA avoids sports reportage) but for his "Latin American Hit Parade" weekly program. "I used to write lyrics for tangos but I had to give it up. My wife was zealous . . . no, that's wrong . . . jealous!", he says.

The Latin American division is newly christened the "American republics division" in order to embrace the Caribbean island states-broadcasts in English, Spanish, Portuguese and French.

Within the hemisphere, Uncal explains, soccer is the most dominant game. Baseball is played in Venezuela, Cuba, Mexico and Central America; American football only in Mexico. "When they send me rugby reports from Argentina I say forget it, no one else plays rugby. But soccer!

"When I arrived here the New York Cosmos couldn't get 10 people to watch a game. The day Pele retired, 77,000 people were crying all over the stadium. I'm still getting requests for copies of that program. Today you see 42,000 at a game. You see the (former) secretary of state. Every Sunday the first report Kissinger received when he was secretary were the results of the German soccer games."

The Latin American communities in the U.S. have played a large part in this soccer explosion, he says. Uncal launches into a mild attack on the practice of importing high-priced European players rather than encouraging American players. "Of 480 players in the North American Soccer League 60 percent are British, 15 percent Yugoslav, 14 percent German and only nine percent Americans and Latins," he says. "The British are content to discourage Americans from believing they can play soccer."

Next month, Uncal goes to Argentina, his former country, to cover the last 16 games that lead to the cup final. As he moves around the grandstands, few will recognize the small, silver-haired man. His voice is another thing. You may hear it coming out of a shortwave radio hanging from the horns of an ox, with a sports-loving farmer listening as he ploughs, or blaring out in some sleepy cantina on a Sunday evening.

Mr. THURMOND. Mr. President, prior to proceeding, I have some other matters.

SOUTH CAROLINA GENERAL ASSEMBLY CALLS FOR A CONSTITUTIONAL CONVENTION TO BALANCE THE FEDERAL BUDGET

Mr. THURMOND. Mr. President, the Senate recently approved the Conference Report on Senate Concurrent Resolution 80, the first concurrent budget resolution. The resolution authorizes a Federal deficit of $50.9 billion for fiscal year 1979. This is the 10th consecutive year of deficit spending. In fact, we have had a balanced budget only once in the last 18 years.

As we all know, professional economists are continuously debating the pros and cons of deficit financing and its effect on unemployment, interest rates, inflation, capital formation, and State and local government expenditures. From these debates, there are no clear answers. However, I believe that it is clear, even to the layman, that there is no "free lunch." There will always come a day of reckoning, a day when we must pay up.

Our Nation may be the richest on Earth, but unless we learn to live within our means, I fear that uncontrolled inflation will rapidly eat away at our Nation's economic health. My home State of South Carolina, like many other States, has a balanced budget. It is a constitutional requirement. What the States can do, the Federal Government can do, too.

On May 16, 1978, the South Carolina General Assembly passed a concurrent resolution memorializing the Congress of the United States to call a Constitutional Convention for the purpose of amending the Federal Constitution to limit annual Federal appropriations to annual revenues, with certain exceptions.

On behalf of the junior Senator from South Carolina and myself, I ask unanimous consent that this resolution be printed in the RECORD following these remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION

Whereas, with each passing year this Nation becomes more deeply in debt as congressional expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds a half-trillion dollars; and

Whereas, attempts to limit spending by means of the new congressional budget committee procedures have proved fruitless; and

Whereas, the annual Federal budget repeatedly demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal government to curtail spending to conform to available revenues; and

Whereas, the proposed budget of five hundred billion dollars for fiscal year 1978–1979 does not reflect total spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, believing that fiscal irresponsibility at the Federal level, with the resulting inflation and decline in the Nation's trading position is a growing and corrosive threat to our economy, to the well-being of our people, and to our representative democracy, that constitutional restraint is necessary to bring the fiscal discipline needed to reverse this trend. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That Congress is requested, pursuant to Article V of the United States Constitution, to call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution.

Be it further resolved that the proposed new amendment read substantially as follows:

"PROPOSED ARTICLE XXVII

"The total of all federal appropriations made by the Congress for any fiscal year shall not exceed the total of the estimated federal revenues for that fiscal year, excluding any revenues derived from borrowing, and this prohibition extends to all federal appropriations and all estimated federal revenues, excluding any revenues derived from borrowing. The President in submitting budgetary requests and the Congress in enacting appropriation bills shall comply with this article.

"The provisions of this article shall be suspended for one year upon the proclamation by the President of an unlimited national emergency. The suspension may be extended, but not for more than one year at any one time, if two-thirds of the membership of both Houses of Congress so determine by Joint Resolution."

Be it further resolved that copies of this resolution be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of Congress from South Carolina.

ILLEGAL ALIENS AND UNEMPLOYMENT

Mr. THURMOND. Mr. President, last week, the American Legion participated in the Senate Judiciary Committee hearings on the illegal alien issue facing our country today and S. 2252. Mr. Philip Riggin articulated very effectively the American Legion's strong concerns with illegal aliens competing with veterans for jobs and the drain on our economy caused by unemployment and welfare paid to displaced American workers.

They cannot agree with the so-called "amnesty" provision provided in S. 2252.

Mr. President, I ask unanimous consent that the American Legion statement presented by E. Philip Riggin, Assistant Director, National Legislative Commission, be printed in the RECORD at the conclusion of my remarks, and recommend its reading by all Members of this body.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE ILLEGAL ALIEN ISSUE AND S. 2252

Mr. Chairman and Members of the Committee: The American Legion appreciates the opportunity to testify on a problem of growing concern to the Legion and the overwhelming majority of the American people. That problem is the rapidly rising number of illegal aliens in the United States and the increasing impact they are exerting on our economy. We are especially concerned with the adverse impact of illegal aliens on the employment of veterans, and particularly on the employment of minority veterans, who are coming more and more into direct competition with illegal aliens for jobs in urban areas.

We would like to begin by discussing some of the salient features of the illegal alien problem.

The most basic and perhaps the most disputed point pertaining to this issue is the number of illegal aliens in the United States. In a 1975 study done for the INS Lesko Associates estimated that there were 8.2 million illegal aliens in this country. Other estimates range from 3 to 12 million. The only certain data on which to base an estimate are the numbers of illegal aliens apprehended. That number has been steadily rising, from about 150,000 in 1967 to more than a million last year with a great majority of such apprehensions taking place at the U.S.-Mexican border. According to INS Commissioner Castillo, "for every person caught at the border, perhaps three to five get through." Even if we are more conservative than Mr. Castillo and estimate that only two people get through for every one caught, we may conclude that about 2 million illegal aliens slipped past the Border Patrol last year alone. A total of well over 6 million il-

legal aliens have been apprehended during the past 10 years. Assuming that one out of three were apprehended, and that half of those who were not caught returned home voluntarily, that still leaves an accumulation of 6 million or so illegal aliens during the past decade. Thus we believe that the estimate of 6 to 8 million illegal aliens is not an unreasonable one.

Most—about 80 percent—of the illegal aliens come from Mexico, another 10 percent are from other Latin American and Caribbean countries, and about 10 percent are from other parts of the world, especially South and East Asia. Many of the Mexicans and other Latin Americans cross the U.S.-Mexican border at night or are smuggled across by so-called "coyotes." Hundreds of thousands entering from other parts of the world—and many Latin Americans—arrive with tourist or student visas and simply do not go home. More than 7.5 million nonimmigrant aliens enter the U.S. each year on such temporary visas. The INS has no precise idea of how many return home before their visas expire, but most authorities agree that hundreds of thousands of "visa abusers" illegally remain in the U.S. every year, concentrating especially in the metropolitan areas of the east and west coasts. Yet another category of illegal aliens are those who successfully enter the U.S. through the use of fradulent documents or claims of admissibility at ports of entry. The INS estimates that more than 500,000 aliens entered the U.S. by such means in 1976 alone. Another source of illegal aliens are crewmen aboard foreign ships, thousands of whom "jump ship" every year.

In the past, most illegal aliens did "stoop labor" in the agricultural areas of the South and West. But in recent years they have moved increasingly to the towns and cities in all parts of the country. According to former Congressman Herman Badillo, "The flow of illegal immigrants has increased radically since 1970, and no where is that increase more dramatic than in major urban areas like New York." The INS estimates that there are more than 1 million illegal aliens in the New York metropolitan area, about 1 million in the Los Angeles area, 500,000 in Chicago, 300,000 in Miami, 50,000 in Washington, D.C., and hundreds of thousands in cities such as Dallas, Detroit, Philadelphia and Denver.

A related phenomenon is that illegal aliens are obtaining increasingly better jobs. In 1976, two-thirds of the illegal aliens apprehended by the INS were employed in industry, service, and construction. Only one-third were employed in agriculture. Mr. Jesus Romo, head of a coalition of Mexican-American labor organizations, recently estimated that only 15 percent of the illegal aliens in the U.S. were employed in agriculture. Of 1,500 aliens caught in Detroit in 1974, 900 held jobs in heavy and light industry and construction, and 70 percent earned more than $4.50 an hour. Spot checks made by the INS in Los Angeles of nearly 9,000 illegal aliens showed that about half were working in heavy industry at wages of $4.50 to $6.50 per hour, while another 2,000 had jobs in light industry earning $2.50 to $3.55 per hour. According to a study done by David North and Marion Houstoun for the Department of Labor in 1976, only 20 percent of the illegal aliens sampled had been paid less than the minimum wage. Only 3.5% of those questioned in the North-Houstoun study claimed that they had been "badly treated" and only 16% reported that they had been paid less than their legal coworkers. Thus it is simply not true that the majority of illegal aliens work for less than the minimum wage, are "exploited", or do menial work Americans are unwilling to do.

The principal concern of The American Legion with regard to illegal aliens is that they are increasingly competing with veterans in a tight job market. That competition especially affects the employment prospects of unemployed black veterans, who are concentrated in the large cities to which increasingly larger numbers of illegal aliens are gravitating. More than 30 percent of the minority veterans in the 20-24 age bracket are unemployed. The illegal aliens are also in direct competition with black youths, whose employment rate is between 35 and 40 percent and with Mexican-American youths, who have an unemployment rate of 45% in the Los Angeles area. They also compete with other Mexican-Americans, Puerto Ricans, and legal aliens, all of whom have a legitimate right to employment in the United States.

We are also concerned with the drain on our economy caused by the estimated $3–$10 billion sent abroad annually by illegal aliens. It is probably true that most illegal aliens avoid applying for welfare programs out of fear of being caught. But according to the Federal Advisory Committee on False Identification report issued in 1977,"Many illegal aliens use false identification to obtain welfare and other benefits at taxpayers' expense." And one must take into consideration an indirect cost of this practice—the unemployment and welfare payments paid to displaced American workers.

That summarizes the illegal alien problem as we see it. In seeking a solution to the problem we find that the legislation under consideration—S. 2252—contains two principal provisions. One would penalize employers who knowingly hire illegal aliens. The second would grant permanent resident alien status to illegal aliens who entered the U.S. on or before January 1, 1970 and temporary alien status to those who entered the U.S. between that date and January 1, 1977.

We agree that the imposition of penalties against employers who knowingly hire illegal aliens is an essential part of any program to effectively control the inflow of such aliens. We also agree that this penalty should be civil rather than criminal, that the fine assessed for each offense should be about $1,000, and that those who assist illegal aliens to find or retain employment should be subject to more severe punishment than employers.

But we cannot agree with another key feature of S. 2252—the so-called "amnesty" provision—for several reasons.

First, an amnesty would only compound the problem, not help solve it. Dr. Bustamente, Mexico's leading authority on illegal aliens in the U.S., recently warned that any amnesty for illegal aliens would encourage hundreds of thousands more Mexicans to come north in search of employment. Once the precedent was set, it would be difficult to deny similar amnesties to future arrivals. Indeed, in view of the Carter administration's assurances that there will be no "mass deportations," what would become of the 2 million or so additional aliens who will have entered the U.S. between January 1, 1977 and the enactment of the proposed legislation?

Second, problems are bound to arise in implementing the amnesty. It is quite possible that many illegal aliens who can prove residence prior to January 1, 1970 would come forward. But what about those who fall in the second category, who arrived between that date and January 1, 1977? Many, we believe, would submit false documents and affidavits to claim residence prior to January 1, 1970, while many others would remain in hiding, realizing that the avowed purpose of the second category is to obtain a "headcount" and that there is at least some possibility of being deported after 5 years.

Third, such an amnesty would be unfair to those who have gone through legal channels to obtain visas.

Finally, although S. 2252 grants permanent resident alien status only to those who entered the U.S. prior to January 1, 1970 and relegates those who entered between that date and January 1, 1977 to a sort of "limbo" status, we believe that in all probability all aliens covered by the legislation would eventually be eligible for permanent residence status. There are perhaps some 5 million adults among the 8 million or so illegal aliens and under the proposed amnesty each of those people would be immediately eligible to sponsor the admission of their immediate family members. Thus approximately 25 million relatives of the "amnestied" aliens would be eligible to legally emigrate to the United States, and there is every reason to believe that many would avail themselves of this opportunity. The sudden influx of such numbers would exacerbate our unemployment problem and have other economic and social repercussions. This factor, we believe, has thus far received little attention and deserves careful consideration.

In our opinion several provisions which are essential components of any successful alien control program have not been included in the proposed legislation.

There is need for legislation providing for the seizure of vehicles used to smuggle aliens into the U.S. and for the imposition of stiff penalties against such smugglers. The INS cannot now legally confiscate these vehicles despite the fact that some have been detained more than 20 times. The fines imposed on the 5,000 or so smugglers prosecuted annually have been low and their jail sentences have been short. Sterner measures against the so-called "coyotes" would obviously go a long way to reduce the influx of illegal aliens. We should perhaps also consider increasing the number of judges handling such cases to help cope with the enormous backlog.

We believe that there is a need for some formal mechanism, perhaps an independent agency, to coordinate matters related to immigration by combining the responsibilities of the Visa Office of the Department of State, the Immigration and Naturalization Service, and the Labor Department component dealing with foreign worker programs. It, hopefully, would institute a computerized immigration control system to keep tabs on the entry and departure of nonimmigrant aliens and coordinate closely with the Social Security Administration, the Customs Service, the Drug Enforcement Agency, and other relevant agencies.

We agree with the Carter administration that the government should develop counterfeit-proof social security cards which would be coded electronically and read only by computer. But such "fool-proof" social security cards must be granted on the basis of valid background documents. A tamper-proof identification system bears directly on two provisions of S. 2252—the documentary proof of work eligibility to be presented to employers and the documentary proof of residence prior to January 1, 1970 or January 1, 1977. The illegal alien—or the citizen, for that matter—can easily obtain all sorts of counterfeit documents. One forger in a Mexican border town was recently reported to have sold nearly $250,000 worth of false birth certificates in just three months. A journalist researching the illegal alien problem in Chicago filed another recent report that "In the bars of 18th Street or Blue Island Avenue a newcomer without documents can buy false identifications—anything from a social security card to a driver's license, a draft card, a birth certificate, a voter registration card, or a 'green card' authorizing permanent residence."

Thus it is imperative that Congress enact legislation which would prohibit the knowing use or supplying of false information of falsified documentation when obtaining Federal identification documents, prohibit the use of mails to ship false docu-

ments, and prohibit the unauthorized production or alteration of any Federal identification document. Once enacted, such legislation must be enforced by spot checking for the validity of documents submitted for social security cards or as proof of the right to employment. Consideration should also be given to such measures as establishing a national death reporting system to curb the use of birth certificates of people who have died.

Finally, there are two other aspects of the administration's alien control program on which we would like to comment.

The first is its recommendation that the strength of the Border Patrol be significantly strengthened. We agree that that is a necessary measure, and urge that the manpower of INS district offices be increased.

The second is economic assistance to help develop the economies of the countries in which the illegal aliens originate. Such proposals range from the distribution of food stamps to Mexico's poor to a Marshall Plan for Latin America. Typical of such programs is the one suggested by Sen. Bentsen, who proposed the setting up of a Joint U.S.-Mexico Development Fund, in which the U.S. and Mexico would invest $1 billion each to finance the development of labor-intensive industry in Mexico.

We are not opposed to such aid programs, but believe that it would be unrealistic to expect too much of them. Although Mexico's economy has been growing, its population has been growing even more rapidly.

Mexico already has an unemployment-underemployment rate of about 40 percent and about 800,000 young Mexicans reach the working age every year. Thus Mexico must create nearly a million new jobs a year merely to maintain the status quo. But there is more to the problem than that. As Wayne Cornelius of MIT has pointed out, "It is clear that the huge wage differentials (often 3-4 times) between the U.S. and Mexico are more important than outright unemployment."

For the first time in history of our foreign economic assistance efforts we must be concerned not so much with the prevailing wage rates in the recipient country as with increasing those wages in relation to the prevailing wage rates in the United States. It is not enough to put a shovel in a Mexican's hand and pay him three dollars a day when he could be making three dollars an hour in Chicago or Detroit.

One specialist estimates that $10 billion a year would be required to merely create the new jobs required. We have learned of an AID study which estimates that $50 billion would have to be invested in Mexico, Central America, and the Caribbean countries to substantially reduce the flow of illegal immigrants.

The key to any long-range solution to the problem is controlling population growth in the countries in which illegal aliens originate. The population of Mexico, now 65 million, will double to 130 million by the year 2000 and to 260 million 20 years later, while most of the other countries will be experiencing similar population explosions. Thus we believe that U.S. aid funds could be best utilized in helping set up effective nation-wide population control programs.

In sum, we believe that it would be unrealistic to assume that economic assistance programs could solve or significantly reduce the problem in the foreseeable future. Emphasis must be placed on measures within the United States, such as those we have outlined.

If anything is certain about the illegal alien problem it is that it is not going to go away. The longer we delay the worse the problem is going to become. It is imperative that Congress move swiftly to enact effective legislation to, if not totally end immigration, at least bring it under control.

THE ADMINISTRATION POSITION ON NUCLEAR FUEL REPROCESSING

Mr. THURMOND. Mr. President, I am submitting for the RECORD two recent Washington Post articles which underscore what I have been saying on the Senate floor for over a year now. President Carter's indefinite deferral of commercial nuclear fuel reprocessing in the United States is having no impact whatsoever overseas. The front page article in the May 20 edition of the Washington Post stated: "Japan to Proceed With Plutonium as Nuclear Fuel." The reason, as explained by the article, is that the Japanese have no other way to go. In addition, I am submitting a second article from the May 25 edition of the Washington Post which is captioned: "India Reported Operating Its Second Plutonium Plant."

Mr. President, by absolutely foreclosing any prospect for reprocessing capability in the United States, President Carter is forcing other nations to move ahead faster on their reprocessing plans than they otherwise would. This effort is exactly the opposite of what the administration's goal is and clearly demonstrates how the present policy is bankrupt.

I ask unanimous consent that the articles to which I have referred be printed in the RECORD at this point:

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

JAPAN TO PROCEED WITH PLUTONIUM AS NUCLEAR FUEL

(By Thomas O'Toole)

Japan has told the United States it will spend more than $1 billion to finance plutonium reprocessing plants in France and Great Britain, thus ending any hope the Japanese will not use plutonium as a nuclear fuel.

The Japanese plan comes as a blow to the Carter administration, which earlier this year asked Japan to forgo any plutonium reprocessing plans for at least two years. In effect, Japan has told the Carter administration it cannot do that because it will need the plutonium to fuel its industry in the years ahead.

"We expressed the view that we hoped they wouldn't do it and they explained to us why they have to do it," said one informed source in the Carter administration. "They explained they have no other way."

A delegation from Japan spent most of the past week in Washington, informing the State Department, the Department of Energy and the Nuclear Regulatory Commission of its plutonium plans. The Japanese government expects to make them public in Tokyo next week.

The Japanese plan to sign long-term contracts for France and Great Britain to take Japan's spent nuclear fuel, extract the plutonium from it and ship the plutonium back to Japan.

The Japanese intend to pre-pay for the reprocessing by helping to finance construction of a reprocessing plant at Windscale in Britain and expansion of an existing facility at Le Havre in France.

The British Parliament only last week authorized construction of the Windscale plutonium plant, which is to have a rated capacity of 1,600 tons of spent fuel a year. The French plant at Le Havre now reprocesses 400 tons a year and will be expanded to 1,600 tons.

Japan will pay more than $1 billion to France and Great Britain as its share of construction costs. Japan has chosen to acquire its plutonium from France and Great Britain rather than build its own plant because it is faster to do it that way.

The Japanese move was described by one Carter administration official as the "first crack in the dike," meaning that Japan was the first major country to formally move away from President Carter's policy of forgoing the use of plutonium as a nuclear fuel. Other nations, ranging from Latin American countries such as Brazil to most of Western Europe, are contemplating similar decisions toward a "plutonium economy."

Japan's move raises some delicate questions about how the United States might react. Japan's 15 nuclear plants operate on enriched uranium supplied by the United States. Legally, Japan owns whatever plutonium is built up when the uranium is burned, but under the American agreement the United States has the right to approve or disapprove the extraction and transfer of that plutonium in Japan.

"I doubt very seriously the U.S. would cut the Japanese off from its supply of enriched uranium," one Carter administration source said. "But I don't think we'd make any such commitments on the plutonium."

In addition to the 15 nuclear plants it has, Japan is building 13 more. Japan insists it cannot count on fueling these plants with enriched uranium and thus needs to power them with plutonium.

President Carter has deferred indefinitely U.S. use of plutonium and has asked the rest of the world to follow the example. The way the president delayed the U.S. plutonium decision was to withhold funds for the Clinch River fast breeder reactor in Tennessee that would produce plutonium and for the reprocessing plant at Barnwell, S.C., that would extract plutonium from spent fuel.

Like the United States, Japan stores spent fuel in huge "swimming pools" of water located adjacent to the nuclear power plants. The Japanese have told the United States they are running out of storage space for spent fuel, another reason they must have the spent fuel reprocessed.

INDIA REPORTED OPERATING ITS 2ND PLUTONIUM PLANT

(By Thomas O'Toole)

India is operating its second plutonium reprocessing plant and intends to build a third alongside a plutonium breeder reactor it plans to construct near the city of Madras.

These unclassified plans were outlined last Monday by the Central Intelligence Agency in closed session and discussed again yesterday in open testimony by the State Department before the subcommittee on arms control of the Senate Foreign Relations Committee.

"There is no evidence to indicate that India is doing anything with its plutonium except to store it for use in its breeder program," Deputy Under Secretary of State Joseph S. Nye told the subcommittee. "Besides, the amounts of plutonium involved are not large."

The plutonium reprocessing plant in operation is located at Tarapur, where a large nuclear power plant fueled with enriched uranium supplied by the United States is located. Nye said the plutonium being extracted in the reprocessing plant is being taken out of spent fuel built up in four research reactors scattered around India.

"The plutonium being built up in the plant at Tarapur is still locked up in spent fuel rods," Nye said, "Which are being held

in swimming pools of water right at the reactor."

Nye estimated that there are 200 tons of spent fuel in India, under water at swimming pools at the three large nuclear power plants operated by India. A fourth nuclear power plant will soon be completed in India. The three power plants operating and the fourth being built come under international safeguards, meaning their plutonium cannot by law be made into nuclear weapons.

None of India's four research reactors and neither of its two existing reprocessing plants is safeguarded, Nye said. There was no indication that the third reprocessing plant and the plutonium breeder planned near Madras would be safeguarded.

Plutonium extracted from the first reprocessing plant near Trombay was used to make the nuclear bomb India exploded in 1974. This plutonium came from spent uranium fuel supplied by Canada and irradiated with the help of 21 tons of heavy water shipped to India by the United States in 1956.

"Those initial agreements were written much too loosely," Nye said. "Our present agreements are much tighter."

Nye and the four commissioners of the Nuclear Regulatory Commission testified before the Senate subcommittee on an export license involving the shipment of 7.6 tons of American uranium bound for the plant at Tarapur. In a 2-to-2 vote last month, the NRC turned down the export license, but President Carter issued an executive order approving it and in effect overruling the NRC.

Congress has 60 days from the date President Carter approved the export license (April 27) to block the move. It would take a majority vote of each house to stop the export.

The two NRC commissioners, Victor Gilinsky and Peter Bradford, who voted against the export indicated they would approve it if India agreed to put all their nuclear facilities under safeguards.

Nye said that, even if India does not agree to safeguard all its nuclear facilities, he feels the fuel bound for Tarapur would be safe.

"I think if India enters into any kind of legal agreement," Nye said, "it will be kept."

The news that India plans a plutonium breeder brings to at least seven the number of countries operating or planning breeders. The others are the Soviet Union, France, Great Britain, Japan, Belgium and West Germany. The United States had planned a breeder for Clinch River, Tenn., but it was blocked by President Carter.

MISS LYDIA DAVIS NAMED "YOUTH OF THE YEAR" BY DOTHAN EXCHANGE CLUB

Mr. ALLEN. Mr. President, during each school year, the Dothan Exchange Club, a distinguished civic organization in the city of Dothan, Ala., selects an outstanding student to receive its "Youth of the Month" award. Then, at the end of the year, and through competition, one of these is named "Youth of the Year." In addition to scholastic achievement, and extracurricular activity, the "Youth of the Year" award is based on an essay on a patriotic theme. This year's winner, Miss Lydia Davis, a senior at Dothan High School, wrote an essay entitled "My Country—Tomorrow," which issues a strong challenge to the people of our great country, and contains some encouraging thoughts about our future.

Mr. President, I am greatly impressed by Miss Davis' views as expressed in her essay, and wish to share them with other Senators. I ask unanimous consent that this essay be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

MY COUNTRY—TOMORROW

It is an awesome thing for me, as a youth, to foresee my country tomorrow. In today's world, in which I and the youth of the United States have grown up, we dare not dream of anything and consider it impossible. In our short lifetime, the average young person has already seen many things, once only dreams, develop into realities. We can easily observe this fantastic progress simply by looking back at others' dreams, things which we now consider common luxuries or even necessities. For instance, what person two hundred years ago would have thought of having a pencil with an eraser or having plain paper premarked with lines and margins? Furthermore, what youth today could picture himself without them? Who of us living then would have ever dreamed of having vaccinations for small pox, measles, polio and the many, many others we now take for granted each year. Then, who among us, had we been colonists struggling to settle this vast land we now enjoy, would have dared dream of a democratic government in which the people themselves would rule through those *they* had chosen? You and I are living comfortably in the reality of what—yesterday—were only dreams. My country tomorrow, then, is a country of today's dreams being transformed into reality.

We in the United States share many dreams. We dream of cures for deadly diseases. We dream of higher living standards and successful careers. We dream of a better understanding between the races. We dream of happiness and peace. We dream of perfect democracy and of security in the leaders we have chosen—of the "liberty and justice for all" which we as a nation have striven for over these past two centuries and more.

The actual transformation of these dreams into realities, however, does not begin tomorrow; it begins today for, here in the United States, you and I have more opportunities and available resources to fulfill our dreams than any who ever lived before us. We also have, provided in our heritage, a strong foundation upon which to build these dreams. It is a foundation which has withstood all the trials and triumphs of a nation's struggles to become strong and secure. It is my belief that no stronger statement of this foundation can be found than in our country's pledge of allegiance. This is illustrated by Senator Jim Allen in his newsletter for March of this year. After attending the annually held National Prayer Breakfast in Washington, Senator Allen reports to the people two impressions he there received; and I quote, "We are truly one Nation under God; and as James writes 'the effectual fervent prayer of a righteous man availeth much.' If we have the determination to build on this foundation, I am thoroughly convinced that my country tomorrow can be whatever it chooses to be. My country tomorrow can be a land full of dreams fast becoming reality. That country, however, has no choice but to build upon the foundation left for it by my country today. It all begins today—here and now—with you and with me."

TRIBUTE TO DR. GEORGE HYATT, JR.

Mr. MORGAN. Mr. President, the Tarheel State justifiably boasts of having the Nation's best Agricultural Extension Service. On June 30, an individual who has contributed most significantly to the excellence of our Extension Service, Dr. George Hyatt Jr., will retire.

As the Members of the Senate know, the Extension Service has been at the cutting edge of the development of American agriculture. Working hand-in-hand with the Agricultural Research Service, other components of land grant institutions and other organizations involved in strengthening American agriculture, the Extension Service has been at the forefront of the demonstration of new hybrids, improved animals breeds, the utilization of new farm technology and in the implementation of improved farm management practices.

We who have had the opportunity to know George Hyatt know him as a superb human being. But George Hyatt is more. He is a first-rate manager, teacher, and scholar. Most importantly, Dr. Hyatt's relationship with the farmers of North Carolina has been strong. Being a farmer in Harnett County, I can testify to this firsthand.

The Extension Service has played a most formative and critical role in the advance of farming in North Carolina. Dr. Hyatt has developed a highly trained, well motivated, innovative and knowledgeable corps of Extension agents. In fact, North Carolina has one of the two largest Extension Services in the country, a growth that has been due to his creative and firm leadership.

As one might expect from his strong record, Dr. Hyatt's service has been highly recognized. It would not be possible to list all of his awards here but certainly his receipt in 1974 of the Distinguished Service Award from the U.S. Department of Agriculture is an indication of his contribution to the betterment of farming.

It would not be complete to say that George Hyatt has touched only the lives of farmers. Certainly Dr. Hyatt's work with the home economics segment of the Extension Service has been quite important.

Also, I would be remiss in my comments if I did not mention Dr. Hyatt's work with 4–H, work that has paid off in many national awards for North Carolina's youth.

It is an understatement to say that North Carolina will miss George Hyatt. We are reassured that George and his wife Virginia will continue to reside in Raleigh. This fact certainly will be comforting to our Extension personnel who will be calling on him to share ideas for improving the lives of North Carolinians.

Mr. President, I came across an article in the May issue of Tobacco Farmer which presents a good profile of this extraordinary individual. In order to make my tribute to George Hyatt more complete, I ask unanimous consent that the complete text of this article by Bill Humphries appear in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DR. GEORGE HYATT, JR.

In the mid-1960s, growing and marketing an acre of flue cured tobacco required about 600 hours of labor. Today, even without bulk

curing or mechanical harvesting, the job can be done with just one-third as much labor. And with these two innovations, only 100 hours of labor are needed.

Dr. George Hyatt Jr., director of the North Carolina Agricultural Extension Service, cites these figures to show that tobacco farming has changed tremendously in a relatively short period of time.

"In fact," he said, "with the possible exception of poultry and perhaps hogs, I don't know of a farm enterprise in North Carolina that has undergone more change in the past 10 years than tobacco."

The Extension Service, of course, has helped bring about much of the change that has occurred, not only in tobacco production but throughout agriculture. The agency's primary function is to introduce new and better techniques, ideas and practices to farmers and homemakers.

Hyatt, 63, plans to step down June 30 as director of Extension and associate dean of the School of Agriculture and Life Sciences at North Carolina State University. As much as any other commodity group, tobacco farmers will hate to see him retire.

Born in Toledo and brought up on a dairy farm in southern Michigan, Dr. Hyatt came to North Carolina in 1952 as specialist in charge of NCSU's Extension dairy work. He was named head of the animal science department in 1958, associate director of Extension in 1961, and director in 1963. He was made associate dean in 1973.

One of his first acts as director was to establish a strong professional improvement program for Extension workers. Led by Dr. Edgar J. Boone, the program has evolved into the Department of Adult and Community College Education at NCSU. Several hundred Extension agents, specialists and administrators from 40 states and eight foreign countries have graduated from the program.

"We must have—and I believe that today we do have—a well trained group of Extension people working all across the state," Hyatt said. "This is important because in modern agriculture there must be a constant flow of up-to-date information to our farmers. Tobacco growers, for example, can't afford to wait a year or so for new information from research. They must be kept up-to-date all the time."

Another area in which the N.C. Extension Service has gained national recognition is long-range planning. Three statewide five-year programs have been completed and a six-year program, known as "4-Sight," was launched in 1977.

Nearly 10,000 local citizens were involved in the county-by-county development of the current program. This "has given us a grass-roots approach to our program that we just couldn't have had otherwise," Director Hyatt said. Each county set specific goals for 1982 in 4–H Club work, family living, income from various farm commodities, and other areas. Statewide goals were also developed. At least 26 other states have used North Carolina's long-range program procedure as a model.

A few months ago Philip Morris, U.S.A., announced a grant of $240,000 to the N.C. Extension Service to strengthen its educational efforts, particularly in tobacco. NCSU officials considered this a strong "vote of confidence" in the agency by the cigarette manufacturing firm.

How does Director Hyatt view the future of tobacco?

"There's a lot of uproar about tobacco and smoking in this country right now," he said. "I see in our state a continuing effort to grow a quality crop of tobacco. I think we'll be doing that many years from now and still making some money at it. I don't see anything in the picture that would radically change this direction or diminish the importance of this crop in North Carolina."

Does he think there will still be people smoking for many years to come?

"I certainly do. And if we don't furnish them the product they want, I think somebody else, some other area of the world will furnish them."

Will the flue cured crop become completely mechanized?

"I would guess we'll certainly have 80 to 90 percent of it mechanized, although a small proportion may be hand handled."

Will U.S. growers be able to hold their export markets?

"This is a complex problem right now. As we are well aware, there are many potential dangers in the future in this. But I do think we can hold our export markets. I think the quality and the kind of tobacco we produce will continue to be in demand in many countries."

Hyatt said one of the exciting things he has seen since coming to North Carolina 26 years ago has been the great diversification that has taken place in the state's agriculture.

"By no means have we de-emphasized tobacco. In fact, our educational program for tobacco growers is stronger now than ever, and income from the crop has continued to rise and is now about $1 billion a year. At the same time, we have also expanded many of our other crops and our livestock and poultry, so that income from these sources now totals about $2 billion a year."

Hyatt said he has been amazed at the speed with which Tar Heel farmers in recent years have accepted "new information, new techniques, new ways of doing things." He said the state's farm and agribusiness people give strong support to a number of NCSU foundations "which really push the University into spending money to develop new ideas and techniques that they can use."

In 1974 Hyatt received a Distinguished Service Award from the U.S. Department of Agriculture for "exemplary leadership in forging linkages of public and private resources in developing a Rural Development Program that has touched the lives of millions of North Carolinians."

He has served for several years as chairman of the State Rural Development Committee, which is composed of representatives of most public and private organizations in the state that have programs affecting rural people.

A director of the National 4-H Council and a former chairman of the National Extension Committee on Organization and Policy, he currently is on a USDA Task Force to evaluate Extension work in the United States.

At its 1978 institute, the N.C. Farm Writers and Broadcasters Association elected Hyatt an honorary member—one of only six in its 26-year history. An engraved plaque awarded to him at the time said simply, "He helped us."

Other honors have come from the N.C. State Grange, The Progressive Farmer, The News and Observer of Raleigh, and Epsilon Sigma Phi, the national fraternity of Extension workers, which cited him for distinguished service.

He holds degrees from Michigan State, Rutgers and the University of Wisconsin, and has served on the faculties of West Virginia University and the University of Maryland.

Dr. Hyatt and his wife Virginia plan to continue making their home at 1419 Lutz Ave., in Raleigh. They have three sons, all of whom attended NCSU, and three grandchildren.

The sons are Charles, a nuclear engineer with Westinghouse at Columbia, S.C.; Martin, who is doing mosquito control work for the South Carolina Department of Environmental Services, Charleston; and Bill, an aerospace engineer with Pratt & Whitney, West Palm Beach, Fla.

As for hobbies, Hyatt likes to play golf and enjoys working in the yard, doing a little gardening. After retirement he also hopes to ge back and spend some time on the home farm which he and his brother own in southern Michigan.

A colleague recently said: "Because of the leadership of George Hyatt Jr., North Carolina State University stands in a closer relationship with the people whom it was created to serve. He has strengthened the ties between the field faculty and the campus faculty, and he has brought thousands of local leaders into a planning partnership with their land-grant university."

When Dr. Hyatt started out in 1952 on his first Extension assignment from NCSU, long-time dairy specialist John A. Arey called him aside and said: "Now George, when you go out there in the field, don't tell those dairymen to do something that isn't right—because they are going to do it."

Recalling this incident recently, Hyatt commented: "As Mr. Arey indicated, the people of North Carolina have great respect for this University. I've been tremendously impressed by this, and also by the people's willingness to support our various foundations and to furnish the lay leadership for a very strong rural development program."

TOBACCO'S ECONOMIC IMPORTANCE

Mr. MORGAN. Mr. President, on May 18 the U.S. Department of Agriculture released a report of great significance to North Carolina. This report, which was prepared by the Department's Tobacco Task Force, provides an objective and comprehensive review of the economic importance of the U.S. tobacco industry. As many members of this body know, North Carolina is the leading producer of tobacco in the Nation. Tobacco provides North Carolinians with hundreds of thousands of jobs in farming, processing and marketing. Also, tobacco earned over one billion dollars in exports last year alone. Mr. President, in the interest of sharing this valuable and timely document with my colleagues, I ask unanimous consent that it be printed in full in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE ECONOMIC IMPORTANCE OF THE U.S. TOBACCO INDUSTRY

PREFACE

This study of the U.S. tobacco industry was undertaken at the request of the Department's Tobacco Task Force for comprehensive examination of the position of this industry in the nation's economy. This study is designed to provide producers, marketing and manufacturing firms, legislators, Government and trade association officials, and others interested in the tobacco industry with a compilation of numerous data series and some heretofore unavailable information concerning the tobacco economy.

No conclusions or value judgments, expressed or implied, are offered in this report.

The principal areas covered are as follows:

(1) The relative size and position of the tobacco industry in the economy;

(2) Comprehensive national estimates for calendar years 1976 or 1977 are presented for each sector of the industry from the leaf grower to the retailer, covering number of business units, sales, and employment;

(3) The goods and services which the

tobacco farm production industry purchases from its principal suppliers, and thus measures the direct impact of the industry beyond the consumer expenditure purchases made by farm workers; and

(4) State distribution of the industry sectors, and the importance of each industry sector in the various States.

The study was based on available data drawn from a wide variety of sources, governmental and private, including unpublished sources. The important data sources are indicated in the tables. Some of the estimates, in particular those on a State-by-State basis, are presented only as reasonable approximations. In all instances such estimates were derived by generally acceptable statistical distributional techniques.

I. OVERVIEW: THE TOBACCO INDUSTRY IN THE NATIONAL ECONOMY

The tobacco products industry has its roots in a number of major sectors of the American economy. The tobacco industry covered by this report is defined broadly to include all agricultural, manufacturing, and trade activity involving leaf and processed tobacco—from the leaf grower to the retail outlet. In this section the industry's size and relative position in the U.S. economy is compared at several levels—retail, farm, manufacturing, and foreign trade.

Consumer spending

Tobacco production in Colonial America originated to satisfy foreign demand but since the end of the nineteenth century, the domestic market has been the larger outlet for U.S. tobacco. Millions of Americans, around one-third to one-half of the adult population, use cigarettes and other tobacco products. In 1977, the American public spent approximately $17 billion on tobacco products, $16 billion of which was for cigarettes.

Approximately $1 out of every $75 of all retail expenditures is spent for tobacco products. These products account for $1 out of every $27 spent on nondurable consumer goods.

A measure of the size of this industry and its place in the economy may be indicated by comparing the expenditures for its products with those for other well known products, or groups of products (1976 data, latest available).

The $16 billion expenditure on tobacco products in 1976 was about four-tenths (41 percent) of the sum spent for new automobiles. It was one-an-one-half times (151 percent) the sum spent for drugs and sundries. The expenditure on tobacco was about the same as the $16 billion spent for radios, television sets, records, and musical instruments or the same sums spent for personal care (toilet articles, beautician and barber services).

Farm production

A branch of agriculture supplies the principal raw material for the tobacco industry. Although tobacco requires only 0.3 percent of the Nation's cropland, tobacco sales totaled $2.3 billion last year and accounted for 2.4 percent of all farm cash receipts from marketings. Tobacco sales represent 5 percent of cash receipts from crops and usually bring it to a fifth ranking in value among cash crops (after corn, soybeans, wheat, and cotton) and tenth among all U.S. farm commodities (after previous 4 crops plus cattle, hogs, milk, eggs, and broilers). Tobacco sales are twice as great as either rice, potato, or citrus fruit sales, and three times larger than peanuts.

Cash receipts from tobacco sales are trending upward. Last year's total was about three-fourths more than the 1960–64 average. But the rate of increase is less than from the average for all farm commodities. Cash receipts from farm marketings totaled a record-high $95 billion in 1977. But the tobacco share has declined from the 3.6 percent average of all farm cash receipts and government payments during 1960–64. Similarly, tobacco's share of cash income from all crops has declined from the 7.9 percent share during 1960–64.

Manufacturing

A specialized assembly (warehousing), buying, and processing industry purchases leaf tobacco and prepares it for domestic manufacture or export. Some eleven large manufacturing establishments operated by six major firms, produce the industry's principal product—cigarettes—and 261 other establishments produce cigars, chewing and pipe tobacco, and snuff.[1] Transportation, financing, advertising, wholesaling and retailing are among the other important business sectors involved in the tobacco business.

Cigarette manufacturing is by far the largest part of the industry. In 1976, cigarette manufacturers' gross receipts were about $6.0 billion (includes $2¼ billion of Federal excise taxes passed on to the trade). Manufacturers' sales of other tobacco products were approximately $600 million, including $45 million of Federal excises.

The industry's contribution to the tax revenues of the Federal, State, and local governments is derived mainly from the excises levied on the cigarette business. Substantial corporate income and other business taxes are also levied on cigarette manufacturers.

A further measure of the position of the tobacco manufacturing industry can be seen from general statistics for manufacturing industries. Among the 14 broad industry groups (Census, 2 digit code) the tobacco industry is surpassed in such measures as cost of materials, value added by manufacture, value of industry shipments, and capital expenditures by all groups except leather and leather products. Tobacco surpasses the last ranked industry in those size measures by almost 100 percent. This relatively low ranking for tobacco manufacturing nationally is not surprising since by most measures it accounts for less than one percent of U.S. manufacturing costs, value added, or shipments. However, the tobacco industry group ranks second among the 19 manufacturing industries in value added and value of shipments per employee (surpassed only by petroleum and coal products).

When the cigarette industry is compared with various 3-digit Census industries, it ranks similar in employment to such industries as fats and oilseed, floor carpeting, textile finishing (except wool), office furniture, printing trade sources, agricultural chemicals, structural clay products, pottery and related products, plumbing and heating (non-electrical), primary nonferrous metals, wood products, miscellaneous textile products, and miscellaneous chemicals. Because of their high value, shipments of cigarettes generally exceed by a large amount the shipments of the industrials noted above.

Foreign trade

Tobacco ranks fourth or fifth among U.S. agricultural exports in terms of value (after feed grains, soybeans, wheat, and sometimes after cotton). About 33 percent of the crop goes as unmanufactured tobacco and 7 percent is exported as manufactured products. The value of tobacco and product exports totaled $1,732 million in 1977. This included unmanufactured tobacco worth $1,094 million and tobacco products worth $637 million.

Exports last year far exceeded imports which totaled about $373 million, so tobacco contributed about $1.36 billion toward the Nation's balance of payments. The movement of tobacco from redrying plants and storage warehouses to ports and then aboard ships employs many people in transportation, sales, and traffic departments, as well as substantial investment in facilities.

Last year's export total was substantially larger (180 percent) than the 1960-64 average. The major gain has come from price increases since the volume change has been modest. As a result, the tobacco share of U.S. agricultural exports has declined from 7.6 percent in 1960-64 to 4.5 percent in 1976 and 1977. Nonetheless, among major commodity groups, tobacco exports show the least year to year variation in quantity.

Taxes

The U.S. Government, all 50 States, and many local governments tax tobacco products. Federal, State, and local government revenues from tobacco products totaled $6.2 billion last year, an amount equal to about 39 percent of consumer expenditures for tobacco products. Nationally, excise taxes are about 3 times the amount U.S. farmers receive for their tobacco.

In 1977, tobacco taxes accounted for 0.7 percent of total Federal tax receipts and represented nearly 14 percent of all excise taxes. About 98 percent of the tobacco tax revenue came from cigarettes. Among the Federal excise tax categories, tobacco tax receipts are exceeded by alcohol taxes, and manufacturers' excise taxes on gasoline, but are about equal to collections on motor vehicles, and telephone services. With the substantial growth in income and social insurance taxes over the years, the excise share of Federal receipts has gradually declined.

State and local governments receive about 2 percent of their tax revenue from cigarette and other tobacco products excise taxes. Largely collected by State governments where the share of taxes is 3.9 percent, tobacco taxes have exceeded Federal tobacco tax collections since 1969.

II. THE MAIN SECTORS IN THE TOBACCO INDUSTRY

Since the settlement of the English colonies in Jamestown, tobacco has been an important source of American income. Historians record that the settlement of Virginia would have been a failure but for the rapid expansion of John Rolfe's tobacco growing venture in 1612. Tobacco was the leading export commodity through the entire colonial period and into the early years of independence. Settlers moving into the Piedmont and then further west to the Appalachian Mountains and beyond carried tobacco seeds because they could produce a high value crop that surpassed the enormous transportation barriers.

As the domestic and export markets expanded, U.S. tobacco output expanded and shifted to accommodate the differing forms of tobacco use. Over the years, various marketing, processing, and manufacturing facilities have developed for U.S. tobacco along with a host of service and supply industries, and a Government price support and marketing and quota program for growers.

Agriculture

Tobacco is a major agricultural commodity that several hundred thousand farm families depend on for a significant part of their livelihood. Tobacco is one of the few crops that can utilize family labor and still provide a reasonable income on a small farm. About 270 hours of labor is required to produce and market an acre of tobacco. By contrast,

[1] This number is based on latest available data from the U.S. Bureau of the Census and its definition which counts as a separate establishment each of several different locations at which a company may produce cigarettes. This establishment count differs from the number of cigarette manufacturing companies. Not counted in the above total is a factory opened in Georgia in 1977 by a major cigarette manufacturer.

food grains (wheat and rice) require about 3½ hours per acre.

In 1977, about 1.9 billion pounds of tobacco was grown on about 276 thousand farms in 18 States. The acreage devoted to tobacco growing is typically small, averaging about three acres per farm. Cash receipts from tobacco exceeded $2.3 billion, or 2.4 percent of the Country's total cash receipts from crops and livestock marketings.

Farms growing tobacco are relatively small in size, but they hire or exchange sizable amounts of labor for peak seasonal requirements. For 1974, the 95,488 specialized farms defined as "tobacco farms" by the Census of Agriculture averaged 129 acres with 38 acres of harvested cropland. About 60 percent of the operators were owners, 25 percent part owners, and 15 percent tenants. About 92 percent of tobacco farm operators were white and 8 percent were black or other races.

About 5 percent of all labor used on farms, or about 247 million hours, went into tobacco production in 1977. Much tobacco labor comes from the operators and their families but most producers hire some labor due to the extremely high seasonal requirements. Two-thirds of flue-cured harvest labor was hired, according to a 1972 USDA survey (USDA Econ. Res. Serv. Ag. Econ. Rpt. No. 277).

A closer look at the hired harvest work force in the flue-cured area showed more than 50 percent of the workers were less than 18 years old. Over two-thirds of the workers were black and about 55 percent were females. Black females represented 40 percent of the workers. Those working on their own farm differed. They were older with less than 25 percent under 18 years of age. About 60 percent were white and 55 percent were males. (North Carolina State University Econ. Res. Rpt. 38.)

Thus tobacco production provides employment for many women and children, handicapped, older persons, and unskilled persons with few alternative employment opportunities.

About one-half of the Census tobacco farms reported hiring labor in 1974, mostly for less than 25 days. These 50 thousand farms reported hiring an average of 10 workers per farm, or 528,000 workers. Conservatively assuming that the remaining farms growing tobacco use family labor or "swap" arrangements, when we add the allotment holders and farm operators, an estimated 1 million persons obtain income from tobacco production.

Income generated in tobacco farming in 1977 was $1.3 billion: wage payments and unpaid family labor approximated $600 million, and proprietors' income (operators and allotment holders) was about $700 million.

In addition to labor, tobacco production requires sizable inputs from service and marketing industries. Producers spend over four-tenths of their cash receipts from tobacco for such crop expenses as fertilizer, chemicals, gasoline, petroleum, curing facilities, machinery, custom work, and warehouse charges. These crop expenses amount to almost $1 billion annually.

Tobacco markting

U.S. growers sell about 95 percent of their tobacco through auction markets; the remainder is sold and delivered directly to manufacturers or dealers. In 1976 there were 175 tobacco markets with 841 sales floors (auction warehouses). Markets are situated in towns or cities in tobacco growing areas were one or more warehouses sell tobacco at auction. The largest market has 24 sales floors; some of the smaller markets have only one.

Each spring the growers of flue-cured tobacco designate the auction warehouses where they wish to market their crop. Sales schedules and inspection services are provided at individual warehouses on the basis of the quantity of tobacco designated. This procedure began in 1974 as a requirement for price support and has resulted in most producers receiving equitable marketing opportunities and in much more orderly marketing than had prevailed previously.

Usually on the basis of an agreed upon schedule, growers deliver their tobacco to the auction warehouse of their choice. A Federal grader examines each lot and grades it according to U.S. standards. Then it is sold to the highest bidder. The bidders are buyers for manufacturers, dealers, and exporters. Lots of tobacco that are not bid above the Government loan rate are taken by the loan cooperatives for processing, storage, and later sale. Some tobacco is being sold year round, but most sales take place in July through January.

Growers receive payment for their tobacco immediately after sale. Selling charges vary by type of tobacco, ranging from 3 to 6 percent of the selling price. The estimated charges for the 1976 crops were $75 million. Warehouses had an estimated payroll of $20 million for numerous handlers, weighers, bookkeepers, and clerks to move the tobacco quickly through the sales. Other variable and fixed costs totalled $25 million (based on a USDA cost survey), leaving returns to owners and managers of $30 million.

Leaf processing

Tobacco needs to age one to three years before manufacturers can properly use it. Aging improves the aroma and eliminates the bitter taste of freshly cured leaf. In preparing tobacco for storage, practically all tobacco is redried. This process involves removing foreign matter, complete drying out of the leaf, and applying a uniform moisture content. Sometimes tobacco is green prized, or packed in temporary storage until it can be shipped to a redrying plant. Most tobacco is stemmed before it is redried. This means stems and center veins of the leaves are removed, leaving only the lamina. This procedure reduces costs, and provides for a more uniform drying operation.

Practically all tobacco is packed in cylindrical wooden containers (hogsheads) or in cardboard cases for storage, and for export. The packed containers of redried tobacco go to storage warehouses nearby the manufacturing sites. With only minimum protection from the outside elements and periodic fumigation required, the stored tobacco goes through a series of sweats or fermentation process so it will be suitable for manufacture, one to three years later.

At the leaf processing stage there were 91 establishments in 1972. Approximately 12,000 persons were employed. The gross margins of these plants (Census, value added) was $228 million in 1976. Wage and salary payments totalled about $67 million. Other variable and fixed costs totalled $71 million (based on USDA cost estimates), leaving corporate and proprietors' income of $90 million.

Exports-imports

In relation to domestic production, imports and exports of tobacco have been important for many years. The United States is the leading tobacco exporting country and the third largest tobacco importer. The excess of exports over imports last year was about 24 percent of 1977 production. However, most of the imports are used for blending with domestic tobacco and consist of oriental tobacco not produced in the United States.

About 50 companies engage in export of tobacco. They vary widely in volume handled from worldwide, multinational tobacco trading firms to small dealers handling a specialized tobacco type. Most firms are integrated in related lines, including leaf buying, processing, and storage. A few export firms are affiliated with foreign manufacturers. Each domestic company making cigarettes exports to overseas affiliates as well, either finished products or blended or cut tobacco in bulk. Virtually every nation receives some U.S. tobacco, but around 60 percent goes to Japan and the European Community.

Exports of unmanufactured tobacco have remained relatively constant in quantity except for fluctuations due to shipping interruptions. Cigarette exports have been on an uptrend for several years. Limited Government assistance is available for leaf exports under the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480), and the Commodity Credit Corporation Charter Act. From mid-1966 through the 1972 crop, a limited CCC export payment went to exporters of unmanufactured tobacco.

The U.S. duty for most tobacco leaf imports is 11 cents per pound which is relatively low among countries and in relation to leaf value. Although imports of tobacco affect the domestic supply/demand balance, and in turn the volume of tobacco under the Government loan program, import controls as authorized by Section 22, Agricultural Adjustment Act of 1936, as amended, have never been in effect.

Among the principal tobacco export categories, the value last year was: flue-cured: $834 million; cigarettes: $615 million; burley: $152 million; other leaf tobacco: $108 million; and other tobacco products: $22 million. While there is no precise way to separate the value of the exporting service from the total value of exports, a conservative estimate would attribute 3 percent or $50 million of the past year's export value movement to ports and aboard ships, sales and traffic departments, plus fumigation and related charges.

Tobacco product manufacturing

In 1972 there were 181 establishments engaged in the manufacture of tobacco products. Of this total, twelve were highly mechanized cigarette plants operated by the six major manufacturers. The other 169 produced cigars, chewing and pipe tobacco, snuff, and other tobacco products.

Cigarette manufacturers had gross receipts (excluding Excises) of $3.7 billion (1976). They employed some 41,000 persons, with wages, salaries, and wage supplements reaching a total of more than $521 million. Gross margins from cigarette manufacturing operations totalled about $1.27 billion.

Other tobacco product manufacturers, with gross receipts of $565 million, employed 11,500 persons and paid wages, salaries, and fringe benefits of $85 million. Their gross margins came to $308 million in 1976.

In total, tobacco product manufacturers had gross receipts of $4.2 billion, excluding Federal excises. The excises bring this total to $6.6 billion. Firms employed almost 52,000, to whom they paid over $606 million in wages and benefits. Gross margins, including excise taxes, totalled approximately $3.9 billion.

Distribution

About 3,000 tobacco wholesalers handle tobacco products as a part of their general wholesaling business. These include 1,860 primary tobacco wholesalers who handled tobacco products worth $10.6 billion in 1976.

At the retail level in 1976, some 610 thou-

sand outlets sold tobacco products, consisting of around 210 thousand regular retail outlets (with payrolls) and around 400 thousand cigarette vending machine locations (with a total of 800 thousand vending machines). Their domestic sales totalled nearly $16.4 billion, of which well over $15.1 billion was accounted for by cigarettes. State-local excise and sales taxes amounted to nearly $3.5 billion of this total, most of which was levied on cigarettes.

It is difficult to measure, exactly, employment and earnings in the distributive trades that can be attributed to the handling of tobacco products. Tobacco is sold along with many lines at wholesale and retail. Estimates can be made for the national picture.

Total employment in wholesale and retail establishments attributable to tobacco product sales is estimated at 200 thousand. Wage and salary income attributable to the distribution of tobacco products is estimated at $2 billion.

Summary

The $17 billion of consumer expenditures for tobacco products provided income of approximately $11 billion in 1977. About 1 million persons were employed full-time and part-time in farm production, and factory and distribution employment was about 300 thousand persons.

III. FARM PRODUCTION PURCHASES

In addition to labor, tobacco production requires sizable inputs from service and marketing industries. Producers spend between 40 and 50 percent of their cash receipts for numerous cash items (exclusive of labor). The following estimate is based on budget estimates for flue-cured and burley production (*Tobacco Situation*, Sept. 1977 and March 1978).

Selected input items, U.S. tobacco production, 1977

[In millions of dollars]

Item or industry:	*Amount*
Seed	$2
Agric. services (custom)	20
Wood products	5
Fertilizer	112
Building maintenance, rep	6
Ag. chemicals	72
Textile products	17
Plastic materials	5
Cordage, twine	5
Petroleum products	163
Farm buildings	190
Farm machinery	192
Machinery repairs	18
Insurance	58
Interest	14
Electricity	13
Marketing fees	78
Total	970

III. THE MAIN SECTORS, BY STATES

Farm production. In 1977, about 276,000 farms produced tobacco having a cash value of $2.3 billion. Although twenty-three states have farms growing tobacco most of them are in the South. Six states accounted for 90 percent or more of the tobacco allotments, farms producing tobacco, cash receipts, and employment. Detailed information for all states is given in Tables 1 and 2 which show farm production, hours of labor, labor and other direct costs (excluding rent), crop value, and allotment value.

The tabulation below shows the six leading states, ranked by the amount of cash receipts from tobacco. For the country as a whole, tobacco cash receipts were 2.5 percent of total cash farm receipts; for the six states the percentage is 22. The heavy concentration of this crop is evident from the figures—North Carolina and Kentucky account for 64 percent of the cash receipts from this crop.

[In millions of dollars]

State:	Tobacco cash receipts	Percent of total farm cash receipts
North Carolina	$866	32.8
Kentucky	619	33.8
South Carolina	171	21.5
Virginia	163	15.8
Georgia	150	6.9
Tennessee	164	11.8

In the 3 leading States, North Carolina, Kentucky and South Carolina, tobacco is the leading source of cash receipts from farm marketings and ranks high in Virginia, Georgia, and Tennessee. However, the relative importance of tobacco in total cash farm receipts has declined. For the 6-State area, cash farm receipts jumped 180 percent from 1955–59 (average) to 1977; tobacco receipts gained 118 percent. As a result, tobacco declined in importance from 28 percent of cash receipts in 1955–59 to 21 percent in 1976 (22 percent in 1977, when crops were seriously hurt by drought).

5 LEADING COMMODITIES RANKED ACCORDING TO CASH RECEIPTS, 6 LEADING TOBACCO STATES, 1976

State	1	2	3	4	5
1. North Carolina	Tobacco	Broilers	Hogs	Corn	Dairy production.
2. Kentucky	Tobacco	Cattle calves	Dairy production	Corn	Soybeans.
3. South Carolina	Tobacco	Soybeans	Corn	Eggs	Hogs.
4. Virginia	Dairy production	Tobacco	Cattle calves	Broilers	Hogs.
5. Georgia[1]	Broilers	Peanuts	Eggs	Corn	Soybeans.
6. Tennessee	Cattle calves	Soybeans	Dairy production	Tobacco	Hogs.

[1] 6—Hogs; 7—Cattle calves; 8—Tobacco.

Compiled from: State Farm Income Statistics, Supp. to Stat. Bul. 576, Economic Research Service, U.S. Department of Agriculture, 1977.

TOBACCO'S SHARE OF CASH FARM RECEIPTS FROM MARKETINGS, 6 LEADING STATES, 1955–59, 1967, AND 1977

[In percent]

State	1955–59	1967	1977 [1]
North Carolina	47.0	41.3	32.8
Kentucky	40.0	41.6	33.8
South Carolina	25.5	25.2	21.5
Virginia	17.5	16.2	15.8
Georgia	8.9	9.8	6.9
Tennessee	14.9	13.8	11.8
6 State area	27.8	26.8	21.7

[1] Preliminary.

From 1955–59 to 1977, North Carolina, the largest tobacco-producing State, had a 173 percent increase in cash farm receipts, but a 91 percent increase in receipts from tobacco. Tobacco declined from 47 percent of total receipts in 1955–59 to 33 percent in 1977. Other States in the southeastern producing area had gains in total cash farm receipts ranging from 126 percent in Virginia to 218 percent in Georgia. Cash receipts from tobacco relative to all commodities decreased for all States in the six-State area.

Farm numbers further illustrate the importance of tobacco:

State	Tobacco allotments (farms)	Number of farms producing tobacco	Percent of total farms
Kentucky	166,233	103,000	83.1
North Carolina	134,018	52,000	42.6
Tennessee	104,709	62,000	50.4
Virginia	43,673	21,000	29.2
Georgia	25,330	5,000	7.1
South Carolina	23,907	6,000	12.8

In addition to the dominant tobacco-growing states, the following six states have from 100 to 7,500 farms producing tobacco, accounting for virtually all of the remaining 10 percent of farm income from this crop.

State	Tobacco allotments (farms) (number)	Farms producing tobacco (number)	Tobacco cash receipts (millions)
Florida	7,106	1,400	$32.9
Maryland	0	3,000	30.9
Ohio	11,771	7,600	28.0
Indiana	9,874	5,000	22.7
Connecticut	120	100	22.8
Wisconsin	4,573	3,100	20.1

Farms growing tobacco are relatively small, but a number of crops besides tobacco are grown. Tobacco accounts for 3.3 percent of the area planted for the 6 leading tobacco producing States. North Carolina, the ranking State has 8 percent of crop acreage in tobacco. The acreage planted in tobacco averages approximately 3½ acres per farm, nationally. However, the range is considerable. In Tennessee, the average is slightly over one acre per farm. At the other extreme, Connecticut farms average 37 acres.

County patterns

Tobacco allotment and Census of Agriculture data show the number of counties with farm allotments or farms growing tobacco. Of 3,068 counties and parishes in the United States, 21 percent, or 651 counties report tobacco allotments or production.

Farm earnings are a major source of earnings in many counties where tobacco is grown. In addition, a major share of the farm earnings are derived from such primary crops as tobacco. For example, in Maryland, tobacco ranks seventh as a source of cash farm income (3.3 percent of the total), but virtually all the tobacco is grown in 5 counties of southern Maryland where it represents about 44 percent of cash receipts from farm marketings.

Farmers are changing from a reliance on single crop agriculture as the major source of income. However, major changes in agriculture policy pertaining to tobacco would have a substantial effect on the economies of many local communities. (D. H. Carley, *Farm Earnings: Total Earning Relationships in Southwest Georgia*, Research Bulletin 173, Dept. of Agricultural Economics, Georgia Station, 1975).

Tobacco Leaf Handling and Processing. The processing sector of the tobacco industry (defined by census as stemming and redrying) generally follows the geographical pattern set by tobacco growing. The principal states, ranked by total income are shown below:

STEMMING AND REDRYING PLANTS, 1972

State	Establishments (number)	Value added [1] (millions)	Employees [1] (thousands)
North Carolina	29	[2] $57.0	[2] 5.4
Kentucky	11	[2] 30.0	[2] 1.5
Virginia	13	36.0	2.5
Tennessee	6	[2] 12.0	[2] .5
South Carolina	2	[2] 1–3	[2] .1
Florida	3	[2] 4–8	[2] .3
Northeast Region [3]	19	7.9	---
Total	91	153.6	11.4

[1] 1976 equals 277,500,000 and 12,500, respectively. Detail by States not available but the 1972 distribution continued.
[2] Estimated.
[3] Includes 2 plants in Louisiana.

These four leading states account for well over 80 percent of the business volume of plants in tobacco processing (stemming and redrying). Virtually all of this processing is done at specialized plants, with only about 3 percent of the U.S. total done at other kinds of factories primarily cigarette plants.

The Manufacturing Industry. The 180 manufacturing establishments in the tobacco products industry are located in twenty-nine states. With nationwide sales organizations, however, the industry provides employment in all fifty states. In contrast to tobacco growing, which is highly labor intensive, cigarette manufacturing is less so. Other tobacco product manufacturing is less so.

The high degree of concentration of cigarette manufacturing means virtually all of the output is found in three States as follows:

CIGARETTE PLANTS, 1972

State	Establishments (number)	Value added [1] (millions)	Employees [1] (thousands)
North Carolina	5	$1,198.5	17.6
Virginia	3	[2] 524.9	[2] 11.0
Kentucky	3	464.4	9.5
Total	11	2,187.8	38.1

[1] 1976 equals $3,591,900,000 and 40,800, respectively. Detail by States not available.
[2] Estimated.

Other tobacco products account for less than 10 percent of the retail value of tobacco products but are manufactured in more numerous smaller scale factories than cigarettes. The number of factories manufacturing cigars and chewing and smoking tobacco has been declining for many years, but remain more scattered geographically than in the case of cigarettes.

CIGAR FACTORIES, 1972

State	Establishments (number)	Value added [1] (millions)	Employees [1] (thousands)
1. Pennsylvania	29	$104.7	6.0
2. Florida	54	49.6	4.1
3. Alabama	3	[2] 10–19	[2] 1.0
4. Georgia	2	[2] 5–9	[2] .7
5. Kentucky	1	[2] 5–9	[2] .6
6. South Carolina	1	[2] 6–4	[2] .4
7. Ohio	2	[2] 2–4	[2] .3
8. Indiana	3	[2] 1–1.9	[2] .1
9. Other States [3]	37	[2] 4.2	[2] .3
Total	132	192.5	13.5

[1] 1976 equals $147,500,000 and 8,400, respectively.
[2] Estimated.
[3] Detail by States not available.

CHEWING AND SMOKING FACTORIES, 1972 [1]

State	Establishments (number)	Value added [1] (millions)	Employees [2] (thousands)
Tennessee	5	$20	0.6
Virginia	3	10–19	.6
Illinois	1	5–9	.2
New Jersey	1	5–9	.2
North Carolina	3	5–9	.4
Ohio	4	10–19	.5
Missouri	2	5–9	.2
West Virginia	1	2–4	.2
Kentucky	5	2–4	.2
Other States [3]	12	5.9	.2
Total	37	103.2	3.3

[1] 1976 equals $161,000,000 and 3,100, respectively.
[2] Estimated.
[3] Detail by States not available.

Tobacco Product Distribution. The tobacco industry has perhaps the most widely dispersed distribution system to be found for any product in the country. There are about 3 thousand wholesale establishments handling the distribution of tobacco products to retail channels. In 1976, wholesale sales amounted to nearly $11 billion. Table 3 presents wholesale and retail sales data by State as well as excise tax collections for the combined tobacco products industries. Overall, the distribution of this product through wholesale and retail channels involves an estimated 200 thousand persons.

TABLE 1.—TOBACCO: ALLOTMENTS, FARMS, PRODUCTION PRICE, VALUE, BY STATES, 1977

State	Farm allotments	Farms producing tobacco: Number [1]	Farms producing tobacco: As percent of all farms	Area harvested (thousand acres)	Yield per acre (pounds)	Production (million pounds)	Price per pound (cents)	Value of production (millions)
Alabama	291	100	0.1	0.6	1,900	1.1	111.0	$1.2
Connecticut	120	100	2.4	3.7	1,619	6.1	377.1	22.8
Florida	7,106	1,400	4.4	12.6	1,997	25.2	122.5	30.9
Georgia	25,330	5,000	7.1	65.0	2,075	134.9	115.0	155.1
Indiana	9,874	5,000	4.9	7.6	2,500	19.0	119.5	22.7
Kentucky	166,233	103,000	83.1	199.8	2,355	470.5	121.6	571.8
Louisiana	0	25	.1	.2	900	.1	154.8	.2
Maryland	0	3,000	17.1	23.0	1,300	29.9	110.0	32.9
Massachusetts	85	50	.9	1.2	1,654	1.9	458.6	8.8
Missouri	1,492	1,000	.7	2.5	2,300	5.8	116.0	6.7
North Carolina	134,018	52,000	42.6	392.5	1,890	741.7	116.8	866.2
Ohio	11,771	7,600	6.6	11.2	2,224	24.9	112.5	28.0
Pennsylvania	21	2,500	3.5	13.0	1,810	23.5	60.0	14.1
South Carolina	23,907	6,000	12.8	68.0	2,035	138.4	123.5	170.9
Tennessee	104,704	62,000	50.4	71.4	2,012	143.6	121.1	173.9
Virginia	43,673	21,000	29.2	79.8	1,767	141.0	116.3	164.0
West Virginia	4,253	3,000	11.5	1.7	1,800	3.1	112.5	3.4
Wisconsin	4,573	3,100	3.1	11.9	1,978	23.5	85.5	20.1
Other States	[2] 143	75	---	---	---	---	---	---
United States	537,435	275,950	10.0	965.6	2,003	1,934.2	118.6	2,293.8

[1] Estimated.
[2] Arkansas, Illinois, Kansas, Minnesota, and New York—Negligible.

Compiled from data from Agricultural Stabilization and Conservation Service, and Economics, Statistics, and Cooperatives Service.

TABLE 2.—TOBACCO: ESTIMATED COSTS AND RETURNS, ALLOTMENT VALUE, BY STATES, 1977

[Dollar amounts in millions]

State	Farm labor used for tobacco: Hours (millions)	Farm labor used for tobacco: Value	Other costs excluding rent [1]	Real estate taxes	Residual, allotment, and management	Total crop value	Allotment value
Alabama	0.1	0.3	0.6	(2)	0.3	1.2	1.8
Connecticut	3.6	10.6	4.5	0.1	7.6	22.8	.5
Florida	3.0	6.9	13.3	.3	10.4	30.9	52.0
Georgia	16.3	37.6	72.3	1.5	43.7	155.1	280.0
Indiana	2.1	6.2	7.5	.2	8.8	22.7	38.0

State	Farm labor used for tobacco: Hours (millions)	Farm labor used for tobacco: Value	Other costs excluding rent [1]	Real estate taxes	Residual, allotment, and management	Total crop value	Allotment value
Kentucky	58.8	168.2	202.2	3.5	197.9	571.8	900.0
Louisiana	[2]	.1	.1	[2]	[2]	.2	
Maryland	5.4	12.8	15.6	.2	4.3	32.9	
Massachusetts	1.3	3.7	1.6	[2]	3.5	8.8	[2]
Missouri	.7	2.1	2.6	.1	1.9	6.7	10.0
North Carolina	89.6	207.0	398.0	7.0	254.2	866.2	1,700.0
Ohio	3.3	9.8	11.8	.3	6.1	28.0	38.0
Pennsylvania	3.1	9.2	11.2	.1	−6.4	14.1	
South Carolina	18.0	41.6	80.0	1.0	48.3	170.9	300.0
Tennessee	17.0	50.3	60.5	1.0	62.1	173.9	220.0
Virginia	20.4	46.3	79.0	1.1	37.6	164.0	240.0
West Virginia	.5	1.6	1.9	[2]	−.1	3.4	5.2
Wisconsin	2.8	6.7	8.1	.1	5.2	20.1	5.3
United States	246.9	621.0	970.8	16.5	685.4	2,293.7	3,790.8

[1] Includes machinery and building ownership cost.
[2] Less than $500,000.

Source: Compiled by Robert H. Miller, Economics, Statistics, and Cooperatives Service, U.S. Department of Agriculture.

TABLE 3.—TOBACCO PRODUCTS: VALUE OF PRODUCTS DISTRIBUTED AND STATE TAX COLLECTIONS, BY STATE, 1976

[Dollar amounts in millions]

State	Tobacco tax collections: Amount	Tobacco tax collections: Share of all taxes (percent)	Value of tobacco products: Wholesale	Value of tobacco products: Retail [1]
Alabama	$48.6	3.9	$177	$273
Alaska	4.7	.8	17	26
Arizona	35.6	3.5	72	111
Arkansas	45.1	6.2	91	141
California	268.5	2.5	774	1,192
Colorado	32.7	3.4	108	166
Connecticut	73.4	5.8	183	282
Delaware	12.4	3.5	32	49
Florida	185.6	6.3	273	421
Georgia	73.2	4.4	212	327
Hawaii	9.8	1.5	41	63
Idaho	9.5	2.9	36	55
Illinois	175.4	3.7	687	1,057
Indiana	51.0	2.7	297	458
Iowa	46.2	8.8	172	265
Kansas	31.5	3.7	136	210
Kentucky	21.8	1.6	180	277
Louisiana	56.3	3.4	172	265
Maine	24.1	4.5	56	86
Maryland	54.5	2.8	225	347
Massachusetts	141.9	5.2	343	528
Michigan	138.6	3.7	503	774
Minnesota	83.3	3.8	200	308
Mississippi	30.9	3.5	106	163
Missouri	58.8	4.1	264	407
District of Columbia	11.9	1.8	57	88
Montana	11.4	4.1	40	62
Nebraska	22.5	4.6	90	139
Nevada	11.2	3.8	24	37
New Hampshire	26.7	14.5	38	59
New Jersey	166.2	7.2	424	653
New Mexico	13.7	2.4	49	75
New York	333.4	3.4	926	1,426
North Carolina	20.9	1.0	232	357
North Dakota	8.6	3.0	35	54
Ohio	194.8	5.9	598	921
Oklahoma	51.2	5.1	145	223
Oregon	30.7	3.7	111	171
Pennsylvania	245.0	4.8	707	1,089
Rhode Island	24.5	6.3	60	92
South Carolina	23.4	2.2	107	165
South Dakota	9.1	4.7	35	54
Tennessee	66.1	5.2	188	290
Texas	281.7	6.7	533	821
Utah	7.5	1.6	48	74
Vermont	9.9	4.8	25	39
Virginia	17.7	1.0	256	394
Washington	59.0	3.2	188	290
West Virginia	27.0	3.2	110	169
Wisconsin	84.2	3.5	238	367
Wyoming	4.6	2.4	19	29
Total	3,475.6	3.9	10,639	16,390

[1] Wholesale value increased uniformly by States to equal U.S. retail total.
Compiled from "Tax Administrators News," Federation of Tax Administrators, April 1977, p. 41; U.S. Bureau of the Census, "Governmental Finances in 1975–76," GF–76, No. 5, 1977, p. 49; "NATO Coordinator," National Association of Tobacco Distributors, 1977, pp. 2130–8.

Tobacco Export Shares by States, 1973–76 [1]

(By Richard Hall, Agricultural Economist
Commodity Economics Division)

Abstract: Tobacco exports were 16 percent of the value of all agricultural exports for 18 States growing tobacco for the year ending June 30, 1976. Tobacco was 4 percent of all United States agricultural exports. North Carolina's export share of tobacco was over half of the U.S. tobacco total. The allocation of export shares based upon production shows that tobacco dominated export shares of agricultural products for North Carolina, Connecticut, and Masachusetts. The export shares of tobacco was near or over one-third of agricultural exports for Kentucky, South Carolina, and Virginia. The maintenance of tobacco exports is a developing problem for the agricultural economy of each State with a large share in tobacco exports.

Keywords: Agricultural exports, export shares, exports by State, export values, tobacco exports.

From fiscal year 1973 to 1976 (year ending June 30), U.S. agricultural exports increased 72 percent in value (table 1). The increase in value of tobacco (unmanufactured and bulk smoking tobacco) exports was 43 percent from 1973 to 1976. The increase was primarily the result of higher unit export values. Since exports represent about 30 percent of the annual disappearance of the U.S. tobacco crop, the export value allocated to States is of economic importance. States with a large share in the value of exports have a special interest in maintaining or increasing the value of U.S. exports.

Eighteen States (all but Missouri located east of the Mississippi River) produce significant quantities of tobacco. Five dominate in the production of flue-cured tobacco, the major cigarette tobacco. Flue-cured production provides about two-thirds of the total U.S. tobacco crop. Production is concentrated in North Carolina, South Carolina, Georgia, Virginia, and Florida.

Burley tobacco, the second major type of cigarette tobacco, represents about 30 percent of the U.S. tobacco crop. Two States, Kentucky and Tennessee, dominate burley production. Additional burley is grown in Indiana, Missouri, North Carolina, Ohio, Virginia, and West Virginia.

Other types of tobacco, although neither large in quantity or value nationally, are important in the agricultural economies of Connecticut, Maryland, and Massachusetts.

Although production is compiled by States, exports are not reported by States. Exports are reported by port or region of exit and a few ports handle most of the tobacco exports. But production industries are relatively unfamiliar with how the value of other agricultural or tobacco exports relate to the economies of producing States. Export shares were calculated for fiscal years 1973–76 based upon the relative share of agricultural production in each State the year previous to the export year.

Agricultural Export Shares to States

The total value of U.S. agricultural exports in fiscal 1976 was $22 billion. Allocating this value to the five leading States—Illinois, Iowa, Texas, California, and Kansas—shows that other crops and livestock products are exported in great quantity and value relative to tobacco. Tobacco is important in only 18 States and was 4 percent of export value in 1976. However, total agricultural exports from the 18 tobacco producing States were one-fourth of the U.S. total. The total value of tobacco exports in fiscal 1976 was $917 million.

Because of the diversity of the agricultural economies of tobacco States, the range in percent of agricultural exports represented by tobacco was less than 1 percent over 80 percent. The average for tobacco States was 16 percent (table 2).

In North Carolina, flue-cured and burley

[1] Adapted from: Tontz, Robert L. and McCall. Thomasine B., "U.S. Agricultural Export Shares By States, Fiscal Year 1976," *Foreign Agricultural Trade of the United States*, October 1976, pp. 5–16.

tobacco provided 60 percent of the agricultural export share allocated in 1976. Cigar wrapper and binder tobacco provided 81 percent of the agricultural export share in Connecticut and 50 percent in Massachusetts. Tobacco made up about one-third of the export shares allocated to three States—flue-cured for South Carolina, burley and fire-cured for Kentucky and flue-cured, burley, and fire- and sun-cured for Virginia.

TOBACCO SHARES BY STATES

North Carolina's share of $474 million in tobacco exports was 52 percent of the tobacco total in 1976 (table 2). Among other States, only Kentucky and South Carolina accounted for more than 10 percent of the total.

From 1973 to 1976, individual State shares did not vary substantially relative to other States because total production did not shift among the States. The significant changes are the increase in value due to the sharp rise in unit value of exports and the increase in burley exports.

The quantity of flue-cured tobacco exported in 1973 and 1976 was about the same, slightly over 520 million pounds (farm sales weight). Thus, flue-cured exports were about two-thirds of the weight of tobacco exported in 1976. Burley exports increased about 20 million pounds in the period, representing the net gain in total tobacco exports. Burley exports were 30 percent of the total weight in 1976.

The increase in volume of burley exports allocated to Kentucky and Tennessee more than offset the decline in fire-cured exports. The result was that both the rise in unit value and quantity of burley exported and the rise in unit value of fire-cured tobacco increased the value of the Kentucky share of exports by $58 million from 1973 to 1976. The increase in the Kentucky share from 1973 to 1976 was larger than the total share of exports for all other States in 1976 except the four leading flue-cured producing and exporting States. The increase for North Carolina was $136 million. This increase was larger than the total share of any other State.

FUTURE SHARES OF TOBACCO EXPORTS

The rapid increase in tobacco export value from 1973 to 1976 still does not indicate an expanding export demand. A rapid rise in unit values, associated with inflation, substantially overshadowed the slight increase in the quantity of exports for the period. The unit value rise may limit the total value of exports in the future. Rising foreign population and income created a more rapid rise in the value of exports of other agricultural products. Quantity, as well as unit values, increased.

From 1973 to 1976, the production and world trade in tobaccos similar to the types produced in the United States have been increasing. States with large shares of tobacco exports are particularly vulnerable to increased foreign competition for export markets.

TABLE 39.—TOBACCO AND TOBACCO PRODUCTS EXPORTS BY CUSTOM DISTRICT PORTS, 1976

[In millions of dollars]

Custom district	Unmanufactured tobacco	Tobacco products		Total tobacco	Custom district	Unmanufactured tobacco	Tobacco products		Total tobacco
		Cigarettes	Other				Cigarettes	Other	
Norfolk, Va	473.6	296.9	14.2	784.7	New Orleans, La	13.7	0.3	0	14.0
Wilmington, N.C	856.3	.7	0	357.4	Philadelphia, Pa	.1	9.5	.2	9.8
New York, N.Y	38.3	40.9	6.3	85.5	San Juan, P.R	3.3	2.3	.3	5.4
Baltimore, Md	11.1	71.1	.8	33.0	Other	6.0	14.8	2.7	23.5
Miami, Fla	8.5	46.5	1.6	56.7					
San Francisco, Calif	.2	18.9	.1	19.2	Total	919.0	509.5	26.6	1,455.1
Charleston, S.C	6.9	7.5	.1	14.9					

Note: Totals may not add due to rounding.

Compiled from reports of Bureau of the Census.

TABLE 1.—AGRICULTURAL EXPORT SHARES, SELECTED STATES AND STATE GROUPS, FISCAL YEARS 1973 AND 1976

[Dollar amounts in millions]

Agricultural export States	Year ending June 30		Change, 1973–76 (percent)	Percentage of total (1976)	Agricultural export States	Year ending June 30		Change, 1973–76 (percent)	Percentage of total (1976)
	1973	1976[1]				1973	1976[1]		
Leading States (5):					Tobacco producing:				
Illinois	$1,310	$2,405	+84	10.8	States (18)[2]	3,774	5,603	+48	25.3
Iowa	1,095	1,752	+60	7.9	Tobacco	640	917	+43	4.1
Texas	798	1,541	+93	7.0	Other States (27)	4,368	8,067	+84	36.3
California	774	1,467	+90	6.6					
Kansas	775	1,312	+69	5.9	United States	12,894	22,147	+72	100.0
Subtotal	4,752	8,477	+78	38.3					

[1] Subject to revision.
[2] Alabama, Connecticut, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

Source: Tontz, Robert L. and McCall, Thomasine B., "U.S. Agricultural Export Shares by States, Fiscal Year 1976", "Foreign Agricultural Trade of the United States," October 1976, pp. 5–16.

TABLE 2.—AGRICULTURAL AND TOBACCO EXPORT VALUE, PERCENTAGE DISTRIBUTION AND PERCENT OF TOTAL, BY STATE, FISCAL YEARS 1973 AND 1976[1]

Tobacco type and State	Export value (millions)				Tobacco as percentage of agricultural[3]		State as percentage of total tobacco[3]	
	Tobacco[2]		Agricultural					
	1973	1976	1973	1976	1973	1976	1973	1976
Flue-cured:								
North Carolina	$338	$474	$526	$786	64	60	53	52
South Carolina	66	95	174	267	38	36	10	10
Georgia	59	77	207	394	28	19	9	8
Virginia	49	66	120	193	41	34	8	7
Florida	16	19	184	295	9	6	3	2
Subtotal	528	731	1,210	1,935	44	38	83	79
Burley and Fire-cured:								
Kentucky	64	112	186	351	34	32	10	12
Tennessee	23	36	175	272	13	13	4	4
Subtotal	87	148	361	623	24	24	14	16
Other:								
Connecticut	6	14	8	17	75	81	1	2
Maryland	10	7	59	110	18	6	1	1
Massachusetts	2	5	6	11	42	50	(4)	1
Ohio	2	5	432	831	1	1	(4)	1
All other[5]	5	7	1,701	2,076	(4)	(4)	1	1
Total, 18 States	640	917	3,774	5,603	17	16	100	100

[1] Year ending June 30.
[2] Unmanufactured and bulk smoking tobacco.
[3] Computed from unrounded totals.
[4] Less than 0.5 percent.
[5] Pennsylvania, West Virginia, Alabama, Indiana, Wisconsin, Louisiana, and Missouri.

Source: Compiled from Tontz, Robert and McCall, Thomasine, "U.S. Agricultural Export Shares by States, Fiscal Year 1976," Foreign Agricultural Trade of the United States, October 1976, pp. 5–16.

A MOVE AGAINST PCP—S. 2778

Mr. BENTSEN. Mr. President, on March 22 I introduced S. 2778, the PCP Criminal Laws and Procedures Act of 1978, in an effort to help deter the illicit manufacture and distribution of a particularly dangerous street drug currently in vogue with many young people in this country.

I am pleased to report that S. 2778 has been cosponsored by 23 of my colleagues—Senators ALLEN, ANDERSON, BELLMON, BIDEN, BUMPERS, DECONCINI, DOLE, GARN, GRIFFIN, HAYAKAWA, HODGES, HUDDLESTON, HUMPHREY, JOHNSTON, LEAHY, LONG, PELL, PERCY, RANDOLPH, SARBANES, STONE, TALMADGE, and TOWER. I would also note, Mr. President, that this legislation has already been specifically endorsed by the State Narcotic Agencies of Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Michigan, Mississippi, New Mexico, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. The bill also enjoys the endorsement of the International Association of Police Chiefs and the International Narcotics Enforcement Officers.

I think this broad measure of support, in the Senate and among the various State jurisdictions, suggests that the time has come to move against PCP, a cheap, readily available, easily manufactured drug that is abused with abandon across the country and has been responsible for at least 100 deaths in the past year alone. The number of young minds that have been warped beyond repair by PCP has never been determined.

Mr. President, on June 7 Senator CULVER's Subcommittee on Juvenile Delinquency and Senator HATHAWAY's Subcommittee on Alcoholism and Drug Abuse will hold joint hearings on S. 2778 and other proposals to come to grips with the menace of PCP. I would like to commend Senators HATHAWAY and CULVER for moving so promptly to consider this issue. I obviously stand ready to testify or assist at these hearings in any appropriate manner.

I want to stress, Mr. President, the urgency of the problem. During the first quarter of this year PCP-related emergency room visits rose by 70 percent over the comparable period in 1977. We read daily of grotesque acts committed by people under the influence of PCP.

A school teacher observes an angel dust intoxicated juvenile carving his initials into his arm during class; a PCP demented youth crashes through a plate glass window then thrashes wildly amid the fallen, dagger-like glass fragments; a bather under the influence of angel dust drowns while showering; a PCP crazed youngster assassinates his father; an unwanted 5-year-old is murdered by parents with an overdose of PCP.

Hundreds of similar acts are chronicled and recorded. We react in horror. But we have no way of knowing how many thousands of minds have been permanently twisted; we have no way of knowing how many of the 1½ million children between the ages of 12 and 17 who have experimented with PCP or angel dust have become mental cripples for life.

PCP is truly a dangerously different drug of abuse. Experts have now established that even short term angel dust usage can produce treatment resistent schizophrenic psychosis in certain individuals. Dr. Paul Luisada, deputy medical director, St. Elizabeths Hospital, Washington, D.C., reports a sudden tripling of schizophrenic patients admitted to his institution during 1973 was later traced to PCP abuse. Dr. Luisada writes:

> These patients had all smoked a drug called Angel Dust before becoming psychotic. Another epidemic began toward the end of 1974, and for some periods of 1975 and 1976, PCP psychosis became our leading cause of inpatient psychiatric admissions, surpassing both schizophrenia and alcoholism . . . PCP presently remains the major drug of abuse in the Washington Metropolitian area.

Mr. President, S. 2778 is designed to attack the weakest link in the PCP manufacture-distribution process: access to piperidine an essential element in PCP. Under current law, any casual criminal bent on the illegal manufacture of PCP can go to a chemical supply house with a few hundred dollars and purchase everything required to produce the drug in his garage or basement. There are no questions asked.

There is also no good reason why any weekend chemist should be in the market for piperidine. This chemical is produced in small quantities because it has only one major legitimate commercial use—the curing of rubber. It is apparent that any purchaser of piperidine who is not in the business of curing rubber, may very well be in the business of illicit PCP manufacture. S. 2778 would require anyone who purchases piperidine to present positive identification at the time of purchase, with the purchase to be registered with DEA.

Mr. President, PCP is dynamite. It can do to the brain what TNT can do to a building. We do not permit people to walk in from the street and purchase dynamite in this country. It makes no sense for us to permit individuals to purchase, without even the requirement for identification, all the ingredients of PCP.

S. 2778 also increases criminal penalties for the unauthorized manufacture, distribution, or possession with intent to manufacture or distribute PCP, from 5 years in prison and/or $15,000 fine to 10 years in prison and/or $100,000 fine.

I do not pretend, Mr. President, that S. 2778 will solve the problem of PCP abuse—a problem that now extends to all areas of the country. Nor does it address the menace of the future—the unhappy prospect of a whole generation of synthetic drugs composed of cheap, available ingredients and requiring little expertise to manufacture.

S. 2778 should, however, act as an important deterrent to the casual entrepreneur, the weekend criminal who goes into the PCP business to turn a fast dollar dealing in dementia. Since these profiteers currently supply most of the PCP consumed on the streets and playgrounds of America, Senate adoption of this bill should at least drive many of them from the marketplace, force up the price of PCP, and make it less generally available. It is a step in the right direction.

Mr. President, I would welcome further cosponsorship of S. 2778. The proposal is on the table, it has been widely endorsed, and it makes eminent good sense. I hope it will be favorably considered by the joint committee hearings on June 7 and enacted into law.

NATURAL GAS COMPROMISE

Mr. HANSEN. Mr. President, I would like to comment on the so-called natural gas compromise adopted by the conference committee yesterday. As the Members are aware, this compromise was worked out in a series of secret meetings between the administration and a few of the conferees, and was given to the rest of the conference as an accomplished fact.

In our meeting yesterday, there was no serious discussion of the proposal, and no opportunity for changes or improvements. Every effort was met with the essential response, "yes, you're right, this or that section is illogical, or wrong, but it's part of the agreement, and it can't be changed."

I and others strongly objected to these secret sessions, and one of our reasons was that the secret conferees might well have hidden understandings as to the meaning of the bill that would not be apparent or available to those not in on those secret sessions. Yesterday's meeting provided a perfect example of this problem. It is a bit complicated, but I hope I can have close attention, as it does involve a small matter of $1 billion or so.

Whenever the question of price increases is discussed, we are interested in how much the price will increase above inflation. If a price increase would be 4 percent in times of no inflation, then when there is inflation, the increase should be enough so that the inflated dollars will buy 4 percent more than what the original dollars would have bought.

This was the common understanding of all those observing the negotiating process from the outside. This was the impression conveyed by all of those in the secret sessions. For example, the explanation give the conferees on May 4 specifically spoke of "real dollar growth" in the price level. For example, all informal discussions of the proposals spoke of amounts of real growth, above inflation. Most importantly, all of the descriptions and analyses, produced by supporters as well as observers of the compromise, were based on this premise. So that to anyone not a part of the secret sessions, there was an assurance that the compromise contemplated real dollar growth at the rates specified. But it turns out this was not the case.

Here is the catch. Assume for ease of explanation that prices double in one year. If your starting price is a dollar, and you are promised a price increase of inflation plus 4 percent, would you expect your price after a year to be $2.08 or $2.04? Obviously, it should be $2.08, because that much money in inflated dollars is worth $1.04, which gives you your

4 percent real increase. If you only got $2.04, it would only be worth $1.02, and you would have been swindled out of half of your promised increase.

It was only as a result of a long series of probing questions in yesterday's session that it was revealed that the secret negotiators (or at least many of them) had agreed that this latter interpretation was to be used. And despite knowledge of this interpretation, the House staff released an analysis the very day of the final agreement, again using deceptive and erroneous charts showing that the proposal would provide the higher price increases.

This is not just a minor quibble. In times of 6 percent inflation (and we are running at well over that now), a promised 3.5 percent increase shrinks to less that 3.3 percent. The effect is compounded each year, so that over the period through 1985, this interpretation will reduce producer incentives by one billion dollars or more. And that reduced incentive will still further reduce the amount of domestic energy available to Americans.

So, Mr. President, let me conclude by emphasizing two points. First, the practice of secret negotiation of an entire conference package is fraught with the danger of this kind of unspoken and unknown interpretation. Second, we can again see that the figures and analyses presented by the supporters of this regulatory nightmare continue to be like the catalog price warning, "Subject to Change without Notice."

NELSON A. ROCKEFELLER

Mr. JAVITS. Mr. President, I have just attended a ceremony in which the former Vice President of the United States, Nelson A. Rockefeller, on the occasion of his 70th birthday, which comes approximately at this time, received an award in the shape of a distinguished service award from former Members of Congress at the hands of a former minority leader in this body, Hugh Scott of Pennsylvania.

He delivered an address which will, of course, appear in the RECORD at that time on the floor of the House of Representatives reiterating what he has stood for all of his life as a magnificent public servant, probably one of the best in our history, to wit, the essentiality to the peace and freedom of the world of the example as well as the strength in both the physical sense and the military sense, and in the sense of character of the people of the United States and of their genius in the arts of democracy as well as in the arts of production and distribution of goods, which has made this the most significant country on earth and this legislature the most significant deliberative body on Earth.

I join with my colleagues, former Members of Congress, Mr. President, in honoring my personal friend of so many years standing, and my colleague in government and in the Republican Party for a comparable number of years, on this great honor and on his birthday.

Also, Mr. President, the worth of Nelson Rockefeller to our country remains as valid as it ever was.

I would like by way of testimony to that to ask unanimous consent to have printed in the RECORD remarks made by former Vice President Nelson A. Rockefeller at the Harry Truman Good Neighbor Award Luncheon given at the Hotel Muehlebach in Kansas City, Mo., on May 8, 1978, sharing in the celebration of the birthday of Harry S. Truman.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS OF REMARKS BY NELSON A. ROCKEFELLER

You honor me by your invitation to share in this celebration of the birthday of Harry S Truman, a great American and surely one of the greatest Presidents of the United States of America.

Like many of you, I was privileged to know President Truman personally. But, unlike you, I had the special privilege of being fired by him. As a holdover appointment from the previous administration, I was "given my liberty" when I did not resign. The event did not shake the Nation. However, it gave me something in common with General of the Army Douglas MacArthur.

Harry Truman was as American as apple pie and sour mash bourbon. He needed no research nor public opinion polling to know what the great American public thought, what its values were, what it aspired to.

Harry Truman was an integral part of that public. And despite the high offices he held and the enormous impact of his leadership upon the whole world, he never left that great American public. Neither the blandishments of privilege nor the temptations of power blunted his common sense or open integrity.

He held fast to his belief in the dignity of the individual—and all individuals. He never developed. The Nation was in shock at the American people when they knew the facts. He never gave way to cynicism. He hated sham. He never disparaged our basic American institutions and values. The ardor of his patriotism was founded in knowledge, experience and faith.

Harry Truman became our President at one of the most critical times in our history. We were at war on two fronts across the major oceans. The grand alliance that was winning the war against Hitler, however, was already showing signs of coming apart. Stalin was seizing Eastern Europe. The British Empire was disintegrating. Charles de Gaulle was already asserting his impervious independence.

The Japanese war machine, stopped at Midway and defeated in the struggle for Okinawa and Iwo Jima, was still formidable in its home islands fortresses. Calculations estimated a million American casualties would be the price of invasion and ending that war.

At Los Alamos, the Atom Bomb had been developed. The Nation was in shock at Franklin Roosevelt's death. The "father figure"—that had seen the country through the trials of the depression and four years of world war—was gone.

So it was when the plain-speaking man from Missouri, who as Vice President had never really been briefed on the affairs of state and war by Franklin Roosevelt, took over the helm of the Nation.

Consider the magnitude of the problems he faced and the courage of the decisions he made:

The organization of the United Nations at San Francisco;

The peace with Germany;

The German occupation by U.S. as well as other forces;

The dropping of the Atom Bomb on Hiroshima and Nagasaki and the ending of the war with Japan;

The setting up of the occupation and government of Japan;

The economic and military aid program to Greece and Turkey to prevent a communist takeover of those countries;

The announcement of a policy of containment to prevent communist expansion;

The development of the Marshall Plan;

The creation of the NATO alliance;

The Point IV Program;

The United Nations international military force against the communist invasion of South Korea.

These are but a few of the decisions Harry Truman made in the international area. They had their difficult counterparts on the domestic side.

Today, as we celebrate his birthday, the aura of his accomplishments blurs the memories of the criticisms, the harassments, the deprecations that Harry Truman faced as President. It took real courage to surmount a hostile press; to fight a rampant McCarthyism; to overcome an active opposition within his own party; to push for civil rights legislation and, for that matter, to construct the balcony on the South Portico of the White House as designed by Thomas Jefferson.

Harry Truman was not one to hold up decisions that he was convinced were right for the Nation. He didn't wait until he was shown that the litmus paper of public opinion would show no acid reaction. Indeed, he was so forthright and decisive that in 1947 and 1948 it appeared to many that Harry would rather be right than be President for another term.

But that kind of gutsy leadership was what gave him his second term. When he took his campaign to the people, they elected him to the high office which only fate had previously given him.

The purpose of our gathering here is not alone to acknowledge our debt, and that of the whole free world, to Harry Truman, and to commemorate his memory. It is also, in the light of his life, his experience and his contributions, to assess our own efforts, our own judgments, our own courage to face the problems that confront us now.

Harry Truman would have been deeply troubled by the current Soviet worldwide expansion—a growing threat to freedom everywhere—in Africa through the use of their Cuban colonial troops—in Asia through continuing subversion—underwritten by massive shipments of Soviet arms in both areas.

This whole situation was brought home to me dramatically last week. On the day before I was to visit Afghanistan, a Communist coup overthrew that nation's government. According to accounts in the Indian press, 10,000 Afghans were massacred—the result being that that fiercely independent and strategic country has now been subjugated and turned into another Soviet satellite.

Harry Truman foresaw the overriding danger of Soviet expansion in 1947 when he enunciated his doctrine of Soviet containment, but we lost sight of our global interests in the aftermath of the national confusion over Vietnam.

The world we face is fraught with new problems and perils different from the time of the Truman Presidency but no less serious.

From a Nation whose currency was the firm foundation for international finance, we have become a country whose dollar has now been depreciated at least 33¼% against the strong currencies like the Japanese Yen and the Deutsche Mark—a dollar whose buying power has been cut virtually in half during the past 10 years.

From a Nation whose technological and military supremacy guaranteed world peace and progress, we have become a Nation which seems content now to rest on its oars while our adversary accelerates its buildup.

From a Nation whose exports sustained vast areas of the world and assisted their

rehabilitation after World War II, we now have adverse trade balances unparalleled in our peacetime history.

From a Nation that produced virtually all of its own energy in Truman's years, we now rely on imported oil for more than 50% of our petroleum needs. The era of cheap energy has gone, and the cost of imported oil and gas now burden not only our balance of payments but our domestic economy as well. Such dependence upon foreign oil supplies makes us extremely vulnerable economically, undermines the value of the dollar and puts us in a vastly less favorable national defense and diplomatic posture in a troubled world—and we've done nothing about it!

If he were here today, Harry Truman would be really troubled. He knew that a secure and plentiful supply of energy was basic to our national security and economic well-being. He had seen the dependence of this Nation on petroleum. He had seen domestic production in 1952 fall far short of our needs. He fought for national title to offshore oil fields against the claims of individual states. And 'way back in 1952 he said:

". . . it is of the utmost importance that the exploration of the submerged lands—both on the marginal sea belt and the rest of the Continental Shelf—for oil and gas fields should go ahead rapidly and any fields discovered should be developed in an orderly fashion which will provide adequate recognition for the needs of national defense."

Here we are, 26 years later, and only in the past few months or so have oil drilling rigs begun to do exploratory drilling off the Atlantic coast.

Despite the harrowing experience of the Arab boycott, despite the creation of OPEC and the increase in world oil prices, despite the obvious dangers to our economy and our security from over-dependence on imported energy and the extreme danger of ever higher prices for oil, we still have no national energy policy. Indeed, of all the major nations, the United States, which uses more energy and depends upon a plentitude of energy more than any other, has done the least to ensure the continued availability of energy within our borders. Ironically, we have the technical, scientific and resource capacity to meet our needs—if only we make up our minds to do it.

In the nuclear field, we are stalemated by controversy and indecision. From the Nation that pioneered atomic development and that under Truman undertook to share the peacetime uses of this new energy source with the rest of the world, we have become halting and hesitating. In fact, the situation has even reached the point where it is seriously proposed that we contain technology, arrest development and stop its application.

Yet, if postwar nuclear history has shown us anything, it is that nuclear knowledge cannot be contained. Research and development recognize no enduring monopoly by any one nation. Indeed, the history of the modern world has demonstrated that technology and progress march together; that technology and quality of life are married; and that technology and survival are inseparable.

I agree with Harry Truman, who put it this way:

"In this list of atomic developments, I have put the peaceful uses and the military uses side by side. It is a matter of practical necessity in the kind of world in which we live today that we give priority to security; but I have always had the profound hope that atomic energy would one day soon serve its rightful purpose—the benefit of mankind."

Of course, we applaud the idea of harnessing solar energy, but we know that practical considertaions of cost and technology will inevitably delay and limit its large-scale utilization. Clearly, nuclear technology for the generation of energy, along with coal and the use of alcohol in gasoline made from surplus grain, sugar and even garbage, is one of the keys to economic self-reliance of this Nation in the energy field, to freedom from the fear of embargo and the drain of excessive imports on our balance of payments. Despite all those dire predictions of impending doom, we have had nuclear-generated electric power on a commercial basis for 20 years and no accidents have occurred involving public injury. In this same period, 909,726 people have been killed by automobiles. Yet I know of no movement to "ban the automobile." Let's have some of that Truman common sense on this issue, too.

That common sense also must be applied to the role of nuclear technology in our national defense. Thus it is imperative that the United States proceed with nuclear developments and that it develop, produce and deploy the neutron bomb.

This weapon can give us and our NATO allies a significant new means to offset within the European theatre the overwhelming Soviet numerical strength in conventional military weapons that hangs like a sword of Damocles over Free Europe. Without the neutron bomb, our ultimate recourse to a Soviet massive attack in Europe would be an intercontinental nuclear strike which the Soviets could survive—and retaliate against the United States with devastating effect. Thus, by counter-balancing the growing threat of Soviet supremacy in conventional military forces, the neutron bomb can help free us and the other Free World nations from the threat of Soviet blackmail.

But, Harry Truman also knew that economic and military strength were not enough to defend the security and well-being of America; we must have the best intelligence system as well. Thus, in addition to Truman's recommendation to the Congress for the creation of the Defense Department and the National Security Council in 1947, on his recommendation the Congress also established the Central Intelligence Agency. I'm sure he would be aghast at the decimation and disarray of our intelligence services today. In Harry Truman's words:

"A President has to know what is going on all around the world in order to be ready to act when action is needed. . . . The second war taught us this—lesson that we had to collect intelligence in a manner that would make the information available where it was needed and when it was wanted in an intelligent and understandable form."

I equally believe Harry Truman would not have countenanced any domestic unauthorized CIA activity or excess. But in dealing with anyone who violated the law, he would not have thrown out the baby with the bath water—and he would have reaffirmed his total support of these who gave their lives and their loyalty to defending the security of our country.

President Truman understood the dangers we faced.

I remember Jim Forrestal, former Secretary of Defense, telling me of being with President Truman when he received the message from General MacArthur that the North Koreans were invading the South and that American lives were in jeopardy. Jim said that the President with his typical courage and decisiveness simply sent a message back to General MacArthur ordering him "to get the Americans out of Korea—and to get the North Koreans out too."

He understood the importance of economic strength. Thus he saw that, to support the Korean war effort, the United States would have to expand the base of its productive capacity.

Therefore, he set a goal of a 25% increase and got Congress to permit a certification of national necessity for new production facilities that provided the incentive of a fast write-off for all essential investment. He understood that the new investment was essential for economic growth, which in turn was essential for economic strength and jobs. He also knew that this was essential to equal opportunity for all.

His courage and decisive action worked, and American enterprise achieved his goal of increasing our productive capacity by 25% within a short space of time.

This experience demonstrates that, with a clear sense of purpose and proper incentives, the people of this country can conquer their problems and attain new levels of freedom and quality of living—not only for themselves—but all humanity.

Harry Truman worked for these goals. He strived to maintain this as a land of opportunity, to build on its strengths, as well as correct its weaknesses. He had an impatience with those who denigrate our values. He emphasized in his time the basics of our unique American economic system and the strengths of our political and social order.

We've just been through a period in which the deriders, the belittlers, the detractors and iconoclasts have had a field day. An unpopular war in Vietnam, the Watergate business, scandals in government and in the private sector of our national life, have all accentuated the negative.

It's time we heard not only what's wrong with America but what's right about it, too!

A democratic society cannot exist without criticism. But it cannot exist, either without a fundamental faith in democracy itself and the institutions of a free society.

Let's get on to a renewed sense of common effort to renew the Nation's strength and liberate its basic dynamism.

We have got to have trust and confidence in the ability of our institutions to adjust to change. And we've got to provide those institutions with a sense of national purpose and a stable framework of laws within which they can make the adjustments and build to meet the future needs of America.

This also means a social and governmental climate that will make it possible for our institutions to attract creative leadership and enable leadership to function.

In the haste to root out scandal, in the rush to purge the unpopular, in the hurry to cast out and castigate the abusers of power and trust, we have shackled necessary instruments of power, centers for decision and creative springboards for action.

Today, we've got more critics, more prosecutors, more accountants, more auditors, more investigators, more dopesters, more commentators and more kibitzers than ever in our history. It's high time we have more deciders, more doers, more producers.

I'm sure that, were he here today, Harry Truman would agree that as a Nation:

We need decision, not delay.

We need energy, not equivocation.

We need production, not promises.

We need strength, not weakness.

And we need to be able to stand the heat in the kitchen that Harry Truman talked about.

Indeed, in a dream I had about this speech, Harry Truman appeared briefly and said ten words: "Nelson, give them my best, but also give them hell."

Mr. JAVITS. Mr. President, in that trenchant and highly informed as well as perceptive speech, the former Vice President gave the clear indication of, again, our problems, of the contribution made to their solution by Harry Truman, and the tribute to the need for economic and security strength on the part of the United States to perform its mission chosen by our people in 1776, and since confirmed and perpetuated by

the blood, work, and genius in all the years since, in all the decades since, as the apostle of freedom and the apostle of the satisfaction, with equity and fairness and equal opportunity to all of man's wants, as the hallmarks of success of the society and its ability to preserve individual freedoms, to spread these blessings or help spread them throughout the world, and when it was demanded by tyrants or others with design upon the world's freedom or, indeed, the world's survival being the decisive element in repelling these forces of evil.

In all of those senses, Mr. President, former Governor, former Vice President, Nelson Rockefeller, who had the honor to preside over this body as Vice President, has served our Nation superbly, so superbly as to merit what would be to him, I think, the greatest encomium, "Well done, noble son of the United States of America."

I thank the Chair and I thank Senator HATCH for allowing me to speak.

ADJOURNMENT OF THE HOUSE AND RECESS OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Concurrent Resolution 634, which is the recess resolution.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

H. CON. RES. 634

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, May 25, 1978, it stand adjourned until 12 o'clock meridian on Wednesday, May 31, 1978, and that when the Senate recesses on Friday, May 26, 1978, it stand in recess until 12 o'clock meridian on Monday, June 5, 1978.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The concurrent resolution was considered and agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SUSPENSION OF DUTY ON 2-METHYL, 4-CHLOROPHENOL

Mr. ALLEN. Mr. President, at the desk is H.R. 5551, which has had its first reading to the Senate. I ask unanimous consent that it now be given its second reading and that it be referred to the appropriate committee.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON. Mr. President, I reserve the right to object.

The PRESIDING OFFICER. Does the Senator from Wisconsin object?

Mr. NELSON. No.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant legislative clerk read as follows:

A bill (H.R. 5551) to suspend until the close of June 30, 1980, the duty on 2-methyl, 4-chlorophenol.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVAL

A message from the President of the United States stated that on today, May 25, 1978, he approved and signed the following act:

S. 1568. An act to name the lake located behind Lower Monumental Lock and Dam, Washington, "Lake Herbert G. West."

MESSAGES FROM THE HOUSE

At 1:34 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the amendment of the House to the bill (S. 1792) to amend the Administrative Conference Act.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 137. A joint resolution reaffirming the unity of the North Atlantic Alliance commitment.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3050. An act to amend the Internal Revenue Code of 1954 to provide an exclusion from gross income with respect to magazines, paperbacks, and records returned after the close of the taxable year.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 3994. An Act for the relief of Charles P. Abbott.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. ROBERT C. BYRD).

At 5:28 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 10929. An act to authorize appropriations for fiscal year 1979 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and for research, development, test and evaluation for the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, to authorize appropriations for civil defense, and for other purposes.

HOUSE BILL REFERRED

The following bill was read twice by title and referred as indicated:

H.R. 3050. An act to amend the Internal Revenue Code of 1954 to provide an exclusion from gross income with respect to magazines, paperbacks, and records returned after the close of the taxable year; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Annual Report of the Subcommittee on Penitentiaries and Corrections (Rept. No. 95-909).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. Res. 467. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 3151. Referred to the Committee on the Budget.

S. 1909. A bill for the relief of certain employees of the Charleston Naval Shipyard, Charleston, S.C. (Rept. No. 95-910).

S. 3151. A bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1979, and for other purposes (original bill reported and placed on the calendar) (Rept. No. 95-911).

H.R. 1436. An act for the relief of William H. Klusmeier, publisher of the Austin Citizen, of Austin, Tex. (Rept. No. 95-912).

By Mr. LONG, from the Committee on Finance, with an amendment and an amendment to the title:

H.R. 3790. An act to suspend until the close of June 30, 1980, the duty on concentrate of poppy straw used in producing codeine or morphine (Rept. No. 95-913).

By Mr. LONG, from the Committee on Finance, with an amendment:

H.R. 11005. An act to provide authorization of appropriations for the U.S. International Trade Commission for fiscal year 1979 (Rept. No. 95-914).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

The following-named persons to be Representatives of the United States to the tenth special session of the General Assembly of the United Nations Devoted to Disarmment:

Andrew J. Young, of Georgia.

W. Averell Harriman, of New York.

George McGovern, U.S. Senator from South Dakota.

Charles W. Whalen, Jr., U.S. Representative from Ohio.

Paul Newman, of Connecticut.

The following-named persons to be Alternate Representatives of the United States to the 10th special session of the General Assembly of the United Nations Devoted to Disarmament:

Adrian S. Fisher, of the District of Columbia.

James F. Leonard, Jr., of New York.

Charles McC. Mathias, U.S. Senator from Maryland.

Paul Simon, U.S. Representative from Illinois.

Marjorie Craig Benton, of Illinois.

(The above nominations from the committee on Foreign Relations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. EASTLAND, from the Committee on the Judiciary:

Adrian G. Duplantier, of Louisiana, to be U.S. district judge for the eastern district of Louisiana.

Walter M. Heen, of Hawaii, to be U.S. attorney for the district of Hawaii.

Isthmael A. Meyers, of the Virgin Islands, to be U.S. Attorney for the district of the Virgin Islands.

Gilbert G. Pompa, of Texas, to be Diretcor, Community Relations Service.

(The above nominations from the Committee on the Judiciary were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NELSON from the Select Committee on Small Business:

Milton David Stewart, of New York, to be chief counsel for advocacy, Small Business Administration. (Ex. Rept. No. 95-21).

(The above nomination from the Select Committee on Small Business was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CASE:

S. 3143. A bill to increase alternatives to institutionalization for senior citizens; to the Committee on Finance.

By Mr. McINTYRE (for himself, Mr. MARK O. HATFIELD, Mr. HUDDLESTON, Mr. ANDERSON, and Mr. CHILES):

S. 3144. A bill to provide for the reevaluation and restructuring of the methods and procedures utilized by the Federal Government for the management, collection, dissemination, and control of Government paperwork and information gathering; to the Committee on Governmental Affairs.

By Mr. MOYNIHAN:

S. 3145. A bill to extend the time period for congressional study of certain fringe benefits; to the Committee on Finance.

By Mr. HART:

S. 3146. A bill to expand the jurisdiction of the Nuclear Regulatory Commission over nuclear waste storage and disposal facilities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOLE:

S. 3147. A bill to prohibit the issuance of regulations on the taxation of fringe benefits; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 3148. A bill to amend title XX of the Social Security Act to provide for an expanded social services program, to promote consultation and cooperative efforts among States, localities, and other local public and private agencies to coordinate services, to extend certain provisions of Public Law 94-401, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. JAVITS):

S. 3149. A bill to amend the Internal Revenue Code with respect to loan guarantees for the assistance of the city of New York; to the Committee on Finance.

S. 3150. A bill to amend the Internal Revenue Code with respect to financial assistance for the city of New York; to the Committee on Finance.

By Mr. EASTLAND (from the Committee on the Judiciary):

S. 3151. An original bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1979, and for other purposes; placed on the calendar.

By Mr. CANNON (for himself, Mr. INOUYE, and Mr. PEARSON) (by request):

S. 3152. A bill to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance, for an additional 5 years, ending September 30, 1984; to the Committee on Commerce, Science, and Transportation.

By Mr. PELL (for himself and Mr. CHAFEE):

S. 3153. A bill to settle Indian land claims within the State of Rhode Island and Providence Plantations, and for other purposes; to the Select Committee on Indian Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CASE:

S. 3143. A bill to increase alternatives to institutionalization for senior citizens; to the Committee on Finance.

Mr. CASE. Mr. President, I introduce for appropriate reference S. 3143, a bill to increase the alternatives to institutionalization for senior citizens. This proposal is identical to one that has already been introduced in the House of Representatives by my distinguished colleague from New Jersey, MILLICENT FENWICK.

From the correspondence I have received, and from my experience as a member of the Labor, Health, Education, and Welfare Appropriations Subcommittee, it has become clear to me that there are many, many instances where a person's need to be institutionalized in a nursing home or other extended care facility is marginal. The needs of these people could be far better served in their own homes, or in a noninstitutional setting of some other type.

The legislation I am introducing today would provide for demonstration projects to be carried out under the Secretary of Health, Education, and Welfare. From these demonstration projects, we will be able to learn much more about the feasibility of alternatives to institutional care, as well as how many people could benefit from it.

The Secretary of Health, Education, and Welfare, through the demonstration projects, would provide tax-free stipends for senior citizens eligible for nursing home care under medicaid or medicare and who are able to locate suitable home care arrangements. He would then have 2 years to report to the Congress on the results of the demonstration projects and make recommendations for the long term.

Under our current medicaid and medicare programs, we encourage the institutionalization of persons, many of whom would be better off in other settings. The Department of Health, Education, and Welfare estimates that of the 1 million elderly now in nursing homes, 400,000 do not have a need for institutional care. Under the present medicare law, payments are not allowed for home health care unless the individual is "homebound" and eligible for skilled nursing care, physical or speech therapy as recommended by a physician.

Under the legislation I am proposing, the demonstration projects would provide payments to eligible individuals at the rate of 50 percent of the average nursing home cost. This could have the effect of reducing the costs of medicare and medicaid substantially.

Eligibility for the stipend would be governed by the same qualifications that now govern eligibility for nursing home care, so there would be no danger of abuse. A periodic check by an appropriate health official or social worker would insure that the elderly person was receiving proper care. This would be the only additional cost. And that cost would be far more than offset by the other reductions in costs, it seems to me.

We need to be more humane in our treatment of each other, and in particular of our senior citizens. If it is medically feasible, a person ought to be able to choose to remain within his family, or with friends.

There are many very fine nursing homes in our country, as well as other types of extended care facilities. We need them, but we may not need to use them as intensively as at present. The bill I am introducing today will give us an opportunity to find out if alternative arrangements can be worked out for the benefit of senior citizens. I ask unanimous consent, Mr. President, that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") may provide, through demonstration projects payments to individuals who are receiving, or are eligible to receive, benefits with respect to post-hospital extended care services under title XVIII of the Social Security Act or intermediate care facility services or skilled nursing facility services under title XIX of such Act, who do not require 24-hour nursing care or supervision, and who desire to establish a noninstitutional living arrangement which will meet their medical and other needs.

(b) The amount of any payment made to any individual under this Act shall be an amount determined by multiplying—

(1) the number of days in the period for which the payment is made, by

(2) 50 percent of the average daily benefit paid for the services described in subsection (a), in the State in which such individual resides, on behalf of an individual under titles XVIII and XIX of the Social Security Act.

(c) Any payment received by an individual under this Act shall be used for the purpose of financing an appropriate noninstitutional living arrangement which meets the medical and other needs of the individual. The Secretary shall provide that such living arrangement will be reviewed periodically by a registered nurse or other appropriate health official for the purpose of determining whether the individual is satisfied with the care as a result of such arrangement.

(d) Any payment made under this Act shall be made on such terms and conditions, in advance or by reimbursement, in such installments, and for such length of time as the Secretary determines will best meet the medical and other needs of the individual receiving the payments.

(e) Such payments shall not be includable in gross income under the Internal Revenue Code of 1954.

(f)(1) The Secretary shall design demonstration projects etablished under this Act for the purpose of determining—

(A) the economic, medical, psychological, and sociological feasibility of transferring impatients of skilled nursing and intermediate care facilities to noninstitutional living arrangements;

(B) the types and percentage of such inpatients who could live effectively in a noninstitutional living arrangement; and

(C) the types and percentages of such inpatients who would benefit economically and qualitatively from transferring to a noninstitutional living arrangement.

(2) The Secretary shall, within 2 years after the date of the enactment of this Act, transmit a report to each House of the Congress concerning the findings and conclusions which have been made with respect to the matters described in paragraph (1). In addition, such report shall contain recommendations, if any, by the Secretary for legislative action with respect to such matters.

(g) Funds made available under this Act shall be made in appropriate part, as determined by the Secretary, from the Federal Hospital Insurance Trust Fund (established by section 1817 of the Social Security Act) and from funds appropriated to carry out title XIX of the Social Security Act.

By Mr. McINTYRE (for himself, Mr. MARK O. HATFIELD, Mr. HUDDLESTON, Mr. ANDERSON, and Mr. CHILES):

S. 3144. A bill to provide for the reevaluation and restructuring of the methods and procedures utilized by the Federal Government for the management, collection, dissemination, and control of Government paperwork and information gathering; to the Committee on Governmental Affairs.

HIDDEN TAX REDUCTION ACT

● Mr. McINTYRE. Mr. President, today I am introducing the Hidden Tax Reduction Act for myself, and Senators HATFIELD of Oregon, HUDDLESTON, CHILES, and ANDERSON, to completely restructure the methods used by the Federal Government to control Government paperwork.

This bill is based on the work of the Commission on Federal Paperwork, which was established in 1975 as a result of the work of many Members of this body, and the House of Representatives, in response to the rising tide of Government paperwork, redtape, and excessive information demands made by Federal agencies.

I had the pleasure to serve as cochairman of the Commission during its 2-year tenure. Representative FRANK HORTON of New York ably served as chairman. Senator MARK HATFIELD, too, had an active interest in the operation of the Commission while he was a member. A former Member of the Senate, Bill Brock, was also instrumental in developing the work of the Commission while he served as one of the Senate's appointed Commissioners in 1976.

Other members of the Commission included Representative TOM STEED of Oklahoma; Mark D. Littler, vice chairman and former senior partner of Arthur Anderson & Co.; Gil Barrett, commissioner of Dougherty County, Ga., and past president of the National Association of Counties; Robert D. Benton, superintendent of public instruction for the State of Iowa; Gov. Otis Bowen, M.D., of Indiana; Bruce G. Fielding of the National Federation of Independent Business; Louis B. Knecht of the Communications Workers of America; Bert Lance and James T. Lynn, both former Directors of the Office of Management and Budget; James T. McIntyre, who served while Acting Director of OMB; Esther Peterson, consumer advisor to President Carter; Elmer Staats, Comptroller General; Donald C. Alexander, former IRS Commissioner; and Joseph Califano, Secretary of the Department of Health, Education, and Welfare.

In its final report, the Commission made several recommendations from which this legislation is drawn. The Commission recommended that paperwork and information management be consolidated under one agency's control in the Government; it recommended a commitment by national leaders to paperwork control and the implementation of a policy called Service Management to deliver services to the people of the United States at the lowest possible cost of Government paperwork; and, urged an attack on continuing and increasing Government requests for information which burden us all with more paperwork.

This legislation, introduced today, is designed to implement those recommendations.

The bill has several titles dealing with various problems which were encountered during the Commission's study. It also includes several proposals which have been studied in both the Senate and the House of Representatives.

The main goal of this bill is simply put: It is to cut down the hidden taxes paid by all Americans in the form of excessive Government paperwork.

While it is difficult to give the Members of the Senate an assessment of how much paperwork is excessive, it is worth noting that during its 2-year life the Commission pinpointed paperwork that could be eliminated valued at $10 billion. Estimates of how much paperwork is costing us all come to about $100 billion per year. Between $25 and $32 billion falls on business with an estimate of about $1,000 per year per small business being a reasonable figure. State and local government costs for Federal paperwork are estimated at over $5 billion, individuals at $8.7 billion, and farmers alone at $350 million.

Additionally, much of this paperwork falls on those least able to cope with it. In New York City, for instance, aid for one dependent child required that child's parent to file 45 feet of paper with various agencies every year. Application for a Small Business Administration loan requires 18 feet of paperwork. A small radio station often spends as much as $5,000 per year complying with Government paperwork. A small college in my home State of New Hampshire estimated Federal paperwork costs at over $750 per year for one of its programs.

Clearly this level of red tape has to be cut. It is inflationary, it is growing, it is a tax, a hidden tax. And it is required in many cases by Government officials who are carrying out what they believe to be the mandate of Congress.

Therefore we should start, as this bill does in titles I and II by curbing our appetite for reports.

In title I of this bill, the Comptroller General is required to report to Congress on unnecessary reports. If we do not disagree with his findings those reports would be abolished. In title II the bill would require that committees of Congress report on the paperback impact of bills before such bills can come up before us for a vote. This has already been enacted into the Senate rules, but the House of Representatives still has not acted on such a change. Additionally this title requires the General Accounting Office to provide such assistance as it can to help us with our impact assessments.

Control of Government paperback rests first with the Congress. If we know what we are doing, it is my hope that we will be less likely to require information that we do not need or which will excessively burden our citizens without great value to us.

In title III, the bill would centralize the clearance of forms. Currently many agencies of the Government are not required to have their forms cleared by the Office of Management and Budget or the General Accounting Office. This bill would, first, end the split jurisdiction between GAO and OMB by giving all authority over forms clearance to the Office of Management and Budget. Financial regulatory agencies, the Office of Education and independent regulatory agencies would also require OMB clearance before forms could be published.

Under this title, OMB will be required to develop paperwork management techniques, making reviews of paperwork management, and make inspections of agency operations, including targets for paperwork reduction established by various agencies.

This title also establishes a governmentwide training program for paperwork and information management specialists.

It would require minimum readability standards for Government agencies who

promulgate regulations through the Federal Register.

It also establishes an Office of Privacy and Confidentiality Review in the Office of Management and Budget which shall recommend for the President and Congress policies and standards on information disclosure, confidentiality, and the safeguarding of security of information. Congress will have 60 days to review these standards.

As a sunset provision, this bill also proposes that all agency programs be reviewed every 5 years to determine whether they should be continued or abolished.

Under title IV of this bill, Regulatory Flexibility, the Office of Management and Budget will establish guidelines to insure that less costly methods of reporting and recordkeeping associated with Government compliance programs will be developed for groups which have shown a high level of compliance with Federal programs in the past. The goal of this section is to insure that those who have traditionally complied with Government rules will not be excessively burdened with compliance paperwork.

Agencies will be directed to assess how to exempt or reduce compliance burdens for small organizations, small transactions, and individuals, thereby lessening the excessive paperwork burden which falls on our 14 million small businesses and other small organizations who are least able to handle Government paperwork requests.

Under title V, there would be established a Federal Information Locator System, which would incorporate all of the types of information currently being collected by the Federal Government. FILS would not contain information itself, other than a listing of all forms and types of information which are collected on those forms. It is the goal of this section to provide agencies which are requesting information with a form of index as to what information is already being collected thereby reducing or abolishing duplication of information requests.

The Office of the Information Locator System would be established in the General Services Administration. All new requests for information shall be screened by this office against the new information locator system to insure that there is a minimum of information requests sent from the Government to the nongovernment sector of the economy.

However the FILS will contain no information itself and all listings of types of information which are subject to the privacy and confidentiality laws will be so shown in the listing.

In title VI, the bill addresses the concurrent jurisdiction of Federal and State Governments in domestic affairs which cause overlap and duplication in information and paperwork requirements imposed on local governments and the private sector. In addition, because Federal domestic assistance programs have been developed in a haphazard and uncoordinated way, there is much unnecessary paperwork. There is a lack of cross-program standardization in information requirements, reporting, and recordkeeping systems; audit requirements; planning requirements and other processes and procedures associated with the transfer of funds from the Federal Government to State and local governments. Nonassistance programs mandated on State and local governments to achieve national social goals also create substantial paperwork and redtape. No effective intergovernmental management organizations exist within the Federal Government to deal with issues of concern to State and local government.

This title establishes as Federal policy that organizational units be established and consultation procedures developed to insure effective State and local representation in the development of rules for domestic assistance programs and in the establishment of intergovernmental management procedures and coordination. Further, a policy is declared that Federal and State duplication of regulation and information requests be reduced through Federal deferral to State laws and procedures where this will accomplish the purpose of Federal law. Research into administrative problems in Federal, State, and local relationships, and seeking prompt reform of these problems is also declared as a policy objective.

The need for improved liaison and communication with State and local governments on both program management and policy issues is addressed by identifying a Presidential adviser on matters affecting Federal, State, and local relations.

The need to improve planning and administrative coordination of Federal requirements imposed on States is addressed by directing the Office of Management and Budget to perform four basic functions:

One. Monitor requirements levied on State and local governments with the objective of coordinating and procedures and developing standards in the areas of planning, administrative, financial, and audit requirements;

Two. Propose legislative changes to improve efficiency in Federal, State, and local relationships;

Three. Establish lead agencies in program areas to develop a single set of policies or regulations for adoption by all other Federal agencies with similar program responsibilities; and

Four. Lighten the reporting and administrative burden placed on States by establishing and assuring compliance with the administrative guidelines described below.

Several guidelines for Federal grants-in-aid are established under the bill to simplify applications and reporting requirements, agencies are directed to:

Insure that no State or local official is required to provide, as part of a grant modification or renewal; information which was provided in the original application.

Use the standard application and financial reporting forms now available from the Office of Mangement and Budget;

Make reporting forms available no less than 2 months before aid recipients are required to use them or to begin collecting data for inclusion in them;

Give the public an opportunity to comment on new application and reporting forms before the final version is decided upon;

Insure that no State or local government is required to submit to the Federal Government more than one original and two copies of any grant application or reporting forms;

Increase coopertaive data collection programs with States; and

Require that a State or local official sign only a single application or report.

To address the problems created for grantees by changing Federal regulations in the middle of a program, agencies are required to let grantees—at their own option—complete their program year by abiding by the regulations which existed at the beginning, except under extraordinary circumstances.

Three provisions may alleviate the problems posed by slow Federal payments to State and local governments. Letters of credit allow a grant recipient to draw funds from the Treasury for approved grants at the time the money is needed. Agencies are requested to convert eligible grants to letters of credit. Agencies are also asked to work with the Department of the Treasury in identifying programs to use electronic funds transfer as another way to speed the payment of Federal grants. Because State and local officials must often spend time identifying which programs Federal checks are for, agencies are requested to label all checks to grant-in-aid recipients.

Need for improved cooperation on audits is also addressed by this section. Since many grant recipients receive Federal funds from more than one program, many State and local governments often must submit to repeated audits of the same set of accounting books by several Federal auditors—each of whom represents a different funding source. Many grant recipients are audited by State and local auditors as well. To make the audit process more orderly and predictable, agencies are requested to make their audit schedules systematically available to grant recipients and to State, local, and private auditors; to conduct single Federal audits wherever possible; and to increase their reliance on State and local audits.

Finally, this title addresses the need to control the costs imposed by grant-in-aid programs on State and local governments, as well as the ultimate users of the assistance. The Advisory Commission on Intergovernmental Relations is directed to make recommendations to the President and the Congress on the appropriate degree of Federal involvement and the level of costs imposed by assistance programs.

Title VII of this bill is a revision of the Red Tape Reduction Act which I introduced in 1977. It provides for up to a 1-year delay in the implementation of new regulations if the agency charged with implementation of the regulations is faced with severe administrative prob-

lems or finds that the new regulations could have a severe paperwork impact on the public.

In title VIII, improving the rulemaking process, the bill aims to develop agency rules and regulations which are written clearly and achieve their legislative goals with a minimum of paperwork and redtape is declared the policy of Congress.

The policy goals are to be carried out by the Office of Management and Budget. The Office of Management and Budget will establish procedures to insure that agency heads are accountable for determining that individual regulations are needed; that they are the least burdensome means of achieving a stated policy; that they are written in plain English; and that there has been adequate public involvement in the rulemaking process. As part of improving opportunities for public comment, agencies are also required to publish, at least semiannually, an agenda of significant regulations under development or review.

To better inform citizens about rules which may affect them, the Administrative Procedure Act is amended to require the agencies should use publications in addition to the Federal Register whereever appropriate. The amendment also required that the public be informed of any reporting forms and the estimated paperwork burden imposed on those who must comply with the proposed rule; and in addition, the date on which the rule is scheduled to become effective.

To insure that agencies make meaningful efforts to obtain public comments on proposed rules, they are required to include their determinations on such comments as part of the rulemaking record. They must also publish a synopsis of their efforts to obtain and respond to public input.

The Administrative Procedure Act is amended to extend the time during which the public can comment on rules from 30 to 45 days. In the case of significant regulations which have an annual impact of more than $100 million, the comment period is extended to 60 days.

In title IX, improving Government responsiveness to citizens, the bill coordinates agency standards and practices to respond to public complaints. The need for central coordination was evidenced by a recent Government study which found that nearly 75 percent of citizens did not obtain a satisfactory resolution of their problems as a result of agency's complaint-handling mechanisms.

A new Office of Management and Budget program should improve complaint handling throughout the executive branch by providing both standards and oversight. The program should insure that issues involving more than one agency are satisfactorily resolved. Providing information on Federal programs and complaint-handling mechanisms will be a part of this program.

The Federal Information Centers of the General Services Administration handled 8 million inquiries in 1977 from citizens in need of assistance or concerned with the functioning of Government. These centers have been operating to date on only a temporary basis. This section authorizes and directs the Administrator of General Services to establish within the General Services Administration a nationwide network of Federal Information Centers based on the currently operating pilot centers, for the purpose of responding to requests from the public on the rules, programs, and benefits of the Federal Government.

The bill also authorizes the Administrator to promulgate such regulations as may be necessary to the functioning of the Federal Information Centers. The Federal Information Center program is not intended to discourage the public from approaching a Federal department or agency directly with questions or problems. The program is to assist those who do not know where to turn to find an answer. The bill authorizes appropriations of $7 million for fiscal year 1980 and thereafter with sums as may be necessary.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3144

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hidden Tax Reduction Act".

SEC. 2. (a) The Congress hereby finds that unnecessary paperwork and redtape—

(1) are crippling the effectiveness of Federal programs;

(2) are costing tremendous amounts of money through direct taxes or the hidden taxes of higher consumer prices;

(3) contribute to losses of productivity and increases in inflation;

(4) lead to attitudes of mistrust, anger and fear which are not compatible with our democratic system.

(b) The Congress further finds that problems of unnecessary paperwork and redtape can be eliminated or avoided if the following three principles are followed when legislation and regulations are being drafted, and programs being evaluated—

(1) the full costs and value of government programs must be examined; including not only the costs and value to government, but also to other individuals and groups outside the Federal Government;

(2) alternative ways to run programs must be examined so that a conscious choice can be made as to who will bear costs and receive benefits;

(3) and all parties involved in a Federal program must contribute to its design and evaluation to avoid or remove problems of unnecessary costs and losses in effectiveness.

(c) The Congress hereby determines that new policies and management procedures are necessary to eliminate needless paperwork and redtape and make the Federal Government an effective and efficient instrument in service to the American people.

TITLE I—ELIMINATION OF UNNECESSARY REPORTS TO CONGRESS

SEC. 101. Section 202(d) of the Legislative Reorganization Act of 1970 is amended by adding at the end thereof the following new paragraphs:

"(2) The Comptroller General shall submit to each Congress within four months of its start a list of such recurring reporting requirements imposed by law or administrative requirements which are transmitted to either or both Houses of Congress which he has determined, through consultation with the committees and leadership of Congress, to no longer be useful, together with his recommendation for elimination, or modification thereof. The Comptroller General shall also identify any reports from the public which could be discontinued if the report to the Congress is eliminated or modified. Such recommendations shall be submitted in the form of a joint resolution, and shall be referred to the Governmental Affairs Committee in the Senate and the Government Operations Committee in the House of Representatives.

"(3) The appropriate Committees shall make their recommendations to the House of Representatives or the Senate, respectively, within 45 calendar days of continuous session of Congress following the date of such resolution's introduction.

"(4) The recommendations of the Comptroller General shall be considered by both Houses using the same procedures established for consideration of Presidential Reorganization Plans under 5 U.S.C. 911 and 912.

"(5) The provisions of Section 202(d)(4) are enacted by Congress with the same reservations of rulemaking authority for each House covered by 5 U.S.C. 908 (1) and (2).

TITLE II—PAPERWORK ASSESSMENTS OF LEGISLATION

SEC. 201. The report accompanying each bill or joint resolution of a public character reported by any committee of the House of Representatives or Senate (except the Committees on Appropriations) shall contain—

(1) a determination of the amount of additional paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution; or

(2) in lieu of such evaluation, a statement of the reasons why compliance by the committee with the requirements in paragraph (1) is impracticable.

SEC. 202. Departments and agencies in commenting on bills relating to their respective areas of responsibility shall include in their comments the determinations required by Section 201. Upon request, the General Accounting Office shall assist Congressional Committees in evaluating the comments furnished by the agencies and others.

SEC. 203. It shall not be in order for the House of Representatives or Senate to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of this title.

SEC. 204. Sections 201 and 203 of this title are enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives or Senate and as such they are deemed a part of the rules of the House of Representatives or Senate but applicable only with respect to the procedure to be followed in the House of Representatives in the case of resolutions described by Sec. 201 of this title; and they supercede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the House of Representatives or Senate to change the rules (so far as relating to the procedure of the House of Representatives or Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the House of Representatives or Senate reporting and recordkeeping requirements to the government and the public.

(e) The Office of Management and Budget shall publish such regulations and guidance relating to program organization, operations, and information activities as it deems necessary:

(1) to simplify Federal programs

(2) to make Federal programs more responsive

(3) to make Federal programs more understandable; and

(4) to eliminate unnecessary costs and burdens on others resulting from Federal programs.

(f) The Office of Management and Budget shall review the effectiveness of the Federal Information Locator System (established under Title V of this Act) in meeting the information management needs of government and, in particular, the needs of the Office of Management and Budget in fulfilling its responsibilities under the Federal Reports Act of 1942, and make any appropriate recommendations to strengthen the system.

(g) (1) The Office of Management and Budget shall exercise government-wide controls over Federal information requests under such regulations as it may establish, with the exceptions that any disapproval of an application from an independent regulatory agency to establish a public-use report may be voided by a resolution passed by either the Senate Governmental Affairs Committee or the Committee on Government Operations of the House of Representatives, and that all applications to establish a public use report must be acted upon within 60 days.

(2) To establish this single authority, the following amendments are made:

(A) Section 3502 of Title 44, United States Code, in the first paragraph defining "Federal agency" is amended by striking out "independent Federal regulatory agencies,".

(B) Section 3507 of Title 44, United States Code, is amended by striking out the second undesignated paragraph thereof.

(C) Subsections (a) and (b) of section 409 of Public Law 93–153 (87 Stat. 593) are repealed.

(D) Chapter 35 of the Title 44, United States Code, is amended by striking out section 3512.

(E) Section 7 of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 766) is amended by striking out subsection (j) thereof.

(h) The Office of Management and Budget shall coordinate and monitor a government-wide training program to improve the skills of information management specialists within the government and a research program to develop additional effective paperwork cost accounting and reduction techniques.

(i) The Office of the Federal Register, General Services Administration, shall set minimum readability standards and issue such guidelines on the development of readable regulations as it deems appropriate to assure that Federal regulations are understandable to those who must comply. The Director of the Office of the Federal Register shall return to the responsible agency head regulations which he determines do not meet minimum readability standards.

(j) There is hereby established within the Office of Management and Budget an Office of Privacy and Confidentiality Review. This Office shall be responsible for developing and recommending to the President and the Congress policies and standards no information disclosure, confidentiality, and safeguarding the security of information collected or maintained by Federal agencies, or in conjunction with Federal programs. The Director of the Office of Management and Budget, working through the Office of Privacy and Confidentiality Review is authorized and directed to provide advice and guidance to other executive branch agencies, monitor compliance with the privacy aspects of information management laws, receive and mediate citizen privacy complaints, and issue such standards and regulations as are required. Standards and regulations issued by the Office shall lie before the Congress for 60 days before taking effect.

(k) Each agency shall establish at the department or agency head level a Regulatory Review Program to provide planning and oversight of the regulatory activities of the agency in the interest of developing simpler, less costly, and more understandable regulations. The Office of Management and Budget shall coordinate the regulatory activities of the agencies working through the agency regulatory review programs, oversee their activities, and issue such directives as it feels necessary to improve the regulatory activities of the Federal Government.

(l) The Office of Management and Budget shall provide for a review of agency programs and their regulations no less than once every five years to determine if it is feasible and desirable, for them to be continued, and whether they should be simplified or eliminated.

(m) The Records Management Act of 1950 (44 U.S.C. 2904) is amended by adding "(11) The National Archives and Records Service of the General Services Administration is authorized and directed to conduct studies and promulgate standards, procedures and guidelines with respect to records retention requirements imposed on the public by Federal agencies."

SEC. 302. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE IV—REGULATORY FLEXIBILITY

SEC. 401. The Director of the Office of Management and Budget shall establish guidelines and regulations to provide for:

"(A) less costly reporting and recordkeeping requirements on persons and organizations with a record of regulatory compliance or achievement of program objectives;

"(B) less costly regulatory requirements for small business, small local governments, other small organizations, individuals, and small transactions where such requirements would allow the accomplishing of Federal objectives without unnecessarily burdening such organizations, persons or transactions;

"(C) standard and objective criteria for applying the policies established by this section; and

"(D) policy reviews by single lead agencies of all regulations in related program areas to promote uniformity in application.

SEC. 402. Section 553 of title 5, United States Code, is amended by adding at the end thereof:

"(f) Prior to the issuance of a rule, the agency shall consider and incorporate as a part of the statement of purpose of the rule required to be published in the Federal Register a written analysis of whether it is lawful, feasible, and desirable for the agency to exempt or reduce the burden of the rule for individuals, small organizations, or small transactions."

TITLE V—ELIMINATION OF UNNECESSARY DUPLICATION

FEDERAL INFORMATION LOCATOR SYSTEM

SEC. 501. (a) There is hereby established a Federal Information Locator System composed of an information locator, a data element dictionary, and an information referral service.

(b) The Federal Information Locator System shall serve as the authoritative register of all public use reports.

(c) The data profiles describing the general contents of those reports shall be used to—

(1) identify duplication in existing or new reporting requirements;

(2) locate existing information that may meet the needs of a Federal agency and thereby promote sharing of such information to avoid duplication;

(3) provide a central coordination mechanism for Federal, State and local government requirements for information;

(4) maximize the use of information by identifying available information which will be of utility to Congress, and the general public; and

(5) keep track of the total public paperwork reporting burdens so that effective action can be applied to reduce such burdens.

FEDERAL INFORMATION LOCATOR OFFICE

SEC. 502. There is hereby established within the General Services Administration a Federal Information Locator Office (hereinafter referred to in this Act as the "Locator Office"). The Locator Office shall be administered by a Director (hereinafter referred to in this Title as the "Director") who shall be appointed by the Administrator of General Services and who shall be compensated at the rate provided for GS–18 of the General Schedule under section 5332 of Title 4, United States Code.

SEC. 503. For the purposes of this title, the term—

(1) "Information holding" means any collection of data, documents or literature owned or controlled by the Federal Government, irrespective of the physical form thereof or the method of its collection, use, storage, or transmission.

(2) "Data profile" means data elements which are descriptive of information holdings, thereby including such items as the official name of the information holding, its location, the responsible agency which established and administers it, the authorizing statute, a description of its contents, and other information necessary to adequately identify, access and use the data, documents, or literature contained within the information holding.

(3) "Information Locator" means an index or catalog of information holdings, wherein an information holding is described by a data profile.

(4) "Federal agency" means an agency as defined by section 551(1) of Title 5, United States Code.

(5) "Data element dictionary" means a thesaurus of standard and uniform definitions for commonly used names, terms, abbreviations and symbols used in Federal information holdings.

(6) "Information referral service" is the communications function that permits officials and citizens access to the Federal Information Locator System.

(7) "Public-use report" is a data collection instrument used by Federal agencies to collect information from ten or more respondents outside the Federal Government, pursuant, to the Federal Reports Act.

(8) "Duplication" means redundancy in data and information collected by Federal agencies, whether through public-use reporting, interagency reporting or internal agency reporting, including, but not limited to—

(A) identical duplication involving two or more individual elements of data which have the same definition or meaning;

(B) similar duplication involving individual data elements related to the same specific subject but with minor differences in definition; and

(C) generic duplication involving reports requesting groups of data that relate to the same subject.

(9) "Federal Information Locator System" means the system administered by the Federal Information System Locator Office established by section 302 of this title.

(10) "Lead agency" means an agency which may be designated by the Director of the Office of Management and Budget to coordinate related information activities.

DUTIES

SEC. 504. The Director shall—

(1) cause to be prepared a data profile for each public use report;

(2) prepare an automated indexing system of all holdings as authorized under this title;

(3) screen all planned public-use reports through the information locator as authorized under this title; and

(4) register all approved new reports and other information holdings in the Federal Information Locator System as authorized under this title.

SCREENING AND MATCHING NEW REPORTS

SEC. 505. Profiles for planned new requirements will be matched against existing profiles in the information locator and the results of such matching shall be made available to—

(a) agency officials planning new information activities;

(b) the relevant Federal agency reports clearance officers;

(c) the clearance office in the Office of Management and Budget; and

(d) the general public.

REGISTRATION OF REPORTS AND HOLDINGS

SEC. 506. (a) The Director shall establish procedures to ensure that at a minimum all data items in public-use reports are registered in the Federal Information Locator System. The Director shall also include in the system major Federal agency information holdings, including but not limited to—

(1) statistical series;

(2) standard and optional forms.

PRIVACY AND CONFIDENTIALITY CONTROLS

SEC. 507. (a) The Director shall insure that no actual data is contained within the locator system, except descriptive data profiles necessary to identify duplicative data or to locate information. Any information holding which contains a data element of a personal or proprietary nature within the meaning of the Privacy Act of 1974, shall be appropriately annotated in its data profile through a coding system that—

(1) identifies the fact that the actual data, wherever it may be located, is personal or proprietary and therefore access and use is restricted in accordance with safeguards prescribed by the Privacy Act or other provisions of laws; and

(2) classifies the data elements with respect to the degree of sensitivity of the data itself, user restrictions, access restrictions, safeguard provisions, and such other identifying information as may be helpful to users of the System.

(b) The Director shall identify, by means of appropriate classification systems and coding controls, data which has been determined subject to the provisions of the Freedom of Information Act including whether it may fall under one of the exemptions of such Act.

(c) The head of each Federal agency shall establish such procedures as may be necessary to insure the compliance of such agency with the requirements of this section including necessary screening and compliance activities.

TITLE VI—IMPROVING FEDERAL, STATE, LOCAL GOVERNMENT REGULATIONS

SEC. 601. This title may be cited as the "State and Local Government Paperwork Relief Act."

SEC. 602. The Congress hereby declares that it shall be the policy of the Federal Government with regards to the operation of Federal programs involving State and local government:

"(A) to operate Federal programs in a manner which reflects respect for and trust in the capabilities of State and local government;

"(B) to provide high-level officers in the Executive Office of the President and the agencies for State and local officials to contact to resolve issues resulting from legislation, regulations, program procedures, and program reviews;

"(C) to simplify, wherever possible, Federal requirements of State and local governments through the development of standard requirements and procedures, such as standard planning requirements;

"(D) to coordinate State and local governmental activities and related Federal activities;

"(E) to permit the acceptance of State statutes, regulations, and procedures where State action will accomplish the policies and objectives of applicable Federal law; and

"(F) to undertake continuing research into administrative problems in Federal, State, and local relationships, and to seek prompt reform.

SEC. 603. The President shall appoint from among his staff an officer who shall be responsible for advising the President on matters affecting Federal, State, and local relations and overseeing the resolution of such issues.

SEC. 604. The Director of the Office of Management and Budget shall:

"(a) monitor proposed legislation and regulations and make such studies as are necessary to determine how Federal, State and local operations may be coordinated and simplified, and appropriate standards for administrative requirements and procedures developed, particularly in the areas of planning, administrative, financial and audit requirements;

"(b) propose to the President Administrative Reform Plans as established under Title VII of this Act and legislation to accomplish the goals of more efficient and effective Federal, State and local government operations;

"(c) establish cognizant or lead agencies in program areas to reduce administrative overlap and confusion; and

"(d) establish administrative guidelines and regulations which Federal agencies shall follow, and void agency requirements not in accord with such regulations, including:

(1) Reporting forms and requirements developed by program agencies for the use of State and local participants in Federal grant programs should be distributed as part of the application process or should be released no less than two months before aid recipients are required to begin collecting data. No agency may request information on grant activities from recipients for periods during which the reporting format was unavailable except when the head of the granting agency personally determines otherwise within guidelines issued by the Director of the Office of Management and Budget.

(2) Agencies should provide an opportunity for users and interested members of the public, to comment on all proposed new application and reporting forms to be filled out by State and local grant recipients.

(3) In supporting grant modifications or renewals, State and local governments shall be required to submit only new and updating material, thereby eliminating the need to submit information provided with the original application.

(4) All Federal agencies shall use the standard application and financial reporting forms developed by the Office of Management and Budget. The standard forms shall be used to fulfill all agency financial reporting requirements except that additional data specifically required by statute or the Congress and not covered by the standard forms may also be requested. Agencies shall work with the Office of Management and Budget from time to time to revise the existing standard forms where experience indicates that a change is necessary.

(5) Agencies should establish cooperative data collective programs with State and local governments wherever practical to eliminate duplicative reporting of similar data by more than one level of government, so long as no legal prohibition against this exists.

(6) Federal agencies should ensure that no State or local chief executive officer or other certifying official is required to sign a single reporting or application submission to Federal agencies more than one time, except as specifically required by law.

(7) Applicants and grantees shall be required to submit to Federal agencies no more than one original and two copies of any application, financial or performance report.

(8) Whenever an agency revises a grant-in-aid regulation, grantees then participating in the program should not be required to comply with the revised regulation until the beginning of the first grant program year after the effective date of the new regulation. Exceptions as established by OMB shall include when (1) immediate compliance is specifically required by law, or (2) the head of the promulgating agency demonstrates that deferral of the regulations would be detrimental to the public health or safety, or the rights of individuals. Grantees may choose to comply with the revised regulations immediately upon promulgation.

(9) Agencies should work with the Department of the Treasury to convert all eligible grants to letters of credit. Grant payments should be made by letter of credit if they are advanced for costs incurred and if they are made over a period of at least a year.

(10) Agencies should work with the Office of Management and Budget and the Department of Treasury to reduce to a minimum the time it takes to pay grantees under reimbursable programs.

(11) Agencies should work with the Department of Treasury to identify grant programs for inclusion in an electronic fund transfer system as Treasury develops its EFTS capability for making payments to State and local governments.

(12) Agencies should label all checks sent to grant-in-aid recipients, indicating the program to which each grant payment shall be credited. The Department of Treasury will provide guidance on procedures.

(13) To the maximum extent practical, Federal agencies should accept audits of Federally-assisted programs by States and localities, unless either State auditors decide that they do not wish to perform a given audit or it is determined that a particular State does not have the capability to perform an audit in accordance with Federal guidelines.

SEC. 605. The Advisory Commission on Intergovernmental Relations is hereby authorized and directed to prepare and submit to the Congress and the President within one year a report with recommendations for criteria to establish the degree of Federal involvement and imposed cost appropriate in State and local assistance, taking into account such factors as the ultimate user of the assistance, the relative proportion of Federal funds involved, and whether the assistance should encourage local discretion.

TITLE VII—ADMINISTRATIVE REFORM

SEC. 701. Section 553 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(g)(1) Upon the request of an agency head, the President may issue an Executive Order delaying for a period not to exceed one year the effective date required by law for the promulgation of rules or regulations or non-substantive administrative provisions of law, except as provided in subparagraph (4) of this subsection. Such Executive Order must include a finding that the effective date or administrative provisions by law are impracticable due to—

"(A) the existence of administrative problems which would require Congress to amend

existing legislation, or to clarify Congressional intent; or

"(B) the inaccessibility of immediate, relevant statistical data; or

"(C) unnecessary public impact which could be avoided by additional time for consultation with affected parties.

"(2) Under the circumstances outlined in paragraph (1) of this subsection, the President shall transmit to both Houses on the same day, and to each House while it is in session, the Executive Order as provided in paragraph (f)(1) of this section, or an Administrative Reform Plan containing nonsubstantive administrative amendments which the President determines shall be necessary for effective and efficient implementation of the law.

"(3) The Executive order and administrative reform plan shall be considered by both Houses using the same procedures established for consideration of Presidential Reorganization Plans (5 U.S.C. 903(b), 906, 908, 909, 910, 911, and 912).

"(4) No request for an Executive order described in paragraph (1) or administrative reform plan described in paragraph (2) of this section shall issue if, in the opinion of agency head or the President, such order or plan, if issued would so delay the promulgation of the final rule or regulation by an agency as to present a substantial risk to the health or safety of any person or to national security.

"(5) The agency shall promulgate such rules as best implement the law not later than sixty days after a response is received from the congressional committees with original jurisdiction, or a resolution of disapproval relating to the Executive order or administrative reform plan is adopted in either House of Congress.

TITLE VII—IMPROVING THE RULEMAKING PROCESS

SEC. 801. The Congress hearby declares as its policy that existing and future regulations of departments and agencies shall be as simple and clear as possible. They shall achieve legislative goals effectively and efficiently. They shall not impose unnecessary burdens on the economy, or individuals, or public or private organizations, or on State and local governments.

SEC. 802. The Office of Management and Budget shall insure that departments and agencies adopt procedures to achieve the policy goals of section 801. These procedures shall insure that:

(a) the need for and purposes of the regulation are clearly established;

(b) heads of agencies and policy officials exercise effective oversight;

(c) opportunity exists for early participation and comment by other Federal agencies, State and local governments, businesses, organizations, and individual members of the public;

(d) meaningful alternatives are considered and analyzed before the regulation is issued;

(e) compliance costs, paperwork and other burdens on the public are minimized;

(f) regulations can be easily understood by those who must comply with them; and

(g) agencies publish, at least semiannually, an agenda of significant regulations under development or review.

SEC. 803. Section 553(b) of title 5, United States Code, is amended:

(a) by inserting after the first sentence thereof the following: "Additional appropriate publications shall be used whenever such use would substantially improve notification to those parties significantly affected by the proposed rule."

(b) by striking out "and" in paragraph (2) thereof;

(c) by striking out the period at the end of paragraph (3) thereof and inserting in lieu thereof a semicolon; and

(d) by adding immediately after paragraph (3) thereof the following new paragraphs:

"(4) an estimate of the projected paperwork burden on all affected parties involved in complying with the proposed rule, including the type and number of people, organizations, and State and local governments affected, the time required to comply, the expertise or special training involved in compliance, and the cost of compliance including consideration of the total paperwork burden imposed by government on the affected parties;

"(5) the tentative date, whenever it is possible to so project such date, upon which the proposed rule is scheduled to become effective; and

"(6) any proposed reporting forms which will be required by or may result from the rule."

AGENCY COOPERATION WITH AFFECTED PARTIES

SEC. 804. Section 553(c) of title 5, United States Code, is amended by inserting after the second sentence thereof the following new sentences: "The statement shall include a synopsis of the agency's efforts to obtain and respond to a broad range of public input during the drafting of the rule. A rulemaking record shall be compiled which contains the information considered and the factual administrative determinations made in each rule."

EXTENSION OF OPPORTUNITY TO COMMENT

SEC. 805. Section 553(d) of title 5, United States Code, is amended by striking out "thirty days before its effective date" in the first sentence thereof, and inserting in lieu thereof "forty-five days before its effective date, or sixty days in the case of significant regulations which will result in an annual effect on the economy of $100,000,000 or more when measured in 1978 dollars,".

TITLE IX—IMPROVING GOVERNMENT RESPONSIVENESS TO CITIZENS

SEC. 901. The Director of the Office of Management and Budget is hereby authorized and directed to establish a program and set agency responsibilities to provide the public with information about Federal programs and procedures, to set standards for the handling by Federal agencies of public complaints and suggestions, to coordinate the handling of complaints or suggestions involving more than one agency, and monitor Executive Branch responsiveness.

SEC. 902. The program shall—

(a) provide information to the public on Federal programs and procedures under section 903;

(b) set guidelines and standards of performance for handling complaints and make suggestions to ensure minimum levels of responsiveness within the Executive Branch;

(c) monitor the effectiveness of agency efforts;

(d) improve feedback to government of burdens imposed by Federal requirements and better identify areas where government is unnecessarily complex and difficult to understand;

(e) establish screening and referral criteria and procedures for agencies to use in referring interagency cases;

(f) work with individuals, local governments, organizations and agencies to resolve problems which cannot be handled by the individual agencies.

SEC. 903. The Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, is hereby amended by the addition of the new Title IX, "Federal Information Centers," to read as follows:

"TITLE IX—FEDERAL INFORMATION CENTERS

"SHORT TITLE

"SEC. 901. This title may be cited as the 'Federal Information Centers Act.'

"DECLARATION OF PURPOSE

"SEC. 902. The Administrator is hereby authorized and directed to establish within the General Services Administration a nationwide network of Federal Information Centers for the purpose of providing the public with information about the programs and procedures of the Federal Government and for other appropriate and related purposes.

"AUTHORIZATION FOR REGULATIONS

"SEC. 903. The Administrator is authorized to promulgate such rules and regulations as may be necessary to the functioning of the Federal Information Centers.

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 904. There is hereby authorized to be appropriated $7,000,000 for fiscal year 1980 and such sums as may be required thereafter for the operation of the Federal Information Centers."

TITLE X—MISCELLANEOUS PROVISIONS

SEPARABILITY

SEC. 1001. If any provision of this Act or the applicability thereof is held invalid with respect to its application to any person, place, or event, the remainder of this Act shall not be affected thereby.●

● Mr. HUDDLESTON. Mr. President, it is a privilege for me to join the principal author of this legislation, Senator MCINTYRE, in introducing it today. The Hidden Tax Reduction Act, if enacted, would make long overdue corrections in the Federal Government's handling of reporting and recordkeeping requirements. The bill as presented today implements three major recommendations of the now defunct Commission on Federal Paperwork, which was so ably chaired by Senator MCINTYRE.

First, a firm national commitment to paperwork control is spelled out in the bill.

Second, the bill would consolidate paperwork management into one single agency of the Government, the Office of Management and Budget (OMB). Whereas now the General Accounting Office and OMB both handle some paperwork clearance and management and many reports have no clearance procedures whatsoever, the OMB would take over final responsibility for all forms.

Third, mechanisms are established that would provide a continuing attack on increased requests by Government agencies for information. Included in these mechanisms are two items worthy of particular note. These are:

First, the statutory establishment of the requirement for an assessment of the paperwork to be generated by new legislation reported out of House and Senate committees. Now a part of Senate rules, I believe that spelling it out in the law will make us in the Congress even more aware of the paperwork creating aspects of the legislation we enact. We need to know who will have to file and complete reports after the Federal bureaucrats take our legislation and publish their regulations. For instance, we need to know how a piece of legislation and the resultant regulations will affect our elderly citizens or our small businesses. Then we will be in a better position to change or alter the legislation to eliminate unnecessary paperwork requirements.

Second, a "Federal information locator system" would be established to not only catalog present information requirements but also to match planned new requests with existing information profiles in order that duplication can be avoided.

Every segment of our society is being inundated with the paperwork burden. Government reporting requirements now cost the American public an estimated $100 billion each year. Improvements need to be made and I believe progress has begun. President Carter has already, by administrative order, reduced the number of man-hours spent meeting reporting requirements by over 10 percent. Further net decreases are in the offing this week as agencies must indicate how they intend to comply with another recent Executive order calling for streamlining of the regulatory process.

On the legislative front, the Congress as I have already mentioned is now more aware than ever that action must be taken now to stem the omnious tide of the paperwork flow. Therefore, I am especially gratified to cosponsor this measure today. It is in my mind the most comphensive paperwork control measure yet presented for consideration. I urge its prompt adoption.●

● Mr. CHILES. Mr. President, I welcome the opportunity to join Senator McINTYRE and Senators HATFIELD, ANDERSON, and HUDDLESTON in cosponsoring the Hidden Tax Reduction Act.

I believe this bill is important. It represents a comprehensive attack on the cloudbursts of paperwork and redtape the Federal Government showers on the citizens, businesses, and State and local governments of this country. It should serve as a point of departure for congressional initiatives to eliminate unnecessary paperwork burdens.

The Paperwork Commission estimated that the dollars spent on Federal paperwork exceed 100 billion a year. Even a marginal reduction in that cost has the potential of saving the taxpayers billions of dollars. More importantly, paperwork reductions impact citizens directly by cutting the time and hassle involved in filling out one form after another for every reason imaginable.

I wish to compliment Senator McINTYRE for sponsoring this bill, and Senator MARK HATFIELD, who served with the Senator from New Hampshire on the Federal Paperwork Commission for his work. This omnibus bill incorporates many of the Paperwork Commission's recommendations and provides mechanisms to act upon three principles which are basic to reducing paperwork burdens:

Full costs of Government programs, both to the Government and outside groups and individuals. should be looked at in drafting legislation and regulations;

Alternative ways to run programs must be examined so conscious choices can be made on who will bear the costs and receive the benefits; and

Full participation by all parties involved in a Federal program must contribute to its design so inadvertent costs and burdens are avoided.

In the bill's 10 titles several proposals which establish means for the Congress and the executive branch to use these principles are made. I join the other sponsors in inviting other Senators to support this bill.

The Subcommittee on Federal Spending Practices of the Governmental Affairs Committee, has responsibilities for paperwork reduction measures. As chairman of the subcommittee I would like to say that we will give this bill our attention.

We plan to initiate a series of hearings on paperwork reduction in late June. The subcommittee will be hearing from the administration, the Comptroller General and others on the status of the Paperwork Commission recommendations.

As part of the President's strategy to reduce paperwork, the statutory requirement for the Office of Management and Budget to report on the status of the Paperwork Commission recommendations has been consolidated with the President's overall paperwork reduction program. We will hear about the administration's accomplishments to date, a description of the President's overall strategy, a status report on the Commission's recommendations, and the administration's views on the Hidden Tax Reduction Act.

I understand the President's program has generated other legislative proposals as well. The subcommittee intends to work in partnership with other committees, the rest of Congress, and the administration in seeking to fulfill "targets of opportunity" to reduce paperwork.

Unlike many governmental bodies, the Paperwork Commission went out of business. Its work is finished. The challenge is now up to the rest of Government to followup on its work. This bill is a start for the Congress to think about what legislation is needed. I plan to do my part to get the ball rolling. ●

By Mr. MOYNIHAN:

S. 3145. A bill to extend the time period for congressional study of certain fringe benefits; to the Committee on Finance.

CONGRESSIONAL STUDY OF FRINGE BENEFITS

Mr. MOYNIHAN. Mr. President, I am introducing today a bill to extend the time for congressional review and study of some proposed areas of taxation—travel expenses and fringe benefits.

On May 11, 1978 Congress passed H.R. 9251, the Tax Treatment Extension Act. It contained provisions which would, in effect, prohibit the Internal Revenue Services from issuing new regulations to treat as income certain fringe benefits and travel expense reimbursements.

Congress determined then that such regulations would be most unusual, and warranted a closer study of their impact on the incomes and tax burdens of the Nation's work force. We therefore gave ourselves until mid-1978 to study this proposition, a reasonable period of time when the bill was introduced on October 27, 1977.

It has now become clear that the time is not sufficient. My bill would simply extend the effective dates to December 31, 1979. I hope to have the support of my colleagues.

By Mr. HART:

S. 3146. A bill to expand the jurisdiction of the Nuclear Regulatory Commission over nuclear waste storage and disposal facilities and for other purposes; to the Committee on Environment and Public Works.

NUCLEAR WASTE REGULATION ACT OF 1978

● Mr. HART. Mr. President, today, I am introducing the Nuclear Waste Regulation Act of 1978. This legislation reforms the regulatory framework for nuclear waste management to reflect accurately current nuclear waste problems and to assure protection of public health and safety.

Nuclear waste management is one of the most serious, and yet most neglected, environmental, and public health issues facing our country today.

This is not a new problem. It has been with us for a long time. We have been accumulating radioactive wastes since the Manhattan project signaled the dawn of the atomic age. For the past three decades, millions and millions of gallons of toxic, long-lived nuclear wastes have been generated. With the growing demand for energy, we are creating more and more. Yet, to this day, we have no plan for permanent disposal of these wastes—and our program for short-term storage and disposal of nuclear waste has been inadequate.

To date, our nuclear waste program has avoided disaster—there have been no immediate casualties—there has been no wholesale contamination of our environment. But short of that, we have compiled a frightening catalog of errors.

The orphaned wastes at the abandoned fuel reprocessing plant in New York; plutonium leaking from the low-level waste burial site in Kentucky; the dismal history of uranium milltailings in Colorado, the public outcry against geological testing in Michigan; and the radiation seeping from barrels dumped into the ocean, are just a few of the examples which mark the flawed history of this country's past efforts to manage nuclear wastes.

These mistakes and others led the General Accounting Office to conclude last fall that our nuclear waste management program "has been negligible to date," and that "further program goals are overly optimistic because the administration faces many unsolved social, regulatory, and geological obstacles."

The stakes involved more than public health and our environment. The nature of our future energy supply is at issue also. Sixty-nine nuclear reactors are operating in this country today, providing almost 12 percent of our electrical needs By the year 2000, nuclear advocates urge construction of more than 350 reactors.

If an acceptable solution to radioactive waste disposal is not developed, we may be forced to look seriously at halting further development of this energy resource. The political climate is changing.

The public, through its elected representatives, will demand a halt to nuclear energy development if our waste management programs are not improved and if answers to the long-term disposal question are not provided.

Mr. President, the legislation I am introducing today will put us on the road to solving this problem.

The Subcommittee on Nuclear Regulation has already held 3 days of nuclear waste hearings. This bill was drafted to address the issues and problems identified in those hearings.

On June 13 and 14, the subcommittee will hold additional hearings to consider this bill, along with other waste licensing legislation that has been referred to the Committee on Environment and Public Works.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Nuclear Waste Regulation Act of 1978.

SEC. 2. The purposes of this Act are to:

(a) recognize that future development of nuclear power is contingent upon expeditious development of a sound program for safe, long-term disposal of nuclear waste;

(b) direct and authorize the Nuclear Regulatory Commission (hereinafter in the Act referred to as the Commission) to license and regulate the storage and disposal of all forms of radioactive waste, regardless of source or ownership;

(c) establish minimum Federal standards for disposal and storage of uranium mill tailings and low-level radioactive wastes which may be regulated by the States; and

(d) direct the Commission to under take a comprehensive study of nuclear waste disposal technology, regulation, and planning, and on completion of such a study, take appropriate action to protect public health and safety, and the environment.

SEC. 3. (a) Section 202 of the Energy Reorganization Act of 1974 is amended by striking subsections (3) and (4) and inserting in lieu thereof the following:

"(3) Short- and long-term storage and disposal facilities for all radioactive wastes, including but not limited to low and high level radioactive wastes, irradiated nuclear reactor fuel, non-high level transuranium contaminated wastes, radioactive gases, and the naturally occurring daughters of uranium and thorium found in the tailings or wastes produced by the extraction or concentration of uranium or thorium from source material as defined in section 11.z.(2) of the Atomic Energy Act of 1954, as amended, including such materials generated by activities in foreign countries or by activities which are part of research and development or defense programs, and including decommissioned facilities and facilities in existence prior to October 11, 1974.

Upon a determination published in the Federal Register that such action is in the national security interest of the United States and after notice to and a reasonable opportunity for comment by the Commission, the President may exempt any facility subject to the requirement of a license under this section from any condition or requirement of such license or from the license requirement itself.".

(b) The Commission is authorized and directed to define by rule, regulation, or order, the term "short-term" in section 202 (3) of the Energy Reorganization Act of 1974 as amended by subsection (a) of this section within 3 months of the date of enactment of this section. Such definition shall not provide a lower limit longer than 6 months for what constitutes short-term storage.

(c) For each Department of Energy facility in operation or under construction on the date of enactment of this secion which is newly subjected to the license requirement by the amendment contained in subsection (a), the Secretary of Energy shall file with the Commission within 4 months of such date a preapplication report setting forth all relevant environmental and safety data. On the basis thereof, the Commission shall prescribe such conditions and requirements as are necessary to protect the public health and safety and the environment pending license issuance. Within 1 year of such date, the Secretary of Energy shall file with the Com- of such applications within 5 years of such facility, and the Commission shall dispose of such appliactions within 5 years of such date. Should the Commission determine such a facility cannot meet licensing standards in the absence of remedial action, it may issue a conditional license which affords the Secretary of Energy a period of compliance not to exceed 5 years from issuance.

Should the Commission determine such a facility cannot in any event meet licensing standards, it shall prescribe such conditions and requirements as are necessary to protect the public health and safety and the environment while facility operations are terminated and the facility itself is rendered harmless.

SEC. 4. Section 11.e. of the Atomic Energy Act of 1954, as amended is amended to read as follows:

"e. The term 'byproduct material' means (1) any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material, and (2) the naturally occurring daughters of uranium and thorium found in the tailings or wastes produced by the extraction or concentration of uranium or thorium from source material as defined in section 11z.(2) of this Act.".

SEC. 5. Section 161. of the Atomic Energy Act of 1954, as amended, is amended by adding a new subsection x at the end thereof to read as follows:

"x. establish by rule, regulation, or order such standards and instructions as the Commission may deem necessary or desirable to insure that funds will be made available by a licensee to permit the completion of all requirements established by the Commission for the decommissioning, decontamination, and reclamation and long term care if necessary of sites, structures, and equipment used in conjunction with activities or materials licensed under this Act.".

SEC. 6. Section 274.b. of the Atomic Energy Act of 1954, as amended, is amended by adding "as defined in section 11.e.(1) of this Act" after the words "byproduct materials" in paragraph (1); by adding a new paragraph (2) to read as follows: "(2) byproduct materials as defined in section 11.e.(2) of this Act."; and by renumbering existing paragraphs (2) and (3) accordingly.

SEC. 7. Section 274.d.(2) of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"(2) the Commission finds that the State program is in accord with subsection o. of this section and is in all other respects compatible with the Commission's program for the regulation of the materials covered by the proposed agreement, and that the State program is adequate to protect the public health and safety with respect to such materials."

SEC. 8. Section 274j. of the Atomic Energy Act of 1954, as amended, is amended by inserting after the words "with the State" the following: ", or that part of an agreement respecting any of the materials enumerated in subsection b. of this section,".

SEC. 9. (a) Section 274. of the Atomic Energy Act of 1954, as amended, is further amended by adding at the end thereof the following new subsection:

"6. In the licensing and regulation of low level radioactive wastes, byproduct material defined in section 11.e.(2) of this Act, and decommissioned facilities pursuant to an agreement entered into in accordance with subsection b. of this section, a State shall adopt and enforce substantive standards for the protection of the public health and safety which are at least equivalent to standards adopted and enforced by the Commission for the same purpose. The Commission standards for byproduct material defined in section 11.e.(2) of this Act may specify disposal thereof only on land owned by the State or by the United States.".

(b) The Commission shall promulgate the minimum standards referred to in subsection (a) of this section with two years of the date of enactment of the Nuclear Waste Regulation Act of 1978, and shall not commence proceedings pursuant to section 274.j. of the Atomic Energy Act of 1954, as amended, to terminate an agreement for lack of standards at lease equivalent thereto earlier than eighteen months after such promulgation.

SEC. 1C. In addition to any requirement imposed pursuant to the National Environmental Policy Act of 1969, as amended, each license application for a facility for the storage or disposal of low or high level radioactive wastes, irradiated nuclear reactor fuel, or nonhigh level transuranium contaminated wastes, shall identify alternative sites for such facility. The applicant shall provide such data as is deemed sufficient by the Commission for each such site. Except as may be required by the provisions of the National Environmental Policy Act of 1969, as amended, the Commission is authorized to waive the requirement of alternative site identification for license applications of the type described in this subsection if the subject facility is intended to demonstrate the existence of a safe and practical technology for permanent storage.

(b) The Commission shall develop criteria and procedures for the evaluation of the alternative sites identified pursuant to subsection (a) of this section within eighteen months of the date of enactment of this section.

SEC. 11. (a) The Commission is authorized and directed to undertake a comprehensive investigation and study of the technology for the disposal and storage of high level radioactive wastes, irradiated nuclear reactor fuel and nonhigh level transuranium contaminated wastes, and of the current program for the regulation of such wastes. The Commission shall report to the Congress and the public on the findings and results of such study within two years of the date of enactment of this section.

(b) Such report shall include specific findings on the following:

(1) Whether there is reasonable assurance that a theoretically and practically sound method and plan exist for the safe and timely containment of the wastes described in subsection (a) of this section which are produced by nuclear power reactors (including decommissioning wastes) and reprocessing facilities; and

(2) Whether adequate and reliable information is available to make the finding required by paragraph (1).

(c) In light of the study required by subsection (a) of this section and the specific finding required by subsection (b)(1), the Commission shall take such action as is necessary to assure the protection of the public health and safety and of the environment. In the event that the Commission makes a negative determination pursuant to sub-

section (b)(2) of this section, it shall design a plan to generate such information and report thereon to the Congress within six months of the date of such negative determination, and shall take whatever action is necessary to protect the public health and safety until such information is generated.●

By Mr. DOLE:

S. 3147. A bill to prohibit the issuance of regulations on the taxation of fringe benefits; to the Committee on Finance.

PROHIBITION OF TAX REGULATIONS OF FRINGE BENEFITS

● Mr. DOLE. Mr. President, the Internal Revenue Service is preparing to issue new regulations that could affect the tax liability of every American. This unilateral action on the part of the IRS is unwarranted and should be stopped until Congress can appropriately review this matter.

FRINGE BENEFITS

Mr. President, I send to the desk legislation which would prohibit the issuing of Treasury regulations on the taxation of fringe benefits.

According to IRS Commissioner Jerome Kurtz, the IRS is empowered to begin taxation of fringe benefits and IRS officials are preparing to act on their own, without seeking legislation from Congress.

CONGRESSIONAL RESPONSIBILITY

Although the use of fringe benefits has increased in recent years, few comprehensive or generally applicable income tax rules have been developed. As a result, there has been an inevitable nonconformity of treatment of taxpayers who receive different types of benefits although the benefits may have approximately the same economic value. Although I recognize that the Internal Revenue Service is reexamining the treatment of fringe benefits in accordance with its obligations to enforce the tax laws, the Senator from Kansas believes that it is primarily the responsibility of the Congress to legislate uniform and equitable tax laws.

MORATORIUM

Mr. President, on May 11 the Senate passed H.R. 9251, the Tax Extension Act. That bill contained a provision similar to the bill which I introduced today. Section 3 of H.R. 9251 would prohibit the IRS from issuing regulations providing for the inclusion of any fringe benefit in gross income before July 1, 1978. I supported that measure and now believe that it is in the American taxpayer's best interest to provide a further extension.

Mr. President, earlier this week the House Appropriations Committee approved by a voice vote an amendment to the Treasury appropriations bill that would bar the Treasury Department from using money in the bill to issue or administer regulations providing the taxation of fringe benefits. I believe that proposal is meritorious and should also be included in the Senate appropriations bill. If the Senate Appropriations Committee does not act in this matter, I intend to propose a similar amendment on the Senate floor.

Mr. President, the taxation of fringe benefits is a major issue. I would hope that we could all work together to resolve this issue rather than adopt a vindictive and punitive attitude toward the American working people.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There are being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, No regulation shall be issued in final form on or after July 1, 1978, and before July 1, 1979, providing for the inclusion of any fringe benefit in gross income by reason of Section 61 of the Internal Revenue Code of 1954.●

By Mr. MOYNIHAN:

S. 3148. A bill to amend title XX of the Social Security Act to provide for an expanded social services program, to promote consultation and cooperative efforts among States, localities, and other local public and private agencies to coordinate services, to extend certain provisions of Public Law 94–401, and for other purposes; to the Committee on Finance.

SOCIAL SERVICES AMENDMENTS OF 1978

● Mr. MOYNIHAN. Mr. President, on behalf of the Carter administration, I am today introducing a bill to amend, increase and improve the major Federal social services program authorized by title XX of the Social Security Act. This is an integral part of the President's urban policy as set forth in his March 27, 1978 message to the Congress. At that time, he announced his intention to "propose an additional $150 million of new budget authority for the title XX program. These funds will be used to improve the delivery of social services in urban areas—ranging from Meals on Wheels for the elderly to day care for children of working mothers—and to develop greater coordination between local, public and private agencies."

I support these goals, both as part of a comprehensive urban strategy and in their own right, and am therefore pleased to sponsor a bill which marks the beginning of the Senate legislative process by which the administration's proposed implementation of these goals will be considered. The title of XX program is an appropriate example of the "New Partnership" that the President seeks among the several levels of Government and the private sector with a shared interest in improving our urban condition.

The bill before us would increase the ceiling for title XX by $150 million, marking the first increase in Federal social services spending since the establishment of a ceiling in 1972. Had that ceiling risen at the rate of the consumer price index since 1972, today Federal social services funds would exceed $3.6 billion. These figures alone indicate that it is time to look again at social services spending. The President's proposal creates an occasion and an opportunity to do so.

The bill also contains some useful modifications to the title XX program. These are clearly explained in a transmittal letter from Secretary Califano to Vice President MONDALE and in an HEW news release, dated May 19, and I ask unanimous consent that both be included in the RECORD at the conclusion of these remarks.

I would take this opportunity to note that the Congress is presently considering several proposals to modify and expand title XX. For example, Senators GRAVEL, DOLE, HUMPHREY, MATSUNAGA, and RIEGLE propose to accomplish these purposes by amending pending legislation. As we consider all the available alternatives, I am confident that any measure we finally adopt will share the objectives of the bill which I am introducing for the administration.

As Chairman of the Subcommittee on Public Assistance, I have a particular interest in, and indeed, some responsibility for title XX of the Social Security Act. As Senator from New York, however, I must acknowledge a certain ambivalence toward any program which employs a formula that causes the people of my State to pay more in taxes than they receive in benefits. Without taking the least exception to the worthy purposes of the program, I have to utter a word of caution. New York taxpayers will supply about $12.50 of every $100 in added title XX spending under the current formula while the beneficiaries of title XX services in New York will receive just $8.57 of the added outlays. Perhaps sometime in the near future the administration and the Congress will have another look at the formula.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH,
EDUCATION AND WELFARE,
May 18, 1978.

HON. WALTER F. MONDALE,
President of the Senate, U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress, is a draft bill "To amend title XX of the Social Security Act to provide for an expanded social services program, to promote consultation and cooperative efforts among States, localities, and other local public and private agencies to coordinate services, to extend certain provisions of P.L. 94–401, and for other purposes."

This proposal is one of a number of Administration proposals which would implement the President's intent, as expressed in his statement of March 27, 1978, to establish a comprehensive national urban policy. The proposal is designed to enable State governments to provide additional needed social services to the most hard-pressed communities, and to give local governments a greater role in the planning for and determination of the use of social services funds in the community.

Title I of the draft bill will strengthen and focus title XX in essentially three ways. First, it will increase the current social services ceiling by $150 million for fiscal years 1979 through 1982, thus enabling States to expand services to meet their most pressing needs. Because title XX is, in its entirety, a program to meet special needs for social services, the additional funds will be allocated to the States and the District of Columbia on the same formula as other title

XX funds, and may be used for the same purposes.

Second, it will require State officials to consult with the chief elected officials of cities, counties, and other units of general purpose government within the State, during the development of the State's proposed comprehensive services plan. The views of these local officials will thereafter be summarized in the proposed plan.

Third, the bill will encourage States to enhance the services provided under title XX in political subdivisions of the State having a special need for those services. If a State determines that there are such special need areas, it will identify them in its comprehensive services plan.

In addition to these changes, title I of the bill will require the comprehensive services plan to set forth the criteria used by the State to determine the nature and amount of services to be provided in each area of the State. This amendment will aid a forthcoming administrative initiative of the Department to improve State reporting on the services provided by the State under title XX, to assure that the public will be informed at least annually as to the State's progress in implementing its plan.

Finally, in order to allow a State to engage in longterm planning for the provision of social services, the bill will permit a State to adopt a comprehensive services plan for a period of up to three years, in lieu of the present limitation of one year.

Title II of the draft bill would extend certain provisions of P.L. 94–401.

Specifically, it would extend for one additional year, through fiscal year 1979, the provisions of P.L. 94–401 which provide $200 million for allotment to States for services under title XX of the Social Security Act, in addition to the $2.5 billion currently authorized to be allotted under that title. These extensions are included in the President's fiscal year 1979 budget. The section would also extend for one additional year other provisions of P.L. 94–401 applicable to the $200 million, and related provisions pertaining to the provision of day care under title XX. These include the requirement that States spend for day care under title XX an amount equal to its additional allotment under P.L. 94–401 in order to be entitled to that additional allotment; the option to use an amount equal to the additional allotment for day care without having to match those funds with funds from nonfederal sources; and the authority for the State agency to continue to waive certain day care staffing standards.

Section 201 of the draft bill would also make permanent the temporary provision of law in P.L. 94–401 which permits title XX funds to be used to cover, for up to seven days, medical or remedial care and room and board associated with the initial detoxification of alcoholics and drug addicts.

Title III of the bill would make miscellaneous changes to title XX. Section 301 would permit States to use funds allotted under title XX of the Social Security Act to provide emergency shelter, for not in excess of thirty days in any six month period, to adults in danger of physical or mental injury, neglect, maltreatment, or exploitation. Currently, title XX covers emergency shelter for children only.

Section 302 would authorize a separate appropriation of $16.1 million for social services in Puerto Rico, Guam, the Northern Marianas, and the Virgin Islands. Currently, title XX provides that Puerto Rico, Guam, and the Virgin Islands may be paid an aggregate amount of $16 million each year only after all States have certified to the Secretary the sums they will each claim under title XX for social services and the Secretary determines that there will be funds remaining for the territories; no provision is made in current law for the Northern Marianas. This is an inefficient procedure, because States are slow to make their certification. It will also become inadequate once States claim their full entitlement under title XX because there will then be no funds available for the territories.

We urge the Congress to give prompt and favorable consideration to this draft bill.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

JOSEPH A. CALIFANO,
Secretary.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
May 19, 1978.

HEW Secretary Joseph A. Califano, Jr., sent legislation to Congress today that would help States expand social services programs for people living in their most hard-pressed communities.

This bill is part of the President's comprehensive national urban policy. It is one of several HEW urban initiatives and would amend Title XX of the Social Security Act. The Administration's policy, enunciated on March 27 of this year, aims to improve the quality of life for people living in cities by proposing new initiatives and improving the performance of existing programs in the areas of fiscal assistance, employment and economic development, housing, health, education, recreation and citizen involvement.

The bill is designed to further the Federal-State-local partnership that is an integral part of the policy. The bill would add $150 million a year for fiscal years 1979 through 1982 to the current annual authorization of $2.5 billion under Title XX. The increase would help State governments expand social service activities to meet special needs in their communities. Local governments would have a larger role in planning for the use of these funds since State agencies would have to involve the chief elected officials of cities, counties and other localities in development of social service plans.

In addition, the bill would extend some Title XX provisions passed in 1976 (Public Law 94–401) that govern how much States spend on child day care and permit them to waive certain day care staffing standards. The new bill would give States permanent permission to use Title XX funds to pay for expenses connected with the initial treatment of alcoholics and drug addicts. It would also extend to adults the emergency shelter services currently provided to children.

The bill would guarantee for the first time that Puerto Rico, Guam, the Northern Marianas and the Virgin Islands get Title XX funds each year. Under current law, Puerto Rico, Guam and the Virgin Islands are entitled to a maximum of $16 million only if money is left over after the States and the District of Columbia make their claims. Currently the Northern Marianas are not entitled to any Title XX funds.●

By Mr. MOYNIHAN (for himself and Mr. JAVITS):

S. 3149. A bill to amend the Internal Revenue Code with respect to loan guarantees for the assistance of the city of New York; to the Committee on Finance.

S. 3150. A bill to amend the Internal Revenue Code with respect to financial assistance for the city of New York; to the Committee on Finance.

NEW YORK CITY

● Mr. MOYNIHAN. Mr. President, the legislation needed to prevent the bankruptcy of the city of New York and to permit the city to restore fiscal stability must come before two committees of the Senate: the Banking and Finance Committees.

On April 12, Senator JAVITS and I introduced S. 2892, the loan guarantee bill which had been proposed by the Carter administration. On May 11, we introduced S. 3061, the loan guarantee and seasonal financing bill which has been reported out by the House Banking Committee, and which is often referred to as the "Moorhead Bill" after Representative WILLIAM MOORHEAD of Pennsylvania, a leading supporter and chairman of the Economic Stabilization Subcommittee of the House Banking Committee. Both these bills contain, in addition to their main provisions which authorize Federal loan guarantees to New York City, various changes in the Internal Revenue Code. Of these, the most significant is the provision making interest income from any federally guaranteed New York City bonds subject to Federal income tax.

These bills were not referred to the Senate Finance Committee, but any New York City loan guarantee bill containing revisions of the Internal Revenue Code will require its approval. To put the relevant revisions before the Finance Committee as quickly as possible, I am today, for myself and Senator JAVITS, introducing, as separate bills, title II of S. 2892 and title II of S. 3061. These two bills will be referred to the Finance Committee, and the committee will then have before it the tax aspects of the New York City loan proposals. It is my hope, and that of Senator JAVITS, that the Committee will proceed promptly to hold any hearings that may be necessary and then to mark up this legislation, which is essential to New York's return to fiscal stability.

I ask unanimous consent that the text of both bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 3149

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX TREATMENT OF CERTAIN FEDERALLY GUARANTEED OBLIGATIONS.

(a) Certain Federally Guaranteed Obligations.—Section 103 of the Internal Revenue Code of 1954 (interest on certain governmental obligations) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) Certain Federally Guaranteed Obligations.—If payment of any principal or interest on an obligation is guaranteed by the United States under the New York City Loan Guarantee Act of 1978, then the obligation shall be treated as not described in subsection (a).".

(b) Lapse of Guarantee.—Section 1058 (cross references) is redesignated as section 1059, and the following new section is inserted immediately after section 1057:

"SEC. 1058. LAPSE OF CERTAIN FEDERAL GUARANTEES.

"The following rules apply on the lapse of a guarantee under the New York City Loan Guarantee Act of 1978:

"(a) For all purposes of this subtitle, has guaranteed obligation shall be treated as surrendered in exchange for a newly issued obligation described in section 103(a).

"(b) For purposes of determining the amount of gain or loss recognized on such exchange, the fair market value of the obligation (immediately after the guarantee lapses) shall be determined by the Secretary.".

(c) Character of Certain Federally Guaranteed Obligations.—Section 1221 (capital asset defined) is amended by striking "or" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting "; or" in lieu thereof, and by inserting after paragraph (6) the following new paragraph:

"(7) Obligations guaranteed under the New York City Guarantee Loan Act of 1978.".

(d) Conforming Amendment.—The table of sections for part IV of subchapter O of chapter 1 is amended by deleting the last item and inserting in lieu thereof the following new items:

"SEC. 1058. Lapse of certain Federal guarantees.

"SEC. 1059. Cross references."

(e) Effective Date.—The amendments made by subsections (a), (b), (c), and (d) shall apply to taxable years ending after the date of the enactment of this Act.

S. 3150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAXABILITY OF CERTAIN FEDERALLY GUARANTEED OBLIGATIONS.

(a) Certain Federally Guaranteed Obligations.—Section 103 of the Internal Revenue Code of 1954 (relating to interest on certain governmental obligations) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) Certain Federally Guaranteed Obligations.—Any obligation—

"(1) which is issued after the date of the enactment of this subsection, and

"(2) the payment of interest or principal (or both) of which is guaranteed in whole or in part under title I of the New York City Financial Assistance Act of 1978 (as in effect on the date of the enactment of this subsection), shall be treated as an obligation not described in subsection (a)."

(b) Effective Date.—The amendments made by subsection (a) shall apply to taxable years ending after the date of the enactment of this Act.●

By Mr. CANNON (for himself, Mr. INOUYE, and Mr. PEARSON) (by request):

S. 3152. A bill to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance, for an additional 5 years, ending September 30, 1984; to the Committee on Commerce, Science, and Transportation.

● Mr. CANNON. Mr. President, I introduce today, at the request of the Secretary of Commerce, and on behalf of myself and my colleagues, Mr. INOUYE and Mr. PEARSON, a bill to extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance, for an additional 5 years, ending September 30, 1984.

I ask unanimous consent that the text of the bill and the letter of transmittal be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 3152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1214 of title XII of the Merchant Marine Act, 1936 (46 U.S.C. 1294), is amended by striking out "September 30, 1979" and inserting in lieu thereof "September 30, 1984".

THE SECRETARY OF COMMERCE,
Washington, D.C., May 3, 1978.

DEAR MR. PRESIDENT: Enclosed are six copies of a draft bill "To extend the provisions of title XII of the Merchant Marine Act, 1936, relating to war risk insurance, for an additional five years, ending September 30, 1984," together with a statement of purpose and need in support thereof.

The Department has determined that this proposed legislation does not constitute a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949, and OMB Circular A–107.

We have been advised by the Office of Management and Budget that there would be no objection from the standpoint of the Administration's program to the submission of this legislation to the Congress.

Sincerely,

JUANITA M. KREPS.

STATEMENT OF THE PURPOSES AND NEED OF THE DRAFT BILL "TO EXTEND THE PROVISIONS OF TITLE XII OF THE MERCHANT MARINE ACT, 1936, RELATING TO WAR RISK INSURANCE, FOR AN ADDITIONAL 5 YEARS, ENDING SEPTEMBER 30, 1984."

The draft bill would extend the life of title XII of the Merchant Marine Act, 1936 (46 U.S.C. 1281–1294), for an additional five years. Section 1214 of the Act, pursuant to amendment by P.L. 94–523 (90 Stat. 2474), now provides that the authority under that title shall expire on September 30, 1979.

Title XII authorizes the Secretary of Commerce (Secretary), with the approval of the President, to provide insurance against loss or damage by war risks with respect to vessels, cargoes, crew life and personal effects, and liabilities related to ownership or operation of the vessels, when commercial insurance cannot be obtained on reasonable terms and conditions. The purpose of title XII is to maintain the flow of the U.S. waterborne commerce, including the maintenance of essential transportation services for the Department of Defense. War risk insurance was provided by the Government in both World War I and World War II, and proved effective in protecting the civilian and military commerce of the United States, with total premium receipts in excess of losses paid.

Title XII of the Merchant Marine Act, 1936, was enacted with the outbreak of the Korean War in 1950. It was temporary legislation that expired in five years. Past extensions of the title XII authority had been for five year periods, expiring on September 7 of each fifth year. The last extension was for three years, terminating on the date corresponding to the end of the new fiscal year established by the Congressional Budget and Impoundment Control Act of 1974.

War risk protection has been provided through the issuance, for a fee, of interim binders under which Government war risk insurance terminates under the automatic termination clauses in the commercial policies. These clauses provide that such insurance will terminate immediately upon (a) the outbreak of war (whether there is a declaration of war or not) between any of the following countries: the United States of America, the United Kingdom, France, the Union of Soviet Socialist Republics, and the Peoples Republic of China; or (b) the occurrence of any hostile detonation of any nuclear weapon of war, whether or not the covered vessel is involved. Our binders give back-to-back coverage with the commercial policies. The war risk insurance coverage under the binders ends 30 days after it attaches. At that time, the premiums for coverage during that period would be fixed retroactively, and terms for the continuation of war risk insurance coverage for the ensuing period would be determined on the basis of the circumstances existing at that time.

Section 1203(a) of the 1936 Act authorizes the Secretary to provide insurance not only to American vessels, but also to "foreign-flag vessels owned by citizens of the United States or engaged in transportation in the waterborne commerce of the United States or in such other transportation by water or such other services as may be deemed by the Secretary to be in the interest of the national defense or the national economy of the United States when so engaged." Public Law 94–523 (90 Stat. 2474), which reinstated the authority of the Secretary to issue war risk insurance until September 30, 1979, also amended this section to require that the Secretary consider specified general criteria in determining whether to issue war risk insurance to foreign-flag vessels. It provided further that all American and foreign-flag vessels with such insurance coverage shall be subject to vessel location reporting requirements as the Secretary may establish by regulation.

The Maritime Administration has developed proposed criteria for eligibility of foreign-flag vessels, including types, tonnages, speed, and age. These criteria will be set forth in regulations to be published in the Federal Register in proposed form early in 1978, which regulations will also include vessel location reporting requirements.●

By Mr. PELL (for himself and Mr. CHAFEE):

S. 3153. A bill to settle Indian land claims within the State of Rhode Island and Providence Plantations, and for other purposes; to the Select Committee on Indian Affairs.

RHODE ISLAND INDIAN CLAIMS SETTLEMENT ACT

● Mr. PELL. Mr. President, today I am introducing a bill to settle Indian land claims within the State of Rhode Island.

This bill represents the first major resolution in the 14 Indian land claim suits filed in Eastern States in recent years. The bill represents a consensus negotiated settlement arrived at by Narragansett Indians, State officials, and private landowners. It is a constructive approach to resolve the competing interests of the Narragansetts, the State, and the private defendants.

In January 1975, the Narragansett Indians filed two suits in the U.S. District Court for the District of Rhode Island, seeking possession of almost 3,500 acres in Charlestown, R.I. This claim, like others filed by the Passamaquoddy and Penobscot Indians in Maine and the Mashpees in Massachusetts, arose under the Trade and Intercourse Act of 1790, commonly referred to as the Nonintercourse Act.

The Nonintercourse Act in essence requires approval by Congress of transfers of lands by an Indian tribe. The Narragansett Indians, in actions filed against private landowners, and the Rhode Island Department of Environmental Management, asserted that they held aboriginal title to the lands in Charlestown since time immemorial, and that these lands had been obtained in violation of the 1790 act.

The pending court actions based on the Narragansett tribal claim has had the unfortunate effect of causing economic stagnation within Charlestown, R.I., the site of the claim.

This claim has created a cloud on the validity of the real property titles of the approximately 30 private defendants directly affected by the litigation. As a result, these private defendants have been unable to sell, mortgage, or develop the lands. Title insurance for the affected properties has become unavailable and bond issues for the town of Charlestown were jeopardized. Unless a congressional resolution of the pending land claims occurs, private land titles in Charlestown, R.I., will remain clouded for the 5 to 7 years that the full travel of the litigation will require.

During the 3 years of litigation thus far, the private defendants have borne the overwhelming financial burden of defending a major lawsuit. None of these defendants have the economic ability to support the expense of this litigation. Two of the defendants, the Providence Boys' Club and the Greater Providence Young Men's Christian Association, which are major charitable organizations in Rhode Island, have seen their economic future threatened because of this litigation.

In addition to the hardships faced by the defendants named in the suits, substantial numbers of nondefendants owning lands in Charlestown are affected because of the inability to define precisely what portion of the town was possessed by the Narragansetts in 1790. As a result, a cloud has been created on land titles in virtually all of Charlestown because of the possibility that additional suits may be filed by the Narragansett Indians.

On February 28, 1978, the parties to the litigation in Rhode Island, along with Gov. J. Joseph Garrahy and the Charlestown Town Council, signed a settlement agreement that provides for the contribution of approximately 900 acres of land by the State of Rhode Island to a State-chartered corporation to be established to hold the land in trust, and for the acquisition of an additional 900 acres of land from private landowners who are willing to sell their lands at fair market prices. The funds to acquire the privately held land are to be provided by the Federal Government through the legislation I am introducing today.

This bill establishes in the U.S. Treasury a fund to be known as the Rhode Island Indian Claims Settlement Fund. This bill authorizes the payment of $3.5 million to a State-chartered corporation—the majority of whose directors will be chosen by the Narragansett Indians—for the purchase by the State corporation of the property of private landowners who are willing to sell their land.

The State corporation will hold the settlement lands in trust for the benefit of the Narragansett Indians. No funds will actually be paid to the State corporation until the Department of the Interior makes a finding that the Narragansett claim is a credible one and until the State legislature passes appropriate legislation authorizing the conveyance of its 900-acre settlement contribution to the State corporation. Should the State corporation acquire the private settlement lands for a total sum less than $3.5 million, the surplus funds shall be returned to the Treasury.

Additionally, the bill authorizes the payment of $262,500 to private landowners selling their land, payable in the event the actual conveyances do not take place within 9 months after the signing of agreements giving the State corporation the option to purchase settlement lands.

The measure I offer today, Mr. President, will resolve the uncertainty created for all the parties by the Narragansett tribal claim in Rhode Island, without waiting 5 to 7 years before the Supreme Court will have the opportunity to lay the controversy to rest. I stress that all the affected parties—the Narragansett Indians, the State, and the private landowners—are in support of this bill, as are the other members of the Rhode Island congressional delegation. The White House, the Department of the Interior, and the appropriate committee counsel in the House and Senate have been involved in the drafting of this legislation, along with the parties. Without congressional resolution of the Narragansett Indian land claims, the hardships to the private landowners and the town of Charlestown, R.I. will continue and multiply until the litigation is finally ended.

At the same time, Mr. President, it is appropriate that we ratify a fair settlement which will satisfy the historic grievances of the Narragansett Indians. The State corporation which will be created under this bill will provide a resurgence of culture and pride for the Narragansetts. The State corporation will begin a new era of self-respect and self-sufficiency for the Narragansett Indians, in addition to providing a vehicle for their rich history and culture to be shared with all Rhode Islanders.

I hope that prompt action will be taken on this bill so that the settlement of the Narragansett Indian claim can be implemented without undue delay and further hardship.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rhode Island Indian Claims Settlement Act."

CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

SEC. 2. Congress finds and declares that—

(1) there are pending before the United States District Court for the District of Rhode Island two consolidated actions, entitled *Narragansett Tribe of Indians* v. *Southern Rhode Island Land Development Co., et al.* C.A. No. 75–0006 (D.R.I.) and *Narragansett Tribe of Indians* v. *Rhode Island Director of Environmental Management* C.A. No. 75–0005 (D.R.I.), that involve Indian claims to certain public and private lands within the Town of Charlestown, Rhode Island;

(2) the pendency of these lawsuits has resulted in severe economic hardships for the residents of the Town of Charlestown by clouding the titles to much of the land in the Town, including lands not involved in the lawsuits;

(3) the Congress shares with the State of Rhode Island and the parties to the lawsuits a desire to remove all clouds on titles resulting from such Indian land claims within the State of Rhode Island; and

(4) the parties to the lawsuits and others interested in the settlement of Indian land claims within the State of Rhode Island have executed a Settlement Agreement that requires certain implementing legislation to be enacted by Congress and the State of Rhode Island as a condition to its effectiveness.

DEFINITIONS

SEC. 3. For the purposes of this Act, the term—

(a) "Fund" means the Rhode Island Indian Claims Settlement Fund established under section 5 of this Act;

(b) "Indian Corporation" means the Rhode Island Non-Business corporation known as "the Narragansett Tribe of Indians;"

(c) "lawsuits" means the actions entitled *Narragansett Tribe of Indians* v. *Southern Rhode Island Land Development Co., et al.,* C.A. No. 75–0006 (D.R.I.) and *Narragansett Tribe of Indians* v. *Rhode Island Director of Environmental Management,* C.A. No. 75–0005 (D.R.I.)

(d) "Option Agreements" means the agreements entered into or to be entered into pursuant to section 3 of the Settlement Agreement between the State Corporation (or in the event the State Corporation has not yet been created, with a designee of the Governor of Rhode Island) and the defendants in the lawsuits under which the State Corporation will have an option to purchase the private settlement lands;

(e) "private settlement lands" means those lands that are to be acquired by the State Corporation from the private defendants in the lawsuits pursuant to section 3 of the Settlement Agreement;

(f) "public settlement lands" means those lands that are to be conveyed by the State of Rhode Island to the State Corporation pursuant to section 2 of the Settlement Agreement;

(g) "Secretary" means the Secretary of the Interior or his designee;

(h) "Settlement Agreement" means the document entitled "JOINT MEMORANDUM OF UNDERSTANDING CONCERNING SETTLEMENT OF THE RHODE ISLAND INDIAN LAND CLAIMS" executed as of February 28, 1978, by representatives of the State, of the Town of Charlestown, and of parties to the lawsuits;

(i) "settlement lands" means those lands defined in subsections (e) and (f) of this section; and

(j) "State Corporation" means the corporation created or to be created by legislation enacted by the State of Rhode Island pursuant to section 1 of the Settlement Agreement for the purpose of acquiring and holding the settlement lands.

RATIFICATION OF PRIOR LAND AND WATER CONVEYANCES AND EXTINGUISHMENT OF ABORIGINAL TITLE

SEC. 4. (a) Any transfer of lands or waters located within the United States from, by or on behalf of the Indian Corporation, or any other entity known as or claiming to be the Narragansett Tribe of Indians, or any predecessor in interest, member, or stockholder thereof, including but not limited to a transfer pursuant to any statute of any state, was and shall be deemed to have been made in accordance with the Constitution and all laws of the United States that are specifically applicable to transfers of lands or waters from, by or on behalf of any Indian, Indian nation or tribe of Indians (including but not limited to the Trade and Intercourse Act of 1970, Ch. 33, § 4, 1 Stat. 138, and all amendments thereto and all subsequent versions thereof), and Congress does hereby approve and ratify any such transfer effective as of the date of the said transfer.

(b) To the extent that any transfer of lands or waters described in subsection (a)

may involve lands or waters to which the Indian Corporation, or any other entity known as or claiming to be the Narragansett Tribe of Indians, or any predecessor in interest, member, or stockholder thereof, had aboriginal title, subsection (a) shall be regarded as an extinguishment of such aboriginal title as of the date of said transfer.

(c) By virtue of the approval and ratification of a transfer of lands or waters effected by subsection (a) or an extinguishment of aboriginal title effected thereby, all claims against the United States, any state or subdivision thereof, or any other person or entity, by the Indian Corporation, or any other entity known as or claiming to be the Narragansett Tribe of Indians, or any predecessor in interest, member or stockholder thereof, including but not limited to claims for trespass damages or claims for use or occupancy, arising subsequent to the transfer and that are based upon any interest in or right involving such lands or waters, shall be regarded as extinguished as of the date of the transfer.

(d)(1) Any and all other claims involving or in any way relating to lands or waters within the State of Rhode Island of any Indian, Indian nation or tribe of Indians, arising prior to the date of enactment of this Act under the Constitution or laws of the United States that are specifically applicable to transfers of lands or waters from, by or on behalf of any Indian, Indian nation or tribe of Indians (including but not limited to the Trade and Intercourse Act of 1790, Ch. 33, § 4, 1 Stat. 138, and all amendments thereto and all subsequent versions thereof), shall be barred unless filed in a court of competent jurisdiction within one hundred eighty (180) days of the date of enactment of this Act.

(8) Any Indian, Indian nation or tribe of Indians asserting a claim involving or in any way relating to lands or waters located within the limits of the town of Charlestown, Rhode Island, shall be limited to asserting such claim exclusively against the Indian Corporation, and such Indian, Indian nation or tribe of Indians shall be barred from bringing any suit involving such claim against any other person or entity.

(e) As used in this section, the phrase "lands or waters" shall include any interest in or right involving lands or waters, and the term "transfer" shall include but not be limited to any sale, grant, lease, allotment, partition, conveyance, or any transaction the purpose of which was to effect a sale, grant, lease, allotment, partition or conveyance, or any event or events that resulted in a change in possession or control of lands or waters.

RHODE ISLAND INDIAN CLAIMS SETTLEMENT FUND

SEC. 5. There is hereby established in the United States Treasury a fund to be known as the Rhode Island Indian Claims Settlement Fund into which the following monies shall be deposited following the appropriation authorized by section 15 of this Act:

(a) $3,500,000, which shall be distributed to the State Corporation in accordance with the provisions of section 7 of this Act;

(b) $262,500, which shall be distributed to certain private defendants in the lawsuits in accordance with the provisions of section 6 of this Act; and

(c) $80,077.84, which shall be distributed pursuant to the provisions of section 13 of this Act.

OPTION AGREEMENTS TO PURCHASE PRIVATE SETTLEMENT LAND

SEC. 6. (a) Each private defendant in the lawsuits who has entered or who subsequently enters into a two-year Option Agreement with the State Corporation (or in the event the State Corporation has not yet been created, with a designee of the Governor of Rhode Island) to convey his portion of the private settlement lands to the State Corporation shall, subject to the limitations of subsection (b), be paid an option fee from the Fund equal to 5 per centum of the purchase price agreed upon in each Option Agreement: *Provided, however,* That the total option fees paid to all such defendants shall not exceed $175,000.

(b) The payment of option fees authorized by subsection (a) shall be subject to the following conditions:

(i) the option fees shall not be paid from the Fund until immediately prior to the expiration of ninety days from the date of passage of this Act;

(ii) the option fee for each Option Agreement shall be applied to the agreed purchase price in each Option Agreement if the land transfer contemplated by each Option Agreement is completed and the full purchase price paid on or before the expiration of two hundred and seventy days from the date of each respective Option Agreement;

(iii) the option fee for each Option Agreement shall be retained by the party granting the option and not applied to the purchase price if the land transfer contemplated by each Option Agreement is not completed and the full purchase price paid on or before the expiration of two hundred and seventy days from the date of each respective Option Agreement; and

(iv) if, for any reason, the option fee called for by each respective Option Agreement is not paid as set forth in paragraph (i), above, the party granting the Option shall have the right to terminate his obligations under the Option Agreement, and if such right is exercised, such Option Agreement shall thereafter be unenforceable against any party thereto.

(c) If the requirements set forth in section 8 of this Act have not been satisfied at the expiration of the term of any Option Agreement, the State Corporation may elect to extend any such Option Agreement then in effect for an additional period of one year. A non-refundable extension fee equal to 2½ per centum of the agreed upon purchase price shall be paid from the Fund to any defendant whose Option Agreement is extended for such additional period: *Provided, however,* That such extension fee shall not be applied toward the purchase price and that the total extension fees paid to all defendants shall not exceed $87,500.

(d) To the extent that any portion of the $262,500 authorized by section 5(b) of this Act for the payment of option and extension fees is not utilized for the purposes set forth herein, the excess shall be returned to the general Treasury of the United States.

SETTLEMENT LANDS

SEC. 7. Upon satisfaction of all of the conditions set forth in section 8 of this Act, the sum of $3,500,000 (minus any option fees paid and credited against the purchase price pursuant to the provisions of sections 6(b)(ii) and (iii) of the Act) shall be paid to the State Corporation from the Fund for the purchase by the State Corporation of the private settlement lands and for the reasonable costs of acquisition incurred by the State Corporation in connection with the purchase of private settlement lands. If such private settlement lands are acquired for a total amount less than $3,500,000, the State Corporation shall return any such remaining monies to the general Treasury of the United States.

CONDITIONS PRECEDENT TO THE DISTRIBUTION OF CERTAIN FUNDS

SEC. 8. No monevs shall be distributed from the Fund to the State Corporation pursuant to section 7 of this Act until the Secretary has determined:

(a) that the State of Rhode Island has enacted legislation in implementation of all of the obligations it has undertaken in the Settlement Agreement;

(b) that the Council of the Town of Charlestown and the State Corporation have accepted the land use plan contemplated by section 14 of the Settlement Agreement; and

(c) that within sixty (60) days of the date of enactment of this Act, and in accordance with standards established by the Secretary for this purpose, the plaintiff in the lawsuits has a credible claim to the lands subject to the lawsuits, including a determination that the plaintiff has a credible claim to status as an "Indian nation or tribe of Indians" within the meaning of the Indian Nonintercourse Act (R.S. § 2116) at all revelant periods of time, including the present. In the event that the Secretary determines that the plaintiff in the lawsuits does not have a credible claim to the lands subject to the lawsuits, the determination of the Secretary shall be subject to judicial review in the federal district court for the State of Rhode Island or the District of Columbia pursuant to 5 U.S.C. § 702. The reviewing court shall set aside any such determination only if it is found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. If it is ultimately determined in a final, non-appealable order of a court of competent jurisdiction that the plaintiff in the lawsuits does have a credible claim to the lands subject to the lawsuits, or if the Secretary shall make such a determination after remand by the reviewing court, such order or determination shall have the same effect as if the Secretary had initially made the determination that the plaintiff in the lawsuits has a credible claim to the lands subject to the lawsuits.

RESTRICTION ON ALIENATION

SEC. 9. No lands acquired by the State Corporation under the Settlement Agreement may be sold, granted, leased or otherwise conveyed, nor shall any such sale, grant, lease or conveyance be of any validity in law or equity, unless the same is approved by the Secretary or his designee and the Governor of the State of Rhode Island: *Provided, however,* that nothing in this Act shall affect or otherwise impair the ability of the State Corporation to grant or otherwise convey (including any involuntary conveyance by means of eminent domain or condemnation proceedings) any easement for public or private purposes pursuant to the laws of the State of Rhode Island.

EXEMPTION FROM TAXATION

SEC. 10. Neither the settlement lands nor any monies received by the State Corporation from the Fund shall be subject to any form of federal, state or local taxation: *Provided, however,* That this exemption shall not apply to any income-producing activities occurring on the settlement lands: *And provided further* That nothing in this Act shall prevent the imposition of payments in lieu of taxes on the State Corporation for services provided in connection with the settlement lands.

DEFERRAL OF CAPITAL GAINS

SEC. 11. For purposes of Subtitle A of the Internal Revenue Code of 1954, sale or disposition of private settlement lands disposed of pursuant to the terms and conditions of the Settlement Agreement shall be treated as an involuntary conversion as a result of condemnation or the threat or imminence thereof to which Section 1033 of the Internal Revenue Code of 1954 applies.

APPLICABILITY OF STATE LAW

SEC. 12. Except as otherwise provided in this Act, the settlement lands shall be subject to the complete civil and criminal jurisdiction of the State of Rhode Island.

ATTORNEY AND CONSULTANT FEES

SEC. 13. A sum not in excess of $80,077.84 shall be distributed from the Fund to those

private defendants in the lawsuits who have not executed Option Agreements with the State Corporation as reimbursement for partial out-of-pocket expenses incurred through April 21, 1978 and partial attorneys' fees incurred in connection with the lawsuit.

FEDERAL BENEFITS PRESERVED

SEC. 14. Nothing contained in this Act or any legislation enacted by the State of Rhode Island pursuant to its obligations under the Settlement Agreement shall affect or otherwise impair in any adverse manner any benefits received by the State under the Pitman-Robertson Act (16 U.S.C. §§ 669–669 (i)) and the Dingell-Johnson Act (16 U.S.C. §§ 777–777(k)).

AUTHORIZATION OF FUNDS

SEC. 15. There is hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

SAVINGS CLAUSE

SEC. 16. To the extent that there may be any conflict between any provision of this Act and any other applicable federal law or laws, the provisions of this Act shall govern.

STATUTE OF LIMITATIONS

SEC. 17. Notwithstanding any other provision of law:

(a) any action to contest the authority of the United States to legislate on the subject matter of this Act, or to contest the legality or constitutionality of this Act or any provision thereof, shall be barred unless the complaint is filed within one hundred eighty (180) days of the date of enactment of this Act; and

(b) any action over which the Court of Claims has jurisdiction under the provisions of 28 U.S.C. § 1505 by any Indian, Indian nation or tribe of Indians affected by section 4(d)(1) and (2) of this Act shall be barred unless such action is filed in the Court of Claims within three years of the date of enactment of this Act.

SEPARABILITY

SEC. 18. If any provision of this Act or the applicability thereof is held invalid, the remaining provisions of this Act shall not be affected thereby.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. ROBERT C. BYRD, on behalf of Mrs. HUMPHREY, the Senator from Minnesota (Mrs. HUMPHREY), the Senator from Wisconsin (Mr. NELSON, the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from New York (Mr. JAVITS), the Senator from California (Mr. CRANSTON), the Senator from Massachusetts (Mr. BROOKE), the Senator from Washington (Mr. MAGNUSON), the Senator from Connecticut (Mr. RIBICOFF), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Indiana (Mr. BAYH), the Senator from Iowa (Mr. CLARK), the Senator from Maine (Mr. HATHAWAY), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. LEAHY), the Senator from Ohio (Mr. METZENBAUM), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 50, the Full Employment and Balanced Growth Act.

S. 1140

At the request of Mrs. HUMPHREY, her name was added as a cosponsor of S. 1140, a bill to encourage and assist the States to develop improved programs for the conservation of nongame species of native fish and wildlife, and for other purposes.

S. 2270

At the request of Mr. CASE, the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2270, to designate a segment of the Delaware River as a component of the National Wild and Scenic Rivers System.

S. 2510

At the request of Mr. MORGAN, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2510, a bill to provide that no funds be expended on the new program on smoking and health announced by the Secretary of Health, Education, and Welfare on January 11, 1978, without specific approval by Congress.

S. 2778

At the request of Mr. BENTSEN, the Senator from Alabama (Mr. ALLEN), the Senator from Minnesota (Mr. ANDERSON), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BIDEN), the Senator from Arkansas (Mr. BUMPERS), the Senator from Arizona (Mr. DECONCINI), the Senator from Kansas (Mr. DOLE), the Senator from Utah (Mr. GARN), the Senator from Michigan (Mr. GRIFFIN), the Senator from California (Mr. HAYAKAWA), the Senator from Arkansas (Mr. HODGES), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Minnesota (Mrs. HUMPHREY), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Vermont (Mr. LEAHY), the Senator from Louisiana (Mr. LONG), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. PERCY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Maryland (Mr. SARBANES), the Senator from Florida (Mr. STONE), the Senator from Georgia (Mr. TALMADGE), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 2778, a bill to provide for increased criminal penalties for the unauthorized manufacture and distribution of PCP and to provide for piperidine reporting.

S. 2867

At the request of Mr. BAKER (for Mr. GOLDWATER), the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 2867, a bill to remove residency requirements and acreage limitations applicable to land subject to reclamation law.

S. 2910

At the request of Mr. KENNEDY, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 2910, a bill to establish a program for the development networks of community based services to prevent initial and repeat pregnancies among adolescents, to provide care to pregnant adolescents, and to help adolescents become productive independent contributors to family and community life.

S. 3049

At the request of Mr. CULVER, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 3049, the Product Liability Self-Insurance Act of 1978.

S. 3134

At the request of Mr. ALLEN, the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 3134, to provide that certain statutory subsistence received by State police officers will not retroactively be included in gross income.

S. 3136

At the request of Mr. BAKER, the Senator from Alabama (Mr. SPARKMAN) was added as a cosponsor of S. 3136, a bill to amend section 15d of the Tennessee Valley Authority Act of 1933 to provide that expenditures for pollution control facilities will be credited against required power investment return payments and repayments.

SENATE RESOLUTION 402

At the request of Mr. ALLEN, the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of Senate Resolution 402, relating to proposed bans by the Food and Drug Administration on certain uses of penicillin and tetracycline products in animal feeds.

SENATE CONCURRENT RESOLUTION 68

At the request of Mr. CURTIS, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of Senate Concurrent Resolution 68, expressing the sense of the Congress on the Baltic State question.

AMENDMENT NO. 1763

At the request of Mr. MORGAN, the Senator from Indiana (Mr. LUGAR) and the Senator from Florida (Mr. STONE) were added as cosponsors of amendment No. 1763 intended to be proposed to H.R. 7200, the Public Assistance Amendments of 1977.

AMENDMENT NO. 1823

At the request of Mr. KENNEDY, the Senator from Colorado (Mr. HART) was added as a cosponsor of amendment No. 1823, intended to be proposed to S. 2467, the Labor Reform Act of 1978.

SENATE RESOLUTION 467—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. EASTLAND, from the Committee on the Judiciary, reported the following original resolution, which was referred to the Committee on the Budget:

S. RES. 467

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of that Act are waived with respect to the consideration of S. 3151, a bill to authorize appropriations for the Department of Justice and related agencies for F.Y. 1979 and for other purposes.

Such waiver is necessary to permit consideration of S. 3151, the bill authorizing appropriations to be made for the Department of Justice for F.Y. 1979. Enactment of that bill is required by Section 204 of P.L. 94–503 which required specific authorizing legislation for the Department of Justice commencing with F.Y. 1979.

Even though Committee hearings were commenced on March 22, 1978, final action by the Committee on the Judiciary on S. 3151 was inadvertently delayed by the press of business both within the Committee and within the Senate.

SENATE RESOLUTION 468—SUBMISSION OF A RESOLUTION RELATING TO THE PRESIDENT'S INTENDED VISIT TO PANAMA

Mr. BROOKE (for himself, Mr. HEINZ, Mr. YOUNG, Mr. ALLEN, Mr. GARN, Mr. WALLOP, Mr. HELMS, Mr. LAXALT, Mr. SCHMITT, Mr. STONE, Mr. HATCH, Mr. HANSEN, Mr. HARRY F. BYRD, JR., Mr. STEVENS, and Mr. MCCLURE) submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. RES. 468

Whereas, the Senate on April 17, 1978, approved a reservation to the Panama Canal Treaty stipulating that the " . . . exchange of the instruments of ratification shall not be effective earlier than March 31, 1979, . . . unless legislation necessary to implement the provisions of the Panama Canal Treaty shall have been enacted by the Congress"; and

Whereas, the intent of that reservation is to give the Congress and its appropriate committees an opportunity to consider implementing legislation prior to the occurrence of any action which would prejudice the ability of the Congress to exercise its will with respect to such legislation; and

Whereas, the President of the United States has announced his intention to exchange the instruments of ratification during a visit to Panama on June 16 and 17, 1978 and to sign the related Protocol of Exchange, subject to the condition that the effective date of the exchange will not be any earlier than March 31, 1979, or until implementing legislation is passed, whichever is sooner; and

Whereas, the legal effect of the June 16–17 signing of the Protocol, even if qualified, is uncertain; Now, be it therefore

Resolved that it is the sense of the Senate that neither the exchange of the instruments of ratification, relating to the Panama Canal Treaties, however qualified, nor the incurring of any international obligation to exchange such documents, should take place any earlier than March 31, 1979, unless implementing legislation has been enacted prior to such date.

Mr. BROOKE. Mr. President, on behalf of myself and 14 of my Senate colleagues, I am, today, submitting a resolution stating the sense of the Senate that March 31, 1979, should be the earliest date when an official exchange of the instruments of ratification relating to the Panama Canal treaties should take place. Although I realize that most of us would like a respite from concern about the canal issue, the President's stated intent to visit Panama on June 16–17 for the purpose of exchanging the instruments of ratification and signing the related protocol compels me to introduce this resolution to reaffirm the intent of the Senate regarding this matter as found in the reservation passed by an 84–3 vote during our deliberations on the Panama Canal Treaty.

The reservation to which I refer states:

Exchange of the instruments of ratification of the Panama Canal Treaty and of the Treaty concerning the Permanent Neutrality and Operation of the Panama Canal shall not be effective earlier than March 31, 1979, and such Treaties shall not enter into force prior to October 1, 1979, unless legislation necessary to implement the provisions of the Panama Canal Treaty shall have been enacted by the Congress of the United States of America before March 31, 1979.

The administration has sought to use the phrase "effective earlier than March 31, 1979" to justify the exchange of the instruments of ratification during the President's June 16–17 trip to Panama. The State Department apparently contends that so long as the exchange is conditioned by a statement that it will not come into operation until March 31, 1979, the intent of the reservation is being adhered to.

The administration's tortured interpretation of the intent of the reservation is contrary to the floor debate and is certainly not in keeping with my discussions with administration officials as the reservation was being drafted. It was fully my intent in proposing the reservation that no official exchange of the instruments of ratification should take place earlier than March 31, 1979, unless the Congress had passed implementing legislation before that date. At no time in my discussions with the administration did I indicate anything to the contrary.

Senator SARBANES, one of the leading proponents of the treaties, recognized my intent when, in referring to the reservation, he said:

* * * the provision he [Brooke] has now offered states that if the implementing legislation is enacted earlier than that, [March 31, 1979] then we should proceed with the exchange of the articles of ratification.

Nothing in the colloquy that took place on the reservation justifies the interpretation the administration has chosen. I, therefore, find it difficult to understand why the President is taking this course of action. The only explanation that makes any sense to me is that he feels compelled to be supportive of the present leader of Panama. That disturbs me. There is no natural affinity between ourselves and Panama's present government.

There is a natural affinity between our love of freedom and democracy and that of the Panamanian people. The present Government of Panama certainly can not be characterized as a defender of individual freedom and democracy or as a respector of human rights. Therefore, it seems highly inconsistent to me that the administration would lend the prestige of the U.S. Government to bolster the position of the present Panamanian Government. There are many in Panama as well as in this country who are perplexed and disturbed by the approach adopted by the administration.

The U.S. Senate agreed to the treaties out of a belief that, on balance, they would serve our national interest and evidence American desire to help the Panamanian people achieve just aspirations. We did not ratify the treaties in order to solidify the power of an individual! Yet, the President's trip to Panama will have just that effect.

The proper course of action is for the administration to abide by the intent of the reservation. No exchange of the instruments of ratification, however qualified, should take place earlier than March 31, 1979. The Congress should be allowed the time provided in the reservation to consider with care the implementing legislation unfettered by a premature action such as that contemplated by the President in his trip. The Panamanian people should similarly be allowed the extended time period set forth in the reservation to judge whether or not their constitutional role regarding the treaties has been fully respected.

The resolution that is being submitted today will reaffirm the intent of the Senate in voting in favor of the reservation regarding the implementing legislation. It calls upon the President to avoid any exchange of the instruments of ratification or any international obligation to exchange such documents prior to the March 31, 1979, date. That was clearly my intent in offering the original reservation and I believe that was the Senate's intent when it was passed by an 84-to-3 vote.

Mr. President, I hope that the relevant committee will act quickly on this resolution and report it out immediately after the Memorial Day recess so that the Senate will be able to indicate that it expects the President to abide by the conditions on which the favorable vote on the treaties were predicated.

AMENDMENTS SUBMITTED FOR PRINTING

LABOR LAW REFORM ACT OF 1978—H.R. 8410

AMENDMENTS NOS. 2244 THROUGH 2250

(Ordered to be printed and to lie on the table.)

Mr. HOLLINGS submitted seven amendments intended to be proposed by him to the bill (H.R. 8410) to amend the National Labor Relations Act to strengthen the remedies and expedite the procedures under such act.

Mr. HOLLINGS. Mr. President, I am today submitting several amendments to the Labor Law Reform Act, H.R. 8410–S. 2467. Last week I had the opportunity to speak in opposition to this bill. At that time, I discussed several areas of the bill which, in my opinion, need change in order to correct obvious shortcomings. The changes I propose in the bill, Mr. President, will go a long way toward restoring the balance between labor and management that is so historic and essential in this important area of the law.

Mr. President, I ask unanimous consent that the amendments and a brief explanation of their purpose be printed in the RECORD.

There being no objection, the amendments and explanation were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 2244

Beginning on page 20, line 15, strike out all through page 22, line 3, and insert in lieu thereof the following subsection:

"(f) Where there exists an agreement between an employer and a labor organization, whether expressed or implied, not to strike, picket or lockout, a party to the agreement, or the Board if it finds that the public interest would be served thereby, shall have the power to petition any district court of the United States (including the District of Court of the United States for the District of Columbia) within any district where either or both of the parties reside or transact

business, for such temporary injunctive relief or restraining order as is necessary to prevent any person from engaging in, or inducing or encouraging any employee of the employer to engage in, conduct in breach of such agreement, irrespective of the nature of the dispute underlying such strike, picket or lockout, and such court shall have jurisdiction to grant such party or the Board such temporary injunctive relief or restraining order as it deems just and proper.

(Explanation)

BREACH OF CONTRACT STRIKES

Claims by labor reform proponents to the contrary notwithstanding, the stranger picketing provision dilutes substantially the authority of the courts to enjoin breach of contract strikes. This amendment provides both the Board and any party to a contract with the right to petition a federal district court for an injunction against strikes called in breach of contractual no-strike pledges irrespective of the nature of the issues underlying the strike.

AMENDMENT NO. 2245

On page 22, after line 3, add the following as a new section 14:

"SEC. 14. (a) Section 8(a)(5) of the National Labor Relations Act is amended to read as follows:

"(5) to refuse to bargain collectively with the representatives of his employees: *Provided*, That nothing in this Act shall be construed as requiring an employer to bargain collectively until a representative of his employees has been determined by means of a secret ballot election conducted in accordance with the provisions of section 9.".

(b) Section 9(a) of such Act is amended—

(1) by striking out "designated or" immediately before "selected for the purposes of collective bargaining"; and

(2) by inserting between "selected" and "for the purposes of collective bargaining" the following: "by a secret ballot election".

On page 22, line 4, delete "Sec. 14." and insert in lieu thereof "Sec. 15.".

(Explanation)

REQUIREMENT OF SECRET BALLOT ELECTIONS

Although the Board's election process is the only reliable means of determining whether a majority of unit employees favor union representation, employers are frequently ordered by the Board to bargain with unions whose majority status has been determined by means such as authorization cards. This amendment emphasizes the fundamental need for secret-ballot elections by precluding court enforcement of any bargaining order unless the union's majority status has been determined in an election.

AMENDMENT NO. 2246

Beginning on page 15, line 22, strike out all through page 16, line 21, and insert in lieu thereof the following: "(3)(A) In a case in which the Board determines that an unlawful refusal to bargain prior to the entry into the first collective bargaining contract between the employer and the representative selected or designated by a majority of the employees in the bargaining unit has taken place, the Board may, whenever it deems such relief to be appropriate, enter an order pursuant to paragraph (1) of this section making employees in that unit whole for any loss of economic benefit resulting from the delay in bargaining caused by the unfair labor practice. *Provided*, That this subsection shall not apply to any refusal to bargain committed in a *bona fide* attempt to secure court review under section 10 of a rule or regulation promulgated under section 6 or a certification issued under section 9.

(Explanation)

MAKE-WHOLE REMEDY

The make-whole remedy is inappropriate for two primary reasons. First, the standard for calculating make-whole relief is keyed to settlements in extraordinarily large bargaining units which bear little or no relevance to settlements reached in most units monitored by the Board. Second, the remedy penalizes employers for pursuing the statutorily-mandated route for securing court review of NLRB representation findings. This amendment would remedy both defeats. The availability and amount of appropriate make-whole relief is left to the discretion of the Board rather than to an unrelated government index. In addition "technical" refusals to bargain committed in the context of "certification-test" proceedings are specifically exempted from the remedy. As a result, the remedy is applied to genuine bad-faith refusals to bargain, and the calculation of relief is keyed to actual economic losses sustained by unit employees.

AMENDMENT NO. 2247

On page , line ,

(1) Delete Sec. 8 of S. 2467 in its entirety and the following portions of Sec. 9:

(a) page 13 line 16 through 25;

(b) page 14 line 10 through page 15 line 21.

(2) Renumber the remaining provisions of Sec. 9 accordingly and redesignate as Sec. 8.

(3) Insert the following as a new Sec. 9:

Sec. 9. Section 10(e) of the National Labor Relations Act is amended

(1) by striking out the first sentence and inserting in lieu thereof the following: "Both the Board and any charging party shall have power to petition any court of appeals of the United States, or if all the courts of appeals to which application may be made are in vacation, any district court of the United States, within any circuit or district, respectively, wherein the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall file in the court the record in the proceedings, as provided in section 2112 of title 28, United States Code.";

(2) by adding at the end thereof the following new sentence: "Both the Board and any charging party shall have the right to initiate appropriate contempt proceedings in the event of a failure to comply with any order of the court made pursuant to this section.".

(Explanation)

CONTRACT DEBARMENT

This amendment deletes the contract debarment provision and instead vests charging parties as well as the Board with the authority to seek court enforcement of Board orders and contempt citations. Expanded contempt is preferable for several reasons: (1) it does not result in the loss of job occasioned by debarment, (2) it is a compensatory rather than punitive remedy, (3) it applies to all employers including those which are not federal contractors, (4) it avoids due process weaknesses inherent in the debarment procedure, and (5) it does not interrupt the flow of goods and services to the federal government. What it does do, is insure that contempt actions will be brought against willful violators of the NLRA because it is the aggrieved party—not the Board—which will initiate them.

AMENDMENT NO. 2248

Beginning on page 7, line 17, strike out all through page 11, line 23, and insert in lieu thereof the following: "(6)(A) Notwithstanding any other provisions of section 9, whenever a petition shall have been filed and served pursuant to subsection (c)(1) or (e)(1) of this section 9 in accordance with such regulations as may be prescribed by the Board, the Board shall investigate such petition. If the Board finds that the unit there specified is a unit covered by an agreement pursuant to section 8(a)(3), or is a unit where the certified or currently recognized representative is no longer desired, or is a unit appropriate for the purposes of collective bargaining, and if the Board has reasonable cause to believe that a question of representation affecting commerce exists, the Board shall, unless the parties mutually agree otherwise, direct an election by secret ballot to be held within a period of not less than twenty-one nor more than eighty days after a petition is filed and served under this subparagraph and shall certify the results thereof; Provided that, in no event shall the Board conduct an election without first resolving all issues necessary to determine whether a question of representation exists. In computing the time limits stated in this paragraph the days of the week during which a majority of the employees involved in the election are on vacation or are not scheduled to work shall not be included.".

(Explanation)

EXPEDITED ELECTIONS

The labor reform legislation strips the Board of its authority to establish election dates and substitutes a rigid 3-tier election schedule dependent upon the success of the union's organizing efforts and the complexity of the issues involved. Elections would be run on their scheduled dates irrespective of whether such issues as the appropriate bargaining unit, voter eligibility, and the Board's jurisdiction have been resolved. This amendment would delete the rigid time schedule and maintain the Board's authority to schedule elections. The Board would be required to run the election within 21–80 days of the filing of the petition, after all pre-election issues have been resolved.

AMENDMENT NO. 2249

On page 6, beginning with line 23, strike out through line 14 on page 7.

On page 7, line 15, strike out "Sec. 6." and insert in lieu thereof "Sec. 5.".

On page 11, line 24, strike out "Sec. 7." and insert in lieu thereof "Sec. 6.".

On page 12, line 4, strike out "Sec. 8." and insert in lieu thereof "Sec. 7.".

On page 13, line 14, strike out "Sec. 9." and insert in lieu thereof "Sec. 8.".

On page 17, line 22, strike out "Sec. 10." and insert in lieu thereof "Sec. 9.".

On page 18, line 14, strike out "Sec. 11." and insert in lieu thereof "Sec. 10.".

On page 19, line 19, strike out "Sec. 12." and insert in lieu thereof "Sec. 11.".

On page 20, line 12, strike out "Sec. 13." and insert in lieu thereof "Sec. 12.".

On page 22, line 4, strike out "Sec. 14." and insert in lieu thereof "Sec. 13.".

(Explanation)

DELETION OF GUARD PROVISION

Section 5 of the labor reform legislation lifts current restrictions against non-guard unions representing units of guards. Once non-guard unions are afforded this privilege, there is simply no way to insulate against the development of potentially dangerous conflict of loyalty situations in which guards are forced to choose between protecting their employer's property and maintaining their allegiance as union members. Accordingly, this amendment simply deletes the proposed changes in existing law and thereby continues the current prohibition against non-guard unions representing guard employees.

AMENDMENT NO. 2250

Beginning on page 4, line 14, strike all through page 5, line 19. On page 5, line 20, strike "(B)" and insert in lieu thereof "(A)". On page 5, line 22, strike "(C)" and insert in lieu thereof "(B)". On page 17, following line 21, insert the following new subsection:

"(C) In a case in which the Board determines that during a period of time that employees are seeking (i) representation by a labor organization, (ii) to decertify or deauthorize a labor organization as their representative defined in subsection (a) of

section 9, or (iii) to rescind an agreement made pursuant to the first proviso to subsection (a)(3) of section 8, the employer has repeatedly and willfully prevented the union or unions involved from presenting information to the employees, the Board may petition any district court of the United States (including the District Court of the United States for the District of Columbia) within any district where the unfair labor practice in question has occurred for an order which would, subject to reasonable conditions, including due regard for the needs of the employer to maintain the continuity of production or service to its customers, entitle representatives of such unions to address unit employees assembled on company premises in a customary meeting place for a reasonable period of time."

(Explanation)

EQUAL ACCESS TO COMPANY PREMISES

This amendment would convert the concept of equal access for union representatives to company premises from an election rule to a court-imposed unfair practice remedy. The amendment recognizes that under current law union organizer's already enjoy a distinct advantage in communicating their campaign messages to employees, but that upon occasion this privilege is frustrated by unlawful employer interference. The amendment provides that when an employer "repeatedly and willfully" prevents a union from communicating with employees, the Board may petition an appropriate federal district court for an order granting union representatives access to employer premises for purposes of addressing unit employees "assembled on company premises in a customary meeting place for a reasonable period of time."

REDUCTION IN RATE OF EXCISE TAX ON INVESTMENT INCOME OF PRIVATE FOUNDATIONS—H.R. 112

AMENDMENT NO. 2251

(Ordered to be printed and to lie on the table.)

Mr. LONG submitted an amendment intended to be proposed by him to the bill (H.R. 112) to amend the Internal Revenue Code of 1954 to reduce the excise tax on the investment income of private foundations from 4 percent to 2 percent.

Mr. LONG. Mr. President, I submit an amendment for printing to H.R. 112. I ask unanimous consent that an explanation of the amendment be printed in the RECORD.

There being no objection, the explanation was orderd to be printed in the RECORD, as follows:

EXPLANATION OF SENATE FINANCE COMMITTEE AMENDMENT ON CANCELLATION OF CERTAIN STUDENT LOANS

Under certain student loan programs established by the United States and various State and local governments, all or a portion of the loan indebtedness may be discharged if the student performs certain services for a period of time in a certain geographical area pursuant to conditions in the loan agreement. In 1973, the Internal Revenue Service ruled on a situation in which a State medical education loan scholarship program provided that portions of the loan indebtedness are discharged on the condition that the recipient practices medicine in a rural area of the State. The Service determined that amounts received from such a loan program were included in the gross income of the recipient to the extent that repayment of a portion of the loan is no longer required (Rev. Rul. 73-256, 1973-1 C.B. 56). On November 4, 1974, the Service determined that this ruling would be applied only to loans made after June 11, 1973, the date of the above ruling (Rev. Rul. 74-540, 1974-2 C.B. 38).

The Tax Reform Act of 1976 provided that in the case of loans forgiven prior to January 1, 1979, no amount shall be included in gross income by reason of the discharge of all or part of the indebtedness of the individual under certain student loan programs if the discharge was pursuant to a provision of the loan agreement under which all or part of the indebtedness of the individual would be discharged if the individual works for a certain period of time in certain professions in certain geographical areas or for certain classes of employers. The amendment made by the 1976 Act applies to student loans made to an individual to assist him in attending an educational institution only if the loan was made by the United States or an instrumentality or agency thereof or by a State or local government, either directly or pursuant to an agreement with an educational institution.

The committee amendment would provide a 4-year extension, through January 1, 1983. Under the amendment, loans forgiven prior to January 1, 1983, would not be included in the taxpayer's income.

DUTY ON POPPY STRAW CONCENTRATE—H.R. 3790

AMENDMENT NO. 2252

(Ordered to be printed and to lie on the table.)

Mr. LONG submitted an amendment intended to be proposed by him to the bill (H.R. 3790) to suspend until the close of June 30, 1980, the duty on concentrate of poppy straw used in producing codeine or morphine.

Mr. LONG. Mr. President, I submit an amendment for printing to H.R. 3790. I ask unanimous consent that an explanation of the amendment be printed in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION OF SENATE FINANCE COMMITTEE AMENDMENT RELATING TO CERTAIN ADVANCE REFUNDING OBLIGATIONS

BACKGROUND

Prior to 1968 no distinction was made between general State and local obligation bonds and industrial development bonds. Consequently, State or local governments were able to issue bonds bearing interest which was exempt from federal income taxation and use the proceeds from the bond issue to build manufacturing plants to attract industry.

The Revenue and Expenditure Control Act of 1968 provided generally that interest on certain industrial development bonds was not exempt from federal income taxation. However a transitional rule provided that interest on industrial development bonds issued prior to May 1, 1968 was to remain exempt (so called pre-1968 bonds).

The existing Treasury regulations generally provide that the proceeds from obligations issued to refund outstanding tax exempt industrial revenue bonds are considered to be issued for the purpose for which the original issue was used. These regulations also provide that obligations issued to refund obligations which would have been taxable industrial development bonds, but for the fact that they were originally issued prior to the effective date of the 1968 Act, would also be tax exempt industrial development bonds if the proceeds of the refunding issue were available only to service the debt of the original issue.

Issuers of industrial development bonds generally issue refunding obligations under these Treasury regulations primarily to refund original issues at a lower effective cost and to extend the maturity date of pre-1968 industrial development bonds. A major portion of these pre-1968 industrial development bond refunding issues were so-called advance refundings which for the first time became an important factor in the tax-exempt bond market early in 1977. An advance refunding is an obligation issued well in advance of the maturity or call date of the original issue.

PROPOSED TREASURY REGULATIONS

On November 4, 1977, the Department of the Treasury announced that it would propose amendments to the regulations which would substantially restrict tax exempt advance refundings of industrial development bonds issued before and after the effective date of section 103(b) as well as certain current refundings. The proposed amendments would be effective with respect to refunding obligations issued after 5:00 p.m. EST November 4, 1977. On November 9, 1977, Treasury further announced that the effective date of the proposed regulations would be December 1, 1977 for refunding obligations issued to refund industrial development bonds substantially all the proceeds of which are used to provide residential real property for certain family units.

The proposed amendments to the Treasury regulations were published in the Federal Register for December 6, 1977. The proposed regulations prohibit tax exempt refundings of industrial development bonds issued before the effective date of section 103(b) if the refunding issue extends the maturity date of the outstanding bonds. An extension of the maturity of those tax exempt obligations would have the same effect as issuing obligations.

The proposed regulations also prohibits tax exempt advance refunding of industrial development bonds issued after May 1, 1968 whether or not they extend the maturity date of the original issue.

The effective date of the proposed Treasury industrial development bond refunding obligations would prevent the issuance of advance refunding issues which were not yet issued even though substantial time, effort and money were expended prior to the November 4, 1977, announcement.

AMENDMENT

Under the amendment, an industrial development bond refunding issue would qualify for tax-exempt status if it satisfies the conditions prescribed or proposed to be prescribed by the Secretary of the Treasury prior to the date when the refunding issue is issued.

The amendment also provides a special transitional rule for pre-1968 industrial revenue bonds. Under this transitional rule, an obligation issued to refund a pre-1968 tax-exempt industrial revenue bond must satisfy four tests.

First, the refunding obligation would be required to satisfy the Treasury regulations in effect before November 5, 1977 determined wtihout regard to the proposed amendment.

Second, the refunding obligation would be required to be issued either (a) before November 5, 1977, or (b) during the period beginning on November 5, 1977 and ending on the 180th day after the date of enactment of the amendment.

Third, the proceeds of the refunding issue would be required to be applied solely to the payment of principal, interest, any redemption premium on the original issue either at or prior to its maturity and the payment of the issuance expenses of the refunding issue.

Fourth, any one of the following actions would be required to have been taken prior

to November 5, 1977: (1) The issuance of the refunding issue or the proceedings toward such issuance were authorized or approved by the governing body of the governmental unit issuing the obligation or by the voters of such governmental unit, (2) A bond purchase agreement for the sale of the refunding obligation had been executed or (3) The corporation which is obligated to make payments to the governmental unit for payment of the debt service on the obligations to be refunded approved (by its board of Directors, or by any committee thereof empowered to take action of that nature) participation in or proceedings toward the issuance of the refunding obligation.

NOTICE OF HEARINGS

SUBCOMMITTEE ON TAXATION AND DEBT MANAGEMENT OF THE SENATE FINANCE COMMITTEE

● Mr. HARRY F. BYRD, JR. Mr. President, the Subcommittee on Taxation and Debt Management of the Senate Finance Committee will hold hearings on June 19, 1978, on various miscellaneous tax bills.

The hearing will be held on Tuesday, June 19, 1978, at 9 a.m. in room 2221, Dirksen Senate Office Building.

The following pieces of legislation will be considered:

S. 2872, sponsored by Senator ALLEN, a bill to exclude from gross income statutory subsistence allowances paid to law enforcement officers. It is estimated that this measure will benefit approximately 12 States which have established a cash meal allowance system for law enforcement officers and will cause a loss of revenues of less than $5 million.

H.R. 810, sponsored by Representative CONABLE, a bill amending section 4941 of the Code to permit private foundations to pay or reimburse Government officials for expenditures (up to certain limits) incurred for travel outside the United States. It is estimated that this bill will not have any direct revenue effect.

H.R. 1337, sponsored by Representative STEIGER, a bill amending section 4216 of the Code to modify certain rules used in determining the manufacturer's excise tax on sales of trucks, buses, highway tractors, trailers, and semitrailers. The provisions contained in this bill are estimated to reduce revenues by $500,000 per year, beginning with fiscal year 1978.

H.R. 1920, sponsored by Representative WAGGONNER, a bill to amend section 5064 of the Code to expand the list of circumstances under which distributors or retailers of alcoholic beverages receive payments from Treasury for prepaid excise taxes and customs duties on such products if destroyed by disasters, and so forth. The provisions contained in this bill, as amended, are estimated to result in a revenue loss of less than $100,000 in fiscal year 1978 and approximately $500,000 each year thereafter.

H.R. 2028, sponsored by Representative CONABLE, a bill to amend certain alcohol tax provisions of the Code to permit adults (after registration) to produce beer in limited quantities for personal or family use, and modifies present law relating to tax-free production (without registration) of wine for home use. The provisions contained in the bill, as amended, are estimated to reduce revenues by less than $1 million in fiscal year 1978 and by less than $1.5 million a year thereafter. S. 2930, an identical measure sponsored by Senator MOYNIHAN, will also be considered.

H.R. 2852, sponsored by Representative PICKLE, a bill modifying the procedures pursuant to which excise tax refunds or credits are allowed for farming-purpose use of aviation fuels, so that the cropduster (rather than the farmer) claims the refund or credit. The provisions contained in this bill, as amended, are estimated to reduce revenues by less than $100,000 in fiscal year 1978 and by less than $1.5 million a year thereafter. (These amounts would otherwise go to the airport and airway trust fund—through June 30, 1980.)

H.R. 2984, sponsored by Representatives DUNCAN and PICKLE, a bill to amend Section 4063 of the Code to modify an exemption provided in present law from the 10 percent manufacturers excise tax imposed on sales of certain trailers or semitrailers, in the case of trailers or semitrailers designed for farming purposes or for transporting horses or livestock. The provisions contained in the bill are estimated to reduce revenues by $2 million per year, beginning with fiscal year 1978.

H.R. 3050, sponsored by Representative CORMAN, a bill providing a new tax accounting method applicable to returns of unsold magazines, paperback books, and records. This bill, as amended, is estimated to reduce budget receipts $22 million in fiscal year 1980, $11 million in fiscal year 1981, $12 million in fiscal year 1982, and $12 million in fiscal year 1983.

H.R. 5103, sponsored by Representatives CONABLE and ROSTENKOWSKI, a bill clarifying and modifying excise tax provisions relating to warranty adjustments on tires and tread rubber. The provisions contained in the bill, as amended, are estimated to reduce revenues by less than $100,000 in fiscal year 1978 and by less than $200,000 a year thereafter.

H.R. 6635, sponsored by Representative PICKLE, a bill authorizing the Treasury to increase the interest rate payable on previously issued U.S. retirement bonds, so that those bonds will earn interest at rates consistent with rates currently established for series E U.S. savings bonds. The provisions contained in the bill, as amended, are estimated to have no effect on budget receipts but will result in increased budget outlays of $1 million per year.

H.R. 8535, sponsored by Representative CONABLE, a bill amending section 44A of the Internal Revenue Code to extend the child care credit to otherwise qualifying payments for child care services performed by grandparents or other adult relatives, regardless of whether the relatives' services constitute "employment" as defined for social security tax purposes. The provisions contained in the bill, as amended, are estimated to result in a decrease in budget receipts of $3 million in fiscal year 1978, $36 million in fiscal year 1979, $35 million in fiscal year 1980, $37 million in fiscal year 1981, $37 million in fiscal year 1982, and $38 million in fiscal year 1983.

H.R. 9811, sponsored by Representatives ULLMAN and CONABLE, a bill amending section 7447 of the Internal Revenue Code to allow present or former U.S. Tax Court judges to revoke a prior election to come under the Tax Court retirement pay system, and qualify for civil service retirement benefits (but not for benefits under both systems). The bill would benefit any Tax Court judge who has elected the Tax Court retirement system and has not yet retired and former Tax Court Judge Russell E. Train, who is not eligible for Tax Court retirement and is currently ineligible for civil service retirement benefits, because of his Tax Court election. The provisions contained in the bill are estimated not to have any significant revenue or expenditure effect in the current fiscal year or in any of the 5 following fiscal years.

Persons who desire to testify at the hearing should submit a written request to Michael Stern, staff director, Committee on Finance, Room 2227, Dirksen Senate Office Building, Washington, D.C. 20510 by no later than the close of business on Wednesday, June 14, 1978.●

SUBCOMMITTEE ON GOVERNMENTAL EFFICIENCY

● Mr. EAGLETON. Mr. President, the Subcommittee on Governmental Efficiency and the District of Columbia will hold 2 days of hearings on H.R. 8588, to establish offices of inspector generals in key Federal departments and agencies. The hearings will be at 9:30 a.m., June 14 in room 6226 and June 15 in room 3302, Dirksen Senate Office Building.

Witnesses will include representatives from the Justice Department, the Department of Health, Education, and Welfare, the General Accounting Office, and other agencies.●

SELECT COMMITTEE ON ETHICS

● Mr. MORGAN. Mr. President, the Select Committee on Ethics, Morgan-Schmitt Subcommittee, will hold executive session hearings concerning possible unauthorized disclosure of information concerning intelligence activities in Panama. Hearings are scheduled in S-407, the Capitol, for Friday, June 9, 1978, at 1:30 p.m.●

SUBCOMMITTEE ON TAXATION AND DEBT MANAGEMENT OF THE SENATE FINANCE COMMITTEE

● Mr. HARRY F. BYRD, JR. Mr. President, the Subcommittee on Taxation and Debt Management of the Senate Finance Committee will hold hearings on June 28 and 29, 1978, on various bills affecting the taxation of capital gains.

The hearings will be held on Wednesday, June 28 and Thursday, June 29, 1978, beginning each day at 9:30 a.m. in room 2221, Dirksen Senate Office Building.

The following bills, applicable to taxpayers generally, will be the subject of the hearings:

S. 3065, sponsored by Senator HANSEN with approximately 61 Senate cosponsors, a bill reducing the maximum tax rate on net capital gains for corporations and individuals to 25 percent, effective for taxable years beginning after December 31, 1979. Based upon a static economic model without accounting for feedback effect, the bill is estimated to produce an annual revenue loss of $2.4 billion. Proponents of the measure indicate that it will produce a revenue gain.

S. 2608, sponsored by Senator BENTSEN and cosponsored by Senator HANSEN, TALMADGE, CURTIS, and BYRD of Virginia, a bill to provide a graduated exclusion from gross income for long-term capital gains and a graduated nonrecognition of long-term capital losses for individuals. Based upon a static economic model without accounting for feedback effect, the bill is estimated to produce an annual revenue loss of $1 billion.

S. 2428, sponsored by Senator HASKELL, a bill providing for the nonrecognition of gain from the sale or exchange of an interest in a small business concern where at least 80 percent of the proceeds are reinvested in another small business concern. Based upon a static economic model without accounting for feedback effect, the bill is estimated to produce an annual revenue loss of $600 million.

Persons who desire to testify at the hearings should submit a written request to Michael Stern, staff director, Committee on Finance, room 2227, Dirksen Senate Office Building, Washington, D.C.

20510, by no later than close of business on Thursday, June 22, 1978.●

ADDITIONAL STATEMENTS

BOB HOPE

● Mr. BENTSEN. Mr. President, Bob Hope's been playing the Nation's Capital for the past 2 days, prepping for his diamond jubilee, and I think we are all a little happier as a result.

I want to take this occasion to wish Bob Hope a very happy birthday and to thank him for the good cheer and the good will he has generated in this country for over half a century.

Bob has made us laugh, he has made us feel better about ourselves even when there has been very little to laugh or feel good about. He has made it a point to dispense humor to those in greatest need; to generations of American servicemen far from home. To young men who could not say with any certainty that they would return home.

Bob Hope has an enormous talent, and he has used the full measure of that talent. Over the years he has delighted millions of Americans with his wit, his grace, and his sense of the absurd. He has helped us to laugh at ourselves rather than at each other, and for that we owe him a special measure of appreciation.

Bob Hope has become one of the best known and best loved personalities in America not because he is a great comic, but because he is a great person. A man of transparent decency, talent, and patriotism who has spent a lifetime pointing out our foibles and make us smile.

Happy Birthday, Bob.●

SHELDON JACKSON COLLEGE

● Mr. STEVENS. Mr. President, this week, Sheldon Jackson College, the oldest educational institution in Alaska, will be celebrating its 100th anniversary. The school is located in Sitka, the old Russian capital of Alaska, and the site of the signing of the transfer of Alaska from Russia to the United States in 1867.

The college was founded in 1878 by two Presbyterian missionaries as a training school for Tlingit Indians. Today it operates as the only private 2-year college in the State, offering many different curriculums such as: aquaculture, forestry, and native studies, along with the traditional disciplines of a bachelor of science and arts preparatory program. Sheldon Jackson is one of the few remaining educational institutions that emphasizes the interaction of Christian, academic, and community life as a part of the total learning process.

During their centennial celebration, I would like to offer my sincere congratulations to the college for a job well done. In honor of this occasion, I have had a flag flown over the U.S. Capitol. I hope it will serve as a pleasant reminder to Sheldon Jackson College, as they begin another century of service to Alaskans.●

THE ALASKAN WILDERNESS

● Mr. RIEGLE. Mr. President, on April 3, of this year, I inserted in the RECORD an editorial from the Detroit Free Press dealing with the issue of regulation of the Alaskan wilderness. Since that time I have become a cosponsor of the bill to protect that great natural resource, S. 1500.

Now, another editorial has appeared in the Free Press and I request that it too be printed in the RECORD, in order that it might be made available to my colleagues.

The people of Michigan support this effort to protect for the Nation and unborn generations the great abundance of resources in Alaska, both the splendor of that State's beauty and the oil, gas, minerals, and other valuables to be found within the state.

We are speaking of the disposal of public lands, lands paid for out of the General Treasury of the United States and under the control of the people's Government. That their disposition should be determined with a mind toward the greatest benefit for the greatest number, and not for a few wealthy speculators and corporations is altogether proper.

Mr. President, quoting the Free Press, I will "fight for what is at stake in Alaska: The last, wild legacy of creation, the last majestic wilderness Americans will ever see."

The editorial follows:

ALASKA: MICHIGAN CONGRESSMEN SHOULD JOIN THE BATTLE TO SAVE AMERICA'S LAST MAJESTIC WILDERNESS

The most important land conservation issue of our generation, perhaps of our century, will reach the House floor this week. It is the Alaska lands bill, a chance to preserve the most stunningly beautiful wilderness left on this planet.

But the form in which the bill will be passed remains in doubt. Already it has been weakened and stripped down in committee. Congressmen who are too sympathetic to mining and development interests will be fighting hard to reduce the wilderness areas even more and to open to exploitation vast reaches now designated as national park preserves and wildlife refuges. And Rep. Lloyd Meeds, D–Wash., has introduced a completely unacceptable substitute bill which reduces the acreage to be saved, opens the Arctic National Wildlife Range to oil and gas drilling and slashes in half the areas designated as wilderness.

A few Michigan congressmen have worked diligently to preserve Alaska's grandeur for all the American people. Democrats David Bonior, William M. Brodhead and Robert Carr are among the bill's sponsors. Rep. Bonoir has indicated he will offer amendments on the floor to restore lands stripped from the bill in committee and to tighten mining access provisions.

Republican Rep. Guy Vander Jagt was instrumental in setting up the process that led to the selection of lands in the bill; we hope he will wield his great influence with his colleagues to help defeat attempts to weaken it. Another Democrat, John D. Dingell, has worked to expand and strengthen the wildlife refuge system.

There will be other environmental challenges and threats to be met in our time, from the future of nuclear power to the spoilation of the seas and the toxic poisoning of our habitat; but on the single, simple issue of conservation—of saving the land for future generations—nothing will be more important than the Alaska lands bill.

The bill sets aside 100 million acres as parks, national forests, wildlife refuges and wild and scenic rivers. The lines have been drawn to leave the richest oil and mineral deposits open to development, and vast tracts open to logging. This is not a bill that locks up valuable resources; it is the bare minimum necessary to preserve the unique and diverse Alaskan landscape from thoughtless destruction.

The time has come for all the Michigan delegation to recognize and fight for what is at stake in Alaska: the last, wild legacy of Creation, the last majestic wilderness Americans will ever see. We can never create anything as precious or beautiful; but we can destroy it. That must not happen. A strong Alaskan lands bill must be passed.●

DECLARATION ON RELIGIOUS INTOLERANCE

● Mr. JAVITS. Mr. President, since 1946 the task of drafting a declaration on the elimination of all forms of intolerance and discrimination based on religion or belief has been before the United Nations Commission on Human Rights. The declaration is supported by organizations of all religions and a wide political spectrum of nations. The completion of the drafting of such a declaration would do much to remove the negative steps the United Nations has made in recent years respecting the deplorable action to equate Zionism with racism.

Dr. Isaac Lewin of the Agudas Israel World Organization recently addressed the U.N. Commission on Human Rights concerning the drafting of this declaration. I believe this is an issue that merits the attention of Senators, and I ask that Dr. Lewin's statement be printed in the RECORD.

The statement follows:

STATEMENT BY DR. ISAAC LEWIN

The Declaration of the Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief is long overdue. It is probably the oldest piece of international legislation still on the agenda of the United Nations. It goes back to November 19, 1946. The General Assembly of the U.N. then unanimously adopted a resolution presented by Egypt "that it is in the higher interest of humanity to put an immediate end to religious and so-called racial persecution and discrimination".

I speak on behalf of the Agudas Israel World Organization, which came into being in the year 1912. It has branches in 23 countries and speaks for Orthodox religious Jews all over the world.

We are deeply worried by the delay in the the drafting of the Declaration on the Elimination of Religious Intolerance by the Commission on Human Rights. Not only my organization, but also numerous other non-governmental organizations with consultative status at the U.N. twice officially approached the Commission in this matter. One communication was dated February 3, 1976 (E/CN.4 NGO/188) and was signed by the following organizations: (1) Agudas Israel World Organization, (2) Baptist World Alliance, (3) Co-ordinating Board of Jewish Organizations, (4) Federation for the Respect of Men and Humanity, (5) Friends World Committee for Consultation, (6) International Catholic Child Bureau, (7) In-

ternational Council of Jewish Women, (8) International Federation of Settlement and Neighborhood Centers, (9) International Council on Jewish Social and Welfare Services, (10) International Council on Social Welfare, (11) International League for the Rights of Man, (12) Pan-Pacific and South East Asia Women's Association, (13) World Association of World Federalists, (14) World Conference on Religion and Peace (15) World Federation of Catholic Youth, (16) World Jewish Congress, (17) World Muslim Congress, (18) Zonta International, (19) Christian Peace Conference and (20) International Association for Religious Freedom.

In this joint communication the organizations stated that they "have been deeply concerned about this issue and the possibility of elaborating a declaration and a convention on this subject for many years . . ." They expressed "deep concern about the inability of the Commission (on Human Rights) or other organs of the General Assembly to complete this task". They drew the attention of the Commission to the fact that "in the meantime intolerance and discrimination based on religion or belief continue on most continents and involve many religions and beliefs".

Two years earlier, a communication was submitted by 23 non-governmental organizations in consultative status, dated January 29, 1974 (E/CN.4 NGO/176) and also signed, besides the above mentioned, by the following: (1) Commission of the Churches on International Affairs, (2) International Confederation of Catholic Charities, (3) International Council of Women, (4) International Federation of Business and Professional Women, (5) International Movement for Fraternal Union Among Races and Peoples, (6) Lutheran World Federation, (7) Pax Romana, (8) Women's International League for Peace and Freedom, (9) World Union of Catholic Women's Organizations, (10) World Federation of United Nations Associations, and (11) World Veterans Federation. These organizations and the others mentioned before stated that they "have been watching for years the elaboration of this important instrument for religious freedom." They regretted deeply the delay but said that they were "encouraged by the increasing momentum and the apparent interest of a wide cross-section of Member States."

There is hardly any need to dwell upon the importance of a Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. Should I speak about the sufferings of the Jewish people because of religious discrimination? The world has been brutal to us. Religious intolerance with regard to Jews reached unprecedented proportions in the Nazi Holocaust. Nor only was legal discrimination against Jews stipulated in the Nuremberg laws of 1935, but subsequently the murder of six million Jews was perpetrated in cold blood with bestiality which makes us wonder whether mankind still had any conscience when it happened.

Not only to Jews did religious intolerance do unimaginable harm.

In the Pact of Omar of 637 it was stipulated that Christians could not display crosses on churches and in the streets, that they had to shave the front of their heads and wear distinctive dress, and that they could not build houses taller than those of their Moslem neighbors. They had to rise in deference to any Moslem who entered their assemblies.

What happened to the Armenians in 1915, during World War I, is well known. Legal discrimination against them was not considered sufficient. 1,750,000 Armenians were deported from their homes to Syria and Mesopotamia. At this deportation, carried out with terrible barbarity, about 600,000 Armenians died or were massacred.

I could go on with other examples from history, but it seems to me that this is not necessary. The need for a United Nations Declaration against religious intolerance is so obvious that any historical arguments for its issuance would not add anything.

The General Assembly called on the Commission on Human Rights to work on the Draft Declaration with great vigor. In 1976 the General Assembly asked the Commission to "speed up" its work, and in 1977 it asked the Commission "to give the matter the priority necessary to finalize the Draft Declaration".

Indeed, seen on a broad historical background, a declaration on the elimination of religious intolerance and discrimination is not only a rights desideratum. It is rather a vital component of world peace itself. In the presently urgent process of keeping and maintaining world peace, such a declaration could be considered as an important aid.

So what is the difficulty in drafting the declaration? Why does this matter which is really self-understood and so essential for the spiritual development of mankind, encounter obstacles?

We are being told by the Working Group that it tried to reach consensus and that it could not achieve it with regard to Article 1. We regret, of course, the lack of consensus, but we note with some satisfaction that this year the Moslem countries co-operated in the Working Group. We welcome also the initiative of the United States to invite representatives of all the Permanent Missions to the U.N. in New York interested in this subject, to a series of open-ended meetings to look at the whole draft Declaration in the interval before the next session of this Commission. We hope that this initiative will bring some results, so that substantial progress might be achieved.

May I, at this opportunity, mention that as far as consensus for the Declaration is concerned, the history of other important declarations speaks eloquently against such a prerequisite. According to an important source, the ancient book of "Mechilta", a commentary to the second Book of Moses: when God decided to give the world the Ten Commandments, He offered them to various nations, but no consensus on their acceptance was reached. One nation objected strongly to the inclusion of the commandment "you shall not kill". Another nation did not agree to the commandment "you shall not commit adultery". Still another nation felt that it could not accept the commandment "You shall not steal". Finally, the Almighty turned to the Jews and they accepted the document in toto.

Could we not assume that those nations who originally did not accept the Ten Commandments, ultimately were satisfied with the document brought by Moses from Mount Sinai?

And why do I have to go so far back? I worked myself in the United Nations, thirty years ago, in the Commission on Human Rights under the chairmanship of Mrs. Eleanor Roosevelt, on the preparation of the Universal Declaration of Human Rights. Some articles of the Universal Declaration did not meet with the consensus of all members. In fact, the word "religion" was not included in the Drafting Committee's text. Only "freedom of thought and conscience" was mentioned. I fought at that time for the specific mention of religion in the Universal Declaration to be protected. Some delegations proposed to insert limitations of the freedom of religion if it would be mentioned. The problem was solved by a vote; the limitations of freedom of religion were defeated by ten votes to five, with one abstention. Religion entered the Universal Declaration of Human Rights not only in the opening statement that "everyone has the right to freedom of thought, conscience and religion", but also in the subsequent clear stipulation that this right includes the "freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance". I do not think that anyone regrets today that this was stated in the Universal Declaration of Human Rights.

How wonderful would it be if this Commission would draft a Declaration against religious intolerance, so that the General Assembly could this year, on the occasion of the 30th anniversary of the Universal Declaration of Human Rights, proclaim the long overdue Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief!

But there is a popular saying: "Better to do something later than never". There is still time to prepare the Declaration on the Elimination of Religious Intolerance which is so anxiously expected by mankind.

I would eliminate the whole Art. 1 which caused so much trouble and dissension. This Article either repeats the first sentence of Art. 18 of the Universal Declaration of Human Rights, which is not necessary, or it enters into the definition of the words "religion" and "belief", which opens the Pandora box. The Declaration on the Elimination of All Forms of Racial Discrimination of November 20, 1963, could serve here as an excellent example. It did not explain the term "race" at all, and we know full well that the concept of race is subject to various scientific interpretations. Similar procedures could be extremely helpful in producing the sister declaration on the elimination of all forms of religious intolerance. Let us not enter into semantics. "Religion" and "belief" covers everything.

When I addressed this Commission on February 14, 1974, on the same subject, I took the liberty of proposing the text of a Declaration consisting of 16 articles. Today I would make it shorter and reduce it to ten articles including two taken from the Netherlands and Sweden working paper. The Preamble would of course remain as approved by the Commission two years ago on the basis of a complete consensus.

The whole draft would read as follows:

Art. 1. Discrimination between human beings on the grounds of their religion or belief is a denial of the principles of the Charter of the United Nations, a violation of the human rights proclaimed in the Universal Declaration of Human Rights and an obstacle to friendly and peaceful relations among nations.

Art. 2. No individual or group shall be subjected on the grounds of religion or belief to any discrimination in the exercise or enjoyment of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights.

Art. 3. No State shall make or tolerate discrimination based on religion or belief in the fields of civil rights and access to citizenship, education employment, occupation and housing.

Art. 4. Every person and every group or community has the right to manifest their religion or belief in public or in private, without being subjected to any discrimination on the grounds of religion or belief. This right includes in particular: 1. Freedom to worship, to assemble, to form religious congregations and to establish and maintain places of worship or assembly; 2. Freedom to teach, to disseminate, and to learn their religion or belief and also its sacred languages or traditions; 3. Freedom to practice their religion or belief by establishing and maintaining educational and charitable institutions; 4. Freedom to observe the rites and customs of their religion or belief, including dietary practices.

Art. 5. Religious congregations have the right to train ministers and teachers and to have contacts with communities and institutions belonging to the same religion or belief both within the country and abroad.

Art. 6. Recognition shall be given by law to the prescriptions of each religion or belief relating to holy days and days of rest, and all discrimination in this regard between persons of different religions or beliefs shall be prohibited.

Art. 7. The State shall give legal protection to places of worship, cemeteries and ritual objects, and give free access to religious shrines and holy places to visitors and pilgrims.

Art. 8. Parents or legal guardians have the right to decide upon the religious education of minor children. In the case of a child who has been deprived of its parents, the expressed or presumed wish of the parents shall be duly taken into account.

Art. 9. Recognition shall be given by law to the prescriptions of the religion or belief concerning the burial of a deceased person.

Art. 10. All incitement to hatred or acts of violence, whether by individuals or organizations, against any group of persons belonging to a religious community shall be punishable.

In conclusion let me say that I sincerely hope that this Declaration will not become the stepchild of the human rights agenda. An issue which has plagued man for thousands of years cannot wait any longer without undue harm.

Such complacency would fail to take into account the current developing climate of new wars and civil war confrontations with their special brand of emotionalism which exploits every possible hatred, including the element of religious intolerance.

Let us expedite this Declaration as a major step in the promotion of peace, for the cause of peace, on behalf of peace and as an instrument of peace.●

SOIL AND WATER CONSERVATION

● Mr. HUDDLESTON. Mr. President, last November President Carter signed into law the Soil and Water Resources Conservation Act of 1977. This law culminates several years of effective bipartisan effort in both Houses of Congress, an effort which was intensified after President Ford's untimely veto of similar legislation in 1976.

Kenneth Cook, an analyst in the Food and Agriculture Section of the Congressional Research Service, has summarized the act, its history and its potential in the March–April issue of the Journal of Soil and Water Conservation. He concludes that because of this law—

the next round of legislative activity will be based on much sounder information about the nation's agricultural resource base than is presently available.

As one who worked to secure this legislation, I agree. This law will aid Congress and the Executive in making rational decisions by providing adequate information on conservation problems and the effectiveness of Federal programs for dealing with them.

Mr. President, I ask that Mr. Cook's excellent analysis be inserted in the RECORD.

The article follows:

GOOD TIMES FOR SOIL AND WATER CONSERVATION?

(By Kenneth A. Cook)

The new farm bill occupied center stage in agricultural policy discussions during the first session of the 95th Congress. In fact, the bill all but overshadowed the most important attempt in decades to revitalize federal efforts to conserve America's soil and water resources. A similar undertaking in the previous Congress had ended with President Ford's pocket veto of the Agricultural Resources Conservation Act of 1976, but the new administration showed every sign of receiving such legislation favorably. President Carter had successfully courted the environmental vote during the campaign, and one of his early actions was to restore $190 million to the Agricultural Conservation Program pared from the 1978 budget by President Ford.

The course of events in recent years provided further impetus for agricultural conservation legislation. With the full-production policy of the early seventies, farmers were encouraged to plant fencerow to fencerow. The coincidence of drought or floods in many parts of the country resulted in a severe deterioration of agricultural resources. In 1974 Iowa suffered soil erosion that was termed the worst in about a quarter century. Two years of drought in the Great Plains exacerbated that region's erosion problems, and the Soil Conservation Service (SCS) reported damage in 1976–1977 as the most extensive since the 1950s. In the spring of 1977 headlines in national newspapers warned of another dust bowl and detailed the plight of individual farmers.[1]

However exaggerated some of them may have been, the effect of these reports was not lost on official Washington. "Given the simple fact that the majority of our nation's land is privately owned," said a report by the House of Representatives in 1977, "there is real need for better, more complete information concerning the overall condition of the soil, a better understanding of the nature and strength of competing demands for available land, and an evaluation of the effects of current agricultural practices applied to the land. . . ."

The contradiction between full production to meet global food needs and the conservation of agricultural resources held the attention of a wide variety of interest groups by 1977. The arena of agricultural policy expanded to include consumer, environmental, and hunger prevention organizations, many of which testified before Congress in support of conservation legislation.

INTEREST BRINGS CRITICISM

The food crisis of 1974–1975 brought U.S. agricultural policy under close public scrutiny. Federal soil and water conservation activities were not excepted. As the House Agriculture Committee pointed out in 1977: "With respect to federal moneys presently expended for soil and water conservation, questions have begun to arise as to what the government is purchasing with the money; whether the expenditures have been consistent with needed conservation practices and have resulted in improving the condition of the land; and whether the expenditures have taken into account the changing uses of the land."

Some of the most difficult questions were raised within government itself. In February 1977 the General Accounting Office (GAO), Congress' watchdog agency, released a report ("To Protect Tomorrow's Food Supply, Soil Conservation Needs Priority Attention") critical of three Department of Agriculture (USDA) conservation programs. GAO characterized both the Great Plains and Agricultural Conservation Programs as spending too much money on production-oriented practices at the expense of critical conservation needs. Congress responded with an amendment to the new farm law (see November-December 1977 JSWC, page 297). The Conservation Operations Program of the Soil Conservation Service (SCS) was criticized on several counts. GAO charged that SCS was devoting too much effort to the preparation of elaborate conservation plans for individual farms. "Many of the plans GAO reviewed were outdated, forgotten by the farmer, or just not carried out or used in making farming decisions," said the report. After visiting 283 farms in eight states, GAO concluded that soil loss on cooperating farms was not consistently less than on noncooperating farms nearby.

USDA generally agreed with GAO's findings, even though department officials have privately criticized the study. Still, the report received a good deal of attention in the national press, the high point (or low point, depending on one's perspective) coming in April 1977 when Science published Luther Carter's article "Soil Erosion: The Problem Persists Despite the Billions Spent on It." The late Senator Hubert Humphrey had the article reprinted in the *Congressional Record* in May. Drawing heavily on the GAO study, Carter made a strong pitch for linking conservation practices to eligibility for USDA commodity programs. This idea has surfaced from time to time, but has evoked little interest in Congress to date.

Most of the criticism underscored the need for a close look at federal conservation programs, a need Congress addressed in the new soil and water resource law.

RESOURCE BILL BECOMES LAW

In this atmosphere Senator Walter Huddleston reintroduced a slightly modified version of the 1976 bill in January 1977. Most legislative groundwork had been done in the previous Congress, and by March the Land Water Resources Conservation Act of 1977 (S. 106) had been reported with few changes by the Agriculture Committee to the full Senate. The bill passed by voice vote and without debate on March 23.

But by April, when the House Agriculture Committee began its consideration of a similar bill introduced by Representative de la Garza (H.R. 75), the Carter Administration had raised objections reminiscent of President Ford's. First, USDA proposed to restrict the bill to agricultural programs within its conservation activities. The House committee rejected these modifications outright and ultimately even expanded the scope of the legislation.

A second objection became critical. This time it came from the Department of Justice. One section of the bill [7(a)] would have required the President to submit to Congress a policy statement to be used in formulating his budget requests for SCS. The same section further provided that either could reject the policy statement by majority vote. In addition, if both houses adopted a modified statement, again by a simple majority, the language of the bill suggested Congress' version would have to be used to administer ongoing programs and to formulate the president's budget requests.

In its review of the section the Justice Department flatly stated these provisions "would evade the presidential veto, thereby shifting significantly the constitutional balance of power between the executive branches. . . ." Faced with a constitutional issue likely to bring a presidential veto, the committee opted to delete the disputed provisions, and H.R. 75 passed the House in June.

Senate sponsors eventually decided neither the House nor the administration could be moved on the constitutional question, so the

[1] Disasters, of course, make more salable news than status quo or improved conditions. "New 'Dust Bowl' Peril Raised in Wheat Belt" was the ominous headline of a half-column story on page 6 of the *New York Times* on March 6, 1977. Nine days later the *Times* buried on page 30 a three-inch wire story entitled "Wind Erosion on Plains Reported Down This Year."

troublesome language was scrapped from the Senate version as well. The House, in turn, compromised on the sunset provision of the act, extending it from 1981 to 1985. Other differences were reconciled informally in the Fall of 1977, though some strong opposition from the Office of Management and the Budget (OMB) prompted last minute changes in both houses. The Soil and Water Resources Conservation Act of 1977 finally reached the president in early November and was signed without fanfare.

PROVISIONS OF THE NEW LAW

Public Law 95–192 has three major components that give it real potential to fill some gaps in our information on agricultural resources. Section 5 of the law charges the secretary of agriculture with responsibility to "continuously appraise" the resource base. The section specifically requires collection of data on traditional concerns: soil and water quality, quantity, and use. It also requires data on other pressing, if controversial, blind spots as well. Included are "data on current federal and state laws, policies, programs, rights, regulations, ownerships, and their trends and other considerations relating to the use, development, and conservation of soil, water, and related resources; data on the costs and benefits of alternative soil and water conservation practices; data on alternative irrigation techniques regarding their costs, benefits, and impact on soil and water conservation, crop production, and environmental factors. . . ."

Part and parcel of the appraisal concept is the synthesis of data gathered by other federal, state, and local agencies to avoid duplication of efforts. Section 5 thus directs the secretary to establish an "integrated system" for achieving this goal. Various subsections stress the requirement of public participation, with prominence given to cooperation with conservation districts, state agencies, and citizen groups. Two appraisal reports are required during the lifetime of the act, the first due at the end of 1977, the second in 1984.

Information gathered by the appraisal mechanism will form the basis for the new National Soil and Water Conservation Program authorized in Section 6. The purpose of the program is to guide the activities of SCS and to "set forth the direction for future soil and water conservation efforts of the United States Department of Agriculture." No less than eight broad tasks are designated for the program. These range from "analysis of soil, water, and related resource problems" to investigation of use of organic waste "to improve soil tilth and fertility." Section 6 also mandates the evaluation of federal, state, and local programs, one of the most important provisions of the law. The first plan for the program will have to be completed by December 1979, then updated in 1984.

The final component is the requirement for a report containing the first appraisal and program plan and a "detailed statement of policy" regarding USDA conservation activities. The initial report is due on Capitol Hill the first day Congress convenes in 1980. The same section (7) requires the secretary of agriculture to submit with each budget request a report detailing the progress of the new program, data from the appraisal, and any recommendations for new legislation that may be needed.

Depending on which cost estimate is used, the bill will probably add $11.6 to $14.4 million each year to the $500 million annual budget for USDA conservation programs. Unless extended or replaced by Congress, Public Law 95–192 expires on December 31, 1985.

IMPLEMENTATION OF THE LAW

With the new law on the books just a few months, it's too early to judge its future. Some of the resource assessment activities were underway months before the law reached the president's desk, while other aspects of the legislation are being approached with caution.

Throughout the legislative process, proponents of the bill stressed it was not a land use measure. The sensitivity of this issue is acutely evident in Washington. For example, SCS apparently will simply cooperate with the new Economics, Statistics and Cooperative Service (formerly the Economic Research Service) in studies the latter has underway to obtain data on ownership (required by Section 5). Glenn Loomis with SCS in Washington emphasizes that participation will be sought from grass-roots organizations, such as conservation districts, as well as from national organizations, such as the Sierra Club and National Association of Conservation Districts.

Loomis also describes the program evaluation process now underway as "an integral part of the success" of the new law. An oversight investigation initiated by the Senate Agriculture Committee in 1976 is still examining USDA's conservation activities. An initial report has been submitted by a departmental task force. Between the new law and this investigation (the first ever), we should learn a lot in the next five years about how effectively the federal government has spent some $15 billion on soil and water conservation programs since 1936.

Agricultural resource conservation issues enjoy a certain vogue now in Washington. The Soil and Water Resources Conservation Act of 1977 and the changes embodied in the new farm law (see box) are a measure of the Congress' response. Not everyone is satisfied with the legislation. Some consider it too strong, others too weak. But clearly, the next round of legislative activity will be based on much sounder information about the nation's agricultural resource base than is presently available.

It is interesting to speculate on the direction Congress might take.●

UNITED STATES-UNITED KINGDOM EMPLOYMENT CONFERENCE

● Mrs. HUMPHREY. Mr. President, youth unemployment continues to be one of this Nation's most critical economic and social problems. It continues to sap the strength of our young and deprive them of the opportunity to fulfill their hopes and dreams. It breeds urban decay and there is no denying the economically, socially, and politically destabilizing effect when millions of young people have no positive role to play in society.

Last week, in recognition of the severity of this problem and its international proportions, the United States and United Kingdom held a Youth Employment Conference to discuss ways to attack it and reverse the trends which are creating it.

Mr. Timothy Barnicle, a member of my staff, spoke before the Conference and discussed the need to develop new ways to wipe out youth unemployment. His message was clear. Despite all our efforts to reach this goal, youth unemployment has proved so intractable that its solution will require significant changes in the nature of American economic policy, including manpower policy and the way in which those policies are designed.

We must start at the beginning and try something new. That was Hubert's idea as he worked to develop the Full Employment and Balanced Growth Act. The message Mr. Barnicle delivered to the Conference was forthright: Humphrey-Hawkins is not a panacea, but it is a new beginning which includes a specific restatement of our national economic goals and policies to achieve them, and a new commitment to achieve them.

Mr. President, I ask that the text of Mr. Barnicle's remarks before the Conference be printed in the RECORD.

The text follows:

REMARKS OF TIM BARNICLE: UNITED STATES-UNITED KINGDOM YOUTH EMPLOYMENT CONFERENCE

I am pleased to have the opportunity to participate in this exchange of experience and ideas on how to do a better job of providing the young people of our nations with training and employment.

In April, despite three years of economic recovery in the United States, teenage unemployment (16–19) was 17%, and young adult (20–24) unemployment was stuck at 10%. For those who are ethnic minorities, women, residents of poverty areas or school dropouts, the picture was much worse. Last year, for example, black teenage unemployment officially average 41.1%.

Today in the United States nearly 3 million young people (16–24) are unsuccessfully looking for work . . . nearly one-half of all the unemployed people in our country.

These cold statistics, the broken and disrupted young lives they represent, and this conference itself, all indicate a problem that has reached crisis proportions. And, despite the length of the present economic recovery in America, this problem continues to plague our economy and dash the hopes and dreams of millions of young men and women and their parents.

Unemployment at any age can blight a life. Lost income and opportunities are only part of the cost. It is hard to weigh the burden that enforced idleness puts on family or self-esteem. And for young people, the first missed opportunity, the year or two of waiting, the feigned lethargy that hides an eroding self-confidence—all these can sear a young person for life. Each of us has witnessed what unemployment does to the young—the feeling of alienation, apathy and anger that accompany their deep frustration.

I don't agree with those who imply that this problem can be solved by detached professional analysis, judgment, and program development alone. Certainly this is important. But, without graphic and dramatic presentation of the problem it is unlikely that we will ever build the public support for the type and magnitude of effort that the solution to this problem requires.

Effective programs take time to develop. And while we are working on the problem, we must tell our young people loudly and clearly that, "We see you, we know how tough it is, we are working hard to be of help." In short, we must let them know we care. That too, as I see it, is an important objective of this conference.

I have been asked to make a brief presentation of the philosophy and motivation of the Full Employment and Balanced Growth Act of 1978, the so-called Humphrey-Hawkins Bill. I also will briefly present my views on how this legislation will impact on youth employment in the United States.

For years Hubert Humphrey, Augustus Hawkins and many of their colleagues in Congress argued, cajoled, conspired, intro-

duced legislation and voted for policies and programs to reduce unemployment.

Despite their efforts, high unemployment remains a recurring, social and economic problem in America. This experience for over three decades in the struggle for full employment taught them some lessons.

First, while supportive fiscal and monetary policies are vital ingredients in a full employment strategy, they are, in and of themselves, insufficient to reach the full employment, stable price and steady growth objectives that we must achieve.

Second, uncoordinated, unfocused, short-term, on-again, off-again economic policies, without specific goals and timetables, are inadequate to the needs of a complex modern economy and a business community that requires more predictability on the part of the government.

Third, the intent of Congress and the President can be frustrated inadvertently and by design, unless all of our economic programs and policies, including those of the Federal Reserve, are moving together, toward the same objectives, at the same time.

Fourth, the experience of the last recession, with simultaneous high inflation and high unemployment, indicates, that traditional approaches to solving our economic problems are insufficient and that any simplistic inflation-unemployment trade-off theory does not fully explain how our economy operates in today's world.

These lessons led them to the conclusion that something new must be tried. This new beginning, they believed, must include a new and more specific restatement of national economic goals and policies to achieve them, new principles, new commitments to these goals, and a new process through which to address them.

The Humphrey-Hawkins Bill, reflecting this shared conclusion, is thus primarily a major reform of the national economic policy planning process in our country designed to make the achievement of full employment, without aggravating inflation, the central objective of national economic policy.

More specifically, the Humphrey-Hawkins Bill would:

Establish as national policy the objective of reducing unemployment to 4% within not more than five years and require that all economic policy be designed to achieve this ambitious, but reachable goal;

Recognize, in law, that unemployment and inflation feed upon each other, that methods must be used to reach our employment goal which do not increase inflation and methods used to reduce inflation that do not increase unemployment;

Require much closer coordination of all national economic policies, including those of the Federal Reserve, directed toward achieving specific numerical economic policy goals;

Place primary emphasis on achieving our employment goals by encouraging expansion of private sector jobs;

Elevate the priority of price stability, for the first time in law, to a major objective of economic policy and require that specific inflation goals and policies to achieve them be presented to Congress by the President each year;

Require that the Federal Budget be directed toward the achievement of the economic goals established under the procedures in the bill;

Require the President to establish additional direct job-creating programs to fill any gap that may exist between the goals established and the actual performance of the economy.

The supporters of the bill believe it is an ambitious, achievable and binding commitment by our government to move our economy as quickly as possible to full employment. The bill is as tough as is reasonable to require in a measure designed to be a long-term guide to national economic policy making. We also believe it will create the political climate in which the creative initiatives essential to fulfilling these commitments will be undertaken.

We realize that Humphrey-Hawkins is not a miracle cure. But, we believe that it does provide our government with a rational procedure for establishing national economic goals and for developing a consistent and comprehensive set of policies and programs to achieve them.

The Humphrey-Hawkins Bill has the potential to help ameliorate the youth employment problem in several ways.

First, to the extent that Humphrey-Hawkins succeeds in reducing overall unemployment, it will inevitably reduce unemployment among young people. While an effective full empoyment policy, in and of itself, may not solve the problem of youth unemployment, there is little possibility of solving it without such a policy. Youth unemployment must be attacked within the context of a national full employment policy. Humphrey-Hawkins provides that context.

Second, the youth employment problem will not be solved by macro-economic policies alone, although it certainly can be significantly reduced by such policies. Since the problem is fundamentally structural, its solution will require a more direct targeted approach. Secretary of Labor, Ray Marshal, recently told Congress that even if overall unemployment in the U.S. was reduced to 4.8% in the early 1980's unemployment would still be 11% among white teenagers and about 22% for minority teenagers unless important changes in manpower policies and programs were made.

Humphrey-Hawkins recognizes this fact in law. It provides that American economic policy reflect the fact that targeted employment programs, far from being the unwanted step-children of economic policy, are essential to the achievement of our nation's economic goals.

Third, the Humphrey-Hawkins Bill now before the Senate requires that specific objectives for youth employment be proposed to Congress by the President each year as part of his Economic Report to the Congress. These objectives must be accompanied by the programs and policies which the President feels are necessary to achieve them. The objectives proposed must be consistent with eliminating the differential that exists between youth unemployment and unemployment rates among more fortunate groups.

Fourth, earlier versions of this bill included a rather specific Youth Employment Program proposal and required the President to submit such a program to Congress for authorization within 90 days. When it became apparent that the Humphrey-Hawkins Bill would not pass in 1976, Senator Humphrey introduced an expanded version of that section as separate legislation.

Within six months, and with modifications and contributions by many people in the Carter Administration and in Congress, a major youth employment demonstration program was signed into law. Given this development, Humphrey-Hawkins was revised and now calls on the President to improve and expand our current youth employment programs.

To conclude my presentation, I would like to read the conclusion of Senator Hubert Humphrey's statement to the OECD Youth Employment Conference last December in Paris. Unfortunately, his illness prevented him from delivering it in person. But, I can assure you that these sentiments were very much on his mind.

"I would suggest that we must broaden our thinking and put the current youth employment crisis into perspective."

"We must recognize that the demographic causes of the current crisis will be recurring and producing new demands on us in the decades ahead, as this wave of young people mature and continue through life."

"We must be fully aware, as we look to the future, of the extraordinary requirements that this generation will place on each of our nations for years to come—housing, education for their children, health care as they grow older, and income for their retirement years, for example."

"We must develop the capacity in the United States, and perhaps in your countries as well, to anticipate these demands and respond effectively to them."

"And, unless we do all of this, we will be condemning an entire generation of our children and fellow citizens to government by crisis, to government that will short-change them throughout their lives."

"My first hope for the Conference, is that it will help us all to do better in meeting the job needs of this generation. But, more fundamentally, I hope that it will also alert our governments to the unique requirements that this generation, throughout their lifetimes, will place upon our governments."●

UNITED STATES-CANADIAN AIR POLLUTION TREATY

● Mr. MOYNIHAN. Mr. President, this resolution, which was introduced by the junior Senator from Montana yesterday, calls for a United States-Canadian Air Pollution Treaty. It is a declaration of the Senate's recognition of a serious environmental problem. As we all know, air pollution does not respect political boundaries; it follows the direction of air mass movements. Resolution 465 urges international cooperation in solving an international problem, the only way such a problem can be solved.

In my own State of New York, there is a serious sulfate pollution problem. Sulfate air pollution has been blamed for increased mortality and morbidity among the State's urban population and for reduced fish populations in New York's most scenic lakes. Most of the sulfate is not generated in New York; it is borne by the air from States to the west and from Canada to the northwest.

Dr. A. P. Altschuller, of the U.S. Environmental Protection Agency, in a 1976 article in the Journal of the Air Pollution Control Association, presented a detailed analysis of sulfate concentrations in several regions of the United States. Dr. Altschuller concluded that sulfate concentrations are two or more times higher in the East than in the West and that—

> At least half of the sulfate concentrations measured at eastern urban sites can be attributed to sulfur oxide emissions being transformed to sulfate during transport from adjacent regions.

Dr. Altschuller has also shown that nonurban areas in the East have sulfate

concentrations that are higher than observed concentrations in urban areas west of the Mississippi River. Further, all but a small portion of sulfates in rural areas can be attributed to sulfur oxide generated in other regions.

Where do New York's sulfates originate? Researchers at the New York Department of Environmental Conservation have demonstrated conclusively that a portion of the sulfate concentrations in New York are the result of sulfur oxide emissions in an area north of the Ohio River, a region that includes the southern tier of Ontario.

The researchers demonstrated a striking relationship between the origin of air masses and sulfate concentrations. When air masses originated from the North, the average sulfate concentration at the three sites was 1.9 micrograms per cubic meter. When the air trajectories shifted to the Northwest bringing air from the industrialized areas of Ohio, Pennsylvania, Michigan, and southern Canada, the average sulfate concentration was 23.2 micrograms per cubic meter, a twelvefold increase. Ironically, this long-range transport of pollutants is facilitated by the use of tall exhaust stacks to protect the originating areas from the local impact of sulfur oxide and other pollutants. The result, unintended to be sure, of local air quality control is increased pollution, of a serious nature, in a far-removed locale.

The health effects of sulfate pollution are not well understood, because of the large number of variables which affect human morbidity and mortality. EPA ("Sulfate Research Approach," February 1977) has conceded, however, that studies to date indicate a higher association of respiratory ailments with sulfates than with sulfur dioxide. Further, the EPA observed that—

> In a study of cardiopulmonary patients in the New York Metropolitan area, the strongest and most consistent pollution association was found with sulfates.

A fairly recent phenomenon is acid rain and snow, literally precipitation that has a high acid content. Sulfate is the major culprit, for the most important acid in the rain or snow is sulfuric acid. Acid rain and snow are believed to be the cause of an observed rise in acidity in lakes of the Adirondack region (The Conservationist, May–June 1977). The increased acidity is suspected of inhibiting fish reproduction, resulting in decreased fish populations.

The solution of New York's sulfate pollution problem, a serious environmental concern, lies outside its borders. We must look toward the generators of the precursor pollutants—sulfur oxides; this includes emissions in Canada. I am pleased, therefore, to be a cosponsor of Resolution 465.●

FARM WOMEN

● Mr. ANDERSON. Mr. President, American farm wives are crucial to the continuing vitality of the family farm. Working in partnership with their husbands, farm women not only keep house and raise families, but also drive tractors, care for livestock, and otherwise contribute to the economic productivity of the farm.

Though farm women have always worked hard, they have not always received the credit they deserve. Recently, their role in shaping farm policy has begun to change.

Anyone who has been in Washington during the last 4 months knows that many of the farm lobbyists have been farm women. Though rural women do not crusade for women's liberation, they have begun to become involved in organizing and working for changes to insure the survival of the family farm. Farm women have organized to work for farm legislation they support, forming groups like American Agri Women and Women Involved in Farm Economics (WIFE).

Mr. President, as Senate sponsor of the Homemaker Retirement Act, S. 1783, which would enable all farm wives and other homemakers to set up individual retirement accounts to prepare for their later years, I have a continuing interest in the economic contribution of farm wives. My legislation would insure that farm women not be left financially "high and dry" after retirement from years of hard work on the farm. S. 1783 would allow them to contribute up to $1,500 annually toward a personal retirement fund.

A recent article in the Co-Op Country News published by Farmer's Union Publishing Co. in St. Paul, Minn., addresses the changing role of farm women. I ask that the article be printed in the RECORD.

The article follows:

NEW ROLE EMERGES FOR FARM WOMEN

Today, the philosophy of the modern women's movement has worked its way into the mainstream of everyday life. Most farm women will say it's always been that way for them.

So, any discussion with them about the women's movement will establish two facts quickly—(1) it's different for farm women and (2) don't even call it that in rural areas.

"Farm women have been liberated forever," noted Sister Thomas More Bertels of Manitowoc, Wisconsin, a founder of the American Agri Women organization and a well known spokesman for agriculture. The fact is most farm women back away from the term "women's liberation."

"I think," said Sister Thomas More, "farm women have associated women's liberation with the breakdown of the family, which is nilsville for the farm—it's based on cohesion of the family."

Farm women add that "women's lib" often connotates "anti-men, anti-husband"—something a woman in partnership with her husband can't quite swallow.

Fine, but this doesn't explain how farm women have been liberated forever. Indeeed, in some cases farm women share the same difficulties with the traditional roles as do urban women. But, in more cases, farm wives and husbands are partners—sharing the work in the fields, pastures and stock pens and sharing decisions in dealing with bankers to get huge loans to keep a modern farm running. That makes them liberated, and then some.

Yet, though farm women have not taken on the cause of women's liberation, that doesn't mean all's been quiet on the farm. Active farm women have had a farm movement all their own going the past few years. They're speaking out plenty.

They're speaking out about issues that affect the family farm. They want to assure the survival of the family farm as a way of life. They consider it threatened by hard times—low prices and high debts. They believe that as women they can promote unity among farmers, helping them to become more effective in fighting for favorable farm policy legislation.

They're speaking out, too, because they're at a point where they want to be seen not only as actively involved in the farm operation but also as highly knowledgeable about it. They're proclaiming their role in agriculture because changing attitudes have swept away barriers to them speaking out. Active farm women are making the most of it.

Dr. Fran Hill, a political scientist at the University of Texas, has studied the changing roles of farm women as part of her research for a book on the subject. "It seems that during the 50's women worked hard on the farm, as they always have," Dr. Hill said, "but the goal then was to make suburban wives out of them. Today, nobody worries whether it's feminine to drive a tractor.

"It's okay now for farm women to say they know a lot about farming," Dr. Hill continued. "And they don't fear social censure as much any more. They can still be good women and speak their minds at a meeting. The cultural barriers to women speaking are eroding."

Not only is her self image changing, said Dr. Hill, "Men are making progress in the modern world too, and they're proud of their wives."

The upshot is that farm women are gaining attention as spokesmen and a new source of leadership for agriculture. Representatives of two of the newer farm women's organizations, WIFE and American Agri Women, were among those consulted recently by the White House.

Congressional staffers also note that during the height of the farm strike women made up half the delegations making the rounds on Capitol Hill. They were impressed with what the women had to say.

It's no wonder. The female spokesmen are known for doing their homework and research. They come to congressmen armed with hard, solid facts. They offer various views and why.

Another point which observers have been quick to note: While the new farm women spokesmen come from many organizations which have different philosophies, they're not interested in arguing with each other. They're interested in working on common ground where they agree.

The most active women speaking out today are those beyond the heavy duties of child rearing. But they are not people, for the most part, who are economically well set.

"I got active because I could see our days are numbered," explained Helen Boyd, a national officer of the year-old WIFE (Women Involved in Farm Economics). "I could see the losses, I knew we were in trouble."

Although the Boyds have an alternative to farming, and could return to their jobs in Carpenter, Wyoming, Mrs. Boyd said, "My husband's been a changed man working on the farm. It's for him and the kids, I'm fighting."

"The men are physically confined on the farm," said Joan Adams, a wheat grower from Buffalo, Oklahoma, and national coordinator of the four-year-old American Agri Women. "They do not have the time to study and read. And if something comes up, our husbands might be starting spring field work, or tending the cattle.

"For this reason," she said, "the women have more flexibility to become involved in reading, attending meetings and traveling to testify at hearings."

There's also a growing involvement among the older organizations where farm women

have been involved for many years in the more traditional roles of education and promotion.

"I think the farm wife should get more involved," said Bonnie Erickson, of Centerville, South Dakota, past president of National Porkettes. "There are fewer of us, we have bigger operations than Grandpa did, more money invested."

Mrs. Erickson pointed to such factors as easier to handle equipment and tractor cabs that reduce some of the physical beating from the elements. She also speculated that for some women who are not inclined to work outside, getting active in farm organizations is a way to be involved.

The women's role has long been recognized by all the major farm organizations and commodity groups. While the women have played important roles in education and promotion, now they are becoming more involved in issues, particularly estate laws and health care.

All isn't rosy by any means. For some women there is a growing frustration with their role in the various farm organizations, noted Dr. Hill. "They get to just below the policy making level, but there's still a level of offices denied to women."

She described one woman she's interviewed for her book. "She had done the educational and public relations work, now she wanted to continue growing and become vice president. The nominating committee went to her husband and said maybe she could be secretary in three years, but to forget about being vice president."

Yet, Dr. Hill added, these policy barriers may yet be penetrated. She recently watched a farm organization elect a woman to the national board at their annual meeting. When the nominating committee named a slate of men, the ladies nominated a well-qualified woman from the floor. They campaigned for her and she was elected.

"She came up to me afterwards," recalled Dr. Hill, "and said they voted for her because they were ashamed not to." Dr. Hill, added that she heard no sour grapes among the men, and in fact felt the organization was rather proud of itself. "Now that somebody has cracked that," she said, "I heard a lot of younger women say maybe they'll run now."

For many women the solution to that "policy threshold" has been to organize parallel organizations. Said Joan Adams, national coordinator of American Agri Women: "They have women's auxiliaries, but the women don't have the authority to go ahead and act. We don't have to put our program together and get it approved. We make the policy decisions and we are free to act."

American Agri Women has lobbied on the farm bill, farm-labor laws, amendments to the Federal Insecticide, Fungicide and Rodenticide Act, and for favorable federal grain inspection fees.

The state organization affiliated with Agri Women work on the national issues and within their states. The Oregon Women for Agriculture, for example, have successfully fought attempts to ban stubble burning of grass seed fields—a necessary practice to get the plants to produce seed the next year.

Similarly, members of WIFE are taking on the tough issues in agriculture: Freight rates for landlocked grain farmers, changes in the 1902 Reclamation Act, consistency in chemical regulations, beef imports.

"Women, when they come to a stone wall don't know enough to know it's a stone wall," said Mrs. Adams. "A man's ego is such that if someone turns him down, he's not likely to come back again. A woman in working with her children learns to back away and try it again a different way."●

FOREIGN RELATIONS COMMITTEE: DIRECT SPENDING ALLOCATIONS

● Mr. SPARKMAN. Mr. President, in compliance with section 302(b) of the Congressional Budget Act of 1974, I am submitting on behalf of the Committee on Foreign Relations its report on direct spending under the committee's jurisdiction as provided by the first concurrent resolution on the budget for fiscal year 1979.

I ask that the report be printed in the RECORD.

The report follows:

Committee on Foreign Relations report to the Senate pursuant to Sec. 302(b) of the Congressional Budget Act: fiscal year 1979 allocation

[Dollars in thousands]

	Budget authority	Outlays
Subcommittee/budget function/program		
Subcommittee on Foreign Assistance:		
International Affairs (150):		
Advances, foreign military sales	$12,200,000	$10,500,000
Liquidation, foreign military sales fund	0	−2,000
Technical assistance trust fund	4,000	4,000
Peace Corps trust fund	245	245
Subtotal	12,204,245	10,502,245
Subcommittee on International Operations:		
International Affairs (150):		
Payment to Foreign Service Retirement Fund	92,300	92,300
International Center, Washington, D.C.	2,346	2,346
Department of State Trust Fund	740	740
Gifts and bequests, National Commission of Educational, Scientific, and Cultural Cooperation	25	20
Department of Transportation Trust Fund	11,510	11,510
International Communications Agency Trust Fund	331	337
Subtotal	107,252	107,253
Commerce and Housing Credit (370):		
Department of Commerce Trust Fund	4,800	6,000
Income Security (600):		
Foreign Service Retirement and Disability Fund	207,817	117,430
Total allocation to Senate Foreign Relations Committee	12,524,114	10,732,928

●

TURMOIL IN PERU

● Mr. ABOUREZK. Mr. President, several days ago the New York Times printed an article which did an excellent job of portraying the current turmoil in Peru. The article went on to identify the link between the developments in that country and the implementation of U.S. foreign economic policy. The rioting and related deaths in Peru have stemmed from the government's imposition of certain austerity measures designed to bring the Peruvian economy into line with criteria established by a group of creditors led by the International Monetary Fund.

As the article points out, Peru is caught in a "Catch 22" situation. The credit that Peru needs will not be forthcoming unless the IMF determines that it has "cooperated" by taking certain steps. These steps required by the IMF, however, have led to the unrest and violence within the country which now seriously imperils the success of the planned transition to democratic, civilian rule.

Mr. President, the events now unfolding in Peru underline the need for the human rights amendment that I and Senators HATFIELD, BAYH, RIEGLE, ANDERSON, MCGOVERN, PROXMIRE, WEICKER, and LEAHY, intend to offer to S. 2152, the "Witteveen Facility" authorization bill, when it comes to the floor. The IMF has now become, as the article points out, "the vehicle through which economic discipline is imposed on debtor nations." The way that this "discipline" is currently exerted, however, is often antithetical to the professed objectives of the Fund, especially the creation of an economic climate that is conducive to political stability. The human rights language that we will offer would not restrict the Fund's effectiveness; it would instruct the U.S. Executive Director to work toward the formulation of stabilization programs that would not impact in such a disproportionately burdensome way on the poor in the borrowing country. There is no reason why balance of payment readjustment should have to be translated into repression and violations of human rights.

Mr. President, I hope that all of my colleagues will read the following article and ask themselves if this is the way that the IMF was truly intended to operate. I ask unanimous consent that the article be printed in the RECORD.

The article follows:

[From the New York Times, May 24, 1978]

PERU CRISIS: A DILEMMA

(By Judith Miller)

WASHINGTON, May 23—Rioting, strikes and bloodshed in Peru have created a profound dilemma for the Carter Administration, which has been groping for ways to balance at least two competing and, some officials argue, inconsistent foreign and economic policy objectives.

While the Administration is supportive of Peru's planned return from military dictatorship to democratic, civilian rule, the United States is deeply committed to a program negotiated between the International Monetary Fund and Peru. The program is designed to cut inflation, reduce imports, stabilize currency exchange, limit Government spending and bring Peru's balance of payments into equilibrium.

The announcement last week of the austerity measures required by the I.M.F. stabilization program, as the agreements are known, touched off the turmoil. That, in turn, forced the military Government to declare martial law, suspend constitutional guarantees of assembly and free speech and postpone the Peruvian elections, the first in 15 years, for two weeks until the end of June. Many United States Government and independent analysts now fear that the austerity measures may prevent a successful return to civilian rule.

NEGOTIATOR AND BANKS CONFER

While Administration officials watched developments in Lima, a new team of Peruvian financial negotiators met today in New York with an international consortium of commercial banks on rescheduling the foreign debt obligations that have brought Peru to the brink of default. Peru, whose foreign debt now totals $5.5 billion, has asked the banks for a $260 million loan to be used to service those debts. The banks, however decided last month that no additional credit would be extended until the I.M.F. signaled that Peru was adhering to its November planned return to democratic government.

Hence, Peru is caught in a critical squeeze. On the one hand, without I.M.F. support, the country cannot obtain the credit needed to meet its existing debt obligations, continue economic development and pay for extensive food imports. On the other hand, the steps demanded by the I.M.F. have led to the riots, general strikes and upheaval that jeopardize the nation's planned return to civilian, democratic government.

Some analysts see the Peruvian crisis as typical of the economic, political and social problems of developing nations and the dilemmas they pose for the Carter Administration and international finance agencies.

ECONOMIC "DISCIPLE" VEHICLE

The fund has increasingly become the vehicle through which economic "discipline" is imposed on debtor nations. It is also the primary evaluator of their creditworthiness. But, because the I.M.F.'s loan conditions have heightened political tension and social unrest in several nations, some analysts fear that only the most repressive, undemocratic regimes will be able to enforce stabilization policies adequate to "solve" debt problems.

Administration officials contend that the executive branch has already provided all possible and desirable financial and moral assistance. Last month, for example, President Carter sent a letter to President Francisco Morales Bermúdez applauding the Government's planned return to democracy and pledging all "appropriate" support toward that end. In addition, the United States has agreed to accelerate some food shipments on credit and has increased bilateral aid to Peru to nearly $140 million, a threefold rise in the last two years.

Administration officials stress, however, that over the last few years Congress has limited the vehicles through which the emergency assistance Peru requires can be extended. Congress, for instance, has eliminated or severely restricted aid programs for general or emergency support in favor of strictly focused assistance for projects that can be monitored.

U.S. EXPRESSES OPTIMISM

Officially, the Administration still expresses optimism that the I.M.F. and Peru will successfully conclude a standby agreement. C. Fred Bergsten, Assistant Secretary of the Treasury for International Affairs, for example, has consistently maintained that the Carter Administration has never been seriously alarmed by the developing nations' rising indebtedness to international institutions and especially commercial banks.

In other circles, however, Administration officials privately reflect growing concern now about Peru and also the plight of other debt-ridden nations. They worry, moreover, about the slowness with which the Administration has recognized the potential political consequences abroad.

Officials say American foreign policy planners are now searching for ways to make United States policy and the I.M.F. more "sensitive" to the political and social ramifications of what seem to be purely economic programs. However, few specifics have emerged about options.

The Congress, however, has already begun to respond in a way that the Administration finds troublesome: eight Senators, led by James Abourezk, Democrat of South Dakota, have agreed to co-sponsor an amendment to the so-called Witteveen facility, the $10 billion temporary lending pool for the I.M.F. to assist in balance-of-payments crises. The amendment would require the United States representative on the I.M.F. to take political and social consequences into account in stabilization agreements and to vote against such agreements if they threaten to result in worsening human-rights problems. ●

THE 60TH ANNIVERSARY OF ARMENIAN INDEPENDENCE

● Mr. DOLE. Mr. President, as we commemorate the 60th anniversary of the Proclamation of Independence of Armenia on May 28, it is fitting that we remember the bitter struggle and suffering that the Armenian people had to endure to realize their dream. Theirs is a long history of tragic subjugation to foreign rule because of its vulnerable position at the crossroads between Asia and the West. Many conquerors have passed over it during the centuries with a seesaw battle between the Ottoman Turks and Russia. Since the 16th century, it is the Ottoman Turk who dominated most of Armenia.

Despite the racial and religious injustices suffered under the Ottoman rule, Armenians clung tenaciously to their national church and their language. Slowly a national consciousness was formed aimed at future independence and self-determination.

THE HOLOCAUST OF 1915

But even as it was about to be realized, the Armenians were subjected to a planned holocaust on a scale that the modern world had not seen before. Of the 2½ million Armenians living in the Turkish Empire, it is estimated that in 1915 some 1,500,000 Armenians were slaughtered and hundreds of thousands deported to a certain death in the desert areas of the Eastern Turkish provinces. The brutality of the holocaust and the thoroughness with which the Turks carried out their "final solution" can never be forgotten.

Yet, those who succeeded in escaping the massacres looked to the world powers with hope. As the principles of national self-determination and independence were discussed at the Versailles Peace Conference, the hopes and aspirations of peoples throughout the world were awakened. So, it was with the Armenians, and on May 28, 1918, they proclaimed their independence.

ARMENIAN INDEPENDENCE CRUSHED

Armenia's independence was short-lived. But during its 2½ years of independence, the Armenian people worked hard to fashion a democratic nation from the thousands of refugees and orphans. Aware of the threat from the Turkish rulers, the Armenian leaders set about trying to fortify their country militarily. That the Turks would attack the new nation was just a matter of time. But when the actual attack came, the Armenian nation found itself facing the Soviet forces at its rear. Armenia needed outside help but none was forthcoming. Europe was war-weary and America had retreated into isolationism. The Soviet Union dictated the terms of the cease-fire and the armistice. It called for the withdrawal of Turkish forces from most of Armenia and its Sovietization. The Armenian Government had no choice but to submit to the demands or face total annihilation. In December of 1920, independent Armenia was incorporated into the Soviet Union and today suffers under the yoke of Soviet oppression.

ARMENIANS RETAIN ASPIRATIONS FOR FREEDOM

Yet, the Armenians have never given up their claims to freedom and the right to self-determination. Armenian-Americans commemorate the independence of Armenia with an ever-increasing commitment to those principles. We join them today in saluting this anniversary. And hope that they will retain their faith in the future so that one day Armenia will again be free to practice its religion, its culture, and its language as it sees fit, free at last of any foreign domination. Nothing less can be the rightful destiny of the Armenian people.●

EPA MUNICIPAL POLLUTION REGULATIONS

● Mr. MUSKIE. Mr. President, the Clean Water Act amendments passed last December renewed our commitment to clean water for our Nation. We provided additional funds for achieving nationwide municipal waste treatment needs and we made more flexible municipal and industrial timetables.

The Environmental Protection Agency is now in the process of responding to

the mandates of the Clean Water Act of 1977. One of the areas which requires immediate action is development of procedures for modification of the municipal secondary treatment requirement for conventional pollutant discharges into deep ocean waters.

Section 301(h) of the act provides for a waiver from uniform national treatment requirements in those cases where an applicant can show that a lesser degree of treatment of an existing discharge will not interfere with the attainment or maintenance of the national water quality standard and will not require additional controls on any other source. The applicant must also show that all applicable pretreatment requirements will be enforced, and that no substantial increase in the discharges will occur.

These are difficult criteria to satisfy. They were intended to place a significant burden on the applicant. In providing a procedure for modification of the uniform secondary treatment requirement, we wanted to be sure that the procedure would not be used simply to delay compliance with the law. This is available only in those instances where it can be shown that, because of unique hydrological, geological, and ecological characteristics, a lesser degree of treatment of conventional pollutants would be adequate.

The Environmental Protection Agency has proposed regulations for this waiver procedure. The regulations implement the congressional intent by requiring each applicant to meet each condition set forth in the law. As the law intended, these regulations require each applicant to demonstrate, on the basis of empirical evidence, that discharges at less than secondary treatment levels can continue without interfering with the attainment or maintenance of the national water quality standards in the area contiguous to an existing discharge.

Mr. President, I would like to provide some additional history on this issue.

In December of last year, the Congress enacted the Clean Water Act of 1977. These amendments to the 1972 Federal Water Pollution Control Act were designed to provide a "mid-course correction" in the implementation of the regulatory and grant programs established under that act. The 5 years experience with the 1972 clean water law provided a firm base of information from which we could fashion the changes ultimately put in place in 1977.

One area brought to our attention, both in the field and Washington, D.C., was the question of the need for secondary treatment of municipal wastes which are discharged into deep ocean waters. Several west coast municipalities, particularly Seattle, Wash., testified that they had evidence that their wastewater discharges, with less than secondary treatment, did not interfere with the attainment of the goals of the Clean Water Act.

These communities argued that expenditures to achieve secondary treatment, as required by law, were unnecessary from an ecological point of view and wasteful from a fiscal point of view. The Senate Environment and Public Works Committee considered the arguments. We agreed to a limited exception to the uniform secondary treatment standard where communities could prove that existing discharges could maintain the 1983 water quality standards.

This provision was intended to allow those communities which had accumulated or could, in a timely manner, accumulate enough information to present a scientific case for such a waiver. The act assumes that evidence will be developed from analysis of an existing discharge at an existing location.

This provision was specifically intended not to disrupt the ongoing effort to provide secondary treatment for all communities. The time period for consideration and disposition of any waiver requests was deliberately made short so as to discourage a widespread diversion of effort from the task of achieving secondary treatment.

The language of the modification provision is quite clear. The tests are specific and difficult. I would like the section of the law to appear at this point in the RECORD.

The provision follows:

(h) The Administrator, with the concurrence of the State, may issue a permit under section 402 which modifies the requirements of subsection (b)(1)(B) of this section with respect to the discharge of any pollutant in an existing discharge from a publicly owned treatment works into marine waters, if the applicant demonstrates to the satisfaction of the Administrator that—

(1) there is an applicable water quality standard specific to the pollutant for which the modification is requested, which has been identified under section 304(a)(6) of this Act;

(2) such modified requirements will not interfere with the attainment or maintenance of that water quality which assures protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, and allows recreational activities, in and on the water;

(3) the applicant has established a system for monitoring the impact of such discharge on a representative sample of aquatic biota, to the extent practicable;

(4) such modified requirements will not result in any additional requirements on any other point or nonpoint source;

(5) all applicable pretreatment requirements for sources introducing waste into such treatment works will be enforced;

(6) to the extent practicable, the applicant has established a schedule of activities designed to eliminate the entrance of toxic pollutants from nonindustrial sources into such treatment works;

(7) there will be no new or substantially increased discharges from the point source of the pollutant to which the modification applies above that volume of discharge specified in the permit;

(8) any funds available to the owner of such treatment works under title II of this Act will be used to achieve the degree of effluent reduction required by section 201(b) and (g)(2)(A) or to carry out the requirements of this subsection.

For the purposes of this subsection the phrase "the discharge of any pollutant into marine waters" refers to a discharge into deep waters of the territorial sea or the waters of the continguous zone, or into saline estuarine waters where there is strong tidal movement and other hydrological and geological characteristics which the Administrator determines necessary to allow compliance with paragraph (2) of this subsection, and section 101(a)(2) of this Act.

Mr. President, the conference committee adopted the Senate language unchanged. The language of the law is identical to the Senate-passed bill, and the discussion in the statement of managers accompanying the conference report is the exact language as in the Senate committee report. This provision is a Senate provision from its inception and, therefore, the legislative history is clearly defined by the history made in the Senate committe and on the Senate floor.

I hope I have been able to clarify what has become some of the current controversy on this issue.●

FISH AND WILDLIFE CONSERVATION

● Mr. HART. Mr. President, the conservation of our Nation's fish and wildlife resource has traditionally been of great importance to the American people. Numerous programs have been initiated on both the State and Federal level for this purpose over the years.

The vast majority of these efforts, however, have been supported through revenues derived from hunting and fishing licenses and other types of taxes on sporting equipment. Consequently, emphasis has been placed primarily on the management of animals which are of particular interest to sportsmen. Those who have supported these endeavors can take great pride in the fact that few such managed species have been reduced to threaten or endangered status.

It has only been in recent years that the conservation of all our Nation's fish and wildlife resources has become a vital concern. The scientific, cultural, and nonconsumptive recreational benefits derived from wildlife have finally gained broad recognition. We have taken to heart our responsibility to insure that our use or neglect of this resource will not result in its ultimate depletion. Furthermore, fish and wildlife are now perceived as members of a complex and highly integrated community with man himself, rather than as isolated, individual species. We have come to realize that by focusing our conservation efforts on game species, which constitute only about 3 percent of native American wildlife, we have left a vast resource unattended.

S. 1140 is intended to bring into practice this new focus on fish and wildlife management by initiating a program of Federal aid to the States for nongame species conservation similar to that provided for game conservation under the Pittman-Robertson and Dingell-Johnson Acts. The Secretary of the Interior would be authorized to provide both technical and financial assistance to the States for this purpose. An authorization of $90 million is provided through fiscal year 1981 for these purposes. Since few States would have immediately available large amounts of funds to match a Federal grant program, the Secretary of the In-

terior would pay up to 90 percent of costs during the first 2 years of the program, and 75 percent thereafter.

Similarly, since license fees are currently the only source of fish and wildlife income for many States, many would like to be able to use these revenues to meet their share of program costs. However, as I mentioned earlier, most of this money is currently used for the conservation of game species, and we should avoid a situation where we are "robbing Peter to pay Paul." Therefore, S. 1140 would permit States to use these sources for nongame matching grants during the first 2 years of the program, but during the third year only 5 percent of matching costs could come from license fees, and thereafter all of a State's portion would have to come from other sources. I believe that this provision will prevent a drain on existing resources while at the same time permitting States the opportunity to develop new revenue sources for nongame conservation.

Mr. President, there are a variety of important conservation activities that the States will be able to undertake with funds provided by this bill. These include, for instance, habitat acquisition and protection, research, population monitoring, and public education and interpretive programs.

My own State has already developed over 350 different nongame conservation projects in anticipation of the enactment of S. 1140. Although approximately 90 percent of the wildlife that exists in Colorado is nongame, very little is known about the population status or biological needs of these animals, since, as in most States, efforts have gone to the conservation of game species. With its allotment from the Federal nongame program, the division of fish and wildlife plans to undertake a $3 million inventory and research program to develop this data and determine which of the State's nongame species are in most urgent need of protection.

The Colorado division also plans programs directed at the conservation of specific species. As an example, after a 75-year absence, the river otter is being reintroduced to major waterflows in Colorado. The greater sandhill crane, once plentiful in the State, now numbers less than 300, and efforts are being made to restore populations of this bird. A similar program is being planned for the white pelican, which is currently restricted to a small island in northeastern Colorado. With funds received under S. 1140 the State hopes to reconstruct the island to twice its current size in order to provide adequate habitat for expansion.

A significant portion of the fish and game division's program is directed toward public use and urban recreation, and enactment of S. 1140 will help this effort. Under consideration is a proposal for the conservation of urban wildlife involving land acquisition around major population centers. This will provide significant wildlife observation, photographic, and many other opportunities for thousands of urban dwellers.

Mr. President, given the vast number and diversity of species which could benefit from it, I believe that the Federal Aid in Nongame Fish and Wildlife Conservation Act has the potential for being one of the most significant conservation programs ever undertaken in this country. It is a bill that has the strong support of the States and the conservation community, and I urge my colleagues to give it their strong support.●

THE HOSPICE MOVEMENT

● Mrs. HUMPHREY. Mr. President, recently a book entitled "The Hospice Movement: A Better Way of Caring for the Dying," was brought to my attention. The author, Sandol Stoddard, visited and worked in hospices both in England and America, and because of her experiences, she sets forth the reasons why she feels hospices should be a necessary part of our thinking in caring for the terminally ill.

The hospice, obviously, is an idea whose time has come in our culture. We appear to be undergoing a revolution in our thinking on death. Perhaps we were obsessed with life and tried to stifle the realization that death must come to all of us. Perhaps, only now are we willing to accept that death, too, is a part of life. But at last we seem to realize that this time should be faced with love and dignity and courage.

There are a variety of different ways the hospice idea can be approached. For example, in St. Paul, Minn., at Bethesda Lutheran Hospital a hospice unit has been established within the confines of the hospital. At this separate unit of the hospital complex, the hospice principles are brought to the care of the terminally ill cancer patients. There is also the home care hospice, the freestanding facility, and the freestanding facility with hospital affiliation. All of these are different ways in which the hospice concept can be adapted to the needs of the dying.

The important factor is not so much where the hospice is located but that your loved one is helped to live the rest of his or her life as comfortably and fully as possible. Too often, our already fragmented families are subjected to further pressures at the time of a serious illness or death. But through the units consisting of physicians, nurses, social workers, clergy, and volunteer workers, not only is the physical pain of the disease lessened, but also the pain of worries and problems is sympathetically met.

This care helps not only the terminally ill, but also provides supportive advice to members of the family. In contrast to most hospitals, friends and family of the dying patient are encouraged to become a part of the hospice care.

Love does not cease with the death of a person; it continues on in the lives of those left behind. A significant part of hospice work is giving help to those relatives who are having difficulties in adjusting to the death of someone they loved.

Terminal illness is not regarded in the hospice movement as an intrusion into life. It is a time for growth for all concerned.

It would be unfortunate if the increased interest in the hospice movement did not continue to grow. The loving concept of hospice is too important for it just to be highlighted for a short period and then be dropped as interest shifts to another concern.

Thus, I recently was pleased to join the Committee of Hospice Action. These concerned citizens wish to make the public aware of their national concept for hospice. Their desire is to make this care available to all who need it, in all parts of our country.

Here in our Nation's Capital, the Washington Hospice Society has been formed and their hope is to bring hospice care to terminally ill patients in the Washington area. I have agreed to be a member of the honorary board of this society.

By being a part of these groups I feel we can help many of our loved ones at a critical time in a caring relationship. Five months ago millions of Americans—in fact, caring people the world over—became unofficial hospice members when they reached out their hands and hearts to Hubert. Their expressions of affection, given so unselfishly, to Hubert and to all his family were an exceedingly consoling gesture. It helped him know we all cared, and it was a sustaining and comforting force for us, his family.

Having experienced these things myself, I realize its value. And, I ask: Can we do any less for all of our loved ones in the future? ●

SUPPORT FOR HOUSE DEFERRAL OF ACTION ON S. 1437

● Mr. CRANSTON. Mr. President, the Los Angeles Times today in a major editorial defends admirably the decision of the House Judiciary Subcommittee on Criminal Justice to take a long look at the proposed reform of the Federal Criminal Code. As one who has urged such a decision, I am in full accord and applaud it vigorously. Since the subcommittee's decision has been criticized in the eastern press, I wish to offer for the information of my colleagues the views of the Los Angeles Times as set forth in their editorial of May 24.

I ask that the editorial appear in full at the conclusion of my remarks.

The editorial follows:

A LEAP IN THE DARK

Legislation to codify, revise and reform federal criminal law (S. 1437, passed by the Senate, and HR 6869, now under consideration by the House of Representatives) has encountered a setback in the House Judiciary subcommittee.

After 23 days of hearings, the subcommittee balked at the complexity of the massive, 682-page measure. Rep. Henry J. Hyde (R-Ill.), summed up the committee's sentiment by calling the bill "a giant leap in the dark." Another committee member, Rep. Charles E. Wiggins (R-Calif.), says the House must take a long and independent look at reform, and not simply ratify the Senate action.

Supporters of the legislation proceeded immediately to the attack, but their arguments, instead of adding strength to their cause, became impressive new evidence that the code should be defeated.

The Washington Post prefaced its renewed support of the code with this confession: "It is almost impossible for anyone, other than the (Justice Department) lawyers who have lived with it for a decade, to comprehend all

of the changes this proposed code would make in federal criminal law." Yet, from that admission, the newspaper went on to argue for passage of a bill that it finds almost incomprehensible.

The New York Times attacked the House subcommittee's analysis as "a cop-out on crime," an evaluation that reduces a momentous issue to a trivial level. The present form of the revision of federal criminal law would profoundly alter the relationship between the federal government and the states, and between the American people and the federal government.

Sen. Alan Cranston (D-Calif.), who opposes the legislation, says it would "tip the delicate balance of police power in our nation too much in the direction of the federal government." That observation was a diplomatic attempt to state a hard truth in soft terms.

The code represents a massive invasion of federal criminal power into areas traditionally left to the states. In testimony before the House subcommittee, Prof. John Quigley of Ohio State Law School estimated that, under the bill, the annual criminal caseload of federal courts, now numbering 40,000, would increase more than five times. This would bring about a tremendous expansion in the apparatus of the federal criminal-justice system, including the FBI.

The significance of this vast extension of federal jurisdiction would be difficult to exaggerate. No longer would there be a "delicate balance" between state and federal police authority. Federal power would predominate.

In a most fundamental way, the proposed code would reverse the relationship between government and American citizens. In our democracy, through the First Amendment that guarantees freedom of information, the government is kept under the watchful eye of the people. Under the code, as approved by the Senate, the government would become the watchful censor over the political activities of the people.

How did this come about in a measure that began as a well-intended effort by a national commission to rationalize a jumble of federal laws accumulated over nearly 200 years?

The commission's work, started under President Lyndon B. Johnson's administration, fell into the hands of Richard M. Nixon's administration, which was dominated, even during the peak of its power after the 1972 election, by a siege mentality.

What emerged was legislation that was authoritarian in tone and substance, and whose guiding principle was the implicit assertion of the need to protect the government from its domestic enemies—the people.

During the uproar over Watergate, the proposed code, like nearly everything else, was overtaken and submerged in the news of the dramatic, day-by-day developments that finally led to the ouster of President Nixon. But the legislation, which escaped the attention of most of the public, was not forgotten by its sponsors, nor by the Justice Department's team of lawyers who drafted the bill.

When the measure surfaced, as Senate Bill 1 in Gerald R. Ford's administration, the public finally became aware of its significance. Even proponents of the S 1 version have now admitted that it was an atrocity. It would have whittled away First Amendment freedoms, undercut Fifth Amendment protections and, in sum, enhanced the power of government and diminished America's system of individual rights. It would have enabled the government to insulate itself from effective political criticism.

Yet a reform of the criminal code, a tedious task involving the rewriting and codifying of some 3,000 criminal offenses, was an appealing idea. Everybody agreed that, if not imperative, the revision of the code was worthwhile.

After the disaster of S 1, an immediate salvage effort was launched, with the technical assistance of the Justice Department squad that had continued to draft and redraft the bill through three administrations.

What finally emerged was S 1437 in the Senate and the companion bill in the House, and the new measure was hailed as a a"masterful compromise" between liberal and conservative senators who otherwise could not agree on the time of day.

The compromise does represent an advance over S 1, but if the new version had been drafted in the dark it hardly could have failed to be an improvement over its predecessor, which was a carefully designed assault on individual freedoms.

Several improvements in the current draft should be noted.

Judges would be barred from prosecuting a news organization for violating a court-issued gag order, if the order subsequently were held unconstitutional. As the situation now stands, a news reporter can be punished for violating an order that is later declared invalid.

The so-called Nuremberg defense for public officials accused of law violations has been dropped. The old bill would have allowed them the defense of claiming that their lawless actions were committed in behalf of national security.

The new version would repeal the Smith Act, which made it a criminal offense to talk about the overthrow of the government by force.

Such gains, and some others, are not to be minimized, but to say that these changes justify enacting this legislation is to overlook numerous other statutes that lay a heavy burden on all forms of political expression.

Thomas I. Emerson, professor emeritus, Yale law school, comes to the conclusion that this bill "retains a large number of provisions which individually and in totality are gravely detrimental to the American system of individual rights."

Though enumerating them may be somewhat less exciting than reviewing a Rapid Transit District bus schedule, they demand close study because they give the government widely expanded power over the actions of American citizens.

Section 1301 (Obstructing a Government Function by Fraud) could be used by the government to impose censorship on government information. It would be a bar to prosecution that the "offense was committed solely for the purpose of disseminating information to the public." But the use of the word "solely" would virtually wipe out the protection if a jury could detect the presence of any other motive.

Section 1311 (Hindering Law Enforcement) would provide that a person was guilty of an offense if he "interferes with, hinders, delays or prevents the discovery, apprehension" of a person charged with a crime "by engaging in conduct by which he knowingly conceals the other person or his identity." This provision could be used against a news reporter who refused to disclose his files to the government, or destroyed them to protect a confidential source.

Section 1331 (Criminal Contempt) would create an offense of not only disobeying a court order but "resisting" such an order. This term could be interpreted to include mere speech. News organizations would be exempt under certain conditions, as we noted, but other forms of expression would be subject to the authority of a judge.

There are many other aspects in this massive revision of criminal law that reflect the legacy of the Nixon years.

Section 1343 (Making a False Statement) says that a person is guilty of a crime if, "in a government matter," he knowingly makes "a material oral statement that is false" to a law-enforcement officer or to an official assigned "investigative responsibility." A mere disagreement between a citizen and a law-enforcement agent could subject the citizen to federal prosecution, and the outcome could depend on one man's word against another. Moreover, the offense would extend beyond a statement of fact, because it would include "a declaration of representation of opinion, belief or other state of mind."

Present law on false oral statements generally has been limited to false statements in the content of a quasijudicial proceeding, or in a situation where one person falsely tried to implicate another in a crime.

Several sections of the code would impose greater control on the flow of information from inside the government to the public. While national-security matters have to be guarded, and some information affecting the privacy of individuals should be protected, a democracy thrives on information, and withers when information is cut off.

The sweep and magnitude of the proposed reform is ominously impressive. If the code is approved in its present form, the weight of federal criminal law will be felt in every corner of the land.

Section 1831, for example, would extend federal jurisdiction over riots to any incident involving the movement of a person across state lines. A "riot" is defined as a public disturbance that includes as few as 10 persons. As one critic has said, the code would come close to converting the federal judiciary into courts of general criminal jurisdiction.

The reform of the entire body of federal criminal law is a logical approach—on paper. In reality, it is not. It is just too vast, too complicated for Congress to swallow at one time.

When the bill was perfunctorily debated a few months ago in the Senate, Sen. James B. Allen (D–Ala.) said, "There aren't five senators . . . who have any idea what's going on. . . . "Sen. James A. McClure (R–Ida.) said the legislation had "become a law unto itself, a massive re-creation whose full implications are known only by its prosecutorial draftsmen (in the Justice Department)...."

The cautious position taken by Rep. James R. Mann (D–S.C.) the chairman of the House Judiciary subcommittee, is fully justified. He wants to limit his committee's work to the consideration of obsolete laws and some improvements in sentencing procedures.

Step by cautious step is the way to proceed on legislation that goes to the heart of our system of justice and affects the fundamental freedoms of the American people.●

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

● Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Rufus E. Thompson, of New Mexico, to be U.S. attorney for the district of New Mexico for the term of 4 years vice Victor R. Ortega, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Thursday, June 1, 1978, any representations or objections they may wish to present concerning the above nomination with a further statement whether it is their intention to appear at any hearing which may be scheduled.●

SENATOR CRANSTON REAFFIRMS HIS COMMITMENT TO OUR NATION'S VETERANS

● Mr. RANDOLPH. Mr. President, the May edition of the National News Magazine of the American Legion Auxiliary contains an article authored by the distinguished chairman of the Senate Veterans' Affairs Committee, ALAN CRANSTON of California, in which he reconfirms his commitment to our veterans.

In its 48th year the Veterans' Administration runs the largest hospital system ing the Nation, serving our more than 29 million veterans and their survivors and dependents. It has been my privilege to serve on the Veterans' Affairs Committee with the senior California Senator since the committee's birth in 1971. There is no Member of the Senate that is more dedicated to the betterment of the benefits and services available to those men and women that have given so much to protect our freedoms than our chairman, ALAN CRANSTON.

Mr. President, I ask that Senator CRANSTON'S article in which he commits himself to the continuation of a system that can guarantee quality care for disabled veterans be printed in the RECORD as follows:

ARTICLE BY U.S. SENATOR ALAN CRANSTON

I am delighted to have the opportunity to share my views with the readers of "National News". I am well aware of the dedication of the American Legion Auxiliary in its important efforts to help our country's veterans.

As so many of you know, I have been deeply interested in veterans matters since coming to the Senate in 1969. At that time I chaired the Labor and Public Welfare's Subcommittee on Veterans' Affairs and, when the full committee was inaugurated in 1971, I became chairman of its Subcommitte on Health and Hospitals. It is now my great privilege to be the Chairman of the full committee.

The Veterans' Administration will be half a century old in 1980. It was founded in 1930 primarily to care for the nation's World War I veterans and their dependents.

Now, 48 years and three wars later, it has assumed gigantic proportions as the largest independent agency in the federal government. There are now more than 29 million veterans in this nation and the VA has a quarter million employees available to serve them, their dependents, and survivors.

The VA runs the largest hospital system in the nation with 172 hospitals, 228 outpatient clinics, 92 nursing homes, and 16 domiciliaries. I strongly believe this medical system must remain independent and its separate status be maintained. I am fully committed to the continuation of a system that can guarantee quality care for disabled veterans.

The quality of VA medicine was reaffirmed not too long ago in dramatic fashion. The coveted 1977 Nobel Prize for medicine was awarded to two VA researchers—Dr. Yalow and Dr. Schally.

At a time when the Veterans' Administration health-care system is under close scrutiny, these awards say to the world that the system must be recognized as a great national resource. Dr. Yalow's and Dr. Schally's achievements epitomize what can be accomplished through the VA.

And this is why I spoke out against the Administration's budget request for the VA hospital and medical system. In my view and that of the Senate Veterans' Affairs Committee it was far too stringent.

The Administration had requested less than a one-percent increase for VA medical research over last year. This would have eliminated research at up to 60 VA hosiptals, reduced research at the remaining 63 hospitals, and cut back other VA research programs.

The VA's health-care research program is critical to the maintenance of quality care in VA facilities and of vital importance to the VA's efforts to recruit and retain high quality healthcare personnel.

Consequently, we recommend and the Congress has thus far agreed to add $18.3 million to the Congressional budget for VA research.

We were also successful in having included in the Congressional budget a $203 million increase over the President's budget for VA health-care services and programs. Those increases will prevent reduction of 2,532 hospital beds, increase by 4,910 the total number of full-time employees at VA facilities—including 870 staff to handle an estimated 435,000 more outpatient visits in FY 1979—and add $8.6 million for specialized medical programs such as respiratory care and hemodialysis centers and home care for spinal cord injury patients.

I know how vitally interested members of the American Legion Auxiliary are in legislative matters and I wanted to give you a rundown on recent activities.

Equally important, I believe is your dedication to volunteer work. You have spent thousands of hours giving of yourselves at VA hospitals and facilities; Auxiliary units across the country have been supporting the Muscular Dystrophy Association; and you have devoted your energy and enthusiasm to helping veterans in nursing homes, half-way houses and State institutions. Keep up the good work. Your support and activities make a vital contribution to a modern and concerned VA health-care system.●

PRESIDENT CARTER'S ENVIRONMENTAL PROGRAM

● Mr. HART. Mr. President, this week marks the first anniversary of President Jimmy Carter's environmental message to Congress. One year ago, the President proposed several major initiatives—some to improve upon the landmark pollution control laws passed by Congress since the beginning of the environmental movement in 1970, and some to establish new programs to deal with new threats to our planet.

The President should be commended for the significant progress he has made in working with Congress and within his administration to fulfill his promises. With few exceptions, the President has met his pledge, or is well on his way toward meeting them.

The Environmental Study Conference has prepared a simple side-by-side comparison of the President's major commitments in his environmental message and their status. It does not attempt any analysis.

Mr. President, it is my hope that ESC's fact sheet will serve to remind Members of the President's achievements, as well as the unfinished business on his environmental agenda and I submit it for the RECORD.

The fact sheet follows:

PRESIDENT CARTER'S ENVIRONMENTAL PROGRAM

(By Ken Murphy)

On this, the first anniversary of the president's environmental message, Jimmy Carter has made great strides toward fulfilling his promises.

Ironically, though, this first anniversary marks an end to the long honeymoon between Carter and environmentalists. Just as ironically, there has been no corresponding shift in business and industry's adamantly negative view of Carter.

The irony can be explained in large part by two factors: recent signs of an apparent shift away from strong environmental positions by Carter and the tendency of the administration to try to be "all things to all people."

In just the past couple months, Carter and key advisors have issued a number of policy statements that portend what many see as a softening of the president's environmental stance: his backdown on water policy reform, his nuclear licensing bill, his seemingly "all talk-no action" attitude on solar energy development, the Department of Energy's "Phase II" plan stressing synfuels, his record on DOE nominations, and his anti-inflation chief's attack on environmental regulations, to name the most prominent.

The second factor in the irony is this administration's split personality. Carter calls nuclear power the last resort. Yet he asks Congress to speed up plant licensing and construction, and his key advisors repeatedly issue pro-nuclear statements. Carter stresses his strong support for solar power, but so far, almost everyone agrees, has done little to follow through. Carter announces with great flourish a comprehensive reform of federal water policy, yet, when push comes to shove, abandons every major reform option. And so on.

Although environmentalists generally still support Carter, they have run out of patience and are now ready to challenge him. A recent statement they issued on Carter's environmental and energy program was entitled "Promises Broken, Promises Forgotten."

At the same time, business and industry groups, at least publicly, have been slow to endorse Carter's apparent shift, focusing instead on the rest of his environmental record.

What follows is a side-by-side comparison of Carter's major promises in his environmental message and progress in fulfilling them.

Toxic chemicals

PROMISE	STATUS
Big boost in Environmental Protection Agency's toxic substances control budget.	Enacted for fiscal year 1978. Similar boosts for fiscal year 1979 now pending in Congress.
Strengthening amendment to Clean Water Act to ease adoption of toxic discharge standards.	Enacted in watered-down form.
New standards by EPA to protect public from toxic substances in drinking water.	To be adopted soon.

The workplace

Tougher standards for occupational health without repeating past excesses.	In administrative hearings.
Strengthen Coal Mine Health and Safety Act and Nonmetallic Safety Act.	Enacted.

Air pollution

Strengthening amendments to Clean Air Act, including: Keeping clean air areas clean. Preserving visibility in national parks. Economic penalties to eliminate benefits of non-compliance. "Best available control" technologies on new plants. Strict controls on coal-burning plants. Slight relaxation of auto emission controls.	Enacted in watered-down form.

Water quality

Continue funding sewage treatment construction grant program at $4.5 billion annual level.	Enacted.
Boost funds for so-called Section 208 planning program, which provides for local government to develop regional solutions to water pollution problems.	Enacted.
Strengthening amendments to Clean Water Act, including: Economic penalties to eliminate benefits of non-compliance. Stronger enforcement provisions.	Enacted in watered-down form. Congress rejected economic penalties.

Solid waste

Accelerate interagency study of beverage container deposits and other ways to promote waste reduction.	Interagency recommendations on product disposal charges six months overdue.

Pest management

Amend Federal Insecticide, Fungicide, and Rodenticide Act to streamline control procedures, permitting regulation of basic chemicals instead of commercial compounds.	Now pending in House-Senate conference.

Energy and environment

(Initiatives called for in energy message that were reiterated in environmental message)

Improved nuclear power plant safety inspection program.	Seed money to start program enacted.
Review of nuclear plant siting and licensing process.	President submitted bill to streamline licensing without conducting full-scale review. Bill's chances this session are slim.
Review of radioactive waste management plan.	Preliminary review completed. Interim storage plan announced. Interagency team now developing long-term plan.

Outer Continental Shelf

Support for strengthening amendments to OCS Lands Act, including: Federal exploratory drilling. Cancellation of leases in cases of environmental threats. Greater role for coastal States and localities. Best available control technology on OCS drilling operations.	Now pending in House-Senate conference.

Coal

Strengthening amendment to strip mine legislation to protect agricultural lands, particularly in the West, and Appalachia's mountains and valleys.	Enacted Strip Mining and Reclamation Act. Carter noted he was sorry Congress did not adopt his strengthening amendments. Implementation of law plagued by lack of funding, court challenges.
Development of better air pollution control technologies.	Carter's record here mixed. He proposed a shift in technology development responsibility from EPA to the Department of Energy—a move seen by many as undermining cleaner technologies. In addition, EPA, under pressure from DOE and Congress, is considering relaxing new proposed control requirements for new factories and for clean air areas.
Comprehensive study of health effects of burning more coal and synthetic fuel development (for example, coal liquefaction, gasification). "It is essential that both the health and environmental research and the needed controls be in process well before the time that new technologies are ready for commercial use," according to a White House fact sheet on the message.	Study is months overdue. DOE, however, is moving ahead on an aggressive synthetic fuel technology commercialization program.
Step up federal coal leasing program by Interior Department.	Law suit stopping program still not resolved. Full-scale resumption of program probably years away.

Water resources

Comprehensive review and reform of federal water resources development projects, with water conservation as cornerstone and environmental protection and budgetary savings as two key elements.	Recommendation now on president's desk. Carter appears likely, for political reasons, to abandon all major reform options.

Wetlands

Support for the so-called Section 404 wetlands protection program in the Clean Water Act.	Enacted.
Executive Order barring federal funds for projects in wetlands area.	Issued.

Wilderness

Support and expand all of the 24 million acres of wilderness proposals submitted by previous administrations.	Almost half of administration proposals included in "omnibus" parks bill now awaiting House floor action. No action in Senate.

PROMISE	STATUS
Wild and scenic rivers	
Legislation to add segments of eight rivers to the Wild and Scenic Rivers System, to study for inclusion in the system 20 river segments.	Separate bills on some rivers moving slowly in Senate Energy Committee. "Omnibus" bill including five rivers, plus 10 study rivers, is ready for House floor.
Legislation to kill once and for all the Cross-Florida barge canal.	No action on legislation. Work on the incomplete canal has been halted.
National trails	
Submit legislation to designate three new scenic trails and to create new category Historic trails.	House, Senate moving on Historic trails bills. Two scenic trails in House "omnibus" bills.
A $50 million increase in funds over the next five years to purchase wetlands.	Enacted for FY 1978. Money for FY 1979 moving in Congress.
Mining	
Legislation to reform the 1872 Mining Law, including: A leasing system for publicly owned hard rock minerals. Federal exploration authority. Strict environmental standards. A mining plan requirement. Royalties to the Federal Government. Integration of mining into land use plans for public lands.	Probably dead for this session. House markup may begin soon on industry bill. Senate action unlikely.
Forest management	
Study on how to improve the productivity of small, private forest lands.	Legislation to help small private forest now moving in Congress, with the backing of the administration.
Off-road vehicles	
Amended executive order to limit ORVs on public lands.	Issued.
National heritage	
An accelerated, five-year, $759 million program to expand and improve National Park System.	Moving through Congress, but at lower funding levels.
Establishment of a National Heritage Trust to bring together various programs to protect the nation's natural and cultural heritage.	New Interior Department agency, Heritage Conservation and Recreation Service, established. Legislation still not sent to Hill. House, Senate moving on "natural diversity" bills, which are one-half of the heritage program.
Alaska	
Legislation to create millions of acres of new parks, wilderness, wildlife refuges and wild and scenic rivers in Alaska.	Bill similar to administration measure passed House overwhelmingly. Senate picture very cloudy.
Wildlife	
Executive order barring introduction of exotic species in United States.	Issued.
Increase of $23 million in FY 1978 for U.S. Fish and Wildlife Service.	Enacted.
Increase of $295 million over next five years to improve Wildlife Refuge System.	Enacted for FY 1978. Pending in Congress for FY 1979.
Redwood National Park	
Legislation to add 48,000 acres to park and a job protection program.	Enacted slightly modified bill.
Global environment	
Submit legislation to carry out Antarctic Treaty for protection of flora and fauna on the subcontinent.	Stronger legislation ready for House floor. Pending in Senate.
Improving government	
Regulations to streamline environmental impact statement requirements.	Council on Environmental Quality draft rules to be published for public comment soon. Major conflict brewing over proposals to apply impact statement requirement to major U.S. actions abroad, such as U.S.-financed exports. These proposals still undergoing interagency review.
Other environmental initiatives in separate Presidential messages	
Better controls on oil tanker spills, mainly through administrative actions.	Adopted in watered-down form.
Restricting the "plutonium economy" and curbing spread of nuclear weapons through non-proliferation legislation and stopping the federal government demonstration project for a plutonium-breeder reactor at Clinch River, Tenn.	Nuclear non-proliferation legislation enacted. On Clinch River, Congress is heading for another confrontation with Carter by trying to keep the project alive. Carter trying to compromise by promising to study bigger, more modern, "proliferation-resistant" breeder project.

ESC Fact Sheet, May 23, 1978.●

ACTION AGAINST GENOCIDE

● Mr. KENNEDY. Mr. President, I would like to call the attention of my colleagues to a stirring and important article by the wife of the Governor of my State, Mrs. Kitty Dukakis, which appeared recently in the Boston Globe. In that article, Mrs. Dukakis eloquently argues that the United States has a special responsibility to remember the extermination of 6 million Jews during World War II and of 1½ million Armenians during World War I. Both Mrs. Dukakis and I are very pleased by the President's announcement that he intends to form a commission which will establish a national memorial to the holocaust, as called for by a resolution which I had the privilege to cosponsor in the Senate.

It is our belief that the greatest living memorial to the victims of the holocaust and all victims of genocide would be to teach our children about those horrible events so that they will fight to prevent the repetition of such tragedies. Aided by Mrs. Dukakis, the department of education in my State has sponsored a statewide conference, "Teaching About Genocide," and several school systems have established exemplary programs. In order to disseminate some of the curriculum and training methods developed in my State, Mrs. Dukakis is working to create a national center to encourage the teaching of this critical subject across the Nation. I strongly support this effort and urge other Members to do so as well.

I submit the article by Mrs. Dukakis for the RECORD.

The article follows:

ELIMINATING THE HORROR OF GENOCIDE

Why, in 1978, many decades after the horrible events have occurred, should we remember the extermination of six million Jews during World War II or the slaughter of a million and a half Armenians during World War I? Why should we revive the chilling memories of the Holocaust—the bodies stacked like wood, the screams of the dying, the torture, the suffering of children—so dramatically portrayed in the NBC special of two weeks ago? Why should our schools teach our children about the living nightmare of genocide?

Tomorrow, the Massachusetts Department of Education is sponsoring a statewide conference for educators, "Teaching Genocide: Why and How?" to answer some of those questions. Although there are many reasons for teaching about genocide, I believe that the single most important is to remind us that America had—and continues to have—the power to avert such tragedies.

During the 1930s, our government was well-informed about the intensifying Nazi persecution of Jews, but it did not intercede on their behalf. Severe immigration quotas blocked the entry of Jewish refugees. And, during the war few officials advocated open condemnation of the crimes and the threat of postwar punishment as a means to aid the Jews. One such official, Herbert Pell, the father of Rhode Island Sen. Claiborne Pell, warned that American silence would give the Nazis and future tyrants "the green light" to commit genocide.

Sadly enough, the world, and again our country is included, had already provided Hitler with an historical green light—by reacting so feebly to the murder of one million and a half Armenians by the Turks. As Hitler once said: "Who still talks nowadays about the extermination of the Armenians?" The U.S. ambassador to Turkey did protest, but nothing else was done. Only the French actually attempted the physical rescue of some Armenians, saving but a handful.

So, the world lost a chance to prevent some of the deaths in the genocide of the Armenians and the Jews, but it also missed the opportunity to punish some of those responsible and thereby give sharp warning to genocidal tyrants of the future. None of the Turkish leaders responsbile for the Armenian massacres was ever punished for the crimes. Contrary to popular understanding, international war crimes trials in Nuremburg after World War II did not punish all the leaders and henchmen of the Holocaust.

The purpose of recalling the world's leniency with the criminals and acquiescence in the crimes is not to fill us with guilt. Rather, the experience should teach us to recognize our responsibility for human rights everywhere, to be ever sensitive to racism and antisemitism within our own borders and to redouble our efforts to eliminate persecution throughout the world.

Genocide, sadly, is not yet something of the past. In Uganda, Cambodia, and elsewhere, tyrants continue to slaughter people simply because they have the "wrong" political beliefs, or tribal background, or religion. President Carter's recent condemnation of Cambodia and his entire human rights policy is an essential first step.

But, the President's words are only as strong and effective as the support which they command among the American people. An aroused public could move Congress to withhold foreign and military aid to governments which violate human rights. That would add immeasurably to the impact of the President's words.

The American public, however, will only exert pressure on the government if it understands the tragedies of the past and the brutalities of the present. Teaching about genocide and human rights in schools is one way to increase the awareness of children and adults.

Another way to do this would be to establish a national center to encourage the study of genocide and human rights violations. The center could train teachers and publish information for schools. I am now working to raise funds and support to establish such a center in Massachusetts.

The teaching of genocide clearly will not be easy—and the learning for our children may be even more difficult. It will probably raise more questions than it answers. Questions such as:

Why did the leaders of the world and our own country protest past genocide so little?

Why has the United States refused to ratify the United Nations treaty making genocide an international crime?

What can individuals do to prevent a repetition of these tragedies?

Answering such questions will not be easy, but the final result could be a world in which the word "genocide," coined in the 20th century, would only be found in histories.●

FEDERAL AID TO NONGAME FISH AND WILDLIFE

● Mr. CULVER. Mr. President, just before the Senate adjourned yesterday S. 1140, the Nongame Fish and Wildlife Conservation Act, was brought up for consideration. As chairman of the Senate Resource Protection Subcommittee, I am pleased that this important legislation was adopted.

Most fish and wildlife conservation programs conducted by both the Federal and State governments have traditionally been directed primarily toward game species because funding for these programs has come from sportsmen who buy licenses and pay excise taxes on hunting and fishing equipment. Few programs, however, have been initiated directly for the conservation of nongame wildlife—those species which are not normally hunted, fished, trapped or used for other consumptive purposes. Programs which do exist for nongame wildlife, such as those generated by the Endangered Species Act of 1973, are limited in scope and, for the most part, are designed to restore populations which have already become depleted.

Over the last decade professional wildlife managers and conservationists have found this rescue mission approach to be expensive and often ineffective. At the same time, nonconsumptive uses of wildlife resources by the public have been increasing dramatically as backpacking, wildlife observation, and nature photography become more popular. Accordingly the need for programs which conserve nongame fish and wildlife is now generally recognized.

While few States have developed nongame programs, the problem is not a lack of willingness, but rather a lack of funds. This fact was recently documented by the Wildlife Management Institute in the first comprehensive review of nongame fish and wildlife programs throughout the country. It reported that in the 35 States which have programs for nongame species, only $3.3 million, or approximately 2 percent of these States' $176 million budget for fish and wildlife management was set aside for nongame species conservation. This 1975 report concluded that a nongame fish and wildlife Federal matching grant-in-aid program should be authorized by Congress.

S. 1140 fills this need. This legislation directs the Secretary of the Interior to cooperate with, and provide grants to, the States for conserving nongame fish and wildlife. Activities eligible for funding include habitat acquisition and modification, census taking the population monitoring, educational and interpretative programs, and improved wildlife-related law enforcement. An authorization of $90 million from the general fund through fiscal year 1981 would be provided for these purposes, and the Federal share of project costs would be 75 percent. States would become eligible for such funds by submitting a proposal for individual projects, such as the development of a songbird viewing area, or by preparing a long-range, comprehensive plan for the management and protection of nongame species.

In many urban and suburban areas, the only animals which people have an opportunity to view and appreciate are those which might be considered game species, such as deer, pheasants and waterfowl. As approved by the committee, therefore, funds authorized by S. 1140 could be used for the conservation of these animals since they would not be used in a consumptive manner in such limited instances.

As chairman of the Senate Resource Protection Subcommittee, last August I conducted a hearing on this measure. I was greatly encouraged by the support that the concept of a nongame grant-in-aid program received from various State fish and wildlife agencies and the conservation community. At this hearing, Ms. Carolyn Lumbard of the Iowa Conservation Commission identified an annual State need of approximately $250,000 for nongame conservation. She indicated that Federal funds would permit Iowa to expend research and other conservation efforts for several interesting and important resident nongame species, including the upland sandpiper and the spring peeper. The commission is also interested in protecting other birds, such as cardinals and robins, which are more familiar to Iowa backyard bird watchers.

Mr. President, I want to commend the chairman of the Committee on Environment and Public Works (Mr. RANDOLPH) and Senator GARY HART for their strong interest in developing this legislation. I believe it will address a major shortcoming in our existing conservation programs, and I hope Congress will continue to expedite consideration of S. 1140 during the remaining steps of the legislative process.●

NEW YORK CITY'S QUESTIONABLE BUDGET

● Mr. HARRY F. BYRD, JR. Mr. President, on May 23, in a speech I delivered on the floor of the Senate, I undertook a critical examination of New York City's recently drafted 4-year financial plan and Mayor Koch's "executive budget—fiscal year 1979."

I pointed out several items in the budget which rested upon accounting gimmicks, shaky assumptions and fuzzy estimates.

I addressed myself to this issue for the purpose of focusing the Senate's attention on the plan and budget's lack of candor.

I believe that the city's balanced budget, as presented, does not adequately reflect the city's true financial situation and should not be used as a justification or a basis for evaluating the need for Federal guarantees.

New York State's Deputy State Comptroller, Sidney Schwartz, who is New York State's chief monitor of the city's fiscal situation, has just recently also called into question the city's budget figures.

According to articles appearing in both the New York Times and the New York Daily News today, Mr. Schwartz released a critique of the budget which showed that due to an overestimation by the city of State and Federal aid, coupled with an unrealistic reduction in welfare costs, there could be a deficit in the city's 1979 fiscal budget of $242 million.

The articles point out five specific areas where the city's revenue anticipated in Mayor Koch's budget would fall short.

These articles add strength to my argument that New York City is continuing its questionable fiscal practices.

Mr. President, I ask that the articles be printed in full in the RECORD.

The articles follow:

MONITOR DISPUTES THE KOCH BUDGET

New York City revenues for the fiscal year that begins July 1 will fall at least $115 million short of Mayor Koch's estimate, according to the states' chief monitor of the city's fiscal situation.

The monitor, Sidney Schwartz, a deputy state comptroller, said this had resulted principally because the Mayor, in his $13.4 billion budget, had overestimated state and Federal aid and had expected an unrealistic reduction in welfare costs.

Any unrealized revenue in the budget would require the city to find other sources of income or to cut expenditures, since, by law, the budget must be balanced.

OVERSEER AND CITY DISAGREE

Mr. Schwartz's job as overseer of city budget matters for the state and for the Emergency Financial Control Board has frequently put him in conflict with city budget officials. In the budget-making process the Mayor's staff characteristically makes optimistic estimates of revenue, while Mr. Schwartz, in his auditor's function, looks on the pessimistic side.

However, in response to the latest Schwartz assessment, Mr. Koch's budget officials insisted yesterday that they were being conservative in estimating revenue and that they believed Mr. Schwartz's prediction of shortfall was premature.

Mr. Schwartz pinpointed what he said were five areas in which revenue anticipated by the Koch administration would fall short. They were:

A reduction in welfare costs of $60 million, contingent upon continuation of the Federal program of "countercyclical" aid to relieve local burdens during times of economic stress. Mr. Schwartz said that the continuation of such aid "appears unlikely at this time" and that the welfare reduction would not be realized.

A total of 38 million in revenue that the city is counting on from "unknown state and Federal aid programs." The revenue cannot properly be expected in the fiscal year, Mr. Schwartz said.

A total of 29 million in state revenue-sharing funds that should be counted in the current city budget instead of the one starting July 1.

A $20 million overestimate of the actual countercyclical aid from Washington. The shortfall could be even larger, Mr. Schwartz said, if the most favorable proposals to the city are not adopted in Washington.

A total of $12 million in property taxes that the city is counting on from railroad holdings that are now tax-exempt. In Mr. Schwartz's view, "removal of the exemption appears unlikely."

STATE AID ESTIMATES DISPUTED

In addition, the deputy comptroller said, the city's budget overestimates state aid to education by $4 million and rental income from housing by $2 million. However, the budget should realize $10 million in other housing revenues that the city does not anticipate. The net deficit in expected revenues, Mr. Schwartz contended, is $155 million.

Mr. Schwartz also listed $202 million in "other contingencies" that could adversely affect the budget, including delay or cancellation of the Westway highway project and inability to recover overhead costs in the federally financed program for training the hard-core unemployed.

On the other hand, Mr. Schwartz said, the city could gain $115 million that it did not count in the budget, including proceeds from bond sales and probable Federal receipts stemming from the welfare reform program currently under consideration in Congress.

CITY RAPS REPORT OF BUDGET GAP

(By Mark Lieberman)

City budget writers yesterday described as "premature" a projection by Special Deputy State Controller Sidney Schwartz that Mayor Koch's spending plan for the coming fiscal year might contain a $242 million deficit.

Schwartz, in a review of the city's revenue estimates for the fiscal year beginning July 1, determined that $155 million listed as revenues in Koch's budget represented overestimates. He said that other uncertainties could cut income by a further $202 million, while still others could increase revenues by $115 million. The result, he said, would be a shortfall of $242 million.

Schwartz said that many of the money figures he questioned rely on action by the Legislature and the Congress—which the city is counting on to produce $151 million for its budget next year.

In its response, city budgeters acknowledged that the spending plan normally is drafted "before federal and state legislation, upon which the budget is dependent, has been enacted." But, they said, the federal and state aid projections "are based on our sound, best judgment and reasonable expectations." They added that Schwarts' conclusion of a potential deficit "is premature and not consistent with currently accepted expectations."●

UNITED STATES RELATIONS WITH VIETNAM

● Mr. KENNEDY. Mr. President, 3 years after the collapse of our terrible onslaught on Vietnam, we fail to have any diplomatic relations with that country. We maintain a trade embargo against it. And we deny official assistance to it.

The administration has engaged in serious negotiations to normalize relations between our two countries. Now that the Humphrey-Truong trial has ended, I am confident that these efforts will be resumed. I hope that both sides can make fresh efforts to establish a normal relationship, including fully operational and protected embassies in Hanoi and Washington; to lift the trade embargo; and to contribute to the recovery of the Vietnamese people from a generation of conflict.

Mr. President, Gloria Emerson has written a sensitive and compelling article in the Chicago Sun-Times on the potential for such a new and constructive relationship between our two peoples. I have long called for humanitarian aid to Vietnam. Like her, I believe that "It is time for that to happen at last." I request that her article be printed in the RECORD.

The article follows:

IT'S TIME WE AIDED VIETNAM—PERSONAL VIEW

(By Gloria Emerson)

Vietnam came back on television the other morning, filling the room with those ghosts and memories that so many of us need to seal off and hide in the quietest corner of our hearts.

This was a new film: Vietnam three years after the war's end, beginning over; the Vietnamese working to rebuild their country with almost nothing but their fierce passion for their land and rice, their water and sky. And then, a scene in a Vietnamese hospital—the sickening sight of a mutilated child, the picture we saw over and over during our 12 years of war. A Vietnamese doctor, standing by the bandaged child, quietly explained that it was, of course, the very young who most often set off the land mines left by us in the earth.

The Vietnamese are not a self-pitying people. I remember meeting a member of their United Nations mission who said, "Do you want to return to our country to see how high the fruits and flowers will grow?"

Someday those fruits and flowers will be there. But consider this: Between 1965 and 1973 the United States dropped 11 million bombs on southern Vietnam. Together with about 217 million artillery shells, the total weight of American high-explosive munitions used in the south was more than 7 million tons. And consider the chemicals or herbicides we used there, the land clearance by our massive "Rome plows"—33-ton armored tractors that destroyed forests and crops and villages. Then ask: Do we still want to punish the Vietnamese? Is it because they won that war?

I don't believe that we are such a people. Indeed, a CBS-New York Times poll in July revealed that 66 percent favor humanitarian aid to Vietnam. Yet President Carter pays no attention and does not, in his speeches on human rights, consider the suffering inflicted on the Vietnamese or what their "rights" might be. Neither the President, his advisers nor Congress is willing to move toward a reconciliation with Vietnam, and end the shameful trade embargo. Americans have shown how they feel by contributing $7 million to private voluntary agencies for postwar aid to Vietnam. The President pays no attention.

It is the Vietnamese who show more of a spirit of reconciliation, despite the grievous wounds we inflicted on them. Last fall a former Marine fighter pilot met with the Vietnamese in New York. The American, who had so often bombed the south, was given tea, beer and little cakes by a Vietnamese diplomat who had every reason not to want to receive this man. "I often thought what a beautiful country you had when I was flying over it," the American said. The Vietnamese said nothing.

I know a woman who would like to plant a tree in Vietnam in memory of a son who died there in 1967. I know a former Infantry medic who has never forgotten the dead of his platoon, yet who sends small donations because he cannot lead his life peacefully thinking of Vietnam and her craters and her gray poisoned forests. And I know of farmers who sent some of their own crops to Vietnam to ease the emergency food shortage there. The wheat was sent by the Church World Service. It will be milled and made into bread and noodles to be given out in day-care centers, schools and hospitals.

But more than money is needed. What is wanted so desperately is a new American spirit toward the Vietnamese, who do not blame us as a people for their suffering. If we want to see the fruits and flowers in that country grow high again, if we insist to our Congress and the President that relations be made normal with Vietnam, then surely we as people will profit even more than the Vietnamese. Before his death in January, Sen. Hubert Humphrey, who for so long defended that war, signed with 17 other senators a letter to the President urging that humanitarian aid be sent to Vietnam. It is time for that to happen at last.●

AMERICA'S VITAL STAKE IN THE EXPLOSIVE AZORES

● Mr. HELMS. Mr. President, the Azores are a group of islands centrally located in the Atlantic Ocean.

The nine islands are of continuing strategic importance to the United States, both as a base of operation for potential surveillance activities of Soviet naval activities; and also as a vital refueling stop for military aircraft bound for Europe or the Middle East.

No one knows the Azores better than J. Evetts Haley, of Canyon, Tex.

Mr. Haley is one of this Nation's foremost scholars of the American West. His numerous books, biographies, and articles are well known to historians of America's western expansion and folklore.

I know J. Evetts Haley personally. He and his dear wife are close friends. He is a man dedicated to the principles that made America great. He is a man of action, standing firm for his country and its best interests.

J. Evetts Haley knows the Azores. He has lived there; he visits there regularly. He knows the people there, and their yearning for freedom and independence. Because of his extensive travels throughout the world, and his keen knowledge of national security matters, Evetts Haley realizes better than most the continuing strategic importance of the Azores.

Mr. President, J. Evetts Haley has written a significant article about the Azores and America's vital stake there.

I commend this article to my colleagues as instructive of the feelings of many Azoreans about their islands and the role they feel the Azores can play as an ally of the United States.

So that my colleagues may have the benefit of Mr. Haley's views, Mr. President, I ask that the article, entitled "America's Vital Stake in the Explosive Azores," which has been syndicated by the newly formed Washington Dateline news service, be printed in the RECORD.

The article follows:

AMERICA'S VITAL STAKE IN THE EXPLOSIVE AZORES

(By J. Evetts Haley)

The archipelago of the Azores, nine little volcanic islands in the Atlantic beginning some eight hundred miles west of Portugal, are of vital importance to the defense of the Western World. But in keeping with the stupid, if not studied policies of Washington, the United States consistently ignores them.

Under the international disaster called the Carter administration, where ignorance seems compounded by subversive design, that jerry-built political improvisation that passes for America's foreign policy has grown infinitely worse. Meanwhile, world affairs have grown more critical, especially the affairs of Portugal.

As a consequence the relations between the rugged, conservative Azoreans and their politically wanton mother country are rapidly building to a dangerously explosive stage. World economic tensions and antagonistic national interests have accelerated the strain until a violent blowup, comparable politically and socially to the natural volcanic eruptions that formed these islands, is imminent. Whatever the result, it will be of tremendous significance to America and the West.

Our leading military men, free by forced or voluntary retirement from the stultifying political domination of the White House, are agreed on this. Among those expressing concern are two outstanding authorities in the field of defense, Russian intentions, and military intelligence. Major General Daniel O. Graham, says that "the Azores are the most important contribution of Portugal to NATO. In any reenforcement of Europe or the Mediterreanean area, the Azores are critical. This is especially true if the Soviets are militarily involved."

Major General George W. Keegan, Jr., touching on the urgency of the Portuguese situation, charges that "we have turned our backs on our best strategic interests by our failure to support these friendly islands.

"The attitude and policy of our government in regard to the Azores", he continues, "and our failure to recognize their efforts for self-determination, and their rights to freedom and independence, are an unconscionable neglect of our best interests."

The latest illustration of their strategic value was Israel's speedy victory in the Yom Kippur War, made possible by the staged airlift of their essential war supplies in American planes, of necessity refueled enroute at America's leased base at Lejes, on the island of Terceira.

NATO has a refueling station at Ponta Delgaga, on San Miguel, while NATO's all-important submarine sonar tracking station on Santa Maria is the only base in the Atlantic from which the movements of hostile Russia's vast fleet of submarines can be simultaneously monitored as they range with impunity along the coasts of the Americas, northern Africa and Europe.

On the island of Flores, much farther west, France has what is usually referred to as a "meteorological station", but is actually a missile guidance and tracking base, built and maintained under rigid security, through treaty with Portugal. Nor are the Soviets asleep as to the importance of these islands.

The magnificent air field at Santa Maria has been, and is being used to refuel the giant Russian transports that are flying Fidel Castro's and Andy Young's "stabilizing forces" direct from Cuba to Africa, in Russia's "righteous" crusade for the relief of Angola from the terrorists whom we, under Kissinger's cold-blooded control of our foreign affairs, helped free from the prosperous "domination" of the Portuguese settlers. Thus, ironically, the Azores are serving as a handy base for sealing our own perfidy in the betrayal of Portugal's, and the free world's vital interests in Africa.

For decades there has been a smouldering desire in the Azores for independence; now fanned to fiery proportions by the abuses of Lisbon. With outspoken admiration, the Azoreans are recalling the times of the strong-willed Salazar, whose insistence on monetary discipline rescued them from that financial chaos into which Portugal has again fallen.

For four years now the American public has heard little from the media but lavish praise for the specious virtues of the Communist revolution, which overthrew the "right-wing dictatorship", they never fail to intone, of Caetano's legitimate government. Under that regime the escudo was solidly backed with gold, tourism and foreign trade were growing, agriculture improving, labor hard at work, business flourishing, life orderly and peaceful, and the people happy.

There were, it is true, restrictions on utter license, which in the lexicon of the leftists is lyingly defined as freedom. When I went into business and established partial residence in the Azores eight years ago, under the "oppressive laws", since repealed, no agitator from a Communist country could stop overnight in Portugal; no gang of syndicalist labor goons could take over a factory from the owners and wreck the plant; no mob of dirty, long-haired bums could shut down and burn the ancient and honorable university of Coimbra.

Vandalism, petty thievery and burglary were unknown. In search of a residence, I looked at substantial places in the beautiful towns that had stocd vacant for as long as seventy years, their patina-mellowed plaster unscratched; and not an antique window pane broken. Children, mindless of care and molestation, played in the streets in noisy abandon. Unattended women, from the flame of youth to the dark-shawled decorum of age, went their ways by day and night in perfect safety.

Not in the memory of any person I met, and my inquiries were searching, could I find recollection of an armed robbery, murder or rape among the 170,000 gentle inhabitants of my chosen island of San Miguel, where malfactors of the law received short shrift instead of suspended sentences. There was some wealth uncankered by envy; there was some poverty, unattended by degradation or misery. Obviously, in the diseased minds of the proscribed Communists, such an intolerable situation had to change.

By infiltration of the officer's corp in the army, the Communist take-over came on the early morning of April 24, 1974, and "democracy" was imposed by edict, naturally at the point of bayonets. Overnight the ways of life changed.

Now, after four years of Socialist-Communist "freedom," Portugal's labor, sullen and resentful, has plenty of leisure, business is in a shambles, her rich African colonies gone, her government a Soviet satellite, her gold vanished, inflation rife, economy bankrupt.

America's role in this delicate sea of diplomacy where our big mouth, bombast and bravado are cooly countered by a cynical world with finesse and intrigue, is, as always, to try to bail our way out with billions of dollars. Along with the International Monetary Fund, our own advances toward keeping the Soviet-trained Mario Soares in power have already run into the hundreds of millions. In view of Portugal's imminent collapse, and the impending rebellion of the Azores, it would seem that the United States has an opportunity for real statesmanship.

Why not insist, as a condition of further advances, on the independence of the

Azores? The stubborn alternative could well be the precipitation of civil war between them and Portugal. From the standpoint of justice, if there is still resort to any such virtue, are the blood-kin in the islands to be denied equal rights so freely granted by the mother country to the colonies in Africa?

There is no way in which Lisbon could hold the Azores in case of such a rebellion, except through outside intervention. Under the Brezhnev Doctrine Russia's aid might well be invoked, with the Soviets being the willing winner.●

NORMALIZATION OF UNITED STATES-CHINA RELATIONS

● Mr. KENNEDY. Mr. President, I would like to call the attention of my colleagues to an important article in last Sunday's New York Times on the normalization of U.S. relations with the People's Republic of China, written by Prof. Jerome Alan Cohen. In this column, entitled "Normal Ties with China," Professor Cohen who is an associate dean and director of the East Asian legal studies program at the Harvard Law School, examines and clears up three common misconceptions about the legal implications of normalizing relations. His analysis is both succinct and incisive, and contributes significantly to our understanding of this important area of our Nation's foreign policy.

I, therefore, request that Professor Cohen's article be printed in the RECORD.

The article follows:

NORMAL TIES WITH CHINA

(By Jerome Alan Cohen)

CAMBRIDGE, MASS.—Zbigniew Brzezinski, President Carter's national security adviser, on his trip to Peking will be probing China's attitude toward establishing formal diplomatic relations. In the United States there is confusion about the legal implications of normalization. Three misconceptions cloud analysis:

1. Normalization will mean American acceptance of Peking's sovereignty over Taiwan.

If so, the United States would have no legal basis for continuing to defend Taiwan.

Yet, even though the 1943 Cairo Declaration committed America to restore Taiwan to China after World War II, Washington has never formally approved restoration. Between 1945 and 1950, we treated Taiwan as part of China, but we anticipated that the island's de facto status would be confirmed de jure by the forthcoming peace treaties. Once the Korean conflict occurred, however, Washington announced that Taiwan's status was undetermined. This implied the possibility of separating the island from China, and the peace treaties were constructed to confirm Japan's renunciation of Taiwan without confirming China's title.

At Shanghai in 1972, America stated that it "does not challenge" the claim of all Chinese on either side of the Taiwan Strait that Taiwan is a part of China. Although American officials argued that this did not represent another shift in position, it did appear to eliminate the specter that Washington might permanently separate the island from China by failing to fulfill the Cairo Declaration's pledge. Nevertheless, this terminology did not formally confirm Taiwan's reincorporation into China. It simply renewed the hope that the pledge would eventually be fulfilled.

Thus, if in recognizing Peking as the Government of China, Washington does nothing further to clarify Taiwan's status, it will not have undermined its legal basis for defending the island.

2. Normalization need not terminate our 1954 treaty to defend Taiwan.

It has been argued that the treaty, made with the Republic of China, can survive recognition of the People's Republic of China as the new Government of China, since its terms are limited to territory controlled by the Republic of China. This would vastly complicate the normalization process.

The defense treaty, however, was concluded with the Republic of China as the Government of the state of China. Once we meet Peking's first condition for normalization by formally acknowledging the People's Republic rather than the Republic of China as the Government of that state, it will be for Peking, as well as Washington, to determine whether the treaty should be maintained, even though the treaty applies to only a specific area.

Termination of the treaty is the second of Peking's conditions for normalization. Peking has termed the treaty void ever since its negotiation. Moreover, it would make no sense for Peking to succeed to a treaty to defend against an attack by itself, and Peking's leaders have indicated that the treaty will lapse as a result of normalization. No state that has recognized the People's Republic has managed to maintain previously concluded agreements with the Republic of China. We will prove no exception.

The demise of the defense treaty, however, will not prevent the United States from unilaterally guaranteeing Taiwan's defense.

3. Termination of the defense treaty will require formal consent of the Senate or the Congress.

An argument has been made that, since normalization will result in termination of the defense treaty, this will be tantamount to abrogation of the treaty by America and that under American constitutional law the President can abrogate a treaty only with the consent of the Senate or the Congress.

This mistakenly assumes that normalization will amount to abrogation by Washington. Actually normalization is distinct from abrogation, even though, by establishing diplomatic relations with the new Government of China, the President will make it possible for that Government to terminate the treaty. It is not the United States that will be terminating the treaty but China. The President will simply be exercising his traditionally unfettered power to recognize and establish diplomatic relations with the new government of a state. Therefore, no constitutional issue will arise, although the President will plainly be wise to secure Congressional cooperation.●

NARRAGANSETT INDIAN LAND CLAIMS

● Mr. CHAFEE. Mr. President, I am pleased to join my colleague from Rhode Island (Mr. PELL) introducing legislation to deal with the problems surrounding claims of the Narragansett Indians in the town of Charlestown, R.I.

I am sure that many of my colleagues in the Senate are aware of the complexity of this issue. While litigation and negotiations in similar cases elsewhere are underway, there is no definite idea of when those cases will be decided. Hence, it would be some time before we had guidelines for determining the validity of Indian claims and providing a fair settlement.

Claims in other States have received more publicity—either because of the size of the claims or the degree of confrontation between the Indians, the private landholders, and the public officials trying to come to grips with this problem. But the situation in Rhode Island is no less perplexing than any of the others.

On the basis of total acreage, the claims by the Narragansett Indians against Rhode Island certainly are not among the largest of those filed by the various Indian tribes across the country. They do, however, represent one of the highest ratios of acreage under suit to total State size.

All of the parties involved in this settlement deserves a large amount of credit. They maintained a spirit of cooperation throughout many months of deliberations and the protracted negotiations that were needed to assure a high degree of support from the Federal Government. It was this spirit which contributed greatly to the speed of reaching a final settlement.

This lack of animosity should not be mistaken for disinterest on the part of any of the parties.

The citizens of Charlestown, who are waiting for this case to be settled, are being held in a twilight zone of uncertainty. They find themselves in limbo, unable to exercise the basic rights normally associated with owning property. Their inability to get clear title to their land prevents them from liquidating their estate, either for business or personal reasons. They are unable to acquire the credit necessary to make improvements to their property.

Congress has the opportunity to help put an end to this uncertainty. Furthermore, the Federal Government can now show its support for a solution to the Indian land claim problem that satisfies all the participants. This legislation does not represent an attempt by the Federal Government to impose a solution of their own design onto unwilling parties. Rather it represents the consensus of the affected parties in Rhode Island that is the fairest, fastest, and most equitable way of settling this problem.

Staff members from the Rhode Island delegation and representatives of the parties concerned have spent much time and effort in getting the ball rolling toward settling these claims. Senator PELL and I anticipate prompt action from the committees having jurisdiction over this legislation. I urge the full Senate to act on it as quickly as possible when it comes to the floor.●

S. 3049: THE PRODUCT LIABILITY SELF-INSURANCE ACT OF 1978

● Mr. PERCY. Mr. President, today I wish to announce my support for S. 3049, the Product Liability Self-Insurance Act of 1978, introduced by my distinguished

colleagues, Senator CULVER and Senator NELSON.

S. 3049 embodies the recommendations of the Department of Commerce which has made an indepth study of the product liability crisis. The total inability of some businesses to obtain product liability coverage is alarming. Incredibly, many of these firms have never had an unfavorable judgment entered against them. Insurance premiums of some firms have skyrocketed by thousands of percentage points in just the past few years. This necessarily results in higher production costs, higher costs to the consumers, and in the extreme case, the inability of a firm to continue its operations.

S. 3049 would permit businesses to deduct from taxable income certain contributions to a self-insurance reserve fund used exclusively to pay product liability losses and related costs. The bill establishes strict guidelines concerning how much can be placed yearly in the fund. It also places strong limitations on what these funds may be used for. Thus, S. 3049 adequately prevents potential abuse of the reserve fund, but allows firms to build a substantial reserve to pay any product liability losses or related costs such as legal expenses.

It is imperative that responsible action by Congress be initiated to provide a way out of the product liability problem. This action not only would bolster the economic viability of the business involved, but also would protect the consumers and employees of this Nation by assuring that just compensation would be available for injuries they may suffer. I believe that self-insurance reserve funds—and the necessary tax deductions to facilitate the equitable use of these funds—provide the most effective short-term solution to the crisis in product liability.

Congress must continue to examine the ideas which have been offered as a more comprehensive solution to this problem. Tort reform, altered insurance ratemaking procedures, and limitations of liabilities are among the possible approaches that must be explored. It is imperative, though, to provide industry with some immediate way of protecting itself and the consumers of this Nation. For this reason, I am glad to cosponsor S. 3049.●

VISIT OF PRIME MINISTER FUKUDA

● Mr. KENNEDY. Mr. President, on May 2 and 3 the administration and Congress had the great honor and pleasure of hosting Prime Minister Takeo Fukuda in Washington, for the 15th top-level consultation between our two countries since President Eisenhower met Prime Minister Kishi in 1957.

I was personally delighted to see Prime Minister Fukuda again after meeting with him in Tokyo last January. Both meetings impressed me with his deep personal commitment to strengthening the major political and economic ties between our two countries.

Then as now, I welcomed his strong interest in making our bilateral relationship a force for peace and prosperity not only in Asia, but throughout the world.

Then as now, I welcomed his 7-percent target for Japanese domestic growth and his serious efforts both to increase Japan's imports of American goods and to reduce the Japanese current account surplus.

When the Prime Minister visited the Senate, I joined with my colleagues in telling the Prime Minister of the importance of succeeding in these efforts—both for the sake of the global economy and for the sake of our bilateral trade relationship.

I have no doubt that the Prime Minister's meetings with President Carter furthered these important objectives. The meetings were of great value in stressing the importance of progress in the multilateral trade negotiations in Geneva and in preparing for the July economic summit in Bonn. Most fundamentally, they underlined that our relationship with Japan is the cornerstone of U.S. policy in Asia, and that the United States intends to play an active and constructive role of partnership in the region.

I applaud Japan's increased contribution of $10 million to the U.N. High Commissioner for Refugees, to help meet the critical needs of Indochina refugees. Equally important is Japan's expressed readiness to accept refugees for resettlement under certain conditions.

A further sign of Japan's new sense of international responsibility is the Prime Minister's announced intention to double official development assistance within 3 years instead of 5, to pursue a policy of general aid untrying, and to make additional contributions to international institutions such as the Asian Development Bank.

On the cultural and intellectual front, Japan has moved to share the costs of the Fulbright program between our two countries, and to contribute $1.4 million to the Boston Museum of Fine Arts. These are substantial and welcome contributions to Massachusetts and our two nations.

In our close and multifaceted relationship, it behooves Japanese and Americans to look forward to expanded efforts in energy, science, and technology—the challenges of the future—in addition to the political and economic relationships of the past. These were key themes in a speech delivered by Prime Minister Fukuda on May 4 before the Japan Society in New York.

In his speech, Prime Minister Fukuda stressed that Japan "must adhere to its historic commitment to peace" and "must accept growing responsibilities within the international community, directing our economic strength and our human resources and energies to the common goals of building peace and prosperity in the world"—the two guiding principles of his January policy speech to the Japanese Diet. Complementing these themes was a speech delivered by Zbigniew Brzezinski on April 27, also before the Japan Society, in which he said:

The relationship that has developed between the United States and Japan is uniquely significant. Despite differences in our national situation and national styles, we have fashioned ties that are rooted in shared interests and common values—our commitment to democratic procedures, civil rights, the market system, a free press and open societies.

Mr. President, I request that the full texts of the speeches by Prime Minister Fukuda and Dr. Brzezinski be printed in the RECORD.

The speeches follow:

ADDRESS BY THE PRIME MINISTER OF JAPAN, TAKEO FUKUDA

Mr. Rockefeller, Mr. Burgess, Distinguished Guests, Ladies and Gentlemen: Following my two days of constructive discussions in Washington with the leaders of your Government, I am delighted with the opportunity to address this audience of American opinion leaders, interested in Japan-U.S. relations. Both the Japan Society and the Foreign Policy Association have long and impresive records in public education on international relations and intercultural understanding.

The work you are doing is virtually important, the more so as mankind approaches the critical challenges that mark the end of this century and the beginning of another.

Just one year ago, soon after we assumed our respective offices, President Carter and I met to discuss the shape of Japanese-American cooperation in a global context. This year, bearing in mind the results of our last year's efforts, we sought to define more concretely the respective and cooperating roles of Japan and the United States in building a better world.

Needless to say, it is the present vigorous state of Japan-U.S. relations which provides a solid foundation for implementing our cooperation.

Looking back on Japan's postwar history, we cannot doubt that our cooperative relationship with the United States, based on our Treaty of Mutual Cooperation and Security, has played a critical role in insuring peace and Japan's security, and in bringing about the prosperity we enjoy today.

However, I must emphasize that the Security Treaty not only plays this one-way role of insuring peace and security for Japan, but has also come to symbolize the full spectrum of the Japan-U.S. relationship, and provides the basis for what has become our total partnership for the promotion of peaceful and friendly international relations.

Today, as the international community has become increasingly interdependent, and as Japan's national strength has been enriched, this partnership has reached beyond the boundaries of purely bilateral coordination. It has become increasingly important that we work together hand in hand for the realization of our shared international goals. Our Japanese-American partnership, firmly founded on our Security Treaty, is ample framework for this kind of cooperation.

Asia, where the vital interests of both our countries are joined, presents the most creative opportunities for long-term Japanese-American cooperation in furthering peaceful development and regional stability.

Japan, as a member of the Asian community, fully realizes that the maintenance of stability and peace in Asia—which is inseparable from world stability and peace—is an essential condition for our own well-being. Japan recognizes its international responsibility to contribute positively to the stability and prosperity of this region.

My visit to Southeast Asia last August was in fact inspired by this belief. In Manila, the last stop on my tour, I expressed in the

form of three principles, Japan's fundamental posture in Asia.

The first principle is that Japan, having committed itself to peace, rejects the course of a military power, and dedicates its resources to the peace and prosperity of Asia and the world.

My expression of this determination was strongly endorsed by the nations I visited. That endorsement eloquently demonstrates the role those countries expect of Japan.

What I wish to emphasize at this point is that such a role is possible for Japan only because of the Japan-U.S. security partnership. I earnestly hope the American people fully appreciate the fact that the mode of cooperation which the countries of Asia expect of Japan is that of a nonmilitary neighbor, devoted exclusively to peace-building.

The second principle is that the relationship between Japan and Southeast Asia must be one of genuine friends, based on mutual confidence and trust, not one of calculation or economic domination. At a time when the nations of Southeast Asia are stepping up their nation-building efforts through regional cooperation, I believe it is of the utmost significance to the continuing stability of the region that Japan establish its cooperative relationship as a fellow and equal partner in the Asian community.

The third principle I emphasized in Manila is that it is important to the consolidation of peace in Asia as a whole, and in Southeast Asia in particular, to foster peaceful and mutually beneficial relations with the nations of Indochina, despite differences in social systems. I trust that diplomatic efforts in this direction will have positive meaning for peaceful relations among the nations of Southeast Asia.

I was very much reassured, in the course of my recent talks with President Carter, that the United States, as a Pacific nation, sustains its deep interest in Asia, and is determined to play a constructive role for the maintenance of peace and stability in the region. The current visit of Vice President Mondale to three ASEAN countries, and to Australia and New Zealand, is a manifestation of that determination. Further, we welcome highly the reaffirmation of the United States commitment in the Asia-Pacific region as expressed in the recent speeches by Ambassador Mansfield or by Dr. Brzezinski under the auspices of the Japan Society.

It is extremely important that the United States continue to demonstrate its determination, through concrete measures, to maintain its interest and its presence in Asia. This is the key to dissipating any anxieties in Southeast Asia that the United States may drift away from Asia, and for undergirding and reinforcing Japan's constructive role in promoting Asian stability and prosperity.

My country is highly appreciative of the posture of the United States and, building on the cornerstone of our alliance, Japan intends to broaden and diversify its cooperative efforts to enhance the truly peaceful and prosperous development of this important region.

The present condition of the world economy presents the most threatening challenge we face as Japan and the United States work together to build a better world. There is little room for optimism on the part of either developed or developing countries. I am deeply concerned that, unless we find a way out, a situation may develop where world stability and peace are endangered. It is most important that the United States and Japan, two of the greatest economic powers in the world, approach this challenge, not as bilateral problems between our two countries, but rather as a responsibility—and, indeed, an opportunity—to contribute individually and jointly to the stable expansion of the world economy.

It was precisely in this context that Japan and the United States conducted the series of economic consultations which began last fall and resulted in the Joint Statement of Minister Ushiba and Ambassador Strauss last January. The results were gratifying in that both countries, in a spirit of cooperation, reaffirmed our joint commitment to work together, each from its own position, for stabilization of the world economy.

It is important to note that the Ushiba-Strauss statement was based on the concept that these problems can be resolved, not through protectionism and the contraction of world trade, but through liberalism and world trade expansion. This concept should serve as a guiding principle in our search for greater prosperity in the world economy as a whole.

Japan's contributions include the effort to expand domestic demand by speeding our economic recovery, and thus indirectly to buoy up the world economy. Despite the obvious difficulties, we have adopted a highly stimulative national budget, depending by as much as one third on a bond-financed deficit. Our target of 7 percent real growth this year is far higher than the growth target of any other developed economy. The Bank of Japan has reduced the discount rate to 3.5 percent to help stimulate domestic demand, and we are endeavoring to expand imports by slashing tariffs, liberalizing quota controls, expanding quotas on a number of products, liberalizing foreign exchange controls, expanding import financing, and related measures.

As a result of all these initiatives, the Japanese market is today about as open and accessible as the United States, and the opportunities for exporting to Japan are greatly expanded. The import-promotion mission we sent to the United States last March achieved considerable success by seeking out, and buying substantial amounts of American products. I hope the United States will respond with a redoubling of your efforts to promote American exports to Japan.

Cooperation between Japan and the United States is virtually a precondition for the success of the Multilateral Trade Negotiations, which are now reaching a critical stage, and the July Economic Summit. That is to say, the issues posed by the Summit agenda, particularly the progress in the trade talks, are among the most important where the United States and Japan—because of our prominent status in the world economy—must exercise strong leadership for the entire world.

Japanese-American cooperation on international economic matters will not end with the successful completion of the MTN or at the next Summit. Our continuing, long-term cooperation and solidarity are essential in the interests of achieving world economic prosperity.

As a matter of practicality, the world economy should not depend for its health and stability on the United States alone, since this is a responsibility that must be shared among all the major developed countries. Nonetheless, the fact that the U.S. economic power outrivals all others is unlikely to change in the foreseeable future. I count therefore on continuing U.S. leadership in such areas as the maintenance of free trade, stabilization of international currencies, and efficient utilization of energy resources.

The world economy is in the doldrums. The developing countries are suffering particularly severely. Never before has there been such urgent need to strengthen international cooperative efforts to resolve the economic difficulties facing the developing nations, and to promote their economic and social development. Both Japan and the United States, individually and in concert, must play increasingly important roles in this enterprise.

Last May Japan pledged to more than double our Official Development Assistance within five years. I can tell you here today, proceeding even further, Japan now strives to achieve the doubling of its ODA within three years.

I wish also to announce here today our intention to improve further the terms and conditions of our aid, seeking to reach as soon as possible the recommended OECD target. We are improving the terms and conditions of government loans, expanding our grant aid, and implementing the basic policy of untying financial assistance, in response to the requests of recipient countries.

Aid is an exercise which cannot be expected to produce overnight results. All the countries involved must, above all, sustain a steady and patient effort in the spirit of cooperation and common commitment. It would be appropriate for Japan and the United States to join forces in meeting this responsibility more forcefully, in the context of our roles in building a better world.

Only some 20 years remain before we enter the 21st century. It is no mere fantasy to ask what we can do together to assure the well-being and happiness of those generations who, in the 21st century, will inherit the fruits of our efforts.

From this perspective, I should like to explore with you briefly the area of science and technology as a most promising opportunity for cooperation between Japan and the United States.

Modern science and technology, as our generations know very well, can either contribute immeasurably to human comfort and convenience, or can be the servant of war and destruction. Science can provide impetus to new productive activities, and serve as a prime mover in the future expansion of the world economy, or can waste our resources and threaten our survival.

Exactly because of this dual character of science and technology, I believe it is the duty of Japan, a nation dedicated to peace, to participate vigorously in cooperative international efforts to utilize science and technology solely for improving the standard of living of the world's peoples.

In the course of my discussions with President Carter, I made some specific proposals for scientific and technological cooperation.

Japanese-American cooperation is most urgently required in pursuit of the technical feasibility of developing nuclear energy for peaceful purposes, without the risks of proliferation of nuclear weapons. The importance of peaceful nuclear energy cannot be overemphasized, especially for a country such as Japan, which has no significant energy resources of its own, and ranks second only to the United States as an importer of oil.

Japan, which experienced untold suffering brought about by the use of nuclear weapons, is deeply committed to the three non-nuclear principles—not possessing, not producing, and not permitting nuclear weapons to be introduced into Japan, and as a signatory to the Treaty, cooperates with the United States in international efforts to establish firmly in the world a nuclear non-proliferation regime.

At the same time, however, efforts to prevent the spread of nuclear weapons should not foreclose the development of peaceful applications of nuclear energy. Japan is convinced that these two objectives can and must be reconciled. Indeed, a solution in which one objective supersedes the other cannot be a viable solution. I believe that Japan and the United States can make a most constructive contribution to world in-

terests by cooperating in the development of technologies to make these two objectives compatible.

When we consider the peaceful uses of nuclear energy, to secure safety is the indispensable prerequisite. Especially, as we realize that both Japan and the United States use the same type of nuclear power reactors, for Japan and the United States to cooperate together in the research for nuclear safety, so as to improve the safety and reliability of nuclear reactors, will indeed serve the common interest of both peoples.

From a longer-range point of view, the development of new alternative sources of energy invites expanded Japanese-American cooperation. Since world oil reserves are expected to come close to depletion at the end of this century, both our countries should strengthen our cooperative efforts for energy conservation and the development of new energy sources, including solar and geothermal energy, nuclear fusion, tidal power, oil sand, oil shale, and gasification of coal. I should like to suggest nuclear fusion and solar energy as particularly useful areas for joint R & D, since both are considered to be ultimate energy sources for the future.

Fusion involves harnessing almost unlimited energy from a man-made process which employs the same principle by which the sun creates its heat and light in nature. It is, in effect, the creation of a miniature sun on earth. Japanese and American experts are already exchanging technical information in this field, but I should like us to take a step further, pooling our human and financial resources in a joint effort to realize an ultimate dream of mankind.

Solar energy involves more efficient utilization of the sun's light and heat, which are the source of all other energy, including fossil fuels. A working-level arrangement is about to be signed, between experts of both countries, for technical cooperation on some aspects of solar energy, and concrete research programs are expected to be pursued.

There seems, however, to be far greater potential for tapping solar energy. An example of this is utilization of the mechanism of photosynthesis, by which, in nature, plants tap the energy of sunlight to "manufacture" their food. This deserves to be taken up in a cooperative research effort.

Colossal investments in human and material resources are needed for research and development in all these areas. With a view to making more efficient use of limited resources available, and to make Japan-U.S. cooperation more meaningful, I wish to propose that Japan and the United States seriously study the establishment of a joint fund for the advancement of science and technology, to serve as a framework for international cooperation in these areas. I hope to pursue this idea with our American colleagues concerned, and I trust you and your countrymen will be responsive to my proposal.

Needless to say, there is no reason to limit such partnership in scientific and technological cooperation to Japan and the United States alone. The door could be open for participation in these projects by all countries which wish to cooperate with Japan and the United States to put science and technology to work for the well-being of mankind.

At the beginning of this year, in my policy speech to the National Diet, I set forth my convictions regarding Japan's role in building a better world, summing up in two guiding principles:

First, Japan must adhere to its historic commitment to peace, permanently rejecting the option of becoming a major military power, and promoting friendly cooperation with all nations and solidarity with the world community.

Second, Japan must accept growing responsibilities within the international community, directing our economic strength and our human resources and energies to the common goals of building peace and prosperity in the world.

I believe that these will be the guiding principles for Japan as it strives together with the United States to strengthen further our friendly and cooperative relationship. I am resolved to do my utmost, on the basis of these two principles, hand in hand with the United States, toward realizing a truly peaceful and prosperous 21st century.

ADDRESS BY ZBIGNIEW BRZEZINSKI

AMERICA AND JAPAN IN AN ERA OF INTERDEPENDENCE

I would like to speak to you this evening about United States relations with Japan. I shall begin with a few remarks about the Administration's broader intentions in foreign policy, for this defines the context of our bilateral relationship. Our approach reflects both substantial continuity with the policies of our predecessors, and some important nuances of change.

1. We seek wider cooperation with our key allies. Close collaboration with Japan and Western Europe has long been the point of departure for America's global involvement; however, we are also seeking to broaden these patterns of cooperation to include the new "regional influentials", thus responding to changes over the last 15–20 years in the global distribution of power.

2. We are seeking to stabilize the U.S.-Soviet relationship, pursuing through a broader range of negotiations a pattern of détente which is to be both comprehensive and genuinely reciprocal. At the same time we are expressing cautious but more explicit American interest in Eastern Europe.

3. We intend to maintain sufficient military capabilities to support our global security interests. Above all, we shall maintain an adequate strategic deterrent; preserve—along with our NATO partners—the conventional balance in Europe; and develop a quick-reaction global force available for rapid redeployment in areas of central importance to the United States, such as Korea.

4. Politically we shall remain engaged in all regions. In the Asia-Pacific area, we shall preserve a strategic and economic presence consonant with our large and growing stake in the region. Above all, this requires a widening of our cooperation with Japan and an expansion of our relationship with China. We shall enhance our collaboration with the moderate states in Africa in the cause of African emancipation. No longer tied to only a regional approach, we shall strengthen our bilateral ties with the nations of Latin America while cooperating with them more fully on their global concerns. We shall continue to pursue a genuine settlement in the Middle East while expanding our relationship with the moderate Arab countries.

5. We shall increase our efforts to develop constructive and cooperative solutions to emerging global issues. Above all, we need to head off any drift toward nuclear proliferation.

6. We shall seek to sustain domestic support for our policies by rooting them clearly in our moral values. We believe that our devotion to human rights is responsive to man's yearning everywhere for greater social justice.

This is an ambitious agenda. We shoulder the responsibilities it imposes on us willingly. But obviously we cannot shoulder them alone. Success will require greater cooperation, above all with our closest friends.

THE CENTRALITY OF U.S.-JAPAN RELATIONS

Japan is clearly such a close friend. We have been impelled toward a special relationship with Japan by the force of history and by strategic and economic imperatives. The members of this society have long recognized the basic proposition I wish to affirm this evening: Close partnership between the United States and Japan is a vital foundation for successful pursuit of America's wider objectives in the world. If relations between America and Japan are strong, we benefit and the world benefits; when we run into difficulties, we suffer and others suffer with us.

Our alliance not only protects the security of Japan and America; it has also become a central element in the equilibrium in the Pacific, which all the Major Powers share a stake in preserving.

Japan is our largest overseas trading partner; trade between us exceeded $29 billion in 1977. Economic cooperation confers benefits on each of us; it also sustains the prosperity of the Pacific Basin, and the stability of the international trade and payments system.

Effective responses to pressing global issues—whether the development of alternative sources of energy, expanding food production, assuring equitable access to the riches of the ocean area, or stemming nuclear proliferation—demand active collaboration between us.

In short, we are mutually dependent. No relationship in our foreign policy is more important. None demands more careful nourishment.

While cooperation between the United States and Japan is indispensable, it is not automatically assured. Managing our relationship has become more challenging as our links have grown more numerous and more complex, and as each nation's policies have come to have a more direct impact on the welfare of the other's people. Moreover, most of the problems we face are bigger than both of us—they are not susceptible to bilateral resolution, and they arise most frequently in multilateral forums.

It is scarcely surprising, therefore, that our relations have not been entirely free of difficulties. Over the last year, for example, our approaches to nuclear reprocessing diverged to some extent, and we experienced a large trade imbalance.

In each case we consulted closely. We devised arrangements for managing these problems which reflected both our respective concerns and the broader interests of the international community. We demonstrated that the test of effective ties between societies as dynamic as ours and economies as competitive as ours is not the absence of problems, but the spirit in which we confront them, and the competence with which we resolve them.

THE CURRENT CHALLENGE

Our interests and Japan's require that we broaden and deepen our ties, adapting our relationship to an era in which our policies have a global impact. This imposes on each of us an obligation to take each other's interests and perspectives carefully into account on a wider and wider range of issues.

Japan's extraordinary economic growth has challenged it to define a wider vision of its role in the world—in Asia and beyond. Japanese decisions, which once would have been considered domestic in character, now impinge directly on the interests of distant nations. Japan's capacity to promote global economic development, to aid its neighbors, to promote a constructive North-South dialogue, to encourage the reconciliation of former rivals, and to provide for its own de-

fense have grown. So have the expectations of Japan on the part of the international community. A commitment of Japan's political and economic capabilities to the achievement of major global goals is essential to a strong U.S.-Japanese relationship.

In recent years the United States has placed its relationship with Japan primarily in a setting of collaboration among the advanced democratic countries. This is entirely appropriate. It is important that we remember, however, that while Japan is an industrial power, it is also an Asian nation, acutely interested in the continuity of America's role in the Pacific. Uncertainties about our Asian intentions have inevitably arisen in the wake of our disengagement from Indochina, and our planned ground force withdrawal from Korea. A strong American role in the Pacific remains essential for the protection of our own strategic interests. It is also an important factor in our relationship with Japan.

We must adjust our relationship to accommodate these concerns.

BROADENING U.S. COOPERATION WITH JAPAN ON GLOBAL ECONOMIC AND POLITICAL ISSUES

In the economic field, the world has had to accommodate to Japan's growing strength, even as Japan has been adapting its own policies to shoulder the responsibilities which strength confers.

Neither we nor the Japanese have adjusted policies quickly enough in recent years to avoid major difficulties. Consequently our economic relations have been marked over the past year by a growing Japanese current account surplus, sharp imbalance in our bilateral trade, a huge U.S. balance of payments deficit, and currency disorders. These structural problems arise particularly out of the dramatic growth in U.S. oil imports in recent years, and from Japan's transition to an era of lower economic growth. They have global consequences.

Only through concerted action by all the advanced industrial democracies can we deal effectively with our common problems. We will all go forward together to lower trade barriers, or succumb together to protectionism. That is why we must assure a continued expansion in world trade through the successful conclusion of the Multilateral Trade Negotiations in Geneva this summer. The United States has taken the lead by presenting a forthcoming tariff offer which we expect other strong economies to match.

The United States and Japan must bear special responsibilities for actions which will not only reduce barriers to trade through a fair and balanced MTN agreement, but also promote continued economic recovery, check disorderly exchange rate movements, encourage energy conservation and the development of alternative sources, and increase the transfer of resources to promote growth in the economies of the developing nations. We cannot afford to pursue beggar-thy-neighbor policies, export our domestic problems to others, or look for scapegoats. We have a mutual responsibility to deal with the fundamentals of these problems.

The United States must take decisive action in several areas:

The implementation of an effective energy program is the most important step. We must substantially reduce our oil imports if we are to reduce our current accounts deficit, diminish pressures on the dollar, and stabilize international money markets.

The Administration presented an energy bill to the Congress more than a year ago. We need action, and if Congress does not act, then the Executive Branch must. While the United States has the largest problem in this respect, the question of how to take joint action to conserve and develop alternative sources of energy must engage the efforts of all advanced nations as well—and particularly those like Japan which experience extraordinary dependence on external sources of supply.

We must bring inflation under control not only for domestic reasons, but also to bolster our competitiveness in international trade.

We must devote more effort to the promotion of American exports. In the months to come the Administration shall look not only for ways to encourage exports but to reduce or eliminate current governmental practices which reduce our competitiveness and discourage our business community from searching out overseas markets.

These adjustments are required not only to underpin our economic position in the world, but to enhance the stability and growth of the international economy, and thus fortify our economic ties with Japan.

Japan must make comparable structural adjustments for it has become too large an economy to rely on export-led growth.

The Japanese Government recognizes the need for such adjustments and has begun actions designed to achieve sharp reductions in its current accounts surplus in 1978; an economic growth rate of 7% this fiscal year; an MTN agreement assuring the U.S. of reciprocal and roughly equivalent access to the Japanese market; and expanded long-term capital flows to the developing countries.

These measures are essential to the vitality of the world economy as well as the continued health of our bilateral relations. We must be decisive in action, and patient in awaiting the results.

If one looks beyond current economic problems, there is a remarkable consonance of view between the United States and Japan on virtually all major international issues. We intend to sustain this confluence in our approaches toward the Major Communist Powers, toward Asian issues, toward the North-South dialogue, and toward major international negotiations. We look for Japan to play a more active political role in dealing with such matters. It is neither necessary nor possible to preserve identical policies on such issues, but the development of compatible approaches to common problems should be an objective for us both.

AMERICA'S ROLE IN ASIA

Close cooperation between us is especially important in Asia. There have been recurrent suggestions that the U.S. is withdrawing from Asia. These suggestions are untrue. The United States will maintain a strong and diversified military presence and an active diplomacy in the Asian-Pacific region to support our growing economic and political stakes in the area.

Above all, we shall sustain the Treaty of Mutual Cooperation and Security with Japan. For Japan this Treaty offers strategic protection and firm moorings for its diplomacy. For the United States alliance with a Japan steadily improving its self defense capabilities provides the anchor for our position in East Asia, and extends the reach of our strategic and political influence in the Pacific. Beyond these reciprocal benefits, our alliance contributes to the stability of Northeast Asia and the Pacific, and it threatens no one.

We will manage ground combat force withdrawals from Korea in a prudent fashion and help build up South Korea's capabilities in order to assure that there is no weakening of its defenses.

We shall preserve the strength of the 7th Fleet and our air units in the Pacific while improving them qualitatively.

We shall strengthen our ties with our traditional allies in Australia and New Zealand.

And we shall seek to assure our continued access to military facilities in the Philippines through arrangements which take full account of Philippine sovereignty over the bases.

We shall deepen our bilateral relations with the non-Communist states of Southeast Asia, and encourage the growing cohesion of ASEAN. And we shall persevere in our measured efforts to develop constructive relationships with Indochina.

In recent years Asian nations have come to depend more heavily upon U.S. trade and investment as a result of our strong and steady growth and the comparatively greater access Asian producers of manufactured goods enjoy in our market. We expect that to continue.

The American-Chinese relationships is a central element of our global policy. We shall endeavor to expand our relations with the People's Republic of China. It is important that we make progress in normalizing relations with China, and we shall consult with the Chinese on major international matters that are of importance to us both.

The steady implementation of these policies is required by our own interests, and should converge with Japanese interests.

Our defense cooperation, specifically, is excellent. Japan is strengthening its air and naval defenses. Cooperation between our uniformed services is growing. Base issues arise less frequently, and are resolved amicably. Last fall Japan agreed to help with some of the expenses associated with our military presence.

We look for these trends to evolve further, even as Japan continues to remind the world that security cannot be achieved through military strength alone. Through such measures as Prime Minister Fukuda's trip to Southeast Asia last summer, Japan has undertaken to expand its role in Asian development, speed the development of a strong regional grouping in Southeast Asia, and discourage the emergence of polarization between two antagonistic blocs in that area. These are constructive steps and we welcome their vigorous implementation.

In the weeks ahead, there will be visible evidence of our resolve to intensify America's diplomatic efforts in Asia.

Vice President Mondale will depart Saturday for Southeast Asia and the Southwest Pacific. He will visit the Philippines, Thailand, Indonesia, Australia, and New Zealand, on a mission which we consider of great importance. Important changes are taking place in that region. The Vice President will be assessing the force and direction of those changes in order to offer recommendations on how we can continue to play a constructive role commensurate with our significant stake in the prosperity and security of that area.

On May 3 Prime Minister Fukuda will visit Washington for consultations with President Carter. We welcome this chance to harmonize our approaches to key issues in advance of the Bonn Summit in July. The two leaders know and respect each other; I know personally that they work well together.

On May 18 I will embark on a trip to Northeast Asia. In Peking I will discuss global issues of parallel concern with Chinese leaders. Subsequently I will visit Tokyo and Seoul to hold consultations with the leaders of Japan and the Republic of Korea.

CONCLUSION

The relationship that has developed between the United States and Japan is uniquely significant. Despite differences in our national situation and national styles, we have fashioned ties that are rooted in shared interests and common values—our

commitment to democratic procedures, civil rights, the market system, a free press and open societies.

The attributes of the Japanese people and nation are formidable. As a people and a nation we have come to respect, admire and often learn from Japan—even as we compete. This is the essence of our interdependence which has been built carefully with trust, vitality, and common purpose.

Looking back at what we have created over the past 30 years, we can assert with confidence that we have established a permanent partnership of value not only to ourselves but to the entire world community.

We shall work to assure its durability.●

SENATE LEGISLATIVE ACHIEVEMENTS—JANUARY 19, 1978–MAY 26, 1978

Mr. ROBERT C. BYRD. Mr. President, during the first 4 months of the second session of the 95th Congress, the Senate debated and passed legislation of profound importance to the Nation and its citizens. In at least two instances, the Senate action culminated years of work on a particular piece of legislation.

Senate approval of the historic Panama Canal treaties, for instance, marked the culmination of 14 years of negotiation by the executive branch on the thorny issues surrounding the Panama Canal. Only the Treaty of Versailles required more than the 271 hours of debate that were devoted to the Panama Canal treaties. The careful examination and study by Senators of the canal treaties resulted in important clarifications of the American right to defend the canal, and to priority passage for our ships in time of need or emergency.

The debate marked a milestone in the history of the Senate, with broadcasts of Senate sessions allowed for the first time through National Public Radio's network of 211 stations. Senate approval of the treaties represented a landmark in our relations not only with Panama, but also with all the other nations of Latin America.

Despite the tendency to think of the past 4 months in terms of the Panama Canal treaties, the Senate also passed a number of other extremely important pieces of legislation.

The Senate, early this session, totally overhauled the Nation's Federal criminal laws—the first codification of our criminal laws in history, and the culmination of work that began over 10 years ago. We also passed a number of smaller bills to improve the judicial system.

In the area of child abuse and pornography, two bills were signed into law this year to protect the well-being of our children. It is now a Federal offense to use children in the production of pornographic materials which are to be mailed or otherwise transported in interstate or foreign commerce. Boys and young men are now protected under the Mann Act. Congress authorized programs to prevent sexual abuse of children and to treat abuse and neglect when they occur. Interstate adoptions and placement of children with special needs in permanent adoptive homes will be facilitated under new laws.

To remedy widespread misuses of wiretapping equipment, the Senate passed legislation requiring a warrant to conduct electronic surveillance for foreign intelligence purposes within the United States for a defined period of time.

In response to the urgent need for effective international safeguards and controls on peaceful nuclear activities, the Congress enacted the Nuclear Nonproliferation Act which is the most comprehensive piece of nuclear legislation since the Atomic Energy Act of 1954. This new law, which was the product of 2½ years of work by members of three committees on the Senate side alone, sets up a more effective framework for international cooperation to meet the energy needs of all nations and to assure that nuclear exports do not contribute to proliferation. This law will lessen the proliferation of nuclear materials and technology by giving nations incentives to join in nonproliferation activities and to ratify the Nuclear Nonproliferation Treaty.

More recently, the Senate approved overwhelmingly legislation to restore a measure of free market competition to the commercial passenger airline industry. Consumers will benefit from airline deregulation by lower long-distance air fares. Cuts in air service to small communities have been safeguarded against in the bill as passed the Senate.

To alleviate the plight of American farmers, the Congress acted on two measures. The Secretary of Agriculture was given discretionary authority to increase the target prices for agricultural commodities for the next four years and Federal agricultural financial assistance programs were expanded. A special farm credit measure establishing a new economic emergency loan program, which is now in conference, will further increase assistance to hard-pressed farmers and ranchers.

Approval earlier this week by Senate and House conferees of a compromise to gradually remove Federal price controls on natural gas paves the way for enactment of the President's energy package. No Congress since 1956 has been able to reach agreement on this issue.

Among other important actions taken this year, the Senate supported the President's sale of aircraft to Egypt, Israel, and Saudi Arabia. We authorized $2.4 billion for public works improvements for navigation on inland waters and imposed an inland waterway fuel tax on commercial barges. We established minimum Federal standards governing the termination and nonrenewal of gas station franchises. We simplified certain requirements of the Truth-in-Lending Act and expanded the Redwood National Park by 48,000 acres. We recommended budget levels in the first congressional budget resolution.

A summary of major legislation the Senate has passed this year is contained in a report prepared by the staff of the Democratic Policy Committee. I ask unanimous consent that this report be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the Record, as follows:

MAJOR LEGISLATION SUMMARY

(95th Congress—2d Session)

Agricultural Credits. Amends the Consolidated Farm and Rural Development Act in order to improve Federal agricultural assistance program; establishes a new economic emergency loan program for farmers and ranchers; and amends and extends the Emergency Livestock Credit Act of 1974. H.R. 11504—Passed House April 24, 1978; Passed Senate amended May 2, 1978; In conference. (146)

Airline deregulation. Sets forth U.S. policy to develop an air transportation system which places increased reliance on market competition, with safeguards against unfair or predatory practice or decreases in services to smaller communities;

Revises current standards governing entry application for interstate and overseas scheduled air transportation to promote competition by directing the Civil Aeronautics Board (CAB) to authorize proposed air transportation entries unless it determines that such transportation is not consistent with the public covenience and necessity, thereby negating current policy whereby a proposed new service must be "required" by the public convenience and necessity; establishes a graduated automatic entry program by allowing existing carriers to enter one new route a year for the first two years and two new routes a year thereafter without CAB approval; provides a five-year adjustment period to the automatic entry program during which carriers may place a limited number of their routes outside automatic entry and during which subsidized and smaller carriers will be protected by limiting the number of their unprotected routes;

Contains provisions throughout the bill requiring expedient action on all applications, complaints, and other matters filed before the CAB; and creates a new section of the Federal Aviation Act to insure surveillance of safety standards throughout the transitional period of reform. S. 2493—Passed Senate April 19, 1978. (146)

Criminal code reform. Creates for the first time a systematic, consistent and comprehensive Federal criminal code to remedy the hodgepodge that now exists, by replacing title 18 with a "Federal Criminal Code"; creates a Sentencing Commission to establish guidelines to govern the imposition of sentences for all Federal offenses, taking into consideration factors relating to the purposes of sentencing (deterrence, protection of the public, assurance of just punishment and rehabilitation), the characteristics of the offender, and the aggravating and mitigating circumstances of the offense; provides for a penalty structure of consistent penalties for conduct of a similar nature or seriousness; provides for appellate review of a sentence by appeal of the defendant if it exceeds the maximum guideline for such a crime or by the government if it is less than the minimum; provides that the maximum term of imprisonment established by the Commission shall not exceed the minimum by more than 25 percent; requires the Commission in promulgating guidelines to consider alternatives to incarceration for nonviolent first offenders; allows pretrial detention of an individual charged with a serious crime such as murder, rape, armed kidnapping, drug trafficking, and armed robbery; reduces the present 79 different terms to define states of mind to four: intentional, knowing, reckless, or negligent; applies sex offenses without discrimination to both men and women and includes forcible sodomy in the definition of rape; provides that rape by means of

force, threats of imminent serious injury, kidnapping or drugs will be punishable even where the victim is married to the offender; eliminates corroboration of a victim's testimony; prohibits defense or grading distinction based upon the promiscuity of the victim and severely restricts inquiry into the prior sexual conduct of the victim; expands the offense of kidnapping to include a case in which one holds his own child for ransom, as a hostage, or with similar criminal intent; provides that simple possession of more than 100 grams (about 1 pound) of an opiate (which retails for at least $4,000) is made a more serious offense than a simple possession of other drugs; makes possession of 30 grams (about one ounce) or less of marijuana subject to prosecution by summons rather than arrest, reduces the penalties and has liberal provisions for expungement of the record of conviction; and contains provisions regarding wiretapping, racketeering, white collar crimes, among others. S. 1437—Passed Senate January 30, 1978. (21)

Emergency Agricultural Act. Amends the Food and Agricultural Act of 1977 to give the Secretary of Agriculture discretionary authority to increase the target prices for wheat, feed grains and upland cotton for the 1978 through 1981 crops whenever a set-aside program is in effect for one or more of these crops; if the target price is increased for any commodity for which a set-aside is in effect, allows the Secretary to increase the target price for any other commodity in such amounts as he determines necessary for the effective operation of the program; makes technical changes in the formula contained in the 1977 Farm Act for computing the loan level for upland cotton, and sets a minimum loan level of 48 cents per pound regardless of the formula for the 1978–81 crops; increases the borrowing authority of the Commodity Credit Corporation from $14.5 to $25 billion, effective Octber 1, 1978; and provides that the Secretary may permit the acreage set-aside or diverted from the production of a commodity to be devoted to the production of any other commodity for the conversion into gasohol if the Secretary determines that such production is desirable in order to provide an adequate supply of gasohol and will not adversely affect farm income. H.R. 6782—Public Law 95–279, approved May 15, 1978. (72, 85)

First budget resolution, 1979. Recommends 1979 total estimated revenues of $447.9 billion, budget outlays of $498.8 billion, budget deficit of $50.9 billion, budget authority of $568.85 billion, and public debt level of $849.1 billion as compared to the President's recommendations of $439.6 billion in estimated revenues, $500.2 billion in budget outlays, $60.6 billion in budget deficits, $568.2 billion in budget authority, and $867.5 billion as the public debt level. S. Con. Res. 80—Action completed May 17, 1978. (140)

Foreign Intelligence Surveillance. Requires that all foreign intelligence electronic surveillance within the United States, as well as some overseas interceptions, be subject to a judicial warrant requirement based on the probable cause; prohibits the dissemination of information concerning U.S. persons which does not relate to national defense, foreign affairs, or the terrorist, sabotage or clandestine activities of a foreign power; sets limits on the dissemination of information relating solely to national defense or foreign affairs; requires certification, from an appropriate executive branch official, that any information sought by the surveillance is related to, and in the case of surveillance of a U.S. person is necessary to, the national defense, the national security, or the successful conduct of the foreign affairs of the United States; allows the court to approve electronic surveillance for foreign intelligence purposes for a period of 90 days or, in the case of a foreign government, faction, or entity openly controlled by a foreign government, for a period of up to 1 year; permits emergency surveillance without a court order in limited circumstances, but provides that a court order must be obtained within 24 hours of the initiation of any emergency surveillance; and sets forth civil and criminal sanctions for violation of the bill's provisions. S. 1566—Passed Senate April 20, 1978. (128)

Middle East Arms Sales. States the objections of the Congress to the President's proposed sale of fifty F–5 aircraft to Egypt, fifteen F–15 aircraft and seventy-five F–16 aircraft to Israel, and sixty F–15 aircraft to Saudi Arabia. S. Con. Res. 86—Senate rejected disapproval resolution May 15, 1978. (161)

Nuclear Non-Proliferation Act. Establishes a more effective framework for international cooperation to encourage development of peaceful nuclear activities to meet energy needs and to assure that export by any nation of nuclear materials and technology does not contribute to proliferation; authorizes the United States to take such actions as are required to insure that it can act reliably in licensing the export of nuclear reactors and fuel to nations which share our nonproliferation policies; provides incentives to other nations to join in nonproliferation activities and to ratify the Nuclear Non-Proliferation Treaty; and sets forth effective controls by the United States over its exports of nuclear materials, equipment and technology. H.R. 8638—Public Law 95–242, approved March 10, 1978. (30)

Redwood National Park Expansion. Increases the authorized acreage of the Redwood National Park by approximately 48,000 acres to bring the total acreage to 106,000; designates an additional 30,000 acres as a "park protection zone" which the Secretary of Interior, following notice to the appropriate Congressional committees, may acquire upon a finding that failure to acquire all or a portion of the land could result in physical damage to the park resources, and contains provisions designed to protect persons adversely affected by the park expansion. S. 1976—Public Law 95–250, approved March 27, 1978. (24, 73)

Panama Canal Neutrality Treaty. Establishes a permanent regime of neutrality in order that both in time of peace and in time of war the Canal shall remain secure and open to peaceful transit;

Provides that Panama and the U.S. agree to maintain the regime of neutrality beginning in the year 2000 which shall be maintained in order that the Canal shall remain permanently neutral and applies the same regime to any other international waterway that may be built in Panama; by amendment, provides that each country shall, in accordance with their respective constitutional processes, defend the Canal against any threat to the regime of neutrality and consequently shall have the right to defend the Canal against any threat or aggression but this shall not be interpreted as a right of intervention into the internal affairs of Panama or against the territorial integrity or political independence of Panama; provides that beginning in the year 2000 Panama alone shall operate the Canal and maintain all military forces and installations within Panama's territory; provides, as a condition to the resolution that notwithstanding these provisions, if the Canal is closed or its operation is interfered with, the U.S. and Panama may unilaterally take steps it deems necessary to reopen the Canal or restore its operation, including the use of military forces in Panama;

Provides as a condition that nothing in the Treaty shall preclude Panama and the U.S. from making, in accordance with their respective constitutional processes, any agreement to facilitate their responsibility to defend the Canal including an agreement for continued U.S. military presence in Panama;

Provides that the war and auxiliary vessels of the U.S. and Panama shall have the right to transit the Canal expeditiously; by amendment, states that this expeditious transit shall include the right to go to the head of the line of vessels in order to transit the Canal rapidly in case of need or emergency; provides as a reservation that such need or emergency shall be determined by the nation operating the vessel;

Provides before the Treaty can go into force that the U.S. and Panama must negotiate an agreement under which the American Battle Monuments Commission would administer the American Sector of the Corozal Cemetery and makes provision for the transfer of the remains of other Americans buried at Mount Hope Cemetery;

Contains as a reservation a prohibition on economic assistance, military grant assistance, security supporting assistance, foreign military sales credits or international military education and training to Panama; and provides that all amendments, reservations, understandings, declarations and other statements incorporated by the Senate in its resolutions of ratification be included in the instrument of ratification exchanged with the government of Panama. Ex. N, 95th-1st—Resolution of Ratification agreed to March 17, 1978.

Panama Canal Treaty. Terminates prior United States-Panama treaty relationships concerning the Canal and establishes a partnership arrangement for the operation, maintenance and defense of the Panama Canal by the United States and Panama through December 31, 1999; provides that the treaty enter into force simultaneously with the Neutrality Treaty, six months from the date of exchange of instruments of ratification; by reservation, provides that exchange of the instruments of ratification shall not be effective prior to March 31, 1979, and the treaties shall not enter into force prior to October 1, 1979, unless implementing legislation has been enacted before March 31, 1979;

Grants to the U.S. the rights to manage, operate and maintain the canal including the right to establish and collect tolls; provides that the U.S. carry out these responsibilities for the management, operation and maintenance of the Canal through a new United States government agency, the Panama Canal Commission, which will replace the Panama Canal Company and the Canal Zone Government and which will be supervised by a board of nine members, five Americans and four Panamanians; requires the Commission to reimburse Panama $10 million semiannually for costs incurred by Panama in providing various public services in the canal operating area and in certain housing areas; by an understanding, requires the U.S. and Panama to agree on specific levels and quality of services to be provided by Panama for the $10 million annual payment for services which are essential to the effective functioning of the canal, to examine the cost of services every three years and to resubmit any disagreement between the United States and Panama to a binding independent audit;

Grants the U.S. the primary responsibility for the protection and defense of the canal for the duration of the treaty; by reservation, provides that the right to intervene militarily in Panama to keep the canal open and operating (pursuant to the DeConcini condition to the resolution of ratification of the Neutrality Treaty) shall not have as its

purpose or be interpreted as a right of intervention into the internal affairs of Panama or interference with its independence or sovereign integrity; provides for the establishment of a Combined Board comprised of an equal number of senior military representatives from the two countries to facilitate planning and cooperation between the armed forces of both;

Provides that Panama and the U.S. study jointly the feasibility of a sea-level canal and enter into negotiations for its construction in the event that it is determined that such a facility is necessary; prohibits, for the duration of the treaty, construction of a canal except in accordance with the provisions of this treaty or as the U.S. and Panama may otherwise agree; prohibits the U.S. from negotiating with other countries for the right to construct an interoceanic canal on any other route during the life of the treaty; provides as a reservation that the instruments of ratification to be exchanged shall include provisions whereby each party agrees to waive these two prohibitions;

Upon entry into force, transfers to Panama all right, title and interest which the U.S. may have in real property and non-removable improvements located in areas not reserved for U.S. use under the treaty; provides that upon termination of the treaty, Panama will assume total responsibility for the Panama Canal which shall be turned over in operating condition free of liens and debts;

Provides that Panama receive payments to be derived from canal operating revenues as "a just and equitable return on the national resources which it has dedicated to" the Panama Canal as follows: (a) a share of tolls mounting to 30 cents per Panama Canal ton of shipping transiting the canal; (b) a fixed amount of $10 million per year; and (c) an additional sum up to $10 million per year if the Canal operating revenues yield a surplus over expenditures including other payments made under the treaty; by reservation, provides that any accumulated unpaid balance under item (c) at the termination of the treaty shall be payable only to the extent of any operating surplus in the last year of the treaty's duration and that nothing shall be construed as obligating the U.S. to pay any unpaid balance and that no Treasury funds my be used for any of the above three payments without statutory authorization; and by amendment to the resolution of ratification, requires the Panama Canal Commission to reimburse the U.S. for interest on funds or other assets directly invested by the U.S. Commission or its predecessor Panama Canal Corporation. Ex. N, 95th-1st—Resolution of Ratification agreed to April 18, 1978. (119)

Water resources projects—Waterway User Fee. Authorizes $2.4 billion for certain public works for improvement of navigation on U.S. inland waters and sundry water resources projects in 34 states; for such purposes as flood control, water supply and beach restoration; includes authorization of $421 million for replacement of locks and dam 26 at Alton, Illinois, on the Mississippi River with a new dam and a single 1,200-foot lock; imposes a fuel tax of four cents per gallon on shallow-draft commercial vessels that use the inland waterways which will begin in 1982 or when construction begins on locks and dam 26, whichever is sooner, and increase to 12 cents eight years later; and directs the Secretaries of Commerce and Transportation jointly to undertake a study regarding the impact of fuel taxes on inland waterway users or alternative or supplemental charges and to report findings and recommendations to Congress within three years. H.R. 8309—Passed House October 13, 1977; Passed Senate amended May 4, 1978; Senate requested conference May 4, 1978. (153)

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair on behalf of the Vice President appoints the following Senators to be delegates to the International Conference on Training and Certification of Seafarers, to be held in London, England, from June 14 through July 7, 1978:

The Senator from Washington (Mr. MAGNUSON), and the Senator from Alaska (Mr. STEVENS).

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following calendar orders numbered 766, 767, 795, 796, 803, 806, 833, 841, and 845.

Mr. BAKER. Mr. President, reserving the right to object, and I shall not object, I rise only to inform the majority leader that the calendar order numbers that he identified are cleared on our calendar and we have no objection to proceeding to their consideration and passage at this time.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER RESOURCES PLANNING ACT AMENDMENTS

The Senate proceeded to consider the bill (S. 2701) to amend the Water Resources Planning Act (75 Stat. 244, as amended), which had been reported from the Committee on Environment and Public Works with amendments as follows:

On page 1, line 4, strike "75" and insert "79";

On page 1, line 9, strike "75" and insert "79";

On page 2, line 4, strike "75" and insert "79";

On page 2, line 7, strike "$1,299,000" and insert "$2,872,000";

On page 2, line 9, strike "75" and insert "79";

On page 2, line 11, strike "$3,000,000" and insert "$5,000,000";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 401(a) of the Water Resources Planning Act of 1965 (79 Stat. 244, as amended) is hereby amended by deleting the words: "not to exceed $6,000,000 for fiscal year 1978" and inserting in lieu thereof "the sum of $2,886,000 for fiscal year 1979".

(b) Section 401(b) of the Water Resources Planning Act (79 Stat. 244, as amended) is further amended by deleting the words: "not to exceed $2,000,000 for fiscal year 1978" and inserting in lieu thereof: "the sum of $3,328,000 for fiscal year 1979".

(c) Section 401(c) of the Water Resources Planning Act (79 Stat. 244, as amended) is amended by deleting the words "not to exceed the sum of $3,905,000 for fiscal year 1978" and inserting in lieu thereof: "the sum of $2,872,000 for fiscal year 1979".

(d) Section 301(a) of the Water Resources Planning Act (79 Stat. 244, as amended) is amended by deleting the words: "for fiscal years 1977 and 1978, $5,000,000 in each such year" and inserting in lieu thereof: "$5,000,000 for fiscal year 1979".

SEC. 2. Appropriations authorized by this Act for salary, pay, retirement or other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases authorized by law.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–835), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

S. 2701, as amended, extends the provisions of the Water Resources Planning Act of 1965 through fiscal year 1979, and authorizes several river basin studies.

GENERAL STATEMENT

The Water Resources Planning Act of 1965 (Public Law 89–80) declared that it was the policy of the Congress to encourage the conservation, development, and utilization of water and related land resources of the United States on a comprehensive and coordinated basis by the Federal Government with the cooperation of all affected Federal agencies, States, and other interested parties.

Title I of the act established the Water Resources Council; title II authorized the establishment of river basin commissions; and title III authorized financial assistance to States for water-related planning by means of matching grants.

S. 2701, as amended, extends these three titles for 1 additional year. The committee believes this is prudent with the national water policy review, which is not yet complete. The committee expects that such policy review will be an issue for careful and full consideration by the committee later this year and early in the 96th Congress.

A bill before the committee, S. 2577 would alter the nature of water resources planning within the executive branch. The committee anticipates that other similar proposals will be made. The reporting of this 1-year extension does not prejudice actions on proposals such as S. 2577 later this year or early next year.

COMMITTEE VIEWS

The Committee on Environment and Public Works believes that the programs authorized by Public Law 89–80 for the Water Resources Council should continue through fiscal year 1979. This continuation will allow the administration time to review the findings and recommendations of both the water resource policy study and the President's reorganization project. A determination, in consultation with Congress as to the best institutional arrangement at the Federal level for overseeing the management of our Nation's water resources will then be made. Appropriate changes in the Water Resources Council and other water agencies will be considered in that context.

COST OF LEGISLATION

Section 252(a)(1) of the Legislative Reorganization Act of 1970 requires publication in this report of the committee's estimate of the cost of the reported legislation, together with estimates prepared by any Federal agency. S. 2701 as introduced contained a Federal cost of $10,513,000. The bill as amended by the Committee on Environment and Public Works contains a Federal cost of $14,095,900.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill to amend the Water Resources Planning Act (79 Stat. 244, as amended).

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WATER RESEARCH AND DEVELOPMENT ACT OF 1978

The Senate proceeded to consider the bill (S. 2704) to promote a more adequate and responsive national program of water research and development, and for other purposes, which had been reported from the Committee on Environment and Public Works with amendments as follows:

On page 13, line 4, strike "200" and insert "201";

On page 13, line 17, strike "201" and insert "202";

On page 14, line 23, strike "202" and insert "203";

On page 15, line 17, strike "203" and insert "204";

On page 15, line 19, strike "204" and insert "205";

On page 16, beginning with line 17, strike through and including page 18, line 19;

On page 18, line 22, strike "300" and insert "301";

On page 19, line 14, strike "301" and insert "302";

On page 20, line 22, strike "302" and insert "303";

On page 21, line 10, strike "400" and insert "401";

On page 23, line 5, strike "401" and insert "402";

On page 23, line 8, strike "$110,000" and insert "$150,000";

On page 23, line 10, strike "such sums as are necessary" and insert "and an amount not to exceed $180,000 to each participating institute, on a cost-sharing basis,";

On page 23, line 15, strike "$750,000";

On page 23, at the beginning of line 17, insert "$750,000";

On page 23, line 18, strike "such sums as are necessary" and insert "$1,350,000";

On page 24, line 6, strike "$4,000,000" and insert "$10,000,000";

On page 24, line 7, strike "such sums as are necessary for fiscal year 1980" and insert "$10,000,000 for the fiscal year ending September 30, 1980";

On page 24, line 20, strike "such sums as are necessary for fiscal year 1980" and insert "$3,200,000 for the fiscal year ending September 30, 1980";

On page 25, line 3, strike "402" and insert "403";

On page 25, line 6, strike "$8,800,000" and insert $10,000,000";

On page 25, line 6, strike "such sums as are necessary for fiscal year 1980" and insert "$10,000,000 for the fiscal year ending September 30, 1980";

On page 26, line 1, strike "403" and insert "404";

On page 26, line 3, strike "such sums as are necessary" and insert "$4,464,000";

On page 26, line 7, strike "404" and insert "405";

On page 26, line 25, strike "405" and insert "406";

On page 26, line 23, strike "406" and insert "407";

On page 29, line 14, strike "407" and insert "408";

On page 30, line 3, strike "408" and insert "409";

On page 30, line 13, strike "409" and insert "410";

On page 30, line 24, strike "410" and insert "411";

On page 31, line 5, after the period, insert "Nothing contained in this Act shall be construed to alter the authority of section 2 of Public Law 95-84.";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Water Research and Development Act of 1978".

FINDINGS

SEC. 2. The Congress finds and declares that—

(a) providing for the protection of the Nation's water resources, assuring an adequate supply of water of good quality for the production of food, materials, and energy for the Nation's needs, and increasing the efficient use of the Nation's water resources are essential to national economic stability and growth, and to the well-being of our people;

(b) the Nation's capabilities for technological assessment and planning and for policy formulation for water resources must be strengthened at both the Federal and State levels;

(c) there should be a continuing national investment in water-related research and technology which is commensurate with growing national needs; and

(d) the manpower pool of scientists, engineers, and technicians trained in fields related to water resources constitutes an invaluable natural resource which should be increased, fully utilized, and regularly replenished.

STATEMENT OF PURPOSE

SEC. 3. It is the purpose of this Act to assist the Nation and the States through water resources science and technology—

(a) to provide a supply of water sufficient in quantity and quality to meet the Nation's expanding needs for the production of food, materials, and energy;

(b) to preserve and enhance our water resources and the water related environment;

(c) to promote conservation and efficient use of the Nation's wate resources;

(d) to promote research and development demonstration, and technology transfer dealing with both quality and quantity of water resources;

(e) to identify and find practical solutions to the Nation's water and water resources related problems;

(f) to promote the training of scientists, engineers, and other skilled personnel in the fields related to water resources;

(g) to foster and supplement present programs for the conduct of research, technology development and transfer, and innovative water resources management, conservation, and operating practices;

(h) to provide for research, development, technology demonstration and transfer with respect to converting saline and other impaired waters to waters suitable for municipal, agricultural, industrial, recreational, or other beneficial uses;

(i) to disseminate information through the maintenance of a water resources scientific information center with adequate information bases so that the Nation's water research community, by utilizing the center, can be fully informed of on-going research, completed research, and other types of information necessary for them to effectively conduct their work;

(j) to better coordinate the Nation's water resources and development programs; and

(k) to enhance the capacity of the Federal water establishment, and of water interests nationwide, for recommending to the President and the Congress changes in national water resources research and technology policy as appropriate.

TITLE I—WATER RESOURCES RESEARCH AND DEVELOPMENT

SEC. 101. (a) The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is hereby authorized and directed to assist in carrying on the work of a competent and qualified water resources research and technology institute, center, or equivalent agency (hereinafter referred to as "institute") at one college or university in each State, which college and university shall be a college or university established in accordance with the Act approved July 2, 1862 (12 Stat. 503, 7 U.S.C. 301ff), entitled "An Act donating public lands to the several States and territories which may provide colleges for the benefit of agriculture and the mechanic arts" or some other institution designated by Act of the legislature of the State concerned: *Provided,* That: (1) if there is more than one such college or university in a State established in accordance with said Act of July 2, 1962, funds under this section shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to the one such college or university designated by the Governor of the State to receive the same, subject to the Secretary's determination that such college or university has, or may reasonably be expected to have, the capability of doing effective work under this title; (2) two or more States may cooperate in the designation of a single institute or regional institute, in which event the sums assignable to all of the cooperating States shall be paid to such institute; (3) a designated college or university may arrange with other colleges and universities within the State to participate in the work of the institute.

(b) (1) It shall be the duty of each such institute to plan and conduct and/or arrange for a component or components of the college or university with which it is affiliated or other colleges or universities within the State, to conduct competent research and development including investigations and experiments of either a basic or practical nature, or both, in relation to water resources, to promote dissemination and application of the results of these efforts, and to provide for the training of scientists and engineers through such research, investigations, and experiments;

(2) The research, investigations, experiments, and training may include, without being limited to, aspects of the hydrologic cycle; supply and demand for water; saline water conversion; conservation and best use of available supplies of water and methods of increasing such supplies; water reuse; and economic, legal, social, engineering, recreational, biological, geographic, ecological, and other aspects of water problems; scientific information dissemination activities, including identifying, assembling, and interpreting the results of scientific and engineering research on water resource problems; and providing means for improved communication of research results, having due regard for the varying conditions and needs of the respective States, for water research and development projects now being conducted by agencies of the Federal and State Governments,

and for the need to avoid undue displacement of scientists and engineers elsewhere engaged in water resources research and development;

(3) The annual programs submitted by the State institues to the Secretary for approval shall include assurances, satisfactory to the Secretary, that such programs were developed in close consultation and collaboration with leading water resources officials within the State to promote research, training, and other work meeting the needs of the State. Additionally, it shall be the duty of each State institute to provide the Secretary with periodic information, at the Secretary's discretion, on water resources research and development activities, needs, and priorities within the State which shall be coordinated with State, local, regional and river basin entities, and to cooperate with the Secretary in preparing periodic reports of ongoing research within the State and its funding by both Federal and non-Federal organizations. Institutes are required to see that notices of research projects are submitted to the Center referred to under title III, section 302;

(4) The designated State institutes shall cooperate with the Secretary in the development of five-year water resources research and development goals and objectives; and

(5) The designated institutes will receive and review all research and development proposals from the academic community for technical merit and relevance to priorities and forward all such proposals to the Secretary for consideration and funding.

(c) There is further hereby authorized a program of technology transfer to be carried out by the State institutes. Such funds, as are appropriated for this purpose, shall be made available on a competitive basis to the State institutes, based on the merit of project or program proposals submitted to the Secretary, for the purpose of transferring research and development results to other organizations for further development, demonstration, and practical application.

SEC. 102. Funds appropriated pursuant to this title, in addition to being available for expenses for research and development experiments, and training conducted under authority of this title, shall also be available for printing and publishing the results thereof in the furtherance of technology transfer and for planning and direction. The institutes are hereby authorized and encouraged to plan and conduct programs financed under this title in cooperation with each other and with such other agencies and individuals as may contribute to the solution of the water problems involved, and funds appropriated pursuant to this title shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

SEC. 103. The Secretary is hereby charged with the responsibility for the proper administration of this title and, after full consultation with other interested Federal agencies, may prescribe such procedures, rules, and policies as may be necessary to carry out its provisions. He shall require a showing that institutes designated to receive funds have, or may reasonably be expected to have, the capability of doing effective work. He shall furnish such advice and assistance as will best promote the purposes of this title, participate in coordinating research initiated by the institute under this title, indicate to them such lines of inquiry as to him seem most important, and assist the establishment and maintenance of cooperation among the institutes, other research organizations, the United States Deartment of the Interior, and other Federal establishments.

(b) The Secretary shall develop a five-year water resources research program in cooperation with the institutes and appropriate water entities, indicating goals, objectives, priorities, and funding requirements.

(c) The Secretary shall annually ascertain that the requirements of subsection 101(b) have been met as to each institute, whether it is entitled to receive its share of the annual appropriations for water resources research and development under section 401 (a) of the Act and the amount which it is entitled to receive.

SEC. 104. Nothing in this title shall be construed to impair or modify the legal relation existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this title shall in any way be construed to authorize Federal control or direction of education at any college or university.

SEC. 105. The Secretary is authorized to make grants to, and finance contracts and matching or other agreements with qualified educational institutions; private foundations or other institutions; and with private firms and individuals whose training, experience, and qualifications are adequate in his judgment for the conduct of water research and development projects; and with local, State, and Federal Government agencies to undertake research and development concerning any aspect of water-related problems which he may deem desirable in the national interest.

SEC. 106. Water resources research and development programs carried out in accordance with this title may include, without being limited to: water use conservation and efficiencies; water and related planning; saline water conversion; water reuse; management and operations; legal systems; protection and enhancement of the water-based environment; institutional arrangements; salinity management; and economic, social, and environmental impact assessment. Due consideration shall be given to priority problems identified by water and related land resources planning, data acquisition and like studies conducted by other agencies and organizations.

SEC. 107. As used in this title, the term "State" includes the Commonwealth of Puerto Rico, the District of Columbia, and the territories of the Virgin Islands and Guam.

SEC. 108. Contracts or other arrangements for water resources work authorized under this title with an institute, educational institution, or nonprofit organization may be undertaken without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529) when, in the judgment of the Secretary, advance payments of initial expenses are necessary to facilitate such work.

SEC. 109. (a) The Secretary is authorized to study, design, implement, operate, and maintain water resources programs and activities demonstrating the technical and economic viability of processes, systems, or techniques for the purpose of improving the water or water-related environment and to demonstrate the application of water resources research and development results and technology for beneficial purposes.

(b)(1) Funds appropriated pursuant to the authority provided by sections 401(c) and 403 for use under this section may not be expended until thirty calendar days (including days on which either the House of Representatives or the Senate are not in session because of an adjournment of more than three calendar days to a day certain) have elapsed following transmittal of a report to the chairman of the Committee on Interior and Insular Affairs of the House of Representatives and the chairman of the Committee on Environment and Public Works of the United States Senate.

(2) Such report shall present information that includes, but is not limited to, the location of the demonstration activities, the characteristics of the water and water-related problem, the processes or concepts to be demonstrated, the estimated initial investment cost of the demonstration, the estimated annual operating cost of the demonstration, the source of energy for the demonstration and its cost, environmental consequences of the demonstration; and the estimated costs associated with the demonstration considering the amortization of all components of the demonstration.

(3) Such report shall also be accompanied by a proposed contract or agreement between the Secretary and a duly authorized Federal or non-Federal public or private entity, in which such entity shall agree to share cost to the extent deemed important to the purposes of the activity as determined by the Secretary. Such proposed contract or agreement may provide that either the contractual entity or the United States will develop the activity described in the report and that the United States will either operate and maintain the activity or may participate in the operation and maintenance during which, in either case, access to the activity and its operating data will not be denied to the Secretary or his representatives.

(4) The Secretary is authorized to include in the proposed contract or agreement a provision for conveying all rights, title, and interests of the Federal Government to the Federal or non-Federal, public or private entity, subject to a future right to reenter the activity for the purpose of financing at Federal expense modifications for advanced technology and for its operation and maintenance for a successive term under the same conditions as pertain to the original term.

TITLE II—WATER RESEARCH AND DEVELOPMENT FOR SALINE AND OTHER IMPAIRED WATERS

SEC. 201. Consistent with the Federal responsibility for water resources development and conservation by means of comprehensive planning, water resources development projects, protection of water quality standards, and other measures for the beneficial use of water from various sources, the Congress finds it necessary to provide for the development of technology for the conversion of saline and other impaired water for beneficial uses. It is the policy therefore to assist and encourage the development of practical means to utilize saline water technology to convert impaired waters of any type from any source to a quality suitable for municipal, industrial, agricultural, and other beneficial uses to transfer research and development results.

SEC. 202. The Secretary is authorized and directed to—

(a) conduct, encourage, and promote basic scientific research and fundamental studies to develop effective and economical processes and equipment for the purpose of converting impaired water into water suitable for beneficial uses;

(b) pursue the findings of research and studies authorized by this title having potential practical applications, including application to matters other than water conversion, and to other supply sources such as brackish waters, staged development, and use with energy sources;

(c) conduct engineering and technical work including the design, construction, and testing of various processes, systems, and pilot plants to develop saline water conversion processes to the point of demonstration;

(d) study methods for the recovery, beneficial uses and disposal of residuals, and marketing of byproducts resulting from the

improvement of conversion of impaired water in an environmentally acceptable manner;

(e) undertake economic studies and surveys to determine present and prospective costs of producing water for beneficial purposes in various parts of the United States by saline water conversion processes and, by means of models or other methodolgies, prepare and maintain information concerning the relation of such conversion processes and systems to other aspects of State, regional, and national comprehensive water resources planning.

SEC. 203. (a) The Secretary is authorized to conduct preliminary investigations and explore potential cooperative agreements with non-Federal utilities and governmental entities in order to develop recommendations for Federal participation in the design, construction, operation, and maintenance of demontsration and prototype plants utilizing advanced saline water technologies for the production fow ater for beneficial use.

(b) In carrying out the provisions of this section, the Secretary shall utilize the expertise of the water and power marketing agencies of the Department of the Interior or of other Federal agencies to insure that the recommended project and the supporting agreements are fully integrated and compatible with the water and power systems of the region.

(c) The Secretary is authorized to accept financial and other assistance from any State or public agency in connection with studies or surveys relating to impaired water and facilities and to enter into contract with respect to such assistance.

SEC. 204. The Secretary may issue rules and regulations to effectuate the purposes of this title.

SEC. 205. As used in this title—

(a) the term "saline and other impaired water" includes but is not limited to seawater, brackish water, mineralized ground or surface water, irrigation return flows, and other similarly contaminated waters;

(b) the term "United States" extends to and includes the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Virgin Islands, and other locations under the jurisdiction of the United States;

(c) the term "pilot plant" means an experimental unit of sufficient size used to evaluate and develop new or improved processes or systems and to obtain technical and engineering data;

(d) the term "demonstration" means a plant of sufficient capacity and reliability to demonstrate on a day-to-day operating basis that the process or system is feasible and that such process or system has potential for applications to water system improvement;

(e) the term "prototype" means a full-size, first-of-a-kind production plant used for the development and study of full-sized technology, energy, and process economics.

TITLE III—TECHNOLOGY TRANSFER AND INFORMATION DISSEMINATION

SEC. 301. The Secretary is authorized to conduct a research assessment and technology transfer program which transfers research and development results to other organizations and individuals for further development and practical application to water and water-related problems. The Secretary may enter into agreements with the State and local governments and with other public and private organizations and individuals, including cost-sharing or cost-participation agreements, for the transfer or application of research results for the resolution of water-related problems and to further the transfer developed by programs authorized under this Act. The Secretary may issue publications and may conduct seminars, conferences, training sessions, or use other such techniques he deems necessary to expedite the transfer of research results and technology development. The technology transfer activities will be coordinated with activities undertaken under titles I and II of this Act.

SEC. 302. The Secretary is further authorized to maintain a national center for the acquisition, processing, and dissemination of information dealing with all areas of water resources research, technology development, and demonstration. Each Federal agency engaged in water resources including research, technology development, and demonstration, shall cooperate by providing the center with documents and other pertinent information. The center shall (a) maintain for general use a collection of water resource information provided by Federal and non-Federal government agencies, colleges, universities, private institutions, and individuals; (b) issue publications or utilize other media to disseminate research, technology development, and demonstration information for the purposes of this Act and enter into agreements with public or private organizations or individuals to stimulate acquisition and dissemination of information, thus contributing to a comprehensive, nationwide program of research and development in water resources and the avoidance of unnecessary duplication of effort; (c) make generally available abstracts and other summary type information concerning water resources activities including research accomplished and in progress by all Federal agencies and by non-Federal agencies, private institutions, and individuals, to the extent such information can be obtained, and reports completed on research projects funded under provisions of this Act; and (d) in carrying out the information dissemination activities authorized by this section, the Secretary shall to the extent feasible use the resources and facilities of other agencies and of the clearinghouse for scientific, technical, and engineering information established in the Department of Commerce pursuant to sections 1151 through 1157 of title 15, United States Code.

SEC. 303. There shall be established, in such agency and location as the President determines to be desirable, a center for cataloging current scientific research in all fields of water resources. Each Federal agency doing water resources research shall cooperate by providing the cataloging center with information on work underway. The cataloging center shall classify and maintain for general use a file of water resources research and investigation projects in progress or scheduled by all Federal agencies and by non-Federal agencies of government, colleges, universities, private institutions, firms, and individuals as voluntarily may make such information available.

TITLE IV—GENERAL PROVISIONS

SEC. 401. (a) As used in this Act, the term "Secretary" means the Secretary of the Interior.

(b) In carrying out his functions under this Act, the Secretary may—

(1) make grants to educational institutions and scientific organizations, and enter into contracts with institutions and organizations and with industrial or engineering firms;

(2) acquire the services of chemists, physicists, engineers, and other personnel by contract or otherwise;

(3) utilize the facilities of Federal scientific laboratories;

(4) establish and operate necessary facilities and test sites to carry on the continuous research, testing, development, and programming necessary to effectuate the purposes of this title;

(5) acquire processes, technical data, inventions, patent applications, patents, licenses, land and interests in land (including water rights), plants and facilities, and other property or rights by purchase, license, lease, or donation pursuant to the Federal Property and Administrative Service Act (40 U.S.C. 471) as amended, where applicable;

(6) assemble and maintain pertinent and current scientific literature, publications, patents, licenses, land and interests in land (including water rights thereto);

(7) cause onsite inspections to be made of promising projects, domestic and foreign, and in the case of projects located in the United States, cooperate and participate in their development when the purposes of this title will be served thereby;

(8) foster and participate in regional, national, and international conferences relating to water resources;

(9) accept financial and other assistance from any local, State, Federal, or other agency or entity in connection with studies or surveys relating to water problems and facilities, and enter into contracts with regard to such assistance;

(10) coordinate, correlate, and publish information with a view to advancing the development of practicable water conversion projects; and

(11) cooperate with other Federal departments and agencies, with State and local departments, agencies, and instrumentalities, and with interested persons, firms, institutions, and organizations.

SEC. 402. (a)(1) There are hereby authorized to be appropriated for the purposes of implementing section 101(a) of this Act such sums annually as are sufficient to provide an amount not to exceed $150,000 to each participating institute, on a cost-sharing basis, for the fiscal year ending September 30, 1979, and an amount not to exceed $180,000 to each participating institute, on a cost-sharing basis, for the fiscal year ending September 30, 1980;

(2) There is further authorized to be appropriated an amount not to exceed on a cost-sharing basis for the purpose of implementing section 101(c) of this Act $750,000 for the fiscal year ending September 30, 1979, and $1,350,000 for the fiscal year ending September 30, 1980, all such sums to remain available until expended;

(3) Cost sharing under sections 101(a) and 101(c) shall be on the basis of two Federal shares to not less than one non-Federal share. Federal funds made available under this section shall not be used for support of indirect costs as defined by current Federal regulations; however, such indirect costs may be credited as a non-Federal contribution to the total cost of activities to be carried out pursuant to the Federal grant or contract.

(b) There is authorized to be appropriated for carrying out the purposes of section 105 of this Act for the fiscal year ending September 30, 1979, the sum of $10,000,000 and $10,000,000 for the fiscal year ending September 30, 1980, to remain available until expended, to match, on a dollar-for-dollar basis, funds made available by non-Federal sources to meet the necessary expenses of specific water resources research and development projects which could not otherwise be undertaken. Federal funds provided under this subsection shall be available on a competitive basis and shall be available to any organization or individual.

(c) There is authorized to be appropriated for purposes of carrying out the research, development, and demonstration activities authorized by sections 105 and 109 of this

Act for the fiscal year ending September 30, 1979, the sum of $3,200,000, and $3,200,000 for the fiscal year ending September 30, 1980, available until expended, which shall be available on a competitive basis to any organization or individual to finance grants, contracts, matching grants, or other arrangements which equal 100 per centum or any lesser per centum, of the total cost of the projects involved.

SEC. 403. (a) There is authorized to be appropriated to carry out the provision of title II of this Act for the fiscal year ending September 30, 1979, the sum of $10,000,000 and $10,000,000 for the fiscal year ending September 30, 1980, to remain available until expended. The categories for which such funds are authorized are as follows:

(1) research,

(2) development, and

(3) demonstration.

The funds appropriated pursuant to such authorization shall be distributed to the foregoing categories as determined by prevailing budgetary priorities.

(b) Not more than 5 per centum of the funds to be made available in any fiscal year for research under the authority of this title may be expended for foreign activities subject to the approval of the Secretary of State to assure that such activities are consistent with the foreign policy objectives of the United States, in cooperation with public or private agencies in foreign countries for research useful to the programs in the United States.

SEC. 404. There are authorized to be appropriated the sum of $4,464,000 for the fiscal year ending September 30, 1979, and $4,464,000 for fiscal year ending September 30, 1980, to carry out the sections of title I, II, III, and IV of this Act other than those for which special specific authorizations are made.

SEC. 405. Each application for a grant, pursuant to this Act, shall, among other things, state the nature of the project to be undertaken, the period during which it will be pursued, the water problem it addresses, the qualifications of the personnel who will direct and conduct it, the importance of the project to the water-related economy of the Nation, the need for and expected utilization of the results, the region and the State concerned, its relation to other known research projects previously conducted or currently being pursued, the procedures by which the results can be disseminated, and the extent to which it will provide opportunities for the training of water resources scientists and engineers. No grant shall be made except for projects approved by the Secretary and all grants shall be made upon the basis of the merit of the project, the need for the knowledge it is expected to produce when completed, and the opportunities it provides for the training of water resources scientists and engineers.

SEC. 406. (a) Sums appropriated pursuant to this Act may be paid at such times and in such amounts during each fiscal year as determined by the Secretary and upon vouchers approved by him. Except as may be otherwise specified by this Act, funds received pursuant to such payment may be used for any allowable costs within the meaning of the Federal procurement regulations that establish principles for determining costs applicable to research and development under grants and contracts with educational institutions.

(b) Each State institute operating pursuant to title I of this Act shall have an officer appointed by its governing authority who shall receive and account for all funds paid to the institute under the provisions of this Act and who shall provide to the Secretary an annual statement of the amounts received under any of the provisions of this Act during the preceding fiscal year, and of its disbursement. If any of the moneys received by the authorized receiving officer of any State institute under the provisions of this Act shall, by any action or contingency, be found by the Secretary to have been improperly diminished, lost, or misapplied, it shall be replaced and until so replaced no subsequent disbursement of Federal funds shall be made to any institute of such State.

SEC. 407. (a) The Secretary shall cooperate fully with, and shall obtain the continuing advice and cooperation of, all agencies of the Federal Government concerned with water problems, State and local governments, and private institutions and individuals, to assure that the programs conducted under this Act will supplement and not duplicate other water research and technology programs, will stimulate research and development in neglected areas, and will provide a comprehensive, nationwide program of water resources research and development. In order to further these purposes, as well as to assure research undertaken by the Secretary on wastewater treatment and treatment of water for potable use is most responsible to needs in implementing the Federal Water Pollution Control Act, as amended (Public Law 92-500), and the Safe Drinking Water Act, as amended (Public Law 93-523), the Secretary will consult with the Administrator of the Environmental Protection Agency in developing and implementing programs in these areas. The Secretary will encourage utilization of the center referred to in title II, section 302, for cataloging current research projects in order to assure that programs conducted under this Act will supplement and not duplicate other research and technology programs and will encourage other Federal agencies to do likewise.

(b) The President shall, by such means as he deems appropriate, clarify agency responsibilities for Federal water resources research and development and provide for interagency coordination of such research, including the research authorized by this Act. Such coordination shall include (1) continuing review of the adequacy of the Government-wide program in water resources research and development and identification of technical needs in various water resources research categories, (2) identification and elimination of duplication and overlaps between two or more programs, (3) recommendations with respect to allocation of technical effort among the Federal agencies, (4) review of technical manpower needs and findings concerning the technical manpower base of the program, (5) recommendations concerning management policies to improve the quality of the Government-wide research effort, and (6) actions to facilitate interagency communication at management levels.

SEC. 408. (a) Property acquired by the Secretary under this Act for use in furtherance of the purposes of this Act may be conveyed to a cooperating institute, educational institution, or nonprofit organization in accordance with the Federal Property and Administrative Services Act of 1949, as amended.

(b) The Secretary may dispose of water and byproducts resulting from his operations under this Act. All moneys received from dispositions under this Act shall be paid into the Treasury as miscellaneous receipts except where such operations may be undertaken as a part of a Federal reclamation project in which case the financial provisions of the reclamation laws (32 Stat. 388 and Acts amendatory thereof and supplementary thereto) shall govern.

SEC. 409. With respect to patent policy and to the definition of title to, and licensing of inventions made or conceived in the course of, or under any contract or grant pursuant to this Act, and notwithstanding any other provision of law, the Secretary shall be governed by the provisions of section 9 and 10 of the Federal Nonnuclear Energy, Research and Development Act of 1974 (Public Law 93-577; 88 Stat. 1887, 1891; 42 U.S.C. 5908, 5909): *Provided, however,* That subsections (l) and (n) of section 9 of such Act shall not apply to this Act.

SEC. 410. The institutes shall submit a summary report to the Secretary on or before January 31 or each year which highlights research and development work accomplished during the preceding fiscal year, the status of projects underway, and recommended future projects. This report is in addition to such other reports as may be required by sections 101(b) and 405(b) of this Act. The Secretary shall submit a summary report to the President and the Congress on or before April 1 of each year which summarizes program activities of the preceding fiscal year and projects for the future.

SEC. 411. (a) The Water Resources Research Act of 1964 (Public Law 88-379, 78 Stat. 329; 42 U.S.C. 1961 et seq.), as amended, the Saline Water Conversion Act of 1971 (Public Law 92-60, 85 Stat. 159; 42 U.S.C. 1959 et seq.), as amended, and section 1 of the Water Research and Conversion Act of 1977 (Public Law 95-84) are hereby repealed. Nothing contained in this Act shall be construed to alter the authority of section 2 of Public Law 95-84.

(b) Nothing elsewhere in this Act is intended to repeal, supersede, or diminish existing authorities or responsibilities of any agency of the Federal Government concerning water resources

(c) Nothing in this Act shall be construed to alter existing law with respect to the ownership and control of water.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95-836), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of S. 2704, introduced at the request of the Administration, is to create an organic act for the Department of the Interior's Office of Water Research and Technology (OWRT). This bill would consolidate portions of Water Resources Research Act of 1964 (Public Law 88-379); the Saline Water Conversion Act of 1971 (Public Law 92-60); and the Water Research and Conservation Act of 1977 (Public Law 95-84), while repealing other portions of those Acts.

S. 2704 provides greater emphasis on technology development and demonstration, the coordination of research and development, and the dissemination, transfer, and practical applications of research and technology developments. The bill authorized appropriations for fiscal year 1979 consistent with the President's budget request, and such sums as necessary for fiscal year 1980.

The committee amended the levels of authorization and retained a portion of Public Law 95-84.

GENERAL STATEMENT

The OWRT program should serve as an integral component of the Nation's policy for wise and effective management of its water resources. The program received strong emphasis several years ago, reaching a peak level of appropriations in fiscal year 1971. The program then declined sharply before stabilizing somewhat below the present level of $27,000,000 annually.

The development of knowledge about the use of the Nation's limited resources of water is essential if we are to meet our needs for additional supplies of water. For this reason, the committee emphasizes the importance of the work of OWRT and related groups.

Title I of the bill re-enacts the authority for Federal matching grants to the 54 State water institutes for water research. The committee gave careful consideration to the work of the State water institutes and set the authorization for each institute at $150,000 in fiscal year 1979 and $180,000 in fiscal year 1980. While this is below the current level of authorization, it is substantially above the $110,000 actually appropriated annually to each institute in recent years. The committee urges the appropriation of the authorized amount in recognition of the need to expand the general program and to keep pace with inflation.

In addition, the bill authorizes $10,000,000 annually in matching grants to be open to all institutes and other interested parties on a competitive basis. The committee believes that such competition will encourage the most effective program to strengthen the national program to find more effective ways to use and improve water.

Title I of the measure also involves technology transfer. The committee considered making a separate authorization to each of the State water institutes for a program of technology transfer. It was found, however, that this might limit the flexibility of the institutes, to the detriment of their overall programs. The committee expects that the institutes will develop or continue an existing technology transfer program within the authorized level of $150,000 and $180,000 per institute. It is expected that each institute will utilize some of its funds to implement an effective technology transfer effort in the State.

In addition, the bill authorizes $750,000 in fiscal year 1979 and $1,350,000 in fiscal year 1980 for additional technology transfer grants. These sums will be made available on a competitive basis, with the institutes receiving preference. This money is intended to emphasize special new initiatives, particularly when an effort can be made to develop regional technology transfer programs.

The major change made by the committee was in title II, which authorizes research on the improvement of saline or other types of impaired waters. This section is designed to enhance the program for research at existing facilities. A total of $10 million is authorized for this activity.

It was the view of the committee that the bill, as introduced, failed to include a proper and sufficient emphasis for the development of the saline water conversion demonstration plants. Such plants were authorized by Congress last year in the Water Research and Conservation Act of 1977 (Public Law 95–84).

Section 2 of the 1977 Saline Water Act authorized construction of four demonstration projects at a cost of $40,000,000. The Secretary of the Interior is directed "to study, design, construct, operate, and maintain desalting plants demonstrating the engineering and economic viability of membrane and phase-change desalting processes at not more than four locations in the United States . . . provided, that at least two such plants shall demonstrate desalting of brackish ground water."

In hearings before the Subcommittee on Water Resources, Department of Interior witnesses stated that 50 percent of the cost of these demonstrations should be borne by non-Federal interests. The law already requires that the local sponsor provide a variety of items, including the necessary water, water rights, brine disposal areas, rights-of-way, and energy connections, as well as the assumption of full operating costs after a break-in period. The committee concluded that any cost sharing beyond the 1977 Act was inappropriate, particularly for a program that will demonstrate techniques designed to have national significance.

The committee, therefore, amended the bill to maintain the full saline water demonstration program as authorized under Public Law 94–84. The committee expects this program to go forward as rapidly as possible.

In response to a question in the hearings, the Administration's witness testified: "Demonstrations are needed to obtain cost and performances data needed by water planners and water suppliers to make judgments and decisions regarding how saline water technology can be applied to solve or mitigate real world water problem situations. Technology that is only developed to the pilot plant stage is not adequate to assure the viability of saline water conversion technology as a solution to real world water problems."

As the committee has noted previously, one opportunity for such a demonstration is in the Tularosa Basin of New Mexico, where sufficient underground brackish water exists that, if purified, could meet regional water needs for centuries.

Title III authorizes a technology transfer program to the Secretary. The committee believes this program will prove valuable in disseminating information about no-going research activities. The Secretary may also provide grants for development of applications of research results to State and local governments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE ACT OF 1978

The Senate proceeded to consider the bill (S. 990) to amend title 5, United States Code, to provide special allowances to certain physicians employed by the United States in order to enhance the recruitment and retention of such physicians, which has been reported from the Committee on Governmental Affairs with an amendment to strike all after the enacting clause and insert the following:

That this Act may be cited as the "Federal Physicians Comparability Allowance Act of 1978".

SEC. 2. (a) Subchapter IV of chapter 59 of title 5, United States Code, relating to allowances, is amended by adding at the end thereof the following new section:

"§ 5948. PHYSICIANS COMPARABILITY ALLOWANCES

"(a) Notwithstanding any other provision of law, and in order to recruit and retain highly qualified Government physicians, the head of an agency, subject to the provisions of this section and such regulations as the President or his designee may prescribe, may enter into a service agreement with a Government physician which provides for such physician to complete a specified period of service in such agency in return for an allowance for the duration of such agreement in an amount to be determined by the agency head and specified in the agreement, but not to exceed—

"(1) $7,000 per annum if, at the time the agreement is entered into, the Government physicians has served as a Government physician for twenty-four months or less, or

"(2) $10,000 per annum if the Government physician has served as a Government physician for more than twenty-four months.

"(b) An allowance may not be paid pursuant to this section to any physician who—

"(1) is employed on less than a half-time or intermittent basis,

"(2) Occupies an internship or residency training position,

"(3) is a reemployed annuitant, or

"(4) is fulfilling a scholarship obligation.

"(c) The head of an agency, pursuant to such regulations, criteria, and conditions as the President or his designee may prescribe shall determine categories of positions applicable to physicians in such agency with respect to which there is a significant recruitment and retention problem. Only physicians serving in such positions shall be eligible for an allowance pursuant to this section. The amounts of each such allowance shall be determined by the agency head, subject to such regulations, criteria, and conditions as the President or his designee may prescribe, and shall be the minimum amount necessary to deal with the recruitment and retention problem for each such category of physicians.

"(d) Any agreement entered into by a physician under this section shall be for a period of one year of service in the agency involved unless the physician requests an agreement for a longer period of service. No agreement shall be entered into under this section later than September 30, 1979, nor shall any agreement cover a period of service extending beyond September 30, 1981.

"(e) Unless otherwise provided for in the agreement under subsection (f) of this section, an agreement under this section shall provide that the physician, in the event that such physician voluntarily, or because of misconduct, fails to complete at least one year of service pursuant to such agreement, shall be required to refund the total amount received under this section, unless the head of the agency, pursuant to such regulations as may be prescribed under this section by the President or his designee, determines that such failure is necessitated by circumstances beyond the control of the physician.

"(f) Any agreement under this section shall specify, subject to such regulations as the President or his designee may prescribe, the terms under which the head of the agency and the physician may elect to terminate such agreement, and the amounts, if any, required to be refunded by the physician for each reason for termination.

"(g) For the purpose of this section—

"(1) 'Government physician' means any individual employed as a physician, dentist, or veterinarian who is paid under—

"(A) section 5332 of this title, relating to the General Schedule;

"(B) section 5361 of this title, or similar statutory authority, relating to administratively determined pay for certain specially qualified scientific or professional personnel

"(C) section 3 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831b), relating to the Tennessee Valley Authority;

"(D) title 4 of the Foreign Service Act of 1946 (22 U.S.C. 861–890), relating to the Foreign Service;

"(E) section 10 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j), relating to the Central Intelligence Agency; or

"(F) section 121 of title 2 of the Canal Zone Code, relating to the Canal Zone Government and the Panama Canal Company; and

"(2) 'agency' means an Executive agency, as defined in section 105 of this title, and the District of Columbia government.

"(h)(1) Any allowance paid under this section shall not be considered as basic pay

for the purposes of subchapter VI and section 5595 of chapter 55, chapter 81, 83, or 87 of this title, or other benefits related to basic pay.

"(2) Any allowance under this section for a Government physician shall be paid in the same manner and at the same time as the physician's basic pay is paid.

"(i) Any regulations, criteria, or conditions that may be presented under this section by the President or his designee shall not be applicable to the Tennessee Valley Authority, and the Tennessee Valley Authority shall have sole responsibility for administering the provisions of this section with respect to Government physicians employed by the Authority.".

(b) The analysis for chapter 59 of such title is amended by adding at the end thereof the following:

"5948. Physicians comparability allowances."

(c) No agreement shall be entered into under section 5948 of title 5, United States Code, as added by subsection (a), before the 60th day after the date of the enactment of this Act. No such agreement shall provide for the payment of any allowance under such section for any pay period beginning before the later of—

(1) such 60th day, or

(2) October 1, 1978.

SEC. 3. (a) The Chairman of the Civil Service Commission shall submit a report each year to the Committee on Post Office and Civil Service of the House of Representatives and the Committee on Governmental Affairs of the Senate regarding the operation of the special pay program authorized by section 5948 of title 5, United States Code, as added by section 2 of this Act.

(b) The Director of the Office of Management and Budget shall conduct—

(A) an investigation of the short-term and long-term problems facing the departments and agencies of the Federal Government (including the uniformed services and the Veterns Administration) in recruiting and retaining qualified physicians and dentists;

(B) an evaluation of the extent to which the implementation of a uniform system of pay, allowances, and benefits for all physicians, veterinarians and dentists employed in such Federal departments and agencies would alleviate or solve such recruitment and retention problems; and

(C) an investigation and evaluation of such other solutions to such recruitment and retention problems as deemed appropriate.

(c) After completion of the investigations and evaluations required to be made under paragraphs (1), (2), and (3) of this subsection, the Director shall, before September 30, 1980, submit to the Congress a report which—

(1) identifies suggested courses of legislative or administrative action (including proposed legislation) and cost estimates thereof, which in the judgment of the Director, will solve such recruitment and retention problems, and

(2) includes a recommendation, and justification thereof, as to which course of action of the courses identified under paragraph (1) should be undertaken.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95-864), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the bill, as amended, is to enable Federal physicians, dentists and veterinarians, who are paid primarily under the General Schedule, to enter into service agreements with the head of an agency, which provides for such physician to complete a specified period of service in such agency in return for an allowance in the amount to be determined by the agency head. The amount of the allowance is not to exceed (1) $7,000 per annum if, the physician has served as a Government physician for 24 months or less, or (2) $10,000 per annum if the physician has served for more than 24 months. Such bonus contracts can only be offered to those categories of physicians in agencies where there is a significant recruitment and retention problem. In addition, contracts are to be awarded on a temporary basis with no agreement exceeding beyond September 30, 1981.

COMMITTEE ACTION

S. 990, as amended, provides the heads of executive agencies with discretionary authority to offer service agreements to certain categories of Federal physicians in order to alleviate recruitment and retention problems currently experienced by such agencies. The Civil Service Commission in a general statement on the recruitment and retention of Federal physicians, which was submitted to the committee, stated the following:

"Information from agencies and our own records show that virtually all Federal agencies experience extreme difficulty in recruiting and retaining physicians. The nationwide register of Medical Officers that is maintained by the Civil Service Commission contains just over 1,000 eligibles. This figure is deceptive, because an individual applicant may be on the register for positions at more than one grade level or for more than one specialty. Even more troublesome is the fact that about 44 percent of the physicians referred on certificates issued by the Commission to agencies are unavailable for placement. A large number of "non-availables" decline placement because of an undesirable geographical location of the position or the relatively low salary level. To overcome the shortage of available physicians, the Commission found it necessary to issue 93 noncitizen hire authorities in fiscal year 1977. As you may know, the Commissions can only issue such authorities when there are no U.S. citizens available to fill the vacancies.

"Since the vast majority of Federal physicians in the competitive service are employed by the Department of Defense and the Department of Health, Education, and Welfare, the Commission has granted direct hire authorities to these agencies to combat the difficulties encountered in recruiting qualified physicians. This special recruitment flexibility is an addition to the authority to pay special rates world wide to medical officers, which currently is applicable to all agencies."

A further statement of the degree and extent of the recruitment and retention problems experienced by the 1805 physicians who are not covered under the uniformed services' or the Veterans' Administration's variable incentive pay plans is evidenced in the August 31, 1976, Comptroller General's report to the Congress, entitled "Recruiting and Retaining Federal Physicians and Dentists: Problems, Progress, and Actions Needed for the Future." As pointed out in the report, which was made pursuant to the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975 (89 Stat. 669), and as reiterated by Senator Mathias at the March 10th subcommittee hearing:

"We found cases where differences between systems caused some employees to transfer between systems in an agency. In one PHS installation we visited, seven GS physicians transferred to the commissioned corps during fiscal year 1975 in order to receive VIP. Other GS physicians, who reportedly would have switched, had previously switched from the commissioned corps to the GS prior to the implementation of VIP because the benefits of the GS system were better at that time.

"We found numerous instances where physicians who were receiving VIP worked with physicians not receiving VIP because of ineligibility. This has caused bitterness among physicians and resulted in lawsuits being filed against the Federal Government by those physicians not receiving VIP."

In response to the General Accounting Office that one pay scale, rather than three pay scales, for Federal physicians be implemented, the committee adopted an amendment instructing the Director of Office of Management and Budget to investigate possible legislative and administrative solutions to the recruitment and retention problems and to submit a report to the Congress no later than September 30, 1980, 1 year before the expiration date of the service agreements authorized under S. 990, as amended.

The Civil Service Commission stated at the hearing that "the administration is in the process of reviewing Federal compensation policy on a broad basis." Further, according to a May 2, 1977, letter to the Honorable Ray Roberts, chairman of the House Committee on Veterans' Affairs, the former Director of OMB, Bert Lance, stated that OMB was reviewing relevant studies and that "(l)egislative proposals based upon this review will be reflected in the President's fiscal year 1979 budget." As a result, the committee believes the further study asked for in S. 990, as amended, will not put any extra burden on OMB, but only serve as an additional expression of the sense of the Congress that a comprehensive and permanent solution to the recruitment and retention problems faced by all Federal physicians be implemented.

Upon the recommendation of the Civil Service Commission, the committee adapted new language which makes major modifications in the bill. The primary change makes the bill applicable only to those physicians who are in categories which have been identified as having recruitment and retention problems. Such categories are to be identified by the head of the Agency in accordance with regulations, criteria, and conditions as may be prescribed by the President or his designee and the bonus contracts are to be administered on a discretionary basis. The committee endorsed this change as it is consistent with the rationale underlying bonus authorities now provided to physicians in the Veterans Administration and the uniformed services. Additional modifications that were recommended by the Civil Service Commission make the authority for entering into contract agreements end on September 30, 1979, the same date as proposed in the 1979 Budget for the Veterans' Administration, with all contracts terminating as of September 30, 1981.

The committee further believes that since similar recruitment and retention problems have been found to exist for certain categories of Federal veterinarians and dentists, Senator Mathias' suggestion to expand the definition of physician to include both veterinarians and dentists is appropriate and hence was adopted as an amendment by the committee.

However, such service agreements for veterinarians and dentists are to be implemented in the same manner for veterinarians and dentists as they will be for all physicians subject to the discretion of the head of an agency in accordance with the regulation, criteria and conditions as may be prescribed by the President or his designee.

According to the Civil Service Commission, there are approximately 6,500 dentists in the Federal workforce, but only 20 are found in the General Schedule. The remaining 5,080 dentists are employed by the military services and 886 are employed by the Veterans' Ad-

ministration. With the exception of the 20 General Schedule physicians, the vast majority are already covered by existing bonus and special pay authorities.

Although there are 2,250 veterinarians in the General Schedule, since not all are experiencing recruitment and retention problems, many will not be eligible for service agreements under S. 990, as amended.

BACKGROUND

There are currently more than 20,000 Federal physicians employed by the Federal Government. The majority of these physicians are paid under three statutory pay systems; The Uniformed Services (DOD), The Veterans' Administration (VA), and the General Schedule.

Military medical officers are paid under an officer-rank system of military compensation. Physicians in the Commissioned Corps of the Public Health Service hold the same ranks and are paid in the same manner as military medical officers. Physicians in the Department of Medicine and Surgery of the Veterans' Administration are paid under a rank-in-person and a rank-in-job system, which resembles the General Schedule, but is actually quite different and more flexible in operation. Finally, physicians of the General Schedule are paid under a position classification system with grade levels and their definitions set in law.

Pay under the three salary systems covering Federal physicians is adjusted annually under the Federal pay comparability system. In the comparability process, a broadly based cross-industry survey of the corresponding private enterprise salary rates of selected General Schedule occupations, excluding medical occupations, is made. Currently, both DOD and VA have authority to grant temporary, special and incentive pay to alleviate recruitment and retention problems which have been identified.

When the so-called doctor draft, which had enabled the Uniformed Services to meet their needs for medical officers, ended in 1973, a supplemental pay, "variable incentive pay," up to $13,500 a year, was developed by the Department of Defense and Public Law 93-274, authorized on a temporary basis by the Congress in 1974 to insure adequate recruitment and retention of medical officers in a draft-free environment. The legislation, which expires next October, also covers physicians in the Public Health Service Commissioned Corps.

In 1975 when the Veterans' Administration experienced difficulties in meeting its needs for well-qualified physicians, especially in certain critically short specialties, the concept of a salary add-on was also extended to the VA physicians and dentists in the form of "special pay" under a bill passed by the Congress. This temporary legislation provides for "special pay" up to $13,500 for a 4-year employment contract. Although it, too, expires next October, Congress is working on additional temporary extensions.

No authority to provide "special pay" has been given to agencies employing General Schedule physicians. S. 990 is an attempt to meet this need.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL RAILROAD SAFETY ACT AMENDMENTS ACT OF 1978

The bill (S. 3081) to amend the Federal Railroad Safety Act of 1970 to provide the Secretary of Transportation a longer period within which to assess civil penalties for certain violations, to extend authorizations of appropriations for fiscal year 1979 and 1980 for the rail safety program, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Railroad Safety Act Amendments Act of 1978".

NOTICE OF VIOLATIONS

SEC. 2. The first sentence of section 207 of the Federal Railroad Safety Act of 1970 (hereinafter in this Act referred to as the "Safety Act") (45 U.S.C. 436) is amended to read as follows: "In any case in which the Secretary has failed to assess the civil penalty applicable under section 209 of this title, or no civil action has been commenced to obtain injunctive relief under section 210 of this title, with respect to a violation of any railroad safety rule, regulation, order, or standard issued under this title, within 90 days after the date on which notification was received by the Secretary from a State agency participating in investigative and surveillance activities under the provisions of section 206 of this title, that State agency may apply to the district court of the United States within the jurisdiction of which the violation occurred for the enforcement of such rule, regulation, order or standard.".

ROLE OF DEPARTMENT OF TRANSPORTATION IN RAILROAD ACCIDENT INVESTIGATIONS; LIABILITY OF DEPARTMENT OF TRANSPORTATION'S AGENTS

SEC. 3. Section 208 of the Safety Act (45 U.S.C. 437) is amended—

(1) by deleting subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c) respectively; and

(2) by amending newly designated subsection (b) to read as follows:

"(b) To carry out the Secretary's responsibilities under this title, officers, employees, or agents of the Secretary are authorized to enter upon, inspect, and examine rail facilities, equipment, rolling stock, operations and pertinent records at reasonable times and in a reasonable manner. Such officers, employees, or agents shall display proper credentials when requested, and during the course of such inspection or examination shall be considered employees of the Government for the purposes of the Federal Tort Claims Act (28 U.S.C. 2671 et seq.).".

"AUTHORIZATION OF APPROPRIATIONS

SEC. 4. Section 212 of the Safety Act (45 U.S.C. 441) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 212. There are authorized to be appropriated to carry out the provisions of this Act not to exceed $35,000,000 for the fiscal year ending September 30, 1979, and not to exceed $35,000,000 for the fiscal year ending September 30, 1980. Sums appropriated for research and development, automated track inspection and the State safety grant program shall remain available until expended.".

HOURS OF SERVICE ACT; INTERSTATE COMMERCE REQUIREMENT

SEC. 5. Subsection (a) of the first section of the Act of March 4, 1907, as amended (45 U.S.C. 61), is amended to read as follows:

"(a) This Act shall apply to any common carrier engaged in interstate or foreign commerce by railroad.".

SEC. 6. (a) Section 4 of the Act of April 14, 1910, as amended (45 U.S.C. 13), and section 9 of the Act of February 17, 1911, as amended (45 U.S.C. 34), are each amended by inserting "assessed by the Secretary of Transportation and" after "shall be liable to a penalty of not less than $250 and not more than $2,500 for each and every such violation, to be", where those words appear in the respective sections.

(b) Section 25(h) of part I of the Interstate Commerce Act (49 U.S.C. 26(h)), is amended by inserting "assessed by the Secretary of Transportation and" after "shall be liable to a penalty of not less than $250 and not more than $2,500 for each and every day such violation, refusal, or neglect continues, to be".

AMENDMENTS TO THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

SEC. 7. Section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825) is amended by (a) striking the last sentence of subsection (d)(3) thereof; and (b) striking "purchase under this title after September 30, 1978", and inserting in lieu thereof ", after September 30, 1979, make commitments to purchase under this title" in subsection (e) thereof.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95-865), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT

PURPOSE

It is the purpose of this legislation to provide authorization for appropriations to carry out the provisions of the Federal Railroad Safety Act for fiscal years 1979 and 1980 and to amend the Federal Railroad Safety Act, the Hours of Service Act and various related railroad laws to facilitate the timely enforcement of railroad safety programs. In addition, the legislation amends section 505 of the Railroad Revitalization and Regulatory Reform Act by eliminating the $100 million ceiling on the purchase of trustee certificates and by extending the date on which the Secretary of Transportation may commit funds under section 505 to September 30, 1979.

BACKGROUND AND NEED

The committee has been and continues to be concerned over the difficulty of the railroad industry to deal effectively with the problem of railroad safety and the lack of substantial improvements in safety statistics following enactment of the Federal Railroad Act of 1970. While national attention has recently focused on railroad safety problems as a result of the devastating rail accidents in Pensacola, Fla., Waverly, Tenn., and Youngstown, Fla., the Commerce Committee has been concerned for some time that while progress has been made in certain areas of rail safety, other problems appear to be growing worse.

Statistics available from the Federal Railroad Administration (FRA) show that total fatalities and injuries resulting from railroad accidents have shown a steady decrease in numbers over the 10-year period from 1966 through 1976. During that period, fatalities showed a 37-percent drop while total injuries showed an equally impressive 25-percent decrease. However, while the committee is encouraged by these statistics, it is greatly disturbed to learn that the total level of injuries and fatalities is still intolerably high—1977 figures show 1,531 deaths and 67,675 injuries—and this level must be further reduced.

Equally disturbing to the committee are statistics showing that train accidents have increased since 1966 by approximately 15 percent with a corresponding increase in costs. Total cost to the railroads as a result of train accidents rose 38 percent during the 10-year period and the trend does not appear to be changing. Testimony submitted to the committee during the course of hearings indicated that the cause of these train accidents are primarily in two areas—defects in the right-of-way or other structures and equipment failures. Together these two fac-

tors accounted for close to 70 percent of all train accidents.

Under provisions of the Federal Railroad Safety Authorization Act of 1976, the Office of Technology Assessment (OTA) was instructed to evaluate Federal railroad safety regulations and, in particular, the effectiveness of the Federal Railroad Safety Act of 1970. The results of that study highlight the dramatic relationship between the financial health of the railroad industry and its ability to reduce derailments and related accidents. The OTA report found that defects in track were the largest and most rapidly increasing single cause of derailments and that, unless there was a positive change in the economic health of the industry, there would be little chance for a decrease in rail accidents.

The committee was particularly concerned with the OTA findings in the area of the effects of Federal safety laws and regulations, effects of inspection activities, effects of research and development programs, and improvements in the handling of hazardous materials. Though the OTA report found that the current railroad statutory framework was adequate in dealing with railroad safety problems, the effectiveness of implementation has been hindered by inadequate use of accident data, jurisdictional problems, and the lack of alternative approaches to rail safety. Furthermore, OTA found that, in many instances, Federal Railroad Administration has not adequately articulated how certain regulations will bring about the desired results in rail safety improvements.

The OTA report reviewed the effectiveness of the Federal Railroad Administration inspection programs and found that the existing program has not greatly affected the accident rate. The Federal Railroad Administration inspection program is based on the premise that these inspections provide preventive safety measures. The committee appreciates the effectiveness of this type of activity and would like to see more inspectors in the field engaged in the automated track inspection program. The OTA report indicates that alternative approaches might be considered, and the committee encourages the Federal Railroad Administration to look into some of the more appropriate methods of administering its safety program.

The area of hazardous materials handling is of particular concern to the committee because of the possible catastrophic effects in the general population of tank car derailments. The committee is encouraged by the Secretary of Transportation's actions in expediting rulemaking proceedings on the retrofit of pressure tank cars and the elimination of carbon cast wheels by the end of the year. It is hoped that additional analysis will be undertaken by the Federal Railroad Administration to determine how the rail industry can effectively reduce the risks of hazardous materials transportation.

Finally, the committee wishes to emphasize the need for decreasing the level of deferred maintenance in the railroad industry. Not only does deferred maintenance adversely impact on the revenues and profits of the industry, but it has an obviously negative impact on rail safety. In this regard, the committee stresses the importance of track maintenance and the need to distribute funds as expeditiously as possible under the title V program of the Railroad Revitalization and Regulatory Reform Act of 1976. The largest increases in rail safety will come not from Federal regulation, but from the maintenance and rehabilitation of the right-of-way.

COMMITTEE ACTION

The Surface Transportation Subcommittee held hearings on S. 2897 on April 21, 1978. S. 2897 was introduced at the request of the Department of Transportation and provided for extensions of authorization in the amount of $35 million for both fiscal years 1979 and 1980. In addition, the Department's bill would extend the time period of review of safety violations by the Secretary of Transportation until actual receipt of the violation from the State agency and would help to preserve uniformity of interpretation of the railroad safety regulations. The Department's bill also would make it clear that the Federal Tort Claims Act does apply to the outside contract employees who operate as agents for the Department during inspections and examinations of rail facilities. Finally, the Department's bill would make it clear that the Hours of Service Act is to apply to any common carrier engaged in interstate or foreign commerce by railroad, thereby relieving the Federal railroad inspectors from having to prove, in each case in which a violation is processed, that one or two cars on that train were in fact moving in interstate commerce.

The primary purpose of the reported bill is to provide authorization for appropriations for the programs under the Federal Railroad Safety Act of 1970.

Finally, the reported bill contains an additional section, section 7, "Amendments to the Railroad Revitalization and Regulatory Act," that is designed to facilitate the distribution of funds under title V of the 4–R Act. Given the recent bankruptcy of the Chicago, Milwaukee, St. Paul and Pacific Railroad, raising to three the number of Class I railroads in reorganization, the committee felt it was necessary to eliminate the $100 million ceiling on the purchase of trustee certificates. Furthermore, the committee recognizes that railroad rehabilitation projects funded under section 505 will often be long, complex projects that may not be accomplished for many months after the commitment of Federal funding. Section 7 clarifies that September 30, 1979, is the date on which the Secretary's authority to commit funds shall terminate and allows drawdowns of funds for work accomplished after September 30, 1979.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SIKES ACT AMENDMENTS OF 1978

The Senate proceeded to consider the bill (S. 2987) to extend the authority for carrying out conservation and rehabilitation programs on military reservations and certain public lands, which had been reported from the Committee on Environment and Public Works with amendments as follows:

On page 2, line 2, strike "each of";

On page 2, line 3, strike "years" and insert "year";

On page 2, line 13, strike "each of";

On page 2, line 14, strike "three";

On page 2, line 14, strike "years" and insert "year";

On page 3, line 10, after "1979," insert "and";

On page 3, line 11, strike "$20,000,000 for the fiscal year ending September 30, 1981, and $25,000,000 for the fiscal year ending September 30, 1982,";

On page 3, line 23, after "1979," insert "and";

On page 3, line 24, strike "$45,000,000 for the fiscal year ending September 30, 1981, $50,000,000 for the fiscal year ending September 30, 1982,";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be cited as the "Sikes Act Amendments of 1978".

SEC. 2. Section 106 of the Act of September 15, 1960 (16 U.S.C. 670f(b)), as amended, is further amended—

(1) by striking subsection (b); and

(2) by inserting in lieu thereof the following new subsections (b), (c), and (d):

"(b) There are authorized to be appropriated to the Secretary of Defense not to exceed $1,500,000 for the fiscal year ending September 30, 1979, and for the next fiscal year thereafter to carry out this title, including the enhancement of fish and wildlife habitat and the development of public recreation and other facilities. The Secretary of Defense shall, to the greatest extent practicable, enter into agreements to utilize the services, personnel, equipment, and facilities, with or without reimbursement, of the Secretary of the Interior in carrying out the provisions of this section.

"(c) There are authorized to be appropriated to the Secretary of the Interior not to exceed $4,500,000 for the fiscal year ending September 30, 1979, and for the next fiscal year thereafter to carry out functions and responsibilities as the Secretary may have under cooperative plans to which such Secretary is a party under this section, including those for the enhancement of fish and wildlife habitat and the development of public recreation and other facilities.

"(d) Sums authorized to be appropriated under this section shall be available until expended. In the event funds requested for appropriations are less than those authorized under this section, the Secretary of the Interior and the Secretary of Defense shall report to the Committee on Environment and Public Works of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives stating with particularity the reason for not requesting appropriation of the amount authorized under this section and the plans of such Secretary for otherwise carrying out the intent of this Act.".

SEC. 3. Section 209 of such Act (16 U.S.C. 670o) is amended to read as follows:

"SEC. 209. (a) There are authorized to be appropriated the sum of $10,000,000 for the fiscal year ending September 30, 1979, and $15,000,000 for the fiscal year ending September 30, 1980, to enable the Department of the Interior to carry out its functions and responsibilities under this title, including data collection, research, planning, and conservation and rehabilitation programs on public lands. Such funds shall be in addition to those authorized for wildlife, range, soil, and water management pursuant to section 318 of the Federal Land Policy and Management Act of 1976, or other provisions of law.

"(b) There are authorized to be appropriated the sum of $35,000,000 for the fiscal year ending September 30, 1979, and $40,000,000 for the fiscal year ending September 30, 1980, to enable the Department of Agriculture to carry out its functions and responsibilities under this title. Such funds shall be in addition to those provided under other provisions of law. In requesting funds under this subsection the Secretary shall take into account fish and wildlife program needs, including those for projects, identified in the State comprehensive plans as contained in the program developed pursuant to the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1601).

"(c) In the event funds requested for appropriations are less than those authorized under this section, the Secretary of the Interior and the Secretary of Agricul-

ture shall report to the Committee on Environment and Public Works of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives stating with particularity the reason for not requesting appropriation of an amount authorized under this section and the plans of such Secretary for otherwise carrying out the intent of this Act.".

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COUNCIL ON ENVIRONMENTAL QUALITY AUTHORIZATIONS

The Senate proceeded to consider the bill (H.R. 10884) to authorize appropriations to the Council on Environmental Quality for fiscal years 1979, 1980, and 1981, which had been reported from the Committee on Environment and Public Works with an amendment to strike all after the enacting clause and insert the following:

That section 205 of the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4374) is amended to read as follows:

"SEC. 205. There are hereby authorized to be appropriated for the operations of the Office of Environmental Quality and the Council on Environmental Quality not to exceed the following sums for the following fiscal years which sums are in addition to those contained in Public Law 91-190:

"(a) $2,126,000 for the fiscal year ending September 30, 1979; and

"(b) $3,000,000 for each of the fiscal years ending September 30, 1980, and September 30, 1981.".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent on behalf of Mr. CULVER to have printed in the RECORD a statement at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAUTHORIZING FUNDS FOR COUNCIL ON ENVIRONMENTAL QUALITY

● Mr. CULVER. Mr. President, in 1970, Congress passed the Environmental Quality Improvement Act to provide funds and staff assistance to the Council on Environmental Quality (CEQ) for its ongoing policy analysis and research concerning environmental matters. The $3 million annual authorization for the Council on Environmental Quality expires at the end of fiscal year 1978.

The administration has asked that the law be extended at the level of $2,126,000 for fiscal year 1979 and such sums as may be necessary for fiscal year 1980. In addition, the Council has indicated it will seek increased authorizations for fiscal years 1980 and 1981, not to exceed $3 million annually.

The bill approved by the Committee on Environment and Public Works essentially reflects the administration's request by authorizing $2,126,000 for fiscal year 1979 and $3 million each for fiscal years 1980 and 1981. This amount should provide the necessary funds for ongoing research being conducted by the Council on various environmental issues such as energy development, air quality, coastal zone management and toxic substances, and permit CEQ to continue its other advisory, coordination and information-supplying activities.

Mr. President, I believe H.R. 10884 will let the Council on Environmental Quality continue its significant role in environmental affairs, and I urge the Senate to approve it.●

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MRS. YOUNG HEE KIM KANG, HEE JAE KANG, HEE JIN KANG, AND HEE SOO KANG

The Senate proceeded to consider the bill (H.R. 3996) for the relief of Mrs. Young Hee Kim Kang, Hee Jae Kang, Hee Jin Kang, and Hee Soo Kang, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert the following:

That, for the purposes of the Immigration and Nationality Act, notwithstanding the death on September 15, 1975, of Jun Kun Kang, who was the beneficiary of an approved petition filed April 22, 1974, in his behalf by his brother, Stanley Shin Kang, a citizen of the United States, Young Hee Kim Kang, the spouse of Jun Kun Kang, and their children, Hee Jae Kang, Hee Jin Kang, and Hee Soo Kang shall, if otherwise eligible, be entitled to fifth preference status under section 203(a)(9) of the Act as of April 22, 1974.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95-902), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to restore fifth preference status in behalf of Young Hee Kim Kang and her children, Hee Jae Kang, Hee Jin Kang, and Hee Soo Kang. The purpose of the amendments is to clarify the language of the bill.

STATEMENT OF FACTS

The beneficiaires of this bill are a 39-year-old widow and her three children, ages 16, 14, and 9, who are natives and citizens of Korea. The husband and father of the beneficiaries was the beneficiary of a visa petition filed by his brother, a U.S. citizen. The family was in the process of obtaining immigration visas when the principal beneficiary of the petition died of cancer on September 15, 1975, in Korea. Upon his death, the visa petition automatically became invalid.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read:

A bill for the relief of Young Hee Kim Kang and her children, Hee Jae Kang, Hee Jin Kang, and Hee Soo Kang.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ANADROMOUS FISH CONSERVATION ACT AMENDMENT

The bill (S. 415) to amend the Anadromous Fish Conservation Act to include fish in Lake Champlain that ascend streams to spawn was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Anadromous Fish Conservation Act, as amended (16 U.S.C. 757a-f), is amended by inserting immediately after the words "Great Lakes", wherever they appear therein, the words "or Lake Champlain".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95-907), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

INTRODUCTION

The goal of the Anadromous Fish Conservation Act is to restore severely depleted anadromous fish stocks and their habitats, to enhance existing anadromous fish populations, and to create new fisheries where possible, for the benefit of sport and commercial fisheries.

Non-Federal participants in this program include 29 State fishery agencies, universities, and one Indian tribe. Grantees with individual projects receive up to 50 percent Federal funding for eligible projects; on multi-State cooperative projects the Federal share can be as high as 66⅔ percent. Project funds can be used for construction, research, fish production, operation and maintenance of facilities, coordination and planning.

The benefits to both sport and commercial fisheries of this program have been enormous. The initiatives begun under this act have resulted in fisheries success stories throughout the country. The estimated dollar value in terms of fishery benefits both sport and commercial, during the act's 12-year funding period, is $440,600,000. Expenditures during that same period were $24,623,000.

DISCUSSION

At present only certain coastal waters and the waters of the Great Lakes are eligible for the programs within the Anadromous Fish Conservation Act. It was brought to the attention of the committee that in the waters of Lake Champlain there existed a tremendous potential for a salmonid fishery. Since 1973 much work has gone into development of a master plan for development of this fishery but work has been slowed because of limits imposed by inadequate fund-

ing, insufficient basic research on the lake and lack of programs and facilities for beginning and then managing an expanded fishery.

If the waters of Lake Champlain are included within those waters eligible for the competitive grant funds under the Anadromous Fish Conservation Act, the States bordering the lake will have the opportunity to begin in earnest the initiation of efforts to implement the master plan.

The committee also notes that because of the proximity of Lake Champlain to many of the major metropolitan areas in the northeast there is a tremendous need to develop the recreational potential on the lake. This bill by making those waters eligible for funds under the act can help the States bordering the lake fulfill this potential.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SETTLEMENT OF RETROACTIVE SOCIAL SERVICES CLAIMS

The bill (H.R. 11370) to authorize an appropriation to reimburse expenditures for social services provided by the States prior to October 1, 1975, under titles I, IV–A, VI, X, XIV, and XVI of the Social Security Act, was considered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a statement by Mr. MOYNIHAN be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. MOYNIHAN. Mr. President, on December 15, 1978, I introduced S. 2360, a bill to authorize funds necessary to settle a longstanding dispute between 28 States and the Department of Health, Education, and Welfare arising out of numerous claims for social services rendered under the several titles of the Social Security Act that authorized such services prior to October 1, 1975, when the current title XX took effect.

This bill won widespread support in the Senate. Twenty-nine Senators asked to cosponsor it. On February 7, it was favorably reported by the Committee on Finance. President Carter requested the necessary funds in his fiscal 1979 budget, and the Congress made room for this expenditure in the first concurrent resolution on the budget.

On Tuesday, May 23, the House of Representatives passed the counterpart bill (H.R. 11370) by an overwhelming vote of 377 to 25. The House-passed bill is now before the Senate. It differs from S. 2360 in just a few minor technical details. In my view, we should now pass the House bill and thereby avoid any delay in the final enactment of this worthwhile, popular and uncontroversial measure.

The present title XX program represents a marked improvement over the previous social service titles under which these disputes arose in a series of misunderstandings, abuses, and apparent manipulations so well chronicled by Dr. Martha Derthick in her brilliant book, "Uncontrollable Spending for Social Services Grants" published by the Brookings Institution in 1975. It is now time to complete the transition from those programs to title XX. Passage of the present legislation, and implementation of the agreement it embodies, will have the salutary effect. It is a step forward for American federalism, and I congratulate all concerned on their success in bringing us to this point. It is also a fine example of the enduring ability of the executive branch, the two Houses of Congress, and the several States democratically to reach amicable and broadly satisfactory solutions to the problems that inevitably arise in the workings of a complex modern society.●

The bill was ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO INDEFINITELY POSTPONE S. 2360

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 577, S. 2360, relating to settlement of retroactive social services claims, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISED LIST OF COSPONSORS FOR S. 50—THE FULL EMPLOYMENT AND BALANCED GROWTH ACT OF 1978

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mrs. HUMPHREY, I ask unanimous consent that the cosponsors of S. 50, as introduced on January 10, 1977, be amended to read as follows:

Mrs. HUMPHREY (for herself, Mr. NELSON, Mr. ROBERT C. BYRD, Mr. WILLIAMS, Mr. JAVITS, Mr. CRANSTON, Mr. BROOKE, Mr. JACKSON, Mr. MAGNUSON, Mr. RIBICOFF, Mr. ABOUREZK, Mr. ANDERSON, Mr. BAYH, Mr. CASE, Mr. CLARK, Mr. EAGLETON, Mr. HATHAWAY, Mr. INOUYE, Mr. KENNEDY, Mr. LEAHY, Mr. MATSUNAGA, Mr. MCGOVERN, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. PELL, Mr. RIEGLE, and Mr. SARBANES).

● Mrs. HUMPHREY. Mr. President, this change is necessary so that the list of cosponsors on the legislation now being considered by the Senate Banking Committee and on the bill that has been approved by the Senate Human Resources Committee reflect those Senators who joined with me on February 23, 1978, in introducing the most recent version of the Full Employment and Balanced Growth Act.●

1938 EVIAN CONFERENCE RECALLS NEED FOR GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, time has given us a valuable perspective in analyzing the actions of the nations in the past, and sometimes when we study history, we can perceive grave mistakes which went unnoticed in their own day. One such tragic mistake occurred in 1938, in a conference held at Evian-Les-Bains, France.

The United States chaired this conference, and the intentions of the conference were certainly noble ones. It was clear in 1938 that the Jews in Austria and Germany were in grave peril, and the parties to the conference hoped that a land could be found for the resettlement of many of Europe's Jews. The persecution of the Jews was well underway in Austria and Germany, and that persecution was well known to the conferees at Evian.

Unfortunately, Mr. President, no one at Evian really realized or believed that the Nazis would act to exterminate the Jewish race. None of the great countries of the world was willing to accept a large number of Jewish refugees. The problem, by the way, was not securing their release from Germany and Austria. Rather, it was finding a country which was willing to absorb the refugees.

The Evian Conference was worse than a failure. It not only failed to find some way to help the Jewish refugees, but it also broadcast to the German leaders the lack of resolve which the other major powers had to take action to save the Jews. Hitler himself, in a speech after the Evian Conference, said:

The other world is oozing with sympathy for the poor, tormented people, but remains hard and obdurate when it comes to helping them.

The true consequences of the Evian Conference were not realized until after World War II, when the extent of the program became clear. Six million Jews had been killed.

I ask unanimous consent that an excellent article by Peggy Mann about the Evian Conference, which appeared in a recent edition of the Washington Post, be printed in full immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, I also wish to take this opportunity to point out to Senators that the Evian Conference shows that inaction can have very serious consequences. Today, the Genocide Convention awaits the action of the Senate. For 30 years, this treaty has been pending before the Senate, while over 80 other nations have ratified its provisions. This treaty, which would make the commission of genocide an international crime, was drafted largely because of the atrocities which occurred in Germany and Austria during World War II. The United States failed to act affirmatively at the Evian Conference. I hope that we will not continue to make the same mistake twice. I urge the Senate to ratify the Genocide Convention as soon as possible.

EXHIBIT 1

PRELUDE TO HOLOCAUST

(By Peggy Mann)

EVIAN-LES-BAINS, FRANCE.—I stood on a lawn overlooking Lac Leman where tiny sailboat triangles moved slowly through the evening. Behind me rose the white splendor of the Royal Hotel. It was a setting epitomizing peace, well-being. Yet, this is the place where, in July, 1938, the holocaust—the murder of two-thirds of Europe's Jews—could have been halted.

Here, in the famed French resort, 15 weeks after Hitler annexed Austria, delegates from 32 nations met to determine how they could rescue the Jews of the Greater German Reich, help them to reestablish their lives elsewhere.

Never before in history had nations of the world gathered together for the single purpose of saving a doomed people. "Nations of Asylum" they called themselves.

The conference had been organized by President Franklin D. Roosevelt, who appointed Myron C. Taylor, former president of U.S. Steel, as his special ambassador. All of the delegates were important men: three ambassadors, three ministers, 13 envoys and 13 other diplomats of high status. They settled into their luxurious suites at the Royal Hotel buoyed by the aura of expectancy and good will which news of the conference had engendered.

Reporters from the 32 nations attended. Two days before the opening of the conference, Anne O'Hare McCormick wrote in The New York Times: "It is heartbreaking to think of the queues of desperate human beings around our consulates in Vienna and other cities waiting in suspense for what happens at Evian. But the question they underline is not simply humanitarian . . . It is a test of civilization . . . Can America live with itself if it lets Germany get away with this policy of extermination, allows the fanaticism of one man to triumph over reason, refuses to take up this gage of battle against barbarism?"

Who were these "Nations of Asylum?" Argentina, Australia, Brazil, Colombia, Denmark, the United States, Great Britain and her Commonwealth countries, France, Belgium, Sweden, Norway, the Netherlands, Switzerland, nations of Latin America and Africa. Only two countries, Italy and South Africa, turned down the invitation, but South Africa sent an observer.

There also was a contingent of uninvited observers: Nazis. No one knew quite what to do about this, so they were allowed to remain. They showed up at every session, most of them dressed in mufti. And they took careful notes during all the proceedings.

Also attending were top officials of 39 refugee organizations, including 20 Jewish organizations, who had come to present the delegates with eyewitness accounts, reports, statistics, all of which culminated in one irrefutable conclusion: the Jews of Hitler's Reich were doomed unless they could get out of Germany and Austria.

And they could get out—then. Indeed, the official German policy in 1938 was to make the Reich Judenrein—purified of Jews—by getting the Jews out. There was only one problem. Who would let the Jews in?

A sad joke was making the rounds in the Reich. A Jew goes into a travel agent; he wants to take a trip. The agent sets a globe on the counter before him. "There. The world. Choose." Slowly the Jew turns the globe, studying it carefully. Finally, he looks up and says: "Have you got anything else?"

There was, in fact, only one spot in the world where Europe's Jews were welcomed. Palestine. At least they were welcomed by the Jews of Palestine, not by the Arabs of Palestine. And not by the British who held a League of Nations mandate to rule over Palestine. Just prior to the Evian Conference, the deputy head of the British delegation, Sir Michael Palairet, succeeded in winning a promise from Taylor that the world's most eloquent spokesman for increased Jewish immigration to Palestine, Dr. Chaim Weizmann, would not be allowed to speak. Not only was Dr. Weizmann an eloquent spokesman, he also was the most official spokesman the Jewish people had. He was president of the World Zionist Organization and president of the Jewish Agency, the widely recognized government of the Jewish people. A 40-year-old woman named Mrs. Golda Meyerson (Meir) had been sent to Evian by the *Yishuv*, the Jews of Palestine, because of her direct forcefulness as a speaker. But she also was not allowed to speak.

A heated debate took place during the first 2 days of the conference. The subject: which of the three main powers, the United States, France or Britain, should chair the proceedings. It was finally decided that the honor should go to the United States.

Then the representatives of the 39 refugee organizations were heard. All of their presentations were scheduled for a single afternoon. Each representative was given 10 minutes. As the afternoon wore on, the time allocated was cut to 5 minutes. The World Jewish Congress, which represented 7 million Jews, had 5 minutes. The Association for Aid to German Scientists had 5 minutes. The delegation of Jews of the Reich did not receive any time at all. They were told to submit a written memorandum to be included in the minutes.

HORRORS IN AUSTRIA

In the limited time at their disposal, the advocates of Jewish survival detailed horrors which had been happening for the past 3 months in Austria: tens of thousands of Jews thrown into concentration camps . . . men, women, even small children cornered on the streets, beaten, kicked, whipped by black-booted SS men . . . rabbis sent to clean the SS toilets . . . Jewish women forced down on their knees to scrub the gutters, often with acid added to the scrub water . . . throughout the country civilians "cooperating" with the SS by beating up Jews, evicting them from their flats, breaking into Jewish shops and homes, carting out anything of value. The explosion of terror and sadism even exceeded what had been seen in Germany.

Newspaper reports also were distributed to the Evian delegates. For example, two weeks before Evian, The London Times Vienna correspondent had written about "the constant arrest of the Jewish population. No specific charge is made, but men and women, young and old, are taken each day and each night from their houses or in the streets and carried off . . . There can be no Jewish family in the country which has not one or more of its members under arrest. The state of hopelessness and panic which is engendered can be imagined . . ."

In Austria, it had been happening for 3 months, since Hitler took over that country. In Germany it had been happening for 3 years, starting officially with the Nuremberg Laws of Sept. 15, 1935. The German Jew was not recognized as a citizen. All Jews in the civil service had been fired. Jewish teachers had been fired. Jews were excluded from the entertainment industry, from journalism, radio, the stock exchange, law. Indeed, by 1937, half the Jews in Germany were unemployed. And signs had started appearing throughout the county, signs on butcher shops, dairies, groceries, pharmacies: No Jews Allowed. Thus, in many towns, Jews could not buy milk for their children, medicine for their sick. Jewish children had to attend segregated schools and even kindergartens bore the signs: Jewish Scum, or Cursed Be the Jew.

Meanwhile, a brand new First Reader had been issued for small German Aryans. In the section on religion, for example, the youngsters read: "Remember that the Jews are children of the devil and murderers of mankind. Whoever is a murderer deserves to be killed himself."

A month prior to the Evian Conference, the Great Synagogue of Munich was destroyed on Hitler's personal orders, followed by the destruction of synagogues in Nuremberg and Dortmund. Two weeks before the conference, 15,000 Jews were arrested throughout Germany, sent to concentration camps. In Buchenwald, Jews were whipped, tortured in the day time. And all through the night a recorded voice kept shouting through the loudspeaker. "Any Jew who wishes to hang himself is asked first to put a piece of paper in his mouth with his number on it, so that we may know who he is."

Today, when asked how many of the 6 million annihilated Jews came from Germany and Austria, most people answer, 3 million, 4 million or more.

The fact is that at the time of the Evian Conference there were only 350,000 Jews in Germany and 220,000 in Austria. The 32 "Nations of Asylum," many of which had vast areas of unpopulated lands, could easily have agreed to save every Jew in the Greater German Reich? How many did they agree to save?

WHAT THE U.S. DID

Taylor was the first to speak on the subject. His words were awaited with great anticipation. Not only had the conference been called by the American president, but, in his opening address, he had exhorted the delegates to uphold "those principles which we have come to regard as the standards of our civilization."

Some delegates wondered whether the United States would agree to accept all the Reich's 570,000 Jewish refugees. (A generation later, the United States accepted 585,000 Cuban and Vietnamese refugees, with no noticeable ill effects on the economic life of the nation.)

Carefully, Ambassador Taylor explained that the United States had its quota system which could not be changed. However, an important new step now would be taken. Although the total German quota was 25,957 per year, it so happened that a total of only 27,000 Jews had been admitted to the United States during the past 6 years. (This had been brought about through a number of factors. They ranged from a "roadblock" set down by President Herbert Hoover in 1932 with the intent of discouraging immigration to the depression-ridden United States to the outright anti-Semitism of certain local U.S. consuls who made the on-the-spot decisions as to who should be granted visas.) Although, said Ambassador Taylor, unused quotas of previous years could not be used in subsequent years, U.S. consuls were being advised that the severe restrictions they had imposed upon Jewish refugees should be lifted for the current year, so that the full quota of 27,730 German and Austrian immigrants would be admitted each year. (This included, of course, any Christians who wished to come.)

There was a stunned silence as the ambassador sat down. This was the great gesture of hope and help offered by the nation populated by immigrants, the nation which for generations had offered asylum to Europe's oppressed?

Why had Roosevelt called the conference if this was the example the United States planned to set? Countless polls had shown that Americans, on the whole, were dead set against any increase in immigration quotas. On the other hand, the Nazi annexation of Austria had brought about increased pressure from many organizations, congressmen and reporters (notably Dorothy Thompson) for a State Department action to aid the refugees. According to an internal State Department memorandum, the Evian conference would enable the United States to "get out in front and attempt to guide the pressure, primarily with a view toward forestalling attempts to have the immigration laws liberalized."

Roosevelt sincerely hoped that the Evian conference, large underpopulated countries would accept the Jews of the Reich. Indeed, he previously had proposed this idea to Brazil.

The United States was only the first nation to be heard from. There were 31 others, some of them the largest and least populated countries in the world. Surely they

would find room for the refugees: Canada, the second largest nation in the world; Brazil, the fifth largest; Australia, the sixth largest. Between them they could easily absorb all the half-million would-be refugees.

The delegate from Canada explained that Canada could accept only experienced agricultural workers. (Colombia, Uruguay and Venezuela, it turned out, also had the same immigration restriction.)

What of the vast and underpopulated nation of Brazil? When inviting countries to the conference, the U.S. State Department had made it clear that no country "would be expected to make any change in its immigration legislation." And just before coming to the conference, Brazil had enacted a brand new law—henceforth, every visa application must be accompanied by a certificate of baptism. So, unfortunately, Brazil could not accept any Jews at all.

The entire continent of Australia had a population of the city of London today. "Populate or perish" was a popular Australian slogan. Politicians were warning that if Australians did not populate their own 3 million square miles, someone else would do it for them. Yet, the Australian delegate, Lt. Col. J. W. White, minister of commerce and customs, explained that Australia could accept only 15,000 Jewish immigrants over a 3-year period. "As we have no real racial problem, we are not desirous of importing one." (Actually, from 1933 to 1943, only 9,000 entered the country.)

The British delegate had similar worries. A rush of Jewish refugees from the Reich "might arouse anti-Semitic feeling in Great Britain." Nor did the British colonial empire contain territory suitable for the large-scale resettlement of the refugees. (No mention was made of Palestine.)

The French delegate announced that his country had already taken in 200,000 Jews and "had reached the saturation point."

Nicaragua, Costa Rica, Honduras, all classified intellectuals and merchants as undesirables. Unfortunately, half the Jews in Germany and Australia fell into the "intellectual" category; doctors, lawyers, professors; most of the rest were businessmen.

The Swiss delegate spoke about the "inundation" of Jewish refugees after the fall of Austria to Hitler. Three or four thousand had already fled across the border, and unless the flow stopped, he warned, "Switzerland, which has as little use for these Jews as has Germany, will herself take measures to protect Switzerland from being swamped by Jews with the connivance of the Viennese police."

And so it went during the final days of the conference. One delegate after another rose with a similar message: The situation for Jews in the Reich was, indeed, horrendous. Unfortunately, his country's laws prevented any concrete aid. But he was certain that other nations would open their doors.

Three small countries did express willingness to help. Holland, the most densely populated of the Evian nations, with some 800 people per square mile, had already taken in more than 25,000 Jewish refugees, but offered itself as a country of temporary asylum. (The Germans invaded 2 years later, and by the end of the war, 75 percent of the Jews in Holland had perished.)

The Danish delegate stated that his overcrowded country would continue to accept refugees. (And Denmark took in—and protected—1,500 Jews.) The Dominican Republic announced it would settle 100,000 refugees. (However, due to innumerable roadblocks, only 500 found a home there.)

Even the positive proposals put forth by these three small nations at Evian were drowned out by an official resolution passed unanimously on the final day of the conference: "The delegates of the Countries of Asylum are not willing to undertake any obligations toward financing involuntary immigration." In simpler words, only Jews who could afford to pay their way would be accepted. Since it had been clearly brought out at the conference that no Jew was permitted to leave Germany or Austria with more than 10 Reichsmarks—less than $5—that single resolution made every Jew from Germany and Austria officially and automatically unacceptable to "the Countries of Asylum."

Furthermore, at the request of some of the South American delegates, "contentious allusions" to the Third Reich were omitted in the final resolution.

The delegates then appointed a committee to study the matter further: The Intergovernmental Committee on Refugees. The director was an American lawyer, George Rublee, a friend of FDR. The committee set up headquarters in London.

1938 GERMAN POGROM

On Nov. 9 and 10, four months after Evian, came the *Kristallnacht* (crystal night, so-called after the glass that littered the streets from the windows of Jewish homes and businesses), the ghastly government-sponsored campaign of arson, mayhem and terror aimed exclusively at Jews and carefully organized throughout every village, town and city of Germany and the country which had been Austria. Some 267 synagogues and congregational buildings were razed, and 7,500 Jewish shops were damaged, virtually the entire number which remained in the Reich prior to Nov. 9. A few Jews were thrown out of apartment house windows and from moving trains. Some were shot while trying to escape. Nearly 30,000 Jewish men between 16 and 18 were arrested on Nov. 10 and sent to concentration camps, 10,911 to Dachau, 9,845 to Buchenwald and 9,000 to Sachsenhausen.

In the villages, Nazi *gauleiters* held competitions to see which community should be "purified" of Jews first. Men, women, even small children were dragged from their homes, driven and whipped through the streets. Some were tethered to horse carts, their bodies pulled down country roads. Some were tied up and thrown into rivers. A few were hung. Official German figures listed 33 German Jews killed. But reporters and diplomats counted many more Jews murdered.

The *Kristallnacht* was the worst pogrom the modern world had, as yet, known, and outrage replaced apathy as tens of thousands of citizens of the Countries of Asylum petitioned their governments to immediately open their doors to the imperiled Jews of the Reich. Britain took in 9,000 Jewish children; Holland took in 1,700; Belgium accepted several hundred more. And George Rublee felt that now, finally, the time had come. Now the 32 nations must act. He put forth a simple plan. Each of the 32 nations should at once accept 25,000 Jews.

If only half the 32 nations had agreed, every Jew in the Reich could have been saved. None agreed.

Four days after the *Kristallnacht*, Rublee wired Secretary of State Cordell Hull: "The attack on the Jewish community in Germany on the one hand and the indifference of the participating (Evian) governments to the fate of the victims on the other has brought the affairs of tthe Intergovernmental Committee to a critical state where, in our opinion, immediate action is required if the president's initiative is to lead to a positive result . . .

"With the exception of the United States, which has maintained its quota, and the British Isles, which are admitting immigrants at a current month's rate equal to the rate immigrants are being admitted to the United States, doors have been systematically closed to involuntary immigrants since the meeting at Evian.

Indeed, during the four months since the Evian Conference some of the nations of asylum, including Argentina, Mexico, Chile and Uruguay, had adopted new and even more restrictive immigration regulations, specifically designed to keep out Jews.

On Nov. 15, the day after Rublee's urgent cable to Hull, President Roosevelt held a press conference. His prepared statement on the *Kristallnacht* included the realization that: "The news of the past few days from Germany has deeply shocked public opinion in the United States . . . I myself could scarcely believe that such things could occur in a 20th century civilization."

When a reporter asked whether the president would recommend a temporary change in the immigration laws so that more refugees would enter the United States, he replied that no such changes were being considered.

Was the United States contemplating breaking trade relations with the Third Reich?

"No," said the president.

Similar reactions were forthcoming from other "Evian nations." Most of the nations of asylum expressed their strong disapproval of the *Kristallnacht*. But none modified their immigrations laws so that the Reich's half-million Jews could be saved.

GERMAN REACTION

What if the Evian Conference had proceeded according to the desperate hopes of European Jewry? What if the delegates of the Nations of Asylum had stood up, one after the other, to announce their nations' horror at what was happening to the Jews of Germany and Austria? What if each nation at Evian had immediately agreed to take in 17,000 Jews at once? Every Jewish man, woman and child in Germany and Austria could have left for a new homeland.

But, as Golda Meir later wrote, "After the conference at Evian-les-Bains, it became chillingly clear that the Jewish people were entirely 'on their own.' "

The Evian Conference took place 8 months before Germany's annexation of Czechoslovakia, 14 months prior to the Nazi invasion of Poland and the outbreak of World War II. During all those strategic months, it was only the Reich's 570,000 Jews who were in dire danger. Their lives, in any case, would have been saved.

Could the holocaust have been halted at Evian? No one can second-guess history. But after a staunch expression of world opinion regarding the horrors being perpetuated on the Jews of the Reich—world opinion backed by world action—it seems almost inconceivable that Hitler would have proceeded with his "final solution to the Jewish problem."

What is certainly clear is that, in Hitler's view, the Evian Conference gave him carte blanche to go ahead.

Just prior to the conference, Hitler had said in a speech at Konigsberg, "I can only hope and expect that the other world, which has such deep sympathy for these criminals, will at least be generous enough to convert this sympathy into practical aid. We, on our part, are ready to put all these criminals at the disposal of these countries, for all I care, even on luxury ships."

In a speech made immediately after the conference, Hitler derided "the other world" which "is oozing sympathy for the poor, tormented people, but remains hard and obdurate when it comes to helping them."

The Danziger Vorposten summed up reaction to Nazi newspapers in a single sentence: "The Evian Conference serves to justify Germany's policy against Jewry."

After the conference, when French Foreign Minister Georges Bonnet informed Germany Foreign Minister Joachim von Ribbentrop that France's great interest in the Jewish problem was "not to receive any more Jews," Ribbentrop replied with understanding, "We all wish to get rid of the Jews. But no country wishes to admit them."

On Oct. 14, 1938, the French wrote an explanatory memorandum to the German Foreign Ministry about the intergovernmental Committee on Refugees which had been born at Evian. This document stressed the purely humanitarian function of the committee, and reassured the Germans that "none of the states would dispute the absolute right of the German government to take, with regard to certain of its citizens, such measure as are within its own sovereign powers."

Hitler then informed the South African defense minister, Oswald Pirow, "We shall solve the Jewish problem in the immediate future . . . The Jews will disappear."

On Nov. 22, 1938—4 months after Evian—a front page article appeared in Das Schwarze Korps, official newspaper of the Gestapo: "Because it is necessary, because we no longer hear the world's screeching and because, after all, no power on earth can hinder us, we will now bring the Jewish question to its totalitarian solution." Steps toward the final solution were outlined, concluding with the sentence: "The result would be the actual and definite end of Jewry in Germany and its complete extermination."

There are few people today who even remember the momentous conference which, perhaps, more than any other single factor underwrote the death warrant for 6 million European Jews. However, when I visited Evian last summer, I did find one man who remembered: Rene Richier, the elderly concierge at the Royal Hotel. He was a concierge then, at the time of the conference.

"Oh yes," Richter told me, "I remember the Evian Conference well. Very important people were here and all the delegates had a nice time. They took pleasure cruises on the lake. They gambled at night in the casino. They took mineral baths and massages at the *Etablissment Thermal*. Some of them took the excursion to Chamonix to go summer skiing. Some went riding; we have, you know, one of the finest stables in France. Some played golf. We have a beautiful course overlooking the lake. Meetings. Yes, some attended the meetings. But, of course, it is difficult to sit indoors hearing speeches when all the pleasures that Evian offers are waiting right outside."

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO SPECIAL ORDERS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, are there any orders for the recognition of Senators on tomorrow?

The PRESIDING OFFICER. There are none.

RECESS UNTIL 10 A.M. TOMORROW

Mr. WILLIAMS. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, the Senate stand in recess until 10 o'clock tomorrow.

The motion was agreed to; and at 6:07 p.m., the Senate recessed until tomorrow, Friday, May 26, 1978, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 25, 1978:

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

The following-named persons to be members of the Federal Mine Safety and Health Review Commission for the terms indicated:

For a term of 4 years:

Marian Pearlman Nease, of Maryland.

For a term of 6 years:

Frank F. Jestrab, of North Dakota.

A. E. Lawson, of Pennsylvania.

FEDERAL TRADE COMMISSION

Robert Pitofsky, of Maryland, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1975, vice Calvin Joseph Collier, resigned.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general:

Lt. Gen. DeWitt Clinton Smith, Jr., XXX-X... XX..., (age 57), Army of the United States (major general, U.S. Army).

WITHDRAWAL

Executive nomination withdrawn from the Senate May 25, 1978:

THE JUDICIARY

Len J. Paletta, of Pennsylvania, to be U.S. district judge for the western district of Pennsylvania, which was sent to the Senate on April 7, 1978.

EXTENSIONS OF REMARKS

LT. GEN. WOODROW W. VAUGHAN, USA

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. McFALL. Mr. Speaker, on June 30, 1978, a dedicated senior officer of the U.S. Army and Director of the Defense Logistics Agency will retire after 38 years of commissioned service to his country.

I daresay Lt. Gen. Woodrow W. Vaughan, USA, is not widely known among the people of the United States or indeed, I imagine, among the Members of this body. He has not appeared in the media amid controversy nor has he evoked renown at the head of troops carrying war to the enemy. Nevertheless, every service man and woman, and great numbers of their dependents have been touched by "Woodie" Vaughan's professional stewardship and concern for their well-being. It has been his job to promote their health and welfare by effective and efficient management and supply of the food they eat, the clothing they wear, and the medicines that keep them well wherever they are located in the world.

But, as critical as these commodities are, General Vaughan's jobs involved even greater challenge, overseeing the most intricate, essential consumable parts and pieces that keep our aircraft, ships, missiles, and guns combat ready. He has been responsible for the acquisition, management, and supply to all the Armed Forces—and to the civil agencies of the Government as required—of most of the consumable items of construction, electronics, fuel, general and industrial materiel. He also has been responsible for administering most Defense contracts except for those for complete aircraft, missiles, ships, and vehicles. These have been no small jobs; they have direct vital effect on the combat readiness of the entire military establishment of this Nation. He has performed them with truly outstanding professionalism.

Rather than outlining General Vaughan's life and career from his birth in Woodford, Okla., today, I ask unanimous consent to include with these remarks a biographical sketch which paints a picture of a determined dedicated soldier who has devoted most of his life to being at the top among military business managers. But, this biography does not highlight what may be one of the most outstanding characteristics of "Woodie" Vaughan. Those of you who have met General Vaughan, or perhaps contacted him on behalf of a constituent involved in some way with the general's command, probably have been struck by his forthrightness, sincerity, and honesty. Those are the hallmark of the man, the willingness, indeed the determination to "tell it like it is"—warts and all. In testimony before committees inquiring into his command's operations he is likely to say "it was dumb" when a mistake had been made or some initially great plan or decision turned out to be something much different. I find such expressions of integrity refreshing and needed more in public servants at all levels. His devotion to the logistical support of the military fighting man, his professionalism, and his sincere honesty will be missed.

I urge my colleagues to join me in wishing "Woodie" Vaughan, and his wife Beth, the best of God's and America's blessing in the years ahead. They are well earned.●

INFLATION

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. COLLINS of Texas. Mr. Speaker, the No. 1 concern in Texas, Washington, and everywhere is the issue of inflation.

When I come back to Washington, I hear mostly double talk about the subject. The facts are that overspending in

Congress is causing inflation. Price control is the answer advocated by economic idiots. Price control has been tried for 5,000 years and it has never, and I repeat, never been successful.

You can no more stop prices from rising by price control than you can stop a forest fire with a congressional law. To stop a forest fire takes a big clearance which means hard work and a plan.

Today America suffers with the fires of inflation. Everyone is getting burned with this overspending Congress which in true accounts will run a $100 billion deficit this year.

In this country we still have some people with commonsense. I am glad to read from the editorial page of Business Week an excellent story on bankrupt policies that breed inflation. They refer to New York City which we all recognize as the saddest financial operation of any city in the world. But then they turn to our own Congress and what we are doing in Washington, and give specific recommendations.

You will be interested in the editorial from Business Week:

Federal officials and congressmen are fond of lecturing New York City for its profligate management and its overstretched finances. But the hard truth is that the financial situation of the federal government today is painfully similar to that of New York City in 1975. The total federal debt has grown by more than $300 billion in the past seven years. The only reason that the U.S. does not face bankruptcy—as New York did—is simply that it owns a printing press in the form of the Federal Reserve System. By creating money, it has forced the economy to absorb its deficits and distribute them as part of a general inflation.

Make massive cuts in federal spending and a broad reduction in federal staff. A cut of 10% in government employment by the end of fiscal 1979 is a realistic target, though no bureaucrat will ever admit it. As any businessman knows, there is no way to bring down spending without cutting payrolls.

To offset the recessionary effects of such cuts, launch an energy program in the private sector aimed at developing new sources of gas and oil, manufacturing synthetic hydrocarbon fuels, and solving the pollution problem that stands in the way of using more coal.

Scrap the energy program now before Congress. Its complexity makes it a bureaucratic nightmare that would raise prices with no improvement in supply.

Review the military budget to see that it meets security needs and nothing more. In particular, the Administration should examine the costs of maintaining a volunteer army instead of relying on a selective service system as the nation did after World War II.

Abandon the idea of a massive tax cut for consumers. Concentrate cutting on the business taxes sector, especially on investment. Consumers will be far better off in the long run if they get stable prices rather than erratic tax cuts that do not make them whole.

Review the complicated structure of environmental and safety rules to see which ones are causing unreasonable increases in costs. Postpone requirements that cost more than the nation can afford immediately.

Revise arbitrary federal laws that create inflation. Cases in point are the new minimum wage, and the scheduled increases in Social Security taxes.

Put a moratorium on social programs designed to redistribute income and level the U.S. society.●

PROPOSED $1 COIN TO HONOR ANTHONY AND TUBMAN

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. LEACH. Mr. Speaker, last week the Department of the Treasury formally recommended to Congress the minting of a smaller $1 coin. While the need for a coin tragically reflects the ravages of inflation, there is little disagreement about striking such a coin, particularly if it would result in the proposed multimillion-dollar savings the Treasury predicts.

Unfortunately, the coin issue has become controversial because the mint has recommended that symbolically we depict Liberty on the face of the coin—and has suggested that because she is female, that this pays adequate tribute to American women. Women's organizations ask why, with so many real men on our coins, it is too much to suggest we honor a real woman. There is no good answer to that because although all of our contemporary coins do bear the likeness of former Presidents, and no women have yet served in that capacity, we have in the past honored one non-President, Benjamin Franklin, and, in the days when commemorative coins were minted, a number of others who never served in the Presidency.

The name of Susan B. Anthony has been suggested by many for such an honor and I believe she is deserving. However, others have been suggested and the dilemma is how to make an appropriate choice.

As ranking minority member of the Subcommitee on Historic Preservation and Coinage, I am offering a bill today which I believe presents a fair solution and properly honors American women. My bill would have the new $1 coin bear the joint profiles of both Susan B. Anthony and Harriet Ross Tubman. I have selected these two individuals—one white, one black—because they were contemporaries who served the cause of women and the Nation in a complementary effort.

Susan B. Anthony was born in 1820 and is best known for her lifetime efforts to secure women's suffrage which resulted in enactment of the 19th amendment—the "Anthony Amendment"—in 1920—100 years after her birth, 14 years after her death.

Less well known, perhaps, but equally meritorious were her efforts to abolish slavery, her campaign for the right of women to control their own property, and to have guardianship of their children in case of divorce.

Harriet Tubman was born a slave. The exact date of her birth is not certain, but it is believed she too was born in 1820. At the age of 25, she fled from her master and worked in the underground railroad assisting others to escape. In the next 10 years she established a national reputation and by 1860 Miss Tubman appeared across the Nation not only at antislavery meetings, but in behalf of women's rights. During the Civil War she served the Union as a cook, nurse, laundress, soldier, spy, and scout.

Despite her many honors and tributes, including a medal from Queen Victoria of England, she died in poverty, at the age of 93, in 1913.

Mr. Speaker, there is precedent for superimposing the profiles of two individuals on one side of commemorative coins, although not circulating coins. The 1900 Lafayette dollar contains the profiles of General Lafayette and President Washington; the 1925 Stone Mountain half dollar honors Robert E. Lee and "Stonewall" Jackson; and the 1926 Sesquicentennial half dollar superimposes President Washington on President Coolidge.

The coin authorized by this bill provides that the profile of Harriet Tubman be superimposed on the profile of Susan B. Anthony with the word "liberty" appearing along side. On the reverse side the unfurled flag of the United States would appear with the motto "In God We Trust" prescribed as well.

Mr. Speaker, I can think of no two women who have shown more courage in their heroic struggles for liberty than Susan B. Anthony and Harriet Ross Tubman. I hope Members will unite with me in support of this bill.●

WE NEED A NEW SPACE PROGRAM

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. SANTINI. Mr. Speaker, I find it grossly inappropriate—and I think most of our party colleagues will agree—that the Republican National Committee, whose claimed responsibility is campaign advocacy, is eating up 14 offices in the House office buildings.

This goes on while we are forced to accomplish our tasks and duties in a working circumstance that would rival the Black Hole of Calcutta. I endeavor to respond to the needs and dictates of 650,000 Nevada constituents in an environment which closely resembles a telephone booth office operation.

With six or seven people to a room, there is not nearly enough room for desks, office equipment, and files—not to mention space for visitors. Each time even a handful of people arrive in my office, the result is bedlam and disruption of much of the office operation. Yet the campaign committee occupies 14 offices with an average of three persons per room.

It is my understanding that congressional offices were set up so that we elected Members of Congress would have a place in which to fulfill their responsibilities, and yet, the Republican National Campaign Committee—working for the reelection of Republican members—is consuming much of our workspace.

The Democratic Congressional Committee has relocated its offices and I believe it is time for the Republicans to

do the same and put an end to this misuse of public taxpayers' facilties.●

NEAL REPORTS FINANCIAL STATEMENTS AND INCOME TAX RETURNS FOR 1977

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. NEAL. Mr. Speaker, in compliance with the rules of the House I filed with the Clerk the required financial disclosure statement and, in fact, reported for the entire year of 1977 instead of just the last 3 months of 1977 as required by law. This financial disclosure statement, which follows, details income from all sources, all debts payable and financial assets of myself, my wife, and my children. I am also including for the record a recapitulation of my Federal income tax return.

It will be noted from my income tax return that my wife and I filed a joint return, paying $11,133.14 in Federal income tax. In addition, we paid $3,036.83 North Carolina income tax; $677.74 in North Carolina intangibles tax; $48.31 in North Carolina—Forsyth County—personal property tax; and $33 in North Carolina—Davie County—real estate property tax. In addition was the $1,736.02 property tax paid on our house in McLean. It is interesting to note, Mr. Speaker, that we paid about 27 percent of adjusted gross income in income, intangible and personal property taxes alone, not including sales taxes and other taxes that we all pay.

Following are line accountings from our Federal income tax return and our financial disclosure statement:

FEDERAL INCOME TAX RETURN FOR 1977

Line 2: Married filing joint return.
Line 7: Total number of exemptions claimed, 4.
Line 8: Wages, salaries, tips and other employee compensation, $54,275.
Line 9: Interest income, $4,974.86.
Line 10a: Dividends, $2,161.20.
Line 14. Capital gain or (loss), $2,295.74.
Line 20: Other, 133.80.
Line 21: Total income, $63,840.60.
Line 23: Employee business expenses, $3,000.
Line 31: Adjusted gross income, $60,840.60
Line 33: Deductions (itemized), $16,478.06.
Line 34: Tax table income, $44,362.54.
Line 54: Total tax, $11,133.14.

FINANCIAL DISCLOSURE STATEMENT FOR 1977

Part I

A. Income—The source and amount of each item of income aggregating over $100 from any one source.

Congressional salary, $54,275.
Smith Barney Income & Growth Fund $1,256.
RJ Reynolds Industries, $777.
RJ Reynolds Industries (wife), $327.
Credit Union interest, $178.
Business stock sale, $10,716.
Media General, $1.
Miscellaneous, $134.

B. Gifts—Of transportation, lodging, food or entertainment aggregating $250 or more from one source, none.

C. Gifts—Other gifts aggregating $100 or more from one source. Bob Timberlake, artist, framed print, $600.

D. Reimbursements—Directly or indirectly for expenditures aggregating $250 or more from any one source, none.

Part II

Holdings—Value of any property held, directly or indirectly, in a trade or business or for investment or the production of income.

Note, sale of newspaper business, $315,840.
Smith Barney Income & Growth Fund, $24,577.
RJ Reynolds Industries, $13,805.
RJ Reynolds Industries (wife), $5,807.
Washington Group, $750.
Media General, $30.
RJ Reynolds Industries (children), $15,879.
MassMutual Corporate Investors (children), $975.
Hubbard Real Estate (children), $888.
Duke Power (children), $440.
Ford Motor Co. (children), $549.
Residence, McLean, $98,080.
Bermuda Run lot, $12,600.

Part III

Liabilities—Any personal liability owed, directly or indirectly, which exceeds $2,500 as of the close of the year.

Real estate mortgage, $76,630.
Accounts payable, $1,500.
Notes Payable:
National Bank of Washington, $2,000.
Merchantile Safe Deposit & Trust, $11,250.
Federal Credit Union, $7,006.
G.E. Credit, $1,186.

Mr. Speaker, this is a complete financial disclosure for my wife, my children and me. It will be noted from the financial statement that the bulk of our holdings are a note due from the sale of a small business.

We borrowed every dime to buy a small newspaper and eventually, with the help and hard work of a lot of fine people, built a fairly decent business consisting of three weekly newspapers and a newspaper printing business. We invested 8 years of hard work building that business and the experience I gained has been invaluable to me. I know what it means to meet a payroll and I have shared the experiences and problems of all working people.

The experience has made me somewhat tight with money, but frankly, Mr. Speaker, I believe Congress ought to be considerably more tight with the taxpayers money than it has been in the past.●

"SPRING SYMMETRY"

HON. HELEN S. MEYNER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mrs. MEYNER. Mr. Speaker, Mr. Robert Makl, a constituent of mine who is known affectionately as the "Catholic Wheelchair Writer," has asked that I share with my colleagues a lovely bit of free verse that he wrote entitled "Spring Symmetry."

I offer this poem today in the hope that it will lighten the daily burden of all my colleagues, and that it will provide some small measure of happiness to Mr. Makl, a disabled combat veteran.

Poem follows:

Spring brings Hope and Renewal:

"SPRING SYMMETRY"

The caducous leaves are now reborn
Spring is here.
The symmetry of grass and trees
I need not fear
God is near.
The cacophonous cries of the crows
Can not sear
The new harmonic effect
Rekindled within
As gentle solar rays
Warm my skin
Spring is here.
The symmetry of the scheme of things
The symphony of the green of things
Grass and trees
Reverberant reflections
Of light and sound
Abound to see and hear.
At last, the past is past
The redemptive reawakening
Of eye and ear
Spring is here.

ROBERT L. MAKL.●

SQUEEZING OUT DOMESTIC AGRICULTURAL WORKERS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. FORD of Michigan. Mr. Speaker, while recent concern has centered on the illegal alien phenomenon and the importation of cheap foreign materials, we have not focused enough on the wholesale employer violations of the Immigration Act, which have resulted in the loss of thousands of jobs for American agricultural workers.

A recent article, which I submit for today's RECORD, points out how applegrowers, through stalling, manipulation and questionable tactics, have been able to circumvent the law. While some 2,500 agricultural workers from Florida and another 3,000 U.S. citizens from Puerto Rico were willing to come up to harvest the apple crops in the Northeast last fall, applegrowers unashamedly claimed that there was no available domestic labor supply, and then actively recruited foreign Jamaican workers.

Section 1101(1)(15)(H)(ii) of the Immigration Act permits importing of foreign labor only "if unemployed persons capable of performing such service or labor cannot be found in this country." By waiting until the last minute to recruit domestic workers and by refusing—for the first time—to pay domestic migrants' transportation costs to the orchards—while offering to pay such costs for Jamaican workers, the employers blatantly manufactured the very situation, that is, an unavailable domestic work force, which then permitted them to recruit this Jamaican labor. And this was at a time when over 100,000 American farmworkers were unemployed.

Rather than comply with the law, provide decent working conditions, and hire American workers at a fair wage, these employers prefer to continue to flout the Immigration Act, so they can obtain a

foreign work force that is more susceptible to their strong-arm tactics. Jamaican workers, who face an unemployment rate of over 30 percent at home, constitute a docile and captive labor force highly vulnerable to employer retible to their strong-arm tactics. Jamaican workers, who face an unemsation or health and safety standards are inadequate, with loss of employment. This results in their immediate deportation. Poor and unemployed, they must then face the difficulty of having to pay, not only for their transportation costs home, but must reimburse the employer for their intransit expenses.

With this situation threatening to occur again this year, there is the increased danger that the apple growers successful evasion of the law will have a ripple effect, spreading to other seasonal work such as construction, retail services, and light industry. The following article, "Apple Picker Blues," the New Republic, October 29, 1977, describes the difficulties and growing problems surrounding this use of temporary foreign labor in the United States.

The article follows:

APPLE PICKER BLUES

(By Dorothy McGhee)

Every fall in apple country the Winesaps deepen to a ruddy hue and the Delicious grow plump with sweet, heavy juice and the growers have their annual showdown with the Department of Labor. The confrontation ritual—negotiations, suits, court orders and appeals—concerns how many foreign applepickers the growers will be allowed to bring into the country to harvest domestic crops. The issue in states like Virginia, West Virginia, Pennsylvania, New York, New Hampshire, Connecticut, Rhode Island, Vermont and Maine, is whether apple growers are refusing to hire US workers out of preference for submissive, hard working Jamaicans.

The growers claim that there are simply not enough domestic applepickers available to get their produce harvested. But the Labor Department must certify that there is a genuine need for alien workers before the Immigration Department will issue visas permitting foreign workers to enter the country. And the Labor Department contends that there are more than 100,000 unemployed domestic agricultural workers who could do the harvesting instead.

Officials of the Labor Department maintain that US growers have gone to great lengths to avoid employing domestic workers out of preference for Jamaicans. The money the Jamaicans earn at rates up to $50 a day during the seven- to eight-week apple harvest is more than they could make in a full year of work back home. The growers prefer the Jamaicans because they are captive labor force. They come into the country on a contract with an individual grower. If one is fired or quits, or if he gets into trouble, he faces immediate deportation. Such conditions make it virtually impossible for the Jamaicans to protest any wage or working condition, or to shop around for the best paying work once they are in the country. With a 33 percent unemployment rate and an average per capita income of $1000 in Jamaica, it is clear why Secretary of Labor Ray Marshall has described this imported workforce as "scared and hungry."

Federal law stipulates that before aliens can be hired, the jobs must first be offered to US citizens. And it is the Labor Department's job to see that the growers make reasonable efforts to procure U.S. applepickers before they get permission to import Jamaicans.

Growers get some US pickers from crew leaders who, year after year, trek up the East coast with southern agricultural workers. But when a grower's crew leader fails to bring enough workers with him, the grower must look elsewhere for additional pickers. The Labor Department maintains an Interstate Recruitment System which takes orders for workers from apple growers, then attempts through a network of state offices to match those orders with agricultural workers needing jobs. The growers would prefer to import the highly pliable Jamaicans. So year after year they try to disrupt the Labor Department's recruitment system. This year they thwarted the system with particular success.

To begin with, the growers refused to respond to the Labor Department's repeated request that they submit their orders for the number of pickers they would need during harvest time. While they were stalling the Labor Department, the growers negotiated a contract with the Jamaican government which relieved them of the expense of paying for the alien pickers' transportation to the orchards. After persuading Jamaican contracting agents to bear the cost of their workers' transportation, the growers began submitting their orders to the Labor Department. But for the first time, their orders for domestic workers did not include the traditional offer to pay the cost of transportation to their orchards.

The Labor Department refused to accept the growers' orders under those conditions. They said that it was unreasonable to expect poverty-ridden migrants to be able to pay their own transportation. The growers, however, were obdurate. Their tactic was to prove that domestic labor was unavailable, and they wanted to guarantee it by refusing to pay for their transportation to the orchards.

At the end of April, Labor Department officials reported having found more than 2500 agricultural workers in Florida who were willing and able to come north to harvest apples in the late summer. But because the growers were still refusing to pay for their transportation, the workers could not be signed on.

By the end of June, the growers in state after state began to sue the Labor Department for its refusal to accept orders that did not include advance payment of transportation. And state by state, the Labor Department was overruled by local courts.

By the beginning of August, the Labor Department was under court order in New Hampshire, Vermont, Virginia, and Pennsylvania to accept the growers' orders for workers without the traditional advance payment for transportation. But by this time, it was already too late to recruit the Florida workers previously contracted, because they already had started their migration up the East coast, picking peaches and apples in South Carolina, sweet potatoes and tobacco in North Carolina. In mid-August, Labor Department officials reported that an additional 600 agricultural workers were available in North Carolina. But because the long-delayed orders had not yet been processed in Washington, the workers could not be signed on.

At the end of August, the Labor Department found 3000 experienced workers in Puerto Rico, where unemployment is running 20 percent and the annual per-capita income is about $2300.

The apple growers, however, like Puerto Rican workers even less than those of the mainland. Puerto Rican workers are protected by an extremely strict law defining the conditions under which they can work. It also gives them the right to file complaints once they are back on the island against the mainland growers, who must then appear in Puerto Rican courts. The growers balked at hiring Puerto Ricans. The Puerto Rican Minister of Labor finally offered to suspend enforcement of the much hated Public Law 87, since new regulations promulgated by the Labor Department last January offered many of the same protections. The growers' attorneys, nevertheless, continued to hem and haw, worrying that the Puerto Rican Minister of Labor did not have the authority to suspend enforcement of a public law. Finally, the growers offered to interview Puerto Rican workers for harvest work, if the Labor Department paid their way to the orchards where they could first be looked over. But the growers would make no guarantees about actually hiring any of them.

The Labor Department refused to pick up the transportation tab for the Puerto Ricans. Labor has no funds authorized to pay for this transportation, and claimed that transportation costs are properly the burden of the growers themselves. As harvest time was aproaching in mid-August, the Labor Department continued to withhold from the growers their much coveted certification to import Jamaican workers.

Finally, on August 29, Labor Department lawyers were given ten hours' notice to appear in federal court in Roanoke, Virginia. After a two-hour hearing, a Republican judge signed, virtually without change, a consent decree prepared by attorneys representing the growers which ordered the Labor Department to certify the growers for however many Jamaican workers they felt they needed. Secretary of Labor Ray Marshall called the decision an "alarming precedent," which reversed a five-year decline in the importing of alien workers.

The growers got certification to import more than 5000 Jamaican apple pickers. By the end of September, with the harvest just beginning, the growers had imported 75 percent more alien workers than during the entire 1976 picking season. Meanwhile, thousands of unemployed US agricultural workers in Puerto Rico, North and South Carolina, Florida and other states remained out of work. And they will likely be out of work during the apple season next year too unless the Labor Department can overturn the Roanoke decision on appeal this winter.●

COMMEMORATION OF POLISH CONSTITUTION DAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. DINGELL. Mr. Speaker, the month of May marks the 187th anniversary of the Polish Constitution of 1791. This historic occasion is a time in which we honor the Polish people for their steadfast dedication to the ideals of liberty, self-determination, justice, equality, and independence. It is a tribute to their fortitude and spiritual strength that a long succession of invasions and partitions has been unable to deter their continuing commitment to the principles of freedom and individual liberty embodied in the May 3 Constitution over 187 years ago. To observe the full significance of this occasion is to take notice of those positive qualities of the human heart and spirit—courage and perseverance and sacrifice—which are the attributes of a heroic people.

We in America have been the beneficiaries of valued contributions made by Polish immigrants to our social, scientific economic, artistic, and political development; our character is enriched by their vital heritage and traditions which are perpetuated in many of our com-

munities across the country today. We commemorate and celebrate these noble qualities of the Polish character which have made the Polish birthright a continuing source of enduring pride.●

HOW THE MARYLAND STATE POLICE ENFORCE THE 55-MILE-PER-HOUR LIMIT

HON. NEWTON I. STEERS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. STEERS. Mr. Speaker, one of the greatest concerns that people have is safety on the highways. I have heard from many people who urge strong enforcement of the 55-mile-per-hour speed limit as a means of reducing highway fatalities and as a way to save gasoline.

As anyone knows, who has traveled through Maryland, our State police are one of the more vigilant forces when monitoring speed limits. In the May 1978 issue of Traffic Safety, Mr. William E. Clark, public affairs officer for the Maryland State Police describes what our State troopers do to enforce the law. I strongly recommend this article to my colleagues:

HOW MARYLAND STATE POLICE ENFORCE THE 55-MILE-PER-HOUR LIMIT

(By William E. Clark)

Much has been written and said about the 55-m.p.h. national maximum speed limit (NMSL). But how does the public feel about this law?

Opinion surveys on driver attitudes have been conducted by various organizations. Many of the findings have indicated that the majority of drivers surveyed believe the 55-m.p.h. law is beneficial for a variety of reasons but that they are likely to obey the law only if there is a high probability they will be "caught" by the police if they exceed the NMSL.

THE DETERMINING FACTOR

Although various groups encourage voluntary compliance, the bottom line seems to be that the success or failure of the 55-m.p.h. speed limit will be determined by one element: police enforcement. From a police point of view this is more than challenging—it's frustrating.

For years the State of Maryland has practiced some form of selective traffic enforcement with varying degrees of success. Before 1974, selective traffic enforcement in Maryland had little or no effect on the increasing motor vehicle death rate. Then in the later months of 1973, the energy crisis threatened the entire nation. Almost overnight the American lifestyle was jeopardized. Leading the list of items affected was the use of the automobile.

It was estimated that 8.5 million barrels of crude oil could be saved per day if a 55-m.p.h. speed limit were enforced. In addition, it was estimated that strict enforcement of the law could save more than 3,000 lives nationally.

Because of the energy crisis, Maryland's governor lowered the state speed limit from 70 m.p.h. to 50 m.p.h. in November 1973 and then raised it to 55 m.p.h. in January 1974, to be consistent with national policy. A lowering of the speed limit had been considered prior to the crisis but public sentiment prevented officials from putting it into law. The energy crisis provided an opportune time to reduce the state limit.

The establishment of the national 55-m.p.h. speed limit was accompanied by a substantial reduction in motor vehicle accidents. The number of fatalities decreased by approximately 9,300 nationally—17 per cent below the 1973 figure. The figure marked an 11 year low—the fewest U.S. traffic fatalities since 1963. Maryland's fatalities decreased from 822 in 1973 to 737 in 1974. A significant amount of credit was given to the law enforcement agencies of their enforcement efforts. Unfortunately, the trend was to be shortlived.

By mid-1975, Maryland had experienced approximately 30 more fatalities than it had in the same period of the previous years. On July 28, 1975, the Maryland State Police began the most stringent campaign against speeders ever conducted in the state. Under a mandate from the governor, all speeding violators were to receive citations carrying the full fine and appropriate penalty. The courts were requested to impose maximum penalties on violators.

The state police developed a 10-point enforcement program and public information campaign designed to address the increase in speed-related accidents. Several of the more significant points were:

Strict enforcement of the national 55-m.p.h. speed limit with no tolerance.

The use of non-traditional police vehicles, including foreign cars and trucks.

High visibility of marked state police cars.

The use of rolling roadblocks in areas of continuing non-compliance.

The use of concealed electronic speed timing devices, including stationary radar, "moving" radar, and VASCAR.

The use of special supplemental enforcement personnel from headquarters to assist regular enforcement officers.

PRESS BACK-UP

In addition, a hard-hitting public information campaign was developed to supplement the enforcement program. Press coverage was extensive. The media were shown techniques the state police would use in its anti-speeding crackdown. It stressed the use of high police visibility and non-traditional enforcement techniques. The message conveyed to the public was that any vehicle on Maryland highways could be a police vehicle. The objective of the program was not to make a high number of arrests, but rather to encourage voluntary compliance with the NMSL.

News reporters were given demonstrations of detection techniques such as rolling road blocks, hand held radar guns, and helicopter surveillance.

The press continued to publicize the enforcement program by reporting daily speed arrest totals which were tallied as trucks, buses, and other vehicles. A non-traditional "vehicle of the week" was unveiled to keep interest high. As a result of the exposure, plus additional national coverage by U.S. News and World Report, the Wall Street Journal, the Associated Press, and the NBC Nightly News, public reaction to the program changed from rejection to acceptance.

The result of the enforcement and public information campaign was a reduction in the severity of motor vehicle accidents. By the end of 1975, the number of fatalities declined to 45 fewer than in the previous year.

Strict speed enforcement continued through 1976, and the death rate continued to decrease. Fatalities dropped to 678, the fewest in 12 years. The continued emphasis on enforcing the speed limit resulted in a 4.4 per cent reduction in speed-related fatalities.

While the enforcement campaign was demonstrating positive results, the number of alcohol-related accidents was continuing to increase. A five-year study by the state toxicologist indicated that 51 per cent of the fatally injured persons tested had a blood alcohol content of .10 per cent or above.

Sixty-six per cent of the fatalities tested during 1976 were found to have a positive blood alcohol content. Excessive speed was a contributing factor in 60 per cent of the fatal accidents during this same period.

As a result of the trend in alcohol and speed-related traffic accidents, the Maryland State Police launched an additional alcohol and speed enforcement campaign called Operation Yellow Jacket. Additional troopers were used to supplement regular patrols in this new effort. The operation used off-duty troopers, on an overtime basis, to patrol selected high-accident locations throughout the state.

LAYING THE GROUNDWORK

The enforcement unit core team consisted of nine state policemen who were to supervise the assigned overtime troopers. Their objectives were to reduce the escalating number of traffic accidents involving alcohol, while continuing to reduce speed-related accidents.

Through prior planning efforts involving the Maryland State Police, Maryland Department of Transportation and National Highway Traffic Safety Administration (NHTSA), specific project objectives, activities, and overall requirements were identified.

Historical accident data for 1973 through 1976 were collected and analyzed by the state police and NHTSA in terms of the frequency and location of accidents related to speed or alcohol. All highways were linearly computer searched. This resulted in the identification of 96 locations in the state where such accidents tended to cluster along short stretches of highwy. In making the selections, data from the statewide computerized accident reporting system (MAARS) was used for its ability to identify accidents according to specific log mile reference points. Half of the 96 cluster locations were used for enforcement locations and the others were used as control sites for evaluation purposes. Only one of the sites is on an Interstate route. The other 95 locations are either Maryland or U.S. routes which have a maximum posted speed limit of 50 m.p.h.

A major press conference was called in January 1977 to announce the launching of this program. Representatives of the major print and broadcast media were briefed on the details. Specific information was prepared and distributed at the press conference and mailed to all the news media within the state and the District of Columbia. This gave a detailed analysis of the following:

The levels of alcohol found in the blood of drivers killed in traffic accidents.

The number of pedestrians and passengers killed who had alcohol in their blood.

Long-term fatality trends in the state.

The goal of the press conference was to make the public aware of the seriousness of the problem. It also demonstrated the intentions of the state police. The media were given actual demonstrations, including techniques for DWI apprehension. Special new long-range radar sets were unveiled. To symbolize the campaign, a logo depicting a yellow jacket holding a radar gun was affixed to each project vehicle.

The funding of Operation Yelow Jacket came from two sources. The personnel costs of the nine-man core team were funded through existing state police funds. This was almost one-half of the first-year cost of the project. To support the effort, the Maryland Department of Transportation provided $179,000 in funds allocated under Section 402 of the Highway Safety Act. Of this total, $125,000 was established for additional overtime troopers. The remaining funds were established for capital equipment such as moving radar, breath-testing units, and other direct and indirect costs.

RESULTS ENCOURAGING

A formal evaluation of Operation Yellow Jacket is presently being conducted and preliminary findings show positive results. Enforcement activity has been high. During the first year, troopers working at Yellow Jacket sites reported an average of 1.5 violator contacts for each mile of road patrol driven.

Speeding truckers also received special attention during 1977, when a tractor-trailer was assigned to enforcement activities. Dubbed "Mother Goose" by the state police, this "Trojan horse" was used to infiltrate speeding truck convoys. The truck is used on a regular basis around the state in conjunction with local speed enforcement assignments.

Maryland experienced a sharp reduction in fatalities in 1976 due primarily to the energy crisis which reduced driving and to the lowering of the NMSL from 70 m.p.h. to 55 m.p.h. However, the continuing enforcement efforts during the past three years have been a vital factor in Maryland's downward trend in traffic fatalities.

Maryland traffic deaths during 1977 hit a 13-year low, down for the fourth consecutive year. Massachusetts is the only other state reporting such a four-year decline in deaths.

Concentrated enforcement efforts have resulted in an increasing number of speeding tickets. In 1974, Maryland troopers issued 108,000 speeding summonses. This number jumped to 183,000 during the next year, a 69 percent increase. In 1976, troopers cited 203,000 speeders. This number increased by 10 percent during 1977 when 231,000 speeding tickets were issued.

Col. Thomas S. Smith, superintendent of the Maryland State Police, says that the lowering of the NMSL to 55 m.p.h. has had the most dramatic affect on traffic safety in the history of Maryland. He has provided strong leadership in the two-pronged program of speed enforcement and the selective patrolling of high accident locations.

There is growing concern within the Maryland State Police about the thrust and support of the federal government. The national commitment of the U.S. Department of Transportation is apparently focused primarily on gaining motorists' compliance on 55-m.p.h. highways. The governor of each state is required to certify every year to the secreary of transportation that the 55-m.p.h. limit is being enforced on all public highways of the state. The secretary has the power to withhold federal aid for highway construction projects from any state that fails to provide the required certification.

A plan is being devised by the U.S. Department of Transportation to assure the states' compliance with the NMSL. Under consideration is a criterion for monitoring speeds and a multi-year timetable for gaining an 85th percentile compliance with the 55-m.p.h. speed limit.

On the surface this approach might seem reasonable. Here is the problem. Better compliance with the NMSL will require more enforcement personnel to work on the 55-m.p.h. roads. In Maryland, the majority of these roads are Interstate highways. This means that troopers would have to be shifted from other patrol assignments to bolster the Interstate patrols.

However, the vast majority of serious and fatal accidents in Maryland do not occur on the Interstate system. If troopers are reassigned to the 55-p.m.h. roads it might result in a dramatic upward shift in the Maryland fatality curve.

Reasonable speeds should be maintained on the Interstate system. It is generally agreed that motorists' compliance on the Interstate system would tend to reinforce their compliance with the posted speed limits off the Interstate system, thus creating a halo affect.

The Congress and the U.S. Department of Transportation have decided that the 55-m.p.h. speed limit is in the best national interest. The goals of reducing fuel consumption and traffic fatalities through the enforcement of the speed limit can be realized. However, candid conversations with Department of Energy and Department of Transportation employes reveal a lack of overall coordination and direction for the program. Someone within the federal government should be given the responsibility and authority for the 55-m.p.h. program and should be directed to contact the states to determine their needs and to provide the maximum support available.

The thin line of state police and highway patrols throughout the nation bear the major share of the 55 m.p.h. enforcement responsibility. They need financial and technical assistance to meet the demands placed upon them for stricter speed enforcement. It is a complex problem that requires a close working relationship between the federal and state governments. Some of the issues that need to be addressed are enforcement techniques, public information campaigns, out-of-state violator compacts, court acceptance, and adjudication.

The simplistic idea of concentrating more patrols on 55-m.p.h. roads to the detriment of secondary routes in an attempt to gain compliance with a federal speed certification mandate just might have fatal results.●

THE EPTNESS ISSUE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. FRENZEL. Mr. Speaker, the following article from today's New York Times by William Safire illustrates some of the White House's problems in the field of election law.

After saying it would investigate its Democrat nominee, the White House reneged. It still refuses to nominate a Republican satisfactory to Republican leadership.

I cannot say whether the Carter Campaign Committee is really in trouble with its audit, but the White House certainly acts as though it had something to hide.

[From the New York Times, May 25, 1978]

THE EPTNESS ISSUE

(By William Safire)

WASHINGTON.—Students of Democratic power-grabs were impressed last year when Jimmy Carter, in cahoots with Speaker Tip O'Neill, tried to take over the bipartisan Federal Elections Commission.

The first part of the plan was to upset the 3–3 balance of the Commission by appointing a Democrat in Republican clothing—former Washington Post reporter and Lyndon Johnson appointee Sam Zagoria—to one of the Republican seats.

The second part of the plan was to appoint a long-time O'Neill crony and hanger-on—John McGarry, known as "Tip's go-fer"—to one of the Democratic seats, assuring a friendly voice on the audit of Carter campaign finances.

Since the Zagoria subterfuge violated an agreement to consult with the Republican Congressional leadership on Republican appointees, and since the two men were submitted as a package, the Senate Rules Committee refused to move on the Carter choices. And then the fun began.

Anonymous letters charged that a restaurant in Boston once partly owned by John McGarry had a cash register that was frequently "skimmed." Mr. McGarry was the brother and outspoken defender of the late Bernard McGarry eminent Boston gambler; people in Boston and on Capitol Hill have long wondered how Tip's friend was able to amass a fortune while working on a small government salary in a full-time job.

On Jan. 24, the Senate Rules Committee wrote to White House counsel Robert Lipshutz about the allegations, asking that they be checked out by the I.R.S. and F.B.I. agencies accustomed to refuting or confirming tips from unnamed sources. On Jan. 25, Mr. Lipshutz wrote back that the matter would be vigorously pursued.

Three months went by. On April 10, Carter lawyer Lipshutz wrote Senate Rule Chairman Claiborne Pell (D-R.I.) that since the charge against McGarry was anonymous, there was no reason to check it out, and that the Senate should do its own investigating if it wanted to.

Two days later, on April 12 the Senate minority leader, Howard Baker, wrote President Carter again objecting to the Zagoria (not the McGarry) nomination, which "violates your agreement . . . rejection to our views on this vital post apparently reflects your decision that our candidates attitudes on policy questions be attuned to the requirements of the Majority Party. Such is contrary to the intent of Congress and to the spirit of the law."

Two weeks later, on May 1 Democrat Pell—who owes President Carter a huge favor for appointing his aide to head the National Endowment on the Humanities—wrote a namby-pamby protest to the White House about the McGarry investigation brush-off. On May 5 the ranking Republican on Senate Rules Oregon's Mark Hatfield followed up with a letter of his own denouncing the refusal of the White House to honor a request to check out charges about a nominee from a committee charged with responsibility for confirmation.

Then something strange happened. Frank Moore, who is President Carter's chief liaison man with Congress, wrote a letter to Senator Baker on May 5: "The delay in sending up Mr. Zagoria's nomination to the Senate resulted from our request that allegations made concerning him be checked thoroughly by all relevant agencies. This was accomplished successfully. . . . Naturally, should any of the allegations have been proven true, we would have withdrawn Mr. Zagoria's name from consideration . . ."

Hold on: the President's aide was all mixed up. Nobody made any sinister charges against Mr. Zagoria, other than that he was a closet Democrat. It was John McGarry who was the subject of the investigative request from the Senate.

Worse than the mixup of the names was the contradictory story the two White House aides were selling the Senate: Counsel Lipshutz was saying it was not for the White House to probe the nominee at the Senate's request, while Congressional liaison aide Moore was saying precisely the opposite: that the charges had been "checked thoroughly by all relevant agencies."

On May 12, Mr. Moore—after having the matter explained to him slowly by Senate staffers—wrote another letter to the Senate, regretting his previous "misinformation" about the wholly innocent phony-Republican Sam Zagoria. But Moore continued to suggest that "agency inquiries" had been run on Mr. McGarry, contrary to the impression left by counsel Lipshutz.

And there, in splendid confusion, the matter sits. Mr. Carter needs a 4–2 vote to set aside the campaign-law reforms which make it hard for Democrats to pay old debts, and wants a friendly commissioner on the Federal Elections Commission when an audit comes out soon (which will show how the Carter campaign spread $248,000 in last-minute "walkin'-around money" to local pols with itchy fingers). Good reasons exist for the Democratic power play, and we can thank White House ineptness for the voters' protection.●

CRIME TASK FORCE ADVOCATES CHANGING EXCLUSIONARY RULE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. HYDE. Mr. Speaker, I am pleased to announce today that the House Republican Task Force on Crime is introducing legislation aimed at major changes in the criminal law of search and seizure. The focus of our legislation is an alteration of the so-called exclusionary rule whereby otherwise admissible evidence is suppressed on narrow technical grounds.

The following example illustrates the often bizarre effects of the exclusionary rule:

A suspicious-appearing hitchhiker (Jones) was asked for his I.D. by a Missouri State policeman. After making a radio check, the officer learned that Jones was wanted in Pennsylvania for theft of a revolver and the murder of his aunt. The officer seized the allegedly stolen revolver as evidence. Applying the exclusionary rule, the Pennsylvania court suppressed as evidence both gun and statements made by the suspect to the officer. The judge said the officer had insufficient "probable cause" to suspect Jones of criminal activity. He further ruled that even though the suspect had only been detained and had voluntarily talked to the officer, the policeman's uniformed presence constituted authority and force. The District Attorney claimed that both the gun and the voluntary statements were critical evidence. The judge's decision was upheld by the Pennsylvania Supreme Court. The U.S. Supreme Court refused to review the decision. According to the District Attorney, it is unlikely that Jones will be prosecuted for the murder of his aunt. *Pennsylvania* v. *Jones* 378 Atl. 2nd 835 (1977).

The crime task force believes such miscarriages must be corrected if Americans are to regain confidence in their criminal justice system. Suppressing unchallenged truth has set guilty criminals free but has neither deterred deliberate violations of fourth amendment rights nor decreased policemen's errors of judgment given the inherent pressure of dealing with serious crimes.

The bill we are introducing today marks a significant step toward placing the full truth before the trier of fact—through the admission of all relevant evidence. This should be the ultimate goal in a criminal proceeding. The bill would admit evidence seized in good faith although technically in violation of the fourth amendment. Evidence seized with the intent to violate the fourth amendment would still be excluded, however. Thus, the Government would gain no benefit by purposely violating a citizen's rights.

The crime task force goes on record today in support of an effective remedy against egregious police misconduct. One such remedy is embodied in H.R. 9219, now being considered by the Subcommittee on Administrative Law and Governmental Relations. We await the outcome of the subcommittee's markup of H.R. 9219. We intend to add its police deterrent features to our bill if in fact the remedy it provides is adequate.

The need for a change in the exclusionary rule is compelling when one looks at the price the rule exacts from society—the release of countless guilty criminals. We believe that our proposal strikes a proper balance between the permissible boundaries of police conduct and the effective scope of the citizen's fourth amendment guarantees.

The House Republican crime task force is comprised of the following:

Henry J. Hyde, chairman; M. Caldwell Butler, William S. Cohen, David F. Emery, Richard Kelly, Bob Livingston, and Larry Winn, Jr.

Ex-Officio Members: Bill Frenzel, chairman, House Republican Research Committee; Robert McClory, Tom Railsback, Charles E. Wiggins, and John Ashbrook.

Mr. Speaker, the consequences of maintaining our existing criminal law of search and seizure were aptly expressed by Mr. Justice Cardozo in *People* v. *Defore*, 242, N.Y. 13 150 N.E. 585 (1926), as follows:

The criminal is to go free because the constable has blundered . . . A room is searched against the law, and the body of a murdered man is found . . . the privacy of the home has been infringed, and the murderer goes free.●

TERRORISTS BOMBINGS DEMONSTRATE NEED FOR DETECTION TAGGING

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. ANDERSON of California. Mr. Speaker, I know that our colleagues share in your disgust and my disgust for the terrorist bombings that occurred earlier this week at the Department of Justice here in Washington, and at three of our airports in the eastern part of the country.

This is not the first time I have brought the problem of terrorism and terrorist bombing before the House. Nor will it be the first time I have recommended legislation of mine which constitutes a part of the solution.

H.R. 12516 will phase in provisions requiring that explosive materials manufactured, distributed, or imported contain tags which will allow their detection prior to detonation, and their identification after they are exploded.

The value of detection tagging should be apparent. If the presence of a bomb can be determined before it goes off, the damage it was intended to create can be prevented or minimized.

A cost-benefit analysis recently prepared for the Government indicates that the benefits will be even greater with the introduction of identification taggants. The study suggests that identification tagging will result in an increased arrest rate (currently at only 8 percent for bomb crimes) accomplished with a reduction in investigative time. Also taken into consideration was the fact that some potential bombers may be deterred from acting once they know there is an increased chance of their arrest.

H.R. 12516, pending before the Judiciary Committee, has 57 cosponsors. I will be reintroducing this bill shortly, and invite more of my colleagues to join us in consponsorship.

Additionally, explosives tagging provisions have been included in omnibus antiterrorism bills which have been referred jointly to the Committees on Public Works and Transportation, International Relations, and Judiciary. The Aviation Subcommittee, which I chair, will be holding hearings at the beginning of June on those parts of the legislation under our jurisdiction.

It is time for Congress and the Nation to start fighting back. We must act to prevent terrorist acts like those of Monday. The people of America are demanding, and deserve, no less.●

WORLD HUNGER—A SHIFT IN THE WIND

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. OTTINGER. Mr. Speaker, throughout history, one of the most fundamental problems in the world has been the persistence of hunger and starvation. During the past 5 years alone, more people have died as a consequence of starvation than of all the wars, revolutions, and murders of the past 150 years. Even as you read these words, 26 people are dying each minute as a result of hunger—21 of them children.

As of May 23, 1978, more than 120,000 individuals have expressed their willingness to work together to end world hunger in two decades by enrolling in the hunger project. It is the intent of the hunger project "to create the end of starvation as an idea whose time has come."

I would like to call upon all of my colleagues, all Americans, and the President of the United States to join me in observing July 14, 1978, as End of Hunger Day. On this day, I invite all people to fast, or to do whatever is personally appropriate as an expression of their commitment to create the end of starvation on this planet in 19 years.

The persistence of the problem of hunger and starvation has not been due to lack of concern. Thousands of individuals and organizations have been working toward ending hunger in the world. It is out of their success and in support of their work that the hunger project arises. It is the job of the hunger project to cause the opportunity whereby work already being done in this area and the work that will be done makes the greatest difference. Those in the hunger project support and wish to see alinement among all efforts to end hunger and starvation.

The work of the hunger project is not about researching new technical solutions, growing food or feeding people directly. The solutions for hunger already exist. Since World War II, more

than 30 nations have successfully ended starvation. Over 1,500 scientists completed a 3-year study of hunger and starvation, and their conclusion was published recently in a National Academy of Sciences report:

Given the political will here and abroad, it should be possible, by the end of this century, be possible, by the end of this century, to eliminate most of the hunger and malnutrition how associated with mass poverty.

At about the same time, the results of another study, conducted to discover what individuals can do to contribute to the end of starvation, was the creation of the hunger project which is grounded in personal commitment and individual will. We have the technological and agricultural resources and capabilities to end starvation on our planet in 20 years. What has been lacking is the will of the people. It is the intentions of the hunger project to create this will.

The hunger project recommends no particular action or activity for its members. It simply supports people's individual and creative answer to the question, "What can I do?", once they have discovered their natural responsibility for creating the end of starvation in 19 years.

Much of the work of the project is done by over 35 committees in the United States and 10 in other countries. These committees are composed entirely of volunteers who have chosen to be responsible for successfully communicating and implementing the hunger project in various sectors of their communities. Committees are currently active in the following locations: California: Berkeley/Oakland, Los Angeles, Newport Beach, Sacramento, San Diego, San Francisco, San Lorenzo Valley, Santa Clara Valley, Santa Cruz, Santa Rosa, and San Luis Obispo; Texas: Houston and Austin/San Antonio; Colorado: Boulder and Colorado Springs; Arizona: Phoenix; Utah: Salt Lake City; Hawaii: Honolulu; Massachusetts: Boston; Maine: Union; Connecticut: Middletown; New York: Somerset and New York City; Pennsylvania: Philadelphia and Pittsburgh; Illinois: Chicago and DeKalb; Washington: Seattle; Oregon: Portland; Florida: Miami; Maryland: Baltimore; Tennessee: Nashville; and Washington, D.C.

Proclamations supporting the hunger project have been made by more than 20 mayors and four Governors throughout the country as well as the State Senate of Hawaii. The Governors are from the following States: Maryland, Colorado, New York, and Massachusetts. The mayors of from the following cities: Del Mar, San Francisco, Santa Cruz, Santa Rosa, Chula Vista, San Diego, Lompoc, Redwood City, and Laguna Beach, Calif.; New Rochelle, Yonkers and the County of Westchester N.Y.; Dade County, Miami, Coral Gables, and Hialeah, Fla.; and the mayors of Washington, D.C.; Philadelphia, Pa.; DeKalb, Ill.; and Fort Collins, Colo.

Serving on the Hunger Project Council are: Earl Babbie, John Denver, Thomas Driscoll, R. Buckminster Fuller, Walter Goeppinger, Dick Gregory, Valerie Harper, Marty Leof, Kate Lloyd, Thomas McAteer, John L. McKinney, Dana Meadows, Howard L. Millman, Curtiss E. Porter, Roy Prosterman, Raghu Rai, Roger Sant, Vicki Sant, Gopal Singh, Mary Temple, Jack Thayer, and Gregory B. Votaw.

The hunger project is an investment in self-sufficiency for the planet and for the people of the world. The time has come for hunger and starvation to end. Not just to be dealt with better, not just to be handled more effectively, but to be ended finally and forever.●

OBSERVATIONS ON THE CANADIAN HEALTH CARE EXPERIENCE—PART II

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. PEPPER. Mr. Speaker, I wish to share with my colleagues an additional portion of the paper which was prepared by Richard Lehrman, who serves on the staff of the Select Committee on Aging, which I chair. This paper, which discusses the Canadian health care program, provides meaningful insights on the subject of a nationwide health care program and can benefit those whose task it will be to develop a national health insurance program for the United States.

I believe that my colleagues will be interested in these observations, and I, therefore, ask unanimous consent that this additional portion of Mr. Lehrman's paper be inserted at this point in the RECORD.

The material follows:

COVERAGE BENEFITS

Virtually all of the Canadian population of slightly more than 22 million are covered under the hospital, medical, and auxiliary health insurance plans of their respective province.[38] Members of the Royal Canadian Mounted Police, the Armed Forces and inmates of penitentiaries are not covered; however their medical care is otherwise provided for.[39] Coverage is either compulsory or automatic in all provinces except Ontario and Alberta, where part of the provincial costs are financed through premiums.[40] In Ontario, coverage is mandatory for employee groups of 15 or more, while residents in Alberta may "opt-out" of the program on a yearly basis.[41]

A. HOSPITAL BENEFITS

Canadian Health care essentially consists of many plans that vary province to province, not unlike the U.S. Medicaid program which is jointly funded by Federal and state funds, and administered by the state within broad Federal guidelines. Federal law requires that the following benefits be covered by the hospital insurance plan of all 10 provinces and the Northwest and Yukon Territories:

(1) Accommodations and meals at the standard ward level.
(2) Necessary nursing service.
(3) Laboratory and diagnostic services.
(4) Drugs and biologicals.

Footnotes at the end of article.

(5) Use of operating and case room and anesthetic facilities.
(6) Routine surgical supplies.
(7) Use of radio therapy and physiotherapy facilities where available.[42]

programs that were formerly covered by the provinces such as mental hospital care are now eligible for federal cost sharing.[43] To the required benefits may be added, by separate arrangements between the federal and Provincial governments, specified outpatient and emergency services.[44] Provinces are free to choose which, if any, outpatient services they will cover. All provinces include emergency services and outpatient follow-up, and a varying list of other outpatient benefits.

Provinces may impose nominal cost-sharing for insured services, as long as such charges do not deter patients, particularly low-income persons, from obtaining medical care.[45] As of 1975, however, only the plans operating in British Columbia, Alberta, and Manitoba utilized patient cost-sharing.[46]

Medicare-medicaid versus Canada

Canadian hospitalization is rather comprehensive, covers more persons, and does so less expensively in comparison with American Medicare-Medicaid. All provinces cover standard ward inpatient care with all approved service, as described above. In British Columbia, patients are charged $1 per day for standard ward care. In Alberta, adults are charged $5 for the first day. In Manitoba, hospitals may charge $6 per day for semi-private wards.[47] Ontario levies a slight charge on a portion of the ambulance ride.[48]

Medicare and Medicaid by contrast, cover a significantly smaller part of the population, principally the elderly, disabled and the poor who conform to rather strict criteria. Part A of Medicare covers 90 days of hospitalization. The first 60 are covered by benefits comparable to those in Canada, except that an American must pay a $144 deductible. Full coverage is still in effect, but Medicare beneficiaries must pay $36 per day after the 60th day.[49] An additional "lifetime reserve" of 90 hospital days may be drawn upon when more than 90 days per benefit period are needed. All "reserve days" are covered with benefits identical to that of the first 90, but coinsurance per reserve day leaps to $72.[50] Thus, the fully covered Medicare beneficiary pays $144 for 60 days of care, but should care be necessary for 180 days, the out of pocket cost is over $7,700.00. Should further care be necessary, the patient is charged the full cost.

B. MEDICAL CARE BENEFITS

The Canadian Medical Insurance plan was the second phase of its national health insurance program, enacted a decade after the advent of hospitalization coverage. Already conscious of rising costs, the authors of the 1966 Federal Care Act set up federal-provincial cost sharing utilizing a structure distinct from that of the hospitalization program:

"The financial formula ignores provincial variations in per capita costs and pays to each province one-half of the national per capita cost in respect of each member of its insured population. Thus, the equalization factor is greater than in the hospital financing formula (80% of the cost in Newfoundland, but only 45% in Ontaria)."[51]

Thus, because provinces were given stronger incentives to cut expenses than under the financial arrangements for the hospitalization plan, the federal-provincial cost-sharing structure for medical care was an initial step towards cost control.

As is the case regarding hospitalization coverage, fewer than 19% of all Canadians are not covered by Medical Care Insurance. One hundred percent of all eligible residents are currently insured in all provinces except

Ontario, British Columbia, and Alberta, where virtually 100 percent are covered.[52] Federal exclusions to the plan are similar to those in the Hospitalization plan, with the addition of residents, such as veterans, who are entitled to receive insured services under any other act of the Parliament of Canada or any law of a Province relating to workmen's compensation.[53]

The Federal Government of Canada will contribute to the cost of any Provincial Medical Care plan that provides comprehensive coverage for all medically required services rendered by a physician or surgeon, with no dollar limits or exclusions except where such services are not medically necessary.[54] The benefit coverage must be administered in such a way that there will be no financial impediment to an insured person receiving necessary medical care. In addition, there must be portability of benefits when the beneficiary is temporarily absent from his own province, and when he is moving from one province to another.[55]

In addition to providing for the financing of comprehensive physicians' services for all insurable residents without regard to their age or ability to pay, the Medical Care Act empowers the Federal Government to include additional health care services provided by nonphysician professional personnel.[56] For example, six provinces as of 1975 cover the services of optometrists. Ontario, British Columbia, and Alberta also cover services performed by osteopaths, chiropractors, podiatrists, and other health personnel.[57] Certain surgical-dental services rendered by dental surgeons in hospitals are also included as benefits, although routine dental care is covered only in the Medical Care plans of Quebec, Alberta, and Saskatchewan.[58]

Medicare-medicaid versus Canada

Canada's Medicare, roughly equivalent to Medicare "Part B" (Medical Insurance) provides for coverage so comprehensive that "there can be no dollar limit or exclusions except on the grounds that the services were not medically required.[59] All provinces' plans basically cover all physician services that are medically required. Except for a $5 charge if a patient is admitted to a hospital in Alberta, there is no utilizaton fee for care under the Medical Care Insurance Act.[60]

Medicare Part B covers persons who have reached the age of 65, or who are disabled.[61] Services of independent practitioners under Medicare Part B also includes the services of medical doctors, osteopaths, chiropractors, podiatrists and certain other practitioners regardless of where their services are provided.[62] However, after paying a $60 deductible, the patient is then charged for 20 percent or more of the physicians bill, dependent upon how "reasonable" the charges are judged to be by Medicare.[63] Thus, the fraction of Americans who are covered for physicians' care pay a much greater sum than the Canadians who are universally covered by a more comprehensive plan.

C. AUXILIARY HEALTH CARE BENEFITS

Home health care/nursing care

Both countries have discovered that auxiliary care such as home health and preventive care are cost-effective, as well as more humane alternatives to institutional care.[64] Under Bill C-37, effective April 1, 1977, the Canadian Federal Government is making an equal per capita cash contribution to provinces to contribute to the cost of certain extended health service, including nursing home intermediate care and health aspects of home care.[65]

Somewhat comparable coverage is now available to Americans over 65 under Medicare, Parts A & B. Part A provides for up to 100 home health visits per year upon the fulfillment of all these six conditions:

(1) at last 3 days of inpatient care in a qualifying hospital

(2) The home health care is for further treatment of a condition which was treated in a hospital or skilled nursing facility

(3) the care needed includes part-time skilled nursing care, physical therapy, or speech therapy

(4) The patient is confined to the home

(5) A physician determines the need for home health care, and sets up a home health plan witin 14 days after the patients discharge from a hospital or skilled nursing facility

(6) The Home Health Agency providing services is participating in Medicare.[66]

Part B provided for an additional 100 home health visits, provided the last four conditions listed above are met.[67]

Medicare in the United States also provides for 100 days of inpatient care in a skilled nursing facility provided conditions similar to those for home health care are met, although covered services are paid for the first 20 days; patients must pay a daily co-insurance amount of $18.00 after the 20th day.[68]

Medical appliances

Medical appliances coverage varies from province to province. Most provinces cover eye examinations, but as of 1974, only Alberta provided for eyeglasses for residents over 65.[69] All provinces cover dental surgery performed in a hospital under Medicare, but comprehensive medical care (check-ups, etc.) is covered only in Alberta for residents over 65.[70] Alberta and Saskatchewan subsidize hearing aids, but Nova Scotia, Newfoundland, and Prince Edward Island specifically exclude them.

In the United States, coverage is similar. Although Medicare excludes eyeglasses, hearing aids, dental checkups, and dentures, many states offer one or more of these services under Medicaid.[71] Eleven states provide eyeglasses, 36 states offer dental services, and 11 states provide coverage for hearing aids, for the categorically needy, under their particular Medicaid plans.[72]

Other services

Outpatient prescription drugs are totally excluded under Medicare in the United States, although a few states offer partial coverage under their respective Medicaid plans. By contrast, most Canadians are covered by drug programs. Ontario has a free drug benefit plan for the elderly, disabled, and persons with limited income.[73] Quebec, British Columbia, Manitoba, and Nova Scotia offer similar benefits (17,629,568 Canadians reside in participating provinces, 3,859,083 do not).[74]

Annual physical checkups are categorically excluded by Medicare in the United States,[75] and only a few states cover check-ups under their respective Medicaid plans. The Provinces of Saskatchewan and Nova Scotia cover physical examinations, the latter only when deemed medically required by a physician.[76]

FOOTNOTES

[38] "National Health Insurance in Canada" The Library of Congress Congressional Research Service, p. 1, 1975.

[39] *National Health Insurance Resource Book* (Revised Ed.) Subcommittee on Health of the Committee on Ways and Means, U.S. House of Representatives August 30, 1976 p. 296 U.S. Govt. Printing Office, Washington, D.C. 1976 Henceforth referred to as "Ways & Means."

[40] Ibid.

[41] Ibid.

[42] CRS, p. 1.

[43] H & W, Canada.

[44] Ways & Means, p. 297.

[45] CRS, p. 2.

[46] Ibid.

[47] CRS, supplement (one page).

[48] Ways & Means, p. 326.

[49] *Your Medicare Handbook* Social Security Administration of the U.S. Department of Health, Education, and Welfare p. 12 HEW publication number (SSA) 77-10050 1977 Henceforth referred to as "Medicare".

[50] Ibid, p. 14.

[51] Taylor, Malcolm "The Canadian National Health and Insurance Program" *Public Administration Review* p. 36 Jan.-Feb. 1973.

[52] Ways & Means, p. 306.

[53] Annual Report of the Minister of National Health & Welfare, Canada regarding operations of the Medical Care Act for the fiscal year ending March 31, 1974 Ottawa, Ontario. Henceforth referred to as "Minister of H & W, Canada".

[54] CRS, p. 2.

[55] Ways & Means, p. 305.

[56] CRS, p. 2.

[57] Ibid.

[58] Ways & Means, pp. 307.

[59] Minister of H & W, Canada.

[60] Ways & Means, pp. 339, 344.

[61] Medicare, p. 5.

[62] Ibid, pp. 25-26.

[63] Ibid, pp. 24-25.

[64] Ibid, p. 25.

[65] CRS, supplement.

[66] Medicare, p. 36.

[67] Ibid, p. 37.

[68] Ibid, p. 18.

[69] CRS, supplement.

[70] Ibid.

[71] Medicare, pp. 42-43.

[72] CRS, supplement.

[73] Ibid.

[74] Ways and Means, p. 301.

[75] Medicare, p. 27.

[76] CRS, supplement.●

OLDER WORKERS WEEK

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. HUGHES. Mr. Speaker, the Governor of New Jersey, the Honorable Brendan T. Byrne, has proclaimed the week of May 22-29, 1978, as Older Workers Week. Since the month of May has been designated as Senior Citizens Month, I feel it is especially timely that the Governor has officially recognized the special talents that older workers bring to their jobs. I would like to add my support for the Governor's actions acclaiming the thousands of older workers in New Jersey and across the country who give so freely of themselves to their tasks whether they are paying jobs or volunteer assignments.

A copy of the Governor's proclamation follows:

Whereas, programs such as Green Thumb and other Title IX Programs have provided employment opportunities for older New Jersey citizens; and

Whereas, older workers have availed themselves of these employment opportunities and thereby have contributed greatly to their communities and to their state; and

Whereas, older workers comprise a reliable, dependable work force with expertise and knowledge as gained with age;

Now, therefore, I, Brendan Byrne, Governor of the State of New Jersey, do hereby proclaim the week of May 22, 1978 as Older

Workers Week in New Jersey and ask all New Jersey Citizens to join with me in acknowledging the quality of work performed by New Jersey's older citizens.●

THE SOVIET-CUBAN AXIS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. DORNAN. Mr. Speaker, I rise to pay tribute to the valiant efforts of France, Belgium, and Zaire in effecting a daring rescue of 2,000 hostages in Kolwezi, Zaire.

It is indeed heartening for those of us who have a sense of history to see our oldest ally, France, rise to this occasion. The valor of the French Foreign Legion is legendary, and the role they played in liberating Kolwezi from the clutches of the Communist-backed rebels is a fitting addition to their annals of their gallant service.

Mr. Speaker, even though this mission of mercy was undertaken with dispatch, it is unfortunate that the rescue operations came too late for many of the residents of Kolwezi. Early reports indicate a familiar pattern of atrocities, including the mass execution of Europeans and black civilians. Once again, we are reminded of the consequences of the Communist-backed aggression, consequences that have been brought into sharp relief by the Communist conquest in Cambodia. Once again the Kremlin's bloody hands have reached into the heart of Africa, bringing a reign of terror, death, and destruction.

While the Carter administration flounders in confusion and hypocrisy in Africa, fumbling opportunities and surrendering initiatives, the Cuban-Soviet Axis strengthens its grip on the continent. African leaders who were once wary of Western intervention, now are coming to recognize the dangers posed by the Cuban operations are, in the words of Andy Young, a "stabilizing influence" in Africa. At the recent Franco-African Summit meeting, a total of 21 African nations petitioned French President Valery Giscard D'Estaing to communicate their fears to the President of the United States.

Mr. Speaker, I am desperately concerned that the Cuban-Soviet axis is only in the first stages of its war against the Third World nations. Militarily, economically, and politically these are weak states. Their antagonism to the West was often borne of parochial hatreds, a legacy of Western colonialism, and an envy of Western affluence and progress. Ever since 1956, the Soviet Union has intensified its campaign to support "national wars of liberation" in these less developed countries of the world.

Soviet theoreticians have long believed that revolution in these countries paved the way for ever stronger assaults against the West. Rich in raw materials needed for Western industrial production, these states are the "soft-underbelly," to borrow a phrase from the late Sir Winston Churchill, of the West. The creation of "client states" in this sector of the international community poses the greatest threat of a slow economic strangulation of the inflation torn, industrialized nations of the world.

Mr. Speaker, thus far, the Soviet-Cuban axis has taken and held the military initiative in Africa. In fighting this vicious proxy war in the African heartland, thousands of miles from either the Soviet or Cuban homelands, the Kremlin's leaders may realize victories far beyond the worst fears of Western foreign policy analysts. Castro is not a patsy for the Kremlin. He is a dedicated Communist. Though he is repaying his enormous debts to the Kremlin in Cuban blood, and he is also carving out his own reputation as a messianic Communist revolutionary and increasing the military prestige of Cuba around the world.

Mr. Speaker, if Castro and the Kremlin are victorious in Africa, we can expect them to press their aggressions even further. History tells us that military ambitions, when satisfied, only beget even greater ambitions. Like an addiction, the passion for conquest drives the aggressor ever onward. He looks for new worlds to conquer, new terrain where he can plant his bloody battle flags, and gratify his all consuming lust for power. With the establishment of little client states in Africa, as repressive as any Third World dictatorships, I fear the Cuban-Soviet axis will turn on Latin America. The conditions of poverty, political, and economic instability are prevalent below our borders, and can easily be exploited.

Mr. Speaker, I was greatly impressed with an analysis of the Cuban efforts in Africa by Mr. Bonner Day in the April edition of Air Force Magazine. The author details the Cuban presence, the Soviet support, and the geopolitical design behind Castro's relentless drive. I commend it to my colleagues, and ask that it be inserted into the RECORD.

THE CUBANS IN AFRICA

(By Bonner Day)

The war in Ethiopia has focused the world's attention on Cuba and its military adventures in Africa.

Clearly a tool of the Soviet Union, Cuba nevertheless is making its foreign legions felt from the Algerian desert in the north to the coasts of Mozambique on the southeast edge of Africa.

From an island-bound force of guerrilla-led troops, the Cuban armed forces have become an important military organization to be reckoned with around the world. With continued Soviet support, and in the absence of opposition from the US, the Cubans, under Fidel Castro as commander in chief, are on the move.

In Ethiopia, Cuban troops are in the forefront of the battle for control of the strategic Horn of Africa. Raul Castro, second only to Fidel in Cuba, flew to Ethiopia the first week of January. Within a month, the Ethiopian armed forces, backed by Cuban air and ground forces, launched an offensive against Somali guerrillas, supported by neighboring Somalia, in Ethiopia's Ogaden Province.

An estimated 12,000 Cuban troops were put into the early fighting. Cuban pilots, flying US-built F-5s that were sold to Ethiopia or provided under grant aid prior to 1975 and recently delivered Soviet-built MiG-21s, quickly gained control of the skies in the first days. On the ground, Cuban soldiers armed with Soviet T-54 tanks were sent into the battle.

Assisting the Ethiopians have been several thousand East German and Russian military advisors. Russian ships, according to some reports, shelled Somali troops from the Red Sea. The Russians are reported to have pledged more than $800 million worth of arms and ammunition to Ethiopia, much of it delivered by a major Soviet airlift that began late last year.

But it was the Cubans who provided the most combat troops. Many were brought in from Angola. Others came from Aden in the Arabian Peninsula. As the Ethiopian offensive developed, the question among African diplomats was whether Ethiopia and its allies would be content with recovering its Somali-occupied territory, or would push on into Somalia. Somalia created an enemy in the Soviet Union when it broke relations last fall and ordered Soviet troops out of the Russian sea base and two airfields at Berbera on the Red Sea.

It is in Angola, however, that Cuba has had its biggest success so far. As many as 25,000 Cuban troops and another 6,000 technicians have been brought in to prop up the government of Agostinho Neto, in charge following the withdrawal of Portugal from its former colony. Up to 4,000 troops and some Cuban noncombatants have been killed or wounded in the war, which still continues. Wounded Cubans apparently are being sent to East Germany and the Soviet Union in an effort to play down war news in Cuba.

Most of the Cuban troops in Angola are fighting two antigovernment armies that control about one-third of the countryside, but no major cities. The rest of the Cuban forces are engaged in training guerrillas for insurrections in nearby African countries.

CONTINENT-WIDE CAMPAIGN

The Rhodesian government of Ian Smith is a major target of the Cuban forces and the guerrilla movements Castro backs. To the north of Rhodesia are some 400 Cubans in Zambia, charged with supervising the transfer of Soviet-supplied weapons from stockpiles in Angola to the camps of Joshua Nkomo's anti-Rhodesia guerrilla movement. Convoys of Soviet-made military trucks transport weapons and Nkomo guerrillas from training camps in Angola. The whole operation is run by a military team working from the Cuban Embassy in Lusaka, Zambia.

To the east of Rhodesia, up to 1,000 Cubans operate another set of training camps in Mozambique. Some soldiers are trained for the Mozambique government. Others are trained as guerrillas for Robert Mugabe, another black anti-Rhodesian revolutionist.

In Tanzania, the Nyerere government hosts 500 Cubans who are training troops for the Tanzanian government and also are preparing guerrillas to fight in Rhodesia.

In Congo (Brazzaville), there are some 1,000 Cubans. Some are used to support the Agostinho Neto government in Angola.

In Guinea, President Sekou Touré has a permanent garrison of 1,000 Cuban soldiers to keep him in power.

Guinea-Bissau has another garrison of several hundred Cuban troops, mostly military advisors.

In Libya there are 1,000 Cubans. Egypt claims they have been used to fight Egyptian troops in recent border skirmishes.

Cuban soldiers act as advisors to Sierra Leone's Internal Security Unit. About 200

Cuban troops are stationed in the suburbs of the capital, Freetown.

Cubans based in Algeria have been supporting the Polisario Front in the western Sahara region of Morocco and Mauritania. The guerrillas have been fighting government forces of both Mauritania and Morocco, which now claim the territory.

Altogether, there are up to 42,000 Cuban troops in Africa, plus as many as 6,300 doctors and technicians. Other countries that have accepted Cuban troops and advisors include Cape Verde, São Tomé and Principe, Uganda, Equatorial Guinea, and the Malagasy Republic.

The Cuban armed forces have not been working alone. They have been supplied, encouraged, and, when necessary, transported to African battlefields by the Soviet Union.

CUBAN CHALLENGE—U.S. RESPONSE

Why is Castro, who has severe economic problems at home, sending troops to Africa?

US experts on Cuba give three reasons.

First, the Cubans were ordered to Africa by Moscow. Castro, the beneficiary of billions of dollars of Soviet military and economic aid, could not refuse. Western analysts say there is evidence that Castro is being allowed to repay Moscow for its aid through these military operations, though it is unclear how the payments are calculated.

Second, Latin American experts consider Castro a dedicated revolutionary with a fanatical desire to export communism wherever possible.

Third, Castro enjoys the prestige that comes with a successful military venture. Castro's timely and vital role in helping to power Agostinho Neto, a fellow revolutionary, has whetted his appetite for similar victories.

Says one government expert: "Castro will try to improve his relations with the US and at the same time continue his African adventurism. But if forced to choose, he will turn his back on the US with little hesitation."

The US, under both the Ford and Carter Administrations, has limited its response to public criticism for the most part, and held back support of African forces opposing the Cubans.

Many in the present Administration, following the lead of Sen. George McGovern (D-S. D.), want the US to amend its relations with Cuba and restore diplomatic and economic ties. The feeling is that with restored relations, the US can exert more influence on Cuba. Some, such as Ambassador to the UN Andrew Young, have gone further, arguing that the Cubans in Africa can be a "stabilizing" force.

Other advisors have warned the President that the Cuban presence, with its Soviet support, represents a dangerous threat to the freedom and independence of African nations, a threat the US, as leader of the free world, cannot ignore.

While the debate continues within the Carter Administration, the Cuban invasion of Africa shows no sign of drawing to a close.

From Castro's point of view, the African adventures have to be considered a major success and have returned him, personally, to the center of the world stage after some frustrating setbacks.

CASTRO'S NEW STRATEGY

After his takeover in 1959, Castro focused his attention first on consolidating his hold on Cuba, and later on exporting revolution to Bolivia, Venezuela, Guatemala, and other Latin American countries.

There has been a Cuban military presence in Congo (Brazzaville) since the mid-1960s, and for years Castro has flirted with the radical leaders in Algeria and Libya. But his main early efforts, assisted by the Soviet Union, were in Latin America.

Then, after the death of Ernesto (Ché) Guevara in Bolivia in 1967, Cuban attempts to export revolution seemed to diminish in Latin America. In Cuba, economic problems increased and the people continued to suffer food, clothing, and other shortages.

Shortly after Ché's death, Moscow stepped in to take a stronger hand in Cuban military and foreign affairs. In 1970, the Cuban armed forces were reorganized along Soviet lines. Under the direction of Soviet advisors, the large standing army was cut forty percent in size, discipline in the reserves was tightened, training was improved, and equipment was modernized with the addition of the latest in Soviet tanks and planes. Cane-cutting duties, once a major occupation of the Cuban Army, were transferred to the newly created Youth Labor Army, and regular soldiers were freed to concentrate on their military jobs.

At about the same time, Castro, apparently under Soviet guidance, adopted a new strategy for exporting revolution. In Latin America, his earlier attempts to support guerilla movements had been made without the backing of neighboring countries that might have been able to provide sanctuaries.

In Africa, however, Castro won invitations to several countries and the host countries in turn have been used as sanctuaries for supporting guerrillas.

Congo (Brazzaville), for example, was a sanctuary for Cubans and African guerrilla fighting in Angola, and now Angola is a sanctuary for Cuban efforts against Rhodesia, Namibia, and Somalia.

The strategy's success so far has made Castro a popular revolutionary in Africa, and given him new confidence. In response to questions about renewing diplomatic relations with the U.S., Castro has said:

"Our relations with Africa—that we cannot discuss, that we cannot negotiate. . . . It has nothing to do with the United States."

Whether the U.S. can continue to stand aside militarily while Cuba and the Soviet Union increase their hold in Africa is a question the Carter Administration and Congress will address in the months ahead.

What is sure is that the Cuban armed forces have come of age. Their invasion of Africa, and the subsequent victories, pose a danger much larger than numerical strength would suggest.

THE CUBAN ARMED FORCES TODAY

(By Bonner Day)

The Cuban armed forces have been transformed, over a period of eight years, from a large but poorly trained militia led by romantic guerrillas, to a somewhat smaller but more effective modern army.

The difference has been the Soviet Union, whose leaders decided to protect their massive investment in arms, training, and other aid to Cuba with a heavy hand. Already a significant community, the number of Russian military advisors in Cuba has been increasing in recent months.

The Soviet Union subsidizes the Cuban economy at the rate of $500 million a year—almost double the budget of the Cuban Ministry of the Revolutionary Armed Forces. The Cuban armed forces have received an additional $3 billion in Soviet aid since Fidel Castro took over, plus tanks, planes, ammunition, and other aid delivered to Cuban troops in the field in Africa.

The commander in chief of the Cuban armed forces still is Castro. But it is the Soviet arms and Soviet instructors that have changed a Latin guerrilla army into a modern military force and made it almost a part of the Soviet armed forces.

More important to the rest of the world, the mission of the Cuban armed forces was changed as they were poured into the Russian mold.

Once primarily concerned with resisting an invasion by the US or Cuban anti-Castro exiles, the Cuban armed forces now are focused on exporting communism, Soviet-style, to the Third World.

Universal compulsory service still is in effect, and agriculture still is a national priority. But only a small number of draftees with little military potential—those with low intelligence, little education, or lacking in discipline—are funneled into a special Youth Labor Army for agriculture chores.

Most conscripts are given concentrated military training under an increasingly sophisticated cadre of Cuban officers and NCOs advised by Soviet officers. In addition to military skills, emphasis is on physical conditioning and political indoctrination. Soldiers are fed a steady diet of Castro speeches and the writings of Lenin.

Cuba still has one of the largest standing armies in Latin America, second only to Brazil, a nation with ten times the population.

From a high of about 300,000, however, the armed forces have been trimmed to 200,000 or fewer. Added to this is a ready reserve, about 100,000 strong.

As in the Soviet Union, youths receive military training even before they enter active duty. This amounts in some cases to as much as nine months of rifle drill and classroom training. A number of high schools have been developed for youths with military officer potential.

Officers are trained at one Navy and three joint Army-Air Force academies.

Fidel Castro is the top man in the armed forces—and in every other organ of power in Cuba. Right behind him is his brother, Raul. With the four-star rank of General of the Army, Raul is Minister of the Revolutionary Armed Forces. He has been closely supervising Cuban operations in Africa, using communications furnished by the Soviet Union, but also making periodic on-the-spot inspection trips.

The relation of the Communist Party to the military is much different from that in the Soviet Union, because of the military backgrounds of Cuba's leaders. The military in Cuba is in charge: There is no system of Communist Party representatives within the military to make it toe the party line. The entire government, on the other hand, is seeded with military officers, ensuring a military bias.

Within the military, however, about eighty-five percent of the officers are members either of the Communist Party or the Young Communist League, while twenty-three percent of the members of the Communist Party Central Committee, the highest party body, are in the armed forces.

The Army is the largest of the military forces, with approximately 150,000 on active duty. Equipment includes 600 tanks, 200 armored personnel carriers, artillery, antiaircraft missiles—all furnished by the Soviet Union.

The Navy is modernizing. Old ships given by the U.S. prior to 1959 are being replaced with more than sixty new Soviet vessels, including some of the latest in cruise missile boats. About 9,000 Cubans are currently assigned to the Navy.

The Commander in Chief of the Cuban Air and Air Defense Force (DAAFAR), Maj. Gen. Francisco Cabera Gonzalez, commands 12,000 airmen, including about 400 pilots. His deputy, Col. Edel Martin Hernandez, is chief of the Revolutionary Air Force.

The Air Force includes a fighter-bomber

force of 100 MiG-21s and fifty of the older MiG-15s and MiG-17s. Another fifty jets or more, mostly MiG-21s, have been furnished by the Soviet Union for Cuban pilots in Africa.

Cuba has integrated its Cuban commercial airlines with the Cuban Air Force, though seventy of the 200 government transports are nominally assigned to commercial services. Transport planes in operation are the Soviet-built An-2, Il-14, and An-24. To get the bulk of its men and equipment to Africa, however, Cuba must rely on Soviet ships and planes.

The Cuban armed forces have been tested in a series of guerrilla operations in Latin America, followed by a touch of conventional warfare more recently. Cuban tank crews fought for Syria against Israel in 1973. A Cuban advisor was captured in Guinea-Bissau, when the Portuguese army was there. Members of the Cuban armed forces participated in the Vietnam War, some taking part in the torture of American pilots.

But the biggest tests so far have been in Angola and Ethiopia. And there, the Cuban performance has generated admiration from allies and foes alike. The Cuban Air Force in particular has come in for praise for the skill of its pilots and ground crews. To receive some of the same training, a flood of Africans has poured into Cuba from Angola, Mozambique, and other countries—additional evidence that the Cuban armed forces have come of age.●

A TRIBUTE TO DR. ROBERT NEIDICH—NOTED EDUCATOR

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. LENT. Mr. Speaker, on May 26, 1978, a richly deserved tribute will be paid by his associates to my good friend, Dr. Robert Neidich, as he retires from his position as superintendent of schools of the Levittown, N.Y., School District, located in my Fourth Congressional District.

I wish to congratulate and commend Dr. Neidich for his many contributions to the Levittown community, and to our entire Nation. Indeed, he has compiled a record worthy of the highest tribute.

Bob Neilich is a special human being. His tireless energies are channeled to a great number of professional, community and family activities, and his attention to each is full, complete and productive. He is greatly admired by his associates, adored by his lovely wife, Marilyn, and their two fine children, and emulated by both students and teachers with whom he comes in contact.

In 1965 Dr. Neidich brought to the Levittown school system the benefit of his wide-ranging experience in education. After 4 short years as assistant superintendent of schools, he was appointed superintendent in 1969.

In the Levittown system, he conceived the idea of the district horticultural center and vocational program, which offers noncollege bound youth an opportunity to learn a marketable skill and prepares them well to be productive and useful citizens. He also deserves credit for instituting the Adelphi College district cooperative program, permitting high school seniors of Levittown, who have a light course load in their final year, to enroll in concurrent college courses—an especially productive use of their spare time.

Dr. Neidich continues to distinguish himself in a particularly important and timely cause. He is chairman of a steering committee of 26 New York State schools now working toward the institution of a more equitable method of financing education in New York State.

Dr. Neidich's professional associations include his service as a consultant to the New York State commission on quality cost and financing of elementary and secondary education. He has also been especially active in the community with service clubs and organizations seeking to spur economic growth and opportunity.

All of the above show the side of Dr. Neidich which proves his commitment to education and to the community. The modesty and humility of the man, I would say, is best demonstrated by the one condition he imposed with respect to his own testimonial dinner—Bob Neidich refused to attend if he were going to be given a gift. In the alternative, the dinner committee encouraged a generous outpouring of offerings from the community to establish the Dr. Robert Neidich Scholarship Fund. This year three scholarships will be awarded in his name to deserving high school seniors.

Although Dr. Neidich's teaching career has now reached a formal conclusion, he will continue his work in the field of education as an adviser and consultant to New York University doctoral candidates. I know those counseled will benefit greatly from his wisdom, his excellent judgment, and the wealth of experience he has gained over the years.

I join Dr. Neidich's many friends and neighbors in the wish that his retirement years will be graced with good health; the richness of friendships; the warmth of memories; the deep satisfaction that comes from many jobs well done; and a readiness to face any new challenges the future may bring.●

PERSONAL EXPLANATION

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. BEILENSON. Mr. Speaker, last Friday, May 19, the House passed legislation deciding the fate of millions of acres of land in Alaska. I was a cosponsor of the original version of that legislation, H.R. 39.

Unfortunately, previous calendar commitments in my district prevented my being present for four of the votes on H.R. 39 last Thursday and Friday. Had I been present I would have voted as follows: against Mr. MEEDS' substitute; against Mr. SANTINI's amendment to title XIII regarding minerals; against Mr. YOUNG's motion to recommit the bill to committee; and in favor of the final passage of the bill.

I am pleased that the House recognized this unique opportunity to preserve the natural values of land and wildlife before allowing development and exploitation of these resources, and passed a bill that will insure the protection of abundant wildlife habitat and will place millions of acres in the National Park, Wilderness Preserve, Wildlife Refuge, and Wild and Scenic River Systems.●

INDUSTRIAL FUNDED ACTIVITIES

HON. DAVID L. CORNWELL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. CORNWELL. Mr. Speaker, I was most pleased that the House saw fit to approve my amendment to H.R. 10929, the Defense Authorization Act for fiscal year 1979, which increased the end-strength flexibility granted to the Secretary of Defense from 1¼ percent to 2 percent. I believe that this is a constructive step which, if properly used by the Defense Department, can ease some of the problems caused by rigid manpower ceilings which do not accommodate the fluctating workloads of Industrially Funded Activities (IFAs). Unfortunately, the various components of the Defense Department have been hesitant to ask the Secretary of Defense to use the additional manpower flexibility slots that are available to him in current law. I hope that passage of my amendment yesterday is seen by Defense components as an encouragement to request use of the flexibility slots so that the current practice of playing off one installation's manpower needs against another's can be ended.

I consider passage of this amendment, however, only an interim approach to the resolution of the manpower ceiling issue. Efficient management of IFAs, and efficient use of taxpayer dollars for defense efforts, will only come from an outright removal of the manpower ceilings for IFAs. Congressman DODD of Connecticut was prepared to offer an amendment along these lines during consideration of H.R. 10929. Unfortunately, a prior commitment forced him to leave town, and the amendment was not offered. It is my intention to work with Congressman DODD over the next year to secure passage of this amendment for fiscal year 1980. At this time, I would like to offer a statement I prepared in support of this amendment. I hope it will serve to shed some light on this issue.

Mr. Speaker, I rise in strong support of the amendment offered by my Colleague from Connecticut, Mr. Dodd, to exempt industrially funded activities from the civilian manpower ceiling. My staff and I have worked extensively in the past year on this problem. In all our dealings with officials of the Defense Department and OMB, as well as officials of Crane Naval Weapons Support Center—an IFA in my District—I have yet to find anyone who feels that the civilian manpower ceiling is an effective or efficient means

of managing approximately ⅓ of our defense support activities. Rather, the universal belief is that civilian manpower ceilings do not accommodate the fluctuating workload that these installations face, that manpower ceilings drive up the costs of performing Congressionally-approved work in research and development, weapons production and testing, and a variety of other combat support services. Unfortunately, it is impossible to calculate the millions and perhaps billions of dollars that are wasted every year due to additional overtime payments, unnecessary contracting-out, and the massive paperwork burden that results from the ceilings. Also, it is impossible to calculate the cost of human suffering felt by the thousands of employees who are arbitrarily down-graded, fired and rehired, or simply fired two days prior to the end of the fiscal year so that installation managers can meet their manpower ceiling requirement.

As many of you may remember, last year I and a number of our Colleagues attempted to address this problem by increasing the endstrength flexibility given to the Secretary of Defense to exceed the manpower ceiling. We increased this flexibility from ½ percent to 1¼ percent, in effect providing an additional 7600 manpower slots.

Furthermore, the Conference Report on the Defense Authorization Act directed the Secretary of Defense to insure that IFAs "are provided sufficient manpower to fulfill their work requirements, within the funding plans established for their operations." Despite our well-intended efforts, the Defense Department has either not been able to or not seen fit to meet our requests. To date, the Department has used only 2700 of the 12,600 additional manpower slots available to them. Yet, this very day, numerous IFAs in all regions of the country are still plagued with manpower ceilings too low to meet the funded workload.

In my installation of Crane, the Commanding Officer, a former official of NAVSCC, has stated that the funded workload justifies a manpower ceiling of 2965. The Department of the Navy nevertheless saw fit to grant Crane a manpower ceiling of only 2595, 360 men less than the estimated need. To meet this ceiling, Crane would need a substantial Reduction in Force (RIF).

However, when Crane applied for authority to perform the RIF, the authority was denied. To try to resolve this absurdity, the Navy decided to try to increase Crane's ceiling by 120 slots—still 240 short of what is needed to perform the workload that we in Congress approved. However, rather than granting the additional manpower slots outright, by asking the Secretary of Defense to use a few of the 9800 available flexibility slots, the Navy delayed and delayed until it found another IFA where the 120 slots could be taken away.

Thus, to not even meet the manpower requirements at Crane, Navy spent countless hours and dollars playing off one installation's needs against another's. Now that the dust is finally settled, neither Crane nor the other sacrificial installation have enough manpower slots to perform the work we demand to be performed.

To remedy this second absurdity, Crane will have to execute a "skills readjustment" wherein blue-collar workers employed in various weapons production, demilitarization, and testing functions will be offered jobs as typists and secretaries. Some will quit outright. Others will accept these downgraded positions and bump other employees with less seniority who have worked for years to improve their skills, jobs, and pay. The end result will be delays in accomplishing vital combat readiness missions, increased contracting-out of production work without prior cost-analysis, and the waste of millions of taxpayer dollars in this non-productive exercise in futility.

Last year, Senators Bayh and Matsunaga offered legislation similar to that offered today by Congressman Dodd. In Senate hearings on the bill, officials from the Defense Department argued against the bill on the grounds that we would be limiting overall manpower flexibility by exempting the IFAs since we would, in effect, be reducing the Congressional manpower ceiling by ⅓. I do not see where this argument holds water. Specifically to increase the overall manpower flexibility we have increased the end-strength flexibility by 7600 slots.

Further, I have yet to hear of an occasion where manpower slots were taken away from an IFA to be given to a non-IFA installation. What the Defense Department really wants is an outright removal of the total civilian manpower ceiling. There is a great deal of merit to this suggestion, and I feel that it should be examined closely in the near future.

However, until that time comes, I feel that we cannot take the attitude that, because the entire manpower allocation process is troubled, we should not try to begin to remedy its most troubled areas. Along these lines, passage of the Dodd amendment would provide a concrete example upon which to base future discussions of the viability of the total removal of the manpower ceiling.

I come from a business background which I know many of my Colleagues share. In business, we all learned that the demand for our goods or services dictated our manpower requirements. None of us ever learned to set an arbitrary employee level and then gear our production accordingly. The Dodd amendment gives us an opportunity to put this most basic business principle into operation in our single most costly budget item. I urge your support of the amendment.●

ALASKA LANDS BILL

HON. ROBERT (BOB) KRUEGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. KRUEGER. Mr. Speaker, although I was necessarily absent from the House floor last Friday when the House passed the Alaska lands bill, I want to take this opportunity to express my support for that legislation in its final form. If present, I would have voted for final passage of H.R. 39, and I want to salute my colleagues who worked so diligently throughout the discussion period and the committee process to develop this legislation. I believe that the bill, as approved, affords ample opportunity for continued study of the mineral potential within our 49th State, while giving priority to protection of the irreplaceable environmental treasures to be found there. I join the vast majority of my colleagues in the hope that we will soon have the opportunity to send this important legislation to the White House for the President's signature.●

EXPLANATION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. SKELTON. Mr. Speaker, I wish to take this opportunity to indicate how I would have voted were I present on the House floor, Friday, May 19. I would have voted nay on the motion to recommit the Alaska national interest lands conservation bill, roll No. 339 and would have supported passage of this needed legislation and voted yea on roll No. 340. I certainly regret a commitment in my district caused me to leave the floor early that day and miss these votes.

Thank you, Mr. Speaker.●

SENATE—*Friday, May 26, 1978*

(Legislative day of Wednesday, May 17, 1978)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. SPARK M. MATSUNAGA, a Senator from the State of Hawaii.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

MEMORIAL DAY TRIBUTE

O God, our Father, make us to remember the true meaning of the forthcoming holiday, that it is indeed a holy day when as a people we hold in sacred memory those who served in the defense of their country, who have fought a good fight, kept the faith, finished their course, and are at rest with Thee. May a full measure of their devotion and sacrifice fall on us that we may serve Thee in life as they served by death.

"O Valiant hearts, who to your glory came
Through dust of conflict and through battle flame
Tranquil you lie, your knightly virtue proved,
Your mem'ry hallow'd in the Land you loved.
"O risen Lord, O Shepherd of our Dead,
Whose Cross has brought them and whose Staff had led
In glorious hope their proud and sorrowing Land
Commits her Children to Thy gracious hand." Amen.

—SIR JOHN ARKWRIGHT.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 26, 1978.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SPARK M. MATSUNAGA, a Senator from the State of Hawaii, to perform the duties of the Chair.

JAMES O. EASTLAND,
President pro tempore.

Mr. MATSUNAGA thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF LEADERSHIP

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, there are various nominations on the Executive Calendar, following "New Reports," which I believe have been cleared. Therefore, I ask unanimous consent, if this be accurate and the minority leader will respond—that the Senate go into executive session to consider the nominations under "New Reports."

Mr. BAKER. Mr. President, reserving the right to object, the majority leader is correct, with one exception, as we observe from our calendar on this side of the aisle.

All the nominations under "New Reports" on pages 2 and 3, with the exception of Small Business Administration, the last nomination on the calendar, have been cleared. With that single exception, I would be pleased to proceed to their consideration.

Mr. ROBERT C. BYRD. Mr. President, the distinguished minority leader is correct. That was an oversight on my part. I modify my request as follows: That the Senate go into executive session to consider the nominations under "New Reports," with the single exception of Calendar No. 177.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations will be stated.

REPRESENTATIVES TO THE 10TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations for Representatives to the 10th Session of the United Nations General Assembly be considered and confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

To be a Representative of the United States of America to the 10th Special Session of the General Assembly of the United Nations Devoted to Disarmament: Andrew J. Young, of Georgia; W. Averell Harriman, of New York; GEORGE MCGOVERN, U.S. Senator from the State of South Dakota; CHARLES W. WHALEN, JR., U.S. Representative from the State of Ohio; and Paul Newman, of Connecticut.

To be an Alternate Representative of the United States of America to the 10th Special Session of the General Assembly of the United Nations Devoted to Disarmament: Adrian S. Fisher, of the District of Columbia; James F. Leonard, Jr., of New York; CHARLES MCC. MATHIAS, U.S. Senator from the State of Maryland; PAUL SIMON, U.S. Representative from the State of Illinois; and Marjorie Craig Benton, of Illinois.

THE JUDICIARY

The second assistant legislative clerk read the nomination of Adrian G. Duplantier, of Louisiana, to be U.S. district judge for the eastern district of Louisiana.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nomination of Gilbert G. Pompa, of Texas, to be Director, Community Relations Service.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

The second assistant legislative clerk read the nomination of Walter M. Heen, of Hawaii, to be U.S. attorney for the district of Hawaii.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

The second assistant legislative clerk read the nomination of Ishmael A. Meyers, of the Virgin Islands, to be U.S. attorney for the district of the Virgin Islands.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to move en bloc to consider the votes by which the nominations were confirmed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I make that motion.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration or legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

AUTHORITY FOR CERTAIN ACTION DURING RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess over until 12 noon on June 5, 1978, the Secretary of the Senate be authorized to receive messages from the President of the United States and that they may be appropriately referred.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate over until 12 noon on June 5, 1978, the Vice President of the United States, the President of the Senate pro tempore, and the Acting President pro tempore be authorized to sign all duly enrolled bills and joint resolutions.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the other body and that they be appropriately referred during the recess over until June 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Vice President and the President pro tempore of the Senate be authorized during the recess of the Senate to make appointments to boards, commissions and delegations.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT BILLS AND RESOLUTIONS ON MAY 31

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the nonlegislative period of the Senate, all committees may report bills and resolutions on Wednesday, May 31, 1978, between 9 a.m. and 3 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I have no further desire for time under the standing order.

THE PRESIDENT'S FOREIGN POLICY STATEMENTS

Mr. BAKER. Mr. President, I have read with great interest the transcript of the remarks by the President of the United States in Chicago yesterday, which covered a wide range of subjects.

I was particularly interested in the remarks by the President relating to foreign policy and the national defense of this country, especially as affected by the activities of Cuban troops in Africa and Cuban support and assistance for African insurgents.

I think the President's tone and the content of his statements show a firmness of resolve and the beginnings of a new direction in America's attitude toward that troubled part of the world, both of which will serve us well.

I commend the President for the strength of his statement. I hope he will continue with the development of a policy that finally will signal to the Soviet Union and to their surrogates, the Cubans, that their adventurism in Africa is unacceptable from the standpoint of the national security interests of the United States.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have no further requirement for my time under the standing order, and I yield the floor.

LABOR LAW REFORM ACT OF 1978

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the unfinished business, H.R. 8410, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 8410) to amend the National Labor Relations Act to strengthen the remedies and expedite the procedures under such act.

AMENDMENT NO. 1768

Mr. FORD. Mr. President, I call up my amendment No. 1768.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. FORD), for himself and Mr. HUDDLESTON, proposes an amendment numbered 1768.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 22, insert the following between lines 3 and 4:

"SEC. 14. Section 3(d) is amended by inserting immediately after the third sentence the following new sentence: 'The General Counsel shall designate one or more officers or employees in the Board's national office and in each regional office to act as ombudsmen for the purpose of answering inquiries and disseminating information, particularly with regard to the rights, obligations, and responsibilities of those employers and employees in the small business community. The ombudsmen shall provide general information and explanation regarding the provisions of this Act, regulations of the Board, procedures involved in the processing of cases and the current state of the law with regard to particular areas of concern Any such ombudsmen shall not be authorized to render advisory opinions or make any factual or legal determinations under this Act.'".

On page 22, line 4, strike "SEC. 14." and substitute "SEC. 15.".

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. HUDDLESTON, I ask unanimous consent that a statement by him on the Ford amendment be printed in today's RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY MR. HUDDLESTON

Over the past several months, I have talked with countless constituents and read countless letters on both sides of the labor reform issue. Both sides, I believe, have very real and legitimate concerns. It is incumbent upon us to see that those concerns are addressed in such a way that our labor laws do not tip the balance of power—do not favor one side over the other—in labor-management disputes.

I am cosponsoring this amendment which, I believe, would address in a fair and equitable manner the fears and concerns of our nation's small businesses. It would prohibit the National Labor Relations Board from exercising jurisdiction over more than 75% of our nation's establishments and industries and provide coverage only of those larger firms which do not meet existing small business definitions.

Under existing law, some four million businesses are potentially within the statutory jurisdiction of the National Labor Relations Board. However, the Board historically has not exercised its full jurisdiction. Rather, it has adopted a series of standards for particular industries, under which approximately 3,150,000 of those employers are *not* covered, and only 850,000 are.

This amendment would write those exemptions into the law, and provide a statutory prohibition against any future action by the Board to change its standards in order to extend its jurisdiction to small enterprises currently exempt. According to Department of Labor figures, three out of every four U.S. establishments would be statutorily excluded from NLRB coverage by this amendment, including 88% of all retail establishments; 96% of all auto repair facilities; 90% of all banks, insurance and real estate firms; over 90% of all hotels and motels in the country; 95% of all personal service firms; 99% of all taxi companies and 88% of all newspaper and magazine enterprises.

Further, this amendment directs the General Counsel of the NLRB to appoint ombudsmen in each of the regional offices to provide information and answer inquiries particularly with regard to the rights, obligations and responsibilities of those employers and employees who will be covered by the law. This information will be readily available to anyone who requires it without their having to go to the considerable expense of hiring outside counsel.

Mr. President, small businesses are the backbone of this country. They need and deserve the special consideration afforded them by this amendment.

Just as this amendment represents, I believe, a workable compromise to a particularly disturbing aspect of this issue, I hope that we will see other reasonable compromises as debate on this bill continues. I am confident that both sides will gain if we can proceed in a spirit of cooperation.

Mr. ROBERT C. BYRD. Mr. President, I take this opportunity to explain why I support S. 2467, the labor law bill, and to offer an amendment which I believe will improve it significantly.

The Senate has been debating S. 2467, the first revision since 1959 of our labor-management relations law, for 9 days. We have heard cogent arguments on both sides.

I compliment the floor manager of the bill, Mr. WILLIAMS, and the ranking minority member of the committee, Mr. JAVITS, for the clear explanation given on each point that has been raised; and I congratulate the opponents of the bill as well.

All have done their homework well.

The discussion of the bill has been substantive, and it has been exhaustive. Members who have participated have contributed much to my understanding of the bill by their questions and their comments, and I feel that they have contributed much to the understanding of the bill by our constituents throughout the country.

I am particularly impressed by the fair and openminded approach which the floor managers of the bill have taken. Opponents have pointed to areas where the bill might be improved, and supporters have responded by indicating their willingness to consider proposals which address several areas of concern. Thus the debate has, indeed, served the important function of promoting understanding and compromise.

Today I will submit an amendment, cosponsored by several members of the Senate on both sides of the aisle which, in our opinion, will go a long way toward resolving some of the doubts and fears that have been expressed about the impact of this bill and especially the impact of the bill on small business. This amendment will prohibit the National Labor Relations Board from exercising jurisdiction over more than 75 percent of our business establishments.

I hope that my colleagues—those who have opposed the bill thus far, and those who have supported it—will, during the Memorial Day holiday, give every consideration to the amendment and to the assurances that it will provide to small employers.

This is not the first time that the Senate has debated the complicated issues of labor-management relations law—it will not be the last.

I was not in the Senate in 1935, when the Wagner Act—the basis of our labor-management laws—was passed. Some of the testimony before the old Committee on Education and Labor, however, I have read. They ring with dire predictions of the demise of capitalism and free enterprise in the United States which has been repeated from time to time since then.

I was not in the Senate in 1947, when the Taft-Hartley Act was passed; there were those who called it the "slave labor law" and predicted the end of the labor movement in the United States.

I was a member of the Senate in 1959, when the Landrum-Griffin Act was debated and passed. I recall the heartfelt and even anguished cries from supporters and opponents of the bill—that it went too far, or that it did not go far enough—in regulating union activities.

Our businesses have prospered since 1935, and our labor unions have matured. Labor and management are equal partners in the economic growth of our country in the 20th century. The predictions of doom have proved to be unfounded.

The legislation now before us is a response to changed conditions in our business and working communities. I believe that most of my colleagues—

regardless of the position that they have taken on this particular bill—would agree that a law which has been in place for 43 years, and which has been revised only twice during that period of time—deserves careful review.

Government commissions, congressional committees, labor groups, business groups, academic groups, have studied the law. The recommendations contained in S. 2467 are, in part, the product of these analyses. More importantly, the bill reflects the lessons that have been learned over the years in the implementation of the National Labor Relations Act. It does not solve all the problems—it is not a panacea. But it is a constructive and carefully considered response to the concerns that trouble employers and employees alike.

It has often been said, and I do not hesitate to repeat, that, "You cannot legislate good labor-management relations." I agree. But we can—and we should—do our utmost to learn what 43 years of experience under the Wagner Act, and several years of experience under the Taft-Hartley Act, and the Landrum-Griffin Act have to teach us, and with this knowledge write a better labor relations law that will protect the rights and serve the interests of employers and employees. There is much to be learned.

We have learned of the heavy economic burdens that fall on the employer who must litigate prolonged and complex issues, and on the employee who may be discriminatorily discharged or be prevented from benefiting from a union organization and a union negotiated contract. We have learned of the uncertainty and hardship suffered by employers and employees alike who, in good faith, may wish to comply with the requirements of law but simply are unable to discover just what the law requires.

It is time that Congress provide a meaningful and appropriate response to these particular problems and to the mood of discouragement with Government which so many citizens express. I am sure that many of my colleagues have sensed that mood. The people of West Virginia have expressed to me—by their letters, by their comments when I see them in Washington and when I see them in West Virginia—a feeling of frustration with and alienation from their Government. I hear criticism of Government from both workers and business executives. There is a growing feeling that the Government, which they support with their tax dollars, is less of an ally than an adversary.

I view the bill before us as an opportunity to dispel that alienation and frustration. The bill is designed to promote fairness and efficiency—fairness in the operation of the law, efficiency in its administration and delivery. Several provisions of the bill—such as the expansion of the National Labor Relations Board, the authorization to hire law clerks, the use of short-form decisions, the rulemaking requirements—should reduce administrative delay, increase the predictability of decisions, and cut down on redtape and paperwork while preserving fairness. Other provisions—the use of preliminary injunctions in certain categories of illegal discharge cases, the establishment of statutory deadlines for the holding of elections, the changes in the backpay remedy—should help to promote compliance with the law.

I compliment the Committee on Human Resources for the recommendations it has made to achieve these goals. During 8 days of public hearings, the committee amassed an impressive array of testimony and information—from individual employers and employees, from representatives of business groups and unions. Testimony was submitted by more than 120 witnesses, resulting in nearly 4,000 pages of printed hearings. Many business representatives expressed legitimate concern about the proposed legislation. Through their testimony, and the experience and information which they shared with the committee, business groups have made a constructive contribution to the committee's work.

As a result, the bill reported by the committee is, in several important ways, more moderate, more fair and just. Early proposals that would in certain cases have provided triple pay to employees illegally discharged during an organizing campaign or prior to an initial contract have been modified. The House-passed bill provides for double backpay, less wages earned, while the Senate bill calls for 1½ backpay, with the same deduction. So this is an improvement.

The original proposal for setting statutory deadlines for the holding of elections was that they be held within 15 days, 45 days, or 75 days, depending upon the number of employees who requested an election, or the existence and complexity of a problem requiring pre-elections hearings. This is the version reported to the House floor, where it was changed to 25, 50, and 75 days, respectively. The Senate bill contains 30 days as its shortest deadline—double the original proposal, and then 45 and 75 days. I think this is an improvement.

In other areas as well the Senate bill better protects employer rights, without sacrificing employee rights or interests: First, in providing increased discretion to the Secretary of Labor with respect to reducing or modifying the debarment sanction; and second, in requiring that, before the equal access provision is triggered, the union must formally notify an employer that a "significant minority" of employees have demonstrated an interest in hearing the views of a union seeking to organize them.

There is continuing concern, however, about the impact of this bill on the Nation's many small businesses.

I share that concern and I am therefore introducing, together with Senators WILLIAMS, JAVITS, DURKIN, SASSER, MCINTYRE, ZORINSKY, CRANSTON, HUDDLESTON, CHAFEE, BROOKE, WEICKER, STAFFORD, PERCY, and others an amendment which is designed to address the special needs and conditions of our Nation's small businesses.

The amendment preserves the existing jurisdictional standards developed by the National Labor Relations Board with respect to small businesses. It provides that the Board "shall not assert jurisdiction over any labor dispute over which it would decline jurisdiction" under the standards in force on May 1, 1978. This language constitutes a statutory bar against any future action by the Board to change its standards in order to extend its jurisdiction to small enterprises currently exempt.

What does this bar mean, in practical terms?

At the present time, approximately 4 million business establishments are potentially within the National Labor Relations Board's statutory jurisdiction, which is as wide as the commerce clause of the Constitution. The Board, however, does not and historically has not exercised its jurisdiction over all 4 million employers. It has adopted a series of standards for particular industries, under which approximately 3,150,000 of those employers are not covered, and only 850,000 are covered. In other words, only 25 percent of employers whose businesses affect interstate commerce—only the 25 percent who are the larger firms—are regulated by the act.

Despite the fact that State laws—and not the National Labor Relations Act—govern labor relations for the remaining 75 percent of employers, the argument has been made that the Board could and in fact would change its jurisdictional standards, thus extending the provisions of this bill to small businesses not presently covered. In my opinion, it is not likely that the Board would take this course of action.

But those of us who offer this amendment believe that this amendment is an appropriate and necessary response to the possibility that the Board might, in the future, take such action.

First, it would be unfair and unwise to leave such a crucial issue in doubt. One of the primary goals of the legislation before us is to increase the predictability of Board procedures and decisions. Let us then answer the fears expressed by the country's small business community about what effect the provisions of this bill might have; let us put the matter decisively to rest.

Second, I believe that the jurisdictional standards which have been developed by the Board are both practical and fair; the Board has quite properly taken into account the physical, financial, and economic conditions of the small business organization. The standards recognize that rules and remedies which may be appropriate when dealing with a large firm are not always appropriate for the smaller firm, and may even work an undue hardship.

So those of us who support this amendment want to insure that the current exemptions be continued, and the amendment that I have offered on my behalf and theirs will do this.

I believe that a word of history is relevant in discussing existing exemptions and jurisdictional standards. In *Guss* v. *Utah Labor Board,* 353 U.S. 1 (1957), the Supreme Court held that when the NLRB declines to exercise jurisdiction over a labor dispute involving an employer in interstate commerce, the States are precluded from doing so except in situations where the NLRB had entered into an agreement with a State agency ceding that agency jurisdiction. The proper legislative response to the Guss decision was the subject of an extensive debate in the Congress during consideration of the Landrum-Griffin Act.

The answer ultimately agreed upon is contained in section 14(c) of the National Labor Relations Act, which states that the Board is precluded from raising the jurisdictional standards in effect on August 1, 1959. The section also grants to the States jurisdiction over those cases which the Board declines to hear. The first portion of section 14(c) was designed to reassure those who favored a uniform national labor policy and who were concerned that many States lacked procedures for the holding of secret ballot elections or other guarantees of employee free choice. The second portion responded to the plight of employers and unions caught in a no man's land in which neither Federal or State law applied.

Section 14(c) was a sound compromise between competing interests. But, while it precludes the Board from raising its jurisdictional standards, it fails to prohibit the Board from lowering them. My amendment would cure that defect by providing that the standards in effect as of May 1, 1978, cannot be varied either up or down.

It should be noted that, under my amendment, the Board would continue to be able to take jurisdiction over employers in interstate commerce who refuse to provide information on their volume of business; to require timely assertion of jurisdictional defenses; and to apply similar rules designed to limit unnecessary litigation and to prevent evasion of the Board's standards.

I urge my colleagues to review this amendment and I hope that they will be persuaded to support it. I believe that it answers, directly and fully, the charge that, upon passage of this legislation, the NLRB will proceed to extend its jurisdiction to cover hundreds of thousands of small employers.

I know that there are other areas in this bill of concern to the business community as a whole, and to small business establishments in particular. This is not the sole area of concern as we have seen manifested during the debate thus far. One of those areas is addressed by the amendment being offered by Senators FORD and HUDDLESTON. It directs the General Counsel of the NLRB to appoint ombudsmen who would respond to inquiries about the operation of the law, Board procedures, complaint processing and so on. Adoption of the Ford-Huddleston proposal will provide meaningful assistance to the smaller businesses covered by the act for whom the cost of outside counsel is burdensome.

I support the Ford-Huddleston amendment and offer my amendment as an amendment to it.

Mr. President, comparisons have been made between this bill, and this debate, and earlier labor-management relations acts. Along these lines, I would like to note that, in 1935, the Senate spent 3 days debating the Wagner Act; in 1947, the Taft-Hartley Act was debated for 14 days; and in 1959, the Landrum-Griffin bill was debated for 8 days. In none of these instances was cloture necessary to bring debate to a close.

No petition to invoke cloture has been filed on the bill before us now. I intend, when the Senate returns on Monday, June 5, to file a petition. The vote on the motion to bring debate to a close, pursuant to rule XXII, will occur on Wednesday, June 7—after 11 full days of debate.

I hope that the motion will prevail. If not then, later. If cloture is invoked, the Senate can proceed to consider substantive amendments which will result in a better bill. So I respectfully ask each of my colleagues to consider whether an attempted murder of this bill by filibuster is appropriate. Will we, as a legislative body, be serving our constituents by prolonging debate and by dilatory tactics or will we serve them better by considering the merits of the bill and by considering substantive amendments designed to improve the bill?

The debate thus far has been carried on in a very, very fine way, and I want to compliment again all Senators, both proponents and opponents, who have joined in the debate. The issues have been joined, and as a result we have been able to delineate the areas of utmost concern to Members, and it is for that reason that I think the debate thus far has been efficient.

The answer to my own question is very clear to me—we must complete action on this bill. Let us do so deliberately but let us do it expeditiously upon our return in June. There has been no attempt to choke off debate, and no indications of a stone wall being erected around the bill. But the time is fast coming for constructive action—and I would suggest that we get on with it.

UP AMENDMENT NO. 1323

(Subsequently numbered amendment No. 2254)

(Purpose: to prohibit the N.L.R.B. from exercising jurisdiction over small business currently exempt.)

Mr. ROBERT C. BYRD. Mr. President, I send to the desk the amendment to which I have alluded, and I ask that it be stated by the clerk. Let me be sure I have all the cosponsors down; then the clerk can read them again.

The ACTING PRESIDENT pro tempore (Mr. MATSUNAGA). The Chair requests that his name be added to the list of cosponsors.

The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD), for himself, Mr. WILLIAMS, Mr. JAVITS, Mr. DURKIN, Mr. MCINTYRE, Mr. SASSER, Mr. ZORINSKY, Mr. HUDDLESTON, Mr. FORD, Mr. CRANSTON, Mr. MATSUNAGA, Mr. NELSON, Mr. STAFFORD, Mr. HASKELL, Mr. BROOKE, Mr. CHAFEE, Mr. WEICKER, Mr. PERCY, Mr. SCHWEIKER, Mr. MELCHER, Mr. BAYH, Mr. CLARK, Mr. SPARKMAN, Mr. MCGOVERN, Mr. HART, Mr. PAUL G. HATFIELD, and Mr. RANDOLPH proposes an unprinted amendment numbered 1323 to the amendment of the Senator from Kentucky (Mr. FORD) numbered 1768:

On page 2, insert the following between lines 7 and 8:

"SEC. 15. The proviso to Section 14(c)(1) of the Act is amended by striking "August 1, 1959" and substituting "May 1, 1978 and shall not assert jurisdiction over any labor dispute over which it would decline jurisdiction under those standards."

On line 9, strike "SEC. 15" and substitute "SEC. 16."

Mr. WILLIAMS. Mr. President, it has become commonplace here to have examples of the most exemplary legislative leadership on the part of the Senator from West Virginia. To measure after measure of great complexity, controversy, and difficulty, he brings his particular talent and leadership that is not demanding of the Members, but leadership that recognizes and respects every Member of this body; leadership that listens. I can say that with our modern technology, even when the majority leader is not on the floor, he listens. He will be listening on the audio systems that are now available. He is listening to the Members who have elected him to leadership and recognize his leadership.

From this whole process of understanding of this great institution, at critical hours he comes forward gathering as much of a consensus as can be seen, organized, and presented to this deliberative body. In this way he brings us constructively forward and moves us toward solutions that are necessary if the Nation's business is to be conducted.

So it is with the highest praise and commendation that I rise to express Senators' and citizens' appreciation for the leadership of the Senator from West Virginia (Mr. ROBERT C. BYRD).

Mr. President, throughout the debate on this bill, indeed, from the time of its introduction last year, the outcry we have heard over and over again is that this bill will have a devastating impact on small business.

Small businessmen have made their way to my office over these many months to express their concern that my bill will seriously undermine their position under the law. These discussions have been a source of frustration for me. We know that most small businesses in this country are not presently covered by the National Labor Relations Act. And, it is indisputable that S. 2467 does not extend the application of the act to a single employer who is not presently covered.

Nevertheless the complaints have persisted.

Mr. President, I want to take this opportunity again to express, as manager of the bill, my appreciation to those who have contributed to the most productive and constructive processes of the Senate. My appreciation certainly also runs to

the distinguished Senator from Kentucky (Mr. FORD) as well as to our distinguished majority leader for offering this amendment, which I hope will settle once and for all two major allegations that have been made with respect to this bill.

First, it has been argued that small businessmen, unlike large corporations, have neither the time nor the money to prepare for the difficulties they may encounter if confronted with an organizing campaign. They have argued that the law is so complex that they have no idea what they can say or do during an organizing campaign without committing an unfair labor practice, and that consequently they are inhibited from conducting a full campaign for fear of running afoul of the law.

It rather surprised me, to realize that there was this depth of concern in this regard. But I certainly had it demonstrated to me without any question when I had the opportunity to share an audience with the Senator from Utah. At a chamber of commerce audience, here in the District of Columbia, this anxiety was expressed by the business people of the community that we were talking to.

I made the observation that it seemed to me that the question of the employer's attitude at the time of electioneering and prior to elections should present no great, major legal questions. It seemed that it was a simple matter, that the employer could express his opinion freely but not coercively, and that was that.

A hue and cry went up from that audience, demonstrating that there is great anxiety out there that the law is complex, and that employers need a lawyer to define what they can say, what they cannot say, when they can say it, and where they can say it.

Well, I still think that with the law as it is and as it will be when we pass this measure, it is not that complex. But the anxiety is there, and we have to recognize that. And, recognizing it, let us meet it; and this amendment, of course, is directed toward those ends.

It has been suggested, so I can say it, Mr. President, that this has been a most helpful and educational process for this Senator, both here on the floor and in committee. I have been here most of the time and listened intently, and I have learned a great deal of the perceptions concerning the impact of the law and this bill. These debates have been a very, very fruitful and helpful process of learning.

It has been suggested that in order to protect himself in these situations the small employer must go to the time and expense of hiring a lawyer—probably a high-priced labor lawyer, if he can find one at all—in order to give himself a fair chance during the organizing campaign.

I believe that the distinguished Senator from Kentucky (Mr. FORD), has offered an amendment which provides an answer to this problem. Under it, the Labor Board is directed to designate an individual in each of its 32 regional offices across the country to act as an ombudsman who will answer questions and disseminate information to the small business community, to the individual business people, explain their rights and obligations under the act, and advise them on the current state of the law. Under the amendment, every small businessman will know where to go to seek advice and will have a Board employee well schooled in the law available to instruct him on his rights and duties. I believe this will go a long way toward resolving one of the recurring issues which has been raised by the small business community.

I will say it has also been raised by the big community which has assumed the role of representation of the small business community.

The second major issue concerns the widespread apprehension in the small business community—an apprehension created by the opponents of this legislation—that this bill is designed to sweep millions of small enterprises under the jurisdiction of the National Labor Relations Act.

This is patently untrue. As I have said over and over again, this bill would not include a single business under the NLRA which is not currently under its jurisdictional standards. But still, this ungrounded fear persists and it is for this reason that I am gratified that the Senator from West Virginia has offered his amendment—which will make crystal clear to everyone that after this bill becomes law, the Board cannot lower its existing industry standards to cover businesses in that industry that it does not cover now.

Under section 14(c)(1) of the act, the Board may decline to assert jurisdiction over any labor dispute which in its opinion does not affect commerce sufficiently to warrant the exercise of jurisdiction.

Thus, the Board may assert jurisdiction over private nonagricultural employers of virtually any size if it chooses to do so. However, over the years the Board has established a series of tests based on gross volume of business which must be met before it will assert jurisdiction.

The NLRB has developed figures on the number of business establishments in covered industries which do not meet the Board's jurisdictional standards from Bureau of Census publications.

The Board's figures reveal that only 847,497 or 22 percent of the 3,843,000 establishments in industries covered by the act meet its jurisdictional standards.

In other words, nearly 3 million business establishments are too small to meet these standards. Presently, only 12 percent of the 1.1 million retail establishments and 10 percent of the service establishments are covered by the act.

I will repeat, Mr. President, because this is not popularly understood, that presently only 12 percent of the 1.1 million retail establishments and 10 percent of the service establishments are covered by the act.

In *Guss* v. *Utah Labor Board*, 353 U.S. 1 (1957), the Supreme Court held that when the NLRB declines to exercise jurisdiction over an employer in interstate commerce, the States were precluded from doing so. Under that decision, employers not covered by the act were without protection from union activity, such as secondary boycotts and recognitional picketing, which is regulated by Federal law.

The Guss decision was the subject of extensive debate during consideration of the Landrum-Griffin Act in 1959.

I will say parenthetically that this was the bill on which the Senator from West Virginia, the majority leader, and I cut our eye teeth. That was our first year of membership in the Senate. I can recall those days of debate with such vividness. I recall that the final vote came one Saturday afternoon at 4:30 or 5 o'clock.

That was a difficult period, of course. That was the culmination of a lot of understanding of problems out there in the world of labor. It will be recalled that our great and good friend, our now departed colleague, John McClellan, and his committee had highlighted so many of the problems, and so many of those problems we addressed in that bill. That was, again, our openers as Members of the U.S. Senate, the Senator from West Virginia and I. We were of the same class elected in 1958, joining the Senate in 1959.

It dealt with part of the situation that we are facing here. It did recognize problems for the small business community created by the case of Guss against the Utah Labor Board.

In 1959, Congress did enact section 14(c)(2) of the act which permits the States to regulate any labor dispute over which the NLRB declines jurisdiction. This put the States in a position of being able to take out of the state of limbo those smaller establishments not covered by the National Labor Relations Act and enabled the States to enter into the picture and bring order and law where otherwise there would not be order and law.

At the same time, section 14(c) was further amended to provide that the Board could not raise the jurisdictional standards in effect on August 1, 1959. However, no action was taken to prohibit the Board from lowering those standards. Thus, the Board remains free to lower those standards if it so chooses.

The amendment proposed by the distinguished Senator from West Virginia (Mr. BYRD) and the distinguished Senator from New Hampshire (Mr. DURKIN)—who had earlier introduced this idea and, of course, now many of us have joined Senator BYRD and Senator DURKIN—will lay these fears to rest, for it will insure that the Board may not hereafter lower its present standards in order to assert jurisdiction over the 3 million presently uncovered small businesses.

I congratulate my colleagues. I think this is a constructive approach. Throughout the debate on this legislation I have expressed my willingness to consider constructive ideas which are

consistent with the basic purposes of this act. I think this is just such a constructive idea, particularly since it should lay to rest yet another of what I consider to be unfounded characterizations about this bill which we have been required to respond to over and over again.

It has been a time-consuming process and it is my hope that we can now get on with the business before us without being diverted any longer by the charge that the purpose of this bill is to promote the unionization of the small businesses of America.

We have listened, we have learned, we have understood, we have struggled. So many of us, by cosponsorship, have joined in this expression of response. I hope it will be found to be a refreshing development in this extended debate, which has been helpful in bringing us to constructive ideas, to adjustment, to amendment, to change, to head down the road toward a decision about the important principles of this legislation.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a statement by the Senator from New Hampshire (Mr. DURKIN), who is a cosponsor of the amendment, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT OF SENATOR DURKIN

I am pleased to cosponsor this amendment to the National Labor Relations Act, introduced by Majority Leader Robert Byrd, because I believe it extends substantial and needed benefit to small businessmen throughout the nation.

Some months ago I introduced an amendment, which contained the provision embodied in the Majority Leader's amendment, in order to meet the legitimate concerns of small businessmen in reference to the National Labor Relations Act. The amendment I am cosponsoring today directly and positively addresses many of these concerns and lays them to rest.

This amendment is vitally important because it will enact into law decisions of the National Labor Relations Board which now exempt thousands of businesses throughout the nation from coverage under the National Labor Relations Act.

Presently, the National Labor Relations Board has authority under the NLRA to exempt from its coverage businesses which do not have a substantial impact on interstate commerce. Over the past 42 years the Board has, on a case-by-case basis, exempted numerous businesses, based on their dollar volume of business. For example, a retail enterprise with a total annual business of $500,000 is exempt from the Act. Two-thirds of existing retail firms fall under this exemption.

This amendment would codify these exemptions in order to meet the legitimate concerns of small businessmen. Because these Board rules have been determined on a case-by-case basis, many are subject to change in the same manner, and these changes would not even be printed in the Federal Register. Thus, even if a businessman was fortunate enough to know his status under the NLRA, he could not be certain, without time-consuming monitoring on his part or costly advice on the part of counsel, that these rules, and thus his status, had not been changed.

This is particularly important since most small businesses do not even know whether or not they are exempted from the NLRA because they can ill-afford to hire an attorney to research the Board's case law to learn the appropriate dollar volumes which determine exemptions for their type of business. Thus, if faced with an organizing effort, most small businessmen do not know where to begin, and in many cases are hard pressed to retain a lawyer schooled in the intricacies and nuances of NLRB case law to advise them.

This amendment will bring certainty to this chaotic system and it will insure that small business has an easy and inexpensive way of determining whether or not they are covered under the NLRA.

It is also important to note what this amendment does not do.

It does not prevent the Board from determining that other businesses do not substantially affect interstate commerce and thus are also exempt from the NLRA.

It does not exempt business from organization efforts under State law if that is the wish of a majority of the employees.

It does not interject the Federal government into labor disputes involving small businesses which do not have a substantial impact on interstate commerce.

For these reasons, I urge the adoption of this amendment.

Mr. JAVITS. Mr. President, I rise in support of the amendment.

To me, the debate on this bill has now arrived at a new stage. We are now beginning the process of seeking to fashion a bill which will have broad acceptance.

I said yesterday, and I repeat today, with the greatest respect, that there are some in this Chamber who simply are against this bill, no matter how it is amended. That is their right, and we shall debate the issues with considerable deliberation, as we already have.

I am very pleased to say that there are, on this side of the aisle, for whom it is my privilege to rise as the ranking member of this committee, a considerable number of members who feel that the amendment process is a very essential element in what we are going to do about this bill. That includes, I should say, four of the six minority members of our committee. It shall be my aim and ambition, if I can ever attain it, to make it six—to wit, the whole minority. Whether I can or not is a very serious question, but I shall try.

In any case I shall do my utmost, with the greatest respect, to deal with the individual matters of critical analysis which are raised by my colleagues, who desire to defeat it.

As I have said, we have listened, we are listening, we will listen. The second point here, which is critical, Mr. President, is to deal with what I consider to be a very legitimate problem, which is the issue of the small business community, which, because of physical facilities, money, lawyers, accountants—whatever the particular reasons may be—find it difficult to deal with aspects of labor-management relations which will continue in the law long after this bill is debated, whether or not it is passed. And I certainly hope it will pass in an appropriate form, or then, we have contended, and I think quite properly, that the overwhelming bulk of small businesses are not covered at all by the regulations which have been properly adopted, under the commerce clause and under the law, by the NLRB. Now we are proposing that those regulations be incorporated into the law so that there will be no question about it.

It has already been emphasized by Senator BYRD and by Senator WILLIAMS that this will be a floor as well as a ceiling, and that the difficulty of this particular provision, up to now—to wit, that it has been a ceiling—is removed by this amendment—to wit, that it will also be a floor. So no more people can be brought under it than are subject to it now and, unlike a regulation, that cannot be changed except if Congress acts.

Mr. President, when the debate on this labor law reform bill began last week, I expressed my dismay at the fact that the interests opposed to this measure have continually overblown its impact on the small business community and to the Congress and to the owners and managers of small enterprise all across the country. The bill continues to be unfairly attacked as being aimed at small business, and predictions that its enactment will devastate small business are ceaselessly repeated day after day.

The emotional appeal of this kind of hyperbole has been so widespread that it has, in fact, succeeded in arousing the anxieties of many small business entrepreneurs. I can only regret that this has already happened, for its effect has been to cloud, rather than illuminate, the debate on the substantive elements of this bill. Because of the volume of these charges, I believe they must be answered now, before the Senate is asked to invoke cloture on unlimited debate.

I have at several points during the past 2 weeks expressed openly my willingness to consider responsible suggestions for reasonable amendments that are consistent with the purposes of the labor law reform bill. In my judgment, the amendments that are today before us by the distinguished majority leader, Senator BYRD, and by the distinguished Senator from Kentucky, Mr. FORD, deserve approval by the Senate because they are designed to assure those in the small business community that the charges made against the bill in the name of small business are baseless.

I would like to take this opportunity, however, first to address the entire small business issue. I am appalled that U.S. small business has allowed itself to be used as a weapon by the interests opposed to labor reform, opposed to adequate enforcement of current labor law, to free and fair freedom of choice for workers. The small business issue has diverted attention from the real problems that are addressed by the Senate bill. Instead we hear slogans repeated over and over implying that the rights of employees to organize and to bargain collectively are somehow antithetical to the interests of small business entrepreneurs, and that therefore this bill, designed to further those rights, cannot be tolerated by the small businesses of this country.

I hope to be able to show today that these arguments are without real foundation.

Mr. President, no discussion of the small business issue can proceed without reference to the facts about the size of business establishments which are today subject to the jurisdiction of the National Labor Relations Act. The NLRA gives the Labor Board broad statutory jurisdiction over "labor disputes" which may affect interstate commerce.

Instead of making a case-by-case determination of the effect of each business on interstate commerce, the NLRB adopted "jurisdictional standards" over 20 years ago which established criteria for the exercise of jurisdiction based on the volume of business engaged in by a particular category of employers. For example, the standard for retail employers is $500,000 of gross business volume per year.

Under these standards, the overwhelming majority—78 percent—of small business is not subject to the jurisdiction of the NLRB. Therefore it would be subject to the pending bill and nothing proposed in the labor law reform bill would have a direct impact on these small business establishments. Bureau of Census data show that there are approximately 3.8 million business establishments in the country. Of these, only 850,000 are large enough to fall within the existing jurisdictional standards. For retail establishments, of a total of 1.2 million only 145,000 are covered. And for service businesses of all types, only 105,000 of a total of 1.1 million are subject to NLRB jurisdiction.

Mr. President, I ask unanimous consent that the complete table of figures furnished by the NLRB be printed at the conclusion of my remarks.

During the over-20-year-period since the Board has established these jurisdictional rules, the only concern of the Congress was that as many employers as possible be subject to the act's coverage. In the Landrum-Griffin amendments of 1959, the Congress amended section 14 (c)(1) expressly to forbid the Board from raising the existing dollar amount standards. The fear expressed by business representatives at that time was that they might lose the important protections offered by the act if the Board were to restrict its exercise of jurisdiction further. Indeed, until this year we in Congress have not heard complaints from the small business community that they were not exempt by the act—rather, the complaints have been that they were not included.

That small employers up to now have wanted to be covered is not at all surprising. Before the Wagner Act was enacted, efforts to organize workers were often characterized by lengthy strikes and other forms of industrial strife. The NLRA established an orderly, peaceful alternative means of resolving recognition questions, and guaranteed employers a fair opportunity to resist a union-organizing effort. In addition, the act, in section 8(b)(7), limits recognitional picketing and permits a picketed employer to request an expedited election in order to minimize disruption. Once an election has been held, section 9(c)(3) of the act prohibits furthering picketing or elections for 1 year. These provisions are especially critical for the small employer who may not be able to match the economic power of a large labor organization.

Other employer protections available to those covered by the act include protection against secondary boycotts (sections 8(b)(4) and 8(e)), limitations on mandatory subjects of bargaining (section 8(d)), protection from work jurisdiction disputes between two unions (section 8(b)(4)(D)), and protection for employers and the self-employed against coercive demands to join a union (section 8(b)(4)(A)).

When a collective-bargaining relationship is established, section 301 of the act permits employers and unions to enforce contract rights in Federal court. In addition, the NLRB must seek quick injunctive relief on behalf of employers who are subject to union unfair labor practices such as secondary boycott and unlawful recognitional picketing, pursuant to section 10(l).

Businesses excluded from the Board's jurisdiction must rely upon State law for protection, yet 34 States today lack a comprehensive labor relations law. Given the range and effectiveness of the act's protections against union abuses, it is no wonder that small business has sought coverage.

Even though these advantages to small employers continue to exist, the bill itself makes absolutely no change in the coverage of the act. The amendment offered today by Senator BYRD simply makes this fact explicit.

Turning to the specific provisions of the bill, I do not believe that there is a single provision of the bill that would discriminate against small business as opposed to larger establishments. The bill is aimed at lawbreakers and at those who have been able to manipulate its procedures to nullify its intended protections, both union and management, both large and small. If anything, the specific provisions of the labor reform bill will have less impact upon the small business person who obeys the law than on big business concerns.

The equal access provision, for example, is designed to insure that workers have the opportunity to hear both sides of the representation issue. But in a small 10 person shop or store, it is obviously not necessary to assemble all of the workers together for a captive audience speech in order to communicate management's views, as it might be for a large manufacturing plant. More informal means of communication are available to the small business person, and the provisions of the bill are less likely to be triggered in those circumstances, and less likely to be necessary.

Similarly, the election deadlines set by the bill are hardly difficult to meet where campaigning takes place among a small group of employees. One month is a more than adequate period in order to acquaint fully a few employees with the issues. Moreover, the bill's rulemaking and free speech provisions are designed to simplify the law relating to election conduct and to make it easier for employers to know in advance what the rules are. Senator FORD's amendment, cosponsored by Senators BYRD, WILLIAMS, DURKIN, MCINTYRE, HUDDLESTON, CRANSTON, CHAFEE, BROOKE, WEICKER, STAFFORD, PERCY, NELSON, MATSUNAGA, SASSER, HASKELL, ZORINSKY, and myself, is designed to assist small business further by directing the NLRB to designate an officer in every regional office to be responsible for assisting and giving general advice to small business. This amendment has my support because it is consistent with the labor reform bill's overall purpose—to foster compliance with the act.

Another section of the bill that has been criticized as unfair to small business is the index used to calculate the make-whole backpay remedy for unlawful refusals to bargain. The bill refers to the most accurate and current index now available, the Quarterly Report of Major Collective Settlements, published by the Bureau of Labor Statistics.

This index is expressed as a percentage increase from one year to another; it does not refer to actual wage and benefit levels in the settlements surveyed. The data available from the Department of Labor indicate that there are only minor differences in percentage terms between settlements involving units of 5,000 or more (the data base for the index) and settlements involving much smaller bargaining units. For example, 1976 data indicate that wage agreements in units with fewer than 100 workers averaged 7.6 percent, units with 100 to 500 workers averaged 7.4 percent, 500–1,000 averaged 8.4 percent. I submit that these figures prove that little if any adjustment is appropriate in order to apply the percentage index to smaller employers. Nonetheless, because I believe that the appearance of fairness relating to a more precise objective measure for small businesses is important, I will be happy to consider any more precise measure of damages for employees of smaller employers found guilty of unlawfully refusing to bargain.

I would emphasize, however, that I must oppose any proposal which would create a double standard of justice in the remedial provisions of this bill. We cannot pretend that small employers never commit serious violations of the act—over half of all unfair labor practice complaints issued in 1977 were against employers of 50 or fewer employees. For the worker who is unfairly fired, for the family that is without income for an extended period due to a labor law violation, it is no answer to deny an effective remedy because the size of the business was not big enough.

Small business persons themselves should not support any proposals for remedial exclusions, since small businesses are particularly vulnerable to un-

fair competition from lawbreakers who now avoid the act through the exploitation of its weaknesses. A strong commitment to evenhanded and effective law enforcement would serve the interests of all law-abiding citizens, including all business persons.

Mr. President, the Senate has faced the small business issue before in a variety of contexts. Only last year the Senate defeated proposals to raise the exemption for retail and service establishments for the Fair Labor Standards Act to $500,000 gross business annually. The Senate's judgment was that in light of the purpose of the FLSA—to protect the dignity of the worker and the minimum living standards of the poor—it would be entirely inappropriate to "uncover" thousands of employees now protected by that act. I would point out that the exemption rejected by the Senate for that bill—$500,000—is identical to the jurisdictional standard that now applies to retail enterprises under the NLRA. Why should we even consider exempting businesses above $500,000 from the NLRA when we decisively rejected raising the FLSA exemption at that same level?

We need to recall again how great a role small business has in the economic life of our Nation. Collectively, small business has an immense contribution to make to our economy, our way of life, and our vitality as a people. But this contribution depends on a creative response to the truly significant problems that now confront American business—problems of unemployment, sagging productivity, competition from abroad, and worker dissatisfaction on the job. These problems must be addressed by labor and management together, and they demand the highest level of trust and cooperation. It would be a tragedy indeed if the preoccupation with labor reform were to poison the atmosphere between labor and small business that is necessary to meet the challenges ahead. This is a time for vision and for preparation for a new era in labor-management relations. It is most definitely not the time to repeat older errors in pursuit of the status quo.

Mr. President, earlier this week a great deal of debate was generated over a low level internal staff analysis of the impact of labor law reform, prepared by the Office of Advocacy in the Small Business Administration. The Office of Advocacy is a newly created unit within the SBA, charged with advocating the interests of small businesses within the bureaucracy. It should therefore come as no surprise to anyone that the staff analysis mirrors point-for-point the arguments that have been made in opposition to the bill by the national business and industry associations. The fact that it was written by a staffer at the SBA does not mean that the analysis is the official position of the SBA, nor does it mean that the analysis is in any way more objective or factually accurate or dispassionate than the similar analysis circulated by the opponents of the bill. I have examined the memo, and in my judgment it simply repeats the arguments that have been raised by others and to which I have already addressed myself. I would point out to my colleagues, however, that in several respects the staff memo is based upon erroneous understandings of the bill's provisions and must therefore be read with caution.

Finally, it is a disservice to the credibility of small business to have every vested interest that feels threatened by this legislation to use the banner of small business in justification for maintaining the status quo. I believe that this repeated crying of "wolf" will be found baseless by the Senate, for it is certainly unwarranted in connection with this bill. There is nothing in a bill designed to protect the already established rights of workers that threatens the interests of small business. If some believe that employee rights and small business cannot coexist, I can only reject that belief categorically as unworthy of serious consideration here.

Moreover, such opposition risks the appeal to class warfare that this country has largely escaped to date. Certainly one of the greatest accomplishments in our 200-year history as a nation has been the pervasive sense that we are not shackled by rigid class distinctions and we do not define our individual interests solely on the basis of economic circumstances. This has only been possible because Americans have not begrudged others the basic rights and fairplay that allow everyone an opportunity to advance.

Mr. President, I was the ranking member of the Small Business Committee until the rules of the Senate required me to give up certain of my committees. I believe, and I represent to the small business community, that when this bill finally emerges into law, it will give small business nothing to fear. I believe that reforms in the protection of employee rights and in the rules for free and fair elections, which are the result of an abuse of the legal process and an abuse of the delays possible under that legal process, will not threaten law-abiding small businessmen, any more than strong criminal law enforcement will threaten the law-abiding citizen.

On the contrary, they will be an effective factor in raising the morale of workers in such small businesses as are affected and will make them feel that, because the employers they work for are small, they are not thereby deprived of the rights of other Americans in the collective bargaining process with their employers.

I pledge myself, whether in the debate here, in the amendments which are acted on, or—I emphasize this very strongly—in the ensuing House-Senate conference, to see that what emerges as the law, as a result of this debate, will be a law upon which there is a general consensus, insofar as humanly possible, by the large number of people who are concerned that the abuses of the legal process be corrected by this bill.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a full description of the current NLRB jurisdictional standards, published by the Bureau of National Affairs in its labor relations index.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. I also ask unanimous consent to have printed in the RECORD a table entitled "Estimated Number of Employees and Establishments Covered Under the Provisions of the National Labor Relations Act, 1975."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of the Senator from Pennsylvania (Mr. SCHWEIKER) be added as a cosponsor of the Byrd amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield the floor.

(During Mr. JAVITS' remarks Mr. FORD and Mr. SASSER assumed the chair.)

Exhibit 1 follows:

EXHIBIT 1

NLRB'S BASIC JURISDICTIONAL STANDARDS

The revised set of jurisdictional standards adopted by NLRB in 1958 are stated in terms of the following:

1. *Gross annual volume of business.*

2. *"Direct outflow,"* which refers to goods or services furnished to customers outside the state.

3. *"Indirect outflow,"* which refers to goods or services furnished to customers within the state who themselves meet a jurisdictional standard other than "indirect" outflow. (For instance, indirect outflow can be met by sales to retail establishments which meet the retail standard of $500,000 gross volume of business.)

4. *"Direct inflow,"* which refers to goods or services furnished directly to the employer from outside the state.

5. *"Indirect inflow,"* which refers to purchases from a seller within the state of goods or services that originated outside the state.

Following are the basic jurisdictional standards and rules the Board applies to various categories of businesses or operations and types of situations.

General non-retail—$50,000 outflow or inflow, direct or indirect. In applying this standard the Board will add direct and indirect outflow or direct and indirect inflow, but it will not add outflow and inflow. (Siemons Mailing Service, 1958, 43 LRRM 1056).

Retail concerns—$500,000 gross volume of business. (Carolina Supplies & Cement Co., 1958, 43 LRRM 1060).

Retail and manufacturing combined—Where a single, integrated enterprise not only manufactures a product but also sells it directly to the consumer, the NLRB will assert jurisdiction if the company meets either the retail or the applicable nonretail standard (Man Products, Inc., NLRB 1960, 46 LRRM 1352).

Retail and wholesale combined—If a company is engaged in wholesale and retail operations, the nonretail standard will be applied. (Pease Oil Co., NLRB, 1958, 43 LRRM 1128).

Service establishments—NLRB applies the same jurisdictional standards to service establishments as it does to retailing (see

above). (Claffey's Beauty Shoppes, NLRB, 1954, 35 LRRM 1079).

Instrumentalities, links, and channels of interstate commerce—$50,000 from the interstate (or linkage) part of the enterprise or from services performed for employers in commerce. This standard applies to (1) all passenger and freight transportation enterprises engaged in the furnishing of interstate transportation service, and (2) all transportation and other enterprises which function as essential links in the transportation of passengers or commodities in interstate commerce. In applying the "essential links" standard, jurisdiction is not asserted on the basis of services performed for a company that meets the Board's standards only by virtue of indirect outflow or inflow (H P O Service, Inc., 1958, 43 LRRM 1127).

National defense—Substantial impact on national defense. In revising this standard in 1958, the Board eliminated previous requirements that an enterprise's national defense operations must be directly related to national defense, must be performed pursuant to contracts or subcontracts with the Government, and must amount to at least $100,000 annually (Ready Mixed Concrete & Materials, NLRB, 1958, 43 LRRM 1115)

Territories—Same standards applied as in the states.

District of Columbia—Plenary jurisdiction (complete and outright).

Employer associations—Regarded as a single employer for application of the standards. The totality of the commerce facts concerning the operations of the various members will be considered in determining whether the regular jurisdictional standards are met (Siemons Mailing Service, NLRB, 1958, 43 LRRM 1056).

Multistate establishments—The Board initially set up separate standards for assertion of jurisdiction over the particular enterprise of a multistate retail or nonretail establishment. The tests now are the same for both the single state and the multistate enterprises. If the entire multistate establishment meets the appropriate standard, the Board will take jurisdiction (T. H. Rogers Lumber Co., NLRB, 1957, 40 LRRM 1063)

Nonprofit organizations—The fact that an employer operates on a nonprofit basis is not alone sufficient to exempt it from NLRB jurisdiction, the Board has held. Asserting jurisdiction over a nonprofit "home for the aged," the Board expressly rejected the contention that "an institution's effect on commerce may be measured by its non-profit status, its title, its religious affiliation, or its occupants." (Drexel Home, NLRB, 1970, 74 LRRM 1232)

Charitable institutions—In a 1976 case, the NLRB changed its policy and ruled that whether an institution is charitable in nature is not a factor to be considered in determining whether jurisdiction should be asserted.

Asserting jurisdiction over a home for children with behavioral difficulties, the Board in effect overruled such cases as Ming Quong Children's Center (1974), 86 LRRM 1254 in which jurisdiction was declined because the employer was a nonprofit institution, whose activities primarily were noncommercial in nature and intimately connected with the charitable purposes of the institution (St. Aloysius Home, LRRB, 1976, 92 LRRM 1355).

Religiously sponsored organizations—Jurisdiction will be declined over religiously sponsored organizations only when they are "completely religious, not just religiously associated." (Catholic Bishop of Chicago, NLRB, 1975, 90 LRRM 1225)

Union-employers—The Supreme Court has held that NLRB can not refuse jurisdiction over unions as a class when they act as employers. The Board subsequently asserted jurisdiction over a local union as an employer on the basis of (1) the local's being an integral part of a multistate organization composed of the parent international and 500 affiliated locals, and (2) its payment of more than $40,000 in dues money to the international's office in another state. The Board also asserted jurisdiction over the union-administered welfare fund as an employer on the ground that the fund furnished services valued in excess of $50,000 annually to employers who in turn met the Board's jurisdictional standards. (Chain Service Restaurant, 1961, 48 LRRM 1457)

Secondary boycotts. In laying down jurisdictional rules to cover secondary boycott cases, the NLRB regards the primary employer as the one with whom the union has a direct dispute and the secondary employer as the one whose employees the union is trying to induce to stop handling the primary employer's goods. Under the present formula, the NLRB will consider, if necessary, "not only the operations of the primary employer, but also the operations of any secondary employers * * *." Furthermore, in considering a secondary employer's operations, the NLRB will take into account "the entire business of the secondary employer" at the location affected by the boycott instead of limiting its consideration to the amount of business done by the secondary employer with the primary employer at that location. Under this general rule, the NLRB will look at the secondary employer's operations, if the primary employer's operations don't meet its standards (Int'l B'hd Teamsters, Loc. 554 [McAllister Transfer, Inc.], 1954, 35 LRRM 1281; also see Reilly Cartage Co., 1954, 35 LRRM 1292).

If the secondary employer's entire business at the location affected by the boycott meets the tests, jurisdiction will be asserted, regardless of the primary employer's failure to meet the tests. Furthermore, if more than one secondary employer is involved, jurisdiction may be asserted over all secondary employers if the entire business of *one or more* of the secondary employers at the location or locations affected by the boycott meets the tests (Commission House Drivers, Loc. 400, Int'l B'hd Teamsters, [Euclid Foods, Inc.], 1957, 40 LRRM 1135).

Period used in applying standards. What if a company generally regarded as being in interstate commerce has a drop in its volume in the year when unfair practices are alleged? The NLRB rejected the view that a company "which is interstate in character" isn't subject to NLRB's jurisdiction "during those annual periods" when the business volume tails off markedly. (Barton Brass Works, 1948, 22 LRRM 1225) In general the NLRB policy is to rely on the commerce facts of "the most recent calendar or fiscal years, or the 12-month period immediately preceding the hearing before the Board" when such facts are available. (Aroostock Fed'n of Farmers, Inc, 1955, 36 LRRM 1611)

§ 3. Industry rules. Discussed below are standards that the NLRB applies to specific industries.

Apartment projects—In 1967, NLRB began taking jurisdiction over employers in the rapidly growing apartment project business. It decided to assert jurisdiction over apartment housing projects that receive at least $500,000 in gross revenue annually. (Parkview Gardens, NLRB, 1967, 65 LRRM 1492)

Automobile dealers—NLRB applies the same jurisdictional standards to automobile dealers as it does to other retail establishments even though the dealer has a franchise from a national manufacturer. (Wilson-Oldsmobile, NLRB, 1954, 35 LRRM 1062)

Baseball—NLRB has asserted jurisdiction over professional baseball as an industry in or affecting interstate commerce. Baseball's exemption from the federal antitrust laws, the Board said, has been preserved merely as a matter of judicial stare decisis. (American League, NLRB, 1969, 72 LRRM 1545)

Building and construction industry—As a matter of administrative discretion, the NLRB didn't take cases involving the building trades under the Wagner Act. But this policy was changed under the LMRA. (NLRB v. Denver Bldg. Council [Gould & Preisner], US SupCt, 1951, 28 LRRM 2108; Int'l Bro'hood of Electrical Workers, Loc. 501 [Sam'l Langer], US SupCt, 1951, 28 LRRM 2115) The regular jurisdictional standards described above apply to cases involving a single building trades employer.

Colleges and universities—NLRB will assert jurisdiction over private colleges, universities and "secondary schools" having a gross annual revenue from all sources, excluding contributions which are not available for use for operating expenses because of limitation by the grantor of at least $1,000,000. This jurisdictional standard applies both to nonprofit educational institutions and to those operated for profit. (See Cornell University, NLRB, 1970, 74 LRRM 1269; Jurisdictional Rule, 1970, 75 LRRM 1442, NLRB Rules and Regulations, § 103.1, LRX 4141; Windsor School, Inc., NLRB, 1972, 82 LRRM 1341)

Communications systems—$100,000 gross volume for radio, television, telegraph, and telephone companies. (Raritan Valley Broadcasting Co., NLRB, 1958, 43 LRRM 1962)

Country clubs—NLRB applies its jurisdictional standard for retail establishments in deciding whether to assert jurisdiction over the operations of a country club. (Walnut Hills Country Club, NLRB, 1963, 54 LRRM 1335)

Day care centers—The Board will assert jurisdiction over day care centers that have gross annual revenues of at least $250,000. (Salt & Pepper Nursery School, NLRB, 1976, 91 LRRM 1338)

Entertainment and amusement—The Board has declined to assert jurisdiction over some enterprises in the amusement or entertainment industry, such as horse- and dog-racing tracks (Jurisdictional Rule, 1973, 82 LRRM 1737, NLRB Rules and Regulations, § 103.3 LRX 4141); a motor tour company (Tanner Motor Tours, NLRB, 1955, 36 LRRM 1025); and an outdoor sports arena (Olympia Stadium Corp., NLRB, 1949, 24 LRRM 1410)

But several 1961 decisions made it clear that the Board did not intend to include the entire amusement-entertainment industry. An advisory opinion stated that the Board would assert jurisdiction over a league of New York City theatre owners (The League of N.Y. Theatres, Inc., NLRB 1961, 47 LRRM 1210). Jurisdiction also was asserted over a firm that operated local sight-seeking boat tours on a year-round basis with a comparatively stable and regular workforce. In applying its retail jurisdictional standard to take the case, the Board stated that "the amusement or entertainment industry, although once regarded as being out of the mainstream of commerce, is no longer a negligible factor in our national life." (Ray Davidson & Ray, NLRB 1961, 48 LRRM 1052)

In both of the above decisions, the Board noted that the cases did not involve detailed regulations by other public authorities.

The Board has followed a consistent policy of taking jurisdiction in motion picture and broadcasting cases (Edward Small Productions, Inc., NLRB, 1960, 46 LRRM 1017; Television Film Producers Assn., NLRB, 1951, 27 LRRM 1491).

Gambling casinos—Although NLRB has declined to assert jurisdiction over the horse- and dog-racing industries, it has no com-

punction about taking cases involving major gambling casinos. (El Dorado, Inc., NLRB, 1965, 58 LRRM 1445)

Guard service—Companies furnishing plant guards to employers in interstate commerce are themselves under the jurisdiction of the NLRB if the value of the services meets one of the Board's basic jurisdictional standards (§ 2 above). The NLRB, for example, asserted jurisdiction over a detective agency operating on a nationwide basis that furnished guard services to companies that produced and shipped in interstate commerce goods worth more than $50,000 a year. The Board found that the agency's operations met the indirect outflow test. (Burns Detective Agency, NLRB, 1954, 35 LRRM 1179)

Hospitals, nursing homes—Revising a prior decision, NLRB decided in 1967 to bring within its jurisdiction proprietary hospitals and proprietary nursing homes and "related facilities." The Board established jurisdictional yardsticks of gross annual income—$250,000 for proprietary hospitals and $100,000 for proprietary nursing homes. (Butte Hospital Properties, 66 LRRM 1259; University Nursing Home, 66 LRRM 1263)

In 1970, jurisdiction was asserted over a "home for the aged" which the Board found was an "extended care facility" as defined for Medicare purposes by the American Hospital Association. Applying the $100,000 jurisdictional standard, the Board held that the employer's nonprofit status was irrelevant. (Drexel Home, 74 LRRM 1232)

Private nonprofit hospitals were specifically exempt from the Taft-Hartley Act until 1974, when Congress extended coverage to all private "health care institutions."

The Board also has asserted jurisdiction over a nonprofit corporation whose "homemaker services," intended to maintain children, families, and older persons in their community and to prevent institutionalization, are similar to those of visiting nurses associations over which the Board previously had asserted jurisdiction. (Children & Family Service of Springfield, NLRB, 1975, 90 LRRM 1211)

Hotels and motels—In 1959, NLRB for the first time began taking jurisdiction over labor disputes involving hotels and motels. The Board now will exercise jurisdiction over hotels and motels that do a gross annual business of $500,000. Until 1971, the Board declined to assert jurisdiction over "residential" hotels, but the Board now will assert jurisdiction over all hotels meeting the $500,000 dollar-volume standard, without regard to whether they are residential or nonresidential. (Penn-Keystone Realty Corp., NLRB, 1971, 77 LRRM 1600, overruling to extent inconsistent Floridan Hotel of Tampa, NLRB, 1959, 44 LRRM 1345)

Job Corps Centers—The Board has declined to assert jurisdiction over an employer that operates two Jobs Corps Centers under contracts with the U.S. Department of Labor. (Teledyne Economic Dev. Co., NLRB 1976, 92 LRRM 1012)

Newspapers—$200,000 gross volume. The standard is applicable to newspaper companies which hold membership in or subscribe to interstate news services, or publish nationally syndicated features, or advertise nationally sold products. (Belleville Employing Printers, 1958, 43 LRRM 1125)

Office buildings—Gross revenue of $100,000 of which $25,000 or more is derived from organizations that meet any of the other standards. (Mistletoe Operating Co., NLRB, 1959, 43 LRRM 1333)

Oil pipe line—The NLRB decided that an oil pipe line company, operating within a single state, was a link in the chain of interstate commerce and hence subject to the Board's jurisdiction. (Eureka Pipe Line Co., NLRB, 1956, 37 LRRM 1226)

Public utilities—$250,000 gross volume or $50,000 outflow or inflow, direct or indirect. (Sioux Valley Empire Electric Assn., 1958, 43 LRRM 1061) (This standard applies to retail power, gas, and water companies. It also applies to rural electric cooperatives, Clay Elec. Coop., Inc., 1955, 35 LRRM 1429. Wholesale utilities are subject to the general nonretail standards; Central Elec. Power Coop., 1955, 36 LRRM 1403.)

Restaurants—The retail standards (see above) apply to restaurants. (Bickford's Inc., NLRB, 1954, 35 LRRM 1341)

Shopping centers—In 1961, the Board decided to extend the standard for office buildings (see above) to the owners and operators of shopping centers. (Carol Management Corp., 48 LRRM 1782)

Symphony orchestras—The NLRB will assert jurisdiction over any symphony orchestra which has a gross annual revenue of not less than $1 million from all sources, excluding only contributions which, because of limitation by the grantor, are not available for use for operating expenses. (Jurisdictional Rule, 1973, 82 LRRM 1519, NLRB Rules and Regulations, § 103.2, LRX 4141)

Taxicab companies—The retail standard (see above) is applied to cab companies. (Red & White Airway Cab Co., NLRB, 1959, 43 LRRM 1062)

Transit companies—The NLRB will assert jurisdiction over all transit systems, including local public transit companies, which do a gross volume of business of at least $250,000 per year. (Charleston Transit Co., NLRB, 1959, 44 LRRM 1123)

EXHIBIT 2

ESTIMATED NUMBER OF EMPLOYEES AND ESTABLISHMENTS COVERED UNDER THE PROVISIONS OF THE NATIONAL LABOR RELATIONS ACT, 1975

Industry	Annual gross volume of business in in excess of—	All establishments	Covered establishments	Percentage covered	All employees	Covered employees	Percentage covered
Total		3,843,100	847,497	22	58,496,150	44,112,560	75
Mining	$150,000	23,400	12,082	52	647,040	627,540	96
Construction	150,000	368,780	162,881	44	3,756,830	3,088,300	82
Manufacturing	150,000	291,500	89,406	31	18,347,590	16,030,140	87
Transportation		153,970	24,525	16	4,384,170	3,953,680	90
Local transit systems	250,000	2,845	276	10	94,560	63,470	67
Taxicabs	500,000	5,205	71	1	102,240	79,660	78
Other transportation	150,000	101,525	13,307	13	1,937,790	1,686,010	87
Radio and television broadcasting stations	100,000	5,615	1,829	32	143,290	127,490	89
Telephone and telegraph systems	100,000	14,095	3,184	22	995,270	960,900	96
Newspaper and magazine enterprises	200,000	10,100	1,454	14	432,310	405,700	94
Other communication systems and services	100,000	2,325	541	23	35,980	30,130	84
Public utilities	250,000	12,260	3,863	31	642,730	600,320	93
Wholesale trade	150,000	354,300	274,604	77	4,026,120	3,857,220	96
Retail trade	500,000	1,187,500	145,223	12	11,504,530	5,983,960	52
Finance, insurance and real estate	500,000	369,000	33,138	9	4,345,710	2,975,110	68
Services		1,094,650	105,638	10	11,484,160	7,596,610	66
Auto repair	500,000	83,000	2,766	3	384,610	77,200	20
Miscellaneous repair	500,000	44,010	1,231	3	201,720	55,790	28
Motion picture	500,000	15,050	1,215	8	177,080	54,500	30
Amusement and recreation	500,000	42,600	2,412	6	421,620	179,770	43
Business and personal service	500,000	287,800	13,123	4	2,675,960	1,180,040	44
Hotels, motels and other lodging places	500,000	46,000	3,830	8	709,210	469,240	66
Hospitals	250,000	5,500	5,240	95	2,127,550	2,124,140	99
Nursing homes	100,000	12,100	8,479	70	651,430	633,290	97
Other health care facilities	250,000	228,900	8,260	4	1,012,070	419,410	41
Universities and colleges and symphony orchestras	1,000,000	2,650	379	14	556,970	423,890	76
Other educational services	150,000	25,100	14,538	58	422,060	406,630	96
Legal services	250,000	79,140	9,136	11	263,000	129,530	49
Other services, n.e.c	150,000	222,800	35,029	16	1,880,880	1,443,180	77

ESTIMATED NUMBER OF EMPLOYEES AND ESTABLISHMENTS COVERED UNDER THE PROVISIONS OF THE NATIONAL LABOR RELATIONS ACT, 1975

(Source of data)

1. Census of Mineral Industries—1972.
2. County Business Patterns—1974.
3. Statistics of Business Income—1973.
4. Census of Manufacturers—1972.
5. Census of Construction—1972.
6. Census of Transportation—1972.
7. Census of Business—1972.
8. Census of Selected Services—1972.
9. Health Care Industry—J. Moore—1974 (Research Report).
10. Health Resource Statistics—1973.
11. Hospital Statistics—AMA—1975.
12. Digest of Education Statistics—1973.
13. Current Survey of Business—June, 1975.
14. BLS-MLR Employment Statistics—1975.
15. Census of Population—1975.

SOURCE.—National Labor Relations Board, Division of Administration, Statistical Service Staff, January 30, 1978.

Mr. HATCH. Mr. President, I have been very interested in this activity this morning; and the only regret I have is that this amendment does not do anything but maintain the status quo. Certainly, nobody should be deceived by that.

Frankly, I feel a little bad that in the zeal of the proponents of this amendment to be fair to small business, they did not accept the Office of Advocacy recommendation that businesses with less than 50 employees be exempt from this awful bill.

Second, I might add that the zealous desire to maintain the present state of the law, which this amendment would do—it would do nothing more, incidentally—would be better put in maintaining the present state of the law by doing away with this bill; because this bill still is just as detrimental to small business, if this amendment is adopted, as it was last week, without this amendment being offered.

This zealous desire to maintain the present state of the law does not do away with the offensive aspects of the bill, which, according to the only economic impact analysis done on the bill, will create excessive inflation and aggravate the inflationary spiral in our society, and will hurt the 76 percent to 80 percent of all employees of small business and other businesses who are not either sole proprietors or businesses with two or less employees. The reason is that even with this amendment, we still have in this bill the quickie election procedures which are unfair to the employers and certainly unfair to the employees, who will not have enough time to understand the issues involved.

Under the equal access provisions, if the employer talks to his employees about unionization, on his premises, on his time, at his expense, in the exercise of his rights of free speech, he still will have to open his premises, at his time and his expense, and allow union organizers to come in and preach to his employees—something which I do not feel is justified across the board under the present state of the law. In the zeal to maintain the present state of the law, one would think they would be interested in that.

This bill also continues to maintain the packed Board, the whole array of punitive measures, all of which are detrimental to small businesses and 80 percent of the employees in this country today. So nobody should be deceived by this ploy. All I can say is that it is a good try.

With respect to the ombudsman, it might be unnecessary, in that each regional office of the Board appoints current employees on a daily basis who act as "officers of the day" and who perform the same kind of informational services to the public which an ombudsman would perform. These employees meet with the public, answer mail, provide Government forms if necessary, provide advice on how to fill them out, and so forth.

The ombudsman, it seems to me, may mean adding employees to the Board, thereby increasing the bureaucracy of the Government. This would add to the already $28 million, plus $2 million for the two additional Board members, plus $3 million for the additional attorneys that this bill presently calls for, plus the $12 million that the President has said he would add on top of all that—or better than a 51 percent gain in 1 year over last year's budget. It hardly seems that we are trying to balance the budget or curtail the bureaucracy.

Also, the Board, in Washington, has a rather substantial Division of Information which already performs services in the nature of an ombudsman for the entire Nation.

I think that is all the comment these two amendments deserve. I am not saying whether I will agree or not agree to these amendments, or whether anybody else will agree or not agree, because the amendments do not do much and do not change anything. As a matter of fact, all they do is create even more bureaucracy. So much for this ploy today.

I will now go into something that is more important and gets us back to the real debate at hand.

This morning, in the Washington Post—and I commend the Post for a number of articles it has published recently on this matter—is an article with the caption "Under Court Order, Union Organizers Enter Stevens Plants for First Time." It is written by Ed McConville, from Durham, N.C., and it reads as follows:

Union organizers entered J. P. Stevens and Co. textile plants for the first time yesterday, under terms of a federal court order.

Union spokesmen said Stevens' management officials showed them "civility, not hostility," and that workers were unafraid to greet organizers openly.

Stevens, the country's second-largest textile manufacturer, has been found guilty by the National Labor Relations Board of illegally firing at least 285 workers for union activity, and of numerous other unfair labor practices, in its 15-year struggle to repel organized labor from its 80-odd plants.

"They didn't seem to have any fear," said veteran organizer Louis Washington, who walked into Stevens' White Horse No. 1 Plant in Greenville, S.C., as part of a one-day "experiment" to see if the court order would be complied with.

"Four or five [workers] came right up to me, just hauled off and shook my hand and said, 'It's wonderful that you're here. Maybe we'll get somewhere now,' " he said.

The organizer said 14 workers asked for union buttons and put them on in sight of their supervisors and that one worker actually signed a union authorization card.

In past years concern about firings and other harassment had been so great during organizing campaigns at Stevens that workers did not want to be seen accepting union leaflets from organizers at plant gates.

One provision of the court order required the textile firm to post public notices in the plants that there would be no further company reprisals for union activity.

The 2nd U.S. Circuit Court of Appeals in New York found Stevens in contempt of court last August for continuing to flout the National Labor Relations Act. The U.S. Supreme Court refused to hear a company appeal of the appeals court ruling in January, setting the stage for the organizers' entrance into the plants yesterday.

Ordinarily union organizers have no legal right to bring their message to employes inside a factory. But as part of its "remedies" to compensate for the effects of past unfair labor practices by the company, the court ordered Stevens to allow organizers to speak to workers in "nonworking areas" of the plants on "nonwork time."

Nonworking areas include cafeterias and smoking areas.

In addition to the Greenville plants, organizers of the Amalgamated Clothing and Textile Workers Union went into Stevens' mills in Great Falls, S.C., and Wagrim and Aberdeen, N.C., for two-hour periods yesterday. Two organizers entered each plant.

Further visits are expected at these and other Stevens plants in the future.

The companion column to that, right immediate to the left of that column, is entitled "NLRB Aides Rap Textile Union on Stevens Accord." And it says:

The Chairman and general counsel of the National Labor Relations Board have accused the textile workers union of "unwarranted and irresponsible" criticism of the NLRB's recent out-of-court settlement of a suit against J. P. Stevens & Co.

Last week AFL–CIO President George Meany and top officials of the Amalgamated Clothing and Textile Workers Union criticized the NLRB for reaching an agreement under which the board would drop its petition for an injunction against Stevens in exchange for a promise by the firm not to violate labor laws.

In a letter to Amalgamated officers, NLRB Chairman John H. Fanning and General Counsel John S. Irving said the agreement would provide "virtually the same" relief as the injunction without the delay of litigation, including reinstatement of 11 discharged employes. "Finally," they said, "we note that your representatives participated in the negotiation of the settlement."

The reason that is interesting is that this matter has been resolved under the present law. We do not need this new supposed bill which, in the words of small business leaders all over this country, will crush small business, will be devastating to small business, not only in their words, but in the words of Dr. Pierre Renfret, the noted economist, the Small Business Administration through the Office of Advocacy Report, and a number of other entities and organizations which have agreed that this bill is going to be devastating to small business and, I might add, it will be, even though this ploy has been attempted here today.

I happen to have a copy of the letter from Mr. John S. Irving, the General Counsel, and Mr. John H. Fanning, the Chairman of the National Labor Relations Board. It is dated May 24, 1978, and it is directed to Mr. Jacob Sheinkman, secretary-treasurer, and Mr. William DuChessi, executive vice president of the Amalgamated Clothing and Textile Workers Union of the AFL–CIO at 15 Union Square, New York, N.Y. 10003. This is what they have to say:

GENTLEMEN: We were surprised and deeply disturbed by the tenor of your somewhat belated public denouncement of the Board's recent settlement of the preliminary injunction proceedings it initiated against J. P. Stevens & Co. While we regret being impelled into a public dispute regarding our litigation strategy and policy determinations, we feel constrained to reply to the serious charges directed against the Board in your press statement of May 17, 1978. Specifically, we consider your accusation that the Board has "chosen to abrogate its duty to effectively enforce the [National Labor Relations] Act" to be wholly unwarranted and irresponsible.

Incidentally, this letter is not coming from someone who believes just in business. This letter is coming from the Chairman of the National Labor Relations Board who characteristically is always on the side of labor.

So that makes it even more significant, this chastisement that he is giving to the Amalgamated Clothing and Textile Workers Union of the AFL–CIO.

They go on to say:

In essence, you complain that the settlement agreement does not finally resolve the several unfair labor practice complaints currently outstanding against Stevens and that the settlement agreement will not "undo overnight" the effects of this conduct or of prior adjudication conduct.

The most fundamental and egregious flaw in your attack is that it is based on a premise that you know to be incorrect, namely, that the injunction proceeding itself was intended to be the sole means of remedying such violations as have occurred. While others not so intimately familiar with the injunction proceedings and the ensuing settlement negotiations may have been misled as to their true character, you well know that the injunction proceeding itself was never designed to, nor could it, finally resolve the outstanding unfair labor practice complaints or "undo overnight" the cumulative effects of Stevens' prior unfair labor practices. As you are fully aware, the law is well established that the injunction provisions of the Act, by their terms, permit the Board to seek only temporary, interim relief from charged unfair labor practices, and that the charges may be finally resolved and fully remedied only after full litigation before the Board. Thus, even had we rejected settlement of the matter and successfully prosecuted the injunction petition in the Federal district court, any injunction order granted by the court would have provided virtually the same affirmative relief as was obtained through the settlement agreement, but only after substantial delay attributable to prolonged litigation. We believe that this immediate relief was important to the eleven employees who were reinstated and to the many other employees to whom disciplinary action is being revoked. With respect to ultimate relief, you know that the General Counsel is continuing vigorously to prosecute the unfair labor practice charges before the Board and to seek full and final relief from any violation found.

Moreover, as you noted in your press statement, there are outstanding court decrees and contempt orders covering all of Stevens' plants in North and South Carolina. Indeed, as you know, this Agency recently secured a very strong contempt order covering those plants—a victory by the Agency that was widely hailed by the Union. And, you fully understood that because Stevens was already under judicial restraint at its North and South Carolina plants, those plants were excluded from the scope of the petition. Accordingly, the injunction we sought did not contemplate even a temporary remedy for unfair labor practices occurring at those plants.

To be sure, an injunctive order directing Stevens to cease and desist from committing further unfair labor practices at its facilities covered by the injunction petition would have placed Stevens under the supervision of the court and subjected it to contempt liability for violations of that order. However, as you yourselves observed in your statement, the settlement stipulation specifically provides that if Stevens breaches its obligations under the agreement or engages in further violations of the Act, the Board may renew its petition for a temporary injunction. And, as you also remarked, in such proceedings Stevens has agreed not to dispute that there is reasonable cause to believe the charges enumerated in the original petition are true. Thus, if further proceedings become necessary, the Board will be relieved from the evidentiary burden of proving that reasonable cause exists to believe that Stevens was engaging in widespread violations of the Act. The threat of protracted litigation in any such future proceedings is thereby minimized, while the prospects of obtaining prompt injunctive relief are immeasurably enhanced.

Furthermore, your press statement failed to mention that Stevens has presented at least some of the "concrete evidence of reform" you desire, and that this evidence was an important element in the Agency's decision to accept the settlement. Thus, Stevens has instituted a company-wide educational program for its supervisory and managerial personnel regarding the rights of its employees under the Act, and has issued directives to those personnel not to unlawfully interfere with its employees' rights. In addition, Stevens has adopted a program of progressive discipline for its managers and supervisors who disregard those directives. While the effectiveness of those programs has not yet been finally demonstrated, it is our view that they should at least be given an opportunity to prove their efficacy. And, as already observed, if the programs are not successful in terminating the unlawful conduct at Stevens' facilities, the Board may return to the district court and renew its request for injunctive relief. Thus, we agree with you that "only time will tell" whether Stevens complies with the agreement and we will be closely monitoring compliance with its terms.

In sum, the settlement agreement has achieved immediate remedial actions by Stevens for the charged unfair labor practices underlying the injunction petition and, in our view, provides reasonable assurances that Stevens' employees will be free to exercise their statutorily protected rights without fear of unlawful reprisals. Accordingly, it was the judgment of the Board and the General Counsel that the settlement of the injunction proceeding on the terms incorporated in the stipulation provided an effective resolution of the injunction proceeding. Significantly, in the Monday, May 1, 1978 issue of the Wall Street Journal, a spokesman of your Union was quoted as characterizing the settlement as a "win" for the Union. Although noting that the spokesman expressed disappointment that the settlement did not have the force and effect of an injunction, the article attributes to him an acknowledgement that the settlement "possibly was a major change of attitude on the part of the company." Similarly, a New York Times article dated April 29, 1978 indicated that the Union hailed the agreement as a victory. Neither does the May 6, 1978 edition of the AFL–CIO News, recounting the settlement, reflect dissatisfaction with it. Finally, we note that your representatives participated in the negotiation of the settlement.

While you are cerainly entitled now to disagree with our judgment, there is absolutely no justification for your action in highly publicizing a completely unfounded charge that the Board evaded its statutory duty to enforce effectively the policies and remedial purpose of the Act. Whatever the motivation for your attack, it does a profound disservice to the Agency and to the public.

This letter has especially profound effect because it comes from one of the most partisan members who has ever sat on the National Labor Relations Board, who is known as a representative, in fact, of organized labor, and who has consistently ruled in organized labor's favor. I think that the dressing down he has given to the Amalgamated Clothing and Textile Workers Union is a very, very important step, and I commend him for it.

Let me just say this: I think it also shows that regardless of what we do here on this floor the big labor union leaders in New York and Washington will never be satisfied until they have basically total control over the work force of this economy.

I might also add that the Irving-Fanning letter is evidence that the NLRB consent order involving the J. P. Stevens nationwide injunction case is eminently fair and remedial in all respects relative to the alleged violations of law. Yet the unions involved, although they participated in the settlement discussions, in the negotiations, without objection, have shown their insatiable demands and their unreasonable approaches to the board's remedial processes.

I think it also shows that the union leaders are exercising their venom against the J. P. Stevens Co. and will not be satisfied with the Board's effort because they know that action undermines their argument for this particular bill, S. 2467 or H.R. 8410.

As a matter of fact, what really is significant here is that there is an insatiable demand—that is what this bill is, an insatiable demand—to tilt the scales which have been reasonably balanced, albeit tilted in favor of labor, and I am not so sure that that is wrong—they want to tilt the scales completely in favor of labor and, I might add, to the detriment especially and specifically of the small businesses of this country, and at least 76 to 80 percent of all employees of this country.

I might mention that this bill basically goes far beyond even what J. P. Stevens has had to undergo in prostrating itself, on its knees, in front of the whole world and, specifically, the whole country, in compliance with not only a nationwide injunction procedure pursuant to the present law, but to a stipulated settlement pursuant to the present law, which should solve any difficulties that formerly have taken place.

I think it is pretty important for us to stop and think about what we are talk-

ing about here. We are talking about a bill that is devastating to small business, harmful to small business, very inflationary, and which has punitive remedies that have never been called for in light of the fact that punitive remedies have been utilized under present law against J. P. Stevens and, I might add, others, and this bill, in the final analysis, does not do anything to curtail some of the labor abuses, a few of which I have been discussing in the last few days.

A noted small business economist today predicted a sharp rise in food prices if Congress enacts a bill to make it easier for labor unions to organize.

The comment came from Herman Director, Chief Economist of the National Small Business Association.

Pending in the Senate is S. 2467, the labor law "reform" bill of 1977, to assist unions in their organizing efforts. Most small businesses oppose the bill.

Director pointed out that 9 million workers are tied to the consumer price index:

According to the Department of Agriculture with every 10 percent in increase in wages in food processing there is a 3 percent increase in food prices.

He said wage agreements already negotiated this year are sharply higher than a year ago boosting wage costs for business and industry.

The whopping 31 percent—

I think that should be changed to 39 percent—

increase for the coal miners means other unions will come to the bargaining table this year, and next, determined to win highest possible increases in wages and benefits. This means still higher wage costs with a result of increase in the CPI—and consumers will pay the bill.

Director said the inflationary spiral feeds on itself. According to a recent study:

Each rise of one percentage point in the CPI means the payment of roughly one billion additional dollars in income to workers covered by cost of living escalators.

The CPI also adjusts pensions for 31 million social security beneficiaries, 2.5 million retired military personnel, Federal civil servants, and 20 million individuals getting food stamps.

Director said, 20 percent of spending by Americans is for food. Director said:

Giving unions greater bargaining power will mean a tremendous increase in inflation, particularly in food prices.

Director said other segments of the economy will feel the sharp inflationary impact too, if the new union organizing bill is passed. He mentioned transportation, and the service industries.

He said adoption of the legislation will lead to—

Something pretty tremendous in inflationary wage increases, for unions already organized.

The National Small Business Association and the Small Business Legislative Council earlier sent Congress a petition signed by 350 small business associations representing 13,700,000 employees. The petition urged Senators to reject S. 2467, because it would "result in the failure of many small businesses which cannot afford the heavy financial penalties proposed in the legislation."

In March, the Department of Agriculture reported on developments in food marketing in 1977.

It said, direct labor is the largest cost of processing and distributing farm foods, with 1977 labor costs totaling $58 billion, or 47 percent of the total marketing bill. This does not include costs of labor in transportation or in manufacturing and distributing supplies used by marketing firms.

In 1977, labor costs rose 7 percent, continuing a long-term upward trend. In 1977, labor costs were the largest single component of expenditures for farm foods, accounting for nearly a third of the retail value. Labor also exceeded the farm value for the first time.

I might add, the people who are going to be hurt are the laboring people of our society, whether they belong to unions or whether they do not, they are going to be hurt by this bill and its inflationary impact on our society. That is why 51 percent of the labor union members in our society do not want any more power given to the labor union leaders in Washington.

Today in the Wall Street Journal, May 26, 1978, on the front page is a very, very fine article entitled "No Picnic Ahead."

Mr. President, I ask unanimous consent that this Wall Street Journal article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NO PICNIC AHEAD: FOOD-PRICE SURGE IN '78 NOW IS SEEN TOPPING CARTER 6%–8% FORECAST; SOME PRIVATE PREDICTIONS GO AS HIGH AS 10%; MOVES TO HELP FARMERS BLAMED; ARE PRICE CONTROLS COMING?

(By Paul Ingrassia)

Food-price inflation is shaping up as a far more serious problem than the Carter administration seems to have realized—or at least has publicly admitted. Moreover, some of the government's own actions are pushing up food prices rapidly.

The chairman of the President's Council of Economic Advisers, Charles Schultze, has said repeatedly that the forces raising food prices are "transitory" and that "the overall rate of food-price increase should subside after a month or so." President Carter himself repeated that theme at a news conference in Chicago yesterday, saying that the overall 9.3% annual inflation rate in the first quarter was "a temporary aberration brought about primarily by high food costs due to bad weather."

The Agriculture Department is estimating food-price inflation for all this year at 6% to 8% even though prices in the first quarter soared to a seasonally adjusted annual rate of 16.4%. (The April consumer price index figures are due out next Wednesday.)

Forecasts of food prices by many private economists, however, start at the high end of the Agriculture Department's range and go up from there.

Mr. Schultze has argued that "severe winter weather" is the main culprit for food inflation so far. The sole long-term problem that he has cited is the drop in the nation's cattle herd; that decline already has increased beef prices 25% to 30% from a year ago. Agriculture Department officials, for their part, note that food prices jumped at a 14.6% annual rate in the first quarter of 1977, but then slowed enough so that for all last year they averaged only 6.3% ahead of 1976.

OTHER FACTORS CITED

But the problem goes beyond cows and cold weather, food-industry economists and officials say. They cite a number of government steps to raise crop prices for farmers. And they note increases in the costs of transportation, packaging and labor, due in part to the federal minimum-wage boost last January.

Pillsbury Co.'s economists forecast a 9.2% increase in food prices this year. Chase Econometric Research Associates, a unit of Chase Manhattan Corp., says 8.5%, and possibly more. Economists at Quaker Oats Co. see an 8% to 10% rise. And Darrell M. Runke, presi- of International Multifoods Corp., says "8% to 9% is very realistic, and may be conservative."

At Pillsbury, Richard Crowder, the top economist, explains: "There are fundamental differences between this year and last year, and they go beyond meat prices. Food-price inflation is much broader than is generally thought."

Indeed, wheat, flour, butter, sugar, steers, hogs and broiler chickens all are bringing higher prices in commodities markets than a year ago. And higher U.S. farm prices, the Agriculture Department says, will provide only half of this year's food-price inflation, with 40% coming from higher processing and distribution costs and the other 10% from price increases on imported foods.

LOW-PRICE YEARS

Howard Hjort, the department's top economist, says the farm price increases are needed to make up for the low prices of the past few years. He notes that for the second consecutive year the cost of labor needed to process and sell food will exceed the total cost of food at the farm level. However, some observers already are speculating about a consumer revolt and government price controls.

"We'll see housewives striking instead of farmers," predicts Edwin A. Jaenke, an agribusiness consultant and former governor of the Farm Credit Administration. "The headlines about agriculture will do a complete flip-flop in the next nine months." And as for price controls, "I wouldn't be surprised to see them this summer," says Samuel D. Addoms, president of Monfort of Colorado Inc., a meat packer. "The Republicans tried controls once, and the Democrats probably will, too."

Other observers disagree. They say that consumers are too attuned to inflation to "strike" and that the Carter administration is serious about its disavowal of wage and price controls. Even so, rapid food-price inflation would leave consumers with less money to spend on other goods and services and could undermine President Carter's new anti-inflation drive.

FEDERAL PROGRAMS

Some parts of the problem—higher beef prices, for instance—stem simply from supply-and-demand factors, and the President can't do much about them. Ironically, though, the administration's own actions have helped push wheat and feed-grain prices higher recently. The first federal production-cutting program since 1972 is swinging into effect, and a newly established grain-reserve program is helping farmers keep grain off the market to bolster prices.

Unlike earlier programs, the new cropland set-aside plan doesn't directly pay farmers not to plant (although it can work that way in some cases). Instead, farmers choosing to set aside a certain portion of the land they normally plant (20 percent for wheat and 10 percent for corn and other animal-feed grains) become eligible for federal price support loans, target-price payments and other benefits. Newly increased benefits and poor planting weather have eroded some of the farmers' early resistance to the program.

The set-aside plan is a response to the huge crop supplies that sent farm prices plunging and drew farmers to protest parades last year. But some observers say the surpluses aren't likely to be as big as expected.

"If crop problems develop around the world—and we have some in this country already with the wet spring—our stocks could disappear very quickly," says Phillip F. Sisson, economist with Quaker Oats. "The risks are fairly high, and that's why prices are rising in the commodities markets."

The wheat situation is a prime example. Current U.S. stocks are the largest since the early 1960s, but the dollar's drop against some key currencies and poor weather elsewhere have made export demand unexpectedly strong. Agriculture Department figures show that a poor crop year could cut U.S. stocks by next May to below their 1972 levels. Back in 1972, crop shortages around the world sent demand for U.S. wheat soaring and helped drive U.S. food prices skyhigh.

It's too early to gauge accurately the size of the winter-wheat crop that will be harvested in June or the spring wheat crop currently being planted for harvest in August. But the Agriculture Department recently estimated the winter-wheat harvest will be down 16 percent from a year ago, a greater decline than had been expected. And heavy rains in the nation's breadbasket have put spring wheat planting behind schedule; the delay could reduce the August harvest.

Agriculture Department officials profess to be unworried about the grain stocks outlook, though. The department's forecast of wheat exports "looks on the money," Mr. Hjort says. "There isn't any reason to change the set-aside policy in view of foreign demand."

Milk is another story, but one that isn't very different. Surpluses are large; on April 30, government stocks of nonfat dry milk uncommitted for use in any government program totaled 551.1 million pounds, one of the highest levels on record. Yet milk and dairy-product prices are rising because the government boosted its price supports to dairy farmers about 5 percent on April 1.

CHANGE IN THE LAW

Before last year, that increase mightn't have occurred, because the Secretary of Agriculture was required to review and adjust the milk price support only once a year. But the 1977 Agriculture Act installed twice-yearly price-support reviews, in April and October (the October review is expected to produce another increase in the 3% range). The 1977 law also restricted, until next April, the Agriculture Secretary's leeway to hold down price supports.

With sugar, too, government action is sending prices higher despite ample supplies. World sugar stocks at the end of 1977 were one-third of total world consumption for the year, the highest percentage in a decade.

But last fall, following the just-passed Agriculture Act, President Carter reinstalled sugar price-support loans for the first time in three years, and he raised duties on imported sugar. Now the Agriculture Department is about to increase the price-support for U.S.-produced sugar, because under last year's law the support rises as prices in general increase.

Recently, however, the administration opposed pending legislation to increase the sugar price support even higher than otherwise is likely. "That was a sign that the administration is beginning to take food-price inflation seriously," Pillsbury's Mr. Crowder says.

BEEF QUOTAS WATCHED

Another such sign, some observers say, would be given if President Carter removed the quotas on imported beef. The President already decided not to include that step in his anti-inflation package, but as beef prices continue to rise he might change his mind.

And they will continue to rise. The U.S. cattle herd has dropped 12% to 116 million head since 1975, when prices turned disastrously low for ranchers. Next January, the head count will be down to about 112 million, because ranchers now are avidly selling animals to pocket their first solid profits in three years.

Hamburger, which sold for 85 cents a pound last year, now costs about $1.07 a pound, and probably will rise to the $1.20 to $1.25 range a year from now, says economist Tommy Beale of Cattle-Fax, the marketing service of the National Cattlemen's Association. That group's recent supermarket survey also found choice beef cuts selling for an average of $1.78 a pound, up from $1.35 a pound last year, and Mr. Beale predicts about $2.10 a pound next year. "But the real bad years for consumers will be 1980 through 1983," he adds.

That's because cattlemen, encouraged by higher prices, will start rebuilding their herds by keeping more cows and heifers for breeding stock. Otherwise, those animals would go to market and add to the beef supply. The squeeze on hamburger supplies will be especially tight, because that's what old cows are used for. Some packers say that chuck cuts are likely to be used for hamburger and that chuck roasts may become extremely scarce.

PORK OUTPUT LAGGING

Aggravating the beef squeeze is the unexpected lag in pork production. Output dropped slightly in the first quarter from a year earlier, and the Agriculture Department now expects total 1978 production to barely top last year's 13.1 billion pounds.

Pork production can be stepped up far faster than beef output because each year sows can produce two litters of some half-a-dozen pigs each, while a cow can have only one calf a year. But farmers surveyed by the Agriculture Department in March projected an actual reduction in the number of pigs to be kept for breeding stock this spring.

That doesn't augur well for the department's June pig-production report, which some experts see as critical because higher pork supplies could help fill the gap being left by beef. "Food-price inflation could hit 9% if the hog numbers aren't good," says economist Ray Daniel of Chase Econometric.

Broiler chicken production, at least, is up. In the first quarter it was 8% ahead of a year ago, and it's expected to be up 6% in the second quarter. However, more chickens alone don't guarantee price relief, because demand is likely to rise as consumers seek alternatives to costly beef and pork.

Mr. HATCH. Mr. President, in conclusion of my remarks this morning—and I ask unanimous consent that this not be considered a second speech, in accordance with the rules of the Senate——

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATCH. In conclusion of my remarks, I would just like to say that when a noted economist like Pierre Rinfret, who has been acceptable to Presidents on both sides from President Kennedy's time right on down to today, has conducted what appears to be a very thorough economic impact analysis, and concludes that with every 10 percent rise in unionization there is a 5 percent rise in the consumer price index and a 3 percent rise in inflation, and coupling that with a 7 percent admitted inflationary trend that they cannot go below, according to the President of the United States, this means we are going to be in double-digit inflation as a result of this bill.

This is only one push toward that end. If you add all the other pushes along with this one, it means this bill has to be defeated, not only because it is detrimental to small business, but because it is detrimental to everybody in America, specifically the employees, and I might add the union men and women of America as much as anybody; and I believe that a lot of them are starting to realize this. Most of them already do realize it, and I think if they listen to the debate and read about it, hopefully, in the media, and consider it, I think they will realize what a power grab this is, rather than a reasonable attempt to decide and resolve certain conflicts in the law.

If it was reasonable, we would be resolving them on both sides, and we would be resolving the real conflicts, not the imaginary ones this bill raises.

Mr. President, I yield the floor.

Mr. ALLEN. Mr. President, my remarks shall be directed to the thrust of the bill itself, rather than to the pending amendment.

Mr. President, H.R. 8410 transforms the National Labor Relations Act from a remedial to a punitive statute.

First, the bill would subject any employer found by the Board to have willfully violated a Board or court order to debarment from all Federal contracts for a period of 3 years. Second, the bill provides that employers who unlawfully refuse to bargain during initial contract negotiations will be subject to a make-whole remedy measured by Bureau of Labor Statistics (BLS) figures relating to collective-bargaining settlements in units with 5,000 or more employees. Finally, H.R. 8410 provides that employees who are unable to work as a result of unfair labor practices occurring during certain specified periods of time may receive an award of back pay in an amount equal to "one and one-half the employee's wage rate—less the wages the employee has earned" during the back-pay period. The extraordinary relief is available during periods when the employees are: First, seeking to certify a union, second, seeking to decertify a union, third, seeking to rescind a union security agreement, and fourth, prior to execution of an initial collective-bargaining agreement.

These punitive remedies defy the original intent of the Congress to restrict the NLRB's power to undoing the effect of the unfair labor practices committed. The U.S. Supreme Court first defined the limits of the Board's remedial jurisdiction in 1938, stating:

> The power to command affirmative action is remedial, not punitive, and is to be exercised in aid of the Board's authority to restrain violations and as a means of removing or avoiding the consequences of a violation where those consequences are of a kind to thwart the purposes of the Act.

Although the application of this formula has undergone minor modifications through the ensuing years, as the circumstances of particular cases have dictated, the general principles stated therein have retained their validity and their applicaiton.

For example, the Supreme Court has often upheld Board decisions which have the legitimate purpose of removing or avoiding the effects of an unfair labor practice. Thus, in 1943, the Court approved remedies purported to restore the status quo as a means of depriving the violator of the advantage gained by the unfair labor practice. And in Phelps Dodge Corp. against NLRB, the Court in 1941 fashioned a remedy directed toward returning the parties to the position which would have existed, but for the illegal conduct, showing that the purpose of the act was to be remedial rather than punitive. This bill would change the whole thrust of the act. Alternatively, the Board's relief may be justified on the grounds that it prevents the consequences of a violation from thwarting the purposes of the act.

But these permitted remedies were not without limit, and in 1940, the Supreme Court held that a Board order, which directed the employer to pay to appropriate governmental agencies an amount of money equal to that which had been earned by discriminatorily discharged employees on work relief projects and to credit that amount of money to a backpay award, was an order beyond the Board's remedial authority. Such payments, the Court claimed, had neither the effect of making employees whole nor of assuring them of their right to bargain collectively. Hence, the remedy served no statutory purpose.

Significantly, in its holding, the Court also rejected the Board's argument that the remedy was permissible since it would have the effect of deterring others from violating the act. Although a remedy may incidentally act as a deterrent, the Court noted that if the NLRB was permitted to impose remedies solely on the basis of acting as a deterrent, the Board would be free to set up any system of penalties which it could deem adequate to that end. The Court's holding reflects the principle that the rational relationship between unlawful conduct and the relief which is granted is not satisfied when the remedy purports to achieve ends other than those contemplated by the statute. Moreover, the remedies which the Board has fashioned have, with few exceptions, proven quite adequate in remedying flagrant, repeated, or widespread unfair labor practices.

Now, Mr. President, I am going to talk for a moment about cease and desist orders. The most common of all NLRB remedial orders is the "cease and desist" order; that is, an order directing a party found to have engaged in an unfair labor practice to cease and desist from the particular conduct which has been found unlawful. Sometimes, the Board goes further and orders the offender also to cease and desist from "any other conduct" violative of rights guaranteed in the act.

In the very early history of the NLRB, the Supreme Court set out the doctrine that the Board must consider the nature and seriousness of the unfair labor practices found, the offender's past history of violations, and the probability of recurrence. These guiding principles, still valid today, are the bases upon which the Board can rely in order to justify its issuance of a broad cease and desist order.

Pursuant to that doctrine, the Board may justify a broad order where the additional violations restrained bear some reasonable resemblance to the violation or violations found. For example, the Court has held that a broad order can be justified where, in addition to one violation of one section of the act, there is evidence of other misconduct violative of another section. In another case, Marshfield Steel Co. against NLRB, decided in 1963 in the 8th Circuit, the employer in the case had challenged an order directing him to cease and desist from discouraging membership in the United Steelworkers of America "or in any other labor organization," on the grounds that the company had not engaged in violations against members of any union other than the Steelworkers. The Court stated that, although the Board could not restrain an employer from committing "other unfair labor practices in which it has not been found to be engaged," the Board could order the employer not to conduct against other labor organizations the same unfair labor practices which it had been found to have been engaged with respect to any labor organization. The Court concluded that the order was fully within the guidelines of past law because the restrained violations bore complete resemblance to those which the employer had already committed.

Furthermore, because many employers have several plants and multistate operations, and unions often operate on a regional or national basis, the Board has often ordered remedial action that extends beyond the immediate units involved in the case. Thus, where it had been shown that the employer had instituted a systemwide, centrally directed and coordinated policy to commit unfair labor practices, the courts have found that the Board may properly include all the employer's plants within an order of the Board.

Moreover, the Board may properly consider that, if not deterred, the employer would pursue the same discriminatory policies at every unit within a certain geographic area. The cases demonstrate that when employers, who have such a coordinated systemwide policy, do commit flagrant unfair labor practices, the courts have not hesitated to find the application of NLRB orders to plants other than those at which the violations actually occurred. When the employer controls several corporations, or one corporation with separate divisions, Board orders applying to more than one division or corporation have also been upheld.

The great importance, Mr. President, of the Board's cease and desist powers cannot be overestimated, considering that the employer may thereafter become the target of contempt of court proceedings for future violations of that order.

Next, Mr. President, I will discuss NLRB remedies which mandate the posting of notices because, in addition to the negative, or cease and desist, provisions of an NLRB order in an unfair labor practice case, the Board's remedy almost always includes an affirmative requirement covering the posting of notices. Compliance usually requires that, for a period of 60 days, the respondent employer or union will post, and maintain in a conspicuous location, a signed notice which sets forth the terms and conditions of the cease and desist order.

Generally, the provisions covering notification simply stipulate that the notice be posted in conspicuous places, such as bulletin boards, time clocks, department entrances, meeting hall entrances, or dues payment windows. If, however, flagrant and gross unfair labor practices are involved, the Board may require extraordinary notification provisions in addition to the normal posting requirements. In an attempt to neutralize the effect of aggravated unfair labor practice conduct, the Board has also ruled that the respondents mail a copy of the notice to each employee. And, in other cases, the Board has also required the employer to make his bulletin board available to the union for a specified period of time. Similarly, the Board has granted the union the time of the company for presentation of its petition to employees. The Board has also ordered individual notices where the unlawful conduct involved individual contact between the employer and the employee.

Finally, where the unlawful conduct involved widespread and flagrant violations of the act, the Board has deemed it necessary on occasion to order that respondent or an agent of the NLRB read the contents of the notice to the employees. In Southern Athletic Co. and the Paymaster Corp., the Board in 1966 even took the particularly unusual step of requiring a specific agent of the employer to sign the notice because that agent was personally identified with the employer's unlawful conduct. The reasoning was that without that agent's sig-

nature, the employees might not recognize that the notice contained a bona fide commitment by the employer to refrain from committing similar unfair labor practices in the future.

Now, Mr. President, I also have a few remarks on the effects of existing law on attorneys' fees and litigation expenses.

It is true, Mr. President, that in 1972 in Tiidee Products, Inc., the NLRB did note that litigation expenses normally are not recoverable by the charging party in Board proceedings even though the public interest is served when the charging party protects its private interest before the Board. But, Mr. President, the Tiidee decision further indicated that the Board would order payment of attorneys' fees and litigation expenses when the respondent's defense is "frivolous." The Board stated:

We agree with the court, however, that frivolous litigation such as this is clearly unwarranted and should be kept from the nation's already crowded court dockets, as well as our own. While we do not seek to foreclose access to the Board and courts for meritorious cases, we likewise do not want to encourage frivolous proceedings. The policy of the Act to insure industrial peace through collective bargaining can only be effectuated when speedy access to uncrowded Board and court dockets is available.

I might say parenthetically, Mr. President, I do not believe this bill is going to clear the clogged dockets either of the courts or of the Board.

Accordingly, in order to discourage future frivolous litigation, to effectuate the policies of the Act, and to serve the public interest, we find that it would be just and proper to order Respondent to reimburse the Board and the Union for their expenses incurred in the investigation, preparation, presentation, and conduct of these cases, including the following costs and expenses incurred in both the Board and court proceedings: reasonable counsel fees, salaries, witness fees, transcript and record costs, printing costs, travel expenses, and per diem, and other reasonable costs and expenses. Accordingly, we shall order Respondent to pay to the Board and the Union the above-mentioned litigation costs and expenses.

The policy is not generally to order the payment of these expenses, but since this was a frivolous action the court did order the respondent, the employer, to pay these necessary expenses.

The Board's policy set forth in Tiidee was approved by the Supreme Court in 1974 in NLRB against Food Store Employees, Local 347 (Heck's Inc.). In language suggestive of the Board's rationale in Tiidee, the Supreme Court explained:

It cannot be gainsaid that the finding here that Heck's asserted at least "debatable" defenses to the unfair labor pratcice charges, whereas objections to the representation election in Tiidee were "patently frivolous", might have been viewed by the Board as putting the question of remedy in a different light. We cannot say that the Board in performing its appointed function of balance conflicting interests, could not reasonably decide that where "debatable" defenses are asserted, the public and private interests in affording the employer a determination of his "debatable" defenses, unfettered by the prospect of bearing his adversary's litigation costs, outweigh the public interest in uncrowded dockets.

(Mr. MORGAN assumed the chair.)

Mr. ALLEN. After the Heck's decisions, the District of Columbia Circuit reviewed the Board's Tiidee decisions in 1974 in Electrical Workers (IUE) against NLRB. Although it found that the Board had properly ordered the employer to reimburse the union for attorneys' fees and litigation expenses, it found that the NLRB had erred by ordering the employer to reimburse the Board for such expenses. The court noted that such remedies were inappropriate, because the employer was a "stranger" to the processes of the Board and because the scope of the initial court remand limited the Board to considering whether to award legal expenses to the charging party. But the point is, Mr. President, an award of legal fees to a charging party is permissible in the event of a frivolous defense.

Also apparently available to a charging party—and I give these instances to show that machinery is available to the union or to the charging party—is an award of reimbursement for lost union organizing expenses, dues, and initiation fees. When union organizing campaigns have been subject to employer unfair labor practices, the Board has on occasion been requested to require the employer to reimburse the union for losses in organizing expenses and dues.

In Heck's, the case to which I referred, the Board held that the union had not established that the respondent's conduct had contributed to the loss of any dues or fees.

Following the Heck's decision, the Board issued its decision in Tiidee Products, Inc. in which it denied a similar request for organizing expenses and lost dues and fees. However, Mr. President, the Board did not state that such a remedy should never be granted, but rather held that there was "no nexus" between the employer's unlawful conduct and the union's preelection organizing expenses. On remand of its original decision in Heck's, the NLRB did not deal directly with the merits of the union's claim for organizational expenses. Rather, it determined, as it did with the union's request for legal expenses, that the employer's defenses were debatable rather than frivolous. Thus, apparently, where the employer has a frivolous defense, organizing expenses may be ordered if the union can show a nexus between the employer's illegal conduct and an increase in the union's organizing expenses.

Now, Mr. President, what other remedies are available once a court enforces a Board order pursuant to section 10 (e) of the NLRB. First and foremost, the employer may be subject to contempt of court proceedings. This makes available powerful sanctions beyond the purely remedial power of the Board.

It is well established that the courts should impose whatever sanctions are necessary under the circumstances to grant full remedial relief, to coerce the contemnor into compliance with the court's order, and to compensate fully the complainant for losses sustained. Thus, in NLRB-related civil contempt proceedings, the courts will routinely order respondents to pay the Board all fees, costs, and expenditures incurred during the contempt proceedings. These include counsel fees incurred in investigation, preparation, presentation, and final disposition of the contempt case. Further, in order to assure that the respondent complies with the terms of the decree, the courts consistently order a fine for each further violation plus a fine for each day violation continues.

When the employer has refused to bargain in good faith with the union, the employer can be required to pay a fine which is to be returned if the employer can present, usually within 60 days, satisfactory evidence of compliance with a particular court order.

In contempt proceedings involving employer refusals to bargain, the fifth circuit—my own Federal circuit court of appeals—the fifth circuit has devised remedies which surpass those employed by the Board in similar violations. In NLRB against Schill Steel Products, Inc., a fifth circuit case decided in 1973, the employer was ordered to bargain until full agreement or bona fide impasse was reached. The existence of such impasse was to be decided by the court, and the failure to find such an impasse was to be considered a failure to bargain in good faith. Such a failure would subject the employer to compliance fines of $5,000 for the violation, plus a fine of $1,000 for each day the violation continued. That is a not inconsiderable fine. In addition, the employer was not permitted to refuse to meet with the union at reasonable times, or to withdraw recognition from the union until further order of the court. Also, unless the union gave written permission otherwise, bargaining sessions were to be held at least 15 hour per week. Sworn reports signed both by the employer and union were to be filed with the court clerk and the Board every 30 days detailing the nature and course of the bargaining. If the Board determined that the employer was not bargaining in good faith, it was required to submit a report and supporting brief to the court and propose appropriate sanctions. If the company was found to have engaged in bad faith bargaining, the compliance fines mentioned above would then be imposed.

Other cases astoundingly suggest even further alternatives available to the court in dealing with the persistently recalcitrant violator. The court may issue a writ of body attachment under which the appropriate officer or agent of the offending respondent will be confined to jail until compliance with the court's decree is forthcoming.

That is under the present law, Mr. President. It seems to give plenty of machinery for enforcing the act.

Finally, if it can be shown that the respondent "knowingly, willfully, and intentionally" violated the court's decree, the Board may petition the court to find the respondent criminally liable for his

conduct. Sentences for criminal contempt include monetary fines and imprisonment.

As shown, contempt of court proceedings provide powerful sanctions to use when employer and unions violate Board orders which have been enforced by the courts of appeals. I do not see the need for additional sanctions.

Now, Mr. President, throughout my remarks, one basic legal principle has constantly recurred: The NLRB has been granted broad authority by Congress to fashion unfair labor practice remedies in order to effectuate the policies of the National Labor Relations Act. This power is subject to the stipulation that its use be restricted to undoing the effects of unfair labor practices found to have been committed. Stated in another and perhaps more conclusionary fashion, Board orders must be remedial and not punitive or confiscatory.

For the most part, the remedies utilized by the Board are accepted by the users of the Board's processes as appropriate manifestations of the Board's remedial powers. For example, bargaining orders, back pay, reinstatement, notice posting, and cease-and-desist orders are all considered to be "traditional" remedies which the Board may apply with flexibility and discretion.

NLRB and judicial decisions have also recognized that respondents who engage in repeated or flagrant violations, or who advance frivolous defenses to unfair labor practice charges, deserve to receive harsher and more imaginative remedies. Thus, the Board has fashioned remedies designed to confront the particular circumstances of the violations found. For example, where a respondent has demonstrated a proclivity to violate the act, and where it can be anticipated that further violations will occur, the Board will issue a broad order which typically requires that the act not be violated "in any other manner." Also, special notice provisions may be ordered to inform the employees that an unfair labor practice has been found and is being remedied. The respondent may be required to mail the notice to the employees, give the union access to company bulletin boards, or read the notice aloud to the employees. Where a flagrant unfair labor practice is unaccompanied by a debatable defense, the respondent may be ordered to pay attorneys' fees and litigation expenses.

The act also provides the NLRB with authority to seek injunctions to prevent the continuance of unfair labor practices where it can be shown that such relief is "just and proper." If such an injunction issues, the unfair labor practice will be restrained until the Board issues a final order which will then contain the appropriate NLRB remedy. Under section 10(l) of the act, the General Counsel is required to seek an injunction from a U.S. district court against certain specified union unfair labor practices. Injunctions against other unfair labor practices are covered by section 10(j). While the injunction is in effect, a breach of the injunction will subject the defendant to powerful contempt of court sanctions.

Other contempt sanctions are available for use against a respondent who violates a Board order which has been enforced by the appellate courts. The NLRB order has then become the order of the court and as was stated by the Ninth Circuit Court of Appeals in 1963 in NLRB against Vander Wal, a refusal to comply with the NLRB order, or the commission of a similar future violation, will subject the contemnor to "whatever sanctions are necessary under the circumstances to grant full remedial relief, to coerce the contemnor into compliance with the court's order, and to fully compensate the complainant for losses sustained." These sanctions in almost all NLRA civil contempt cases will include payment to the Board of fees, costs, and litigation expenses incurred. Additionally, the court can coerce compliance by fining the contemnor and even placing his responsible officer or agent in jail through a writ of body attachment. Willful violations may be prosecuted by way of criminal contempt, with its attendant penalties of fines and imprisonment.

As shown, harsher remedies presently are available for use against the flagrant or recalcitrant violator. But availbility is not the only touchstone for their utilization. In dealing with requests for these extraordinary remedies, the Board and courts have recognized that when the severe remedy is ordered, they must address questions involving the fundamental fairness of the proceeding. One basic problem is the possibility that harsh remedies and penalties tend to coerce respondents with potentially meritorious claims into settling the case in order to avoid the remedy. In order to minimize this chilling effect on the assertion of possibly valid defenses, the Board and courts have rejected requests for attorneys' fees, litigation costs, union organizing expenses, and "make whole" remedies for refusals to bargain, where the respondent has been able to present a "debatable" or nonfrivolous defense—drawing the distinction between frivolous and debatable defenses.

The potential unfairness of the imposition of harsh penalties in other circumstances becomes even more pronounced when considering that high financial penalties will most affect litigants with small financial resources. A flagrant violator with a sound economic position, however, may be able to pay the price and continue violating the act. If such a violator is undeterred by potential contempt of court compliance fines and jail terms, the possibility of paying double backpay may not deter him either. While valid reasons exist from concern about those respondents who repeatedly commit serious unfair labor practices—and I do not say they do not exist in certain circumstances—those concerns should be balanced by recognizing as the Board and courts have done, that certain proposed remedies in this area are unacceptable, because they may unfairly coerce settlements and hinder a full determination of whether the alleged violation actually occurred.

Cogent arguments have maintained that certainty in the application of remedies and promptness and efficiency in their administration would provide better deterrence than would increasing the severity of the remedies, and I think that goes right to the heart of the bill. Former Board Chairman Edward B. Miller has addressed this problem several times and his views deserve full examination. Miller argued in his work "The NLRB—Hero or Villain? 1970 Labor Relations Yearbook" that—

> The other criticism—that our remedies provide too little, too late—is doubtless sometimes valid. But I think the emphasis is more properly placed on the "too late" rather than the "too little". It is important to remember that the primary purpose of our remedial orders is to bring persons and entities into compliance with our law, in the hope that the compliance will extend to the spirit as well as to the letter of our law.
>
> It will, for example, accomplish precious little if an employer, at our command, enters upon a bargaining relationship with the union, convinced in his own mind that he is there only under protest and determined only to go through the motions of bargaining because he has been forced to do so. On the other hand, if he goes there, perhaps not liking it, but determined to follow our directives in good faith and to learn to live with his new situation, then there is hope that we have achieved genuine, rather than superficial, compliance.
>
> Similarly, a union which abandons picketing which we have found to be a prohibited secondary nature but remains determined to find some means, legal or otherwise, to bring improper pressure to bear upon the protected neutral employer, may honor the letter of our law but by subsequent conduct may very well frustrate the law's objective.
>
> Thus we must always be conscious of the fact that our remedial orders are not designed as penalties, and should not be evaluated in a penal context. They are, rather, part and parcel of an administrative effort to shape viable and continuing relationships among the parties who appear before us and who must often live together long after our file on their case has been sent to the archives.
>
> The empirical data which is available is not as comprehensive as I would like, but such as there is seems to bear out the wisdom of this caveat. It tends to show that a Respondent, whether union or employer, who is so hostile to the requirements of our law and our processes of implementing it that he will deliberately and repeatedly engage in improper conduct both before and after he has appeared before us is not likely to achieve the kind of industrial stability that our Act envisions, even after having been the target of the full thrust of our remedial powers.

In other words, Mr. Miller is suggesting that a little more give and take on the side of labor and management would accomplish a great deal more than stricter and harsher remedies:

> While it is possible to conclude from this data—and some have—that we therefore need bigger and better monetary remedies, I am more inclined to conclude that we must face up to the fact that big monetary

remedies—or penalties—are not really effective in deterring the true recalcitrant in this field.

I might say, parenthetically, that depriving an employer of Federal contracts for a period of 3 years certainly is not going to help that employee; because without work, there cannot be any employment.

I think that those who support this bill and support these penal provisions are thinking less of the employees and more of the union. That is one of my objections to this bill—that there is much more in it for big labor and for inducing employees to join unions than there is for the employees themselves. If a company is deprived of Government contracts, it could well go under, and all the employees would lose their jobs.

I feel that the bill provides a lot more for big labor than it does for the average worker.

I continue with Mr. Miller's comments, and it should be borne in mind that he is the chairman of the National Labor Relations Board:

Our experience has been, however, that when we are able to move with both firmness and dispatch, the results are much more encouraging. . . .

The emphasis, therefore, in my view, should be more heavily placed on prompt and efficient case handling than on belated expanded remedies—

How expanded, by a bill such as this?

The emphasis, therefore, in my view, should be more heavily placed on prompt and efficient case handling than on belated expanded remedies, no matter how imaginative or inventive those remedies might be.

To conclude, Mr. President, I emphasize to the Senate that while there is good reason to be concerned about serious violations of the act—I do not say there is not—and to be concerned about the mounting caseloads of the Board and the courts, we should refrain from embracing hasty solutions which could become the basis of chilling the assertion of rights reasonably held in good faith.

Mr. President, I yield the floor.

Mr. SARBANES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to speak out of order, notwithstanding the Pastore rule concerning germaneness.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACTION IN ZAIRE

Mr. ROBERT C. BYRD. Mr. President, President Carter made an important statement on foreign policy in Chicago yesterday, reviewing the recent events in Africa.

The President's action on Zaire was, as he stated yesterday—and as I stated last week—"an appropriate and measured response to the situation," taken in cooperation with our allies and in consultation with Congress.

The President's comments about the irresponsible role played by the Cubans in training and equipping the forces which crossed into Zaire are right on the mark. It is apparent that Cuba knew of the Katangan plans to invade Zaire, and obviously did nothing to restrain them from crossing the border.

The large-scale Cuban presence, supported by the Soviet Union, remains a matter of major concern. Certainly this involvement may have serious implications for future United States-Soviet relations.

The responsibility for the slaughter in Zaire rests not only with the rebels, not only with Angola—but also with Cuba and the Soviet Union. Policies formulated in Moscow and Havana resulted in the murder of innocent Africans and Europeans in Zaire.

In his Chicago statement, President Carter discussed the matter of legislative restrictions on Presidential authority to assist foreign policy and conduct foreign operations. It is my position that there are no real impediments to Presidential action, particularly in regard to assistance to friendly governments seeking to oppose Communist incursions or attacks.

As President Carter noted, the action in Zaire was taken pursuant to present law and was not restricted by congressional limitations.

In those situations in which friendly governments seek assistance from the United States in resisting Communist attacks from without or within—there is a way out for the President in the existing legislation, the President only needs to certify that U.S. assistance is in our own national security interests and by his making a report to Congress on his actions.

The administration does intend to continue to review legislation governing our foreign assistance programs and I am certain that, if the President determines that his authority to act decisively in international affairs is unduly restricted, Congress would give serious attention to the matter.

Mr. MORGAN. Mr. President, I ask unanimous consent that I may speak briefly, out of order, notwithstanding the rule of germaneness.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. MORGAN. Mr. President, I appreciate very much the remarks of the distinguished leader with regard to the policy in Africa, for I had in my hand at the time a clipping from today's Washington Star which I will insert in the RECORD.

Like all Americans, we in the Senate are concerned about Africa. I am concerned about our policy in Africa. I am not sure that we have a policy in Africa. I sometimes find myself frustrated and confused by how we can speak out so vigorously and vehemently against minority rule in South Africa and at the same time fail to speak out against the lack of majority rule or against minority rule in such areas as Equatorial Guinea as well as many others.

Almost every day, we read of massacres taking place in Africa; we read of Cubans participating in various areas. Yet, I think we are confronted with the so-called Clark African policy, which was adopted in the Senate in 1976, when we restricted President Ford and his administration from rendering any kind of financial or military aid, by way of equipment, to the non-Communist factions in Angola.

I disagree with my majority leader when he says there are no legal restrictions in other areas. I think the practicality of the matter is that there are.

I wish that this Senate will carry on a debate on what kind of policy we are going to pursue in Africa. I think we should resist the spread of the kind of tyranny that is being carried on by the Soviets and their proxies, the Cubans.

I think if we cannot do it with a united voice, it might be better not to do it at all.

Mr. President, in today's Washington Star there was a front page article entitled "Equatorial Guinea: Where Brutality Reigns." And it points out that since the country won its independence from Spain in 1968, under the bloody rule of Macias, as the dictator, Equatorial Guinea's postcolonial history has been studded with mass executions and fatal tortures of an estimated 50,000 people. These included vice presidents, governors, cabinet ministers, high court judges, army generals, senior civil servants, leading churchmen, parliamentarians, and women intellectuals.

Mr. President, it has been so brutal that the President of Equatorial Guinea is quoted as having said that "Guinea is poor and bullets are expensive," and, therefore, they club these people to death. But not one single time have I heard anyone who espoused the African doctrine in the Chamber speak out against such brutality. I think it is time that this Senate take a look at the Clark African policy and see if we are pursuing the right policy there.

So, Mr. President, I ask unanimous consent that the article that I have alluded to from the Washington Star of today, May 26, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EQUATORIAL GUINEA: WHERE BRUTALITY REIGNS

(By Eric Robins)

NAIROBI, KENYA.—In a world populated by dictators and tyrants, there seem to be few countries today more ripe for revolution than the Maryland-sized Republic of Equatorial Guinea in West Africa.

Equatorial Guinea is composed of two provinces: the island of Macias Nguema Biyogo (formerly called Fernando Po and now named after the country's brutal dictator) plus its sister isles in the Gulf of Guinea and mainland Rio Muni, sandwiched between Cameroon and Gabon. The country won independence from Spain in 1968.

Since then—under the bloody rule of Francisco Macias Nguema Biyogo, a dour, deaf, ex-civil servant, a Catholic and rabid leftist—Equatorial Guinea's post-colonial history has been studded with mass executions and fatal tortures of an estimated 50,000 people. These included vice presidents, governors, cabinet ministers, high court judges, army generals, senior civil servants, leading churchmen, parliamentarians and women intellectuals.

Some two-thirds of the republic's elite have been put to death as suspected—often on the flimsiest evidence, or none at all—opponents of the regime of Nguema, 56-year-old president-for-life and "Grand Master of Education, Science and Culture."

Many have been clubbed to death. "Guinea is poor and bullets are expensive," says the president.

Slavery as ghastly as that practiced on their ancestors is the lot of tens of thousands of Equatorial Guineans who are condemned to work, beaten and half-starved, on the country's run-down cocoa, coffee and timber plantations.

Enjoying the support of Russia, China and Cuba (the United States broke with him in 1976), Nguema has abolished parliament, the courts and general elections, and there is a rigid censorship of the mails and media.

A couple of years ago, 45,000 Nigerian contract workers, mainly Ibo tribesmen, were flown home from the island by their government after sustained allegations of "barbaric" treatment on the plantations.

At about the same time some 30 Equatorial Guinean exiles, armed with hunting guns, made an abortive bid to overthrow Macias by an "invasion" of Rio Muni. They hoped, in vain, to start a full-scale rebellion both on the mainland and in the islands.

Macias reacted with typical ferocity. There was a new wave of wanton killings, repressions and public executions. More than 150 political prisoners were publicly hanged or shot on the president's orders on Christmas Eve in the football stadium of Equatorial Guinea's torrid little capital of Malabo, formerly Santa Isabel. As shots rang out and men and women mounted the gallows, loudspeakers blared a recording of "Those Were the Days."

And there was renewed inter-ethnic group violence involving the comparatively wealthy Bubis on Macias Nguema Biyogo island and the Fangs of Rio Muni, a tribe of which the president is a leading member. The Bubis have long been the main targets of Macias' cruelties.

The paranoid president then decreed that individual murders by his henchmen were not enough to terrorize would-be political enemies. The state police are still regularly carrying out his orders to burn down entire villages (after men, women and children have been herded into their mud-and-thatch huts) where suspected dissidents were born.

And Macias ordered that all boys between the ages of seven and 14 must undergo Cuban-supervised military training for the "Youths Marching with Macias" movement, or their parents and relatives would be shot or imprisoned for life.

He sent all workless persons over 15 into the plantations and phosphate mines. He gave active encouragement to gangs of hoodlums running amok, killing, looting and raping.

A year ago, all adult males—some 4,000—from the island of Annobon, part of Equatorial Guines, were rounded up at gunpoint and taken to Macias Nguema Biyogo island to become slave laborers on their country's cocoa plantations in place of the Nigerian workers who had quit and been taken back home.

Annobon is now virtually a dead isle.

About half of Equatorial Guinea's 400,000 population has fled Macias' reign of terror.

"My country is morally and financially bankrupt," said a former aide of the president now in Gabon. "It is a member of the United Nations and the Organization of African Unity, which have human rights enshrined in their charters, but both of these bodies avert their eyes from the continuing horrors in the Gulf of Guinea. And U.N. agencies have given the country millions of dollars in aid.

"The late Papa Doc (Francois Duvalier of Haiti) was paternalist compared with Macias. He is a fascist monster who uses leftist rhetoric to keep himself in power."

Per capita, the republic's political execution rate is one of the highest in the world.

There are records of hapless prisoners having their eyes gouged out by torturers of the notorious "Macias Youth" organization.

Other victims are allowed to die of gangrene from the wounds of constant beatings in soundproof dungeons. Some are starved to death.

Other prisoners are force to stand in a pit, up to their necks in mud and filthy water, for 24 hours at a time.

Some "enemies of the state" are forced to watch the bludgeoning to death of their friends.

Catholic priests who refuse to eulogize Macias during Mass are kept in solitary confinement cells (Macias has proclaimed a "Hymn of the Republic" which opens with the line: "God has created Equatorial Guinea through the will of Papa Macias").

Refugees tell of burly soldiers standing on a man's neck and feet while he is beaten with stout wooden poles until they break.

Orgies of rape in secret prisons and concentration camps are reported, and the tendons of men and women detainees are slashed to prevent any escape attempts.

In this "Haiti of Africa," too, bodies are whipped raw and prison guards, for their own amusement, force their charges to battle each other senseless with clubs.

And torture in Equatorial Guinea has taken on a national flavor. Victims are made to stuff their mouths full of burning-hot chilis grown on the islands, and swallow them with a cup of water. This causes excruciating agony.

Mr. SPARKMAN. Mr. President, will the Senator yield to me briefly?

Mr. MORGAN. I am delighted to yield.

Mr. SPARKMAN. Mr. President, the chairman of the African Subcommittee in the Foreign Relations Committee is Senator CLARK. He is a very able chairman. I do not believe anyone has ever done a more thorough job than he has. I hope that sometime when he is in the Chamber this subject might be brought up again so that we may get his comments on it.

Mr. MORGAN. I shall be delighted. I do not doubt the Senator's sincerity. I just question his judgment.

I questioned it here in the Chamber when we voted to cut off aid to the non-Communist factions in Angola in 1976. And I must say that I continue to be puzzled when I fail to hear the chairman of the Subcommittee on African Affairs speak out against such brutalities that I have described here today when we give so much emphasis to other areas.

Mr. SPARKMAN. I am not always willing to accept everything I read in the papers. There have been some articles in the papers in the last few days referring directly to Senator CLARK with reference to certain reports of developments concerning Africa. I am sorry that the Senator is not present in this Chamber at this time. I have not understood some of the implications, and I have not been able to——

Mr. MORGAN. Does the Senator mean my implications?

Mr. SPARKMAN. No; I mean implications arising from the press reports. I hope very much that the facts about what took place can be made clear eventually.

Mr. MORGAN. I am delighted that my chairman of the Foreign Relations Committee has mentioned this for this is exactly what I am pleading for. I heard Senator CLARK on the NBC program called "The Today Show" yesterday and again on another program last night, and I think it is time that the Foreign Relations Committee conducted a debate in the Chamber so that the rest of us who are not members of that committee can have some access to the knowledge that the committee has and its thinking without having to refer to public news forums on TV, radio, and newspapers.

Mr. SPARKMAN. Let me say to the Senator that there was some discussion in the meeting of the Foreign Relations Committee this morning with reference to the African situation. I believe it was Senator MCGOVERN who brought the question up. Secretary of State Vance was with us. I announced at the meeting that just as soon as this recess is over we plan to have some of the people from the intelligence community to come before us and give us what I might say is called the lowdown. I look forward to that. When it comes about, if the Senator from North Carolina is interested, I shall be very glad to have him sit in with us.

Mr. MORGAN. I thank my distinguished chairman and my good friend, and I welcome that. I might say, though, that I would hope that the discussion would be extended beyond the Foreign Relations Committee because I remember well the debate in the Chamber on Africa in 1976 when there was not a real dissenting voice in the Chamber from the Foreign Relations Committee. Much of the testimony had been taken in secret sessions and then, the Senator will recall, we had a closed session here in the Chamber in which only Senator DOMENICI, who was not a party to the closed hearings in the Foreign Relations

Committee, myself and others, resisted the so-called Clark amendment, but we found ourselves lacking in information because we had not been parties to the Foreign Relations Committee briefings. I understand the chairman's concern and I hope that after he has those briefings they will be made available to those of us who serve on such committees as Banking and Housing, and others, who do not have access to it. When I go back to my constituents in North Carolina they are asking me what is our African policy, and I cannot really tell them because I do not really know except that I know that we adopted the Clark amendment, which does restrict aid only to Angola, but I think the direct effect of it has been to restrain any efforts on our part to assist other areas. Rightfully or wrongfully, I think that has been the case.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. MORGAN. I will yield in a minute when I get through.

I think it is time that 100 Members of this Senate learn something about it. Not one single time have I heard the debate on such matters as this in the Chamber.

Yes, I am glad to yield.

Mr. SPARKMAN. If I may take just another minute's time, let me say that I welcome the comments the Senator from North Carolina has made and certainly will be very glad to pass on any information that we have regarding it.

Mr. MORGAN. I certainly do not mean to imply improper implications by my remarks. I simply say I differed in 1976 with the Clark amendment. I might say that I wrote a letter to the President following he debate on the sale of arms to Saudi Arabia and suggested that maybe this administration might do like the last administration did and try to inform some of us who are not on the Foreign Relations Committee. Back during the Ford-Kissinger days, when I served here, quite often Dr. Kissinger would have a half dozen or dozen Senators down for a round-robin discussion at an early morning breakfast.

Quite often he would call up and say, "Could you get a half dozen or a dozen Senators who are not on the Foreign Relations Committee for a little luncheon so that I can come up and tell you what happened?"

As I expressed my concern to the administration, I was called on to vote on the sale of planes to Saudi Arabia without any kind of briefing except the report of the Foreign Relations Committee, which you know, came very shortly before the debate.

Of course, I made an effort to inform myself, and I did. But I hope there will be a greater exchange with the administration concerning foreign affairs, a greater exchange between the Foreign Relations Committee and the Members of the Senate concerning foreign affairs.

Mr. SPARKMAN. I certainly agree with the Senator.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. MORGAN. Yes, I yield.

Mr. SARBANES. I think the Senator's suggestion that there be a greater exchange between the administration and Members of the Senate is well taken.

Let me simply say I think there has been a great deal of misunderstanding and, maybe even bordering on misrepresentation, with respect to the so-called Clark amendment. All that amendment says is that the U.S. Government will not engage in military operations in Angola without coming to Congress for approval of such activities.

The amendment has been cited erroneously as restricting the President's ability to act in Zaire. That was and is not the case. The President was able to act. All the President had to do under other provisions of law, since the Clark amendment did not even touch Zaire, was to certify that it was in our national security interests, which he did, and he proceeded to act.

So there has been a great deal of misunderstanding about this matter. The administration has acted. It was not restricted, it was not limited.

I do not have any trouble with an examination of the various limitations that exist that the Congress has required. Some of them, it seems to me, are prudent and wise. In all fairness to the very able Senator from Iowa, I think the purport and thrust of his amendment ought to be clearly understood. It dealt at the time with the particular situation in Angola, and it dealt with the question of military operations without congressional approval.

Now, that question can be directly put and Members may reach different judgments. A Member of the Senate may reach, I guess could reach, the judgment that he wants the Executive to be able to conduct military operations without the Congress even knowing about them, and that he is really willing to look the other way and let that go on.

But, of course, what was said, at least in this amendment with respect to this particular country, was that you could not do that without coming and getting congressional approval.

But the citing of that amendment as having relevance with respect to providing assistance in the Zaire situation was totally erroneous and, in fact, the President was able to act and provide assistance.

Mr. MORGAN. I could not disagree with the Senator more because, much to my chagrin, when I came to Washington I learned that legislative history may be much more important in the interpretation of legislation sometimes than even the words of the statute. I disagree with that because in my State we do not cite legislative history. We interpret legislative acts from the four corners of the documents.

But, Senator, I sat here on the floor of the Senate and listened to the debate on the Clark amendment, and it was not limited to Angola. I heard the statement made from right here in the back part of the Senate, "So what if the Communists dominate all of Africa? We still have the Atlantic Ocean between us."

I heard another statement made right here on the floor of the Senate to the effect that, "Oh, the Soviets, the Communists, cannot dominate Africa. No one can dominate Africa."

Well, I agree we cannot, because we subscribe to high moral values. We value human lives. But my experience is such that it teaches me that the Soviets do not have that same regard, and neither do their surrogates.

So I do not think it is unfair, and I do not think it is unreasonable to say—it certainly was not unreasonable for the President to feel—some types or some kind of restraint in trying to aid Zaire in light of the debate that actually took place on the floor of the Senate.

I see the Senator from New Mexico (Mr. DOMENICI) who led that debate, as I said earlier, Mr. Chairman, without any inside knowledge of what went on in the Foreign Relations Committee.

So I think the President would be extremely unwise to carry on military aid or assistance—I am not talking about manpower but equipment—in light of the debate that went on on the floor of the Senate on the Clark amendment.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. MORGAN. I would be delighted to yield.

Mr. SARBANES. First of all, I am not about to assume the burden for any and all statements made on the floor of the Senate. I think that is a reasonable position for me to take, and I would hope the Senator from North Carolina would concede that.

Mr. MORGAN. I think I would.

Mr. SARBANES. If we are going to be put to the task where, in any debate, you have to carry the burden for all of the statements, whatever they may have been, made with respect to the issue pending, then you are going to be carrying an extraordinary burden.

Second, it is clear that the Clark amendment did not impede or prevent assistance to Zaire because the President went ahead and provided it, and no one has contended that his action was illegal or contrary to law.

All I am trying to say is that the Senator from North Carolina may want to get into a broad debate about policy in Africa, but I at least want to be fair to the very able Senator from Iowa in terms of the impact of his amendment.

It is clear his amendment did not affect the situation with respect to providing assistance in Zaire; the President

went ahead and provided it, and no one has contended that his action was illegal or contrary to law.

Mr. SPARKMAN. I am going to have to leave, so may I make just one statement on this? One thing that caused me to wonder just a little bit was a press report which implied that the President had considered asking for a change in the Clark amendment, and then he changed his mind. I do not know just where that leaves it.

Mr. MORGAN. I suspect that the President considered its repeal because of the implications brought about by the legislative history.

I would say that I think the President did hesitate in giving aid to Zaire. I do not know the exact time period because here again I am not on the Foreign Relations Committee and I have not had access to that information. I can only go by what I get from the media. But I would suggest there was some delay, and that probably was brought about by a feeling of restraint.

I would say in all candor that if he does not feel some restraint then the administration has not read the legislative history of the debate that went on, on the floor of the Senate, and that is why I really think those of you who are on the Foreign Relations Committee someday in the near future should have more than a colloquy on this matter, perhaps, a morning debate or so, a series of debates or discussions, on where we are and where we are going, because I do not know, and I am not sure that anyone else knows where we are on this subject.

Mr. SARBANES. Let me just conclude by saying to the Senator that I think it is extremely important that it be understood what the amendment provides. If one of the President's advisers is going to perceive mistakenly that the administration's ability to act is restricted by some amendment that does not restrict their ability to act, I cannot answer for that adviser, except to note he is giving bad advice.

It is also clear that when their mistake was perhaps pointed out to the administration, it went ahead and took acts with respect to Zaire. Acts that were in no way inhibited or affected by the Clark amendment; an amendment which dealt only with Angola and addressed the question of military operations, without the approval of Congress. The question of whether the Executive should be able to engage in such operations without the approval, or in some instances even the knowledge of Congress, is a legitimate issue for discussion.

The Senator from North Carolina and I may come out on different sides in that discussion; I do not know that until we have been through a discussion of it; but that is a different matter.

I think it is very important, in fairness to Senator CLARK, who is one of the ablest, hardest working members of the Foreign Relations Committee and indeed the Senate, and to the supporters of the Clark amendment, to make the point that the Clark amendment had no applicability to the Zaire situation. It has been misstated and misconstrued in the context of the recent problems in Africa.

Mr. MORGAN. Well, of course, the Senator is entitled to his own opinion, and I to mine.

Mr. SARBANES. That is the hallmark of the Senate, I would say to the Senator.

Mr. MORGAN. That is exactly right. I would differ with the Senator, and I would say that I suspect had the President moved swiftly and quickly, immediately after the invasion of the Shaba Province and before massacres had taken place, he probably would have been called to task here on the floor of the Senate.

Mr. SARBANES. Does the Senator, when he says "moved swiftly and quickly," mean with American men, as the French and the Belgians did?

Mr. MORGAN. No, I am talking about with the kind of aid that we later gave.

Mr. SARBANES. I do not think anyone would contend that the supply of materiel alone would have adequately responded to that situation; and, therefore, I think the Senator, in considering an adequate response, is going to have to confront very directly the involvement of men.

As it developed, that problem was met by the French and the Belgians, but I do not think the Senator should delude either himself, the rest of us, or the country that the situation could have been responded to by materiel alone.

Mr. MORGAN. I am not sure about that, but the fact is that we did not, as I understand it, supply materiel for some time; and I think the Senator, if he is inferring that an adequate response meant men, was wrong. But I think our colloquy indicates there is a clear lack of understanding about what our African policy is.

Mr. President, I will return, now, unless there is some further discussion, to the matter which is before the Senate, the Labor Reform Act, S. 2467.

LABOR LAW REFORM ACT OF 1978

The Senate continued with the consideration of H.R. 8410.

Mr. MORGAN. So far I have addressed the Senate about the labor law reform bill in terms of the motivations behind the bill, of the functioning of the National Labor Relations Board and of my concern over the specifics of the bill. Many of my remarks have been general in nature, almost academic. I have expressed by concerns for our Nation and for our system of labor-management relations.

Mr. President, I want to talk today in a more personal vein about North Carolina's perspective on S. 2467. I want to tell you about my home State and about my concerns for my State if this bill is passed as it is now written.

In North Carolina, we have enjoyed unusual benefits and we have been blessed by a favorable climate, abundant natural resources, and a tradition of hard work. We have certain problems remaining, like every other State, and in some areas we have a long way to go. But I am proud of North Carolina, of the progress it has made and of our favorable attitude towards the future.

This past year has been unusually good for our State, by using a combination of tax incentives, aggressive marketing by our State government, and the attraction of a balanced State budget, which is mandated by our State constitution, North Carolina enjoyed its greatest industrial development ever.

If I may digress for a moment, I cannot overemphasize the beneficial results of a balanced State budget in attracting new industry and instilling confidence in investment. I believe that, perhaps, this one factor alone is the greatest asset that we have toward bringing new industry into North Carolina. We are responsible fiscally. Our State revenue bonds have always enjoyed the highest financial rating because we are responsible fiscally; and I hope that Congress can benefit from the model set by North Carolina in its fiscal management.

The result of the State's efforts have paid off. Last year, new and expanded industrial growth was valued at $1.4 billion. One hundred and sixty-three new companies settled in North Carolina and 631 expanded their operations. North Carolina finds itself in the top 10 of just about every rating of favorable business climates.

The benefits of this growth has not been limited to industry. North Carolina has had an unemployment rate of about 4 percent. I want to repeat that. We have an unemployment rate of about 4 percent, and we have been very lucky. I can also state that the intangible things, which we have come to call the quality of life, are excellent in North Carolina. As I said yesterday, North Carolina by some accounts has a very low per capita income. Other analyses, made by repected economists show that in terms of disposable income, we rank 17th in the Nation, ahead of New York, New Hampshire, Massachusetts, and Vermont. We have a good and hard-working people and their physical drive and moral fiber are great.

As I mentioned in an earlier address, one of the great pharmaceutical companies of the world has plants in North Carolina, and one day the president of that company came by to advise me that they were going to expand their facilities.

Being in a somewhat facetious mood, I said to him that I was not sure I would like that, especially if they were going to bring outsiders into North Carolina.

He told me, "We're not going to." He said:

> We export workers from North Carolina to our other plants. Our productivity in North Carolina is the highest of all our plants around the world.

Mr. President, that is one factor that attracts industry to North Carolina. We do have good, hard-working people.

Now I do not want to simply praise my home State, but I did want to give you a picture of our situation. I wanted to let you know the conditions in North Carolina as a means of explaining my State's reaction to this bill.

THE PUBLIC DEBATE

Mr. President, since January of this year, I have returned to my State at least once a week. I have traveled from the coast to the mountains, and I have never been approached more often and with more intensity than on this legislative proposal on labor law reform. Businessmen, disinterested constituents, employees and union members have talked to me about one issue—the labor law reform bill. Every citizen in the State appears to be aware of the bill, and is taking part in the struggle on this issue.

The discussion has at times been difficult and rough. Early on, there was a lack of understanding, but now I believe there is an almost unified voice speaking against this bill.

I have traveled to the State and I have sought the input of business groups, of unions, and of North Carolinians who have no direct involvement in labor-management relations. I have listened to both sides. Both have expressed their basic support for their Senator. I can compliment the unions in my State for their reasoned arguments and understanding, and I can compliment the union leadership in my State. It is a progressive leadership. The leaders not only seek and strive to improve the plight of our union members and workingmen in North Carolina, but they have worked many times, and most times, hand in hand with the Government and with business to improve productivity, because of that basic work ethic which exists in my State. They know and we know that we have to work together, and that business has to make a profit for labor to profit. So, while we differ on this particular bill, I compliment them for their very logical and reasoned arguments on behalf of it. I believe that our unions, either native to North Carolina or brought in by new industry, are honest and responsible, and I am proud to count them among my friends. I have explained my position to them and we have had a good give and take.

Now let me briefly set forth my views of this bill's impact on my State.

DELAY SECTIONS

With regard to the delay sections, let me say that those sections of the bill will have their most dramatic impact on small businesses, which make up the bulk of North Carolina business. I believe that they will be hit hard by organizing efforts fostered by this bill. My fear is that many will close.

Let me relate one story to you. A group of black businessmen came to see me. They were all proud men, proud of their accomplishments and their success in the business world. Most of them had started their own businesses and made them into profitmaking enterprises by their own sweat and labor. They came to me to ask me to resist this bill. I responded that I thought this measure was aimed at increasing union organization and thereby, according to proponents of the bill, benefiting minority groups. After speaking to me for a few minutes, they showed me the error of my thoughts and of this bill. What they told me was that this bill would give additional power, or the potential power, to unions to organize in small businesses and to weaken the ability of small companies to resist. In short, they felt the bill was biased. If small businesses were forced to unionize, the impact may adversely affect, they said, black employment opportunities. They feared a doubling of the unemployment rate among blacks in North Carolina.

As an interesting observation, they feared that unionization of some of these small industries would adversely affect the mobility of blacks on the upward scale of management. Minorities are moving up into management and into supervisory and responsible positions to a much greater degree in North Carolina than they are in many of the heavily unionized States where we all know that blacks have been discriminated against.

In North Carolina, these businessmen noted that there are 91,772 small businesses. If unionized, operating costs, according to their estimates; would increase by about 9.3 percent. Primarily, the cost would go to additional staff to handle labor-management relations. Many small businesses, including minority businesses would be forced to shut down. Overall, they noted that any slowdown in industrial development would ultimately affect the black community.

Now much of what these men told me was speculative and no one can predict the future. On the whole, I do feel that this bill will give an impetus to organization efforts among smaller enterprises and ultimately drive many out of business. I am not predicting any horror stories, but I do feel that this result is inevitable. It concerns me, just as it concerned these businessmen, because small business is suffering in this country under a burden of Federal regulation and paperwork costs. Last year, it was estimated by the Commission on Federal Paperwork that small employers paid about $3,000 a year to comply with governmental requirements. I am afraid that many small businessmen will go out of business and many potential small business operators will choose not to bear the increased costs.

Let me digress for a moment, Mr. President, and say that a good many of my industrial friends could have taken a lessen from these small businessmen who came to see me. They did not come to demand that I tell them immediately how I was going to vote on any given issue involved in this bill. They came with a very clear and logical understanding of the bill, made their presentation with examples, and then asked that I consider their arguments and their presentation. I repeat that a good many of my friends in the industrial world could learn a lesson from these very effective representatives of the small business community.

EQUAL ACCESS

While the delay section will have its most important impact on small businessmen, the "Equal Access" provision will adversely impact every employer. North Carolina has a strong respect for personal property. The fact that this bill makes a rule out of a remedy, and that the remedy is governmental management of the workplace, is simply too much for our people. Uniformly, this provision has been singled out as one of the two most injurious parts of S. 2467, the bill before us.

(Mr. MELCHER assumed the chair.)

Mr. MORGAN. Mr. President, I expressed my personal concern with this provision the other day. Now let me repeat my concerns and the concerns of my neighbors in North Carolina.

The Raleigh News and Observer noted this past Monday in an editorial, not wholly adverse to this bill, that—

> The Senate should reject the provision giving union organizers equal access to company property and equal time to talk to workers prior to an election. This broad step seems unwise, contentious and perhaps even unworkable, as well as a sweeping infringement on the uses of private property.

This, Mr. President, from a newspaper whose whole history has been the spokesman for the working people, for the average person of our State.

I would like to read to this Senate a letter I have received, one of many about S. 2467. It was hand written and expresses a very good knowledge of the issue of equal access. I am going to read it exactly as it was written.

> DEAR SIR: I am writing to voice my displeasure over the Labor Reform bill now before you. Anytime you have a quick election one side will not be fairly represented.
>
> Both sides and the employees need time to make up their minds. When a short period of time is involved a few highly emotional issues could decide the outcome of the election. Giving equal time to the union on company time and property is highly unfair to the companies. Why should the company have to foot the bill for a union who is trying to take over partial control of their company. Common sense would tell you what would happen if the NLRB is given the right to dictate monetary terms when the employer is accused of refusal to bargain.
>
> Sincerely,
>
> EDWARD WOOD.

I believe this supports the grass roots knowledge and opposition to this bill which I have spoken about. This letter is just one of the several thousand I have received. To me, it reflects a genuine concern and fear.

REMEDIES

The remedies section of this bill is considered with less concern in North Carolina. Naturally, in a State where unionization is low, concern for remedies is less severe than with those portions of this bill which deal with elections. Let me state this point clearly. Almost every employer I have met in the State has emphasized the importance of fair election guidelines. This is critical to them

and they have made it clear that the election guidelines and the equal access provision are the most threatening of this bill. They have told me, and I believe them when they say, that if a union should win the right to represent their employees, then they would bargain in good faith and attempt to live with the union. This statement was made in good faith and I believe it. The only evidence to the contrary has been a few outstanding cases, perhaps, six in number, which somehow have come to condemn the entire business community.

Of all the provisions of this bill, the make-whole provision appears to be the most coercive. The fear of this remedy, even if it is as limited as Senator JAVITS feels it is, is sufficient to intimidate employers and especially small employers, in my opinion. The purpose of the National Labor Relations Act is to facilitate collective bargaining, not to coerce it, not to preempt it and not to hang a sword over the head of one of the participants. The argument that the remedy applies to both sides is very weak. If it did apply to both sides, then I must assume that a union could be forced to pay employees what they would have made but for the failure of the union to bargain in good faith. If this be the case, then perhaps there is an argument that the proposal is fair and just. I have yet to hear such an argument.

GENERAL CONCLUSION

Mr. President, I have spoken several times on this bill. I have expressed my views on the spirit of this proposal and on the mechanics of the various provisions. I can tell you that I am serious in my views about S. 2467 and that I am concerned about its impact on our labor-management relations. I stated early on that I am not favoring one side in this matter; what I am favoring is a labor law which is just, balanced and equitable.

I am against this bill because it goes too far, it makes policy determinations which I believe to be ill advised and because it simply does too much.

I shall continue to listen to both sides in this debate. The distinguished Senators from New Jersey and from New York have been courteous to me and I thank them for that. Senator JAVITS had a very good point yesterday when he noted that fear of extensive use should not deter us from creating new remedies. I agree that if there is a need, then we should create new remedies and expect them to be used. My point has been that the need is not there, that many of these provisions go against the intent of the bill, which was to cure delay, and that in creating so many remedies, we may be imposing an unreasonable burden on the National Labor Relations Board and the Federal courts.

Many of my colleagues have come to me and said that they feared that a vote on this bill would cast them in the role of being antiunion or antibusiness. I told them that, to my mind, there is only one side to consider in all this. That is, ultimately, the side of the employee. The National Labor Relations Act was created to protect the rights of employees, not employers or unions. So long as I am proemployee, then I feel that I am on steady ground.

In opposing this bill, I believe that I am working for employees. If the end product of this legislation is to harden employer attitudes toward their employees, then it will injure employees. If the bill encourages unions to create situations that result in debarments and employees lose their jobs, then it will injure employees. Both of these are real possibilities and consequences that we can avoid by opposing this particular bill.

I believe that we have a good system of labor laws which provides ample opportunity for unions to organize, and which has reduced the number of major law violators to a very small number. It has encouraged employers to turn their attention away from fighting unions and toward improving the lot of their employees.

I said I wanted to address North Carolina's concerns in this matter and I do want to end on that note.

My constituents are sincere in their concern about this bill. Their outrage has been expressed in mail to me which is easily double the mail I received concerning the Panama Canal issue.

In the thousands of letters that have been sent to me about this bill, I believe that three major sentiments have emerged. There is concern that a few extreme cases of lawbreaking have brought down a labor law reform bill aimed at stopping serious violations, but which will impact on every employer, whether that employer is guilty or not. There is outrage that this bill has been presented, both openly and in private, as a means of equalizing all conditions in the South and preventing economic growth. Earlier in my presentation this week, I quoted statements made on the floor of the House to that effect. There is also a mood of what can be called factionalism. I believe that this issue has sparked support for radicals in both the labor and business communities. This is a dangerous trend and it will inevitably injure our labor-management relations.

Mr. President, I can say to this body that I join in the distress and concern expressed by my constituents. I shall continue to listen to both sides in this debate, and I shall continue to look at these proposals from the perspective of a North Carolinian.

Mr. LUGAR. Mr. President, I am certain that all of us in this body appreciate the debate that has transpired, on this ninth day of debate, on labor law reform. I want to make some comment specifically about the amendment offered this morning by the distinguished Senators from Kentucky (Mr. FORD and Mr. HUDDLESTON) and the amendment to that amendment which was offered by the distinguished majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD).

Specifically, the amendments are addressed to the so-called small business problem with this legislation. It is apparent that much of our debate has centered upon the impact of Senate bill 2467 on small business in this country. As a matter of fact, it is admitted, I believe, by those who are proposing the bill, and certainly affirmed by those of us who are opposing the bill, that the legislation which we now have before us and prior to amendment, could have serious impact on small business in this country. The amendments that have been offered are, first of all, the original basic amendment by Senators FORD and HUDDLESTON to provide some counsel through an ombudsman for a small businessman who might have a case in front of him in which he needed counsel. A point made by many of us, both for and against the legislation, has been that many small businessmen cannot afford substantial legal counsel, or, at least, if they obtain this counsel, might jeopardize the whole business. Certainly, the ombudsman amendment is an attempt to try to bring about some equity with regard to the small businessman.

Certainly of importance is the amendment to that amendment offered by the majority leader, which, in essence, would put into law the standards of jurisdiction for the National Labor Relaitons Board which have become a part of procedure through various precedents, through various cases, various standards that have been discussed and brought about administratively.

I want to say at the outset, for my own part, that I believe that these amendments are constructive and, as far as I am concerned, it would appear to me that a large majority of Senators in this body would be in favor of these amendments. In fact, it may very well be that the feeling would be almost unanimous. Therefore, I suspect that we shall move fairly rapidly, when the Senate comes back on June 5, to consideration of these amendments and probably shall have a number of supportive speeches in behalf of them.

One can ask, why would there be such a feeling of unanimity with regard to these amendments? I can only reply that I think it is fairly obvious that these amendments, specifically the one of Senator BYRD on the ombudsman, may advance the state of the art somewhat. But the amendment with regard to the standards essentially ratifies the status quo. One could argue that the National Labor Relations Board could, in an arbitrary way, upset its standard and move off hither and thither. But the facts of life in terms of this bill are that essentially, both sides have been taking for granted, I believe—at least as a commonsense matter, we should have been—that 75 percent of the small businesses of this country are going to be exempt. They are, for all intents and purposes, now exempt. If codified into law, this may make it even more certain that they will be exempt.

The thing simply needs to be stated, I think, that baldly, because very clearly three-quarters of the businesses in this country—and I might add that those three-quarters of the businesses in this country approximate over 3 million businesses—have an average number of employees of less than five. We are talking about a very small business with regard to the 75 percent which are to be exempted.

I would submit, Mr. President, the argument on small business during the debate on S. 2467 has not been about three-quarters of the businesses. I know of no one in this body who has seriously been suggesting that the NLRB or that organized labor ought to be devoting substantial amounts of time to the organization of businesses that have an average of five employees or less.

What we have been talking about, Mr. President, are the 25 percent of the businesses of this country that are not exempted by the Byrd amendment that will remain grist for the mill. And that 25 percent has been what we have been talking about for 2 weeks and will be continuing to talk about, I presume, for a while longer.

Just so that we can clear the air with regard to the importance and the impact of the Byrd amendment, let me say that it is always useful to bring into legislative language what has been administrative practice. It is useful to point out for those who may not know that 75 percent of the businesses in this country are very small, five employees or less, on an average, and will not be part of this procedure.

But the small businessmen who have been writing to me are people who are going to be affected by the law even as amended.

I suspect it is just as well that we proceed back to our constituents at this point and make very clear that we are still talking about, in S. 2467, the other 25 percent.

It may be that in due course, Mr. President, constructive amendments will be offered that will deal with the other 25 percent.

If we take for granted that at some stage after a suitable hearing by our colleagues that the Byrd amendment is adopted and that the Huddleston-Ford amendment is adopted, and I would predict that is probably going to be the case without a great deal of contention, then at that stage, having established the status quo, and these amendments do more than put in print the status quo, no change except for those who believe it is significant to go from administrative language to legislative language, even then we do so in an amendment to the Senate bill. That raises a fundamental question that I simply want to leave as a part of the debate today.

On this whole idea of amendments, for my own part, I see no objection to the offering of amendments that are constructive and, for that matter, to the acceptance of amendments that are constructive. It may very well be that we shall be able to entertain and adopt a great number of amendments that make this bill a much better one than the one that now lies before us unamended.

I suspect, and I address this thought respectfully to the floor leader, the distinguished Senator from New Jersey, and to others who are proponents of the bill, those of us who are in opposition to S. 2467 still have very real doubts about the conference procedure. By that I simply mean that we are in a parliamentary situation in which the House of Representatives has passed a bill. It is a bill that we do not find appealing, to say the least.

Before us, we have a bill which is unamended and which may be amended at some point, which may lead to differences that the conference committee would consider.

The entire establishment, and I use this word advisedly, in quote, "the establishment" with regard to labor law and procedure in this city of Washington, D.C., the Nation's Capital, comprised, of course, of the committees that deal with labor affairs on the House and Senate sides, with the Department of Labor itself, and in this case with the support given by the President of the United States and the White House, and the rhetoric that has come with regard to this legislation from all these groups, has had a very strong tilt toward the organization of employees and a very adverse tilt to small business.

This morning, in the amendment offered by the distinguished majority leader, there is an initial doffing of the cap to small business, even a hope on the part of the distinguished floor manager of the bill and the ranking Republican member on the Human Resources Committee (Mr. JAVITS), that this sort of clears up the small business issue. Obviously it does not clear it up. It recognizes that it is there, sort of puts in the status quo situation as it stands.

But I would hope that Senators would understand, I am certain the country will understand, why those of us who are skeptical about the amendment procedure as we take a look at the composition of the Human Resources Committee, the strong sense of commitment, idealism and advocacy of the members of that committee as they meet with their counterparts, not simply with regard to this bill, but with a lifetime of advocacy, that we would have some disquieting thoughts about how much of the work and deliberation we may have here might come about.

For my own part, I am perfectly willing to take a wait and see attitude, to see with regard to amendments that are offered by the proponents of the bill as they attempt to obtain greater support. But I think it is fair to say that, as of the moment, the particular amendments offered today have not changed the votes, not made a difference with regard to those of us who are in favor of or opposed to this legislation in total.

I would say that we are delighted we have moved on to a constructive spot. But we are hopeful that will be the harbinger of a good bit more because simply to put in the status quo language does not make a whole lot of difference, aside, conceivably, from a toe in the water, a first stirring around to see if anybody will move, wiggle, or take any other activity at this stage.

We would suggest, after the first stir was over, it appears this is something which we can settle back and begin to wrestle again with the substantive issues of the bill.

I shall not take the time of my colleagues to reiterate all of them again today.

But we do look forward to continued debate following the recess. I am most hopeful we can be given some greater reassurance with regard to the final resolution of amendments in the conference committee, what assurances there are that any action that might be taken on this floor might find its way into law, and I would say that that is the heart of the matter with regard to acceptance by those of us who are in opposition at this point to S. 2467 that we see before us.

Mr. President, I yield the floor.

Mr. WILLIAMS. Mr. President, first and very briefly, I would like to make some comments addressing the most recent statements of the Senator from Indiana.

It does not surprise me, knowing and feeling as I do about what our bill does, that he minimizes this amendment.

In debate here over these many days, the opponents of this bill have recited many extreme consequences that would follow upon enactment into law. There are many themes. Let me just deal with one, and that is the projection of expanded jurisdiction, of the National Labor Relations Board reaching out and encompassing more and more small businesses.

The record is replete with these predictions. First, it is argued that if this Board is expanded from five to seven members, we can expect, it is said by some of the opponents, a packing of the Board with pro-labor members. We also hear that with these additions to the Board, and with Mr. Fanning's statement of sometime ago, we will have a change of jurisdiction guidelines and standards, and there will be this reaching out into an area not now jurisdictionally accepted by the Board.

We have heard all this and we tried to use logic and the record to ease those fears, but it came back like waves upon us. The floor manager of the opposition, the Senator from Utah, was eloquent on many occasions. He described, at long length, the Board's jurisdiction arising out of the commerce clause, and National Labor Relations Act, and said:

All small business is covered under the National Labor Relations Act. There is no one that is exempt, not even the sole proprietors, even businesses with less than three employees. Everyone is covered.

Then he develops the real possibility, not just once but over the period we have been debating, that this Board—with that authority, is going to reach out and encompass those small businesses not now under the jurisdiction of the Board.

I should like to cite an exchange that the Senator from Utah had with the present occupant of the chair, the distinguished Senator from Montana (Mr. MELCHER). The Senator from Utah said:

> The present chairman of the National Labor Relations Board has been on the board for in excess of 20 years. He is on record as being for expanded jurisdiction. In other words, he wants to expand the board's jurisdiction by narrowing these guidelines. I believe we are going to find that, regardless of what happens here, the guidelines will be narrowed; but if they are not, 76 percent of all employees in the United States are covered by this bill.

The Senator from Indiana says that it does not do much, but it does do much in terms of the fears we have heard expressed in this Chamber during debate on this bill. It makes crystal clear that we are not going to disturb jurisdiction, and that jurisdiction already excludes 78 percent of all enterprises. That is the way it is going to be and it is not going to be changed. Comes the Senator from Utah (Mr. HATCH) who says, "No, no. It is going to be changed, and the record is here. John Fanning says it is going to be changed, and you are going to pack the Board with two pro-labor members."

We pointed out that President Carter has made two appointments: Fanning, a reappointment; Truesdalc, a career Board employee. There is nothing in their backgrounds of being advocates of either side. There is nothing to suggest that there is going to be any ideological difference. There never has been a union lawyer put on the National Labor Relations Board. I do not think it is quite true of the other side. I believe there have been several management background lawyers put on that Board.

We tried to persuade and we did not succeed. This amendment came in here, to make it beyond peradventure solidly the law that there is not going to be an aggrandizement of jurisdiction.

The Senator from Indiana, with good conscience, and without any blatant inconsistency, can say it does not do much. But I wish the Senator from Utah were here to say the same thing, because he knows in his mind, to be honest with himself, that he has to say that this amendment does plenty. He has to know that it should do much to allay all those hobgoblins and put them away; because this will fix the status quo, it will be fixed in law, which is not now the case.

There has been another recurring theme here, referring to another part of the discussion of the Senator from Indiana, the projection of things to come when we get to conference. The other day I was saying "when and if we get to conference." Now I am saying—because the Senator is talking about the conference—"when we get to conference with the House on this bill."

There is some idea that, if the amendments are agreed to here, those that reflect the changes that come about through the long debates we are having, that somehow those amendments will be lost in conference, because obviously the House does not come close on some of these things, such as fixing jurisdiction, the one we just discussed. So now there is the prediction that they are all going to be lost in conference.

For the new Members of this institution, I like to recall the history of this committee in conference with the House. I have been on conferences for many years and in the position of chairman of our committee for 8 years. One of the major matters we brought, when I had the chairmanship of the subcommittee—and we send our subcommittee members to conference—was the Coal Mine Health and Safety Act. As I recall, there, too, we had probably a longer period of consideration of that bill than the House did, longer discussions here, longer time in the committee, a longer period of gestation of the ideas that would go into the bill.

We got to conference. I can say—historically, I am certain of this—that we were faithful, going into that conference, to what the Senate did. Under the rules of the Senate, we had better be or we could be severely censured. Going in, we were faithful; and the House, going in, was faithful, too. But in the process of the conference, if there is going to be any result, there have to be accommodations. Call them compromise, call them what you will; somebody has to give, somebody has to add, and that is the conference.

The record will show that our processes here of developing that bill had perfected a piece of legislation with which, with earnestness and vitality and high persuasiveness, we could persuade the House; and most of those matters of the greatest difference came our way.

We started back in 1969, when I had the position of chairman of that subcommittee. I cannot recall any bill on which our committee has gone to conference with the House on which we have not been able to come back to the Senate, present our conference report, and get an acceptance by more than a majority, generally unanimously.

I am not only addressing myself to these areas of labor-management and labor conditions. Whether it was minimum wages, whether it was occupational safety and health, whether it was other conditions of employment, such as—age discrimination and mandatory retirement, we have come back here and have been able to present to the Senate a conference report that did not have to produce another filibuster, at the maximum, or long discussion, at a minimum. We presented a product; and our colleagues recognized that we had been faithful—and had been successful in being faithful—to the Senate position.

We have had an opportunity on this bill that is unlike the situation in the House. We have had an opportunity to have longer deliberations. I am now speculating, but it seems to me that our longer deliberations have made us work harder in fashioning and developing the final product.

And when we get to conference that will have a persuasive effect, I would think, on House conferees. They will have known that we have had to finally look at every provision harder and longer than the process in the House of Representatives permitted. So I would think that if there are real anxieties, while we cannot write a contract and we cannot put in an amendment that we will say every word of this Senate bill will be the conference report, I think we can say that people can put to rest that hobgoblin, fear, and anxiety that all that is fashioned here will be lost in conference. I can be sure it will not be.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. WILLIAMS. I am happy to yield.

Mr. JAVITS. I just wish to associate myself with the Senator's remarks.

I shall not take more of the Senate's time. I have said the same thing time and again. It bears repetition, in light of the fact that we are moving into the amendment stage with the amendment which has been introduced today, and I express my every intention to carry out the responsibility which I consider to be a prime responsibility of a conferee, to wit, the fidelity, insofar as it is humanly possible, to the measure which has been passed by the body which one represents in the conference.

I join Senator WILLIAMS in these sentiments.

Mr. WILLIAMS. I thank the Senator.

Mr. President, I do not think that anything is more frustrating to the victims of illegal conduct than to take their case to the agency of the Government which is established to protect them, and then have to wait for years while their Government struggles to get them relief.

This is particularly so with the National Labor Relations Board, victims of illegal conduct must wait for years while the Board ties itself up in bureaucratic redtape, and then disentangles itself. And perhaps, the most bureaucratic of the Board's procedures is the backpay process, as J. C. Hindsley of Tennessee was to find out.

WHY AMERICA'S WORKERS NEED LABOR LAW REFORM, CHAPTER 8

This is the eighth of a series of personal experiences of workers who have suffered under the present bureaucratic procedures of the Board. I wish to bring this case to the attention of the Senate.

In 1969, the employees of McCann Steel Co. of Nashville, Tenn., voted to have the Ironworkers' Union represent them in collective bargaining. The company, however, refused to bargain with the union, and on May 14, 1970, the workers went out on strike.

J. C. Hindsley was a draftsman, and was not in the unit represented by the union. On June 3, 1970, Hindsley was fired after he refused to do some weld-

ing, which was normally done by one of the striking workers.

Hindsley filed an unfair labor practice charge that same day, and on July 14, 1970, the Board's regional director issued a complaint against the company.

There was a hearing before an administrative law judge, who ruled that Hindsley's discharge was illegal. The full National Labor Relations Board affirmed the law judge on April 23, 1971. The Board ordered the company to reinstate Hindsley and give him backpay.

On May 12, 1972, almost 2 years after Hindsley's illegal discharge, the U.S. Circuit Court of Appeals for the Sixth Circuit enforced the Board's orders.

But J. C. Hindsley's ordeal was just beginning. He still had ahead of him the torturous path toward his backpay.

Since the decision of the circuit court, enforcing the Board's reinstatement and backpay order, Hindsley's backpay has been subject to two hearings before an administrative law judge, three more decisions by the National Labor Relations Board, and three more decisions by the court of appeals.

I will not relate for the Senate the torturous movement of Hindsley's case through this bureaucratic nightmare.

But, I will discuss for the Senate, the issue that has been holding up the simple matter of Hindsley's backpay for nearly 6 years.

Under the current law, Hindsley, who was the wronged party, had the duty to mitigate the backpay liability of the employer who had illegally fired him and the issue is whether he willfully increased McCann's damages by not accepting enough overtime work from his new employer.

And the issue which has separated the Board and the employer for 6 years the issue which has been up and down between the law judge and the Board and the court for all this time, is who has the burden of proving that Hindsley did not accept all the overtime he could have, Hindsley, the Board, or the employer.

That is right, Mr. President, J. C. Hindsley has been through a 6-year ordeal, because the Board and the employer are haggling over who has the burden of proof on the mitigation of damages—Hindsley or the employer who had illegally fired him.

And, Hindsley's ordeal is not over, he has still not received his backpay.

Mr. President, how can our citizens have respect for the law, when they see how long it takes to get simple redress of a wrong? How can our law deter illegal acts when the wrongdoer can delay redress, seemingly forever, and the party suffers on?

If H.R. 8410 had been the law, this would never have happened. H.R. 8410's backpay remedy cuts through this bureaucratic nightmare. It provides a simple measure of damages, and the only deductible is what the discharged employee actually earned in the interim. There would have been no need, under this bill, for the Board and the courts to wrestle for 6 years over the question of who had the burden of proving what the wronged party might have earned.

Mr. President, I submit that it is cases like J. C. Hindsley's that labor law reform is all about.

I yield the floor, Mr. President.

Mr. LUGAR. Mr. President, I appreciate the comments of the distinguished floor manager of the bill in response to my comments earlier, and I simply say in defense for a moment of my colleague from Utah, Senator HATCH, that the quotation he quoted on expanding Board jurisdiction by John Fanning, Chairman of the Labor Relations Board, was not an old quote, although Mr. Fanning may have made similar comments in the past, but this particular speech was given on May 11, 1978, which is not too long ago.

And I think it is fair to say to the Senator from New Jersey that his characterization of my colleague's comments was correct based upon, in part, Fanning's statements, and others, so to that extent, of course, the Byrd amendment does relieve those fears.

I suppose we have this predicament still, and as my colleague from New Jersey has mentioned it may be a very difficult procedure to bring about the degree of assurance that is required of conference procedure. As my colleague from New Jersey suggested as we talked about the conference, I was suggesting that a conference is almost in the offing, and I am not one to misinterpret it in that respect. It would appear to me that is some ways down the trail depending on whether the bill passes, but at the same time clearly even the Byrd amendment, and that may finally be adopted by all of us with some acclaim, is not certain in terms of its path through that conference. I think it has a pretty good shot at it, all things considered, given the author and the steam that he would have in both Houses. But our predicament, I think, on this side of the issue, not necessarily on this side of the aisle, is that the Human Resources Committee of the Senate has a pretty strong viewpoint on this bill. The bill came out of the committee 13 to 2.

One of the reasons why those of us who are not members of the Human Resources Committee and who have been involved actively in this debate have something less than overwhelming confidence about the conference committee is it is customary that people who are members of the committee of jurisdiction to form that conference, and I suppose that some greater assurance is going to be needed for all of us to be happier about the prospects of this bill than a recitation of previous pieces of social legislation in which the distinguished Senator from New Jersey and others have been involved. I do not think that really ultimately is going to be convincing to those who are opposing this bill.

I would hope that constructively the floor managers and others might be thinking ahead as to what sort of assurances really are possible or whether, in fact, we must accept on blind faith somehow that the House might acquiesce and the beliefs of the proponents on the Senate side might be adequate, because that might be judged not enough and we might have no bill.

So we are hopeful, and I appreciate very much the colloquy we have enjoyed this afternoon.

I yield the floor.

Mr. MATSUNAGA. Mr. President, I rise in support of S. 2467, the Labor Reform Act of 1978, and in support of unprinted amendment No. 1323 offered by the distinguished majority leader, Mr. ROBERT C. BYRD, and of which I am a cosponsor.

In doing so I intend to address in some detail several issues which, in my judgment, have become a central focus in the debate concerning the bill's relative merits.

To summarize briefly, as I understand S. 2467, the primary purpose of this legislation is to expedite the procedures and augment the remedies under the National Labor Relations Act. The National Labor Relations Board is expanded to enable the agency to meet its increasing caseload, and the Board's operations are restructured to reduce delays in unfair labor practice proceedings. The Board is directed to utilize its rulemaking authority in an effort to speed the resolution of unfair labor practice cases and of representation cases, and to establish fair campaign procedures.

Further, the bill requires the Board to seek preliminary injunctions where employees are discriminatorily discharged during an organizing effort or a campaign to deauthorize or decertify a union, and to fully compensate such employees. I would point out, Mr. President, that under existing law the Board is under a mandatory duty to seek preliminary injunctive relief to abate certain unlawful actions by unions, most notably secondary boycott cases. The bill therefore, would provide some balance in the area of extraordinary relief mandated to the Board. The bill also provides a "make-whole" remedy for employees when an employer unlawfully refuses to bargain with a newly certified union.

It should be noted, however, that the bill does not change in any respect the present rules regulating the relationship between already organized employees and their employers. This separate complex body of law whose purpose is to set an even balance between employers and organized employees is left undisturbed. As the Washington Post so aptly editorialized, S. 2467 merely provides "fine tuning" to an existing machinery.

Mr. President, before embarking on a substantive discussion of these issues, I feel compelled at the outset of my remarks to make an observation which, I regret to say reflects poorly on the legislative process and perhaps even sets an unfortunate precedent of things to come in the months ahead. As you know, Mr. President, no other piece of legislation proposed during this session of the 95th Congress has generated more constituent interest than this bill. As I continue to monitor and review the comments contained in communications which pour in from practically every State in the Union, it has become increasingly clear to me that several "grassroots" pressure groups, in their

zeal to defeat the proposed labor reform legislation, have blanketed the country with a blizzard of irresponsible and distorted misinformation about the bill—what it does, who it will effect, and how much it will cost the American consumer.

In point of fact, Mr. President, I have received literally thousands of cards, letters, and telegrams from sincere and well meaning Americans asking me—and I think rightly so—to vote against any bill "* * * that promotes compulsory—pushbutton unionism." For the record, let me state very emphatically that, I for one, will oppose any bill that comes before this body for consideration proposing "pushbutton-compulsory unionism." I am certain that the opponents of "pushbutton" unionism will be pleased to learn of my position on this matter and I am sure they will be greatly relieved to hear—correct me if I am mistaken, Mr. President—that such a bill is not now pending on the floor of the Senate and subject to debate here today.

The bill currently before us, S. 2467, the Labor Law Reform Act of 1978, represents in my judgment, a very modest, straightforward, but long overdue revision to the National Labor Relations Act. Simply stated, its enactment is needed to maintain the integrity of the existing body of law governing labor-management relations and collective bargaining in the private sector.

Unfortunately, Mr. President, the real issues of rights denied to workers, of widespread avoidance of existing law, and of the lack of its effective enforcement are being lost behind a cloud of rhetoric and denunciation that is becoming more and more heated as it becomes less and less factual, I am particularly concerned, Mr. President, over the strident tone and emotional intensity of the voices outside Congress which orchestrate the opposition to this bill.

In the months since this bill was introduced, the public debate on the question of labor law reform has been to a great extent derailed. What began as a low key, very modest effort to strengthen a good law, has been turned into a major legislative confrontation. The issue is no longer reform of a good law. For many it has become an out and out opportunity to crush the institution of trade unionism. Mr. President, I am very deeply troubled by the tactics being instituted by the opponents of this measure to bring about its defeat.

The campaign to denigrate the unions and those who support labor law reform is regrettably characterized by the effective use of extreme rhetoric and emotion-laden words and phrases.

I ask my colleagues to direct their attention for a moment to just a few examples of these statements: Is the bill which we are debating here today really a "monstrosity"? Is it a "vicious" bill? Is is "reprehensible"? Will it really give "excessive new power to union bosses"? Will it "force hundreds of thousands more working men and women into unions against their will"? And how about small businesses? If the National Action Committee is to be believed, the bill is a "rip-off," and the U.S. Congress is intent on "killing small business as we know it today."

I wonder if it would add anything to the quality and integrity of this discussion if I stood here today and made a desperate plea that "sinister anti-democratic, ultraconservative forces are right now marshaling their resources for a final 11th hour attack to defeat this bill"? What purpose would be served by the use of such language? Mr. President, I am certain that you and my colleagues will agree that words and phrases such as these have no place in this debate and we diminish the respect for this body when we resort to their use for purposes of emphasis and dramatic effect.

Mr. President, the efforts of the National Right to Work Committee and the National Action Committee to mobilize small businessmen against this legislation, I believe, are most instructive in this regard. Permit me if I may to highlight a recent interchange that took place here on the floor of the Senate on Thursday, May 18, 1978 between the bill's floor manager, the distinguished Senator from New Jersey, Mr. WILLIAMS, and the opposition leader, my colleague from Utah, Senator HATCH.

Mr. WILLIAMS. I wonder if the Senator (from Utah) will agree with this statement? The bill you have before you is a bill that will put more small businesses out of business than anything else that Congress has ever done in the last 50 years.

Mr. HATCH. I believe that approaches the truth. I think this bill is devastating to small business. Dr. Rinfret says it. Small business says it. Yes, I think that is true.

Mr. WILLIAMS. That was said on June 19, 1935, by Representative Blanton of Texas, and he said it when the Wagner Act, establishing the National Labor Relations Act was being debated.

Mr. HATCH. I am not debating the Wagner Act but debating this act.

Mr. WILLIAMS. It was after the Wagner Act that small businesses mushroomed, tripled, quadrupled. Your idea today is the idea that Blanton had in 1935, and I tried to explain that this is not a bill that is going to crush small business because 78 percent of small business is not even covered in the National Labor Relations Act.

Mr. President, I call attention to this dialog because I feel it serves to illustrate the plain fact that the opponents of this bill outside the Congress are determined to destroy it and will say almost anything their imaginations and their public relations personnel conjure up to discredit it, no matter how far off the mark they may be.

Let me be more specific. I have found that there are several dominant themes that run through the more thoughtfully written letters I have received in opposition to this bill. Almost without exception the constituent's objection to the proposed legislation is based on a misconception or misunderstanding about the legislative intent of the bill.

For example, as noted earlier, one of the most frequent misconceptions reflected in my mail is the suggestion that this bill will have a devasting impact among small businesses. The fact is, there are no provisions in S. 2467 which affect small businesses more than large businesses. The size of the firms over which the National Labor Relations Board asserts jurisdiction is not changed by this legislation. Recent figures supplied by the National Labor Relations Board show that only 22 percent of all firms are covered by the NLRB.

However, Mr. President, in view of the continuing concern that somehow this bill might adversely impact small businesses, our distinguished majority leader today has wisely introduced—and I have joined him as a cosponsor—unprinted amendment No. 1323, to printed amendment No. 1768. This amendment will accomplish two significant objectives. First, it will create within the Office of the General Counsel of the NLRB an ombudsman charged primarily with the responsibility for gathering and disseminating information to persons covered by this act and particularly to small businesses.

Second, it will have the effect of codifying those jurisdictional standards administratively set by the NLRB as of May 1, 1978, thus precluding the Board from expanding its jurisdiction beyond that which it currently exercises. Therefore, Mr. President, the current situation whereby 78 percent of the country's employers, notably small businesses, are not being covered by the Board, would be embraced by statute.

A second misconception widely believed is that the bill will allow unions to force representation elections so fast that the employer will never get a chance to tell his side of the story. The fact is that S. 2467 sets time limits for the holding of NLRB elections at 21 to 30 days when a majority of the employees request an election, and the unit is covered by a Board rule; 45 days in other cases where less than a majority request an election; and no more than 75 days in any case. The aim of this provision is to expedite the election process, and, in particular, prevent the international delay of representation elections for the purpose of discouraging the exercise of employee free choice.

Opponents claim that the time limits amount to "quickie" elections that will lead to "pushbutton unionism." However, the facts tell a different story. The time limits will not drastically change current practice in most election cases. The establishment of time limits, however, will curb the cases of international abuse and delay of election procedures. According to NLRB records, in fiscal year 1977, 82 percent of all representation elections were held in a median time of 45.3 days. Consent elections, that is, elections in which the employer and the union agreed to the definition of the unit and eligible employees, and agreed to abide by the regional director's decision in the election, were held in a median of 37.6 days, or only 8 days beyond the proposed limit which would apply to cases in which a majority of the employees requested an election. Under current practices, no one is calling them quickie elections or talking about pushbutton unionism. Thus, in many cases, there would be little change from the current election timetables. The deadlines would apply particularly to

the cases in which the election process is drawn out or delayed far beyond what is necessary.

I would point out, Mr. President, that employers currently enjoy under existing law the right to obtain an expedited election in certain situations.

Section 8(b)(7) of the NLRA prohibits recognition picketing if there is a lawfully recognized union or if there has been an election within 12 months. In addition, that section prohibits a union from engaging in recognition picketing for more than 30 days without an election petition being filed. The petition for an election can be filed by either the union or the employer and the picketing may continue while the petition is being processed. If the employer files an 8(b)(7)(c) charge, the Board handles the petition in accordance with expedited procedure. These expedited elections triggered by an employer's unfair labor practice charge have taken a median of 19 days. However, there is no comparable way a union can trigger such an expedited election.

In all the rhetoric we have heard over the so-called quickie elections, I have not heard, Mr. President, any of the opponents of the bill contending that the above "quickie election" available to employers alone ought to be abrogated.

A third misconception which is commonly voiced is that the bill will force employers to permit union organizers on their property any time they choose and disrupt business and production while they address the employees during working hours. The fact is the equal access provision of S. 2467 does not require that an employer subsidize the union's election campaign. It merely requires that the employees be given the same opportunity to hear both sides of the issues, and I would point out, Mr. President, that the bill would give the union no new rights at all unless the employer triggers such right by its own action. This means that if the employer chooses to stop production and make a speech to his employees concerning the election campaign, the union would then be given a similar opportunity to make a speech to the employees, under the same circumstances (i.e., if the employer paid the employees to hear an antiunion speech, then he would pay them to hear the union speech). Just as Federal election laws require equal time in certain elections, this provision would require that the employees receive information on a union election campaign from both sides.

Such a provision as the "equal access" provision is even more necessary in the small firm because it is those smaller work places where the employer has had personal contact with the employees, and the employees are probably very much aware of the employer's views on unions. Thus, the employer has already very likely had ample opportunity to talk about unions to the employees. All this provision does is to give employees an opportunity to hear both sides, the employer's and the union's, under similar conditions.

A fourth misconception I observe seeping into the dialog on this bill is that by expanding the NLRB from five to seven members the Carter administration will assure a prolabor majority on the Board for the foreseeable future. The fact is that the bill also contains a provision which would statutorily assure what has always been the practice, that no more than a simple majority of the Board members be from the same political party. The contention that this will create a biased NLRB is unfounded. The Board has always been held in the highest esteem by labor and business adherents, and has always been nonpolitical, regardless of what President has made the appointments.

The proposal to enlarge the Board is not new. It was originally part of the Senate NLRA amendments in 1947 and was vigorously endorsed by Senator Taft. Recently, the American Bar Association Labor Law Committee—made up of lawyers representing labor and business—advocated expanding the Board from five to nine members to help deal with the rising caseload.

As noted in the committee report (95–628), the number of contested unfair labor practice decisions issued by the National Labor Relations Board has increased from 115 in 1947 to over 1,100 in fiscal year 1977. This increasing workload has resulted in substantial delays in deciding individual cases.

The fifth misconception I perceive surfacing on this bill is that it will allow the Federal Government to set wage scales for unionized employees. The fact is that S. 2467 will in no way impose a federally mandated wage and fringe benefit settlement on the parties to a collective-bargaining agreement. The so-called make-whole provision would only allow the Board to impose a remedy for a "refusal to bargain" unfair labor practice prior to the first contract. Currently there is no effective remedy for this type of unfair labor practice. The remedy would "make whole" employees who have been denied the benefits of a collective-bargaining agreement due to an illegal refusal to bargain by the employer. Under present law, once a "refusal to bargain" violation under NLRA section 8(a)(5) has been found, the only enforcement remedy available to the NLRB is to issue a bargaining order to the employer to do what he should have done in the first instance. There is no remedy for the employees who have been denied the benefits of a collective-bargaining agreement.

Furthermore, the make-whole remedy as defined in S. 2467, is in no way an imposed wage or benefit rate. Rather, it is a method by which a fair and equitable monetary amount can objectively be arrived at by the Board to award employees who have suffered due to the illegal acts of others. The amount is fair because it relates to actual bargaining situations in the time period during which the employer should have had the benefits of bargaining. It is administratively expeditious since it will not require additional litigation over the amount, and it is modest, since it represents a percentage amount of what the employees were already earning. Also, it applies only in the period in which the refusal to bargain unfair labor practice occurred. As soon as the employer begins to bargain in good faith, its liability will cease to run. And, as indicated earlier, the remedy is available only in first contract situations.

It should also be noted that this remedy is in no way a Government-imposed agreement because the statutory language of NLRA section 8(d) is left intact as follows:

> * * * but such obligation (to bargain collectively) does not compel either party to agree to a proposal or require the making of a concession * * *

The sixth misconception raises the question of why there are no penalties in the bill for union violations of the labor laws while it imposes stiff penalties on employers. In dealing with this issue it is important to recognize that while S. 2467 does make additional remedies available to the Board in unfair labor practice situations, it should be emphasized that these remedies will be imposed only after the normal processes of review and appeal by the regional staff, an administrative law judge, the Board, and, if necessary, the courts. And all of these levels of administration must have found someone to have broken the law by committing an unfair labor practice. If no violation of law occurs, then no remedy, new or old, need be imposed.

Also, the remedies which are provided for in this legislation will apply equally to employers and to unions. If a union causes an employer to discriminate against an employee, then the union could be liable for a 150 percent backpay award. If the union is a willful violator of a final court or Board order, it, too, will lose Government contracts. I am advised by the Labor Department that for fiscal year 1978 alone, that agency held contracts with labor organizations totaling in excess of $36 million. In order to specifically list each of the unions and the amount of the Government contracts, I ask unanimous consent Mr. President, that the table which I shall submit at the conclusion of my remarks be inserted at the appropriate place in the RECORD. Moreover, debarment is not the only remedy available since in appropriate cases the Board could still elect to seek court contempt citations against a willful union violator.

Furthermore, these modest amendments to the National Labor Relations Act must be seen in the overall legislative history of the act. The original NLRA (Wagner Act of 1935) was aimed mainly at protecting the right of workers to organize, and established five unfair labor practices of employers. In 1947, the Taft-Hartley Act virtually rewrote the NLRA and placed sanctions on union activity that were not part of the labor law previously. These amendments added six specific unfair labor practices, including recognitional and organizational picketing, and additional secondary boycott prohibitions. Other titles of this legislation, (title I through VI) are concerned with such matters as: Union member rights (title I); union reporting requirements (title II); union trusteeships (title III); election of union officers (title IV); safeguards for labor organizations (bonding) (title V); and miscellaneous provisions (title VI).

It is evident then, that the development of our Federal labor laws has been an evolutionary experience. This evolution has often been in response to particular problems and needs which the law was not equipped to handle. To argue that the amendments of S. 2467 are one-sided and deal only with employer violations is to ignore the entire body of labor laws, and particularly the Taft-Hartley and Landrum-Griffin amendments to the NLRA, which dealt almost exclusively with violations by or perceived problems caused by labor organizations.

While on the subject of penalties provided in the bill for violations of the law, there is one other aspect of the issue which needs to be addressed that is quite separate and distinct from the question of unfair labor practices. That is the matter of labor racketeering and labor violence. Opponents of this legislation have asserted that the bill is one-sided because it does not adequately address these problems.

As discussed above, there are several current provisions of labor law (particularly under various titles of the Landrum-Griffin Act) which govern the administration of labor unions. In addition to this law, there are at least nine current Federal statutes which are applicable to labor racketeering and pension fund abuse. The fact is, there is no dearth of laws covering problems in this area. The problems may lie in enforcement.

Recently the Senate Permanent Investigations Subcommittee heard testimony from the Departments of Justice and Labor to the effect that an additional 80 to 120 persons working under the Labor Department will be assigned to the President's strike force against organized crime.

While recent hearings have highlighted problems of labor racketeering, the headlines should be put in perspective. Deputy Attorney General Benjamin Civiletti, in testimony before the Senate Permanent Investigations Subcommittee (April 24, 1978), estimated that 300 union locals across the country are severely influenced by racketeers. Certainly, this is a serious problem. But the 300 union locals from less than one-half of 1 percent of all union locals in the United States. Those responsible for enforcing the labor-racketeering laws should do so more forcefully, while the extent of such illegal activity should not cloud the name of the 99.5 percent of union locals that have no such problems.

A recent publication by the U.S. Chamber of Commerce, Congressional Action (May 5, 1978) stated that—

> . . . It is reasonable to expect that the enactment of S. 2467 will increase the amount of labor violence across the country.

It is hardly reasonable to expect an increase in violence as a result of this legislation. Even if there was a serious problem of labor violence, this is not the purview of the labor-relations laws or of the NLRB. Violent activity is by and large governed by State and local law and enforced by State and local jurisdictions. If Congress saw fit to extend Federal responsibility into the area of violence during labor disputes, the proper place would be amendments to the Hobbs Act, not to the National Labor Relations Act.

Still another misconception—the seventh—I would like to address, involves the charge that the bill will cause skyrocketing inflation. Various predictions and a few studies have been made claiming that this legislation will greatly increase the rate of inflation. Such arguments show, Mr. President, just how far afield from the issue and the substance of this legislation the critics of S. 2467 have gone.

The fact of the matter is that the essential element of this bill is to preserve and guarantee in practice employee free choice on the matter of union representation. If employees truly desire to be represented by a union, they should have that right—A right which is currently part of Federal labor policy, and which has not changed since it was first established in the Norris-LaGuardia Act of 1932. The right of workers to form or join a union, is not at issue in this debate.

The so-called economic studies of the impact of this bill on inflation rest on the grossly overstated premise that this legislation will result in major increases in union memership. One study—by the U.S. Chamber of Commerce—bases its economic impact on an increase in unionization of from the current 25 percent of the employed workers to 37 percent. This would be a 51 percent increase in union membership, or an increase of nearly 10 million persons.

I should hasten to point out that this would be a larger increase in union membership than that which occurred between 1935 and 1940 following passage of the Wagner Act when union membership increased by only 5,133 million. Obviously, such projections are simply unjustified.

On the other hand, Mr. President, if we take the Chamber's figures at face value, it occurs to me that passage of this legislation is all the more essential because—according to the Chamber's own projections—there are apparently millions of employees in the work force today who want to join unions but are reluctant to do so under the current conditions that exist for fear that they may lose their jobs. Surely, Mr. President, if this is true, Congress would be remiss if it failed to provide these millions of workers with the necessary protection to exercise their rights as spelled out in the 1935 Wagner Act.

The eighth and final misconception continually coming to my attention concerns repeal of section 14(b) of the National Labor Relations Act so that the so-called right to work laws of several States will be nullified. In ads and statements many opponents of the labor law reform bill have stated or implied that if this legislation is passed it will repeal section 14(b) of the NLRA (which allows State law to preempt the NLRA on union security clauses in collective bargaining contracts and thereby prohibit union shop agreements. One ad placed in several publications nationwide by the National Right to Work Committee began: "The Public Be Damned", it stated, "Union organizers will have a massive array of new legal weapons with which to blackmail employers into signing compulsory unionism contracts. Hundreds of thousands more workers will be forced to join or support unions against their will * * * most Americans strongly oppose the sort of forced unionism that S. 1883 would promote."

Such rhetoric is totally unfounded. The fact is, S. 2467 in no way deals with or attempts to modify section 14(b) of the current NLRA, the so-called right to work clause. Union security is not an issue in this legislation. As a matter of fact, section 12 of S. 2467 will lessen somewhat union security clauses. It would allow religious conscientious objectors whose beliefs require that they not support a labor union to pay an amount equivalent to union dues or initiation fees to a separate fund from the labor union.

Mr. President, it is clear to objective analysts of this legislation that the debate has gone far from the mark, the rhetoric is overkill. Two quotes from the May 5, 1978 Congressional Action (U.S. Chamber of Commerce) serve as examples:

S. 2467 is an outrageous and arrogant move to give unions special advantages in representation elections and collective bargaining.

They represent elaborate efforts by the big union bosses and the Meany crowd to save their plummeting union membership across the country by forcing unionization on business.

Such inflammatory rhetoric does not clarify; it clouds the issues involved. Unions are not given special advantages by this bill. Employees will be assured the right to vote, free from coercion and free from intentional dilatory tactics of the modern day union buster. This legislation will not affect the parties who sit at the collective bargaining table. It gives no additional power or rights to either side in collective bargaining relationships. It does, however, attempt to insure that the rights currently afforded to employees are in practice guaranteed. This legislation in no way forces unionization on business. In the unique and intricate U.S. system of representation elections and NLRB certification, it is the employees who decide by secret ballot whether or not they desire union representation. This system is not altered in any way by the pending bill.

In summary, I believe S. 2467 legislation represents a reasonable, fair, and balanced reform of the National Labor Relations Act. Its authors have rightly attempted to improve various aspects of the labor laws that have proved to work too slowly, or to be too cumbersome to guarantee the purpose of the law. Furthermore, based upon testimony presented to Congress during the course of hearings on the proposed bill, it was clearly established that a surprisingly large number of employers have found it cost effective to repeatedly and flagrantly violate the law as it relates to em-

ployee rights and collective bargaining. Indeed, it is particularly disturbing that these violations appear to be on the increase as more and more companies conclude that when it comes to collective bargaining, there is a positive cost-benefit ratio derived from litigating with a union's attorney in court rather than negotiating with a union's spokesman across the table.

It is my well considered judgment that this bill, S. 2467, as reported, will strengthen the protection against economic coercion of employees and emphasize the holding of prompt and democratic elections when employees clearly desire such an election. Furthermore, because the proposed legislation focuses on these specific problems, I believe its passage will enhance the collective bargaining process and ultimately work to the betterment of management, labor, and the economy of the Nation as a whole.

Mr. President, for the reasons stated I urge my colleagues to join me in supporting this important labor law reform measure.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that I may have printed in the RECORD a table, at the conclusion of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Union contracts: Fiscal year 1978

Amalgamated Clothing & Textile Workers Union	$507,000
Anchorage (Alaska) Building and Construction Trades Council	160,000
Appalachian Council	2,201,000
Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees	2,381,000
George Meany Center for Labor Studies	298,000
Graphic Arts International Union	266,000
Human Resources Development Institute of the AFL–CIO	7,458,000
International Association of Bridge, Structural and Ornamental Ironworkers	2,263,000
International Association of Firefighters	663,000
International Association of Operative Plasterers and Cement Masons	2,709,000
International Brotherhood of Carpenters and Joiners of America	5,779,000
International Brotherhood of Painters and Allied Trades	2,122,000
International Union of Bricklayers and Allied Crafstmen	1,812,000
International Union of Electrical, Radio, and Machine Workers	556,000
International Union of Operating Engineers	3,113,000
Laborers International Union of North America	689,000
Marine Cooks and Stewards Union	647,000
Teamsters Joint Councils 40 and 53	341,000
United Automobile, Aerospace and Agricultural Implement Workers of America	2,791,000
Total	36,756,000

Mr. BAKER. Mr. President, on behalf of the distinguished senior Senator from Oregon (Mr. MARK O. HATFIELD) I ask unanimous consent that Mr. Jeff Boothe of his staff be granted the privilege of the floor during continuation of the debate and vote on the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WORLD BANK SPURS OIL SEARCH IN THIRD WORLD NATIONS

Mr. PERCY. Mr. President, the International Bank of Reconstruction and Development has just released the details of a major new program of lending and technical assistance to develop oil resources in non-OPEC developing nations. The World Bank is prepared to spend up to $500 million a year in this endeavor. According to the Washington Post article which appeared on Wednesday, May 24, the Bank projects that Third World nations will be able to increase their oil production levels from a present level of 3.8 million barrels a day to 10.3 million in 1990 as a result of this program. I wholeheartedly commend the World Bank for its initiative.

The implications of this projected increased oil production are enormous and the benefits to the United States substantial. Increased oil production by non-OPEC developing nations would diversify the world's energy sources thereby lessening the hold of OPEC on oil supplies and pricing. It would also substantially ease the financial problems of the non-OPEC developing nations who are presently importing up to 80 percent of their oil at $13 a barrel cartel prices.

I do believe, however, that the World Bank should also examine the possibility of establishing a companion program to harness the Sun's energy in Third World nations. The long-term benefits of such an initiative would be even greater than those of the oil program. While oil will greatly help these nations develop in the near term, their long-term energy needs must ultimately be met, as must ours, by renewable energy resources.

The developing and developed world cannot afford to wait to develop solar energy until oil shortages reach crisis proportions. Major solar development programs must be initiated now. I believe that the World Bank is an ideal institution to launch such an international effort. I urge it to move expeditiously on this front.

Mr. President, I ask that the Washington Post article entitled "Bank Spurs Oil Search in Third World Nations" be printed in the RECORD.

BANK SPURS OIL SEARCH IN THIRD-WORLD NATIONS

(By William Greider)

A new and promising frontier for world oil production, potentially larger than the Alaskan and North Sea fields combined, is being developed with financial help from the World Bank.

The frontier lies in roughly 50 of the world's poorer countries, the underdeveloped nations of Africa, Latin America and Asia, which were long neglected as potential sources for new oil but are now regarded as rich in possibilities.

World Bank officials yesterday announced details of a broad program of lending and technical assistance of up to $500 million a year, intended to help 50 to 60 oil-importing nations become self-sufficient oil producers in the next decade.

This would greatly ease the financial strains on those nations, which now import as much as 80 percent of their oil at the $13-a-barrel cartel prices. Those countries suffered most when oil prices soared five years ago.

But Third World oil development should also benefit Western Industrial nations, like the United States, by easing some of the pressure for increased production and higher prices on Saudi Arabia and other members of the Organization of Petroleum Exporting Countries cartel.

According to the World Bank's "cautious" projections the less-developed countries are expected to increase their oil production levels from 3.8 million barrels a day to 8.5 million by 1985 and 10.4 million in 1990.

At present, these nations together import about 2 million barrels daily from OPEC producers. By 1990, they are expected to be net exporters, taking care of their own growth in oil consumption and selling 1.5 million to 2 million barrels to the rest of the world.

So far, the bank has made one loan of $150 million to India for the development of an offshore field. By the end of next year, it hopes to have eight projects under way totaling $500 million, which will be "seed" financing to generate $3 billion to $4 billion in other investment capital.

Bank-assisted projects are under discussion in Bangladesh, Pakistan, Turkey, Thailand, Syria, Tunisia, Egypt, Zaire, Argentina, Colombia, Chad and Bolivia, among others.

"In five years," said Efrain Friedmann, energy expert at the World Bank, "we will be doing twice what we did in the last 30 years."

The new trend rests upon two premises. The high world price engineered by OPEC now makes it possible, even mandatory, for smaller nations to develop less promising exploration areas. And according to recent studies, these areas in underdeveloped countries have a potential for new oil two or three times greater than the conventional wisdom has long predicted.

"These things turn around so fast," Friedmann said. The estimates and projections of potential new oil, he added, have historically proven to be "unbalanced on the conservative side."

Mexico is currently the world's startling example of this phenomenon. A few years ago, Mexico was importing oil; now it is developing production and will enter the ranks of major exporters—more than 2.5 million barrels a day—within a decade.

In the pre-OPEC past, as the World Bank experts explain it, there was little or no incentive for either major oil companies or individual nations to develop their domestic oil and gas. Oil cost $3 a barrel and the major multinational companies spent less than 7 percent of their exploration capital in the non-OPEC developing nations.

The major companies were discouraged from exploration elsewhere by political instabilities or nationalistic hostilities. Some nations were content to develop their own fields slowly and exclude the international companies. Since 1973, that has changed in nations such as Brazil, Argentina, Chile and Columbia.

The World Bank portrays its role in these arrangements as "honest broker"—reassuring the corporations of political stability and helping the poor nations to assemble the financing from various international lending organizations and private investment.

In some instances, the oil fields will be too small to interest the multinational giants. In those cases, the World Bank hopes to provide the technical assistance which would help national oil companies to develop their own resources.

Many of the more promising geological areas are in countries that lack the technological expertise to develop their own resources and, therefore, should be more attractive to the international companies.

These include Bangladesh, Guatemala, Nicaragua, the Philippines, Thailand, Vietnam and most countries on the West Coast of Africa.

The World Bank's policy is based on part on a global study by Bernardo F. Grossling of the U.S. Geological Survey, who concluded that the potential for oil discoveries in the less-developed nations is two or three times greater than the pessimistic estimates of conventional reserve figures.

Grossling determined that the main reason not much oil has been found in those countries is that relatively little drilling has been done on those continents over the years. In Africa's 5 million square miles of prospective areas, only 12,850 wells had been drilled by 1975—compared with 2.4 million wells drilled in the United States.

The traditional explanation for the lack of drilling activity in underdeveloped countries included the claim that past explorations yielded poor results. But Grossling's study discovered that the reverse was true. Over the years, more oil was discovered per foot of drilling in Africa and Latin America than in the United States or Western Europe.

Based on his calculations of drilling and potential discovery areas, Grossling concluded that the developing countries represent about half of the world's prospective areas but only about 4 percent of the world's exploratory drilling has taken place in those countries.

None of the experts claim that another Middle East, which has 45 giant fields, awaits to be discovered somewhere in the world. But Grossling predicts that Africa, Latin America and Asia each has three to eight giant fields yet to be found.

CONCERN ABOUT THE OMI WALDEN NOMINATION

Mr. PERCY. Mr. President, I wish to call to the attention of my colleagues an unfortunate situation involving the consideration of a nominee for a post in the Department of Energy. By oversight or for other reasons, the White House is failing to expedite the consideration of its nominee for Assistant Secretary of Energy for Conservation and Solar Applications, Omi Walden of the Georgia Energy Office. This post remains open 8 months after the creation of the Department of Energy. As a consequence, sound management of important conservation and solar initiatives is being impaired.

The White House nominated Omi Walden on January 25. Yet it is now May 26, and there has yet to be even a hearing on her nomination. Mr. President, I wish to inform my colleagues of the chain of events since December that have prevented the disposition of this nomination.

In January an investigative reporter, Mr. Charles Thompson, published some extremely serious charges about Ms. Walden's administration of several energy programs. Since that date, there have been other rumors of scandal. These allegations prompted the Senate Energy Committee to expect a full report on Ms. Walden from the White House.

Initially, the White House responded that it would take some time to provide such a report, as investigators at the Justice Department were conducting a criminal investigation of federally related energy activities in Georgia at the time of the 1973 oil embargo, well before Ms. Walden's tenure in office. There was some confusion as to whether the White House, Justice, or the Department of Energy was to be responsible for the report on Ms. Walden.

On April 12, the Walden report came to the Hill. It consisted of a 10-line memo from then-Assistant Attorney General for the Criminal Division Benjamin Civiletti, stating that Ms. Walden was guilty of no criminal wrongdoing, and contained no details of the investigation. Senators JACKSON and HANSEN indicated in an April 12 letter to the White House that this would be unacceptable, and requested full disclosure. The ball went back in the White House's court, where it still rests.

Mr. President, I find it unfortunate that this nomination has become bogged down by the allegations of scandal. The Conservation and Solar Applications Administrator of DOE oversees programs which are our best hope to meet energy needs at reasonable cost and with minimal environmental risks. This is a rapidly expanding program area as the Nation makes up for past neglect of conservation and of renewable resources. It is important that a competent administrator be in place to provide management for this program area for several years.

Instead, Conservation and Solar Applications has had an Acting Assistant Secretary for the 8 months since DOE's birth on October 1, 1977. His status as an interim administrator inevitably gives him less leverage in DOE policymaking. He is unable to start initiatives which he will not be in a position to direct a few months from now, and he cannot establish the final organization for his division. These latter decisions must be reserved for a Senate-confirmed Assistant Secretary.

Mr. President, I call upon Secretary Schlesinger and the White House to move quickly to settle the question raised about this nomination. I do not imply that the charges should be forgotten. In fact I expect that they will be fully aired, either in Energy Committee or in another congressional forum. I do want to see things move quickly on this nomination. It would be an unfortunate occurrence indeed if there were no Assistant Secretary for Conservation and Solar Applications in place when Congress adjourns in early October, especially since that will be DOE's first birthday.

THE ALLIANCE TO SAVE ENERGY AND THE IMPORTANCE OF ENERGY CONSERVATION

Mr. PERCY. Mr. President, for the benefit of many of my colleagues in the Senate and House who have a relationship with ASE, on April 27, 1978, the board of directors of the Alliance To Save Energy held its first annual meeting. This meeting gave the board an opportunity to meet my distinguished colleague from California, Senator CRANSTON, who recently replaced the late Senator Humphrey as cochairman of the alliance. I am delighted, as is the board of directors and the alliance staff, that Senator CRANSTON has decided to become involved in the alliance's vital efforts to promote energy conservation.

April 27 proved to be an extremely full and educational day. After a morning session in which alliance business was discussed, the board of directors went to the CIA Headquarters for a briefing by Admiral Turner on the CIA's projections for the international energy situation to 1985.

Basing his remarks on the April 1977 CIA analysis of energy supply and demand, Admiral Turner stressed that, without greatly increased energy conservation, projected world demand for oil will substantially exceed capacity supply by 1985. Moreover, Admiral Turner feels that, between 1979 and 1985, "increasing world demand and stagnating oil production in the major consuming countries will result in increased reliance of OPEC oil."

While I am aware of the controversy surrounding some aspects of the CIA energy analysis, I do believe that its basic conclusion that oil demand will soon exceed oil supply cannot be refuted. Therefore, whether the shortage comes in 1985 or 1990, it is clear that energy conservation is absolutely critical.

The Alliance To Save Energy, as a private and independent entity, is well suited to bring the energy conservation message home to the American people: It champions no special interests, and has no ideology to espouse other than the self interest of individuals and the Nation in saving energy. I am very pleased that the alliance has made considerable progress in spreading this message.

In its first year, the alliance evolved into the country's only nonprofit organization dedicated to reducing energy waste. The alliance to date has a number of accomplishments under its belt.

It has cosponsored 25 conferences around the Nation involving businesses, trade associations, policymakers, and concerned citizens, with a total attendance of 30,000 people. It assisted in the preparation of a report on industrial energy use that will be published this month by the conference board. The alliance is developing training programs for members of the National Home Improvement Council and the National Lumber and Building Material Dealers Association.

The alliance is producing monthly news features on energy conservation. Over 570 newspapers and 930 corporate publications subscribe to this service.

Several million copies of a new alliance publication, "101 Ways to Save Money by Saving Energy," are expected to soon be distributed by the Boy Scouts of America.

I am especially enthused about taking the message of the alliance into every American home. To deliver the conservation message, the alliance is working with the advertising council to produce a series of energy conservation television ads for use later this year.

I am confident that the alliance's second year will be even more productive.

Mr. President, I ask that the executive summary of the proceedings of the annual meeting of the Alliance To Save

Energy, my annual report to the board of directors of the alliance, and the summary of the CIA briefing be placed in the RECORD at this time.

The material follows:

EXECUTIVE SUMMARY OF THE PROCEEDINGS OF THE ANNUAL MEETING OF THE ALLIANCE TO SAVE ENERGY

"There is an even greater need for the Alliance today than when we formed it a year ago," said Senator Percy at the Annual Board meeting. That opinion also was expressed by Richard McGraw and the Board members, committee chairmen and guests agreed that solving the nations energy problem must be done in large measure by the private sector and the Alliance is the private sector.

The Board, and particularly the new co-chairman, Senator Cranston, expressed their enthusiastic support for the activities of the Alliance and took special note of the several first year accomplishments.

Noting that the financial development of the Alliance had proceeded in an *ad hoc* manner the first year, the Board expressed strong support for active leadership and participation in the fundraising strategy presented by Daniel Parker. Specifically, Mr. David Packard and Senator Cranston recommended the Alliance identify 200 to 250 corporations who would make an annual commitment of $10,000 and $25,000 and then identify those members of the Board who can lead a campaign to get those funds. All agreed that such leadership and participation is necessary in order to raise the funds to meet the $1.76 million budget for the balance of this year and the estimated $2.5 million budget for 1979.

The audited financial statement shows the Alliance to be an efficient organization with approximately 71 percent of the funds being spent on program development and execution and 29 percent on administrative costs.

There was also strong support for more active leadership and participation by the Advisory Board committees in developing, planning and executing Alliance programs and projects.

As he pointed out the great need for the Alliance, Senator Percy said oil imports are up 20 percent over 1976 levels, demand for electricity grew 4.6 percent last year, total energy demand grew 3 percent in 1977, and domestic energy production has remained constant since 1975. He also said the Alliance had made substantial progress in its first year and most notably had a significant educational impact on the Congress.

Richard McGraw highlighted the Alliance's progress over the first year in his annual report. He said the Alliance now has a full time staff of eight, there are now 721 people and organizations associated with the Alliance, even though there has been no membership campaign; three state Alliances and one community Alliance have been formed; the Alliance raised and spent $336,000 on programs to improve energy efficiency in 1977, and the Alliance now has more than a dozen programs underway and operating. Most notable among them are the Ad Council Campaign and the Boy Scout project of distributing "101 Ways to Save Money by Saving Energy."

In other actions, the Board:

Nominated Messrs. John deButts, American Telephone and Telegraph; William Hewitt, Deere and Co.; Don Perkins, Jewel Tea; and Marvin Davis, Davis Oil Co., to the Board subject to their being willing to and enthusiastic about serving. Additionally, Mr. Reginald Jones, General Electric, was nominated to the Board pending a vacancy occurring. The Executive Committee was increased to 11 and Mrs. Marjorie Benton, Mr. Charles Hitch and Mr. Gene Pokorny were elected to the Executive Committee.

Reelected Mr. Richard McGraw and Mr. Mike Runde as Executive Director and Secretary of the Alliance respectively, and Mr. Daniel Parker was elected as Treasurer.

Passed strong resolutions of thanks to the late Senator Hubert H. Humphrey and Carla Hills.

Committee reports were made by the Residential, Transportation, Food and Fiber, Alliance Conference, and Communications Committees.

ANNUAL REPORT BY THE CHAIRMAN OF THE ALLIANCE TO SAVE ENERGY, SENATOR CHARLES H. PERCY

In the year since the founding of the Alliance, there has been ever more dramatic evidence of the need to conserve:

Oil imports grew to 8.7 million barrels per day, up to 20% over 1976;

Demand for electricity grew 4.6% for the year;

Total domestic energy demand grew at 3.0% for the year;

Domestic energy production has remained constant since 1975.

We saw the proposal by the President of an energy policy that acknowledged conservation as its central thrust. We then saw a dismantling of these proposals by skeptical Senate members who have not yet come to realize the economic benefits of saving BTU's. The fate of the National Energy Plan remains uncertain, more than one year after the President's energy speech.

In this climate of uncertainty, there is even more of a need for ASE than there was a year ago:

To educate the general public on the economic advantages of storm windows, insulation, carpooling, and so on;

To work with industry and its trade associations to show the quick payback of furnace and boiler modifications, cogeneration of steam and electricity, and new industrial processes;

To assist state and local governments as they seek to revise outdated building codes, zoning, or tax provisions that encourage energy waste;

To work with Washington policymakers to show the advantages of energy-efficiency proposals.

Energy prices are still climbing. Residential heating oil prices rose over 8% in 1977; natural gas prices were up 29%. They will climb even more as policymakers or market forces allow them to approach replacement cost levels. As prices rise, the payback period for conservation investments shortens, and the potential for conservation energy increases.

But price is not enough. Consumers and firms must become aware of the alternatives to paying their high monthly gas and electric bills. The Alliance, as a private and independent entity, is ideally suited to educate and to bring people together: it has no axe to grind, no ideology to espouse other than the self interest of individuals and of the nation in saving energy.

In its first year the Alliance has enjoyed substantial success. From my perspective, I believe the Alliance has had a significant educational impact on the Congress, the Advertising Council program is about to get underway, we have orders from the Boy Scouts for more than 3 million copies of our booklet, "101 Ways to Save Money by Saving Energy," and there are other successful programs. I think you as members of the Board of Directors, the members of the Board of Advisors, Chairmen, the Advisory Board Committee, those who have funded the opcration and the staff can feel proud of the Alliance's accomplishments.

Two people, particularly, should be commended for their efforts.

One is the late Senator Hubert H. Humphrey, my very dear friend and Senate colleague and the founding chairman of the Alliance.

A resolution has been suggested commending the late Senator Humphrey and I should like to read it:

"Whereas Senator Hubert Humphrey was a guiding spirit behind the creation of the Alliance to Save Energy; and

"Whereas Senator Hubert Humphrey recognized the need for energy conservation long before many of us; and

"Whereas Senator Hubert Humphrey foresaw the enormous potential of solar energy more quickly than most; and

"Whereas Senator Hubert Humphrey worked diligently and compassionately to help this nation, as well as the poorest nations, to solve its energy problems: Now therefore, be it

"Resolved that the Board of Directors of the Alliance to Save Energy honors and commemorates Senator Hubert Humphrey for his services to this organization and his commitment to energy conservation."

The other person whom I feel deserves special thanks is Carla Hills. Carla could not be with us today, but this is the first meeting she has missed.

A Resolution also has been suggested thanking Carla and I should like to read it:

"Whereas Carla Hills provided invaluable leadership to the Alliance to Save Energy in its first year; and

"Whereas Carla Hills unselfishly devoted over 70% of her time volunteering for the Alliance; and

"Whereas Carla Hills will continue to aid the Alliance in her role as chairman: Now therefore, be it

"Resolved that the Board of Directors of the Alliance to Save Energy is deeply indebted to Carla Hills for her inspirational leadership and guidance and thanks her for all she has done to assure the success of the Alliance to Save Energy."

THE INTERNATIONAL ENERGY SITUATION TO 1985

(A summary of Admiral Turner's briefing to the board of directors of the Alliance to Save Energy)

"In the absence of greatly increased energy conservation, projected world demand for oil will approach productive capacity by the early 1980's and substantially exceed capacity by 1985 . . . prices will rise sharply to ration available supplies. . . .

"The underlying supply problem will be masked during the next few years because of greatly increased oil production from the North Sea and Alaska . . . Saudi excess capacity will be increasing during this period, allowing Riyadh to hold down oil prices in spite of upward pressure from other OPEC states. Since this will be a political decision the Saudis . . . could reverse it at any time for political reasons.

"Between 1979 and 1985, increasing world demand and stagnating oil production in the major consuming countries will result in increased reliance on OPEC oil. With the present expansion plans of the Saudis, their excess productive capacity will be exhausted by 1983, and with it their ability to act as a price moderator. . . ."

These conclusions from the April 1977 CIA international energy outlook continue to be the Agency's best estimate. While some aspects of the energy situation have changed in the past year, the CIA still foresees Western and Soviet Bloc economic constraints in the mid 1980's as a result of a world oil shortage and sharply rising OPEC prices in that time frame. A difficult combination of many optimistic assumptions is needed to be able to conclude that the world and the United States will not face a major oil price and supply problem by 1985.

The CIA study consists of projections of current trends assuming that present policies and attitudes do not change, rather than

forecasts or predictions of what policies will be operable together with the consequent energy use patterns. The fundamental conclusion is that current policies and attitudes, when combined with anticipated energy demand and supply capabilities, result by 1985 in a world-wide demand for OPEC oil on the order of 48 million barrels per day (b/d). Even with the optimistic assumption that Saudi Arabia would be producing 12 million b/d and the rest of OPEC some 28 million b/d, that would leave an 8 million b/d shortfall.

WORLD ENERGY DEMAND

A year ago the U.S. energy demand in 1985 was projected to be equivalent to 48–50 million b/d, after adjusting the 1960–73 trend projection of 62 million b/d for a reduced economic growth rate (assumed to be between 4 and 5 percent annually) and for conservation. Now the CIA would lower this projection a bit reflecting a lower economic growth rate to 1985. The total OECD [1] energy demand is projected to be the equivalent of 99–102 million b/d. Conservation in the United States is seen, by 1985, as saving the equivalent of 5–7 million b/d of oil, and in the OECD countries the equivalent of 9–12 million b/d.

WORLD ENERGY PRODUCTION

Total OECD energy production was projected a year ago to be 63–66 million b/d oil equivalent in 1985, of which the United States would be producing 35–37 million b/d. By fuel type the U.S. energy production is:

[Million barrels per day oil equivalent]

	1970	1976	1980	1985
Oil and natural gas liquids	11.3	9.7	10.0	10.0–11.0
Natural gas	11.4	10.3	9.0–9.6	8.5–9.5
Coal	6.7	7.6	9.5–10.2	10.5–12.0
Hydro/geothermal	1.3	1.6	1.7	2.0
Nuclear	.1	1.0	1.6–1.8	2.5–3.8
Total	3.08	30.2	32.1–33.0	34.7–37.1

These projections remain pretty firm, although there is now some pessimism as to the U.S. coal estimate for 1985. No large increases from new supplies are seen between now and 1985 because of the lead times involved. The lower U.S. energy growth forecast from a year ago, together with the pessimism on coal production, leaves the net U.S. requirement for oil on the order 22–26 million b/d in 1985.

Estimates of Mexican oil reserve potential have increased in the past year. Mexico is now estimated to have 60 billion barrels, perhaps more. This should allow a significant increase in output—to 3–4.5 million b/d by 1985, with the higher figure being more likely. Exports should then be on the order of 3 million b/d.

BALANCING SUPPLY AND DEMAND

OPEC is now consuming about 2 million b/d of oil, an amount that should double by 1985. New non-OPEC supplies—e.g., North Sea, and Mexico—coming on stream this decade will allow the Free World demand on OPEC oil to remain at current levels (about 33 million b/d) through 1980. As this introduction of new, major supplies is not foreseen as continuing beyond 1980, there will be a surge demand (to 41–44 million b/d in 1985) for OPEC oil in the early 1980's (assuming no sharp OPEC price actions), because OPEC would then be called upon to supply all of the world's oil growth.

The Soviet Union will need to import for 2.5 million b/d in 1985, principally for the benefit of its Eastern European allies. Soviet oil production is anticipated to peak prior to 1982. Field-by-field analysis shows the Soviet economic plan calling for lower levels of oil production; actual Soviet production has consistently fallen below the 5-year plan target levels. Just what action the Soviets will take when faced with the switch from oil exporter to oil importer is not clear, for they are short of hard currency to pay for substantial oil imports. Stringent conservation and reduced economic growth are seen as two likely consequences.

The oil production capacity of the OPEC countries, other than Saudi Arabia, is 28 million b/d. More and more apparent are the difficulties these countries will have in maintaining maximum production at capacity levels. Indeed some countries (e.g., Kuwait) have a policy of not producing to full capacity. Saudi Arabia is seen in a balancing supply role, providing 5 million b/d in 1980, and being called upon to produce 16–19 million b/d in 1985, if world demand is to be met at current price levels. However, Saudi Arabia is now limiting its production to 8.5 million b/d and is taking a somewhat restrained course in developing future capacity. The best estimate is that Saudi Arabia could have a facility capacity of 14 million b/d by 1985, and a sustained production rate of 12 million b/d; these estimates may be optimistic.

[1] The CIA analysis does not include Australia and New Zealand in its OECD data. Thus, OECD, as used here, refers to its 19 European members, the U.S., Canada, and Japan.

OPPOSITION TO ERA TIME EXTENSION

Mr. LUGAR. Mr. President, I ask unanimous consent in the absence of the Senator from Utah, (Mr. HATCH) to print in the RECORD in his behalf historic official statements of the Church of Jesus Christ of Latter Day Saints opposing the extension of time for ERA ratification.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF THE FIRST PRESIDENCY OF THE JESUS CHRIST OF LATTER-DAY SAINTS OPPOSING EXTENSION OF TIME FOR RATIFICATION OF EQUAL RIGHTS AMENDMENT

We feel that to extend the time for the ratification of the Equal Rights Amendment would be unwise as well as unfair.

The Church of Jesus Christ of Latter-day Saints (Mormon) has a profound veneration for the Constitution of the United States of America. We believe it was divinely inspired, and we take a serious interest in any proposed amendments to that basic document and the process itself by which the Constitution is amended. Furthermore, the Church has a very deep and everlasting commitment to the preservation and strengthening of the family, including its individual members. As a people who have in our history known the loss of our constitutional rights, we have long been concerned with the rights and interests of both men and women.

For these reasons, the Church has done what it rarely does—spoken out against a proposed constitutional amendment.

Our opposition to the Equal Rights Amendment as stated in our message of October 22, 1976 (attached) is clear and expresses genuine concern. But our concern over the Equal Rights Amendment has now been deepened by what appears to be a tampering with and an abuse of the process of amendment itself. To couple the extension of time with a restriction against reconsideration of previous ratifications would be most unwise for at least these reasons:

First, the continuation of the ERA ratification effort will increasingly divide and polarize this nation. Rather than bringing opposing sides closer together, any extension will see them grow further apart and become more set in their opposing views.

Second, to continue the divisive struggle for the ratification of the ERA is unfair to the interests of women. The additional time, money and energy which would be employed attempting to insure its passage could be more effectively used in other ways in the interest of women. If and where specific laws or practices exist which discriminate against women, we should devote our most conscientious efforts toward changing them. Each woman should be encouraged in her honorable aspirations for fulfillment and special esteem. Because all human life begins with her, The Church of Jesus Christ of Latter-day Saints has always held her in revered light.

Third, it seems clear that support for the ERA lacks the powerful consensus of that very large majority of people in the United States (two-thirds for action in the national Congress; three-fourths in the state legislatures) which is so wisely required by its framers to change the Constitution. Indeed, some states which have previously passed the amendment have now voted to rescind ratification. The formal procedures set up by the framers of the Constitution by which by which the Constitution is amended are part of the vitality of the Constitution. If these processes are abused, the Constitution is itself damaged and its power and influence among our people are proportionately diminished.

Fourth, we believe the Equal Rights Amendment has had its full chance to build the support that any constitutional amendment should have to secure passage. Any extension beyond seven years is unnecessary, unwise and unprecedented. The proposed amendment has enjoyed almost twice the time to seek ratification of any previous amendment which has been passed and three and one-half times longer than the average. The very careful process of amending the Constitution gives our nation time to arouse our intellects, to search our hearts, and to consult our consciences. That time has now passed.

Fifth, it would be deeply offensive to any sense of fairness to extend the deadline for ratification of the proposed Equal Rights Amendment so that some states which have refused ratification can change their mind but, at the same time, to refuse to allow other state legislatures the right to change their mind and rescind their previous acts of approval. Any such gross abuse of the democratic process and of the process of amending the Constitution could send a surge of cynicism through the land which might damage the Constitution itself. Why should there be an eccentric method of legislation applied to this one amendment?

Any extension at all is unwise, but a one-sided extension of the amending process regarding the Equal Rights Amendment would set a precedent for constitutional revision that could haunt America for years to come. Great uncertainty about the revision process would emerge if the amending process is extended over 14 years. And why not 21 years? Would the Americans of 1943 wish to have been bound by the action of state legislatures passed in 1929? Is it fair to allow a state to pass the Equal Rights Amendment in 1986 which refused to pass it is 1972, while refusing a state which passed in in 1972 the opportunity to rescind it in 1986? If the latest action of a state legislature is not valid, when is the will of the people as expressed through state legislatures *not* the will of the people?

Thus, changing the rules for a proposed amendment adds the possibility of great uncertainty in the amending process of the Constitution. An unduly protracted process

of approval could raise doubts and encourage litigation. Once an amendment to the Constitution has been approved and is in place in that document, it would be unthinkable to let a state alter its action concerning that amendment. Prior to the formal placement of an amendment in the Constitution, states should be equally free, within a relatively short period of time, to approve or rescind their actions concerning any proposed amendment.

It would be tragic indeed if an amendment which claims to bring constitutional equality to women ended up injuring our Constitution. Our political process and institutions have, from time to time, been tainted and corrupted. However, when our nation has followed the procedure outlined in the Constitution to amend that document its integrity has been preserved. When thus amended, our Constitution has reflected a sufficiently strong will of the people that an issue is settled rather than being in doubt. This wise process permits our Constitution to remain safely above the fray and beyond the reach of corruption and manipulation, and hold the special place it enjoys in the hearts and minds of the people.

In affirming our allegiance to the United States of America, we express confidence that this nation is sufficiently strong and fair to be able to resolve any problems of inequality and unfairness to women, or any other group in our society, without abusing the amending process for our most basic document, the Constitution, and without undermining our most basic institution, the family.

STATEMENT OF THE FIRST PRESIDENCY OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS OPPOSING RATIFICATION OF THE EQUAL RIGHTS AMENDMENT

From its beginnings, The Church of Jesus Christ of Latter-Day Saints has affirmed the exalted role of woman in our society.

In 1842, when women's organizations were little known, the Prophet Joseph Smith established the women's organization of the Church, the Relief Society, as a companion body of the Priesthood. The Relief Society continues to function today as a vibrant, world-wide organization aimed at strengthening motherhood and broadening women's learning and involvement in religious, compassionate, cultural, educational, and community pursuits.

In Utah, where our Church is headquartered, women received the right to vote in 1870, fifty years before the Nineteenth Amendment to the Constitution granted the right nationally.

There have been injustices to women before the law and in society generally. These we deplore.

There are additional rights to which women are entitled.

However, we firmly believe that the Equal Rights Amendment is not the answer.

While the motives of its supporters may be praiseworthy, ERA as a blanket attempt to help women could indeed bring them far more restraints and repressions. We fear it will even stifle many God-given feminine instincts.

It would strike at the family, humankind's basic institution. ERA would bring ambiguity and possibly invite extensive litigation.

Passage of ERA, some legal authorities contend, could nullify many accumulated benefits to woman in present statutes.

We recognize men and women as equally important before the Lord, but with differences biologically, emotionally, and in other ways.

ERA, we believe, does not recognize these differences. There are better means for giving women, and men, the rights they deserve.

LDS OPPOSE ADDITIONAL TIME FOR ERA APPROVAL

SALT LAKE CITY.—The First Presidency of The Church of Jesus Christ of Latter-day Saints (Mormons) today announced its formal opposition to a proposal that the period allowed for ratification of the so-called Equal Rights Amendment to the U.S. Constitution be extended another seven years.

In a statement submitted to Representative Don Edwards (D-California) chairman of the House Judiciary Committee's subcommittee on civil and constitutional rights, the Church leaders said their opposition is based primarily on ". . . what appears to be a tampering with and an abuse of the process of amendment."

The statement was signed by Church President Spencer W. Kimball, leader of the world's four million Mormons, and his counselors in the First Presidency, N. Eldon Tanner and Marion G. Romney.

"We express confidence that this nation is sufficiently strong and fair to be able to resolve any problems of inequality and unfairness to women, or any other group in our society, without abusing the amending process for our most basic document," they said.

The Church leaders said continuation of the ERA ratification effort beyond the original deadline established by Congress "will increasingly divide and polarize this nation." They said that to continue the divisive struggle for ratification is "unfair to the interests of women" inasmuch as "the additional time, money and energy which would be employed attempting to insure its passage could be more effectively used in other ways in the interest of women."

It seems clear, the statement said, that the ERA lacks the support of the powerful consensus so wisely required by its framers to change the Constitution and that its proponents have had their full chance to build the support that any Constitutional amendment should have to secure passage.

"Any extension beyond seven years is unnecessary, unwise and unprecedented," the First Presidency said.

Finally, they reasoned that "it would be deeply offensive to any sense of fairness" to extend the deadline "so that some states which have refused ratification can change their minds but, at the same time, to refuse to allow other state legislatures the right to change their minds and rescind their previous acts of approval.

"Any such gross abuse of the democratic process and of the process of amending the Constitution could send a surge of cynicism through the land which might damage the Constitution itself."

SOVIET OIL FUTURES

Mr. LUGAR. Mr. President, I ask unanimous consent, in the absence of the distinguished Senator from Utah, Senator GARN, that his statement be printed in the RECORD, including an editorial from the Washington Star on Soviet oil futures and excerpts from a committee report on the Soviet oil situation.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT OF SENATOR GARN

It is not often that a Senate study causes a leading newspaper to "eat a bit of crow." But the recently published, "The Soviet Oil Situation: An Evaluation of CIA Analyses of Soviet Oil Production," prepared by the staff of the Senate Select Committee on Intelligence has accomplished just that. At least two kudos are in order.

In the first place, the willingness of the Washington Star, as manifest in their May 23, 1978 editorial (reprinted below) to admit that they may have let their "preconceptions" skew their coverage of the CIA's oil studies of last year is a healthy sign of open-mindedness. It is difficult for any of us to admit we may have been wrong—especially a leading newspaper. The Star editorial writers are to be congratulated for being amenable to additional information.

Second, the staff of the Intelligence Committee ought to be congratulated for a study which the Star refers to as a "model government paper—incisive, interesting and judicious—a document that may reveal more about the gathering and use of foreign intelligence in 30 pages than more sensational studies do in hundreds." As the editorial says,

"The fine spadework of the Senate Intelligence Committeee staff . . . serves also to clear the way for a sober consideration of the strategic implications of the Soviet oil dilemma."

It is refreshing to see that the committee is willing to give praise where such is due, as well as expose wrongdoing where that may be necessary. The CIA and the Nation are well-served in having an objective and even-handed committee carrying out oversight of important intelligence activities.

[From the Washington Star, May 23, 1978]

SOVIET OIL FUTURES

Having poked our noses into last spring's debate about the credibility of CIA reports on Soviet oil troubles—and the use President Carter made of them to boost his energy bill—we think it only fair to eat a bit of crow.

You may have noticed that the staff of the Senate Intelligence Committee undertook a study of those CIA reports, submitting their "integrity" and quality to painstaking study. The resulting report, released this week, is a model government paper—incisive, interesting and judicious—a document that may reveal more about the gathering and use of foreign intelligence in 30 pages than more sensational studies do in hundreds.

The study is said by one reporter to "gently chide" the CIA's experts in the Office of Economic Research; and so it does. But the chiding is on a relatively minor point; and few of the parties to the discussion of April 1977 escape unchided, including the press.

On April 15th, 1977, to begin at the beginning, President Carter told a press conference that he was "quite alarmed" by "a long and detailed study of international oil supplies" recently prepared by the CIA. Three days later, this report (The International Energy Situation: Outlook to 1985) was released. A second CIA report (Prospects for Soviet Oil Production) followed some days later.

The President's citation of these reports to bolster the case for his energy bill led us—and others—to ask a number of rather insulting questions which now appear unwarranted.

We said, for instance, that "it came as a shock . . . that the CIA had moved into the tricky art of estimating international oil and gas reserves.

Almost alone, it appears, the CIA declares that the Soviet oil industry is 'in trouble,' that its oil production 'will soon peak, possibly as early as next year,' that by the mid-1980s the Soviet Union will become a net importer of oil." Other skeptical comments were in the same vein; most, including our own, were off-base.

Here, after a year's study of the CIA role in oil production (not, in this instance, oil *reserve*) forecasting, is the Intelligence Committee's verdict:

First, there is "no evidence" that the CIA tailored its study to suit administration political convenience. Nor (as Adm. Stansfield Turner pointed out in a letter to this newspaper last May 8) was the oil study a new departure for the CIA.

Secondly, whatever political inspiration figured in the publicity given to the CIA studies was of White House manufacture. But the Senate Intelligence Committee does not quarrel with the "political" use of intelligence, "as long as this can be done without compromising any sensitive sources or methods . . and the information is made available to the public so that others may gauge the soundness of the argument." Which is fair enough. "All of the information needed to evaluate the strength of (CIA) conclusions about Soviet oil production was made available to the public by July, 1977," the committee adds.

And what of the quality of the intelligence? Was it on the mark? Were its sources sufficiently solid? The committee's answer is a decisive yes, qualified only in one major way. In its view, the CIA experts were right to project a substantial drop in Soviet oil production (relative to need and demand), but not necessarily right in concluding that the Soviet Union (and its Eastern bloc dependents) would become large net importers of foreign oil by the mid-1980s. This prediction, it develops, assumed the improbable: that the Soviet Union would not go to extraordinary lengths to stabilize demand and thus to avoid a drain on scarce reserves of hard currency. The exchange consideration, apparently, could be paramount. The CIA's was, in other, words, "a worst case" analysis and erred only in failing to make its assumptions as clear as they might have been. "If the study is to be faulted, it ought to be faulted for its lack of clarity on that methodological point."

The fine spadework of the Senate Intelligence Committee staff, in addition to showing how easy it is for the press and public officials to discover support for our preconceptions in a detached professional study, serves also to clear the way for a sober consideration of the strategic implications of the Soviet oil dilemma.

The expert belief is that the Soviet Union does have an oil problem. The alternatives, presumably, are to stabilize demand and/or undertake conservation measures; to use American technology (now being supplied) to improve oil yield in water-saturated oil fields; or try to fix a grip on foreign sources that might be brought within its own currency area.

The latter option might, if one were given to gloomy imaginings, explain much about recent Soviet maneuvers in the oil-rich areas of the Middle East. Certainly the latest findings decisively undermine the comfortable old assumption that the Soviet Union has oil to swim in and will never become a competitor in the international rat-race for dependable oil sources.

[Staff Report of the Senate Select Committee on Intelligence, U.S. Senate]

THE SOVIET OIL SITUATION: AN EVALUATION OF CIA ANALYSES OF SOVIET OIL PRODUCTION

President Carter announced in a television news conference on April 15, 1977, that the CIA had provided him with a report showing that the world energy situation was more pessimistic than generally believed and that he was going to use the information to build up support for his forthcoming energy plan.[1]

[1] The President said the report showed that "world oil reserves" had been overstated. Technically that was incorrect since the CIA report did not go into the question of oil reserves. Rather, it covered only energy production up to 1985. Unfortunately, this distinction was lost in the public coverage.

Newsmen who contacted the CIA on the following morning were told that the report was classified and could not be released. That was later amended to state that the Agency had been directed to withhold the study until after the President's nationally televised fireside chat on April 18, since the President was going to quote extensively from the report at that time.

Within 2 weeks after President Carter's news conference, two CIA reports were made public. "The International Energy Situation: Outlook to 1985" was released on April 18, and "Prospects for Soviet Oil Production" on April 25.

On April 26 Admiral Stanfield Turner, Director of Central Intelligence, appeared before a House Energy Subcommittee and repeated the central findings of the "International Energy Situation" study but went further in stating that those findings were based on information about global energy conditions—especially in the U.S.S.R.—which were not available to other forecasters. He also repeated the one conclusion which would come under increasing criticism in the future: The Soviet Union would be a substantial net importer of oil by the mid-1980's.

On the day following Admiral Turner's House appearance, the New York Times editorialized that the CIA had been misused in that the timing of the declassification of the report suggested that it was politically motivated and that the facts had been "cooked" to fit the President's recipe.

SENATE SELECT COMMITTEE ON INTELLIGENCE INTEREST

Because of the importance of these questions, the Senate Select Committee on Intelligence decided to make an evaluation of the integrity of the analytical process and an evaluation of quality of the CIA's energy studies. The committee addressed the following questions:

1. Did the analytical or estimative process respond to the Administration's preferred outcome?
2. Was the manner and style of the release of the CIA information appropriate?
3. How was the study on future Soviet oil production received by the public and by other petroleum analysts?
4. What is the track record of the CIA on the subject of Soviet oil?
5. On what sources of information did the CIA base its estimate?

The first two questions have to do with the integrity of the analytical process, while the remaining three are an attempt to address the question of the quality of intelligence. While both of the CIA reports mentioned above directly or indirectly addressed energy matters broader than the production of Soviet oil, this committee's investigation is limited to the Soviet oil production question.

INTEGRITY OF THE ANALYTICAL PROCESS

The CIA's Office of Economic Research (OER) has been following Soviet oil production for many years. The prevailing estimate for the last 10 years in the CIA, as well as in the oil industry, has been that Soviet oil production would rise with gradual slowing into the 1990's without any significant declines. A published CIA study, "Soviet Long-Range Energy Forecasts," completed in September 1975 reflected this position. As early as 1970, however, some analysts within OER began to pick up some clues from various Soviet open sources that the future of Soviet oil production might not be as optimistic as previously believed.

These clues were mainly in the form of what appeared to be Soviet manipulations of reporting classifications in an attempt to enhance the appearance of growth. As a result of these clues, some Agency analysts began talking about a rather dramatic and immediate decline in Soviet oil production. Had there been any confirmation of this new prediction, the CIA probably would have accepted this more pessimistic view 4 years before they finally did.

The new prediction was not confirmed at this time, however, Soviet production continued to rise. It was not until early 1975 that other pieces of evidence began to fit into a larger picture which once again suggested that the Soviets were going to face declining oil production. Among other things, it was not until 1975 that the CIA understood the greatly increased pumping capacity made possible by the purchase of large numbers of U.S. made high-capacity submersible pumps.

These pumps allowed the Soviets to lift more fluid from the wells which were being flooded with water in an attempt to force more oil out of the ground. One CIA analyst estimated that these pumps alone could have accounted for an additional 1 million barrels a day. Some examples of other new information which became available early in 1975 include: A Soviet failure to meet annual drilling plans during the 1971 to 1975 period; a rapidly increasing water flooding in some key oil fields; data on maximum production capacity in West Siberian oil fields which fell short of the level of oil production planned for this region in the 1976–80 period; indications that oil production in Tatar A.S.S.R., the largest producing area in the Urals-Volga region, would begin to fall after 1975; and the absence of any Soviet reporting on the discovery of any large new oil reserves, which would have been necessary to offset the depletion of the existing reserves.

Thus, through 1975 and into 1976 there were, in effect, two sets of analysts in OER; those who accepted the more traditional view that Soviet oil production would continue its gradual growth rate, at least through 1980 with major production problems not occurring until after 1980, and those who felt the period of production shortages was more imminent. The Director of OER encouraged both groups to continue their efforts as an exercise in competitive analysis. As the two groups independently refined their analyses through the summer and fall of 1976, it became increasingly clearer to both groups that Soviet oil production was going to face some serious problem years. By the end of the year, OER accepted the notion that severe production problems were going to occur. Differences still existed over the approximate date the decline would begin. The study which eventually was published in April 1977 contained both views as a "worst case" and a "less than worst case" projection.

President-elect Carter was made aware of the general thrust of the Soviet oil studies through briefings by OER analysts prior to his inauguration. A classified version of the global energy study was made available to President Carter in April. It was this report to which the President referred in his April 15 press conference and it was the immediate interest generated by this reference which brought about pressure from the press to release the global energy paper.

The public pressure was received warmly by Admiral Turner who had already made plans to make more CIA economic and technical studies avalable to the public. At the request of Admiral Turner, OER declassified and released two studies which had not originally been planned for public use: The global energy study and the Soviet oil production study which was needed to support the controversial projections made in the global study. OER had been working toward using the Soviet oil production information in a broader paper on the Soviet economy scheduled for release later in the summer of 1977.

The prediction on Soviet oil production is speculative. No one should underplay the tentative nature of any predictions of this sort—even about U.S. oil production in the future. But the committee is of the view that in this particular effort, the integrity

of the analytical process was not compromised in any way. The analysts pursued their hunches and hypotheses without any pressure to conform in any particular view.

Committee staff has traced the origins of the new and much more pessimistic forecast back through fall 1976, much too early to have been "cooked" to fit the President's receipe. The committee staff could find no evidence that the integrity and independence of the analytical process, in the case of the prediction about Soviet oil production in the 1980's, was compromised in any way.

On the question of whether or not there were political motivations behind the release of the CIA research, the answer is quite simple: There were. President Carter said he was going to use this information to build support for his energy plan. The conditions which should govern a President's timing and publicly acknowledged use of analytical work performed by an intelligence agency with access to information generally not available to others for domestic political purposes are not clear. The answer in which the President publicly cited the CIA information in this case at a time when it had not yet been released to the public, however, understandably gave rise to questions about his use of the intelligence.

The Senate Select Committee on Intelligence, its predecessor committee (the Church committee), other committees of Congress, and many public groups have advocated greater distribution of CIA information relating to economic and scientific matters. This committee believes it is proper for a President to cite publicly intelligence information in support of a particular public proposal, as long as this can be done without compromising any sensitive sources or methods used in collecting the intelligence and the information is made available to the public so that others may gauge the soundness of the argument. If an administration chooses to cite intelligence data to support policy choices in a public debate, it should be intelligence which, in a general sense, can be made public. All of the information needed to evaluate the strength of OER's conclusions about Soviet oil production was made available to the public by July 1977.

THE QUALITY OF INTELLIGENCE

Evaluating the quality of the CIA predictions about Soviet oil production is much more difficult than was determining the integrity of the analytical process. The following section is an attempt to evaluate the accuracy of the CIA predictions about Soviet oil production. After summarizing the central points of the two CIA publications regarding Soviet oil production, there follows a summary of early public reactions to the studies; the results of an informal poll of 25 private and Government oil experts as to their reactions to the studies subsequent CIA statements about Soviet oil production; the CIA track record on Soviet oil; and the committee's critique of the studies.

What the CIA studies said.—The earlier of the two studies, "Prospects for Soviet Oil Production," said that because of a variety of factors (poor production techniques, exploration delays, development difficulties, et cetera) Soviet oil production was going to peak in the early 1980's and that the Soviets may face difficulties in the mid-1980's meeting their own petroleum needs. "More pessimistically," the report said, "the U.S.S.R. itself will become an oil importer."

The CIA study acknowledged that this was a short-term problem since Soviet energy resources potentially were very large and could, in the long run, be adequate to meet Soviet domestic and export needs. The adverse climatological character of the regions in which those reserves were located, however, would delay actual production from those regions for over 10 years, according to the study.

The second report, "The International Energy Situation: Outlook to 1985," considered Soviet oil production as a part of global energy developments. It was this particular study's comments on Soviet oil production which evoked the widest criticism of the CIA studies. Building on the projected Soviet oil production shortage mentioned in the earlier study, this study detailed the specific effects of that shortage and its wider implications. "We estimate that the Soviet Union and Eastern Europe will require a minimum of 3.5 million barrels per day of imported oil by 1985. At worst, slumping production could lead to import requirements as large as 4.5 million barrels per day." These two sentences acted as a Leyden jar attracting a fairly wide range of criticisms.

Public reactions.—Even before the CIA report was made public, the Washington Post stated on April 16, 1977, that "sources" were describing the CIA work as being based on estimates of global trends in production and consumption which were furnished by private oil companies. Ralph Nader, the article said, questioned the credibility of the CIA report and said that it all sounded like collusion between the oil-producing countries and the oil industry to justify continuing price rises. The first report, "The International Energy Situation: Outlook to 1985," was released on April 18 and "Prospects for Soviet Oil Production" was released on April 25. The releases did nothing to allay the public criticism.

The Washington Star carried an Associated Press story on April 25 juxtaposing the very pessimistic conclusions of the CIA's study with, what it believed to be, more optimistic conclusions disputing the CIA figures from a U.S. group. The story is typical of the kinds of problems which many have had in trying to interpret the meaning of various oil studies.

The U.N. group turned out to be a U.N.-sponsored conference on the subject of future sources of energy whose main conclusion was that "oil would remain the world's most important hydrocarbon source of energy for many years to come." Rather than disputing the CIA study, the U.N.-sponsored conference was held 9 months prior to the release of the CIA studies and said nothing about short-term oil production in the Soviet Union.

On April 27, the New York Times editorialized that the CIA had been misused in that the timing of the declassification of the reports gave evidence that their release was politically motivated and that the facts had been "cooked" to fit the President's recipe.

A New York Times feature story of April 28 claimed that the "CIA's forecast of oil shortage is disputed in private reports." The two reports mentioned were (1) a Stanford Research Institute report issued several months prior to the release of the CIA reports and (2) a National Economic Research Associates of New York "appraisal" suggesting that the CIA reports were much too pessimistic. In both cases, there was some confusion between long- versus short-term analysis and between reserve versus production shortages. As the article commented, "the issues are complicated and the approaches taken in the various reports differ. The typical citizen or Member of Congress who is not a specialist in economics or research analysis may find it difficult to decide which of the forecasts is right."

One of the more perceptive public criticisms which appeared in the same edition of the New York Times (April 28) was a guest editorial written by Dr. Marshall I. Goldman, associate director of the Russian Research Center at Harvard University. Goldman wrote that "the general conclusion (of the CIA report) is not wrong, but parts of the analysis appear to be incorrect." He was particularly critical of two points made by the CIA. In the first place, Goldman did not believe that the Soviet Union and Eastern Europe would become a net importer of oil since he did not accept the Agency's projection of declining Soviet production. Second, even if production failed, the Soviet Union would not be able to obtain the hard currency necessary to finance imports on the scale projected by the CIA studies.

Two other studies are worth mentioning. Shortly after the publication of the two CIA studies, the Workshop on Alternative Energy Strategies (WAES), working under the direction of Dr. Carol L. Wilson, published its report, "Energy: Global Prospects to 1985–2000." The WAES study is perhaps the only study more pessimistic than the reports published by the CIA. The WAES projects, at worst, a 15 to 20 million barrels per day global shortage of oil by the year 2000. The CIA projection is to 1985 and predicts an approximate global shortage of around 7 million barrels per day. The WAES study did not make specific projections about Soviet oil production and, hence, is not directly comparable with the controversial CIA prediction about Soviet oil imports. Methodologically, both the WAES and the CIA studies project future energy needs as a function of general economic growth.

I Library of Congress study, released on June 26, was headlined in the Washington Post as "disputing" the CIA's Soviet oil forecast. The study said that "Soviet needs and planned commitments require it to be a modest exporter of oil and natural gas to the hard currency Western industrialized nations and to Eastern Europe throughout the period of the 1970's and 1980's." The report went on to suggest, however, that Soviet oil production could well begin to diminish in the 1980's unless the Russians were able to bring the Siberian fields on line.

When contacted by committee staff, the author of the Library of Congress study said that the newspapers had given a false impression through its headline and description of his study. He said that, with the exception of the 3.5 to 4.5 million barrels per day import projection, he was impressed with the CIA study and that his study generally did not dispute it.

Poll of oil experts.—Since the CIA studies in question were public reports, the committee staff contacted some two dozen oil experts from private industry, academia, and the Government and asked them to assess the CIA studies.

Most of those polled had favorable comments to make about the general work of the CIA's Office of Economic Research. The two reports in question were described as timely, important, and worthy of serious consideration but flawed by the absence of any methodological explanations.

Those most critical of CIA's oil studies felt that OER's focus was too narrow and that it did not sufficiently take into account broader questions affecting the Soviet oil future, such as pricing, conservation, and fuel substitution.

On the projection that the Soviet Union and Eastern Europe could be importing up to 4.5 million barrels per day by 1985, however, most of those polled disagreed. Nearly everyone interviewed felt that the Soviet Union would be able to avoid becoming a net importer of oil in the 1980's. Most of the experts consulted by the SSCI believed that the totalitarian nature of the Soviet system would more easily allow centralized diversion into other energy sources, rigorously enforced conservation practices, and greater control and manipulation of the economy than is possible in a free economy. As a major New York oil consultant said, "The Soviet Union does not have to function like a market economy and thus it is difficult

to predict how it will react to supply and demand situations." He went on to state that "the Soviet Union could reduce consumption very quickly if they really wanted to through administrative decisions. It could also move heavily into coal or gas or other areas if it needed to."

For example, an FEA analyst felt that the 3.5 to 4.5 figures were a little too pessimistic and that they had been arrived at by assuming a "rather direct causal relationship between economic growth and energy needs into the future. This is a rather standard assumption but may not always be a safe one to make." Air oil industry analyst said that "the 3.5 to 4.5 number is just too high of a number and is not a probable outcome." But, he went on to say, "That is the only number in the study that we have trouble with."

A leading academic specialist consulted by the committee staff thought that the 3.5 to 4.5 figures were too high and that the Soviet system would be able to take appropriate steps to prevent becoming a net importer of that magnitude. On the other hand, he believed that the CIA had performed a valuable service in calling attention to the peaking and subsequent decline of Soviet oil production. He felt, as did most of those consulted, that if the CIA analysts had erred, they did so by neglecting to trace the impact this decline would have on the domestic economy as the Soviets searched for policy alternatives.

Marshall Goldman's New York Times criticism of the study concentrated on this impact. He pointed out that an implication of the prediction that the Soviet Union will become a net importer is that the Soviet Union would not be exporting its present 1 million barrels a day. That would mean a net impact on the world market of 4.5 to 5.5 million barrels per day and would, in turn, create a serious drain on the Soviet Union's scarce sources of hard currency. Goldman concluded that "the issue is not whether the Soviet Union will ever run out of petroleum—it will, but it will take much longer than the CIA says before the Soviet Union becomes the cause of the tightened market."

An interpretation of what the CIA said.—The CIA's "International Energy Situation: Outlook to 1985," which contained the 3.5 to 4.5 million barrels per day import forecast, is an examination of the relationship between global oil supply and demand up to 1985. In essence, it is a projection of global economic growth from which is derived energy consumption. The Agency analysts assumed relatively constant conservation measures and did not attempt to assess the impact of conservation or energy policy changes. They did consider the estimated size of non-oil energy supplies. Government exploration and development policies, oil reserves, existing contracts, and development time estimates.

The forecast that the Soviet Union and Eastern Europe will be importing 3.5 to 4.5 million barrels per day by 1985 must be read in light of the analytical technique used. In effect, the study said that in the absence of any significant improvements in conservation practices, in the absence of any major cutbacks in the rates of economic growth, and in the absence of the kinds of fairly rapidly enforced shifts in patterns of energy consumption of which the Soviet Union may be capable—in the absence of these kinds of developments, the Soviet Union and Eastern Europe will need to import 3.5 to 4.5 million barrels per day by 1985. In light of the analytical techniques used by the CIA oil experts, the import projection should be read as a worst case analysis with other variables remaining relatively constant.

If the study is to be faulted, it ought to be faulted for its lack of clarity on that mehodological point. It is not clear, on first reading, that the conclusion about Communist bloc oil imports in 1985 is really a tentative conclusion based on a number of assumptions which may not obtain in reality. Interviews with senior analysts in the Office of Economic Research (OER), the office responsible for the studies, support this observation.

Walter McDonald, former Deputy Director, OER, and Ronald Smith, Chief, Industrial Nations Division, told committee staff that they also agreed with the critics who have said that it is highly unlikely that the Soviet Union and Eastern Europe will be importing 3.5 to 4.5 million barrels per day of oil by 1985. According to Smith, that is the amount "they would need to import if they continued to grow at the present rate and if conservation practices and other Government policies remained relatively constant."

McDonald told committee staff that he "does not believe that the COMECON countries will be importing that kind of oil but that the data suggests that they will have to do so unless they make some other major policy decisions." He said that the Soviets "will do virtually anything to prevent them from becoming an oil importer of that magnitude."

Both McDonald and Smith said they were well aware of the hard currency problem. McDonald stressed that "the Soviets cannot afford to lose that kind of hard currency in the international oil market."

Admiral Turner, in his appearance before the House Subcommittee on Energy and Manpower of the Committee on Interstate and Foreign Commerce on April 25, 1977, after stating the less arguable prediction that Soviet production will peak by the early 1980 's, went on to state quite clearly the one point which OER analysts told committee staff they wished they had not made. "We estimate that in 1985 the U.S.S.R. and Eastern Europe will need net imports of 3.5 to 4.5 million barrels per day," said the Director. Again, there were no caveats nearby; however the sentence can still be "explained" in such a way as to fall short of predicting that such an amount will be imported.

Additional CIA Soviet oil studies.—Prompted in part by the criticism that their observations about the future of Soviet oil production were not supported by an explanation of how their conclusions were reached, and also prompted by Admiral Turner's desire to make open as much intelligence information as reasonably could be done, the CIA continued to release studies relating to the Soviet oil situation.

On May 26, 1977, a draft paper entitled "Soviet Reserves of Crude Oil," was given limited public circulation. Parts of that paper plus additional discussions of a wide number of Soviet oil-related issues, including Soviet drilling and production techniques and requirements, were put together and published in "A Discussion Paper on Soviet Petroleum Production" for a meeting of the Advisory Committee on East-West Trade on June 20, 1977.

The most significant aspect about the May 26, 1977, "Draft Paper" and the June 29, 1977 "Discussion Paper" is that, while they attempt to answer the critics' charges that the earlier papers were lacking in methodological explanations by giving detailed data and analytical techniques, at no place do they repeat the most controversial conclusion of the earlier paper that the Soviet Union and Eastern Europe will become net importers of oil up to 3.5 to 4.5 million barrels per day by 1985.

The absence of any reiteration of that point would seem to suggest that the Agency had backed off in the face of fairly widespread lack of support throughout the oil industry and the academic community. There was no backing off, however, from the logic which led to the conclusion about Soviet oil production. The draft and the discussion paper make a strong case that the Soviet oil industry is in difficulty and that petroleum production is peaking and will be declining in the near future.

When several members of the panel who had evaluated the earlier papers for the committee were repolled by committee staff about the discussion paper, they unanimously agreed that it provided needed information on research techniques and noted that it had not repeated the controversial conclusion about the Soviet bloc becoming a net importer of oil. To a considerable degree, the discussion paper seemed tailored to meet the objections of the critics of the earlier papers—it provided the "data and analysis employed in the recent CIA study on the Soviet oil industry" and it discussed the options available to the Soviet Union to avoid the adverse consequences of declining oil production. Moreover, it avoided the most controversial part of the earlier work by addressing itself to larger global energy concerns.

In July of 1977 the CIA published a more complete description of the Soviet energy situation. This study considered energy in the context of the overall Soviet economic condition. "Soviet Economic Problems and Prospects," outlined the problems created by a declining energy supply and complicated by a shrinking labor force. It also outlined the options available to the Soviet Government.

This study did what some CIA analysts said they meant to do from the beginning and what academic and industry critics said was missing in the early papers. It repeated the earlier estimate of Soviet oil production in 1958 of 8 to 10 million barrels per day, but it estimated some possible effects of conservation and fuel substitution policies on oil consumption.

According to this study, if the Soviets could reduce energy consumption through conservation by 2.5 percent (a figure the CIA estimates to be reasonable without explaining its derivation), then the U.S.S.R. could "cut oil consumption to 9.4 million barrels per day by 1985, compared with 10.1 million barrels per day under a business-as-usual regime.[2] If production in 1985 turns out to be in the upper portion of our projected range (8 million to 10 million barrels per day), domestic requirements could be covered. Even then, however, the U.S.S.R. would lose its exports of oil for hard currency and would have to cut back oil shipments to its client states in Eastern Europe. On the other hand, if production falls below 9 million barrels per day in 1985, successful conservation and substitution measures that reduced domestic demand to 9.4 million barrels per day would not prevent the U.S.S.R. from having to import a great deal of oil on its own account" (p. 14).

That statement is a far cry from the 3.5 to 4.5 million barrels per day statement in the earlier study. It makes clear that there is a range of alternatives and that such things as conservation and substitution are important variables.

Later in the study, the CIA analysts tie these production developments to the international market.

"Under any but optimistic scenarios for oil production, and in the absence of a high-priority campaign to save oil domestically, the U.S.S.R. will shift from earning to spending hard currency in its oil trade. The difference between selling 1 million barrels per day (as in 1976) and buying 2.7 million barrels per day (the projection for 1985 that assumes no conservation efforts) is $17 mil-

[2] The CIA apparently here assumes that if all of the 2.5-percent energy conservation reduction were to take its effect on oil consumption, the result would be savings of 700,000 barrels per day (from 10.1 to 9.4) which is a 7-percent reduction.

lion in 1977 prices, more than the U.S.S.R.'s total 1976 hard-currency imports (p. 22)."

A footnote explains how the 2.7 million barrels per day import figure for 1985 was derived:

"Comprising 1.6 million barrels per day for reexport to Eastern Europe and 1.1 million barrels per day for domestic consumption (the difference between projected consumption of 10.1 million barrels per day and projected production of 9 million barrels per day.) An earlier CIA study, 'The International Energy Situation: Outlook to 1985' (April 1977), estimates combined Soviet and Eastern Europe oil imports in 1985 at 3.5 to 4.5 million barrels per day. This range is consistent with the base line forecast made in this paper on the assumption that the Soviet Union makes no special new effort to save oil. There is a difference in coverage, however. The earlier estimates include Romania and Yugoslavia while those in the current study do not because these two countries, unlike the others in Eastern Europe, are not considered Soviet clients for this purpose; that is, the U.S.S.R. would not be expected to make up their energy deficits. There have also been some changes in the forecast about oil in the U.S.S.R. and Eastern Europe but these largely cancel out. If Romania and Yugoslavia are included, the current base line forecast is 3.9 million barrels per day or close to the midpoint of the range in the earlier paper.

"Unlike the earlier estimate, the present forecast considers the possible impact of additional energy savings due to new Soviet policies. With additional savings of 2.5 percent, all in the form of oil, the U.S.S.R. and Eastern Europe would need to import 2.5 million barrels per day in 1985, or 2.9 million barrels per day including Romania and Yugoslavia."

In effect, the Agency did not retreat from its earlier projections but now states with greater clarity the range of alternatives and the assumptions on which those alternatives rest. It is unfortunate that it took 3 months and three additional studies to state clearly what the analysts say was intended in the first of the studies.

CIA track record.—It is not easy to determine the accuracy of past CIA forecasts. For one thing, Agency analysts have not produced an annual forecast of Soviet oil production. They have produced a number of relevant studies which relate to this area, but comparisons are difficult because of the absence of a standard format or design for the display of these data. Some publications have concentrated on Soviet oil imports, others on exports, others on the total Soviet energy situation, and other such studies. The varying focuses of the occasional reports also give rise to another problem. A paper on prospects for continued Soviet petroleum exports will focus quite narrowly on that topic to the exclusion of broader economic and political considerations. A study of Soviet production goals for power and fuels may likewise ignore other sides of relevant considerations. Occasionally a broadly based study on the Soviet economy as a whole will be produced which will integrate information drawn from wider sources and based on more complete consideration. An approximate track record, however, is possible based on Agency publications back to 1970 which the committee staff reviewed.

In 1970, the Agency forecast Soviet oil production for 1975 to be between 8.81 and 9.21 million barrels per day. Another 1970 study predicted a single 9.01 figure for the same period. In fact, actual Soviet oil production in 1975 was 9.82 million barrels per day. The CIA forecast had been low, but for an interesting reason: The Agency analysts had assumed that U.S. export restrictions would remain relatively unchanged and that the Soviets would not be able to import desperately needed Western technology, particularly submersible pumps and drill bits. As those export restrictions were lifted, the Soviets purchased large amounts of the needed equipment and their production was greater than the CIA forecast.

In 1971, the CIA did another forecast up to 1975 and this time predicted Soviet oil production would be 9.81 to 10.01 million barrels per day, *if* the Soviets gained access to Western technology. Again, actual production in 1975 was 9.82. A 1972 study made a forecast for "the next few years" and projected Soviet oil production would be 9.19 million barrels per day. In 1973, 1974, 1975, actual production (according to CIA collections of Soviet statistics) was 8.58, 9.18, and 9.81, respectively. Again, the forecast was fairly close.

The longer range the projection, obviously, the greater is the probable error. In 1970 the Agency made a 10-year forecast of 9.01 to 10.01 million barrels per day in 1980. Six years later, in 1976, the Agency predicted 11.8 million barrels per day by 1980. Nevertheless, there has been a tendency for OER to emphasize problems in the Soviet oil industry.

The varying and complicated nature of the data in the CIA oil studies makes evaluation and comparison difficult. All of the CIA forecasts mentioned above pertain to annual oil production. Another area of great interest is that total oil reserves, that is, oil in the ground. One Agency critic, Marshall Goldman, in an unpublished study. "Some Critical Observations About the CIA Analysis of the Need For Soviet Oil Imports," cites CIA estimates of Soviet oil reserves to show that Agency forecasts have vacillated wildly and cannot be trusted. He cites three successive CIA estimates (1975, 1976, and 1977) of Soviet oil reserves as being 73, 36, and 30 to 35 billion barrels respectively, and concludes, "it is hard to see how the CIA has suddenly arrived at the figures it now wants us to accept." His point is that no respectable forecaster could possibly reduce his estimates by half (from 73 to 36 billion barrels in 1 year) and maintain credibility.

On this point, Goldman has apparently misread a particular CIA study. He cites a 1975 Agency study on Soviet long-range energy needs as estimating that the Soviet Union has a 73 billion barrels oil reserve. Actual Soviet oil reserves are difficult to ascertain for two reasons: (1) statistics are classified as Soviet state secrets; and (2) Soviet definitions of reserves do not coincide with those used in the West.

The Soviets use six categories of oil reserves, A, B, C_1, C_2, D_1, and D_2. The reserves in A and part of the B correspond to the "proven" category used in the United States. The rest of the B reserves plus some of the C_1 reserves correspond to U.S. "probable" category. However, some portions of both B and C_1 would be called "possible" by Western standards. The other categories, C_2, D_1, and D_2 are inferred reserves not established by testing. Unlike the U.S. definitions of "proved" and "probable." Soviet definitions do not specify that the reserves must be commercially exploitable at current prices and technology.

Since the 1975 CIA study itself does not clearly state what Soviet oil reserves are, Goldman had to infer such a figure. The data from which he made his inference are data about Soviet $A+B+C_1$ reserves but he should have applied his computations to the A+B categories only, which is the normal grouping for calculating Soviet oil reserves. By applying either of the two acceptable methods for computing oil reserves, one can infer a Soviet oil reserve estimate from the 1975 study of 36.5 to 43.8 billion barrels, a range well within the realm of conventional wisdom and not out of line with the CIA's later estimates. The CIA track record for estimating Soviet oil reserves may or may not be accurate—only time will tell—but, at least, it has been quite consistent.

Sources for CIA studies.—CIA analysts rely on a number of different sources, some confidential and some open. In the latter category, the Agency is capable of an exhaustive reading of Soviet oil journals. For the recent Soviet oil study, they utilized issues of 40 different Soviet journals. Much of the early work on Soviet oil involved the tedious searching of standard Soviet literature for bits and pieces of information.

One National Academy of Sciences energy expert said that he thought this was the great strength of CIA analysis. According to him, the CIA "is the only shop in the country which has access to such a vast number of Soviet journals and has trained personnel and data processing techniques which can read, classify, and retrieve such information."

The Agency also has access to a large number of American academic, industry, and government experts who study Soviet energy developments. Many of these are called on as formal or informal consultants. Additionally, there are a variety of energy experts who occasionally travel through the Soviet Union, some of whom are willing to pass on their impressions to the Agency.

Moreover, as Soviet oil exploitation has become increasingly dependent on U.S. technology, the CIA has been able to estimate relationships between certain types of equipment purchases and oil development. The Agency has access to all U.S. exports records since these are public records.

The CIA also has access to various kinds of sensitive sources of information which remain classified. Some of this information has played a significant role in the Agency's study of Soviet oil.

CONCLUSIONS

The CIA's two unclassified studies, "The International Energy Situation" and "Prospects for Soviet Oil Production," have been generally well received. Most of the experts consulted by the SSCI had praise for the work of the Office of Economic Research; they liked the overall thrust of the two current studies about which their opinions were sought. Several of them, however, expressed both surprise and disbelief over the CIA estimate that the "Soviet Union and Eastern Europe will require a minimum of 3.5 million barrels per day of imported oil by 1985. At worst, slumping production could lead to import requirements as large as 4.5 million barrels per day."

CIA analysts have said that if they could rewrite that particular study they would definitely change that sentence. It lends itself to misinterpretation much too easily. It was meant to express the Agency's belief that unless the Soviet Union alters its energy consumption pattern, significantly increases its conservation practices, or greatly reduces economic growth and the oil consumption traditionally correlated with that growth, there will be a shortage of 3.5 to 4.5 million barrels per day of oil by 1985. No one in OEC believes the Soviet Union will import oil at that magnitude.

The later (July 1977) study, "Soviet Economic Problems and Prospects," gave OER a chance, in fact, to rewrite the "offending" sentence. This time they explained both a worst case and a best case scenario. They also considered the possible effects of conservation and substitution (a 2.5-percent reduction in energy consumption) as well as the effect of falling production on the domestic economy and international trade. There is no explanation of how the 2.5 percent was derived other than that it is a "highly subjective estimate" (p. 14).

This study reports that if all energy conservation is focused on oil consumption, then the Soviets could reduce oil to 9.4 million barrels per day by 1985. If, at the same time, oil production is on the high side of the CIA estimate (10 million barrels per day), then the Soviets would have enough oil to cover domestic needs. If, on the other hand, con-

servation is less successful and production is at the lower end of the CIA estimate (8 million barrels per day), then the shortfall of oil would need to be imported or, more likely, additional and more stringent steps would be taken by Soviet officials to prevent such an outcome.

Agency analysts have variously described the 3.5 to 4.5 import projection as a "terrible glitch" and a "simple error" in that normal supply-and-demand projections of the Soviet energy situation were made and, according to one analyst, an "unwarranted assumption was made that any shortfall of oil automatically would be imported."

Given the favorable reputation which the Agency has among the majority of oil experts consulted by the committee staff, it is unfortunate that the caveats necessary to arrive at the correct conclusions were not clearly expressed in the early studies and in the assessment that was made by Admiral Turner before the House committee.

This error is unfortunate because it detracts from the attention which should be paid to the more fundamental and new conclusion made in the studies relating to the prospects for Soviet oil production and the difficult options such a development is going to present to Soviet leaders. It does appear that the Soviet oil industry is facing a difficult period. Recent Pravda articles seem to bear this out.[3]

There have been a number of newspaper stories reporting increasing difficulties in the Soviet oil industry. These stories have chronicled (1) the extreme difficulties the Soviets are having in developing oil fields in Siberia; (2) a Soviet warning to bloc countries that they may need to develop other sources for oil; (3) the attempt to develop Iran as an oil supplier for Eastern Europe; (4) the Soviet announcement that 1978's oil production would be only slightly higher than the previous year despite an earlier stated production quota much higher; and (5) the Soviet difficulties in trying to develop oil wells with its own technology, and therefore its increasing reliance on Western technology.

How the Soviets deal with the oil problem could have a serious adverse impact on the Soviet economy, the Communist bloc, and perhaps, even the Western world. The Agency has not backed away from this projection and most of the experts consulted by the committee staff think that the Agency may be right. No one will know for sure, of course, until 1985.

RECOMMENDATIONS

The following recommendations are based upon the committee's evaluation of the CIA's studies on Soviet oil production. They are focused on production and dissemination of finished intelligence by the Office of Economic Research.

The release to the public of unclassified intelligence analyses is a good practice and should be pursued to the fullest extent consistent with the need to protect sensitive sources and methods. The CIA must not refrain, moreover, from releasing studies because they may run counter to the policies of a particular administration or popular wisdom. Sound, dispassionate analyses will facilitate ability of the public to evaluate both the analyses and the data on which report conclusions are based. Such public reaction as occurred in this case is healthy and should be encouraged.

OER should produce annual or periodic studies of the energy situation in the Soviet Union which include more consistent displays of relevant data. This would allow easier comparisons and would also make retrospective evaluations of OER's predictive record easier. Where possible, regularly produced reports might help avoid appearances of pressure to support particular public policies. This, of course, would not affect the frequent but unperiodic publication schedule of OER.

The practice of meeting with academic and industry petroleum experts should be continued. OER met several times with such outside experts during the course of their production of Soviet oil analyses and those meetings proved to be mutually enlightening.

Finished intelligence products which are written by highly trained specialists should be reviewed by generalists with a more multidisciplinary view. This will enhance the likelihood of avoiding projections of technical outcomes which may be politically unlikely.

The White House and the Director of Central Intelligence need to be fully sensitive to the responsibilities they bear in preserving the integrity of the analytical process and in creating confidence among Congress and the public that the substance and the circumstances surrounding the release of economic and scientific intelligence are free from undue pressure.

[3] An August 10, 1977, Pravda article was critical of those who expected oil at every drilling. It pointed out that prospectors and geologists in the Tyumen area had failed to fulfill last year's plan and were "not coping with this year's targets either." [FBIS translation.]

DESIGNATION OF PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

(The following occurred earlier:)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senator from Hawaii completes his statement, there be a period for the transaction of routine morning business of not to exceed 1 hour.

The PRESIDING OFFICER (Mr. HODGES). Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 1 hour.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer laid before the Senate a message from the President of the United States submitting the nomination of Warren Demian Manshel, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark, which was referred to the Committee on Foreign Relations.

REPORT ON EMPLOYMENT AND TRAINING REQUIREMENTS, RESOURCES AND UTILIZATION—MESSAGE FROM THE PRESIDENT—PM 178

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Human Resources:

To the Congress of the United States:

I am transmitting to the Congress the 16th annual report pertaining to employment and training requirements, resources, and utilization, as required by section 705(a) of the Comprehensive Employment and Training Act of 1973, as amended. This Employment and Training Report of the President also includes reports required by sections 209, 413, and 705(b) of the same act, as well as a report on services for veterans, as required by 38 U.S.C., sections 2007(c), and 2012(c).

JIMMY CARTER.

THE WHITE HOUSE, *May 26, 1978.*

MESSAGES FROM THE HOUSE

At 2:35 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 7814. An act to authorize Federal agencies to experiment with flexible and compressed employee work schedules; and

H.R. 12571. An act to amend the Fishery Conservation Zone Transition Act in order to give effect to the Reciprocal Fisheries Agreement for 1978 between the United States and Canada.

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 7814. An act to authorize Federal agencies to experiment with flexible and compressed employee work schedules; to the Committee on Governmental Affairs.

H.R. 12571. An act to amend the Fishery Conservation Zone Transition Act in order to give effect to the Reciprocal Fisheries Agreement for 1978 between the United States and Canada; to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations, jointly, by unanimous consent.

ORDER FOR REFERRAL OF A BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when and if S. 3115 is reported, it be referred to the Committees on Commerce, Science, and Transportation for a period of not to exceed 45 legislative days to consider title IV of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS

The PRESIDING OFFICER laid before the Senate the following communications, together with accompanying reports, documents and papers, which were referred as indicated:

EC-3687. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the extent of known and estimated compliance with the provisions of the Fishery Conservation and Management Act of 1976 (YCMA); to the Committee on Commerce, Science and Transportation and the Committee on Foreign Relations, jointly, by unanimous consent.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a communication transmitted by the Secretary of Commerce, relative to the Fishery Conservation and Management Act of 1976, be referred jointly to the Committees on Commerce, Science, and Transportation; and Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

EC–3688. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on activities of the Regional Fishery Management Councils and the Department of Commerce with respect to fishery management plans, regulations to implement such plans, and other activities relating to the conservation and management of fishery resources that were undertaken during 1977; to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations, jointly, by unanimous consent.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the annual report transmitted by the Secretary of Commerce, relative to the Regional Fishery Management Councils and the Department of Commerce, to be referred jointly to the Committees on Commerce, Science, and Transportation; and Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

EC–3689. A communication from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on eight construction projects to be undertaken by the U.S. Army Reserve; to the Committee on Armed Services.

EC–3690. A communication from the Secretary of the Navy, transmitting a draft of proposed legislation to repeal section 5770 of title 10, United States Code, relating to the requirement for sea or foreign service for certain officers of the Regular Navy; to the Committee on Armed Services.

EC–3691. A communication from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to provide assistance for specific neighborhood conservation and revitalization projects, to improve the capabilities of neighborhood organizations in planning and carrying out such projects, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC–3692. A communication from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to provide Federal assistance to encourage community and neighborhood artistic and cultural activities, to promote sound urban design, and to contribute to neighborhood conservation and revitalization, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC–3693. A communication from the Assistant Secretary of the Interior, reporting, pursuant to law, relating to drought loans, grants, and deferments; to the Committee on Energy and Natural Resources.

EC–3694. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, volume II of the first annual report of the Energy Information Administration; to the Committee on Energy and Natural Resources.

EC–3695. A communication from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, an application by the South Weber Water Improvement District of South Weber City, Davis County, Utah, for a loan under the Small Reclamation Projects Act (70 Stat. 1044, as amended); to the Committee on Energy and Natural Resources.

EC–3696. A communication from the Federal Cochairman, Pacific Northwest Regional Commission, transmitting, pursuant to law, its annual report for fiscal year 1977; to the Committee on Environment and Public Works.

EC–3697. A communication from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation to amend the Atomic Energy Act of 1954, as amended, to provide for the protection from unauthorized disclosure of safeguards information, and for other purposes; to the Committee on Environment and Public Works.

EC–3698. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report of a Building Project Survey for El Paso, Tex.; to the Committee on Environment and Public Works.

EC–3699. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on Railroad-Highway Demonstration Projects, December 1977; to the Committee on Environment and Public Works.

EC–3700. A communication from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to carry out the obligations of the United States under the International Sugar Agreement of 1977; to protect the welfare of consumers of sugar and those engaged in the domestic sugar-producing industry; and for other purposes; to the Committee on Finance.

EC–3701. A communication from the Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations), transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to eliminate the requirement that a member of the Armed Forces on active duty maintain a household in the United States in order to be eligible for the earned income credit; to the Committee on Finance.

EC–3702. A communication from the President of the United States, transmitting a draft of proposed legislation to provide for a National Commission on the International Year of the Child, 1979; to the Committee on Foreign Relations.

EC–3703. A communication from the Assistant Administrator for Legislative Affairs, Department of State, transmitting, pursuant to law, a justification of an increase in the funding level of the proposed fiscal year 1978 program in Tanzania; to the Committee on Foreign Relations.

EC–3704. A communication from the Assistant Secretary (Legislative Affairs), Department of the Treasury, transmitting, pursuant to law, project performance audit reports prepared by the International Bank for Reconstruction and Development (IBRD); to the Committee on Foreign Relations.

EC–3705. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Supplemental Security Income Quality Assurance System: An Assessment of its Problems and Potential for Reducing Erroneous Payments," May 23, 1978; to the Committee on Governmental Affairs.

EC–3706. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Federal Role in Improving Productivity—Is the National Center for Productivity and Quality of Working Life the Proper Mechanism?" May 23, 1978; to the Committee on Governmental Affairs.

EC–3707. A communication from the Attorney General, reporting, pursuant to law, its intention to establish a new system of records; to the Committee on Governmental Affairs.

EC–3708. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Metropolitan Chicago's Combined Water Cleanup and Flood Control Program: Status and Problems," May 24, 1978; to the Committee on Governmental Affairs.

EC–3709. A communication from the Administrator, General Services Administration, transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949, as amended, to permit retention of surplus for use in the acquisition of motor vehicles and related equipment; to the Committee on Governmental Affairs.

EC–3710. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Developing State Automated Information Systems to Support Federal Assistance Programs: Problems and Opportunities," May 26, 1978; to the Committee on Governmental Affairs.

EC–3711. A communication from the Director, Bureau of Prisons for the National Institute of Corrections, transmitting, pursuant to law, its second annual report; to the Committee on the Judiciary.

EC–3712. A communication from the Chairman of the Board, U.S. Naval Sea Cadet Corps, transmitting, pursuant to law, its annual audit report for the fiscal year ending 31 March 1978; to the Committee on the Judiciary.

EC–3713. A communication from the Librarian of Congress, transmitting, pursuant to law, a report of the activities of the Library of Congress, including the Copyright Office, for the fiscal year ending September 30, 1977; to the Committee on Rules and Administration.

EC–3714. A communication from the Chairman, Agricultural Technical Advisory Committee for Trade Negotiations on Poultry and Eggs, reporting, pursuant to law, on the Agreement on Trade Matters Between the United States and the United Mexican States; to the Committee on Finance.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions and memorials, which were referred as indicated:

POM–668. A concurrent memorial adopted by the Legislature of the State of Arizona; to the Committee on Finance:

"SENATE CONCURRENT MEMORIAL 1001

"Whereas, Internal Revenue Service interpretations of the Internal Revenue Code as amened by the Pension Reform Act of 1974 have raised the distinct possibility that State pension plans would be subject to Federal income taxation and be burdened by Federal Government reporting requirements; and

"Whereas, taxation of State pension fund income by the Federal Government would threaten the integrity and financial viability of these employee-pension plans and the future economic security of their beneficiaries; and

"Whereas, such taxation would be contrary to the Constitutional principle of nontaxation by the Federal Government of State property and income; and

"Whereas, a bill to amend the Internal Revenue Code of 1954 would exempt State and Local government retirement systems from Federal income tax liability and the burden of unnecessary reporting requirements. Wherefore your memorialist, the Senate of the State of Arizona, the

"House of Representatives concurring, prays:

"1. That the President and the Congress of the United States protect State pension plans by passing a bill to amend the Internal Revenue Code of 1954 to exempt certain

State and Local government retirement systems from taxation.

"2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States, the Chairman of the Finance Committee of the United States Senate, the Chairman of the Ways and Means Committee of the House of Representatives of the United States and to each Member of the Arizona Congressional delegation."

POM-669. A resolution adopted by the Legislature of the State of Massachusetts; to the Committee on Environment and Public Works:

"COMMONWEALTH OF MASSACHUSETTS—RESOLUTION

"Whereas, A special Connecticut River Basin program was established in nineteen hundred and seventy-two to insure the basin plan is used to guide water resources management actions at all levels; and

"Whereas, The plan for water resources management in the Connecticut River Basin reflects the desires and wishes of the inhabitants of the river valley; and

"Whereas, The Connecticut River Basin plan provides for local participation in the determination of policy in the use and development of the river's resources; and

"Whereas, The failure to enact certain legislation would create a void in river basin planning and management in which government and nongovernment interests could make decisions in their own interest in isolation and unrelated to any overall coordination or policy on river planning and development to the detriment of our vital water resources; now therefore, be it

"*Resolved*, That the Massachusetts Senate respectfully urges the Congress of the United States to enact certain legislation in favor of a Special Connecticut River Basin program; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States, to the presiding officer of each branch of the Congress, and to each member thereof from this Commonwealth."

POM-670. A resolution adopted by the County Board of Aitkin County, Minn., in opposition to the inclusion of the Upper Mississippi River in the Wild and Scenic Rivers Act; to the Committee on Energy and Natural Resources.

POM-671. A resolution adopted by the Lake County Board of Commissioners, Two Harbors, Minn., relating to the Federal Mine Safety and Health Act; to the Committee on Human Resources.

POM-672. A resolution adopted by the Lake County Board of Commissioners, Two Harbors, Minn., relating to the PERA pension system in the State of Minnesota; to the Committee on Governmental Affairs.

POM-673. A concurrent resolution adopted by the Legislature of the State of South Carolina; to the Committee on the Judiciary.

"CALENDAR No. S. 1024

"Whereas, with each passing year this Nation becomes more deeply in debt as congressional expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds a half-trillion dollars; and

"Whereas, attempts to limit spending by means of the new congressional budget committee procedures have proved fruitless; and

"Whereas, the annual Federal budget repeatedly demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal government to curtail spending to conform to available revenues; and

"Whereas, the proposed budget of five hundred billion dollars for fiscal year 1978–1979 does not reflect total spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

"Whereas, believing that fiscal irresponsibility at the Federal level, with the resulting inflation and decline in the Nation's trading position is a growing and corrosive threat to our economy, to the well-being of our people, and to our representative democracy, that constitutional restraint is necessary to bring the fiscal discipline needed to reverse this trend. Now, therefore,

"Be it resolved by the Senate, the House of Representatives concurring:

"That Congress is requested, pursuant to Article V of the United States Constitution, to call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution.

"Be it further resolved that the proposed new amendment read substantially as follows:

"Proposed Article XXVII

"The total of all federal appropriations made by the Congress for any fiscal year shall not exceed the total of the estimated federal revenues for that fiscal year, excluding any revenues derived from borrowing, and this prohibition extends to all federal appropriations and all estimated federal revenues, excluding any revenues derived from borrowing. The President in submitting budgetary requests and the Congress in enacting appropriation bills shall comply with this article.

"The provisions of this article shall be suspended for one year upon the proclamation by the President of an unlimited national emergency. The suspension may be extended, but not for more than one year at any one time, if two-thirds of the membership of both Houses of Congress so determine by Joint Resolution."

"Be it further resolved that copies of this resolution be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of Congress from South Carolina.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 3156. An original bill to amend the Consumer Credit Protection Act to provide consumer rights and remedies in electronic fund transfer systems (together with additional views) (Rept. No. 95–915). Placed on the calendar.

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs:

Second report on the conduct of monetary policy (together with additional and supplemental views) (Rept. No. 95–916).

By Mr. BAYH, from the Committee on the Judiciary, without amendment:

S. 2937. A bill to amend the Speedy Trial Act of 1974 to provide further authorization for appropriations for pretrial services agencies (Rept. No. 95–917).

By Mr. BAYH, from the Committee on the Judiciary:

S. Res. 470. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2937, a bill to amend the Speedy Trial Act of 1974 to provide further authorization for appropriations for pretrial services agencies. Referred to the Committee on the Budget.

By Mr. MUSKIE, from the Committee on the Budget, without amendment:

S. Res. 450. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 11877 (Rept. No. 95–918).

S. Res. 453. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 3075 (Rept. No. 95–919).

S. Res. 455. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 3076 (Rept.No.95–920).

S. Res. 456. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 3067, the Civil Rights Commission Act of 1978, a bill to authorize appropriations for the U.S. Commission on Civil Rights, and for other purposes (Rept. No. 95–921).

S. Res. 460. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 3112 (Rept. No. 95–922).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. STONE:

S. 3154. A bill to amend the Fair Labor Standards Act of 1938, as amended, and for other purposes; to the Committee on Human Resources.

By Mr. HATCH (for himself, Mr. STEVENS, Mr. HELMS, and Mr. BELLMON):

S. 3155. A bill to establish a commission to study the proposal that the populated areas of the District of Columbia be retroceded to the State of Maryland; to the Committee on Governmental Affairs.

By Mr. RIEGLE (from the Committee on Banking, Housing, and Urban Affairs):

S. 3156. A bill to amend the Consumer Credit Protection Act to provide consumer rights and remedies in electronic fund transfer systems. Original bill reported and placed on the calendar.

By Mr. MATHIAS:

S. 3157. A bill for the relief of Mrs. Kae Soon Sin; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 3158. A bill to authorize the investigation to study the feasibility of the Santa Cruz Dam and Reservoir, Santa Cruz Irrigation District, N. Mex., and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ANDERSON:

S. 3159. A bill for the relief of Mr. Jesus Castanos Dumagan; to the Committee on the Judiciary.

By Mr. GLENN:

S. 3160. A bill to provide for increased allied health personnel in medically underserved urban and rural areas; to the Committee on Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STONE:

S. 3154. A bill to amend the Fair Labor Standards Act of 1938, as amended, and for other purposes; to the Committee on Human Resources.

LEGISLATION TO AVOID IMPROPER APPLICATION OF THE FAIR LABOR STANDARDS ACT TO COMMISSARY EMPLOYEES

● Mr. STONE. Mr. President, I am introducing today legislation which will have the effect of overturning a ruling of the U.S. Civil Service Commission that baggers at military commissaries should be regarded as Federal employees for purposes of the Fair Labor Standards Act. This ruling will take place on July 30, 1978.

Many military personnel retirees, and their dependents do their food shopping at commissaries operated by the military departments. At most of these stores there are persons who help the patrons bag and carry out their purchases and are paid tips by the patrons they help. The tips are their sole compensation. These men and women are sometimes off-duty, low-ranking military personnel. Some of them are high school students. They are independent entrepreneurs offering their services according to their own convenience. They are not supervised by the commissaries and have never been considered commissary employees.

In addition, it will be necessary for increased costs of this ruling to be born by taxpayers through an increase in commissary subsidies or by increasing the taxes on goods sold in commissaries. I have been informed that commissaries in Florida are planning to increase their tax from 4 to 6 percent, because of this ruling. The present system is an efficient system. The baggers are able to work during their free hours and make much better income than minimum wage for the hours they work. They work for tips and get the job done. Increasing taxes in order to pay minimum wage to people who want to work is an absurdity and a back-door method for closing down the military commissary system.

Congressman LES ASPIN has introduced a companion bill in the House of Representatives, H.R. 6256. I hope the Senate Committee on Human Resources will act on this matter in time to stop this ruling from taking effect on July 30, 1978.●

By Mr. HATCH (for himself, Mr. STEVENS, Mr. HELMS, and Mr. BELLMON):

S. 3155. A bill to establish a commission to study the proposal that the populated areas of the District of Columbia be retroceded to the State of Maryland; to the Committee on Governmental Affairs.

DISTRICT OF COLUMBIA BOUNDARY COMMISSION

● Mr. HATCH. Mr. President, as my colleagues are aware, both the Republican and Democrat Party platforms of 1976 have endorsed the principle of representation of the District of Columbia in the Congress. Because the District is not a State, its citizens have been denied a voice in the National Legislature. In my view, the disfranchisement of District residents is more the result of accident than design, and I do not see any justification for perpetuating this mistake in the future. The privilege of participating in the electoral process is a basic principle of our system of government. It is time that the citizens of the District were represented in Congress. They bear the burdens and responsibilities of American citizenship; and they should also enjoy all the privileges of American citizenship.

To correct the problem, a number of constitutional amendments have been proposed to give District residents their own Senators and Congressmen. The House recently passed House Joint Resolution 554, which, instead of being referred to committee, was held at the desk. It is now on the Senate Calendar and could be called up by the leadership at any time. In addition, the Constitution Subcommittee of the Senate Judiciary Committee, on which I serve, having completed 3 days of hearings, is presently considering Senate Joint Resolution 65. This resolution differs in a number of respects from the House version, but in general seeks to accomplish the same purpose.

In my judgment, these proposed amendments are unacceptable from a constitutional as well as practical standpoint. Senate Joint Resolution 65 would give District residents no voice in the ratification or rejection of proposed constitutional amendments. House Joint Resolution 554 would give District residents extraordinary voting privileges that are not enjoyed by other Americans, such as direct participation by "the people" in the amending process, while at the same time taking away their right to vote in Presidential elections. Section 3 of House Joint Resolution 554, as I pointed out in my statement to the subcommittee, inadvertently abolishes not only the 23d amendment but also the newly won right of District residents to vote for electors to cast a vote in the electoral college. No less significant is the fact that neither resolution would allow the citizens of the District the right to enjoy the benefits of State citizenship.

Practically speaking, these proposed amendments are likely to encounter stiff opposition in several States.The population of the District of Columbia has been steadily decreasing since 1950. An overwhelming number of District residents are employed by the Federal Government. The geographical area of the District is small compared to that of the States, and no other city in America has its own representation in Congress. In effect, the American people would be asked to give a special interest group, Federal employees, living in a city with a shrinking population, its own Senators and Congressmen. I do not believe they will accept this.

Far preferable to a constitutional amendment, it seems to me, is retrocession of the populous sections of the District back to the State of Maryland. There are a number of advantages to this approach. First, it can be accomplished without the difficulty and delay of an amendment—an amendment that is likely to fail anyway. Second, it can be accomplished without distorting the Constitution. And third, it is the only approach to the problem that will give District residents all the benefits of both National and State citizenship.

Accordingly, I am today introducing legislation, together with Senators STEVENS, HELMS, and BELLMON, to establish a Boundary Commission that will be charged with the responsibility of studying this issue and making recommendations to Congress regarding retrocession of certain portions of the District to Maryland. This, in my view, is the only right and practical approach to the problem of representation for District residents. The only objection I have heard to this approach is that the citizens of the District and Maryland have expressed no interest in it, that is not reason enough. Before resorting to a drastic amendment, we owe it to the people involved to explore every opportunity that is available to bring the ciitzens of the District to full citizenship, in a manner that is mutually satisfactory to the people of the District and the State of Maryland.

Mr. President, I urge my colleagues to support this legislation, and ask unanimous consent that the bill I am introducing be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PURPOSE

SECTION 1. It is the purpose of this Act to establish a commission to study the proposal that populated areas of the District of Columbia be retroceded to the State of Maryland, thus affording the residents of the present District of Columbia with representation in the Congress of the United States and the Government of the State of Maryland.

ESTABLISHMENT OF COMMISSION

SEC. 2. (a) There is established a commission to be known as the District of Columbia Boundary Commission (thereinafter referred to as the "Commission").

(b) The Commission shall consist of—

(1) five public members to be appointed by the President of the United States;

(2) five Members of the United States Senate; and

(3) five Members of the United States House of Representatives.

(c) The President of the United States shall designate on public member as Chairman of the Commission.

(d) A quorum shall consist of eight members.

(e)(1) Members of the Commission who are not regular full-time employees of the United States shall, while serving on the business of the Commission, be entitled to receive compensation at rates fixed by the Chairman, but not to exceed the minimum daily rate prescribed for GS–15 of the General Schedule under section 5331 of title 5, United States Code, including traveltime for each day they are engaged in the performance of their duties as members of the Commission, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties under this Act.

(2) Members of the Commission who are employed by the Federal Government (including Members of Congress) shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties under this Act.

FUNCTIONS

SEC. 3. (a) The Commission shall conduct a study of the proposal that populated areas of the District of Columbia be retroceded to the State of Maryland.

(b) Aspects of the proposal to be studied shall include—

(1) the boundaries of an area which should remain a Federal enclave as the seat of the Government;

(2) the procedure for retroceding areas to the State of Maryland; and

(3) the need to provide police, fire, sanitation, and other services to the remaining Federal enclave.

(c) Upon completion of the study, but not later than July 15, 1979, the Commission shall submit to the Congress a report on the study carried out under this Act, including any recommendations for legislation.

ADMINISTRATIVE PROVISIONS

SEC. 4. (a) In order to carry out the functions of the Commission under this Act, the Chairman is authorized, with the advice of the Commission, to appoint and fix the compensation of an Executive Director and additional staff, without regard to title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the minimum rate prescribed for GS–15 of the General Schedule under section 5332 of such title.

(b) In order to carry out its functions under this Act the Commission is authorized to—

(1) hold such hearings as may be required to carry out the povisions of this Act;

(2) secure from any Federal agency, including any independent establishment or instrumentality of the United States, from the District of Columbia, or from any State or political subdivision thereof, information required in the performance of its functions under this Act;

(3) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code (but at a daily rate not to exceed the minimum daily rate prescribed for GS–15 of the General Schedule under section 5332 of such title);

(4) enter into contracts, grants, or other arrangements, or modifications thereof, necessary to carry out the provisions of this Act; and

(5) make other necessary expenditures.

(c) The General Services Administration shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

AUTHORIZATION

SEC. 5. There are authorized to be appropriated for the purpose of carrying out the provisions of this Act such sums as may be necessary.

TERMINATION

SEC. 6. The Commission shall terminate upon submission of its report to the Congress as required under section 3(c).●

By Mr. DOMENICI:

S. 3158. A bill to authorize the investigation to study the feasibility of the Santa Cruz Dam and Reservoir, Santa Cruz Irrigation District, N. Mex., and for other purposes; to the Committee on Energy and Natural Resources.

● Mr. DOMENICI. Mr. President, today I am introducing legislation to authorize the Department of the Interior to study the feasibility of rehabilitating and enlarging the storage capacity of the Santa Cruz Dam and Reservoir located at Santa Cruz, N. Mex.

The Santa Cruz Dam and Reservoir was completed in 1929 with an original storage capacity of 4,615 acre-feet. This irrigation storage facility is of critical importance to the approximately 1,700 owners of small tracts of irrigated land in the district. The relatively reliable water supply the reservoir has supplied in most years has enabled district farmers to concentrate their farming efforts on fruit orchards and other crops with relatively high-income potential. However, since 1929, approximately 1,200 acre-feet of the storage capacity of the reservoir has been lost by siltation. This gradually accumulating loss of storage capacity has greatly affected the water supply to district farmers and caused them increasing economic distress in dry years. It is, therefore, a matter of the highest priority to the district to investigate the feasibility of raising the existing structure so as to recover storage capacity lost to siltation and, if possible, to increase the original capacity to better use the water supply of the Santa Cruz River and more effectively serve the highly dependent agricultural community.

Under this legislation, the Department of the Interior will be authorized to carry out and act upon an investigation into the dam's current stability and safety in relation to expanding the facility. I strongly urge the committee to respond to the needs of this community and deal with this matter as promptly as possible.

Mr. President, I ask unanimous consent that a resolution passed by the Santa Cruz Irrigation District in support of this legislation, as well as a letter from the Secretary of the New Mexico Interstate Stream Commission expressing the commission's support, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the Bureau of Reclamation, under contract with the Santa Cruz Irrigation District, completed an appraisal report in October, 1976 covering structural stability, preliminary geology, hydrology and cost for raising Santa Cruz Dam, and

Whereas, the Bureau of Reclamation also covered a more detailed geologic analysis and report on Santa Cruz Dam in November, 1977, and

Whereas, the reports of the Bureau of Reclamation indicate, based on the limited data secured for these studies, that Santa Cruz Dam can be modified to regain the original reservoir capacity that has been lost to accumulated sediments and to provide additional capacity, and

Whereas, the Board of Directors of the Santa Cruz Irrigation District, having examined the reports of the Bureau of Reclamation, desires that a feasibility study of increasing the capacity of Santa Cruz Reservoir be made by the Bureau of Reclamation, and

Whereas, it is the understanding of the Board of Directors of the Santa Cruz irrigation District and Congressional authorization for such a feasibility study is required.

Now, therefore, be it resolved, that the Board of Directors of the Santa Cruz Irrigation District requests that Congressional authorizattion and funding be sought for the Bureau of Reclamation to make a feasibility study of raising Santa Cruz Dam to increase the capacity of Santa Cruz Reservoir.

Be it further resolved that the Board of Directors requests that such a feasibility study include consideration of potential new depletions of water for irrigation, domestic and municipal and industrial water supplies, such depletions to be offset by replacement from imported San Juan-Chama Project water.

Be it further resolved that copies of this resolution be sent to New Mexico's congressional delegation, the Governor of New Mexico, the State Engineer and the Commissioner of the Bureau of Reclamation.

NEW MEXICO INTERSTATE STREAM COMMISSION,
Sante Fe, N. Mex., March 22, 1978.

Hon. PETE V. DOMENICI,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR: The Santa Cruz Irrigation District by resolution dated March 6, 1978 requested that Congressional authorization and funding be sought for the Bureau of Reclamation to make a feasibility study of raising Santa Cruz Dam to increase the capacity of Santa Cruz Reservoir.

The Interstate Stream Commission at a meeting on March 21 discussed the Santa Cruz Dam problems and unanimously approved the following motion.

". . . that the Commission support Congressional authorization of an investigation by the Bureau of Reclamation to determine the feasibility of a project to rehabilitate and improve the existing Santa Cruz Dam and Reservoir, including the repair and stabilization of the face of the concrete dam, the enlargement of spillway capacity to insure the safety of the structure and the raising of the dam to increase storage capacity, giving full consideration to the potential for development of the project as a unit or a part of a unit of the San Juan-Chama project."

Please let me know if some further discussion of this matter would be helpful.

Sincerely,

S. E. REYNOLDS,
Secretary.●

By Mr. GLENN:

S. 3160. A bill to provide for increased allied health personnel in medically underserved urban and rural areas; to the Committee on Human Resources.

URBAN AND RURAL PARA-MEDICAL ACT OF 1978

● Mr. GLENN. Mr. President, geographic maldistribution of health professionals is one of the major problems that we face today. The costs of medical care rise constantly, we pour badly needed funds into our medical schools for training, yet many of our inner city and rural areas lack the most fundamental forms of basic health treatment. In 1975 when we considered the Health Manpower Act of 1975, the president of the AMA, Dr. Malcolm Todd stated "it will not make any difference if we have 440,000 physicians in 1980 because they will not be where we need them." The Committee on Goals and Priorities of the National Board of Medical Examiners reported in 1973 that the traditional rule that overproduction of a product leads to lower prices, supply curtailment and the automatic introduction of the product into undersupplied areas does not apply to the medical profession. The report concluded that regardless of the number of physicians serving a given population group, a physician can readily establish and maintain a thriving practice. The report attributed this to an apparent unlimited demand for and ability to pay for, health services by affluent groups in our society. For example, Boston in 1975 had 321 physicians per 100,000 population, more than twice the national average, yet there were large areas of inner

city Boston and rural Vermont and New Hampshire lacking in adequate medical services. How then, can we bring basic, competent health care to our medically underserved areas?

Many have suggested scholarship incentives to medical students if they agree to practice in such areas for certain periods of time. Others have suggested that the problems will ease as medical schools become more representative of the population as a whole, that is, that blacks will serve blacks, rural whites will serve rural whites. The latter argument, aside from being patronizing, seems to me to be a terribly conjectual way to purport to deal with a major policy problem. Surely we need large numbers of young black physicians, whites from rural and low-income background, but, I, for one, want to visualize the day in this society where the black physician, or white, will practice and serve throughout the society and not exclusively to any narrowly defined racial or geographic segment. What then is a practical, viable approach that offers solid, tangible, and immediate help to our underserved areas?

Mr. President, I believe that there is an approach that would bring immediate health service assistance to these areas while at the same time perhaps providing a device that would make professional medical practice in the inner city or rural areas more attractive to physicians. As more paramedics would provide improved health facilities and support personnel to areas deficient in both, I am proposing a significant expansion of the Federal effort to encourage the training of paramedics, physician assistants, physician extenders, medics and nurse practitioner personnel. I propose that these training programs be targeted in terms of training and practice to medically underserved urban or rural areas. Training would be in conjunction with hospitals and medical schools located in or near these areas. Importantly, priority in selection of trainees will be given to residents of the target areas. This feature is very important, Mr. President, because it not only provides a viable career goal and employment opportunity to residents of areas suffering from the lack of career opportunities, it also provides a built-in incentive for citizens to not abandon their communities but to stay and help these communities develop.

There is, at present, a checkerboard proliferation of federally-supported physician assistant programs. There are programs supported in the Defense Department, the Veteran's Administration, the Public Health Service, and the Indian Health Service. There are 53 AMA-approved programs for physician assistants with a student enrollment of approximately 1,300. The association of physician assistant programs estimates that a total of approximately 5,200 physician assistants provide primary care today. There were an estimated 1,080 graduates of all federally-supported physician assistant programs in fiscal year 1977. Additionally, our Armed Forces have already trained countless individuals as paramedics. Many of these men and women are veterans who have never pursued the skills that they learned in the armed forces. These veterans should also be priority targets for an expanded corps of physician extenders.

The U.S. Army over the past 6 years has trained that following numbers of men and women in basic paramedical skills:

1973		6,773
1974		6,513
1975		6,301
1976		11,576
1977		8,960
1978	(so far)	2,234

During the Vietnam era, many more men and women in all of the services received paramedical training. With some additional training, many of these individuals could serve as civilian physician extenders.

COMPLICATING FACTORS IN THE PHYSICIAN EXTENDER FIELD

Mr. President, there are several reasons why physician extender services are not presently more expansive and extensive. One unresolved problem is that of appropriate Federal policy in the area of third party payments and reimbursements. What policies will encourage greater use of extenders while not contributing to inflationary expenditures in health care? Hopefully, the Social Security Administration's current study in this area will help us find answers.

Another problem is that State law relative to physician extender practice varies tremendously, thereby encouraging uneveness in this area. I include at this point a chart depicting State variances.

TABLE 1.—THE STATE NURSE PRACTICE ACTS AND THE LEGITIMIZATION OF DIAGNOSIS AND TREATMENT BY NURSES (AS OF YEAR-END 1975)

State	Year last amended	Amended since 1971 to facilitate role expansion	Diagnosis and treatment prohibited under all circumstances
Alabama	1965		Yes.
Alaska	1974	X	
Arizona	1973	X	
Arkansas	1971		Yes.
California	1974	X	
Colorado	1974	X	
Connecticut	1975	X	
Delaware	1970		Yes.
Florida	1975	X	
Georgia	1956		
Hawaii	1965		Yes.
Idaho	1971	X	
Illinois	1975	X	
Indiana	1974	X	
Iowa	1975		
Kansas	1968		Yes.
Kentucky	1966		Yes.
Louisiana	1966		Yes.
Maine	1974	X	
Maryland	1974	X	
Massachusetts	1971		
Michigan	1967		Yes.
Minnesota	1974	X	
Mississippi	1974	X	
Missouri	1955		
Montana	1975	X	
Nebraska	1975	X	
Nevada	1973	X	
New Hampshire	1974	X	
New Jersey	1974	X	
New Mexico	1975	X	
New York	1972	X	
North Carolina	1974	X	
North Dakota	1971		
Ohio	1967		Yes.
Oklahoma	1967		Yes.
Oregon	1973	X	
Pennsylvania	1973	X	
Rhode Island	1956		
South Carolina	1975	X	
South Dakota	1972	X	
Tennessee	1972	X	
Texas	1967		Yes.
Utah	1975	X	
Vermont	1974	X	
Virginia	1970		
Washington	1973	X	
West Virginia	1965		
Wisconsin	1971		
Wyoming	1975	X	
Washington, D.C.	1967		
Guam	1962		Yes.
Puerto Rico	1965		Yes.
Virgin Isles			

Totals:

54 acts were analyzed in the table.

30 jurisdictions have added provisions to their nurse practice acts which facilitate role expansion, and Virginia has revised its medical practice act.

10 jurisdictions have not added new provisions, but the nurse practice act does not prohibit diagnosis and treatment.

13 jurisdictions still prohibit the nurse from diagnosing and treating.

Hopefully, in hearings, we will analyze this question in more depth to see if there are reasonable steps that might be taken to encourage more uniformity.

SPECIFIC FACTS ON MALDISTRIBUTION OF PHYSICIANS

Mr. President, the American Medical Association's 1975 report, "Physician Distribution and Medical Licensure in the U.S." found 141 counties in the United States that had no active Federal or non-Federal physicians in patient care. Many are sparsely populated areas, however 37 of these counties are adjacent to standard metropolitan statistical areas. Although the AMA does not attempt to measure the adequacy of the distribution of physicians, citing the difficulty of finding a commonly accepted standard, we do know that the New England area has the highest ratio of physicians per 100,000 civilians in 214, while the lowest, 117, is the East South Central area. The East North Central area, of which Ohio is part, has a ratio of 146 doctors per 100,000 civilians. Among States, Ohio in 1975 ranked 24th in physician per 100,000 population. Massachusetts, New York, and Connecticut ranked at the top, Arkansas, Alabama, and Mississippi ranked last. Even within these broad figures, Mr. President, we must remember that they are averages only that are not necessarily representative of distribution problems. One need only travel through the inner cities and the rural areas of the top ranked States to discover that these good ratios are only good for certain parts of cities and States. Mr. President, I wish to make part of the RECORD a table showing the ratio of physicians to population on a State-by-State basis.

TABLE I.—NONFEDERAL PHYSICIANS, CIVILIAN POPULATION, PHYSICIAN-POPULATION RATIOS AND RANK BY STATE

State	Civilian population (July 1, 1975)	Non-Federal physicians (December 31, 1975)		Physicians per 100,000 population		Rank of physician-population ratio by state	
		Total	Patient care	Total	Patient care	Total	Patient care
Total (50 States and District of Columbia)[1]	211,445,000	356,560	285,345	169	135		
Alabama	3,590,000	3,691	3,091	103	86	48	47
Alaska	326,000	338	276	104	85	46	49
Arizona	2,197,000	4,011	3,063	183	139	12	12
Arkansas	2,106,000	2,159	1,793	103	85	49	48
California	20,896,000	45,801	36,129	219	173	5	5
Colorado	2,488,000	4,646	3,750	187	151	9	9
Connecticut	3,081,000	6,904	5,452	224	177	4	4
Delaware	574,000	890	730	155	127	20	22
District of Columbia	708,000	3,283	2,430	464	343	1	1
Florida	8,265,000	15,109	10,930	183	132	11	17
Georgia	4,877,000	6,156	5,158	126	106	36	34
Hawaii	866,000	1,500	1,190	186	148	10	10
Idaho	814,000	838	719	103	88	47	46
Illinois	11,107,000	18,234	14,630	164	132	18	18
Indiana	5,302,000	6,161	5,110	116	96	39	40
Iowa	2,869,000	3,232	2,712	113	95	43	42
Kansas	2,240,000	3,092	2,538	138	113	27	27
Kentucky	3,361,000	4,090	3,387	122	101	38	37
Louisiana	3,753,000	4,984	3,990	133	106	32	33
Maine	1,049,000	1,397	1,125	133	107	31	32
Maryland	4,051,000	8,811	6,704	218	165	6	6
Massachusetts	5,814,000	13,648	10,559	235	182	3	3
Michigan	9,143,000	13,176	10,885	144	119	25	24
Minnesota	3,923,000	6,774	5,397	173	138	14	15
Mississippi	2,323,000	2,191	1,871	94	81	50	50
Missouri	4,738,000	7,021	5,525	148	117	23	25
Montana	742,000	859	746	116	101	40	38
Nebraska	1,535,000	2,063	1,672	134	109	30	30
Nevada	584,000	749	636	128	109	35	31
New Hampshire	813,000	1,314	1,065	162	131	19	19
New Jersey	7,289,000	12,672	10,181	174	140	13	11
New Mexico	1,131,000	1,467	1,142	130	101	34	36
New York	18,094,000	46,393	36,473	256	202	2	2
North Carolina	5,349,000	7,005	5,639	131	105	33	35
North Dakota	622,000	664	574	107	92	45	44
Ohio	10,744,000	15,729	13,117	146	122	24	22
Oklahoma	2,684,000	3,059	2,547	114	95	41	41
Oregon	2,286,000	3,902	3,147	171	138	15	14
Pennsylvania	11,816,000	20,026	16,378	169	139	16	13
Rhode Island	923,000	1,801	1,487	195	161	8	7
South Carolina	2,748,000	3,130	2,562	114	93	42	43
South Dakota	677,000	608	522	900	77	51	51
Tennessee	4,166,000	5,794	4,703	139	113	26	28
Texas	12,083,000	16,343	13,405	135	111	29	29
Utah	1,202,000	1,858	1,560	155	130	21	20
Vermont	471,000	977	733	207	156	7	8
Virginia	4,816,000	7,188	5,757	149	120	22	23
Washington	3,491,000	5,905	4,787	169	137	17	16
West Virginia	1,802,000	2,230	1,798	124	100	37	39
Wisconsin	4,605,000	6,283	5,238	136	114	28	26
Wyoming	170,000	404	332	109	90	44	45

[1] Excludes physicians (3,123 total non-Federal and 2,492 patient care) and population in possessions (Canal Zone, Pacific Islands, Puerto Rico, and Virgin Islands). Population total does not add due to rounding.

Source: Estimates of the Population of States: July 1, 1974 and 1975 (Advance Report). "Current Population Reports Series," P-25, No. 615, November 1975.

I believe that an expanded program of physician extenders has a real potential of plugging some of the health care gaps that impact so severely upon some isolated and rural communities. The long term overall solution may well be more physicians and better facilities. My bill is more of a short-term, immediate solution to a pressing, immediate problem.

SUMMARY

Mr. President, my bill proceeds from two basic assumptions. First, there is at present no coherent national policy of training physician extenders from medically underserved areas with the expectation that they would work in these communities. Indeed, roughly 50 percent of those extenders now trained practice in States other than those in which they were trained.

Second, in terms of medical manpower relative to health needs, it is clear that there is a large gap and that this gap impacts most heavily upon low-income urban and rural areas. The Urban and Rural Paramedical Act of 1978 is designed to close this gap.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD, along with a very informative article from the May 25 New York Times describing a highly successful paramedical experiment in rural areas of North Carolina.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 3160

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Urban and Rural Para-Medical Act of 1978".

SEC. 2. Subpart II of Part G of title VII of the Public Health Service Act is amended by adding at the end thereof the following new section:

"URBAN AND RURAL ALLIED HEALTH PROGRAMS

"SEC. 799. (a) The Secretary may make grants to public and nonprofit private entities for the purposes of—

"(1) training allied health personnel to meet the special needs of persons located in medically underserved urban or rural areas,

"(2) providing training of allied health personnel in conjunction with hospitals and medical schools located in or near medically underserved urban or rural areas, and

"(3) establishing allied health medical centers in affiliation with hospital centers.

"(b) Priority for such training and employment shall be given to residents of the medically underserved urban or rural areas and to armed services veterans who have received similar training.

"(c) There are authorized to be appropriated to carry out the purposes of this section such sums as may be necessary.".

[From the New York Times, May 25, 1978]

RURAL HEALTH TEST: CLINICS WITHOUT DOCTORS

(By Steven V. Roberts)

HARRELLS, N.C.—When Mary Bland's mother went to live with her, the elderly woman was in poor health. The nearest doctors were in Clinton, 22 miles away, and they were so over-loaded that they were not taking any new patients.

So Mrs. Bland took her mother to a new clinic here that is headed by Barbara Lipsey, a 28-year-old physician's assistant. Within months, the patient was off most of her medication and back on her feet, and now she looks forward to her clinic visits as a high-point in her day.

"Barbara's been real good to mother," said Mrs. Bland, the wife of a construction worker. "She's better than she's been for years."

The clinic in Harrells, a town of 300 persons 11 miles southeast of Raleigh, is an experiment in the delivery of rural health care. Since the family doctor willing to practice in small towns is almost an extinct species, North Carolina has established 21 primary care clinics in rural areas thoughout the state.

SPECIAL TRAINING NEEDED

Only four are run by physicians. The rest are headed by physicians' assistants, such as Miss Lipsey, or family nurse practitioners. Both degrees, which are now offered by a growing number of universities, require at least a year or two of special training.

Several hundred of these clinics have

sprung up around the country, and Congress recently made them eligible for reimbursement under Medicare and Medicaid. Until March, when the law went into effect, these programs paid only for care administered by a doctor.

The financial benefit will be considerable—an increase of 20 to 30 percent in most clinics' income—and should help to assure their stability.

Public acceptance of these clinics-without-doctors is growing steadily, although doubts persist. Under pressure from the medical community, many states still have laws that restrict, or at least discourage, paraprofessionals from practicing.

NEW PROGRAMS DEVELOPED

"We can't change the public's attitude toward physicians overnight," said James D. Bernstein, chief of the state office of Rural Health Services. "The mystique of the doctor is still there."

Many rural areas had a doctor until 20 years ago. But as old family physicians died or retired from small-town practice, they were not replaced.

Medical graduates now frequently become specialists and live in bigger towns, where they can enjoy a richer social and cultural life and join a group practice if they wish. At the same time, medical schools have been developing new programs to train paraprofessionals, partly to use medical corpsmen returning from Vietnam. The schools have also developed prototypes for the current clinic system, which started four years ago.

One key to a successful clinic is the involvement of the local community. Each one is run by a local board and partly financed by contributions from at least 500 families in the area. "We feel," said Gail Kelley, a community organizer for the Rural Health Service, "that if they don't want it really badly, it won't work."

Another key is that the paraprofessional is not isolated, but works as part of a team. Each clinic has close relations with nearby doctors who are available for consultations and referrals.

At Harrells the other day, T.C. Bland, Mary Bland's husband, was in for a regular blood test. At the clinic in Newton Grove, 40 miles away, 6-year-old Jamey Jones had a stomach ache that could have been appendicitis. The daily routine in both places includes physicals and allergy shots and treatment of sprains and cuts.

AN OBVIOUS ADVANTAGE

One obvious advantage of the clinics is convenience. Phyllis Jones, Jamey's mother, said that she had waited three days for a doctor's appointment in Clinton. When she called Rometta Warren, the nurse practitioner in Newton Grove, she was told to bring Jamey by in an hour.

Some patients even prefer the clinic to a doctor's care. Like many paraprofessionals, Mrs. Warren is a native of the town where she practices.

"Mrs. Warren's easy to talk to and very sympathetic," said Marilyn McLamb, who's son, Doug, had an earache and poison ivy. "You can call her up and talk to her; you can't do that with a doctor. Also, it's a more relaxed, first-name basis. They know me, and I know them."

Some critics charge that the clinics provide second-class service. Miss Lipsey says that many patients are still ignorant of what she has been trained to do, but she defends the quality of care at the Harrells clinic.

REPORT RAISED QUESTIONS

"It's second-class care only if we don't know the limits of our skills and don't refer the hard cases," she said.

In a recent report, the Council of State Government praised the North Carolina experiment but raised several questions. The bureaucracy was too cumbersome, the clinic hours too short and the salaries too low, the report said.

One sign of growing community confidence is that the patient load in most clinics is rising every month. Now officials are starting to worry how they can continue to expand and still provide the personal service that has become the hallmark of the clinics.●

ADDITIONAL COSPONSORS

S. 551

At the request of Mr. MATHIAS, his name was added as a cosponsor of S. 551, to provide for grants to States for the payment of compensation to persons injured by certain criminal acts and omissions, and for other purposes.

S. 1780

At the request of Mr. DOMENICI, the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1780, the elementary and secondary optional consolidation bill.

S. 2472

At the request of Mr. LEAHY, he was added as a cosponsor of S. 2472, a bill to amend the Public Health Service Act to extend through the fiscal year ending September 30, 1983, the assistance program for community health centers; migrant health services; to extend through the fiscal year ending September 30, 1981; hemophilia; home health services; to extend through the fiscal year ending September 30, 1979, the assistance programs for comprehensive public health services; hypertension programs; disease control programs; venereal disease programs; genetic diseases programs; and lead-based paint programs, and for other purposes.

S. 2732

At the request of Mr. LEAHY, he was added as a cosponsor of S. 2732, a bill to reorganize the executive branch of the Government to consolidate different governmental agencies and activities with respect to energy technology, and for other purposes.

S. 2734

At the request of Mr. LEAHY, he was added as a cosponsor of S. 2734, a bill to establish a Solar Energy Development Bank to provide long-term low-interest loans for the purchase and installation of solar energy equipment in commercial and residential buildings in the United States.

S. 2735

At the request of Mr. LEAHY, he was added as a cosponsor of S. 2735, a bill to facilitate the transition to an economy based on solar energy.

S. 2790

At the request of Mr. CRANSTON, the Senator from Illinois (Mr. PERCY), and the Senator from Louisiana (Mr. JOHNSTON) were added as cosponsors of S. 2790, the Renegotiation Exemption Act of 1978.

S. 2791

At the request of Mr. CRANSTON, the Senator from Illinois (Mr. PERCY), and the Senator from Louisiana (Mr. JOHNSTON) were added as cosponsors of S. 2791, the Renegotiation Abeyance Act of 1978.

S. 2941

At the request of Mr. MATHIAS, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 2941, the marriage tax bill.

SENATE RESOLUTION 242

At the request of Mr. HATCH, the Senator from Mississippi (Mr. EASTLAND) was added as a cosponsor of Senate Resolution 242, relating to proposed Internal Revenue Service rule changes on the tax treatment of employee fringe benefits.

SENATE RESOLUTION 470—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. BAYH, from the Committee on the Judiciary, reported the following original resolution, which was referred to the Committee on the Budget:

S. RES. 470

Resolved, That, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 2937, a bill to authorize appropriations for fiscal year 1979 in the amount of $5,000,000 for pretrial services agencies.

Such waiver is necessary in order to insure that the pretrial services agencies will be able to carry out its statutory duties during the fiscal year 1979, on the last day of which its final report is due. The authorization involved is sufficiently small that its consideration will not significantly affect the congressional budget. Further, the authorization was of a kind under consideration and contemplated in the congressional budget for fiscal year 1979. Because the Committee on the Judiciary (1) was engaged in substantial efforts to report out a nomination and (2) was conducting the initial Department of Justice authorization of appropriations hearings which were inadvertently delayed by the press of business both within the Committee and within the Senate, the Committee was prevented from giving timely attention to the authorizaion of appropriations for the pretrial services agencies.

AMENDMENTS SUBMITTED FOR PRINTING; MILITARY CONSTRUCTION AUTHORIZATIONS, 1979—S. 3079

AMENDMENT NO. 2253

(Ordered to be printed and to lie on the table.)

Mr. STONE (for himself and Mr. CHILES) submitted an amendment intended to be proposed by them, jointly, to the bill (S. 3079) to authorize certain construction at military installations and for other purposes.

LAND CONVEYANCES IN OKALOOSA COUNTY, FLA.

● Mr. STONE. Mr. President, today Senator CHILES and I rise to introduce two amendments to S. 3079, the Military Construction Authorization Act for fiscal year 1979. These amendments provide authority for the Secretary of the Air Force for the conveyance of property in Okaloosa County, Fla. The first amendment provides authority to the Secretary of the Air Force to convey to the city of Niceville, Fla., certain lands at Eglin Air Force Base, which are currently excess to military needs in exchange for certain other lands to be provided by the city and which can be militarily

utilized by the Air Force. The Government lands to be conveyed provides for reversion to the Government if they are used for other purposes. Any difference in fair market value between the Government land and the land provided by the city shall be paid in cash to the United States. This land is sought by the city of Niceville for use as a cemetery and is greatly needed.

The second amendment would also provide authority to the Secretary of the Air Force to convey to a nonprofit foundation, the Air Force Enlisted Men's Widows and Dependents Home, certain lands at Eglin Air Force Base to be used to expand the facilities of the foundation's home. The lands are not currently needed for Air Force operations and the provision provides that in exchange for such lands the foundation shall transfer to the Air Force other lands owned by the foundation. If the difference in fair market values of the land exchanged should not be in the interests of the United States, it provides that the foundation should pay to the United States an amount equal to the difference in such fair market value, and it further provides that the exchange shall be carried out only under conditions and circumstances satisfactory to the Secretary of the Air Force.

The Enlisted Men's Widows and Dependents Home Foundation, Inc., is a nonprofit charitable organization formed for the purpose of establishing a residence for elderly widows and widowers of Air Force enlisted retired personnel and Air Force enlisted retired couples aged 62 years and above. There is an Air Force Officers' Widows and Dependents Home which has been operational for a number of years in San Antonio. I understand it has been very successful.

Younger widows of active duty enlisted men and their dependent children needing the foundation's help may be accepted on a temporary basis immediately upon the death of a husband. Any elderly widow or widower whose spouse was a retired Air Force enlisted person—Regular, Reserve, or Air National Guard—is eligible to apply for residence.

Mr. President, the language of these amendments is identical to the language of sections 611 and 612 of H.R. 12602, the Military Construction Authorization Act of fiscal year 1979 which has now been passed by the House of Reperesentatives. These facilities are most worthwhile, greatly needed, and the land conveyances necessary to establish them do not require a loss of value to the Government. We urge their favorable consideration during discussion on the Military Construction Authorization Act.●

NOTICE OF HEARING

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION, MARKETING, AND STABILIZATION

● Mr. CLARK. Mr. President, I wish to announce that I will represent the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Senate Agriculture Committee at crop insurance hearings to be held in Iowa on June 2 and 3. The first round of hearings will be held in Cedar Rapids on the morning of June 2, and the afternoon session will take place near Des Moines. On June 3, I will complete this round of hearings at the Sioux City stockyards. Most of our witnesses will be farmers, and I expect that their testimony will be invaluable to the committee's deliberations on pending crop insurance legislation. Anyone wishing further information should contact the committee staff at 224–2035.●

ADDITIONAL STATEMENTS

CIVILITY

● Mr. MATHIAS. Mr. President, "If a man be gracious and courteous to strangers, it shows he is a citizen of the world." This splendid advice from Francis Bacon came to mind the other day as I pondered "Civility," an article by Haynes Johnson which appeared in the Washington Post.

The piece recounts the disturbing and unsettling experiences of a friend of Mr. Johnson's. The gentleman is a naturalized citizen living in Washington, trying to gather information on obtaining immigrant status for his mother, "whom he wants to bring here to live permanently with his family."

At every turn, at each Government agency involved, this man was met with indifference, rudeness, and ultimately hostility. He sought no more than information. He was asking for no special favor or treatment, but only to obey the law, and understand enough to be able to do so.

At a time when the Senate is considering civil service reform, it would behoove all those in civil service ranks to read Mr. Johnson's account in its entirety. There is a lesson to be learned and one worth remembering.

Public service is a high calling. Most civil servants understand this and reflect their understanding in faithful, dedicated and truly "civil" service. Others do not. Each retains the duty to perform as required. But beyond merely toeing the line, is the duty to be a "servant." Samuel Johnson advised us that:

> More knowledge may be gained of a man's real character by a short conversation with one of his servants than from a formal and studied narrative, begun with his pedigree and ended with his funeral.

If Uncle Sam were held to this test, the above experience would tell a sad tale of his character.

It has been said that, "The small courtesies sweeten life; the greater, ennoble it." It is this spirit which should motivate those who serve the public trust and are entrusted with its care.

I ask that the full text of Haynes Johnson's article be printed in the RECORD.

The article follows:

[From the Washington Post, May 14, 1978]

A BUSY GOVERNMENT TELEPHONE AND TREATMENT OF THE PUBLIC

(By Haynes Johnson)

What happened to a friend recently may not be of great moment in these days of profound and seemingly insoluble issues—of mindless, barbarous terrorism, of terrible dilemmas surrounding the sale of more arms to competing forces in the Middle East tinderbox of continuing examples of the tractability of inflation and the unwillingness of any group to take the first step in establishing an example of prudence.

But it does matter, for what happened to him should not have happened, and something can be done about it. His case, simply, concerns courtesy. More specifically, it involves the treatment one person receives when dealing with a part of the government bureaucracy, and how that frustrating experience affects him.

My friend is a naturalized citizen who has a good professional job in Washington. His troubles began when he sought information about obtaining immigrant status for his mother, whom he wants to bring here to live permanently with his family.

He called the number listed for the immigration and Naturalization Service, and was given another number to get information about his case. He called and called. Busy, always busy. He would try for five minutes or so in the morning, give up, and try again in the afternoon. This went on for four days. At one point, he grew so annoyed he called the federal government operator to say something must be wrong.

The answer came back, in resigned tones, "Oh, no they never answer their phones there." Try another number, was the suggestion. He did, and it too was busy. Finally my friend gave up. He decided to go in person to the downtown immigration field office.

He arrived at noon, during his lunch hour, and went up to the second-floor office. It was filled with many people who had difficulty speaking English. Vietnamese and Spanish-speaking people were particularly evident in the long line waiting for information. The place was jammed. It didn't matter what time you got there, he was told, because people always were waiting.

But, to let my friend tell his own story:

"There was only one person dealing with this long line of people. They told me that another person had gone to lunch. Well, I waited more than an hour and no one came back to help out.

"After standing there in the line for half an hour or so someone told me if I just wanted a blank form I could go right up to the window and ask for it. So I went up and asked for a blank form. And she said, in a very sharp, offhand way: 'I announced a few minutes ago that I will tell people who want a blank form when to come up.' So I went back on the line again.

"Well, it was another 45 minutes before the call came to come up for the forms. I had stood in line practically an hour and a half to get one little form. Then if you have a question—like, I'm sponsoring someone, and is there a financial statement to fill out on a form?—you get told in no uncertain terms:

"'I'm not here to answer questions. You are in this line to get a form and that's all you're going to get. If you want questions answered, you've got to go back to the end of that line.' See, what they're doing is they have one line for forms only, but nothing else. Not one question can you ask.

"Now I don't think that's necessary. They can be more polite than that. Here's only one person dealing with these typical red-tape applications, and that person has to explain to people from foreign cultures and backgrounds who are applying to be citizens, but who often don't speak English very well, who often don't understand.

"I can imagine how it must be for those people who haven't been in this country very long, who don't understand how the system works. I can imagine how befuddling it must be, how frightening it must be, to go there. You know, their whole lives depend on getting those pieces of paper filled out right. Of course they're going to make mistakes.

of course they're going to appear stupid, of course they're going to act as if they don't know what they're doing.

"There was one woman there who didn't know how to fill out a form. She didn't speak English very well, and she didn't get much help. So she was told there was nobody who could help her and to come back another day. I just try to project myself to somebody who is very frightened, who goes there dealing with the United States Government and who wants to make sure that everything he does is right and proper. And then to run into those people who are so off-hand. They don't even explain.

"Very often you get the feeling that if you don't give them exactly what they want two things could happen: either your application will get rejected or it will be delayed. In fact, they tell you if you don't fill out the form right you could be either rejected or the application delayed. So you're already under the gun when you get there, and if these people are not very helpful it's pretty bad.

"I think that a little bit of courtesy, a little bit of politeness, would go a long way with these people."

The afternoon after my friend had related this story I called the Immigration and Naturalization Service number. An operator gave me another number to call for information. I called. It rang and rang and rang—and rang and rang and rang. I hung up. Several minutes later I dialed again. This time I began counting the number of rings: brrring . . . brrring . . . brring. Five times, 15 times, 30 times, 45 times.

There's something maddeningly frustrating—and even, in time, a bit fearful—about listening to the persistent ringing of an unanswered telephone when you know someone must be at the other end of the line. What is really happening there? Does anyone care? It is all unnerving. After 50 rings I hung up, waited a few minutes, and dialed again. The same response.

That next morning I tried again, This time the busy signal sounded, and I confess that normally unpleasant sound came as something of a relief. The office was obviously open, business surely proceeding. After getting the same busy tones over the course of two hours I followed my friend's example and went to the office.

The office was crowded, all right, though not with the lengthy lines in my friend's experience. There were two windows at a counter. On one of them a hand-lettered note had been taped. It said: "Forms Only. No Questions." No one was working that window. The other window was operated by a government worker.

That scene would not fairly be described as rancorous. Most of the people wore subdued, patient looks. They filled the chairs around the room, waiting. At the counter they were dealt with briskly. One heated scene developed when a couple from an Eastern European embassy became aggressive and angered about not getting answers to their questions. Whether they actually got them or not I cannot testify. Some were told, frankly, their questions couldn't be answered there.

How those people gathered in that room really felt, whether or not their reactions were at all like my friend's. I cannot say. But then I'm not an immigrant, or even a naturalized citizen seeking information from my government.●

TELECOMMUNICATIONS POLICY

● Mr. ANDERSON. Mr. President, early in the first session of the 95th Congress I was joined by nine cosponsors in introducing Senate Resolution 114 which asks the Senate Commerce, Science, and Transportation Committee to hold hearings to review U.S. telecommunications policy. Since 1968, the Federal Communications Commission has allowed limited competition in the specialized common carrier and interconnect markets of the telephone industry. The impact this action has had on the communications industry has been the subject of much discussion here in Congress and throughout the Nation. I have always believed that a full and fair review of all the complicated issues regarding telecommunications policy is necessary. The Senate and House Subcommittees on Communications have made a limited effort in that direction.

Since the introduction of that resolution, I have received many letters of endorsement from interested groups in Minnesota. There is concern for the future direction of our telecommunications policies. I am hopeful that the Senate Communications Subcommittee will pursue this necessary review.

Among the groups who have contacted me are:

The Barnum Commercial Club.
The Barnum Senior Citizens Group.
The Bovey Civic Club.
The Greenway Lions Club of Bovey.
The Cloquet Chamber of Commerce.
The Coleraine Civic Club.
The Duluth Senior Citizens Golden Age Group.
The Northwestern Minnesota Consumers League of Duluth.
The Duluth Senior Citizens Coalition.
The Sertoma Club of Duluth.
The Woodlund Community Club of Duluth.
The VFW of Grand Marais.
The Grand Rapids Chamber of Commerce.
The Rotary Club of Grand Rapids.
The Cass Lake Lions Club.
The American Legion Auxiliary of Cass Lake.
The Park Rapids Area Chamber of Commerce.
The Thief River Falls Business & Professional Women's Club.
The Wadena Chamber of Commerce.
The Austin Chamber of Commerce.
The Faribault Chamber of Commerce.
The Northfield Chamber of Commerce.
The Owatonna Chamber of Commerce.
The Pipestone Chamber of Commerce.
The Waseca Development Corporation.
The Chatfield Commercial Club.
The Red Wing Chamber of Commerce.
The Rochester Chamber of Commerce.
The Rochester Business & Professional Womens Club.
The Rochester Central Labor Union.
The Winona Chamber of Commerce.
Mr. Henry Jaeger of Bird Island.
The Cambridge Mrs. Jaycees.
The Litchfield Chamber of Commerce.
The Little Falls Chamber of Commerce.
The City of Marshall.
The Montevideo Area Chamber of Commerce.
The City of Mora.
The Morris Area Chamber of Commerce.
Mr. R. H. Starkey of Ortonville.
Mr. Vincent Stegner of Ortonville.
The Pine City Mrs. Jaycees.
The Redwood Falls Rotary Club.
The St. Cloud Area Chamber of Commerce.
The St. Cloud Central Collection Service.
The Rotary Club of Sauk Rapids.
The Tracy Chamber of Commerce.
The Willmar Senior Citizens Club.
The South St. Paul Kiwanis Club.
The Southeast Metropolitan Area Chamber of Commerce of South St. Paul.●

1946 LOBBYING DISCLOSURE ACT

● Mr. PERCY. Mr. President, the 1946 Lobbying Disclosure Act has proven to be nothing but a sham. It is not only ineffective, but actually counterproductive by giving a grossly false picture of efforts to persuade Congress. We have a duty to remedy this problem, and must choose between two alternatives: Replacing the 1946 act with an effective, evenhanded law or striking lobby disclosure from the books altogether.

I believe that the Congress and the American people have a right to know basic information about efforts to affect the course of our legislative process. There is nothing sinster about lobbying. It is a vital exercise of free speech and the right to petition, and should be encouraged, but not discouraged. Yet an informed public is also an essential ingredient of our democratic system. There is a compelling public interest in letting the sun shine in on organized lobbying efforts—business, labor, foreign representatives, special interest, and citizen groups alike. The Supreme Court has found that reasonable lobby disclosure requirements are fully constitutional. And I believe that promoting a realistic understanding of significant pressures on Congress will actually stimulate greater participation in Government.

In working out the specific provisions of such legislation, many questions arise. What must we know to gain a clear picture of lobbying? Who should be covered? What impact will these requirements have? I believe that a straightforward cost-benefit approach is the best means of weighing these factors.

Some have urged comprehensive disclosure of lobbying activities, including among other things, an identification of who is contacted, what is said, and an itemized listing of all expenditures. Such information would be very valuable to those interested in the legislative process, but we must also look at the costs. Disclosure of this magnitude would impose enormous new burdens which would almost certainly have a "chilling" effect on the free expression of views to Congress. After studying these proposals carefully, it became clear that the costs of such comprehensive disclosure would be too high, for outweighing the benefits and I vigorously will oppose such disclosure requirements.

Others have taken the approach that less reporting is better by definition, and that we should exempt all but the largest lobbyists. I couldn't agree more that we must tread carefully to avoid a new wave of needless Government intrusion. Yet here too we must look at costs and benefits. We have a clear responsibility to minimize the costs of this legislation, but as we reduce reporting burdens we also forego information. We must not fall into the trap of reducing the level of disclosure—in the name of cutting costs—so far that the whole exercise is meaningless. It would be far better to have no disclosure at all.

The primary bill now before the Governmental Affairs Committee is far from perfect. Certain major provisions can and should be dropped from the bill, and

some fine tuning is appropriate. But I believe that the basic structure of S. 2971 comes much closer to the delicate balance of costs and benefits which should be the committee's goal than the bills originally introduced.

The first consideration in examining this bill is who would be required to register as a lobbyist. I feel very strongly that any lobbying disclosure legislation must be evenhanded. The disclosure must not be designed to give the false impression that only large business and labor interests make significant efforts to influence Congress. Communications from citizen organizations are one of the most influential forces in the legislative process—as they should be—and information on their efforts is every bit as important to a full understanding of Congress as information about those with financial interests at stake. Nor should it be any more burdensome for professional lobbying organizations to comply with this bill than for organizations that do their own "in house" lobbying.

However, it is also clear that a cost-benefit test would not be met if each person or organization which communicates with Congress were required to register and report. Such overly sweeping legislation would place far too great a burden on the American people and would be counterproductive by failing to filter out the important information.

The committee has adopted provisions which respond to these concerns by covering only those who engage in significant amounts of lobbying—

Individuals expressing their own opinions do not have to register;

Volunteer organizations do not have to register;

Organizations with paid employees do not have to register unless their paid staff engage in the threshold amount of lobbying;

Public testimony before Congress and public speeches are not counted in determining whether an organization is a lobbyist;

Communications with the Senators and Congressmen representing an organization's principal place of business are also not counted toward the threshold;

Organizations which only make a few contacts in a quarter aside from their State delegation do not have to register;

Organizations located outside of the Washington area with a total budget below $75,000 do not have to register;

Organizations which make a single lobbying effort of 6 days or less in a year do not have to register;

Lobbying through publications with general circulation or through radio and TV broadcasts—other than paid advertisements—are not counted.

Those who would be required to register and report fall into three categories:

First, organizations with paid staff which spend at least $1,750 in a quarter to hire professional lobbyists would be covered. A number of my constituents feel that it is not fair to exempt volunteer organizations which still spend this much money to hire professional lobbyists. I am sympathetic with this objection, although there are good arguments on both sides. I look forward to discussing this point with my colleagues during committee markup.

Second, organizations whose own paid staff communicate in person or by phone at least 20 times in a quarter with Members outside their home State delegation or with congressional committees would be covered. This threshold provision is further qualified by the fact that organizations with only one employee lobbying would not be covered unless that employee contacted Congress at least twice on each of 10 days in the quarter (if two or more employees are lobbying, on each of 5 days in the quarter).

It is important to recognize that any threshold which does not sweep in all those who communicate with Congress will require some amount of recordkeeping, and there will always be organizations on the borderline. We have tried to make the threshold high enough to exempt occasional lobbyists and at the same time keep the recordkeeping as simple as possible.

One frequent comment is that it would be easier to use a simple money test. While that is true in the case of hired lobbyists who are paid through a regular billing system, it is not true for organizations whose own employees lobby. Making the clear-cut determination as to whether an organization is or is not covered by the bill requires a precise calculation. Thus in addition to recordkeeping on the amount of lobbying—which would satisfy the bill's test—a financial test would require a second step of attributing expenses to that lobbying. I believe that the threshold for in-house lobbying which the committee has adopted minimizes recordkeeping while excluding occasional lobbyists.

The third type of activity which would qualify an organization as a lobbyist is spending more than $5,000 in a quarter on a single grassroots solicitation. I will explain the reasons why this provision is necessary in a moment as part of a general discussion of grassroots lobbying.

The other major consideration in reviewing this legislation is what information registered lobbyists would have to disclose. As noted above, the committee decided that disclosure of who lobbyists contact and what specifically is said would require excessive recordkeeping, and would, therefore, be too costly. S. 2971 is designed to obtain information solely on who is doing the lobbying and the scope of their activities.

In determining who the lobbyists are, it is necessary to determine whose interests are being represented. For example, a group named Americans for Better Government could be lobbying on behalf of oil companies, local citizens groups, labor, or any number of other interests. Therefore, in addition to disclosing the name and address of the organization, the names of its principal officers, the names of any formal affiliates, and the approximate number of members, the bill also requires basic information on who is funding the organization. As the Supreme Court acknowledged in its Harriss decision, it is important to know "who is putting up the money and how much."

In drafting this legislation we recognized that the identity of contributors can be sensitive, and so a number of limitations on the disclosure requirements are included. First, the bill only requires the disclosure of organizations—not individuals—who contribute to lobbyists. While this will undoubtedly let a few important contributions slip through, I believe that this step is necessary to protect personal privacy. Second, an estimate of the number of contributors is all that would be required to determine the general nature of the funding base. Third, the dollar threshold for disclosure is raised from $500 per quarter (under existing law) to $3,000 per year. Fourth, in an effort to limit disclosure to larger than average dues and contributions, only those which equal at least 1 percent of the organization's total budget need be listed. Fifth, in order to further protect privacy and to minimize the risk that proprietary information could be derived from the precise amount of dues paid to business associations, the bill provides that the value of contributions need only be disclosed by category; that is, $3,000 to $10,000, not by precise amount. Finally, if a contribution is earmarked for nonlobbying uses (such as a building fund) the contribution would not have to be disclosed.

One additional piece of information which is needed to analyze who membership organizations are really representing is the method used to arrive at positions. This does not require an extensive discussion of internal operations—simply an indication of the extent to which the members participate in these decisions. This information actually will help to protect members who do not always agree with the organization's position.

In determining the scope of a lobbyist's activities, several pieces of information are important. First, a list of the issues on which the organization makes a significant effort is needed. It is also important to know the names of any professional lobbyists who represent the organization and of those employees who spend a significant amount of time lobbying on each of the issues listed.

Another important measure of the scope of the organization's activities is the amount of money that is spent on lobbying. The bill requires an itemized listing of any gifts and receptions given by the lobbyist. On the other hand, detailed reporting of operations expenses would require extensive recordkeeping, so all the bill requires is an estimate of the total expenditures which can be directly attributed to lobbying. While this would include mailing costs, salary, advertising and the like, it would not include general overhead such as rent and utilities. This estimate should be a reasonable one, based on existing records as much as possible. For example, it would not be necessary to prorate a small portion of the salary of an employee who makes one or two contacts with Congress. Similarly, if about 30 percent of the organization's printing volume was for lobbying, 30 percent of total printing costs could be included in the estimate.

The last piece of information which is needed to obtain a reasonable understanding of an organization's lobbying activities is disclosure of significant "grassroots" lobbying campaigns. It has been estimated that over $1 billion is spent each year on this type of lobbying. It has had a major impact on Congress, and accounts for a large portion of the activities of many lobbying organizations—both large and small.

It has been suggested by some that requiring disclosure of grassroots lobbying efforts would be unconstitutional. However, the Supreme Court in United States against Harriss clearly recognized that requiring the disclosure of pressures on Congress "exerted—through an artificially stimulated letter campaign" does not violate any constitutional rights.

There has also been a great deal of misunderstanding about what these provisions would actually do. First and foremost, the bill would not prohibit or infringe on the right of organizations to engage in grassroots lobbying. In addition, those who receive these requests to contact Congress would not have to be identified or make any report, and no record need be kept of whether or not they respond to the solicitation.

The only reporting of grassroots lobbying which would be required by S. 2971 is the following basic information: First, the issue—either a descriptive phrase or, at the organization's discretion, a copy of the solicitation; second, an estimate of the number of people who received the solicitation; third, whether they were in turn asked to solicit others to lobby; fourth, how the campaign was conducted; for example, mail, telephones; and fifth, the cost of the solicitation if it is a paid advertisement which costs more than $5,000. In addition, the total estimate of lobbying costs would have to include grassroots efforts as well as direct communications—utilizing the same method of reasonable allocation discussed above—and the organization would have to give the approximate ratio of direct and indirect lobbying represented by that cost estimate.

I noted earlier that I would discuss the grassroots threshold provision at this point. Most organizations which would be required to register and report under this bill would meet the direct lobbying threshold as well as the grassroots threshold. However, there are several major organizations which specialize in lobbying solicitations which should be required to report. In addition, if there were no separate grassroots threshold, lobbying organizations could create spin-off organizations to do all of their grassroots lobbying and never report those activities. The Committee will consider whether spending $5,000 on one solicitation is an appropriate threshold level. But I believe that it is vital to have some ceiling on the amount of this activity which can go unreported.

I would like to conclude by noting two aspects of S. 2971 with which I do not agree. The first is the provision of criminal penalties for knowing and willful violations of the act. There are several safeguards built into the act to protect against improper use of these powers. Yet I am concerned that smaller lobbyists might be discouraged from lobbying out of a fear that they might somehow be charged with criminal acts. It is necessary to compensate for this change to insure that the GAO will have meaningful enforcement tools, especially in dealing with large and well-funded organizations. I will propose that the maximum possible civil fine be increased to alleviate this problem, with the understanding that the offending organization's resources will be considered in imposing fines.

The other provision of S. 2971 which concerns me is section 8, which requires lobbying organizations to report on efforts to influence the awarding of executive branch contracts worth $10 million or more. These provisions focus on disclosing instances of a revolving door a concern which needs prompt attention. However, this and other aspects of lobbying the executive branch involve numerous considerations which differ substantially from lobbying of Congress. I have for some time felt that these matters should be handled in separate legislation, and I would support an amendment to delete section 8 from the bill on those grounds.

Many concerns have been expressed by my constituents and other interested parties concerning the impact of this legislation. These conerns are real and proper. However, in many instances they seem to be based upon a misconception of the bill's provisions and what would be required to satisfy those requirements. Some of this confusion can be remedied by clarifying the bill's language, and I will insure that this is accomplished. However, it is important to remember that detailed guidelines should not be set forth in legislation. This is the role of the implementing agency—in this case the General Accounting Office—under the supervision of Congress. I intend to monitor the GAO's actions closely to insure not only that they do not subvert congressional intent by requiring tortuous compliance procedures, but also to insure that they actively assist lobbying organizations through the publication of clear and simple guides to compliance and by responding promptly to requests for help.

I believe that the benefits of lobbying disclosure are significant, and are not outweighed by the costs of reasonable, yet effective, legislation.●

GSA: PLANNING FOR A BETTER ENVIRONMENT

● Mr. SASSER. Mr. President, one of the most crucial issues facing us today is planning for a better environment for people who live and work in the Nation's cities.

I commend one Federal agency which has taken the lead in planning its spending programs around the needs of people who live in the central cities. The General Services Administration, known as the "Nation's landlord," is quietly implementing an urban strategy which includes energy conservation, planning for people, creating beautiful surroundings, and preserving America's urban heritage.

Under the able leadership of GSA Administrator Jay Solomon, under the mandate of President Carter, cities where Federal buildings are located may be on the road toward becoming lively, livable places where people will want to congregate for work and recreation. Since the agency is the largest civilian construction firm in the country, GSA's spending policies have a major impact on the shape of the Nation's building programs.

A major element of the urban strategy is the GSA policy of restoring old buildings rather than always constructing new ones when more space for Federal offices is needed. Under another program, GSA sets aside one-half of 1 percent of both new construction and repair funds for art and landscaping programs. A third program opens the doors to thousands of Federal buildings across the country at night and on weekends so that people can use them as community centers.

GSA's urban policy planning sets an example for other Federal programs to follow. I commend the President, Jay Solomon, and the General Services Administration for this kind of leadership. I would like to print in the RECORD the following article from the Government Executive for May 1978.

The article follows:

GSA: CARTER'S NEW URBAN POLICY TOOL

"We are the business end of the Federal Government," says Jay Solomon, Administrator of the General Services Administration—and the agency will have a substantial effect on the success of President Carter's recently announced Urban Policy.

The GSA can have a heavy impact on what takes place in the Nation's distresed cities and that is exactly what Solomon and his Commissioners intend to do. In fact, they were already well into it when the Urban Policy was announced.

Specifically, through its various components, GSA expects to use its power in art and architecture, landscaping, energy conservation and budgeting, minority procurement, certain detailed procurement set-asides and the consolidation of federal employees to help revitalize the downtown areas.

With a Presidential mandate behind it, GSA, through the Public Buildings Service—which builds, leases, repairs, renovates and is generally the Federal landlord—is starting to put U.S. Government employees back into the cities.

(In Atlanta, the PBS is already moving a million square feet of space from the suburbs into the city.)

"We can impact the type of buildings, the design of them, the type of landscaping; we can create parks with federal lands in the cities and we can, and will, push to open up GSA business to more small and minority businesses," says Solomon.

And GSA has two-year benchmarks to meet in this area. "It will be relatively easy for the Federal Supply Service (FSS) to make their urban policy targets," says Solomon, "but much harder for PBS because our construction program is considerably less than it was two years ago."

Waste Not—GSA is also turning to the idea of recycling buildings with enthusiasm. They are, with local cooperation, renovating historic facilities such as the railroad stations in Kansas City, Nashville and Savannah as well as the Post Office building in St. Louis and Washington, D.C. and the New York City Customs House.

Under the Public Buildings Cooperative Act (1976) PBS can lease the ground floors of such buildings back into the hands of the

locals for various uses—from restaurants to museums to day care centers.

A major impetus under Solomon is the "Living Buildings" concept. The idea of turning federal buildings back to their owners—the taxpayers—for community purposes ranging from art shows to Senior Citizens. And this is working extremely well.

Although quick to disclaim any expertise in artistic matters, Solomon has brought art into the buildings—between $2 and $3 million in the last year alone. "And this is commissioned art which is meant to be as much a part of the buildings as the bricks."

The GSA had seven art shows in New York City at the same time. Solomon raised the amount set aside for commissioning art in federal buildings to half of one percent of the construction costs. Chicago officials, seeing the effect of this in bringing both tourists and natives into the downtown areas, are doing the same thing with the building of city facilities. And it is catching on in other areas.

It is not just the big cities—the living building idea, local art and other elements are being pushed in much smaller municipalities. And, again, it is working.

The GSA will set up rules for cities based on their procedures but using experts from state art and historical societies instead of the National Endowment and other bodies who flow expert advise to the GSA.

Brighten the Image—In a sense, art is like any other government program. Solomon notes that there is a temptation to go after the old masters instead of encouraging new and innovative artists. "The program is very much like any other government program in that light.

"We are trying to give GSA new direction, new emphasis, a new image. This agency is a monopoly by law but we really cannot do an effective job without the good will of the customers."

And that is the hallmark of the Solomon administration—cooperation and communications with the customers, which is the rest of government, and a hard bearing down on the concept of service.

Solomon came to the GSA from Arlen Realty and Development Corp., the nation's largest shopping center development company and a firm he helped create.

"When we designed space for a tenant, we worked long and hard with him to understand his needs. This is exactly what GSA must be doing with its customers." (Solomon also notes that when you get into the actual building, that understanding had better be good because then the changes cost.)

Solomon has visited every Secretary in the Cabinet. He set up the mechanism for GSA-agency involvement—and it did not work. So he worked with the Office of Management and Budget (OMB) to create a GSA Council with representatives from every federal agency. This move was very effective.

He is holding every GSA regional administrator responsible for the same kind of cooperation and communication in the regions and will move them if they do not come through. (Although they are, notes Solomon.)

He found that GSA was not part of the Regional Councils. It took him almost nine months but, in the end, OMB agreed and this was changed.

In the Beginning—"And when our people talk to agencies I want them to lay it on the line and explain what our resource limitations are—we have the same budget problems they do. There are no incentives for agencies to replay with you; you have to communicate. And then, if necessary, take the problems to the appropriate committees in Congress.

"GSA takes a lot of heat from agencies—and a good portion of this could be avoided if we could get into the decision-making as early as possible—not to tell them what to do but because we are going to be involved later anyway and experience has taught us that then it can be too late."

It is up to the rest of the federal structure to get involved with GSA as early as possible. The problems, for instance, with base closings go on for years—although Solomon has expedited some cases in days after years of delays. Eventually, it is GSA that determines what happens to the land and anything else that is left after a base closing. "And that's when we get the rocks thrown at us."

Solomon does not stand on ceremony. He does not care if it happens to be less than the top echelon of an agency coming in to talk to him. "It could be the man at the botton—as long as he can tell us what they are planning so we can work to eliminate the inevitable delays caused by our being brought in at the last minute. We have the same budget cycle they do and if the money isn't there for us to perform our functions for them I'll help them get it, if possible. Otherwise they have to wait until the next fiscal year—precisely what they have to do in their own functions."

The Landlord—"I want PBS to respond to the agencies with more alacrity," says PBS Commissioner James B. Shea, an industrial engineer and an attorney. Yet he thinks PBS is very effective. "They have a hell of a record in the past four years in energy management and conservation. We are squeezing harder in this area now." And mostly because energy management gets tougher as the more obvious techniques are exhausted.

"While you can never really make everyone happy, I am proud of what the PBS is doing in many areas—but I have questions and I think there is room for improvement.

"The living buildings concept is a very powerful tool and it causes us to think in imaginative ways. Yet why shouldn't the taxpayers be able to really use federal buildings in as many different ways as they can."

It gets a bit unsophisticated. "Hokey" is the word Shea uses. He saw, in a small southern seaside town, that the city had built benches around trees and supplied billets of wood so that "these old gentlemen could whittle in the shade. Why can't I do this and other things around federal buildings? Corny, sure, but they paid for the building in the first place."

Shea, like Solomon, has been a landlord, "But there are many more constraints in the government you do not have in the private sector."

Yet he intends to open PBS wider. He wants more new firms, more small firms, more minority firms and he thinks that the paperwork can be simplified. "Sure, you may be leaving yourself open to possible initial misunderstandings when you simplify the solicitation, but that can be cleared up later."

Shea is forcing PBS away from dealing with the same firms over and over again in all areas—from building right through repairs, alterations and renovations. But not, as Solomon has emphasized, to the exclusion of the good supplier.

The use of historic buildings forces tradeoffs and very close cooperation with local officials. "But there are other recyclable buildings. Suppose there is an old, solid, well-built building available yet it is not historic in any sense. It is still an asset and it can be used."

Shea may wind up being the "heavy" in the consolidation of federal employees into downtown areas but he firmly believes that this is an important element in breathing life back into the inner city. PBS will not be working in a vacuum. They will be cooperating with transportation, housing and other agencies, federal and local, in this push back into the cities.

He is also trying to eliminate certain classic PBS headaches. For example, he insists on mockups in office space design.

With the emphasis on an energy budget for every building, this design means integrating a lot of unknowns and it cannot really be tied down on paper." In one case, the mockup showed that while the proper energy budgeted light levels were reached, it simply wouldn't work because one would end up moving from light pool to light pool in an office—"sort of like a perpetual Jimmy Durante sign off all day long. We had to modify it but we did it before the system went into the building."

Sun Power—"Properly researched and properly implemented solar power has fantasic returns. But I do not agree that it is the federal role to use taxpayer dollars to drive sophistication into solar systems. That is a kind of bootstrapping.

"To say that government should spend to develop it and, in the mean time, have government go ahead and put on the roof what might, in five or more years, be obsolete hardware while government spends more and goes on into photovoltaic or what should be questioned by any taxpayer, including me."

Shea and PBS will go into solar systems. But he wants to do it logically—"not buy everything or use one system. We have to experiment, compare and go back to industry.

"Why shouldn't government and industry share product development. Have industry furnish us the stuff and we'll go ahead and install it, monitor it and tell industry how good it is in actual application." Shea really wants to get going in solar applications—but PBS has many obligations and responsibilities and these cannot be ignored for any one element.

Shea has found other federal agencies—his customers—very accessible. "We get crossways sometimes but we should be able to talk it out without nonsense memos."

The PBS Commissioner has been a consultant to major corporations in his career. "Sometimes I have told the client at the start that more than half of my recommendations will have come from your own people. Then at the end I show them that the prediction was true. Moral: listen to your own people and you'll save money. The same is very true in government. The people here can and do warn me, and I listen, because they are professionals.

Shea dealt with PBS and GSA personnel during a stint as a staff member on a Congressional Committee. "I learned to respect the GSA people I dealt with then." He still does.

The Computers—"My first impression here was that the reason a lot of things are done today is because it seemed like a good idea at the time the decision was made." Frank J. Carr, Commissioner of Automated Data and Telecommunications Service continues "I also got the impression of circled wagons and operations behind fences."

There is language in the Brooks Act to the effect that the GSA (ADTS) will not interfere with the right of any agency to develop what it needs in automated data processing (ADP). Carr has found that agencies use this to keep ADTS out of the early planning process—and that ADTS often uses it to explain why nothing has been done.

"But there is a terrific need for ADTS to get involved with any agency very early in its ADP planning. ADTS is always being blamed for the long ADP cycle when in most cases it is because the agency is at fault. The delay results from the fact that we get into the cycle too late and are blamed for not being able to achieve, in a short time, func-

tions that could have been handled far earlier in the process."

It is not ADTS' purpose to approve or disapprove agency systems plans. Carr is not talking about this at all. "The involvement ought to be such that ADTS can let the agency know what the downstream procurement problems are going to be."

Positive steps are being taken—particularly with Navy and Air Force. But there is another aspect of this upstream need.

Total Picture—Any careful study of the Brooks Bill and its legislative history clearly indicates that the GSA has been given primary operational responsibility for the coordination of a government-wide ADP management system to be carried out under the fiscal control of OMB. And here is the biggest problem.

"There are elements of this all over but we have failed to sit down and attempt to define the system in terms of the elements in existence that ought to be developed. "Whatever it is that we are now doing it is clearly not sufficient."

In basic terms, the creation of such a dynamic DP management system is pretty much what ADP people do anyhow in developing a given data processing system. "Here we have, in government, a whole bunch of systems people not using the systems approach to the whole problem but, instead, constantly dealing with it in bits and pieces."

In short, ADTS has the responsibility to operate such a system and nobody yet knows what it is.

And the upstream involvement of ADTS is part of the development of an effective ADP management system. (This is not a management *information* system. It is resource management.)

While agencies tend to use the Brooks Bill language in a restrictive sense, Carr says GSA can still function. ADTS can impact if the data processing system proposed is unnecessarily restrictive or contains far more capacity than meets the agencies' stated needs.

And ADTS can act if it is known for a fact that the acquisition does not have Congressional or higher departmental approval. There is obviously little sense in going deep into procurement for a system element already specifically disapproved by Congress or a parent department.

"The requirements must be factual, reflect capacity and not restrictive as far as competition. We require that they indicate compliance with the Privacy Act because all government must so comply.

"If communications is part of the process, we request that the agency make, or have made, a systems study. In one case, this systems study consisted of a letter from the local telephone company stating ten ways the phone company could satisfy the agency needs—and that is not exactly what one means by a 'systems study'."

In Carr's initial analysis, he found ADTS splintered with respect to internal responsibilities. He has made organizational moves to pinpoint this—to get a better sense of who is responsible for what and improve the necessary coordination activity.

Healing Thyself—ADTS really lacked a sense of direction. "If you don't know where you are going, then it pretty much doesn't matter which route you choose," says Carr.

Yet it speaks well for ADTS that, out of the dozen or so changes introduced by Carr, only one is really his own. "All of the others were recommended by outside consultants in the past or had been suggested by ADTS people themselves over the last several years."

In defining the role of ADTS and where it should be going, Carr runs smack into the lack of a Government-wide ADP management system. Both in the same initial step.

"If a multi-division corporation—with ADP all over the place—called in somebody like me to find out how to get on top of ADP then there is a fairly obvious first step. You make the basic assumption that no one person can run all ADP activities so centralization cannot be done. The approach is to establish control over certain key areas and use this control to influence the other ADP activities.

Then you look at what exists and come back to the how of control. And it lies in control over the procedures and control over the budget and whatever you come up with would be a continuous thing."

Looking at the Federal Government, in much the same way, it is obvious that there is no central point operating with any continuing oversight of the total federal ADP management. "You find OMB, GAO and the many appropriation elements of Congress all involved with the result that there is engineering friction—things get dragged along.

Classification—There is confusion as to what belongs in ADP. "There isn't much of a problem if the equipment is part of a larger system—then it is ADP.

But, a case in point is the terminal, "Is it an input device to an ADP system, a communication device or both. The technology impacting the commercial marketplace has to be considered—GSA does not make artificial distinctions here.

"These systems, in the commercial area, are merging. Communications and data processing are coming together in terms of the product lines of both data processing firms and telephone companies."

One of the things Solomon insists be done is that the responsibilities of the components of GSA be made clear.

Thus, in the area of classification, Carr pursues the issue first as a matter of cleaning up the responsibility and then defining the procurement activity.

"There are items in the FSS schedules that are ADP equipments but the Governing decision is whether or not an item is ADP or communication and that defines the responsibility. Then how we carry out the procurement involves a lot of other things such as the nature of the marketplace, and how we in GSA are organized. That is the separation."

Carr feels that vendors are so wrapped up in the question of the procurement issue that they are anticipating what happens or how an item is to be acquired once it is determined to be ADP.

There is much pressure and many suggestions as to how the definition should be arrived at or that the procurement method preferred by the vendors in fact apply to a given item.

"This is a totally irrelevant issue. The first step is to determine if the item is ADP. If it is, then that establishes the responsibility—whether it is ADTS or FSS—and then we in GSA address the question of procurements." Responsibility can be delegated once it is understood and Carr does work this out with Commissioner Robert P. Graham of the Federal Supply Service.

There is a major government ADP reorganization study underway as well as the Administrative Services reorganization effort. Even though telecommunications interfaces with ADP, the reorganization study will, as things stand now, come out with two sets of recommendations.

Carr also believes that it is "nonsense to try to separate regulations from services—regulations are one way of achieving objectives and should be created out of the organization's view as to achieving its objectives." (Another element here is Carr's comment that "I ask why we can't do this and I'm told it is against the regulations. Well who wrote the regulations in the first place. I still can't believe this when I hear it.")

Sighting In—Recognition of the merging ADP and communications technologies and the impact on ADTS functions is one of Carr's goals. The approach is to set up a single procurement function whose responsibilities encompass both technologies.

His second target is to examine all limitations, self-imposed as well as external, that inhibit ADTS from performing its responsibilities and authorities. "The way to handle this is a continuing process because the limitations include restrictive legislative language, encumbering practices, unnecessary delegation of authority and the like." The limitations keep getting worked back in so the effort to work them out never really should stop.

In this area Carr is tired of the repeated comments that *OMB A–109* is not going to change anything. "I don't know who is saying this because *A–109* does mean changes and we will find out as to where and how as we go along. The point is that *A–109* has impact on procurements."

Carr finds restrictive legislative language at fault because "it has a bad impact on ADTS as far as long range planning is concerned."

Carr's third goal is already apparent. It is to fully implement the Brooks Act; get at the Government-wide ADP management problem; move early into federal agencies planning in ADP and develop a strong analytic ability within ADTS (without which much of the real work on the objectives cannot be done.)

Both the privacy fears and the Freedom of Information Act affect ADTS. The latter is a problem because proprietary information is often part of the ADP procurement process and this information, by definition, belongs to the company, not the Government. So far GSA has been able to handle such information requests but it is clearly a major concern of the industries supplying government with ADP systems.

Privacy is a different problem. "Both sides really do not understand each other and, to my mind, it is up to the technologist, the ADP expert, to take the initiative here."

The real key to successful ADP implementation is deep user involvement and Carr thinks there is insufficient user involvement on the part of government agencies and for the same reasons that the problem exists in the private sector.

But, even more, in the federal area, the user has very little impact on the procurement process. "They not only do not get involved because they do not understand what ADP is all about, they also tend to stay uninvolved because they do not have a handle on the procurement process itself."

This is critical because it essentially means that the using agency cannot force its ideas on the ADP experts.

Carr sits in the middle. On the one side he gets pressure from industry to, among other things, increase the government investment in ADP technology. But they almost never talk about the return on this investment. The ROI approach might increase the investment through increased procurement but it also might mean a different kind of mix.

On the other hand, Carr claims it is very hard to tell top federal management—all the way to the White House—just what the enormous potential of ADP and telecommunications technology means and in concrete terms.

"You could point to the relative stability of the federal employment level over the past few years while government activity has grown. Obviously the increased productivity is the result, in no small part, of automation."

This is a problem the ADP reorganization

teams are having. "They must figure out how to bring this potential to the attention of the top people in government in a real way so that these leaders understand what kinds of decisions they are making when they act on the recommendations."

Finally, Carr sees history repeating itself in the federal office of the future. "We should be deeply involved in a major study of what this office will look like with word processing, telecommunications, electronic mail and other interrelated technologies involved. These are already well into implementation in many areas of government. And I don't mean just an ADTS look but other elements of the GSA—the PBS and the National Archives.

"Take an office of 50 people and work out the information flow, functions, layout and effect on management policies because we are heading into the same problems of incompatible equipments and other things we have seen in the growth of ADP—and the same headaches could be avoided.

"A major federal program in this area would impact the commercial marketplace to the benefit of everybody—the government, the manufacturers and the commercial users."

Buying Power—Carr's counterpart in procurement is Robert P. Graham, Commissioner of the Federal Supply Service—a GSA component which buys something of just about everything except ADP and telecommunications systems.

Graham, a former banker, is a bottom line man. "My objective here is basically to streamline the organization and to get much better in responding to the agencies. I also expect to have FSS reach a more business-like attitude in dealing with GSA suppliers and, concurrently, to simplify, as much as possible, the ordeal of doing business with the government."

Graham says he is actively seeking as much contact as possible with both the customers of FSS and the suppliers—either individully or through their associations. And he is encouraging senior FSS management to develop a more productive attitude.

The key to what Graham is all about at FSS is simple. "I want to know, as accurately as possible, what the real cost of doing business in any area of FSS is."

One tool is an economic model that has been in development for over a year by FSS and is now substantially reliable. "It does give us a close indication as to the most cost effective method of supply from our standpoint."

FSS is concentrating right now on stock items. The process is to move these items (per the economic model input) to other methods of procurement. "The model tells us if an item would be better handled in one of the four areas—stock, schedules, nonstores and bulk purchase—other than the one it is in now and it probably got there in the first place by definition."

Specs—FSS is now in the process of proposing to the Office of Federal Procurement Policy and substantial number of specifications to be eliminated. "But there will always be a need for specifications in FSS. If you have a big volume buy, I think you can get better pricing by specification and competitive bidding."

And, as FSS grows in technical competence, "we may be able to and probably should, review the multiple awards schedule to see if there aren't items that would lend themselves to another method of procurement."

GSA Administrator Solomon has expressed concern that the government may not be getting the best price in certain multiple award situations. Graham's approach is to introduce discounts in the multiple award schedule related to aggregate sales over a year.

FSS is cancelling specifications—but this takes time because of the notification processes. Graham wants more performance orientation in specifications. "As we get more modernized we should be able to key in on the multiple awards schedule with performance specifications—on high volume items. "You get something from multiple awards, but not always the bottom line best."

Graham is strongly in favor of commercial buying. "Right now about 99.5% of all items made available to agencies through the FSS are off the shelf commercial items. This is also more than 75% of our dollar volume. So then specifications account for 0.5% of the items and about 25% of the dollar volume.

Urban Direction—FSS will be the component of GSA quickest off the time in responding to the mandates laid down by President Carter. "We will strengthen the implementation for existing procurement set-aside programs for labor surplus areas by directing the FSS to work with each federal agency to develop specific procurement targets and we will monitor this implementation."

The GSA has been given the task of reporting to the White House every six months on the progress of each agency in meeting the urban policy procurement mandates. That makes FSS a focal point—even though the Labor Dept. has the task of defining the geographical areas for the set asides, it is GSA that has to ram federal procurement money into them.

"We in GSA have an opportunity to provide judicious leadership now. We are actively seeking out firms in these labor surplus areas to give them a chance—a preferred chance—at the procurement dollar.

"It is almost a business development program and we are active. We want the names of firms in the mandated urban policy areas so we can urge them to get involved even though they may have never done business with the government before."

There is a cautionary note struck here by Solomon. He has stated that these efforts must not be to the exclusion of existing GSA suppliers—"suppliers who have done a good, honest job of dealing with us."

The youngest of the GSA components is the Federal Preparedness Agency under its Director, Joseph A. Mitchell. The FPA resulted from the three-way dissolution of the White House Office of Emergency Preparedness which assigned civil defense to the Defense Department, natural disaster functions to the Department of Housing and Urban Development (HUD) and the original core to GSA.

Mitchell's view: "This was unfortunate. What it did was give the individual states, who usually have one point of interface on all of these elements, three separate federal organizations to deal with."

There is a reorganization study now completed that, as part of its conclusions, recommends the setting up of an agency with all of these functions under one head plus several others scattered all over government. These others include functions such as earthquake prediction, flood insurance, fire protection—and what Mitchell calls "mid-level disasters." These last are power failures and blackouts across several states and the effects of things such as the recent coal strike.

The civil response to terrorism would also be included.

Mitchell is quick to point out that the three agencies now involved in emergency measures have done an excellent job.

So it looks like GSA may have to give up functions. But Solomon told *Government Executive* that fighting to keep functions in the face of logical and reasonable organizations decisions is not, to his mind, good federal management.●

RUN FOR LIFE

● Mr. LUGAR. Mr. President, I commend Connecticut Mutual Life Insurance Co. and Olympic gold medal winner, Frank Shorter, for introducing the Run For Life program in Indianapolis.

This superbly organized program, endorsed by the President's Council on Physical Fitness and Sports will encourage many people to jog and run during a portion of each day on a regular basis.

For several years, I have tried to run during a portion of each day along with an estimated 15 to 20 million Americans who run for pleasure and to improve personal appearance, to relieve day to day stress, and to improve overall health.

The single most effective public approach toward lowering health care costs in this country and providing much greater security on the path to good physical and mental health for individuals will be found in providing sound incentives for each of us to exercise and to learn more about diet and nutrition.

The Run For Life program includes excellent published material on pulse rate, counting calorie input and output, and a host of ideas which will bring greater sensitivity about the good fortune which each one of us may enjoy as we discover more about the strengths we possess and the ways in which we may husband and enjoy those strengths for many years to come.

Running costs no more than a good pair of shoes and comfortable clothes that meet the changes of the seasons. A few of the best runners will enjoy races and even marathons, but most of us are going to enjoy having a few well defined minutes each day to think clearly about our individual objectives and plans, to gain greater confidence that we are stronger in our abilities to meet personal priorities and to serve others with greater skill and stamina, and to learn more about the remarkable gift which God has given us in the form of a body to house our souls and aspirations.

I look forward to watching the Run For Life venture of Connecticut Mutual Life and Frank Shorter take hold in Indiana and throughout this Nation. It will prove to be a strong national asset.●

A DEPARTMENT OF EDUCATION

● Mr. CLARK. Mr. President, I am very pleased that we are starting to see some significant movement in Congress toward enactment of legislation to create a separate Department of Education. Last week, the Senate Committee on Governmental Affairs completed a series of public hearings on this issue, and final Committee action may occur next month.

I especially want to commend Senator ABRAHAM RIBICOFF, who introduced S. 991, which establishes an Education Department, and who as chairman of the Governmental Affairs Committee is shepherding the bill through Congress. The concepts embodied in S. 991 have my complete support, and for this reason I am joining Senator RIBICOFF as a cosponsor of the bill.

I am very pleased to note that President Carter has also lent his support to the legislation. Last month, speaking on behalf of the Carter administration, Director of the Office of Management and Budget James T. McIntyre, Jr., endorsed the principles of S. 991 in testimony before the Senate Committee on Governmental Affairs.

Director McIntyre succinctly described the reasons for establishing a new Education Department. I believe these reasons deserve reiteration:

First, that the location of education programs within a department that also has major health and welfare responsibilities—quoting Director McIntyre—"severely limits the Federal Government's ability to build on past successes and to provide visible and effective leadership to meet new opportunities";

Second, that since education programs represent the smallest piece of the Department of HEW's $185 billion budget, they cannot receive the attention that they require and deserve"; and

Third, that the Department of Education would "increase significantly the visibility of Federal education activities. For the first time in history, it will provide high-level leadership for education."

I found the administration's testimony to be quite enlightening, and I would like to share it with my colleagues. Therefore, I ask that a major portion of Mr. McIntyre's statement be printed in the RECORD.

The statement follows:

STATEMENT OF JAMES T. MCINTYRE, JR., DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

Mr. Chairman and members of the committee, I appreciate this opportunity to appear before you this morning to present the administration's position on S. 991, the Department of Education Act of 1977, and to reaffirm the President's commitment to education as a major domestic priority.

First, let me applaud you, Mr. Chairman, for your dedicated and continuing leadership in efforts to create a Department of Education that go back to 1965 when you first introduced such legislation. Your bill has attracted wide bipartisan support in the Senate and enjoys the endorsement of numerous groups and prominent individuals who are deeply interested in American education.

We note that your bill is cosponsored by 56 Senators, including 8 members of this committee: Mr. Jackson, Mr. Muskie, Mr. Eagleton, Mr. Chiles, Mr. Nunn, Mr. Sasser, Mrs. Humphrey and Mr. Heinz.

In addition, Mr. Chairman, I would like to thank the members of your staff, especially Marilyn Harris, for their assistance and cooperation with the President's reorganization project staff in their study of education programs. We look forward to working closely with this committee to pass legislation creating a Department of Education.

In his first year in office, the President has demonstrated his deep commitment to improving education. In his education message to the Congress last February, he described a "concerted effort to reestablish education in the forefront of our domestic priorities." I want to stress that the overall aim of that effort is to strengthen our pluralistic, locally controlled system of education.

First, legislative proposals are designed to improve basic skills, to provide additional resources in the neediest school districts, to increase training and technical assistance for bilingual education to expand programs for handicapped children, to increase student assistance for higher education of children from middle-income families, and to strengthen participation by nonpublic schools in existing grant programs.

Second, our budget request for next year increases Federal spending for education by almost $2.5 billion over last year for H.E.W.'s education division alone—the largest increase in 15 years.

Third, the establishment of a cabinet department of education will provide a base for national leadership which can increase the visibility and attention given to educational needs, not only at the federal level, but more importantly by families, communities, public and nonpublic schools, and local and state governments.

Even as these new initiatives are being considered by the Congress, major problems and challenges are facing our educational systems. Some of these problems are: a decline in student achievement and in the public confidence in the quality of education, unacceptably high rates of high school dropouts and unemployed youth, and the isolation of education institutions from family life and community services. Another important trend that affects education is the major demographic shift which has led to a declining school-age population and a growing proportion of older citizens. This population shift will create further demands for retraining and lifelong learning opportunities.

Fulfilling the President's commitment—improving education—meeting these challenges—will require that the Federal Government manage existing resources and existing programs better. We believe that the current organization of federal education programs—with education sandwiched between the major health and welfare activities in H.E.W. and with so many education programs in other departments—severely limits the Federal Government's ability to build on past successes and to provide visible and effective leadership to meet new opportunities.

I want to commend Secretary Califano for his strong leadership of H.E.W. Not only has he managed important health and welfare initiatives, but also the legislative proposals for education have begun to set an important agenda for the new department.

Senator Ribicoff, you have experienced first hand the difficulties of managing the Department of Health, Education, and Welfare, Since that time H.E.W.'s budget has grown elevenfold, from $17 billion in 1961 to $185 billion in 1979.

The department is large and complex, and, specifically, education programs—the smallest piece of the $185 billion department—cannot receive the attention that they require and deserve. As the late Senator Hubert H. Humphrey states, "What the schools do shapes society for generations. All this is too important for (education's) present second-rate status in the Federal hierarchy."

The new education department will increase significantly the visibility of Federal education activities. For the first time in history, it will provide high-level leadership for education.

The leaders and staff of the new department should devote immediate attention to these important concerns: cooperating more closely with state, local and private agencies; involving parents and the public more directly in developing and implementing programs; improving the design and management of education programs; strengthening interagency coordination of education and related programs; emphasizing the Federal Government's preeminent responsibility to ensure equal educational opportunities for all Americans; and stressing the importance of improving educational quality.

We propose today that we and the Congress work together to establish a department of education this year. The creation of a department with a strong leadership and a strong core of programs represents a very important step in our efforts to improve education. The transfer of the programs we propose to include in the new department will be made over time in a careful, phased manner.

Mr. CLARK. Most of the major national education organizations support the creation of a separate Department of Education. Among these groups is the National Education Association, representing nearly 2 million teachers in the United States. The NEA has long been in the forefront of the push for a Department of Education, dating back to 1867 when the group's predecessor convinced Congress of the need for a Federal education agency.

The National Education Association recently sent me a letter which underscored its support for early enactment of S. 991. I ask that this letter be inserted in the RECORD.

The letter follows:

NATIONAL EDUCATION ASSOCIATION,
April 21, 1978.

Hon. DICK CLARK,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR CLARK: On behalf of the 1.8 million teachers of the National Education Association, I wish to thank you for your cosponsorship of S. 991, legislation establishing a Cabinet level Department of Education.

As you are probably aware, the Administration recently presented its proposal for the Department of Education before the Senate Governmental Affairs Committee. We are pleased that the President's proposal closely parallels that of S. 991, and we look forward to working with you, other Members of Congress, and the Administration in insuring early enactment of this important measure.

Sincerely,

STANLEY J. MCFARLAND.
Director of Government Relations.

Mr. CLARK. If this Nation is serious about improving the learning process, we ought to move swiftly to establish a Department of Education, and to endow it with authority over education-related Federal programs inside and outside the current Department of Health, Education, and Welfare.

I am convinced that the Federal role in education would be enhanced through a more coordinated and highlighted effort that can only come from a separate department.●

THE TERROR IN CAMBODIA

● Mr. MATHIAS. Mr. President, our country was born out of a deep and abiding respect for human rights and fundamental freedoms. The preservation of the rights and liberties of individuals is a basic tenet of our national philosophy. This is a goal which we have sought to promote, not only for our own people, but for people of all nations.

In the past decade we have witnessed a proliferation of efforts in this direction. International accords and pronouncements have proclaimed the official commitment of most nations to the preservation of human rights. We have sworn that we would never again allow a

holocaust to occur. Though we were blind to many of the atrocities committed in Nazi Germany, we cannot close our eyes to the horrors taking place in Cambodia today.

Since the Khmer Rouge came to power in 1975, literally hundreds of thousands of Cambodians have been systematically murdered, according to State Department sources. Some estimates are as high as 1 million. This is a barbaric situation.

In the name of "agrarian reform," the populations of Cambodian cities were forced to march to the country to work on cooperatives. Thousands died along the way as no provision was made for food, shelter, or health care. Throughout the country, massive exterminations of innocent people have occurred. These mass murders have taken on a frightening dimension.

The Khmer Rouge has even launched an attack on Cambodian culture by prohibiting any practice of traditional folkways and religion. Buddhism has been virtually eradicated.

We cannot turn our backs on the Cambodian people. They face a cruel and ruthless regime whose power base is the fear in the hearts of the people. We must hold the Khmer Rouge Government accountable for its despicable acts.

In March of this year, the U.N. asked Cambodia to respond to allegations of a massive, systematic abuse of human rights. The House of Representatives has approved a resolution condemning the Government of Cambodia. President Carter has called Cambodia the worst violator of human rights in the world.

We must continue in these efforts. The United States has a moral responsibility to stand up for an innocent people, helpless in the hands of murderers. We must do all we can, diplomatically and politically, to stand up for human rights; to stand up for the Cambodian people. For without our moral support, there is no hope for a people whose government is based on the denial of fundamental rights.

Mr. President, I ask that the text of Mr. Leo Cherne's article "The Terror in Cambodia" which appeared in the Wall Street Journal on May 10, 1978, be printed in the RECORD. This article bears witness to the horror occurring in Cambodia today.

The article follows:

[From the Wall Street Journal, May 10, 1978]

THE TERROR IN CAMBODIA

(By Leo Cherne)

"It appears to have taken six years to kill nine million human beings in Nazi Germany and in the countries it occupied. It appears to have taken one day to inflict catastrophic disaster on more than three million Cambodians."

With these words three years ago Freedom House, the human rights monitoring organization, filed an appeal with the UN Commission on Human Rights for an inquiry into the events in Cambodia after the Khmer Rouge took power there in 1975. The UN body took three months to respond to that Freedom House appeal—negatively.

Until recently, a few books and articles focused on Cambodia, but no government leader or international body sought to penetrate the silence. Only Chaim Herzog, Israeli ambassador to the UN, raised a solitary voice on the floor of the United Nations in a futile effort to draw attention to the fact that in the new Democratic Kampuchea, "three to four million people fell into a deep, black, echoless hole."

In July of 1977, a House International Relations subcommittee initiated a congressional inquiry into the horror of Cambodia. This spring the Canadian government denounced the killing and suffering there. Now President Carter has called the Cambodian government "the worst violator of human rights in the world today," and an international inquiry sponsored by Norway's four political parties has invited witnesses from many countries to testify on the matter in Oslo. But in the slow pace of world reaction to events in Cambodia there is a morbid parallel to the international blindness that first met the news of the camps in Nazi Germany in which Hitler's "final solution" was being pursued.

What is it we know without doubt about the Cambodia of the last three years? We know that during the first few hours after the Khmer Rouge victory and the establishment of Democratic Kampuchea, every citizen, whatever age or sex, who inhabited any of the towns and cities in that country was compelled to evacuate his or her home. They took with them only what they could physically carry on their march into the jungle countryside.

We know they traveled an estimated 65 miles, and that there were no provisions for their sustenance along the route. We know that the pregnant women in the last days of their pregnancy gave birth along the roadside, and that few of these children survived the ordeal.

NOT BLINDFOLDED

There were roughly 20 international journalists in Phnom Penh at the time of the Khmer Rouge victory. They were interned in the French embassy for the next couple of weeks, but they were not blindfolded. Diplomats from other embassies were added to their company in that compound, as were the foreign doctors who had been serving in the hospitals of that war-swollen city with a population of somewhere between three and four million, nearly half the population of the entire country.

We know from the reports these journalists filed when they were finally released that doctors who were in the midst of surgery when the evacuation came were in some instances compelled to leave their work unfinished. We know that where patients were unable to leave their rooms, some were dropped to the pavement from the windows. We know that others were wheeled in their hospital beds by fellow patients able to do so or family members who rushed to the hospitals to help evacuate their sick relatives.

We know from that day to this, Phnom Penh and every other city and town in Cambodia have remained deserted and crumbling. We know that soldiers of the Khmer Rouge emptied and looted the stores in each of the towns, some of them tiny indeed, along the road the journalists traveled when they were transported out of the country. We know from a handful of Scandinavian diplomats who were permitted to visit Phnom Penh two months ago that an estimated 30,000 people are trucked in and out of the city daily to perform certain tasks which are still regarded as essential, particularly in the manufacture of certain basic materials—cement, weapons, fabric—that the state continues to require.

The vast and total nature of the reordering of all Cambodian life can be seen in just a few details. Typically, the population has been reorganized into groups of 10, with one supervisor and three cells of three persons each. Each cell member is responsible for the behavior of the other two. People who make too many "mistakes" are led away and never seen again. The constant fear of death keeps everyone working long hours, the more able-bodied far from their homes and the more frail closer to home.

The new regime has, apparently, deliberately tried to expunge family loyalties in order to forcibly substitute new ones—to the commune and to the state. Refugees claim that their traditional songs, folk ways and even religion have been stripped away. Cadre members reportedly enjoy special privileges, and avoid many of the hardships of the common peasants. Edward Shawcross, the gifted foreign affairs correspondent for The London Times, wrote in The New York Review of Books that "the barbarous cruelty of the Khmer Rouge can be compared with the extermination of the Kulaks or the Gulag Archipelago."

Even desperation has its levels of comparative intolerableness. If we are to understand the sheer terror which must have driven a hundred thousand Cambodians to escape into the arms of the traditionally hated Vietnamese, we must first refresh our sense of the desperation that presently exists in Vietnam.

To this day, some three thousand to four thousand Vietnamese per month crowd into anything that will float, knowing that they risk their lives if their plans to escape are discovered or frustrated. Of that number, an estimated 50% drown at sea. Despite these near-unbearable odds, the flight from Vietnam continues, even as the flight of Cambodians into Vietnam is surely going on. Yes, there is a pecking order even in hell; and at the bottom of this one stand the Cambodian people.

At first, certain Western observers asserted that the purpose of the evacuation of the cities was to assure that the rice fields destroyed by the war be quickly restored, in order to avert mass starvation. These commentators pointed out that the survivors had been herded into units working from dawn to dusk clearing forests, digging irrigation canals, preparing for the planting of rice.

But there was a flaw in the attempt to ascribe such humanitarian purpose to the Khmer Rouge: There was a greater supply of vegetables and other staples stored in or near Phnom Penh than in the countryside to which people were evacuated. And not for eight months, when the monsoon had passed, was there the possibility of producing even the first rice crop in the countryside.

Mr. Shawcross, when he wrote on Cambodia two years ago, accepted the "rice" explanation for the forced march. But by this spring, he had concluded in a new article that the only satisfactory explanation for what has happened must be the prospect of war, feared or desired, with the Vietnamese. Certainly Pol Pot, secretary general of the Cambodian Communist Party, refuted the case that the Khmer Rouge were acting out of compassion when he spoke about the evacuations in an address he made on a recent visit to Peking.

THREATS TO SECURITY?

Not once in his address did Pol Pot speak of the necessities of food production. Instead, he explicitly declared that in "our Cambodian society," there are "life-and-death contradictions, because enemies in the shape of spy rings working for imperialism and international reactionaries are still planted among us to carry out subversive activities against our revolution." The purpose of the evacuation, he said, had been to break up such threats to Cambodia's security.

In all of this, the parallels to Nazi Germany are chilling. Granted, Hitler's vision and methods of destruction were those of modern technology, while those of the Khmer Rouge are those of an agricultural

primitivism. But consider: The ruthlessness these two states have employed in the extermination of their enemies is unique in its vast and wanton disregard for human life. The ruthlessness in each country has come about in service to an ideal—of racial purity in Nazi Germany, of political purity in Democratic Kampuchea.

And each took elaborate pains to veil the more brutal aspects of "the plan." Since the Cambodians' plan was even more total than the Nazis', even more was covered with secrecy—even the identity of the leaders of the Ankha, as the leadership group was called until it established itself well after its victory as the Communist Party of Cambodia.

The secrecy and the horror have made the new Cambodia hard to comprehend. One of the Scandinavian diplomats who finally saw it said of his experience, "It was like a nightmare. It is difficult to believe it is true." But what foreigners may find difficult to believe, Cambodians are required to express quite explicitly. These are the words of their new national anthem:

The red, red blood splatters the cities and plains of the Cambodian fatherland,
The sublime blood of the workers and peasants,
The blood of revolutionary combatants of both sexes.
That blood spills out into great indignation and a resolute urge to fight.
17 April, that day under the revolutionary flag,
The blood certainly liberates us from slavery.

(NOTE.—Mr. Cherne is chairman of the International Rescue Committee, which plays a substantial role in aiding Cambodian, Laotian and Vietnamese refugees.)●

HUNK ANDERSON, NICEST TOUGH GUY

● Mr. BAYH. Mr. President, one of the many great things about the State of Indiana is the contribution its people have made to the field of athletics. Indeed, Indiana has become a center of our Nation's sports heritage. This is particularly true of the city of South Bend where the achievements of the University of Notre Dame in intercollegiate athletics have been a legand—an ever-growing legend—for over three-quarters of a century.

Notre Dame has produced not only some of America's greatest athletes and coaches, but also some of its greatest sports personalities. In today's paper Red Smith writes of one of those great personalities and coaches—Hunk Anderson. As Red points out Hunk was one of the line coaches in football history and also the game's "nicest tough guy."

I ask that Red's column be printed in the RECORD, and I hope my colleagues who are interested in America's athletic heritage will enjoy it as much as I.

The column follows:

HUNK ANDERSON, NICEST TOUGH GUY

(By Red Smith)

When Knute K. Rockne was winning renown as a football coach, the Notre Dame varsity was only one of his responsibilities. He also coached track and field, administered all sports as athletic director, turned out a syndicated column two or three times a week, had several books published under his name and toured the country as an after-dinner speaker. During spring practice, runners would be working on the cinder track and circling Cartier Field—the predecessor of today's stadium—while the padded gladiators butted heads on the infield, and somehow Rock seemed able to watch a half-miler and a left end simultaneously. In those days his only assistant was Hunk Anderson, who would finish his job at the Edwards Iron Works in South Bend and hustle out to the campus to serve as unpaid line coach. Most practice sessions started with Rock giving preliminary instruction to the backs and ends while Hunk got the interior linemen warmed up. At length, Rock would call:

"Ah, Heartley, would you be good enough to bring the behemoths over here?"

"Hell, Rock" Hunk would say, "they ain't even bleeding yet."

Starting in 1925, after Notre Dame defeated Stanford in the Rose Bowl, Rock got Hunk on the payroll, at $500 a season. Not that Hunk needed the money. Besides drawing a salary at the iron works, he would catch a train on Saturday, put in most of the night studying the game plan of the Chicago Bears and on Sunday play 60 minutes at guard with the pros. What he liked best about George Halas was that Papa Bear paid his players, though not much.

Rockne is a legend today, for it was 47 years ago that he died in a plane crash. Hunk Anderson remained in football until about 12 years ago when he retired to Palm Beach. He died there on April 24. Charley Callahan, who handled athletic publicity for Notre Dame before going to the Miami Dolphins saw Hunk about two weeks before that. "He hadn't changed," Charley reports. "He told me Don Shula was a profanity good coach and Joe Robbie an obscenity good owner."

PRIDE OF THE OZARKS

Hunk Anderson was the toughest nice guy or the nicest tough guy I ever knew. He had to get tough early because he grew up on the Copper Peninsula in northern Michigan and his parents stuck him with the given name of Heartley. The Cooper Peninsula is a rocky spur thrust into the icy waters of Lake Superior. Villages bear names like Franklin Mine, South Range, Trimountain, Atlantic Mine and Copper Harbor, but there is also the town of Laurium, birthplace of George Gipp.

Of all the names of the roll of Notre Dame sports, Gipp is the holiest. Growing up a few miles apart, he and Hunk knew each other as high school players and Gipp brought Hunk to Notre Dame. Even for those days, Hunk was small for a lineman but he was ferocious. He was a regular on the first four teams Rockne directed as head coach (1918–21).

Hunk took his degree in engineering, but in those first postgraduate years he was really a football player and coach moonlighting at the iron works. On the 1920's he signed a two-year contract as head coach at St. Louis University. The agreement provided for a substantial wage increase if he "improved football" at the university. Never one for half-way measures, he combed the Ozarks for swift young scholars with sloping necks and pointed ears, quartered them in a decrepit residence called the S. L. House, saw that they were shod and fed and permitted to attend classes if they wished.

The football program prospered, but after two years some of the Jesuits in the administration had reservations about the contributions Hunk and his muscular recruits were making to the university's academic reputation. When it became clear that he wasn't going to get the promised raise, Hunk—whose speech was always direct and colorful—told the authorities what they could do with the job and returned to Notre Dame as Rock's assistant.

When Rock was killed in the spring of 1931, Hunk succeeded him as head coach. Rock's last two teams had been undefeated and the only flyspeck on the record of the 1931 squad was a tie with Northwestern, until the last game. Southern California sent a strong team east but Notre Dame hadn't lost in 26 games and had been beaten at home only once in 27 years.

In 1931 a player taken out of the game could not return until the next quarter. After three periods, Notre Dame had the game in hand, 14–0. Hunk pulled out his regulars. Against the second string, Southern Cal marched for two touchdowns. Only one extra point was converted, but in the last minute Johnny Baker, a guard, kicked a field goal that won for U.S.C., 16–14.

BEST LINE COACH

In later years it was said that this defeat broke Hunk's pick at Notre Dame, but the fact is that he coached two more years and quit voluntarily. He was unhappy with a policy that limited him to 20 one-year football scholarships, renewable by the administration. The story goes that when he was leaving for a job at North Carolina State he made one of his most trenchant speeches on behalf of his successor, Elmer Layden.

After North Carolina State, Hunk joined the Bears' coaching staff. He is credited with introducing the reverse body block, the red dog blitz by the linebackers and the safety blitz. Halas, who had been in the Navy in World War I, re-enlisted in 1942. Though many of Chicago's top players were in the service, the Bears went through that season undefeated with Hunk and Luke Johnsos as co-coaches. The Redskins beat them in the championship playoff.

The manpower squeeze grew tighter. For 1943, Bronko Nagurski was wheedled out of retirement. He played tackle until the Bears came to the last game needing victory over the Chicago Cardinals to make the playoff. Hunk asked the Bronk if he'd like to "play a little fullback." That was something he hadn't tried in six years, but the Bronk loved to run over people.

Late in the game, with the Cardinals leading, 24–14, the Bronk went in and bulled through to a touchdown. The Bears got another drive going but seemed stalled on fourth down with 4 yards to go. The Bronk came back and got the first down. Then Sid Luckman passed for the winning touchdown. the Bears went on to whip the Redskins and the Anderson-Johnsos team had the championship.

"The greatest line coach in college football," Rock said of Hunk. "The best line coach in pro football," Halas said.●

GOLDEN ANNIVERSARY OF THE McSWEENEY-McNARY ACT, MAY 22, 1978

● Mr. MARK O. HATFIELD. Mr. President, it was just 50 years ago today that President Calvin Coolidge signed the McSweeney-McNary Forestry Research Act. This act resulted from a bill reported out by the Senate Committee on Agriculture and Forestry under the chairmanship of the then senior Senator from Oregon, Charles L. McNary and a companion bill sponsored by Representative John McSweeney of Ohio which was reported out by the House Committee on Agriculture. The bill's preamble read:

To insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics and related subjects.

The McSweeney-McNary Act was strongly supported by the Society of American Foresters, the Nation's forest schools, and the forest industry. It began the most comprehensive forestry research program anywhere. Under McSweeney-McNary there have been $1.1 billion appropriated by Congress in the last 50 years to enable our forestry scientists to learn how to grow, protect, harvest, and utilize trees better.

The McSweeney-McNary Act authorized establishment of forest experiment stations in the Forest Service in every principal forest region.

It also authorized the Forest Service to begin and continue a forest survey. Its purpose was to learn how much timber we had on hand, how fast we were using it, how fast we were losing it because of fire, insects, and disease, and how fast we were growing it. These were the basic facts needed to strike a forestry balance sheet to guide public policies which would make certain that the United States would manage its forests so that the Nation would never run out of trees. The McSweeney-McNary Act was popularly referred to by foresters as the Hoot-Mon law. Its sponsors, besides Senator McNary and Representative McSweeney, included such forestry notables as the then Chief of the U.S. Forest Service, Colonel W. B. Greeley.

Nothing in the hearings which led to the McSweeney-McNary Act emphasized its need better than a few of the opening remarks of Colonel Greeley who was the first witness before the Senate Committee on Agriculture and Forestry on February 28, 1928, when he said:

> We are gradually leaving behind us the period when our use of timber was based upon the exploitation of virgin forests. We are entering upon a period when our supply of timber depends upon the growing of wood as a crop, and where the protection of timber, not only from fire, but from insects and destructive diseases, where the utilization of the timber in all the many forms in which it is required for the needs of the consumers are becoming questions which involve new technical processes and new technical methods.

Of course, what Greeley was saying was that the forest future of the United States depends on the trees we grow and that solid scientific research and application of its results will help us succeed.

I am glad to report to my colleagues that the judgment of the Congress 50 years ago today to start the train of forestry research has resulted in bringing the United States to a level of forestry which it took Europe more than two centuries before 1900 to attain. Most important is that we have begun to practice forestry in earnest and at an ever-increasing pace so that there is no real danger of the United States ever experiencing a timber famine.

I would warn my colleagues, however, that if we fail to apply the results of our own forestry research on our national forests and on all other forest lands we could create an artificial timber shortage. If we do, it will be our own fault. With the Forest and Rangeland Resources Planning Act of 1974, which for the first time requires charting a goal for America's forests, we now have the great responsibility to demand and expect the executive branch to implement it fully. Our share of the responsibility is to fund the Forest Service so that our great national forest system can play its full role in providing commodities and amenities to meet our citizens' needs. If we do we will be taking full advantage of the constructive research results we have achieved through the $1.1 billion of taxpayers' funds we have spent under the McSweeney-McNary Act in the last 50 years to learn how to do a better forestry job.●

HUMPHREY-HAWKINS BILL

● Mr. JAVITS. Mr. President, the Human Resources Committee has referred to the Banking Committee a revised version of the Full Employment and Balanced Growth Act of 1978. Included among the revisions made by our committee is a significant modification of section 108, on monetary policy and on the participation of the Federal Reserve System in the formulation of our economic goals.

In our deliberations on this point, I maintained that tension between Congress and the Fed is healthy, not harmful, and that the original language of the bill represented an "engraved invitation" for Congress to act in the future to seek to conform the monetary policies of the Fed to the goals of the Full Employment and Balanced Growth Act.

But we have dealt satisfactorily with the section by reporting language which, while requiring the Fed to transmit and report on its policies for the rest of the calendar year and their relationship to the goals in the Economic Report of the President, does not express or imply a commitment on the part of Congress to act to change those policies.

In this connection, I ask to have printed in the RECORD a copy of a recent speech made by Board Governor Henry C. Wallich, before the National Association of Business Economists, on the subject of the Fed's capabilities concerning national economic goals and projecting appropriate targets for the monetary aggregates. I think it is very instructive for those of us who seek wisdom on the subject of the Fed's role in economic policymaking, and hope all my colleagues will study it carefully.

The speech follows:

A COMMITTEE MEMBER LOOKS AT THE OUTLOOK

(Remarks by Henry C. Wallich, Member, Board of Governors of the Federal Reserve System)

I appreciate the invitation that has been extended to me to address the National Association of Business Economists' 1978–1979 Outlook session on the subject "A Committee Member Looks at the Outlook." It provides an opportunity to make a personal assessment of the economic outlook and to suggest the policies that follow from that assessment. Mainly, however, this is a chance to zero in on the particular problems that members of the Federal Open Market Committee (FOMC) encounter in looking at the outlook.

THE OUTLOOK

At this juncture, I believe the economy is close to the full employment zone. Although inflation threatens to accelerate as we come close to the 5–6 percent range of unemployment, I would not regard that fact as indicating that this rate of unemployment is above the "constant inflation" rate of unemployment. The acceleration that we observe is the result of special although very troublesome circumstances including government actions on minimum wage and farm price legislation, strikes and dollar devaluation. A determined anti-inflationary policy should be able to overcome the effects of circumstances of this sort. The fact that inflation seems to be accelerating, nevertheless, may be a warning that the constant inflation rate of unemployment is higher than many of us would have liked to think.

While the unemployment data may be exposed to crosscurrents, there can be little doubt that we have done very well on unemployment. The Administration's year-end objective of 6.2 percent was passed in January of 1978. The recent experience suggests that because employment is more uniquely related to the rate of growth, it is a more meaningful variable than unemployment. Unemployment is a function, principally, of both growth and labor force developments. One must question the feasibility, therefore, of setting simultaneous targets for growth and for unemployment. In any event, over-all unemployment is no longer the top priority although sectoral unemployment, especially that of teenagers, continues to be a major social problem.

In restraining inflation, on the other hand, we have done poorly. There is a clear threat that inflation is accelerating, and a great deal of evidence that expectations of future inflation are accelerating.

A simple policy rule should follow from this combination of facts. The rule is that at any time the least attained policy goal should have priority. Today that goal is the restraint of inflation. The validity of the proposed rule is supported by the growing concern over inflation and the increasingly expressed view that inflation is indeed our number one problem.

Still another policy proposition follows from the circumstances described. It is that we must now get ready for a soft landing. We have had a long and fairly vigorous expansion. We have a good chance of extending this expansion provided we are prepared to allow it to taper off gradually from now on. This would still be consistent with further reductions in unemployment. But as time goes on, these reductions should be increasingly the result of structural measures and less that of expanding aggregate demand. That would be the way to phase gradually into the long-term rate of growth of perhaps 3.5 per cent. Since the economy has not yet accumulated irremediable imbalances that could block stable growth, we have a chance now of attaining that admittedly rare condition. An essential proviso is that the redressable imbalances that exist, especially the large Federal deficit and the current account deficit, and above all, of course, inflation, are brought under better control.

FEDERAL RESERVE FORECASTING

After these general remarks on the outlook, I would like to examine in detail how the Federal Reserve goes about formulating its view of the outlook and its policy targets. This subject is of particular relevance because, under the Federal Reserve Reform Act of 1977, the Federal Reserve in its quarterly presentations to Congress is now required to take account of "past and prospective developments in production, employment, and prices." The Board already is under Congressional pressure to make explicit numerical projections in this regard although the legislative history of the Act indicates this is not required. Under the House-passed version of the Humphrey-Hawkins Bill, moreover, the Federal Reserve would be required once a year to present its intended policies for the year ahead and their

relationship to (i) the short-term goals set forth in the *Economic Report of the President* and (ii) medium-term trends in employment, production and prices for the three calendar years beyond the period considered in the *Economic Report*. I have doubts the Federal Reserve can do this in any meaningful way. This is partly because of the inherent uncertainties of economics which make projections and targeting, as we have just observed in the case of unemployment, a high risk occupation, and all the more so when undertaken for five-year periods. More particularly, however, it is the structure of the Federal Reserve System and the Federal Open Market Committee that militates against a meaningful exercise of forecasting and target setting.

The Committee print which is now before the Senate Human Resources Committee wisely does not require five-year projections.

The Federal Reserve System has a staff of economists, at the Board and in the Reserve Banks, that is probably second to none in the world. This staff engages in careful and detailed forecasting exercises every month. The results, of course, are fully available to the FOMC. However, a staff forecast is not that of the FOMC. Moreover, it would be very unwise to present the staff forecast to the Congress, even as a staff exercise. That would tend to politicize the process, would militate against firm analystic positions being taken, and would make it psychologically difficult for the staff to modify its forecast quickly in the light of changing circumstances.

POLICYMAKERS' FORECASTS

For the individual member of the FOMC, it is quite impossible to take the staff forecast literally. Precise numerical forecasts are the product of computers and, in the U.S. Government context, of the need to have hard GNP forecasts for budget making and revenue estimating. Experienced users of such data will tend to think in terms of ranges, of probability distributions, perhaps skewed, and quite likely even of altogether different alternative scenarios.

As policymakers, the members of the FOMC will tend to factor into their own assessment of the future the chance that they have, if the economy develops differently from what they expect or desire, to take action that might help bring the economy back on track. This may lead to rather different evaluations of risks and probabilities than those a passive observer might arrive at.

Given this wide range of possible outcomes, it is most unlikely that all the members of the FOMC would arrive at a uniform forecast. It would not be meaningful for the FOMC, moreover, to vote on the outlook as such. "Truth," or even probability, cannot be determined by majority decision. In the nature of things, there can be no fully agreed FOMC forecast, although means, medians, broad consensuses and the like could be developed. Any such over-all consensus would undoubtedly conceal a large number of differences on specifics.

POLICYMAKERS' TARGET

Where the setting of targets is concerned, such as for growth, unemployment, and inflation, the case is different. Targets calling for action can be established by majority decision. Very likely, however, the sets of such targets chosen by individual FOMC members would vary greatly. They would reflect different value judgments, different trade-offs, different degrees of time preference, and differences of views concerning the effectiveness and the lags of the instruments to be employed in pursuit of these targets. Conceivably no single set of three objectives might command a majority. Only broad ranges, or even qualitative descriptions of targets, might attract a consensus.

Furthermore, one must question the very meaning of any setting of targets for the real sector of the economy by policymakers that have only quite limited powers. An FOMC member may believe that certain levels of growth, unemployment, and inflation are achievable if all the powers at the disposal of government were brought to bear. But the Federal Reserve wields only a fraction, in my opinion a very modest one, of these powers. If the much larger powers outside the grasp of the FOMC are not brought to bear, or are brought to bear in ways not conducive to the attainment of these targets, what is the meaning of the FOMC saying that it has such and such targets? This very practical consideration is buttressed, at a more theoretical level, by the familiar proposition that the number of instruments must be at least equal to the number of targets. The Federal Reserve in effect has only one instrument—monetary policy. Discount rate, open market operations, and reserve requirement changes are only variants of the same tool, permitting only insignificant goal differentiation. It is not possible to achieve independent levels of growth, unemployment, inflation with this single instrument. These factors—the difficulty of reaching a highly specific consensus and the limitations of control—are the underlying reasons, I believe, why the FOMC has been wise not to try to set highly specific targets.

TARGETS AND PROXIES

What the FOMC typically has done is to specify some financial variable or variables, as a proxy for real sector targets. In recent years, the monetary aggregates have served this function. Naturally one takes for granted that FOMC members' ultimate concern is with real sector variables and not with some financial magnitudes. But agreement on a proxy is often feasible where agreement on a set of real sector targets would be difficult.

This presupposes, of course, that there is a reasonably close link between the financial proxy, say the money supply, and the real sector. Most people believe, rightly in my opinion, that this is true only to an approximation. In addition, focusing on a proxy variable such as the money supply also can be justified by a belief that the real sector responds to monetary policy action only after a long lag.

The use of a proxy variable greatly facilitates the decision process. There are several reasons for this. First, only one variable needs to be determined, instead of a whole set. Each FOMC member chooses the value of the proxy variable he believes most likely to achieve his real sector preferences, possibly including variables other than the familiar targets of growth, unemployment, and inflation, and including also diverse trade-offs among all of these. Second, the proxy variable, if it is well chosen, will be subject to the control of the FOMC. This is clearly the case of the money supply, although only to a much lesser degree than that of interest rates. Finally, a proxy variable that is within the purview of the FOMC encourages arrival at a consensus or at least at some immediate decision, precisely because action on it is needed and can be made effective immediately. Futile debate over matters that the Federal Reserve cannot control thus is replaced by purposeful discussion of something it can control.

In the FOMC's discussion of the desirable setting of the proxy variable or variables, the expected real sector effects, possibly quite different in the anticipations of different members of the Committee, will play a large role. The Committee is unlikely to mistake an instrumental variable for an ultimate one. But the decision process is greatly aided by focusing on the instrument. At a time when the need to bring down inflation imparts a clear preference for moving a money supply target in a downward direction, this advantage is particularly pronounced.

CONGRESSIONAL PRESENTATION

The nature of a group decision, as described, makes it difficult to formulate for presentation to the Congress, targets for the real sector, as has sometimes been proposed. The FOMC does not formulate such goals internally for its own purposes. It probably is wise not to engage in an overly formalistic exercise of that sort, so long as the consensus, to the extent that there is one, can be expressed through a proxy. Such an attempt could polarize, perhaps paralyze, a group otherwise capable of action.

There is a second reason why explicit formulation of detailed real sector targets would be undesirable. In all probability, the exercise would generate pressures on the Federal Reserve, emanating from the public, the Administration, and the Congress, for more credit creation and monetary expansion. But, as noted above, consistency among real sector targets, and consensus on them, is difficult to achieve even in a small and quite professional group such as the FOMC. The chances that targets urged by outside groups should turn out to be consistent and feasible must be evaluated with even greater skepticism.

Adequate coordination between monetary policy, fiscal policy, and other government policies must, of course, be achieved. The present procedure for coordination is simple, albeit largely implicit. The Congress, the Administration, and the Federal Reserve all develop their forecasts of the economy and their views of appropriate policies in the light of information about the forecasts, targets, and operating plans of the others.

The most explicit and continuous communication concerning expectations and policy intentions probably is provided by the Federal Reserve. As I have already mentioned under the Federal Reserve Reform Act, the successor to House Concurrent Resolution 133, the Fed must report to the Congress quarterly on its one-year money supply targets, taking account of past and prospective developments in production, employment, and prices. Given the ability of the monetary authorities to implement their money supply targets, therefore, Congress and the Administration are enabled to form reasonably dependable expectations of future growth of the money supply. The ability of Congress and the Administration to generate reliable expectations in the fiscal and other areas may be subject to greater uncertainty, although the Budget Control Act of 1974 has helped in this regard. But an appropriate fiscal-monetary mix can be made to emerge from actions based on these sets of expectations.

This form of fiscal-monetary coordination, to be sure, is somewhat looser than those who believe in centralization of macro decision making might like to see. It should be noted, however, that coordination of expectations is the best that can be attempted, since full control of monetary and fiscal variables, in the nature of a market economy, is not possible. Moreover, there is no single focus of policy even for fiscal policy decisions and other government policies. In varying degree, these policies are determined by interaction between the Congress, the political forces in the Executive Branch, and the bureaucracy.

CONGRESSIONAL AND EXECUTIVE BRANCH MOVES TO INFLUENCE FEDERAL RESERVE POLICY

The Federal Reserve communication with Congress and with the Administration should of course be forthcoming and meaningful. It should not, however, change the role of the Federal Reserve.

There are grounds for concern that there have been so many legislative proposals in recent years which have sought to reduce

the degree of independence the Federal Reserve has historically enjoyed. In the case of the Federal Reserve Reform Act the legislation was substantially modified before passage and the modifications in the Humphrey-Hawkins bill have not yet been completed. Yet both these projects of law explicitly require that we set targets and provide for Congressional review of our performance. This could accord the Congress a growing influence over Federal Reserve policies in the years ahead. I believe that members of the Congressional Budget Committees would give ample testimony to the Congressional bias towards enacting programs—the sum total of which are inflationary. It is my expectation that a similar bias may develop in Congressional recommendations concerning monetary policy.

This worrisome trend is reinforced since legislation subjecting the Federal Reserve to a GAO audit—and the GAO is the investigatory arm of the U.S. Congress—is well advanced in the Congress.

The Federal Reserve fought this legislation for many years because it feared that GAO audit would go beyond a financial audit and become a performance audit of our monetary policy. Fortunately, under the evolving Bill, monetary policy is still exempt from the GAO's sway, but no one can tell for how long. If our monetary policy decisions ever are audited, it will not be difficult, with the benefit of hindsight, to demonstrate that Federal Reserve policies have fallen far short of perfection. The more numerous and more specific the targets that we are required to announce because of legislation, the more glaring will be the inability to attain all or perhaps even any of them. Once such "failure" is documented by an official audit, what could be more reasonable than for Congress itself to take over direct control of monetary policy in order to remedy this "mismanagement," and what would be the predictable consequences?

There are many arguments for and against central bank independence. They turn on the degree to which monetary policy follows the democratic process, the degree of coordination with fiscal and other policies, the need for the Executive—or the Congress—to have adequate control of all policy instruments. But fundamentally there is only one issue. It is inflation. The founding fathers of the Federal Reserve System knew very well that for politicians the power to print money represents a temptation difficult to resist. It was clear to them that more Executive or Congressional control over the printing press would mean more inflation. Independence of the central bank would mean less inflation. That was the basis on which the legislators who designed the Federal Reserve Act made their choice. It remains to be seen whether their successors will abide by that choice.●

NELSON A. ROCKEFELLER

● Mr. THURMOND. Mr. President, Nelson A. Rockefeller delivered a most eloquent speech in Kansas City at a luncheon tribute to a courageous American President, Harry S Truman. Mr. Rockefeller's speech touched on what I feel to be the essential character of President Truman and some vital issues confronting us today.

While I did not agree with President Truman's decision to let free China go down the drain, to allow a stalemate in the Korean war, to veto the Taft-Hartley Act, or to advocate a more centralized Federal Government; I did agree with many of the difficult decisions he made and had a deep respect for him. He was a decisive man who led our country through some of its most tumultuous years and as Mr. Rockefeller pointed out, were President Truman alive he would have been "deeply troubled" by many of the overriding issues of today.

He would have been disturbed by the massive shipment of Soviet arms and material to Africa, the proxy wars being waged by the Soviet Union through the use of thousands of Cuban troops, and the continued Soviet undermining of legitimate Asian governments.

In his speech, Mr. Rockefeller noted the dangers of a continued policy of relaxation of our military preparedness. With an ever-increasing threat of Soviet expansionism, we cannot afford to let vital defense weapons, such as the neutron warhead go undeployed. Mr. Rockefeller said:

Common sense must be applied to the role of nuclear technology in our national defense.

The strength of America lies, not only in its military, but in a strong, viable intelligence organization—not one crippled and shackled by a displaced zeal. An intelligence service is the eyes and ears of a nation, and we cannot hope to learn the intrigues of potential adversaries without a strong one.

Finally, Mr. Rockefeller pointed out, we need to keep America economically sound. To bolster our economy we must become more energy self-sufficient. We cannot remain strong when a large part of our fuel is imported. We must expand the use of nuclear generated electricity, expand the exploration of new oil fields, and expand the search for new sources of energy. The 1974 Arab oil embargo should have taught us a lesson; I only hope that we are good learners.

Mr. President, in order to share this speech with my colleagues, I ask that it be printed in the RECORD.

The speech follows:

EXCERPTS OF REMARKS BY NELSON A. ROCKEFELLER

You honor me by your invitation to share in this celebration of the birthday of Harry S. Truman, a great American and surely one of the greatest Presidents of the United States of America.

Like many of you, I was privileged to know President Truman personally. But unlike you, I had the special privilege of being fired by him. As a holdover appointment from the previous administration, I was "given my liberty" when I did not resign. The event did not shake the Nation. However, it gave me something in common with General of the Army Douglas MacArthur.

Harry Truman was as American as apple pie and sour mash bourbon. He needed no research nor public opinion polling to know what the great American public thought, what its values were, what it aspired to. Harry Truman was an integral part of that public. And despite the high offices he held and the enormous impact of his leadership upon the whole world, he never left that great American public. Neither the blandishments of privilege nor the temptations of power blunted his common sense or open integrity.

He held fast to his belief in the dignity of the individual—and all individuals. He never despaired of the common sense judgment of the American people when they knew the facts. He never gave way to cynicism. He hated sham. He never disparaged our basic American institutions and values. The ardor of his patriotism was founded in knowledge, experience and faith.

Harry Truman became our President at one of the most critical times in our history. We were at war on two fronts across the major oceans. The grand alliance that was winning the war against Hitler, however, was already showing signs of coming apart. Stalin was seizing Eastern Europe. The British Empire was disintegrating. Charles de Gaulle was already asserting his impervious independence.

The Japanese war machine, stopped at Midway and defeated in the struggle for Okinawa and Iwo Jima, was still formidable in its home islands fortresses. Calculations estimated a million American casualties would be the price of invasion and ending that war.

At Los Alamos, the Atom Bomb had been developed. The Nation was in shock at Franklin Roosevelt's death. The "father figure"—that had seen the country through the trials of the depression and four years of world war—was gone.

So it was when the plain-speaking man from Missouri, who as Vice President had never really been briefed on the affairs of state and war by Franklin Roosevelt, took over the helm of the Nation.

Consider the magnitude of the problems he faced and the courage of the decisions he made:

The organization of the United Nations at San Francisco;

The peace with Germany;

The German occupation by U.S. as well as other forces;

The dropping of the Atom Bomb on Hiroshima and Nagasaki and the ending of the war with Japan;

The setting up of the occupation and government of Japan;

The economic and military aid program to Greece and Turkey to prevent a communist takover of those countries;

The announcement of a policy of containment to prevent communist expansion;

The development of the Marshall Plan;

The creation of the NATO alliance;

The Point IV Program;

The United Nations international military forces against the communist invasion of South Korea.

These are but a few of the decisions Harry Truman made in the international area. They had their difficult counterparts on the domestic side.

Today, as we celebrate his birthday, the aura of his accomplishments blurs the memories of the criticisms, the harrassments, the deprecations that Harry Truman faced as President. It took real courage to surmont a hostile press; to fight a rampant McCarthyism; to overcome an active opposition within his own party; to push for civil rights legislation and, for that matter, to construct the balcony on the South Portico of the White House as designed by Thomas Jefferson.

Harry Truman was not one to hold up decisions that he was convinced were right for the Nation. He didn't wait until he was shown that the litmus paper of public opinion would show no acid reaction. Indeed, he was so forthright and decisive that in 1947 and 1948 it appeared to many that Harry would rather be right than be President for another term.

But that kind of gutsy leadership was what gave him his second term. When he took his campaign to the people, they elected him to the high office which only fate had previously given him.

The purpose of our gathering here is not alone to acknowledge our debt, and that of the whole free world, to Harry Truman, and to commemorate his memory. It is also, in the light of his life, his experience and his

contributions, to assess our own efforts, our own judgments, our own courage to face the problems that confront us now.

Harry Truman would have been deeply troubled by the current Soviet worldwide expansion—a growing threat to freedom everywhere—in Africa through the use of their Cuban colonial troops—in Asia through continuing subversion—underwritten by massive shipments of Soviet arms in both areas.

This whole situation was brought home to me dramatically last week. On the day before I was to visit Afghanistan, a Communist coup overthrew that nation's government. According to accounts in the Indian press, 10,000 Afghans were massacred—the result being that that fiercely independent and strategic country has now been subjugated and turned into another Soviet satellite.

Harry Truman foresaw the overridng danger of Soviet expansion in 1947 when he enunciated his doctrine of Soviet containment, but we lost sight of our global interests in the aftermath of the national confusion over Vietnam.

The world we face is fraught with new problems and perils different from the time of the Truman Presidency but no less serious.

From a Nation whose currency was the firm foundation for international finance, we have become a country whose dollar has now been depreciated at least 33⅓% against the strong currencies like the Japanese Yen and the Deutsche Mark—a dollar whose buying power has been cut virtually in half during the past 10 years.

From a Nation whose technological and military supremacy guaranteed world peace and progress, we have become a Nation which seems content now to rest on its oars while our adversary accelerates its buildup.

From a Nation whose exports sustained vast areas of the world and assisted their rehabilitation after World War II, we now have adverse trade balances unparalleled in our peacetime history.

From a Nation that produced virtually all of its own energy in Truman's years, we now rely on imported oil for more than 50% of our petroleum needs. The era of cheap energy has gone, and the cost of imported oil and gas now burden not only our balance of payments but our domestic economy as well. Such dependence upon foreign oil supplies makes us extremely vulnerable economically, undermines the value of the dollar and puts us in a vastly less favorable national defense and diplomatic posture in a troubled world—and we've done nothing about it!

If he were here today, Harry Truman would be really troubled. He knew that a secure and plentiful supply of energy was basic to our national security and economic well-being. He had seen the dependence of this Nation on petroleum. He had seen domestic production in 1952 fall far short of our needs. He fought for national title to offshore oil fields against the claims of individual states. And way back in 1952 he said:

". . . it is of the utmost importance that the exploration of the submerged lands—both on the marginal sea belt and the rest of the Continental Shelf—for oil and gas fields should go ahead rapidly and any fields discovered should be developed in an orderly fashion which will provide adequate recognition for the needs of national defense."

Here we are, 26 years later, and only in the past few months or so have oil drilling rigs begun to do exploratory drilling off the Atlantic coast!

Despite the harrowing experience of the Arab boycott, despite the creation of OPEC and the increase in world oil prices, despite the obvious dangers to our economy and our security from over-dependence on imported energy and the extreme danger of ever higher prices for oil, we still have no national energy policy. Indeed, of all the major nations, the United States, which uses more energy and depends upon a plentitude of energy more than any other, has done the least to ensure the continued availability of energy within our borders. Ironically, we have the technical, scientific and resource capacity to meet our needs—if only we make up our minds to do it.

In the nuclear field, we are stalemated by controversy and indecision. From the Nation that pioneered atomic development and that under Truman undertook to share the peacetime uses of this new energy source with the rest of the world, we have become halting and hesitating. In fact, the situation has even reached the point where it is seriously proposed that we contain technology, arrest development and stop its application.

Yet, if postwar nuclear history has shown us anything, it is that nuclear knowledge cannot be contained. Research and development recognize no enduring monopoly by any one nation. Indeed, the history of the modern world has demonstrated that technology and progress march together; that technology and quality of life are married; and that technology and survival are inseparable.

I agree with Harry Truman, who put it this way:

"In this list of atomic developments, I have put the peaceful uses and the military uses side by side. It is a matter of practical necessity in the kind of world in which we live today that we give priority to security; but I have always had the profound hope that atomic energy would one day soon serve its rightful purpose—the benefit of mankind."

Of course, we applaud the idea of harnessing solar energy, but we know that practical considerations of cost and technology will inevitably delay and limit its large-scale utilization. Clearly, nuclear technology for the generation of energy, along with coal and use of alcohol in gasoline made from surplus grain, sugar and even garbage, is one of the keys to economic self-reliance of this Nation in the energy field, to freedom from the fear of embargo and the drain of excessive imports on our balance of payments. Despite all those dire predictions of impending doom, we have had nuclear-generated electric power on a commercial basis for 20 years and no accidents have occurred involving public injury. In this same period, 909,726 people have been killed by automobiles. Yet I know of no movement to "ban the automobile." Let's have some of that Truman common sense on *this* issue, too.

That common sense also must be applied to the role of nuclear technology in our national defense. Thus it is imperative that the United States proceed with nuclear developments and that it develop, produce and deploy the neutron bomb.

This weapon can give us and our NATO allies a significant new means to offset within the European theatre the overwhelming Soviet numerical strength in conventional military weapons that hangs like a sword of Damocles over Free Europe. Without the neutron bomb, our ultimate recourse to a Soviet massive attack in Europe would be an intercontinental nuclear strike which the Soviets could survive—and retaliate against the United States with devastating effect. Thus, by counter-balancing the growing threat of Soviet supremacy in conventional military forces, the neutron bomb can help free us and the other Free World nations from the threat of Soviet blackmail.

But, Harry Truman also knew that economic and military strength were not enough to defend the security and well-being of America; we must have the best intelligence system as well. Thus, in addition to Truman's recommendation to the Congress for the creation of the Defense Department and the National Security Council in 1947, on his recommendation the Congress also established the Central Intelligence Agency. I'm sure he would be aghast at the decimation and disarray of our intelligence services today. In Harry Truman's words:

"A President has to know what is going on all around the world in order to be ready to act when action is needed . . . The second war taught us this lesson—that we had to collect intelligence in a manner that would make the information available where it was needed and when it was wanted in an intelligent and understandable form."

I equally believe Harry Truman would not have countenanced any domestic unauthorized CIA activity or excess. But in dealing with anyone who violated the law, he would not have thrown out the baby with the bath water—and he would have reaffirmed his total support of those who gave their lives and their loyalty to defending the security of our country.

President Truman understood the dangers we faced.

I remember Jim Forrestal, former Secretary of Defense, telling me of being with President Truman when he received the message from General MacArthur that the North Koreans were invading the South and that American lives were in jeopardy. Jim said that the President with his typical courage and decisiveness simply sent a message back to General MacArthur ordering him "to get the Americans out of Korea—and to get the North Koreans out too."

He understood the importance of economic strength. Thus he saw that, to support the Korean war effort, the United States would have to expand the base of its productive capacity.

Therefore, he set a goal of a 25% increase and got Congress to permit a certification of national necessity for new production facilities that provided the incentive of a fast write-off for all essential investment. He understood that the new investment was essential for economic growth, which in turn was essential for economic strength and jobs. He also knew that this was essential to equal opportunity for all.

His courage and decisive action worked, and American enterprise achieved his goal of increasing our productive capacity by 25% within a short space of time.

This experience demonstrates that, with a clear sense of purpose and proper incentives, the people of this country can conquer their problems and attain new levels of freedom and quality of living—not only for themselves—but all humanity.

Harry Truman worked for these goals. He strived to maintain this as a land of opportunity, to build on its strengths, as well as correct its weaknesses. He had an impatience with those who denigrate our values. He emphasized in his time the basics of our unique American economic system and the strengths of our political and social order.

We've just been through a period in which the deriders, the belittlers, the detractors and iconoclasts have had a field day. An unpopular war in Vietnam, the Watergate business, scandals in government and in the private sector of our national life, have all accentuated the negative.

It's time we heard not only what's wrong with America but what's right about it, too!

A democratic society cannot exist without criticism. But it cannot exist, either, without a fundamental faith in democracy itself and the institutions of a free society.

Let's get on to a renewed sense of common effort to renew the Nation's strength and liberate its basic dynamism.

We have got to have trust and confidence in the ability of our institutions to adjust to change. And we've got to provide those institutions with a sense of national purpose and

a stable framework of laws within which they can make the adjustments and build to meet the future needs of America.

This also means a social and governmental climate that will make it possible for our institutions to attract creative leadership and enable leadership to function.

In the haste to root out scandal, in the rush to purge the unpopular, in the hurry to cast out and castigate the abusers of power and trust, we have shackled necessary instruments of power, centers for decision and creative springboards for action.

Today, we've got more critics, more prosecutors, more accountants, more auditors, more investigators, more dopesters, more commentators and more kibitzers than ever in our history. It's high time we have more deciders, more doers, more producers.

I'm sure that, were he here today, Harry Truman would agree that as a Nation:

We need decision, not delay.

We need energy, not equivocation.

We need production, not promises.

We need strength, not weakness.

And we need to be able to stand the heat in the kitchen that Harry Truman talked about.

Indeed, in a dream I had about this speech, Harry Truman appeared briefly and said ten words: "Nelson, give them my best, but also give them hell."●

BENEFITS OF THE U.S.–U.K. TAX TREATY

● Mr. JAVITS. Mr. President, at the present time, we are in the midst of a national debate on the relationship between different levels of taxation and the health of the national economy. This debate extends into the international sphere as well. National as well as local taxes can inhibit international investment flows, which are critical to sustain economic development and combat high unemployment.

It is not too often that we in the Senate are called upon to support the regulation and facilitation of international tax relations. We will have that opportunity soon when we consider the U.S.-U.K. Tax Treaty.

I consider this treaty, which has been reported favorably by the Foreign Relations Committee, to be really important for international financial affairs and especially for our relations with the industrialized countries in the OECD.

In today's Washington Post, Art Pine provides a critical analysis of the effects of the U.S.–U.K. Tax Treaty. After considering the arguments—both pro and con—Mr. Pine, who is the Post's tax specialist, concludes:

There is nothing very sinister about the tax treaty. If anything, its provisions are pretty straightforward.

It is important that my colleagues have before them clearly the terms and import of this treaty. I believe that Mr. Pine's analysis can be both helpful and instructive in their preparation for the floor debate on the treaty.

Mr. President, I commend the article to the attention of my colleagues and ask that it be printed in the RECORD:

The article follows:

OVERSTATING BRITAIN'S "BIG" OIL INTERESTS

(By Art Pine)

In today's emotion-filled climate, it doesn't take much to touch off a controversy about tax policy. All that's needed is a few charges that the government is giving away big tax breaks to multinational corporations. Mix in Big Oil, and you can spark a flap about almost anything.

A case in point is the brouhaha in Congress about the U.S.–British tax treaty negotiated last year. In fact, the document is relatively innocuous, designed to trade some tax benefits for Britons in return for some for the U.S. Any other time, it wouldn't rate much notice at all.

But the treaty has been bottled up in the Senate for months, largely because opponents have managed to scare up images of a government sellout to big British oil interests, ostensibly at the expense of the poor, downtrodden state governments. In truth, that's far from the case.

There's nothing very sinister about the tax treaty. If anything, the provisions are pretty straightforward:

The United Kingdom would agree to give Americans who invest in British companies about $85 million a year in tax credits on stock shares, which it now allows only to Britons. The credits were designed to help offset "double taxation" of profits and dividends—a step the U.S. has considered.

The British government also would allow American investors some $375 million in refunds for overpayments in earlier years. The tax credits were put into effect in 1973, but foreign investors were barred from claiming them. The treaty in effect would remove the disparity for good.

In return, the U.S. would restrict the reach of state tax collectors in levying taxes on British subsidiaries which have installations in their states. Right now, some states base their taxes on the British firm's worldwide income. The treaty would allow them to tax only the earnings made in the state.

In reality, the restriction would affect only a handful of states. The biggest loser would be California, which now claims the treaty will cost its treasury about $20 million a year. Alaska would be next, with a $10 million revenue loss.

But opponents of the treaty have painted the exchange as a ripoff. The main beneficiary, they charge, would be the rich British Petroleum corporation. And the states, stripped of their rightful taxing power, would lose millions in badly needed tax dollars. As a result, Congress has held up any approval.

On closer examination, however, the charges seem some what specious:

For one thing, there's serious doubt among tax experts that states should have the power to tax foreign companies on the basis of their worldwide earnings. States are supposed to have jurisdiction only over what takes place within their borders. Money earned outside should be taxed elsewhere.

Indeed, some tax specialists question whether it isn't some states that are exceeding propriety. California, Oregon and Alaska recently have expanded their assessment procedures to include affiliates that do no business at all within their borders, but simply are related to companies that do.

The potential for abuse by states here is considerable. In the case of BP's Alaska operations, for example, the more liberal procedure would allow Juneau to expand its tax bite to include Standard Oil of Ohio. The reason: BP has a 40 percent ownership share in Standard.

On a more fundamental level, however, there is serious question about the effect of this expanded state taxing power on trade and investment. British firms—or any foreign companies—are unlikely to come here if the tax laws are unfairly restrictive. And American companies won't fare well overseas.

Indeed, while California's franchise Tax Board has been campaigning to block the U.S.-U.K. treaty, the state's Governor, Jerry Brown, who originally opposed the tax pact, has dropped his opposition. Brown came back from a trip to Japan convinced it was discouraging new business for the U.S.—and new jobs.

And at a recent meeting of the National Governors Conference, other chief state executives indicated they had similiar second-thoughts about opponents' charges. An effort to push through a resolution condemning the treaty failed to get even enough support to make it to the conference floor.

What makes the treaty so important is that, either way, it is bound to have broad impact. If the treaty fails, and states are given the go-ahead to expand their tax reach, it could affect not only the rights of foreign firms, but those of U.S.-based companies doing business across state lines.

Treasury officials are hoping that if the U.S.-U.K. treaty is approved by the Senate, it will serve as a precedent for winning fairer tax treatment for Americans from other countries, and will spur more investment and trade. The U.S. agenda now includes negotiations with several other nations.

Viewed from that perspective, the charges by the treaty's opponents seem little more than a tempest in a teacup. For all the loose talk about multinationals and Big Oil the Senate is facing a simple and straightforward vote.●

THE CAPITAL FORMATION PROBLEM CONFRONTING THE NATION'S SMALL AND MEDIUM SIZED BUSINESSES

● Mr. WEICKER. Mr. President, as ranking minority member on the Senate Select Committee on Small Business, I have chaired two hearings on the capital formation problem confronting this Nation's small and medium sized businesses. During the course of these hearings, I have had the opportunity to discuss the extent of the problem, its causes, the impact on the Nation's employment and economy, and possible solutions, with an outstanding array of individuals representing diverse interests. The breadth of the problem was evidenced by the testimony given by a panel of witnesses assembled by Arthur Levitt, Jr., the chairman of the American Stock Exchange. Joining Mr. Levitt were representatives of a coalition with an interest in capital formation, including Edward I. Koch, mayor of New York City, Terry Sanford, president of Duke University, a businesswoman active in urban affairs, a leader of a labor union, and a businessman. The securities industry, which is a vital factor in enabling small businesses to raise capital, was represented by: Robert H. B. Baldwin, chairman of the Securities Industry Association and president of Morgan Stanley & Co.; James Davant, chairman of Paine Webber, Inc.; John Whitehead, senior partner of Goldman Sachs & Co.; Robert M. Gardiner, vice chairman of Dean Witter-Reynolds, Inc.; and Wallace O. Sellers, vice president of Merrill Lynch, Pierce, Fenner & Smith, Inc. The partner in charge of small business practices at Arthur Andersen & Co., William D. Barth, shared with the committee the knowledge acquired by his company in dealing with small businesses. Dan W. Lufkin, a venture capitalist who was cofounder of the successful investment banking firm of Donaldson, Lufkin & Jenrette, Inc., and is now general part-

ner of Brae Co., related his experiences concerning the equity needs of small, innovative companies. Alan Greenspan, former Chairman of the President's Council of Economic Advisers, and Alfred C. Holden, provided the committee with the economists view point.

The capital formation problem facing our Nation's small and medium sized businesses is a severe one. These businesses are having a difficult time in obtaining the capital which they need to enable them to grow. I might add that the difficulty of raising capital is not indigenous to small business alone. Economists have expressed great concern over the expected gap in the overall economy between the need for new investment and the funds which will be available to meet the need. A New York Stock Exchange estimate projects a cumulative capital gap of $650 billion by 1985.

Mr. President, I would like to share with my colleagues the insights into this serious problem which were given at these recent hearings.

THE IMPORTANCE OF SMALL BUSINESS: JOB FORMATION AND URBAN ECONOMIC DEVELOPMENT

More than 97 percent of America's business enterprises are small businesses. These small firms account for 55 percent of all private employment, 48 percent of the Nation's business output, 43 percent of the GNP, and more than half of all industrial inventions and innovations.

The importance of small business to the country was underscored by the results of a study conducted in 1976 by the Development Fund of MIT. The job formation of 16 companies were compared from 1969 to 1974. Six of the companies were giants, with sales in the billions; five were smaller companies built on new technologies.

Even though their total sales were less than 1/40th of those in the largest group, the five small companies created 35,000 new jobs in 5 years, while the six giants only created a total of 25,000 jobs. Thus, despite the gross size disparity, the smaller firms created 10,000 more jobs than the established giants.

Further evidence of the enormous potential for job creation was adduced by the American Electronics Association ("AEA") at an earlier hearing held by the Select Committee on Small Business. A study of its members disclosed that the employment growth rates for young companies (less than 20 years old) were 20 to 115 times greater than the companies more than 20 years old.

According to the Commerce Department, the Nation will require 1.5 million new jobs annually until 1985. As evidenced by the MIT and AEA studies, new and small businesses, with their capacity to produce new jobs, will play a key role in satisfying this need.

Small businesses will also be an integral factor in the solution of the problems confronting our Nation's urban centers. To get our cities back in business, we must have businesses in our cities to provide the jobs which generate the income, financial resources and dignity so essential for urban growth. Mayor Koch testified that he was "concerned about continued high unemployment, particularly in our inner city area—and government's inability to provide a structural solution. It is time that we affirmatively encouraged private investment that is the principal source of new jobs." He urged Congress to help "New York and other inner city areas to counter a declining tax base by helping our business enterprises, both manufacturing and service, attract permanent capital in order to grow, compete, and provide jobs." Ernesta Procope, a businesswoman active in urban affairs testified that, for minorities, "the key to unlocking a better life must be found in the private sector." It is important that the availability of capital is facilitated to enable small businesses to play its role in helping our cities get back in business.

THE SCOPE OF THE PROBLEM

In its January 16, 1978 issue, Business Week summarized the extent of the capital formation problem as follows:

. . . (C)apital spending is falling far short of what the country needs to keep up with a growing labor force and an insistent demand for higher incomes. And there is considerable evidence that new companies and small companies are not getting money to grow on. The stock market is demoralized, and stock prices are so low that all companies—both large and small—are having trouble raising equity money. The ratio of debt to equity in many industries is close to the danger point.

Numerous statistics may be cited to support this dire statement. According to figures compiled by the Securities and Exchange Commission (SEC) there were 698 underwritings for companies with less than $5 million in assets in 1969. However, only 80 companies of that size made public offerings in the 4 years from 1974 to 1977. The offerings in 1969 raised almost $1.5 billion, whereas the offerings for the 4-year period combined to produce merely $415 million. Equally disturbing is the decline in the number of corporations, of all sizes, making first-time public offerings. In 1972, 633 unseasoned corporations went public and raised nearly $1.7 billion. However, there were only 93 initial offerings in the 3-year period from 1975 to 1977, and these first-time offerings raised just $388 million. The situation is not improving, as shown by the fact there were only two initial offerings during the first 4 months of 1978, and these raised merely $2.7 million.

Another indication of the difficulty which small businesses are having in obtaining equity capital is that the number of regulation A offerings (offerings of less than $500,000) which were filed with the SEC shrank from 998 in 1972 to 158 in 1977. Of those regulation A offerings which were filed, the 650 which cleared in 1972 raised $256 million, while the 124 which cleared in 1977 raised only $46 million.

Mr. President, I submit the following table summarizing the results of regulation A offerings filed with the SEC during the period 1970–77 for the RECORD.

The table follows:

SECURITIES OFFERINGS EXEMPT UNDER REGULATION A OF THE SECURITIES ACT OF 1933, 1970–77

Calendar year	Number of form 1–A [1]		Regulation A offerings cleared [2]	
	Filed	Withdrawn	Number	Amount (millions)
1970	908	126	563	$163
1971 [3]	1,052	113	562	199
1972	998	113	650	256
1973	657	101	393	154
1974	331	121	223	78
1975	250	32	130	49
1976	226	24	123	45
1977	158	4	124	46

[1] Form 1–A is the notification form for proposed offerings under regulation A. This includes the number filed or withdrawn in each calendar year. Withdrawals may include filings from prior years.

[2] Forms cleared do not include offerings of less than $100,000; stock options or other type of employee plans; secondary offerings and issues of investment companies. Forms cleared may include forms filed in prior years.

[3] Regulation A ceiling rose from $300,000 to $500,000 on Mar. 26, 1971.

Source: Securities and Exchange Commission, Directorate of Economic and Policy Research, May 9, 1978.

As a result of the above documented unavailability of equity financing, small businesses are unable to grow. At the same time, larger companies are aggressively searching for smaller companies to acquire, because current market values are frequently much lower than the cost to the acquiror of entry into the market.

The recent merger trend is evidence of this fact. Federal Trade Commission statistics show that corporations with assets in excess of $100 million accounted for nearly 47 percent of the acquiring companies in completed and pending mergers in 1976, while corporations with assets of less than $1 million (annual income of approximately $100,000) accounted for only 19 percent. On the other hand, of those corporations which were acquired by merger or acquisition in 1976, nearly 74 percent had assets under $1 million, while companies with assets exceeding $50 million (annual income of approximately $500,000) accounted for less than 5 percent of the acquired corporations by asset size.

Mr. President, I submit the following tables depicting the number of mergers and acquisitions by asset size of the acquiring and acquired corporation for the RECORD.

The tables follow:

NUMBER OF MERGERS AND ACQUISITIONS COMPLETED AND PENDING, BY ASSET SIZE OF ACQUIRING COMPANIES, 1976

Asset size class of acquiring company (millions)	Completed	Pending	Total
	A. Number		
Total	1,081	360	1,441
$100 and over	515	157	672
$50 to $99.9	114	20	134
$10 to $49.9	213	56	269
$1 to $9.9	58	33	91
Under $1 and unknown	181	94	275
	B. Percent		
Total	[1] 100.0	[1] 100.0	100.0

Asset size class of acquiring company (millions)	Completed	Pending	Total[1]
$100 and over	47.6	43.6	46.6
$50 to $99.9	10.5	5.6	9.3
$10 to $49.9	19.7	15.6	18.7
$1 to $9.9	5.4	9.2	6.3
Under $1 and unknown	16.7	26.1	19.1

[1] Detail does not add to total due to rounding.

Note: Partial acquisitions are not included in the above table.

Source: Bureau of Economics, Federal Trade Commission.

NUMBER OF MERGERS AND ACQUISITIONS COMPLETED AND PENDING, BY ASSET SIZE OF ACQUIRED COMPANIES, 1976

Asset size class of acquired company (millions)	Completed	Pending	Total
	A. Number		
Total	1,081	360	1,441
$100 and over	23	15	38
$50 to $99.9	21	5	26
$10 to $49.9	115	17	132
$1 to $9.9	146	38	184
Under $1 and unknown	776	285	1,061
	B. Percent		
Total	[1] 100.0	[1] 100.0	100.0
$100 and over	2.1	4.2	2.6
$50 to $99.9	1.9	1.4	1.8
$10 to $49.9	10.6	4.7	9.2
$1 to $9.9	13.5	10.6	12.8
Under $1 and unknown	71.8	79.2	73.6

[1] Detail does not add to total due to rounding.

Note: Partial acquisitions are not included in the above table.

Source: Bureau of Economics, Federal Trade Commission.

As shown by the above statistics, the capital formation problem threatens the viability of the historical concept of the free market system in which small corporations can compete with giants and have a fair chance of survival.

STRUCTURAL CHANGES

The witnesses at the hearings cited three basic structural changes over the past 10 years which have limited the access of small business to equity markets. They are: institutionalization of equity markets; concentration within the securities industry; and institutional barriers to public offerings of securities.

First. Institutionalization of equity markets:

In his testimony, Mr. Davant noted that the number of individual investors, after reaching an all-time high of 32.5 million in 1972, declined by 18 percent over the last 5 years to a level where only about 25 million people own stock. Individuals have been net sellers of approximately $5 billion of corporate stock annually over the last 5 years, and these individuals have traditionally been the principle source of capital for smaller business.

Mr. Davant also stated that although institutions owned, by value, less than 15 percent of New York Stock Exchange common stock in 1949, they now own more than 33 percent. In 1976, institutions were responsible for more than 70 percent of the value of all shares traded on the NYSE, while individuals accounted for less than 30 percent. Twenty years ago, these proportions were the reverse. Furthermore, in 1976, new issues of debt and equities totaled $230.4 billion, and five out of every six of these dollars were invested by institutions.

An article in the May 15, 1978, issue of Forbes indicated that while individuals presently purchase about 70 percent of the stocks traded on the American Stock Exchange, institutions have been increasingly active in this market in the past year.

This institutional dominance, with projected growth of pension funds, should continue to increase. Compounding this, the professional investor has grown increasingly conservative due to the "prudent man" investment standard of the Employee Retirement Income Security Act of 1974 ("ERISA"). Mr. Lufkin testified that ERISA effectively precludes pension fund investment in smaller, more venturesome companies.

The ability of small businesses to raise capital has been greatly impaired by increased institutional investment. William J. Hambrecht, an investment banker in San Francisco, Calif., summarized the impact of the institutionalization of equity markets on small business:

The small company * * * must appeal to a professional investor who manages large amounts of money, has limited time to analyze investments, and has a growing reluctance to assume risks that might create an ERISA liability. As a result, conventional institutions will rarely examine an investment opportunity that has less than $100 million in sales, and has a market capitalization of less than $50 million.

Second. Consolidation within the securities industry:

Numerous representatives of the securities industry commented on the trend toward consolidation in the brokerage business. Whereas there were 4,770 broker-dealer firms registered with the National Association of Securities Dealers in 1970 there were only 2,772 in 1977, which represents a decline of 38 percent. The number of member firms on the New York Stock Exchange fell from 487 in 1972 to only 358 today.

Although this consolidation has "trimmed some excessive fat" in the industry, it has also proved to be inimical to small businesses. As Mr. Whitehead observed:

The smaller firms . . . are those which have historically had a particular interest in providing capital to small business.

Mr. Gardiner noted that:

Regional firms have good local knowledge of these newer companies, but are often unable to form underwriting groups and are themselves concerned with problems of permanent capital, profit, and long-term viability. * * * (T)he very firms that are going out of business were the ones who provided the only avenue of financing for the small businessman.

The problem of the centralization of the sources of capital was aptly summarized by Mr. Davant:

In recent years, the individual investor has become an endangered species. More and more investment money is being channeled into business through financial institutions, which are less and less willing to invest in smaller businesses. And the securities industry, which links investors and businesses of all sizes, has been contracting and consolidating. All these conditions have impaired the access of smaller businesses to the financing they need to grow.

Third. Institutional barriers to public offerings of securities:

Compliance with SEC rules relating to public offerings of securities is extremely costly. In 1976, a SBA Task Force on Capital Formation studied offerings by companies with assets under $5 million. The average registration cost was more than $122,000. Under the small offering exemption of SEC regulation A, a traditional means of raising capital for small business, compliance with SEC rules has been shown to involve added delay and expenses as high as 18 percent of the offering price. As noted by Mr. Baldwin:

The cost of registering securities and complying with detailed disclosure requirements poses an additional burden to small business.

Furthermore, the requirements of investment bankers often preclude a smaller business from obtaining capital in the public markets. Mr. Davant discussed the barriers to a small business raising equity by either a public offering of securities or through the private placement market:

Five years ago, for example, we were able to consider initial public offerings for companies with after-tax earnings of $1 million or more. Today, we cannot even discuss an initial public offering with a company unless it has after-tax earnings of over $2 million—as well as unusual viability or exceptional potential. In 1972, Paine Webber managed four public offerings. Last year, we managed none. In other words, today most smaller, younger companies are effectively foreclosed from "going public"—the traditional first step for small companies on the way to becoming bigger ones.

Problems in the public market have caused companies of all sizes to turn to the private placement market. But here, too, the situation is particularly difficult for smaller companies. Paine Webber handles a substantial share of all private placement under $10 million. Yet last year, we arranged only fourteen of these smaller placements for a total of less than $70 million. Five years ago, a company with as little as half a million in after-tax earnings could think in terms of a private placement. Now it must have at least a million. The private placement market is at best a limited alternative for most smaller companies.

CAUSES OF THE PROBLEM

During the course of the hearings, the witnesses discussed, in addition to structural changes, several possible causes of the capital formation problem confronting small businesses.

Mr. Greenspan perceived the problem to be part of the overall lack of private investment caused by a lack of business confidence. The two key contributors to the high level of business uncertainty, in his opinion, are inflation and escalating business regulation. This theme was echoed by Mr. Holden, who went on to observe that:

The Federal Government can thus exert a disproportionately strong impact upon health of the smaller businesses. For the course of inflation, interest rates, business expectations, tax programs, and external fortunes has a major influence upon the decision to invest, with each element more than

incidentally affected by Congressional initiatives.

The "prudent man" investment standard of ERISA was cited by Messrs. Levitt, Lufkin, Baldwin, and Barth. William Dillard, chairman of Dillard Department Stores, summarized the position of these men when he noted that due to the "prudent man" rule, fiduciaries are prohibited "from investing in securities that are considered 'speculative' * * * (P)ension fund trustees are effectively limited to investing in a limited number of 'blue chip' stocks, and are prevented from investing in smaller companies which offer the potential for greater growth."

Many of the witnesses discussed various SEC regulations which were considered to impede investment in small businesses. The "small offering exemption" and "private offering exemption" from the registration requirements of the Securities Act of 1933 were perceived to be ineffective. Also, SEC limitations on the secondary sale of securities under rule 144 were cited as restraining liquidity and thereby seriously inhibiting entrepreneurs and small investors from taking the risks involved in "startup" situations.

Although various causes of the problem were cited by the witnesses, there was near unanimity in agreeing that the underlying cause was the increase since 1969 in the effective capital gains tax rate. According to Mr. Levitt, the increases in the maximum capital gains tax rate imposed by the Tax Reform Acts of 1969 and 1976 "have become major investment disincentives discouraging the individual investor from buying equity securities." Mr. Davant stated that:

This narrowing of the differential between tax rates on ordinary income and the tax rate on capital gains is undoubtedly the single most important factor inhibiting direct individual investment in equities.

The maximum tax rate for capital gains, coupled with preference taxes and the minimum tax, is now nearly double what it was in 1969. Thus, the risk-to-reward ratio for investors has been substantially altered, thereby causing them to turn away from risk capital investments. As Mr. Lufkin astutely observed:

The primary problem in financing the startup and growth of a small business is that the risk of failure has been increasing while the potential reward has been steadily eroded for both the venture capital investor and the entrepreneur. Risk has been increased by the economic uncertainties caused by inflation, by the increased amount of capital necessary to start a business and fund its early growth, by increasing federal regulation and by the breakdown in the distribution system for small company securities. Reward has been reduced by changes in the Federal Tax Code which have raised the capital gains tax rate to the point where it is almost as high as the ordinary income tax rate and other tax disincentives, leading to the increasing difficulty of capital accumulation overall.

The present tax structure is perceived by Mr. Baldwin to adversely affect small business in three ways:

First, a recent government study has noted the detrimental impact of higher capital gains taxes on new enterprises. Recent tax developments at all levels of government have sharply narrowed the gap between ordinary income and capital gains tax rates, reducing financial incentives for entrepreneurs. The result is that the potential for after-tax gain from a new venture may not be worth the risk and a relatively secure position with a large company may appear more attractive. The demand for venture capital is reduced.

Second, like all enterprises, small businesses must compete in the capital market for funds. To the extent that the tax burden on savings leads to a contraction of the supply of capital, the result will be upward pressure on interest rates and possible rationing of capital funds. Small and new businesses, local governments and individuals may find themselves elbowed out of the capital markets.

Third, recent tax changes, by increasing the tax burden on those individuals who have traditionally provided seed money for new ventures, have made it extremely difficult for small companies to raise funds.

PROPOSED SOLUTIONS

The witnesses discussed many proposals designed to solve the capital formation problem. As a result of the widespread belief that the increased capital gains tax is the primary culprit, the proposal contained in S. 3065 to amend the Internal Revenue Code of 1954 to provide for pre-1969 tax treatment for capital gains was heartily endorsed. The benefits of this legislation, which was introduced by Senator HANSEN and endorsed by 59 other Senators, including myself, were very well summarized by Senator HANSEN in his statement of introduction on May 11, 1978. I will not repeat the points which he raised in his remarks.

Numerous other proposals contained in existing legislation were commended by the witnesses. Among those most often discussed were proposals: To amend the "prudent man" requirement of ERISA to establish a "basket clause" to enable investment of pension funds in small companies without fear of sanctions; a "rollover" provision to enable an investor to defer capital gains taxation on the proceeds from the sale of stock of small business, provided the gain is invested within a specified time in another eligible small concern; and a graduated corporate tax rate. An increase in the limitation on the size of a public offering under regulation A was favored by many witnesses. It should be noted that the President recently signed into law Public Law 95–284, which increases the limit on the size of such an offering to $1.5 million.

More importantly, numerous witnesses proposed new solutions to the problem. These people realized that the need for new sources of capital cannot be met by minor adjustments to existing programs and legislation. I will, for the benefit of my colleagues, summarize the innovative proposals which were offered. These proposals merit serious consideration and, accordingly, I urge my colleagues to examine the record of these hearings to obtain a more thorough understanding of these suggestions offered by these people who have a great expertise in their fields.

First. "Small business investment" investment tax credit.

Pursuant to one proposal, presented by Mr. Levitt and Governor Sanford, there would be given a reduction in tax liability, equaling 10 percent of investments by individuals in new issues of common and preferred stock of small- to medium-sized companies, with a $500 limit per year. If the investor were to sell the stock within 12 months of its acquisition, the credit would be lost. Credit would be given only in cases where neither equity capital of the issuing corporation immediately prior to the offering, nor the offering itself, exceeded a certain amount. If the limit on the equity was set at $25 million, as suggested by Mr. Levitt, an estimated total of $1.6 billion in new issues in 1976 and 1977 would have qualified for the credit, with an initial revenue reduction of only $25 to $50 million.

Governor Sanford recommended employing a credit instead of a deduction, as "utilizing a credit, as opposed to a deduction, and limiting the credit to a specific dollar amount, will assure that the benefits will flow primarily to the intended recipients, middle-income taxpayers."

Another proposal was offered by Mr. Lufkin. Citing a need for risk capital for small entrepreneurs, he suggested an investment credit of 25 percent of the amount invested in a "startup" business. Mr. Lufkin noted that these startup businesses must be financed by what he calls "personal money," as institutions such as banks, venture capitalists, insurance companies and even small business investment companies will not invest in these small businesses. Yet the success of these startups is important, as they represent the hopes and dreams, the enthusiasm and spirit of the rough-hewn entrepreneur that has made this country great.

Second. Small business participating debenture.

Mr. Barth offered this innovative proposal in response to the experiences of Arthur Andersen & Co. which showed that the infusion of new equity into a small business may not be the answer to its capital needs. This conclusion was premised on three observations. First, because the small business entrepreneur despises regulations of all levels of government and does not wish to have others tell him how to operate his business, he does not look with favor upon selling equity interests. Second, an equity interest in a small company is often difficult to liquidate at a fair price. With no dividends, no voice in management and no established market for exchange, the value of a minority equity interest may be only one rung higher than worthless. Finally, a minority shareholder in a small business does not share in much, as small companies frequently are managed in exactly the same manner as when they were privately held, even after they go public.

The proposed small business participating debenture ("SBPD") would have the status of a debt security with a stated rate of interest. This would produce an inducement for the investor by returning to him a share of the net income during the period the SBPD is outstanding. Because the SBPD would provide a redemption date, the issuing company would effectively be paying a

premium for the use of capital, but only for the period of its use, thereby distinguishing the SBPD from stock warrants and rights. The SBPD concept would be accompanied by tax incentives such as a graduated "capital formation" credit (similar to an investment credit), deferral of taxation on the interest of the SBPD if it were reinvested in new SBPD's of the same company, and taxation of the premium interest received on the sale of the SBPD as a capital gain.

In the opinion of Mr. Barth, the use of the SBPD "would appeal to the owners seeking capital because the mechanisms would be self-administered, thus avoiding the necessity for approvals, examinations, permits and other forms of redtape which inevitably breed another level of bureaucracy." Furthermore, the tax incentives would induce investment in such instruments.

Third. Special preferred stock.

Mr. Greenspan suggested that small business corporations be allowed to issue a special preferred stock on which the dividends could be deducted from the taxable income of the corporation in the same manner as interest charges. He feels that "a special preferred stock, which required dividends to be paid only if earned, would give small corporations far greater flexibility in raising capital."

Fourth. Limited elimination of capital gains.

A proposal to eliminate capital gains taxes on new investments in small businesses for a limited period was made by Mr. Whitehead. It was opined that such a change in tax law would not only benefit fledgling enterprises but also would increase tax revenues. Mr. Whitehead stated that many investors might be tempted to take their investments out of established corporations in exchange for the opportunity to make tax exempt profits for a few years on investments in riskier ventures.

Under Mr. Whitehead's proposal, the benefits of the tax free treatment would be given only to investments in small, startup corporations making initial public offerings. Only investments made during a limited period of time, of 1 or 2 years, would be eligible for the favorable tax treatment. This proposal would provide, in Mr. Whitehead's opinion, an immediate boost to investment in small businesses.

Mr. President, I will continue to examine these and other proposals designed to alleviate the serious capital formation problem confronting our Nation's small businesses. I urge my colleagues to give their careful consideration to this urgent matter.●

THE NEED FOR A MORE FLEXIBLE TRANSPORTATION SYSTEM

● Mr. DOMENICI. Mr. President, recently the National Society of Professional Engineers submitted testimony to the Subcommittee on Transportation of the Environment and Public Works Committee concerning the need for a more flexible transportation program that expends funds more efficiently and effectively. More specifically, NSPE expressed concern over the tremendous investment we have made in our highway system, yet the lack of programs that we have initiated to maintain and upgrade this extensive system.

The Nation's primary and secondary roads and major urban streets are in a state of serious neglect. Major safety improvements, such as median barriers, longer merging lanes and improved ramp design, are sorely needed. Rural roads desperately need widening. Hazardous curves, fixed obstructions, and dangerous grade crossings also demand attention. In urban areas, the streets lack adequate lighting, intersections and turning lanes. All roads and highways need better planning to allow for increased system capacity, including planning to reduce energy use. Unless there is a reduction of starting and stopping and excessive idling of vehicles, fuel reductions will not reach the optimum level. Better land use planning that improves travel patterns will also reduce fuel consumption. In addition, NSPE is particularly concerned with the condition of the Nation's bridges, which are in serious decay.

Several weeks ago the Committee on Environment and Public Works reported out the Highway Improvement Act of 1978 (S. 2440). That bill should be coming up on the floor quite soon. In an effort to begin to deal with the very serious and immediate problem of maintaining our highway system, the Committee has added language that requires States to maintain their roads at a certain standard, or risk losing Federal assistance. I believe that this is a very important first step in saving our deteriorating highway system. I am also hopeful that this language will provide us with the initiative to begin to more thoroughly explore the needs of this area.

Mr. President, I ask that the entire statement of the National Society of Professional Engineers be printed in the RECORD.

The statement follows:

STATEMENT OF THE NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS ON THE HIGHWAY IMPROVEMENT ACT OF 1978 (S. 2440) TO THE SUBCOMMITTEE ON TRANSPORTATION, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, UNITED STATES SENATE, APRIL 3, 1978

The National Society of Professional Engineers appreciates this opportunity to present its views on S. 2440 the Administration's proposed Highway Improvement Act of 1978. NSPE is a nonprofit organization representing 75,000 individual members who are involved in virtually every aspect of engineering.

Generally speaking, NSPE is pleased with the direction that the Administration is taking with regard to transportation policy. Undoubtedly, transportation programs need the flexibility necessary to meet the many challenges that confront us with regard to transportation. An expenditure of more than $10 billion on an annual basis requires a considerable amount of "flexibility" if that money is to be spent effectively and efficiently.

GENERAL COMMENTS

Before commenting on the specific provisions of S. 2440, we would like to provide the Committee with several overall concerns of NSPE.

NSPE believes that the Nation's transportation system, probably the best in the world today, is at a crisis point. We are concerned that the tremendous investment in our highway system may not be as effective as contemplated unless programs are initiated to maintain and upgrade the system.

The Nation's primary and secondary roads and major urban streets are in a state of serious neglect. Many Interstate system designs need major modernization. Major safety improvements, such as median barriers, longer merging lanes, and improved ramp design, just to mention a few, are sorely needed. Rural roads desperately need widening. Hazardous curves, fixed obstructions and dangerous grade crossings also need attention. Urban streets need better lighting, improvements of intersections, and more turning lanes. All roads and highways need better planning to allow for increased system capacity. Planning also needs to be improved if energy use is to be reduced. Unless there is a reduction of starting and stopping and excessive idling of vehicles, fuel reductions will not reach the optimum level. Better land use planning that improves travel patterns will also reduce fuel consumption.

NSPE strongly believes that proper use of engineering can improve the transportation system. Today's technology can address and solve the problems that now exist. We simply ask that the technology be applied. Private sector technology is available in sufficient quantities to solve planning, design and construction problems.

PLANNING

S. 2440 attempts to establish an integrated transportation planning system. It requires the Secretary of Transportation to review the transportation plans of large metropolitan areas.

NSPE recognizes the concerns expressed by states with the intrusion of a new entity—the large metropolitan area planning organization—into the planning process. We are not certain that Federal grants directed to that entity, bypassing state review, are advisable. Also, it is likely that a new layer of bureaucracy will only compound existing "red-tape" problems rather than eliminate them. NSPE is of the opinion that state officials should play a role in transportation planning and believes that direct funding of large metropolitan planning organizations will be a deterrent to this principle.

NSPE also questions the advisability of mandating that all large urban plans be reviewed by the Secretary. We are hesitant to support such Federal preemption of state activity. In addition, we are not at all sure that such a procedure may act as a bottleneck that will hold up good programs, rather than serve as an early warning device as envisioned by the Administration.

BRIDGES

As NSPE previously told this Subcommittee, we are particularly concerned with the condition of the Nation's bridges. As this Subcommittee knows, this very serious problem is in need of immediate attention.

The Federal Highway Administration's 6th Annual Report to Congress on Bridge Replacement identifies 105,500 bridges that are either structurally deficient or functionally obsolete. Based on this, it has been established that at least $20 billion is needed to repair, replace or rehabilitate these bridges.

Although the Administration recommends an increase in the bridge repair program of more than 100 percent and expands the bridge replacement and rehabilitation program, NSPE questions the sufficiency of the recommended funding. We believe that funding should be at a level that will eliminate the problem in a realistic period of time. Reportedly, it would take more than 40 years to remedy the bridge problem that exists today if the Administration's funding recom-

mendation is accepted. We would hope that sufficient Federal-state funds would be available to complete the work in less than 40 years. Also, it should be remembered that bridges acceptable as safe today may need repair or replacement in the future.

INTERSTATE SYSTEM

NSPE applauds the Administration's effort to complete the Interstate highway system. When the system is completed it will have cost approximately $104 billion. In view of this vast expenditure, it is extremely important that the system be completed and kept in operating condition. Consequently, NSPE supports the effort to complete the system by 1990.

As this Subcommittee knows, over 90 percent of the Interstate system is now being used. Essential gaps in the system need to be closed to gain full use of the system. Proposals to transfer funds between states may be an answer. It seems inconsistent that states that have projects ready for construction are hindered, while money is waiting for action in other states. The borrowing of funds between states will accelerate the completion of the program. Also, borrowing from future years apportionments to begin work now may also serve the purpose well. Such a transfer of funding will also allow for expenditures in a more effective and efficient manner.

NSPE, as previously mentioned, strongly believes that the Interstate system needs to be maintained in operating condition. Consequently, we support the continuation of a separate program to provide for Interstate resurfacing, restoration and rehabilitation. We believe, however, that this program needs increased funding. Authorizations of $175 million annually are insufficient to bring the system up to an operating condition much less keep it there.

PRIMARY SYSTEM

NSPE questions the Administration's wisdom in consolidating many existing categorical programs affecting the primary highway system. Although the Administration assumes "consolidation" is the "mood" of the day, we are not sure that this is the proper course of action. Although flexibility is desirable and the Administration uses the concept of flexibility as the basis for its recommendation, NSPE believes that some very important programs, needing Federal assistance, may lose their identity if they are thrown into a single pool. Congress previously determined that these programs needed special attention and we think it unwise to combine them at this time.

NSPE also notes that funds for several programs are shifted in S. 2440 from the General Fund to the Trust Fund. We are not sure that this shift of programs is a wise move. Also, we note that there is not funding recommended for forest roads and trails, parkways, and park roads and trails. These programs totaled $308 million in fiscal year 1978.

SAFETY

NSPE applauds the Administration's recommendation to provide funding for the purchase of truck weight scales. We believe that such a program will provide states with the necessary equipment to better enforce truck weight limitations. NSPE believes that the operation of big trucks on the highways directly relates to the deteriorating condition of the Nation's highways.

We urge the Committee to include funding for the manpower necessary to use the scales once they become available. If manpower is not available, the capital expenditure would have nil effect.

NSPE wishes to assure the Committee of our continued interest in the transportation problems of the Nation.●

FULL VOTING REPRESENTATION FOR THE DISTRICT OF COLUMBIA

● Mr. MATHIAS. Mr. President, the Senate Judiciary Subcommittee on the Constitution recently completed hearings on Senate Joint Resolution 65, a constitutional amendment to provide full voting representation for the District of Columbia in both Houses of Congress.

A resolution strikingly similar to Senate Joint Resolution 65 was passed by the House of Representatives on March 2 of this year. It is now up to the Senate to take the next historic step in the constitutional process by passing this resolution and speeding it on its way to the States for ratification.

When the full senate considers this constitutional amendment later this session, one point will be indisputable: this proposal has strong bipartisan support both on Capitol Hill and beyond. This factor was made abundantly clear during the recent Senate hearings. Persons from all walks of life, politicans as well as private citizens, Democrats as well as Republicans, expressed their strong support for this important proposition.

Typical of this bipartisan support was the testimony before the Senate subcommittee by Paul Hays, chairman of the Republican Party of the District of Columbia.

I commend his testimony to my colleagues as they consider this constitutional amendment. I ask that Mr. Hays' statement be printed in the RECORD.

The statement follows:

STATEMENT OF PAUL HAYS, CHAIRMAN, D.C. REPUBLICAN PARTY, BEFORE THE SENATE JUDICIARY SUBCOMMITTEE ON THE CONSTITUTION, APRIL 28, 1978

Mr. Chairman, thank you for the opportunity to appear today to urge the Senate to adopt and send to the States a constitutional amendment granting, at last, full rights of citizenship to the people of the District of Columbia.

I will take only a few minutes of your time, because I am sure that much of what I have to say has been said by prior witnesses. The significance is that I appear here as a Republican, speaking for his Party, quoting both the national and the local Party Platforms.

The 1976 national Republican Platform states, "We support giving the District of Columbia voting representation in the United States Senate and House of Representatives. . . ." The language is unequivocal.

The very first paragraph of our local Party Platform that year reads "We favor full representation in both Houses of Congress based upon the population of the District of Columbia in the same ratio used for the several States." Again, the language is clear.

I know that some have reservations about these proposals. I would like to address the three objections I've heard most often, and explain why I do not think they provide valid reasons for the Senate to fail to send this matter to the States.

The first argument is that D.C. is not a State, and therefore should not be represented in the Senate. The fact is that the citizens of Washington bear all the burdens of citizenship. There is no excuse, in my opinion, for denying them any of the rights enjoyed by all other American citizens. Constitutional scholars have addressed the questions far more authoritatively than I can as a layman, and have concluded that there is no impediment to granting voting representation to the citizens of the District. I would submit that our Constitution is a living document—certainly not to be tampered with lightly—but which has been amended many times when changing circumstances dictated. If there was ever any justification for denying any rights to the residents of the District, it has long since ceased to be valid in our society.

Another objection raised is that the District is so poorly managed that its citizens should not be granted any additional rights. I submit that, while it is certainly true that this government leaves much to be desired, this argument is completely irrelevant to the issue at hand. To quote the syndicated columnist Pat Buchanan, writing in opposition to this amendment in The Nashville Tennessean on March 12, 1978: "But mismanagement and corruption are not arguments to justify a 'no' vote on this amendment. Many territories were mismanaged, lawless and corrupt when they became states of the Union." We should not apply a double standard to the citizens of Washington.

A final argument raised, most often by my fellow Republicans, is that this measure would simply insure two additional Democratic Senators and one or two more Democratic Representatives. If an election were held today, that would undoubtedly be true. We in the local Republican Party are working to change that, and I hold the perhaps optimistic view that by the time this amendment is ratified, there will be a strong two-party system here. Whether we succeed or not, I feel quite strongly that the principles on which this country was founded demand that partisan considerations be put aside. Thomas Jefferson wrote in the Declaration of Independence that governments derive "their just powers from the consent of the governed." I urge the Senate to act now to make these words effective, for all our citizens, even if we are 202 years late.●

PUBLIC AWARENESS IMPORTANT FOR GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, several weeks ago, there was a compelling production of "Holocaust" which appeared on stations from coast to coast. Millions of Americans watched this saga, which portrayed the genocide waged against the Jews in Nazi Germany between 1938 and 1945.

It is difficult to imagine how truly terrible a crime genocide is. The show, however, did a good job of presenting the tragic story of what life was like for the Jews during those horrible years.

Often, when people see a story which deals with such a moving topic, they experience a feeling of helplessness. After the showing of "Holocaust," though, I wrote to the major newspapers of this country to explain that we are not helpless when it comes to fighting the crime of genocide.

As I said in the letter, there is a treaty now before the Senate which would make the commission of genocide an international crime, a treaty which should be the very cornerstone of our campaign for human rights. And yet, this treaty has not been ratified by the Senate, and indeed has been before the Senate now for over 30 years without even coming to a vote.

Mr. President, I have been astounded by the response which that letter has brought. I have been contacted by people from every part of this country, and nearly without exception, they have

urged me to continue my efforts in behalf of the Genocide Convention, and have expressed outrage that this treaty has yet to be ratified.

However, I have been surprised at the number of people who indicated that they were unaware of this treaty prior to reading my letter. Public awareness of the Genocide Convention is very important; people should know that we have a tool which we can use to fight this crime. And genocide is not a crime which was committed only by the Nazis. I have spoken many times in this Chamber about genocide which has occurred in other countries, and which is still occurring today in Cambodia and Uganda.

It is easy to express regret over what happened to the Jews during World War II. It is easy to express outrage over the atrocities being committed in Uganda and Cambodia, but it takes courage to take action against this crime of genocide. The Senate must show this kind of courage by ratifying the Genocide Convention. We need this treaty.

NEW YORK CITY CONVENTION CENTER IS MORE BOONDOGGLE THAN BOOM

Mr. PROXMIRE. Mr. President, an article in the latest issue of New York magazine discusses New York City's plan to build a $257 million convention center and calls it "more boondoggle than boom."

I could not agree more. New York City has obviously fallen victim to the "me-too" syndrome. Other cities have built themselves big new convention centers—many of which are, incidentally, losing money hand-over-fist, but anyway, because other cities have convention centers, then New York has to have one, too. No matter that the city is still hovering on the verge of bankruptcy and is asking the Federal Government for $2 billion in 15-year guarantees that it says it needs just to keep its capital plant going; New York City has to have its convention center, too.

Mr. President, the New York magazine article raises some very telling points, and asks some questions to which I have not seen any satisfactory answers:

> By the time the New York center is completed—if it ever starts—other cities will have larger halls. The estimated time of construction is five years; while it's possible that other giant exhibitions will be available by then, it's more than likely that our city will be obsolete and won't be able to compete for those shows.
>
> But even if it is built, even if it's not obsolete, and even if it attracts a fair share of this small universe, is it worth the cost? And what will the cost be? Who will pay it?

Take the projected $257 million cost of the convention center. We all know how prevalent are cost-overruns in major defense projects, and they are just as prevalent in big public works projects. The article points out that the Yankee Stadium renovation was pegged at $24 million and ended up costing anywhere from $100 to $200 million. What should make us think that the $257 million convention center cost figure is any more believable; and what is to keep that figure from doubling or tripling over the estimated 5-year construction period, that will not even start until 2 years from now?

Just as the overall cost of the convention center may escalate, so may the impact on the city's budget, which will not be negligible in any case. Under the agreement with the State, the city will pay half of the debt service on the bonds sold to finance the project and the debt service is currently estimated to be $16 million a year until the structure is completed and then $20 million a year thereafter. This means that New York City will be burdening its citizens and their children and grandchildren with $10 million or more in additional debt service for 35 years, when New York City already suffers by far the most crushing debt burden of any city in the country.

This is precisely what got New York into its present difficulty, a debt service they could not handle. This is why some people fear they may be on the verge of bankruptcy.

This money will come straight out of the city's expenditure budget, and so will its share of the operated deficit of the convention center, whch is estimated at about $2 million a year and likely to go far higher.

So that is a minimum of $10 million and probably $12 million a year if there is no overrun. If there is an overrun, we can multiply that by 2, 3, or 4.

Mr. President, New York City and State officials have told us that Congress should not be concerned about the convention center, because it is not going to be financed by the city directly, or by the State directly, but rather by the Triborough Bridge and Tunnel Authority, with the city and State contributing the cost of debt service and ultimately sharing the costs of operating deficit which is likely to occur. They say that the construction will not come out of the city's capital budget, and will not come out of the Federal guarantees they are seeking.

This ignores the basic point. Should a city which is asking for 4 more years to balance its budget and which can not even meet its basic capital needs by selling its bonds in the credit markets be building a $257 million convention center? And if the Triborough Bridge and Tunnel Authority can raise that kind of money, then why does not the city go to the TBTA to meet its basic capital needs instead of running to the Federal Government for 15-year guarantees? Incidentally, the article raises serious questions about whether the TBTA can sell its bonds to finance something like a convention center, which is not a revenue-producing facility like a bridge or tunnel, and which in fact will be a money loser dependent on subsidies from the city and State which the present administrations cannot assure will always be forthcoming.

Mr. President, the article concludes by touching on the most fundamental question of all—who will benefit from the convention center boondoggle, and will it really help the city:

> One must surely hesitate before employing loaded words like "contract" and "pork barrel" in a place as pure as New York, a state devoid of machine politics. Still, if one can overlook this, even for a moment, one might consider that there is enough in a new convention center to keep the realtors, bankers, labor skates, lawyers, insurance companies, party faithful, and even a few lawmakers fat and sassy for the length of the lease.
>
> But to think such thoughts is to forget we are a city in crisis.

Mr. President, Members of Congress cannot forget that New York is a city in crisis. We cannot forget before New York City is coming to us for more financial—for $2 billion in 15-year guarantees. And this convention center is a good illustration of precisely why Congress should not give New York City long-term guarantees. Because if we do this, it will enable New York City to continue doing just what got it into trouble to begin with—spending today and putting off paying till tomorrow, and burdening future generations with the debt incurred by present-day politicians with what has sometimes been termed an "edifice complex." I think it should all stop here: No Federal guarantees, and no convention center.

Mr. President, I ask unanimous consent that the article to which I have referred from the New York Magazine be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW YORK IS IN A CONVENTIONAL DITHER—PROMISES, PROMISES

When it comes to working a wish into a promise, New York politicians take a backseat to nobody.

If this appears to the jaded as too obvious to mention, it is well to recall the exchange between Jefferson and Hamilton concerning the need for a Bill of Rights: Said Hamilton, "It goes without saying." Well, Jefferson countered, if it goes without saying it will go better said.

So now the latest rose garden laid before the city's beleaguered citizens: the convention center, which (we are told) will deliver balm and boom to the city's ravaged economy.

For a mere $257 million, New York will rise again, will challenge Chicago as the nation's foremost draw for the giant exhibitions that bring people, money, jobs, and the rejuvenation of fallow areas.

When I was a boy, they used to say that if everyone in New York had housemaid's knee, everyone in Chicago would want it too. But leaving aside the implicit reversal of roles between New York and the erstwhile Second City, the convention center promises more boondoggle than boom—assuming it's built, which, as we'll see, is an assumption not shared by all the experts.

The plan, announced last month by Mayor Koch and Governor Carey with the ring of the *fait accompli*, calls for a 750,000-square-foot center in the Penn Central yards, running from 33rd Street to 39th Street between Eleventh and Twelfth avenues. This is as far west as you can go in Manhattan—the next block is Hoboken—and is almost as distant as any place in town from subways, hotels, and restaurants.

Proximity to such facilities was thought to have been an imperative in past considerations of convention-center sites here for the simple reason that the market demanded it. Now, with no indication that prospective conventioneers have changed their minds—and in face of a U.S. Supreme Court decision mandating reduction of auto traffic in Man-

hattan—we are told that the best possible place to erect a center is three long cross-town blocks from the nearest subway.

Environmentalists expect to have a field day with this air-pollution aspect, and the federal Environmental Protection Agency just might nix the site.

But Koch and Carey appear unconcerned, as befits men who would give us Westway. They emphasize the space of the place, which, they say, will enable New York to compete successfully for big events with Chicago and other expansionist convention towns.

New York has indeed suffered from the lack of adequate exhibition space. The Coliseum, the city's largest center, has 320,000 available square feet. This makes it the eleventh-largest in the country, and with expansion proceeding elsewhere, we are bound to drop in the ratings if we maintain the status quo.

But just as space is not the only question, it is not the only answer.

There are, for example, only fifteen or sixteen events that require 750,000 square feet. Of these, some half dozen require *more* room. To accommodate them, Chicago's McCormick Place will this year spread to over 1 million square feet.

By the time the New York center is completed—if ever it starts—other cities will have larger halls. The estimated time of construction is five years; while it's possible that other giant exhibitions will be available by then, it's more than likely that our city will be obsolete and won't be able to compete for those shows.

But even if it is built, even if it's not obsolete, and even if it attracts a fair share of this small universe, is it worth the cost? And what will the cost be? Who will pay it?

The City Planning Commission—and Carey and Koch—say that the building will go up for $257 million. Given our experience with cost overruns—Yankee Stadium was pegged at $24 million and ran anywhere from $100 million to $200 million—is anyone so committable as to give credence to numbers served up by politicians?

Four years ago, we were told that a convention center on West 44th Street would cost $200 million. It was dropped because of the city's fiscal crisis—after $13 million in start-up money went down the tubes. And of course, when last heard from, the city was still in a fiscal crisis.

What's new? According to our officials, 34th Street is what's new. The 44th Street site, formerly good, is now bad; the Penn Central yards, formerly not considered, are fine.

Meanwhile, the Coliseum, being old, is not even an item, although it's within walking distance of 20,000 hotel rooms and is serviced by six mass-transit and seven bus line.

The big trouble with the Coliseum, say the officials, is that it's multileveled. What we need today is everything on one floor. Therefore, it would be "ridiculous" to expand the Coliseum, even if its private operators are correct in estimating a cost of only $70 million for a 900,000-square-foot facility.

But the one-floor argument—which is blurted out automatically the moment you mention the Coliseum—runs into difficulty when it is noticed that Chicago has three floors, just one fewer than the Coliseum. How do the proponents of 34th Street answer that one? They say that they will have two floors.

What makes this more confusing is that the Triborough Bridge and Tunnel Authority (TBTA), the builder and owner of the Coliseum, is set to finance the construction of the new center by floating a bond issue.

Because 34th Street would almost certainly put the Coliseum out of business—so say the Coliseum's operators, and few, if any, deny it—this puts TBTA up against itself. Further, the Coliseum throws off half a million dollars a year to TBTA, which money goes directly to mass transit as a subsidy.

So, if the Coliseum is trashed as a result of the new center, that much is lost to mass transit.

And this raises a fundamental issue that some experts—most notably Theodore H. Kheel—believe makes it unlikely that 34th Street will be built.

The way the financing is planned, TBTA will sell its bonds on the market, a subterfuge commonly used to get around the constitutional requirement of public referendums on such matters.

The bonds are to be backed by a 35-year lease jointly entered into by the state and the city. This means that once construction is completed, TBTA is out clean. The state and city are obligated to pay the debt service, maintenance, insurance, and subsidies for losses. The total tab is open-ended, with debt service alone over $20 million per year.

But, asks Mr. Kheel, how will the TBTA manage to sell the bonds? Triborough can only issue revenue bonds, i.e., bonds collateralized by income from the rollbooths. The surplus from these tolls, however, is by law committed to mass transit. Since Triborough has no taxing power, how can investors be certain that they are safe?

If the answer is that the city and state will stand behind the obligation by virtue of the lease arrangement, it should be remembered, as Kheel points out, that under the State Constitution the Legislature cannot bind future Legislatures. Each year, the Legislature must appropriate money to fund the lease, and it is under no legal compulsion to honor anything done by previous lawmakers.

Therefore, why should the bond market buy? The city, which according to the plan will pay half the lease costs, has no credit; the state, which has credit, can't bind itself.

Says Kheel: "The way it's set up now, it's not going to happen. The financing isn't in place, and I don't see how it can be put in place."

In response, Robert R. Prince, assistant secretary of TBTA, said that while it was true that the authority's surplus was committed to mass transit, bondholders would be paid out of toll funds if necessary.

"We don't reach surplus until the bondholders get theirs," Mr. Prince said. "But of course, Ted Kheel makes a good point. That is, we'd be in a pickle if we were forced to use funds that would otherwise go to mass transit in order to honor these bonds. We supply about $90 million a year to transit."

Prince, however, said he was certain the state and city would honor their obligations and pick up all costs.

Still, who is to say the state will undertake the obligation? Calling around the Legislature, I found that the governor hadn't bothered to consult with Republican leaders before he made his announcement about the center—and hasn't consulted with them since.

Richard Jacques, director of tax and fiscal studies from the Republican minority leadership in the Assembly, said, "Carey says these things at press conferences and the papers treat it as if it's done."

When I told him what Robert Prince said, Jacques first expressed amazement and then chuckled. "I'll believe it when I see it," he said.

The same goes for the convention center, about which one question brings on another Can it be done?

If yes, then why? Or why not?

One must surely hesitate before employing loaded words like "contract" and "pork barrel" in a place as pure as New York, a state devoid of machine politics. Still, if one can overlook this, even for a moment, one might consider that there is enough in a new convention center to keep the realtors, bankers, labor skates, lawyers, insurance companies, party faithful, and even a few lawmakers fat and sassy for the length of the lease.

But to think such thoughts is to forget we are a city in crisis. And that, as a politician reminded me the other day, could be the hidden reason why we need a convention center.

"Sometimes, when things look darkest," he noted, "the best thing is to run to Vegas and put it all on red."

We picked the right color, it goes better said.

PHANTOM JOBS

Mr. PROXMIRE. Mr. President, sometime ago I put into the RECORD an article from the New York Daily News which charged that New York had 17,000 phantom jobs. Mayor Koch has answered that, giving his version of the situation in a response to the Daily News, which carried the initial story.

Mayor Koch's version is that there are not 17,000 phantom jobs, but that there are 2,818 unfilled budget lines which are funded.

Mr. President, I ask unanimous consent that the response of Mayor Koch, as it appears in an article appearing in the Daily News of May 17, 1978, in all fairness, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAYOR RIPS THE "PHANTOM" JOBS STORY

(By Donald Singleton)

Mayor Koch yesterday agreed there are unfilled positions in the current city budget, but denied that their number approached the 17,000 figure reported in last Sunday's News.

In his promised response to The News story, Koch provided figures showing that 14,000 of the 17,000 unfilled budget lines are "paper jobs without financial support and therefore unavailable for filling. The essential point to recognize is that these 14,000 positions are not funded and therefore, the thrust of The Daily News' analysis is incorrect," Koch said.

The remaining 2,818 unfilled budget lines are funded, Koch conceded. Their existence as unfilled salary lines will, using The News conservative estimate of $15,000 per job, result in a surplus of $42 million, far less than the $250 million estimate in The News story, Koch said.

The mayor said the $42 million "is part of the much larger surplus for fiscal year 1978 projected in the 1970 budget message."

Koch also acknowledged the existence of 170 unfilled positions in his own office. The News had reported the existence of 219 unfilled budget positions, but Koch said that only 170 of thes lines were funded and available to be filled.

The mayor provided the following breakdown of the phantoms among the 1,384 full-time positions in the "mayoralty unit of appropriation": Office of the Mayor, 29 vacant lines available to be filled; Office of Management and Budget, 50; Office of Service Coordination, 43; and Youth Board, 28.

Koch said the recent mayoral transition, the reorganization of the office of Service Coordination and recruitment difficulties are the reasons for the unanticipated vacancies.

"These explanations demonstrate that, contrary to The News' assertion, our budget is based on responsible fiscal practices which allow for management, under appropriate controls, of city agencies and their personnel practices," Koch concluded.

ORDER FOR COMMITTEE TO FILE REPORT

Mr. PROXMIRE. Mr. President, I submit from the Committee on Banking, Housing, and Urban Affairs a report on the conduct of monetary policy, together with additional views, and I ask unanimous consent that the authors of those views have until midnight tonight to file their views.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 469—SUBMISSION OF A RESOLUTION CONCERNING INHUMAN ACTS OF THE GOVERNMENT OF CAMBODIA

Mr. ROBERT C. BYRD submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. RES. 469

Whereas the Communist government of Cambodia has, since its seizure of power, engaged in a campaign of repression and terror against hundreds of thousands of innocent citizens of that country;

Whereas this campaign of repression by the Cambodian government has amounted to a wholesale denial of the fundamental rights to which all people are entitled:

Whereas it has been reliably reported that, as a part of its campaign of repression and terror, the Cambodian government has engaged in the systematic extermination of hundreds of thousands of the Cambodian people; and

Whereas the President of the United States has determined that Cambodia is the worst violator of human rights in the world today: Now, therefore, be it

Resolved, That the Senate of the United States—

(1) deplores and condemns the countless barbarous and inhuman acts perpetrated against the people of Cambodia by the Communist government of that country;

(2) calls upon all the nations of the free world to join in condemning the brutality and inhumanity now taking place in Cambodia;

(3) urges those nations with diplomatic relations with Cambodia to exert their good offices to bring about an end to the inhuman conduct of the Cambodian government; and

(4) calls upon the United Nations to acknowledge and condemn the slaughter of innocent men, women and children and impose all appropriate sanctions to help end the carnage and deprivation of human rights now taking place in Cambodia.

Mr. ROBERT C. BYRD. Mr. President, it would be impossible and irresponsible to remain indifferent to the tragic events occurring in Cambodia.

Precise information is not available, but according to a number of reliable reports, hundreds of thousands of Cambodians have been executed, starved, or worked to death in the 3 years since the Khmer Rouge Communist government took power.

The brutality, savagery, and total disregard for human life in Cambodia may well rival the genocide of Nazi Germany as one of the most sordid chapters in human history.

The horrifying atrocities in Cambodia have been directed at persons of all ages, including children, the very old, and the sick.

Some have suggested that because of the lack of documented information, there may be exaggerations about the dimensions of the tragedy in Vietnam. But no one doubts that large-scale killing has taken place, and the lack of detailed information is hardly a justification for remaining silent and ignoring the slaughter in Cambodia. And, from the limited information that is available, it appears that the pattern of brutality and the assault on human rights continues.

We must speak out in condemnation of this rampant killing and the total denial of human rights in Cambodia. President Carter has referred to the Cambodian Government as the worst violator of human rights in the world today.

Every national government, the United Nations, and all international organizations should direct every available sanction against this infamous regime.

I have a resolution at this time, Mr. President, condemning the inhumanity of the Cambodian Government. I send the resolution to the desk. I do not ask for its immediate consideration. I just ask for it to be referred.

The PRESIDING OFFICER. The resolution will be appropriately referred.

A COMPLIMENTARY ASSESSMENT OF AN ACCOMPLISHED FRESHMAN

Mr. ROBERT C. BYRD. Mr. President, the Senate gained many excellent new Members at the beginning of the 95th session in January of 1977. They have added immeasurably to the quality of our work in the last many months, and we are fortunate to have them as colleagues.

One of the most prominent Members among this group of Senators is the distinguished Senator from New York, DANIEL PATRICK MOYNIHAN. Senator MOYNIHAN came to the Senate after a long and illustrious career as a professor at Harvard University and as an adviser to four Presidents of the United States. Moreover, he has served as our Ambassador to India and our Ambassador to the United Nations.

As a Member of the Senate, Mr. MOYNIHAN has rendered the same caliber of service that has won him distinction in every other field of endeavor in which he has been involved. We are indeed fortunate to have him among us, and it is a privilege that we can call him our friend, as well as our colleague.

Mr. President, the May issue of the Reader's Digest features an article that is highly complimentary of Senator MOYNIHAN and, I am sure, echoes the positive and warm evaluations of his colleagues concerning his performance in the Senate.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MR. MOYNIHAN GOES TO WASHINGTON

(By Irwin Ross)

Democrat PAT MOYNIHAN was no sooner installed as the junior Senator from New York, in January 1977, than he created a small political sensation by recommending that the new Carter Administration retain three federal prosecutors in New York who had been appointed by the Republicans. While U.S. Attorneys are given four-year terms, they usually resign when their party loses the Presidency. The rare prosecutor who does not is apt to be forced out, for he cannot function without the cooperation of the Justice Department.

To Moynihan, such slavish adherence to the spoils system could only destroy public confidence in the criminal-justice process. When he said so, Democratic leaders around the state, who had candidates in mind for the prized jobs, were enraged. But Moynihan's position was upheld by the Carter Administration—the three Republicans remained.*

The incident was typical of the irrepressible Pat Moynihan. He likes to make waves—but not just for the love of motion. He has a sharp eye for sound policy—and a sense for what brings a good press.

Soon after his election, Daniel Patrick Moynihan announced that he did not intend to be a "dutiful freshman for six years." He has kept his word, breaking an old tradition that freshmen Senators walk warily, speak little, show proper deference to their Senate elders, and gradually work their way into the "club." Moynihan has indeed shown respect to the hierarchs of the Senate; after all, support from the leaders, as well as the rank and file, is essential to getting legislation through. But he has also been highly visible and vocal. From time to time, he has taken on the Carter Administration—criticizing aspects of its Middle Eastern policy, for example. Nothing so establishes a Senator's independence as criticism of his own President, and voters are invariably impressed by a show of Senatorial independence.

Within a matter of months, he emerged as the star of the Senate's 18-man freshman class. Indeed, ex-professor Moynihan has provided a veritable model (the sort his old college students might analyze) of how a modern Senator makes his mark and gets things done.

Moynihan, of course, has had certain advantages over his fellow freshmen, for he was already an international figure by the time he reached the Senate. From a poverty-stricken boyhood in New York, he rose swiftly to academic and government prominence, holding sub-Cabinet and Cabinet posts in the Kennedy, Johnson, Nixon and Ford administrations, putting in two years as ambassador to India and serving for a tumultuous seven months as ambassador to the United Nations. Between government assignments, he taught at Harvard, wrote or co-authhored four books, and entertained lecture audiences from coast to coast.

Most people are amused and stimulated, some annoyed, but few are bored by Moynihan—an outsize man six feet, four inches tall with a ruddy, cherubic face nestling on a generous pair of chins and topped by flowing, white hair. The Moynihan personality is equally outsize, varying from a hearty exuberance to a ceremonial courtliness that conveys a hint of parody. Asked on one occasion by Sen. Jennings Randolph, one of the elders in the chamber, to yield the floor, Moynihan not only obliged, but bowed from the waist and intoned, "With great pleasure do I have the honor of yielding to the distinguished Senator from West Virginia."

*This decision was in marked contrast to last January's controversial removal of David Marston, a Republican-appointed federal prosecutor in Philadelphia.

At a press conference, he is a master of the swift—and occasionally self-mocking—rejoinder. Last October, he announced his support for Robert Wagner, Jr., a Democrat who had been defeated in his party's primary and was now running on the Republican line for Borough President of Manhattan. Asked how he could reconcile his endorsement of Wagner with his strong advocacy of party regularity the previous year (when he himself was running), Moynihan replied, "Well, I would have difficulty."

Ever the teacher, Moynihan is abundantly responsive when asked how one gets ahead as a Senator. "Get on important committees and make intelligent arguments," he advises. "The Senate talks to itself. It is involved in a deliberative process; there are movements of opinion."

Moynihan has followed his own advice. His first task was to get on the Senate Finance Committee. In a TV debate on the eve of the 1976 Democratic primary, each of his four rivals listed the committee assignments he or she wanted—labor, judiciary, energy, public works. Moynihan, who came last, chose the Finance Committee "because that's where the money is" (echoing the line of bank robber Willie Sutton).

Moynihan wanted Finance because it deals with so many key issues—taxes, welfare reform, Social Security, Medicare and Medicaid, the national debt. He was fortunate that the committee had two Democratic vacancies, but it was nonetheless highly unusual for a Senator in his first year to get a spot on one of the most powerful committees in the chamber. Moynihan lobbied indefatigably for the post, calling on virtually every Democratic Senator. He had a strong argument: there had not been a New Yorker on Finance for 50 years, nor a New York Democrat in nearly 100 years.

He immediately began to play an active role on the committee. His first priority was to try to get a massive injection of additional federal aid to relieve the states (and such hard-pressed cities as New York) of their crushing welfare burden. (Candidate Carter had promised such assistance in the campaign, but the proposed welfare changes were not to go into effect until 1981.) Last summer, the Senator won agreement from the Finance Committee for $1 billion of additional aid in advance of welfare reform. But the Administration opposed Moynihan's amendment, and lobbied successfully to prevent it from being attached to the new Social Security legislation, regarded as "veto proof" in Congress.

To apply pressure on the Administration, Moynihan then tried a shrewd political tactic. Initially, in August, he had introduced the Administration's welfare plan. In late September, while still favoring reform, he shifted course and issued a devastating critique of the plan before a House committee. Moynihan, a recognized expert on welfare reform, was playing hard-ball, and the Administration had reason to be concerned: if he was going to lead the assault on the welfare proposal, rather than lead the campaign for it, the bill was likely to falter.

Within a few weeks, the Administration reversed itself, coming out with its own plan for $1.35 billion in fiscal relief to the states in the three years 1978–80—more than Moynihan had advocated. Part of the money for the first year was provided by the Social Security bill, which soon became law. For a freshman Senator, it was an altogether remarkable performance.

Moynihan's persuasiveness is largely a matter of the forcefulness of his case and his attentiveness to his homework. "He asks questions," says Chester Finn, the Senator's senior legislative assistant for domestic affairs. "Who will be for it, who against, what will be the political implications and, almost invariably, will it be good public policy?"

He has a brainy, youthful staff, which he pushes hard. He also has a typewriter at his desk and writes much of his own copy. But Moynihan is not well-organized and tends to sudden inspirations, sometimes setting unreasonable deadlines. A staff member recalls an incident last September when at 10 a.m. Moynihan sketched in a statement he wanted opposing the assignment, by race, of teachers in the New York City public-school system. A long and complex argument was involved, but Moynihan wanted the completed document, with all the holes filled in, by 12:30 p.m. for release at a press conference at 2. The staffer called it "as agonizing a two-hour period as I've spent in my life." But Moynihan had the statement in hand before the press conference was over—and he made the next morning's papers, which was the point of the deadline.

Though Moynihan works hard at marshaling his facts and arguments, the flamboyance of his style is also a plus. Colleagues take notice when he gets to his feet, for his rhetorical flourishes are entertaining. Early last August, the Senate was about to debate a proposal of Adlai Stevenson III (D., Ill.) that Senators no longer be allowed to use left-over campaign funds for office expenses. "I'm going to the floor," said Moynihan.

It was quite a performance. Moynihan opposed the Stevenson proposal on the ground that the Senate had previously limited outside earnings of members, denying him a chance to earn all but a modest amount from lecturing. Now he was about to be denied a chance to defray the legitimate expenses of representing 18 million people. "I am not a man of wealth," said Moynihan. "I am not in debt . . . but I did not come to a House of Lords. I did not win my seat by my father's patrimony. I won it in a free election against a man of great wealth." But now, he said, he would not even be able to ask supporters for expense money. "I am told that I cannot even be a mendicant," he concluded. "I am told I must be a pauper."

Stevenson's response was lighthearted. "All beggars line up on the side of the Senator from New York." But the Stevenson proposal was defeated, 63 to 29.

At 51, Moynihan has come so far so fast and shown such resilience that his admirers inevitably speculate about how much further he might go. As U.N. ambassador he denied emphatically that he had any political aspirations, only to resign, go back to Harvard and a few months later announce for the Senate. Today he brushes aside any suggestions of higher political ambitions. "I can't imagine anything better than spending four terms in the U.S. Senate," he says. If he does stay around that long, Daniel Patrick Moynihan has a good chance of ending up as one of the Senate greats.

BIG MEDIA

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a statement by Mr. HATHAWAY be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY MR. HATHAWAY

A great deal has been written about big government and big business. But many of us are only beginning to become aware of big media as an increasingly powerful force in our society.

We now have 1,700 daily newspapers, 8,000 weeklies, 8,000 radio stations, 900 television stations and 10,000 periodicals published in our nation. That would seem to indicate that our citizens have access to an enormously diverse availability of thought and opinion, but that is becoming less and less the case. Of the 1,700 daily newspapers, 73 per cent are owned by 170 corporations.

Media conglomerates have been steadily adding new outlets to their chains, and there appears to be no end to this trend. More and more people are getting their news from fewer and fewer corporations. And the profits these corporations realize are often used not for better news coverage, but for the acquisition of even more properties.

The June issue of the Progressive carries an excellent article by Ben H. Bagdikian, a journalist and media critic who is a professor at the University of California, Berkeley's Graduate School of Journalism. Mr. Bagdikian explains how media power is becoming more concentrated, and offers some suggestions. I submit the article for the RECORD:

THE MEDIA MONOPOLIES

(By Ben H. Bagdikian)

If the trend toward concentration of control in the news media is alarming, as I think it is, and if doing something about it is locking the barn door before the horse is stolen, I'm afraid I am writing about an empty barn. All media with routine access to mass markets are already controlled by too few people. If we are serious about preserving maximum practical access to the marketplace of ideas and information, we ought to be deeply concerned.

The fifty largest broadcast chains already have three-quarters of the audience. The fifty largest cable television companies have two-thirds of all subscribers. The fifty largest newspaper chains have more than two-thirds of all daily newspaper sales—and this is particularly troubling because concentration of control of daily newspapers has unique effects on all information media.

Our daily newspapers are still the dominant source for all news in the United States. I wish it were otherwise. I wish NBC, CBS, and ABC each had bureaus in all medium-sized and large cities, that all local radio and television stations spent 10 per cent of their revenues on origination of news, and that the daily harvest was not limited to a dozen items. We would all benefit if we had a number of truly independent and comprehensive sources of daily news. But we do not.

Most news in all media comes overwhelmingly from two wire services, United Press International and the Associated Press. But UPI and AP do not originate most of their news; they pick it up from their local clients and members, the daily newspapers around the country. When there is a newspaper strike in New York City, not only the individual subscribers suffer: The national media—radio, television, Times, and Newsweek—originate a small amount of their own news but depend mainly on sitting down each morning and fearlessly reading The New York Times.

So when we talk about concentration of ownership of daily newspapers, we are talking about control of the only comprehensive and self-sufficient news system we have. There are more than 1,500 cities in the United States with daily papers, but only forty with competing newspaper managements. Of all cities with newspapers, 97.5 per cent have newspaper monopolies.

The business trend among newspapers runs parallel to the trend in other industries. For example, there used to be more than 200 makers of automobiles in this country, and now there are only four. But even with this drastic concentration in the automobile industry, General Motors still competes with Ford, which competes with Chrysler, which competes with American Motors, and they all compete with Datsun, Toyota, Volkswagen, and other imports. But in concentration of ownership in daily newspapers, there is no competition even among the consolidated giants.

The Gannett chain, which had seventy-

six papers the last time I looked, does not compete with Lord Thomson's fifty-six papers or with Knight Ridder's thirty-two papers or with Samuel Newhouse's thirty papers. They are secure systems of local monopolies, effectively insulated from competition with each other. They are less like Ford and General Motors and more like AT&T, with its local operating subsidiaries, each an established monopoly in its own region.

This consolidation of monopolies is not something over the horizon; it is an accomplished fact. There are 1,760 daily papers in the country—a number that has remained stable since World War II. Of these, 73 per cent are owned by 170 corporations. And now these 170 corporations are consuming each other, with large chains buying small chains, so that control is gathering with disproportionate speed among the few at the top.

In 1950, 20 per cent of all individual daily papers were owned by chains; by 1960, it was 31 per cent; by 1970, 47 per cent. Today it is 62 per cent.

The same alarming concentration applies to total daily circulation. From 1950 to 1960, chain control of daily newspaper circulation remained at about 45 per cent. But from 1960 to 1970, the percentage of papers sold each day owned by an absentee corporation rose from 46 per cent to 61 per cent. From 1970 to 1977, it went from 61 per cent to its present 73 per cent. So almost three-quarters of all newspapers sold every day in this country are owned by a chain.

Some daily papers are so small—less than 5,000 daily circulation—that their annual cash flow does not interest chains. For all practical purposes, there are 400 remaining independent daily papers with enough cash flow to interest outside corporations, and there are only twenty-five large chains that can effectively bid for them. Like beach-front property, independent daily papers are a disappearing commodity. So now big chains are buying small chains, multiplying the rate of concentration. Since 1960, the twenty-five largest newspaper corporations have increased their control of daily national circulation from 38 per cent to 53 per cent. Ten corporations now publish 37 per cent of all newspapers sold daily in the United States.

Newspapers have followed other industries in another form of concentration—the conglomerate. But as with chains, there is a qualitative difference in the social impact of media conglomerates as against companies that make plastics or musical instruments. If an ordinary conglomerate uses one of its companies to further the interests of another of its companies, it may be unfair competition but it is largely an economic matter. If a conglomerate uses its newspaper company to further the interests of another of its subsidiaries, that is dishonest news.

This subversion has happened in the past. William Randolph Hearst used his newspapers, magazines, and movie companies to urge us to declare war on Mexico to protect his mines in that country. The DuPonts owned, until recently, the major papers in Delaware, and used those papers to promote the financial and political interests of the parent company. The heirs of Jesse Jones in Houston used to do the same thing with their wholly owned subsidiary, the Houston Chronicle, ordering it not to run news that would discomfort its other properties, such as banks and real estate. The Florida East Coast Railroad owns papers in Jacksonville and has a history of using the news to promote or suppress information to suit the owners' other interests.

The growth of non-news investment in newspapers is not troublesome in itself; most original investment money in newspapers came from some other source. What is bothersome is that these are no longer single units in which the owner is locally based and recognized. And with chains, when contamination of the news occurs it can be on a massive scale. Atlantic Richfield recently bought The London Observer. Mobil Oil says it is in the market to buy a daily newspaper. We might judge Mobil's dedication to independent journalism from its recent withdrawal of support from the Bagehot Fellowship for training business writers at Columbia University because the director of the Program once wrote a book about the oil industry that Mobil disliked.

Blue Chip stamps now owns the Buffalo Evening News and 10 per cent of The Washington Post. The biggest newspaper conglomerate, the Times-Mirror Corp., owner of the Los Angeles Times, also owns companies that publish most of the telephone directories in the West, produce maps for oil companies, and operate large agricultural and timber lands—all industries that are continuing issues in the news.

Some conglomerates seem to be focused on domination of national news. The Washington Post Company, in addition to its stable of newspapers, television and radio stations, owns Newsweek magazine. Time, Inc., another large publishing conglomerate, recently moved to match The Post's position astride news out of the Government by purchasing the only other Washington paper, The Star.

Finally, there is growing vertical control of information and cross-media ownership, not just between newspapers and broadcast stations, but among magazine and book publishers. RCA, for example, owns NBC and therefore has a lively interest in promoting books or magazine pieces that might make good television programming. A magazine article that leads to a book that leads to a TV series is considered ideal. So RCA also owns Random House book publishers and such subsidiaries as Ballantine Books, Alfred Knopf, Pantheon, Vintage, and Modern Library. CBS owns Holt, Rinehart, and Winston, Field & Stream magazine, Road & Track, World Tennis and Cycle World, plus the former Fawcett magazines. ABC has a big stake in the religious movement, since it owns Word, Inc., a major producer of religious literature. And, of course, it owns Howard Cosell.

Music Corporation of America, in addition to large-scale control of entertainment, owns the G. P. Putnam book publishing firm, Paramount Pictures, and New Times magazine.

Concentration of ownership and acquisition by conglomerates sometimes happen in the business world when independent units begin to lose money and are, therefore, tempted to consolidate for survival. The opposite applies to newspapers: Chains are growing because individual newspapers and newspaper chains are making so much money that it is profitable to pay even exorbitant prices to buy up the few remaining independent entities.

Newspaper economics has always been a trade secret, but since 1963 major newspaper companies have begun to sell their stock to the public, and therefore must disclose their finances in accordance with requirements of the Securities and Exchange Commission. We know from brokers and others in the trade that the profits of publicly traded papers are comparable to those of privately held papers. Available data indicate that the newspaper industry is one of the most profitable: In 1976—not a banner year for the economy—the publicly traded newspaper companies, which collectively control 25 percent of all daily circulation, had pre-tax profit margins of 19.4 percent, after-tax profits of 10 percent, average return on stockholders' equity of 16 percent, and return on invested capital of 14 percent.

A journalist might rejoice at such fat figures. A logical assumption would be that the more money a newspaper makes and the better its chances of survival, the more it will invest in the paper and the community that provides its earnings. But the tendency is the opposite. The more money a paper makes, the more likely it is to attract a takeover or, if it is already in a chain, to use the profits to purchase other properties.

My own impression is that most papers were mediocre before they were bought by chains and remain mediocre after they are bought. With few exceptions, chain operators like to buy medium-sized monopoly newspapers which require them to spend a minimum on the news. Newspapers are a multiple-appeal product—sports, stock reports, comics, news, fashions, supermarket prices, television listings—so it is usually not clear why people buy papers. Many publishers who issue daily junk as news find it easy to believe they are geniuses—but genius in publishing a daily paper consists of having a monopoly in a growing market.

No distinguished newspaper was ever created by a chain. I doubt that the New York Times would have been created by Adolph Ochs if the Times had been a wholly owned subsidiary of a Texas cement company. Or The Washington Post if Eugene Meyer had worked for Rupert Murdoch. Or the Los Angeles Times if Otis Chandler was a hired publisher sent from Rochester to keep the paper out of controversy and collect an annual bonus based on increased earnings.

But let us assume, for the sake of argument, that chain ownership actually makes newspapers better—that every property bought by a chain quickly becomes a first-rate paper. I don't think that eases the problems of narrow control.

At the present rate of concentration, we can expect that in less than twenty years almost every daily paper in the country will be owned by about ten corporations. There is no assurance that the present trend will continue, but neither is there any reliable evidence that consolidation will stop.

One reason concentration in the media is dangerous is that media power is political power. There is no reason why newspaper publishers and broadcast operators should not promote their corporate welfare the way other industries do. But it would be naive not to recognize that for politicians there is a difference between being asked to support a corporate bill for the computer industry and being asked to support something wanted by the newspaper publishers and broadcast managers in the politician's home district. Remarkably many members of Congress believe that when a publisher or station manager comes to Washington to lobby a bill or fight some regulation, these are the people who will decide how to treat the politician in their media at the next election. And most of them preface their acknowledgment of this belief by saying it is strictly off the record.

I see no constitutional problem in establishing some limit on how many papers or how much circulation one corporation may control. At the same time, I believe that no one should be prevented from printing or saying anything, any time, anywhere. If there were a legal limit to the existing media any one corporation could control, and Gannett, for example, wished to buy an existing paper in Peoria, it could do it by selling its paper in Pensacola. If it insisted, as it ought to, that it has a First Amendment right to print in both Peoria and Pensacola, then I would defend that right and insist that it could retain its paper in Pensacola and express its First Amendment right in Peoria by starting a new paper in Peoria.

I doubt that even the most energetic chain-builder in the business would insist that it is socially healthy to have one corporation control every daily paper in the country. We now have twenty-five chains that control a majority of all papers sold daily. If one corporation in control is bad

and twenty-five is good, what is the proper number? At what point should someone—presumably the Department of Justice or Congress—step in and say No?

But I don't believe that the Department of Justice or Congress will step in. They have not so far, and the pace of concentration has increased in the last decade. And I believe the Department of Justice and Congress do not step in precisely because concentrated control of the media also represents concentrated political and economic power. But I can suggest more modest remedies:

One small gesture would be to end the meaningless ownership statement issued annually to the post office and printed as obscurely as possible each October. Instead, each paper using the second-class mailing privilege should be required to have available for public scrutiny at the local post office the names of all officers, directors, and major stockholders, the precise percentage of their ownership, and all their significant financial holdings. This is the same requirement of disclosure the SEC makes of officers, directors, and major stockholders of publicly traded companies. Local people should at least know who owns and controls their monopoly media and what other financial interests are held by those who make ultimate decisions about the news.

Another measure that would afford some insulation from potential subversion of news would be the election of editors by professional journalists on the staff of the paper. Obviously, this would require the consent of the owner, but one always dreams of owners with vision. Election of editors would also mean office politics, but office politics in the present methods are not unknown, and staffs as a whole could not make worse choices than managements as a whole. For those who insist this would make for mediocre papers, I suggest taking a look at Le Monde, one of the world's great newspapers, whose staff elects its editor.

An irrational decision of the tax courts that for years has fueled the growth of chains ought to be reversed. The Internal Revenue Code permits a newspaper to retain without normal taxation any undistributed earnings as a necessary cost of doing business if the purpose of this accumulation is to buy another newspaper. That makes neither social or business sense.

Newspaper and broadcast editorials regularly warn against the potential danger of Big Government. They rightly fear uninhibited power, even in the hands of a wise and benevolent leader. But that fear should apply to corporate as well as to political power. We have 1,700 daily papers, 8,000 weeklies, 8,000 radio stations, 900 television stations, and 10,000 periodicals. But we can no longer assume that these large numbers represent comparable diversity in control. We now must fear these numbers; most of our 215 million citizens are reached not by thousands of corporations in the media business but by the relative few that control consolidated organizations.

If we believe in the indispensability of a pluralistic marketplace of ideas and information, we cannot be complacent about a narrowly controlled management of that marketplace, whether it is governmental or corporate, benign or malicious. The greatest danger in control of the mass media is not, I think, the likelihood that Government will take control, but that the public, seeing little difference between narrow corporate control and narrow governmental control, will be indifferent to which dominates the media.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, there are various measures on the calendar which I believe have been cleared with the minority and Senators all around. I therefore ask unanimous consent that Calendar Orders Nos. 756, 760, 807, 813, 824, and 825 be called up in consecution at this time.

Mr. BAKER. Mr. President, reserving the right to object, I shall not object. I rise only to inform the distinguished majority leader that these Calendar order numbers are cleared on our Calendar on this side. We have no objection to proceeding to their consideration and passage at this time.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS' PROGRAMS EXTENSION ACT OF 1978

The Senate proceeded to consider the bill (H.R. 5029) to amend title 38 of the United States Code in order to authorize contracts with the Republic of the Philippines for the provision of hospital care and medical services to Commonwealth Army veterans and new Philippine Scouts for service-connected disabilities; to authorize the continued maintenance of a Veterans' Administration office in the Republic of the Philippines; and for other purposes, which had been reported from the Committee on Veterans' Affairs with an amendment to strike all after the enacting clause and insert the following:

That this Act may be cited as the "Veterans' Programs Extension Act of 1978".

TITLE I—EXTENSION OF CERTAIN PROGRAMS IN THE REPUBLIC OF THE PHILIPPINES

SEC. 101. Section 230(b) of title 38, United States Code, is amended by striking out "June 30, 1978." and inserting in lieu thereof "September 30, 1981.".

SEC. 102. (a) Section 624(c) of title 38, United States Code, is amended by striking out "Veterans Memorial Hospital" and inserting in lieu thereof "Veterans Memorial Medical Center".

(b) Section 632 of such title is amended by—

(1) striking out "Veterans Memorial Hospital" each time it appears and inserting in lieu thereof "Veterans Memorial Medical Center";

(2) striking out "June 30, 1978," and inserting in lieu thereof "September 30, 1983," in the material preceding clause (1) of subsection (a);

(3) inserting "furnished prior to October 1, 1979," after "care" the first time it appears in clause (2) of subsection (a);

(4) inserting before the semicolon at the end of clause (3) of subsection (a) "and paid or to be paid for by the United States under this subsection";

(5) inserting before the semicolon at the end of clause (4) of subsection (a) a comma and "except that, in cases in which hospitalization was not primarily for a service-connected disability, the United States may not provide for such payments for nursing home care furnished after September 30, 1979";

(6) striking out "July 1, 1978," in subsection (b) and inserting in lieu thereof "October 1, 1983,"; and

(7) striking out "five years" and "June 30, 1978" in the material preceding clause (1) of subsection (d) and inserting in lieu thereof "period" and "September 30, 1980", respectively.

TITLE II—BENEFITS PAYABLE TO PERSONS RESIDING OUTSIDE THE UNITED STATES

SEC. 201. Paragraph (4) of section 101 of title 38, United States Code, is amended by—

(1) inserting "(A)" before "The" and redesignating clauses (A), (B), and (C) within such paragraph as clauses (i), (ii), and (iii), respectively; and

(2) inserting at the end thereof the following new subparagraph:

"(B) For purposes of subparagraph (A) of this paragraph, in the case of an adoption under the laws of any country other than the United States (including the possessions, territories, and Commonwealths of the United States)—

"(i) a person residing outside any of the States during the lifetime of a veteran (including for purposes of this subparagraph a Commonwealth Army veteran or 'New' Philippine Scout, as defined in section 1766 of this title) shall not be considered a legally adopted child of such veteran unless such person—

"(I) was less than eighteen years of age at the time of adoption;

"(II) is receiving one-half or more of such person's annual support from such veteran;

"(III) is not in the custody of such person's natural parent, unless such natural parent is such veteran's spouse; and

"(IV) is residing with such veteran (or in the case of divorce following adoption, with the divorced spouse who is also an adoptive or natural parent) except for periods during which such person is residing apart from such veteran (or such divorced spouse) for purposes of full-time attendance at an educational institution or during which such person or such veteran (or such divorced spouse) is confined in a hospital, nursing home, other health-care facility, or other institution; and

"(ii) a person shall not be considered to have been a legally adopted child of a veteran as of the date of such veteran's death and thereafter unless—

"(I) at any time within the one-year period immediately preceding such veteran's death, such veteran was entitled to and was receiving a dependent's allowance or similar monetary benefit under this title for such person; or

"(II) for a period of at least one year prior to such veteran's death, such person met the requirements of clause (i) of this subparagraph.".

SEC. 202. Section 107 of title 38, United States Code, is amended by inserting at the end thereof the following new subsection:

"(c) Notwithstanding the provisions of subsections (a) and (b) of this section and, notwithstanding the provisions of subchapter VII of chapter 35 of this title, no benefits under chapter 11, 13, or 35 of this title shall be paid to any person by virtue of the provisions of either such subsection or such subchapter on the basis of a claim by such person for initial eligibility for any such benefits filed on or after October 1, 1979, if, on the basis of prior claims filed by such person, such initial eligibility had been disallowed more than once.".

SEC. 203. (a) The Administrator of Veterans' Affairs shall carry out a comprehensive study of benefits payable under the provisions of title 38, United States Code, to persons who reside outside the fifty States and the District of Columbia. The Administrator shall include in such study—

(1) an analysis of the issues involved in the payment of such benefits to persons who reside outside the fifty States and the District of Columbia, together with analyses of such aspects of the economy of each foreign country and each territory, possession, and Commonwealth of the United States in which a substantial number of persons receiving such benefits reside as are relevant

to such issues (such as the rate of inflation, the standard of living, and health care, educational, housing, and burial costs);

(2) an analysis of the issues involved in the payment of such benefits as the result of adoptions under laws other than the laws of any of the fifty States or the District of Columbia;

(3) an analysis of the amounts and method of payment of benefits payable to persons entitled, by virtue of sections 107 and 1765 of such title, to benefits under chapters 11, 13, and 35 of such title;

(4) estimates of the present and future costs of paying monetary benefits under such title to persons described in clauses (1) and (3) of this subsection;

(5) an evaluation of the desirability of continuing to maintain the Veterans' Administration Regional Office in the Republic of the Philippines, taking into consideration (A) the current and expected future workloads of such office, (B) the estimated cost in fiscal years 1981 through 1985 of continuing to maintain such regional office, (C) the feasibility and desirability of transferring appropriate functions of such regional office to the United States Embassy in the Republic of the Philippines, and (D) a provisional plan, which the Administrator shall develop, for the closing of such office and so transferring such functions, together with cost estimates for fiscal years 1981 through 1985 for the implementation of such plan assuming that such office is closed prior to October 1, 1981; and

(6) an evaluation of the effects of the amendments to such title made by sections 201 and 202 of this Act.

(b) Not later than February 1, 1980, the Administrator shall report to the Congress and the President on the results of such study together with the Administrator's recommendations for resolving the issues to be analyzed and evaluated in such study.

TITLE III—HEALTH CARE AMENDMENTS

SEC. 301. Subclause (v) of clause (C) of section 601(4) of title 38, United States Code, is amended to read as follows: "(v) hospital care, and medical services which will obviate the need for hospital admission, for veterans in a State not contiguous to the forty-eight contiguous States, except that the annually determined hospital patient load and incidence of the provision of medical services to veterans hospitalized or treated at Veterans' Administration expense in Government and private facilities in each such noncontiguous State (except in the Commonwealth of Puerto Rico and in the Virgin Islands) shall be consistent with the patient load or incidence of the provision of medical services for veterans hospitalized or treated by the Veterans' Administration within the forty-eight contiguous States, but authority under this subclause shall expire on December 31, 1980, in the case of each noncontiguous State (except Alaska and Hawaii).".

SEC. 302. Clause (3) of section 612(1) of title 38, United States Code, is amended by inserting "(including the conduct of an examination to determine eligibility for service-connected compensation under chapter 11 of this title)" before the period.

SEC. 303. (a) Subchapter IV of chapter 17 of title 38, United States Code, is amended by redesignating section 634 as 635 and inserting after section 633 the following new section:

"§ 634. Hospital and nursing home care and medical services in the United States

"The Administrator, within the limits of Veterans' Administration facilities, may furnish to a Commonwealth Army veteran or new Philippine Scout hospital and nursing home care and medical services for the treatment of a service-connected disability of such veteran or Scout.".

(b) The table of sections at the beginning of chapter 17 of such title is amended by striking out

"634. Definitions."

and inserting in lieu thereof

"634. Hospital and nursing home care and medical services in the United States."

"635. Definitions.".

SEC. 304. (a) Not later than October 1, 1979, the Administrator of Veterans' Affairs shall submit to the Congress and the President a report on the furnishing by the Veterans' Administration of hospital care and medical services in the Commonwealth of Puerto Rico and in the Virgin Islands. The Administrator shall include in such report—

(1) a comprehensive assessment of the health-care needs of veterans in the Commonwealth of Puerto Rico and in the Virgin Islands;

(2) a detailed report on the hospital care and medical services which were furnished or are planned to be furnished to veterans there during fiscal years 1975 through 1981, with breakdowns according to the numbers of veterans being treated, the facilities at which such care and services are furnished, and the extent to which such care and services are furnished for the treatment of service-connected disabilities and to veterans with service-connected disabilities rated at 50 per centum or more; and

(3) recommendations as to how such health-care needs can best be addressed within the existing authority of the Veterans' Administration and what additional authority, if any, is necessary and desirable to meet such needs.

Recommendations under clause (3) of this subsection shall be made only after taking into consideration—

(A) the extent of poverty in the Commonwealth of Puerto Rico and in the Virgin Islands;

(B) alternative sources of health-care services that would be available to such veterans being furnished such services there by the Veterans' Administration if the services so furnished by the Veterans' Administration for non-service-connected disabilities were substantially reduced;

(C) the equitable distribution of Veterans' Administration health-care resources; and

(D) the priority attaching to the care and treatment of service-connected disabilities.

(b) Not later than March 1, 1979, and annually thereafter, the Chief Medical Director of the Veterans' Administration shall submit to the appropriate committees of the Congress, through the Administrator of Veterans' Affairs, a full report on the implementation of section 601(4)(C)(v) of title 38, United States Code (as amended by section 301 of this Act), including the numbers of veterans provided contract treatment (and the average cost and duration thereof) in each State (as defined in section 101(20) of title 38, United States Code) in the categories described in the following provisions of such title: sections 601(4)(C)(v) (as so amended), 610(a), 612(a), 612(f)(1)(A), 612(f)(1)(B), 612(f)(2), and 612(g).

SEC. 305. Section 6(a)(2) of the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975 (Public Law 94-123; 89 Stat. 669), as amended, is amended by striking out "September 30, 1978." and inserting in lieu thereof "September 30, 1979.".

SEC. 306. Section 5082 of title 38, United States Code, is amended by inserting at the end thereof the following new subsection:

"(c) There is further authorized to be appropriated for fiscal year 1979 for carrying out the programs authorized under this chapter such sums as may be necessary (1) to make to institutions with which the Administrator has entered into agreements under subchapter I of this chapter supplemental grants for which the Administrator had, prior to May 1, 1978, approved applications from such institutions, and (2) to meet fully the commitments made by the Administrator prior to May 1, 1978, for grants and applications approved under authority of this subchapter and subchapters III and IV of this chapter, except that no funds appropriated under this subsection may be used for grants and applications approved under this subchapter and such subchapters III and IV until the full amounts for which applications had been so approved have been obligated under such subchapter I.".

SEC. 307. Section 611 of title 38, United States Code, is amended by inserting at the end thereof the following new subsection:

"(c) The Administrator may, in the discretion of the Administrator, enter into a contract with any organization recognized under section 3402 of this title to furnish, on a reimbursable basis, as prescribed by the Administrator, emergency medical services at a national convention of such organization to individuals attending such convention except that reimbursement shall not be required to the extent that eligible veterans receiving such services would otherwise be eligible for medical services from the Veterans' Administration under this chapter.".

TITLE IV—VETERANS READJUSTMENT APPOINTMENTS AND PENSION REFORM IMPLEMENTATION

SEC. 401. Section 2014 of title 38, United States Code, is amended by—

(1) amending subsection (b) to read as follows:

"(b) To further this policy, veterans of the Vietnam era shall be eligible, under the terms and conditions specified in Executive Order Numbered 11521 (March 26, 1970) and in accordance with regulations which the Civil Service Commission (or successor authority) shall prescribe, for veterans readjustment appointments, and subsequent career-conditional appointments, except that such an appointment (1) may be made in the case of any veteran of the Vietnam era up to and including the level GS-7 or its equivalent, (2) may be made in the case of any veteran of the Vietnam era who is a disabled veteran without limitation as to completion of more than fourteen years of education, and (3) may be made at any time prior to October 1, 1981.";

(2) striking out all after "subsection (b) of this section and" in subsection (d) and inserting in lieu thereof a comma and "with breakdowns for disabled and other veterans, the following information: The number and grade levels of such appointments; the number of appointments converted or terminated, with a breakdown according to categories of causes for termination; the number of such terminations initiated by the department, agency, or instrumentality and by the veteran; descriptions of the education and training programs in which appointees under subsection (b) of this section are participating; and the results of the plans required under subsection (c) of this section."; and

(3) inserting "subsections (a) and (c) of" after "in" in subsection (f).

SEC. 402. For the purpose of enabling the Administrator of Veterans' Affairs to carry out, with maximum efficiency, during the first one-year period following the date of its enactment, any Act enacted after June 1, 1978, with an effective date prior to October 1, 1979, establishing a new program of benefits under chapter 15 of title 38, United States Code, including the conduct of a program of public information designed to advise fully and fairly all persons who may be affected by the provisions of such Act of its implications for them, without impairing the efficiency of the Veterans' Administration in carrying out its other programs and

responsibilities, there is authorized to be appropriated $5,000,000 for fiscal year 1979.

SEC. 403. (a) For the purpose of carrying out the studies required under sections 203 and 304 of this Act, there is authorized to be appropriated $350,000 for fiscal year 1979.

(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until expended.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read:

An Act to amend title 38 of the United States Code to authorize contracts with the Republic of the Philippines for the provision of health-care services for Commonwealth Army veterans and new Philippine Scouts, to authorize the continued maintenance of a Veterans' Administration office in the Republic of the Philippines, to impose new requirements with respect to claims by certain persons residing outside the United States, to modify the circumstances under which contract hospital care and medical services may be furnished outside of the contiguous States; to authorize the provision of care in the United States for the treatment of the service-connected disabilities of certain Filipino veterans, to increase the authorization of appropriations for grants to assist certain health manpower training institutions, and to extend and improve the program of veterans readjustment appointments in the Federal Government; to extend the VA's authority in Public Law 94–123, as amended, to enter into special-pay agreements with physicians and dentists; to require certain studies to be undertaken; and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GUAYULE RUBBER DEMONSTRATION AND ECONOMIC DEVELOPMENT ACT OF 1978

The Senate proceeded to consider the bill (S. 1816) to amend the Public Works and Economic Development Act of 1965 to authorize a program of research, development, and demonstration of guayule rubber production and manufacture as an economic development opportunity for the Southwestern States, which had been reported from the Committee on Environment and Public Works with an amendment to strike all after the enacting clause and insert the following:

That this Act may be cited as the "Guayule Rubber Demonstration and Economic Development Act of 1978".

SEC. 2. Title V of the Public Works and Economic Development Act of 1965 is amended by inserting at the end thereof a new section as follows:

"GUAYULE RUBBER DEMONSTRATION PROJECT

"SEC. 518. (a)(1) The Congress recognizes that the development of a natural rubber industry, based on the guayule plant, would convey substantial economic benefits to peoples living in arid regions of the United States. Such an industry would comprise the agricultural production of the guayule plant and the development of processing and manufacturing facilities to extract the rubber and convert it to a usable or salable form.

"(2) The Congress further recognizes that natural rubber is a commodity of vital importance to the economy, defense, and general well-being of the Nation. The United States is totally dependent upon foreign sources for its supplies of natural (Hevea) rubber, which total about eight hundred thousand metric tons per year. Synthetic rubber manufactured from petroleum feedstocks cannot in all cases be substituted for natural rubber.

"(3) The Congress further recognizes that certain plant species of the genus Parthenium (guayule), native to Texas and the Republic of Mexico, are known to contain commercial quantities of extractable rubber. During World War II, through research carried out in the emergency rubber project, the United States demonstrated that guayule rubber is a promising and realistic substitute for Hevea rubber.

"(4) It is the policy of Congress, therefore, to provide for the development and demonstration of economically feasible means of culturing and manufacturing guayule for the extraction of natural rubber and other products to benefit the Nation and promote the economic development of the Southwest.

"(b) As used in this section, the term—

"(1) 'Secretary' means the Secretary of Commerce.

"(2) 'State' means each of the fifty States, the District of Columbia, the Commonweath of Puerto Rico; and Indian tribes as defined in the Indian Self-Determination and Education Assistance Act (P.L. 93–638, 88 Stat. 2203); and

"(3) 'Regional Commissions' refers to the Regional Action Planning Commission established pursuant to this title.

"(c) The Secretary, acting through the Regional Commission, is authorized and directed to initiate and carry out research, development, and demonstration projects to test and demonstrate the economic feasibility of the commercialization of natural rubber from the guayule plant to benefit the Nation and promote economic development of the Southwest. Such activities may include, but shall not be limited to—

"(1) increasing seed stock from wild plants in Texas, the Republic of Mexico, and other areas and borrowing or purchasing seed from other sources;

"(2) breeding and selection programs for the purpose of improving rubber yield, expanding insect and disease resistance, and broadening the ranges of cold and drought tolerance of the guayule plant;

"(3) conducting studies on the planting, cultivation, harvesting, and transporting the crop;

"(4) conducting research and development of extraction and processing techniques;

"(5) economic analysis of the production of guayule, including usable byproducts;

"(6) studying the environmental, social, and economic impacts of the commercial development of guayule in the Southwest;

"(7) evaluating the commercial marketability of guayule rubber; and

"(8) developing pertinent material and records on natural guayule rubber which shall be available to other Federal and State agencies and private persons who are interested in or in or involved in natural rubber research, development, or manufacture.

"(d)(1) There is hereby established a National Advisory Committee to assist the Secretary in carrying out the purposes and activities of this section. The Advisory Committee shall assist the Secretary in—

"(A) developing a plan establishing goals, timetables, and tasks to be undertaken in carrying out the purposes of the section;

"(B) establishing broad policy for implementing the plan carrying out the purposes of the section;

"(C) establishing criteria for evaluating and awarding of contracts for research, development, and demonstration projects; and

"(D) approving expenditures above $250,000.

"(2) The Advisory Committee shall consist of a representative of the Department of Agriculture, the Bureau of Indian Affairs of the Department of the Interior, the National Science Foundation, National Academy of Sciences, the private sector and the Federal Co-Chairmen of the appropriate Regional Action Planning Commissions.

"(e) The Secretary, in consultation with the Secretary of State, is authorized and encouraged to enter into cooperative projects with the Government of Mexico to accomplish appropriate aspects of the research and economic development provided for in this section. Such cooperative projects shall include, but not be limited to, projects to determine the economic feasibility of guayule-based agricultural and manufacturing enterprises.

"(f) The Secretary is authorized to accept financial or other assistance from any State or public agency to aid in carrying out the provisions of this section, and to enter into contracts with respect to such assistance and agreements with any State or public agency for the purpose of demonstrating, transferring, or applying results of research and economic development of guayule rubber.

"(g) In carrying out the provisions of this section, the Secretary, acting through the Regional Commissions, is authorized to—

"(1) make grants to States, educational institutions, associations of educational institutions, and other specific organizations and enter into contracts with such institutions and organizations and with industrial or engineering firms;

"(2) acquire the services of biologists, agronomists, foresters, geneticists, engineers, economists, and other personnel by contract or otherwise;

"(3) utilize the facilities of Federal and State institutions and other scientific laboratories;

"(4) establish and operate necessary facilities and pilot plants to carry out the continuous research, testing, development, and programing necessary to effectuate the purposes of this section;

"(5) acquire secret processes, technical data, invention, patent applications, patents, licenses, land and interests in land (including water rights), plants and facilities, and other property or rights by purchase, license, lease, or donation; and

"(6) foster and participate in regional, national, and international conferences relating to guayule culture and natural rubber manufacture.

"(h) One year after enactment of this section, the Secretary shall provide a report to Congress on the implementation of the program. No later than thirty-six months after enactment of this section, the Secretary shall report to the Congress on the status and findings of the demonstration program and plans for the remaining authorization.

"(i) Each grant, contract, agreement or other arrangement entered into pursuant to this section relating to scientific research shall contain provision governing the disposition of inventions produced thereunder in a manner which will protect the public interest and the person or organization which developed the invention: *Provided, however,* That nothing in this section shall authorize the Secretary to enter into grants, contracts, agreements, or other arrangements inconsistent with any provisions of law affecting the issuance or use of patents.

"(j) No more than 3 per centum of funds authorized under this section shall be available for administration and management of the program.

"(k) There are authorized to be appropriated $5,000,000 for each of the fiscal years

ending September 30, 1979 and September 30, 1980 and $10,000,000 for each of the fiscal years ending September 30, 1981 and September 30, 1982. Funds appropriated under this paragraph shall be available for obligation until the last day of the fiscal year after the year for which such funds are authorized.".

● Mr. DOMENICI. Mr. President, S. 1816 establishes a program of research, development and demonstration of guayule rubber production and manufacture. It proposes a total of $30 million in authorizations over the next 4 years to set up a grant program administered by the Department of Commerce through the Regional Action Planning Commissions.

To assist the Secretary in developing a program and distributing funding, an Advisory Committee is set up consisting of a representative from the Department of Agriculture, the Bureau of Indian Affairs, the National Science Foundation, the National Academy of Sciences, the private sector and the Federal cochairmen of the appropriate Regional Action Planning Commissions.

For a few moments, please let me turn my attention to this strange sounding shrub, guayule. Guayule is a plant grown almost exclusively in the Southwest because of its unique ability to thrive in areas with diminutive water supplies. In the early 20th century, guayule provided 10 percent of the world's rubber production. During WWII, production was increased in this country when Malaysian rubber was cut off. At that time the Government embarked on a large-scale guayule program that employed over 1,000 technicians. However, with the end of the war and the introduction of synthetic rubber produced from oil, the guayule program was terminated.

Consequently, today all of America's rubber is either natural rubber imported from Malaysia, about 800,000 metric tons per year, or rubber made from oil, which is also largely imported. Therefore, the United States is now caught in a vulnerable position because of its dependence on imports to maintain its rubber supply.

It seems clear that the time is now right for a renewed guayule effort, not only because of the Nation's strategic vulnerability, but also because of the rising cost of oil. Moreover, there is expected to be a shortfall of natural rubber of almost 1 million tons by the mid-1980's at a time when the world demand is 3½ million tons of rubber annually.

The Carter administration has recognized this serious situation and accordingly is seeking an international rubber accord with the producing nations to assure high prices, so that production may expand. However, even if such an accord is successful, it will do nothing to diminish the balance of payments and strategic problems associated with being completely dependent on foreign rubber.

A domestic rubber program based on guayule could save the Nation billions of dollars over the next decade. Today, the U.S. imports over $500 million worth of natural rubber annually. Moreover, at this time U.S. stockpiles of rubber are low and it will cost $385 million to replenish them to desired levels.

Guayule provides great potential for the Southwest. Today it grows wild in Texas, and it could be successfully grown in portions of Arizona, California and New Mexico as well. In areas that are facing severe water problems and consequently increasing agricultural costs, guayule production offers these States an agricultural alternative. Specifically, many of the Indian reservations in the Southwest are suited for guayule production, and thus, the natural rubber industry could offer an economic opportunity for chronically depressed reservations where unemployment hovers around 40 percent.

Mr. President, I believe that this is a very valuable program and urge my colleagues to support this bill.●

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–829), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

GENERAL STATEMENT

Guayule is a rubber-producing shrub which grows wild in parts of the Southwest and is ideally suited for cultivation in that arid region. Earlier in this century a guayule-based industry was being developed, but interest declined with access to inexpensive synthetics and abundant foreign rubber supplies. As world demand for rubber expands and the price of synthetic rubber continues to rise, interest has been renewed in the use of guayule as a domestic source of natural rubber. The successful commercialization of guayule could mean expanded economic opportunity and jobs in the American Southwest, particularly for the Indian people living in the area.

The average unemployment in the Southwest is about 10 percent, with levels as high as 15 to 20 percent in many places. The latest figures on per capita income illustrate the very low economic levels in the region, with the average below the national median and as low as $3,500 in some counties.

Because of the lagging economic activity of the region, two multistate regional commissions have been established to promote economic growth. The Four Corners Regional Commission and the Southwest Border Commission serve parts of California, Texas, and all of New Mexico and Arizona.

The regional commissions have become interested in the potential economic benefits of a successful guayule program. As part of their ongoing development efforts, both commissions have initiated guayule research activities.

The potential of guayule also comes at a very important time for this chronically water short region. The Southwest has experienced years of drought and declining water resources. Guayule, which requires little rainfall or irrigation, could become a valuable new crop, putting areas of marginal land back into production.

Guayule has been a proven source of rubber in the past. In 1910, it accounted for 10 percent of the world's supply. During World War II, the emergency rubber project was begun when foreign sources were cutoff. Before the program ended, 3 million tons had been produced.

World demand for natural rubber is steadily expanding and a worldwide shortage of supplies is expected by the mid-1980's.

While synthetic rubber provides over two-thirds of all needs, it has not completely replaced the natural variety. Because of its unique properties, natural rubber is preferred for many uses. Tire manufacture is the major use, consuming about 70 percent of all imports. Radial tires for cars used about twice as much natural rubber as biasply tires. Because natural rubber has lower heat buildup, it is used almost exclusively for the manufacture of aircraft tires.

A second occurrence which has altered the use of synthetics is the sharp increase in petroleum costs, the base for synthetic rubber.

There is also a strategic and trade importance to guayule. The United States is wholly dependent on foreign sources for all the natural rubber used in this country including all strategic and defense stockpile requirements. This country is importing 800,000 metric tons of natural rubber a year. At current value, this represents a cost of $500 million a year.

The stockpile reserves of natural rubber are very low at the present time and plans are underway to replenish them. The stockpile goal is 513,000 long tons but current inventory is only about 121,000 long tons.

The committee believes that the Department of Commerce is the appropriate Department to conduct the demonstration program authorized by the reported bill. Several of the agencies and programs within the Department of Commerce are specifically designed to promote and assist economic opportunity and job development in economically depressed areas. In addition, the Department of Commerce is the principal Federal agency for business development.

Representatives of several Federal departments presented testimony during the committee hearing. There was general agreement on the need for a federally supported demonstration program to test the potential of guayule development.

The witness from the National Academy of Sciences was the Director of the Academy's 1977 report on guayule. As he pointed out, the first recommendation of the report was that:

"The U.S. Government should initiate a program of research and development leading to commercialization of the guayule plant."

The Federal Cochairman of the Four Corners Regional Commission testified on the economic development benefits of a natural rubber program to the Southwest. The Regional Commission, which is responsible for promoting economic development in the area, has already undertaken several guayule projects.

The witness from the Bureau of Indian Affairs in the Department of Interior supported the need for a Federal program and discussed the benefits of such development to the Indian tribes of the area.

The representative of the Federal Preparedness Administration testified on the strategic importance of a domestic rubber industry. In prepared remarks the witness pointed out that:

"From the standpoint of the strategic and critical materials stockpile, the prospect of decreased foreign dependency for natural rubber as implied by the success of domestic development of guayule could be very significant. In a time of national emergency natural rubber will be critical both for direct military applications and for the industrial mobilization base in support of the national defense. During such a period, it is possible that many if not all foreign sources will not be accessible. Natural rubber thus emerges as one of the most important materials required for the restructuring of the stockpile."

The witness for the Department of Agriculture concurred in the need for Federal support of guayule and discussed past and current Department research efforts. It is the Department's position that Agriculture should be the lead agency in any Federal program.

The committee recognizes that several Federal agencies are presently involved in guayule development. The bill would permit each to pursue its own research programs. S. 1816 as amended is designed to coordinate these ongoing activities so that the commercial feasibility of guayule can be tested and demonstrated in the shortest time possible. Under the bill, the Department of Agriculture could continue its mandate to carry out basic plant research, one of the elements of the overall program.

To strengthen the involvement of other departments interested in the development of guayule, the committee added a requirement for an Interagency Advisory Committee.

COST OF LEGISLATION

The bill authorizes $30 million over 4 fiscal years, beginning October 1, 1978: $5 million for fiscal year 1979; $5 million for fiscal year 1980; $10 million for fiscal year 1981; and $10 million for fiscal year 1982. Any unused authorization shall remain available for 1 year after the year for which it was initially authorized.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION AUTHORIZATION ACT OF 1979

The Senate proceeded to consider the bill (H.R. 11302) to authorize appropriations for environmental research, development, and demonstrations for the fiscal year 1979, and for other purposes, which had been reported from the Committee on Environment and Public Works with amendments as follows:

On page 2, beginning with line 3, strike through and including page 4, line 4, and insert in lieu thereof the following:

(1) $80,865,000 for water quality activities authorized under the Federal Water Pollution Control Act of which—

(A) $24,001,000 is for the Health and Ecological Effects program;

(B) $10,875,000 is for the Industrial Processes program;

(C) $5,539,000 is for the Monitoring and Technical Support program;

(D) $10,940,000 is for the Public Sector Activities program; and

(E) $29,510,000 is for the Energy program.

(2) $11,998,000 for activities authorized under the Federal Insecticide, Fungicide, and Rodenticide Act of which—

(A) $10,798,000 is for the Health and Ecological Effects program; and

(B) $1,200,000 is for the Industrial Processes program.

(3) $16,150,000 for water supply activities authorized under the Safe Drinking Water Act in the Public Sector Activities program.

(4) $11,504,000 for toxic substance control activities authorized under the Toxic Substances Control Act of which—

(A) $6,864,000 is for the Health and Ecological Effects program;

(B) $1,440,000 is for the Industrial Processes program; and

(C) $3,200,000 is for the Monitoring and Technical Support program.

(5) $1,930,000 for radiation activities authorized under the Public Health Act, in the Health and Ecological Effects program.

(6) $144,952,000 for air quality activities authorized under the Clean Air Act of which—

(A) $37,414,000 is for the Health and Ecological Effects program;

(B) $5,000,000 is for the Industrial Processes program;

(C) $16,283,000 is for the Monitoring and Technical Support program; and

(D) $86,255,000 is for the Energy program.

(7) $11,595,000 for solid waste activities authorized under the Resource Conservation and Recovery Act in the Public Sector Activities program.

(8) $4,000,000 for noise control activities authorized under the Noise Control Act of which—

(A) $2,000,000 is for the Health and Ecological Effects program; and

(B) $2,000,000 is for the Industrial Processes program.

(9) $34,757,000 for intermedia activities, of which—

(A) $5,972,000 is for the Health and Ecological Effects program;

(B) $25,000 is for the Public Sector Activities program;

(C) $14,900,000 is for the Monitoring and Technical Support program; and

(D) $13,860,000 is for the Anticipatory Research program.

On page 7, beginning with line 17, insert the following:

(d) Energy-related environmental control projects which were authorized to be administered by the Environmental Protection Agency in fiscal year 1978 shall not be transferred administratively or through budget amendment to the Department of Energy, nor shall funding for the Environmental Protection Agency for such projects under this Act be reduced as a result of any present or proposed administrative or budget transfer.

On page 8, 6, strike "$10,000,000" and insert "$7,000,000";

On page 9, beginning with line 16, insert the following:

(d)(1) There is authorized to be appropriated to the Environmental Protection Agency, for grants to qualified citizens groups in State and regions, $3,000,000.

(2) Grants under this subsection may be made for the purpose of supporting and encouraging participation by qualified citizens groups in determining how scientific, technological, and social trends and changes affect the future environment and quality of life of an area, and for setting goals and identifying measures of improvement.

(3) The term "citizens group" shall mean a nonprofit organization of citizens having an area-based focus, which can demonstrate a prior record of interest and involvement in goal-setting exercises and studies concerned with improving the quality of life, including plans to identify, protect, and enhance significant natural and cultural resources and the environment.

(4) A citizens group shall be eligible for assistance only if certified by the Governor as a bona-fide organization entitled to receive Federal assistance to pursue the aims of this program. The group shall further demonstrate its capacity to employ usefully the funds for the purposes of this program.

(5) After an initial application for assistance under this section has been approved, the Administrator may make grants on an annual basis, on condition that the applicant submits to the Administrator annually—

(A) an evaluation of the progress made during the previous year in meeting the objectives for which the grant was made;

(B) a description of any changes in the objectives of the activities; and

(C) a description of the proposed activities for the succeeding one year period.

(6) A grant made under this program shall not exceed 75 per centum of the estimated cost of the project or program for which the grant is made, and no group shall receive more than $50,000 in any one year.

On page 12, beginning with line 10, insert the following:

RESEARCH COORDINATION

SEC. 6. (a)(1) The Administrator of the National Oceanic and Atmospheric Administration shall establish and act as chairman of a Coordinating Committee for the purpose of preparing, in consultation with the Chairman of the Council on Environmental Quality, the comprehensive five-year plan (hereinafter referred to in this Act as the "plan") relating to Federal ocean pollution research and development and monitoring called for under the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 (Public Law 95-273). Such coordinating committee shall also perform the functions required under section 4(b)(4) of that Act.

(2) Members of the Coordinating Committee shall include the appropriate official responsible for the relevant research efforts of each of the following agencies:

(A) the Environmental Protection Agency;

(B) the Department of Interior;

(C) the Office of Science and Technology Policy in the Executive Office of the President;

(D) the National Science Foundation; and

(E) the appropriate officials responsible for the relevant research efforts of such other agencies carrying out related efforts as the Administrator for the National Oceanic and Atmospheric Administration shall designate. A representative of the Department of State shall sit on the Coordinating Committee to encourage and facilitate international coordination.

(3) The Administrator of the National Oceanic and Atmospheric Administration may request a report from any Federal agency for the purpose of determining if that agency should sit on the Coordinating Committee.

(4) Within six months after the date of enactment of this section, the Committee shall report to the Committee on Science and Technology of the House of Representatives and the Committee on Environment and Public Works of the Senate on its progress toward development of the comprehensive plan.

(b) In preparing such plan and coordinating such ocean pollution research and development and monitoring, priority shall be given to research and monitoring in support of the regulatory program of the Environmental Protection Agency and other Federal agencies with regulatory responsibilities applicable to the marine environmental.

On page 14, line 5, strike "6" and insert "7";

On page 15, beginning with line 12, insert the following:

(d) For all programs in this section, the Administrator shall place special emphasis on providing opportunities for education and training of women and minority groups.

On page 15, line 16, strike "7" and insert "8";

On page 16, line 8, after "Act" insert a comma and "where such project involves direct human consumption of treated wastewater";

On page 16, line 14, after "(1)" insert "for a project which involves direct human consumption of treated wastewater";

On page 18, line 2, strike "$25,000,000" and insert "$15,000,000".

The committee amendments were agreed to.

UP AMENDMENT NO. 1324

Mr. ROBERT C. BYRD. Mr. President, I send to the desk an amendment

by Mr. CULVER and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) for Mr. CULVER, proposes unprinted amendment numbered 1324.

Mr. ROBERT C. BYRD. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 17, inserting after "Agency," the phrase "to be available for obligation after September 30, 1978,".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–877), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to extend through fiscal year 1979 the authorization for appropriations for the environmental research and development program conducted by the Environmental Protection Agency.

GENERAL STATEMENT

H.R. 11302 passed the House of Representatives on April 27, 1978, after having been reported favorably by the Committee on Science and Technology. As passed by the House, H.R. 11302 authorized $431 million compared with $324 million requested by the President to Congress. The Subcommittee on Resource Protection held a hearing February 1, 1978, on the fiscal year 1979 budget for research and development in the Environmental Protection Agency submitted by the President. The hearing and subsequent analyses by the Committee revealed certain inadequacies in the administration request. The committee prepared a budget which it felt to be responsive to the needs of the research program of the Environmental Protection Agency, and the authorizations contained in the bill as reported by the committee are in the nature of a substitute for the equivalent section of the House-passed act.

The Subcommittee on Resource Protection on May 2, 1978, amended the House-passed bill and ordered it reported to the full committee. H.R. 11302, as amended, was ordered reported to the Senate on May 5, 1978, by a voice vote of the full Committee on Environment and Public Works.

As amended and reported, the bill has the following major provisions:

1. It authorizes $340 million for research and development in the Environmental Protection Agency's regular research programs.

2. It has several additional authorizations:

a. $7 million for grants to support long-term research;

b. $15 million to demonstrate recycling and reuse of waste water;

c. $3 million to complete the Gulf Coast Air Study authorized in the Clean Air Act Amendments of 1977;

d. $3 million for grants to support citizens groups engaged in certain studies;

e. $1 million for a study of the coordination and application of environmental research in the Federal Government; and

f. $5 million for environmental research at the National Bureau of Standards.

3. It contains language added by the committee to address two issues of concern:

a. The bill expressly prohibits the proposed transfer of research on energy-related pollution control technologies from the Environmental Protection Agency to the Department of Energy; and

b. The committee has added a provision to establish a specific mechanism for future coordination of Federal research on ocean pollution.

4. It encourages the Agency to respond to increasing demands on its staff by training and education to meet those demands. The committee added a provision which gives special emphasis to development of opportunities for women and minority groups.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GIFTS OR DEVICES OF PROPERTY FOR THE BENEFIT OF THE DEPARTMENT OF AGRICULTURE

The bill (S. 2951) to authorize the Secretary of Agriculture to accept and administer on behalf of the United States gifts or devices of real and personal property for the benefit of the Department of Agriculture or any of its programs, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Secretary of Agriculture is authorized to accept, receive, hold, utilize, and administer on behalf of the United States gifts, bequests, or devises of real and personal property made for the benefit of the United States Department of Agriculture or for the carrying out of any of its functions. For the purposes of the Federal income, estate, and gift tax laws, property accepted under the authority of this Act shall be considered as a gift, bequest, or devise to the United States. Any gift of money accepted pursuant to the authority granted in this Act, or the net proceeds from the liquidation of any property so accepted, or the proceeds of any insurance on any gift property not used for its restoration shall be deposited in the Treasury of the United States for credit to a separate fund and shall be disbursed upon order of the Secretary of Agriculture. The Secretary of Agriculture may promulgate regulations to carry out the provisions of this Act.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ARREST OF MATERIAL WITNESSES

The bill (S. 2512) to provide explicit authority for the arrest of material witnesses, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1326 of title 23, District of Columbia Code, is amended—

(a) by inserting in the title thereof "Arrest and" imediately before "release of material witnesses"; and

(b) by inserting in the first sentence thereof, immediately after "judicial officer", the following: "may order the arrest of such witness and".

SEC. 2. The item relating to District of Columbia Code, section 23–1326 in the table of contents for subchapter II of chapter 13 of title 23, District of Columbia Code, is amended to read as follows:

"23–1326. Arrest and release of material witnesses."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–894), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to provide explicit authority in the District of Columbia for the arrest of witnesses whose testimony is material to any criminal proceeding.

BACKGROUND

Section 602(a)(9) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973 (the Home Rule Act) reserves sole authority in the Congress of the United States to enact any act with respect to Title 23 (relating to criminal procedure) of the District of Columbia Code. Title 23, section 1326 contains the authority to detain, or release upon conditions imposed pursuant to section 1321, witnesses whose testimony is material to a criminal proceeding. This is the proper section in which to include the authority to arrest such witnesses.

NEED FOR LEGISLATION AND LEGISLATIVE HISTORY

This legislation, which would plug what is apparently an unintentional gap in the law, was requested by Attorney General Griffin B. Bell. It appears that the power to arrest a material witness was explicitly provided for by Federal statute from 1789 to 1948. *See* act of September 24, 1789, ch. 20, § 33, 1 Stat. 91; act of August 8, 1846, ch. §7, 9 Stat. 73; 28 U.S.C. §§ 657, 659 (1925). However, this explicit authority was apparently dropped by inadvertence from title 18, United States Code, when Congress enacted Federal Rule of Criminal Procedure 46(b). *See* act of June 25, 1948, Public Law No. 772, ch. 645, § 21, 62 Stat. 862. At present, the applicable Federal and District of Columbia statutes allow for the release on conditions of a material witness who is detained in a criminal proceeding. However, there is no rule or statutory provision explicitly permitting the arrest of a material witness. *See,* 18 U.S.C. § 1326, and D.C. Superior Court Criminal Rule 46(a)(6).

The Ninth Circuit of Appeals took note of this problem and held that "a grant of power to arrest material witnesses can fairly be inferred from rule 46(b) and from section 3149 as well." *Bacon* v. *United States,* 449 F. 2d 933, 937 (9th Cir. 1971); *see* also *United States* v. *Anfield,* 539 F. 2d 674, 677 (9th Cir. 1976). However, the *Bacon* decision candidly acknowledged that the effect of rule 46(b) on the superseded provisions which had explicitly authorized the arrest of material witnesses "does not clearly emerge from the statutory history" 449 F. 2d at 938. In order to

obviate this confusion with respect to Federal law, the Subcommittee on Criminal Law and Procedure of the Senate Judiciary Committee has reported out the proposed revisions of the Federal Criminal Code, S. 1437, with an amendment which would specifically authorize the arrest of a material witness. *See* § 3505, p. 240, I. 29 of committee print. A similar statutory amendment is needed to clarify the law in the District of Columbia. Accordingly, the Committe has developed the legislative proposal which would amend section 1326 of title 23, D.C. Code, so as to provide explicit authority for the arrest of material witnesses. Without such an amendment, law enforcement authorities in the District of Columbia will be placed in a different position if Superior Court judges in future cases raise the question as to what authority they have to issue arrest warrants for material witnesses. The ninth circuit's analysis of this issue may not persuade a judge in a given case that it is proper for him to issue an arrest warrant and the ends of justice may be thwarted by this gap in the law.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DISTRICT OF COLUMBIA PRETRIAL SERVICES AGENCY

The bill (S. 2556) to change the name of the District of Columbia Bail Agency, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1301 of title 23, D.C. Code, is amended by deleting "District of Columbia Bail Agency" and inserting in lieu thereof "District of Columbia Pretrial Services Agency".

SEC. 2. Any law, rule, regulation, documents or record of the United States in which reference is made to the District of Columbia Bail Agency referred to in the first section of this Act shall be deemed to be a reference to the District of Columbia Pretrial Service Agency.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–895), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to change the name of the District of Columbia Bail Agency to the Pretrial Services Agency, which title more accurately describes its function.

BACKGROUND

Section 602(a)(9) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973 (the Home Rule Act) reserves sole authority in the Congress of the United States to enact any act with respect to title 23 (relating to criminal procedure) of the District of Columbia Code. Title 23, section 1301, of the code contains the name and purpose of the Agency.

NEED FOR LEGISLATION

This legislation was requested by the present Director of the District of Columbia Bail Agency. At a hearing before the Subcommittee on Governmental Efficiency and the District of Columbia early this year, Mr. Beaudin asked that his Agency's name be changed to the District of Columbia Pretrial Service Agency. He explained that, in 1971, when the Bail Agency's statute was amended, concern for its growth, appropriate function, and role in the system precluded attention on the subtle and seemingly insignificant matter of its name.

The character of the Agency's services and its functions have evolved, over the years, to keep in step with the changing methods of dealing with criminal defendants prior to trial. Money bond, or bail, is no longer the only way of assuring the attendance of persons at their trials. Personal recognizance, third-party custody, and pretrial detention are only a few of the alternatives available to the court today. The research and information provided by the Agency have been expanded and refined to meet the needs of District of Columbia Superior Court judges.

In addition, the present name of the Agency has caused confusion on the part of the public and some employees in the criminal justice system as to the services it offers.

Finally, in title 18, section 3152, et seq., of the United States Code, Congress created 10 pilot agencies in 10 Federal districts modeled after the District of Columbia Bail Agency. Each of these organizations is to be named "Pretrial Services Agency." This bill would make the District of Columbia organizational title consistent with those other, identical agencies, as well as providing a more accurate and less confusing appellation.

Mr. ROBERT C. BYRD. I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Budget Committee may have until midnight tonight to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIKES ACT AMENDMENTS OF 1978

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 10882 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, the committee is discharged from further consideration of H.R. 10882.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 10882), an act to authorize appropriatons to carry out conservation programs on military reservations and on public lands during fiscal years 1979, 1980, and 1981.

The Senate proceeded to consider the bill.

Mr. ROBERT C. BYRD. Mr. President, I move that all after the enacting clause be stricken and the text of S. 2987, as passed yesterday, be inserted in lieu thereof and that H.R. 10882, as so amended, be considered as having been read a third time, passed, and a motion to reconsider tabled.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that a statement on behalf of Senator WALLOP appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR WALLOP

Recently I introduced jointly with Senator Culver a bill to reauthorize appropriations for the Sikes Act. The legislation passed the Senate Environment and Public Works Committee unanimously, and I hope the Senate will act favorably on H.R. 10882 today as well.

Last year the Resource Protection Subcommittee of the Senate Environment and Public Works Committee held oversight hearings to decide if the Sikes Act should be reauthorized, and to examine the need for changes in the law. Those hearings pointed out a number of problems associated with this law, and evinced great support for reauthorization of the law by state game and fish agencies and conservationists. The bill being considered today should rectify some of the problems with its implementation, and serve notice to federal agencies to implement the indicated conservation programs.

In 1960 Congress passed the Sikes Act to provide for fish and wildlife conservation programs on military lands run by the Department of Defense. Today DOD controls some 26 million acres, and has an important role in fish and wildlife management on them.

In 1974 Congress moved to include U.S. Forest Service lands and Bureau of Land Management Lands under the law. The amendment provided specific direction for those agencies to develop federal/state cooperative management agreements for wildlife management. Again, since states traditionally have managed wildlife while federal agencies manage habitat, a cooperative approach is essential.

During hearings on this bill it became apparent that the full fish and wildlife and recreation potential on military lands has not been realized. This is probably because the administration has never requested any funds for DOD or the Secretary of the Interior to carry out their duties under the Sikes Act on these lands. Interior has been able to give some fish and wildlife management advice to DOD, but funds have been insufficient. Because DOD never requested or consequently received Sikes Act funds, it has been relying on hunting and fishing fee revenues for wildlife and creation opportunities on military bases. Although these fees can be sizeable, they fall short of what is needed. According to a recent GAO report, there is an estimated $2 million backlog in unfunded fish and wildlife projects on these bases. While some bases have good programs, most fall short of meeting their potential in these areas, and the American public could benefit greatly from increased wildlife and recreation opportunities on these bases.

State game and fish agencies testified that many states have developed cooperative management plans with the Forest Service and BLM, but that no federal funds had ever been requested or provided under the Sikes Act. Fish and wildlife management programs on public lands have historically been underfunded despite federal law recognizing the need to manage these resources. The agencies have worked hard writing acceptible management plans in cooperation with the Forest Service and BLM, but many expressed dismay over inadequate funding requests and appropriations under the Sikes Act. Under other authorities the BLM received $6.4 million for fish and wildlife research and management for more than 450 million acres of public lands; while the Forest Service received $34.6 million for 187 acres. At the time of our hearing 40 states had signed cooperative management agree-

ments with the Forest Service at an estimated cost of $30 million, for the first year, while 11 states had completed 52 habitat management plans on BLM lands at an estimated cost of $10 million.

H.R. 10882 would provide $1.5 million annually for DOD and $4.5 million for the Department of Interior for Sikes Act implementation on military lands. The Department of Interior is authorized $10 million in 1978 and $15 million in 1980 for the BLM, while the Department of Agriculture is authorized $35 million in 1979 and $40 million in 1980 for the Forest Service. Agencies would have to report back to the Environment and Public Works Committee whenever its appropriations are less than those authorized under this Act, and are directed to coordinate the directives of the Sikes Act with other federal land management efforts. The agencies have stated they recognize the importance of the Sikes Act and are in full agreement with the need for cooperative federal/state wildlife programs.

As use pressures on federal lands grow inevitably, we will need to provide more and better recreation opportunities for people and wildlife management. The Sikes Act lets the states be full partners in these efforts, and with effective implementation, should prove a boon to good planning and management. I hope Congress recognizes this law and insures that it is carried out in full measure in the future.

REAUTHORIZING THE SIKES ACT

● Mr. CULVER. Mr. President, H.R. 10882, extends the authorization for appropriations under the Sikes act for 2 years.

The Sikes act, first enacted by Congress in 1960, authorized the Secretary of Defense to join with the Secretary of the Interior and appropriate State conservation agencies in conducting fish and wildlife conservation and public recreation programs on over 25 million acres of military lands located throughout the Nation. In 1974, Congress significantly expanded the scope of this law by directing the Secretaries of Agriculture and the Interior to develop similar Federal-State cooperative arrangements for conservation plans on lands under the jurisdiction of the Forest Service, the Bureau of Land Management (BLM), the National Aeronautics and Space Administration, and the Department of Energy. This expanded coverage included specific requirements for improvement of wildlife habitat, range rehabilitation, and protection of endangered species.

The act is significant because it, for the first time, gave the States an equal partnership with the Federal Government in developing recreational and conservation programs on Federal lands. In addition, it encouraged the comprehensive management of these resources on an ecosystem rather than a species-by-species basis.

Some progress has been made in the implementation of this important program. For instance, approximately 237 agreements covering 19 million acres of military lands have been concluded between the Defense Department, the Fish and Wildlife Service, and those States in which these lands are located. In addition, the Bureau of Land Management has negotiated agreements with 11 Western States and is currently instituting over 20 area-specific management plans for the protection of fish and wildlife. Prior to 1974, the Forest Service had negotiated cooperative agreements with over 40 States and subsequently has developed 36 new plans.

Nonetheless, testimony received during hearings by the Subcommittee on Resource Protection indicates that implementation of the Sikes Act has fallen far short of its potential and of congressional expectation. For instance, according to an August 1977 report by the General Accounting Office, "significant recreation opportunities may be lost, because neither Defense nor Interior has systematically attempted to identify where such recreational opportunities exist or where the need for such opportunity is greatest." Similarly, during hearings last November by the Resource Protection Subcommittee, witnesses from State fish and wildlife agencies and national conservation organizations criticized the lack of progress by the Forest Service and the Bureau of Land Management in developing these programs.

While Federal land management agencies have testified that lack of funds has been the major obstacle to implementation of the Sikes Act program, they have not requested, nor has the Office of Management and Budget approved, adequate funds in the budget process for activities under the Sikes Act.

In order to address this situation, a provision of H.R. 10882 requires that, in the event funds requested by an agency under the law are less than those authorized, the Secretary shall specifically set forth reasons for requesting the lesser amount. By justifying funding requests in this manner, the responsible agencies will have to fully discuss the needs of the program.

H.R. 10882 authorizes $1.5 million to the Secretary of Defense and $4.5 million to the Secretary of the Interior annually for cooperative fish and wildlife conservation and public recreational programs on military lands. In addition, a total of $25 million is provided for cooperative programs on BLM lands, and $75 million for programs on Forest Service lands. These are the amounts that have been identified by the Federal and State agencies involved as the level of funding necessary to carry out their cooperative resource management activities over the next 2 years.

While implementation of the Sikes Act program has been slow, I am greatly encouraged by assurances I have received from these Federal agencies that their efforts will be improved.

Mr. President, the Sikes Act is a vitally important conservation program which has the strong support of the States and the conservation community. I urge my colleagues to approve legislation reauthorizing funding for this program.●

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 2987 be indefinitely postponed.

The PRESIDING OFFICER. Does the Senator ask that passage be vitiated?

Mr. ROBERT C. BYRD. And that passage of the bill be vitiated.

The PRESIDING OFFICER. The passage is vitiated and the bill is indefinitely postponed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR TECHNICAL AND CLERICAL CORRECTIONS IN ENGROSSMENT OF S. 2704

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 2704.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERRAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the message from the House of Representatives on H.R. 1257 be jointly referred to the Committees on Commerce and Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair on behalf of the Vice President appoints the following Senators to attend the Mexico-United States Interparliamentary Conference to be held in Washington, D.C., June 5–10, 1978: The Senator from North Carolina (Mr. MORGAN), the Senator from Maryland (Mr. SARBANES), the Senator from Arizona (Mr. DECONCINI), the Senator from New York (Mr. JAVITS), the Senator from Texas (Mr. TOWER), and the Senator from Illinois (Mr. PERCY).

SPECIAL ORDERS FOR MONDAY, JUNE 5, 1978

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, June 5, after the two leaders or their designees have been recognized under the standing order, Mr. HELMS be recognized for not to exceed 15 minutes; and that, following the recognition of Mr. HELMS, the Senate resume its consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, JUNE 5, 1978

Mr. ROBERT C. BYRD. Mr. President, hoping that as many Senators as can will avail themselves of the opportunity to visit the land of iridescent sunset and viridescent hills, West Virginia, which is almost heaven, I move that the Senate, in accordance with the provisions of the concurrent resolution

that was passed, House Concurrent Resolution 634, stand in recess until the hour of 12 o'clock noon on the day of Monday, June 5, 1978.

The PRESIDING OFFICER (Mr. BAYH). Did the Senator say West Virginia or Indiana?

Mr. ROBERT C. BYRD. West Virginia.

The motion was agreed to; and at 2:36 p.m., the Senate recessed until Monday, June 5, 1978, at 12 o'clock noon.

NOMINATION

Executive nomination received by the Senate May 26, 1978:

DEPARTMENT OF STATE

Warren Demian Manshel, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 26, 1978:

REPRESENTATIVES TO THE TENTH SESSION OF UNITED NATIONS GENERAL ASSEMBLY

The following-named persons to be Representatives of the United States of America to the Tenth Special Session of the General Assembly of the United Nations Devoted to Disarmament:

Andrew J. Young, of Georgia.

W. Averell Harriman, of New York.

George McGovern, U.S. Senator from the State of South Dakota.

Charles W. Whalen, Jr., U.S. Representative from the State of Ohio.

Paul Newman, of Connecticut.

The following-named persons to be Alternate Representatives of the United States of America to the Tenth Special Session of the General Assembly of the United Nations Devoted to Disarmament:

Adrian S. Fisher, of the District of Columbia.

James F. Leonard, Jr., of New York.

Charles McC. Mathias, U.S. Senator from the State of Maryland.

Paul Simon, U.S. Representative form the State of Illinois.

Marjorie Craig Benton, of Illinois.

DEPARTMENT OF JUSTICE

Gilbert G. Pompa, of Texas, to be Director, Community Relations Service, for a term of 4 years.

Walter M. Heen, of Hawaii, to be U.S. attorney for the district of Hawaii for the term of 4 years.

Ishmael A. Meyers, of the Virgin Islands, to be U.S. attorney for the district of the Virgin Islands for the term of 4 years.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Adrian G. Duplantier, of Louisiana, to be U.S. district judge for the eastern district of Louisiana.

EXTENSIONS OF REMARKS

IN PRAISE OF PENN SOUTH RESIDENTS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. WEISS. Mr. Speaker, I am always pleased to lend my support and congratulations to citizens who engage in extraordinary public-spirited action. An outstanding recent example of this took place last February when Penn South Homes, a middle-income cooperative in the Chelsea neighborhood of Manhattan, paid the city of New York $225,000 in real estate taxes. Because these taxes were not due until July 1978, their early payment enabled the city to avoid some of the borrowing and accompanying interest charges it would have incurred had the residents of Penn South not shown their commitment to helping the city cope with its financial crisis. In order to make this early payment for the third consecutive year, over 40 percent of Penn South's tenants paid their July rent last January, a significant personal financial sacrifice, especially for the many senior citizens who live there.

In appreciation of this exemplary action, the Council of the City of New York passed a resolution commending the residents of Penn South. In recognition of their achievement, I would like to include this resolution as part of the official record as an expression of my support and congratulations.

THE COUNCIL

MARCH 14, 1978.

RES. NO. 147

Resolution of Commendation in Recognition of the Public Spirited Action, for the Third Consecutive Year, by the Co-operators of the Penn South Houses in Manhattan of Prepaying Their July Real Estate Taxes and Helping the City by Waiving the 8 Per Cent Discount.

By Council Member Greitzer; also Council Members Codd, Friedlander, Messinger, Michaels, Ryan, Trichter and Stern—

Whereas, The co-operators of Penn South Houses, a middle income co-operative in the Chelsea neighborhood of Manhattan, presented The City of New York with a check for $225,000 on February 24th in prepayment of real estate taxes not due until July 1978 thereby enabling the City to avoid some of the exorbitant interest it has had to pay to borrow money; and

Whereas, The co-operators of Penn South showed an especially praise worthy deepening of their commitment in that this year the payment is the record amount of $225,000 in comparison to $212,000 in 1977 and $200,000 in 1976; and

Whereas, The residents, once again, further saved the City over $16,000 directly by waiving the 8 per cent discount that is offered to owners who prepay their taxes; and

Whereas, Over 40 per cent of the tenants in this middle income co-operative of 2,800 families paid their July rent in January and personally sacrified the interest they could have gotten by keeping this money in their own bank accounts or by claiming the 8 per cent discount; and

to develop similar programs; now, , therefore,

Whereas, Senior citizens comprise a very high percentage of Penn South's 6,000 residents including many retired garment industry workers, teachers and City employees, who are, therefore, hard pressed to make such a sacrifice for New York City; and

Whereas, The residents are doing this for the third year in recognition of the continuing financing crisis; and

Whereas, The initiative and persistence shown in finding ways for individuals to pitch in and help the City is a hopeful sign for the survival of the City, and its is hoped that other co-operatives can be encouraged to develop similar programs; now, therefore, be it

Resolved, That the Council of The City of New York once again extend its highest commendation to the co-operators of Penn South Houses, and urges the Housing and Development Administration to cite this program in a letter to all co-operatives in New York City requesting that they investigate such a program.

Adopted.●

CONGRATULATIONS TO NATIONAL DECA STAFF

HON. LARRY PRESSLER

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. PRESSLER. Mr. Speaker, as you well know, vocational education has grown tremendously over the years since passage of the Smith-Hughes Act of 1917. As a result of this growth there are seven service areas recognized today within vocational education. One of these service areas is distributive education which is designed to prepare young men and women to enter the many careers in the fields of marketing, merchandising, and management. A vitally important part of the makeup of distributive education is DECA—Distributive Education Clubs of America.

DECA provides unique opportunities for students enrolled in distributive education programs to gain individual skills and knowledges for successful entrance into occupations of their choice. Through quality services of DECA, students also learn to contribute and assume civic responsibilities within their community and Nation, develop social skills allowing adaptiveness, and learn leadership skills which contribute successfully to the ideals of a free enterprise system which is so important to the economic growth and stability of our Nation.

Just a short time ago, I experienced the opportunity to participate in the DECA National Career Development Conference held in Washington, D.C. This conference provided the opportunity for approximately 8,000 members, advisors, and guests to witness the quality experiences provided students of distributive education programs by DECA activities. The conference was organized into two

parts—A Junior Collegiate Career Development Conference of May 1–5, 1978 and a High School Career Development Conference held on May 7–12, 1978.

The successful planning and administration of these events were conducted by individuals within the national DECA office who worked extremely hard to bring together people from across the Nation. A task of this magnitude, indeed requires dedication and it is with tremendous pride that I direct the attention of my colleagues to the DECA staff who made the National Career Development Conference a rewarding experience of the highest quality for the 8,000 persons in attendance. These outstanding individuals have exemplified the kind of dedication and competence which is so essential to serve the needs of thousands of persons through the services of vocational education.

Each staff member of DECA is worthy of special recognition and I would like to acknowledge their good work by extending my congratulations and thanks for a job well done to the following people:

Mr. Harry Applegate.—Is the executive director of DECA and is responsible for overseeing and administrating the total program nationwide. Harry's capable leadership has contributed largely to the impressive growth of DECA since he first joined the staff in 1955. At that time, DECA clubs located in 21 States involved a total membership of 19,000. Today DECA's membership of 200,000 is representative of 50 States and 4 territories.

Mr. A. Dale Clark.—Is the DECA associate director who serves as the conference manager to coordinate all efforts of the conference which includes responsibilities for housing, feeding, transportation, and contracting services. Mr. Clark is supported by administrative secretary, Mrs. Becky Grim.

Ms. Lynne Rhudy.—Is the director of competitive events who is responsible for scheduling all competitive events, selecting competition sites, securing around 700 persons to serve as national judges, computerizing all student participants including their rating scales for each event, and coordinating the selection of eight finalists in each of DECA's 28 events. Ms. Rhudy is supported by Ms. Doreen Farina and Ms. Nancy Cherry plus 12 selected volunteers.

Mr. David Green.—Is the director of program services who is responsible for all the national officer scheduling, the booking, and coordination of all meetings, general sessions, workshops, and other meetings including physical arrangements and visual aid needs of each meeting, plus ordering trophies and recognition for student events. He is supported by Mrs. Tammy Macaraeg and Mrs. Mary Corvin.

Ms. Manera Constantine.—Is the director of professional services. She is the DECA liaison for the DECA Junior Collegiate Division, DECA National Advisory Board, DECA Congressional Advisory Board and Professional Division of DECA. She is responsible for coordination of workshops, and meetings of each of these groups. She is supported by Ms. Marilyn Grubisich.

Ms. Linda Kyles—Is the director of publications and is responsible for all preconference printing, regular publications, exhibit manager for the conference, CDC publicity and public relations, conference photo and visual coverage and press releases for hometown coverage of winners and other recognition at the CDC. She is supported by Ms. Micki Kurelich and Mrs. Eva Ditto.

Mr. Loris C. Lorenzi—Is the DECA regional director who works primarily with the DECA North Atlantic Region. During the CDC, Mr. Lorenzi coordinates activities for tours, busing, ticket sales, and special events. Ms. Debra Miller provides supportive services.

Mrs. Dorothy Wolf and Mrs. Wanda Lukasik—Remained at the National DECA Center to coordinate and arrange tours for hundreds of DECA members and advisors who were seeing their national home for the first time. Mrs. Wolf is the national DECA financial secretary and Mrs. Lukasik is the national DECA receptionist.

As chairman of DECA's Congressional Advisory Board this past year, I have witnessed the success of DECA efforts. Over 90 percent of the distributive education secondary and post secondary graduates are either employed or are in pursuit of education and training. I believe this speaks well for the efforts of those who work toward serving individual needs through vocational education services.●

TRIBUTE TO THE MIA'S

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Ms. MIKULSKI. Mr. Speaker, in honor of Memorial Day, I would like to take this opportunity to reflect about the tributes that we pay on that day. On Memorial Day we honor those men and women who gave their lives so that we may be free today.

As we honor our dead this Memorial Day, let us also remember those who suffer daily because a member of their family is still listed as "missing in action" in Southeast Asia. It has been over 3 years since the United States has fully withdrawn from Vietnam, and still we are unable to fully account for those who are missing in action. There are about 2,400 who are unaccounted for, with over 30 coming from my home State of Maryland. It is an unfair toll that is being exacted from those families who still are not certain of the fate of their loved ones who served our Nation in Southeast Asia.

On May 8, the House of Representatives passed House Concurrent Resolution 583, which concerns those who remain abong the unaccounted. The resolution was passed overwhelmingly—by a vote of 369 to 0. It expresses the sense of Congress that the President should instruct the Secretary of State to request the Secretary General of the United Nations to work through UN agencies to secure a full accounting of Americans missing in Southeast Asia. Present efforts to secure an accounting are not productive. I can only be hopeful that President Carter will work diligently to resolve this heart-wrenching problem.

Next year when we celebrate Memorial Day, I hope that it will be a true celebration—when we can move one step closer to healing the wounds left by our involvement in Vietnam, by knowing the fate of those who, this Memorial Day, are unaccounted for.●

CLERK-HIRE "SLOT" RESOLUTION

HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. BRECKINRIDGE. Mr. Speaker, with the cosponsorship of 123 Members, I have introduced a resolution which addresses a problem that most Members must face.

As chairman of the Congressional Rural Caucus, a bipartisan ad hoc group of Members of Congress—and as a member of the Democratic Study Group, Democratic Research Organization, Congressional Clearinghouse on the Future, and the Environmental Study Conference—I routinely participate in voluntary "pooling" arrangements to secure staff for such ad hoc House-related, legislative support organizations. In this arrangement several Members "pool" clerk-hire funds together to secure staff members to process legislative mail, handle specialized projects, and provide common legislative services including research; the preparation of bibliographies, papers, and publications; clearinghouse facilities, and other routine legislative functions.

House Administration Committee rules are presently so interpreted as to require that, when two or more Members carry the same person on their clerk-hire allowance during any given month, such employee must be charged against all Members so contributing to such staffers—because of the constraints of the 18 slot limitation—which, again, we have imposed upon ourselves. The House Administration Committee rules work to the detriment and the frustration of the discharge of the duties of all Members, and of all such ad hoc Members' sponsored and supported legislative groups. The resolution I have introduced will contribute significantly to a resolution of this problem.

My resolution provides simply that only one slot will be utilized under such pooling arrangements—with the Member donating his slot advising the Finance Office of such designation.

If my resolution is adopted (its genesis to be found in the 1977 Obey Commission on Administrative Review Re-

port), it would not only increase the efficiency of our respective office operations, including legislative research and writing, but it would also provide a fair and equitable approach to the counting of clerk-hire slots—a system which now is a wholly unworkable and unreal one. It appears to me as an absurdity that we as colleagues—responsible both in the criminal sanctions of the land and accountable to our constituents—cannot jointly do—under the same limitations as to practice and purpose—that which we can do severally.●

TARIFF RELIEF FOR THE TIMBER INDUSTRY

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. RUPPE. Mr. Speaker, today I am introducing a bill which would lift the tariffs imposed on certain clothing imported from Canada by timber associations and used to protect the workmen in the industry. These garments—gloves and trousers—are unique in construction, acting to reduce the probability of injury to the workmen caused by power saw accidents.

Over the years, Congress has demonstrated its deep and continuing concern for reducing occupational accidents culminating in the passage of the Occupational Safety and Health Administration (OSHA). All too frequently, however, OSHA and similar State organizations have only been able to react to situations which could have been prevented by taking a few, simple preventative measures—such as reducing the cost of safety equipment.

Although Federal and State regulatory agencies have required additional safety equipment and precautions to prevent accidents by workers involved in hazardous occupations, the lumber industry in particular continues to face spiralling costs due to high insurance rates, high workers' compensation costs, and expensive safety equipment requirements. That is why organizations such as the Michigan Association of Timbermen were established—to protect member workers from occupational accidents while attempting to control the rising costs of meeting safety requirements. Similar organizations have been formed is 12 other States, indicating the magnitude of this problem.

The very least Congress should do in order to prevent costly safety requirements from forcing small businessmen out of business is to reduce unnecessary tariffs on imported safety equipment not produced in the United States. We have a chance to do just that by removing the 25 percent tariff on gloves and trousers imported from Canada and used to protect lumbermen.

By removing the tariff, we could encourage compliance by financial incentive without enforcing costly regulations which would cause severe financial harm to small timber businesses.

Hopefully, reduction in costs will encourage greater use of safety gear, resulting in fewer injuries, lessening production costs, and lowering insurance rates.

I hope that the Congress will act promptly on this small business initiative.●

SANTA CLARA HIGH SCHOOL CHORALIERS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. MINETA. Mr. Speaker, I ask my colleagues in the House to join with me today in honoring the Santa Clara High School Choraliers from Santa Clara, Calif.

This group of 17 high school students, under the direction of Mrs. Alice Ellsworth Balahadia, was selected from Santa Clara High School choir. They appeared in the Washington, D.C. Festival of Nations celebration, following 3 days of concerts in New York.

An audition tape with samples of this talented ensemble's mixed repertoire earned them this prestigious invitation to Washington. They have also won a dedicated following in Santa Clara County with their multipart harmonies of both modern and classic vocal pieces.

We in Santa Clara County are proud not only of the musical achievement of these young people, but also of the outstanding record of scholarship and participation in other school activities they have maintained while keeping a demanding rehearsal schedule.

Special congratulations are due Alice Balahadia, who teaches music and social science at Santa Clara High. Her musical credentials include study at the Accademia di Santa Cecilia and Centro Internazionale di Studi Musicali, specializing in the piano forte; concerts in the San Franicsco Bay Area and southern Europe; and a concert tour in Southeast Asia udner the sponsorship of the U.S. State Department. Mrs. Balahadia debuted in Tokyo under the auspices of the U.S. Ambassador to Japan, U. Alexis Johnson.

The Santa Clara Choraliers include sopranos Lisa Hernandez, Darlene Kahr, and Kari Kincaid; altos Sandy Costa, Rhonda Rowland, Linda Slonaker, and Chrissy Trujillo; tenors Chris Fichera, Phil Hockemeyer, Leonard Marquez, and Frank Pichay; and basses Alan Carnahan, Michael Ciaffredo, Edgar Miranda, and Ken Positeri.

Backing up the vocalists are drummer Russ Positeri and bassist Dan Renteria.

A cross-country tour for a group of young people like this is a community achievement, and I would also like to congratulate the individuals, community groups and businesses that contributed to the Choraliers' travel fund and all those Santa Clara County residents who attended their benefit performances.

I ask my colleagues to join me in congratulating the Santa Clara Choraliers on their outstanding musical achievements and their successful Washington area debut.●

LABOR REFORM?

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. BROYHILL. Mr. Speaker, the U.S. Senate is now engaged in a debate on the so-called Labor Reform Act which the House has already passed. I said at the time of passage that this bill would destroy the balance presently existing in union-management relations. The legislation is designed to greatly enlarge the bargaining power of unions while it fails to even attempt to curb unfair labor practices committed by unions.

The Charlotte Observer, which is the largest newspaper in North Carolina, on May 21 printed an editorial, entitled, "Labor Reform? Not This Bill, Unfortunately." This editorial made several good points on this important issue, and I am urging my colleagues to read it. This editorial was written by the editor of the editorial pages, Mr. Ed Williams:

[From the Charlotte Observer, May 21, 1978]

LABOR REFORM? NOT THIS BILL, UNFORTUNATELY

Fantasies are drowning out facts in the shouting over the labor reform bill before the U.S. Senate.

The National Right to Work Committee and some other opponents seem to believe enacting this bill would be tantamount to signing over your home and future to George Meany. Union officials and supporters of the bill refer to it as "fine-tuning" the National Labor Relations Act.

The bill is substantially more than its supporters say, but less than its opponents fear. We think it is too flawed to be good legislation.

The bill is less a labor reform bill than a labor union bill. It was written for, if not entirely by, the AFL–CIO. It is designed to make it easier to organize nonunion workers, which means its greatest impact could be in the South.

SOME ONE-SIDED SOLUTIONS

The bill would deal with some long-standing problems and protect some workers. But sided that they would unfairly restrict law-abiding employers; and the bill would not correct any of the problems caused by unions, nor would it protect workers from union abuse.

Backers of the bill characterize it as an attempt to discourage corporate law-breaking. To an extent, it is. Suppose a union is trying to organize employees. If the employees genuinely want a union, a company has a number of ways to delay and possibly stop them. It can:

Fire workers most supportive of the union.

Stall, knowing that delay dims the chance of a union victory.

Refuse to bargain in good faith.

Even if found in violation of the law, some companies discover it's cheaper to take the punishment than to obey the law.

INADEQUATE PENALTIES

For instance, if a company fires a key union supporter or two, it may be able to scare other employees. After hearings and appeals that might take years, the company is ordered to reinstate the employees and pay them only what they would have earned—less whatever they earned at other jobs while contesting their firing. That's hardly penalty enough to deter an employer from scaring away organizers.

If no scrupulous employer would illegally fire an employee, neither would any scrupulous employer be affected by changes in the law requiring payment of (in the Senate bill) one and a half or (in the House-passed bill) two times the employee's net loss in wages.

Another problem: Current law requires employers to bargain in good faith, but there is no effective remedy for their refusal to do so. Even if a company's delays are frivolous, the National Labor Relations Board can make it pay only the union's litigation costs and any bargaining or organizing expenses caused by the delay. The company's gains may be far more than its penalties.

THE "MAKE-WHOLE" PROVISION

The bill's solution is a "make-whole" provision. Under it, when the National Labor Relations Board finds an employer unlawfully refusing to bargain, the board can impose a temporary wage increase pending a settlement. The wage increase would equal the employees' normal wages multiplied by the average increase in wages and benefits reported in the Bureau of Labor Statistics (BLS) quarterly report for major collective bargaining settlements.

Two problems make that an unsatisfactory solution:

1. The proposed legislation would not allow an employer to appeal some labor board decisions, such as who is to be represented by the union. An employer could get a court hearing on that question only by refusing to bargain.

HAZARD FOR EMPLOYERS

Refusal to bargain, therefore, can be a simple attempt to stall, but it also can be the only method to get a court hearing on a legitimate question. The "make-whole" provision, by not recognizing such distinctions, would make it hazardous for employers to seek their day in court.

2. The "make-whole" provision would impose a settlement that might have no relevance to the situation. The BLS statistics come from collective bargaining settlements that involve 5,000 employees or more. Should that settlement be imposed on a store owner with a dozen employees? That is what the provision would require.

The authors of the bill were acutely aware of potential employer violations of an employee's rights, but oblivious to potential—and real—union violations of employees' rights.

NO SECRET BALLOT GUARANTEE

As introduced, the House bill would have even done away with the guarantee of a secret ballot for union representation. The bill does not consider the possibility that, for instance, a supervised, secret-ballot election might be a fairer way to determine whether workers want to strike.

A major goal of the bill is to speed up the election process. Union organizers in effect determine when the election is to be held; they call for it when they feel union sentiment is reaching its peak. It isn't surprising, therefore, that the sooner the election is held, the better the organizers like it.

But why assume a decrease in union support is due to widespread illegal activity by employers? Unions have great latitude in the arguments and promises they can make, while employers are sharply restricted in what they can do or say to discourage organization. Speeding the election process infringes on an employer's right to state the case against a union. So does the bill's requirement that employers who argue against unions during work hours must give unions equal time. Should a company be required to underwrite part of a union's organizing campaign?

THEME OF LAWLESSNESS

The theme that runs through the bill is that employer lawlessness is the major obstacle to unions, particularly in the South. It's understandable that union leaders prefer to believe that, but the explanation is less simple. Employer lawlessness exists, as do corrupt union leaders and union pension funds that underwrite shady deals with mobsters. But other factors are perhaps more important.

Since World War II, government action has contributed to the marked decline in the fortunes of unions. National legislation (due, in part, to union political clout) has produced great advances in wages and working conditions. Anti-discrimination laws have removed much of the arbitrariness from employer-employee relations. Ironically, organized labor's achievements have helped many employees today feel they don't need a union to get a fair shake on the job.

THE DARK SIDE OF UNIONS

Another factor is a growing awareness of the dark side of unionism. Most unions are no longer simple bands of workers fighting for on-the-job justice. Bigness has given unions power, but it has also given some of them an agenda that often has little to do with the welfare of workers. Just as an employer's first concern is the company, a union's first concern is the union. To a worker the arbitrariness of union bosses can be as vicious as that of company bosses.

In addition, many employers have learned it is good business to pay the wages and create the working conditions that remove the irritations and frustrations that once forced employees into unions.

It is not union wages and benefits that many employers fear, but arbitrary work rules, featherbedding and restrictions that can prevent companies from adapting to changing economies and technologies.

Not that employers have seen the light and will be guided by the Golden Rule. The practice of squeezing a captive work force has not been relegated to history books, particularly in the South. Still, every corporation does not yearn to emulate J. P. Stevens Co.; the threat of unions is an incentive for many employers to treat their workers well.

UNIONS ON THE RISE HERE?

Union membership in the South probably will increase in the coming decades—in part because of the changing nature of the region's industry and in part because many employers will continue to make employees believe unions are necessary to get fair treatment. In most cases, unions don't organize workers—employers do the job for them.

While labor reform is needed, the present bill unfortunately isn't it. The bill is too one-sided to be a satisfactry remedy for some specific problems, and is not broad enough to be a comprehensive reform bill. Unless it can be greatly amended, which seems unlikely, it should be killed.●

PERSONAL STATEMENT ON ALASKA LANDS BILL

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. REUSS. Mr. Speaker, on Friday, May 19, the subcommittee on the city held long-scheduled hearings in Ada, Okla. I chaired those hearings and was thus unable to be here for the final day of consideration of H.R. 39, the Alaska National Interest Lands Conservation Act, of which I am a cosponsor. For the record, I want to indicate that I would have voted "no" on rollcall Nos. 338 and 339, and on rollcall No. 340, the vote for final passage, I would have voted "aye."

I am delighted that the House has completed action on a strong bill to protect the lands and resources of Alaska, and I hope that the Senate will soon do the same.●

HONORING U.S. WAR DEAD

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. RINALDO. Mr. Speaker, although we should never lose sight of the fact that many dedicated Americans have given their lives in the defense of their country, the observance of Memorial Day, provides us with an opportunity each year to pay particular tribute to these heroes of the past. As is well known, Memorial Day was initially established to honor the war dead of both the North and the South shortly after America's Civil War. With the ensuing years, and additional military conflicts, this special day has broadened in scope to include Americans who have made the supreme sacrifice during World War I, World War II, the Korean war, and the Vietnam war.

Indeed, the very foundation of our Republic was established at the cost of 4,435 lives. These defenders of freedom took a definitive stand to fight to their deaths to throw off the yolk of colonialism in order that future generations might enjoy liberty.

The Civil War was a dark period in our Nation's history, in which 140,414 Americans lost their lives in the grim battle of differing opinions over national economic and social policies. Another 224,087 casualties were sustained, although not in direct battle, before the hostilities mercifully drew to a close, and the tradition of memoralizing America's war dead emerged as the Nation reflected upon its self-inflicted wounds.

Early in this century, the winds of war whipped across the face of Europe, and before the convulsions there could be subdued, President Wilson reluctantly committed our countrymen to aid our Allies. Before the "Great War" was over, 116,516 Americans died to keep the world "safe" for democracy.

A scant generation of peace occurred between the World Wars, before fascism's bloody crusade in Europe and Japan's attack on Pearl Harbor, forced the United States to again call her sons to battle. For 4 long years the fires of war raged in the European and Asian theaters, at a cost of 405,399 American lives.

A 4-year hiatus from hostilities transpired before America's Armed Forces

were sent to the aid of South Korea. That war, lasting almost as long as the previous respite, took 54,246 American lives. And the toll did not stop there. The following decade was a period of extreme divisiveness for U.S. citizens, with thousands of young men conscripted into the armed services. America's most unpopular war, left 56,962 of her citizens dead on Vietnamese soil.

As we approach Memorial Day, 1978, let us remember and honor these thousands of Americans who sacrified their lives so that we might live in peace.●

JACK LYNCH AND CONGRESSIONAL HEARINGS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. BIAGGI. Mr. Speaker, an important article appeared in today's New York Times featuring the views and comments on Ireland's Prime Minister Jack Lynch. At this point I wish to insert one paragraph from that article of special interest to me and the 105-member Ad Hoc Congressional Committee on Irish Affairs:

Mr. Lynch will also attempt while he is in the United States to make it clear to Irish-American members of Congress that they should not consider hearings by Represntative Marlo Biaggi's ad hoc committee on Northern Ireland unless the committee invited elected officials from Ireland to balance any testimony from sympathizers of the Provisional Irish Republican Army. Mr. Lynch has publicly criticized Mr. Biaggi, a New York City Democrat, for his closeness to I.R.A. sympathizers.

Let me set the record straight. I have always supported the concept of balanced congressional hearings on Ireland. On this point Mr. Lynch and I agree. To be most effective, all persons and organizations who are parties to the dispute and, therefore, to the solution should use a congressional hearing as a forum by which to present their positions. A hearing should not result in Congress even taking a position on one solution over another or supporting one group over another. Rather the hearing should provide the means and information to help the Irish people make their own determinations on a solution. It is their nation, it is their future.

While it is unusual procedure for the House International Relations Committee to elicit testimony from foreign elected or appointed officials, for a hearing on Ireland such testimony might be necessary to achieve balance. All legally sanctioned political parties as well as key elected officials from the Dublin government and representatives from the British Government should be invited to testify. Such involvement should be encouraged and I would fully support it.

The ad hoc committee does not want a sensational or demogogic hearing. Instead we want to achieve one goal—to advance the cause of peace and justice in Ireland. They will necessarily involve discussions about past and ongoing human rights violations in Ireland. Yet examples of witnesses on this area should include officials from the European Commission and Court of Human Rights which have documented human rights violations as well as representatives from Amnesty International which is conducting investigations into prison conditions in the North.

I recognize the volatile and emotional nature of this subject. But I also recognize the pivotal role which this Congress could play in advancing the cause of peace and justice in Ireland. It appears whereas the Dublin government once totally dismissed the idea of hearings, there is some change in sentiment. I hope it will provide the necessary impetus which will permit these hearings to be scheduled.●

IN PRAISE OF WEST SIDE "CLEAN UP BROADWAY" CAMPAIGN

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. WEISS. Mr. Speaker, I am always pleased to lend my support to citizens who engage in extraordinary public spirited action. An outstanding recent example of this took place this spring when a group of community organizations, businesses and elected officials from Manhattan's West Side organized a "Clean Up Broadway" campaign. In appreciation of their efforts to beautify one of New York's most important thoroughfares, the New York State Assembly passed a resolution commending the West Siders' efforts. As an expression of my support and congratulations, I would like to make this resolution part of the official record.

LEGISLATIVE RESOLUTION COMMENDING THE CONCERNED COMMUNITY GROUPS FROM THE WEST SIDE OF NEW YORK FOR THEIR SPRING "CLEAN UP BROADWAY CAMPAIGN"

Whereas, A group of elected officials and concerned community groups from Manhattan's West Side have gotten together to organize a Spring "Clean Up Broadway Campaign" and is actively recruiting community-wide support of this commendable effort; and

Whereas, Broadway is among the most exciting, commercially vibrant and important avenues and thoroughfares of the City of New York if not of the world; and

Whereas, Sanitation problems have plagued Broadway in the recent past and it is littered with trash which makes it an unattractive place to stroll; and

Whereas, In 1977 the "I Love A Clean New York" campaign sponsored by the West Side Chamber of Commerce was a tremendous success sparked as it was by the enthusiasm demonstrated by Broadway merchants and their input towards the revitalization of Broadway and renewal of the community's pride in this famed thoroughfare; and

Whereas, It is the sense of this Legislative Body that it ought to be in the vanguard of those advocating and supporting this Spring's "Clean Up Broadway Campaign"; now, therefore, be it

Resolved, That this Legislative Body pauses in its deliberations and resoundingly commends the elected officials and the concerned community groups from Manhattan's West Side who have gotten together to organize a Spring "Clean Up Broadway Campaign" and wishes these many dedicated persons, firms and corporations, representing the business and residential sections on and contiguous to Broadway, triumphal success in this endeavor and in the recruitment of community-wide support by way of proclaiming this Body's expression of its regards to Broadway and this commendable effort; and be it further

Resolved, That copies of this resolution, suitably engrossed, be transmitted to the Mayor of the City of New York, to the West Side Chamber of Commerce and to the Honorable Ted Weiss, Member of Congress.

Adopted in Assembly on April 10, 1978.

By order of the Assembly,

CATHERINE A. CAREY, *Clerk.*●

GUAM SEEKS TAX FREE PENSION BENEFITS

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. WON PAT. Mr. Speaker, today I rise to introduce legislation which will correct a highly technical oversight in section 805 of the U.S. Internal Revenue Code.

Under existing law, residents of the U.S. Territory of Guam are unable to invest their private retirement funds in tax-free shelters in the mainland. As a consequence, pension programs in Guam are deprived of this added source of revenue which is heavily used by other Americans in their pension plans.

The impact of Guam's deletion from this key section of the IRS Code is of enormous import to island residents. They, like each of us, look forward to the day when their retirement will be a happy period, financially secure with their hard-earned pensions. Yet, because private citizens on Guam are denied the use of tax-free sheltered funds, these individuals will be extremely hard pressed to offset the ravages of inflation. The need for this legislation is supported by the ruling received from Mr. William B. Posner, Acting Chief, Employee Plans, Technical Branch, Internal Revenue Service, Department of the Treasury, in response to my inquiry cited as follows:

JANUARY 31, 1978.

Hon. ANTONIO B. WON PAT,
House of Representatives,
Washington, D.C.

DEAR MR. WON PAT: This is in response to your letter of January 10, 1978, on behalf of the Bank of Guam (Bank) and the Travelers Insurance Companies (Travelers).

The Bank maintains a pension plan for its employees which is exempt from tax under the internal revenue laws of the territory of Guam (which are identical to the Internal Revenue Code). The Bank wishes to invest its plan assets in the qualified tax sheltered reserves of Travelers. However, Travelers has told the Bank that its pension plan funds are not permitted to be invested in its tax sheltered fund. You would like our opinion on this matter and our suggestion as to how this problem can be remedied.

Section 805(d) of the Code defines the term "pension plan reserves" as including the portion of the life insurance reserves which is allocable to contracts (1) purchased under contracts entered into with trusts which are deemed to be trusts described in Code section 401(a) and exempt from tax

under Code section 501(a), or (2) purchased under contracts entered into under plans which are deemed to be plans described in Code section 403(a).

It therefore appears that funds deposited into "pension plan reserves" described in Code section 805(d) must come from employees' plans qualified under section 401(a) or described in section 403(a) of the Code. Consequently, it seems that the Bank is not eligible to invest its employees' plan assets in the "pension plan reserves" of Travelers.

It would require an act of Congress to permit inclusion in Travelers' "pension plan reserves" of funds from an employees' trust established in the territory of Guam. Such favorable tax treatment has been provided for Puerto Rican plans by section 1022(i) of the Employee Retirement Income Security Act of 1974 (ERISA). ERISA section 1022(i) states that for tax years beginning after 1973, for purposes of Code section 501(a), any trust forming part of a qualified employees' plan, all of the participants of which are residents of Puerto Rico, shall be treated as an organization described in Code section 401(a) if such trust is exempt from income tax under the laws of Puerto Rico.

We hope this information will be helpful to you in replying to your constituent.

Sincerely yours,

WILLIAM B. POSNER,
Acting Chief, Employee Plans,
Technical Branch.●

STATEMENT OF CHAIRMAN AL ULLMAN, COMMITTEE ON WAYS AND MEANS, WITH RESPECT TO THE RULE TO BE REQUESTED FOR CONSIDERATION OF TITLE II OF H.R. 3633, A BILL RELATING TO WILDLIFE RESTORATION PROJECTS

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. ULLMAN. Mr. Speaker, on May 15, 1978, H.R. 3633 was reported to the House. Title I, relating to wildlife restoration projects, was considered and approved by the Committee on Merchant Marine and Fisheries. Title II of the bill was approved by the Committee on Ways and Means and imposes an 11-percent excise tax on ammunition component parts.

I take this occasion to advise my Democratic colleagues as to the nature of the rule that I will request for consideration of title II of H.R. 3633 on the floor of the House. The Committee on Ways and Means specifically instructed me to request the Committee on Rules to grant a closed rule for consideration of title II which would provide for:

First, one motion to strike title II;

Second, committee amendments which would not be subject to amendment;

Third, 1 hour of general debate, to be equally divided;

Fourth, waiving all necessary points of order; and

Fifth, one motion to recommit with or without instructions.

It is our intention to request a hearing before the Committee on Rules concurrently with the Committee on Merchant Marine and Fisheries.●

WHY WE THANK YOU, AMERICA

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mrs. SPELLMAN. Mr. Speaker, if, as Dr. Johnson long ago insisted, "patriotism is the last refuge of the scoundrel," it is good to know that it is, also, often the first subject for a budding poet.

Recently, 10-year-old Lori Wiener, a fourth-grade student at Springhill Lake Elementary School in Greenbelt, Md., wrote a poem-essay for a contest sponsored by the American Legion Auxiliary. Its title is "Why We Thank You, America." Because it was not the proper length, Lori's entry was disqualified. But she was asked to read it at the awards ceremony. I am told it was the "highlight of the evening" and I would like to share it with my colleagues:

"WHY WE THANK YOU, AMERICA"
(By Lori Wiener)

We thank you, America, because we are free,
Free to enjoy the land and the sea.
Long ago we lived in colonies,
Now we are United, you see.
We thank our flag, Red, White, and Blue,
We also thank our minutemen, too,
For winning the Revolutionary War,
That made the British pretty sore.
We have freedom to elect,
They take your secret ballot, and make sure it's checked.
United we stand, divided we fall,
All is for one and one is for all.
Black, Oriental, Spanish, and White,
All created equal, and that is out-of-sight!
We should be thankful that we've won every fight.
From night to day, and from day to night.

We should be thankful that we are united,
We worked really hard, and we really fighted!
King George the third made us pay him taxes,
The Americans felt like chopping his head off with axes!
The Americans fought the British and won.
Now they can rest in peace in the sun.
We're United now, don't you see?
Now we will live in peace and not misery.
We should be thankful for the Indians.
They showed the pilgrims how to build houses and plant corn,
After doing all of that, the pilgrims were pretty worn.

We thank all of our tremendous Congressmen,
Who we vote for every four years time and again.
Senators, Secretaries, and Presidents, too,
Need a great big thanks, from me and you.
We should thank the people who made America great,
We should also thank our Governors of each State.
Jewish, Baptist, Christian, what ever religion people are,
They are welcome in America, living near or far.

Every citizen in America today
Works together, they do not play.
Plumbers, Sailors, Fishermen, too.
All work to help keep America going
And that is very true.
Each and every one of them work for money,
Money is not the only thing in this world, Isn't that funny?
Oil, fuel, gas, and electricity help America go stronger than ever,
All that we have to do is turn a knob, or pull a lever.

We should conserve that energy those men get for us,
So in the future, we will have enough gas,
To ride in a car or ride in a bus.
These men do a lot of things for America that takes away their free time,
That's why I am putting them in my rhyme.

Getting back to the freedom part, this is how our freedom did start,
King George the 3rd made American Colonists his slaves,
We could not be the land of the free and the home of the brave.
So Paul Revere one night, took his important ride,
From every village hill, and to every countryside.
Then all of the Colonists snuck around silently,
To hear everything they needed to hear, and to see everything they needed to see.

Then suddenly they heard a big loud gunshot,
Was it the British, was it the British or not?
Then the battle started in that little town
Bullets went up, and bullets came back down.
Then the colonists won the war,
And King George the third did not rule them anymore.
A settlement was made, a Declaration was signed, the colonists were free,
Very many people were happy as we can see.

Women of America put up some big fights,
Women had to do it to get all of their rights.
Women finally got the right to vote,
That law was passed, and in the law book it was wrote.
All women have equal rights as men,
And never, never, never ever again,
Will women not have those equal rights,
Or women will have those awful fights.
All of the people in America, men, women, all of the people,
All of them are created equal.

We should be thankful that us kids go to school,
And do not have to live by a dictator's rule.
In other countries they pick out your schools,
Some good, some bad, and that isn't cool.

We are also a very historic country too,
People made it historic, some like me, some like you.
George, Thomas, Lincoln and even Franklin
They are some people that are worth thanking.
George Washington fought in the Revolutionary War,
The one that made the British pretty sore.
George was a president, the very first of our country,
Another great congressman was Senator Hubert Humphrey.
Most of these great and wonderful men died,
At that time some amount of people really cried.
These men served their part,
All of these men really did have a heart.

These are just some things that we should be thankful for,
There are lots of others, very many more.
I am sorry at this time,
We will have to end this rhyme,
But if you help, and keep on giving,
America the Beautiful will keep on living.

The End.●

NEMESIS IN KATANGA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. McDONALD. Mr. Speaker, history seems to keep repeating itself in Zaire.

How many times will the West have to go to the rescue of Mobutu? The seeds of the present conflict were sown in the early 1960's when the so-called UN force intervened in what was then called the Congo, in order to prevent Moise Tshombe and his followers from setting up Katanga province as a separate nation. Tshombe was a great leader and a Christian. He later was Premier of Zaire in 1964. Had he lived and had he not been murdered by the Algerians, the story of Zaire and Katanga might have been different. The Cubans and the Soviets have taken advantage of this long-standing discontent to launch invasions twice. It is also of considerable interest to note the sharp western press reaction of horror to the slaughter of whites in Zaire and their seeming unconcern over similar type slaughters in Rhodesia of whites and black terrorists. The London Daily Telegraph recently summed up this problem in an editorial on Saturday, May 20, 1978, pointing out how the West and the United Nations, have made these problems worse in Africa, not better. The editorial follows:

NEMESIS IN KATANGA

No special pleading is needed to urge Katanga's strategic importance to the West; even the compulsive Panglosses of Washington are now apprised. Intervention, ostensibly to save Europeans, is on the way. But the clamour of arms should not silence the muse of contemportry history. On the contrary, this is precisely the time to ask why what had been the richest, most stable and most pro-European part of the Congo should have become a disaffected objective for Communist penetration. This could not have come about without the short-sighted and self-destructive policies by the Western powers, from their participation in Dag Hammarskjold's crusade to Andrew Young's encomia on the stabilising influence of Castro's expeditionary force.

The West's self-satisfied intervention against TSHOMBE's autonomous Katanga destroyed one of the most potentially viable and loyal units in Africa, rich in mineral wealth, leadership and political *savoir faire*. Instead, Katanga was turned into an unwilling province of a despotic, corrupt and bankrupt example of what our masters are pleased to call majority rule, or one man one vote, the one man exercising the vote being MOBUTU. The whole of the Congo is disaffected; how could it be otherwise? But Katanga has the greater means of expressing that disaffection: long accessible frontiers with Angola, Zambia and Tanzania; a sense of separate identity; and memories of quasi-independence with an armed struggle of sorts before being over-run by the U.N. in its role of peacemaker militant.

It is sad yet understandable that the Katangese, led by veterans of that short war, should seek their allies where they can find them, and equally understandable that the Communists should enter the auction. What have they to lose? They have done well in sub-Saharan Africa following the United State's demoralisation. Angola, Mozambique, Ethiopia, prospects of involvement in Rhodesia. Katanga, with its copper and its position athwart the trans-continental routes would fortify their position and serve as a base for exerting pressure on the rest of the Congo, as well as on Tanzania and Zambia should the need arise.

This time Western forces should be able tc tip the balance, but this will not be the last crisis so long as the political vacuum in the province co-exists with Communist expansionary zeal. The man best fitted by convictions and talents to hold Katanga for the West, the late MOISE TSHOMBE, was allowed to die at the hands of the Barbary Pirates in Algiers, where he was taken after kidnapping and held against all international law, without a word of protest from the West and the U.N. The episode should give cause for second thoughts about the drift of Western policy.●

NONGAME FISH AND WILDLIFE CONSERVATION ACT OF 1978

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. BYRON. Mr. Speaker, many of my colleagues in the House of Representatives have been receiving mail from our constituents who are concerned about certain provisions in H.R. 10915, the Nongame Fish and Wildlife Conservation Act of 1978. This bill would establish an 11 percent excise tax on camping equipment, such as tents, sleeping bags, air mattresses, lanterns, camping stoves, water jugs, coolers, binoculars, and an 11 percent excise tax on wild bird seed, bird houses, bird feeders, and bird baths. The revenue from this tax would be used to fund conservation programs for nongame fish and wildlife.

This bill is patterned after the successful Federal program which uses an excise tax on guns and ammunition to finance conservation programs to replenish the population of animals which are hunted, such as deer, rabbits, pheasants, and so forth . . . This new bill, H.R. 10915, would extend this same principle to animals which are not hunted by using the excise tax on camping equipment and bird products for nongame wildlife conservation purposes.

I have discussed this subject at considerable length with Mr. William Kemsley, Jr., the chairman of the American Hiking Society, and Mr. James A. Kern, the president of the American Hiking Society. These two gentlemen are highly respected individuals and dear friends of mine. They have raised a number of valid and persuasive concerns about this legislation and I would like to take this opportunity to bring their thoughts to the attention of my Colleagues and other readers of the RECORD.

First, it is important to keep in mind that hikers do not now receive a fair proportion of their Federal tax dollars for recreation, and additional taxes on them, along with campers, would not be warranted. President Johnson once said that the hiker "is the most neglected outdoor recreational user in America."

U.S. Forest Service trails, which provide most of the opportunities for hiking, have been reduced from about 150,000 miles to only 97,000 miles. This has occurred despite the fact that there are now 10 times the number of hikers in our country than there were just 10 years ago.

The Federal Government has done very little to provide trails or other facilities for hikers. Until the passage of the Appalachian Trail bill earlier this year, the involvement of the Federal Government in our national trails had been very meager. Most trails used by hikers, including the Appalachian Trail, were built and are maintained by the volunteer efforts of thousands of hikers.

A survey conducted recently by the Opinion Research Corp. found that there are an estimated 45 million hikers in this country. That number sounds a little high. There have been more conservative estimates of 25 million. In either case, it is clear that hikers have not received adequate services from the Federal Government for their recreational tax dollar. The Federal Government has provided far more generous facilities to meet the recreational needs of other citizens.

The Nongame Fish and Wildlife Conservation Act of 1978 would add to the inflationary pressures which have already been burdening millions of American hiking and camping families. The cost of the average goose down sleeping bag would be increased by $17, tents would be up an average of $18, and of course other camping equipment would be increased in price by 11 percent. This tax would be added on top of the already increasing cost of hiking and camping equipment. For example, the price of goose down, which is widely used in sleeping bags and outdoors clothing, has risen by more than 300 percent in the past 2 years. The Federal Government should be encouraging families to engage in outdoor activities such as camping and hiking, which can make such important contributions to the physical and emotional health of the public. We should not be discouraging hiking and camping through expensive new taxes.

While expanding our wildlife conservation programs for nongame animals is certainly a worthwhile objective, it does not appear that the use of an excise tax on campers and hikers is an appropriate method to raise the money for this purpose. While the supporters of the Nongame Fish and Wildlife Conservation Act of 1978 cite the success of the 42-year-old Federal program of excise taxes on hunters for wildlife conservation, this does not establish a justification for taxing campers and hikers for the same purpose. Hunters, of course, reduce the number of animals through the practice of their sport. Therefore, a tax on hunters to help the game population to grow is certainly warranted both to preserve the future of the sport and to protect our wildlife resources.

Campers and hikers, however, do not reduce the number of nongame animals in our parks, woodland, and prairies. As any visitor to campgrounds in our national parks knows, campgrounds have inadvertantly become the most rewarding foraging areas for many species of wildlife. Motorists reduce the numbers of wildlife far more significantly than do campers. I have yet to see a single animal larger than an insect harmed by a collision with a hiker. If the sponsors of H.R. 10915 really want to enact a new tax to help wildlife, they should tax drivers or developers or others who reduce the wildlife population, not simply the hikers and campers who appreciate it.

If it is the object of H.R. 10915 to tax those who enjoy our wildlife, then it would be more fitting to tax wildlife television and motion picture programing in order to raise the appropriate revenue for this purpose.

The amount of revenue for the Government which would result from this tax would not be substantial. While the excise tax on guns and ammunition raises $66 million annually, it is estimated that the tax on camping equipment and birdseed would raise only about $5 million each year. One therefore must wonder why campers, hikers, and those who feed birds are being singled out for extra taxation in this bill. It certainly is not because this tax is favored by hikers. At two meetings held last year by the American Hiking Society, an excise tax on hiking and camping equipment was opposed unanimously by representatives from 23 hiking and conservation organizations. One possible explanation for the emergence of this proposal is the fact that until recently hikers were not organized effectively and lacked a strong voice in Government circles. By temperament, hikers would prefer the solitude and tranquillity of their pastime and are not known for joining organizations and organizing themselves into the vocal groups that characterize other interests.

For this reason, all Americans who enjoy hiking owe a debt of gratitude to the leadership of Bill Kemsley, Jim Kern, and the many others who are active in the American Hiking Society. It is through the work of these individuals that the interests of the hiking public will be protected.●

OSHA REBUKED

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. RUDD. Mr. Speaker, I share the great admiration and gratitude of millions of small businessmen and workers for the Supreme Court's decision this week that struck down warrantless searches and inspections by the Occupational Safety and Health Administration.

This decision was a needed rebuke of OSHA, which has exhibited an arrogant attitude in conducting hundreds of thousands of unannounced inspections of businesses during its 7-year existence—presumably all of them in violation of the Constitution.

The Supreme Court decision is also a needed message to Congress that Federal regulatory agencies must not be given such broad bureaucratic powers—but must be restricted to strict constitutional guidelines when dealing with businesses as well as with individual citizens.

The Nation owes a debt of gratitude to Mr. Bill Barlow, and all those who supported his effort to fight OSHA all the way to the Supreme Court.

I would like to include at this point in the RECORD an editorial from the Arizona Republic concerning this great victory over an arrogant bureaucracy:

[From the Arizona Republic, May 24, 1978]

OSHA REBUKED

The Labor Department understandably is in a cranky mood since yesterday's Supreme Court ruling outlawing unannounced inspections of American workplaces.

The no-knock, no-warrant inspections by Occupational Safety and Health agents was central to the police-state mentality of Labor's bureaucrats. Without it, OSHA could not have carried out relentless and mindless harassment of businesses in the name of protecting workers from workplace hazards.

Now the high court, by a 5-3 vote, has ended OSHA's assumed powers to barge in wherever it pleases. The court ruled that OSHA must conduct itself like other policing authorities—to wit, it must observe prohibitions set forth in the U.S. Constitution against unreasonable search and seizure, and must obtain a warrant if it has evidence of gross safety violations.

The hero of yesterday's justice decision—a thunderous blow in behalf of the Constitution—is F. G. "Bill" Barlow, a once-obscure Pocatello, Idaho, electrical contractor. When OSHA's man tried to storm into Barlow's small 35-employee company to check on worker safety Barlow stood in the doorway and said nuts.

He continued to refuse to knuckle. Facing the full force and fury of the federal government's army of tax-supported lawyers, Barlow fought his case to a three-judge appeals court which sided with him.

Convinced it still had storm trooper privileges, OSHA appealed to the Supreme Court, whereupon it took a well-deserved beating at the hands of the justices.

We leave it to the reader to decide whether there is a police state mentality in the Labor Department. Attorneys for OSHA, for example, argued in their appeal that unless OSHA can swoop down unannounced on a businessman and without a warrant, some cagey boss just might allow an unsafe condition to persist.

Heavens. The Constitution and a variety of court opinions have held that constituted law enforcement agencies have no such power, even if it means a known criminal goes scot free and incriminating evidence is destroyed.

OSHA is a premier example of government regulatory power gone amok. Congress created OSHA, then let OSHA create its own rules and regulations without being accountable to anyone. For the nearly seven years it has been operating, OSHA has conducted more than 400,000 spot inspections—presumably all of them in violation of the Constitution.

Were it not for Barlow, a feisty little businessman who refused to roll over when OSHA's agents showed up, heaven only knows how much farther the abuses would have gone.

The nation, and champions of constitutional liberties, owe a sizeable debt to Barlow. And to the five justices who abhorred OSHA's brazen disregard for privacy, and brought it to an abrupt halt.●

TRIBUTE TO VICE PRESIDENT ROCKEFELLER

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. FLOOD. Mr. Speaker, I welcome the opportunity to join in the tribute to one of the greatest American public servants of the 20th century, the Honorable Nelson Rockefeller of New York.

The honors bestowed upon him today in this Capitol are long overdue, but in a larger sense, they have been merited many times over.

I have known Vice President Rockefeller since my early days in Congress in the concluding months of World War II. At that time, he was serving his Nation in the State Department, his talents, at an early age, being recognized by a predecessor Governor of New York, Franklin Delano Roosevelt.

As the descendant of a proud, accomplished, and wealthy American family, he could have been content to enjoy life in a more relaxed fashion, but indeed he did not choose to do so. In fact, the contributions of Nelson Rockefeller have consistently excelled those of any 10 men in one lifetime. Nelson Rockefeller's total dedication has been to his Nation, and to his fellow man. And what greater service can society demand from one of its members.

In an hour of uncertainty and great concern, he put aside his private life to accept the high honor of becoming the Vice President of the United States. And still, he rose to greater heights, as he brought greater dignity and honor to his country once more.

That, in short, is the story of Nelson Rockefeller, a public servant in the finest sense of the word. We can be proud of the awareness that Nelson Rockefeller has served us all so well, and today, this honor is but a mere token of the awards he so richly deserves.●

TAXING CREDIT UNIONS

HON. DOUGLAS WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. WALGREN. Mr. Speaker, the recent proposal by the administration to tax credit unions in the same fashion as banks has attracted a great deal of criticism from many credit union members. I feel these complaints are justified. The administration has asked Congress for this change because it believes credit unions are no longer the small entities with close bonds among members that they once were, but instead argues they are so large they are functionally identical to savings and loan associations.

I just do not believe this is so. Credit unions are chartered under law to provide services to groups or individuals bound by common ties of employment, association, or residence. Almost 75 percent of the Nation's 22,500 credit unions have assets of less than $1 million. The assets of the 1,540 credit unions in Pennsylvania are still less than each of the three largest banks in Pittsburgh. Most importantly, we must remember that credit unions provide needed loans to many who are unable to obtain loans from their local banks.

The board of directors of the Pennsylvania Credit Union League and the delegates to the Pennsylvania Credit Union League annual membership meeting have adopted a resolution stating

their opposition to the taxation of credit unions. I would like to share this resolution with my colleagues:

RESOLUTION

Whereas, credit unions are nonprofit self-help organizations, democratically owned and controlled by their members; and

Whereas, credit unions are in existence only to serve the economic needs of members within a specific common bond as delineated in the charter issued by either the Federal Government or the State Government; and

Whereas, credit unions are, indeed, small entities with 79% of all Pennsylvania credit unions having less than $1 million in assets and 40% having less than $200,000 in assets; and

Whereas, there are at least ten financial institutions in Pennsylvania, each chartered to do business with the general public, each of which individually has assets exceeding the sum total of all assets of ALL 1,540 credit unions in Pennsylvania; and

Whereas, more than 1.4 million Pennsylvanians look to their credit unions as a source of low-cost credit and friendly financial counseling, and to fly in the face of American tradition and tax these nonprofit cooperatives would be endangering the very existence of this important segment of the economy; and

Whereas, to subject credit unions to taxation would, in effect, be taxing the volunteer efforts of more than 20,000 Pennsylvanians who give time and service to their credit unions, without financial remuneration, and upon whose efforts the credit unions depend for their continued operation; and

Whereas, to tax the credit unions as organizations would result in double taxation, inasmuch as credit union earnings are divided among the members as dividends on savings and thence become subject to individual Federal Income Tax;

Now therefore be it resolved: that we, the delegates assembled in Annual Meeting of the Pennsylvania Credit Union League, representing the 1,540 credit unions of this Commonwealth and their 1.4 million members, do hereby call upon the U.S. Congress to reject any and all proposals to impose taxation on credit unions.●

PERSONAL EXPLANATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. MAZZOLI. Mr. Speaker, I was necessarily absent for part of May 22 and for the entire day of May 23.

Had I been present on May 22, I would have voted: "aye" on Roll No. 348, House Concurrent Resolution 555, extending most favored nation trade status to Hungary; "aye" on Roll No. 349, House Resolution 1193, the rule providing for the consideration of H.R. 12602, Military Construction Authorization for Fiscal Year 1979; "aye" on Roll No. 350, final passage of H.R. 12602, the Military Construction Authorization; and "aye" on Roll No. 351, an amendment to H.R. 10729, fiscal year 1979 Maritime Authorization, to strike increases in ship mortgage guarantees.

Had I been present on May 23, I would have voted: "nay" on Roll No. 353, to pass under suspension Senate Joint Resolution 4, establishing the Aboriginal Hawaiian Claims Settlement Study Commission; "aye" on Roll No. 354, to pass under suspension H.R. 12299, Domestic Violence Assistance Act of 1978; "aye" on Roll No. 355, to pass under suspension H.R. 3050, Tax Treatment of Returns on Magazines, Paperbacks, and Records; "aye" on Roll No. 356, to pass under suspension H.R. 8535, IRS Amendments for Dependent Care Services; "aye" on Roll No. 357, to pass under suspension House Resolution 238, Common Market Regulations for Dried Fruit; "aye" on Roll No. 358, to pass under suspension H.R. 11370, Reimbursement of Social Services Expenditures; "aye" on Roll No. 359, an amendment to H.R. 10729, fiscal year 1979 Maritime Authorization, to prohibit authorized funds from being used to pay any item of wage costs of the Transportation Institute, the Joint Maritime Congress, or the American Maritime Officers Service, or to any other organization which engaged in lobbying activities; "aye" on Roll No. 360, an amendment to H.R. 10729, to prohibit use of subsidies to pay any part of wage costs for the training of new entrants into the maritime industry; "aye" on Roll No. 361, an amendment to H.R. 10729, to prohibit the use of funds to subsidize the carriage of grain to Russia; "nay" on Roll No. 362, final passage of H.R. 10729, fiscal year 1979 Maritime Authorization; and "aye" on Roll No. 363, House Resolution 1188, the rule providing for the consideration of H.R. 10929, Department of Defense Authorization Act of 1979.●

CHARLES AND BERYL GRAEFF—HELPING HARRISBURG'S OLDER RESIDENTS

HON. ALLEN E. ERTEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. ERTEL. Mr. Speaker, the month of May is Older Americans Month. There are many older Americans in the 17th Congressional District who I would like to publicly thank for their hard work and the respect they have gained during their exemplary lives. But there is one older couple, in particular, whom I would like to bring to the attention of the House of Representatives.

Capt. Charles Graeff and his wife, Beryl, have unselfishly helped hundreds of older residents of the Harrisburg area over the last 5 years in filling out an untold number of income tax returns and myriad forms that today's senior citizens are required to complete. Captain Graeff, a retired Coast Guard officer, and Beryl, a notary public, are part of the retired senior volunteer program for Harrisburg. They live at 2174 Brookwood in Harrisburg, and their phone number is 717–564–6116.

Captain and Mrs. Graeff's home is competely taken over as an office—phones constantly ringing with frantic pleas for help. A question about the Federal income tax has a caller stymied. Another wants to know details about rent and real estate rebate forms. A little while later, an urgent voice needs advice on filling out a medicare reimbursement request. More calls throughout the day on tens of other mystifying forms.

The Graeffs take it in stride. They offer to help them all. In fact, any problem that bothers senior citizens, Captain and Mrs. Graeff lend an understanding ear. They give advice over the phone, make appointments for questioners to come to their office or the Graeffs visit those who cannot come to them. They also have an impressive list of volunteers organized and call upon them according to ability and type of service each is willing to provide.

The Graeffs' spirit was heralded in 1974 when former Vice President Rockefeller, on behalf of the National Center for Voluntary Action, presented them with the National Volunteer Award. In the true spirit of volunteering the Graeffs then returned their $500 award to the former Vice President for donation to charity.

National honors have not slowed down the captain, nor caused him and Mrs. Graeff to rest on their laurels. Despite ill health, hospitalization, and doctor's orders to rest and take life easer, the Graeffs have not stopped helping those older citzens who cannot afford professional help with modern-day paperwork. As one local resident put it, "He's not concerned how long he lives but what service he can render to his fellow man in this short life."

Mr. Speaker, Charles and Beryl Graeff are the kind of dedicated people that continue to make this country great. I am proud to represent them and to know that they are maintaining the vigil to help those in need. On behalf of the people of Harrisburg and the 17th District during Older Americans Month, we salute the captain and his good wife Beryl who is always at his side.●

PUBLIC INFORMATION ON BIRTH DEFECTS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. WAXMAN. Mr. Speaker, one of the most noticeable developments in the past 2 years in Federal health planning is a growing recognition of the value of preventive health care programs. When HEW Secretary Califano launched his antismoking campaign he stressed that preventive health programs are the most fruitful, the most cost-effective, and the most humane expenditures we make in the Federal health budget. Determining and addressing the causes of illness is a dramatic shift in American health care delivery which historically has been oriented to treating serious illness in a hospital setting.

Concurrent with this new emphasis on preventive health care is greater consumer interest in self-care and lifestyle changes that can prevent or postpone serious illness, and prolong life.

The March of Dimes, which was founded in 1938 by President Franklin D. Roosevelt to find a means to prevent poliomyelitis, has made a significant effort to keep the public informed about the very latest findings on the causes of birth defects. When Salk vaccine was licensed in 1955, and immunization pro-

grams to fight polio were organized in 1958, the March of Dimes directed its national research efforts at prevention and treatment of birth defects and genetic counseling.

Birth defects are the Nation's No. 1 child health problem. Every year, more than 250,000 babies in the United States are born with birth defects. Of this total, 200,000 have structural or metabolic disorders that can be detected early in life. Another 50,000 babies are threatened by markedly low birthweight—4 pounds 6 ounces or less. Their organic systems are too immature to function normally. Of all newborns, these infants are at greatest risk of death or lifelong damage.

If we want to assure that as many of our people as possible can lead the most productive lives, we must do all we can to prevent birth defects, or provide early diagnosis and treatment. There are now 15 million Americans whose daily lives are affected in some way by birth defects. Each year, 1.2 million infants, children, and adults are hospitalized for treatment. More than 62,000 persons of all ages die every year as a consequence of birth defects.

I would like to conclude my remarks by having reprinted in the RECORD two March of Dimes pamphlets on the subject of preventing birth defects caused by rubella, and on Tay-Sachs disease. Better public information on birth defects not only increases the likelihood that we can prevent some defects in the future; it also increases public understanding of the importance of preventive health care. These pamphlets and others like them are available from the March of Dimes for distribution to constituents. It is my hope that by informing my colleagues of this resource, better public understanding of the causes and prevention of birth defects will result.

TAY-SACHS DISEASE

Tay-Sachs disease is an inherited disorder. It was first recorded by Warren Tay, a British eye doctor who noted the typical, white-ringed, cherry red spot in the eye of a disabled one-year-old. In 1887 an American neurologist, Bernard Sachs, first described it as a hereditary degenerative disease. In this century researchers pinpointed the enzyme (chemical) activity of Tay-Sachs disease, and it was placed in the group known as "inborn errors of metabolism". These are genetic defects of body chemistry which usually result in organic, nerve, or muscular disabilities.

WHAT IS TAY-SACHS DISEASE?

An inherited condition, always fatal, Tay-Sachs disease strikes its victim at about the age of six months. The brain and nervous system gradually become unable to function. A healthy baby becomes unmoving and unfeeling. The child stops crawling or turning over, loses its ability to grasp or reach out, losses sight and hearing, and is unable to eat or smile. By the age of 18 months he or she is blind, paralyzed, and unaware of the surrounding world. Usually at the age of three or four years, death occurs.

Tay-Sachs is related to a small family of diseases caused by an overabundance of some fatty substances (sphingolipids) found in certain cells. Tay-Sachs babies are born without the blood chemical that is necessary to break down dangerous fatty accumulations in brain and nerve cells. The affected cells gradually become totally clogged and the central nervous system stops working.

WHO INHERITS TAY-SACHS DISEASE?

Victims are primarily descendants of Central and Eastern European (Ashkenazi) Jews, although members of any group may inherit the disease. Some 90 percent of American Jews are of Ashkenazi origin. Approximately one out of 25 American Jews carriers the Tay-Sachs gene, which is about ten times the number in other ethnic groups. Many geneticists calculate that one in 625 American Jewish couples run the risk of having a Tay-Sachs baby

HOW IS THE DISEASE TRANSMITTED?

Heredity is the only means of transmission so, if inherited, Tay-Sachs disease will be present at birth.

It does not develop later in life.

It cannot be caught from another child who has it.

A child must inherit two Tay-Sachs genes, one from each parent, to have the disease. A child who inherits only one Tay-Sachs gene becomes a carrier and will not have the disease. A carrier is completely normal and healthy. But a carrier should know that he or she has the Tay-Sachs gene. Because if two parents are carriers, there is a 25 percent risk with each pregnancy that their child will have the disease. There is another 25 percent chance that the child will be free of the Tay-Sachs gene forever. And the odds are 50–50 that each child will be a carrier, like the parent.

When a carrier and a non-carrier become parents, each of their children has a 50 percent risk of being born a carrier, but none will have the disease.

HOW CAN PEOPLE FIND OUT IF THEY ARE CARRIERS?

By having a simple blood test. A small amount of blood, taken from the fingertip or a vein, is measured for the amount it contains of the chemical (an enzyme known as Hex A) that helps break down certain fatty substances in brain and nerve cells. Tay-Sachs carriers have half as much of the enzyme as non-carriers, although the amount is entirely adequate for an individual's needs.

WHO SHOULD BE TESTED?

American Jews of childbearing age who intend to have children and young adults who have children and plan to have more. Since the odds with each pregnancy are three out of four that a child of two carriers will not inherit the disease, such parents may have had healthy children never knowing they were carriers.

Most babies with Tay-Sachs disease are born into families where the defect had never been known to occur. Anyone who does have a family history of the disease has strong reason to be tested. Individuals who have been tested and are found to be carriers are asked to notify relatives of their test results to encourage further family testing.

Many Jewish leaders prefer screening before marriage, followed by both social and religious counseling for young people found to be carriers.

IS THERE ANY TREATMENT FOR A BABY WITH TAY-SACHS DISEASE?

Tragically, no.

There is no cure and no treatment that will prevent the disease from running its fatal course. Affected children can only be made as comfortable as possible for their remaining months. Parents of Tay-Sachs victims have few places where they can place their children for care, and where such facilities exist, the cost is almost prohibitive without state or other aid.

CAN TAY-SACHS DISEASE BE DIAGNOSED AND TREATED BEFORE BIRTH

Yes, it can be diagnosed; no, it cannot be treated before birth, although researchers are working toward this possibility. Amniocentesis is the method through which Tay-Sachs and many other defects can be diagnosed before birth. An obstetrician who is qualified in this procedure inserts a hollow needle through the pregnant woman's abdomen, into the sac that surrounds her fetus. He withdraws a small amount of fluid containing cells that have been discarded by the fetus and analyzes it for the chemical needed to prevent excessive fatty accumulation. If the chemical (an enzyme known as Hex A) is present, the baby will not have Tay-Sachs disease. If it is missing, it will. This prenatal test should be given early in the fourth month of pregnancy.

CAN TAY-SACHS DISEASE BE PREVENTED?

Voluntary screening by young men and women of Jewish heritage to learn if they are carriers, prenatal diagnosis, and genetic counseling are methods now being used in efforts to prevent this disease. In some cities with large Jewish populations, pamphlets explaining Tay-Sachs disease and advising couples where to go if they wish to be tested are available at marriage license bureaus. Mass screening programs to identify carriers are conducted in several large cities.

WHAT IS THE MARCH OF DIMES DOING ABOUT TAY-SACHS DISEASE?

In sixty-eight research centers throughout the country, scientists are working on techniques that may someday lead to a successful treatment of Tay-Sachs disease.

For example: Some researchers are looking for ways to supply normal enzymes into the brain and nervous system to break down the deposits of fatty substances accumulated there. These normal enzymes would take over the functions not performed by the defective or missing enzymes found in the Tay-Sachs victim.

Scientists are trying to transplant genes from normal cells into cells which lack the gene or in which the gene is defective.

Others are exploring ways to graft healthy cells into patients with abnormal cells so that the transplanted cells can manufacture the enzyme the patient lacks.

Someday Tay-Sachs disease may be treatable and controllable. But until that time, testing for carriers of the disease and genetic counseling facilities are the primary lines of defense against this deadly heritage.

PREVENTING BIRTH DEFECTS CAUSED BY RUBELLA

Every year, more than a quarter-million children in this country are born with a defect. The National Foundation-March of Dimes is dedicated to preventing these tragedies. Prevention won't happen overnight, but one vaccine which can prevent birth defects caused by rubella (German measles), has been available for several years.

RUBELLA—KILLER AND CRIPPLER

About 50,000 American children died before birth or were born with defects because their mothers contracted rubella while pregnant during the 1964-65 epidemic. The vaccine, which was licensed in 1969, ultimately can eliminate rubella.

Primary targets for vaccination are children aged one to 12. They are main sources of rubella infection. If enough children are vaccinated, the rubella virus may be wiped out.

THE HIDDEN MENACE

The mere existence of a vaccine is not enough to stamp out a disease, however. The real danger of rubella is that too many people do not take it seriously enough. Many people know it only as three-day measles—an innocent-sounding alias. Almost everyone thinks of it as a harmless, childhood disease. But this is not only a disease of childhood, and therein lies its danger.

Fourteen per cent of the women of childbearing age in this country are still susceptible to rubella. This is one woman in seven. Rubella is dangerous to the fetus if a woman catches it while she's pregnant because the placenta offers no barrier against the virus. The first three months of pregnancy are the time this disease poses the greatest threat to the growing embryo. It can cause a miscarriage, a stillbirth, or a birth defect.

Because the virus in the vaccine may damage the unborn, doctors warn against inoculating women of childbearing years, unless it is certain they are not pregnant or will not become pregnant within three months of inoculation.

A doctor can tell from blood tests taken before and at intervals during pregnancy whether a woman is susceptible to rubella, and if she is, whether she remains uninfected. If so, the doctor probably will recommend vaccination right after delivery to protect any future babies she may have. If there are older children in the family, they should all be vaccinated.

Rubella symptoms, ironically enough, are quite mild: low-grade fever, a rash starting on the face and spreading down the body, and swelling of the lymph glands in the neck. These signs may be so slight that a pregnant woman doesn't even know she's had the disease—until her child is born with defects.

Rubella is usually over in one to three days with no lasting effect, unless the victim happens to be an unborn child. Then the effects are lasting indeed. Loss of hearing, impaired vision, congenitally damaged heart, and mental retardation are common among German measles babies. Many do not survive.

Clubs and organizations in many areas participate with public health officials and medical authorities in encouraging large-scale rubella inoculation programs for children through public health education and community services.

Keeping the public aware of the continuing need to vaccinate each new generation of children is extremely important. Otherwise the effectiveness of widespread immunization can disappear within a few years, and again pose danger of infection to pregnant women.

RUBELLA VERSUS "REGULAR" MEASLES

Many people think rubella is the same as "regular" measles. They're wrong. They are two different things. The fact that a "regular" measles vaccination campaign has been conducted over the last 10 years has given many people the false impression that their children have already been inoculated against all types of measles. Vaccination against "regular" measles is no protection at all against rubella.

WHAT OF THOSE ALREADY STRICKEN?

Many of the children born with birth defects caused by rubella have not just one, but two or more afflictions. Often handicapped by loss of hearing, impairment of vision, and perhaps a defective heart, they also require early, intensive training if they are to realize their full potential.

Unfortunately, few schools exist for multi-handicapped children. The thousands of children born with defects after the 1964–65 epidemic and now in school threaten to swamp even the schools for the singly handicapped. Society must face this problem squarely. We must see to it that these children, blind or deaf or brain-damaged already, are not hurt further by our neglect.●

THE EASTERN ORTHODOX MEN'S SOCIETY 16TH ANNUAL AWARDS DINNER

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. CARNEY. Mr. Speaker, on Sunday, May 21, 1978, the Eastern Orthodox Men's Society annual awards dinner was held at St. Michael's Carpatho-Russian Orthodox Church hall in Youngstown, Ohio.

The Eastern Orthodox Men's Society was the first organization of its kind in the Midwestern United States. It has effectively become the instrument by which its members, representing the Orthodox churches in Mahoning County, are able to join together as one family of brothers in Christ.

The idea of forming the Eastern Orthodox Men's Society originated with a group of dedicated orthodox laymen. Their purposes were: To effect a more perfect and harmonious understanding between the community at large and the members of the various Eastern Orthodox churches in the Mahoning Valley; to stimulate the spirit of good fellowship and cooperation, and to serve the community and country by taking a more active role in community affairs.

The official motto of the society is "Unity Through Truth," signifying its existence because of the truth which the Eastern Orthodox faith represents, and the belief that through truth alone can unity come about.

The Eastern Orthodox Men's Society has made a great contribution to better understanding, cooperation, and good will among all the people of the Mahoning Valley. Because of the society, more men and women are taking an active interest in the well-being of our community and the Nation.

Each year, the Eastern Orthodox Men's Society presents awards to recognize individuals who have contributed in some outstanding way to the community. The Community Service Award this year was given to Stephen R. Olenick in recognition of the outstanding contributions he has made to our community. With the objective of rewarding service performed, the Clergyman of the Year award was given to Rev. John Alexandrou for outstanding lay activity and personal achievement. The Eastern Orthodox Men's Society also honored Mr. Theodore Senediak and Mrs. Dorothy Marion Sirbu as the Eastern Orthodox man of the year and woman of the year. For his part in the formation and leadership of the Eastern Orthodox Youth Society, Terrance A. Bilas was presented the Youth of the Year Award.

Mr. Speaker, I would like to take this opportunity to heartily commend all of the officers and members of the Eastern Orthodox Men's Society, and to congratulate this year's award winners.

I would also like to insert portions of the 16th annual awards dinner program in the RECORD at this time:

PROGRAM

Raising of the Colors: Boy Scout Troop 111—St. John Orthodox Church—Campbell, Ohio—Scout Master John Kundracik.

Pledge of Allegiance.

Invocation: Rev. James Dokos, Pastor, St. Nicholas Greek Orthodox Church.

Welcome: Nicholas Pavelko, President, Eastern Orthodox Men's Society.

Toastmaster: George Mays.

Entertainment: Music by the Liby-4 Tamburitzas.

Remarks: Phillip J. Richley, Mayor—City of Youngstown.

PRESENTATIONS

Community Service Award to Stephen R. Olenick. Presented by Senator Harry Meshel.

Eastern Orthodox Clergyman of the Year Award to Rev. John Alexandrou. Presented by Rev. Fr. Kiril Antonoff.

Eastern Orthodox Man of the Year Award to Theodore Senediak. Presented by Dr. Matthew Siman.

Orthodox Woman of the Year Award to Dorothy M. Sirbu. Presented by Olga Bilas—President of Eastern Orthodox Woman's Society.

Orthodox Youth of the Year Award to Terrence A. Bilas. Presented by Socrates Kolitsos—Youth Advisor.

Mahoning County Resolutions to the Award Recipients. Presented by George Bindas, County Commissioner.

Ohio State Senate Resolutions. Presented by Senator Harry Meshel.

Closing Remarks: Dr. Matthew Siman.

Benediction: Very Rev. William Olynyk, Pastor, Sts. Peter and Paul Church.●

ANNOUNCEMENT OF NATIONAL GOAL TO LAND ON MOON HISTORIC MOMENT 17 YEARS AGO

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. TEAGUE. Mr. Speaker, today is the 17th anniversary of President John F. Kennedy's historic 1961 announcement of our national goal of landing a man on the moon and returning him safely to Earth before the end of that decade.

Mr. Speaker, as the Members of this body know, that goal was overwhelmingly approved by Congress. In fact, the House Committee on Science and Astronautics had advocated such a goal 10 months earlier. And, as a result of the Presidential commitment, we saw an accelerated space program that was to have a critical impact on the future of this Nation.

President Kennedy's announcement was made in his state of the Union address to Congress on May 25, 1961. He reported that:

With the advice of the Vice President, who is Chairman of the National Space Council, we have examined where we (United States) are strong and where we are not, where we may succeed and where we may not. Now is the time to take longer strides—time for a great new American enterprise—time for this Nation to take a clearly leading role in space achievement which in many ways may hold the key to our future on Earth.

And, at a NASA press conference that day following the President's call to Congress for the accelerated space program, NASA Administrator Webb pointed out that the long range and difficult task of landing a man on the Moon and returning him safely to Earth before the end of the decade offered a chance to beat Russia.

The following day, the White House handed Congress a new set of budget figures to increase funding for NASA projects. And, in testimony before the House Science and Astronautics Committee, Dr. Hugh Dryden, NASA Deputy Administrator assured Congress that:

The billions required in this effort are not spent on the Moon; they are spent in the factories, workshops and laboratories of our people for salaries, new materials, and supplies which in turn represent income for others. The national enterprise involved in the goal of a manned lunar landing and return within this decade is an activity of

critical impact on the future of this nation as an industrial and military power, and as a leader of a free world.

Mr. Speaker, the year 1961 is regarded as the most hectic year in NASA's history. The acceleration of the space program called for a reorganization of the space agency. Plans for flights around the Earth using the Apollo spacecraft were moved up from 1967 to 1965, and circumlunar flights from 1969 to 1967. A budget add-on permitted the establishment of a target date for the lunar landing in the 1969–70 time period.

Much of NASA's long-range planning was altered, especially in lunar-related activities. New hardware had to be developed and much research conducted. In early 1961, there were many unknowns concerning the problems that would be encountered in achieving the manned lunar landing. It was the beginning of a period of rapid growth that was necessary for the national goal to be met.

Mr. Speaker, the glory days of the space program came in the 1960's. It was full of life and the Nation's intention to explore space for peaceful purposes for the benefit of all mankind had the full support of the American public.

Millions of people throughout the world thrilled to Astronaut Neil Armstrong's announcement on July 20, 1969, "Tranquility Base here: The Eagle has landed."

And, with that historical mission, the United States met its national goal. Man for the first time set foot on another celestial body, began its exploration, and returned safely to Earth. This accomplishment caused a cooperative feeling that transcended national boundaries. The devotion and skill of thousands of men and women over many years made that success possible.

Mr. Speaker, I am proud of the contribution made by this body toward the successful accomplishment of the national lunar landing goal. There are many challenges ahead for the American people in all fields of national interest and I believe that we should pause and reflect upon the successful manned lunar landing as an outstanding example of what a united American people are capable of accomplishing.●

WHERE WE STAND

HON. WILLIAM M. BRODHEAD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. BRODHEAD. Mr. Speaker, soon the House will begin debate on tuition tax credit proposals. While the controversy over tax credits for elementary and secondary school tuition has captured the attention of most of us, we should not overlook the issue of tuition tax credits for postsecondary education.

A tax credit for postsecondary education tuition holds out a false promise of meaningful assistance to hard-pressed, working class, middle income families struggling to educate their children. Before promising the families of students that they will receive real help through a tuition tax credit, we should carefully examine exactly what this proposal really provides.

Therefore, Mr. Speaker, I commend to the attention of my colleagues a recent article by a highly respected leader in education, Mr. Albert Shanker, president of the American Federation of Teachers, entitled "Tax Credits No Answer to College Costs":

WHERE WE STAND

Most of the bitter fight over tuition tax credits has focused on elementary and secondary schools. The reason for this is clear. Tuition tax credits which would pay parents up to $500 per child for private and parochial school education (with inevitable pressure in later years to increase the amount) would destroy our public schools. The fight over this issue has been so hot and heavy that most people have forgotten the original purpose of the tuition tax credit proposal. It was confined to higher education and designed to help with the cost of going to college. Many, many families have found college costs increasingly burdensome—and this is especially true if their income is not enough to meet these costs but too much to qualify for the special help available to the poor. Some studies, of course, have shown that middle class family income has increased more than college costs over the same period. But there is little question that a family of modest means which has several children in college finds itself hard-pressed each year to come up with the thousands of dollars required for their education.

The effects of tuition tax credits for college education would not be the same as their impact on elementary and secondary schools. Public higher education would not be destroyed. Nevertheless, almost all of the national groups which are fighting against tuition tax credits for elementary and secondary schools are also against the higher education tax credit—but for reasons which are quite different.

One reason is that the financial assistance would go to all who are in college regardless of need. This means that the taxpayer would be asked to foot the bill for the college education of those from very rich families and that the very rich would get the same help as the middle class and the very poor. For the rich, $500 means a little extra spending money; for the poor, it is not enough for college.

There is another inequity along the same lines. Families with higher incomes tend to send their children to private colleges and universities with high tuition—and would be eligible for the full $500 tax credit in the pending Senate legislation. Families in the lower income ranges more often have children in public institutions—municipal or state colleges—which have much lower tuition. In some instances, that tuition is less than $1,000—which means that such a family could not get the full $500. Of course, there would be an incentive for public colleges to raise their tuition, which would put more money in the family's pocket from tax credits but take it out again in the form of higher costs.

Another reason for the massive opposition to higher education tuition tax credits is that they would ultimately come to replace programs which already exist to aid college students. These programs are now inadequate, but President Carter has proposed vast improvements in them. At the end of last month, the President asked Congress for $1.21 billion to implement the middle-income student assistance plan he first set forth in February—a program which would extend eligibility under Basic Education Opportunity Grants and open up college work-study programs and guaranteed student loans. This amount would be in addition to student aid increases the President asked for in his regular budget for next year. In a statement commenting on the various types of financial assistance, the American Council on Education said: "There is no question in our minds that [families who need help to meet the costs of college] would receive far greater benefits, with far greater equity, for the student aid approach advanced by the Administration . . . than from any tax credit bill."

Another approach to tuition aid—called the Tuition Advance Fund (T.A.F.)—was hailed this week by The New York Times as "a bold plan." Proposed by Rep. Michael Harrington of Massachusetts and John Silber, president of Boston University, the idea is to have the federal government advance $5,000 a year to students—who would pay back the money (plus interest) after graduation at the rate of 2 percent of annual earnings. The money would be collected with income taxes. Those with higher earnings would pay more annually and complete their obligation faster—those whose earnings were less could take much longer. "But, in every case," said The Times, "the tuition barrier to college would be lowered, and the burden largely transferred from parents and taxpayers to the students themselves."

The Tuition Advance Fund idea merits further study. But clearly, like the President's proposals, it would provide the kind of tuition assistance that would be real—that would make the difference for many families between obtaining a college education for their children and not obtaining it. Much more money would be available than with a $500 tax credit.

If other alternatives are better, the question which immediately comes to mind is: Why is the tuition tax credit idea so popular? Why has it spread so rapidly? The answer is that the tuition tax credit is a simple idea. Everyone knows just how much he or she will get—$500 under the Senate proposal, somewhat less in House bills. Most students would get more under the Carter programs, but since these are based on formulas—with different aid going to different students—it's impossible quickly and simply to demonstrate that students will be better off than with the tax credits. If each student, perhaps with the help of a high school or college counselor, actually figured out the help under both systems, the tuition tax credit support would dwindle rapidly.

Before Congress plunges into enacting tuition tax credit, even for higher education, perhaps representatives and senators ought to find out what their constituents really want. Do they want something which barely makes a dent in the college bill—with a disproportionate amount of the total benefit going to the wealthy? Or do they want legislation that will make college truly possible without a destructive kind of self-sacrifice? If the latter is what they want, tuition tax credits are not the answer.●

JIM SCHNEIDER: TAKING THE INITIATIVE IN THE CAUSE OF FREEDOM

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. ASHBROOK. Mr. Speaker, nowadays when the Federal Government is promising everything but eternal salvation via Federal aid, the story of James C. Schneider, editor of Gun Week of Sidney, Ohio, and his efforts to free two Soviet citizens from Communist oppres-

sion are encouraging, edifying, and instructive.

His lesson of individual initiative and responsibility is heartening proof that these values, both at home and abroad, are so necessary if the cause of freedom is to eventually encircle the slave states of the world while preserving American citizens from degenerating into Federal automatons and lock-step wooden soldiers.

In May of last year Jim visited Israel and met Mrs. Lazaris, whose husband had been for 4 years awaiting official approval to leave the Soviet Union. He also met Wolf Gordin, whose son, Yaskov Gordin, had first sought to leave Latvia, now under Soviet control, in 1963. Returning home Jim began his crusade to free the Soviet captives. His strategy, allies, and weapons were quite simple:

Average Americans can help bring freedom to other human beings. And for Americans it doesn't require war or revolution, only some time spent writing letters.

After months of letter writing to American officials, who in turn confronted Soviet officials, word was received last February that both Lazaris and Gordin were safe in Israel.

Typically, Jim Schneider attributed their success to a cooperative effort on the part of concerned citizens:

There were dozens, perhaps hundreds, of people working to get Lazaris and Gordin out of the Soviet Union long before I got involved in the effort. It wouldn't be fair to underestimate their efforts.

I insert at this point in the RECORD the column by Ray Saidel entitled "One Man Can Fight Evil" which appeared in the Manchester (N.H.) Union Leader on February 23, 1978:

[From the Manchester (N.H.) Union Leader, Feb. 23, 1978]

ONE MAN CAN FIGHT EVIL!

(By Ray Saidel)

I have a hero—he is James C. Schneider. He lives at 873 St. Mary's Ave., Sidney, Ohio, and he edits Gun Week Newspaper.

Jim took on the U.S.S.R. in a tug-of-war over two men. He is important—not for the lives he pried from the jaws of the world's biggest bureaucracy, not because of the happiness he brought waiting relatives but because of the lesson he teaches—individuals, with courage, self sacrifice and determination can fight and succeed—even against tremendous authority and evil. He has proven the value of individual effort.

Esther Lazaris, wife of Vladimir Lazaris, and her son, Rafi, had been waiting more than four years for the Russians to release her husband. In May of 1977, Mrs. Lazaris told me, "My husband is still in Moscow all these years refused exit; first on the grounds that he knew state secrets . . . this is absolutely untrue because he worked in an Institute of Research for Building Materials, work never listed as secret; never did he have secret files."

Vladimir, 30, was dismissed from work after applying to leave the U.S.S.R. in October 1974. First refused on grounds of "State Secrets"—subsequently refused with no explanation; being "blacklisted" and out of work is serious in the Soviet Union; you can be sent to prison. Vladimir was hounded almost daily by the KGB.

Yaakov Gordin, born Feb. 23, 1946, a laborer in Riga (Soviet occupied Latvia), applied to leave the U.S.S.R. in 1963; applications were denied as "inexpedient." Drafted into the Soviet Army in 1966, he served as an ordinary soldier until 1968—then his applications were denied on the grounds of army service.

Ten years more passed. Yaakov's parents and brother waited for him in Israel—in 1974 his mother died; he was refused permission to attend the funeral.

Last May, in Israel to gather story material about wildlife preservation, shooting sports, etc.—Schneider met Mrs. Lazaris and heard her story; he also met Gordin's father, Wolf.

Jim paid special attention and told me if there was one thing he was going to do in the next year it would be to rescue these two men. He had no previous experience with the "Struggle of Soviet Jewry"; why should he? Jim lives in Sidney, Ohio (population 13,000), not exactly a center of Jewish culture. He belongs to a Christian religious denomination—The WAY.

Frankly, I appreciated his fervor, but felt fighting the Russians, would wear him down—it didn't.

Jim is interesting; 34 years old, an accomplished writer and editor—somewhere along the line he's made a decision to do his utmost to make the world a better place. It affects his every action.

In June of 1977, I started to receive copies of a stream of letters Jim sent out, along with notes explaining his follow-up; progress and setbacks; the people who should have helped but who were "too busy" with vacation plans; the Senators and Congressmen who responded—and those who didn't.

In July, Jim received a letter from Mrs. Lazaris dated June 26, 1977 stating that KGB "searches and threats" to her husband had stopped in mid-June. He was starting to have an effect.

Months passed; he kept at it. The State Department and the Russians were being driven up the wall by a one-man task force who wouldn't quit.

One November morning, my phone rang. Jim had just been informed by Sen. Clifford Case's office that the State Department had information the Russians were granting Vladimir Lazaris an exit visa.

We talked about it in January.

Jim said: "IT CAN BE DONE, the point is most people, even relatives and those who should be intimately concerned like American Jews don't even attempt to help get these people out of the Soviet Union because they don't think their efforts would do any good. They are wrong. Before I started I wanted to be sure my efforts wouldn't hurt more than they would help. Mrs. Lazaris told me, 'When you apply to leave the Soviet Union, you have already stuck your head in the noose; the more publicity from outside the Soviet Union, the better the chances the noose won't be tightened.' This destroys the theory of millions of Americans that it is better to sit back and quietly let the State Department handle these matters in a 'discreet' manner."

Jim told me of the excellent response he had with most members of Congress taking action via the State Department. Sen. Birch Bayh of Indiana and Sen. H. John Heinz III of Penn. contacted Soviet ambassador Dobrynin; Sen. Case of N.J. contacted the Helsinki Commission; Sen. Lugar of Indiana wrote Col. Obidin, chief of Dept. of Visas in the U.S.S.R.; Sen. Moynihan of N.Y. worked through the U.S. embassy in Moscow; Sen. Harrison Williams Jr. of N.J. wrote personally to Chairman Brezhnev and the U.S. Embassy in Moscow raised the Lazaris case with the Soviet Ministry of Foreign Affairs.

On Feb. 8, Jim called again. He had just received word that Vladimir Lazaris and Yaakov Gordin were safe in Israel. Jim said: "Average Americans can help bring freedom to other human beings. And for Americans it doesn't require war or revolution, only some time spent writing letters."

He reminded me of Esther Lazaris's comment: "When you apply to leave the Soviet Union, you have already stuck your head in the noose." He said: "To a surprisingly large extent, the American public has the power to cut the rope. Of course by sitting on their duffs the American public also has the power to kick the chair out from under those tens of thousands of Soviet Jews who have already put their necks in the noose."

Others made a try but James Schneider's devotion and work is what freed these men—I know. He said to me: "There were dozens, perhaps hundreds, of people working to get Lazaris and Gordin out of the Soviet Union long before I got involved in the effort. It wouldn't be fair to underestimate their efforts."

That's just like Jim.●

HOUSE APPROPRIATIONS COMMITTEE CUTS RENEGOTIATION BOARD'S FISCAL YEAR 1979 BUDGET REQUEST BY 59 PERCENT

HON. MARK W. HANNAFORD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. HANNAFORD. Mr. Speaker, yesterday the House Appropriations Committee reported legislation which tells the Renegotiation Board that it will receive only $3 million out of a requested $7,277,000 for fiscal year 1979 and that these funds will only be available until March 31, 1979.

Mr. Speaker, the action taken by the Appropriations Committee is commendable and proves that within a year's time many other Members of Congress have been convinced of the Board's ineptitude and the fact that it is a bureaucratic anachronism.

I also wish to call to the attention of my colleagues the report language accompanying this legislation. The committee report at page 50 states that:

The Committee feels it is appropriate to consider termination of the Renegotiation Board itself.

The report further states that:

The Committee recommends the appropriation in order to give the Board an opportunity to deal with cases having the most potential for recovery of excess profits and in order to give the appropriate authorizing committees of the Congress an opportunity to deal with the question of the continued existence of the Board.

I believe that the committee's recommendation is a wise one and that it addresses the heart of the controversy surrounding the Renegotiation Board. Specifically, the Board spends thousands of hours on cases involving small businesses having negligible "excessive" profits. As a matter of fact, in fiscal year 1977, the Board's actual cash recoveries were only about $600,000 and it cost $6 million to operate the Board. Furthermore, between 1972 and 1976, the Board made "excess" profits determinations totaling about $85 million which were appealed to the Court of Claims. The Court of Claims, after review, eliminated more than $50 million of the Board's determinations. Thus, the average annual amount of determinations over a 5-year period equals roughly $6 million before taxes. It is apparent that the Board's operations are cost-ineffective.

It makes no sense for agencies of the Federal Government to pursue policies which penalize innovation and efficiency

in the private sector or those that attempt to control profit levels as this agency does.

The Defense Department's 3 separate contract administering and monitoring agencies' employees number about 54,000 and include 9,000 auditors. Their operations cost about $1 billion a year and one agency, the DCAA, can recover for the U.S. Government $20 for every $1 spent in auditor salaries. Moreover, these agencies protect taxpayer funds by stringently negotiating costs, and costs—not profit levels—are the essential factor.

Mr. Speaker, report language accompanying the committee's legislation also instructs the Board to "concentrate on the disposition of the backlog" and advises the Board against rewriting regulations as the Board has done in the case of foreign military sales and segmentation. The committee states that such activities of the Board "seem highly inappropriate in view of the fact that no extension of the Renegotiation Act has been granted." ●

CARTER'S PERFORMANCE

HON. SAMUEL L. DEVINE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. DEVINE. Mr. Speaker, with good reason, a number of columnists seem to feel that the public is disenchanted with the record being compiled by President Carter.

The New York Times today, in an article entitled "On Urban Policy," by Carla Hills, former Secretary of Housing and Urban Development, carefully analyzes Carter's urban policy.

ON URBAN POLICY

(By Carla Hills)

WASHINGTON.—The most disappointing aspect of President Carter's recently announced urban policy is that its framers have learned so little from the past. They might have considered, for example, President Gerald R. Ford's interim report on urban policy, issued in October 1976.

The Ford report found the delivery of Federal aid to urban areas through a multitude of disjointed and overlapping categorical grants to be inefficient and ineffective. Individual Federal grants for sewers, parks or similarly narrow categories of urban need undercut local government's capacity to link public and private resources. Citizens at the neighborhood level were frustrated when no Federal program was available to meet their community's pressing needs but money was visably available for less-essential purposes.

For example, Federal funds were often available to build nonessential sewers in a community but not to rehabilitate the much-needed housing stock in its troubled neighborhoods. Such program restrictions insulated local officials from accountability to their citizens. When urban renewal destroyed sound urban neighborhoods, local officials blamed Washington—while Federal bureaucrats, without electoral accountability, made detailed plans for communities they had never seen.

The Ford report recommended a dramatic restructuring of Federal aid to the cities. It proposed the consolidation of many existing Federal aid programs into broader, more flexible block grants. The report recommended consolidation of Federal housing assistance, urban surface transportation, health, and education aid programs into four block grants, with other similar reorganizations to follow. These grants would encourage state and local governments to adapt Federal aid to their conditions.

Accountability for the use of these new grants would be clearly fixed—usually in elected officials who answer at the polls for their decisions. The participation of citizens and their neighborhood associations in the management of the grants would be mandated. The rights, needs and interests of minority citizens would be protected. Local management and planning capacities would be improved and performance standards imposed. The flexibility of block grants would encourage regional cooperation.

Like the Ford report, the Carter statement called for an increased emphasis on restoring the economic health of cities and for directed Federal aid to distressed people and places. Both reports recognize that Government alone cannot solve the cities' problems and call for new public-and-private partnerships. The recommendations for tax incentives, job scholarships and Federal guarantees for economic development are strikingly similar.

But the strength that might have come from these similarities is lost in the approach Mr. Carter's proposal adopts to deliver Federal resources.

Unlike the Ford proposal, in Mr. Carter's not a single existing Federal program is to be consolidated or eliminated. Instead, Mr. Carter proposes to multiply the already dizzying array of narrow categorical grant programs and the maze of red tape that plagues local officials. Every domestic agency seems to have received a payoff in the form of a new program or added funding for an existing one.

For example, the report proposes additional funding for parks, and a host of other equally narrow programs thus again causing local citizens to ask: How can the Government make money available for projects that we do not need in our community yet refuse to make money available for projects we desperately need here?

The cornerstone of the report is the Urban Development Bank, a massive new entity, created to duplicate functions already being performed elsewhere and to be run by three different Federal agencies—not one—which clearly should be the case.

The recipients of this labyrinth of new programs would include neighborhood groups, mayors, governors and various newly created entities, independent of local elected officials. This broad dispersal of decision-making muddies accountability and hamstrings local government's capacity to put scarce public resources to their best use.

President Carter's approval of the recent Urban Policy Report is sadly inconsistent with his rhetorical commitment to reorganizing government to improve efficiency, responsiveness and accountability. Giving something to everyone may have allowed him to avoid tough political decisions but it regretfully reduces this nation's ability to meet the needs of its cities.

George Will, in a column earlier this week, outlined Administration policies as defeatist and included a great deal of thought provoking material.

ADMINISTRATION POLICIES ARE DEFEATIST

(By George Will)

WASHINGTON.—As is often the case with the Carter administration, the kindest interpretation of the timing of Zbigniew Brzezinski's trip to Peking is that the administration does not know what it is doing. As is often the case, that interpretation is too kind.

The administration allowed the national security adviser's trip to be scheduled to begin May 20, the day the Republic of China (Taiwan) will inaugurate a new president. No representative of the Carter administration attended the inauguration. The administration is collaborating with the Communists by signaling disdain for a nation with which the United States has—inconveniently in the opinion of some people—relations of friendship, a defense treaty, and trade second only to that with Japan among Pacific nations.

The administration is riddled with people who would, if they could, sever ties with the Republic of China and leave it at the mercy of Peking. They cannot do so because Congress and the country would not stand for it. And there is fresh evidence that a movement of opposition to the administration's foreign policy is taking shape and finding voices.

The evidence is in the transcript of a conversation published in the American Enterprise Institute's magazine Public Opinion (May–June 1978). The conversationalists, Henry Kissinger and Sen. Daniel Moynihan, agree that (in Kissinger's words):

". . . at the second and third levels of this administration, many people came in who are 'graduates' of (the) Vietnam period . . . They have convictions that if America is not to be punished for its presumption, then at least we must be sure that the country is never presumptuous enough to undertake any more distant enterprises."

One problem, according to Kissinger, is the recurring tendency of complacent societies "to escape current dilemmas by making the most favorable assumption about the future. This temptation . . . is one reason why the communist challenge has been interpreted in the most benign fashion in every decade in the existence of communism." Moynihan believes that another important problem today is fear, as shown in recent debates about Africa.

"We are continually told today," says Moynihan, "that we have to do this or that, accept this or that unattractive option because if we do not, the Russians will send in the Cubans. And this settles an argument!" "What has become of our country," asks Kissinger, "when we explain foreign policy by the myth of the invincible Cubans?"

What Kissinger calls the "defeatist consensus" in the "traditional establishment" is apparent in the administration's approach to strategic arms limitation.

"Remarkably," says Moynihan, "we now have senior officials of this administration coming around to us in the Senate saying we must have a SALT treaty soon because if we do not, by the mid-1980's the Soviets will have surpassed us in strategic power. I can imagine what you, Henry, would think about a negotiating position in which the other side had only to wait 2,000 days to get to where they want to be."

Surely, Moynihan insists, the United States must be able to make a believable threat to increase its defense effort enough to convince the Soviets that they must negotiate acceptable limits. The administration is unwilling to make any such threat and as Moynihan says, ". . . if you have psychologically discarded that bargaining technique, then, in fact, you are disarmed."

The similarity of Kissinger's and Moynihan's views is interesting; so is the dissimilarity of their situations. When Moynihan, a Democrat with a large and growing constituency in the country, agrees with Kissinger's diagnosis ("I do not believe . . . that there is a public problem. In this coun-

try we have a leadership problem."), the logic of Moynihan's thought points toward action.

When Moynihan says that "American policy is beginning to accommodate to the assumption that the Soviets are now, or soon will be, the superior military power," he and the administration do not have what Milton called "neighboring differences." What is at issue is fundamental. It is the adequacy of the administration's policy affecting the safety of the state. And in a nation that provides for regular and orderly challenges to incumbent leadership, such an issue should produce a political challenge.

Finally, Columnist Jim Bishop, who is not known for being a conservative Republican, published an article in the Columbus, Ohio, Citizen-Journal of May 23, entitled "You've lost another supporter, Mr. President." All Members should read this discerning article which concludes as follows:

I'm stubborn in my loyalties. But not, I hope, crazy . . .

YOU'VE LOST ANOTHER SUPPORTER, MR. PRESIDENT

(By Jim Bishop)

It required considerable soul-searching on my part, but I no longer see the president as our grinning saviour. I championed his cause in the days of the early primaries when people were asking "Jimmy who?" His popularity rating is of small importance. His efficiency is poor.

I have worked in and around politics for four decades and I know of no chief executive in history so well endowed with intellect and self-proclaimed honor. At every other turn in the road he has failed us.

When he assumed office on Jan. 20, 1977, our problems were unemployment, inflation, energy, the Middle East and the dollar. Fourteen months later the same enigmas plague us.

Carter called himself the "outsider," the non-establishment non-Washingtonian. In this he was eminently correct. A successful president needs allies in the House, the Senate, the Supreme Court and the press. Carter alienated all of them in the first year.

He even tried to alter his personality. For a few months he was sweet, closing, coaxing. When it didn't produce results, Mr. Carter changed to his aloof, above-politics attitude. When that failed, he became the harsh critic who denounced the Soviet Union, Israel, the Bar Association and the American Medical Association.

He is the first president who refused to support the American dollar. When it collapsed on foreign markets, the Japanese and the Germans spent billions trying to put crutches under it. Carter did nothing.

Retail prices and wages go higher and higher, but our president will not threaten wage and price controls. He could ration gasoline and oil by fiat to cut our witless use of energy, but he won't. Carter desires to "persuade" Americans. He does not seem to realize that we have always been accustomed to having the best, and we will not settle for less on a volunteer basis.

This man of peace, a reborn Christian, sells more weapons to the world than anyone since F.D.R. and World War II. He preaches human rights to Russia, Africa and Brazil, but he hasn't got it here. As a nation, we are powerful, not noble.

In his early days, he inundated the Congress with so many bills that Speaker of the House Thomas P. O'Neill almost disappeared behind his desk. Carter's leader in the Senate, Robert Byrd, couldn't reach Carter on the phone. As Jody Powell said: "It's surprising that a man who would stop to shake hands with any man on any street refuses to phone a congressman to ask for his support."

The president says he has not given a thought to a second term. This from a man who swore that he would never lie to us. Unless he is incapacitated, Carter is sure to run for a second term.

At that time, he will be busy explaining how he not only cannot balance the budget, but how he managed to drop us deeper into debt. It will be difficult for the Democratic Party to dump an incumbent. It cannot be done without a sense of shame.

In the summer of 1932, the Republican Party decided to stick with a loser, Herbert Hoover. By November, the party was in tatters. It was beaten so decisively that it remained out of power for 20 years. Then it nominated a hero who had never voted and wasn't sure he was a Republican—Dwight D. Eisenhower.

I'm stubborn in my loyalties. But not, I hope, crazy.●

GUARANTEED STUDENT LOAN PROGRAM

HON. ANDREW MAGUIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. MAGUIRE. Mr. Speaker, last week Congressman WILLIAM STEIGER and I introduced H.R. 12756, the Capital Availability for Higher Education Amendments of 1978.

This legislation addresses many of the severe problems of the Guaranteed Student Loan program, a program which in concept provides students the type of financial assistance they need most without draining the Federal Treasury.

I wish to share with my colleagues the following description and summary of the Guaranteed Student Loan program, its benefits, potential, and problems, together with a discussion of what the Capital Availability for Higher Education Amendments seek to accomplish:

THE GUARANTEED STUDENT LOAN PROGRAM

Financial institutions participating in the Guaranteed Student Loan (GSL) Program are the single best source for directing private capital to higher education. The GSL Program leverages Federal expenditures about four times over since it relies chiefly on privately raised capital. The costs to the Federal government result from defaults, deaths of borrowers, interest subsidies, payback deferrals, and special interest allowances to lenders. Moreover, as a loan for which the borrower is responsible, the choice of a more expensive education rests with students who know they will ultimately have to bear the full cost of their decisions.

The GLS Program, however, suffers from several problems that have kept it from fulfilling its full promise:

Geographical Unavailability.—Institutions choosing not to participate do so in geographic patterns. Availability is good in the Northeast for historic reasons and because of supportive State laws, but very poor on the west coast and in California where one bank holds more than half the outstanding loans. This is a deficiency in a National program.

Case-to-case Capriciousness.—Frequently small institutions discriminate between those borrowers with a deposit relationship and likely to remain customers, and those who don't have such a relationship for a year before applying. Banks view GSL's as a "consumer giveaway" similar to blenders or alarm clocks. Nondiscrimination clauses in current law are not effective.

Loan Ceilings Too Low.—Currently, under law, students may borrow only $2,500 a year even when they have access to a lender, and this is frequently insufficient to pick up the gap in financing they need to choose the education of their choice. A ceiling of $3,500 would, in virtually all instances, assure full financing when supplemented by other resources usually available.

Aversity to poor risk loans.—"Poor risks" include the lions share of most needy students, and most of them would, in fact, pay off the loan if given a chance. This is the very group for which policy should be most accommodating, and for which a Federal guarantee should, in principle, most leverage Federal contributions. But three problems confront lending institutions:

(1) Federal lending origination standards measure performance by defaults, so there is a great incentive to "cream" the best borrowers; in fact, many defaults are accounted for by ripoffs of financing substandard educations—mail order degree factories and so forth;

(2) The inflexible loan servicing systems banks are willing to institute require a steady stream of monthly fixed payments regardless of income; more flexibility before default would sustain the borrower's credit rating and increase the ease of collection;

(3) Servicing costs associated with "poor risk" borrowers are significantly higher since the borrowers tend to be harder to keep track of. In general, the administrative problems of managing the collection system of long-term, unsecured loans are burdensome and much nonparticipation in the Program is attributable to this.

Shortage of funds.—The GSL program has been lending in excess of $1 billion annually. This is not enough to pick up the slack in financing needs. The Student Loan Marketing Association (Sallie Mae), a quasi-public federally chartered market similar to Fannie Mae, has not adequately funnelled capital to private lending institutions to relieve them of holding the loan paper themselves. For example, out of $6 billion of loans outstanding, Sallie Mae only owns or has financed about $600 million, a much smaller percentage than secondary markets provide for home mortgages.

Possible too low return for lenders.—Lenders supply funds to the GSL Program, in the marginal case, only if the return is competitive with other uses of capital. But under the current "special allowance" formula (which subsidizes the interest return to the bank during the collection period based on short-term market interest rates for government securities), banks may not be receiving a high enough return to include as many marginal cases as would otherwise be desirable.

THE CAPITAL AVAILABILITY FOR HIGHER EDUCATION AMENDMENT OF 1978 (H.R. 12756)

This program of immediate changes in the GSL Program is intended to take significant steps toward ameliorating the above problems, and otherwise enhance capital availability. It is expected that it will be very appealing to the Nation's banks, as well as to students who are seeking, not a free ride, but a place to borrow money to purchase the ticket.

I. Increase Borrowing Ceilings to $3,500 from $2,500.—This should broaden the choice of affordable institutions of higher education at once for a substantial group of students from middle income families.

II. Permit Participating GSL Lending Institutions to Purchase Loan Collection Service from the Federal Government.—While loan origination practices should be carefully monitored to assure the government

agrees to collect only eligible loans, this would relieve the banks of substantial administrative and managerial burdens they are ill-equipped to handle—a significant cause of patchy program participation nationwide. Additionally, direct payments to banks from the government would not be subject to overly rigid "performance" criteria relating to default rates, since the government would have responsibility for collecting the loan. Further, a firm non-discrimination standard will be enforced for banks purchasing the collection service. Banks relieved of the added costs associated with "poor risks" will again consider this group as qualified borrowers. The government will then pay obligations directly to banks as due. The collection service will cost banks one half percent of the interest subsidy the government pays during the repayment period. The savings on this subsidy—called the "special allowance"—will help finance any additional cost to the IRS.

III. The Government will Collect the Loans through the Internal Revenue System.—Collections will be through the income tax to which all citizens are subject, and be based on the student borrower's ability to pay as measured by his or her adjusted gross income. Borrowers will make annual installments until they have repaid the principle and 7 percent interest on the outstanding balances—the current rate charged for GSL's. The Internal Revenue Service shall provide simple tables to facilitate computations, and take other administrative steps to ease the responsibility of the borrower. This method of collection benefits from economies of scale since the collection system is already in place, and the IRS endeavors to keep track of all taxpayers already. The flexibility permitted by the system would increase the likelihood of faithful paybacks.

IV. Appointment of Blue Ribbon Panel to Report to Congress Within the Year.—A Blue Ribbon Panel composed of two College administrators dealing with the National Defense Student Loan Program, two representatives of participationg GSL institutions, one from a non-participating institution, two academics familiar with the field of student assistance, the appropriate assistant secretaries of HEW and Treasury, a former student GSL borrower or representative of a student organization, and an expert from Sallie Mae. The panel will be instructed to review:

(1) The adequacy of the special allowance formula to draw sufficient capital into the program, with consideration of an "incremental special allowance" graduated to provide additional incentives the higher the loan volume handled by an institution;

(2) The feasibility of instituting a Student Loan Bank of Last Resort, with attention to the problems of avoiding substitution for currently offered loans; and

(3) Other major questions as they shall identify.●

LET US REPEAL METRIC CONVERSION

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. RUDD. Mr. Speaker, an article in the latest issue of U.S. News & World Report indicates that there is widespread opposition throughout the United States to metric conversion.

Public opposition to changing our system of weights and measures from the traditional English system to the metric system is especially strong in my own State of Arizona. Judging by the reports I have read, people everywhere are similarly angry about Government efforts to force them into using this foreign measurement—switching from inches and feet, ounces and pounds, and miles per hour, to centimeters and meters, grams and kilograms, and kilometers per hour.

I do not believe that our Government should impose such an unpopular change in our lifestyle upon the American people. It is my belief that Congress should avoid wherever possible legislation that will cause undue or harmful socioeconomic dislocations as the result of Federal Government programs or actions.

I have therefore today introduced a bill to repeal the Metric Conversion Act of 1975. I will welcome cosponsors of this proposed legislation, and hope that Congress will have the wisdom to repeal Federal Government efforts to promote and impose the metric system upon an unaccepting public.

Mr. Speaker, I would like to include the U.S. News & World Report article, a good column on this subject by Patrick Buchanan, and the text of my proposed bill, at this point in the RECORD:

[From the News & World Report, May 29, 1978]

SOME POTHOLES ON THE ROAD TO METRICS

(A funny thing happened to the big changeover to liters and meters, supposed to be under way now. Consumer resistance is upsetting plans.)

America's much-heralded shift to the metric system is turning out to be highly uneven—and is meeting with increasing public resistance.

As a result, while you'll almost certainly be measuring soon in liters and probably will be using Celsius for gauging temperatures, it will be a long time before you are forced into routine use of meters or kilograms, much less hectares, kilopascals and newtons.

The facts about slow conversion to metrics are these:

Everyone who buys bottles of almost anything will need to know about liters shortly. All of the major U.S. soft-drink companies began converting to liter packaging in 1976, and there is a big trend toward the 2-liter no-return polyester bottle. After this year, wine will be sold only in metric sizes.

Most '78-model cars are being built largely to metric measurements, but this won't affect drivers much. Mechanics, however, will have to use tools marked off in centimeters and millimeters in repairing the newer U.S. cars.

Computers and business machines are also in the process of conversion from inches to centimeters. International Business Machines Corporation is just past the halfway mark and expects to complete its shift to metric by 1982. But this, too, will not require most people to learn and use any different measurements.

CHEMICAL CONVERSION

One major industry—chemicals—is planning a complete changeover, with a deadline in the near future. The shipping and billing of bulk and packaged chemicals for industrial use are to be wholly metric by the end of 1980, industry representatives say. Conversion from ounces to grams for all packaged chemicals sold to consumers is to be completed two years later.

Meanwhile, the process of converting highway signs from miles to kilometers is under way, and signs using both measurements appear on many interstate highways. But the driver resistance is increasing, judging by letters to editors and complaints to highway departments. So a complete conversion to kilometers is nowhere in sight.

Prospects for shifting weather reports completely from Fahrenheit to Celsius are rated a bit higher; forecasts in both measurements are becoming common on radio and TV.

Little has been done to convert gas pumps from gallons to liters. Oil firms are unwilling to make the investment involved in the face of what they see as public opposition to such a change.

Apparel sizes also are remaining in inches rather than shifting to centimeters. The apparel industry is said to fear consumer resistance to the move.

Food measurements are up against the same barrier. No food processor wants to be first to shift from pounds and gallons to kilograms and liters and thus risk alienating his customers.

There are some awesome legal barriers to change in that field as well. Some 35 states, for example, now regulate the packaging of milk and bread on the basis of traditional English measurements. One Montana baker tried putting out kilogram loaves of bread instead of the state-mandated 1 or 2-pound loaves. When his case was tried last year, he was found guilty of violating the law by not using pound measurements, and the court ordered him to stop using the metric system.

While there has been a great deal of shifting from inches to centimeters by big manufacturing firms that export to foreign markets, the change has been almost imperceptible in local industries and service firms. Construction, for instance, is a major industry with little real incentive to move to metric. As one authority says, "It's so fragmented, the whole industry doesn't have a GM or IBM to make that decision or lead the way."

NO SALE

Retailing firms are even slower to move toward metric. Few stores are measuring their offerings by grams, centimeters or milliliters (one fifth of a teaspoon in volume) for fear of antagonizing customers.

The latest Gallup Poll gives evidence of growing resistance to the use of metric measurements. Between February, 1977, and the end of the year, the number of Americans who said they wanted the U.S. to adopt the metric system dropped from 29 to 24 percent.

Opposition to the metric system, the poll showed, was greater among women than men, high-school graduates than those who were college-educated, clerks than businessmen, Southerners than Northerners, and people over 50 than those under 30.

A vast majority in the poll could not guess even approximately how many inches are in a meter, liters in a gallon, or miles in 100 kilometers.

Homemakers seemed to have a particular aversion to shifting to metrics. As one Atlanta woman commented: "Even the discussion of metric recipes is enough to make you swear off cooking. The recipes are available all right, but who wants to learn how to cook all over again if she doesn't have to?"

Shortcuts you can use

To measure	Use this metric unit	It's about this size
Length	meter	39½ inches
	kilometer	0.6 mile
	centimeter	width of a paper clip
	milliliter	thickness of a paper clip
Area	hectare	2½ acres
Weight	gram	weight of a paper clip
	kilogram	2.2 pounds
	metric ton	2,240 pounds
Volume	liter	1 quart, 2 ouncs
	milliliter	⅕ teaspoon
Pressure	kilopascal	1/100 of atmospheric pressure
Temperature	Celsius degrees	water freezes at 0°, boils at 100°; to convert to Fahrenheit roughly: double Celsius, add 30

[From the Arizona Republic, Jan. 12, 1978]

A SPECIAL HELL FOR METRIC FANS

(By Patrick J. Buchanan)

WASHINGTON.—In 1975 Congress took a radical step that will eventually require the rewriting of record books and cookbooks, the replacement of road signs, a revolution in the bottling industry, the discarding of all our old scales and thermometers.

It enacted the Metric Conversion Act.

Under its terms we have seven years left in which, voluntarily, to shift from our customary way of measuring weights, distances, volume and temperature to the metric system.

This social revolution is being imposed from above. It was done without national debate, without consultation with or the consensus of the people, without necessity or cause.

If the little duchies of west Europe wish to measure their circumscribed ground space by kilometers, why should we ape them and cease measuring our continent-wide country in miles?

Since prohibition, when a Yank enters a liquor store he has bought his bourbon, scotch, gin and vodka by the pint, the fifth, the quart or the half-gallon. Come 1985, all our hooch is to be sold in fractions of liters, and multiples of liters.

Prof. Lester W. Schlumpf, principal of New York's John Adams High School, who assisted in working up a handbook called "Metrics Made Easy," is elated over the coming changes.

"The metric system is so superior to ours and so much easier to use that it is rapidly replacing the customary system for every measurement in the United States . . . One thing is certain—metrication is coming to America."

Don't bet your Big Mac bonds on it, Lester.

Grass-roots resistance to metrication is rising. Americans, *deo gratias*, seem to be following intuitively the counsel of Thomas Jefferson: "I hold it that a little rebellion now and then is a good thing, and as necessary in the political world as storms in the physical."

Why should we abandon our familiar Fahrenheit methods of measuring the temperature for Celsius? With 180 degrees between freezing water at 32 and boiling at 212 (with only a 100-degree spread on Celsius) Fahrenheit gives us a far more exact measurement of heat and cold. And every American has grown accustomed to such expressions as "It's 40 below today in International Falls," and "110 in the shade."

All the standing and fallen barriers of athletic accomplishment have been written in traditional usage.

There was the 4-minute mile. The 18-foot pole vault. The 7-foot-high jump. When we read of old records falling at Churchill Downs and Belmont Park, do we want them recorded on the sports pages in kilometers and meters, or miles and furlongs?

Sure, the metric system is simpler, just as prose is simpler to understand than poetry. But when Howard Cosell talks about a Dallas lineman weighing in at "265 soaking wet and standing 6-9 in his stockinged feet," do we want that changed to 206 centimeters and 120 kilograms on the scale?

Under metrication a teaspoon of salt and a tablespoon of sugar in your favorite recipe would be translated into 5 milligrams and 15 milligrams, respectively. What grinch would want to throw out the joyful expression, "It's a beautiful 8-pound baby boy," preferring "The child weighed almost 3.7 kilograms at birth"?

The poet Dante is already warming up a special place in hell for those clergy of the Tin Bar who have mangled the Bible and the Book of Common Prayer to make them more easily understandable to yahoos and dingbats. Space needs to be reserved in the same niche for the acolytes of metrication.

H.R. —

A bill to repeal the Metric Conversion Act of 1975 (89 Stat. 1007)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Metric Conversion Repeal Act of 1978".

FINDINGS AND POLICY

SEC. 2. (a) The Congress finds that—

(1) the majority of American people do not favor conversion from standard U.S. weights and measures to the metric system, despite U.S. involvement as an original signatory party to the 1875 Treaty of the Meter (20 Stat. 709), and the fact that use of metric measurement standards in the United States has been authorized by law since 1866 (Act of July 28, 1866; 14 Stat. 339);

(2) the latest manifestation of public opposition to metric conversion by the United States, since passage of the Metric Conversion Act of 1975 (89 Stat. 1007), occurred in 1977 when the Department of Transportation proposed to convert Federal highway signs solely to the metric system beginning in 1978, but later withdrew the proposal because the public outcry was so strong;

(3) it is in the interest of the United States to eliminate Federal Government programs or entities when it is clear that their objectives are not supported by the people or their existence is unnecessary to an overriding public need.

(b) The Congress declares that it is the policy of the United States—

(1) to pursue a vigorous effort to avoid wherever possible undue or harmful socio-economic dislocations as the result of Federal Government programs or actions; and

(2) to eliminate Federal Government programs or entities that would cause undue socio-economic dislocations, or whose objectives or existence are not needed or supported by the American people.

REPEAL OF METRIC CONVERSION

SEC. 3. The Metric Conversion Act of 1975 (89 Stat. 1007; 15 U.S.C. 205(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k)) is repealed.●

SENIOR CITIZEN INTERNS

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. HARKIN. Mr. Speaker, during the last week it has been my pleasure and privilege to have four hard-working senior citizens from southwest and central Iowa in my Washington office as interns. They were selected from among 350 applicants from throughout the Fifth Congressional District of Iowa.

These four senior citizen interns are a tribute to the contributions that older Americans can make to their communities. Each of them has served in civic office, is active in the planning and operation of senior citizen programs, and has served local educational and religious groups as well.

I would like to tell you a little about each of them.

Elsie Bryant is a retired teacher who is now mayor of the town of Treynor. She works as a substitute teacher, and was selected last year as the Outstanding Senior Citizen Woman in Southwest Iowa.

Leo Heisterkamp is a retired businessman who was mayor of the town of Breda for several years. Leo serves on three advisory boards for the area council on aging.

Gayle Strickler is a retired minister and serves on the Town Council of New Virginia, Iowa. He is the part-time coordinator of senior citizen programs for the city of Urbandale.

Lois Whitson is a part-time nurses' aide in the town of Shenandoah. She is president of the Page County Commission on Aging, and taught school for 45 years.

During their time in Washington, these senior citizen interns have kept a busy schedule. They have met with representatives of the Committee on Aging from both the House of Representatives and the Senate. They have talked with officials of the HEW Administration on Aging and the Social Security Administration. They have also met with senior citizen groups such as the American Association of Retired Persons and the National Council on Senior Citizens.

Not only have they learned about the Federal process, but in turn they have served as "ambassadors" for all elderly Iowans, by imparting their special expertise on the problems and concerns of the rural elderly to administration and House officials.

But these interns have also worked on their own. Each of them chose to research an issue or two of interest to them and of importance to senior citizens in

their own rural communities. Each intern then studied these issues, which included medicare, new legislation to create a national meals-on-wheels program, Federal funding for senior citizen centers, energy and the elderly, and mandatory retirement legislation.

Mr. Speaker, the benefits of this program have been numerous. The interns have been able to learn about programs for helping senior citizens. When they return to Iowa, they will be able to share what they have learned with their senior citizen groups in their communities. And their comments and advice to me have been invaluable. My knowledge of the concerns of senior citizens has been expanded by talking with them over the last week.

From this experience, I would strongly urge my colleagues to consider a senior citizens intern program in their own office. I have found this to be a most informative program, and one that I hope to continue in the future.

I would like to thank the four senior citizens who took part in this program for their time and efforts. They have helped me greatly, and have made a major contribution to the understanding of the problems that affect a large segment of our society.●

CORRESPONDENCE AMONG CONGRESSMEN, ERTEL, THE SPEAKER, AND THE MINORITY LEADER ON CONGRESSIONAL CAMPAIGN OFFICE FACILITIES

HON. ALLEN E. ERTEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. ERTEL. Mr. Speaker, I include the following as an appendix to my remarks:

JULY 14, 1977.

Hon. THOMAS P. O'NEILL,
Speaker of the House,
Washington, D.C.

DEAR MR. SPEAKER: On June 27, 1977, I announced my intention to introduce an amendment to the Legislative Appropriations Act that would have removed the various Congressional campaign committees from federal office space. I did not offer my amendment because Gary Hymel of your office assured me that you shared my feelings on the matter and were prepared to order the campaign committees from the House office buildings. I am entirely satisfied by Mr. Hymel's assurances.

I write to you today to suggest that the Committees in question be served immediate notice that they must remove themselves from federal property. This notification will serve to permit the committees time to relocate and, at the same time, it will begin to fulfill our shared goal of eliminating this most inappropriate use of public space.

Sincerely,

ALLEN E. ERTEL,
Member of Congress.

JULY 27, 1977.

HON. JOHN J. RHODES,
Minority Leader,
House of Representatives,
Washington, D.C.

DEAR JOHN: For some time now, we have felt that our respective campaign committees should not operate on government property. With this in mind, we have already made arrangements for our campaign committee to move to private quarters on the Hill.

We are asking that you also remove your campaign committee to other quarters.

This move would make available to our committees, both on the majority and minority side, valuable space to conduct official business.

According to our records, the Republican Campaign Committee now occupies Rooms 508 through 522 in House Office Building Annex #1.

With best regards,

Sincerely,

THOMAS P. O'NEILL,
The Speaker.

OFFICE OF THE MINORITY LEADER,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 27, 1977.

Hon. THOMAS P. O'NEILL,
Speaker of the House,
Washington, D.C.

DEAR TIP: I received your request asking that we remove our Campaign Committee to private quarters. I understand and concur in the purpose of the move, but was unaware you were making the decision without more advanced notice.

We will remove our Congressional Campaign Committee to commercial office space just as soon as we are able to make proper arrangements.

Sincerely,

JOHN J. RHODES,
Minority Leader.

July 28, 1977.

Hon. JOHN J. RHODES,
Minority Leader, House of Representatives,
Washington, D.C.

DEAR JOHN: Thank you for your prompt reply to my letter regarding the movement of the campaign committee offices.

Your support and cooperation in this regard are most appreciated.

With warmest regards,

Sincerely,

THOMAS P. O'NEIL, Jr.,
The Speaker.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 29, 1977.

Hon. ALLEN E. ERTEL,
Longworth House Office Building,
Washington, D.C.

DEAR AL: In response to your letter of July 14, I am pleased to report that the Democratic and Republican Campaign Committees are moving out of the House Office Buildings.

Your suggestion was certainly a worthy one, and I appreciate your support on this issue.

With warmest regards,

Sincerely,

THOMAS P. O'NEILL,
The Speaker.

REPUBLICAN NATIONAL COMMITTEE,
October 1, 1977.

Hon. GUY VANDER JAGT,
House of Representatives,
Washington, D.C.

DEAR GUY: In response to your request, the Republican National Committee is moving forward with its plans to build an addition to the existing structure currently housing the R.N.C. This building will be within the complex of the Eisenhower Center and will provide sufficient space in which to house the National Republican Congressional Committee.

While we have adequate space upon which to construct an addition at present, we are negotiating the acquisition of the remaining property adjacent to the space currently being utilized as a parking lot.

We have requested estimates for the construction of such an addition based on existing architectural plans. It is expected that we should have little difficulty in obtaining the funds necessary for the construction of the building, particularly based upon your Committee's agreement to sign a long term lease, which will certainly be of assistance in obtaining the requisite financing.

It is our intention to move as rapidly as possible and barring any unforeseen events, this new facility should be available for occupancy by your Committee on or about November 15, 1978.

I will continue to keep you periodically advised.

Very truly yours,

BILL BROCK, *Chairman.*

NOVEMBER 1, 1977.

Hon. THOMAS P. O'NEILL,
Speaker of the House of Representatives,
Washington, D.C.

DEAR TIP: On July 14, 1977, I wrote to you urging that the Democratic and Republican Campaign Committees be removed from the House Office Buildings. In a letter dated July 29, 1977, you assured me that both committees would be relocating.

The Democratic Congressional Campaign Committee is now situated in private office space, but, as of this date, its Republican counterpart continues to occupy federal quarters. I have sought to determine if the Republican Campaign Committee has arranged to move. However, repeated phone calls from a member of my staff to Steve Stockmeyer at the Committee have not been returned.

I presume that prior to your July 29 letter to me, you received assurances from the directors of the Republican Campaign Committee that they were in the process of securing other offices. Enough time has elapsed for them to have accomplished this task. Accordingly, I ask that you order the Republican Campaign Committee to relocate by the time we begin the second session of the 95th Congress. This time limit is quite generous insofar as it permits an additional two and one-half months for them to complete a move that presumably began some time ago.

Sincerely,

ALLEN E. ERTEL,
Member of Congress.

November 4, 1977.

HON. JOHN J. RHODES,
Minority Leader,
Washington, D.C.

DEAR JOHN: On July 27, I wrote asking that you vacate offices occupied by the Republican Campaign Committee.

We have completely moved our campaign committee to private quarters, and I have had to allocate your committee rooms (508–522 in Annex I) to satisfy our most pressing needs.

Anything you can do to expedite this move would be greatly appreciated.

Sincerely,

THOMAS P. O'NEILL, Jr.,
The Speaker.

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 9, 1977.

Hon. ALLEN E. ERTEL,
Longworth House Office Building,
Washington, D.C.

DEAR AL: Your letter concerning the relocation of the Republican Campaign Committee has just come to my attention.

I have again directed the Republicans to vacate, telling them that the matter is an urgent priority with me.

Your support in this endeavor is appreciated.

Sincerely,

THOMAS P. O'NEILL, Jr.,
The Speaker.

OFFICE OF THE MINORITY LEADER,
HOUSE OF REPRESENTATIVES,
November 17, 1977.

Hon. THOMAS P. O'NEILL, Jr.,
House of Representatives,
Washington, D.C.

DEAR TIP: I have received your note of November 4 regarding the Republican Campaign Committee space and assure you I will do my best to comply as soon as possible.

Perhaps we can discuss this personally in the near future.

Yours sincerely,

JOHN RHODES.

OFFICE OF THE MINORITY LEADER,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 8, 1977.

Speaker TIP O'NEILL,
House of Representatives,
Washington, D.C.

DEAR TIP: This letter will confirm the desire and intent of the National Republican Congressional Committee to leave its existing premises at the earliest possible date. As I mentioned to you, I'm sending you a copy of a letter Bill Brock sent to Guy Vander Jagt, indicating that the third building of the Eisenhower Center will be completed and made available to house the NRCC.

We recognize the sensitivities which ultimately require the NRCC to vacate its existing office space in the Annex. At the same time, however, we have severe difficulties with the short notice that has been given. The Committee's investigation has shown a serious lack of facilities adequate to house our 40 employees. As a result, we determined that the only realistic alternative is to enter into an agreement to build a new structure.

To update the information in Bill Brock's letter, an agreement has been made to purchase the property for the new structure. In addition, the architectural plans are all but complete, and the construction by the George Hyman Construction Company will start as soon as the necessary arrangements are finalized.

For the interim, we propose the Committee be allowed to remain in its current space and pay rent to the government. Besides the almost impossible situation involved in finding adequate housing, an interim move would be extremely difficult. The Committee is prepared to begin to pay a fair market rate for its current space; such rate to be set by an appraiser acceptable to you. As you know, the Committee had always paid rent for the space in the Annex prior to the time Congress took over the building.

Tip, thanks for your help in this matter.

Sincerely,

JOHN J. RHODES,
Minority Leader.

DECEMBER 12, 1977.

Hon. JOHN J. RHODES,
House of Representatives,
Washington, D.C.

DEAR JOHN: Pursuant to our conversation of December 7, this is to formally notify you that it will be necessary for the Republican Campaign Committee to move from Rooms 508–522 in the House Office Building Annex No. 1 by April 1, 1978.

As you know, the Democratic Campaign Committee has already moved.

Sincerely,

THOMAS P. O'NEILL, Jr., *Chairman,*
House Office Building Commission.
JIM WRIGHT, *Member,*
House Office Building Commission.

OFFICE OF THE MINORITY LEADER,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 22, 1977.

Hon. THOMAS P. O'NEILL, Jr.,
House of Representatives,
Washington, D.C.

DEAR TIP: This refers to your letter of December 12. I'll be meeting with Guy Vander Jagt as soon as possible concerning your notification as to National Republican Congressional Committee loss of space, and will advise you further.

Sincerely,

JOHN J. RHODES,
Minority Leader.

NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE,
HOUSE OFFICE BUILDING,
Washington, D.C., March 1, 1978.

HON. THOMAS P. O'NEILL, Jr.,
Speaker, Chairman, House Office Building, Commission, United States House of Representatives, Washington, D.C.
HON. JIM WRIGHT,
Majority Leader, Member, House Office Building Commission, United States House of Representatives, Washington, D.C.

DEAR MR. SPEAKER AND MR. MAJORITY LEADER: Please excuse this somewhat belated response to your recent letter on behalf of the Building Committee instructing the National Republican Congressional Committee to terminate its occupancy of the space it is presently occupying in the former Congressional Hotel Building. The delay has been caused in great part by our surprise at being so notified and our agonizing over how to deal appropriately with the problem compliance with your request would impose upon the Committee.

In view of the plans we have for relocation of our Committee's activities, as we will more fully detail later on in this letter, we trust that you can readily see the timing of the move you have dictated would pose a distinct and, we think, unreasonable hardship upon the Committee.

In contemplating what should be our response to your notification under these circumstances, we felt it essential that we establish the facts relative to our present occupany in order that we might better evaluate the propriety of your request. We, therefore, have attempted to talk with everyone who has any knowledge regarding the arrangement under which the Committee occupied its present quarters as well as any conditions with respect to termination of such occupancy.

As you know, the use of space in buildings under the jurisdiction of the House of Representatives by our Congressional Committee is not unique; the Democratic Congressional Committee having similarly occupied House of Representatives space for many, many years, and other, at most, quasi-official groups continue to do so.

Without going into all of the details, discussion, and deliberations which have transpired over the past several years involving your predecessors and ours, we think such a review by you would cause you to arrive at the same conclusion we have reached, that is, that the present use of House of Representatives space by the National Republican Congressional Committee is in accordance with an understanding reached whereby similar treatment has been accorded both the Republican and Democratic Congressional Committees; and, no specific termination date was established for either Committee under this accord.

Your predecessors and you, and our predecessors and we, have recognized the need to as promptly as possible discontinue the use of space by our Congressional Committees in buildings under the jurisdiction of the House of Representatives. Your Congressional Committee has accomplished that move (but not under any mandated deadline, to our knowledge) and our Committee has finalized plans, as we will point out, to do the same.

In this regard, we are sure you know that the NRCC has been in the forefront of the effort to sever partisan and other non-official functions by both Parties from the official administration of the House of Representatives. Over three years ago, we removed our employees from House payrolls and last year we eliminated direct supplements to our Members' official activities. A year ago, we proposed that the Campaign Committees begin paying rent to the House of Representatives for the space they were using.

Consistent with the foregoing, we last year investigated the availability of commercial space in reasonable proximity to the House of Representatives and found none available to meet our needs. You also know that we began negotiations last fall with the Republican National Committee for the construction of a new building to house the NRCC. Those negotiations have now been completed, the land has been purchased, construction plans and financing have been finalized and approved, and all necessary zoning actions have been favorably completed. As you can see from the copy of the enclosed letter from our architect, occupancy of the new facility can be achieved by November of this year.

In view of all the foregoing and in view of the fact that the Executive Committee of the National Republican Congressional Committee is, for all intents and purposes, the *de facto,* if not the *de jure,* tenant of the present space, we thought it necessary to bring your letter to the attention of such Executive Committee and this has been done at a meeting called for that and other purposes. After a full discussion of the matter at such meeting, the Executive Committee unanimously concluded that the April 1 date was unreasonable and could not be accepted. The Executive Committee, therefore, instructed us to so notify you and to arrange for the payment of rent to the House of Representatives for the space the Committee is occupying; such rental payments to commence immediately.

To determine the fair market rental to be paid, we engaged the services of Reynolds and Reynolds, Inc. for the purpose of conducting a professional appraisal of the rental value of our current facilities. A copy of that appraisal is enclosed. You will note that the appraisal estimates the annual rental value to be $28,000, and our check in the amount of one-twelfth thereof, $2,333.33, made payable to the House of Representatives is also enclosed which represents payment of rent for our present space for the month of February, 1978. While we have every reason to believe this is a fair and appropriate rental figure, we would consider any other similarly justified rental determination you might care to suggest and submit.

In view of the whole background and history of our occupancy of the present space and inasmuch as firm and complete arrangements have been made for our termination of use of the present space within just a few months, Mr. Speaker and Mr. Majority Leader, we trust that you will recognize that our inability and unwillingness to comply with your termination date is not a decision arbitrarily or capriciously reached but, rather, is a decision reached after much deliberation and consideration of the excessive and unreasonable cost that would be incurred should we attempt to comply with your deadline.

With best regards,

JOHN J. RHODES,
Minority Leader.
GUY VANDER JAGT,
Chairman, National Republican Congressional Committee.

NATIONAL REPUBLICAN CONGRESSIONAL COMMITTEE, HOUSE OFFICE BUILDING,
Washington, D.C., March 24, 1978.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, Chairman, House Office Building Commission, United States House of Representatives, Washington, D.C.
Hon. JIM WRIGHT,
Majority Leader, Member, House Office Building Commission, United States House of Representatives, Washington, D.C.

DEAR MR. SPEAKER AND MR. MAJORITY LEADER: Subsequent to our letter of March 1, 1978,

regarding the office space of the National Republican Congressional Committee, it occured to us that we should be paying rent for our current facilities in advance. Accordingly, enclosed is a check in the amount of $4,666.66 and made payable to the U.S. House of Representatives for the months of March and April, 1978. In the future, we will make payment by the close of each month for the next month's rent.

Sincerely,

GUY VANDER JAGT,
Chairman.●

TUITION TAX CREDITS: A SOCIAL REVOLUTION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. FRENZEL. Mr. Speaker, I read in the morning paper that Arthur Flemming of the U.S. Commission on Civil Rights opposes tuition tax credits on the grounds that such legislation might foster racial segregation in the schools.

To me this is a unsubstantiated charge that completely distorts both the purpose and the effect of the proposal, which aims to make educational opportunities available to the poor as well as the rich, to minority group members as well as to whites, and which is carefully drawn to prevent even a dollar of tax relief from going to persons who attend racially segregated schools.

At the conclusion of these remarks, I am submitting a recent article by UCLA Prof. Thomas Sowell, entitled "Tuition Tax Credits: A Social Revolution." It is worthy of note that Dr. Sowell is a distinguished economist who is himself black and whose research has included careful study of "patterns of black excellence," especially the kinds of schools in which black youngsters obtain the best education.

Professor Sowell observes that few groups have so much at stake in the fate of this bill as ghetto blacks. He explains with considerable care that tax credits for elementary and secondary school tuitions would increase, not decrease, the degree of racial integration in the society and would extend important opportunities to black parents who want to make a better future for their children.

I am also submitting the testimony that Mr. Victor Solomon, director of educational affairs for the Congress of Racial Equality, offered at the Ways and Means hearings on tuition tax credits. As he says:

> Black people are sick and tired of having smokescreens and programs of busing and other things forced upon them, while the hungry cry out for education. What is needed in this country is choice.

Finally, there is the specific question raised by Mr. Flemming. How will we make sure that students in racially segregated private schools do not receive tuition tax credits? The Vanik amendment—and the Senate bill, H.R. 3946 as amended—is carefully drawn to require, as a condition of eligibility, that in order to qualify for a tax credit the student must be enrolled in a school that is exempt from taxation under the Internal Revenue Code. This is a key provision, for the Internal Revenue Service will not confer that status on any private school that discriminates on racial grounds.

I submit for the record a letter that IRS Commissioner Jerome Kurtz recently sent to Senator MOYNIHAN in reply to an inquiry by the Senator concerning the adequacy and effectiveness of these enforcement requirements. The Commissioner explains that Revenue Procedure 75–50, 1975–1 C.B. 597, imposes affirmative obligations on a private school to adopt a nondiscriminatory policy in its charter or bylaws; to include reference to that policy in school brochures, catalogs, and so forth; and to publish or announce annually this racially nondiscriminatory policy. Audits of private schools have been increased substantially, and examination guidelines, check sheets, training material, and other procedures assist agents examining the schools in determining if a school is in fact racially nondiscriminatory.

Clearly, the Internal Revenue Service is committed to enforcement of this requirement, and Commissioner Kurtz feels that existing law is sufficient to undergird that enforcement effort.

In my judgment, the Internal Revenue Service is more than competent to handle this important assignment. I am, however, open to any and all suggestions for strengthening its enforcement powers, including further legislation if necessary. I have been in touch with Senators PACKWOOD and MOYNIHAN and am happy to report that they are also most receptive to such suggestions and are willing to offer any appropriate amendments when the bill reaches the Senate floor. Given the intense and widespread support for tuition tax credits within the minority and civil rights communities, I believe that all Members of the House can in good conscience support both the Ways and Means bill and the Vanik amendment:

TUITION TAX CREDITS: A SOCIAL REVOLUTION

(By Thomas Sowell)

The Packwood-Moynihan tuition tax rebate legislation is, as Professor E. G. West aptly calls it, "a crucial event in the history of education."[1] Its "revolutionary potential for low-income groups"[2] has been missed by most other commentators and critics and deserves further exploration.

Why is this bill so important—and to whom? It is most important to those who are mentioned least: the poor, the working class, and all whose children are trapped in educationally deteriorating and physically dangerous public schools. Few groups have so much at stake in the fate of this bill as ghetto blacks. To upper-income families with children in college, the maximum $500 tax relief is hardly of decisive importance, when annual college costs range up to ten times that amount. The campaign of misrepresentation by the education establishment has depicted the affluent as the chief (or sole) beneficiaries, when in fact the opposite is nearer the truth. There are many times more students in elementary and secondary schools than in college, and among those children enrolled in pre-college private institutions, there are more whose parents earn from $5,000 to $10,000 a year than those whose parents are in *all* the brackets from $25,000 on up.

Even the current enrollees in private education are not primarily the affluent. The average family income of private elementary and secondary school children is about $15,000. But since the whole purpose or effect of the tuition tax rebate is to extend to others the opportunity for private education, the question is not so much who now goes to private school, but who could go after this legislation is in effect. No doubt those who went to college in past generations, before the G.I. Bill and other educational subsidies, were far more affluent than the general population, but to object to the G.I. Bill as aid to the affluent would be to miss the whole point—that it extended a privilege previously enjoyed by a few into an opportunity open to millions more. That is precisely what this bill does. That is precisely why it is being opposed and misrepresented by those whose jobs, pensions, and power derives from the public school bureaucracy.

While $500 does not begin to cover college costs, it does cover all or most of the cost of sending a child to many private day schools. Most of those private schools are not the expensive Andover or Exeter stereotypes, but rather schools costing a fraction of the tuition they charge—and having costs per pupil that are a half, a third, or a fifth of the per pupil cost in the public schools. It is not uncommon for Catholic parochial schools costing a few hundred dollars a year to have test scores higher than public schools in the same neighborhoods with per pupil costs well over a thousand dollars. One of the misrepresentations by opponents of the tuition tax rebate is that it would cost billions of dollars. They are talking about Treasury disbursements, which may be politically important. What is economically important is that a shift of students to lower-cost private schools can save billions of dollars for society as a whole.

Most of the private schools do not have the runaway pay scales or plush pensions that teachers' unions have extracted from politicians handing out the taxpayers' money. Few parochial schools are surrounded with tennis courts or contain many of the other expensive amenities or status symbols that add little to the education of children, but which have become part of the fringe benefits of public school administrators. Indeed, most private schools have far fewer administrators per hundred pupils, which is no small part of the reason for their lower costs or for the opposition of public school administrators to allowing parents a choice of where to send their children.

The crux of the controversy over this bill is choice and power. If parents are given a choice, public school officials will lose the monopoly power they now hold over a captive audience. That monopoly power is greatest over the poor, but it extends to all who cannot afford to simultaneously pay taxes for the public schools and tuition at a private school. Public schools in affluent neighborhoods where parents already have that option must pay some attention to those parents' wishes and be responsible. But parents in poorer neighborhoods and ghettoes have no such leverage to use to get attention, response or even common courtesy. The mere prospect of being able to remove their children to private schools changes all that. In other words, the benefits of the availability of tuition tax credit do not end with those who take advantage of it, but extend to those who keep their children in the public schools

[1] E. G. West, "Tuition Tax Credit Proposals: An Economic Analysis of the 1978 Packwood/Moynihan Bill," *Policy Review*, Winter 1978, p. 62.

[2] *Ibid.*, p. 64.

and never collect a dime from the Treasury—but whose children's needs now have to be taken seriously by public school officials no longer insulated or assured of a captive audience.

Much has been made of the fact that most of the enrollment in private elementary and secondary schools is in Catholic parochial schools. Like many other statements about the situation before this bill is passed, it is far from decisive in determining what the situation will be afterwards. The government is constantly overestimating the revenues to be gained from imposing a given tax by assuming that the pre-tax situation will continue unchanged except for the collection of the tax. In the same way, some are now assuming that the social, economic, and religious composition of families with children in private schools will remain unchanged after a subsidy that will put such education within reach of tens of millions of other people. Moreover, not all of the children enrolled in Catholic schools are Catholic. In urban ghettoes, especially, it is not uncommon for many Protestant black families to send their children to Catholic schools, as an escape from ineffective and dangerous public schools. About 10 percent of the ghetto youngsters in Chicago are in parochial schools. In some places, a majority of the enrollees in a Catholic school are non-Catholic. A parochial school can be a social service activity, like a denominational hospital that does not limit its medical care to co-religionists.

The Constitutional ban on government support for religious establishments raises legalistic issues for legislation whose initial impact may be more pronounced on Catholics. The First Amendment, as written, would not prohibit tax rebates for individuals to do with as they please, and the G. I. Bill is used at Catholic colleges and universities, but the Supreme Court has sometimes drawn an arbitrary line between higher and pre-college education and made the Constitution more restrictive on the latter. However, the uncertain course of the Supreme Court in this area in recent years and some evidence of at least a pause in the trend toward judicial policymaking under the guise of interpretation leaves reason to hope that extremist extensions of the "separation of church and state" doctrine will not nullify a bill that offers major benefits to all segments of the population. As things stand now, there is no Constitutional limitation on an individual's choice to donate money received from the government—whether as salary, tax refund, or Social Security benefits—to a religious organization. To say that the individual cannot choose to buy an educational service from the same religious organizations with money originating from the government seems inconsistent at best.

Another red flag to many is the possible effect of parental choice on racial integration. Visions of "segregation academies" are sometimes invoked (even though the tuition tax rebates cannot be used for any institution practicing racial discrimination). Quite the contrary is the case. In most of the nation's largest urban public school systems, there are not enough whites left to integrate, so any further racial integration in such places may be achievable only by the voluntary movement of black children into private schools. But even this is objected to by some "liberals," because blacks who take this opportunity to get ahead and leave the ghetto public schools and would leave behind only the children of "the least educated, least ambitious, and least aware."[3] In other words, black parents who want to make a better future for their children must be stopped and their children held hostage in the public schools until such indefinite time as all other people in the ghetto share their outlook. Ethnic minorities in the past rose out of the slums layer by layer, but for blacks it must be all or none! This arrogant treatment of millions of other human beings as pawns or guinea pigs would be impossible when parents have individual choice. That is precisely why both the education establishment and the social tinkerers are opposed to it.

[3] "Kissing Off the Public Schools," *The New Republic*, March 25, 1978, p. 6.

STATEMENT OF VICTOR SOLOMON

Mr. SOLOMON. I am Victor Solomon, director of educational affairs for CORE, the Congress of Racial Equality. CORE has come through many battles for quality education and is today in touch with the needs in black communities throughout the Nation. Thus, we are in a unique and important position to speak on this tuition tax credit legislation, particularly in terms of its effects on the poor and minority communities.

As black people generally have done, we have relied in the past on the Government of this country to educate our children and enable our people to better their condition. In contrast to some other organizations, we have consistently fought for community control of Government, and we have mobilized to bring greater effectiveness in public school teaching. We are not now giving up on public schools; rather, we seek to improve them. In fact, there many examples of excellent public scools. We believe it is not individual public schools that are the problem so much as the bureaucratized structures that characterize public school systems, particularly in our major cities.

What have been the results of our struggles? Let me use New York City as an example. The capacities of our young people are being stifled. In the past 2 years, the percentage of children reading at grade level in New York City schools has dropped from 47 percent to 40 percent, and this statistic does not even reflect the worst of the pattern of failure, which occurs in areas such as Harlem and Bedford-Stuyvesant.

While in CORE's community school in the Bronx—which was formed in response to demonstrated need in that community—children are reading at approximately grade level, children in the neighboring public schools are 1 to 2 years behind. Further, I cannot even quantify the superior atmosphere of CORE Community School, an atmosphere conducive to learning and sharing, as compared to the area public schools.

Some say the problem is that inner-city children can't learn well because of their family problems and the conditions of society. That position is, quite frankly, bunk, and for public school officials to use societal problems as a consistent excuse for failure is criminally negligent and a dereliction of duty.

We know, from our school and others in impoverished areas, that inner-city children can learn. We take the same types of children as the public schools and we teach them. We challenge the public schools to start working again properly. Schools must provide not only knowledge in the basic skills, but must have proper safety and discipline, which many public schools now lack.

At the same time, we see nearby nonpublic schools doing an adequate job, day in and day out, in the same areas as the failing public schools. This is a nationwide pattern. I have seen this in New York City, in Michigan, and Minnesota, where I have studied the situation.

Furthermore, most of these nonpublic schools are operating at far less cost than public schools. While New York City public schools spend $3,000 annually per pupil, we spend $1,000 at CORE Community School. Even allowing for a number of other factors, it is clear that there is massive waste in our public schools, waste which costs taxpayers billions of dollars annually.

With tuition tax credit legislation, we have a chance to do something about these oft chronicled problems. The rich and the upper middle class in America have always been able to vote with their feet so to speak, on education. If they do not like the public schools, they send their children to private schools. It is time to give poor and minorities the chance to vote with their feet, the chance to use private education, and tuition tax credits will help.

The basic point is this: Blacks and poor people, the most victimized segment of our society, cannot afford to subsidize public schools with their taxes and still pay tuition for private schools.

What will be the effects of tuition tax credits? First, they will help those students who need to be able to go to schools that better meet their needs. It will help those whom the public schools have failed. It is only fair to give such students, who are now falling hopelessly behind, greater options.

Perhaps most importantly, there will be a competitive stimulus to the public schools to improve. As I said at the beginning, we seek the improvement of public schools, not their abolition. The presence of even a fairly small number of alternatives, within both the public and private sectors, can work great changes in the public schools.

Innovation in both public and private education will be stimulated by tax credits. Dedicated individuals will be able to start their own schools which may serve students' needs better.

Also, very importantly for black people, blacks and other groups will have real control over their own schools. Either Government-operated schools will be responsive to their needs, or people will start their own schools. People will be able to choose schools that reflect their own values. Alternative schools in the black community, such as CORE Community School, serve an important purpose in teaching black children to have pride in their heritage and recognize their individuality.

There are objections that will be raised to this bill, quite naturally. Unfortunately, for the purpose of gaining clarity on the subject, most of the opposition comes from those with a vested interest in the present system.

At present school boards and teachers' unions are running the schools almost as if they were a business in which management-employee considerations were dominant, and yet the public system does not have effective competition. In the process, administrators are protected and teachers are protected. But, I ask, why are our children's needs not being considered the primary issue?

It is said that blacks could not properly utilize the greater choice provided by tax credits. This is a condescending, even a racist, assumption. Such views reflect more the fear of the public school establishment that blacks and the poor will use their choice all too well, for them, and reject the monopoly systems of education that have failed them dismally.

We cannot pause because of the objections of vested interest groups that seek to perpetuate their activities, at very high cost to the public. No models in the business world exist, that I know of, that match the public school bureaucracies in inefficiency and waste. Such businesses would not thrive in the competition, and the introduction of some elements of competition in education would be beneficial.

Though tuition tax credits are somewhat costly on the Federal level, it may be that, with reduction in public schools' waste, there

could be a net savings to the American taxpayer. Even an overall higher cost, though, would be justified if our children thereby learn properly.

Let me comment on two specifics of tuition tax credit legislation. The refundability provisions of the Frenzel-Burke version, allowing a refund if the credit is greater than tax owed, are very important to poor and minority people and should definitely be included.

Also, the $500 limit of the credit proposed, or $250 in other versions, makes this legislation much more helpful to those of modest means than to the rich who attend elite private schools. But even tuitions of a few hundred dollars yearly are a hardship to inner-city parents, and tuition tax credits are vital to providing options for these parents.

Finally, we feel the responsibility of the Carter administration in this matter is less than shameful. While it offers some relief which has merit to those in need of higher education, the administration proposals unfortunately have been presented as an alternative to this bill across the board, which they are not, and there lies the shame, in that tuition tax-credit bills address the burden of tuition at all educational levels.

Black people are sick and tired of having smokescreens and programs of busing and other things forced upon them, while the hungry cry out for education. What is needed in this country is choice. We feel that every day that this is not granted is a day when more black children fail and are bogged down in public school systems.

We are urging you to act on tuition tax credit legislation without delay.

Thank you. Thank you for this opportunity to present our views.

The CHAIRMAN. Thank you, Mr. Solomon.

[The prepared statement and attachment follow:]

STATEMENT OF VICTOR SOLOMON, DIRECTOR OF EDUCATIONAL AFFAIRS, CONGRESS OF RACIAL EQUALITY

SUMMARY OF POINTS

Where CORE has been: supporting improved and community-controlled public schools, but has met obstacles.

The problems: (1) Abysmal failure of public schools to teach basic skills; (2) lack of safety and discipline in public schools; (3) massive bureaucracies in public system, unresponsive to community; and, (4) meanwhile, private schools in same areas are succeeding, but inner-city parents cannot afford them.

What's needed: options for poor parents, such as tuition tax credit.

Effects of this legislation: (1) Will benefit those enabled to attend superior schools; (2) will stimulate public schools to improve; (3) will give real community control of schools to black parents; and (4) will enable all parents to choose schools that reflect their values.

Refundability provision of Frenzel-Burke version is important.

Answers to some objections: (1) We shouldn't be stopped by those with vested interests, e.g., school boards or teachers' unions; (2) blacks can make greater choice work; they can choose schools intelligently and/or start own schools; and, (3) in considering costs of this legislation, one must also consider the costs of the present waste in public schools.

Poor and minority people need this legislation enacted now.

STATEMENT

I am Victor Solomon, Director of Educational Affairs for CORE, the Congress of Racial Equality. CORE has come through many battles for quality education and is today in touch with the needs in Black communities throughout the nation. Thus, we are in a unique and important position to speak on this tuition tax credit legislation, particularly in terms of its effects on the poor and minority communities.

As Black people generally have done, we have relied in the past on the public schools of this country to educate our children and enable our people to better their condition. In contrast to some other organizations, we have consistently fought for community control of public schools, and we have mobilized to bring greater effectiveness in public school teaching. We are not now giving up on public schools; rather, we seek to improve them. We believe it is not individual public schools that are the problem so much as the bureaucratized structures that characterize public school systems in our major cities.

What have been the results of our struggles? Let me use New York City as an example. Instead of real community control, we got decentralization, which is a shame. The citizen fighting for educational quality now has two bureaucracies to deal with, one on the district level and one at the central board. Individual districts lack power over their own budgets and hiring. The same problems exist in Detroit and other cities which have adopted decentralization schemes.

The worst problem, however, is the dismal failure of public schools to teach basic skills to children in the inner city. The capabilities of our young people are being stifled. In the past two years, the percentage of children reading at grade level in New York City schools has dropped from 47 percent to 40 percent, and this statistic does not even reflect the worst of the pattern of failure, which occurs in areas such as Harlem and Bedford-Stuyvesant.

While in CORE's community school in the Bronx (which was formed in response to demonstrated need in that community) children are reading at approximately grade level, children in the neighboring public schools are one to two years behind. Further, I cannot quantify the superior atmosphere of CORE Community School, an atmosphere conducive to learning and sharing, as compared to the area public schools.

Some say the problem is that inner-city children can't learn well because of their family problems and the conditions of society. That position is, quite frankly, bunk, and for public school officials to use societal problems as a consistent excuse for failure is negligent and a dereliction of duty. We know, from our school and others in impoverished areas, that inner-city children can learn. We take the same types of children as the public schools and we teach them. We challenge the public schools to start working again properly. Schools must provide not only knowledge in the basic skills, but must have proper safety and discipline, which many public schools now lack.

At the same time, we see nearby non-public schools doing an adequate job, day in and day out, in the same areas as the failing public schools. This is a nationwide pattern; I have seen this in New York City, in Michigan, and Minnesota, where I have studied the situation. Furthermore, most of these non-public schools are operating at far less cost than public schools. While New York City public schools spend $3,000 annually per pupil, we spend $1,000 at CORE Community School. Even allowing for a number of other factors, it is clear that there is massive waste in our public schools, waste which costs taxpayers billions of dollars annually.

With tuition tax credit legislation, we have a chance to do something about these oft-chronicled problems. The rich and the upper middle class in America have always been able to vote with their feet, so to speak, on education. If they don't like the public schools, they send their children to private schools. It is time to give poor and minorities the chance to vote with their feet, the chance to use private education, and tuition tax credits will help. The basic point is this: Blacks and poor people, the most victimized segment of our society, cannot afford to subsidize public schools with their taxes and still pay tuition for private schools.

What will be the effects of tuition tax credits? First, they will help those students who will be able to go to schools that better meet their needs. It will help those whom the public schools have failed. It is only fair to give such students, who are now failing hopelessly behind, greater options.

Perhaps most importantly, there will be a competitive stimulus to the public schools to improve. As I said at the beginning, we seek the improvement of public schools, not their abolition. The presence of even a fairly small number of alternatives, within both the public and private sectors, can work great changes in the public schools.

Innovation in both public and private education will be stimulated by tax credits. Dedicated individuals will be able to start their own schools which may serve students' needs better.

Also, very importantly for Black people, Blacks and other groups will have real control over their own schools. Either government-operated schools will be responsive to their needs, or people will start their own schools. People will be able to choose schools that reflect their own values. Alternative schools in the Black community, such as CORE Community School, serve an important purpose in teaching Black children to have pride in their heritage and recognize their individuality.

There are objections that will be raised to this bill, quite naturally. Unfortunately (for the purpose of gaining clarity on the subject) most of the opposition comes from those with a vested interest in the present system. At present school boards and teachers' unions are running the schools almost as if they were a business in which management-employee considerations were dominant (and yet the public system does not have effective competition). In the process, administrators are protected and teachers are protected. But, I ask, why are our children's needs not being considered the primary issue?

It is said that Blacks could not properly utilize the greater choice provided by tax credits. This is a condescending, even a racist, assumption. Such views reflect more the fear of the public school establishment that Blacks and the poor will use their choice all too well (for them) and reject the monopoly systems of education that have failed them dismally. We cannot pause because of the objections of vested interest groups that seek to perpetuate their activities, at very high cost to the public. No models in the business world, that I know of, that match the public school bureaucracies in inefficiency and waste; such businesses would not thrive in the competition, and the introduction of some elements of competition in education would be beneficial. Though tuition tax credits are somewhat costly on the federal level, it may even be that, with reduction in public schools' waste, there could be a net savings to the American taxpayer. Even an overall higher cost, though, would be justified if our children would thereby learn properly.

Let me comment on two specifics of tuition tax credit legislation. The refundability provisions of the Frenzel-Burke version, allowing a refund if the credit is greater than tax owed, are very important to poor and minority people and should definitely be included. Also, the $500 limit of the credit proposed (or $250 in other versions) makes this legislation much more helpful to those of modest means than to the rich who

attend elite private schools. But even tuitions of a few hundred dollars yearly are a hardship to inner-city parents, and tuition tax credits are vital to providing options for these parents.

I know I speak for many Black people when I say we need more educational options now, and that every day this is not granted is a day when more Black children fail in our bogged-down public school systems. CORE urges you to act on tuition tax credit legislation without delay. Thank you for this opportunity to present our views.

[From the Manhattan/Bronx Living Section of New York Daily News, Oct. 9, 1977]

BLACKS SEE SYSTEM FAILING AND OPEN PRIVATE SCHOOL; CORE ALTERS POLICY TO FIND "BETTER" WAY

(By David Medina)

In a reversal of previous policy, the Congress of Racial Equality has given up on the idea that poor black and Hispanic children can be properly educated in the New York City public school system.

Instead, the organization now advocates the establishment of private, parent-financed community schools as a better and cheaper alternative.

To prove its point, CORE has opened the first of what it hoped will be a series of community schools at 1637 Washington Ave. in the Claremont section of the Bronx.

"Decentralization hasn't proved anything. It's the same people, the same bureaucracy, the same inefficiency and the same increased costs," said CORE's Executive Director, Roy Innis.

And as for busing, the organization maintains that the cost and the results are not worth the effort.

Innis is now arguing that private education is better because it eliminates "The big Board of Education bureaucracy, the phony union contracts and the featherbedding."

CORE estimates it is costing $1,000 a pupil each year to keep the new school open, which it says is only one third what it costs to educate a child in public school. But tuition at the community school is $420 for each child. A second child of a family pays $350 and any subsequent child in the same family pays $280 tuition per year.

Of course, CORE has agreed to make up the difference in cost with a $100,000 subsidy it maintains through donations.

The other advantage is that the school places rigorous emphasis on the "Three R's" and the "Big D"—reading, writing, 'rithmetic and discipline—all of which, Innis says, have been missing from the public school setting.

Given the higher costs and poorer quality of public schools, CORE has joined its parochial school counterparts in demanding that tax dollars used for public education, about $3,000 a student, be diverted back to parents to enable them to send their children to private schools, if they so desire.

"The money would go directly to the parent, giving him a big savings in his child's education," said Victor Solomon, CORE's director of education. "The parent decides the policy and has a hand in the hiring of teachers."

Not so long ago, this educational approach would have been unheard of for CORE. Then last year, the Archdiocese of New York announced that it was closing down Our Lady of Victory school in the Bronx due to lack of money and parents went into a panic.

About half the 200 students attending the CORE school came from Our Lady of Victory. So did four teachers and Principal Edward Callaghan.

"At first we wanted to limit our enrollment to 120 students but the demand was so great we had to increase it to 200," Callaghan said. "We even got a deposit from a woman who wants to enroll her 4-year-old son in 1979.

"Basically, we have a similar curriculum to Our Lady of Victory but we place greater emphasis on things like health and sex education and black and Puerto Rican history. We believe that unless our kids have a positive image of themselves they can't deal with anything else in the world."

The CORE Community School is located on the top three floors of what is called the Gramercy Boys Club Building and students get in a full schedule from 8:15 a.m. to 3:30 p.m.

"Everyone has pitched in to help," Callaghan said. "Parents, teachers and students were all here over the summer painting walls, cleaning up and getting supplies.

"We had a man from the Virgin Islands who offered to catalogue our library. The nursing department of Lehman College has volunteered to set up a health program for us. A guidance counselor from a nearby public school has offered to put in a few hours a week on his own time. Why, we've even had offers for help from the Metropolitan Opera."

[From the New York Times, Oct. 9, 1977]

CATHOLIC SCHOOLS ATTAIN STABILITY IN URBAN CORES

(By Edward B. Fiske)

Diane Sanchez is a widow with two children who supports herself by working as a paraprofessional at St. Paul's Elementary School on 113th Street in East Harlem. Out of her income of $6,300 a year, which includes Social Security benefits, she spends $1,100 a year in parochial school tuition and fees.

"I cut things out," she said one day recently. "I don't buy many clothes, maybe once every six months. I get a good pair of shoes that will last a long time. But education is the most important thing, and kids learn more at Catholic schools."

Such attitudes are one reason why Roman Catholic schools in the innercity areas, once widely regarded as having little future, have entered a new period of stability.

Demand has been growing because of widespread belief by parents—non-Catholic as well as Catholic—that religious schools in areas such as the South Bronx, Harlem and Bedford-Stuyvesant provide their children with superior education as well as a safer environment than local public schools.

MAY 8, 1978.

Hon. DANIEL P. MOYNIHAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOYNIHAN: This is in further response to your letter of April 6, concerning a provision in H.R. 3946 which would provide tuition tax credits at the elementary and secondary school levels. You expressed concern with that aspect of the bill which would limit the tuition tax credit to educational expenses paid to private elementary and secondary schools that are "exempt from taxation under section 501(a) as an organization described in section 501(c)(3)." As stated in your letter and in the accompanying Senate Finance Committee Report on H.R. 3946, the principal reason for imposing the section 501(c)(3) limitation is to bar the use of the tuition tax credit with respect to persons attending the type of schools colloquially known as "segregated academies".

You have asked my views on two points:

1. Are the provisions of present law, in general, and H.R. 3946 in particular, adequate to achieve the purposes of barring tax credits for payments to private elementary or secondary schools that are racially discriminatory?

The IRS announced its position in July 1970, that a private school which has a racially discriminatory policy is not "charitable" within the common law concepts reflected in Code § 501(c)(3) and therefore does not qualify for exemption from Federal income tax under that section. This position, subsequently published in Rev. Rul. 71-447, 1971-2 C.B. 230, is in accordance with judicial decisions. *Green* v. *Connally*, 330 F. Supp. 1150 (D.D.C. 1970), *aff'd sub nom. Coit* v. *Green*, 404 U.S. 997 (1971). In 1975 Rev. Rul. 75-231, 1975-1 C.B. 158, clarified that church-related schools are also subject to the nondiscrimination requirement.

We are very much aware of the criticism made by some that schools can in some cases allege that they are racially nondiscriminatory in order to secure tax exemption, yet in operation exclude minorities. Revenue Procedure 75-50, 1975-1 C.B. 587, imposes affirmative obligations on a private school to adopt a nondiscriminatory policy in its charter or bylaws; to include reference to that policy in school brochures, catalogs, etc.; and to publish or announce annually this racially nondiscriminatory policy. Audits of private schools have been increased substantially, and examination guidelines, check sheets, training material, and other procedures assist agents examining the schools in determining if a school is in fact racially nondiscriminatory. We are currently reviewing our rules and procedures in this area to determine if additional rules or guidelines might be appropriate or desirable to test a school's assertion of a nondiscriminatory policy.

Although the Service is strongly committed to vigorous enforcement of the racial nondiscrimination requirement of section 501(c)(3), with approximately 16,000 exempt private schools in the country and with limited audit resources, the Service is not in a position to guarantee that every school is in fact operating in accordance with its representations that it is racially nondiscriminatory. As in all areas of our self-assessment tax system, the Service must rely on the assertions of exempt organizations unless those assertions are brought into question on audit or by outside information.

At this time, we do not believe there is a need for additional statutory support of the Service's position that private schools exempt under section 501(c)(3) may not discriminate on racial grounds, and we do not have any suggestions for further substantive statutory rules.

2. Would a rule limiting eligibility to those schools which had previously qualified for exemption no later than some date in the last (*e.g.*, 10 years ago) be desirable?

I do not believe there is any assurance that such a rule would serve a significant purpose in denying the credit for payments to racially discriminatory private schools. In addition, this type of time limitation would be unfair to those bona fide nondiscriminatory schools which were established after the cutoff date.

I appreciate your asking my views on these two points and I hope these comments will be helpful. Please let me know if I can be of further assistance.

With kind regards,

Sincerely,

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. BYRON. Mr. Speaker, I would like to take this opportunity to commend all of the members of the House Interior and Insular Affairs Committee for their

work on the Alaska National Interest Lands Conservation Act. I would like to extend a special thanks to Chairman UDALL who introduced the original H.R. 39 and took the first step in securing the interests of all Americans in the protection and conservation of Alaska's D–2 lands. Congressman JOHN SEIBERLING, chairman of the Subcommittee on General Oversight and Alaska Lands deserves equal praise for the tremendous job he did in his own subcommittee, during the final drafting sessions in full committee and finally on the floor of the House. As subcommittee chairman, Congressman SEIBERLING did a remarkable job of facilitating the interests of all points of view in a fair and open manner. There is no doubt that his fine work on this measure has been a credit to this Congress as well as our legislative process.

I would also like to commend Congressman DON YOUNG, whose efforts on behalf of his fine State should not go unnoticed. Together with Congressman LLOYD MEEDS, these two devoted Members brought a balance to the final version of H.R. 39 which would otherwise have been lost.

I would like to personally thank the committee staff for their fine work on this measure and the thoughtful assistance they have continually given both myself and my staff. I am particularly grateful to Loretta Neumann, Stan Sloss, Roy Jones, Dora Trapkin, Fran Sheehan, Harry Crandell, Gunilla Foster, and Bill Horn. A special thanks should also go to the many members of the Alaska Coalition who telephoned or dropped by my office frequently. The efforts of these energetic young people was certainly an important contributing factor to the success of this landmark legislation in the House.●

APPROPRIATIONS BILL FOR 1979 FOR STATE, JUSTICE, COMMERCE, AND RELATED AGENCIES

Hon. Theodore M. (Ted) Risenhoover

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. RISENHOOVER. Mr. Speaker, last year the House by an overwhelming majority passed a bill (H.R. 3716) containing an amendment to the Federal Trade Commission Act which would allow the Congress to supervise more closely the Commission's rulemaking activities and to overturn those rules which it found unacceptable. I supported that legislation because I believe that the Commission's interpretation of its statutory authority has become so broad as to invite abuse. Indeed recent events have established that section 5 of the FTC Act allows the Commission to condemn any acts or practices which a majority of sitting Commissioners—in the past the Commission has had as few as three members at times—consider unfair on any conceivable basis.

The Commission has stated that, among other things, it may consider acts or practices unfair even where they do not violate the letter or spirit of any law simply because it considers them to be "immoral, unethical, oppressive, or unscrupulous." Since this standard received a degree of approval from the Supreme Court, *FTC* v. *Sperry & Hutchinson Co.*, 405 U.S. 233 (1972), the Commission has felt free to institute a number of proceedings based upon it.

In my view, the Commission's actions amount to an exercise of legislative authority which should not be allowed to continue without direct supervision by the Congress. As I indicated at the outset, an overwhelming majority of my colleagues in the House agreed with me on this issue. While the Senate conferees insisted that this amendment, providing for a veto of Commission rules by majority vote of both Houses of Congress, be deleted from the conference report, it is significant that the House rejected the conference report in part because it lacked such an amendment by a vote of 146 to 255.

My own feeling about the need for congressional oversight of the Commission is so strong that I cannot, in good conscience, continue to support the full complement of its proposed activities for the coming fiscal year knowing that as one legislator I will have little, if any, control over its final actions. Absent such control and not being a member of the Commission's oversight committee, the only way that this concerned Member of Congress can prevent the Commission from unduly—and often unnecessarily—extending its powers into the lives of the American people is through the budgetary process.

Accordingly, I have undertaken a review of the Commission's budget requests and I am convinced that, in addition to intruding on the rights and functions of the people and the States, many of the Commission's activities hold little, if any, prospect of actually benefiting consumers and that some of its actions are even likely to harm consumers.

If the Commission were to abandon only those matters which, for reasons discussed below, I consider to be unsound or clearly unnecessary in fiscal year 1979, 23 percent of its budget could be saved for the American taxpayers. To this figure I would add an overall reduction of 10 percent on the grounds that (a) the Federal budget must be reduced to assist the President in his fight against inflation, and (b) given the nature of bureaucracies in general, there is likely to be a significant amount of "fat" or waste in the Commission's operations. In absolute dollars this would result in a savings of $21,832,000 which would reduce the Commission's budget from $66,485,000 to $44,653,000.

I intend to introduce an appropriate amendment to accomplish such a reduction as soon as the House Appropriations Committee reports the FTC's budget.

While such a reduction may appear drastic to some, I would point out that, in recent years, Congress has been more than generous with the Commission. In fact, annual increases to the Commission's appropriations generally have more than doubled increases in the cost of living.* To put it another way, if the Commission had continued to provide the same level of antitrust and consumer protection it was providing in 1973, its current budget request would be $41,987,000.

Now some may disagree with the specific criticisms which follow, while others may feel that they are too lenient. But in an emerging era of cost-effectiveness in Government, and in light of the lack of other means of congressional control over Commission actions, it is absolutely imperative that we begin to examine carefully the costs and benefits of the Commission's activities. Based upon my examination of its budget, I believe the Commission would do far better for the American taxpayer and the consumer if the funds for the following programs and projects were eliminated or reduced.

I shall begin with what I consider the Commission's most egregious and ill-advised undertaking—its investigation of monopolization in the automobile industry. Regardless of its past history, this industry in recent years has been characterized by acute competition, particularly from foreign manufacturers who often enjoy subsidies and other benefits from their respective governments. It seems strange, indeed, for the Commission to be harassing this industry while Congress and the administration are attempting to place it on at least an equal footing with its competitors. While the Commission has not yet begun to spend a great deal of money on this matter, if it ever brought an action challenging the structure of the industry, it clearly would require huge sums of money. Thus, by eliminating this investigation now, we have the opportunity to prevent waste in its incipiency.

Second, I would question the need for the Commission's rulemaking proceeding concerning the funeral industry. There the Commission proposes to require funeral directors to make a lengthy list of disclosures and statements—particularly with respect to the costs of their goods and services—to bereaved persons. Not only does this action represent an unwarranted intrusion by the Federal Government into an area that traditionally has been left in the hands of the States, it ignores emotional and religious considerations and assumes that persons involved in planning a funeral want to haggle over costs rather than provide a decent and dignified burial for the deceased. This program has gone too far already; I would eliminate it and save $219,000.

* As shown in the following table the Commission's budget has substantially outpaced the cost of living in recent years.

(In percent)

Year	Cost of Living	FTC Appropriations
1973	6.2	15
1974	11.0	12
1975	9.1	20
1976	5.8	21
1977	6.5	16

Third, I would suggest that certain aspects of the Commission's program concerning cigarette advertising and labeling are highly questionable. For example, it is conducting a massive investigation involving all of the major cigarette manufacturers and their advertising agencies. The breadth and scope of the subpenas issued in this matter indicate clearly that the Commission has no reason to suspect that the industry is violating the law. In light of the Commission's long history of involvement in this industry, I believe it now must either "fish or cut bait"—that it should either bring a complaint or stop harassing the industry merely because it disapproves of the product involved. The American people are well aware of the alleged hazards of smoking cigarettes and it is up to them—not the Government—to decide whether they will smoke or not. I would deny some two-thirds or $400,000 of the Commission's request in this area; the remaining funds should be sufficient to allow the Commission to continue its worthwhile functions of testing the tar and nicotine content of cigarettes and reporting to Congress on advertising practices in the industry.

Fourth, the Commission's proposed rule concerning food and nutritional advertising would require that many advertisements contain numerous and burdensome disclosures. For the most part, this information would duplicate the information which appears on the labels of food products. I find it extremely unlikely that consumers who care about this information in the first place would be able to perceive and understand it in the context of an advertisement better than they can on the label. I would eliminate this program entirely and thereby save $556,000.

Fifth, in its recently announced rulemaking proceeding on children's advertising, the Commission has embarked upon a long and expensive fight to become what the Washington Post has referred to as our "National Nanny." The Post noted, and I agree, that the Commission apparently believes that it must protect children against the stupidity and weakness of their parents. Moreover, the Commission also asserts that it has the power to ban truthful advertising for lawful products based solely upon the vague standard of unfairness. I find the constitutional problems raised by such an assertion to be so serious that I would defer this entire program in order that Congress can consider whether, and in what form, it should proceed. This would save $703,000 for fiscal year 1979.

Sixth, the Commission is conducting an investigation of the life insurance industry to determine whether it should require specific disclosures in policies to clarify for the consumer the actual costs of the policy and the benefits it offers. Now I will be the first to admit that I find life insurance policies to be confusing; however, I question whether the Commission, with no prior experience in this area, is the proper agency to alleviate this confusion. This again, is a responsibility that has been primarily left to the States. I would allow them to continue their efforts in this area unassisted—and unhampered—by the Commission and save $252,000.

Seventh, the Commission is conducting a program designated "Occupational Licensure," which is directed at eliminating certain State laws and restrictions on entering a number of important occupations. While the Commission's stated purpose of improving competition appears to be a noble one, I would point out that the laws it would eliminate represent the judgment of the States as to what is necessary to protect their citizens against "fly-by-night" and unethical operators. At the very least, this program should be deferred until the effects of recent court decisions accomplishing certain of its objectives—such as eliminating bans on advertising—can be ascertained. This would save $1,480,000 for fiscal year 1979.

Eighth, the Commission is investigating various industries to determine whether manufacturers and advertisers should be required to disclose to consumers certain information about their products. This, the Commission believes, would enable the consumers to make better choices in purchasing certain products. My problem with this program is that it appears intended to supplant the consumers' judgment as to what they need to know about these products with the Commission's. Rather than endorse this big-brother, Government-knows-best, philosophy, I would eliminate this program and save $1,139,000.

Ninth, the Commission has two programs in the pharmaceutical industry which I find questionable. The first is its program concerning over-the-counter drug advertising which, for the most part, would duplicate the Food and Drug Administration's program to provide consumers with information about drugs through labeling. I would deny two-thirds of the Commission's request for this program, thereby saving $414,000. The other program I would question concerns prescription drugs and is intended to eliminate various State regulations which protect consumers against receiving cheaper substitutes for drugs prescribed by their doctors. I find this program particularly offensive in that it amounts to a group of unelected officials in Washington overruling the judgment of elected officials of the States as to the welfare of their citizens. I would eliminate this program and save $373,000.

Tenth, I would cut by one-half the Commission's request for its program concerning restrictions on entering various occupations in professional health services and thereby save $802,000. Once again, I would leave most of the regulation in this area where it has been historically, that is, in the hands of the States. I am particularly concerned about any investigation of access to the medical profession, since I do not believe the Commission has the expertise to insure the continued high level of competency in that vital area.

Eleventh, I would also cut by one-half the Commissioner's request for its program to eliminate horizontal restraints in various industries, thus saving $1,282,000. While I applaud certain objectives of this program, such as the elimination of price fixing and collusion, in other respects, it troubles me. I am concerned about challenges to delivered pricing systems before the Commission's recent and novel decision in this area (Boise Cascade Corp., et al.) has been tested in the courts. Also one of the stated purposes of the program is to attack State, and even Federal, regulations.

I am also concerned about a number of specific complaints mentioned only briefly or not at all in the Commission's budget request, but which have come to my attention recently. Specifically, I would have the Commission withdraw its complaints against: First, Du Pont for allegedly "monopolizing" the titanium dioxide industry, since the company has only about a 40-percent share of that market; second, General Motors for monopolizing the distribution of its own "crash parts," since the "monopolization" is merely a lawful and necessary adjunct to manufacturing the automobiles themselves; third, Coca-Cola and Pepsi Co., in which the Commission's decisions threaten to drive small independent bottlers out of business and thereby cause substantial injury to consumers. I would estimate that $850,000 could be saved by eliminating these cases.

In several areas, primarily transportation, the Commission intends to appear before other Federal agencies to attack regulations, which, in its view, adversely affect competition. I believe that protecting the public interest in competition in the regulatory process can best be attained through legislative processes. I would reduce any funds the Commission intends to use in this area by $350,000.

Finally, in the area of economic activities, the Commission recently has begun or proposes to begin requiring of American business, three new and burdensome reports—premerger notification, line-of-business, corporate patterns. Only the first such report is required by statute; I would defer implementation of the others until business has had the opportunity to adjust to it for an estimated savings of $791,000.

The reductions I have recommended thus would lead to other reductions. For example, by eliminating the rulemaking proceedings which I have recommended, the need for funds for public participation in such proceedings would be significantly reduced. Moreover, in the past, various self-appointed consumer activists have taken advantage of the funds provided under this program to represent—often several times over—the same narrow constituency. I would cut this program by one-half and save $548,000.

Similarly, if my figures are correct—and I invite comments and corrections particularly with respect to my estimates regarding matters which are not separate line items—the cuts I have recommended would total $10,159,000. Accordingly to the Commission, administrative and support costs tend to run about 50 percent of these direct costs; hence I would expect my specific proposals to result in total savings of $15,183,000 or about 23 percent of the Commission's budget request.

Finally, as indicated at the outset, I would add to this figure a general reduction of 10 percent to fight inflation and to encourage the Commission to expend greater efforts toward eliminating bureaucratic waste and inefficiency in its operations.●

SEVENTH SESSION OF THE LAW OF THE SEA CONFERENCE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. FRASER. Mr. Speaker, the Seventh Session of the UN Law of the Sea Conference concluded its negotiations late last Friday night in Geneva on a high note. This session has been without precedent in the history of the Conference which officially opened in December 1972. After a difficult beginning over the Conference's presidency, delegates voted to continue H. Shirley Amerasinghe as president, and spent the remaining weeks negotiating seven critical hardcore issues: the system of exploitation and exploration, financial arrangements of the authority, the organs and powers of the authority, the right of landlocked and geographically disadvantaged states to the living resources of neighboring states; settling fishery disputes in the exclusive economic zone; defining the Outer Continental Shelf and the question of revenue sharing; and delimiting maritime boundaries between geographically adjacent and opposite states. The United States, other delegations and observers generally agreed that by the yardstick they chose to identify progress—a text sufficiently improved over last summer's informal composite negotiating text that it provided a substanial and enhanced prospect for concensus—substantial progress was made.

Yesterday Ambassador Elliot L. Richardson briefed the members of the Committee on International Relations on the Seventh Session of the Conference. The briefing will be available as a committee print in several weeks. In the meantime, I believe that Ambassador Richardson's statement which he made available to the committee provides a useful summary of the sesssion, and request that it be inserted in the RECORD.

STATEMENT BY ELLIOT L. RICHARDSON

The Seventh Session of the Third United Nations Conference on the Law of the Sea began in an atmosphere of doubt that the 142 delegations assembled in Geneva could ever turn their attention to the issues of the oceans.

For the first two weeks of the eight-week session the substantive business of the Conference was in a state of limbo while the question of its presidency was being argued. This long, frustrating impasse was finally broken by a vote favoring the continuation of Shirley Amerasinghe as President.

The third week was devoted to organizing the work of the Conference. There was serious anxiety at this point as to whether the Conference could summon the will to redeem itself. Rather, a new skepticism surrounded the old question: Can the nations of the world negotiate a treaty governing mankind's use of the oceans, or is the task too broad, too complex, and simply too difficult?

Whether stung by the critical tone of world opinion or spurred by awareness of the amount of time that had slipped away, delegates agreed to devote the remaining five weeks to negotiation of the most critical hard-core issues. They focused on these with an intensity and a spirit of sober determination without precedent in the history of the Conference.

When the Geneva phase of the Seventh Session ended last Friday, delegates could take deserved pride in the solid record of accomplishment they had built. By common agreement, success with respect to each hard-core issue being considered by the Conference was defined as a text sufficiently improved over the Informal Composite Negotiating Text that it offered a substantially enhanced prospect of consensus. Under this criterion, the list of successes is substantial.

Perhaps the most noteworthy achievement of the Seventh Session was its negotiation of the right of access of landlocked and geographically disadvantaged states to the living resources of the 200-mile exclusive economic zone. This negotiation brought within reach of consensus an issue which had stubbornly resisted compromise during all previous sessions of the Conference.

Some progress was also made toward agreement on a formula defining the outer limit of national jurisdiction over the continental shelf, a matter of vital concern to a number of broad-margin states. A compromise on the issue of revenue sharing in the proceeds of exploitation of the resources of the continental margin beyond 200 miles also made headway. Considerable hard work, however, remains to be done on these related issues.

A companion issue—settlement of disputes over the living resources of the EEZ—also gave way before hard bargaining. From the extremes of rejection of any dispute settlement of fisheries questions to an insistence on compulsory adjudication in all cases emerged the middle ground of compulsory conciliation of claims that the coastal state has abused its power.

The United States drew considerable satisfaction from the negotiations on maritime pollution. In concert with France and Canada, we were the driving force behind improvement in the text with respect to the prevention, reduction, and control of pollution from ships.

The new texts expand the obligation of the world community to protect endangered species and fragile ecosystems from pollution. They widen jurisdiction to establish ship-routing systems needed to protect the environment, clarify the right of the coastal state of obtain prompt notice of events that may result in pollution off its coast in adequate time to act, and remove certain restraints on the powers of the coastal state to establish and enforce discharge standards stricter than international standards for ships in innocent passage in the territorial sea.

In the area of marine scientific research in the EEZ, the U.S. sought comparable progress. The Soviet Union and a large number of coastal states, however, continued to insist that the existing text on scientific research represented a reasonable balance that ought not to be disturbed. We took issue with this view when it was expressed in the Plenary and gave notice that we intend to persist in our efforts to make the text more compatible with freedom of scientific research.

Another "first" for the Seventh Session was its willingness to come to grips with many of the seemingly intractable issues associated with deep seabed mining. There was none of the public posturing characteristic of earlier debate on these issues. Rather, the Conference revealed a more sophisticated understanding of the economic stakes at issue and broad acceptance of the aim of making the parallel system of seabed exploitation workable.

All of the texts dealing with the seabeds represent improvement over the ICNT. In some cases the improvement is significant; in others it is marginal. Many developing countries continue to view with suspicion the sincerity of the commitment of the developed countries to the viability of the Enterprise side of the parallel system. These apprehensions are reflected in the revised texts, particularly those on transfer of technology and the review clause.

Transfer of technology is no longer a precondition of obtaining a contract to mine. This is a major improvement. Under the new text the contractor must undertake to transfer such technology to the Enterprise at any time after the contract is approved—if the Enterprise so requests—on fair and reasonable commercial terms and conditions to be negotiated in good faith by the parties. The fulfillment of this obligation would be subject to conciliation and arbitration.

A new and highly controversial addition to the text requires transfer of technology to developing countries in certain quite limited cases. The U.S. is opposed to this requirement, which is not needed to make the parallel system of exploitation viable, and will seek to have it eliminated in a later stage of negotiations.

The review clause negotiated in Geneva is significantly better than the ICNT in that it eliminates automatic conversion to a unitary system and contains certain other textual improvements. However, the review clause remains a serious problem because of the power given to the Assembly—if the Review Conference is deadlocked after five years—to impose a moratorium on new contracts and new plans of work for the Enterprise with the exception of areas already reserved.

The U.S. voiced strong reservations on this provision, emphasizing that it would not agree to the possible termination of its right to access to deep seabed minerals at the time the need for them may become acute.

U.S.-Canadian bilateral discussions produced a new production-control formulation. This formulation is clearly an improvement over that contained in the ICNT. Like all compromises, it confronts both producers and consumers with painful decisions, but we hope that it provides the basis for final resolution of this longstanding issue.

Considerable improvements were also made in the texts dealing with financial arrangements. These texts had not previously been the subject of substantive negotiations, and the progress made during this session was encouraging. Nevertheless, much work remains to be done on the financial terms of contracts, and we shall have to dispel misconceptions of the value of seabed minerals and the economics of their exploitation before a consensus text can be obtained.

The issue of composition and voting of the Council—the executive arm of the Authority—was seriously and intensively discussed, but was not resolved at Geneva. Differences remain clear-cut and fundamental. The developing countries tend to regard the Council as simply an arm of the Assembly with priority for the principle of equitable geographic distribution.

The U.S. does not challenge the concept that the Assembly should operate on the basis of one nation, one vote. We believe strongly, however, that the Council—responsible for directing the operations of the Authority—should reflect not only a geographic balance among members, but also should assure adequate protection of the major economic interests affected by a deep seabed mining treaty; specifically those of seabed miners of manganese, nickel, copper, and cobalt; consumers of these metals; and land-based producers. Only if such protection is clear and convincing will the massive invest-

ments required to begin seabed mining be made.

In summary, the Conference made sufficient progress on the hard-core issues to support the hope that with additional time and the same high level of patience and dedication shown in Geneva, it can cut significantly deeper into these issues. It made sufficient progress to reinforce the conviction of the United States that it is still worthwhile to persist in the effort to construct a framework of international cooperation in the oceans.

Hence, when the Seventh Session resumes in New York for a four-week period beginning August 21, the United States will again do its best to help the Conference in its striving for a treaty.●

OLDER AMERICANS MONTH

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. MOFFETT. Mr. Speaker, President Carter has declared May to be "Older Americans Month." For too long, the assumption has been that, as one gets older, one becomes less and less "useful." But at last the trend has begun to reverse itself, as we begin to recognize that older Americans are invaluable social, intellectual, and cultural resources to our society.

I am pleased to see that steps are being taken at the Federal, State, and local levels to improve interaction between people of all ages, while at the same time providing for the special needs of the elderly. For example, the House recently passed the Mandatory Retirement Act, to insure the right to work until the age of 70. Many other bills will have equally significant impacts on our lives.

Several bills currently before the House would affect the accessibility of medical care and drugs. Revisions in the Omnibus Crime Control and Safe Streets Act that are specifically designed to reduce danger to elderly people are being considered in the Judiciary Committee. The Committee on Labor and Public Welfare is considering a bill to amend the Older Americans Act to provide a national meals on wheels program for the home-bound elderly.

In my own State of Connecticut, two programs stand out for their effectiveness and compassion. The retired senior volunteer program (RSVP) and the seniors tutor for educational progress (STEP) project have been especially good at bringing different age groups together for mutual exchange and interaction.

All these legislative initiatives are moving us away from the fallacies of a former era. We are no longer legislating isolation, inaction, and dependence on others into our programs designed to serve older people. Instead, we are trying to recognize in our laws and policies that all ages in any society must be integrated in their jobs, their neighborhoods, their leisure activities and their personal lives to derive maximum benefit from our existence.

"Older Americans Month" can be seen as an important symbol of what we are striving for: a healthy combination of compassion and respect for the many contributions to our lives which older people have made and will continue to make. But more must be done in the area of private medical care. We need to provide more humane convalescent health care. The institutional approach to health care for the elderly is a dehumanizing experience; viable alternatives to nursing home treatment must be developed.

It is a matter of giving the elderly the basic dignity they deserve.●

HOUSE OF REPRESENTATIVES—*Wednesday, May 31, 1978*

The House met at 12 o'clock noon.

Reverend E. Colvin Baird, president-elect, Memphis Theological Seminary of the Cumberland Presbyterian Church, Memphis, Tenn., offered the following prayer:

Almighty God, Creator and Redeemer of all humankind, we revere the memory of the founders of this great Republic, and we rejoice to see the work of humble men and women whose dedicated service keeps us strong. How firm, how strong, how sovereign Your presence in peoples who are open to Your energy. We pray for knowledge whereby the oppressed may be set free and for the skills whereby the oppressed and the oppressors may be joined in common cause. Grant that the riches of Your wisdom may lead us to high duty so that selfish inclinations may not determine the actions of this Congress. Keep us open to Your truth whatever its apparent source, and give us grace to celebrate it with people of every nation. Father, we offer this prayer hoping that Jesus Christ is joined with us in these petitions. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Is there objection to the approval of the Journal?

Mr. SYMMS. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

The question is on the approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SYMMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 318, nays 14, present 1, not voting 101, as follows:

[Roll No. 380]

YEAS—318

Abdnor	Bonker	Conte
Addabbo	Bowen	Corcoran
Akaka	Brademas	Cornell
Alexander	Breaux	Cornwell
Ammerman	Brinkley	Crane
Anderson, Calif.	Brooks	D'Amours
	Broomfield	Daniel, Dan
Andrews, N.C.	Brown, Calif.	Daniel, R. W.
Andrews, N. Dak.	Brown, Ohio	Danielson
	Broyhill	Davis
Annunzio	Buchanan	de la Garza
Armstrong	Burke, Fla.	Delaney
Ashbrook	Burke, Mass.	Dellums
Aspin	Burleson, Tex.	Derrick
AuCoin	Burlison, Mo.	Derwinski
Bafalis	Burton, Phillip	Devine
Baldus	Butler	Dicks
Barnard	Byron	Dingell
Bauman	Caputo	Dodd
Beard, R.I.	Carr	Dornan
Bedell	Carter	Downey
Benjamin	Cavanaugh	Drinan
Bennett	Chappell	Duncan, Oreg.
Bevill	Clausen, Don H.	Duncan, Tenn.
Biaggi		Early
Bingham	Clay	Edgar
Blanchard	Cleveland	Edwards, Ala.
Blouin	Cohen	Edwards, Calif.
Boggs	Coleman	Edwards, Okla.
Boland	Collins, Ill.	Eilberg
Bolling	Conable	Emery
English	Holt	Marks
Erlenborn	Horton	Marlenee
Ertel	Hubbard	Marriott
Evans, Colo.	Huckaby	Mazzoli
Evans, Del.	Hughes	Metcalfe
Evans, Ga.	Hyde	Meyner
Evans, Ind.	Ichord	Mikulski
Fary	Ireland	Mikva
Fenwick	Jenkins	Miller, Ohio
Findley	Jenrette	Minish
Fisher	Johnson, Calif.	Mitchell, N.Y.
Fithian	Johnson, Colo.	Moakley
Flood	Jones, N.C.	Moffett
Florio	Jones, Okla.	Mollohan
Flynt	Jones, Tenn.	Montgomery
Foley	Kastenmeier	Moore
Ford, Mich.	Kazen	Moorhead, Calif.
Fountain	Kelly	
Fowler	Kemp	Moorhead, Pa.
Fraser	Ketchum	Moss
Frenzel	Keys	Mottl
Fuqua	Kildee	Murphy, N.Y.
Garcia	Kindness	Murphy, Pa.
Gaydos	Kostmayer	Murtha
Gephardt	Krebs	Myers, Gary
Gilman	LaFalce	Myers, John
Ginn	Lagomarsino	Myers, Michael
Glickman	Latta	Natcher
Gonzalez	Leach	Nedzi
Goodling	Lederer	Nichols
Gore	Le Fante	Nix
Gradison	Lehman	Nolan
Grassley	Lent	Nowak
Green	Levitas	Oakar
Gudger	Long, La.	Oberstar
Guyer	Long, Md.	Obey
Hagedorn	Lott	Ottinger
Hall	Luken	Panetta
Hamilton	Lundine	Patten
Hammer-schmidt	McClory	Patterson
	McCloskey	Pattison
Hanley	McDade	Pepper
Hannaford	McDonald	Perkins
Hansen	McEwen	Pettis
Harkin	McFall	Pike
Harris	McHugh	Poage
Hawkins	McKay	Preyer
Hefner	McKinney	Price
Heftel	Madigan	Pursell
Hightower	Maguire	Quillen
Hillis	Mahon	Rahall
Hollenbeck	Markey	Regula

Statements or insertions which are not spoken by the Member on the floor will be identified by the use of a "bullet" symbol, i.e., ●

Reuss	Solarz	Volkmer
Richmond	Spellman	Waggonner
Rinaldo	Spence	Walgren
Risenhoover	St Germain	Walsh
Roberts	Staggers	Wampler
Robinson	Stangeland	Waxman
Rogers	Stanton	Weaver
Rose	Stark	Weiss
Rosenthal	Steed	Whalen
Roybal	Steers	White
Ruppe	Stockman	Whitehurst
Satterfield	Stokes	Whitley
Sawyer	Stratton	Whitten
Schroeder	Studds	Wilson, Tex.
Schulze	Symms	Winn
Seiberling	Taylor	Wirth
Sharp	Thompson	Wolff
Shuster	Thone	Wright
Sikes	Traxler	Wydler
Sisk	Tsongas	Wylie
Skelton	Udall	Yates
Slack	Ullman	Yatron
Smith, Iowa	Van Deerlin	Zablocki
Smith, Nebr.	Vanik	Zeferetti
Snyder	Vento	

NAYS—14

Bellenson	Forsythe	Mitchell, Md.
Brodhead	Jacobs	Steiger
Brown, Mich.	Lloyd, Calif.	Walker
Collins, Tex.	Mattox	Wilson, Bob
Coughlin	Miller, Calif.	

PRESENT—1

Roe

NOT VOTING—101

Allen	Giaimo	Railsback
Ambro	Gibbons	Rangel
Anderson, Ill.	Goldwater	Rhodes
Applegate	Harrington	Rodino
Archer	Harsha	Roncalio
Ashley	Heckler	Rooney
Badham	Holland	Rostenkowski
Baucus	Holtzman	Rousselot
Beard, Tenn.	Howard	Rudd
Bonior	Jeffords	Runnels
Breckinridge	Jordan	Russo
Burgener	Kasten	Ryan
Burke, Calif.	Krueger	Santini
Burton, John	Leggett	Sarasin
Carney	Livingston	Scheuer
Cederberg	Lloyd, Tenn.	Sebelius
Chisholm	Lujan	Shipley
Clawson, Del	McCormack	Simon
Cochran	Mann	Skubitz
Conyers	Martin	Stump
Corman	Mathis	Teague
Cotter	Meeds	Thornton
Cunningham	Michel	Treen
Dent	Milford	Trible
Dickinson	Mineta	Tucker
Diggs	Murphy, Ill.	Vander Jagt
Eckhardt	Neal	Watkins
Fascell	O'Brien	Wiggins
Fish	Pease	Wilson, C. H.
Flippo	Pickle	Young, Alaska
Flowers	Pressler	Young, Fla.
Ford, Tenn.	Pritchard	Young, Mo.
Frey	Quayle	Young, Tex.
Gammage	Quie	

So the Journal was approved.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the following titles:

H.R. 3996. An act for the relief of Mrs. Young Hee Kim Kang, Hee Jae Kang, Hee Jin Kang, and Hee Soo Kang.

H.R. 5029. An act to amend title 38 of the United States Code in order to authorize contracts with the Republic of the Philippines for the provision of hospital care and medical services to Commonwealth Army veterans and new Philippine Scouts for service-connected disabilities; to authorize the continued maintenance of a Veterans' Administration office in the Republic of the Philippines; and for other purposes.

H.R. 10882. An act to authorize appropriations to carry out conservation programs on military reservations and public lands during fiscal years 1979, 1980, and 1981.

H.R. 10884. An act to authorize appropriations to the Council on Environmental Quality for fiscal years 1979, 1980, and 1981.

H.R. 11302. An act to authorize appropriations for environmental research, development, and demonstrations for the fiscal year 1979, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 415. An act to amend the Anadromous Fish Conservation Act to include fish in Lake Champlain that ascend streams to spawn.

S. 990. An act to amend title 5, United States Code, to provide special allowances to certain physicians employed by the United States in order to enhance the recruitment and retention of such physicians.

S. 1816. An act to amend the Public Works and Economic Development Act of 1965 to authorize a program of research, development, and demonstration of guayule rubber production and manufacture as an economic development opportunity for the southwestern States.

S. 2512. An act to provide explicit authority for the arrest of material witnesses.

S. 2556. An act to change the name of the District of Columbia Bail Agency.

S. 2701. An act to amend the Water Resources Planning Act (79 Stat. 244, as amended).

S. 2704. An act to promote a more adequate and responsive national program of water research and development, and for other purposes.

S. 2951. An act to authorize the Secretary of Agriculture to accept and administer on behalf of the United States gifts or devises of real and personal property for the benefit of the Department of Agriculture or any of its programs.

S. 3081. An act to amend the Federal Railroad Safety Act of 1970 to provide the Secretary of Transportation a longer period within which to assess civil penalties for certain violations, to extend authorizations of appropriations for fiscal years 1979 and 1980 for the rail safety program, and for other purposes.

REV. COLVIN BAIRD

(Mr. JONES of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Tennessee. Mr. Speaker, it is a real pleasure for me to have this opportunity to present Dr. Colvin Baird to this body today as our visiting chaplain. I have known Dr. Baird for a number of years. He served as the pastor of the Cumberland Presbyterian Church in my hometown of Yorkville, Tenn., for over 8 years. He is currently associated with the Memphis Theological Seminary in Memphis, Tenn.

Dr. Baird has long been involved in the affairs of the Cumberland Presbyterian Church. He is a 1942 graduate of Bethel College in McKenzie, Tenn. In addition, he has obtained graduate degrees from Cumberland Presbyterian Theological Seminary, the Louisville Presbyterian Seminary, and the Princeton Theological Seminary.

He has devoted his life to the ministry and was first ordained by the Princeton Presbytery in 1940. He has served his fellow man well having served as a military chaplain, a church pastor, and as professor of church and society and field education director in the Memphis Theological Seminary. He is currently president-elect of the Memphis Theological Seminary, Memphis, Tenn.

Dr. Baird brings a wealth of knowledge in a wide range of fields to those he must deal with daily in his current role in the church. He is widely known as an author and a theological expert.

I consider it an honor and a personal privilege to have Dr. Baird among my most treasured friends. He is a man completely devoted to his vocation and to the service of his fellow man. He is also a very beloved family man and a man of accomplishment. It is fitting that he begins our session today with our prayer.

I welcome Dr. Baird to this Chamber and extend my appreciation to him for taking time out of his busy schedule to be with us today.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 26, 1978.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pusuant to the permission granted on May 25, 1978, the Clerk has received this date the following message from the Secretary of the Senate:

"That the Senate passed without amendment H.R. 11370, an Act to authorize an appropriation to reimburse certain expenditures for social services."

With kind regards, I am

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, U.S. House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, May 25, 1978, he did on Saturday, May 27, 1978, sign the following enrolled joint resolution:

Senate Joint Resolution 137. Joint resolution reaffirming the unity of the North Atlantic Alliance commitment.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 26, 1978.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 11:55 a.m. on Friday, May 26, 1978, and said to contain a message from the President wherein he transmits the 16th Annual Em-

ployment and Training Report of the President.

With kind regards, I am

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, U.S. House of Representatives.

SIXTEENTH ANNUAL REPORT PERTAINING TO EMPLOYMENT AND TRAINING REQUIREMENTS, RESOURCES, AND UTILIZATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

To the Congress of the United States:

I am transmitting to the Congress the 16th annual report pertaining to employment and training requirements, resources, and utilization, as required by section 705(a) of the Comprehensive Employment and Training Act of 1973, as amended. This Employment and Training Report of the President also includes reports required by sections 209, 413, and 705(b), of the same act, as well as a report on services for veterans, as required by 38 U.S.C., sections 2007(c), and 2012(c).

JIMMY CARTER.

THE WHITE HOUSE, *May 26, 1978.*

CREDIT DUE PRESIDENT FOR FACING UP TO AFRICAN CRISIS

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, credit is due President Carter for the emphasis he now is placing on the danger to the United States and the free world from continuing aggression in Africa by Russia and Cuba. It is reassuring to note support for the President's position from most of his close advisers.

An agreement reached between President Carter and President Giscard d'Estaing of France to offer support in weapons and supplies to African nations which unite for their own protection against Russian aggression is encouraging. Our interests have suffered because of lack of a positive program to deal with Russian and Cuban activities on the continent of Africa. Russia consistently disregards notes of protest, but a specific program of support for nations willing to resist aggression can be effective.

African nations have not shown a strong inclination to work together. Generally, they have relied upon European powers for support in times of crisis. There are organizations in which most African nations participate, but they have not been productive of joint efforts, particularly for defense.

The sands of time are running out for the West in Africa. The Soviets and the Cubans have succeeded in installing Marxist governments in one nation after another. As many as 45,000 to 50,000 Cubans in 16 countries do the bidding of Russia in these endeavors. Their major objectives are the Horn of Africa and the cape. Control of these strategic locations would allow them to dominate shipping lanes where much of the world's oil and minerals must travel. Both oil and minerals are essential to the West. While the Russians are reaching for these goals, they continue to take advantage of opportunities to advance Marxism in other countries. The Zaire adventure is the latest. There the United States reacted timidly to an invasion of Angola into copper-rich provinces essential to the economy of Zaire. It was French and Belgian troops who prevented a takeover of Zaire. However, the Russian-backed invasion; the slaughter of whites and the destruction of the mines may have crippled Zaire too badly for the present government to survive.

President Carter's new initiative should have strong backing in Congress during this crucial period in Africa. The outcome will have a very important bearing on America's future and that of the free world.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I note with sadness that my esteemed colleague, the gentleman from Florida, is leaving these Chambers. Many of us who are here will miss the gentleman's courageous advocacy of American interests. You are a patriot and you have spoken time and time again about vital issues affecting the survival of our Nation.

Mr. SIKES. Mr. Speaker, the gentleman is very kind.

PRESS ASSISTANT L. T. (TEX) EASLEY RETIRING AFTER 41 YEARS OF DISTINGUISHED SERVICE

(Mr. POAGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

● Mr. POAGE. Mr. Speaker, at midnight, tonight, a long-time friend of this House, L. T. (Tex) Easley, will retire after 41 years of distinguished service in Washington. Tex, who is currently the press assistant of the House Committee on Agriculture, first came to Washington in 1937 as the Associated Press representative covering Members of Congress from the Southwest. Prior to this assignment he had served as a young reporter for the Denver Post and Dallas Times Herald.

Tex has earned the respect of countless Members of Congress for his fair and accurate reporting abilities. He is an old-time journalist who has always done his own research and own legwork when pursuing a story.

All of Tex's friends know him to be one of the most delightful people they have ever met. I have never known Tex to lose his temper or speak unkindly of a single soul. Indeed he is a unique individual.

In 1967 I asked Tex to join the Agriculture Committee staff after he had completed one career, having served 30 years with AP, and it proved to be a wise move. He has performed an admirable service at the committee.

While Tex has earned his retirement and he does have endless projects he and Bonita have planned for many years, including a marathon trip to South America, I hope Tex will take the time to write about his experiences. I know for a fact he has hundreds of interesting tales to relate about happenings in Washington during the 41 years he has been here.

Tex will be missed by all of us, but he has promised to keep in touch. I know we have enjoyed him as a friend and fellow worker and we wish him and Bonita happy and exciting days ahead.●

ARE THESE THREATS NECESSARY?

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

● Mr. VANIK. Mr. Speaker, the saber-rattling by the administration during the past several days is frightening and ominous.

I hope that it is not a diversionary tactic to bolster the sagging popularity of the administration.

Complaints have been made by the administration about congressional restraints on its ability to adventure abroad. A case has not been made as to what constitutes the restraints or what actions would have been justified and what commitments would have been made if the administration had a free hand.

The American people are as worried about an African involvement as they were about Vietnam. They should be; the risks are infinitely greater. In this risky and threatening climate, Congress is not likely to abdicate its power of review.●

TAX CREDITS FOR PRIVATE SCHOOL TUITION: THE CONSTITUTIONAL RESPONSIBILITY OF CONGRESS

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHBROOK. Mr. Speaker, I firmly believe that Federal legislation to give tax credits for tuition payments to private elementary and secondary schools, including church-related schools, is—and by any reasonable standard ought to be—constitutional.

I also firmly believe that such legislation is sound public policy, in that it would benefit all American education by helping to preserve freedom of choice and much needed diversity in our total system; it would help also to insure the first amendment guarantee of free exercise of religion for families for whom tuition payments are an increasing financial burden.

Yet, I am troubled by the nature of the continuing controversy over the constitutionality of such legislation. There is, of course, general acceptance of the

constitutionality of tax credits for tuition payments to colleges and universities. But some of my colleagues have seized upon the rather clouded opinions of the Supreme Court to argue that benefits should not be extended to parents at the elementary and secondary school level. I think that argument is spurious. Worse, it is a misconception of the constitutional role of Congress.

Whatever the personal views of a Member of Congress may be on this issue, it is imperative that all of us remember some fundamental concepts of our constitutional structure. One is the separation of powers. The Congress not only has the sole constitutional right to legislate, but also to make its own independent determination of the constitutionality of its actions. It was in deference to this responsibility that the U.S. Supreme Court very early fashioned the doctrine of the presumption of the constitutionality—an act of Congress is presumed at the outset to be constitutional and the presumption may not lightly be overturned.

As in any rebuttable presumption in law, all reasonable doubts are resolved in favor of the presumed constitutionality. Justice Brandeis, one of our truly great scholars of the law to serve on the Supreme Court, provided a comprehensive discussion of the doctrine in *Ashwander* v. *Tennessee Valley Authority*, 297 U.S. 288 (1936). He wrote of "the long established presumption in favor of the constitutionality of a statute," quoting Chief Justice John Marshall in *Dartmouth* v. *Woodward*, 4 Wheat. 518 (1819), to the effect that the Court even by that time had declared repeatedly:

> That, in no doubtful case, would it pronounce a legislative act to be contrary to the Constitution.

Finally, Justice Brandeis reminded his readers of the admonition of Chief Justice Tilghman of the Supreme Court of Pennsylvania, in 1811, that—

> An Act of the legislature is not to be declared void, unless the violation of the Constitution is so manifest as to leave no room for reasonable doubt.

I stress this constitutional history as expounded by Justice Brandeis, because it is critically relevant to the judgment the Congress will have to make. First, the judgment of constitutionality is ours to make in the first instance, and it will have great legal weight in any subsequent determination the Supreme Court may be called upon to make. We ought to fully understand that. Second, the 1973 case in which the U.S. Supreme Court struck down a New York State statutory provision somewhat similar to the one we have under consideration can be distinguished from proposed Federal legislation. In my judgment—and a number of constitutional scholars concur in it—the decided cases leave not a "reasonable doubt," but a huge doubt that Federal tax credits for private school tuition would offend the establishment clause of the first amendment. Finally, even if we felt that the decision in the one case most in point could not be distinguished, I think the Congress should exercise its own judgment on tax credit legislation and give the Court an opportunity to reverse a decision which in the view of Chief Justice Burger and Justices White and Rehnquist was wrong.

Those who argue that a tax credit on account of private elementary and secondary school tuition payments is unconstitutional always cite *Committee for Public Education and Religious Liberty* v. *Nyquist*, 413 U.S. 756 (1973), in which the Court struck down a provision for tax relief for parents of children attending private schools. That provision has been variously described as a tax "credit" and a "deduction," but unlike the proposal before Congress it was unrelated to the amount of tuition actually paid. Moreover, it was a part of a comprehensive measure containing two other more direct forms of assistance (also declared unconstitutional), all of which was specifically designed to aid parents of private school children, over 95 percent of whom attended schools of a single religious denomination. Even so, the Court did not question the secular purpose of the New York statute (the first requirement for constitutionality under the establishment clause of the first amendment), but contended that it had the impermissible effect of advancing religion in that it would act as an inducement for parents to send their children to parochial schools. There are many possible grounds for making a distinction between the proposed Federal tax credits and the New York statute.

The most obvious distinction is that the two are far from identical. The proposal before Congress is tied directly to the amount of tuition paid; it would be part of a legislative package to assist all taxpayers who pay tuition for education, including credits for college and university tuition payments about which there is no constitutional issue (thus the class of beneficiaries is much broader than under the New York statute, which has been a consideration in these cases); the children of parents aided would be attending schools of many religious faiths and denominations as well as a significant number of nondenominational and completely secular schools; it is a Federal, rather than a State statute. The list could be extended, but the point is that Nyquist can be distinguished from a case involving the Federal tax credits. The decision in Nyquist in no sense ought to influence the action of Congress on this issue.

There is another, and in many ways a more compelling, constitutional argument in favor of tax credits on account of the payment of private school tuition. That is simply that the first amendment guarantee of religious freedom is two-pronged: Beyond the prohibition of a "law respecting an establishment of religion" there is the free exercise clause which prohibits interference with the free exercise of religion. Over 50 years ago in the landmark case of *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925) the Supreme Court protected the right of parents to choose a private education for their children by holding that the Constitution "* * * excludes any general power to the State to standardize its children by forcing them to accept instruction from public teachers only." Parental rights and religious freedom in education were emphatically reaffirmed by the Court in *Wisconsin* v. *Yoder, et al.*, 406 U.S. 205 (1972) when it held that the State could not force Amish parents to send their children to school beyond the eighth grade because:

> The conclusion is inescapable that secondary schooling, by exposing Amish children to wordly influences in terms of attitudes, goals, and values contrary to beliefs, and by substantially interfering with the religious development of the Amish child and his integration into the way of life of the Amish faith community at the crucial adolescent stage of development, contravenes the basic religious tenets and practice of the Amish faith, both as to parent and child.

Thus the Court has been sensitive to and has upheld the free exercise of religion in education as against direct attack by the state. But what we are seeing in America today is an indirect attack upon freedom of choice in education through economic forces largely within the control of the Government.

The ravages of inflation and the ever-increasing burden of taxation threaten to eliminate freedom of choice in education for the average American family as surely as the direct assaults by the state found unconstitutional by the Supreme Court. If all but the wealthier families are priced out of the private school market, the guarantee of free exercise of religion in education will become meaningless. So it is a matter of urgency for the Congress to act to provide relief and for the courts to rethink and reconsider the balance between the establishment clause and the free exercise clause of the first amendment.

But let me return to the fundamental point of congressional responsibility. This January before the Senate Committee on Finance, Antonin Scalia, a distinguished professor of law at the University of Chicago, testified on the constitutionality of tuition tax credits. He began by saying that the committee might be surprised by "the barrage of categorical assertions you receive on both sides of the issue—that the proposal before you, insofar as it provides tax relief for tuition payments to sectarian schools, clearly should be or clearly should not be, regarded as constitutional." He then went on to say:

> I side with the former camp myself, but that is not primarily what I want to talk to you about. The principal point I want to make is that, regardless of how one feels about the "shoulds" of the matter, the issue has not been resolved by any holding, or even by any consistent line of dictum, from the Supreme Court. And for that reason, the responsibility which rests upon you is all the greater. In approving or disapproving the present proposal on constitutional grounds, you will not be following—and cannot pretend to be following—any dictate of the Supreme Court, but will rather be expressing your sense, and the sense of the society, as to what our most profound national convictions require. Your expression, in turn, can be expected to influence the course which the Supreme Court will steer in the future.

That is the constitutional challenge facing the Congress on this issue. It is one I gladly accept. I urge my colleagues

to accept it, because that is the plain duty of the Congress. We cannot perform the functions of the Supreme Court; but just as surely, neither can we permit it to perform ours.

MEMBERS URGED TO PAY CLOSE ATTENTION TO CONSIDERATION OF RESOLUTION ON SOUTH KOREAN GOVERNMENT

(Mr. FINDLEY asked and was given permission to address the House 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, I take this time to urge my colleagues to stay on the floor for at least the next half hour to 40 minutes. The first piece of legislation under suspension of the rules is a resolution dealing with our very important ally, the Republic of Korea. There will be three or four other bills under suspension after that.

If we follow our traditional habits, many of us will leave the floor and not come back until after discussion has been had of all these bills considered under suspension. I ask the Members to please stick around and listen to the discussion of this issue.

Mr. Speaker, we are about to do something very foolish if we enact this resolution on the Republic of Korea. I urge the Members to read the additional views contained in the committee report, especially if they find they cannot stay on the floor and listen to this discussion.

APPOINTMENT OF CONFEREES ON H.R. 6669, NATIONAL CLIMATE PROGRAM ACT OF 1977

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6669) to establish a national climate program, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. TEAGUE, BROWN of California, AMBRO, WIRTH, BEILENSON, WALKER, and WINN.

CENTRAL, WESTERN, AND SOUTH PACIFIC FISHERIES DEVELOPMENT ACT

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11657) to authorize appropriations to carry out the Central, Western, and South Pacific Fisheries Development Act until the close of fiscal year 1983, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That the Central, Western, and South Pacific Fisheries Development Act (16 U.S.C. 758e—758e–5) is amended as follows:

(1) Section 2 of such Act (16 U.S.C. 758e) is amended by inserting "with the Pacific Tuna Development Foundation or other agency or organization," immediately after "contract,".

(2) Section 3 of such Act (16 U.S.C. 758–1) is amended by (A) inserting "the Secretary of State," immediately after "Interior,"; (B) inserting "the Commonwealth of the Northern Mariana Islands," immediately after the "Trust Territories of the Pacific Islands,"; (C) striking out "and" immediately after "institutions,"; and (D) inserting ", and all appropriate member nations of a South Pacific regional fishery agency (hereinafter referred to in this Act as the 'agency'), if such an agency is formed" immediately after "industry".

(3) Such Act is further amended by inserting immediately after section 3 thereof the following:

"SEC. 4. In addition to the authority granted in section 2, the Secretary, in consultation with representatives of all interested member nations of the agency, and those parties set forth in section 3, may establish in accordance with section 2, a cooperative program for the development of tuna and other latent fisheries resources of the Central, Western, and South Pacific Ocean to be submitted to the President and the Congress within one year following official formation of the agency. The Secretary shall make available to all interested member nations of the agency the results and findings of research or development projects carried out under this Act.".

(4) Sections 4, 5, 6, and 7 of such Act are redesignated sections 5, 6, 7, and 8, respectively.

SEC. 2. Section 8 of the Central, Western, and South Pacific Fisheries Development Act (16 U.S.C. 768e–5), as redesignated, is amended by—

(1) placing the amendment made to such section by the Act of July 6, 1976 (relating to authorizations of appropriations for such Fisheries Development Act) immediately after "June 30, 1976, the sum of $3,000,000"; and

(2) striking out "$3,000,000," the second place it then appears in such section, and inserting in lieu thereof "$4,000,000, and for each of the fiscal years 1980, 1981, and 1982, the sum of $5,000,000,".

Amend the title so as to read: "An Act to amend the Central, Western, and South Pacific Fisheries Development Act to increase the appropriation authorization through fiscal year 1982, to expand the United States fisheries development effort, and to cooperate in the formation and research of the South Pacific regional fishery agency, and for other purposes.".

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. FORSYTHE. Mr. Speaker, reserving the right to object, I will not object, but I do take this time to give the chairman of our committee an opportunity to explain just what we are doing here with this legislation.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

Mr. FORSYTHE. I yield to the gentleman from New York.

Mr. MURPHY of New York. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, on May 1, 1978, the House passed H.R. 11657 by a vote of 326 yeas to 23 nays. As it passed the House, H.R. 11657 would do two things.

First, it would include the Secretary of State and the government of the Commonwealth of the Northern Mariana Islands in the list of parties with whom the Secretary of Commerce must consult before carrying out any fisheries development projects pursuant to the Central, Western, and South Pacific Fisheries Development Act.

Second, it would increase the appropriation authorization for the period beginning July 1, 1976, and ending September 30, 1979, from $3 to $6 million and would authorize $6 million to be appropriated for each of fiscal years 1980 through 1983, to carry out the purposes of the act.

Mr. Speaker, on May 18, 1978, the Senate agreed to H.R. 1167 with the following amendments, all of which were germane to the bill:

First, it would specifically name the Pacific Tuna Development Foundation (PTDF) as an organization with whom the Secretary of Commerce may enter into a contract to carry out fishery development projects pursuant to the act. PTDF is comprised of the chief executives of Hawaii, Guam, American Samoa, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific, four representatives of the U.S. tuna industry, and an at-large member. It is presently the sole party with whom the Secretary of Commerce contracts in carrying out such fisheries development projects.

Second, it would include appropriate member nations of an international South Pacific regional fishery agency in the list of parties with whom the Secretary of Commerce must consult before carrying out any fishery development projects pursuant to the act. There is presently a strong move to form such an international fishery agency, and it would be in the best interest of the United States to closely work with this agency, if it is formed.

Third, it would add a new section to the Central, Western, and South Pacific Fisheries Development Act to grant the Secretary of Commerce the authority to begin a fishery development program in cooperation with interested and affected South Pacific agency member nations should the United States become a member of this agency.

Finally, it would increase the authorization of appropriations for the period beginning July 1, 1976, and ending September 30, 1979 from $3 to $4 million, and would authorize $5 million to be appropriated for each of fiscal years 1980 through 1982, to carry out the purposes of the act.

Mr. Speaker, the maximum cost to the Federal Government in carrying out the House version of the bill over a 5-year period would be $27 million. The Senate version of the bill is estimated to cost only $16 million for carrying out the program over a 4-year period, $11 million less than the House version.

Mr. Speaker, the Senate version of H.R. 11657 is completely acceptable to the Merchant Marine and Fisheries Committee and I urge the House to concur in the Senate amendments and pass the bill H.R. 11657, as amended.

Mr. FORSYTHE. Mr. Speaker, I wish to state that I support the Senate amend-

ments, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

SEAL BEACH, GREAT DISMAL SWAMP, AND SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGES AUTHORIZATIONS

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5493) to extend until October 1, 1980, the appropriation authorizations for the Seal Beach, Great Dismal Swamp, and San Francisco Bay National Wildlife Refuges, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, strike out all after line 7 over to and including line 5 on page 2 and insert:

SEC. 2. The Act of June 30, 1972 (36 Stat. 391) establishing the Tinicum National Environmental Center, as amended by the Act of October 18, 1976 (90 Stat. 2528), is amended—

(1) by striking "Wanamaker Avenue" in the last sentence of section 2 and inserting in lieu thereof "Darby Creek"; and

(2) by amending section 7 to read as follows:

SEC. 7. For the period beginning July 1, 1972, and ending September 30, 1980, there are authorized to be appropriated $11,100,000 to carry out the purposes of this Act.".

The SPEAKER. The Clerk will report the House amendment to the Senate amendment.

The Clerk read the House amendment to the Senate amendment, as follows:

In the Senate amendment, strike out the matter appearing after "page 2" and insert a period.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. FORSYTHE. Mr. Speaker, reserving the right to object, I do so again to ask the chairman to explain the import of this legislation.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

Mr. FORSYTHE. I yield to the gentleman from New York.

Mr. MURPHY of New York. Mr. Speaker, H.R. 5493 passed the House on May 16, 1977. As it passed the House, H.R. 5493 would do three things:

First, it would extend the funding authorization for the San Francisco Bay National Wildlife Refuge for an additional 3 years, until September 30, 1980, at the same level of funding that exists under present law, $20,300,000.

Second, it would extend the funding authorization for the Seal Beach National Wildlife Refuge for an additional 3 years, until September 30, 1980, at the same level of funding that exists under present law, $525,000.

Third, it would authorize to be appropriated for the 3-year period—October 1, 1977, to September 30, 1980—$21,100,000 for the Great Dismal Swamp National Wildlife Refuge.

Mr. Speaker, on May 24, 1977, the Senate agreed to the bill as it passed the House, with an amendment to provide as follows:

First, it eliminated from the coverage of the bill the provision that would extend the appropriation-authorization of $525,000 for the Seal Beach National Wildlife Refuge. This change is not objectionable since the Department of the Interior plans to obtain funds for the administration of this refuge, just as it has in the past, from its general funds.

Second, it added language to the bill for the Tinicum National Environmental Center. This provision is no longer needed since funds for the center were included in H.R. 2817, which passed the House on May 10, 1977, and the Senate on October 19, 1977, and which is now Public Law 95–152.

Mr. Speaker, the amendment which we are asking the House to concur in today, with an amendment, would result in the passage of H.R. 5493 as it originally passed the House, except the provision that would provide funds for the Seal Beach Refuge would be excluded which, as I previously indicated, is no longer needed.

Mr. Speaker, shortly after passage of H.R. 5493 by the House in May of last year, colleagues WALTER JONES and ROBERT DANIEL asked me to hold in abeyance further consideration of the bill pending their reaching an understanding with the U.S. Fish and Wildlife Service, of the Department of the Interior, as it relates to the administration of the Dismal Swamp National Wildlife Refuge.

I will include the correspondence between colleagues JONES and DANIEL and the Department of the Interior be included in the RECORD of today's proceedings immediately following my statement so that there will be a permanent record of this understanding for future reference.

Mr. Speaker, the Senate amendment to the bill is germane, and it would not result in any additional cost to the Federal Government. The House amendment that we are asking the Members to agree to today also is germane to the bill, and is technical in nature only.

Mr. Speaker, the correspondence referred to is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 9, 1978.

Hon. ROBERT L. LEGGETT,
Chairman, Subcommittee on Fisheries and Wildlife Conservation and the Environment, Longworth House Office Building, Washington, D.C.

DEAR BOB: This relates further to your letter of February 21 and to my response of March 20 concerning H. R. 5493.

As I advised you at that time, I wanted to obtain from the property owners a statement concerning whether there was a clear understanding on the part of all concerned what the Secretary meant when he stated that the Department had no intentions of pressuring anyone to sell against their wishes "as long as they continue to manage their lands in a manner that does not adversely impact the swamp."

I enclose for your information copies of two letters, one dated March 24 and one dated April 26, which I believe outline pretty clearly the commitment which the office of the Secretary has made with respect to problems involved with the property owners.

It is pointed out that the Department of Interior has agreed that it was not the intent of the Department that property owners would have to request permission for normal farming operation or for timber cutting.

In view of the commitments made in these two letters, I have no further objection to the provisions of H. R. 5493. I would request, however, that these two letters be made a part of the Committee's record so that there may be no question concerning the intent of the Committee or the Congress with respect to restrictions placed on the property owners in question.

I am forever grateful to you for your patience in this matter and for your cooperation.

With kind personal regards.

Sincerely,

ROBERT W. DANIEL, Jr.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., April 26, 1978.

Hon. ROBERT W. DANIEL, JR.,
U.S. House of Representatives, Washington, D.C.

DEAR MR. DANIEL: In your letter of March 28 you asked for clarification of our intent in regard to acquisition at Great Dismal Swamp.

Basically our position has changed since the letter of February 3. We did want to reserve the right to condemn if lands were to be subdivided and residential or other construction initiated. It was not our intent that private owners would have to request permission for normal farming operations or timber cutting.

Upon further review, we are confident that none of the owners have such intentions. Furthermore, such actions would likely be sufficiently controlled by zoning requirements.

There are opportunities to use the authorization available to acquire land in the main portion of the swamp from willing sellers. Therefore, in our letter of March 24, we made a commitment to purchase from willing sellers only during the period of the authorization contained in H.R. 5493. Hopefully, at the end of that period our studies will be complete and we will have reached agreement with all of the owners as to the means of protecting the swamp.

I trust that this will clarify our intent. If not, please let us know as we are anxious to proceed with passage of the authorization so that we can settle with those owners that are now waiting for their money.

Sincerely,

DAVID F. HALES,
Acting Assistant Secretary for Fish and Wildlife and Parks.

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 28, 1978.

Hon. ROBERT L. LEGGETT,
Chairman, Subcommittee on Fisheries, Wildlife Conservation, and the Environment, Longworth House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: At my request the Merchant Marine and Fisheries Committee has deferred final action on H.R. 5493, a bill authorizing funds for various national wildlife refuges. I asked for this "hold" to enable landowners whose properties adjoin the Great Dismal Swamp National Wildlife Refuge to negotiate with the U.S. Fish and Wildlife Service about the proposed boundaries for the Refuge.

I am concerned for the small landowners in the area. Their families have owned these lands for years. They appreciate and love the Dismal Swamp and do not want to do anything to destroy it. Still, they very much want to retain their own lands, fields, and

woodlots. I share their belief that boundaries for the Refuge can be set so that these citizens can keep and use their own property.

I believe that the following statements accurately summarize conclusions reached after meetings between myself, landowners, and Fish and Wildlife Service officials:

1. FWS acknowledges that the proposed boundaries circulated last summer were tentative and may be changed.

2. FWS has pledged to redraw the boundaries to lessen impacts on private landowners whenever possible, so long as the integrity of the swamp ecosystem and the Refuge are protected. All parties agree that the Refuge should include only that acreage necessary to preserve the Dismal Swamp proper.

3. FWS will conduct hydrology and biologic studies which will allow the drawing of a "biologic" boundary.

4. FWS will negotiate in good faith on a continuing basis with unofficial committees representing landowners in North Carolina and Virginia to set a satisfactory boundary and to resolve controversies.

5. If private lands must fall within the Refuge boundaries, FWS will pursue non-fee-purchase alternatives, such as water and scenic easements, life tenancies, etc., with private landowners, whenever possible.

6. FWS pledges not to purchase any private holdings, except from willing sellers, during the lifetime of the authorization (until October 1, 1980). FWS will not use condemnation procedures during this time except to clear title of lands of willing sellers.

With these understandings, I now withdraw my request for deferring action on H.R. 5493. I ask that this letter and the attached correspondence be retained in the Committee's official files for future reference with regard to further acquisition and development of the Great Dismal Swamp National Wildlife Refuge.

Many thanks for your cooperation and patience during the time this problem was being negotiated.

With best regards, I am

Sincerely,

WALTER B. JONES,
Member of Congress.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 24, 1978.

Hon. WALTER B. JONES,
House of Representatives,
Washington, D.C.

DEAR MR. JONES: We understand that you requested H.R. 5493, which would extend the authorization for appropriations for Great Dismal Swamp National Wildlife Refuge until September 30, 1980, to be held up by the Merchant Marine and Fisheries Committee until concerns of landowners along the west boundary of the refuge about acquisition of their land can be resolved. At the center of the controversy is the fear that we will acquire the wooded portions of their farms through condemnation.

With your assistance we are working with landowner committees to resolve the issues of concern. Unfortunately, additional studies as to the hydrology of the area and future management of this portion of the refuge may take some time. The controversy involves only about 4,000 acres, which is a relatively insignificant portion of the 123,000-acre swamp area.

We have on hand options to acquire substantial acreages in the main portion of the swamp. This acquisition is being delayed pending extension of the authorization.

We do not want to delay all progress until we can work out the details with the landowners of the west side. We do not believe that delay in this fringe area is any threat to the swamp. Therefore, to allay the concerns of these landowners I assure you that we will purchase only from willing sellers during the authorization in H.R. 5493. We will not take condemnation action except to assist a willing seller clear title to his land.

It is our understanding that this assurance will remove your objections to passage of this bill. We would appreciate any assistance you can give toward moving the authorization forward so that we can acquire some large ownerships that are essential to completion of the refuge.

Sincerely yours,

DAVID F. HALES,
Deputy Assistant Secretary for
Fish and Wildlife and Parks.

Mr. FORSYTHE. Mr. Speaker, I support the amendment, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

DIRECTING CLERK OF THE HOUSE TO MAKE CORRECTION IN ENROLLMENT OF H.R. 5493, SEAL BEACH, GREAT DISMAL SWAMP, AND SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGES AUTHORIZATIONS

Mr. MURPHY of New York. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 635) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 5493, to extend until October 1, 1980, the appropriation authorizations for the Seal Beach, Great Dismal Swamp, and San Francisco National Wildlife Refuges, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 635

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 5493) to extend until October 1, 1980, the appropriation authorizations for the Seal Beach, Great Dismal Swamp, and San Francisco Bay National Wildlife Refuges, the Clerk of the House of Representatives shall make the following corrections:

Page 2, line 6, of the House engrossed bill, strike out "SEC. 3." and insert "SEC. 2.".

Amend the title of the House engrossed bill to read as follows: "A bill to extend until October 1, 1980, the appropriation authorizations for the Great Dismal Swamp and San Francisco Bay National Wildlife Refuges.".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement. Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated, and after those motions to be determined by "nonrecord" votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

SENSE OF CONGRESS THAT KOREAN GOVERNMENT COOPERATE WITH COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. ZABLOCKI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1194) expressing the sense of the House that until the testimony of Kim Dong Jo is made available under oath to the Committee on Standards of Official Conduct, the transfer of anything of value to the Republic of Korea for nonmilitary purposes should be made only where the refusal to do so would imperil the national security of the United States or the territorial integrity of the Republic of Korea; and that refusal of the United States to make such transfers would not, under present circumstances, imperil the national security of the United States or the territorial integrity of the Republic of Korea, as amended.

The Clerk read as follows:

H. RES. 1194

Whereas the House of Representatives in H. Res. 868, adopted unanimously on October 31, 1977, stated that "the Government of the Republic of Korea should cooperate fully and without reservation with the Committee on Standards of Official Conduct and with its special counsel to provide complete access to all facts relevant to" the investigation being conducted by that committee pursuant to H. Res. 252, adopted February 9, 1977;

Whereas information made public at hearings conducted by that committee establishes that the investigation cannot be completed with regard to some persons without the testimony of Kim Dong Jo, a former ambassador of the Republic of Korea to the United States who is knowledgeable about certain facts central to the committee's inquiry;

Whereas the Government of the Republic of Korea has not cooperated fully with the Committee on Standards of Official Conduct in its efforts to obtain the testimony of Kim Dong Jo;

Whereas the relationship between the United States and the Republic of Korea is interdependent and depends upon mutual trust and full cooperation in all aspects of that relationship;

Whereas the House seeks to obtain the testimony of Kim Dong Jo consistent with international law and practice; and

Whereas a complete investigation is necessary for the Committee on Standards of Official Conduct to discharge its responsibilities and is indispensable to the fulfillment of the obligations of the House of Representatives to the public: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Government of the Republic of Korea, in accordance with the principle of comity between allies, should cooperate fully with the Committee on Standards of Official Conduct and its special counsel in the efforts of that committee to obtain information, which is needed to complete the investigation required by H. Res.

252, from Kim Dong Jo under oath, affirmation, or comparable means of assuring reliability which are satisfactory to that committee.

SEC. 2. If Kim Dong Jo should refuse to provide at an early date the information necessary for that investigation, the House, when considering any proposed appropriation of funds for nonmilitary assistance for the Republic of Korea, will regard such refusal as of serious consequence for United States-Korean relations and will be prepared to deny or reduce such assistance unless it finds that such a denial or reduction would harm the national security of the United States or imperil the territorial integrity of the Republic of Korea.

SEC. 3. It is the sense of the House of Representatives that the denial or reduction of nonmilitary assistance for the Republic of Korea would not, at the present time, harm the national security of the United States or imperil the territorial integrity of the Republic of Korea.

The SPEAKER. Is a second demanded?

Mr. FINDLEY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Wisconsin (Mr. ZABLOCKI) and the gentleman from Illinois (Mr. FINDLEY) will be recognized for 20 minutes each.

The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1194, as amended, regarding the requested testimony of former Korean Ambassador Kim Dong Jo before the Committee on Standards of Official Conduct.

The basic purpose of this resolution is simple and, hopefully, compelling.

The resolution, as amended, expresses the sense of this House that the South Korean Government should cooperate fully with the Committee on Standards of Official Conduct and its special counsel so that the committee may secure from former Ambassador Kim Dong Jo the information needed to complete its investigation—and the resolution emphasizes that such testimony must be given under oath, affirmation, or other reliabel means of verification satisfactory to the committee.

The amended resolution also expresses the sense of the House that refusal on the part of the South Korean Government to provide this information through the testimony of Kim Dong Jo will be regarded by this body as of serious consequence for United States–Korean relations and, most importantly, that in response to such a refusal, the House will be prepared to deny or reduce nonmilitary assistance to South Korea, unless the House finds that such an action would harm the national security of the United States or imperil the territorial integrity of South Korea.

Mr. Speaker, the resolving clause of the resolution states that it is the sense of the House that a denial of reduction of nonmilitary aid to the South Korean Government would not at the present time, harm our country's national security nor would such action imperil the territorial integrity of South Korea.

The issues addressed in this resolution were first considered by the House less than 2 weeks ago when the distinguished majority leader, at the behest of the Committee on Standards of Official Conduct, made a unanimous consent request to pass a resolution, House Resolution 1192, on this matter. At that time several Members correctly pointed out that the resolution, which had been hastily drafted, raised serious questions with regard to the Vienna Convention on Diplomatic Relations, U.S. security commitments in Northeast Asia, and U.S. obligations to certain international organizations.

In view of these questions, the unanimous consent request was withdrawn.

A similar resolution, House Resolution 1194 was subsequently introduced.

These resolutions were referred to the Committee on International Relations which met promptly on Monday May 22, 1978, to hear testimony on the measures from Deputy Secretary of State Warren Christopher and from the Special Counsel to the Committee on Standards of Official Conduct, Mr. Leon Jaworski.

After hearing the testimony of Deputy Secretary Christopher and Mr. Jaworski, the committee, on May 23, began markup of House Resolution 1194. After concentrated debate and careful deliberation, the committee unanimously adopted, on May 24, a substitute amendment to the resolution which had been prepared by a bipartisan ad hoc group of committee members appointed by the Chair who either supported or opposed the resolution in its original form.

In considering House Resolution 1194, the committee worked diligently to reconcile two divergent goals:

On the one hand we wanted to produce a resolution which would encourage the South Korean Government to provide, through former Ambassador Kim Dong Jo, testimony needed to corroborate information already obtained by the Committee on Standards of Official Conduct in its investigation.

On the other hand, the committee desired that the resolution not violate diplomatic rights, privileges, and immunities protected by international law.

In addition to reconciling those two goals, the committee also wanted to bring to the floor a resolution which would send the clear, unmistakeable message to the South Korean Government that the House of Representatives is serious in its efforts to bring the investigation to an early, just and honorable conclusion and that the availability of Kim Dong Jo is indispensable to that goal.

At the same time, the committee desired that the resolution not be interpreted as a weakening of our resolve to continue to meet U.S. security commitments and responsibilities in Northeast Asia.

I am firmly convinced that House Resolution 1194, as amended, sufficiently meets all of these concerns.

By stating in the resolution that the House will be prepared to deny or reduce U.S. nonmilitary assistance to South Korea if that Government refuses to cooperate, the House is saying in effect that it means what it says here. The resolution is unequivocal in its message that only the fullest cooperation of the South Korean Government will be acceptable.

By stating that the House will be prepared to deny or reduce such assistance unless it finds that such action would harm U.S. National Security or the territorial integrity of South Korea, the resolution is not unmindful of our broader interests and responsibilities in Northeast Asia.

Mr. Speaker, the cloud of suspicion brought about by the alleged improper activities of the South Korean Government has lingered over this body far too long. This resolution says to our friend and ally that the prompt, successful conclusion of the investigation is essential to the integrity of the House and that further delay will be injurious to the interests of both countries.

H.R. 1194, as amended, was approved by a recorded vote of all members of the House International Relations Committee, 37 to 0. I strongly urge the House to give its unanimous support to the resolution as well.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the distinguished majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, I thank the distinguished chairman for yielding to me. I take this time to congratulate the gentleman from Wisconsin and the members of the House Committee on International Relations on a thoroughly workmanlike job. This resolution does indeed represent a more carefully drafted statement than the one which I presented some 2 weeks ago on the floor of this House. I believe the committee has done craftsmanlike work in reconciling the two paramount objectives of the House. I support the resolution.

I can report to the Members that I have discussed it with Mr. Jaworski, the Special Counsel of the Committee on Standards of Official Conduct; he supports this resolution. I think it would be very, very unfortunate if we were to produce less than a resounding vote for this resolution today. I therefore, urge all of our colleagues on both sides of the aisle to give this resolution the overwhelming and bipartisan support that it deserves.

Our vote today must be a clear and unequivocal expression of the desire—indeed, the insistence—on the part of this House to remove the cloud of suspicion that has hovered for too long over these alleged relationships. We have drafted this expression in such a way as to respect the rights and the territorial integrity of the Government of South Korea.

This resolution declares in effect our expectation that the Government of South Korea will indeed cooperate with our request. It states the things which the House will be prepared to do in the event that we should be disappointed in that expectation. I trust that the House will indeed be prepared to do those things, but I fully anticipate that the Government of South Korea will coop-

erate with the House in response to this very clear message today. I urge all Members, therefore, to support this resolution.

Mr. ZABLOCKI. Mr. Speaker, I thank the majority leader for his kind remarks about the efforts of the House International Relations Committee. Also I wish to commend the gentleman for his role in counseling our committee on the resolution before the House.

The SPEAKER. The gentleman from Illinois (Mr. FINDLEY) is recognized for 20 minutes.

PARLIAMENTARY INQUIRY

Mr. FINDLEY. Mr. Speaker, I pose a parliamentary inquiry.

Is there any way, short of a unanimous-consent request, by which the House could vacate further proceedings under this suspension and postpone until a later date the consideration, subject to the call of the leadership?

The SPEAKER. It would require unanimous consent.

Mr. FINDLEY. Mr. Speaker, I will make such a request in just a moment, but before I do I want to explain why I make the request.

The New York Times today published an account from Seoul, Korea, written by one of their respected correspondents, stating:

SEOUL, May 30.—Kim Dong Jo, former South Korean Ambassador to the United States and one of the key figures in the Korean influence-buying scandal under investigation by Congress, is now likely to go to Washington to testify, Western diplomats said today.

After many months of pressure on Mr. Kim, by Congress, Western officials appear for the first time to be confident that there are no compelling reasons why his former diplomatic status should prevent him from giving testimony in Washington.

There is more to the story, but that is the substance of it.

The procedure under which we operate prohibits amendments. If amendments were possible, an amendment to strike sections 2 and 3 would leave the resolution in perfect order, a proper request of an ally for cooperation in the proceedings of the Committee on Standards of Official Conduct. As it is, we cannot amend the resolution.

If we adopt the resolution today, it will amount to a threat, a threat to an ally, a very important ally of the United States, despite the fact that we have news that Kim Dong Jo may already be willing to come to Washington to testify.

For those reasons—and I hope the majority leader has been able to attend to my remarks—in order to give Kim Dong Jo a chance to consider this and hopefully to come to Washington to cooperate by giving testimony, I do ask unanimous consent that the House vacate further proceedings under this request for suspension of the rules, of course leaving the resolution unimpaired and subject to recall by the leadership at any date that the leadership might wish to make such a decision.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. ZABLOCKI. I object, Mr. Speaker.

The SPEAKER. Objection is heard.

Mr. FINDLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this to me is a very important resolution. I am distressed that there are so few Members of the House who are going to attend its consideration.

I oppose the resolution. I urge my colleagues to do so for the following reasons:

First of all, approval of this resolution would constitute a legislated threat against a very important ally, the Republic of Korea, to whom we look for continued cooperation to restrain Soviet expansion in the Far East.

Legislated threats rarely have any value and can complicate the administration of the foreign relations of the United States rather than accomplishing our intended goals. We seem never—and I repeat—we seem never to learn by experience. We are now in the dreadful agony of trying to correct the effect of a legislated threat against another ally, the Republic of Turkey and witness also the stark failure of our legislated threat against another friend, Brazil.

This resolution certainly will not accomplish its stated purpose of securing testimony from Kim Dong Jo. If Mr. Kim testifies, it will be in spite of this resolution and not because of it. In fact, the effect of this resolution is to tend to back the Koreans into a corner. Their cooperation in making the former Ambassador available after such a threat would win them the epithet of being a lackey of the United States which is certainly an epithet they would not relish. Actually it may cause Kim to reconsider what seems to be his intention of cooperating as reported in today's New York Times.

Second, the threat of cutting off all nonmilitary aid contained in this legislation, if carried out, would have unfortunate consequences to the United States. It would actually hurt the United States more than it would hurt Korea. The aid involved is principally $56 million in Public Law 480, title I commodities. Title I commodities are contracts to buy for hard currency. To be sure, these have attractive terms, with low interest rates, but they involve sales markets for U.S. farmers.

Not only would our balance of payments suffer if we should terminate this program, but so would our farmers who are eagerly looking for new markets for grain and for cotton.

A cutoff of economic aid would also violate—and here is a very important matter that reaches into many districts, especially those on the eastern seaboard—it would violate an agreement we have with South Korea relating to Korean textile exports to the United States.

This agreement, known as the "David Kennedy Understanding," went into effect in 1971. It guaranteed a certain level of title I contracts with South Korea in exchange for limitations on the part of Korea on the level of exports of textiles from that country into this country—an agreement that many congressional districts in this Nation feel is very important.

The Koreans have lived up to their end of the agreement. We should not violate our obligations by denying them Public Law 480, title I.

Surely no one would suggest that pulling back Peace Corps people from Korea would amount to much of a threat against them, or much of a credible threat. I am troubled by the approach embodied in House Resolution 1194 which would end a program designed to benefit directly the people—particularly the poor people—of South Korea. Rural development projects and health programs for tuberculosis and leprosy victims.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. Mr. Speaker, I am reluctant to yield at this time simply because of the limitation of time that we face, and there are a few other points that I wish to make, and then I will be glad to yield to anyone who would like to be heard from if I have the time.

I think we should also realize that this resolution could jeopardize the $1 billion in U.S. farm products that we send to South Korea annually. These are dollar sales. We have a gentleman's agreement with the Republic of Korea that as long as we continue our title I program Korea will continue to import agricultural commodities almost exclusively from the United States, and Korea has lived up to their part of the bargain because, in fact, Korea is the fifth largest importer of agricultural goods which include wheat, corn, cotton, and soybeans from the United States. Further, there are a lot of other countries who would jump at the chance to get into that very profitable market.

In addition, Mr. Speaker, this resolution could also set a very dangerous precedent undermining diplomatic immunity. It conflicts with the provisions of the Vienna Convention by attempting to compel a former Ambassador to the United States from another sovereign nation to give testimony regarding his service as ambassador. If we contend that our domestic judicial processes justify the apprehension and examination of a foreign diplomat, could we reasonably object if, at some future date, the governments of Italy, or Greece, or Chile insist upon testimony on the part of one of our diplomats or former diplomats on their past activities to influence the political processes within those countries? I do not find it a very appealing thought that Henry Kissinger, Dean Rusk, Richard Helm, you name them, all of the CIA directors of the past and other diplomats who have served in for-our former Secretaries of State and eign countries, being forced to testify, I do not relish the prospects of these diplomats being hauled into some sort of judicial proceedings in one of those countries in order for them to examine just what was done in the past in regard to influence in those countries.

Mr. ICHORD. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. Mr. Speaker, I have almost completed my presentation and

then I will be glad to yield. I recognize that we are grappling with the problem of restoring the integrity of this institution, but I do not feel that the threat of cutting off aid to an ally will enhance either our integrity or our dignity. We should instead continue to press for a cooperative resolution of this issue which, even though it may require additional time and patience, is much more likely to achieve positive results in terms of obtaining information that will clarify which Congressmen, if any, are guilty of wrongdoing. In our frustration over this investigation, we should take care not to implement legislation such as House Resolution 1194 which would have unfortunate consequences for our own interests, economic or otherwise.

If the resolution is approved, as seems probable by a lopsided vote, this vote should not be viewed by the Republic of Korea nor by the regime of Kim Il Sung in North Korea as a measure of the commitment of the U.S. Congress to the Republic of Korea. This commitment, I firmly believe, remains strong. The vote instead would reflect general panic in the face of unfortunate pressure tactics by the Special Counsel of the Committee on Standards of Official Conduct.

Mr. Speaker, I have had several requests for time. I yield 2 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I certainly support this resolution, but in acting upon it, we must keep in mind the long-term questions which the Department of State raised relative to the subject of diplomatic immunity. A number of my colleagues and I joined in supplemental views to the report of the House International Relations Committee on this resolution, and I would like to reiterate the points we made.

We completely support the position of the Special Counsel to the Committee on Standards of Official Conduct, Mr. Jaworski, that the bona fide testimony of former Korean Ambassador Kim Dong Jo should be provided in order that that committee's investigation be brought to a just, full, and honorable conclusion.

However, we find worrisome the potential broader impact of the resolution with respect to the diplomatic rights, privileges, and immunities enjoyed by the United States under the Vienna Convention on Diplomatic Relations.

It is also important to make clear that our support for the resolution should not be interpreted as a lessening in our resolve that the United States continue to meet its security commitments to the Republic of Korea in addition to its other responsibilities in Northeast Asia.

Mr. Speaker, as the chairman of the committee and the distinguished majority leader pointed out, this resolution has been properly reported from the committee. After it was withdrawn from the floor a week ago, it has been subject to full discussions, full hearings before the committee. Mr. Christopher, speaking for the Department of State, and the Special Counsel for the Ethics Committee have honest differences of opinion. Their views were thoroughly aired before the committee, and based on the situation, along with the supplemental views in the committee report, I urge adoption of the resolution.

Mr. FINDLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I rise in support of House Resolution 1194, to secure the full cooperation of the Government of Korea with the Committee on Standards of Official Conduct in its efforts to obtain the information from former Ambassador Kim Dong Jo required to complete that committee's investigation of alleged influence peddling by the Korean Government in the Congress.

I am fully convinced that this resolution is needed to secure the testimony of Kim Dong Jo and thereby help remove the cloud of suspicion that hovers over the Congress. In addition, the resolution does not violate the Vienna Convention on Diplomatic Relations and therefore constitutes no precedent for any improper action that might be taken against an American Ambassador in the future.

My support for this resolution does not indicate in any way a reduction of my support for the legitimate security needs of the Republic of Korea as well as other U.S. responsibilities in Northeast Asia. This resolution provides that in the unfortunate event we are faced with the difficult prospect of either denying or reducing nonmilitary assistance to Korea, our response will in no way harm the national security of the United States or imperil the territorial integrity of the Republic of Korea.

I urge my colleagues to adopt House Resolution 1194 which seeks to help bring the investigation of the Committee on Standards of Official Conduct to an effective conclusion while protecting the broader interests and responsibilities of the United States in Northeast Asia.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I am opposed to this resolution on three grounds:

First, it is unsound in principle;

Second, it could lead to violations of our own constitutional processes; and

Third, it sets a bad precedent in international relations.

The resolution is unsound in principle because it amounts to blackmail.

It is argued that South Korea must be presented a threat of some nature; that is blackmail, pure and simple.

Some will say that the resolution is not binding, and it is true that it does not in and of itself cut off any assistance. But if South Korea were to fail to produce the witness demanded, we would be honor-bound to cut off assistance to that country. Otherwise, we would be uttering an empty threat. The resolution therefore places us on the course of humiliating Korea, if that country capitulates to a naked threat—as no country could honorably do on principles of sovereignty alone—or of humiliating ourselves if we should fail to cut off aid after noncompliance by Korea. The resolution is not binding itself, but places us irrevocably on a course of dangerous conduct.

The House may not unilaterally cut off assistance to Korea, any more than it could unilaterally extend such assistance. For us to utter a threat of this kind requires that we assume that we have the power to carry it out, which is patently untrue. This is not a parliamentary government; it is not a unicamaral legislature; and the conduct of foreign policy is not vested in us. It violates constitutional principles for us to assume, as we do here, that we could cut off aid without the consent and assistance of both the Senate and the President, neither of whom is party to this resolution.

We have to look to the consequences of our actions.

Suppose that the witness is produced.

Mr. Jaworski has said that the witness would be questioned, if necessary, in a third country; that the interrogation could be written interrogatory, with Mr. Jaworski in one room and the witness in another, even in another building, provided only that the witness is duly sworn.

This kind of proceeding would be violative of our basic constitutional guarantees. The witness could lie with impunity, not being subject to any of our laws and remedies. After all, the witness would be immune, and not even on our soil or otherwise subject to our jurisdiction. What is worse, the persons who might be accused would be without any right to confront or cross-examine the witness, or even be represented by counsel at the proceedings. While this might not be a criminal action, the lives and reputations of people are most certainly at stake. There is something sinister about an arrangement that would deny the basic constitutional safeguards to our citizens—but that is exactly what Mr. Jaworski has said that he wants to do, if he follows the kind of proceeding he outlined in testimony before the committee last week.

The two key witnesses in this investigation are not subject to our laws; they are not citizens nor are they residents in this country. They are immune from prosecution for lying or being deceptive. They need not face the persons implicated by their testimony; need not, in other words, go through any of the usual processes that we understand to be valid tests of the truth of what they have to say.

The object of this investigation and this resolution seems to be just to get certain people to talk, at whatever cost, without any regard to testing their veracity and with none for the rights of those who may be implicated. This is wrong; it is unfair; and it is constitutionally unsound.

Third, the resolution establishes an unsound international precedent.

There is no doubt whatever that at times past our Government, through certain agencies, has subsidized political parties in other countries; has made payments to certain individuals in other governments; and has practiced

all manner of illegal acts in order to gain information about or influence over other governments and political movements within those governments. We know all of this.

We do not expect any of our diplomats or intelligence chiefs to be called to account for any of these acts because they are immune by international agreement. Yet here we are demanding that Korea hand over an ex-ambassador for questioning. Whether or not his acts were illegal, whether or not he did anything he is accused or suspected of doing, the question is whether he enjoys immunity under international practices, and whether this resolution's demands violate that immunity.

We do not expect our diplomats to be detained or questioned by any country, except in the most limited kind of circumstance, defined as circumstances in which those persons have clearly violated the terms of their status. Are we dealing here with such a case? If we were, then we would not be involved in this extraordinary action.

If we can demand that another country deliver up a diplomat covered by the Vienna Convention, then there is no doubt that we set the precedent for other governments to demand that we deliver to them for questioning our own diplomatic representatives. Could we refuse? We would endanger our national interests and even our national security if we were to establish a precedent that violates the Vienna Convention—and that is exactly what this resolution would do.

Let us investigate and let us have a report. But let us not bind ourselves to a course of action that is neither sound nor fair, nor which is at bottom simple blackmail. We need not go to this extent; if it is necessary to do so, then the game is not worth the candle.

The report of the committee can reveal such evidence as it has, and provide sound conclusions, without extraordinary and unsound actions of this kind. The star chamber might have satisfied kings, but it did nothing for justice. We need not place our imprimatur on a demand that would in fact set up just such a star chamber examination. In our zeal to rescue the honor of the House, if it needs to be rescued, we do not need to burn the Constitution nor blackmail an ally nor burn down principles of fairness and international comity.

This resolution may and probably will not accomplish anything; it needs careful thought, and careful thought, with honest evaluation, will produce a nay vote. I urge the defeat of this resolution.

Mr. FINDLEY. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. BUCHANAN.).

Mr. BUCHANAN. Mr. Speaker, the circumstances which prompt the resolution are unusual and, as such, mandate an atypical response.

This House finds itself under a cloud of suspicion raised by the investigation into possible payments to members by the Government of the Republic of Korea.

That government has, to date, refused to permit the testimony of a man who has the ability to answer many of the remaining questions.

Special Counsel Leon Jaworski has affirmed, and there is substantial evidence to indicate, that the testimony of Kim Dong Jo is essential to absolving those not involved and permitting this body to proceed with actions against those who might have violated House Rules or Federal laws.

There are those who see this resolution as a threat. It is not. Through the adoption of this resolution, we are asking a small favor of an ally of long standing, an ally for whom we have committed billions of dollars and thousands of American lives.

The provisions of this resolution represent not a threat, but a plea and a signal. It is a plea from the Congress of the United States to the Government of the Republic of Korea to help us end this investigation and remove the cloud.

There are Members who have long been supporters of Korea who have nothing to hide and nothing to fear except that the truth be not made known.

This resolution is also a signal to the Korean Government that there are many in this Congress, perhaps even a majority, who would vote to go farther than a sense of Congress resolution, who might vote to end economic or military assistance to Korea, or to reduce it substantially. Thus this is a signal that the Korean Government must move to assist us in this investigation lest an even stronger action be forthcoming.

It is also a signal that the Congress takes this issue very seriously and wants to spread upon the table all of the facts.

Nor does the adoption of this resolution establish a precedent for waiving the provisions of the Vienna Convention on Diplomatic Relations in other circumstances. First, there is no attempt to charge Kim Dong Jo with a crime. Secondly, it would be highly unlikely that this type of activity would be considered within the normal scope of an Ambassador's duties, at least I certainly hope this would not be the case. Thus a similar situation is not likely to arise.

By adopting this resolution, Mr. Speaker, we will take a modest step to call to the attention of an ally a serious situation which comity would mandate be remedied by the Government of the Republic of Korea.

I, therefore, urge the adoption of this resolution.

Mr. FINDLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BURKE).

Mr. BURKE of Florida. Mr. Speaker, I rise in support of this resolution. I do so after having heard the arguments pro and con in the committee of which I am a member. Initially, I had opposed the Wright amendment and the other amendment that came before us, because of the State Department arguments. However, I do think, as the gentleman from Alabama (Mr. BUCHANAN) said, the time has come when the truth with regard to Korea and those involved in the Congress of the United States must be disclosed. Whether there has been any ill-conceived or illegal acts in which certain Members of Congress have participated with the Government of Korea, I do not know, and neither do we; but, by innuendo, we are told some did and we are therefore now all under a cloud.

I truthfully think Korea is one of our good friends. I truthfully think we owe Korea the responsibility to preserve her security in the Far East; nevertheless, I also think she owes the Congress of the United States and the people of this country the truth with regard to any illegal transactions, if any, that may have occurred insofar as any Member of the Congress is concerned.

For the reasons stated, Mr. Speaker, I urge passage of this resolution.

Mr. Speaker, I yield the balance of my time to my friend, the gentleman from New York (Mr. CAPUTO).

Mr. FINDLEY. Mr. Speaker, I yield 1 additional minute to the gentleman from New York (Mr. CAPUTO).

The SPEAKER. The gentleman from New York (Mr. CAPUTO) is recognized for 1½ minutes.

Mr. CAPUTO. Mr. Speaker, my concern in this matter is somewhat different. I am not convinced that this resolution will be sufficient to get Ambassador Kim Dong Jo's testimony under circumstances that would be reliable. If that is true—and I hope it is wrong—something more will have to be done.

It seems to me that the dialogs the Speaker had with the present Ambassador of Korea, Kim, were extraordinarily successful. The Speaker did more individually than was accomplished by the combined efforts of the rest of us to get the important testimony of Tongsun Park.

In the event this resolution does not produce the testimony of Kim Dong Jo, I would like to encourage the Speaker to resume that effort that worked so well in the past. And if it is possible from this platform, I would like to encourage the President of the United States to renew his contacts with the President of Korea and encourage the Secretary of State to renew his contacts with the Foreign Minister of Korea, Park Tong Jin. I would like also to encourage the other body to do what it can to get this testimony in suitable circumstances, not by way of threats or demands or anything inconsistent with our relationship with the Republic of Korea, but instead in the vein of cooperation between allies.

The SPEAKER. The gentleman from Illinois (Mr. FINDLEY) has 3 minutes remaining, and the gentleman from Wisconsin (Mr. ZABLOCKI) has 9 minutes remaining.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ERTEL).

Mr. ERTEL. Mr. Speaker, I rise in support of this rather modest step in our endeavors to return Kim Dong Jo to this country for the purpose of obtaining his testimony before the House Ethics Committee.

If I had my preference, I would have preferred a stronger resolution. However, I think this will go a long way in convincing the Korean Government that we are serious about needing the testimony of former Ambassador Kim Dong

Jo. This investigation has continued too long. It should have been resolved many months ago, but still the House is moving in the right direction.

I question the statements of those who say we are setting a dangerous precedent. What we are doing is saying that we who give freely of our assistance to other nations will simply cut off some of the things we are giving away free unless we get some cooperation from our allies. I do not see that as a precedent for other nations. No other nation provides us aid that would be cut off if we do not cooperate with them by providing our diplomats to them for questioning.

I believe that this resolution is an appropriate way to protect our institutions while still emphasizing our need for cooperation between allies. We are the allies of the Republic of South Korea, and this is a means of strengthening that alliance by eventually putting this affair behind us.

We must clear up this problem facing our Congress. If the allegations are true that there was an attempt to subvert this Congress, then it was an attack upon our Government itself, the very fabric that ties this Nation together.

Mr. Speaker, we stand for a principle that we have a free elected Congress responsible to the people of the United States, not to any Korean or foreign government, and if we do not clear this up and restore the integrity of this Congress, we will have missed an opportunity to preserve our Nation.

CALL OF THE HOUSE

Mr. HAMILTON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 381]

Allen	Harsha	Railsback
Ammerman	Holland	Rangel
Archer	Horton	Rhodes
Armstrong	Howard	Rodino
Ashley	Ichord	Roncallo
Badham	Jordan	Rooney
Baucus	Kasten	Rostenkowski
Beard, R.I.	Krueger	Rousselot
Beard, Tenn.	LaFalce	Rudd
Bonior	Leggett	Runnels
Breckinridge	Livingston	Russo
Brown, Mich.	Lujan	Ryan
Burgener	McCormack	Santini
Burke, Calif.	McDonald	Sarasin
Burton, John	Mann	Sebelius
Carney	Martin	Shipley
Cederberg	Mathis	Shuster
Cochran	Meeds	Simon
Collins, Ill.	Michel	Skelton
Conyers	Milford	Stark
Corman	Montgomery	Stump
Davis	Moorhead, Pa.	Teague
Dellums	Moss	Thornton
Dent	Neal	Treen
Dickinson	O'Brien	Trible
Diggs	Patten	Tucker
Dingell	Patterson	Ullman
Eckhardt	Pease	Van Deerlin
Evans, Ga.	Pike	Wiggins
Flowers	Pressler	Wilson, C. H.
Frey	Pritchard	Young, Alaska
Gialmo	Pursell	Young, Mo.
Gibbons	Quayle	Young, Tex.
Goldwater	Quie	

The SPEAKER pro tempore (Mr. MINISH). On this rollcall 333 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SENSE OF CONGRESS THAT KOREAN GOVERNMENT COOPERATE WITH COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. FINDLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Speaker, I want to express my appreciation to my colleagues for coming over here and doing me the honor of hearing what I am going to say. I recognize what I am going to say will not be very popular. I have been here a while and I can sense the mood of the House. But I still think we are making a very serious mistake, and apparently the only reason we are doing it is that most of the Members of this body do not seem to appreciate that we have national security problems in Asia today and not just in NATO or in Africa.

What we are doing here is threatening an ally, and no matter how we try to dress it up, it does not change that fact. We have already damaged our relationships with Korea and with our other allies in the Far East by announcing our withdrawal of troops. This threat—this act of humiliating an ally—is going to do more damage.

We are suddenly concerned about our relations with Africa, great speeches are being made and we are talking about sending in military aid. NATO members are meeting in Washington today. We promise them more help too. But when it comes to a key ally in Asia, we have no hesitation at kicking them around. If we pass this resolution we increase the risk of war, in my judgment. We ought to vote no.

Mr. ZABLOCKI. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SISK).

Mr. SISK. Mr. Speaker, I rise in strong opposition to this resolution.

I was prepared the other day, Mr. Speaker, to object to the request by the majority leader. I recognize the problem the leadership has, but I think it is tragic and I think it is most unfortunate that the leadership has brought us to this particular point.

I am impressed by the lack of enthusiasm of a number of the members of the committee dealing with this subject.

I am moved by the remarks about a cloud over this House to wonder if it is more of a figment of the imagination of a staff member, an employee who, for a number of months, has been using all kinds of angles to keep this sideshow on the road.

I hope when the chips are down that more than one-third of the House will vote against this resolution and at least give us the opportunity to discuss this with more time and to examine what we are doing. I am sorry that many Members were not here to hear the remarks of my colleague, the gentleman from Texas (Mr. GONZALEZ), not long ago because he gave a number of excellent and outstanding reasons why this resolution should be defeated. We have too few friends in this world already and I deeply regret that one of those friends is being used to salve the ego of an investigator who seems to have run out of steam.

Mr. FINDLEY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Speaker, regardless of the outcome of this vote today, I hope it will occur to somebody in this House to do the logical thing in regard to this investigation. That would be to call in the 20 or 10 or 15 or 5 Members of the House, depending upon the given day and the press conference being held, before the Committee on Standards of Official Conduct and place them under oath, where perjury attaches—which is a Federal crime—and present to them the evidence that has been gathered. Then ask for their sworn comments, and based upon their response, subpena their records and conduct a full investigation of each.

I do not know whether we need this former Korean Ambassador here in Washington or not, but we do need to get to the bottom of this problem. The House should know who these accused Members are in due course, of course with their rights protected.

It ought to be done well in advance of election day in November of 1978, so their constituents will have the information in hand before they vote on the conduct of the Members.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I think it is rather interesting to note that when somebody files an anonymous letter regarding any Members campaign financing the General Accounting Office conducts a full audit, and yet in this case no questions are being asked.

Mr. FINDLEY. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, this resolution is a legislated threat against a very important ally of the United States but, in addition, in a sense it is a foolish threat because if we should carry it out and cut off all nonmilitary assistance to Korea we would impair the limitation on Korean exports to the United States of textiles and we would cut off a cash market of enormous size, at least $1 billion a year of our farm products in Korea. It is like throwing marshmallows at a tank, to make this kind of legislated threat. Nevertheless, is an offense to a small and proud nation like Korea. It makes us look foolish. We should resist the temptation

right now to panic, as I believe many of us may panic motivated by the public relations operations of the Special Counsel for the Committee on Standards of Official Conduct. We are jumping over ourselves trying to show that we are against bribery but, Mr. Speaker, we will pay a heavy price if we take this course.

● Mr. FRENZEL. Mr. Speaker, I strongly support House Resolution 1194. We should have passed the leadership's stronger resolution last week, but I am pleased that the International Relations Committee has brought its House Resolution 1194 out so promptly.

The resolution says that unless South Korea cooperates with efforts to get sworn testimony from Kim Dong Jo, the House will terminate nonmilitary aid to South Korea. The Special Counsel to the Standards of Official Conduct Committee says we must have Kim's testimony to complete our Koreagate investigation.

Personally, I am not satisfied with our committee's investigation. I believe that the committee should, as has been suggested today, call in the Members to whom the alleged payments have been made, and let them testify under penalty of perjury.

Nevertheless, we in the House should make every effort to encourage our committee. Passage of this resolution is absolutely necessary to prove that this House is serious about its investigation. A strong vote today will be a sign to South Korea, our own Standards of Official Conduct Committee, and the American people that we are serious.●

Mr. MIKVA. Mr. Speaker, I rise in strong support of House Concurrent Resolution 1194. In October 1977, the House unanimously passed a resolution expressing the sense of the House of Representatives that the South Korean Government should cooperate fully with the House Standards Committee investigation of charges that Members of the House accepted money and other benefits from the Korean Government.

Unfortunately, the South Korean Government has dragged its heels—and in some cases turned its back—on requests by the committee to produce information and witnesses to help complete the investigation. Most recently, South Korea has refused to let its former ambassador to the United States, Kim Dong Jo, appear before the committee.

Today, we must vote again to reemphasize to the Korean Government how strongly the House feels about the allegations of impropriety, and the need to lay them to rest. House Concurrent Resolution 1194 simply expresses the sense of the House of Representatives that no nonmilitary appropriations for South Korea be approved until Ambassador Kim appears before the committee to testify.

Earlier this year, I joined with my colleagues STAN LUNDINE and ALLEN ERTEL to circulate a letter from interested Members to President Park of South Korea asking him to waive diplomatic immunity for the ambassador so that he could testify before the Congress. We thought then as we do now, that only through a full airing of the charges could those who accepted money and other favors be exposed, and those who did not receive any emoluments be cleared.

So long as the allegations of ethical misconduct remain unfocused upon those Members who actually received money and favors, then the integrity of the House of Representatives and all its Members is called into question. I suggest to my colleagues that a vote for House Concurrent Resolution 1194 is more than a vote for honest and ethical government; it is a vote to promote the prestige and dignity of the institution of the House of Representatives.

Mr. ZABLOCKI. Mr. Speaker, I yield the balance of our time to the gentleman from Massachusetts (Mr. O'NEILL) the distinguished Speaker of the House of Representatives, to close the debate.

Mr. O'NEILL. Mr. Speaker, I hope that this resolution is adopted overwhelmingly. Fourteen months ago this House unanimously voted to adopt House Resolution 252, directing the Committee on Standards of Official Conduct to conduct a full and complete inquiry into the Korean matter. In addition, as Speaker of this body, I helped to convince the distinguished attorney, Leon Jaworski, to accept the role as Special Counsel to direct this legislation. Mr. Jaworski has worked diligently and painstakingly—without compensation, I might add—to discover the truth concerning alleged Korean activities directed at this House. He has come to us and has informed us that he cannot complete his work without the testimony of former Korean Ambassador Kim Dong Jo. This despite the fact that Mr. Jaworski is willing to meet this man in a neutral country, in separate rooms and with a limitation as to questions concerning the activities of his Government, and the cooperation of that Government has not been forthcoming.

In my opinion, Mr. Speaker, Mr. Jaworski has conceded enough on the part of this House. We must make our intentions known in clear and precise language that we expect the Government of Korea to cooperate and to make its former ambassador available to Mr. Jaworski.

Mr. Speaker, 25 years ago 54,000 Americans gave their lives to guarantee the sovereignty to the Republic of Korea—yes, and some 110,000 more were wounded. Since 1952 we have sent more than $7 billion in American military aid and more than $4 billion in economic assistance to the Republic of Korea. We have and still do consider Korea our friend and our ally. If this relationship is to continue, then I say Korea must cooperate with this body.

This House is a separate and an equal branch of the Government of the United States. I have had the Korean Ambassador who is presently in Washington in my office and I have explained our tripartite system of government, equality in all three branches, the administrative, the legislative, and the judicial.

Yes, they talked to me about international conferences, but in this case these conferences do not apply. I have explained that, and he has come back to me. Mr. Jaworski says he needs this. I have explained, and I say again and again, this House is a separate and equal branch of the Government of the United States, and we will not tolerate evasive responses in the face of such a serious matter. We cannot accept an investigation that fails to restore the confidence of the American people in the integrity of their elected Representatives. Let there be no doubt about this resolution. I hope it represents the overwhelming will of the Members of this House. Let there be no doubt that we expect cooperation from the Republic of Korea in response to it, and let there be no doubt that consequences will be great if the Republic of Korea refuses to cooperate. The integrity of this institution must be above reproach. Our responsibility to the people of the United States cannot be exercised fully in an atmosphere of lingering doubt.

Again, I appeal to the Korean Ambassador and to all those in Korea who are in power—to the President himself—to make their former Ambassador available under the guidelines that Mr. Jaworski has proposed. I hope the resolution is adopted.

● Mr. DUNCAN. Mr. Speaker, I oppose the resolution (H. Res. 1194) introduced by the distinguished majority leader and want to associate myself with the remarks of the gentleman from Illinois, Mr. FINDLEY, and the gentleman from Texas, Mr. GONZALEZ.

I bow to no one, in or out of the leadership, in my desire to remove the so-called cloud of doubt and suspicion which is alleged to hover over the House of Representatives and which arises out of the so-called Korean incident. But I am not prepared to pay the price which is demanded by this resolution.

I conceive that by the passage of this resolution we are setting a precedent that will embarrass us, not once, but many times in the future, as other nations call upon us to perform as we today call upon Korea. It does not take much imagination to envision the Soviet Union requesting the testimony of the head of our CIA in the investigation of or at the trial of Yuri Orlov or some other Yuri Orlov of the future. Have we not done enough to our intelligence capability without adding this burden?

Furthermore, I have doubt as to the efficacy of the remedy to solve the problem posed. Any time a prosecutor has to prove his case with the testimony of the defendant, I think he is in trouble and not apt to succeed. I have not sat on this committee and am not intimately familiar with the problems, but there is usually more than one way to skin a cat. I hope that the committee will find a way which does not put the whole executive structure of this country in such peril.

In passing, I must say that I fully appreciate the effort the Speaker is making to fulfill his commitment to the committee's counsel at a time when the committee was in difficulty and needed new and distinguished staff. Likewise, I express my respect for the committee counsel's devotion to his duty and firm determination to accomplish his mission. It is our obligation, however, as Members of the House to weigh the competing values and that I have tried to do today, reaching the conclusion that I must vote "no" on this resolution.●

● Mr. BINGHAM. Mr. Speaker, I joined in voting to report House Resolution 1194 out of the International Relations Committee, because the text of the resolution had been substantially modified in an effort to meet the concerns of those of us who felt that its adoption would create a bad precedent. I also joined in additional views suggesting that, as modified, the resolution was acceptable.

Upon further reflection, however, I have concluded that adoption of the resolution by the House would be unwise. I shall, therefore, vote against it, especially in view of the fact that it comes to us under suspension of the rules with no possibility of amendment.

I take this position in spite of the fact that I deplore the human rights record of the Korean regime, as well as its failure to cooperate fully with the investigation of the Committee on Standards of Official Conduct.

My present view is that, even in its present watered-down form, the resolution threatens the withholding of aid if former Ambassador Kim Dong Jo does not submit to formal questioning under oath, affirmation, or the equivalent. It, therefore, contemplates a violation of the Vienna Convention providing immunity for ambassadors and former ambassadors, even though in and of itself it probably does not constitute such a violation. Thus, the resolution sets a precedent which may well rise to haunt us in the future if some foreign country insists that a U.S. ambassador or former ambassador give formal testimony about actions he may have taken while ambassador.

I also feel that the United States carries on programs such as Public Law 480 aid and the Peace Corps, because they are, broadly speaking, in our own national interest. We do not, or at least we should not, regard such programs as activities we undertake to please the host governments. Therefore, in my view it is a grave mistake for us to turn such activities on or off depending on whether or not we like or dislike the behavior of the host countries.

Finally, let me express the thought that adoption of this resolution will not accomplish its purpose. Even if the former ambassador does agree to testify, which is doubtful, I see no reason to suppose that his testimony will vary substantially from statements he has already made to the media. Committee counsel may well conclude that the witness is not telling the truth, but there will be no way for counsel to compel him to do so.

I have heard it said that at least then the House will be seen by the American people to have done everything possible to discover the truth, but I do not perceive this consideration as justifying what is, in its essential aspects, an unwise move.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI) that the House suspend the rules and agree to the resolution, House Resolution 1194, as amended.

The question was taken.

Mr. FINDLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution, House Resolution 1194, just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GLENN CUNNINGHAM LAKE AND STANDING BEAR LAKE

Mr. ROBERTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7041) to rename two lakes which have been completed as part of the Papillion Creek basin project as the Glenn Cunningham Lake and the Standing Bear Lake.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the lake known as the Irvington Lake, which has been completed on site 11 (as described in House Document Numbered 349, Ninetieth Congress) of the Papillion Creek basin project authorized under the heading Missouri River basin in section 203 of the Flood Control Act of 1970 (82 Stat. 743), shall hereafter be known and designated as the "Glenn Cunningham Lake". Any reference in any law, map, regulation, document, record, or other paper of the United States to such lake shall be held to be a reference to the Glenn Cunningham Lake.

(b) The lake shown as the Military Lake, which has been completed on site 16 (as described in House Document Numbered 349, Ninetieth Congress) of such Papillion Creek basin project, shall hereafter be known and designated as the "Standing Bear Lake". Any reference in any law, map, regulation, document, record, or other paper of the United States shall be held to be a reference to the Standing Bear Lake.

The SPEAKER pro tempore. Is a second demanded?

Mr. DON H. CLAUSEN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ROBERTS) will be recognized for 20 minutes, and the gentleman from California (Mr. DON H. CLAUSEN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. FINDLEY, and the gentleman from

Mr. Speaker, H.R. 7041, designates Irvington Lake and Military Lake, Nebr., as Glenn Cunningham Lake and Standing Bear Lake.

Both Irvington Lake and Military Lake are located within the Papillion Creek basin project in Douglas County, Nebr.

Mr. Glenn Cunningham has spent nearly all of his adult life in civic and governmental work. A graduate of the University of Omaha, he served as executive secretary of the Omaha Junior Chamber of Commerce from 1940 to 1941 and held numerous other civic posts. He was elected mayor of Omaha in 1948 and was reelected in 1951. The recipient of many awards and accolades, Mr. Cunningham distinguished himself as a Member of the U.S. House of Representatives during the 85th through 91st Congress. He was instrumental in the passage of the Papillion Creek project of which Irvington Lake is a part.

It is in recognition of his good efforts at bringing this project into being that it seems a just and fitting tribute to rename Irvington Lake in Douglas County, Nebr., as Glenn Cunningham Lake.

Standing Bear was chief of the Ponca Indian Tribe whose homeland was near the mouth of the Niobrara River in southern Dakota. The tribe was removed to an Indian reservation in Oklahoma in 1877. In an attempt to return to his homeland to bury his son, he was arrested in northeast Nebraska in March of 1879 to be returned to Oklahoma. En route to Oklahoma, the party was camped near Fort Omaha, Nebr. Much publicity had followed Standing Bear's arrest and a writ of habeas corpus was brought for his release in Lincoln, Nebr. *United States Ex Rel. Standing Bear* v. *Crook*, 25 F. Cas. 695 (No. 14,891) (C.C.D. Neb. 1879), stands a case of first impression and is a milestone in Indian rights. For the first time the court held that:

An Indian is a person within the meaning of the laws of the United States, and has therefore the right to sue out a writ of habeas corpus in Federal court or before a Federal judge, in all cases where he may be confined, or in custody under color of authority of the United States, or where he is restrained of liberty in violation of the Constitution or laws of the United States.

Standing Bear was freed and allowed to return to northeast Nebraska.

The establishment of rights for native Americans was slow in developing in this Nation. The importance of this case and this great chief in history is apparent. It

is a fitting and proper tribute to this native American that the presently designated Military Lake be renamed in his honor in the State where his case was decided.

Mr. Speaker, I yield such time as he may consume to the distinguished author of the bill, the gentleman from Nebraska (Mr. CAVANAUGH).

Mr. CAVANAUGH. Mr. Speaker, I wish to express my appreciation to the chairman, the gentleman from Texas (Mr. ROBERTS), and to the gentleman from California (Mr. JOHNSON) for the diligent consideration they have given to this legislation and urge its adoption by the Members of the House.

This legislation would appropriately honor two distinguished Nebraskans, Glenn Cunnningham, former mayor of the city of Omaha, and who served 14 years as a Member of this body, as well as Chief Standing Bear, who occupies a particular and distinguished role in American history in that his case tried in the city of Omaha, Nebr., proved to be the first instance in which a native American Indian was declared a person under the Constitution of the United States.

The designation of these two lake sites is a particularly appropriate commemorative rendition of these two distinguished Americans.

Mr. Speaker, I urge adoption of the resolution.

Mr. DON H. CLAUSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 7041 which honors two great Americans.

One is a former Member of this body who served with great distinction for 12 years. During this period he worked tirelessly for conservation and development of water resources in the State of Nebraska and especially in the Papillion Creek Basin. As a result of his efforts the residents of Omaha will not experience the raging devastation of floods as they had in the past when many lives were lost and an estimated $7,250,000 in damages occurred.

The second American we are honoring today as has already been explained by my colleague, the gentleman from Texas, is being recognized because of his efforts on behalf of Indian rights. Standing Bear was an early advocate of a cause that only recently is beginning to receive the recognition it deserves. I think it is fitting and just that we recognize him and the cause of Indian rights for which he fought so valiantly.

Mr. Speaker, H.R. 7041 is a very important bill for it recognizes the contribution of two great Americans who have added much to our American way of life in two different but vitally important ways and I urge my colleagues to adopt this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. THONE).

Mr. THONE. Mr. Speaker, it is a pleasure for me to rise today and express my support of H.R. 7041, a bill to rename a lake which has been completed as part of the Papillion Creek Basin project as "Glenn Cunningham Lake."

Glenn Cunningham is a good friend, an outstanding native son of Nebraska and a great American. He has served his State unceasingly through his involvement in the chamber of commerce, Omaha School Board, the Omaha City Council, as mayor of Omaha, and as a Member of this body. Elected to the 85th Congress in 1957, Glenn Cunningham represented the citizens of the Second District of Nebraska until 1971, never losing sight of the needs of his constituents or of his country.

It is altogether fitting and proper that the name of this fine Nebraskan be affixed to a lake where it will serve as a continual reminder of Glenn Cunningham's unselfish dedication to others and of his many accomplishments.

● Mr. JOHNSON of California. Mr. Speaker, I wish to associate myself with the remarks of my distinguished colleague, the chairman of our Subcommittee on Water Resources.

H.R. 7041 honors two prominent Americans—former Congressman Glenn Cunningham and Chief Standing Bear by naming two lakes in the Papillion Creek Basin project in Nebraska after them. Glenn Cunningham served in the 85th through the 91st Congresses, and was instrumental in securing the authorization of the Papillion Creek Basin project. Chief Standing Bear was the subject of a landmark case in which the court held that an Indian is a person within the meaning of the laws of the United States. Honoring these two men in this fashion is both fitting and appropriate.●

Mr. ROBERTS. Mr. Speaker, I have no further requests for time.

Mr. DON H. CLAUSEN. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ROBERTS) that the House suspend the rules and pass the bill, H.R. 7041.

The question was taken.

Mr. CUNNINGHAM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

R. SHAEFER HEARD PARK

Mr. ROBERTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 212) to provide that the park referred to as the East Lake Park located within the West Point Lake project on the Chattahoochee River, Ga., shall hereafter be known and designated as the "R. Shaefer Heard Park."

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That East Lake Park, located within the West Point Lake project on the Chattahoochee River, Georgia, shall hereafter be known and designed as the "R. Shaefer Heard Park". Any reference in any law, map, regulation, document, record, or other paper of the United States to such park shall be held to be a reference to the "R. Shaefer Heard Park".

The SPEAKER pro tempore (Mr. MINISH). Is a second demanded?

Mr. DON H. CLAUSEN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ROBERTS) will be recognized for 20 minutes, and the gentleman from California (Mr. DON H. CLAUSEN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 212 designates the park referred to as the East Lake Park, located within the West Point Lake project on the Chattahoochee River, Ga., as the R. Schaefer Heard Park.

Since the 1950's, Mr. R. Shaefer Heard has been a tireless advocate and proponent of the West Point Dam and Reservoir located on that Chattahoochee River, Ga. Mr. Heard was the first president of the Middle Chattahoochee River Development Association, and he continues to serve in that capacity. Throughout his tenure with the association, Mr. Heard has endeavored to mobilize public support for the West Point Dam project, as well as bring to Federal attention the necessity for such a project.

It is fitting and suitable that this park located within the West Point project be named in honor of Mr. Heard.

Mr. BRINKLEY. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Georgia (Mr. BRINKLEY), the author of this bill.

Mr. BRINKLEY. Mr. Speaker, I just wish to express my sincere appreciation to the gentleman from Texas (Mr. ROBERTS) and his Committee on Public Works and Transportation for doing what I think is a most appropriate thing.

Mr. R. Shaefer Heard is the patriarch of this development to which the gentleman from Texas (Mr. ROBERTS) has referred. He has given much of his life to this work, and I think it is a proper thing that the committee is doing in presenting this bill to the House for our consideration. Mr. Heard is truly a legend within his own lifetime, and I urge unanimous passage of the bill.

Mr. DON H. CLAUSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of H.R. 212 which honors a tireless advocate of flood control and water resource development in the State of Georgia, Mr. R. Shaefer Heard. I think it is fitting and proper that we honor those citizens which, without personal reward, have worked for the public good. In this specific case, it is my understanding that Mr. Heard has been an effective advocate in realizing flood control, power generation, and recreational development on the middle Chattahoochee

River. This project was authorized as a result of a vigorous effort in 1962 and completed in 1975. I am pleased to support the designation of the East Lake Park as the R. Shaefer Heard Park and urge my colleagues to vote for its adoption.

● Mr. JOHNSON of California. Mr. Speaker, I wish to associate myself with the remarks of my distinguished colleague, the chairman of our Subcommittee on Water Resources.

H.R. 212 honors Mr. R. Shaefer Heard by naming a park at the West Point Dam and Lake in Georgia after him. Mr. Heard has been a long and ardent supporter of this project and an instrumental figure in bringing it into being. Naming this park in his honor is a fitting tribute to his tireless efforts on behalf of the West Point project.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ROBERTS) that the House suspend the rules and pass the bill H.R. 212.

The question was taken.

Mr. CUNNINGHAM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3 rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the last two bills concerned, H.R. 7041 and H.R. 212.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 3, rule XXVII, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

H. Res. 1194, H.R. 7041, and H.R. 212, all on which the yeas and nays were ordered.

SENSE OF CONGRESS THAT KOREAN GOVERNMENT COOPERATE WITH COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, House Resolution 1194, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI) that the House suspend the rules and agree to the resolution, House Resolution 1194, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 321, nays 46, not voting 67, as follows:

[Roll No. 382]

YEAS—321

Abdnor	English	Long, La.
Addabbo	Erlenborn	Long, Md.
Akaka	Ertel	Lott
Alexander	Evans, Del.	Luken
Ambro	Evans, Ind.	Lundine
Ammerman	Fary	McClory
Andrews, N.C.	Fascell	McCloskey
Andrews, N. Dak.	Fenwick	McDade
	Fish	McEwen
Annunzio	Fisher	McFall
Applegate	Flippo	McHugh
Armstrong	Flood	McKay
Ashley	Florio	McKinney
Aspin	Flynt	Madigan
AuCoin	Foley	Maguire
Bafalis	Ford, Mich.	Mahon
Baldus	Ford, Tenn.	Markey
Barnard	Forsythe	Marks
Bauman	Fountain	Marlenee
Beard, R.I.	Fowler	Marriott
Bedell	Fraser	Mattox
Beilenson	Frenzel	Mazzoli
Benjamin	Fuqua	Metcalfe
Bennett	Gammage	Meyner
Bevill	Garcia	Mikulski
Biaggi	Gaydos	Mikva
Blanchard	Gephardt	Miller, Calif.
Blouin	Gilman	Miller, Ohio
Boggs	Ginn	Mineta
Boland	Glickman	Minish
Bonior	Goodling	Mitchell, Md.
Bonker	Gore	Mitchell, N.Y.
Bowen	Grassley	Moakley
Brademas	Green	Moffett
Breaux	Gudger	Mollohan
Brinkley	Guyer	Montgomery
Brodhead	Hagedorn	Moorhead, Calif.
Broomfield	Hall	
Brown, Calif.	Hamilton	Moorhead, Pa.
Brown, Mich.	Hanley	Mottl
Broyhill	Hannaford	Murphy, Ill.
Burke, Fla.	Harkin	Murphy, Pa.
Burke, Mass.	Harrington	Myers, John
Burleson, Tex.	Harris	Myers, Michael
Burlison, Mo.	Harsha	Natcher
Burton, Phillip	Hawkins	Nedzi
Byron	Heckler	Nichols
Caputo	Hefner	Nix
Carr	Heftel	Nolan
Carter	Hightower	Nowak
Cavanaugh	Hillis	Oakar
Cederberg	Holland	Oberstar
Chisholm	Hollenbeck	Obey
Clausen, Don H.	Holtzman	Ottinger
	Horton	Panetta
Clay	Hubbard	Patten
Cleveland	Huckaby	Patterson
Cohen	Hughes	Pattison
Coleman	Hyde	Pease
Collins, Ill.	Ichord	Pepper
Collins, Tex.	Ireland	Perkins
Conable	Jacobs	Pettis
Conte	Jenkins	Pickle
Corcoran	Johnson, Calif.	Pike
Cornwell	Johnson, Colo.	Poage
Cotter	Jones, N.C.	Preyer
Coughlin	Jones, Tenn.	Price
Cunningham	Jordan	Pursell
D'Amours	Kastenmeier	Quillen
Danielson	Kazen	Rahall
Davis	Kelly	Regula
de la Garza	Kemp	Reuss
Delaney	Keys	Richmond
Dellums	Kildee	Rinaldo
Derrick	Kindness	Risenhoover
Derwinski	Kostmayer	Roberts
Dicks	Krebs	Roe
Diggs	LaFalce	Rogers
Dornan	Lagomarsino	Rooney
Downey	Latta	Rose
Drinan	Le Fante	Rosenthal
Duncan, Tenn.	Leach	Roybal
Early	Lederer	Santini
Edgar	Leggett	Sarasin
Edwards, Ala.	Lehman	Satterfield
Edwards, Calif.	Lent	Sawyer
Edwards, Okla.	Levitas	Scheuer
Eilberg	Lloyd, Calif.	Schroeder
Emery	Lloyd, Tenn.	Schulze
Seiberling	Studds	Weiss
Sharp	Thompson	Whalen
Shuster	Thone	White
Skelton	Traxler	Whitehurst
Skubitz	Tsongas	Whitley
Slack	Udall	Whitten
Smith, Iowa	Van Deerlin	Wilson, Bob
Smith, Nebr.	Vander Jagt	Wilson, Tex.
Snyder	Vanik	Winn
Solarz	Vento	Wirth
Spellman	Volkmer	Wolff
Spence	Waggonner	Wright
St Germain	Walgren	Wydler
Staggers	Walker	Wylie
Stangeland	Walsh	Yates
Stanton	Wampler	Yatron
Steed	Watkins	Young, Fla.
Steers	Waxman	Zablocki
Stokes	Weaver	Zeferetti

NAYS—46

Anderson, Ill.	Duncan, Oreg.	Moore
Ashbrook	Evans, Colo.	Moss
Bingham	Evans, Ga.	Murphy, N.Y.
Bolling	Findley	Murtha
Brooks	Gonzalez	Myers, Gary
Brown, Ohio	Gradison	Robinson
Butler	Hammer-schmidt	Ruppe
Chappell		Sikes
Clawson, Del	Hansen	Sisk
Cornell	Holt	Steiger
Crane	Jeffords	Stockman
Daniel, Dan	Jenrette	Stratton
Daniel, R. W.	Jones, Okla.	Symms
Devine	Ketchum	Taylor
Dingell	McDonald	Ullman
Dodd	Mathis	

NOT VOTING—67

Allen	Gibbons	Roncalio
Anderson, Calif.	Goldwater	Rostenkowski
	Howard	Rousselot
Archer	Kasten	Rudd
Badham	Krueger	Runnels
Baucus	Livingston	Russo
Beard, Tenn.	Lujan	Ryan
Breckinridge	McCormack	Sebelius
Buchanan	Mann	Shipley
Burgener	Martin	Simon
Burke, Calif.	Meeds	Stark
Burton, John	Michel	Stump
Carney	Milford	Teague
Cochran	Neal	Thornton
Conyers	O'Brien	Treen
Corman	Pressler	Trible
Dent	Pritchard	Tucker
Dickinson	Quayle	Wiggins
Eckhardt	Quie	Wilson, C. H.
Fithian	Railsback	Young, Alaska
Flowers	Rangel	Young, Mo.
Frey	Rhodes	Young, Tex.
Giaimo	Rodino	

The Clerk announced the following pairs:

Mr. Howard with Mr. Dent.
Mr. Teague with Mr. Badham.
Mr. Rostenkowski with Mr. Allen.
Mr. Russo with Mr. Breckinridge.
Mr. Shipley with Mr. Eckhardt.
Mr. John L. Burton with Mr. Cochran of Mississippi.
Mr. Carney with Mr. Gibbons.
Mr. Giaimo with Mr. Anderson of California.
Mr. Rangel with Mr. Goldwater.
Mr. Charles H. Wilson with Mr. Beard of Tennessee.
Mr. Corman with Mr. Wiggins.
Mr. Baucus with Mr. Livingston.
Mrs. Burke of California with Mr. Archer.
Mr. Neal with Mr. Trible.
Mr. Roncalio with Mr. Lujan.
Mr. Simon with Mr. Dickinson.
Mr. Stark with Mr. Kasten.
Mr. Ryan with Mr. Krueger.
Mr. Mann with Mr. Buchanan.
Mr. McCormack with Mr. Young of Alaska.
Mr. Meeds with Mr. Martin.
Mr. Conyers with Mr. Treen.
Mr. Flowers with Mr. Michel.
Mr. Milford with Mr. Rousselot.
Mr. Fithian with Mr. Burgener.
Mr. Stump with Mr. Sebelius.
Mr. Runnels with Mr. Frey.
Mr. Thornton with Mr. O'Brien.
Mr. Tucker with Mr. Rudd.
Mr. Young of Missouri with Mr. Pressler.

Mr. Quayle with Mr. Railsback.
Mr. Quie with Mr. Pritchard.

Mr. RUPPE and Mr. MOORE changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Resolution regarding the requested testimony of former Korean Ambassador Kim Dong Jo before the Committee on Standards of Official Conduct.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore. Pursuant to the provisions of clause 3(b)(3) of rule XXVII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all the additional motions to suspend the rules on which the Chair has postponed further proceedings.

GLENN CUNNINGHAM LAKE AND STANDING BEAR LAKE

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill H.R. 7041.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ROBERTS) that the House suspend the rules and pass the bill H.R. 7041, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 369, nays 0, not voting 65, as follows:

[Roll No. 383]

YEAS—369

Abdnor	Brown, Calif.	Dellums
Addabbo	Brown, Mich.	Derrick
Akaka	Brown, Ohio	Derwinski
Alexander	Broyhill	Devine
Ammerman	Buchanan	Dicks
Anderson, Calif.	Burke, Fla.	Diggs
	Burke, Mass.	Dingell
Anderson, Ill.	Burleson, Tex.	Dodd
Andrews, N.C.	Burlison, Mo.	Dornan
Andrews, N. Dak.	Burton, Phillip	Downey
	Butler	Drinan
Annunzio	Byron	Duncan, Oreg.
Applegate	Caputo	Duncan, Tenn.
Armstrong	Carr	Early
Ashbrook	Carter	Edgar
Ashley	Cavanaugh	Edwards, Ala.
Aspin	Cederberg	Edwards, Calif.
AuCoin	Chappell	Edwards, Okla.
Bafalis	Chisholm	Eilberg
Baldus	Clausen, Don H.	Emery
Barnard		English
Bauman	Clawson, Del	Erlenborn
Beard, R.I.	Clay	Ertel
Bedell	Cleveland	Evans, Colo.
Beilenson	Cohen	Evans, Del.
Benjamin	Coleman	Evans, Ga.
Bennett	Collins, Ill.	Evans, Ind.
Bevill	Collins, Tex.	Fary
Biaggi	Conable	Fascell
Bingham	Conte	Fenwick
Blanchard	Corcoran	Findley
Blouin	Cornell	Fish
Boggs	Cornwell	Fisher
Boland	Cotter	Fithian
Bolling	Coughlin	Flippo
Bonior	Crane	Flood
Bonker	Cunningham	Florio
Bowen	D'Amours	Flynt
Brademas	Daniel, Dan	Foley
Breaux	Daniel, R. W.	Ford, Mich.
Brinkley	Danielson	Ford, Tenn.
Brodhead	Davis	Forsythe
Brooks	de la Garza	Fountain
Broomfield	Delaney	Fowler
Fraser	Lott	Robinson
Frenzel	Luken	Roe
Fuqua	Lundine	Rogers
Gammage	McClory	Rooney
Garcia	McCloskey	Rose
Gaydos	McDade	Rosenthal
Gephardt	McDonald	Roybal
Gilman	McEwen	Ruppe
Ginn	McFall	Santini
Glickman	McHugh	Sarasin
Gonzalez	McKay	Satterfield
Goodling	McKinney	Sawyer
Gore	Madigan	Scheuer
Gradison	Maguire	Schroeder
Grassley	Mahon	Schulze
Green	Markey	Seiberling
Gudger	Marks	Sharp
Guyer	Marlenee	Shuster
Hagedorn	Marriott	Sikes
Hall	Mathis	Sisk
Hamilton	Mattox	Skelton
Hamer-schmidt	Mazzoli	Skubitz
	Metcalfe	Slack
Hanley	Meyner	Smith, Iowa
Hannaford	Mikulski	Smith, Nebr.
Hansen	Mikva	Snyder
Harkin	Miller, Calif.	Solarz
Harrington	Miller, Ohio	Spellman
Harris	Mineta	Spence
Harsha	Minish	St Germain
Hawkins	Mitchell, Md.	Staggers
Heckler	Mitchell, N.Y.	Stangeland
Hefner	Moakley	Stanton
Heftel	Moffett	Steed
Hightower	Mollohan	Steers
Hillis	Montgomery	Steiger
Holland	Moore	Stockman
Hollenbeck	Moorhead, Calif.	Stokes
Holt		Stratton
Holtzman	Moorhead, Pa.	Studds
Horton	Moss	Symms
Hubbard	Mottl	Taylor
Huckaby	Murphy, Ill.	Thompson
Hughes	Murphy, N.Y.	Thone
Hyde	Murphy, Pa.	Traxler
Ichord	Murtha	Tsongas
Ireland	Myers, Gary	Udall
Jacobs	Myers, John	Ullman
Jeffords	Myers, Michael	Van Deerlin
Jenkins	Natcher	Vander Jagt
Jenrette	Nedzi	Vanik
Johnson, Calif.	Nichols	Vento
Johnson, Colo.	Nix	Volkmer
Jones, N.C.	Nolan	Waggonner
Jones, Okla.	Nowak	Walgren
Jones, Tenn.	Oakar	Walker
Jordan	Oberstar	Walsh
Kastenmeier	Obey	Wampler
Kazen	Ottinger	Watkins
Kelly	Panetta	Waxman
Kemp	Patten	Weaver
Ketchum	Patterson	Weiss
Keys	Pattison	Whalen
Kildee	Pease	White
Kindness	Pepper	Whitehurst
Kostmayer	Perkins	Whitley
Krebs	Pettis	Whitten
LaFalce	Pickle	Wilson, Bob
Lagomarsino	Pike	Wilson, Tex.
Latta	Poage	Winn
Le Fante	Preyer	Wirth
Leach	Price	Wolff
Lederer	Pursell	Wright
Leggett	Quillen	Wydler
Lehman	Rahall	Wylie
Lent	Regula	Yates
Levitas	Reuss	Yatron
Lloyd, Calif.	Richmond	Young, Fla.
Lloyd, Tenn.	Rinaldo	Zablocki
Long, La.	Risenhoover	Zeferetti
Long, Md.	Roberts	

NAYS—0

NOT VOTING—65

Allen	Frey	Pritchard
Ambro	Giaimo	Quayle
Archer	Gibbons	Quie
Badham	Goldwater	Railsback
Baucus	Howard	Rangel
Beard, Tenn.	Kasten	Rhodes
Breckinridge	Krueger	Rodino
Burgener	Livingston	Roncalio
Burke, Calif.	Lujan	Rostenkowski
Burton, John	McCormack	Rousselot
Carney	Mann	Rudd
Cochran	Martin	Runnels
Conyers	Meeds	Russo
Corman	Michel	Ryan
Dent	Milford	Sebelius
Dickinson	Neal	Shipley
Eckhardt	O'Brien	Simon
Flowers	Pressler	Stark
Stump	Trible	Young, Alaska
Teague	Tucker	Young, Mo.
Thornton	Wiggins	Young, Tex.
Treen	Wilson, C. H.	

The Clerk announced the following pairs:

Mr. Howard with Mr. Archer.
Mr. Shipley with Mr. Kasten.
Mr. McCormack with Mr. Sebelius.
Mr. John Burton with Mr. O'Brien.
Mr. Carney with Mr. Badham.
Mr. Baucus with Mr. Dent.
Mr. Flowers with Mr. Cochran of Mississippi.
Mr. Gibbons with Mr. Martin.
Mr. Neal with Mr. Quayle.
Mr. Rangel with Mr. Trible.
Mr. Charles H. Wilson of California with Mr. Rudd.
Mr. Rousselot with Mr. Livingston.
Mr. Rostenkowski with Mr. Pressler.
Mr. Mann with Mr. Dickinson.
Mr. Ambro with Mr. Burgener.
Mr. Corman with Mr. Allen.
Mr. Giaimo with Mr. Frey.
Mr. Meeds with Mr. Wiggins.
Mr. Teague with Mr. Michel.
Mr. Young of Missouri with Mr. Lujan.
Mr. Runnels with Mr. Beard of Tennessee.
Mrs. Burke of California with Mr. Goldwater.
Mr. Conyers with Mr. Quie.
Mr. Krueger with Mr. Railsback.
Mr. Roncalio with Mr. Treen.
Mr. Stark with Mr. Pritchard.
Mr. Simon with Mr. Breckinridge.
Mr. Ryan with Mr. Eckhardt.
Mr. Tucker with Mr. Stump.
Mr. Thornton with Mr. Young of Alabama.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

R. SHAEFER HEARD PARK

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill H.R. 212.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ROBERTS) that the House suspend the rules and pass the bill H.R. 212, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 359, nays 4, not voting 71, as follows:

[Roll No. 384]

YEAS—359

Abdnor	Bennett	Burke, Fla.
Addabbo	Bevill	Burke, Mass.
Akaka	Biaggi	Burleson, Tex.
Alexander	Bingham	Burlison, Mo.
Anderson, Calif.	Blanchard	Burton, Phillip
	Blouin	Butler
Anderson, Ill.	Boggs	Byron
Andrews, N.C.	Boland	Caputo
Andrews, N. Dak.	Bolling	Carr
	Bonior	Carter
Annunzio	Bonker	Cavanaugh
Applegate	Bowen	Cederberg
Armstrong	Brademas	Chappell
Ashbrook	Breaux	Chisholm
Aspin	Brinkley	Clausen, Don H.
AuCoin	Brodhead	
Bafalis	Brooks	Clawson, Del
Baldus	Broomfield	Clay
Barnard	Brown, Calif.	Cleveland
Bauman	Brown, Mich.	Cohen
Beard, R.I.	Brown, Ohio	Coleman
Bedell	Broyhill	Collins, Ill.
Benjamin	Buchanan	Collins, Tex.

Conable	Hubbard	Patterson
Conte	Huckaby	Pattison
Corcoran	Hughes	Pease
Cornell	Hyde	Pepper
Cornwell	Ichord	Perkins
Cotter	Ireland	Pettis
Coughlin	Jacobs	Pickle
Crane	Jeffords	Pike
Cunningham	Jenkins	Poage
D'Amours	Jenrette	Preyer
Daniel, Dan	Johnson, Calif.	Price
Daniel, R. W.	Johnson, Colo.	Pursell
Danielson	Jones, N.C.	Quillen
Davis	Jones, Okla.	Rahall
de la Garza	Jones, Tenn.	Regula
Delaney	Jordan	Reuss
Dellums	Kastenmeier	Richmond
Derrick	Kazen	Rinaldo
Derwinski	Kelly	Risenhoover
Devine	Kemp	Roberts
Dicks	Ketchum	Robinson
Diggs	Keys	Roe
Dingell	Kildee	Rogers
Dodd	Kindness	Rooney
Dornan	Krebs	Rose
Downey	LaFalce	Rosenthal
Drinan	Lagomarsino	Roybal
Duncan, Oreg.	Latta	Ruppe
Duncan, Tenn.	Le Fante	Santini
Early	Leach	Sarasin
Edgar	Lederer	Satterfield
Edwards, Ala.	Leggett	Sawyer
Edwards, Calif.	Lehman	Scheuer
Edwards, Okla.	Lent	Schroeder
Eilberg	Levitas	Schulze
Emery	Lloyd, Calif.	Seiberling
English	Lloyd, Tenn.	Sharp
Ertel	Long, La.	Shuster
Evans, Colo.	Long, Md.	Sikes
Evans, Del.	Lott	Sisk
Evans, Ga.	Luken	Skelton
Evans, Ind.	Lundine	Skubitz
Fary	McClory	Slack
Fascell	McCloskey	Smith, Iowa
Fenwick	McDade	Smith, Nebr.
Findley	McDonald	Snyder
Fish	McFall	Solarz
Fisher	McHugh	Spellman
Fithian	McKay	Spence
Flippo	McKinney	St Germain
Flood	Madigan	Staggers
Florio	Maguire	Stangeland
Foley	Mahon	Stanton
Ford, Mich.	Markey	Steed
Ford, Tenn.	Marks	Steers
Forsythe	Marlenee	Steiger
Fountain	Marriott	Stockman
Fowler	Mathis	Stokes
Fraser	Mattox	Stratton
Frenzel	Mazzoli	Studds
Fuqua	Metcalfe	Symms
Gammage	Meyner	Taylor
Garcia	Mikulski	Thompson
Gaydos	Mikva	Thone
Gephardt	Miller, Calif.	Traxler
Gilman	Miller, Ohio	Tsongas
Ginn	Mineta	Udall
Glickman	Minish	Ullman
Gonzalez	Mitchell, Md.	Van Deerlin
Goodling	Mitchell, N.Y.	Vander Jagt
Gore	Moakley	Vanik
Gradison	Moffett	Vento
Grassley	Mollohan	Volkmer
Green	Montgomery	Waggonner
Gudger	Moore	Walgren
Guyer	Moorhead, Calif.	Walker
Hagedorn		Walsh
Hall	Moorhead, Pa.	Wampler
Hamilton	Moss	Watkins
Hammer-schmidt	Motti	Waxman
	Murphy, Ill.	Weaver
Hanley	Murphy, N.Y.	White
Hannaford	Murphy, Pa.	Whitehurst
Hansen	Murtha	Whitley
Harkin	Myers, Gary	Wilson, Bob
Harrington	Myers, John	Wilson, Tex.
Harris	Myers, Michael	Winn
Harsha	Natcher	Wirth
Hawkins	Nedzi	Wolff
Heckler	Nichols	Wright
Hefner	Nix	Wydler
Heftel	Nolan	Wylie
Hightower	Nowak	Yates
Hillis	Oakar	Yatron
Holland	Oberstar	Young, Fla.
Hollenbeck	Obey	Zablocki
Holt	Ottinger	Zeferetti
Holtzman	Panetta	
Horton	Patten	

NAYS—4

Ammerman	Kostmayer	Weiss
Bellenson		

NOT VOTING—71

Allen	Goldwater	Rostenkowski
Ambro	Howard	Rousselot
Archer	Kasten	Rudd
Ashley	Krueger	Runnels
Badham	Livingston	Russo
Baucus	Lujan	Ryan
Beard, Tenn.	McCormack	Sebelius
Breckinridge	McEwen	Shipley
Burgener	Mann	Simon
Burke, Calif.	Martin	Stark
Burton, John	Meeds	Stump
Carney	Michel	Teague
Cochran	Milford	Thornton
Conyers	Neal	Treen
Corman	O'Brien	Trible
Dent	Pressler	Tucker
Dickinson	Pritchard	Whalen
Eckhardt	Quayle	Whitten
Erlenborn	Quie	Wiggins
Flowers	Railsback	Wilson, C. H.
Flynt	Rangel	Young, Alaska
Frey	Rhodes	Young, Mo.
Giaimo	Rodino	Young, Tex.
Gibbons	Roncalio	

The Clerk announced the following pairs:

Mr. Howard with Mr. Allen.
Mr. Teague with Mr. Goldwater.
Mr. Breckinridge with Mr. Rousselot.
Mr. John Burton with Mr. Archer.
Mr. Carney with Mr. Young of Alaska.
Mr. Corman with Mr. Michel.
Mr. Meeds with Mr. Dickinson.
Mr. McCormack with Mr. Livingston.
Mr. Charles H. Wilson of California with Mr. Young of Missouri.
Mr. Shipley with Mr. Treen.
Mr. Russo with Mr. Pressler.
Mr. Neal with Mr. Railsback.
Mr. Simon with Mr. Frey.
Mr. Stark with Mr. Cochran of Mississippi.
Mr. Runnels with Mr. Burgener.
Mr. Baucus with Mr. O'Brien.
Mr. Ashley with Mr. Wiggins.
Mr. Ambro with Mr. Pritchard.
Mr. Flowers with Mr. Quie.
Mr. Giaimo with Mr. Lujan.
Mr. Mann with Mr. Kasten.
Mr. Flynt with Mr. McEwen.
Mr. Gibbons with Mr. Quayle.
Mr. Ryan with Mr. Erlenborn.
Mr. Stump with Mr. Whalen.
Mr. Tucker with Mr. Trible.
Mr. Thornton with Mr. Martin.
Mr. Whitten with Mr. Krueger.
Mr. Rangel with Mr. Beard of Tennessee.
Mr. Roncalio with Mr. Dent.
Mrs. Burke of California with Mr. Eckhardt.
Mr. Conyers with Mr. Badham.
Mr. Milford with Mr. Sebelius.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FITHIAN. Mr. Speaker, I rise to explain my actions today on the vote on the resolution relating to South Korea.

While the vote was taking place, I was in the Rayburn Office Building waiting for an elevator that did not work. Because I was stuck, I missed the vote by some 30 seconds.

Mr. Speaker, I want the record to show that had I been able to arrive in time to vote, I would have voted "yea" on the resolution.

PROVIDING FOR CONSIDERATION OF H.R. 12598, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1979

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1204 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1204

Resolved, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12598) to authorize appropriations for fiscal year 1979 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, to make changes in the laws relating to those agencies, to make changes in the foreign service personnel system, to establish policies and responsibilities with respect to science, technology, and American diplomacy, to establish a Commission on Proposals for a Center for Conflict Resolution, to establish an Institute for International Human Rights, and for other purposes, and all points of order against section 111 of said bill for failure to comply with the provisions of clause 5, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Illinois (Mr. ANDERSON), pending which I yield myself such time as I may consume.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

I wish to ask a question of the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. PEPPER. Mr. Speaker, does the question relate to the bill? I would remind the gentleman that we will first deliberate the rule.

Mr. Speaker, if the distinguished gentleman wishes me to yield, I will so yield.

The SPEAKER pro tempore. Since the gentleman has yielded, the Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I understand we are considering the rule, but I wondered if the gentleman would entertain a question that deals with the legislation itself, or would that be considered inappropriate at this point?

Mr. PEPPER. Mr. Speaker, if the gentleman would be kind enough to do so, I wish he would allow us to complete our

statements on the rule first, and then if he wishes to ask a question, I will yield to him.

Mr. SEIBERLING. Mr. Speaker, I thank the gentleman.

Mr. PEPPER. Mr. Speaker, House Resolution 1204 provides for the consideration of H.R. 12598 which authorizes appropriations for the Department of State, the International Communication Agency, and the Board for International Broadcasting for fiscal year 1979; to make changes in the Foreign Service personnel system; to establish policies and responsibilities with respect to science, technology, and American diplomacy; to establish a Commission on Proposals for Center for Conflict Resolution; to establish an Institute for International Human Rights; and for other purposes.

This is a routine open rule, with 1 hour of general debate, and providing that the bill be read for amendment by titles instead of by sections. The rule waives points of order against the bill for violation of section 402(a) of the Congressional Budget Act, which provides that it shall not be in order to consider any bill which authorizes the enactment of new budget authority for a fiscal year unless the bill has been reported on or before May 15 preceding the beginning of such fiscal year.

Since sections of H.R. 12598 would authorize additional funding for fiscal year 1978 and since the bill was not reported on or before May 15, 1977, the bill would be subject to a point of order under section 402(a) of the Budget Act. The Committee on the Budget, however, has concluded that these supplemental authorizations satisfy the emergency standards embodied in section 402 of the Budget Act, therefore, that committee had no objection to the granting of this waiver.

The rule also waives all points of order against section 111 of the bill for failure to comply with the provisions of clause 5, rule XXI, which prohibits appropriations in a legislative measure. Since section 111 of the bill provides for the transfer and the reuse of appropriated funds, the Committee on Rules granted a waiver of clause 5, rule XXI.

The bill, H.R. 12598, authorizes appropriations totaling $1,941,336,000 for fiscal year 1979 and a supplemental appropriation of $47,743,000 for fiscal year 1978. The prime purposes of the bill are to authorize appropriations and to further improve and strengthen the Foreign Service personnel system, and to give greater support for country's foreign policy. I am sure that the details concerning the bill and its purposes will be fully provided by the chairman and members of the Committee on International Relations during debate on the bill.

Mr. Speaker, I urge the adoption of House Resolution 1204 so that the House may consider the bill, H.R. 12598.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a 1-hour open rule which would make in order the consideration of H.R. 12598, the foreign relations authorization for fiscal year 1979. Following the hour of debate, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations, the bill shall be read for amendment under the 5-minute rule, by title instead of by section. This rule does waive section 402(a) of the Budget Act and clause 5 of House rule XXI. Section 402 (a) of the Budget Act prohibits the consideration of any bill which authorizes the enactment of new budget authority for a fiscal year unless that bill has been reported on or before May 15 preceding the beginning of that fiscal year. Sections 103 and 302 of H.R. 12598 are supplemental authorizations for international organizations and conferences, and the Board for International Broadcasting, respectively, for fiscal year 1978. Since this bill obviously was not reported on or before May 15, 1977, the bill would be subject to a point of order. The Rules Committee did receive a letter from Budget Committee Chairman GIAIMO, dated May 22, 1978, in which he states the following:

> . . . on the basis of documentation presented by the Committee on International Relations and our own inquiry, we have concluded that these supplemental authorizations satisfy the emergency standards embodied in section 402 of the Budget Act. Accordingly, the Budget Committee has no objection to granting a waiver of section 402(a) to permit consideration of this bill.

In view of the Budget Committee's acquiescence in this waiver, the Rules Committee has granted it.

The other waiver contained in this rule is of clause 5 rule XXI which prohibits appropriations in a legislative matter. This resolution waives points of order against section III of the bill for failure to comply with that rule. Section III permits the Secretary of State to transfer funds to another agency, such as the International Communications Agency, the Agency for International Development, and the Arms Control and Disarmament Agency, which is performing administrative services in common with the State Department on a consolidated basis, for the benefit of both agencies. Such a transfer could not take place without the agreement of the head of the other agency and the approval of the Director of OMB.

In explaining this provision, the International Relations Committee report, at page 16, says the following:

> Impetus for this move toward consolidation comes from the President's Reorganization Project. The committee agrees with the President that more efficient management can result when agencies having similar administrative needs consolidate their resources. A successful consolidation program should result in cost savings, elimination of duplication of functions, as well as an increased ability to handle peak workloads. In consolidating administrative services the committee urges the Department of State and other agencies to exercise great care in respecting the autonomy of each agency as established by Congress or by any Presidential Reorganization Plan or directive.

Mr. Speaker, H.R. 12598 authorizes $1.94 billion in fiscal year 1979 for the Department of State, the International Broadcasting Board, which makes grants to Radio Free Europe and Radio Liberty, and fiscal 1978 supplemental authorizations for both State and the Board. The bill is about $63 million over the administration request, including $19 million over for administration of foreign affairs, and $35 million over for migration and refugee assistance. In addition, the committee has included some items not asked for by the administration, including $500,000 for creation of a Commission on Proposals for a Center on Conflict Resolution, and $1 million for creation of an Institute for International Human Rights.

Mr. Speaker, I know of no objection to this rule and urge its adoption.

Mr. PEPPER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I would like to ask the distinguished chairman, the gentleman from Wisconsin, if he could tell me what his committee plans to do with respect to the current rash of statements emanating from the White House, which have all of the aspects of an effort to "snow" the public and stampede the Congress into yielding its very hard-won controls over the administration's actions with respect to Africa.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Mr. Speaker, let me advise the gentleman from Ohio that all of the members of the International Relations Committee, and, I am sure many Members of the House, are concerned about the conflicting reports of the developments in Africa.

I will yield to the chairman of the Subcommittee on Africa the gentleman from Michigan (Mr. DIGGS) in a moment. Before yielding to him for the purpose of answering the gentleman specifically, however, let me assure the gentleman that the chairman intends to hold hearings on the situation in Africa, with the Director of the Central Intelligence Agency and top-level representatives of the State Department. Now as far as the argument that there are restrictions on the President's flexibility to conduct foreign policy are concerned, let me assure the gentleman that the committee will study the problem thoroughly. This will be done by an ad hoc committee of the Committee on International Relations which has been in existence since last February. This ad hoc group is comprised of the subcommittee chairmen and the ranking minority members, and any member of the full committee who desires to participate in the discussions. We will review the so-called restrictions carefully. And I can assure the gentleman that the committee will not act hastily.

The gentleman from Michigan (Mr. DIGGS) I am sure can give the gentleman an adequate answer with respect to his specific question on Africa.

Mr. SEIBERLING. I thank the gentleman, and I feel somewhat reassured.

About 2 years ago, Mr. Brzezinski, who was then just a private citizen, came to a meeting here, with a number of Members of Congress and staffs of Members, and he was very critical of Mr. Kissinger and President Ford for viewing our relations with Africa in the context of the East-West conflict between Russia and the United States instead of in terms of the North-South conflict between the developing world and the developed world.

Now, all of a sudden, we hear the same kind of noises emanating from the White House of which Mr. Brzezinski himself was so critical 2 years ago. He is now putting the whole of the African contest in terms of the East-West conflict and saying that Russia's actions violate the spirit of détente and unwritten understandings and all that sort of thing. It does seem to me that he is now subject to the very same criticism that he was leveling at the previous administration.

Mr. Speaker, I wonder whether the gentleman from Michigan (Mr. DIGGS) would care to comment at this time on what seems to be a very serious and disturbing change in rhetoric emanating from the highest office in the land.

Mr. DIGGS. Mr. Speaker, if the gentleman will yield, I thank the gentleman for raising the question and for getting reassurances from the chairman of the full committee about our concern and about the review that is contemplated with the relevant officials on this matter.

I share the concern of the gentleman from Ohio (Mr. SEIBERLING) about the position of the Chairman of the National Security Council. I am particularly concerned, because we have not had access to him as we have had to the Secretary of State or even to the intelligence community. The President of the United States himself is more directly responsible for tolerating whatever Mr. Brzezinski's views are, as stated publicly, if they represent the position of the administration. It is vital that some determination be made by the President as to the administration's position, because obviously there is a dichotomy between the Secretary of State plus the U.S U.N. Ambassador and the chairman of the National Security Council on our Africa policy that needs to be adjudicated.

Mr. SEIBERLING. Mr. Speaker, I thank the gentleman.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I just take this time to address an inquiry to the gentleman from Ohio (Mr. SEIBERLING), I hope I have the attention of the gentleman from Ohio.

I listened with great interest as the gentleman indicated that the position espoused by Dr. Brzezinski 2 years ago seems to be at variance with his views today. I have great respect and appreciation for the difficult assignment Dr. Brzezinski faces, and I was wondering whether the gentleman from Ohio (Mr. SEIBERLING) could document, through published statements, the position that Dr. Brzezinski presumably took 2 years ago, perhaps in the heat of the campaign.

Mr. SEIBERLING. If the gentleman will yield, Mr. Speaker, I am sure that I could document that position.

The meeting, which was under the sponsorship of Members of Congress, was a public meeting. I believe we had a record of it, and I even took notes on what he said, so I do not think there is any problem with respect to documentation. Furthermore, it was not in the heat of the campaign. It was before Mr. Carter was ever nominated for the Presidency. It was over a year ago, in the early spring of 1976; and Mr. Brzezinski was appearing as a foreign policy expert.

Frankly, I am a little shocked at his unseemly inconsistency.

Mr. DERWINSKI. I think it would help all of us if the gentleman could locate that statement and then insert it into the CONGRESSIONAL RECORD. Then I think we would all be in a better position to analyze the present views of Dr. Brzezinski.

Mr. SEIBERLING. If the gentleman will yield further, I think that is a very good point. I will endeavor to dig it out, see what we can find, and I will be happy to put it in the RECORD.

Mr. DERWINSKI. Mr. Speaker, I thank the gentleman for his courtesy.

Mr. PEPPER. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MINISH). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ANNUNZIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 363, nays 10, not voting 61, as follows:

[Roll No. 385]

YEAS—363

Abdnor	Boland	Clawson, Del
Addabbo	Bolling	Clay
Akaka	Bonior	Cleveland
Alexander	Bonker	Cohen
Ambro	Bowen	Coleman
Ammerman	Brademas	Collins, Ill.
Anderson, Calif.	Breaux	Conable
	Breckinridge	Conte
Anderson, Ill.	Brinkley	Corcoran
Andrews, N.C.	Brodhead	Cornell
Andrews, N. Dak.	Brooks	Cornwell
	Broomfield	Cotter
Annunzio	Brown, Calif.	Coughlin
Applegate	Brown, Mich.	Cunningham
Armstrong	Brown, Ohio	D'Amours
Ashley	Broyhill	Daniel, Dan
Aspin	Buchanan	Daniel, R. W.
Badham	Burke, Fla.	Danielson
Bafalis	Burke, Mass.	Davis
Baldus	Burleson, Tex.	de la Garza
Barnard	Burlison, Mo.	Delaney
Beard, R.I.	Burton, Phillip	Dellums
Beard, Tenn.	Butler	Derwinski
Bedell	Byron	Devine
Beilenson	Caputo	Dickinson
Benjamin	Carr	Dicks
Bennett	Carter	Diggs
Bevill	Cavanaugh	Dodd
Biaggi	Cederberg	Dornan
Bingham	Chappell	Downey
Blanchard	Chisholm	Drinan
Blouin	Clausen, Don H.	Duncan, Oreg.
Boggs		Duncan, Tenn.
Early	Kemp	Quie
Edgar	Ketchum	Quillen
Edwards, Ala.	Keys	Rahall
Edwards, Calif.	Kildee	Regula
Edwards, Okla.	Kindness	Reuss
Eilberg	Kostmayer	Richmond
Emery	Krebs	Rinaldo
English	LaFalce	Risenhoover
Erlenborn	Lagomarsino	Robinson
Ertel	Latta	Roe
Evans, Colo.	Le Fante	Rogers
Evans, Del.	Leach	Roncalio
Evans, Ga.	Lederer	Rooney
Evans, Ind.	Lehman	Rose
Fary	Lent	Rosenthal
Fascell	Levitas	Roybal
Fenwick	Lloyd, Calif.	Ruppe
Findley	Lloyd, Tenn.	Santini
Fish	Long, La.	Sarasin
Fisher	Long, Md.	Sawyer
Fithian	Lott	Scheuer
Flippo	Luken	Schroeder
Flood	Lundine	Schulze
Florio	McClory	Seiberling
Flynt	McCloskey	Sharp
Foley	McDade	Shuster
Ford, Mich.	McEwen	Sikes
Ford, Tenn.	McFall	Sisk
Forsythe	McHugh	Skelton
Fowler	McKay	Skubitz
Fraser	McKinney	Slack
Frenzel	Madigan	Smith, Iowa
Fuqua	Maguire	Smith, Nebr.
Gammage	Mahon	Snyder
Garcia	Markey	Solarz
Gaydos	Marks	Spellman
Gephardt	Marlenee	Spence
Gilman	Marriott	St Germain
Ginn	Mathis	Staggers
Glickman	Mattox	Stangeland
Gonzalez	Mazzoli	Stanton
Goodling	Metcalfe	Stark
Gore	Meyner	Steed
Gradison	Mikulski	Steers
Grassley	Mikva	Steiger
Green	Miller, Calif.	Stockman
Gudger	Miller, Ohio	Stokes
Guyer	Mineta	Stratton
Hagedorn	Minish	Studds
Hall	Mitchell, Md.	Taylor
Hamilton	Mitchell, N.Y.	Thompson
Hammer-schmidt	Moakley	Thone
	Moffett	Traxler
Hanley	Mollohan	Treen
Hannaford	Montgomery	Tsongas
Hansen	Moore	Udall
Harkin	Moorhead, Calif.	Ullman
Harrington		Van Deerlin
Harris	Moorhead, Pa.	Vander Jagt
Harsha	Moss	Vanik
Hawkins	Mottl	Vento
Heckler	Murphy, Ill.	Volkmer
Hefner	Murphy, N.Y.	Waggonner
Heftel	Murtha	Walgren
Hightower	Myers, Gary	Walker
Hillis	Myers, John	Walsh
Holland	Myers, Michael	Wampler
Hollenbeck	Natcher	Watkins
Holt	Nedzi	Waxman
Holtzman	Nichols	Weaver
Horton	Nix	Weiss
Hubbard	Nolan	Whalen
Huckaby	Nowak	White
Hughes	Oakar	Whitehurst
Hyde	Oberstar	Whitley
Ichord	Obey	Whitten
Ireland	Ottinger	Wilson, Bob
Jacobs	Panetta	Wilson, Tex.
Jeffords	Patten	Winn
Jenkins	Patterson	Wirth
Jenrette	Pattison	Wolff
Johnson, Calif.	Pease	Wright
Johnson, Colo.	Pepper	Wydler
Jones, N.C.	Perkins	Wylie
Jones, Okla.	Pettis	Yates
Jones, Tenn.	Pickle	Yatron
Jordan	Pike	Young, Fla.
Kastenmeier	Preyer	Zablocki
Kazen	Price	Zeferetti
Kelly	Pursell	

NAYS—10

Ashbrook	McDonald	Satterfield
Bauman	Murphy, Pa.	Symms
Collins, Tex.	Poage	
Crane	Roberts	

NOT VOTING—61

Allen	Baucus	Burton, John
Archer	Burgener	Carney
AuCoin	Burke, Calif.	Cochran

Conyers	McCormack	Runnels
Corman	Mann	Russo
Dent	Martin	Ryan
Derrick	Meeds	Sebelius
Dingell	Michel	Shipley
Eckhardt	Milford	Simon
Flowers	Neal	Stump
Fountain	O'Brien	Teague
Frey	Pressler	Thornton
Giaimo	Pritchard	Trible
Gibbons	Quayle	Tucker
Goldwater	Railsback	Wiggins
Howard	Rangel	Wilson, C. H.
Kasten	Rhodes	Young, Alaska
Krueger	Rodino	Young, Mo.
Leggett	Rostenkowski	Young, Tex.
Livingston	Rousselot	
Lujan	Rudd	

The Clerk announced the following pairs:

Mr. Teague with Mr. Archer.
Mr. Howard with Mr. Kasten.
Mr. John L. Burton with Mr. Young of Alaska.
Mr. AuCoin with Mr. Rousselot.
Mr. Carney with Mr. Livingston.
Mr. Dingell with Mr. Allen.
Mr. Giaimo with Mr. Burgener.
Mr. Gibbons with Mr. Cochran of Mississippi.
Mr. McCormack with Mr. Lujan.
Mr. Shipley with Mr. Leggett.
Mr. Young of Missouri with Mr. Sebelius.
Mr. Russo with Mr. O'Brien.
Mr. Flowers with Mr. Quayle.
Mr. Fountain with Mr. Wiggins.
Mr. Mann with Mr. Martin.
Mr. Meads with Mr. Eckhardt.
Mr. Neal with Mr. Frey.
Mr. Charles H. Wilson of California with Mr. Goldwater.
Mr. Rostenkowski with Mr. Pressler.
Mr. Ryan with Mr. Thornton.
Mr. Corman with Mr. Tucker.
Mrs. Burke of California with Mr. Michel.
Mr. Baucus with Mr. Pritchard.
Mr. Rangel with Mr. Rudd.
Mr. Derrick with Mr. Trible.
Mr. Krueger with Mr. Conyers.
Mr. Milford with Mr. Dent.
Mr. Runnels with Mr. Railsback.
Mr. Simon with Mr. Stump.

Mr. SATTERFIELD changed his vote from "yea" to "nay".

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MAKING IN ORDER ON TUESDAY NEXT OR ANY DAY THEREAFTER CONSIDERATION OF HOUSE JOINT RESOLUTION 944, MAKING URGENT GRAIN INSPECTION SUPPLEMENTAL APPROPRIATIONS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on Tuesday next or any day thereafter to consider in the House as in Committee of the Whole, the joint resolution (H.J. Res. 944) making urgent grain inspection supplemental appropriations for the Department of Agriculture for the fiscal year ending September 30, 1978.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1979

Mr. ZABLOCKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12598) to authorize appropriations for fiscal year 1979 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, to make changes in the laws relating to those agencies, to make changes in the Foreign Service personnel system, to establish policies and responsibilities with respect to science, technology, and American diplomacy, to establish a Commission on Proposals for a Center for Conflict Resolution, to establish an Institute for International Human Rights, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12598, with Mr. LEVITAS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Wisconsin (Mr. ZABLOCKI) will be recognized for 30 minutes, and the gentleman from Alabama (Mr. BUCHANAN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 12598, the Foreign Relations Authorization Act for fiscal year 1979. I commend Chairman FASCELL and the subcommittee for thorough consideration given the provision in the legislation.

The bill provides authorization for appropriations for the Department of State, the International Communication Agency, the Board for International Broadcasting, and other purposes for fiscal year 1979, as well as supplemental appropriations for the Department of State and the Board for International Broadcasting for fiscal year 1978.

The bill authorizes a total of $1,941,336,000 in funding authority for fiscal year 1979 and $47,743,000 in supplemental authority for fiscal year 1978.

These figures are considered by the committee, after 17 days of hearings by the Subcommittee on International Operations, to be the lowest possible to allow the Department of State, the International Communication Agency, and the Board for International Broadcasting to discharge properly their important responsibilities.

The major provisions of H.R. 12598 are as follows:

Title I contains a total authorization for all activities for the Department of State of $1,374,129,000 for fiscal year 1979. This amount includes funding for:

All salaries and expenses of the Department;

The acquisition, operation, and maintenance of buildings abroad;

Contributions to international organizations; and

Support of U.S. missions to those organizations for the U.S. sections of international commissions and for migration and refugee assistance activities.

This authorization is essential if the State Department is to carry out the foreign policy of the United States at home and around the world.

Title I, as approved by the committee, also includes funds requested by the executive branch for a new $20 million program for the resettlement of Soviet and Eastern European refugees in the United States. This request was the principal new program requested by the Executive within the scope of title I.

Section 103 in title I contains a supplemental authorization increase for fiscal year 1978 for the State Department for $37,275,000 to pay arrearages in U.S. dues to UNESCO.

Title I also changes the title of the Department's chief management officer to Under Secretary of State for Management and establishes an Assistant Secretary of State for International Narcotics Matters.

The bill also sets forth a comprehensive policy to encourage the use of solar energy, where feasible, in the foreign buildings program. This provision will result in long-term savings for the foreign building program as well as complement a provision in the Foreign Assistance Act which establishes a bilateral effort between the United States and less-developed countries to develop simple rural-oriented energy technologies.

Title II authorizes funds for all of the operations of the International Communication Agency which came into being April 1st of this year as a result of a Presidential reorganization plan. The ICA incorporates all programs formerly conducted by the U.S. Information Agency and the Bureau of Educational and Cultural Affairs of the Department of State. The amount recommended by the committee for the ICA is $417,327,000, or approximately $25 million more than the 1978 authorization. The increase is due to the transfer of the Cultural Affairs Bureau to the ICA and to the mandated salary increases.

While this is $4 million over the executive branch request, the increase includes $2,500,000 for the expansion of agency programs related to Third World mass media and $1,500,000 for the strengthening of Cultural and Educational exchange activities throughout the world. The increase, while modest, will result in programs which will demonstrate to the developing countries the concern of the United States for a free exchange of ideas and peoples consistent with the Helsinki accords.

Title III of the bill provides authorization for appropriations of $88,180,000 for the Board for International Broadcasting for fiscal year 1979. This is $3 million above the executive branch request.

This increase reflects the committee's judgment that it is necessary to provide a foreign currency contingency fund for the operations of Radio Free Europe and Radio Liberty in the event the dollar continues to decline in relation to the mark beyond the point estimated at present by the Office of Management and Budget.

Section 302 of title III includes a supplemental authorization increase for the Board for International Broadcasting to $79,448,000 which is the amount requested by the executive branch. This is an increase of $10,468,000 over the amount previously authorized. It increases the foreign currency contingency limit by $3,500,000 to clarify our intent that these funds are to a large extent being made available to meet an unanticipated decline in the value of the dollar in relation to European currencies.

Title IV deals with personnel questions related to the Foreign Service. The title contains no authorization for funds, but makes numerous changes, many of a technical nature, in the Foreign Service Act. The major provision in the title would authorize retirement of Foreign Service personnel, on a one-time basis, based on their earnings during a high 1-year period instead of on the currently required 3-year bases. This provision would help the Department of State overcome a temporary situation where there is an unusually large number of senior level Foreign Service officers unwilling to retire. The result is that younger Foreign Service officers are leaving the service because of the lack of promotion opportunities. Inclusion of this provision in H.R. 12598 has the approval of the Committee on Post Office and Civil Service.

Title V of the bill establishes policies and responsibilities with respect to science and technology and U.S. foreign policy. This title is an initiative of the committee which culminates an 8-year effort on the part of the Subcommittee on International Security and Scientific Affairs to insure that science and technology receive appropriate attention in the formulation and implementation of U.S. foreign policy.

Title VI of the bill establishes a Commission on Proposals for a Center for Conflict Resolution. The Commission, whose members would be appointed by the President, is authorized $500,000 to study and recommend to the President and the Congress within 1 year, the best ways in which conflict resolution skills can be brought to bear on conflicts between nations, within communities, and among individuals. Similar legislation passed the Senate unanimously last year.

This provision is the product of 2 days of hearings this year on the Senate proposal by the Subcommittee on International Operations and of prior hearings by the former Subcommittee on International Organizations and Movements on the applicability of the social sciences to foreign policy problems. Various alternatives for conducting the kind of studies envisioned in title VI were considered by the committee and, after long deliberation, and discussion it was concluded that the best possible vehicle was an independent Presidential commission.

Title VII of the bill establishes an Institute for International Human Rights. The Institute is an initiative of the committee. The concept has the support of the administration. The Institute, operating under a Presidentially appointed Board of Directors, would make funds available to assist organizations and individuals working for human rights and fundamental freedoms around the world.

To fund the Institute, H.R. 12598 authorizes $1 million for fiscal year 1979. The staff of the Institute is to be limited to not more than seven persons. The Institute has received expressions of support from numerous private organizations and individuals concerned with human rights in every region.

The final title, of the bill, title VIII, contains miscellaneous provisions. The four provisions would: A. change the date on which the Gorgas Memorial Institute's annual report is due in Congress; B. increase by $200,000 the authorization for the Commission on Security and Cooperation in Europe to meet unexpected budget increases partially as a result of GAO's decision about foreign travel expenses; C. earmark for $100,000 provided in section 101 for a study of the feasibility of organizing additional parliamentary exchanges between Congress and the parliaments of other countries; and, D. authorize an appropriation of $60 million to reimburse the U.S. tin stockpile for a transfer of surplus U.S. tin to the International Tin Buffer Stock.

This authorization was requested by the executive branch in order to provide for the immediate reimbursement of the U.S. stockpile for any transfer to the international stockpile. Since the proceeds from the liquidation of the international stockpile will revert to the Treasury, this authorization will have no net drain on the budget.

The inclusion of the supplemental authorizations in H.R. 12598 have been approved by the Budget Committee and would not violate either the budget ceiling for the international relations function or the aggregate ceiling for the fiscal year 1978 budget.

Mr. BUCHANAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank our distinguished committee chairman for his remarks and associate myself with them. The legislation before us today is the result of 17 days of subcommittee hearings and countless hours of additional work on the part of the members and staff.

I would like to take just a moment to express my appreciation to our subcommittee chairman, the gentleman from Florida (Mr. FASCELL). I have served on this subcommittee for many years, but cannot remember a time when we have so thoroughly scrutinized these authorization requests.

The people of the United States and our colleagues have been well served by the diligence and commitment of DANTE FASCELL. Under his leadership we have put together a good bill which holds the line on expenses and, at the same time, provides the basic funds needed to enhance our foreign policy objectives.

With regard to the Department of State, we are operating today at approximately the same personnel level at which we operated in 1960, yet American representation abroad has increased from 80 countries to over 130 during that same time period.

There is no question that resources at the Department of State are thinly spread and this has caused some erosion in the services provided.

We have attempted to remedy some of the problems confronting the Department in this legislation, particularly with regard to consular services and personnel problems. Substantial improvements have been made in the Department's ability to respond to requests for assistance from Americans who encounter difficulties while traveling abroad and the provisions of this bill will, in my judgment, help to meet additional concerns expressed by Members over the past year.

Many of our colleagues have also been concerned about the number of illegal aliens, now referred to as undocumented aliens, in the United States. We have provided additional funds in this bill to give the Department of State the needed resources to increase its screening of visa applications in an effort to weed out those individuals who might be attempting to enter this country illegally.

As the chairman noted, this bill also includes authorizations for the new International Communication Agency. Again, this authorization represents a decline since 1970 in the Agency's effective operating funds as well as a personnel reduction.

We are at a point in history where it is essential that the rest of the world understand our goals, our foreign policy and our people. This understanding, in my judgment, is one of our most powerful weapons in confronting the influence of the Soviet Union and other totalitarian governments.

While the funds authorized for the International Communication Agency are not as high as I personally would like to see them, they will help enable this agency to better meet the challenge of our times.

It is equally important for us to expand our efforts through our radio stations which serve those behind the Iron Curtain. As the Soviet Government silences Helsinki monitor after Helsinki monitor, it is imperative that the truth be available to the millions behind the Iron Curtain. This we have done through authorizations for the Board for International Broadcasting.

The gentleman from Wisconsin has outlined some of our other initiatives including the establishment of a human rights institute, the creation of a solar demonstration program suggested by the gentleman from Vermont (Mr. JEFFORDS) the establishment of a commission to determine the need for a center for conflict resolution and provisions to integrate science and technology into foreign policy decisions.

This is a good bill, Mr. Chairman, and I urge the support of our colleagues for it.

Mr. RINALDO. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from New Jersey.

Mr. RINALDO. Mr. Chairman, I rise in support of H.R. 12598 which authorizes appropriations for fiscal year 1979 for the Department of State, the International Communication Agency, and the Board of International Broadcasting. This bill would also make certain changes in the laws relating to those agencies, and to the Foreign Service personnel system.

I would also like to commend the chairman of the International Operations Subcommittee, the distinguished gentleman from Florida, for his fairness and skill in guiding this legislation to the floor.

He has displayed outstanding comprehension of the delicate and difficult task that faces our Nation in the sensitive, critical area of Radio Free Europe and Radio Liberty. We are constantly involved in efforts to bring freedom to all peoples of this world, and to provide true glimpses of life in our country. My good friend and colleague, the distinguished gentleman from Florida, has done an outstanding job on this measure and has clearly demonstrated why he is regarded with such respect in this Chamber.

Early in the deliberations on this proposed legislation, a serious proposal was put forth to allow Communist countries free air time in order to respond to broadcasts of RFE/RL. I am pleased that the bill before us today incorporates my amendment to prevent such broadcasts unless RFE/RL, Inc. is allowed comparable airtime on Communist airwaves.

Under the Rinaldo amendment, we are not only telling the world we are willing to face the charges of the Communist leadership, but we are willing to go one step further. Moreover, since these facilities represent the only link with the free world for millions of people, we are protecting the integrity of RFE/RL broadcasts.

The Rinaldo language in this bill will help to preserve the value of these broadcasts. We need Radio Free Europe and Radio Liberty, and we need them to broadcast the truth, as they have for the past two decades.

Mr. ZABLOCKI. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. ZABLOCKI) for yielding.

On my way back from Wichita, on the airplane I was reading through this bill and discovered a very strange section in it. That is section 803, which reads as follows:

> Of the amount authorized to be appropriated by section 101(a)(2) of this Act, $100,000 shall be available only for disbursements for the expenses of a special study group, to be appointed by the chairman of the Committee on International Relations of the House of Representatives, to investigate the feasibility of organizing additional parliamentary exchanges or assemblies . . .

Mr. Chairman, I do not have any problems with the interparliamentary unions, and I think on occasion they serve useful purposes; but we all know that they are a code word to the American people. The code word is "junket."

We do involve ourselves in the interparliamentary unions; and basically, I want to know the answers to certain questions. If either the chairman of the committee or my friend, the gentleman from New York (Mr. WOLFF) would like to respond, I have four basic questions, which I will ask right now.

No. 1, what is the purpose of a section which authorizes $100,000 to study additional interparliamentary meetings?

No. 2, who will use the funds?

Mr. WOLFF. Mr. Chairman, will the gentleman yield so that I can answer each question as he poses it.

Mr. GLICKMAN. Yes, I am happy to yield to the gentleman from New York.

Mr. WOLFF. To answer the gentleman's first question, Mr. Chairman, basically what we are trying to do, in effect, is we are trying to reform the interparliamentary groups.

One of the problems we do have is that each country that has relationships with the United States would like to have an interparliamentary group, that is, a bilateral group. Our objections to this are the expenses that are involved. Moreover, the effort is time consuming in its effects; and therefore, the purpose of this amendment was to set up a study to find out ways and means by which we can eliminate or combine some of the bilateral exchanges and put them into regional types of operations.

Mr. GLICKMAN. If that is the gentleman's intent, then it has totally escaped me from reading the bill and the committee language, because the bill provides for additional parliamentary exchanges and assemblies. The committee language provides for additional parliamentary exchanges. Nowhere in any part of the language does it provide that these will be restricted.

In just reading some material from the Washington Post of March 30, 1978, it indicates that the total appropriated figure for IPU's is $45,000 for the last fiscal year. It looks as though this will cost two times what we spent there.

Mr. WOLFF. Maybe the $45,000 we are spending on the IPU's is too much. Perhaps the IPU has outlived its existence? Perhaps it is no longer necessary? This particular amendment was offered, because there were individual Members who sought the idea of setting up regional parliamentary assemblies.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ZABLOCKI. Mr. Chairman, I yield 3 additional minutes to the gentleman from Kansas (Mr. GLICKMAN).

Mr. WOLFF. As a result of events in Asia and the concept of the U.S. position in the Pacific, various people in Asia expressed concern that the United States was withdrawing from Asia. They wanted to see some evidence of U.S. participation as a Pacific nation. Most all of our memberships in parliamentary groups and the like are with Europe. Unfortunately, we do not have a regional parliamentary group in Asia. There is talk of setting up a bilateral with Japan. I think the idea of setting up regional parliamentary assemblies is one which will save this country countless money, many times that of the cost of this study.

If the gentleman will look at the resource book, it shows that today we are spending on inter-American organizations, for example, some $64 million. We are spending on regional operations, which includes the North Atlantic Treaty assembly and North Atlantic assembly and such, $36 million. Our idea is to reduce the expenditures and make them more meaningful.

Mr. GLICKMAN. I would say two things to the gentleman: If the idea was to reduce the number, then that should have appeared in the committee report or in the bill itself. It does not.

The second point is, I still cannot figure out why we need an additional $100,000 for a special study. I would assume that at various points in time the committee staff itself would be able to determine that issue, as well as oversight, as well as the gentleman's own subcommittee. It is just incomprehensible to me, in light of the fact that the American people have this negative feeling about junkets—sometimes they are wrong, sometimes these trips are justified—to put something like this in a bill which is just a by word for inefficient and excessive government spending.

Mr. WOLFF. I would ask the gentleman on that score—the gentleman is voting on a bill that has to do with international relations—has the gentleman been out of the country recently?

Mr. GLICKMAN. No. Thankfully, I have been inside. I would tell the gentleman at the appropriate time that I would like to go on a trip sometime.

Mr. WOLFF. One of the important elements for the gentleman to consider is the fact that the Congress today has taken a much greater role in our foreign affairs. We do not take for granted everything that the State Department tells us. Therefore, it is important that we find out for ourselves some of these things. The important element involved here is attempting to eliminate those excesses that have existed.

Mr. GLICKMAN. I appreciate the gentleman's words. I know his intent is good.

I will offer an amendment at the appropriate time to strike section 803 as well as to reduce the authorization by $100,000, not that I do not believe the parliamentary unions are good and the assemblies—I do—but I think that this study is an unnecessary expenditure of money.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I certainly understand some of the gentleman's wonderment. He is one of the newer Members. He has not traveled as much as some others and that is to his credit. But, as the gentleman will learn over a period of time, and I hope it will not escape him, we save money not by

reducing expenditures but by adding money. When you believe that, you will have been here too long.

Mr. BUCHANAN. I yield 6 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, basically I support this legislation, and there are a number of specific amendments on which I worked and on which I wish to comment.

The first is related to Radio Free Europe and Radio Liberty. I want to emphasize my support for continued broadcasts by Radio Free Europe and Radio Liberty, whose activities should not only be continued but expanded.

The failure of the Belgrade Conference and the suppression of human rights and denial of political rights, which is standard procedure behind the Iron Curtain, requires that we augment the services which Radio Free Europe and Radio Liberty provide.

John Gronouski came up with a very controversial suggestion that the Communists be given time on these facilities. My reaction was that this had merit only if the various Communist governments would grant us equal time on their facilities. This would be an interesting test of fairness.

I commend my colleague from New York, LESTER WOLFE, for the amendment which we worked on relative to United Nations' sanctioning of PLO propaganda activity at the world body. Our amendment instructs the U.S. Ambassador to the U.N. to work to terminate any such activity.

Overall, Mr. Chairman, the State Department authorization is a result of a very thorough, practical subcommittee and full committee review, and I commend it to the Members.

Mr. Chairman, in view of the conversation concerning parliamentary meetings I would like to discuss the value of parliamentary exchanges. Most of our Members, and that includes my dear friend, the gentleman from Ohio, are too modest and they refuse to recognize that they are principal participants in the most important legislative body in the world. So if, for whatever reason, a regularly scheduled or a one-shot affair, a parliamentary meeting is held in which the United States should participate and does not participate such a meeting of parliamentarians suffers if the United States does not have a delegation to represent our country.

Our legislators ought to appreciate more and more that legislative bodies, where they continue to exist, are ever more important entities. We give a special example for those countries that have abandoned the parliamentary or legislative branch of Government. That is why I think it is important that we fly the flag of the Congress around the world, that is why it is important that we dramatize the fact that the legislative branch of Government is a vital key in serving the public. Those countries that have gone the way of benevolent dictatorships, whether under an "ism" or the charismatic rule of one man, have frustrated the essential role of Government that is served by a freely elected legislative branch.

I honestly think criticism of the parliamentary meetings and criticism of the parliamentary exchanges is pennywise and pound foolish. There is an educational value to our Members who participate. There is a tremendous value to those members of parliaments of other countries who have a chance to meet with our Members and to learn about our political system and to understand the value of our two-party system and to further understand our Congress and the give and take and tolerance we have in our system which they often lack.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, in view of the gentleman's placing such importance on legislative input into international affairs, I ask him if our Congress or any Member of our Congress was a party to the decision to send 10,000 tons of rice to Laos?

Mr. DERWINSKI. I think the gentleman is confusing a parliamentary meeting with a specific policy matter. They are two different subjects.

The purpose of the parliamentary exchanges is not that we develop ways to pass judgment on the minute decisions in the executive branch but rather that we understand the principles and vitality of parliamentary government.

Mr. YOUNG of Florida. I understand what the gentleman is saying. However, my question was did he or any Member of the Congress have any part in the decision to send 10,000 tons of rice under the Public Law 480 program to Laos, who has refused to make any accounting of those Americans listed as missing in action in Laos.

Mr. DERWINSKI. My answer is "no." I was not consulted. I am one Member and there are 433 other Members the gentleman could check with. But that has nothing to do with the point I was making.

Mr. BUCHANAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Chairman, I wish to commend the committee for their emphasis on the ultilization of solar energy and renewable sources of energy and their technology in this bill, and especially for embodying the provisions of H.R. 10699, a bill introduced by a number of Members, some 60, of the solar coalition. I believe this section 114, will help utilize our own embassies and other buildings in foreign countries as demonstration projects to illustrate how such alternate uses of energy will benefit not only our own country but other countries. Also, and importantly, this section will help develop our own markets to bring our costs down.

The provision would require the placement on our diplomatic and consular buildings abroad projects which utilize alternative energy systems. Such systems would be of a variety of alternative energy technologies, all of which are being developed by the Department of Energy, including heating and cooling, wind, photovoltaics, solar thermal, and biomass.

It has a number of purposes. First and foremost, it is designed to help move us to a position of leadership in implanting these technologies, at a much faster rate than is currently the case, across the globe. I need not belabor the reason: Fossil fuels are not only finite but increasingly expensive; nuclear power is outside the financial reach of most developing nations and present proliferation problems. It is altogether proper and, I think, necessary for us to demonstrate our technological capacities to accelerate the solar transition across the world.

Mr. Chairman, last summer the Office of Technology Assessment released a major study entitled "Application of Solar Technology to Today's Energy Needs." The study, in discussing the international scene, concluded:

> Development of a foreign market for solar energy devices could provide an excellent opportunity for U.S. exports and the expanded sales resulting from this would probably lead to lowered costs and improved quality of domestic solar equipment. The international utilization and impact of solar energy may depend critically on U.S. initiatives over the next few years. In most areas, U.S. research is the most advanced in the world, so many nations will look to the U.S. for guidance in this field. A U.S. commitment to solar power would encourage foreign commercialization of the technology, if only by giving it presitge.

It is an unfortunate fact that much of the developing world has considered the acquisition of conventional and nuclear energy systems as status symbols; and that so-called alternative systems have been looked upon by many as poor man's energy. We must break this psychology as quickly as possible. The bill calls for projects which will give "visible incentives" to these nations "to develop and use local solar energy." Thus the projects selected should be "adaptable to the local resources, climatic conditions, and economic circumstances of the host country in order that such countries will more likely implement similar projects."

I would point out, Mr. Chairman, that this is not a foreign aid program, not a giveaway program, not an exercise in frivolity. It could well be one of the most effective capital investment programs we can make in this budget cycle. It will pay for itself many times over in terms of saving fuel costs for our foreign operations, as well as helping stimulate U.S. industry by driving per unit costs down as overseas markets develop. It would stimulate exports, helping alleviate our balance-of-payments problems. And it would help enhance the security of our missions by making them more energy self-sufficient.

Information, technical, and engineering assistance to the Department of State under this provision would be provided by the Department of Energy. Although the Department of State has had some

experience in evaluating and installing these systems, the vast fund of expertise and engineering skill of the Department of Energy should be at State's disposal for purposes of this program.

In fact this is not a new concept to the Department of State. Several years ago, the Department placed solar heated hot water installations on two U.S. mission residences in Tel Aviv, Israel. The savings in electrical consumption was dramatic and, according to the Department:

It is estimated that the average savings per annum on electricity for hot water per house will be approximately $300 to $400.

Furthermore:

If similar systems were installed at 26 other residences, substantial additional savings of approximately $7,800 to $10,400 per year in utility costs could be achieved.

This savings in electricity costs, as already demonstrated in Israel, can be achieved in many parts of the world with a variety of systems. At my request, the Office of Foreign Buildings in the Department of State has compiled a list of "possible solar installations" to serve as an illustration of what could be done. The list includes 11 major installations in various countries, including Niger, Pakistan, Iran, Senegal, Egypt, New Zealand, Bangladesh, Malawi, Philippines, and Kenya; the technologies range from photovoltaics, to solar windpower to solar thermal absorption. The Department has also compiled a list of 130 installations in our many posts on all continents where domestic hot water might be implaced.

The total estimated costs of these projects, after engineering studies to determine feasibility, is roughly $5. The Department has informed us, however, that in fiscal year 1979 it could reasonably expect to expend roughly $4 million on this program and so it is my understanding that the committee has taken the advice of the Department on the money question and thus authorized $4 million for this program in the bill before us.

It was my intent in offering this measure that it dovetail with section 119 of the Foreign Assistance Act, as passed for fiscal year 1978, which calls for the early development of bilateral programs with Third World countries for the development of rural-oriented alternative energy technologies. Early placement of these technologies on our diplomatic structures abroad would help provide impetus to the bilateral programs provided for in section 119. It would expect that the projects would move quickly from the feasibility to the hardware stages and that the Department move expeditiously. The language has been drafted to give the Department maximum discretion in choosing projects and locales, and the menu is a large one.

The potential for American leadership in this field is large and still unrealized. Take, for example, photovoltaic technologies. The present cost of these systems is uneconomically high, because the industry has been in the handicraft stage. But, with congressionally mandated funding, as already agreed upon by the Energy Act conferees, over the next 3 years, the industry will be able to automate and costs will drop dramatically. Based on these new costs projections very recent studies by the NASA–LEWIS Research Center and Lincoln Laboratory at MIT are optimistic over the future of photovoltaic technologies in the less-developed world. A March 1977 study for the Department of Energy by Lincoln Laboratories concluded that—

Photovoltaic power possesses certain attractive features that suggest an important role in meeting the energy needs of less-developed countries.

And in a June 1977 NASA–LEWIS study entitled "The Market for Solar Photovoltaic Power in Developing Countries: 1977–2000," it was concluded:

It is clear . . . that the adoption of renewable resource (e.g. solar) decentralized energy technology (e.g., photovoltaic, wind) should provide significant benefits for economic development and the quality of life in LDCs. Major benefits to the U.S. would be (1) enhancement of national security by lessening pressure created by declining economic positions of large masses of the world population; (2) creation of new foreign markets, and (3) to provide markets to support the major portion of the growth of fledgling U.S. solar energy industry.

I would point out, Mr. Chairman, that the United States is not in the lead in the international marketing of these technologies. Far from it, there are a number of countries—including Japan, France, Germany, and Israel—which are currently pursuing more aggressive strategies in marketing their alternative technologies. We are behind, and I am hopeful that this measure will serve as one small step to help move us in the right direction.

Lastly, I would like to say that we have had a very satisfactory experience in working closely with the Department, and particularly the Office of Foreign Buildings, in constructing this provision. I think it shows that the two branches can work well together in developing creative legislation, and I look forward to continuing the mutual exchange of ideas on this program which will make the program work around the world.

Mr. BUCHANAN. Mr. Chairman, I want to compliment the gentleman from Vermont (Mr. JEFFORDS) upon his leadership in this matter. He has made a very valuable contribution to this piece of legislation, one that I believe to be of substantial importance.

Mr. MIKVA. Mr. Chairman, I particularly want to speak in behalf of section 115 of H.R. 12598, the fiscal year 1979 Foreign Relations Authorization Act. This section expresses the sense of the Congress that the United States should continue to work to terminate certain units within the United Nations General Assembly designed to propagandize against the State of Israel and in favor of the PLO.

The provision is similar to a bill that I introduced earlier this year with approximately 30 cosponsors which would have cut U.S. contributions to the U.N. in an amount proportional to the funds spent to support the Palestinian propaganda units. I would have preferred that the tougher language of my bill be included in H.R. 12598, but I am pleased that the House will have an opportunity to express its displeasure with these U.N. activities.

The alleged purpose of the unit is to observe the International Day of Solidarity with the Palestinian People, but the activities of the group would include dissemination of messages of hatred against the State of Israel and its inhabitants. This unit is, in effect, an extension of the U.N. Committee on the Inalienable Rights of the Palestinian People, which is composed of 23 states—19 having no diplomatic relations with Israel. Clearly, the new unit will only further erode the respect for the impartiality of the United Nations.

The continued existence of the unit can only complicate and possibly jeopardize the sensitive peace negotiations in the Middle East, and reduce the role the United Nations might legitimately play in helping to assure a just and lasting peace.

I urge my colleagues to join with me in supporting section 115 of the bill, and demonstrating our commitment to real peace in the Middle East as well as to an impartial and fair United Nations. The interests of the people of the Middle East and the interests of the United Nations as an institution will not be served if the U.N. is used as a propaganda mouthpiece for the Palestine Liberation Organization.

Mr. ZABLOCKI. Mr. Chairman, I have no further requests for time.

Mr. BUCHANAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. All time having expired, pursuant to the rule, the Clerk will now read the bill by titles.

The Clerk read as follows:

H.R. 12598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Foreign Relations Authorization Act, Fiscal Year 1979".

TITLE I—DEPARTMENT OF STATE

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1979

SEC. 101. (a) There are authorized to be appropriated for the Department of State for fiscal year 1979, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(1) For "Administration of Foreign Affairs", $849,139,000.

(2) For "International Organizations and Conferences", $412,881,000.

(3) For "International Commissions", $20,773,000.

(4) For "Migration and Refugee Assistance", $91,336,000.

(5) For increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs, such amounts as may be necessary.

(b) Amounts appropriated under this section are authorized to remain available until expended.

TRANSFER AUTHORITY

SEC. 102. Funds authorized to be appropriated for fiscal year 1979 by paragraphs (1) through (4) of section 101(a) may be

appropriated for fiscal year 1979 for a purpose for which appropriations are authorized by any other of those paragraphs, except that the total amount appropriated for a purpose described in any of those paragraphs may not exceed by more than 10 per centum the amount specifically authorized for that purpose by section 101(a).

SUPPLEMENTAL AUTHORIZATION FOR FISCAL YEAR 1978 FOR INTERNATIONAL ORGANIZATIONS AND CONFERENCES

SEC. 103. Section 101(a)(2) of the Foreign Relations Authorization Act, Fiscal Year 1978, is amended by striking out "$389,412,000" and inserting in lieu thereof "$426,687,000".

UNDOCUMENTED ALIEN PROGRAM

SEC. 104. In addition to amounts otherwise available for such purpose, $1,250,000 of the amount authorized to be appropriated by section 101(a)(1) of this Act shall be available only for the expenses of the Department of State in strengthening visa processing in connection with the President's program on undocumented aliens.

UNITED NATIONS CONFERENCE ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT

SEC. 105. In addition to amounts otherwise available for such purpose, $945,000 of the amount authorized to be appropriated by section 101(a)(1) of this Act shall be available only for expenses incurred by the Department of State in conjunction with the United Nations Conference on Science and Technology for Development, including expenses for preparatory conferences and seminars held in the United States.

ASSISTANCE FOR REFUGEES SETTLING IN ISRAEL

SEC. 106. Of the amount authorized to be appropriated by section 101(a)(4) of this Act, $25,000,000 shall be available only for assistance for the resettlement in Israel of refugees from the Union of Soviet Socialist Republics and from Communist countries in Eastern Europe.

ASSISTANCE FOR REFUGEES IN AFRICA

SEC. 107. In addition to amounts otherwise available for such purpose, $10,000,000 of the amount authorized to be appropriated by section 101(a)(4) of this Act shall be available only for assistance for refugees in Africa.

INTERNATIONAL COMMISSIONS—AMERICAN SECTIONS

SEC. 108. (a) Section 19 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2689), is amended by striking out "not to exceed $1,500 of the".

(b) The amendment made by this section shall take effect on October 1, 1978.

AID TO DESTITUTE AMERICANS ABROAD

SEC. 109. (a) Section 3(j) of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2670(j)), is amended by inserting "or destitute United States citizens abroad" immediately after "incarcerated abroad".

(b) The amendment made by this section shall take effect on October 1, 1978.

WORKING CAPITAL FUND

SEC. 110. (a) Section 13 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2684), is amended—

(1) by striking out "supply" in clause (2) in the first sentence;

(2) by striking out ", and" at the end of clause (2) in the first sentence and inserting in lieu thereof a semicolon;

(3) by inserting immediately before the period at the end of the first sentence "; and (4) medical and health care services";

(4) by striking out the third sentence; and

(5) by inserting "(a)" immediately after "SEC. 13." and by adding the following new subsection at the end of the section:

"(b) The current value of supplies returned to the working capital fund by a post, activity, or agency may be charged to the fund. The proceeds thereof shall, if otherwise authorized, be credited to current applicable appropriations and shall remain available for expenditures for the same purposes for which those appropriations are available. Credits may not be made to appropriations under this subsection as the result of capitalization of inventories.".

(b) The amendments made by this section shall take effect on October 1, 1978.

CONSOLIDATION OF ADMINISTRATIVE SERVICES

SEC. 111. (a) The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, is amended by adding at the end thereof the following new section:

"SEC. 23. Whenever the Secretary of State determines that administrative services performed in common by the Department of State and any other Federal agency performing any foreign affairs functions (including, but not limited to, the International Communication Agency, the Agency for International Development, and the Arms Control and Disarmament Agency) may be performed more advantageously and more economically on a consolidated basis, the Secretary may, by agreement with the head of the other Federal agency concerned and with the approval of the Director of the Office of Management and Budget, provide for the transfer of so much of the functions, personnel, property, records, and funds of the Department of State or the other Federal agency concerned as may be necessary to enable the performance of those administrative services on a consolidated basis for the benefit of both the Department of State and the other Federal agency concerned. Agreements for consolidation of administrative services under this section shall provide for reimbursement or advances of funds from the agency receiving the service to the agency performing the service in amounts which will approximate the expense of providing administrative services for the serviced agency.".

(b) The amendment made by this section shall take effect on October 1, 1978.

POST EMPLOYEE SERVICES

SEC. 112. (a) Part C of title IX of the Foreign Service Act of 1946 (22 U.S.C. 1139) is amended—

(1) by striking out "COMMISSARY SERVICE" in the heading for that part and inserting in lieu thereof "POST EMPLOYEE SERVICES"; and

(2) by amending subsections (b) and (c) of section 921 to read as follows:

"(b) The Secretary, under such regulations as he may prescribe, may authorize and assist in the establishment maintenance, and operation by officers and employees of the Service of non-Government-operated services and facilities at posts abroad, including the furnishing of space, utilities, and properties owned or leased by the United States for use by its diplomatic and consular missions. The provisions of the Foreign Service Buildings Act, 1926 (22 U.S.C. 292–300), and section 13 of the Act entitled 'An Act to provide certain basic authority for the Department of State', approved August 1, 1956 (22 U.S.C. 2684), may be utilized by the Secretary in providing such assistance. Services and facilities established under this subsection shall be made available, insofar as practicable, to officers and employees of other Government agencies and their dependents who are stationed abroad. Such services and facilities shall not be established in localities where another United States agency operates similar services or facilities unless the Secretary determines that such additional services or facilities are necessary.

"(c) Charges at any post abroad for a service or facility authorized or assisted under this section shall be at the same rate for all civilian personnel of the Government serviced thereby, and all charges for supplies furnished to such a service and facilities abroad by any Government agency shall be at the same rate as that charged by the furnishing agency to its comparable civilian services and facilities.".

(b) The amendments made by this section shall take effect on October 1, 1978.

FURNISHING MEDICAL SERVICES ABROAD

SEC. 113. (a) Part E of title IX of the Foreign Service Act of 1946 is amended—

(1) in section 942 (22 U.S.C. 1157) by striking out "(a)" and by striking out subsection (b); and

(2) by adding at the end of that part the following new section:

"FURNISHING MEDICAL SERVICES ABROAD

"SEC. 945. The Secretary may establish medical treatment and health care facilities and provide for the services of physicians, nurses, or other medical or health care personnel at a post at which, in the opinion of the Secretary, sufficient personnel are employed to warrant such facilities or services.".

(b) The amendments made by this section shall take effect on October 1, 1978.

FOREIGN MISSION SOLAR ENERGY DEMONSTRATION

SEC. 114. (a) It is the purpose of this section to demonstrate solar energy and other renewable energy technologies in foreign countries by using such energy in buildings acquired under subsection (a) of the first section of the Foreign Service Buildings Act, 1923 (22 U.S.C. 292(a)), in order that—

(1) host nations may be given visible incentives to develop and use local solar energy or other renewable energy resources to reduce dependence upon petroleum and petroleum products;

(2) markets may be developed for American solar energy systems and components in order to stimulate investment in such systems and components and to reduce the costs of such systems and components to reasonable levels;

(3) in furtherance of the purpose of section 119 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151q), cooperation may be developed between the United States and other countries in an effort to develop solar energy or other renewable energy systems within a short period of time; and

(4) equipment which is vital to the operation of sensitive systems within United States missions abroad may be made more self-sufficient and reliable and will not be dependent upon interruptible local energy supplies.

(b)(1) The Secretary of State shall implement projects for the application of solar energy or other forms of renewable energy in buildings acquired under subsection (a) of the first section of the Foreign Service Buildings Act, 1926.

(2) The Secretary of State shall select projects under paragraph (1) in consultation with the Secretary of Energy. Such projects shall apply available solar energy and other renewable energy technologies, including those for—

(A) the heating and cooling of buildings;

(B) solar thermal electric systems;

(C) solar photovoltaic conversion systems;

(D) wind energy systems; and

(E) systems for developing fuels from biomass.

The Secretary of Energy shall inform the Secretary of State of all such technologies which are feasible for such projects, taking into account the resources and environmental conditions of the host countries concerned. Upon the request of the Secretary of State, the Secretary of Energy shall provide to the Secretary of State any technical information or other technical assistance

which the Secretary of State considers necessary with respect to any such project. Any project selected under this section should be similar to projects which have been demonstrated by the Department of Energy (or its predecessor agencies) to be reliable, maintainable, and technically feasible.

(3) Any project selected under this section shall be adaptable to the local resources, climatic conditions, and economic circumstances of the host country in order that such country will more likely implement similar projects.

(4) The Secretary of State shall take the steps necessary to insure that any project selected under this section is demonstrated to, and available for inspection by, officials and other citizens of the host country.

(5) In selecting projects under this sections, the Secretary of State shall give priority to projects to be implemented in less developed countries.

(c) Whenever any building is constructed under the authority contained in the first section of the Foreign Service Buildings Act, 1926, the Secretary of State shall take the steps necessary to insure that the planning for such construction takes into account those renewable energy systems which are available in the country in which the building is to be constructed.

(d) In addition to amounts otherwise available for such purposes, $4,000,000 of the amount authorized to be appropriated by section 101(a)(1) of this Act shall be available only to carry out the purposes of this section.

PALESTINIAN RIGHTS UNITS

SEC. 115. (a) The Congress, noting United Nations General Assembly Resolution 3376 (XXX) which established the Committee on the Exercise of the Inalienable Rights of the Palestinian People and noting United Nations General Assembly Resolutions 32/40/A and 32/40/B which continued the mandate of that Committee and requested the Secretary General of the United Nations to establish within the Secretariat of the United Nations a Special Unit on Palestinian Rights, declares that—

(1) the continuation of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the creation of the Special Unit on Palestinian Rights are wasteful expeditures of limited United Natons resources at a time when the United Nations is experiencing severe financial difficulties and when the United Nations is under close scrutiny from contributing States;

(2) the work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People does not contribute to the process of peacemaking presently underway in the Middle East; and

(3) the United States Ambassador to the United Nations should be instructed to continue to oppose extensions of the mandate of that Committee as well as extensions of the Special Unit on Palestinian Rights.

(b) It is the sense of the Congress that the President should direct the United States Ambassador to the United Nations to use all means at his disposal to obtain action by the General Assembly to terminate the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Special Unit on Palestinian Rights.

UNDER SECRETARY OF STATE FOR MANAGEMENT

SEC. 116. (a)(1) The first section of the Act entitled "An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes", approved May 26, 1949 (22 U.S.C. 2652), is amended by striking out "a Deputy Under Secretary of State" and inserting in lieu thereof "an Under Secretary of State for Management".

(2) The individual holding the office of Deputy Under Secretary of State on the effective date of this section shall assume the duties of Under Secretary of State for Management and shall not be required to be reappointed by reason of the enactment of this section.

(b)(1) Paragraph (9) of section 5314 of title 5, United States Code, is amended by inserting "and Under Secretary of State for Management" immediately after "Programs".

(2) Paragraph (10) of section 5315 of such title is repealed.

(c) The amendments made by this section shall take effect on October 1, 1978.

ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL NARCOTICS MATTERS

SEC. 117. (a) There is established in the Department of State, in addition to the positions provided under the first section of the Act of May 26, 1949 (22 U.S.C. 2652), an Assistant Secretary of State for International Narcotics Matters, who shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall be responsible for the overall coordination of the role of the Department of State in the international aspects of narcotics problems.

(b)(1) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(122) Assistant Secretary for International Narcotics Matters, Department of State.".

(2) The amendment made by paragraph (1) of this subsection shall take effect on October 1, 1978.

Mr. ZABLOCKI (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MR. JEFFORDS

Mr. JEFFORDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JEFFORDS: Page 15, insert the following new section after line 18:

WORLD ALTERNATE ENERGY CONFERENCE

SEC. 118. It is the sense of the Congress that the United States should encourage the United Nations to hold a World Alternate Energy Conference in 1981 to consider ways to meet the world's energy needs through the development and use of alternate energy sources. A main purpose of the Conference should be to consider the establishment, under the auspices of the United Nations, of an international alternate energy organization which would encourage the worldwide use of alternate energy sources by assisting in the dissemination of information and by other appropriate means.

Mr. JEFFORDS. Mr. Chairman, I propose an amendment to H.R. 12598 which would encourage the Department of State to take a leadership role in the United Nations to promote a major international conference in 1981 on alternate energy technologies and their expanded use.

The idea for the development of such a conference has been suggested by a number of authorities, including the President in a recent speech in honor of "Sun Day," the nationwide celebration of solar technologies. In addition, such a conference has been discussed within the United Nations organization for several years, and will, I am told, be a topic for consideration during the meetings of the Governing Council of the U.N. Economic and Social Council this upcoming July.

The amendment is based on a resolution which I introduced last December, introduced simultaneously in the Senate by Senator HUMPHREY, and which has been one of the measures sponsored in general by the solar coalition.

International—U.N.-sponsored—conferences have recently been held, or are planned, on a number of global issues: Environment (1972), food (1974), population (1974), water (1977), decertification (1977), and science and technology (1979). In most cases, they were conceived and initiated just before or at the time that widespread public attention—and that of policymakers—was being brought to bear on their respective subjects. By the time of the conference themselves, the particular subject had usually become front-page material.

The chief purpose of any world conference is usually education that results from news media coverage on the important people that gather and the issues they debate. Thus the Stockholm Conference on the Environment and the Rome World Food Conference were intensive learning periods for people throughout the world with respect to those topics. Similarly the recent world water conference has stimulated a great flow of information on water. Equally important with public education is the value of conference in educating government leaders who are forced by the conference to devote attention to a topic that otherwise might be neglected.

Another purpose is to develop a consensus on as many issues as possible. This is done during the preparation period leading up to the conference. During that period, governments and nongovernmental organizations are forced to develop and adopt positions on the issues at stake.

Some of the questions which might usefully be discussed at an alternative energy conference in 1981 would be: First, what kind of continuing organizational arrangements at an international level should be established to promote information exchange and for other purposes? This should be a main purpose of the conference in that all too often followup is lacking after all the rhetoric has died down; second, what technologies are most promising for rural use and for urban and industrial use? and third, how can R. &. D. efforts around the world be stimulated, coordinated, and economized?

With a couple of years of good preparatory work—that is, workshops, colloquiums, staff papers, and so forth—a conference on alternate, or solar, energy could achieve several benefits. To begin with, it could do much to improve the image of renewable energy technologies which are generally dismissed in the Third World as second best, or poor man's energy. If Secretary Schlesinger were to lead the U.S. delegation, if President

Carter were to send a strong message of support, if the U.S. Government were to put a lot of muscle in preparing for such a conference, and if the strong European interest in these topics is brought to the support of the conference, it could reverse this misconception. Certainly with such an effort it should be possible to persuade the Third World that: First, eventually all of us will have to turn to renewable energy; second, that we of the North, being hooked on capital intensive depletable technology, will have a long and painful withdrawal; but, third, the South, not yet being hooked, might just have an opportunity to put into place new kinds of energy systems without having to go through a period of major capital dependence on depletable systems.

Given proper advance preparation, the conference could formalize certain agreements on which experts had worked out a consensus. For example, it might agree to establish an international institute for renewable energy. Alternatively—or additionally—it might designate or establish a lead agency to pull together into a loose network the solar energy work now going on in some 200 programs around the world. The lead agency might insure that information developed anywhere in the network—for example, in the new U.S. Solar Energy Research Institute—is quickly made known to the entire network, exchanges personnel and essential materials, and provides seed money to start up research on promising but neglected topics.

OPEC might also play a useful role in the proposed conference. It is conceivable, for example, that some OPEC countries—for example, Saudi Arabia—might help finance a solar network. The United States and the Saudis have already begun major cooperation in the solar field, and there is no reason that this cannot be continued and even expanded upon.

I know that there are a lot of other things that my colleagues would recommend be done in regard to such a conference, and I hope that they will be supportive of this amendment.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman from Vermont (Mr. JEFFORDS) for yielding to me, and I wish to express my appreciation, on the part of the committee for the contribution the gentleman has made on this subject. The gentleman has made his amendment available to us and we have very carefully reviewed it, and we are willing to accept it.

Mr. JEFFORDS. Mr. Chairman, I would just conclude by saying that this is another one of the bills that was introduced by the solar coalition and cosponsored by some 60 Members, and I believe it is also contained in the bill in the other body.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, I listened to the Clerk read the gentleman's amendment, and would add that this bill is replete with institutions, conferences and boards that do not now exist and the gentleman is adding another one. Did the gentleman mention who will pay the cost of this and how much?

Mr. JEFFORDS. I think the gentleman did not hear the first part of the amendment. This has to do with the establishment within the United Nations of such body, and it would be similar to many others which have been devised over the years. It would not require funding by this body, nor is there any intention, except for the direct method of financing the United Nations, that there would be any financial burden placed upon the United States.

Mr. BAUMAN. This simply calls for the holding of such conference?

Mr. JEFFORDS. Yes, it does.

Mr. BAUMAN. I think the gentleman is under the misimpression that the United States does not pay the largest part of the United Nations operations. Undoubtedly, his taxpayers and mine will have to pay for this conference, whatever its merits and principles.

Mr. JEFFORDS. I thank the gentleman.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Alabama.

Mr. BUCHANAN. I thank the gentleman for yielding.

This side is pleased to accept the amendment.

Mr. JEFFORDS. I thank the gentleman.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. JEFFORDS).

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. GLICKMAN: Section 101(a)(2) is amended by striking the figure, "$412,881,000," and inserting in its place the figure, "412,781,000," and Section 803 is stricken from the bill.

Mr. GLICKMAN. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GLICKMAN. Mr. Chairman, I spoke to this issue briefly before, and I appreciate the opportunity to offer the amendments and also appreciate the cooperation from the chairman of the committee.

This amendment again relates to the creation of a special study and the funding of $100,000 to decide whether we want to set up additional parliamentary exchanges or assemblies. As I pointed out in my colloquy with the gentleman from New York, I am extremely concerned not so much with the Interparliamentary Unions but the fact that we are kind of setting a precedent here, that we are setting up a special study commission, another one of these commissions, to determine if additional parliamentary exchanges are needed.

In order to get some background information, let me tell the Members that the United States participates in four key interparliamentary sessions: one with Mexico, one with Canada, one with NATO members, and one worldwide, and on a less formal basis with Great Britain—and increasingly with European parliaments. The cost depends largely on location of the sessions and the numbers of members participating. The intent is to be kind of a U.N. for legislators. During the original formation of these things, I believe partly led by former Senator Fulbright, it was felt that these sessions were useful but that they should not be permitted to proliferate, and that was a key word. When we look back at the legislative history: In determining that these sessions should not be permitted to proliferate, Members of Congress were concerned that Members could end up spending over half their time on these trips.

What I am really concerned about here is the fact that we are setting up a section of this bill which has as its inherent purpose a study funded separately from the committee's own funds, which will endeavor to determine whether additional parliamentary conferences should be utilized or not. Maybe they should, but we do not need 100 grand out of this bill to do it. The committee has got the authority internally; they are smart enough internally; the staff is capable enough internally to decide whether we want to have the additional conferences or not.

I believe we ought to follow in the footsteps of Senator Fulbright, who freely said that while these things are good, they should not proliferate. We are worried about the nonproliferation of nuclear weapons. I think we should also worry about the nonproliferation of these junkets. I do not consider every one of these meetings to be a junket. I think there is a valuable purpose to be served between the Members of Congress and the members of parliaments all throughout the world. However, I think it is just absolutely inane and absurd to include a section in this bill which calls for an additional $100,000 to study whether we should create any additional conferences. I think the committee is perfectly capable of doing that internally, and, accordingly, Mr. Chairman, my amendment will decrease the budget of this bill by $100,000, will strike the section of the bill which will call for the creation of this special study, and will provide that we shall continue to do our appropriate role of oversight in determining where we should have these interparliamentary conferences. I think if the members of the public—the people in our districts—could see this amendment, while they need to be educated at times about the good purposes of these Interparliamentary Unions, they do not need to be educated about this one. This is a total waste of money, and I urge the adoption of my amendments.

Mr. Chairman, I yield back the remainder of my time.

Mr. WOLFF. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first, let me say in answer to the gentleman who offered the amendment that when the gentleman indicated that this was a total waste of money, we sometimes operate in this body on the basis of foreign intelligence and other times on total ignorance of foreign intelligence.

The gentleman said that he looked at this while on the airplane on a trip he was taking from his home State here. When the gentleman saw this portion of the bill, the gentleman made a determination to cut this amount from the bill.

Now, that is not really the way that we should be legislating here. Actually, in the weeks that we spent on drawing up this bill, we examined every one of these points very carefully. We held hearings on all the aspects of this bill. Now, one aspect of it, the gentleman singles out is the study to cut expenditures for parliamentary exchanges. We are spending millions in this bill on these international assemblies.

Now, when we come down to the idea of being penny-wise and pound-foolish, this is a typical example of how we try to show and wave in the air the savings of $100,000, in order to spend millions on these various conferences around the world.

I am sure that the gentleman's constituents would want the gentleman to see to it that the money we spend in this Congress is spent in a fashion consistent with the well-being of not only the House, but of the entire Nation and the Nation's taxpayers.

Therefore, I say that the idea of trying to single out the matter of a study, which is to try to reform, which is to try to condense the number of these assemblies that we have or parliamentary exchanges we have, is just not logical. But perhaps he seeks to add rather than reduce the funds.

The gentleman quotes Senator Fulbright. We have had a great many changes that have occurred since Senator Fulbright's time in the Congress. Congress has taken a much greater role in the determination of foreign policy.

The gentleman just cannot sit on an airplane and cavalierly make determinations on foreign policy. I think what we want to try to do here is to attempt to get an outside source to come in and make a study of existing assemblies, see what is necessary, change them if necessary, and cut back wherever is necessary.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I am delighted to yield to the gentleman from Michigan.

Mr. NEDZI. Mr. Chairman, will the gentleman help me understand what this particularly authorizes the gentleman's subcommittee or the full Committee on Foreign Relations to do which they properly cannot do?

Mr. WOLFF. It is not only the question of spending $100,000. The idea behind this is to see that we get an outside study made of these existing organizations.

Mr. NEDZI. There are none at the present time?

Mr. WOLFF. Well, there are private turfs within the Congress, that have existed for a long time in individual parliamentary exchanges. Perhaps doing a study in house we would not get as unbiased a view as if we had someone from the outside come in and make a study.

Mr. NEDZI. Mr. Chairman, if the gentleman will yield further, there is nothing prohibiting us from coming in with an outside source at the present time. As somebody indicated, it is a question of spending $100,000 through the backdoor and not going through the Committee on House Administration that is really what it amounts to.

Mr. WOLFF. Not really, because, after all, we did not go through the back door; we went through the front door by putting this recommendation in the bill as a State Department-congressional operation.

Mr. NEDZI. Front door or back door, the fact of the matter is that the Committee on House Administration does not have jurisdiction over this particular amount of money if it is handled in this particular fashion, is that not correct?

Certainly there is no legislative prohibition as far as the jurisdiction of the committee is concerned to get into this kind of problem. I regard it as a responsibility of the committee, and if an appeal is made to the chairman of the committee on House Administration, I am sure it would be considered very objectively.

The CHAIRMAN. The time of the gentleman from New York (Mr. WOLFF) has expired.

(On request of Mr. GLICKMAN, and by unanimous consent, Mr. WOLFF was allowed to proceed for 2 additional minutes.)

Mr. NEDZI. Mr. Chairman, will the gentleman yield further?

Mr. WOLFF. I yield to the gentleman from Michigan.

Mr. NEDZI. Mr. Chairman, I would still like to hear from the gentleman as to what this would authorize the committee to do that it is not presently authorized to do.

Mr. WOLFF. Mr. Chairman, it is similar to what we have now in the funding of the various parliamentary assemblies that is under the jurisdiction of our committee. These assemblies are not funded through the Committee on House Administration.

Mr. NEDZI. This is not a parliamentary assembly, however.

Mr. WOLFF. The objectives here is to study the parliamentary assemblies in the same fashion as we fund the parliamentary assemblies.

Mr. NEDZI. Mr. Speaker, I think we have exhausted our discussion.

Mr. SKUBITZ. Mr. Chairman, will the gentleman yield?

Mr. WOLFF. I am delighted to yield to the gentleman from Kansas.

Mr. SKUBITZ. Mr. Chairman, may I say to the gentleman that in the past I have opposed and voted against funds for the interparliamentary organizations and similar organizations.

It was my privilege as a member of the Select Committee on Narcotics Abuse and Control to make a tour of a number of Asian countries. I attended the meetings that the chairman of the Select Committee, the gentleman from New York (Mr. WOLFF), chaired, and we talked about the need for some sort of a legislation forum where the representative of the Asian countries could meet and discuss their mutual problems.

I want to say to the Members that every one of the nations we visited were interested in that proposal. I think what the gentleman from New York (Mr. WOLFF) has in mind is to further explore that possibility; is that not correct?

Mr. WOLFF. Yes, the gentleman is correct.

Mr. SKUBITZ. Mr. Chairman, if that is the purpose we should not be thinking in terms of $100,000; it should be closer to $250,000 or $300,000. This is an area in which some of the peoples of the world have been worried because of the pullouts that have taken place on our part. They wonder whether we are turning our backs.

Mr. GLICKMAN. Mr. Chairman, if my colleague, the gentleman from New York (Mr. WOLFF), will yield, may I respond to my colleague, the gentleman from Kansas (Mr. SKUBITZ), by saying that the real issue is what the gentleman from New York says is the question of turf.

The CHAIRMAN. The time of the gentleman from New York (Mr. WOLFF) has again expired.

(On request of Mr. GLICKMAN, and by unanimous consent, Mr. WOLFF was allowed to proceed for 1 additional minute.)

Mr. GLICKMAN. Mr. Chairman, if the gentleman will continue to yield and if I may proceed, obviously since it is a question of turf, it is a question of jurisdiction, and this is the easiest way to handle the issue.

Mr. Chairman, if I may respond further, let me say that I am not opposed to the Interparliamentary Unions or conferences I just think—and in this I agree with my colleague, the gentleman from Ohio (Mr. ASHBROOK)—that this is an absolutely ridiculous way to go. The staff is already there, and the committees are there. We are going to have 2 months at the end of this year when we are out running for reelection and we have nothing to do but try to determine these basic issues.

Mr. Chairman, there is no reason to furnish this $100,000.

Mr. SKUBITZ. Mr. Chairman, if the gentleman will yield further, the possibility has been there for years, and no one has looked into it. It is always argued that the objective is OK but there is another way to do it. Nothing will be done unless we find someone who has the courage and the desire and the determination to get at this problem and try to get a closer working relationship between this country and the Asian countries.

Mr. GLICKMAN. Mr. Chairman, let me say to the gentleman that the gentleman from Ohio and I have stated to our colleagues before that we hear that logic on every issue that comes before the Congress.

Mr. BUCHANAN. Mr. Chairman, I move to strike the requisite number of

words, and I rise in opposition to the amendment.

Mr. Chairman, I would like to underline some of the remarks made by our colleague, the gentleman from Illinois (Mr. DERWINSKI). I think we must understand the importance to our country of these exchanges.

I know that the U.S. House of Representatives has been a favorite whipping boy of ourselves and of the press throughout American history. That certainly is true today.

I know much is made of congressional travel, but as one Member who does not personally belong to any of these parliamentary groups, I want to underline my own sense of their importance to our country and to other countries which, as the gentleman from Illinois (Mr. DERWINSKI) emphasized, are those that still have parliaments. We need this communication. It is of value.

It has always been a strange thing to me that bureaucrats of the executive branch of our Government crisscross the oceans and the earth, traveling many thousands of miles week after week, month after month, and year after year, to perform their sometimes great and sometimes very small business in various places at vast expense to the taxpayers, and yet this coequal branch of the Government whose entire budget amounts to but a drop in the bucket, compared to that of the average agency of the executive branch of Government, is somehow hesitant to do the essential travel to fulfill our responsibilities, and are often attacked for so doing.

We are hesitant to go and see for ourselves what the conditions are, to go and meet for ourselves the people who are the decisionmakers, and to play a more decisive role by being there on the ground and on the spot and by maximizing communication with other leadership peoples so that we might rightly manage our far-flung enterprises over which we control the purse strings and for which we have responsibility to the American people.

Why should not the people's branch communicate broadly with people's representatives from other countries? Why should not the people's branch, which controls the purse strings and which has the legislative responsibility in this Government, do the necessary travel to properly fulfill that responsibility?

The United States did not seek world leadership; we grew into it. Because our way of freedom works, we became strong and great. And we were dragged kicking and screaming, as it were, into a position of leadership in the world. But we are in that position, and the world looks to us for leadership. We must give it. If we are to give the leadership that history requires of us, we need communication with other countries which have parliamentary bodies. We need the communication and we need to be on the spot to give the leadership.

Mr. Chairman, I urge the defeat of this amendment.

Mr. BAUMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if we may descend, for a moment, from the lofty heights of international expression to a more mundane level—and that is the best interest of the taxpayers of Kansas and Maryland and Alabama—could anyone on the Committee on International Relations tell me what the committee's travel budget is this year, in total, authorized by the House Administration, as the gentleman from Michigan (Mr. NEDZI) referred to? How much money does the committee have available for committee travel?

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the distinguished gentleman from Wisconsin.

Mr. ZABLOCKI. I think the committee will probably use about $200,000 for travel in 1978.

Mr. BAUMAN. In addition to that, are there not statutory amounts authorized for the Interparliamentary Union, the Mexican and the Canadian groups?

Mr. ZABLOCKI. If the gentleman will yield further, that is not within our committee. They are separately funded.

Mr. BAUMAN. I understand that, but are there not also additional statutory amounts available that the Congress authorizes for those various groups?

Mr. ZABLOCKI. Not for the Committee on International Relations. I sign the vouchers, I might say to the gentleman, and the only vouchers I am authorized to sign are for trips that are authorized for members of our committee.

Mr. BAUMAN. The gentleman indeed recalls having a colloquy with the gentleman from Wisconsin at some time in the last 6 to 12 months regarding increases in the Interparliamentary Union funding. At the time, it became a matter of discussion as to whether this money is at the discretion of the Speaker under general travel funds or whether it is authorized separately.

The point the gentleman wishes to make is that, in addition to the travel money the gentleman's committee has available, $200,000, there are other funds for the interparliamentary groups. Now we are seeking $100,000 in addition, to study, as the gentleman said, further meetings on an interparliamentary basis.

I think it is perfectly reasonable for the gentleman from Kansas (Mr. GLICKMAN) and the gentleman from Michigan (Mr. NEDZI) to question whether or not this is the appropriate forum for a quantum jump in spending for what undoubtedly the study will conclude—or it would not be made—that still more international travel is necessary.

Mr. ZABLOCKI. If the gentleman will yield further, I must advise the gentleman that an answer to his question would probably be more directly and more emphatically given by the gentleman from New York, who is the sponsor of this particular section.

Mr. BAUMAN. I will be glad to yield to the gentleman if he can shed any light, because the report devotes all of five lines to this entire section.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. Yes, I yield to the gentleman from New York.

Could the gentleman tell me the amount that is available to interparliamentary groups under current law?

Mr. WOLFF. Unfortunately, there is a misinterpretation of this amendment. It has nothing to do with the interparliamentary unions.

Mr. BAUMAN. My question is, How much money is now available by action of the House or of the Congress for the various interparliamentary groups or the subgroups that meet in Canada, in Mexico, and so on?

Mr. WOLFF. There is $195,000 forwarded through section 101(a)(1) for parliamentary exchange groups. It is established by law.

Mr. BAUMAN. It was stated that the chairman has $200,000 at this disposal. We are now getting close to $400,000.

That, of course, does not in any way affect any of the other committees of this body which have international travel; does it?

Mr. WOLFF. Would it not be the purpose of the gentleman to do exactly what we have done in order to try to reduce it, if at all possible?

Mr. BAUMAN. The gentleman from Maryland is the first to join with the gentleman from New York in economizing. However, the gentleman from Michigan (Mr. NEDZI) has made the point that he serves on a not parsimonious committee, and everybody's budget is funded in accordance with what they need and can justify. However, the committee comes in here with another $100,000, which is to be taken out of the pockets of the taxpayers of the United States.

With respect to what the gentleman from Alabama has said, we are not in any way denigrating ourselves by trying to keep a handle on this travel money, I say to the gentleman from Alabama.

I am sure that my colleague, the gentleman from New York, did not go home this weekend. Where did the gentleman go? I know what the folks are saying in my district about congressional travel.

That is a rhetorical question, of course.

Mr. WOLFF. Will the gentleman yield further?

Mr. BAUMAN. The gentleman was not out of the country, I hope.

Mr. WOLFF. Not at all. The gentleman was parading with the VFW.

If the gentleman will yield further, may I say to the gentleman that unfortunately, because of the fact that many people have not been conversant with the real intent of this legislation, they take it to be a means of proliferating—let me put it that way—these commissions and these exchanges.

Exactly the opposite is the purpose of this organization. There have been any number of individual countries which have asked our country for a bilateral exchange. These things can proliferate at a very high rate.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. BAUMAN) has expired.

(By unanimous consent, Mr. BAUMAN was allowed to proceed for 1 additional minute.)

Mr. BAUMAN. Mr. Chairman, I would say to the gentleman from New York (Mr. WOLFF) that I heard his argument earlier when he said that we are going

to spend this $100,000 and thereby spend less.

I am aware of the principle which the gentleman from Ohio (Mr. ASHBROOK) enunciated when he said that he has learned in 18 years in Congress that things do not work in private life the same way they work here.

I doubt seriously that we will save any money here by spending more.

I think the most laudable part about section 803 is that it gives the discretion to the chairman of the Committee on International Relations, and I know the chairman would handle these funds very wisely and with a great deal of restraint.

Mr. WOLFF. Mr. Chairman, will the gentleman yield further?

Mr. BAUMAN. If the gentleman from New York wants to add to the compliment, I will yield to him.

Mr. WOLFF. I will add a compliment to the same effect; but I also say to the gentleman, does he oppose foreign travel in general?

Mr. BAUMAN. The gentleman from Maryland does not oppose all foreign travel; but he thinks it could be cut in half, and nobody except Members of Congress would miss it. As a matter of fact, it would save the taxpayers not only money, but many foreign entanglements as well.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support this farsighted, but apparently unappreciated section of the bill.

I would like to point out to my dear friend, the gentleman from Maryland (Mr. BAUMAN), that he would be a most welcome addition to any Congressional parliamentary group. I think he would be especially effective when we met with the Russians. He would give them a shock treatment from which they would never recover. I would think we would all benefit from his service.

However, Mr. Chairman, the gentleman from New York (Mr. WOLFF) does make a very vital point. We are constantly being pressured—not just we, the Congress, but our Executive Branch, including the State Department—by requests from foreign countries to have parliamentary exchanges.

There are two reasons for this: One is that they want the prestige of meeting with a committee of the U.S. Congress or with a group of Congressmen. The other is that many legislative bodies, especially in Eastern Europe, parts of Latin America, and of Africa, are really not that busy. They therefore are interested in parliamentary trips. We have to regulate it, and that is the purpose here. One of the practical ways in which to regulate it is to see that the overall jurisdiction of the flow of traffic is maintained by the chairman of the House Committee on International Relations.

Mr. Chairman, we can point to the success stories of the United States-Canadian and United States-Mexican parliamentary meetings, which have gone on year after year in effective educational fashions for both countries. Yet, we cannot control this subject unless it is regulated as dozens of other countries request meetings with us.

Therefore, as we saw this in committee, this would be a means of maintaining proper jurisdiction while permitting a few brief exchanges that will be beneficial to the parliamentarians of other lands and to our members.

Mr. Chairman, let me give just one example. The President of Romania was here some years ago on his first visit. He has since been here a number of times. His first request of the State Department was that they approve an annual exchange of parliamentarians between Romania and the United States.

We do not have that much in common with Romanian parliamentarians to meet with them year after year, and a visit once every 5 years for the purpose of discussions would probably suffice.

That is the kind of traffic patrolling, the kind of overall discretion and discipline, that is envisioned in this section. So, I would hope that our colleagues would not be deluded by the figure of $100,000, which is really a practical vehicle for setting up meetings with parliamentarians who desire them, and whose countries are pressing for them. That would be under the control of the chairman, and it would not interfere with our normal work. In the long run it would be an effective way for Congress to play a role in guiding these international exchanges.

Mr. ASHBROOK. Mr. Chairman, I move to strike the requisite number of words .

Mr. Chairman, I rise in support of this amendment. I probably do it in a little different perspective than my close friend and colleague, the gentleman from Maryland (Mr. BAUMAN). I have taken a number of trips. I would not qualify along with Mr. DERWINSKI, the Marco Polo of our side. I imagine that I have averaged out about one foreign trip every 3 years. I think they have been good trips, certainly not junkets.

What a lot of Members worry about is what I would call, "The great Karnak" syndrome. We all have seen Karnak the magician. He always says: "Here is the answer; what is the question?" Many congressional trips are about like the Karnak parody. You want to make the trip so you find the reason. So, we want to know what the question is and how to make this trip necessary. It is basically what we are talking about.

I do not think we are pointing a finger at the Committee on International Relations. I serve on the Committee on Education and Labor and on a number of committees, and I think it is something widespread throughout this entire body. Again, I do not think we are being quite honest with the taxpayers when we talk about committee travel in terms of this $200,000 figure or $100,000 figure. There are dozens of ways of travel.

I have already been offered this year an opportunity to go overseas and to have the expense charged off to two executive departments, not to Congress. We also have counterpart funds. I have been around here for a few years, and I know of no one who has not been able to take a trip they really wanted to take if it were necessary.

There are so many areas where we have money coming out of our ears that is used for travel. I do not think it is asking too much to cut in one small area. If I could be convinced that it was going to cut anything that is absolutely necessary, I would not support this amendment, but I know down deep in my heart, as I am sure almost everyone here knows, that we really do not need that extra $100,000.

I say that as a person who probably will be taking a trip this year, a necessary trip, one which I hope will not be labeled a junket. I believe in travel. I believe we ought to find out everything we can. I have crossed that bridge. The press accuses us of taking junkets. We should not allow ourselves to be browbeaten out of taking a trip in the fear that some journalist is going to accuse us of taking a junket.

So, I talk from a different perspective. I believe in taking necessary trips. I think there has been a great amount of good done, but by the same token, we could hold the line at least by $100,000. I urge every Member to support this amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Kansas (Mr. GLICKMAN).

The question was taken; and on a division (demanded by Mr. GLICKMAN) there were—ayes 16, noes 12.

So the amendments were agreed to.

AMENDMENT OFFERED BY MR. EILBERG

Mr. EILBERG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EILBERG: Page 15, insert after line 18 the following new section:

TRAVEL DOCUMENTATION OF ALIENS AND CITIZENS

SEC. 118. (a) Subsection (a) of section 215 of the Immigration and Nationality Act (8 U.S.C. 1185) is amended by striking out "When the United States" and all that follows through "be unlawful" and inserting in lieu thereof "Unless otherwise ordered by the President, it shall be unlawful".

(b) Subsection (b) of such section is amended to read as follows:

"(b) Except as otherwise provided by the President and subject to such limitations and exceptions as the President may authorize and prescribe, it shall be unlawful for any citizen of the United States to depart from or enter, or attempt to depart from or enter, the United States unless he bears a valid passport.".

(c) Subsection (f) of such section is amended by striking out "proclamation," both places it appears.

(d) Such section is further amended by striking out subsection (c) and redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

(e) The heading of such section is amended to read as follows:

"TRAVEL DOCUMENTATION OF ALIENS AND CITIZENS".

(f) The item relating to section 215 in the Table of Contents of the Immigration and Nationality Act is amended to read as follows:

"SEC. 215. Travel documentation of aliens and citizens.".

Mr. EILBERG (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. EILBERG. Mr. Chairman, I have proposed this amendment which would amend section 215 of the Immigration and Nationality Act to insure that persons will be required to bear a valid travel document, primarily passports, when they either enter into or depart from the United States.

This amendment is necessary at this time because section 215 of the Immigration and Nationality Act now states that whenever the United States is at war or during the existence of any national emergency proclaimed by the President, it is unlawful for citizens to depart from or enter or attempt to depart from or to enter the United States, without proper documentation. Pursuant to the National Emergencies Act, Public Law 94–412, Presidential Proclamation 3004 of January 17, 1953, terminates as of September 14, 1978, and the documentation requirement will lapse.

Although the continuation of the passport requirement for citizens may appear to impede travel, I believe the impediment will occur if the passport requirement is allowed to lapse. Passports permit travel with a minimum of inconvenience because most countries in the world now require travelers to be documented with passports which show both citizenship and identity. Abandoning the passport requirement for U.S. citizens and nationals may result in many cases where travelers arrive at their countries of destination only to discover that they are not allowed entry because they lack the proper documentation.

Alternatively, as the travel industry becomes more aware of the requirements of receiving countries travelers may find themselves unable to board their flights because of improper documentation. Ensuing difficulties would arise with the requirement of attempting to find appropriate documentation on emergency bases. The Department of State has recently completed research into this issue and inquired of our embassies and consulates abroad how the host countries would react to American citizens seeking entry without passports. While they have not yet received answers from all countries they have received answers from 102 countries of the world; 91 of those countries simply would not admit U.S. citizens not in possession of U.S. passports. The 11 countries thus far who would admit them are countries located in the Caribbean and North American areas of the world.

Undocumented U.S. travelers may well encounter delays when they seek assistance from our embassies and consulates abroad. The Department of State cannot provide services to persons who are not our nationals and must exercise care in determining those requests for aid which come from persons who are unable to establish their U.S. nationality.

In cases of disaster, such as the aircraft accident at Tenerife, passport applications provide information on persons to be notified in cases of emergencies. Additionally, thousands of persons lose their passports each year and seek replacements. In cases where there is insufficient evidence to issue replacement passports, overseas posts cable the Department and verify issuance of previous passports. In cases of lost citizens, passport applications can provide information on the probable overseas whereabouts of these citizens.

Similar delays will occur when travelers, citizens and aliens alike, depart from or attempt to enter the United States but have no documents in their possession to substantiate their claims. The delays will result from the needs of our Government to assure itself of the veracity of the travelers' claims to their respective citizenships and identities.

The Department of State has for some years been issuing passports to very large numbers of American citizen travelers. The Department has prided itself in that it has been able to respond to this demand in a facilitative way. Last calendar year over 3 million such citizens were issued passports with a minimum of delay. The Department is even now preparing itself for the increased volume of passport issuance it anticipates in the future. The Department will be opening three new agencies during this calendar year to facilitate travelers.

Thus, we see that the elimination of the passport requirement has the capability of thrusting large numbers of citizens who are traveling abroad into unnecessary difficulties. The difficulties would be enlarged with travelers being refused entry in the country of destination.

Over the last 20 years the passport has become a recognized document to facilitate entry and exit from countries. The International Civil Aviation Organization to which the United States has representatives, has been engaged for some years in attempting to find ways to standardize the size of the passport and the layout of the identity information. These attempts are aimed at meeting the requirements of not only this country but also other countries in ways which do not adversely affect the travel of persons throughout the world, but ease further the burden of exiting and entering other countries.

In my amendment, I am deleting the provisions in the administration's bill for an administrative penalty against persons who violate any provisions of section 215. The thrust of my amendment is to facilitate travel, not to obstruct it and cover it with penal overtones.

Lastly, INS has expressed concern that its travel control over aliens departing the United States also lapses on September 14 if section 215 is not amended. Section 215(a) presently states it is unlawful for any aliens to depart from or enter or attempt to enter the United States except under such reasonable rules, regulations, and orders the President may prescribe if the United States is at war, or a national emergency exists as proclaimed by the President, or there exists a state of war between or among two or more states. The proposed amendment to section 215(a) will continue to allow the President to prescribe rules, regulations, and orders dealing with the entry and departure of aliens.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I am happy to yield to the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I have no objection to the amendment which is being offered by our distinguished colleague, the gentleman from Pennsylvania (Mr. EILBERG). It is similar to an Executive request which has been co-referred to the Committee on the Judiciary and the Committee on International Relations.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. ZABLOCKI, and by unanimous consent, Mr. EILBERG was allowed to proceed for 1 additional minute.)

Mr. ZABLOCKI. Mr. Chairman, if the gentleman will yield still further, as I was saying, the amendment offered by the gentleman from Pennsylvania (Mr. EILBERG) is similar to an Executive request which has been co-referred to the Committee on the Judiciary and the Committee on International Relations, and it would prevent a serious problem from occurring after September 14 when the President's emergency authority to issue passports expires. I certainly agree that further impediments to travel would result if the passport requirement is allowed to lapse. Therefore, Mr. Chairman, I commend my colleague from Pennsylvania for offering this amendment and urge its approval.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, I would like to record my support to the amendment which my colleague from Pennsylvania has introduced. This country should not, in modern times, be without a statutory base for a U.S. passport. This amendment is thus a "tidying up" of earlier emergency proclamations which have been permitted to last too long and are now about to lapse.

During the years of the current emergency proclamation, we have seen the passport grow from a document and a concept viewed by many as a hindrance of international exchange and travel to a document of today where it has become an important ingredient to facilitate our citizens in their pursuit of international travel. Nearly all of the countries in today's world require foreign visitors to their shores be in possession of passports proclaiming the identity and nationality of individual travelers. In this era of travel in numbers never before visualized, the simple act of separating passengers at a port of entry be-

comes a complex and difficult task. And this sorting by nationality is a never ceasing problem for the international traveler.

The country being visited establishes different queues for nationals than for visitors. Good identification is also necessary to confirm a registration at a hotel; a traveler needing help or assistance from his government can produce his passport as the best evidence that he is a national of the country and entitled to help. Many countries have a visa requirement for foreign travelers. All of these problems, and there are many others, are solved most easily and efficiently by the one simple document: the passport.

It, therefore, seems to me that this amendment provides the means for continuing to facilitate U.S. citizen travellers with the service they have come to expect over recent years and are entitled to expect in the future.

Mr. Chairman, the Department of State, which issues passports, is equipped to continue this service in its 11 passport agencies around the country. The number will grow to 14 during this year. The Department has also organized clerks of Federal and State courts and postal clerks throughout the country to provide neighborhood points to accept passport applications. They process these passport applications with dispatch and reliability.

Were this amendment not passed, what then? The Department of State would continue to issue passports only to those who sought them, while the citizen who did not seek the passport could be inhibited in his travel at the airline counter, or worse, in the country of destination. The broad confusion for the citizen, the travel industry, and the Government should be too much to accept.

This amendment makes it possible to continue to process, in an orderly fashion, passports for all of our citizens who need or desire to travel. By so doing, we insure maximum ease in meeting the various formalities of the countries they choose to visit.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. EILBERG) has expired.

(On request of Mr. BUCHANAN, and by unanimous consent, Mr. EILBERG was allowed to proceed for 1 additional minute.)

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I will be happy to yield to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I, too, concur with my distinguished chairman, the gentleman from Wisconsin (Mr. ZABLOCKI) and with the gentleman from Pennsylvania (Mr. EILBERG) in the merit of his amendment.

Mr. Chairman, so far as this side is concerned, we fully support the amendment.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I also commend the gentleman from Pennsylvania (Mr. EILBERG) on offering his amendment. I am very pleased that my colleague on the Committee on the Judiciary has brought this matter forward. We would admit that this is coming forward at a late hour and that it probably should have been voted on its own but we sometimes find that when some circumstances happen because of the time lapse that it is necessary to take the best vehicle we can and use it. I think that is exactly what my colleague the gentleman from Pennsylvania has done. I think that the best interests of our country will be well served by the approval of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. EILBERG).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BAUMAN: On page 4, strike out line 22 and all that follows through line 4 on page 5.

Mr. BAUMAN. Mr. Chairman, this amendment simply strikes the language dealing with the so-called whiskey fund for the International Joint Commission. As we know, a great many departments, agencies, committees, and commissions have an entertainment fund. At some past point the Congress of the United States felt that the International Joint Commission between the United States and Canada should operate, for its entertainment purposes, on a budget of $1,500 a year.

Now, this is not meant in any way as an indictment of the current members and the Chairman of that Commission. As I recall, there is only one Chairman and two other commissioners. If you divide the $1,500 up three ways that comes out to $500 worth of entertaining a year each. I should think that they could get along with that amount.

I do not know how many times they have to go back and forth to Ottawa for their Canadian meetings but I am quite sure that their travel expense is exclusive of this amount. I do not believe the Commission ought to spend an unlimited amount of entertainment funds, and, even though the committee report says that the committee expects funds for representation purposes to be used with discretion and anticipates that controls on these costs will be retained is the annual appropriation for the Commission, I do think it would be the better part of valor for us to retain the present limitation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. BAUMAN).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I? If not, the Clerk will read.

The Clerk read as follows:

TITLE II—INTERNATIONAL COMMUNICATION AGENCY

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1979

SEC. 201. (a) There is authorized to be appropriated for the International Communication Agency for fiscal year 1979, to carry out international communication, educational, cultural, and exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 2 of 1977, and other purposes authorized by law, $417,327,000, and such additional amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs.

(b) Amounts appropriated under this section are authorized to remain available until expended.

FUNCTIONS RELATING TO THE NATIONAL GALLERY OF ART

SEC. 202. The Secretary of State may delegate to the Director of the International Communication Agency, with the consent of the Director, the functions vested in the Secretary by section 2(a) of the joint resolution entitled "Joint Resolution providing for the construction and maintenance of a National Gallery of Art", approved March 24, 1937 (20 U.S.C. 72(a)).

FUNCTIONS RELATING TO THE WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SEC. 203. (a) Subsection (b) of section 3 of the Woodrow Wilson Memorial Act of 1968 (20 U.S.C. 80f(b)) is amended—

(1) in the text preceding paragraph (1) by striking out "fifteen" and inserting in lieu thereof "sixteen";

(2) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(3) by striking out paragraph (1) and inserting in lieu thereof the following new paragraphs:

"(1) the Secretary of State;

"(2) the Director of the International Communication Agency;".

(b)(1) Subsection (c) of that section (20 U.S.C. 80f(c)) is amended by striking out "(7)" and inserting in lieu thereof "(8)".

(2) Subsection (d) of that section (20 U.S.C. 80f(d)) is amended by striking out "(8)" and inserting in lieu thereof "(9)".

TECHNICAL AND CLARIFYING AMENDMENTS ON PERSONNEL AND OTHER MATTERS

SEC. 204. (a) Section 104(e)(1) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2454(e)(1)) is amended by striking out "President" and inserting in lieu thereof "Director of the International Communication Agency".

(b)(1) The Act entitled "An Act to promote the foreign policy of the United States by strengthening and improving the Foreign Service personnel system of the United States Information Agency through establishment of a Foreign Service Information Officer Corps", approved August 20, 1968, is amended in the first section, section 2, and section 12 (2 U.S.C. 1221, 1222, and 1232) by striking out "United States Information" and inserting in lieu thereof "International Communication".

(2) Section 4 of that Act (2 U.S.C. 1224) is amended to read as follows:

"AUTHORITY OF THE DIRECTOR

"SEC. 4. Foreign Service information officers, Foreign Service Reserve officers, Foreign Service staff officers and employees, and alien clerks and employees of the Agency shall be under the direction and authority of the Director. Authority available to the Secretary of State with respect to Foreign Service officers, Foreign Service Reserve officers, Foreign Service staff officers and em-

ployees, or alien clerks and employees of the Department of State shall be available on the same basis to the Director with respect to Foreign Service information officers, Foreign Service Reserve officers, Foreign Service staff officers and employees, and alien clerks and employees of the Agency, except as provided in section 11 of this Act.".

(3) Section 10 of that Act (22 U.S.C. 1230) is amended to read as follows:

"OTHER APPLICABLE PROVISIONS OF LAW

"SEC. 10. All other provisions of the Foreign Service Act of 1946 or of any other law, which apply to Foreign Service officers, Foreign Service Reserve officers, Foreign Service staff officers and employees, or alien clerks and employees of the Department of State and which are not referred to in sections 6 through 9 of this Act, shall be applicable to Foreign Service information officers, Foreign Service Reserve officers, Foreign Service staff officers and employees, or alien clerks and employees, as the case may be, of the Agency.".

(4) Section 11 of that Act (22 U.S.C. 1231) is amended to read as follows:

"COMMISSIONING AND ASSIGNMENT AS DIPLOMATIC AND CONSULAR OFFICERS

"SEC. 11. (a) The Secretary of State may, upon request of the Director, recommend to the President that Foreign Service information officers or Foreign Service Reserve officers of the Agency be commissioned as diplomatic or consular officers, or both, in accordance with section 512 or 524 of the Foreign Service Act of 1946.

"(b) The Secretary of State may, upon request of the Director, assign Foreign Service information officers or Foreign Service Reserve officers of the Agency, commissioned as diplomatic or consular officers, to serve under such commissions in accordance with sections 512 and 514 or section 524 of the Foreign Service Act of 1946.".

(5) The title of the Act of August 20, 1968, is amended to read as follows: "An Act to promote the foreign policy of the United States by strengthening and improving the Foreign Service personnel system of the International Communication Agency through establishment of a Foreign Service Information Officer Corps."

(6) Paragraph (3) of section 522 of the Foreign Service Act of 1946 (22 U.S.C. 922(3)) is amended by striking out "United States Information" and inserting in lieu thereof "International Communication".

(7) Section 803(a)(4) of that Act (22 U.S.C. 1063(a)(4)) is amended by striking "United States Information" and inserting in lieu thereof "International Communication".

(c) Paragraph (10) of section 6 of the Japan-United States Friendship Act (22 U.S.C. 2905(10)) is amended by inserting "from the Director of the International Communication Agency, on a reimbursable basis," immediately after "obtain".

(a) Title VIII of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471–1475a) is amended by adding at the end thereof the following new section:

"SEAL OF THE AGENCY

"SEC. 807. The seal of the International Communication Agency shall be the arms and crest of the United States, encircled by the words 'International Communication Agency'. Judicial notice shall be taken of the seal.".

Mr. ZABLOCKI (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Are there amendments to title II? If not, the Clerk will read.

The Clerk read as follows:

TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1979

SEC. 301. (a) Section 8(a) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)) is amended—

(1) in the text preceding paragraph (1) by striking out "1978" and inserting in lieu thereof "1979"; and

(2) in paragraph (1), as amended by section 302 of this Act, by striking out "$79,448,000" and "$8,500,000" and inserting in lieu thereof "$88,180,000" and "$5,000,000", respectively.

(b) The amendments made by subsection (a) of this section shall take effect on October 1, 1978.

SUPPLEMENTAL AUTHORIZATION FOR FISCAL YEAR 1978

SEC. 302. Section 8(a)(1) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)(1)) is amended by striking out "$68,980,000" and "$5,000,000" and inserting in lieu thereof "$79,448,000" and "$8,500,000", respectively.

COMPOSITION OF BOARD

SEC. 303. (a) Section 3(b)(1) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2872(b)(1)) is amended in the last sentence by striking out "chief operating executive" and inserting in lieu thereof "chairman of the Board of Directors".

(b) Section 3(b)(4) of such Act (22 U.S.C. 2872(b)(4)) is amended by striking out "chief operating executive" and inserting in lieu thereof "chairman of the Board of Directors".

REPRESENTATIONAL EXPENSES

SEC. 304. (a) Section 4(a) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2873(a)) is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting the following new paragraph (8) immediately after paragraph (7):

"(8) to make available for its own use or for the use of RFE/RL, Incorporated, for official reception and representational expenses not to exceed $65,000 of the funds made available to carry out this Act each fiscal year;".

(b) The amendment made by subsection (a)(2) of this section does not apply with respect to funds appropriated before the enactment of this Act.

TECHNICAL AMENDMENTS

SEC. 305. (a) Section 8(a)(1) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877(a)(1)) is amended by striking out "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Incorporated".

(b) Section 8(b) of such Act (22 U.S.C. 2877(b)) is amended by striking out "Radio Free Europe and Radio Liberty" and inserting in lieu thereof "RFE/RL, Incorporated".

USE OF BROADCASTING FACILITIES BY COMMUNIST COUNTRIES

SEC. 306. The Board for International Broadcasting Act of 1973 (22 U.S.C. 2871–2877) is amended by adding at the end thereof the following new section:

"USE OF BROADCASTING FACILITIES BY COMMUNIST COUNTRIES

"SEC. 9. No funds or other assistance may be provided by the Board under this Act to RFE/RL, Incorporated, if RFE/RL, Incorporated, permits any Communist country (within the meaning of section 620(f) of the Foreign Assistance Act of 1961) to use its broadcasting facilities unless that Communist country permits RFE/RL, Incorporated, to use that country's broadcasting facilities on a comparable basis.".

Mr. ZABLOCKI (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Are there amendments to title III? If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—FOREIGN SERVICE AND OTHER PERSONNEL

DEFINITION OF CHIEF OF MISSION

SEC. 401. Paragraph (9) of section 121 of the Foreign Service Act of 1946 (22 U.S.C. 802(9)) is amended by striking out "or diplomatic agent" and inserting in lieu thereof "diplomatic agent, or the head of an office abroad, designated by the Secretary, whose purpose is diplomatic in nature".

COMPENSATION PLANS FOR ALIEN EMPLOYEES

SEC. 402. Section 444(a)(1) of the Foreign Service Act of 1946 (22 U.S.C. 889(a)(1)) is amended by adding at the end thereof the following new sentence: "Compensation plans for alien employees established pursuant to this section may include provision for leave of absence with pay in accordance with prevailing law and employment practices in the locality of employment, without regard to section 6310 of title 5, United States Code.".

TECHNICAL AMENDMENTS CORRECTING PRINTING ERRORS

SEC. 403. (a) Section 444(c)(1)(B) of the Foreign Service Act of 1946 (22 U.S.C. 889(c)(1)(B)) is amended by striking out "chapter 8" and inserting in lieu thereof "chapter 81".

(b) Section 441(a) of the Foreign Relations Authorization Act, Fiscal Year 1978, is amended by striking out "section 824" and inserting in lieu thereof "section 821".

(c) The amendments made by this section shall be effective as of August 17, 1977.

ASSIGNMENTS TO PUBLIC OR PRIVATE NONPROFIT ORGANIZATIONS

SEC. 404. (a) Section 576 of the Foreign Service Act of 1946 (22 U.S.C. 966) is amended—

(1) in the section heading by inserting "OR PRIVATE NONPROFIT" immediately after "PUBLIC";

(2) in subsection (a)(1)—

(A) by striking out "before their fifteenth year of service as such officers" and inserting in lieu thereof "after their seventh year of service (counting service as a Foreign Service officer and prior service as a Foreign Service Reserve officer)"; and

(B) by inserting "or private nonprofit" immediately after "or other public"; and

(3) by striking out subsection (f) and inserting in lieu thereof the following new subsection:

"(f) The Secretary may reimburse an officer for relocation expenses incident to household moves necessitated by an assignment under this section for which the officer is not entitled to be reimbursed under any other provision of law. For purposes of such reimbursement, regulations issued pursuant to section 5724a(a)(3) of title 5, United States Code, shall apply to the same extent as if the officer were entitled to be reimbursed for travel and transportation expenses under section 5724(a) of that title.".

(b) Section 576(f) of the Foreign Service Act of 1946, as added by subsection (a)(3) of this section, shall take effect on October 1, 1978, but shall apply with respect to relocation expenses incurred after the date of enactment of this Act.

CAREER COUNSELING

SEC. 405. Part D of title VI of the Foreign Service Act of 1946 (22 U.S.C. 1001–1008) is amended by adding at the end thereof the following new section:

"CAREER COUNSELING

"SEC. 693. In order to facilitate their transition from the Foreign Service, the Secretary may provide professional career counseling, advice, and placement assistance, by contract or otherwise (subject to the availability of appropriations), to officers and employees of the Service, other than those separated for cause.".

ORIENTATION AND LANGUAGE TRAINING FOR FAMILY MEMBERS

SEC. 406. (a)(1) Title VII of the Foreign Service Act of 1946 (22 U.S.C. 1041–1047) is amended by adding at the end thereof the following new section:

"ORIENTATION AND LANGUAGE TRAINING FOR FAMILY MEMBERS

"SEC. 708. To facilitate orientation and language training provided to members of families of officers and employees of the Government under the second sentence of section 701, the Secretary may make grants to family members attending language and orientation programs of study of the Institute. No grant may exceed the amount actually expended for necessary costs incurred in conjunction with such attendance, and in no event may any grant exceed $300 per month per individual. No individual may receive such a grant for more than six months in connection with any one assignment.".

(2) The amendment made by paragraph (1) of this subsection shall take effect on October 1, 1978.

(b) Not later than January 1, 1980, the Secretary of State shall report to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate on the grant program authorized by the amendment made by this section. The Secretary shall include in this report a recommendation with regard to whether that program should remain in effect, be modified, or terminated.

SPECIAL COMPUTATION OF ANNUITIES

SEC. 406. Notwithstanding the first sentence of section 821(a) of the Foreign Service Act of 1946 (22 U.S.C. 1076(a)), the annuity for any participant in the Foreign Service Retirement and Disability System whose salary was or is limited by the provisions of section 5308 of title 5, United States Code, and who retires during the period beginning October 1, 1978, and ending December 31, 1979, shall be equal to 2 per centum of his or her basic salary for the highest year of service for which contributions have been made to the Foreign Service Retirement and Disability Fund multiplied by the number of years, not exceeding thirty-five, of service credit obtained in accordance with the provisions of sections 851 and 853 of the Foreign Service Act of 1946 (22 U.S.C. 1091 and 1093).

SPECIAL ALLOWANCES

SEC. 408. (a) Part A of title IX of the Foreign Service Act of 1946 (22 U.S.C. 1131) is amended by adding at the end thereof the following new section:

"SPECIAL ALLOWANCES

"SEC. 902. If he finds it to be in the best interests of the Service, the Secretary may, under such conditions as he may determine, pay special allowances, in addition to compensation otherwise authorized, to Foreign Service officers who are required because of the nature of their assignments to perform additional work on a regular basis in substantial excess of normal requirements.".

(b) The amendment made by this section shall take effect on October 1, 1978.

PER DIEM AND SUBSISTENCE ALLOWANCES

SEC. 409. (a) Section 911 of the Foreign Service Act of 1946 (22 U.S.C. 1136) is amended—

(1) my striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(2) by adding at the end thereof the following new paragraph:

"(12) without regard to rates provided under the authority of section 5702 of title 5, United States Code, the travel expenses of employees of the Department on protective security missions within the United States and its territories at not to exceed the cost of lodging plus $24 per day.".

(b) The amendments made by this section shall take effect on October 1, 1978.

RESPONSIBILITIES OF A CHIEF OF MISSION

SEC. 410. Section 16 of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (22 U.S.C. 2680a), is amended—

(1) in paragraph (1) by striking out "Ambassador to" and inserting in lieu thereof "chief of mission (as defined in section 121(9) of the Foreign Service Act of 1946) in";

(2) in paragraph (2) by striking out "Ambassador" and inserting in lieu thereof "chief of mission"; and

(3) in paragraph (3)—

(A) by striking out "Ambassador to" and inserting in lieu thereof "chief of mission in"; and

(B) by striking out "the Ambassador" and inserting in lieu thereof "the chief of mission".

DETAILED STATE DEPARTMENT PERSONNEL

SEC. 411. Section 11(a) of the Department of State Appropriations Authorization Act of 1973 (22 U.S.C. 2685 (a)) is amended—

(1) by striking out "ninety days" and inserting in lieu thereof "one year"; and

(2) by adding at the end thereof the following new sentence: "Officers and employees of the Department of State who are detailed, assigned, or otherwise made available to another Executive agency for a period of not to exceed one year shall not be counted toward any personnel ceiling for the Department of State established by the Director of the Office of Management and Budget.".

COMPENSATORY TIME OFF AT POSTS IN FOREIGN AREAS

SEC. 412. (a) Subchapter III of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5926. Compensatory time off at certain posts in foreign areas

"(a) Under regulations prescribed pursuant to this subchapter, and notwithstanding subchapter V of chapter 55 of this title or any other law, the head of a Government agency may, on request of an employee serving in a foreign area—

"(1) at an isolated post performing functions required to be maintained on a substantially continuous basis, grant the employee compensatory time off for an equal amount of time spent in regularly scheduled overtime work; or

"(2) at a post in a locality that customarily observes irregular hours of work, or where other special conditions are present, in order to cope with those special circumstances, grant the employee compensatory time off for an equal amount of time spent in regularly scheduled overtime work for use during the pay period in which it is earned.

Credit for compensatory time off earned under paragraph (2) shall not form the basis for any additional compensation.

"(b) Compensatory time earned under this section shall be for use only while the employee is assigned to the post where it is earned. Any such compensatory time not used at the time the employee is reassigned to another post shall be forfeited.".

(b) The section analysis for such chapter is amended by inserting the following new item immediately after the item relating to section 5925:

"5926. Compensatory time off at certain posts in foreign areas.".

PREMIUM PAY

SEC. 413. Section 412 of the Foreign Relations Authorization Act, Fiscal Year 1978, is repealed.

Mr. ZABLOCKI (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Are there amendments to title IV?

Mr. BAUMAN. Mr. Chairman, I move to strike the last word.

I do so, Mr. Chairman, to address a question to the members of the committee or the chairman. On page 30, section 411, it appears to me that we are creating a loophole which would abrogate the personnel ceilings imposed upon the Department of State by allowing not counting employees who are detailed to other departments. I wonder if someone could explain to me the necessity for this provision and why we should not retain as part of the overall personnel ceilings those who may be detailed to the White House or to some other agency. It seems to me that that would be the practical way to do it and at the same time keep the number of employees from increasing. This could be used obviously as a device to increase greatly not only employees of the Department of State but of other agencies as well.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Alabama.

Mr. BUCHANAN. I thank the gentleman for yielding.

As I indicated in my earlier remarks, while our representation has expanded from a representation in 80 to 130 countries, the Department of State really has not expanded with it. The idea of this is to expand the function of detailing Department of State personnel in order that this program may be expanded. Let me point up some values of this. The Department of State is, if anything, short on people, but it has some very talented people who, because of certain problems within the personnel system have difficulty with promotion because of other people logjammed into this system who are senior personnel. This is one of the kinds of opportunities that we give for experience that is of value to Department of State personnel who are bright, and it also permits them to serve our country in different ways. It has proven an effective program where it has been used, and it seems hardly fair for De-

partment of State personnel in service to other entities to be counted against the Department of State's own ceiling when State is so limited as to personnel already. Quite frankly, they are thinly spread.

Mr. BAUMAN. Mr. Chairman, could the gentleman give us any idea at the present time or during the last fiscal year how many State Department personnel have been detailed to other agencies? Are we talking about many thousands of employees?

Mr. BUCHANAN. No. The number has been quite small. We are hoping to expand that number because it is of value. These people are representing our country in foreign countries and the more they know firsthand about the operation of our Government, the better it is in terms of representation and they have proven their value in a variety of areas. Although this program has been quite small and it could be profitably expanded, we are talking about a limited number of people.

Mr. BAUMAN. Several hundred at the most?

Mr. BUCHANAN. Less than several hundred.

Mr. BAUMAN. Mr. Chairman, I thank the gentleman for this explanation. I hope the committee next year, presuming the Members are reelected and the gentleman from Maryland is reelected, gives us some idea whether this provision has, indeed, worked.

Mr. BUCHANAN. We will be glad to report back to the gentleman.

The CHAIRMAN. Are there further amendments to title IV? If not, the Clerk will read.

The Clerk read as follows:

TITLE V—SCIENCE, TECHNOLOGY, AND AMERICAN DIPLOMACY

FINDINGS

SEC. 501. The Congress finds that—

(1) the consequences of modern scientific and technological advances are of such major significance in United States foreign policy that understanding and appropriate knowledge of modern science and technology by United States officers and employees are essential in the conduct of modern diplomacy;

(2) many problems and opportunities for development in modern diplomacy lie in scientific and technological fields;

(3) the United States Government should seek out and consult with both public and private industrial, academic, and research institutions concerned with modern technology in the formulation, implementation, and evaluation of the technological aspects of United States foreign policy; and

(4) the effective use of science and technology in international relations for the mutual benefit of all nations requires the development and use of the skills and methods of long-range planning.

DECLARATION OF POLICY

SEC. 502. In order to maximize the benefits and to minimize the adverse consequences of science and technology in the conduct of foreign policy, the Congress declares the following to be the policy of the United States:

(1) Technological opportunities, impacts, changes, and threats should be anticipated and assessed, and appropriate measures should be implemented to influence such technological developments in ways beneficial to the United States and other nations of the world.

(2) The mutually beneficial applications of technology in bilateral and multilateral agreements and activities involving the United States and foreign countries or international organizations should be recognized and supported as an important element of United States foreign policy.

(3) The United States Government should implement appropriate measures to insure that individuals are trained in the use of science and technology as an instrument in international relations and that officers and employees of the United States Government engaged in formal and informal exchanges of scientific and technical information, personnel, and hardware are knowledgeable in international affairs.

(4) In recognition of the environmental and technological factors that change relations among the countries of the world, and in further recognition of the growing interdependence between domestic and foreign policies and programs of the United States, United States foreign policy should be continually reviewed by the executive and legislative branches of the Federal Government to insure appropriate and timely application of science and technology to the conduct of United States foreign policy.

RESPONSIBILITIES OF THE PRESIDENT

SEC. 503. (a) The President, through the Secretary of State and in consultation with the Director of the Office of Science and Technology Policy and other officials whom the President considers appropriate, shall—

(1) notwithstanding any other provision of law, insure that the Secretary of State is fully informed and consulted before any agency of the United States takes any initiative involving science or technology with respect to any foreign government or international organization;

(2) identify and evaluate elements of domestic science and technology programs and activities of the United States with significant international implications;

(3) identify and evaluate international scientific or technological developments with significant implications for domestic programs and activities of the United States Government; and

(4) assess and initiate appropriate international scientific and technological activities which are based upon domestic scientific and technological activities of the United States Government and which are beneficial to the United States and foreign countries.

(b) The President, through the Secretary of State, shall study and not later than January 31, 1980, and not later than January 31 of each year thereafter, shall submit to the Congress an annual report containing recommendations with respect to—

(1) personnel requirements, and standards and training for service of Federal officers and employees, with respect to assignments in any agency which involve foreign relations and science or technology; and

(2) the continuation of existing bilateral and multilateral activities and agreements involving science and technology, including (A) an analysis of the foreign policy implications and the scientific and technological benefits of such activities or agreements for the United States and other parties, (B) the adequacy of the funding for and administration of such activities and agreements, and (C) plans for future evaluation of such activities and agreements on a routine basis.

(c) Except as otherwise provided by law, nothing in this section shall be construed as requiring the public disclosure of sensitive information relating to intelligence sources or methods or to persons engaged in monitoring scientific or technological developments for intelligence purposes.

RESPONSIBILITIES OF THE SECRETARY OF STATE

SEC. 504. (a) In order to implement the policy set forth in section 502 of this title, the Secretary of State (hereafter in this title referred to as the "Secretary") shall have primary responsibility for coordination and oversight with respect to all science or science and technology agreements and activities between the United States and foreign countries, international organizations, or commissions of which the United States and one or more foreign countries are members.

(b) The Secretary shall, to such extent or in such amounts as are provided in appropriations Acts, enter into long-term contracts, including contracts for the services of consultants, and shall make grants and take other appropriate measures in order to obtain studies, analyses, and recommendations from knowledgeable persons and organizations with respect to the application of science or technology to problems of foreign policy.

(c) The Secretary shall, to such extent or in such amounts as are provided in appropriation Acts, enter into short-term and long-term contracts, including contracts for the services of consultants, and shall make grants and take other appropriate measures in order to obtain assistance from knowledgeable persons and organizations in training Federal officers and employees at all levels of the Foreign Service and Civil Service—

(1) in the application of science and technology to problems of United States foreign policy and international relations generally; and

(2) in the skills of long-range planning and analysis with respect to the scientific and technological aspects of United States foreign policy.

(d) In obtaining assistance pursuant to subsection (c) in training personnel who are officers or employees of the Department of State, the Secretary may provide for detached service for graduate study at accredited colleges and universities.

(e) Not later than January 20, 1979, the Secretary shall furnish to the Committee on Appropriations and the Committee on International Relations of the House of Representatives, and to the Committee on Appropriations and the Committee on Foreign Relations of the Senate, a report on the implementation of the responsibilities of the Secretary under this title. Such report shall include the following information: an assessment of the personnel required in order to carry out such responsibilities; existing and planned programs for research and analysis to support long-range planning for the application of science and technology to foreign policy; existing and planned programs for training officers and employees of the United States Government; and existing and planned programs to enter into long-term contracts with academic and other organizations for assistance in training and in obtaining studies, analyses, and recommendations with respect to the application of science or technology to problems of foreign policy.

EARMARKING OF FUNDS

SEC. 505. In addition to amounts otherwise available for such purposes, $4,071,000 of the amount authorized to be appropriated by section 101(a)(1) of this Act shall be available only to carry out the purposes of this title.

Mr. ZABLOCKI (during the reading). Mr. Chairman, I ask unanimous consent that title V be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Are there amendments to title V? If not, the Clerk will read.

The Clerk read as follows:

TITLE VI—COMMISSION ON PROPOSALS FOR A CENTER FOR CONFLICT RESOLUTION

FINDINGS

SEC. 601. The Congress finds that—

(1) many conflicts are largely the result of misunderstanding, suspicion, and inadequate communication among the parties to the conflict;

(2) many potentially destructive conflicts at the local, national, and international level have been resolved through the use of impartial mediation by third parties;

(3) the field of conflict resolution has become a respected and significant discipline with the social sciences in recent years; and

(4) the techniques of conflict resolution are teachable and usable.

ESTABLISHMENT OF COMMISSION

SEC. 602. There is established a commission to be known as the Commission on Proposals for a Center for Conflict Resolution (hereafter in this title referred to as the "Commission").

DUTIES OF COMMISSION

SEC. 603. (a) The Commission shall undertake a study to consider—

(1) whether to establish a Center for Conflict Resolution;

(2) alternative proposals, which may or may not include the establishment of such a Center, to assist the Federal Government in accomplishing the goal of promoting peaceful resolution of disputes;

(3) the size, cost, and location of such a Center;

(4) the effects which the establishment of such a Center would have on existing institutions;

(5) the relationship which would exist between such a Center and existing Federal agencies;

(6) the feasibility of making grants and providing other forms of assistance to existing institutions in lieu of, or in addition to, establishing such a Center; and

(7) the application of the behaviorial sciences to the peaceful resolution of disputes.

(b) In conducting the study required by subsection (a), the Commission shall—

(1) review the theory and techniques of peaceful resolution of conflict in and among nations; and

(2) study existing institutions which assist in resolving conflict.

MEMBERSHIP

SEC. 604. (a) The Commission shall be composed of nine members appointed by the President.

(b) Members shall be appointed for the life of the Commission.

(c) In appointing the members of the Commission, the President shall give priority to individuals with a demonstrated concern for the peaceful resolution of disputes.

(d)(1) Except as provided in paragraph (2), members of the Commission shall each receive compensation at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule (5 U.S.C. 5332) for each day during which they are engaged in the actual performance of the duties of the Commission.

(2) Members of the Commission who are full-time officers or employees of the Federal Government (including Members of Congress) shall receive no additional pay on account of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission members of the Commission shall be allowed travel expenses, including a per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(e) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(f) Five members of the Commission shall constitute a quorum.

(g) The Commission shall meet at the call of the Chairman or a majority of its members.

DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS

SEC. 605. (a) Subject to such rules as may be adopted by the Commission, the Chairman may, without regard to the provisions of title 5, United States Code, which govern appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classifications and General Schedule pay rates—

(1) appoint a Director who shall be paid at a rate not to exceed the rate of basic pay in effect for grade GS–18 of the General Schedule (5 U.S.C. 5332);

(2) appoint and fix the compensation of such staff personnel as the Chairman considers necessary; and

(3) procure temporary and intermittent services of experts and consultants to the same extent as is authorized by section 3109 (b) of title 5, United States Code.

(b) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this title.

POWERS OF COMMISSION

SEC. 606. (a) The Commission may for the purpose of carrying out this title hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(c) The Commission may secure directly from any Federal agency information necessary to enable it to carry out this title.

REPORTS

SEC. 607. The Commission shall transmit to the President and to the Congress such interim reports as it considers appropriate and shall transmit a final report to the President and to the Congress not later than one year after the date on which appropriations first become available to carry out this title. The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation as it considers appropriate.

TERMINATION

SEC. 608. The Commission shall cease to exist sixty days after transmitting its final report pursuant to section 607.

AUTHORIZATION OF APPROPRIATIONS

SEC. 609. There is authorized to be appropriated $500,000 for fiscal year 1979 to carry out this title. Amounts appropriated under this section are authorized to remain available until expended.

EFFECTIVE DATE

SEC. 610. This title shall take effect on October 1, 1978.

Mr. ZABLOCKI (during the reading). Mr. Chairman, I ask unanimous consent that title VI be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: On page 39, beginning on line 15, strike out all of title VI, and redesignate the succeeding titles accordingly.

Mr. ASHBROOK. Mr. Chairman, this is a nice, clean amendment. It is very easy to understand. I do not think in any way it is going to hurt this bill. What my amendment will do is simply strike out the entire title. We are not going to clean it up. We are not going to change it. We are not going to put any modifications on it that might make its administration difficult.

Let us take an honest look at what this particular title says. In the first place, we are going to set up a commission doing essentially things that should be going on in the State Department right now. Why in the world we need a "Commission on Proposals for a Center for Conflict Resolution" and the very first thing they are charged with doing is to come back and decide whether or not to establish a Center for Conflict Resolution. I would not want to put any odds on that. I would be willing to bet about 10 to 1 that they would come back and say, yes, we do need a Center for Conflict Resolution.

Conflict resolution, is that not a nice catchy title?

Mr. Chairman, I would call attention to the fact that as recently as 1 or 2 weeks ago this House in its wisdom voted down a brand new proposal at the Office of HEW which would supposedly resolve domestic conflict, domestic violence. Are we ever going to stop, or are we just going to add one commission after another, one commission on top of another?

Basically, the State Department is working in this area right now if it is doing its job.

Supposedly, that is a part of our foreign policy, to try to resolve conflicts. Why in the world do we need the establishment of a commission with a director and with nine members appointed by the President to make a report and to come back with proposals?

Just think of the size and the cost of locating such a center. Just think of it. We are going to have a center for conflict resolutions sooner or later if the recommendations of this commission are carried out.

Somewhere, sometime, someplace, we have to say, "Enough." To my way of thinking, section 6 is one of those places where the Congress can say, "Enough."

Mr. Chairman, I urge the Members to support this amendment. As I say, it is a nice, clean amendment. It just completely strikes section 6 from the bill.

Mrs. MEYNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, title VI is important for us to understand. It establishes a 1-year, nine-member commission to get an independent examination of what the Fed-

eral Government should do, and should not do, to assist with the peaceful resolution of conflicts. It is very similar to legislation adopted by the Senate last June as S. 469.

The development of teachable and usable methods of resolving conflicts has been a quiet but exciting development in recent years. It is currently being applied with great success to community conflicts, international, disputes, labor-management negotiations, environmental disputes, terrorists incidents, and consumer complaints.

The Hanafi incidents in Washington last year were resolved under the guidance of conflict resolution experts. Trained private mediators are assisting, anonymously, right now, in the Mideast peace process.

A lot of conflict resolution is being done by the private sector, through organizations like the American Arbitration Association and the International Peace Academy. This study will help us to ascertain where the Federal Government should stay out.

But the Government is already involved in conflict resolution through the Community Relations Service, the Federal Mediation and Conciliation Service, and other agencies. The President and the Chief Justice of the Supreme Court have called for more mediation and arbitration as alternatives to litigation. Legislation is pending before the Senate to use dispute resolution centers for consumer complaints. Before this gets much further, let us get an independent study of the whole issue. Let us see where the Federal Government can help—with training of mediators, public education, research coordination—and where the Federal Government should stay away.

Mr. Chairman, we pay an exorbitant price in money and human suffering when conflicts result needlessly in violence and destruction. We cynically assume that we must pay these costs. We do not. Many conflicts can be avoided. The payoffs from this study could be enormous. I think we should find out.

Mr. Chairman, this language simply establishes a nine-member, 1-year commission that self-destructs, and its purpose is to see if we should have a center for conflict resolution at all. I think it is well worth trying.

Mr. BUCHANAN. Mr. Chairman, will the gentlewoman yield?

Mrs. MEYNER. I am delighted to yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Chairman, I would like to point out that the chairman of this subcommittee, in a previous subcommittee responsibility, held some 20 hearings on the applicability of the behavioral sciences to foreign policy. There may be some hope in this area.

This is a modification of earlier proposals. It is a compromise proposal in which we are going to take a look to see whether this could be of value.

Mr. Chairman, I would hope that the language would be retained in the bill.

Mr. BAUMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. MEYNER. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Chairman, the gentlewoman from New Jersey (Mrs. MEYNER) twice referred to the fact that the commission ends in 1 year. However, in section 608 the termination date is given as 60 days after the final report has been issued. That does not add up to 1 year.

Mrs. MEYNER. It would effectively end 1 year after the President appoints the nine-member commission and it is funded. An additional 60 days are provided to wind down the Commission's operations, but since their final report would have been transmitted, the Commission would be doing no substantive work during that 60-day period.

Mr. BAUMAN. Where in the act does it say that?

Mrs. MEYNER. The language is in sections 607 and 608.

Mr. BAUMAN. The only point I am making to the gentlewoman is that if the Congress wished to continue appropriating money, the Commission would go on forever.

Mrs. MEYNER. Section 607 makes certain that that would not happen by providing that the final report is to be transmitted not later than 1 year after appropriations first become available. This precludes a second appropriation. I as a Member also vow that if the Commission concludes that we do not need a center like this, I would make certain that it self-destructs.

Mr. BAUMAN. Mr. Chairman, if the gentlewoman will yield further, why, then, must we have in section 605 a waiver of the civil service laws and requirements for competitive examinations, and so on, as it applies to the staff of the Commission? Why should not they be subject to the same civil service requirements as every other agency?

Mrs. MEYNER. Mr. Chairman, this is a temporary commission with only 1 year's duration and the members would have a right to call on their own staff.

I should also point out to the gentleman from Maryland (Mr. BAUMAN) and the gentleman from Ohio (Mr. ASHBROOK) that this is the standard approach taken for this kind of a commission.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The question was taken; and on a division (demanded by Mr. ASHBROOK) there were—ayes 13, noes 13.

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

The CHAIRMAN. A quorum of the Committee of the Whole has not appeared.

The Chair announces that a regular quorum will now commence.

Members who have not already responded under the noticed quorum call will have a minimum of 15 minutes to record their presence. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 386]

Alexander	Harsha	Railsback
Allen	Hawkins	Rangel
Andrews, N.C.	Howard	Rhodes
Archer	Hyde	Richmond
Armstrong	Kasten	Risenhoover
Bafalis	Krueger	Roberts
Baucus	Livingston	Rodino
Blanchard	Lujan	Rostenkowski
Brademas	Lundine	Rousselot
Burgener	McCloskey	Rudd
Burke, Calif.	McCormack	Runnels
Burton, John	McDonald	Russo
Burton, Phillip	McKinney	Ryan
Byron	Maguire	Sebelius
Carney	Mann	Shipley
Carr	Martin	Simon
Cochran	Meeds	St Germain
Conyers	Michel	Stokes
Corman	Mikva	Stump
D'Amours	Milford	Teague
Dent	Miller, Calif.	Thornton
Dingell	Moakley	Tucker
Drinan	Moorhead, Pa.	Waxman
Evans, Colo.	Murphy, N.Y.	Whitten
Flowers	Neal	Wiggins
Foley	Nichols	Wilson, C. H.
Frey	O'Brien	Wright
Giaimo	Pattison	Young, Alaska
Gibbons	Pressler	Young, Mo.
Gilman	Pritchard	Young, Tex.
Goldwater	Quayle	

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SHARP) having assumed the chair, Mr. LEVITAS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 12598, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 342 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand by the gentleman from Ohio (Mr. ASHBROOK) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 135, not voting 62, as follows:

[Roll No. 387]

AYES—237

Abdnor	Broomfield	Cunningham
Ambro	Brown, Mich.	D'Amours
Ammerman	Brown, Ohio	Daniel, Dan
Andrews, N.C.	Broyhill	Daniel, R. W.
Andrews, N. Dak.	Burke, Fla.	Davis
	Burleson, Tex.	de la Garza
Annunzio	Butler	Delaney
Applegate	Byron	Derrick
Armstrong	Caputo	Devine
Ashbrook	Carter	Dickinson
Ashley	Cederberg	Dingell
AuCoin	Chappell	Dornan
Badham	Chisholm	Duncan, Oreg.
Bafalis	Clausen, Don H.	Duncan, Tenn.
Barnard		Early
Bauman	Clawson, Del	Edwards, Ala.
Beard, R.I.	Cleveland	Edwards, Okla.
Beard, Tenn.	Cohen	Eilberg
Benjamin	Coleman	Emery
Bevill	Collins, Tex.	English
Boland	Conable	Erlenborn
Bowen	Corcoran	Ertel
Breaux	Cornell	Evans, Colo.
Breckinridge	Cornwell	Evans, Del.
Brinkley	Coughlin	Evans, Ga.
Brooks	Crane	Evans, Ind.

Fenwick	Latta	Rogers
Fish	Leach	Ruppe
Fithian	Lederer	Sarasin
Flippo	Lent	Satterfield
Flynt	Levitas	Sawyer
Foley	Livingston	Schulze
Ford, Tenn.	Lloyd, Calif.	Sharp
Forsythe	Lloyd, Tenn.	Shuster
Fountain	Long, Md.	Sikes
Fowler	Lott	Skelton
Frenzel	Luken	Skubitz
Fuqua	McClory	Slack
Gammage	McDade	Smith, Iowa
Gaydos	McDonald	Smith, Nebr.
Gephardt	McEwen	Snyder
Ginn	McHugh	Spence
Gonzalez	McKay	St Germain
Gore	Madigan	Stangeland
Gradison	Mahon	Stanton
Grassley	Marks	Steed
Gudger	Marlenee	Steiger
Guyer	Marriott	Stockman
Hagedorn	Mathis	Stratton
Hall	Mazzoli	Stump
Hamilton	Miller, Ohio	Symms
Hammer-schmidt	Mitchell, N.Y.	Taylor
	Montgomery	Thone
Hanley	Moore	Traxler
Hannaford	Moorhead, Calif.	Treen
Hansen		Trible
Harris	Moss	Udall
Harsha	Mottl	Van Deerlin
Heckler	Murphy, Ill.	Vander Jagt
Hefner	Murphy, Pa.	Volkmer
Heftel	Murtha	Waggonner
Hightower	Myers, Gary	Walgren
Hillis	Myers, John	Walker
Holland	Myers, Michael	Walsh
Holt	Natcher	Wampler
Hubbard	Nedzi	Watkins
Huckaby	Nichols	Weaver
Ichord	Obey	White
Ireland	Panetta	Whitehurst
Jenkins	Pickle	Whitley
Jones, Okla.	Pike	Whitten
Jones, Tenn.	Poage	Wilson, Bob
Jordan	Preyer	Winn
Kazen	Pursell	Wydler
Kelly	Quie	Wylie
Kemp	Quillen	Yates
Ketchum	Rahall	Yatron
Kindness	Regula	Young, Fla.
Krebs	Rinaldo	Zeferetti
LaFalce	Risenhoover	
Lagomarsino	Robinson	

NOES—135

Addabbo	Florio	Murphy, N.Y.
Akaka	Ford, Mich.	Nix
Anderson, Calif.	Fraser	Nolan
	Garcia	Nowak
Anderson, Ill.	Glickman	Oberstar
Aspin	Goodling	Ottinger
Baldus	Green	Patten
Bedell	Harkin	Patterson
Beilenson	Harrington	Pattison
Bennett	Hollenbeck	Pease
Biaggi	Holtzman	Pepper
Bingham	Horton	Perkins
Blanchard	Hughes	Price
Blouin	Jacobs	Reuss
Boggs	Jeffords	Roe
Bolling	Jenrette	Roncalio
Bonior	Johnson, Calif.	Rooney
Bonker	Johnson, Colo.	Rose
Brademas	Jones, N.C.	Rosenthal
Brodhead	Kastenmeier	Roybal
Brown, Calif.	Keys	Scheuer
Buchanan	Kildee	Schroeder
Burke, Mass.	Kostmayer	Seiberling
Burlison, Mo.	Le Fante	Sisk
Carr	Leggett	Solarz
Cavanaugh	Lehman	Spellman
Clay	Long, La.	Staggers
Collins, Ill.	Lundine	Stark
Conte	McCloskey	Steers
Cotter	McFall	Studds
Danielson	McKinney	Thompson
Dellums	Maguire	Tsongas
Derwinski	Markey	Ullman
Dicks	Mattox	Vanik
Diggs	Metcalfe	Vento
Dodd	Meyner	Waxman
Downey	Mikulski	Weiss
Drinan	Mikva	Whalen
Eckhardt	Miller, Calif.	Wilson, C. H.
Edgar	Mineta	Wilson, Tex.
Edwards, Calif.	Minish	Wirth
Fary	Mitchell, Md.	Wolff
Fascell	Moakley	Wright
Findley	Moffett	Zablocki
Fisher	Mollohan	
Flood	Moorhead, Pa.	

NOT VOTING—62

Alexander	Hyde	Roberts
Allen	Kasten	Rodino
Archer	Krueger	Rostenkowski
Baucus	Lujan	Rousselot
Burgener	McCormack	Rudd
Burke, Calif.	Mann	Runnels
Burton, John	Martin	Russo
Burton, Phillip	Meeds	Ryan
Carney	Michel	Santini
Cochran	Milford	Sebelius
Conyers	Neal	Shipley
Corman	Oakar	Simon
Dent	O'Brien	Stokes
Flowers	Pettis	Teague
Frey	Pressler	Thornton
Giaimo	Pritchard	Tucker
Gibbons	Quayle	Wiggins
Gilman	Railsback	Young, Alaska
Goldwater	Rangel	Young, Mo.
Hawkins	Rhodes	Young, Tex.
Howard	Richmond	

The Clerk announced the following pairs:

On this vote:

Mr. Teague for, with Mr. Carney against.
Mr. Roberts for, with Mr. Shipley against.
Mr. Archer for, with Mr. Richmond against.
Mr. Burgener for, with Mr. Rangel against.
Mr. Frey for, with Mr. Stokes against.
Mr. Kasten for, with Mr. Hawkins against.
Mr. Rousselot for, with Mrs. Burke of California against.
Mr. Rudd for, with Mr. Conyers against.

Mr. MILLER of California and Mr. HORTON changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE VII—INSTITUTE FOR INTERNATIONAL HUMAN RIGHTS

SHORT TITLE

SEC. 701. This title may be cited as the "Institute for International Human Rights Act".

STATEMENT OF PURPOSE

SEC. 702. It is the purpose of this title to establish, as a manifestation of the commitment of the United States to human rights and fundamental freedoms, an independent institute which will openly carry out programs to promote universal respect for and observance of human rights and fundamental freedoms.

ESTABLISHMENT OF INSTITUTE

SEC. 703. There is created as an independent agency of the United States a body corporate to be known as the Institute for International Human Rights (hereafter in this title referred to as the "Institute").

FUNCTIONS OF THE INSTITUTE

SEC. 704. (a) In order to promote universal respect for and observance of human rights and fundamental freedoms, the Institute is authorized to—

(1) provide assistance, primarily to nongovernmental organizations and individuals, for programs that promote respect for and observance of human rights and fundamental freedoms;

(2) sponsor, conduct, and provide assistance for conferences, seminars, and other meetings on human rights and fundamental freedoms;

(3) provide assistance for the publication and dissemination of books and other written materials, and for the display or other presentations of artistic works, which have been suppressed;

(4) provide assistance for research, fellowships, internships, and studies on human rights and fundamental freedoms;

(5) provide assistance to nongovernmental organizations which support victims (and the families of victims) of persecution;

(6) provide assistance for nongovernmental organizations that furnish assistance for the legal defense of human rights and fundamental freedoms; and

(7) carry out other programs which the Institute determines will promote universal respect for and observance of human rights and fundamental freedoms.

(b)(1) The Institute may only carry out or provide assistance for programs and activities relating to human rights and fundamental freedoms in foreign countries, including, where appropriate, regional or worldwide programs designed to promote international respect for and observance of human rights and fundamental freedoms.

(2) The Institute may only carry out or provide assistance for programs and activities which are consistent with the United Nations Charter and other international obligations of the United States.

(3) Financial and other assistance authorized by this title shall be provided openly.

(c) Financial assistance under this title may be provided in the form of grants or loans on such terms and conditions as the Institute may determine.

PUBLIC INFORMATION

SEC. 705. In addition to complying with the requirements of section 552 (relating to public information) and section 552b (relating to open meetings) of title 5 of the United States Code, the Institute shall, on an annual basis, make available to the public and to interested persons a statement with regard to each decision of the Institute during the preceding year to provide financial or other assistance under this title.

MANAGEMENT OF THE INSTITUTE

SEC. 706. (a) The management of the Institute shall be vested in a board of directors (hereafter in this title referred to as the "Board") which shall direct the exercise of all the powers of the Institute.

(b)(1) The Board shall be composed of seven members (hereafter in this title referred to as "directors") appointed by the President, by and with the advice and consent of the Senate, from among individuals who have a demonstrated concern for human rights and fundamental freedoms. No officer or employee of the Federal Government may be appointed as a director.

(2) One director shall be designated by the President to serve as Chairman of the Board and one director shall be designated by the President to serve as Vice Chairman of the Board.

(3) Directors shall be appointed for terms of six years, except that of the directors first appointed two shall be appointed for a term of two years and two shall be appointed for a term of four years, as designated by the President at the time of their appointment. A director appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. Upon the expiration of his or her term of office, a director shall continue to serve until a successor is appointed and has qualified. Directors shall be eligible for reappointment.

(c) Directors shall receive not to exceed the daily equivalent of the annual rate of basic pay in effect for level IV of the Executive Schedule (5 U.S.C. 5315) for each day, including traveltime, during which they are engaged in the actual performance of their duties as directors and shall be reimbursed for actual and necessary expenses (including transportation expenses) incurred while engaged in the actual performance of those duties.

(d) The Board may prescribe, amend, and repeal bylaws, rules, and regulations governing the manner in which the activities of the Institute may be carried out and in which

the powers granted to it by this title may be exercised and enjoyed.

(e) A majority of the directors shall constitute a quorum for purposes of conducting business.

(f) The Board may appoint such committees as it finds to be in the best interests of the Institute, each such committee to consist of at least two directors. Such committees, together with officers and agents duly authorized by the Board, may, to the extent provided by the Board, exercise the powers of the Board in the management of the Institute.

(g) The chief executive officer of the Institute shall be an Executive Director who shall be appointed by the Board on such terms as the Board may determine. The Executive Director shall receive compensation at a rate not to exceed the rate provided for level IV of the Executive Schedule (5 U.S.C. 5315).

POWERS OF THE INSTITUTE

SEC. 707. The Institute—

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may adopt, alter, and use a corporate seal which shall be judicially noticed:

(3) may, subject to the availability of appropriations therefor, make and perform contracts and other agreements;

(4) shall prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid;

(5) may employ and fix the compensation of not to exceed seven individuals at any one time;

(6) may procure the services of experts or consultants or organizations thereof in accordance with section 3109 of title 5, United States Code;

(7) may accept money, property, and services of any kind by gift, devise, bequest, grant, or otherwise;

(8) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction; and

(9) shall have such other powers as may be necessary and incident to carrying out this title.

MISCELLANEOUS PROVISIONS

SEC. 708. (a) The Institute shall be a nonprofit corporation and shall have no capital stock. Except as provided in sections 706(c), 706(g), and 707(5), no part of the income or assets of the Institute shall inure to the benefit of its directors, officers, and employees, and such income and assets shall be used solely for the carrying out of this title. No director, officer, or employee of the Institute shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his or her personal interests or the interests of any corporation, partnership, or organization in which he or she is directly or indirectly interested.

(b) The Institute shall be subject to the provisions of the Government Corporation Control Act (31 U.S.C. 841 et seq.) relating to wholly owned Government corporations.

(c) Upon termination of the corporate life of the Institute, all of its assets shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

ANNUAL REPORT

SEC. 709. The Institute shall submit to the Congress each year a report on its activities in carrying out this title during the preceding year.

AUTHORIZATION OF APPROPRIATIONS

SEC. 710. There is authorized to be appropriated to the Institute to carry out this title $1,000,000 for the fiscal year 1979. Amounts appropriated under this section are authorized to remain available until expended.

EFFECTIVE DATE

SEC. 711. This title shall take effect on October 1, 1978.

Mr. ZABLOCKI (during the reading). Mr. Chairman, I ask unanimous consent that title VII be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BAUMAN: On page 44, beginning on line 22, strike out all of title VII, and redesignate the succeeding title accordingly.

Mr. BAUMAN. Mr. Chairman, it is now, of course, the recognized Washington tradition to apply a label to a favorite program, which will, when repeated, make it appear to be a most acceptable type of proposition.

I direct the committee's attention to title VII—Institute for International Human Rights.

I also would direct the attention of the members of the Commitee to page 44 of the report and page 44 of the bill so that they may, for themselves, satisfy their understanding of precisely what this title does. Frankly, I think this proposition should have come before us in a separate bill which could have been debated on its own merits rather than in the State Department authorization bill.

Mr. Chairman, no one is going to say that human rights ought not to be promoted by the Government of the United States, and no one is going to object if it is done in the proper manner, with the U.S. taxpayers' money being used for the promotion of those rights. However, this particular title creates not an agency of the U.S. Government to promote human rights, but a nearly totally independent institute, the Board of Directors of which will be appointed by the President, with the approval of the Senate, and the funding of which will come from the Treasury of the United States at a rate of $1 million for the first year. It will be totally independent in defining what rights are human rights; and it is authorized, as I read it, to intervene in the internal affairs of any foreign country, left, right, or center, if the Members will notice the report's phrase on page 45, to promote what the Institute's Board of Directors considers to be human rights.

Mr. Chairman, I can understand why this proposition, in the abstract, sounds good; but the question then arises, how will this Institute operate, and will it, indeed, be consistent with U.S. foreign policy?

The authors of the bill say it need not be consistent with U.S. foreign policy, and therein they find a virtue.

Mr. Chairman, I must confess my concern that an awful lot of mischief can come out of the creation of a taxpayer-financed independent institute housed in the United States, going into other countries, giving grants to individuals, paying for publications, and doing a lot of other things described in the preamble of this title. Indeed, it sounds much like the activities of the CIA which my liberal friends are so loud in condemning.

Good or ill may come from this Institute, but our Government will have no control over it, no responsibility except to pay the annual bill. I believe this will be a mistake. I think that we can promote human rights through the State Department; even perhaps today through the United Nations in this late hour of that international institution. But, to create this independent group to me appears to be an invitation for trouble.

I would seriously urge that it be removed from this bill.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I thank my colleague for his very appropriate statement. I think he should be congratulated for making this observation and offering this amendment.

I think we know, after a number of years here, that if we put certain titles on either legislation or programs or amendments, that it usually guarantees their passage. Human rights, obviously, would be one of those. Reform would be another. How many times do we hear the word "reform"?

I think the gentleman from Maryland correctly points out that this provision is fraught with many problems. I think it is fair to say, in old insurance parlance, it is an accident on its way to happen.

Mr. BAUMAN. I point out to the gentleman from Ohio and the Committee in one aspect, section 707, this independent taxpayer-financed Institute is given the right to sue and be sued in any court of competent jurisdiction. Elsewhere, supposedly the Institute's activities are limited to foreign countries, but there is no such limitation in this section. Does that mean that if the Institute concludes that human rights are being violated in New York City or Puerto Rico or some other place, that the Institute could then intervene, taxpayer-financed, in courts of competent jurisdiction in those places to vindicate what the Institute feels to be human rights violations? That may be a problem.

If we could adopt a definition and guarantee that this Institute would perform the role which its authors, I am sure, envision, I think we could properly support it. But, the opportunity for misdirection is rampant, and I urge that the title be deleted.

Mr. FRASER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the origin of this proposal for an Institute on Human Rights goes back to a proposal made by our colleague from Florida, DANTE FASCELL, and was the object of hearings by two subcommittees with a large number of witnesses looking at the question of whether this kind of an Institute would make sense. Among the witnesses who testified in support of the Institute were Dr. Ernest LeFever, director of the Ethics and Public Policy Center at Georgetown;

the Honorable Lawrence Silberman, American Enterprise Institute; George Lindsay, Lawyers Committee for Civil Rights under Law, and many other distinguished leaders in the field of international human rights.

One of the things that this Institute is to create a mechanism to give support for human rights activities which the Government itself finds difficult to give direct support to. For example, we have recently seen in the Soviet Union a continued crackdown on dissidents. We have seen the use of mental hospitals in the Soviet Union to try to suppress dissenting views. We have seen the practice of exiling dissidents from the Soviet Union. We find a lot of abuses of human rights, but very little leverage by the United States to do much about them.

One of the things that this institute could do would be to provide funds for the publication of works that were suppressed in countries that violate human rights. The Institute could also give support to organizations which in turn give support to some of the exiles from these totalitarian societies.

This frees the Executive from some of its problems in dealing with the problems of human rights by giving the problems to an institute with a degree of independence from the Executive.

The amount of money is very small. The appointments to the Board are made by the President and they have to be confirmed by the Senate. There is control through the appointments process and the requirement that the appointees be approved by the U.S. Senate.

We think this is worth trying and will add a new element to improving human rights in the world. It is a very modest start, but it had the approval of the witnesses who appeared before our subcommittee.

I just want to say, Mr. Chairman, I think this adds a useful modest degree of flexibility in the effort by this administration and by Members of Congress to deal more effectively with human rights violations around the world. This Institute is not going to be a cure-all. It is too small, too modest. But it does permit activities to go forward which the executive branch itself would find awkward and difficult to address.

So I hope this amendment will not prevail and the Institute could stay in the bill and perhaps become law and then we can see how it works.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, as a practical matter, I think we could all agree with the theory, but to get specific on it for a moment, say we have physicist x who is a dissident in the Soviet Union. How would the Institute as a practical matter help this dissident either in the Soviet Union, or to leave the Soviet Union, or what would the gentleman envision the Institute could do to help such a person who was active in the civil rights struggle throughout the world? This is a known person, there is no question as to his authenticity and we could all agree on him. How would the gentleman envision the Institute could help a person like that under this legislation?

Mr. FRASER. One of the specific ways is found on page 45 of the bill, where someone for instance has tried to publish in the Soviet Union.

Mr. ASHBROOK. I will stipulate that is one of the things we would like to help with, that we would like to help publish papers. But what else?

Mr. FRASER. They could provide assistance for publication and dissemination of published materials or the display of artistic works which have been suppressed. That would be one concrete way. A second way would be where the families are involved, on page 45, where it provides they could help the victims and families of persons who are persecuted. This Institute could help the split families of persons who have escaped outside the Soviet Union.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(On request of Mr. ASHBROOK, and by unanimous consent, Mr. FRASER was allowed to proceed for 2 additional minutes.)

Mr. ASHBROOK. Mr. Chairman, if the gentleman will yield further, it would be my recollection in most cases that publications are already produced in this country and letters to the editor are run in papers. I have read just a few weeks ago a letter to the editor of the New York Times by a prominent dissident. This is already done as a practical matter, is it not, I would ask my colleague, the gentleman from Minnesota?

Mr. FRASER. It is done in part but only in circumstances where the publishing enterprise finds it to be profitable, because there are very few volunteers in this business of publishing, and this would add another avenue. It would be only a very modest one but it would be a resource which would provide a means of publishing something which was commercially not feasible to publish.

Mr. ASHBROOK. If my colleague will yield further, I would like to ask one additional question. In the hearings there were persons and a number of foreign groups who came forward to testify in favor of this. I have heard from some who would favor it. But it would be my experience that most of them would tend to receive some financial assistance through this act.

There are many groups that are already helping civil rights and human rights advocates throughout the world and would we not in many ways just be paying some of the bills that they are already paying? Is that what we envision here?

Mr. FRASER. That is a matter of judgment. My hope is, because of the limited resources that they would be very sparing in the direct operating support that could be given to an organization, otherwise the money would be used up very quickly. So they would have to use it for seed money and for special projects, because there is such a small amount of money that is involved.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise to support the position taken by the gentleman from Minnesota (Mr. FRASER) and we are not necessarily in agreement that often on foreign affairs issues so this is a special day. First, I would like to point out the procedure that we followed in the committee.

The new independent agency that is anticipated here was subjected to extensive hearings. There were 15 witnesses pro and con. As result of this study, the subcommittee and full committee deliberations the original figure that was requested which was for $5 million, was reduced to $1 million.

I would also like to point out to the gentleman from Maryland (Mr. BAUMAN), who indicated that this agency should have come to the floor in a separate bill, that we do have in this measure before us Radio Free Europe and Radio Liberty, which are also separate entities and are treated in the same fashion. What we propose is an independent agency operating under the laws of the United States, they would have public meetings, make annual reports, be subject to annual appropriations and, as indicated, the Board would be appointed by the President. Its members would serve for 6 years and they would be constituted in an independent fashion as to be able to deal with nongovernmental entities in other countries. In other words, if the President of the United States speaks on human rights, there is always a question of whether international politics is involved. If the State Department does it, the judgment is that the heavy hand of our Government is involved. Here we set up a legitimate independent agency to deal with the very important and delicate issue that is now in the center of the world's stage.

I think in that sense it is a very practical approach. It would be under control in terms of its budgetary review. So I would hope in this situation that it is a practical agency to support.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, I thank my colleague for yielding.

I am not particularly knowledgeable on this bill. I am concerned, though, about this question that has been raised here. As I understand from the gentleman from Illinois (Mr. DERWINSKI), the request apparently by the witnesses that were supporting this Institute was for $5 million, and the point that I think is important is that you saw fit in the committee to cut it to $1 million.

Mr. DERWINSKI. That is correct.

Mr. SISK. Keeping that in mind, does that indicate to the gentleman from Illinois (Mr. DERWINSKI) what is going to happen next year and the year after to this Institute? And here, again, I do not mean to make fun of it. I am concerned about the fact that we seem to be ever involved in creating new agencies or in-

stitutes to do something that I thought the United Nations or some other organization was supposed to be doing a long time ago, but I am concerned when the gentleman says that apparently the people that dreamed up this idea—and we are all for human rights, Lord knows—but when we start out with a group to dabble in every other country's business, I am concerned; and I do want to raise this question of my friend the gentleman from Illinois (Mr. DERWINSKI), because I know that he is, frankly and frequently a conservative himself at times, does the gentleman mean that this Institute will end the next year or is it something that is going to go on indefinitely and run into higher and higher figures? I think that is what we are heading for; is it not?

Mr. DERWINSKI. The gentleman's questions have helped set the stage for support of this agency. The very facts that the gentleman has brought up are facts we have considered. We have established monetary control by trimming the original request. This will be an independent agency of our Government. We do not want to turn loose a group of citizens in a nongovernment entity where they would be completely outside of any jurisdiction, whether it be of the Department of State, the executive branch, or the Congress.

Mr. SISK. If my colleague would yield further, is not part of the function and concern of the United Nations and these various bureaus human rights? Are there not groups for that? Are we going to propose to do this on a unilateral basis, not bilateral or multilateral?

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. BUCHANAN, and by unanimous consent, Mr. DERWINSKI was allowed to proceed for 2 additional minutes.)

Mr. DERWINSKI. Let me just say that as a defender of the United Nations, I do not want to misstate the case, but we have to appreciate the fact that the United Nations has become overpoliticized. In its debate, especially in the General Assembly, we get an awful lot of empty rhetoric. What we envision here is a limited, independent agency being able to operate without the onus of politics that comes with official statements from the White House or the Department of State.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Alabama.

Mr. BUCHANAN. I thank the gentleman for yielding.

I would point up that Deputy Secretary Warren Christopher of the Department of State said the following about this proposal:

If carefully structured, the Institute envisioned by your bill could make a valuable contribution to efforts in behalf of human rights. Perhaps its most important role would be to offer needed assistance to the non-governmental organizations (or NGOs). The valuable work of NGOs in promoting human rights long predated this Administration, and we have learned from them and been helped by them. We believe that our own efforts to promote human rights have, in turn, given their work new impetus by helping focus international attention on the causes they long have supported.

Beyond its salutary effect on private human rights organizations, creation of the Institute through Congressional initiative would be viewed as a reaffirmance of our national commitment to the promotion of human rights. The bipartisan nature of this commitment, and the breadth of its support, are prerequisities to the success of our efforts in behalf of human rights.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. Mr. Chairman, I feel a convert coming on, so I will first yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. I thank the gentleman for that, because I was not exactly going to convert at this point. My colleague has been relentless in the pursuit of compromise with the State Department and I have not yet started down that road with him.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. ASHBROOK, and by unanimous consent, Mr. DERWINSKI was allowed to proceed for 2 additional minutes.)

Mr. ASHBROOK. If the gentleman would yield further, I would thank my colleague for yielding.

There seem to be two main legislative thrusts that we have developed over the years, and we have seen them both. One is, "We will clean it up in conference." The other is, "Get the bill passed, and we will get you the money later."

This is May 31, 1978. I wonder if my astute colleague, the gentleman from Illinois, would care to project for the record—it will be printed—when this Institute will pass the plateau of $10 million, $50 million, $100 million in the future.

Mr. DERWINSKI. First, I will guarantee to the gentleman that in the next fiscal year it will not go beyond this present $1 million we envision. I want to point out to the gentleman that we have already struck a tremendous blow by cutting the original figure from $5 to $1 million. I, frankly, thought that the work in the subcommittee was such that the gentleman would applaud it. I now think it would have been wiser to have brought the bill to the floor with the $5 million, and then cut it to $1 million on the floor, and thus salvage the Institute. But this is a legitimate, independent entity to properly address the issue of human rights without the label of politics or without the big power involvement that is automatically attributed to the speeches of the President of the United States.

Mr. ASHBROOK. I thank my colleague for not answering my question.

Mr. McDONALD. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. May I next yield to the gentleman from the President's home State of Georgia.

Mr. McDONALD. I thank the gentleman for yielding.

In defining the term "human rights" for this Institute, would that include the right of an individual to gain and maintain private property?

Mr. DERWINSKI. I would assume so, yes.

Mr. McDONALD. Do we have a guarantee other than an assumption, or do we just have to go on the assumption as that being the case?

Mr. DERWINSKI. The United Nations Charter spells out the right of personal property, the right to own personal property. Obviously, this is not inconsistent with the provisions of the U.N. Charter.

Does the gentleman wish to withdraw the amendment?

Mr. BAUMAN. No. The gentleman wishes to stand by it without withdrawing it.

There is a problem with the gentleman's argument. The gentleman says we are going to create an independent institute that will not be suspect in its fight for human rights; but the gentleman just got through saying that Congress will control its money, the President will appoint its board and it will promote American policy. Yet, on the other hand, if it is not independent, we do not need it since the State Department can do the job.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. DERWINSKI) has again expired.

(At the request of Mr. SEIBERLING, and by unanimous consent, Mr. DERWINSKI was allowed to proceed for 2 additional minutes.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. Just give me 15 seconds to answer my friend, the gentleman from Maryland. This is really becoming an interesting alliance here.

Mr. Chairman, let me point out that this idea of an independent agency is the very thing that worked successfully for Radio Free Europe. The gentleman and I support that concept. We do want restraint by the Congress. The last thing we want to do is turn this thing loose without authorization and control of the agency.

Mr. Chairman, now I yield the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, earlier today the gentleman asked me if I could document the remarks I had quoted from memory, made by Dr. Brzezinski a couple years ago. I now have a summary of his remarks which I put into the RECORD on Monday, June 21, 1976. The summary was approved by him before I put it in the RECORD. The remarks were made at a meeting on May 19, 1976. I quote from them as follows:

Angola. Many of our Angolan errors stemmed from the fact that our policymakers saw it as an East-West conflict, while it was also a North-South conflict.

He went on at some length and ended up talking about East-West and North-South relations in general:

In the short run, there is not the slightest doubt that if we move towards a confrontation, we will prevail. But, in the longer run, we will have lost what we are all about. We began as an experiment in freedom, and in certain kinds of values.

I hope he remembers his words of advice and wisdom of 2 years ago and tries to perhaps move in that direction again, rather than that indicated by some of the remarks he has made more recently.

Mr. Chairman, the full text of the summary of Dr. Brzezinski's remarks of May 19, 1976, are as follows:

REFLECTIONS ON PREMISES AND PRIORITIES IN AMERICAN FOREIGN POLICY

In looking at its international position, the United States confronts the spectre of global isolation, a situation without precedent in our history. For much of our history, the United States, our values, our outlook, and our very existence have been a liberating factor in the world. This has imbued our foreign policy with a compelling force. This has changed dramatically. Now, much of the world sees us as opposing change, obstructing change. Worse, many Americans see the world as being fundamentally hostile to our values.

This is troubling, because a world of emancipated nation-states should not be something threatening to American values. There has, however, been for the public the intellectual attraction of yielding to a simplifying principle such as the Cold War. This principle was often true, but it did not help us to recognize the Sino-Soviet split or the development of polycentrism among Communist states. The new image the public holds is that of a "Hostile World," a coalition of Afro-Asian states allied against us. This image means divorce from gobal change, it means isolation, and it is wrong.

This philosophical divorce is threatening to us, because in our self-imposed isolation. we may create the very condition that we fear, and thus reduce our capacity to deal with international problems, while at the same time creating an intersection of East-West issues with North-South issue, which is now occurring frequently.

If we don't develop a more differentiated response capability to this intersection, our policies will inevitably fail. Two examples:

The Middle East. It began as a regional conflict between the Arabs and the Israelis, and first escalated into an East-West conflict, and subsequently into a North-South confrontation as well, as the anti-Zionism resolution at the United Nations clearly demonstrated.

Angola. Many of our Angolan errors stemmed from the fact that our policymakers saw it as an East-West conflict, while it was also a North-South conflict. Secretary Kissinger's Lusaka speech was a courageous one, but it should have been made over a year ago.

This intersection of North-South and East-West issue is a serious problem, and in some areas, such as Central America, unless we are both smart and wise, they will in the future present an even more serious problem to us.

This is why we cannot afford a hostile world, which is much of our own making. The Third and Fourth Worlds are differentiated: radicals and moderates, rich and poor. What all of this calls for is a truly massive architectural effort in the field of our foreign relations, on the scale of the one we undertook at the conclusion of World War II. We need a wider international system, responsive to the fact of 4 billion people in the world, and more than 100 independent nation-states. What we did after 1945 was to promote peace, free trade, and an Atlantic-centered alliance. What we need now is more than peace, more than free trade, and more than an Atlantic Community. We have to establish some sort of global equity. There is no conflict between liberty and equity.

In this large scale architectural effort, there are three areas of priority:

1. *Trilateral Co-operation.* We should pull much closer to Japan and Western Europe. These are also the countries that have systems which reflect universal democratic values. Economic and political stability require this strengthening of ties.

2. *Reform of the North-South Relationship.* We must fulfill the promises of the Seventh Special Session of the United Nations General Assembly. This calls for massive efforts by the Congress and the Secretary of State to recognize the needs of Third World states, and to assume responsibility for helping to meet those needs.

3. *Stabilize the East-West Relationship.* Negative public reaction to détente is due to the loss of illusions foisted on the people by the American government. The Russians never deceived us about détente. They always said that there would be mixed cooperation and conflict. We were the ones who were talking about a "generation of peace." The United States and the Soviet Union are separated by differing historical forces, and the conflict will be with us for a long time. That is why it is not a good idea to base our whole foreign policy on détente.

If we succeed in these three areas, then we can expect to have a far more responsive foreign policy. The public is susceptible to simple and direct formulas, but it is the task of leadership to make them understand the nuances. And the public wants interdependence to be articulated to them.

In the past year, there has been a sense of growing public confidence in America; the isolationist point-of-view has not prevailed. There is likely to be public support for U.S. engagement with the rest of the world.

We need to adjust to an interdependent world; the U.S. needs to co-operate rather than confront the rest of the world, particularly in the economic sphere.

If we do not, it may have implications for our society. It would be difficult to sustain the moral fabric of American society if we get engaged in a conflict with states we see as hostile, but which are also poor, suffering, envious, and have established a moral claim of some legitimacy.

In the short run, there is not the slightest doubt that if we move towards a confrontation, we will prevail. But, in the longer run, we will have lost what we are all about. We began as an experiment in freedom, and in certain kinds of values.

Mr. DERWINSKI. Mr. Chairman, I thank the gentleman from Ohio. Hearing the views of administration stalwarts is always inspiring.

I would like to point out that the inspiration behind this bill was our colleague, the gentleman from Florida (Mr. FASCELL), a responsible Member.

Mr. Chairman, I urge rejection of the amendment.

Mr. HARKIN. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of this Institute and in opposition to this amendment.

I can think of nothing we could do which would be more helpful toward the strengthening of human rights throughout the world than the establishment of this independent Institute to help us through the thicket of human rights as they pertain to different social and economic conditions throughout the world in different countries.

Mr. Chairman, I have had a stream of different people from the democracies in Europe through my office last fall and this year talking with me about the human rights amendments that have been passed here in the Congress and signed into law. One of the concerns that they have is about the problem of the human rights movement being tainted with politics. I believe the gentleman from Illinois has stated the situation quite clearly, that this Institute will go a long way toward removing this from the area of politics and the gearing it toward the legitimate human rights concerns that all of us have.

I think that the members of the parliaments of the democracies in Europe will be very supportive of this Institute, and I can see the Institute also going a long way toward getting them involved with us in promoting human rights throughout the world, especially in the area of helping the NGO's, the nongovernmental organizations. This is the one place where I think we can make a great impact throughout the world, because it is divorced from politics and it is divorced from the special considerations that every country has when it deals with another country.

So, Mr. Chairman, I would hope the House will defeat this amendment and go ahead and fund this Institute.

Mrs. FENWICK. Mr. Chairman, I move to strike the requisite number of words.

Until this very moment, Mr. Chairman, I had been a convert. What we find now is something I had not quite expected.

Are we going to undertake the championing of social and economic rights that are so advertised by the Communist nations as being human rights, or are we going to stick to what we have generally conceded to be human and civil rights in the political field? I speak of those rights which a government can guarantee or withhold. Indeed no government can guarantee a good harvest or adequate food or any other thing of that kind which is necessary for human existence but which it is impossible to guarantee.

I notice on page 45 of the report—and this was not stressed until this moment—that it does refer in the first paragraph to "universal respect for * * * human rights and fundamental freedoms," but in the second paragraph of that page it goes into both civil and political rights and economic and social rights.

I would like to know what the committee intends in this regard, because President Carter, in what I think was one of the finest speeches of his administration, in India, made a very clear differentiation between human needs and human rights. Human needs are adequate food, education, medical care, housing, and a job. These are human needs.

Human rights are things that can be given or withheld by a liberal or a totalitarian government. That is what I hope is the intention of this institute to address itself to, because otherwise we are going to get caught up with the new international economic order and deal with any one of a number of very difficult and controversial matters.

Mr. FRASER. Mr. Chairman, will the gentlewoman yield?

Mrs. FENWICK. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, let me make the observation that with respect to economic and social rights, our principal agency is the Agency for International Development. That is the agency that is trying to help the poor of the world get more education and better health, and so on.

The emphasis here is clearly on what one would call civil and political rights. I think that is underscored by our reference to fundamental freedoms. We have an agency that is already at work in the field of social and economic problems.

Mrs. FENWICK. Mr. Chairman, this has been most helpful, and I think the gentleman has still gained his convert.

In other words, the goal of this institute is to concern itself with those human rights which can be given or withheld by liberal or totalitarian governments?

Mr. FRASER. The gentlewoman is correct, as far as I am concerned.

Mr. DERWINSKI. Mr. Chairman, will the gentlewoman yield?

Mrs. FENWICK. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, may I point out that we cannot be more precise, because the specific problems differ from country to country. The specific right that is denied in an African country may differ from the type of right that is denied in, for instance, a Latin American country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. BAUMAN).

The question was taken; and on a division (demanded by Mr. BAUMAN) there were—ayes 49, noes 50.

RECORDED VOTE

Mr. BAUMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 164, not voting 68, as follows:

[Roll No. 388]

AYES—202

Abdnor	Clausen,	Evans, Ind.
Andrews, N.C.	Don H.	Fithian
Andrews,	Clawson, Del	Flippo
N. Dak.	Cleveland	Flynt
Annunzio	Coleman	Foley
Applegate	Collins, Tex.	Fountain
Armstrong	Conable	Fowler
Ashbrook	Corcoran	Frenzel
Ashley	Coughlin	Fuqua
Badham	Crane	Gammage
Bafalis	Cunningham	Gaydos
Barnard	Daniel, Dan	Gephardt
Bauman	Daniel, R. W.	Ginn
Beard, Tenn.	Davis	Glickman
Benjamin	de la Garza	Gonzalez
Bennett	Delaney	Goodling
Bevill	Derrick	Gore
Bowen	Devine	Gradison
Breaux	Dickinson	Grassley
Brinkley	Dicks	Gudger
Brooks	Dornan	Guyer
Brown, Ohio	Duncan, Oreg.	Hagedorn
Broyhill	Duncan, Tenn.	Hall
Burke, Fla.	Edwards, Ala.	Hammer-
Burleson, Tex.	Edwards, Okla.	schmidt
Butler	Emery	Hanley
Byron	English	Hansen
Carter	Ertel	Harsha
Cederberg	Evans, Del.	Hefner
Chappell	Evans, Ga.	Heftel
Hightower	Madigan	Sikes
Hillis	Mahon	Sisk
Holland	Marlenee	Skelton
Holt	Marriott	Skubitz
Hubbard	Mathis	Slack
Huckaby	Mattox	Smith, Nebr.
Ichord	Miller, Ohio	Snyder
Ireland	Mitchell, N.Y.	Spence
Jacobs	Mollohan	Staggers
Jenkins	Montgomery	Stangeland
Jenrette	Moore	Stanton
Johnson, Calif.	Moorhead,	Steed
Johnson, Colo.	Calif.	Stockman
Jones, N.C.	Mottl	Stratton
Jones, Okla.	Murphy, Ill.	Stump
Jones, Tenn.	Murphy, N.Y.	Symms
Kastenmeier	Murphy, Pa.	Taylor
Kazen	Murtha	Thone
Kelly	Myers, Gary	Treen
Kemp	Myers, John	Trible
Ketchum	Nedzi	Vander Jagt
Kindness	Nichols	Volkmer
Krebs	Panetta	Waggonner
Lagomarsino	Pickle	Walgren
Latta	Pike	Walker
Leach	Poage	Walsh
Leggett	Pursell	Wampler
Lent	Quie	Watkins
Levitas	Quillen	White
Livingston	Regula	Whitehurst
Lloyd, Calif.	Risenhoover	Whitley
Lloyd, Tenn.	Robinson	Wilson, Bob
Long, Md.	Rogers	Wilson, Tex.
Lott	Ruppe	Wydler
Luken	Santini	Wylie
McCloskey	Satterfield	Yatron
McDonald	Sawyer	Young, Fla.
McEwen	Schulze	Zeferetti
McKay	Shuster	

NOES—164

Addabbo	Evans, Colo.	Myers, Michael
Akaka	Fary	Natcher
Ambro	Fenwick	Nix
Ammerman	Findley	Nolan
Anderson,	Fish	Nowak
Calif.	Fisher	Oberstar
Anderson, Ill.	Flood	Obey
Aspin	Florio	Ottinger
AuCoin	Ford, Mich.	Patten
Baldus	Ford, Tenn.	Patterson
Beard, R.I.	Forsythe	Pattison
Bedell	Fraser	Pease
Bellenson	Garcia	Pepper
Biaggi	Green	Perkins
Bingham	Hamilton	Preyer
Blouin	Hannaford	Price
Boggs	Harkin	Pritchard
Boland	Harrington	Rahall
Bolling	Harris	Reuss
Bonior	Heckler	Rinaldo
Bonker	Hollenbeck	Roe
Brademas	Holtzman	Roncalio
Breckinridge	Horton	Rooney
Brodhead	Hughes	Rose
Broomfield	Jeffords	Rosenthal
Brown, Calif.	Jordan	Roybal
Brown, Mich.	Keys	Scheuer
Buchanan	Kildee	Schroeder
Burke, Mass.	Kostmayer	Seiberling
Burlison, Mo.	LaFalce	Sharp
Carr	Lederer	Smith, Iowa
Cavanaugh	Lehman	Solarz
Chisholm	Long, La.	Spellman
Clay	Lundine	St Germain
Cohen	McClory	Stark
Collins, Ill.	McDade	Steers
Conte	McFall	Steiger
Cornell	McHugh	Studds
Cornwell	McKinney	Thompson
Cotter	Maguire	Traxler
D'Amours	Markey	Tsongas
Danielson	Marks	Udall
Dellums	Mazzoli	Van Deerlin
Derwinski	Metcalfe	Vanik
Diggs	Meyner	Vento
Dingell	Mikulski	Waxman
Dodd	Mikva	Weaver
Downey	Miller, Calif.	Weiss
Drinan	Mineta	Whalen
Early	Minish	Winn
Eckhardt	Mitchell, Md.	Wirth
Edgar	Moakley	Wolff
Edwards, Calif.	Moffett	Wright
Eilberg	Moorhead, Pa.	Yates
Erlenborn	Moss	Zablocki

NOT VOTING—68

Alexander	Blanchard	Burton, Phillip
Allen	Burgener	Caputo
Archer	Burke, Calif.	Carney
Baucus	Burton, John	Cochran
Conyers	Martin	Runnels
Corman	Meeds	Russo
Dent	Michel	Ryan
Fascell	Milford	Sarasin
Flowers	Neal	Sebelius
Frey	O'Brien	Shipley
Giaimo	Oakar	Simon
Gibbons	Pettis	Stokes
Gilman	Pressler	Teague
Goldwater	Quayle	Thornton
Hawkins	Railsback	Tucker
Howard	Rangel	Ullman
Hyde	Rhodes	Whitten
Kasten	Richmond	Wiggins
Krueger	Roberts	Wilson, C. H.
Le Fante	Rodino	Young, Alaska
Lujan	Rostenkowski	Young, Mo.
McCormack	Rousselot	Young, Tex.
Mann	Rudd	

The Clerk announced the following pairs:

On this vote:

Mr. Teague for, with Mr. Carney against.

Mr. Roberts for, with Mr. Shipley against.

Mr. Archer for, with Mr. Hawkins against.

Mr. Burgener for, with Mr. Rangel against.

Mr. Goldwater for, with Mr. Richmond against.

Mr. Rousselot for, with Mr. Stokes against.

Mr. Rudd for, with Mr. Conyers against.

Mr. Sebelius for, with Mr. Sarasin against.

Mr. Dent for, with Mr. Le Fante against.

Mr. Whitten for, with Mrs. Burke of California against.

Mr. CARR and Mr. WOLFF changed their vote from "aye" to "no."

Messrs. VANDER JAGT, ASHLEY, and QUIE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE VIII—MISCELLANEOUS PROVISIONS

GORGAS MEMORIAL INSTITUTE

SEC. 801. (a) Section 3 of the Act entitled "An Act to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory", approved May 7, 1928 (22 U.S.C. 278a), is amended in the first sentence—

(1) by striking out "annually, on the first Monday in December," and inserting in lieu thereof ", on April 1 of each year,"; and

(2) by striking out "up to the first of November next preceding" and inserting in lieu thereof "during the fiscal year ending the preceding September 30".

(b) Title I of the Departments of State, Justice, and Commerce Appropriation Act, 1945, is amended in the first paragraph under the heading "INTERNATIONAL OBLIGATIONS" by striking out ": *Provided*," and all that follows through "each such session" (22 U.S.C. 278b).

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SEC. 802. (a) Section 7(a) of the Act entitled "An Act to establish a Commission on Security and Cooperation in Europe", approved June 3, 1976 (22 U.S.C. 3007(a)), is amended by striking out "$350,000" and inserting in lieu thereof "$550,000".

(b) The amendment made by this section shall take effect on October 1, 1978.

ADDITIONAL PARLIAMENTARY EXCHANGES AND ASSEMBLIES

SEC. 803. Of the amount authorized to be appropriated by section 101(a)(2) of this Act, $100,000 shall be available only for disbursements for the expenses of a special study group, to be appointed by the chairman of the Committee on International Relations of the House of Representatives, to investigate the feasibility of organizing ad-

ditional parliamentary exchanges or assemblies to provide a regular forum for the periodic discussion of common problems and interests by representatives from the Congress and from the legislative assemblies of other countries. Disbursements of funds under this section shall be on vouchers approved by the chairman of the Committee on International Relations or his designee.

INTERNATIONAL TIN AGREEMENT

SEC. 804. Effective October 1, 1978, there is authorized to be appropriated to the President $60,000,000 for the purpose of acquiring tin metal to contribute to the buffer stock of the International Tin Council established under the Fifth International Tin Agreement.

Mr. ZABLOCKI (during the reading). Mr. Chairman, I ask unanimous consent that title VIII be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. ANDERSON of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Illinois: On page 53, after line 2, insert the following new section 803 and redesignate succeeding sections accordingly:

"JAPAN-UNITED STATES FRIENDSHIP COMMISSION"

SEC. 803. Section 6 of the Act entitled the "Japan-United States Friendship Act" (22 U.S.C. 2905) is amended—

(1) in paragraph (9) by striking out "and" at the end thereof;

(2) in paragraph (10) by striking out the period at the end thereof and inserting in lieu thereof "; and "; and

(3) by inserting after paragraph (10) the following:

"(11) transmit its official mail as penalty mail, in the same manner and upon the same condition as an officer of the United States other than a Member of Congress is permitted to transmit official mail as penalty mail under section 3202 of title 39 of the United States Code."

Mr. BAUMAN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Maryland (Mr. BAUMAN) reserves a point of order.

The gentleman from Illinois (Mr. ANDERSON) is recognized for 5 minutes in support of his amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, my amendment would insert a new section 803 in the bill which would extend penalty mail privileges to the Japan-United States Friendship Commission established by the Japan-United States Friendship Act enacted by the 94th Congress.

That law was enacted to provide for the use of an amount equal to a part of the total sum payable by Japan to the United States in connection with the reversion of Okinawa to Japanese administration and the remaining funds set aside in 1962 for educational and cultural exchange with Japan to aid education and culture at the highest level in order to enhance reciprocal people-to-people understand and to support the close friendship and mutuality of interests between the two countries.

The act further established in the Treasury of the United States a Japan-United States Friendship Trust Fund to be used for the promotion of scholarly, cultural, and artistic activities between the United States and Japan. The act also established the Japan-United States Friendship Commission to develop and carry out programs at public or private institutions for the promotion of scholarly, cultural, and artistic activities in Japan and the United States and to make grants to carry out such programs. The Commission is composed of the members of the U.S. Panel of the Joint Committee on United States-Japan Cultural and Educational Cooperation, two Members of the U.S. House of Representatives, two Members of the Senate, the chairman of the National Endownment for the Arts, and the chairamn of the National Endowment for the Humanities.

There was a minor oversight in drafting that law, yet one which has posed considerable administrative problems for the Commission. The Commission was not granted the so-called penalty mail privilege which is given to Government agencies, and most other mixed commissions of this nature. As a result of this oversight, the Commission is unable to buy postage on credit and must advance personal funds for which the staff is subsequently reimbursed. The Postal Service has refused the Commission's request that it be permitted to buy a postage meter and use metered postage under regulations of the Postal Service for Government agencies. These regulations permit the billing of Government agencies on a monthly or quarterly basis for postage actually used. The Postal Service has ruled that since the Commission is not a Government agency, it must pay in advance for postage. And yet, under Government procurement rules, which are applicable to the Commission, it cannot pay in advance by Treasury check, and hence the staff must use personal funds to buy postage, for which it is later reimbursed.

On December 6, 1977, I introduced H.R. 10211 which would extend penalty mail privileges to the Commission. That bill was referred to the Committee on International Relations which is still awaiting agency comments from the Department of the Treasury. The committee has received comments from the Postal Service. In a letter dated May 15, 1978, Postal Service Assistant General Counsel W. Allen Sanders wrote Chairman ZABLOCKI stating in part:

The Postal Service has no opposition to the bill. . . . if it is the intent of Congress that the Commission be eligible for penalty mail privileges, the Postal Service has no opposition to the amendment of the Japan-United States Friendship Act to permit the Commission to use penalty mail in the same manner and under the same conditions as officers of the United States Government.

The committee has also received a letter from Douglas Bennet, Jr., Assistant Secretary of State for Congressional Relations, expressing State Department support for my amendment, and I quote:

The Department of State views the Japan-United States Friendship Commission as an agency of the United States Government and strongly supports legislation that would authorize the Commission to transmit its official mail as penalty mail.

Mr. Chairman, I would also point out that my penalty mail amendment was added to the State Department authorization in the other body as section 206 of S. 3076.

Finally, Mr. Chairman, I want to underscore that adoption of this amendment will not cost a single cent since this does not exempt the Commission from paying for postage—it simply makes it possible to pay for it on a reimbursable basis as other Government agencies now do.

I would therefore urge adoption of this noncontroversial, no-cost amendment which is supported by the administration.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield.

Mr. ANDERSON of Illinois. I yield to the distinguished chairman, the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, the gentleman from Illinois (Mr. ANDERSON) has provided the committee with copies of his amendment. We are familiar with some of the problems that the Japan-United States Friendship Commission is experiencing and recognize that this amendment is necessary. As the gentleman from Illinois (Mr. ANDERSON) has stated, Mr. Chairman, the State Department does not have any objection.

I would advise the gentleman that we on this side of the aisle are very pleased to accept the amendment.

Mr. ANDERSON of Illinois. I thank the gentleman from Wisconsin.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I too would accept the gentleman's amendment. It is my understanding that it is in the bill in the other body.

Mr. ANDERSON of Illinois. The gentleman is correct.

Mr. Chairman, I urge the adoption of the amendment.

The CHAIRMAN. Does the gentleman from Maryland (Mr. BAUMAN) insist upon his point of order?

Mr. BAUMAN. Mr. Chairman, it appears to me that the amendment is not germane, but, in deference to my senior colleague on this side, one of the leaders on the Committee on Rules, I will not press the point of order and I withdraw my point of order.

The CHAIRMAN. The gentleman from Maryland (Mr. BAUMAN) withdraws his point of order.

Mr. ANDERSON of Illinois. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ANDERSON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: On page 53, immediately after line 23, add the following new section:

"SEC. 805. (a) None of the funds authorized to be appropriated in this Act shall be used for the purpose of reparations, aid, or any other form of payment to the Socialist Republic of Vietnam.

(b) The President shall continue to take all possible steps to obtain a final accounting of all Americans missing in action in Vietnam.

Mr. ASHBROOK. Mr. Speaker, the amendment I am offering prohibits the use of funds for reparations, aid or any other form of payment to Communist Vietnam. It is basically the same amendment that the House overwhelmingly adopted last year during consideration of the Foreign Relations Authorization Act for fiscal year 1978. It is precisely the same as section 505 of the conference report adopted last year.

Why is this amendment necessary? Last October the director of Vietnam's Central Bank was still saying that the United States owes Vietnam $4.75 billion—and that he believes the United States will eventually repay it. The Communists evidently believe it will be done by laundering U.S. tax dollars through the U.N. and various international agencies to Vietnam. I did not include the "direct or indirect" language used in my amendment of earlier this month. I do not think this authorization bill is the place for that.

We have already seen the beginning of this type of activity. The U.N. General Assembly recently passed a resolution authorizing the Secretary General to rehabilitate Vietnam both socially and economically. Our representative to the U.N.—Andy Young—sat on his hands and failed to vote against it or even ask for a recorded vote.

The World Bank—to which the United States is a major contributor—apparently will follow the same route. Bank President Robert McNamara indicated that aid would go to Vietnam.

It is time to call a halt to this nonsense. U.S. tax dollars should not go to Communist Vietnam. I urge the adoption of my amendment. The State Department must know we want no form of reparations to that country.

Last year on July 26, 1977, in the conference report on similar legislation, H.R. 6689, section 505 entitled "Reparations for Vietnam," the exact language, word for word, that we adopted in the conference report is the language contained in my amendment. I think it is very evident today that we want to keep this provision in the law.

I do not think there should be any letting down of our interest or guard as far as the possible reparations for the Socialist Republic of Vietnam is concerned, and I would urge my colleagues to support this amendment.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

As he has stated, Mr. Chairman, his amendment is identical to the language now in the law and the language that was returned to the House of Representatives in the last session of Congress in the committee report. I certainly join the gentleman in his intentions of the amendment and am very pleased to accept the amendment on the part of this side of the aisle.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Alabama.

Mr. BUCHANAN. I thank the gentleman for yielding.

I, too, would join the Chairman in commending and accepting the gentleman's amendment. I think we need to keep it in the law. I do not think this administration has any present plans in that direction, but it is just as well to keep the language in the law, and I accept the amendment.

Mr. ASHBROOK. I thank my colleague.

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HANSEN: Page 53, after line 23, add the following new section: "SEC. 805. None of the funds herein authorized to be appropriated shall be used directly or indirectly to effect implementation of the Panama Canal Treaties of 1978 without a specific Act of Congress authorizing such implementation."

Mr. HANSEN. Mr. Chairman, to reiterate, the amendment is very simple. It says that none of the funds herein authorized to be appropriated shall be used directly or indirectly to effect implementation of the Panama Canal treaties of 1978 without a specific act of Congress authorizing such implementation.

One might ask why in this type of legislation we put this reiteration of something that has been done on some occasions before, and I would say that probably it is important for us to reiterate not only that which we have done in the budget resolution, not only that which we have done in the military authorizations bill, but to do this also in the foreign relations authorizations bill because of the fact that the Department of State is under this particular jurisdiction.

Mr. Chairman, I would say this, that the Department of State does not have a very good track record as far as its bypassing of the Senate and the House of Representatives. They bypassed the Senate when the appointment of Sol Linowitz was anounced as one of the treaty negotiators, and there was no chance for advice and consent. There again was a bypass of the House when the recommendations were made for the passing of the treaties without coming to the House of Representatives, as is usually the case in regard to the Panama treaties of the past, and also when other types of treaties have been considered through the years. Also there seems to be a possible effort to bypass the House and Senate action as enumerated in the Brooke amendment in the treaties of 1978, which says that there will be no implementation of the treaties prior to the 31st of March of next year unless an act of Congress predates that particular period of time.

There seems to be some question now as to whether this might take place earlier considering the announced June protocol exchange in Panama between the President and Torrijos. Considering the track record of the dictator of Panama when he says that the DeConcini amendment is something that does not mean much to him because he could destroy the canal several hours before we could come back, I think it is important for us to reiterate here now, particularly with regard to the activities of the State Department, that none of these funds shall be used by the people in the State Department to implement the Panama Canal treaties without a specific act of Congress authorizing such implementation.

Mr. Chairman, I might say again that today's amendment is similar to House Concurrent Resolution 347, which has 240 cosponsors and which states very much the same as this amendment entails.

Mr. Chairman, I ask support for this amendment.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, before utilizing my time, I wonder if we could limit the time on this amendment?

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end at 25 minutes to 7 o'clock p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous consent request was made will be recognized for 1½ minutes each.

Mr. ZABLOCKI. Mr. Chairman, I was almost ready and willing to share my time with whoever stood up, if there were more than three.

Mr. Chairman, I rise in opposition to the amendment. As the gentleman knows, the executive branch is in the process of preparing proposed implementing language for the Panama Canal treaties. In fact, draft copies of the language developed to date have been widely circulated.

The gentleman from Idaho, the sponsor of the pending amendment, has himself introduced one of the draft versions already circulated in the House. When this legislation is officially submitted to the Congress, it will be referred to four committees for consideration: the Com-

mittee on International Relations, Committee on Merchant Marine and Fisheries, the Committee on Post Office and Civil Service, and the Committee on the Judiciary, and perhaps to other committees sequentially.

Congressional action pertaining to the treaties should be taken in connection with such implementing legislation rather than through the sporadic process of amendments such as the one pending to this authorization bill. In this way, the proper committees can consider the subject in an orderly and comprehensive way.

As the gentleman knows, as a result of the Brooke reservation, the basic treaty cannot become effective before October 1, 1979 unless implementing legislation is passed prior to that date. Therefore, there is no need for precipitous action in this fashion by the Congress.

Congressional action pertaining to the Panama Canal treaties should be taken in connection with the legislation implementing the treaty rather than through the sporadic process of floor amendments to authorization bills. In this way, the proper committees can consider the subject in an orderly and comprehensive way.

As a result of the Brooke reservation, the treaty cannot become effective prior to October 1, 1979, unless implementing legislation is passed prior to that date. In view of this timetable, there is no need for precipitous action by Congress.

After exhaustive debate, the Senate has approved the Panama Canal treaties.

This is not the proper vehicle for an amendment of this kind.

There are no funds in this bill to implement the Panama Canal Treaty.

Furthermore, the executive branch agrees that the canal treaty cannot be implemented until both Houses of the Congress have acted. In fact implementing legislation is now being prepared and will be submitted to the Congress, probably within the next 2 months.

The Senate has acted and approved the treaties. We should not now take action that will only irritate the Government and people of Panama because it will be interpreted as a gratuitous slap in the face.

We should accept the fact that the treaties have been approved and get on with the job ahead—that is making the treaty work to the advantage of the American people.

As Senator DOLE has said:

For my part, I look to the future in a spirit of cooperation. The treatymaking process prescribed by our Founding Fathers has been followed, and I abide by the outcome. We trust that the treaty provisions will be honored fully by both governments throughout the years to come, and that genuine friendship between the American people and the Panamanian people will continue, as firmly as ever.

Mr. ZABLOCKI. Mr. Chairman, I yield to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, is it not the case that under the Brooke reservation the treaty cannot become effective prior to October 1979, unless implementing legislation is passed before that date, so it must come before us?

Mr. ZABLOCKI. That is true.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Chairman, at the risk of losing my impeccable conservative creditials, I rise in opposition to the amendment.

This is a State Department authorization bill. As such, it is limited to the functioning of the Department of State, and the issue of implementing the canal treaty really is not involved here. I believe my good friend, the gentleman from Idaho (Mr. HANSEN), is engaged in something of an overkill, as the chairman of the committee indicated, in offering this same amendment to so many issues.

I supported the gentleman's early position and I might well support it when we come to the gut appropriation bill, but I do not think we should tie the hands of our diplomats and say that no funds directly or indirectly may be used, because if the Members interpret that as I do, it means our Ambassador in London who may be discussing commerce with the British Government could not discuss the Panama Canal or its future.

So, Mr. Chairman, I really think the position of the gentleman from Idaho (Mr. HANSEN) would be best served—and I say this as a friend and normal supporter of his—by withdrawing his amendment and letting this State Department authorization bill move through without this kind of unnecessary restriction.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I will just say that I think the State Department is precisely made up of a group of people that we have to control, considering the track record of the State Department that I enumerated earlier.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I yield back my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Idaho (Mr. HANSEN).

The question was taken; and the Chairman being in doubt, the committee divided, and there were—ayes 47, noes 57.

RECORDED VOTE

Mr. HANSEN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 163, not voting 68, as follows:

[Roll No. 389]

AYES—203

Abdnor	Forsythe	Montgomery
Ammerman	Fountain	Moore
Anderson, Calif.	Fowler	Moorhead, Calif.
Andrews, N. Dak.	Frenzel	Mottl
Annunzio	Fuqua	Murphy, Ill.
Applegate	Gammage	Murphy, Pa.
Armstrong	Gaydos	Murtha
Ashbrook	Gephardt	Myers, John
Badham	Ginn	Myers, Michael
Bafalis	Glickman	Natcher
Barnard	Gradison	Nichols
Bauman	Grassley	Patterson
Beard, R.I.	Gudger	Perkins
Beard, Tenn.	Guyer	Pickle
Benjamin	Hagedorn	Poage
Bennett	Hall	Quie
Bevill	Hammer-schmidt	Quillen
Biaggi	Hannaford	Rahall
Boggs	Hansen	Regula
Bowen	Harsha	Rinaldo
Breaux	Heckler	Risenhoover
Breckinridge	Hefner	Robinson
Brinkley	Hightower	Roe
Brown, Mich.	Hillis	Rogers
Brown, Ohio	Holland	Rose
Broyhill	Holt	Santini
Burke, Fla.	Horton	Satterfield
Burke, Mass.	Hubbard	Sawyer
Burleson, Tex.	Huckaby	Schulze
Butler	Hughes	Shuster
Byron	Ichord	Sikes
Carter	Ireland	Skelton
Chappell	Jacobs	Slack
Clausen, Don H.	Jeffords	Smith, Nebr.
Clawson, Del	Jenkins	Snyder
Cleveland	Johnson, Calif.	Spence
Cohen	Jones, N.C.	St Germain
Coleman	Jones, Okla.	Staggers
Collins, Tex.	Jones, Tenn.	Stangeland
Conable	Kazen	Steed
Corcoran	Kelly	Stockman
Crane	Kemp	Stratton
Cunningham	Ketchum	Stump
D'Amours	Kindness	Symms
Daniel, Dan	Lagomarsino	Taylor
Daniel, R. W.	Latta	Thone
Davis	Leach	Treen
de la Garza	Lederer	Trible
Delaney	Leggett	Vander Jagt
Derrick	Lent	Volkmer
Devine	Levitas	Waggonner
Dornan	Livingston	Walker
Duncan, Tenn.	Lloyd, Calif.	Walsh
Edwards, Ala.	Lloyd, Tenn.	Wampler
Edwards, Okla.	Lott	Watkins
Eilberg	Luken	White
Emery	McDade	Whitehurst
English	McDonald	Whitley
Ertel	McEwen	Whitten
Evans, Del.	Madigan	Wilson, Bob
Evans, Ga.	Mahon	Wilson, C. H.
Evans, Ind.	Marks	Winn
Fithian	Marlenee	Wydler
Flippo	Marriott	Wylie
Flood	Mathis	Yatron
Florio	Mattox	Young, Fla.
Flynt	Miller, Ohio	Zeferetti
	Minish	
	Mitchell, N.Y.	

NOES—163

Addabbo	Collins, Ill.	Ford, Tenn.
Akaka	Conte	Fraser
Ambro	Cornell	Garcia
Anderson, Ill.	Cornwell	Gonzalez
Andrews, N.C.	Cotter	Goodling
Ashley	Coughlin	Gore
Aspin	Danielson	Green
AuCoin	Dellums	Hamilton
Baldus	Derwinski	Hanley
Bedell	Dickinson	Harkin
Beilenson	Dicks	Harrington
Bingham	Diggs	Harris
Blouin	Dingell	Heftel
Boland	Dodd	Hollenbeck
Bolling	Downey	Holtzman
Bonior	Drinan	Jenrette
Bonker	Duncan, Oreg.	Johnson, Colo.
Brademas	Early	Jordan
Brodhead	Eckhardt	Kastenmeier
Brooks	Edgar	Keys
Broomfield	Edwards, Calif.	Kildee
Brown, Calif.	Erlenborn	Kostmayer
Buchanan	Fary	Krebs
Burlison, Mo.	Fenwick	LaFalce
Carr	Findley	Lehman
Cavanaugh	Fish	Long, La.
Cederberg	Fisher	Long, Md.
Chisholm	Foley	Lundine
Clay	Ford, Mich.	McClory

McCloskey	Oberstar	Solarz
McFall	Obey	Stanton
McHugh	Ottinger	Stark
McKay	Panetta	Steers
McKinney	Patten	Steiger
Maguire	Pattison	Studds
Markey	Pease	Thompson
Mazzoli	Pepper	Traxler
Metcalfe	Pike	Tsongas
Meyner	Preyer	Udall
Mikulski	Price	Van Deerlin
Mikva	Pritchard	Vanik
Miller, Calif.	Pursell	Vento
Mineta	Reuss	Walgren
Mitchell, Md.	Roncalio	Waxman
Moakley	Rooney	Weaver
Moffett	Rosenthal	Weiss
Mollohan	Roybal	Whalen
Moorhead, Pa.	Ruppe	Wilson, Tex.
Moss	Sarasin	Wirth
Murphy, N.Y.	Scheuer	Wolff
Myers, Gary	Schroeder	Wright
Nedzi	Seiberling	Yates
Nix	Sharp	Zablocki
Nolan	Skubitz	
Nowak	Smith, Iowa	

NOT VOTING—68

Alexander	Hawkins	Roberts
Allen	Howard	Rodino
Archer	Hyde	Rostenkowski
Baucus	Kasten	Rousselot
Blanchard	Krueger	Rudd
Burgener	Le Fante	Runnels
Burke, Calif.	Lujan	Russo
Burton, John	McCormack	Ryan
Burton, Phillip	Mann	Sebelius
Caputo	Martin	Shipley
Carney	Meeds	Simon
Cochran	Michel	Sisk
Conyers	Milford	Spellman
Corman	Neal	Stokes
Dent	Oakar	Teague
Evans, Colo.	O'Brien	Thornton
Fascell	Pettis	Tucker
Flowers	Pressler	Ullman
Frey	Quayle	Wiggins
Giaimo	Railsback	Young, Alaska
Gibbons	Rangel	Young, Mo.
Gilman	Rhodes	Young, Tex.
Goldwater	Richmond	

The Clerk announced the following pairs:

On this vote:

Mr. Neal for, with Mr. Carney against.

Mr. Teague for, with Mr. Shipley against.

Mr. Roberts for, with Stokes against.

Mr. Gilman for, with Mr. Rangel against.

Mr. Frey for, with Mrs. Burke of California against.

Mr. Rousselot for, with Mr. Hawkins against.

Mr. Rudd for, with Mr. Conyers against.

Mr. Le Fante for, with Mr. Richmond against.

Mr. SARASIN changed his vote from "aye" to "no".

Mr. BRECKINRIDGE changed his vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments?

If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LEVITAS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12598) to authorize appropriations for fiscal year 1979 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, to make changes in the laws relating to those agencies, to make changes in the Foreign Service personnel system, to establish policies and responsibilities with respect to science, technology, and American diplomacy, to establish a Commission on Proposals for a Center for Conflict Resolution, to establish an Institute for International Human Rights, and for other purposes, pursuant to House Resolution 1204, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BURKE OF FLORIDA

Mr. BURKE of Florida. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BURKE of Florida. In its present form, yes, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BURKE of Florida moves to recommit the bill, H.R. 12598, to the Committee on International Relations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There were no objections.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. May the Chair announce this will be the final piece of legislation for the evening, and we intend to work until at least 9 o'clock tomorrow night.

The SPEAKER. The question is on the passage of the bill.

Mr. BAUMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 240, nays 124, not voting 70, as follows:

[Roll No. 390]

YEAS—240

Addabbo	Brodhead	Dickinson
Akaka	Broomfield	Dicks
Ambro	Brown, Calif.	Diggs
Ammerman	Brown, Mich.	Dingell
Anderson, Ill.	Buchanan	Dodd
Andrews, N.C.	Burke, Mass.	Downey
Annunzio	Burlison, Mo.	Drinan
Applegate	Carr	Duncan, Oreg.
Ashley	Cavanaugh	Early
Aspin	Cederberg	Eckhardt
AuCoin	Chappell	Edgar
Baldus	Chisholm	Edwards, Ala.
Beard, R.I.	Clay	Edwards, Calif.
Bedell	Cleveland	Eilberg
Bellenson	Cohen	Emery
Bennett	Collins, Ill.	Erlenborn
Bevill	Conable	Ertel
Biaggi	Conte	Evans, Del.
Bingham	Corcoran	Fary
Blouin	Cornell	Fenwick
Boggs	Cornwell	Findley
Boland	Cotter	Fish
Bolling	Coughlin	Fisher
Bonior	Danielson	Flippo
Bonker	de la Garza	Flood
Bowen	Delaney	Florio
Brademas	Dellums	Foley
Breckinridge	Derwinski	Ford, Mich.
Ford, Tenn.	Markey	Roybal
Forsythe	Marks	Ruppe
Fountain	Mazzoli	Santini
Fraser	Metcalfe	Sarasin
Garcia	Meyner	Sawyer
Gonzalez	Mikulski	Scheuer
Goodling	Mikva	Schroeder
Gradison	Miller, Calif.	Seiberling
Green	Mineta	Sharp
Gudger	Minish	Sikes
Guyer	Mitchell, Md.	Skubitz
Hamilton	Mitchell, N.Y.	Slack
Hanley	Moakley	Smith, Iowa
Hannaford	Moffett	Solarz
Harrington	Mollohan	St Germain
Harris	Moorhead, Pa.	Staggers
Heckler	Moss	Stanton
Heftel	Murphy, Ill.	Stark
Hillis	Murphy, N.Y.	Steers
Hollenbeck	Murtha	Steiger
Holtzman	Myers, Michael	Stratton
Horton	Natcher	Studds
Ireland	Nedzi	Thompson
Jeffords	Nichols	Traxler
Johnson, Calif.	Nix	Tsongas
Jones, N.C.	Nolan	Udall
Jordan	Nowak	Van Deerlin
Kastenmeier	Oberstar	Vander Jagt
Kazen	Obey	Vanik
Kildee	Ottinger	Vento
Krebs	Patten	Waggonner
LaFalce	Patterson	Walgren
Lederer	Pattison	Walsh
Leggett	Pease	Waxman
Lehman	Pepper	Weaver
Lent	Perkins	Weiss
Lloyd, Calif.	Pickle	Whalen
Long, La.	Pike	White
Long, Md.	Preyer	Whitehurst
Luken	Price	Wilson, Bob
Lundine	Pritchard	Wilson, C. H.
McClory	Pursell	Wilson, Tex.
McCloskey	Quie	Winn
McDade	Regula	Wirth
McEwen	Reuss	Wolff
McFall	Rinaldo	Wright
McHugh	Roe	Wydler
McKay	Rogers	Wylie
McKinney	Roncalio	Yates
Madigan	Rooney	Yatron
Maguire	Rose	Zablocki
Mahon	Rosenthal	Zeferetti

NAYS—124

Abdnor	Fowler	Lott
Anderson, Calif.	Frenzel	McDonald
	Fuqua	Marlenee
Andrews, N. Dak.	Gammage	Marriott
	Gaydos	Mattox
Armstrong	Gephardt	Miller, Ohio
Ashbrook	Ginn	Montgomery
Badham	Glickman	Moore
Bafalis	Gore	Moorhead, Calif.
Barnard	Grassley	
Bauman	Hagedorn	Mottl
Beard, Tenn.	Hall	Murphy, Pa.
Benjamin	Hammer-schmidt	Myers, Gary
Breaux		Myers, John
Brinkley	Hansen	Panetta
Brooks	Harkin	Poage
Brown, Ohio	Harsha	Quillen
Broyhill	Hefner	Rahall
Burke, Fla.	Hightower	Risenhoover
Burleson, Tex.	Holland	Robinson
Byron	Holt	Satterfield
Carter	Hubbard	Schulze
Clausen, Don H.	Huckaby	Shuster
	Hughes	Skelton
Clawson, Del	Ichord	Smith, Nebr.
Coleman	Jacobs	Snyder
Collins, Tex.	Jenkins	Spence
Crane	Jenrette	Stangeland
Cunningham	Johnson, Colo.	Steed
D'Amours	Jones, Okla.	Stockman
Daniel, Dan	Jones, Tenn.	Stump
Daniel, R. W.	Kelly	Symms
Davis	Kemp	Taylor
Derrick	Ketchum	Thone
Devine	Keys	Treen
Dornan	Kindness	Trible
Duncan, Tenn.	Kostmayer	Volkmer
Edwards, Okla.	Lagomarsino	Walker
English	Latta	Wampler
Evans, Ga.	Leach	Watkins
Evans, Ind.	Levitas	Whitley
Fithian	Livingston	Whitten
Flynt	Lloyd, Tenn.	Young, Fla.

NOT VOTING—70

Alexander	Burgener	Caputo
Allen	Burke, Calif.	Carney
Archer	Burton, John	Cochran
Baucus	Burton, Phillip	Conyers
Blanchard	Butler	Corman

Dent	Mathis	Runnels
Evans, Colo.	Meeds	Russo
Fascell	Michel	Ryan
Flowers	Milford	Sebelius
Frey	Neal	Shipley
Giaimo	O'Brien	Simon
Gibbons	Oakar	Sisk
Gilman	Pettis	Spellman
Goldwater	Pressler	Stokes
Hawkins	Quayle	Teague
Howard	Railsback	Thornton
Hyde	Rangel	Tucker
Kasten	Rhodes	Ullman
Krueger	Richmond	Wiggins
Le Fante	Roberts	Young, Alaska
Lujan	Rodino	Young, Mo.
McCormack	Rostenkowski	Young, Tex.
Mann	Rousselot	
Martin	Rudd	

The Clerk announced the following pairs:

On this vote:

Mr. Le Fante for, with Mr. Neal against.

Mrs. Spellman for, with Mr. Roberts against.

Mr. Rangel for, with Mr. Teague against.

Mr. Hawkins for, with Mr. Archer against.

Mr. Stokes for, with Mr. Burgener against.

Mr. Rostenkowski for, with Mr. Cochran of Mississippi against.

Mrs. Burke of California for, with Mr. Frey against.

Mr. Lujan for, with Mr. Goldwater against.

Mr. Carney for, with Mr. Martin against.

Mr. O'Brien for, with Mr. Quayle against.

Mr. Sebelius for, with Mr. Rousselot against.

Mr. Railsback for, with Mr. Young of Alaska against.

Mr. Richmond for, with Mr. Rudd against.

Until further notice:

Mr. Shipley with Mr. Allen.

Mr. Runnels with Mr. Hyde.

Mr. Baucus with Mr. Michel.

Mr. Alexander with Mr. O'Brien.

Mr. Conyers with Mr. Thornton.

Mr. Dent with Mr. Tucker.

Mr. Fascell with Mr. Wiggins.

Mr. McCormack with Mr. John L. Burton.

Mr. Mann with Mr. Lujan.

Mr. Flowers with Mr. Kasten.

Mr. Giaimo with Mr. Krueger.

Mr. Gilman with Mr. Mathis.

Mr. Gibbons with Mr. Sebelius.

Mr. Railsback with Mr. Pressler.

Mr. Ullman with Mr. Butler.

Mr. Simon with Mr. Caputo.

Mr. Sisk with Mrs. Pettis.

Mr. Russo with Mr. Milford.

Mr. Ryan with Ms. Oakar.

Mr. Phillip Burton with Mr. Evans of Colorado.

Mr. Howard with Mr. Meeds.

Mr. Young of Missouri with Mr. Blanchard.

Mr. Corman with Mr. Rhodes.

Mr. TREEN changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

TITLE AMENDMENT OFFERED BY MR. ZABLOCKI

Mr. ZABLOCKI. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. ZABLOCKI:

Amend the title so as to read: "An Act to authorize appropriations for fiscal year 1979 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, to make changes in the laws relating to those agencies, to make changes in the Foreign Service personnel system, to establish policies and responsibilities with respect to science, technology, and American diplomacy, and for other purposes".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE CLERICAL AND CONFORMING CORRECTIONS IN THE ENGROSSMENT OF H.R. 12598

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill H.R. 12598, the clerk be authorized to correct section numbers, punctuation, and references and cross references to reflect the actions of the House in amending the bill H.R. 12598.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 15, EDUCATION AMENDMENTS OF 1978

Mr. MURPHY of Illinois, from the Committee on Rules, submitted a privileged report (Rept. No. 95–1234) on the resolution (H. Res. 1208) providing for consideration of the bill (H.R. 15) to extend for 5 years certain elementary, secondary, and other education programs, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H.R. 11401, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1979

Mr. FLIPPO. Mr. Speaker, on behalf of the gentleman from Texas, Mr. TEAGUE, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11401) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Alabama? The Chair hears none, and appoints the following conferees: Messrs. TEAGUE, FUQUA, MILFORD, ROE, LLOYD of California, WYDLER, and WINN.

PERMISSION FOR COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT ON TOMORROW DURING 5-MINUTE RULE

Mr. FLIPPO. Mr. Speaker, I ask unanimous consent that the Committee on Science and Technology may be permitted to sit at 10 o'clock a.m., on tomorrow, Thursday, June 1, 1978, during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

OSHA—COTTON DUST

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. COLLINS of Texas. Mr. Speaker, at a time when Government regulations are multiplying almost faster than the Federal Register can print them, OSHA is a major source of senseless Government interference. Although OSHA has received a Supreme Court ruling to obtain search warrants before inspections, this has not stopped the agency from increasing regulations for private industry.

Recently, I heard from a group which represents the business community of an area geographically encompassing over half of my home State of Texas. The West Texas Chamber of Commerce is going through the frustrating ordeal of fighting 1976 OSHA proposals dealing with cotton dust standards. Any businessman will tell you that the commonsense economics of good safety and health programs already controlled working conditions before OSHA stepped in. The cotton dust standards will only add to the thousands of ludicrous OSHA regulations which are already strangling private industry.

The cotton dust standards were contrived to combat a respiratory disease called "bysinnosis" which occurs among workers in the textile industry. Having never heard of the disease, WTCC Executive Vice President Ed Coltharp initiated a survey of medical doctors in several towns located in cotton-producing areas of west Texas to determine the frequency of "bysinnosis."

A statement submitted by the WTCC to the Department of Labor concluded:

The results of the survey show that of the 17 physicians contacted, 16 reported no knowledge of its existence in their areas. One physician, with a practice spanning 32 years, reported having treated only one suspected case several years ago. One suspected case is infinitesimal when considering the thousands of people who have worked at cotton-related jobs over the years in West Texas.

At least four of the physicians contacted specialize in lung-related disorders. In addition, the Texas State Health Resources Department indicates that no employee has ever filed claim for this illness in the west Texas area. In other words, OSHA is setting out to reduce exposure to a disease in a section of the country which has rarely, if at all, experienced the disease.

What will this mean to the cotton industry in west Texas, an industry which has provided a way of life in the area for many years? Instead of improving the working environment in the plants, these standards will destroy cotton production and eliminate thousands of jobs. Estimates indicate that investment in gins alone will have to double; only seven

mills in Texas and 18 mills in the total United States could financially afford the standards; and costs for a small mill to comply would run over $1 million.

Adding to these costs would be the increased burden of medical screening and recordkeeping. Higher cotton product prices for livestock feed would in turn drive up overall food costs for the consumer. The price for finished textile products would also rise.

The OSHA cotton dust standards will mean economic disaster for west Texas and many other parts of the country. For too long, industry has been saturated by similar unnecessary regulations that are destroying production, jobs, and the livelihoods of millions of Americans whose taxes are funding these wasteful Government programs. It is time for the bureaucrats to realize that the American public has more Government than it wants, more Government than it needs, and more Government taxes than they can pay.

CLEVELAND GIVES QUESTIONNAIRE RESULTS—ANSWERS IT HIMSELF

The SPEAKER. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 60 minutes.

● Mr. CLEVELAND. Mr. Speaker, this spring my 16th annual questionnaire was mailed to postal patrons in the Second Congressional District of New Hampshire. More than 18,000 constituents took the time and trouble to respond. This response is the highest number in the 16 years these questionnaires have been distributed.

The tabulated results and my own answers will be set forth for readers of the CONGRESSIONAL RECORD and will be mailed to Second Congressional District residents. In previous years there have been issues on which my position differed from that of a majority of my constituents. This year, I find myself in substantial agreement with respondents on all the questions.

NEW AGENCIES VERSUS BETTER ONES

As an example of previous disagreement, last year the question was asked: "Do you favor the establishment of a Federal Consumer Protection Agency?" Although 54 percent of the respondents replied in the affirmative, my position on the issue was set forth and explained in the negative. Since that time a majority of this House has voted against establishing a Consumer Protection Agency. This willingness of a majority of the House to vote its convictions against a proposal favored by a popular majority was reassuring. This country cannot afford some of the agencies we already have, let alone an endless creation of new ones.

The matter of agencies' performance, increasingly beyond the control of their congressional creators, should be of far greater concern than it is. A scholar at the prestigious Brookings Institution—Edward F. Denison—has reported that Government regulations in environmental and safety areas, along with unchecked crime, have caused a measurable decline in our economic growth rate in recent years. Furthermore, an American Enterprise Institute scholar—Murray Weidenbaum—has estimated the total cost to our society of Federal Government regulations to be well in excess of $100 billion per year.

Some of this Federal activity has a purpose, and accomplishes something desirable. Much, however, is more complicated than necessary, duplicative, and sometimes simply excessive. We must fully recognize that it costs us all money, makes business less efficient and all too frequently is counterproductive.

The high cost and poor performance which is characteristic of many Government agencies is bad enough. To make matters worse, many agencies—under their rulemaking authority—are in effect writing laws. Courts too are guilty. This is a problem area which needs attention and is a major contributing factor to the "Government out of control" situation which prevails in Washington.

GOVERNMENT OUT OF CONTROL

The public has begun to perceive that Government agencies are out of control. President Carter was elected, after all, on the promise to clean up the mess in Washington, only to have his administration become part of it. However, the public perception of the problem is limited. For every letter I get complaining about a Federal program inflicting harm or costing too much, another comes in with a pitch for a new program usually labeled as a reform and always costing money. The myth that Government in Washington can solve all problems by spending money continues to flourish in spite of impressive evidence to the contrary. It is the ultimate frustration. How long this can continue I do not know. The temptation to walk away from the mess is in precarious balance with the will and desire to deal with it. An increasing number of Members of Congress have decided to walk away. There is a lonely feeling among those who remain.

REPEAT QUESTIONS

This year we again asked a question identical to one last year. This provides insight into the trend of thinking from one year to the next. This year the question was on the relative urgency of inflation and unemployment. Last year it was evident that inflation ranked far ahead, going from 3 to 1 in 1976, to 4 to 1 in 1977. This year it is an overwhelming 9 to 1. The message is clear that the people of New Hampshire understand the problem. Hopefully, Washington will get the message and do something.

The questions asked, the results and my comments follow:

1. Panama Canal: Do you support the Panama Canal treaties?

[In percent]

Yes	30
No	63
Undecided	7

The response to this question is not surprising as it is consistent with a number of national polls. It is gratifying, however. Although House Members did not vote on the treaties—only the U.S. Senate votes on treaties—my position in opposition to the treaties was clearly set forth in response to a large volume of mail before this questionnaire was sent out.

The Panama Canal treaties suffer from several defects. They do not require congressional authorization for the proposed grant of U.S. property to Panama, nor do they require approval from the House of Representatives for loan payments to Panama. They do not provide for adequate defense of the canal after 1999, and they expressly preclude the United States from unilaterally negotiating with another country for the construction of an interoceanic canal anywhere in the Western Hemisphere, even if we become very dissatisfied with Panamanian operation of the existing canal. In fact, no one has even seen the implementing legislation. The timing is unfortunate, for it comes at a time when many people perceive the United States at a nation in retreat. Thus, although the treaties are well intentioned, the giveaway appears to be yet another act of weakness and uncertainty.

The concept of renegotiation of our current treaty status with Panama is basically sound, but in my opinion a better first step would have been to internationalize the canal, with operating control resting in a number of Central American and South American nations along with the United States.

2. Middle East: Do you approve of the Administration's proposed sale of military aircraft to Egypt, Israel and Saudi Arabia?

[In percent]

Yes	44
No	45
Undecided	11

The Carter administration proposed a package sale of warplanes to three Mideast countries. As proposed, the sales would provide 60 F–15 fighter bombers to Saudi Arabia, 15 F–15's and 75 F–16's to Israel, and 50 F–5E's to Egypt. In March there was some mail in opposition to the proposal. In answer to that mail I stated that "if we had a vote at this time and based on the information provided to me I would vote against it." My answer also questions the proposal's timing and possible adverse affects on the peace negotiations between Israel and Egypt.

The questionnaire results are very close and the number undecided significant. By this time, of course, the U.S. Senate has voted to allow the sale, with assurances of additional sales to Israel.

3. Abortion: The Supreme Court has ruled that women cannot be denied an abortion during the first 3 months of pregnancy. Should Congress deny payment of Medicaid funds for women too poor to pay for an abortion, otherwise legal and available to them?

[In percent]

Yes	32
No	61
Undecided	7

In 1973 the Supreme Court established the constitutional right of women to decide whether or not to continue a pregnancy during the first trimester. It would be inherently unfair to put restrictions on medicaid eligibility that are not similarly imposed on women who have the means to pay for their own health care. The denial of such funds would in essence make a medical procedure available to only the more privileged women in our society and, in my opinion, amount to discrimination. Poor women would be forced to either bear unwanted children or undergo dangerous and unauthorized "back-alley" abortions, when richer women could avoid that choice.

This issue has come before Congress a number of times and on repeated occasions I voted against the so-called Hyde amendment to deny medicaid funds for abortions. This position generated a great deal of emotional mail, reflecting the nature of the controversy. This questionnaire sought an assessment of whether my thinking was in tune with the majority of my district. For this reason the results on this issue are indeed reassuring to me.

4. Government accountability: When both Houses of Congress and the White House are controlled by the same political party, should Congress establish a Committee controlled by the minority party to investigate allegations of wrongdoing and abuses of power?

[In percent]

Yes	65
No	26
Undecided	9

An idea which has been discussed at least since 1965 is a Select Committee in the House under the control of the minority party when the executive and legislative branches are under the control of the same political party. In such circumstances this select committee would be automatically created, funded, and vested with wide-ranging investigatory authority. The rationale for such a committee is a simple one; that is, that an administration cannot be relied upon to investigate itself and that a Congress controlled by the same party cannot be relied upon to investigate an administration of the majority party in Congress.

This was proposed to the Joint Committee on the Organization of Congress in May of 1965, but met with little approval with the majority. Next, in a book "We Propose: A Modern Congress" which I edited, Congressman ROBERT MICHEL of Illinois wrote a chapter advocating such a select committee. The proposal was renewed in 1973–74 while the House was considering various reform proposals. I offered it as an amendment to the reform bill in 1974, but was rejected on a nearly party-line vote. The inability to get widespread interest in this proposal is a bit hard to understand. During the unravelling of the Watergate scandal, Congress controlled by the Democratic Party, insisted that there be a Special Prosecutor on grounds that a Republican-controlled Justice Department would not have the confidence of the people in investigating alleged wrongdoing by a Republican President. Now, there is a Democratic President and Democratic control of both Houses of Congress. The fact that we have already been through the Lance and Marston affairs should provide sufficient evidence that wrongdoing is not limited to either political party and that, in fact, assurance of vigorous investigation is the best deterrent to misconduct.

5. Social security for Federal employees: Should Federal employees be required to participate in the Social Security System?

[In percent]

Yes	65
No	24
Undecided	11

It is now mandatory for non-Government employees to participate in the social security system, and cities and States are encouraged to do so. Federal employees should also be required to participate in the social security system. There was recently a specific vote on this in the House and I joined a very small minority of Members—only 38, in fact—in voting to include Federal employees.

Federal employees in my district were quite vocal about not wanting their retirement system changed. Nonetheless, Federal employees may under present law retire early and then work just enough years to obtain the minimum social security benefits to supplement their Government pensions. This is simply unfair to other working people who put in a lifetime under social security in order to receive benefits.

Mandatory coverage of all Federal employees would accomplish at least two goals. First, it would help put the system on a more secure financial footing. Second, it would help assure taxpayers that the system is fair. Otherwise, Congress and the executive branch create the impression of having foisted a social security system on the taxpayers that apparently is not good enough for the Federal Establishment to join.

6. Natural gas: Do you favor deregulation of the price of newly discovered natural gas?

[In percent]

Yes	48
No	39
Undecided	13

With sharp criticism of my longstanding position in favor of deregulating new natural gas still ringing in my ears these results are heartening. The large number of undecided is also heartening because this issue is a complex one.

Proponents of deregulation loudly proclaim their "pro-consumer" stance. But they seem to have lost sight of the fact that New England's dependence on natural gas is minimal compared to our heavy reliance upon imported oil, the price of which is clearly beyond our control. By artificially holding down the price of a product which is used extensively in other parts of the country but little in our own region, we are placing ourselves in a decidedly adverse economic position. The disparity in economic growth rates between Sun Belt States and the older regions of the country such as New England—except New Hampshire—has been painfully evident. Since it is the rapidly growing Sun Belt States which have been able to supply a large part of their energy needs by controlled cheap natural gas, we should realize that a continuation of this regulation is detrimental to our region's interests. The following statistics supplied by the New England Congressional Caucus make the point:

Energy Source Mix—New England vs. U.S.

	Oil	Natural Gas	Coal	Hydro	Nuclear
1976-NE	79.7	9.6	0.7	1.7	8.3
U.S.	47.3	28.2	18.2	3.8	2.5

In addition, regulation holding its price to artificially low levels has increased the demand for natural gas, deterred exploration for new sources and tilted the economic balance against alternate forms of energy.

Deregulation is an incentive both to conservation, since it makes a scarce commodity more expensive, and to increased production. Market forces setting the price of natural gas at a realistic level would benefit newer forms of energy that are just beginning to be utilized, eliminating an unfair disadvantage now preventing them from being cost competitive. Unpleasant it may be, but it is a fact that the greatest spur to development of solar, small hydro, wood, solid waste, wind, and other alternative energy sources, and to energy conservation, is the higher prices we are paying for oil and coal. Artificially low prices of natural gas indisputably retard these developments.

7. Human rights: Do you feel the President's emphasis on human rights has helped to further our overall foreign policy objectives?

[In percent]

Yes	27
No	61
Undecided	12

The systematic denial of fundamental human rights by various governments is deplorable, and should be condemned by the United States on the moral and political principles for which this country stands. However, the administration's application of its human rights problem in its foreign policy has been inconsistent and uneven. It has also seemed, at times, as if more criticism were directed at some of our allies than at our adversaries. Thus I agree with the majority.

It is disturbing that early criticism of Soviet human rights violations has been largely stopped because of the Carter administration's desire for a SALT Agreement. This tendency to back off from a strong policy undermines the very goals sought to be achieved—and further, sends out a dangerous signal about our national resolve.

8. Korea: Do you favor withdrawing all American combat troops from South Korea?

[In percent]

Yes	34
No	58
Undecided	8

The strength of this response in support of maintaining our armed forces in Korea is very reassuring. It is my deep

conviction that total pull-out of all American combat forces from South Korea will invite invasion from a very militant North Korea, with the risk that we would perhaps start World War III.

The close proximity of South Korea to our ally Japan, which is now the third largest economic power in the world, cannot be overemphasized.

9. D.C. representation: Do you favor a Constitutional amendment providing the District of Columbia two U.S. Senators and two Members of the House of Representatives?

[In percent]

Yes	37
No	51
Undecided	12

The District of Columbia was created to establish the seat of the national government beyond the jurisdiction of any State or local interest. The federal concept upon which our Nation is based was that of a union of States which delegated certain powers to the Federal Government; thus it was considered appropriate only for the States, not a Federal city, to enjoy full representation in the Congress.

Granting full voting representation in Congress to the District of Columbia would, I believe, undermine the concept upon which the Federal city was established and set a precedent for other territories of the United States to demand full voting representation, since the adoption of the amendment would permit voting Members of Congress from an entity which is not a State. When the House approved such an amendment I voted against it.

My concern for the fundamental constitutional principles involved does not reflect any reluctance to allow residents of the District self-government. I strongly supported the home rule measure designed to insure District of Columbia residents the right to govern their own civic affairs.

10. ERA: The Equal Rights Amendment (ERA) which was passed by Congress in 1972) has to be ratified within seven years by ¾ of the states to be implemented; it is now three states short of that figure.

[In percent]

Yes	31
No	61
Undecided	8

10B. If the time limit is extended, should states that have already ratified it be given an opportunity to rescind their ratification?

[In percent]

Yes	60
No	29
Undecided	11

I agree with the majority response to both parts of this question. I voted for the equal rights amendment in 1972 because the issue is important enough to allow State legislatures to decide whether or not the amendment should become part of the Constitution. However, I oppose the proposed extension of the time limit for ratification. The time should be adequate to permit a consensus to develop among the States; 30 of the 35 States which ratified the ERA did so within 1 year of its submission to the States. Furthermore, if the ground rules are changed for the time limit for ratification, equity would demand that states should be allowed to rescind earlier ratifications.

11. Education: Which of the following approaches to increasing aid for private and post-secondary education do you prefer:

[In percent]

a. Federal income tax credits for a portion of tuition	66
b. Expansion of existing Federal aid programs to students	34

I have sponsored legislation to provide tuition tax credits ever since my first term in Congress. This approach to aiding education now enjoys support of two-thirds of the respondents.

Although both approaches are designed to improve the quality of education and provide financial relief for parents who pay tuition, I prefer the tax credit proposal at this time.

12. United States-Soviet relations: Some feel our present policy toward the Soviet Union (detente, SALT agreements, etc.) is good for the United States and should continue. Others argue that we are not strong enough in our dealings with the Russians. What do you think?

[In percent]

a. Maintain present policy	29
b. Soften our position	3
c. Adopt harder line	68

The public's perception of our relations with the Soviet Union is clearly evident from the results of this question and I concur.

It is important not only that our Government adopt a harder line in our dealings with the Soviet Union, but also that there be consistency. There can be no question that the Soviet leadership perceives a lack of decisiveness in our National Government, and is testing it in various parts of the world. If we are to increase cooperation with the Soviet Union, it is imperative that it be done from a position of strength and not one of weakness or vacillation. The decision against production of the neutron missile just days before our Secretary of State journeyed to Moscow to negotiate a new SALT Agreement is a case in point.

13. The economy: At this time, which of the two following economic problems do you consider the greater threat to the American economy?

[In percent]

	Unemployment	Inflation
1978	10	90
1977	20	80
1976	24	76

The continued shift toward inflation as the greater threat is dramatic—and thoroughly justified.

At current levels, ranging from 8 to 15 percent at annual rates, inflation causes unemployment. It also, of course, penalizes the poor, jeopardizes the middle class, reduces the real wages of workers, discourages investment, reduces consumption. If allowed to continue, each element of inflation feeds on others, creating a cycle that becomes more and more destructive.

Inflation must be fought at all levels—by restraining Government spending—which I have tried to do in a long series of my votes—limiting wage demands, delaying price increases where possible, avoiding speculation, and the list can go on.

14. President Carter: How would you rate President Carter's performance in office thus far?

[In percent]

Excellent	3
Good	17
Fair	35
Poor	45

My own feeling is that President Carter's job rating to date falls somewhere between fair and poor, depending in part on the specific issue involved.

More than anything else, it is the uncertainty which comes from the constantly changing positions, and sometimes flatly contradictory positions taken in the name of the administration. This is happening in domestic affairs such as various aspects of energy policy. Then there are unkept promises of tax reform and movement toward a balanced budget.

But it is the area of foreign policy and national defense which gives me greatest concern. Our allies are so discouraged by the administration's inconsistency that they are seriously questioning whether they can depend on U.S. assurances. Our adversaries are obviously encouraged to test our resolve in Africa and elsewhere. The trumpet is apparently giving an uncertain sound.

These results rather closely reflect national polls which is further evidence that, though unscientific, these questionnaire results are very representative of general opinion. These results are also disquieting. Although we are members of different parties and in sharp disagreement on a number of issues, I want my President to be doing a lot better than he seems to be doing.

15. Priorities: Of those issues and concerns which in your opinion are properly subject to Congressional action which three would you most like the Congress to deal with in the coming months?

After only 1 year of dropping from top position, inflation is once again right at the top of the list of New Hampshire concerns. New Hampshire residents continue to place energy in second position which clearly demonstrates that most people fully understand the urgency of the energy problem.

Inflation should indeed be a top priority for Congress to deal with. One can only hope that it will do so with more fortitude than heretofore. To reduce the inflationary problem facing us, Congress must take steps to get the national budget into balance. It is appalling that Congress keeps spending $60 billion or more a year in excess of our revenue. This deficit can be covered only by running the printing presses, or by borrowing in the private bond market which drives up the interest rates for people buying a home, businessmen expanding their factories, and so forth. Fighting inflation involves tough decisions, and a willingness to anger special interest groups which want ever more money for their favorite programs.

Energy is also a high priority. It is regrettable that almost 5 years after the Arab oil embargo, the U.S. Congress has not enacted a comprehensive, integrated energy policy.

Deregulation of natural gas prices was discussed earlier. Yet another example is the fact that we continue to profess support for nuclear power for electricity generation, yet Congress and the administration have done absolutely nothing to end the incredibly duplicative and time-consuming procedural steps necessary to construct nuclear powerplants.

Another priority, is one that includes the Panama issue inferentially, the priority being the status of our national defense as it is interrelated with the conduct of foreign policy. The morale and effectiveness of the defense establishment is not as good as it should be. As commented on elsewhere in this report a weakness of our foreign relations is uncertainty and the status of our Defense Establishment compounds this problem. The increased role of Congress in foreign affairs also adds to uncertainty in the conduct of foreign policy. There is increasing comment that the congressional role may be getting a bit out of balance.

The matter of priorities is important. Perhaps the reason we now have some of the problems we do, is the result of a failure in previous years to set national priorities. Congress has been so busy addressing myriads of problems that it has not properly dealt with the really important ones which should receive priority attention. We have also failed in our oversight functions. Congress seems to enjoy setting up new programs more than making the ones we already have either work effectively or be terminated.

[In percent]

Inflation	47
Energy	32
Panama Canal	21
Economy	9
Unemployment	6
Taxes	5
United States-Soviet Relations	5
Social security	4
Defense	4
Education	4
Middle East	3
Government spending	3
ERA	2
Abortion	2
Welfare	2
Big Government	2
Government accountability	2
Korea	1
Environment	—
Balance of trade	—
Gun control	—
Labor unions	—
Aid to elderly	—
Housing	—
Congressional salaries	—
Crime	—

●

PERSONAL EXPLANATION

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. SARASIN) is recognized for 5 minutes.

● Mr. SARASIN. Mr. Speaker, on May 24, 1978, I was absent from the legislative session of the House of Representatives. Had I been present, I would have voted in the following fashion:

Rollcall No. 365: H.R. 10929, DOD Authorization—The House rejected an amendment that sought to reinstate the committee substitute language for title II, Research, Development, Testing and Evaluation, "No";

Rollcall No. 366: H.R. 10929, DOD Authorization—The House rejected an amendment in the nature of a substitute to the committee amendment that sought to replace the committee substitute with the Administration's DOD budget request, with the exception of the $911.9 million authorization for the Trident submarine, "No";

Rollcall No. 367: H.R. 10929, DOD Authorization—The House agreed to an amendment that deletes the $8.1 million authorization for procurement of a Gulfstream II executive aircraft for use by the Marine Corps in its Aircraft Support Detachment, "Yes";

Rollcall No. 368: H.R. 10929, DOD Authorization—The House rejected an amendment that sought to replace the $2.1 billion authorization for a large nuclear-powered carrier (CVN) with a $1.5 billion conventionally powered, medium sized carrier (CVV), "Yes";

Rollcall No. 369: H.R. 10929, DOD Authorization—The House rejected an amendment that sought to delete the authorization for procurement of aircraft carriers, "No";

Rollcall No. 370: H.R. 10929, DOD Authorization—The House rejected an amendment that sought to add a $29.2 million authorization for the development of a wide-bodied cruise missile carrier, "Yes";

Rollcall No. 371: H.R. 10929, DOD Authorization—The House rejected an amendment, as amended, that sought to prohibit the use of authorized funds to reduce Army combat troops in South Korea below 26,000 except in the case of an emergency declared by the President, "No"; and

Rollcall No. 372: H.R. 10929, DOD Authorization—The House passed the measure, Department of Defense Appropriation Authorization Act, 1979, "Yes".

Mr. Speaker, on May 25, 1978, I was absent from the legislative session of the House of Representatives. Had I been present, I would have voted in the following fashion:

Rollcall No. 374: S.J. Res. 137, North Atlantic Alliance—The House passed the joint resolution reaffirming the unity of the North Atlantic Alliance commitment, "Yes";

Rollcall No. 375: H.R. 7814; Flexible Work Schedules—The House agreed to the rule (H.R. 1165) under which the bill was considered, "Yes";

Rollcall No. 376: H.R. 7814; Flexible Work Schedules—The House agreed to resolve itself into the Committee of the Whole, "Yes;

Rollcall No. 377: H.R. 7814; Flexible Work Schedules—The House passed the measures to authorize Federal agencies to experiment with flexible and compressed employee work schedules, "Yes";

Rollcall No. 379. H.R. 9400, Civil Rights of Institutionalized Persons—The House agreed to an amendment that reinstates coverage for persons in jails, prisons, or other correctional institutions, but only permits the Attorney General to initiate a civil action in these areas when the court has transmitted a complaint of petition, "Yes".●

TUITION TAX CREDITS: AN IDEA WHOSE TIME HAS COME

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, first, it should come as to surprise to anyone that I have been a longtime advocate of tuition tax credits, the voucher plan and voluntary programs which assist the taxpayer and private schools. During my years in Congress, the most consistent and basic philosophy which can be traced through my voting record and public position reduces to one simple proposition: In all battles between the bureaucracy and local government or individuals, between the citizen-taxpayer and his Government, between private sector and public sector, between freedom of choice and governmental dictation, I have carefully supported, first, the overriding principle of the supremacy of the Constitution and the need for a strong but limited Government to deal effectively with our domestic and international problems. Second, within that guideline I support the maximum legal rights and freedoms for individuals against their Government, for private sector activity against the very growing, massive public sector.

Some issues are most difficult to fit into that basic set of principles: The compulsory draft in fact of a strong conviction that individuals should be free of Government restraints. Outrageous pornography in face of a belief that Government censorship is wrong. Wiretapping and electronic surveillance which can be abused but the use of which must be balanced against the insidious nature of crime, subversion and terrorism. Not all fit neatly but the basic principles apply and they clearly apply in the case of tuition tax credits.

I am a strong supporter of public education. My children all attended public schools and I never had a thought of sending them to private schools. If they were first-graders right now, they would still go to a public school. At the same time, I believe there should be a freedom of choice and I applaud the growth of private schools which serve as a valuable and proper function in a free society, not a challenge to free, universal public education and something to be feared.

Public education has gradually changed in outlook and perspective and it is fitting that it be examined like any other aspect of our American life. I served on an education committee 4 years in the Ohio legislature and have been on the Education Committee since 1961 in the Congress. It is with some perspective that I address this overall subject.

IT IS OUR MONEY

Probably the greatest criticism I would have of the professional education lobby here in Washington is that they believe your money, the money of you the taxpayer, is really their money. If you start from their point of view, they have the basic right to tell you what to do with it. From my point of view, it is your money and while we do compel you to pay taxes for many things which are less than universally accepted, we must not allow bureaucrats to convince you that it is theirs. It is yours. To the extent we can encourage you to use your own money to pay your hospital bills, take care of yourself, provide for your own retirement, educate your children, and all of the other functions of the American

family, our system will work all the better.

Here is where the liberal sees things differently. They would rather tax you to the hilt and then, in their superior judgment, allocate your funds as they see fit. It is precisely this attitude of the past 20 years that has brought about the growing protest and tax revolt throughout the country, a revolt I see as bringing some restraint to the spenders and taxers.

How well I recall some 10 years ago visiting the office of the U.S. Commissioner of Education on a mission with two prominent educator friends, John Howard who was then president of Rockford College and the late Ernest Wilkinson, then head of Brigham Young College. We were urging Commissioner of Education Francis Keppel to support our tax credit and deduction proposals which would have covered college as well as elementary and secondary education. It was the same tax credit theory which now is so popular. This was 1966.

Mr. Keppel listened intently for about 45 minutes and then gave the answer which really is the heart of the liberal's objection to tax credit legislation of any kind. He said:

"Your ideas are fine but they overlook one point. They will make it more difficult for us to implement our social policies and objectives.

Flat out, that was it. What social policies? Those social policies of the past decade are the basic reason why many schools now lack the support of the taxpayer which are needed to make public education as effective as it should be. Busing, interference with curriculum, and teacher assignment, quotas, secular humanism, deemphasis of values. Yes, the bureaucrats have used your money to implement their social policies and education has suffered for it.

THE MISERY LOVES COMPANY ARGUMENT

In light of the liberal social scheme developments in education over the past decade it is a most interesting argument that I now receive from many of my good friends, the beleaguered superintendents of schools. I well understand their opposition to tax credits. Ohio schools in particular see dwindling resources, taxpayer resistance to added millage and therefore want to keep every resource limited to public education. I understand that.

When they write me and say if we are to have tax credits, these private schools should have the same restrictions and controls they have, it is interesting. Interesting, because in most cases they argued properly against the bureaucratic implementation of these restrictions and controls in the first place. Misery loves company.

WHY THE GROWTH OF PRIVATE SCHOOLS

There has been a phenomenal growth of private schools in the past decade. While we have always had the old line, parochial schools there is a new nondenominational private school boom. I have made it my business to challenge the HEW elitists who think they know best. While most of innovative educational gobbledy-gook has not permeated schools in my area, it is clear to me that the more controls the Federal bureaucrats have over education, the more their liberal direction will be implemented in the Mt. Vernons, the Bellvilles, the Johnstowns, and Ashlands of this country.

Over the years, I have made scores of statements and made hundreds of speeches about the liberal trend in education, fostered by a combination of the bureaucratic liberal elitists here in HEW, the unions and the social planners. Education traditionally had as its goal the preparation of our youth for responsible citizenship and self-sufficiency by equipping them with necessary learning skills and, above all, an ability to think. More and more, the liberal would edge education toward the undemocratic goal of right thinking, translated this means what they think, in economic, social, political, racial, international terms, Schools are to be centers, clinics, dispensers of social services, correcting the ills of the home.

As long as there is competition in education, as long as Federal planners do not get total control of education, as long as we have local control of public education and a healthy private sector of education we can prevent these social planners from achieving their goals. Tuition tax credits are a vital part of this fight. Keeping public education strong and under local control is also a vital part. These goals are compatible, not in conflict.

I am glad to see that my distinguished colleague from Nebraska (Senator ZORINSKY) has been alert to these trends in education and is fighting many of the battles some of us waged before his election to the Senate. The trend of the past few years is with us but the liberal theoreticians are entrenched in this city. It is not a partisan matter. The same tendencies were there during Republican administrations although they seem to have more encouragement under Carter.

My constituents as well as parents all over the country have become increasingly alarmed by certain changes taking place in our schools. They see dangers in the schools becoming more concerned with children's attitudes, beliefs, and emotions than providing them with a basic education. The techniques being widely used today to change children's attitudes and values are an invasion of privacy, a threat to the family unit, and the emotional stability of the child.

Vance Packard, whose books have alerted the public conscience to changes in society which alter our lives, writes in The People Shapers:

In less than a decade the behavioral technologists have moved in a major way into our compulsory government-operated schools.

The curriculum writers, theorists, and behavioral scientists who have managed to change the thrust of American education in recent years have been able to accomplish their goals through the use of Federal grants from various agencies, particularly the Department of Health, Education, and Welfare.

A large portion of these grants come under the Elementary and Secondary Education Act—mainly titles I and IV—and are generally described as "innovative" programs. Many of the techniques used in these projects are objectionable to parents and do not improve academic performance. Some examples are: Pre- and post-testing of students for attitudinal change toward sociological problems such as the aged, population, death, and so forth; role playing to diagnose attitudes and simulation games to change attitudes; keeping of diaries; and, behavior modification, not just for the handicapped or special education students, but the normal child. As stated by one of my constituents, "A great majority of these materials deal with some sort of desperate need to treat all students as if they lived in a mental health center." Some of the objectionable programs funded under the Elementary and Secondary Education Act which have been brought to my attention include the following:

1. Project Reflect. Pre-testing and post-testing to achieve "desirable concepts."

2. Hilda Taba Social Studies. Altering attitudes through emotional, psychological and psycho-therapeutic techniques. This course was investigated by the California Legislature, hearings were held, and the program was dropped. It was later introduced into other states and additional funds were granted.

3. APEX English curriculum. Subjecting students to radical, sensational materials most of which are contrary to basic family concepts.

4. Contact Language Arts Series. Self-disclosure techniques leading to invasion of privacy of students and parents.

5. Human Development in the Family—Home Economics. Students being asked to read Sexology magazine, discuss homosexual marriage, keep diaries about conflicts in the home. They are asked how much money the family spends on them, how many charge accounts parents have, etc. Students are sacrificing class time in nutrition, diet, cooking and sewing for this human development unit.

6. Project Developmental Continuity. Materials and techniques for students with handicapping conditions are being used in regular classes with students not identified as having handicapping conditions. Children placed in this project can be harmed emotionally and socially, and participation should be voluntary.

7. Understanding Child Maltreatment. For all grades—kindergarten through 12th. Teaches children how to tell if they are being abused by their parents who are referred to as "caretakers." Some typical acts of "abuse" are "unrealistic demands, unequal sibling treatment, consistently negative responses . . ." of which almost all parents would be found "guilty" in the children's minds at one time or another.

8. Humanities Education Materials. Includes How to Live With Your Parents and Survive, a "humorous" presentation on why parents of today are such poor excuses for parents. Another course, Living with Dying, insinuates that it is unrealistic to search for immortality. Other death education courses in this project have led to fixations to the point where children have nightmares and physical symptoms such as stomach pains. Doctors have stated this is unhealthy and

unnecessary. (Note: This program was evaluated. The third quarterly evaluation report stated that lack of full teacher involvement remains an area of concern, yet the evaluators recommended that the program be continued and the following year the entire school profile should be coordinated into a Humanities Learning Center—a total Humanistic School.)

Mr. Speaker, these are a few examples of behavior modification programs which HEW should be required to justify before Congress approves continued funding for such projects. Usually HEW describes the entire program in glowing and general terms, rather than on the basis of the number of programs funded as compared to those found to be successful. However, my requests for evaluation and justification of these types of programs have gone unanswered. It may well be they are unable to justify these expenditures for the following reasons:

First. There is not even a listing of total innovative projects funded, despite the requirement for such a listing in section 424 of the General Education Provisions Act, 1974. Even though HEW is now attempting to identify currently funded projects, where there was a measure of effectiveness, they claim a complete listing is impossible.

Second. A very small percentage of these innovative projects have even been evaluated. The few examples listed in "Educational Programs that Work" are those which local school districts voluntarily evaluated and submitted to the Joint Dissemination Review Panel. This would indicate that the vast majority of these programs do not work.

Third. A recent study at the U.S. Office of Education and the National Institute of Education entitled "A Research Perspective on Educational Improvement" questions the effectiveness of many of these federally-funded projects. This work was based on reviews of nearly all the major studies on educational innovation since 1970. The report states that "Most projects funded by these programs were designed primarily to take advantage of the availability of Federal money."

Fourth. An earlier study by the National Institute of Education indicates that the Office of Education provides little clear guidance or supervision in administering Federal aid to education Auditors have become so discouraged with the infighting and failure to enforce Federal laws that they are now reluctant to audit school aid programs.

Fifth. The GAO report on Office of Education programs September 1977 stated unequivocally that the Congress should recognize that HEW is not in compliance and does not intend to comply with the General Education Provisions Act requirement regarding evaluation of Office of Education programs.

Sixth. The GAO report on Federal Support of Curriculum Materials and Behavior Modification Techniques Used in Local Schools April 1977 indicated that Federal funding for curriculum development and dissemination and for other education techniques, such as behavior modification, is significant. Yet it noted that data needed to accurately assess the impact of Federal funding on behavior modification techniques used in local schools does not exist.

An article in the New York Times magazine in 1977 and recently reprinted in Reader's Digest entitled, "The More We Spend, the Less Children Learn," claimed that "in 1976, $75 billion bought schools filled with new technology, 'innovative programs'—and poorly educated pupils." It stated:

The factor that does appear to affect academic performance is the degree to which the schools sacrifice traditional disciplines and subjects for the sake of "innovative" teaching activities.

Similar articles have appeared in such magazines as the New Republic, the American School Board Journal, Psychology Today, Learning magazine and Newsweek.

Many teachers are becoming disturbed by these programs. Instructor magazine, a monthly publication for elementary teachers, recently conducted a survey of its readers, asking "Is Teaching Hazardous to Your Health?" Most of the 10,000 teachers who responded cited "stress" as their biggest health problem and complained of headaches, hypertension and nervous stomaches. When asked what the one factor contributing most to the stress was, a significant number responded that it was the growing pressure of monitoring students' social and moral development. This finding was reported in the feature article of the February 26, 1978, issue of Parade magazine.

A serious question is raised when Congress permits programs such as those I have described to continue with Federal help. When concerns are voiced, the advocates of behavior modification cry "censorship" and demand even more Federal funds with less controls. They ignore warnings from authorities such as Dr. David Elkind of the University of Rochester, speaking at the annual meeting of the American Psychological Association in 1977. He stated that—

A segment of mental health specialists is putting its own interests ahead of children's welfare . . . that for children under 12, affective education can be confusing and possibly disturbing.

He stated that—

One-fourth to one-half of young children categorized as "learning disabled" are really curriculum disabled, victims of the floods of untested, poorly written learning materials that inundate the schools.

Those who defend these grants, in the agencies as well as in the Congress, argue against Federal interference, citing the law prohibiting Federal control of education. However, an analysis of the intent of this provision prepared by the American Law Division of the Library of Congress, Congressional Research Service, states:

The prohibition would not, however, appear to limit the applicability of conditions which Congress attaches to its grant-in-aid programs.

This is only sensible. The picture of Congress sitting by helplessly while the bureaucrats indiscriminately hand out money for all kinds of social experiments is absurd.

My findings indicate that even those persons who favor innovation admit that it fails to bring about significant educational improvement. Walter Borg of the Far West Laboratory for Educational Research and Development, at a 1970 conference of persons actively involved in attempts to change the schools, stated that:

Local innovations are almost never subjected to any sort of rigorous evaluation. Thus, for most innovations we do not really know whether the new approach is better than the old. Innovations are usually adopted not because they are better, but because they are different.

He further stated:

Perhaps the best reason for abandoning local innovation as national strategy for improving education is that it is incredibly inefficient and expensive. We need look no further than Title I of the Elementary and Secondary Education Act of 1965 to illustrate this point. The proponents of Title I assumed that if you gave local schools enough money they would build new programs and bring about improvement in education. To date Title I has provided us with a shocking six-billion-dollar test of this assumption. Although it is not easy to get quantitative data on Title I projects (since most of them have collected little or no valid research evidence), what information we do have indicates that these projects have brought about virtually no real improvement in the schools. Of course, no program that involves thousands of projects and spends billions of dollars can be completely barren, but it is sadly apparent that Title I has produced tons of chaff for every ounce of wheat.

He further stated:

Large scale attempts to legislate educational improvement through local innovation, such as Title I, without doubt constitute the most wasteful and unproductive strategy that has ever been devised.

It should be noted that these comments were directed only to title I, while most innovative programs are funded under title IV.

How many more years will we continue to perpetuate this waste—not only of tax dollars but of children's precious school years? Children can be properly educated without infusion of new Federal funds. The President has requested higher expenditures to support emphasis on the teaching of basic skills. If additional funds are needed, Congress can fund these efforts by yielding to the overwhelming evidence and ending the funding of unproven, unnecessary, and unwanted projects.

The list could go on and on. Psychological testing, minimum of privacy, behavioral changes and other liberal schemes are only a few of the subjects I have observed emanating from the NEA and HEW.

SUMMARY

Tuition tax credits represent an idea whose time has at last come. For those of us who have fought uphill against

the Federal behemoth for years, it is a welcome sign of relief. To summarize, this legislation should be supported because:

First, it is a visible, family-oriented and constitutional form of tax relief in this year and era of tax revolt;

Second, it is a concrete expression of the traditional philosophy of those of us who want to restore rights to the people and encourage both competition and individual choice;

Third, it provides needed relief to individuals, not to institutions; and

Fourth, it operates as a check on the arrogant power of Federal bureaucracy in the HEW and the courts.

As a ploy and ruse, HEW Secretary Califano hastily came up with a bureaucratic "answer" to tax credits. His proposal would supposedly help middle income taxpayers. The Carter administration program would again force taxpayers who after all pay the bill and carry the freight, to prostrate themselves before Federal bureaucrats, fill out lengthy forms detailing intimate personal questions on income and so forth, sign a form of pauper's oath to get back some of their own money. Nonsense. The tax credit avoids all of this expensive and foolish garbage. That it does thus terrifies the regulators and bureaucrats whose jobs depend on you coming before them to seek alms.

The bill before us today does not go far enough. My bill would provide a tax credit of $500 or a deduction of up to $1,000 per individual for tuition paid by a taxpayer to educate himself, his spouse, or his dependents. The credit or deduction would be applicable across-the-board from elementary school through college including vocational school.

As one who has fought for tuition tax credits for more than a decade, I am obviously supporting this less comprehensive bill. It represents a victory for the people. The winds of change are blowing. Public opinion is clear and strong. A liberal Congress has responded favorably despite itself. A liberal President can do no less. A liberal Secretary of HEW can do no less. Despite themselves.

The bottom line is very simple. Public education does not have the unequivocal right to all of our tax money that goes for education. Competition in education is desirable, not a tragedy. Freedom of choice of the individual is of overriding importance and should be encouraged. Tax credit legislation for colleges as well as elementary and secondary schools should be supported by all of us. Public education can stand on its own feet. It has been and will continue to be supported by all of us. If public education sees a peril in tax credits, possibly some reexamination of its own house will be in order. The public after all is supreme under our system and the elitist theory of telling parents and taxpayers what is arrogantly believed to be best for them is the only theory that will suffer in the passage of H.R. 12050.

A TRIBUTE TO "TEX" EASLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WAMPLER) is recognized for 5 minutes.

● Mr. WAMPLER. Mr. Speaker, today marks the last day on the job of one of the finest congressional staff members with whom I have had to opportunity to be associated. I am referring to Louis Thomas Easley. Since not too many Members of this body know him by that name, let me hastily add that I am talking about "Tex" Easley, press assistant to the House Committee on Agriculture.

In trying to put together some words to best summarize my feelings about Tex, I sought out the thoughts of his colleagues on the staff of the committee and his friends in journalism. The suggestions ranged from "one of the nicest people I have known" to "even-handed, diligent, dedicated and dependable"—with a lot of other kindly words thrown in along the way. But I found it hard to pick out just one word to best describe Tex—so I came up with three of my own: colorful, congenial, and considerate. I think it takes at least all three to describe Tex Easley.

A native of Texas and a 1930 graduate of the University of Missouri School of Journalism, Tex worked as a reporter for the Denver Post for 5 years and then joined the staff of the Dallas Times Herald. Along the way, he married in 1932 his lovely wife, Bonita. The two came to Washington in a new Reo car in March 1937—with Bonita 8 months pregnant at the time—so Tex could start work with the Associated Press in the Nation's Capital. For the next 30 years and 6 months, he covered Senate and House news of interest to the Southwest for the AP, retiring on September 30, 1967. The next day, he started work for the House Agriculture Committee.

Today, after a combined journalism-committee staff service on Capitol Hill of more than 41 years, Tex will retire. I understand he plans to catch up on some homework on his 110-year-old cabin which sets on 40 acres of land near Harper's Ferry, W. Va., and then he and Bonita will start a leisurely drive to Panama.

From that point on, he and Bonita are up for grabs. I understand they plan to sell their car in Panama and grab the first freighter through the canal—going either east or west—and keep traveling as long as Tex holds out and his pension lasts.

The other night some friends held a little going-away party for Tex and Bonita—and one of the Agriculture Committee staff members, Lydia Vacin, expressed the sentiments of most there when she quoted James Whitcomb Riley's words:

To make the world a friendly place, one must show it a friendly face.

Lydia went on to say about Tex:

That is what I believe you have always done as a member of this "illustrious"—or rather "industrious staff . . . I'm sure that when you get to Heaven, Tex, you'll be there hours before the devil knows you're dead. But please don't make any more plans to retire. You'll be needed there—as you have been here. Have a blessed and long retirement.

Mr. Speaker, I believe Lydia's warm words about Tex Easley sum up what I have been trying to say. We on Capitol Hill will miss him. We wish Tex and Bonita "Godspeed." And may they travel always with the wind at their backs.●

PRESIDENT KAUNDA OF ZAMBIA SPEAKS TO NATIONAL PRESS CLUB

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 10 minutes.

● Mr. DIGGS. Mr. Speaker, on May 18, 1978, His Excellency Kenneth Kaunda, President of Zambia, spoke at a luncheon given in his honor at the National Press Club in Washington, D.C.

President Kaunda is one of the world's most respected leaders, and his comments on the situation in Africa and the Anglo-American initiatives in southern Africa provide unique insights into the perspectives of those most knowledgeable on the subject. I would like to take this opportunity to share the President's remarks with my colleagues:

SPEECH BY HIS EXCELLENCY THE PRESIDENT OF ZAMBIA

I want to thank you for the opportunity you have given me by this bountiful luncheon to share with you some reflections on problems facing us in the world today.

I am sure you would want me to focus my attention on the dangerous crisis unfolding in Southern Africa. By drawing your attention to Southern Africa, I do not mean to underrate the gravity of other problems such as disarmament, the lack of satisfactory progress in the protracted Strategic Arms Limitation Talks, the fuel crisis and the world economic recession with all their adverse consequences on mankind. We in Zambia share common concern for the security and well-being of our fellowmen the world over. It is our sincere hope that at such critical time, world leaders will make decisions which will save man from self-destruction.

I would, however, like to focus my attention on Southern Africa as today's grave threat to international peace and security. Zambia's geo-political location and our commitment to the enhancement of human dignity give us special responsibility in building peace in Southern Africa. The future of Zambia is inextricably bound up with that of the entire region of Central and Southern Africa. We can never turn our backs to that crisis.

Since the dawn of the liberation struggle, there have been two roads to the establishment of peace in Southern Africa. The one road led to violent conflict and the other to lasting peace and stability by negotiations.

OUR CHOICE

For us in Zambia, attainment of independence by peaceful means was our choice from the beginning of our struggle. Our commitment to this noble ideal is not any less today than it was when we launched our struggle decades ago. We have expressed our commitment to non-violence many times in word

and in deed. We tried in the 1960s to end the unfolding armed conflict in Angola, Mozambique, Zimbabwe, Namibia and South Africa. In 1969, the Manifesto on Southern Africa adopted in Lusaka further confirmed Africa's fundamental belief in non-violence. In 1974 and part of 1975, we pursued the line of peaceful change to its logical conclusion. We engaged South Africa and the rebel regime in Salibsury in talks and tried to persuade them to give up power in Zimbabwe and Namibia, and to end apartheid in South Africa by non-violent means. Our intensified efforts left no stone unturned between October, 1974 and August, 1975. This non-violence approach as a first option in the struggle for liberation failed.

Our initiative was neither the first nor last. Successive British Governments tried in the 1960s and 1970s. They failed. The combined efforts of the United States and Britain in 1976 also floundered on the stubborn intransigency of Ian Smith.

OUR ALTERNATIVE CHOICE

The result of these failures is that today armed struggle has been forced upon the freedom loving people in Zimbabwe and Namibia. Resort to arms has thrust upon the millions of people in South Africa itself as the only option in a reaction against brutal force. These oppressed people want peace, individual liberty and prosperity based on equality. These are the same rights that the Americans want for themselves. This is what the people want in Southern Africa. There may be some in America who may dangerously compare the American declaration of independence more than 200 years ago to Smith's illegal declaration of independence. Any attempt to do so would be an abandonment of the democratic principles which America believes in and a clear vote for violence in Rhodesia. The United States cannot pursue a policy of liberation at home and reaction in Southern Africa. Human rights are indivisible. They deserve respect in Southern Africa as they do in America.

This is why we welcome the efforts of the Carter Administration which has for the first time completely identified itself with those struggling for freedom and independence. This is correct. Equivocation must be replaced by forthrightness in removing the root cause of conflict in Southern Africa.

I know that there are many illusions about the situation in Rhodesia. There are those who think that the so-called "Internal Settlement" is good and should be made to work. They are wrong. They are not reading Ian Smith's motive correctly. Americans should not be deceived by reading Smith's motives from his declarations designed to hoodwink them and the world.

Behind this cloak of verbiage there are sinister actions which are the reality we in the frontline and the liberation movements must deal with, namely, there is no change in the situation in Rhodesia.

Smith has not reduced his oppressive measures.

Massacres of innocent civilians are increasing, not decreasing. Only two days ago 94 people were massacred in cold blood.

Smith has not stopped recruiting mercenaries and expanding the army and procuring more sophisticated weapons in amounts without precedent.

Smith has intensified his acts of aggression against neighbouring countries on whom whites will depend for stability in the post-independence era.

Smith's military budget is of the order of one million dollars a day.

From our intelligence, we know Smith's briefings to white audiences namely; Nothing has changed. The whites have sought more time. They are guaranteed a minimum of 10 years of the status quo in black/white power relationship. The recent sacking of one of the Ministers in the newlook illegal regime for voicing out the necessity for change in the master servant relationship shows that Smith is only using his black partners to the Agreement as instruments for his political programme to keep the majority population in their place.

This is most dangerous. Consequently we have no moral right to postpone this liberation war. We cannot allow Smith to extend it into the 1980s. If we do, victory will be by far more expensive than in the 1970s. More weapons and money will be needed to fight the liberation war to victory. More life will be lost and property destroyed. The danger of external involvement will multiply. The risk of a full-scale world-wide war too grave to be ignored. At that point the American people might find themselves fighting on the wrong side. America might well find herself fighting Africa.

The answer lies first and foremost in completely abandoning any idea that Smith's Salisbury cover-up Agreement is worth any more than the price of paper on which it was written. It is ill-advised. It is a disaster. I wish God in his infinite wisdom will inspire Bishop Muzorewa and Rev. Sithole with the courage to accept that the signing of the cover-up Agrement was unwise. It is a mark of good leadership to retreat when circumstances demand. No agreement can and will work in Zimbabwe without the agreement of the Patriotic Front engaged in the war with Smith. For our part we have never advocated the exclusion of Bishop Muzorewa and Rev. Sithole from the future Government of Zimbabwe. It is our firm view that every genuine nationalist leader has a role.

The choice is not between the Salisbury cover-up Agreement and the Anglo-American Proposals. The choice is simply between the Anglo-American Proposals and war.

Good progress was made in the recent round of talks in Dar-es-Salaam. All the talks attended by Secretary of State Vance, Foreign Secretary David Owen and the Patriotic Front have brought the two sides closer. We in Zambia will continue to support this initiative. The pressure should not be put on the Patriotic Front who are now the allies of the United States and Britain in the initiative. The Patriotic Front have not rejected the Anglo-American Proposals. Pressure should be put on the cover-up group in Salisbury that have rejected the proposals. I urge the powerful mass media of this country to help the United States and Britain bring pressure to bear on the signatories to the Salisbury Agreement. By this ill-fated agreement, Smith will buy the whole of 1978 and is already working out a strategy to buy 1979.

I must at this point dispel one illusion, namely, that Joshua Nkomo will return to Rhodesia to Smith's cover-up group in the rebel regime. Neither Joshua Nkomo nor Robert Mugabe will return until there is an internationally accepted agreement endorsed by the Patriotic Front spearheading the war of liberation. Efforts being made to get Mr. Nkomo back are intended to split the Patriotic Front and destroy the unity of the nationalist leaders even further. We in Zambia know it. We will not accept it.

I urge all those who desire peace and stability in Zimbabwe to work for the success of the Anglo-American initiative. Any other initiative at this time is an exercise in futility which will lead to an even greater internationalised conflict. President Carter is right to throw his whole weight behind the current initiative. Ian Smith is the stumbling block to the initiative. He must be removed. The supplies of oil by Western Oil Companies have sustained his disastrous war programme. These oil supplies must be stopped. Sanctions must be tightened to the last limit.

On Namibia, we have maintained our position: We support a negotiated settlement if possible and armed struggle if necessary. We welcomed the efforts of the Group of Five as a positive move. In our opinion their recent proposals went a very long way towards ending the conflict. But we had always suspected that Petoria will continue to pursue its own programme of creating puppet regime in Windhoek to guarantee South Africa's continued multipurpose presense in an indepednent Namibia. The recent racist acts of aggression against Angola and the massacres of so many innocent SWAPO refugees and civilians was an act of sabotage. South Africa's intention was to stop the talks on Namibia in New York. We must be careful to read Petoria's motives not from declarations but from actions. Nonetheless, we in Zambia accept the proposals of the Five in principle. We hope that the talks with SWAPO will be resumed in the near future. We, therefore, urge that pressure be brought against South Africa to end her acts of aggression against the people of Namibia as well as the people of Angola and Zambia. We welcome the international support SWAPO enjoys at the United Nations and in the world as a whole.

Apartheid South Africa is a time bomb. The final explosion cannot be too far off. The Soweto sparks were a mere prelude. The blacks in South Africa know it and accept the consequences. The whites know it too. The West knows it. Yet despite all our pleas, we cannot say there are any serious efforts to defuse the South African bomb. Time is not waiting. No one can turn the clock back. The mood of the masses in South Africa is becoming even more tense and intolerant. Non-white children increasingly see for no future themselves. A large number have fled the country as refugees in neighboring Botswana. Others are braving the brutal fascist force being exercised against them. There is only an armed peace in South Africa. Tension is rising and conflict is inevitable.

I have declared before and I repeat it now: No matter how much South Africa arms herself against external aggression, the enemy is not outside. The enemy is internal—right in the backyard and in the kitchen. The Bantustans will become liberated zones in the liberaiton struggle. The system of Apartheid is ill-conceived and ill-fated. When the explosion comes, all the investments, all the interests, all the hopes of men of goodwill, will go up in flames. Such is the future of the revolution now taking place in South Africa.

The dangerous situation is reaching critical point. American news media have a most decisive role to play. You have a moral obligation to awaken the conscience of America to this tragedy.

Finally, let me say that the Carter Administration has an excellent chance of improving the relations between Africa and Amercia. The people of this country should not lose this great chance of sharing the joy of building the edifice of peace on the foundations of freedom and justice in Africa.

Thank you.●

IN MEMORIAM: PAUL K. FROST II

The SPEAKER. Under a previous order of the House, the gentleman from Oklahoma (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, it is with considerable sadness that I rise today to

join with my colleagues from Oklahoma, and from across the Nation in mourning the passing of Paul K. Frost II, in an untimely and tragic accident.

Paul has been both a close personal friend, and a valued professional associate to many of us who serve in Congress. Throughout his varied career, he never failed to uphold the highest standards of integrity and decency—both while a highly respected public servant, and during the years that he assisted the legislative process from the private sector.

He earned our trust, by always working for the public interest even while representing a specific interest or group.

He earned our respect, by his ability to work effectively within the complex legislative process.

And his sincerity, ability, and warm nature, even under the most trying circumstances earned him our close and lasting friendship.

Paul was one of the most effective, and most successful gentlemen whom I have had the honor to know, and his passing leaves our lives the poorer. Our thoughts and prayers are with his wife, Vicki, and with the family in this hour of tragedy.

Mr. Speaker, I am joined today in paying tribute to our late friend by several of my colleagues, and by Frank Moore, on behalf of the administration. I include the eulogy delivered by DeVier Pierson, and the remarks of my colleagues to be included in the RECORD at the conclusion of my remarks:

WASHINGTON, D.C.,
May 23, 1978.

Hon. GLENN ENGLISH,
Washington, D.C.

DEAR GLENN: I understand that you will be making some remarks in memoriam of Paul K. Frost, II, on the House floor in the near future, and I wanted to offer my support to you in that effort. It was with considerable sadness that I learned of Paul's tragic death along with three other members of his family on May 4, 1978. I have known Paul both personally and professionally over the past several years, and thought highly of him.

The circumstances of his death say a great deal about his life. He was on a vacation trip with family, being out west for a public purpose—to attend a meeting of the Board of Trustees of the Library and Museum Society of Yellowstone National Park on which he served. Paul was one of the newer breed of professionals in Washington who, while representing a private interest, kept a good conscience as to what also best served the public interest. He was loath to oppose legislation with valid public purpose, preferring instead to work closely with the Congress to correct deficiencies, clarify objectives, and work out any particular difficulties not foreseen by the dratfers. He was personal, in the sense that he recognized it was people who write our laws, and it was people to whom they utilmately applied. He was substantive in the sense that he recognized that there is no substitute for strong, unbiased, factual arguments in support of one's position. Finally, he was conciliatory, in that he recognized the art of politics to compromise, and always worked diligently to seek a middle ground.

We will miss Paul—his warm smile, his good sense of humor, his caring for others. I appreciate your taking the time to honor the memory of this fine young man, and I'm grateful to be part of that remembrance

Sincerely yours,

PAUL G. ROGERS,
Chairman.

WASHINGTON, D.C.,
May 23, 1978.

Hon. GLENN ENGLISH,
Washington, D.C.

DEAR GLENN: It is my understanding you plan to make a statement on the House floor on Wednesday, May 24 to eulogize our late good friend, Paul Frost, who was killed in a plane crash on May 4 in Wyoming. I would appreciate it if you will include my comments on your submission.

Paul's death is a terrible tragedy, occurring at a time when he had so much going for him at such an early age. Audrey and I express our deepest sympathy to his lovely wife, Vickie.

In the three years we knew Paul I was always impressed by his keen and thorough understanding of difficult economic issues, and his sound judgment on the political realities of legislating in the 1970's. He represented private interests in the best tradition of lobbying. He was a hard worker, an excellent vote counter, and his word was as good as gold. Personally, he was one of the nicest and friendliest young men we have known. He was a good friend to us and to several members of my staff. We will all miss him, but we must remember his many fine qualities and give thanks that we had the opportunity to know him as long as we did.

Thanks, Glenn, for your assistance.

Sincerely,

AL ULLMAN,
Member of Congress.

STATEMENT OF THE HONORABLE DAVID L. BOREN, GOVERNOR OF THE STATE OF OKLAHOMA

The untimely death of the Paul Frost represents a tremendous loss to all of us who were privileged to know him, as well as thousands of people in Oklahoma and across the country who were the benefactors of his insight and ability and public service.

Mr. Frost's contributions to the betterment of his fellow man were many and the effects of his actions will be evident for years to come. The respect that he engendered from those with whom he came in contact will serve as an inspiration and goal for those who will follow in his footsteps.

His passing is a personal tragedy for me, as well. It was my privilege to have known him for many years and the benefits that I have derived from our friendship will remain vividly with me thoughout the years.

If it is true that each of us should strive to leave the world better for our having passed this way, then Paul Frost attained and surpassed that goal.

MAY 23, 1978.

Hon. GLENN ENGLISH,
U.S. House of Representatives,
Washington, D.C.

DEAR GLENN: Paul Frost was an honest and decent man with a strong understanding of our government and how to make it work to meet the needs of the American people. On behalf of the Carter Administration I praise this good man and his work and join with you and others in mourning his passing.

With best wishes,

Sincerely,

FRANK MOORE,
Assistant to the President for Congressional Liaison.

EULOGY FOR ALLIE DALE REYNOLDS, MICHAEL REYNOLDS, AND PAUL K. FROST II, MAY 9, 1978

When a man takes a wife he also joins a family. Thus, when Shirley and I were married over twenty-one years ago, I became part of a close and loving family which was enriched through the years with Marta's marriage to Allie, the arrival of their children and Paul's marriage to Vicki. You accept your family—as you do your wife—with the conditions imposed by the vows of matrimony—for better, for worse, for richer, for poorer, in sickness and in health, to love and to cherish till death do us part.

We are now parted suddenly, albeit temporarily, from Allie, Michael and Paul. As we gather to honor them, the family has granted me the privilege of saying a few words about each.

Allie Reynolds was the most selfless person I have ever known. Some part of each day of his life was spent in assisting others. Many of us here must be thinking at this moment of the acts of kindness—large or small—that Allie has performed for each of us. No task was too small or too humble. If Allie was your friend, you knew he would always be there when you needed him.

This was no pose. Allie worked quietly and without any effort for special recognition or praise. It was simply a part of his nature that he was happiest when he was doing a good deed which would make others happy as well. He was the proverbial Good Samaritan.

Allie's life was his family. No one ever gave his wife and children more love, support and care. No family has ever been closer. They have worked together and played together. They have smiled through adversity. Their love and concern for one another has given them a special strength and unity they now must call upon to tide them through this terrible time.

Allie not only cared for his children—but for all young people. He always found time to teach and to help. Yesterday I saw a plaque hanging on the wall in Allie's office given to him almost ten years ago by the Blue Yankees, a little league team he coached to a championship. It says, To Allie:

"A hundred years from now it will not matter what my bank was, the sort of house I lived in or kind of car I drove. But the world may well be different because I was important in the life of a boy."

If this is true—and I believe it is—our world will most certainly be a different and better place. For Allie planted seeds that will grow for generations to come.

This transfer of values from generation to generation was never more evident than in the character and personality of Michael Reynolds. He was his parents' son—quiet, strong, sweet, willing and cheerful. He had the same unselfishness, the same wish to help others, and the same concern for the happiness of his family and friends. I have never heard him utter an unkind word about another person.

Most young people are loved by their own family. But Michael also had the affection of every young person's most severe critics—his own contemporaries. He was a top student and popular leader in his fraternity pledge class at OSU. On Sunday the fraternity held memorial services for him in Stillwater. Many of his fraternity brothers are here with us today. They also miss him.

Michael was intrigued by the mystery of life. As a horticulturist, he knew how to create and nurture living things. Like his seedlings, he also flourished into a manhood of character and promise. As we ponder the unfairness of this promise cut short, Michael might even remind us that the finest flower is often one of short bloom and that the

memory of its beauty remains with us long after its season has passed.

Michael was not totally unprepared for death. This year he was taking a course in death and dying and was well aware of the frailty of mortality. When asked on one test—considering the ever-present possibility of death—how he would characterize his life thus far, his answer was that he had been "very fortunate." He knew that those who live together in happiness, however short the time, are indeed the fortunate ones.

I loved Paul Frost very much. I have watched Paul grow from childhood to manhood and into professional success. He has been at once my son, my brother, my good friend and my professional colleague. Paul and Vicki are our Washington family. Because Paul has been away from Oklahoma for so long, it is especially important that all who are here today know more about him.

Wherever Paul went in Washington, he excelled. When he was in the government, he soon acquired a reputation as a man of special capacity and judgment. When he joined one of the world's great corporations, those who worked with him have affirmed that he had the capacity to reach the ranks of its senior management. In the last few months, he was offered a partnership—an opportunity sought by many but instead offered to Paul without effort on his part—in one of Washington's most prestigious consulting firms. He worked with and was admired by many of the great public men of our time. Paul had achieved more at the age of 34 than most men ever achieve.

The beauty of Paul's success was that it did not come at the expense of his character or ideals. Paul knew how to do his work in a calm, efficient way in which he did not need to lose friends to win causes. No one was pushed out of the way. There were no ethical compromises.

Paul's colleagues—a number of whom have come today from Washington and New York to honor his memory—knew he was a special person and loved him as we do. They know that he did not leave us before he had made his mark.

Paul also received the greatest gift that can be bestowed upon any man—the deep and constant love of a good woman. Vicki was Paul's companion in his life's work as well as in marriage. She strengthened and inspired him. Most of all, she gave him happiness.

And so these three men and Vicki's brother Jack—bound together by ties of family and friendship—shared life's final experience as they had shared so many happinesses in life. Shakespeare told us of such men when he said:

"We few, we happy few, we band of brothers; for he today that sheds his blood with me shall be my brother."

Those of us who have lost this band of brothers must now look for comfort and strength.

For those parents who have lost a son, there is the comfort that the son they brought into this world grew to manhood as a fine and decent person who commanded the respect and affection of those around him.

For those who lost a brother, there is the comfort that there was a loving relationship between brother and sister and brother and brother—and that the happy experience of growing up together will never be erased.

For those who have lost a husband, there is the comfort that they had a love and companionship of a quality which rarely exists between man and wife.

Life is after all a long chain of memories—some beautiful and some ugly, some bitter and some sweet. Because of the quality of their lives, our memories of Allie, Michael and Paul will be warm, happy and beautiful. These memories will support this brave family as they draw closer together to renew their own lives. And, while the loss is deep, we will always be grateful for the glory of these years together.

W. DeVier Pierson, May 9, 1978.

Mr. STEED. Mr. Speaker, it is always difficult to offer a eulogy for a friend, especially one so young and full of life as my fellow Oklahoman, Paul K. Frost II, who died tragically in an airplane crash on May 4, 1978.

Many of my colleagues will remember Paul as an aide for former Oklahoma Senator Mike Monroney, as assistant director for Federal Government relations with the Union Carbide Corp., or in his recent transfer to the Charles E. Walker Associates, Inc., as a senior associate.

My personal memories will be of an energetic young man who willingly accepted challenge with rare determination and whose unselfish contributions to the Oklahoma State Society of Washington, D.C., added significantly to its success and strength.

To his wife, Vicki, I extend my heartfelt sympathy, and I want to assure her that all of us who knew Paul so well share in her loss.

Mr. JONES of Oklahoma. Mr. Speaker, it came as a great shock to learn of the untimely death of a fellow Oklahoman and friend, Paul Frost. All of us who knew Paul feel the loss and share in the tragedy of his passing from the scene so abruptly.

Paul was a mover and a shaker of events. Throughout the years, I was always impressed with the manner in which he approached every job he undertook. Paul has an uncanny grasp of the issues, and a thorough knowledge of the facts upon which to base his decisions or offer advice to those who sought his informed counsel. Paul was not a mere technician; he was a warm human being who loved life and wanted to do his part to make things better for everyone.

Paul was concerned with building, not destroying. His service to the country stretched from his time on the staff of Senator Mike Monroney to his most recent work in the private sector. Like the many other friends Paul had, I have many memories of the help and personal kindnesses Paul extended to me. He was always there with the right answer, a helpful suggestion, or just a kind word when the occasion called for such assistance. I will miss him.

It would be possible to fill up pages listing Paul's attributes and how sorely he will be missed, but somehow, I do not think he would prefer that sort of praise. It was always enough for him to know that he had done a good job on whatever task he set his mind to accomplishing. That is a rare quality in any person, and one that needs no further praise.

Mr. LOTT. Mr. Speaker, though I regret the occasion of these remarks, I am honored to have the opportunity today to pay tribute to the late Paul Frost, a good friend and a tireless worker. I came to know Paul, as I am sure many of my colleagues did, through his endeavors here on the Hill. The professionalism that he brought to the job of representing the concerns of private corporations gave special meaning to the term Government relations. Paul was always as ready to listen to my reservations about legislation as he was to adovcate his company's position. This willingness to give due consideration to both sides of an issue is a quality that all of us who serve in or work with the Congress would do well to possess. My staff and I join Vicki and Paul's family, as well as his many, many friends, in remembering the vibrant spirit and personal dedication that Paul demonstrated every day of his life. What a privilege it has been to know this young man.

Mr. RISENHOOVER. Mr. Speaker, among the fundamental rights of our Government is the freedom to petition the Government for a redress of grievances. The great art is doing it effectively.

Early this month, our Nation lost one of the fine practitioners of that art. Paul Frost, an associate of Charls Walker and former representative of Union Carbide Corp., died in a plane crash along with three other men.

Paul came to Washington from Oklahoma as an aide to Senator Monroney. He enjoyed a fine professional reputation in the Senate and later as a representative of business. He was responsible, truthful, and knowledgeable. More, he was a friend. We miss him greatly.

Mr. JENRETTE. Mr. Speaker, there are many marks made by men upon the world, some are bold and brilliant, others are a softer blend, a tangible touch of excellence and warmth that keep coming back to mind like the remembrance of a warm spring day.

Paul Frost exemplified the best of the blend of human nature. His life was like an illuminating light which reflected his kindness and warmth. He encouraged the efforts of his family and encircled his friends with his spirit and cheer.

Washington can sometimes be a difficult environment in which to make true friends. However, Paul Frost was one man Rita and I considered a close friend. He had none of the pretension which generally goes hand in hand with the Washington scene. He was intelligent, kind, warm, and genuine. Paul and Vickie Frost were our close friends. We will miss his warm smile and gentle spirit.

Mr. EDWARDS of Oklahoma. Mr. Speaker, we have recently lost one of the finest young men it has been my pleasure to know.

Paul Frost was an Oklahoman by marriage, a man who came to exemplify all of the fine qualities we Okies are so proud of in our people. The airplane crash that took his life was a tragedy not only because it took life, but because it ended what would have been an unusual life, full of continued accomplishment.

To reflect on what Paul Frost meant is to understand the difference between a life lived casually and a life with purpose and achievement. Paul was a bright young man, with a lively, good mind, and with a sense of life that made him stand out in any environment.

In the last couple of years I had come to know Paul Frost and to respect him tremendously. His absence will be very clearly noticed, and he will be missed.

EXPLANATION

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 5 minutes.

● Mr. DINGELL. Mr. Speaker, I wish to take this opportunity to indicate how I would have voted were I present on the House floor for the last recorded vote on May 18 and subsequent votes on May 19 on the Alaska national interest lands conservation bill. I would have voted "nay" on roll No. 335, an amendment which would have reduced the total acreage within the national park and wildlife refuge system by 5 million acres to permit State selections. I would have voted "nay" on roll No. 336, an amendment which would have reduced wilderness from 66 million to 33 million acres. I would have voted "yea" on roll No. 338 which would allow for a continuation of minerals assessment on conservation units in Alaska. I would have voted "nay" on roll No. 339 which would have recommitted the bill to the Interior Committee and Merchant Marine and Fisheries Committee. Finally, I would have voted "yea" on roll No. 340—final passage of the bill. I certainly regret that a previous commitment necessitated my absence on these very important votes.●

NCOA TO HONOR CONGRESSMAN BENNETT WITH ITS 1978 "L. MENDEL RIVERS AWARD"

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker, I am honored to announce that our colleague, my friend, and fellow member of the Committee on Armed Services, the Honorable CHARLES E. BENNETT of Florida, has been selected by the Non Commissioned Officers Association of the U.S.A. (NCOA) to receive this year's "L. Mendel Rivers Award for Legislative Action."

The award, a most coveted one I might add, is presented to a Member of Congress who, in the opinion of the association's directors, is worthy of recognition for his or her efforts in furthering the ideals of democracy, freedom, and patriotism on behalf of our beloved Nation.

There were not too many who can match CHARLIE BENNETT'S scoreboard in these testimonial manifestations of our American heritage. He believes fully in maintaining a Government by the people. He votes this way. And what an enviable record he possesses. In what will soon be 27 years he has never missed a legislative vote.

When it comes to freedom, CHARLIE has few peers. He fights hard and long for a strong defense posture. As chairman of the Subcommittee on Seapower and Strategic and Critical Materials, he continually seeks better ways to keep our naval forces second to none—and to insure adequate protection of the sealanes bringing the needed strategic and critical materials into the United States. Truly, he is "Mr. Seapower" in Congress.

As for patriotism—let us look at the record:

Enlisted March 13, 1942, and served 58 months in Infantry in World War II, including guerrilla combat in the Philippines; awarded Silver Star, Bronze Star, Combat Infantry Badge, Philippine Legion of Honor, Gold Cross for gallantry in action, and French Chevalier de la Legion d'Honneur; discharged as Captain January 13, 1947, elected to Infantry Hall of Fame, Fort Benning Officer Candidate School.

As a civilian he also has distinguished himself. CHARLIE has been the recipient of, among many, the Izaak Walton League Award, Distinguished Service Award from Jacksonville (Fla.) University, Significant Alumni Award from the University of Florida, Distinguished Eagle Scout Award, Distinguished Service Award from the President's Committee on Employment of the Handicapped 1969, Good Government Award, and the 1978 Man of the Year Award from the Reserve Officer's Association.

So it is, without reservation, time to salute our Florida colleague for the outstanding work he has done for our country and, God willing, will continue to do for many years to come.

It is time to render a salute to this honest and capable legislator who believes that democracy and freedom are protected by those who serve their Nation in uniform in war and in peace.

It is he that said:

America's attitude toward the military man must be improved. . . . In spite of all the sacrifices that are made by these people, there is constant nitpicking about commissaries, medical benefits, double-dipping, and the Civil Service practice of giving veterans a five-point advantage on examinations. . . . It is sad that we are not doing more to show our gratitude to the people in the service.

So, to my dear friend, CHARLIE, I say, congratulations. You truly deserve the honor.

In behalf of the association's previous winners—the Honorable Messrs. STROM THURMOND and JOHN TOWER of the U.S. Senate; F. Edward Hébert and Thomas N. Downing, Members of Congress, both now retired; and BOB WILSON and myself—I welcome you aboard to the NCOA's "Hall of Legislative Fame."●

LAST HOPE FOR UNDERSTANDING BETWEEN TURKEY AND THE UNITED STATES

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

● Mr. SIKES. Mr. Speaker, the presence of Turkey's Prime Minister Ecevit for the NATO Summit Conference now in progress in Washington may present the last real hope for achievement of a better understanding between the United States and Turkey. The Prime Minister's speech at the summit conference should leave no doubts that Turkey recognizes the essentiality of self-preservation; feels that they are being slighted by other NATO members, and particularly by the United States, and that they must make an accommodation for the procurement of weapons needed for their own protection.

Turkey's forces, among the largest in NATO, occupy one of the most strategic positions in that organization. Turkey provides the anchor of the southern flank of NATO. Greece would be left defenseless without Turkish participation in NATO. Italy, the eastern Mediterranean, and the oil rich nations of the Middle East would be open to Russian aggression.

The Turkish forces are largely equipped with U.S. weapons. No other NATO country is in position to supply weapons and spares in the quantities needed to insure continued effectiveness of the Turkish forces.

Russia, which has unlimited weapons for disposal, is taking advantage of every opportunity to establish better relations with the Turks, and they are making some progress.

Congress established an embargo on arms to Turkey and must accept the responsibility for the present impasse. However, if the problem is to be relieved, it is essential that the administration provide much greater emphasis on a solution than has yet been forthcoming.

The Christian Science Monitor on May 19 discussed the matter in clear terms in an editorial entitled, "Carter and the Turks." I submit it for reprinting in the RECORD.

The article follows:

[From the Christian Science Monitor, May 19, 1978]

CARTER AND THE TURKS

President Carter has a host of foreign policy problems but none more serious now than the question of Turkey's weakened role in NATO. So far he has not given this matter top priority. The Panama treaties and the Middle East arms package consumed his energies in Congress. But now that the day has been won on these issues, it is indispensable that the President similarly pull out all stops in an effort to get Congress to lift the U.S. arms embargo on Turkey. No less is at stake than the strength and stability of the Western alliance in the face of growing Soviet assertiveness.

It is ironic that at a time when the Russians are exploiting fresh opportunities to extend their influence—in Africa, the Middle East, Afghanistan—the U.S. Congress is helping them. For that in effect is what it is doing. Washington's European allies alone seem to understand that if Turkey is not soon helped to improve its deteriorating defenses, the whole southeastern flank of NATO, now a strategic Mediterranean buffer between the Soviet Union and the Middle East and between East and West, will be softened. Already the United States has had to shut down some of its military installations in Turkey.

Turkish Prime Minister Bulent Ecevit does not go so far as to suggest that Turkey will pull out of the alliance. But, under growing pressures at home, he is being forced to look to other alternatives if the U.S. Congress continues its myopic policy. He has told Mr. Carter that Ankara will not sign a joint statement on NATO's future at the upcoming

summit in Washington and he hints that Turkey will reduce the size of its armed forces (it now has the second-largest standing army in NATO).

That may sound like arm-twisting to some, but, in Mr. Ecevit's eyes, things look quite different. Failure of the Senate Foreign Relations Committee to end the embargo, imposed when Turkish troops occupied northern Cyprus has had serious repercussions in Turkey. Many Turks feel that they are being treated like second-class citizens, that the West does not appreciate them, and therefore they that they should perhaps stand all alone, bolstering their ties with the nonaligned world and—yes—with the Soviet Union.

On the Cyprus issue the Turks believe they have put forward reasonable opening proposals. UN Secretary-General Kurt Waldheim in fact termed them concrete and substantial, but the Greek Cypriots refuse to talk now—a stance Ankara views suspiciously as tied to a desire to keep the pro-Greek deadlock in Congress.

Whether these suspicions are true or not, the American lawmakers can be faulted for playing politics instead of pursuing principle. It is no secret that the pro-Greek lobby is highly organized and cohesive. It has influence over some important congressional posts and its financial support of Democrats and Republicans alike is a matter of public record.

Can it be doubted that the Senate Foreign Relations Committee and other members of Congress would view the situation differently if, instead of the pro-Greek chorus, pro-Turkish voices were heard in the land? To Turkey's disadvantage, there are few such. Hence President Carter faces a tough task in persuading the lawmakers to be ruled by good sense and patriotism rather than their political emotions. He managed this admirably well in the case of the Mideast arms deal. For the first time the power of the Jewish lobby in the Congress was broken because of a perceived overriding national interest.

This must be the touchstone in the Turkish arms issue as well. There is no rationale in sounding the alarm about the Soviet Union's inroads around the world and growing challenge to the West—when the West itself does not keep its house in order.●

NEW OPPORTUNITY TO IMPROVE NATO

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. SIKES. Mr. Speaker, the opening session of the North Atlantic Alliance Summit in Washington was an exciting occasion and, in my opinion, a productive one. It is very unusual for the leaders of so many of the world's important nations to participate in a Conference. It is a very unusual privilege to have an opportunity to meet with and talk with such a group. The session was opened by President Carter. He was followed by Prime Minister Ecevit of Turkey and by Secretary General Luns of Belgium. The opening session was held in the Kennedy Center. Subsequently, meetings were continued at the White House, the State Department, and other agencies of Government.

President Carter's talk stressed America's interest in NATO and again pointed to the strong support being given by our country. The United States is doing more than other nations in NATO, and the basic military strength of the alliance is provided by the United States and Germany. Other nations, however, are responding in a more realistic way to the need for a stronger NATO. It is reassuring to note the President's continued emphasis, in addition to NATO, to the threat posed by Russian-Cuban aggression in Africa. This is a very real threat to the future security of the United States and the free world because of the dangers posed to free world shipping of oil and minerals. If Russia can control the sealanes around Africa, there will be a new threat of an actual loss of essential minerals and oil to American and free world industry.

In the meantime, it will be noted that Russia has offered new bait for progress in disarmament talks. They propose to give up weapons they do not have and do not need if the United States and our allies will forgo weapons we now have or that are being developed and which we definitely need. This is a typical Russian ploy. It is to be hoped that we will not allow ourselves to be taken in by this flimsy strategy.●

CARTER-HEW ATTEMPT TO END RUN TUITION TAX CREDITS A SHAM

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. ASHBROOK. Mr. Speaker, middle class parents are so burdened by taxation and rising prices today that it is becoming impossible for many working people and small professional people to send their children through school and college. A large part of the reason for this is the huge tax burden we have placed upon middle-income Americans. These taxes, in turn, pay for the public assistance programs which are sending the children of lower income parents to college. The rich are helped very minimally by these credits, despite the arguments of our opponents.

The middle income American, who has few tax deductions, and whose salary is openly earned and honestly reported, is therefore left to pay for the huge programs which send lower-income students to school. But that is not all he has to pay for. The actual aid to poor students is only a part of the cost of programs of this sort. Taxes also pay for the huge number of bureaucrats who administer these programs, and for the cheats and frauds who make use of these programs as well. As a result, the middle class parent must try to send his own children to school while paying for the education of poor children, a huge staff of bureaucratic administrators, and for a huge number of outright frauds. HEW admitted recently that it had been defrauded of at least $6 billion last year alone.

Between 1967 and 1976, the cost of sending a student through college has risen by 77 percent. The average cost of a 4-year college program is about $30,000, and is rising rapidly. To a middle-income parent, with neither the rich man's income nor the poor parent's public aid program to fall back on, and with the immense tax burden he faces, the education of several children presents an enormous financial burden. I have been fighting to give the middle income tax payer relief to face this burden ever since I entered the Congress.

During my first year in the House of Representatives, I introduced a bill providing, "That 2 per centum of all income taxes collected on individual incomes under Federal statutes" be given to the States, without any strings, to be used for educational purposes. The Federal educational bureaucracy and the national education lobby objected violently, because such a bill would have given money directly to the States without any chance of producing the bureaucratic empire that HEW has developed.

In 1965, seeing the burden building up more and more specifically on the middle income taxpayer, I introduced a tax credit plan to help parents in this income group to send their children to college. It provided that a taxpayer be allowed, * * * an amount * * * equal to the aggregate amount paid during such taxable year by such individual to one or more institutions of higher education as tuition for the education of such individual or his spouse, or any person with respect to whom he is entitled for the taxable year to an exemption * * * at a level above the 12th grade.

As I expected, I was solidly and passionately opposed by the liberal education lobby and the full force of the Federal educational bureaucracy. I was not at all surprised, because groups like the National Education Association and the educational bureaucrats have consistently shown a far greater interest in building a bigger, ever more powerful bureaucratic domain than they have in the betterment of the school system or the preferences of middle-income taxpayers. Nor did the Washington educational establishment formulate even a token substitute for my legislation aimed at helping the overburdened middle-class parent. They simply beat back my attempts through their liberal majorities in Congress, and ignored the burdened middle class altogether.

It was therefore a shock for me to hear HEW Secretary Califano state before the House Education and Labor Committee that "President Carter is committed to increasing student financial aid for middle-income families with children in college," and to follow this up with the statement that, "There should be no doubt that a President sits in the White House who cares deeply about the quality of education in America." These statements give one the distinct impression that Mr. Carter cares about the school cost burdens of middle-class parents. The fact is that Mr. Carter, like other establishment liberals, has ignored this problem. The hastily thrown together boondoggle which the administration has presented to Congress was not even thought of until it was clear that voter unrest was overcoming liberal legislators' obstinacy on tax credit relief.

The time has come for relief of the educational burden of middle-income parents. A President sits in the White House whose only concern is to be sure that this relief is funneled through and controlled by Mr. Califano's bureaucratic empire.

Mr. Califano's arguments in favor of HEW's grab for control of this program are as shabby a patchwork as is the administration program itself. Mr. Califano is the head of a department which admits to having been defrauded of over $6 billion last year. Yet he has the gall to insist that a program that the same department does not administer "will lead to increased administrative burdens, confusion, and complexity." Surely he does not expect anyone to believe that his bureaucratic nightmare at HEW will do an efficient job. IRS needs only to follow the rules it has already set up for over a generation to determine the tax deductible status of schools in order to determine school eligibility for tuition tax credits, while HEW would issue books of new regulations if the new program Califano proposes goes through.

One need only look at the official February 16 HEW report on its administration of the guaranteed student loan program, the national direct student loan program, and the basic educational opportunity grant program, if he wants to see some horror stories involving "administrative burdens, confusion, and complexity"—not to mention simple incompetence. It is an act of real desperation for a Cabinet official to testify that this same agency is a guarantee of efficiency.

Another argument of transparent desperation made by Califano is his repeated indication that enoromously rich people will somehow rob the Treasury of substantial sums by sending their children through school. First of all, very few enormously wealthy people have children of school age. It is not worth public funds to put the entire program under HEW in order to weed out those few. Secondly, given that there is a limit on every proposal for tuition credits of a few hundred dollars per child, how much can these few very wealthy parents actually save by this means? The bureaucratic morass which would administer the program under the Carter-Califano plan would be far more expensive—and far more oppressive—than a straightforward tuition tax credit.

Nor can one take seriously Califano's statement that Attorney General Griffin Bell agrees with Mr. Carter that tuition credits are unconstitutional. This is hardly a surprise. Mr. Bell thought that discrimination against Alan Bakke was unconstitutional, but switched his position without hesitation when his superiors told him to opine otherwise. Mr. Bell thought that school "pairing" as an excuse to use money for busing, directly against explicit congressional prohibition, was illegal. He changed his mind instantly when Mr. Califano told him to. The Attorney General has not shown the slightest hint of any independent judgment on the law or the Constitution since becoming the Carter administration's family lawyer.

In only one area does Mr. Califano's testimony come close to expressing the administration's true reasons for opposing tuition tax credits. He speaks of "fragmenting education policy," of tax credits being a "blunt instrument." What all this means, in plain English, is that tuition tax credits are a direct challenge to HEW's bureaucratic stranglehold on our educational system. Tuition tax credits would take money and power from the bureaucrats and give it to the people. Parents would be allowed to make their own educational choices for their own children.

Parental control of education is the one thing the Federal bureaucracy strives day and night to prevent. If the parents can make their own choices, who can be forced to support the expensive drones who rule our educational system from Washington? The Carter-Califano boondoggle which masquerades as an alternative to tuition grants would give the Federal educational empire another small plum, whereas the tuition credit system might be the first step in a national declaration of independence from Congress' disgraceful years as unquestioning servant of the national education lobbyists.

It is clear for all to see that the time for tuition tax credits has come. When I began in this fight there were few of us willing to see the educational policy conducted from Washington as the failure it was. With the pressure groups in the driver's seat and the public not yet aroused against this costly disaster, the majority of my colleagues continued to knuckle under with little protest to the demands of lobbying powers like the National Education Association. But here as elsewhere the liberal experiment has failed. Only the last ditch true believers, like Califano and Carter, will not admit this fact.

Rebellion is underway. Contrary to what his HEW Secretary would have us believe, only this rebellion has forced President Carter out of his original opposition stand against help to middle income parents. Faced with this revolt Carter and Califano threw together another standard Federal education boondoggle to substitute for tuition tax credits. By a vote of 14 to 1, the Senate Finance Committee told the administration it would have no part of this shabby subterfuge.

Carter's fight against tuition tax credits is but another example of his die-hard stand for bureaucracy against public interest and the popular will. Once again, as in his stand for busing, as in his fight for reverse discrimination, Carter is showing himself to be the last absolute true believer in the dead pseudo-theology of liberalism in a nation which has grown out of that nonsense.●

PERSONAL EXPLANATION

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD.)

● Mr. MIKVA. Mr. Speaker, I was unavoidably absent from the floor during part of the session on Thursday, May 25, 1978, and missed several rollcall votes as a result. Had I been present, I would have voted as follows:

Roll No. 375, the rule for consideration of H.R. 7814, "yes";

Roll No. 376, to resolve into a Committee of the Whole for consideration of H.R. 7814, "yes";

Roll No. 377, for approval of H.R. 7814, "yes";

Roll No. 379, an amendment to H.R. 9400 by Mr. RAILSBACK, "yes."●

TUITION TAX CREDITS

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. MIKVA. Mr. Speaker, tomorrow, Thursday, the House will vote on an amendment to be offered by Mr. KETCHUM and me to the Tuition Tax Credit Act. Our amendment would substitute a tax deferral for the tax credit contained in H.R. 12050. Mr. KETCHUM and I have recently received a letter from COPUS, the Coalition of Independent College and University Students, supporting our amendment, and we would like to share it with the other Members of the House. We think the letter from COPUS accurately states the benefits of tax deferral over the $100 tax credit of H.R. 12050. Following is the letter from the national director of COPUS, Lawrence Zaglaniczny:

THE COALITION OF INDEPENDENT COLLEGE AND UNIVERSITY STUDENTS,
Washington, D.C., May 31, 1978.

To: CONGRESSMAN ABNER J. MIKVA, CONGRESSMAN WILLIAM M. KETCHUM.

From: Lawrence S. Zaglaniczny, National Director.

Subject: Mikva-Ketchum Tuition Tax Deferral Substitute to H.R. 12050.

DEAR CONGRESSMEN: On behalf of the Coalition of Independent College and University Students (COPUS), I would like to inform you of our strong support for the amendment you will be offering to H.R. 12050, the Tuition Tax Credit bill. Our organization represents over one hundred student chapters enrolling some half-million students who attend private colleges and universities across the nation.

While we are absolute in our desire for increased Federal student assistance, we have polled our membership and they have informed our Washington office that they much prefer your tax deferral substitute instead of tuition tax credits. Many of these students attend independent colleges that charge more than three or four thousand dollars a year in tuition and they favor your substitute for the following reasons:

1. The Mikva-Ketchum substitute will provide more significant aid to students and their parents, than tax credits. A $250 tuition tax credit is not sufficient relief to those individuals attending expensive private colleges. The Mikva-Ketchum substitute will allow taxpayers to defer up to $2,000 in taxes per year per student. With high tuitions in the private higher education sector, the ability of a taxpayer to obtain such relief, as provided by your amendment, is of more consequence compared to the small benefit given by a tax credit. The Mikva-Ketchum substitute will provide ten times more relief than tax credits.

2. Tuition tax credit proponents suggest that the competitive balance may be restored

between the public and private higher education sectors, because of the credit. We cannot understand how a $250 tax credit will make a difference in the college selection process when a student decides between a low tuition public school and a high tuition cost independent college. If the tax system is to be used as a means to encourage enrollment, then a $250 tax credit is of minimal importance in the selection of a college compared to the great liquidity Mikva-Ketchum provides parents at the time they need substantial aid. Your substitute is a more compelling means of aid to parents and their children in assisting them to select what college to attend and how to pay for that college education without going bankrupt. Tax credits do not come close to providing the liquidity needed by an individual in order to pay for college.

Finally, your amendment will be self-sufficient and revolving eventually resulting in no revenue loss to the Treasury. Since it is a tax deferral plan the initial loss of revenue would be replaced once the taxpayer began to repay their tax deferral. The modest three percent interest rate will cover the administrative costs to the government in managing the program.

Again, Congressman Mikva and Congressman Ketchum, the Coalition of Independent College and University Students strongly support your substitute tax deferral plan as a more beneficial means of aiding the middle-income parent with students in college, than tuition tax credits. We thank you both and appreciate your offering this meaningful alternative. We urge all Members of the House to vote for the Mikva-Ketchum substitute.

Sincerely,

LAWRENCE S. ZAGLANICZNY,
National Director.●

LEAVE OF ABSENCE

(By unanimous consent, leave of absence was granted as follows to:)

Mr. ALLEN (at the request of Mr. WRIGHT), for an indefinite period, on account of medical reasons.

Mr. CORMAN (at the request of Mr. WRIGHT), for today, on account of medical reasons.

Mr. DENT (at the request of Mr. WRIGHT), for May 31 through June 2, on account of a death in the family.

Mr. RODINO (at the request of Mr. WRIGHT), for today, on account of illness in the family.

Mr. STUMP, for today, May 31, 1978, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SAWYER) to revise and extend their remarks and include extraneous material:)

Mr. KEMP, for 10 minutes, today.
Mr. CLEVELAND, for 60 minutes, today.
Mr. SARASIN, for 5 minutes, today.
Mr. ASHBROOK, for 30 minutes, today.
Mr. WAMPLER, for 5 minutes, today.

(The following Members (at the request of Mr. FLIPPO) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. DIGGS, for 10 minutes, today.
Mr. FLOOD, for 5 minutes, today.
Mr. COTTER, for 5 minutes, today.
Mr. ENGLISH, for 5 minutes, today.
Mr. DINGELL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SAWYER) and to include extraneous matter:)

Mr. ANDREWS of North Dakota.
Mr. COLLINS of Texas in three instances.
Mr. STEIGER in three instances.
Mr. DERWINSKI in four instances.
Mr. COUGHLIN in two instances.
Mr. HYDE.
Mr. EVANS of Delaware.
Mr. ABDNOR.
Mr. DORNAN.
Mr. HAGEDORN in three instances.
Mr. LAGOMARSINO in two instances.
Mrs. HOLT.
Mrs. PETTIS.
Mr. FRENZEL in three instances.
Mr. ANDERSON of Illinois.
Mr. MOORE.
Mr. RINALDO.
Mr. ASHBROOK in two instances.

(The following Members (at the request of Mr. FLIPPO) and to include extraneous matter:)

Mr. FISHER in 10 instances.
Mr. CAVANAUGH.
Mr. STARK in two instances.
Mr. ANNUNZIO in six instances.
Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. BROWN of California in 10 instances.
Mr. DELLUMS.
Mr. RAHALL.
Mr. PEPPER in two instances.
Mr. HAMILTON.
Ms. OAKAR in two instances.
Mr. ROE.
Mr. MAZZOLI in two instances.
Mr. HANNAFORD in two instances.
Mr. WAXMAN.
Mr. FRASER.
Mr. ZABLOCKI.
Mr. CONYERS.
Mr. DUNCAN of Oregon.
Mr. GINN.
Mr. WALGREN.
Mr. DRINAN.
Mr. ROGERS in five instances.
Mr. BRADEMAS in five instances.
Mr. OBERSTAR.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's able and, under the rule, referred as follows:

S. 415. An act to amend the Anadromous Fish Conservation Act to include fish in Lake Champlain that ascend streams to spawn; to the Committee on Merchant Marine and Fisheries.

S. 990. An act to amend title 5, United States Code, to provide special allowances to certain physicians employed by the United States in order to enhance the recruitment and retention of such physicians; to the Committee on Post Office and Civil Service.

S. 2512. An act to provide explicit authority for the arrest of material witnesses; to the Committee on the District of Columbia.

S. 2556. An act to change the name of the District of Columbia Bail Agency; to the Committee on the District of Columbia.

S. 2951. An act to authorize the Secretary of Agriculture to accept and administer on behalf of the United States gifts or devises of real and personal property for the benefit of the Department of Agriculture or any of its programs; to the Committee on Agriculture.

ENROLLED BILLS SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 8423. An act To amend titles II and XVIII of the Social Security Act to make improvements in the end stage renal disease program presently authorized under section 226 of that Act, and for other purposes; and

H.R. 11370. An act to authorize an appropriation to reimburse certain expenditures for social services provided by the States prior to October 1, 1975, under titles I, IV-A, VI, X, XIV, and XVI of the Social Security Act.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles.

S. 1792. An act to amend the Administrative Conference Act; and

S. J. Res. 137. Joint resolution reaffirming the unity of the North Atlantic Alliance commitment.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on May 30, 1978 present to the President, for his approval, a bill of the House of the following title:

H.R. 3994. An act for the relief of Charles P. Abbott.

ADJOURNMENT

Mr. OBERSTAR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Thursday, June 1, 1978, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4272. A letter from the Assistant Secretary of Agriculture for Conservation, Research, and Education, transmitting the annual report of the Forest Service for fiscal year 1977; to the Committee on Agriculture.

4273. A letter from the Secretary of Defense, transmitting an order reorganizing the audit functions of the Navy and Air Force,

pursuant to 10 U.S.C. 125; to the Committee on Armed Services.

4274. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide for both the Navy and Marine Corps a below-zone selection limitation for temporary and reserve officers on active duty, to increase to the same limit the below-zone authorization for regular officers, to provide for below-zone selection authority for limited duty officers and for other purposes; to the Committee on Armed Services.

4275. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a list of contract award dates for the period May 15 to August 15, 1978, pursuant to 10 U.S.C. 139; to the Committee on Armed Services.

4276. A letter from the Administrator of General Services, transmitting the stockpile report for the period April through September 1977, pursuant to section 4 of the Strategic and Critical Materials Stock Piling Act; to the Committee on Armed Services.

4277. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to promote the vitality of communities by encouraging comprehensive State strategies of increased and better-coordinated State assistance and State-initiated governmental reforms, which focus primarily upon those communities experiencing distress or decline, and by facilitating the coordination of Federal actions and activities to complement and enhance such strategies, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

4278. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 2-195, "To order the closing of a part of Brookland Avenue, N.E. adjacent to Parcel 123 at the intersection of Brookland Avenue and Allison Street, N.E.," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4279. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 2-196, "To order the closing of a part of Aberfoyle Place, N.W., at 31st Street, N.W. between Squares 2344 and 2358," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4280. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 2-197, "To order the closing of a part of a public alley in Square 218, bounded by Eye and K Streets, and 14th and 15th Streets, N.W.," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

4281. A letter from the District of Columbia Auditor, transmitting reports entitled "Analysis of 1978 Real Property Sales Ratio Study," "Analysis of D.C. Occupational Safety and Health Act of 1978," "The City Can Obtain Discounts From The Postal Service on Large First Class Mailings," and "The Urban Corps Program Does Not Meet a Need for District Colleges," pursuant to section 455 of Public Law 93-198; to the Committee on the District of Columbia.

4282. A letter from the Director, Bureau of Prisons, Department of Justice, transmitting the second annual report of the National Institute of Corrections, covering fiscal year 1977, pursuant to 18 U.S.C. 4352(b); to the Committee on Education and Labor.

4283. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the annual reports of the Federal Power Commission and the Federal Energy Regulatory Commission on their activities under the Government in the Sunshine Act for the periods March 12, 1977, through September 30, 1977, and October 1, 1977, through February 28, 1978, respectively, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

4284. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed change in an Army records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4285. A letter from the Assistant Secretary of Agriculture for Conservation, Research, and Education, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4286. A letter from the Administrator of General Services, transmitting a followup report on the recommendations contained in the annual report of the National Advisory Council on Education Professions Development for 1975, pursuant to section 6(b) of the Federal Advisory Committee Act; to the Committee on Government Operations.

4287. A letter from the Administrator of General Services, transmitting a followup report on recommendations contained in the second annual report of the National Commission for Manpower Policy, pursuant to section 6(b) of the Federal Advisory Committee Act; to the Committee on Government Operations.

4288. A letter from the Comptroller General of the United States, transmitting a report on the present status and progress of the Federal agencies' accounting systems during fiscal year 1977 (FGMSD-78-24, May 26, 1978); to the Committee on Government Operations.

4289. A letter from the Comptroller General of the United States, transmitting a report on the development of State automated information systems to support Federal assistance programs (FGMSD-78-31, May 26, 1978); to the Committee on Government Operations.

4290. A letter from the Clerk, U.S. House of Representatives, transmitting his quarterly report of receipts and expenditures for the period January 1 through March 31, 1978, pursuant to section 105(a) of Public Law 88-454, as amended (H. Doc. No. 95-344); to the Committee on House Administration and ordered to be printed.

4291. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Bend Research, Inc., Bend, Oreg., for a research project entitled "Coupled Transport Membranes for Metal Separations—Phase IV," pursuant to section 1(d) of Public Law 89-672; to the Committee on Interior and Insular Affairs.

4292. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of an application by the South Weber Water Improvement District of South Weber City, Davis County, Utah, for a loan under the Small Reclamation Projects Act, pursuant to section 4(c) of the act; to the Committee on Interior and Insular Affairs.

4293. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of a proposed license for the export of certain defense equipment and services sold commercially to Egypt (transmittal No. MC-25-78), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on International Relations.

4294. A letter from the Administrator, Agency for International Development, Department of State, transmitting a report on the status of the Contingency Fund Account for the second quarter of fiscal year 1978, pursuant to section 451(b) of the Foreign Assistance Act of 1961, as amended (88 Stat. 1803); to the Committee on International Relations.

4295. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

4296. A letter from the Deputy Secretary of Energy, transmitting the annual report on the industrial energy efficiency program, pursuant to section 375 of the Energy Policy and Conservation Act; to the Committee on Interstate and Foreign Commerce.

4297. A letter from the Assistant General Counsel for International Trade and Emergency Preparedness, Department of Energy, transmitting notice of a meeting relating to the International Energy Program to be held June 6 and 7 in New York, N.Y.; to the Committee on Interstate and Foreign Commerce.

4298. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

4299. A letter from the Secretary of Commerce, transmitting the fifth annual report on marine sanctuaries, pursuant to section 302(d) of the Marine Protection, Research and Sanctuaries Act of 1972; to the Committee on Merchant Marine and Fisheries.

4300. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Public Works and Economic Development Act of 1965, as amended, to provide public works employment for the long-term unemployed, and for other purposes; to the Committee on Public Works and Transportation.

4301. A letter from the Administrator of General Services, transmitting a report on a building project survey for El Paso, Tex., requested by a resolution of the House Committee on Public Works and Transportation adopted July 11, 1977; to the Committee on Public Works and Transportation.

4302. A letter from the Administrator, U.S. Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Act by transferring thereto those provisions of the "Domestic Volunteer Act of 1973" affecting the operation of volunteer programs to assist small business, and for other purposes; to the Committee on Small Business.

4303. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to carry out the obligations of the United States under the International Sugar Agreement 1977; to protect the welfare of consumers of sugar and of those engaged in the domestic sugar industry; and for other purposes; jointly, to the Committees on Agriculture, and Ways and Means.

4304. A letter from the Comptroller General of the United States, transmitting a report on management controls in the nuclear weapons joint flight test program (PSAD-78-98, May 30, 1978); jointly, to the Committees on Government Operations, and Armed Services.

4305. A letter from the Comptroller General of the United States, transmitting a report on the status of Metropolitan Chicago's combined water cleanup and flood control program (PSAD-78-94, May 24, 1978); jointly, to the Committees on Government Operations, and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to the order of the House on May 25, 1978, the following report was filed on May 26, 1978*]

Mr. ZABLOCKI: Committee on International Relations. House Resolution 1194. Res-

olution expressing the sense of the House that until the testimony of Kim Dong Jo is made available under oath to the Committee on Standards of Official Conduct, the transfer of anything of value to the Republic of Korea for nonmilitary purposes should be made only where the refusal to do so would imperil the national security of the United States or the territorial integrity of the Republic of Korea; and that refusal of the United States to make such transfers, would not, under present circumstances imperil the national security of the United States or the territorial integrity of the Republic of Korea; with amendment (Rept. No. 95–1222). Referred to the House Calendar.

[*Submitted May 31, 1978*]

Mr. BENNETT: Committee on Armed Services. H.R. 9486. A bill to authorize a contribution by the United States to the Tin Buffer Stock established under the Fifth International Tin Agreement; with amendment (Rept. No. 95–1057, Pt. II). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. Supplemental report on H.R. 11622 (Rept. No. 95–1167, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 944. Joint resolution making urgent grain inspection supplemental appropriations for the Department of Agriculture, Federal Grain Inspection Service, for the fiscal year ending September 30, 1978 (Rept. No. 95–1223). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. Report on subdivision to Subcommittees of Budget totals agreed to in First Concurrent Resolution on the Budget (S. Con. Res. 80) for fiscal year 1979 (Rept. No. 95–1224). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 10173. A bill to amend title 38, United States Code, to improve the pension programs for veterans, and survivors of veterans, of the Mexican border period, World War I, World War II, the Korean conflict, and the Vietnam era, and for other purposes; with amendment (Rept. No. 95–1225). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 11886. A bill to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, to increase the rates of dependency and indemnity compensation for their survivors, and for other purposes; with amendment (Rept. No. 95–1226). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 11887. A bill to amend title 38, United States Code, to increase the rates of dependency and indemnity compensation for parents, and for other purposes (Rept. No. 95–1227). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 11888. A bill to amend title 38, United States Code, to change the minimum disability rating a veteran must have in order to receive additional compensation for dependents from 50 percent to 40 percent (Rept. No. 95–1228). Referred to the Committee on the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 11889. A bill to amend title 38, United States Code, to increase from $100 to $200 the monthly rate of special pension payable to each person who has been awarded the Medal of Honor (Rept. No. 95–1229). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 11890. A bill to amend title 38 of the United States Code to provide that the survivors of a veteran who was rated totally and permanently service-connected disabled for a period of at least 10 years would be entitled to dependency and indemnity compensation as though the veteran had died from a service-connected disability; with amendment (Rept. No. 95–1230). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 11891. A bill to amend title 38, United States Code, to provide for a two-step aid and attendance compensation payment system for certain severely disabled veterans (Rept. No. 95–1231). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 12841. A bill to prohibit the issuance of regulations on the taxation of fringe benefits; with amendment (Rept. No. 95–1232). Referred to the Committtee of the Whole House on the State of the Union.

Mr. DIGGS: Committee on International Relations. House Concurrent Resolution 612 Concurrent resolution condemning violations of rights by the Government of the Republic of Uganda and urging the President to take certain actions with respect to those violations (Rept. No. 95–1233). Referred to the House Calendar.

Mrs. CHISHOLM: Committee on Rules. House Resolution 1208. Resolution providing for the consideration of H.R. 15. A bill to extend for 5 years certain elementary, secondary, and other education programs (Rept. No. 95–1234). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABDNOR:

H.R. 12892. A bill to direct the Secretary of the Army to relocate the water supply intake facility at Springfield, S. Dak.; to the Committee on Public Works and Transportation.

By Mr. ASHLEY (for himself and Mr. REUSS) (by request):

H.R. 12893. A bill to promote the vitality of communities by encouraging comprehensive State strategies of increased and better-coordinated State assistance and State-initiated governmental reforms, which focus primarily upon those communities experiencing distress or decline, and by facilitating the coordination of Federal actions and activities to complement and enhance such strategies, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BEILENSON (for himself, Mr. GOODLING, Mr. AUCOIN, Mr. ASHLEY, Ms. MIKULSKI, Mr. LEGGETT, Mr. PANETTA, Mr. KOSTMAYER, Mr. HARKIN, Mrs. COLLINS of Illinois, Mr. EMERY, Mr. BRODHEAD, Mr. MITCHELL of Maryland, Mr. STARK, Mr. CHARLES WILSON of Texas, Mr. WHALEN, Mr. HAMILTON, Mrs. SCHROEDER, and Mr. BROWN of Ohio):

H.R. 12894. A bill to promote public health and welfare by preventing unwanted conceptions and reducing the need for abortions among all women, especially teenagers, through improved and expanded family planning services and population research activities by the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BEVILL:

H.R. 12895. A bill to amend title 38, United States Code, to improve the pension programs for veterans, and survivors of veterans, of the Mexican border period, World War I, World War II, the Korean conflict, the Vietnam era, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CARR:

H. R. 12896. A bill to amend the Foreign Assistance Act of 1961 with respect to reports by the Secretary of State on human rights; to the Committee on International Relations.

By Mr. DELLUMS (for himself and Mr. BEDELL):

H.R. 12897. A bill to amend the Internal Revenue Code of 1954 to provide that a taxpayer conscientiously opposed to participation in war may elect to have his income, estate, or gift tax payments spent for nonmilitary purposes; to create a trust fund (the World Peace Tax Fund) to receive these tax payments; to establish a World Peace Tax Fund Board of Trustees; and for other purposes; to the Committee on Ways and Means.

By Mr. DOWNEY:

H.R. 12898. A bill to amend the Federal Water Pollution Control Act to provide Federal funding for the costs of operation and maintenance of waste treatment works; to the Committee on Public Works and Transportation.

By Mr. EDWARDS of Alabama:

H.R. 12899. A bill to provide for increased petroleum production in the United States through the use of incentives for tertiary recovery processes in certain multiple small-owner fields; to the Committee on Interstate and Foreign Commerce.

By Mr. FAUNTROY (for himself, Mr. BARNARD, Mr. EVANS of Delaware, Mr. GEPHARDT, Mr. LEACH, Mr. MATTOX, Ms. OAKAR, Mr. PATTISON of New York, Mr. SEIBERLING, and Mrs. SPELLMAN):

H.R. 12900. A bill to provide for additional assistance for the preservation of historic structures under title I of the National Housing Act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FLIPPO (for himself, Mr. MADIGAN, Mr. STUMP, Mr. DERWINSKI, Mr. GUYER, Mr. MCCLORY, Mr. TRAXLER, Mr. PATTISON of New York, Mr. SIMON, Mr. JENKINS, Mr. TREEN, Mr. WAXMAN, and Mr. STOCKMAN):

H.R. 12901. A bill to provide for a research, development, and demonstration program to determine the feasibility of collecting in space solar energy to be transmitted to Earth and to generate electricity for domestic purposes; to the Committee on Science and Technology.

By Mr. FRENZEL:

H.R. 12902. A bill to suspend the duty on gypsum building boards and lath until the close of June 30, 1981; to the Committee on Ways and Means.

By Mr. HARRIS (for himself and Mr. MIKVA):

H.R. 12903. A bill to disregard, for the purposes of certain taxes imposed by the Internal Revenue Code of 1954 with respect to employees, certain changes since 1975 in the treatment of individuals as employees; to the Committee on Ways and Means.

By Ms. OAKAR (for herself, Ms. SCHROEDER, Mr. MOAKLEY, Mr. BRECKINRIDGE, Mr. CORRADA, Mr. PICKLE, Mr. FRASER, Mr. SEIBERLING, Mr. LAFALCE, Mr. FINDLEY, Mr. EILBERG, Mr. EDWARDS of California, Mr. WEISS, Mr. VENTO, Mr. WAXMAN, Mr. BONIOR, Ms. MIKULSKI, Mr. QUIE, Mr. CONTE, Mr. HORTON, Mr. PANETTA, Mrs. HOLT, Mrs. CHISHOLM, and Ms. KEYS):

H.R. 12904. A bill to amend the Coinage Act of 1965 to change the size, weight, and design of the $1 coin, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PICKLE (for himself, Mr. BROWN of Michigan, Mr. BURLESON of Texas, Mr. CRANE, Mr. KETCHUM, Mr. FORSYTHE, and Mr. BAFALIS):

H.R. 12905. A bill relating to tax treatment of qualified dividend reinvestment plans; to the Committee on Ways and Means.

By Mrs. SPELLMAN (for herself and Mr. STEERS):

H.R. 12906. A bill to amend title 5 of the United States Code to increase the amounts of group life insurance currently available to Federal employees, to decrease the amount of employee deductions for such insurance, to lessen current restrictions on continuation of regular and optional life insurance, to provide additional optional life insurance on Federal employees and family members, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. STEIGER (for himself, Mr. BAUMAN, Mr. BOWEN, Mr. BRINKLEY, Mr. BROWN of Ohio, Mr. CAPUTO, Mr. CHAPPELL, Mr. COLLINS of Texas, Mr. ERLENBORN, Mr. EVANS of Indiana, Mr. GRADISON, Mr. HYDE, Mr. KELLY, Mr. LEACH, Mr. LIVINGSTON, Mr. KEMP, Mr. LAFALCE, Mr. LOTT, Mr. MCCLOSKEY, Mr. MICHEL, Mr. MOORHEAD of California, Mr. MOTTL, Mr. RAILSBACK, Mr. REGULA, and Mr. STOCKMAN):

H.R. 12907. A bill to amend the Internal Revenue Code of 1954 to provide pre-1969 tax treatment for capital gains; to the Committee on Ways and Means.

By Mr. UDALL (for himself, Mr. KOSTMAYER, and Mrs. SPELLMAN):

H.R. 12908. A bill to amend the tax laws of the United States to encourage the preservation of independent local newspapers; to the Committee on Ways and Means.

By Mr. COLLINS of Texas:

H.R. 12909. A bill to amend the Congressional Budget Act of 1974 to assure a balanced budget by requiring that Federal expenditures be limited to Federal revenues under the congressional budget process; to the Committee on Rules.

By Mr. JONES of Tennessee (for himself, Mr. FOLEY, Mr. BALDUS, Mr. BOWEN, Mr. BROWN of California, Mr. ENGLISH, Mr. FINDLEY Mr. GLICKMAN, Mr. GRASSLEY, Mr. JEFFORDS, Mr. JENRETTE, Mr. JOHNSON of Colorado, Mr. RICHMOND, Mr. THONE, and Mr. WHITLEY):

H.R. 12910. A bill to extend the Commodity Exchange Act, and for other purposes; to the Committee on Agriculture.

By Mr. KEMP:

H.R. 12911. A bill to amend section 162(a)(2) (relating to limitations on the deductibility of trade or business expenses in connection with appearances, etc., with respect to legislation) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. MAHON:

H.J. Res. 945. Joint resolution making an urgent supplemental appropriation for the black lung program of the Department of Labor for the fiscal year ending September 30, 1978; to the Committee on Appropriations.

By Mr. BROWN of Ohio:

H.J. Res. 946. Joint resolution to designate October 7, 1978, as "National Guard Day"; to the Committee on Post Office and Civil Service.

By Mr. DORNAN (for himself, Mr. ARMSTRONG, Mr. BURKE of Florida, Mr. RAILSBACK, Mr. GREEN, Mr. EVANS of Delaware, Mr. GILMAN, Mr. STANGELAND, Mr. SPENCE, Mr. MICHEL, Mr. DEL CLAWSON, Mr. CUNNINGHAM, Mr. FRENZEL, Mr. EILBERG, Mr. ROE, Mr. WYDLER, Mr. HUGHES, Mr. MARRIOTT, Mr. DEVINE, Mr. DERWINSKI, Mr. ERTEL, Mr. HOWARD, Mr. COHEN, Mr. GARY A. MYERS, and Mr. QUAYLE):

H.J. Res. 947. Joint resolution requesting the President and Ambassador Andrew Young to counter Cambodian atrocities; to the Committee on International Relations.

By Mr. JOHN T. MYERS (for himself, Mr. ABDNOR, Mr. AKAKA, Mr. ALEXANDER, Mr. AMBRO, Mr. ANDERSON of Illinois, Mr. ANDREWS of North Dakota, Mr. ASHLEY, Mr. BAUCUS, Mr. BEARD of Rhode Island, Mr. BEDELL, Mr. BENJAMIN, Mr. BENNETT, Mrs. BOGGS, Mr. BRECKINRIDGE, Mr. BRINKLEY, Mr. BROWN of California, Mr. BUCHANAN, Mr. BURGENER, Mr. BURKE of Florida, Mr. BURKE of Massachusetts, Mr. JOHN L. BURTON, Mr. BYRON, Mr. CARNEY, and Mr. CARR):

H.J. Res. 948. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thankgiving Day in each year as "National Family Week"; to the Committee on Post Office and Civil Service.

By Mr. JOHN T. MYERS (for himself, Mr. CARTER, Mr. CHAPPELL, Mr. CLAY, Mr. CLEVELAND, Mr. COLLINS of Texas, Mr. CONABLE, Mr. CONTE, Mr. DAVIS, Mr. DE LA GARZA, Mr. DE LUGO, Mr. DERWINSKI, Mr. DOWNEY, Mr. DUNCAN of Tennessee, Mr. EMERY, Mr. ERLENBORN, Mr. EVANS of Colorado, Mr. FINDLEY, Mr. FISHER, Mr. FITHIAN, Mr. FLIPPO, Mr. FLOOD, Mr. FOLEY, Mr. FORD of Michigan, and Mr. FORSYTHE):

H.J. Res. 949. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on Post Office and Civil Service.

By Mr. JOHN T. MYERS (for himself, Mr. FOUNTAIN, Mr. FUQUA, Mr. GIAIMO, Mr. GINN, Mr. GOLDWATER, Mr. GRADISON, Mr. GUYER, Mr. HALL, Mr. HANLEY, Mr. HANSEN, Mr. HARRIS, Mr. HAWKINS, Mrs. HOLT, Mr. HOWARD, Mr. HYDE, Mr. ICHORD, Mr. JACOBS, Mr. JOHNSON of Colorado, Miss JORDAN, Mr. KETCHUM, Mr. LLOYD of California, Mr. LONG of Maryland, Mr. MCCORMACK, and Mr. MAGUIRE):

H.J. Res. 950. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on Post Office and Civil Service.

By Mr. JOHN T. MYERS (for himself, Mr. MARTIN, Mr. MATTOX, Mr. MEEDS, Mr. MICHEL, Ms. MIKULSKI, Mr. MIKVA, Mr. MILLER of Ohio, Mr. MITCHELL of New York, Mr. MITCHELL of Maryland, Mr. MONTGOMERY, Mr. MOORE, Mr. MOORHEAD of California, Mr. NATCHER, Mr. NOLAN, Mr. PATTEN, Mr. PEPPER, Mr. PERKINS, Mrs. PETTIS, Mr. PICKLE, Mr. PRICE, Mr. QUAYLE, Mr. QUILLEN, Mr. RAHALL, and Mr. RAILSBACK):

H.J. Res. 951. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on Post Office and Civil Service.

By Mr. JOHN T. MYERS (for himself, Mr. RHODES, Mr. RINALDO, Mr. ROBINSON, Mr. ROGERS, Mr. RONCALIO, Mr. ROUSSELOT, Mr. RUNNELS, Mr. RUSSO, Mr. SANTINI, Mr. SARASIN, Mr. SCHEUER, Mr. SHARP, Mr. SHUSTER, Mr. SIMON, Mr. SPENCE, Mr. STANTON, Mr. STEIGER, Mr. STOCKMAN, Mr. TEAGUE, Mr. THONE, Mr. TRAXLER, Mr. TREEN, Mr. VANDER JAGT, and Mr. WALKER):

H.J. Res. 952. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on Post Office and Civil Service.

By Mr. JOHN T. MYERS (for himself, Mr. WALSH, Mr. WHITTEN, Mr. WIGGINS, Mr. CHARLES WILSON of Texas, Mr. WON PAT, Mr. WYDLER, Mr. YATRON, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. YOUNG of Missouri, Mr. ZABLOCKI, Ms. OAKAR, Mr. ARMSTRONG, Mr. BAFALIS, Mr. BAUMAN, Mr. CRANE, Mr. DORNAN, Mr. GEPHARDT, Mr. LUJAN, Mr. REGULA, Mr. STUMP, and Mr. SYMMS):

H.J. Res. 953. Joint resolution to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week"; to the Committee on Post Office and Civil Service.

By Mr. COLLINS of Texas:

H. Res. 1209. Resolution to provide for a 50-percent reduction of the amount of funds available to, of the number of individuals employed as staff for, and of the amount of office space and number of telephone lines available for use by, any committee of the House of Representatives during the 96th Congress; to the Committee on House Administration.

By Mr. CORCORAN of Illinois:

H. Res. 1210. Resolution to amend the Rules of the House of Representatives respecting travel by members and employees of committees of the House; to the Committee on Rules.

By Mr. FARY:

H. Res. 1211. Resolution to express the sense of the House of Representatives that the Congress should promptly pass legislation to promote the application of new telephone communications technology and the expansion of nationwide telephone service at uniform, low rates; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

418. By the SPEAKER: Memorial of the Legislature of the State of Tennessee, relative to issuance of a Presidential Unit Citation to the 761st Tank Battalion; to the Committee on Armed Services.

419. Also, memorial of the Senate of the Commonwealth of Pennsylvania, relative to issuance of a postage stamp commemorating the efforts of Gen. Kazimierz Pulaski in the Battle of Savannah in 1779; to the Committee on Post Office and Civil Service.

420. Also, memorial of the Legislature of the State of New York, relative to diversion of water from Lake Michigan; to the Committee on Public Works and Transportation.

421. Also, memorial of the Legislature of the State of Florida, relative to veterans; to the Committee on Veterans' Affairs.

422. Also, memorial of the Legislature of the State of Florida, relative to trade agreements with Cuba; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 12912. A bill for the relief of Edward Carbellini; to the Committee on the Judiciary.

By Mr. FUQUA:

H.R. 12913. A bill for the relief of Dr. R. E. Kalman; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 12914. A bill to extend patent numbered 25,770 (originally issued as number 2,987,465) for a period of 7 years; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

470. By the SPEAKER: Petition of Timber Products Manufacturers, Inc., Spokane, Wash., relative to expansion of wilderness areas; to the Committee on Interior and Insular Affairs.

471. Also, petition of the International Association For Personnel Women, Philadelphia, Pa., relative to extension of the deadline for ratification of the equal rights amendment; to the Committee on the Judiciary.

472. Also, Petition of the Department Executive Committee, Department of Massachusets, The American Legion, relative to the disabled veterans outreach program; to the Committee on Veterans' Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 15

By Ms. KEYS:

—Page 272, line 19, insert "(a)" immediately after "Sec. 1008." and on page 273, immediately after line 24, insert the following new subsection:

(b) No State or local educational agency located therein shall, on the basis of noncompliance with standards established by regulations prescribed pursuant to section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), be required to make restitution of funds distributed to local educational agencies under such Act for the 1977–1978 school year if such State has an equalization program which, for the 1978–1979 school year, complies with such standards.

H.R. 15

By Mr. KILDEE:

—On page 100 add at the end of section 133 (b): "Such standards will be developed only after widespread consultation and hearings with practicing state and local agency evaluators, and the Commissioner's standards will reflect the input of these groups".

—On page 100 strike out section 133(c) and insert in lieu thereof the following: "The Commissioner shall consult with state and local educational agencies in order to provide for jointly sponsored objective evaluation studies of prorgams and projects assisted under this title within a state".

H.R. 15

By Mr. ROSE:

—Page 315, strike out line 22 and everything that follows through line 25.

Redesignate the following section and conform the table of contents accordingly.

—Page 315, strike out lines 23 through 25 and insert in lieu thereof the following:

SEC. 1146. (a) Effective October 1, 1983, section 453(1) of the Indian Education Act is amended by striking out "or second".

(b) Effective October 1, 1983, section 453 (1) of such Act is amended by striking out "or in the future".

H.R. 15

By Mr. SIMON:

—On page 32 strike lines 21 through 23 and insert in lieu thereof the following:

"(A) the number of children counted under section 11(c) for local educational agencies in such county for the preceding fiscal year exceeds five thousand, which constitutes at least 10 per centum of the total enrollment in such county for such fiscal year, or"

H.R. 15

By Mr. VENTO:

—On page 28, line 21 insert immediately after "41(b)" "or if a local educational agency has in effect for that fiscal year a program for educationally deprived children which meets the requirements of section 41(b)"

On page 28, line 24 insert immediately after "State" "or local educational agency"

On page 29, line 9 insert immediately after "State" "or local educational agency"

—On page 33, strike out lines 8 through 14 and insert:

"(A) the number of children counted under section 11(c) for the preceding fiscal year in the school districts of local educational agencies in such county for such preceding fiscal year, and".

—On page 142, strike out lines four through 10 and insert:

"(B) pilot grants to local education agencies to operate early childhood and family education programs. Early childhood and family education programs are programs for children before kindergarten and below age six which may include the following: identification of potential barriers to learning, education of parents on child development, libraries of education materials, family services, education for parenthood in secondary schools, in-center activity, home-based programs, and referral services.

"(i) The State education agency shall prescribe the form and manner of application and shall determine the participating pilot programs. (I) Grants for such pilot programs shall be awarded only to local education agencies otherwise receiving funds under this act. (II) The State education agency shall distribute such grants as equally as possible among urban, suburban, and rural local education agencies.

"(ii) Each local education agency receiving a grant for a pilot program shall establish and maintain an account separate from all other accounts for the receipt and disbursement of all funds related to its early childhood and family education program.

"(iii) A local education agency may charge reasonable fees for early childhood and family education services; however, such fee shall be waived if any child, his parents, or guardian is unable to pay it.

"(iv) The local education agency shall designate a specific portion of the area it serves to determine the eligibility of parents and their children to receive services from the program in its application to the state education agency. Within that designated area, all participation by parents and children in its early childhood and family education program shall be voluntary, and shall not preclude participation in any other federal, state or local program. Each early childhood and family education program shall provide services to children and their parents in the designated area without regard to race, religion, ethnic background, and family income, and no program service shall be used in whole or in part for religious worship or instruction.

"(v) The local education agency shall appoint an advisory committee with a majority of parents participating in the early childhood and family education program. The advisory committee shall report at least annually to local education agency advisory councils established pursuant to Section 35 of this act.

"(vi) The State education agency shall annually review the local early childhood and family education programs, and may conduct research to compare their relative cost-effectiveness with other local and state education programs, including elementary and secondary school services supported by this act and special education services, and identify whether benefits accruing to children in elementary and secondary grades are increased by the provision of early childhood and family education services."

H.R. 12157

By Mr. EVANS of Delaware:

—Page 4, strike lines 7 through 13 and insert in lieu thereof the following:

"(8) In no event shall the Bank guarantee, insure or extend credit or participate in the extension of credit (a) in support of any export which would contribute to enabling the government of the Republic of South Africa to maintain or enforce apartheid; (b) in support of any export to the government of the Republic of South Africa or its agencies unless the President determines that significant progress toward the elimination of apartheid has been made and transmits to the Congress a statement describing and explaining that determination; or (c) in support of any export to other purchasers in the Republic of South Africa unless the United States Secretary of State certifies that the purchaser has endorsed the following principles: non-segregation of the races in all work facilities; equal and fair employment for all employees; equal pay for equal work for all employees; initiation and development of training programs to prepare nonwhite South Africans for supervisory, administrative, clerical and technical jobs; increasing the number of non-whites in management and supervisory positions; and improving the quality of life for employees in such areas as housing, transportation, schooling, recreation and health facilities."

H.R. 12250

By Mr. OBERSTAR:

(Amendment in the nature of a substitute)—Strike all after the enacting clause and insert the following:

SECTION 1. The Congress finds that it is necessary to provide for orderly management of the lakes, waterways, and associated forested areas known as the Boundary Waters Canoe Area (hereinafter in this Act referred to as the BWCA) so as to provide for the widest public use and enjoyment of the area, primarily as wilderness, and to assure protection of the area's primitive character.

SEC. 2. It is the purpose of this Act to provide for such measures respecting the BWCA as will—

(1) maintain high water quality in such area, and protect against chemical degradation,

(2) protect the natural character and environmental quality of lakes, streams, shorelines in such area,

(3) assure access to such area by all Americans, including senior citizens and the handicapped,

(4) prevent the exploitation of mineral resources throughout the area,

(5) provide for the optimum management of fish and wildlife in such area and enhance the recreational enjoyment of such resources, including fishing and hunting,

(6) prevent further road development throughout the area, and restore existing roads in the area to a natural condition.

SEC. 3. (a) The Secretary shall administer the BWCA in accordance with the provisions of this Act, the Wilderness Act, and in accordance with other laws, rules, and regulations generally applicable to areas designated as wilderness, except that any reference to motorboats in section (4)(d)(1) of the Wilderness Act shall not apply to the BWCA.

(b) Paragraph (5) of section 4(d) of the Wilderness Act is hereby repealed and paragraphs (6), (7), and (8) of such section 4(d) are hereby redesignated as paragraphs (5), (6), and (7).

SEC. 4. (a) The use of motorboats and snowmobiles shall be permitted by the Secretary in the areas within the BWCA des-

ignated for such use on the map entitled "Motor Recreation Zones—Boundary Waters Canoe Area" dated April 1978. The use of motorboats and snowmobiles under this subsection shall be subject to such reasonable rules and regulations as the Secretary deems necessary to carry out the purposes of this Act.

(b) In administering the areas in which the use of motorboats is permitted under subsection (a), the Secretary shall not impose any horsepower limitation on outboard motors which are ten horsepower or less except that in the case of the following lakes, the Secretary shall impose no horsepower limitation on outboard motors which are twenty-five horsepower or less:

Trout.
Lac La Croix.
Fall.
Newton.
Brasswood.
Moose.
Newfound.
Birch.
Sucker.
Snowbank.
Saganaga.
Seagull.
Brule.
East Bearskin.
Clearwater.
Pine.

(c) Nothing in this section shall be construed to provide that mechanical portages necessary to serve motor routes permitted in the BWCA shall not be permitted to remain in operation.

(d) In establishing limitation on outboard motors used on canoe towboats and utility boats, the Secretary shall consider—

(A) the size of any lake on which any such boat primarily will be used, and

(B) the size of any motor necessary to provide towing or utility service.

SEC. 5. (a) In addition to any other applicable prohibition or withdrawal from entry or appropriation under any provision of the Wilderness Act or under any other provision of law, no permit, lease, or other authorization may be issued by any agency or authority of the United States for—

(1) exploration for, or mining of, minerals owned by the United States within the BWCA; or

(2) the use of land owned by the United States in relation to any mining or exploration for minerals in the BWCA.

The prohibitions contained in this subsection and any withdrawal from entry or appropriation for mining or exploration for minerals applicable to the BWCA shall not apply to the extent specifically provided in legislation enacted by the United States after the date of enactment of this Act pursuant to a national emergency declared by the President.

(b) The provisions of paragraphs (2) and (3) of section 4(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1133d(5)) shall not apply to the BWCA.

(c) The Secretary is authorized and directed to acquire any minerals or mineral rights alleged to be owned by persons other than the Federal or State governments in the following manner—

(1) The Secretary first shall seek to acquire these minerals or mineral rights by donation. In seeking a donation, the Secretary shall inform the person alleging the ownership interest of the procedures and limitations to be followed in acquisition by purchase as set forth in paragraph (2) below.

(2) If the person alleging the ownership interest does not donate his minerals or mineral rights to either the Federal or State governments, the Secretary shall acquire the rights by purchase, within the limits of funds appropriated for land acquisition in the Superior National Forest, and in an amount appropriately discounted for the following factors existent in relation to the particular mineral interest:

(A) The original patenting from the Federal public domain was fraudulent. The patenting of lands in the BWCA is prima facie fraudulent if (i) the Act under which the patent was issued was one of the Acts intended to put settlers on the land, such as, but without limitation, the Cash Purchase Act of 1820 (chapter LI, Act of April 24, 1820, 3 U.S. Stat. 566, 567, as amended); the Preemption Act of 1830 (chapter CCVIII, Act of May 29, 1830, 4 U.S. Stat. 420, 421, as amended); the Homestead Act of 1862 (chapter LXXV, Act of May 20, 1862, 12 U.S. Stat. 392–394, as amended); and the Timber and Stone Act (chapter 150, Act of June 3, 1878, 20 U.S. Stat. 88, 89, as amended, particularly by chapter 375, Act of August 4, 1892, 27 U.S. Stat. 348); and (ii) the land was patented after 1875 and before the establishment of the Superior National Forest by proclamation on February 13, 1909. The Secretary also shall consider any other evidence of fraud when determining the value of the minerals such as (i) the transfer by the entryman or patentee of whole or partial interests in the property during the patenting process or soon thereafter, (ii) the appearance in the chain of title of persons known to have participated in land speculation as land brokers, entrymen, or in other capacities.

(B) The date of separation of the mineral or mineral rights from the surface interest, if the separation occurred after 1927, the year when the courts have determined that the roadless policy was established by the Secretary for the area.

(C) Any other factor, such as restrictions on mining within the area imposed by State or local government, or by operation of treaty.

(3) In the event any legal action or proceeding arises in relation to minerals or mineral rights where the patenting is prima facie fraudulent, the Secretary shall assert his right to constructive or public trusts or to recover money damages for the land acquired through fraud.

(e) Notwithstanding any requirement of this section, the Secretary shall have authority to acquire within the BWCA, existing mineral interests by donation, purchase, exchange, or through exercise of the power of eminent domain.

(f) There is authorized to be appropriated to the Secretary such sums as may be required to carry out the purposes of this section, to be available until expended.

SEC. 6. (a) The Secretary is directed to terminate, as of the date of enactment of this Act, all timber harvesting in the BWCA whether under contracts in effect on the date of the enactment of this Act or otherwise. Immediately following the date of the enactment of this Act the Secretary shall act expeditiously to remove from the BWCA all structures, bridges, culverts, debris, and other human impacts associated with logging and take such similar ameliorative measures as he may deem necessary in order to facilitate the reforestation of cutover areas, the obliteration of roads, and other disturbed areas.

(b)(1) The Secretary and the Secretary of the Interior are directed to replace the softwood timber withdrawn from production under subsection (a) with softwood timber sale contracts on other Federal lands in Minnesota which are available for timber harvesting, at competitive prices, and comparable in species, species mix, volume, accessibility, and economic operability. The substitute timber shall be located within the eighteen Minnesota counties of Aitkin, Becker, Beltrami, Carlton, Cass, Clearwater, Cook, Crow Wing, Hubbard, Itasca, Koochiching, Lake, Lake of the Woods, Mahnomen, Pine, Roseau, Saint Louis, and Wadena. In replacing softwood timber under this paragraph, the Secretary shall insure the replacement of equivalent amounts of saw timber as near as practicable to the sawmill locations existing on the date of enactment of this Act. For purposes of this Act, the annual allowable softwood yield of lands withdrawn from timber production under subsection (a) shall be deemed to be forty-seven thousand cords, not to include more than five thousand five hundred cords balsam fir.

(2) The United States shall pay just compensation for any timber contracts terminated under subsection (a), consistent with amendment V of the Constitution of the United States. Losses due to costs incurred in directly fulfilling the terms of such contracts shall be paid by the United States. Any action for the recovery from the United States of costs as provided above shall be brought in a court of competent jurisdiction. Any such judgments shall be paid from the claims and judgments fund (31 U.S.C. 724a) no later than one year after the filing of such judgments.

(c)(1) The Secretary and the Secretary of the Interior, in consultation and cooperation with the State of Minnesota, are authorized and directed to implement a program of intensive forest management within the Superior National Forest and on other Federal lands available for timber production within the eighteen counties referred to in subsection (b)(1) for the purpose of replacing softwood timber withdrawn from production under subsection (a), consistent with the existing applicable laws and regulations. Such program shall be designed to immediately enable such lands to produce a sustained yield of softwood timber equivalent to the 1976 softwood timber yield from such forest and other lands plus forty-seven thousand cords of softwood, not to include more than five thousand five hundred cords balsam fir.

(2) The forty-seven thousand cords amount referred to in paragraph (1) may be reduced in any year by an amount equal to the number of cords of softwood timber which is—

(A) available in such year at competitive prices, in comparable species, species mix, volume, accessibility, and economic operability from lands owned by the State of Minnesota, and

(B) in excess of the 1976 annual timber production from lands owned by the State of Minnesota.

(d) In administering the Superior National Forest, the Secretary is authorized and directed to engage in planting, direct seeding, natural regeneration, release, site conversion, and site preparation.

(e) The Secretary is authorized to employ twenty additional employees (including not less than one hardwood utilization and marketing expert) at levels on the General Schedule not in excess of level 16 and not below level 5 for purposes of administration of the Superior National Forest.

(f)(1) There is authorized to be appropriated $12,000,000 for each of the five fiscal years beginning after the date of the enactment of this Act for the purpose of fulfilling the requirements of subsection (c) as it relates to lands in the Superior National Forest in Minnesota. Of such amount, not less than $2,000,000 shall be used for road development for each such fiscal year, not less than $1,000,000 shall be used for timber stand improvement (including release, thinning, and pruning) for each such fiscal year, and not less than $1,000,000 shall be used for reforestation for each such fiscal year. Any of the amounts specified in this paragraph not appropriated in any fiscal year shall remain available for appropriation in subsequent fiscal years.

(2) In addition to amounts authorized under paragraph (1), there is authorized to be appropriated $3,000,000 for each of the five fiscal years beginning after the date of the enactment of this Act to be used for grants to the State of Minnesota for the development of the commercial softwood timber base on State lands in Cook, Lake, Koochiching,

Saint Louis, and Carlton counties in the State of Minnesota. Not more than 80 per centum of the cost of such development shall be paid from amounts made available under this subsection. The State of Minnesota is authorized to use any portion of the amounts available from the United States under this subsection for assistance to such counties to assist such counties in the development of commercial softwood timber production on lands owned by such counties.

SEC. 7. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the BWCA.

SEC. 8. Nothing in this Act shall affect the jurisdiction as established by law of any governmental authority over any waters included in the BWCA.

SEC. 9. The Secretary shall cooperate with the State of Minnesota, any political subdivision thereof, or both in the administration of the BWCA and in the administration and protection of lands within or adjacent to the BWCA owned or controlled by the State or any political subdivision thereof. Nothing in this Act shall deprive the State of Minnesota or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the BWCA and impose land use controls and environmental health standards on non-Federal areas within the BWCA or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the BWCA.

SEC. 10. The Secretary is authorized and directed to develop a program of dispersed outdoor recreation in the BWCA. The Secretary shall consider, in developing such program, the need for additional lake access sites and parking facilities outside of the BWCA to provide more widely dispersed access for canoe use of the BWCA, especially with respect to lightly used canoe routes.

SEC. 11. Nothing in this Act shall affect the provisions of any treaty now applicable to lands and waters which are included in the BWCA.

SEC. 12. The provisions of Executive Order 10092, dated December 17, 1949, establishing an airspace reservation over certain areas of the Superior National Forest, are hereby incorporated into this Act.

SEC. 13. Nothing in this Act or the Wilderness Act shall be construed to prohibit the maintenance of the Prairie Portgage Dam (on the international boundary chain between Birch and Basswood Lakes), and the Secretary is authorized to perform such maintenance work as may be required to keep that dam functional at its present height and width. Dams or other impoundments which are in existence within the BWCA on the date of the enactment of this Act on any waterway within the BWCA may be maintained or replaced as the Secretary deems necessary to preserve the wilderness character of the area.

SEC. 14. All authorizations for funds to be appropriated under the terms of this Act shall not be effective until October 1, 1978. Notwithstanding any other provision of this Act, authority to enter into agreements or to make payments under this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriation Acts.

EXTENSIONS OF REMARKS

OLDER AMERICANS MONTH

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. BRADEMAS. Mr. Speaker, the month of May has been proclaimed by President Carter as Older Americans Month.

This year the month of May is a particularly appropriate time for Congress to direct its attention both in word and deed to the Nation's elderly citizens. That both Houses of Congress have taken action this month to extend the Older Americans Act of 1965 gives May particular relevance to this year's theme of "Older Americans and the Family."

On the 15th of this month the House of Representatives passed, by 361 to 6, the Comprehensive Older Americans Act Amendments of 1978. This legislation, H.R. 12255, contains several features designed to strengthen the roles of older Americans in their families.

Before pointing out some of those features, I should observe that Bureau of Census statistics have shown a striking trend toward more elderly persons living alone. In 1960, one-sixth of all noninstitutionalized elderly persons lived alone. Today that proportion has risen to one-fourth.

There are undoubtedly many factors contributing to this trend, but one of obvious importance is that few American families can now afford to provide, in their own homes, the kind of professional care which their elderly parents or grandparents may need.

Many elderly persons and their families may not know where to turn for help.

Let me speak of the ways in which the Older Americans Act and H.R. 12255 could assist American families in meeting the serious social, health, and rehabilitative service needs of elderly persons.

First, the act currently supports a network of over 500 area agencies on aging in communities where 92 percent of the elderly citizens of this Nation live. These agencies can provide valuable assistance in locating and obtaining the appropriate services needed by the family in order to assist its elderly members to remain in the home. H.R. 12255 builds upon this important service, the keystone of the Older Americans Act.

Second, H.R. 12255 recognizes that the lack of legal advice and counseling on problems besetting elderly persons frequently means that elderly persons and their families are confused about their rights and benefits, and, therefore, may accept needless abuse and fraud. H.R. 12255 approaches this problem by authorizing the establishment of legal service programs for the elderly in each State.

Third, H.R. 12255 recognizes that a sound diet is an important factor in maintaining good health. It, therefore, proposes to establish, in each State, programs of home-delivered meals for elderly persons. Such programs frequently may be able to prevent the worsening of an individual's health and assist him or her in avoiding the institutionalization which sometimes may result.

Fourth, H.R. 12255 recognizes that the costs of long-term care are both expensive and frequently borne solely by elderly persons and their families. The bill recognizes that despite the broad scope of both public and private health insurance, there are many gaps. It, therefore, authorizes the Commssioner of the Administration on Aging to make grants and award contracts for establishing model projects in long-term care. Under such projects, elderly persons would be able to receive services for which reimbursement is not allowed under medicare, medicaid, and title XX of the Social Security Act.

Fifth, H.R. 12255 recognizes that elerly persons frequently may require institutionalization in order to receive the kind of specialized professional care they may not be able to obtain in their own homes. It, therefore, proposes to create, in each State, ombudsman programs to insure that elderly persons receive the best possible care during their stays in long-term care facilities so that they may return to their homes and families as soon as possible.

Mr. Speaker, the proposals which I have just briefly outlined are, I believe, important steps in assisting older Americans to remain active members of their families.

There are, of course, many more steps which should be taken, but as chairman of the Subcommittee on Select Education and sponsor of H.R. 12255, I want to thank the Members of the House for their strong support, during this Older Americans Month, of these proposals.

I would also like to commend to the reading of my colleagues an article which appeared in an April 1975 publication of the National Council of Senior Citizens entitled, "A National Policy for Older Americans." The article portrays the many legal problems unique to the elderly. Indeed, Federal laws alone probably have greater effect on the lives of elderly Americans than on any other population group in the Nation.

THE NEED FOR LEGAL SERVICES

INTRODUCTION

Some segments of society traditionally have suffered from unequal treatment and neglect under our system of law regardless of its lofty goals. The poor and the ignorant have lacked effective representation and advocacy until recent times. While the legal profession has always accepted the principle of ministering to the needs of those who were unable to pay for services rendered, this responsibility in large part has been neglected by a majority of the members of the bar.

Statements or insertions which are not spoken by the Member on the floor will be identified by the use of a "bullet" symbol, i.e., ●

Business corporations, labor unions, and numerous other special interest organizations and groups use lawyers with their special skills as advocates, lobbyists, negotiators and strategists. The elderly also have special needs. Involvement, commitment and participation in the concerns of the elderly by the legal profession is at least as necessary as those of other special interests.

Indeed, the elderly have additional difficulties in attracting attention to their legal needs. Many of them are ill and/or infirm. Until very recently older persons have tended to be an invisible group, with few leaders who could articulate their urgent problems. Obtaining counseling, navigating a course through the court system and the administrative appeal agencies can cause confusion and fear in an old and infirm person. Legal processes are a maze of complexity even for the most healthy and intelligent individual. A lack of knowledge on the part of attorneys about the specific legal needs of older persons further compounds the problem.

LEGAL RESEARCH AND SERVICES FOR THE ELDERLY

In order to more fully explore the legal issues facing older Americans, the National Council of Senior Citizens has sponsored a research-demonstration program since 1968. Initially funded by the Office of Economic Opportunity, Legal Research and Services for the Elderly worked on 12 separate projects in 10 different cities across the United States. In January 1974, the Administration on Aging, Department of Health, Education, and Welfare, funded Legal Research and Services for the Elderly as a model project in Region III: Pennsylvania, Maryland, Delaware, the District of Columbia, Virginia and West Virginia. The primary objective of the grant has been to maximize the capacity of state and area agencies on aging and the voluntary sector to develop, implement and coordinate legal resources to meet the needs of their elderly residents, particularly low-income and minority persons.

The law is involved in an older person's life in innumerable ways. Legal Research and Services for the Elderly has examined a score of issues which affect the aged. With this knowledge, a lawyer can better serve the individual older person and effect changes in the lives of the elderly as a group.

LEGAL NEEDS

Most older persons receive the majority of their income from federal benefit programs. These programs include Social Security, Supplemental Security Income, veterans benefits, civil service retirement, and Railroad Retirement pensions. All of these benefit programs, because of their complexity, will generate disagreements with respect to eligibility, denial of benefits, amount of entitlement and rights under the program. Counsel may be necessaary during claims and hearings procedures as well as in forcing administrative responsiveness on the part of local Social Security offices and other benefit programs.

At the national level, lawyers could concern themselves with such issues as raising Social Security benefits; liberalizing the Social Security retirement test; and calling on government to utilize a new Consumer Price Index more suited to elderly people when determining cost-of-living increases in Social Security, Railroad Retirement, etc. Private pensions have been the object of frequent difficulty due to a lack of uniform regulation. The new Pension Reform Act of 1974 will aid lawyers in protecting older people's rights with regard to bankruptcy, portability, vesting, and fraudulent representation of benefits.

For the elderly with low, fixed incomes, taxes of all types are a heavy burden. Complex procedures for relief also present a stumbling block to the aged. There are myriad ways federal, state and local governments can reduce or eliminate income taxes, sales taxes, and property taxes which eat up precious income. Complicated rebate procedures that necessitate the physical presence of an older person further exacerbate a bad situation. Lawyers are needed to reform our tax laws and bring relief to our senior citizens.

The aged person's lot during these times of rapid, uncontrolled inflation is especially painful. Discount programs and rate preferences are the most common forms of special treatment for the elderly. Attorneys can assist senior citizens organizations in obtaining public and private discounts for goods and services.

The issue of health care is of considerable concern to the elderly. It is a fact of life that older people suffer from more illness than other age groups. The quality and enforcement of federal and state health care standards, especially fire safety codes, the availability of Social Security Administration evaluation reports, the existence of qualitative information with respect to hospital and nursing home licensure, the level of state Medicaid payments, and commitment procedures all are vital issues necessitating the assistance of an attorney.

Housing ranks among the most important issues affecting the elderly. Maintaining one's residence is often a financial hardship, and relocation presents an emotional and physical hardship. For elderly homeowners the legal issues involve the availability of property tax relief, the rate of property tax assessment, the availability of low-cost home repair and maintenance loans, and the contractual sale of the home in exchange for lifetime annuity payments.

The aged renter faces arbitrary rent increases and traditional landlord/tenant difficulties. However, the aged renter usually lacks the mobility and flexibility of the younger renter when he or she receives no satisfaction from legitimate complaints.

A new unpleasant prospect also faces the renter. In urban areas many apartment owners are converting their properties into condominiums requiring substantial down payments for the privilege of purchasing one's apartment. In addition to the financial difficulty which most elderly face, myriad legal questions are involved in this new type of property ownership. Legal assistance is needed to protect the rights of those who wish to purchase their apartment as well as those who cannot afford to do so. This will require new laws regulating condominium conversions requiring substantial notice and relocation assistance.

There are several established areas of the law which particularly affect elderly persons. These include commitment, guardianship, age discrimination, consumer protection, wills and probate. While these are more traditional issues, lawyers serving older persons nonetheless need to learn about the problems involved and the possibilities for improvement.

Commitment to a mental institution and guardianship of a person or property are legal arrangements to deal with incompetency of an older person. The threshold legal issues are the definition of mental incompetency (or senility) and due process protections of the older person's rights. With regard to commitment, the issues involve the older person's right to counsel in commitment proceedings, to treatment in the institution, to periodic review of commitment, and to consultation with legal counsel during commitment.

With respect to guardianship the issues involve the powers and qualifications of the guardian, the duration of the guardianship, and review procedures.

In 1967 the Age Discrimination in Employment Act was passed protecting persons ages 45–64 from discrimination in employment on the basis of age. However, the major legal question remains—the legality of age 65 for mandatory retirement policies, housing, credit, insurance and driver's licensure.

As people advance in age they become increasingly concerned about their estates and their beneficiaries. Will writing, education for future executors, estates counseling and probate reform all are important in properly serving the needs of the elderly.

Consumer protection laws have particular pertinence to older persons for several reasons. Very old, disabled or lonely persons are especially susceptible to the devices of a high-pressure salesman or con artist. Door-to-door sales of many health devices needed by older persons are poorly regulated. The inability of many aged persons to shop for quality and value for the price makes them particularly vulnerable to price gouging.

Legal assistance in the area of consumer protection might include formation of consumer advisory boards with counsel, regulations insuring non-fraudulent advertising and disclosure, a 30-day cooling off period for door-to-door sales, and licensing of salespersons and distributors.

With the incomes of our nation's elderly becoming more inadequate by the day, it is entirely proper and necessary that credit be readily available. Laws protecting the rights of senior citizens to borrow money on the basis of a lifetime of good credit must be enforced. Old age is not the time to deny a person financial recourse.

THE NEED FOR A CATEGORICAL APPROACH

The availability of lawyers trained to meet the special needs of the elderly is very inadequate. New programs directed to this specific purpose are necessary to meet the enormous demand for services. Older people with limited incomes, that in many cases do not even cover food and shelter, must sacrifice the expense of paying a lawyer to represent their interests. The elderly are frequently victims of abuse and cannot afford to take action.

A national program to train and supply lawyers for the elderly is urgently needed. Only through direct action at the federal level for this purpose will we be able to deal with the serious deficiencies in legal services for older Americans.●

OBSERVATIONS ON THE CANADIAN HEALTH CARE EXPERIENCE—PART III

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. PEPPER. Mr. Speaker, I have shared with my colleagues portions of a paper prepared by Mr. Richard Lehrman who serves on the staff of the Select Committee on Aging, regarding the Canadian health care program.

I wish to include at this point in the RECORD the third part of this paper which deals principally with the costs of the Canadian program:

COST

The adjustments in the federal-provincial cost-sharing structure, as well as other provisions in Bill C–37 were enacted as a result of deficiencies in an otherwise sound program. The most glaring deficiencies in the Canadian National Health Insurance experience relate to factors that contribute to the high cost of health care.

Since hospital insurance was introduced, costs have risen almost 10 per cent per year in current dollars, and about four per cent per year in constant dollars.[77] Canada spent 5.3 per cent of its Gross National Product on health care expenditures in 1960 (Harry Nelson). This quotient rose to 7.1 in 1971, and to 7.3 in 1975.[78]

Between 1961 and 1973, hospital costs increased about 10 per cent per year and never below 8 per cent per year.[79] Hospital beds in Canada increased 33%, bed occupancy remained at about 80%, but population grew only 18%.[80]

Between 1965 and 1972, physician fees increased an average of 6.3% per year, physician net income increased over 10% per year, and per capita expenditures increased 12.3% per year.[81] National Health Insurance in Canada was thus becoming an extremely expensive venture.

Methods of cost-control, ranging from copayment to expenditure ceilings, have been attempted, all with varying degrees of success. However, the factor that appears to exert the greatest influence over health costs is the focus of the program itself; that is—in the particular areas of health services that are emphasized. It is in this area that Americans might well pay special note.

Not unlike the Medicare and Medicaid programs, historically, the Canadian Health Program has emphasized the costliest areas of health care. The program initially only covered care in an institution. Thus, "the system was driven into its most expensive component." [82] Many persons sought unnecessary and costly institutional care, because hospitals were the only insured component of the health care program. The provinces were, in effect, also given incentives to bias their programs toward institutionalization since services were eligible for federal cost-sharing only when provided in a hospital.

Hospital expenses are not only the most expensive component of the health care system, they also account for the greatest cost increases. The cost of insured hospital insurance increased 25.5% from 1974–1975, as compared with the increase of 65% for the cost of insured medical services, (not performed in a hospital) that same year.[83]

The rapidly increasing hospital costs were aggravated by the high rate of hospital utilization. Especially during the period Canada's health insurance covered only hospitalization, Canada experienced significantly higher rates of hospital admissions, patient days of care, and expenditures per capita, than the U.S.[84] Canadian hospitals also reported a significantly higher occupancy rate than hospitals in the United States.[85]

In an attempt to discourage unnecessary usage, many Canadian provinces utilized deductibles, or coinsurance, as is common in the United States. However, this method proved so unpopular that only 2 provinces, British Columbia and Alberta, still use it.[86] Moreover, the ensuing reduction in point of service cost of care (after coinsurance was dropped) did not lead to a large increase in utilization, suggesting that hospital admissions are not very sensitive to price.[87]

What they may be sensitive to is an alternative method of care. In 1968, almost all Canadians were covered by Medicare, which provided coverage for physicians' services. As early as 1969, a few of the many cost-escalating trends began to reverse themselves. In that year, the average length of stay in a hospital stabilized after years of increases, beginning a trend of year-to-year decreases.[88]

In fact, by 1972, Canada experienced the shortest length of stay of any year since 1961.[89] In 1972, Canada's hospital occupancy rate also decreased.[90]

More important trends directly concerning the price of health care manifested themselves after the advent of Medicare. Soon after enactment of the Hospital Insurance and Diagnostic Services Act, expenditures of personal health care (as a per-cent of personal income) in Canada had eclipsed such personal expenditures in the United States.[91] However, the percentage of personal income going to health care in Canada decreased in 1973 for the first time since 1961, and was again surpassed by American expenditures (as a per-cent of personal income).[92] Health care costs (as a percentage of GNP) in Canada stabilized in 1971.[93] Costs continued to rise after Medicare, but the increases were not as great.

This phenomenon is not only attributable to the relatively less expensive cost of non-institutional medical care, but to a different cost-sharing structure. The federal contribution to a province under the Medical Care Act is equivalent to fifty per-cent of the average per capita cost for the year of all Canadians, multiplied by the number of insured persons in that particular province.[94] The new cost-sharing arrangements resulted in greater federal aid per capita to provinces that kept costs down, providing incentives for the more expensive provinces to cut costs.

Contrary to fears concerning implementation of universal health care in the United States, the evidence increases that availability of inexpensive medical care does not result in runaway overutilization. On the other hand, medical care is merely moderately redistributed from the upper income groups to the lower income groups. In a two year study of the distributive effects of Medicare measured by annual visits to a physician before and after Medicare, nonuse by the lowest income group declined substantially. However, utilization by all income groups did not rise significantly.[95]

The institution of co-payment to reduce costs was also attempted under the Medical Care Act in Saskatchewan from 1968 to 1971. However, rather than reduce costs, the deductibles served to impose a barrier for the poor, elderly, and large families. Moreover, the higher income groups utilized the less crowded doctors' offices more frequently.[96]

Deductibles are a more common part of the scene in the United States, where they often take the form of private insurance premiums, and have a similar effect of providing barriers to health care for the poor. According to the U.S. Department of Health, Education, and Welfare, the poorer a person, the less likely he is to have health insurance. 90 and 89 percent of the persons in the U.S. earning over $10,000 are covered by private hospital and surgical insurance, respectively. These percentages drop to 70 and 68 percent of persons earning less than $5,000 who have hospital and surgical insurance, respectively.[97] This phenomenon manifests itself in even greater proportions regarding children. In families with incomes above $10,000, 9 out of 10 children under 17 have hospital insurance. This figure drops to less than two-thirds for children of families earning between $5,000–$9,000, and only one-fourth of all children of families earning less than $5,000 have hospital insurance. In effect, then, co-payment serves only to redistribute health care from the poor to the rich.[98]

Although Canadian Medicare somewhat abated the soaring increases in health care costs, expenses continued to rise to unprecedented heights. Again, misplaced emphasis appeared to hold the key. After the cost of hospitalization, the next most expensive component of health care is physician care. The advent of Medicare meant only a slightly less expensive alternative to hospitalization. Until April of 1977, a strong bias toward institutional care was deeply ingrained into the Canadian health care system.

The United States has learned the bitter lessons of a health care system that discourages alternative forms of health delivery, such as home health care. According to a General Accounting office report, home health care is less expensive for 83% of the citizens aged 65 and over.[99] Home care becomes more costly than nursing home care only for the 17% of the elderly who are greatly to extremely impaired, according to the GAO. In effect, a policy which disproportionately favors institutional care is not only less humane but more expensive. In addition, in a country without universal Medicare such as the United States, millions of persons desperately in need of long term care must either seek costly institutional care, or do without.[100]

A joint study of home care costs by a regional medical program and a visiting service in New ork City found that the cost of providing a complete range of home health services averaged $768 per patient, including patient outlays.[101] Seventy-three percent of the patients had costs below this,[102] and the mean length of service was two months.[103]

Other evidence cited by the Department of Health, Education, and Welfare report on the Regional Public Hearings included the following:

a hospital based home health service program found that home health maintenance care was one-third the cost of nursing home care; and

an insurance company testified that once health care is available in the community, total cost reductions will result; for example:

intensive home health care reduces hospital admissions and length of stay.

intermediate care can reduce inappropriate hospital and skilled nursing facility admissions.[104]

In short, health care programs in both the United States and Canada have served to provide barriers to home health alternatives to institutionalization, due to the false rationale of cost-effectiveness. Although what amounts to forced institutionalization is often dehumanizing and cruel, health legislation was inspired by the contention that care in an institution is cheaper.[105] Only recently have studies proved that such is not the case.[106] As a result, Canada has taken action to reverse effects of a health care system that in most cases discourages home health care.

Bill C–37 provided for an additional equal per capita cash contribution to the provinces commencing April 1, 1977, to contribute toward the cost of certain extended health care services. These services are: nursing home intermediate care, adult residential care, converted mental hospitals, health aspects of home care and ambulatory health care services.[107] According to the Health Programs branch of Canada Health and Welfare, the basic objective of the extended health services program is "to provide the provinces with financial assistance toward the cost of lower cost alternatives to the insured services covered under the Hospital Insurance and Medical Care programs." [108] A second objective was to encompass most of the spectrum of health and institutional health care services within a similar financial arrangement to that for the established programs.[109] The importance of Canada's positive step toward rectifying

the deficiencies in the home health care realm should be obvious regarding any proposed U.S. Health Insurance plan.

REGIONALIZATION

Under the previous federal-provincial cost-sharing arrangement, the federal government paid over one-half the costs, but had very little control over policy. The provinces had very little incentive to find more efficient means of delivering health services. The recently enacted law (Bill C-37), however, contains provisions that serve to regionalize the Canadian Health Care System. Although the provinces were previously responsible for policy-making concerning their respective health care programs, they were not financially responsible to the same extent. The new federal provincial cost-sharing arrangements represent a major shift in responsibility.

As previously mentioned, all provincial health plans will be financed with federal funds that will, within five years, supply an equal per capita sum to each province, based on the cost of health for the entire country. Since the provincial programs will only have to meet minimal conditions regarding the provision of program information to the federal government in order to receive this contribution, financial impediments to provincial priorities for program development have been eliminated.[110] Any savings from established programs may now be applied by the provinces toward home health care.

This effort aimed at providing the provinces with more responsibility regarding program emphasis not only provides them with increased flexibility in the use of their funds, but it provides a stronger incentive for the provincial governments to become cost-conscious. The cost concerns of the provinces will probably cause many to encourage programs that result in real cost reductions.[111] Conversely, high cost programs such as hospital care will be de-emphasized.

Stronger emphasis on alternative care methods have proved beneficial for health, as well as financial reasons. Efforts to promote preventive medicine intended to stop ailments in their earliest stages are strengthened when it is more difficult to get into a hospital. Also, due to drug interactions, or merely because of increased exposure, there are possibilities of some persons actually becoming sicker in hospitals.

Regionalization of the health care programs essentially results in more cost-effective administration, and the promotion of programs that stress alternatives institutionalization. Responsibility and accountability, and funding for the program are handled at the same level. Upper limits are not imposed on the insured services of the national programs which are covered by the provincial plans, allowing each province the flexibility to tailor its medical plan to its specific needs. According to the Lewin Report to the Health Resources Administration, such a structure merits our fullest attention:

In the U.S. when problems arise in a joint-Federal-State program, a frequent response is to increase Federal administrative requirements. The Canadian debates underscore an alternative which is to place a firm upper limit on Federal contributions while leaving States the obligation to meet all other financial requirements and the freedom to establish administrative and regulatory systems. Increasing the risk of the States might act as an incentive to efficiency and cost consciousness, and allow for innovation and experimentation.[112]

FOOTNOTES

[77] Lewin, p. 2.
[78] Harry Nelson.
[79] Lewin, p. 2.
[80] Vayda, p. 14.
[81] Lewin, p. 2.
[82] Vayda, p. 13.
[83] Ways and Means, p. 317.
[84] Marmor, p. 17.
[85] Ways and Means, p. 320.
[86] Marmor, p. 17.
[87] Ibid, p. 21.
[88] Ibid, p. 17.
[89] Ways & Means, p. 320.
[90] Ibid, p. 320.
[91] Marmor, p. 15.
[92] Ibid.
[93] Harry Nelson.
[94] CRS, p. 5.
[95] Marmor, p. 20.
[96] Harry Nelson.
[97] Ways & Means, pp. 68–69.
[98] Ibid.
[99] Home Health—*The Need for a National Policy to Better Provide for the Elderly* The Comptroller General of the U.S. report to the Congress. p. 18 the General Accounting Office Washington, D.C. 1977 Henceforth referred to as "GAO."
[100] *Long Term Care for the Elderly and Disabled* Congressional Budget Office, Congress of the United States p. IX U.S. Government Printing Office Washington, D.C., Feb. 1977 Hcnce forth referred to as "CBO."
[101] *Freedom From Depedence* Home Health Report on the Regional Public Hearing. p. 51. Dcpartment of H.E.W. Sept. 20–Oct. 1, 1976 Washington, D.C.
[102] Ibid.
[103] Ibid, p. 52 .
[104] Ibid, p. 53.
[105] Ibid, pp. 49–55, and GAO pp. 17–20.
[106] GAO pp. 17–20.
[107] H & W, Canada.
[108] Ibid.
[109] Ibid.
[110] H & W, Canada.
[111] Geekie, D. A. "Bill C-37: A Commentary," *Canadian Medical Association* Journal vol. 116 p. 812 April 9, 1977.
[112] Lewin Report.●

CHINA AND THE UNITED STATES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. DERWINSKI. Mr. Speaker, since Dr. Brzezinski, the President's adviser on foreign affairs, has just returned from a trip to mainland China, speculation abounds as to what foreign policy developments relating to that Communist regime may be forthcoming.

An editorial, appearing in the May 24 Chicago Tribune, analyzes the status of the very difficult subject of normalization in our relations with Red China. I commend this objective editorial to the attention of the Members:

CHINA AND THE U.S.

QUOTE.—Here is what the Shanghai Communique of 1972 said about Taiwan:

The Chinese side reaffirmed its position. The Taiwan question is the crucial question obstructing the normalization of relations between China and the United States; the government of the Peoples Republic of China is the sole legal government of China; Taiwan is a province of China . . .; the liberation of Taiwan is China's internal affair . . . The Chinese government firmly opposes any activities which aim at the creation of "one China, one Taiwan," "one China, two governments," "two Chinas," an "Independent Taiwan" or advocate that "the status of Taiwan remains to be determined."

The U.S. side declared: The United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is part of China. The United States government does not challenge that position. It reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves. With this prospect in mind, it affirms the ultimate objective of the withdrawal of all U.S. forces and military installations from Taiwan. In the meantime, it will progressively reduce its forces and military installations on Taiwan as the tension in the area diminishes.

Zbigniew Brzezinski set the tone for his Peking visit with his statement on arriving there last Saturday: President Carter "desires friendly relations with a strong China" and "is determined to join you [China] in overcoming the remaining obstacles in the way of full normalization of our relations."

The words come easily. For six years, talk of normalization has marked nearly every meeting between Americans and Mainland Chinese. A thousand toasts have been drunk to it. After all, recognition of a country no longer implies approval of its form of government [if it ever did], and it is manifestly sensible that the United States should have normal diplomatic relations with the most populous country in the world. Americans who have visited the mainland, including the editor of this page last month, have found almost unanimously that while China is governed by controlled thought, it is a "government that works" and is in full control of the country. It is not going to be overthrown soon.

Progress toward normalization has been blocked by the conditions China stated in the Shanghai Communique following President Nixon's visit in 1972 and repeated consistently since then: Peking will not agree to normalization as long as the United States "interferes" in China's affairs by recognizing the government on Taiwan and guaranteeing to defend that island, presumably against an attack from the mainland.

As a reading of the communique will show, the United States does not specifically support either side's claim to be the one China. But this has become almost an irrelevancy. The mere assertion that there is only one China has become an embarrassment under today's conditions.

Peking maintains that it is speaking in behalf of 16 million or so "Taiwanese compatriots" when it calls for their "liberation" from the "Kuomintang clique." This is where Peking's position runs afoul of reality. As the editor of this page reported in a column on Monday, the 16 million native Taiwanese have no desire at all to be "liberated" by the Communists.

True, they have long resented the one-party rule imposed on them by the 2 million or so Nationalist Chinese who fled to Taiwan after losing the mainland in 1949. But the government has been slowly opening itself up to participation by the native Taiwanese [mainly Chinese who fled from the mainland centuries ago], and the newly inaugurated president, Chiang Ching-kuo, promises more

of the same. To the Taiwanese, the relative freedom and the prosperity of Taiwan are far better than anything Peking can offer.

These are the solid facts upon which talk of normalization runs aground. The United States may be able to reduce or qualify its commitment to Taiwan, but it cannot conscientiously be a party to turning 18 million people over to a Communist regime against their almost unanimous will, nor can it suddenly take the position that a country we now recognize and do a great deal of business with is really a province of another country.

Normalization is a sensible goal worth looking forward to. But if it means sacrificing Taiwan, it will be a long time coming. Fortunately Peking recognizes this perhaps better than Mr. Brzezinski: Vice Premier Teng Hsiao-ping acknowledged only last week [according to a Nationalist translation] that Peking can wait "10 to 20 years" for a solution of the Taiwan question. If normalization is to come earlier than that, Peking will have to modify its conditions. There are in fact two Chinas, and any argument to the contrary is only an exercise in semantics.●

BUREAUCRACY

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. COLLINS of Texas. Mr. Speaker, when will Congress learn that our number one responsibility is to reduce the size of Government? We spend too much time passing laws and too little time out on the streets observing how they work.

I was keenly interested in an excellent editorial in Time magazine by Marshall Loeb. Loeb emphasized the views of a Prof. Murray Weidenbaum. Loeb and Weidenbaum understand the big picture.

Read the logic of Loeb's "Executive View" from Time:

BATTLING THE B.I.G. BULGE

The spread of big, intrusive Government (B.I.G. for short) is a source of so much public discontent that, like epidemiology or the Korean War, it has become a subject of serious study in universities. The leading professor is Murray Weidenbaum, a former Assistant Secretary of the Treasury (1969–71) who knows his subject only too well. At the Center for the Study of American Business, which he heads at Washington University in St. Louis, Economist Weidenbaum, 51, is examining how the policies and regulations of B.I.G. are feeding inflation, impeding efficiency and otherwise rubbing up against private citizens.

"The Government is the nation's largest employer," says Weidenbaum, his accents echoing Brooklyn, where he grew up in the Depression-poor family of a cab driver. "Clearly the pay raises of Government employees and postal workers have been leading the inflationary parade for years. Somehow, Congress got sold on the notion of 'pay comparability' between the public and private sectors, ignoring the high federal fringes. And who makes the computations of the 'comparability'? Surprise, surprise! It's the civil servants themselves, which is like having the foxes guard the henhouse."

Government is also the largest single buyer of goods and services, says Weidenbaum, and it is about as cost conscious as a Saudi prince in Beverly Hills. Instead of buying from the lowest bidder or the best supplier, Government agencies and contractors are required to favor small businesses and suppliers in high-unemployment areas. That policy may or may not have social benefits, but it surely hypes inflation and discriminates against bigger companies.

On Government-aided construction projects, the Davis-Bacon Act requires that the job go not to the lowest bidder but to the contractor who agrees to pay the "prevailing" wages of the region, often meaning the highest union scales paid in the nearest big city. "So in rural Maine they'll use the wage scales of Boston, and in Appalachia they'll use the wage scales of Pittsburgh," says Weidenbaum. "But those wages are so far above the standards in Appalachia that frequently Appalachia firms don't bid for the jobs. They can't pay their workers on Government projects a whopping differential over their workers on commercial projects. Result: Pittsburgh firms get the Government jobs. They bring in Pittsburgh workers, and the taxpayer, in the goodness of his or her heart, doesn't bail out the poor people in Appalachia but subsidize union workers from Pittsburgh."

But it is no joke when Weidenbaum brings forth sheaves of records of dozens of foundries—in Ohio, Pennsylvania, Alabama, Michigan, Illinois, Wisconsin, Kentucky—that had to close because they could not afford to meet requirements of the Environmental Protection Agency and the Occupational Safety and Health Administration. He collects reports of hundreds of small companies that have abandoned pension plans because they could not comply with the expensive requirements of the Employee Retirement Income Security Act (ERISA), "and so the worker winds up with no pension at all."

A sad irony, say Weidenbaum, is that Government freely violates its own regulations. "Federal installations are among the worst environmental offenders. OSHA offices fail to meet OSHA safety standards. And think of Social Security and the Civil Service Retirement Fund being subjected to the Standards of ERISA. They would flunk."●

TED KAMINSKI CITES RISE OF INDEPENDENTS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. DERWINSKI. Mr. Speaker, there is a great deal of debate, some optimistic and some negative, predicting the survival possibilities of small independent businessmen.

A recent article reporting on the success of a local independent businessman, Ted Kaminski, caught my attention. The article in the May 22 Penny Saver publication, serving the south suburban area of Chicago, makes interesting reading, and I wish to insert it at this time:

TED KAMINSKI CITES RISE OF INDEPENDENTS

A local independent businessman, who believes that the age of individuals is not over, has some happy facts to cite.

Ted Kaminski, president of Oak Foods and Family Center, at 151st & Central, and a member of the board of directors of the prestigious Illinois Small Business Association, cited some industry figures on the growth of the independent grocer.

According to government figures Kaminski said, there were 740 more independent grocery stores while the chains lost 320.

"In 1971, the U.S. Department of Commerce predicted that by 1981 the large food chains would be selling 75 percent of the food sold in this country," Kaminski related.

In that year of 1971, Kaminski added, the chains sold 50% of the food in the country and for three years in a row, beginning with 1975, the chain stores have lost ground.

"This indicates that the move is not towards bigness," Kaminski said.

Kaminski claims that many independents have taken over the abandoned stores once owned by the chain stores and have made these new stores very profitable.

Kaminski said that the independents do not have the overhead that the chain stores do.

"Lower operating costs enable the independents to operate with lower gross margins," Kaminski said.

Kaminski said from his own experience of eight years in Oak Forest that the independent can react quicker to market changes than a chain can.

Kaminski said that independents still buy their foodstuff from wholesalers at the same price as do the chains.

"The fact that the small businessman is not being shoved out of the market is an indication that the American consumer puts a high priority on friendly service and the positive qualities that make the independent more flexible," Kaminski said.●

A MAN WHO CARES

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. STARK. Mr. Speaker, I would like to take a moment to pay tribute to Frederick Fung in honor of his selection as Citizen of the Year.

Freddie Fung is a caring person. Over many years, his concern for those in need, for those the rest of society has let slip through the cracks, has manifested itself in many ways. Most notable is his dedication to providing a camp for diabetic children. He has been tireless in his efforts in behalf of Bearskin Meadow Camp in Kings Canyon National Park, Calif. Over the last 20 years, he has raised money to build it and support its activities and, in so doing, has also brought public attention to the unique opportunities offered there.

Bearskin Meadow Camp offers children not welcome in other camps, an opportunity to share an outdoor learning experience in a beautiful setting and to learn to take care of their personal needs by themselves. This is an extraordinarily important confidence-building experience designed to make diabetic children independent and self-sufficient. This camp is often the first opportunity these children have to try their wings away from home and is an important step in preparing them for full-fledged participation in the grown-up world.

In addition to Freddie's many other activities, he manages Trader Vic's restaurant in Emeryville, Calif. It is he who made this restaurant an institution in the Bay area; it is he who is always attentive, always tactful, as considerate of his colleagues and employees as he is of his guests.

Freddie Fung's help in making Bearskin Camp a reality and his commitment to its continued success is only one example of the many ways he looks to the needs of others. In his quiet way, he helps when needed, never seeking recognition or acclaim. He is one of those special individuals who can truly be called a "solid citizen." ●

NEED TO RELOCATE THE WATER SUPPLY INTAKE AT SPRINGFIELD, S. DAK.

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

Mr. ABDNOR. Mr. Speaker, I am today introducing H.R. 12892 which directs the Secretary of the Army to relocate the water supply intake for the town of Springfield, S. Dak. Springfield is located on the Missouri River at the headwaters of the Gavins Point Reservoir. Because of this, the present water intake is susceptible to sedimentation as the Missouri enters this area of the reservoir and deposits its sediment. The deposition of this material is forming a delta which is forcing the main channel to move away from the South Dakota side of the river creating a mudflat in front of Springfield.

I have repeatedly asked the Corps of Engineers to address themselves to solving this problem.

On March 3, 1978, the Corps of Engineers informed me that—

> Except to temporarily provide a water supply to the intake dredging would not be a practicable solution because of the magnitude of existing and future sand deposits.

The corps also looked at the possibility of raising the Gavins Point pool a few feet to provide higher water levels near Springfield but concluded that—

> It would not be a permanent solution because the delta would eventually grow downstream (and again cause sedimentation of the water supply intake).

On March 13, 1978, the Corps of Engineers reported to me that a relatively trouble free intake could be achieved by extending the intake line approximately 2 miles downstream into the main body of the reservoir. The estimated cost of the design and construction of this proposal is $1,250,000.

Mr. Speaker, the Federal Government, in constructing the Gavins Point Reservoir, took thousands of acres of rich, productive agricultural land from the economic base of the region. The residents of Springfield accepted this, however, because they were led to believe that the reservoir would guarantee a dependable source of municipal and industrial water, a critical ingredient for economic development, and provide a new industry in the area-recreation services.

However, these provisions have not been translated into reality. Instead, Springfield is forced to deal with a siltation problem which causes unacceptable environmental impacts jeopardizing their water supply, all the result of construction by the Federal Government of Gavins Point.

Therefore, Mr. Speaker, I believe that the Federal Government should stand up and recognize that we have taken prime agricultural properties to create this reservoir in the name of serving the public interest. But in taking these lands we have an obligation to protect the viability of those communities adversely impacted in order to serve this public good. In the case of Springfield, S. Dak., this means relocating the water supply intake in order to guarantee this community the opportunity to participate in the benefits of the Gavins Point project, as promised by their Federal Government when they gave up their land to build the reservoir.

THE FREESTONE PEACH BILL IS BACK

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. BROWN of California. Mr. Speaker, last Monday, May 22, I introduced a bill which will enable producers of freestone peaches to finance a nationally coordinated research and education program. It is entitled the "Freestone Peach Research and Education Act," H.R. 12807.

This freestone peach program would improve the productivity and nutritional value of freestone peaches, provide the highest quality peaches to consumers, and in other ways strengthen the ability of the freestone peach production sector to meet consumer demand.

Through improvements in the quantity and quality of peaches, and research into certain aspects of marketing, it also is expected that export markets can be opened, helping our growers and our balance of trade.

The research and education to be carried out under this bill would require only negligible expenditures by the Federal Government. Costs of the specific research and education projects, and administrative costs of the program, will be borne by peach producers themselves through a small per-bushel assessment on freestone peaches sold in commercial markets. This small charge will be collected by handlers.

Though the assessment will apply to all commercial freestone peach producers in the United States, the bill provides that any peach producer who does not wish to contribute to this program may obtain a full refund of his contribution, so this is not a tax bill.

It is known that peaches can provide vitamins, minerals, and trace elements needed for a properly balanced diet, but research has already shown that these qualities can be improved even as work is being done to improve factors which affect productivity.

Research on such factors as rootstocks, fertilization, varieties, tree disease prevention and control, tree resistance to insects, and other areas can enhance production, help hold down production costs and thus final costs to consumers, while protecting the environment through allowing decreases in the total amounts of chemicals which must now be used to produce the high quality fruit which the market demands.

Increased information which helps to put a higher quality peach on the supermarket or roadside market shelf will also supply information about how high quality peaches can be shipped to export markets.

Educational programs which can be carried out under the program can be directed to every group old enough to hear and read, so that more of them will "reach for a peach" instead of empty calorie products.

Peach producers will have the final say about which parts of these programs to put into effect, but both producers and consumers should benefit as a result of this legislation.●

TRIBUTE TO AL ATTLES—GOLDEN STATE WARRIORS COACH

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. DELLUMS. Mr. Speaker, on June 1, 1978, in Goodman's Hall, Oakland, Calif., there will be a benefit banquet for the Oakland Boys Club. At this banquet, the honored guest will be a man whom all sports fans in the country know well: Alvin Attles, the coach of the Golden State Warriers.

At this time I would like to share with my colleagues a few words about Al Attles and his remarkable career, for in his story one finds the kind of inspiration and courage we all need to face the tremendous challenges of our times.

It has been said that Al Attles was not a great player, but a good one. His deeds belie the words. Al wore a Warrior uniform longer than any man, 11 years. Of the more than 1,300 who have been active participants in the 27-year history of the National Basketball Association, only 25 have played longer than Attles. He played the game with an unyielding competitiveness that only his nickname, "The Destroyer" could describe. In his 11 seasons as a player, Attles earned a reputation as a superb defensive performer. He played in 712 regular season games and averaged 8.9 points per game. His name is found frequently listed among the Warriors' all-time statistical leaders and he participated in seven playoffs as a Warrior. His playing highs were 33 points against the New York Knicks on February 29, 1964. He also had a record high 17 assists against Cincinnati on February 24, 1968. One game that stands clearly on his mind is the game in which Wilt Chamberlain scored 100 points and Attles was second leading scorer in that game with 17 points. His sense of humor is never more evident than when he is asked to recall his biggest night as a pro. "Well, Wilt and

I scored 117 points one night," he will say with a straight face until the laughter takes over.

Attles picked up a basketball for the first time in the fifth grade but concentrated on baseball until enrolling in Wequahic High School. He worked for a year as a stock boy in a department store before entering North Carolina A. & T. College in Greensboro, N.C.

While performing there, Attles became acquainted with Vince Miller, who had played with Wilt Chamberlain at Overbrook High in Philadelphia. Miller sustained a knee injury, however, and returned home. This turned out to be the break for Attles. Miller told Chamberlain and Eddie Gottlieb about a guy down South named Attles and that the Warriors should draft him. The Warriors eventually chose Al in the fifth round, "mostly to get Vince to shut up," Attles points out.

"Getting drafted in the fifth round didn't mean much," Attles said. "Making the team was something else."

But make the team he did and has played for no other club. On January 27, 1970, he succeeded George Lee as coach of the Warriors, guiding the bay area team to a world championship in 1975.

Al is married to the former Wilhemina Rice, a graduate of Upsale College in East Orange, N.J. They live in Oakland with their two children, Alvin, 13, and Erica, 7.

It is a great pleasure for me, Mr. Speaker, to place in the CONGRESSIONAL RECORD the synoptic review of Alvin Attles' record—as a player, a coach, and as a great human being.●

HAPPY BIRTHDAY, BOB

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. MAZZOLI. Mr. Speaker, today is Bob Hope's 75th birthday. It is particularly appropriate, therefore, that the House has set aside this time to honor this great and good American.

For nearly half a century Bob Hope has been making us laugh. He has lifted our spirits in the bad times and has helped us enjoy the good. He has entertained us from the stage, and on radio and television. He has rendered invaluable service to our service men and women around the globe.

At Christmas, after Christmas, Bob Hope has eased the pain of thousands of service personnel who have to be away from their loved ones on this most special day of the year. In this unselfish act, Bob Hope reminds us all of what is still good and great about America.

Bob's great ability to make us laugh at ourselves has helped Americans keep a healthier perspective on life. He reminds us that there is always a bright side to every problem and a ridiculous side to every human nature.

Throughout history, there has never been a man so widely acclaimed for his wit, humor and compassion as Bob Hope. It truly can be said he is loved by everyone.

Today Bob is celebrating his birthday, but, it is we who are really celebrating—celebrating our friendship with a man who has dedicated himself completely to the well-being of America.

Though America is great, it would be less great without Bob Hope.●

REGARDING TURKISH "PROPOSALS" FOR PEACE ON CYPRUS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. BIAGGI. Mr. Speaker, in the interest of fairness of presenting all sides of the Cyprus issue I wish to place into the RECORD a statement made by His Excellency, the Foreign Minister of Cyprus, Mr. Nicos Rolandis. His statement was made in response to one made by Turkish Cypriot leader Denktash which was distributed to the House in a "Dear Colleague" letter and which was praised by the State Department, in a rather unusual gesture.

The occasion of the NATO summit in Washington should permit negotiations between the Presidents of Greece and Turkey. Such talks should be encouraged by the United States, but our State Department must avoid its "Turkey tilt" of several years ago.

The settlement which is reached must respect the territorial integrity of Cyprus. It must also result in full unification of displaced Greek-Cypriots who today find themselves as refugees on their own land. Finally, a complete accounting of the estimated 2,000 Greek Cypriots missing since the invasion must be provided.

At this point in the RECORD I wish to insert the statement of Mr. Rolandis:

STATEMENT BY HIS EXCELLENCY THE FOREIGN MINISTER OF CYPRUS, MR. NICOS ROLANDIS, MAY 23, 1978

Mr. Denktash has made a new statement but there is nothing new in it. He presents again to the whole world his well known "whatever-we-have-occupied-is-ours", proposals, decorated with cleverly drafted ornamental phraseology. The essence is the same, namely

1. Out of the 40 percent of Cyprus territory occupied by the Turkish army he offers back less than 1½ percent of unimportant, unproductive land. Nothing more.

2. On the Constitutional issue he proposes Equal partnership of the eighty-two percent Greek majority with the Turkish minority of eighteen percent, furthermore, the proposed constitutional structure is tantamount to deadlock and partition.

3. On the question of part of the town of Varosha he invites Greek Cypriot inhabitants to return under conditions of occupation. The offer is simply repeated in his new statement.

4. Regarding the principles of freedom of movement, freedom of settlement and the right to property, he offers nothing new and concrete. Nothing more than vague talk.

Mr. Denktash tries to convince the world public opinion that he is full of good will and flexibility, but the substance of his proposals could not be more negative. We are not interested in the window dressing of Mr. Denktash. We are not interested in his no-frills offer, which as it stands is that we should legalise the occupation of Cyprus by Turkey. We are not prepared to negotiate along these lines.

However, what is more surprising is that the State Department has made the unprecedented move of becoming the advocate of Mr. Denktash. The promotion of the Turkish proposals has been undertaken on a joint venture basis by Denktash and the State Department's spokesman.

If the goodwill is there indeed, we would rather like to see it in the substance of the proposals and not in their wrapping.●

CANAL TREATIES AND ECONOMICS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the following thought-provoking editorial on the Panama Canal treaties which appeared in the Carpinteria Herald, May 18, 1978.

The editorial follows:

CANAL VOTE WAS ECONOMIC

All the nation watched as the U.S. Senate debated and finally ratified the Panama Canal treaties with almost no votes to spare. Many Americans wondered why their government was so anxious to not only give the canal to Panama, but to pay the Panamanians to take it off our hands.

Since this international situation affects all shipping states, including California, there should be concern not only about the national defense ramifications of the treaties but the economic developments as well.

It just could be that American banking interests which strongly supported ratification of the treaties, were the main reasons the Carter Administration, and that of Jerry Ford, were pushing so hard for those treaties.

As we all know, money does all the serious talking in the world. If not, why else would the American government worry about a tinhorn dictator like General Omar Torrijos, whose family has been involved in scandal and who threatened to take military action against United States troops guarding the Canal?

The fact is that Torrijos rewrote the Panamanian Banking laws in 1970 to provide a tax-free haven for foreign banks.

By 1976, foreign banks controlled 91% of the deposits and 77% of the loans. Today, because of Torrijos, Panama owes U.S. banks $1.8–$2 billion in short-term loans, and he had no way to repay that vast amount of money.

Torrijos had to have the revenues from the Canal not only to satisfy nationalistic sentiment, which he helped to foment, but to pay off the banks and redeem some of his pledges to a nation foundering in unemployment, and economic stagnation, and high cost of oil imports.

So economic reasons, it seems to us, probably outstripped those readily given by the administration as to why the Panama Canal treaties were required.

Now, President Carter has announced he will go to Panama for the formal signings in June, and won't that be a dandy picture, given that most polls show that the majority of Americans did not favor the surrender of the canal in the first place.

We wonder what Fidel Castro is thinking these days. He has an American military base at Guantanamo, on his island Communist bastion. Will he next demand that the United States vacate the premises, under threat of armed takeover? And will he demand monetary tribute, to boot?

We'd be surprised if he didn't, under present circumstances. The Carter Administration, so far, has downgraded American military power to the degree that our enemies could make a serious miscalculation as to our public will. The American people will have to wake up to that fact very quickly, before we become vulnerable to every two-bit dictator in the world!●

MARYLAND SENATE JOINT RESOLUTION CONCERNING WORLD WAR I VETERANS' BENEFITS

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mrs. HOLT. Mr. Speaker, during the 1978 session of the Maryland General Assembly, both Houses unanimously passed Senate Joint Resolution No. 40, expressing support for H.R. 9000 of the Congress of the United States to provide a pension for World War I veterans. A long-time friend of mine, former Maryland Senator John F. McNulty, himself a World War I veteran and currently the chairman of the Maryland Veterans Home Commission, was instrumental in having this resolution enacted. I am a cosponsor of H.R. 9000 and I respectfully request that the text of the resolution be printed in the RECORD.

RESOLUTION NO. 40

A Senate Joint Resolution concerning World War I Veterans' Benefits for the purpose of expressing the support of the General Assembly of Maryland for HR 9000 of the Congress of the United States, a pension bill for World War I Veterans

Whereas, H.R. 9000 is presently being considered by the Congress of the United States and is a measure which gives to all World War I veterans a pension of $150 per month; and

Whereas, This measure is vitally important to those brave persons who served their country so very long ago; and

Whereas, At the time of their release from public service they were sent on their way with but a paltry recompense of $60 and fare back to their homes; and

Whereas, They received no educational benefits, no home loan money, no social security, no unemployment benefits and very little hospitalization; and

Whereas, World War I veterans formed the American Legion and they were advocates of benefits veterans now receive; and

Whereas, This year is the 60th anniversary of the end of World War I and the General Assembly of Maryland urges the Federal Government to finally reward those men who fought so bravely for their country; those men are now in their eighties: now, therefore, be it

Resolved by the General Assembly of Maryland, That this Body urges the Congress of the United States to send H.R. 9000 sailing through that Body so that our World War I veterans can receive the very modest sum for which provision is made by H.R. 9000; and be it further

Resolved, That a copy of this Resolution be sent to the Maryland Congressional Delegation: Senators Charles McC. Mathias, Jr. and Paul S. Sarbanes, Senate Office Building, Washington, D.C. 20510; and Representatives Robert E. Bauman, Clarence D. Long, Barbara A. Mikulski, Marjorie S. Holt, Gladys N. Spellman, Goodloe E. Byron, Parren J. Mitchell, and Newton I. Steers, Jr., House Office Building, Washington, D.C. 20515.●

THE SOCIAL SECURITY DISABILITY PROGRAM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. HAMILTON. Mr. Speaker, I would like to insert my "Washington Report" for Wednesday, May 31, 1978, into the CONGRESSIONAL RECORD:

THE SOCIAL SECURITY DISABILITY PROGRAM

On a recent Saturday morning I visited four Ninth District post offices to talk with local residents. About half of the 60 people with whom I spoke had a problem with the social security disability program. My experience that morning was really only a small indication of a big problem: the social security disability program has drifted into crisis over the past few years and now appears to be out of control.

It should be recognized that the program has helped many disabled workers and their families. I myself am aware of case after case in which the program has saved families from financial disaster after a disabling injury or illness. Statistics show that the people who receive the benefits tend to be among the more underprivileged in our nation. They are typically older, have worked at low-paying, insecure jobs and have not had the advantages of advanced education. They are people who are very vulnerable to the devastating effects of serious injury or illness.

However, in the past 20 years the program has grown from a modest effort to assist disabled workers to one of the government's largest, most controversial and least understood initiatives. Since 1970 its cost has quadrupled to $13 billion per year while the number of persons receiving benefits—2.8 million—has doubled. In 1965 there were 18 beneficiaries for every 1,000 workers, but today the ratio is 31 to 1,000.

The program has been plagued with confusion about the definition of disability. This confusion has created a bureaucratic maze and has overloaded the courts with disputed claims for benefits. Program administrators are perplexed because their decisions are often overturned on appeal. Most importantly, millions of Americans are frustrated—and many are impoverished—because they are denied benefits in a ruling that seems arbitrary to them. To make matters worse, government actuaries missed badly in estimating the cost of the program. So high is the cost that the depletion of the disability trust fund has become a major issue in the financing of the social security system.

While the experts do not know precisely why program cost and the number of beneficiaries have risen so dramatically, several factors have surely contributed to the increases. High unemployment has made it harder for disabled workers to keep jobs and has thus prompted them to seek disability benefits. The program has become widely known and the receipt of benefits more socially acceptable. Benefits have been generous, making jobs less attractive. Claimants—often with the help of attorneys—have been more willing to challenge government decisions. Also, the test for disability has been liberalized, at least in the view of some observers.

Despite the widespread dissatisfaction with the program, it is not at all clear what the Congress should do to change it. Part of the problem is the decision-making process through which benefits are awarded or withheld. In order to qualify for benefits, a person must be unable to engage in any substantial gainful activity due to a medically determinable physical or mental impairment which has lasted or is expected to last at least a year, or which will result in death. There is no room for partial disability: a worker is disabled, or else he is not. Individuals in like circumstances are treated inconsistently and, given the subjective nature of the judgment on disability, inequities are inevitable. Since state agencies determine if applicants are disabled, standards vary enormously from state to state. I have reviewed hundreds of pending claims for benefits over the years, and I still cannot tell which will be honored and which will not.

The program is now under intensive scrutiny in Washington. Recommendations for improvement will soon be made to the Congress, probably sometime during 1979. Congressional committees have been tracking the program for years and will undoubtedly be urging reforms of their own.

In my view, several steps should be taken to assure the integrity of the social security disability program. We should—

Tighten the definition of disability,

Overhaul the cumbersome federal-state administrative machinery,

Reduce the delay in making decisions on eligibility,

Eliminate some of the excessive benefits, and

Encourage more beneficiaries to return to work.

There is general recogntion that changes must be made, but it is apparent that the problems of the social security disability program will not be solved easily or soon.●

DOES CONGRESS MATTER?

HON. TOM HAGEDORN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. HAGEDORN. Mr. Speaker, if my memory serves me correctly, this body rejected legislation last Tuesday to establish a Federal Office on Domestic Violence, and to provide Federal grants in this area. One of the major opposition arguments, and that to which I subscribed, was that this was simply not an appropriate area for Federal involvement. Far less domestic violence would be done to the Constitution of this country if these programs were carried out—as I believe they ought to be—at the State and local levels.

It should therefore be of interest to this body that the next day's Federal Register contained a description of ACTION's proposed new demonstration grant program for family violence, at an initial cost of $450,000. It appears that all we have accomplished by last week's vote is to transfer authority for this program from the proposed new Federal agency to ACTION, an object, that I would guess, would not have been endorsed, by most of the opponents of this legislation.

Along with the initiatives by the Bureau of Alcohol, Tobacco, and Fire-

arms, the ACTION proposal is merely the latest instance in which the Federal bureaucracy has attempted to do what Congress has explicitly refused to do.

A majority of this body voted against involving Washington in affairs of domestic violence, with many of us relying heavily upon constitutional arguments. It is not ACTION's prerogative to overrule the decisions of this body.●

HOSPITAL COSTS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. ROGERS. Mr. Speaker, later this week, the Committee on Interstate and Foreign Commerce faces a crucial vote on the issue of hospital cost containment. Following that, the full Ways and Means Committee must also act on this issue. I need not remind my colleagues of the vital importance of hospital cost containment to Congress, and to the American people. Rising hospitals costs present one of the greatest inflationary pressures our economy will face in the months and years ahead.

The average cost per family of health care in this country is now $2,200 per year, and it continues to rise at a rate in excess of 15 percent per year. Unless we begin to control the rate of increase, those costs will continue to escalate far faster than any other segment of the economy, greatly hampering any efforts, by either the Congress or the President, to control inflation.

For that reason, as we prepare for full committee consideration of the hospital cost containment bill, I urge all my House colleagues to read a speech delivered by HEW Secretary Joseph A. Califano, Jr., to the National Journal's Third Annual National Leadership Conference on Health Policy last week. In it, Secretary Califano graphically summarizes the current trends in health care costs in America—and what it will mean for America's future, including any national health insurance program we may adopt, if those costs continue to rise unchecked.

While I and my health subcommittee colleagues have not always agreed with Secretary Califano on every aspect of his Department's proposals, there can be no question that on all major health care issues, we share common goals and common hopes for America's health care future. I therefore ask that the Secretary's speech be inserted in the RECORD at this point.

REMARKS OF JOSEPH A. CALIFANO, JR.

This meeting on the future of the nation's health policy takes place at a critical moment.

This week, the House Commerce Committee faces an important vote on the issue of hospital cost containment.

In the next few weeks, the President will announce principles that will guide the development of a national health program—an initiative we intend to propose later this year.

These two issues—national health insurance and Cost Containment—are linked not only by proximity on the calendar. They stand inseparably together in their importance to the nation, for hospital cost containment symbolizes the kind of changes we must make if the nation is to have a health care system that serves all Americans fairly, sensitively, efficiently and at highest quality.

Indeed, my purpose today is to underscore these points:

First, this Nation cannot afford its present health-care system, with its runaway, out-of-control prices and its perverse incentives that favor waste over efficiency.

Second, there must be broad, fundamental improvements in the health-care system: Improvements aimed at controlling the spiralling costs of health care, building new incentives, enhancing quality, improving the delivery system, and a major reorientation toward prevention.

Third, what this nation needs is a national health program—for even Lloyd's of London backed by the United States mint could not afford simply to insure the existing profligate, inflationary health care industry.

Without cost restraints and efficiency incentives, the towering inferno of health industry inflation will continue to threaten the entire economy; the Federal budget will be even more heavily skewed toward health care spending that too often does little to improve our national health; and scarce Federal dollars will be diverted from other urgent social needs.

With these basic thoughts on the table, let me describe briefly for you the conditions, as we see them, that render a national health program essential not only to provide quality health care for all Americans—but to provide such care at a reasonable price. In short, this Nation cannot afford not to have a national health program.

Nearly 45 million Americans—about one person in five in this Nation—have either no health insurance or inadequate coverage.

Twenty-four million have no health insurance, no access to free care through the Veterans Administration or the Public Health Service, and no help from medicaid or medicare.

Nineteen million people—most of them low-income families—have expensive but inadequate health insurance which does not include important elements of basic health coverage.

About eighty-eight million Americans are not adequately protected against the costs of medical catastrophes.

Yet in spite of these facts, the United States is the only major industrial nation without some form of universal health insurance or some national health program.

We see national health insurance as part of the answer to these critical problems of coverage, but also as part of our efforts to deal with other problems in the health care system.

We are deeply concerned that millions of families are denied decent health care because they live in rural areas or inner-city neighborhoods. It is widely recognized that we need to distribute our resources better and to build new capacity in underserved areas.

We are troubled by a health care system that neglects prevention and emphasizes costly acute care. The Federal health budget for fiscal 1978 reflects that imbalance: 48 billion dollars for treatment; less than two billion dollars for prevention.

We are deeply disturbed by the inadequacy of long-term care in America—particularly at a moment when the number and proportion of older citizens is growing. We have created a costly nursing-home industry that consumes 40 percent of every Medicaid dollar, but often fails to provide our elderly citizens with lives of dignity and self-respect.

Because we intend the national health program to address not only financing but other problems too, we believe it offers hope of changing some or all of these troubling conditions.

But first we confront squarely the biggest problem of all: the mushrooming cost of health care in America—the steep, uncontrolled, destructive inflation in health costs which today threatens to sabotage all our other efforts in the health field.

The dimensions of this health care inflation are staggering:

The nation's total annual spending for all health care has risen from $39 billion in 1965 to $163 billion last year. By fiscal 1983, on present economic projections, the nation's annual spending for health care will reach $310 billion—about a third of a trillion dollars, with little change in either the quality of that care or its uneven distribution.

In 1965, we spent 5.9 percent of the Gross National Product on health care. Today the percentage is 8.8 percent. Federal spending for health care in fiscal 1979 will total $63 billion: almost thirteen cents of every federal dollar. And by 1980, that figure could rise to $72 billion.

The median income of American families was $15,000 in fiscal 1976. And in that year, the average family expenditure for health care was nearly $1600—more than ten percent of median incomes.

The average annual inflation rate for the health care industry was 9.5 percent over the last three years: more than one and a half times the overall rate of increase for all consumer prices. If it had not been for steep health-care inflation, the Nation's inflation rate for those years would have been 5.8 percent, rather than the actual rate of 6.1 percent. In other words, 5 percent of inflation in that period could have been avoided if health costs had merely risen at the same rate as other prices.

Other Western industrial nations—notably Canada and West Germany—have also faced the problem of runaway health costs. But our rate of health cost inflation is steeper than theirs—and unlike them, we have not yet taken measures to contain costs.

The reasons for these steeply rising costs are not hard to find.

The consumer—the patient—may select his family doctor. But he rarely selects his specialist, his hospital, the services he buys, or the tests to which he is subjected. The physician is the key decisionmaker for such services—indeed, for 70 percent of all health services. This means, in dollar terms, that in fiscal 1977 the Nation's physicians controlled $110 billion in health care expenditures.

And the physician does not pay the bill; he only sends the bill. Indeed, neither the patient nor the doctor pays for most health services. Ninety percent of hospital bills, for example, are paid by third parties—private insurance companies, medicaid or medicare.

This means that the incentives at work in the health care industry are largely incentives to increase spending rather than to save. Doctors and other practitioners are paid on a fee-for-service basis: the more services, the more fees. In addition to the obvious economic incentives built into such a system, the present legal framework of malpractice provides added encouragement for doctors to order up more and more services as they practice defensively, as well as profitably.

Health costs today are an emerging political issue of enormous concern to the American people. In one poll, a majority listed health costs as one of their top three worries. The Carter administration has taken some major steps in the health field over the past sixteen months to deal with this corrosive problem.

Hospital Cost Containment legislation, now pending in the Congress, is the most important of these steps. That legislation, intro-

duced almost a year ago, is still awaiting final Congressional action. The need for it is more critical than ever. Fully 40 percent of health care costs are hospital costs; the inflation rate in hospital costs was 15.3 percent last year. The Consumer Price Index indicates no let up in hospital price increases in recent months.

Consider the impact of hospital costs on the families of America and on the National Treasury:

As recently as 1965, an average hospital stay cost less than $350; it now costs over $1,525; by 1982, it will cost at least $2,600.

In 1966, total spending on hospital care was $14 billion. Eleven years later, in 1977, it was $67 billion. By 1986, if the rate of inflation is not slowed, total spending on hospital care alone could reach $220 billion.

From 1975 to 1977, hospital costs mushroomed at an average annual rate of 17.3 percent—more than two and a half times the overall rate of increase in the Consumer Price Index.

If this legislation had been enacted by October 1, 1977, as the President proposed, the nation could have saved $2 billion in hospital costs by now.

Those dollars are now lost. But the Hospital Cost Containment legislation remains one of the most important measures that Congress can enact to fight inflation. Indeed, it stands near the top of the President's legislative priorities.

If the President's proposals were passed this year, to take effect on next January 1, the nation could achieve impressive savings which could substantially reduce inflationary pressures:

We could save $19 billion in Federal spending by the end of fiscal 1983;

In the same period, overall savings—Federal, state, and private—would total $56 billion.

Those who argue that the legislation would diminish the quality of hospital care are wrong. In fact, this legislation is aimed at waste and inefficiency in hospital operations.

The nation's hospitals, under the legislation, will have the freedom to target their own areas for savings. But we have identified more than $5 billion in potential savings that can be achieved each year with no decline in the quality of patient care:

240,000 hospital beds nationwide are empty; at least 100,000 of these represent excess capacity; at a maintenance cost of some $20,000 per empty bed, their annual cost to America is $2 billion.

Of the 715,000 people now in acute care hospitals, an estimated 100,000 do not need to be hospitalized. They could receive better care at home, in skilled nursing or outpatient facilities. These patients are generating excess charges of $7.5 million per day—nearly $3 billion per year.

Hospitals are buying expensive equipment that is medically unnecessary or duplicated nearby.

Many hospitals are failing to achieve possible energy savings and other economies—savings that could amount to more than $300 million each year.

Other savings could be achieved by limiting expensive but unnecessary tests and therapies, by conducting some diagnostic tests on an outpatient basis rather than in the hospital. Prices could be lowered to reduce the $2 billion in surpluses and profits accumulated by hospitals in calendar 1977.

Given the pressure driving health costs upward, and the great savings that this legislation could achieve, the nation simply cannot afford to have this proposal languish in the Congress. Some leaders in the Congress have understood this and acted accordingly. But we have encountered some serious delays and diversions.

This week on Capitol Hill, opponents of the President's program are crowding the halls of Congress—most of them representing interests with a stake in high health-care prices.

The siren-song they are singing is, I would remind you, a song we've heard before, from an old familiar score. In early 1974, during oversight hearings on the Economic Stabilization Program, a spokesman for the hospital industry assured the Congress that if cost controls were lifted, the nation's hospitals themselves would undertake to prevent any bulge in costs. He expressed confidence that, if controls were lifted, hospital prices would rise only two to three percent.

You may remember what happened: Hospital expenditures shot up, and peaked at an inflation rate of 22.2 percent in March 1976.

The same forces are now at work to dissuade the Congress from enacting truly effective cost containment measures. The process in which they are engaged, I submit, is not in the national interest; they are, in effect, lobbying for runaway inflation.

In sum, I would simply say this: The time for the cost containment legislation is not just now—it was last year. I hope the Congress will act quickly and favorably in the national interest. I am working closely and energetically with the key leaders in the Congress to achieve the strongest anti-inflation, hospital cost containment legislation that the Congress is prepared to enact.

Beyond the cost containment legislation, we are taking other immediate steps to contain rising health costs.

We have drafted regulations limiting Medicare payments for lab tests and medical equipment to the most reasonable available price in a given community.

We are tightening our standards governing physician visits, hospital stays, and medical procedures under Medicare and Medicaid—to ensure that all services are medically necessary.

We are moving vigorously toward a program of "second opinions" designed to reduce unnecessary elective surgery by giving patients more to say about their own health care.

We are taking steps to encourage health institutions to launch savings efforts—competitive bidding, for example, and shared services such as billing and laundry service.

And finally, beyond immediate, urgent steps to control health inflation, we have made, over the past year, several more fundamental changes in health policy; changes that in time should help change not only the cost of health care, but the whole landscape of health care in America.

So far, these efforts are just beginnings—but they promise important results.

We have taken steps to encourage Health Maintenance Organizations with more than rhetoric. We have submitted new legislation to improve the legal and fiscal position of HMOs. And the Department has made a major effort to interest corporate America in the concept of quality health care through HMOs.

We have published the first set of National Guidelines for Health Planning designed to help state and local agencies assess their need for medical services and facilities. These guidelines will help communities act forcefully to control excess capacity in the health care industry—action that is desperately needed both to assure quality care and to keep costs down. They are aimed at preventing investment in expensive, unnecessary medical equipment and facilities in eight areas ranging from hospital capacity to specialized cardiac-care units to "CAT" Scanners.

We have launched Project Integrity, aimed at rooting out fraud and abuse in the Medicaid program. We will expand this project into other areas of federally-funded health care. We have also issued regulations to establish state fraud and abuse control units.

We are urging PSROs to adopt nationally established criteria for eleven of the most commonly performed surgical procedures. These standards were drawn up by medical professionals at the request of the National PSRO Council. Further criteria are now under development so that regional performance can be compared and individual surgeon's profiles assessed by their peers. The incredible range of surgical operations for similar population groups must be explained to an increasingly informed and concerned public.

For years, leaders and citizens concerned with the Nation's health policy have had a vision of the kind of health care system that this Nation should have.

Such a system, to begin with, would emphasize prevention—not just acute health care and intervention in illness. It would encourage people to take responsibility for their own health—to practice some habits, like exercise and good nutrition, and avoid others, like cigarette smoking and overeating.

Such a system would feature a range of health care alternatives:—effective programs of home health care; widespread health maintenance organizations that emphasize prevention and provide quality care; new types of health workers like physician assistants and nurse practitioners; mental health as an integral part of all health care.

Such a system would discourage excess capacity, creating only the services and facilities that are needed. And it would distribute its benefits more evenly—so that rural citizens and inner city people would not suffer for lack of health care.

Finally, such a system would emphasize both quality and efficiency—not simply quality at the highest possible price; not simply quality bought by and for those who live in the right place and can pay the right price.

For too many years, we have been able to envision such a system. But we have done little to achieve it.

The Carter Administration intends to change that. We intend to provide the kind of leadership that will ultimately build the kind of system I have described.

The initiatives I have described are a part of our effort to do that.

And we are considering other possible legislation:

A major prevention program;

A proposal to redirect our support of medical education to limit oversupply of physicians and to encourage physicians to choose primary care practice in rural and inner city areas.

Legislation to translate the recommendations of the President's Commission on Mental Health into a program of action.

Changes in our system of long-term care.

An overhaul of our disability program.

And finally, but by no means least—a proposal for a national health program to be advanced before the end of this year.

Let me emphasize, however—at the close, as I did at the start—that a national health program must not simply be a way of "buying" the present inadequate health care system. That system is simply too expensive and inefficient to buy at all—with or without national health program.

So I would urge all who are concerned with health care in America—the Congress, the medical community, our fellow citizens and opinion leaders like yourselves—to undertake with vigor the work of turning the vision I have described into reality.

I do not believe that vision is radical, utopian—or beyond our capacity as a nation. I believe it is a practical vision—a vision the President carefully set forth during his campaign and which he intends to work to achieve.

We have undertaken large efforts before, and we have succeeded.

I believe we can do it well: that we can achieve, for our children and for their children, our shared goal of quality health care for all—at a cost this nation can afford.

Thank you.●

JOINT CHIEFS AND TEST BAN

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the following column on the test ban by Rowland Evans and Robert Novak, which appeared in the Washington Post:

TEST BAN: BYPASSING THE CHIEFS

(By Rowland Evans and Robert Novak)

Just two days after secret testimony by the new chairman of the Joint Chiefs of Staff reaffirmed the military's opposition to a total nuclear test ban, President Carter ordered U.S. negotiators to press for precisely such a deal with the Soviets.

Carter's propensity for making military decisions against the military's advice has never been clearer. On May 18, at closed-door Senate hearings on his nomination as JCS chairman, Air Force Gen. David Jones unequivocally opposed, in the interest of national security, a "zero yield" ban (prohibiting even low-yield explosions) of all underground tests. He was patently unaware that a "presidential decision memorandum" taking the opposite position was being readied for Carter's signature May 20.

After the fact, the Joint Chiefs met on Blue Monday, May 22, with a majority opposed to the President's decision. The choices before them now are agonizing. Should they loyally back their President to support what they consider a hazardous course for the nation? Should they fully express their misgivings but only in congressional hearing rooms? Or should they go to the nation, either directly or indirectly?

The uniformed military's concern over the test-ban treaty surpasses earlier chagrin over removing troops from Korea, canceling the B1 bomber and suspending neutron-warhead production. Jones, criticized by fellow officers as overly pliable to civilian politicians, made no fuss about such earlier Carter moves as Air Force chief of staff.

Consequently, defense-oriented members of the Senate Armed Services Committee pounced on JCS chairman-designate Jones when his confirmation hearings began May 18. Those senators were particularly concerned about the test-ban treaty. Paul Warnke, chief disarmament negotiator, that week was pressing for a U.S.-Soviet moratorium on all tests prior to negotiations for a "zero yield" treaty.

Answering questions from Sen. Jesse Helms (R-N.C.), the general declared, "I could not recommend a comprehensive test ban . . . in the context of zero testing." The secret transcript reveals Sen. Harry F. Byrd (I-Va.) asking whether Jones agreed that any treaty must permit testing in the 3- to 5-kiloton range, below which tests cannot be verified. "Yes, senator, I do," the general answered.

Sen. Henry M. Jackson (D-Wash.) pointed out that the Joint Chiefs previously opposed a zero-yield treaty. "I subscribe to that," Jones responded. ". . . We don't see any capability to verify the Soviets with any assurance down to zero yield." Pinning Jones down, Jackson asked whether "this is still the JCS position." The response: "Yes, it has not changed."

Jones refused to alter this stance despite prodding by Sen. John Culver (D-Iowa), battering ram of the arms-control bloc. "Isn't it true," asked Culver, that the treaty "will provide us with a fair degree of confidence of compliance and provide a low incentive for Soviet cheating?" The general stood his ground: Cheating "may not be quite that difficult. . . . I am not assured that we would have confidence the Soviets couldn't cheat."

Culver persisted, suggesting that a treaty lasting five years or less would not threaten reliability of the U.S. nuclear stockpile. Jones replied that "something unexpected" can always effect "reliability," adding, "You just may not find the problems if you don't do testing."

Jones clearly was uninformed about other plays elsewhere in the Washington arms game. Warnke that week failed to get his pre-negotiations moratorium but won agreement on a zero-yield, five-year treaty (three years longer than the chiefs prefer). The "presidential decision memorandum" signed May 20 directed negotiators to start from Soviet proposals for on-site inspection and unmanned seismic-detector stations—considered inadequate for verifications by Pentagon scientific experts.

The JCS convened May 22 to talk it over. Army Gen. Bernard Rogers, Adm. James L. Holloway and Marine Corps Gen. Louis Wilson were dead against it. The new Air Force chief of staff, Gen. Lew Allen, wavered. Jones seemed to back away from his strong stance, suggesting that the chiefs should study the question a little more.

But during his confirmation hearings, Jones had locked himself into independence. When one defense-oriented senator after another asked whether he would be his own man as JCS chairman, Jones replied time and again: He would not travel the country making speeches, but he would give Congress his own blunt opinion even if it conflicted with Jimmy Carter's.

The president and the general obviously conflict on the test-ban treaty, barring an instant conversion by the general. Jones has told friends he will be an "activist" chairman, but it is not clear whether he means activity in behalf of administration policies or activity in behalf of the military's position. The answer will come from his next step on the test-ban treaty.●

EDMUND H. HARVEY

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. EVANS of Delaware. Mr. Speaker, last month the conservation movement in the State of Delaware lost one of its most distinguished leaders with the passing of Mr. Edmund H. Harvey.

Mr. Harvey dedicated his life to preserving many of the unspoiled wildlife areas in Delaware, not only for this generation, but for future generations as well. He was the founder and president of Delaware Wild Lands, Inc., which purchased thousands of acres of land on the Delmarva Peninsula as refuges for wildlife, and had received scores of medals and citations for his efforts to preserve natural resources.

Mr. Harvey lent his considerable skills to many national and State organizations for the preservation of wildlife and natural resources, including the National Wildlife Federation, Delawareans for Orderly Development, and Ducks Unlimited.

During his lifetime, he received many honors, including the national conservationist of 1973 award, the American Motors Conservation Award and the United Auto Workers Conservationist of 1971.

The State of Delaware has always been proud of its conservationist traditions. These traditions have developed because of people like Ted Harvey and he will be sorely missed by all who treasure our State and Nations environmental values.●

OBSERVATIONS ON THE CANADIAN HEALTH CARE EXPERIENCE—PART IV

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. PEPPER. Mr. Speaker, the Canadian experience with health care has been observed by many Americans who are involved in developing a national health insurance program for our country. I have been sharing with my colleagues a paper on this subject which was prepared by Richard Lehrman, who serves on the staff of the Select Committee on Aging, which it is my privilege to chair.

I wish to include, for the benefit of my colleagues, the final portion of this paper:

PHYSICIANS

Opponents of the Medical Care Act argued that Medicare in Canada would serve to drive physicians away to other countries where they would find a more lucrative and attractive practice. Such predictions appeared even more dismal in the face of Canada's low physician-per-population ratio—1 per 850 in 1961.[113] In fact, however, the physician-population ratio increased to 1 in 633 in 1972.[114] Apparently, physicians have found practice under Canadian Medicare to be attractive and lucrative.

A major contribution to this phenomenon is a curious paradox regarding physicians' fees and income. Physician fees in Canada rose steadily in relation to the Consumer Price Index until 1969, the year Medicare took effect.[115] Physicians' fees have since risen at a rate slightly lower than the Canadian Consumer Price Index.[116] In the United States, however, physicians' fees have continued to rise at a rate faster than that of the CPI.[117]

By contrast, the ratio of a physicians' net income to the CPI in Canada has skyrocketed in relation to that of a physician in the United States.[118] In fact, the average increase in net physician income, deflated by the Canadian CPI, was more than twice as great during the transition to Medicare as it was in the immediately previous period. In Quebec, the average physician earned approximately $23,000 in 1967, $25,000 in 1968, and $27,000 in 1969 and 1970.[119] The same physician earned over $41,000 in 1971, the year after Quebec joined Medicare.[120]

Canadian doctors more than doubled their gross and net earnings from fees between 1959 and 1969, while holding their expenses to a smaller increase.[121] Doctors are the highest paid category of workers in Canada, earning almost five times as much as the national average, and over $7,100 per year more than lawyers, the next highest-earning profession.[122] These figures may reflect the reasons why almost none of the Canadian physicians have opted out of Medicare (except in Ontario, where only 9% have opted out).

Footnotes at end of article.

There are two factors contributing to the seemingly illogical situation where physicians fees are increasing at a lesser rate than the Consumer Price Index, but their incomes continue to grow faster than the CPI. For the 99 percent of the physicians who do not go out of the program, the reimbursement method is based upon a fee schedule negotiated between the Province and the provincial medical association.[123] Often, the fees have been "leveled up", or hiked and passed off as "customary". In addition, physicians fees have traditionally been based on the principle that doctors must collect more from those able to pay because a certain percentage of patients ended up as bad debts.[124] Under Canadian Medicare, however, there are no bad debts, or collection expenditures.[125]

In evaluating the success of a nation's attempt to meet the health needs of its citizenry, three major factors must be considered. The patients' coverage must be comprehensive enough so that barriers to all types of health care will be removed. The compensation for those who administer the care must be high enough to provide for the best possible care. Finally, the cost of the health care must be low enough to provide the nation with remaining resources adequate to meet its other needs.

The Canadian Health Insurance Program provides far superior coverage in almost every category, and does so to a far greater portion of its population than the U.S. Physicians are compensated well enough for 98 percent of them to desire to remain with the plan, and for a doubling of the former number of physicians and surgeons who desired to immigrate to Canada.[126] Canadian expenditures on health care have stabilized to the point where Canadians actually spent a lower share of their GNP on health in 1976 than in 1971—7.1 percent as opposed to 7.3 percent. By contrast, health expenditures in the United States have soared from 7.6 percent of GNP in 1971 to 8.6 percent of GNP in 1976.[127]

It is indeed curious, in short, that there has been so little consideration of a health care program that is so much more successful than ours. From the perspective of a country where the average person's health bill grew from $78 in 1950, and $142 in 1960, to $547 in 1975; where health spending is over 10 times the spending of 25 years ago; and where over 75 percent of the poor have no hospital insurance, Canada's health insurance program should appear very attractive.[128] Canada's approach is not one of state or socialized medicine, but rather one of state sponsored health insurance.

FOOTNOTES

[113] Ibid, p. 7.
[114] Ibid.
[115] Marmor, p. 18.
[116] Ibid.
[117] Ibid.
[118] Ibid.
[119] Ways & Means, p. 318.
[120] Ibid.
[121] Ibid, p. 317.
[122] Ibid.
[123] CRS, p. 6.
[124] Harry Nelson.
[125] Marmor, p. 19.
[126] Ways & Means, p. 317.
[127] Marmor, p. 21.
[128] Ways & Means, pp. 6–7, 70–71.●

"LOATHE-HATE" RELATIONSHIP

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. CHARLES WILSON of Texas. Mr. Speaker, as my colleagues are quite aware, OSHA and I have had a long-running "loathe-hate" relationship. Letters from constituents, such as the following, serve to reenforce my opinion of OSHA as an agency which specializes in the astonishing, absurd, and disgusting.

I respectfully submit the following for my colleagues' attention:

May 17, 1978.

DEAR CHARLIE: Bravo on your taking on the OSHA, or the "Oh, Pshaw" as I sometimes call them. My wife, who is a Industrial Nurse, came home with a funny story the other day about OSHA making her employer build a catwalk. The employees wouldn't use it, but next time the OSHA inspector came around he fell off it while inspecting it. The next day, three OSHA people came to inspect the site of the accident, but one female OSHA person was wearing pants too tight for her to get up to the catwalk unassisted. I've been trying to get Lois to write an eye-witness account of it so I can send it to you; I'll keep trying.

Regards,

BASIL BARBEE.●

RICHARD L. STROUT, JOURNALIST

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. BRADEMAS. Mr. Speaker, last month a special Pulitzer Prize was awarded to Richard L. Strout for his long career as a dedicated journalist. Like many of us, I have for many years read Mr. Strout under his own name in the Christian Science Monitor and as TRB in the New Republic.

Perhaps Mr. Strout described the latter association best in his own words when at the end of his TRB column of March 18, 1978, he wrote:

Oh, and I almost forgot—this is an anniversary. Thirty-five years ago this month this reporter became TRB, marking some kind of record, I imagine, for continuity.

Those of us who read Richard Strout—and TRB—know his writing to be marked by wit, integrity, and a dedication to justice.

Mr. Speaker, on March 14, 1978, Mr. Strout celebrated his 80th birthday. I draw to the attention of my colleagues a number of articles that appeared in tribute to him on that occasion. The articles follow:

[From the Washington Star, March 12, 1978]

RICHARD LEE STROUT: ANY REGRETS? HELL NO!

(By Boris Weintraub)

On a day back in 1921, Richard Lee Strout, a young reporter for the Christian Science Monitor came to Washington for the first time to do some research on a series he was writing about a raging strike of coal miners.

Now it is 1978—57 years later, for those who count slowly—and there is a raging strike of coal miners going, and Richard Lee Strout is still here writing for the Christian Science Monitor. He may hate the term "dean of the Washington press corps"—"What the hell does that mean, anyway?" he asks, and he says that he is "surprised to find how many people mistake longevity for profundity." But it is, nonetheless, a remarkable achievement to remain as active as Richard L. Strout has for so many years and never, not once, lose his enthusiasm for his work.

"Oh, gee, that was wonderful!" he will say as he recalls some reporting experience from 30 or 40 or 50 years ago. "Oh, geez, that was a lot of fun."

MARCH 14, 1978: EIGHTIETH BIRTHDAY

Richard L. Strout will be 80 years old Tuesday. He will pay the occasion as little mind as he can. He will still come to work, sit down at an ancient rolltop desk in his office that may be as old as he is, pore over some report from a government agency or attend a press conference or conduct an interview, and then he will probably write a piece for the Monitor in which he reports something that everybody else in the massive Washington press corps of today has, somehow or other, missed. (James Reston has said that Strout "must have an extra gland, because he still runs around like a kid.")

The next day, he will not write for the Monitor but for the New Republic, and, thus, will take part in marking yet another anniversary. It is 35 years since Strout replaced Kenneth Crawford as the author of the New Republic's most famous column. Among all his other achievements, Richard L. Strout is "TRB."

THE EARLY YEARS

Actually, Strout has not been in Washington continuously since that 1921 visit, during which he tagged along with Cora Rigby, then chief of the Monitor's Washington bureau, to a presidential press conference conducted by Warren G. Harding, the first of the 11 presidents he has covered. He returned to Boston and worked there until Christmas week in 1924, when he was assigned to the Washington bureau. He and his bride piled their belongings into a Model T Ford and drove here as fast as they could, making the journey in three days.

At the time, Strout was earning $60 a week, and considered it a decent salary. After all, back during that 1921 visit, he had written home worriedly:

"I am paying $2 a night for my room. Things are very expensive down here."

Lovely recollections like these have been sprinkled like little jewels in a series Strout has been writing for the Monitor at the rate of once a month under the heading "Richard L. Strout Recalls America." The series, which will be expanded into a book, began with him describing how he shipped out for England in 1919 as a messman which led to his first newspaper job, on the Sheffield Independent.

By that time, he already had accumulated some experience in the world. After graduation from Harvard, he had joined the Army, fired with Wilsonian zeal to "make the world safe for democracy."

"But they called the war off before I had paid for my unifrom," he says now with a gleam in his eyes, which are barely visible under a pair of eyebrows of John L. Lewis proportions.

Strout spent two years in England, spent a brief spell in Ireland reporting on the troubles there, and then returned to an America he found completely changed from the way he had left it.

"I had culture shock when I came back," he says. "When I left, we were all talking about making the world safe, about creating the League of Nations, and so on. When I returned, isolationism was coming in a mighty wave, and the League was forgotten.

"I was looking for my foundations, so I went back to Boston, which then had 10 distinct daily newspapers. I applied at several papers, and got a job on the Post: a tawdry, exciting, sensational paper. My job was to get pictures of women who had just been run over by a truck, that sort of thing."

Strout held the job at the Post for only a few days—during which time the paper reported in a front page story the selection of a jury to try a fish peddler and a cobbler named Nicola Sacco and Bartolomeo Vanzetti on murder charges—before the Monitor beckoned with another job offer.

"They gave me a job, and I've been with the paper ever since," he says.

FIVE DECADES COVERING WASHINGTON

The Teapot Dome scandal was in full flower by the time Strout came to Washington, and he covered some of the Senate's investigation in the Senate Caucus Room. Years later, he returned to the same room to cover the Senate's investigation into another scandal then in full flower, called Watergate. Nothing had changed, he reported, except for the presence of the hot lights of television, and the fact that this later scandal was worse.

"It was a special kind of corruption without greed," he wrote in a TRB column. "No sex, no dollars. Just power. It doesn't strike at oil leases, it strikes at democracy."

Hardly any major story of the past five decades has escaped Strout's keen eye. The Depression, the bonus marches, the New Deal, World War II, McCarthyism—predictably, Sen. Joseph R. McCarthy attacked him for leftist tendencies—the Kennedy Camelot, the Johnson Great Society, on and on. He found himself in an abandoned building on Pennsylvania. Avenue with a group of bonus marchers when Gen. Douglas MacArthur moved to oust them, and had a frontrow seat at the riots which the ouster inspired. On Pearl Harbor day, he went to the White House, and "stood on the South Portico watching the isolationist senators go in gloomily to see the president." He was on a ship speeding toward France on D–Day, with a military stenographer assigned to him "to take down my every thought." He has rarely not been in the right place at the right time.

And he has written about what he has seen or read or heard with a vivid style that sometimes rambles but always makes the reader understand that what he is writing about really, truly matters. Here, for example, is the beginning of one of the "Recalls" series, called"A Time of Demagogues":

"It is March, 1934. I am sitting in the press gallery of the United States Senate. Franklin D. Roosevelt has been president for two years. A senator gets the floor; he seems ordinary, but why does he wear that bright pink shirt? He looks guideless at first and then formidable, with rubbery pink face and pop eyes and an ingratiating grin like the caricature of a cherub. He smirks up at the press gallery.

"It is Huey Long, the Kingfish. His language has a swaggering informality (though when he chooses, he can speak conventionally and eloquently). Every colloquial 'y'all and 'ain't' pokes fun at the Senate establishment. He torments slow-moving leader Joseph T. Robinson like a matador with a bull. Gallery crowds love it; senators hate it. Franklin Roosevelt is rumored to have called him one of the two most dangerous men in America; the other . . . ? Well, the story goes he mentioned Gen. Douglas MacArthur, the man who ousted the bonus army."

Who among us with the slightest interest in American history could fail to read on?

RICHARD L. STROUT IS "TRB"

It was in 1943 that Kenneth Crawford and the New Republic came to a parting of the ways, and Strout, who had been helping raise his five children by free-lancing everywhere he could, was offered the TRB column. At first, he was dubious, but Crawford assured him, he says, that it was easy.

"All you have to do is get mad at someone every week and spit in their eye," he says Crawford told him.

The column, which took its name from an editor's reversal of the letters of a passing New York BRT subway train, has been a fixture in the magazine throughout the magazine's stormy history, its ups and downs and changes of ownership and changes in editorship. None of this bothers Strout much; he just keeps sending in the column every week.

There have been some changes recently. In the interest of truth-in-journalism, the column's author is now identified in the 60 or so papers (including The Star) which carry it. "That makes it harder," he says, "because I used to be able to just dash it off and nobody knew who wrote it. Now I've got to be more careful."

The column, like much of his regular reporting for the Monitor, bears the stamp of the never-ending Strout curiosity. He has what another syndicated Washington columnist calls "a remarkable ability to keep the focus on issues that the rest of us let slide, and keep coming back to them from time to time." For example, he is utterly fascinated by the Malthusian questions of food supply and population growth, considering these the basic questions.

He is troubled by what he sees as the problems in the American system, problems which seem to be multiplying. "What a clumsy form of government we have!" he exclaims, and he frets over a national failure of will to act on energy matters, the decline of a responsible two-party system, the inordinately long and preposterously constructed system by which Americans choose a president.

These things come so gradually, you don't see them," he complains. "And if anybody says we should look ahead, he is criticized for being an apostle of doom." He thinks we would be better served by a parliamentary form of government, but doubts that the change will ever be made.

Still, he says, "this is the most open capital city in the world.

"If you really want to find out something, you can always find some little man at the other end of a telephone line who will tell you."

He feels that the press has improved over the years he has been in Washington, has become more responsible; yet, he worries that the press has so much freedom that it has to be careful not to abuse it.

NO REGRETS

In June of 1929, Strout purchased Ticket No. 1 on a preview offering of the first transcontinental air service open to the public. It was actually a combination of train and air service; the plane, a 10-passenger Ford trimotor, flew by day, at about 110 miles an hour, making stops every 250 miles or so to refuel, and the passengers switched to trains at night, moving into the comfort and security of a Pullman.

Strout wrote about the experience in one of his recollection pieces last year, and it contains a characteristic combination of zest at the sheer joy of the experience and a searching look at its implications.

"The cabins (of the plane) are ventilated by sliding the windows at each seat," he wrote. "'Big,' I write. 'Impressive.' 'Immense.' Yes, it's 50 feet long and 79 feet along the wings. TWA's present Boeing 747 is 231 feet long, has a 176-feet wingspan and carries 363 passengers . . .

"Our generation produced all these new toys: radio, sound pictures, television, and now we are shrinking America."

"My story is that of a typical Washington reporter," says Richard L. Strout today. "I've just been doing it longer than others. If you have a lifetime to live and you like what you're doing, why not continue, as long as you're still getting paid for it?

"I always wanted to be a newspaperman, and after a couple of trips here, I knew this was where I wanted to be."

There are no regrets, then, he is asked.

"Oh, hell, no!" Richard L. Strout thunders in reply. The very idea is incomprehensible to him.

[From The Washington Post, March 15, 1978]

RICHARD STROUT: THE OLD HAND AT 80 WEEK AFTER WEEK, A FINE EDGE OF OUTRAGE

(By Michael Kernan)

The trouble with being 80 years old is that everyone always wants you to talk about the past, when the thing you need most urgently to talk about is the present and, maybe even more, the future.

Old Washington Hand Richard L. Strout had his 80th birthday yesterday, and the people at the New Republic were waiting for him, standing in a ring around a table loaded with petit fours, strawberries and champagne.

Since 1943, Strout has been writing the TRB column, which appears inside the front cover every week. And that isn't even his main job. He's been a reporter for the Christian Science Monitor since 1921, starting in Boston.

At last he appeared, and everybody clapped, and editor Martin Peretz connected him to a plastic glass of the better champagne, and he lounged in the door, tall and trim in his dark blue suit and drawled:

"This is my second surprise party today . . . I have one more to go."

(Before he got there, the phone rang, and because it had been arranged for Vice President Mondale to call in his congratulations, the New Republic's dean, John Osborne, took the call. The voice at the other end was singing "Happy Birthday," and Osborne kept trying to break in, "But Mr. Vice President—" until he realized he was being hoaxed by staffer Ken Bode from another room. He hung up with an oath, to general hilarity. Later, President Carter himself phoned "and had some very nice things to say.")

They gave Strout a pair of oval gold cuff links engraved "TRB." The initials, a house pseudonym, are supposed to be an editor's inspiration upon glancing at a New York BRT subway car. Evidently, the editor was standing on his head at the time.

PASSIONATE CONCERNS ABOUT THIS COUNTRY

Then the guest said a few words, which neatly summarized an interview earlier that morning, when he expressed his passionate concerns about this country.

"We have a clumsy form of government," he said then. "We deserve a better one. You see it in various ways: We elect a president first, and then find out who he is. There's been a national failure of nerve, of will power, over the energy problem. We can't seem to make ourselves do what we have to do. I don't want to be too pessimistic, but the last 30 years have seen a decline in American preeminence."

He quoted Alvin Hansen, one of his favorite professors at Harvard (class of '19), who in 1945 wrote confidently that Americans "can undersell any competition in autos, radios, typewriters, etc."

"Now look at us," Strout said. "In 1945 we couldn't believe we'd have all this foreign competition. We couldn't believe we could ever lose a war. Well, we've lost a war. We've had a faithless president. . . ."

Ten years from now, he added, our Constitution will have its bicentennial, and maybe it's time we took a hard look at it. Do we really still need a guarantee that citizens won't have to quarter troops in their homes?

And this business of requiring a two-thirds vote on foreign treaties: "Can you imagine how I felt, coming back from fighting a war to make the world safe for democracy, to see the League of Nations lose out in Congress? At least three out of four senators wanted one sort of league or another, but they couldn't agree on which one, so it lost."

Maybe, he mused, we should study the Canadian parliamentary system.

He is regarding the Federalist Papers on treaties. He finds Jay and Hamilton, who wrote their pieces 190 years ago after all, poignantly out of touch with the needs of today's industrial nation and its global responsibilities.

"At the moment it seems that five people will decide the Panama treaty issue. The lobbying, the promises . . . it was Christmas yesterday on the Hill."

He has seen a lot of lobbying in his 55 years in Washington. It used to be the farmers who had the most powerful lobby. He doesn't expect the technique to go away.

He worries about the seesaw of power between president and Congress, notes that when Congress grabs the reins it never seems to do much with them and soon gives way to the executive branch again. He recalls George Reedy's 1970 warning about the specter of a Man on Horseback.

"I don't feel we learned a thing from Watergate," he said.

He mourns the "dangerous decline" in party strength, the weakening of the two-party system, the disaffection of voters and especially the failure of blacks to organize their voting power as they might.

"Also, I see a failure in the national nerve on this question of illegal immigrants, Mexico City is on the way to becoming the biggest city in the world. We have a million illegal immigrants a year coming in, taking jobs—mainly from black people—and we don't know how to deal with it."

In fact, the whole problem of world population growth has bothered him for years. It is a theme that runs through many of his TRB columns like a vibrant bass note of doom.

IMAGINATION IS THE DIFFERENCE

Someone wanted to know how he kept that fine edge of outrage in the column, week after week.

"It's not so much anger," he said. "I'm a reformer, and I see injustice—well, what it really is, is a lack of imagination. Imagination is the difference between a liberal and a conservative."

This morning, free at last from the surprise parties, the presents on his desk, the interviews by other reporters, he would go back to work. Perhaps would lope over to the National Press Club for a Richard Strout Salad (cottage cheese), or eat a liverwurst sandwich at his roll-top desk. And would go home to the big house on Foxhall Road, so quiet now without the five children or the 10 grandchildren. A widower for eight years after his first wife died, he married again in 1939.

With a noon deadline, he says he doesn't get in as much legwork as he would like, but you'd never know that from his incisive, balanced and always readable copy.

"I've been rummaging through a lot of my old stories for a book of reminiscences I'm doing. And you know, I used to say we reporters write on water, but now I see that we write on paper. Which crumbles."

[From the Christian Science Monitor, Mar. 16, 1978]

"MR. CARTER CALLING MR. STROUT"

(By a staff correspondent)

In his capacity as Washington correspondent for The Christian Science Monitor, Richard L. Strout has been contacting U.S. presidents since the days of President Harding in the 1920s.

This week a President turned the tables. President Carter telephoned Mr. Strout March 14 to honor the veteran journalist on his 80th birthday.

It was all part of the unusual attention this city has focused on Mr. Strout in recognition of his journalistic accomplishments. He has been a Monitor correspondent for 57 years.

To mark the occasion the Washington Star and Washington Post carried stories and photographs of the Monitor veteran, who also writes the weekly TRB column in the New Republic.

A reporter and photographer were present at a party in the Monitor's Washington bureau when the Carter call came through. The President spoke highly of Mr. Strout and said he was a regular reader of Strout stories. Mr. Strout said he was very much moved by the call.

Earlier in the day Mr. Strout was honored at a Monitor newsmaking breakfast group, of which he has been a regular since its inception in the 1960s.

Later in the week he was to be a guest on the Washington-produced TV talk show "Panorama," which is shown in several other U.S. cities.

[From The New Republic, March 18, 1978]

TRB AT EIGHTY—OUR OWN GREY EMINENCE

(By Carroll Kilpatrick)

More than a half century ago a young and eager newspaperman arrived in Washington. At about this time Bruce Bliven, then editor of The New Republic, was taking one of his weekly subway rides from his office in Manhattan (where TNR was then published) to Brooklyn to deliver copy to the printer. Bliven had in his pocket a new political column from Frank R. Kent, a Washington correspondent of The Baltimore Sun. The column was to be anonymous and Bliven had puzzled over how to sign it. As he rode the lurching train and pondered his problem, his eyes fell on a placard bearing the subway name—BRT, for Brooklyn Rapid Transit. Bliven reversed the initials and signed the new column TRB. It has been a fixture in this journal ever since. Today it is one of the most widely read and respected columns of opinion in America, and is reprinted in 60 newspapers.

Frank Kent was a fighting liberal in those days. After all, he fought Prohibition and he regularly attacked Calvin Coolidge. He was a slashing writer who believed that nearly all government was bad and all bureaucrats were miserable sinners. When Franklin Roosevelt reached Washington, Kent, in the Sun, became one of the New Deal's most acid critics, as might be expected of a good friend of Henry Mencken.

Other writers also were called in to contribute the TRB column. Kenneth Crawford, later a columnist for Newsweek, was one of the notable contributors in the late 1930s and early 1940s. Then, in 1943, the young man who had left New England for Washington about the time Bliven launched the column tried his hand. It has been his ever since, except for times off for vacation, for travel and for covering the Normandy invasion.

EIGHTY YEARS YOUNG

Every editor knows that the enthusiasm and imagination of youth make a newspaper or magazine sparkle. Richard L. Strout, who writes TRB every week on long sheets of white paper, is that youthful person. His long legs propel him about Washington every day with a speed that many of his colleagues find exhausting. Few can match his ability to digest masses of government documents and to see through every false argument. There is a report, obviously false, that Dick Strout is eighty years old this month. As the Duke of Wellington, standing in full dress uniform, said when someone addressed him as Mr. Smith: "Sir, anyone who believes that will believe anything." If Dick Strout has one outstanding characteristic it is his youthfulness. His enthusiasm for life and for the drama of Washington politics is as alive as it was the day he came to the city the first time. Just last month, in the issue of February 25, he wrote one of his sprightliest columns on, of all things, the statistics he, and he alone, dug out of the President's economic report.

"There's nothing more agreeable on a winter evening than to curl up before a good fire with the tables of statistics of the President's Annual Economic Report," the column began. "Let the gale howl. Let the snow fall. I have here Table B–28." That beginning might have sent many of his readers out into the snow for a breath of fresh air. But, knowing TRB, the majority must have kept on reading. There followed a dramatic and entertaining interpretation of those figures in human terms. Dick Strout did not see the dull statistics. He saw the human beings, the farmers, the workers, the blacks, the women, whose biographies were encompassed in those figures. He found sex, humor, sadness and hope in what he read. Did any other reporter find so much and report it with such style?

WISE ADVICE

One day early in the Nixon administration, John Ehrlichman invited Strout to his office to ask for advice. Ehrlichman is a Christian Scientist who had come to appreciate Strout's factual reporting in The Christian Science Monitor. Strout has been working for the Monitor since 1921 and has been a member of its Washington bureau since 1923. He is a reporter on the Monitor, a commentator in The New Republic. Perhaps Ehrlichman did not know of the second Strout. He asked his gangling visitor with the somber eyes and bushy eyebrows what he thought the Nixon administration should make its first goal. Why, to build the kind of social democracy and equality that one finds, for example, in Sweden, Strout replied, confidently. Needless to say, the interview was short and it was the only time the Nixon administration sought Strout's advice.

Later, when he was covering Watergate, other reporters asked Strout how it compared with Teapot Dome, his first big Washington story. During both investigations, Strout wrote, many readers charged that the press was "carrying things too far." Many voters, he said, "shrugged and said both parties were alike and it was all just politics." But there was a crucial difference between the two scandals, he said in one TRB column. Watergate was "more disturbing and dangerous" than Teapot Dome because it was "a special kind of corruption without greed. No sex, no dollars. Just power. It doesn't strike at oil leases, it strikes at democracy." Unlike some who have seen the same sort of argument or event time and again Strout is never blase about the story he is covering. He sees the drama every time and reports it in a way that makes it come alive to the reader.

CONCERNS ABOUT OUR POLITICAL SYSTEM

Long before Johnson and Nixon, Strout expressed concern about the growth of presidential power. As he once said, "there's a feeling that once you sleep in Lincoln's bed, you become deified. It's a dangerous thing." He is convinced that the presidential system is structurally muscle-bound, and he has long believed that the parliamentary system is both more effective and more responsive to the people's needs. No amount of argument has swayed him from that conviction, nor has he been pursuaded that it is idle to think the United States will move from the presidential to the parliamentary system.

Another campaign of his that failed was against the televising of presidential news conferences. In 1954, when parts of the Eisenhower conference first were opened for television, Strout wrote an unusual signed article for *The New Republic*, arguing that verbatim recording of a press conference "turns what has been an extremely handy, carefully evolved, semiofficial and unique contrivance into a theatrical performance. The press conference becomes a show. Its informal, easy-

going nature is changed into a self-conscious half-hour broadcast." He argued that the informal mood that helped make it possible to pry out information would be lost "if each reporter knows that his boss, the world and his wife will listen to what he is about to say." Now there are as many prima donnas in the press as in the United States Senate. But to argue against television's intrusion was to try to turn back the tide.

Nevertheless, Strout was right about what television would do to press conferences and to the press. Some of FDR's press conferences lasted five or ten minutes, some forty-five minutes or an hour, depending upon the questions and the news developments of the week. Now a presidential conference must fit into television's rigid schedule and appearances often are more important than substance. On television, a President's every word is guarded; informality and give-and-take are held to a minimum, as Strout feared. Even in the Senate debate has degenerated because a Senator would rather use his oratorical skills to obtain a half minute on television than to explore an issue in floor debate. "The communicating medium is television, not the ornate Senate chamber," Strout has written.

STRONG CONVICTION

Where some writers make a complex subject more complex and even dull, Strout with his marvelous light touch and clarity engages the reader's attention. The reader quickly senses Strout's sturdy principles. His convictions have never led him to color a news story. But these convictions are strongly expressed in TRB. Today there is no more respected writer in Washington, none with more warm friends. His views have never been more pertinent or more up to date than now.●

SALUTE TO BOB HOPE

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 1978

● Mr. WINN. Mr. Speaker, as I listened last week to my colleagues extoll the many virtues of Bob Hope, it occurred to me that probably no other event, except for possibly our Nation's Centennial and Bicentennial celebrations, had brought so much love and good will to this city and to the Nation.

Our city reveled in the glory of Bob Hope's sparkle for nearly 3 days. His was the only "show" in town, and it united people of all political persuasions in a way that only someone with his talent and genius could do.

Who else but Bob Hope could draw so many celebrities to our town? Who else could receive so many glowing words of tribute within such a short time from the President of the United States and no less than 80 Members of Congress? And who else could do it as gracefully?

In my memory, no other individual has been as widely hailed. As I reread the RECORD for last Thursday, certain words and phrases kept popping up. Words like "great humanitarian," "talented entertainer," "master of mirth," "dedicated American," and "distinguished citizen" were used over and over to describe the man who in his own inimitable way brought laughter, love, joy, and even some tears to people all around the globe.

Only man is endowed with the power of laughter. It is perhaps the most useful and important exercise we can engage in, and Bob Hope understands that.

We have laughed with him. We have laughed at him. But most of all, with his guidance, we have learned to laugh at ourselves. From him, we have learned that laughter is the best medicine in life.

The French writer and moralist, La Rochefoucauld said: "Hope, deceitful as it is, serves at least to lead us to the end of life along an agreeable road." Bob Hope has, indeed, led each of us along a very agreeable road.

Therefore, I want to join my colleagues in saluting Bob Hope's 75th birthday. Having met him on several occasions, I have come to believe we owe him a very special thanks—a thanks for letting the American public share in his celebration.●

CANCER AND THE CONGRESS

HON. TOM HAGEDORN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. HAGEDORN. Mr. Speaker, the U.S. Department of Agriculture, by sharply limiting the use of nitrites and nitrates in bacon and other cured meat products, is currently causing substantial disruption in this country's meat industry. The Department has argued that these substances, traditionally used to inhibit botulism growth, may cause cancer in test rats if ingested in sufficient amounts.

Rather than continuing to deal on an ad hoc basis with saccharin, cyclamates, bacon, food dyes, and whatever else the "disaster lobby" at USDA and FDA decide to ban, it is clear that a reassessment of the so-called Delaney clause of the Food and Drug Act is in order.

I would like to call to the attention of this body the recent remarks of our colleague, Representative JIM MARTIN, in an interview by Chemical Times & Trends magazine. His observations on the Delaney clause, and on Congress responsibilities in the area of cancer prevention are extremely interesting and provocative:

CANCER AND THE CONGRESS

Congressman Martin, you attracted considerable attention last year for opposing the FDA ban on saccharin. Your bill, H.R. 5166, requiring a risk-benefit assessment before the Agency could ban suspect substances, won a record number of co-sponsors for any bill in the history of the Congress. How do you view the events of the last few months?

Of course, since that legislation was introduced, we have proceeded to buy a little time by passing legislation which prohibits the FDA from enforcing its regulation to ban saccharin for 18 months. During that time, the National Academy of Sciences has been conducting a study to do two things which are related to my bill: to determine how to translate animal studies to human risk; and to estimate the benefits of saccharin. At the end of that time period, Congress will have to decide whether a little more time will be necessary or whether we will then be in a position to revise the food additive law. I am fairly optimistic about that.

Do you think that your bill in particular may have drawn a good deal of public attention to the risk-benefit consideration?

The credit has to go to saccharin. Long before FDA proposed to ban saccharin, I knew that the Delaney Clause was not a scientifically sound regulatory principle. But I wasn't about to challenge it, because everyone who did had been subjected to severe intimidation and accusations of being "in favor of a little bit of cancer." The bill that I drafted could not have happened without saccharin.

Now, risk-benefit comparisons have been used in evaluating drugs and various other safety questions, such as the operation of airplanes. It is a question of balancing the risks and benefits. Yet that principle had not been applied to food additives and could not be as long as the Delaney Clause was in effect. But saccharin turned that around.

Does the Congress have a responsibility to the public to set a unified government policy on the carcinogen question?

The Congress will have to be involved if we are to get a reasonable and uniform regulatory policy relating to carcinogens.

Hasn't Congress abdicated responsibility on this hot issue to the Occupational Safety and Health Administration, which is leading other regulatory agencies to develop a uniform generic program that many people feel is neither quantitatively nor qualitatively scientific?

Exactly. That is the reason why I say if we are going to have a reasonable regulatory policy, Congress is going to have to get involved in it. I don't believe it is going to be possible just on the basis of scientific argument to turn OSHA around, because they don't care about the scientific principles involved.

Let me mention that in addition to OSHA, you also have the Environmental Protection Agency, the Food and Drug Administration, with its responsibility for things other than food additives, and the Consumer Product Safety Commission. Those four have agreed in principle that they will try to work out a uniform policy. But unless Congress gets involved, I am afraid it is going to be a destructive policy so far as our economy and our productivity is concerned.

What do you think it would take to get the Congress involved?

First of all, you have got to get its attention. Saccharin is not a profound question, but it got attention because the risk is so remote and the benefits to 50 million or so people who use it are so great that Congress has to pay attention.

Now, there is another issue developing that could be just as potent—the banning of hair color on the grounds that when rats are treated, not by rubbing their fur with hair color ingredients but by feeding them an equivalent of, let's say, a human drinking 25 bottles a day, they developed tumors. There again, how real a risk is that for humans? Surely some of these ingredients must be absorbed through the scalp. But how much? How big a risk is it? If it is a severe risk, we would want to be concerned about it and eliminate those ingredients. But if it is a remote risk, I don't think you should even create any anxiety about it. Government does not need to busy itself by banning risks that are so remote as to be well within the range of the normally accepted risks of living.

By the time that the saccharin issue comes up again, many of the generic programs will already be operative. Consequently, many more substances are likely to be banned in the near future—without risk-benefit considerations. Eventually, the public will see the impact and react, but do things have to go that far before Congress gets involved?

Unless interest is clearly expressed by the public, more than likely the Congress will stay out of it.

Why?

Because most members don't understand the scientific questions that are involved.

So you are saying that certain things will have to be banned and the public will have to feel it first.

No, they must be proposed for banning. I don't think you have to wait until the public is actually deprived. That was not the case with saccharin. Rather, the regulation was proposed and immediately, before any harm was done, the Juvenile Diabetes Foundation, the American Diabetes Association, the soft drink manufacturers, the Weight Watchers, other weight control organizations, geriatric physicians, the medical societies, even the American Cancer Society, said that there was not a good case for banning saccharin. They all opposed it. They protested before saccharin products could be removed from the market. So I am saying the proposal has to be clearly understood; then consumers need to respond to that—producers and consumers, but mainly consumers. Because when consumers say, "We don't want to be deprived of this substance on such trivial evidence," then Congress will have the backbone to get involved.

But isn't the problem different with the generic plan? It seems that the issue is much larger and much more complex. If dozens of substances are involved in one action that would affect thousands of products, isn't it unlikely that the public will understand the ramifications until products disappear from shelves and the productivity and economic losses of which you spoke earlier are historical facts? Isn't it a different problem, needing a vastly different answer?

Well, part of the answer is that industries which see the impact must find a way to educate Congress to at least be aware of the nature of the problem. I don't mean pressure. I mean education—what the impact will be if this program goes into effect. Many industries will suffer disastrous impacts: the textile industry, the chemical industry, the agricultural industry, the plastics industry. The generic program will have widespread ramifications. Industry must speak up.

But at the same time industry must say to members of Congress that there is also a need for a more forceful regulatory policy aimed at controlling exposure in our plants to substances that are serious risks.

What about science as advocacy? It seems that American research has become more "politics" than "science."

Legislation that impacts on science is all political. Research in the laboratory is organized by individual researchers and is only political insofar as local academic politics are concerned. Scientific regulation has become almost entirely political. It is overdue for scientists to speak up and express themselves about scientific principles that are being incorporated into regulatory law and to discuss the relative merits and demerits of some of these principles. I am pleased that the president of the National Academy of Sciences has done so, as has the editor of *Science*.

But, in general, wouldn't you agree that most scientists have not come out of their closets?

Few scientists have stepped forward as aggressively as they must to help educate government representatives on these kinds of questions. We have the saccharin issue. We have the hair color issue. We have the fluorocarbon question, which has not gotten the attention of most members of Congress. Certainly, if agencies start banning textiles and closing chemical plants, that will get the attention of the members of Congress. But it is vital for scientists to help explain the meaning of these controversies. For example, the basic principle of the Delaney Clause is that the public must be protected to a "zero level" of risk—an absolute safety precaution. Scientists need to help explain to politicians that this is an impossible goal and a needless goal.

A key concern right now with OSHA's generic program is exactly that—it presumes there is no safe level of exposure to a known carcinogen. As a scientist, how would you change the generic prposal to make it a workable plan?

As a matter of fact, when I testify at the OSHA hearings in May I will be opposing their program and offering what I think is a more sensible generic alternative. I would characterize the OSHA proposal as the kind of thing designed by skillful attorneys rather than skillful scientists. It is an ingenious legal device, but it is irrational insofar as its science is concerned. Now let me explain what I would do and how it fits into the OSHA generic classification scheme.

I think that the first step in a regulatory policy is to screen chemicals to determine which of them have any evidence associated with cancer and which do not. That, as a matter of fact, is the principal purpose of the generic classification scheme as proposed by OSHA and CPSC—to determine if the substance under any circumstances is a carcinogen. Then you can focus regulatory attention on those substances that are suspect. The important premise is that the process should not stop there with bans imposed on all substances that flunk the test. OSHA proposes to do exactly that. In my view, that is not a sound scientific approach.

A second step is needed to determine the relative potency of each substance. Is it a remote potency or a very hot carcinogen, like aflatoxin, benzpryrene, B-naphthylamine, and so forth; or is it remote like saccharin or perhaps sucrose or others, which, if they are at all carcinogenic, are extremely remotely so? This assessment reveals which ones should have regulatory priority. Those that are very potent need an aggressive response through steps three and four.

The third step determines, on the basis of potency and the actual human exposure, how great the risk is to humans. If it is absorbed through the scalp, how much? This, for instance, can be done with radioactive traces telling you how much is absorbed into the bloodstream, how much is passed through the urine and in what form. So if they are very potent carcinogens, or even moderately potent, how much is actually absorbed into the system and, therefore, what is the normal exposure of humans, including specific high exposure groups that work with the substance? On the basis of exposure data you estimate the risk.

The fourth step is the crucial one. You compare that degree of risk with other ordinary risks—for example, the risk of sitting beside a concrete wall, living in a house that has wood construction and has chips and wallboard, the radiation exposure to television sets and other household devices, and even sun bathing or the risk of drowning while fishing. Put the risks in perspective and see if the risk associated with this substance is well within those ordinarily acceptable risks or whether it is a more dangerous risk.

What if the risk is, say, one in a million?

That is about the lower limit of where you apply some limitation. If it is a trivial risk, then I would say don't do anything more about it. It really is not going to protect the public by getting them anxious about natural trace carcinogens in natural foods and their natural environment, and it certainly won't reduce the number of cancer deaths to ban a substance that has trivial risk. Therefore, don't worry about it. If we believe animal tests, you have to believe that anxiety increases your risk of cancer.

Anxiety? What do the tests show?

Even spinning the animals on turntables disorients them and increases their susceptibility to other substances that cause cancer. We are not going to ban figure-skating or merry-go-rounds and so on. What I'm saying is, if it is a relatively low degree risk, don't get people unnecessarily upset about it. If, on the other hand, the risk is significant, considering the potency and the actual exposure, then you need a regulatory mechanism that is based on the comparison of the risks and the benefits. If the risks far outweigh the benefits, then it ought to be banned.

Would there also be standards for setting particular levels of exposure?

Well, yes. But the main thing I want to argue for at this point is the principles that are involved, the four principles, as to decide whether one in a million is the dividing line.

The principles are sound. But doesn't the whole concept of a generic approach negate consideration of single-product uses of a particular chemical?

If you follow the OSHA-type approach, yes, it would. Under my approach, no, it wouldn't. Because what I am saying, as far as step three is concerned, is that you do take into account what the actual human exposure is for the general population. If the way in which people are actually exposed to a substance is such that only parts per trillion get into your system, and if that would lead to a prediction of a remote risk, then take that into account. If, for instance, with a certain pesticide application you find that there is a very great danger if it is mishandled, you need a different kind of regulatory control for that application. Don't ban the entire substance. Compare the risks under each of several regulatory options with the benefits. For example, what is the risk to humans from DDT? Take into account risks to other animals, as well, but principally, what is the risk to humans? And there is just not any evidence that DDT is carcinogenic to humans, because a lot of people have been exposed to quite a lot of it. Take Mirex and the fire ant. How do we trade off fire ants versus whatever risk there is associated with Mirex? If there is a moderate risk, then control the way in which it is used. Give warnings; give limitations on packaging; limit the amount that you can use. If necessary, provide supervision or educational programs on how to use some of these substances in a certain way, based on the comparison of benefits and risks.

So there are four steps. First, is it carcinogenic? Second, if so, how potent is it? Third, based on that potency and the actual exposure, what is the human risk? And fourth, compare the degree of risk and devise an appropriate regulatory mechanism based on those considerations.

So, in short, you support a generic type of approach with risk-benefit considerations as a viable regulatory tool.

I wouldn't reject the generic classification system out of hand, but I would say that once you have made that classification, whether it is Class I, Class II, Class III, don't stop there. Don't ban everything in Class I and half of Class II. Focus your attention instead on the ones that are dangerous. OSHA's classification system is not based on how potent a substance is. It is based on whether you have one or two lines of evidence. That is their generic classification system. If you have two independent experiments that are both positive, even if 10 studies are negative, then it is Class I and you ban it. If you have just one experiment plus a laboratory test tube, like the salmonella mutagen test, then they say that is Class II. The important thing should not be whether it is Class I or II, but how potent it is and how great the exposure.

What about the scientific tests used for making such assessments? Do we have an adequate state of knowledge right now, to test for carcinogens, to predict?

Specialists in toxicology are best qualified to discuss that. I have spent a good bit of

time in sessions with toxicologists, talking with respresentatives of the Society of Toxicology, participating in a seminar that was put on by the International Society for Environmental Toxicology. While there are some individual exceptions, most toxicologists feel that the massive daily overdose mechanism or approach is useful only as a screening device and should not be the basis for regulation. Unfortunately, once that screening test is carried out, if it turns out positive someone moves to ban the substance. With food additives such as saccharin, the FDA has to ban it.

Toxicologists say that once you find a positive massive dose test, you must carry out experiments at other dose levels to find out the dose-response relationship. You must examine metabolic evidence to learn about the mechanism of what is actually taking place. Is it a true chemical carcinogen or is it working through some secondary effect by overloading a defense mechanism in your body that is controlling or protecting you from something else? That very likely is the principal explanation of what is happening with saccharin. It is only when you overload the rat fetus at that massive dose that it develops cancer. Many toxicologists also question whether massive-dose testing on hypersensitive, inbred mice tells you anything about other mice, let alone humans.

You mentioned a moment ago that anxiety increases risk of cancer, increases susceptibility to carcinogens. Should the question of relative anxiety enter in assessments of laboratory test results?

Great care should be taken not to handle the test animals differently from the control animals.

Is cancer increasing? We have varying reports.

It depends on how you measure it. The fairest way to compare today's cancer statistics with a decade ago is to do it on the basis of adjusting for increased life expectancy. In the first place, if people live longer and longer and longer, there is going to be a corresponding increase in incidence of cancer, regardless of what you do with any of these substances. On a life-expectancy or, let's say, "age-adjusted" basis, the incidence of cancer is decreasing. If you look at specific cancers, lung cancer among women is increasing. Just about all others are decreasing, even cancer of the colon, which is one of the highest incidences of cancer. Lung cancer among men is declining. Stomach cancer is declining.

Also, when you hear people say that we need to ban sodium nitrite and we need to ban the antioxidants BHT and BHA because they might be carcinogenic, you must remember that they may also be associated with that reduction in stomach cancer by some preservative effect in protecting you from exposure to the decay products that would be there if these preservatives weren't present.

We commonly hear the statistic that 85 percent of cancer today is caused by environmental factors. How much of this do you believe is actually the result of synthetic chemicals?

Well, in the first place, the best estimates are that about 80 to 90 percent of all human cancers are caused by environmental factors. The next thing that you have to do is understand that 80 to 90 percent of those environmental factors are natural chemicals in natural food. That is, 80 to 90 percent of the environmental factors, all of which cause 80 to 90 percent of all cancers, are natural chemicals. If you take all of the chemicals out of food, there is nothing else there.

That means that something on the order of perhaps three to five percent of the incidence of cancer might be attributable to synthetic or manufactured chemicals. No one makes the argument that it is higher than five percent. Most people who have worked in the area feel it is closer to about three. That doesn't mean that you neglect that three percent, because some of those chemicals will be potent. You examine the potent ones and set aside the ones that are so trivial that they are only a thousandth of a percent of the problem. So that gives you an order of the magnitude of what probably is being caused by synthetic or manufactured chemicals.

What do you include in the category of "natural chemical carcinogens"?

Most of your environmental factors are natural chemicals—chemicals in the food supply, those associated with excessive smoking, overeating of rich foods, overindulgence in alcohol, and so forth. If nitrite is a carcinogen, it is present naturally in your saliva. It is present in green vegetables because it comes from the nutrient in the soil. So banning it in frankfurters is not going to remove your exposure.

Would you say, then, that the regulatory agency priorities are out of line in attempting to focus all agency resources for controlling carcinogens on the three percent that are synthetic chemicals?

I think that is a fair statement, but you must allow for the fact that OSHA, EPA, and CPSC are just developing their new regulatory policies for carcinogens. Now they must make sure that these policies will be sensible, reasonable, balanced, taking all factors into account, and not putting the entire emphasis on industrial chemicals. That, I think, is in agreement with the statement that you made.

What types of factors should be considered in a "reasonable and balanced" program?

Where will it get us? If we think we are going to reduce public exposure to zero by removing any carcinogen that we can find, what will we eat? We would have to remove substances that contain selenium, and selenium is an essential ingredient in the diet, at a very low level. At a high level, it is toxic. But it is essential at an extremely low, detectable level.

Would you remove all traces of aflatoxin and other mycotoxin by-products that are present in all grains and leafy vegetables, and in nuts and fish and tomatoes, etc? Not at a risky, dangerous level. I don't want you to get anxious about that, either. But it is there. It is detectable. It is present.

If you remove BHA and BHT and nitrite, what do you do about the botulism outbreak? It just doesn't make sense. If you are really going to be thorough, you have to ban tryptophan. Tryptophan is an essential amino acid, present in all protein. But it presents evidence of a risk that is on the same order of magnitude as that associated with saccharin. No one is going to ban tryptophan. You can't ban an essential amino acid. If you are going to ban polycylic aromatic hydrocarbons, you are going to have to ban all cooked meat, except maybe some boiled foods.

In your four-step sequence, the first step was, in essence, to determine the carcinogenicity. Somebody has to make that determination. Does the scientific expertise lie within an agency, such as OSHA, to make determinations of that nature? If not, can you suggest how to get such expertise into the government?

That is an interesting consideration. One alternative would be a panel of toxicologists to review the evidence and determine whether it is sufficient or that more evidence is needed. For instance, the panel might say that other kinds of tests with lower primates like monkeys should be carried out before you generalize to man. Toxicologists say, "If the substance is carcinogenic with just one animal—and, as in the case of saccharin, just one sex of just one hypersensitive species—then that is not a carcinogen." They believe that you must show that it is carcinogenic with several different kinds of animals. Especially, you must determine if it causes earlier incidence of tumors in monkeys, a very sensitive test. That is one approach. The political problem of course, is that any such panel of toxicologists will get chewed up by the phobia-merchants. As soon as you have a screening test that shows positive evidence, however remote, the phobia-merchants are going to start screaming about the fact that a thousand people are dying of cancer every day, which is a very distressing fact, and they will somehow try to get people to believe that the remote risk in question is the cause of it all, when in fact it is not the cause of any detectable part of it. A panel of toxicologists would provide the expertise but, politically, it may not be a legislative strategy that would stand up.

You see, what I am saying is if you have any evidence whatsoever that there is an increase in cancer associated with any experiment, then it is worth looking at further. You don't need a panel of toxicologists. But you don't ban it unless you have reason to believe and a basis for showing that it is a serious risk in the way in which people are actually exposed to it. Although it would be debatable, that can be reduced to fairly simple mathematics. I don't mean the kind of mathematics that FDA used in saying saccharin would cause 1,200 additional cancers. They did not use arithmetic. They used imaginary numbers and inflated them.

Should the public have the right to make its own assessment of what risks are unreasonable?

If you have strong evidence that there is a severe risk, deal with it through a straightforward regulatory response. If the public is going to react, let them do it through the political process. The public is not equipped generally to assess the order of risk, so someone must do that and publicize the results. If the evidence is not there, or if the risk is questionable, then tell that to the people and let them make their own choices. If they want to give up fluorocarbons, they can do so. If they want to keep saccharin and hair color, let them. But if there is sound evidence of a serious risk, I don't think you need to throw the substance out there and have people exposing each other to it.

Will there ever in our lifetime be a national prioritizing of health, safety, and environmental dangers based on risk, as you suggested earlier? And who should undertake that priority listing?

I think that is evolving right now. It is taking place under the auspices of OSHA and the Environmental Protection Agency and FDA and the Consumer Product Safety Commission. Congress is really not equipped to judge the quality of that work, but toxicologists are. That is why I go back to what I said earlier. People who are in that field need to speak up. Now, I talked with several toxicologists who will be attending the OSHA hearings. At first they said, "We are tired of talking about it; we are not going to get anywhere." But I think I have persuaded them not only to attend but to speak up and help establish a record about the OSHA proposal. That record, I think, will strengthen the willingness of members of Congress, once their attention is brought to it, to support a more scientifically sound approach to carcinogen regulation, rather than the Delaney type of abolutist approach that OSHA is proposing.

Toxicologists need to say that there is no such thing as an absolute zero risk. They need to say that there is no way to remove all risk. They need to say that a substance that causes cancer only at a massive daily overdose in a two-generation study on just one sex of one species of one animal is not a carcinogen. They need to say that.

But they run the same risk you talked about earlier of getting "chewed up."

I would like to talk about that a little bit. Yes, when they take a professionally responsi-

ble stance against scientific nonsense, they subject themselves to the same kind of attack that I said was intimidating members of Congress, and they too may be intimidated. They may have their laboratories investigated by a series of federal agencies until they shut up and get back in the corner. I am aware of that. But if they will come forward in great numbers, through their professional societies, backing each other up, they can reduce the risk that any one individual has to bear.

How do you react to claims of a sort of "mass hysteria" for total risk-removal at the sake of whatever scientific evidence exists?

I would dispute one word. It is not mass hysteria. It is a very limited group that is over-reacting—a group of people who anoint themselves as advocates for consumers. They are the ones who are trying to push this absolute perfection principle. The mass of people are not getting hysterical about it. Real consumers speaking for themselves did not demand that saccharin be banned. They demanded that the ban be bombed.

What about the General Accounting Office becoming a sort of cannon to the regulatory agencies, urging them to do even more in the area of chemical controls?

The General Accounting Office is a part of the Congress. It is a part of the Legislative Branch. Any chairman of a subcommittee can ask the General Accounting Office to investigate someone. Human nature being what it is, every business, every office—even Congressional offices, by the way—are going to have some mistakes that they have made along the way, and the General Accounting Office can very efficiently expose whatever mistakes they make. But GAO shouldn't be used as a device for intimidating those who speak up.

To what do you attribute the recent barrage of reports from GAO on the performance of the Environmental Protection Agency in administering its special pesticides program; on the FDA and the Department of Agriculture for not having programs adequate to assess the impact of pesticide residues on meats and poultry; on the Department of Transportation for poor pipeline controls; on the CPSC for having weak substantial hazards program?

I can't answer your question. But you as a citizen can ask under the Freedom of Information Act who is requesting these particular investigations and why. Somebody with perhaps an axe to grind may have persuaded a member of Congress to initiate these investigations. It is a very powerful tool. Such investigations should be examined.

What would you put on a list of key Congressional priorities to be resolved in the next two to three years?

Well, number one is an energy policy which balances conservation with increased domestic production. Number two would be restraining the growth of government—not just the regulatory function but government—and providing real jobs for people who are unemployed. How long a list do you want?

It's a good list so far. What do you think of voluntary standards—standards proposed by an industry to regulate itself—self-regulation, where risks are not severe, through groups like ASTM, ANSI?

The problem there is that if industry regulates itself and a mistake is made, the worst possible interpretation is going to be made of that mistake. It leads to the kind of hysteria we have got now. That had its day. That had its place. It was a good-faith effort for a while. But I don't think you are going to be able to avoid a regulatory program dealing with carcinogens and other toxicity problems. Politically that is unavoidable.

What are your perceptions about the chemical industry science in America? Is it responsible? Does it have credibility? Is there integrity?

I think I used the phrase earlier about human nature being what it is, and I have to use that again. Human nature being what it is, there will be cases where people will take shortcuts in industry and will overlook, perhaps conveniently overlook, some evidence that they should have paid more attention to. This will lead to industrial mistakes in the handling of chemicals. Do scientists in the chemical industry have credibility as scientists? With the exception of the groups that I mentioned who have appointed themselves to represent consumers, generally there is a fairly high public regard for industrial scientists. You are distinguishing them from academic governmental scientists; yes. It would help, of course, if chemical companies promoted chemistry again, like the old duPont "Better Things for Better Living" ad.

What is it that makes the governmental system right now so susceptible to this move by, as you called them earlier, a small number of "phobia-merchants"?

I would put it in one sentence, that the fear of the unknown is greater than the fear of the known.

That has always been true, though, hasn't it?

But you asked me what is it that allows a group of people to terrify and manipulate policy. The answer is that they very effectively utilize the fear of the unknown. And they also very effectively use the politics of intimidation.

Why?

I have to assume their goal is what they say it is, and that is to eliminate human exposure to carcinogens and to toxic substances. But I think that it is nonsense as far as science is concerned. It is obsolete in view of the increasing sensitivity of analytical detection of chemicals. There is no way you can avoid eating food with a detectable carcinogen in it, or, if you do, you starve.●

POLL SHOWS PUBLIC SUPPORT OF TUITION TAX CREDIT

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. COUGHLIN. Mr. Speaker, as you know, we are to begin consideration today of H.R. 12050, a bill to provide an income tax credit for educational expenses. I am pleased to call to the attention of my colleagues the findings of a recent Harris poll which reports that a 65 to 25 percent majority of Americans support the idea of a tuition tax credit system as a form of desperately needed relief for middle-income families with children in school. This article appeared in the May 18, 1978, issue of the Binghamton, N.Y. newspaper, the Sun Bulletin, and I am sure that the strong public support of tuition tax credits shown in the results of this poll will convince my colleagues of the urgent need to pass this bill.

The article follows:

PUBLIC SUPPORTS TUITION TAX BREAK

(By Lou Harris)

A 65–25 percent majority of Americans supports the idea of Congress passing a $250 tuition tax break for each child for whom a taxpayer is now paying tuition, according to the latest Harris survey. Sens. Bob Packwood, R-Ore., and Daniel P. Moynihan, D-N.Y., have sponsored such a bill, although President Carter and the Democratic leadership of Congress oppose it.

The basic reasons why Americans back the bill are not hard to find:

By a lopsided 82–13 percent, a majority feels "it is very hard for middle-class families to afford to send their children to school, and relief for them is long overdue." Among the 23 percent of Americans who pay tuition to send their children to school, an even higher 89–10 percent majority feels this way. Significantly, even among those with no children at tuition schools, an 80–14 percent majority sympathizes with the parents who pay for their children's education.

By 63–28 percent, a majority also feels that the proposed tuition tax cut will be "a way to get some tax relief to parents who send their children to parochial and private schools and have not been able to get any federal aid up to now." Among those who pay tuition, an even higher 73–21 percent majority feels this way.

The most controversial part of the tuition tax credit issue revolves around giving the same relief to those who send their children to religious schools as to those who do not. Traditionally, the courts have declared unconstitutional any direct aid to parochial schools on the grounds that such assistance would violate the separation of church and state. Sens. Moynihan and Packwood have argued that, by giving tax relief to the parents of children in religous schools, the aid is not going directly to the parochial schools. It is almost certain that if the bill is passed, an early test in the federal courts will follow.

In at least two respects, Americans have some doubts about the wisdom of the tuition tax credit, according to the survey of 1,999 adults nationwide:

A 56–38 percent majority agrees that "it is wrong to give everyone the same tuition tax credit, including rich people who can afford to send their children to school." Among parents who now pay tuition, an almost identical majority feels the same way on this issue.

It is clear from this finding that while people might be willing to give tax credits to those who send their children to parochial schools, they are deeply bothered by the thought of subsidizing the rich. This ties in closely to the general notion shared by 77 percent that most of the tax laws already favor the rich over the poor.

By a relatively close 45–37 percent, a plurality of the public is worried that "if the tuition tax credit bill is passed, it could make the federal deficit higher by $5 billion, which could add to inflation." Among those with children in school where tuition is paid, an even higher 49–33 percent majority holds this view.

The public has become highly aware of the fact that tax reductions can have the same effect as federal spending in leading to a higher federal deficit.

Despite these important reservations, when people are asked outright whether they favor or oppose the tuition tax credit, a clear-cut 65–25 percent majority supports it. It is not surprising that those who will be the beneficiaries of the bill support it by a much higher 77–19 percent. Catholics also back it by a lopsided 78–16 percent, while white Protestants are for it by a lower 59–29 percent.

Given the degree of support for the tuition tax credit, it may be difficult for President Carter to have his veto sustained should he veto the bill. It looks as if it will be difficult, indeed, to stop the tuiton tax credit from becoming law—although the courts may have the last say.●

THE PESTICIDES PLAGUE

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. ANDREWS of North Dakota. Mr. Speaker, in March the Washington Post carried an editorial in their Outlook section by Daniel Zwerdling entitled, 'The Pesticides Plague, Evidence Indicates They Create Superpests, Make Crops Vulnerable."

Those of us from areas where the use of pesticides is so important are concerned over the growing number of articles like this one that paint pesticides as dangerous and ineffective.

The Council for Agricultural Science and Technology has prepared a response to this article and I would like to place that article in the RECORD at this point. CAST has done an excellent job in pointing out what the American farmer, with the help of modern science—including improved pesticides—has been able to accomplish in the last decades. I think it is important that this side of the story be known.

The article follows:

THE PESTICIDES PLAGUE [1]

Since 1910, total American farm output has increased tenfold, production per man-hour has increased more than tenfold, and yield per acre has increased sixfold. Each person employed on the farm now produces food and fiber for 53 of his countrymen and another 20 or so persons in other countries. This revolution in production is due to better technology, largely the breeding of better plants and animals, farm mechanization, and the greater use of fertilizers, pesticides, and growth regulators.

Nowadays, most people accept agricultural abundance as a matter of course, along with better health care and other advances in technology. A few people object to modern farming, complaining that new varieties do not taste good or have other faults. Machines are opposed as dehumanizing, and chemicals are claimed to be unnecessary and to cause more problems than they solve. This is the theme of an article about pesticides by Daniel Zwerdling that appeared in the "The Washington Post" on March 5.

According to Mr. Zwerdling, we originally had few pests, and these caused little trouble until modern pesticides were invented. He claims that pesticides create superstrains of weeds and insects that did not exist before. Mr. Zwerdling is of the opinion that these monster pests are on the verge of wiping out the Corn Belt and other major agricultural areas of the country. He claims also that the use of pesticides changes the nature of crop plants, making them more vulnerable to pests. Chemical pest control is unnecessary according to Zwerdling. He argues that the chemical industry persuaded farmers to start using pesticides; and, although these turned out to be of little or no value, farmers now have the pesticide "habit" and aren't able to stop using them. The solution, according to him, is for farmers to "kick the habit," to stop using pesticides. Pest problems will then solve themelves.

There are numerous flaws in these arguments, not the least of which is Mr. Zwerdling's low opinion of the mental capacity of farmers. He asks us to believe that farmers in the United States and worldwide are foolish enough to adopt, and make standard practice, expensive products and procedures that not only are ineffective but usually cause them harm. We are asked to believe that farmers are unable to understand so simple an economic proposition and instead become enamored of chemicals as a kind of contagious "habit" that they cannot break.

Mr. Zwerdling reaches his conclusion that pesticides are essentially worthless on the basis of an assortment of half-truths and untruths. To suggest a proper conspiratorial background, he claims, for example, that parathion was developed by the Pentagon as a chemical warfare weapon. Actually the original research was done by the I.G. Farbenindustrie in Germany, and the technology came to other nations from that source. Other untruths include the statement that attempts were made to eradicate the boll weevil by use of DDT and that this generated an "armada of super-weevils immune to DDT." The fact is that there has been no attempt to eradicate the boll weevil using DDT, nor has DDT in any way produced a "super weevil."

The notion that 2,4-D may have caused the epidemic of southern corn leaf blight in 1970 is nonsense. The causes of this disease outbreak are well known and have nothing to do with herbicide injury. The generalization that protecting crops from weed competition or treating crops with herbicides makes them physiologically more vulnerable to insects or disease is not supported by evidence.

The idea that chemical weed control makes weed problems worse is contradicted by worldwide experience. Herbicides have restored the productivity of millions of acres of land formerly heavily infested with noxious weeds. The acreage of noxious perennial weeds in the U.S. has declined steadily in recent years.

Contrary to Mr. Zwerdling's statement, the "green revolution" did not invent or even extend monocultures as a means of crop production. The term green revolution applies to the diffusion of appropriate modern agricultural technology into the underdeveloped areas of the world. Monoculture, the practice of growing one crop in a field at one time, has been a standard procedure since biblical times and is described and defended at length by Roman writers on agriculture.

Mr. Zwerdling looks upon the rapid increase in the use of pesticides as a measure of their failure rather than their usefulness. Virtually all of the recent increased use of pesticides is in herbicides and is part of a worldwide trend to substitute these chemicals for tillage as a means of weed control. The saving in fuel alone virtually dictates this change. The new procedures called conservation tillage, some of which involve use of pesticides, can save energy, increase yields, and greatly reduce soil erosion. Such procedures, wherever applicable, are strongly supported and promoted by the U.S.D.A. Soil Conservation Service, the Soil Conservation Society of America, and most soil, water, and crop scientists in the developed world. The average annual loss of soil from tilled land is about 10 tons per acre per year, eroded into streams and valleys by wind and water. Conservation tillage may reduce this loss by 50% or more.

Mr. Zwerdling, who seems unnerved by the knowledge that organisms often adapt to control measures, feels that these must surely be monsters or some kinds of superpests. It is biological orthodoxy that any control measure leads to some degree of resistance by the pest to that measure. For example, our cropland weeds are remarkably resistant to tillage as a result of exposure to intensive cultivation for thousands of years. Fly swatters select our strains of flies with a quicker reaction time. Sulfa drugs caused selective growth of bacteria resistant to these chemicals, and the same continues for their replacements, the modern antibiotics. Fleas will someday become resistant to certain pesticides and flea collars. The results will not be monster fleas or superfleas, but will simply be ordinary fleas resistant to a certain kind of pesticide or flea collar. The same is true of resistance generally. We need new kinds of flea collars and medicines and traps and plows to stay even or perhaps get ahead of the game. Each new procedure becomes more or less obsolete as time passes. It is a game that we can never win completely. It is simply evolution in action, and it applies to all living things and all measures applied against them, whether chemical, physical, or biological. Perhaps Mr. Zwerdling's despair over the status of pest control is his way of recognizing these dismal facts.

There is clearly no permanent solution to protecting ourselves and our resources from pests. Yet there is more to the game than simply quitting and trusting to nature as Mr. Zwerdling recommends. Two-thirds of our pesticide use is weed killers. Weeds develop resistance to chemicals only slowly, and with rare exceptions there has been no serious impairment of the effectiveness of these chemicals over the 20 or 30 years of their intensive use as a result of the evolution of resistance. The same is true of common seed protectants and fungicides. Bordeaux mixture, an important fungicide, has been heavily used for nearly a century with essentially undiminished effectiveness. Sulfur has been used as a multipurpose pesticide at least since the time of the ancient Greeks.

We can expect many of our current pesticides to be around, functioning quite well, a century from now. These will be augmented by other new and more effective chemicals. We can still expect to be using plows and rakes and mowing machines and traps, and we can still expect to have to work hard at the never-ending job of pest control. And no doubt we shall continue to have instant experts to be perplexed by it all.

Perhaps parathion or the flea collar will be gone in 10 or 20 years. But then, who is to say that some better way of accomplishing the same things will not be invented? In any event, science will have reduced the need for constant scratching for one generation of dogs, which surely isn't all bad.●

[1] This commentary on Daniel Zwerdling's article entitled "The Pesticides Plague," published in "The Washington Post" on March 5, 1978, was prepared by a task force including Boysie E. Day (chairman), Department of Plant Pathology, University of California at Berkeley; W. H. Luckmann, Department of Entomology, University of Illinois; J. R. Phillips, Department of Entomology, University of Arkansas; and Robert H. White-Stevens, Bureau of Conservation and Environmental Science, Rutgers University. The task force and the publication of their report were sponsored by the Council for Agricultural Science and Technology, Agronomy Building, Iowa State University, Ames, Iowa 50011, Telephone 515-294-2903.

DETERRENCE AND THE NEUTRON BOMB

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. DORNAN. Mr. Speaker, I realize that the President and his advisers, notably Mr. Young, Mr. Warnke, and Mr. MONDALE, have our best interests at heart. I think the President has sincerely had our best interests at heart when he canceled the B–1 bomber, delayed the MX, agreed to limitations on cruise missiles at the SALT negotiations, and announced his decision to postpone the

neutron bomb. I believe that he believes that his decisions, a demonstration of unilateral restraint on the part of the United States, were sincerely intended to convey to the Soviet Union an honest desire to put a stop to this costly arms race and reduce the risk of nuclear war. I believe that the President is sincere when he says all of this, and that the antics of Ambassador Young and Hamilton Jordan aside, even as a comic relief, the President heeds the advice of these men on national defense questions because they feel as strongly as he does on these matters.

Consider the neutron bomb. Mr. Young advises us that it is "inhumane." He is right: it is inhumane. It is a weapon designed to kill. It is designed to kill military personnel in a sure-fire fashion, within a very limited geographic perimeter. But what Mr. Young and those of like mind do not realize is that the neutron bomb is an alternative to the 7,000 high blast tactical nuclear weapons already installed in Europe. If the neutron bomb is "inhumane," what are these other 7,000 nuclear weapons?

Consider the confusion that surrounds the President's position on this and several other related issues. He announces that he is going to postpone the production of the neutron bomb, but says he is going to continue with the production of the Lance warhead and the artillery shell used to carry the bomb. What is the President trying to do? What kind of message is he trying to send? We are going ahead with the production of the carriage without buying a horse. We are securing the parking spot without owning a car.

Mr. Speaker, the neutron bomb is a perfect defensive weapon. It is designed to be used against enemy concentrations in one's own territory, limiting collateral damage from nuclear blasts. Soviet theater doctrine calls for a blitzkrieg-like attack on enemy targets, seizing the offensive with deep penetrating assaults by armored and infantry decisions, supplemented by selective nuclear strikes. Soviet doctrine is highly integrated. It calls for a coordination of conventional and nuclear operations.

Mr. Speaker, the tank is an offensive weapon. It is absolutely nothing less than an offensive weapon. Its major job is to assault enemy strongholds. Doesn't anyone in the administration ask himself why the Soviet Union and its Warsaw Pact allies possess more than four times as many tanks as NATO? The success or failure of a future Communist ground operation in Western Europe will depend upon the efficiency and effectiveness with which the armored divisions can be used in combat.

This, Mr. Speaker, is why the neutron bomb is so crucial. It can blunt an armored attack. It could slow the wave of Communist troops and armor overrunning Europe; it can turn the Russian traditional disposition toward military mass and concentration from an offensive asset to an unmitigated vulnerability. The massive conventional strength of the Warsaw Pact forces is now supplement with the deployment of the SS 20 IRBM's capable of striking targets deep in Western Europe.

Mr. Speaker, the Soviet high command surely realizes the immense military problems they would have to confront if the United States were to deploy the neutron bomb. That is why Communist propaganda mills around the world have turned their energies toward the neutron bomb. That is why the Kremlin gets so exercised over the very prospect of deploying the weapon. And that, Mr. Speaker, is why the West must deploy it. It can deter war in Europe. It can prevent the very nuclear holocaust that Mr. Carter and his advisers are so desperately trying to avoid.

As in other recent military and defense commitments, the United States seems to be behaving as if it were already hopelessly isolationist. We are making unilateral decisions which have a direct effect on multilateral relations, the relations we have with our several European allies. In this desire to show the Soviets our restraint, our reasonableness, our good will, we are neglecting our firm friendship with NATO allies. The cynicism this must engender among our Soviet adversaries must be tremendous. What could be more cynically laughable than the Soviet offer not to go ahead with the production of the neutron bomb, the bomb they had not even developed. What must go through the minds of an adversary who watches carefully our every move, and who monitors our decisions not to go ahead with weapons systems in which we enjoy unmistakable technological superiority?

Mr. Speaker, I sincerely agree with the President's aims. But I sincerely fear that his decisions, on the neutron bomb among others, will only provoke the enemies of the United States into unprecedented, rash and reckless policies. It is perceived weakness, confusion, and irresolution that drives the ambitions of the aggressor. It is only perceived strength that will deter the totalitarian states from plunging the world into another war. We must as a free people show resolve.

Mr. Speaker, American foreign policy cannot me pursued in a cloudy hope for good will from men who have never shown anything less than ill will toward us and all we believe. The neutron bomb is an exotic weapon. Its development is an unpleasant necessity. But we must weigh the alternatives carefully. We cannot afford to miscalculate on optimistic assumptions, hopes, dreams, or desires. Writing in The Federalist at the very founding of this Republic, Alexander Hamilton warned his countrymen, and he warns us, his posterity:

> Let us recollect that peace or war will not always be left to our option; that however moderate or ambitious we may be, we cannot count upon moderation, or hope to extinguish the ambitions of others.

I was impressed with the observations of Mr. Stefan Geisenheyner on the revolutionary character of the neutron bomb in a recent issue of the International Defense Review. I would ask that my colleagues examine the piece, and that it be inserted into the RECORD:

MIRACLE WEAPONS

(By Stefan Geisenheyner)

Between the years 1250 and 1300 the first effective portable crossbows capable of penetrating armor with the steel-tipped bolts they fired made their appearance on the battlefields. They created a revolutionary effect in infantry weaponry because they provided the foot soldier with an even chance of defending himself against the hitherto invulnerable armoured horseman—the knight. Up to this time full armor had given the latter more than adequate protection against everything available in the armory of those days. To what extent this protection reached is illustrated by Marchiavelli, the Florentine philosopher, in one of his books: Around the year 1200 a minor battle between two armies from Pisa and Florence, which was fought on the banks of a river, involved about 200 knights, plus an unknown number of foot soldiers. After a day of fierce inconclusive fighting only two knights had become casualties. These two unfortunates had fallen off their horses and were drowned in the river. Their companions got by with concussions, bruises and broken bones.

It is therefore quite understandable why the crossbow brought a fierce reaction from the military of those days, in particular after Richard the Lion-Hearted, King of England, had been killed by a bolt shot from such a "devilish" weapon. Firstly, it had turned war from a relatively safe game into a highly dangerous affair, and secondly, it was felt that an era was coming to an end. Indeed, the crossbow revolutionized warfare and together with the first firearms appearing a hundred years later it eliminated the knighthood principle as a social and military force. Hence, it can be termed a miracle weapon of its day.

At the moment we are again on the verge of the introduction of such a new weapon, namely the neutron bomb, which is slated for tactical and possibly strategic use. Here then is another miracle weapon which promises to change warfare as much as the crossbow or the missile did. Whereas the nuclear bomb destroys by blast, heat and pressure effects, the neutron bomb is the first true radiation weapon, where the explosive force is small but the radiation set free for some microseconds is the destructive factor. All living organic substances found in range of the radiation forces set free by the N-bomb will be killed, or to express it in other terms, the zone will be thoroughly sterilized of life. This starts with humans and ends with soil bacteria; mutations are to be expected over longer ranges. To date there is no protection against this radation and it is highly unlikely that any will be discovered in the course of this century.

Actually, the N-bomb as far as combat effectiveness goes, with one major difference, namely that tanks or other armored vehicles do not offer protection any longer, and here lies the true core of the aversion to the new weapon. The whole concept of armored warfare as developed and practiced in this century must be scrapped. History of war is taking a new turn again, and the impact on society promises to be just as hard as that effected by the crossbow and the bullet when they made the armor of the knight obsolete. The arrival of the N-bomb heralds the end of an era, and a novel type of warfare based on radiation weapons of a yet totally unkown quality looms on the horizon.

But only a fool will believe that an international ban on neutron devices will stop their further development. History proves otherwise. The idea and the technology to build these new weapons are with us, and therefore they will eventually be constructed.

Nobody has any doubt that we are living in an age of rapidly advancing technology, and it is silly to try and halt the progress in weaponry on a predetermined level. If this were compatible with human nature, we would still be fighting with clubs or not at all. There will be more new and

highly effective weapons to come. They will be endowed with properties we cannot even imagine yet, and we can only hope that their destructive capability—on whatever level it might be—will help to prevent at least the types of war as experienced in the past.

On the other hand, radiation weapons—and they include such exotic variants like charged-particle and laser ray projectors—due to their lethality, are bound to create new war scenarios which do not involve the accustomed masses of soldiers and armament facing each other on the battlefield. Indications are that this trend is already accelerating since terrorism and guerrilla activity are on the upswing. Against warriors involved in such small-scale actions, neither N-bomb nor other sophisticated weaponry will be useful. To combat them a new weapon has again to be discovered. This cycle will never end unless a radical change in human character takes place. And this is more than unlikely. Thus, we can expect more miracle weapons in the future, all of which will be designed to "end all war".●

THE DRAFT IS NO REMEDY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. STEIGER. Mr. Speaker, recently, renewed attention has been drawn to the volunteer army and how well it is working.

One of the top experts on the draft and the volunteer concept is Bruce Chapman, who in 1966 authored "The Wrong Man in Uniform: Our Unfair and Obsolete Draft" and is now Washington's Secretary of State. In the May 13 Seattle Post-Intelligencer, Chapman had an excellent piece, "The Draft Is No Remedy."

Chapman says in his article that complaints about the volunteer force are "poorly researched and thought out." He suggests that critics of today's Army lack perspective, failing to consider the state of our military during the draft era and ignoring the fact that "nearly every tyrant of the past two centuries either has come to power at the head of a conscript army or has put conscription into practice immediately after taking power."

Bruce Chapman's article merits the attention of all those who are interested in the volunteer force-universal service-conscription debate. I commend it to your attention:

THE DRAFT IS NO REMEDY

(By Bruce Chapman)

One negative report on the volunteer Army by one congressman does not prove much, least of all that the U.S. should bring back the draft. Yet, that is the conclusion immediately reached by The P–I and several other observers after release of a study by Rep. Robin Beard, R-Tenn.

Less well-publicized studies, meanwhile, go unnoticed, including the 1977 Congressional Budget Office report and last fall's authoritative report by Dr. Richard Cooper of the Rand Corporation. Cooper found many beneficial changes under the volunteer force, including reduced rates of crime, racial incidents and AWOLs (absences without leave).

The reports by Cooper and others remind us that many criticisms being leveled at today's armed forces—such as the recent charge by ABC News that our forces in Europe are not adequately trained—have nothing to do with the manner in which military personnel are recruited, and applied just as much to the military prior to the end of the draft in 1972.

Circumstances may well require improvements in the military, but the draft is not needed or desirable as a means to achieve them.

Other complaints against the volunteer force are grounded in opinions that are just as poorly researched and thought out. The higher payroll budget of the volunteer force is criticized, for example, but the main salary hike came before the draft ended in 1971. In fact, it merely reflected the decision to pay a long-overdue fair wage (still none too generous) to soldiers in the lower grades.

The old draft, over two decades, simply exploited one portion of our youth with forced low pay while the rest—the undrafted—retained both their freedom and the greater buying power of civilian salaries.

It is also argued that today "many of the regulars joined to find work and escape poor educational backgrounds," as if that was not true previously, or as if there is something inherently bad about such opportunities being available. The charge is vaguely patronizing. Did the draft provide better civilian opportunities for the poor?

Then, the critics bring out the flimsy old canard, "History has shown large, professional armies to be dangerous to the state in times of stress."

History, in truth, shows the opposite. There weren't any large armies, in contemporary terms, until conscription came along, and conscription made the mass army possible. Since Napoleon marched over Europe with the first modern conscript army, nearly every tyrant of the past two centuries either has come to power at the head of a conscript army or has put conscription into practice immediately after taking power.

Hitler, Mussolini, Tojo, Stalin, Mao: All employed peacetime conscription as a device for militarizing generations of their countrymen and for stamping out dissent. But the nations that in peacetime traditionally relied on a volunteer military—Britian, Canada, and the U.S.—have never been seriously threatened by coups or other tools of dictatorship.

Nonetheless, a universal draft—"fair this time"—again is being urged upon us, to provide "useful training" and to "play social roles," remedying bad teeth and improving posture.

This "fair" draft of everybody in reality, would provide many times more soldiers than we require or could keep busy, and it would burst the seams of the national budget and rocket inflation still higher. It also would retard the private economy by depriving it of the productive contributions of millions of young people. It would disrupt the lives of those same millions, and its "training" would be irrelevant to most of their later civilian careers; witness the plight of so many Vietnam veterans.

As for the objective of satisfying such needs as better dental hygiene and physical fitness among our youth, we would be better advised to develop a program to serve those particular needs than to conscript a whole generation of unneeded personnel into the military in order to do so.

Indeed, given the government's record so far at running our private lives, does anyone still have faith in Washington, D.C.'s ability to succeed at massive social programs, especially ones pursued through means of coercion?●

GETTING TO THE "CORE" OF THE TUITION TAX CREDIT ISSUE

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. COUGHLIN. Mr. Speaker, when the House begins consideration today of H.R. 12050, the Tuition Tax Credit Act of 1978, an amendment will be offered to extend the credit to include parents of children attending nonpublic elementary and secondary schools. I fully support this amendment and would like to insert into the RECORD at this time a statement by the Congress of Racial Equality (CORE), a major national civil-rights organization, which makes a number of strong points in favor of tuition tax credits for elementary and secondary education expenses.

In an open to letter to Members of Congress, CORE puts to rest the fears of many opponents of the inclusion of elementary and secondary schools in this tax credit proposal who have alleged that tax credits would be particularly damaging to minorities. I urge my colleagues to read this statement carefully and vote to include credits for elementary and secondary education expenses in this worthwhile tuition tax credit program.

The statement follows:

AN OPEN LETTER TO MEMBERS OF CONGRESS ON THE TUITION TAX CREDIT ISSUE

The Congress of Racial Equality urges you to support tuition tax credits for elementary and secondary school students. CORE, as a major national civil-rights organization, rooted in Black communities across the nation, is in a unique and important position to speak on this legislation, particularly in terms of its effects on Black and other minority citizens. It is our long-standing concern for the education of our youth which has brought us to the Senate Finance and House Ways and Means Committee hearings and which impels us to address you now, as key votes on the legislation approach.

During the debate on tuition tax credits, various allegations have been made that the credits would destroy public schools and that minorities, in particular, would be hurt. We believe not only that such fears are groundless but that tuition tax credits will benefit the poor and minorities. A look at the hard facts and common-sense reasoning will show why this is so.

The rich have always had choice in America. Their children either attend private schools or, much more typically, they attend exclusive suburban public schools. Tuition tax credits are one effective way of increasing the choices available to poor people.

CORE has long been committed to the improvement of public schools, and CORE is unchanged in its dedication to this goal. However, the public schools are now doing an inadequate job of educating inner-city Black children. CORE, in response to vigorous urging from the community, opened CORE Community School in the South Bronx. In surveying the situation, we found that in the neighborhood public schools the children were reading, on the average, one to two years behind grade level, with many individual cases of failure much worse than that. In New York City the proportion of pupils reading at or above grade level has

dropped from 47 percent to 40 percent in the past two years. The same dismal situation prevails in cities across the country. Public schools are enmeshed in webs of bureaucracy; while administrators' and teachers union interests are deemed important, the children's interests are largely neglected.

The people are crying out for alternatives. We have seen this at our school in the Bronx. We have seen this as parents in poor communities across the country do without groceries so they can scrape up the tuition to send their children to non-public schools. Incidentally, the tuition at these neighborhood non-public schools (which are much more numerous than the elite private schools often cited in discussions) is usually at a low enough level that the amount of the proposed tax credit would be significant.

These families we speak of should no longer have to face financial hardship to obtain quality education.

The lack of financially plausible non-public school options has contributed to the exodus from cities and the destabilization of neighborhoods. A vote for tuition tax credits would be a vote for strengthening communities and recognizing their right to control their own institutions.

Perhaps the most salient point is that the existence of strong non-public schools, fostered by tuition tax credits, will provide a competitive stimulus for improvement in the public schools. No one expects people to desert public schools in droves upon enactment of tax credits, and CORE, being strongly committed to improvement of public schools, would not wish for such an eventuality. Rather, private schools will be a catalyst for change. Competition is the only real hope for breaking the bureaucratic logjam now gripping our public schools and increasing accountability and effectiveness.

In the course of the debate you have heard school boards teachers unions and others with vested interests decry tuition tax credits and claim that public schools will be destroyed. Their rhetoric reflects only their own fear of losing power and their embrassment over the failure of too many of the public schools entrusted to their care. We note that, by and large the affluent have not abandoned public in favor of private schools. Rather, they have voted with their feet and moved to suburban areas with exclusive public schools, where per-pupil expenditures are two to three times as much as at the most elite prep schools.

Some civil-rights leaders have spoken in opposition to tuition tax credits. This reflects largely that the tax credit approach to tuition assistance is rather new in terms of minority community participation, and the possible benefits of this approach have been inadequately explored. Also, some minority leaders are allied with school board and union powers that be and are putting their trust in the same old non-functional formulae. But we have see the groundswell of opinion in the Black community at large in favor of alternatives.

In regard to specific features of tuition tax credit legislation the existence of a refundability clauses which would allow a refund to the taxpayer if the tuition tax credit is greater than the total tax owed, would be highly beneficial to the poor and minorities. They could benefit the most from this provision because of their low tax bracket.

In summary, every day tuition tax credits are not available is a day when more poor and minority children are stifled in our failing public school systems. A choice is needed now. CORE has been in a position to perform an objective clear-headed analysis of the tuition tax credit issue. We trust that you will perform such rigorous analysis and hope that you will see the value of tuition tax credits. ●

VIETNAM TRIBUTE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. HYDE. Mr. Speaker, the Veterans Affairs Committee has unanimously reported out legislation directing the Secretary of the Army to place a 5-foot marble and bronze plaque, as a tribute to Vietnam Veterans, in the Trophy Hall of the Memorial Amphitheater at Arlington National Cemetery. The plaque will carry the inscription:

The people of the United States of America pay tribute to those members of its Armed Forces who served honorably in Southeast Asia during the Vietnam conflict.

The Purple Heart and medals, ribbons, and tributes associated with the Vietnam conflict will be mounted in a manner appropriate for display in the trophy room. Plans are tentatively set for dedication of the plaque on Veterans' Day, November 11, 1978.

There is no doubt in my mind that the 107 cosponsors of my original Vietnam tribute legislation contributed greatly to the progress in developing the legislation that will finally give us an opportunity to pay tribute to those who gave their lives in Southeast Asia.

Mr. Speaker, I join the families and friends of those who paid the supreme sacrifice in expressing sincerest appreciation for the strong support of my colleagues who cosponsored the original legislation, and to the Members of the Veterans' Affairs Committee and the Department of the Army for their endorsement of the concept and development of an outstanding tribute to the memory of those who gave their lives in Vietnam.

In conclusion, I would like to share with my colleagues the following column in the May 28 edition of the Washington Post, by columnist Richard Cohen, entitled, "Walking Amid History at Arlington Cemetery."

WALKING AMID HISTORY AT ARLINGTON CEMETERY

(By Richard Cohen)

On the Friday before Memorial Day, the the subway takes me to Arlington National Cemetery. It has been years, maybe not since high school, since I've been to this place, and when the trains stops I am alone. The concrete station is quiet and the escalator climbs without any noise and soon you can see the blue of a perfect sky and then the tops of the trees and then, after a short walk, the rows of tombstones—small, white and neat. They have names on them and ranks and branch of service and if you go and sit among them for a while and wonder about them and about other things, a bugle will sound in your head. Play taps for them. Play taps for them all.

There are fresh flowers at the grave of Richard Edwards. The stone says he was a corporal—the 1st Cavalry Division. He died in 1967 when he was 21 years old. He died in Vietnam. Around him are Carlozzi, Robert M. and Fierke, Robert W. And Frest and German and a soldier named Bromberg. The oldest was 24 and the youngest was 18 and they all died in Vietnam. Play taps for them, too.

This is a beautiful place. This is a nice place to walk in, to think in—a place rich in history and heavy in emotion. You can walk off the path that the tourists take and go down among the rows of headstones where the little American flags snap in the breeze, and wonder about the men and their lives and the sort of things you stopped thinking about back during Vietnam—things like bravery and patriotism and pride and the judgment of history.

There is a cathedral somewhere in England—one of the beautiful, Gothic places where the nobility used to be buried and I remember going through it looking at the plaques and wondering about the ones who were buried there. You could come up close and read in the bad light that someone died in some war you never heard of in some place you never knew existed fighting an enemy who is now a friend, for some cause no one now quite remembers. But they were brave, the plaque says—they were brave.

I come upon Larry Smedley, a Medal of Honor winner. He lies in the shade of a tree. His tombstone tells of his medal and there is a replica of it engraved on the stone itself. Smedley was born in 1949 and he died in 1967. He died, of course, in Vietnam. The stone does not say how. Bertram Vogel Lobred of Kentucky lies nearby. He died an old man and is buried with his wife, Hannah. Something nice about that. Lewis Johnston of the 5th Massachusetts Regiment is their neighbor. He fought in the Spanish-American War. It's hard to remember what that one was about.

Across the road and up the hill toward the Custis-Lee mansion are the graves of John and Roberty Kennedy. A German tour group surrounds the grave of John Kennedy, but at the one for Robert Kennedy there are only two young people, both about 16 or so. They are taking pictures. We chat for a while and I want to ask them if they know who Robert Kennedy was, but they run off to join their group. They were only 6 or so when he was killed and only 5 when Smedley died. There are things they cannot know.

They cannot know how we lived those years. They cannot know that you thought Vietnam-Vietnam-Vietnam every day. You woke to it and you spent the day with it and at night it was with you when you slept. My friends ran from it and lied because of it and valued their infirmities. It is hard now in this age of the jogger to believe that there was a time when you envied someone with flat feet or a trick knee. To escape the draft, people became scholars in fields that bored them and married women they didn't love and some of them made bombs and went underground. Some of them didn't escape. Some of them died in battle.

Vietnam kicked my generation in the head. It did to us what the Depression did to our parents and I fear it will always be with us—a reference point, always something to be relived, and those who come after us will have no idea what we're talking about. They will look at us like we're crazy or out of date or both—like we're afraid to use the banks and stuffing money in a mattress or scared of losing a job that cannot be lost. Already, kids don't believe that there was once an underground and that middle class kids became bombers and already you can feel a nation getting antsy—itching to get a piece of the action in Africa. The language is the same. It's about commitment and interest and pride and purpose and the requests, of course, are always modest. They always are in the beginning.

At 10:47 a.m. the sound of a bugle comes out of the quiet. Somewhere there's a funeral and somewhere there's a bugler. A man in a white Banlon shirt hears it and comes to a halt. He brings his feet together and

salutes. The sound of the bugle seems to come from every direction—sad, mournful, taking a tear from your eye. Someone is playing taps.

He is playing taps for them all.●

THE HIGHWAY AND PUBLIC TRANSPORTATION IMPROVEMENT ACT OF 1978 (H.R. 10578)

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. RAHALL. Mr. Speaker, the National Society of Professional Engineers, a nonprofit organization representing 75,000 individual members engaged in virtually all disciplines of engineering, recently provided the House Subcommittee on Surface Transportation with its statement on H.R. 10578, the Highway and Public Transportation Improvement Act of 1978.

NSPE's statement voiced the concerns of many members of the engineering profession who are directly involved with the planning, design, construction, and maintenance of the Nation's bridges and highway systems. I believe the statement is a well prepared document that should be studied by every Member of Congress. I wish to draw my colleagues' attention to this important aspect of our Nation's transportation policy:

THE HIGHWAY AND PUBLIC TRANSPORTATION IMPROVEMENT ACT OF 1978 (H.R. 10578)

The National Society of Professional Engineers appreciates this opportunity to present its views on H.R. 10578, the Administration's proposed Highway and Public Transportation Improvement Act of 1978. NSPE is a nonprofit organization representing 75,000 individual members who are involved in virtually every aspect of engineering.

NSPE has not had the opportunity to review the Administration's proposals in great depth and because of this will confine its remarks to those items falling within existing policy. We have, however, established an expert's committee that will thoroughly review the proposal and we expect to have the results of their work available for the Committee's use late in March. When we have completed our work, we will forward our recommendations to the Committee and its members.

Generally speaking, NSPE is pleased with the direction that the Administration is taking with regard to transportation policy. Undoubtedly, transportation programs need this flexibility necessary to meet the many challenges that confront us with regard to transportation. An expenditure of more than $10 billion on an annual basis requires a considerable amount of "flexibility" if that money is to be spent effectively and efficiently.

GENERAL COMMENTS

Before commenting on the specific provisions of H.R. 10578, we would like to provide the Committee with several overall concerns of NSPE.

NSPE believes that the Nation's transportation system, probably the best in the world today, is at a crisis point. We are concerned that the tremendous investment in our highway system may not be as effective as contemplated unless programs are initiated to maintain the system.

The Nation's primary and secondary roads and major urban streets are in a state of serious neglect. Many Interstate system designs need major modernization. Major safety improvements, such as median barriers, longer merging lanes, and improved ramp design, just to mention a few, are sorely needed. Rural roads desperately need widening. Hazardous curves, fixed obstructions and dangerous grade crossings also need attention. Urban streets need better lighting, improvements of intersections, and more turning lanes. All roads and highways need better planning to allow for increased system capacity. Planning also needs to be improved if energy use is to be reduced. Unless there is a reduction of starting and stopping and excessive idling of vehicles, fuel reductions will not reach the optimum level. Better land use planning that improves travel patterns will also reduce fuel consumption.

NSPE strongly believes that proper use of engineering can improve the transportation system. Today's technology can address and solve the problems that now exist. We simply ask that the technology be applied. Private sector technology is available in sufficient quantities to solve planning, design and construction problems.

PLANNING

H.R. 10578 attempts to establish an integrated transportation planning system. The bill combines the highway and transit funds and apportions the money to states and metro planning agencies by formula. Also, it requires the Secretary of Transportation to review the transportation plans of large metropolitan areas.

NSPE recognizes the concerns expressed by states with the intrusion of a new entity—the large metropolitan area planning organization—into the planning process. We are not certain that Federal grants directed to that entity, bypassing state review, are advisable. Also, it is likely that a new layer of bureaucracy will only compound existing "red-tape" problems rather than eliminate them. NSPE is of the opinion that state officials should play a role in transportation planning and believes that direct funding of large metropolitan planning organizations will be a deterrent to this principle.

NSPE also questions the advisability of mandating that all large urban plans be reviewed by the Secretary. We are hesitant to support such Federal preemption of state activity. In addition, we are not at all sure that such a procedure may act as a bottleneck that will hold up good programs, rather than serve as an early warning device as envisioned by the Administration.

BRIDGES

NSPE is particularly concerned with the condition of this Nation's bridges. As this Subcommittee knows, this very serious problem is in need of immediate attention.

The Federal Highway Administration's 6th Annual Report to Congress on Bridge Replacement identifies 105,500 bridges that are either structurally deficient or functionally obsolete. Based on this, it has been established that at least $20 billion is needed to repair, replace, or rehabilitate these bridges.

Although the Administration recommends an increase in the bridge repair program of more than 100 percent and expands the bridge replacement and rehabilitation program, NSPE questions the sufficiency of the recommended funding. We believe that funding should be at a level that will eliminate the problem in a realistic period of time. Reportedly, it would take more than 40 years to remedy the bridge problem that exists today if the Administration's funding recommendation is accepted. We would hope that sufficient Federal-state funds would be available to complete the work in less than 40 years. Also, it should be remembered that bridges acceptable as safe today may need repair or replacement in the future.

INTERSTATE SYSTEM

NSPE applauds the Administration's effort to complete the Interstate highway system. When the system is completed it will have cost approximately $104 billion. In view of this vast expenditure, it is extremely important that the system be completed and kept in operating condition. Consequently, NSPE supports the effort to complete the system by 1990.

As this Subcommittee knows, over 90 percent of the Interstate system is now being used. Essential gaps in the system need to be closed to gain full use of the system. Proposals to transfer funds between states may be an answer. It seems inconsistent that states that have projects ready for construction are hindered, while money is waiting for action in other states. The borrowing of funds between states will accelerate the completion of the program. Also, borrowing from future years apportionments to begin work now may also serve the purpose well. Such a transfer of funding will also allow for expenditures in a more effective and efficient manner.

NSPE, as previously mentioned, strongly believes that the Interstate system needs to be maintained in operating condition. Consequently, we support the continuation of a separate program to provide for Interstate resurfacing, restoration and rehabilitation. We believe, however, that this program needs increased funding. Authorizations of $175 million annually are insufficient to bring the system up to an operating condition much less keep it there.

PRIMARY SYSTEM

NSPE questions the Administration's wisdom in consolidating many existing categorical programs affecting the primary highway system. Although the Administration assumes "consolidation" is the "mood" of the day, we are not sure that this is the proper course of action. Although flexibility is desirable and the Administration uses the concept of flexibility as the basis for its recommendation, NSPE believes that some very important programs, needing Federal assistance, may lose their identity if they are thrown into single pool. Congress previously determined that these programs needed special attention and we think it unwise to combine them at this time.

NSPE also notes that funds for several programs are shifted in H.R. 10578 from the General Fund to the Trust Fund. We are not sure that this shift of programs, totaling $430 million in fiscal year 1978, is a wise move. In our final report to the Committee, we expect to comment further on this recommendation. Also, we note that there is no funding recommended for forest roads and trails, parkways, and park roads and trails. These programs totaled $308 million in fiscal year 1978.

SAFETY

NSPE applauds the Administration's recommendation to provide funding for the purchase of truck weight scales. We believe that such a program will provide states with the necessary equipment to better enforce truck weight limitations. NSPE believes that the operation of big trucks on the highways directly relates to the deteriorating condition of the Nation's highways.

We urge the Committee to include funding for the manpower necessary to use the scales once they become available. If manpower is not available, the capital expenditure would have nil effect.

NSPE wishes to assure the Committee of our continued interest in the transportation problems of the Nation. We will forward to the Committee and to each member of the Committee our final recommendations when they are available.●

AN UNWELCOME PREDICTION: AUTOMOTIVE AIR POLLUTION TO RETURN

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. BROWN of California. Mr. Speaker, I hesitate to mention problems with the air environment at a time when there is only good news to report, but an article in the Sunday Washington Star reminded me of our certain future. With a slight change in the weather, we can expect the tons of emissions generated by our automobiles to be trapped and converted to harmful air pollutants.

As a southern California Congressman, I am very familiar with this process, and some of the necessary measures to reduce this health hazard. Unfortunately for everyone in the Washington area, the solutions to smog will not be adopted this year, and may not be adopted in the years to come. Since the manufacturers of automobiles succeeded in delaying the installaiton of effective pollution control standards until the 1980's, the burden of controlling automotive air pollution now falls on State and local governments, and individual auto users.

Mr. Speaker, since the Congress will be physically affected by this future wave of smog, and since we will undoubtedly be asked to intervene in some way or another again, I recommend this article to all my colleagues.

The article follows:

[From the Washington Star, May 28, 1978]

WHAT DOES THE SUMMER OF '78 HAVE IN STORE FOR KEY ELEMENTS OF LIFE? DESPITE EFFORTS, A WAVE OF AIR POLLUTION IS EXPECTED

(By Zofia Smardz)

Every summer the same thing happens.

Somewhere in Canada it starts. A mass of air forming into a high pressure system gets moving slowly, downward through Minnesota and eastward across the continent until it reaches the mid-Atlantic states—and the Washington metropolitan area.

There, usually, it stops.

And sits, in its naturally chosen spot, baking in the sun and the heat of the area's typical summer day.

Along its trip from the north country, the "cell," as the scientists call it, has picked up the pollutants lingering in the air on the way and carried them along with it to its resting place.

Where, every summer, the same thing happens.

Washington area motorists get into their cars in the morning, turn on the engines and spew endless hydrocarbons into the stagnant and already polluted air.

All day long, the emissions hang in the air and react with the sun, which transforms them into photochemical oxidants, the chief of which is ozone.

The result—air pollution, that awful smog, growing steadily worse as days pass and the weather stays the same. The air quality index worsens, alerts are called, and all over the city doors and windows are shut and air-conditioners turned on for relief from the dirty air.

People with respiratory problems have greater trouble breathing; people with allergies sneeze and cough more; and healthy people develop watery, itchy eyes and feel the invisible grime that settles on their hair and clothes.

It's getting to be an age-old story here, even though it's only been in the last decade that full attention has been drawn to the problem of air pollution.

Yet even that attention hasn't been enough to stir the kind of activity that will make a reduction in the area's disturbing pollution rate possible, most experts agree.

As a result, chances are good that the story will be virtually the same in the summer of '78.

"If summer is summer as we know it here, things will get bad," said Lucille van Ommering, a research assistant in the air resources program of the Metropolitan Washington Council of Governments who keeps records of the organization's air quality monitoring.

Down the line, the sentiments are echoed.

"It's going to get bad," declared John Koontz, special assistant to the director of environmental health in Prince George's County and gubernatorial representative to the National Capital Interstate Air Quality Planning Committee.

"Though the levels probably won't be any worse than last year, I think we'll have the same kind of problem," agreed Vernon Krause, manager of COG's air resources program. "I would say a great deal has not occurred to prevent the kinds of episodes we had last summer."

The "episodes" of last summer—six air pollution alerts lasting a total of 30 days, and 47 days when the air quality index exceeded 100 (the very unhealthy mark, according to COG)—made 1977 a record year for air pollution.

According to Environmental Protection Agency statistics, the Washington area is among the top 15 violators of the air quality standards set by the EPA. This means it exceeds the acceptable pollutant level of 0.8 parts per million (ppm) a good many times more than the allowable once a year.

In Washington, Krause said, the level has gone as high as .26 ppm in 1972, and .20 ppm last year.

The only factor that could make an absolute difference this year, most observers say, is also the only one that no one can make any different—the weather.

"If we could turn on a magic ventilation system at the end of every day in Washington, then there wouldn't be a problem," said Dr. Bailiss Walker, head of the D.C. Environmental Health Administration.

And nature's ventilation system has a way of bypassing Washington during the summer months. The storm path, along which the high winds that carry off the smog cloud travel, is displaced to the north of this area, "so we're out of the main track," said James Hand, air pollution meteorologist with the National Weather Service.

Meteorologists who are tired of being asked say there is no way of making an exact long-range prediction of Washington's summertime weather, but some periods of heat, humidity and slow-moving air can always be expected to descend. Overall summer predictions promise a hot one.

Given the impossibility of controlling the weather, the only other way to reduce and eventually eliminate the pollution problem is to control its sources.

And that, because of the nature of those sources, is a difficult thing to do.

"The thing to remember is that in terms of summertime air pollution, we are the culprits," said John Koontz. "It's not business, it's not industry, it's us, it's you and I.

"And because there are so many individual sources, it's harder to control."

Automobile traffic is generally recognized as the major contributor to air pollution in the metropolitan region. A change in auto traffic would certainly bring about a change in pollution patterns, but the results of two studies done by the D.C. Environmental Health Administration don't offer much hope of such change.

The studies, which Administrator Walker called "extensive," were aimed at determining what people knew about air pollution and whether they changed their behavior during periods of heavy smog and pollution alerts.

"We asked the subjects if they thought it was a health hazard, and nearly all said yes," Walker said. "But when we asked them if they stopped driving their cars or started taking Metro or car-pooled, they revealed that they continued to do what they always did—which was drive their cars."

Some official steps have been taken to encourage a cutback in auto usage and to reduce auto emissions, but they are limited and mostly long-range in aim, and their effect on the air pollution situation lying in wait in the months around the corner is expected to be minimal.

"Part of the problem is that everyone was sort of waiting to see what the requirements of the new Clean Air Act amendments would be," said COG's Krause. "Because the truth is, whenever new requirements come in, it means someone's going to have to suffer economically.

"Someone's going to have to spend money to change the way they do things, and everyone waited around to see who would be the one."

The 1977 amendments to the Clean Air Act call for state implementation plans, to be submitted to the EPA by Jan. 1, 1979, mapping out a strategy for attaining the air quality standards by 1982, or in some cases 1987. A large part of the Washington area strategy, Krause said, would be transportation planning.

But for today, the measures being implemented are small in both scale and effect.

In the District a vapor recovery system has been put into use at gasoline stations to prevent the escape of hydrocarbons into the air when people fill their gas tanks.

"I think people tend to forget the amount of hydrocarbons that are emitted by gasoline stations," Environmental Health Administrator Walker said. "This system provides for a level of reduction."

Walker said the District is now working on the second phase of the vapor program—the installation of devices to trap vapors when tank trucks empty their gasoline into gas station bulk vats. Such devices are already in use in both Virginia and Maryland.

But the vapor recovery system is still faulty and not as effective as it should be, according to James T. Alexander, regional engineer in the Falls Church office of the Virginia State Air Pollution Control Board.

"They're still having plenty of trouble with it in Los Angeles, where they've had it for four years," Alexander said.

The District's Walker said his department last fall did a survey of a small sample of 200 people that showed car-pooling is on the increase, and that express bus lanes across the 14th Street Bridge to I-395 have helped get more people to use buses.

"We're decongesting the downtown areas more rapidly," Walker said.

But the factor commonly cited as the great hope for the summer of '78 is the subway.

"The most significant thing that has changed since last year is the availability of Metro," said Eric Mendelsohn, chief of air pollution control for the Montgomery County Department of Environmental Services.

Metrorail, with its lines into Virginia and Silver Spring coaxing a substantial number of commuters out of their cars for the trek to and from work, is expected to have at least some slight effect on reducing pollution levels, though it may not be enough to be felt this year.

And bus feeder systems in the suburbs of Montgomery and Prince George's counties

have been expanded to make the subway more accessible and encourage people to leave their cars at home.

"Metro is sure, over the long run, to change commuter transportation patterns and habits," said Prince George's Koontz. "In the District, at lunch hour alone, we've seen how it has changed patterns, with people from the Hill going to Connecticut Avenue for lunch and vice versa.

"Eventually, it will change patterns area-wide."

Koontz said the advent of Metro is being reflected in the Prince George's zoning process, where land use is being adapted to the availability of transportation systems in an effort to gear people's traveling habits to the use of mass transit.

"If the land use follows the subway, and people are able to walk to a transportation source, they'll begin to use it for more and more types of travel," said COG's Krause. "That will really ensure that the subway will have a major impact on air quality as it expands."

But short of a miracle from Metro, efforts to keep people out of their cars are not expected to be either highly successful or, where successful, particularly significant to the air problem.

Parking bans in areas of the city and the closer suburbs may cut down on car commuting, but the lack of reciprocal parking enforcement between Maryland, Virginia and the District gives free rein back where the bans have removed it.

"Scofflaws from out of state don't really feel threatened by getting parking tickets in the District because they can still get their cars registered in Maryland or Virginia," said James Alexander.

And the worst offender as far as parking goes, in the eyes of the air pollution people, is the federal government.

"The federal government gives away free parking to its employees, which encourages them to use their cars," said Alexander. He said this is at odds "with everything, including, the government's Metro subsidy, because it reduces Metro ridership."

Koontz agrees. "When the EPA moved into the Waterside Mall, they provided 4,000 free parking spaces for their employees," he said with a tinge of irony. "I think we're at the point in this country where the government ought to be able to recognize its own hypocrisy."

But the point everyone makes is that while the government bears a great amount of the responsibility—because only the government can force reduced automobile emissions or inspection of cars for their emission control devices, and only the government can subsidize Metro and charge for its parking spaces—just as much as the ultimate responsibility lies with the individual driver.

"The most important thing that needs to be done is to increase people's social conscience," said Dr. Patrick Gorman, chairman of the D.C. Medical Society's occupational and environmental health committee. "If people understand the hazards of air pollution better, they may finally participate actively in its prevention."

Because somewhere up in Canada, it's probably starting again.●

NOTICE OF HEARINGS

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. ZABLOCKI. Mr. Speaker, I wish to announce, in behalf of Chairman THOMAS S. FOLEY of the Agriculture Committee and myself, the scheduling of joint hearings by the International Relations Committee and the Agriculture Committee on H.R. 12087, a bill to authorize the establishment of an international emergency wheat reserve, and related measures proposing creation of international emergency food reserves.

The hearings are scheduled for June 13 and 14, 1978, in room 2172, Rayburn Office Building. Parties interested in the hearings should contact Roxanne Perugino, staff assistant, House International Relations Committee, (202) 225–5021, or Christine Abram, hearing clerk, House Agriculture Committee, (202) 225–2171.●

MY ROLE IN GOOD GOVERNMENT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. GILMAN. Mr. Speaker, recently I was pleased to have conducted a contest for high school seniors in the 26th Congressional District of New York on the subject of "My Role in Good Government."

Because of the intense interest shown in the writings of these students for their Government, it is my privilege to share with my colleague the thoughts expressed in the winning essay.

MY ROLE IN GOOD GOVERNMENT

(By Maxine E. Sarjeant)

Good Government is designed to assist the individual in becoming his best self—in reaching his fullest potential. Its purpose, too, is to aid each of us in the expression of our uniqueness.

Government, through its provision of public education, has allowed me to learn about (and from) people of varying cultures and experiences, in addition to developing a special interest in music. Both experiences should help me in my chosen field of engineering—at Howard University, Washington, D.C.—in the fall.

It is my impression that good government depends on participation. The most important action for any individual—be he teenager or senior citizen—is involvement. Obviously, voting is involvement but to me, there are other less obvious factors that may be more important to good government.

Participating and being involved means that one is active and to be active is to be:

1. Aware
2. Concerned
3. Tolerant
4. Informed
5. Vocal
6. Eager

I am aware that because of scandal and disappointment, government and school officials alike are losing support and fewer people are getting involved.

I am concerned that this is a vicious cycle which leaves the door open for even more scandal and disappointment.

I am tolerant and understanding of some human weaknesses and feel that with more public involvement and support, there is less chance of such things happening.

One of my main responsibilities is to be informed about issues, problems and differences around me.

I am vocal in that I do have opinions and I have taken positions, especially about matters arising in school. I also raise questions and attempt to seek out information needed to make intelligent decisions.

I am eager to see this system of involvement work!

All of us can gain!

All of us can profit!●

VOLUNTEER FORCE A SUCCESS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. STEIGER. Mr. Speaker, the distinguished columnist, Carl Rowan, had an excellent article in last night's Washington Star, "Volunteer Force a Success."

In his column, Rowan thoughtfully takes issue with those who have been critical of the volunteer army. His comments about the complaint that there are too many blacks in the Army today deserve special attention.

Rowan cites the excellent, but too-much-overlooked, study by Dr. Richard V. L. Cooper, director of defense manpower studies for the Rand Corp. Dr. Cooper found that the number of blacks meeting mental qualifications for military service has tripled in the last two decades, increasing the pool available for service.

"There is something galling about the fact that among those questioning the 'loyalty of blacks' in the volunteer Army, or the mental competence of 'poor white' volunteers, are affluent Americans who helped their sons avoid the draft, in peace and in war, and whose sons are not about to volunteer now," Rowan said. "There is a lot wrong with our defense posture, but we ought not make the all-volunteer concept the scapegoat—or make the race, economic status or level of sophistication of those who volunteer the bases for panic * * *.

"Let's tip our caps to the men and women who have volunteered—and go on to do the other things necessary to maintain a first-class military establishment."

The full text of the article follows:

"VOLUNTEER FORCE A SUCCESS"

(By Carl T. Rowan)

It would be a pity if Americans leaped to the conclusion that our all-volunteer military forces have become a haven for poor, mentally retarded misfits who would leave the country defenseless if the Soviet Union attacked.

We are being fed alarmist data by members of the House and Senate who find that they can ride this issue of "military unpreparedness" onto the nation's front pages.

Richard V. L. Cooper, director of defense manpower studies for the Rand Corp., testified before Sen. Sam Nunn's Armed Services subcommittee on manpower and personnel as to what he had found in 3½ years of studying the all-volunteer army.

"The volunteer force is a success and I think it is a viable option for the future," Cooper said, but he clearly was offering judgments that the Georgia Democrat and other senators did not want to accept.

Cooper assailed the notion that ending the draft was what doubled the percentage of blacks in the Army (now 26.4 percent of the enlisted men). He pointed out that

whereas only 12 percent of young blacks met the mental qualifications for military service in the period from 1953 to 1957, 40 to 45 percent now meet the high qualifications. So the pool of available blacks has more than tripled.

Add to this the fact that while pay for enlisted personnel was raised substantially 18- and 19-year-old blacks were suffering unemployment at rates averaging 37.5 per cent in 1977 as against 13.5 per cent for white 18- and 19-year-olds, and it should be no surprise to anyone that blacks volunteer for military service more readily than whites.

But is this a sign of erosion of our forces?

Cooper told the Senate that "the increasing proportion of blacks in the force is not an indicator that the all-volunteer force has resulted in an army of the poor, as there are as many new recruits from middle- and high-income areas under the volunteer force as there were during the pre-lottery draft."

The Pentagon reports that in 1974, 1975 and 1976 (the last years of available records) a larger proportion of blacks entering the volunteer army had high school diplomas than was the case for white recruits.

Clearly, the all-volunteer army is not made up of black illiterates. Yet the whispers continue that the blacks: "Might be more loyal to race than to the U.S." "Maybe they wouldn't fight against Africans or other colored people." "How could we use a heavilyblack unit to put down rioting in a central city?" "The more blacks you have, the greater the chance of racial flareups."

Army Secretary Clifford Alexander and Army Chief of Staff Gen. Bernard W. Rogers reported in April that serious racial incidents "declined from a high of 64 in 1973 to 7 in 1975, 8 in 1976. As of Sept. 30, 1977 there had been 9 incidents."

There is something galling about the fact that among those questioning the "loyalty of blacks" in the volunteer Army, or the mental competence of "poor white" volunteers, are affluent Americans who helped their sons avoid the draft, in peace and in war, and whose sons are not about to volunteer now.

There clearly is a lot wrong with our defense posture, but we ought not make the all-volunteer concept the scapegoat—or make the race, economic status or level of sophistication of those who volunteer the bases for panic.

The greatest weakness may be that the people now organized to defend America are not those who have the most to defend. It was business executives in West Virginia, corporation bosses in Boston, the white collar elite in Hartford who expressed concern to me about the readiness of our military. But I got the feeling that, although their sons stand to inherit much of America, they were not about to volunteer to fight anywhere.

Let's tip our caps to the men and women who have volunteered—and go on to do the other things necessary to maintain a first class military establishment.●

ENERGY CONSERVATION AT THE LOCAL LEVEL

HON. SHIRLEY N. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mrs. PETTIS. Mr. Speaker, the successful implementation of a national effort to conserve energy will require innovative and cost effective programs. It is for this reason that I would like to call to my colleagues' attention a project that was developed by the Community Services Department of San Bernardino County.

Through a series of filmed skits that have been shown in the San Bernardino County public schools, young students have been given a keen insight into energy conservation.

The project has truly been a community effort. Volunteers have been involved. San Bernardino State College and the University of Redlands have offered the needed technical assistance to put the skits on film. And the Southern California Edison Co. has contributed informational packets dealing with energy conservation.

Both teachers and students agree that this has been a positive training method that has stimulated an interest in conserving energy.

Mr. Speaker, I commend the staff of the San Bernardino County Community Services Department for their imaginative approach in making students aware of how they can help save energy.●

EXPLANATION OF VOTE ON H. RES. 1194

HON. W. HENSON MOORE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. MOORE. Mr. Speaker, the Food for Peace program should not be used as a vehicle of convenience to force a foreign government to comply with a properly motivated directive for a foreign official to appear before a committee of Congress. Page seven of the report to accompany House Resolution 1194 states the $59.3 million in Food for Peace and Peace Corps funds programed for Korea during fiscal year 1979 would be jeopardized unless former Korean Ambassador Kim Dong Jo appears before the Korean investigation by the Committee on Standards of Official Conduct. This is the wrong means to achieve a proper goal.

On May 10 of this year during consideration of the First Concurrent Resolution on the Budget for fiscal year 1979 an amendment to deny Korea $56 million in Food for Peace funds was rejected by a 254 to 146 margin. I voted against the amendment and I find the renewed threat within House Resolution 1194 equally ill advised.

The Food for Peace program is aimed not at foreign governments, but rather to people in countries where food and fiber are not sufficient. Our farmers are paid in full for crops sent abroad under title I of this program and some of the crops involved for shipment to Korea are grown by Louisiana farmers. It is with their interest in mind that agriculture exports should be continued without undue interference.

Last year I voted to authorize the Korean investigation by supporting House Resolution 252 and I voted to encourage full disclosure by Korean officials by voting for House Resolution 868. I continue to support the Korean investigation and encourage full cooperation by the Korean Government. If it does not comply with our requests, attention should be given to cutting aid given directly to that government and not punish the people of Korea. Congress needs to find an appropriate mechanism to get full cooperation, but that goal will not be advanced by House Resolution 1194. For this reason, I voted against House Resolution 1194: ●

EIGHTH DISTRICT VFW SUPPORTS OBERSTAR BILL

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. OBERSTAR. Mr. Speaker, I have spent a considerable amount of my time since I became a Member of this House working for a fair legislative solution to the controversy surrounding the Boundary Waters Canoe Area in my district.

I have worked with the people of my district to develop an environmentally sound management plan for the BWCA which does not ignore the rights of the people to use and enjoy the BWCA.

My plan, H.R. 12609, would preserve the BMCA's unique character as a wilderness area, prohibit logging and mining and would reduce the number of lakes open to motors by 25 percent.

Some of the strongest supporters of my efforts have been veterans and veterans groups. I would like to share with my colleagues an open letter, dated May 28, 1978, to the Members of this House and of the Senate from Mr. Frank Volk, VFW Commander for the Eighth District of Minnesota.

I found his letter to be one of the most eloquent expressions of support I have received from the veterans organizations.

The letter follows:

V.F.W. EIGHTH DISTRICT,
Ely, Minn., May 28, 1978.

DEAR SENATORS AND REPRESENTATIVES: As a veteran and commander of the eighth district, I am deeply concerned about the Boundary Waters area.

Many bills are being proposed which will affect the very district I represent, and the veterans in the entire country.

A great number of my comrades and myself feel that we are being discriminated against, since we are up in age and many veterans are disabled.

The veteran fought and served this country with honor to preserve freedom and rights. It appears now that some of the proposed bills make a mockery out of our having served.

Though many may not like to be reminded that had it not been for these very same veterans, there may not have been anything to preserve.

I sincerely encourage you to support the Oberstar Bill, which is the only bill that considers all, not just the few that are ablebodied and young.

Don't take our rights away; we earned them.

Sincerely,

FRANK J. VOLK.●

PUBLIC OPINION POLLS ON CONGRESSIONAL PUBLIC FINANCING

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. ANDERSON of Illinois. Mr. Speaker, I take this opportunity to insert the latest Harris survey on campaign financing and to clarify the record regarding opinion research polls conducted on the issue of public financing of congressional campaigns.

The latest Harris survey indicates a strong concern about the large contributions given by political action committees. A large majority of individuals feel such special interest contributions have a bad influence on government and that the amount such groups can contribute to campaigns should be more severely limited.

While the public financing proposal which will soon be considered by the House does not lower the limit on interest group contributions, it does provide an incentive to attract small contributions. This type of fundraising is strongly supported by the people—nearly 80 percent of the Harris poll respondents indicated that money donated by small individual contributions has a good influence on government. The text of the Washington Post article on the survey follows:

BY 2-1, AMERICANS WOULD CUT ORGANIZED GIVING TO POLITICIANS

(By Louis Harris)

Americans are worried about political campaign contributions by both business and labor political action committees. By almost 2 to 1, they would favor reducing the amount that organized business, labor and consumer groups could give to a federal campaign from the current $5,000 limit to $2,500.

Under the present law, individuals are limited to a maximum $1,000 contribution to a presidential, Senate or congressional campaign. However, a business, labor or consumer group is allowed to give as much as $5,000 to any federal campaign. It is evident that the public feels the present disparity between organized and individual giving should be cut in half. Such a bill is now coming up in Congress and is likely to be voted on during this session.

Basically, Americans harbor rather deep suspicions about organized giving in politics. In almost every case in which the latest Harris Survey asked a national cross section of 1,563 adults about different types of political contributors, organized groups came up negatively:

By 65 to 21 percent, a majority feels that political contributions by big companies is a "bad influence on politics and government." Of course, corporations as such cannot give money to candidates on the national scene. However, when asked about "company political action funds contributed by certain employes and stockholders," a 47-to-32 percent plurality feels these also are a bad influence. It is evident that most Americans are very wary of any kind of corporate-related contributions to political campaigns.

However, by 58-to-26 percent, a sizable majority also believes that political contributions by labor unions have a "bad influence on politics and government." In the case of labor union political funds contributed by members of unions, a 46-to-36 percent plurality feels such contributions also have a bad influence.

There was one example of organized giving that was favorably regarded by the public:

By 55-to-26 percent, a majority feels that political contributions made by consumer action groups have a "good influence on politics and government."

The present gap between organized group giving and individual giving is felt to be "not justified" by a relatively close 44-to-38 percent plurality.

And when people were asked directly about specific organizations, the set of public opinion was clear.

By 50-to-27 percent, Americans favor reducing the maximum contribution of corporate political action committees from $5,000 to $2,500.

By an identical 50-to-27 percent the public supports the same reduction for labor union political action committees.

By 48-to-28 percent, it also favors limiting the contributions of consumerist political action groups to $2,500.

The latest Harris Survey also made clear just what kind of contributions people feel are healthy for the system:

By 79-to-10 percent, a sizable majority feels that money donated by "small individual contributors" has a good influence on the system.

By 54-to-30 percent, a sizable majority positive effect from contributions from "rich people who sincerely believe in a candidate and what he stands for." Whatever their feelings toward wealthy people, obviously most Americans would rather that well-heeled individuals give money to political campaigns than that organized business contributors do so.

In addition, I wish to caution Members against relying on an opinion poll conducted by Civic Service, Inc. This poll purports to indicate that a majority of Americans oppose congressional public financing. Let me point out that this survey and a similar one done in 1977 by the same organization directly conflict with questions asked by the two major pollsters. In March 1977, the Gallup poll asked:

It has been suggested the federal government provide a fixed amount of money for the election campaigns of candidates for Congress and that all private contributions from other sources be prohibited. Do you think this is a good idea or a poor idea?

57 percent good idea; 32 percent poor idea; and 11 percent no opinion.

In May of 1977, the Harris poll received a similar response to a similarly worded question:

President Carter has asked that some major changes be made in the federal election law. . . . Do you favor or oppose having all primary and general elections for the House of Representatives and U.S. Senate publicly financed as presidential primaries and elections are now financed?

49 percent favor; 28 percent oppose; and 23 percent not sure.

The reliability of the Harris and Gallup polls is excellent—they have predicted the outcome of all recent presidential elections with only small margins of error.

The Civic Service poll referred to earlier was commissioned by the American Medical Political Action Committee, a strong opponent of public financing. While their nonneutral position would not necessarily bias the results of the survey, an examination of their questions shows apparent flaws. For example, one of their statements attempting to measure support for public financing said:

Congressmen now make $57,000 plus a year. That's enough. We shouldn't have to pay for their campaigns, too.

Such a statement unfairly links congressional salaries with campaign financing—undoubtedly shifting resentment against the last congressional salary increase to the issue of public financing. Another statement contained similar bias:

It's been estimated that public financing of congressional campaigns would cost at least fifty million dollars just to start. Before we spend $50 million on congressional campaigns, there are many other priorities which need government attention and help.

It is no surprise to me that a large majority of the sample agreed with this question—certainly most individuals may feel a special program should have a higher priority than campaign financing. But in the total allocation of funds, I believe a majority of individuals would be supportive of public financing of campaigns.

Furthermore, an honest summary of the public financing proposal which the House will soon consider was never given to the survey population. Ideas such as the matching of small contributions, prohibiting excessive spending from a candidate's personal funds, and the voluntary nature of the system were not adequately explained in the questionnaire.

Not only do the questions fail to present some of the attractive reasons in support of public financing, they continually misrepresent the source of public financing funds. Instead of explaining that only revenues voluntarily designated by taxpayers may be used for public financing, the poll refers loosely to "public funds," "Federal money," or "tax dollars." Such an imprecise description only adds to the public's confusion and doubts about public financing.

The Civic Service survey indicates clearly that the majority of the people surveyed by this poll were not expressing their opposition to a system of matching of small contributions. When asked their conception of public financing, over 23 percent said public financing meant the Government pays the cost of campaigns using tax dollars, while only 8 percent felt it meant the Government matches with tax dollars the amount of money a candidate raises.

I ask my colleagues to examine closely the information they may receive regarding public financing. The matching proposal I support would increase public confidence in elections and in elected officials. It is a needed first step in restoring confidence in elections and government.●

HONORING DR. JAY SETTLE

HON. MARK W. HANNAFORD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. HANNAFORD. Mr. Speaker, the Huntington Beach (California) Union

High School District is about to lose the valuable services of Dr. William "Jay" Settle, deputy superintendent. Dr. Settle has been an educator, athletic coach, and school administrator for 33 years, and his retirement on June 3 signals the end of an era for the Huntington Beach High School system.

Dr. Settle's career has seen him in many different roles and many different locales throughout Los Angeles and Orange Counties. He has been a vice-principal of three high schools, a principal of two, and has held various high-level administrative positions in several area school districts. Graduates of Wilson High School in Los Angeles will remember him for his skilled guidance through mathematics, science, and journalism courses. Others know him as an adept basketball coach and physical education teacher.

But Jay's record of volunteer community service is equally impressive. The Kiwanis Club, the Rotary Club, the Los Angeles and San Gabriel Community Chests, and UCLA's Project Upward Bound have all benefited from Dr. Settle's contributions of time and wisdom. The Los Angeles Urban League expressed its appreciation for his good works by granting him its Outstanding Citizen Award in 1967.

Mr. Speaker, the Settle family has every reason to be proud of the accomplishments of Dr. William Settle. And those who will be in attendance at the dinner in his honor will further bear witness to this man who is so willing to give of himself.

I wish him a happy and healthy retirement.●

A TRIBUTE TO MISS EVELYN POSTON

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. STARK. Mr. Speaker, with great pleasure, I ask my colleagues today to join me in honoring Miss Evelyn Poston, a highly respected member of the community of San Lorenzo, Calif. She will soon be retiring after 47 long and dedicated years as a public servant for the San Lorenzo Unified School District.

Miss Poston has lived in California all her life. Not only were she and her seven brothers and sisters all born and raised in San Lorenzo, but also her mother was a native of this same community. In 1932, she was hired by the superintendent of the San Lorenzo Elementary Schools as his secretary/clerk and has been with the district ever since. It is amazing how she seems to know everyone and how everyone seems to know—and love—her.

The endless energy and enthusiasm which she put into her work served as an inspiration for students, parents, secretaries, clerks, custodians, teachers, and administrators. In addition, her concern for justice and equal treatment endeared her to the hearts of her community. With her dedication, the best possible educational program for the students of the San Lorenzo School District could be achieved.

The friends of Miss Evelyn Poston will be expressing their gratitude, affection, and appreciation at her retirement dinner on June 25. Looking at her record of past achievements, I know she will continue to serve as a model of excellence for her community. I am sure my colleagues agree she deserves the very best of luck in all her future endeavors.●

STATEMENT ABOUT WALTER R. MAY

HON. BO GINN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. GINN. Mr. Speaker, I wish to recognize 21 years of outstanding service to the Congress by Walter R. May, chief counsel of the Subcommittee on Investigations and Review of the Committee on Public Works and Transportation. Walt is retiring in the next few days and we shall certainly miss his influence and leadership.

A graduate of Boston University law school and a navy pilot during World War II, Walt served as a special agent, for the Federal Bureau of Investigation for 6 years. Following that, he was circulation director of the Boston Post.

He came to Capitol Hill in 1957 to work for the Senate Labor-Management Committee chaired by the distinguished Senator from Arkansas, John McClellan. Walt was the first assistant counsel added to the committee's investigative staff under the late Robert Kennedy.

Following creation of the Interstate Highway program in the mid-1950s, the authorizing Committee on Public Works and the leadership of the House of Representatives agreed that close supervision was necessary to maintain the public's confidence in that multibillion dollar program. The Special Subcommittee on the Federal-Aid Highway Program was created in 1959 and Walt May was named chief counsel and staff director. He has performed distinguished public service in that job ever since.

The investigations and revelations of that investigative body are legendary. The meticulous planning and field work that were characteristic of Walt's leadership led to disclosures and reforms too numerous to mention. Fraudulent right-of-way procurements, questionable construction practices, poor highway design, disregard for roadside safety by highway officials, these were just a few of the deficiencies exposed to congressional and public view.

Always there was the assurance that if Walt and his people had done the investigative work the evidence was overwhelming as to the legislative or administrative correctives that were recommended. He never mixed in partisan politics. His approach was to be thorough and unrelenting, but fair. This won him the respect of not only Members of Congress, but of the Federal, State, and local transportation officials who were sometimes the targets of his investigations.

As the mandate of the full Committee on Public Works and Transportation has been enlarged, the subcommittee's investigative and oversight function has expanded as well. Many of the provisions included in the 1977 amendments to the Clean Water Act, for example, originated in the lengthy investigations and hearings of the subcommittee.

Walts approach to the job has always been evenhanded and low key. His professional integrity has been unquestioned.

He has been a dedicated family man. In short, he has served well the country and the Congress.

I know that subcommittee members on both sides of the aisle, my predecessors as chairmen of the subcommittee, former Congressman John Blatnik of Minnesota and the distinguished majority leader of the House, JIM WRIGHT, share my high esteem of Walt May. All of us wish him well in his retirement and in whatever new endeavors he may pursue.●

HONORING GEORGE C. WILLIAMS

HON. MARK W. HANNAFORD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. HANNAFORD. Mr. Speaker, I wish to bring to your attention the retirement of a distinguished educator and public servant, George Williams. Mr. Williams has been an elementary school principal in Huntington Beach, Calif., since 1962. He will be honored by those who know and love him at a dinner on June 4.

Mr. Williams' affiliation with the Ocean View school district began in 1961 when he launched his career in education as a teacher. In just 1 year, he demonstrated such outstanding abilities that he was selected principal of the Meadow View School, remaining in that capacity through 1971. He then was named principal of the Oak View School, the position that he holds today.

As a former college teacher in Long Beach, I have kept abreast of Mr. Williams' contributions to education. He has served on several college advisory commissions, including one concerned with consumer education and another that deals with problems of bilingual education. George has been a guest lecturer at two institutions of higher learning, the University of Southern California and California State University at San Diego. And he played a major advisory role in the establishment of educational—now public—television stations in Los Angeles and in Orange County.

Mr. Speaker, the Members of Congress assembled should also take note of Mr. Williams' military background. During World War II, George was promoted from private to captain and saw combat duty in Europe. Needless to say, he received several awards for his bravery. After retiring from active duty, he remained in the Army Reserves through 1963 and left with the rank of major.

Mr. Williams has been active in civic affairs as well. His efforts have assisted

such worthwhile groups as the YMCA, the Kiwanis Club, the Red Cross, and the Buena Park Junior Chamber of Commerce. Currently, he is president of the Huntington Beach City Library Board.

It is indeed an honor for me to congratulate this notable public citizen. Mr. Speaker, I know you will join me in wishing him well.●

THE FUTURE OF DISARMAMENT: THE U.N. DISARMAMENT SESSION AND BEYOND

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. CONYERS. Mr. Speaker, the first world disarmament meeting in half a century is taking place at the United Nations this month. A few benchmarks identifying the sweeping changes in the military structure of the world ought to alert us to the fact that there is now an opportunity, which may not happen again, for the world community to curb the flow of weapons and stop the arms race:

The nations of the world this year will spend more than $400 billion on armaments, which comes out roughly to about $1 million each and every minute of the day;

The megatonnage of the world's nuclear arsenal is several million times the explosive force of the atomic bomb that destroyed Hiroshima;

By 1980 28 nations will possess a capability for producing nuclear weapons;

In 1965 only 13 countries had supersonic aircraft; today nearly 50 possess them.

The arms race and the proliferation of nuclear weapons are not easy issues to comprehend, let alone deal with. But we have no choice other than to deal with them.

Earl C. Ravenal has written an article on disarmament that enormously clarifies the issues before the U.N. disarmament session. Dr. Ravenal is a former official in the Office of the Secretary of Defense, author of several books on international relations, and a professor of foreign policy at Georgetown and Johns Hopkins Universities. His article, "Does Disarmament Have a Future," which appeared in the Nation on May 27, 1978, deserves serious reading.

The article follows:

DOES DISARMAMENT HAVE A FUTURE?

(By Earl C. Ravenal)

The arguments for disarmament are not bad. Nations—peoples—have an objective interest in a disarmed world, an interest they can't deny, or alienate, even by their negligent and irresponsible conduct. It is an especially urgent interest at this juncture, when we are living in a situation that strongly resembles the years before World War I: competitive armaments, regional antagonisms and irredentisms that give pretexts for aggression and conflict; unstable alliance systems opposing one another across still-tentative borders; profound social unrest and unmet domestic problems; the danger of mobilization and counter-mobilization, though now in the form of nuclear escalation. In such a climate, in 1914, "prudent" strategies of deterrence did not prevent war; they precipitated, accelerated, and expanded it.

Why have disarmament efforts failed? Why have they become objects of polite disdain in foreign policy-making circles, in the so-called "real world"? For this the peace people themselves are somewhat at fault. They persistently misconceived the problem of arms accumulation and war; they have fallen into the comforting habit of preaching to the converted. They still think that a reaffirmation of commitment, a redoubling of effort—perhaps in connection with an event such as the United Nations Special Session on Disarmament (UNSSOD)—will unlock the problem.

In anticipation of UNSSOD, we have harvested the expected crop of hopeful and right-minded proposals, mostly from the governments of smaller countries and nongovernmental groups. More significantly, we have intimations that the larger governments will seek some relative national advantage from the session, or deflect the sentiment it inspires by advancing minuscule or anodyne proposals, or diffuse its concrete initiatives in endless discussion and parliamentary maneuvering.

Actually, the follow-up to UNSSOD must be its most important phase. And, though the session is obviously intended to generate multilateral action, its most important products will be the independent intiatives of individual nations, and the pressures that domestic and transnational groups put on the leaders of such nations. If UNSSOD does not result in some concrete national actions, it will have been just another rhetorical feast, followed by the usual international hangover and the usual bromides.

A bibliography on arms control and disarmament, currently on sale, lists more than 9,000 entries—analyses, discussions, appeals, polemics and blueprints. Whatever is wrong with disarmament, it is not a shortage of proposals. If the political prospects for disarmament now are poor, there are intellectual reasons: the logical basis for disarmament is not clear; past rationales are out of touch with current international circumstances; they have been overtaken by technology. What are some of the specific problems?

Comparative Utopias. Disarmament proposals have relied abjectly on the assumption of a universal international organization—virtually a world government—that would subordinate national governments and dispose of central military forces. Architects of disarmament proposals have spent much of their time detailing frameworks for global collective decision making, provisions for the transfer of military power by states to international authority, and blueprints for world police forces.

The fault has been to underestimate the stubborn longevity of the nation-state. True, most of them are porous as sieves, and incompetent, but they will be the source of foreign policy decision making for the foreseeable future.

This need not be an occasion for despair. Impressive measures of peace have been achieved by independent states. Nations have negotiated stringent limits on arms, and have actually destroyed considerable stores of their own major military equipment (viz., the Washington Naval Treaties of 1922 that liimted the battleships of the five great naval powers). They have also devised serious restraints on the conduct of war (viz., The Hague conferences at the turn of the century, and the Geneva Conventions between the World Wars). Nations have even agreed to outlaw war entirely as an instrument of policy, as in the Treaty of Paris (the "Kellogg-Briand Treaty") of 1928. And nations for long periods of time have had very low levels of armaments—from one-tenth to one-twentieth of what they maintain now.

Nor does the persistence of national sovereignty mean giving up on "general and complete disarmament." On the contrary, it should be seen as a reason for accomplishing the partial steps of arms control, and as a standard against which each such move can be measured. The high-water mark of general and complete disarmament is the September 1961 McCloy-Zorin "Joint Statement of Agreed Principles" and the 1962 draft treaties by the United States and the Soviet Union. These statements are useful precedents, evidence of an underlying will of nations to countenance comprehensive disarmament, and even a glimpse of its technical feasibility. On the other hand, they must be seen as largely hypothetical schemes of no real strategic intent—a warning to contemporary disarmament strategists that a simple return to the formulas of sixteen years ago could mean another exercise in finely crafted illusions. McCloy-Zorin and the U.S.-Soviet draft treaties, with their initial promise and their exemplary faults, should be taken as points of departure.

The principal problem with the 1961–62 drafts is that they posit as the final stage of disarmament the virtually complete dismantling of military forces, weapons and defense budgets. At the end of this process, a supra-national U.N. agency is to be the sole remaining repository of forces and weapons that could be used for more than internal defense. An appropriate agreement for our day, one more skeptical of achieving world government, would have to allow correspondingly higher residual forces and a more permissive definition of "internal order," "safeguarding of frontiers" and other tasks. In the probable circumstances of the future, disarmament would be pursued down to forces that could not feasibly conduct aggressive war against other nations, but that would allow nations to defend their citizens and their property against external attack.

A Grain of Salt. A second flaw in past disarmament proposals is that they have assumed that progress will come only through mutilateral or bilateral bargaining and formal agreements among nations. The emphasis has been on draftsmanship and legalism. This ignores the potential of independent, national, informal moves to disarm and to defuse war. Indeed, in many important areas of disarmament, the only effective moves might be independent. Peace doesn't have to be formal, binding, comprehensive, or neat. It can be achieved in patches, wherever and however possible.

We should adopt a multilevel approach, including multilateral, bilateral, national and transnational forums and measures. Multilateral forums can be ones such as the U.N. Special Session. Partial multilateral conferences and organizations, such as the "club" of nuclear powers, or the suppliers of nuclear facilities and technology, or the countries of a region, can also contribute.

Bilateral negotiations such as SALT should also be supported, but we shouldn't put all our eggs in that basket. We are not likely, in the next few rounds of SALT, to exact from the Soviet Union sufficient cuts in their arsenal of heavy, increasingly accurate, MIRV intercontinental ballistic missiles (their SS–18s) to protect our own fixed land-based missiles (Minuteman). And the Russians, for their part, will be unable to reverse the formidable U.S. capability for counterforce strikes. We need to hedge against the insufficiency of the SALT negotiations by making certain independent moves that are within our own competence, such as phasing out our land-based missiles as they become vulnerable to advances in Soviet weaponry.

Transitional, nongovernmental institutions, such as professional associations and religious groups, will be needed, to prepare a receptive climate for serious reductions and other initiatives, and to put restraints on

national governments. In addition to working in all such forums, we must be active in all the weapons areas: strategic nuclear weapons, tactical nuclear weapons, "peaceful" nuclear technolgy, conventional arms and arms transfers, including instruments of repression.

Finally, we must control warlike activity in all ways available: quantitative limits on numbers of weapons or total explosive power; qualitative restrictions on weapons systems and on research, development and testing, nonproliferation safeguards such as inspection and monitoring of nuclear materials and facilities; geographical restrictions such as nuclear-weapon-free zones or general zones of peace; limits on military budgets; doctrinal changes (for example, no first use of nuclear weapons, and limitations on targeting and other attempts to spare noncombatants); legal strictures that reinforce personal accountability and help alter attitudes toward military actions and preparations.

Playing the Numbers Game. Past disarmament proposals have been preoccupied with the numbers of warheads, delivery vehicles and other manifestations of military power. It is often assumed that numbers in themselves cause instability and war. (This is a curious mirror-image of the hawks, who think that numbers win or lost wars.) All of it ignores the question: how do wars start? Would any nation be crazy enough to start a nuclear war? Only if it thought the other side was about to strike first—and if it thought it could prevent the other side from striking first.

Therefore, people ought to take more interest in the stability of the strategic balance, and in the context of that balance nations, and ultimately peoples, must have incentives to disarm. At least, at all stages, they must be spared overwhelming fears for their own security. Each stage of disarmament must be more secure than the situation that would otherwise prevail.

Looking for the Gordian Knot. Most previous disarmament efforts have stressed trust and good will, as if those are the primary—or even the only—factors that have been lacking. They seek to cut some Gordian knot with an immediate and comprehensible stroke of exhortation. But trust and good will are not enough. Trust must be founded on the technical and logical conditions of strategic stability. In a nuclear age, strategic stability is almost synonymous with peace.

Therefore, the peace people have to be as expert as the hawks; they must be able to hold their ground in debates that turn on technical characteristics and effects of weapons. It is new technology that has made the nuclear balance brittle again, and brought calculations of counterforce into fashion. For a decade and a half, in a situation now castigated by many as "Mutual Assured Destruction," there was effective mutual vulnerability. With dispersed single-warhead missiles on each side, and with relatively low accuracies, combined with relatively small throw weights and yields, the advantage lay with the defender, or the retaliator. An aggressor could lose by starting a nuclear war (in a sense even more obvious than the fact that "no one wins"). Now, with MIRVs and with more precise accuracies, greater throw weights and higher yields, the advantage has reverted to the attacker, and first counterforce strikes are again at least thinkable. Therefore, tangible corrections will be required—reductions and changes in weapons and force structures, not just expressions of good will.

Misplacing the problem leads to misconceiving the answer. Many peace people are quick to cry "pathology" or "malevolence," and some day, no doubt, the present accumulation and use of arms will be regarded as madness. But it is madness of a very special kind. It has to do with the convoluted, but genuine, quest for "national security." Therefore, "curing" individuals, even if this were possible, would not be an effective remedy. Disarmament proposals must treat "national security" as a real problem, not an aberration.

Something for Everybody. Previous proposals for disarmament have been self-deluding about their effects. They assumed that disarmament would bring all good things in its train—peace, order, justice and prosperity. These expectations are nice, but soft. When reasonable predictions demonstrate that it can't all come true, the whole case fails. Some realism at the start would be more helpful. Disarmament is worth the costs, but there will be some. For example, the restraint of nuclear weapons by some nations (particularly the principal "guarantor" nations) may encourage the proliferation of nuclear arms throughout the international system. Restraints on transfers of conventional arms may lead to the development of national arms production capabilities. Abolition of the "alliance system" may lead to the acquisition by other nations of independent means of defense—to a "Gaullist world." The United States may lose its influence on other nations and have to resign itself to accepting other regimes, the bad along with the good, forfeiting even the ability to bring about "justice" by intrusion or coercion.

In making the case for disarmament, peace people must be tough-minded and responsible. But "tough-minded" has nothing to do with the attitude of the hawks; it means being honest about the trade-offs and the balance of risks. And "responsible" has nothing to do with the compromised and stultified positions of the foreign policy establishment; it means accepting the consequences of our own proposals.

Ranging over the array of disarmament initiatives, one sees that most of them can be made independently, by the United States alone, even if it would be preferable to achieve reciprocity from other significant powers such as the Soviet Union.

Independent national initiatives are widely misunderstood and somewhat distrusted, but they have an important, and at times critical, function. They are designed to reduce the risks and burdens of military postures and doctrines. They can create momentum for the disarmament process and indicate the scope of possibilities. They can generate public and even elite support, transforming the climate in which disarmament might proceed. The insistence on independent moves within a framework of comprehensive disarmament is not a contradiction but a recognition of reality and actually an unconditional commitment to progress in arms reduction and war avoidance.

Eliminate the Counterforce Threat. One way that the United States could begin to reduce its forces independently, and in the process enhance its own security and the stability of the strategic balance, would be to phase out our intercontinental ballistic missiles. Anyone who understands the technical factors—types of weapons, their location, their characteristics and effects—must take seriously the contention of the hawks that certain portions of our nuclear forces will become vulnerable, by the early to mid-1980s, to a Russian first strike. SALT II—or any probable SALT III or IV—will not solve the problem. What can we do about it? Independently, without asking or being asked by the Russians, we could (1) eliminate our own provocative counterforce capability, (2) eliminate our vulnerability to a Soviet counterforce strike.

Our own counterforce capability rests heavily on the potent (350 kiloton) MK–12A warhead and the superaccurate (within one-tenth of a mile) NS–20 guidance system that we are already introducing into our Minuteman force. These two improvements, fitted onto the present 550 Minuteman II missiles, could threaten Soviet missiles in their silos, thereby needling the Russians in a crisis to launch their missiles pre-emptively. Their decision to do so would be reinforced by the fact that our improved Minuteman would still be a stationary target; in short, our land-based force would have the worst combination of characteristics: provocation and vulnerability.

As for vulnerability, some propose to eliminate it by moving to the M–X system—that is, putting our missiles in a big subway system, moving them back and forth in 20-mile tunnels. And indeed, mobility is the least objectionable feature of the proposed M–X system. The arguments against "going mobile" with M–X are its extreme cost (estimated at close to $50 million to deploy about 300 missiles); its provocative and destabilizing effects because of its high MIRV-carrying capability (up to fourteen warheads); the relatively high yield of each warhead (about 200 kilotons), and their projected accuracy (within 100 yards); the fact that the M–X, even in its mobile or multiple basing mode, would still be vulnerable to a high expenditure of Soviet warheads; and, not least, the fact that there is an obvious alternative—the complete elimination of our land-based missile force, over the next five or ten years, as it becomes vulnerable to improvements in the Soviet missile force.

Some would say that we should use this weapons system (and indeed every item of our defense policy) as a bargaining chip against the Russians. But should our entire defense policy depend on how the Russians feel about it? Independent moves should be more than bargaining ploys, so much psychological bait, to be canceled if not reciprocated. They should make strategic sense in themselves, so that they can be sustained whether or not they are reciprocated. In the most general sense, the purpose of independent national moves is to disconnect our security from "the Soviet threat."

No First Use of Nuclear Weapons. Perhaps the most important move toward a less dangerous world is for nations to build into their defensive plans an intention not to use nuclear weapons first. President Carter's address to the U.N. on October 4, 1977, was no change from our traditional doctrine. We are still relying on a nuclear response to redeem a losing conventional battle. Our present policy is a prescription for converting regional defense into global holocaust.

We should move to a doctrine of no first use, even independently and unconditionally, because it would enhance our own security and the stability of the world strategic balance. Our homeland, cities, population, property, political system, civil arrangements, social structures—everything we have—can be destroyed only if we invite an enemy's direct attack. We have every strategic, as well as moral, reason to adopt a no first-use doctrine.

"Tac Nucs" and Neutrons. Tactical nuclear weapons also ought to be subject to some independent national initiatives. Employed within a "theatre," such as Western Europe, and generally on or relatively close to the battlefield, they present a special problem in the prevention of war. Although ostensibly designed for attack on military objectives, they are a bridge between conventional warfare and intercontinental strategic nuclear weapons and thus open up the possibility of global conflict.

Many aspects of tactical nuclear weapons arise in the debate about the introduction of the "neutron bomb" into the U.S. arsenal in Europe. A device that kills by enhanced radiation, rather than blast or heat, it is said to be particularly effective against tanks and armored personnel vehicles. Since, unlike other tactical nuclear weapons, its radiation is massive but short-lived, enemy areas attacked with the neutron bomb or shell would soon be available for occupation.

The danger is not that this weapon won't do what it is supposed to do; rather, that it might do it too well. If we were already in a

conventional war, our own initial use of these nuclear weapons would be more than probable, leading almost inevitably to all-out nuclear warfare. Further development and deployment of the neutron weapon should be canceled, but it is typical of the "improvements" of tactical nuclear weapons that will constantly be sought as long as this category of arms is relied on to fill a "gap" in the spectrum of warfare and deterrence. We should grasp the larger problem of tactical nuclear weapons and consider their elimination from all theatres, including Europe, and ultimately from our stockpiles as part of a more general phased program of disarmament.

Other Independent Moves. Several other areas of disarmament lend themselves to independent national initiatives. Pending a comprehensive ban on nuclear testing, we could impose upon ourselves an indefinite moratorium. We now have a significant lead in the aspects of nuclear technology that are proved in such tests. We also have enough lead in the flight testing of improved missiles to declare an independent moratorium on that activity. Bilateral reciprocity might or might not ensue, but we would lose little, if anything, by the effort.

Still another independent move would be for the United States to observe nuclear-weapon-free zones or, more broadly, zones of peace established by regional nations, such as the nuclear-weapon-free zone declared for Latin America in the Treaty of Tlatelolco in 1967, or the zone of peace proposed for the Indian Ocean.

We could also impose more rigid standards of war crimes upon our own leaders. There will be no lasting progress in curtailing war until responsibility is fixed at the level of the genesis of all human action: the will and conscience of the individual person. Emphasis on strict morality and legal responsibility would revoke the Niebuhrian double standard that postulates one realm for the individual (traditional Christian morality) and another for the statesman (an amoral world). The consequences of this two-tier ethic have been undeclared wars, covert political actions, assassinations, destabilizations of lawful and popular regimes, secrecy in government, deception of citizens, and arrogation of war powers by the Executive.

Areas Not Amenable to Independent Initiatives. Some measures—particularly mechanisms for confidence building and peace keeping—are hardly susceptible to independent national actions. Vital as they are to a scheme of disarmament, they require multilateral agencies, such as the United Nations or at least regional groupings. Peace keeping is one of the conditions for inducing the disarmament of the larger powers and the dismantling of the opposing military alliance systems. The present "guarantors" must have the assurance that a local conflict will be contained short of the point where they would "have to" become involved.

The Special Problem of Proliferation. The spread of nuclear weapons, nuclear materials and conventional arms is not so much an area of clear opportunity for disarmament as it is an embarrassing, even a poignant, trade-off against measures of disarmament that would otherwise be indisputably desirable. We have to recognize nuclear proliferation not as a technical problem in itself but as an aspect of the emerging many-power world. Indeed, the tendency to fragmentation of military power and political initiative has been exacerbated by the decline of American reliability, both as an alliance guarantor and as a supplier of critical resources, in this case nuclear fuel. Thus, further steps to curtail American power through disarmament might, as a side effect, contribute to further nuclear proliferation. This will be true despite any countervailing exemplary effect of American self-restraint in the development of nuclear arms and nuclear energy.

Nevertheless, things can be done, some independently, some cooperatively, to impede the process. Some examples: developing restrictions within the London Supplier Group on the transfer of nuclear technology, strengthening the inspection and monitoring powers of the International Atomic Energy Agency, and inventing improvements in the nuclear fuel cycle.

Disarmament, however substantial, is not an end in itself. It must be shaped by a larger vision of security. For thirty years the United States has operated under a national security theory that can be described in two key terms: deterrence and alliance. Unless it is fundamentally altered, we are condemned to periodic exercises of "brinkmanship" (credibility-enhancing confrontations), such as Cuba in 1962 and the Middle East in 1973; to periodic "limited wars," such as Korea and Vietnam, and to the hovering threat of global nuclear confrontation. It has been said that "deterrence works." It works, that is, until it fails. And then, because of the exaggerated retaliatory postures that have been adopted by both sides "to strengthen deterrence," destruction is vastly aggravated. And alliances serve as transmission belts and amplifiers of regional conflict. The cult of deterrence and the alliance system should, therefore, be replaced with a counter-theory of war avoidance and self-reliance.

Such a fundamentally altered foreign policy need not proceed from the premise that the "other side" is up to nothing. It may be true that other nations are doing things that are not altogether benign. If we admit the probability of some troublesome behavior by others, and still want to obtain the benefits of a revised security system, we may have to ask some more basic questions. They will be "so-what" questions, "can-we-live-with-that" questions. To answer them, we will have to overturn some notions that have been considered almost self-evident, such as the value of a military balance—not whether we are currently enjoying such a balance but whether we need a military balance at all. Finite strategic sufficiency, at each stage of disarmament, is a valid and respectable condition; but the quest for balance is more likely to result in unending competition and, paradoxically, to perpetual instability.

We will also have to ask, not what "security" means but rather whose security is at stake. There can be no "national security"—or "national interest," for that matter—apart from the security and the increases of a nation's citizens. We need a concept of "civil security." The "we" that is traditionally invoked by elites must be taken apart, and the real consensus must be found. True, the public gives off confusing signals, but by and large, if faced with a stark choice, citizens don't want to risk being consumed in a nuclear fireball or poisoned by radioactive debris in order to enhance their government's influence on the conduct of other nations.

"Realism" and "responsibility" are words, bandied about with some emotion in the current debate on national security. A disarmament program such as that proposed here is intended to be appropriate to the conditions of a future international system, and to make those conditions more favorable to the continuation of human life and civilization. Such a program would seem to be realistic, in the most precise as well as the most fundamental sense. Nevertheless, the very proposal of substantial disarmament is so far from the present agenda of the principal nation that it courts charges of extremism, irresponsibility, and fantasy.

But there is such a thing as the extremism of the Center, the ultimate irresponsibility of the sober elites. All too commonly it is said that the circumstances of the nuclear age have discredited the civilized values that have evolved over centuries. But those are the values that lead to survival, and the "statesmanship" that has been developed to suit a nuclear age has been precisely contrary to the probability of survival in a nuclear age. When putting forth proposals for disarmament we must not neglect the "risks." But there is a choice of risks, and we should not be afraid to make our commitments and investments on the side of peace.●

APARTMENT HUNTING, IN BLACK AND WHITE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. FRENZEL. Mr. Speaker, a full decade after Congress passed comprehensive open-housing legislation, it is clear that ineffective enforcement has allowed discrimination in this country to persist. In the following letter, which appeared in the New York Times yesterday our distinguished colleague, JOHN ANDERSON, forcefully and eloquently states the need to press on in our work to obtain justice for victims of discrimination—work only just begun by the President's Reorganization Plan No. 1.

I am pleased to note the constructive efforts of our colleagues, JOEL PRITCHARD and CALDWELL BUTLER to make our civil rights enforcement system worthy of our important civil rights laws.

The letter follows:

[From the New York Times, May 30, 1978]

HOUSING: APARTHEID, AMERICAN STYLE

To the Editor:

James L. Hecht's May 11 Op-Ed article, "Apartment Hunting, in Black and White," should shock the sensibilities of every American. A survey of 40 cities around the nation financed by the Department of Housing and Urban Development, indicates that—even if, as the author claimed, the problem is somewhat understated in the report—"only one out of four blacks is given the same choice as a white person when seeking an apartment."

Ten years ago, after a considerable amount of agonizing, Congress passed an ambitious Federal open-housing bill with sanctions against anyone who refuses to rent or sell property to another person because of race, color or creed. Indeed, one of the most critical votes during the bill's progress through the Congress occurred in the House Committee on Rules on April 9, 1968, ironically the morning that, the Rev. Martin Luther King Jr. was being buried in Atlanta.

In those troubled times, many of us in Congress were struggling with the fundamental realities of racial segregation and trying to chart the strength and breadth of the Federal response. For my part, I had come to the conclusion that we could no longer tolerate segregation and separatism and that it was incumbent upon us to become, as my early training had instructed, "agents of reconciliation."

But for all the good intentions invested in that landmark housing bill that we labored over on the eve of the calamitous summer of 1968, the H.U.D. study tells us that little has happened in the decade since Dr. King's death to ease the degrading plight of black Americans looking for decent housing for themselves and their families. Racial segregation in housing is a tragic, unrectified fact of life in the United States, an American brand, yes, of apartheid—no less immoral

and onerous for being de facto rather than de jure separatism.

Yet it need not be so. As Mr. Hecht pointed out, concerted action by the Federal Government can result in measurable, meaningful progress for those who suffer discrimination from real estate brokers, home owners, mortgage lenders and landlords: "The case for stronger government action against those who violate fair housing laws is supported by the progress that has occurred when there have been modest efforts at enforcement."

And that is just what is being developed in the House of Representatives today. A group of Republicans led by Representatives Joel Pritchard (R.-Wash.) and Caldwell Butler (R.-Va.) is drafting a sequel to our earlier proposal, the Civil Rights Act of 1977, which, like its predecessor, will make more uniform and more efficient the coverage provided by existing civil rights laws.

Civil rights responsibilities, which are now thinly spread over more than two dozen government agencies and offices, and which are enmeshed in a maze of more than 50 existing statutes, would be codified and assigned to several centralized authorities. In those cases where all efforts at voluntary compliance have failed, the legislation would provide a single kind of ultimate sanction by granting the injunctive relief necessary to eradicate the current discriminatory practices and the effects of past practices, and to forestall future abuses. Clearly, expedited procedures for the investigation and resolution of complaints are critical to the success of any Federal anti-discrimination program, as is borne out by the findings of the H.U.D. study.

If we have learned only one lesson from the shortcomings of the 1968 act, let it be this: Powerful incentives are needed if we are to end housing discrimination in our country. Surely everyone should agree that we all have a right to live where we choose—that the color of one's skin should be of as little consequence as the color of one's house.

JOHN B. ANDERSON.

The writer heads the Republican Conference in the House of Representatives.●

VICE ADM. ROBERT IRA PRICE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. ANDERSON of California. Mr. Speaker, the safety of oceanborne traffic is of very special importance to southern California. It is of even greater importance to the 32d Congressional District, where the twin ports of Long Beach and Los Angeles combine to form one of the busiest harbor complexes in the world.

Thus, the 11th Coast Guard District is a highly visible entity in our area. Under the highly professional and able leadership of its Commander, Rear Adm. Robert I. Price, the Coast Guard has improved on its already commendable reputation in our area. Therefore, it will be with mixed feelings that the maritime community will view his promotion to vice admiral and transfer to his new assignment as Commander of the 3d Coast Guard District/Atlantic Area in the Port of New York. We are pleased to see his excellent record and qualifications recognized by this promotion, but at the same time we will miss his leadership back in California.

Born in New York City on September 22, 1921, Robert Ira Price graduated with a bachelor of science degree from the U.S. Coast Guard Academy on June 6, 1945. Ensign Price's first assignment was aboard the destroyer escort *U.S.S. Pettit* in the South Pacific as a deck watch officer.

On the Coast Guard icebreaker *Northwind* as navigator and first lieutenant from 1946 to 1949, Admiral Price served on polar cruises to Alaska, the Canadian arctic, Greenland, and the Antarctic. He was selected for a 3-year course in naval architecture at the Massachusetts Institute of Technology after qualifying for engineering duty with the cutters *Tampa* and *Unimak*, graduating in 1953 with the professional degree of naval engineer.

In 1955, after service at the Coast Guard yard and at sea as engineer and executive officer, Bob Price reported for duty at headquarters in the Merchant Marine Technical Division. He served as technical secretary to the U.S. Delegation to the International Safety of Life at Sea Conference in 1959, which was called in response to the sinking of the *Andrea Doria*.

After commanding the Coast Guard cutter *Nemisis* in the Gulf of Mexico for 2 years, Admiral Price returned to Coast Guard Headquarters, Office of Merchant Marine Safety. He was awarded the Legion of Merit for meritorious achievement in improving the international shipboard fire safety standards following the *Yarmouth Castle* disaster. While Chief, Planning and Special Projects Staff, he received the Coast Guard Commendation Medal for preparing a report to Congress in 1970 on control of hazardous polluting substances.

In addition to other duties between 1962 and 1971, Admiral Price served as U.S. Representative for the State Department in the technical work of the Intergovernmental Maritime Consultive Organization, an agency of the United Nations. He received a Meritorious Service Medal in July 1973 for his performance as Captain of the Port of Philadelphia, and in 1974 was promoted to rear admiral and assumed the post of Chief, Office of Marine Environment and Systems.

Rear Admiral Price assumed command of the 11th Coast Guard District, Long Beach, Calif., in June 1976. His presence in our area has been of immense value not only to the maritime industry, but to all of us who live or work in the Los Angeles-Long Beach Harbor area. His leadership in the field of martime safety has been outstanding. Under his direction, the oil spill contingency plan for the ports was reorganized, and now serves as a model for all other Coast Guard districts. The high level of readiness instilled by Admiral Price was amply demonstrated in the prompt response by the Coast Guard to the explosion of the tanker *Sansinema* in December 1976.

As a prime mover in our area's awareness of marine safety, Admiral Price worked extensively on the safe handling of hazardous cargo, including the safety factors of transporting liquefied natural gas.

Despite his busy schedule, Bob Price found time to become involved in community affairs. He was active with the Long Beach Chamber of Commerce's military affairs committee, the Long Beach Rotary Club, the Propeller Club, and the National Defense Transportation Association. In addition, he is a member of the Society of Naval Architects and Marine Engineers, and was elected a fellow of the Royal Institution of Naval Architects of London in 1972 for his contributions to international maritime safety and antipollution standards.

Mr. Speaker, my wife, Lee, joins me in congratulating Rear Adm. Robert I. Price as he is promoted to vice admiral, and in wishing him the best of success as he assumes command in New York. His leadership and expertise in the field of maritime safety will be missed by all of us in southern California; but the benefits he will leave us can serve as a reminder of his outstanding service in our area.

We would also like to extend our best wishes to Admiral Price's lovely wife, Virginia, and their two daughters, Mrs. Andrea Stevens, M.D., and Mrs. Keven V. Chriss.●

BERGER ATTACKS RESULT-ORIENTED JURISPRUDENCE

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. MURPHY of New York. Mr. Speaker, in government by judiciary, Raoul Berger, the eminent constitutional scholar of Harvard University, concluded that in recent years many of our courts have been rewriting, rather than defending, the Constitution. Subsequent to the publication of his important book, and not surprisingly, Berger has been the target of criticism from many who are connected with the Nation's courts. Writing in the April 14 edition of National Review, Professor Berger has answered his detractors and eloquently defended his thesis that the courts have sometimes been instruments of social revolution through the legal process.

The most recent instance of the courts' result-oriented jurisprudence concerns an issue upon which Professor Berger spoke forcefully and well—the exclusive nature of article IV, section 3, clause 2 of the U.S. Constitution. When Professor Berger appeared before the Committee on Merchant Marine and Fisheries and other congressional committees in the last year, he deplored as a gross extension of Executive power the attempt to dispose of the Canal Zone and U.S. property therein by treaty alone. But the Supreme Court, by its announcement on May 15 of denial of the petition for writ of certiorari in the case of Edwards against Carter, has not stopped this Executive encroachment. The Court allowed to stand a tenuous majority opinion of

the Circuit Court of Appeals for the District of Columbia Circuit. That opinion sought to explain away the plain language of the Constitution. I believe that despite the Supreme Court's refusal to entertain the Edwards case, Members of the House will not lose sight of the need to retain one of the most fundamental rights of the Congress in the separation of powers doctrine—the right to act in the disposal of U.S. property and territory.

The House cannot allow the principles of the Constitution to be eroded because of the tactics designed to gain approval of the new Panama Canal Treaty arrangement. As I have stated many times, the powers of the House are at stake and their retention transcends the Panama Canal treaties.

Although the social and political equity involved in some of the important decisions discussed by Professor Berger must never be reversed, Berger's exposition of the encroachment by the Executive and judiciary upon the powers of the Congress is an important contribution.

For the information of my colleagues, the article, "Academe vs. the Founding Fathers," follows:

[From the National Review, April 14, 1978]

ACADEME VS. THE FOUNDING FATHERS

(By Professor Raoul Berger)

"The most immediate constitutional crisis of our present time," wrote Professor Philip Kurland, is "the usurpation by the Judiciary of general governmental powers on the pretext that its authority derives from the Fourteenth Amendment." Almost fifty years earlier, Justice Holmes expressed the "more than anxiety" he felt because, "As the decisions now stand, I see hardly any limit but the sky to the invalidation of [the constitutional rights of the states] if they happen to strike a majority of this Court for any reason as undesirable. I cannot believe that the amendment was intended to give us *carte blanche* to embody our economic or moral beliefs in its prohibitions." Time and again Justice Black inveighed against the Court's unconstitutional exercise of the amending power, as did Justice Harlan. *My Government by Judiciary: The Transformation of the Fourteenth Amendment* assembled the evidence that undergirds such views, and demonstrated that the Court has exercised a revisory power that the Constitution withheld from it.

That there should be differences of opinion about this view was to be expected. For a generation academicians have been cheering on the Court to ever more heroic feats, and the Court, as former Justice Abe Fortas wrote, has triggered "an economic, social, and cultural revolution." Since I question, in that book, whether the Court is empowered to act as an instrument of "revolution," I anticipated that academicians who were enamored of the judicial *results*—never mind their legitimacy—would vigorously defend the role of the Court. What was unexpected was the denigratory tone of their rebuttals, a tone unworthy of scholarly discourse. But Professor Charles Steinberg has since written that Academe "can be a jungle," where academicians are driven by "a deadly combination of ruthless ambition and sheer malevolent, sadistic pleasure" in "the demolition of a colleague's paper or reputation." As Exhibit I, I begin with Professor Arthur S. Miller.

One of the hoariest tactics of a debater with a weak case is to distract attention by ridiculing and attacking the opposition. Miller (*Washington Post*, November 13, 1977) makes no attempt to state fairly, still less to meet, the case presented by my study but resorts instead to invective. He charges me with "lawyer's history," with an "antiquarian viewpoint," with "a puerile theory of interpretation," with viewing the Constitution "through the narrow eyes of a legal mechanic." He sneeringly refers to me as "an ex-Washington lawyer turned legal historian," when in fact my historical studies go back to 1934 and won high praise from Dean Wigmore and Justice Cardozo.

In Miller's eyes my glaring sin is "reliance on the Framers' intention as the only proper standard of interpretation." More accurately, I hold that if the intention is clear, it governs. For Miller "the relevance today of those who wrote the Constitution is questionable at best"; we need not be bound by history"; "the Founding Fathers . . . cannot rule us from their graves." Yet Justice Horace Gray held that "all questions of constitutional construction [are] largely a historical question." No Justice has baldly asserted that the Framers' intention is irrelevant; to this day the Justices have repeatedly affirmed that they are seeking to give effect to the intention of the Framers. Miller is more royalist than the king.

He urges that "To interpret [the Constitution] in the same manner as, say, a contract or even statute is to forget that it is the fundamental law." A "fundamental law" that can be made to mean anything the Justices choose to make it, even in direct contradiction of the plain intention of its Framers, is no "law" at all; it is the fiat of a caliph dispensing justice under a tree, which even Miller rejects. He recognizes that the decisions of the Court "reflect the values of the Justices, dressed up in lawyer's language." But Judge Skelly Wright, in penning a defense of the Warren Court against "self-appointed scholastic mandarins," stated, "Constitutional choices are in fact different from ordinary decisions . . . the most important value-choices have already been made by the Framers of the Constitution." Miller would supplant those choices, ratified by the people, with those of the non-elected Justices. In thrusting aside the dead hands of the Framers he thrusts aside the Constitution.

The Constitution is a charter of delegated powers, drafted by a people who dreaded power and sought to "fence" it about. In Jefferson's words, they sought to bind down their delegates from "mischief" by the "chains of the Constitution." Those "chains" were fashioned out of words, and, if the Court is free to read "black" as "white," the chains are reduced to cobwebs. Miller's euphemisms disguise a claim of judicial power to rewrite the Constitution. He maintains that "It is far too late in our history to say that amendment is the only proper way to change the Constitution. Our government could not operate without extra-constitutional adjustments [by the Judiciary] in the original framework." Nixon too thought that "national security" required "extra-constitutional" power. It is never too late to complain of usurpation; power withheld cannot be wrung out of its wrongful exercise, no matter how long continued. As Hamilton said, "An agent cannot new model his own commission."

Article V confides the power of amendment to the people themselves, and then only by prescribed procedures. Elbridge Gerry, one of the Framers, explained the obvious—it was meant to be exclusive. When Miller claims for the Court power to amend the Constitution, he voices a claim that the Court has never dared to assert; instead it has "dressed up [the fact] in lawyer's language."

But enough of abstractions; let me show how the Warren Court flouted the intention of the Framers of the Fourteenth Amendment in constructing the doctrine of (to use Justice Douglas' phrase) "one person, one vote." Space permits recital of only a few out of a host of facts. In 1865–68, Justice Brennan has stated, 17 Northern states rejected universal suffrage. Senator William Fessenden, Chairman of the Joint Committee on Reconstruction of both Houses, said that there is not "the slightest probability that [suffrage] will be adopted by the states." Consequently they resorted to Paragraph 2 of the Amendment, which permits the states to *deny* suffrage but to suffer a reduction of representation in the House of Representatives in consequence. The Joint Committee Report explained that the states would not "surrender a power they had exercised," hence it was best to "leave the whole question with the people of each state."

JUDICIAL FABRICATION

By its "one person, one vote" doctrine, the Court clearly reversed the unmistakable choice of the people. As a matter of abstract justice the decision was impeccable; nonetheless, as Justice Harlan correctly charged, it represents an undeniable amendment of the Constitution in direct contradication of the Framers' intention. Harlan's proof, said Miller's own former colleague, Professor Robert Dixon, is "overpowering." Whence does Miller derive judicial power to revise the Constitution, to substitute the Court's own policy choices for those of the people?

Miller relies on "the delphic words of the Fourteenth Amendment." It might suffice to quote Justice Holmes's statement that when a legislature, and *a fortiori* the people, "has expressed its will, however indirectly, . . . that will should be recognized and obeyed." The Framers plainly expressed their will to exclude suffrage, and that will should be given effect. Miller's generalities discreetly ignore such facts. In truth, the view that "due process of law," for example, is "delphic," is drawn out of thin air. For years scholars have agreed that the transformation of "due process" from a standard of *procedure in the courts* to an instrument for the overthrow of *legislation* is a judicial fabrication.

The Founders were clear enough as to the meaning of the phrase. On the eve of the Constitutional Convention, in 1787, Hamilton declared: "The words 'due process' have a precise technical import, and are only applicable to the process and proceedings of the courts of justice; they can never be referred to an act of the legislature." Under the mantle of such "delphic" phrases the Court hides the fact that—as Frankfurter wrote President Franklin Roosevelt—it is the "Justices who speak and not the Constitution," as is confirmed by their rebuff of Justice Jackson's plea in the midst of the desegregation case to tell the people that the Court "was declaring new law for a new day." In his study of the case, Richard Kluger explains that it was unreasonable to ask the Court to admit that "there was no judicial basis for its decision," that "it was acting in a frankly unjudicial way." And for a Justice to ask that was not "unreasonable"; it was suicidal. Disclosure would have raised a storm of disapproval; it would have destroyed the myth that the Court speaks as the voice of the Constitution rather than as the voice of the Justices' own "values." Were the people aware that the rules imposed upon them represent choices of the Justices, not the Framers, they would insist upon a return to self-government; they would prefer the Constitution—"frozen in time," in Miller's derisive phrase—to the ungoverned, illimitable law-making of the Justices.

Paul Brest—a young man in a hurry—dismisses my study as a "simplistic and myopic argument, and a wrong conclusion" (*New York Times*, December 11, 1977). The faulty inferences and misrepresentations of

fact which stud his review furnish shaky scaffolding for such charges.

Although only nine pages of my 450-page book are devoted to desegregation, Brest entitles his review "Berger *v.* Brown," explaining that "Berger is almost alone in arguing that the Court erred in *Brown* v. *Board of Education*—the 1954 case that struck down laws forbidding black and white children to attend the same schools." This is a demagogic appeal to the prejudice of those who assume out of hand that what is desirable is constitutional, a test rejected by the Framers and by Chief Justice Marshall. Nor is the issue to be settled by a count of noses, but rather by resort to the history of the Fourteenth Amendment. Brest himself acknowledges that when the Amendment was drafted in 1866 "the nation was not ready to eliminate" segregation. The late Alexander Bickel, whom Brest holds up to me as a model, stated, "It is impossible to conclude that the 39th Congress intended that segregation be abolished; impossible also to conclude that they foresaw it might be, under the language they were adopting."

How then does Brest deduce that the words "equal protection" embody "an ideal of racial equality"? He himself has stated that to read a word that had one meaning when the Constitution was framed in light of a different modern usage of the word "would certainly be a change of meaning (and an improper one at that)." Why, then, should words used by the Framers—e.g., "equal protection"—against a background of intention to exclude a specific subject—suffrage—fare worse? Even in 1954 the "ideal of racial equality" was not too widely shared for a fellow idealist, Professor Edmond Cahn, acknowledged that "it would have been impossible to secure adoption of a constitutional amendment to abolish 'separate but equal'." Thus my "myopia" consists in questioning the Court's right to substitute its own predilections for the choices of the Framers. Since Judge Learned Hand also regarded *Brown* as a *"coup de main,"* I am hardly to be read out of the society of scholars for concurring in that conclusion.

To my demonstration that the Fourteenth Amendment was designed to "embody" the narrow objectives of the antecedent Civil Rights Act of 1866, which did not include either suffrage or mixed schools, Brest replies that "*some* legislators claimed the Amendment did not go beyond the Civil Rights Act, others . . . described its broad clauses in equally broad terms." Actually the overwhelming majority thought as did George Latham: the Act "covers exactly the same ground as this Amendment." Horace Flack's history of the Amendment confirms that "Nearly all said it was but an incorporation of the Civil Rights Bill . . . there was no controversy as to its purpose or meaning." They were treated as "essentially identical," wrote the distinguished historian Charles Fairman. And so were they represented to the electorate.

BRUTE FACTS

But Brest finds an "obvious difficulty": "Why didn't the drafters take the direct route of incorporating the Act's language in the Amendment?" By that test judicial review itself is fatally flawed, for it is not expressly provided for. When William Crosskey challenged the legitimiacy of judicial review on that ground, Professor Henry Hart scornfully retorted, "Professor Crosskey is a devotee of that technique of interpretation which reaches its apogee of persuasiveness in the triumphant question, 'If that's what they meant, why didn't they say so?'" The answer, to borrow from Justice Holmes, is that "it is not an adequate discharge of duty for courts to say, 'We see what you are driving at but you have not said it.'" Then too, constitutional drafting calls for the utmost compression, not the prolixity of a code, as Bickel appreciated, remarking that "enumeration of the rights in the Act" presumably was considered "inappropriate in a constitutional provision." And Brest's question—why did the Framers instead "prohibit the states from denying 'equal protection of the laws'"?—ignores my demonstration that those words were wedded by the Framers to the narrow objectives of the Act. They could hardly mean desegregation when, by Brest's own testimony, "the nation was not yet ready to eliminate [it]."

Both Miller and Brest avoid the brute facts—e.g., the massive evidence that suffrage was excluded from the Amendment—which led me to conclude with Justice Harlan, Brest's beloved mentor, that the Warren Court's "one person, one vote" lacked all historical justification. Brest's colleague, Professor Gerald Gunther, wrote that "most constitutional lawyers agree." On this score Justice Harlan declared, "When the Court *disregards the express intent* and understanding of the Framers, it has invaded the realm of the political process to which the amending power was committed, and it has violated the constitutional structure which it is its highest duty to protect." (Emphasis added: Italic.) Am I to be excommunicated for agreeing with Justice Harlan?

Like Miller, Brest considers that my cardinal sin is insisting that "the constitutional interpretation should depend chiefly on the intent of those who framed and adopted a provision." He prefers the view that "whatever the Framers' expectation may have been, broad constitutional guarantees [e.g., equal protection] require the Court to discern, articulate, and apply values that are widely and deeply held by our society." For him the "touchstone . . . is not the intent of people long since dead, but the consent of the living," which he discovers in the "processes of appointing judges and carrying out their decisions."

Judges are appointed to "defend the Constitution," not to revise it. What Brest is arguing for is ratification of judicial revision by popular inertia, for he points to no other index of the "consent of the living." But Hamilton, the great apologist for judicial review, declared that the Constitution is binding "until the people have, by some solemn and authoritative act, annulled or changed the established form . . . and no presumption, or even knowledge of their sentiments, can warrant their representatives in a departure from it, prior to such an act." It is no answer to invoke Chief Justice Marshall's dictum that the Constitution was "to be adapted to the various crises of human affairs," because Marshall categorically disclaimed the interpretation of his dictum as "the assertion of a [judicial] right to change" the Constitution. After Professor Gunther discovered this disclaimer, he observed that "ritual invoking of Marshall's authority" no longer should serve to bolster the argument for unlimited discretion. Unlike its apologists, the Court has never openly laid claim to a power to amend the Constitution. Instead, as former Solicitor General Robert Bork wrote, "Value choices are attributed to the Founding Fathers, not the Court." And, he comments, such statements indicate the Court's awareness of what "its customers demand," that is, effectuation of the Framers' design, not substitution of a non-polled "consent of the living."

Justice Holmes's "more than anxiety" about unlimited judicial policy-making under a Constitution that confers no unlimited power cannot be laughed away; and it is a disservice to the American people to delude them into thinking they have surrendered self-government to the Court.●

SISTERS OF HUMILITY OF MARY

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Ms. OAKAR. Mr. Speaker, today I would like to pay personal tribute to a group of dedicated American women, the Sisters of the Humility of Mary. Among their many accomplishments is the fact that they are exceptional educators. Two of the high schools which they operate are Magnificat High School in Cleveland, Ohio and Villa Maria High School in Villa Maria, Pa. The faculty of these exceptional schools founded an exceptional organization, the Center for Learning, Inc. which publishes educational materials used by private and public schools throughout the country.

Recently, one of their seniors Maryanne Povinelli who won first prize at the International Science and Engineering Fair in Anaheim, Calif. Much credit is to be given to the principal of Magnificat High School, Sister Rose Shaffer for providing the progressive atmosphere to enable students to grow in light of the times, and to Maryanne's science teacher, Sister Joan Acker who arranged for and guided Maryanne through the project. Both are exceptional teachers. I know. I was educated by them as a high school student at the former Lourdes Academy. The following is the article written about the award in our Cleveland Press:

[From the Cleveland Press, May 18, 1976]

MAGNIFICENT SENIOR WINS SCIENCE FAIR 'OLYMPICS'

(By Wally Guenther)

Maryanne Povinelli, 18, of Westlake, is an international champion of the "Olympics of high school science."

Maryanne, a senior at Magnificat High School, won first prize in the medicine and health category in the 29th International Science and Engineering Fair in Anaheim, Calif.

It marked the first time a Greater Cleveland high school student won a grand prize in the science fair competition.

She bested 53 finalists in her category. In all, there were 451 entries in 11 categories represented by students from the United States, Canada, Puerto Rico, Japan, Mexico and Sweden.

None of this has mind-boggled the modest student. She is wearing a shy grin around the hallways this week. It was the fourth time she had entries in the fair.

Her national-winning project was "A Determination of the Presence of an Angiotensin II—Related to Peptide in the Brain."

In layman's terms, angiotensin is a hormone which produces an increase in blood pressure. Maryanne worked several months with rabbits and rats brain tissues and found there is a central mechanism for blood pressure control.

Her findings are to be reprinted in a European medical science journal.

She worked closely with Dr. Alan Moore, formerly of the Cleveland Clinic, in her research.

Her win also brought other awards.

She received a $250 cash award and another $250 goes to Magnificat High. She was given an American Medical Assn. merit award and an Air Force award for which she will later tour several Air Force bases in the United States.

Her list of prizes is topped off with a five-day visit to London and a nine-day visit to Stockholm next December.

Maryanne was one of the two grand winners of the Northeastern Ohio Science and Engineering Fair held here last March. It is cosponsored by The Press.

The other winner, Charles P. Irsak, a North Olmsted High School senior, won third prize in the national competition in the Biochemistry catagory in Anaheim.

Maryanne is the oldest of the seven children of Mr. and Mrs. Louis Povinelli of 1415 Prince Charles Ave.

Her father has a doctorate in engineering. He is an aeronautical engineer with NASA's Lewis Research Center.

Her mother has a doctorate in speech and audiology and works with children with disabilities.

Maryanne was presented her award last weekend. But that wasn't the only excitement then in the Povinelli household.

Her sisters, Karen, 13, and Kathleen, 16, finished second and third respectively in their women's divisions of Sunday's Cleveland Revco 26-mile marathon.

And their father also finished the marathon.

This fall, Maryanne will enter Harvard's premedical school to major in medical research.

She goes there with impressive credentials.●

RESTRUCTURING OUR HEALTH CARE SYSTEM

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. WAXMAN. Mr. Speaker, I am requesting that an article which appeared in the May 13, 1978, Saturday Review, entitled "Why We Can't Afford National Health Insurance," by Robert Claiborne, be reprinted in the CONGRESSIONAL RECORD. Actually, the title of the article is misleading; Mr. Claiborne argues forcefully that we can, indeed, afford national health insurance, but only if we restructure third-party payments in our health-care delivery system so that wasteful expenditures do not continue to be encouraged.

Mr. Claiborne has pinpointed the dilemma those of us in Congress who believe national health insurance must be enacted face in trying to win support for comprehensive benefits for all our citizens. Our national health expenditures are expected to rise to $200 billion in 1980. Under our present incentives system, the greater the funds to finance the system, the greater the waste.

Mr. Claiborne does not propose any reduction in spending on health care; he simply suggests third-party payors give preferred status to providers which operate efficiently while maintaining their high quality of medical care. Third-party payors could classify institutions according to an efficiency/quality ratio, and encourage patients they insure to seek medical services from these preferred providers. Lower premiums or copayments could be offered by third-party payors to reward the insured for using a preferred provider.

This idea was proposed for the private sector by Dr. Paul M. Ellwood, Jr., a Minnesota health consultant, and the proposal is equally applicable to the public sector—medicare and medicaid—as demonstrated by Prof. Alain Enthoven's consumer choice health plan.

An obvious analogy is that consumers will gravitate to cars with efficient fuel consumption if cars are publicly rated for efficiency, and if our tax incentives at the time a car or gas is purchased make fuel economy a top priority for the consumer.

While I am somewhat skeptical of the ability of insurers and other third-party payors to accurately classify hospitals by an efficiency/quality ratio, this article is certainly worthy of our study as we deliberate on proposals for national health insurance in the months ahead:

WHY WE CANNOT AFFORD NATIONAL HEALTH INSURANCE

(By Robert Claiborne)

After several years in suspended animation, national health insurance has again become a live political issue. The Carter administration wants it, or says it does. Some powerful people in Congress, including Senator Edward Kennedy, want it and are now dickering with the administration over the provisions of a new health insurance bill to be introduced later this year. And according to the polls, a majority of Americans want it.

Despite these powerful forces pushing for national health insurance, we won't get it this year for the practical reason that both the administration and the Congress have enough on their plates already. Whether we get it next year or in 1980, and in what form, depends on a lot of things; perhaps the most important of these is whether we can afford it.

The blunt truth is that we can't—unless and until we make some fundamental changes in our current system of delivering and paying for health care. That system, as I explained in an earlier article [SR, "The Great Health Care Rip-off," January 7], is organized in a way that encourages waste and penalizes efficiency, and 30 years of history have shown that the greater the funds available to finance the system, the greater the waste. Before we pump more tens of billions of dollars in federal money into health care, we need to plug the leaks tha are already wasting tens of billions—thereby helping to push our national health bill from $140 billion in 1976 to some $165 billion this year to an estimated $200 billion in 1980.

The Carter administration has already proposed to control health costs by imposing "caps" on hospital spending—limiting spending to a specific percentage increase each year. Congress is cool toward this plan, preferring—for the present, at least—a similar but strictly voluntary plan proposed by the hospitals themselves.

Neither approach is likely to accomplish much, for two reasons. First, caps apply only to hospitals—though doctors' charges and many other items on our national health bill have been increasing almost as fast as hospital spending. Second, they would at best slow the rise in hospital costs when what is needed is to cut those costs. A more sophisticated version oi the caps approach, called "prospective reimbursement," would cure some of these weaknesses but only at the price of enormous administrative complexity.

All these proposals, whatever their probable impact, amount to attempted quick fixes of the health cost problem, tantamount to treating a broken leg with a Band-Aid. Health costs are escalating primarily because our health care system is wasteful, squandering, in Senator Kennedy's words, "billions of dollars on unnecessary drugs, unnecessary hospitalization, unnecessary surgery, unnecessary technology." And it is wasteful because all the incentives built into it reward waste and discourage thrift. The various quick fixes would at best impose regulatory counterincentives on this chaotic system instead of changing the existing incentives. The result, if history is any guide, would be feeble regulation—and reams of bureaucratic paper work.

If what we need is not counterincentives but a new incentive system, how can we get it?

Proposals for restructuring the incentives in health care fall into two basic categories, depending on whether the incentives apply to consumers (patients and their families) or to providers (doctors, hospitals, and so forth). The consumer approach, favored by much of the health care establishment and by many conservative economists, involves making the patient pay more of the bill directly rather than through "third parties" (Blue Cross, commercial insurance companies, or government)—in effect, imposing a financial penalty every time a person visits a doctor or enters a hospital.

The idea is economically valid, since years of experience have shown that the more people have to pay directly for health care, the less care—other things equal—they demand (for instance, before Medicaid, poor people saw doctors less often than rich people did, though on the average the poor get sicker oftener). The problem is that the consumer approach would penalize necessary health services equally with unnecessary ones. Indeed, the sicker the patient—meaning the more services he or she would need and the greater the probable loss of income—the higher the penalty!

Looked at more closely, the consumer approach involves the kind of simpleminded analysis often indulged in by conservative economists: Since the growth of third-party payments has encouraged waste, this analysis argues, cutting back on these payments will cut waste. The logic is impeccable—but the premise is faulty. Third-party payments have indeed encouraged waste within the dominant American system of delivering health care; in other systems, as we shall see in a moment, they have done precisely the reverse.

In the dreamworld of the economist, the purchase of health care is exactly like the purchase of any other commodity: the result of consumer decisions; in the real world, health care decisions are overwhelmingly made not by consumers but by doctors. If we want to establish incentives for less wasteful decisions, the obvious place to apply them is to the decision makers.

One way of giving doctors incentives to curb waste would be through the legendary Chinese system, whereby a doctor was paid only so long as his patient stayed well. A modern, and by no means legendary, version of this approach is currently used by groups looking after the health needs of some seven million Americans. These groups are sometimes—and inaccurately—called health maintenance organizations (HMOs). The 175 HMOs now in operation cannot of course do much to "maintain" their members' health—in other words, keep them from getting sick. What they can do is supply high-quality care

at low cost through comprehensive, prepaid medical plans.

A good example of an HMO is the Group Health Cooperative (GHC) of Puget Sound, which serves more than one sixth of the population in the Seattle region of Washington. GHC owns a 300-bed hospital and recently opened a second, smaller one; other services are delivered through nine neighborhood health centers staffed by salaried doctors, nurses, and technicians. All these facilities are owned and controlled by GHC consumer members.

For some 31 years, GHC has supplied its members with medical, hospital, laboratory, and X-ray services—plus most prescription drugs—at between 60 percent and 65 percent of what the rest of us spend per person for these services. The secret of this achievement is almost childishly simple: GHC members pay a flat monthly fee regardless of how much health care they use. Since the organization must work within a fixed budget, it has the most obvious incentive to make sure that subscribers get only such services as they need, delivered in the least costly way—notably, outside the hospital if at all possible. In fact, GHC members average only a little over one third as much hospitalization as the average American does. Nor do the economies stop there: Though GHC delivers a much higher than average proportion of its services outside the hospital, the cost per patient is no greater than the national average.

An obvious question is whether GHC in its zeal to cut costs is not cutting necessary services along with unnecessary ones, thereby providing inferior care. The most obvious answer is that it has more than doubled its membership in the past 10 years; it must be doing something right. No less important is the fact that the group's board of trustees is elected from and by the membership—and can be thrown out by them if they are dissatisfied.

Also worth noting is the fact that GHC members are subject to almost no "consumer incentives": Apart from comparatively small charges for obstetrical services, they pay no extras regardless of how much care they get. Yet they see their doctor no oftener than the average American does and (as we have seen) go into the hospital a lot less. If penalizing the patient is what it takes to lower health costs, GHC's costs should be among the highest in the nation; in fact, they are among the lowest.

GHC itself concedes that its record of cost containment cannot quite be equaled on a national basis because the average age of its members is somewhat below that of Americans in general, and older people require more health care than do the young. Nonetheless, if GHC can deliver quality care for 30 percent to 35 percent less than the national average, the widespread application of its cost-efficient incentive system could cut our personal health expenditures by 25 percent to 30 percent. In 1977, this would have saved us a minimum of $25 billion—over $450 for the average family. Think about that the next time you pay a doctor's bill—or your income tax!

Not all HMOs are as cost efficient as GHC is. As one might expect, those that own their own hospital run more economically than those that must buy hospital services on the open market. However, few if any HMOs fail to deliver health care for substantially less than other systems in their area. Which raises the obvious question: Why aren't there more HMOs?

The answer, like most answers in the health care field, is long and complicated. At their beginning in the 1930s and 1940s, HMOs faced bitter opposition from the American Medical Association (AMA), which denounced them as unAmerican and worse. It refused membership to HMO doctors (meaning that in some states they could not be licensed) and encouraged its members to deny them "hospital privileges"—the rather basic "privilege" of getting patients admitted to a hospital. Only after several lawsuits (one was carried to the Supreme Court) did AMA stop this blacklisting.

Another major share of the blame falls on Blue Cross. Its longtime policy of in effect subsidizing hospital inefficiency (a policy subsequently taken over by Medicare and Medicaid) partly nullified the HMOs' competitive advantage. Moreover, both Blue Cross and the commercial health insurance companies tended to regard HMOs as competitors for the health care dollar.

If HMOs have suffered from their enemies and competitors, they have also suffered from their "friends": notably, former governor Ronald Reagan, of California. In the early 1970s, Reagan, with much fanfare, encouraged the formation of Prepaid Health Plans (PHPs)—HMO-like organizations whose purpose was to deliver health services to the poor. PHPs, he said, would cut the cost of California's Medicaid program (called Medi-Cal) by at least 10 percent. In fact, like many other programs allegedly designed to benefit the poor, PHPs turned out to benefit mainly the people handing out the benefits.

One of the biggest PHPs was Consolidated Medical Systems, Ltd. (CMS), headed by one Donald K. Kelly, M.D. Like GHC and most other HMOs, it was set up as a nonprofit corporation, but there the resemblance ended. It was not owned or even controlled by its subscribers but by another corporation, HMO International—which was by no means nonprofit. Oddly enough, HMO International was also headed by Dr. Kelly.

As things turned out, there was little that was medical about Consolidated Medical Systems. Its "system" consisted of buying medical and other services from corporations that operated under half a dozen different names but that had a strong family resemblance: None was nonprofit and every one was 100 percent owned or controlled by CMB's "godfather" corporation, HMO International—meaning, by Dr. Kelly and his friends.

CMS signed up Medi-Cal patients—those who looked relatively healthy, that is—by methods that the district attorney of San Diego later called "false, deceptive, and misleading." Its door-to-door salesmen—some dressed in white coats—promised 24-hour service, free transportation to health centers, and other goodies.

Measured against these golden promises, CMS's performance turned out to look remarkably like a goldbrick. A 1972 report by a group of labor-health consultants found the qualifications of its doctors well below average and gave the same verdict on the hospitals it patronized (all profit-making, of course). CMS patients got less than half as much hospitalization as did members of established—and efficient—HMOs.

Eventually, of course, the facts about CMS and other PHPs began hitting the fan through reports by the press. Investigations by the state revealed, among other things, that the 15 largest PHPs were spending less than half their income on patient care (established HMOs average 90 percent to 95 percent). By 1976, more than half the PHPs had vanished, among them CMS, whose assets were taken over by HMO International. The latter is still in the health care business—so far as the public record goes, competently—though without the help of the ingenious Dr. Kelly, who is now merely a stockholder.

California's catastrophic venture into HMO-type medical care was naturally cited by some commentators as evidence that HMOs don't work. In fact, the rip-offs occurred not through any basic weakness in the HMO concept but because Regan and Company let them happen: The PHPs got away with their perhaps legal swindles because Regan was busy with his own political swindle—"saving the taxpayers' money." As the old-time con men used to say, you can't cheat an honest man.

The next attempt to encourage HMOs turned out to be as abortive in its own way as the PHP program was. In 1973, the Nixon administration sponsored a bill providing various advantages, including federal loans and grants for start-up money, to "approved" HMOs. The result, according to administration press releases, would be hundreds of new HMOs and billions of tax dollars saved. As finally passed however, the bill reflected the common liberal desire to do everything for everybody, with the result—probably foreseen by those conservatives who supported it—that very little was done for anybody.

To become approved, HMOs were required to offer far more elaborate—and expensive—benefits than existing insurance plans did, meaning that few people could afford them. Even worse, HMOs had to enroll everyone who applied at the same rate. On the face of it, that seemed only fair, but what it meant in practice was that approved HMOs could find their rolls swamped by the elderly and the chronically ill, who could get ordinary health insurance only at prohibitive rates. To accept such people at the same rate as everyone else would mean either bankruptcy or an overall rise in rates that would drive out younger and healthier subscribers. Not surprisingly, few HMOs bothered to seek approval under the law, and efforts to rewrite it more realistically stalled as the administration's interest turned increasingly from saving the nation to saving its own neck. Only in 1976 did Congress remove most of the law's Catch-22s.

Despite the best—or worst—efforts of both friends and enemies however, HMOs have continued to grow and multiply. They have demonstrated that with a proper incentive system, cost-efficient health care is possible, and in some communities they have served as incentives for increased cost-consciousness by other providers. Thus, doctors threatened by HMO competition have begun forming "medical foundations," in which a network of individual doctors and hospitals offer comprehensive care at a flat annual fee, as HMOs do, and Blue Cross has become involved with HMO-type plans in some communities.

Increasingly, HMOs are looking like an idea whose time has come—but for all that, they aren't going to come overnight. Many doctors dislike them—partly because of AMA indoctrination and partly because the doctors believe they can make more money in private practice. HMO doctors are well paid and also enjoy fringe benefits that other doctors do not, but they still don't make the kind of money that some private practitioners do.

Nor do all consumers take readily to HMO medicine. HMOs are efficient partly because they consolidate their operations in neighborhood health centers. In one sense, this can be a plus for the patient, since it means one-stop medicine, with no need to make extra trips for X rays or lab tests. However, until an HMO has been operating for some time, it can hardly afford to set up more than one or two centers—meaning that some subscribers face a fairly lengthy trip to the doctor. Some consumers also dislike the fact that their subscription covers only HMO doctors; should they choose to consult an outside physician, the fee comes out of their own pockets.

Unfortunately but inescapably, health care, like any other area of economic life, involves trade-offs. If we want to spend less money on gasoline, we have got to drive smaller cars and drive them slower; if we want to spend less on health care, we have got to accept the limitations and occasional inconvenience that cost-efficient medicine entails. No health

care system can give everybody everything; there isn't that much money in the world.

If we consumers—who ultimately pay for the health care system—must accept trade-offs if we hope to pay less, then the third parties who hand out our money have got to make trade-offs of their own: specifically, to quit subsidizing wasteful providers. This means not just Blue Cross-Blue Shield and the commercial insurance companies but also the federal government's Medicare-Medicaid. All of these have tended to reimburst providers for whatever they spend, wasteful or not. Moreover, the Medicare-Medicaid reimbursement formulas, thanks to conservative pressure and bureaucratic foot dragging, have made it difficult and sometimes impossible for cost-efficient providers to accept patients under these plans. In 1970, for example, Medicare in Seattle paid GHC only $202 a year per patient; to other providers it paid an average of $356.

As regards Blue Cross-Blue Shield, an important step toward ending their subsidization of waste would be to eliminate conflict of interest in their operations by removing providers of health care from their local boards of directors. Government now has no power to do this directly, but since its payments to the Blues, as disbursing agents for Medicare-Medicaid, account for something like half their total revenue, it has powerful leverage if it cares to use it. The Blues could be told flatly that if they want to continue as channels for disbursing tax money, they have got to clean up their act—by cutting their ties to those who receive the money.

Given a firm stand by government, both the Blues and the commercial insurance companies would become more receptive toward supporting cost-effective medicine, both through HMOs and through other less structured plans. Proposals along the latter line mostly involve a special type of what life insurance people call "experience rating"—a principle that is probably as old as insurance. Experience rating is the reason it costs less to buy life insurance at age thirty than at age fifty: Experience shows that people of thirty are likely to live longer.

Insurance companies have long used experience rating in setting premiums for group health policies, basing their figures on the expected medical needs of the particular group rather than on the average costs for the community or nation. Dr. Paul M. Ellwood, Jr., a Minnesota health-systems consultant who has long plugged for cost-efficient medicine, is among those who have proposed applying experience rating not just to health care consumers but to health care providers as well.

As Ellwood explains it, doctors and hospitals in a community would be rated by what they charged for a given service and by how effectively they avoided unnecessary services. Based on their efficiency, they would be grouped into "alliances." Insurance companies including the Blues) could then vary their premiums or benefits according to which alliance policyholders selected. Those who chose to patronize an alliance of proved efficiency would pay less, or get more, than those who selected other providers. It would be something like the Chinese restaurant menu in which you can pick "three from Group B or two from Group A." The Group B selections are of course less fancy than the Group A ones—but no less nourishing.

Complementing Ellwood's plan for the private sector, Professor Alain Enthoven, a Stanford management expert, has proposed a somewhat similar plan for the public sector—Medicare-Medicaid (and, in principle, national health insurance). Under his Consumer Choice Health Plan, government would continue to pay the health costs of the elderly and the poor, as at present—but only up to a certain level. The figure would be set according to the age of the individual and the cost of efficient care in his or her community, as provided by one or more qualified health plans—HMOs, medical foundations, alliances, or whatever. Patients who chose an efficient plan would have their expenses covered 100 percent (Medicaid) or 80 percent (Medicare); those who chose to patronize less efficient plans would have to pay any additional costs themselves.

Thus both the Ellwood and the Enthoven plans would involve consumer incentives—but with a difference. Patients would not be penalized for using health services as such but only for using inefficient providers of those services. At the same time, providers would be given a strong incentive to improve efficiency, since those who did not would tend to lose patients to those who did.

By no coincidence, both these plans have important resemblances to traditional HMOs: what amounts to a flat annual fee (in the form of an insurance premium or a government subsidy) and certain limitations on the patient's freedom of choice among doctors and hospitals. Both in short involve the kinds of trade-offs that the HMO experience has shown to be required for cost-efficient care, at least under anything remotely like our present system. The only alternative would be a national health service such as exists in Sweden or Great Britain—and the chances of such a system being adopted during this century are remote.

Whether the Ellwood and Enthoven plans would work as well in practice as they seem to work on paper remains to be seen. But their basic principle—giving both consumers and providers incentives to use or provide more efficient health care—unquestionably makes sense.

Whether these plans, or something like them, will actually be written into law—especially a national health insurance law—also remains to be seen. Since many doctors and hospitals have done very well for themselves under the present wasteful system, they will certainly try to block any major change in it—and both groups have considerable clout in national and state legislatures. Health care consumers by contrast are mostly unorganized and therefore politically feeble. However, there are signs that some other politically powerful groups are beginning to get into the act—on the consumers' side. These are some of the big labor unions—whose leaders recognize that more money spent for health benefits means less available for wages and pensions—and some big corporations—who are concerned about their constantly rising contributions to employee health plans. A real political push from these groups would markedly improve the prospects for meaningful reorganization of our present health care system.

Added support for effective cost control may come from the commercial health insurance companies themselves. Concerned that national health insurance might squeeze them out entirely, these companies are beginning to recognize that their best chance of avoiding a squeeze out involves taking visible and effective steps to curb costs. Industry spokesmen say that they now favor Ellwood's plan of applying experience rating to providers—but are leery of implementing it because of possible antitrust action by the government. The Justice Department, they claim, considers that concerted industry action to reduce health premiums would be just as much a "restraint of trade" as a similar action to raise premiums—which if true suggests that the department needs a lesson in elementary economics. Probably the simplest way of resolving the difficulty would be for the industry to publicly ask both the Justice Department and the Congress for permission to use experience rating in this way; even if Justice said no, Congress would almost certainly say yes.

Given the present lineup of forces, the balance may well be swung by two other factors. The first factor is whether Congress and the Carter administration can really get their heads together on the kind of rational approach to cost control we have been discussing. The second is how effectively informed, though unorganized, citizens can turn the heat on their representatives: In a close fight, such pressure could well make the difference.

Restructuring incentives in health care is the first and most essential step toward curbing health costs but by no means the last. The next and most obvious one is cutting down on unnecessary hospitalization and surgery, as the HMOs have already demonstrated can be done. Beyond this are other methods hitherto employed only experimentally in a few places. These include treating some seriously ill patients at home—which in individual cases is as safe as treating them in hospitals, and a lot cheaper. Another step is training groups of chronically ill patients (especially elderly ones) to help care for one another instead of relying entirely on paid professionals. Experiments have shown that this system not only cuts costs but also improves patients' morale by making them feel less dependent.

Over the longer run, curbing health costs means cleaning up the environment, since pollution is not merely unattractive but usually unhealthy as well. A concerted effort to abolish this source of disease would be expensive—but probably cheaper than our present policy of letting diseases develop and then spending billions of dollars to treat them. (It is worth recalling that the single most effective health program in history involved not treatment but prevention: providing the sanitary water and sewage systems that ended such plagues as typhoid and cholera.) Another kind of prevention would involve changing our personal life-styles, which obviously can affect our health (through overeating, overdrinking, and smoking). Yet another would involve the problem of poverty, which throughout history has been—and remains—a fertile source of disease.

Central to any of these measures, however, are two changes in human thinking. The first is for all Americans to recognize that whoever ostensibly pays for health care, we have to foot the bill—through higher prices, higher insurance premiums, and higher taxes. No less important is the recognition by both doctors and patients that bigger isn't necessarily better and may well be worse. Measured by its plant and equipment, the American health care system is the most technologically profligate in the world. Measured by its hospital admissions, surgical operations, and laboratory tests, it is probably the busiest in the world—and it is unquestionably the costliest in the world. But measused by results—maintaining or restoring the health of the American people—it is by no means the best in the world or even one of the best.

It could be. But to change "could be" to "is" will require some deep thinking by all of us on what health means and on how best to get and keep it. And that, as the man said, is another story.●

EATING YOUR SEED CORN

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. ASHBROOK. Mr. Speaker, last week this Government of ours started

selling off one of the few tangible assets we have, our gold. Liberals have been in charge of our governmental policies for about four decades now and the chickens are coming home to roost.

How well I recall the Senate debates some 15 years ago when the Walter Heller school of economics told us all we needed no gold cover to protect the American dollar. Gold was an 18th century anomaly, they confidently argued. Modern industrial states need no gold or silver reserves. We went off the modest gold backing of our dollar then and, combined with liberal deficit spending and big government policies, we have been on a long, hard slide ever since.

Now we are auctioning off the gold. I often tell my constituents that there is more commonsense within a 1-mile radius of Johnstown, Ohio, or Fredericktown or Loudonville or Galion—virtually anywhere in the 17th Ohio District—than you will see in the whole city of Washington. My farmer friends would have a simple rule they would point out to these liberals, the 20th century plunderers of this country.

Simply stated, you don't eat your seed corn. We have lived on hot air and deficits for years. Now the liberals have us eating our seed corn. When that is gone . . . Oh well.●

THE RISING TIDE OF HOPE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. FRASER. Mr. Speaker, I would like to include in the RECORD a copy of a very thoughtful article written by the Honorable Ambassador Andrew Young entitled "The Rising Tide of Hope," which appeared in May of this year in A.D. magazine, a publication of the United Church of Christ and the United Methodist Church. Ambassador Young has provided us with very inspiring and creative leadership at the United Nations, and has been especially helpful in efforts to strengthen the effectiveness of that organization in the field of human rights. The document follows:

THE RISING TIDE OF HOPE

(By Andrew Young)

Hubert Humphrey once said that "human rights is what the United States is all about." As we read the Charter of the United Nations and the Universal Declaration of Human Rights, it's obvious that that is also what the U.N. is all about.

As President Carter said on October 5, 1977, when he signed the two human rights covenants at the U.N.:

"Of the many affinities between the United States and the United Nations, perhaps the most important is that both had their origins in a vision of the greatness of the human possibility.

"The American Declaration of Independence speaks of the idea that, and I quote, '. . . all men are created equal, . . . endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness.'

"The Charter of the United Nations speaks of 'faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.'"

But I think we can go further—and make a categorical statement: All governments should be dedicated to the pursuit of human rights and dignity for all persons and peoples. When we forget this we run a serious risk of letting governments become ends in themselves or even enemies of human rights. The ship of state exists for the passengers, not for the crew or the ship itself.

Our own Bill of Rights and the U.N.'s Universal Declaration of Human Rights spell out with sufficient detail and clarity the basic specifics and definitions of human rights for most purposes. These two documents should be required study for all children—not as documents of historical or intellectual interest alone, but as guidelines for future action by all societies.

I come out of several traditions that have always put human rights at the center of their activities and near the top of their value systems.

As an inheritor of the Judeo-Christian tradition, I look back to Moses as the leader of one of the first liberation movements: He led the children of Israel out of Egypt and away from Pharaoh's bondage.

As a black man, I am an inheritor of a tradition where people sang about freedom even while in slavery—and continued to sing "Oh, Freedom" in our own time, confronted with police dogs, bombings, and fire hoses.

As an American I remember with pride that in World War II our nation resisted the tide of Fascism in Europe, Africa, and Asia. And, as an American, I see the Constitution as a basic framework for protecting human rights within the rule of law.

These three legacies have converged for me in my present job at the United Nations. Because the American people wanted a foreign policy that reflected our national belief in human rights and dignity, and because President Carter promised a foreign policy that was as good and decent as are the American people, I can be true to my threefold heritage and try to fulfill the role of a United States Ambassador as the same time. Our national values and our national foreign policy are coming together in our policy on human rights.

In formulating our human rights foreign policy, we start from some very basic premises—that all persons and all peoples desire freedom and justice for themselves and realize that their freedom is never secure until all others have freedom and justice as well.

We also believe that all peoples are basically capable of self-government, and that democracy and human rights are not Western inventions, but to paraphrase Reinhold Niebuhr are made possible by our potential for goodness and made necessary by our potential for evil.

We Americans have always believed that rule by law and rule by democratic majority are not only compatible but mutually reinforcing, and that they are the surest defense of human rights and dignity. Not only from our own history but from observation of the experiences of other peoples, we know that no people can depend with certainty on the good will of a king, a general, a dictator, an entrenched elite, another class, or another race to give them their human rights or their freedom or their dignity.

Every people and every nation must build and protect its own democratic society if it is to guarantee human rights and dignity for all its own citizens, if it is to be a positive support rather than an obstacle in the struggle for a world order of law and justice.

In the world today at least two thirds of the people lack some of the basic human needs, and three fourths are denied most of the basic human civil and political rights. Under such circumstances it seems difficult to be very optimistic about progress in the field of basic human needs and human rights.

Indeed, it can be argued that democracy and decency are on the defensive, isolated in a hostile world. Some people see the United Nations as the proof of this proposition.

I see the U.N., especially as reflected in the 1977 session of the General Assembly, in a very different way. The U.N. is the center of a struggle to create a new world consensus based on a broader understanding of human rights and freedom than a purely Western vision.

I believe that the United Nations is one of the critical crucibles in which this new global approach to development and democracy is being formulated and tested.

It is necessary to have a sense of general strategy if we are to have any hope of utilizing our limited resources in an effective way in the struggle for freedom and human rights.

We can't expect to fight every battle at the same time, much less win every battle, especially in the early phases of our struggle. It is critical that we act as catalysts to assist all the peoples of the world in a common effort.

What are the key struggles in the world today that must be won to make possible the strengthening of the human rights movement?

1. The realization that economic, social, cultural, civil, and political rights are interdependent and interrelated.

For too long the United Nations community has been locked into a sterile and false confrontation inspired by the cold war, between those who insisted that civil and political rights must come first, and those who argued that those rights must wait until basic economic development had been achieved.

We now see clearly that no rights are secure until all are secure. This means we must broaden our struggle for human rights to include programs for economic and social justice as well as condemnations of those who torture political prisoners and close congresses and shut down newspapers.

A few months before he was murdered, Martin Luther King Jr. gave a series of lectures over the Canadian Broadcasting Corporation network. He began one of these lectures by stating forthrightly: "Disinherited people all over the world are bleeding to death from deep social and economic wounds."

He went on to bring the problem home: "In our society it is murder, psychologically, to deprive a man of a job or an income. You are in substance saying to that man that he has no right to exist. You are in a real way depriving him of life, liberty, and the pursuit of happiness, denying in his case the very creed of his society. Now, millions of people are being strangled that way. The problem is international in scope. And it is getting worse, as the gap between the poor and the affluent society increases."

Those words were written in 1967. Now, more than a decade later, they are still tragically true. The misery of millions deepens. We do not need to be reminded of what happened to King's last great campaign to unite poor people and to awaken the conscience of America to the reality of poverty and how it defiles human dignity and makes freedom a mockery.

We do not need to be reminded how this nation lost its way in the morass of Vietnam and quagmire of Watergate: how we lost for a while our sense of purpose and direction; and how during this period Martin Luther King Jr. lost his life—a victim in the war against poverty. He died as he lived, a nonviolent soldier in the cause of human rights, of economic justice for the sanitation workers of Memphis.

What Martin Luther King Jr. tried to tell us is what the Third World nations are trying to tell us: civil and political rights are necessary, but they are not enough.

If King were with us today he would still be talking about unemployment, because that is still a major domestic problem. Our commitment to human rights everywhere in the world will ring loud and hollow until we find better and more urgent ways of addressing that problem at home.

2. Ratification of the U.N. Covenant on Civil and Political Rights and the Covenant on Economic, Social, and Cultural Rights.

Last October at the United Nations President Carter signed these two covenants as a prelude to their being submitted to the Senate for ratification sometime in the future. During the next few years it seems to me that the churches and synagogues of the United States have a very difficult but very important task in the preparation of the American people for considering the ratification of these two important treaties.

If there was ever a task upon which all the religious communities of the United States ought to be able to unite and mobilize their full resources, it should be this one.

The struggle for the ratification of these two covenants will give us a chance to see the interrelatedness and the interdependence of civil, political, economic, social and cultural rights, and to see how they apply to our nation. In the reading of these two texts, we will all become newly aware of how far we still have to go to realize human rights, full dignity, and fundamental freedoms for all Americans.

3. The independence of Namibia.

This small nation has struggled with dignity for years to gain its rightful spot among the nations of the world, against an efficient but very repressive South African occupation. Because Namibia is a Trust Territory of the United Nations, which South Africa has for many years refused to acknowledge, the independence of Namibia has become a symbol of the impotence but also of the potential of the United Natious.

When Namibia becomes independent, it will greatly enhance the drive for independence of Zimbabwe (Rhodesia) and hasten the advent of democracy in South Africa itself. The nations of Africa are waiting for this test of the seriousness of the Western powers and the United Nations to see if they can fully commit themselves to a new "human rights majority" in the United Nations.

4. Human rights in Uganda.

Nowhere is the credibility of the international community's commitment to human rights more severely tested than in its capacity to confront the tragic consequences for the people of Uganda under the rule of Idi Amin. Only the other African nations can deal effectively with this problem, but they need the support and encouragement of the rest of us. When a firm international stand has been taken, led by other African nations, the human rights movement will gain much more credibility and momentum.

5. The return of democracy in Chile.

The tragic loss of freedom of the people in Chile in 1973, followed by the torture and disappearance of many political prisoners, shocked the world and the United Nations. With its long tradition of democracy, it is to be hoped that Chile will soon have a civilian, constitutional government. This will greatly encourage all other peoples who have suffered subversion of their democratic institutions in recent years.

6. The establishment of democratic rule in Zimbabwe.

If this can be done in a fair, orderly, and peaceful manner, it will set a pattern for South Africa, and show the good faith of the Western powers. If Zimbabwe can achieve majority rule with protection for the freedom and rights of all its citizens, it will be a powerful argument for democratic rule and human rights.

7. Ratification of the Panama Canal Treaties.

These are fair treaties, negotiated over many years under several U.S. presidents, between the world's most powerful nation and a small but proud country. Senate ratification of these treaties will go a long way to restoring our credibility in Latin America and righting an ancient wrong. With ratification, our human rights policy will become an even more powerful encouragement to the repressed peoples in Latin America, and there is reason to believe it will hasten the emergence of new democracies in the Western Hemisphere.

These issues certainly do not exhaust the list of basic human rights issues in the modern world. There are massive problems of hunger and malnutrition in some countries that deny the basic human right of food. Torture and other forms of repression exist in many nations. Many countries, including our own, suffer from the problem of large-scale unemployment. Racism still blights the lives of millions. Most peoples in the world do not enjoy freedom of speech, nor the protection of an independent judicial system. And, of course, the basic obstacle to the realization of full human rights is still poverty.

Many governments refuse to admit they have any problems. Such arrogance is not only ill-founded, it seriously hinders the frank debate that is the key to democratic problem-solving. The United States can help diminish this problem by refusing to be provoked by criticisms, and by admitting candidly our problems as well as steadfastly defending our traditions and accomplishments in human rights.

We all know, for instance, that the Soviet Union harasses its dissidents and its Jewish population—and denies it while at the same time remaining very sensitive to any foreign criticism. We can take heart from the fact that the measured concern of President Carter has had a positive impact on Soviet sensitivities.

Another example of a country where there are continuing and well substantiated cases of human rights violations is South Korea. The jailing and silencing of those who dare to speak out against a dictatorial regime is an affront to all people who respect the concept of democratic government.

The President has said that we should not be afraid to advocate human rights and democracy in the world's forums. National interests must be recognized and protected, but national ideals also need to be defended. It is one of our national responsibilities to speak for those who cannot speak for themselves. We believe that democracy can best be promoted by example of persuasion. As a nation we must refuse to cooperate and support a government that oppresses its own people. It is our task, and our responsibility, to encourage others in their struggle while at the same time strictly refraining from interfering directly in the domestic affairs of other governments.

My office window looks out over the United Nations Plaza to the United Nations buildings and the East River beyond. I can see the colorful flags of almost 150 nations lining the plaza, together with the beautiful light blue flag of the United Nations itself. It is an impressive sight.

Just on the other side of the river, I can see the smoke of the factories where the work is done that makes it possible for the diplomats of the world to gather to discuss world problems. And I can make out the dim outlines, through the smog, of some of the blighted urban areas of greater New York City, where angry despair rules many lives, and where human rights and dignity are mocked. And I ask myself, what am I doing for those folks?

I know some people in the slums of New York City whose lives are not blighted by their circumstances. They have discovered and kept a larger dream of what it means to be human, and they know that dignity is the right of all persons and all peoples. These are the ones who are working for freedom—in many ways, in many difficult ways. And they are not alone.

All over the world there are people who are working for freedom, for justice, and for peace. Some of them do so in public view, like those of us at the United Nations. But the great majority are never mentioned in the press. Yet it is this great army of freedom fighters, scattered around the world, that finally will bring us significant progress and victory.

I try to look beyond the flags, beyond the U.N. buildings, beyond the East River and Brooklyn, to see the real freedom movement in the world today. I can feel, even in the protocol-inhibited halls of the United Nations, a rising tide of hope across the world today. Humankind was not destined to live forever in the midst of wars and poverty and repression. I believe we can find a better way.

There is a human rights movement in the world today, there is a freedom movement in the world today. It is unorganized, or at least it is not easily identified as one movement. But it is powerful because it is mounted on the wings of hope being born again. It is not the hope of the intellectual, or the diplomat, or of the politician that changes things. It is the hope of the great majority of disinherited and dispossessed, that once set loose will overcome the barrier and shackles that have caused such suffering for so long.●

THE RIGHT REVEREND MONSIGNOR GEORGE M. GALLAGHER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. ANDERSON of California. Mr. Speaker, for the past 32 years an extraordinary man has served as the pastor of Holy Trinity Church in San Pedro, Calif. Msgr. George M. Gallagher exemplifies the qualities which mark greatness in those who chose a life in the clergy—piety, deep devotion to his chosen vocation, kindness, love for all mankind, and a genuine sense of humility.

What has marked Monsignor Gallagher's relationship with his parish, however, has been the special aspects he personally brings with him. He realizes that happiness and joy are essential to the human spirit. His outgoing Irish wit, personal charm, lively sense of humor, and boundless enthusiasm are infectious. And with those qualities inherent in his effective leadership, Monsignor Gallagher has made Holy Trinity Parish the lively, involved congregation it has been over the years.

Born in Portlaoise, Ireland, on June 9, 1901, George M. Gallagher was raised in nearby Maryborough, both in Leix County. One of nine children of Michael and Mary O'Toole Gallagher, he began his education under the Sisters of the Pres-

entation, and studied under the Christian Brothers at Maryborough and at Rockwell College, Cashel, County Tipperary.

After attending the National University in Dublin, Monsignor Gallagher attended the seminary at St. Patrick's College in Carlow and was ordained into the priesthood on June 12, 1928.

Later that same year, then Father Gallagher was sent from his native Ireland to his first assignment—Immaculate Heart of Mary Parish in Hollywood, Calif. After a trip to Rome and American College, along with a visit with his family in Ireland, Father Gallagher was assigned as an assistant at St. Monica's Parish in Santa Monica. Many members of the entertainment community belonged to St. Monica's, including Leo McLarey, who made the film "Going My Way," and actor Pat O'Brien.

In 1935, Father Gallagher was transferred to St. Mary's Parish in Boyle Heights, in what is now known as East Los Angeles. Along with his regular duties, he worked closely with youth activities and an active parish theatrical group. After another trip to Ireland in 1938, he was assigned to Our Lady of Loretto Parish, where he served for 2 years.

In the spring of 1940, Father Gallagher was appointed as pastor of St. Rose of Lima Parish in Simi, Calif. He served there until 1942, when he assumed the pastorship of St. Gertrude Parish in Bell Gardens.

On November 26, 1946, Holy Trinity Parish in San Pedro was reactivated after 14 years of dormancy, forced by the Depression in 1932. Father Gallagher was appointed pastor of the new parish, which at the time was centered in the vintage 1927 church on O'Farrel Street in San Pedro.

In March of 1950, a groundbreaking ceremony signaled the start of construction of a 12-classroom grammar school. Students were instructed in temporary quarters until 1951, when the building was completed. Holy Trinity Elementary School, with instruction by the Sisters of the Presentation—the same order that taught Father Gallagher as a youngster so many years before—has been an important part of the San Pedro community ever since.

Another important milestone was reached in 1959. Under the able leadership and example of Father Gallagher, Holy Trinity Parish grew stronger and more active. The need for a new church was apparent, and the groundbreaking for the new place of worship began in that year. On Sunday, April 29, 1962 the new church was formally dedicated by His Eminence James Francis Cardinal McIntyre, D.D., the archbishop of the Archdiocese of Los Angeles.

In December, 1968 Pope Paul VI elevated Father Gallagher as a domestic prelate, with the title of "Right Reverend Monsignor." He was formally invested in ceremonies held at Holy Trinity Church on January 22, 1969. Since then, Monsignor Gallagher has continued to serve the San Pedro community as pastor of Holy Trinity Parish.

Mr. Speaker, Holy Trinity Church and its many activities are marked by a very special sense of togetherness. Few congregations of any faith can claim the warmth amply demonstrated by the wide participation in church and community activities there.

In those respects, the parish is a reflection of the man who has led it since its reactivation in 1946. Monsignor Gallagher provides leadership and direction in the most effective way possible—by the example of his own life, he has enriched the lives of countless others in his 50 years in the priesthood.

My wife, Lee, joins me in congratulating Monsignor George M. Gallagher as he celebrates his Golden Anniversary as a priest of the Roman Catholic faith. Through his life's work, his love and concern for young people, and his unselfish acts for the benefits of others, he has earned the respect and affection of men and women of all faiths.●

INDEXING THE INCOME TAX

HON. DOUGLAS WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. WALGREN. Mr. Speaker, I recently received copies of an exchange of correspondence between Mr. John Harrington, a constituent, and Mr. Emil Sunley of the Treasury Department. Mr. Herrington had requested Senator JOHN HEINZ, my predecessor as representative from the 18th Congressional District, to seek some statement of policy on the indexing of the tax system to correct for the effects of inflation. The Treasury Department responded making several arguments against any proposed indexing of the tax system which, I believe, Mr. Herrington addresses very well.

Certainly the need for indexing has been well documented. Higher wages to combat inflation have often pushed wage earners into higher tax brackets. Thus, real income has actually decreased because of larger tax bites associated with higher tax brackets. Government should not be entitled to take advantage of inflation to reap greater tax revenues. Indexing would put a halt to this practice and have the added value of stemming the growth of Government spending.

As a cosponsor of H.R. 11413, a bill that would index the tax system to correct for inflation, I urge my colleagues to read the following letter from the Treasury to Mr. Herrington and Mr. Herrington's reply to this letter:

DEPARTMENT OF THE TREASURY,
Washington, D.C., April 14, 1978.

DEAR SENATOR HEINZ: This is in reply to your communication of March 2, 1978, in which you request comments on a letter from Mr. J. D. Herrington of Allison Park, Pennsylvania, who suggests that the income tax rates be tax adjusted for the effects of inflation.

Under any income tax system other than a flat rate system which applies to all income, taxes as a percentage of income, the so-called "effective tax rate", rise along with inflation unless the width of each tax bracket, the size of personal exemptions, and all other fixed dollar amounts are adjusted. However, inflation is only one of two major causes of higher effective tax rates: the other cause is higher levels of real income. Even if there were no inflation, rising real income levels would produce higher effective (and marginal) tax rates over time if there were no changes in the structure or parameters of the tax system.

Automatically adjusting the tax system for inflation is only one possible method of correcting for higher tax rates due to inflation, i.e., indexing the tax system. Periodic, legislated tax reductions are a substitute for indexing the tax system. Indexing automatically distributes the tax gains from inflation. Legislated tax cuts allow the tax increases from inflation to be distributed more selectively based on economic conditions and the perceived needs of different income groups or family compositions. Legislated tax reductions can also be timed to offset economic slowdowns.

Since 1954, the Congress has acted several times to offset the effects of inflation on the tax system. These periodic, legislated tax reductions have been very successful in counteracting the effects of inflation. In fact, in the aggregate these tax cuts have more than offset inflation; they have offset the effects of both inflation and of rising real incomes so that since 1955 Federal individual income tax receipts have remained stable at about 10 percent of personal income. In fact, at and below median levels of family income, legislated tax changes have actually reduced the tax burden since the mid-1950's.

Sincerely,

EMIL M. SUNLEY,
Deputy Assistant Secretary.

JOHN D. HERRINGTON III,
Allison Park, Pennsylvania,
May 3, 1978.

DEAR JOHN: I want to thank you very sincerely for taking the trouble to obtain a response to my comment on income tax indexing from Emil M. Sunley, Deputy Assistant Secretary of the Treasury Department. I very much appreciate the extra effort you have taken on this matter.

Mr. Sunley's reply does deserve a response on my part. He points out that the effects of inflation can be handled either by adjusting income tax rates or through indexing as I have suggested. Although agreeing that indexing is an alternative, he seems to prefer the adjustment of tax rates and points out that this is the method that has historically been used by the Treasury Department. While defending the Treasury Department's past actions, I believe he actually makes a very strong case for indexing and the proposal which I made which was "before consideration is given to any of the specific items (in the Administration's proposals) that pertain to individuals, that the concept of income tax indexing must be implemented".

Mr. Sunley's letter would lead the reader to believe that past tax reductions have adequately taken care of the inflation tax on taxpayers. This, of course, is not the case by his own admission when he indicates that these tax reductions have not been uniformly distributed among all taxpayers. Mr. Sunley makes the point that total federal individual income tax receipts have remained stable at approximately 10% since 1955. I am in no position to dispute this fact and will accept it. The problem, however, is that in shifting the tax burden away from one group and toward another, many have had a considerable loss in purchasing power. Since 1955, many of our citizens have not only been exempt from payment of federal income taxes but, in fact, have received direct subsidies from the federal government. This additional burden is being borne by yet another group of taxpayers.

Mr. Sunley also justifies the Treasury De-

partment's action in part by indicating it takes its proper share of real income growth. In an article on inflation in today's Wall Street Journal, it is mentioned that, over the past five years, inflation has risen 45% while average income has risen only 40%. It is obvious there is no real growth here. Let's use these figures in a specific example. If an individual filing a joint return had taxable income of $19,200 five years ago, he would have paid an income tax of $3,260 or 17%.

If his taxable income today had increased by 40% to $26,880, his tax bill would be $5,558 or 20.7%. The 40% increase of $7,680 would carry a tax bite of $2,298 or 30% of the amount of salary increase he received. He would have been left with a 34% increase in his after tax income during a period when inflation increased 45%. It is obvious that this individual who might not even be a middle income taxpayer is losing the battle against inflation. Some who earn less and all who earn more are likewise losing this battle.

I have been paying income taxes for a good many years and whenever the rates have been adjusted, I have never heard that it was being done to compensate for inflation. The reasons have been to prime the pump, to reduce the burden for all taxpayers, or the unspoken but obvious one of political expediency. It does not hold water with me to now see it was done in order to adjust for the impact of inflation.

For many years, the tax writers in Washington have been playing a shell game with the American public. Some win and some lose but nobody really knows which shell the pea is under. The Administration's current proposal on the surface appears to be equitable by dropping all tax brackets by 2 percent but where the pea is being hidden is to change the matter of exemptions and deductions. The granting of the $240 credit as opposed to a $750 deduction provides relief to some taxpayers and additional taxes to others. What the right hand giveth is a 2 percent tax reduction, the left hand taketh away through other means. I believe that the Administration is finally owning up to the fact that no taxpayer with a taxable income in excess of $25,000 will receive relief for inflation or anything else by way of the current proposal.

My greatest concern for this country is the deincentivization of our most skilled and dedicated citizens. I am most concerned that our government is following an irreversible course of taking the fruits of those who contribute the most and sharing in unilaterally with many who contribute very little. It is time to take the pea out from under the shell. The first step is to index taxes which will allow many Americans to know and understand, for the first time, what share of the tax burden they are being asked to pay (or not pay). Once this has been accomplished, then consideration can be given to additional modifications within our tax system.

I am extremely sorry that this letter is so long but I don't know how to make my point in fewer words. I strongly urge you turn it over to one of your staff members for their follow-up and that you will be guided in the deliberations ahead by their findings.

Best personal regards,

J. D. HERRINGTON.●

THE RIGHTS OF VISUAL ARTISTS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. DRINAN. Mr. Speaker, last July 13, I introduced a bill (H.R. 8261) to expand the rights of visual artists. This measure would amend the copyright statute to protect so-called moral rights for the first time in American law. Such rights are well known in most foreign countries, although the American courts have steadfastly refused to recognize them.

The moral rights of artists are a bundle of legally enforceable proscriptions which seek to protect the personality and esthetic qualities of art works. They are not proprietary interests such as the copyright. While moral rights are defined variously in different countries, they generally encompass the following: First, right of authorship (to require the owner of the work to identify properly the creator of the work); second, the right to prevent distortion, mutilation, or other alteration; and third, the right to prevent a nonauthorized use of the work which would injure the honor or reputation of the artist.

Recently Tad Crawford, a legal authority on the rights of artists, reviewed the moral rights question in the April 1978, edition of the American Artist. I insert the monograph in the RECORD for the examination of my colleagues:

MORAL RIGHTS AND THE ARTIST

(By Tad Crawford)

Why does the question of moral rights seem so controversial in the United States when other countries accept them as a matter of course?

Many American artists may simply assume that even after sale they still have a right to be credited as the creators of their art and should still have control over how their art is displayed. These are the most important components of what is called droit moral: moral rights widely recognized abroad. In fact, the cases discussed in this article illustrate that the protections for the American artist are limited and often unsatisfactory. Many artists groups have recognized moral rights as an important issue and demanded the enactment of legislation to guarantee this protection.

Now Congressman Robert F. Drinan (D., Mass.) has sponsored an imaginative and exciting bill which would provide moral rights for artists in the United States. Introduced on July 13, 1977, his bill, H.R. 8261, the "Visual Artists Moral Rights" Amendment of 1977, proposes to amend the copyright law as follows.

"Independently of the author's copyright in a pictorial, graphic, or sculptural work, the author or the author's legal representative shall have the right, during the life of the author and fifty years after the author's death, to claim authorship of such work and to object to any distortion, multilation, or other alteration thereof, and to enforce any other limitation recorded in the Copyright Office that would prevent prejudice to the author's honor or reputation."

Copyright, the power to control reproduction and other uses of a work, is a property right. Moral rights are best described as rights of personality. Even if the artist has sold his work and the accompanying copyright, he would still retain his rights of personality. Thus moral rights connect an artist to his work even in the absence of property rights.

INTERNATIONAL COPYRIGHT PROTECTION

Drinan's bill follows closely the language of the Berne Copyright Convention. The recent revision of our copyright law has increased the likelihood that the United States could join this Convention and gain greater worldwide protection for the creative works of our citizens.

One stumbling block to our becoming a signatory, however, is the asbence under our law of any moral rights provisions. Some legal commentators have argued that American laws relating to libel, right to privacy, and unfair competition (in which one competitor has confused the public as to whose product is being sold) amount to a satisfactory equivalent of moral rights. The better view, however, is that this melange does not at all approach the protections offered to creative persons and their work under specially designed and moral rights provisions.

To understand what the reality of Drinan's bill might ultimately prove to be, it is helpful to examine a number of European and American cases illustrating the effects moral rights could have if enacted in the United States.

RIGHT OF PATERNITY

The first moral right listed in Drinan's bill is that of the artist "to claim authorship of such work." Known as the right of paternity, this would change the holding of a famous American case involving the artist Alberto Vargas and Esquire magazine. Vargas created a distinctive series of drawings of women over which Esquire acquired complete ownership by contract. For more than five years, Esquire had given Vargas credit as creator of the illustrations, although the contract itself did not provide for him to receive any such credit. After Vargas and Esquire had a falling out in 1946, the magazine changed the title on the remaining drawings it owned to "Esquire Girls" and gave no credit line at all to Vargas. Vargas sued but the court decided that Vargas could not claim an implied right to receive authorship credit, because the contract specifically transferred all rights to Esquire. It stated: "What plaintiff in reality seeks is a change in the law in this country to conform to that of certain other countries . . . we are not disposed to make any new law in this respect."

Drinan's bill would also prevent enforcement of a contractual provision by which an artist agrees to create work under a pseudonym. In a French case decided in 1967, for example, a painter named Guille agreed to deliver to his dealer his entire output for ten years. These works would either be unsigned by Guille or signed under a pseudonym. The court held the contract invalid, since it violated the painter's right of paternity.

One limit to the right of paternity, however, is shown in a bizarre 1977 case involving the Surrealist Giorgio deChirico. He filed suit in France when a painting titled The Ghost and attributed to him was displayed at the Musee des Arts Decroatifs. He claimed that the attribution was false and demanded the painting be destroyed. The court insisted that he pay an expert's fee to examine the painting for authenticity. When deChirico refused to do this and failed to prove by other means that the painting was a fake, the court not only refused to grant the relief requested but also required deChirico to pay 50,000 francs to the woman who owned the painting. The right of paternity would permit an artist to prevent false attribution of painting, but it would not allow the artist to stop the exhibition of a painting correctly attributed to him.

RIGHT OF INTEGRITY

The next moral right in Drinan's bill would guarantee the artist the right "to object to any distortion, mutilation, or other alteration thereof. . . ." Known as the right of integrity, this is illustrated by a leading French case involving six panels of a refrigerator painted by Bernard Buffet for auction by a charity. It was Buffet's intention that the refrigerator be exhibited as a whole. Accordingly, he only signed one of the six panels. Within six months of the first auction, however, one of the panels was offered for sale at a second auction under the descrip-

tion of a painting on metal by Buffet. He brought suit to prevent the sale of the panel separately and to have the entire work returned to him. In 1962 the court upheld him to the extent that it refused to allow the panels to be sold separately in either a public or private sale, but the private owner was allowed to keep the work. Buffet also received one franc as a symbolic vindication, the right to have the court's decision published in three art journals of his choice at the defendant's expense, and the court costs.

On the other hand, artists in the United States have not been notably successful in preventing the circulation and display of their work in altered or distorted form. Carl Andre, for example, lent a work to the Whitney Museum in New York City for its 1976 exhibition, "Two Hundred Years of American Sculpture." Because the work was displayed near a bay window and a fire exit, Andre claimed these distractions distorted it and withdrew it from the exhibition. The Whitney Museum simply substituted another work by Andre from its permanent collection. Andre objected again, this time because the substitute work had been misinstalled by placing rubber backings under the copper floor pieces. He found, however, that he had no recourse against the owner of the work, whether the owner was a private person or an institution.

In another well publicized case, the city of Los Angeles has refused to maintain properly a sculpture titled *Triforium* which it commissioned for $925,000 from Joseph Young. The three towers of *Triforium* sweep upward from six arched support legs. Its height is 60 feet, and it is equipped with speakers to broadcast live musical performances and with 1494 multicolored glass prisms for light shows. The large size of this sculpture is suitable for its placement in a downtown mall bordered by government buildings.

However, tempers have flared over *Triforium's* aesthetic value and the fact it substantially overran its 1970 cost estimate of $325,000. In 1975 its creator, Joseph Young, was barred from access to *Triforium*. He claims that the failure of the city administration to maintain the sculpture properly has crippled it to the point where it functions at only 1/100th of its capability. Young feels the light shows in no way reflect the potential of *Triforium* and that playing canned rather than live music is also a distortion. "The city has culturally vandalized my concepts," Young states. "Truly, the public has never had a fair chance to experience what *Triforium* can do." Interestingly enough, if the State of California commissions a sculpture, it is protected under the state's 1976 1% for art law, which provides for consultation with "the artist to insure that each work of art acquired pursuant to this chapter is properly maintained and is not artistically altered in any manner without the consent of the artist."

RIGHT TO PROPERTY

It is clear that in the United States nothing prevents the owner of an artwork from destroying it completely. For example, in 1937 a mural painter named Alfred Crimi was selected by competition to create a fresco mural painting 35' x 26' for the Rutgers Presbyterian Church in New York City. The contract stated that the mural would be permanently affixed to the wall and that the church would also own the copyright. In 1938 the mural was completed by the artist, but already some members of the congregation objected to it on the grounds that the degree to which Christ's chest was exposed emphasized his physical rather than his spiritual qualities. This protesting segment apparently increased so that in 1946 the mural was painted over in the course of redecorating the church.

Crimi sued, demanding that the mural either be restored, removed from the wall at the church's expense and given to him, or that he receive an award of damages as compensation. The court held against Crimi, stating, "The time for the artist to have reserved any rights was when he and his attorney participated in the drawing of the contract with the church." In the view of the court, the mural was merely property and could be destroyed at its owner's whim.

However, it is not clear that the right of integrity, if enacted, would prevent an owner from destroying a mural or other artwork. In 1973 French artist Jean Dubuffet contracted with renault, the state-owned automobile company, to construct a 2,000 square yard abstract sculpture at the company's headquarters on the outskirts of Paris. Dubuffet constructed a model for a sculpture which would be placed in the company's courtyard and provide leisure and recreation for the more than 1,500 employees. The model was approved in September 1974, by Pierre Dreyfus, then President of Renault, and construction began. However, Dreyfus retired in the middle of 1975, and his successor, Bernard Vernier-Palliez, decided that "the automobile business has nothing to do with art." The project, approximately halfway toward completion, was halted. Dubuffet, although he had been paid his full fee of $80,000, brought suit to force Renault to permit him to complete the work. He even offered to use his own funds to finance the completion. The lower court found in favor of Renault, but the appellate court reversed and ordered that the work in progress be preserved until a still higher court could finally decide whether the right of integrity will apply to Dubuffet's case. So it is unclear for the moment whether the right of integrity will protect a publicly displayed work from destruction. It would seem likely that the right of integrity will not protect a privately displayed work from a similar fate, but this will also remain unclear until cases are decided in this regard.

RIGHT OF HONOR

The next moral right provided in Drinan's bill would permit enforcement of "any other limitation recorded in the Copyright Office that would prevent prejudice to the author's honor or reputation." For example, if an artist indicated in the records of the Copyright Office that his art should never be exhibited with the work of Soviet artists or used in any other works favorably portraying the Soviet Union, his work could not be used in a film praising the accomplishments of Soviet rule. This would be true even if the copyright had gone into the public domain so that the work could be freely copied by anyone. This right will clearly need more definition, since too extensive limitations could prove unfair to the owner of the work or violate free speech privileges.

For example, the artist could not validly record in the Copyright Office a limitation that the work never be criticized publicly. Whenever art is exhibited to the public, critics have the protection of the First Amendment in giving their honest opinions about its merit. If the boundaries of fair comment are exceeded by a critic, such as by falsely attacking the artist's private life, an action for libel can be brought for injury to reputation.

RIGHTS OF DISCLOSURE AND WITHDRAWAL

Drinan's bill does not provide for the moral rights of disclosure and withdrawal. The right of disclosure gives the artist the absolute right to decide when a work is finished and ready to be revealed to the public. While it may be argued that our copyright laws provide similar protection, it is not clear that copyright or other laws would, for example, protect unfinished artworks from the demands of a bankrupt artist's creditors or from a spouse in divorce proceedings in a community property state. The right of withdrawal exists in France in relation to literary works, but not artworks. It permits the author to withdraw from the public, as long as the author fully compensates the present owner for any losses suffered. It does not ever seem to be used, so proposing it as part of a United States bill would be a futile gesture.

The Drinan bill will create moral rights that last for the artist's lifetime plus another 50 years. This is the same term as copyright protection under the copyright revision act which took effect January 1, 1978. Moral rights is a country such as France, however, are perpetual. Also, the designation of the artist's "legal representative" as the party to enforce such rights after the artist's death may well be insufficient, since heirs and perhaps the courts should also be given rights.

Another important point is that the Drinan bill does not indicate whether moral rights can be transferred by the artist. If the artist could assign his moral rights in such a way that he would be unable to exercise them, their value would be greatly lessened. The intention of the bill needs to be clarified here. Also, the Drinan bill purposely deals only with moral rights for creators of works which are "pictorial, graphic, or sculptural," but the appropriateness of moral rights for other art forms will have to be taken up in congressional hearings.

REMEDIES FOR VIOLATIONS

If such hearings are held, the issue of remedies for violations of moral rights will also have to be resolved. The present bill proposes an amendment to the copyright laws. Drinan states, however, "My bill would not require that the work first be copyrighted before the moral right attaches." This means that the remedies available for copyrighted works under the copyright law might not serve to protect the artist asserting moral rights for an uncopyrighted work. The copyright law provides for damages, injunctions, court costs, and attorney's fees if a copyright infringement claim is successfully prosecuted. Should the artist bringing suit on a moral rights claim have similar rights? For example, should the artist claiming a work has been mutilated have a right to receive damages as well as a right to have the work restored? And should our moral rights provision give that ultimate relief which the French courts denied to Bernard Buffet: return of the artwork itself?

Many obstacles must be overcome before moral rights will be enacted into law for United States artists. The present bill must be refined and clarified in many important respects. After that, a major political effort must be undertaken by artists across the country to rally support for moral rights.

But Congressman Drinan must be praised for his foresight and initiative in introducing the Visual Artists Moral Rights Amendment of 1977. For, as Drinan stated in his remarks in *The Congressional Record*, "If the Congress fails to enact positive, effective statutes to protect the rights of artists, the United States, with all its wealth, power, and achievements, will be judged, at best, a second rate civilization." ●

OSHA TOPPLES IN FOURTH AMENDMENT FIGHT

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. HANSEN. Mr. Speaker, the Supreme Court decision banning OSHA in-

spections without a search warrant is a great victory for privacy and freedom in this Nation.

The Supreme Court ruled 5 to 3 that Government agents checking for safety and health hazards may not make spot checks of businesses without a warrant. The Occupational Safety and Health Administration (OSHA) since its inception in 1970 has long been an irritating violator of fourth amendment rights of the Nation's farmers and businessmen.

It took the courage and determination of one small businessman to stand up to a runaway bureaucracy indulging wholesale in the unreasonable searches and seizures prohibited by the Constitution. Bill Barlow, a Pocatello, Idaho, businessman, in the face of possible jail and cost of well over $100,000 proved his point in the gallant fashion of American patriots, and all who value liberty owe him a great debt for this pioneering effort in basic citizens rights.

The performance of the Barlow attorneys, Runft and Longeteig of Boise, and their legal colleagues on similar cases across the country was most effective and provided a long string of victories going into the Supreme Court.

Although it will take some study to determine the full implications of the decision, the preservation by the court of the separation of powers doctrine protecting citizens from the tyranny of any one branch of Government through checks and balances is a great victory.

The Barlow decision is an important point in American history because it sets a constructive precedent for necessary protective guidelines for citizen rights in the face of Government activities. Heretofore, the businessman and farmer have been the victims of a recent trend in reverse justice where the citizen is assumed guilty until he can prove his innocence.

The Barlow court ruling places the burden of proof back on the Government where it belongs. OSHA can now come to inspect as before but the businessman can demand that they have a search warrant properly obtained from a magistrate, and the search warrant itself can be challenged by the citizen if he wishes to question the ground upon which the warrant was issued—thus the burden of proof rests on the Government as was previously stated.

All citizens and especially those vulnerable to Government inspections should know their rights and not allow themselves to be improperly victimized by an overly aggressive bureaucracy no matter how well meaning its intentions.

The Barlow case began when an inspector from the Labor Department's Occupational Safety and Health Administration (OSHA) appeared some 3 years ago at Bill Barlow's shop in Pocatello for one of their routine unannounced inspections. Bill refused to allow the inspector to proceed citing the fourth amendment to the Constitution which prohibits unreasonable searches of private property. The inspector was told he needed a search warrant in order to proceed.

Several months elapsed before OSHA returned, this time with a court order to let the inspector in. In the meantime, Mr. Barlow had contacted me regarding the denial of the inspector and to request assistance in his confrontation with the Government. I suggested that he obtain legal counsel knowledgeable in this area of Government activities and who might have some crusading zeal toward the case.

As OSHA pressed the confrontation with the court order, and Mr. Barlow had not yet made a legal selection, in a quick move to preserve his position, I introduced him to Boise Attorney John Runft, who had previously assisted me very capably in key legal matters involving the Government. Mr. Runft moved swiftly to prevent a contempt-of-court citation and possible jail term for Mr. Barlow and requested and received a hearing on the case before a three-judge constitutional panel convened by the Ninth Circuit Court of Appeals out of San Francisco for the U.S. District Court of Idaho.

The Barlow court, comprised of the Chief Judge of the Idaho District Court and two circuit court judges including the senior member, agreed with Barlow's contention that the inspection authority of the OSHA law violated the fourth amendment to the U.S. Constitution. This decision, of course, would have put OSHA out of business and the Department of Labor immediately appealed the matter to the U.S. Supreme Court. This was the exciting and spectacular beginning of a long and costly fight to win final victory in the Supreme Court.

It was then necessary to encourage similar opposition and court tests throughout the United States to broaden our base of support and further validate our position.

Such strategy was not without risk in that it was vital that all such confrontations be done so as to stand before the Supreme Court with the best possible record of lower court victories. My office served as a clearinghouse for this national effort coordinating OSHA complaints and inspection rejections throughout the Nation with the necessary legal counsel provided by key figures like John Runft, Dallas attorney Robert Rader who had actually won the first fourth amendment case against OSHA, and Atlanta attorney McNeil Stokes who had earlier brought OSHA before the Supreme Court on other grounds.

A splendid string of victories was thereby achieved in some 22 State and Federal courts leading up to the final victory before the Nation's highest court on May 23, 1978.

Such a massive nationwide legal effort demanded a serious fundraising program in addition to the private resources of Bill Barlow and the handful of other brave challengers across the land. I already began "Operation Paul Revere" through my office to alert citizens of their constitutional rights when approached by the American Conservative Union to head a national "stop OSHA" campaign which was to provide educational services to citizens and lawmakers and raise funds for the legal and legislative fights.

In order to incorporate the strongest possible base of support, names of those inspected by OSHA were obtained from the Government under the Freedom of Information Act and contacted for support.

In the meantime, I organized an independent group called the Committee for Constitutional Challenge to OSHA (CCCO), largely Idaho based, as a proper repository of funds and as an additional fundraising device. The funds raised by ACU, some $60,000 thus far, were periodically transferred to CCCO where the total accumulation has thus far been well over $100,000 toward funding the fight—a fight which has now cost approximately $160,000.

It is anticipated that the effort will be fully funded in the near future and many thanks go out to citizen action groups such as those directing the CCCO, the ACU, and the many business and agriculture associations whose membership have given generously and enthusiastically to this basic philosophical struggle for citizens rights.

The final effort came in assisting attorney Runft in accumulating the necessary legal expertise and support to assure the best possible presentation before the Supreme Court. A broad range of amici curiae—friends of the court—were assembled even though the number of participants were limited to carefully keep the matter apart from the heavy hand of politics and special interest pressure and on the stage of reason and constitutional judgment. The research and strong briefs submitted by Mr. Runft and the amici curiae were obviously vital in winning the necessary support where the decision would not eventually be unanimous.

The polished appearance of Attorney Runft bolstered by his staff and a strong array of amici and supported by the prayers and assistance of freedom-loving citizens across the Nation presented a classic chapter in American history. And yet the most touching part of the whole drama was the appearance in the audience of the Supreme Court that cold day in Washington, January 9, 1978, of an average citizen from a small town in the West, a church man, a family man, a stalwart in his community, Bill Barlow, his wife, five sons, two daughters, and other members of the family.

Here was a man, fighting for a principle, strongly supported by his family, who withstood the threat of jail and an impossible financial burden to plead his cause and the cause of all Americans before the Nation's highest court—and win.

OSHA—A WEAK LINK IN WORKERS' SAFETY

Insurance, not OSHA, holds this key to workers' health and safety.

The Nation's employers may be annoyed or irritated with OSHA but it is the insurance companies which they really fear. While the Government can fine or impose arbitrary and burdensome compliance costs on businessmen, insurance companies can charge high rates for coverage or deny protection which can actually put people out of business.

A business must have liability coverage and workmen's compensation. A poor history of employee safety and health can drive insurance rates prohibitively

high or even prevent acquisition of such protection. Thus, the businessman has his strongest motivation for providing the safest possible workplace because of the commercial incentives built into the insurance he must carry, not to mention the vulnerability of business to lawsuits and criminal prosecution for neglect, desirability of a good public image, and the continued need to comply with labor contracts and State and local building, health, electrical, and other licensing provisions and codes. OSHA has added little to this but additional paperwork and arbitrary inspections, penalties and requirements.

A study of safety statistics show that prior to OSHA, conditions were continually improving, but since OSHA, a leveling out has occurred. Unfortunately, the imposition of the Federal Government through OSHA may have caused the traditional safety monitors to get out of the way and leave it to OSHA which has spectacularly bungled the job. The Nation's largest safety and health scandals in past months have been in areas under OSHA jurisdiction such as the Kepone situation in Virginia, the failure of the scaffolding fatal to 52 in West Virginia, and the continuous grain elevator explosions rocking the country. In fact, there is some question regarding OSHA practices in grain elevators as to whether their requirements are not only ineffective but actually creating "dust bombs," a consideration now under study by the U.S. Comptroller General at my request.●

CONGRESSIONAL SALUTE TO THE NORTH JERSEY TRAINING SCHOOL AT TOTOWA, STATE OF NEW JERSEY, UPON THE GOLDEN ANNIVERSARY OF ITS FOUNDING

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. ROE. Mr. Speaker, a half century ago the North Jersey Training School was constructed by the State of New Jersey in the Borough of Totowa in my congressional district for the purpose of providing training for God's special young girls between the ages of 12 and 20 whose mental development required special care and guidance in order to give them the broadest possible educational experience and help them participate in the mainstream of our society.

This weekend, June 3, 4, and 5, administrators of the school are holding an open house and welcoming visitors to help celebrate the 50th anniversary of the North Jersey Training School at Totowa and I know you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to the superintendent, the Honorable Denis J. Buttimore, Ph. D.; members of the Board of Trustees, 655 members of the faculty and staff, and the young lady students and residents upon this golden anniversary celebration. Several events for this auspicious occasion are planned to focus attention on the many activities designed to provide excellent care for their residents including an annual open house sale of crafts and plants in the vocational building, school and the greenhouse; Ecumenical Chapel Commemorative Service; 50th Anniversary Carnival; and Open House Visitation Day.

Mr. Speaker, the North Jersey Training School, a State facility constructed in 1927 and officially opened in 1928, is located in the Borough of Totowa, County of Passaic, on the Minnisink Road, between Little Falls and Paterson and is comprised of approximately 250 acres of land. For the past 50 years, the school has served the needs of the developmentally disabled of all ages. In addition to maintaining adequate and wholesome living facilities and appropriate medical care, the training school has established programs in academic, prevocational and vocational training, recreation, occupational therapy, physical therapy, and speech therapy. Special services include psychological and social counseling, volunteer, Girl Scout and Foster Grandparent programs.

With your permission I would like to insert at this point in our historic journal of Congress descriptive background information on the most comprehensive facilities of the North Jersey Training School at Totowa which was presented to me by the assistant supervisor of educational programs, the Honorable Arnold R. Profeta, Ed. D, as follows:

INFORMATION

TRAINING PROGRAM

The major objective of the training program is to provide educational and social experiences for those who some day may return to a useful place in society and for those who will find their permanent home within the institution.

Careful individual admission classification as to treatment and training is followed by periodic revision and re-adjustment in the training program whenever necessary without interfering either with the welfare of the individual or the group in which she is placed.

COMPREHENSIVE FACILITIES

Originally the Training School offered institutional facilities primarily for higher grade retarded girls, but due to changing community needs the school now accepts all levels of mental retardates over five years of age; educable, trainable and care cases, including ambulatory and non-ambulatory as residents.

Educable residents receive pre-placement training which is provided by employing in part classroom techniques as well as on-the-job training methods. Trainable residents receive occupational therapy and basic handwork instruction in addition to participation in the institutional job training program; while nontrainable residents are provided protective care and supervision as needed.

In the school building you will observe classes in sewing, weaving, beauty culture, domestic science as well as primary academic and handicraft classes.

ON THE JOB TRAINING

After completion of formal school training the residents participate in on-the-job training program within the institution performing such diversified activities as baby care, food preparation and serving, sewing and mending, hospital aide, laundering and housework.

Gradually as the residents manifest proficiency in these areas they are provided with the opportunity, as part of their training, of performing domestic work one or two days a week in nearby homes, receiving fees for such services. Eventually such training leads toward temporary community placement with social supervision and, if successful, permanent return to the community.

This entire process of acquiring specific skills and gradual acceptance of responsibility is a part of an integrated program designed to provide a type of training which will enab'e our residents to function at their highest level of achievement as members of a community, whether it is within or outside of the institution.

OUR NURSERY UNIT

Our Nursery which was opened in 1953 and accommodates 250 very young mental retardates of both sexes, the majority of whom are multiply handicapped.

The Nursery building, which is completely air conditioned, consists of thirty rooms and three wing wards, equipped with special ultra-violet ray glass windows. You may observe the central oxygen unit, the stainless steel equipped kitchen, a laundry processing center that handles one ton of linen daily, a modern pharmacy, complete laboratory facilities, an indoor playroom and fully equipped outdoor playyard.

OTHER POINTS OF INTEREST

We have a Hospital, Vocational Building, Greenhouse, Auditorium, Gymnasium, Chapel and Commissary. Nearby is our recreational area featuring a skating rink, a swimming pool, playground and Athletic field.

Across the square from the School is our dining hall and cafeteria, from the central kitchen are fed over 700 girls and approximately 100 staff personnel who reside on the grounds. This is undoubtedly one of our busiest areas in the campus.

Mr. Speaker, it is a privilege to call to your attention and seek national recognition of the outstanding service provided by the administrators and faculty of the North Jersey Training School over the past 50 years. Their dedication and devotion, motivated by the warmth and indepth feeling of caring, have provided new horizons and lasting renewals to the young lady students and residents who have sought their training. They have brought hope and promise and helped improve the quality of life for so many of our young people. We do indeed salute the North Jersey Training School at Totowa upon the celebration of their golden anniversary.●

STATEMENT OF MARLO THOMAS IN SUPPORT OF FUNDS FOR SCHOOL LIBRARIES AND LEARNING RESOURCES

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. BRADEMAS. Mr. Speaker, one of the best known actresses in our country is Miss Marlo Thomas.

But Miss Thomas is more than an actress. She is a producer, a teacher, and a citizen actively concerned about some of the problems that face the people of our country.

A few weeks ago, Miss Thomas testified before the Labor-HEW Appropria-

tions Subcommittee of the House of Representatives in support of adequate funds for the school library program under title IV–B of the Elementary and Secondary Education Act.

As you know, Mr. Speaker, the administration requested $167,600,000 for ESEA title IV–B for the fiscal year 1979, an amount identical to the appropriation for fiscal year 1978, and therefore a reduction of funds in real terms in view of both the need and inflation.

Miss Thomas urged in her appearance before the subcommittee that an additional $30 million be appropriated for the school library program and cited by way of justifying this request the widespread success of a record which she and others created entitled, "Free To Be You and Me," a record which has stimulated other teaching resources that have been most effectively used across the country.

I am pleased to note that the Labor-HEW Appropriations Subcommittee has recommended $175 million for this title and I want to commend Miss Thomas for the interest she has shown in encouraging Congress to vote much needed funds for one of the most successful of all programs of Federal assistance to our schools and libraries.

At this point I ask unanimous consent, Mr. Speaker, to insert at this point in the RECORD the text of Marlo Thomas' testimony of April 12, 1978 before the subcommittee:

STATEMENT OF MARLO THOMAS

Mr. Chairman, members of the Subcommittee, I am Marlo Thomas, I am an actress and a producer and a graduate teacher. I am very grateful for this opportunity to testify regarding appropriations for the Elementary and Secondary Education Act. My particular interest today is the appropriation for Title IV–B of that Act, regarding funding for school libraries and learning resources.

The Administration has committed itself to new educational programs, with special emphasis on developing basic skills for younger children. Toward that end, significant increases have been requested for many educational programs.

However, no increase has been requested to enable expansion of school library resources acquisitions—and I would like to tell you why that concerns me particularly.

In 1974, I gathered together some colleagues in the entertainment industry and we created a record called "Free To Be You and Me." We were motivated by a desire to do something entertaining and fun for children, which would also stimulate a rethinking of traditional sex-stereotyped roles for men and women.

I produced that record, and it was a labor of love. The many artists involved worked for the lowest conceivable rates, because they cared about children. We had all seen what sex stereotyping had done to distort the lives of men and women when we were growing up. We had lived through an era when people were locked up by public expectation into tight, little roles, a situation which repressed individual talent and destroyed individual dreams, depriving our country of vast human resources.

We wanted to change that situation. And we used the way we knew best—writing; composing; singing; telling jokes—to make our point.

All the profits of the record went to the Ms. Foundation, which supports programs in non-sexist education. And our success went beyond anybody's wildest dreams.

We ended up with a gold record, a book based on the record, an Emmy-award winning television special, an audio-visual kit which is used over and over again in thousands of schools. "Free To Be You and Me" was grabbed up by educators and included in school curricula all over the country, because teachers need materials; they need multimedia materials; they need new ideas all the time; and the school libraries are the chief resource centers to fill that need.

In 1978, 167.5 million dollars was appropriated for funding of the school library program (ESEA IV–B). I would like to see that appropriation, which supports acquisitions for 16,000 school districts, increased by at least 30 million dollars. That is a modest sum in view of the great need, but it would help to make the market for ideas what I believe it should be—a buyer's market.

The buyer—in this case, the curriculum programmer and the school library—should have as many ideas to choose from as possible. The richer that market is, the more competition there is among creative people to provide ideas for it. And the more competition there is among creative people, the greater the chance of producing something really excellent for our children to learn by.

In a changing society, in a nation currently and constantly discovering its variety, what is good for children today may not be good for them tomorrow. Therefore, schools must have the money to update their collections when necessary. Although our basic values may remain the same, the way we teach them is constantly changing. The idea of individual liberty, for example, has as strong a hold on our people today as it did in 1776. But the way we teach it, the tools we use, changes as media technology develops.

That means that the need for new materials is ever-present.

If we cease to feel the need, then we have ceased to acknowledge change—and then we're in trouble, as a society.

The whole entertainment industry is set up to stave off that kind of trouble. The dynamics of our business make us a force that just naturally fights stagnation. Our stock-in-trade is new ideas. What we do in television and film, in recording and publishing, is to constantly strive to know what will be great for the public—tomorrow.

Now, the incentive to allocate venture capital to produce something for the school market is not just created by the producer, who may be mad for a new idea, but by the prospective receptivity in the market itself.

We the people who developed "Free To Be You and Me," for example, eventually had to funnel our ideas through a complex network of packagers and distributors, who would agree to market our concept only because they thought there was someone out there to buy it.

That means that when you give the market more money, you create an incentive to both the creative people, and to the companies who bring their ideas to the public, to compete for the market. The best way to maximize creative competition, to ensure the widest possible choice and therefore to stimulate excellence, to encourage the media industry to allocate more venture capital for more new ideas for children, is to give the ultimate buyer—the school library—more buying power.

Allocating extra dollars for those acquisitions under Title IV–B would create this chain of incentives.

We know from a survey of 24,000 teachers that instructional materials organize 95% of classroom time. We know from other studies that children learn best when the same material is presented to them through a variety of educational media. So we know that the best way to teach, in a multimedia culture, is by having the books and the records and the audio-visual cassettes and the closed circuit TV materials on hand in the school, and particularly, in the school library.

I ask you, therefore, to consider increasing an appropriation which the Administration has not asked you to increase, but which I believe cannot be held at static levels when other school costs are rising so dramatically. And in this request, I feel confident that I represent not only myself but large numbers of colleagues and competitors in the creative community, who should be encouraged to apply their wit and their style and their variegated talents to producing a wider and wider choice of exciting materials for our children.

Thank you.●

FINAL REGULATION ISSUED BY DEPARTMENT OF AGRICULTURE

HON. TOM HAGEDORN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. HAGEDORN. Mr. Speaker, on March 7 of this year, I introduced legislation which would limit the authority of the Secretary of Agriculture to restrict or prohibit the use of nitrates or nitrites as preservatives in meat products for a period of 2 years. This legislation was necessitated by a threat that a total ban would result from the USDA's request to the industry to prove that bacon could be produced without the formation of a confirmable level of nitrosamines by the March 17 deadline.

Now, just 2 months later, the Department of Agriculture has issued a final regulation which totally prohibits the use of nitrates and lowers the level of ingoing sodium nitrite to 120 parts per million (ppm) plus 550 parts per million sodium ascorbate or sodium erythrobate.

While this 120–550 formula appears to be in accordance with the request of the bacon-producing industry, the final regulation, in essence, is a sugar-coated apple with a rotten core. This regulation if allowed to be promulgated as proposed, would have a devastating effect on both large and small producers with secondary spillover effects felt by hog producers and consumers.

The industry has been working in cooperation with the USDA since 1971 in an attempt to lower the level of nitrosamine formation and voluntarily invested huge sums of money to resolve this problem. I therefore question why the USDA felt compelled to implement such a stringent regulation in light of the many unknown factors yet to be solved. Furthermore in the press release issued on Monday, May 15, Ms. Carol Foreman stated that this action was developed after analyzing a substantial volume of data on bacon and the effects of nitrite and nitrate in the formation of nitrosamines, including the study undertaken by the Secretary's expert panel on nitrites and nitrosamines. May I respectfully point out that recommendation 5 of the final report of the expert panel reads:

For any product where carcinogenic nitrosamines are formed during processing or preparation for cooking or eating, the

nitrosamine content should be closely monitored and reduced to an undetectable level as rapidly as possible; e.g., within 3 years.

However, the final regulation gives the industry only until June 15 to comply, although actual in-plant inspection will not begin until August 15. To me, there is a significant time difference between 1 to 3 months and 3 years.

Prior to the issuance of this regulation, all industrial and governmental tests were conducted primarily with bacon taken from the grocery shelf. Although the reason is not yet known, there is evidence that nitrites have a decreasing life concentration. Therefore, bacon that has been manufactured and shipped to the store has a lower level of nitrite residual than does bacon freshly processed at the plant. With the higher concentration in the plant also comes a higher probability that the level of nitrosamine formation will exceed the arbitrarily set limit of 10 ppb.

Furthermore, I feel that the economic impact statement which accompanied this regulation failed to consider several pertinent issues. Once a bacon sample has been found to contain confirmable levels of nitrosamines, the regulation states that all bacon in the producing plant and all future production will be retained until the plant can successfully produce five consecutive normal sized lots without the formation of confirmable levels of nitrosamines. What the impact statement failed to consider was the fact that few processing plants have the financial protection needed to survive retention of their product nor do they have the capacity to store their product for any length of time.

Finally, the regulation states that the USDA will collect samples of bacon from the plant and will analyze for levels of nitrosamines by the thermal energy analyzer (TEA). However, neither the regulation nor the impact statement mention the exorbitant cost and limited availability of the TEA to private industry. In fact, rough estimates indicate that of the approximately 850 processing plants in the United States, 3 plants have limited availability to a TEA and 1 plant has a TEA on order. This leaves the majority of processing plants vulnerable to Government inspectors and their laboratories. What happens is a policy of corrective medicine as opposed to preventive medicine.

For the above-mentioned reasons I have requested Secretary of Agriculture Bergland to rescind this regulation in lieu of a modified proposal. I sincerely feel that the Secretary did not fully realize the devastating impact this regulation would have on the industry.●

FEDERAL GUN CONTROLS BY REGULATORY BURGLARY

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. HANSEN. Mr. Speaker, Thursday, May 18, 1978, before the House Judiciary Subcommittee on Crime, I registered the strongest possible opposition to the proposed regulations affecting firearms by the U.S. Treasury Department's Bureau of Alcohol, Tobacco and Firearms (BATF). Joining me was Congressman STEVE SYMMS of Idaho's First District who I invited to show the unity of Idahoans against the BATF proposals. We both noted that hundreds of letters from Idaho and around the Nation have been received protesting the Bureau's proposed action.

Both Idaho Congressmen have joined some 150 other Members of this House as sponsors of legislation declaring that the BATF is exceeding its jurisdiction in proposing such regulations. It is indeed a serious situation when a group of bureaucrats in an agency attempt to initiate such far-reaching policies without specific authorization by the Congress. And yet, more and more we are seeing Government decisionmaking handled by nonelected officials beyond the reach of the people.

Congress and not BATF has the authority to enact laws and I very strongly urge my colleagues to reinforce through timely action against the proposed BATF regulations, the principle of Government by the people rather than by bureaucrats and the principle of controlling crime rather than citizens' rights.

Frustrated Federal bureaucrats who have had little success in Congress with strong Federal gun control proposals seem to be moving to the back door approach and they must be stopped.

One way or another it looks like the Federal Government is determined to regulate America's hunters and gun owners.

Under the proposed rules, among other things, all licensed manufacturers will be required to submit a quarterly report of firearms manufactured. The licensed manufacturers, importers, and dealers must submit to the Bureau a quarterly report of firearms dispositions.

No matter how you word it, it still amounts to gun control. During the last session of Congress, gun control legislation was defeated. Now the administration is trying to make an end run and, in effect, require registration without congressional approval.

Due to the scope and extensive public interest generated in the proposals published in the Federal Register on March 21, 1978, BATF is allowing an additional comment period on the regulations. Now those interested will have the additional time to respond and make their objections known and I would encourage as many individual citizens as possible to do so. Comments will now be received up until and including June 30, 1978. Written data, comments, or suggestions should be submitted to the Director, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226, with attention to the Regulations and Procedure Division.

In another direction I am also gravely concerned over the Occupational Safety and Health Administration's move to cripple sport hunting in the United States.

In a recent Louisiana case OSHA officials ruled that hunters represent a real hazard to timberworkers when they are not controlled.

The implications of control in the position now being taken by OSHA are so far reaching that they stagger the imagination.

If allowed to stand, the agency's ruling could ultimately cause individuals and privately owned corporations everywhere to reconsider allowing sportsmen access to those millions of acres of game-rich timberland that they privately own or control.

In addition, free access to certain public lands such as national forests and refuges, where hunters and workers have traditionally shared the woods, could also be severely curtailed or jeopardized.

I have recently introduced legislation to stop this intrusion by OSHA by amending the occupational safety and health law to state that "Nothing in this Act shall be construed to authorize any regulations designed to restrict hunting, sport fishing, or shooting sports * * *"

Federal regulatory burglars seem to be endlessly finding new ways to rip off the basic rights of American citizens. It may be a well-intended Robin Hood act, but the loss of freedom in the name of do-good programs is still something to be seriously reckoned with. We must respond forcefully and aggressively to these challenges to our freedoms or face losing them.●

WASHINGTON INTERNATIONAL BOULEVARD

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. DERWINSKI. Mr. Speaker, Washington has been an international boulevard in the last few weeks as heads of state from all continents of the globe have passed through this city to meet with our beloved President.

One visitor, the President of Zambia, His Excellency Kenneth D. Kaunda, has received considerable press attention. One of the more interesting commentaries on his visit was that by the distinguished liberal columnist, John P. Roche. His column, appearing in the Washington Star of May 26, should have the Members' attention:

THE DOUBLE LIFE KAUNDA MUST LEAD

(By John P. Roche)

President Kenneth D. Kaunda of Zambia, surely one of the most decent and talented African statesmen, has been forced by circumstances to live a double life.

When, for example, the United Nations took out after Ian Smith's Rhodesia and imposed economic sanctions on the white regime, Zambia was the first to break the rule. Economic necessity dictated it: Before the completion of the Tanza Road to the east coast, Zambia's only outlet for its copper was the railroad through Rhodesia. Basically a moderate, Kaunda has been cast in the role

of a militant toward the internal settlement in Rhodesia and has as unwelcome guests a substantial Rhodesian black guerrilla presence.

Recently, Kaunda was here giving the Carter administration advice on its African policy, urging it to push support for black majority rule in Rhodesia and South Africa. It might be added that Kaunda runs a pretty tight ship in Zambia: He's probably in about the same league as the Philippines' Marcos when it comes to democratic rights, that is, well below the standard in Botswana or Guyana, but light years above Amin's Uganda or Kim's North Korea.

The invasion of Zaire's Shaba province from Angolo put Kaunda in a bind. Nothing is more precise to the decolonized African states than the arbitrary borders established by the imperialists. When the French, British, Portuguese, or Belgians worked out a border, they had no compunction about dividing tribes in half; and German Southwest Africa, now Namibia, was provided with an extension almost to the center of Africa—the Caprivi Strip—for reasons I have long since forgotten. At any rate, as the Somali-Ethiopian blow-up indicated, territorial integrity, however loony in rational terms, is a top priority.

Kaunda thus took a very muted position on the use of French and Belgian paratroops, with U.S. logistical back-up, to aid President Mobutu. In essence, he called on all the warring factions to get together in brotherly reconciliation. The Western rescue mission in Shaba seems to have been consigned to the same operational category by Kaunda as the Cubans in Ethiopia and Angola.

However, at one point Kaunda really went off the tracks. While calling on the U.S. to support black majority rule in Africa, he also criticized us for not recognizing President Agostinho Neto's regime in Angola. This is curious because the Neto regime is run by assimilados, "brown Portuguese" as they are called, and its opposition is solidly black. One of the best kept secrets of Portuguese decolonization was that power in both Angola and Mozambique was not turned over to black liberation movements but to detribalized mestizos, of mixed ancestry.

Under Portuguese rule the assimilados were a sub-elite. Some of them, including Neto, went to the university in Portugal, and special jobs were reserved for them in the administration. (In similar fashion, the Anglo-Indians ran the subcontinent's railway system under British rule.) The blacks in the bush were exploited jointly by the Portuguese and the assimilados, and—as might be expected—the growth of sophisticated political concepts also occurred in the latter group. Thus the irony: Black liberation was to be spearheaded by imitation Portuguese.

It took the Cubans to "stabilize" Neto's regime against its black opponents, and it is estimated that the writ of the black liberation movement runs virtually to the city limits of Luanda. In short, Neto's is not a government based on black majority rule, but on minority mestizo power backed by Soviet sepoys.

Indeed, Neto originally obtained power through a sweetheart deal. The last Portuguese high commissioner, Admiral Rosa Couthino, was pro-communist and as he departed handed Neto and Co., the "Marxist-Leninists," the keys to the kingdom.

The legitimacy of the Angolan government Kenneth Kaunda wants us to recognize therefore rests on first, a Portuguese benefaction, and, second, Cuban soldiers and Soviet supplies! There is a third player with a very low silhouette; Gulf Oil, which wants to protect its Cabinda investments and provides Neto with the bulk of his foreign exchange.

As a vigorous supporter of black majority rule in Angola, I suggest the United States not only refuse to recognize the assimilado usurpers, but provide aid and comfort to the black liberation movements. And Kaunda should do likewise. The Soviets need a Vietnam experience to temper their interventionist enthusiasm.●

"THE ROAD TO PROSPERITY—PART IV—DYNAMIC ANALYSIS OF THE INVESTMENT INCENTIVE ACT"

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. STEIGER. Mr. Speaker, my previous installment on the Investment Incentive Act included the static analysis which had been done by the Joint Tax Committee. In addition to static analysis, there is also dynamic, or economic, analysis which attempts to measure the economic, and not just the revenue, impact of changes in our tax laws.

It is relatively easy to measure the amount of taxes being paid currently, and the amount of taxes which would be paid if tax rates were raised or lowered. This arithmetic analysis is of limited value. It does not measure the economic impact.

Econometric models have been designed to provide estimates on economic activity for a variety of purposes. Assumptions have to be made and data constructed to produce results. Thus, two key questions are whether the assumptions accurately reflect the real world and whether the data is valid. Both questions are debatable issues, but they can be settled through logical discourse.

The models are more complicated than the simple arithmetic analysis which is usually done on tax bills. People react to changes in taxes, and their reactions—feedback—affect economic activity. Changes in economic activity mean changes in tax revenues. Thus, arithmetic analysis cannot be relied on for an accurate statement of what will happen to tax revenues when tax rates or tax policy is altered.

For instance, the 1969 Tax Reform Act was accompanied by revenue estimates which showed a net gain in tax revenue from the increase in the capital gains tax. The actual result has been the opposite, revenues have declined.

We have to take into account the feedback affects of our policy decisions. We have to know the economic implications of what we are doing. We are fortunate in having four analyses of the Investment Incentive Act. Today, I am including in the RECORD an analysis by Merrill Lynch Economics. Tomorrow, I will include the fourth analysis for the Members' review:

AN ANALYSIS BY MERRILL LYNCH ECONOMICS

I. SUMMARY OF RESULTS

A roll-back in the maximum capital gains tax rates from current levels to 25 percent for both individuals and corporations, effective in the third quarter of 1978, would have the following beneficial affects on the economic outlook through 1980:

Improves the average rate of growth of real GNP to 3.5 percent as compared with the 3.3 percent rate forecast under the current tax law,

Reduces the unemployment rate from 5.7 percent to 5.5 percent through the creation of 205,000 additional jobs by 1980,

Reduces the Federal budget deficit by $2.3 billion in 1980,

Instills an additional $3.2 billion in real fixed business investment over the period.

These economic impacts have been simulated with the Merrill Lynch Economics Macro Econometric Model which traces the primary causal flows from tax rate roll-back to economic benefits as follows:

A reduced capital gains tax will tend to increase current market prices for capital assets.

In particular, the prices of financial assets—especially equity—will tend to increase.

Increased equity and bond values reduces the cost of capital to the corporation.

This reduction in capital costs stimulates investment in plant and equipment.

The increased plant and equipment spending stimulates the economy leading to enhanced real GNP growth, more jobs, higher tax revenues via ordinary income and profits taxes, and greater productivity.

The decline in the Federal deficit results from increased tax revenues and reduced transfer payments—both effects arising from the stimulated economy.

The decline in the capital gains tax rate should be essentially offset, in revenue terms, by the expected increased capital gains realizations accompanying a stronger equities market.

Any impact analysis of this sort ultimately depends on assumptions made about factors which are either unquantifiable or, at best, difficult to assess. Throughout the analysis, we have attempted to gauge these factors so as to err on the side of understating the beneficial results:

We have minimized the potential stock market strength to that which is quantifiable from the tax rate decline alone. Accordingly, stock prices rise only 4 to 6 percent above the level calculated without a capital gains tax reduction. An even stronger stock market—with higher economic benefits than estimated here—could ensue if a very large volume of capital gains realizations unfolds resulting in a heightened "bull market" psychology as locked-in positions are liquidated.

We have minimized the potential decline in long-term corporate bond rates that could result from the lower capital gains taxes and the improvement in balance sheets as more equity is issued. Here the average new issue bond rate declines by no more than 10 basis points (0.1 percent).

We have ignored the beneficial effects that rising values of other capital assets (aside from stocks and bonds) could bring to the economy.

II. STOCK MARKET ANALYSTS AND DETAILED ECONOMIC IMPACTS

1. Exhibits I and II: Standard & Poors 500—Stock Price Index and The Corporate Cost of Equity Capital—Standard & Poors 500.

The dashed line from 1970 to 1978 in Exhibit I shows that the stock market (as measured by the S&P 500) would have been about 2 to 3½ percent higher if the maximum capital gains tax had not been increased beginning in 1970. The maximum rate for individuals (excluding minimum tax) was actually increased in steps from 25 to 29.5 percent in 1970, 32.5 in 1971 and to the full 35 percent in 1972. For corporations, the maximum rate increased to 28 percent in 1971

and to 30 percent thereafter. Increases in the minimum tax holding periods, and other provisions further heightened the capital gains tax burden. In terms of the cost of equity capital to the firm, the higher tax increased this cost by 10 to 20 basis points over the period. Comparisons of the cost of equity capital are presented in Exhibit II.

As can be seen in Exhibit I, in the forecast period (third quarter 1978 to end of 1980) the reduction in capital gains would increase stock prices by 4 to 6 percent over the Basic Forecast (no change in tax rates). This translates into a 25 to 30 basis point drop in the cost of equity capital to the firm, as shown in Exhibit II.

2. Exhibit III: Comparison of Forecasts for Key Economic Indicators.

Exhibit III presents a comparison, for several key economic indicators, of the Merrill Lynch Economics May Basic Forecast through 1980 versus the Lower Capital Gains Taxes simulation. The tax rate decrease is assumed to be effective as of the third quarter of 1979.

EXHIBIT III

KEY ECONOMIC INDICATORS

COMPARISON OF FORECASTS: LOWER CAPITAL GAINS TAXES VERSUS BASIC FORECAST

[All dollar values in billions of 1972 dollars unless otherwise noted]

	1978	1979	1980
Real GNP:			
May basic forecast	$1,381.2	$1,415.1	$1,474.5
Lower capital gains taxes	1,381.4	1,417.9	1,478.7
Difference	0.2	2.8	4.2
Percent difference	(0)	(0.2)	(0.3)
Percent change in real GNP:			
May basic forecast	3.3	2.5	4.2
Lower capital gains taxes	3.3	2.6	4.3
Difference	0	.1	.1
Employment (thousand employees):			
May basic forecast	93,748	95,286	98,460
Lower capital gains taxes	93,753	95,380	98,665
Difference	5	94	205
Percent difference	(0)	(0.1)	(0.2)
Unemployment rate (percent):			
May basic forecast	6.3	6.6	5.7
Lower capital gains taxes	6.3	6.5	5.5
Difference	0	−.1	−.2
FRB industrial production index (1967=100):			
May basic forecast	142.3	144.9	154.8
Lower capital gains taxes	142.4	145.4	155.6
Difference	.1	.5	.8
Percent difference	(0.1)	(0.3)	(0.5)
Federal deficit (billion dollars):			
May basic forecast	(59)	(71.9)	(60.3)
Lower capital gains taxes	(59)	(71.0)	(58.0)
Difference	0	.9	2.3
Percent change in GNP deflator:			
May basic forecast	6.6	6.3	6.2
Lower capital gains taxes	6.6	6.3	6.3
Difference	0	0	.1
Percent change in the wholesale price index:			
May basic forecast	6.8	5.6	5.9
Lower capital gains taxes	6.8	5.5	6.0
Difference	0	−.1	.1
Fixed business investment:			
May basic forecast	$190.8	$191.9	$203.6
Lower capital gains taxes	190.9	193.1	205.5
Difference	.1	1.2	1.9
Percent difference	(0)	(0.6)	(0.9)
Investment, producers' durable equipment:			
May basic forecast	$91.7	$93.4	$96.3
Lower capital gains taxes	91.8	94.2	97.8
Difference	.1	.8	1.5
Percent difference	(0.1)	(0.9)	(0.2)
Investment, nonresidential structures:			
May basic forecast	$41.3	$44.2	$44.8
Lower capital gains taxes	41.3	44.4	45.1
Difference	0	.2	.3
Percent difference	(0)	(0.5)	(0.7)
Real consumption expenditures:			
May basic forecast	$891.2	$917.3	$953.2
Lower capital gains taxes	891.3	918.2	954.8
Difference	.1	.9	1.6
Percent difference	(0)	(0.1)	(0.2)
Standard & Poors 500 Stock Price Index (end-of-year level):			
May basic forecast	85.0	101.4	110.0
Lower capital gains taxes	88.8	107.1	114.7
Difference	3.8	5.7	4.7
Percent difference	(4.5)	(5.6)	(4.3)
New issue rate, AAA utilities (percent):			
May basic forecast	8.93	8.83	8.18
Lower capital gains taxes	8.91	8.73	8.12
Difference	−.02	−.10	−.06
Federal funds rate (percent):			
May basic forecast	7.25	6.47	5.34
Lower capital gains taxes	7.22	6.46	6.44
Difference	−.03	−.01	+.10

AIRPORT FOR AVALON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. ANDERSON of California. Mr. Speaker, the Department of Transportation has recently agreed to provide $100,886 planning grant to assist in the development of essential studies leading to the establishment of a public airport on Catalina Island.

This spectacular island in the Pacific, less than 30 miles from Los Angeles, has become one of the most attractive and popular resort areas in the United States. It is dependent, to a considerable extent, on general aviation to bring visitors from the mainland, because the existing airport and seaplane facilities are inadequate for larger commercial airliners.

The new facility would be located conveniently near the city of Avalon, and its development for commercial aviation as well as for expanded general aviation use would be a tremendous boost for the business community, which is uniquely dependent on the tourist trade for its survival.

The Department of Transportation grant, which goes to the city of Avalon for the airport master plan study, is a welcome first step in the development of this much-needed airport.

Mr. Speaker, I should like to include in the RECORD a copy of an article by Don Downie in the October 1977 issue of the AOPA Pilot, the publication of the Aircraft Owners and Pilots Association:

AIRPORT IN THE SKY

(By Don Downie)

For the past 18 years, probably the most popular private resort airport in the country has been at Santa Catalina Island, some 28 miles out in the Pacific Ocean near Los Angeles. This year-round resort will attract an average of 400 private planes on a clear weekend, plus a steady stream of pilots who drop in for lunch or an overnight during the week. In 1976, a total of 23,474 aircraft (that's 46,948 "operations" by FAA counting) landed at "The Airport In The Sky." At an average of three people per aircraft, that's over 70,000 visitors.

Why Santa Catalina? It's different, comfortable, a change-of-pace from the mainland; it has a wide variety of tourist attractions plus the adrenaline-activation of a short, over-water flight.

Where else can you get a buffalo burger at the airport or take home a 10-pound package of frozen buffalo meat for $25? Where else can you ride a glass-bottom boat, look at sea lions or seals in their natural habitat or spend part of an evening watching flying fish?

You can find just about everything offered at salt-water resorts around the world on this 21-mile-long island. The climate is nearly perfect, usually 10° cooler than the immediate mainland, while the water, warmed by the Japanese current, varies from 67° to 76°F.

Santa Catalina Island has been used by real-life pirates and smugglers since 50 years after Columbus discovered America. Chinese slave ships and prohibition-day bootleggers hid in the island's many coves. And, as in any such locale, there are tales of pirate loot and sunken treasure yet to be found.

The city of Avalon with some 1,700 full-time residents, plays host to thousands of mainlanders every weekend. Avalon harbor has mooring for 342 yachts and anchorage for several hundred more. The airport has 40 tiedowns and parking for an additional 125 visiting aircraft.

An early owner of the island was the family of southwest stagecoach baron General Phineas Banning. Along with other construction, he built a stagecoach road from Avalon, past the present site of the airport, up to the isthmus, now called Two Harbors. At the turn of the century, stagecoaches took a day and a half to cover the tortuous 23 land-miles between Avalon and the isthmus. Today, a fleet of mini-buses transport airport visitors to Avalon on what Catalina airport manager Gerry Vanderville calls "a very long 10-mile road." He should know since he frequently drives one of the mini-buses on weekends. Travel time is 30 minutes each way and the round-trip fare is $4.50. Airport records indicate that 14 percent of fly-in visitors go on to Avalon.

Two Harbors is a 13-mile drive from the airport or can be reached from Avalon by a daily excursion boat. Cab fare from the airport to the isthmus is $40 for up to eight people. This relatively isolated area has been the location for many "South Sea" motion pictures dating back to "Mutiny On The Bounty," the Erroll Flynn epics and, most recently, "MacArthur."

Most of the tourist attractions are centered around Avalon. The glass-bottom boat

trip, coastal cruise where seals and sea lions can be watched, skyline bus tour (which you don't really need if you've flown in), Casino tour, flying fish boat trip (May thru September nights) and the Two Harbors boat trip all originate at Avalon. The town has 28 hotel-motel combinations, while Two Harbors has one. Reservations are recommended summer months and a well-staffed Chamber of Commerce (P.O. Box 217, Avalon, CA 90704) is more than prepared to answer all questions.

A syndicate, headed by William Wrigley, Jr. (of chewing gum fame) acquired a majority interest in the island in 1919. For 26 seasons beginning in 1921, his Chicago Cubs held spring training here. At the present time, 86% of the island is owned by the Santa Catalina Island Conservancy, dedicated to preserving open space, wild lands and nature preserves. The remaining 14% includes the City of Avalon and property at the isthmus.

For the history buffs, the first flight across the Catalina channel dates back to 1912 with pilot Glenn C. Martin at the controls of his "hydro-aeroplane." Distance was 33 miles and flight time 37 minutes. The first scheduled passenger service began in 1919 with Sidney Chaplin, brother of Charlie Chaplin, as operator. The short-lived line used a three-passenger Curtis "F" Seagull flying boat. Passenger transportation was even attempted by a Goodyear "Pony Blimp" about 1925 but proved too costly.

A series of amphibious aircraft have been used since 1920. The World War II Grumman Goose amphibs, grounded by the FAA a few months ago, are expected to be returned to service within the near future. A close-to-town STOL strip is presently under discussion.

Construction on "The Airport In The Sky" was begun shortly before WW II when two mountain peaks were leveled off for a 3,200-by 100-foot runway. "Level" is not exactly an accurate term since the first two-thirds of Runway 22 (used 99% of the time) has a 2% uphill slope. The high point of the strip, 1,602 feet, is 40 feet above "the numbers" on Runway 22. However, uphill takeoffs present few problems, since pilots merely "fly off the cliff" over a steep canyon after takeoff.

During WW II, the partially-completed runway was covered with railroad rails to make it both unusable and unnecessary to defend. The runway was completed shortly after WW II and a fine airline terminal of Spanish architecture, frequently seen on late-late movies, was built in 1946, when United Airlines began scheduled DC-3 service. General aviation has been permitted since 1959. Almost the entire island is privately owned, so no county, state or federal funds have gone into building or maintaining the airport and a $1.50 landing fee is charged for singles or twins.

The airport is open year-round, 8 a.m. to 7 p.m. in the summer and 8 to 5 in the winter. Unicom is available during all hours of operation and a VASI was recently installed that has made possible an 80 to 90% reduction in poor approaches, according to Vanderville.

A question-and-answer sheet has been developed for visiting pilots by Vanderville, who has run the airport since 1972. He advises that "the downhill slope of Runway 4 is not a straight line. This creates a situation in which an aircraft using Runway 4 cannot see an aircraft taking off or landing on Runway 22. Even with Unicom advisories, this is an uncontrolled airport and communications with all aircraft cannot be assured.

"Take-offs and landings are not allowed when the airport is closed because of both safety and airport security. Our resident and RON (remain over night) aircraft deserve some protection against theft and vandalism. Our sheriff is most observant of any aircraft operation after hours.

"We have landing lights but do not allow takeoffs or landings when the airpart is closed except to medical and law enforcement personnel during an emergency.

"In addition to an initial Unicom report, as recommended by the FAA, we request one additional call when downwind at midfield to help our full-time Unicom operator in the tower advise how many other aircraft have previously reported. . . . We can receive 33 other Unicom stations from our altitude and hear aircraft calling 41 ground stations. Because of our altitude and water reflection, we are able to transmit an excellent signal with a standard 10-watt radio.

"And, on a nice day, we will have 600 aircraft operations in an eight-hour period."

Airport Manager Vanderville reports that the field, its lunches, buses and small landing fee are beginning to show a slight profit after 31 years of red ink. These dollars go into the island's conservancy fund. Thus, in contrast to most airport development, "The Air port In The Sky" is contributing to a wilderness activity rather than being a problem to conservationists.

While no overnight camping facilities are available at the airport, backpackers have a selection of several approved, maintained campsites. Blackjack is just three miles distant while the popular Little Harbor is six miles distant and on the beach. Water, tables, restroom facilities and marked camping areas here are popular. The downhill hike to Little Harbor causes visitors little problem, but it's the hike back that can be tedious. Fly-in bicycles and motorcycles are not permitted because of winding, semi-paved roads and steep cliffs. Drivers of the few privately owned vehicles on the island are reluctant to provide a lift because of the insurance liability on privately-owned roads.

In the one large hangar on Catalina, you'll usually find the immaculate DC-3, N64784, owned by the Wrigley estate. Used sparingly during WW II by an Army General, this show-piece airplane has less than 3,000 hours total time. Vanderville, who "doubles in brass" as Captain on this venerable transport, believes that this is the lowest-time DC-3 (C-47) now in flying condition.

The only "hot line" to the Los Angeles FSS is located in the tower of Santa Catalina. Conspicuous by its absence is a fuel pit or gas truck and this is deliberate, according to the airport manager.

"We have two reasons for not supplying fuel. One would be the cost of barging it across and getting it up to the airport," he explained. "The main reason, however, is strictly safety. We fog in from twenty to forty days a year and had seventy-two days last year when the weather went below VFR minimums for part of the day. We feel that pilots planning to land here should have more than enough fuel to make the round trip, so that they're not 'hanging out to get wet' if our weather goes down."

All-in-all, Santa Catalina is a wonderful change-of-pace landing site whether you want a buffalo burger, a stroll in smog-free air, a back-packing picnic, a trip to Avalon in the mini-bus or merely sitting in the shade, watching other pilots solve the problems of putting wheels down on this unusual runway.●

THE HOUSE SPEAKS STRONGLY AGAINST PANAMA CANAL GIVEAWAY

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1978

● Mr. HANSEN. Mr. Speaker, the House has again voted strong opposition to the Panama Canal giveaway by passing my amendment today, 203 to 163 showing the issue to be very much alive. The hairbreadth Senate win on the Panama Canal Treaty in April took a lot of doing, including unprecedented wheeling and dealing. Many Americans are still wondering what caused their Senators to vote against the desires of the people.

President Carter would have everyone believe that he has won and the game is over, however that is not true. Round two of the battle is just beginning as the House of Representatives considers authorization and funding legislation. For months I have led the fight in Congress to insure that the people's voice is heard on this critical issue through the actions of the House.

Early last fall as the treaties were signed, I introduced House Concurrent Resolution No. 347 which states that U.S. property in the Canal Zone could not be conveyed to Panama except by an act involving both Houses of Congress. This resolution is a constitutional issue supported heavily by both parties with 240 cosponsors, a clear majority of the Members of the House.

Americans have continued to express their objections to the Panama treaties along with their desire for the House to act. The people obviously understand the Constitution and it is our duty as their elected Representatives to honor their wishes and protect their interests.

Despite the overwhelming support of House Concurrent Resolution No. 347, the influence of the Carter administration's efforts to restrict canal transfer consideration to the Senate has made House action difficult to obtain and predict. Therefore, I have begun a discharge petition (No. 6) to force an early vote in the House and now have 190 signatures on the way to the needed 218.

The end is in sight now and hopefully the last few signatures can be obtained soon. Many Members have already heeded the call from home and have agreed to sign the discharge petition.

In the meantime I have reinforced the goal of House Concurrent Resolution 347 by securing House passage of several amendments to recent legislation.

On the first concurrent resolution on the budget I proposed an amendment designed to stop any slush funding of the Panama treaties which passed the House by a vote of 231 to 170 and was finally accepted by both the House and the Senate in the conference report several weeks ago. This amendment declared an intent by Congress to eliminate the never-used $40,000,000 borrowing authority of the Canal Company and bring the Panama budget closely under the scrutiny of the Congress so that there is no authority for transfer of funds or property in Panama without a specific act of Congress.

Last week I was successful in attaching an amendment by a 2-to-1 margin to the fiscal year 1979 Military Appropriations Authorizations which stated that—

Notwithstanding any other provision of law, none of the funds authorized to be appropriated for the Department of Defense by this or any other Act shall be used directly or indirectly for the purpose of effecting any force reduction or base realign-

ment in the Panama Canal Zone in support of implementation of the Panama Canal Treaties approved by the United States Senate in 1978 without a specific Act of Congress.

With the adventures of Castro's Cuba in extorting revolution and terrorism across the world, this is hardly the time to take lightly any efforts to withdraw U.S. presence from the Caribbean and particularly the Canal Zone.

And today my amendment to H.R. 12598, the Foreign Relations Authorizations for fiscal year 1979, which passed by 203 to 163, stipulated that—

None of the funds herein authorized to be appropriated shall be used to effect implementation of the Panama Canal Treaties of 1978 without a specific Act of Congress authorizing such implementation.

The House of Representatives is the voice of the people in Government and the success of my amendments reflect a continued feeling of the people of the United States as demonstrated by their Congressman against giving away the Panama Canal, which is one of the Nation's greatest commercial and military assets.

Members of Congress are sending messages to the White House loud and clear and with increasing frequency that continued administration efforts to avoid proper constitutional processes by seeking back-door funding and improper implementation of the Panama treaties without necessary congressional authorization is headed for big trouble.

It is important for the President and everyone concerned to understand that the legislative process regarding the Panama Canal treaties is not complete and that there should be no premature exchange of agreements such as is planned between President Carter and Torrijos for mid-June if we are to avoid creating a dangerous situation caused by false hopes and misunderstandings.

The initiative taken by the House to prevent the Canal Zone transfer has been spearheaded by my resolution and the Hansen amendments. The main thrust will come on forthcoming legislation for transfer of property, appropriations of requested funds, and treaty implementation requirements.

In the meantime our efforts are to prevent any premature exchange of documents by the President with Panama in violation of the Brooke amendment to the treaties which stipulates that no official exchange can be made before next March 31 or until Congress acts.●

SENATE COMMITTEE MEETINGS

Title IV of the Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committees scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, June 1, 1978, may be found in Daily Digest of today's RECORD.

MEETINGS SCHEDULE

JUNE 6

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 2892 and 3061, proposed New York City Loan Guarantee Act.
5302 Dirksen Building

Environment and Public Works
To mark up S. 1493, to provide financial and technical assistance to States, local governments, and Indian tribes to manage impacts caused by energy development.
4200 Dirksen Building

Judiciary
To hold hearings on the nomination of Shane Devine, to be U.S. district judge for the district of New Hampshire.
2228 Dirksen Building

Energy and Natural Resources
To resume hearings on S. 499, 1500, 1546, 1787, and 2465, to designate or add certain lands in Alaska to the National Park, National Wildlife Refuge, National Wild and Scenic Rivers, and National Wilderness Preservation Systems.
3110 Dirksen Building

10:00 a.m.
Joint Economic
To resume hearings on economic change, including demographic, employment, and inflation.
318 Russell Building

JUNE 7

9:30 a.m.
Environment and Public Works
To hold hearings on a proposed Nashville, Tenn., public building prospectus.
1318 Dirksen Building

Judiciary
To hold hearings on the nominations of Philip B. Heymann, of Massachusetts, to be an Assistant Attorney General, Department of Justice, and Mary Johnson Lowe, to be U.S. district judge for the southern district of New York.
2228 Dirksen Building

Judiciary
Juvenile Delinquency Subcommittee
To hold hearings jointly with the Human Resources Subcommittee on Alcoholism and Drug Abuse on S. 2778, and other proposals, to tighten controls on and increase penalties for the manufacture and distribution of the drug PCP (angel dust).
4232 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 2892 and 3061, proposed New York City Loan Guarantee Act.
5302 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 22, to remove statutory and regulatory restrictions on broadcasters operation under the Communications Act of 1934.
235 Russell Building

Environment and Public Works
Environmental Pollution Subcommittee
To mark up S. 2900, proposed Oil Spill Liability Fund and Compensation Act.
4200 Dirksen Building

Governmental Affairs
Federal Spending Practices and Open Government Subcommittee
To hold oversight hearings on the Government in the Sunshine Act (P.L. 94-409).
3302 Dirksen Building

Joint Economic
To continue hearings on economic change, including demographic, employment, and inflation.
S-207, Capitol

JUNE 8

10:00 a.m.
Banking, Housing, and Urban Affairs
To mark up S. 50, the Full Employment and Balanced Growth Act.
5302 Dirksen Building

Environment and Public Works
Environmental Pollution Subcommittee
To continue markup of S. 2900, proposed Oil Spill Liability Fund and Compensation Act.
4200 Dirksen Building

Rules and Administration
To resume hearings on S. 2 and 1244, to require periodic reauthorization of Government programs.
301 Russell Building

Joint Economic
To continue hearings on economic change, including demographic, employment, and inflation.
345 Cannon Building

2:00 p.m.
Select Ethics
To hold an open business meeting.
Room to be announced

JUNE 9

10:00 a.m.
Environment and Public Works
To continue markup of S. 2900, proposed Oil Spill Liability Fund and Compensation Act.
4200 Dirksen Building

Joint Economic
To continue hearings on economic change, including demographic, employment, and inflation.
S-207, Capitol

1:30 p.m.
Select Ethics
Morgan-Schmitt Subcommittee
To hold closed hearings concerning alleged unauthorized disclosure of information concerning intelligence activities in Panama.
S-407, Capitol

JUNE 12

10:00 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2892 and 3061, proposed New York City Loan Guarantee Act.
5301 Dirksen Building

JUNE 13

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 474 and S. 3064, proposed Aircraft and Airport Noise Reduction Act.
235 Russell Building

10:00 a.m.
Joint Economic
To resume hearings on economic change, including demographic, employment, and inflation.
2168 Rayburn Building

JUNE 14

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on S. 747, H.R.

8729, and H.R. 11986, proposed Aircraft and Airport Noise Reduction Act.
235 Russell Building

Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To hold hearings on H.R. 8588, to establish offices of Inspector General in certain Federal departments and agencies.
6226 Dirksen Building

Human Resources
To hold hearings on S. 2910, proposed Adolescent Health, Services, and Pregnancy Prevention and Care Act.
4232 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 864, to reduce the radio frequency interference with home entertainment products.
155 Russell Building

Rules and Administration
To mark up S. 2, and 1244, to require periodic reauthorization of Government programs.
301 Russell Building

Joint Economic
To continue hearings on economic change, including demographic, employment, and inflation.
S-207, Capitol

JUNE 15

9:30 a.m.
Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To continue hearings on H.R. 8588, to establish offices of Inspector General in certain Federal departments and agencies.
3302 Dirksen Building

Veterans' Affairs
Housing, Insurance, and Cemeteries Subcommittee
To hold hearings on S. 1643 and H.R. 4341, to eliminate the requirement for inspections of the mobile home manufacturing process by the VA, and S. 1556, authorizing funds through FY 81 to assist States in establishing and maintaining VA cemeteries.
457 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 72, to restrict the activities in which registered bank holding companies may engage, and to control the acquisition of banks by holding companies and other banks.
5302 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2981, to provide for the expansion of the category of rail lines eligible for rehabilitation, deferred maintenance, and various alternative facilities.
1202 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To mark up S. 2755, the Drug Regulation Reform Act.
4232 Dirksen Building

Judiciary
Citizens and Shareholders Rights and Remedies and Administrative Practice and Procedures Subcommittees
To resume joint hearings on S. 2117, to expand the basis upon which the U.S. can be held liable for the conduct of its employees under the Tort Claims Act.
5110 Dirksen Building

Joint Economic
To continue hearings on economic change, including demographic, employment, and inflation.
345 Cannon Building

JUNE 16

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on S. 747, H.R. 8729, and H.R. 11986, proposed Aircraft and Airport Noise Reduction Act.
235 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 72, to restrict the activities in which registered bank holding companies may engage, and to control the acquisition of banks by holding companies and other banks.
5302 Dirksen Building

10:00 a.m.
Joint Economic
To resume hearings on economic change, including demographic, employment, and inflation.
S-207, Capitol

JUNE 19

9:00 a.m.
Finance
Taxation and Debt Management Generally Subcommittee
To hold hearings on pending proposed tax legislation.
2221 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Rural Housing Subcommittee
To hold oversight hearings on the impact of solar energy on rural housing.
5302 Dirksen Building

JUNE 20

9:30 a.m.
Environment and Public Works
Resource Protection Subcommittee
To hold hearings on the environmental impact aspects (section 5) of S. 3077, proposed Export-Import Bank Act Amendments.
4200 Dirksen Building

Select Small Business
Monopoly and Anticompetitive Activities Subcommittee
To resume hearings on the Federal Government patent policy.
424 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Rural Housing Subcommittee
To continue oversight hearings on the impact of solar energy on rural housing.
5302 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To resume mark up of S. 2755, the Drug Regulation Reform Act.
4232 Dirksen Building

Joint Economic
To resume hearings on economic change, including demographic, employment, and inflation.
1202 Dirksen Building

JUNE 21

9:30 a.m.
Select Small Business
Monopoly and Anticompetitive Activities Subcommittee
To continue hearings on the Federal Government patent policy.
424 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Financial Institutions Subcommittee
To hold hearings on H.R. 10899, the International Banking Act.
5302 Dirksen Building

Environment and Public Works
Resource Protection Subcommittee
To hold oversight hearings on the Resource Recovery and Conservation Act (PL 94-580).
4200 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To continue mark up of S. 2755, the Drug Regulation Reform Act.
4232 Dirksen Building

Joint Economic
To continue hearings on economic change, including demographic, employment, and inflation.
S-207, Capitol

JUNE 22

10:00 a.m.
Banking, Housing, and Urban Affairs
Financial Institutions Subcommittee
To continue hearings on H.R. 10899, the International Banking Act.
5302 Dirksen Building

Environment and Public Works
Resource Protection Subcommittee
To continue oversight hearings on the Resource Recovery and Conservation Act (P.L. 94-580).
4200 Dirksen Building

Joint Economic
To continue hearings on economic change, including demographic, employment, and inflation.
318 Russell Building

JUNE 23

9:00 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To hold hearings on S. 2857, proposed Customs Courts Act.
4232 Dirksen Building

JUNE 26

9:30 a.m.
Selected Small Business
Monopoly and Anticompetitive Activities Subcommittee
To resume hearings on the Federal Government patent policy.
318 Russell Building

JUNE 27

9:00 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To resume hearings on S. 2857, proposed Customs Courts Act.
4232 Dirksen Building

JUNE 28

9:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on the procedures of EPA and the Consumer Product Safety Commission as relates to chronic hazards.
235 Russell Building

9:30 a.m.
Finance
Taxation and Debt Management Generally Subcommittee
To hold hearings on S. 3065, 2608, and 2428, proposals affecting the taxation of capital gains.
2221 Dirksen Building

JUNE 29

9:30 a.m.
Finance
Taxation and Debt Management Generally Subcommittee
To continue hearings on S. 3065, 2608, and 2428, proposals affecting the taxation of capital gains.
2221 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, June 1, 1978*

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be strong in the Lord and in the power of His might.—Ephesians 6: 10.

Eternal God, our Father, who art the source of our being and the goal of our moral efforts, by whom we are made strong and with whom we find our way through life, at the beginning of another day we pause before Thee seeking guidance and wisdom from Thee. Make straight our way and give us strength to walk on it without stumbling.

Forgive our rebellion against all that which is unpleasant—against discipline, disappointment, and disillusionment. Teach us to learn the lessons in life by which our spirits can grow and Thyself be made known. Lead us, we pray Thee, to a deeper understanding of Thy will for us and our world. May we walk with Thee as we seek to build on Earth the kingdom of truth and love and justice. Be with us, Lord, and may we be with Thee that our building shall not be in vain and our lives shall be strong in Thee. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

JAMES H. BLALOCK

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, it is with sadness that I speak today in the House of Representatives regarding the late James H. Blalock, of Murray, Ky.

Jimmy Blalock, a licensed funeral director and embalmer, was born on June 26, 1918, in Calloway County, Ky. He was the son of Mrs. Essie Bell Blalock, who survives, and the late Dr. Elijah R. Blalock, who died in 1933.

This veteran of World War II was a man of many interests and responsibilities. His life was full. He served Calloway County 18 years as circuit court clerk beginning in 1958 and extending through 1975. He was the cofounder of the Blalock-Coleman funeral home in Murray.

Jimmy Blalock was an active churchman most of his life. His duties at Memorial Baptist Church in Murray included Sunday school teacher, church treasurer, and deacon.

Additionally, he was named treasurer of the Murray-Calloway County Library Board in 1951, where he served for 12 years. He was also chairman of the United Fund for Calloway County in 1960; a member of the Veterans of Foreign Wars; an American Legionnaire; a member of the Lions Club; named a Kentucky Colonel in 1975; and commissioned an honorary clerk of the Kentucky Court of Appeals in 1974. He was an alumnus of Murray State University.

Surviving are his wife of 37 years, Margaret Purdom Blalock; his mother, Mrs. Essie Blalock of Murray; two daughters, Mrs. Jay (Betsy) Bucy and Mrs. Michael (Katie) Jull, both of Louisville; one brother, Pat Blalock of University City, Mo.; and two grandchildren, Stacey and Caroline Bucy, both of Louisville.

I extend to the Blalock family my sincere sympathy upon the passing of this truly outstanding Kentuckian whose life, a positive influence in the past, will continue as a noble example into the future.

CALL OF THE HOUSE

Mr. WRIGHT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 391]

Alexander	Fowler	Richmond
Allen	Fraser	Rodino
Ambro	Gibbons	Rostenkowski
Andrews, N.C.	Harris	Rudd
Archer	Harsha	Runnels
Armstrong	Heckler	Ryan
Ashley	Hightower	Sarasin
Baucus	Howard	Scheuer
Bolling	Hyde	Sebelius
Brown, Calif.	Kasten	Shipley
Burke, Calif.	Kemp	Shuster
Burton, John	Krueger	Sisk
Butler	LaFalce	Solarz
Chappell	Leggett	Spellman
Clausen, Don H.	Lujan	Stark
Cochran	McCloskey	Teague
Conyers	McCormack	Thompson
Crane	McDade	Thornton
Dent	McDonald	Tucker
Diggs	McKay	Ullman
Dingell	Mathis	Vander Jagt
Drinan	Meeds	Wiggins
Edwards, Okla.	Milford	Wilson, Tex.
Ford, Mich.	Murphy, N.Y.	Young, Alaska
Forsythe	Nichols	Young, Tex.
Fountain	Oakar	
	Pressler	

The SPEAKER pro tempore (Mr. HANLEY). On this rollcall 356 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

TUITION TAX CREDIT ACT OF 1978

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1178 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1178

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12050) to amend the Internal Revenue Code of 1954 to provide a Federal income tax credit for tuition. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment to the bill shall be in order except the following amendments, which shall not be subject to amendment but which may be debated by the offering of pro forma amendments and which shall if offered be considered in the following order: (1) an amendment printed in the Congressional Record of April 26, 1978 by Representative Vanik beginning on page E2171, to provide a tax credit for tuition at elementary and secondary schools; (2) an amendment printed in the Congressional Record of April 26, 1978 by Representative Vanik beginning on page E2172, to increase the percentage of tuition allowable as a credit; (3) amendments recommended by the Committee on Ways and Means; and (4) an amendment printed in the Congressional Record of April 18, 1978 by Representative Mikva, and all points of order against the amendments described in (1) and (4) above for failure to comply with clause 7, rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. DELANEY) is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, on May 10, 1978, the Committee on Rules, by a nonrecord vote, granted a modified rule providing for consideration of H.R. 12050, the Tuition Tax Credit Act of 1978. This rule, House Resolution 1178, provides for 2 hours of general debate and provides for the allowance of three amendments which would not be subject to amendment.

As reported from the Ways and Means Committee, H.R. 12050 provides a Federal income tax credit for tuition paid by a taxpayer for himself, his spouse or any of his dependents for post-secondary education, with the credit set at 25 percent of tuition paid by a taxpayer. The maximum credit is $100 in 1978, $150 in 1979, and $250 in 1980 for each eligible student.

Mr. Speaker, as I have previously stated, there are three amendments specificially spelled out in the rule and these amendments would not be subject to amendment. First, there is an amendment by Congressman VANIK of Ohio which would apply the tax credit to tuition paid to elementary and secondary schools. Second, a further amendment by Congressman VANIK would increase the credit from 25 to 50 percent of tuition expenses. And third, an amendment in the nature of a substitute by Congressman MIKVA of Illinois that would provide

for the deferral of income taxes for certain tuition expenses rather than a tuition tax credit.

The tuition tax credit legislation is designed to provide a simple and effective method to help middle-income citizens faced with heavy tuition costs at primary, secondary, and post-secondary educational levels. The bill gives a break to low- and middle-income parents in private schools who bear both the heavy costs of private school tuition and taxes for public schools.

In addition to paying their full share of the public school expense budget, these families have spared the general public the expense of educating their children; a savings of $14 billion a year. Now, due to higher tuition costs, a 130-percent increase in taxes over the past decade, inflation and the resulting reduction in disposable income, these taxpayers have asked us to provide a modicum of relief, in reality just a minimal dose of financial encouragement, so they may continue.

The sacrifices have been substantial. At the elementary and secondary school levels, the typical family patronizing nonpublic schools has an income of between $10,000 and $18,000 a year. In many nonpublic schools, despite rigorous efforts to hold down costs, tuition expenses now exceed that at many public colleges.

We should also keep in mind that parents and students paying those tuition expenses at public colleges and universities will also be able to take advantage of the credits. In fact, the majority of the benefits will continue to go toward tuition expenses at public institutions, and only about 30 percent of the credits will go to those sending their children to nonpublic elementary and secondary schools.

That brings us to a question central to this debate: Why a tax credit? In a word, the answer is simplicity. That underscores the mechanics of the tax credit system. A set credit applied against an eligible individual's tax liability. But there is another, and perhaps more important justification for using the credit system, and that is fairness.

If one examines the tax code you will find that there are currently 13 tax credits available to individuals and businesses. You will also find there is a common philosophical rationale behind a clear majority of these credits: The desire of Congress to grant some small degree of relief to groups within our society who have come to share a disproportionate amount of the fiscal burden.

Among the most pertinent examples are the credit for the elderly, the earned income credit, the child and dependent care credit, and the provisions for the aged and blind within the general tax credit.

It should be clear that the spirit behind the passage of these tax credits was essentially one of fairness. Congress recognized when certain members of our society required extra help and responded. The intent of Congress in these instances is unquestionable and most admirable.

I sincerely hope that that same spirit of fairness and perception of need is manifest in this Chamber today. A need exists, one made vividly clear by the millions of American families who have written us in support of this legislation. The method of addressing that need is readily at hand: The tax credit; one of Congress traditional tools for meeting such a need. The mandate is obvious. The time to act is now.

As we are well aware, the Senate has passed some form of tuition tax credit six times during the past decade.

Regarding public education, the record speaks for itself. The intent of Congress has been to make the American public school system the best in the world—which I believe it is. But with regard to nonpublic schools, there Congress actions have fallen short of its intent. While dedicated to the principle of a pluralistic system of education, with public and private schools providing a wide range of opportunity and healthy competition, Congress has failed to provide any encouragement to those making often undue sacrifices to maintain that very system which it philosophically supports.

This legislation offers us a chance to redress that injustice. The intent of this legislation is to avert a monopoly on education in this country by encouraging in a small way those who now support the non-public-school system to keep on doing just that, while directing the vast majority of relief to those who are hard pressed by increasing college tuitions. This bill is in no way antipublic school, and to accuse Congress of having that intent is to ignore the overwhelmingly pro-public-school record it has established not only during my years in the House, but for years before that as well.

I can say quite honestly that as I have followed this issue, over the past three and one-half decades, I have watched the need for this legislation snowball, and have believed that this day and this vote were inevitable. If we should fail to pass this measure, including the amendment to restore the credit at the elementary and secondary levels, the political problems it presents may subside for a short time, but the real problem, the need for this legislation, will not. It will return again and again, more and more desperate as that need continues to grow. In the meantime, who can say how much not just our nonpublic schools, but our entire school system, will backslide into deterioration, and how much our society will lose in the bargain.

The time for Congress to act is upon us. I do not believe we can afford to miss this opportunity.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman from New York (Mr. DELANEY) for yielding, and congratulate him for his initiative on this measure and also recognize his contribution to the Congress and his continued efforts in this area for a number of decades.

Mr. Speaker, it seems only fitting and proper that at the end of the gentleman's congressional career—as the Members know, the gentleman is not seeking reelection, the time is appropriate. The public pressures have mounted. The need is critical. The public has clearly manifested its interest in this matter.

I certainly support the rule. It has taken far too long for this issue to reach the House floor. The gentleman from New York has dedicated much time and energy so we can reach this point today.

The sentiments and opinions on this bill have come from many sides. Some have been accurate, others more demagogic. The argument which best influences me is the one that says approval of this legislation, with the elementary and secondary students included, represents justice. That is on what I am basing my vote. We are correcting an inequity borne too long by the parents of children attending nonpublic schools.

In the name of equity and justice, some relief should be given to the nonpublic-school areas; and it should be noted for history and for all of the people of our Nation that the gentleman in the well has been deeply concerned, deeply involved, and has been constant in his effort to bring some relief to the non-public-school area.

Mr. Speaker, I am delighted to associate myself with the remarks of the gentleman from New York (Mr. DELANEY). I have joined him as a cosponsor of his legislation which embodies much of what we are considering today. It would certainly be a fitting tribute to the gentleman if we were to adopt this legislation today.

Mr. DELANEY. Mr. Speaker, I thank the gentleman for his observations.

Mr. WYDLER. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Speaker, I, too, want to congratulate the gentleman from New York (Mr. DELANEY) on the leadership that he is taking in this particular matter.

Although I have, obviously, been lobbied very heavily on both sides of this issue by educators, and as important as the education issues might be, they are secondary in our consideration of this legislation. The primary principle involved here is tax relief for the hard-pressed middle-income people of our country; and I think they are entitled to some tax relief. I think the fact that it is connected with the educational field only makes that tax relief more justified because encouraging good education in our country is something that should be supported by all the Members of the House and the Senate.

Therefore, Mr. Speaker, I congratulate the gentleman. I am going to support the bill. I am going to support the Vanik amendment, and I hope that we will get an overwhelming response from this body and from the other body so that the President might reconsider his position in this matter, which up to this time is not only inconsistent but, I feel, very shortsighted.

Mr. Speaker, I say to the gentleman from New York (Mr. DELANEY) that he will be sorely missed in this House in the coming Congress. The leadership that he is displaying on this matter to-

day is one of the best indications of why that leadership has been so important to us in the House of Representatives.

Mr. DELANEY. Mr. Speaker, I thank the gentleman for his observations.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, I want to congratulate the distinguished gentleman in the well for his leadership on this issue, which has gone on over the years in a very constant and steady manner.

I am glad that we are at the point where the House of Representatives is now ready to deal with this very, very important legislation.

I want to point out that the Committee on Ways and Means held hearings for over a week and heard extensive testimony on both sides of this issue and that during the markup in the Committee on Ways and Means there were three principal issues that were raised, three principal amendments that were offered.

One amendment struck out the secondary and elementary schools which my first amendment would restore.

The second amendment which was adopted in the Committee on Ways and Means reduced the ceiling on the tuition credit from 50 percent of tuition to 25 percent, an amendment to restore the credit to 50 percent of tuition is the second amendment which is made in order under the rule.

The third issue which was debated and closely voted on in the Committee on Ways and Means was the Mikva amendment, which is not a tuition credit idea at all. It is a tax-deferral plan which the gentleman from Illinois (Mr. MIKVA) will discuss during the course of colloquy and debate on this issue, so that, under the rule, we are giving the House an opportunity to express itself on the three main issues of discussion which came up in the Committee on Ways and Means.

Although the rule makes in order amendments by the Committee on Ways and Means, there are no such amendments planned so that when we move into the consideration of this bill, these three amendments will be debated and voted upon, giving the House a full opportunity to express itself on those issues which were the most seriously discussed and which were closely voted upon in the Committee on Ways and Means.

Mr. Speaker, I want to commend the Committee on Rules and the distinguished chairman of the Committee on Rules for providing a rule which gives us this opportunity to express ourselves on those principal issues of controversy in the Committee on Ways and Means.

I urge my colleagues to adopt the rule. It is a fair rule.

Again, Mr. Speaker, I want to thank the gentleman in the well for his leadership on this entire issue.

Mr. DELANEY. Mr. Speaker, I thank the gentleman for his observations.

Mr. COTTER. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from Connecticut.

Mr. COTTER. Mr. Speaker, I, too, want to commend and compliment the gentleman in the well for his persistence in bringing this legislation to the floor. Without his efforts, we would not be considering this important legislation today.

Mr. Speaker, I want to urge my colleagues to vote in favor of an amended tuition tax credit bill which would extend coverage to private elementary and secondary schools, and which would increase from 25 to 50 percent the amount of college tuition eligible for the credit.

I have received an enormous amount of constituent mail in favor of this legislation from parents who believe they are shouldering the burden of escalating expenses at both public and private schools through property taxes and tuition fees.

They feel, as do I, that we should be more concerned with the evident loss of private institutions than with an inflated fear over the effect of this legislation on public institutions. Without this greatly needed tax credit, private schools will have increasing difficulty in attracting students and in continuing to exist for families who want to exercise their right to make educational choices.

Disappointed with the bill that came out of the Ways and Means Committee last April—minus a provision for elementary and secondary schools—I wrote an article outlining my views which was printed in the New York Times, Connecticut section, on May 7, 1978. I would like to share those thoughts with my colleagues.

[From the New York Times, May 7, 1978]

WASHINGTON'S TUITION-AID BILL MISSES THE MARK

(By William R. Cotter)

Stripped of its provision to aid elementary and secondary private school students, the controversial tuition-tax credit bill was approved by the House Ways and Means Committee on April 12. It will be scheduled for House action shortly.

As it now reads, the bill would allow parents of college students to reduce their Federal income taxes by 25 percent of the tuition costs for each child, up to a maximum of $250 a student. This tax break would be phased in over the next three years and then expire in 1981.

Similar bills have been proposed in the last decade. They started becoming popular in the late 1960's, when the annual giant steps in tuition costs contributed to the many other sources of student unrest.

Many of those bills passed the Senate, but they were blocked repeatedly from reaching the House floor by the Ways and Means Committee. Thus the April 12 approval marked a dramatic reversal.

Although progress has been finally made on this issue, I am disappointed in the committee's decision to withdraw the provision for elementary and secondary education. The hue and cry over the demise of public schools, favoritism for parochial schools, constitutionality, increased racial segregation, and of course the bill's cost, are largely based on specious arguments.

Albert Shanker, head of the teachers union, predicts this legislation will precipitate "a huge exodus from the public schools." For starters, I have more faith in the quality of the Connecticut school system than those who would share Mr. Shanker's panic. Beyond that, I do not see the logic behind his excessive fears.

The tax credit for tuition costs that was removed from the House bill would have been $100 at a maximum ($250 applies to college students). The cheapest independent primary and secondary schools are the parochial ones. These are also the schools where the credit would have the largest impact because it constitutes a greater share of total cost.

Catholic high schools in the Hartford diocese cost about $800 this year for tuitions and books. Next year the price tag will be about $900. Thus a $100 credit would amount to 11 percent of total cost, and that figure decreases as tuition fees increase. For example, at the Loomis-Chaffee School in Windsor, where tuition is $3,375, the tax credit would amount to a mere 3 percent of the fee.

I find it hard to be persuaded by the argument that a tax credit amounting to 11 percent, at most, of secondary school fees would generate "a huge exodus" out of the public schools.

What it will do, however, is to enable low-income and middle-income parents to have the increased economic freedom needed to choose what school their child attends. For many young families that is a borderline decision.

Moreover, by encouraging parents to enroll their children in nonpublic schools we can preserve the treasured American ideal of choice at a time when inflation is slowly eroding those opportunities. Today 90 percent of all students attend public schools, giving the government a de facto monopoly in the business of educating our young.

Although I have been heavily lobbied by public-school administrators, my constituent mail has been overwhelmingly in favor of the tuition tax credit. In fact, I have received more letters on this issue than on any other in recent years.

My guess is that much of it comes from middle-income parents who feel they are carrying tax burdens for both the rich and the poor. These families earn between $12,000 and $20,000. According to the Bureau of Labor Statistics, about 51 percent of students attending nonpublic schools come from families earning less than $15,000, and 71 percent are from families earning below $25,000. So much for critics who claim the bill favors the wealthy.

Opponents of the tuition tax credit bill forget that parents who send their children to independent schools pay twice: first in state and local property taxes which finance public schools, and then in tuition payments at a private school. You might call it the reverse of double-dipping.

Yet these families are relieving the public schools of the cost of educating their children. If fewer of them are able to afford inflationary prices on both fronts—taxes and tuition—the doors will close on independent schools, triggering a tax increase to support a larger public-school enrollment.

For many critics of tuition tax credit, constitutionality is the crucial argument. They foresee an entanglement of church and state. This concern is understandable, but it is the Congress' responsibility to enact legislation it believes to be constitutional. Once a tax credit bill is passed, the Supreme Court will have the right to review it. In fact, the House bill provides for expeditious legal review before the Supreme Court, should any question arise as to its constitutionality.

Arguments that this legislation will foster segregation are also inflated. The House bill stipulates that eligible schools must be ac-

credited by state law meet state attendance requirements and be tax-exempt. To qualify for tax-exempt status, an institution must be nonprofit and must not discriminate on the basis of race.

It is interesting to note that in Hartford, minority enrollment in Catholic schools is remarkably high. For example, at St. Joseph's Cathedral School, a downtown elementary school, 253 of the 372 students are black and 190 are non-Catholic. So much for discrimination.

Almost everyone agrees that some form of increased financial assistance for education is timely. Both the Senate and the House are considering tuition tax credit bills. The Administration, however, is strongly opposed to this legislation and the President has said he will veto a tuition tax credit bill.

In its place, President Carter has proposed a program of extended grants and loans to college students only, which would be administered by the Department of Health, Education and Welfare. This program would cost an estimated $1.3 billion in additional grants but would not provide assistance for primary and secondary students.

By contrast, the tuition tax credit bill which I supported also had almost the same price tag but would cover all levels of education. And it would provide a timely tax break, readily available to all parents and students burdened with the high cost of learning.

Mr. RONCALIO. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Speaker, I thank the distinguished gentleman for yielding.

I have rarely heard such a capable argument asserted at the time of the presention of a resolution on a rule.

I want to commend the gentleman for his advocating the adoption of the Vanik amendment. If this measure gets my support and I think it will, it will represent a departure on my part from my long held position on the classic question of the "wall of separation" of church and State or—actually—how tax credits affect the "wall."

Mr. DELANEY. I thank the gentleman.

Mr. BURKE of Florida. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from Florida.

Mr. BURKE of Florida. Mr. Speaker, I would like to compliment the gentleman from New York on his long service, not only in the House, but in bringing this bill to the House floor. I think there are two things that are important that we all should recognize. Tax relief is one, and good education is the other.

I think it is important to remember that, whether or not this bill is passed—and I am supporting it and hope it does—that there is still the fact that the taxpayers are going to continue to support the public educational system. So, Mr. Speaker, I think it is just about time for those who have continually supported the public education system get some tax relief if they desire and to send their children to other schools if they wish.

I do not think there is any reason that we should force people to go to public schools if they wish to send their children to other schools. We want to give them relief from the terrible burden they have now insofar as costs and taxes are concerned. I think consideration should be given them. What we want is good education for all of our schools.

Mr. Speaker, I am very honored to be able to support this legislation on the floor of the House, and I do intend to support it following my vote on the rule. And to the gentleman in the well, my colleague Mr. DELANEY, chairman of the Rules Committee, I say thank you for a job well done.

Mr. DELANEY. Mr. Speaker, I thank the gentleman. May I make this observation: This saves the taxpayers in excess of $13 billion per year. In addition to the ordinary contributions that the parents make, they contribute out of their own tax paid dollar some $13 billion to maintain the pluralistic system of education. It is not right for this country to have a monolithic system of education. We have always had a pluralistic system, and I think it should be encouraged.

We should pass this resolution and pass the amendment to be offered.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I cannot pass up the opportunity to join in expressing my appreciation for the outstanding job that the chairman of the Rules Committee, the gentleman from New York (Mr. DELANEY) has done, not only on this issue but on many other issues. Especially, I want to note the fine job he did this morning in explaining the rule and the issue involved in this particular piece of legislation. I think he is certainly to be commended for his efforts with regard to the Tuition Tax Credit Act of 1978.

Mr. Speaker, this resolution provides for 2 hours of debate time in which to consider H.R. 12050, the Tuition Tax Credit Act of 1978. No amendments to the bill are in order except the following: One, an amendment by Mr. VANIK to provide a tax credit for tuition at elementary and secondary schools, two, an amendment by Representative VANIK to increase the percentage of tuition allowable as credit, three, amendments recommended by the Committee on Ways and Means, and four, an amendment by Mr. KETCHUM and Mr. MIKVA to provide for deferral of Federal income taxes rather than a tax credit. Clause 7 of rule XVI (the germaneness rule), which would lie against the amendment to add elementary and secondary schools and the income tax deferral amendment, is waived. There is a motion to recommit with or without instructions.

The purpose of this legislation is to allow for a Federal income tax credit for tuition paid by a taxpayer for himself, his spouse, or any dependent for postsecondary education. The credit is limited to 25 percent of tuition paid with a maximum of $100 in 1978, $150 in 1979, and $250 in 1980 for each eligible student. Those students who qualify are students enrolled in undergraduate colleges or postsecondary vocational schools, and part-time students under certain conditions. The legislation is to be effective from August 1, 1978, to December 31, 1980.

It is estimated that enactment of this bill will result in reductions in revenues totalling $16 million in fiscal year 1978, $417 million in fiscal year 1979, $780 million in fiscal year 1980, and $896 million in fiscal year 1981.

Mr. Speaker, this rule and the amendments it makes in order enjoyed bipartisan support during consideration by the Rules Committee. Although it is not a completely open rule as I would prefer, it is a rule which permits most of the major issues surrounding this controversial measure to be addressed.

Therefore, I support this rule so that we finally will be able to consider a measure that will benefit directly those American taxpayers who face the ever-increasing costs of higher education for themselves and their families, a measure which I fully endorse.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I thank my colleague for yielding.

I support the gentleman's statements.

I am in support of tuition tax credits, across the board—college, elementary, secondary, trade schools. This is a sad moment for big Government liberals. The crack in the door is opening. Their outmoded concept of tax and tax, spend and spend, elect and elect has held sway for four decades. To this, modern liberals have added the words control and control.

This is the central issue. Will the taxpayer, the productive American, have some say over the expenditure of his own money? The liberal believes the Government owns your money and they want to collect it and spend it in ways they feel is in your interest. I think the time has come for the taxpayer to determine his own interest. Tax credits will start that trend.

My remarks on this subject can be found in the Wednesday, May 31 CONGRESSIONAL RECORD on pages 15741, 15791, and 15799. In particular, I call your attention to my remarks on page 15741 which address the vexing problem of constitutionality, a scare tactic which has clouded this issue for a decade.

Mr. Speaker, this should be a great day. I realize the Democratic leadership has been burning the midnight oil and twisting arms to defeat the amendment which will allow credits for elementary and secondary schools. I strongly support that amendment and hope that the Members will show the good judgment to vote their own convictions and those of their constituents rather than succumb to the power tactics of the House leadership, the National Education Association, Federation of Teachers and the Big Government lobbies which oppose our efforts.

The liberal is committed to the transfer theory for social goals. They take the

money of the productive person through taxation and transfer it to those who are not productive or to bureaucratic programs which can implement the social schemes of the Government bureaucrats. The tax credit theory obviously strikes terror in their hearts because in essence it allows the person who earns the money to have more say over how his own, I stress his own, money is spent. A revolutionary idea to the liberal but basic bedrock philosophy to those of us who oppose big Government expansion of authority over our lives and an ever-increasing confiscation of our earnings.

I oppose this closed, rigged rule because I think that there should be the opportunity to offer amendments which would increase and expand the credits. At least we can see a victory in getting this far, in getting the liberal leadership of the Democratic majority to bow to the tide of public opinion on this important subject.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. I thank my colleague for yielding.

Given the reform spirit that has prevailed in the House for a number of years with respect to the rules, can my colleagues tell me the arguments to support a rule that is not simply an open rule allowing anyone to offer an amendment at any point?

Mr. LOTT. I covered some of those arguments in my statement. I certainly would feel more comfortable with a completely open rule. I think that is the direction we should be going in this body and that is the way I thought we would be going a couple of years ago, but it seems it depends on whose ox is being gored. But the best we could get in this instance is a modified open rule.

I emphasize again, it does provide for consideration of those amendments which had the most support in the Ways and Means Committee and which the Rules Committee felt should be considered on the floor of the House.

I would have preferred an open rule, but in this case we got a modified open rule.

Mr. DELANEY. Mr. Chairman, will the gentleman yield?

Mr. LOTT. I yield to the distinguished chairman of the committee, the gentleman from New York (Mr. DELANEY).

Mr. DELANEY. Mr. Speaker, I wanted to answer the gentleman's question. That is the rule requested by the Ways and Means Committee. Normally, any rule coming from the Ways and Means Committee is generally a closed rule or a gag rule because it is designed to do specific business, and if we would open it up we would open up the entire tax structure and everything else. Generally, the rules requested by the Ways and Means Committee are closed rules.

Mr. LOTT. I appreciate the chairman's comments. I would say to the gentleman from California (Mr. DELLUMS) that I wish he would join the Republicans in urging open rules be granted on the Ways and Means Committee bills as well as on others. I thought the caucus had made some effort in this direction 2 or 3 years ago, to have open rules. I do not know when we will give the Members the right to have the open rules they want. This is not a schoolyard. We are all equal Representatives, and that is the way we should be playing.

Mr. FRENZEL. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I too would prefer an open rule as a general rule in this House. But I think both the Ways and Means Committee and the Rules Committee have cooperated to provide a rule under which this body can address the principal items at issue in this bill. So I hope the rule will be speedily passed.

I add my voice to the acclaim being given to the distinguished chairman of the Rules Committee for his leadership in this field for three decades. It would be a fitting tribute to him if this bill, and the Vanik amendments, are passed.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. KETCHUM).

Mr. KETCHUM. Mr. Speaker and Members, I can assure you I will speak only on the merits of the rule. I thought that was what we were debating, and not the legislation.

As the gentleman from Mississippi (Mr. LOTT) and the chairman of the Committee on Rules, the gentleman from New York (Mr. DELANEY) have indicated, this is a modified closed rule. It would be unusual for me to support a closed rule of any sort. However, the gentleman from New York (Mr. DELANEY) correctly points out that we are dealing with a specific subject area and, were this to be an open rule, we would be here for the next 3 or 4 months writing a tax credit bill for all sorts of things on the floor. So I completely support the rule.

The amendments that have been authorized are those which received a great deal of attention during the hearings before the Committee on Ways and Means.

While the kudos are being passed out, I certainly do not feel that the chairman of the Committee on Ways and Means the gentleman from Oregon (Mr. ULLMAN) should be ignored. Had it not been for the discussion that took place during the social security conference, I can assure the Members that this bill would not be on the floor today. The chairman of the Committee on Ways and Means should be congratulated for bringing it here and further congratulated for not having voted for the tuition tax credit bill which I happen to think is a bad one. But we will discuss that further today.

I am amazed that this body which is highly touted the world over as the greatest deliberative body in the world would have anyone stand up during the course of a discussion on a rule and say "I am going to support this amendment," or "I am going to support that amendment," when there has been no debate about them so far at all.

I certainly will hope that the Members will keep their minds open and listen carefully to the debate because it is a very important issue we are debating. I would specifically ask the Members for their most close attention when we reach the substitute, the Mikva-Ketchum amendment, because I think that the Members may well find that this will be the way out.

Mr. LOTT. Mr. Speaker, I have no further requests for time.

Mr. DELANEY. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Speaker, I too want to give credit to the distinguished members of the Committee on Rules and the Ways and Means Committee who brought this legislation before us. Unfortunately we have, in my mind, a bad rule. Under this rule there are only three known amendments that can be considered.

I share the concern with other Members over any kind of gag rule. I am talking to the well of the House of Representatives to oppose the rule, and I hope that we vote the rule down, and to oppose the legislation.

We will have a limited number of amendments before us, as my colleague the gentleman from California (Mr. KETCHUM) has indicated, to debate back and forth the number is limited, the opportunity to legislate is limited. Let me tell you why this rule is a dangerous rule. It is a gag rule, and in the legislation before us there is a section that says that tax credits are not to be considered as Federal assistance to the institutions. It goes on to say that any educational institution which enrolls a student for whom a tax credit is claimed under this act shall not be considered to be the recipient of Federal assistance under this act.

Now if that language prevails, then the institution has every right to flaunt title IX of the Civil Rights Act, to flaunt title VII of the Civil Rights Act, and to flaunt title VI of the Civil Rights Act.

By giving that kind of leeway to the institutions you give them the opportunity to flaunt civil rights legislation under the titles that I suggested. Further, my colleagues, you do not even have a chance—and I repeat—you do not even have a chance to amend that section of the bill. That is one reason why we ought to vote down the rule.

Let us look at this problem—possible flaunting of civil rights legislation—from another perspective. I understand that under the substitute this matter will be treated in terms of the Internal Revenue Service and its safeguards for civil rights enforcement. Even if that is true, and even if the amendments should prevail, you have got a situation where none of those amendments apply to this section of the legislation. You have got a situation in which one section of the rule says, "The devil with title VI, title VII,

and title IX," and you have another section, if the amendments are passed, which would deal with civil rights enforcement. So at best you will have a situation of conflict between two sections of the law if any of those amendments pass. That being true you will open up the door, it seems to me, for endless litigation in terms of those who enforce the law, the agencies of enforcement, and in terms of the recipient institutions.

I would beg the Members—it is a rare, rare situation where I take to the well to urge a vote against a rule. I know I am fighting a losing battle; I realize that. This is such a popular idea in the minds of so many people. It is a sort of popular political gimmick, really, and I will talk about that more when we get into the general debate, because it really does not give relief for the people it presumes to give relief for.

Mr. Speaker, I rise in opposition to this legislation. I want to discuss with my colleagues the reasons why the Budget Committee did not make room in this resolution for tuition tax credits. One of the principal reasons is that tuition tax credits do very little to help middle-income college students.

FINANCIAL POSITION OF MIDDLE-INCOME FAMILIES

Let me say right off, I believe that my concern, and the concern of my colleagues on the Budget Committee, over the special financial needs of middle-income parents are fundamentally the same as those of you who prefer tuition tax credits. I am aware that college costs have risen sharply over the past several years. It costs, on average, $3,500 to send a child to college today; and the cost of attending a private college or university is even higher. While incomes have risen even faster than college costs, it is also true that inflation has cut deeply into most family budgets. Housing costs, food costs, automobile costs, gasoline costs and so on, are all up, and some items no doubt have risen more sharply over the past 5 or 10 years than incomes or college costs to middle-income families. I would be the last among you to contend that the financial crisis of middle-income families is an illusion.

TUITION TAX CREDITS VERSUS DIRECT GRANTS AND LOANS

Most of us then are in agreement in that we recognize the special financial plight of these families. But I am vigorously opposed to suggestions that tuition tax credits will make middle-income families appreciably better off. Judging from the great consternation in this House, among our constituents, and as reflected in the media, it is apparent that middle-income families have been misled on this notion.

The Budget Committee recommended $1.4 billion in budget authority to accommodate the House version of the Middle-Income Student Assistance Act on the merits of this proposal as compared with tuition tax credits.

Examine the difference in the benefit levels yourselves. As an example, a parent with income of $16,000 and total college expenses of $3,500 for a child would receive a tax offset or a refund of up to $150, 7 to 9 months following the student's enrollment in college, leaving at least $3,350 in unpaid expenses. However, under the proposed liberalization of the basic educational opportunity grants program in the Middle-Income Student Assistance Act, this same parent could be provided a grant of $800, leaving unmet expenses of $2,700. Can you seriously argue that a taxpayer would prefer a $150 tax offset in contrast to a $800 grant against tuition charges of $3,500?

Another interesting fact which has been given little attention is that most tuition tax credit bills before the Congress do not provide a flat credit for each eligible family. Most of the bills provide tax credits as a percentage of tuition costs, up to a certain limit, so if a student is sent to a private college, where tuition costs are higher, the student's family will receive a greater tax credit. This approach obviously favors higher income families who can afford private schooling.

While tax credit provisions are intended to help middle-income families, the amount per family is too small to be helpful. Moreover, close to a third of these expenditures could go to taxpayers in the upper 18 percent of the income distribution, seriously diminishing the effectiveness of the tax system to help those middle-income families who are in real need of assistance.

The Budget Committee recommended $5.4 billion for current higher education programs—an unprecedented 44 percent increase above fiscal year 1978 levels—which would provide grants of $600 to $800 to an additional 1.3 million students from families who earn between $16,000 and $25,000.

ELEMENTARY AND SECONDARY EDUCATION PROVISIONS

Regarding elementary and secondary education provision in these bills, I am opposed to the Federal Government getting into the business of supporting private schooling. Our job is to provide leadership and financial assistance to public schools in their effort to provide all American children with equal educational opportunities. Tax credits would only serve to exacerbate the differences among elementary schoolchildren. It must be a family's choice to select—for whatever reasons it wishes — private schooling over public, but that family must be willing to bear the cost. I, for one, am not willing to disregard the Constitution on this subject merely to gain some political capital among my constituents.

SOMETHING FOR NOTHING?

Taxpayers have been given the impression that a tuition tax credit is something for nothing. But I remind you that that is not true. If we overload the circuits on this budget with items such as tuition tax credits which call for expanding future requirements, we are merely increasing the uncontrollability of future budgeting. This proposal would cost $800 million in tax expenditures in 1979; $1.2 billion in 1980 and up to $1.4 billion in 1981. During these years Congress will be faced with trying to compensate for inflation in current programs and enact new initiatives, yet trying to keep control of the deficit, while our revenue potential would decline due to such backdoor spending as tuition tax credits. Let me state that we can open the Treasury now, but in a short while we will be faced with concerns to raise revenues in order to pay for everything which everyone wants to have. Then it will not be something for nothing.

We all realize that this budget cannot provide everything which each of us would wish. Certainly there are compromises, but this budget reflects the best effort of my distinguished colleagues on the committee to treat each committee in this House as fairly as possible under the economic circumstances of today, and to target these funds in the most equitable fashion.

I would urge the Members of this House to recognize that tuition tax credits are a political gimmick, and a wholly inadequate one at that. I urge you, in the interest of middle-income families, to defeat this amendment.

STUDENT ASSISTANCE PROGRAMS IN THE RESOLUTION (VERSUS TAX CREDIT AMENDMENT)

[In millions of dollars]

	Budget authority	Outlays
I. Resolution amounts: General:		
House Middle-Income Student Assistance Act	1,421	155
Other	4,036	3,736
Total	5,457	3,891
II. Specific program amounts in resolution:		
Basic opportunity grants (BEOG's)	3,400	
College work study	600	
Guaranteed student loan program	805	3,891
Direct loan program	304	
Other (State incentive grants—$77,000,000; SEOG's—$271,000,000)	384	
	Lost revenues	
III. Tuition tax credit bills/amendments:		
House bill: Provides credit of 25 percent of tuition costs up to $150 maximum in fiscal year 1979; $250 in fiscal year 1980. Provisions terminate after fiscal year 1980. Postsecondary only and nonrefundable. fiscal year 1980 cost—$612		374
Senate bill: Provides credit or refund of 50 percent on 1st $500 in tuition up to $250 maximum for postsecondary. In fiscal year 1980 new provision added to provide credit or refund up to 1st $1,000 tuition up to $500 maximum credit/refund, and adds elementary and secondary fiscal year 1980 cost—$1,424		916
Luken amendment: Provides credit of 25 percent of tuition up to $150 maximum for postsecondary and $100 for elementary/secondary. Increases in fiscal year 1980 to $250 and $150 respectively. Fiscal year 1980 cost—$1,200		800
Coughlin amendment. Assumed identical to House bill, except that credit rate is 50 percent. Postsecondary and nonrefundable		500

Mrs. CHISHOLM. Mr. Speaker, will the gentleman yield?

Mr. MITCHELL of Maryland. I yield to the gentlewoman from New York.

Mrs. CHISHOLM. I thank the gentleman for yielding.

Mr. Speaker, I desire to associate my-

self with the remarks of the gentleman from Maryland because I, too, realize the far-reaching implications and ramifications of this very important piece of legislation that we will be discussing here today, and because of the expedience of the political year in which we are all now living, I do not think we have given a great deal of depth and understanding to the substantive changes that will be occurring with respect to the common public school situation of this Nation.

Mr. MITCHELL of Maryland. If I have more time left, let me deal with the rule again and some of the reasons why it ought to be defeated. I do not think we really know the full implications of this bill in terms of the budget process, in terms of how much revenue we will really lose.

Just a few short weeks ago, a few short days ago, we in this House finally voted, by a very close margin, a carefully crafted budget resolution, the first budget resolution. But under this rule, even if the chairman of the Committee on the Budget, or any member of the Committee on the Budget, found a flaw in any of those sections, a flaw which was dangerous to the budget process, we could not amend those flawed sections.

I urge the Members to vote down the rule on this legislation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MAGUIRE. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from New Jersey.

Mr. MAGUIRE. I thank the gentleman for yielding.

Mr. Speaker, I seek recognition simply to inquire of the distinguished chairman as to the procedures that were followed in the Committee on Rules when this matter was considered. I had made a request to the Committee on Rules to be notified about any meeting that occurred on the Tuition Tax Credit Act. Unhappily, that request was oral, not in writing. In any case, I was not notified, and I did find out later that there was a meeting on the matter, and that the meeting had been scheduled the previous evening at 9 o'clock p.m., which really did not give Members who had an interest much of an opportunity to know about the matter prior to its consideration by the Committee on Rules. So I simply wanted to make an inquiry about that.

Mr. DELANEY. I have no knowledge of any meeting at 9 o'clock p.m.

Mr. MAGUIRE. Not a meeting, I will say to the chairman, but the decision was made, as I understood it from the chairman's office, the preceding evening, and then the meeting itself took place the following morning. Am I misinformed?

Mr. DELANEY. As far as I am concerned, the gentleman is misinformed. I know nothing about it, and the gentlewoman from New York, Mrs. CHISHOLM, who is also a member of the committee, I think agrees there was no such thing.

Mr. MAGUIRE. All I can say, I will say to the chairman, is that is what I was told by the office of the Committee on Rules when I made an inquiry about it the following day. I just wonder if the chairman could tell me what are the procedures for notification of the Membership about meetings of the Committee on Rules.

Mr. DELANEY. Generally 24 hours. We give everyone 24 hours, and 48 hours over the weekend. We give everyone the information, and I do not know of a single instance where a person has requested to be heard in the Committee on Rules, even though we have had some 60 requests, where he has not been granted the opportunity to be heard. I know of no single instance.

Mr. MAGUIRE. I will say to the chairman I had asked to be notified. I will in the future, of course, make that request in writing. I hope that 24 hours minimum is always observed.

I thank the chairman.

Mr. DELANEY. Mr. Speaker, I have no further requests for time.

I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 294, nays 97, not voting 43, as follows:

[Roll No. 392]

YEAS—294

Abdnor	Broyhill	Dingell
Addabbo	Burgener	Dodd
Akaka	Burke, Calif.	Downey
Ambro	Burke, Fla.	Duncan, Oreg.
Ammerman	Burke, Mass.	Duncan, Tenn.
Anderson, Calif.	Burlison, Mo.	Early
	Byron	Eckhardt
Anderson, Ill.	Caputo	Edgar
Andrews, N.C.	Carney	Edwards, Ala.
Andrews, N. Dak.	Carter	Eilberg
	Cavanaugh	Emery
Annunzio	Cederberg	English
Applegate	Chappell	Erlenborn
Archer	Clausen, Don H.	Ertel
Ashley		Evans, Del.
AuCoin	Clawson, Del	Evans, Ind.
Badham	Cleveland	Fary
Baldus	Cohen	Fenwick
Beard, R.I.	Coleman	Findley
Beard, Tenn.	Collins, Ill.	Fish
Bedell	Collins, Tex.	Fisher
Benjamin	Conable	Fithian
Bennett	Conte	Flippo
Bevill	Corcoran	Flood
Biaggi	Cornell	Florio
Blanchard	Cotter	Flowers
Blouin	Coughlin	Foley
Boggs	Daniel, Dan	Fountain
Boland	Daniel, R. W.	Fowler
Bonker	Danielson	Fraser
Bowen	Davis	Frenzel
Brademas	de la Garza	Frey
Breaux	Delaney	Fuqua
Brodhead	Derrick	Gammage
Brooks	Derwinski	Garcia
Broomfield	Devine	Gaydos
Brown, Calif.	Dickinson	Gephardt
Brown, Mich.	Dicks	Giaimo
Gilman	Mahon	Rooney
Glickman	Mann	Rosenthal
Goldwater	Marlenee	Roybal
Gradison	Marriott	Ruppe
Green	Martin	Russo
Gudger	Mathis	Santini
Guyer	Mazzoli	Sarasin
Hagedorn	Metcalfe	Satterfield
Hall	Meyner	Sawyer
Hamilton	Michel	Scheuer
Hammer-schmidt	Mikulski	Schulze
	Mikva	Seiberling
Hanley	Miller, Ohio	Sikes
Hannaford	Mineta	Skubitz
Harrington	Minish	Slack
Harris	Mitchell, N.Y.	Smith, Iowa
Harsha	Moakley	Smith, Nebr.
Hawkins	Mollohan	Snyder
Heckler	Montgomery	Solarz
Heftel	Moorhead, Calif.	Spellman
Hillis		Spence
Holland	Moorhead, Pa.	St Germain
Hollenbeck	Mottl	Staggers
Holt	Murphy, Ill.	Stangeland
Horton	Murphy, Pa.	Stanton
Hubbard	Murtha	Steed
Huckaby	Myers, Michael	Steers
Hyde	Natcher	Steiger
Ichord	Neal	Stockman
Ireland	Nedzi	Stratton
Jenrette	Nichols	Taylor
Johnson, Calif.	Nowak	Thompson
Johnson, Colo.	Oberstar	Thone
Jones, N.C.	Obey	Traxler
Jones, Okla.	O'Brien	Tsongas
Kazen	Ottinger	Udall
Kemp	Panetta	Ullman
Ketchum	Patten	Van Deerlin
Kildee	Patterson	Vanik
Kostmayer	Pattison	Vento
Krebs	Pease	Waggonner
Lagomarsino	Pepper	Walgren
Latta	Perkins	Walsh
Leach	Pettis	Wampler
Lederer	Pickle	Whalen
Le Fante	Pike	White
Lehman	Poage	Whitehurst
Lent	Price	Whitten
Lloyd, Calif.	Pursell	Wiggins
Long, La.	Quie	Wilson, Bob
Long, Md.	Quillen	Winn
Lott	Rahall	Wirth
Luken	Railsback	Wolff
McClory	Regula	Wright
McCloskey	Reuss	Wydler
McDade	Rhodes	Wylie
McEwen	Rinaldo	Yates
McFall	Roberts	Yatron
McHugh	Robinson	Young, Mo.
McKinney	Roe	Zablocki
Madigan	Rogers	Zeferetti
Maguire	Roncalio	

NAYS—97

Ashbrook	Goodling	Myers, John
Aspin	Gore	Nix
Bafalis	Grassley	Preyer
Barnard	Hansen	Quayle
Bauman	Harkin	Rangel
Beilenson	Hefner	Risenhoover
Bingham	Hightower	Rose
Bonior	Holtzman	Rousselot
Breckinridge	Hughes	Schroeder
Brinkley	Jacobs	Sharp
Brown, Ohio	Jeffords	Shuster
Buchanan	Jenkins	Simon
Burleson, Tex.	Jones, Tenn.	Sisk
Burton, Phillip	Jordan	Skelton
Carr	Kastenmeier	Stark
Chisholm	Kelly	Stokes
Clay	Keys	Studds
Corman	Kindness	Stump
Cornwell	LaFalce	Symms
Cunningham	Leggett	Treen
D'Amours	Levitas	Trible
Dellums	Livingston	Volkmer
Dornan	Lloyd, Tenn.	Walker
Drinan	Lundine	Watkins
Edwards, Calif.	McDonald	Waxman
Edwards, Okla.	Markey	Weaver
Evans, Colo.	Marks	Weiss
Fascell	Mattox	Whitley
Flynt	Miller, Calif.	Wilson, C. H.
Ford, Mich.	Mitchell, Md.	Wilson, Tex.
Ford, Tenn.	Moffett	Young, Fla.
Ginn	Moore	
Gonzalez	Myers, Gary	

NOT VOTING—43

Alexander	Howard	Rodino
Allen	Kasten	Rostenkowski
Armstrong	Krueger	Rudd
Baucus	Lujan	Runnels
Bolling	McCormack	Ryan
Burton, John	McKay	Sebelius
Butler	Meeds	Shipley
Cochran	Milford	Teague
Conyers	Moss	Thornton
Crane	Murphy, N.Y.	Tucker
Dent	Nolan	Vander Jagt
Diggs	Oakar	Young, Alaska
Evans, Ga.	Pressler	Young, Tex.
Forsythe	Pritchard	
Gibbons	Richmond	

The Clerk announced the following pairs:

On this vote:

Mr. Howard for, with Mr. Teague against.

Mr. Richmond for, with Mr. Baucus against.

Mr. Gibbons for, with Mr. Conyers against.

Mr. Ryan for, with Mr. Diggs against.

Mr. Alexander for, with Mr. John Burton against.

Until further notice:

Mr. Rostenkowski with Mr. Armstrong.

Mr. McCormack with Mr. Kasten.

Mr. Moss with Mr. Rudd.

Mr. Allen with Mr. Vander Jagt.

Mr. Dent with Mr. Butler.

Mr. Evans of Georgia with Mr. Lujan.

Mr. Shipley with Mr. Young of Alaska.

Mr. Krueger with Mr. Crane.

Mr. Meeds with Mr. Sebelius.

Mr. Murphy of New York with Mr. Milford.

Mr. Nolan with Mr. Pressler.

Ms. Oakar with Mr. Pritchard.

Mr. Thornton with Mr. Runnels.

Mr. McKay with Mr. Tucker.

Mr. LEGGETT and Mr. BUCHANAN changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. ULLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12050) to amend the Internal Revenue Code of 1954 to provide a Federal income tax credit for tuition.

The SPEAKER pro tempore (Mr. GIAIMO). The question is on the motion offered by the gentleman from Oregon (Mr. ULLMAN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12050, with Mr. ASPIN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Oregon (Mr. ULLMAN) will be recognized for 1 hour, and the gentleman from New York (Mr. CONABLE) will be recognized for 1 hour.

The Chair recognizes the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, H.R. 12050, the Tuition Tax Credit Act of 1978 is designed to provide taxpayers with financial assistance to meet the increasing costs of higher education. The bill provides a Federal income tax credit for tuition paid by a taxpayer for himself, his spouse, or his dependents to postsecondary vocational schools and undergraduate colleges and universities.

The credit is nonrefundable and is equal to 25 percent of the tuition paid for an eligible student. The maximum amount of credit which a taxpayer may claim with respect to tuition for an individual may not exceed $100 in calendar year 1978, $150 in calendar year 1979, and $250 in calendar year 1980. The annual maximum for each student keeps the revenue cost of the bill within reasonable levels.

Nevertheless, the credit provides substantial assistance of up to $250 of tax credit for the first $1,000 of tuition expense for each eligible student for whom a taxpayer pays tuition. In adopting a 5-percent credit with a per student maximum, the committee recognizes that a substantial portion of a student's tuition expenses still will be borne by the student's family and that the Government cannot completely relieve taxpayers of their personal responsibilities.

Only amounts paid for the education of a full-time student or a qualified part-time student may be taken into account for purposes of the credit. To be a qualified part-time student, a student must attend an academic undergraduate institution on at least a half-time basis for 8 calendar months. For any calendar year, only tuition payments made with respect to education furnished during that same calendar year are to be taken into account. No credit will be allowed for tuition paid for graduate school or recreational courses.

The credit may be claimed only for tuition and fees, including required course fees, paid by the taxpayer for enrollment or attendance at an eligible institution. It does not apply to amounts paid directly or indirectly for books, supplies, equipment, or personal living or family expenses.

The bill requires that tuition expenses taken into account for the credit must be reduced by certain tax-free scholarships, fellowships, and other nontaxable educational assistance. This offset rule prorates tax-free educational awards between tuition and other expenses directly connected with education which are ineligible for the credit except when an award must be used only for tuition.

No credit is allowed to a taxpayer who is claimed as a dependent by another person. In order to prevent "double dipping," the bill provides that no other tax deduction or tax credit—for example, the business expense deduction or child care credit—may be claimed with respect to any amount paid for tuition, except to the extent that the total tuition payment exceeds the amount necessary to claim the maximum tuition credit allowable under the bill. However, a taxpayer may elect not to claim the credit and instead may claim any other tax deduction or credit to which he or she is entitled.

The bill expressly provides that reductions in individuals' Federal income tax liability which are attributable to tuition tax credits may not be taken into account in determining their eligibility for, or the amount of their other individuals' benefits or assistance under, any federally funded educational assistance program. An educational institution which enrolls a student for whom a tax credit is claimed shall not, solely by virtue of that fact, be considered a recipient of Federal assistance.

The bill provides for expedited judicial consideration of the constitutionality of any of its provisions.

The bill applies to 3 taxable years. It takes effect August 1, 1978, with respect to amounts paid on or after that date for education furnished on or after that date. It terminates with respect to any taxable year beginning after December 31, 1980.

The Committee on Ways and Means estimates that this bill will reduce revenues by $16 million in fiscal year 1978, by $417 million in fiscal year 1979, by $780 million in fiscal year 1980, and by $896 million in fiscal year 1981.

Mr. FRENZEL. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, today finally the House has a chance, as it begins work on H.R. 12050, to support tax relief to assist parents of students in nonpublic schools in elementary and secondary education schools, and all students in postsecondary education.

H.R. 12050 is designed to give a little badly needed financial boost to students and their parents who have been burdened with heavily rising educational costs.

As the chairman described it, the bill will permit a tuition tax credit of one-quarter of the tuition up to a maximum of $250, when fully phased in in 1980.

There is, in my judgment, at the higher education level a minimum of controversy. Most people seem to understand the need for a tuition tax credit for higher education. It therefore seems likely that portion of the bill at least will be passed today.

The battleground today is likely to occur on the first amendment of the gentleman from Ohio (Mr. VANIK), which will be offered for himself and myself. It seeks to add elementary and secondary education to the formula at the 25-percent rate but with a maximum in the second year of a $100 tax credit.

Mr. Speaker, the reason for this amendment is that students in the nonpublic sector have been declining more rapidly than in the public sector. In 1966, 13 percent of all elementary and secondary students were enrolled in nonpublic schools. Ten years later, in 1976, only 9.8 percent of all students attended nonpublic elementary and secondary education schools. That statistic alone shows the flight from nonpublic schools and tells us what has happened to American parents' freedom of choice to send their children to nonpublic schools.

Those who support this amendment,

like myself, have no ill will toward the public system. Indeed, we support it and will continue to support it. We simply believe those parents who are willing to make a particular sacrifice ought to get a little encouragement so that they can continue to do so.

The bill is not calculated to lure students from public schools to nonpublic schools. It is designed simply to allow those who are in the nonpublic schools to be able to continue to make that choice for a few more years against very rapidly rising costs of education.

Recently I noted the Harris polls at the end of last month indicated the public overwhelmingly supported tuition credits. I hope the House will show that same kind of support.

There will be another amendment to increase the tax credit from 25 percent to 50 percent. I hope that amendment will be supported too. It seems to me that amendment favors students who are attending community colleges and land grant colleges as against those attending private colleges.

Mr. Chairman, I wholeheartedly support the Ways and Means Committee bill, H.R. 12050, and endorse the Vanik-Frenzel amendments which the Ways and Means Committee has recommended to be offered on the floor today.

Tuition tax credits are designed to provide a sorely needed financial boost to students and parents burdened with heavy educational costs. H.R. 12050, as reported, would permit taxpayers to subtract one-fourth of the tuition and required fees they pay to a maximum of $100 in 1978, $150 in 1979, and $250 in 1980. The credit is not refundable. The committee bill provides a tax credit for either a full-time to at least half-time undergraduate or post-secondary vocational student attending an HEW approved educational institution. The tax credit would not cover tuition paid by nontaxable scholarships or other educational assistance allowance. Tuition tax credits do not reduce a student's or parent's eligibility for other forms of Federal or State educational assistance.

The need for Congress to act is well demonstrated by the overwhelming increase in tuition costs which has spread to every level of education. Students wishing to attend private and public institutions of higher education are facing an ever increasing financial burden. The College Entrance Examination Board found that over the past 5 years, the average tuition and fees at private 4-year institutions, rose by 54 percent, at public 4-year institutions by 57 percent and at public 2-year institutions by 130 percent. These educational costs are well beyond the means of middle-income families, especially when more than one person in the family is in school at the same time.

Similar problems are facing low- and middle-income families who have children in nonpublic elementary and secondary schools. Here, parents are faced with a double burden. Not only must they pay tuition but they are also required to pay rising property taxes—taxes used to finance the public school system. The result is that fewer and fewer families are able to exercise their free choice to send their children to private schools.

These rising educational costs have taken an even heavier toll on lower and middle-income families. In the last 10 years there has been a constant drop in college attendance rates for students from families with incomes in excess of $10,000 (in 1967 dollars). Figures available from the Bureau of Census indicate that in 1967, 51.9 percent of 18- to 24-year-old dependent family members from families with incomes between $10,000 (or $17,050 in 1976 dollars) and $15,000 (or $25,575 in 1976 dollars) were enrolled in college. That percentage fell to 41.4 percent in 1974 and has since increased somewhat to 47.5 percent, still well below the 1967 figure. For those from families with incomes above $15,000 ($25,575, in 1976 dollars), the rate dropped from 68.3 percent in 1967 to 58.2 percent in 1976 after touching a low point of 56.6 in 1973. In the meantime, the attendance rate for those from families with incomes below $5,000 ($8,525 in 1976 dollars) has risen from 20 percent in 1967 to 22.4 percent in 1976. As the drop was not consistent across all income groups, the elimination of the draft is an insufficient reason for the drop in attendance rates. These figures present a clear picture—higher and higher price tags at colleges and universities are putting many students out of the classroom.

The heavy financial burden imposed on lower and middle-income families is an important factor in accounting for the declining enrollment and the closing of many nonpublic elementary and secondary schools. In 1966, 13 percent of all elementary and secondary school students in the United States were enrolled in nonpublic schools, while 10 years later 9.8 percent of all students studied in nonpublic elementary and secondary schools. The President's Commission on School Finance in a 1972 study, estimated that if many nonpublic schools closed, capital costs would increase from $4.7 billion to $10 billion. During the past decade, the total number of nonpublic schools declined from 19,946 to 17,950. This represents a loss of 10 percent or nearly 2,000 schools. Any further erosion in the nonpublic school system would seriously weaken our dual educational system and create a lopsided balance away from individual choices and toward governmental control.

Recent studies indicate that our lower and middle-income Americans—those to whom we make such lofty promises to lower the tax burden each even-numbered year—are paying more and more every year of our total tax load. Taxpayers earning $15,898 per year, and representing 25 percent of the total number paying personal income tax in this country, were paying 68.3 percent of the total tax load in 1970. In 1975, they were paying 72 percent of the total tax load. In 1977, it is estimated that they paid 75 percent of the total personal tax load. With the combination of higher tax rates and inflation, the heavier tax burden is continually reaching downward to include people who used to be in the lower middle income brackets. It seems only fair for Congress to allow these lower and middle-income families to keep a small portion of their own Federal income taxes in order to permit them to educate their kids.

With these kinds of facts before us, it is difficult, if not impossible, to determine that average income parents are not having great financial difficulties trying to provide an education for their children. Yet, a recent study attempted to refute the proposition that it is difficult to pay for college, harder in any case than it once was. What this study failed to consider, which the Library of Congress study pointed out, was the effects of the increased burden of taxes during the period 1967–76. While national median income has increased 78.8 percent during the 9-year period, after tax income rose only 66.8 percent during the same period. What this means is that the 74.2 to 76.7 percent increase in college tuition costs is well above the 66.8 percent increase in take-home pay—the money left over after taxes from which college expenses must be paid. The Library of Congress study further revealed that between 1967 and 1976, families with 18- to 24-year-old dependents saw Federal income taxes increase 103.9 percent, social security taxes increase 185.9 percent, and average State and local taxes, 152.5 percent. The end result is an increase in total taxes of 135.4 percent, thus challenging the former studies' implication that income has increased more than college costs.

Available on the floor today, to further illustrate this point, is an article written by Senator MOYNIHAN, "The Plight of Middle-Income Families." In the article is a remarkable letter from a constituent which explains the total unreality of a needs analysis estimate that the parent contribute $8,000 annually to his son's education. I urge my colleagues to peruse the article reprinted from the RECORD.

Part of the beauty of the tax credit approach is that it is well accepted and understood by nearly everyone. The tax laws are seen as a means of fairly distributing wealth of the country among the various income groups. Tax relief is provided already in such diverse areas as interest on home mortgages, medical, and business expenses, day care credits, earned income credits and employment credits, to name a few.

Tax credits are the most effective and least complicated means to provide student and parents financial relief from the soaring costs of education. Unlike our present Federal student aid programs, tax credits will not stimulate further expansion of the already massive and costly Federal bureaucracy. Bluntly stated, it makes absolutely no sense to increase our present bureaucracy which is already laden with massive problems—problems which will take years to straighten out. I might suggest to my colleagues that they need only to glance through the results of an independent study ordered by HEW Secretary Mathews in June 1976, to be aware of the multitude of insurmountable problems facing our current student aid bureaucracy. A summary of those problems was outlined in my Ways and Means Committee testimony which

was reprinted in the CONGRESSIONAL RECORD of February 14, 1978, page 3368.

Tax credits are the most direct and the most cost-effective means of providing student financial assistance. The cost of administering a tax credit is minute in comparison to our existing student aid programs. The best source of information here can be found in the HEW summary of President Carter's budget recommendation for fiscal year 1979, beginning on page 48. By simply adding up a few of the new requests and existing overhead costs, I arrive at $523.5 million. The Library of Congress estimates, taken from the fiscal year 1978 budget justification, indicate that the Federal administrative costs in the Washington, D.C., office for the five existing programs is somewhere in the neighborhood of an additional $100 million. This estimate reveals that the total does not include funds spent in the regional offices, nor costs for defaulted loans, nor does the estimate include the administrative expenses met by educational institutions out of their own funds.

With those administrative costs in mind, I am not anxious to increase the Bureau of Student Assistance's programs. The Bureau of Student Assistance's programs are surely in desperate need of reform to eliminate some of the administrative waste and redtape—not to mention the defaulted loans. I do not believe in multiplying waste by expanding the existing program, but I would be the first to oppose their elimination. Certainly they ought to be cleaned up.

Tuition tax credits actually support and complement our existing student aid programs. A recent study by the American Council on Education found that students with adjusted family incomes of less than $7,500, received approximately four-fifths of all BEOG and SEOG awards, about two-thirds of all college work study awards, about half of the national direct student loans, and about one-third of all guaranteed student loans. Students with adjusted family incomes of $15,000 or more received aid primarily through the guaranteed student loan program.

Students qualifying for existing Federal programs would still be eligible for the tuition tax credit. In fact, the committee report specifically states that the receipt of a tuition tax credit would not affect other forms of Government-provided student aid. Obviously, low-income students need the assistance provided under existing Federal programs, but we must not overlook the needs of the middle-income students. The House and Senate aid bills offer nothing but loans to 2.4 million college students with family incomes between $25,000 and $40,000, let alone to the 871,000 students from more prosperous families.

The concept of tuition tax relief extended to all educational levels has received widespread bipartisan support. Candidate Jimmy Carter supported it. In 1976 both Democratic and Republican platforms supported this lofty goal. The Harris poll, released this past week, indicates that by an 82 to 13 percent margin, Americans feel that "it is very hard for middle-class families to afford to send their children to school, and relief for them is long overdue"; by a 63 to 28 percent majority, feel that the proposed tuition tax cut will be "a way to get some tax relief to parents who send their children to private and parochial schools and have not been able to get any Federal aid up to now." Significantly, even among those with no children at tuition schools, an 80 to 14 percent majority sympathizes with the parents who pay for their children's education, according to the Harris poll.

The Gallup poll, released earlier, had similar findings. By a 51 to 34 percent margin, the public favors income tax credits rather than an expanded Federal aid program to help middle-income families pay for college expenses. A New York Times-CBS survey conducted April 3–7, found that 83 percent favored a tax break for college tuition costs. Obviously, the American people want to see the enactment of tuition tax credits.

While applying to all income levels, H.R. 12050 (according to the joint committee's estimates), 72 percent of all benefits will accrue to taxpayers whose incomes range in the $10,000 to $30,000 brackets; 9 percent of the benefits accrue to taxpayers in the range of $0 to $10,000; 14 percent to $30,000 to $50,000 and only 5 percent of the benefits will accrue to those taxpayers with incomes of $50,000 or more. With the addition of the Vanik-Frenzel amendments, the Congressional Budget Office estimates that 55 to 57 percent of the benefits will accrue to families whose incomes are under $25,000 and approximately 86 percent of the benefits will accrue to those families with incomes under $40,000. The Tuition Tax Credit Act of 1978 is not a bill to aid the rich.

In conclusion, the purpose of this legislation is to assist educational consumers' freedom of choice to satisfy their educational needs in a most cost effective approach. The bill, with the passage of the Vanik-Frenzel amendments, preserves our vast and diverse educational system which cannot survive in its present form without more choices for educational consumers. A tax credit method encourages freedom of choice, while at the same time, protects the consumer's financial privacy from further bureaucratic invasion.

Educational choice has been a popular and successful tradition in America, but inflation has robbed the lower and middle income Americans of any real choice. This is legislation whose time has come and I urge my colleagues to join with me in casting a favorable vote.

Mr. VANIK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to take this time first of all to commend our distinguished chairman, the gentleman from Oregon (Mr. ULLMAN), the chairman of the Committee on Ways and Means, for agreeing to this procedure and expediting the hearing and his assistance in getting this legislation to the floor. I know he has some personal differences and disagreements with the tuition tax credit approach, but I think he is to be commended for letting the committee work its will and providing us this opportunity on the floor to deal with this legislation.

I also want to take this time to pay some special tribute to my colleague, the gentleman from Minnesota (Mr. FRENZEL), who has been leading the effort for a tuition tax credit for many, many years. We have worked together as a team on the Committee on Ways and Means. We jointly sponsor the amendments which bear my name. So I certainly want to express to him at this time my appreciation for his efforts.

I urge the adoption of this bill along with the two amendments which we offer. The first of which, as the gentleman from Minnesota (Mr. FRENZEL) has indicated, would include the secondary and elementary schools, and the second which would raise the credit from 25 percent of tuition to 50 percent of tuition. With those amendments the bill would have a budgetary effect of $33 million in this fiscal year, $826 million in fiscal year 1979, and $1,415,000,000 in the year 1980. In 1981 the bill would have the effect of $1,569,000,000.

The tuition credit would be considerably cheaper and certainly less expensive than the administration's educational assistance program.

I think if you will look at the choreography, the administration rushed in to cut off consideration of tuition credits at the pass. The administration in its program requests $2.36 billion for fiscal year 1979 for a variety of things which would involve expenditures much more costly than those proposed by the tuition credits with the amendments that the gentleman from Minnesota (Mr. FRENZEL) and I sponsor.

Mr. Chairman, it was almost 24 years ago in March 1955, that I introduced my first bill for tuition credits. I think I have waited as long as any other Member in this House and I apologize that it has taken so long to reach this point.

We are considering the issue today primarily because of the ravages of inflation which have affected every household in America, and the spiraling educational costs, a situation of which every family is aware. The entire private educational system which has made a tremendous contribution in the diversity and the intelligence of national life is imperiled by these astronomical tuition charges which most American families, poor as well as everyone else, must pay.

In the 24 years that I have supported tuition credits, a great deal has happened to the private educational system. It has become more and more identified with and identical to the public system. The desegregation laws of the United States have applied to the private schools as well as the public schools. Rules relating to equal employment opportunities apply equally to both. The performance levels of the public school systems have been made mandatory on the private schools as well as the public. The main difference between the public and private schools is simply that public schools are supported entirely out of taxpayers' funds and yet, although in recent years private schools have become the beneficiaries of limited public educational support—and this is also in recognition of their enormous contributions to education—they are otherwise

supported by private funds. Private schools select their teaching faculties out of the same source of trained personnel as do the public schools. In the private schools secular directors have decreased in number from 112,000 in 1960 to 55,000 in 1975. The number of lay teachers has increased from 44,000 in 1960 to 90,000 in 1975. Today in private schools the overwhelming number of teachers have a religious affiliation entirely different from the institution in which they serve. Religious teaching is optional in private education.

Let me say this, my son just recently graduated from a very fine Baptist College in Ohio. Ninety percent or more of the faculty of that college were not Baptists and the only religious training that he had in that college was a required course in comparative religion or philosophy. There was not one thing during his entire 4 years that had any religious impact—and maybe we are sorrier for that; I do not know. But his education for all practical purposes was exactly identical, to what it would have been in the State university.

At the secondary and elementary school level in most urban communities, and certainly in my own, the schools are open to every applicant. If the applicant is unable to pay at the low rate, they subsidize it, and he comes to school free, and the tuition charges are waived. When these charges are imposed, they usually suspend the imposition of tuition if there is more than one child going to school at the same time. The school provides quality education which costs the taxpayers six times less than the same education in the public school system.

I might say at the present time at the secondary or elementary school level, private schools are almost 40 to 50 percent utilized by minority groups. For all practical purposes, it is the same kind of school; it is just a competitive school. In major American cities private school students come from principally the poor as well as the lower middle-income families.

In Los Angeles, for example, 53 percent of the private elementary school enrollment is from minority groups. Private schools have complied with integration—this is important—the private schools of America have complied with the integration requirements of the United States law much more quietly, much more precisely, and much more effectively than most of our public schools. They were first to integrate. They have done a noble job. Tax tuition credits proposals realistically reflect this fact of life about public or private education in America today.

If we adopt the amendments that are offered by myself and the gentleman from Minnesota (Mr. FRENZEL), 83 percent of the benefits of this act will flow to families in America where the total family income is below $28,000. What is $28,000? That is an income of $14,000 apiece for two workers in the family. Is that affluence? Certainly, 17 percent of the benefits may flow to people above that level, but under the President's plan 20 or 25 percent of the total expenditure is going to be spent on bureaucrats, on paper, on redtape, to decide who is going to be eligible for it.

I want to tell the committee that I think the benefit ratio of the tuition credit is infinitely superior to what we get under that alternative program. This is an important thing. Competition and the opportunity for a choice are a unique part of the American system. The private school system complies with all of the standards and requirements of the public school system, while providing an opportunity for a little competition in educational quality and in cost control. From the standpoint of cost containment, the private school system in America has done an exemplary job of making do with very little, and this competition, I will say, Mr. Chairman, has served to be some kind of restraint on what otherwise would be a no-limit control on what would be spent in the public sector.

I think, frankly, someone is going to raise the issue about the question of constitutionality. I am not trying to prejudge or determine what the U.S. Supreme Court is going to do, and I do not think our actions ought to be based on any guesses or suppositions about what the Court is going to do. That is the Court's business. We will deal with that problem when and if it occurs. But I see no difference in tuition credits for children in elementary schools or secondary schools or colleges. I think the issue is the same.

I have studied the whole field of tax credits and investment credits, special credits to special groups of people who do special things for which we provide incentives. I do not think there is going to be any problem with the Court.

As everyone knows—and this is an important point—taxpayers' support for public education is on the wane.

People are getting very discouraged and disturbed by the insensitivity of the public school system. In my community the voters have time and time again rejected bond issues. It is very possible that in my community the only schools that may be operating soon will be the private schools, because the voters have rejected support because they do not like or approve in the public system.

Now, I happen to believe that a tuition credit is going to make people who use private schools support the public school system. I think if they get this incentive, they are going to realize they have an obligation to provide support for public education as well.

Mr. RANGEL. Mr. Chairman, will the gentleman yield, just for the purpose of clarifying this last statement?

Mr. VANIK. I will be glad to do that when I finish my statement and I will give the gentleman every opportunity.

Mr. RANGEL. And I want to thank the gentleman.

Mr. VANIK. Mr. Chairman, I want to point out that if the tuition credit is adopted, I believe that those who enjoy the tuition credit are going to provide the margin of support—the margin of support which is essential to provide for public school bond issue support in the communities where it is so critical an issue. I think that support is essential if we are going to go forward and get the necessary support we need for our public school system.

America has been made strong through competition. We have been successful as a nation because we have tried to be fair to minorities. The tuition credit is of vital importance to millions of people, tens of millions of people at any given moment in our history.

As I said, 83 percent of our families with incomes under $28,000 or $30,000 will utilize the credit. They are not wealthy people. They are just people who need some help at this particular time. Every $100 that we lose in tax revenues through the tuition credit will be matched by $600 or $700 of private spending. No other—no other Federal tax incentive program can claim so high a benefit ratio. One and a half billion dollars in tax credits will be supported by $24.5 billion of private spending. You point out another Federal program with an incentive that produces so much spending and participation in the private sector.

Now, I think any system in America which educates helps all America, and adds to the resources of this country in its most critical area.

I say to you that the tuition credit, in my judgment, the time has come for it and it is an educational bargain for all America.

Now I will be very happy to yield to my distinguished colleague, the gentleman from New York (Mr. RANGEL), who very anxiously wants me to help the city of New York in another few days.

Mr. RANGEL. Mr. Chairman, I think I will wait. I thank the gentleman for yielding, but if the support we are going to get for the city of New York is going to be explained in the same terms as this bill is being explained to help the public school system, then my city is in worse trouble than I suspected.

Mr. VANIK. Mr. Chairman, I want the gentleman to know that I will do everything I can to help the city of New York. I know its special problems.

Mr. CONABLE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in favor of this bill. However, I strongly oppose one of the amendments to it which will be offered later today—the amendment to change the 25-percent tax credit to a 50-percent credit.

H.R. 12050 sets up a 3-year program. But when its expiration date approaches, the 96th Congress could decide to extend it. Even though the credits in H.R. 12050 provide only token assistance, the amounts contained in subsequent years might take on more meaningful dimensions. Our legislative decisions now might well establish the foundation for an ongoing, permanent program.

In light of this possibility, it is crucial for us to preserve the 25-percent credit provided for in H.R. 12050. It helps reduce the tuition gap between costly and inexpensive schools. The 50-percent credit, on the other hand, maintains the

gap and makes the high-priced schools proportionately more expensive.

Both percentages distribute benefits among income groups in about the same pattern. But under the 25-percent credit, families with heavy tuition burdens will receive proportionately more relief than families with lighter burdens. The 50-percent credit provides just about the same amount for everyone, regardless of relative need.

The 25-percent credit is not likely to have undesirable side effects such as encouraging schools to increase their tuitions at a faster rate than normal or inducing parents to abandon public schools. A 25-percent credit clearly would be assistance to parents with the heavy cost of taking advantage of what remains of our pluralistic educational system.

Finally, given the maximum credits permitted under this legislation, the 25-percent credit would cost less than would the 50-percent credit. With the return of double-digit inflation, this is an important consideration.

Later today, I plan to speak at greater length about the merits of the 25-percent credit, and I urge the House to consider the long-term implications of the choice before us.

Mr. VANIK. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I rise in opposition to this bill, because obviously, if both sides prevail here, then the Members of the House would not know exactly what they are voting for.

There are some Members here who have indicated that they support this legislation, because it improves the quality of education. Well, I doubt seriously whether any Member of this House would believe that we can improve education in what is basically a tax bill, and if there is anything that is going to be "improved," it will be the amounts of money that the private institutions involved in education can make.

There are others who are talking about the idea that this has nothing to do with education but has everything to do with giving relief to our middle-income people. I suggest that this does not even provide for relief to middle-income people. First, if the institutions are going to raise their tuition fees, then certainly the parents of the children would not be able to see any relief; and second, if we are talking about middle-income people, why are we segregating those people who have no children or who have no husband or no spouse involved in education?

So this means that only a certain percentage, a privileged few who have children in school, would be the beneficiaries of this tax relief.

The gentleman from Ohio (Mr. VANIK) has spoken at great length about how this bill is really going to help the public school system. He indicated, I believe, that if we give this help to the private sector, if we give this help to middle-income America, and if we give this help to those people who are able to get their children out of public schools, then sooner or later those people will have enough compassion to support the bond issues that are necessary to carry on the public school system.

I submit to the Members that the gentleman from Ohio (Mr. VANIK) is perhaps correct. This bill has brought together the black and the white segregationalists, the Jews, the Gentiles, the Catholics, and the Protestants, because there is the smell of dollars and cents in the air, but if we ever get anything for the public school system, it will be after that system is closed. This does follow the lines the way this country is going.

This bill does means that if people no longer want to send their kids to the public school system, they do not have to. But there is nothing in this bill that gears itself to the poor people in this country, and I submit that the middle-income people will get very little out of it.

Mr. Chairman, what I do know is this: This will now allow even the poor people to segregate themselves. It allows us to distinguish between those who have to send their children to the public school system and those who really have a private school system that they can use as a vehicle. In order to receive any benefits from this bill, people must first have a tax liability, and if they do not have a tax liability, then they are chained to the public school system. I wish that there were something that we could do to improve the public school system.

After all, this is the system that State governments have an obligation to maintain. They have a right to make certain there are such institutions for learning. But now, if we are going to turn it over to the churches, to the synogogues, and to the private school sector, then I hope that every kid in this country will have the right not to have to depend on the income of his parents, and perhaps we can return to a voucher system where we can have real competition between the private and public school sectors and even have competition within the public school sector itself.

I think this bill, more than anything else, separates the "haves" and the "havenots." I do understand that those who have recently reached that point in their lives where they can afford to take their kids out of the public school system would welcome this relief from the Federal Government. But I want the Members to know that this has nothing to do with giving, giving tax relief to the middle income. It has nothing to do with education. But it has a lot to do with a lot of political considerations in saying that we have reached a point that those who support the public school system are not as politically active as those who support the private school system.

So what we are doing is increasing the tuition. And I daresay that in a year we can go to our constituents who are asking for this bill and ask how much they saved and how much they benefited as a result of the Congress passing this bill; and I tell the Members that probably the answer will be that they did not benefit but that the private school system did.

Mr. Chairman, I rise in further opposition to H.R. 12050, the Tuition Tax Credit Act. Whether the Federal Government should subsidize the payment of tuition in private elementary and secondary schools, as well as in post-secondary schools, by the means of a tuition tax credit has caused much debate throughout the country and especially in Congress. There is no issue upon which I have received more correspondence both from within my district and from across the Nation. Not only must this issue be considered in light of our basic public policy of providing a free education for all Americans, but it also goes to the heart of the constitutional prohibition on separation of church and state.

In fiscal year 1978, the Department of Health, Education, and Welfare will spend approximately $10.5 billion on education assistance. Of that, $6 billion is allocated as subsidies for elementary and secondary schools and the other $4.5 billion is designated for grants to post-secondary and graduate educational institutions as well as grants to low-income students and educational loan interest subsidies.

The tuition tax credits contained in H.R. 12050 would, as we all know, provide a credit equal to 25 percent of tuition paid by a taxpayer up to a maximum credit of $100 in 1978, $150 in 1979, and $250 in 1980 for each student in post-secondary educational institutions and would cost approximately $780 million in fiscal year 1980 when fully implemented. The Congressional Budget Office estimates that some 78 percent of the college and graduate school tax credits would go to benefit families with incomes of over $15,000, with some 52 percent of those benefits going to families with incomes over $20,000. I ask you, are those the people who really need assistance?

Recently, the President proposed, and the House Education and Labor Committee passed, a middle-income assistance plan which would cost $1.3 billion. This proposal would expand the basic education opportunity grant (BEOG) and the guaranteed student loan (GSL) programs as well as the college work-study program. BEOG and GSL are the primary ways in which the Federal Government provides assistance to students who need help. Under the new proposal, BEOG would provide an outright grant of $1,800 (current grant is $1,600) a year for families with an income of $8,000 or less. This grant would be phased out based upon a family's ability to contribute to a student's education to a minimum grant of $250 for a family with an income of $30,000. The GSL program would also be expanded so that all families, regardless of income, would be eligible for a Federal interest subsidy on education loans. Families with incomes of $30,000 or less would pay no interest while the student was in school. However, families with incomes over $30,000 would pay interest during school years. All loans would not become due until after graduation.

The distinct advantage of the BEOG over tuition tax credits is that it is targeted to those Americans who really need help.

Tuition tax credits, on the other hand, are too broad-based and will tend to disproportionately benefit high income families. At the same time, such a program can only serve to erode support for programs which target assistance to needy people, because continuation of both programs would be too costly. One should not forget that a tax credit can only benefit families which have enough tax liability to be offset by the credit. Many experts have said that, were the general credit enacted, the tendency in educational institutions would be to eat up the benefits by increasing tuition. This would result in no assistance for middle-income families and would tend to freeze poorer Americans out of the college market.

We all know that many of our public schools are not what we would like them to be, but providing tuition tax credits can only serve to reduce support for assistance to public schools. Less educational funds will mean continued deterioration of our public schools. In fact, were the Vanik amendment concerning tax credits for elementary and secondary schools to become law, the Federal government, which currently provides $60 per private school pupil (for textbooks, transportation, health, and therapeutic services) would be subsidizing private school students at a rate of $160 ($100 credit plus $60 grant) which is more than the $128 Federal subsidy we now provide public school students. Such a subsidy would mean the difference between continued existence and extinction for many all white private academies which were established in order to avoid integration.

Besides the disproportionate Federal subsidy to private education that a tuition tax credit would represent, such a provision would violate the basic constitutional prohibition of the first amendment that "Congress should make no law respecting an establishment of religion * * *" Upon numerous occasions, this has been interpreted by the courts to exclude any direct subsidies to religious schools which cannot objectively be determined to be unrelated to religion.

Our public schools have traditionally served as the vehicle by which we assimilate young people into our society. At the same time, they teach the most basic principle of democracy: People must learn to work and live together. If we provide economic incentives for parents to pull their children out of public schools, we will develop stratified social classes where the rich and middle-class will rarely come into contact with the poor. We would all be better served if we concentrated our available education dollars on delivering basic skills such as writing, reading, and arithmetic.

The National Office for Black Catholics in their February issue printed the following editorial which raises some significant questions from the point of view of those who are deeply involved in parochial schools. I asked all my colleagues to heed the words of this editorial which appeared in the February issue of Impact and vote against any form of tuition tax credits. The text of that article is as follows:

SUBSIDIZED SEGREGATION

When the Senate Finance Committee reported the tuition tax credit bill it should have stirred ambivalent sentiments among black Catholics. As Catholics, burdened by the high tuition costs of sending each child to a Catholic school, they undoubtedly hailed it as a great blessing, a welcome relief.

But as blacks, mindful of the long, bitter fight for public school integration, they should have been aware of the loopholes it will provide for those determined to thwart the concept of integrated schools. Parents determined to sidestep school integration will now be aided and abetted by having half the costs paid.

We have read Secretary Califano's objections—unfair to the overburdened taxpayers with children in public schools—already supporting public schools via taxes, they will now be called on to subsidize parochial and private schools—and they won't be getting that $500 tax rebate every year. Don't you believe it! The status of their children's education will change post haste, en masse, from public to "private." (Remember the "private" schools that sprung up in Virginia and other southern states to avoid integration?).

Now with the Moynihan ("benign neglect")-Packwood tuition tax credit bill, they will be paid to change! As a street-wise friend of mine put it so succinctly: "Flight from the niggers will now be subsidized!"—RWC.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. KETCHUM).

Mr. KETCHUM. Mr. Chairman, I rise in opposition to this bill. I will, when the time permits, oppose two of the three amendments that will be offered. I will explain my reasons then.

Mr. Chairman, I think I can say, without fear of contradiction, that there is not a single Member of this body who has ever spoken to a group in his or her district regarding taxes and the tax code who has not indicated that they believe in tax simplification; but more than anything else, in tax equity. If the Members believe what they have told their constituents about tax equity, there is no way they can vote for this bill.

Take these three groups of people into consideration: Single people; childless couples; retired people, those who have already put their children through school.

Depending upon the State in which you live, they pay, first, property taxes to support public education, and they assume that as a responsibility.

Second, again depending upon the State in which you live, those three groups of people pay State income taxes which support public education, and they do not necessarily complain about that.

Third, in all cases those individuals pay Federal income taxes, again to support education, and there are very few complaints about that.

But to go to those three groups of people again and create a further inequity in the tax code by saying, "you have supported and supported and supported, and now we will come to you again and ask you to subsidize us, those of us with children in private schools or children in colleges," is to me grossly unfair and inequitable and unsupportable by anyone who has ever called for equity and fairness in the tax code.

When the time arrives and the substitute offered by the gentleman from Illinois (Mr. MIKVA) and myself comes before us, we will try to explain the very best we can that the tax deferral offers 10 times the help for those impacted by having children in college. Not only that, it is not inequitable or unfair to the three groups of people I mentioned, because those tax deferrals will have to be repaid over a 10-year period. As a matter of fact, our Treasury will benefit.

Mr. VANIK. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BURKE), a member of the Committee on Ways and Means.

Mr. BURKE of Massachusetts. Mr. Chairman, I wish to thank the gentleman from Ohio (Mr. VANIK) for yielding this time to me since I realize this question is so crucial.

Mr. Chairman, there have been many bills submitted to this body which are designed to address the needs of families who are faced with increasingly prohibitive educational costs. The number of proposals reflects the growing concern that we can wait no longer in answering this need, the breadth of scope of the proposals is testimony to the controversy which has developed in choosing the best way to come to grips with the problem.

Today we are discussing tuition tax credit legislation which I believe is the most responsive and equitable solution to this critical need. Middle-income families, in particular, feel the bite of inflation chewing away at their available resources. We cannot afford to let education become a commodity accessible only to the upper classes.

A recent New York Times-CBS news survey revealed that 83 percent of those questioned favored a tax break for college tuition costs. A Gallup poll confirmed that the demand is for relief at the tax level, not an increased bureaucratic system offering little more than a loan program for most families.

A major shortcoming in the alternative administration financial aid program is that it ignores the needs of families who have tuition costs at the elementary and secondary level. Considerable controversy has developed over tax credits for these students; claims that such legislation would serve only the well-to-do. Yet 82 percent of all private elementary and secondary school students live in families earning less than $30,000 per year. We cannot impose a stranglehold on the very institutions which are providing a diversity in our educational system. It is crucial that we offer a freedom of choice in education. We must maintain the healthy competition which fosters vitality in public and private institutions. A disproportionately

high percentage of the enrollment decline in elementary institutions has been felt in the private system. Inclusion of elementary and secondary tuition costs does not tilt the scales in favor of private schools, nor does it create a disincentive for public schools. Rather, it will serve to guarantee the existence of a dual system.

I strongly believe that we have found in tuition tax credit legislation, an efficient and equitable relief from the increasingly burdensome expense of education costs, and hope that the needs of elementary and secondary students will not be neglected.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman and Members of the House, I rise in support of H.R. 12050, the Tuition Tax Credit Act of 1978, and the so-called Vanik-Frenzel amendments which will be offered for our consideration later today.

The need to provide relief from the increasing burden of educational costs is clearly evident. The spiraling costs of educating our children in public and nonpublic schools is reaching a point of crisis. According to the Joint Committee on Taxation, the average annual cost of attending college has increased by 56.6 percent in just the last 5 years. Supporting one child through undergraduate school can cost parents from $10,000 to $25,000, a heavy financial burden indeed. The picture at the elementary and secondary level is equally bleak. At one private high school in my district, for example, the tuition has increased by 100 percent in only 8 years.

Regrettably, the burden of these skyrocketing educational expenses has proven unbearable for many. This is particularly true for those with children enrolled in private educational institutions. The obligation of paying full taxes to support public schools, coupled with the tuition costs of private schools, has placed these parents in a tough financial dilemma.

The result, of course, is that fewer and fewer families are able to send their children to private schools. U.S. Commerce Department statistics indicate that private elementary schools have lost 35 percent of their enrollment in the last decade. Private high school registrations have dropped nearly 13 percent, despite the fact that total secondary enrollments around the country rose by some 18 percent during the same period.

What is most alarming about these statistics, in my opinion, is their illustration of a growing restriction on freedom of choice in education. It is my firm belief that one of America's greatest strengths has been the freedom of its citizens to choose an education that suits their needs, aspirations, and beliefs. But as Chief Justice Warren Burger stated in his dissenting opinion in the Nyquist case:

> However sincere our collective protestations of the debt owed by the public generally to the parochial school systems, the wholesome diversity they engender will not survive on expressions of good will. *Committee for Public Education* v. *Nyquist*, 413 U.S. 756, 805 (1973).

I suggest that the right to select a school of your choice is on the verge of becoming meaningless when the only way it can be executed is through great financial sacrifice.

H.R. 12050, the Tuition Tax Credit Act of 1978, can go far in restoring this freedom of choice in education. In my opinion, it is not a question of the Federal Government perpetuating private schools. Rather, it is an attempt to stabilize and preserve an educational system older than the country itself. Tuition tax credit is a simple, straightforward approach to this problem which would provide equitable treatment and very needed relief to millions of taxpayers. Unlike some other proposals, adoption of this concept would necessitate no further expansion of the already massive Federal bureaucracy. Instead of collecting taxes from the American citizen only to return it to them reduced by administrative costs, a tuition tax credit would provide a direct reduction in their tax bill correlated to their educational expenses. It would require only a one-line entry on tax returns and would insure the privacy of family finances.

I encourage my colleagues on both sides of the aisle to support this legislation and the Vanik-Frenzel amendment to include private elementary and secondary educational institutions within its coverage.

I recognize, of course, that some have suggested that an amendment to include private elementary and secondary schools within the coverage of H.R. 12050 would be unconstitutional. I respectfully disagree with that assessment and assert, to the contrary, that this proposal does in fact pass constitutional muster.

The Supreme Court has made it clear that in order to survive a first amendment establishment clause challenge to its constitutionality:

> A statute must have a secular legislative purpose, must have a principal or primary effect that neither advances nor inhibits religion, and must not foster an excessive government entanglement with religion. *Wolman* v. *Walter*, — U.S. —, 53 L. Ed. 2d 714, 725 (1977).

Certainly inclusion of private elementary and secondary schools within the tuition tax credit concept passes the first and third elements of this three-pronged test without serious challenge. It would be difficult to argue that the purpose of such legislation, which is to ease the increasingly heavy financial burden of educating a family while preserving freedom of choice in education, is anything but secular. Similarly, this approach to educational assistance avoids a charge of excessive Government entanglement with religion by creating no relationships between the Government and any religious organization or institution.

Those contending that the proposed amendment fails the test of constitutionality, because its principal effect is to advance religion point to the Supreme Court's decision in *Committee for Public Education* v. *Nykuist*, 413 U.S. 756 (1973). In Nyquist, the Court considered and held invalid a New York statute that provided tax relief to the parents of children attending nonpublic elementary and secondary schools, 85 percent of which are church-affiliated. It is essential to note, however, that the Nyquist case did not involve a Federal tuition tax credit program and that the issue presented for the Supreme Court's review is readily distinguishable from the constitutional question raised by this amendment and this legislation.

In its opinion, the Court clearly did not close the door on a tuition tax credit broadly available to students at all educational levels. In fact, the Court specifically reserved its decision on a program of assistance made available without regard to the sectarian-nonsectarian or public-nonpublic nature of the institution. 413 U.S. at 782–3 n.38. Additionally, the Court expressly stated that the "narrowness of the benefited class would be an important factor" in determining the validity of similar programs in future cases; 413 U.S. at 794. H.R. 12050, as amended by the Vanik-Frenzel proposal, would expand the benefited class far beyond that invalidated in Nyquist by providing tax credits for students attending any accredited private elementary or secondary schools as well as all post-secondary educational facilities without regard to their sectarian-nosectarian nature. Provision for such an expanded class clearly meets the second element of the three-pronged test of constitutionality.

It is for these reasons that I believe that an amendment to include private elementary and secondary educational facilities within the coverage of H.R. 12050 would be upheld by the U.S. Supreme Court. This conclusion is shared by a number of constitutional scholars as well. I urge you, therefore, to carefully consider this amendment on the merits and to support its adoption when the vote is taken. It is at the elementary and secondary level where the need for tuition tax credit is greatest. Whether or not the Vanik-Frenzel amendment is adopted, I encourage my colleagues on both sides of the aisle to support final passage of H.R. 12050, the Tuition Tax Credit Act of 1978.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, many of us have waited for a very long time, indeed, to see this bill come up. I realize that the battle is not over, but I do want to thank my colleagues on the Ways and Means Committee and on the Rules Committee for bringing this bill before us.

Yesterday I put into the RECORD a recent poll by pollster Lou Harris which indicated that by a 65- to 25-percent ratio the American public favors the enactment of tuition tax credits and even a very substantial majority of those who have children only in public schools favor the enactment of a tuition tax credit.

Yesterday I also put into the RECORD a very strong endorsement by the Congress of Racial Equality, a major civil rights organization, strongly supporting tuition tax credits as means of aiding the poor and minorities in addition to the middle-income people.

Mr. Chairman, it gives me great pleasure to be speaking to my colleagues today of my strong support for the tuition tax credit proposal which is now before us. Many of us have worked long and hard for the chance to see the Members of the House given the opportunity for a direct vote on tuition tax legislation as the most simple, direct, and fair form of desperately needed relief for the middle-income families burdened with the problem of soaring educational costs.

I first began my efforts on behalf of education tax credits 8 years ago in the 91st Congress with the introduction of a bill which would have provided income tax credits for higher education. Eighty-seven of my colleagues joined me in cosponsoring the same bill in the 92d Congress, and during the same year I first sponsored a bill which included parents of students attending elementary and secondary schools. In the following Congress, the number of cosponsors of some form of tuition tax credits for higher education rose to 103, and I am pleased to say that during this session, over 250 Members have sponsored 170 bills to provide some form of tuition tax relief.

Last fall, the House was allowed for the first time to show its overwhelming support for the concept of tuition tax credits as 311 Members voted in favor of my amendment to the second concurrent budget resolution which insured the availability of $175 million for a system of tax credits for higher and vocational education expenses. The continuing broad, bipartisan support for tuition tax credits was once again demonstrated earlier this month by the 227 to 136 vote in favor of the Coughlin/Luken amendment to the first budget resolution allowing for the funding of a tuition tax credit program in fiscal year 1979. The Senate has approved some form of education tax relief six times since 1967, while today is the first time that the House has been allowed a direct vote on the merits of this issue.

The tuition tax credit bill before us now, H.R. 12050, the Ways and Means Committee bill, provides for a 25-percent tax credit for tuition paid for higher education expenses up to maximum of $100 per person for the first year for full-time and part-time students who are enrolled for 8 calendar months in an undergraduate college for at least one-half of the academic program required for a full-time student at the same school. While I would prefer that the maximum amount of the credit be raised to at least $220, unfortunately that is not permitted under the rule. I, nevertheless, reiterate my wholehearted support for this bill.

I also voice my support for the first two amendments which have been allowed under the rule. The first amendment would extend the tax credit to parents of students enrolled in nonpublic elementary and secondary schools. The maximum amount of the credit will be limited to $50 in 1978 in $100 in 1979 and 1980. This would be a well-deserved measure of relief to hard-pressed middle-income families trying to educate their children. Few people realize that 51 percent of children attending private elementary and secondary schools are from families with incomes less than $15,000 per year and 71 percent are from families with incomes below $25,000 per year. Fewer and fewer parents are able to afford the choice of a private education—the U.S. National Center for Educational Statistics projects that by 1984, 2.1 million fewer students will be attending nonpublic elementary and secondary schools than were in 1965.

In addition to the burden that nonpublic schools lift from tax supported school systems, there are valid reasons for supporting diversity and choice in education. I do not believe a single monolithic school system is in the Nation's best interest. There are also valid reasons for supporting competition and cost comparisons among educational institutions.

A tax credit for elementary and secondary education would help preserve this diversity and competition in our educational system. It would not be destructive of public schools because the credit is limited in amount and parents would still have to pay 50 and 75 percent of tuition. I would personally prefer to any alternative.

The second amendment would increase the credit from 25 to 50 percent of tuition. I would personally prefer to see a larger credit. This, however, is not permitted under the present bill and since the maximum credit is so small, I would favor the increase from 25 to 50 percent in order to give the credit greater impact.

Tuition tax credits are an idea whose time has come. Last year, Secretary Califano said that a $250 tuition tax credit was not needed and was too expensive. This year the administration has endorsed a $250 grant program for middle-income students. Under a grant approach, a major share of the funds would go into increasing administrative and bureaucratic overhead, resulting in a net loss of direct aid to the needy student. I believe that simple pumping more Federal money into the present problem-ridden and patchwork Federal education assistance programs would not be the most effective use of the taxpayers' dollars.

We currently allow tax deductions for child care and charitable contributions to schools. President Carter has proposed an insulation tax credit. Businesses are allowed deductions for employee education expenses. Why should private citizens not be allowed to keep some of their own tax dollars for education at that time in their lives when they are under most financial stress—rather than sending those dollars to the Federal Government in the form of increasing taxes and then hoping to get a few of them back in the form of Federal assistance. A tuition tax credit program makes the most sense for the American taxpayer—I strongly urge your support for this worthwhile legislation.

Mr. VANIK. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. PICKLE), my distinguished colleague and cosponsor of a very important tax amendment.

Mr. PICKLE. Mr. Chairman, I appreciate the chairman's yielding and I take pleasure in working with him on certain items of legislation, but not with respect to this bill, because I support our public school system and I am opposed to this bill as written.

From an educational standpoint, and from a tax viewpoint, this bill is one of the most important we will debate. It foreshadows most of the issues we face this decade and will have far-reaching consequences far beyond this day of reckoning. This legislation could shape the future educational policy of this country, and this policy is the very foundation of a free republic. I support our public school system, and am opposed to this bill as written.

Will we give public tax money to private institutions? It is not enough to say they are nonprofit institutions. It will be tax credit for institutions in competition with free public institutions of this Nation.

Some basic points must be made. First, is the question of policy. Should we take Federal tax money, money from every taxpayer in America and divert a portion of it to private educational institutions. We must ask ourselves, are we ready to close out our present approach to education? Should we be frightened to contemplate a disbursement of that fund to other types of private schools, which are without doubt qualified and respected schools of learning? Or, is our present policy correct and must we protect it at all costs?

Second is the question of the cost of the program if adopted. Cost estimates have ranged from $780 million if the bill the Ways and Means Committee reported was adopted without amendments to $4.5 billion in 1980 if elementary and secondary private schools are included. This is a question that concerns many of us even as much as the educational policy question. The fact is we are running an annual $50 billion deficit, and have had such a deficit for 5 years. So, can we afford this additional $4 to $5 billion?

Furthermore any tax analyst, or budget analyst, who is a realist must honestly say that, whatever the cost estimates are today, this figure will grow to an astronomical figure. I predict it will be much more expensive than revenue sharing.

It is my belief that we should strengthen and help the public school system not necessarily as we have known that system in the past, but the principle of public school education. We cannot afford a deficit of from $5 to $10 billion or more for the next 10 years.

I must say, however, that this issue has been one which has been advanced in a respected and acceptable manner. There have not been marches on the Capitol, threats, or reprisals. It is a broad-based issue involving both church groups and private nonprofit groups. It has been a steady, unrelenting advocacy.

The argument is that a great many pay public taxes and never get any benefit for their children's education. These people are justified in making this argument, and it is not enough to say that they forfeit that right by choosing private institutions. The most fundamental, deep-rooted problems are in public schools today. This has to be corrected or redirected lest our whole educational systems tumble over each other in the abrupt disarray.

It does us little good to point the finger at the cause of these problems, but those on the Federal level must admit that some of our Federal regulations have augmented these problems—forced Federal busing, needs tests in aid programs, compliance with hundreds of needless forms, complications of loan programs, the flirtations with a quota system, abolishing prayer in school, and the overall expectancy that the Federal Government knows best how to run a school system. As a result of this overpowering Federal presence private nonprofit schools have grown, and may well continue to grow unless we can find better answers to problems that plague our public schools.

Perhaps we should admit that these private schools will continue to grow ever if Federal pressures are removed simply because parents prefer to have smaller, direct, and religious influence. This aspect of the controversy is not merely a scramble for the dollar. It is basic and deeply important. Public school administrators must recognize this fact.

But on the other hand, for 200 years our public school system has made us the most enlightened citizens in the world. We ought not to inflict deep body wound on our public school institution in order to give tax relief to others. This is not even necessarily the best way to help our private schools. If we adopt this proposal, our public school system will never be the same.

Perhaps we have expected too much from our public schools. We have expected them in addition to teaching the traditional reading, writing, and arithmetic to teach people how to live together and how to solve some of our most grave social problems. In an earlier time we expected to solve some of these problems through the home and through the church.

These are important goals and no one wants to see a change in our policy that would encourage the public schools to become a dumping ground for problem children.

For all these reasons I am voting against H.R. 12050, the Tuition Tax Credit Act of 1978, and against the amendment that would increase the credit from 25 to 50 percent and against the amendment that would extend the tuition tax credit to elementary and secondary education. I have always been most interested in education, particularly public education and consider it a basic right of every individual. For this reason I supported the administration plan that would add to three existing Federal programs. I also support, but with some reservations, Mr. MIKVA's amendment in the nature of a substitute that would provide for deferral of Federal income tax for tuition paid to postsecondary vocational schools and colleges.

Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, honest people can conscientiously differ in their basic approach to improving our society and in particular our educational systems. I genuinely respect those people who differ from my view and conclusions and I hope others will respect my thoughts and position on the matter before us today. This is the essence of functioning democracy.

Mr. Chairman, I support the concept of a tax credit for persons paying tuition for education as a means of reducing the cost of education for the student and as a means to encourage educational improvement.

As a cosponsor of legislation to accomplish this goal, I commend my colleagues on the Ways and Means Committee for bringing this legislation to the House floor and for providing the mechanism by which an amendment can be offered to extend the availability of the tax credit to those paying elementary and secondary tuition expenses.

Some see this as an education issue; but, in my judgment, it is a question of tax policy. Traditionally, the Congress has used its taxing powers to effect desired social change. The legislation before us is a logical extension of this authority and this tradition. It is directed toward providing a measure of tax relief and equity for our overburdened middle-income taxpayers.

As one who was educated in the public school system and been associated closely with organizations related to the public educational system, I strongly support and will continue to defend the best possible public school system and would not support any proposal directed at weakening it.

The tuition tax credit would not reduce the budget allocation to our public schools but would, instead, simply provide a diversity of educational opportunity. Innovation and experimentation have been helpful in advancing the quality of our educational institutions and benefit both the private and the public school systems, and the public in general. Many educators have mentioned to me that the competition factor that private schools provide is a healthy one for our society and our educational system. Fewer than 10 percent of all elementary and secondary students are enrolled in private schools, and with annual expenditures for public education at about $100 billion, the budget estimate of $900 million approved by the House last week and expenditure of which is authorized in this legislation is not very significant by comparison and certainly this cannot be construed to be a threat to our public school systems.

Simple equity and fairness lead to the conclusion that there is room in this great Republic for a strong and viable public school system while, at the same time, retaining the many contributions private schools provide to our society.

The tuition tax credit would provide for much needed tax relief for middle- and lower-income families. The concept is intended to permit parents, who are increasingly burdened by the escalating costs of education for their children, to take a credit on their income tax returns for legitimate educational expenses.

With regard to the constitutional issues being raised, testimony, and expert comment from constitutional scholars has overwhelmingly endorsed the tax credit idea. Nevertheless, I recognize that any conclusions are debatable and will be ultimately resolved by the courts.

It is significant to note in debating the question of constitutionality that the tax relief proposed by this legislation is being offered to the individual and not the institution. If there were to be direct institutional aid to a church-related or private school, this in my view would be unconstitutional and, accordingly, I would oppose it.

The concept of direct assistance to the individual is certainly not a new idea. It has been used successfully in the administration of the GI educational benefits bill among others. In addition, donations to churches and charitable oganizations are deductible under the existing tax code, so the comparable legal and constitutional questions have been addressed.

Last, the tuition tax credit will be a simple proposal to administer. One which will not add another layer to the bureaucracy or add additional administrative costs to our already overly swollen Federal budget.

I urge my colleagues to support the inclusion of elementary and secondary educational tuition expenses. This group of students comprise only approximately one-fifth to one-fourth of the total potential beneficiaries and less of the potential revenue loss.

Finally, this legislation provides for a speedy judicial test of the constitutionality. Many legal scholars believe such a test will result in the Court's approval. I, for one, believe we should settle this constitutional challenge once and for all so as to remove the continuing aura of ambiguity on this issue. Regardless of the so-called constitutional experts, however, it is the constitutional responsibility of the Congress to enact measures which it has reasonable grounds to believe are constitutional and to leave the final decision to the Supreme Court.

Mr. CONABLE. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois, Mr. CORCORAN.

Mr. CORCORAN of Illinois. Mr. Chairman, during the months that I have been privileged to serve in this House, I have on many occasions taken the floor to argue the case and urge support for tuition tax credits.

Today should be a grand day because we are finally getting to tax credits in a form that really counts. After all, the bill before us has been brought to the floor by the Ways and Means Committee, heretofore the place where tuition tax credits have been pigeon-holed. Yes, it should be a grand day for tuition tax credits because most everyone agrees that the bill will pass this House, at least with those provisions reported favorably by the Ways and Means Committee.

So, why on Earth you may wonder, am I sounding apprehensive? Indeed, some might say it is rather incongruous for the original House sponsor of the so-called Roth college tax credit bill to be injecting a note of pessimism into this debate. Well, Mr. Chairman, let me tell you what I have found in preparation for this debate.

First, let us put this in some perspective:

During the past few years, the other body has repeatedly passed college tax credit bills, and the House has killed them. Last December, the social security bill was held hostage by the tax credit amendment of the other body until an agreement was made that the Ways and Means Committee would take up the tax credit issue in 1978. That committee did so and the product of its work is before us today.

In the meantime, the Carter administration began to move on this, sparked by a memorandum from HEW Secretary Califano to the President urging that this hot issue be corralled. After getting the go-ahead from the President, Mr. Califano's people in HEW went to work and devised a fairly predictable solution—solve the problem by extending the existing Federal grant and loan programs to cover middle-income families.

This proposal was introduced, and on March 8 it was quickly approved by the House Education and Labor Committee as H.R. 11274, the so-called Middle-Income Student Assistance Act. Similar action was taken at about the same time in the other body.

Then, on March 20 an attempt was made by the leadership of this House and the sponsors of H.R. 11274 to bypass the Rules Committee and the tax credit sponsors and consider it on the Suspension Calendar for that day. By a vote of 156 to 218, this House refused to be taken in by this unfair maneuver, which would have forced consideration of the administration's proposal without adequate debate or the opportunity to amend it.

Since then, the administration's proposal has been marking time in the Rules Committee, presumably awaiting action by the Ways and Means Committee on tax credits. That action has occurred, bringing us to the debate on the tax credit bill today.

But what has actually been happening on the alternative to tax credits offered by the administration? Well, they certainly have not been marking time.

First, the President's men and women went to the House Budget Committee and got the majority there to produce a committee report, which in several instances is very antagonistic to tax credits and very supportive of the alternative offered by the Carter administration. During floor debate, many Members, including me, challenged this highly unusual action by the Budget Committee taking a choice between these two different solutions before either of the authorizing committees had completed action. And the result of our work on the House floor was to check the action of the Budget Committee and the President's representatives, thus repairing most of the damage done to our orderly legislative processes.

But, Mr. Chairman, the intrigue has by no means ended. Next, we must follow this controversy to the House Appropriations Subcommittee on Labor and HEW, where again an attempt is being made to "jimmy the works" against tax credits.

It appears that, having failed to accomplish their ends with the Budget Committee, our opponents are now working behind closed doors in the Appropriations Committee. Apparently, they are trying to get most of the funding needed for the Carter program without going through the "inconvenience" of floor action; thereby bypassing the necessity of full and open debate by the entire House membership on H.R. 11274, the so-called Middle-Income Assistance Act.

Mr. Chairman, I recognize this is a serious charge on my part, but considering the way this issue has been handled by the Carter administration ever since the controversy over tax credits began, and the evidence uncovered regarding the Appropriations Committee, I fear this conclusion is inescapable.

Mr. Chairman, let me close with two points. First, it is obvious to me that the action we take on tax credits today is really only one big step in the process. Now we are on offense, and I am confident we are going to make some big points for tuition tax credits.

But, secondly, we are going to have to get tough on defense to win this battle over tuition tax credits. We played good defense during the debate on the budget resolution, but more defense may be called for when we get to the HEW appropriation bill. For that reason, I sent Chairman GEORGE MAHON of the Appropriations Committee a letter on May 23, alerting him to the shenanigans taking place in the Labor-HEW Subcommittee, and I would like to share that letter with my colleagues for their information at this point in the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 23, 1978.

HON. GEORGE H. MAHON,
Chairman, House Committee on Appropriations, Rayburn House Office Building, Washington, D.C.

DEAR CHAIRMAN MAHON: It has recently been brought to my attention that the Labor-HEW Subcommittee of the full House Appropriations Committee on May 4, reported out some controversial funding recommendations for fiscal year 1979. The provisions in the bill which especially disturb me center around the increased appropriations proposed for the Basic Education Opportunity Grant Program, the Supplementary Education Opportunity Grant Program, the Work Study Program, and the Incentive Grant Program for State Scholars.

It is apparent to me that these increased appropriations, amounting to nearly $1.4 billion, were recommended as a vehicle to circumvent the present legislative process now before the House. As you are aware, the House will consider H.R. 12050, the "Tuition Tax Credit Act of 1978," later this week. Since early this year, that proposal has been a competing force against the so-called "Middle-Income Student Assistance Act." Although the President and the majority leadership in Congress favor the latter approach, there is widespread support for the tax credit concept among the membership in the House as witnessed during the consideration of the second budget resolution for fiscal year 1978, last September, and the first budget resolution for fiscal year 1979, recently enacted.

On March 20, 1978, the full House went on record in opposing the President's higher education plan by a resounding vote of 218–156. Although this vote occurred on a technical motion, it was apparent that the membership will continue to refuse to consider that proposal without also, at the same time, being able to pass judgment on the tax credit approach. It seems to me now that an end run has occurred within the subcommittee to force the President's program through, perhaps thinking that it would never be successfully adopted on the House floor. Their thinking, perhaps, is that if the tax credit bill passes Congress, then it could go to the President, and he could veto it with the knowledge that funding for most of his program is contained in this year's Labor-HEW appropriations bill!

Mr. Chairman, I would ask that when this bill is considered by the full Appropriations Committee on June 1, that you take into account the unfairness of this situation. This is not the open approach to choosing between competing governmental solutions that the American people expect from their government. We should allow enough time for the House and the Senate to work their wills on this critical issue. Because of the widespread attention and support the tax credit concept has in this country, I hope you will agree it would be unfair and wrong to allow this procedure to occur. Furthermore, I might point out this additional appropriation is nearly $700 million more than is contained in the 1979 budget resolution, thus its passage would be a severe jolt to the entire budget process.

I would appreciate your personal attention to this important matter. Please feel free to contact me if I can be of further assistance to you.

Sincerely,

TOM CORCORAN,
Representative in Congress,
15th District, Illinois.

Mr. Chairman, those who have preceded me in this debate have demonstrated that the better solution for helping middle-income families educate their children is the tuition tax credit. We do not need more bureaucracy to solve this problem. Letting people keep their own money and make their own choice is not only the better way; it is the American way.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I introduced the Middle-Income Student Assistance Act that was recommended by President Carter. In the Committee on Education and Labor we adopted an amendment offered by myself which gives a more even reduction in the amount of BEOG grant a student is entitled based on parents' income up to $26,700. The Carter proposal gave a flat grant of $250 for all with incomes between $16,000 and $25,000. I think it is an excellent piece of legislation now. When it comes before this body I will be urging strongly that we do adopt it.

However, I am one of those who favors tax credits. I have for years. In fact, all of the years I have been in Congress, I have favored tax credits. I believe it should not in any way be confused with what we are trying to do in the Middle-Income Student Assistance Act, because there is no grant of money as such in the tax credits. To me it is very similar to tax deductions.

What we are saying is, in effect, we should not tax people for the money that they expend where, if they did not, the public would pay for it. Normally that comes about with a tax deduction, but I find a tax credit a much fairer piece of legislation, even though very similar to the tax deduction, in that no matter at what income level a person is, the benefit will be the same in the amount of taxes each will not have to pay. So that is just letting money remain with the taxpayer for expenditures that he makes.

One of the strongest reasons why I support tax credits for higher education is that it will encourage motivation on the part of parents while the students are in high school, or even before, because one thing they are certain of, no matter what income they will have at the time their son or daughter goes to college, they will be able to receive a tax credit. As far as the grants are concerned, it is only for those who are at lower income, and they do not know what their income will be when their students go to college. Their hope would be that they would be at higher income at that time.

Motivation will encourage more people to go on to postsecondary education, and I think our country benefits by postsecondary education.

I also support tax credits for elementary and secondary schools. As was talked about earlier, I had considered offering an amendment that there would be a limit on the amount of tax credit for elementary and secondary education. The limit I would propose is the average amount of Federal aid which is made available per public elementary and secondary student in our country. However, since the Vanik amendment only has $100 tax credit in the second and third year, we will not get up to the amount that is made available for public education anyway. So there is no reason to even work on such a limit at this time.

I believe also that this will not in any way endanger public education, as public educators say. I think it will only strengthen education. The amount of $100 tax credit is not going to encourage a vast expansion of private schools in the Nation. The cost is much greater than $100, closer to $2,500. Tax audits will only be a recognition of the sacrifice that some parents are making in order that they might have the education they want for their children.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. SAWYER).

Mr. SAWYER. Mr. Chairman, I am not going to take the full 3 minutes. I just want to respond to the arguments advanced by my distinguished colleague. the gentleman from California (Mr. KETCHUM).

I am fully in support of the two Vanik-Frenzel amendments, as well as the bill. In my district there is the city of Grand Rapids, Mich., where 30 percent of the students attend parochial school systems. We have a large Christian Reformed system as well as a Catholic system. Now, if those systems were abolished, it would be reasonable to assume that the expense to the public school system, and hence to the taxpayers, would be increased by substantially the same percentage; so the argument that it is inequitable to those that have neither children or are married or retired fails, because the tax burden would be substantially increased were it not for the taking on of a significant portion of this burden by those who opt to support the private school system.

Mr. KETCHUM. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from California.

Mr. KETCHUM. Mr. Chairman, I would like to ask two questions of the gentleman from Michigan. The gentleman mentioned parochial schools. Are there public schools there as well?

Mr. SAWYER. Yes; certainly there would be a lot more public schools if it were not for the parochial schools.

Mr. KETCHUM. Mr. Chairman, if the gentleman will yield further, if they do have public schools, there is nothing in this bill to close the public schools.

The second question I have to ask, Is there anything in the law in the gentleman's district that forces people to send their children to private schools?

Mr. SAWYER. No; but I make the argument back, that if the private school system was not being supported by parents who opt to use the private school system, the tax burden on the people in Grand Rapids would increase by 25 to 30 percent; so there is no inequity in this situation giving these people the option to send their children to private schools and still take on the public load that they opt to take and thus spare the public that additional expense.

Mr. KETCHUM. Mr. Chairman, if the gentleman will yield further, I appreciate the argument that if the children from the private schools would invade the public schools, there would be an increase in expense to the taxpayers; but the children going to private schools do so entirely freely by their own choice.

Mr. SAWYER. Well, I do not see the validity of an argument that there is an inequity to allow those parents who send their children to private schools some credit for the additional burden they remove from other taxpayers.

Mr. CONABLE. Mr. Chairman, I yield 4 minutes to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Chairman, I want to express my support for the tuition tax credit concept. I am a cosponsor of H.R. 10974 with our colleague, Congressman DELANEY. Our bill allows the tax credits for primary and secondary education as well as postsecondary tuition; thus, I will be supporting the Frenzel-Vanik amendment to the committee bill.

This legislation, Mr. Chairman, represents a fresh alternative to the usual approach taken by Congress in such matters. Let us compare for a moment the tax credit approach with the Carter plan for increased Federal grants to college students. Carter has proposed an additional $1.5 billion to assist low- and middle-income families in meeting the costs of college education to be channeled through direct grants to families with proven need up to a maximum of $250 a year. Now the bill under consideration today will also provide $250 per year in the form of a tax credit to any taxpayer who certified that he was paying tuition for a dependent. Our approach here would require no more than one line on a 1040 form, with a supporting affidavit.

However, the Carter plan would require use of the immense Federal bureaucracy with the usual forms, reviews, disclosures, judgments, paperwork, and prolonged correspondence. Under this approach the Government retains all the power, and the people must appeal to the Government like supplicants.

What is most interesting to me, Mr. Chairman, is the opposition to the tax credit approach by the special interest education-welfare lobby and by the Federal bureaucracy itself.

Initially, it was argued that the tax credit approach such as that advocated by Senator ROTH was too expensive. But, this has proven to be a little ridiculous; the estimated cost of the tax credit approach and the Carter administration's grant plan are about the same $1.5 billion. The only difference is that many more families would benefit from the tax credit approach.

This takes us to the real objections to this legislation. We are being told that tuition tax credits would benefit the well to do far more than those who need help. But a careful analysis would, I think, refute this. Does anyone seriously believe that a $250 or even a $500 a year tax credit is going to make a difference in whether or not a family can send a student to Harvard or Stanford? Certainly not. But, a $250 to $500 tax credit might enable a lower middle-income family to send a student to a State university such as the University of Idaho or Boise State University. So I think that tuition tax

credits will benefit most those who need help—the lower- and middle-income families.

There are also the assertions that this legislation will lead to the destruction of public schools. Well, if the public education establishment is so fearful of this bill then that ought to tell us something. Nevertheless, I think that assertion is wrong also. Fortunately, one organization, the Congress of Racial Equality (CORE), has attempted to refute this claim. I would like to include their statement that was sent to all Members of the House in my remarks at this time:

AN OPEN LETTER TO MEMBERS OF CONGRESS ON THE TUITION TAX CREDIT ISSUE

The Congress of Racial Equality urges you to support tuition tax credits for elementary and secondary school students. CORE, as a major national civil-rights organization, rooted in Black communities across the nation, is in a unique and important position to speak on this legislation, particularly in terms of its effects on Black and other minority citizens. It is our longstanding concern for the education of our youth which has brought us to the Senate Finance and House Ways and Means Committee hearings and which impels us to address you now, as key votes on the legislation approach.

During the debate on tuition tax credits, various allegations have been made that the credits would destroy public schools and that minorities, in particular, would be hurt. We believe not only that such fears are groundless but that tuition tax credits will benefit the poor and minorities. A look at the hard facts and common-sense reasoning will show why this is so.

The rich have always had choice in America. Their children either attend private schools or, much more typically, they attend exclusive suburban public schools. Tuition tax credits are one effective way of increasing the choices available to poor people.

CORE has long been committed to the improvement of public schools, and CORE is unchanged in its dedication to this goal. However, the public schools are now doing an inadequate job of educating inner-city Black children. CORE, in response to vigorous urging from the community, opened CORE Community School in the South Bronx. In surveying the situation, we found that in the neighborhood public schools the children were reading, on the average, one to two years behind grade level, with many individual cases of failure much worse than that. In New York City the proportion of pupils reading at or above grade level has dropped from 47 percent to 40 percent in the past two years. The same dismal situation prevails in cities across the country. Public schools are enmeshed in webs of bureaucracy; while administrators' and teachers union interests are deemed important, the children's interests are largely neglected.

The people are crying out for alternatives. We have seen this at our school in the Bronx. We have seen this as parents in poor communities across the country do without groceries so they can scrape up the tuition to send their children to non-public schools. Incidentally, the tuition at these neighborhood non-public schools (which are much more numerous than the elite private schools often cited in discussions) is usually at a low enough level that the amount of the proposed tax credit would be significant.

These families we speak of should no longer have to face financial hardship to obtain quality education.

The lack of financially plausible non-public school options has contributed to the exodus from cities and the destabilization of neighborhoods. A vote for tuition tax credits would be a vote for strengthening communities and recognizing their right to control their own institutions.

Perhaps the most salient point is that the existence of strong non-public schools, fostered by tuition tax credits, will provide a competitive stimulus for improvement in the public schools. No one expects people to desert public schools in droves upon enactment of tax credits, and CORE, being strongly committed to improvement of public schools, would not wish for such an eventuality. Rather, private schools will be a catalyst for change. Competition is the only real hope for breaking the bureaucratic logjam now gripping our public schools and increasing accountability and effectiveness.

In the course of the debate you have heard school boards, teachers unions and others with vested interests decry tuition tax credits and claim that public schools will be destroyed. Their rhetoric reflects only their own fear of losing power and their embarrassment over the failure of too many of the public schools entrusted to their care. We note that, by and large the affluent have not abandoned public in favor of private schools. Rather, they have voted with their feet and moved to suburban areas with exclusive public schools, where per-pupil expenditures are two to three times as much as at the most elite prep schools.

Some civil-rights leaders have spoken in opposition to tuition tax credits. This reflects largely that the tax credit approach to tuition assistance is rather new in terms of minority community participation, and the possible benefits of this approach have been inadequately explored. Also, some minority leaders are allied with school board and union powers that be and are putting their trust in the same old non-functional formulae. But we have seen the groundswell of opinion in the Black community at large in favor of alternatives.

In regard to specific features of tuition tax credit legislation the existence of a refundability clause, which would allow a refund to the taxpayer if the tuition tax credit is greater than the total tax owed, would be highly beneficial to the poor and minorities. They could benefit the most from this provision, because of their low tax bracket.

In summary, every day tuition tax credits are not available is a day when more poor and minority children are stifled in our failing public school systems. A choice is needed now. CORE has been in a position to perform an objective clear-headed analysis of the tuition tax credit issue. We trust that you will perform such rigorous analysis and hope that you will see the value of tuition tax credits.

In closing, Mr. Chairman, I think that it is imperative that we consider the real reason that special interest groups such as the National Education Association, the Ralph Nader groups, and the Federal bureaucracy are so strongly opposing these tax credits.

The one big difference in this legislation that we are considering today from most other bills that flow through Congress is that this bill does not redistribute income from those who earn it to those who do not. The chief opponents to this bill such as the NEA and Ralph Nader and the socioeconomic manipulators in the public sector are dedicated to forced income redistribution by Government through the progressive tax system. Furthermore, I would suggest that Government bureaucrats and their special interest allies have a natural dislike for what they cannot control. In this case freedom of choice in education. I ask why does HEW and the NEA object so strongly to free choice in education on the part of parents and students?

Mr. Chairman, I strongly urge this House to pass this legislation.

Mr. VANIK. Mr. Chairman, I yield 5 minutes to my distinguished colleague, the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman, to be effective a higher education policy ought to provide help to parents in real situations. The bill that we are debating today involves $100 of help this year, $150 of help next year, and a maximum of $250 of help.

I must confess that I am constrained to agree with my colleague, the gentleman from Massachusetts (Mr. BURKE) when he asks the question: "What are we arguing about?" This certainly is not enough to make a difference in terms of parents being able to afford higher education for their children. In fact, it does not even provide much of a rooting interest in their problem. Yet even if we go up to the munificent sum of $500, which is what the Senate bill provides, we are not providing enough help and we are talking about a revenue impact of several billions of dollars.

The hard facts are that a tax credit or a forgiveness of tax is not going to solve the real problems that parents with children in higher education institutions have, and that is that they have a cash shortage. They do not so much need a "tag day" or a handout as much as they need something to smooth over what is a very rough financial period for them over a relatively short period of time.

That is why the gentleman from California (Mr. KETCHUM) and I are proposing an amendment which will provide substantial help of up to $2,000 a year for each child in higher education. And our proposal will mean less of a revenue impact to the Treasury.

We are not doing this with mirrors or with peanut shells; we are doing it simply in this way: Instead of a forgiveness of taxes, our proposal is a deferral of taxes or a loan, if you will, against taxes—to be repaid over a 10-year period after the student is out of college, with a 3-percent interest charge.

So instead of having this heavy revenue impact that the existing proposal portends, the Mikva-Ketchum proposal will cost much less, and by 1989, it will in fact be bringing in some modest sums to the Treasury; and instead of providing $100 this year, our proposal will provide $1,000 of tax deferral this year.

For those reasons, we think that the amendment which I intend to offer, which is made in order under the rule as a substitute and which lost in the Committee on Ways and Means by a vote of 19 to 18, ought to be adopted. It will in fact provide real relief to parents, and it will mean a far less impact to the Treasury.

Mr. Chairman, let me address myself, if I may, for one moment to one of the other amendments that will be offered. That is the proposed amendment of the gentleman from Ohio (Mr. VANIK) and the gentleman from Minnesota (Mr. FRENZEL) to include elementary and sec-

ondary education in this proposal. Another prerequisite for any kind of effective measure that we adopt here is that it has to become law.

Mr. Chairman, I am aware that there are a lot of our colleagues who believe that the Constitution is not something we ought to busy ourselves about and that we ought to leave that to the Supreme Court. But I would suggest to them that, if for no other reason, they should view the problem pragmatically and be aware that the present Attorney General, at the request of the administration, has specifically ruled that an amendment like the Vanik-Frenzel proposal is unconstitutional.

I put the question to the Members on solely pragmatic terms, if they agree with the opinion or not: Is there any stretch of the imagination by which the President of the United States can sign a bill which his own Attorney General has told him is unconstitutional?

The surest way of making certain that there is no bill that ever becomes law is to include in it elementary and secondary education. If the idea of tuition tax credits or tuition deferral is a good idea, we ought to limit that to higher education, where there is a good chance that it is constitutional and where the Attorney General has indicated that he will impose no constitutional opposition. Otherwise, we are inviting a fruitless exercise in sending a bill to the President, knowing that he must veto the bill.

Mr. Chairman, let me say, briefly, so far as the merits on constitutionality is concerned, for those of us who view the oath we took on the opening day to support and defend the Constitution of the United States as the same oath that is taken by the Supreme Court of the United States, the cases are quite clear; this kind of proposal would run afoul of the establishment clause of the first amendment, so far as church and state is concerned.

If I can quote one brief paragraph from the Nyquist decision, which has been referred to previously, Justice Powell, now still sitting on the court, said for the majority:

> . . . Special tax benefits, however, cannot be squared with the principles of neutrality established by the decisions of this Court. To the contrary, insofar as such benefits render assistance to parents who send their children to sectarian schools, their purpose and inevitable effect are to aid and advance those religious institutions.

The bill was struck down as a result.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I rise in support of H.R. 12050. I would like to address my comments to the basic bill providing tax benefits for the support of the cost of higher education, postsecondary education, as it is called.

Earlier this year, the administration, seeing the support that evidently was building for the proposition of tuition tax credits, came up with their own version of help for postsecondary education. That bill went to our Committee on Education and Labor. That bill would change the family income limits for participation in the currently existing programs—the basic educational opportunity grant, the supplemental education opportunity grant, and the guaranteed student loan program.

One thing that the administration pointed out, in support of that, was that these programs would help the entire range of families, from the very lowest income to the upper limits, as they were proposed by the administration. Therefore, that was fair, as opposed to tuition tax credits, which the administration said would help only middle and upper income people.

First of all, I think the administration was analyzing this incorrectly by looking at tuition tax credits all alone, as though it would be the only existing program, and testing that against the range of those who might need help to determine whether this one program, standing alone, was fair for all income levels. And if you do that, of course, if you set the parameters of your examination in that way, you have already answered the question before you need to examine the program, because the parameters themselves exclude fairness.

What we should do is look at the total system, the BEOG's and SEOG's guaranteed student loan program and tuition tax credit standing together as the range of programs available and as the range of programs that do introduce more fairness into the system than the one proposed by the administration or that existing today.

Mr. Chairman, the Members may recall that when the administration program came on the floor under suspension of the rules, I asked that we have a recorded vote on the question of ordering a second; and by a substantial margin, this body turned down ordering the second. Therefore, we did not consider the administration's program. This body had made it clear it preferred the bill before us today.

One other thing I would like to mention is that the Congress of Racial Equality endorsed the bill before us with the addition of primary and secondary. I found this to be a very interesting document of support which came to my desk the other day, in which they pointed out that diversity in primary and secondary education is very important and that the way to keep private schools in operation and, therefore, provide the diversity and some competition at the primary and secondary level was to encourage, through tuition tax credits, helping those primary and secondary schools.

Mr. VANIK. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. EILBERG).

Mr. EILBERG. Mr. Chairman, I rise in support of the bill and of the Vanik amendments.

Mr. Chairman, before the House votes on the amendment to include nonpublic elementary and secondary schools in the tuition tax credit bill, I would like to take this opportunity to tell my colleagues what this legislation means to the city of Philadelphia.

More than 30 percent of the children in Philadelphia attend nonpublic elementary and secondary schools. In fact, of all major American cities, Philadelphia has the second largest percentage of students in nonpublic schools.

The children that attend these schools are not the sons and daughters of rich parents who wish to avoid public schools. Quite the contrary, the children come primarily from lower and middle income families. Many of the students are not Catholic.

The point, Mr. Chairman, is that the nonpublic elementary and secondary schools of Philadelphia are not exclusive institutions.

The student body of these schools is made up of children whose parents have a commitment to excellence in education. In a great many instances, families undergo severe financial hardships in order to make it possible for the children to attend nonpublic schools.

In the past few years, tuition at these schools has increased significantly. Parents who—through sacrifice—were able to send their children to nonpublic schools, are being priced out of the market. Their freedom to choose the kind of education they wish for their children is being abridged by a lack of available funds.

In Philadelphia, the maintenance of nonpublic schools is absolutely essential. The public schools are already overburdened, and the system faces serious financial problems. If a large number of children who now attend nonpublic schools were suddenly put into the public school system, the public schools of Philadelphia would face a crisis. An influx of new students into the public schools would be a fiscal and educational disaster. Therefore, the health of the public schools in Philadelphia depends on the continued vitality of the nonpublic schools system.

Mr. Chairman, I favor tuition tax credits for parents who send their children to nonpublic elementary and secondary schools, because I am committed to the continued success of both the public and nonpublic educational systems in Philadelphia.

Mr. VANIK. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kansas (Ms. KEYS).

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentlewoman yield?

Ms. KEYS. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, I thank the gentlewoman for yielding.

My friends on the other side have been making glowing references to an organization called "CORE."

I wonder whether any of them have researched in recent years what CORE is all about. It is not one of the major civil rights organizations. It has almost been moribund for about 5 or 6 years, so I think my unenlightened friends on that side of the aisle ought to delete any refer-

ences to CORE because they do not know enough about it.

Ms. KEYS. Mr. Chairman, I rise in opposition to the tuition tax credit legislation before us. While I believe there is a need for increased assistance to college students and their families to cover the rising cost of tuition, I do not believe that the tuition tax credit is the most effective means of providing that aid. The credit is inefficiently distributed, fails to provide middle class families with the level of assistance they need at the time they need it, increases taxpayer paperwork, and fragments our national educational policy.

The bill provides a maximum credit of $250 to families regardless of their income level. Thus, all families with children in school would receive the credit regardless of their financial ability to bear the cost of their children's education. A major portion of the benefits will go to families in upper income brackets. Nearly one-third of the benefits of the bill will go to families with earnings in excess of $30,000 annually.

With college costs running at $7,000 a year, many middle-income families do need assistance in providing for their children's education. In the face of such enormous outlays, the proposed credit is of negligible assistance. The $896 million in the bill could be more wisely spent in offering low interest loans to the same families.

Under the proposed HEW student aid program a college student in a hypothetical family earning $25,000 a year would receive about $1,600 more from direct aid than from the tuition tax credit. In a $40,000 a year family, a student could be expected to receive as much as $2,500 more in direct aid. Clearly, the $250 credit is not the most efficient expenditure of taxpayer funds nor the most helpful to families.

More importantly, the assistance provided by the credit does not come at the time when the student needs it the most. Tax years do not coincide with school years, and families must find means of paying tuition bills in September—long before tax time arrives.

Further, the tax credit significantly increases the complexity of the tax system and the paperwork burden on taxpayers. Because the credit must be offset by the amount of any tax-free scholarships or other assistance such as veteran's benefits, taxpayers must pro rate the award between tuition and other expenses. One can anticipate a new Form TTC (Tuition Tax Credit) which requires complex recordkeeping and a series of lengthy calculations for the taxpayer as well as additional IRS audit capacity.

The institution of a tax credit fragments our national educational policy. Our educational leaders have long attempted to foster educational goals which equalize educational opportunity and which take reasonable account of the needs of our entire system. The tuition tax credit is clearly a step backward in achieving those goals.

Mr. Chairman, I would like to point out that it has to be considered as tax legislation. It is easy to fall into the category of thinking that we are passing education legislation.

Mr. Chairman, I remind the Members that it is tax legislation. As such, I would suggest it is a cruel hoax. It is not new legislation or changes in tax laws which bring fairness or equity into those laws. It falls and fails on both counts.

Mr. Chairman, I would suggest that the promise of bringing tax relief to citizens of this country is especially a cruel hoax, as we have already seen unexpected increases in tuition in higher education and postsecondary institutions at even the suggestion that this bill might be passed.

Mr. Chairman, I would also like to remind the Members that the idea of providing tax relief for elementary and secondary education, should the Vanik amendment pass, it is, indeed, a cruel hoax. As a matter of fact, parochial schools have made it very clear that their intention would be to immediately increase their tuition if this legislation would become law or established education policy.

I would remind the Members of the testimony that educators and student groups, unanimously came in to me and suggested that this would not be the way to continue assistance to educational opportunity.

Mr. FRENZEL. Mr. Chairman, will the gentlewoman yield on that point.

Ms. KEYS. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, that testimony was not unanimous.

Ms. KEYS. Mr. Chairman, I would accept the gentleman's statement.

The statements before our committee were not unanimous, but the people who sat in my office were unanimous.

Mr. Chairman, I would suggest that we should put our tax dollars where they count for educational policy, and that is in increasing student loans, grants and scholarships in existing programs to students who qualify on need and merit.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, this issue of tuition tax credits for education is highly controversial—not so much for higher education as extending the principle to the primary and secondary level.

I have for many years supported the concept for higher education and while at one time it could have been considered to be self-serving—as we sent four children to private institutions of higher learning—it comes too late for my wife and I to benefit in any way.

The education of our four children has turned out to be our largest dollar investment. It has been going on now for 10 years and will continue for another so I do not need anyone to tell me what the costs are. It is just getting to be an unbearable burden for the lower- and middle-income parents of this country.

TUITION TAX CREDITS

Mr. Chairman, when it comes to supporting important legislation, each of us eventually becomes either a preacher or one who has been convinced.

There are some issues about which we are so knowledgeable and so certain that we are immediately ready to preach their virtue to all who will listen.

On the other hand, many of us become slowly convinced about the virtue of certain positions and programs. Initially skeptical, perhaps even antagonistic, we read and study as much as we can. Quite often our original skepticism is overcome by the sheer weight of solid argument and documented fact. We become converted to a point of view we originally either doubted or actively disliked.

On the issue of tuition tax credits, I must say I am among those who have been convinced. When this idea started to become talked about, I doubted its wisdom. I had some real problems with what I sincerely believed were constitutional issues involved, as well as economic questions.

The idea of tuition tax credits makes educational sense. Tax credits, in the long run, make economic sense as well. Finally, tax tuition credits give the American people more freedom of choice. I believe it is precisely the exercise of such freedom that is most lacking in our educational system today.

Yes, I have heard and read the arguments against these credits. They are sincere arguments. But sincere as they may be, they are not persuasive.

One of the major arguments against tuition tax credits is that they will destroy the public schools.

This is a grave charge and since it has been made bv educational leaders, I looked into the change as best I could to determine whether or not there was any evidence to back up this claim.

The first thing I found was that there is absolutely no evidence available at present to even suggest that thriving private schools are a threat to public schols. Indeed, quite the opposite is the case.

Those States which spend the most per capita for public education are also those with the largest percentage of students in nonpublic schools. Deplorably, the reverse is true: those States which spend the least per capita on public education are those with the smallest numbers of nonpublic school pupils. The relationship, in my view, is due to the fact that competition between public and private institutions is beneficial to both systems. It appears that the greater the parental involvement in matters of educational choice, the greater the public esteem and support for all education.

That is what Walter E. Williams, distinguished economist of Temple University says about the charge that tuition tax credits would destroy the public schools:

. . . many, many public schools are doing an excellent job of educating America's youth. These are schools which satisfy parents and would not be threatened by increased competition The schools that would

be threatened by the reduction of monopoly powers are those public schools failing to do a job at least as good as their nearby competitors. These schools, for the most part, are those in inner cities that produce a product grossly inferior to their non-public counterparts. If such schools go out of business (become unattended), such an outcome is consistent with market efficiency and enhanced social welfare; the inefficient producers are weeded out and replaced by efficient producers.

I might add that those words come from a black American educator whose concern over the future of inner-city children is well known.

I fully recognize that personal experience cannot substitute for detailed analysis in a complex area such as this. But I do think it is relevant to my own position that I attended public elementary and high schools as did my wife and our four children. I am hardly what one would call a dissatisfied parent or taxpayer—insofar as public school education is concerned. Far from being opposed to a strong public school system I want to do everything in my power to make certain the public school systems throughout America function as well as the one we have back in Peoria.

At the same time, however, I know that there are some public schools which have, quite simply, failed. A recent series in the Washington Post outlined the appalling educational problems in the public schools of Washington, D.C. We all have read the headlines about declining test scores. We all have heard about or perhaps even experienced in our own schools, violence, lack of student interest, a general decline of educational standards. We cannot wish these things away and we cannot say to parents that they must send their children to schools thus afflicted. No, we should provide some mechanism for freedom of choice. Tax credits is such a mechanism, and it will not destroy public education.

I would like to turn now to what is perhaps the most complex and most emotional aspect of the tax credit issue—extending the principle to the primary and secondary level and whether that runs afoul of the Constitution.

I can say that I thought longer and harder over this proposition than any other, because of the principle involved.

While I respect the sincere feelings of many of my friends and colleagues who do not agree with me, I am personally convinced that the church-State issue does not apply in this case. I believe the tax credit is constitutional. And I believe it is the duty of the Congress to send a good, responsible bill to the President and, if it reaches the Supreme Court, so be it.

We should not be deterred in our deliberations because some so-called experts maintain that a tax credit is "clearly unconstitutional," as I read the other day. Clearly? To whom? Not to other experts who tell us just as convincingly and with as much, if not more, documentation, that it is constitutional.

Let us not be paralyzed by indecision because experts disagree. Let us do our duty as we see fit and let the issue get to the Supreme Court. If we are going to let warnings of unconstitutionality stop the legislative process, we may as well close shop and let the lawyers run the Congress, especially when there are as many experts saying tax credits are constitutional as there are saying it is not.

Columnist George Will recently addressed his column to this question and his words are deserving of mention here. He said:

Thirty years ago the Supreme Court, ignoring the clear intent of the "establishment" clause, propounded an extreme doctrine: no law can "aid one religion, aid all religions, or prefer one religion over another." That doctrine would have the virtue of simplicity, were simplicity a virtue in constitutional law. It is not, and the doctrine is wrong.

Edwin S. Corwin, the constitutional scholar, wrote: "The historical record shows beyond peradventure that the core idea of 'an establishment of religion' comprises the idea of preference; and that any act of public authority favorable to religion in general cannot, without manifest falsification of history, be brought under the ban of that phrase."

Previous Court decisions relating to tuition tax credits dealt with State laws that were in many regards suspect because of the narrowness of their application, the restrictions upon student eligibility, and the fact that they were limited exclusively to elementary and secondary school pupils. In fact, that was the incorrect hypothesis which Secretary Califano presented to Attorney General Bell and which led to Mr. Bell's negative evaluation of tuition tax credit legislation. As long as the Congress permits taxpayers deductions for donations to churches for specifically religious purposes, the constitutional arguments against tuition tax credits are not likely to be effective.

I recognize that there is one more major objection raised against the tuition tax credit and that is its cost.

Admittedly the cost will be somewhere close to $5 billion by calendar year 1980, but that $5 billion figure represents only 1 percent of the entire Carter administration budget. It is only 4 percent of what the Nation's taxpayers currently spend every year for education on the Federal, State, and local levels. If the current trend of increasing costs and decreasing enrollment in private education persists more and more children now attending private schools will be enrolling in public schools.

Let us suppose that half of the current 7.7 million private school students were to enroll in the public schools during the next 5 years. Suppose all of them did. What do you think that would cost the taxpayer given the current per-pupil expenditures in public schools?

And while we are discussing the problem of "tax loss," let us get something straight. The money an American earns is his, not the Government's. I cannot seem to fathom this new philosophy which holds that if the Government graciously allows you to keep some of the money you earn, it is doing you some kind of a favor. I have even heard it said that a tax credit is the same as a "cash grant"—that is just so much baloney.

The primary responsibility to educate children rests with parents, not with the State. When the State makes it economically difficult for parents to educate their children as they see fit, then Federal policy, not the parents, must do some rethinking. This is what tax credits are all about.

There are also fears that the tuition tax credit will result in more segregated schools. I do not believe this to be the case. Suffice it to say that when two distinguished black professors like Thomas Sowell and Walter Williams have testified before Congress that black children will be helped, not hurt, by a tax credit, I am persuaded that the "segregation" argument has no merit.

At the heart of this issue is not tax dollars or constitutional questions or even educational ones. At the heart of this issue is freedom. Out of freedom grows diversity and out of diversity comes opportunities for growth and change. I do not see this as an issue between public-nonpublic education. I see it as an issue concerning American parents and their children. They alone should decide what is best where education is concerned. The tuition tax credit is not a perfect instrument, but it does offer parents all across America a chance to choose. These parents are not going to suddenly drag their children out of public schools just to get a tax credit, contrary to what we are told by hysterical opponents of this measure.

Parents love their children. They want to do what is best for them. That is what matters here and that is why I support the concept of tuition tax credits for parents paying tuition to college, secondary, and elementary schools.

Mr. VANIK. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD), a member of the Committee on Ways and Means.

Mr. FORD of Tennessee. Mr. Chairman, I rise today in opposition to H.R. 12050, the Tuition Tax Credit Act of 1978. First of all, Mr. Chairman, the whole concept of a tuition tax credit is an inefficient way of directing aid to students and their families who are in need. Benefits under the tuition tax credit are not based on income or the amount of expenses a student has—it is based flatly on the number of students in a family. Thus, the student in a public university which has low tuition gets the same tax credit as a student in an expensive, private university whose costs are often 10 times that of the State university. Therefore students in private schools would be discriminated against, since they would get only a fraction of the relief that would go to students in public schools.

Mr. Chairman, our Ways and Means Committee has been urged to shift from deductions to tax credits in an effort to equalize the benefits of the Internal Revenue Code. A credit gives equal treatment to all taxpaying families, whereas a deduction gives greater benefits to wealthy people, who have more income to offset. In the case of tuition, however, an equal benefit for all persons regardless of income level, regardless of the actual expenses of the school, and re-

gardless of need, shows clearly the bankruptcy of this proposal.

This inequity is further emphasized by figures from the Joint Committee on Taxation. More than 50 percent of the benefits would go to persons earning over $20,000 a year, and only 9 percent would go to persons earning less than $10,000. Since the credit is nonrefundable, those who pay no taxes would not get any benefits at all. A letter from the director of financial aid for one of the State universities in my district makes this argument well. He writes:

I cannot in good conscience support a tax credit measure which would provide $200 to $600 million to students from family income levels of $30,000 and above as indicated in the C.B.O.'s report. When many of our major State universities have inadequate funds to assist needy students—students who meet current criteria for eligibility—it seems unwise to provide blanket coverage to these families with incomes in excess of $50,000.

This brings me to another argument. With a significant Federal budgetary commitment to tuition tax credits, pressure will mount in Congress to halt funding increases for other education programs, such as the student financial aid programs that have opened the doors to a good education to poor and minority students. We have made significant progress in this area. Let us not take a step backward.

Mr. Chairman, I realize that many Members are concerned about the financial burden of education. I am concerned about it as well. I think a much more equitable means of dealing with this burden are proposals such as the gentleman from Massachusetts (Mr. HARRINGTON'S) tuition advance fund. I recently had the pleasure of discussing this with Mr. HARRINGTON and President John Silber of Boston University. This proposal would enable any student, regardless of income level, to receive an advance from the Federal Government of tuition plus up to $1,000 of expenses with a maximum of $5,000 annually. This advance would be repaid after graduation on a long-term basis.

Since it would be administered by the Internal Revenue Service through the annual income tax return, the possibility of default would be minimized. Many colleges and universities are capturing the tuition tax credit by raising tuition now in anticipation of its passage. This would not be possible with the tuition advance fund. Institutions participating would have to agree not to raise tuition above an amount keyed to the cost-of-living index.

Mr. Chairman, the tuition tax credit has a great initial appeal. Indeed, my own feelings about it are reflected in a letter I just received from one of my constituents. It says:

DEAR MR. FORD: As a parent of a college sophomore, my first opinion of the tuition tax bill was one of gratitude. Since I have given it more thought and am now aware of the full implication of this legislation, I ask you to vote against the bill.

The tuition advance fund, and not tuition tax credits, would direct aid where it is needed and allow all students, regardless of income level or background, to achieve their potential by removing cost as a barrier to higher education. I would urge the Members of the House to consider innovative proposals such as this and not the current bill.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I can certainly sympathize with the desire on the part of this body to aid the financially troubled middle-income taxpayer, and I sense that this legislation does grow out of the very pervasive tax revolt that seems to be spreading across the country. But, I find great problems with the fact that this legislation, which began in an effort to aid the parents of college-age children, has now been expanded—or will if we adopt the so-called Vanik amendment—will be expanded to become a vehicle that I think contains the seeds of some very, very dangerous changes, public policy-wise, for the whole public educational system of our country.

I am in receipt of a recent letter from the State of Illinois, State Board of Education, which in part reads as follows, and I quote:

The amendments to be offered on the floor have a mischievous effect on the governance of education. Assistance under the tax credit proposal does not flow through State and local agencies which can assist and monitor compliance with public policy goals. There is no mechanism to protect against racial and social isolation in non-public schools.

That is precisely what concerns me about the amendment that will shortly be offered to this legislation.

I have another communication from the superintendent of my own local school district, who is deeply disturbed by what he believes could be the financially ruinous impact of this legislation on the public school system in my own home community. Our State aid is administered on the basis of the number of students attending public schools and he has assured me that his studies convince him that there is going to be a flight to the private academies and that as a result we are going to find a shrinking base of State aid for our public school system. In addition to that we also have a voluntary integration program going on in our public school system at home at the present time which he feels is going to be ruined if we proceed with this approach.

Let me, if my time will permit, quote one of the reservations that I have which is best stated I think in some remarks contained in a speech delivered by Mr. Jerome Kurtz, the Commissioner of Internal Revenue, in a speech he made in January of this year. It deals with the argument that of course there will be no tendency on the part of this legislation to promote segregation because under the law for the tax credit to be available to an institution it must be operated on a nondiscriminatory basis, but let me read what Mr. Kurtz said:

Notwithstanding that the Service is committed to removing tax exemption from schools that discriminate racially, and has devoted significant resources to ensure that its enforcement activity is equal to the task of assuring nondiscriminatory admissions policies, certain troublesome questions persist. One question is how we should evaluate the bona fides of the admission policy of schools located in communities subject to desegregation orders that operate over a long period of time without actually enrolling any minority students. Does that fact create a presumption calling for more careful scrutiny? Might a similar rule be applicable even in the absence of local desegregation orders?

It is because I do not think that the Internal Revenue Service is qualified and competent, notwithstanding its best intentions, to carry out a policy of nonsegregation in the schools or in the school systems of our country that I feel that with the adoption of the so-called Vanik amendment—and I know the gentleman well enough to know that it is not his intent to promote segregation in education through his amendment—but notwithstanding that I have a fear, notwithstanding the gentleman's protest that is not his intent, that nevertheless it will be the effect of the adoption of his amendment.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. RINALDO).

Mr. RINALDO. Mr. Chairman, I rise in support of the legislation, and in favor of the Vanik amendment to grant tax credits for nonpublic elementary and secondary education expenses.

This is a crucial bill. It represents one of those rare instances when we have a chance to help the people in this Nation who need help the most—middle-income Americans. They are all too often forgotten in the programs we consider here—even though they pay for them. They are not protesters, and they do not want charity.

But they do want a fair shake from Congress, and they have not been getting it. Today, through the Tuition Tax Credit Act, we can give them the help they justly deserve.

Time and again, we have seen Congress bestow benefits on various groups. Farmers receive subsidies. Large corporations get tax breaks. Billions of dollars are spent each year on food stamps, housing subsidies, and other assistance.

In the coming fiscal year, the Federal budget will top half a trillion dollars. Education alone amounts for $12.8 billion—an increase of over $2 billion from the current level of spending.

But this money does not go to private or parochial schools. It is primarily channeled to the over 90 percent of American children who attend public elementary and secondary schools throughout the Nation.

The Vanik amendment that we are considering today would go a long way toward eliminating this inequity.

It would grant tax relief directly to people who have been hit hard by inflation; who pay increasingly high property taxes for a public education their children do not receive; and who have gotten, at best, very little help from the Federal Government.

The opponents of this bill want things to stay that way. They do not want parochial and private schools to be supported. In fact, they probably would not care if parochial and private schools went out of existence entirely.

That type of attitude is dead wrong. I know from personal experience the tremendous contribution private and parochial schools make to our country.

As a cosponsor of the Tuition Tax Relief Act, I intend to see that they get the support from Congress that they deserve.

A majority of private schools students are from families with incomes of less than $15,000. Often they are considered too affluent to qualify for scholarship aid, but not affluent enough to bear the cost of a public or private education.

Tuition tax credits are no threat to public education, since not one dollar less will be spent on public education. Nor are they subsidies which will encourage parents to remove their children from public schools, which now enroll about 91 percent of all students.

What I fear for public education is the collapse of private education due to the pressures of Government-spawned inflation. The result would present our public schools and local taxpayers with enormous additional financial burdens. It would cost the States and local school districts at least $17 billion more if they had to educate the children now attending private and parochial schools.

My colleagues may be interested in the words of U.S. Commissioner of Education Ernest L. Boyer. On September 29, 1977, Commissioner Boyer stated:

> Private education is absolutely crucial to the vitality of this Nation, and public policy should strengthen rather than diminish these essential institutions.

Moreover, before he became President, Jimmy Carter was singing a different tune. On October 19, 1976, then-candidate Carter said:

> I am firmly committed to finding constitutionally acceptable methods of providing aid to parents whose children attend parochial schools.

In 1972, Secretary of the Treasury George Schultz testified before the Ways and Means Committee in favor of a tuition tax credit for elementary and secondary school students. Both major political parties have repeatedly endorsed the principle of aiding private and parochial schools and their students.

Mr. Chairman, this legislation is long overdue. It has been passed in similar form by the Senate, and the House of Representatives recently provided for funding of the measure in the first budget resolution.

I urge my colleagues to join me in pressing for passage of the Vanik amendment and passage of the bill. Without it, millions of Americans who are making a major contribution to the education of our youth will be shut out of Federal aid.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. RINALDO. I yield to the gentleman from New York (Mr. LENT).

Mr. LENT. Mr. Chairman, I want to thank the gentleman from New Jersey (Mr. RINALDO) for yielding to me and I want to join the gentleman in his statement.

Mr. Chairman, I rise today in support of H.R. 12050, the Tuition Tax Credit Act of 1978 and in support of the Vanik amendment which will extend tuition tax relief to parents of students attending nonpublic elementary and secondary schools, as well as colleges and universities. Adoption of this legislation will show middle income taxpayers in America that we recognize that taxes at all levels—Federal, State and local—are eroding the freedoms guaranteed under the Constitution. I am speaking of the freedom of choice in the education of our children.

For years, parents who chose to send their children to nonpublic schools have supported our dual education system. They pay local property taxes which provide the major source of support for our public school system, and they pay again, through tuition, for the right to send their children to the school of their choice. Our pluralistic society has been maintained because of this support, and I believe there are few if any among us who would question this.

Yet over the past decade, nonpublic schools have borne the brunt of declining school enrollments. While public secondary enrollments have risen by 18 percent in the last 10 years, comparable nonpublic school enrollments have decreased by 13 percent. In the same period, nonpublic elementary schools have lost 35 percent of their enrollment. The major reason for this decrease is the growing costs of maintaining our dual education system—costs borne disproportionately by nonpublic school parents. The Vanik amendment, by extending tuition tax relief to these taxpayers, will help assure the future of our pluralistic system which has served our Nation so well.

Make no mistake. I support our excellent public school system which educates some 90 percent of America's children, and I am a fervent supporter of our historic separation of church and state. I believe in the right of every individual to the freedom of choice and that extends to the choice of parents on how best to educate their children.

The law makes no requirement that children must attend public schools. Yet the combination of rising per pupil costs of public education, the ever growing tax burden, and rising tuition costs, work to deny this freedom of choice. Fewer and fewer families are able to afford to send their children to the school of their choosing as a result. It may not be too many years before all children could be forced to go to public schools, increasing the already heavy property tax burden on residents of local school districts.

Over the years we have nurtured our pluralistic society while retaining the traditional separation of church and state. That is as it should be it. I believe that tuition tax relief for parents of elementary and secondary school students poses no threat to that separation. Consider the fact that we allow tax deductions for charitable contributions, including those to churches. Moreover, the Supreme Court has upheld laws financing transportation to religious schools as well as loans of secular textbooks to students in nonpublic schools. The Supreme Court has upheld the tax exemption of church property, and nonpublic schools have been granted tax benefits consisting of exemptions of their income and property from income and property taxes. Thus, I see no constitutional problem in the logical extension of tuition tax relief to parents of elementary and secondary school students.

Moreover, the bill contains a provision for an expeditious ruling by the U.S. Supreme Court on the question of its constitutionality. This should resolve all doubts as to the legal validity of the tax credit for non-public-school tuition.

The choice of how to educate our children should be left to the individual. That choice should not be made by some Washington bureaucrat who is far removed from the local education system and who can tie up a taxpayer's money with redtape so tightly that he can never get it back when he needs it most. I say the taxpayer's money belongs to the taxpayer. Why should he have to give it to the Government, only to fight through the bureaucratic maze in an attempt to get a few pennies back?

Tuition tax relief assures freedom of choice at all levels of education. It provides this assurance in the most simple, direct, and practical way, without further expansion of our already massive bureaucracy. Tuition tax relief is an idea whose time has come. I support it at the college level and I support it at the elementary and secondary levels. I urge adoption of the Vanik amendment because it underscores congressional commitment to the future of our pluralistic democratic society.

Mr. RINALDO. Mr. Chairman, I thank the gentleman from New York, Mr. LENT, for his statement.

Mr. VANIK. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Georgia, Mr. LEVITAS.

Mr. LEVITAS. Mr. Chairman, I rise in support of the Tuition Tax Credit Act of 1978, H.R. 12050, because it is a tax relief bill for middle-income taxpayers. While it is only a first step, it is a beginning.

The cost of college education today is becoming prohibitive. The low-income family can qualify for all manner of loans, scholarships, and grants to help defray the costs of college education. The wealthy can afford to educate their children by virtue of having enough money to choose whatever they please. But it is the middle class, the traditional backbone of this Nation, which is caught betwixt and between. Because middle-income families have parents who earn a middle-income living, they are prohibited from obtaining Government assistance which is directed solely at the low-income family. And a middle-class

income level is simply not enough to manage the education of college-aged children at many schools in the country. The rising cost of higher education severely narrows the choices of the middle-income student. It would be unfortunate for this Nation if its middle-class were restrained from having higher educational opportunities.

Nor it is comforting to the middle-class family to be told that there is a proposed administration plan that may provide increased financial aid to families earning up to a maximum of $25,000 a year. Even at a pre-tax salary of $30,000, the middle-class parents may not be able to finance two or three children in college at the going rate of $3,000 to $5,000 a year. In some colleges that figure goes up to $8,000 a year. Why not allow the breadwinner and his or her family to make their own decisions and use the tax credit as they see fit. Why should we add to already inhibiting financial pressures by extending a large bureaucratic governmental apparatus to do his job for him? I believe we should allow a productive taxpaying citizen this decisionmaking power over his hard-earned resources. Indeed, one of the advantages of the tuition tax credit system is that it avoids a new bureaucracy, more Government cost, and more waste and redtape. It is simple to administer and leaves out Government involvement.

If we do not find a way to encourage the continuing higher education of the middle class in this country, and lessen the burden of taxation and inflation on them, we will be in serious trouble. This bill is a way to provide the middle-income people some relief and a wider range of educational choices.

The President's plan, to provide more direct Federal Government assistance to more families and to raise slightly the income level for qualification is an unacceptable alternative. It contains all the failings of all other Government programs: First, it will still exclude a major portion of middle-income students because it sets arbitrary limits for qualification in the program; second, it will require yet another Federal bureaucracy to administer the program; and third, it once again places the Federal Government in the position of handing out taxpayers' money to selected recipients.

Why cannot we let people make their own decisions about how to spend their own money?

This bill, H.R. 12050, will finally show that the Congress believes that taxpayers are better able to make such decisions than the Federal Government.

The fact is that this bill is not an education bill as such. This bill is a tax relief bill. This bill is the first effort in recent memory to provide some tax relief to the working, productive middle-income people. I hope it is only the first of many such steps to relieve the middle-class American who is being bled to death by the taxation burden he or she bears.

This bill, with the Vanik amendment, will provide tuition tax credits for both public and private college education and for secondary and elementary education tuition.

Nevertheless, let there be no mistake that our public education system is of primary importance and fundamental to our democratic institutions. Only an educated, informed, literate citizenry can participate in a democratic, representative government which demands of us opinions and decisions about how our Government will be conducted. Broadly available education means that there must be opportunities for every American. Public education means that every American will be made aware of those opportunities and have available to him or her the first step in attaining those opportunities. It must be supported. For example, later today or tomorrow, I intend to vote for the elementary and secondary education bill that will authorize approximately $10.3 billion for education for fiscal year 1979.

Public education is not free. Indeed, it is very expensive to taxpayers. But the cost is justifiable and worth it to our society because there is nothing more costly than education except ignorance. An uneducated populace can be our most costly deficit.

Therefore, the primacy of public education must be maintained and public education must be improved and strengthened. We must not do anything to hurt public education. This is of paramount importance when we realize that 90 percent of all children in elementary and secondary schools today are in public schools, while 10 percent attend private institutions.

However, we are a free society, and, while we have compulsory education laws, we have not compelled everybody to attend one school system. Many years ago, Oregon tried to restrict all children to one public school system, and the attempt was held unconstitutional.

Parents should have some substantial rights about the education of their own children.

In America, we have always countenanced and encouraged private, alternative educational options. Indeed, the private schools preceded public education in America, and were the basis for it. Americans have valued both education and freedom, from the beginning.

This is a free country which allows its citizens freedom of choice—particularly the freedom to decide what values and teachings one's own chilren should receive. Private schools can provide alternatives to public education because they can provide educational services to children with special needs. These schools can provide special types of education; they can be secular or partly religious; but the point is that they are an alternative, a choice, to parents.

However, inflation and steeply rising costs may not let that choice as free as we would like to believe it is.

This bill will enlarge the range of choices by providing a Federal income tax credit for tuition paid to an undergraduate college or post-secondary vocational school by a taxpayer for himself, his spouse, or any of his dependents. The credit would equal 25 percent of tuition paid by the taxpayer, with a maximum credit of $100 in 1978, $150 in 1979, and $250 in 1980 for each eligible student. Full-time and certain part-time students would be eligible for the credit. The credit would be effective August 1, 1978, and terminate after December 31, 1980, to allow time for congression evaluation of its effect and administration. In the event of any constitutional question, the bill provides for expedited judicial review of any legal proceeding which may be brought concerning the constitutional validity of the tuition tax credit.

Costs of books, supplies, transportation, and living expenses could not be included in the tuition amount on which the tax credit is computed. The base amount would be reduced by any nontaxable scholarship or educational allowance assistance.

If this bill is amended by the Vanik amendment, tuition tax credit for 25 percent of tuition actually paid will be extended to include elementary and secondary level education—up to $50 in 1978; $100 for 1979; and $100 maximum for 1980. I will not vote today for any amendment to increase the percentage of credit or the amount of the credit beyond these levels.

I could not support this bill if I believed for 1 minute that public education would be hurt in any way. I am fully convinced that it will not harm public education at all. It will, however, provide tax relief to some middle income taxpayers who are also paying their fair share of local property and State taxes to support public education as well.

Keep in mind that this bill does not take away anything from public education. It does not reduce the amount which goes into public education by one penny. There is no lessening of the Federal contribution to public education by the amount of tax credits taken in any given year.

A comparison of the amount of Federal taxpayer dollars to be spent on public education to the amount of their own money that middle-class taxpayers will be able to keep as a result of the tuition tax credit shows that the total amount spent by the Federal Government this year on public education will be about $12 billion. The anticipated amount of tuition tax credits in 1978 will be about $25 million. Even at the high point in fiscal year 1981, tuition tax credits will amount to about $1 billion while Federal expenditures on public education are estimated to be over $15 billion.

These comparative figures do not even include the even greater billions in State and local taxpayer dollars spent on public education. This modest tuition tax credit is hardly a threat to the funding of public education. Public education is getting at least its fair share of the taxpayer dollar.

Given the relatively small amount of tuition tax credit compared to the billions spent on public education from Federal taxpayers, can anyone seriously argue that this small tuition credit will hurt public education?

Given the maximum of $100 in tax credit and 25 percent limitation as well, the remaining 75 percent of tuition would not be eligible for credit. Would any parent not already seeking private education alternatives take his child out of

public schools for 25 percent of the substantial tuition price and a $100 maximum? Will there really be a mass exodus from public schools for up to $100 a year per student? Hardly. And any public school system that is so threatened by that has far more serious problems.

I am disturbed, however, by the overstatement of the arguments by the opponents of this bill. These vigorous and able advocates of public education are saying that this bill "will destroy public education," or "sound its death knell," or pose the "most serious attack on public education since the Civil War." If believed by the public, these dangerous overstatements would be a damaging admission by public education that it is doing such a poor job and is in such bad shape that a modest tuition tax credit in the small amounts I have described would destroy public education. I hope those opponents of this bill do not really believe that to be true, and I urge them to voice their opposition in more realistic terms. I personally have more confidence and belief in the quality and strength of public education than those who argue that this modest tax relief bill will destroy or damage public education.

A bonus that I see this bill producing for American public education is good, old-fashioned competition. Competition has served this Nation well in all its endeavors. All our endeavors shine a little brighter in the light of competition. We try harder. We do better. We become more responsive to our patrons or constituencies. The continuation of a viable alternative private education system will provide the public education system with examples of performance and innovation to be compared to and to draw ideas from, as well as making the public education system managers more responsive to its public. The private education comparison for both educational quality and cost control is good for public education and its supporters.

Competition is healthy and helpful and perhaps this bill will assist in aiding public education through this measure.

There is a national dimension to this problem. While nationwide only 10 percent of students are in private schools, in certain parts of our country, the private schools are really a dual school system and play a major role in the education of boys and girls. In certain of our northern and midwestern cities, private schools educate a high percentage of the students. These private schools are seriously strapped by rising costs and their patrons are being hit with rising tuition costs. If they go under and their students have to be absorbed into the already severely strained public system, it could be disastrous. The heavily strained public schools would have to absorb thousands of new students, build new schools, and hire hundreds of new teachers—and raise property taxes to pay for it. It simply cannot be done. It would truly wreck and bankrupt these public school systems. There is an important need, from a national perspective, to maintain the viability of nonpublic schools in these critical areas by the modest tax credit bill before us. Where this situation exists, the parents of children who attend private schools are relieving the public school system of greater costs by paying for the private education of their children in addition to paying their full share of public school property taxes.

Some persons have raised the constitutional issue of separation of church and state because some private schools are church supported. If we can deduct contributions to churches and church-supported charities from our income taxes, contributions made directly to churches or synagogues, then how can it be unconstitutional to let a parent have a partial credit for a tuition paid for a child's education, even if the school is affiliated with a church? If a gift or contribution to a church-related school is fully deductible from income tax, why is a tuition credit improper?

It has also been suggested that private schools will skim off the best students and the most affluent students, leaving to the public system the poor, the minorities, the handicapped, and disciplinary problems. The facts are that minorities comprise 10 percent of all enrollment in nonpublic schools now. Public schools, because of geographical factors or desegregation, tend to be mostly white or black, rich or poor. Many private schools reach beyond defined geographic areas to attract a diverse population. In Chicago, 55 percent of all children in parochial schools are black. In New York, 60 percent of all children in Catholic schools are minority students. It would seem that diversity, pluralism, and variety, all important and traditional American characteristics and education in their own way, are alive and well in the nonpublic schools.

To answer the objection that private schools only serve the wealthy, 57 percent of all nonpublic students come from families with incomes between $10,000 and $25,000. In addition, 83 percent of the tax credits under this bill will be received by families with incomes under $28,000 per year.

As for the charges that this would help the "segregation academies" which exist in some places, this bill with the Vanik amendment, contains language which would limit the tuition tax credit for tuitions paid to schools that presently meet IRS standards for deductability relating to nondiscrimination. There are presently existing procedures for assuring compliance with these requirements.

I strongly support public education. In my 9 years in the Georgia legislature, I voted for and sponsored major bills to aid and improve public education. In my district, public education is popular and well supported. We have excellent public schools. Our citizens vote for bond issues and approve them. I have publicly supported these bond issues and public school support referenda. Ours is an area of good public education with strong community support; only about 10 percent of school-aged children attend nonpublic schools.

Nevertheless, a constituent poll I conducted recently in my district showed that 62.2 percent of those responding favored tuition tax credit legislation for college, secondary, and elementary education. Less than 35 percent of the respondents opposed this concept. Most of the people answering my poll are strong proponents of the public school system and many of them are childless or have grown children. Why would these people so strongly support tuition tax credits? The answer is that these people realize that this is truly a middle-income taxpayers' relief bill. People are desirous of tax relief for this overburdened group of Americans. They hope that this will just be the beginning; a harbinger of more to come, but the breakthrough is here. It is for that reason that I support this bill.

Mr. VANIK. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Mrs. CHISHOLM).

Mrs. CHISHOLM. Mr. Chairman, I thank the gentleman from Ohio (Mr. VANIK) for yielding me this time.

Mr. Chairman, I do not believe at this particular hour that it is at all possible to change many of the votes in this Chamber because this is an election year and the question of being "a profile in courage" cannot be expanded upon in any way at this moment.

I merely want to say, Mr. Chairman, that the Founding Fathers of this country instituted a common public school system, a school system in which every element, every class of child, every segment of society would have the opportunity to get a free public education.

We recognize that there are difficulties in the public school system in this Nation, but we do not go about rectifying these difficulties by throwing out the baby with the bath water.

We know in terms of this tax credit that what we will see will be a proliferation of all kinds of schools in this country being instituted by just about every one of the 976 different religious denominations in this land. Every church that has a basement or that has space will begin to institute some type of school facilities in order to be able to receive these funds.

We also know that because of the intensive racial polarization in this country, and because of the manmade dangers in ethnic differences, the common school system is still the only instrument in America that is able to bring together children, that is able to bring together those elements in our society with different ethnic backgrounds and different cultural backgrounds, and what we will really be doing here is really moving away from faith and assurance in our public school system and moving in the direction of giving aid and comfort to just about every other type of private system in this country, parochial and otherwise. I think that we do have to recognize that we did make provisions for the middle-income parents of this country with respect to the colleges and the universities. We brought out the Middle-Income Student Assistance Act in which we did raise the levels of incomes so that these families and these students will be able to benefit. We know also in terms of our parochial and private students in this country that we have given aid to them. In one of the

titles of our bills we provide for different kinds of benefits; we provide for bilingual education; we provide for transportation facilities; so it is not to say that we have neglected the middle-income parents in this country, nor can we say that we have neglected the parochial students in this country. What we are failing to recognize at this hour and at this moment is that we are failing to recognize the far-reaching implications and ramifications of this particular bill, which in another 3 or 4 years would run into billions of dollars, and the very same middle-income parents that we are attempting to satisfy here today will be the very ones that we will have to go back to and raise their taxes in order to take care of this great amount of money that will have to be used for parochial and public education.

Mr. Chairman, this is a very crucial hour in the history of this country. Our public school system now is in real danger. I know that it is a political year. I know that we have said that we have to be responsive to our constituents but I think also we recognize that our less powerful and less affluent constituents in this country are not usually those whose voices are raised, and that those voices are found in the majority of parents whose children attend public school system in this country.

If you can be a profile in courage this afternoon, please raise your right hands again and uphold the basic tenets of the U.S. Constitution. Be objective and recognize that we have made provisions for middle-income families in the Middle-Income Student Assistance Act and that we have made provisions for the parochial students through the bilingual programs, the textbooks, transportation, and all of the other benefits. Let us be honest; it is a political year. Expediency is the question, and we must take care to address ourselves to the far-reaching ramifications of this piece of legislation here today.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, I am sure that one thing everyone here will agree with is that the cost of higher education is skyrocketing and is rapidly moving out of the reach of a large segment of our society—the middle-income American. All of us have heard the same appeals from constituents asking that Congress do something about this most pressing problem. The question is—as is always the case—what should that something be?

It is my contention that this problem did not occur overnight. There were indications, as early as 1970, when I first introduced my tuition trust fund legislation, that all was not right with our postsecondary educational system. We failed for years to address ourselves to the problem of increasing education costs, and today we must come up with an immediate solution, which I believe will not address the long-term concerns of many parents.

Mr. Chairman, we in the House will be considering two proposals, one offered by the Ways and Means Committee providing for tuition tax credits, the other offered by Mr. MIKVA and Mr. KETCHUM, which provides for a higher education tuition tax deferral. Both plans intend to provide the American parent with short-term relief in helping cope with the high cost of a postsecondary education. In addition, the administration has offered a third approach, not to be considered today, providing help through a vastly increased program of loans and grants from the Federal Government.

Over the past few months, the tuition tax credit concept has received a great deal of publicity and has become a symbol for the middle-income taxpayer who is tired of paying for a Government which is overbearing, bureaucratic, and expensive. The tax deferral program has surfaced in the last few weeks as a counterproposal to the committee recommended bill. These actions demonstrate the undeniable need to affect a suitable remedy.

Mr. Chairman, as I stated earlier, the proposals we are considering today are short-term remedies. In the beginning of this Congress, I reintroduced what I believe is the most suitable long-term solution to the problem of providing a higher education to the children of middle-income families.

My Higher Education Trust Fund Act, H.R. 1585, will permit parents to set aside in a tax-free trust, up to $750 for each child or 15 percent of their gross income (whichever is less). If, for any reason the funds are not used for the education of a dependent, the total amount would then become taxable income.

In addition to establishing the trust fund, this legislation expands the definition of higher education to include business, trade, vocational and professional schools, similar to those now approved for VA programs.

When I originally introduced this legislation in 1970, I felt there was a dire need for some vehicle by which middle-income families could meet the high cost of college by putting aside a small amount of money per year to send their children to a university, college, or trade school. The reasons for my introducing this bill in 1970 are even more pertinent today—as is evidenced by our actions today.

Over the past 5 years, the cost of higher education in both private and public institutions has outstripped the rise of the cost of living. The direct result of this is the fact that parents in the middle-income range $12,000 to $25,000 are not affluent enough to afford this expense, or find it difficult to qualify for Government assistance programs. Therefore, they are being forced to forego additional education for their children. As of January 1975, less than 4 percent of funds from the basic educational opportunity grant program went to students from families earning more than $12,000 per year, while almost 44 percent went to families earning less than $6,000 and 65 percent to families earning less than $9,000.

Mr. Chairman, I do not want this statement to be misconstrued. The BEOG program is desperately needed as it is one of the only avenues open to those young people from low-income families that want to pursue a higher education. What I am merely pointing out is that the average American family is finding it increasingly impossible to educate their children beyond high school. This is reflected by the startling decline in the enrollment of our young people from middle-income families in institutions of higher learning.

The primary benefits to be derived from my legislation include: first, more of our Nation's youth will be given the opportunity to pursue a higher education leading to the career of their choice and they will not be frustrated by the lack of funding; second, encouragement of parents to sensibly plan and build for their children's education over a number of years; third, increased deposits in our thrift institutions which will free money for capital investments; fourth, there is no need to increase the Federal bureaucracy to handle this program; and fifth, this legislation may result in a decrease in the demand for federally guaranteed loans.

If incomes continued to expand throughout our working lives, there would be no need for such legislation. The fact remains, however, that increasing numbers of able young people are prevented from going on to college because they just cannot afford it. The major problem faced by parents is that college costs hit at a time in their lives when other family costs are at a maximum and earning levels have tended to stabilize. This legislation would provide an incentive for setting aside money during those earlier years when income is often in better balance with family needs.

Mr. Chairman, my legislation is a long-term solution. I am very aware of the need to effect a short-term remedy to aid those parents who are in need of immediate relief—which brings us here today. Beyond that, I submit, we need a commonsense approach—one that provides significant relief—one that looks ahead at the future needs of the American parent who wants to provide the best possible education for his child.

Mr. VANIK. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. Mr. Chairman, I rise in opposition to the bill as reported by the committee and in opposition to the amendments that have been made in order; however, I find myself in a position where if either or both of the amendments offered by the gentleman from Ohio (Mr. VANIK) are adopted, I will then have to reluctantly support the amendment offered by the gentleman from Illinois (Mr. MIKVA), because it will be the only opportunity we have to clean up this bill.

Mr. Chairman, this piece of legislation is the wrong piece of legislation at the wrong time, making fraudulent

promises to people across this country that the legislation will never keep. This legislation has no real value to the people who need assistance most in the nonpublic schools in this country.

The approach that we have been using in the Committee on Education and Labor in continually expanding within constitutional limits aid to the nonpublic schools will do more for nonpublic school students than this legislation.

Mr. Chairman, as the House begins debate on tuition tax credits, I would like to offer a general overview and summary of some of the most important arguments on this issue.

Tax credits are inequitable and untargeted. Irrespective of their need all families receive the same benefits. Indeed, a high proportion of the benefits would be received by upper income families. Forty-six percent of the benefits of the Tuition Tax Credit Act of 1978 would go to families with incomes above $25,000. The distribution of the benefits is identical if the bill is amended to include elementary and secondary education.

Tuition tax credits provide small benefits to a small group of taxpayers. When fully implemented, H.R. 12050 will provide a maximum of $250 credit for postsecondary education not to exceed 25 percent of tuition and required fees.

All families supporting students in postsecondary education will not receive the full $250 since other grant assistance for tuition is subtracted from tuition before computing the credit. In addition, those attending low tuition schools will receive less than the maximum. Those families with no tax liability and those who support students attending zero-tuition schools, graduate students or students attending less than half time will receive no help at all. Even those receiving the maximum $250 credit will obviously be getting little real help when average costs at public 4-year colleges will be $4,264 in the coming academic year and average costs at private 4-year colleges will be $5,110.

If the bill is amended to include elementary and secondary education, the maximum credit will be $100 not to exceed 25 percent of tuition. To assess the real impact of this credit let us consider the situation of Catholic elementary schools. Parents of students in these schools would be the primary beneficiaries of an elementary and secondary school tax credit since 85 percent of all students in nonpublic schools attend religious schools and 75 percent of that group attend Catholic schools. According to Rev. John Myers, president of the National Catholic Educational Association, the average tuition in Catholic elementary schools is about $200. With the maximum credit of $100 not to exceed 25 percent of tuition, these parents would receive only $50. There are going to be a lot of disappointed families who have heard the talk about $500 or $250 credits.

There are 74 million families and separate households in the United States. Only about 8 percent of these tax paying units would be eligible for the postsecondary tax credit given the restrictive coverage of the bill which excludes graduate students, those who study less than half time, those who pay no taxes and those who pay no tuition.

If the bill is amended to include elementary and secondary education, it will provide a credit to only about 3.5 percent of the families and separate households in the United States. Since some families have children in both postsecondary education as well as in nonpublic elementary or secondary school, a bill which includes a tax credit for elementary, secondary and postsecondary education will reach no more than about 10 percent of all the taxpayers in the Nation. Surely the tax cut bill, which will be before us later this session, will enable us to provide more equitable tax relief to hard-pressed taxpayers in a more equitable way than tuition tax credits which clearly serve only a small segment of the population.

In addition to providing small and almost meaningless benefits, the timing of tuition tax credits does not make them very helpful to families. Educational expenses must be paid, particularly in postsecondary education, at the beginning of the school year or the semester. The tax credit will not be available until the following spring. The major problem faced by middle-income families supporting students in postsecondary education is a cash flow or liquidity problem. They need cash in hand when the bills are due.

The existing Federal student aid programs put money in the hands of students when they need it to pay the bills. For example, under the existing programs as expanded by the Middle Income Student Assistance Act, a student from a family with an income of $25,000 attending a private college with a cost of $4,800 could receive a package of assistance from grants, work opportunities and loans of $3,000. It is obvious, at least to me, that $3,000 in the student's hands in September is more help than a $250 tax credit to the family in April.

It is also clear that a tuition tax credit would not increase access to education because it would not be available to the family or the student who cannot afford to pay the costs of postsecondary education at the time they need the money. Nor would the student or the family receive enough help from a tuition tax credit to make a difference particularly when compared to the expansion of the existing programs provided by the Middle Income Student Assistance Act.

The Tuition Tax Credit Act of 1978 obviously provides ridiculously small benefits that are of no real help to families faced with rising college costs in particular. There will, therefore, be an inevitable pressure to increase the amount of the credit, thereby both escalating the cost and compounding the inequity in the distribution of the benefits. Realistically we have to consider for a starter something like the Packwood-Moynihan bill with its $500 credit and $5 billion price tag. At this more realistic level of revenue loss, one has to consider the impact of a tuition tax credit on the level of support for existing Federal education programs. In this era of budgetary stringency, it is foolish to consider that a large revenue loss for a tuition tax credit will not be traded off against continued support for the existing programs by both OMB and the Congressional Budget Committees. If we enact a tax credit, the programs which will have to be cut back or at least not expanded will be the largest and most expensive of our current programs: the elementary and secondary compensatory education program supported by title I of the Elementary and Secondary Education Act, education of the handicapped (Public Law 94-142), the basic educational opportunity grant and vocational education. Thus tuition tax credits will provide a small proportion of American families, who are disproportionately the comfortable and the affluent, with a little tax break while sacrificing assistance to the vulnerable of our society: the disadvantaged, the poor, the handicapped, and those in need of job skills.

Tuition tax credits will put an inflationary pressure on the tuitions of postsecondary institutions and nonpublic schools. Those postsecondary institutions which charge no tuition or a low tuition, where families cannot take full advantage of the credit, will be tempted to raise their tuition to "capture" the full tax credit. This situation will also hold for elementary and secondary schools, if they are included in the bill. Raising the credit from 25 to 50 percent of tuition, as is proposed in one amendment, will only increase this inflationary pressure.

The rhetoric about a simple one-line entry on the tax form to obtain the tuition tax credit is simply a lie and a fraud. On May 23, I placed in the RECORD (page E2770) an analysis of what a taxpayer would have to go through in order to claim the credit for postsecondary education. I will not repeat that analysis here, but it is clear that a complex new schedule involving complicated computations and extensive recordkeeping will be required.

Furthermore the Treasury Department and the Internal Revenue Service will be required to devise new regulations defining an eligible educational institution, tuition and required fees, part-time and full-time student, "a general course of study", et cetera. The Internal Revenue Service would also have a major new responsibility for monitoring and auditing individuals and educational institutions to assure compliance with the conditions for receiving the credit. In short, an expanded bureaucracy would be required and a new Federal regulatory burden would be placed on taxpayers and educational institutions.

Tuition tax credits would result in a further fragmentation of Federal education policy. With all due respect to my colleagues on the Ways and Means Committee, who do an outstanding job on a great many complex issues, they are not experts on education policy. Giving this already overburdened committee a major responsibility for education policy

would serve neither the interest of education nor of the committee. The Treasury Department would also assume a major role in education. Recognizing the limits of his Department, Treasury Secretary Blumenthal has shown absolutely no interest in taking on this additional responsibility.

If the bill is amended to provide a tuition tax credit for nonpublic elementary and secondary school, the question of the constitutionality of the measure arises.

Attorney General Bell, in a letter to the Secretary of Health, Education, and Welfare, said:

> In light of existing Supreme Court precedents, it is my opinion that tax programs of the sort contemplated . . . would be held unconstitutional insofar as they would provide aid at the elementary and secondary school levels.

A memorandum prepared for the Attorney General concludes, primarily on the basis of the Nyquist case, that an elementary and secondary tuition tax credit would have "a primary effect" of advancing religion. Such a tax credit would also risk creating an "excessive entanglement" between the Federal Government and religion.

Tuition tax credits for elementary and secondary education would also encourage the proliferation of segregation academies. The Internal Revenue Service currently has the responsibility for assuring that educational institutions which are granted nonprofit tax-exempt status are nondiscriminatory. Arthur Flemming, the Chairman of the U.S. Commission on Civil Rights, in a recent letter to Congresswoman CHISHOLM notes "that the Internal Revenue Service (IRS) has failed to carry out effectively its civil rights enforcement responsibilities." Chairman Flemming concludes:

> Enactment of legislation authorizing tax credits for tuition paid to private elementary and secondary schools which are recognized as tax-exempt organizations under the Internal Revenue Code would effectively increase Federal support of school segregation in direct violation of the Constitution.

The bill as reported contains another assault on civil rights. Section 2(c) of the bill states:

> Any educational institution which enrolls a student for whom a tax credit is claimed under this Act shall not be considered to be a recipient of Federal assistance under this Act.

This means that if a school received no Federal assistance other than the tax credits funneled through the parents of students, the school would not be required to comply with title VI of the Civil Rights Act, which prohibits discrimination on the basis of race or national origin; title IX, which prohibits discrimination on the basis of sex, and section 504 of the Rehabilitation Act, which prohibits discrimination against the handicapped. Either the IRS will have to beef up its enforcement and its intrusion into the affairs of schools or segregation academies will be allowed to flourish; you cannot have it both ways. Any additional IRS enforcement would, of course, be in addition to and somewhat duplicative of the civil rights enforcement effort already being carried out by the Office of Civil Rights in the Department of Health, Education, and Welfare.

Section 2(c) also flies in the face of the decisions of the Supreme Court which say that the Court will look at the "effects" of a policy rather than at its stated purpose or intent. Section 2(c) seeks to define out of existence the effects of a tuition tax credit by saying that we will pretend that a school receives no benefits from a tax credit received by a family solely because their children are paying tuition to the school.

A tuition tax credit for elementary and secondary schools which promotes segregation academies and which allows schools to be exempt from all civil rights laws lends credence to the view that tuition tax credits will lead to making the public schools the dumping ground for the poor, minorities, the handicapped, slow learners, and behavior problems. Everyone else can "choose" to attend a nonpublic school, if, of course, the nonpublic school "chooses" to accept them. It is interesting to note that those who choose the nonpublic schools and who are chosen by them are primarily the more affluent and nonminorities. In 1975, only 4 percent of children from families with incomes less than $5,000 were in private schools, 17 percent of children from families with incomes above $25,000 were in private schools, and 25 percent of children from families with incomes above $50,000 were in private schools. Seventeen percent of all white children attend private schools while only 5 percent of minority children do so.

Tuition tax credits are bad educational policy and an inequitable means of providing tax relief. They would erode support for our national commitment to high quality free public education for all and undermine the civil rights guarantees provided by our laws and the Constitution.

Mr. CONABLE. Mr. Chairman, I reserve the balance of my time for the moment.

Mr. VANIK. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. MAGUIRE).

Mr. MAGUIRE. Mr. Chairman, I wish it were not necessary, but I feel it is important to comment today on the tactics—the deplorable tactics—used by a few community leaders who have strongly felt I should vote for the Vanik amendment to extend tuition tax credits to primary and secondary private schools. In fact, they appear to have felt it so strongly that they have abandoned the reason and fairness which we always hope will characterize our discussion of even the most perplexing and emotional issues. Instead of engaging in the politics of legitimate persuasion, there have been a few who chose to orchestrate what I can only term—and I am most sorry to say this, but it is accurate—a campaign of deceiving the public and intimidating me and my staff. To the extent that such tactics succeed in swaying votes in this Chamber, I believe it is not too strong to say democracy itself is imperiled. My constituents deserve representation and leadership undeflected by those few who would pursue their ends through whatever methods they deem will serve their purposes.

The lobbying tactics to which I have alluded, and the incidents to which I will refer, were not isolated, but were part of a pattern originating from identifiable sources in the area I represent.

Let me hasten to say, however, that most proponents of the Vanik amendment in my district conducted themselves responsibly and should be commended and encouraged to continue sharing with me their thoughts and views. In this group I include the New Jersey Catholic Conference which discussed with me the merits of the issue, responded to questions I raised several weeks ago, and remained in touch with my staff. I also include the several thousand citizens who wrote me, many for the first time, indicating their strong and sincere conviction that the high cost of tuition is a problem Government should address through tax credit legislation. Many of these constituents reiterated misstatements passed on to them by the community leaders to whom I have referred. But they acted out of a genuine belief—unfortunately misplaced—that these leaders would not purposely deceive them. These citizens who wrote to me deserve thanks and encouragement.

Let me summarize some of the events that occurred in the days following my meeting in Washington with a delegation from the Archdiocese of Newark led by Richard Corrado, superintendent of schools.

My district and Washington office received many calls designed to intimidate me and members of my staff. Name calling was a favorite technique. At various times I was called a pig and warned that "God would get you."

Church bulletins and letters sent home with children by private school officials stated without qualification that I was opposed to tuition tax credits, despite my explicit statements to the delegation from the archdiocese that I would study my position with respect to primary and secondary schools and welcomed additional discussion. (Aside from the inaccuracy of what was contained in the bulletins, there is serious question in my mind about the ethical propriety—if not the legality—of using churches or church school facilities, equipment, staff, and funds for such political or lobbying purposes.)

In the Advocate, the newspaper of the Newark Archdiocese, a report attributed to Mr. Corrado stated:

> I could sum up his (Maguire's) attitude as "strong indifference".

It is beyond me how such an interpretation could be lifted from a frank and long 1½ hour meeting in which a host of arguments pro and con were freely discussed and in which I told the visitors of my deep concern, my commitment to private education, my agonizing over the vote, and my desire to receive additional materials and keep in close contact as I make my decisions.

One priest, who had not been at the meeting, wrote to complain of the "shabby way" he heard I received the school representatives. These incredibly unfair interpretations were later specifically rejected by those who were present, but were widely circulated in the district anyway. Should the lesson be that next time I should not have a candid discussion of the issues with my constituents?

A seventh grade youngster wrote to cancel a scheduled photo on the Capitol steps with myself and her parochial school class saying that I "should understand the obvious reasons." Mr. Corrado later admitted such a letter would not have been initiated by the child. (May I suggest that if a school administrator wanted to cancel a photograph of the students with their Congressman as an act of pressure or protest, then that school administrator should have contacted the congressional office over his or her own name, taking responsibility for that decision, rather than using a child?)

In a case where the most outrageous statements were made falsely characterizing my views—"Did you know that Mr. MAGUIRE thinks that parents of nonpublic school children are rich?" In a letter distributed to parochial school parents through students, I was offered an opportunity by the school administrator to set the record straight in a letter of my own to be distributed in the same way. I agreed and prepared such a letter. Despite the earlier promise, school officials refused to distribute my response. Even when a subsequent meeting with parents was held on the subject, the letter was not passed out, reportedly because permission to do so had not been received from Mr. Corrado's office in Newark.

What was contained in written form in the letter was typical of what was spread widely by word of mouth to many who had an interest and assumed they were being told the truth. The original letter, and my response which was never circulated, are reproduced at this point in the RECORD:

AN IMPORTANT MESSAGE

Do you know:

(1) that Andrew Maguire is against tax credits for parents of non-public school children?

(2) that our school and others like to save the tax payers $26 million each year?

(3) that total Tuition Tax Credit countrywide would be less costly than one bomber?

(4) that Mr. Maguire thinks that parents of non-public school children are rich?

(5) that Congressman Maguire does not believe middle class parents need the tax relief?

(6) that Mr. Maguire feels since most families in Bergen County have two incomes coming in they can easily afford tuitions?

We have just 10 days to educate Mr. Maguire and to change his mind to vote in support of the legislation that would benefit all parents of children in non-public schools with much needed tax relief. One of the most effective ways to do this is to demonstrate our strength and our desires in an overwhelming mail campaign. Please take time to hand write him and remind him that we are the people who elected him, and that it is our own tax dollars that we want to share in. Suggested form letters have been prepared for your convenience.

DEAR SISTER: Thank you for suggesting that I respond to the letter sent to all the parents of the children of the Immaculate Conception School. I deeply appreciated your courtesy, the opportunity to talk with you, and your offer to circulate my statement to all those who received the earlier letter.

As I told you, I was deeply disappointed by the systematic misrepresentation of my views contained in the letter. Each time my name was mentioned in the letter, the statement characterizing my views was either inaccurate or entirely false.

Let me respond to the specific points.

1. I have not taken a final position on tuition tax credits for parents of non-public elementary and secondary school children—a point I have specifically made to those who have contacted me on the matter. I believe strongly in the importance of maintaining the viability of private schools, in access to these schools for those whose families choose private education, and in the need to provide some significant form of assistance to achieve this.

If tax credits are approved, I believe they should include changes to treat millionaires differently from the economically hard-pressed. I also feel that there may be other forms of assistance which would be more helpful to parents and schools than a modest tax credit, and I have been actively exploring this. I am also aware, as you are, of the past constitutional problems encountered by attempts to provide aid to private schools. If tuition tax credits are the only possibility for such aid, that is a strong argument in their favor.

2. Contrary to the statements contained in the letter, I have never said or thought that parents of non-public school children are rich. I have never said or thought that middle class parents don't need tax relief. I am in fact one of the strongest advocates in Congress of tax reform and tax relief that would benefit middle class families, as any review of my record will make plain. I have never said or thought that most families in Bergen County have two incomes and therefore can easily afford tuition. I am very disturbed that anyone would falsely state my views on these matters.

I deeply regret that, after meeting with the delegation of the Archdiocesan Schools, flagrant misrepresentation of my views would be freely circulated. Whatever my final position on tuition tax credits for elementary and secondary private schools, I appreciate this opportunity to clarify for you and the parents of your school children what I in fact do feel on this issue. Without basic accuracy and honesty in such matters, there cannot be real communication between people.

With all best wishes,

ANDREW MAGUIRE,
Member of Congress.

Mr. Chairman, in a conversation with Superintendent Corrado about this and similar inaccurate, false, and deceptive statements which were being systematically circulated in oral and written communications with parents, I was advised that it was "the impression" of my views that any participant saw fit to carry away from our meeting, rather than my views themselves as I stated them, that determined the legitimacy of any subsequent characterization of those views. I was also told that since I could not be counted as "for" tuition tax credits, it was all right to tell parents without qualification that I was "against" tuition tax credits—even though this meant ignoring my explicit statement that I was still studying the issue and welcomed additional materials and discussion.

This and similar argumentation from Mr. Corrado in defense of the catalog of falsehoods and distortions to which I was subjected would make the most accomplished casuist blush for shame—and would suggest the absolute necessity of a tape recorder at all such future meetings.

One does not want to feel that tape recorders will be necessary in meetings with any constituents. One does not want to believe that deception is deliberate. One does not want to think that statements of one's views would not be checked for accuracy before they are printed and circulated. One does not want to accept the fact that after falsehoods are identified an agreement to circulate a correcting statement is not honored. One does not want to see a small number of representatives of a distinguished religious tradition, using the resources and the good faith upon which they are privileged to draw, orchestrate a campaign of intimidation and deception to achieve a political or public policy objective.

But this is what happened on this issue in my district this year. And it is very regrettable.

When I vote later today I intend to avoid reacting either for or against the Vanik proposal as a result of what I have described. I intend to cast my vote—on a most complex and difficult issue—on the merits, and I will explain my vote at that time.

Mr. VANIK. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. Mr. Chairman, the bill as it stands right now applies only to higher education, and it is a radical departure from what we have done up to this point in the field of higher education.

Up to this point in the field of higher education we have provided assistance with two things in mind: No. 1, need; and No. 2, that we are going to encourage attendance at our institutions of higher education.

We have tossed out need completely in this bill, and, secondly, there is absolutely no evidence that this is going to encourage attendance at higher education institutions.

On the need factor, what we are asked to do is this: We are supposed to hand over, depending on the year, $100 or $250 to a taxpayer, whether that person earns $10,000 or $100,000 in a year. That, I suggest, is not sound public policy.

My distinguished colleague, the gentleman from Ohio (Mr. VANIK), says there is going to be no red tape in this. We keep every present program; we do not eliminate one bit of red tape, and if you would take a look at the bill, starting on page 6, we find that we are compounding the red tape problem.

Then the two Vanik amendments will be pending, and if they are adopted, we will add $1.2 billion in costs in the next fiscal year over and above the costs that are already in the bill, according to the Congressional Budget Office.

Just yesterday we heard about 10 percent inflation rates. We make speeches about what we ought to be doing about inflation, and here we are today adding, in an unsound manner, something that

I do not believe is going to help education in this Nation and something that is not founded on the basis of need. If we approve these proposals we will increase the deficit, and have an inflationary impact.

Finally, Mr. Chairman, the President has said he is going to veto this bill. Let us not raise false hopes and deceive the people. This proposal is going to go down the drain, and the sooner we recognize that, the better off the Nation will be.

Mr. VANIK. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Chairman, again I take to the well to urge the defeat of this legislation, and I have three or four good reasons why it ought to be defeated, above and beyond those which I mentioned when we debated the rule.

No. 1, the initial cost of this, if we include elementary and secondary education, is $1.2 billion loss of revenue in a year. The ultimate cost is $5.8 billion in lost revenue. We cannot afford that.

No. 2, there is the constitutional issue. And it is clearly a constitutional problem if we move this bill as it is written.

Mr. Chairman, I have a great deal of respect for the Roman Catholic schools, and I want to commend them for being the first to desegregate in Maryland, which has a heavy Roman Catholic population. However, despite that, we have to take a stand on principles, and we have to learn to live with the Constitution of the United States, which says "separation of."

The third reason why this bill ought to be defeated, even with any amendments put on it, is that it does do damage to race relations. It does open up the door for resegregation of the public schools. It does open up the door for the establishment and proliferation of those schools which have but one intent, and that is to avoid bringing children of any color or any description together. That is dangerous, and I think we ought to defeat it.

Finally, I think this bill ought to be defeated because if we go back to just the simple issue that I raised when we debated the rule, unless you protect us against flaunting title IX, title VII, title VI, and other titles in the Civil Rights Act, if you pass it, then you are going to have endless litigation between recipients, on the one hand, in reference to that exemption section, and the provisions which are covered under the IRS.

Mr. Chairman, I say to my colleagues that it is a political year and we do have pressures exerted on us. But do not bend to those pressures. Stand for the Constitution, and vote this bill down.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Chairman, I have some basic constitutional concerns with regards to this legislation, but I wanted to specifically address one section that raises concerns in my mind with regards to the ability of the Federal Government to enforce laws that relate to the providing of Federal assistance.

On page 9 of the bill, there is a section (c), which states:

"TAX CREDIT NOT TO BE CONSIDERED AS FEDERAL ASSISTANCE TO INSTITUTION.—Any educational institution which enrolls a student for whom a tax credit is claimed under this Act shall not be considered to be a recipient of Federal assistance under this Act."

And the question I would direct to the distinguished chairman, if he would yield for this, is: Does this section in any way limit the Federal Government's jurisdiction to enforce basic laws relating to Federal assistance?

Mr. VANIK. Mr. Chairman, if the gentleman will yield, in response to my distinguished colleague, who refers to the language of the so-called Archer amendment found on page 9, lines 8 through 12, the purpose of this language is to insure that the Federal Government is not able to impose educational and curricular mandates on private, church-related schools. It is not intended and does not permit any racial discrimination. No school would be eligible for the credit if it discriminates. Both the bill and the court decisions insure nondiscrimination.

Mr. PANETTA. Carrying on with that discussion, it is my understanding that the courts have in fact, held that tax exemptions provided by the Federal Government are in fact, indirect forms of Federal assistance and the question that arisis in my mind, if the gentleman will yield further, is: Are we trying to prejudge what a court might determine to be Federal assistance? Is the gentleman in fact saying that tax credits are not Federal assistance? That is the point I am trying to make. Why is this provision here if it is not needed?

Mr. VANIK. If the gentleman will yield further, Mr. Chairman, I think I responded to the basic question.

I cannot tell the gentleman what the courts might do in some of the decisions relating to the tax issue.

I have the assurance of the Commissioner of Internal Revenue that he is going to enforce the law. As a matter of fact, I was chairman of the Subcommittee on Oversight of the Committee on Ways and Means, and insisted that these provisions of law be carefully monitored and respected by the Service. I think they have done an exemplary job.

Mr. Chairman, I would like to direct the gentleman's attention to a letter which was sent to Arthur S. Flemming on May 31, 1978, by Commissioner Jerome Kurtz addressing itself right to this issue.

Rather than read it, Mr. Chairman, I will insert it in the RECORD at this point.

The letter referred to follows:

Mr. ARTHUR S. FLEMMING,
Chairman, Commission on Civil Rights, Washington, D.C.

DEAR CHAIRMAN FLEMMING: Thank you for your letter of May 16, 1978, enclosing a copy of your letter and a memorandum to Representative Shirley Chisholm expressing the Commission's views on the civil rights implications of the tuition tax credit bill now pending before the Congress.

We have a number of comments on your discussion in the letter and memorandum of the IRS' enforcement of the nondiscrimination requirement for private schools exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code. The Service has been very actively working on revising our procedures in this area for the past six months or so. Therefore, we would have appreciated an opportunity to discuss our progress with you so that your comments could have taken these current developments into account. There are a number of areas in which we believe clarification of your letter and memo is appropriate.

As you state, the IRS' published position since July 1970 is that a private school which has a racially discriminatory policy is not charitable under the common law concepts reflected in section 501(c)(3) and therefore does not qualify for exemption from federal income tax under that section. This position, subsequently published in Revenue Ruling 71-447, 1971-1 C.B. 230, was announced during the pendency of *Green v. Connally*, 330 F. Supp. 1150 (D. D.C. 1970), *aff'd sub nom. Coit v. Green*, 404 U.S. 997 (1971), and is in accordance with the decision in that case. As you state, the *Green* case involved a challenge to the charitable tax exemption of private schools located in Mississippi, and the court imposed certain affirmative obligations on the Service in revoking or denying exemption of discriminatory private schools in that state.

In accordance with the injunction in the *Green* decision, the Service reviewed the admission policies of all private schools located in the state of Mississippi holding individual exemptions, including the seven schools mentioned in your letter, and revoked the exemption of 33 private schools in that state. Exemptions were continued only for such of those schools that submitted the information required by the *Green* court and publicized a racially nondiscriminatory policy as to students at that time in accordance with the directions of the court.

The Service has taken a number of further steps to enforce this policy since the *Green* decision and since the date of the decisions cited in the Civil Rights Commission memorandum. In fact, these additional steps are consistent with recommendations of the Civil Rights Commission in your report issued in January of 1975, *The Federal Civil Rights Enforcement Effort—1974, Vol. III, To Ensure Equal Educational Opportunity.*

In 1975, the Service issued Revenue Procedure 75-50, which imposes affirmative obligations on all private schools to adopt formally a nondiscriminatory policy in their charter or bylaws; to include reference to that policy in all school brochures and catalogues; and to publish or announce annually this racially nondiscriminatory policy. That same year, Revenue Ruling 75-231, 1975-1 C.B. 158, clarified that church-related schools are also subject to a nondiscrimination requirement. In addition, we have also substantially increased audit coverage in this area, and have instituted examination guidelines, check-sheets, training material, and other procedures designed to assist agents examining the schools in determining if a school is in fact facially nondiscriminatory.

We are aware of the criticism made by some that schools can in some cases allege that they are racially nondiscriminatory and comply with all our procedural requirements in order to secure a tax exemption, yet in operation exclude minorities. In this regard, we are particularly concerned about schools which have in the past either been adjudicated by a court to be racially discriminatory, or which were established in the wake of public school desegregation and continue to have no or insubstantial minority enrollment, but which now claim to have a nondiscriminatory policy. As I mentioned earlier, in the past few months, we have been ac-

tively reviewing our rules and procedures and expect shortly to propose additional guidelines to test a school's assertion of a nondiscriminatory policy.

The Service is strongly committed to vigorous enforcement of the racial nondiscrimination requirements of section 501(c)(3). However, with approximately 16,000 exempt private schools in the country and with limited audit resources, the Service is not in a position to guarantee that every school is in fact operating in accordance with its representations that it is racially nondiscriminatory. As in all areas of our self-assesment tax system, the Service must rely on the assertions of exempt organizations unless those assertions are brought into question on audit or by outside information.

We would appreciate the opportunity of discussing in further detail the Service's enforcement activities in this area, as our staffs have done on several occasions over the last few years. If we can provide you with any further information on this matter, please let me know.

With kind regards,

Sincerely,

JEROME KURTZ.

Mr. CONABLE. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, and members of the committee, I want to make a couple of remarks about the tuition tax credit based on the demographic changes that are likely to affect colleges through declining enrollments over the next few years.

My view also has application to elementary and secondary schools. Those enrollment statistics have changed already and I predict the impact on the Nation's colleges which we can expect in the future.

One of the communities in my district anticipates that the enrollment in its elementary and secondary schools by 1985 will drop to the extent of 35 to 40 percent from what it has been at its peak—perhaps even more, depending on the nature of the dynamics of the economics of that community. That impact of declining enrollment is going to hit the colleges eventually.

Mr. Chairman, we have a choice, it seems to me, as Members of Congress, as to how the issue of which colleges are to survive should be resolved. We have a choice as to whether we want that choice made by the individual citizens who will be using the services of those colleges or whether the Congress or Washington bureaucrats decide which colleges survive. I would suggest letting parents and students decide is much preferable to our making an elitist decision out of Washington.

Mr. Chairman, I met recently with the presidents of colleges which belong to a consortium in my district. That consortium involves about 10 institutions. They vary from institutions which have a very strong religious orientation to community colleges, to State universities, to all-black institutions, and some are residence institutions, some are commuter schools, some are philosophically very liberal, and some are very conservative institutions.

In that geographic area the issue that this variation of institutions raises is, "Which ones are going to survive when we lose that 30 or 40 percent of enrollment of college students?"

Mr. Chairman, I do not think that this Congress ought to make that decision. I know that the enrollment decline will not result in all of those institutions surviving and all having about 60 percent of their present size. The fact is, each institution will be competing, one against the other.

It seems to me that the future directions of education ought to be determined by a marketplace decision by those who use their services. It may be that some of these institutions will choose to initiate a lifetime learning curriculum where it will educate people into their 20's and 30's and 40's. One of those institutions now has an average age of 27 among its student body. It is a rather sizable institution, indicating that it is not catering just to the high school graduates or to blacks and the underprivileged.

Mr. Chairman, institutions catering to low-income students need the continuation of some of the present programs. We still need the basic education opportunity grant for such institutions whose clientele may not include many taxpayers. Such people cannot take advantage of the tax credits. They do not pay very much in the way of an income tax.

However, for others who are middle-income taxpayers we need this tax credit approach because they are excluded from the basic opportunity grants but still need help to finance higher education. So let us give those middle-income people the right to determine where higher education in this country is going. Without tax credits the decision will be made by Government just doling out the money for higher education institutions. Mr. Chairman, every one of those institutions is going to want the money. They will be fighting each other for the fewer available students and will try to do it with Federal funds, taken from the taxpayers' pockets by Government and then doled out as bureaucrats see fit. I would rather that institutions offer services attracting the students who want to go there and who will thus make that decision on which institutions get the money, rather than have Government decide which of the institutions survive, how the colleges should be modified, and to whom institutions should be directing their educational curriculum in the future.

Only in that marketplace decision, which is much more likely to be economic than the one Government makes, will the proper decision be made. Government decisions are political, not economic. Educational decisions ought to be made by the individual parents and students, not by Government. Government handouts threaten the traditional independence of academic freedom. The tuition tax credit protects the diversity of individual choice in education and thus retains America's tradition of academic freedom.

Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. MCEWEN).

(Mr. MCEWEN asked and was given permission to revise and extend his remarks.)

Mr. MCEWEN. Mr. Chairman, with all of my colleagues, I have received many letters and mailgrams on the question of tuition tax credit. Some of those opposing the measure have expressed alarm for the future of public education, a fear that I do not share. But one letter that I received contributed more than any other to my decision to support this legislation. It was written by a public school teacher, and I want to share it with my colleagues.

The letters follows:

MALONE, N.Y.,
April 11, 1978.

Representative ROBERT C. MCEWEN,
Route 2,
Ogdensburg, N.Y.

DEAR SIR: I am writing to show my support for the Moynihan-Packwood Tax Credit Bill.

Although I am a public school teacher myself, I have long been a supporter of parochial and private education. I do not feel that the Moynihan-Packwood Bill would cause the extinction of the public education system in our country as is being claimed by the bill's detractors. On the other hand, the bill will certainly aid the troubled situation that many parochial and private schools find themselves in.

One of the foundations of our democracy is that its citizens will have freedom of choice in as many vital areas as is possible. I feel that education is one of these vital areas, and that the citizens of the United States must be given alternatives to the public school system which to a large extent has gone the route of other monopolies in offering an inferior product.

The American public is told that they must educate their children until the age of 16. Yet in many communities, with the death of parochial and private education, they are given no choice on how their children are educated.

For these reasons, I strongly urge your support on the Moynihan-Packwood Tax Credit Bill. Thank you very much for your time.

Respectfully,

GEORGE WISEMAN.

Mr. CONABLE. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I want to address just a few comments on some of the remarks that have been made on the floor.

With respect to distribution, the staff of the Joint Committee on Taxation, in the memorandum of May 23, indicated that 83 percent of the distributional benefits, if elementary and secondary students were included in this bill, would go to income classes of $30,000 or less. Under $50,000 would get 96 percent of the benefits. Obviously, this is not a bill for the wealthy.

There was also a discussion about the so-called Archer amendment, which is purported to take institutions in or out of something. The Archer amendment simply describes the actual effect of the bill. There is no money going to any schools or institutions. The money is

going to parents or students, and that is exactly what is intended. The amendment does not take anybody or anything in or out.

With respect to discrimination, the junior Senator from New York (Mr. MOYNIHAN) wrote to the Commissioner of Internal Revenue asking about the IRS's ability to police the nondiscrimination features of the 501(c)3 classification. I have placed that letter and the response in the RECORD, but for the purposes of debate today, the first question asked was:

Are the provisions of the present law . . . adequate to achieve the purposes of barring tax credits for payments to private elementary or secondary schools that are racially discriminatory?

The Commissioner replied:

At this time, we do not believe there is a need for additional statutory support of the Service's position that private schools exempt under 501(c)(3) may not discriminate on racial grounds, and we do not have any suggestions for further substantive statutory rules.

As a matter of fact, with respect to discrimination, many of the nonpublic systems are full of minorities. Students in Chicago system, for instance, operated by the Archdiocese of Chicago are 78 percent black or with Spanish surnames. As a matter of fact, in that mix about 40 percent are not Catholic.

There was also discussion today about how the students themselves feel. This was in our committee, and while there was testimony on both sides, the preponderence was in favor of tuition tax credits.

One Member spoke on the floor and said that this bill, if fully funded, will cost $5.4 billion. I think the reference was to the Senate bill. Again, the Joint Committee on Internal Revenue Taxation memorandum indicates that the cost of this bill as it is before us is about $900 million when fully operational, and with the elementary and secondary schools added, a maximum of $1.2 billion.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank my colleague for yielding. I have some questions.

I too have received information that the implementation at the post-secondary level, the cost for the first year would be $1.2 billion, as our colleague from Maryland has said, and if elementary and secondary levels are included, $5.8 billion by 1983.

Mr. FRENZEL. Those figures, I believe, refer to the Senate bill. The bill before us, at least as the estimates are presented to us by the Joint Committee on Taxation, will cost about $900 million in the third year.

Mrs. FENWICK. That is the addition involved in the Vanik amendment; is it not?

Mr. FRENZEL. The Vanik amendment will add about $300 million to the bill as it is before us.

Mrs. FENWICK. It says $354 million additional in 1980, and the bill itself would be how much?

Mr. FRENZEL. That is $900 million. The Vanik-Frenzel amendment would add $300 million. That is $1.2 billion.

Mrs. FENWICK. That is $1.2 billion. But what is the difference between this bill and the Senate bill?

Mr. FRENZEL. The Senate bill when fully operational after its 5th year, as I understand the last estimate, would be about $5.3 billion, but that bill has not been passed by the Senate but only by the Finance Committee.

Mrs. FENWICK. But nevertheless it would be $1.2 billion on this bill, and that amount for the Senate bill, as it is called.

Mr. FRENZEL. That is by 1980.

Mrs. FENWICK. I would like to ask another question. I notice the Internal Revenue Service or at least the framers of the legislation seem to indicate that giving this tax credit, which is indeed a subsidy from the Federal Government, does give the Government the right to insist on desegregation. I do not see how this would not leave a private school open to suit by those who have decided that no public money can go to a school where prayers are said, and I wonder if we will not open up that whole question again.

Mr. VANIK. Mr. Chairman, I yield such time as remains to my distinguished colleague, the gentleman from Ohio (Mr. LUKEN), who did an exemplary job in handling the matter of tuition credits.

The CHAIRMAN. The gentleman from Ohio (Mr. LUKEN) is recognized for 6 minutes.

Mr. RONCALIO. Mr. Chairman, will the gentleman yield

Mr. LUKEN. I yield to the gentleman from Wyoming.

Mr. RONCALIO. Mr. Chairman, title VI of the Civil Rights Act of 1964 states that anyone receiving Federal financial assistance must prove that they are not discriminating on the basis of race.

In the Ways and Means Committee, the gentleman from Texas (Congressman ARCHER) offered an amendment to H.R. 12050 to provide that tuition tax credits are not considered Federal financial assistance. This amendment passed, thus removing tuition tax credits from the purview of title VI of the Civil Rights Act.

The U.S. Commission on Civil Rights is fearful, after extensive study, that tuition tax credits for elementary and secondary schools will promote segregation by encouraging an exodus from public schools to nonpublic schools, thus setting up a new phase of segregation.

The question of whether or not tuition tax credits should be interpreted as Federal financial assistance will ultimately have to be decided by the court. In the meantime, it is our responsibility to see that we not promote segregation by enactment of the Vanik amendment as worded.

In the Vanik amendment, a provision is included which states that, to qualify for a credit, a student would have to attend a private elementary or secondary school which is State accredited or approved, and is tax exempt. In order to obtain, and maintain the tax exempt status, a school must prove that it does not discriminate on the basis of race.

However, there is dissatisfaction with the way IRS is handling the job of preventing discrimination in private schools. To illustrate this point, I submit the following:

The IRS is under a permanent Federal court injunction from granting tax-exempt status to any private school in Mississippi until it has made an affirmative determination based on objective data that the school is operated on a nondiscriminatory basis.

Despite this order, the Civil Rights Commission staff has identified seven private schools presently on the tax-exempt list, though they have been barred from receiving Mississippi State assistance under other Federal court decisions.

The above represents only one State, but it brings the realization that, by giving IRS complete authority—knowing that the IRS has not fully handled this responsibility—we could very well jeopardize all the progress that has been made in the past half-century; and it is vitally important that the legislative history show that it is not the intent of Congress that tuition tax credits be removed from the jurisdiction of the Federal Government in its responsibility to regulate the Civil Rights Act of 1964, and to insure that segregation practices do not surface anew.

Although I am inclined to support tuition tax credits for elementary and secondary students, I am very apprehensive about the present wording and the possible setback we may cause. Mr. Chairman, since we are prevented from adding amendments on the floor, this debate should make it clear that the legislative intent in the Vanik amendment is to prevent the remotest possibility of segregation by race in private schools.

Mr. LUKEN. Mr. Chairman, I rise in support of the Tuition Tax Credit Act of 1978 and in support of the Vanik amendment, particularly the Vanik amendment as it applies to elementary and secondary education.

I believe that the American people are firmly committed to tax credits. I believe that this Congress has sensed that for some time. Yet there seems to be a criticism of the fact that this Congress may follow the will of the American people, criticism in the form of objections to this bill which seem to be general and rather vague: It should not be brought up; it might be divisive. And yet when the Congress did sense the will of the American people, the administration stepped in and offered an alternative, the administration's Middle-Income Student Assistance Act, which was firmly and decisively rejected by this Congress.

When the Budget Committee recommended against tuition tax credits, the Congress again said by a vote of 199 to 173 that it was in favor of the tax credits.

So these efforts to blunt the thrust and thwart the will of the Congress are continuing. I say that the people want tuition tax credits because they want the freedom of educational choice, because combined with increased taxation and

inflation our parents now and our students now are denied that choice.

In many ways we now support nonpublic institutions with our tax laws, and this has been pointed out.

It has also been pointed out very clearly that it is not just the public schools that have been suffering but as a matter of fact the nonpublic schools have been dropping in enrollment and are suffering more, and so if this is passed and implemented at a fairly high level, compared to what is now suggested, we will not be favoring the nonpublic schools but we will at best be voting for the status quo. We will not be giving one the advantage over the other.

I do not believe that tax credits will be the death knell of public education. Nothing of the sort. As a matter of fact I stand with those who believe we need more recognition on both sides of the value of both school systems. This is one reason why I know in my district in Cincinnati, where the public school levies are defeated time and again and the Cincinnati public school system is in trouble, I believe we will benefit from the passage of this bill even though of a nominal amount.

I was standing in a shopping center recently after I sponsored the amendment which passed in the budget and a woman, obviously a parent, walked up to me and said, "If we get this, it will be the first thing we ever got."

That is an indication I believe that she certainly felt very strongly on this matter, and I further believe that it is an indication that there is somewhat of a seige mentality on the part of parents of nonpublic school students who have been paying for two systems and who are asking and who are pleading for some form of equity.

It has been emphasized, stated and restated that this is not some kind of relief for the rich. The overwhelming number of nonpublic school parents are of middle income or lower income families. I myself have had my own children in both private and public school systems and can testify that in Cincinnati the nonpublic school system is at least as integrated as is the public school system, probably more so. So I do not believe it will foster racial segregation. It may in individual cases, but that always is the case. But I believe the evidence is quite to the contrary.

So, Mr. Chairman, I believe that the House has made full room for a full tuition tax credit in the 1979 budget, as it has been indicated, and I hope the Members will vote similarly in support of the Vanik amendments.

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. LUKEN. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, I thank the gentleman from Ohio Mr. LUKEN for yielding to me.

I would ask the gentleman, would he assume that as more children go to private schools there will be less taxpayer's support for funds for the public school systems, bond issues and so forth, would that not be a logical assumption, that as this increased number of children go to the private schools that it will ultimately decrease support for the public schools? Is that not a logical assumption?

Mr. LUKEN. Let me say that there still will be a substantial amount of sacrifice that will be involved. That is an important point that I forgot to mention in my remarks here. There will still be a substantial amount of sacrifice. There will not be a significant change in the overall proportion of students attending either nonpublic or public schools.

As I stated earlier, it is my firm belief that if this equity is extended that the passage of public school levies will be enhanced.

● Mr. OTTINGER. Mr. Chairman, today we are considering a bill of great importance to American taxpayers. This bill provides a tax credit for up to 25 percent of college or postsecondary vocational school tuition, up to a ceiling of $100 in 1978, $150 in 1979, and $250 in 1980. I am a cosponsor of the original tuition tax credit legislation introduced by Congressman BURKE and Congressman FRENZEL and plan to vote for this measure today.

Because this is such an important—and emotionally charged issue on both sides—I would like to briefly summarize my reasons for supporting this bill and the Vanik amendment to extend the tax credit to elementary and secondary school tuition.

The idea of tax credits for tuition is not new, but I believe the need for this legislation is even greater now than when it was originally proposed.

Education at every level is facing a crisis caused in great part by the rise in tuition. For all but the wealthiest Americans, it is increasingly more difficult for parents to finance the education they want for their children. The squeeze of inflation and higher taxes is making it especially hard for the middle-income worker who is too poor to afford the cost but too well off to qualify for Federal financial assistance. Taxpayers are reaching the end of their ropes—they need some relief. I am afraid that without this kind of assistance we may see a drastic cutback in private school enrollment. This will be reflected in crowding some public schools which will increase the tax liability for their support. It will jeopardize the pluralism of our educational system and it will further alienate these most alienated of middle-income workers.

The middle-income workers, who pick up the tab for most of the costs of Government including the programs to assist the poor, generally do not benefit from any Government programs. Middle-income Americans usually cannot afford to take advantage of Government tax incentives such as tax-free municipal bonds, and cannot use tax deductions for charitable contributions—including those to religious institutions—which are available to those taxpayers who itemize their tax returns. It has always seemed grossly unfair to me that wealthy people should be permitted this advantage, while middle- and low-income people get no charitable incentive. Indeed, perhaps the best resolution of this problem is a bill which I introduced to provide a small charitable tax credit.

Furthermore, tax credits currently are provided for expenses in a number of areas of national concern such as for the expenses of child care, retirement, work incentives, and investment income. Certainly, education expenses equally deserve this kind of support and tax treatment. I believe there are few areas where a tax break is more appropriate and would help the recipient more directly than a tax credit for tuition.

During the past few months, I have talked to a great number of people regarding this issue and reviewed the materials being circulated by groups and interested individuals. To date, I have seen nothing in the way of studies or statistics which would lead me to believe this bill would have the drastic effect on public education that tax credit opponent predict. The proposed tax credit will not begin to pay a major part of education expenses, but it will provide some desperately needed assistance for taxpayers. For many of them even a small tax credit will make a big difference, they are so hard pressed. I honestly do not feel that this credit is enough incentive to encourage parents to change their educational lifestyles and no longer take advantage of a "free" education.

I recognize that there are honest differences of opinion on this issue among people who share with me a deep concern for the future of public education in our country. However, I still feel this is primarily a tax relief measure to aid the taxpayers of this country, and it answers a real and legitimate need of millions of Americans. I do not consider this tax credit in any way inconsistent with other Federal aid to education. I have supported every single aid to education program since I came to Congress and will certainly support and actively advocate large increases in aid to public education in the future. I think our goal should be Federal payment of one-third to one-half the costs of public education, most of it as revenue sharing with no strings attached.

Finally, I do not believe this tax credit legislation precludes our consideration of other measures to help parents and students meet their education expenses, nor do I believe this should be the major initiative in the financing of education. I would like to see our present student financial aid programs expanded and their administration improved. Also, I believe we should carefully consider the proposal drafted by the president of Boston University, John Silber, and introduced by Representative MICHAEL HARRINGTON. This bill establishes a Federal tuition advance fund to advance students the full amount of their college tuition, and as much as $1,000 toward room and board, up to a total of $5,000 annually. Students would repay this money on a gradual basis, depending on their income, over most of their working lifetime.

In conclusion, I believe we need to consider many options to insure that money does not prevent anyone from receiving

the education they want and need, and tax credits should be one part of our Federal education assistance program.●

● Mr. LE FANTE. Mr. Chairman, I am pleased that we have the opportunity today to debate and vote on a bill which focuses the attention of the Congress upon the difficulties facing many middle-income Americans in educating their children. I have long been concerned about the increasing cost of education and its burdensome effect on middle- and low-income families. When I campaigned for Congress, and previously in my capacity as a State legislator, I made a commitment to finding and supporting ways to ease the growing financial burden on the middle-income taxpayer. I am still firmly committed to that goal and, in fact, the first piece of legislation I introduced in Congress was a bill to provide a tax credit for postsecondary education expenses. I support H.R. 12050, the Tuition Tax Credit Act of 1978 for the same reasons I introduced my tax credit bill, H.R. 14.

The Tuition Tax Credit Act provides a nonrefundable Federal income tax credit against tuition that taxpayers pay for themselvse, their spouse, or dependents to attend postsecondary educational institutions. The tax credit would equal 25 percent of the tuition paid by a taxpaper, up to a maximum credit of $100 in 1978, $150 in 1979, and $250 in 1980 for each eligible student. The credit would become effective August 1, 1978, and terminate after December 31, 1980.

I believe tuition tax credits are a simple, direct, and effective way to help families who are faced with today's rapidly increasing college tuition costs. As both taxes and the cost of tuition continue to rise, there is the fear that children from middle-income families will be squeezed out of getting a college education since these two factors will leave their families with less disposable income to pay for their higher education expenses. The Tuition Tax Credit Act will provide some finanical relief to hard-pressed students and families who must bear the ever-increasing costs of pursuing a higher education.

While I support the bill reported out by the Ways and Means Committee, I do not believe it goes far enough in easing the financial burden of many low- and middle-income families since the bill does not include elementary and secondary school tuition tax credits. I consider this exclusion to be an oversight on the part of the committee. Tax relief in this bill should also be extended to parents who pay tuition for their children to attend nonpublic elementary and secondary schools.

I know this is a matter of great concern to the many families in my district whose children attend nonpublic elementary and secondary schools. I have heard from an overwhelming number of my constituents who support providing tax credits for tuition for these nonpublic schools. In fact, my office has received more mail in support of this provision than on any other issue since I have been in Congress.

I support the Vanik-Frenzel amendment to extend the tax credit to parents who pay tuition for their children to attend nonpublic elementary and secondary schools. This amendment would limit the credit to a percent of the tuition actually paid to a maximum of $50 in 1978 and $100 in 1979 and 1980.

Extending the tuition tax credit to these families is justifiable for several reasons. Tuition costs have skyrocketed at all levels of education, not only at the postsecondary level. The costs of nonpublic elementary and secondary education have risen substantially in recent years and are expected to continue to rise. Low- and middle-income families whose children attend nonpublic elementary and secondary schools are faced with a genuine financial burden, which has been referred to as "double taxation." Not only are they paying nonpublic school tuition costs, they are also paying taxes to support the public school system. Providing tuition tax credits to these families will to some extent relieve the low- and middle-income taxpayer of that burden.

Extending tax allowances for nonpublic elementary and secondary school tuition charges also works to maintain the diversity in our educational system by providing an alternative to the public school system. This diversity allows lower- and middle-income families the opportunity to exercise some choice in educating their children and permits parents to maintain and strengthen their family's ethnic and religious ties.

My record shows that I have been a strong and constant supporter of our public education system. What I am advocating here in supporting the Vanik-Frenzel amendment is freedom of choice—and that means choice for people in all income brackets, not just the rich. Lower- and middle-income families need help if private education is going to be accessible and affordable for their children. A tuition tax credit would provide at least some financial relief for these families who are struggling with the high cost of educating their children.●

Mr. LEGGETT. Mr. Chairman, we have had the opportunity this afternoon to listen to many compelling and thoughtful arguments in support of H.R. 12050, the Tuition Tax Credit Act of 1978.

Surely no one can doubt that Congress stands firm in the conviction that we as a Nation can make no more sound an investment than in the continued support of our educational system.

All of us are painfully aware that the cost of a college education is rapidly escalating beyond the means of many Americans. The College Entrance Examination Board reports that between the 1970–71 and 1976–77 school years, the average tuition and fees for 4-year colleges rose at 54 percent at private institutions and 57 percent at public institutions. The current programs of financial assistance for college students and their families do not provide enough help. Clearly, it is time to reconsider our approach.

Many of my colleagues have praised tuition tax credits as a simple, direct, and effective way to help families faced with skyrocketing college tuition costs. Nothing could be further from the truth.

The proposal before us today falls woefully short of meeting the basic needs of families trying to put their children through college. The tuition tax credit would be inefficiently distributed and would fail to provide middle-income families with the assistance they need at the time they need it. Furthermore, it would substantially increase taxpayer paperwork and would fragment our national education policy.

A close examination of this misguided proposal reveals that tuition tax credits would not be targeted at those families most in need. The bill provides a maximum credit of $250 to families regardless of their income levels. The Joint Committee on Taxation estimates that nearly one-third of the benefits will go to families with incomes in excess of $30,000 annually, with a paltry 9 percent of the benefits going to those families with incomes of $10,000 or less. Obviously, these families needing financial assistance the most would get the least.

We have over the years attempted to equalize educational opportunity by directing postsecondary educational assistance to those families and students with minimum resources, providing an educational opportunity otherwise unavailable. The tuition tax credit proposal is a large step backward in achieving this goal.

I share the concern expressed by many of my colleagues that middle-income families need more help. But we should be certain that we are providing them with meaningful relief.

This student assistance proposal comes to us not after long deliberation in the Committee on Education and Labor, but from the Ways and Means Committee. The specter of placing one area of educational policy into the tax-writing area and out of the committee with educational expertise is, indeed, a dangerous precedent.

To the extent that middle-income families need more help, far more money would go to them under H.R. 11274, the Middle-Income Student Assistance Act. Unfortunately, this proposal is not before us this afternoon. I would like to note, however, that H.R. 11274 would require appropriations of only $1.4 billion, as opposed to an estimated revenue reduction of $5.3 billion under the tuition tax proposal. The student aid bill, H.R. 11274, would greatly expand student aid for families with incomes up to $25,000. The proposal before us today, however, would have no impact on student aid. And, it would offer pathetically little help to needy parents hoping to give their children the chance they never had.

During their consideration of H.R. 12050, the Ways and Means Committee wisely voted to eliminate elementary and secondary school tuitions from eligibility for the tax credit. The case against elementary and secondary credits includes serious dangers to our existing public school systems and undue involvement by the Federal Government in support of

religion and religious institutions. Furthermore, the Attorney General has stated that in his opinion, tax credits for elementary and secondary school students would be held unconstitutional. If we were to adopt such a credit, it would no doubt be held up in litigation for years. This is a Pandora's box I would rather not open, and ask that you vote with me in rejecting the Vanik-Frenzel amendment which would restore these tax credits.

H.R. 12050 is opposed by the administration, the AFL–CIO, the Public Citizen's Tax Reform Group, the American Federation of Teachers, the National Education Association, the National Student Association, the National Student Lobby, the National Congress of Parents, the National Council of Churches, and the League of Women Voters, to name just a few.

I am pleased, however, that the tuition tax credit proposal has finally focused our attention upon the difficulties faced by most middle-class Americans in educating their children. It is my hope that the momentum generated by this proposal will allow a more realistic approach, like that of H.R. 11274, the Middle-Income Student Assistance Act, to come to the floor before the end of the 95th Congress. But to underscore what I stated earlier, a careful examination of this tax credit proposal reveals it to be a hoax on the middle-class taxpayer, unnecessarily expensive, and inflationary—without making it any easier for a student to get an education. I urge you to join with me in voting to reject this most unwise and ineffective tax scheme.

Mr. PURSELL. Mr. Chairman, today, after years of debate, we are finally considering the issue of tuition tax credits. I, for one, am pleased that this legislation is before us because I believe that it will relieve at least part of the strain which rising college tuition costs impose on all American families—including the middle-income families. Furthermore, I believe that this tax credit is really an investment for the future of the United States. With the rapidly rising costs of college education, this small measure of tax relief will make it easier for our students to attend college and graduate, thereby making a more productive America for all of us.

My congressional district contains the largest student population—over 84,000—in the United States, so I am well aware of the financial burdens incurred by students and their families. I am proud to say that I had the pleasure of hearing one of my student constituents—the president of the University of Michigan student body—and a representative from Michigan State University, testify before the Ways and Means Committee on the tuition tax credit issue.

The facts of the matter are that from 1967 to 1976 the overall cost of a private college education rose 99 percent, while costs for attending a public university increased by 93 percent. At the same time, it turns out that whereas the median before tax income of families with 18 to 24-year-old dependents rose 78.8 percent between 1967 and 1976, the corresponding after tax income increased just 66.8 percent. I think these figures show—beyond any doubt—that it has become increasingly difficult for the average family to send their children to college.

I do not believe anyone in this Congress can deny that relief for college tuition costs is necessary. Without educated young people, this country will lose an important resource.

However, when it comes to the question of elementary and secondary tuition tax credits, we enter a much different phase of the discussion. As I have done in the past, I support scholarship funds, transportation funds and recent court decisions regarding textbooks, for private schools. I do not believe we should attempt to correct what is really a very basic problem dealing with financing, with a tax credit system.

We should be addressing the root of the problems regarding elementary and secondary financing by reviewing the total system, including the increasingly high property taxes homeowners in America are experiencing. In the Michigan State Senate, I sponsored a constitutional amendment to reduce our property tax in Michigan by 50 percent, to help ease the tax burden of all homeowners but with a tax adjustment in the income tax to replace it. Here in the House of Representatives, I have introduced a comprehensive bill to create a Department of Education—and this is the only such bill which deals with the issue of elementary and secondary education financing. My bill sets up a Commission on School Financing to analyze and recommend a comprehensive plan to correct the inequities and problems which we face in this matter.

It is my firm belief that such an approach—not tuition tax credits—is the way to deal with this tremendous problem. Such an alternative would deal with the disease, and not just the symptoms.

Therefore, I lend my support to tuition tax credits for postsecondary education, and urge my colleagues to deal with the vast problems of elementary and secondary educational financing in a more equitable manner.

● Mr. HARRIS. Mr. Chairman, to many middle-income Americans with children in college, the tuition tax credit legislation before us today, H.R. 12050, is one of the most important tax measures to come before the 95th Congress. It will provide middle-income families with badly needed relief against the skyrocketing costs of higher education. Importantly, it will do so without putting undue pressures on the Federal deficit or inflation. As it presently stands, I can support H.R. 12050 and think it is a well-balanced and reasonable bill.

RELIEF NEEDED NOW

Clearly, many families in the middle-income brackets are hard pressed to meet the costs of higher education. In the last 5 years, the average cost of obtaining an education at a public institution of higher learning has risen more than 40 percent, while the cost of an education in a private college has increased more than 36 percent during the same period. Moreover, a recent survey shows that college attendance of children from middle-income families is on the decline—down 22 percent in the early seventies—while the attendance of children from lower and upper income families has remained stable.

In recent months, I have received hundreds of letters like this one:

I'm tired of getting it from both sides. My income negates any consideration for aid, although I've had two children in college for the last three years. At the same time, by working harder to pay their way, I'm in a higher tax bracket.

In my opinion, the present trends in education costs and mounting tax burdens threaten to make a higher education prohibitive for many middle-income families. I believe a tuition tax credit for higher education is essential to keep the doors of higher learning open to all Americans.

POSTSECONDARY CREDIT FIRST PRIORITY

For 3 years now I have sponsored legislation, H.R. 6748, to provide tuition tax credits for higher education. Like my bill, H.R. 12050 will cover the broad spectrum of postsecondary institutions—both vocational and academic—and take some of the burden off families who have faced not only higher tuition costs, but rapidly rising tax assessments in recent years. I think that middle-income families have already waited too long for this sort of tax relief.

An amendment will be offered to provide a tax credit for families with children in private elementary and secondary schools. While I am very sympathetic to the plight of such families, I cannot support the amendment at this time because it would dramatically cut into already stretched Federal revenues. The Joint Committee on Taxation estimates that the amendment would take $1.8 billion out of the Federal budget over the next 4 years.

Three weeks ago the House approved a 1979 budget that I opposed because it would create a $57.9 billion Federal deficit and lead to higher inflation in consumer prices. Until we cut the deficit, bring Federal spending under control, and begin a real attack on inflation, I cannot support measures that continue to deplete Federal revenues.

When the House considered the 1979 Federal budget, I offered a plan that would cut the deficit by 50 percent. I believe my plan—pruning wasteful spending, foregoing an additional $10.7 billion tax cut, eliminating corporate tax loopholes and relaxing Federal monetary policies—would make a real dent in inflation.

The diversity of this Nation made it great. We must continue to foster plurality and choice in our educational system. The Federal Government does this in part by making private elementary and secondary students eligible for many forms of Federal assistance like their public school counterparts.

I, too, am concerned about the high costs facing private and public schools, but believe our first step must be to put a halt to inflation. Our schools, like our citizens, have faced a 39-percent increase in electricity in the last 5 years; they are coping with an almost doubling of gasoline prices in the last 4 years. The American Library Association has told me that

the cost of children's library books has risen 45 percent since 1971. Food prices for school lunches, teacher's wages, health and retirement benefits for school personnel are all escalating. Quite simply, the fight against inflation is the fight we must wage to help schools pay their bills and provide education for all our children.

There are many methods of financing education. We must maintain a mix and diversity. And importantly, we must keep our children's education at the top of our priorities.●

● Mr. MOAKLEY. Mr. Chairman, I rise in support of the bill (H.R. 12050) to provide for tuition tax credits and in support of the amendments offered by the gentleman from Ohio (Mr. VANIK).

As a member of the Committee on Rules, I have supported every effort to bring this measure up for a vote in the House and I commend the leadership for scheduling this measure in adequate time to send the bill to the President before the end of this session.

Mr. Chairman, I know that many of my colleagues are concerned about the effect of the Vanik amendment on our public schools. I am sympathetic to their position and share their commitment to public education. However, I do not believe that the Vanik amendment poses any danger and urge its adoption.

As a Representative from the Boston area, I am particularly eager to provide some relief to parents in my district who send their children to private schools.

Boston has one of the largest parochial school systems in the United States. The system has worked well and has maintained a useful and constructive diversity in our community. It has also helped to hold down property taxes. If the financial strains forced the parochial school system to curtail enrollment, the impact on Boston taxpayers would be disastrous. This legislation will not solve the crushing property taxes in Boston nor will it deal with the financial burden of the nonpublic schools.

But it will provide relief to hard-pressed taxpayers who, in many cases, must pay taxes to support public schools while paying the cost of sending their own children to nonpublic schools.

It must be recognized that the passage of this bill represents a significant protest by the people and their representatives against the bureaucratic indignities suffered by applicants for existing Federal programs.

To apply for the BEOG program, for example, a student and his parents must complete a complicated and exhausting form. They will be required to furnish a lot of information that is necessary to determine eligibility and a lot of other information which is not needed but satisfies the curiosity of HEW.

If they have made no mistakes and have no special circumstances (which must be explained in a separate box nobody reads) they will get back a form saying they are eligible and how much they will receive. If they have made any kind of error, they will get a form that sometime requires them to start from scratch. Each step takes months and is handled entirely by computers so no information can be obtained during processing. At the end, the student is faced with a form that tells him he will receive $20, $100, $1,000 or whatever with no idea how the figure was arrived at, whether it is fair, or even correct.

I am voting for this bill today because my constituents have had enough. They want a program that is simple, understandable and reliable.

For this reason, I am voting against the amendment offered by the gentleman from Illinois (Mr. MIKVA). The Mikva amendment is a fair and useful suggestion. However, it is far too complicated and could move us back toward the frustration which led our constituents to demand that Congress act on a tuition tax credit.

Mr. Chairman, this is vitually necessary legislation and I urge its adoption.●

● Mr. GOLDWATER. Mr. Chairman, I rise in strong support of the Tuition Tax Credit Act and the proposed amendment to include elementary and secondary tuition costs. I spoke on this subject in length and in detail during the consideration of the new tax credit amendment to the budget resolution, and I shall not take up my colleague's time now except to briefly summarize what I believe are the major issues involved.

I do not believe support of tax credits can be equated to nonsupport of public education. It is not the public schools which are loosing students because of inflation and I have seen absolutely nothing in the way of surveys or statistics to indicate that there will be a mass exodus from the public schools with the passage of this bill.

I have heard it said that this bill will be some kind of a windfall for the rich—well, if $250 represents a windfall to someone who is considered wealthy, then all I can say is our economy is in worse shape than anyone imagined. I say this $250 represents nothing more than a recognition that tuition costs are as legitimate and allowable an expense as, say, interest payments. Besides, no matter what rhetoric we have heard today, the fact is that those who will benefit most will be the middle-class taxpayer—remember him? He is the one who has been picking up the tab for all the other educational help programs his kids cannot participate in.

I have also heard it said that the bill is unconstitutional. I realize this is a debatable question, and while I believe this is no more unconstitutional than tax deductions for contributions to churches, I say let us give it a try and let the Supreme Court decide the issue.

Finally, I believe the crux of this whole issue is freedom of choice in education because with the financial pressure created by high taxes and runaway inflation, the only people who will be able to afford a choice will be the rich. I say, let us give the folks who have been working so hard to pay the enormous bill of Government a small break. Let us let these folks keep a tiny bit more of what is theirs in the first place. I urge my colleagues to support this bill and the Vanik amendment for elementary and secondary education.●

Mr. VANIK. Mr. Chairman, I am of course pleased that the House is moving toward the adoption of a tuition credit. My colleague, the distinguished gentleman from Minnesota (Mr. FRENZEL), did a tremendous work in the committee in preparing and advocating the approval of the legislation.

However, the principal credit for the progress of this legislation must be given to the distinguished gentleman from New York, Chairman JIM DELANEY of the House Rules Committee. No Member of the Congress has worked harder or longer to bring us to this point. He has supported this idea for almost 30 years.

If this bill is signed into law and hope that the President will sign the final product, the bill will be a monument to the high purpose and the consistent leadership of the gentleman from New York, JIM DELANEY.

● Mr. GARCIA. Mr. Chairman, there are few issues, I feel certain, that will be more difficult for me, more keenly felt by my constituents, more hotly debated both within and outside this body than the issue of tuition tax credits. The controversy—and passion—surrounding this bill has certainly given me a good lesson in the careful thought and consideration every issue before this body must be given. And it is after that kind of thought, and after listening to well-considered arguments on each and all sides of this issue that I today rise in support of Mr. VANIK's amendment to this bill to provide tuition tax credits for the families of children attending private schools.

Mr. Chairman, I am doing this to help the parents of children in my district. Yes, even in the south Bronx, I am convinced that the proportion of minorities in the public and private schools is comparable. And I deeply believe that even—no, particularly—in areas such as mine, people must have access to alternatives in education at the most basic level. No, in my district there is no segregation in the private schools, for they are filled with the children of parents who see a private education as a way to create a brighter future for their kids.

Tuition tax credits are not just for the middle and upper class, and I reject those arguments that imply they will not help those who need it. They seek to help lower income families—people who must adjust their own financial difficulties to their children's educational needs. If aid is not provided during the years when children are in elementary and secondary school, many of the most capable and deserving will not have the option of competing for postsecondary tax credits—or any other form of college assistance, for that matter—and I think that is clearly exclusionary and discriminatory against the more needy children in our society. Let Secretary Califano and the U.S. Catholic Conference debate how much money private schools receive. Our primary concern should be the educational opportunities available to the children.

Support of private education does not mean no support for public education.

And I have supported the concept of aid to private education since my days in the New York legislature. Support of tuition tax credits will not mean the end of public education, but it does mean that we are prepared to guarantee a child's educational opportunities when the public schools have failed. You may be certain that I will continue to be as diligent in my support of public education, and of improving the quality of education our children receive in all institutions.●

Mr. STOCKMAN. Mr. Chairman, the mounting tax burden on middle-class citizens has come to pose a serious threat to the future of educational freedom of choice in our country. This increasing strain on the financial resources of most Americans has made the prospect of a college education for our children less certain, and has further weakened the private elementary and secondary education system, which provides an invaluable supplement to our public schools. For these reasons, I urge my colleagues to support the tuition tax credit proposal before the House.

It is true that tuition costs have increased tremendously over the past 5 years. The problem, however, is not the high cost of education relative to a family's wages. Rather, it is cost as a percentage of after-tax take-home pay that is crucial. Tuition costs have gone up by more than 50 percent in the last 5 years. During the same time, prices in the economy generally have risen nearly 36 percent. But the median gross income of families with college-age dependents has increased by more than 40 percent. Why, then, has the cost of education become such a financial burden on the average American family?

The answer is to be found in the fact that gains in before-tax wages have not compensated for the much greater increases in taxes. Over the past 5 years, taxes have risen twice as fast as the cost of living generally. The result is that the average family has considerably less money left over on payday for education than would be true had taxes remained steady.

Rising prices, high tuition costs, and much higher taxes have thus combined to squeeze the typical family's budget. On top of all this, the tandem of unchecked inflation and compensating wage hikes has moved many taxpayers into higher marginal tax rate brackets, where an even greater percentage of income disappears into government coffers.

Ideally, if the Congress were to look beyond the immediate problem and reform our entire tax structure to provide relief across the board, American families would have greater after-tax income available for such purposes as education. Until this more basic reform can be addressed, however, we should adopt the proposed tuition tax credit plan.

Many middle-income parents justifiably fear that, when the time comes, they either will be unable to afford to give their children a college education, or will have to make extraordinary sacrifices to do so. Similar problems face families who have children in nonpublic elementary and secondary schools. Here, parents are confronted with a double burden. Not only must they pay tuition, but they are also subjected to the rising property taxes used to finance the public school system. The result is that fewer and fewer families are able to exercise their free choice to send their children to private schools. U.S. Commerce Department statistics indicate that private elementary schools have lost 20 percent of their enrollment in the last 10 years.

As a practical matter, I believe we must recognize the added burden that reduced private school enrollment would impose on our public school system. Some 7.7 million students now enrolled in private educational institutions would have to be absorbed by tax-supported schools at an estimated additional cost of $17 billion per year.

The fear that a tuition tax credit will make private education more competitive and that it will attract too many students to private schools to the detriment of the public schools is therefore unwarranted. Indeed, the foregoing statistics indicate that the tax credit alone may prove insufficient to preserve the private education alternative we presently possess.

In my view, we will suffer a tremendous loss if we allow the demise of our private schools to continue unabated. The opportunity for private education provides a highly desirable alternative for those families who wish to meet particular needs in the education of their children. Freedom of choice in education must be recognized as essential to the preservation of our larger political freedoms.

Unlike our present Federal student aid programs, which consist largely of direct grants and insured loans, the tax credit will not stimulate further growth of an inefficient and costly administrative mechanism. The student assistance bureaucracy is already laden with serious problems, ranging from the massive volume of routine paperwork to the increasing demands of policing student defaults. As the amount of student aid has risen, the administrative structure has increased at every level, from Federal departments down to administering schools.

The cost of administering a tax credit via existing Internal Revenue procedures is, conversely, minute in comparison to our existing aid programs in the Department of Health, Education, and Welfare. Providing for expanded direct assistance in the form of grants and loans would only compound this expense, and, more importantly, would do nothing whatsoever to assist families with children attending private elementary and secondary schools. Administration costs came to approximately $100 million in 1977. With this sum, we could have provided $500 tax credits for 200,0000 families, money that would have gone directly for financial relief, instead of for paperwork.

It is apparent, then, that the tuition tax credit would ease the present financial demand on middle income families. According to the Bureau of the Census, 32 percent of all college and university students come from families earning less than $15,000; 79 percent come from families making under $30,000. Among private elementary and secondary students, more than 71 percent are from families who earn under $25,000. The Joint Committee on Taxation estimates that 85 percent of the total benefit to be derived from the tax credit will accrue to families with adjusted gross incomes under $30,000. And because the credit will be available to all families, it will provide substantial tax relief regardless of whether parents opt for private or public colleges.

In conclusion, the purpose of the tuition tax credit proposal is to assist families in exercising their freedom of choice to satisfy their educational needs in a cost-effective manner. This approach preserves the private education alternative, while insuring against excessive pressures on our public school system. At the same time, it eliminates the prospect of more bureaucracy, more invasion of financial privacy, and more expense for the American taxpayer. I urge my colleagues to join me in giving their full support to the tuition tax credit.

Mr. CLEVELAND. Mr. Chairman, I support H.R. 12050, the Tuition Tax Credit Act of 1978, and the Vanik amendment to extend tuition tax credits for elementary and secondary schools. Having introduced and cosponsored various legislative proposals to accomplish this goal ever since coming to Congress in 1963, I am delighted that the House finally has an opportunity to do something meaningful to assist taxpayers in meeting the costs of education.

I firmly believe that the tuition tax credit approach represents the most equitable and effective way of relieving the tremendous financial burden now experienced by parents of children attending nonpublic elementary and secondary schools, and those attending both public and nonpublic postsecondary institutions. H.R. 12050 in its original form provides valuable assistance to those attending our public and private postsecondary institutions.

However, I think the Vanik amendment is a necessary component of this legislation. The amendment will help insure the continuance of private and parochial schools in the United States. These schools are worth saving not only because of their contribution to diversity in our educational system, but because of the critically important competition they provide to the public school system. This is not to suggest that public schools should or will be undermined by tuition tax credits. Rather, I think the facts indicate that public school enrollment has been and will continue to increase along with increases in Federal spending for education.

However, private schools do provide a yardstick against which to measure the quality and performance of public schools while offering an alternative approach to educational disciplines. The U.S. Commissioner of Education in fact stated in 1977 that—

> Private education is absolutely crucial to the vitality of this Nation, and public policy should strengthen rather than diminish these essential institutions.

Mr. Speaker, I am delighted to have an opportunity to cast a favorable vote on this legislation and the Vanik amend-

ment not only because of my longstanding support for the concept but also because a large majority of my constituents according to my recent annual questionnaire also support tuition tax credits. The question asked was: Which of the following approaches to increasing aid for private and postsecondary education do you prefer?

First. Federal income tax credits for a portion of tuition.

Second. Expansion of existing Federal aid programs to students.

Income tax credits were preferred by 66 percent of the respondents, while 34 percent favored expansion of existing Federal aid programs. Although both approaches are designed to improve the quality of education and provide financial relief for parents who pay tuition, I think the tax credit approach is more effective and certainly less complicated. Tax credits offer a more direct form of assistance due to the minimizing of the bureaucratic involvement. At a time when middle-income families are finding themselves hard pressed to cope with inflation, and yet excluded from a variety of Federal assistance programs, tuition tax credits represent a means for the Federal Government to provide some meaningful relief.

In conclusion, Mr. Speaker, this legislation has come to be viewed by some as a battle between the private and public schools. Nothing could be further from the truth, as H.R. 12050 will provide needed assistance to a great many of my constituents and those in other States who are faced with the expense of higher education either in vocational schools or our State university system. The public schools at the postsecondary level, therefore, benefit as well.

● Mr. GILMAN. Mr. Chairman, many myths have surrounded the issue of the tuition tax credit, and many arguments, both in favor of and in opposition to this credit have been vocalized throughout the last several months. Most every Representative, I am certain, has met with numerous teacher groups, parent groups, school board associations, and others concerned about the effects that a tuition tax credit would have upon the systems of public and private education. Without those arguments, the intricacies and subtleties of each point of view would have remained unnoticed, and I am grateful for having had the counsel of each of the groups having an interest in passage or defeat of this legislation.

The most disheartening aspect of the debate on this issue is the numerous myths and fallacies which have grown up around the concept of the tuition tax credit. Myths have been perpetuated on both sides of the fence, and in many instances, one is unable to distinguish fact from fiction.

After studying this issue carefully, I am prepared to respond to some of the most often stated arguments in opposition to the tax credit and to argue in favor of the tax credit for tuition costs.

Arguments against tuition tax credit range from its unconstitutionality to the fact that the upper middle class will be benefiting from the credit. In addition, proponents of the tax credit claim that their right to choose between public and private schools must be protected by legislation. Let me address some of the most harmful and divisive myths which have been handed down as fact.

In voting for the tuition tax credit, and for the reinstatement of the elementary and secondary school provision of the original legislation, I am voting for a simple tax break for the middle class the people most sorely in need of a tax break are the middle class and today that middle class is composed of individuals earning between $15,000 and $35,000 per year. This is a majority of Americans. The middle class, or middle-income earners have borne the burdens of escalating property taxes, rising utility bills, substantial increases in food and housing costs, and nearly a doubling of education costs within the last decade. Middle America is being squeezed so tightly now that in California, for example, a full-fledged "taxpayers revolt" is taking place. The one essential fact in all this is that the middle-income families need a break. An educational tax credit will be a step in the right direction.

Those who choose to send their children to private schools are indeed, exercising their freedom of choice in educational matters. This right has been granted by the Constitution, but the Constitution does not require that private schools, religious groups or religiously affiliated organizations should be directly subsidized by the Government. Subsidization is wrong. That is why a tax credit given to individuals is the more appropriate route. Tax credits have been proposed for insulating one's house to conserve energy, making modifications in housing to accommodate disabilities and in many instances for enabling individual to enjoy relief from overburdening taxes. These credits are for important objectives and education is one or our most important commodities. However, the costs of higher education are becoming prohibitive. Twenty years ago, it was not essential to have a college degree to obtain a good job. At other times in our history, undergraduate and graduate degrees were considered a luxury to be enjoyed by the wealthy and by those who could afford the time and expenses that education demanded. Today, however, with the premium on education being very high, it is essential that job applicants be educated at a basic level, and that basic level today is college.

There has been no pronouncement by the Supreme Court that a federally mandated tax credit for tuition is unconstitutional. The Court has been traditionally reluctant to overturn a congressionally mandated program because the broad spectrum that the Congress encompasses represents well thought out and generally nondiscriminatory courses of action. It is true that on several occasions, the Supreme Court has ruled against States which have proposed direct aid to religiously affiliated institutions because the States in question had encouraged the subsidization of their sectarian school systems. If the Congress passes the tuition tax credit legislation, which is aid to individuals and not to institutions, designed to eliminate the burdens on America's middle class, the Supreme Court will consider this action as mandate, and not as sectarian subsidy. To anticipate that the Supreme Court will declare this tax credit as unconstitutional even before the passage of this legislation is to undermine the wisdom and direction of that Court.

Administrative costs of the proposed tax credit program have been brought under question by its opponents. The cost, I understand will be minimal, as it is only necessary to modify the tax forms. The burden of proof will be on the taxpayer himself as he must provide the Government with the necessary documents and figures to become eligible for the credit.

The most pervasive argument against the tuition tax credit is that the future of the public school system will be eroded and threatened. While I am sympathetic to the plight of our Nation's public education system, I can say, in good conscience, that the Congress has been consistently generous in allocating moneys for educational programs and in insuring that our youth and adults are receiving as fine an education as is possible. Certainly, the Government has imposed some new burdens upon the public school system with the institution of a new handicapped education law and with some of the paperwork accompanying the civil right programs, but the Congress is aware of those problems and is working toward their elimination.

One of the most favorable aspects of this legislation as it was reported out of the Ways and Means Committee is one which assures that the program of tuition tax credits will be properly reviewed to insure its effectiveness, and the program has been authorized for a period of 3 years only.

The private education system has attracted only 9 percent of school age population, and certainly this percentage of students has not grown significantly within the last decade. A tax credit will not encourage parents to pull their children out of the public school system as a parent is still liable for more than 50 percent of tuition costs for each child if the tax credit is granted. A pluralized educational system has been one of the priorities and attractions of our Nation's educational programs and to invalidate this pluralism by denying any relief from educational costs is to negate this pluralism.

At this time in our history when the middle class is being unfairly imposed upon by rising costs it is essential to guarantee the right to a good education. This right is being denied to many of our citizens because of prohibitive costs. I believe that the Congress should act to reduce the taxes for the middle class, and the proposed tuition tax credit will help. The individuals who have chosen to send their children to private schools are paying property taxes to subsidize the public school educations of many

other students, and are receiving no benefits from this subsidy. Tuition tax credits are not being granted to encourage a rise in enrollment in one type of school, nor should they be perceived as such.

In closing, I would urge my colleagues to keep an open mind as to the possibilities for relief for many of our middle income families, and would urge that some kind of visible relief be granted the parents of students, and the students themselves.●

The CHAIRMAN. All time has expired.

Pursuant to the rule, the bill is considered as having been read for amendment. No amendments shall be in order except amendments as specified in House Resolution 1178, which shall not be subject to amendment, but which may be debated by the offering of pro forma amendments.

Does the gentleman from Ohio (Mr. VANIK) have an amendment which has been made in order under the rule?

Mr. VANIK. Yes, I do, Mr. Chairman.

AMENDMENT OFFERED BY MR. VANIK

Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VANIK:

Page 2, strike out the table following line 12 and insert in lieu thereof the following:

Calendar year:	Applicable amount in case of— (1)	(2)
1978	$50	$100
1979	100	150
1980	100	250

[1] Student at elementary or secondary school.

[2] Student at post-secondary institution.

Page 3, strike out line 20 and all that follows down through line 4 on page 4 and insert in lieu thereof the following:

"(B) GENERAL COURSE OF INSTRUCTION DEFINED.—For purposes of subparagraph (A), the term 'general course of instruction' means a course of instruction—

"(i) which is offered by an elementary or secondary school, or

"(ii) for which credit is allowable toward a baccalaureate or associate degree by an institution of higher education or toward a certificate of required course work at a vocational school but does not include any course of instruction which is part of the graduate program of the individual.

Page 4, after line 25, insert the following:

"(C) Individual who attends both secondary school and postsecondary institution during same calendar year.—In the case of an individual who is a full-time student or a qualified part-time student at an eligible educational institution for any calendar year, for purposes of this section—

"(i) if such individual is a full-time student or a qualified part-time student for such year determined by taking into account only his status as a student at a postsecondary institution, he shall be treated as a full-time student or a qualified part-time student (as the case may be) at such an institution, or

"(ii) if clause (i) does not apply, he shall be treated as a full-time student or a qualified part-time student (as the case may be) at an elementary or secondary school for such calendar year.

Page 5, strike out lines 10 through 12 and insert in lieu thereof the following:

courses of instruction,

"(B) meals, lodging, transportation, or similar personal living, or family expenses, or

"(C) education below the first-grade level, or for attendance at a kindergarten or nursery.

Page 5, line 15, strike out "subparagraph (A) or (B)" and insert in lieu thereof "subparagraph (A), (B), or (C)".

Page 5, strike out lines 23 and 24 and insert in lieu thereof the following:

"(A) an institution of higher education,

"(B) a postsecondary vocational school,

"(C) a secondary school, or

"(D) an elementary school.

Page 6, after line 11, insert the following:

"(4) ELEMENTARY AND SECONDARY SCHOOLS.—The terms 'elementary school' and 'secondary school' mean, respectively, any elementary or secondary school (as defined in subsections (c) and (h) of section 801 of the Elementary and Secondary Education Act of 1965 as in effect on January 1, 1978) which is privately operated but only if it is—

"(A) accredited or approved under State law (or, in the case of school in a State which has no procedure for the accreditation or approval of privately operated schools, which meets the requirements of State law relating to compulsory school attendance), and

"(B) exempt from taxation under section 501(a) as organization described in section 501(c)(3).

The terms 'elementary school' and 'secondary school' include facilities which offer education for individuals who are physically or mentally handicapped as a substitute for public elementary or secondary education.

"(5) POSTSECONDARY INSTITUTIONS.—The term 'postsecondary institution' means an institution of higher education or a postsecondary vocational school.

Page 6, line 12, strike out "(4)" and insert in lieu thereof "(6)".

Mr. VANIK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CONABLE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The CHAIR announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes in support of his amendment.

Mr. VANIK. Mr. Chairman, the amendment which I offer and which my colleague, the gentleman from Minnesota (Mr. FRENZEL) on the other side cosponsors, would extend the credit to private, nonprofit elementary and secondary school tuition. In order to be eligible for the credit these schools must qualify as tax exempt organizations and, therefore, cannot discriminate on the basis of race. The bill specifically provides that such schools must be ones which admit students without regard to race.

The credit would be provided for tuition paid to institutions for physically, mentally, and emotionally handicapped children. No credit would be allowed for kindergarten, nursery school, or other education below the first-grade level.

The maximum credit would be $50 in calendar year 1978; $100 in calendar years 1979 and 1980.

The cost of a 25-percent elementary and secondary credit would be for fiscal year 1978, $9 million.

For fiscal year 1979, $218 million.

For fiscal year 1980, $354 million.

For fiscal year 1981, $310 million.

The total cost of the bill with a 25-percent elementary and secondary and postsecondary credit would be for fiscal year 1978, $25 million.

For fiscal year 1979, $635 million.

For fiscal year 1980, $1,134 million.

For fiscal year 1981, $1,206 million.

If the credit is increased to 50 percent, as I hope it will be by a subsequent amendment, the elementary and secondary credit would cost for fiscal year 1978, $11 million.

For fiscal year 1979, $285 million.

For fiscal year 1980, $461 million.

For fiscal year 1981, $394 million.

The total cost of a 50-percent credit at all levels for fiscal year 1978 would be $33 million.

Fiscal year 1979, $826 million.

Fiscal year 1980, $1.4 billion.

Fiscal year 1981, $1.6 billion.

The amendment would provide significant aid to middle- and lower-income families who send their children to nonpublic schools. These families bear a double burden: They support public education through their taxes, and they pay for their own children's education with their own after-tax dollars. The decline in private school enrollments over the last decade, both in total enrollment and percentage of school-age children, demonstrates that many parents can no longer afford to exercise their freedom of choice in education. This amendment would help those parents. Moreover, it would help preserve diversity in education at the elementary and secondary level.

This amendment has broad support. Numerous witnesses appeared before the Committee on Ways and Means to support it. They represented both sectarian and nonsectarian private schools. They came from the inner city, the suburbs,

and from rural areas. They represented a widespread, deeply felt need for aid to private education.

Mr. Chairman, this amendment will help meet that need, and I urge its adoption.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I am happy to yield to my colleague, the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I thank the distinguished gentleman from Ohio for yielding.

I appreciate the gentleman's leadership in this matter. He is submitting this amendment on behalf of both of us, and I do concur in the statement that it is an essential element of the total bill.

I think we have very little disagreement in the area of postsecondary tuition tax credits, and I just hope we are going to be able to add elementary and secondary tax credits.

I think the point the gentleman makes about spreading a little equity and about building good will among those parents who have children in nonpublic schools and who vote on public school bond issues and referenda, and so forth, is exceedingly important.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. VANIK) has expired.

(On request of Mr. FRENZEL, and by unanimous consent, Mr. VANIK was allowed to proceed for 1 additional minute.)

Mr. FRENZEL. Mr. Chairman, if the gentleman will continue to yield, I am sure he will agree that the bill is not calculated to hurt the public school system. We are not trying to lure anyone out of the public school system. We are simply trying to preserve a choice for the people who are ready and willing to make a sacrifice and want to continue making it. Is that not true?

Mr. VANIK. Mr. Chairman, that is precisely true. As a matter of fact, I do not believe this tuition tax credit is going to expand the private school sector at all. All this would serve to do would be to slow down the attrition in the private school system which has gone on very steadily for some time.

Mr. FRENZEL. Mr. Chairman, I agree with the gentleman. I hope this amendment is agreed to, and I thank the gentleman for yielding.

Mr. LEDERER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the tuition tax credit concept and in support of Congressman VANIK's amendment to reinstate elementary and secondary nonpublic schools back into the proposal.

Both the House and Senate committees have taken giant and historic steps toward the enactment of this legislation. As a member of the Ways and Means Committee, I have supported tuition legislation for all levels of nonpublic education.

Mr. Chairman, the concept of tuition relief legislation has received a great deal of support from all segments of our society. The credit being proposed will allow parents of children attending nonpublic schools, those who bear the increasing costs of private education, to keep a few more tax dollars when they file their return. It is a meaningful beginning to tax reduction. Nonpublic education does not cost, it pays.

Mr. Chairman, I have long been a strong supporter of public education. Public education has served this Nation well and will continue to serve for many years to come. I cannot agree with those who claim that tuition legislation will destroy our public schools. Tuition legislation will only destroy the potential for this Government to create more bureaucratic positions in HEW to administer more complicated and unfair educational aid programs. More importantly, tuition tax credits have been carefully designed to insure that they will benefit those parents who want, and have every right, to send their children to the schools of their choice and will not be harmful in any way to the great public school systems around this Nation. The credit will help maintain the current balance between public (90.2 percent) and private (9.8 percent) elementary and secondary school enrollment. Thus, this legislation will not promote a wholesale exodus from our public schools. It will continue to give parents freedom of choice in how they want their children educated. Nonpublic education will continue the competition in the educational community and that can only serve to improve our public schools—not destroy them.

Mr. Chairman, the vote of the Committee on Ways and Means in deleting elementary and secondary schools deviates sharply from the continued development of equity in our tax law—reference was made by some Members who opposed including elementary and secondary nonpublic education under tax tuition credit legislation to constitutional considerations, in order to justify this action. However, the Supreme Court of the United States, in the case of Wheeler against Barrera, deciding a year after "Committee for Public Education and Religious Liberty against Nyquist," emphasized the necessity of providing comparable services for all children. I submit that there is nothing in any of the cases adjudicated by the Supreme Court which sanction the departure from the principle of equity.

The vote of the committee, I submit, is a deviation from these basic constitutional and legislative principles. It also cannot be asserted that there is a justification for this anomaly on the ground that the public school system is a national school system, for our Constitution does not authorize such an institution. This legislation before us has widespread implications which demand a more critical assessment of the role which private education plays in this country and the need for protecting the liberty of the parents who send their children to these schools.

Additionally, this Congress has a responsibility to act based on the facts as we know them—not on the actions of the Supreme Court. We are a coequal branch of Government and our actions must not be thwarted by the actions of another coequal branch of Government.

Mr. Chairman, this House has not failed in its responsibility to act on other areas of aid to nonpublic institutions. For example, medicare money goes not only to public hospital patients but also to private hospital patients. We did not see fit to exclude those people who are treated at private hospitals from receiving the benefits of our medical assistance programs. Also, this Congress acted in providing aid under titles I and IV of Elementary and Secondary Education Act, the Bilingual Education Act, and other areas that require the participation of children in nonpublic schools in these programs on an equitable basis with other children. No—this Congress acted and I am confident will act responsibly again.

Mr. Chairman, there are those who will charge that this tuition legislation helps the rich at the expense of the poor. I submit that this assertion fails to consider the realities of our current educational setup. In my city, many of our poor have a choice, an alternative to public education. Poor children have in many cities around the country made up part of private elementary and secondary schools. They have taken this opportunity because they had the option—that option is beginning to close. Many of these poor parents cannot meet the evergrowing costs of educating their children in the private schools. They have, in effect, lost their option to nonpublic education.

Mr. Chairman, I support tuition tax credits being applied to all levels of education, because I support excellence in education for all Americans. It is time this Congress take the action some Americans want and deserve and that we pass a comprehensive tuition tax bill.

Mr. KETCHUM. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, at the time of the general debate on this whole issue of tuition tax credits, whether to colleges or to elementary or secondary education, I indicated that I would speak in opposition to this amendment.

I know that a good number of the Members have been visited by members of the teaching profession in the public schools and have been warned that if this amendment were to pass, it would be the death of public education. I do not agree with that thesis. Nor do I agree that if we do not offer tax credits for elementary and secondary private schools that there will be an exodus from the private schools. That simply is not true.

Mr. Chairman, why do people send their children to private schools? I would presume that, in some cases, it is for a religious experience. In some cases, it is for disciplinary reasons that the parents do not choose to hack by themselves, but would rather let that devolve upon the schools to which they are attending. And, third, for the least valid reason of all, that "my child is not receiving an education in the public schools." I say "least valid reason of all" because I believe, if we were to discuss that situation with those parents and ask them the question, "How long has it been since you have visited a school board meeting and demanded that your child be educated properly to read and write and spell and add and subtract and to know at least a little bit about the history of this country?" that they would tell us that had not been. And that is their responsibility.

Mr. Chairman, I would further suggest that if the Members were to survey their own districts in any school board election, at least one that does not involve a bond issue of some sort, they will find out that less than 15 percent of the electorate even bother to vote in the school board election. That would certainly indicate a little less than overriding interest in what is happening in our public schools today.

Therefore, to say to those individuals that they are now bearing a double burden is a falsity. Certainly they are paying to send their children to private schools, but they are doing so of their own free will. No one has a gun in their back telling them that they have to send their children to private schools.

Mr. Chairman, if we believe as we have stated in our Constitution—at least, in our State constitution—that one of our most important responsibilities as taxpayers is to support public education, then I think we cannot vote for this particular amendment.

Some of the arguments made of double taxation I think are just absolutely invalid. As I pointed out earlier today, those individuals who are single, those childless married couples, and those individuals who are retired contribute to the property tax; they contribute to the State income tax; and they contribute to the Federal income tax. Now, if this amendment were to pass, we would be asking those people to subsidize even further those individuals who have assumed a responsibility, presumably, by the mere fact of having children.

I cannot see how anyone can subscribe to that particular thesis.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. KETCHUM. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, I appreciate my colleague's yielding.

I want to join with my colleague, the gentleman from California (Mr. KETCHUM), in his remarks. I think he hit the nail on the head.

I strongly oppose this amendment and for many of the same reasons my colleague does.

Mr. Chairman, I appreciate his comments.

Mr. KETCHUM. Mr. Chairman, I thank the gentleman.

I would further state that this is a political year. This is a very sexy amendment, and it is going to appeal to a rather substantial number of the people in Members' districts; but I submit that we are sent here not for political expediency, but to do what is right for the majority of the people in our district.

Mr. Chairman, I hope the Members will bear that in mind and not think this job is too important to do otherwise.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. KETCHUM. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, I thank the gentleman for yielding.

Apropos of the gentleman's comments by the sellers of this proposal, who as the gentleman are saying that this is great tax relief for people.

We have checked, and we find that something less than 3.5 percent of the taxpaying families of this country can ever benefit from the Vanik amendment. There are only 3.5 percent of the taxpaying families who would qualify for dollar one under the Vanik amendment. That is not a very broad-based tax relief program.

Mr. CORMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

(Mr. CORMAN asked and was given

Mr. Chairman, I agree with my colleague, the gentleman from California (Mr. KETCHUM). He has laid out the potential problem posed if we further diminish the pressures to keep a good public education system.

However, there has been a lot of talk about this being some kind of tax relief for poor people. If we start down this road, we will soon be at the $5-billion-a-year mark. There is no question about that.

Mr. Chairman, let me tell the Members what we could do if we were to cut taxes by $5 billion. We could remove competely from the tax rolls the bottom 30 percent of the people who now pay taxes, that is, people who file joint returns, who make up to $11,459 a year.

A person with a family of four to support pays an income tax of $722 if he makes that much a year. That is in addition to sales, social security, and the numerous other taxes he pays.

Mr. Chairman, if we want to give real tax relief to those who need it most desperately, let us get that bottom 30 percent off the income tax rolls. We can do that for the same price that this bill will cost.

Mr. PHILLIP BURTON. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from California.

Mr. PHILLIP BURTON. Mr. Chairman, I would like to commend my colleague, the gentleman from California (Mr. CORMAN), and associate myself with his remarks.

I urge our colleagues to reject the Vanik amendment.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Tennessee.

Mr. GORE. Mr. Chairman, I would like to say that H. L. Mencken once wrote:

> For every problem there is a solution that is simple, logical, and wrong.

With all due respect to those who support this approach, Mr. Chairman, I believe that quotation very well characterizes the amendment upon which we are about to vote.

Mr. Chariman, I thank the gentleman for yielding.

Mr. KETCHUM. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from California.

Mr. KETCHUM. Mr. Chairman, I thank the gentleman for yielding, and I regret having to use additional time.

Our colleague, the gentleman from Maryland, pointed out that the cost of this bill will reach as high as $5.8 billion.

Let me suggest to the body that that is only this time. When the people really find out what a miniscule amount this is, they will be back over and over and over again, and $10 or $20 billion will be nothing.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, one of the prime considerations of this amendment ought to be the cost that we think would be involved. The report we have, the estimate, shows that it would only be about $780 million this year, but if we add the Vanik amendment, it would only be about $1.1 billion. The other body has already recommended a bill that would cost over $5 billion.

I do not think anyone ought to kid himself that, as we embark on this program, it will not grow, because that is what has happened on other programs, such as revenue sharing. I submit to the Members that this is another little revenue-sharing program that is going to get bigger and bigger.

Members ought to think of the cost, let alone the policy. We ought to ask ourselves, can we afford another $4 or $5 billion addition to the deficit? Everybody agrees that there can be appeal for this kind of help, but because of the cost alone on this pending amendment I hope Members realize that they are starting in motion a program that has consequences far beyond this day of reckoning, and we ought to keep that in mind.

Mr. CORMAN. I thank the gentleman.

Mr. MIKVA. Mr. Chairman, I move to strike the requisite number of words,

and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment. I think that the gentleman from Tennessee (Mr. GORE) put his finger on it when he mentioned the simplicity and the seeming logic of this proposal, and how we are trying to sweep a lot of complications under the rug.

There has been some reference already to the language that appears in the bill which seems to suggest that the private schools that will be helped by the Vanik amendment will not have to comply with various other provisions of Federal law. For instance, there is a provision on page 9 of the bill which says:

TAX CREDIT NOT TO BE CONSIDERED AS FEDERAL ASSISTANCE TO INSTITUTION.—Any educational institution which enrolls a student for whom a tax credit is claimed under this Act shall not be considered to be a recipient of Federal assistance under this Act.

The purpose of that seemingly innocuous language is to avoid the applicability of a lot of other provisions of Federal laws which apply to all schools that do get Federal assistance. For example, all public schools must serve all handicapped children with an appropriate free education. We are catching a lot of heat about Public Law 94–142, in which we mandated that the public schools must provide resources for physically handicapped children. Under the Rehabilitation Act of 1973, public schools must remove all architectural barriers.

Under a Supreme Court decision, public schools are required to provide children an education in language they can understand. Under title IX of the Education Act, public schools are required to provide equal academic, athletic, and extracurricular activities regardless of sex. Failure to meet any of these standards causes a school to lose public aid.

Well, simplistically—and that is the only way I can describe it—there is an attempt to short circuit all those provisions as far as private elementary and secondary schools are concerned that will benefit as a result of this amendment, by saying that they will not be deemed to receive Federal assistance.

How long do Members think that little bubble can last? How long do Members think we can continue to apply one set of standards to schools that are taking some children and another set of standards to some other schools that are taking other children, even though both are getting Federal assistance?

The argument made as to why the tuition tax credit should apply to elementary and secondary education is that parents who are sending children to those schools are treated unequally. That is true, but those schools are not required to meet all the obligations to take all comers that the public schools do. Some of the private school educators and parents in my district are farsighted enough to see that if the two sets of schools are to be given some kind of parity of treatment, they must be given some kind of parity of treatment in obligations. Perhaps we ought to say that all schools must remove the architectural barriers and have the same athletic facilities regardless of sex and meet all other limitations and restrictions and requirements we insist on for the public schools.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Florida.

Mr. FUQUA. Mr. Chairman, I want to say I wholeheartedly agree with the statement being made by the gentleman from Illinois (Mr. MIKVA). He is making a very important point particularly for those who think they are going to get a bonanza because those in the private schools are going to find the long arm of the Federal Government is going to modify many of the reasons why they have those private schools.

Mr. Chairman, the House will address the issue of tuition tax credits today. The bill provides for a nonrefundable income tax credit against tuition that taxpayers pay for themselves, their spouse or dependents to eligible postsecondary educational institutions. The tax credit would equal 25 percent of the tuition paid by a taxpayer, up to a maximum of $100 in 1978, $150 in 1979, and $250 in 1980. The bill, if enacted into law, is expected to reduce revenues by 16 million in 1978, $417 million in 1979, $780 million in 1980, and $896 million in 1981.

Representative MIKVA will offer a substitute bill to permit deferral of income taxes for college tuition expenses, which the taxpayer would repay over 10 years. The maximum deferral per student per year would be $1,000 beginning in 1978, $1,500 beginning in 1982, and $2,000 beginning in 1986. This substitute bill is expected to reduce revenues of $199 million in 1978, $1.3 billion annually in years 1979–81, $1.2 billion in 1982, $1.6 billion in 1983, and ever-decreasing amounts after that, with a revenue gain beginning in 1992.

I am opposed to the tax tuition credit bill because such credits are an inefficient, inequitable, and ineffective way to offer financial relief from college tuition costs. Tuition tax credits would not benefit low-income families or working students who are supported by their families. Because the tax credit would be nonrefundable, a low-income family with little or no tax liability would get little or no benefit from it. Further, working students who pay their own tuition, but are claimed as dependents by their parents, would be ineligible.

I support the tax deferral concept because it is targeted to middle- and lower-income families. The substitute bill successfully targets relief where it is most needed—at cash-short college parents. For example, the deferral concept will ease the tax burden of parents with two children in college by $2,000 this year, as opposed to $200 in relief under the tuition tax credit scheme.

The tuition tax credit bill will create a substantial drain on the Treasury, whereas, the deferral concept with the tax paybacks and interest will produce a revenue gain by 1992. Unlike the tuition tax credit scheme, the deferral concept offers enough money to be really helpful.

An amendment will be offered on the floor of the House to provide for tuition tax credits for elementary and secondary schools. After much study and thought on my part, I have decided the proposal does not provide enough benefit to the taxpayer to be worth its cost. The base of support for middle-class parents took advantage of the tax subsidy for private education.

Also, as the private schools are given the benefit of a tax credit, it will serve as an invitation for Federal control. The religious private schools might be subject to the mandate of the U.S. Supreme Court and not be allowed to have their morning devotions or other religious functions. More controls may be invoked in order to maintain the tax exemption of private schools, or even worse, the schools might lose their tax-exempt status. Title X of the United States Code would also require the schools to offer equal activities regardless of sex.

Most of the private schools in our Nation were formed to be free from government control. By accepting a Federal tax credit in 1978, the private schools will have subjected themselves to Federal control by the Congress and the Federal courts in the future. By extending blanket assistance to all children in private schools the aid will not be targeted to those who need it most.

Mr. MIKVA. I thank the gentleman from Florida.

There is a pluralism in American education and I support it and I have tried to help it over the years, as have most of the Members of this House; but I think that pluralism is not helped when we try to create an equality in something that is not capable of being equal, when the very same reasons for those differences has created the diversity that is the pluralism. We do not have to ask the private schools to take everybody when they are not the recipients of public benefits. But if both sets of schools are receiving public benefits, then they must both accept all children.

Mr. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Ohio.

Mr. LUKEN. Mr. Chairman, I would like to say as far as the idea of parity which the gentleman used, it is really an exaggeration to suggest that this bill or any bill that has been suggested would accomplish parity.

The CHAIRMAN pro tempore (Mr. KILDEE). The time of the gentleman from Illinois (Mr. MIKVA) has expired.

(On request of Mr. LUKEN, and by unanimous consent, Mr. MIKVA was allowed to proceed for 1 additional minute.)

Mr. LUKEN. Mr. Chairman, if the gentleman will yield further, I think it is an indication that even with this bill, and even if we went to the Senate bill, there would still be a financial sacrifice being made if we give much less than half that contemplated with the Senate bill, but with this bill, even a very small proportion, for instance, of the parents in my

district in Cincinnati are paying 92 percent, which is not being paid by anybody but the parents, and they are going to get 25 percent, which is not parity. Therefore there is a pluralism being maintained.

Mr. MIKVA. According to the Secretary of HEW, the Senate bill would put us in a position of conferring four times as much Federal benefit on the private schools per pupil as we are per pupil in the public schools.

I only say to my distinguished colleague that with that kind of disparity we know what kind of parity is going to be insisted upon as far as the obligations and the responsibilities are concerned, and I am sure the gentleman will insist on that too.

Mr. LUKEN. We are not discussing the Senate bill.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. FORD of Michigan, and by unanimous consent, Mr. MIKVA was allowed to proceed for 2 additional minutes.)

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, the gentleman from Ohio (Mr. LUKEN) just repeated what the gentleman from Ohio (Mr. VANIK), the sponsor of this amendment, said in his opening statement, that we should not worry about the principle because we are only talking about 50 bucks, which is not very much. But just who in this country, in the middle class trying to educate children in the nonpublic schools, because that is the kind of education they prefer in our pluralistic society, is going to be fooled by the $50 they get back some 6 months after the school year starts, will believe this has some kind of influence as far as their effort to keep their schools in existence?

We know very well that when this gets back to the people and they find out what kind of fraud it is, when we are saying it is going to help them keep their kids in those schools. Federal aid to education amounts to $78 per child for nonpublic school children at the present time and given the present methodology being used, those parents will see that amendment will not help them. It is obviously the hope of the sponsors of the legislation that we will believe that it is only $50 and it does not mean very much and it is not going to cost very much. But what about the cost when it comes back from conference with the other body?

How are you, who are in support of the Vanik amendment at this point, going to go home and explain to your people, the people who have been given to understand for months and months that they are going to get $500 to help provide for the education of their children, how are you, on the basis of that, going to sell them to the fact that they are now going to get $50?

Mr. VANIK. Mr. Chairman, if the gentleman will yield, let me say that $50 is for the first year, then there is the second year and the full implementation of the bill is for $100. Let me say further that in urban communities, such as the gentleman now in the well and I represent, the cost of a student in an elementary private school is very low, in many places it is $200 and in some places it is as low as $100. So this becomes a very significant contribution to the cost of that child's education.

Mr. MIKVA. Mr. Chairman, I think the point my colleague was making concerns the vagaries of the other body.

The CHAIRMAN. The time of the gentleman has again expired.

(By unanimous consent, Mr. MIKVA was allowed to proceed for 1 additional minute.)

Mr. MIKVA. Mr. Chairman, as I was saying, I believe my distinguished colleague, the gentleman from Ohio (Mr. VANIK) is well aware that, given the vagaries of the ways of the other body, it is quite likely, and quite possible that the figures that are contained in the Vanik amendment will be much lower than those in the Senate-passed product, and we will be asked to support the higher figures in that conference report when it comes back from the other body.

The dilemma contained in this amendment is that if it is too little, if it is not sufficient to really help the private school parents, then we aren't doing anything to the contrary, if it is sufficient to help the private schools parents, then I say that the private schools ought to have to accept the physically handicapped and do the other things, just as the public schools do; if we are providing them with that much help that it is really that important, then I repeat, I feel that important, they ought to be required to take everyone just like the public schools. But Mr. Chairman, if we are not providing enough help to be meaningful then I believe that the people and we ought to know that.

Mr. VANIK. Mr. Chairman, if the gentleman will yield further, let me say that in dealing with the makeup of the House conferees versus the Senate conferees, one could assume that the position of the House is going to be very strongly supported.

Mr. MIKVA. I must confess, Mr. Chairman, that I was thinking about the makeup of the Senate conferees.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STEIGER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Vanik amendment.

Mr. Chairman, the gentleman from Michigan (Mr. FORD) my distinguished friend, got me exercised about this and I must say I have been sort of restrained up to now in speaking, but because of this, I thought I ought to become involved.

I have been fascinated with the discussion that has been taking place this afternoon. Some, like my friend the gentleman from California (Mr. KETCHUM) have indicated that they believe it is an act of political courage if we vote against the Vanik amendment, and others think it is an act of courage if we vote for the Vanik amendment. I am one of those, who, as I look around my district, just like, whoever it was so long ago, who said, "Well, some of my friends are for it and some of my friends are against it, and I am with my friends." I will be darned if I know, on an issue such as this that cuts as deeply as this one does, how to judge courage. You will catch it both ways on this, I do not care how you vote.

I am not sure that there is any courage at all involved in the sense of which way you vote. But I really do believe, if we are to embark upon this program—and I have misgivings about this, this is not what I would do or how I would draw it on my own, whatever level of money is involved in this legislation, and whatever it does, when it comes back from the conference, we frankly are not going to be dealing with that issue that we ought to be dealing with and that is the major issue of the rising tax burden on middle Americans. Let me say that middle Americans are composed of all kinds of people, childless couples, senior citizens, those who have one child versus those who have four children. I believe there are so many more effective, direct ways to assist than the one we are dealing with today. But when I got all said and done, I lost on that. I did not have that chance in the committee, but I will have that chance when we get to the Mikva amendment on post secondary education. But what we are dealing with here and now is elementary schools. I think on the basis of fairness, on the basis of the economic situation and on the basis of the burden issue that the Vanik amendment ought to be adopted. Many of those who lessen their support on public education do so because they have made the decision, without any aid or assistance, to put their children in nonpublic schools, and that is one of the reasons they are saying over and over again, "No, I won't go for a higher bond issue, no, I won't go for a higher salary increase because I get nothing from it."

At some point we are going to have to come to grips with it, whether it is the revolt in California under Jarvis, whether it is the issue of social security, whether it is any one of a number of issues on which the Congress is very behind its counterparts in the State legislatures in recognizing the pertinent issue. That is what is involved in this amendment, and that is why the Vanik amendment ought to be adopted.

Do not give me that argument, I will say to my friend, the gentleman from Michigan, that somehow we are going to give $78 for books and educational equipment for nonpublic school children and soothe our conscience that we are taking care of the nonpublic schools, because we are not. We are not dealing effectively with the problem of the burden of those who are parents of children in nonpublic schools. Most of all, what got me exercised is the kind of sophomoric argument which the gentleman was using.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. STEIGER. I will not at this time,

but I will yield to the gentleman later because I have used his name frequently.

He can use this argument that somehow there is a charade going on. There is not. Let us not kid ourselves. The burden for tuition in the nonpublic schools in the typical sixth district school is $50 for elementary. It is up to $350 for high school. That is the maximum. There is a significant assistance that is involved in the Vanik amendment, so I think that argument, it seems to me, falls of its own weight. There is nobody holding out any kind of charade about what is proposed in this amendment. It is not designed to deal with the same kind of problems of postsecondary education, which I hope we will deal with in the Mikva amendment, which is a far more effective way to handle it.

Now I will be delighted to yield, with some trepidation, to my friend, the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. I thank the gentleman who has been a friend of mine for many years, in spite of the remarks he has just made. I will not characterize his statements as sophomoric because I know, because of his many years of service on the Committee on Education and Labor before he went to the committee now handling this legislation, that he knows better. He knows, in fact, that that committee consistently from the beginning of aid to elementary and secondary schools in 1965 has, in conjunction with all the best lawyers that the parochial schools have provided to assist us, written into every phase of aid to education full equality of treatment limited only to the extent that there is a specific constitutional question raised. The magic figure of $78 against $128 is not selected out of any intention to discriminate against nonpublic schools.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. FORD of Michigan, and by unanimous consent, Mr. STEIGER was allowed to proceed for 1 additional minute.)

Mr. FORD of Michigan. If the gentleman will yield further, the distinction here is that all of the existing legislation on the books at the Federal level says that all children without regard to where they attend school will be served "unless * * *". We do not put the "unless" in; the court put the "unless" in—unless somebody comes in with a judge and puts some kind of limitation on it.

The Vanik amendment only talks about children who are in schools that are being paid for in part by tuition and for the most part by religious organizations, schools, as the gentleman knows, that are not primarily intended to be a substitute for the public school but as an alternative to the public school, that have a religious orientation and a mission to teach religion as their primary function.

Mr. STEIGER. I will thank my friend, the gentleman from Michigan.

I will take 10 seconds back only to say that I understand the argument the gentleman is making. In spite of what I said, he may call me a freshman, and I will call him a sophomore. That is fine. I do not agree with how he comes down in terms of this problem, nor do I agree, frankly, that what has been done under the Elementary and Secondary Education Act in fact provides that kind of equity of treatment. I simply do not think that is what happens under the way the present law operates, Wisconsin being the classic case.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. FREY, and by unanimous consent, Mr. STEIGER was allowed to proceed for 3 additional minutes.)

Mr. FREY. Mr. Chairman, will the gentleman yield?

Mr. STEIGER. I yield to the gentleman from Florida.

Mr. FREY. I thank the gentleman for yielding.

Mr. Chairman, first let me say that I am delighted that we are considering this issue of tuition tax credits. It is an issue that I have pushed practically since I have been in the Congress. Regardless of how one may feel on the issue, it should be discussed in depth and voted upon.

Part of this bill and issue is easy, and that is the part that gives tax credits for colleges and universities, vocational and technical schools at post-secondary level, and business and trade schools at post-secondary level. I say it is easy because in my opinion the GI bill was the best investment that this country ever made. And of course there is a tremendous need. In the past 5 years, average tuition fees were raised 54 percent at private 4 year institutions and 57 percent at public 4 year institutions. Today the average cost of a year in residence at a four year private college is about $5,000 and a public college is about $3,000. Of course, the largest amount of tax relief in the House bill is directed at the middle income taxpayer. And it is the middle and lower income tax family who's students as a result of inflation are not able to attend school. As a result of inflation, 20 percent fewer students from this area group are pursuing higher education. According to the Ways and Means Committee the largest amount of tax relief is directed at the middle-income taxpayer. Seventy-two percent of the tax benefits will go to those making between $10,000–$30,000.

I also favor the tax tuition credit compared to any other means. Providing assistance through tax credits and the tax system minimizes the bureaucracy, cuts the costs, and gets the dollars directly to those who have the use for it.

A tougher question is the tuition tax credits which go to elementary and secondary schools. In order to make a decision on this, one should understand the facts. In 1966, 80 percent of all elementary and secondary school students in the United States were enrolled in the public schools. In 1976, 90 percent of all students attended public schools. Of those attending private schools, 71 percent come from families with incomes under $25,000 and fewer than 4 percent have family incomes over $50,000. Private schools serve a function not only of competition but serve the public interest by keeping school taxes down. If the 7.7 million students now enrolled in private schools nationwide were enrolled in tax supported schools, the bill to taxpayers would be approximately $17 billion annually. This figure is significant considering that the entire package in the House would be $417 million in fiscal year 1979, $870 in fiscal year 1980, and $896 in fiscal year 1981. In Florida approximately 200,000 students go to private schools. Consider the tax impact if all 200,000 entered Florida's school system. Florida could not afford it. There are obviously problems with the elementary and secondary tuition grants.

The first question is will it destroy the public school system. The grants in the House bill of $50 tax credit for the first year and $100 for the next 2 years makes that assumption somewhat spurious. A $50 or $100 tax credit will do little more than help; it is certainly not the deciding factor in sending a child to private school. There is also the constitutional question involved. I think that it is fair to say that will be resolved if this law is passed by the Supreme Court. What leads me to support the tuition credits for the elementary and secondary school is the fact that it is a 3-year bill and we can look and see what impact it will have on the public education system. Let us face it. No one really knows. It could be that the added competition to the public school system will be beneficial. In my opinion, education, is a priority item in this country. I obviously do not want to do anything to injure it. And, we know that we are not doing a good enough job. Just look at Florida's recent tests.

It appears on balance that this program is worth trying. If problems develop at the end of 3 years, it obviously does not have to be renewed. I think that all groups that support this legislation should be on notice that it is only a trial.

Mr. STEIGER. Mr. Chairman, I thank my colleague, the gentleman from Florida, for that remark. I think it is worth trying it out to see what happens. I am not sure any of us know in all of this what will happen and I suppose in a real sense we are all operating out of some kind of gut instinct.

Mr. GEPHARDT. Mr. Chairman, will the gentleman yield?

Mr. STEIGER. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Chairman, I thank the gentleman for yielding. I want to agree with his remarks, state my reasons for supporting this amendment, and emphasize one strong point the gentleman made.

First, I believe tuition tax credits offer an effective, straightforward, simple way to offer financial relief to people who choose private education alternatives. Since the beginning of this Republic, we have seen fit to have a public policy of taxing the population as a whole to offer educational opportunities to the population as a whole. Also, since the beginning of the country, we have seen the rise and growth of a great variety of nonpublic schools which offer similar educational opportunities to Americans. It is in the public interest to offer some small

amount of financial relief in a time of sharply rising costs, through a tax credit mechanism, to people who choose to educate themselves at nonpublic schools while they continue to pay their share of taxes for public education. We have long offered, directly or indirectly, Government funds to private education institutions through direct grant programs and charitable contribution deductions. The public policy reasons for this use of public funds are obvious. The existence of a strong private system has an extremely positive effect on our goal of reaching a high level of education for all of our citizens. The extension of this principle makes logical and practical sense.

In conclusion, I would emphasize again a very important point made by the gentleman from Wisconsin. Some argue that such an extension will jeopardize funding and participation regarding the public school sector. I argue the opposite. I believe our failure to offer a modest tax break for private school tuition in fact jeopardizes our public education system. The key words here are "tax effort" and "tax relief." The elementary and secondary public school systems are financed through the local tax effort decided at local tax elections. In the past years we have witnessed increased and severe difficulty in enacting local tax increases for public school systems. The kind of tax relief that is envisioned in this legislation would make individuals who support private educational institutions much more ready to increase their tax effort regarding public education. Our continued failure to offer such tax relief will insure that local property tax elections for public education will continue to meet unreasonable resistance and defeat.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

(At the request of Mr. VANIK, and by unanimous consent, Mr. STEIGER was allowed to proceed for 2 additional minutes.)

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. STEIGER. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I want to thank the gentleman from Wisconsin for his contribution to the debate on this amendment.

I want to point out for the benefit of my colleagues in the committee that this legislation has its own sunset. It is a 3-year bill. In my judgment, when Congress ventures out on a new kind of program, the program ought in all cases to be reviewed by more than one Congress so that we can determine the effect of it. Then we can determine what the response will be and we can determine what effect the program has on the country before we make it permanent law.

I think this is an important characteristic of this bill. This bill is unique among all the legislation we have offered in the Committee on Ways and Means. It is a 3-year measure so that we can have experience in this matter and judge later whether or not the program should be made permanent.

Mr. STEIGER. Mr. Chairman, I thank my colleague, the gentleman from Ohio. I think the gentleman from Ohio in what he said and my friend, the gentleman from Missouri in his thoughtful analysis, have made to me in the end the most persuasive arguments on behalf of this amendment.

Mr. Chairman, I yield to the gentleman from Minnesota (Mr. HAGEDORN).

Mr. HAGEDORN. Mr. Chairman, I rise in strong support of the so-called Vanik amendment to the Tuition Tax Credit Act which would extend the credit provided in the act to elementary and secondary schools.

This is one of the most significant legislative initiatives in the area of education in many years. Not only will it relieve many families of the very real financial burdens of educating their children, but it is also likely to result in an improved caliber of education.

The exciting thing about this amendment is that it opens up the possibility of improved educational opportunities without increasing the budget of HEW, without adding to their bureaucracy, without cluttering up the Federal Register with fine-print regulations, and without involving the social planners in Washington any more deeply in family and local affairs.

Parents would simply be allowed to keep a bit more of their income to cover their children's tuition costs, while a little old-fashioned competition would be provided to the public schools in those areas of the country where these schools are clearly failing in their educational mission.

I have heard a great deal of talk that the Vanik amendment would destroy public education in this country. To the extent that this is a true argument, it seems to me that its proponents are conceding that the public schools are doing an ineffective job. Providing parents with a $100 or $250 tax credit is not likely to induce many parents to desert the public school system in which their children are receiving a decent education. I certainly do not believe that the tax credit will cause many parents to leave the excellent public schools that exist in most of Minnesota.

Those who stand to benefit most from this legislation, in my opinion, are those low- and middle-income parents and children who are denied all measure of free choice in their education, and who must continue to patronize public schools, frequently in the more urban areas of our Nation, which devote as much time to babysitting as to education.

These parents are simply unable to indulge in the luxury of paying private school tuition while also being required to support an empty seat in a public school classroom with their taxes. For these parents, the tuition tax credit is no windfall, and no undeserved bounty, but simply a method by which they can recover a portion of their tax revenues from which they receive no benefit.

Introducing this element of competition to these public schools will benefit not only those students who choose to patronize the competition, but also these students remaining in public schools which, for the first time, will be required to respond to competition.

While, as I have observed, I do not believe that the tax credit will undermine the public schools, I believe that we must be vigilant also to insure that the credit does not undermine genuinely private education. It is no secret that Federal encouragement of, and assistance to various good causes is invariably followed by Federal regulation of those who have received the encouragement and assistance.

I would not support this legislation, or this amendment, if I believed that it would gradually lead to an erosion of those qualities that make private education distinctive in this country. In the guise of attaching minimum eligibility standards to the credit, we should exercise great care to see that we do not simply homogenize our public and private school systems. IRS regulations should not be made a vehicle for federalizing the schools of our country.

Mr. Chairman, for millions of middle-income families, this legislation will provide much-needed financial relief for the burdens of tuition; for millions of lower income families, who have no alternative than to endure the worst in public education in this country, this legislation offers some light at the end of the tunnel.

With respect to the constitutionality of the tuition tax credit, I would like to call to the attention of my colleagues the statements of University of Chicago law professor, Antonin Scalia, and Carleton University professor, E. G. West, both of which I placed in the CONGRESSIONAL RECORD on April 4, 1978 (E1648). I believe that these statements point out clearly the constitutional integrity of H.R. 12050 and the immediate amendment.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

(At the request of Mr. BURKE of Massachusetts, and by unanimous consent, Mr. STEIGER was allowed to proceed for 1 additional minute.)

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. STEIGER. I yield to the distinguished gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Chairman, I just want to take this time to compliment the gentleman here at the microphone. A few months ago I asked the question, "Where are the Vandenbergs of yesterday?"

Here is the kind of young man who is becoming the new Vandenberg of this House. Here is a young man who has shown a great deal of leadership. He is farsighted in his approach to legislation. I wish some of the Members on my side of the aisle would listen to this young man, because he poses a definite threat to the membership on our side of the aisle.

This young man has shown great and

farsighted leadership, not only on this question but also on the question of social security. I am proud to associate myself with his remarks today.

I hope the Members on our side who are opposing the Vanik amendment will recognize the problems they are creating. We have to do something in this Nation for the middle-income people who are paying the bills.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. STEIGER) has expired.

(On request of Mr. BURKE of Massachusetts, and by unanimous consent, Mr. STEIGER was allowed to proceed for 1 additional minute.)

Mr. BURKE of Massachusetts. Mr. Chairman, if the gentleman will yield further, we have to do something in this Nation to improve the quality of education. As I pointed out before, youngsters are graduating from high school and they cannot read or write. We have schools in this Nation plagued with violence, with drugs, and with discipline problems.

Mr. Chairman, this is a very mild approach to try to correct that situation. Again, I compliment and commend the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER. Mr. Chairman, I thank my friend, the gentleman from Massachusetts (Mr. BURKE), very, very much.

Mr. JENKINS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Vanik amendment.

I know that we could debate for some time the constitutional questions involved here, and each of us could come up on different sides. But suffice it to say that as far as Supreme Court decisions today are concerned, certainly even the proponents of this amendment would have to say that the weight of authority is on the side that the Vanik amendment, standing alone, is totally unconstitutional. The only way an amendment such as the Vanik proposal could, in my opinion, satisfy the test of constitutionality would be to have it attached to a bill calling for aid to public sector colleges so as to try to meet the objections of the Nyquist case. Even when so attached as is attempted here, I believe there is still a constitutional violation; and, the cherished principle of church-state separation is too important to abandon.

However, I do not want to discuss only the question of constitutionality. I think the amendment is unconstitutional, but I can understand how my colleagues on the other side might come up with a well-considered argument that because of certain circumstances in this case it could be constitutional, if one disregards the Nyquist case.

My colleague, the gentleman from Illinois, raised a very important question when he talked about our inviting the restrictions and the complications of HEW into the private schools of this Nation. While he was speaking, I recalled a statement made a few weeks ago by Dr. Fred Davidson, president of the University of Georgia, in a speech when he discussed these Federal intervention problems. President Davidson spoke of a little college in the State of Michigan. I would like to urge the Members to listen to this for a moment, because in my opinion we are beginning the end of our private schools with this amendment.

President Davidson spoke of Hillsdale College as—

> a 133 year old independent school in Michigan with an enrollment of about 1,000 and a splendid record for experimentation and innovation.

Dr. Davidson continues as follows:

> It routinely admitted blacks before the Civil War and was one of the few colleges in America to graduate women.

As a matter of fact, Hillsdale College graduated the first woman.

Hillsdale has never accepted Federal money for fear of jeopardizing its independence. It has relied entirely on fees and private support for financing. But about 10 percent of Hillsdale's student body, he says, receives benefits under the GI bill. This is its only source of Federal funding, and this is allotted to the student and not to the college.

HEW has now come in, he says, and "Under section 86.2 of HEW's regulations issued under title 9 of the Higher Education Act of 1972, this is being construed as Federal assistance.

"Accordingly, HEW contends that tiny Hillsdale is subject to every stipulation and rule that applies to every college and university that accepts Federal money." My friends, this is the beginning of the end of the private schools that so many of the Members champion. Most of our students attend public schools, over 90 percent of them, but I believe in the dual system of education. This bill may not destroy public education; but, it will help destroy private education.

This is the first step in that approach.

I called the president of Hillsdale College about 30 minutes ago, and I asked him, "Is it true that these restrictions are being imposed upon you by HEW because 10 percent of your students are receiving the GI bill?" His answer was "yes." I then asked him if he favored the tuition credit proposals being debated today.

"Not if it means," he said, "that I have to give up the independence of the private school system—and I fear that, under the current decisions of HEW."

Is this what we want to do? I tell my colleagues from the conservative wing and from the other side of the aisle that we are inadvertently progressing, with this legislation, to do away with the private school system. This is the first step in that direction.

The CHAIRMAN pro tempore. The time of the gentleman from Georgia (Mr. JENKINS) has expired.

(By unanimous consent, Mr. JENKINS was allowed to proceed for 1 additional minute.)

Mr. JENKINS. Mr. Chairman, I say to my colleagues that the same people who are asking us today to give them assistance with this little $50 tax credit, will be the same people who will be coming back to us very shortly—very shortly—and saying, "Why in the world did you get HEW around our necks to destroy, that religious training and independence which we were trying to protect."

Mr. Chairman, this is a serious matter that all of us ought to give our most considered judgment. The public school sector will not feel that they should have to comply with HEW regulations if the private schools do not, regardless of the language of the Vanik amendment. This opens the door to total and complete domination of the private schools by HEW. This is a tragic mistake. We ought to defend the Constitution, protect the dual educational system of this Nation, and, to do that we must vote against this amendment.

Mr. VANIK. Mr. Chairman, I ask unanimous consent that all debate on this amendment end at 3 o'clock.

The CHAIRMAN pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Ohio?

Mr. MITCHELL of Maryland. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. BURKE of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support not only of H.R. 12050, the Tuition Tax Credit Act before us but also I support the Vanik amendment. For many, many years all of us have been hearing about the rising costs of a college education, a higher university education. We have heard continually, at least since I have been in the Congress, that relief should be given somewhere to the taxpayer or we are going to have a college system without students because of those who cannot afford to go to college because of high tuition costs.

The legislation before us does give us the chance to give them, the taxpayer, and the students some relief. I think it is just about time that they get some tax relief by way of a tax credit and, although this is not the best answer in the world to this problem it is at least the beginning of an ultimate solution if we are to solve this problem.

I support the Vanik amendment because I think each of us know from time to time we have had a continual rise in school taxes. While we have rising school taxes and the taxpayer burdened more and more with continual Federal, State, and local tax rises, also have had rises in all sectors of our economy which have burdened those who send their children to public schools.

Mr. Chairman, the most important thing for all is a good education for our children, and it should not make too much difference in which school they get educated. However, we find that those that send their children to the private schools cannot support the cost of the private school. People have the right of choice and the right to send their children to a private school if they wish to do so. I think the time has come, where they also should get some assistance to enable them to help in the cost.

Mr. Chairman, opponents of this legislation, at least of the concept, claim

that these credits authorized under the amendments and the legislation would kill public education.

It is my honest opinion that this is absurd. With 90 percent of the children in our country enrolled in public schools, the tax credit offered will merely result in a healthy competition, making public schools more accountable to their communities.

The second and greatest argument of the opponents of the tax credit is with respect to the constitutionality of the proposal.

Mr. Chairman and my fellow Members, I have been an attorney for years, but I do not stand up and say that even though I am a constitutional lawyer prepared to give you the Court's final decision. Nevertheless, I am quite sure that none of us sitting here has the right to prejudge, in advance, what the Supreme Court is going to decide on this question, particularly since, in the past, the Court has never ruled on tuition tax credit as an issue of the separation of church and state. But it may well find it proper, on the basis of freedom of choice of parents and students, to uphold this legislation and I think it will.

Mr. Chairman, this legislation has a provision that insures the rapid and timely judicial review of the issues and states that it is the duty of the court of appeals and of the Supreme Court to expedite their disposition to the greatest extent possible. I am sure that this provision should relieve the fears of those who say it is unconstitutional and who have raised questions concerning the Congress usurping the powers of the Supreme Court, or of the executive branch, and of the Constitution itself. I do not believe this.

Mr. Chairman, I urge my colleagues, to not only support this legislation, but to support also the Vanik amendment which I think is a proper and a good amendment.

Mr. EVANS of Delaware. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Florida. I yield to the gentleman from Delaware.

Mr. EVANS of Delaware. Mr. Chairman, I rise in strong support of tuition tax relief legislation.

One of the first things that I did on arriving in Washington was to cosponsor legislation to provide tax credits to parents of children in college or advanced vocational-technical schools. I am extremely pleased that the Ways and Means Committee has at long last acted favorably on this legislation which originated with my good friend and Delaware colleague, Senator BILL ROTH.

I am also pleased that the House will have the opportunity to vote on an amendment to expand the tax credit to nonpublic elementary and secondary schools. I urge my colleagues to support this amendment, and provide much needed relief to the millions of families who send their children to private or parochial schools.

Mr. Chairman, in the past several years, the cost of education has skyrocketed. In the last 4 years, for example, costs at public and private 4-year colleges have risen by over 50 percent. Average annual costs now run between $3,000 and $5,000.

In addition, the cost of nonpublic elementary and secondary schools has increased substantially over the same period. Many students have had to switch from nonpublic to public schools, putting even greater pressures on public school resources. Local taxes have increased sharply to meet these rising expenses. A tax credit will provide some help to these nonpublic school parents who must pay for the increased costs of both public and nonpublic schools, even though they relieve the public schools of the costs of educating their children.

If we are interested in providing quality education to all, then we should strive to achieve that goal in both the public and private systems.

What we are really talking about is providing freedom of choice to American families. A tax credit for nonpublic elementary and secondary school costs will allow families to more easily choose the system which best fits their needs. I emphasize the phrase "more easily" because the tax credit will only offset a portion of the costs. But it is relief which is long overdue and will be welcomed by millions of American families.

Finally, Mr. Chairman, let me point out that tuition tax credits provide tax help for the middle-income American who is so often overlooked by government. Middle-income families have been taking it on the chin for too long, and they desperately need the relief envisioned by this legislation.

Mr. Chairman, it is time we let the American people keep a little more of the dollars, instead of sending them to Washington. I urge support of the bill, and of the amendments to increase the credit to 50 percent of tuition costs, and expand the coverage of the bill to private and parochial schools.

Every family should have the right and the opportunity to educate their children in the best manner possible. This legislation will help alleviate some of the heavy financial burden of education, improve the public system by encouraging competition, and allow more Americans to reach their highest potential.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Florida. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of the Vanik amendment which would extend the principle of modest tuition tax credits embodied in H.R. 12050 to the parents of children in nonpublic elementary and secondary schools. The credit would apply only to students attending nonprofit and nondiscriminatory educational institutions.

Since 1972, when I first introduced a bill to this effect, I have been of the view that parents of children in our parochial elementary and secondary schools should be able to get some help in meeting the burden of tuition costs through our Federal income tax system.

I at first thought that the logical way to provide such help would be to make such tuition payments deductible for income tax purposes, just as nontuition voluntary contributions to such schools have always been and are deductible. However, I soon realized that, in a congressional district such as mine, most of the parents of schoolchildren use the standard deduction method of computing their income taxes, so that they would not be helped by making tuition payments tax deductible.

Under the pending Vanik amendment, a tax credit of 25 percent of tuition (up to a maximum of $50 in 1978, and $100 in 1979 and 1980) would be allowed. This is very roughly comparable to the effect of allowing the deduction of such tuition payments from taxable income.

Accordingly, I believe this amendment will provide a reasonable and proper way to assist parents of private and parochial schoolchildren who have to make tuition payments, over and above whatever taxes or other expenses they have to pay to help meet the costs of the local public school system which they do not use. As has often been pointed out, in a city such as New York the existence of private schools—mainly parochial—relieves the public school system of a very large burden which it would not be able to meet without a large increase in taxes.

As to whether a system such as would be established under the pending Vanik amendment would be constitutional, that will be for the Supreme Court to decide, and the bill before us provides that such a court test be expedited.

While I support the pending Vanik amendment, I shall have to vote against the next Vanik amendment which would raise the percentage of tuition allowable as a tax credit from 25 percent to 50 percent. This would at one stroke virtually double the cost of the legislation in lost tax revenue to the Treasury and lead either to increased Federal deficits which fuel inflation or higher taxes. Moreover, and perhaps even more importantly, such assistance would no longer be comparable to the effect of making tuition payments tax deductible. In addition, tax credits at the 50-percent level might be sufficient to serve as an inducement to parents of public schoolchildren to transfer those children to private schools. That is a result which I believe would be most undesirable.

The fear of such a result, and the damage it would do to the public school system, has, I believe, caused many of my constituents to write to me in opposition to tuition tax credits. In my judgment, the fear is unjustified if the credit is limited to 25 percent.

I presume the second Vanik amendment will be defeated and I intend to vote for the bill.

Mr. Chairman, I voted against the rule governing debate of the "Tuition Tax Credit Act of 1978" because I felt it unduly restricted the amendments that could be offered. In particular, it should

have allowed the House to decide, with respect to tuition payments for higher education, whether to substitute for tax credits the improvement of direct benefits favored by the President. Unfortunately, the Mikva amendment, which would move in that direction by providing liberal terms for loans for tuition through tax deferrals, can only be offered under the rule as a substitute for the entire bill. That means that the Mikva amendment would eliminate all assistance to the parents of nonpublic elementary and secondary schoolchildren. It would thus negate the adoption of the first Vanik amendment, which, for the reasons just explained, I favor. The rule thus unduly restricts the freedom of the Members to produce the kind of measure that I would prefer, to wit: One, a system of modest tax credits (not more than 25 percent) for parents of nonpublic elementary and secondary schoolchildren, and two, a system of improved loans and grants for students at higher educational institutions. I sincerely hope that as the legislative process continues on this issue of aid to parents for tuition costs, the resulting legislation will move closer to the dual system I have described.

Mr. MITCHELL of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the committee, I rise in opposition to the Vanik amendment.

In opposing the amendment, let me indicate one of the times when I had a great sense of pride in this House and in this Congress. It goes all the way back to 1954 when the Supreme Court ordered school desegregation. If the Members will recall, there was a great deal of furor, particularly in our Southern States, with reference to defiance of the Supreme Court decision. However, my sense of pride comes about because people in the South, leaders in the South, understood the necessity of not only complying with the law, but understood the morality of the Supreme Court decision.

Southern leaders faced a situation in which there was a proliferation of Robert E. Lee schools all over the South. They came into being in an effort to avoid compliance with the Supreme Court ruling; but men and women of true stature, men and women of goodwill understood that that was not the thing to do. In their own fashion, sometimes quietly, sometimes not quietly, that was all changed. As a result, in our Southern States there is more integration in the public schools than there is in any other place in this country.

Having said that, Mr. Chairman, let me move to the next point. Anyone in this House or anyone in this country who thinks that racism is dead, who thinks that racial discrimination is dead, who thinks that racial prejudice is dead is either dumfounded or found dumb. All over this country there are evidences of the continued presence of racial discrimination.

Why in the name of God would anyone want to support the Vanik amendment? Although it is not motivated to or intended to do this, it is an amendment which will permit the proliferation of private schools, particularly in our Northern and Western States, to avoid school desegregation. Why would anyone want to permit that? That is exactly what will happen.

I know that the men and women of the South, the true leaders who solved this problem in the South, do not want that can of worms opened again—and by God, it will be opened if this amendment passes. Whether we want to admit to it or not, it becomes a mechanism, a vehicle, a means by which the desegregation which has been accomplished so well in our Southern States in particular will be undone, and it will encourage and embolden the Northern and Western States to defy the law of the land. That is not what we should be doing.

Some Members have spoken about the problems in the public schools. Of course there are problems in the public schools, but for every child that we find graduating from high school who cannot read, I can show you 10 children graduating from high school who can read, and can read well. I think what has happened is that some have taken isolated instances and blown them entirely out of proportion, and this becomes part of the smear job against the public schools.

If you really want to help the public schools; if you really care about educating all of our children, then you must understand that the Vanik amendment will do more damage to the public schools and will undo what you really want to do. I mentioned earlier that there is no doubt in my mind that if the Vanik amendment passes, more and more people are going to send their children to the private schools. If that happens, it is as true as night follows day that support for our public schools is going to diminish. We are not going to get the bond issues passed. We are not going to get the other financial undergirding required for the running of the public schools accomplished. The net result will be that this will take a bad situation and make it worse by further undercutting the public schools, and we do not want to do that.

I have a great deal of respect for CHARLIE VANIK, and if he were on the floor I would say, "Come on back home, CHARLIE; come back home to be the kind of liberal you used to be, where you would stand and fight for the rights of all people. Come back home where you did not really seek to get people divided in terms of ideological and political differences."

The CHAIRMAN pro tempore (Mr. KILDEE). The time of the gentleman from Maryland has expired.

(By unanimous consent Mr. MITCHELL of Maryland was allowed to proceed for 2 additional minutes.)

Mr. MITCHELL of Maryland. Ladies and gentlemen of this House, I have said it so many times in recent months, that somehow or other there is a mood of conservatism in America. I understand that, and I know that we are representatives closest to the people, and that some of us attempt to use that as an excuse, as a justification, for merely mirroring the conservatism that is now in this country. But, I further submit to the Members that we ought to be more than that. We ought not to be here just as barometers, reflecting the winds that blow in our districts. We are here to implement the Constitution. We do not require direction from our people to stand for that which is morally right. We should not be blown like leaves in a wind because of shifting moods in this country.

I urge the Members to defeat the Vanik amendment. It is a bad amendment, with all its implications, with its unconstitutionality, with its implications of racism—and I said implications—with its implications for neglect in backing of the public schools. All of these things and more simply demand of us that we defeat the Vanik amendment.

Mr. TUCKER. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak against the amendment.

Mr. Chairman, at one point during the committee consideration of this legislation a member of the committee said that we needed to enact this legislation to save the private schools of our Nation. I would just like to rise here today to say to my colleagues that we need to save the public schools of this Nation. Our public schools are in trouble in this country, in State after State and city after city, from one coast to the other. Currently, the Federal Government is contributing less than $145 per child to the cost of public elementary and secondary education in this country.

Indeed, in my own State of Arkansas we received from the Federal Government 13 percent of the total funding for public elementary and secondary education of all of our expenditures for that purpose. We are absolutely dependent upon this financing.

Our public schools are the area where we should cast our attention and for which we should cast our votes. But if we pass this legislation we will be taking dollars away from the public school systems of our country and also be raising the most serious questions of constitutionality.

Whether we call Government aid a tax credit, a deduction, or a reimbursement, the final benefit in legislation such as this is the same. It is no defense to urge that the encouragement to sectarian schools is a relatively minor encroachment on the first amendment protection that Thomas Jefferson referred to as a wall of separation between church and state. Many times we have seen a trickling stream turn into an absolute torrent in subsequent years.

Neither should we think that merely by passing this legislation we will reduce the cost of education, nor will we strike a blow against inflation, because the effect of this legislation will be to do the opposite. The cost of tuition in private schools, whether elementary or secondary or postsecondary, will go up, the inflationary impact will go up, and the Government deficit will go up. The taxpayers of this country can afford to pay for only one school system. That should be our public system of schools.

I urge my colleagues to vote against this amendment because the Treasury cannot afford the amendment, because our Constitution does not anticipate such Federal assistance to private sectarian education, and because our public schools need the dollars this bill would siphon away from potential Federal assistance to the public schools of our country.

Mr. PANETTA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, during the course of this debate it has been pointed out that there are serious constitutional issues that are raised by this amendment. The indication was that we should leave this to the Court to decide. Yet, I think we have a responsibility under our sworn oath to uphold the Constitution to discuss those constitutional implications.

The first amendment makes very clear that the Congress shall make no law respecting the establishment of religion. This is the basic tenet in the principle of separation of church and state. And so the question that must be dealt with here is: Do tax credits provided by the Federal Government to elementary and secondary education constitute an aid to religion, constitute an assistance to the establishment of religion?

There are three tests that have been proposed by the Supreme Court in dealing with that issue. Let me deal with two of those tests.

The first one is this: Is this kind of tax credit primarily going to provide aid to religious education? The fact is that in this country 87 percent of the nonpublic schools—that is 87 percent of the nonpublic schools—are religiously affiliated in one way or another. Clearly we are talking about sectarian education in those schools. The Court itself has said that the very purpose of these schools is to provide religious education. They are devoted to religious values and religious beliefs. And so surely the very purpose of these schools is to provide religious education. A tax credit provided by the Federal Government to parents sending their children to such schools is clearly aid which financially advances religious education.

The second test enunciated by the Court is this: Will the tax credit result in excessive entanglement of religion with Government? And the fact is that just administratively alone there is clearly going to be entanglement with religion in this country as a result of tax credits.

But beyond that, it is also clear that there will be political strife in this country relating to religious education as a result. And the Supreme Court in the Nyquist case admitted very clearly that as a result of these kinds of tax credits there will result decisive political consequences and there will result entanglements between religion and Government.

And so clearly under two of the three tests provided by the Supreme Court there are serious constitutional questions related to this issue.

Indeed, the Attorney General of the United States has confirmed that under two of these three tests he would find and have to argue that these provisions are unconsitutional.

Yes, we can take the position: Leave this to the Supeme Court to decide. But I think it is our responsibility under the Constitution to also clearly consider the constitutional implications of this legislation. I believe that it is clearly unconstitutional and that the amendment ought to be opposed on that basis.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I will be pleased to yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I have been listening to the debate and I have a couple of questions I would like to ask in regard to contributions and in regard to church and state relationships.

If I contribute to a church which is a direct recipient of my money, then I can deduct that from my income tax, can I not?

Mr. PANETTA. That is correct.

Mr. VOLKMER. Is that a more closely related establishment of a religion or a church and the government helping it than just giving my money for tuition for a school which is operated by a church?

Mr. PANETTA. The problem with that is that the court has upheld the kind of tax exemption you discuss because these exemptions apply to contributions to all charities regardless of religious implications. In this instance, 87 percent of the schools that would receive the benefits of the tax credits are religiously affiliated and that was the basis on which the Nyquist decision found such tax credits to be unconstitutional.

Mr. VOLKMER. The next question is: If I contribute to my church and the church then uses part of that fund to operate a school, as I understand it that is tax deductible?

Mr. PANETTA. That is correct but the distinction is, again by the courts, that this applies to all charitable contributions regardless of their sectarian or nonsectarian relationship.

Mr. GLICKMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think perhaps this issue kind of greets me like all the issues since I have been in the Congress and that is that the advocates on both sides have probably attempted to overstate the case. However, I do oppose the Vanik amendment, at least for the present time.

As a former president of the school board of a fairly large public school system, I am not persuaded that the tuition credit for elementary and secondary education is as significant as the opponents and proponents claim. There are some who believe that tuition tax credits will be the death knell of the public school system and there are some of my people from parochial schools who believe that credits for the parochial schools will be their salvation. I think they are both wrong.

I would suggest, however, that we defeat the amendment, primarily on a pragmatic basis. I say that we first start with college tuition tax credits, which I do support. We have a sunset provision in this bill. Let us see what the economic, educational and, yes, the constitutional effects of college tuition tax credits are for the period the bill is in force, wait for the end of that period of time and then make a judgment as to whether we should extend them downwards to elementary and secondary schools. It may be that, after we see how well tax credits for college tuition works, that it can be extended. There is no question that our parochial schools are being hit by inflation in a way as severe as the public schools are.

However, we all know that once we put a provision in the tax code that it is like pulling teeth to get it out.

As my colleague from Wisconsin, Mr. STEIGER, who is very interested in, and yes, I support him in it, in reducing capital gains rates, said, in 1969 that law was adopted vastly increasing the rates of capital gains, and now it is like pulling teeth to get the law changed again.

I say that we have to make the first step in the equation, and that should be the enactment of the college tuition tax credit. I think there is some merit to giving such a tax credit to the parents who send their kids to college. Then we see what effect that credit has educationally, economically and constitutionally, because I believe there will be a constitutional test even on college credits. Then at the end of the 3-year period we can come back here and extend it downward if we decide to do so.

The gentleman from Wisconsin Mr. STEIGER says: How are people going to cope with this heavy tax burden? I believe that the real question is how are people going to cope with inflation. And that is every time the inflationary cycle comes up, people, educational institutions, every institution in this country cannot cope. Whom do they run to? They run to us: "Help us. Give us money. Give us a tax break. We need it. If we do not have it, we cannot survive."

We all realize—I am sure most people on this side of the aisle realize—that this has a pyramid effect which is inflationary itself. What I say is while there may be a need to provide that relief to parents, let us target the need pragmatically. Let us start with college credits only, see how it works, and then maybe after a 3-year period of time—and the pressure will still be on to go to elementary and secondary education—we can go there, but not now. It is premature. I urge defeat of the Vanik amendment.

Mr. LAFALCE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, the primary focus thus far has been a discussion of whether this particular amendment would advance or inhibit public education as opposed to private education. I suggest that this is not the best focal point, and not how the issue should be framed or

viewed. The issue we should be discussing is how government can best assist parents educate their children.

When we started off in these United States, we did not have a public school system. We realized at that time something that I think we have forgotten today—that the primary responsibility for the education of a child rests with the parents, and that the role of the State, of society at large, of Government, is a supportive role. It ought to support the parents in their efforts to educate and develop their children. When we started out, how did we do this? We said, Well, what we will do is, we will tax everybody, and we will also set up a school system where some might choose to send their children, if they so desired and could not afford to do the job of educating their children themselves—and we will call that the public school system.

There was some element of choice at that time, not insofar as the payment of taxes was concerned. But we started out with a basically private system where the parental role was primary and Government assistance supportive. However, we have switched gears over the past 200 years and we now have the role of the State as primary rather than supportive and secondary, almost to the point of being exclusive. I suggest that we have made a philosophical error in our thinking.

What do we do in order to help parents have a meaningful choice regarding the education of their child? At this moment, we have but one alternative before us—tuition tax credits. Regrettably, while I support this amendment, I do not think it is the best approach. I do not think tuition tax credits are the best approach at all, but we are in a box. We are in a straitjacket that has been imposed upon us not by the Constitution of the United States but by decisions of the Supreme Court that have with great strain and with virtually total inconsistency erroneously interpreted the 1st amendment and the 14th amendment.

I remember when I was in the State legislature. I coauthored a bill in 1971 that provided assistance for secular education services provided to children in private schools, and I argued it was clearly constitutional. The Supreme Court said it was unconstitutional. In 1972 I coauthored legislation providing deductions, which I argued were probably constitutional. The Supreme Court said, no, it is unconstitutional. Yet, both before that time and even since that time the decisions of the Supreme Court have been so confusing, so lacking in consistency, that the only thing any person with intellectual integrity could now say about tuition tax credits is, "We do not know." And so, in my judgment, we should try the constitutionality of tuition tax credits.

I must, however, raise a few additional points that concern me about this amendment. First of all, we will not be assisting through this amendment individuals who do not pay taxes. Second, we will be assisting individuals in the $100,000 bracket or so, and I do not think that is what Government should be doing. Third, it would be preferable to delay implementation of the tax credits for a short period, so that the issue of constitutionality could be tested.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from Ohio.

Mr. VANIK. I thank the gentleman for yielding.

If this amendemnt is adopted, and if the second amendment is adopted raising the credit to 50 percent, I would like to point out to the gentleman that 83 percent of the benefits will go to families with incomes under $28,000.

Mr. LAFALCE. I understand that.

Mr. VANIK. That is two workers earning $14,000 each. There is nothing wealthy about that.

Mr. LAFALCE. I do not quarrel with the percentage. That is why I support it. But the fact is, we should have provided some cutoff, and that is what makes my support qualified in nature. Further, while I think there is certainly a question mark regarding the constitutionality of the gentleman's amendment, in my judgment we should pass it, and we should continue to do this until we find some constitutional way of aiding parents in having a meaningful choice in the education of their children.

I must also add that I believe that the Mikva approach, deferring payment on taxes, is more arguably constitutional than would be the tuition tax credit approach, and would also give more meaningful financial relief; so while I support the gentleman's amendment, I will also support the Mikva substitute as a preferable approach, given those two limited options.

Mr. VANIK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to inquire whether I can ask that we close debate on this amendment?

Mr. Chairman, I ask unanimous consent to close debate on this amendment by 3:20 o'clock p.m.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. DANIELSON. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. VANIK. Mr. Chairman, I ask unanimous consent to close debate on this amendment by 3:30 o'clock p.m.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. Members standing at the time the unanimous-consent request was made will be recognized for 1 minute and 15 seconds each.

The Chair recognizes the gentleman from Pennsylvania (Mr. COUGHLIN).

(By unanimous consent, Mr. STEIGER and Mr. CUNNINGHAM yielded their time to Mr. COUGHLIN.)

Mr. COUGHLIN. Mr. Chairman, in the course of debate, and I will try not to take my entire time, I have heard so many phantoms and so many red herrings, I would like to refocus attention in the direction I think it should be focused.

We have heard comments that this amendment will be harmful to public education and create a massive exodus from the public schools. Now, I hardly think that a tuition tax credit in the amount of either 25 or 50 percent of the amount of tuition, I hardly think that kind of tuition credit is likely to cause a massive exodus from the public schools. That just will not happen.

It has been said here that this amendment would further exacerbate the problems of our public schools and, indeed, our public schools do have problems. But, my colleagues, I submit, think what will happen to the public schools if all the students from the nonpublic schools, particularly in our large cities, are dumped on those school systems. That would really exacerbate the problems of those public school systems.

Diversity of education and competition helps the public school systems; so this is not going to exacerbate the problems of public schools. It is going to help them.

It has been said this could lead to discrimination and create social problems when it has been very clear by the records from the Internal Revenue Service itself that these educational institutions must be nondiscriminatory. This amendment has nothing to do with discrimination.

Finally, it has been said that this amendment might lead to the imposition of all sorts of conditions on our private educational institutions.

Mr. Chairman, we today permit a tax deduction for contributions to private educational institutions. There are no strings that go with that; there are no problems with that; it works very smoothly. It is the same thing that we are talking about here.

We should be focusing on what we are trying to do. What we are trying to do is help people. We are trying to help middle-income people find a way to afford education for their children.

Mr. Chairman, if we focus on that question, if we focus on helping people, then we will eliminate all the red herrings and all the exacerbating problems we have gotten ourselves into.

(By unanimous consent, Mr. SISK yielded his time to Mr. DANIELSON.)

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Chairman. I rise in opposition to the amendment, and I would like to state that I am also opposed to the bill itself.

I think we are making a very great mistake here today if we should vote a tax credit for tuition that is paid to private schools. There have been a lot of arguments, and I am just going to touch upon them very briefly.

It has been argued that to pass this bill, to agree to this amendment, would be to encourage segregation and nullify desegregation and the wholesome development of desegregation that has taken place in the last 20 years. That

is absolutely true, and I commend the gentleman from Maryland for making the point so well.

I think it is a paradox that we should be standing here arguing in favor of something that would effectively nullify the progress that has been made in the last 24 years. There are people arguing today for tax credits who would not dare stand up and argue against desegregation.

Another point concerns the separation of church and state. I am one of those who believe that this amendment would be unconstitutional. I recognize that there is room for debate on that particular point, but the paradox again comes up. We who have taken an oath to support and defend the Constitution are sitting here arguing about ways to get around it. We should be supporting the Constitution according to its letter and according to its spirit.

The idea of trying to find some way around the Constitution, or finally to punch our way through the Constitution, is repugnant to me and runs counter to the whole idea of supporting the Constitution of the United States. Why should we erode that wholesome barrier which has been erected between church and state? A barrier which has enabled this country to preserve the greatest degree of freedom ever known to man in any country on earth, simply because we have separated these two great forces?

Mr. Chairman, let us get down to an immediate and practical argument as to why we should oppose this amendment, in addition to these other two valid reasons. I have heard up until today no candidate for office anywhere around the country saying that he is out looking for a new spending program. We do not want any more spending programs. That is what my constituents tell me, and that is what your constituents tell you, and I will tell the Members, that this is the biggest spending program to come before the 95th Congress.

Mr. Chairman, those who support this amendment say it will cost only a few million dollars. I respectfully submit that this is only the nose of the camel under the flap of the tent, and once this idea gets in, it will grow and grow and we will never be able to turn it around.

Federal aid to education did not begin until 1965, and now look at it. It has grown from its humble beginnings of a few years ago to the point where we are now spending $13,612,000,000 in direct aid to education, plus another $4,853,000,000 for indirect aid, making a total of $18,465,000,000, not counting military education programs and the like. Figures on these expenditures which I have obtained reflect as follows:

FEDERAL EDUCATION FUNDING BY CONTROL OF INSTITUTION, FISCAL YEAR 1978
[Budget Authority in millions]

	Public	Private	Total
Direct Federal Expenditures:			
Elementary and secondary education	$5,691	$320	$6,011
Percent		(5.3)	
Higher education	2,753	1,548	4,301
Percent		(36.0)	
Basic research in colleges and universities	2,640	660	3,300
Percent		(20.0)	
Subtotal	11,084	2,528	13,612
Federal expenditures in support of education:			
Veterans benefits	2,555	870	3,425
Percent		(25.4)	
Social security student benefits	992	436	1,428
Percent		(30.5)	
Subtotal	3,547	1,306	4,853
Total	14,631	3,834	18,465
Percent		(20.8)	

Note: Excludes tax expenditures. In the cases of higher deucation student assistance, veterans benefits and social security student benefits, amounts are those going to students by control of institution attended. Funds for veterans includes prior year budget authority to be spent in fiscal year 1978.

Sources: Department of Health, Education, and Welfare; Office of Management and Budget; and Congressional Budget Office estimates.

(By unanimous consent, Mrs. FENWICK yielded her time to Mr. ANDERSON of Illinois.)

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, in the remarks that I made before this House earlier when we were under general debate, I cited some of the concerns that had been expressed to me by public school authorities in my own State of Illinois that the impact of this tuition tax credit on public education was going to be very severe.

The argument has just been made by my dear friend and colleague, the gentleman from Pennsylvania (Mr. COUGHLIN), that this is not going to cause the kind of massive exodus from our public schools that perhaps some of us fear. Yet I want to suggest that in a day and an age when we see bond issue after bond issue going down to defeat, when we see more and more school referenda calling for increased educational tax rates being defeated all across the country, can there be any doubt in anyone's mind that this legislation is certainly going to have the effect of shrinking still further that ever diminishing base of support for our public schools that we have witnessed in recent years?

I do not think we can deny those facts, and it is for that reason that I am concerned about this amendment and will vote against it.

Mr. Chairman, I also cannot agree that this has nothing to do with racial discrimination. Recently I read the report of the U.S. Civil Rights Commission, and it states very clearly—and let me quote from it—that the Internal Revenue Service is continuing to furnish tax exemption to schools which have been barred by the Federal courts from receiving State support, because of their discriminatory conduct.

Like it or no, we have to face the unpleasant fact that if we thrust upon the Internal Revenue Service the burden of determining whether or not the private academies and the private schools of this country are truly conducting a nondiscriminatory educational policy, we are giving them a responsibility which they simply cannot discharge.

(By unanimous consent, Mr. VOLKMER yielded his time to Mr. VENTO.)

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. VENTO.)

Mr. VENTO. I rise in support of the amendment to include a limited tuition tax credit for elementary and secondary schools. The Federal Government has a long tradition of providing financial assistance for educational services to nonpublic school children through title I, school lunch, education of the handicapped, and many other programs. Enactment of the elementary and secondary tax credit is not the drastic departure from existing policy which has been claimed. What this measure can do is to equalize the Federal educational expenditure between public and nonpublic students. Currently, Federal educational spending in Saint Paul is approximately $113 per pupil enrolled in public schools and $69 per pupil enrolled in nonpublic schools. On the national level, Federal support for public and nonpublic schools reflects a similar difference. A $50 tax credit insures that all students receive equal financial support from the Federal Government. This is a goal I can support. I disagree with the tax credit for higher education and feel that the Presidential recommended scholarship is superior in that it targets the dollars into existing programs for an expanded number of Americans. I also would prefer that the cost of this total program should be incorporated into a total tax program that the Congress and administration have had such a difficult time in determining this session. This program has only clouded the tax package, we do not see the "tradeoffs"; that is, social security corporate tax cuts, individual reductions.

I will vote for the Vanik elementary and secondary tuition tax credit amendment—but really feel the format is inappropriate. I am pleased to note a expiration date, this is not an irreversible decision, we will be able to assess the impact and if its adverse to public education change it.

However, I can support this amendment only with the understanding that the financial commitment is limited and the desegregation requirements will be strictly enforced. The Federal Government cannot and must not indirectly support any school which discriminates against students because of race.

The Ways and Means Committee approved an amendment offered by the gentleman from Texas (Mr. ARCHER) which effectively places responsibility for enforcement of desegregation with the Internal Revenue Service. A parent may only claim the tax credit if the school which their child attends has been granted a tax exempt status under 501c(3) of the IRS Code. I question whether this provides sufficient enforcement.

The Internal Revenue Service has had a checkered history of enforcing this provision. In 1970, the first year of their responsibility, the IRS removed the tax exempt status of 80 segregated private schools. Since that time, the IRS enforcement has become far more relaxed. They are currently the subject of a permanent Federal court order enjoining

the IRS from granting or continuing the tax exempt status to private schools in Mississippi unless the IRS has affirmatively determined that the schools are operated in a nondiscriminatory manner, in respect to admissions, staff hiring, financial assistance, and they must also insure that the sponsoring organization does not support the maintenance of segregated schools.

The U.S. Commission on Civil Rights recently criticized the IRS for the lax enforcement of this 501(c)(3) desegregation requirement. The U.S. Commission on Civil Rights found that the IRS had failed to effectively enforce the legal requirements in nondiscrimination.

Because of these criticisms and the Federal court order, I have some serious questions regarding our ability to determine that this tax credit will not provide Federal assistance to segregated schools.

Mr. Chairman, at this time I would like to ask the gentleman from Ohio (Mr. VANIK) a few questions to clarify several aspects of this legislation.

Mr. Chairman, I think the question of the IRS has come into consideration in their enforcement of the nondiscrimination requirement here today, and I am seriously concerned about it, as are some of the other Members. I will not go through all of the facts. I have, really, a series of questions, in light of the present enforcement and the problems of enforcement that the IRS experiences. I might add, parenthetically, I think they experience those enforcement problems irrespective of whether or not we have this tax credit in force and effect. IRS experiences that, insofar as they qualify under the 501(c)(3) regulations. So there is a problem anyway. In light of the present enforcement problems, what assurances can be given to the Congress that these tax credits will not be used for attendance in segregated private schools? I think it is a very important question, one that bothered me and other Members.

I would like to yield to the gentleman from Ohio (Mr. VANIK) to respond to that.

Mr. VANIK. Mr. Chairman, the Internal Revenue Service has the responsibility of insuring that schools which enjoy the status of tax-exempt organizations under section 501(c)(3) of the Internal Revenue Code do, in fact, comply with the requirement that they do not discriminate on the basis of race. Although some dissatisfaction has been expressed about the Service's enforcement of this requirement. I believe that the Internal Revenue Service has always regarded this duty very seriously and will be giving it greater attention in the future.

The present Commissioner of Internal Revenue, Jerome Kurtz, expressed a strong commitment to enforce the nondiscrimination rules vigorously in a recent letter to Arthur S. Fleming, Chairman of the U.S. Civil Rights Commission. In his letter, Commissioner Kurtz outlines the IRS's past efforts to insure that only schools which do not discriminate are recognized as tax-exempt organizations. Furthermore, the Commissioner describes efforts being taken within the IRS to improve its enforcement of this policy. The Service has been actively reviewing its rules and procedures in this area over the last few months. The Commissioner states that he expects that the IRS soon will propose additional guidelines to test a school's assertion of a nondiscriminatory policy. These guidelines and the Service's record in enforcement of nondiscrimination, of course, will be of interest to members of the Ways and Means Committee in fulfilling both their legislative and oversight obligations.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER. Mr. Chairman, I rise in support of this amendment.

I would like to say that in supporting this amendment I do so primarily for two reasons. First of all, I believe it would be salutary for its effect on American education.

I come before this body as one who believes strongly in public education. I have advocated it and I have voted for its appropriations, and I will continue to do so. But in supporting public education, I never intended to create a monopoly position for public schools. I believe in pluralism, the survival of alternative academic opportunities for American citizens. If this pluralism is not protected by our actions today, we will further burden the American taxpayer to the tune of somewhere between $4 and $10 billion—the cost of an expansion of public education to accommodate those closed out of private schools. Moreover, the competitive nature of this pluralism makes a large contribution to keeping quality alive in the educational system.

Secondly, I feel that the amendment speaks to the taxpayer, to the citizen. Families with children attending nonpublic elementary and secondary schools end up paying twice for their children's education, once for the tuition and again when they pay local property taxes. They deserve and need the tax relief that this amendment will provide.

Finally the argument of constitutionality has been brought into this discussion. I believe that the Supreme Court will not find this aid unconstitutional and I offer author Walter Berns arguments in his historic account of the first amendment. The First Amendment and the Future of American Democracy. He clearly points out that the first amendment was meant to forbid the preference of one religion over another. The interpretation was left as a matter of political choice, as an issue of public policy to be resolved however we choose and as often as we as a nation wish.

The tuition tax credit applies to all nonpublic schools regardless of the denomination or religious affiliation they enjoy. Every family will benefit equally—answering a real and legitimate need of millions of Americans.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Virginia (Mr. FISHER).

Mr. FISHER. Mr. Chairman, I rise in opposition to this amendment.

I would like to say three things about it. First, no matter how one looks at it, this is a serious breach in the wall of separation between church and state.

Mr. Chairman, I come from the State of George Mason and Thomas Jefferson, who were the principal architects of religious freedom in this country. It took 100 years after their time to establish a free public school system rather than a church-dominated school system.

I think separation of church and state is one of the authentic principles of this country, and we ought not to breach this wall lightly.

Mr. Chairman, some Members say that a small sum of money is involved. Yes, that is true, but a major historic principle is involved.

Keep in mind that nearly 90 percent of the elementary and secondary students, who would be aided by the bill as it now stands, are in church-sponsored schools for which a sectarian as well as an educational program is important. This is fine; God bless them. But Federal money should not be injected into such a situation in a broad-scale way.

Second, there is little financial aid here to families which are hard pressed to meet school costs. The $50, or whatever the sum, will be soon swallowed up by tuition increases, leaving these families with little or no direct relief to their budgets.

Finally, Mr. Chairman, by all means, let us recognize the problem of families beset by educational costs and let us try something at the college level where these basic principles are not so much at stake and see how it works.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, this is not good education policy. This is not a good tax policy. The Committee on Education and Labor ought to be determining and recommending a bill to us. The bill ought not to come through the backdoor of a tax vehicle. This is very fundamental. Yet, that is what we are considering.

Secondly, Mr. Chairman, if we adopt the Vanik amendment, we will be committing ourselves to at least $1.5 billion a year; and it will grow from now on. This is another little revenue sharing device, and we should be mindful of it; whether one is for it or against it, it is going to be very expensive.

Third, I submit that if we take this approach, we will be letting the long arm of Federal jurisdiction go out into these private schools. As one Member (Mr. JENKINS) said, that would be the end of private, non-profit education. In either event, it would extend Federal jurisdiction to private schools, directly or indirectly.

Mr. Chairman, I do not think that is what Members want just for the sake of temporary tax relief. I think the amendment should be defeated.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. Mr. Chairman, there has been a lot of talk about improving education today and that this is one way to do it.

I find this a very difficult issue. I think all of us do, and we are trying to do the right thing.

When we talk about improving education for the masses, we are talking about one thing generally: public education. We cannot run away from that. We cannot hide from that fact, and we cannot hide from the fact that there are not many champions of the public school system in this body. I think that fact reflects disenchantment, very genuine disenchantment, by our constituents with the public schools. The public school system needs scrutiny. There is no question that it is not getting enough. It needs competition, and parochial schools and others give it that competition. It may even need a jolt through losing on some bond issues, as is happening all over the country, so as to try to make it shape up. However, it does not need a Jarvis Gann in the U.S. House of Representatives. That is precisely what this amendment is.

It is an amendment which is very tempting, particularly for Democrats, because we are talking about our national core constituency. When we talk about people who send their children to parochial schools. It is very tempting to vote for this amendment; but it is bad public policy.

If this amendment is passed, countless numbers of families whose children are in public schools but who are not entirely happy with those schools will make decisions to move their children to private schools. It does not matter that this is a small tax credit. Most people will not even notice that. What will get through to them is that they will get a tax break for sending their children to private schools. And it will push those who are almost prepared to make the move away from public schools over the line.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Chairman, I have taught for many years in both private and public school systems, and I have always noted that both systems have guidelines that are governed by the State. Therefore, they have very specific regulations; and that, certainly, will never change.

Mr. Chairman, I believe firmly in both systems; and I reiterate that I will always be supportive of legislation to assist the public school system.

I support the Vanik amendment, frankly, not because it aids upper middle income people, but because it will help the moderate- to middle-income people.

It is appalling to see the number of private schools closing in the inner cities, which has accounted for the further deterioration of the stability of our cities. Many parents simply cannot afford to send their children to the school of their choice. I believe it is the basic right of parents to educate their children. Let us give all parents the opportunity to educate their children in an accredited school of their choice.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from California (Mr. KREBS).

Mr. KREBS. Mr. Chairman, I rise in strong opposition to this blatantly unconstitutional amendment. I say blatantly unconstitutional because one does not have to be a constitutional lawyer to realize that this is a very serious infringement of the constitutional provision on separation of church and state.

Beyond this, I think it is very poor politics. If there is anything that the general public has been very critical of this Congress it has been the size of the Federal deficit. Certainly, by starting out a new program that has no end in sight, as has already been stated repeatedly. It represents the beginning of a major expenditure, thus clearly indicating that we are going to do nothing toward cutting the size of the Federal deficit.

Last but not least, I submit to the Members that in passing this amendment—which I hope they will not pass—they are signaling in no uncertain terms the end of public education as we know it.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, we have heard a lot of talk about the separation of church and state, and of unconstitutionality. I would just like to repeat for those who have read the bill that there is not any payment to any institution in this bill. No schools are going to get any money.

There is going to be a tax credit given to the parents who choose to have their children attend a nonpublic school. They are going to be allowed to keep some of their money. We are not going to give money back to them. They are going to keep a little when they file their income tax return.

That is what our constituents want, and that is what they told us they wanted in the last Harris poll, which showed a greater than 2-to-1 majority favoring tuition tax credits. Let us give those people who are willing to make a sacrifice a chance to have a choice of where they are going to educate their children for a few more years at least. It will not hurt the public education system, but it will do wonders for those people who are paying for two systems.

Mr. Chairman, this amendment has been heavily debated in this very body just 4 weeks ago. At that time, we adopted the Luken substitute to the first concurrent budget resolution for fiscal year 1979. I might remind the Members that the Luken amendment specifically included sufficient funds to be set aside for nonpublic elementary and secondary children and colllege students at a level of $635 million.

In spite of the heavily waged campaign by those representing some of our public institutions I am convinced that those Members who supported the budget resolution amendment will, again, give their full support for the Vanik amendment.

I might add that outside of this body, this amendment not only has the support of the Federation of Catholic Teachers and the U.S. Catholic Conference, but it is also supported by the Council for American Private Education, the National Association of Private Schools for Exceptional Children (meaning handicapped), the National Taxpayers Union, the National Society for Hebrew Day Schools, Lutheran Church—Missouri Synod, Congress of Racial Equality (CORE), Christians for Better Government (predominately Baptist), Agudath Israel of America, Citizens for Educational Freedom, and Christian School Action, Inc.—to name a few of the larger groups who you have probably heard from by this time. These were not groups formed for the express purpose of supporting tuition tax credits, these groups have been in existence for decades.

The real base of support for the Vanik amendment, however, is not these national groups, but individual constituents, the grassroots, the moms and dads. The Harris poll, for instance, found that these just plain folks by a majority of 63 to 28 percent feel that the concept of the Vanik amendment will be "a way to get some tax relief to parents who send their children to private and parochial schools and have not been able to get any federal aid up to now."

What the Vanik amendment does is offer us an opportunity to provide some limited relief to parents, who have for years, been doubly burdened by educational expenses; first by virtue of their property taxes, and second, by paying tuition to nonpublic schools—while at the same time, relieving the public system of the cost of educating their children.

This amendment will help to retain educational freedom of choice which is rapidly eroding under the dual pressures of rising educational costs and increasing taxes. Many low- and middle-income parents can no longer bear the very heavy financial burden of nonpublic education. This has caused an overall decline in the proportion of students enrolled in nonpublic schools from 13 percent in 1966 to only 9.8 percent in 1976. A tuition tax credit would allow those parents who have chosen nonpublic education for their families to be able to continue exercising that choice in our dual educational system.

The enactment of tuition tax credits for nonpublic elementary and secondary school student will help to maintain the current balance between public (90.2 percent) and private (9.8 percent) elementary and secondary school enrollment—not alter it. The President's Commission on School Finance in a 1972 study, estimated that if many nonpublic schools closed, capital costs for public schools would increase from $4.7 to $10 billion. During the past decade, the total number

of nonpublic schools declined from 19,946 to 17,950. This represents a loss of 10 percent or nearly 2,000 schools. Any further erosion in the nonpublic school system would seriously weaken our dual educational system and create a lopsided balance away from individual choices and toward governmental control.

Far from damaging public education, tax credits will prove to be a positive help to public schools. Actually, support for the public school system is strongest in States and communities where private education is strongest. For example, in the five States where the largest percentage of students are enrolled in private schools, public school expenditures (per pupil) average $800 more than in the five States where private schools account for the smallest fraction of total enrollments.

The Vanik amendment would not result in coaxing students from public education into private education. We can draw relative conclusions from our experience at the college level, during the past years that Federal loans and grants have been made available to students in both public and private colleges. Public colleges still enroll about 78 percent of the college-age enrollment as they did prior to the era of grants and loans.

Federal support for public education will not decline with the passage of tuition tax credits. According to the National Center for Education Statistics, approximately $96 billion was spent on public education from kindergarten through graduate school in 1976–77, from local, State, and Federal taxation. Tax credits will not cause any decrease in public support of education, now or in the future.

The supporters of this amendment, many of whom have children in nonpublic elementary and secondary schools, are not wealthy. An overwhelming majority of children who attend nonpublic elementary and secondary schools come from low and middle income families. In fact, 51.4 percent of these families have incomes below $15,000. More than 71 percent have family incomes below $25,000 and fewer than 4 percent have incomes over $50,000. Around 40 percent of the enrollment in one Chicago school currently receive AFDC or some other form of welfare assistance. These are the kinds of families we are helping to maintain their educational choices.

The Vanik amendment has been carefully designed to insure that it will not result in a mass exodus from the public school system to the private system. The maximum amount of the credit will be limited to $50 in 1978 and $100 in 1979 and 1980. The credit would be available only to parents whose children are enrolled in schools that are nonprofit and nondiscriminatory institutions. The credit would simply allow parents the opportunity to keep a few more of their own tax dollars when they file their return for the previous year.

The additional cost of adding the Vanik amendment to H.R. 12050 will result in a minimal revenue loss of $9 million in fiscal year 1978, $218 million in fiscal year 1979, $354 million in fiscal year 1980 and $310 million in fiscal year 1981, if the bill remains at the 25 percent level. At the 50 percent level, the additional revenue loss will be $11 million in fiscal year 1978, $285 million in fiscal year 1979, $461 million in fiscal year 1980, and $394 million in fiscal year 1981. These figures are based on estimates supplied by the Joint Committee on Taxation.

Tuition tax credits will not foster racial segregation as many of the opponents have claimed. In fact, for a private elementary and secondary school to attain and keep a tax-exempt status, it must satisfy the Internal Revenue Service that it does not discriminate. There are established procedures for auditing compliance with these requirements and for investigating complaints. At this point, I would like to refer my colleagues to my statement in the RECORD of May 26, 1978, page 15732. This statement contains correspondence between Senator MOYNIHAN and IRS Commissioner Kurtz on the nondiscriminatory provisions included in the Vanik amendment. Commissioner Kurtz stated that—

> The Service does not believe there is a need for additional statutory support of the Service's position that private schools exempt under Section 501(c)(3) may not discriminate on racial grounds. . . .

Many minority students form a substantial share of private school enrollment. In the city of Chicago, 55 percent of all the youngsters in Catholic schools are black—40 percent of these same children are even non-Catholic. In the city of New York, 60 percent of all students in Catholic schools are minorities. According to a recent survey of parochial schools in the 10 largest cities of our country, Catholic schools are already doing much of the educating of the very poor in the ghettos. Ethnic minority students comprised 16 percent of the total Catholic school enrollment in school year 1976–77. In other words, the poor and minorities are already choosing nonpublic education at their own expense.

Opponents of tuition tax credits have argued that by extending the tax credit advantages to the elementary and secondary students, it may be considered unconstitutional by the U.S. Supreme Court. In the opinion of the constitutional experts, with whom I and many of my cosponsors have counseled, such a provision is not contrary to the principles of our Constitution. Tuition tax credit legislation, as introduced at the Federal level, differs in many significant respects from the State programs on which the U.S. Supreme Court has previously ruled. When such legislation is enacted, the Court will, of course, have the opportunity to review it.

Finally, in an address on November 29, 1977, U.S. Commissioner of Education, Ernest L. Boyer, stated that—

> Private education is absolutely crucial to the vitality of this Nation, and public policy should strengthen rather than deminish these essential institutions.

The amendment would, in the face of declining enrollments, provide for the educational consumer some semblance of freedom of choice that the consumer has had over the years under our American system. The rising costs of education now denies the consumer that choice and I would like to provide it a little longer. I urge my colleagues to support the Vanik amendment.

Mr. Chairman, Secretary Califano testified before the Ways and Means Committee on February 14, 1978, to the following:

> The per pupil amount that we provide for public school children in this country is $128 from the Federal Government, the per pupil amount we estimate we provide for private school children in about $50 to $70. If you give $250 to every parochial schoolchild and every private schoolchild in this country, you will be giving twice as much to the private schoolchildren from the Federal Government as you give to public schoolchildren. If you add the $50 to $70 they are already getting under Federal programs you will be giving between $300 and $320 in Federal funds to each private and parochial school student in this country, and giving $128 in Federal funds on a per pupil basic to public school students.

The Secretary's guesstimates were incorrect. By contrast, the Education and Labor Committee's minority counsel conservatively estimated that the per pupil Federal support for public elementary and secondary education is closer to $140—$155 for fiscal year 1978.

Mr. Califano will find it difficult to produce any authenticated evidence to support his statements concerning Federal support to private students, because the U.S. Office of Education has no substantive management system which can provide accurate data on the extent of the participation of private (and public) school children in any of the Federal educational programs. No bureau of division in the U.S. Office of Education has a program report form which retrieves information about the actual number of program participants, either public or private; nor does any Office of Education report form retrieve information as to the per public expenditure for public or private schoolchildren participating in any single program. In short, there are no reliable resource documents at the U.S. Office of Education to support Mr. Califano's assumptions on the amount of Federal aid going to nonpublic schools. When I learned how Secretary Califano makes his calculations on Federal private aid, I was dumfounded.

To set the record straight, a typical nonpublic school is located in the nearby diocese of Arlington, Va. There, in fiscal year 1977, nearly 12,000 pupils receive a total of less than $26,000 in Federal assistance which is a little more than $2 per pupil. Even a diocese with a heavy concentration of inner-city schools is far below the Califano estimates. For example, in the archdiocese of Washington, D.C., in fiscal year 1977 the nearly 40,000 students received a total of approximately $1.35 million in Federal aid ($520,000 for title I, $600,000 in ESAA, and $215,000 in other Federal aid). This is an average of approximately $34 per pupil or nearly one-half of the $50 to $70 Califano estimated.

Secretary Califano did not provide a breakdown on his calculations made for public school children, but the calculations I have received were determined

in the following manner: The committee counsel estimated that in fiscal year 1978, between 6 and 6.7 billion Federal dollars can be calculated as being direct aid to elementary and secondary education. This total does not include such items as evaluation and study; State administration money; grants to State agencies; advisory councils, information clearinghouse, model studies, educational broadcasting facilities; construction; preschool incentive grants; educational TV programing; and adult education under the Vocational Education Act, to name a few. Taking the $6 to $6.7 billion and dividing it by 43.7 million public students (based on fall 1977 projections), one determines that the total Federal dollar spending on public elementary and secondary pupils is appproximately $140 to $155 per child.

If we add to that the Federal income tax deduction for the portion of State and local property taxes devoted to public schools (based on a CRS study) of $114.23 per pupil, the total Federal spending per elementary and secondary public pupil is about $254.23 to $269.23.

We can easily compare the average $260 per pupil Federal expenditure with the maximum cost of the Vanik amendment to enable nonpublic elementary and secondary students to be eligible for the tax credit. At a 50 percent credit the highest cost of the Vanik amendment will be $461 million in 1980 for nonpublic elementary and secondary children only. By simply dividing this amount by the number of nonpublic elementary and secondary children, estimated to be 5.3 million, we arrive at an average per pupil Federal cost of $86.98.

For a fair comparison, however, it is reasonable to add the total tax expenditure for deductions for charitable contributions to education. The Ways and Means Committee staff estimates that the total tax expenditure for deductions for charitable contributions to education, primarily postsecondary is $860 million and to other nonhealth is $5,430 million. Generously assuming that 10 percent ($629 million) goes to private elementary and secondary schools, we can divide by the number of these pupils (5.3 million) which works out to $118.67 per pupil. Thus, adding $118.67 to $86.98 totals $205.65 per private pupil Federal expenditure. If we than add to the $205.65 the maximum Federal dollar contributed to the Archdiocese of Washington ($34) we can conclude that the absolute maximum the Federal Government would spend for nonpublic elementary and secondary pupils would be $239.65 as compared to the conservative estimate of $260 for public elementary and secondary students. Obviously, Secretary Califano miscalculated.

It is my understanding that Secretary Califano's calculations for the Federal support to private elementary and secondary students ($50 to $70) was made in the following manner: The Secretary asked all his program heads to estimate the number of children attending private schools who would benefit in any way from Federal dollars. The total arrived at, after a number of attempts, was 225,000 students based on 1980 projections. These 225,000 students were then multiplied by the average per pupil cost for public school children ($1,581) arriving at some $355,725,000. The dollar amount was then divided by the 5.3 million students attending private schools to total $67.11. At which, the Secretary concluded that $50 to $70 was the Federal dollar spent per private school child in the current year. I am sure my colleagues can understand the type of unreasonable and unbelievable calculations coming from our Secretary of HEW.

Many of the figures the Secretary uses in the above calculations were somewhat different in his testimony before the House Subcommittee on Elementary, Secondary, and Vocational Education on February 28, 1978. The Secretary stated that—

> We estimate that private school students will receive between $100 million and $250 million out of $6.9 billion requested for Federal elementary and secondary programs.

During his testimony, Mr. Califano frequently relied on a research report from the National Institute of Education (Compensatory Education Services, July 31, 1977), but omitted the report's findings that only 43 percent of title I districts with nonpublic school students are providing title I services to any of these pupils and second, title I funded compensatory services are provided to 116,218 nonpublic school children. This represents an estimated 4 percent of the nonpublic school students living in title I districts.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the the gentleman from Alabama.

Mr. BUCHANAN. Mr. Chairman, I rise in opposition to the Vanik amendment to extend tuition tax credits to private elementary and secondary schools. As a cosponsor of other tuition tax credit legislation, I feel compelled to explain why I no longer support tuition tax credits such as those provided in this amendment.

The concept of a Federal tax credit for tuition paid is a difficult one not to support at first blush. As a matter of fact, a majority of us in the House were sufficiently convinced that tuition tax credits were worthwhile that we cosponsored some form of tax credit legislation. It was this apparent widespread support and potential House floor consideration that for the first time really brought tuition tax credits under close scrutiny by the Congress, the executive branch, the press and the education community. I contend that, under all objective standards, tuition tax credits have failed the test of open public debate and intense statistical and legal review.

Tuition tax credits were portrayed as administratively simple; they are not. More than just a one-line entry on a tax form will be necessary, including increased IRS personnel, additional tax form schedules, and changes to the tax code.

We were told that tax credits for private elementary and secondary school tuition would be constitutional; the Justice Department says they probably are not. In a memorandum for the Attorney General, the Assistant Attorney General stated that tuition credits for nonpublic elementary and secondary education appear to violate the first amendment guarantee against the establishment of religion. If tax credit legislation were enacted, the undoubtable result would be extended litigation and divisive national controversy.

I believe that we must be extremely careful that we do not take any action that may infringe on the very basic doctrine of separation of church and state. This Nation was founded on the principle that the state would not interfere with the religious freedoms of its citizens, in marked contrast to what was then and is now occurring in other countries of the world. To force taxpayers of another faith to bear additional tax burdens so that my child can attend by my choice a sectarian school of my faith of questionable constitutionality.

Proponents of tuition tax credits contend that the value of educational diversity justifies more direct Federal support to private schools. I agree there is value in diversity. There is also value in the public school systems which need stronger Federal help to fulfill their public responsibility. A student surrounded by other students of the same ethnic, religious, social, racial, or economic group may not learn to appreciate the diversity that exists in society as well as one in the more diverse population of a public school.

Some people will argue that it is unfair to make people pay for public schools through taxes and then pay again through tuition for private schools. I feel that, because sending a child to private school is voluntary, it is more unfair for taxpayers to be required to pay taxes for public schools and then again to subsidize private schools through tuition tax credits.

Advocates of this bill say that segregated private schools will not be one of the results of tuition tax credits because only parents who send their children to tax-exempt organizations under the Internal Revenue Code would be eligible for the credit. Unfortunately, according to the U.S. Commission on Civil Rights, the Internal Revenue Service has failed to carry out effectively its civil rights enforcement responsibilities, therefore many segregated private schools are now tax-exempt. Thus, the Commission opposes tax credits for nonpublic elementary and secondary school tuitions "on the grounds that it would unconstitutionally subsidize segregated private schools which have been established to circumvent the desegregation of public

schools required by Brown against Board of Education."

A recent New York Times editorial noted that tuition tax credits "would distribute too much money in too small amounts too widely." This observation is right on target. The bill is very costly and will undoubtably impact congressional funding support of other vital education programs. Also, it is unlikely that a credit of $50 or $100 will substantially help parents sending their children to private schools, and it may, in fact, only serve to encourage the schools to raise their tuition by the same amount. Finally, the bill allows credits regardless of need—20 percent of the benefits would go to 5 percent of the taxpayers, those earning over $30,000.

At the elementary and secondary level, the primary purpose of Federal aid is and should remain to help States in providing public education. Later today we will consider the reauthorization of the Elementary and Secondary Education Act. In titles I and IV of this act, some support is already provided to students in private schools through compensatory programs, diagnostic services, books, and other instructional materials.

As long as it is constitutional, I will continue to support such provisions, but I will not support legislation which is detrimental to Federal support for public education. Tuition tax credits for nonpublic elementary and secondary education would almost certainly have such an effect.

Tax relief must be provided through major tax reform, something of which I have long advocated. I am cosponsor of a bill which significantly reduces Federal personal and corporate taxes. It would allow taxpayers to retain more of their earnings and thereby give them a real opportunity to choose to what type of school they want to send their children. I hope my colleagues will not be convinced that H.R. 12050 or this amendment will provide real tax relief to American families. I believe it is a mere placebo, fraught with many legal, funding, and educational problems. I therefore urge you to oppose the amendment.

Mrs. SPELLMAN. Mr. Chairman, will the genleman yield?

Mr. FORD of Michigan. I yield to the gentlewoman from Maryland.

Mrs. SPELLMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I cannot recall, in my over 16 years of public service, a more difficult question—one which required any more soul-seaching on my part than this matter of tuition tax credits for private elementary and secondary education. It is particularly difficult for me to cast this vote because I am deeply, philosophically and intellectually, committed to the concept of helping families help children to learn. As far back as the days when I served in the PTA's and taught in the classroom, I voiced the belief that institutional lines should not prevent children from experiencing the whole spectrum of educational opportunities. I believed then, as I do now, that those families which bear the double burden—taxes to educate the children of others and tuition payments to educate their own children—deserve relief.

Every Member of this House, I am certain, has received many letters on the subject. In my case, the mail and phone calls have just about broken even on each side of the question. Both sides have very convincing arguments concerning the merits or demerits of the issue. Most of them are well taken, but the question of unconstitutionality, I feel, is unfounded. And the view that public education would suffer with the advent of tuition tax credits for private elementary and secondary institutions is unjustified. Surely, no one can really believe that the Congress will foresake the public schools.

As I traveled about my district, meeting with constituents, attending public meetings, I solicited the opinions of parents whose children were in private schools. I called the superintendents of many institutions. The facts I gathered convinced me that the benefits, which I had believed parents would derive from the message of the Vanik amendment would immediately be lost—lost, because the private institutions, long suffering from increased costs and dwindling revenues, appear, for the most part, to be planning to raise tuition costs in amounts equalling the amount of the tax credits.

In addition to my contacting parents and heads of the educational facilities, I asked for an economic impact study to determine the cost of the amendment. It is estimated that adding elementary and secondary schools to the tax credit provisions would cost $9 million in fiscal year 1978, $218 million in fiscal year 1979, $354 million in fiscal year 1980, and $310 million in fiscal year 1981.

Obviously, with such expenditures, individual income taxes would have to be raised so that the funding of our public school system would not be jeopardized. I finally came to the conclusion that should the Vanik proposal become a reality, a unique situation will develop—the very people we hope to assist by granting tax relief, may instead be penalized both by increased cost of tuition plus by an increase in personal income taxes.

Therefore, Mr. Chairman, despite the fact that my heart tells me to vote in favor of the Vanik amendment, I intend to follow the dictates of my head and vote in opposition.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Ohio (Mr. VANIK).

Mr. MAGUIRE. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from New Jersey.

Mr. MAGUIRE. Mr. Chairman, my votes today on the Vanik amendment to provide a tuition tax credit for parents of children in private elementary and secondary schools, and on H.R. 12050 to provide such a credit for college tuition, required much thought and consideration. Because of the concern of my constituents for these proposals, the severe problems they were intended to address, and the importance of the issues. I believe I should explain why I will vote as I do.

My decision to support the Vanik elementary and secondary amendment was one of the most difficult decisions I have made while in Congress over the course of two terms, both politically and on the merits of the bill. I spent many hours meeting with individuals and group representatives on both sides of the question, as well as additional hours studying arguments, analyses, court decisions, and legal opinions of constitutional authorities. I also sought expert advice on aspects of the matter which required further clarity. After this study and extensive thought, the scales nearly balanced "pro" and "con," and the decision was one of great anguish.

Let me return to the Vanik amendment in a moment.

I will vote against final passage of H.R. 12050, because most of the tax expenditure would have gone to those at the college level, and I believe it is quite evident that tax credits are not what these students need most. Compared to the high cost of college education, a several hundred dollar credit is insignificant, but in the aggregate, extraordinarily expensive to the Nation's taxpayers. Congressman WILLIAM STEIGER and I have introduced legislation reforming the guaranteed student loan program in a manner I am confident will expand lending, increase accessibility to loans, and assure the sufficiency of each loan to meet the costs of rising tuitions.

Our bill avoids the pitfall of pushing tuitions artifically still higher, which I believe a tax credit would do—eliminating any net advantage to those who pay tuition. Solving the temporary liquidity problems of college students with bright futures who are prepared to take responsibility for their education is much more sensible than doling out money without regard to need or to any actual effectiveness in helping students bear the high cost of college. The Maguire-Steiger approach is much less of a drain on the Federal Treasury, but it accomplishes the objective of assisting students and their families quite nicely. The Mikva substitute, which I will support, has some of the same advantageous characteristics as the Maguire-Steiger proposal.

To my mind, the Vanik amendment is far more attractive on the merits than the college tax credit proposed in H.R. 12050. A modest credit which would provide very little relief against a $4,000 or $8,000 college tuition, would be of considerable help to a family paying $400 or $800 per year per child at a parochial school. Moreover, I believe the vitality of private elementary and secondary school systems is an indispensable part of education in the United States. I have long been convinced that selection of private schools is a right, and should be a true practical option. Private and parochial schools have for more than 100 years afforded quality education for millions of Americans. The financial burden that

parents have had to bear to pay for this education has become very great, indeed, and I am committed to searching for proper ways to help alleviate that burden.

In addition, in areas of New Jersey, as in other States, some parents believe with justification that private schools are the only option to provide high quality education for their children. This is not an academic point to them, or one subsumed by grand theories of government or public philosophy. This is simply a fact, and they will do anything to see that their children are properly educated. None of us would want to do less for our children.

Further, I am persuaded that the primary purpose of most private schools is basic education, and not the promotion of religion. And I doubt a tuition tax credit of the level we considered would devastate public education as some have claimed.

But there are several matters that disturb me very deeply about the Vanik approach.

First, it would violate principles of taxation to which I have consistently subscribed and which I have pursued legislatively, both in the "easy" cases, and in more difficult ones.

Second, the Vanik proposal may well be found unconstitutional by the courts.

Third, the proposal does not reach its targets equitably, and may not help many financially hard-pressed families at all.

On the first issue, I strongly believe the Federal tax system should not be used to achieve each and every social end. The tax system exists to collect revenue to pay the costs of Government. Those people with like income should pay like taxes, or the equity of the system, and the principle of fairness upon which voluntary compliance relies, is undermined. I have been proud that two tax reform groups have given me the highest marks for having been consistent in voting to simplify and reform the tax code.

Exceptions to this principle should be rare. Experience shows that Congress rarely reviews the efficiency or need for continuing tax subsidies which is why our tax code is riddled with loopholes and special privileges for the few. Thus, I am much more inclined to support clearly defined budget line items than tax expenditures to accomplish worthwhile policy objectives. And I note that the Federal Government provides several direct programs or subsidies to private school systems, including lunches, transportation, textbooks, and assistance under title I of the Elementary and Secondary Education Act. I believe that in many cases these efforts should be expanded since they will help minimize further increases in tuition, which must come from tight family budgets.

The second question of constitutionality is even more troublesome, for if we in Congress cannot conclude that a measure before us complies or may be found to comply, with the highest law in the land, I believe we are obligated (some would say we are obligated by our oath of office) not to support it. Personal preferences or the popular will are not sufficient to overcome constitutional tests.

Alexander Hamilton, in the Federalist Papers, advised that—

> It is not to be inferred . . . that the representatives of the people, whenever a momentary inclination happens to lay hold of a majority of their constituents incompatible with the provisions in the existing Constitution would, on that account, be justifiable in a violation of those provisions.

This places a heavy and sometimes uncomfortable political responsibility on the Congress.

There should be no mistake: The Vanik measure may suffer from constitutional liabilities that were summarized in an opinion of the Attorney General and endorsed by many constitutional scholars. The Supreme Court has interpreted the principles involved in the recent Nyquist decision, and these principles have evolved through a series of court decisions. It would be a cruel deception if, out of political expediency, we rationalize away constitutional problems; it would be unfair and unwise to pretend that through tuition tax credits legislation we are doing something for private elementary and secondary schools, if in fact we are not.

The third problem I have with the Vanik approach is that the benefits are not well targeted; indeed, they may not reach many or most of those for whom they are intended.

First, they are distributed equally to millionaries and to those of middle or modest income who are genuinely economically hard pressed. Why should our approach to distributing assistance be completely unadjusted to degrees of need?

Second, even where the credit does at first reach its intended target—parents of middle or modest income on tight budgets who want to choose private education for their children—it may not stay with those for long. Many authorities on the economics of private education contend that private schools would increase tution as soon as tax credits are available to parents, thereby absorbing the income Congress intended to help families afford broader choices. While this might help some strapped private school systems, it would not help the taxpayers who want and need aid most.

Finally, the Vanik measure, while benefiting millionaires and middle-class citizens equally, would do nothing for the very poor who still cannot afford the additional costs of private education or who have little or no tax liability and, therefore, are not advantaged by a credit which is not refundable. Many of these people are the same ones who are already effectively denied access to private schools, even where such schools are best suited to the needs of their children. Also, they frequently live in depressed areas with poor public school systems where private, but expensive, education is the only practical option—but their children still cannot afford to attend.

Yet, I am deeply sympathetic to the point made by many parents that they are paying twice for their children's education since they pay both tuitions to private schools—exercising their right to choose—and property taxes supporting public schools. True, many others, people with no children or whose children graduated long ago, pay property taxes without receiving an education. This is because we believe everyone benefits, directly or indirectly, from the availability of public education in our communities, and that everyone should therefore share the cost.

But a key question still remains: Are people being treated fairly under our present education financing and Federal, State, and local tax systems if they choose to send their children to a private school? I think the answer is that very often they are not.

Consider the following facts: A significant number of dollars are saved—and people therefore do not pay taxes to support—children who do not go to public schools, because their families have chosen private schools for them. This is a tax advantage for those who pay only for public education as opposed to those who pay for both public and private education. Second, those families who pay also for private education not only pay that second time but actually pay taxes as well on the income that is devoted to private school tuitions. By contrast, those who pay local taxes only for public education can write those taxes off as deductions on their Federal income taxes—again achieving advantages under existing tax law relative to those who pay for both public and private education.

Is not such a tax situation one which deserves some adjustment if fairness is the criterion?

Of course, there are other serious issues—which some believe preclude an analysis on grounds of fairness alone. Constitutionality is an important one.

I have reviewed the constitutional arguments. As I have said, I believe a case can be made that if past precedents are controlling, the Vanik proposal may well be found unconstitutional. I think the argument that the precedents themselves are well founded is more questionable.

For example, a key principle enunciated by the courts is that the establishment of religion must not be the legislation's "primary or principal effect." If education is the principal or primary purpose or effect of private schools—which I think, particularly these days, it is even for parochial schools—then religion is a secondary purpose or effect—unless the courts are willing to entertain a multiplicity of "primary" effects, which is at best a tenuous strategy and subject at the very least to reinterpretation.

Secondly, the "entanglement" criterion, another key principle enunciated by the courts, appears to depend heavily on the notion that we do not want to stimulate "divisiveness" in the body politic on such a sensitive issue as assistance to those who choose private parochial education. I am not at all sure such a principle deserves the weight of constitutional significance, even if it has been so employed in the past. Surely what we are looking for is fidelity to the

Constitution itself, that is the establishment of religion principle, and balance and fairness in interpreting that—not avoiding divisiveness for the sake of avoiding it. Divisiveness is an inherent characteristic of our society and our political system and of political debate which we accept and draw strength from in many other instances. Because it may be difficult to balance out the equities with respect to support for education, does not automatically mean to me that we should sidestep the effort.

In addition, I have some difficulty accepting the theory that there is an absolute constitutional barrier of some sort between what is permissible for primary and secondary education, on the one hand, and higher education on the other. If tax credits, with all these weaknesses, are acceptable for students attending public or private institution of higher education—if we can take tax dollars to assist those who are making an optional, voluntary choice as adults to further pursue their education even at a private or sectarian institution—then then why should we not be able to assist those whose families choose to exercise an option during the early years in which there is no choice about whether or not to pursue an education? That elementary and secondary education is mandated seems to me to be an argument not against, but in favor of finding some sort of assistance to all fair, appropriate, and constitutional.

Some contend that a tuition tax credit for private elementary and secondary schools students will irreparably damage public education. I would say this: Whatever problems there are in public education, we will not be saved from them by rejecting tuition tax credits; nor will we be defeated by them simply because we do allow a modest tuition tax credit.

Some argue that economic and racial segregation will be further encouraged by tuition tax credits. I would say that the concern is a very real one, but that the credits are modest enough to help parents some without engendering significant shifts of students populations from public to private schools. Moreover, many private schools, especially those in our inner cities, serve needy populations without respect to race, religion, or economic status and sometimes with less economic or racial segregation than is characteristic of public schools in the same areas.

Finally, if we are going to have legislation on tuition tax credits I think it would be a shame to have it for colleges, where it manifestly will be of little help, and not have it for precollege, where it could be a significant help.

Let us test the matter in the courts. Let us see if a balanced assistance program can be devised over the next few years which will be fair to individuals (including a refundable provision to reach the poorest citizens and a phase-out to exclude the richest) and not be detrimental to either public or private schools. If not, then such a program need not be renewed.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, we have come to the heart of the tuition tax credit issue with the Vanik amendment. The issue is simple—do we extend this tax credit to the parents of children attending nonpublic elementary and secondary schools? Our decision is one which must be based on our inherent sense of justice and belief in equal opportunity. If we employ these principles into our thinking, the result will be a vote in support of the gentleman's amendment.

I have watched this issue progress and develop, witnessing a tremendous and genuine outpouring of personal interest and support for relief of this kind now. Parents of children in nonpublic elementary and secondary schools have long been victimized by a double-edged economic sword. They have been forced to pay constantly rising tuition costs for the schools their children attend while also paying constantly increasing taxes to support public schools which their children do not attend. The result, economic chaos in many American homes today. When a child's education becomes too expensive something is wrong. When cost deprives a parent from sending his child to the school of his or her choice we have failed as a society.

Simply put, the failure to enact this amendment will be disastrous to the future of private education in this Nation. During the past 10 years we have seen a severe decline in both the numbers of private schools and students enrolled. It is serious, and unless relief is provided it will only grow worse.

This is a most critical vote. It is a vote for the preservation of choice in American education. It is a vote which respects the fact that the goal we seek is quality eduation. It is a vote which will provide the kind of meaningful tax relief which lower and middle income Americans so desperately need.

I commend the sponsor of this amendment, Mr. VANIK. But I also wish to pay my respects to the real inspiration behind this amendment, the dean of the New York delegation, Mr. DELANEY, whose work and commitment to this issue is renowned in this Congress and Nation.

I have had my children educated in nonpublic schools and I am proud of the results. I was fortunate enough to have the opportunity to send my children to these schools. Thousands of other parents today do not have this same opportunity. It is to the correction of this inequity that we address ourselves today with the Vanik amendment. It deserves passage. It enhances the bill. It solidifies our commitment to the pursuit of justice and equal opportunity in America.

I would like to address one particular argument which has been offered against this amendment. It is that the proposal is discriminatory, that it will only benefit the well to do, that it will do nothing to help minority students. Facts, Mr. Chairman, repudiate this argument. In my home city of New York of some 18,000 students enrolled in schools run by the New York Catholic Archdiocese, 78 percent are from minority groups. In just the Bronx, of some 10,000 elementary school students, some 29 percent are Hispanic and 15 percent are black. There are similar figures for the city of Philadelphia.

Let me conclude with an observation. What is the alternative? One is currently being proposed to the voters in California in the form of proposition 13. This proposal which slashes property taxes to 1 percent of market assessed value is a response to a taxpayers revolt which has erupted in the State. People are incensed over the drastic increases in property taxes which are used in part to finance public education. What will Jarvis mean—the State will endure a major reduction in revenues which will have to be made up by cutting vital social and human services. Must we wait for a national taxpayers revolt before we act. I say no. We have the chance to act now in a reasonable and rational fashion. And I suggest we do so today and vote for the Vanik amendment.

Mr. PEASE. Mr. Chairman, we have before us a bill which has generated much controversy. Some of us will differ as to the merits of a modest tuition tax credit and the wisdom of extending the credit to cover expenses at private elementary and secondary schools. However, I sincerely hope a clear majority can agree that it would be unwise to increase the portion of tuition eligible for a credit from 25 to 50 percent.

I oppose this amendment because it would be very damaging and unfair to private colleges at a time when many of them are struggling to survive. Contrary to popular belief, raising the tax credit from 25 to 50 percent will hurt private colleges, not help them. Let me illustrate the negative impact of this amendment with a hypothetical example.

Suppose the tuition for a private college is currently $3,000, six times higher than the cost of being a full-time student at a public university in the same State, where tuition is $500. Assuming these costs remain the same through 1980, a 25-percent tuition tax credit with a ceiling of $250 will bring the cost of tuition at the private college down to $2,750 and the cost of tuition at the public university down to $375. The result is that instead of tuition at the private college being six times higher than at the public university, it will be more than seven times higher. The tax credit would significantly increase the relative cost of attending a private college when compared with the cost of attending a public university.

You can see that a 25-percent tuition tax credit places State universities with lower tuition at a distinct advantage over smaller private colleges, although it can be argued that parents might send a child to a private college so as to get the full $250 maximum credit.

However, if a blanket 50-percent tuition tax credit is approved, the balance would tip in even greater favor to State universities, and could prove disastrous to private colleges. Picking up my earlier

example, a 50-percent credit with a $250 ceiling would bring the net tuition cost at the public university down from $500 to $250. Net tuition at the private college would remain at $2,750, even with the 50-percent credit, because of the $250 maximum. It would now cost 11 times as much to attend the private college instead of the State university. Put another way, a 50-percent tax credit up to a maximum of $250 would reduce the tuition expenses for a student attending the public university by half in contrast with an 8-percent reduction for a student attending the private college.

Consider for a moment the crisis confronting small private colleges in the years ahead. They are already strapped with increased operating costs due to inflation. Even worse, they are staring declining enrollments in the face as the number of 18- to 22-year-old Americans declines in the 1980's. If this amendment is adopted we would be compounding the grave problems of private colleges at a time when they are already at a comparative disadvantage in attracting new students. I urge rejection of this amendment. To do otherwise would be adding insult to injury for the many private colleges which have upheld the traditions of academic excellence for many years.

Mr. VANIK. Mr. Chairman, this has been a very useful and informative debate. I think we have really gone over all aspects of the amendment, and I ask for a vote on the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. VANIK).

RECORDED VOTE

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote .

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 209, noes 194, not voting 31, as follows:

[Roll No. 393]

AYES—209

Addabbo	Clausen, Don H.	Flynt
Ambro	Clawson, Del	Foley
Ammerman	Cleveland	Forsythe
Andrews, N. Dak.	Cohen	Fowler
Annunzio	Coleman	Frenzel
Applegate	Collins, Tex.	Frey
Archer	Conable	Garcia
Armstrong	Conte	Gaydos
Ashbrook	Corcoran	Gephardt
Ashley	Cornell	Giaimo
Bafalis	Cotter	Gilman
Barnard	Coughlin	Goldwater
Bauman	Cunningham	Gradison
Beard, R.I.	D'Amours	Grassley
Beard, Tenn.	Daniel, Dan	Green
Benjamin	Daniel, R. W.	Guyer
Biaggi	de la Garza	Hanley
Bingham	Delaney	Hansen
Blouin	Derwinski	Harkin
Boggs	Devine	Harrington
Boland	Dornan	Harsha
Breaux	Early	Heckler
Brooks	Edgar	Heftel
Broomfield	Edwards, Ala.	Hillis
Brown, Calif.	Edwards, Okla.	Hollenbeck
Brown, Mich.	Eilberg	Holt
Brown, Ohio	Emery	Horton
Burgener	Erlenborn	Hughes
Burke, Fla.	Ertel	Hyde
Burke, Mass.	Evans, Del.	Jeffords
Caputo	Evans, Ga.	Johnson, Calif.
Carney	Fary	Kelly
Carter	Fish	Kemp
Cavanaugh	Flood	Kildee
Chappell	Florio	Kindness
		Kostmayer
LaFalce	Myers, Michael	Smith, Iowa
Lagomarsino	Natcher	Smith, Nebr.
Latta	Nedzi	Snyder
Le Fante	Nix	Solarz
Leach	Nowak	St Germain
Lederer	O'Brien	Stangeland
Lent	Oakar	Stanton
Levitas	Ottinger	Steers
Livingston	Patten	Steiger
Long, La.	Pattison	Stockman
Luken	Pease	Stratton
McDade	Pettis	Symms
McDonald	Price	Thone
McEwen	Pritchard	Traxler
Maguire	Quayle	Treen
Markey	Quie	Van Deerlin
Marks	Railsback	Vander Jagt
Marriott	Regula	Vanik
Mathis	Rinaldo	Vento
Mazzoli	Roe	Volkmer
Michel	Rogers	Walgren
Mikulski	Roncalio	Walker
Miller, Ohio	Rooney	Walsh
Minish	Rostenkowski	Whitten
Moakley	Rousselot	Wilson, Bob
Montgomery	Ruppe	Winn
Moore	Russo	Wolff
Moorhead, Calif.	Santini	Wydler
Motti	Sarasin	Wylie
Murphy, Ill.	Sawyer	Yatron
Murphy, N.Y.	Scheuer	Young, Fla.
Murphy, Pa.	Schulze	Young, Mo.
Murtha	Seiberling	Zablocki
Myers, John	Shuster	Zeferetti
	Slack	

NOES—194

Abdnor	Gammage	Nichols
Akaka	Ginn	Nolan
Anderson, Calif.	Glickman	Oberstar
	Gonzalez	Obey
Anderson, Ill.	Goodling	Panetta
Andrews, N.C.	Gore	Patterson
Aspin	Gudger	Pepper
AuCoin	Hall	Perkins
Badham	Hamilton	Pickle
Baldus	Hammer-schmidt	Pike
Bedell		Poage
Bellenson	Hannaford	Preyer
Bennett	Harris	Pursell
Bevill	Hawkins	Quillen
Blanchard	Hefner	Rahall
Bolling	Hightower	Rangel
Bonior	Holland	Reuss
Bonker	Holtzman	Rhodes
Bowen	Huckaby	Richmond
Brademas	Ichord	Risenhoover
Breckinridge	Ireland	Roberts
Brinkley	Jacobs	Robinson
Brodhead	Jenkins	Rose
Broyhill	Jenrette	Rosenthal
Buchanan	Johnson, Colo.	Roybal
Burke, Calif.	Jones, N.C.	Satterfield
Burleson, Tex.	Jones, Okla.	Schroeder
Burlison, Mo.	Jones, Tenn.	Sharp
Burton, Phillip	Jordan	Sikes
Byron	Kastenmeier	Simon
Carr	Kazen	Sisk
Cederberg	Ketchum	Skelton
Chisholm	Keys	Skubitz
Clay	Krebs	Spellman
Collins, Ill.	Leggett	Spence
Corman	Lehman	Staggers
Cornwell	Lloyd, Calif.	Stark
Danielson	Lloyd, Tenn.	Steed
Davis	Long, Md.	Stokes
Dellums	Lott	Studds
Derrick	Lundine	Stump
Dickinson	McClory	Taylor
Dicks	McCloskey	Teague
Dingell	McFall	Thompson
Dodd	McHugh	Trible
Downey	McKinney	Tsongas
Drinan	Madigan	Tucker
Duncan, Oreg.	Mahon	Udall
Duncan, Tenn.	Mann	Ullman
Eckhardt	Marlenee	Wampler
Edwards, Calif.	Martin	Watkins
English	Mattox	Waxman
Evans, Colo.	Meeds	Weaver
Evans, Ind.	Metcalfe	Weiss
Fascell	Meyner	Whalen
Fenwick	Mikva	White
Findley	Miller, Calif.	Whitehurst
Fisher	Mineta	Whitley
Fithian	Mitchell, Md.	Wiggins
Flippo	Mitchell, N.Y.	Wilson, C. H.
Flowers	Moffett	Wilson, Tex.
Ford, Mich.	Mollohan	Wirth
Ford, Tenn.	Moorhead, Pa.	Wright
Fountain	Moss	Yates
Fraser	Myers, Gary	
Fuqua	Neal	

NOT VOTING—31

Alexander	Hagedorn	Rudd
Allen	Howard	Runnels
Baucus	Hubbard	Ryan
Burton, John	Kasten	Sebelius
Butler	Krueger	Shipley
Cochran	Lujan	Thornton
Conyers	McCormack	Waggonner
Crane	McKay	Young, Alaska
Dent	Milford	Young, Tex.
Diggs	Pressler	
Gibbons	Rodino	

The Clerk announced the following pairs:

On this vote:

Mr. Howard for, with Mr. Baucus against.

Mr. Gibbons for, with Mr. John Burton against.

Mr. Alexander for, with Mr. McCormack against.

Mr. Ryan for, with Mr. Conyers against.

Mr. Crane for, with Mr. Diggs against.

Mr. Rudd for with Mr. Krueger against.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. VANIK: Page 2, line 5, strike out "25 percent" and insert in lieu thereof "50 percent".

Page 8, strike out lines 9 through 13 and insert in lieu thereof the following: "taxable year."

Mr. VANIK. Mr. Chairman, in the original bill considered by the Committee on Ways and Means the tuition credit was fixed at 50 percent of the tuition. The Committee on Ways and Means in its action reduced that 50 percent to 25 percent.

The purpose of this amendment is to restore the original language of the bill. It increases the credit to 50 percent of the tuition. That would be the limitation of the credit, the $100 limitation on the full credit would still apply .

Mr. Chairman, this amendment would increase the aid provided by the post-secondary credit for fiscal year 1978 by $22 million, for fiscal year 1979 by $541 million, for fiscal year 1980 by $954 million, and for fiscal year 1981 by $1,175 million.

The cost of the 50-percent credit for elementary and secondary school tuition would be $11 million in 1978, $285 million in fiscal year 1979, $461 million in fiscal year 1980, and $394 million in fiscal year 1981.

The total cost of the 50-percent credit at all levels, including the post-secondary and elementary and secondary, would be $33 million in fiscal year 1978, $826 million in fiscal year 1979, $1 billion 415 million in fiscal year 1980, and $1 billion 569 million in fiscal year 1981.

A 50-percent credit simply provides more aid than a lower credit. For example, many of our secondary and elementary schools have tuition rates that are very low, as low as $100 or $200. Without this amendment, a $100 payment of tuition would entitle the taxpayer paying the tuition to a $25 credit. The purpose of this amendment is to make it a $50 tax credit if the tuition is $100.

The purpose of this is to reach the large segment of people who are involved at the lower and secondary school levels.

Moreover, Mr. Chairman, a $50 credit with a dollar ceiling tends to direct more of the benefits to students attending the lower cost schools, those institutions where the tuition is lower. Such schools usually have a higher proportion of families from low income groups and minority groups involved. At the post-secondary level these schools are frequently public institutions. Thus a higher rate of credit provides a greater benefit to those who really need it at the elementary and secondary school levels.

Mr. Chairman, my colleague, the gentleman from Minnesota (Mr. FRENZEL), is a cosponsor of this legislation. We feel that this is a necessary part of a tuition credit bill, and I hope that my colleagues will consider this amendment favorably.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I am happy to yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for yielding.

I concur in the gentleman's description of the amendment, and I agree with his zeal for its passage. He is correct in saying that this amendment will help more at the elementary and secondary school level where tuition is low, and it will help in the community colleges and land-grant colleages where the tuition is proportionately lower.

It is, to an extent, a regional amendment, because those areas like the Northeast, where a high proportion of students are in nonpublic colleges, will tend to do better, proportionately, under the 25 percent than under the 50 percent. But as you go west, to California, where 90 percent of the students are in public colleges, there they need the extra 50 percent to come up to the maximum $250 tuition tax credits.

So I think the gentleman for his leadership on this amendment. I hope that it will be accepted.

Mr. Chairman, the amendment now under consideration will restore another section of the Vanik bill to increase the percent of tuition eligible for the credit to 50 percent from 25 percent as in the bill's present form.

A 50-percent credit will be more beneficial to those students and parents who choose less expensive forms of education. At the postsecondary level, approximately 8.7 million students attend less expensive public colleges, as compared to 2.4 million students attending more expensive private colleges. The additional cost of this amendment is miniscule by comparison to the number of additional students who would be eligible for the full amount of the tax credit. The Joint Committee estimates the additional cost of a 50-percent credit will add $6 million in fiscal year 1978, $124 million for fiscal year 1979, $174 million for fiscal year 1980 and $279 million for fiscal year 1981. Thus, the total cost of the post-secondary level education with the 50-percent credit will be $22 million in fiscal year 1978, $541 million in fiscal year 1979, $954 million in fiscal year 1980, and $1,175 million in fiscal year 1981.

At the elementary and secondary level, where tuition averages $470 annually, a 50-percent credit would be far more advantageous to those taxpayers. The additional cost of the 50-percent amendment will add an additional $3 million in fiscal year 1978, $77 million in fiscal year 1979, $107 million in fiscal year 1980, and $177 million in fiscal year 1981. Thus, the total cost of extending the credit to elementary and secondary level students, at the 50-percent credit will be $12 million in fiscal year 1978, $295 million in fiscal year 1977, $461 million in fiscal year 1980, and $487 million in fiscal year 1981.

In most States outside the Northeast, from 85 percent to 95 percent of all college level students would receive lower benefits, somewhere under $150 with a $250 maximum, while most of the approximately 2.5 million students attending private higher educational institutions, receive the full $250 credit. For example, public college students are 89 percent of the total in Oregon and Washington, 85 percent in Texas, 90 percent in California, 86 percent in Louisiana, 88 percent in Virginia, 88 percent in Michigan, and 87 percent in Wisconsin. In these and most other States, the 25-percent rule would mean lower benefits for students attending less expensive public colleges.

Private college students are heavily concentrated in a few States. Over 25 percent of all private college students in the country attend college in Massachusetts and New York. Over half attend college in only six States—the above two plus Pennsylvania, California, Illinois, and Ohio. Thus, the 25-percent feature is a device by which taxpayers in all 50 percent contribute disproportionately to students attending college in six States, while most students in their own States are discriminated against.

In States such as Massachusetts, New York, and Pennsylvania, hundreds of thousands of public college students come from families faced with a severe financial squeeze. These families need tax relief as much as the families of private college students.

Therefore, I urge my colleagues to support the amendment restoring the credit to 50 percent, which will benefit students attending State, community, and junior colleges. The amendment has the full support of the American Association of Community and Junior Colleges which represents 4 million students and 1,000 institutions.

PUBLIC AND PRIVATE COLLEGE STUDENTS

[Data taken from the Bureau of Census figures on public and private students in post-secondary schools, 1976]

[Figures in thousands]

State	Public students	Private students
Alabama	139	19
Alaska	17	(1)
Arizona	172	5
Arkansas	59	10
California	1,630	171
Colorado	136	13
Connecticut	92	56
Delaware	27	5
District of Columbia	14	[2] 67
Florida	286	60
Georgia	139	31
Hawaii	44	4
Idaho	32	8
Illinois	466	140
Indiana	166	54
Iowa	84	38
Kansas	109	14
Kentucky	102	22
Louisiana	133	21
Maine	29	10
Maryland	181	29
Massachusetts	158	[2] 209
Michigan	424	60
Minnesota	148	39
Mississippi	90	11
Missouri	156	67
Montana	28	3
Nebraska	64	14
Nevada	32	(1)
New Hampshire	22	17
New Jersey	221	70
New Mexico	51	4
New York	557	398
North Carolina	195	52
North Dakota	29	2
Ohio	346	100
Oklahoma	125	20
Oregon	123	16
Pennsylvania	288	185
Rhode Island	31	29
South Carolina	97	26
South Dakota	22	9
Tennessee	140	42
Texas	542	82
Utah	54	30
Vermont	17	12
Virginia	205	30
Washington	203	23
West Virginia	70	11
Wisconsin	207	30
Wyoming	19	0
Total	8,742	2,364

[1] Less than 5,000.
[2] Those with higher private than public students.

Mr. CONABLE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I strongly oppose this amendment. The Ways and Means Committee accepted my suggestion that we set the credit at 25 percent of tuition costs. The Vanik amendment would reverse this decision and put the credit at 50 percent of tuition costs.

The arguments in favor of a 25-percent credit far outweigh those for a 50-percent credit. The major difference between the two is their sensitivity to the burden of tuition on families with comparable incomes. There is a substantial tuition gap between private colleges and universities which are forced to charge high tuitions in order to survive and lower-cost state subsidized public schools. Next school year, private school tuitions will average about $2,649 with quite a few exceeding $4,000 and even $5,000. Public universities, in comparison, will average $651 at four-year schools and $408 at two-year schools.

To illustrate how the tax credit affects the tuition gap, consider two families with the same income. One is sending a child to a college charging $1,000 in tuition. The other family's child goes to a college charging $500. In 1980, the family paying $1,000 or more in tuition would get the full $250 credit while the family paying only $500 in tuition would receive a $125 credit. Under the 50-percent credit proposed by my colleague, however, both families would receive the same credit, even though one family had twice the tuition burden of the other.

I think it is appropriate for a larger tax credit to go to families bearing

heavier tuition burdens. It is also good policy for our tax credit legislation to establish at the outset the principle of a tuition-sensitive credit, one that recognizes the gap between high and low-cost institutions and works to reduce that gap not widen it.

It is important not to confuse families paying high tuitions and families with high incomes. Many times they are not the same people. Children from every economic strata attend costly schools and inexpensive schools. It is not unusual, for example, for one child in a family to go to an expensive four-year school while another child in the same family attends the local community college. This helps explain why the distribution of benefits under the 25 percent credit and the 50 percent credit are just about the same. The major difference is that the 25 percent credit provides relatively more assistance to the family with the greater need. This would be particularly true if in the future we ever decided to continue and increase the total amount of tuition tax credits.

I have heard it said that tuition credits will simply be passed straight through to schools in the guise of increased tuition charges. The 25-percent credit makes this quite unlikely. Most schools are already trying to hold their tuition increases to the bare minimum needed to survive and provide an adequate educational program because they realize that every increase puts their school beyond the reach of some families. With a 25-percent credit, families will still have to pay 75 cents of every dollar of increased tuition. Schools will continue to have a strong incentive to hold their cost increases down.

ELEMENTARY/SECONDARY

The constitutionality of this legislation will be tested before the Supreme Court. A major consideration will be whether the credit is really aid to institutions rather than aid to parents. A 25-percent credit is far more convincing as a program of relief to parents than is a 50-percent credit. A somewhat parallel situation exists with the 20-percent tax credit for work related day care expenses. No one has ever argued, to my knowledge, that the day care credit is a program of Federal aid to day care centers. It is universally acknowledged as a means of alleviating some of the extra burden borne by workers who have young children. Moving from a 20-percent credit covering the expenses of a 4-year-old attending a day care center to a 25-percent credit covering the expenses of a 5-year-old attending kindergarten is a relatively small step. I believe, therefore, the 25-percent credit is more likely than the 50-percent credit to pass the test of constitutionality.

ELEMENTARY/SECONDARY

Many supporters of the public schools oppose the tax credit because they fear two things:

First, that the credit will motivate many parents to turn to private schools and desert their local public schools in terms of both attendance and ultimately tax support; and

Second, that the tax credit will encourage and support racially segregated schools set up in response to integrated public systems. I do not really think either of these things will happen to any measurable extent, but at the 25-percent tax credit level the likelihood is even more remote than at the 50-percent level.

ELEMENTARY/SECONDARY

At a 25-percent credit, parents will still pay 75 cents of every dollar of tuition. In order to volunteer for this substantial financial burden they are going to have to want very much the alternative offered by the private school—be it a special program, a religious element, or a different peer group. In short, with the 25-percent credit parents will take their children out of the public schools for the same reasons they do today, not for economic incentive provided by the credit. The credit will merely assist them after they have made that decision.

Finally, the issue of cost is involved. According to the latest cost estimates provided by the Congressional Budget Office and the Joint Committee on Taxation, for higher education the costs of switching from a 25- to a 50-percent credit would be in the $140 million range in fiscal year 1979, approximately $170 million in fiscal year 1980, and nearly $300 million in fiscal year 1981. Increasing the credit to 50 percent and including elementary and secondary education would bring the total cost of the bill to about $835 million next year and approximately $1.5 billion by fiscal year 1981.

Mr. Chairman, I am tempted to suggest that for all these reasons, the 25-percent credit is a more rational approach to the tuition tax credit. But I will refrain, because I have seen that rationality is often not sufficient motivation in this body.

Let me just say instead that the 25-percent credit will work better than the 50-percent credit, will cost somewhat less and will lay a better groundwork for the future of this program.

Mr. MITCHELL of Maryland. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this House just voted on the first Vanik amendment. On a very close vote, it passed.

I think I would stand by my original statements that that first Vanik amendment was a bad one. This one merely would compound a felony. This amendment would more than double the drain on the revenues that should be flowing into our Government. This one will exacerbate more the kind of tensions I talked about earlier.

Mr. Chairman, this amendment does nothing more than to make what I think was a bad amendment an even worse step.

I will not take further time. I would just urge that this amendment be voted down immediately and soundly. It is a bad amendment. It does not really do any good for anyone, and it is injurious to the kind of budget projections which we are seeking to make in terms of the revenues flowing into this Government.

Mr. Chairman, I urge the defeat of the Vanik amendment.

Mr. SISK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to join in a colloquy with my good friend, the gentleman from Maryland (Mr. MITCHELL).

I find myself totally on the gentleman's side, but I am tempted to vote for this amendment.

I am going to be completely open and aboveboard. I think we have just done one of the worst things, certainly in my lifetime, which this Congress has ever done when we, by a very narrow margin, approved a bad amendment. Of course, I agree totally with my colleague from Maryland that this just compounds what is a very sad situation.

However, I am curious about something. Since we are talking quite frankly here, does not the gentleman feel there is a better chance that this bill is going to be vetoed, that this turkey is going to die if, in fact, it is adopted, or that we may even become disgusted and decide to vote it down?

Will the gentleman comment on that?

Mr. MITCHELL of Maryland. Mr. Chairman, if the gentleman will yield, I will be glad to comment.

I think every one of these bad amendments enhances the chance of a Presidential veto; and I think that this House would sustain the veto based on that last vote.

Mr. SISK. There is no question about that.

Mr. MITCHELL of Maryland. On the other hand, on every piece of legislation on which we vote, we vote in terms of principle; and I, for one, cannot ignore the principle involved here in terms of the political considerations further down the line. Therefore, I am coming from a position of principle in asking for the defeat of the Vanik amendment.

The gentleman is quite right. If we have many more of these kinds of amendments, they will guarantee a Presidential veto of this bill.

Mr. SISK. Mr. Chairman, let me say that I have great respect for my colleague from Maryland. I, too, like to operate from principle; and I probably will vote against this amendment because, as the gentleman says, it is a bad, bad amendment. It is even worse than the other one.

What is particularly unique is that it is a dead giveaway as to the very kinds of arguments we have been hearing all afternoon about getting the nose under the tent. They did not even wait to get this bill through the House before they came in here to double the benefits.

Mr. Chairman, I have great respect for and I am fond of my colleague, the gentleman from Ohio (Mr. VANIK). He has had a lot of fun with this legislation. However, this is very serious business; and I feel very strongly about this matter.

Again, I think it is the most tragic thing that I have seen happen in my 24 years here; and I feel this very sincerely. Yet, I respect a person's right to vote his convictions. I just feel that the results of it are going to be tragic. Very frankly, in discussing this matter with my friend from Maryland, I feel so strongly that I am almost willing to do anything to make absolutely certain that this bill can never become law.

If it does, thank God for the Supreme Court across the street over here, because they have saved us from ourselves before, and hopefully they may do it again.

So, whatever vote a Member may cast, I would just hope that this whole package is defeated once this amendment is adopted or rejected, because certainly now this is even a worse package than it was when it came out of the Committee on Ways and Means.

I would plead with my colleagues to vote to kill the whole package, and let us get back to some serious things which this country desperately needs if we are in fact to live up to our responsibilities.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. VANIK).

The question was taken; and on a division (demanded by Mr. FRENZEL) there were—ayes 37, noes 57.

RECORDED VOTE

Mr. CARNEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 261, not voting 31, as follows:

[Roll No. 394]

AYES—142

Ambro	Fish	Mottl
Andrews, N. Dak.	Flood	Murphy, Ill.
Annunzio	Florio	Murtha
Applegate	Foley	Myers, Michael
Archer	Forsythe	Natcher
Ashbrook	Frenzel	Nix
Bafalis	Garcia	Nowak
Barnard	Gaydos	O'Brien
Bauman	Goldwater	Oakar
Beard, R.I.	Gonzalez	Ottinger
Biaggi	Gradison	Pettis
Blouin	Grassley	Price
Boland	Guyer	Pritchard
Breaux	Hanley	Pursell
Broomfield	Hansen	Quayle
Burke, Fla.	Harrington	Railsback
Burke, Mass.	Harsha	Regula
Byron	Heckler	Rinaldo
Caputo	Hollenbeck	Roe
Carney	Holt	Rooney
Carter	Hyde	Rousselot
Cavanaugh	Jeffords	Ruppe
Clausen, Don H.	Johnson, Colo.	Sawyer
Cleveland	Kelly	Scheuer
Collins, Tex.	Kemp	Shuster
Conte	Kildee	Smith, Nebr.
Corcoran	Kindness	Snyder
Cornell	Lagomarsino	Solarz
Cotter	Latta	St Germain
Coughlin	Le Fante	Stangeland
Cunningham	Leach	Stanton
D'Amours	Lederer	Stratton
Daniel, Dan	Lent	Symms
Daniel, R. W.	Livingston	Thone
de la Garza	Long, La.	Traxler
Delaney	Lott	Treen
Derwinski	Luken	Vander Jagt
Devine	McDade	Vanik
Dornan	McDonald	Walgren
Early	McEwen	Walsh
Edgar	Marlenee	Whitten
Edwards, Okla.	Mathis	Winn
Eilberg	Mazzoli	Wydler
Evans, Del.	Mikulski	Wylie
Evans, Ga.	Miller, Ohio	Yatron
Fary	Minish	Young, Mo.
	Moakley	Zablocki
	Moore	Zeferetti

NOES—261

Abdnor	Frey	Nedzi
Addabbo	Fuqua	Nichols
Akaka	Gammage	Nolan
Ammerman	Gephardt	Oberstar
Anderson, Calif.	Giaimo	Obey
	Gilman	Panetta
Anderson, Ill.	Ginn	Patten
Andrews, N.C.	Glickman	Patterson
Armstrong	Goodling	Pattison
Ashley	Gore	Pease
Aspin	Green	Pepper
AuCoin	Gudger	Perkins
Badham	Hall	Pickle
Baldus	Hamilton	Pike
Beard, Tenn.	Hammer-schmidt	Poage
		Preyer
Bedell	Hannaford	Quie
Beilenson	Harkin	Quillen
Benjamin	Harris	Rahall
Bennett	Hawkins	Rangel
Bevill	Hefner	Reuss
Bingham	Heftel	Rhodes
Blanchard	Hightower	Richmond
Boggs	Hillis	Risenhoover
Bolling	Holland	Roberts
Bonior	Holtzman	Robinson
Bonker	Horton	Rogers
Bowen	Huckaby	Roncalio
Brademas	Hughes	Rose
Breckinridge	Ichord	Rosenthal
Brinkley	Ireland	Rostenkowski
Brodhead	Jacobs	Roybal
Brooks	Jenkins	Russo
Brown, Calif.	Jenrette	Santini
Brown, Mich.	Johnson, Calif.	Sarasin
Brown, Ohio	Jones, N.C.	Satterfield
Broyhill	Jones, Okla.	Schroeder
Buchanan	Jones, Tenn.	Schulze
Burgener	Jordan	Seiberling
Burke, Calif.	Kastenmeier	Sharp
Burleson, Tex.	Kazen	Sikes
Burlison, Mo.	Ketchum	Simon
Burton, John	Keys	Sisk
Burton, Phillip	Kostmayer	Skelton
Carr	Krebs	Skubitz
Cederberg	LaFalce	Slack
Chappell	Leggett	Smith, Iowa
Chisholm	Lehman	Spellman
Clawson, Del	Levitas	Spence
Clay	Lloyd, Calif.	Staggers
Cohen	Lloyd, Tenn.	Stark
Coleman	Long, Md.	Steed
Collins, Ill.	Lundine	Steers
Conable	McClory	Steiger
Corman	McCloskey	Stockman
Cornwell	McFall	Stokes
Danielson	McHugh	Studds
Davis	McKinney	Stump
Dellums	Madigan	Taylor
Dickinson	Maguire	Teague
Dicks	Mahon	Thompson
Dingell	Mann	Trible
Dodd	Markey	Tsongas
Downey	Marks	Tucker
Drinan	Marriott	Udall
Duncan, Oreg.	Martin	Ullman
Duncan, Tenn.	Mattox	Van Deerlin
Eckhardt	Meeds	Vento
Edwards, Ala.	Metcalfe	Volkmer
Edwards, Calif.	Meyner	Walker
Emery	Michel	Wampler
English	Mikva	Watkins
Erlenborn	Miller, Calif.	Waxman
Ertel	Mineta	Weaver
Evans, Colo.	Mitchell, Md.	Weiss
Evans, Ind.	Mitchell, N.Y.	Whalen
Fascell	Moffett	White
Fenwick	Mollohan	Whitehurst
Findley	Montgomery	Whitley
Fisher	Moorhead, Calif.	Wiggins
Fithian		Wilson, Bob
Flippo	Moorhead, Pa.	Wilson, C. H.
Flowers	Moss	Wilson, Tex.
Flynt	Murphy, N.Y.	Wirth
Ford, Mich.	Murphy, Pa.	Wolff
Ford, Tenn.	Myers, Gary	Wright
Fountain	Myers, John	Yates
Fowler	Neal	Young, Fla.
Fraser		

NOT VOTING—31

Alexander	Hagedorn	Rudd
Allen	Howard	Runnels
Baucus	Hubbard	Ryan
Butler	Kasten	Sebelius
Cochran	Krueger	Shipley
Conyers	Lujan	Thornton
Crane	McCormack	Waggonner
Dent	McKay	Young, Alaska
Derrick	Milford	Young, Tex.
Diggs	Pressler	
Gibbons	Rodino	

The Clerk announced the following pairs:

On this vote.

Mr. Howard for, with Mr. Baucus against.

Mr. Ryan for, with Mr. Krueger against.

Mr. Alexander for, with Mr. McCormack against.

Mr. Gibbons for, with Mr. Conyers against.

Mr. Hagedorn for, with Mr. Diggs against.

Mr. Rudd for, with Mr. Young of Alaska against.

Messrs. OTTINGER, HYDE, HANLEY, NOWAK, and WALGREN changed their vote from "no" to "aye."

Mr. BROOKS and Mr. KOSTMAYER changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, amendments are in order that are recommended by the Committee on Ways and Means. Are there any committee amendments?

If not, does the gentleman from Illinois (Mr. MIKVA) have an amendment which is in order under the rule?

Mr. MIKVA. I do, Mr. Chairman.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendment in the nature of a substitute, which is in order under the rule.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MIKVA:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tuition Tax Deferral Act of 1978".

SEC. 2. DEFERRAL OF INCOME TAX FOR CERTAIN TUITION.

(a) IN GENERAL.—Subchapter B of chapter 62 of the Internal Revenue Code of 1954 (relating to extensions of time for payment of tax) is amended by adding at the end thereof the following new section:

"SEC. 6168. EXTENSION OF TIME FOR PAYMENT OF TAX WHERE TAXPAYER HAS PAID CERTAIN TUITION.

"(a) EXTENSION PERMITTED.—In the case of an individual who pays tuition for the calendar year in which the taxable year begins to one or more eligible educational institutions for himself, his spouse, or any of his dependents, such individual may elect to pay in installments part or all of so much of the tax imposed by chapter 1 for such taxable year as does not exceed such tuition.

"(b) DOLLAR LIMITATIONS—

"(1) PER YEAR.—The maximum dollar amount of tuition which is paid for any calendar year for any individual and which may be taken into account under subsection (a) shall not exceed the applicable amount determined under the following table:

"In the case of a calendar year:	The applicable amount is:
Beginning after 1977 but before 1982	$1,000
Beginning after 1981 but before 1986	1,500
Beginning after 1985	2,000

"(2) AGGREGATE AMOUNT.—The aggregate amount of tuition for any individual which may be taken into account under subsection (a) for all taxable years may not exceed $6,000.

"(c) DEFERRED INSTALLMENT PAYMENTS.—

"(1) IN GENERAL.—The amount of tax for any taxable year which a taxpayer elects to pay in installments under subsection (a) and

which is attributable to tuition for any one individual shall be payable in 10 equal annual installments. The first such installment shall be paid on or before the 15th day of the 4th month of the first taxable year following the first taxable year (after the taxable year for which the taxpayer makes the election) during which the individual is not a full-time student. Any succeeding installment shall be paid on or before the date which is one year after the date prescribed by this paragraph for payment of the preceding installment.

"(2) INTEREST AT RATE OF 3 PERCENT.—Interest on any tax payable in installments under this section (including any deficiency prorated to installments payable under this section) shall be paid at a rate of 3 percent (in lieu of the rate specified by section 6601 (a)) for any period before the date such tax is required to be paid under this section. For purposes of section 6601(b)(1), any election to pay tax in installments under this section shall be treated as an extension of time for payment of such tax.

"(3) DETERMINATION OF UNDERPAYMENTS AND OVERPAYMENTS.—In determining the amount of any underpayment or overpayment for the taxable year, any amount payable in installments in subsequent taxable years by reason of this section shall not be treated as tax due for the taxable year.

"(d) TUITION PAYMENTS TAKEN INTO ACCOUNT.—

"(1) WHEN PAYMENTS MUST BE MADE AND EDUCATION FURNISHED.—Payment of tuition shall be treated as paid for any calendar year—

"(A) FOR 1978.—In the case of calendar 1978, if such payments—

"(i) are made on or after August 1, 1978, and before February 1, 1979, and

"(ii) are for education furnished on or after August 1, 1978, and before January 1, 1979, or

"(B) AFTER 1978.—In the case of calendar 1979 or any calendar year thereafter, if such payments—

"(i) are made during such calendar year or during the 1-month period before or the 1-month period after such year, and

"(ii) are for education furnished during such calendar year.

"(2) GRADUATE STUDENTS EXCLUDED.—

"(A) IN GENERAL.—Tuition attributable to a course of instruction which is not a general course of instruction shall not be taken into account under subsection (a).

"(B) GENERAL COURSE OF INSTRUCTION DEFINED.—For purposes of subparagraph (A) the term 'general course of instruction' means a course of instruction for which credit is allowable toward a baccalaureate or associate degree by an institution of higher education or toward a certificate of required course work at a postsecondary vocational school but does not include any course of instruction which is part of the graduate program of the individual.

"(3) INDIVIDUAL MUST BE FULL-TIME STUDENT.—

"(A) IN GENERAL.—Amounts paid for the education of an individual shall be taken into account under subsection (a) for any calendar year only if such individual is a full-time student for such calendar year.

"(B) FULL-TIME STUDENT DEFINED.—For purposes of this section, the term 'full-time student' means any individual who, during any 4 calendar months during the calendar year, is a full-time student at an eligible educational institution

"(4) TUITION FOR FIRST YEAR EXCLUDED.—Tuition paid for any individual which is attributable to reduction furnished during the first year of a general course of instruction shall not be taken into account under subsection (a).

"(5) ELECTION.—Amounts paid for tuition for any individual for any calendar year may be taken into account by the taxpayer under subsection (a) only if (and only to the extent) the taxpayer elects to apply this section to such tuition.

"(e) TUITION DEFINED.—

"(1) IN GENERAL.—For purpose of this section, the term 'tuition' means tuition and fees required for the enrollment or attendance of a student at an eligible educational institution, including required fees for courses.

"(2) CERTAIN AMOUNTS NOT INCLUDED.—The term 'tuition' does not include any amount paid, directly or indirectly, for—

"(A) books, supplies, and equipment for courses of instruction, or

"(B) meals, lodging, transportation, or similar personal, living, or family expenses.

"(3) AMOUNTS NOT SEPARATELY STATED.—If an amount paid for tuition includes an amount for any item described in subparagraph (A) or (B) of paragraph (2) which is not separately stated, the portion of such amount which is attributable to such item shall be determined under regulations prescribed by the Secretary.

"(f) DEFINITIONS.—For purpose of this section—

"(1) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means—

"(A) an institution of higher education, or

"(B) a postsecondary vocational school.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution described in section 1201(a) or 491(b) of the Higher Education Act of 1965 (as in effect on January 1, 1978).

"(3) POSTSECONDARY VOCATIONAL SCHOOL.—The term 'postsecondary vocational school' means—

"(A) an area vocational education school as defined in subparagraph (C) or (D) of section 195(2) of the Vocational Education Act of 1963 (as in effect on January 1, 1978), which

"(B) is located in any State.

"(4) DEPENDENT.—The term 'dependent' has the meaning given to such term by section 152.

"(5) MARITAL STATUS.—The determination of marital status shall be made under section 143.

"(6) TAX IMPOSED BY CHAPTER 1.—The term 'tax imposed by chapter 1' means the tax imposed by chapter 1 reduced by the sum of credits allowable under subpart A of part IV of subchapter A of chapter 1 (other than the credits allowable under sections 31, 39, and 43).

"(g) SPECIAL RULES.—

"(1) TREATMENT OF CERTAIN SCHOLARSHIPS AND VETERANS' BENEFIT.—

"(A) IN GENERAL.—For purposes of this section, any amount received as a nontaxable scholarship or educational assistance allowance with respect to any individual—

"(i) shall reduce the limitation applicable to such individual under subsection (b)(1) for the calendar year in which such amount it received and

"(ii) shall be treated as used on a ratable basis for all expenses of the recipient for which such scholarship or allowance may be used, with the amount so used for tuition treated as an amount not paid by the taxpayer.

"(B) NONTAXABLE SCHOLARSHIP OR EDUCATIONAL ASSISTANCE ALLOWANCE DEFINED.—For purposes of subparagraph (A), the term 'nontaxable scholarship or educational assistance allowance' means—

"(i) a scholarship or fellowship grant (within the meaning of section 117(a)(1)) or similar award which is not includible in gross income, and

"(ii) an educational assistance allowance under chapter 32, 34, or 35 of title 38, United States Code.

"(2) TAXPAYER WHO IS A DEPENDENT OF ANOTHER TAXPAYER.—Amounts paid for any calendar year for tuition for the taxpayer may not be taken into account under subsection (a) by such taxpayer if such taxpayer is a dependent of any other person for a taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

"(3) SPOUSE.—Amounts paid for any calendar year for tuition for the spouse of the taxpayer may not be taken into account under subsection (a) by such taxpayer unless—

"(A) the taxpayer is entitled to an exemption for his spouse under section 151(b) for the taxable year beginning in such calendar year, or

"(B) the taxpayer files a joint return with his spouse under section 6013 for such taxable year.

"(h) DENIAL OF PERSONAL EXEMPTION AND CERTAIN TAX DEDUCTION.—

"(1) DENIAL OF PERSONAL EXEMPTION.—If the taxpayer elects for any taxable year to take into account under subsection (a) tuition paid for any dependent, no exemption shall be allowed under section 151(e) to such taxpayer for such taxable year with respect to such dependent.

"(2) DENIAL OF DEDUCTION.—If any tuition is taken into account under subsection (a) by the taxpayer, no deduction shall be allowed under chapter 1 for such tuition.

"(i) ACCELERATION OF PAYMENTS, ETC.—

"(1) ACCELERATION OF PAYMENTS.—If—

"(A) the taxpayer dies during the taxable year, or

"(B) any installment under this section is not paid on or before the date prescribed for its payment (incurring any extension of time for the payments of such installment), the unpaid portion of the tax payable in installments under this section shall be paid on notice and demand from the Secretary. If the tax payable in installments under this section is attributable to any taxable year for which the taxpayer made a joint return under section 6013 with his spouse, subparagraph (A) shall not apply if the spouse survives the taxpayer.

"(2) PRORATION OF DEFICIENCY TO INSTALLMENTS.—If an election is made under subsection (a) to pay any part of the tax imposed by chapter 1 in installments and a deficiency has been assessed, the deficiency may (at the election of the taxpayer and subject to the limitations provided by this section) be prorated to the installments payable under subsection (a). The part of the deficiency so prorated to any installment the date of payment for which has not arrived shall be collected at the same time as, and as a part of, such installment. The part of the deficiency so prorated to any installment the date for payment of which has arrived shall be paid upon notice and demand from the Secretary. This paragraph shall not apply if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intend to evade tax.

"(3) ELECTION.—Any election under this section shall be made at such time and in such manner as the Secretary may prescribe.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) SUSPENSION OF RUNNING OF PERIOD OF LIMITATIONS.—Section 6503 of such Code (relating to suspension of running of period of limitations) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) EXTENSION OF TIME FOR PAYMENT OF TAX WHERE TAXPAYER HAS PAID CERTAIN TUITION.—The running of the period of limitations for the collection of any tax payable in installments under section 6168 shall be

suspended for the period during which there are any unpaid installments of such tax."

(c) DISREGARD OF EXTENSION OF TIME FOR PAYMENT OF TAX.—Any election by an individual to pay tax in installments under section 6168 of the Internal Revenue Code of 1954 shall not be taken into account for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount of extent of benefits or assistance, under any Federal program of educational assistance or under any State or local program of educational assistance financed in whole or in part with Federal funds.

(d) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 62 of such Code is amended by adding at the end thereof the following new item:

"Sec. 6168. Extension of time for payment of tax where taxpayer has paid certain tuition."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after August 1, 1978.

SEC. 3. STUDY

The Secretary of the Treasury or his delegate and the Secretary of Health, Education, and Welfare or his delegate shall each conduct a study of the operation and effects of section 6168 of the Internal Revenue Code of 1954 (as added by this Act), and prepare and transmit to the Congress, during the first quarter of calendar 1980 and during the first quarter of calendar 1982, a report containing the results of such study with respect to the period elapsing before such quarter during which such section 6168 was in effect. Each report transmitted to the Congress under the preceding sentence shall be published in the Federal Register.

Amend the title so as to read: "A bill to amend the Internal Revenue Code of 1954 to provide a deferral of income taxes where the taxpayer pays certain tuition."

Mr. MIKVA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD. Copies of it are available.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There is no objection.

Mr. MIKVA. Mr. Chairman, this is an amendment in the nature of a substitute that was made in order by the Committee on Rules pursuant to the request of the Committee on Ways and Means.

Mr. Chairman, let me emphasize it is a substitute amendment and it will replace the entire bill that came out of the committee, including the Vanik amendment that was adopted.

The vote in the Committee on Ways and Means on this amendment was 19 to 18, and all the Members have received copies of letters circulated by the 18 Members who supported this proposal in the committee. The Members recently received a letter signed by my friend, the cosponsor of this amendment, the gentleman from California (Mr. KETCHUM), by other Members, and by me.

This amendment has been supported by various college groups and by various educational groups. It is even supported by the college students themselves.

The frustrating part about the actions we have taken heretofore and the action that we will take after we complete final action on the bill as it now rests is that we have argued vast constitutional principles. We have talked about the First Amendment and the separation of church and state; we have talked about the future of public school education and the pluralism of the educational product. We have done everything but provide any meaningful assistance to the targets of our help.

The bill as it now stands will provide $50 or $100 or later on up to the grand total of $250 of help to higher education students, and in other education it will provide less help to parents of elementary and secondary school students.

The fact of the matter is that those arguments on principle that we have just engaged in and those constitutional arguments that we have just engaged in may elucidate the state of the Constitution, and they may make good reading back home, but they surely are not going to do very much to educate our children. They surely are not going to provide very much help to a strapped parent who is trying to find ways of keeping one or more of his children in higher education at a time.

The substitute which the gentleman from California (Mr. KETCHUM) and I propose to this House solves those problems. Starting this year, it provides $1,000 worth of tax deferral, $1,000 worth of tax relief for the parents of every child in an institution of higher education, whether it is an undergraduate or graduate school. That goes up to $1,500 and then up to $2,000.

The revenue impact, the impact on the budget—and by that I mean the fiscal impact—of that proposal is far less than the impact from the actions that we have taken already.

Why is that? Because instead of being a forgiveness, this is a loan; this is a deferral. The people who take the deferral will pay the money back over a 10-year period, with interest, so that by 1987 or 1988 the Treasury will, in fact, be showing a surplus as a result of this proposal rather than a substantial bite into the revenue which either the bill as it came out of committee or the bill as modified by the Vanik proposal will cost.

This amendment focuses attention on the real problem that parents of college students have, and that is that for a temporary period of time they have a serious cash shortage. There just are not enough aftertax dollars for most Americans, rich, poor, or indifferent, to pay for one or more college educations at a time out of their regular earnings.

What this bill proposes is that during that 4-year period, that 6-year period, or that 8-year period, however long the child or student is in school, there will be meaningful tax relief: Up to $2,000 per student to be repaid over a 10-year period at a modest interest rate.

I am aware that the action we are urging the Members to take at this point is inconsistent with the action on the Vanik amendment, but we honestly think that this is a better way of solving all the problems. The parliamentary situation is that this amendment is a substitute and will apply only to higher education. If it works as we think it will, if it is as good as we think it is, perhaps in the future it can be extended to include elementary and secondary schools.

Many of the constitutional problems we worry about would be minimized under this kind of a loan program, as opposed to a grant program. In any event, I really think we ought to try to walk before we run; we ought to try to crawl before we leap forward.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. MIKVA) has expired.

(By unanimous consent, Mr. MIKVA was allowed to proceed for 3 additional minutes.)

Mr. MIKVA. Mr. Chairman, I honestly believe that the middle-income taxpayer needs some help. I honestly believe that the time has come to give some help to the middle-income people. I see us giving them no help when we provide for them a bill with so little money in it, a bill that does not go anywhere toward solving the problem, and a bill that provides such a constitutional problem that the Attorney General has already advised the President of the United States it is unconstitutional and thus he has to veto it.

Mr. Chairman, I think this kind of a substitute will really provide some help where it is most needed. It will give us a real bill with real money and real assistance to people who need it.

Mr. DANIELSON. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from California.

Mr. DANIELSON. Mr. Chairman, let me ask the gentleman these questions:

Who are the creditors under the loans? Are the loans dischargeable in bankruptcy? And does the gentleman's amendment serve as a substitute for the entire bill?

Mr. MIKVA. Mr. Chairman, let me answer the gentleman's questions in reverse order.

First, my amendment is a substitute for the entire bill.

The loans are not dischargeable in bankruptcy because they are tax liens or they are tax amounts due.

The creditor is the taxpayer, the parent of the student who takes the deferral in the first place. The relationship is between the taxpayer and the Internal Revenue Service all the way through.

Mr. DANIELSON. Could it be both the student and the parent?

Mr. MIKVA. If the student is in the tax bracket where the deferral does amount to some good, he can take it.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Chairman, I rise in support of the Mikva-Ketchum substitute amendment which would establish a tution tax deferral program for higher education.

The tuition tax credit legislation we have before us today is simply bad policy. It is a costly program—the bill reported by the committee would cost some $0.9 billion. If the proposed elementary and secondary credit is included the cost soars to $1.6 billion. Yet despite these

tremendous costs, there is no reason to believe that the legislation would provide any meaningful tax relief to the families it purports to help.

Neither the committee tax credit for higher education nor the proposed elementary and secondary credit have any needs criterion. The Department of the Treasury and the Department of Health, Education, and Welfare have estimated that some 50 to 60 percent of the benefits of H.R. 12050 would go to families earning more than $20,000 a year, with an estimated 20 to 30 percent going to families earning more than $30,000 a year.

In other words, we are asking the taxpayers of this country to foot the bill for the education of many students whose families can well afford to send them to school. Yet the aid that families from middle and lower incomes would receive is not enough to pay their education expenses. In short, the bill provides only token relief to those who need it most, yet also provides unnecessary benefits to those who have no financial need.

Like most of my colleagues, I have received many letters from my constiuents urging me to support tuition tax credits for private elementary and secondary education. I can sympathize with the situation of many of these families who must make financial sacrifices because of their decision to send their childern to private schools. However, here again, I must question the wisdom of the type of relief being proposed for these families. The amount of the credit is so small—only $50 in 1978, $100 in 1979, and $100 in 1980—that I do not see how it could possibly provide any helpful tax relief to families who find themselves financially hardpressed.

So, the proposal strikes me as being a most ineffective one. Even more disturbing, however, are the constitutional implications of this plan. The Attorney General in an opinion to Secretary of Health, Education, and Welfare Califano indicated that any tax credit plan for elementary and secondary school students would be held to be unconstitutional.

The U.S. Commission on Civil Rights agrees that the proposal is unconstitutional and is especially concerned that a tax credit plan for elementary and secondary education would put the Federal Government in the position of subsidizing segregated private schools which have been established to circumvent the desegregation of public schools. The distinguished Representative from New York, SHIRLEY CHISHOLM, in a recent "Dear Colleague" letter shared a letter from the Commission on Civil Rights in which Chairman Arthur Flemming states:

> Enactment of legislation authorizing tax credits for tuition paid to private elementary and secondary schools which are recognized as tax-exempt organizations under the Internal Revenue Code would effectively increase federal support of school segregation in direct violation of the Constitution.

While there are certainly many fine private institutions which are not segregated and which provide equal educational opportunity, it is unfortunately also true that many private segregated schools were established as a response to public school desegregation. I believe that acceptance of tax credits for elementary and secondary education could seriously undermine civil rights enforcement efforts in education.

For these reasons I do not believe it would be responsible or equitable for the Congress to adopt legislation to provide tax credits at the elementary and secondary level. We should ease the financial burdens of middle-income taxpayers, but this legislation is not the way to do it. The appropriate response of the Congress to the distress of these middle-income families should be the swift enactment of meaningful tax reform legislation. The administration has also pledged to explore ways to assure that students in nonpublic elementary and secondary schools receive a constitutionally appropriate share of federal benefits, and I support the Administration in that effort.

We can also take steps to provide some financial relief to families whose children are in institutions of higher education. One proposal which I support is the middle-income students assistance bill which was reported by the Committee on Education and Labor. This legislation would substantially improve and expand the grant, loan and work study programs operated by the Office of Education. I hope we will have an opportunity to debate this legislation in the near future and that the Congress will approve it.

In addition to this proposal, the Mikva-Ketchum substitute now under consideration would be of significant help to the parents of college students. Under the substitute, taxpayers would be permitted to defer up to $1,000 in taxes per year per student. The amount would increase to $2,000 in 1986. The amounts deferred would be repaid over 10 years following the student's graduation at a 3 percent interest rate.

The advantages of this substitute are many. First and foremost, it offers real tax relief to parents of college students, not merely a token amount. It provides the tax relief—some 10 times more relief than the tax credit proposal—at the time when a family's budget is strained because of the expenses of higher education.

The deferral proposal also puts significantly less strain on our budget. The Mikva-Ketchum substitute would result in a revenue loss of only $.199 billion in fiscal year 1978, with the amount increasing to $1.619 billion in 1983. From that point, the amount of the revenue loss would actually begin to decline as repayments begin to be made. Thus, by the early 1990's there will be no revenue loss at all.

I am convinced of the merits of this proposal. I believe that it is clearly a more effective approach to the needs of middle income families than the tuition tax credit plan. I urge my colleagues to join me in voting for the substitute offered by Mr. MIKVA and Mr. KETCHUM.

Mr. MARRIOTT. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Utah.

Mr. MARRIOTT. What effect would this have on the Treasury the first year before these loans are repaid?

Mr. MIKVA. The highest cost in any given time, the highest out-of-pocket Treasury amount, is in fiscal year 1983, when no moneys are coming in, and it is going up to the maximum amount, and it will be $1.6 billion.

But next year, fiscal year 1978, it is $199 million. Then by 1989, it starts to bring money back in. All of these are deferred accounts or suspense items.

Mr. MARRIOTT. So it never exceeds $1.9 billion?

Mr. MIKVA. It never exceeds $1.6 billion.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Missouri.

Mr. VOLKMER. Under the gentleman's proposal, if I defer 4 years, would I have 10 years before I have to make a payment back?

Mr. MIKVA. No, sir. You would start repaying at the end of the fourth year one-tenth of the amount you deferred in any given year and a 10-year period for each deferral.

Mr. VOLKMER. For my first year I would have to repay $100?

Mr. MIKVA. Yes.

Mr. VOLKMER. The second year, third year, and fourth year, I would have to recompute that each additional year?

The CHAIRMAN. The time of the gentleman from Illinois (Mr. MIKVA) has expired.

(On request of Mr. VOLKMER and by unanimous consent, Mr. MIKVA was allowed to proceed for 1 additional minute.)

Mr. VOLKMER. If the gentleman will yield further, I as a taxpayer would have to recompute that on the second, third, and fourth year payback; is that correct?

Mr. MIKVA. That is correct. The maximum amount you would have to repay in any given year would be $400 for the $4,000 loan.

I might say there are other deferral items in the Tax Code. The Treasury, while they do not welcome this burden, can handle it.

Mr. VOLKMER. They are going to audit my return every year?

Mr. MIKVA. No. They will not audit your return any more than now.

Mr. VOLKMER. How are they going to know if I paid it back or not?

Mr. MIKVA. The same way that they handle your tax returns now.

Mr. VOLKMER. That is all?

Mr. MIKVA. That is all.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from New Jersey.

Mr. THOMPSON. I thank the gentleman for yielding.

Mr. Chairman, having read the gentleman's letter, I suppose I should apologize for not understanding something, but assuming I should defer for a period of 4 years, and in the interim, notwithstanding I owe, hypothetically, a thousand dollars for each of those years, my personal income has increased by 30 per-

cent, will I pay back at my new tax rate or my deferred rate?

Mr. MIKVA. It will not go up or down.

Mr. DANIELSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the effort the gentleman from Illinois (Mr. MIKVA) has made. His amendment indicates a return to the realm of sanity, and I am going to support the amendment. I urge my colleagues to do the same. At least, as he said, it would provide some meaningful tax relief to those who wish to send members of their family to college but not at the same time take money out of the pockets of the taxpayers in your district and mine to send other people's kids to college.

I mentioned in my little talk on the first Vanik amendment that I have not heard a candidate for public office in the last several years, and particularly this year, say that they are going to go out and support a new spending program, a new tax giveaway.

I have heard it more from the other side of the Chamber than I have from my own side, but I hear it from both sides. We promise our constituents, "You send me back to Congress and I can promise you I will try to hold down on unnecessary expenditures, and I emphatically will not vote for any new tax program, any new expenditure." That, however, is exactly what we will do under the Vanik proposal.

Mr. Chairman, I respectfully submit that we are going to run into the crisis which Benjamin Franklin recognized. When Dr. Franklin walked out of the Constitutional Convention, some lady stopped him and said, "Dr. Franklin, what kind of government have you given us?"

He said, "A Republic, Madam, if we can keep it."

Mr. Chairman, that is what we have had for 200 years; but one of the reasons we have had it is that we have erected an absolute barrier between church and state. We have kept the secular from the lay activities completely. We have likewise protected our taxpayers by not taxing one person to send another person's child to private schools or to private colleges. We have one public school system, we cannot afford two school systems supported by taxes.

Mr. Chairman, I have not heard from one schoolteacher organization, from one board of education, from one department of education, from one PTA which favors the Vanik proposal. I have heard from many which oppose the Vanik proposal.

I come from California. In case the Members do not know it, we have a proposal on the ballot next Tuesday which is the epitome of the taxpayers' revolt. It is going to cut the property tax base more than in half. Why? Because people are fed up to the gills with more taxing and taxing and spending and spending. That is what those Members who voted "aye" on the Vanik proposals are voting for. They are the big spenders. Let us not forget it. When I get home, I am going to tell people who are the big spenders.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. Not at this moment. I have something on my chest which I want to get off.

Mr. Chairman, 13 short years ago, in 1965, the Members will recall that it was considered a sin to have Federal aid of any kind to education; but the camel's nose got under the flap of the tent—just 13 or 14 years ago. Man, has that camel grown.

According to the Department of Health, Education, and Welfare, the Office of Management and Budget, and the Congressional Budget Office, in 1978 we are spending $13 billion—that is "b" as in "Boston"—$13,612,000,000 in direct Federal expenditures for elementary and secondary and higher education, and another $4,853,000,000 on indirect aid of that type, making an aggregate of $18,465,000,000. Some camel. Some nose. That is all I can say.

Mr. Chairman, American taxpayers can only afford to support one—I repeat, one—system of education. We have one system of education.

The exact figures of our Federal aid to education are as follows:

FEDERAL EDUCATION FUNDING BY CONTROL OF INSTITUTION, FISCAL YEAR 1978

[Budget Authority in millions]

	Public	Private	Total
Direct Federal Expenditures:			
Elementary and secondary education	$5,691	$320	$6,011
Percent		(5.3)	
Higher education	2,753	1,548	4,301
Percent		(36.0)	
Basic research in colleges and universities	2,640	660	3,300
Percent		(20.0)	
Subtotal	11,084	2,528	13,612
Federal expenditures in support of education:			
Veterans benefits	2,555	870	3,425
Percent		(25.4)	
Social security student benefits	992	436	1,428
Percent		(30.5)	
Subtotal	3,547	1,306	4,853
Total	14,631	3,834	18,465
Percent		(20.8)	

Note: Excludes tax expenditures. In the cases of higher education student assistance, veterans benefits and social security student benefits, amounts are those going to students by control of institution attended. Funds for veterans includes prior year budget authority to be spent in fiscal year 1978.

Sources: Department of Health, Education, and Welfare; Office of Management and Budget; and Congressional Budget Office estimates.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I am now delighted to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I know the gentleman from California (Mr. DANIELSON) is a historian of note, and I know the gentleman is keenly aware that there was no public school system in America worthy of the name until about 1848, and that this country was founded on private education and private schools, and I also know that the gentleman's understanding of the Constitution is acute. Therefore, the gentleman knows that there is nothing un-American about private or parochial education. Georgetown was founded in 1789, and that is a pretty American institution.

The CHAIRMAN. The time of the gentleman from California (Mr. DANIELSON) has expired.

(By unanimous consent, Mr. DANIELSON was allowed to proceed for 4 additional minutes.)

Mr. HYDE. Mr. Chairman, will the gentleman yield so that I may finish my statement.

Mr. DANIELSON. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I am always somewhat taken aback by people who talk about taxing and taxing and spending and spending and yet support budget resolutions that call for an 11 percent increase in spending.

However, let me just point out that this is not a tax expenditure. This is leaving some of the hard-earned money in the pocket of the taxpayer.

Mr. DANIELSON. Mr. Chairman, I must recapture my time.

Mr. HYDE. I thought the gentleman would.

Mr. DANIELSON. Mr. Chairman, I am delighted at the gentleman's smiles. I know now why he is called "Happy HENRY HYDE."

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, let us talk about the big spenders. The Mikva amendment in fiscal year 1978 will lose $199 million. The Vanik amendment, as we have adopted it, will cost $25 million.

In fiscal year 1979, the Mikva amendment will lose $1,338 million, but the Vanik amendment and the bill up to the present time would lose $635 million.

In fiscal year 1980 the Mikva amendment will cost $1,324 million; the Vanik amendment, $1,134 million.

This is the last fiscal year, 1981: The Mikva amendment will cost $1,260 million; the Vanik amendment, $1,206 million.

Over 4 years, there is approximately a $1 billion difference between the Vanik amendment and the Mikva amendment.

Mr. DANIELSON. I now recapture my time.

Mr. VANIK. The gentleman had better. These are facts; these are figures.

Mr. DANIELSON. I would like to respond to the gentleman. To continue seriatim those years, in the following years, a couple of years after that, the Treasury will recapture by repayment of loans, with interest, the amount of money that the Mikva amendment would spend. So, whereas the Vanik amendment simply drains the money out of the Treasury, the Mikva amendment puts it out to earn money at interest and recapture it for the American taxpayers—the Treasury.

That is what we ought to do. That is the businesslike way of running a system. Let us get back on the track and do business in a businesslike way.

I wish someone would raise this constitutional argument again, because here is the answer: Why is it not unconstitutional to give to a church directly, but

somehow unconstitutional if we have a tax credit? Very obviously, ladies and gentlemen, when we give to any nonprofit organization, any 501(c)(3) corporation, we are entitled to have a deduction from our taxable income for that amount. But, we cannot take tax money which, in effect, is in the Treasury and say, "Here, take this tax money, this is to be used for the specific purpose, one specific purpose only, to spend it for this purpose, the education of my son Charlie."

No, sir, when we have a tax deduction for charitable contributions, the contribution goes into the general fund of the charitable organization for general purposes. It is deducted from our gross income before taxes are computed. If we give a contribution to a church or school or what have you, it is deducted from gross income in order to determine taxable income and we pay income tax on the remainder, on the taxable income. If we make a contribution to a church or school we do not have a tax credit of 100 percent; we have a tax deduction of 40 percent, or whatever our tax bracket may be, and the church or school has a contribution, not tax money, and can use it for whatever purpose it wishes and need not use it to educate son Charlie. The Vanik amendment and this bill permits the taxpayer to earmark tax funds for a special purpose. That is quite a big difference, ladies and gentlemen; enough of a difference to separate unconstitutionality from constitutionality.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, the gentleman from Ohio continues to play with the idea that his amendment is such a small amount of money that the principle is not important, since it is a smaller amount of money than anybody else's idea. Therefore, it is a superior idea.

The CHAIRMAN. The time of the gentleman from California has again expired.

(At the request of Mr. FORD of Michigan and by unanimous consent Mr. DANIELSON was allowed to proceed for 2 additional minutes.)

Mr. FORD of Michigan. What the gentleman continually refuses to see is what everybody in this Chamber that has followed this whole question of tax credits in this Congress knows to be the fact, that this illegitimate proposal that was just adopted by the House a little while ago, made more illegitimate by the Vanik amendment, is on its way to a shotgun wedding with the Moynihan-Packwood package that is coming like a freight train to the House from the Senate.

The real vote in this House is going to come very soon when that conference committee comes back and asks us to vote for a package that the Vanik amendment has now made in order in this House. That is not going to cost $25 million, as he suggested, in the first year for very long, but in 5 years it is going to be $5.2 billion off the top, before the Congress can act on one single piece of legislation to decide what our priorities in education ought to be. We must decide whether the bulk of the education money spent in this country is going to be spent through the IRS or through the educators.

Mr. DANIELSON. Woe on those of you who vote for this bill and go home and tell the people that you are for economy—Heaven forbid. I say, let us support the Mikva amendment. It makes some sense. It is not dischargeable in bankruptcy. It will generate some interest and be a meaningful method of putting our kids through college. I say vote "aye" on the Mikva amendment.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the Mikva amendment is not an add-on amendment; it is a total substitute. It destroys all the tuition tax credit provisions we have been talking about so far. It offers instead an IRS deferred loan payment system. Although far more complex, it is another loan program similar to the ones we have already in operation, only this time the Treasury Department is going to act as the banker, advancing and collecting the tax dollar over a 10-year period in extra tax payments.

The existing guaranteed student loan program has a lot of advantages over the Mikva program. One can get $2,500 a year under the guaranteed student loan program, but only $1,000 under the Mikva proposal. Obviously there is a good deal of advantage to the existing program.

The problem with the Mikva proposal, although it is an ingenious one and I congratulate its inventor for providing some good thoughts on a very difficult situation, is that it provides terrible red-tape and administrative cost.

The Treasury says frankly it does not know how to operate the Mikva amendment. It would require the taxpayers to keep their papers for 10 years after a child completes school, which probably means they have to keep their papers for 14 years. And, if they have more than one kid, they are going to have to be keeping records for IRS almost forever.

In addition, the IRS does not know how to keep track of all those dependents. The Treasury tells me they will have to set up new data banks to identify the children and feed information into the computers and including probably the social security numbers. Currently we have only to list our children by name. I do not know if that privacy problem worries the Members or not.

In addition, we will have an overlapping with three Government student loan programs. As Members recall, we have defaults of about $500 million and more than that in the Government loan program already. That is a better program as it stands, but with the troubles we have in that we can anticipate the kinds of problems we are going to have in the Mikva bill.

It is important to note also that when we get one of these loans we are going to lose the exemption we have on our dependents. If the Ways and Means Committee and the Finance Committee of the Congress act in the way I think they might this year, we may be giving up more in a personal exemption than we will be gaining in a loan, so there may be no benefit at all to the taxpayer.

If one dies, what happens? The IRS cannot collect on the loan. Maybe there is some kind of probate, but the IRS is not notified if the estate is not more than $200,000. If there is not any money left over, the IRS will whistle for its money.

The idea that this is not going to cost us is erroneous, and we will wind up having it cost more in the long run. It will cost us in the case of defaults or deaths and in all kinds of ways.

I believe that this substitute amendment is not the way to fight fraud and abuse. There will be more recordkeeping. It will cost a great deal of money.

But most of all, it is not what our constituents are talking about. They want tuition tax credits. They do not want a fancy new loan program that they and their tax consultants do not understand. If the Members do not like tuition tax credits for college or for elementary and secondary education, then vote for the amendment of the gentleman from Illinois. But, if Members believe in tuition tax credits, if that is what our constituents want, then we had better vote down this amendment.

It is important to note the tax deferral bill was not passed by the Ways and Means Committee, nor did the bill have the advantage of hearings specifically for the deferral concept. In fact, during the 5½ days of hearings held by the committee only 2 witnesses out of a total of around 120, even mentioned the deferral concept—one being Mr. MIKVA.

Even the present guaranteed student loan program has many advantages over the substitute bill. Under existing law, freshman students and all other undergraduate students may receive loans of up to $2,500 per year as compared with the $1,000 sophomore, junior, and senior students can receive under the Mikva approach. The Mikva bill does not even allow freshman students to be eligible for any amount in any year. The first year of college is often the most financially difficult year for a great many American families.

Further disadvantages exist. For instance, if a taxpayer had a student entering the second year of college this fall, the maximum amount the parents could defer for 3 years would be $3,000. By comparison, the same student under the guaranteed student loan program, would be eligible for a total of $7,500 in loans. If students were only in school half-time (accounting for 2.6 million students or 23 percent of the entire postsecondary student population in 1977-78 school year) these students would receive no advantage at all under the deferral bill. The GSL program allows all half-time students to be eligible for benefits. Beginning school this fall, a graduate student could receive loans under the GSL program totaling $5,000 per year. Graduate

students are not eligible to receive benefits under the deferral concept. If Congress were to pass the middle-income student assistance bill, which seems likely, there would be no income limitations to students under the guaranteed student loan program. Thus, it seems to me that what we are discussing here is a bill that has far fewer advantages than those under our existing GSL program.

The Department of the Treasury has not exactly been enthusiastic about the possibility of a tax deferral bill. Here are some of the problems they shared with me. First of all, the prospect of being in the loan business does not exactly excite them. Second, the recordkeeping for the taxpayer and for IRS would be incredible. For example, a taxpayer with only one child would have to keep records for 13 years, compared to the 3 to 6 years under current tax law. While the tax code currently provides for corporation deferrals, in a limited fashion, these are corporations that normally keep records over a long period of time.

So far, this approach does not seem so complicated, but what about the taxpayer who has more than one child. Let us say that "Junior" begins his second year of college in 1978. Mom and dad complete their tax return for calendar year 1978 and are slated to receive a small refund prior to taking a deferral. Assuming that their tax liability is greater than the amount they are going to defer, Treasury would have to increase that refund. Under the deferral provisions, 4 years later they begin to repay the loan. However, little "Susie" is now ready for her second year of college. Now, while mom and dad are repaying on "Junior" they begin to deter on "Susie"—provided, of course, that their liability is greater than that which they are deferring. Under these typical situations, taxpayers would be required to keep records for 16 years until the loan was paid off. I am not sure what kind of a form we would need to keep track of all that information. These situations become even more complex with three or more children in one family.

Treasury tells me that they will have to find a way to set up a data bank on each dependent child. In addition, they will need a better way to identify dependents, like a social security number. Currently, dependents need only to be listed on the 1040 by name and age. No one is venturing a guess if privacy regulations would be violated if further identification of students is required.

It is also important to note that when the taxpayer claims a deferral for any member of his family, the taxpayer losses the option to take the child as an exemption. By using the deferral option, the taxpayer forfeits $750 per child under the Mikva bill. Simple arithmetic here indicates the real advantage to the taxpayer under the Mikva bill.

In the case of death of the taxpayer, IRS can only collect on the loan after the estate is probated. Actually, IRS will not even be directly notified unless the estate is valued at more than $200,000. If, however, there is no money left over after probate, IRS cannot collect at all. Treasury will not collect from a widow, for example, whose only income is social security and who does not have any "blue chip stocks" at her disposal.

Bankruptcy presents an even more serious problem for IRS. The Mikva bill does not address this problem. If a taxpayer files bankruptcy, again there is no way for IRS to collect.

It is my belief that this substitute amendment is merely another way to invite fraud and abuse, as does our existing student loan programs. While IRS has a better record for collecting past tax debts, HEW has access to the same records and has not proven to be able to locate delinquent debtors. I am not sure that IRS would, under the Mikva bill, have a better success rate in locating the same kind of debtors HEW has been unable to find. I need not remind my colleagues to the great lengths a debtor will go to avoid loan repayments.

On the other hand, a tuition tax credit needs no repayment and does not lend itself to fraud and abuse. A tuition tax credit would support and complement our present Federal student aid program, not add another layer of bureaucratic redtape. Tax credits are the most effective, direct, and least complicated means to provide relief to students and parents from the increasing costs of tuition. I believe that citizens are asking for tax relief now, not just another loan program for which they are forced to repay.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to my distinguished colleague, the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, I congratulate the gentleman from Minnesota.

When Members in this House learn that they will be putting in peril the dependency exemption, which is the basic tax recognition for family support, I think they will give this substitute some very serious consideration.

I oppose the Mikva amendment also because it puts the long arm of the Treasury into the family, because any family with someone attending a post-secondary educational institution will have all this information about it going into a data bank for a long period of time.

I would also like to quote the opinion of the Acting Assistant Secretary of the Treasury for Tax Policy, Donald C. Lubick, as stated in his testimony before the Ways and Means Committee, when he was discussing the Mikva proposal.

Here is what he says:

> However, again we have a very serious problem of administration. In effect, families desiring loans must apply both to the IRS and to HEW. There would be serious recordkeeping problems imposed on the IRS in keeping track of loans and repayments. And perhaps most seriously, the subsidy from the loan program operates in the reverse manner of that which is most desirable.

The CHAIRMAN. The time of the gentleman has again expired.

(By unanimous consent, Mr. FRENZEL was allowed to proceed for 1 additional minute.)

Mr. VANIK. Mr. Chairman, if the gentleman will continue to yield, I will quote further from Mr. Lubick's statement before the Committee on Ways and Means:

> The higher the income of the family, the higher the tax liability and therefore the higher the loan, and the more valuable the interest-saving through deferral or interest forgiveness. In other words, the effect of the loan program operating through the tax system is the reverse of that which is desirable. The [MIKVA] loan program furnishes more aid and more valuable aid at higher income levels.

I think that is a very important consideration. I think we should be very wary of taking this kind of step. I hope the Members of this committee will vote no on the Mikva proposal.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for his contribution.

The tuition tax credit is something that is a clean way to do things. It leaves money in the taxpayer's pocket. The Mikva deferred loan program is just another new bureaucracy, more redtape and more administration.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, we have heard a great deal of talk today about the economy of this measure.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. HYDE, and by unanimous consent, Mr. FRENZEL was allowed to proceed for 30 additional seconds.)

Mr. HYDE. Mr. Chairman, if the gentleman will continue to yield, is it not, from the taxpayer's point of view a lot more economical to educate a child in a parochial school with a small tax credit, and to keep that child in that school and keep that school open, than to educate that same child in the public school where the taxpayer picks up the total tab?

Mr. FRENZEL. The gentleman is exactly right. I would say further that none of my constituents have been asking me for a loan program so they can pay the money back later. Instead of that, they have said that they would like a tax credit, because they do not have to pay it back.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. LUKEN and by unanimous consent, Mr. FRENZEL was allowed to proceed for 2 additional minutes.)

Mr. LUKEN. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Ohio (Mr. LUKEN).

Mr. LUKEN. Mr. Chairman, I thank the gentleman for yielding to me. Let me say that we have had a wearying debate during this debate and during the debate on the Vanik amendment, and again this House has spoken in favor of elementary and secondary education tax credits.

This is another device. I think the full House should know what we are

talking about in what may be a brief debate on this amendment. I think it should be emphasized that it applies to the rich only, to the college situation and not to the elementary and secondary school education and that what we would be doing by adopting this amendment in the nature of a substitute would be to reject that which we did just a few moments ago. Is that correct?

Mr. FRENZEL. The gentleman is absolutely right.

Mr. LUKEN. It is merely a trick and a device to avoid the tuition tax credit for the elementary and secondary nonpublic schools.

Mr. MIKVA. Mr. Chairman, will the gentleman yield at that point?

Mr. FRENZEL. I yield to the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman, I am sure the gentleman from Ohio (Mr. LUKEN) would like to withdraw the word "trick." This proposal has been under consideration for the past 3 years and it was debated in the committee for 2 years.

Mr. LUKEN. Mr. Chairman, if the gentleman will yield, I will withdraw the word "trick" but not the word "device." It is a device that simply imposes the proposed Presidential Middle-Income Assistance Act, which is intended only to defeat that which we first approved. I think we should vote down this amendment.

Mr. FRENZEL. The gentleman from Ohio (Mr. LUKEN) is correct in stating the effect of the Mikva amendment. It eliminates all assistance to the elementary and secondary schools and scraps tuition credits for college.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I would ask the gentleman to expand on one statement he just made. If I understood what he said, the Mikva approach is merely a loan against taxes and the taxpayer has to pay all of that back with 3 percent interest. Is that correct?

Mr. FRENZEL. The gentleman is correct.

Mr. BROWN of Ohio. I thank the gentleman.

Mr. FRENZEL. The amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. MIKVA) does not give you anything. It makes you pay back the money. It is just like that old statement that says "now you have it, now you don't."

Mr. BROWN of Ohio. It is similar to a subsidy on interest payments on the loan you now get from the bank, if you can get one. On the other hand, the tax credit approach is a reduction in taxes that the taxpayer has to pay, is that correct?

Mr. FRENZEL. That is correct.

Mr. FISHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Mikva amendment and to give several reasons why I support it. I have spent a good many years of my life in institutions of higher learning as a student, teacher, trustee, insurance and retirement expert, and have put or am putting seven children through college. I think I have some feeling for this subject.

Many administrative problems have been raised against the Mikva amendment. To an extent this is true, certainly compared to the tax credit which simply excuses some of the tax bill. It has been mentioned also that the Mikva amendment is simply the long arm of the Treasury reaching into the individual's pocket. Maybe so, but the tax credit approach is the long arm of the individual reaching into the Treasury.

The Mikva amendment does provide much more assistance when the tuition crunch comes, 10 times as much help when it is really needed. Suddenly to have to ante up $1, $2, $5, $8,000 more than one did last year is rough.

Ultimately, the Mikva approach loses nothing for the Treasury. The money is collected back, and even a little more because there is an interest charge on the money. Tax deferral amounts to a low-interest 3 percent loan with a 10-year repayment period after the college years have been completed.

The tax deferral approach that we are debating here, of course, only helps those who have taxes to defer. That has to be understood. Therefore, in my view, there needs to be combined with this a grant and loan program perhaps such as we have had right along, maybe improved, to help the lower-income people, individuals and families, who will need some supplement. I believe we will have a chance to provide that kind of supplement later on. The combination of tax deferral, paid back mainly by parents, and loans and grants, paid back mainly by students, means that no one will be denied a college education because of lack of funds. This, I believe, is the proper extent of the U.S. Government's obligation to students and parents for higher education. This kind of an approach, combining the tax deferral with loan and grant for low-income people, will mean that we are saying to anybody in the country, finances need not stand in the way of your getting a college education. That is the extent of our obligation, as I see it.

A final word: There is this basic matter of requiring those who benefit from higher education and their parents to pay for this education out of their earnings, savings, and loans that they contract to repay. This, I think, is the responsible way to proceed and does test the seriousness of purpose both of the students whom we are aiding and their parents.

So I believe the Mikva approach is the best way to go. If we want to help substantially, if we really want to help substantially, this is the way to go. If we want to escape the major constitutional, budgetary, and historic problems of this bill as so far amended, then this is the way to go. If we want to lay responsibility for higher education on the students and on their parents, this is the way to do it.

Before we complete action on this matter, I urge the Members strongly to consider the tax deferral approach very carefully. This is probably the last chance we are going to have for other than a pittance tax credit that is not going to help anybody very much. I urge the Members to vote for this amendment.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. ECKHARDT, and by unanimous consent, Mr. FISHER was allowed to proceed for 2 additional minutes.)

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding.

I think the gentleman has made a very fine statement. Would the gentleman not also agree that if we really want to do something for parents at a time when the crunch is the greatest, we had better pass the Mikva amendment? It avoids both the constitutional question and, frankly, I can see no difference between permitting a tax credit for money passed directly to a private religious institution and an appropriation made to such an institution. If money is not paid to the institution, the tax credit is not given. It is exactly as if the tax amount were collected and then appropriated to the religious institution. If the Constitution will not permit the latter, direct appropriation, it will not permit the former indirect passage of such funds through a tax credit.

I can see no difference; so we run a risk of unconstitutionality and also we run a risk of a veto; so if Members here really want to aid parents in paying tuition, it would seem to me, they should vote for the Mikva amendment.

Mr. FISHER. Mr. Chairman, I agree completely. We run the further risk, if we do not go the Mikva route but go the route we are headed for, of providing a pittance in aid, $50 for elementary and secondary education and $100 for college, going up a little bit over the next 2 or 3 years. That is not going to do the job.

Mr. MAGUIRE. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from New Jersey.

Mr. MAGUIRE. Mr. Chairman, I just want to compliment the gentleman on his statement and especially on what he has just said. I think that is the nub of the issue.

I have a different view than does the gentleman from Texas (Mr. ECKHARDT) and the gentleman in the well (Mr. FISHER) on the constitutionality question and the Vanik amendment, which I supported; but the gentleman is making the right point about college aid. The Mikva approach, like the one which the gentleman from Wisconsin (Mr. STEIGER) and I have introduced, and which will be considered later, gives people the dollars they need.

This tuition tax credit proposal is not much practical help at all because it emphatically does not give people the dollars they need.

I thank the gentleman.

Mr. FISHER. Mr. Chairman, it gives the people the dollars they need when they need it.

Mr. KETCHUM. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. KETCHUM. Mr. Chairman, I rise in support of the substitute amendment offered by the gentleman from Illinois (Mr. MIKVA) and myself. Like my friend, the gentleman from Illinois (Mr. MIKVA) I deeply resent the comment that this is a trick or a device. This bill, had it not been for the fact that the chairman of the Committee on Ways and Means abstained from voting, would have been the bill before us on the floor and we would have been trying to amend it in the other direction.

The vote on the Mikva amendment was 18 to 18.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. KETCHUM. I yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Chairman, the gentleman is calling it the Vanik amendment. The gentleman means the Mikva amendment, I am sure.

Mr. KETCHUM. I did not mean the Vanik amendment. I meant the Mikva amendment.

You see, it is so confusing to notice the alliances that have been effected over this issue. You can tell this is not a partisan issue. Good night, we have the gentleman from Ohio (Mr. VANIK) on the one side chumming up with the gentleman from Minnesota (Mr. FRENZEL), and the gentleman from Illinois (Mr. MIKVA) with me. It is almost astounding; so it is a little difficult to keep track where we are.

This is not a partisan issue. The reason I stated a moment ago is the only reason that this proposal is not the proposal that we are discussing.

Now, I do not criticize in any way the chairman of the Committee on Ways and Means for abstaining from voting on this particular issue, because the gentleman had made a commitment to bring the tuition tax credit bill to the floor and I respect the gentleman for that.

I think it is well known that the chairman of the Committee on Ways and Means opposes this.

Mr. Chairman, I would like to address myself for just a moment or two on the complexity of deferrals vis-a-vis tax credits. Mr. Lubick, who is the Assistant Secretary of the Treasury did, indeed, say this would be very complicated; but I would remind my colleagues that he said the same thing about tuition tax credit.

The IRS does not want anything, nor does the administration, which has threatened to veto this bill. I hope there is no one on this floor that has voted for the past two amendments thinking that the bill may be vetoed. The President said he is going to veto it, but he said a lot of things he has changed his mind on.

So we should not feel safe along those lines. The Mikva-Ketchum amendment offers 10 times the relief to individuals who are sending their children to college—10 times the relief.

Yes, to be sure, they have to pay the money back, but they have 10 years to do it. As my friend, the gentleman from California (Mr. DANIELSON), commented, the only reason this proposal may not pass is that it is, No. 1, too simple; No. 2, too equitable; and No. 3, too fiscally responsible.

Mr. Chairman, I urge the Members to vote for this deferral proposal.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. KETCHUM. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I want to commend the gentleman from California (Mr. KETCHUM). I am going to vote for this amendment.

I do not have to worry about what the people back home think of my vote on this amendment, because I have decided not to run for reelection. But putting myself in the shoes of the gentleman from California (Mr. KETCHUM), the gentleman from Illinois (Mr. MIKVA), and the gentleman from Ohio (Mr. VANIK), I will guarantee you that if I was running for reelection, I for darned sure would vote for this amendment.

The idea of going home and trying to make my farmers, ranchers, businessmen, and union friends feel good by telling them they are going to get a $50 credit for primary and secondary education and up to $100 for a college education would not give me much comfort, and I think I would get run out of town if I supported such a proposal. But if I could go back and say, "Those of you who are paying educational bills for college—and they are whopping—are, under this amendment, going to be able to get up to $1,000 per student per year while you are supporting your kids in college," I think I would really be telling them something that would make them happy.

Mr. VANIK. Mr. Chairman, if the gentleman from California (Mr. KETCHUM) will yield, would the gentleman tell his constituents about the $750 exemption they are going to lose?

Mr. EVANS of Colorado. They are not going to lose their $750 exemption.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. KETCHUM. I yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Chairman, let us get that exemption matter straight.

As in the bill that is before the House, there are choices that the taxpayer has to make. If he takes the tuition tax credit, he has to give up the deduction that he would otherwise take as a business deduction for education purposes.

Under the proposal that I have sponsored with the gentleman from California (Mr. KETCHUM), for the year that they take the deferral, if they take it, they choose whether they want the deferral or the exemption. If the exemption is worth more, they take that; if the deferral is worth more, they take that. Obviously the deferral is worth more in most instances.

The CHAIRMAN. The time of the gentleman from California (Mr. KETCHUM) has expired.

(On request of Mr. VANIK, and by unanimous consent, Mr. KETCHUM was allowed to proceed for 1 additional minute.)

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. KETCHUM. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I would like to have the gentleman from Illinois (Mr. MIKVA) tell me about this loss of a business deduction if someone gets the tuition credit. The gentleman made a statement, and I just want to find out if we can get to the bottom of it. Maybe I am learning something new about the code.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. KETCHUM. I yield to the gentleman from Illinois.

Mr. MIKVA. Mr. Chairman, if the gentleman from Ohio (Mr. VANIK) will hand me a copy of the bill, I will be happy to explain it.

Mr. VANIK. I will hand the gentleman a copy of the code.

Mr. MIKVA. Try the bill.

Mr. KETCHUM. Mr. Chairman, I can only say, while I am waiting for the gentlemen to proceed, that I am certainly glad I am not a member of the Democratic caucus.

Mr. MIKVA. Mr. Chairman, let me read from section (h), as follows:

DISALLOWANCE OF CREDITED EXPENSES AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed under any other section of this chapter for any amount paid for tuition for any individual except to the extent that such amount exceeds the amount necessary for the allowance of the maximum amount which may be allowed under this section for tuition for such individual for the taxable year.

Mr. VANIK. Mr. Chairman, let me ask the gentleman, how many people are involved in that?

Mr. MIKVA. How many people are involved in receiving the deduction?

Mr. VANIK. Are there more than there are fingers on your hand?

Mr. MIKVA. I do not know.

Mr. VANIK. Of course, not.

The CHAIRMAN. The time of the gentleman from California (Mr. KETCHUM) has expired.

Mr. VANIK. Mr. Chairman, I would like to find out whether we might agree on some time within which we may conclude debate on this amendment.

Mr. Chairman, I ask unanimous consent that all debate on this amendment in the nature of a substitute conclude at 5:30 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Members standing at the time of the unanimous-consent request will each be recognized for 45 seconds.

The Chair recognizes the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Chairman, I hope the gentleman from California (Mr.

KETCHUM) is present, because I agree with everything he said except one thing. The gentleman said he is glad he is not a member of our Democratic caucus. Many times I wish he were.

Mr. Chairman, this amendment is a sound approach.

It helps the people who need help the most, and those are the people who cannot go down to the bank and borrow the money because they do not have enough security to satisfy the bank. But they can take it off of their income tax until they get their kids through school.

Mr. Chairman, I urge a yes vote on the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, I object to the theory of this amendment which considers the Government owns all of the money and it will give you some back for a loan. In addition, this is a tax-raising measure, because not only do you have to pay the money back, but you lose your personal exemption, as well.

Mr. Chairman, I urge the defeat of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I cannot help but think that this reminds me somewhat of the homestead amendment in many States. They make a great big deal over the fact that they were going to help the retired person, that he was not going to have to pay as much in property tax. But when it was finally written, all it did was to say you could forego the taxes until you died and then the State would tell the estate that they owed the money back.

Mr. Chairman, if we are going to help somebody but they have to pay it back with interest, I think we ought to look ourselves square in the face and say: Is this just another Homestead Act for college students? At least don't make any big deal out of it.

I think that is what we are talking about.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Chairman, I rise in support of the Mikva amendment.

Mr. Chairman, my colleagues in the House earlier on came perilously close to unraveling the Constitution of the United States. Here, under this amendment, we have an opportunity not only to avoid that kind of a menace to the basic document which governs this land, but also to give a fair and just break to those people who have children in school.

The Mikva amendment makes admirable good sense.

There has been some talk about all of the problems with the Department of the Treasury administering this Mikva amendment. I would rather give them the problems of administering the amendment than to wreck the Constitution, which has guided us so well and so long as a document worthy of our support.

Mr. Chairman, I support the Mikva-Ketchum amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. SAWYER).

Mr. SAWYER. Mr. Chairman, I have just a couple of comments to make.

As a long-time, very substantial taxpayer, it disturbs me to hear this body say that if you are giving someone a tax credit you are giving them some money. You are just not taking as much of the money that they earned away from them.

Second, many people who rose and said that this is a mere pittance, namely the $100 to $250 under the Vanik amendment voted to spend $20 billion for a $50 tax refund.

So the pittance argument did not, apparently, impress them very much at that time.

(By unanimous consent, Mr. DANIELSON yielded his time to Mr. MIKVA.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Chairman, this has been a long debate, and many issues have been raised.

I think the tax deferral approach really addresses those issues. It is preferable from a constitutional point of view, because of the difficult constitutional question raised with regard to the tax credit. It is preferable from the point of view of cost of the Federal Government, and it is preferable because it provides meaningful relief to those who need it.

Mr. Chairman, I think for those reasons it ought to be supported.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER. Mr. Chairman, I thank the Chair for rerecognizing me.

This is a terrible choice to make since the amendment is a substitute for the whole bill. I really do believe that we should extend credits for the elementary and secondary education and yet, I must say the deferral concept which the gentleman from Illinois (Mr. MIKVA) and the gentleman from California (Mr. KETCHUM) have proposed, in my judgment, is by far the most rational, sensible way to handle the most serious problem. The problem is the cash-flow problem for students in postsecondary institutions.

Therefore, Mr. Chairman, I will support the Mikva amendment. I do so, I must say, while finding myself in a difficult position. But if the Mikva amendment is adopted a bill can go to conference and it is then possible to have credits for elementary and secondary education while providing effective assistance to enrollees in postsecondary schools. Thus, Mr. Chairman, I think the Mikva amendment ought to be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. LUKEN).

Mr. LUKEN. Mr. Chairman, I think the only concern here is that the House should be caught off guard because in sitting through this debate all day, I heard very little support generally for the Mikva amendment. It is only since the Vanik amendment was passed that support arises or some support arises for the Mikva amendment.

Mr. Chairman, I think we should stick to the decision that we made just an hour ago.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, if we pass the Mikva amendment, we will be eliminating elementary and secondary tuition tax credits. We will be eliminating college tuition tax credits.

What we will have left is a tax increase because everyone who takes that deferred loan will give up the personal exemption and, therefore, will be paying more taxes than he or she would have been paying before.

Mr. Chairman, a person should not give up a tax credit simply to take a deal in which he or she has to pay back the loan, and then lose the exemption too. Meanwhile, that poor taxpayer is picking up all the administrative problems and redtape that the Treasury would like to avoid.

Mr. Chairman, let us vote down the Mikva amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman, there have been an awful lot of figures thrown around here.

Obviously, this is not a tax increase. If it were a tax increase, it would not have the revenue outgo that it has in the early years. It is, as the gentleman from Minnesota earlier described it, a loan secured by taxes deferred; and in that respect, it provides more cash help at the time of need and less adverse impact on the Treasury.

Mr. Chairman, the Members of this House have been around this horn often enough to know what the real political considerations are with the other body, the Senate. The Senate revenue committee has passed a bill providing tuition tax credits at a cost of about $5.3 billion in 1983.

Mr. Chairman, if this amendment is defeated and we pass the bill with the Vanik amendment in it, the conference will be between the figure we have and the figure the Senate has. One does not have to be a 20-term veteran to know that it will come out somewhere around $3 billion or $4 billion a year in tax revenue impact.

This bill, on the other hand, has a much lower impact even during its heaviest years, and ultimately provides for bringing the money back. It provides the most bang for the least amount of tax dollars.

Mr. Chairman, many concerns have been expressed about the size of our deficit and about the problem we are trying to solve. It seems to me this amendment makes more sense on both those counts. I urge its adoption.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. VANIK) to close debate.

Mr. VANIK. Mr. Chairman, I want to say that a deferral plan such as is suggested by my colleague, the gentleman from Illinois (Mr. MIKVA), has the effect of providing very, very little incentive for education. It does very, very little for the many people in urban areas who would utilize in the private schools as a matter of choice. It is 180 degrees around from what we are trying to do in reforming the tax law.

The old adage is that taxes deferred are taxes lost. I think the estimates that have been given about the cost of the Mikva proposal are critically underestimated. If we defer those taxes, there is a pretty good chance that revenue will be forever lost. Then we will compound the cost of that program.

Mr. Chairman, I urge the members of this committee to vote against the Mikva amendment.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. MIKVA).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MIKVA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 239, not voting 40, as follows:

[Roll No. 395]

AYES—155

Abdnor	Findley	Lundine
Anderson, Calif.	Fisher	McClory
	Fithian	McCloskey
Anderson, Ill.	Flippo	McHugh
Andrews, N.C.	Flowers	McKinney
Aspin	Ford, Mich.	Maguire
AuCoin	Ford, Tenn.	Mann
Badham	Fountain	Martin
Baldus	Fuqua	Mattox
Bedell	Gammage	Meeds
Beilenson	Ginn	Metcalfe
Bennett	Glickman	Meyner
Bingham	Goldwater	Mikva
Blanchard	Gonzalez	Miller, Calif.
Bonior	Goodling	Mineta
Bowen	Gudger	Mitchell, Md.
Brademas	Hall	Mitchell, N.Y.
Brodhead	Hamilton	Moffett
Buchanan	Hannaford	Moorhead, Pa.
Burleson, Tex.	Harris	Moss
Burton, John	Hawkins	Neal
Burton, Phillip	Hefner	Nolan
Carr	Heftel	Oberstar
Chisholm	Hightower	Obey
Clay	Holland	Panetta
Collins, Ill.	Holtzman	Patterson
Conable	Huckaby	Pattison
Corman	Ichord	Pickle
Danielson	Jacobs	Poage
Davis	Jenkins	Preyer
Dellums	Jenrette	Quillen
Dicks	Jones, N.C.	Rahall
Dingell	Kastenmeier	Rangel
Dodd	Ketchum	Rhodes
Drinan	Keys	Richmond
Duncan, Oreg.	Krebs	Risenhoover
Duncan, Tenn.	LaFalce	Roberts
Eckhardt	Leggett	Rose
Edwards, Calif.	Lehman	Rosenthal
English	Lloyd, Calif.	Roybal
Evans, Colo.	Lloyd, Tenn.	Schroeder
Evans, Ind.	Long, Md.	Sharp
Fascell	Lott	Simon
Sisk	Stump	White
Skelton	Taylor	Whitehurst
Skubitz	Thompson	Whitley
Spence	Udall	Wiggins
Stark	Wampler	Wilson, C. H.
Steed	Watkins	Wilson, Tex.
Steiger	Waxman	Wirth
Stokes	Weaver	Wright
Studds	Weiss	Yates

NOES—239

Addabbo	Flood	Myers, Gary
Akaka	Florio	Myers, John
Ambro	Flynt	Myers, Michael
Ammerman	Foley	Natcher
Andrews, N. Dak.	Forsythe	Nedzi
	Fowler	Nichols
Annunzio	Frenzel	Nix
Applegate	Frey	Nowak
Archer	Garcia	Oakar
Armstrong	Gaydos	O'Brien
Ashbrook	Gephardt	Ottinger
Ashley	Giaimo	Pease
Bafalis	Gilman	Pepper
Barnard	Gradison	Perkins
Bauman	Grassley	Pettis
Beard, R.I.	Green	Pike
Beard, Tenn.	Guyer	Price
Benjamin	Hammer-schmidt	Pritchard
Bevill		Pursell
Biaggi	Hanley	Quayle
Blouin	Hansen	Quie
Boggs	Harkin	Railsback
Boland	Harrington	Regula
Bolling	Harsha	Reuss
Bonker	Heckler	Rinaldo
Breaux	Hillis	Roe
Breckinridge	Hollenbeck	Rogers
Brinkley	Holt	Roncalio
Brooks	Horton	Rooney
Broomfield	Hughes	Rostenkowski
Brown, Calif.	Hyde	Rousselot
Brown, Mich.	Ireland	Ruppe
Brown, Ohio	Jeffords	Russo
Broyhill	Johnson, Calif.	Santini
Burgener	Johnson, Colo.	Satterfield
Burke, Fla.	Jones, Okla.	Sawyer
Burke, Mass.	Jones, Tenn.	Scheuer
Byron	Jordan	Schulze
Caputo	Kazen	Seiberling
Carney	Kelly	Shuster
Carter	Kemp	Sikes
Cavanaugh	Kildee	Slack
Cederberg	Kindness	Smith, Iowa
Chappell	Kostmayer	Smith, Nebr.
Clausen, Don H.	Lagomarsino	Snyder
	Latta	Solarz
Clawson, Del	Leach	Spellman
Cleveland	Lederer	St Germain
Cohen	Le Fante	Staggers
Coleman	Lent	Stangeland
Collins, Tex.	Levitas	Stanton
Conte	Livingston	Steers
Corcoran	Long, La.	Stockman
Cornell	Luken	Stratton
Cornwell	McDade	Symms
Cotter	McDonald	Teague
Coughlin	McEwen	Thone
Cunningham	McFall	Treen
D'Amours	Madigan	Trible
Daniel, Dan	Mahon	Tsongas
Daniel, R. W.	Markey	Ullman
de la Garza	Marks	Van Deerlin
Delaney	Marlenee	Vander Jagt
Derwinski	Marriott	Vanik
Devine	Mathis	Vento
Dickinson	Mazzoli	Volkmer
Dornan	Michel	Walgren
Downey	Mikulski	Walker
Early	Miller, Ohio	Walsh
Edgar	Minish	Whalen
Edwards, Ala.	Moakley	Whitten
Edwards, Okla.	Mollohan	Wilson, Bob
Eilberg	Montgomery	Winn
Emery	Moore	Wolff
Erlenborn	Moorhead, Calif.	Wydler
Ertel		Wylie
Evans, Del.	Mottl	Yatron
Evans, Ga.	Murphy, Ill.	Young, Fla.
Fary	Murphy, N.Y.	Young, Mo.
Fenwick	Murphy, Pa.	Zablocki
Fish	Murtha	Zeferetti

NOT VOTING—40

Alexander	Derrick	Lujan
Allen	Diggs	McCormack
Baucus	Fraser	McKay
Burke, Calif.	Gibbons	Milford
Burlison, Mo.	Gore	Patten
Butler	Hagedorn	Pressler
Cochran	Howard	Robinson
Conyers	Hubbard	Rodino
Crane	Kasten	Rudd
Dent	Krueger	Runnels
Ryan	Thornton	Young, Alaska
Sarasin	Traxler	Young, Tex.
Sebelius	Tucker	
Shipley	Waggonner	

The Clerk announced the following pairs:

On this vote:

Mr. Baucus for, with Mr. Alexander against.
Mr. Conyers for, with Mr. Ryan against.
Mr. Diggs for, with Mr. Krueger against.
Mrs. Burke of California for, with Mr. Fraser against.
Mr. Tucker for, with Mr. Patten against.

Mr. BRADEMAS and Mrs. LLOYD of Tennessee changed their vote from "no" to "aye."

Messrs. AMBRO, GILMAN, and CAPUTO changed their vote from "aye" to "no."

Mr. BINGHAM changed his vote from "present" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, no further amendments are in order. The Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ASPIN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12050) to amend the Internal Revenue Code of 1954 to provide a Federal income tax credit for tuition, pursuant to House Resolution 1178, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. KETCHUM

Mr. KETCHUM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. KETCHUM. Absolutely, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KETCHUM moves to recommit the bill, H.R. 12050, to the Committee on Ways and Means.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. KETCHUM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 237, nays 158, not voting 39, as follows:

[Roll No. 396]

YEAS—237

Addabbo	Flood	Motti
Akaka	Florio	Murphy, Ill.
Ambro	Flynt	Murphy, N.Y.
Ammerman	Foley	Murphy, Pa.
Anderson, Calif.	Forsythe	Murtha
	Fowler	Myers, John
Andrews, N. Dak.	Frenzel	Myers, Michael
	Frey	Natcher
Annunzio	Garcia	Nedzi
Applegate	Gaydos	Nix
Archer	Gephardt	Nowak
Armstrong	Giaimo	Oakar
Ashbrook	Gilman	O'Brien
Ashley	Glickman	Ottinger
Badham	Goldwater	Panetta
Bafalis	Goodling	Pease
Barnard	Gradison	Pettis
Bauman	Grassley	Price
Beard, R.I.	Green	Pritchard
Beard, Tenn.	Guyer	Pursell
Benjamin	Hammer-schmidt	Quayle
Bevill		Quie
Biaggi	Hanley	Railsback
Bingham	Hansen	Regula
Blanchard	Harkin	Rinaldo
Blouin	Harrington	Robinson
Boggs	Harsha	Roe
Boland	Heckler	Rogers
Bonker	Heftel	Roncalio
Breaux	Hillis	Rooney
Brinkley	Hollenbeck	Rostenkowski
Brooks	Holt	Rousselot
Broomfield	Horton	Russo
Brown, Calif.	Hughes	Santini
Brown, Mich.	Hyde	Satterfield
Brown, Ohio	Jeffords	Sawyer
Burgener	Johnson, Calif.	Scheuer
Burke, Fla.	Kazen	Schulze
Burke, Mass.	Kelly	Seiberling
Byron	Kemp	Shuster
Caputo	Kildee	Slack
Carney	Kindness	Smith, Iowa
Carter	Kostmayer	Smith, Nebr.
Cavanaugh	LaFalce	Snyder
Cederberg	Lagomarsino	Solarz
Chappell	Latta	Spellman
Clausen, Don H.	Leach	St Germain
	Lederer	Stangeland
Clawson, Del	Le Fante	Stanton
Cleveland	Lent	Steers
Cohen	Levitas	Steiger
Coleman	Livingston	Stockman
Collins, Tex.	Lloyd, Calif.	Stratton
Conable	Long, La.	Symms
Conte	Long, Md.	Thone
Corcoran	Lott	Traxler
Cornell	Luken	Treen
Cotter	Lundine	Trible
Coughlin	McClory	Tsongas
Cunningham	McDade	Ullman
D'Amours	McDonald	Van Deerlin
Daniel, Dan	McEwen	Vander Jagt
Daniel, R. W.	McKinney	Vanik
de la Garza	Madigan	Volkmer
Delaney	Markey	Walgren
Derwinski	Marks	Walker
Devine	Marlenee	Walsh
Dornan	Marriott	Wampler
Downey	Mathis	Whitehurst
Early	Mazzoli	Whitten
Edgar	Meyner	Wilson, Bob
Edwards, Ala.	Michel	Winn
Edwards, Okla.	Mikulski	Wolff
Eilberg	Miller, Ohio	Wydler
Emery	Minish	Wylie
Erlenborn	Mitchell, N.Y.	Yatron
Ertel	Moakley	Young, Fla.
Evans, Del.	Montgomery	Young, Mo.
Evans, Ga.	Moore	Zablocki
Fary	Moorhead, Calif.	Zeferetti
Fish		

NAYS—158

Abdnor	Burlison, Mo.	Duncan, Tenn.
Anderson, Ill.	Burton, John	Eckhardt
Andrews, N.C.	Burton, Phillip	Edwards, Calif.
Aspin	Carr	English
AuCoin	Chisholm	Evans, Colo.
Baldus	Clay	Evans, Ind.
Bedell	Collins, Ill.	Fascell
Beilenson	Corman	Fenwick
Bennett	Cornwell	Findley
Bolling	Danielson	Fisher
Bonior	Davis	Fithian
Bowen	Dellums	Flippo
Brademas	Dickinson	Flowers
Breckinridge	Dicks	Ford, Mich.
Brodhead	Dingell	Ford, Tenn.
Broyhill	Dodd	Fountain
Buchanan	Drinan	Fuqua
Burleson, Tex.	Duncan, Oreg.	Gammage
Ginn	Martin	Rosenthal
Gonzalez	Mattox	Roybal
Gudger	Meeds	Schroeder
Hall	Metcalfe	Sharp
Hamilton	Mikva	Sikes
Hannaford	Miller, Calif.	Simon
Harris	Mineta	Sisk
Hawkins	Mitchell, Md.	Skelton
Hefner	Moffett	Skubitz
Hightower	Mollohan	Spence
Holland	Moorhead, Pa.	Staggers
Holtzman	Moss	Stark
Huckaby	Myers, Gary	Steed
Ichord	Neal	Stokes
Ireland	Nichols	Studds
Jacobs	Nolan	Stump
Jenkins	Oberstar	Taylor
Johnson, Colo.	Obey	Teague
Jones, N.C.	Patterson	Thompson
Jones, Okla.	Pattison	Tucker
Jones, Tenn.	Pepper	Udall
Jordan	Perkins	Vento
Kastenmeier	Pickle	Watkins
Ketchum	Pike	Waxman
Keys	Poage	Weaver
Krebs	Preyer	Whalen
Leggett	Quillen	White
Lehman	Rahall	Whitley
Lloyd, Tenn.	Rangel	Wiggins
McCloskey	Reuss	Wilson, C. H.
McFall	Rhodes	Wilson, Tex.
McHugh	Richmond	Wirth
Maguire	Risenhoover	Wright
Mahon	Roberts	Yates
Mann	Rose	

NOT VOTING—39

Alexander	Gore	Rodino
Allen	Hagedorn	Rudd
Baucus	Howard	Runnels
Burke, Calif.	Hubbard	Ruppe
Butler	Jenrette	Ryan
Cochran	Kasten	Sarasin
Conyers	Krueger	Sebelius
Crane	Lujan	Shipley
Dent	McCormack	Thornton
Derrick	McKay	Waggonner
Diggs	Milford	Weiss
Fraser	Patten	Young, Alaska
Gibbons	Pressler	Young, Tex.

The Clerk announced the following pairs:

On this vote:

Mr. Howard for, with Mr. Baucus against.

Mr. Shipley for, with Mr. McCormack against.

Mr. Ryan for, with Mr. Weiss against.

Mr. Gibbons for, with Mr. Gore against.

Mr. Alexander for, with Mr. Jenrette against.

Mr. Dent for, with Mr. Derrick against.

Mr. Patten for, with Mrs. Burke of California against.

Mr. Young of Alaska for, with Mr. Diggs against.

Mr. Crane for, with Mr. Conyers against.

Mr. Rudd for, with Mr. Fraser against.

Until further notice:

Mr. Allen with Mr. Krueger.

Mr. Runnels with Mr. Hagedorn.

Mr. Waggonner with Mr. Butler.

Mr. McKay with Mr. Sebelius.

Mr. Thornton with Mr. Ruppe.

Mr. Milford with Mr. Lujan.

Mr. Cochran of Mississippi with Mr. Sarasin.

Mr. Kasten with Mr. Pressler.

Messrs. HIGHTOWER, WHITE, GONZALEZ, and OBERSTAR changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VANIK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNOUNCEMENT BY CHAIRMAN, COMMITTEE ON APPROPRIATIONS

Mr. MAHON. Mr. Speaker, a number of the chairmen of the subcommittees of the Committee on Appropriations will now seek recognition to file reports on appropriation bills for the forthcoming fiscal year. These bills are scheduled to begin coming before the House next week.

REPORT ON H.R. 12927, MAKING APPROPRIATIONS FOR MILITARY CONSTRUCTION FOR DEPARTMENT OF DEFENSE FOR FISCAL YEAR ENDING SEPTEMBER 30, 1979

Mr. MAHON (at the request of Mr. McKAY), from the Committee on Appropriations, submitted a privileged report (Rept. No. 95–1246) on the bill (H.R. 12927) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1979, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. McEWEN reserved all points of order on the bill.

REPORT ON H.R. 12928, MAKING APPROPRIATIONS FOR PUBLIC WORKS FOR WATER AND POWER DEVELOPMENT AND ENERGY RESEARCH FOR FISCAL YEAR ENDING SEPTEMBER 30, 1979

Mr. BEVILL, from the Committee on Appropriations, submitted a privileged report (Rept. 95–1247) on the bill (H.R. 12928) making appropriations for public works for water and power development and energy research for the fiscal year ending September 30, 1979, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. CEDERBERG reserved all points of order on the bill.

REPORT ON H.R. 12929, APPROPRIATIONS FOR DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES FOR FISCAL YEAR ENDING SEPTEMBER 30, 1979

Mr. FLOOD, from the Committee on Appropriations, submitted a privileged report (Rept. 95–1248) on the bill (H.R. 12929) making appropriations for the Departments of Labor and Health, Education, and Welfare, and related agencies for the fiscal year ending September 30, 1979, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. MICHEL reserved all points of order on the bill.

REPORT ON H.R. 12930, TREASURY DEPARTMENT, U.S. POSTAL SERVICE, EXECUTIVE OFFICE OF PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS FOR FISCAL YEAR ENDING SEPTEMBER 30, 1979

Mr. STEED, from the Committee on Appropriations, submitted a privileged report (Rept. 95–1249) on the bill (H.R. 12930) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1979, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. MILLER of Ohio reserved all points of order on the bill.

REPORT ON H.R. 12931, APPROPRIATIONS FOR FOREIGN ASSISTANCE AND RELATED PROGRAMS FOR FISCAL YEAR ENDING SEPTEMBER 30, 1979

Mr. LONG of Maryland, from the Committee on Appropriations, submitted a privileged report (Rept. No. 95–1250) on the bill (H.R. 12931) making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1979, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. YOUNG of Florida reserved all points of order on the bill.

REPORT ON H.R. 12932, APPROPRIATIONS FOR DEPARTMENT OF INTERIOR AND RELATED AGENCIES FOR FISCAL YEAR ENDING SEPTEMBER 30, 1979

Mr. YATES, from the Committee on Appropriations, submitted a privileged report (Rept. No. 95–1251) on the bill (H.R. 12932) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1979, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. McDADE reserved all points of order on the bill.

REPORT ON H.R. 12933, MAKING APPROPRIATIONS FOR THE DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES FOR FISCAL YEAR ENDING SEPTEMBER 30, 1979

Mr. McFALL, from the Committee on Appropriations submitted a privileged report (Rept. No. 95–1252) on the bill (H.R. 12933) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1979, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. CONTE reserved all points of order on the bill.

REPORT ON H.R. 12934, MAKING APPROPRIATIONS FOR THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES FOR FISCAL YEAR ENDING SEPTEMBER 30, 1979

Mr. SLACK, from the Committee on Appropriations, submitted a privileged report (Rept. No. 95–1253) on the bill (H.R. 12934) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1979, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. CEDERBERG reserved all points of order on the bill.

REPORT ON H.R. 12935, MAKING APPROPRIATIONS FOR LEGISLATIVE BRANCH FOR FISCAL YEAR 1979

Mr. BENJAMIN (at the request of Mr. SHIPLEY) from the Committee on Appropriations, submitted a privileged report (Rept. No. 95–1254) on the bill (H.R. 12935) making appropriations for the legislative branch for the fiscal year ending September 30, 1979, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. YOUNG of Florida reserved all points of order on the bill.

REPORT ON H.R. 12936, MAKING APPROPRIATIONS FOR DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FISCAL YEAR 1979

Mr. BOLAND, from the Committee on appropriations, submitted a privileged report (Rept. No. 95–1255) on the bill (H.R. 12936) making appropriations for the Department of Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1979, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. CEDERBERG reserved all points of order on the bill.

MAKING IN ORDER ON TUESDAY OR THEREAFTER CONSIDERATION IN HOUSE OF HOUSE JOINT RESOLUTION 945, URGENT SUPPLEMENTAL APPROPRIATION FOR BLACK LUNG PROGRAM FOR FISCAL YEAR 1978

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on Tuesday next or any day thereafter to consider in the House as in Committee of the Whole House Joint Resolution 945, making an urgent supplemental appropriation for the black lung program of the Department of Labor for the fiscal year ending September 30, 1978.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM FOR TONIGHT AND TOMORROW

(Mr. RHODES asked and was given permission to address the House for 1 minute).

Mr. RHODES. Mr. Speaker, I take this time to inquire of the distinguished majority leader as to the program for the balance of the evening and for tomorrow, if he is in a position to divulge that information to the House.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the majority leader.

Mr. WRIGHT. Mr. Speaker, it is our purpose now to take up the bill H.R. 12157, the Export-Import Bank authorization. That probably will consume the remainder of today.

We would plan to rise and have adjournment this evening at or about 9 o'clock.

On tomorrow we would continue with the schedule, taking up the bill H.R. 15, the Elementary and Secondary Education Act amendments, and depending upon the availability of time we would continue with what other items remain unfinished on this week's schedule, namely, the Intelligence authorization, the Solar Power Research and Development authorization, and the Water Rights for the Ak-Chin Indians.

I would expect it to be rather unlikely that we could finish all those by tomorrow, but that is the plan.

Mr. RHODES. It is my understanding that it is the intention of the majority to rise tomorrow at 3 and to adjourn for the week.

Mr. WRIGHT. The gentleman is correct.

Mr. RHODES. In which event, I agree with the gentleman, it would be quite unlikely that all of the material, rather voluminous and I hope important, would be concluded by 3 p.m. tomorrow afternoon.

Mr. WRIGHT. Hope springs eternal but reality usually takes over. I think the gentleman is probably correct in his estimation. We will just get as far as we can.

The gentleman is sufficiently aware of the problems that confront the House in our attempts to plow through and finish the work of the authorizing legislation so we can clear the decks for consideration of the important appropriations bills that soon will be ready for our consideration.

Mr. RHODES. The minority is well aware of the problems of the majority and insofar as possible intends to be cooperative.

Mr. STANTON. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Ohio (Mr. STANTON).

Mr. STANTON. Mr. Speaker, I take this time to ask the majority leader this.

It is my understanding we have about 20 amendments pending on the Export-Import bill, and just in the likelihood we did not finish by 9 o'clock, is it the gentleman's intention to bring this legislation back tomorrow morning?

Mr. WRIGHT. It is an open rule with 1 hour of general debate. If the general debate is not too generous and Members are diligent and attentive, perhaps we can conclude that bill this evening. That would be the hope of the leadership. If it is not done, then we would attempt to look at it again tomorrow.

Mr. RHODES. May I pursue that a moment further? It is the intent of the majority that in the event the Export-Import Bank bill is not finished today that it would be the pending business for tomorrow and it would be taken up prior to anything else?

Mr. WRIGHT. Yes, that is our intention, to follow the schedule as it is written.

Mr. RHODES. I thank the gentleman.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 11493, AMTRAK IMPROVEMENT ACT OF 1978

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 95–1256) on the resolution (H. Res. 1212) providing for consideration of the bill (H.R. 11493) to amend the Rail Passenger Service Act to extend the authorization of appropriations for an additional fiscal year, to provide for public consideration and implementation of a rail passenger service study, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 12250, DESIGNATING BOUNDARY WATERS CANOE AREA WILDERNESS AND ESTABLISHING BOUNDARY WATERS CANOE AREA NATIONAL RECREATION AREA

Mr. PEPPER from the Committee on Rules, submitted a privileged report (Rept. No. 95–1257), on the resolution (H. Res. 1213) providing for consideration of the bill (H.R. 12250) to designate the Boundary Waters Canoe Area Wilderness, to establish the Boundary Waters Canoe Area National Recreation Area, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 12433, HOUSING AND COMMUNITY DEVELOPMENT AMENDMENTS OF 1978

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 95–1258), on the resolution (H. Res. 1214) providing for consideration of the bill (H.R. 12433) to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 12505, SOLAR POWER SATELLITE RESEARCH, DEVELOPMENT, AND DEMONSTRATION ACT OF 1978

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 95–1259), on the resolution (H. Res. 1215) providing for consideration of the bill (H.R. 12505) to provide for a research, development, and demonstration program to determine the feasibility of collecting in space solar energy to be transmitted to Earth and to generate electricity for domestic purposes, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 12157, AMENDING AND EXTENDING THE EXPORT-IMPORT BANK ACT OF 1945

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1168 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1168

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12157) to amend and extend the Export-Import Bank Act of 1945. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield the usual 30 minutes to the gentleman from Ohio (Mr. LATTA) for the purpose of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1168 provides for the consideration of H.R. 12157, a bill amending and extending the Export-Import Bank Act of 1945. This resolution provides for an open rule with 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs.

Mr. Speaker, H.R. 12157, to amend the Export-Import Act of 1945, extends the U.S. Export-Import Bank for 5 years, through 1983, and increases its commitment authority from $25 billion to $40 billion for this same period.

The Export-Import Bank is an independent Government agency, which provides loans, loan guarantees, and insurance to American exporters—lessening their risk factors and thereby enhancing the competitive advantage of U.S. products overseas.

The Bank, while fully backed by the U.S. Treasury, is in fact self-supporting and has never required appropriations from Congress. It is, therefore, important to note that the increase in the Bank's commitment authority will not result in the actual appropriation of additional funds. It will, on the other hand, strengthen considerably the role of the Bank in the promotion of foreign trade. An increase in our share of the world market has been established by the administration as a high priority objective, and is one fully deserving of congressional support.

We all recognize, I know, the seriousness of our chronic trade deficit—which reached an alarming $27 billion last year—and share a commitment to reduce our oil import bill. We must also approach the problem from the other angle, and increase our exports which have been lagging badly for several years, despite a depreciating dollar.

A more aggressive Export-Import Bank should help U.S. businesses fulfill their sales potential abroad. With that in mind, section 7 of the bill specifically directs the bank to assist small businesses in entering the agricultural export market.

I would like to mention a couple of other significant provisions included in this legislation. First of all, section 5 prohibits the bank from participating in any transaction in the Republic of South Africa until substantial progress toward the elimination of apartheid has been determined to have taken place by the President. This is a welcome measure and one that will aline the bank's policies more closely with this country's policy of backing majority rule and civil rights for the peoples of Africa.

Second, section 6 of H.R. 12157 lifts restrictions on business with the People's Republic of China although any transactions with that country will remain subject to human rights criteria and all other determinations that the bank must make before undertaking commerce with foreign countries.

Before concluding, I would like to call your attention to an amendment that will be offered on the floor by Representative CAVANAUGH, a member of the Banking Committee. The gentleman's amendment would provide for an evaluation by the Nuclear Regulatory Commission of the safety of the design and site of nuclear power plants which the bank finances overseas. I strongly support this concept and urge my colleagues

to adopt this needed safeguard in our nuclear export policy.

This bill is one step in the battle to restore a strong U.S. economy both at home and abroad, and I urge you to adopt the rule providing for immediate consideration of H.R. 12157. I request that we adopt House Resolution 1168 so that we may proceed to the consideration of this bill.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, This rule provides one hour of general debate for the consideration of H.R. 12157 to extend and amend the Export-Import Bank Act. The bill will be open to all germane amendments. There are no waivers of points of order in the rule.

Mr. Speaker, the bill made in order by this rule extends the Export-Import Bank for 5 years, through September 30, 1983 and increases its financing commitments authority from $25 billion to $40 billion.

While the rule contains no controversial provisions, Mr. Speaker, the same cannot be said for the bill.

In addition to extending the Act and increasing the limit on bank commitments, this bill contains at least two controversial provisions.

First, this bill prohibits the Export-Import Bank from participating in any transaction in the Republic of South Africa until significant progress toward the elimination of apartheid has been determined by the President.

A second controversial provision exempts the Peoples Republic of China from the provision requiring a presidential determination before the bank may do business in a Communist country.

Mr. Speaker, I support the rule in order that the House may work its will on the bill.

Mr. Speaker, I yield 5 minutes to the gentleman from California, Mr. ROUSSELOT.

Mr. ROUSSELOT. Mr. Speaker, my vote against this legislation does not reflect a final judgment on my part as to the utility and desirability of continued assistance by the Export-Import Bank in financing U.S. exports. The ability of this country to compete in world markets depends primarily on the underlying productivity of the economy. Export subsidies cannot compensate for the damage which excessive taxation and regulation and irresponsible fiscal and monetary policies of the Federal Government have done to the ability of the United States to compete against other major industrial powers.

There is some justification for continuing Eximbank's support for exports in order to offset the effects of aggressive export support programs conducted by a number of our major trading partners, but the interest of free international trade would be better served in my judgment, by the phasing out of all export subsidy facilities. The full committee endorsed this objective when it adopted the Leach amendment. That amendment recognizes the fact that the so-called gentleman's agreements negotiations have ended without significant progress toward harmonizing export credit rates and terms, and it instructs the administration to reopen the negotiations at the ministerial level to put an end, once and for all, to predatory export financing and other export credit subsidies.

Assuming that export subsidies should be continued for a time, I cannot support the hypothetical position taken by this committee that export credits should be cut off from the Republic of South Africa in the name of promoting "human rights" at the same time that credits are extended to the so-called People's Republic of China, which is undeniably one of the most repressive regimes on Earth, in the name of promoting international trade.

My strenuous objection to this bill does not mean that I believe human rights considerations are irrelevant to issues of international trade and foreign assistance. On the contrary, I have consistently supported denial of export subsidies to Communist countries which deny their citizens the freedom to emigrate. It is my strong belief that American taxpayers should not be asked to subsidize the export of American goods to countries which deny this most basic human right. Human rights policies which are thoughtfully developed and consistently applied can be used effectively to promote the achievement of human liberty and to demonstrate that the United States does not condone the fact that in Soviet Russia, Red China, Cambodia, Uganda, and numerous other countries people are being enslaved and oppressed to an extent which is reminiscent of the Holocaust.

By extending credit and friendship to Red China at the same time that the Republic of South Africa is singled out for punitive treatment, this committee is saying, in effect, that a country which denies virtually all human rights to all but a handful of its citizens in the name of Communist ideology is to be preferred to a country which has admittedly denied to many of its people full enjoyment of the benefits of a free society but which seeks the support of the United States for its efforts to remedy the inequities which exist.

The policies which this committee has taken with respect to Red China and South Africa are so inconsistent and wrongheaded that objective observers are bound to wonder just what the United States is trying to accomplish in the field of human rights. If this bill becomes law, it will make a mockery of years of bipartisan efforts on behalf of human rights, efforts which began long before the present President and his United Nations Ambassador came on the scene. This would be highly regrettable, and I urge my colleagues to support amendments to be offered on the floor which will be designed to extricate the committee and the Congress from this predicament.

Mr. PEPPER. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 364, nays 4, not voting 66, as follows:

[Roll No. 397]

YEAS—364

Abdnor	Collins, Ill.	Gudger
Addabbo	Collins, Tex.	Guyer
Akaka	Conable	Hall
Ambro	Conte	Hamilton
Ammerman	Corcoran	Hammer-
Anderson,	Corman	schmidt
Calif.	Cornell	Hanley
Anderson, Ill.	Cornwell	Hannaford
Andrews, N.C.	Cunningham	Hansen
Andrews,	D'Amours	Harkin
N. Dak.	Daniel, Dan	Harrington
Annunzio	Daniel, R. W.	Harris
Applegate	Danielson	Harsha
Archer	Delaney	Hawkins
Armstrong	Dellums	Heckler
Ashbrook	Derwinski	Hefner
Aspin	Devine	Heftel
AuCoin	Dickinson	Hightower
Badham	Dicks	Hillis
Bafalis	Dingell	Holland
Baldus	Dodd	Hollenbeck
Barnard	Dornan	Holt
Bauman	Downey	Holtzman
Beard, R.I.	Drinan	Horton
Beard, Tenn.	Duncan, Oreg.	Huckaby
Bedell	Early	Hughes
Bellenson	Eckhardt	Hyde
Benjamin	Edgar	Ichord
Bennett	Edwards, Ala.	Ireland
Biaggi	Edwards, Calif.	Jacobs
Bingham	Edwards, Okla.	Jeffords
Blanchard	Eilberg	Jenkins
Blouin	Emery	Johnson, Calif.
Boggs	English	Johnson, Colo.
Boland	Erlenborn	Jones, N.C.
Bonior	Ertel	Jones, Okla.
Bonker	Evans, Del.	Jones, Tenn.
Bowen	Evans, Ga.	Jordan
Brademas	Evans, Ind.	Kastenmeier
Breaux	Fary	Kazen
Breckinridge	Fenwick	Kelly
Brinkley	Findley	Kemp
Brodhead	Fish	Ketchum
Brooks	Fisher	Keys
Broomfield	Fithian	Kildee
Brown, Mich.	Flippo	Kindness
Brown, Ohio	Flood	Kostmayer
Broyhill	Florio	Krebs
Buchanan	Flynt	LaFalce
Burgener	Ford, Mich.	Lagomarsino
Burke, Fla.	Ford, Tenn.	Latta
Burke, Mass.	Fountain	Leach
Burleson, Tex.	Fowler	Lederer
Burlison, Mo.	Frenzel	Le Fante
Burton, John	Frey	Lehman
Burton, Phillip	Fuqua	Lent
Byron	Gammage	Levitas
Caputo	Garcia	Livingston
Carney	Gaydos	Lloyd, Calif.
Carr	Gephardt	Lloyd, Tenn.
Carter	Giaimo	Long, La.
Cavanaugh	Gilman	Long, Md.
Cederberg	Ginn	Lott
Chappell	Glickman	Luken
Chisholm	Goldwater	Lundine
Clawson, Del	Gonzalez	McClory
Clay	Goodling	McCloskey
Cleveland	Gradison	McDade
Cohen	Grassley	McDonald
Coleman	Green	McEwen

McFall	Pattison	Spence
McHugh	Pease	Staggers
Madigan	Pepper	Stangeland
Maguire	Perkins	Stanton
Mahon	Pettis	Stark
Mann	Pickle	Steed
Marks	Pike	Steers
Marlenee	Poage	Steiger
Marriott	Preyer	St Germain
Mattox	Price	Stockman
Mazzoli	Pritchard	Stokes
Meeds	Quayle	Stratton
Metcalfe	Quie	Studds
Meyner	Rahall	Stump
Michel	Railsback	Symms
Mikulski	Rangel	Taylor
Mikva	Regula	Thompson
Miller, Calif.	Reuss	Thone
Miller, Ohio	Rhodes	Treen
Mineta	Richmond	Trible
Minish	Rinaldo	Tsongas
Mitchell, Md.	Risenhoover	Udall
Mitchell, N.Y.	Roberts	Van Deerlin
Moakley	Robinson	Vander Jagt
Moffett	Roe	Vanik
Mollohan	Rogers	Vento
Montgomery	Roncalio	Volkmer
Moore	Rooney	Walgren
Moorhead, Calif.	Rose	Walker
	Rosenthal	Walsh
Moorhead, Pa.	Rostenkowski	Wampler
Mottl	Rousselot	Watkins
Murphy, Ill.	Roybal	Weaver
Murphy, N.Y.	Ruppe	Whalen
Murphy, Pa.	Russo	White
Murtha	Santini	Whitehurst
Myers, Gary	Satterfield	Whitley
Myers, John	Sawyer	Whitten
Myers, Michael	Schroeder	Wiggins
Natcher	Schulze	Wilson, Bob
Neal	Seiberling	Winn
Nedzi	Sharp	Wirth
Nichols	Shuster	Wolff
Nix	Sikes	Wright
Nolan	Simon	Wydler
Nowak	Skelton	Wylie
Oakar	Skubitz	Yates
Oberstar	Slack	Yatron
Obey	Smith, Iowa	Young, Fla.
O'Brien	Smith, Nebr.	Young, Mo.
Ottinger	Snyder	Zablocki
Panetta	Solarz	Zeferetti
Patterson	Spellman	

NAYS—4

Duncan, Tenn.	Quillen	Waxman
Leggett		

NOT VOTING—66

Alexander	Flowers	Pursell
Allen	Foley	Rodino
Ashley	Forsythe	Rudd
Baucus	Fraser	Runnels
Bevill	Gibbons	Ryan
Bolling	Gore	Sarasin
Brown, Calif.	Hagedorn	Scheuer
Burke, Calif.	Howard	Sebelius
Butler	Hubbard	Shipley
Clausen, Don H.	Jenrette	Sisk
	Kasten	Teague
Cochran	Krueger	Thornton
Conyers	Lujan	Traxler
Cotter	McCormack	Tucker
Coughlin	McKay	Ullman
Crane	McKinney	Waggonner
Davis	Markey	Weiss
de la Garza	Martin	Wilson, C. H.
Dent	Mathis	Wilson, Tex.
Derrick	Milford	Young, Alaska
Diggs	Moss	Young, Tex.
Evans, Colo.	Patten	
Fascell	Pressler	

The Clerk announced the following pairs:

Mr. Howard with Mr. Young of Alaska.
Mr. Shipley with Mr. Crane.
Mr. Ryan with Mr. Rudd.
Mr. Gibbons with Mr. Allen.
Mr. Alexander with Mr. Runnels.
Mr. Dent with Mr. Waggonner.
Mr. Patten with Mr. McKay.
Mr. Baucus with Mr. Thornton.
Mr. McCormack with Mr. Milford.
Mr. Weiss with Mr. Cochran.
Mr. Fraser with Mr. Kasten.
Mr. Conyers with Mr. Krueger.
Mrs. Burke of California with Mr. Hagedorn.
Mr. Diggs with Mr. Butler.
Mr. Lujan with Mr. Sebelius.
Mr. Bevill with Mr. Sarasin.
Mr. Teague with Mr. Derrick.
Mr. Sisk with Mr. Tucker.
Mr. Jenrette with Mr. Charles H. Wilson of California.
Mr. Gore with Mr. Martin.
Mr. Foley with Mr. Mathis.
Mr. Davis with Mr. Forsythe.
Mr. de la Garza with Mr. Pressler.
Mr. Evans of Colorado with Mr. Pursell.
Mr. Fascell with Mr. Don H. Clausen.
Mr. Brown of California with Mr. Coughlin.
Mr. Ashley with Mr. Moss.
Mr. Cotter with Mr. McKinney.
Mr. Flowers with Mr. Scheuer.
Mr. Ullman with Mr. Traxler.
Mr. Charles Wilson of Texas with Mr. Markey.

So the resolution was agreed to.

The result of the vote was announced as above reported.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 15, EDUCATION AMENDMENTS OF 1978

Mrs. CHISHOLM. Mr. Speaker, by direction of Committee on Rules, I call up House Resolution 1208 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1208

Resolved, That upon the adoption of this resolution, it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15) to extend for five years certain elementary, secondary, and other education programs. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be read for amendment by titles instead of by sections, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI, clause 5, rule XXI, and section 401(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from New York (Mrs. CHISHOLM) is recognized for 1 hour.

Mrs. CHISHOLM. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DEL CLAWSON), pending which I yield myself such time as I may consume.

Mrs. CHISHOLM. Mr. Speaker, House Resolution 1208 provides for the consideration of H.R. 15, the Education Amendments of 1978. This bill extends for 5 years with amendment a number of programs which comprise the major portion of Federal aid to our Nation's elementary and secondary schools.

This is a routine open rule, with 2 hours of general debate, providing that the bill be read for amendments by title rather than by section.

Briefly, the resolution waives points of order under sections 402(a) and 401 (a) of the Congressional Budget Act. H.R. 15, as originally introduced, would have authorized the Commissioner of Education to make grants to State educational agencies upon enactment, which would be in violation of the May 15 deadline. However, in markup, the Committee on Education and Labor adopted an amendment curing this Budget Act violation. Since a point of order would still lie against the original bill, it is necessary to waive section 402 (a) in order to permit the bill's consideration.

Further, section 401(a) limits the authorization of contract authority, unless the bill specifies that such authority is to be effective for any fiscal year only to the extent that such amounts are provided in appropirations acts. The Committee on Education and Labor has agreed to offer a committee amendment limiting this authority as required by the Budget Act.

Consequently, Chairman GIAIMO of the Budget Committe has expressed his willingness to approve these waivers which will permit the House to consider H.R. 15 and the proposed committee amendment.

Mr. Speaker, and my fellow colleagues, H.R. 15 has three basic features:

First, it retains the approach which has characterized Federal aid to education since its inception—the retention and enhancement of categorical programs for specific groups and purposes as opposed to unrestricted block grants.

Second, within this framework, H.R. 15 does a great deal to simplify Federal education programs, and make their requirements more understandable. Further provisions of this bill will provide better coordination between the many programs which exist, and will greatly reduce the amount of paperwork involved.

Third, this bill expands and improves existing educational programs, while incorporating new efforts which address needs that are not being adequately met through our present programs.

Mr. Speaker, the legislation before us this evening has undergone a full and vigorous review by the Education and Labor Committee. There were over 75 days of hearings, and without question, these programs have come under closer congressional scrutiny than at any time since their inception.

The most prominent program reauthorized under H.R. 15 is title I—com-

pensatory education, our major Federal effort to aid in the education of America's 9 million disadvantaged children. Although in the past the impact of this program has frequently been slighted unfairly, last year the National Institute of Education (NIE) released a major congressional mandated 2-year study of the impact of compensatory education. I am pleased that NIE's findings show that title I is a success, educational achievement of disadvantaged students is markedly increased by the supplemental educational services they receive. For each month that a student is in title I, he or she makes approximately 1 month of academic progress. Approximately 80 percent of these title I funds are used to provide instructional services in the basic skills. The only weakness which we can find in title I is that it is being under funded. At the present appropriation's level, only some 60 percent of the presently eligible children are being served. Almost 3 million disadvantaged students who are eigible for title I are not able to receive them due to the program's underfunding. Consequently, we have found that substantial gains made by these students during their early years in title I are offset by lags in achievement during later academic years, since title I services are often not available beyond the third or fourth grade.

In response to the administration's and the committee's appreciation of this problem, there is in this bill an authorization for a new concentration fund in title I which would target an additional $400 million into urban, rural, and suburban areas with severe impactions of poverty. Under this formula concentration funds will flow to approximately two-thirds of the eligible children nationwide.

I urge my colleagues to adopt House Resolution 1208 so that we might proceed to consider H.R. 15, a critical piece of legislation which is the principal mechanism for providing Federal assistance to State and local school systems which educate America's children.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1208 provides for the consideration of H.R. 15, amending the Elementary and Secondary Education Act. This is a rule allowing 2 hours of debate. The committee substitute is made in order as an original bill for the purpose of amendment. During the amendment process, the bill is to be read by titles instead of by sections.

The resolution contains several waivers. First, section 402(a) of the Congressional Budget Act is waived because the original bill authorizes new budget authority for fiscal year 1978 in violation of the 1974 Budget Act. A committee amendment, however, was adopted in markup curing that violation. Second, all points of order are waived which may lie against the bill for failure to comply with clause 7, rule 16, the germaneness rule for nongermane provisions in the committee substitute. Third, clause 5, rule 21, is waived which prohibits appropriations in a legislative measure. Finally, points of order are waived for section 401(a) of the Budget Act for the bill's failure to comply with its provisions. Section 401(a) prohibits consideration of any bill which provides new contract authority, which the original bill does. I am advised that the Committee on Education and Labor will offer a floor amendment limiting this new contract authority to the extent provided in advance in appropriation acts, which would have the effect of rendering this a technical waiver. In addition, one motion will be in order to recommit with or without instructions.

Mr. Speaker, H.R. 15 provides many different revisions and extensions of ESEA programs through 1983. This rule as described, contains waivers, but I am not aware of any organized opposition.

Mrs. CHISHOLM. Mr. Speaker, I have no further requests for time and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 339, nays 13, not voting 82, as follows:

[Roll No. 398]

YEAS—339

Abdnor	Broyhill	Duncan, Oreg.
Akaka	Buchanan	Duncan, Tenn.
Ambro	Burke, Fla.	Early
Ammerman	Burke, Mass.	Eckhardt
Anderson, Calif.	Burlison, Mo.	Edgar
Anderson, Ill.	Burton, Phillip	Edwards, Ala.
Andrews, N.C.	Byron	Edwards, Calif.
Andrews, N. Dak.	Caputo	Eilberg
Annunzio	Carney	Emery
Applegate	Carr	English
Armstrong	Carter	Erlenborn
Ashbrook	Cavanaugh	Ertel
Aspin	Cederberg	Evans, Del.
AuCoin	Chappell	Evans, Ga.
Badham	Chisholm	Evans, Ind.
Bafalis	Clausen, Don H.	Fary
Baldus	Clay	Fenwick
Barnard	Cleveland	Findley
Beard, R.I.	Cohen	Fish
Beard, Tenn.	Coleman	Fisher
Bedell	Collins, Ill.	Fithian
Bellenson	Conte	Flippo
Benjamin	Corcoran	Flood
Bennett	Corman	Florio
Biaggi	Cornell	Flynt
Bingham	Cornwell	Ford, Mich.
Blanchard	Coughlin	Ford, Tenn.
Blouin	Cunningham	Fountain
Boggs	D'Amours	Fowler
Boland	Daniel, Dan	Frenzel
Bonior	Daniel, R. W.	Fuqua
Bonker	Danielson	Gammage
Bowen	Davis	Garcia
Brademas	Dellums	Gaydos
Breaux	Derwinski	Gephardt
Breckinridge	Devine	Gilman
Brinkley	Dickinson	Ginn
Brodhead	Dicks	Glickman
Brooks	Dingell	Goldwater
Broomfield	Dornan	Gonzalez
Brown, Ohio	Downey	Goodling
	Drinan	Gradison
		Grassley
		Green
		Gudger
		Guyer
		Hall
		Hamilton
		Hammer-schmidt
		Hanley
		Hannaford
		Harkin
		Harrington
		Harris
		Harsha
		Hawkins
		Heckler
		Hefner
		Heftel
		Hightower
		Hillis
		Holt
		Holtzman
		Horton
		Huckaby
		Hughes
		Hyde
		Ichord
		Ireland
		Jacobs
		Jeffords
		Jenkins
		Johnson, Calif.
		Johnson, Colo.
		Jones, N.C.
		Jones, Okla.
		Jones, Tenn.
		Jordan
		Kastenmeier
		Kazen
		Kelly
		Kemp
		Ketchum
		Keys
		Kildee
		Kindness
		Kostmayer
		Krebs
		LaFalce
		Lagomarsino
		Latta
		Leach
		Lederer
		Le Fante
		Lent
		Levitas
		Livingston
		Lloyd, Calif.
		Lloyd, Tenn.
		Long, La.
		Long, Md.
		Lott
		Luken
		McClory
		McCloskey
		McDade
		McEwen
		McFall
		McHugh
		McKinney
		Madigan
		Maguire
		Mahon
		Marks
		Marlenee
		Marriott
		Mathis
		Mattox
		Mazzoli
		Metcalfe
		Michel
		Mikulski
		Mikva
		Miller, Calif.
		Miller, Ohio
		Mineta
		Minish
		Mitchell, Md.
		Mitchell, N.Y.
		Moakley
		Moffett
		Mollohan
		Montgomery
		Moore
		Moorhead, Calif.
		Moorhead, Pa.
		Mottl
		Murphy, Ill.
		Murphy, N.Y.
		Murphy, Pa.
		Murtha
		Myers, Gary
		Myers, John
		Myers, Michael
		Natcher
		Neal
		Nedzi
		Nichols
		Nix
		Nowak
		Oberstar
		O'Brien
		Obey
		Ottinger
		Panetta
		Patterson
		Pattison
		Pease
		Pepper
		Perkins
		Pettis
		Pickle
		Pike
		Poage
		Preyer
		Price
		Pritchard
		Quie
		Quillen
		Rahall
		Rangel
		Regula
		Reuss
		Rhodes
		Richmond
		Rinaldo
		Risenhoover
		Roberts
		Robinson
		Roe
		Rogers
		Roncalio
		Rooney
		Rosenthal
		Rostenkowski
		Roybal
		Ruppe
		Russo
		Santini
		Scheuer
		Schroeder
		Schulze
		Seiberling
		Sharp
		Shuster
		Sikes
		Simon
		Skelton
		Skubitz
		Slack
		Smith, Iowa
		Smith, Nebr.
		Snyder
		Solarz
		Spellman
		Spence
		St Germain
		Staggers
		Stangeland
		Stanton
		Stark
		Steed
		Steers
		Steiger
		Stockman
		Stokes
		Stratton
		Studds
		Stump
		Taylor
		Thompson
		Thone
		Traxler
		Treen
		Trible
		Tsongas
		Van Deerlin
		Vander Jagt
		Vanik
		Vento
		Volkmer
		Walgren
		Walsh
		Wampler
		Watkins
		Waxman
		Weaver
		Whalen
		White
		Whitehurst
		Whitley
		Whitten
		Wiggins
		Wilson, Bob
		Winn
		Wirth
		Wolff
		Wright
		Wydler
		Wylie
		Yates
		Yatron
		Young, Fla.
		Young, Mo.
		Zablocki
		Zeferetti

NAYS—13

Archer	Conable	Sawyer
Bauman	Edwards, Okla.	Symms
Burleson, Tex.	Hansen	Walker
Clawson, Del	Quayle	
Collins, Tex.	Satterfield	

NOT VOTING—82

Addabbo	Dent	Jenrette
Alexander	Derrick	Kasten
Allen	Diggs	Krueger
Ashley	Dodd	Leggett
Baucus	Evans, Colo.	Lehman
Bevill	Fascell	Lujan
Bolling	Flowers	Lundine
Brown, Calif.	Foley	McCormack
Brown, Mich.	Forsythe	McDonald
Burgener	Fraser	McKay
Burke, Calif.	Frey	Mann
Burton, John	Giaimo	Markey
Butler	Gibbons	Martin
Cochran	Gore	Meeds
Conyers	Hagedorn	Meyner
Cotter	Holland	Milford
Crane	Hollenbeck	Moss
de la Garza	Howard	Nolan
Delaney	Hubbard	Oakar

Patten	Ryan	Ullman
Pressler	Sarasin	Waggonner
Pursell	Sebelius	Weiss
Railsback	Shipley	Wilson, C. H.
Rodino	Sisk	Wilson, Tex.
Rose	Teague	Young, Alaska
Rousselot	Thornton	Young, Tex.
Rudd	Tucker	
Runnels	Udall	

The Clerk announced the following pairs:

Mr. Howard with Mr. Young of Alaska.
Mr. Shipley with Mr. Crane.
Mr. Ryan with Mr. Rudd.
Mr. Gibbons with Mr. Allen.
Mr. Alexander with Mr. Runnels.
Mr. Dent with Mr. Waggonner.
Mr. Patten with Mr. McKay.
Mr. Baucus with Mr. Thornton.
Mr. McCormack with Mr. Milford.
Mr. Weiss with Mr. Cochran of Mississippi.
Mr. Fraser with Mr. Kasten.
Mr. Conyers with Mr. Krueger.
Mrs. Burke of California with Mr. Hagedorn.
Mr. Diggs with Mr. Butler.
Mr. Lujan with Mr. Sebelius.
Mr. John Burton with Mr. Sarasin.
Mr. Brown of California with Mr. Rousselot.
Mr. Delaney with Mr. Pursell.
Mr. Fascell with Mr. Tucker.
Mr. Foley with Mr. McDonald.
Mr. Nolan with Mr. Martin.
Mrs. Meyner with Mr. Hollenbeck.
Mr. Mann with Mr. Frey.
Mr. Jenrette with Mr. Burgener.
Mr. Gore with Mr. de la Garza.
Mr. Addabbo with Mr. Dodd.
Mr. Ashley with Mr. Meeds.
Mr. Giaimo with Mr. Moss.
Mr. Bevill with Mr. Brown of Michigan.
Mr. Cotter with Mr. Forsythe.
Mr. Evans of Colorado with Mr. Leggett.
Mr. Flowers with Mr. Holland.
Mr. Lehman with Mr. Lundine.
Mr. Udall with Mr. Teague.
Mr. Ullman with Mr. Sisk.
Ms. Oaker with Mr. Markey.
Mr. Rose with Mr. Railsback.
Mr. Charles H. Wilson of California with Mr. Charles Wilson of Texas.

So the resolution was agreed to.

A motion to reconsider was laid on the table.

AMENDING AND EXTENDING THE EXPORT-IMPORT BANK ACT OF 1945

Mr. NEAL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12157) to amend and extend the Export-Import Bank Act of 1945.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. NEAL).

The question was taken; and on a division (demanded by Mr. ASHBROOK) there were—yeas 73, nays 23.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 314, nays 13, not voting 107, as follows:

[Roll No. 399]

YEAS—314

Abdnor	Fish	Mazzoli
Akaka	Fisher	Michel
Ammerman	Fithian	Mikulski
Anderson, Calif.	Flood	Mikva
	Florio	Miller, Ohio
Andrews, N.C.	Flynt	Mineta
Andrews, N. Dak.	Foley	Minish
	Ford, Mich.	Mitchell, Md.
Annunzio	Ford, Tenn.	Moakley
Applegate	Fountain	Mollohan
Archer	Fowler	Montgomery
Armstrong	Frenzel	Moore
Ashbrook	Fuqua	Moorhead, Calif.
Aspin	Gammage	
AuCoin	Garcia	Moorhead, Pa.
Badham	Gaydos	Mottl
Bafalis	Giaimo	Murphy, Ill.
Baldus	Gilman	Murphy, N.Y.
Barnard	Ginn	Murphy, Pa.
Bauman	Glickman	Murtha
Beard, R.I.	Goldwater	Myers, Gary
Beard, Tenn.	Gonzalez	Myers, John
Bedell	Goodling	Myers, Michael
Beilenson	Gradison	Natcher
Benjamin	Grassley	Neal
Bennett	Green	Nedzi
Biaggi	Gudger	Nichols
Blanchard	Guyer	Oberstar
Blouin	Hall	Obey
Boggs	Hamilton	O'Brien
Boland	Hammer-schmidt	Ottinger
Bonker		Panetta
Bowen	Hanley	Patterson
Brademas	Hannaford	Pease
Breaux	Harkin	Pepper
Breckinridge	Harrington	Perkins
Brinkley	Harris	Pickle
Broomfield	Harsha	Pike
Brown, Mich.	Hawkins	Poage
Brown, Ohio	Heckler	Price
Broyhill	Hefner	Pritchard
Buchanan	Heftel	Quie
Burke, Fla.	Hightower	Quillen
Burke, Mass.	Hillis	Rahall
Burleson, Tex.	Hollenbeck	Railsback
Burlison, Mo.	Holt	Rangel
Burton, Phillip	Holtzman	Regula
Byron	Horton	Reuss
Caputo	Huckaby	Rhodes
Carr	Hughes	Richmond
Carter	Hyde	Rinaldo
Cavanaugh	Ichord	Risenhoover
Cederberg	Ireland	Roberts
Chappell	Jacobs	Robinson
Chisholm	Jenkins	Roe
Clausen, Don H.	Johnson, Calif.	Rogers
	Johnson, Colo.	Roncalio
Clay	Jones, N.C.	Rooney
Cleveland	Jones, Okla.	Rose
Cohen	Jones, Tenn.	Rostenkowski
Collins, Ill.	Jordan	Roybal
Conable	Kastenmeier	Ruppe
Conte	Kazen	Russo
Corcoran	Kelly	Santini
Corman	Kemp	Satterfield
Cornell	Ketchum	Sawyer
Cornwell	Keys	Scheuer
Coughlin	Kildee	Schroeder
Cunningham	Kostmayer	Schulze
Daniel, R. W.	Krebs	Seiberling
Danielson	LaFalce	Sharp
Davis	Lagomarsino	Shuster
Dellums	Latta	Sikes
Derwinski	Leach	Simon
Devine	Lederer	Skubitz
Dickinson	Le Fante	Slack
Dicks	Lehman	Smith, Iowa
Dingell	Lent	Smith, Nebr.
Dornan	Levitas	Snyder
Drinan	Livingston	Solarz
Duncan, Oreg.	Lloyd, Calif.	Spellman
Duncan, Tenn.	Lloyd, Tenn.	Spence
Early	Long, La.	Staggers
Edwards, Ala.	Lott	Stangeland
Edgar	Luken	Stanton
Edwards, Calif.	McClory	Steed
Edwards, Okla.	McCloskey	Steers
Eilberg	McDade	St Germain
Emery	McEwen	Stockman
English	McFall	Stokes
Erlenborn	McHugh	Stratton
Ertel	Madigan	Studds
Evans, Del.	Mahon	Stump
Evans, Ga.	Mann	Symms
Evans, Ind.	Marks	Taylor
Fary	Marlenee	Thompson
Fenwick	Marriott	Traxler
Findley	Mattox	Treen
Trible	Watkins	Wydler
Tsongas	Waxman	Wylie
Van Deerlin	Whalen	Yates
Vander Jagt	White	Yatron
Vanik	Whitehurst	Young, Fla.
Vento	Whitley	Zablocki
Walker	Wirth	Zeferetti
Walsh	Wolff	
Wampler	Wright	

NAYS—13

Burton, John	Kindness	Stark
Clawson, Del	Mathis	Weaver
Collins, Tex.	Moffett	Wilson, Bob
Hansen	Quayle	
Jeffords	Skelton	

NOT VOTING—107

Addabbo	Flowers	Patten
Alexander	Forsythe	Pattison
Allen	Fraser	Pettis
Ambro	Frey	Pressler
Anderson, Ill.	Gephardt	Preyer
Ashley	Gibbons	Pursell
Baucus	Gore	Rodino
Bevill	Hagedorn	Rosenthal
Bingham	Holland	Rousselot
Bolling	Howard	Rudd
Bonior	Hubbard	Runnels
Brodhead	Jenrette	Ryan
Brooks	Kasten	Sarasin
Brown, Calif.	Krueger	Sebelius
Burgener	Leggett	Shipley
Burke, Calif.	Long, Md.	Sisk
Butler	Lujan	Steiger
Carney	Lundine	Teague
Cochran	McCormack	Thone
Coleman	McDonald	Thornton
Conyers	McKay	Tucker
Cotter	McKinney	Udall
Crane	Maguire	Ullman
D'Amours	Markey	Volkmer
Daniel, Dan	Martin	Waggonner
de la Garza	Meeds	Walgren
Delaney	Metcalfe	Weiss
Dent	Meyner	Whitten
Derrick	Milford	Wiggins
Diggs	Miller, Calif.	Wilson, C. H.
Dodd	Mitchell, N.Y.	Wilson, Tex.
Downey	Moss	Winn
Eckhardt	Nix	Young, Alaska
Evans, Colo.	Nolan	Young, Mo.
Fascell	Nowak	Young, Tex.
Flippo	Oakar	

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 12157, with Mr. MINETA in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from North Carolina (Mr. NEAL) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. STANTON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. NEAL).

Mr. NEAL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill now before us, H.R. 12157, would reauthorize the Export-Import Bank of the United States through September 1983, and increase its financing commitment authority from $25 billion to $40 billion.

This legislation offers us one way to take immediate action—without appropriations and without requiring public sacrifices—to improve the health of our economy.

By passing this bill, we can give the Carter administration the financing authority needed to make the Eximbank

more effective in stimulating the sale of American goods and services overseas.

If this country can increase its exports, we can reduce our persistent foreign trade deficit, strengthen the dollar's value around the world, and create thousands of urgently needed jobs in the United States. For every $1 billion of exports, an estimated 35,000 to 58,000 jobs are created here.

Increasing exports is one immediate way to attack the trade deficit, which is one of our more serious economic problems. In 1977, the United States purchased approximately $31 billion more goods than we sold on the world market. One of the principal causes of this deficit, of course, was the $45 billion we spent on oil imports. We have now had deficits for 22 consecutive months. And with each month, the dollar's value abroad erodes a little more.

A declining dollar, in turn, makes our imports of oil, consumer goods, and vital raw materials more expensive. This contributes to our already serious domestic inflation and leads to even larger trade deficits, which further weaken confidence in the dollar. It is a dangerous cycle. We must act to break it.

To get our economy in order, of course, we will have to discipline ourselves enough to reduce our consumption of foreign oil and to hold down inflation. In the meantime, though, we can help ourselves a great deal by selling more products abroad.

The Eximbank, created by Congress in 1934, stimulates exports by helping American companies arrange the competitive credit terms needed to attract foreign customers. By providing direct loans, loan guarantees, and insurance at critical times, the Eximbank makes possible many oversea sales that otherwise might not have been made. The Bank assists in the sale of about 10 percent of this country's exports. It does not finance imports, nor does it finance the exports of any other country.

The Bank does not compete with private capital. In fact, by assuming certain political and commercial risks, the Eximbank enables many private banks and companies to finance export trade.

One of the Bank's most endearing qualities is that it pays its own way. It requires no appropriations from Congress. It charges market-related interest rates and is completely self-supporting. In fact, the Eximbank pays about $50 million in annual dividends to the U.S. Treasury.

The Eximbank is not a foreign aid program in any sense; nor is it an international development bank. It is a hard-nosed business institution. Its benefits go to American companies, who are enabled to make additional sales abroad, and to the workers whose jobs depend on export sales. It benefits all of us by producing jobs, profits, and foreign exchange.

In an ideal world, of course, the U.S. Government should not have to provide this kind of service to exporters. But the reality is that our major competitors in world trade—especially Japan and France—provide not only Government-backed financing but other subsidies to help their companies make sales. Because we value our free enterprise economy and because we want to promote the cause of free trade, we refuse to resort to massive subsidies. We would prefer to compete on the basis of the quality, price, and service our companies offer. But until other trading nations agree to do the same, we must be prepared to meet the competition. And one of the main elements of competition is official financing of the kind offered by the Eximbank.

This legislation instructs the appropriate officials of our Government to continue to seek agreements by which trading nations will abandon predatory financing schemes, subsidies, and other unfair trade devices. But if the negotiations are unsuccessful, the Eximbank will be encouraged to be as aggressive as necessary to meet the competition.

I commend the Carter administration for its plan to use the Eximbank more effectively. And I hope that my colleagues will support this legislation to strengthen the bank. The bill has broad bipartisan support in the Subcommittee on International Trade, Investment and Monetary Policy and on the full Committee on Banking, Finance and Urban Affairs. It was approved 15 to 2 by the subcommittee and 30 to 5 by the full committee.

Much attention has been given to provisions in the bill barring Eximbank services on sales to South Africa and removing one barrier to future bank participation in transactions with the People's Republic of China. These are important issues, and they will be debated fully here. But I hope that you will keep in mind that the overriding purpose of the bill is to make American companies more competitive on the world market.

As I noted earlier, section 1 of the bill would reauthorize the Bank for 5 years through September, 1983, and increase its commitment authority from $25 billion to $40 billion. This should leave no doubt in the international community that the United States is serious about increasing its export business through the Eximbank.

Section 2 reduces the delay in the 25-legislative day review period caused by congressional adjournment of at least 10 days. It enables the Bank to continue supporting highly competitive large-scale exports during adjournments while at the same time complying with our review requirements.

Section 3 brings the Bank's activities into compliance with the requirements of the Budget Act. It formalizes the appropriation procedures that have been in effect for several years.

Section 4 of the bill complements a provision we passed last year when we instructed the Bank in cooperation with other appropriate Government agencies to seek to reduce competition among its foreign counterparts and to reduce the Government subsidized export financing. Section 4 elevates these negotiations to the level of finance minister and expands the negotiations to include predatory export financing programs.

Section 5 also stems in part from a provision we enacted last year. For over a year now the Bank has been subject to human rights restrictions that have allowed it to be responsive to the needs of U.S. exporters and to the moral dictates of our foreign policy. Section 5 goes a step further by prohibiting the Bank from participating in any transactions in the Republic of South Africa unless and until the President notifies Congress that significant progress toward the elimination of apartheid has occurred.

Section 6 exempts the People's Republic of China from the provisions prohibiting the Bank from supporting the transactions to Communist countries unless the President determines that it is in the national interest to do so. Even though no Presidential determination would be required for the Bank to support a transaction to the PRC, the Bank's own human rights restrictions would still have to be evaluated and the Jackson-Vanik restrictions would also be in effect.

Section 7 directs the Bank to gear its agricultural program to assisting new and small business entrants in the agricultural export market.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from Wisconsin, the chairman of the committee.

Mr. REUSS. Mr. Chairman, I thank the distinguished gentleman for yielding.

Mr. Chairman, I fully support the bill.

I commend the subcommittee chairman, the gentleman from North Carolina (Mr. NEAL) and the ranking minority members of the subcommittee, the gentleman from Ohio (Mr. STANTON), for their hard work in bringing to the floor a serviceable bill.

Mr. Chairman, H.R. 12157 seeks to stimulate the sale of more American goods and services overseas by reauthorizing the Export-Import Bank of the United States for 5 years and increasing its commitment authority from $25 billion to $40 billion.

This legislation has strong, bipartisan support on the Banking Committee, which passed it by a vote of 30 to 5 on May 1. Earlier, the bill was approved by a vote of 15 to 2 by the Subcommittee on International Trade, Investment and Monetary Policy.

Quite aside from the spirited debate over the human rights provisions attached to this bill, the committee also recognized the need to strengthen the Eximbank. The human rights debate is a recurrent one in this House, and one which has called on all Members to decide just what the human rights policy of this country should be.

Whatever human rights policies prevail today, U.S. exporters simply must become more competitive in the international marketplace—to reduce our chronic trade deficit, to strengthen the dollar's value abroad and to create badly needed jobs and profits in our economy.

The Eximbank can help by working with American companies in arranging competitive credit terms for foreign customers. The bank provides loans, guarantees, and insurance to finance sales that otherwise would not be made.

It assumes certain political and financial risks in a way that makes private banks and companies more willing to engage in international trade. And none of these services requires the appropriation of new funds; the bank makes a good profit and supports itself. In fact, it returns $50 million to the Treasury each year.

Of course, this Nation also must reduce its oil imports, and must control inflation, if it hopes to shore up the dollar and to improve our economic health. But an acceleration of exports would be one immediate way to alleviate some of our problems.

The Banking Committee has drafted a strong bill that will give the Eximbank the financing authority it needs to make U.S. companies more competitive. It sends a signal to the world that the United States is serious about increasing its exports. The Carter administration has promised to use this new authority to make the Bank more aggressive. In fact, the Eximbank is expected to be a major element in the administration's effort to upgrade all of this country's export promotion programs.

The subcommittee chairman, Mr. NEAL of North Carolina, and the ranking minority member, Mr. STANTON of Ohio, are to be commended for their leadership in bringing this bill to the floor.

It is rare that we have the opportunity to vote for a Federal program that can accomplish so much at no cost to the taxpayer—a program which in fact returns a profit to the taxpayer, increases exports and provides jobs for American workers.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from Oregon.

Mr. AUCOIN. Mr. Chairman, I join in complimenting the committee and the subcommittee chairman and the ranking minority member of the subcommittee for producing what I think is on balance an excellent piece of legislation that will do precisely what the subcommittee chairman just said—to signal our trading partners in the world and the international community that the United States is serious about this question of international trade and that it intends to gear up its internal machinery in such a way as to compete in the world trading arena effectively with our trading competitors in marketing American goods abroad.

This legislation achieves that purpose. It is only a small step forward in terms of overcoming the record quarterly trade deficits this country has suffered the last year or more, but it is a meaningful step and one that I think we do great credit to ourselves in passing.

So, Mr. Chairman, I want to join in support of the legislation, particularly because of the new ground that it breaks in dealing with trading with parts of the world that I think represent vast market opportunities for our exporters. I think it will do a great amount of good in terms of expanding the statistics in our own economy that indicate today only 1 percent of the corporations of our country are significantly engaged in exports. I think we can expand that greatly. This bill is an important beginning.

I urge the support of my colleagues for this legislation.

Mr. TSONGAS. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from Massachusetts (Mr. TSONGAS).

Mr. TSONGAS. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from Oregon (Mr. AUCOIN).

I might add, Mr. Chairman, that 3 years ago I represented the committee in a conference on international banking and foreign trade in Germany. The message of that conference was that there are enormous trading opportunities for the United States around the world. The Eximbank has done a good job in at least keeping us in some kind of sustained position to exploit those opportunities and this bill is a good step forward in maximizing that potential. I commend the chairman of the subcommittee the gentleman from North Carolina (Mr. NEAL) for the job he has done as well.

Mr. STANTON. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, while I do not agree with all of the provisions of H.R. 12157, which is before the House today, it is generally a much needed piece of legislation.

Jobs for American workers can be preserved by the passage of this bill. In Washington's Seventh Congressional District, which I am proud to represent, we are blessed with the finest work force in the Nation. Many of these people build commercial jets for the Boeing Co.

Not long ago, Robert Bradford, executive director of the Seattle Professional Engineering Employees Association (SPEEA) wrote me to express his support for continued and expanded Eximbank funding. He termed the legislation "extremely important to us" and I could not agree with him more.

SPEEA president Rudy Schaad, in his letter to Subcommittee Chairman Neal of North Carolina, said that SPEEA "which is the bargaining unit for 15,000 engineering and technical employees of the Boeing Co.—supports this legislation." In his letter of March 14, 1978, Mr. Schaad continued—

> (T)his legislation is important to us since more than 70 percent of the Boeing commercial aircraft sales during the past four years has been for the export market. The Eximbank has participated in over 60 percent of the dollar volume of commercial aircraft export sales. These export sales are essential to Boeing and result in continued employment for our members.

As it is easy to see, Mr. Chairman, this legislation is vital to protect and provide jobs for people in the Seventh Congressional District. The $900 million sale of Boeing jets to Singapore Airlines, just last week, illustrates the need for such financing.

Recently, Eastern Airlines purchased the A–300 airbus from France. The manufacturer made a very sweet financial deal to encourage the purchase. They did so because, as is the case in so many foreign industries, direct Government subsidies and underwriting of financing unfairly gives the advantage to overseas manufacturers. Continued and expanded Eximbank funding allows us to stop exporting employment.

Mr. Chairman, we can and must compete. Our trump card is the outstanding ability and dedication of the American aircraft worker. Of course, we are also the leaders in technology, which will result in quieter planes, flying with a lower fuel consumption.

However, as Mr. Schaad wrote,

> "Eximbank financing will help U.S. aircraft manufacturers to meet this competition. Furthermore, without commercial aircraft export sales, the U.S. trade deficit will be substantially larger."

As Mr. Bradford and Mr. Schaad have said, this legislation is needed now. I do wish that provisions which are punitive to America's allies, who are good customers for our aircraft industry products, would be removed by the House or stricken in conference.

On balance, Mr. Chairman, the legislation is needed and I urge my colleagues to support it, because it makes good sense for our economy, allowing America to work, by keeping Americans working.

Mr. STANTON. Mr. Chairman, I yield myself such time as I am consume.

Mr. Chairman, I would like to echo the remarks made by the distinguished chairman of the International Trade Subcommittee in favor of this measure. As mentioned by Chairman NEAL, this legislation extends Eximbank's life 5 years until 1983 and increases its commitment authority from $25 to $40 billion. This large dollar increase is premised on a projected growth in U.S. exports averaging 10 percent a year during this period. This is perhaps an optimistic assumption, but all of us who have seen the recent figures for our balance of trade deficit hope that these forecasts are correct.

Five years is also critical. Businessmen planning investments for plant expansions to serve export markets need some assurance that competitive financing will be available when those investments come on line. Foreign buyers also want some assurance that the United States will be a reliable supplier for some time to come.

In my view, this is one of the most important pieces of international legislation to be taken up by the House this year. It is not an exaggeration to suggest that a vote for the Eximbank is a vote for jobs, for improvement of our balance of payments position, and for safeguarding the ability of U.S. industry to compete abroad.

The Department of Labor estimates that every $1 billion of exports means 40,000 jobs in the United States. This means that over the last 5 years, the Eximbank has created or sustained 500,000 jobs, solely as a result of their export financing programs. It is a remarkable

fact that Eximbank is able to do all of this without using taxpayers' money. As you know, Mr. Chairman, Eximbank borrows from the Treasury at Government rates and relends to buyers of U.S. exports. They even earn a profit for the Government, and last year Eximbank remitted $35 million in dividends to the U.S. Treasury. Since they were formed in 1945, Eximbank has paid back nearly $1 billion to the Government, which was the amount of their orginal capitalization.

The continued existence of Eximbank is supported by the overwhelming majority of the House; but, as all of my colleagues know, there are two subsidiary issues which are addressed in this legislation that are highly controversial. In section 5, Eximbank's ability to make its programs available to companies in South Africa is terminated; and in section 6, the People's Republic of China is declared eligible for Exim support. The committee was bitterly divided on both of these issues as the House will be, but we want to assure you that this did not in any way affect the committee's support for the continuation of the Eximbank or for the increase in its authority.

Similarly, we expect you to vote your hearts on South Africa and the People's Republic of China; but no matter what the outcome, we hope you will vote in support of the legislation.

Eximbank is one of the most successful operations ever launched by Congress. It is self-supporting and uses no tax dollars. It operates at a substantial profit, year after year. It does not get involved with foreign aid. It helps expand trade—by providing financing for U.S. exports that would otherwise not be sold abroad.

I strongly urge your support for this measure.

Mr. STANTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I have consistently supported the Eximbank. It has done an outstanding job since its inception in 1935.

The need for an export promotion policy in this country should be clearly evident to anyone who has read about recent trade deficit figures.

The Eximbank is a very effective and efficient operation despite the low profile it continues to maintain. The Eximbank enables U.S. exporters to find financing to ship exports abroad when commercial financing is not available. Many medium- and long-term sources of domestic credit are just not interested in financing foreign trade transactions. There are a number of reasons for this. Commercial lenders perceive a greater risk in financing foreign transactions, and often prefer to lend at home. Banks and other sources of commercial credit are not willing to lend for maturities exceeding 5 to 7 years from the date of commitment.

Yet, despite commercial bank reluctance to increase export finance, the United States has maintained a competitive advantage in the large projects with long maturities which often take as much as 5 years to build. There is clearly a need for supplemental financing for this sort of project, to assist U.S. commercial lenders and borrowers.

One of the most important reasons for maintaining a strong Export-Import Bank is that all our major competitors have similar export credit institutions. In some cases, our foreign competitors are using cut-rate export credit as a trade promotion device. An important provision of Eximbank's charter gives the Bank the authority to meet foreign competition's rates and terms so that the U.S. products can compete on their merit.

This House recognized in 1974, when it last extended Exim's authorization, that competition between export credit facilities was counterproductive. The Congress instructed the Eximbank to begin negotiations with its foreign counterparts to reduce competition in export credit. This year the Eximbank reached partial agreement with the other official export credit agencies on minimum rates and terms to be offered. While it is too early to judge the effectiveness of this agreement, the outlook is promising that competition on export credit can be reduced.

Along this same line, the committee in this bill asks Treasury to begin new, higher level negotiations to end the predatory financing practices used by some of our more aggressive trading partners to win more business. Our competitors should understand that we are deadly serious about this issue and will consider mandating Eximbank to move in the same direction if these practices are not ended.

One other important realization was made during the committee's hearings. The Export-Import Bank has become far less controversial than it was 3 years ago when it was last before us. Three years ago, Congress criticized the Bank for having loaned, at cut rates, below its costs of funds. We wondered what Exim's role was going to be in the new era of floating exchange rates. We had serious problems with Exim support for exports of energy production equipment when that equipment was in short supply here in the United States. In part due to congressional action in 1974 and in part due to the rigorous direction of Exim's former and current chairman, the Eximbank has changed many of its objectional practices and now enjoys wide support from the Congress. The Bank continues to do an effective job of preventing loss of export business for lack of export credit.

Mr. NEAL. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Chairman, I want to rise in general support of this legislation. However, I do feel that there is one pertinent thing missing, and that is meaningful human rights language in the bill itself. For that reason I will be offering the same type of human rights language that has been offered and passed by this body and signed into law on the various other bilateral and multilateral institutions that we deal with in terms of trade and aid to other countries. I would just say to those who argue that we do not need a human rights type of thing in this kind of bill, I would point out that we already have two human rights amendments that apply to this bill. One has been the Jackson-Vanik amendment that does not allow the Eximbank to supply aid or trade to those countries that prohibit open emigration and, of course, the other human rights amendment is the one that was just adopted in committee dealing with South Africa. I would argue that there are other countries where there are gross and consistent violations of human rights that are every bit as bad as apartheid or the lack of an open emigration policy. For that reason, I feel that a human rights amendment covering the entire bill and applying to all countries is really the way to go. For that reason, I will offer an amendment as an addition to the bill in the last section.

Mr. STANTON. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. GRASSLEY).

Mr. GRASSLEY. Mr. Chairman, I rise in support of the bill. I feel that this legislation will benefit both American workers and consumers by fostering the growth of American exports.

I am pleased that the committee report contains language instructing Eximbank to delineate in their reports to Congress and in their annual report, the impact of Bank activities upon employment in this country. I had introduced this language in committee better to insure that the Bank, and its foreign clients, understand that the overriding purpose of the Bank is to strengthen the American economy, and to foster U.S. employment. With the increased lending authority granted under this act, there is a possibility that the Bank might find itself financing projects which would cut into American jobs. With the accountability fostered by this report language, this possibility should be reduced.

In committee, I had offered another amendment which dealt with the question of foreign countries' treatment of private and public debt, including debt to our Export-Import Bank, in the rescheduling process. I offered this amendment because I had wanted to insure that this country's taxpayers are not short-changed when a foreign nation is forced to renegotiate with its creditors in order to avoid default or serious trouble in its economy. What prompted this amendment was an incident in Zaire in which private creditors, namely the big New York City banks, were paid off on time and in full, while some official creditors were forced to accept longer repayment schedules. In the IMF bill passed earlier this year, there was a similar provision.

In committee, this amendment did not pass, primarily because my colleagues felt that it was inappropriate to include this type of language in the charter itself.

However, during the debate on my amendment, the leadership expressed the opinion that it would be worthwhile to include this language in the Legislative History in order to clarify that it is the intent of Congress that the Bank shall attempt to assure, when appropriate, comparable treatment to official Government creditors, multilateral lending institutions and private creditors with regard to any debt renegotiation.

The Bank agrees that it has been their policy in the past and shall be in the future to work for the benefit of this country's taxpayers when other countries seek a rescheduling of their debt. The Bank is to be commended for this. However, debt rescheduling is a very complex matter, and one that should neither be entered into nor considered lightly. Eximbank's creditors, and the taxpayers, should both be made aware that the Bank will continue to employ such a policy, for it is certainly in our interest, and in the long-range interests of all countries, to insist that such public moneys be carefully allocated and conscientiously spent.

I congratulate the committee leadership for getting out this bill. I know how hard both sides of the aisle have worked to put out a good bill, and I urge that it be adopted.

Mr. NEAL. Mr. Chairman, at this point I include the U.S. policy on multilateral debt reorganizations:

U.S. POLICY ON MULTILATERAL DEBT REORGANIZATIONS

POLICY

The policy of the U.S. Government on the reorganization of international debts has the following elements.

1. Debt-service payments on international debt should be reorganized on a case-by-case basis only in extraordinary circumstances where reorganization is necessary to ensure repayment. Debt relief should not be given as a form of development assistance.

2. Debt-service payments on loans extended or guaranteed by the U.S. Government will normally only be reorganized in the framework of a multilateral creditor-club agreement.

3. When a reorganization takes place that involves government credits or government-guaranteed credits, the U.S. will participate only if:

(a) the reorganization agreement incorporates the principle of non-discrimination among creditor countries, including those that are not party to the agreement;

(b) the debtor country agrees to make all reasonable efforts to reorganize unguaranteed private credits falling due in the period of the reorganization on terms comparable to those covering government or government-guaranteed credits;

(c) the debtor country agrees to implement an economic program designed to respond to the underlying conditions and to overcome the deficiencies which led to the need for reorganizing debt-service payments.

4. The amounts of principal and interest to be reorganized should be agreed upon only after a thorough analysis of the economic situation and the balance-of-payments prospects of the debtor country.

5. The payments that are reorganized normally should be limited to payments in arrears and payments falling due not more than one year following the reorganizing negotiations.

BACKGROUND

When an individual country defaults or faces imminent default on its debt-service obligations, it may seek debt relief from some or all of its creditors by requesting reorganization of all or part of its debts. Official and officially-guaranteed debt has been reorganized predominately in creditor groups such as the "Paris Club". (Some official debt reorganizations have been negotiated in aid consortia, as in the case of India and Pakistan, but these were the result of unique circumstances.)

The negotiations with creditor groups set the general terms for reorganizing direct government credits, and private credits guaranteed by creditor-country governments on a non-discriminatory basis among countries participating in the negotiations and those that are not (such as communist countries). Subsequently, bilateral arrangements are concluded between the individual creditor countries and the debtor country to implement this multilateral agreement. As a general rule, the international financial and monetary institutions have not reorganized their credits.

Negotiations to reorganize debt-service payments on unguaranteed credits extended by private creditors usually take place separately from the negotiations with official creditors. Occasionally, debt-service payments on these credits are reorganized while payments on government credits and government-guaranteed credits are made on schedule. More commonly, negotiations with private creditors on their unguaranteed credits follow immediately upon the conclusion of negotiations with the government creditors. Comparability can be achieved without actually rescheduling or refinancing debt-service payments, if the private creditors agree to extend additional credit (i.e., greater than the amount which would have been rescheduled or refinanced if they had chosen those methods of debt reorganization) to the debtor country on terms comparable to those negotiated in the creditor club.

Mr. STANTON. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. DICKINSON) to speak out of order.

(By unanimous consent, Mr. DICKINSON was allowed to proceed out of order.)

THE LATE SENATOR JAMES B. ALLEN

(Mr. DICKINSON asked and was given permission to revise and extend his remarks.)

Mr. DICKINSON. Mr. Chairman, if I might have the attention of the Members, I have a very sad announcement to make I just received a phone call from Mayor Arthur Holk of Foley, Ala., advising me of the death by heart attack of Senator JIM ALLEN of Alabama. This was less than half an hour ago. He has been taken to a funeral home. There have been no arrangements, of course; but it is certainly a tragic loss to me personally, to my State and to the Nation. He was a brave, courageous, outstanding man, and it certainly is sad for me to make this announcement. No man will be able to take his place in the Senate or in importance to this Nation.

I knew that the Members would be interested and would be following subsequent announcements with interest.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Ohio.

Mr. Chairman, I thank the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, I now yield 4 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Chairman, I rise in support of H.R. 12157. As a member of the Banking Committee and its International Trade Subcommittee, I have become increasingly convinced that the Eximbank plays a vital role not only in facilitating the sale of U.S. products abroad but also in stimulating American companies to commence or expand export operations. Clearly, if we are to reduce continued trade deficits which are a major source of downward pressure on the dollar, U.S. exports must be substantially increased. The Eximbank is a principal means to achieve this purpose. Therefore, I feel it is imperative that the life of the Eximbank be extended and that the Bank's lending authority be raised as directed by this legislation.

Mr. Chairman, sections 4 and 7 of H.R. 12157 resulted from amendments I offered during committee consideration. Section 4 requires that negotiations be conducted with other major exporting countries to end predatory export financing programs. During hearings I was particularly impressed by a number of instances of predatory financing provided by foreign counterpart institutions of the Eximbank that adversely affected the market abilities of U.S. companies.

For instance, one major American company testified that in competitive bidding for a contract in Malaysia it had been ranked first in price and first in quality yet lost the contract to a Japanese firm when the Japanese Government offered 20-year financing at 4 percent; in another instance, a foreign government authorized a 2-year moratorium on any payment on machinery purchased from one of its manufacturers. In view of this problem, I feel it is imperative that the United States enter into negotiations as directed by section 4 to try to bring an end to these unfair trade practices.

In this regard, it should be clear that the ministerial level negotiations called for in section 4 are in no way designed to conflict with the on-going multilateral trade negotiations in Geneva; nor are they designed to discourage increased efforts to make more effective the agreements already reached between the export financing agencies of a number of the principal trading countries of the world.

Unfortunately, the only alternative to successful international negotiations in this area is for Eximbank to offer softer financing terms, with the likely prospect of operating at a substantial deficit. Clearly, a negotiated end to predatory financing is a preferable alternative. If

however, movement is not made in this direction, we may witness the emergence of a kind of international trade warfare that has nothing to do with economic competition but rather with the will of individual governments to establish reverse trade barriers.

Predatory financing arrangements may be the cutting edge of trade warfare in today's international economy. The establishment of unfair trade incentives in 1978 could be as potentially dangerous to the international economy as was the erection of nationalistic import restrictions in 1933.

It should be clear that Congress is concerned about jobs in America and equality of trade opportunity, and that in the absence of international cooperation on this problem, Congressional intent is for the Eximbank to place increasing emphasis on competitive factors in its lending decisions.

Mr. Chairman, section 7 stipulates that the Eximbank emphasize assistance to new and small business entrants in the agricultural export market and that the Bank develop a program of education to increase awareness of export opportunities among small agri-businesses and cooperatives.

The agricultural export industry is one of the most concentrated in this country. Five or six huge commodity companies have virtually a stranglehold on U.S. grain exports. Three of these companies are foreign-owned. Farmers want to broaden their sales options and see locally owned elevators and cooperatives get directly involved in the export of commodities, but often these locally-controlled businesses lack the experience and know-how to begin such an effort. The priority attention mandated for new and small business entrants in the agricultural commodity market and the attendant educational efforts required under this section hopefully will help overcome this obstacle.

Mr. Chairman, I urge adoption of H.R. 12157.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, I would like to ask unanimous consent to put into the RECORD immediately following the remarks of the gentleman from Iowa (Mr. GRASSLEY) the official U.S. policy on multilateral debt reorganizations in response to a request by the gentleman from Iowa (Mr. GRASSLEY).

The CHAIRMAN. The Chair will state that the gentleman from North Carolina will have to get that permission in the House.

Mr. NEAL. Mr. Chairman, I will assure the gentleman we will seek that permission from the House.

Mr. Chairman, I have no further requests for time.

Mr. STANTON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SECTION 1. (a) Section 2(c)(1) of the Export-Import Bank Act of 1945 is amended by striking out $20,000,000,000" and inserting in lieu thereof "$25,000,000,000".

(b) Section 7(a) of the Export-Import Bank Act of 1945 is amended by striking out $25,000,000,000." and inserting in lieu thereof "$40,000,000,000. Within 180 days of the date the Bank reaches a level of $30,000,000,000 in aggregate loans, guarantees, and insurance, the Bank shall appear in formal hearings before the Committees on Banking, Finance and Urban Affairs and Banking, Housing, and Urban Affairs, to advise the Committees as to projected levels of lending, guarantees and insurance, and to consult with the Committees on programs and policy goals.".

(c) Section 8 of the Export-Import Bank Act of 1945 is amended by striking out 'September 30, 1978" and inserting in lieu thereof "September 30, 1983".

SEC. 2. Section 2(b)(3) of the Export Import Bank Act of 1945 is amended in the first sentence thereof by striking out "No" and inserting in lieu thereof "Except as provided by the third sentence of this paragraph, no"; and by inserting at the end thereof the following new sentence: "If the Bank submits a statement to the Congress under this paragraph and either House of Congress is in an adjournment for a period of which at least 10 days occur after the date of submission of the statement, then any such loan or guarantee or combination thereof may be finally approved by the Board of Directors upon the termination of the 25-day period referred to in the first sentence of this paragraph or upon the termination of a 35-calendar-day period (which commences upon the date of submission of the statement), whichever occurs sooner.".

SEC. 3. Section 7(a) of the Export-Import Bank Act of 1945 is amended by adding at the end thereof the following: "All spending authority provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.".

SEC. 4. The Secretary of the Treasury and/or the United States Special Trade Representative (or their designees), together with the Bank and officials from other relevant Government agencies, shall begin negotiations at the finance minister level with other major exporting countries to end predatory export financing programs and other forms of export subsidies, including mixed credits, in third country markets as well as within the United States. The Secretary shall report to the Congress prior to January 15, 1979, on progress toward meeting the goals of this paragraph.

SEC. 5. Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by inserting at the end thereof the following new paragraph:

"(8) In no event shall the Bank guarantee, insure, or extend credit or participate in any extension of credit to the Republic of South Africa unless and until the President determines that significant progress toward majority rule has been made in the Republic of South Africa and transmits to the Congress a statement describing and explaining the determination.".

SEC. 6. Section 2(b)(2) of the Export-Import Bank Act of 1945 is amended—

(1) by inserting in subparagraph (A) immediately after "(as defined in section 620 (f) of the Foreign Assistance Act of 1961" the following: ", but excluding the Peoples Republic of China"; and

(2) by inserting subparagraph (B) immediately following "(as so defined" the following: ", but excluding the Peoples Republic of China".

SEC. 7. The amendments made by this Act shall take effect on October 1, 1978.

Mr. NEAL (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 13, strike out "at the end" and insert "after the second sentence".

Mr. BAUMAN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 400]

Addabbo	Fish	Moss
Alexander	Flowers	Nichols
Allen	Flynt	Nix
Ambro	Forsythe	Oakar
Anderson, Ill.	Fraser	Patten
Andrews, N.C.	Frey	Patterson
Archer	Garcia	Pike
Armstrong	Gibbons	Pressler
Ashley	Gore	Pursell
Baucus	Guyer	Risenhoover
Beard, R.I.	Hagedorn	Rodino
Beard, Tenn.	Harrington	Rousselot
Bevill	Hawkins	Rudd
Bingham	Heckler	Runnels
Bolling	Holland	Ryan
Brown, Calif.	Hollenbeck	Santini
Brown, Mich.	Holt	Sarasin
Burgener	Howard	Sebelius
Burke, Calif.	Hubbard	Shipley
Burton, Phillip	Jeffords	Shuster
Butler	Jenkins	Sisk
Cederberg	Jenrette	Slack
Chappell	Kasten	Snyder
Chisholm	Kastenmeier	Solarz
Clawson, Del	Kemp	St Germain
Cochran	Kindness	Stark
Conyers	Krueger	Steed
Cotter	Leggett	Teague
Coughlin	Levitas	Thone
Crane	Lujan	Thornton
Daniel, Dan	Lundine	Traxler
Davis	McClory	Tucker
de la Garza	McCloskey	Udall
Delaney	McCormack	Ullman
Dent	McDonald	Waggonner
Derrick	McEwen	Waxman
Devine	McKay	Weiss
Diggs	McKinney	Whitten
Drinan	Markey	Wiggins
Eckhardt	Martin	Wilson, C. H.
Edwards, Ala.	Meeds	Wilson, Tex.
Edwards, Calif.	Metcalfe	Young, Alaska
Erlenborn	Meyner	Young, Tex.
Evans, Colo.	Milford	Zeferetti
Fascell	Moakley	
Fenwick	Moffett	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MINETA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 12157, and finding itself without a quorum, he had directed the Members to record their presence by electronic device whereupon 298 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of order was made that a quorum was not present, the first committee amendment was pending, and the Clerk will rereport the amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 13, strike out "at the end" and insert "after the second sentence".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, strike out lines 4 through 14 and insert in lieu thereof the following:

SEC. 4. The Secretary of the Treasury, together with the Bank and such other relevant Government agencies as the President shall determine, shall begin negotiations at the ministerial level with other major exporting countries and, as necessary, relevant international and multinational organizations, to end predatory export financing programs, including mixed credits, in foreign markets as well as within the United States. The Special Trade Representative, together with such other relevant government agencies as the President shall determine, shall continue negotiations to end other predatory export subsidy programs and shall give priority to these negotiations. The President shall report to the Congress prior to January 15, 1979, on progress toward meeting the goals of this paragraph.

The CHAIRMAN. The question is on the committee amendment.

The question was taken; and on a division (demanded by Mr. ASHBROOK) there were—ayes 87, noes 7.

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 10, strike out "majority rule" and insert in lieu thereof "the elimination of apartheid".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, after line 23, add the following new section:

SEC. 7. Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 is amended by inserting after "in matters affecting small business concerns;" "offer reasonable assurance of repayment;" the following: "that the Bank should give emphasis to assisting new and small business entrants in the agricultural export market, and shall, in cooperation with other relevant government agencies, including the Commodity Credit Corporation, develop a program of education to increase awareness of export opportunities among small agri-businesses and cooperatives;".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the final committee amendment.

The Clerk read as follows:

Committee amendment: Page 5, line 7, strike out "SEC. 7." and insert in lieu thereof "SEC. 8".

The committee amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. KELLY

Mr. KELLY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KELLY: On page 4, line 13, strike "determination.". and insert the following:

"determination. However, the Bank will not be prohibited from guaranteeing, insuring, or extending credit or participating in any extension of credit to the Republic of South Africa so long as the Bank is guaranteeing, insuring, or extending credit or participating in any extension of credit to any Communist country as defined in Section 620(f) of the Foreign Assistance Act of 1961 as amended and specifically including in addition, the People's Republic of Angola, Democratic Kampuchea (Cambodia) and the People's Republic of Vietnam.

Mr. KELLY. Mr. Chairman, Members of the House, my amendment says simply that Eximbank participation in loans to U.S. business for projects in South Africa cannot be cut off so long as Exim can participate in loans to U.S. business for projects in any Communist country.

Let me quote to you the purpose of Eximbank as stated in section 2(a)(1):

The objects and purposes of the Bank shall be to aid in financing and to facilitate exports and imports and the exchange of commodities between the U.S. . . . and any foreign country.

and section 2(b)(1)(A):

To foster expansion of exports of goods and related services, thereby contribtuing to the promotion and maintenance of high levels of employment and real income and to the increased development of the productive resources of the United States.

This body is making an effort to turn the Eximbank into a political rather than a commercial institution; and it is totally out of character with the intention of Congress and is clearly not in the best interests of the American people, our constituents, at a time when jobs are needed. It is also not in the best interests of U.S. industry at a time when our foreign exchange position suffers.

The bill H.R. 12157 is so totally hypocritical that it defies description. It provides that South Africa should be precluded from Eximbank transactions while Eximbank carries on business as usual with an array of Communist nations. And, as far as I know, communism is entitled to no accolades in the sphere of human rights and civil liberties.

Communism is the absolute opposite of civil rights, human rights, dignities, and freedom for all people. And yet the United States is in the process of dealing with Poland, Romania, Yugoslavia, and we are on the threshold of entering into trade relations with Hungary—after returning the Crown of St. Stephen.

For this Congress to be in favor of dealing with Communist countries and at the same time opposing any dealings with South Africa defies all logic.

In any event, as politicians, we may weigh and debate forever which of the nations of the world show more compassion for civil liberties. But commerce, not politics, is the purpose of this legislation.

Regardless of what can be said of South Africa's internal policies, I oppose doing business with any Communist country if we are going to preclude Eximbank transactions with any nation on the basis of human rights.

Those who applaud the march of communism across the continent of Africa will not agree. But South Africa is a strategically located and powerful ally of the United States whose loyalty is proven and valued, particularly at a time when Rhodesia is on the brink of war and Communist intervention by Russia and its Cuban allies is imminently threatened.

South Africa is the strongest military power on the Continent. It has at its disposal a crack military contingent of 60,000 and an impressive inventory of military equipment: 161 medium tanks, 1,050 armored cars, 350 armored personnel carriers, 72 surface-to-air missiles, two destroyers, three submarines, six light bombers, and 117 fighter/attack aircraft. These forces are crucial in any potential confrontation with Communist invaders.

The survival of South Africa under a pro-Western government is crucial to Western security. If, by undermining the South African Government and its economy, we push the country under Soviet domination, we will seriously hamper the strategic position of the free world.

For our own security and selfish economic interests, this is no time for penny-ante domestic political posturing.

South Africa is a major supplier of essential and rare raw materials that are necessary for our own prosperity: chrome, industrial diamonds, ferromanganese, platinum, to name just a few. Annual trade between the United States and South Africa reached almost the $2.5 billion level last year.

The Black Nations of Africa are themselves important trading partners of South Africa. Some of the poorest nations, such as Lesotho, Malawi, Mozambique, and Swaziland are unable to employ the majority of their own people and depend on South Africa to absorb the surplus workforce. These poor nations derive approximately 25 percent of their GNP from the income of migrant workers employed in South Africa.

These poor nations face economic ruin if the South African economy shrinks as the result of our disinvestment.

The South Africans have proven to be a determined, strong, industrious, and reliable people. Adding this all together—it sounds as though they are the kind of allies we need.

We can both sympathize with and deplore the racial problems and tensions besetting South Africa today for we ourselves have not gone without this experience.

For our own self-interest, and moti-

vated by common sense, we should honor South Africa for its strength and friendship, and encourage and assist in every constructive way a solution to any deprivation of human rights or equality in that country.

We as Americans have required time to solve our problems that are nowhere near the magnitude of the problems facing the South African nation. South Africa is our ally at a time when we need friends, and we should be no less willing to give them understanding than we were to desire the same for our own Nation.

All of this discussion is timely and it is worthy. But it is inappropriate in the context of the Eximbank legislation and the congressional purpose that created it.

Mr. TSONGAS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the hour is late and I will try to be sensitive to that. I would point out to the Committee that the amendment which was introduced relative to South Africa passed in the subcommittee by a 10-to-5 vote. It then went to the full committee, and there were several attempts to water it down, all of which failed. An amendment identical to the one introduced by the gentleman from Florida failed by a 38-to-6 margin. I would only point out that it is an attempt to water down what the Committee thought was an important amendment which the Committee supported. I think the fallacy of the amendment is obvious on its face. It is a way of rendering the South Africa amendment void, and without going into greater detail because of the time, I would ask that the amendment be soundly defeated.

Mr. Chairman, I yield back the remainder of my time.

Mr. NEAL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment says that the Bank would be prohibited from extending or participating in any extension of credit to any Communist country. The President has determined that we can export and officially support exports to Poland, Romania, Yugoslavia, and Hungary. This amendment would prohibit those exports, and the purpose of this bill is to increase the exports of this country to provide profits and jobs in this country. We are running a trade deficit of some $31 billion this year. This amendment simply would not hurt anyone but our manufacturers and our employees in this country.

I would also like to point out that the amendment specifically excludes Kampuchea and the Peoples Republic of Vietnam, and those countries are already excluded.

There is another amendment that I understand will be offered by the gentleman from Delaware (Mr. EVANS), which I think is certainly worthy of some consideration, which would modify this, but I certainly would urge my colleagues to defeat this amendment.

Mr. TSONGAS. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from Massachusetts.

Mr. TSONGAS. I thank the gentleman for yielding.

In regard to the amendment, there were editorials in the Washington Post, the New York Times, and the Boston Globe that speak to the amendment and the kind of issues that would be undermined by this amendment. I will ask unanimous consent that I be allowed to place those editorials in the RECORD at this point. They are as follows:

[From the Washington Post, May 4, 1978]

WIDENING THE ATTACK ON APARTHEID

The new restriction on trade with South Africa now making its way through the legislative process represents a growing force in American politics. No longer is opposition to apartheid merely a minority cause or a campus issue or, as Pretoria often claims, a policy whose support is confined pretty much to the administration figures who plug it, naively or cynically as the case may be. On the contrary, it is coming to represent a genuine popular movement commanding its own congressional base.

So it is that the House Banking Committee, hardly a collection of bleeding hearts, has just approved what would be the first congressional curb on economic ties with South Africa. Drafted by Rep. Paul Tsongas (D.-Mass.), the amendment would prohibit the Export-Import Bank, a government agency that facilitates American trade, from financing exports to South Africa unless the president determines—and the Congress agrees—that Pretoria is making "significant progress toward the elimination of apartheid."

We are not enamored of the idea of economic sanctions against South Africa. They are a blunt weapon, pressing on both whites responsible for repression and whites seeking reform, on blacks who welcome that pressure as a move against apartheid and on blacks who see it as an invitation to harsher racial confrontation and to hardship for blacks as well as whites. There is also the question, raised in the Senate Banking Committee, of why South Africa alone should be singled out for its internal defects. The administration, we note, did not support this amendment. It objects even to well-meaning congressional restrictions on executive flexibility, and it does not wish to encourage political amendments to economic bills.

The political meaning of the Tsongas amendment is nonetheless clear. The American public's consciousness of apartheid is being raised. From the administration, the idea has spread to Congress that American relations with South Africa will inevitably deteriorate further if Pretoria is not seen to be moving with all deliberate speed to alter the nature of a system that virtually all Americans, regardless of their differences on tactics, regard as an abomination and as a temptation to society-wide violence. Many in South Africa seem to feel their country can tough it out: circumvent or survive the Carter administration and find more "understanding" for apartheid elsewhere in the American body politic. The Tsongas amendment says South Africa is wrong.

[From the New York Times, Apr. 25, 1978]

TO STOP SUBSIDIZING REPRESSION

The House Banking Committee votes tomorrow on legislation to end all activities of the Export-Import Bank in South Africa. It should express its approval, and so should the full House. Although the proposed measure is not of great economic significance, it is one more step toward getting the American taxpayer out of the business of subsidizing South Africa's system of racial repression.

The Ex-Im Bank is an independent Federal agency which, through its own loans and guarantees of commercial bank loans, helps foreigners buy American industrial goods. Other governments boost their own exports by providing subsidized loans; and Washington does so to stay competitive. Ex-Im's operations in South Africa are not extensive. It has not made a direct loan to finance exports to South Africa since 1964. Last year it guaranteed or insured $115 million of commercial bank loans, almost all for three years or less. Commercial banks might have made many of the loans without Ex-Im's guarantees, but some export sales, as well as American jobs, might have been lost to European or Japanese competitors.

Curtailing Ex-Im's operations in South Africa is a step the Administration can take under existing legislation, and it has been contemplating taking it. Nevertheless, the Administration objects to being ordered by Congress to take that step, arguing that it is thereby deprived of diplomatic flexibility. There is merit in that argument. But there is greater merit in Congress going on record as willing to take concrete measures to express its abhorrence of Pretoria's racist policies.

Many white South Africans have assumed that Congress would content itself with mere rhetorical gestures, like the resolution of condemnation after the death last fall of Stephen Biko and the mass arrests of Pretoria's opponents. White South Africans have contended, also, that once the Carter Administration has passed from the scene, pressure from the United States will ease. But Congressman Paul Tsongas's amendment to Ex-Im's legislative charter provides that pressure should ease only when the President determines that South Africa has made "significant progress" toward majority rule. Ten of his 15 subcommittee colleagues found his reasoning persuasive when they voted last week. The full Banking Committee should do so now.

[From the Boston Globe, May 15, 1978]

BEYOND RHETORIC ON SOUTH AFRICA

The House will soon vote on legislation that would bar the Export-Import Bank from supporting any US exports to South Africa until that nation makes "significant progress" toward majority rule. The actual impact of such a move would be small, but it should be made to offer a tangible piece of evidence to the government in Pretoria that it cannot simply outlast the Carter Administration and its lofty rhetoric about human rights, that the American people are united in their repulsion at apartheid.

All sorts of objections are almost certain to be raised on the House floor. The move will politicize the bank's operations, it will be said. It is hard to see, however, why denying South Africa loan guarantees is political while advancing them is apolitical. In world affairs, almost any government action has a political significance.

It will be argued that if South Africa is denied Ex-Im supports so too should some 76 other nations with human-rights violations. Maybe, in fact, sanctions ought to be imposed on other countries. They each should be studied one at a time. But an appropriate place to begin surely is with a nation where virulent racism is written into law.

It will be noted that the Carter Administration itself has not backed the bar to Ex-Im activities in South Africa. Yet, the Administration has contemplated just such a move—it could make it now under current law—and, in fact, its purposes might well be best served if the step is initiated by Congress. That way the Administration would be able to argue in future negotiations with Pretoria, that the ban on Ex-Im activities was "imposed" by Congress.

There are other things to be said as well. For instance, direct Ex-Im aid to South

Africa has been barred for 14 years and what is proposed now—at the instigation of Rep. Paul Tsongas (D-Mass.)—is simply a tightening of policy to end the $200 million of indirect assistance to the country via Ex-Im guarantees and insurance for loans obtained from private banks by South African purchasers of U.S. goods.

But those are all rather narrow, technical arguments. More important in this case is a matter of principle. It is time for the United States, through its government, to go beyond rhetoric and take a tangible step to express its abhorrence at the official, degrading, inhuman racism of South Africa.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I did hear the calls for a vote across the way, so I am going to be very brief. But naturally the Members would all want to hear my advice before they vote.

I would like to point out that I think the gentleman from Florida (Mr. KELLY) is one of the great legal minds of this Congress, and he towers over most of us in his intellectual prowess, in his determination and his vigor. However, I think this is a slightly imperfect amendment.

I believe the committee made a grave mistake in imposing the restrictions on the extension of credit to the Republic of South Africa, but I have always believed that two wrongs do not make a right. The trouble with this amendment is, first of all, it equates the Government of South Africa with a Communist government, and that is not true at all. Communist governments for the most part deny all of their citizens of almost all their civil and human rights. In the Republic of Africa you have a denial of some of the citizens of some of their civil rights.

The other thing is that while South Africa has become a great target, I find that in many of the countries across Africa—I could mention Burundi, Rwanda, Uganda, Guinea, and Congo Brazzaville—there is persecution by a minority of one tribe against another or one-man rule in classic dictatorships.

There is awful silence here in this Chamber when I mention black dictatorships. Why is it that it is only in the Republic of South Africa where everyone is indignant about the abuse by the minority of the majority. If we wanted to be consistent, we could review 20 or 30 countries across Africa and deny the benefits of this bill or deny foreign aid because of a minority abusing a majority. But it would seem to me that in this case the logical course of action is to proceed as expeditiously as possible to the amendment that will be offered by the gentleman from Delaware (Mr. EVANS).

This amendment should fall by the wayside. I do not think it helps South Africa to say that we will treat it just as we treat Communist governments.

As a matter of fact, given the specific fragmentations of the Communist world, I think it is in our national interest to have expanded trade and certain agreements with governments, such as Yugoslavia and Rumania. As a result, I would think the logical course of action would be to reject the amendment and then take the hint that I believe was given by the gentleman from Georgia to rally behind the amendment of the gentleman from Delaware, which will restore some balance to this bill as it relates to South Africa.

Mr. KELLY. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the very distinguished gentleman from Florida.

Mr. KELLY. Mr. Chairman, I thank the gentleman for yielding; but the perception that the gentleman attributes to the gentleman from Florida is not always apparent in the general membership. For this reason, this particular amendment was couched in the way it was. I thought everyone would be able to see if you are going to deal in human rights that then certainly you could not deal with any Communist country and then preclude any other country in the world. I thought that the contrast would be sufficiently vivid so that no one would be able to miss the point. I have not been totally successful, I see; but in either event, I stand on the proposition that if we are going to cause this to be a political and human rights document, then let it be; but if we are going to cause it to be a commercial document that is calculated to help our industry and to create jobs and work for our people, then what we should do is do what is in our best interest and certainly not preclude an ally that is needed at this particular time.

Mr. DERWINSKI. Mr. Chairman, I do not quarrel with the countries the gentleman specifically mentions; but I do say that the reason to deny Export-Import credit to Bulgaria and East Germany or the Soviet Union is very different from the reasons that exist when we discuss South Africa. I think we should keep those issues separate. For that reason, I made the point that many other countries in Africa are equally oppressive due to tribal oppression.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. KELLY).

The question was taken; and on a division (demanded by Mr. KELLY) there were—ayes 38, noes 66.

Mr. KELLY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. For the benefit of the gentleman from Florida, the Chair has just counted and there are 104 Members present. A quorum is present.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Florida (Mr. KELLY) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 157, noes 190, not voting 87, as follows:

[Roll No. 401]

AYES—157

Abdnor	Applegate	Bafalis
Ambro	Archer	Barnard
Andrews, N. Dak.	Armstrong	Bauman
	Badham	Beard, Tenn.
Bennett	Gradison	Murphy, Pa.
Bowen	Grassley	Murtha
Breaux	Hall	Myers, John
Brinkley	Hammer-schmidt	Myers, Michael
Brooks		O'Brien
Brown, Mich.	Hansen	Pettis
Brown, Ohio	Harsha	Pickle
Broyhill	Heckler	Poage
Burke, Fla.	Hightower	Pritchard
Burleson, Tex.	Hillis	Quayle
Byron	Holt	Quie
Caputo	Huckaby	Quillen
Carter	Hyde	Regula
Cederberg	Ichord	Rhodes
Chappell	Ireland	Risenhoover
Clausen, Don H.	Jacobs	Roberts
	Jenkins	Robinson
Cleveland	Johnson, Colo.	Ruppe
Cohen	Jones, Tenn.	Santini
Coleman	Kazen	Satterfield
Collins, Tex.	Kelly	Sawyer
Corcoran	Kemp	Schulze
Coughlin	Ketchum	Shuster
Cunningham	Lagomarsino	Sikes
Daniel, Dan	Latta	Skelton
Daniel, R. W.	Lederer	Smith, Nebr.
Davis	Le Fante	Spence
Devine	Lent	Stangeland
Dickinson	Levitas	Stockman
Dingell	Livingston	Stratton
Dornan	Lloyd, Tenn.	Stump
Duncan, Oreg.	Long, La.	Symms
Duncan, Tenn.	Long, Md.	Taylor
Edwards, Okla.	Lott	Treen
Emery	McClory	Trible
English	McEwen	Vander Jagt
Erlenborn	Madigan	Volkmer
Evans, Del.	Mahon	Wampler
Evans, Ga.	Mann	Watkins
Flippo	Marriott	White
Florio	Martin	Whitehurst
Flynt	Mathis	Whitley
Fountain	Michel	Wiggins
Fuqua	Miller, Ohio	Wilson, Bob
Gammage	Mitchell, N.Y.	Wilson, Tex.
Gaydos	Mollohan	Winn
Ginn	Moore	Wydler
Goldwater	Moorhead, Calif.	Young, Fla.
Gonzalez		Young, Mo.
Goodling	Mottl	

NOES—190

Addabbo	Evans, Ind.	McFall
Akaka	Fary	McHugh
Ammerman	Fenwick	McKinney
Anderson, Calif.	Findley	Maguire
	Fish	Marks
Anderson, Ill.	Fisher	Marlenee
Annunzio	Fithian	Mattox
Aspin	Flood	Mazzoli
AuCoin	Foley	Meeds
Baldus	Ford, Mich.	Mikulski
Beard, R.I.	Ford, Tenn.	Mikva
Bedell	Fowler	Miller, Calif.
Beilenson	Frenzel	Mineta
Benjamin	Garcia	Minish
Biaggi	Gephardt	Mitchell, Md.
Blanchard	Giaimo	Moakley
Blouin	Gilman	Moffett
Boggs	Glickman	Moorhead, Pa.
Boland	Green	Murphy, Ill.
Bonior	Gudger	Murphy, N.Y.
Bonker	Hamilton	Myers, Gary
Brademas	Hanley	Natcher
Brodhead	Hannaford	Neal
Broomfield	Harkin	Nedzi
Buchanan	Harris	Nolan
Burke, Mass.	Hawkins	Nowak
Burlison, Mo.	Hefner	Oakar
Burton, Phillip	Heftel	Oberstar
Carney	Hollenbeck	Obey
Carr	Holtzman	Ottinger
Cavanaugh	Horton	Panetta
Chisholm	Hughes	Patterson
Collins, Ill.	Jeffords	Pattison
Conte	Johnson, Calif.	Pease
Corman	Jones, N.C.	Pepper
Cornell	Jones, Okla.	Perkins
Cornwell	Jordan	Pike
D'Amours	Kastenmeier	Preyer
Danielson	Keys	Price
Dellums	Kildee	Rahall
Derwinski	Kostmayer	Railsback
Dicks	Krebs	Rangel
Dodd	LaFalce	Reuss
Downey	Leach	Richmond
Drinan	Leggett	Rinaldo
Early	Lehman	Roe
Eckhardt	Lloyd, Calif.	Rogers
Edgar	Luken	Rooney
Edwards, Calif.	Lundine	Rosenthal
Eilberg	McCloskey	Rostenkowski
Ertel	McDade	Roybal

Russo	Steed	Walsh
Scheuer	Steers	Waxman
Schroeder	Steiger	Weaver
Seiberling	Stokes	Whalen
Sharp	Studds	Wirth
Simon	Traxler	Wolff
Skubitz	Tsongas	Wright
Smith, Iowa	Udall	Wylie
Solarz	Van Deerlin	Yates
Spellman	Vanik	Yatron
Staggers	Vento	Zablocki
Stanton	Walgren	Zeferetti
Stark	Walker	

NOT VOTING—87

Alexander	Fascell	Patten
Allen	Flowers	Pressler
Andrews, N.C.	Forsythe	Pursell
Ashbrook	Fraser	Rodino
Ashley	Frey	Roncalio
Baucus	Gibbons	Rose
Bevill	Gore	Rousselot
Bingham	Guyer	Rudd
Bolling	Hagedorn	Runnels
Breckinridge	Harrington	Ryan
Brown, Calif.	Holland	Sarasin
Burgener	Howard	Sebelius
Burke, Calif.	Hubbard	Shipley
Burton, John	Jenrette	Sisk
Butler	Kasten	Slack
Clawson, Del	Kindness	Snyder
Clay	Krueger	St Germain
Cochran	Lujan	Teague
Conable	McCormack	Thompson
Conyers	McDonald	Thone
Cotter	McKay	Thornton
Crane	Markey	Tucker
de la Garza	Metcalfe	Ullman
Delaney	Meyner	Waggonner
Dent	Milford	Weiss
Derrick	Montgomery	Whitten
Diggs	Moss	Wilson, C. H.
Edwards, Ala.	Nichols	Young, Alaska
Evans, Colo.	Nix	Young, Tex.

Mr. MOLLOHAN and Mr. SKELTON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. NEAL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GIAIMO) having assumed the chair, Mr. MINETA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12157) to amend and extend the Export-Import Bank Act of 1945, had come to no resolution thereon.

PERMISSION FOR SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO SIT JUNE 2 DURING 5-MINUTE RULE

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Oversight and Investigations of the Committee on Interstate and Foreign Commerce be permitted to sit on Friday, June 2 during the 5-minute rule.

The SPEAKER pro tempore (Mr. GIAIMO). Is there objection to the request of the gentleman from Kansas?

There was no objection.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SARASIN) is recognized for 5 minutes.

● Mr. SARASIN. Mr. Speaker, on May 31, 1978, I was absent for part of the legislative session of the House of Representatives. Had I been present, I would have voted in the following fashion:

Rollcall No. 380: Journal. The House approved the Journal of Thursday, May 25, "no," and

Rollcall No. 380: H.R. 12598. Foreign Relations Authorization. The House agreed to an amendment that strikes language authorizing the establishment of an Institute for International Human Rights, "no."●

INSURANCE INDUSTRY CRITICIZED FOR RESISTANCE TO SELF-INSURANCE FOR PRODUCT LIABILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 10 minutes.

● Mr. WHALEN. Mr. Speaker, I am mystified by the insurance industry's continued opposition to changing the Internal Revenue Code to facilitate self-insurance for product or professional liability.

As I have stated many times, I believe it is inequitable for the Federal tax code to give a tax subsidy to those who purchase commercial insurance premiums while those who seek to self-insure for all or part of their liability risk get no tax deduction. More importantly, the IRC is currently understood to prevent many companies who wish to do so from establishing self-insurance reserves.

This is a serious problem in the context of the sharply increased costs for product and professional liability insurance coverage. A number of companies and individuals currently operate without any insurance coverage and would welcome the opportunity to provide themselves with some measure of institutionalized self-insurance. And many more companies would benefit if the tax law were changed so that they could more readily set aside funds to allow them to take commercial policies with high deductibles, thus reducing the cost of their premiums.

Next week will mark the first anniversary of the introduction of H.R. 7711, the Product Liability Insurance Tax Equity Act. That bill, which I sponsored along with six other coauthors, and which now has 68 cosponsors and endorsements from dozens of national trade and professional associations, would give self-insurers equal tax treatment. It would allow the creation of tax-exempt self-insurance reserve trust funds and would permit contributions to such funds to be taken as business deductions. Thus, from the businessman's perspective, purchase of commercial insurance and establishment of self-insurance reserves would be put on an equal tax footing.

Various proposals similar to H.R. 7711 have been introduced by Senator CULVER, by Representatives MIKVA and LAFALCE, and others. This past April the Department of Commerce presented an options paper to the White House, advocating that the administration support reform of the IRC to facilitate self-insurance for product liability. The draft bill prepared by the Commerce Department has been introduced in the House by DAN ROSTENKOWSKI and others.

The official organs of the insurance industry remained silent for almost a year regarding the Product Liability Insurance Tax Equity Act and related measures. They were forced to speak, though, when the Commerce Department sought public comment on its product liability options paper.

In general, the response by the insurance industry has been in opposition to our proposal that firms be allowed to self-insure for all or part of their product liability risk.

I currently am preparing a detailed refutation of the arguments recently advanced by the insurance industry spokesmen. My comments should be ready by next week.

In the meantime, Mr. Speaker, I wish to call to my colleagues' attention the lead editorial in the May 29 issue of Business Insurance magazine. This is a highly respected publication whose readership consists mainly of risk managers and others who are consumers in the commercial insurance marketplace.

This editorial, which I am inserting at the conclusion of my remarks, makes a very effective, if brief, rebuttal of the case made by the insurance industry. I also am inserting another article which appeared on the front page of the same publication. It highlights the key elements or the controversy.

I believe my colleagues will find these pieces of interest. In the near future, I will present a more detailed analysis of this issue for your further information:

TAX BREAKS FOR RESERVES CAN ONLY HELP EMPLOYERS DESERVE PENSION INCENTIVES

Unbeknown to many risk managers, the insurance industry is quietly pouring loads of money into a massive lobbying effort to thwart a proposal which would give corporations tax breaks for self-insurance reserves.

The need for such a measure became patently clear as the product liability problems of this country have come into focus in recent months. Corporate America was faced with product liability risks of a magnitude that caused insurance companies to begin charging high prices for their policies covering these losses. Thus, commercial insurance buyers reported facing another very real problem: not being able to afford to buy product liability insurance.

Yet, recognizing that there was no other feasible way for them to prepare ahead of time for these losses, by pre-funding them using tax-free dollars, buyers of insurance got behind a legislative plan that would help solve the insurance affordability problems. The proposed law would enable companies to build internal product liability loss reserves, while taking tax deductions for the funds they set aside for this purpose.

At the same time, the insurance industry has been equally vocal about the "product liability crisis" and the need for tort reform limiting corporate liability for product injuries.

Though it appeared insurance buyers and underwriters were on the same side of the fence on this issue, at second glance it becomes evident this is far from true.

The insurance industry, recognizing it stands to lose what amounts to a lucrative market should their customers suddenly find it advantageous to build internal self-insurance reserves for product liability losses, has swung its massive bulk behind the opposition to the bill.

Risk managers, if they are to convince Congress that there is indeed a product liability problem, must move now to counter-

act the insurers' lobbying. Tax breaks are necessary for companies which want to build self-insurance reserves against liability losses and which are willing to get the actuarial certification that these reserves are reasonable and warranted. This annual actuarial or independent assessment of reserving practices would go a long way toward preventing abuses of such a tax loophole, a major reason why the insurance industry says it is opposing the bill.

Why is the industry so concerned that small businesses won't be able to adequately fund their self-insurance reserves, leaving some injured person uncompensated or under-compensated for an injury? Though the industry steadfastly maintains there's plenty of product liability insurance available—albeit at a steep price—there's evidence a growing number of businesses are going without any coverage at all, because they either can't afford the premiums or don't think the insurance offers enough value for the price. Since there's not now and not likely to be any legislation requiring companies to buy product liability insurance, it seems much more important at this juncture to assure that companies without insurance have an incentive to fund their future liabilities another way, lest they be unable to compensate injured parties for damage done.

There's another glaring inconsistency here. Insurers have maintained for years that there's inadequate financial capacity for them to underwrite all of the liability coverage being demanded. Now to have them turn around and oppose a measure which would actually help to alleviate this capacity shortage—if there is one, and we think there is—leaves us baffled. Do we or do we not want to encourage companies to pay their own losses at the lower levels, to free up underwriting capacity for catastrophic coverage?

INSURERS FIGHT TAX BREAKS FOR SELF-INSURED RESERVES

(By Jerry Geisel)

WASHINGTON.—Insurance trade associations have denounced legislative proposals that would permit tax deductions for self-insurance funds that businesses set aside in a special reserve to pay product liability claims.

In letters filed with the Commerce Department last month, the Alliance of American Insurers, the American Insurance Assn. and the National Assn. of Independent Insurers charged that the proposals could lead to tax abuse and blunt the drive toward the real solution to product liability—tort reform.

The impact of the opposition cannot be measured. The Treasury Department, which is expected to develop the Administration's position on the tax-deduction concept, still has an "open mind" on the idea, according to Donald Lubick, acting assistant secretary of the Treasury for tax policy.

The insurance trade associations appear very concerned that tax deductions for product liability reserves would lead to abuses, but observers believe the industry is really more concerned about losing more business to self-insurance.

"I just think the insurance industry doesn't want the competition. They really don't like the idea of anybody getting into the insurance business other than insurance companies," said Rep. John LaFalce (D-N.Y.).

The Alliance of American Insurers, in a position paper prepared by vp Don Jordan, contended "the self-insured reserve trust for product liability would be subject to substantial tax abuse."

In order to prevent possible abuses, the Treasury Department would be "saddled with the responsibility of developing complex and lengthy regulations . . . such complexity runs counter to the Administration's pledge to simplify the tax code . . ." Mr. Jordan added.

But Mr. Lubick of the Treasury Department said tax abuse is not an issue. It's "a charge someone makes at a tax provision he doesn't like," he said.

The insurance industry's concern about tax abuse is only "an excuse," said Edith Lichota, assistant treasurer of the Carborundum Corp. in Niagara Falls, N.Y.

"They are trying to preserve the capacity for future insurance industry application when they want it," Mrs. Lichota said. She accused insurance companies of wanting to preserve their markets for first-dollar liability coverage, by making sure the customers are still available to them if insurers change their minds about providing that coverage in the future.

The American Insurance Assn. (AIA) maintains that corporate tax deductions for product liability reserves would not assist those it is designed to help—small businesses.

"If a firm cannot afford to pay increasing product liability premiums, it cannot afford to properly fund its self-insurance fund," said AIA counsel Dennis R. Connolly.

But that assumption is based on the fact that the premium charged is reasonable, said Rep. LaFalce. In view of the "panic pricing" of recent years due to insurers' faulty perception of product liability problems, such an assumption is "highly debatable," Rep. LaFalce added.

The Independent Insurance Agents of America (IIAA), which has not yet taken an official position on tax deductions for self-insurance reserves, cautioned that small businesses do not have the expertise or the money to engage in effective loss prevention programs—a service that is included in an insurance policy.

However, Robert Goshay, executive director of Marsh & McLennan's Product Liability Council, observed that firms self-insuring their product liability risks can purchase loss prevention and claims handling services from a variety of sources including brokers, consultants and even from insurance company subsidiaries (such as Kemper's NATLSCO and INA's ESIS).

CALLED NONINSURANCE

Susan Orsher, counsel for the IIAA, also argued that businesses utilizing product liability self-insurance reserves as the only form of insurance would, in fact, have a program of no insurance (since the amount of reserves would be limited).

"One product liability claim could easily wipe out the reserve, thus leaving the company and possibly the injured party uncompensated or under-compensated," Ms. Orsher added.

But Mr. Goshay of Marsh & McLennan said none of the proposals would prevent companies from purchasing excess policies to meet the infrequent, very high settlement. Furthermore, employers already pay many of their own product liability claims under the high deductibles attached to their policies, he added.

Mr. Connolly of the AIA said the tax deduction proposal was offered as a response to the alleged unavailability of product liability insurance. "There is every indication that product liability insurance is both available and affordable," he said. He denies that any corporations are in a position of having to go bare.

CHIDES INSURERS

But Paul Kipp, insurance manger of U.S. Gypsum Co. and Risk & Insurance Management Society president, said: "I am not aware of any evidence that the marketplace has changed at all other than property/casualty lines are starting to make money.

"I don't know what evidence Mr. Connolly has, but I certainly would like to see it," Mr. Kipp said.

The evidence that does exist indicates that as insurance companies raise product liability premiums, they are insisting on higher and higher retentions, Mrs. Lichota said.

So businesses increasingly are being forced to go bare on first dollar coverage for losses as high as $500,000. As a result employers already are saddled with claims their policies don't cover.

"Isn't it in the public interest to allow companies that have to go bare to set aside something in a reserve to pay for claims rather than have no financial commitment whatsoever from the firm?" asked Mr. Kipp.●

CURRENT BEEF PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. GRASSLEY) is recognized for 15 minutes.

● Mr. GRASSLEY. Mr. Speaker, a couple of days ago the Department of Agriculture announced a revision in the estimate of the increase in retail food prices for this year to 8 to 10 percent. In the last few days there has been a lot of publicity regarding the increase in beef prices at the retail and farm levels. A lead article in today's edition of the Washington Post reads "Consumer Prices Jump 0.9 Percent: Beef Leads Way." I am concerned about how the American public views this publicity and want to make sure that the facts are not distorted with livestock farmers being blamed for the current situation.

I would like to take this opportunity to make a few points. Red meats and poultry accounted for about 15 percent of the retail weight equivalent of food consumed in the United States during the past 5 years. However, since meat costs more per pound than most other foods, consumer expenditures for red meats and poultry account for about one-third of total food expenditures. Beef accounts for a major part of both the weight of meat consumed and the expenditures for meat. I fear that some people might incorrectly assume that beef producers are "striking it rich," because of the current level of beef prices.

Mr. Speaker, on Tuesday of this week the Department of Agriculture made available a publication entitled "Retail Meat Prices in Perspective," written by Dr. James Nix. This analysis brought out several points which I would like to emphasize for my colleagues.

Dr. Nix appropriately points out that livestock producers have no control over livestock prices in the short run, because once livestock have reached slaughter weights they must market them. There only control is to vary the level of supply, which is a lengthy process, particularly for beef. Following is an excerpt from the publication which explains what has happened to cattle feeders since 1974. Also included is the table 4 mentioned in the text which shows the costs and net margins for a Corn Belt cattle feeding operation for the period 1972 through the first quarter of 1978.

The sharply higher corn prices also raised cattle feeding costs. Except for a few brief periods since 1974, cattle feeders generally operated in the red until just the last few months. But for feed cattle marketed over the past 2 or 3 months, profits have been large, because feeder cattle were purchased

last fall at prices considerably below current levels.

Large negative returns have characterized cattle feeding operations during the past few years. Based on cost and return estimates for a Corn Belt cattle feeding operation, returns were negative for cattle marketed in 15 of the last 23 quarters. Monthly estimates show that returns are improving and will probably be good for cattle marketed into this summer. But with feeder cattle prices rising, cattle feeder profits may be squeezed by year end.

In 1974, with a weak demand for cattle to go into feedlots and with a continued build-up in the supply of feeder cattle, prices for feeder cattle dropped sharply. They remained at low levels through 1977. These low feeder cattle prices compounded producer losses, and after 4 years of losses many were in severe financial trouble. Many dropped out of business during this period.

This extended period of losses resulted in the massive liquidation of the cattle herd since 1975. Liquidation has continued into 1978 despite the sharp runup in cattle prices since the first of the year. Cattle producers need more than a few months of favorable prices just to regain the losses of the past few years. An extended period of higher prices will be required to get them to step up beef production sharply.

In 1976, estimated nonland costs of producing feeder cattle in the Great Plains region totaled $55.67 per hundredweight. Total nonland cash costs were $25.74. During the past 4 years, feeder cattle prices have generally exceeded the total nonland cash costs, but they have not come close to the total nonland cash and other costs until this year.

From this reduced cattle inventory will come less beef. Furthermore, as herd rebuilding gets underway, beef production will be further reduced by the holding of heifers to expand the herd rather than sending them to slaughter, as cattlemen did for the past several years.

COSTS AND NET MARGINS FOR A CORN BELT CATTLE FEEDING OPERATION, 1972—1ST QUARTER 1978 [1]

[In dollars]

Year and quarter	Total costs per head	Selling price per hundredweight to cover: Feed and feeder costs	Selling price per hundredweight to cover: All costs	Choice steers, Omaha	Net margin per hundredweight	Net margin per head
1972:						
I	360.85	29.91	34.37	36.26	1.89	19.84
II	375.55	31.20	35.77	35.12	−.65	−6.82
III	391.90	32.64	37.32	43.28	5.96	62.58
IV	411.32	34.37	39.17	45.84	6.67	70.04
1973:						
I	464.72	39.08	44.26	48.57	4.31	45.26
II	506.15	42.77	48.20	40.47	−7.73	−81.16
III	568.34	48.46	54.13	45.46	−8.67	−91.94
IV	516.02	43.52	49.14	40.01	−9.13	−95.86
1974:						
I	536.82	45.39	51.13	43.91	−7.22	−75.81
II	468.99	38.98	44.67	38.19	−6.48	−68.04
III	479.99	40.10	45.71	35.72	−9.99	−104.90
IV	460.50	38.27	43.86	48.03	4.17	43.78
1975:						
I	422.92	34.79	40.28	48.64	8.36	87.78
II	456.19	37.86	43.45	46.05	2.60	27.30
III	468.86	38.97	44.65	38.71	−5.94	−62.37
IV	466.52	38.55	44.43	41.42	−3.01	−31.60
1976:						
I	477.82	39.56	45.51	37.30	−8.21	−86.20
II	516.78	43.06	49.22	39.00	−10.22	−107.31
III	487.49	40.19	46.43	37.88	−8.55	−89.78
IV	452.66	37.28	43.11	40.77	−2.34	−24.57
1977:						
I	475.34	39.26	45.27	40.47	−4.80	−50.40
II	489.50	40.39	46.62	42.42	−4.20	−44.10
III	452.56	36.91	43.10	45.77	2.67	28.03
IV	456.10	37.24	43.44			
1978: I	515.07	42.41	49.05			

[1] All costs are valued at prices paid in the month the cattle were placed in feedlot. Costs represent the quarter in which cattle were placed in feedlot while the steer prices and net margins reflect selling prices two quarters later.

Source: "Livestock and Meat Situation," Economics, Statistics, and Cooperatives Services, USDA. Various issues.

We are hearing rumors that the President is considering suspending import quotas under the 1964 meat import law. I am very concerned about the prospects of such. Allowing more imports into this country will surely have an adverse impact on livestock producers. I also think that suspending the import quotas is not in the best interest of the consumer in the long run.

As shown on the previously mentioned table, Corn Belt cattle feeding operations have had negative returns for cattle marketed in 15 of the last 23 quarters. Producers must be able to cover their costs in the long run. In addition, one must remember the role higher prices play in our market system, which is to give a market signal for producers to halt the liquidation of their herds. Thusly, to the extent that additional imports would have a negative impact on domestic prices, producers would be receiving false market signals. The results would be that farmers would not adequately halt the liquidation of their herds. Consequently, in the long run prices may remain higher or we would have to continue to depend on a higher level of imports or a combination of the two.

I have written President Carter today asking that he give careful consideration before suspending import quotas. I hope he will remember the situation cattle farmers have been facing the last few years.

One additional point I would like to make. Anyone who eats meat is affected by the rise in prices. My family and I enjoy the traditional steak and potato dinner, and I am very aware of price increases. However, I am also a farmer and have been on the other side of the fence where I had cattle to sell. The publication regarding the retail meat prices also discussed the deflated beef prices in 1967 dollars. For the first quarter of 1978 the deflated beef price for choice beef was 80.35 cents per pound. This was lower than it had been in the last 7 years, except for 1977 and the last part of 1976 in real dollar terms. So we as consumers must remember that in real terms beef is no more expensive than it was in 1971 and lower than it was in 1973. Following is a table which gives the quarterly average choice beef prices, deflated beef prices, and per capita consumption for the United States during the period of 1971 through the first quarter of 1978.

TABLE 2.—QUARTERLY AVERAGE CHOICE BEEF PRICE, DEFLATED BEEF PRICES, AND PER CAPITA CONSUMPTION, UNITED STATES, 1971—1ST QUARTER 1978

Year and quarter	Average retail choice (center per pounds)	Consumer price index (all items) 1967=100	Deflated beef price in 1976 dollars (cents per pound)	Quarterly per capita consumption (pounds)
1971:				
I	100.2	119.5	83.85	27.7
II	104.8	120.8	86.75	28.1
III	105.4	122.0	86.39	29.3
IV	106.6	122.7	86.88	27.9
1972:				
I	114.4	123.7	92.48	28.2
II	112.3	124.7	90.06	28.9
III	115.3	125.8	91.65	29.4
IV	113.2	126.9	89.20	29.6
1973:				
I	129.2	128.7	100.39	28.0
II	135.8	131.5	103.27	26.2
III	141.8	134.4	105.51	26.8
IV	135.1	137.6	98.18	28.6
1974:				
I	145.1	141.4	102.62	38.3
II	134.5	145.4	92.50	28.8
III	141.0	149.9	94.06	29.4
IV	134.5	154.2	87.22	30.3
1975:				
I	129.6	157.0	82.55	30.3
II	146.5	159.5	91.85	28.4
III	156.4	162.9	96.01	30.2
IV	151.4	165.5	91.48	31.2
1976:				
I	142.1	167.1	85.04	32.8
II	141.5	169.2	83.63	31.2
IV	136.0	173.8	78.25	31.5
IV	136.0	173.8	78.25	31.8
1977:				
I	135.1	176.9	76.37	31.7
II	136.6	180.7	75.59	30.9
III	138.8	183.3	75.72	32.0
IV	142.7	185.3	77.01	31.3
1978:				
I	151.3	188.3	80.35	30.5

[1] Carcass weight equivalent.●

THE PRESIDENT SHOULD RECESS THE STRATEGIC ARMS LIMITATION TALKS IN ORDER TO GIVE CONGRESS AN OPPORTUNITY TO REFORMULATE OUR NATIONAL SECURITY GOALS AND NEGOTIATING POSTURE FOR SALT II

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from New York (Mr. KEMP) is recognized for 30 minutes.

● Mr. KEMP. Mr. Speaker, I have just returned from several days in Geneva, Switzerland, as a member of the U.S. congressional delegation to the Strategic Arms Limitation Talks—SALT—a post to which I was appointed by you. As additional measures of my interest in, and commitment to, effective arms control, I am concurrently serving as a congressional delegate to the conference of the Committee on Disarmament in Geneva and the United Nations special session on disarmament in New York City, also by your appointment.

As my colleagues know, I have maintained considerable interest in the content of the negotiations for a SALT II treaty as a component of my work as a member of the House Subcommittee on Defense Appropriations. Although I have expressed my concerns on various occasions over the details of some of the tentative agreements arrived at for incorporation in a SALT II treaty, I participated in the Geneva talks without preconceived conclusions. In the course of the Geneva visit, I met with members and staff of the American-Soviet SALT delegations and reviewed the joint draft text of the proposed SALT II treaty and protocol in detail.

I deeply regret that after having an opportunity to observe and study firsthand the character and text of the current proposals advanced by the United States in this, the final round of negotiations, and to meet with SALT negotiators directly, I cannot, in good conscience, recommend that the Strategic Arms Limitation Talks continue in their present form.

THE PRESIDENT SHOULD RECESS THE SALT TALKS

I believe the President should recess the talks, bring home our negotiators, and the SALT process and the joint draft text should be thoroughly reviewed by the Executive and Congress with the intent of reformulating the American negotiating posture in a manner which would allow an agreement to be reached which would be more equitable, totally verifiable, conducive to crisis stability, and unambiguous in its terms.

I have come to this conclusion reluctantly, because I believe that properly conceived arms control measures can enhance our security. I believe a majority of the American people earnestly desire arms control. Effectively limiting the arms race, then beginning a systematic and balanced reduction in strategic arms possessed by both sides, is a prerequisite to devoting greater shares of our national resources to meeting domestic human needs. But arms control does not necessarily equate with arms reduction; they are not always the same. We can have arms control agreements which even permit mutual expansion of strategic arms systems. Many people feel, for example, that the significant Soviet arms buildup following the signing of SALT I in 1972 was because the terms of that treaty permitted it in terms of ceilings and quality of weapons. While this must be avoided at all costs in SALT II, many provisions in the joint draft text would clearly allow the arms race to continue.

Although the SALT process is complicated with extensive detail, the most important elements of the proposed agreement are fully understandable by the American people. In my view, the SALT policy of this administration has taken the negotiations down a fundamentally dangerous path, and can only compromise America's security and undermine the confidence of the American people and the free world in meaningful arms control.

WHY THE TALKS SHOULD BE RECESSED

Let me state briefly why I find these talks so unsatisfactory as to justify their recess and a reformulation of the American negotiating position. For any arms control agreement to work, it must provide equal security and diminish the threat of nuclear war. To do that, it must have three essential properties: Symmetry—the provisions applying equally to both sides; verifiability; and clarity of terms and intent. The SALT II treaty draft fails when measured against these tests. I offer the following examples:

TERMS ARE FUNDAMENTALLY UNEQUAL

The terms of the proposed agreement are fundamentally unequal. The Soviet Union will be permitted within the terms of the agreement to deploy and operate systems which are denied to the United States. For example, the United States is prohibited from deploying "heavy" ICBM's, while the Soviets are permitted to deploy 326 SS–18's each with the ability to deliver five times the payload of our most modern ICBM, the Minuteman III. Similarly, the Soviet bomber known as the Backfire with the unquestioned intercontinental capability, by inflight refueling and landing at Cuban bases, will not be counted against their ceiling on strategic delivery vehicles, while U.S. intercontinental heavy bombers will be counted against the U.S. ceiling.

INEQUALITIES INCREASE THE CHANCES OF NUCLEAR WAR

The one-sided character of the agreement we have proposed may very well increase the risk of nuclear war by making the strategic nuclear environment unstable; that is, the Soviet Union may perceive an incentive to strike first in an intense crisis—such as "a 1980's" version of the Cuban missile crisis—a circumstance we have never had to face since the dawn of the nuclear era. Short of war itself, the mere perception of such circumstances may contribute to a dangerous increase in Soviet boldness and adventurism in the international arena.

VERIFICATION CANNOT BE ASSURED

The proposed agreement is filled with terms where Soviet compliance cannot be verified with high confidence by national technical means of verification. The casual attitude taken by key U.S. SALT policymakers toward verification expressed in the terms of the proposed agreement; namely, that we ought not to insist that the Soviets comply with the letter of the agreement if its violation is not "militarily significant," is simply unacceptable for any American President to be asked to support, and any Congress to ratify.

The recently proposed unverifiable 5-year prohibition on underground nuclear tests by the President confirms the preference of the Carter administration for taking "verification risks" with potentially grave implications for American security in an effort to reach a speedy agreement before the November elections. Based upon the Soviet efforts to evade compliance with the terms of SALT I, we cannot risk entering an agreement unless Soviet compliance with its terms can be fully verified.

THERE SHOULD BE NO SALT AT THE RISK OF COMPROMISING NATO

Fourth. The terms of the proposed SALT II simultaneously has the effect of permitting the increase of the nuclear threat posed to our allies in Europe and Asia, and denies them the means to redress that threat, particularly in the case of long-range, that is, greater than 600 kilometers—ground-launched cruise missiles. Such an agreement, if ratified, would encourage the worst fears in Europe of a Soviet-American domination of European affairs raised in the 1960's, thereby eroding the confidence of our allies in American intentions.

THE RECORD IS CLEAR AS TO WHICH SIDE IS MOST ACTIVELY PURSUING TRUE ARMS CONTROL

While I was in Geneva, Mr. Speaker, the Washington Post editorialized on the Soviet arms buildup and how that buildup contrasted against efforts by the United States to seek genuine arms control. That point is well made.

Since 1959, the United States has signed or ratified concluded 14 bilateral and multilateral arms control agreements, starting with the Antarctic Treaty of 1959 and concluding with the Interim Agreement of 1972. These are in addition to the arms control agreements now being negotiated.

But the real proof of what the U.S. commitment to arms control is—and what the Soviet's commitment to arms control is—lies in what each country has done since SALT I was concluded on May 26, 1972, 6 years ago last week. If actions speak louder than words—and they do—then what has happened over the past 6 years gives us the frame of reference we must use in negotiating SALT II. It also tells us that those negotiations must proceed from stark realities and absolute "What has the United States done during this 6-year period":

We have cancelled the production of the B-1 bomber.

We have slowed the development of a mobile missile system.

We have halted production of the Minuteman III ICBM.

We have slowed production of the Trident submarine.

We have decided to delay production of the neutron bomb.

We have dismantled our only ABM system.

We have terminated production of the Poseidon missile.

In summary, we have slowed down the production of several vital weapon systems, and we have not deployed or completed a single major new strategic defensive or offensive weapons system.

What has the Soviet Union done during this 6-year period? Have they shown restraint? Let us see.

In this 6-year period, the Soviets have:

Deployed four new intercontinental ballistic missiles—the SS–16, the SS–17, the SS–18, and the SS–19.

Deployed a new submarine-launched ballistic missile—the SS–N–8.

Developed an intermediate range ballistic missile, the SS–20, a road-mobile, MIRV'd missile capable of conversion to an ICBM.

Deployed a new class of missile-carrying submarines.

Deployed the Backfire bomber, which with in-flight refueling and landing ability at Cuban bases, is truly a strategic bomber.

That is quite a record.

And has this attempt at limiting the arms race brought about one of its real objectives—moving precious national resources from arms production to domestic human needs? In the United States, it has. In 1954, we were spending 12.7 percent of our gross national product on defense, a figure which declined to 5.2 percent in 1978 and will decline to 4.8 percent in the 1980 budget. That translates as a reduction in percentages of the Federal Government's budget from 65.3 percent for defense in 1954 to 23.5 percent in this calendar year. What has the Soviet record been? While they were spending 8 percent of their gross national product on defense in 1958, today they are spending about 17 percent, more than double.

These facts and statistics speak for themselves as to which country is most interested in, most committed to, limiting the arms race.

WHAT MUST BE DONE

I urge that the negotiations be recessed so that a top-to-bottom review can be made by the Congress, not only of the terms of the SALT II agreement, but also of the entire technical and bureaucratic process which has allowed such a state of affairs to come to pass. The posture we have adopted in SALT would institutionalize the present incipient inferiority of American arms, and codify a long-term and perhaps permanent Soviet military advantage.

The enormity of such an event makes the recessing of the talks a modest proposal that would contribute far more to American security and international peace than the conclusion of Salt II as matters now stand.●

GREEN DISCUSSES VOTE ON TUITION TAX CREDITS FOR ELEMENTARY AND SECONDARY EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlemen from New York, Mr. GREEN is recognized for 10 minutes.

Mr. GREEN. Mr. Speaker, today I was among those who voted in favor of the Vanik amendment to H.R. 12050, the Tuition Tax Credit Act. The amendment would extend the tuition tax credits in the bill to cover tuition at nonpublic elementary and secondary schools.

In addition, on May 4, I voted for the Luken amendment to the fiscal year 1979 budget resolution which reduced the revenue target in the resolution to accommodate tuition tax credits for elementary, secondary, and college education expenses. The passage of the Luken amendment set the stage for today's vote on the Vanik amendment.

A decade ago, when I was a New York State assemblyman, I opposed tuition tax credits for nonpublic elementary and secondary education. After much thought and study of the circumstances before us in 1978, I have re-evaluated my position and decided to support the Vanik amendment. I have done so for three principal reasons.

First, the Vanik amendment would provide much needed financial relief to lower and middle income families who wish to send their children to nonpublic schools. Across the Nation, 51.4 percent of the families who sent their children to nonpublic elementary and secondary schools have incomes below $15,000 annually. More than 71 percent of these families have incomes below $25,000 per year.

Michael Novak, in a column in the Washington Star of October 23, 1977, summarized the situation most succinctly:

> Consider students in the parochial schools of New York, Chicago, St. Louis and other urban centers these days, most of whom come from families with incomes under $15,000, a third or half of them Black or Hispanic. One reason poor parents pay for such schools is that, on the average, reading scores and other tests are a full grade-level higher than in the public schools. These parents are as hard-working and upwardly striving as any of the poor in American history. To give them a hand will be of enormous assistance.

I want to add to Mr. Novak's comments that in Manhattan, 75.5 percent of the children presently enrolled in parish elementary schools are either black, Hispanic, or Asiatic. In Manhattan's secondary archdiocesan schools, these same minority groups comprise 41 percent of total enrollment.

It is also interesting to note that across Manhattan, 13 percent of the students attending parochial elementary schools are non-Catholic. Certain schools are 50 to 60 percent non-Catholic in enrollment. Indeed, one school in Chinatown is 74 percent non-Catholic.

The thrust of the Novak column forcefully reiterated by Victor Solomon, director of educational affairs for the Congress of Racial Equality (CORE), in his testimony on tuition tax credits before the House Ways and Means Committee:

> The rich and the upper middle class in America have always been able to vote with their feet, so to speak, on education. If they do not like the public schools, they send their children to private schools. It is time to give poor and minorities the chance to vote with their feet, the chance to use private education, and tuition tax credits will help. The basic point is this: Blacks and poor people, the most victimized segment of our society, cannot afford to subsidize public schools with their taxes and still pay tuition for private schools.

Tuition tax credits for families who choose to send their children to nonpublic elementary and secondary institutions are not more tax breaks for the wealthy. They also are not back door subsidies to church-sponsored educational facilities. Rather, they are a means through which struggling lower and middle income citizens can be supported in their efforts to acquire the necessary financial resources to send their children to the schools of their choice. As Rabbi Moshe Sherer, executive president of Agudath Israel of America, admonished the Senate Finance Committee: "Pocketbook coercion which denies parents the freedom of choice in education to which they are entitled is an evil."

The use of a tax credit is an appropriate and uncomplicated method of ending that pocketbook coercion. While some have asserted that the revenue loss will be too high or that the tuition tax credit device involves unwise tampering with the Internal Revenue Code, I share the viewpoint expressed editorially in the March 18 edition of America magazine:

> Inconceivably massive sums are currently spent by the nation on everything from intercontinental ballistic missiles to cigarettes. In these circumstances, it does not appear extreme to use the device of tax credits in order to equalize educational opportunities for those families, especially in the middle and lower classes, that prefer non-public schools.

The second reason that I supported the Vanik amendment is that it would help to maintain diversity with respect to elementary and secondary education in the United States. There are those who contend that tuition tax credits would be a "death blow" to public elementary and secondary education in this country. They believe that tuition tax credits would encourage parents to withdraw their children from public schools and send them to competing nonpublic institutions.

I think that underlying that belief is the fear that the enactment of tuition tax credits at the elementary and secondary level would signal a lessening of Federal commitment to preserve the viability of the public school system. If I had thought that this might happen, I certainly would not have voted for tuition tax credits for those educational levels.

I would like to take a moment here to re-emphasize my commitment to a strong and sound system of public education in the United States. There is no question that our public schools need additional support and assistance at the Federal, State, and local levels of government. Public schools service the greatest number of our young people. In addition, with relatively limited financial resources, they must meet the educational needs of handicapped students, those with learning disabilities, and those having discipline and other problems.

In this century, it is clear that public education has enabled millions of individuals from modest or impoverished backgrounds to find personal fulfillment and to enjoy the benefits of the American way of life. I do not think there is anyone who would want to jeopardize the success of the public school system.

However, it is not the public school system that is endangered today. Rather, it is nonpublic education that is threatened by rising costs and competition.

In 1966, 87 percent of all elementary and secondary school students in the United States were enrolled in public schools. Ten years later, that number has grown to 90.2 percent.

In contrast, the U.S. National Center for Education Statistics predicts a drop of enrollment at nonpublic elementary and secondary schools from 6.3 million in 1965 to 4.2 million in 1984.

While nonpublic schools continue to lose students, they also are spending considerably less than public schools on the students who remain. In fiscal year 1966, the per pupil expenditures in New York City public schools was $903. By fiscal year 1975, the per pupil expenditure had jumped to $2,351. The fiscal year 1977 figure was $2,607 per pupil. This must be contrasted with the $500 per pupil presently being spent in archdiocesan schools in New York City. It is important to keep in mind that this is less than one fifth of what the public schools spend, and it is $403 per pupil below what New York City public schools were spending in fiscal year 1966.

We are faced today with nonpublic schools that are struggling to meet rising expenses and to keep up enrollments. Public schools also are in need of assistance, but their survival is not being threatened in the same fashion.

Nonpublic schools must depend upon the financial support and sacrifices of their students' families. These familes have been willing to bear these expenses because they want the kind of education for their children that these institutions provide.

Yet the children and parents who choose nonpublic education are not the only beneficiaries of the quality these schools offer. Our public school system also benefits from the healthy competition and challenge of nonpublic institutions. Victor Solomon of CORE emphasized this in his testimony before the House Ways and Means Committee on the tuition tax credit issue:

> Let me use New York City as an example. The capacities of our young people are being stifled. In the past 2 years, the percentage of children reading at grade level in New York City schools has dropped from 47 percent to 40 percent, and this statistic does not even reflect the worst of the pattern of failure, which occurs in areas such as Harlem and Bedford-Stuyvesant.
>
> While in CORE's community school in the Bronx—which was formed in response to demonstrated need in that community—children are reading at approximately grade level, children in the neighboring public schools are 1 to 2 years behind. . . . We take the same types of children as the public schools and we teach them. We challenge the public schools to start working again properly. Schools must provide not only knowledge in the basic skills, but must have proper safety and discipline, which many public schools now lack.

The challenge and diversity in education offered by nonpublic schools are a national asset. They make an important contribution to the country's educational vitality and to the development of our young people. When they suffer, truly our entire system of education suffers as well. The importance of nonpublic education was eloquently underscored in the following letter I received from an interfaith group of religious leaders in the 18th Congressional District which I represent:

> EAST COAST SYNOD, ASSOCIATION OF EVANGELICAL LUTHERAN CHURCHES,
> *New York, N.Y., May 4, 1978.*
>
> Hon. WILLIAM GREEN,
> *House of Representatives,*
> *Washington, D.C.*
>
> DEAR CONGRESSMAN GREEN: Education in America has traditionally been diverse. Public and non-public institutions work side by side in our pluralistic society. The public schools come first. The first claim and by far the largest claim on public resources is theirs. And these claims have in fact been attended to first.
>
> But taxpaying parents who choose nonpublic schools have claims too.
>
> In the past two decades, our federal government has begun to take educational needs as well as other local needs more seriously. This is evidenced by the billions of federal dollars now devoted to education and by landmark legislation passed by the Congress.
>
> This federal aid is flowing not at all in most areas to the non-public schools and in minute amounts in other areas, amounts insufficient to enable them to bear today's financial strains.
>
> Our society through government funding is increasingly expanding the opportunities of individuals and private groups to do their own thing in poverty programs, neighborhood preservation, the theatre, the dance, and the arts generally. Even to keeping the Rockettes going at the Radio City Music Hall. Why not in education?
>
> We are firmly persuaded that the tax dollars which help support persons and institutions carrying out such a variety of non-governmental cultural activities should also help support taxpaying parents in their choice of schools for their children. These non-governmental schools combine the best in education with a strong current of familial and other cultural values.
>
> These non-governmental schools are efficient and economical.
>
> The tuition tax credit bills now in Congress constitute a mechanism to help families who use such schools while providing a transfusion of federal resources to the local scene, an effect much desired by our financially beleaguered city and state.
>
> All the western democracies, save ours up to this time, have developed ways of aiding non governmental education while retaining the principle of separation of church and state. The proposed leigslation is constitutionally sound. No wall of separation between church and state is breached.
>
> Rabbi Morris Sherer, an orthodox Jewish educator, has said: "This is not a Catholic issue, nor for that matter a Jewish issue, nor a Lutheran issue. The public now senses that it is an American issue, and that at stake is the basic principle of freedom of choice in education."
>
> We therefore urge you to vote for specific legislation providing tax credits to parents of elementary and secondary schools. This will help insure freedom of choice by parents, continued diversity in education, and a fair share of the education tax dollar for all taxpayers.
>
> Will you kindly let us know your views? Thank you.
>
> Sincerely,
> RUDOLPH R. F. RESSMEYER, DD,
> *President/Bishop.*

The following have also signed the above letter endorsing the tuition tax credit legislation now in Congress:

Rabbi Ronald B. Sobel, Congregation Emmanu-El of the City of New York, Fifth Avenue at 65th Street New York, N.Y.

The Rev. Richard Neuhaus, Editor, Worldview, 170 East 64th Street New York, N.Y.

Rabbi Judah Nadich, Park Avenue Synagogue, 50 East 87th Street New York, N.Y.

The Rev. David H. C. Read, Madison Avenue Presbyterian Church, 921 Madison Avenue New York, N.Y.

The Rev. Raymond Schulze, The Rev. Paul Schmiege, Immanuel Lutheran Church, 88th Street and Lexington Avenue New York, N.Y.

The Rev. Reid Isaac, The Rev. Fred Baldwin, Holy Trinity Episcopal Church, 316 East 88th Street New York, N.Y.

The Rev. Ronald Fink, President, The Rev. Clarence Roth, Acting Superintendent of Schools, Atlantic District, The Lutheran Church-Missouri Synod 360 Park Avenue South New York, N.Y.

Rabbi Haskel Lookstein, Congregation Kehilath Jeshurun, 125 East 85th Street, New York, N.Y.

The Rev. Eugene Q. McGee, The First Church of the Christian and Missionary Alliance, 355 East 68th Street, New York, N.Y.

Rabbi Dr. J. David Bleich, (Professor of Talmud, Yeshiva University) The Yorkville Synagogue, 400 East 77th Street, New York, N.Y.

Msgr. James Wilders, Saint Thomas More Roman Catholic Church, 65 East 89th Street, New York, N.Y.

Msgr. Harry J. Byrne, Saint Joseph's Church of Yorkville, 404 East 87th Street, New York, N.Y.

Rabbi Simon Langer, Congregation Orach Chaim, 119 East 95th Street, New York, N.Y.

The Rev. Wayne Jameson, Manhattan Presbyterian Church, 240 East 31st Street, (Mail address—319 First Avenue), New York, N.Y.

The Rev. James Graefe, President, Metropolitan New York Synod, Lutheran Church in America, 360 Park Avenue South, New York, N.Y.

Mr. Speaker, I believe tuition tax credits for elementary and secondary education will help to maintain the diversity these noted clergymen cited in their letter and give parents the financial relief necessary to exercise their freedom of choice.

The third major reason that I supported the Vanik amendment is that tuition tax credits would provide families with educational options in our urban centers so that they would not have to move out of our cities and to the suburbs to find additional educational opportunities for their children. There are many parents in our major urban areas who are not satisfied with the public school systems in these cities. While there certainly are many reasons that people move from urban centers to the suburbs, the relative attractiveness of the suburban public school facilities is an important inducement in this regard.

It was recently brought to my attention that about 70,000 students have been withdrawn from New York City public schools over the past 2 years. It is evident that these students are not transferring to parochial schools, since the Archdiocese of New York is having to close schools.

Although it is hard to pinpoint with certainty the reasons for such a decline in enrollment, it is safe to assume that a significant number of those leaving the New York City public schools have been withdrawn by families moving out of the city. This is a problem that urban areas across the country are experiencing.

I believe that the availability of tuition tax credits for nonpublic education might help to keep some of these families in our major cities. They would make it

financially possible for these parents to send their children to alternative schools in the cities. Public policy should encourage these families to remain in our urban centers.

In closing, I would like to take a moment to address the question of the constitutionality of tuition tax credits for elementary and secondary education. In a number of decisions since 1947, the Supreme Court has upheld the constitutionality of reimbursement of fares paid for public transportation to church-related schools, tax exemptions for church property, and loans by States of secular textbooks to students in church-related schools.

In *Committee for Public Education* v. *Nyquist*, 413 U.S. 756 (1973), the Court invalidated a New York tuition reimbursement and tax relief plan. The plan provided limited tuition reimbursements to low-income families with children attending nonpublic elementary and secondary schools. Families failing to qualify for tuition reimbursement were allowed tuition tax credits in varying amounts depending upon adjusted gross income.

It was clear that the funds involved in the New York plan would largely reimburse only sectarian school tuitions. In contrast, the Vanik amendment, with a varied national impact, would provide assistance for tuitions at many nonsectarian institutions. The Vanik amendment would confer benefits spread over the entire population and would not serve to perpetuate any particular school system. Moreover, it should be noted that Nyquist itself suggests that incidental aid to those attending sectarian schools "in connection with a more broadly based program" may occupy a different constitutional status (413 U.S. at 794).

These, then, are the principal reasons that I voted in favor of the Vanik amendment. Tuition tax credits for elementary and secondary education would not hurt our public school system, but would help to insure the viability of nonpublic institutions. In addition, they would enable parents to truly exercise educational freedom of choice and encourage urban families to remain in our cities. They would foster educational diversity, and American education as a whole would benefit from the contributions of such a pluralistic system.

THE 32D ANNIVERSARY OF THE ITALIAN REPUBLIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I am pleased to bring to the attention of my colleagues the anniversary of the Republic of Italy which is observed on June 2.

It was 32 years ago on this day that the Italian people voted in a plebiscite to end their constitutional monarchy and establish a republic. By replacing the Italian monarchy with a republican form of government, Italy began her return to the cultural and political prominence she had long enjoyed.

Aldo Moro, the former Premier who was recently kidnapped and murdered by renegades, was one of the founding fathers of the Republic of Italy. He wove his commitment to justice and democracy deeply into the fabric of the Republic. His steadfast devotion to a democratic Italy during his lifetime is now serving as a beacon light of guidance and hope to Italy, as the Italian people work together to strengthen their democracy in the wake of this tragedy.

Aldo Moro's career directly paralleled the growth of the Italian Republic. He gave more than three decades of dedicated public service, during which time he served as president of the National Council of the Christian Democratic Party, five times as Prime Minister, and several times as Minister of Foreign Affairs. He had also served in the Chamber of Deputies since 1948, and prior to his untimely and tragic death, was expected to become President of Italy at the end of this year.

The calamitous loss of Aldo Moro has brought about a renewed sense of Italy's importance as friend and ally of the United States and has strengthened the resolve of the Italian people and their leaders to reinforce the ties that bind the Western Alliance in which Aldo Moro so strongly believed.

The 32d anniversary of the Italian Republic is an appropriate occasion not only to recall Aldo Moro's lifetime of service to his nation and his dedication to the principles of democracy on which the Republic was founded, but also to look ahead, as the Italian people, with renewed strength and courage, surmount this misfortune.

I take this opportunity to extend my greetings and best wishes to the people of the Italian Republic, as well as to the Italian Americans in my own 11th Congressional District of Illinois and throughout our country, who are joining in this 32d anniversary observance.

May the Republic of Italy experience prosperity, progress, and stability and may the friendship and common purpose between our countries and our peoples continue to flourish in the years ahead.●

PRESIDENT KAUNDA ADDRESSES JOINT HOUSE-SENATE INTERNATIONAL RELATIONS COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 10 minutes.

● Mr. DIGGS. Mr. Speaker, yesterday, I inserted into the CONGRESSIONAL RECORD the remarks made on May 18, 1978, by President Kaunda of Zambia before the National Press Club. On that same date, His Excellency President Kaunda appeared before a special joint session of the Senate Foreign Relations Committee and the House International Relations Committee, to share with us his special insights and perspectives on the situation in Africa.

President Kaunda is recognized throughout the world for his leadership and wisdom, and I am happy to have this opportunity to share with my colleagues his remarks to the joint session of the House and Senate International Relations Committees:

ADDRESS BY HIS EXCELLENCY THE PRESIDENT OF ZAMBIA TO THE JOINT SESSION OF THE U.S. SENATE FOREIGN RELATIONS COMMITTEE AND THE HOUSE INTERNATIONAL RELATIONS COMMITTEE, MAY 18, 1978.

Mr. Chairman, ladies and gentlemen, I welcome my meeting with you important members of the Legislative Branch of the American Leadership. We in Zambia recognise the role the United States Congress plays in determining America's policy towards the world. Being a super power, America's worldwide interests and America's response to threats to these interests have an impact on us in Zambia. Some of your decisions on Africa affect us. The very choice of an American President is now important to Africa. But Africa is also growing in importance. Africa's decisions affect American interests and American internal politics. As the future unfolds, the interaction of policies between Africa and the United States will grow. Our future is bound up with the future of the United States as a super power and a member of the United Nations.

Zambia is a young nation in a war-torn southern Africa. But the five million people are already in the forefront in dealing with issues of war and peace. Peace is an American national interest. It is also our national interest in Zambia.

I, therefore, come to you not to talk about war but the end of that war. I come to talk about peace and stability deeply rooted in freedom and justice to which Americans are so attached. I come to summon your conscience to crises which can be speedly resolved if Congress and the Executive Branch in Washington D.C. act in unison in the application of the noble principles inunciated by this nation's Founding Fathers: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of happiness."

We in Zambia hold these same truths to be self-evident. We also hold them to be the cornerstone in the establishment of peace in Southern Africa. But we also know that unhappily for man, they are self-evident more in breach than in their observance. Wherever they are breached, conflict is inevitable.

In the search for peace in Southern Africa, there are those Americans who might say: The United States must not be involved; We do not want another Vietnam; We in Zambia support these people in their fears. Another Vietnam would be tragic. That is not what we seek. The character of American involvement we advocate is precisely designed to avoid a Vietnam-type war. It is wrong to think that America must not be involved. America is already involved in Southern Africa.

Southern Africa is already a public issue in the United States and there can be no running away from it. Any attempt to do so will not secure peace and will lead to a war even worse than Vietnam.

Southern Africa is a question of war or peace. If you do not believe us now, you will believe us when America faces the grim realities of racial conflagration compounded by ideological super power confrontation. Then it will be too late for American action.

Southern Africa is a matter of human rights which have become a major international concern.

Southern Africa is not only the melting pot of races and cultures. It is now also a melting pot of ideologies which will have a tremendous impact on American response in the future.

Southern Africa is an American national interest. Even as a non-aligned nation, we in Zambia know the extent of Western economic and strategic interests in the region.

Western nationals, Western supplies of oil and Western arms are all being used in a combative role in the war against the millions of the oppressed engaged in a just struggle for peace, freedom and justice which Americans love. The fact is that the West have been involved for many years in Southern Africa but on the wrong side.

What is Africa asking of America now?

We ask America to be involved on the side of right against wrong, on the side of justice against injustice.

We ask Congress to support President Carter's current initiative to solve the Zimbabwe and Namibian crises.

We ask the American Government, the U.S. Congress and the people of this great country to reject the Salisbury Agreement signed by Ian Smith and his black partners on March 3, this year. It is catastrophic. The so-called Interim Government is a recipe for civil war with all the dangers of external intervention. To accept the Salisbury Agreement is to legalise illegality and to sanctify abomination. We urge the United States Congress and leaders of Multi-national Corporations to support President Carter and the British Goverment in making full use of the success achieved in the Dar-es-Salaam round of the Anglo-American/Patriotic Front initiative. We must proceed speedly to the All-Party Conference to work out the measures for implementing the Anglo-American proposals.

We ask you to support the Carter Administration in taking even bolder measures for keeping the Namibian independence programme moving forward. We support the Western proposals on Namibia in principle. But we will remain doubtful about South Africa's sincerity and commitment to her declared acceptance of the proposals. We warn against Pretoria's tactics. These call for very careful analysis and decisive action against the racists. Pretoria's recent military attack on Angola was designed to sabotage the negotiations between SWAPO and the Five Western Members of the Security Council.

You can see that far from sounding war drums, we in Zambia sound the clarion call for peace. But not peace at any price. For peace without freedom and justice is not peace, but a negation of peace and a travesty of justice. The cause of peace in Southern Africa cannot be determined by Zambia and her frontline friends alone, but by all those directly involved. Liberation movements, Vorster, Smith, Americans, the British, Chinese, Soviets, the OAU, United Nations and many others are all involved in building peace in Southern Africa.

At this point, I must dispel some dangerous illusions which some policy-makers may harbour:

Africa has never advocated war against white regimes as a first option. War has always been thrust upon liberation movements. Liberation movements are not blood thirsty. They have always favoured negotiations where possible and have only taken up arms after all avenues to peaceful change have been exhausted.

Now war is being thrust upon frontline states. We are being forced to strengthen and expand our defense forces with the help of those nations ready to assist us.

Liberation movements have not turned to socialist countries as a first option. They have gone to socialist countries to seek aid only after America and the West have refused to assist them. Yet, Western arms still find their way to the enemies of human rights in Salisbury and Pretoria.

Socialist countries have not come running to the aid of Africa in a wide range of areas. Africa has invited them following Western rejection of our pleas for action. The West, for example, refused to build the Tanzania-Zambia Railway. So we asked the Chinese. They happily built the railway. The West also refused to assist the liberation movements in Angola, Mozambique and Guinea Bissau. Instead, Western countries backed the Portuguese fascist dictatorship, financially and militarily, and thereby enabled it to intensify the war against the nationalist forces. Liberation movements turned to socialist countries who assisted them to win independence. Socialist countries won. The West lost. The West will face more defeats unless there is a complete change in their aims and policy in Southern Africa. The allies of the oppressed and oppressors are known, not by their declarations, but by their actions.

There are those who say that the West is losing ground to the Soviets and the Chinese in Africa and who might seek support for minority regimes in an attempt to secure their interests against what is popularly called international communism. I say: if America and the West are losing ground, this is not Africa's choice. This is the choice of America and the West. Africa has done her part in appealing for American and Western action from the dawn of the struggle for independence. The policy measures which the Western Governments and their multinational corporations have taken over the last two decades in Southern Africa have been a rich recipe for today's eventuality.

The West can hardly gain ground by supporting minority regimes and their puppets whose end is certain because the time for the freedom of the majority has come.

I was here in Washington D.C. in April, 1975. I warned this nation of the dangers in Africa and called America's attention to her international duty. I was a voice in the wilderness. When America woke up the morning after Angola, a totally new chapter had opened. No amount of condemnation can put right the mistakes of the 1960s and the 1970s when Portugal should have granted independence to Angola through negotiations.

I recall how in 1976 former United States Secretary of State Dr. Henry Kissinger had the courage and kindness to tell me how right I was in April, 1975 and that had America heeded my advice early, the history of our region would have been different. He was right. America would have had diplomatic relations with Angola today. I also recall my response. I said: "In my culture, it is naughty for the young to tell the old that "I told you". I had been saying so since 1966 and I still say so now. So today I say: America, do not let me repeat this over Zimbabwe, Namibia and South Africa. Unfortunately, unless Congress supports the Carter Administration in facing the realities in Southern Africa, I fear that I am bound to say once again: "I told you". The choice is not mine, America, but yours and your allies. Vorster and Smith cannot last if the West chooses to end their racist policies. That choice must be made, made not in some distant future, but now. It will not be made in Southern Africa but here and in Western Europe.

Today, Cuban involvement in Africa has become a nightmare. For us in Zambia, this is sometimes a source of amusement and often great sadness indeed. Will America and the West ever make decisions on Africa based on the principles of love, freedom and justice, or will America and the West continue to react to the fear of the Soviet and Chinese power in Africa? Africa cannot feel secure in a world in which the basis of friendship among nations is fear and hatred of one another.

So let me say this: Cuban involvement is not the cause of instability and conflict in Southern Africa. Smith and Vorster are the twin agents of evil and the current conflict in that region.

Cubans will not come to Southern Africa as a result of our invitation. If they should come, that will be the choice of the West in allowing the regimes in Salisbury and Pretoria to create conditions for external intervention in the region. Smith is recruiting thousands of mercenaries from Western countries and is procuring more arms from the same source to fight liberation movements and frontline countries. It is sad but true that America and the West cannot give Zambia arms to fight Smith and Vorster. It would be easier for Zambia and other frontline states to obtain Western arms to fight Cubans and Soviets than to obtain arms to defend our nations againsct racist acts of aggression. This happens to be the reality today. This is why the recent attack by South African racist forces against Angola is potently dangerous and provocative. It must be stopped.

Since my arrival yesterday morning, President Carter and I have had frank, very cordial and fruitful discussions. He is a man I understand and admire. He and his administration understand the complexity and gravity of the situation and the need for urgent action to avert international conflict. He remains committed to the peace programme to which we have basically agreed. What President Carter needs is Congressional support from Capitol Hill. We in Zambia and Africa in general have supported and will continue to support any genuine effort to end the war and achieve majority rule. I urge Congress, I urge American corporations with interests in our region as well as the American people in general to give President Carter the support he greatly needs to get the programme which enjoys international support through to a successful end. American national interests are truly at stake. They will not be secured or promoted by the status quo, but by change, change not in some distant future, but now.

Time has run out for America and the West. Time has run out for victory in Southern Africa; but there is just an offchance that you can extract victory from the jaws of defeat. I have the language to cheat or mislead America; I have the language to tell the America people what they want to hear. But I have a conscience and cannot do so.

No American administration has acquired so many friends in Africa and enjoys such tremendous international support over its policy in Africa as the Carter Administration enjoys today. Let this achievement not go to waste. Let there be no new crisis of confidence. There are real hopes for ending the war in Zimbabwe and Namibia. We stand at the threshhold of peace in Zimbabwe and Namibia and Americans cannot afford to turn back and walk away from that victory for peace. Great has been the American contribution in the last few months.

It is against our commitment to build lasting peace in Southern Africa that I ask for Congressional support. With God's guidance we shall succeed in the interests of mankinds happy future. Thank you.●

REMARKS OF MAYOR NEIL GOLDSCHMIDT OF PORTLAND, OREG., RE: TUITION TAX CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from Oregon (Mr. ULLMAN) is recognized for 5 minutes.

● Mr. ULLMAN. Mr. Speaker, I would like to submit for the RECORD excerpts from a recent speech by Mayor Neil Goldschmidt of Portland, Oreg. His remarks are eloquent and, in my judgment, help sharpen the focus on a very important part of what is at issue in this debate. I hope my colleagues will consider his words carefully.

The speech follows:

SPEECH BY NEIL GOLDSCHMIDT TO CHURCH WOMEN UNITED, MAY 5, 1978

I want to talk to you about something that I think is a "promise we have to keep" to ourselves, and I hope that you will hear me out to the end because it's a subject about which I have not spoken publicly before.

There is no promise that we have to keep that is more important than our promise to our children. That is not just for the children of Neil Goldschmidt, or the children of people in this room; it's to the children of this country for an eternity.

I would like to talk to you about a proposal that has been moving around the halls of Congress and has become extremely controversial. It is the proposal that would provide a so-called "tuition tax credit" of up to $500 per child for the cost of enrolling children in private schools.

I want to say to you today that I think this proposal, if it were enacted by Congress and signed into law by the President of the United States, would be disastrous to the cities of America; it would be disastrous to our urban public schools; it would be disastrous to this country's public school system. And, in the long run, those two put together mean nothing but tragedy for all of us.

The proposal I am talking about is called the Packwood-Moynihan Bill, but there are others who have participated in it. It was passed out of the U.S. Senate Finance Committee, and it has been called by some as the major domestic legislation of the year because of its political consequences. What it says is that by 1980, families can deduct from their income taxes, up to $500 for each tuition paying student in college, vocational, elementary or secondary school.

It is being pushed or advocated to relieve the income tax burden on middle class Americans—of whom I suspect there are a fair number in this room, on your way into or out of the middle class—those Americans who it is argued over the last 5 to 10 years have lost ground, compared to lower and higher income Americans, as a result of inflation.

Let me say to you that I think it is nothing but a fad, and a bad one at that. I think it panders to our worst instincts and leads us on to treacherous grounds. President Paul Bragdon of Reed College, one of our most distinguished private schools and one that would be presumed to most benefit from this legislation, has put it this way: "Our representatives in Congress have suddenly discovered the plight and anger of the middle class and have been jostling with each other ever since to be the most zealous in pressing the new cause of relief for the middle-income family." Even more serious, I think that this legislation is a reflection of a Congress that, unfortunately, appears to be increasingly unable to tackle those problems that are of a fundamental concern—and I know there are lots of them: you have concerns about why I don't catch the dogs in your neighborhood, you have concerns about how bad the streets may get after the winter, you have concerns about kids who wreck your property and this or that—but I want to put in a "fundamental" category—a house for every American, a decent education for every American, a job for every American, good health, and I think, obviously, in retirement it is the right to enjoy the investment you've made in our society. And I think, increasingly, that this legislation is a reflection of a Congress that is feeling obliged to offer our American public something, if only fads, which are only quick and easy answers.

Now, if tax reform, which we have all advocated—a simplified tax system, a fairer tax system—is one of those fundamental concerns, and I happen to think it is—I think the President is right about that—then let's reform the tax structure. On the other hand, if what is fundamental is the quality and viability of our public school system, and I think it is, then let's not tinker with our tax code in a way that will destroy the school system.

What is at stake, here, in your Mayor's view, if I am able to put it in those terms, is the most basic of our American egalitarian traditions: to provide the best, and support the best, free public school system that we can. What this tax credit proposal would do is to provide a free, or perhaps a half-free, private school system, not for all Americans, but for just those who can afford it. And according to the Congressional budget office, those people would be predominately those families with incomes between $30,000 and $50,000 a year. How long can a nation, which provides choice only to those who can afford it, remain united? I think not for long.

Now, how would this legislation impact your City school system? Let me just describe it to you as I see it. First, nothing we have learned, in the years since World War II, about our City and the public school system is more critical than the fact I want to describe to you now. If the population which feeds the public school system is not reasonably balanced between children from families with educational ties, educational motivation, and generally some education background in their family; between those families that are employed and unemployed; if the school population ends up being the children of mostly unemployed, mostly welfare families, and mostly people who have never worked, you will not have a good public school system. You cannot tax yourself into a good school system, you cannot wish yourself into a good school system, and unfortunately, you can't even volunteer yourself into a good school system. Nothing appears to be more critical than the environment in the classroom, and that environment is, in fact, produced by the children who are there and the teacher that you pay for. And if all of those children come from families of the poor, then unfortunately the quality of education in our classrooms will not be good.

The Coleman report, which was the basis for the beginning of busing to accomplish racial integration in the United States, in my view has been misread. Because what it talked about and was read to say was that we must racially integrate our classrooms, when I think what it really means is that we need to economically integrate our classrooms, so that we do not have classrooms in one part of the City for the rich, and another part of the City for the middle income, and somewhere else for the poor. And the fact is that children of poor families will end up not geting the kind of education that we want.

And so I am saying to you that if you can provide to our society more incentives for working families to pull their children out of the public school system, two things will happen: our hope for maintaining a belief in equal access and equal opportunity in the United States will be pushed a step closer to death. And secondly, I think that you will find that your taxes will go up as the government tries to compensate for the quality of classrooms that we have just demolished.

Now let me talk about Portland. If you don't know, you should understand that as of this date only 18% of the people who vote in Portland Public School elections actually have children in the Portland Public Schools. It is very difficult for the school system to sell people on paying additional taxes.

And in my view, next fall's election for a new tax base, which would settle the schools financing for Portland, Oregon for the next 5 years, is the most single, critical election in the last 25 years in this City's history. If it loses, I think the whole town will be ill; you won't see it overnight, but within 5 years I predict they'll cut a thousand people off the school payroll, many if not most of them teachers, and the motivated and some of the most gifted children in those classrooms and their parents will have found another city to live in. We will lose their volunteerism in our neighborhoods, we will lose them in our churches, we will lose them in our City government. We will not just lose them from our schools. Now, if we provide a reason for those families to pull out of the school system—and there are already only 18 percent, and we provide it to the people who already have the best education and the most choice, the number will drop below 18 percent. Those who have the best ability to make the school system perform, because they demand a quality education for their children, very well could be gone.

Last year, our Portland Public Schools cut $7 million from its budget, another $2.4 million this year, and next year, it faces a $9.3 million deficit. Why? Because in spite of the fact of what I think is a rather aggressive effort to try to find resources for the Portland Public School system, you should understand that our school system does not benefit equally with the rest of the state in state support for education. Enough on that subject. But I want to say to you, this: you own today! Own it! You payed for it, you built it out of your pockets; most of the people in this room are older than I am, and my children are going to school in buildings you payed for. I didn't pay for them, and I thank you for it. My son and daughter both attend Portland public schools, and we enjoy an education that you are helping to provide. But you should realize that you can throw all of that down the drain. What is all that? Do you know that the Portland Public School System's SAT and Achievement scores consistently run above the national averages? This is not a crummy school system. It is a good system that needs to be made better. Our educational performance has put to rest, a Public school in a large city has to be mediocre.

The passage of the Packwood/Moynihan Bill, in my view, throws up just one more obstacle and disincentive in a long series of obstacles and disincentives, to our nation's cities. Let me summarize what it will do: siphon off more of our school system's most able and most motivated students; it would cost the Federal Treasury as much as $5.3 billion; it would undermine an already burdened school finance tax base; and it calls into question the constitutional issue of church and state. It would undermine a national principle, our strong tradition of support for our public school system, and it could destroy all of the efforts of people like you in this room, and thousands of others, God love them, who have been struggling house by house, neighborhood by neighborhood, in our community, all over America, as well as in Portland, to rebuild the cities, to have a city of people that work, to have a city of people participating in their city in school decisions, building a life for all people of all backgrounds and all incomes.●

TOWARD A MORE ENLIGHTENED COMMUNICATIONS POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VAN DEERLIN) is recognized for 5 minutes.

● Mr. VAN DEERLIN. Mr. Speaker, next week the gentleman from Florida (Mr. FREY) and I will be introducing an omnibus bill looking toward an almost total revision of the outdated Communications Act of 1934. Many of the solutions our bill suggests—solutions to problems induced by a technology that has changed rapidly and radically since enactment of the present law—will doubtless be controversial. And they will stimulate heavy lobbying by affected industrial interests.

I therefore urge colleagues, insofar as is possible, to avoid making early commitments on any and all phases of our proposed legislation. As full information develops through hearings and other modes of input, I think an impartial observer will come to agree that basic change is needed if the U.S. public is to enjoy the full fruits of American ingenuity and enterprise in broadcasting, telephone service, land mobile operations, data transmission, and the other commercial and socially significant facets of modern communication.

One Member of Congress who has become something of an expert in problems surrounding telephone regulation is the gentleman from Washington, DON BONKER. I regret that Mr. BONKER is not a member of the House Commerce Committee, and especially our Subcommittee on Communications. Despite other prime legislative interests, he has found time to make his way through the labyrinth intricate accounting procedures and regulatory processes that surround America's vast telephone interconnection system.

Mr. BONKER was a recent speaker before his home State's Independent Telephone Association. One need not agree with every conclusion he has reached to appreciate that Mr. BONKER well understands the problems we face in stimulating the competition that will keep our intercity phone service the best in the world. His is an excellent example of an open mind at work.

Mr. Speaker, I commend Mr. BONKER's remarks to the attention of his colleagues as we start down the legislative road to a new Communications Act:

REMARKS OF REPRESENTATIVE DON L. BONKER

Two years ago, what I knew about the telephone system was that it worked, it worked better and better each year, and cost less and less each year for the service provided.

Two years ago, when someone said "separations," I thought of marriages breaking up. When someone said "settlements" I thought of Egypt and Israel dividing up the Sinai Desert.

Today I am not sure I really understand all that I should about the telephone system, but as a result of the work you and your colleagues in the Bell system have done, I do understand that "separations and settlements" have to do with the happy marriage between Bell and the independent telephone companies, and that things are changing all too rapidly within the telephone industry. I doubt that any one member of Congress has a sure grasp of what to do about the challenges which face you, but if we even understand the problem, you have come a long way in the last two years.

Before I get into what I understand the current situation to be, let me say a few words about how industry did get us to focus on the critical issues.

TOO MUCH TO CHEW ON

As you know, the industry strategy in 1976 was to go all out to get sponsors for the Consumer Communication Reform Act. I recall John DeButts (President of A.T. & T.) telling Congress that nothing short of immediate adoption of that bill in its entirety would prevent the collapse of the truly marvelous telephone system developed in the United States during this century.

But that bill was a big bite to chew and swallow all at once.

The section of the bill which spelled out "Congressional findings" required a willingness on the part of the Congressman sponsoring the bill to resolve with no more thought than the stroke of a pen issues and factual disputes which have consumed millions of man-hours of research and contention between regulators and the industry and their allied consultants.

The "Congressional findings" outlined in the bill ratified all industry contentions about technical integrity of the phone system, the direction and degree of subsidies between types of service, the structure of the industry—in short the status quo prior to the FCC decisions which opened the door to competition in terminal equipment and specialized long distance service.

I am not saying that Congress may not conclude that these findings are all correct—merely that it was unrealistic to expect more than one or two Congressmen—if that many—to sponsor the bill and be able to stand up and explain in detail the reasons for all those findings. But I, like many of my colleagues, like to be able to do that.

If I approached you with the following resolution, I expect you might hesitate to endorse it without a little thought and considerable study:

"Whereas, the Congress has written laws which provide for the common good;

Whereas, Congress has enacted no harmful or useless legislation;

Whereas, bureaucrats more often than not bungle the good that Congress has done,

Be it resolved, that everything enacted by Congress is endorsed and any problems associated with laws passed by Congress have occurred because of bureaucratic bungling."

Now, that is an obviously absurd example, but it points to the reason some of us resisted a simple endorsement of the Consumer Communication Reform Act.

CONGRESSIONAL SCRUTINY OVERDUE

From the outset, I have been convinced the industry is raising very real, very significant problems and issues which need to be quickly resolved. But I was uncomfortable with a strategy which allowed us not to raise questions.

The so-called "Options Paper" prepared by staff of the House Subcommittee on Communications makes clear that both industry structure, especially the degree of competition, and rate structure (what classes of users should be subsidized, how the subsidies work, who should decide subsidy levels) are issues needing Congressional review. As the "Option Paper" stated: "There are profound reasons for reviewing the current rate structure . . . so it may well be that rate structure policies should be changed irrespective of the outcome of the debate over competition." Yet the industry bill seemed to preclude that possibility at all. As originally proposed, it was explicit that current rate structure possibilities are as they should be and that only existing industry structure can maintain the existing rate policies.

Well, we have gone beyond that initial stage in the debate. The Consumer Communication Reform Act has served its purpose. The issues are before Congress and will be resolved. That is not to say they will be resolved wisely, but the issues are on the agenda.

And I must say that I believe the industry has come a long way since 1976. The most recent industry proposals are much closer to my own views of what a communications policy should be. Of course, I am still a real layman in telecommunications policy, so you may want to take my views accordingly.

As a layman I begin with these relatively unsophisticated beliefs:

We should provide basic, switched telephone service to all people at roughly equal rates;

Within a basic commitment to that policy, limited and regulated competition should be possible in clearly defined new areas of communication;

The degree to which we wish to subsidize certain classes of telephone users should be very explicit and should be decided by representatives of the people; and

Competition must be closely enough regulated that it does not impinge upon the integrity and low cost universal service of the basic switched telephone network. (There have been lots of acronyms thrown around in this debate—WATS, MTS, SCC, NPSTN. The one I like best, however, stands for "plain old telephone service," or POTS.)

Reserving the right to explore in a little more depth, I believe the industry has come close in its so-called "framework for resolution of the problem" to my simple beliefs.

COMPETITION BY DEGREES

As I understand that framework, the industry has outlined four categories of service, with varying degrees of competition to be allowed in each.

The first category is the basic nationwide switched telephone network, which should be insulated from the effects of competition.

The second category is specialized long distance services which require an interconnect with the basic switched phone network.

This service could be provided by the telephone companies, a specialized carrier, or the customer himself. The industry rightly points out that any such service should share in helping to subsidize local service, just as does other long distance service. Having stated that principle, however, does not resolve the issue of how large the access charge should be. That is obviously the critical issue if there is to be any competition at all in this category of service.

The third category of service would be straight-forward point-to-point service with no interconnection through the basic phone system. It would be highly competitive in the long run.

The fourth category of service would allow controlled competition in terminal equipment.

What is striking to me about these proposals is that they appear to represent a real movement within the industry to come to grips with evolving technology and the prospects for competition. In 1976, I was told by telephone company people that any competition would be ultimately destructive of

low-cost, universal service. The latest industry proposals appear to be much more realistic and a much better basis for setting public policy. That does not mean the debate is settled for me or for the Congress, but you have given us something solid to work with.

The framework proposed by the industry focuses on competition and basic industry structure. It is not as detailed with regard to rate structure policies.

And I fully expect that there will be debate over rate policies. The issue is more complex than a simple choice between rate averaging and cost-basis pricing. As you know there is considerable dispute between experts over whether "value of service" pricing of business service and long distance service is too high, too low or just right. There is in fact dispute over what yardstick you use to determine whether prices are right or wrong.

The industry itself seems to accept that, for some very limited services—namely directory assistance—cost-based pricing is both practical and wise public policy.

However, I do harbor the suspicion that when all is said about pricing policies, we may conclude that simple rate averaging and value of service pricing are the only truly practical methods open. There may be refinements, such as "life-line" service for the poor, but the refinements may just as well go in the opposite direction from "cost-basis pricing" as toward it.

CONCERN FOR RURAL AREAS

Finally, let me note that I have been encouraged from the beginning of the debate that even the most pro-competition elements within the Federal Communication have recognized that rural phone users are the most vulnerable of all classes of customers to the potentially harmful effects of competition.

It now appears that the House Subcommittee on Communications will have a staff-prepared draft of legislation in June. At this point I am sorry that I cannot tell you what will be in that draft for the simple reason that no one is talking. You will probably know as soon as I, if not sooner.

But going on at the same time is a lot of flailing around within the courts and the FCC that indicates the fundamental lack of resolution over basic issues. The FCC presently has in its mill a study of basic separation and settlements policy, an inquiry into whether WATS and basic long distance service (message toll service, or MTS) should be opened to competition, and development of a new uniform system of accounts. And a very recent Court of Appeals decision has thrown into confusion just what yardsticks the FCC should use for determining whether to require interconnection of specialized common carriers with the basic switched phone network.

Congress had best get down to cases on these fundamental issues. You can help us through the continuing of the sort of work the industry task force has recently done. We are past the stage of signing up sponsors and generating resolutions, and as long as we all recognize that, you can count on my help in moving Congress toward action.●

NOTES FOR THE SUMMIT: FROM OVERALL DEMAND EXPANSION TO STRUCTURAL IMPROVEMENTS; FROM MACRO TO MICRO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

● Mr. REUSS. Mr. Speaker, the present world economic situation, seen from the United States, resembles the library in Alice's Looking-Glass House, where "the books are something like our books, only the words go the wrong way." In the United States, growth is up, overall unemployment has come down, and accelerating inflation is now the predominant public worry. Elsewhere, especially in Europe, growth remains slow, unemployment remains high, and inflation rates, on average, are still declining.

The International Monetary Fund now projects an average real GNP growth of only 2.8 percent for all European countries in 1978. Chancellor Denis Healy of Britain has stated the problem facing Europe in unequivocal terms:

> The present outlook is not a satisfactory one . . . There is a serious risk of rising unemployment, (of) growing pressures for protection, and (of) being trapped in a deflationary spiral.

When the heads of state of the major non-Communist industrial nations meet in Bonn this July, Mr. Healy's warnings will be at the top of the agenda.

High employment without accelerating inflation remains the goal, as pressing and as elusive as ever. Moreover, as our leaders prepare to meet, they do so realizing that the next major boost to world recovery must come with the United States largely on the sidelines. Our economy, running far closer to capacity than any other, with a huge trade deficit, and with rising domestic political pressures for fiscal restraint, can expect to contribute very little incremental demand growth to the export sectors of our major trading partners in the months ahead.

The United States has played the leadership role in the world recovery until now; it is time for the others to catch up.

For us, there is a new and far more challenging leadership role ahead, to which I shall shortly turn. But, speaking strictly of the necessary additional boosts to effective world demand, it is time for the Europeans, together with the already marching Japanese and the stronger members of the Third World, to take decisive action on their own.

The world situation is, in short, bleak, but by no means in crisis. The Interim Committee of the IMF, meeting in Mexico City last April, has reached a consensus on a global strategy for coordinated economic growth. Abandoning "locomotives," this strategy demands contributions from the full spectrum of industrial nations, not simply the United States, Germany, and Japan. It explodes the myth of "export-led growth" for strong countries as a group, recognizing, in effect, that widespread policies of "glut-thy-neighbor" can be destructive. The IMF strategy recognizes that the contribution of each country to world growth must be geared to its individual capacity for growth—to the present size of its gap between actual and potential GNP.

Where this is large, as in Germany and Japan, relatively large increments to domestic demand and output are called for—enough to close the GNP gap by 1 to 1½ points per year through 1980. Where the GNP gap is smaller but still substantial, as in Canada, France, Italy, and the United Kingdom, slower rates of GNP gap reduction, averaging one-half of 1 percent per annum, are suggested. And in the case of the United States, where resource utilization in the manufacturing sector is only 5 percent below estimated potential, the strategy prescribes a sensible course of steady expansion at about 4 percent per year in 1979 and 1980. At the macro-level, the heads of state assembling in Bonn could hardly do better than to announce the specific, realistic policies they intend to put into effect, in order to achieve the coordinated expansion of the global economy on which the Interim Committee has agreed.

I will be surprised—mildly and pleasantly, to be sure, but nonetheless surprised—if the Interim Committee's millenium actually comes to pass. This is because there is a fly in the ointment; as always, it is inflation.

Many Germans, in particular, remain deeply sceptical of the ability of conventional demand management—tax reduction and easy money—to work its orthodox Keynesian magic. German households, they say, simply save the added income. Moreover, labor markets remain tight, despite substantial unemployment, because the labor force participation rate of qualified German workers is declining, and because the social expenditure—hospital beds, schools, and so on—required by qualified guest-workers is rising, making the authorities reluctant to admit them. In such tight labor markets, increases in demand quickly translate into increased money wages and prices, squeezing profits and discouraging investment. So, in Germany and elsewhere, there are and will continue to be respectable voices urging against the strong commitment to international collaboration that the IMF consensus position represents.

Is there a way out of the dilemma of labor-short, inflation-prone industrial nations?

I am convinced that there is, and that it is up to the United States to prove it. The challenge is threefold. First, we must contain the cost-push inflation now raging here and around the world. Second, we must conquer structural unemployment, and in the process train the labor force we need for the next generation of postindustrial growth. Third, we must lay the basis for a sustained expansion of investment, both public and private, in job-creating technologies, housing, urban reconstruction, environmental control, and energy conservation; in short, a program of wealth creation that will improve standards of living well into the 21st century.

What I propose, in a word, is a substantial reversal of the conventional mismatch of policy tools to economic targets. In the United States, traditionally, monetary and tax policy has aimed at controlling aggregate demand, supplemented by Government expenditures designed to help people rendered dependent by these macroeconomic monetary and tax policies.

The result, increasingly, has been tight skilled labor markets and rising inflation at high levels of unemployment, a

large semipermanent welfare population, and the effective stifling of investment by high interest rates at just the moment when the approach of capacity constraints would signal the need for huge amounts of new industrial equipment and the social infrastructure that new or renewed industrial centers require.

Why not, instead, direct monetary policy to assure that we get our needed investment, tax policy to encourage the deceleration of inflation, and Government spending to create the durable social and human capital that sustained growth and social equity both require? In the process, new workers can be trained, structural unemployment and welfare populations reduced, and our cities converted to attractive residential and cultural communities.

Furthermore, if the Government guarantees to private business the complementary social capital to new industrial development, and if policies to hold down the growth of money wages work, and if monetary policy performs its new assignment well, then private business will respond with the resources, initiative, and imagination to insure that sustainable, profitable industrial development or redevelopment occurs. In short, we need to develop policies geared to the specific components of aggregate demand—investment, real incomes (hence consumption), and autonomous Government spending—rather than to aggregate demand as an amorphous whole. If this can be done, and done with sufficient care, then a separate policy to manipulate aggregate demand as a whole may not even be needed once high employment is achieved.

This is the model we should create for our allies and friends in Germany, Japan, and the rest of the industrial world. It means getting rid of the obsolete, tired macroeconomic obsession that we have been dishing out to ourselves and our friends abroad. And high time, too.

What, specifically, is to be done? Happily, the Carter administration and the Federal Reserve System under Chairman Miller are already moving in the right direction. What is chiefly needed is that one and all recognize the direction, the logic, and the necessity of the drift, and respond with more, more, and still more of the same. Let me outline the steps:

1. MONETARY POLICY

The Federal Reserve has for years anointed itself as the only anti-inflationary game in town. Under the new Chairman, however, there have been hints of willingness to concede this turf to the administration, in return for a determined show of fiscal restraint and dedication to structural anti-inflationary reform. The administration has at least partially delivered on both counts, by reducing the projected tax cut from $25 to $19 billion, and by naming the indefatigable Robert Strauss to promote every cost-cutting, price-restraining, and wage-dealing bargain he can think of, short of outright violation of the Sherman Antitrust Act.

Now the Federal Reserve should respond. At the very least, it should announce the suspension of the 6.5-percent ceiling on the annual growth rate of M1 that is in effect for the next three quarters. The ceiling is already unrealistic; to achieve it would require a degree of contraction that I doubt even hardliners at the Fed seriously desire. So I suggested in my May 19, 1978, letter to the Fed:

MAY 19, 1978.

Hon. G. WILLIAM MILLER,
Chairman, Board of Governors, Federal Reserve System, Washington, D.C.

DEAR CHAIRMAN MILLER: I am pleased to confirm your appearance at our next set of hearings on the Conduct of Monetary Policy, to be held on July 20, beginning at 10 a.m. In preparation for these hearings, may I call your attention to one troublesome aspect of the Federal Reserve's present practices?

As you know, I have supported your efforts to lift the cloak of unnecessary secrecy that has often surrounded monetary policy in the past. At the moment, I strongly support your announced intention to respond to the recent anti-inflationary fiscal initiatives of the Administration and Congress—initiatives that have cut the anticipated Federal budget deficit by $10 billion in fiscal 1979—with a relaxed monetary posture, designed to encourage investment and to sustain the present pace of economic growth. I am concerned, however, that such policy shifts, desirable in themselves, may generate a damaging climate of uncertainty about the Federal Reserve's real intentions when they are unaccompanied by a full review of their impact on previously announced monetary targets and objectives.

The present ceiling target of 6.5 percent for growth of the narrowly defined money stock (M1) in 1978 is a case in point. With the rapid rise in production in March and April, M1 has recovered fully from its mid-winter doldrums, achieving an annual growth rate averaging 7.0 percent over the past six months, and 8.5 percent over the past quarter. The pace is accelerating at the present time. There seems little likelihood that, left to itself, M1 growth would subside into the announced target ranges over the year as a whole. With a projected expansionary shift in monetary policy—which, as I say, I support—this almost certainly will not happen. It would surely seem appropriate, therefore, for the Federal Open Market Committee to adjust upward the target bands for monetary growth, especially the unrealistic ceiling target for M1.

Ideally, money growth targets, once announced, should be met. But just as the ideal of a balancd budget should be set aside in the face of pressing unemployment, or on the other hand, demand-pull inflation, so should the ideal of steady monetary growth be laid aside when changing conditions require it. If nominal GNP (real growth plus inflation) is expected to increase 11 percent this year, as the Wharton econometric model now predicts, and if M1 velocity grows near its trend rate of 3–3.5 percent, then M1 growth within the announced 6.5 percent ceiling is improbable, to say the least. Not that the Federal Reserve should necessarily validate every penny of expected inflation. But the Federal Reserve should not hold to targets that, in light of subsequent events, suggest a degree of contraction that the Federal Reserve does not intend to impose. In the short run, this sparks the fear that the Federal Reserve does indeed intend to tighten credit, at the risk of raising unemployment, in order to reconcile actual money growth with the targets. Over the longer run, the credibility of the Federal Reserve is brought into question, as it finds itself persistently underestimating monetary growth and overshooting its own objectives. Both unnecessarily upset financial markets.

May I suggest that, in preparation for your next target-setting Open Market Committee meeting on July 18, you explore with your colleagues the possibility of temporarily raising the ceiling in which the Fed has imprisoned itself? I hope that at our next set of hearings you will be able to present a realistic set of targets for the year beginning in the third quarter of 1978, as well as revisions of the target ranges already in effect, designed to make them more consistent with the current economic climate. If there are members of the Federal Open Market Committee who dissent from the majority position on any changes, I would appreciate hearing the reasons for such dissent.

Sincerely,

HENRY S. REUSS,
Chairman.

Better yet, perhaps in exchange for further anti-inflationary moves from the White House and the Congress, the Federal Open Market Committee could determine and announce its intention to hold short-term interest rates at their current levels, taken advantage of whatever opportunities to lower them that business conditions present. Such an announced policy could have a fixed term, say 6 months, or it could be contingent on a desired magnitude of domestic borrowing—the maximum consistent with not-overfull employment in the capital goods and housing industries. This would be, in short, a sustained effort to allow small and medium businesses (who rely on borrowed funds) and potential homebuyers (who also do) to make plans for new investment contingent on a known and fixed maximum cost of funds. Such a policy, albeit experimental in nature, could make a significant contribution to expanding and modernizing our productive base at that crucial time.

2. TAX POLICY

A chief function of tax policy, one which the IMF Interim Committee has strongly endorsed, should forthwith become the control and discouragement of inflation. There is a vast array of sales and excise taxes that enter into costs and hence prices; some of these, such as those on airline tickets and long-distance telephone calls, the administration is already pledged to reduce or discard. But the most pernicious example is the payroll tax of the social security system. Here the Carter administration's attitude is a puzzle: Having once backed the substitution of general revenues for payroll taxes in the social security trust fund, and lost, they have just booted away a near-golden opportunity to reverse the verdict against them and come up a winner. A rollback in the payroll tax rate to 5.85 percent, and a repeal of rate increases scheduled to take effect in the future, could have increased real wages and reduced marginal labor costs, thus delivering a blow against both unemployment and inflation this year. The Carter administration should get its head together on this issue, and come back before Congress as soon as possible with a corrected position.

Tax policy can also be deployed directly against wage-and-price-push inflation. In this area, the United States can learn from Britain, which is already offering tax breaks in return for wage restraint, and for Germany, Austria, and Sweden, which have long based their anti-inflation policies on a real-wage bargain at the national level.

Happily, we are not short of ideas on how to proceed. Arthur Okun, Sidney Weintraub, and Henry Wallich have done yeoman service in developing plans for tax-based incomes policies (TIP) that deserve careful study. A competent body, such as the Council on Wage and Price Stability (COWPS) should begin at once to analyze the feasibility, effectiveness, and administrative costs of various legislative designs. If Governor Wallich wishes to shanghai a few dozen of the Federal Reserve's 800 certificated economists into the act, he can do so with my blessing. For unless we are prepared with alternatives, we may be forced to choose between recession and direct controls if inflation gets worse.

3. STRUCTURAL EMPLOYMENT POLICY

As we move toward high employment of prime age white males, the urgency of shifting employment policy in favor of structurally disadvantaged groups—minorities, women, teenagers—becomes more and more apparent. Our goal, I believe, should be to create 1 million new jobs for the hard-to-employ over the next 3 years. These jobs should be in the private sector to the maximum extent, with the public sector absorbing what the private sector cannot. Dr. Lawrence Klein of the Wharton School assures me that this can be done. I have, in my remarks in the CONGRESSIONAL RECORD for March 21, 1978 (7899–7902), described some ways to lower both unemployment and inflation:

By creating a network of federally supported, nonprofit local employment councils, on the model of Chicago United, a broad-based private coalition of white and minority businesses that contracts directly with the Federal Government for job-creating money, designed to cut redtape and link hard-to-employ persons to available jobs wherever they may exist. The funding of these councils could be directly tied to their efficiency in effecting job placements.

By a Federal wage subsidy to employers who hire people with disadvantaged backgrounds in jobs with significant training components. The President's proposed targeted employment tax credit is an important start in this direction. It should be implemented, monitored, and expanded as soon as it shows signs of bearing fruit.

By a sustained effort to finance new private economic development in areas where disadvantaged people live. The President's proposed National Development Bank is, again, a hopeful beginning, which deserves careful, sympathetic scrutiny by the Congress.

By expanded programs of complementary infrastructure for new economic development: housing rehabilitation and construction, mass transit, and new public works. These should be oriented to the reconstruction, maintenance, and improved livability of existing urban centers, rather than, as so often in the past, to indiscriminate new building for which no adequate maintenance provisions have been made.

By an expanded program of public service employment, up to double the present level of 725,000 jobs.

By avoiding self-inflicted inflationary wounds.

4. CURRENCY STABILIZATION: A NONISSUE

So far, I have said nothing about the need for a policy to sustain the international value of the dollar. That is because, to be blunt, such a policy is not needed. Some window dressing aside, we do not have an exchange stabilization policy at the present time. Last January and February, the administration came under strong pressure to attempt, in effect, to peg the value of the dollar in terms of the mark. Interest rates were raised, and some intervention undertaken, but by-and-large the pressure was resisted. What happened? The crisis passed, and exchange rates in recent weeks have dropped almost altogether out of the news. Now virtually all members of the IMF Interim Committee agree that currency instability is not the cause, and currency stabilization schemes are not the cure, of the current world economic imbalance. These international aspects of the dollar I discussed at length in the CONGRESSIONAL RECORD for March 9, 1978 (pages 6355–6357).

To what extent, then, can our American attack on nagging structural, inflation, and environmental problems serve as a model for our allies and friends? The answer should be clear. Up to a point, orthodox Keynesian remedies—a boost to aggregate demand via tax reduction and easy money—may be what our largest OECD partners need. When these measures begin to flag, some additional mileage can be obtained by extending credit on relatively easy terms to Third World nations eager to purchase industrial goods. But this extender too has its limits: the ability of many Third World nations to absorb new debt is not great.

Ultimately, therefore, all must turn to specific structural initiatives, designed to raise employment, counter cost-push inflation, and create a permanent addition to national wealth. The needs are apparent:

In cities as disparate as Tokyo and Naples, massive construction of new sewage and water pollution control facilities are needed.

Along the Thames and the Ruhr, great improvements in water quality have been made. Dozens of other fouled rivers cry out for similar attention.

In Paris and London, new art and theater complexes are enriching the national cultural life. How much more talent lies undiscovered for want of a stage in a thousand provincial cities of the wealthy world?

Along the Clyde and in Belfast, great shipbuilding centers lie idle or underutilized. Why not convert them into modern industrial centers?

Except for Norway and Great Britain, all Europe suffers from a near-total reliance on imported oil. Japan is in a similar position. Yet where is the innovation in solar, wind, and (who knows?) biomass power that European and Japanese genius could produce?

Earlier phases of European building gave us much of what we treasure in our esthetic heritage. Now, what is needed is restoration, preservation, and "catch-up" by those sectors that are left behind. While it may be said that much of the United States is rich in private and poor in public buildings—theaters, museums, palaces, parks—in much of Europe the situation is reversed. How much work could be done, in renovating the decayed interiors of the stately apartments and townhouses of a great city like Paris.

The chiefs of state of the major Western industrial nations will meet in Bonn this July under conditions of great urgency and great promise. Our partners have their work cut out for them, and so do we. Our tasks, in the immediate present, are not the same. But, to a great extent, the imagination and leadership which the United States can show, in coping successfully with the problems of structural unemployment and cost-push inflation, in laying the groundwork for new growth and revitalization of our existing great industrial and commercial centers, will serve as the model for our partners when, soon or late, they reach the limits of Keynesian demand expansion.●

CHARLES R. SMITH CONCLUDES A REMARKABLE 45 YEARS OF SERVICE TO THE CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 5 minutes.

● Mr. STAGGERS. Mr. Speaker, tomorrow one of the most faithful members of the Capitol staff will conclude 45 years of service to the Congress. Charles R. Smith, better known as "Smitty" to his friends and associates, will retire from the position of engineer in charge of the the House wing of the Capitol.

"Smitty" is such an unassuming person I am afraid we are inclined to take for granted his diligent efforts to keep our place of business cool in summer, warm in winter, and the mechanical services functioning, but that is mainly because he does his work so well.

One of his responsibilities has been the assignment of elevator operators to the House wing, and he has taken a personal interest in the scores of students and young people employed to operate the elevators over the years. More than anyone knows, "Smitty" has encouraged and aided these youngsters to further their education, many times at his own personal sacrifice.

Mr. Smith's duties come under the Architect of the Capitol, and Architect George M. White declares that while Smitty will be missed by hundreds of associates here, no one will miss him more "as a good friend and exemplary employee."

Mr. Smith came to Washington in 1932 under the sponsorship of the late Congressman Lynn S. Hornor of Clarksburg, W. Va., where Smitty had been born, the son of the late Charles P. and Sara A. Smith.

Smitty and his wife, Geraldine, live at 2416 59th Avenue in Cheverly, Md., but their immediate retirement plans call for returning to West Virginia to their recently completed leisure home on the Buckhannon River near Buckhannon, and to just enjoy those wonderful West Virginia hills. His address there will be General Delivery, Buckhannon, W. Va. 26201.

As his associates gather to express their affection and good wishes this Friday afternoon, I know I may, on behalf of everyone in the Capitol community, thank Smitty for the fine service he has rendered, the comfort he has made possible for all of us, and the valued friendship this genteel gentleman has so generously and unreservedly extended.

May God keep you, Smitty, and your good wife, Geraldine, through many, many years of the happiness you have earned.●

Mr. RHODES. Mr. Speaker, I would like to join my colleague in extending our thanks, our congratulations, and our very best wishes to House engineer Charles R. Smith on the occasion of his retirement after a remarkable 45 years of service.

Puffing on his pipe, his lips curled in a smile, a twinkle in his eyes, "Smitty" is a familiar and friendly image to the hundreds of staff personnel who make up the Capitol "underground." He will be missed.

To give you a measure of this diligence, one of our minority staff officers was in the Capitol last Saturday afternoon, and he just wondered if, at the end of 45 years, Smitty might be working his last Saturday on a Memorial Day weekend. So he slipped down to room HB–15, and sure enough, who was keeping the watch but the ever-faithful Charlie Smith.

Enjoy your retirement, Smitty.

● Mr. BROWN of Ohio. Mr. Speaker, through war, depression, energy crises, and all sorts of events that have raised the heat and decibel level here in the House, one faithful servant of the Congress has made it his business to be sure we kept our cool.

Keeping our Chamber comfortable, the heat and humidity properly regulated, and the elevators functioning has been the major concern of House engineer-in-charge Charles R. Smith, for most of the 45 years of his service here which he concludes tomorrow.

A commendable career which he has pursued with quiet competence and selfless devotion, which has greatly facilitated the work of the Congress—to whom goes all the glory.

May your retirement years be as rewarding for you, "Smitty," as your service has certainly been for all of us.●

GENERAL LEAVE

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from West Virginia (Mr. STAGGERS).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

THE 25TH ANNIVERSARY OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

● Mr. BRADEMAS. Mr. Speaker, the Department of Health, Education, and Welfare is this year celebrating its 25th birthday.

Mr. Speaker, during almost 20 of the 25 years the Department of Health, Education, and Welfare has been in existence, I have served on committees in the House that deal most directly with its programs. I was, therefore, pleased to have been invited by Secretary Joseph Califano to join in ceremonies on May 23 commemorating the Department's 25 years of service to the people of this Nation.

For the benefit of my colleagues who were unable to attend the celebration, I would like to share with them the following transcript of HEW's 25th anniversary ceremonies and the remarks on May 23 of Secretary Califano and friends of the Department.

OPENING CEREMONY AND PRESENTATION BY THE HONORABLE JOSEPH CALIFANO AT THE 25TH ANNIVERSARY OF THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

PROCEEDINGS

(Music.)

Secretary Califano: Thank you. Please be seated. The dancers that signed the National Anthem while the band was playing it are from Gallaudet College, which is a college supported by this Department.

This celebration is, among other things, a family reunion for this Department. So many people are here from the Congress, many from other agencies, and from past careers in the history of HEW. Time permits me to introduce only those on the platform and I hope I don't miss any. But I want to welcome and thank all of you who have added to this celebration by joining us today. I will not follow protocol in introducing our guests, but I will mention first, and ask to stand, a person who is special to all of us. She is here in her capacity as the Junior Senator from Minnesota, but she is also here because she calls to mind the gallant, joyful, dedicated, very, very special man in whose honor the Congress of the United States named this building.

Together, Hubert and Muriel Humphrey made their lives and their career in public service a memorable celebration of two people. Ladies and gentlemen, Senator Muriel Humphrey.

(Applause.)

No family reunion would be complete without ancestors or founding fathers and mothers. We have them in abundance, several former Secretaries of HEW and as a current Secretary of HEW, it's always heartening to see healthy, agile former Secretaries of HEW. I will name them and ask them to stand in the order of their service here.

Arthur Flemming——

(Applause.)

who, among other things, I might note was forced to withhold cranberries at Thanksgiving time. Some of you may recall. There are these little marks that each Secretary bears forever.

(Laughter.)

Abraham Ribicoff——

(Applause.)

who led this Department in the days of the new frontier and who, I must say, only last week, once again demonstrated something I've known and witnessed in private situations for many years—an extraordinary amount of courage and dedication to the interests of this country, regardless of personal cost. Abe? (Inaudible).

(Applause.)

Anthony Celebrezze, Judge Celebrezze.

(Applause.)

Secretary Celebrezze got Medicaid and Medicare passed and then got out of the Department and onto the Federal Bench.

(Laughter.)

John Gardner, who will speak, but who might stand now for a moment.

(Applause.)

I'll say something about Secretary Gardner in a moment.

Wilbur Cohen——

(Applause.)

who, as much as any man or woman, has his life in this Department and who retired from teaching this year only to accept, at President Carter's request, the Chairmanship of the White House Conference on the Family, which will be held next year.

And David Mathews.

(Applause.)

I have often been credited with starting a program to find and then fund the training of excellent minority candidates for postgraduate degrees in those areas—physics, and what have you—where we sorely lack minorities. I think I can take this opportunity to set the record straight and note that when Secretary Mathews was here and before I assumed office, the one thing he asked was that I continue and bring to completion the program that he had begun. That was his program.

(Applause.)

We have from the Cabinet, Secretary Andrus of Interior and Secretary Marshall from Labor and——

(Applause.)

as we approach the setting of budget targets for fiscal 1980, I would like a big round of applause for OMB Director McIntyre.

(Applause.)

Jim McIntyre has unquestionably the worst job in the federal government. He's the one person that virtually never gets a chance to say "yes" and almost always has to say "no." He does it well and fairly. "And frequently," he says.

(Laughter.)

Or Secretary Marshall said "frequently." This Department itself would not be possible without the people I introduce next, some of whom were here and voted for the act and fought for the legislation that established this Department. From the Senate, in addition to Mrs. Humphrey, Senator Brooke,——

(Applause.)

Senator Jacob Javits,——

(Applause.)

Senator Jennings Randolph,——

(Applause.)

I will introduce Senator Magnuson in a moment. And from the House of Representatives, Congressman Jim Corman——

(Applause.)

Congressman Ford,——

(Applause.)

Chairman Pepper,——

(Applause.)

Chairman Carl Perkins, who is one of those who was here at the beginning and——

(Applause.)

Congressman Scheuer,——

(Applause.)

Chairman Staggers, who is an old and dear friend of mine,——

(Applause.)

And Congressman Pickle, who worked with Lyndon Johnson so hard to put so many of the programs in this Department.

(Applause.)

I'll introduce Congressman Brademas in a moment.

We also have, in the spirit of Camp David and to keep us honest, Jack Watson of the White House staff.

(Applause.)

His colleagues in the ranks of former Secretaries asked John Gardner to represent them and say just a few words. The ceremony will be very brief because many of these Committee Chairmen must get back to Capitol Hill. I must say, John Gardner is as fine a person as I have ever come across in public and private life and he's chosen to take on some of the most difficult and intractable problems, even after he left as Secretary of HEW.

So it's a special pleasure to introduce him to speak for the former Secretaries. John?

Secretary Gardner: Thank you very much. I speak for one of the most rampantly growing organizations in the country, the Association of Former Secretaries of HEW.

(Laughter.)

Familiarly known as AFSHEW. So far, my good friend, Secretary Califano, has shown no inclination to join our ranks, but based on long experience, we always keep a light in the window.

(Laughter.)

Obviously, I can't speak for a group so diverse as the former Secretaries. So I will speak for myself and hope that I'm reflecting the views of most of them. I loved HEW. Might as well admit it. I loved the people in HEW, not every last one of them, but far more than I would have thought possible.

(Laughter.)

I loved the mission of HEW and I want to repeat here what I said in my final report as Secretary. The mission is to strive toward the elimination of all the conditions that stunt individual growth or impair human dignity. It is to foster the strengths and capabilities that enable individuals to function as free and responsible citizens. It is to create the institutional arrrangements that enable individuals to have greater freedom of choice and I do believe that all of my fellow Secretaries, former Secretaries, would subscribe to that mission.

In pursuit of that mission, Congress and the American people have handed this Department many immensely difficult tasks, some of them almost impossible. To say that the Department has always succeeded would go far beyond even the permissible exaggerations of an anniversary, but to say that the people of HEW have accepted the immense tasks handed them by Congress and the American people and have tackled those tasks with admirable vigor and spirit and faithfulness is just the plain truth.

Mr. Secretary, I congratulate you on behalf of all the former Secretaries, congratulate you and the Department on this anniversary and I pray that you personally will receive from all quarters the support you need to accomplish your difficult mission.

Thank you very much.

(Applause.)

Secretary Califano: Now I would like to ask Senator Magnuson, who chairs our Appropriations Committee in the Senate, and who has worked hard to fund so many of these programs over so many years and who was here at the creation, if he would say a few words on behalf of the Senate.

(Applause.)

Senator Magnuson: Thank you. Mr. Secretary, Mrs. Humphrey, former Secretaries and my colleagues in Congress that are here today, ladies and gentlemen. There are many of us, Mr. Secretary, that have been here since the beginning and watched this organization grow. We started out very small. But it's no wonder that you have the big complex organization you have now, that must be administered by, as well as possible, by the Secretaries and you people who work for HEW, because since the beginning, tremendous responsibility has been placed upon this Department and it comes very fast. Much of it from the courts of the United States and a lot of it from the Congress of the United States.

Put the two together and you have an organization that's not only the largest in the government—I asked the Secretary one time, when he first took office, how many people are employed in HEW. How many people are paid out of the federal till? Well, it was a little difficult to get that figure. Finally, he came up with it. HEW now employs 1,144,000 people. That's bigger than the Army, I think, or the Navy. But I'm not critical of it and we in Congress are not critical of it, because we know that you have become the peoples' agency and therefore, with the growth of the country and the recognition up on the Hill and by various administrations of the so-called legitimate social needs of the people of this country, it's no wonder that you have to have so many people to do it and do the job.

Now it's nice of you to ask us here today, Mr. Secretary. I often thought that within any organization such as this that it's awfully nice to have your banker up for coffee and doughnuts once in a while.

(Laughter.)

But this is a job for all of Congress and we wish you well. You're a sensitive agency and there surely must be some anxiety within many of you here today as looking toward the future and the responsibilities you'll have, as this country shifts its philosophy, political and otherwise, for the great social needs of the American people.

So I congratulate you on your 25th birthday. All of us in Congress are going to be as helpful as we can that you might continue to do the job you've done in the first 25 years.

Thank you very much.

(Applause.)

Secretary Califano: And, for the House of Representatives, Congressman John Brademas, one of the leaders of the House, a long-time personal social friend of mine, but most importantly, I think, for this morning, a long-time friend of the people this Department serves and many of the programs of this Department.

John?

(Applause.)

Congressman Brademas: Thank you very much. Mr. Secretary, distinguished former Secretaries, Mrs. Humphrey, my other colleagues in Congress, members of the Cabinet and friends. I have had the privilege for nearly 20 years now of serving on one of the several committees of the House of Representatives with which the Department of Health, Education and Welfare, with its manifold responsibilities, deals. So I can speak from first-hand experience when I join all of you in this celebration of the 25th anniversary of the Department.

There is no department of the federal government that touches more directly or more broadly on the lives of such a diversity of people as does the Department of Health, Education and Welfare. It is therefore appropriate, as Secretary Califano has already observed, that we think of today as a celebration of people, people ranging from preschool children receiving the benefits of Head Start, to older Americans receiving a social security check, to handicapped persons receiving the advantages of rehabilitation services. I am especially pleased to see here so many distinguished former Secretaries of the Department, for they form a noble line of persons committed to the celebration of people.

I know from many years of friendship with Secretary Califano that this marks his commitment as well and because Joe Califano is there, the commitment of President Carter, too. So, Mr. Secretary, on behalf of Speaker O'Neill and Majority Leader Wright and the entire membership of the House of Representatives, I join you in congratulating you on this joyous occasion.

Thank you very much.

(Applause.)

Secretary Califano: I would like to say a few words on this occasion, as words I speak as an employee of HEW to the Congress and to the American people. "The moral test of government is how that government treats those in the dawn of life, its children, those who are in the twilight of life, its elderly, and those who are in the shadows of life, the sick, the needy and the handicapped." In those words, on a day last November, when we dedicated this building to him, Hubert Humphrey expressed a part of his philosophy and he summed up eloquently the mission of this Department.

For this Department, through 25 turbulent years, has devoted itself to helping the most vulnerable of our nation's people, those who are very young or are very old, those who are sick or poor or handicapped. We are the agency through which this government and the Congress has sought to meet and measure up to that exacting moral test of Hubert Humphrey, to hold a light aloft for those who live in the twilight, or in the shadows.

This Department represents the greatest act of compassion of any society in the history of civilization. What can we learn from its 25 years of effort and struggle? For me, there are three conclusions to be drawn and the first of them is this—the efforts of government to deal with social problems, to affect major social change, can be successful and sometimes spectacularly successful. Consider these bits of evidence. Between 1965 and 1975, the number of American people living in poverty was reduced by half, from 30 million people to 15 million people, from 15 percent of our population to seven percent of our population. That is an achievement every bit as exciting as landing a man on the moon and it happened, in large part, because of the programs of this Department.

(Applause.)

In only ten years, the proportion of young black Americans entering college has doubled. Today, a high school graduate who is black has almost the same chance to go to college as his white classmate. That, too, is a striking social achievement and it happened in large part because of this Department.

(Applause.)

Its programs of Equal Opportunity, of educational enrichment and student financial aid.

Life expectancy in America has grown in the past few years and infant mortality has declined, largely because of programs administered by this Department. Medicare and Medicaid, programs of maternal and child health, programs of scientific and biomedical research.

It is a measure of our standards as a nation that when such things happen, we quickly take them for granted. We Americans accept as routine, advances that other ages and other nations would hail as revolutionary. In an age of deep pessimism about the capacity of government to do almost anything right, such achievements come as rays of light. They are not reasons for government to congratulate itself. They are reasons for the American people to congratulate themselves.

Such achievements are signs of our national vitality. They are signs that our nation is not only coping with its problems, but often overcoming them. That in itself is cause for celebration. The daily work of this Department may seem prosaic—writing regulations, dispensing federal funds, mailing out forms, gathering statistics, making research grants, mailing social security checks. The results are anything but prosaic. They are breathtaking diversity and profound impact. We measure them, not just in budgets and organization charts, but in other ways—in the delight of a child watching Sesame Street, in our pride when a scientist at HEW, the National Institutes of Health, wins the Nobel Prize. In every hard-won victory of a handicapped person or a retarded child against enormous odds and in the smile of an older American, enjoying the food and companionship at a senior citizen center.

I think it is entirely fitting, after 25 years, for the American people to remind themselves of these successes and for us to rejoice in them.

The second lesson of these years has to do with the omnipresence of controversy. This Department was born in controversy, has lived amid controversy and will probably celebrate its 50th anniversary in the midst of controversy and that is as it should be.

For HEW, after all, as Senator Ribicoff has noted, pricks our national conscience. It touches on those sensitive national nerves. We are not only the largest government Department, we also deal with the largest issues. We confront a tangle of social problems which are difficult to define, much less solve—discrimination, poverty, medical ethics. We are charged by law to deal with human difficulties that other institutions in our society, the family, the schools, the national economy, have failed to solve and we deal with these problems in the open. We must accommodate somehow all the competing and contending views of this diverse, contrary nation. We extend ourselves to serve the interests of young and old, black and white, Hispanic, Eskimo, Indian, women and handicapped citizens.

But the controversies are a feature of life in this Department. They are also a blessing, however mixed, for they are the debates of a lively democracy, the earnest discussions of a people who care, not only care, but care passionately. I believe quite simply that the crosswinds of opinion and controversy that blow constantly through this Department blow not ill, but good for America. They do not chill our national life. They invigorate and refresh our democracy.

I would draw finally a third lesson, a lesson about the virtues of efficiency. This Department has grown phenomenally since it was founded. In 1953, its total budget was less than $7 billion. Next year, its budget will reach $182 billion, a 26-fold increase in 25 short years.

In 1954, we were 35,000 federal employees. Today, we are 145,000 federal employees and we pay the salaries of another 980,000 state, local and private employees. That growth, thrust upon us by the Congress and the American people, has created a more just and caring society. But that growth has also come sometimes at the expense of efficiency.

For years, the foremost challenge that faced us was to tackle the unfinished business of a generation, to launch compassionate new programs, to address problems the nation had not faced, much less solved. Today, our challenge is no less awesome, not only to meet the needs of our people for social justice, but to answer to another demand of the American people. Their demand for carefully, prudently-managed government. Ours is the challenge of expressing compassion, but compassion disciplined by competence. We must be as wise and as effective as we are caring.

Nothing less will work today in a time of limited resources. Nothing else will do if we are to restore peoples' confidence in the ability of their government to do something.

That is why HEW has recently embarked upon an historic effort to increase the efficiency of its programs, to root out fraud and abuse, to streamline the machinery of this Department. Without these efforts, our compassion would be flabby, sentimental—an aimless thing. We would be like a physician overflowing with sympathy for his patients, but lacking the skill or the medicines to cure them or treat them.

I believe that I speak for every past Secretary of this Department and for all the devoted people who serve in this Department when I say that these three things—the satisfaction of great achievement, the excitement of great controversy and the unending challenge to do better—are the things that make this Department the most exciting and invigorating and rewarding of all government departments—federal, state or local.

I would rather be here and the employees of this Department would rather be here at this moment in history than any other place in the public service, here in the Department of the people.

(Applause.)

Today, to the American people and to the members of the Congress whose stewards we are, I bring a pledge from the people of HEW. We are determined to build on the achievements of 25 years. We are determined to emerge from the controversies of today with policies that serve all the people of this varied and vital land. We are determined to do good and to do it well. As we seek to do these things, as we seek to meet the moral test that Hubert Humphrey set forth and that he met so well in his own life, we can profit by the words of two other national leaders.

One is Lyndon Johnson. More than any other President before him, he shaped the missions and programs of this Department. One must recognize that before he became President, there was no Medicare, there was no Medicaid, there was no federal aid for education, there were no cancer and heart and stroke programs. There were no poverty programs. There was no Head Start program. There were very few of the programs that are here in this Department today. Lyndon Johnson once described his vision for America this way.

"The great society is not a safe harbor, a resting place, a final objective, a finished work. It is a challenge. Constantly renewed, beckoning us toward a destiny where the meaning of our lives matches the marvelous products of our labor." Yesterday in a telegram concerning this anniversary Lady Bird Johnson recalled some other words of his that describe our nation and I believe this Department.

"Always be coming, trying, probing, falling, resting and trying again. But always trying and always gaining."

The other words are from another President who today challenges us with a simple insistent question. "Why not the best?" How well we answer President Carter's question will shape the next 25 years of this Department and of much of this nation.

We are looking forward to answering that question well.

Thank you.

(Applause.)

(End of proceedings as recorded.) ●

NEEDLESS SLIGHT TO TAIWAN

(Mr. SIKES asked and was given permission to extend his remarks at this ponit in the RECORD and to include extraneous matter.)

● Mr. SIKES. Mr. Speaker, it escaped the attention of most Americans that we did not have an official representative of stature at the inauguration of the President of the Republic of China on Taiwan. Assuredly, it did not escape the attention of Asiatics throughout the area. Most countries of the world knew that our Mr. Brzezinski, one of the President's top men on foreign affairs, was at that time a visitor in Red China. Whether or not this was a deliberate slight to Taiwan, the Asiatics will consider it so. It is unfortunate that the administration is not more careful in its dealings with foreigners.

Taiwan and Korea are the only effectively armed anti-Communist countries in Asia. There are those who are pressing hard to get us out of both. Without American support, the survival of either as free enterprise nations is doubtful. When U.S. support is lacking for Taiwan and South Korea, we push Japan toward the waiting arms of the Communists.

Japan has no defense worthy of the name. We provide Japan's defense. This is a drain on the American taxpayer. It also permits Japan, without realistic military expenditures, to manufacture goods at less cost for sale in competition with American goods, but that is another subject. If Japan, Taiwan, and South Korea are nudged or pushed into the Communist orbit, the remaining non-Communist people of Asia will speedily follow suit.

Failure to have a high-ranking delegation in Taiwan could not have been something that simply was overlooked. If deliberate, it was a mistake and a needless affront to a good friend and a staunch ally.

It is difficult to understand the emphasis which is apparently being given to the People's Republic of China by this administration. We all realize that it is a nation of 800 million people, but one which has harnessed its entire populace primarily to the task of providing enough food and clothing for their own requirements. Their first concern is to avoid conflict with the Soviets while pushing for leadership among world Communist nations. Additionally, their position on Taiwan is well known. They demand that we drop our relations with the Nationalist Chinese before upgrading our relations with them. Yet, diplomatic relations with them offers little to our Nation.

Once again, however, we have pulled the rug from another ally. Instead of support for a friend, we have another administration representative, hat in hand, attempting to acceed to the unconscionable demands of a dedicated foe. History teaches us that endeavors such as this lose us allies, and make no new ones. When will we learn? ●

AMERICA HAS NO BASES IN AFRICA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. SIKES. Mr. Speaker, the question of American assistance to beleaguered African countries under pressure from the Russian-Cuban terrorists combination generally overlooks one important factor. The United States now has no bases in Africa. One by one, we have

been thrown out or we withdrew, and in most instances it was because a Marxist regime had taken control. The Russians have a chain of major bases scattered throughout the continent of Africa. As an illustration, Wheelus Air Base in Libya, once a very important U.S. training base, now serves as a principal port of entry for Russian weapons being shipped by air to implement Russian-Cuban aims in African nations. The question of lack of bases is equally applicable where U.S. rescue or support missions are concerned. This problem is discussed in knowledgeable terms in the Annapolis Evening Capital of May 19, 1978, under the title, "Lack of Bases Causes Problem." I submit it for reprinting in the RECORD:●

LACK OF BASES CAUSES PROBLEM

WASHINGTON.—A senior U.S. military official says a minor rescue operation in Africa would present "complex problems" and that a major U.S. military operation now on the vast continent would be out of the question because of the lack of U.S. bases there.

As the official, who asked to remain anonymous, put it recently:

"There are not a very large number of circumstances or a very likely set of circumstances in which U.S. forces in Africa would be appropriate or even feasible."

As for U.S. ability to mount a major operation in Africa, military planners point out that there are few, if any, bases that would be available to support American forces in the continent.

The official said others in the Carter administration share his view. He indicated he believes congressional and public opinion would oppose any U.S. military involvement in Africa.

The United States once occupied a string of bases across North Africa, but they were given up in the 1960s. Ethiopia once was one of this country's few strong friends in Africa, but a Marxist military regime threw out the last American military presence there in 1977.

The senior defense official acknowledged it could be a difficult maneuver to carry out even a relatively small rescue expedition to Zaire by a force of some 1,500 paratroopers flown across the Atlantic in U.S. transport planes. The armed expedition was a possibility earlier this week, before most American civilians escaped from Kolwezi, a city under rebel attack.

It is still possible for the United States to stage "a show of military capability when it is appropriate," the official said.

He recalled that the nuclear-powered aircraft carrier Enterprise was moved close to the East African coast early last year when Ugandan President Idi Amin threatened Americans in his country.

Amin then disclaimed any intent to harm the Americans. It has never been established that he reversed himself because the Enterprise was at the ready hundreds of miles away from his landlocked country.

In any event, the presence of the Enterprise in those waters was a happy coincidence for the United States. U.S. warships make periodic voyages into the Indian Ocean to show the flag, but they are not there at all times.

Commenting on the administration's apparent frustration in trying to find a formula to discourage Soviet and Cuban military involvement in Africa, the senior official said, "We clearly have not found the solution."

He said there is "evidence that the Cubans are getting somewhat more brazen" in their African activities.

According to current estimates, there are about 40,000 Cuban military men and about 2,500 Russian advisers in 18 African countries. Most of the Cubans and Russians are in Angola and Ethiopia.

Speaking of the Russians and their deepening commitment in Africa, the defense official said "it is difficult to find signals that will get their attention and at the same time not upset negotiations that are going on."

Despite the administration's concern about the Cuban penetration in Africa, it is clear that President Carter does not intend to tie that problem to the U.S.-Soviet negotiations on limiting strategic nuclear weapons—the SALT talks.

The senior official conceded that the United States has only limited leverage to use against Russia in the economic field and no means for bringing direct pressure to bear on Cuba because the United States maintains no trade or formal diplomatic relations with Fidel Castro's government.

However, the official said there are ways in which the United States has acted to get its message of disapproval across on the African question.

He said the United States had put on the backburner negotiations sought by the Russians to neutralize the Indian Ocean area militarily, and that the Russians knew that this was caused by U.S. displeasure over their African intentions.●

SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS

(Mr. COTTER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. COTTER. Mr. Speaker, one of the important aspects of President Carter's urban package is the additional 5 percent investment tax credit and the higher ceiling for tax-free industrial revenue bonds for "economically distressed areas." While each Member has a different view of the substantive aspects of these proposals, many find the idea of targeting Federal tax incentives both novel and worthwhile.

I along with other Members have been working to secure detailed information about what areas qualify for the designation "economically distressed." The administration has just provided me with a complete nationwide breakdown. Therefore, for the benefit of all Members of Congress and other interested individuals, I am enclosing the complete nationwide list developed by the Treasury Department. This list is not definitive. I realize that the Congress will make changes it thinks necessary to help revitalize economically distressed areas in our Nation, but the Carter proposal provides a good beginning.

The information follows:

FACT SHEET

SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS

The President's proposal

The size of projects which may be financed with tax exempt "small issues" of industrial development bonds will be increased from a maximum of $5 million to $20 million, but the tax exemption will be allowed only for acquisition or construction of land or depreciable property in "distressed" areas.

The test for economic distress will be applied to areas defined by either: 1) the boundaries of any city, town or other unit of general purpose government or 2) the area within a county's boundaries outside of all general purpose units of local government.

Local area eligibility will be defined separately for two groups: local areas with boundaries in whole or in part within an SMSA and local areas wholly outside of SMSAs. An area will be eligible if it meets at least three of four criteria relative to all local areas within its group: i) its local unemployment rate is above the average, ii) its five-year growth rate of employment is below the average, iii) its five-year growth rate of population is below the average, and iv) its five-year absolute change in per-capita income is below the average.

Present law

Industrial development bonds are securities issued by State and local governments for the benefit of private borrowers. One of the cases for which interest on such bonds is tax-exempt is for small issues, where the amount of the bonds sold does not exceed $1 million or the total capital expenses on the facility being financed do not exceed $5 million.

LIST OF ELIGIBLE JURISDICTIONS FOR THE INDUSTRIAL DEVELOPMENT BOND AND DIFFERENTIAL INVESTMENT TAX CREDIT PROVISIONS OF THE ADMINISTRATION'S URBAN PROGRAM

The accompanying list indicates the areas of the country which satisfy the distress test for eligibility under the Industrial Development Bond and Differential Investment Tax Credit provisions of the Administration's Urban Program. For towns, cities, and townships shown in the list, the eligible area is defined by the boundaries of the local jurisdiction. In the case of counties, the eligible area refers to that portion of the county outside of incorporated or organized jurisdictions.

The key to the state codes in the list of eligible areas is as follows:

01 Alabama	26 Missouri
02 Alaska	27 Montana
03 Arizona	28 Nebraska
04 Arkansas	29 Nevada
05 California	30 New Hampshire
06 Colorado	31 New Jersey
07 Connecticut	32 New Mexico
08 Delaware	33 New York
09 District of Columbia	34 North Carolina
	35 North Dakota
10 Florida	36 Ohio
11 Georgia	37 Oklahoma
12 Hawaii	38 Oregon
13 Idaho	39 Pennsylvania
14 Illinois	40 Rhode Island
15 Indiana	41 South Carolina
16 Iowa	42 South Dakota
17 Kansas	43 Tennessee
18 Kentucky	44 Texas
19 Louisiana	45 Utah
20 Maine	46 Vermont
21 Maryland	47 Virginia
22 Massachusetts	48 Washington
23 Michigan	49 West Virginia
24 Minnesota	50 Wisconsin
25 Mississippi	51 Wyoming

U.S. DEPARTMENT OF THE TREASURY DISTRESSED AREA ELIGIBILITY TEST

(Eligible governments)

STATE: ALABAMA (1)

Title

Barbour County.
Bibb County.
Bullock County.
Butler County.
Calhoun County.
Chambers County.
Choctaw County.
Clarke County.
Clay County.
Cleburne County.
Colbert County.
Conecuh County.
Coosa County.
Covington County.

Cullman County.
Dale County.
Dallas County.
Escambia County.
Etowah County.
Fayette County.
Geneva County.
Greene County.
Hale County.
Lawrence County.
Limestone County.
Lowndes County.
Macon County.
Madison County.
Marengo County.
Marshall County.
Monroe County.
Morgan County.
Perry County.
Pickens County.
Pike County.
Randolph County.
Russell County.
Talladega County.
Tallapoosa County.
Wilcox County.
Winston County.
Blue Springs Town.
Clayton Town.
Clio Town.
Eufaula City.
Louisville Town.
Brent Town.
Centreville City.
Midway Town.
Union Springs City.
Georgiana Town.
Greenville City.
McKenzie Town.
Anniston City.
Blue Mountain Town.
Hobson City Town.
Jacksonville City.
Ohatchee Town.
Oxford Town.
Piedmont City.
Weaver Town.
Five Points Town.
Lafayette City.
Lanett City.
Maplesville Town.
Thorsby Town.
Gilbertown Town.
Silas Town.
Toxey Town.
Pennington Town.
Fulton Town.
Grove Hill Town.
Jackson City.
Thomasville City.
Edwardsville Town.
Leighton Town.
Littleville Town.
Sheffield City.
Tuscumbia City.
Castleberry Town.
Evergreen City.
Repton Town.
Goodwater City.
Rockford Town.
Andalusia City.
Florala City.
Heath Town.
Lockhart Town.
Opp City.
River Falls Town.
Babbie City.
Carolina Town.
Gantt Town.
Horn Hill Town.
Libertyville Town.
Onycha Town.
Sanford Town.
Garden City Town.
Hanceville Town.
South Vinemont Town.
Fairview Town.
Good Hope Town.
Baileyton Town.
Ariton Town.
Midland City Town.
Newton Town.
Ozark City.
Pinckard Town.
Daleville Town.
Level Plains Town.
Grimes Town.
Napier Field Town.
Clayhatchee Town.
Orrville Town.
Selma City.
Hammondville Town.
Shilo Town.
Atmore City.
Brewton City.
East Brewton Town.
Flomaton Town.
Pollard Town.
Riverview Town.
Altoona Town.
Attalla City.
Gadsden City.
Glencoe Town.
Rainbow City Town.
Reece City Town.
Walnut Grove Town.
Mountainboro Town.
Sardis City Town.
Ridgeville Town.
Fayette City.
Hodges Town.
Red Bay City.
Russellville City.
Black Town.
Coffee Springs Town.
Geneva City.
Hartford Town.
Malvern Town.
Samson City.
Slocomb Town.
Eunola Town.
Boligee Town.
Eutaw City.
Forkland Town.
Akron Town.
Greensboro City.
Newbern Town.
Headland City.
Bridgeport City.
Bessemer City.
Birmingham City.
Detroit Town.
St. Florian Town.
Courtland Town.
Hillsboro Town.
Town Creek Town.
Ardmore Town.
Athens City.
Elkmont Town.
Mooresville Town.
Lester Town.
Fort Deposit Town.
Benton Town.
Hayneville Town.
Notasulga Town.
Tuskegee Town.
Franklin Town.
Huntsville City.
Madison Town.
Gurley Town.
Triana Town.
Owens Cross Roads Town.
Dayton Town.
Demopolis City.
Faunsdale Town.
Linden City.
Thomaston Town.
Myrtlewood Town.
Sweetwater Town.
Providence Town.
Bear Creek Town.
Brilliant Town.
Guin Town.
Hackleburg Town.
Albertville City.
Arab City.
Grant Town.
Guntersville City.
Union Grove Town.
Bayou La Batre Town.
Prichard City.
Mount Vernon Town.
Wilmer Town.
Beatrice Town.
Excel Town.
Frisco City Town.
Monroeville City.
State=1: 201 records.
Vredenburgh Town.
State=1: 1 records.
Decatur City.
Falkville Town.
Hartselle City.
Eva Town.
Marion City.
Uniontown Town.
Aliceville City.
Carrollton Town.
Gordo Town.
Reform Town.
Ethelsville Town.
Pickensville Town.
McMullen Town.
Memphis Town.
Banks Town.
Brundidge Town.
Troy City.
Roanoke City.
Wadley Town.
Wedowee Town.
Woodland Town.
Hurtsboro Town.
Phenix City.
Bon Air Town.
Childersburg Town.
Gantts Quarry Town.
Lincoln Town.
Sylacauga City.
Talladega City.
Talladega Springs Town.
Alexander City City.
Camp Hill Town.
Dadeville Town.
Daviston Town.
Carbon Hill City.
Cordova City.
Dora Town.
Oakman Town.
Parrish Town.
Oak Hill Town
Pine Apple Town.
Pine Hill Town.
Addison Town.
Double Springs Town.
Haleyville City.
Lynn Town.
Arley Town.
State=1: 47 records.

STATE: ALASKA (2)

Title

Kodiak Island Boro.
Total for Barrow.
Total for Kodiak.
Saxman City.
Old Harbor City.
Ouzinkie City.
Port Lions City.
Akhiok City.
Larsen Bay City.
Eagle City.
Kake City.
Saint Marys City.
Akolmiut City.
Mekoryuk City.
Pilot Station City.
Scammon Bay City.
Shaktoolik City.
Teller City.
Wales City.
Akiak City.
Diomede City.
Golovin City.
Koyuk City.
Tuluksak City.
Port Heiden City.
Aleknagik City.

Hughes City.
Kobuk City.
Port Alexander City.
State=2: 29 Records.

STATE: ARIZONA (3)

Title

Williams City.
Hayden Town.
Avondale City.
Tolleson City.
Gila Bend Town.
South Tucson Town.
Coolidge City.
Mammoth Town.
Wellton Town.
State=3: 9 Records.

STATE: ARKANSAS (3)

Title

Ashley County.
Bradley County.
Calhoun County.
Chicot County.
Clark County.
Clay County.
Cleveland County.
Conway County.
Dallas County.
Desha County.
Fulton County.
Hot Spring County.
Jackson County.
Lafayette County.
Lee County.
Lincoln County.
Little River County.
Logan County.
Madison County.
Miller County.
Mississippi County.
Montgomery County.
Nevada County.
Ouachita County.
Phillips County.
Poinsett County.
Polk County.
Prairie County.
St. Francis County.
Scott County.
Searcy County.
Hamburg City.
Banks Town.
Warren City.
Hampton City.
Thornton Town.
Harrell Town.
Tinsman City.
Dermott City.
Eudora City.
Lake Village City.
Amity City.
Arkadelphia City.
Gurdon City.
Okolona Town.
Whelen Springs Town.
Gum Springs Town.
Caddo Valley Town.
Datto Town.
Greenway City.
Knobel Town.
Nimmons Town.
Peach Orchard Town.
Piggott City.
Pollard Town.
St. Francis City.
Success Town.
McDougal Town.
Kingsland City.
Rison City.
Morrilton City.
Menifee Town.
Mulberry City.
Earle City.
Gilmore Town.
Norvell Town.
Carthage City.
Sparkman Town.
Arkansas City Town.
Dumas City.
McGehee City.
Reed Town.
Mitchellville City.
Guy Town.
Altus City.
Branch City.
Denning Town.
Mammoth Spring Town.
Salem City.
Viola Town.
Poyen Town.
Delaplaine Town.
Friendship Town.
Perla Town.
Amagon Town.
Grubbs Town.
Newport City.
Swifton City.
Tuckerman City.
Tupelo Town.
Jacksonport Town.
Weldon Town.
Beedeville Town.
Bradley City.
Buckner City.
Lewisville City.
Stamps City.
Alicia Town.
Black Rock City.
Minturn Town.
Sedgwick Town.
Smithville Town.
Lynn Town.
Marianna City.
Moro Town.
Rondo Town.
Aubrey Town.
Gould City.
Grady Town.
Star City City.
Ashdown City.
Foreman City.
Ogden Town.
Wilton Town.
Winthrop Town.
Blue Mountain Town.
Booneville City.
Magazine Town.
Paris City.
Ratcliff City.
Scranton Town.
Subiaco Town.
Caulksville Town.
St. Paul Town.
Garland Town.
Fouke Town.
Texarkana City.
Joiner City.
Luxora Town.
Burdette City.
Bassett Town.
Clarendon City.
Mount Ida City.
Norman Town.
Oden Town.
Black Springs Town.
Emmet City.
Prescott City.
Bluff City.
Bodcaw Town.
Rosston Town.
Cale Town.
Willisville Town.
Bearden Town.
Camden City.
Chidester City.
Louann Town.
Stephens City.
East Camden Town.
Casa Town.
Fourche Town.
Houston Town.
Perry Town.
Elaine City.
Helena City.
Marvell City.
West Helena City.
Lake View Town.
Antoine Town.
Delight City.
Murfreesboro City.
Fisher Town.
Harrisburg City.
Marked Tree City.
Trumann City.
Tyronza Town.
Weiner City.
Waldenburg Town.
Cove Town.
Hatfield Town.
Mena City.
Wickes Town.
Vandervoort Town.
Grannis Town.
De Valls Bluff Town.
Hazen City.
Ulm Town.
Biggers Town.
Forrest City City.
Hughes City.
Madison City.
Palestine Town.
Wheatley Town.
Widener Town.
Caldwell Town.
Waldron City.
Gilbert Town.
Hackett City.
Huntington City.
Evening Shade Town.
Sidney Town.
Griffithville Town.
Higginson Town.
Judsonia City.
Russell Town.
West Point Town.
Garner Town.
Cotton Plant City.
Patterson Town.
State=4: 199 Records.

STATE: CALIFORNIA (5)

Title

Alameda County.
Colusa County.
Kings County.
Lassen County.
Los Angeles County.
San Bernardino County.
Yuba County.
Albany City.
Berkeley City.
Hayward City.
Oakland City.
Piedmont City.
Ione City.
Gridley City.
Williams City.
Hercules Town.
Pittsburg City.
Richmond City.
San Pablo City.
Clayton City.
Lafayette City.
Sanger City.
Rio Dell City.
Brawley City.
Imperial City.
Maricopa City.
Tehachapi City.
McFarland City.
Alhambra City.
Azusa City.
Baldwin Park City.
Bell City.
Burbank City.
Compton City.
El Monte City.
El Segundo City.
Gardena City.
Hawthorne City.
Huntington Park City.
Inglewood City.
Lakewood City.
La Puente City.
Long Beach City.
Los Angeles City.
Lynwood City.
Maywood City.
Monrovia City.
Palos Verdes Estates City.
Pomona City.

San Fernando City.
San Gabriel City.
San Marino City.
Sierra Madre City.
Signal Hill City.
South Gate City.
South Pasadena City.
Vernon City.
Bellflower City.
Bradbury City.
Duarte City.
Industry City.
Irwindale City.
Norwalk City.
Paramount City.
Pico Rivera City.
Santa Fe Springs City.
South El Monte City.
Walnut City.
Artesia City.
Commerce City.
Lawndale City.
Rolling Hills City.
Bell Gardens City.
Cudahy City.
La Mirada City.
Rosemead City.
Lancaster City.
Hawaiian Gardens.
Hidden Hills City.
Lomita City.
Palmdale City.
Carson City.
La Canada Flintridge City.
Seaside City.
Marina City.
Nevada City City.
Colfax City.
Banning City.
Beaumont City.
Blythe City.
Coachella City.
Sacramento City.
San Juan Bautista City.
Barstow City.
Colton City.
Ontario City.
San Bernardino City.
Montclair City.
Rancho Cucamonga City.
Adelanto City.
Imperial Beach City.
National City City.
San Francisco City.
Lompoc City.
Santa Maria City.
Loyalton City.
Dorris Town.
Weed City.
Vallejo City.
Newman City.
Waterford City.
Live Oak City.
Santa Paula City.
Wheatland City.
State=5: 114 records.

STATE: COLORADO (6)

Title

Conejos County.
Crowley County.
Dolores County.
Huerfano County.
Las Animas County.
Mineral County.
Otero County.
Antonito Town.
La Jara Town.
Romeo Town.
Sanford Town.
San Luis Town.
Sugar City Town.
La Veta Town.
Walsenburg City.
Aguilar Town.
Cokedale Town
Starkville Town.
Trinidad City.
Kim Town.
Creede Town.
Nucla Town.
Cheraw Town.
Fowler Town.
La Junta City.
Manzanola Town.
Rocky Ford City.
Swink Town.
Rye Town.
Boone Town.
State=6: 30 records.

STATE: CONNECTICUT (7)

Title

Bridgeport City.
Bristol City.
Hartford City.
New Britain City.
Bantam Borough.
Litchfield Borough.
Torrington City.
Middletown City.
Ansonia City.
Derby City.
Meriden City.
Naugatuck Borough.
New Haven City.
Waterbury City.
Milford City.
West Haven City.
Woodmont Borough.
Jewett City Borough.
Norwich City.
Danielson Borough.
Putnam City.
Willimantic City.
Stratford Town.
East Hartford Town.
Hartland Town.
Plainville Town.
Wethersfield Town.
Barkhamsted Town.
Canaan Town.
Colebrook Town.
Goshen Town.
Harwinton Town.
Litchfield Town.
Morris Town.
Norfolk Town.
North Canaan Town.
Plymouth Town.
Salisbury Town.
Sharon Town.
Thomaston Town.
Watertown Town.
Winchester Town.
Clinton Town.
Middlefield Town.
Portland Town.
Branford Town.
East Haven Town.
Hamden Town.
Madison Town.
North Branford Town.
North Haven Town.
Orange Town.
Oxford Town.
Seymour Town.
Bozrah Town.
Franklin Town.
Griswold Town.
Lisbon Town.
Sprague Town.
Voluntown Town.
Brooklyn Town.
Canterbury Town.
Chaplin Town.
Eastford Town.
Killingly Town.
Plainfield Town.
Pomfret Town.
Putnam Town.
Scotland Town.
Sterling Town.
Thompson Town.
Windham Town.
State=7: 72 records.

STATE: DELAWARE (8)

Title

New Castle County.
Bowers Town.
Felton Town.
Harrington City.
Hartly Town.
Houston Town.
Kenton Town.
Leipsic Town.
Little Creek Town.
Wyoming Town.
Bellefonte Town.
Elsmere Town.
Middletown Town.
New Castle City.
Newport Town.
Odessa Town.
Wilmington City.
Ardentown Village.
State=8: 18 Records.

DISTRICT OF COLUMBIA (9)

Washington City.

STATE: FLORIDA (10)

Title

Brevard County.
De Soto County.
Franklin County.
Gadsden County.
Gulf County.
Highlands County.
Lafayette County.
Liberty County.
Madison County.
Putnam County.
Taylor County.
Cocoa City.
Cocoa Beach City.
Melbourne City.
Rockledge City.
Titusville City.
Melbourne Village Town.
Satellite Beach Town.
W. Melbourne Town.
Indian Harbour.
Cape Canaveral City.
Palm Shores Town.
Islandia City.
Arcadia City.
Apalachicola City.
Carrabelle City.
Chattahoochee City.
Greensboro Town.
Gretna Town.
Havana Town.
Quincy City.
Port St. Joe Town.
Wewahitchka City.
Ward Ridge City.
Avon Park City.
Plant City City.
Monticello City.
Mayo Town.
Clermont City.
Groveland City.
Lady Lake Town.
Mascotte City.
Minneola Town.
Bristol City.
Greenville Town.
Lee Town.
Madison City.
Key West City.
Crestview City.
Eatonville Town.
Oakland Town.
Lake Buena Vista City.
Belle Glade City.
Pahokee City.
St. Leo Town.
San Antonio City.
Frostproof City.
Crescent City City.
Interlachen Town.
Palatka City.
Pomona Park Town.
Hastings Town.
Fort Pierce City.
St. Lucie Village.
Perry City.
Wasau Town.
State=10: 66 Records.

STATE: GEORGIA (11)

Title

Atkinson County.
Baker County.

Banks County.
Barrow County.
Bibb County.
Bleckley County.
Brantley County.
Brooks County.
Bryan County.
Burke County.
Calhoun County.
Chatham County.
Chattahoochee County.
Chattooga County.
Clay County.
Clinch County.
Colquitt County.
Cook County.
Coweta County.
Crawford County.
Dawson County.
Dodge County.
Dooly County.
Dougherty County.
Early County.
Effingham County.
Fannin County.
Floyd County.
Glascock County.
Grady County.
Greene County.
Hall County.
Hancock County.
Hart County.
Jefferson County.
Jenkins County.
Jones County.
Laurens County.
Long County.
McIntosh County.
Macon County.
Meriwether County.
Mitchell County.
Montgomery County.
Oglethorpe County.
Pierce County.
Polk County.
Pulaski County.
Putnam County.
Quitman County.
Randolph County.
Schley County.
Stewart County.
Sumter County.
Talbot County.
Taliaferro County.
Telfair County.
Terrell County.
Treutlen County.
Troup County.
Turner County.
Twiggs County.
Upson County.
Ware County.
Wayne County.
Wheeler County.
Wilcox County.
Wilkes County.
Pearson City.
Willacoochee Town.
Newton City.
Homer Town.
Auburn Town.
Bethlehem Town.
Carl Town.
Russell City.
Statham Town.
Winder City.
Emerson City.
White Town.
Fitzgerald City.
Nashville City.
Macon City.
Payne City.
Cochran City.
Hoboken City.
Morven Town.
Quitman City.
Pembroke City.
Girard Village.
Midville City.
Sardis Town.
Waynesboro City.
Leary Town.
Morgan City.
Garden City Town.
Savannah City.
Thunderbolt Town.
Cusseta Town.
Lyerly Town.
Menlo Town.
Summerville City.
Trion Town.
Bluffton Town.
Fort Gaines City.
Du Pont Town.
Douglas City.
Nicholls City.
Doerun City.
Ellenton Town.
Funston Town.
Moultrie City.
Norman Park Town.
Grovetown City.
Adel City.
Cecil Town.
Lenox Town.
Sparks Town.
Grantville City.
Haralson Town.
Moreland Town.
Newnan City.
Senoia City.
Sharpsburg Town.
Turin Town.
Roberta City.
Arabi Town.
Cordele City.
Dawsonville Town.
Chauncey Town.
Chester Town.
Unadilla Town.
Albany City.
Blakely City.
Damascus Town.
Guyton City.
Rincon Town.
Nunez Town.
Stillmore Town.
Swainsboro City.
Summertown City.
McCaysville City.
Morganton Town.
Cave Spring City.
Rome City.
Lavonia City.
Atlanta City.
Mitchell Town.
Fairmount City.
Cairo City.
Whigham City.
Greensboro City.
Union Point Town.
Cornelia City.
Clermont Town.
Sparta City.
Tallapoosa City.
Bowersville Town.
Hartwell City.
Perry City.
Ocilla City.
Commerce City.
Jefferson City.
Nicholson Town.
Avera Town.
Barton Town.
Louisville City.
Stapleton Town.
Wadley Town.
Wrens Town.
Millen City.
Gray City.
Aldora Town.
Barnesville City.
Cadwell Town.
Dublin City.
Montrose Town.
Rentz Town.
Riceboro City.
Ludowici City.
Dahlonega City.
Darien City.
Ideal Town.
Marshallville City.
Montezuma City.
Oglethorpe City.
Gay Town.
Greenville City.
Lone Oak City.
Luthersville Town.
Warm Springs City.
Woodbury City.
Baconton City.
Camilla City.
Pelham City.
Sale City City.
Alston Town.
Mount Vernon City.
Tarrytown Town.
Higgston City.
Bibb City Town.
Columbus City.
Bishop Town.
North High Shoals Town.
Watkinsville Town.
Lexington City.
Maxeys Town.
Arnoldsville Town.
Blackshear City.
Patterson Town.
Rockmart City.
Cedartown City.
Aragon City.
Van Wert Town.
Hawkinsville City.
Eatonton City.
Georgetown Town.
Clayton City.
Mountain City Town.
Tiger Town.
Cuthbert City.
Shellman City.
Ellaville City.
Griffin City.
Martin Town.
Toccoa City.
Lumpkin City.
Richland City.
Omaha City.
Americus City.
Andersonville City.
De Soto Village.
Leslie Village.
Plains Town.
Geneva Town.
Junction City Town.
Talbotton City.
Woodland City.
Crawfordville City.
Sharon City.
Helena Town.
Jacksonville Town.
Lumber City.
Mcrae City.
Bronwood Town.
Dawson City.
Parrott Town.
Thomasville City.
Lyons City.
Soperton City.
Hogansville City.
La Grange City.
Ashburn City.
Rebecca Town.
Sycamore City.
Jeffersonville City.
The Rock Town.
Yatesville Town.
Waycross City.
Jesup City.
Odum Town.
Screven City.
Glenwood City.
Helen Town.
Abbeville City.
Pineview Town.
Pitts City.
Rochelle City.
Tignall Town.
Rayle City.
State-11: 270 Records.

STATE: IDAHO (13)

Title

Clearwater County.
Franklin County.
Gem County.
Oneida County.
Shoshone County.
Bloomington Village.
Paris City.
St. Charles Village.
Placerville City.
Sandpoint City.
Moyie Springs City.
Spencer Village.
Elk River Village.
Orofino City.
Pierce City.
Weippe City.
Lost River Village.
Clayton Village.
Clifton Village.
Dayton Village.
Franklin City.
Oxford Village.
Preston City.
Emmett City.
Kooskia City.
Stites Village.
White Bird City.
Roberts Village.
Dietrich Village.
Shoshone City.
Malad City.
Kellogg City.
Mullan City.
Osburn City.
Smelterville City.
Wallace City.
Wardner City.
Pinehurst City.
State=13: 38 Records.

STATE: ILLINOIS (14)

Title

Alexander County.
Bond County.
Calhoun County.
Carroll County.
Cass County.
Clay County.
Fayette County.
Ford County.
Fulton County.
Gallatin County.
Greene County.
Hamilton County.
Hardin County.
Iroquois County.
Jersey County.
Jo Daviess County.
Kankakee County.
Knox County.
La Salle County.
Logan County.
Madison County.
Massac County.
Monroe County.
Montgomery County.
Perry County.
Pike County.
Pope County.
Pulaski County.
Richland County.
St. Clair County.
Shelby County.
Union County.
Vermilion County.
Warren County.
Wayne County.
White County.
Williamson County.
Winnebago County.
La Prairie Village.
Lima Village.
Quincy City.
Caird City.
Tamms Village.
Thebes Village.
East Cape Girardeau Village.
Greenville City.
Mulberry Grove Village.
Old Ripley Village.
Pocahontas Village.
Smithboro Village.
Sorento Village.
Capron Village.
Poplar Grove Village.
Ripley Village.
Buda Village.
Depue Village.
Batchtown Village.
Brussels Village.
Hamburg Village.
Hardin Village.
Kampsville Village.
Lanark City.
Mt. Carroll City.
Savanna City.
Shannon Village.
Arenzville Village.
Ashland Village.
Beardstown City.
Chandlerville Village.
Virginia City.
Rantoul Village.
Urbana City.
Tovey Village.
Pana City.
Clay City Village.
Flora City.
Iola Village.
Louisville Village.
Sailor Springs Village.
Xenia Village.
Bartelso Village.
Beckmeyer Village.
Damiansville Village.
Bellwood Village.
Bridgeview Village.
Broadview Village.
Chicago City.
Chicago Heights City.
Cicero Town.
Harvey City.
Lemont Village.
McCook Village.
Markham City.
Maywood Village.
Melrose Park Village.
Midlothian Village.
Robbins Village.
Rosemont Village.
Schiller Park Village.
South Chicago Heights Village.
Stone Park Village.
Summit Village.
Burbank City.
Palestine Village.
De Kalb City.
Malta Village.
Garrett Village.
Hindsboro Village.
Bingham Village.
Brownstown Village.
Farina Village.
Ramsey Village.
St. Elmo City.
St. Peter Village.
Vandalia City.
Buckner Village.
Hanaford Village.
North City Village.
Orient City.
Sesser City.
Valier Village.
West Frankfort City.
Zeigler City.
Astoria Town.
Avon Village.
Banner Village.
Bryant Village.
Canton City.
Cuba City.
Dunfermline Village.
Ellisville Village.
Farmington City.
Ipava Village.
Lewistown City.
London Mills Village.
Marietta Village.
Norris Village.
St. David Village.
Table Grove Village.
Vermont Village.
Equality Village.
Junction Village.
New Haven Village.
Old Shawneetown Village.
Omaha Village.
Ridgway Village.
Shawneetown City.
Carrollton City.
Eldred Village.
Greenfield City.
Hillview Village.
Kane Village.
Wilmington Village.
Rockbridge Village.
Roodhouse City.
White Hall City.
Braceville Village.
Carbon Hill Village.
So. Wilmington Village.
Belle Prairie City Town.
Broughton Village.
Macedonia Village.
Mcleansboro City.
Basco Village.
Bently Town.
Pontoosuc Village.
Cave In Rock Village.
Elizabethtown Village.
Rosiclare City.
Lomax Village.
Papineau Village.
Woodlawn Village.
Fidelity Village.
Grafton City.
Jerseyville City.
Otterville Town.
Apple River Village.
Elizabeth Village.
Hanover Village.
Nora Village.
Stockton Village.
Belknap Village.
Cypress Village.
Simpson Village.
North Aurora Village.
Pingree Grove Village.
Aroma Park Village.
Bourbonnais Village.
Bradley Village.
Essex Village.
Grant Park Village.
Irwin Village.
Kankakee City.
Manteno Village.
Momence City.
St. Anne Village.
Union Hill Village.
Pembroke Village.
Altona Village.
E. Galesburg Village.
Galesburg City.
Maquon Village.
St Augustine Village.
Victoria Village.
Williamsfield Village.
Yates City Village.
Dana Village.
Earlville City.
Grand Ridge Village.
Kangley Village.
La Salle City.
Leland Village.
Leonore Village.
Lostant Village.
Marseilles City.
Mendota City.
Naplate Village.
Oglesby City.
Ottawa City.
Peru City.
Ransom Village.
Rutland Village.
Tonica Village.
Troy Grove Village.
Dixon City.
Saunemin Village.

Atlanta City.
Broadwell Village.
Elk Hart City Town.
Emden Village.
Hartsburg Village.
Latham Village.
Lincoln City.
Middletown Village.
Mt. Pulaski City.
New Holland Village.
Colchester City.
Sciota Village.
Tennessee Village.
Decatur City.
Oreana Village.
Benld City.
Eagerville Village.
Hettick Village.
Mount Olive City.
Nilwood Village.
Scottville Village.
Standard City Village.
White City Village.
Wilsonville Village.
Alhambra Village.
Alton City.
Bethalto Village.
East Alton Village.
Granite City.
Grantfork Village.
Hamel Village.
Hartford Village.
Highland City.
Livingston Village.
Madison City.
Marine Village.
New Douglas Village.
Roxana Village.
Troy City.
Venice City.
Williamson Village.
Wood River City.
Worden Village.
Pontoon Beach Village.
South Roxana Village.
Junction City Village.
Kell Village.
Odin Village.
Walnut Hill Village.
Brookport City.
Joppa Village.
Metropolis City.
Columbia City.
Fults Village.
Maeystown Village.
Waterloo City
Butler Village.
Coalton Village.
Donnellson Village.
Farmersville Village.
Fillmore Village.
Hillsboro City.
Irving Village.
Litchfield City.
Nokomis City.
Raymond Village.
Schram City Village.
Taylor Springs Village.
Waggoner Village.
Witt City.
Ohlman Village.
Jacksonville City.
Woodson Village.
Adeline Village.
Creston Village.
Bartonville Village.
Brimfield Village.
Cutler Village.
Du Quoin City.
Pinckneyville City.
St Johns Village.
Tamaroa Village.
Bayliss Village.
Detroit Village.
El Dara Village.
Florence Village.
Griggsville City.
Hull Village.
Kinderhook Village.
Milton Village.
Nebo Village.
New Canton Town.
New Salem Town.
Pearl Village.
Perry Village.
Pittsfield City.
Pleasant Hill Village.
Time Village.
Valley City Village.
Eddyville Village.
Golconda City.
Hamletsburg Village.
New Grand Chain Village.
Karnak Village.
Mound City City.
Mound City.
Olmstead Village.
Pulaski Village.
Ullin Village.
Magnolia Town.
Calhoun Village.
Claremont Village.
Noble Village.
Olney City.
Parkersburg Village.
Brooklyn Village.
East St Louis City.
Fairmont City Village.
Fayetteville Village.
Lebanon City.
National City Village.
St Libory Village.
Swansea Village.
Washington Park Village.
Fairview Heights City.
Carrier Mills Village.
Eldorado City.
Harrisburg City.
Exeter Village.
Cowden Village.
Findlay Village.
Herrick Village.
Moweaqua Village.
Oconee Village.
Shelbyville City.
Sigel Town.
Stewardson Village.
Strasburg Village.
Tower Hill Village.
Ridott Village.
Winslow Village.
Alto Pass Village.
Anna City.
Cobden Village.
Dongola Village.
Jonesboro City.
Mill Creek Village.
Allerton Village.
Belgium Village.
Danville City.
Fithian Village.
Georgetown City.
Hoopeston City.
Indianola Village.
Muncie Village.
Potomac Village.
Rankin Village.
Rossville Village.
Sidell Village.
Tilton Village.
Westville Village.
Little York Village.
Monmouth City.
Roseville Village.
Radom Village.
Cisne Village.
Faithfield City.
Jeffersonville Village.
Johnsonville Village.
Mt. Erie Village.
Sims Village.
Wayne City Village.
Keenes Village.
Burnt Prairie Village.
Carmi City.
Crossville Village.
Enfield Village.
Maunie Village.
Mill Shoals Village.
Springerton Village.
Phillipstown Village.
Lyndon Village.
Bush Village.
Cambria Village.
Carterville City.
Colp Village.
Crainville Village.
Creal Springs City.
Energy Village.
Herrin City.
Hurst City.
Johnston City City.
Marion City.
Pittsburg Village.
Spillertown Village.
Whiteash Village.
Loves Park City.
Rockford City.
South Beloit City.
Winnebago Village.
Beverly Township.
Houston Township.
Liberty Township.
Quincy Township.
Burgess Township.
Central Township.
Lagrange Township.
Mulberry Grove Township.
Old Ripley Township.
Shoal Creek Township.
Tamalco Township.
Bonus Township.
Boone Township.
Flora Township.
Leroy Township.
Manchester Township.
Poplar Grove Township.
Spring Township.
Ripley Township.
State = 14: 445 records.
Cherry Grove Township.
State = 14: 1 records.

STATE: ILLINOIS (14)

Title

Elkhorn Grove Township.
Fairhaven Township.
Lima Township.
Mt. Carroll Township.
Rock Creek Township.
Salem Township.
Savanna Township.
Woodland Township.
Arenzville Township.
Ashland Township.
Beardstown Township.
Chandlerville Township.
Hagener Township.
Newmansville Township.
Panther Creek Township.
Philadelphia Township.
Sangamon Valley Township.
Virginia Township.
Colfax Township.
Cunningham Township.
Kerr Township.
Ludlow Township.
Rantoul Township.
Urbana Township.
Darwin Township.
Douglas Township.
Bible Grove Township.
Blair Township.
Clay City Township.
Harter Township.
Hoosier Township.
Louisville Township.
Oskaloosa Township.
Pixley Township.
Xenia Township.
Brookside Township.
Clement Township.
Looking Glass Township.
Pleasant Grove Township.
Calumet Township.
Lemont Township.
Stickney Township.
Malta Township.
Texas Township.
Avena Township.
Bear Grove Township.

Bowling Green Township.
Carson Township.
Hurricane Township.
Kaskaskia Township.
La Clede Township.
Lone Grove Township.
Loudon Township.
Otego Township.
Pope Township.
Ramsey Township.
Sefton Township.
Sharon Township.
South Hurricane Township.
Vandalia Township.
Wilberton Township.
Frankfort Township.
Northern Township.
Six Mile Township.
Astoria Township.
Buckheart Township.
Canton Township.
Cass Township.
Deerfield Township.
Farmers Township.
Farmington Township.
Harris Township.
Isabel Township.
Lee Township.
Lewistown Township.
Pleasant Township.
Putman Township.
Union Township.
Vermont Township.
Waterford Township.
Woodland Township.
Asbury Township.
Bowlesville Township.
Eagle Creek Township.
Equality Township.
Gold Hill Township.
New Haven Township.
North Fork Township.
Omaha Township.
Ridgway Township.
Shawnee Township.
Carrollton Township.
Kane Township.
Linder Township.
Rockbridge Township.
Roodhouse Town.
Rubicon Township.
Walkerville Township.
White Hall Township.
Woodville Township.
Braceville Township.
Erienna Township.
Beaver Creek Township.
Crook Township.
Crouch Township.
Knight Prairie Township.
McLeansboro Township.
Mayberry Township.
South Crouch Township.
South Flannigan Township.
South Twigg Township
Twigg Township.
Wilcox Township.
Lomax Township.
Martinton Township.
Milks Grove Township.
Carbondale Township.
Jersey Township.
Mississippi Township.
Otter Creek Township.
Quarry Township.
Richwood Township.
Rosedale Township.
Ruyle Township.
Apple River Township.
Berreman Township.
Council Hill Township.
Derinda Township.
Elizabeth Township.
Guilford Township.
Hanover Township.
Nora Township.
Pleasant Valley Township.
Rice Township.
Rush Township.
Stockton Township.
Thompson Township.
Vinegar Hill Township.
Woodbine Township.
Aroma Township.
Bourbonnais Township.
Essex Township.
Ganeer Township.
Kankakee Township.
Limestone Township.
Manteno Township.
Momence Township.
Otto Township.
Pembroke Township.
Rockville Township.
St Anne Township.
Salina Township.
Yellowhead Township.
Cedar Township.
Chestnut Township.
Copley Township.
Elba Township.
Galesburg Township.
Haw Creek Township.
Lynn Township.
Maquon Township.
Rio Township.
Salem Township.
Truro Township.
Victoria Township.
Walnut Grove Township.
Galesburg City Township.
Adams Township.
Allen Township.
Brookefield Township.
Bruce Township.
Deer Park Township.
Dimmick Township.
Eagle Township.
Earl Township.
Eden Township.
Farm Ridge Township.
Freedom Township.
Groveland Township.
Hope Township.
La Salle Township.
Manlius Township.
Mendota Township.
Meriden Township.
Ophir Township.
Osage Township.
Ottawa Township.
Otter Creek Township.
Peru Township.
Richland Township.
Rutland Township.
Serena Township.
South Ottawa Township.
Troy Grove Township.
Vermilion Township.
Wallace Township.
Waltham Township.
Aetna Township.
Atlanta Township.
Broadwell Township.
Chester Township.
Corwin Township.
East Lincoln Township.
Elkhart Town.
Eminence Township.
Huribut Township.
Laenna Township.
Lake Fork Township.
Mt Pulaski Township.
Oran Township.
Orvil Township.
Sheridan Township.
West Lincoln Township.
Bethel Township.
Chalmers Township.
Colchester Township.
Eldorado Township.
Emmet Township.
Lamdine Township.
Macomb Township.
Tennessee Township.
Harristown Township.
Barr Township.
Cahokia Township.
Alton Township.
Chouteau Township.
Collinsville Township.
Fort Russell Township.
Godfrey Township.
Granite City Township.
Helvetia Township.
Jarvis Township.
Moro Township.
Nameoki Township.
New Douglas Township.
Olive Township.
Omphghent Township.
Pin Oak Township.
Saline Township.
Venice Township.
Wood River Township.
Foster Township.
Meacham Township.
Odin Township.
Sandoval Township.
Stevenson Township.
Audubon Township.
Bois D Arc Township.
Butler Grove Township.
East Fork Township.
Fillmore Township.
Grisham Township.
Harvel Township.
Hillsboro Township.
Irving Township.
Nokomis Township.
N Litchfield Township.
Pitman Township.
Raymond Township.
Rountree Township.
So Litchfield Township.
Witt Township.
Dement Township.
Eagle Point Township.
Lincoln Township.
Mt Morris Township.
White Rock Township.
Atlas Township.
Chambersburg Township.
Cincinnati Township.
Derry Township.
Fairmount Township.
Flint Township.
Griggsville Township.
Hadley Township.
Hardin Township.
Kinderhook Township.
Levee Township.
Martinsburg Township.
Montesuma Township.
Newburg Township.
New Salem Township.
Pearl Township.
Perry Township.
Pittsfield Township.
Pleasant Hill Township.
Pleasant Vale Township.
Ross Township.
Spring Creek Township.
Bonpas Township.
Denver Township.
German Township.
Madison Township.
Noble Township.
Olney Township.
Canteen Township.
Caseyville Township.
Centreville Township.
East St. Louis Township.
Prairie Du Long Township.
Stites Township.
Sugar Loaf Township.
East Eldorado Township.
Long Branch Township.
Mountain Township.
Rector Township.
Ash Grove Township.
Dry Point Township.
Herrick Township.
Holland Township.
Lakewood Township.
Moweaqua Township.
Oconee Township.
Okaw Township.
Penn Township.
Pickaway Township.
Prairie Township.

Richland Township.
Ridge Township.
Rose Township.
Rural Township.
Shelbyville Township.
Sigel Township.
Tower Hill Township.
Windsor Township.
Jefferson Township.
Lancaster Township.
Oneco Township.
Ridott Township.
Rock Grove Township.
Blount Township.
Butler Township.
Carroll Township.
Catlin Township.
Danville Township.
Elwood Township.
Georgetown Township.
Grant Township.
Jamaica Township.
Love Township.
McKendree Township.
Middlefork Township.
Newell Township.
Pilot Township.
Ross Township.
Sidell Township.
Coldbrook Township.
Ellison Township.
Floyd Township.
Hale Township.
Kelly Township.
Monmouth Township.
Point Pleasant Township.
Roseville Township.
Sumner Township.
Swan Township.
Du Bois Township.
Arrington Township.
Barnhill Township.
Bedford Township.
Berry Township.
Big Mound Township.
Elm River Township.
Garden Hill Township.
Grover Township.
Hickory Hill Township.
Indian Prairie Township.
Keith Township.
Lamard Township.
Mt. Erie Township.
Orchard Township.
Orel Township.
Burnt Prairie Township.
Carmi Township.
Emma Township.
Enfield Township.
Gray Township.
Hawthorne Township.
Harolds Prairie Township.
Indian Creek Township.
Mill Shoals Township.
Phillips Township.
Lyndon Township.
Ustick Township.
Burritt Township.
Harrison Township.
Rockford Township.
Winnebago Township.
State=14: 388 Records.

STATE: INDIANA (15)

Title

Blackford County.
Crawford County.
Daviess County.
Dearborn County.
Delaware County.
Elkhart County.
Fayette County.
Fountain County.
Franklin County.
Greene County.
Jay County.
Jefferson County.
Lawrence County.
Martin County.
Miami County.
Noble County.
Ohio County.
Orange County.
Owen County.
Parke County.
Perry County.
Putnam County.
Randolph County.
Ripley County.
Rush County.
St. Joseph County.
Scott County.
Shelby County.
Vermillion County.
Vigo County.
Wayne County.
Fort Wayne City.
Hartford City.
Montpelier City.
Logansport City.
Royal Center Town.
Charlestown City.
New Providence Town.
Colfax Town.
Kirklin Town.
Mulberry Town.
Alton Town.
English Town.
Leavenworth Town.
Marengo Town.
Alfordsville Town.
Cannelburg Town.
Elnora Town.
Montgomery Town.
Odon Town.
Plainville Town.
Washington City.
Aurora City.
Dillsboro Town.
Greendale Town.
Lawrenceburg City.
Moores Hill Town.
St. Leon Town.
West Harrison Town.
Albany Town.
Eaton Town.
Muncie City.
Elkhart City.
Connersville City.
New Albany City.
Attica City.
Kingman Town.
Wallace Town.
Brookville Town.
Cedar Grove Town.
Laurel Town.
Mount Carmel Town.
Oldenburg Town.
Gas City City.
Marion City.
Matthews Town.
Bloomfield Town.
Jasonville City.
Linton City.
Lyons Town.
Newberry Town.
Switz City Town.
Worthington Town.
Corydon Town.
Laconia Corp.
Mauckport Town.
New Amsterdam Town.
New Middletown Town.
Blountsville Town.
Knightstown Town.
Mooreland Town.
New Castle City.
Huntington City.
Mount Etna Town.
Crothersville Town.
Medora Town.
Seymour City.
Bryant Town.
Pennville Town.
Redkey Town.
Salamonia Town.
Brooksburg Town.
Hanover Town.
Madison City.
Dupont Town.
Bicknell City.
Decker Town.
Edwardsport Town.
Oaktown Town.
Vincennes City.
Wheatland Town.
Bruceville Town.
Shipshewana Town.
Topeka Town.
East Chicago City.
Lake Station City.
Gary City.
Cedar Lake Town.
Kingsbury Town.
Westville Town.
Bedford City.
Mitchell City.
Oolitic Town.
Alexandria City.
Anderson City.
Elwood City.
Ingalls Town.
Lapel Town.
Orestes Town.
Indianapolis City.
Lynhurst Town.
Loogootie City.
Shoals Town.
Crane Town.
Denver Town.
North Grove Town.
Peru City.
Bloomington City.
Stinesville Town.
Alamo Town.
Waveland Town.
Albion Town.
Cromwell Town.
Kendallville City.
Ligonier City.
Rome City Town.
Rising Sun City.
French Lick Town.
Orleans Town.
Paoli Town.
West Braden Town.
Gosport Town.
Spencer Town.
Bloomingdale Town.
Judson Town.
Marshall Town.
Montezuma Town.
Rockville Town.
Rosedale Town.
Mecca Town.
Cannelton City.
Tell City City.
Troy Town.
Bainbridge Town.
Cloverdale Town.
Greencastle City.
Roachdale Town.
Russellville Town.
Lynn Town.
Ridgeville Town.
Saratoga Town.
Union City City.
Winchester City.
Losantville Town.
Milan Town.
Osgood Town.
Sunman Civil Town.
Napoleon Town.
Holton Town.
Carthage Town.
Rushville City.
Lakeville Town.
North Liberty Town.
South Bend City.
Walkerton Town.
Scottsburg City.
Austin Town.
Shelbyville City.
North Judson Town.
Patriot Town.
Cayuga Town.
Clinton City.
Dana Town.
Fairview Park Town.
Newport Town.

Perrysville Town.
Riley Town.
Seelyville Civil Town.
Terre Haute City.
West Terre Haute City.
Lagro Town.
North Manchester Town.
Roann Town.
Wabash City.
Cambridge City Town.
Centerville Town.
Dublin Town.
Economy Town.
Foutain City Town.
Hagerstown Town.
Milton Town.
Mount Aubur Town.
Richmond City.
Bluffton City.
Poneto Town.
Vera Cruz Town.
Burnettsville Town.
Milan Town.
Springfield Township.
Wayne Township.
Washington Township.
Adams Township
Clinton Township.
Eel Township.
Jefferson Township.
Noble Township.
Charlestown Township.
Oregon Township.
Washington Township.
Madison Township.
Boone Township.
Jennings Township.
Johnson Township.
Liberty Township.
Ohio Township.
Patoka Township.
Sterling Township.
Union Township.
Whiskey Run Township.
Barr Township.
Bogard Township.
Elmore Township.
Harrison Township.
Madison Township.
Reeve Township.
Steele Township.
Vanburen Township.
Veale Township.
Washington Township.
Caesar Creek Township.
Center Township.
Clay Township.
Harrison Township.
Hogan Township.
Jackson Township.
Kelso Township.
Lawrenceburg Township.
Logan Township.
Manchester Township.
Miller Township.
Sparta Township.
Washington Township.
York Township.
Center Township.
Delaware Township.
Union Township.
Baugo Township.
Concord Township.
Harrison Township.
Columbia Township.
Connersville Township.
Harrison Township.
Jackson Township.
Waterloo Township.
Davis Township.
Logan Township.
Millcreek Township.
Bath Township.
Blooming Grove Township.
Brookville Township.
Fairfield Township.
Highland Township.
Laurel Township.
Metamora Township.
Posey Township.
Ray Township.
Salt Creek Township.
Springfield Township.
Whitewater Township.
Center Township.
Franklin Township.
Jefferson Township.
Mill Township.
Richland Township.
Beech Creek Township.
Cass Township.
Center Township.
Fairplay Township.
Grant Township.
Highland Township.
Jackson Township.
Jefferson Township.
Richland Township.
Stockton Township.
Taylor Township.
Washington Township.
Wright Township.
Boone Township.
Harrison Township.
Webster Township.
Blue River Township.
Howard Township.
Dallas Township.
Huntington Township.
Union Township.
Warren Township.
Carr Township.
Jackson Township.
Pershing Township.
Vernon Township.
Bear Creek Township.
Jefferson Township.
Penn Township.
Richland Township.
Wabash Township.
Graham Township.
Hanover Township.
Lancaster Township.
Madison Township.
Milton Township.
Monroe Township.
Saluda Township.
Shelby Township.
Smyrna Township.
Decker Township.
Vigo Township.
Washington Township.
Bloomfield Township.
Calumet Township.
Galena Township.
Hudson Township.
Kankakee Township.
New Durham Township.
Washington Township.
Bono Township.
Guthrie Township.
Indian Creek Township.
Marion Township.
Marshall Township.
Perry Township.
Pleasant Run Township.
Shawswick Township.
Spice Valley Township.
Anderson Township.
Fall Creek Township.
Lafayette Township.
Pipe Creek Township.
Union Township.
Center Township.
Warren Township.
Center Township.
Halbert Township.
Lost River Township.
Mitcheltree Township.
Perry Township.
Rutherford Township.
Butler Township.
Perry Township.
Peru Township.
Pipe Creek Township.
Perry Township.
Brown Township.
Clark Township.
Albion Township.
Elkhart Township.
Orange Township.
Perry Township.
Cass Township.
Pike Township.
Union Township.
French Lick Township.
Greenfield Township.
Jackson Township.
Northeast Township.
Northwest Township.
Orangeville Township.
Orleans Township.
Paoli Township.
Southeast Township.
Stampers Creek Township.
Clay Township.
Franklin Township.
Harrison Township.
Jackson Township.
Jefferson Township.
Jennings Township.
Lafayette Township.
Marion Township.
Montgomery Township.
Morgan Township.
Taylor Township.
Washington Township.
Wayne Township.
Adams Township.
Florida Township.
Howard Township.
Jackson Township.
Liberty Township.
Penn Township.
Raccoon Township.
Reserve Township School.
Sugar Creek Township.
Union Township.
Wabash Township.
Washington Township.
Anderson Township.
Clark Township.
Leopold Township.
Oil Township.
Tobin Township.
Troy Township.
Union Township.
Rich Grove Township.
Tippecanoe Township.
Clinton Township.
Cloverdale Township.
Franklin Township.
Greencastle Township.
Jefferson Township.
Madison Township.
Marion Township.
Monroe Township.
Russell Township.
Warren Township.
Washington Township.
Franklin Township.
Greensfork Township.
Jackson Township.
Ward Township.
Wayne Township.
White River Township.
Adams Township.
Brown Township.
Center Township.
Delaware Township.
Franklin Township.
Jackson Township.
Laughery Township.
Otter Creek Township.
Shelby Township.
Anderson Township.
Center Township.
Jackson Township.
Noble Township.
Orange Township.
Posey Township.
Richland Township.
Ripley Township.
Rushville Township.
Union Township.
Walker Township.
Washington Township.
Greene Township.
Lincoln Township.
Penn Township.
Portage Township.

Finley Township.
Jennings Township.
Johnson Township.
Lexington Township.
Addison Township.
Brandywine Civil Twp.
Liberty Township.
Davis Township.
Railroad Township.
Wayne Township.
Brownsville Township.
Union Township.
Clinton Township.
Eugene Township.
Helt Township.
Harrison Township.
Prairieton Township.
Riley Township.
Sugar Creek Township.
Chester Township.
Noble Township.
Pleasant Township.
Pine Township.
Steuben Township.
Warren Township.
Dalton Township.
Franklin Township.
Greene Township.
Jackson Township.
Jefferson Township.
New Garden Township.
Washington Township.
Wayne Township.
Jackson Township.
West Point Township.
State-15: 501 Records.

STATE: IOWA (16)

Title

Adams County.
Appanoose County.
Audubon County.
Decatur County.
Ringgold County.
Taylor County.
Wayne County.
Orient Town.
Carbon Town.
Nodaway Town.
Prescott Town.
Centerville City.
Cincinnati Town.
Exline Town.
Moravia Town.
Moulton Town.
Mystic City.
Numa Town.
Plano Town.
Rathbun Town.
Udell Town.
Unionville Town.
Brayton Town.
Gray Town.
Luther Town.
Jolley Town.
Delmar Town.
Davis City Town.
Decatur City Town.
Garden Grove Town.
Grand River Town.
Lamoni City.
Leon City.
Le Roy Town.
Pleasanton Town.
Weldon Town.
Casey Town.
Dunlap Town.
Magnolia Town.
Hurstville Town.
Monmouth City.
Colfax City.
Delta Town.
Harper Town.
Keswick Town.
Keokuk City.
Derby Town.
Lucas Town.
Williamson Town.
Bevington Town.
Barnes City Town.
Beacon Town.
New Sharon Town.
Rose Hill Town.
University Park Town.
Keomah City.
Mitchell Town.
Blanchard Town.
Clarinda City.
Diagonal Town.
Kellerton Town.
Maloy Town.
Redding Town.
Tingley Town.
Earling Town.
Westphalia Town.
Athelstan Town.
Blockton Town.
Conway Town.
Sharpsburg Town.
Farmington Town.
Milton Town.
Mount Sterling Town.
Eldon Town.
Humeston Town.
Millerton Town.
Seymour Town.
State=16: 77 records.

STATE: KANSAS (17)

Title

Anderson County.
Atchison County.
Chase County.
Chautauqua County.
Cherokee County.
Crawford County.
Elk County.
Labette County.
Wyandotte County.
Colony City.
Greeley City.
Lone Elm City.
Westphalia City.
Atchison City.
Lancaster City.
Mapleton City.
Fairview City.
Horton City.
Morrill City.
Robinson City.
Willis City.
Cedar Point City.
Cottonwood Falls City.
Elmdale City.
Chautauqua City.
Elgin City.
Peru City.
Sedan City.
Baxter Springs City.
Columbus City.
Galena City.
Treece City.
Weir City.
Roseland City.
Gridley City.
Waverly City.
Cambridge City.
Udall City.
Arcadia City.
Arma City.
Cherokee City.
Girard City.
Hepler City.
McCune City.
Mulberry City.
Pittsburg City.
Walnut City.
Enterprise City.
Hope City.
Manchester City.
Elk Falls City.
Howard City.
Longton City.
Moline City.
Fall River City.
Severy City.
Virgil City.
Coolidge City.
Bluff City City.
Danville City.
Penalosa City.
Altamont City.
Chetopa City.
Edna City.
Labette City.
Mound Valley City.
Oswego City.
Parsons City.
Lansing City.
Burns City.
Lincolnville City.
Ramona City.
Tampa City.
Axtell City City.
Blue Rapids City.
Summerfield City.
Latimer City.
White City City.
Centralia City.
Corning City.
Goff City.
Oneida City.
Wetmore City.
Bazine City.
Tescott City.
Alden City.
Damar City.
Liebenthal City.
Rush Center City
Paradise City.
Cedar City.
Conway Springs City.
Alma City.
Eskridge City.
McFarland City.
Paxico City.
Altoona City.
Buffalo City.
Coyville City.
New Albany City.
Neosho Falls City.
Toronto City.
Edwardsville City.
Kansas City City.
Indian Creek Township.
Lincoln Township.
Lone Elm Township.
Ozark Township.
Putnam Township.
Reeder Township.
Union Township.
Walker Township.
Washington Township.
Westphalia Township.
Center Township.
Franklin Township.
Mill Creek Township.
Walnut Township.
Mission Township.
Cedar Township.
Cottonwood Township.
Diamond Creek Township.
Falls Township.
Matfield Township.
Belleville Township.
Caneyville Township.
Harrison Township.
Hendricks Township.
Salt Creek Township.
Sedan Township.
Summit Township.
Washington Township.
Cherokee Township.
Crawford Township.
Lyon Township.
Mineral Township.
Neosho Township.
Pleasant View Township.
Ross Township.
Salamanca Township.
Avon Township.
Liberty Township.
Rock Creek Township.
Star Township.
Cedar Township.
Grant Township.
Omnia Township.
Richland Township.
Windsor Township.
Lincoln Township.
Sheridan Township.
Sherman Township.
Walnut Township.
Union Township.

Elk Falls Township.
Howard Township.
Liberty Township.
Oak Valley Township.
Union Center Township.
Otter Creek Township.
Salem Township.
Canada Township.
Fairview Township.
Hackberry Township.
Howard Township.
Labette Township.
Liberty Township.
Montana Township.
Mound Valley Township.
Neosho Township
Osage Township.
Oswego Township.
Richland Township.
Reno Township.
Paxton Township.
Fairplay Township.
Oketo Township.
Township No. 9.
Township No. 5.
Adams Township.
Caploma Township.
Center Township.
Clear Creek Township.
Gilman Township.
Granada Township.
Harrison Township.
Home Township.
Illinois Township.
Marion Township.
Neuchatel Township.
Reilly Township.
Richmond Township.
Rock Creek Township.
Wetmore Township.
Highpoint Township.
Jackson Township.
Henry Township.
Valveroe Township.
Alma Township.
Kaw Township.
Clifton Township.
Duck River Township.
Fall River Township.
Liberty Township.
Toronto Township.
State=17: 205 records.

STATE: KENTUCKY (18)

Title

Bracken County.
Butler County.
Caldwell County.
Campbell County.
Carlisle County.
Fleming County.
Fulton County.
Gallatin County.
Garrard County.
Green County.
Jackson County.
Lee County.
Lewis County.
Lincoln County.
Logan County.
Marion County.
Marshall County.
Monroe County.
Morgan County.
Nelson County.
Owsley County.
Robertson County.
Spencer County.
Washington County.
Augusta City.
Brooksville City.
Foster City.
Morgantown City.
Fredonia City.
Princeton City.
Bellevue City.
California City.
Crestview City.
Dayton City.
Highland Heights City.
Newport City.
Silver Grove City.
Southgate City.
Wilder City.
Melbourne City.
Arlington City.
Bardwell City.
Fulton City.
Hickman City.
Warsaw City.
Glencoe City.
Lancaster City.
Campbellsburg City.
Eminence City.
Smithfield City.
Columbus City.
McKee City.
Bromley City.
Covington City.
Ludlow City.
Vanceburg City.
Tollesboro City.
Crab Orchard City.
Hustonville City.
Stanford City.
Auburn City.
Russellville City.
Bradfordsville City.
Loretto City.
Benton City.
Hardin City.
Calvert City.
Tompkinsville City.
Gamaliel City.
Bloomfield City.
New Haven City.
Fairfield City.
Clay City.
Mount Olivet City.
Jamestown City.
Russell Springs City.
Taylorsville City.
Mackville City.
Willisburg City.
State=18: 79 Records.

STATE: LOUISIANA (19)

Title

Allen Parish.
Avoyelles Parish.
Bienville Parish.
Caddo Parish.
Calcasieu Parish.
Catahoula Parish.
Claiborne Parish.
Concordia Parish.
DeSoto Parish.
East Carroll Parish.
East Feliciana Parish.
Evangeline Parish.
Franklin Parish.
Iberville Parish Police Jury.
Jackson Parish Police Jury.
Jefferson Davis Parish.
Madison Parish Police Jury.
Morehouse Parish.
Natchitoches Parish.
Pointe Coupee Parish.
Rapides Parish.
Red River Parish.
Richland Parish.
St. James Parish.
St. Landry Parish.
Tangipahoa Parish.
Tensas Parish.
Vernon Parish.
Washington Parish.
Webster Parish.
West Carroll Parish.
West Feliciana Parish.
Winn Parish.
Kinder Town.
Oakdale City.
Oberlin City.
Reeves Village.
Elizabeth Town.
Donaldsonville City.
Sorrento Village.
Bunkie Town.
Hessmer Village.
Marksville Town.
Moreauville Village.
Plaucheville Village.
Simmesport Town.
Arcadia Town.
Bienville Village.
Gibsland Town.
Ringgold Town.
Saline Village.
Bryceland Village.
Castor Village.
Mount Lebanon Town.
Jamestown Village.
Lucky Village.
Mooringsport Town.
Oil City Town.
Shreveport City.
Vivian Town.
Blanchard Village.
Belcher Village.
Gilliam Town.
Hosston Town.
Ida Town.
Rodessa Town.
DeQuincy City.
Lake Charles City.
Vinton Town.
Westlake Town.
Clarks Village.
Harrisonburg Village.
Jonesville Town.
Sicily Island Village.
Athens Village.
Haynesville Town.
Homer Town.
Lisbon Village.
Clayton Village.
Ferriday Town.
Vidalia Town.
Ridgecrest Town.
Logansport Town.
Mansfield City.
South Mansfield Village.
Stanley Village.
Stonewall Village.
Lake Providence Town.
Clinton Town.
Jackson Town.
Norwood Village.
Wilson Village.
Basile Town.
Mamou Town.
Ville Platte Town.
Turkey Creek Village.
Pine Prairie Village.
Chataignier Village.
Gilbert Village.
Winnsboro Town.
Wisner Town.
Baskin Village.
Colfax Town.
Dry Prong Village.
Georgetown Village.
Montgonery Town.
Pollock Town.
Maringouin Town.
Plaquemine Town.
Chathman Town.
Hodge Village.
Jonesboro Town.
North Hodge Village.
East Hodge Town.
Elton Town.
Fenton Village.
Jennings City.
Lake Arthur Town.
Welsh Town.
Livingston Village.
Walker Town.
French Settlement Village.
Delta Village.
Mound Village.
Tallulah Village.
Richmond Village.
Bastrop City.
Bonita Village.
Collinston Village.
Mer Rouge Village.
Oak Ridge Village.

Campti Village.
Clarence Village.
Goldonna Village.
Natchitoches City.
Provencal Village.
Robeline Village.
Ashland Town.
Powhatan Town.
State=19: 139 Records.
Natchez Village.
State=19: 1 Record.
New Orleans City.
New Roads Town.
Fordache Village.
Alexandria City.
Boyce Town.
Cheneyville Town.
Forest Hill Village.
Glenmora Town.
Lecompte Town.
Woodworth Village.
Coushatta Town.
Edgefield Village.
Martin Village.
Delhi Town.
Mangham Town.
Rayville Town.
Gramercy Town.
Lutcher Town.
Grand Coteau Town.
Krotz Springs Village.
Leonville Village.
Melville Town.
Opelousas City.
Palmetto Village.
Port Barre Town.
Sunset Town.
Washington Town.
Cankton Village.
Madisonville Town.
Sun Village.
Amite City Town.
Hammond City.
Independence Town.
Kentwood Town.
Ponchatoula Town.
Roseland Town.
Tickfaw Village.
Tangipahoa Village.
Woodhaven Village.
Newellton Town.
St. Joseph Town.
Waterproof Town.
Hornbeck Town.
Leesville Town.
Newllland Village.
Rosepine Village.
Simpson Village.
Angie Village.
Bogalusa City.
Franklinton Town.
Varnado Village.
Cotton Valley Town.
Cullen Town.
Heflin Village.
Minden City.
Sarepta Village.
Springhill City.
Dixie Inn Village.
Shongaloo Village.
Epps Village.
Kilbourne Village.
Oak Grove Town.
Pioneer Village.
Forest Village.
St. Francisville Town.
Dodson Village.
Sikes Village.
Winnfield City.
State=19: 68 Records.

STATES: MAINE (20)

Title

Androscoggin County.
Aroostook County.
Kennebec County.
Lincoln County.
Oxford County.
Penobscot County.
Piscataquis County.
Sagadahoc County.
Somerset County.
Waldo County.
Auburn City.
Lewiston City.
Presque Isle City.
Caribou City.
Portland City.
South Portland City.
Westbrook City.
Augusta City.
Gardiner City.
Hallowell City.
Waterville City.
Rockland City.
Bangor City.
Brewer City.
Old Town City.
Bath City.
Belfast City.
Calais City.
Eastport City.
Biddeford City.
Durham Town.
Greene Town.
Leeds Town.
Lisbon Town.
Livermore Town.
Livermore Falls Town.
Turner Township.
Wales Town.
Sabattus Town.
Allagash Plantation.
Amity Town.
Ashland Town.
Bancroft Town.
Blaine Town.
Bridgewater Town.
Cary Plantation.
Castle Hill Town.
Caswell Plantation.
Chapman Town.
Crystal Town.
Cyr Plantation.
Dyer Brook Town.
E. Plantation.
Eagle Lake Town.
Easton Town.
Fort Fairfield Town.
Fort Kent Town.
Frenchville Town.
Garfield Plantation.
Glenwood Plantation.
Grand Isle Town.
Hamlin Town.
Hammond Plantation.
Haynesville Town.
Hodgdon Town.
Houlton Town.
Limestone Town.
Linneus Town.
Littleton Town.
Ludlow Town.
Macwahoc Plantation.
Madawaska Town.
Mars Hill Town.
Masardis Town.
Monticello Town.
Moro Plantation.
New Canada Plantation.
New Limerick Town.
New Sweden Town.
Oakfield Town.
Orient Town.
Oxbow Plantation.
Perham Town.
Reed Plantation.
St. Agatha Town.
St. Francis Town.
St. John Plantation.
Stockholm Town.
Van Buren Town.
Wade Town.
Wallagrass Plantation.
Washburn Town.
Westfield Town.
Westmanland Plantation.
Weston Town.
Winterville Plantation.
Woodland Town.
Brunswick Town.
Cape Elizabeth Town.
Harpswell Town.
Eustis Town.
Industry Town.
Madrid Town.
Rangeley Plantation.
Rangeley Town.
Strong Town.
Wilton Town.
Carrabassett Valley Town.
Amherst Town.
Bar Harbor Town.
Orland Town.
Great Pond Plantation.
Stonington Town.
Sullivan Town.
Benton Town.
Chelsea Town.
Farmingdale Town.
Fayette Town.
Litchfield Town.
Monmouth Town.
Pittston Town.
Randolph Town.
Wayne Town.
West Gardiner Town.
Windsor Town.
Alna Township.
Boothbay Town.
Boothbay Harbor Town.
Bremen Town.
Desden Town.
Edgecomb Town.
Newcastle Town.
Nobleborough Town.
Somerville Town.
South Bristol Town.
Southport Town.
Westport Island Town.
Whitefield Town.
Wiscasset Town.
Andover Town.
Bethel Town.
Brownfield Town.
Buckfield Town.
Byron Town.
Canton Town.
Denmark Town.
Dixfield Town.
Fryeburg Town.
Gilead Town.
Greenwood Town.
Hanover Town.
Hartford Town.
Herbron Town.
Hiram Town.
Lincoln Plantation.
Lovell Town.
Magalloway Plantation.
Mexico Town.
Newry Town.
Norway Town.
Oxford Town.
Paris Town.
Peru Town.
Porter Town.
Roxbury Town.
Rumford Town.
Stoneham Town.
Stow Town.
Sumner Town.
Sweden Town.
Upton Town.
Waterford Town.
Woodstock Town.
West Paris Town.
Bradford Town.
Burlington Town.
Carmel Town.
Charleston Town.
Chester Town.
Corinna Town.
Corinth Town.
Dexter Town.
Dixmont Town.
Drew Plantation.
Eddington Town.
Enfield Town.
Etna Town.
Exeter Town.
Garland Town.

Glenburn Town.
Grand Falls Plantation.
Hermon Town.
Holden Town.
Howland Town.
Hudson Town.
Kenduskeag Town.
Lakeville Plantation.
Lee Town.
Levant Town.
Lincoln Town.
Lowell Town.
Mattawamkeag Town.
Maxfield Town.
Newburgh Town.
Newport Town.
Orono Town.
Orrington Town.
Passadumkeag Town.
Patten Town.
Plymouth Town.
Prentiss Plantation.
Seboeis Plantation.
Springfield Town.
Stetson Town.
Veazie Town.
Webster Plantation.
Winn Town.
Woodville Town.
Carroll Plantation.
Abbot Town.
Atkinson Town.
Barnard Plantation.
Blanchard Plantation.
Bowerbank Town.
Brownville Town.
Dover Foxcroft Town.
Elliottsville Plantation.
Greenville Town.
Guilford Town.
Kingsbury Plantation.
Lake View Plantation.
Milo Town.
Monson Town.
Parkman Town.
Sangerville Town.
Sebec Town.
Shirley Town.
Wellington Town.
Willmantic Town.
Medford Town.
Beaver Cove Plantation.
Arrowsic Town.
Bowdoin Town.
Bowdoinham Town.
Georgetown.
Phippsburg Town.
Richmond Town.
Topsham Town.
West Bath Town.
Woolwich Town.
Anson Town.
Athens Town.
Bingham Town.
Brighton Plantation.
Cambridge Town.
Canaan Town.
Caratunk Plantation.
Cornville Town.
Dennistown Plantation.
Detroit Town.
Embden Town.
Fairfield Town.
Harmony Town.
Hartland Town.
Highland Plantation.
Jackman Town.
Madison Town.
Moose River Town.
New Portland Town.
Norridgewock Town.
Palmyra Town.
Pittsfield Town.
Pleasant Ridge Plantation.
Mercer Town.
Ripley Town.
St. Albans Town.
Skowhegan Town.
Smithfield Town.
Solon Town.
Starks Town.
The Forks Plantation.
West Forks Plantation.
Belmont Town.
Brooks Town.
Burnham Town.
Frankfort Town.
Freedom Town.
Islesboro Town.
Jackson Town.
Knox Town.
Liberty Town.
Lincolnville Town.
Monroe Town.
Montville Town.
Morrill Town.
Northport Town.
Palermo Town.
Prospect Town.
Searsmont Town.
Searsport Town.
Stockton Springs Town.
Swanville Town.
Thorndike Town.
Troy Town.
Unity-Town.
Waldo Town.
Winterport Town.
Codyville Plantation.
Crawford Town.
Cutler Town.
Lubec Town.
Machiasport Town.
Milbridge Town.
Northfield Town.
Talmadge Town.
Whiting Town.
Whitneyville Town.
Acton Town.
Alfred Town.
Buxton Town.
Cornish Town.
Dayton Town.
Hollis Town.
Kennebunkport Town.
Lebanon Town.
Limerick Town.
Limington Town.
Lyman Town.
Newfield Town.
North Berwick Town.
Arundel Town.
Old Orchard Beach Town.
Parsonsfield Town.
Sanford Town.
Shapleigh Town.
Waterboro Town.
State=20: 336 Records.

STATE: MARYLAND (21)

Title

Allegany County.
Caroline County.
Cecil County.
Dorchester County.
Kent County.
Somerset County.
Washington County.
Barton Town.
Cumberland City.
Frostburg City.
Lonaconing Town.
Luke Town.
Midland Town.
Westernport Town.
Baltimore City.
Federalsburg Town.
Goldsboro Town.
Greensboro Town.
Henderson Town.
Hillsboro Town.
Marydel Town.
Ridgely Town.
Taneytown City.
Cecilton Town.
Charlestown Town.
Chesapeake City Town.
Elkton Town.
North East Town.
Perryville Town.
Port Deposit Town.
Brookview Town.
Cambridge City.
East New Market Town.
Eldorado Town.
Galestown Town.
Hurlock Town.
Secretary Town.
Vienna Town.
Burkittsville Town.
Deer Park Town.
Friendsville Town.
Kitzmillerville Town.
Oakland Town.
Betterton Town.
Chestertown Town.
Galena Town.
Rock Hall town.
Barclay Town.
Centreville Town.
Church Hill Town.
Queenstown Town.
Sudlersville Town.
Templeville Town.
Crisfield City.
Princess Anne Town.
Clear Spring Town.
Funkstown Town.
Hagerstown City.
Hancock Town.
Sharpsburg Town.
Smithsburg Town.
Williamsport Town.
Delmar Town.
Fruitland Town.
Hebron Town.
Mardela Springs Town.
Pittsville Town.
Salisbury City.
Sharptown Town.
Berlin Town.
Pocomoke City.
Snow Hill Town.
State=21: 72 Records.

STATE: MASSACHUSETTS (22)

Title

Berkshire County.
Bristol County.
Essex County.
Franklin County.
Hampden County.
Middlesex County.
Worcester County.
North Adams City.
Pittsfield City.
Attlebord City.
Fall River City.
New Bedford City.
Taunton City.
Beverly City.
Gloucester City.
Haverhill City.
Lawrence City.
Lynn City.
Newburyport City.
Peabody City.
Salem City.
Chicopee City.
Holyoke City.
Springfield City.
Northampton City.
Cambridge City.
Everett City.
Lowell City.
Malden City.
Medford City.
Melrose City.
Somerville City.
Waltham City.
Woburn City.
Quincy City.
Boston City.
Chelsea City.
Revere City.
Fitchburg City.
Gardener City.
Worcester City.

Bourne Town.
Adams Town.
Clarksburg Town.
Lee Town.
Lenox Town.
Acushnet Town.
Berkley Town.
Dartmouth Town.
Dighton Town.
Fairhaven Town.
Freetown Town.
North Attleborough Town.
Norton Town.
Raynham Town.
Rehoboth Town.
Seekonk Town.
Somerset Town.
Westport Town.
Amesbury Town.
Danvers Town.
Groveland Town.
Merrimac Town.
Methuen Town.
Middleton Town.
Nahant Town.
North Andover Town.
Salisbury Town.
Saugus Town.
Ashfield Town.
Buckland Town.
Colrain Town
Erving Town.
Greenfield Town.
Leverett Town.
Leyden Town.
Monroe Town.
Montague Town.
Northfield Town.
Orange Town.
Wendell Town.
Agawam Town.
Brimfield Town.
East Longmeadow Town.
Granville Town.
Hampden Town.
Holland Town.
Ludlow Town.
Monson Town.
Palmer Town.
West Springfield Town.
Granby Town.
South Hadley Town.
Ware Town.
Williamsburg Town.
Ashby Township.
Ashland Town.
Ayer Town.
Shirley Town.
Stoneham Town.
Wakefield Town.
Watertown Town.
Wilmington Town.
Avon Town.
Bellingham Town.
Dedham Town.
Foxborough Town.
Franklin Town.
Holbrook Town.
Medway Town.
Walpole Town.
Weymouth Town.
Wrentham Town.
Hanover Town.
Hanson Town.
Hull Town.
Kingston Town.
Lakeville Town.
Marion Town.
Marshfield Town.
Mattapoisett Town.
Middleborough Town.
Pembroke Town.
Rochester Town.
Rockland Town.
Scituate Town.
Winthrop Town.
Ashburnham Town.
Athol Town.
Barre Town.
Blackstone Town.
Clinton Town.
Dudley Town.
Hardwick Town.
Harvard Town.
Hopedale Town.
Lancaster Town.
Lunenburg Town.
Millville Town.
Northbridge Town.
Phillipston Town.
Royalston Town.
Southbridge Town.
Templeton Town.
Uxbridge Town.
Warren Town.
Webster Town.
Winchendon Town.

State=22: 148 Records.

STATE: MICHIGAN (23)

Title

Alger County.
Allegan County.
Baraga County.
Barry County.
Bay County.
Berrien County.
Branch County.
Calhoun County.
Cass County.
Genesee County.
Gladwin County.
Gogebic County.
Gratiot County.
Houghton County.
Huron County.
Ingham County.
Ionia County.
Iron County.
Jackson County.
Keweenaw County.
Lapeer County.
Lenawee County.
Luce County.
Manistee County.
Menominee County.
Midland County.
Montcalm County.
Muskegon County.
Oceana County.
Ontonagon County.
Presque Isle County.
St. Clair County.
St. Joseph County.
Schoolcraft County.
Shiawassee County.
Wayne County.
Munising City.
Allegan City
Douglas Village.
Fennville City.
Hopkins Village.
Martin Village.
Plainwell City.
Saugatuck Village.
Wayland City.
Central Lake Village.
Baraga Village.
Lanse Village.
Freeport Village.
Hastings City.
Middleville Village.
Nashville Village.
Woodland Village.
Bay City.
Elberta Village.
Thompsonville Village.
Benton Harbor City.
Berrien Springs Village.
Bridgman City.
Buchanan City.
Coloma City.
Eau Claire Village.
Galien Village.
Michiana Village.
New Buffalo City.
Niles City.
St. Joseph City.
Stevensville Village.
Three Oaks Village.
Watervliet City.
Bronson City.
Coldwater City.
Albion City.
Athens Village.
Battle Creek City.
Burlington Village.
Homer Village.
Marshall City.
Springfield City.
Tekonsha Village.
Cassopolis Village.
Dowagiac City.
Marcellus Village.
Boyne Falls Village.
Charlevoix City.
Cheboygan City.
Sault Sainte Marie City.
Grayling City.
Escanaba City.
Gladstone City.
Norway City.
Petoskey City.
Clio City.
Davison City.
Fenton City.
Flint City.
Flushing City.
Montrose Village.
Mount Morris City.
Otisville Village.
Swartz Creek City.
Burton City.
Beaverton City.
Gladwin City.
Bessemer City.
Ironwood City.
Wakefield City.
Alma City.
Ashley Village.
Perrington Village.
St. Louis City.
Allen Village.
Hillsdale City.
Waldron Village.
Calumet Village.
Copper City Village.
Hancock City.
Hougton City.
Lake Linden Village.
Laurium Village.
South Range Village.
Bad Axe City.
Caseville Village.
Elkton Village.
Harbor Beach City.
Kinde Village.
Pigeon Village.
Port Austin Village.
Port Hope Village.
Sebewaing Village.
Ubly Village.
Lansing City.
Clarksville Village.
Hubbardston Village.
Ionia City.
Muir Village.
Pewamo Village.
Alpha Village.
Caspian City.
Crystal Falls City.
Gaastra City.
Iron River City.
Stambaugh City.
Brooklyn Village.
Concord Village.
Grass Lake Village.
Hanover Village.
Jackson City.
Parma Village.
Springport Village.
Kalamazoo City.
Ahmeek Village.
Almont Village.
Clifford Village.
Columbiaville Village.
Dryden Village.
Imlay City.
Lapeer City.
Metamora Village.

North Branch Village.
Otter Lake Village.
Adrian City.
Clayton Village.
Hudson City.
Morenci City.
Onsted Village.
Tecumseh City.
Newberry Village.
St. Ignace City.
Armada Village.
Center Line City.
Fraser City.
New Baltimore City.
New Haven Village.
Richmond Village.
Roseville City.
Warren City.
Bear Lake Village.
Copemish Village.
East Lake Village.
Kaleva Village.
Manistee City.
Onekama Village.
Marquette City.
Negaunee City.
Ludington City.
Morley Village.
Menominee City.
Powers Village.
Stephenson City.
Coleman City.
Sanford Village.
Luna Pier City.
Carson City.
Edmore Village.
Greenville City.
Howard City Village.
Lakeview Village.
McBride Village.
Pierson Village.
Sheridan Village.
Stanton City.
Fruitport Village.
Montague City.
Muskegon City.
Muskegon Heights City.
North Muskegon City.
Ravenna Village.
Roosevelt Park City.
Whitehall City.
Lakewood Club Village.
Norton Shores City.
Berkley City.
Bingham Farms Village.
Birmingham City.
Clawson City.
Ferndale City.
Hazel Park City.
Holly Village.
Huntington Woods City.
Keego Harbor City.
Lake Orion Village.
Leonard Village.
Madison Heights City.
Milford Village.
Ortonville Village.
Oxford Village.
Pleasant Ridge City.
Pontiac City.
South Lyon City.
Sylvan Lake City.
Walled Lake City.
Wolverine Lake Village.
Beverly Hills Village.
Franklin Village.
Hart City.
Pentwater Village.
Shelby Village.
Walkerville Village.
Rothbury Village.
Ontonagon Village.
Vanderbilt Village.
Millersburg Village.
Onaway City.
Posen Village.
Rogers City City.
Saginaw City.
Algonac City.
Capac Village.
Emmett Village.
Marine City.
Marysville City.
Port Huron City.
St. Clair City.
Yale City.
Burr Oak Village.
Centreville Village.
Colon Village.
Constantine Village.
Mendon Village.
Sturgis City.
Three Rivers City.
White Pigeon Village.
Carsonville Village.
Minden City Village.
Peck Village.
Manistique City.
Bancroft Village.
Byron Village.
Corunna City.
Durand City.
Laingsburg City.
Morrice Village.
New Lothrop Village.
Owosso City.
Perry City.
Vernon Village.
Gagetown Village.
Bloomingdale Village.
Breedsville Village.
Decatur Village.
Hartford City.
Paw Paw Village.
South Haven City.
Ypsilanti City.
Detroit City.
Ecorse City.
Garden City.
Hamtramck City.
Highland Park City.
Inkster City.
River Rouge City.
Wayne City.
Wyandotte City.
Taylor City.
Romulus City.
Harrietta Village.
Harrisville Township.
Haynes Township.
Limestone Township.
Mathias Township.
Allegan Township.
Casco Township.
Cheshire Township.
Clyde Township.
Dorr Township.
Fillmore Township.
Ganges Township.
Gunplain Township.
Hopkins Township.
Lee Township.
Leighton Township.
Manlius Township.
Martin Township.
Monterey Township.
Otsego Township.
Overisel Township.
Salem Township.
Saugatuck Township.
Trowbridge Township.
Valley Township.
Watson Township.
Wayland Township.
Alpena Township.
Maple Ridge Township.
Wilson Township.
Kearney Township.
Adams Township.
Mason Township.
Whitney Township.
Arvon Township.
Baraga Township.
Covington Township.
Lanse Township.
Spurr Township.
Assyria Township.
Baltimore Township.
Barry Township.
Carlton Township.
Castleton Township.
Hastings Township.
Hope Township.
Irving Township.
Johnstown Township.
Maple Grove Township.
Orangeville Township.
Praireville Township.
Rutland Township.
Thornapple Township.
Woodland Township.
Yankee Springs Township.
Bangor Township.
Beaver Township.
Garfield Township.
Mount Forest Township.
Portsmouth Township.
Williams Township.
Crystal Lake Township.
Gilmore Township.
Homestead Township.
Joyfield Township.
Weldon Township.
Bainbridge Township.
Benton Township.
Berrien Township.
Bertrand Township.
Chikaming Township.
Colomo Township.
Galien Township.
Hagar Township.
Lake Township.
Lincoln Township.
New Buffalo Township.
Niles Township.
Oronoko Township.
Pipestone Township.
St. Joseph Township.
Sodus Township.
Three Oaks Township.
Watervliet Township.
Weesaw Township.
Algansee Township.
Bethel Township.
Bronson Township.
Butler Township.
California Township.
Gilead Township.
Kinderhook Township.
Matteson Township.
Union Township.
Albion Township.
Athens Township.
Battle Creek Township.
Bedford Township.
Burlington Township.
Clarence Township.
Clarendon Township.
Convis Township.
Eckford Township.
Emmett Township.
Fredonia Township.
Homer Township.
Lee Township.
Le Roy Township.
Marengo Township.
Marshall Township.
Newton Township.
Pennfield Township.
Sheridan Township.
Tekonsha Township.
Howard Township.
La Grange Township.
Milton Township.
Newberg Township.
Pokagon Township.
Boyne Valley Township.
Melrose Township.
Peaine Township.
Chippewa Township.
Hulbert Township.
Pickford Township.
Redding Township.
Winterfield Township.
Breen Township.
West Branch Township.
Argentine Township.
Atlas Township.
Clayton Township.
Davison Township.

Flint Township.
Forest Township.
Gaines Township.
Genesee Township.
Montrose Township.
Mount Morris Township.
Mundy Township.
Richfield Township.
Thetford Township.
Vienna Township.
Beaverton Township.
Bentley Township.
Billing Township.
Bourrett Township.
Buckeye Township.
Butman Township.
Clement Township.
Gladwin Township.
Grim Township.
Grout Township.
Hay Township.
Sage Township.
Secord Township.
Sherman Township.
Tobacco Township.
Bessemer Township.
Erwin Township.
Ironwood Township.
Marenisco Township.
Wakefield Township.
Watersmeet Township.
Long Lake Township.
Arcada Township.
Bethany Township.
Elba Township.
Emerson Township.
Fulton Township.
Hamilton Township.
Newark Township.
New Haven Township.
North Shade Township.
North Star Township.
Pine River Township.
Seville Township.
Sumner Township.
Washington Township.
Wheeler Township.
Adams Township.
Allen Township.
Cambria Township.
Hillsdale Township.
Litchfield Township.
Ransom Township.
Woodbridge Township.
Wright Township.
Adams Township.
Calumet Township.
Chassell Township.
Duncan Township.
Elm River Township.
Franklin Township.
Hancock Township.
Laird Township.
Osceola Township.
Portage Township.
Quincy Township.
Schoolcraft Township.
Stanton Township.
Torch Lake Township.
Bingham Township.
Bloomfield Township.
Brookfield Township.
Chandler Township.
Colfax Township.
Dwight Township.
Fairhaven Township.
Gore Township.
Grant Township.
Hume Township.
Huron Township.
Lincoln Township.
McKinley Township.
Meade Township.
Paris Township.
Pointe Aux Barques Township.
Port Austin Township.
Rubicon Township.
Sand Beach Township.
Sebewaing Township.
Sheridan Township.
Sherman Township.
Sigel Township.
Verona Township.
Winsor Township.
Alaiedon Township.
Aurelius Township.
Berlin Township.
Easton Township.
Ionia Township.
Keene Township.
North Plains Township.
Orange Township.
Otisco Township.
Alabaster Township.
Au Sable Township.
Oscoda Township.
Reno Township.
Bates Township.
Hematite Township.
Iron River Township.
Denver Township.
Fremont Township.
Gilmore Township.
Lincoln Township.
Vernon Township.
Wise Township.
Blackman Township.
Columbia Township.
Concord Township.
Grass Lake Township.
Hanover Township.
Henrietta Township.
Leoni Township.
Napoleon Township.
Norvell Township.
Parma Township.
Pulaski Township.
Rives Township.
Sandstone Township.
Spring Arbor Township.
Springport Township.
Summit Township.
Tompkins Township.
Waterloo Township.
Allouez Township.
Eagle Harbor Township.
Grant Township.
Houghton Township.
Sherman Township.
Elk Township.
Almont Township.
Arcadia Township.
Attica Township.
Burlington Township.
Burnside Township.
Deerfield Township.
Dryden Township.
Elba Township.
Goodland Township.
Hadley Township.
Imlay Township.
Lapeer Township.
Marathon Township.
Mayfield Township.
Metamora Township.
North Branch Township.
Oregon Township
Rich Township.
Empire Township.
Solon Township.
Adrian Township.
Cambridge Township.
Clinton, Township.
Deerfield Township.
Dover Township.
Fairfield Township.
Franklin Township.
Hudson Township.
Macon Township.
Madison Township.
Medina Township.
Ogden Township.
Palmyra Township.
Raisin Township.
Riga Township.
Rollin Township.
Rome Township.
Seneca Township.
Tecumseh Township.
Woodstock Township.
Conway Township.
Pentland Township.
Hendricks Township.
Hudson Township.
Marquette Township.
Moran Township.
Armada Township.
Chesterfield Township.
Lenox Township.
Macomb Township.
Richmond Township.
Arcadia Township.
Bear Lake Township.
Brown Township.
Cleon Township.
Dickson Township.
Filer Township.
Manistee Township.
Maple Grove Township.
Marilla Township.
Norman Township.
Onekama Township.
Pleasanton Township.
Springdale Township.
Stronach Township.
Ewing Township.
Humboldt Township.
Republic Township.
Sands Township.
Amber Township.
Eden Township.
Pere Marquette Township.
Sheridan Township.
Aetna Township.
Chippewa Township.
Faithorn Township.
Holmes Township.
Ingalliston Township.
Lake Township.
Meyer Township.
Nadeau Township.
Spalding Township.
Edenville Township.
Geneva Township.
Greendale Township.
Homer Township.
Hope Township.
Jasper Township.
Jerome Township.
Larkin Township.
Lee Township.
Lincoln Township.
Midland Township.
Mills Township.
Mount Haley Township.
Porter Township.
Warren Township.
Aetna Township.
Enterprise Township.
Richland Township.
Erie Township.
Exeter Township.
Monroe Township.
Belvidere Township.
Bloomer Township.
Bushnell Township.
Cato Township.
Crystal Township.
Day Township.
Douglass Township.
Eureka Township.
Evergreen Township.
Fairplain Township.
Ferris Township.
Home Township.
Maple Valley Township.
Montcalm Township.
Pierson Township.
Pine Township.
Reynolds Township.
Richland Township.
Sidney Township.
Winfield Township.
Blue Lake Township.
Casnovia Township.
Cedar Creek Township.
Dalton Township.
Egelston Township.
Fruitland Township.
Fruitport Township.
Holton Township.

Laketon Township.
Montague Township.
Moorland Township.
Muskegon Township.
Ravenna Township.
Sullivan Township.
Whitehall Township.
White River Township.
Ashland Township.
Bridgeton Township.
Dayton Township.
Denver Township.
Goodwell Township.
Merrill Township.
Norwich Township.
Sheridan Township.
Sherman Township.
Addison Township.
Brandon Township.
Commerce Township.
Groveland Township.
Highland Township.
Holly Township.
Independence Township.
Milford Township.
Orion Township.
Oxford Township.
Rose Township.
Southfield Township.
Springfield Township.
Waterford Township.
White Lake Township.
Bendna Township.
Claybanks Township.
Colfax Township.
Crystal Township.
Elbridge Township.
Ferry Township.
Golden Township.
Grant Township.
Greenwood Township.
Hart Township.
Leavitt Township.
Newfield Township.
Otto Township.
Pentwater Township.
Shelby Township.
Weare Township.
Bergland Township.
Bohemia Township.
Carp Lake Township.
Greenland Township.
Haight Township.
Interior Township.
McMillan Township.
Matchwood Township.
Ontonagon Township.
Rockland Township.
Stannard Township.
Highland Township.
Sylvan Township.
Allis Township.
Bearinger Township.
Belknap Township.
Bismarck Township.
Cast Township.
Krakow Township.
Metz Township.
Moltke Township.
North Allis Township.
Ocqueoc Township.
Posen Township.
Presque Isle Township.
Pulawski Township.
Rogers Township.
Berlin Township.
Brockway Township.
Burtchville Township.
Casco Township.
China Township.
Clay Township.
Clyde Township.
Cottrellville Township.
East China Township.
Emmett Township.
Fort Gratiot Township.
Grant Township.
Greenwood Township.
Ira Township.
Kenockee Township.
Kimball Township.
Lynn Township.
Mussey Township.
Port Huron Township.
Riley Township.
St. Clair Township.
Wales Township.
Burr Oak Township.
Colon Township.
Constantine Township.
Fabius Township.
Fawn River Township.
Florence Township.
Flowerfield Township.
Leonidas Township.
Lockport Township.
Mendon Township.
Mottville Township.
Nottawa Township.
Sturgis Township.
White Pigeon Township.
Argyle Township.
Austin Township.
Delaware Township.
Elk Township.
Elmer Township.
Flynn Township.
Greenleaf Township.
Marion Township.
Minden Township.
Moore Township.
Wheatland Township.
Mueller Township.
Antrim Township.
Bennington Township.
Burns Township.
Caledonia Township.
Fairfield Township.
Hazelton Township.
Middlebury Township.
New Haven Township.
Owosso Township.
Perry Township.
Rush Township.
Sciota Township.
Shiawassee Township.
Venice Township.
Vernon Township.
Woodhull Township.
Akron Township.
Almer Township.
Elmwood Township.
Indianfields Township.
Tuscola Township.
Watertown Township.
Wells Township.
Blomingdale Township.
Covert Township.
Antioch Township.
Boon Township.
Clam Lake Township.
Haring Township.
Henderson Township.
Slagle Township.
South Branch Township.

State equals 23: 855 records.

STATE: MINNESOTA (24)

Title

Carlton County.
Clearwater County.
Kanabec County.
Koochiching County.
Lake of the Woods County.
Morrison County.
Roseau County.
St. Louis County.
Todd County.
Winona County.
Aitkin Village.
Tamarack Village.
Callaway Village.
Ogema Village.
Wolf Lake Village.
Bemidji City.
Funkley Village.
Kelliher Village.
Turtle River Village.
Barnum Village.
Carlton Village.
Cloquet City.
Cromwell Village.
Kettle River Village.
Moose Lake Village.
Scanlon Village.
Thomson Village.
Wrenshall City.
Wright Village.
Backus Village.
Boy River Village.
Cass Lake Village.
Pillager Village.
Bagley Village.
Clearbrook Village.
Gonvick Village.
Leonard Village.
Shevlin Village.
Crosby Village.
Fifty Lakes Village.
Akeley Village.
Park Rapids Village.
Bovey Village.
Calumet Village.
Coleraine Village.
Nashwauk Village.
Zemple Village.
Grasston Village.
Mora Village.
Ogilvie Village.
Quamba Village.
Big Falls Village.
Mizpah Village.
Northome Village.
Baudette Village.
Buckman Village.
Elmdale Village.
Flensburg Village.
Harding Village.
Hillman Village.
Lastrup Village.
Randall Village.
Sobieski Village.
Askov Village.
Denham Village.
Finlayson Village.
Henriette Village.
Kerrick Village.
Pine City Village.
Sandstone Village.
Sturgeon Lake Village.
Willow River Village.
Hatfield Village.
Morristown Village.
Badger Village.
Strathcona Village.
Aurora Village.
Babbitt Village.
Biwabik City.
Brookston Village.
Buhl Village.
Chisholm City.
Cook Village.
Ely City.
Eveleth City.
Floodwood Village.
Franklin Village.
Gilbert City.
Hibbing Village.
Hoyt Lakes Village.
Iron Junction Village.
Kinney Village.
Leonidas City.
McKinley Village.
Meadowlands Village.
Proctor Village.
Tower City.
Virginia.
Winton Village.
Freeport Village.
Holdingford Village.
New Munich Village.
Richmond Village.
Roscoe Village.
St. Anthony Village.
St. Cloud City.
St. Rosa Village.
Sauk Centre City.

Browerville City.
Altura Village.
Minnesota City Village.
Rollingstone Village.
Stockton Village.
Utica Village.
Winona City.
Waverly Village.
Ball Bluff Township.
Cornish Township.
Fleming Township.
Idun Township.
Kimberly Township.
Lakeside Township.
Lee Township.
Logan Township.
Macville Township.
Malmo Township.
Pliny Township.
Rice River Township.
Salo Township.
Seavey Township.
Spencer Township.
Turner Township.
Verdon Township.
White Pine Township.
Williams Township.
Callaway Township.
Maple Grove Township.
Osage Township.
Pine Point Township.
Riceville Township.
Round Lake Township.
Shell Lake Township.
Spring Creek Township.
Benville Township.
Buzzle Township.
Cormant Township.
Hagali Township.
Hamre Township.
Minnie Township.
Nebish Township.
Port Hope Township.
Roosevelt Township.
Shotley Township.
Taylor Twp.
Atkinson Township.
Automba Township.
Barnum Township.
Beseman Township.
Blackhoof Township.
Holyoke Township.
Kalevala Township.
Lakeview Township.
Mahtowa Township.
Moose Lake Township.
Silver Township.
Skelton Township.
Split Rock Township.
Thompson Township.
Twin Lakes Township.
Wrenshall Township.
Perch Lake Twp.
Beulah Township.
Boy Lake Township.
Deerfield Township.
Gould Township.
Inguadona Township.
Leech Lake Township.
McKinley Township.
Meadow Brook Township.
Pine Lake Township.
Poplar Township.
Remer Township.
Rogers Township.
Shingobee Township.
Thunder Lake Township.
Bear Creek Township.
Clover Township.
Copley Township.
Dudley Tonship.
Eddy Township.
Falk Township.
Greenwood Township.
Hangaard Township.
Holst Township.
Itasca Township.
La Prairie Township.
Leon Township.
Minerva Township.
Moose Creek Township.
Nora Township.
Pine Lake Township.
Popple Township.
Rice Township.
Shevlin Township.
Sinclair Township.
Winsor Township.
Dean Lake Township.
Litle Pine Township.
Oak Lawn Township.
Ross Lake Township.
Timothy Township.
Belvidere Township.
Goodhue Township.
Badoura Township.
Crow Wing Lake Township.
Lake Alice Township.
Lake Emma Township.
Lake George Township.
Mantrap Township.
Ardenhurst Township.
Bearville Township.
Bigfork Township.
Blackberry Township.
Feeley Township.
Good Hope Township.
Goodland Township.
Kinghurst Township.
Max Township.
Nore Township.
Sand Lake Township.
Spang Township.
Stokes Township.
Third River Township.
Ann Lake Township.
Arthur Township.
Brunswick Township.
Comfort Township.
Ford Township.
Grass Lake Township.
Hay Brook Township.
Hillman Township.
Kanabec Township.
Knife Lake Township.
Kroschel Township.
Peace Township.
Pomroy Township.
South Fork Township.
Bejou Township.
Gregory Township.
Heier Township.
Lake Grove Township.
Oakland Township.
Augsburg Township.
Grand Plain Township.
Moylan Township.
Valley Township.
Buckman Township.
Buh Township.
Clough Township.
Culdrum Township.
Cushing Township.
Hillman Township.
Lakin Township.
Leigh Township.
Rail Prairie Township.
Richardson Township.
Swanville Township.
Adams Township.
Bennington Township.
Clayton Township.
Frankford Township.
Grand Meadow Township.
Lodi Township.
Marshall Township.
Pleasant Valley Township.
Clover Leaf Township.
Goodridge Township.
Highlanding Township.
Silverton Township.
Brook Park Township.
Danforth Township.
Hinckley Township.
Kerrick Township.
Mission Creek Township.
New Dosey Township.
Nickerson Township.
Norman Township.
Sturgeon Lake Township.
Aetna Township.
Altona Township.
Elmer Township.
Rock Township.
Gervais Township.
Lambert Township.
Louisville Township.
Wylie Township.
Morristown Township.
Northfield Township.
Shieldsville Township.
Barnett Township.
Barto Township.
Dieter Township.
Enstrom Township.
Hereim Township.
Lind Township.
Mickinock Township.
Moose Township.
Poplar Grove Township.
Reine Township.
Skagen Township.
Stafford Township.
Stokes Township.
Alango Township.
Alborn Township.
Alden Township.
Angora Township.
Arrowhead Township.
Ault Township.
Bassett Township.
Biwabik Township.
Breitung Township.
Brevator Township.
Canosia Township.
Cedar Valley Township.
Cherry Township.
Colvin Township.
Cotton Township.
Culver Township.
Duluth Township.
Elisburg Township.
Elmer Township.
Embarrass Township.
Fairbanks Township.
Field Township.
Fine Lakes Township.
Floodwood Township.
Gnesen Township.
Halden Township.
Industrial Township.
Kelsey Township.
Kugler Township.
Lakewood Township.
Lavell Township.
Linden Grove Township.
McDavitt Township.
Meadowlands Township.
Midway Township.
Missabe Mountain Twp.
Morcom Township.
Morse Township.
Ness Township.
New Independence Twp.
Normanna Township.
Northland Township.
Owens Township.
Payne Township.
Pike Township.
Portage Township.
Prairie Lake Township.
Rice Lake Township.
Sandy Township.
Solway Township.
Stoney Brook Township.
Stuntz Town.
Sturgeon Township.
Toivola Township.
Van Buren Township.
Vermilion Lake Township.
Waasa Township.
White Township.
Willow Valley Township.
Ashley Township.
Crow Lake Township.
Krain Township.
Rockville Township.
Bertha Township.
Birchdale Township.
Bruce Township.
Eagle Valley Township.
Fawn Lake Township.

Germania Township.
Leslie Township.
Moran Township.
Reynolds Township.
Dresbach Township.
Elba Township.
Fremont Township.
Hart Township.
Hillsdale Township.
Mount Vernon Township.
Pleasant Hill Township.
Rollingstone Township.
St. Charles Township.
Saratoga Township.
Utica Township.
Wiscoy Township.
State=24: 396 Records.

STATE: MISSISSIPPI (25)

Title

Adams County.
Alcorn County.
Amite County.
Attala County.
Benton County.
Bolivar County.
Calhoun County.
Carroll County.
Chickasaw County.
Choctaw County.
Coahoma County.
Copiah County.
Franklin County.
George County.
Greene County.
Grenada County.
Holmes County.
Humphreys County.
Jasper County.
Jefferson County.
Jefferson Davis County.
Jones County.
Kemper County.
Lauderdale County.
Lawrence County.
Leflore County.
Lincoln County.
Madison County.
Marion County.
Monroe County.
Montgomery County.
Newton County.
Noxubee County.
Panola County.
Pearl River County.
Pike County.
Quitman County.
Sharkey County.
Simpson County.
Sunflower County.
Tallahatchie County.
Tate County.
Tishomingo County.
Tunica County.
Walthall County.
Warren County.
Washington County.
Wayne County.
Wilkinson County.
Winston County.
Yalobusha County.
Yazoo County.
Natchez City.
Corinth City.
Kossuth Village.
Rienzi Town.
Gloster Town.
Liberty Town.
Ethel Town.
Kosciusko City.
McCool Town.
Sallis Town.
Ashland Town.
Hickory Flat Village.
Alligator Town.
Benoit Town.
Beulah Town.
Boyle Town.
Cleveland City.
Duncan Town.
Gunnison Town.
Merigold Town.
Mound Bayou Town.
Pace Town.
Rosedale City.
Shaw Town.
Shelby City.
Winstonville Town.
Big Creek Village.
Bruce Town.
Calhoun City Town.
Derma Town.
Slate Springs Village.
Vardaman Town.
Houlka Town.
Houston City.
Okolona City.
Woodland Village.
Ackerman Town.
Weir Town.
Clarksdale City.
Friars Point Town.
Jonestown Town.
Lula Town.
Lyon Town.
Beauregard Village.
Crystal Springs City.
Georgetown Town.
Hazlehurst City.
Wesson Town.
Bude Town.
Roxie Town.
Lucedale Town.
Leakesville Town.
Mclain Town.
Grenada City.
Bay St. Louis City.
Biloxi City.
Cruger Town.
Durant Town.
Goodman Town.
Lexington City.
Pickens Town.
Tchula Town.
West Town.
Belzoni City.
Louise Town.
Silver City Town.
Bay Springs Town.
Heidelberg Town.
Louin Town.
Montrose Town.
Fayette Town.
Bassfield Town.
Prentiss Town.
Soso Town.
De Kalb Town.
Scooba Town.
Meridian City.
Marion City.
Newhebron Village.
Guntown Town.
Greenwood City.
Itta Bena Town.
Sidon Town.
Morgan City Town.
Schlater Town.
Brookhaven City.
Canton City.
Flora Town.
Columbia City.
Holly Springs City.
Aberdeen City.
Amory City.
Gattman Village.
Smithville Town.
Duck Hill Town.
Kilmichael Town.
Winona City.
Decatur Town.
Hickory Town.
Newton City.
Brooksville Town.
Macon City.
Shuqualak Town.
Batesville City.
Courtland Village.
Pope Village.
Sardis Town.
Picayune City.
Poplarville City.
McComb City.
Magnolia City.
Osyka Town.
Summit Town.
Lambert Town.
Marks City.
Sledge Town.
Falcon Town.
Anguilla Town.
Cary Town.
Rolling Fork Town.
Braxton Village.
Old Town.
Doddsville Town.
Drew City.
Indianola City.
Inverness Town.
Moorhead Town.
Ruleville Town.
Sunflower Town.
Charleston City.
Glendora Village.
Sumner Town.
Tutwiler Town.
Webb Town.
Coldwater Town.
Senatobia City.
Iuka City.
Paden Village.
Golden Village.
Tunica Town.
Myrtle Town.
New Albany City.
Vicksburg City.
Arcola Town.
Greenville City.
Hollandale City.
Leland City.
Waynesboro City.
Woodville Town.
Louisville City.
Noxapater Town.
Coffeeville Town.
Water Valley City.
Tillatoba Village.
Bentonia Town.
Eden Village.
Satartia Village.
Yazoo City City.
State—25: 210 records.

STATE: MISSOURI (26)

Title

Atchison County.
Barton County.
Buchanan County.
Carroll County.
Clark County.
Cooper County.
Daviess County.
Douglas County.
Grundy County.
Henry County.
Howard County.
Jackson County.
Jasper County.
Johnson County.
Knox County.
Laclede County.
Linn County.
Livingston County.
Macon County.
Madison County.
Maries County.
Marion County.
Mercer County.
Mississippi County.
Moniteau County.
Monroe County.
Oregon County.
Pemiscot County.
Pettis County.
Pike County.
Pulaski County.
Randolph County.
Ripley County.
St. Francois County.
Schuyler County.
Shannon County.
Sullivan County.

Texas County.
Washington County.
Rockport City.
Tarkio City.
Watson Town.
Westboro Town.
Farber City.
Burgress Town.
Golden City City.
Liberal City.
Mindenmines City.
Amoret City.
Foster Town.
Hume Town.
Merwin Town.
Passaic Town.
Lutesville City.
Sedgewickville Town.
Zalma Town.
Agency Village.
DeKalb Town.
Rushville Town.
St. Joseph City.
Neelyville Town.
Poplar Bluff City.
Bogard Town.
Bosworth City.
Carrollton Town.
Wakenda Town.
Ellsinore Town.
Eldorado Springs City.
Brunswick City.
Dalton Town.
Rothville Town.
Alexandria Town.
Kahoka City.
Luray Town.
Wayland City.
Wyaconda City.
Boonville City.
Bunceton City.
Otterville City.
Pilot Grove City.
Wooldridge Town.
Altamont Town.
Coffey City.
Jameson Town.
Lock Spring Village.
Pattonsburg City.
Ava City.
Campbell City.
Hornersville City.
Kennett City.
Senath City.
Berger City.
New Haven City.
Washington City.
Bland City.
Gasconade City.
Owensville City.
Rosebud City.
Brimson Town.
Galt City.
Spickardsville City.
Tindall Town.
Trenton City.
Calhoun City.
Windsor City.
Armstrong City.
Fayette City.
Franklin Town.
Kansas City.
Sugar Creek City.
Sibley Town.
Tarsney Lakes Town.
Lonejack Town.
Asbury Town.
Aville Town.
Carthage City.
Jasper City.
Joplin City.
Oronogo City.
Purcell City.
Waco Town.
Webb City.
Duenweg City.
Duquesne Village.
Brooklyn Heights Village.
Fidelity Town.
Centerview Town.
Holden City.
Kingsville Town.
Knob Noster City.
La Tour Town.
Leeton City.
Warrensburg City.
Baring Town.
Knox City.
Newark Town.
Novelty Town.
Conway City.
Lebanon City.
Phillipsburg Town.
Freistatt Town.
Miller City.
Pierce City City.
Verona Town.
Halltown Village.
Hoberg Village.
Canton City.
La Belle City.
La Grange City.
Brookfield City.
Bucklin City.
Laclede City.
Linneus City.
Marceline City.
Purdin Town.
Chula City.
Ludlow Town.
Anderson City.
South West City Town.
Atlanta City.
Bevier City.
Callao City.
Elmer Town.
Macon City.
New Cambria Town.
South Gifford Town.
Fredericktown City.
Marquand Town.
Cobalt City Village.
Junction City Village.
Vienna Town.
Princeton City.
Charleston City.
East Prairie City.
Wyatt City.
Wilson City Town.
Anniston Town.
California City.
Clarksburg City.
Jamestown City.
Lupus Town.
Tipton City.
Madison City.
Stoutsville Town.
Syracuse Town.
Versailles City.
Arkoe Town.
Burlington Junction City.
Clearmont Town.
Clyde Town.
Conception Junction Town.
Elmo Town.
Guilford Town.
Hopkins City.
Parnell City.
Pickering Town.
Quitman Town.
Ravenwood City.
Skidmore City.
Alton City.
Koshkonong City.
Thayer City.
Chamois City.
Meta City.
Caruthersville City.
Hayti City.
Holland Town.
Steele City.
Wardell Town.
Cooter Town.
Homestown City.
Bragg City Town.
Hayti Heights City.
Pascola Town.
North Wardell Village.
Green Ridge Town.
Houstonia City.
La Monte City.
Sedalia City.
Smithton City.
Hughesville Village.
Bowling Green City.
Curryville Town.
Frankford City.
Louisiana City.
Annada Town.
Eolia Village.
State=26: 227 Records.
Paynesville Town.
State=26: 1 Record.
Crocker City.
Richland City.
St. Robert City.
Clifton Hill Town.
Huntsville City.
Jacksonville Town.
Renick Town.
Doniphan City.
Naylor City.
Bismarck City.
Bonne Terre City.
Desloge City.
Elvins City.
Esther City.
Fairview Acres Village.
Farmington City.
Flat River City.
Highley Heights Village.
Rivermines Town.
Leadington Village.
Leadwood City.
Bella Village City.
Bel Ridge Village.
Berkeley City.
Breckenridge Hills Vill.
Bridgeton Terrace City.
Cool Valley Village.
Dellwood City.
Edmundson Village.
Ellisville City.
Ferguson City.
Hanley Hills Village.
Hazelwood City.
Hillsdale Village.
Jennings City.
Kinloch City.
Maplewood City.
Normandy Town.
Overland City.
Pagedale City.
Pine Lawn City.
Riverview Village.
Rock Hill City.
St. Ann City.
St. John City.
Schuermann Heights Village.
Times Beach City.
Valley Park City.
Velda Village.
Vinita Park City.
Wellston City.
Winchester City.
Woodson Terrace City.
St. Louis City.
Grand Pass Town.
Marshall City.
Mount Leonard Town.
Sweet Springs City.
Downing City.
Glenwood Village.
Lancaster City.
Queen City City.
Birch Tree City.
Eminence City.
Winona City.
Clarence City.
Greencastle City.
Green City City.
Harris Town.
Humphreys Town.
Milan City.
Newtown Town.
Osgood Town.
Houston City.
Licking City.
Raymondville Town.
Caledonia Town.
Irondale City.
Mineral Point Town.
Potosi City.

Piedmont City.
Mill Spring Village.
Seymour City.
Allendale Town.
Denver Town.
Grant City.
Worth Town.
Golden City Township.
Nashville Township.
Newport Township.
Ozark Township.
Carrollton Township.
Combs Township.
Egypt Township.
Eugene Township.
Hill Township.
Hurricane Township.
Miami Township.
Ridge Township.
Rockford Township.
Stokes Mound Township.
Sugartree Township.
Trotter Township.
Van Horn Township.
Wakenda Township.
Bee Branch Township.
Brunswick Township.
Clark Township.
Cockrell Township.
Missouri Township.
Benton Township.
Harrison Township.
Jackson Township.
Jefferson Township.
Liberty Township.
Lincoln Township.
Marion Township.
Salem Township.
Sheridan Township.
Washington Township.
Clay Township.
Freeborn Township.
Independence Township.
Salem Township.
Franklin Township.
Jefferson Township.
Liberty Township.
Lincoln Township.
Marion Township.
Myers Township.
Taylor Township.
Trenton Township.
Big Creek Township.
Osage Township.
Shawnee Township.
Tebo Township.
White Oak Township.
Windsor Township.
Benton Township.
Brookfield Township.
Enterprise Township.
Grantsville Township.
Jackson Township.
Jefferson Township.
Locust Creek Township.
Marceline Township.
Blue Mound Township.
Cream Ridge Township.
Grand River Township.
Jackson Township.
Medicine Township.
Monroe Township.
Harrison Township.
Madison Township.
Marion Township.
Medicine Township.
Morgan Township.
Somerset Township.
Atchison Township.
Grant Township.
Green Township.
Hopkins Township.
Independence Township.
Jackson Township.
Jefferson Township.
Monroe Township.
Union Township.
Washington Township.
Bowman Township.
Buchanan Township.
Clay Township.
Jackson Township.
Liberty Township.
Morris Township.
Penn Township.
Pleasant Hill Township.
Polk Township.
Taylor Township.
Union Township.
Boone Townshsip.
Burdine Township.
Carroll Township.
Cass Township.
Clinton Township.
Current Township.
Date Township.
Jackson Township.
Lynch Township.
Morris Township.
Ozard Township.
Pierce Township.
Piney Township.
Roubidoux Township.
Sargent Township.
Sherrill Township.
Upton Township.
State = 26: 196 Records.

STATE: MONTANA (27)

Title

Carter County.
Deer Lodge County.
Garfield County.
Glacier County.
Granite County.
Lincoln County.
Meagher County.
Petroleum County.
Ravalli County.
Silver Bow County.
Ekalaka Town.
Anaconda City.
Drummond Town.
Philipsburg City.
Boulder Town.
St. Ignatius Town.
Eureka Town.
Libby City.
Troy Town.
Rexford Town.
Ennis Town.
White Sulphur Springs City.
Winnett Town.
Broadus Town.
Darby Town.
Hamilton City.
Stevensville Town.
Hot Springs Town.
Butte City.
Walkerville City.
Judith Gap City.
State-27: 31 Records.

STATE: NEBRASKA (28)

Title

Blaine County.
Boone County.
Burt County.
Cherry County.
Grant County.
Greeley County.
Johnson County.
Keya Paha County.
Knox County.
McPherson County.
Richardson County.
Sioux County.
Thurston County.
Wayne County.
Wheeler County.
Prosser Village.
Brewster Village.
Dunning Village.
Petersburg Village.
Primrose Village.
Craig Village.
Oakland City.
Garrison Village.
Octavia Village.
Surprise Village.
Alvo Village.
Avoca Village.
Greenwood Village.
Obert Village.
Cody Village.
Kilgore Village.
Merriman Village.
Wood Lake Village.
Ansley Village.
Dixon Village.
Blue Springs Village.
Greeley Center Village.
Scotia Village.
Spalding Village.
Cairo Village.
Cushing Village.
Diller Village.
Harbine Village.
Steele City Village.
Crab Orchard Village.
Burton Village.
Crofton Village.
Verdigre Village.
Gandy Village.
Broadwater City.
Genoa City.
Brock Village.
Brownville Village.
Julian Village.
Nemaha Village.
Peru City.
Dubois Village.
Steinauer Village.
Atlanta Village.
Hadar Village.
McLean Village.
Pierce City.
Barada Village.
Preston Village.
Rulo City.
Salem Village.
Shubert Village.
Stella Village.
Valparaiso Village.
Bee Village.
Tamora Village.
Harrison Village.
Pender Village.
Rosalie Village.
Thurston Village.
Walthill Village.
Winnebago Village.
Arcadia Village.
Elyria Village.
North Loup Village.
Hoskins Village.
Wayne City.
Guide Rock Village.
Bartlett Village.
Ericson Village.
Arizona Township.
Craig Township.
Decatur Township.
Logan Township.
Oakland Township.
Pershing Township.
Riverside Township.
Silver Creek Township.
Linwood Township.
Oak Creek Township.
Plum Creek Township.
Bismark Township.
Blaine Township.
Cuming Township.
Elkhorn Township.
Garfield Township.
Grant Township.
Logan Township.
Monterey Township.
Neligh Township.
Sherman Township.
Algernon Township.
Ansley Township.
Cliff Township.
Comstock Township.
Delight Township.
Douglas Grove Township.
East Custer Township.
Lillian Township.
Loup Township.

Ryno Township.
Spring Creek Township.
Victoria Township.
Westerville Township.
Concord Township.
Logan Township.
Blue Springs Township.
Hooker Township.
Island Grove Township.
Midland Township.
Riverside Township.
Harrison Township.
Lake Township.
Martin Township.
Mayfield Township.
Chambers Township,
Coleman Township.
Francis Township.
Green Valley Township.
Holt Creek Township.
Stuart Township.
Addison Township.
Bohemia Township.
Creighton Township.
Dolphin Township.
Dowling Township.
Eastern Township.
Frankfort Township.
Herrick Township.
Hill Township.
Jefferson Township.
Logan Township.
Peoria Township.
Raymond Township.
Spade Township.
Sparta Township.
Valley Township.
Verdigre Township.
Walnut Grove Township.
Washington Township.
Western Township.
Genoa Township.
Chester Township.
Anderson Township.
Blackbird Township.
Bryan Township.
Dawes Township.
Flournoy Township.
Merry Township.
Omaha Township.
Pender Township.
Perry Township.
Thayer Township.
Winnebago Township.
Arcadia Township.
North Loup Township.
Geranium Township.
State=28: 172 Records.

STATE: NEVADA (29)

Title

Nye County.
White Pine County.
North Las Vegas City.
Yerington City.
Gabbs City.
Lovelock City.
Ely City.
State=29: 7 Records.

STATE: NEW HAMPSHIRE (30)

(*Title*)

Coos County.
Berlin City.
Manchester City.
Nashua City.
Chatham Town.
Clarksville Town.
Colebrook Town.
Dummer Town.
Errol Town.
Gorham Town.
Lancaster Town.
Northumberland Town.
Stratford Town.
Easton Town.
Lincoln Town.
Lisbon Town.
Littleton Town.
Orford Town.
Woodstock Town.
Sugar Hill Town.
State=30: 20 Records.

STATE: NEW JERSEY (31)

Title

Atlantic County.
Bergen County.
Camden County.
Cumberland County.
Essex County.
Gloucester County.
Hudson County.
Middlesex County.
Morris County.
Passaic County.
Salem County.
Union County.
Warren County.
Absecon City.
Atlantic City City.
Brigantine City.
Buena Borough.
Corbin City City.
Egg Harbor City
Estell Manor City.
Folsom Borough.
Hammonton Town.
Margate City.
Northfield City.
Pleasantville City.
Allendale Borough.
Bergenfield Borough.
Bogota Borough.
Carlstadt Borough.
Closter Borough.
Cresskill Borough.
Demarest Borough.
Dumont Borough.
Elmwood Park Borough.
East Rutherford Borough.
Edgewater Borough.
Emerson Borough.
Englewood City.
Fair Lawn Borough.
Fairview Borough.
Franklin Lakes Borough.
Garfield City.
Glen Rock Borough.
Hackensack City.
Harrington Park Borough.
Hasbrouck Heights Borough.
Haworth Borough.
Hillsdale Borough.
Ho-Ho-Kus Borough.
Leonia Borough.
Little Ferry Borough.
Lodi Borough.
Maywood Borough.
Midland Park Borough.
Montvale Borough.
Moonachie Borough.
New Milford Borough.
North Arlington Borough.
Northvale Borough.
Norwood Borough.
Oakland Borough.
Oradell Borough.
Palisades Park Borough.
Paramus Borough.
Ramsey Borough.
Ridgefield Borough.
Ridgefield Park Village.
Ridgewood Village.
River Edge Borough.
Rockleigh Borough.
Rutherford Borough.
Tenafly Borough.
Teterboro Borough.
Waldwick Borough.
Wallington Borough.
Westwood Borough.
Wood Ridge Borough.
Beverly City.
Burlington City.
Fieldsboro Borough.
Palmyra Borough.
Pemberton Borough.
Riverton Borough.
Wrightstown Borough.
Audubon Borough.
Audubon Park Borough.
Barrington Borough.
Bellmawr Borough.
Berlin Borough.
Brooklawn Borough.
Camden City.
Chesilhurst Borough.
Collingswood Borough.
Gibbsboro Borough.
Gloucester City City.
Haddonfield Borough.
Haddon Heights Borough.
Hi-Nella Borough.
Lawnside Borough.
Magnolia Borough.
Merchantville Borough.
Mount Ephraim Borough.
Oaklyn Borough.
Pine Valley Borough.
Runnemede Borough.
Stratford Borough.
Tavistock Borough.
Wood Lynne Borough.
Cape May City.
Wildwood City.
Woodbine Borough.
Bridgeton City.
Millville City.
Shiloh Borough.
Vineland City.
Belleville Town.
Bloomfield Town.
East Orange City.
Irvington Town.
Montclair Town.
Newark City.
Orange City.
Clayton Borough.
Glassboro Borough.
National Park Borough.
Newfield Borough.
Paulsboro Borough.
Pitman Borough.
Swedesboro Borough.
Wenonah Borough.
Westville Borough.
Woodbury City.
Woodbury Heights Borough.
Bayonne City.
East Newark Borough.
Guttenberg Town.
Harrison Town.
Hoboken City.
Jersey City City.
Secaucus Town.
Union City City.
West New York Town.
Glen Gardner Borough.
Lambertville City.
Trenton City.
Carteret Borough.
Dunellen Borough.
Helmetta Borough.
Highland Park Borough.
Metuchen Borough.
Middlesex Borough.
New Brunswick City.
Perth Amboy City.
Sayreville Borough.
South Amboy City.
South Plainfield Borough.
South River Borough.
Asbury Park City.
Eatontown Borough.
Keyport Borough.
Union Beach Borough.
Boonton Town.
Butler Borough.
Chatham Borough.
Chester Borough.
Dover Town.
Florham Park Borough.
Lincoln Park Borough.
Madison Borough.
Morris Plains Borough.
Morristown Town.
Mountain Lakes Borough.
Mount Arlington Borough.
Netcong Borough.
Riverdale Borough.

Rockaway Borough.
Victory Gardens Borough.
Wharton Borough.
South Toms River Borough.
Clifton City.
Haledon Borough.
Hawthorne Borough.
Passaic City.
Paterson City.
Pompton Lakes Borough.
Prospect Park Borough.
Totowa Borough.
Wanaque Borough.
West Paterson Borough.
Elmer Borough.
Penns Grove Borough.
Salem City.
Woodstown Borough.
Peapack Gladstone Borough.
Franklin Borough.
Elizabeth City.
Fanwood Borough.
Garwood Borough.
Kenilworth Borough.
Linden City.
Mountainside Borough.
New Providence Borough.
Plainfield City.
Rahway City.
Roselle Borough.
Roselle Park Borough.
Summit City.
Alpha Borough.
Phillipsburg Town.
Buena Vista Township.
Egg Harbor Township.
Galloway Township.
Hamilton Township.
Mullica Township.
Weymouth Township.
Lyndhurst Township.
Rochelle Park Township.
Saddle Brook Township.
So Hackensack Township.
Washington Township.
Wyckoff Township.
Bass River Township.
Burlington Township.
Chesterfield Township.
Delanco Township.
Florence Township.
Hainesport Township.
Moorestown Township.
New Hanover Township.
North Hanover Township.
Riverside Township.
Springfield Township.
Washington Township.
Westampton Township.
Willingboro Township.
Woodland Township.
Berlin Township.
Gloucester Township.
Haddon Township.
Pennsauken Township.
Winslow Township.
Commercial Township.
Deerfield Township.
Downe Township.
Fairfield Township.
Hopewell Township.
Lawrence Township.
Maurice River Township.
Upper Deerfield Township.
Deptford Township.
Elk Township.
Franklin Township.
Greenwich Township.
Harrison Township.
Logan Township.
Mantua Township.
Monroe Township.
South Harrison Township.
Washington Township.
Woolwich Township.
North Bergen Township.
Weehawken Township.
Old Bridge Township.
Monroe Township.
Piscataway Township.
Edison Township.
Woodbridge Township.
Neptune Township.
Hazlet Township.
Boonton Township.
Chatham Township.
Denville Township.
Harding Township.
Mine Hill Township.
Morris Township.
Passaic Township.
Pequannock Township.
Rockaway Township.
Roxbury Township.
Little Falls Township.
West Milford Township.
Alloway Township.
Elsinboro Township.
Lower Alloways Creek Township.
Pennsville Township.
Oldmans Township.
Pittsgrove Township.
Carneys Point Township.
Upper Pittsgrove Township.
Franklin Township.
Berkeley Heights Township.
Clark Township.
Hillside Township.
Scotch Plains Township.
Springfield Township.
Union Township.
Winfield Township.
Blairstown Township.
Franklin Township.
Greenwich Township.
Hardwick Township.
Hope Township.
Independence Township.
Knowlton Township.
Mansfield Township.
Oxford Township.
Pahaquarry Township.
Pohatcong Township.
State=31: 308 Records.

STATE: NEW MEXICO (32)

Title

Catron County.
De Baca County.
Guadalupe County.
Mora County.
Otero County.
Quay County.
Roosevelt County.
San Miguel County.
Socorro County.
Reserve Village.
Cimarron Village.
Maxwell Village.
Springer Town.
Fort Sumner Village.
Hatch Village.
Las Cruces City.
Bayard Village.
Central Village.
Santa Rosa City.
Vaughn Town.
Columbus Village.
Wagon Mound Village.
Alamogordo City.
Cloudcroft Village.
Tularosa Village.
San Jon Village.
Tucumcari City.
Elida Town.
Portales City.
Dora Village.
Floyd Village.
Las Vegas City.
Pecos Village.
Magdalena Village.
Socorro City.
Encino Village.
Mountainair Town.
Grants Town.
Milan Village.
State equals 32:39 Records.

STATE: NEW YORK (33)

Title

Albany County.
Allegany County.
Broome County.
Cattaraugus County.
Cayuga County.
Chautauqua County.
Chemung County.
Chenango County.
Columbia County.
Cortland County.
Delaware County.
Erie County.
Essex County.
Franklin County.
Fulton County.
Genesee County.
Herkimer County.
Jefferson County.
Lewis County.
Monroe County.
Montgomery County.
Nassau County.
Niagara County.
Oneida County.
Onondaga County.
Orange County.
Orleans County.
Otsego County.
Rensselaer County.
St. Lawrence County.
Schenectady County.
Schoharie County.
Schuyler County.
Seneca County.
Steuben County.
Sullivan County.
Ulster County.
Warren County.
Washington County.
Wayne County.
Wyoming County.
Yates County.
Albany City.
Cohoes City.
Colonie Village.
Green Island Village.
Watervliet City.
Alfred Village.
Almond Village.
Andover Village.
Angelica Village.
Belmont Village.
Bolivar Village.
Canaseraga Village.
Cuba Village.
Fillmore Village.
Richburg Village
Wellsville Village.
Binghamton City.
Endicott Village.
Johnson City Village.
Lisle Village.
Port Dickinson Village.
Windsor Village.
Allegany Village.
Cattaraugus Village.
Delevan Village.
East Randolph Village.
Ellicottville Village.
Franklinville Village.
Limestone Village.
Little Valley Village.
Olean City.
Portville Village.
Salamanca City.
South Dayton Village.
Auburn City.
Aurora Village.
Cato Village.
Cayuga Village.
Fair Haven Village.
Meridian Village.
Moravia Village.
Port Byron Village.
Union Springs Village.
Weedsport Village.
Bemus Point Village.
Brocton Village.
Cassadaga Village.
Celoron Village.
Cherry Creek Village.
Dunkirk City.

Falconer Village.
Fredonia Village.
Jamestown City.
Lakewood Village.
Mayville Village.
Panama Village.
Sherman Village.
Silver Creek Village.
Sinclairville Village.
Westfield Village.
Elmira City.
Elmira Heights Village.
Horseheads Village.
Millport Village.
Van Etten Village.
Wellsburg Village.
Afton Village.
Bainbridge Village.
Greene Village.
New Berlin Village.
Norwich City.
Oxford Village.
Sherburne Village.
Smyrna Village.
Dannemora Village.
Chatham Village.
Hudson City.
Kinderhook Village.
Philmont Village.
Valatie Village.
Cortland City.
Homer Village.
McGraw Village.
Marathon Village.
Andes Village.
Delhi Village.
Fleischmanns Village.
Franklin Village.
Hancock Village.
Hobart Village.
Margaretville Village.
Sidney Village.
Stamford Village.
Walton Village.
Beacon City.
Poughkeepsie City.
Akron Village.
Alden Village.
Angola Village.
Blasdell Village.
Buffalo City.
Farnham Village.
Kenmore Village.
Lackawanna City.
Lancaster Village.
North Collins Village.
Sloan Village.
Springville Village.
Tonawanda City.
Bloomingdale Village.
Elizabethtown Village.
Lake Placid Village.
Port Henry Village.
Ticonderoga Village.
Brushton Village.
Burke Village.
Chateaugay Village.
Malone Village.
Tupper Lake Village.
Gloversville City.
Johnstown City.
Mayfield Village.
Northville Village.
Alexander Village.
Batavia City.
Bergen Village.
Corfu Village.
Elba Village.
Le Roy Village.
Oakfield Village.
Catskill Village.
Coxsackie Village.
Tannersville Village.
Cold Brook Village.
Frankfort Village.
Herkimer Village.
Ilion Village.
Little Falls City.
Middleville Village.
Mohawk Village.
Newport Village.
Poland Village.
West Winfield Village.
Adams Village.
Alexandria Bay Village.
Antwerp Village.
Black River Village.
Brownville Village.
Cape Vincent Village.
Carthage Village.
Chaumont Village.
Clayton Village.
Diferiet Village.
Dexter Village.
Ellisburg Village.
Glen Park Village.
Herrings Village.
Mannsville Village.
Philadelphia Village.
Sackets Harbor Village.
Theresa Village.
Watertown City.
West Carthage Village.
Evans Mills Village.
Castorland Village.
Constableville Village.
Copenhagen Village.
Croughan Village.
Harrisville Village.
Lowville Village.
Lyons Falls Village.
Port Leyden Village.
Turin Village.
Avon Village.
Dansville Village.
Leicester Village.
Mount Morris Village.
Canastota Village.
Hamilton Village.
Madison Village.
Oneida City.
East Rochester Village.
Rochester City.
Ames Village.
Amsterdam City.
Canajoharie Village.
Fonda Village.
Fort Johnson Village.
Fort Plain Village.
Fultonville Village.
Hagaman Village.
Nelliston Village.
Palatine Bridge Village.
St. Johnsville Village.
Baxter Estates Village.
Bellerose Village.
Brookville Village.
Cedarhurst Village.
Centre Island Village.
Cove Neck Village.
East Hills Village.
East Rockaway Village.
East Williston Village.
Farmingdale Village.
Floral Pk. Village.
Flower Hill Village.
Freeport Village.
Glen Cove City.
Great Neck Village.
Great Neck Estates Village.
Great Neck Plaza Village.
Hempstead Village.
Hewlett Bay Park Village.
Hewlett Neck Village.
Island Park Village.
Kensington Village.
Lake Success Village.
Lattingtown Village.
Laurel Hollow Village.
Lawrence Village.
Long Beach City.
Lynbrook Village.
Malverne Village.
Manorhaven Village.
Massapequa Park Village.
Matinecock Village.
Hill Neck Village.
Mineola Village.
Huttontown Village.
New Hyde Park Village.
North Hills Village.
Old Westbury Village.
Oyster Bay Cove Village.
Plandome Village.
Plandome Heights Village.
Plandome Manor Village.
Port Washington N Village.
Rockville Centre Village.
Roslyn Village.
Roslyn Harbor Village.
Russell Gardens Village.
Saddle Rock Village.
Sea Cliff Village.
South Floral Park Village.
Stewart Manor Village.
Thomaston Village.
Upper Brookville Village.
Valley Stream Village.
Westbury Village.
Williston Park Village.
Woodsburgh Village.
Atlantic Beach.
New York City.
Barker Village.
Lewiston Village.
Lockport City.
Middleport Village.
Niagara Falls City.
North Tonawanda City.
Wilson Village.
Youngstown Village.
Boonville Village.
Bridgewater Village.
Camden Village.
Clayville Village.
Clinton Village.
Holland Patent Village.
New Hartford Village.
New York Mills Village.
Oneida Castle Village.
Oriskany Village.
Oriskany Falls Village.
Prospect Village.
Remsen Village.
Rome City.
Sherrill City.
Barneveld Village.
Utica City.
Vernon Village.
Waterville Village.
Whitesboro Village.
Yorkville Village.
Sylvan Beach Village.
Baldwinsville Village.
Camillus Village.
East Syracuse Village.
Elbridge Village.
Fabius Village.
Fayetteville Village.
Jordan Village.
Liverpool Village.
Marcellus Village.
Minoa Village.
North Syracuse Village.
Solvay Village.
Syracuse City.
Tully Village.
Clifton Springs Village.
East Bloomfield Village.
Geneva City.
Phelps Village.
Chester Village.
Cornwall Village.
Greenwood Lake Village.
Harriman Village.
Highland Falls Village.
Maybrook Village.
Middletown City.
Monroe Village.
Montgomery Village.
Newburgh City.
Port Jervis City.
Tuxedo Park Village.
Unionville Village.
Walden Village.
Washingtonville Village.
Kiryas Joel Village.
Fulton City.
Phoenix Village.
Cherry Valley Village.

Cooperstown Village.
Gilbertsville Village.
Laurens Village.
Milford Village.
Morris Village.
Oneonta City.
Otego Village.
Richfield Springs Village.
Schenevus Village.
Unadilla Village.
Cold Spring Village.
Castleton on Hudson Village.
Hoosick Falls Village.
Nassau Village.
Rensselaer City.
Schaghticoke Village.
Troy City.
Valley Falls Village.
Hillburn Village.
Nyack Village.
Canton Village.
Edwards Village.
Gouverneur Village.
Hammond Village.
Hermon Village.
Heuvelton Village.
Massena Village.
Morristown Village.
Norwood Village.
Ogdensburg City.
Potsdam Village.
Rensselaer Falls Village.
Richville Village.
Waddington Village.
Corinth Village.
Mechanicville City.
Schuylerville Village.
South Glens Falls Village.
Victory Town.
Waterford Village.
Round Lake Village.
Delanson Village.
Schenectady City.
Scotia Village.
Cobleskill Village.
Esperance Village.
Middleburgh Village.
Richmondville Village.
Schoharie Village.
Sharon Springs Village.
Burdett Village.
Montour Falls Village.
Watkins Glen Village.
Interlaken Village.
Lodi Village.
Ovid Village.
Seneca Falls Village.
Waterloo Village.
Addison Village.
Arkport Village.
Avoca Village.
Bath Village.
Canisted Village.
Corning City.
Hammondsport Village.
Hornell City.
North Hornell Village.
Painted Post Village.
Riverside Village.
Savona Village.
South Corning Village.
Wayland Village.
Woodhull Village.
Greenport Village.
Patchogue Village.
Bloomingburgh Village.
Jeffersonville Village.
Liberty Village.
Monticello Village.
Woodridge Village.
Wurtsboro Village.
Freeville Village.
Ithaca City.
Trumansburg Village.
Ellenville Village.
Kingston City.
New Paltz Village.
Pine Hill Village.
Rosendale Village.
Saugerties Village.
Glens Falls.
Argyle Village.
Cambridge Village.
Fort Ann Village.
Fort Edward Village.
Granville Village.
Greenwich Village.
Hudson Falls Village.
Salem Village.
Whitehall Village.
Clyde Village.
Lyons Village.
Newark Village.
Palmyra Village.
Red Creek Village.
Savannah Village.
Sodus Village.
Wolcott Village.
Elmsford Village.
Mount Kisco Village.
Mount Vernon City.
New Rochelle City.
North Tarrytown Village.
Ossining Village.
Port Chester Village.
Yonkers City.
Attica Village.
Castile Village.
Pike Village.
Dresden Village.
Dundee Village.
Penn Yan Village.
Colonie Town.
Green Island Town.
Alfred Town.
Allen Town.
Alma Town.
Almond Town.
Amity Town.
Andover Town.
Angelica Town.
Belfast Town.
Birdsall Town.
Bolivar Town.
Burns Town.
Caneadea Town.
Centerville Town.
Clarksville Town.
Cuba Town.
Friendship Town.
Genesee Town.
Granger Town.
Grove Town.
Hume Town.
Independence Town.
New Hudson Town.
Rushford Town.
Scio Town.
Ward Town.
Wellsville Town.
West Almond Town.
Willing Town.
Wirt Town.
Barker Town.
Binghamton Town.
Chenango Town.
Dickinson Town.
Kirkwood Town.
Maine Town.
Sanford Town.
Union Town.
Windsor Town.
Allegany Town.
Ashford Town.
Carrollton Town.
Coldspring Town.
Conewango Town.
Dayton Town.
East Otto Town.
Ellicottville Town.
Farmersville Town.
Franklinville Town.
Freedom Town.
Great Valley Town.
Hinsdale Town.
Humphrey Town.
Ischua Town.
Leon Town.
Little Valley Town.
Lyndon Town.
Machias Town.
Mansfield Town.
Napoli Town.
New Albion Town.
Olean Town.
Otto Town.
Perrysburg Town.
Persia Town.
Portville Town.
Randolph Town.
Red House Town.
Salamanca Town.
South Valley Town.
Yorkshire Town.
Aurelius Town.
Brutus Town.
Cato Town.
Conquest Town.
Fleming Town.
Genoa Town.
Ira Town.
Ledyard Town.
Locke Town.
Mentz Town.
Montezuma Town.
Moravia Town.
Niles Town.
Owasco Town.
Scipio Town.
Sempronius Town.
Sennett Town.
Springport Town.
Sterling Town.
Summerhill Town.
Throop Town.
Venice Town.
Victory Town.
Arkwright Town.
Busti Town.
Carroll Town.
Charlotte Town.
Chautauqua Town.
Cherry Creek Town.
Clymer Town.
Dunkirk Town.
Ellery Town.
Ellicott Town.
Ellington Town.
French Creek Town.
Gerry Town.
Hanover Town.
Harmony Town.
Kiantone Town.
Mina Town.
North Harmony Town.
Poland Town.
Pomfret Town.
Portland Town.
Ripley Town.
Sheridan Town.
Sherman Town.
Stockton Town.
Villenova Town.
Westfield Town.
Ashland Town.
Baldwin Town.
Catlin Town.
Chemung Town.
Elmira Town.
Erin Town.
Horseheads Town.
Southport Town.
Van Etten Town.
Veteran Town.
Afton Town.
Bainbridge Town.
Columbus Town.
Coventry Town.
German Town.
Greene Town.
Guilford Town.
Lincklaen Town.
McDonough Town.
New Berlin Town.
North Norwich Town.
Norwich Town.
Otselic Town.
Oxford Town.
Pharsalia Town.
Pitcher Town.
Plymouth Town.

Preston Town.
Sherburne Town.
Smithville Town.
Smyrna Town.
Altona Town.
Black Brook Town.
Clinton Town.
Dannemora Town.
Ellenburg Town.
Ancram Town.
Austerlitz Town.
Canaan Town.
Chatham Town.
Claverack Town.
Clermont Town.
Copake Town.
Germantown Town.
Ghent Town.
Greenport Town.
Hillsdale Town.
Kinderhook Town.
Livingston Town.
New Lebanon Town.
Stockport Town.
Stuyvesant Town.
Taghkanic Town.
Cincinnatus Town.
Cortlandville Town.
Cuyler Town.
Freetown Town.
Harford Town.
Homer Town.
Lapeer Town.
Marathon Town.
Preble Town.
Scott Town.
Solon Town.
Taylor Town.
Truxton Town.
Virgil Town.
Willet Town.
Andes Town.
Bovina Town.
Colchester Town.
Davenport Town.
Delhi Town.
Deposit Town.
Franklin Town.
Hamden Town.
Hancock Town.
Harpersfield Town.
Kortright Town.
Masonville Town.
Meredith Town.
Middletown Town.
Roxbury Town.
Sidney Town.
Stamford Town.
Tompkins Town.
Walton Town.
Amenia Town.
Dover Town.
Poughkeepsie Town.
Alden Town.
Aurora Town.
Boston Town.
Brant Town.
Cheektowaga Town.
Clarence Town.
Colden Town.
Collins Town.
Concord Town.
Eden Town.
Elma Town.
Evans Town.
Grand Island Town.
Hamburg Town.
Holland Town.
Lancaster Town.
Marilla Town.
Newstead Town.
North Collins Town.
Sardinia Town.
Tonawanda Town.
Wales Town.
West Seneca Town.
Chesterfield Town.
Crown Point Town.
Elizabethtown Town.
Essex Town.
Jay Town.
Keene Town.
Lewis Town.
Minerva Town.
Moriah Town.
Newcomb Town.
North Elba Town.
North Hudson Town.
St. Armand Town.
Schroon Town.
Ticonderoga Town.
Westport Town.
Willsboro Town.
Wilmington Town.
Altamont Town.
Bangor Town.
Bellmont Town.
Bombay Town.
Brandon Town.
Brighton Town.
Burke Town.
Chateaugay Town.
Constable Town.
Dickinson Town.
Duane Town.
Fort Covington Town.
Franklin Town.
Harrietstown Town.
Malone Town.
Moira Town.
Santa Clara Town.
Waverly Town.
Westville Town.
Bleecker Town.
Broadalbin Town.
Caroga Town.
Ephratah Town.
Johnstown Town.
Mayfield Town.
Northampton Town.
Oppenheim Town.
Perth Town.
Stratford Town.
Alabama Town.
Alexander Town.
Batavia Town.
Bergen Town.
Bethany Town.
Byron Town.
Darien Town.
Elba Town.
Le Roy Town.
Oakfield Town.
Pavilion Town.
Pembroke Town.
Stafford Town.
Windham Town.
Benson Town.
Long Lake Town.
Morehouse Town.
Wells Town.
Columbia Town.
Danube Town.
Fairfield Town.
Frankfort Town.
German Flatts Town.
Herkimer Town.
Litchfield Town.
Little Falls Town.
Manheim Town.
Newport Town.
Norway Town.
Ohio Town.
Russia Town.
Salisbury Town.
Schuyler Town.
Stark Town.
Warren Town.
Webb Town.
Winfield Town.
Adams Town.
Alexandria Town.
Antwerp Town.
Brownville Town.
Cape Vincent Town.
Champion Town.
Clayton Town.
Ellisburg Town.
Henderson Town.
Hounsfield Town.
Le Ray Town.
Lorraine Town.
Lyme Town.
Orleans Town.
Pamelia Town.
Philadelphia Town.
Rodman Town.
Rutland Town.
Theresa Town.
Watertown Town.
Wilna Town.
Worth Town.
Croghan Town.
Denmark Town.
Diana Town.
Greig Town.
Harrisburg Town.
Lewis Town.
Leyden Town.
Lowville Town.
Lyonsdale Town.
Martinsburg Town.
Montague Town.
New Brehem Town.
Osceola Town.
Pinckney Town.
Turin Town.
Watson Town.
West Turin Town.
Caledonia Town.
Groveland Town.
Leicester Town.
Mount Morris Town.
North Dansville Town.
Ossian Town.
West Sparta Town.
York Town.
Brookfield Town.
De Ruyter Town.
Fenner Town.
Georgetown Town.
Hamilton Town.
Lenox Town.
Nelson Town.
Smithfield Town.
Clarkson Town.
Rush Town.
Amsterdam Town.
Canajoharie Town.
Charleston Town.
Florida Town.
Glen Town.
Minden Town.
Mohawk Town.
Palatine Town.
Root Town.
St. Johnsville Town.
Hempstead Town.
North Hempstead Town.
Oyster Bay Town.
Cambria Town.
Hartland Town.
Lewiston Town.
Lockport Town.
Newfane Town.
Niagara Town.
Pendleton Town.
Porter Town.
Royalton Town.
Somerset Town.
Wheatfield Town.
Wilson Town.
Annsville Town.
Augusta Town.
Ava Town.
Boonville Town.
Bridgewater Town.
Camden Town.
Deerfield Town.
Florence Town.
Floyd Town.
Forestport Town.
Kirkland Town.
Lee Town.
Marcy Town.
Marshall Town.
New Hartford Town.
Paris Town.
Remsen Town.
Sangerfield Town.
Steuben Town.
Trenton Town.

Vernon Town.
Verona Town.
Vienna Town.
Western Town.
Westmoreland Town.
Whitestown Town.
Camillus Town.
Cicero Town.
De Witt Town.
Elbridge Town.
Fabius Town.
Geddes Town.
Lafayette Town.
Lysander Town.
Marcellus Town.
Onondaga Town.
Otisco Town.
Pompey Town.
Salina Town.
Skaneateles Town.
Spafford Town.
Tully Town.
Van Buren Town.
Gorham Town.
Hopewell Town.
Blooming Grove Town.
Chester Town.
Cornwall Town.
Crawford Town.
Deerpark Town.
Greenville Town.
Highlands Town.
Monroe Town.
Montgomery Town.
Mount Hope Town.
Newburgh Town.
New Windsor Town.
Tuxedo Town.
Wallkill Town.
Wawayanda Town.
Barre Town.
Carlton Town.
Clarendon Town.
Gaines Town.
Murray Town.
Ridgeway Town.
Shelby Town.
Boylston Town.
New Haven Town.
Burlington Town.
Butternuts Town.
Cherry Valley Town.
Decatur Town.
Edmeston Town.
Exeter Town.
Hartwick Town.
Laurens Town.
Maryland Town.
Middlefield Town.
Milford Town.
Morris Town.
New Lisbon Town.
Oneonta Town.
Otego Town.
Otsego Town.
Pittsfield Town.
Plainfield Town.
Richfield Town.
Roseboom Town.
Springfield Town.
Unadilla Town.
Westford Town.
Worcester Town.
Berlin Town.
Brunswick Town.
Grafton Town.
Hoosick Town.
Nassau Town.
North Greenbush Town.
Petersburg Town.
Pittstown Town.
Poestenkill Town.
Sand Lake.
Schaghticoke Town.
Schodack Town.
Stephentown Town.
Brasher Town.
Canton Town.
Clare Town.
Clifton Town.
Colton Town.
De Kalb Town.
De Peyster Town.
Edwards Town.
Fine Town.
Fowler Town.
Gouverneur Town.
Hammond Town.
Hermon Town.
Hopkinton Town.
Lawrence Town.
Lisbon Town.
Louisville Town.
Macomb Town.
Madrid Town.
Massena Town.
Morristown Town.
Norfolk Town.
Oswegatchie Town.
Parishville Town.
Piercefield Town.
Pierrepont Town.
Pitcairn Town.
Potsdam Town.
Rossie Town.
Russell Town.
Stockholm Town.
Waddington Town.
Cornith Town.
Rotterdam Town.
Blenheim Town.
Broome Town.
Carlisle Town.
Cobleskill Town.
Conesville Town.
Esperance Town.
Fulton Town.
Gilboa Town.
Jefferson Town.
Middleburgh Town.
Richmondville Town.
Schoharie Town.
Seward Town.
Sharon Town.
Summit Town.
Wright Town.
Catharine Town.
Cayuta Town.
Dix Town.
Hector Town.
Montour Town.
Orange Town.
Reading Town.
Tyrone Town.
Covert Town.
Fayette Town.
Junius Town.
Lodi Town.
Ovid Town.
Romulus Town.
Seneca Falls Town.
Tyre Town.
Varick Town.
Waterloo Town.
Addison Town.
Avoca Town.
Bath Town.
Bradford Town.
Cameron Town.
Campbell Town.
Canisteo Town.
Caton Town.
Corning Town.
Dansville Town.
Erwin Town.
Fremont Town.
Greenwood Town.
Hartsville Town.
Hornby Town.
Hornellsville Town.
Howard Town.
Jasper Town.
Lindley Town.
Prattsburgh Town.
Pulteney Town.
Rathbone Town.
Thurston Town.
Troupsburg Town.
Tuscarora Town.
Urbana Town.
Wayland Town.
Wayne Town.
West Union Town.
Wheeler Town.
Woodhull Town.
Babylon Town.
Bethel Town.
Callicoon Town.
Cochecton Town.
Delaware Town.
Fallsburg Town.
Forestburgh Town.
Fremont Town.
Highland Town.
Liberty Town.
Mamakating Town.
Neversink Town.
Rockland Town.
Thompson Town.
Danby Town.
Enfield Town.
Groton Town.
Ithaca Town.
Ulysses Town.
Denning Town.
Esopus Town.
Gardiner Town.
Hardenbergh Town.
Hurley Town.
Kingston Town.
Lloyd Town.
Marbletown Town.
Marlborough Town.
New Paltz Town.
Olive Town.
Plattekill Town.
Rochester Town.
Rosendale Town.
Saugerties Town.
Shandaken Town.
Shawangunk Town.
Ulster Town.
Wawarsing Town.
Woodstock Town.
Bolton Town.
Lake George Town.
Chester Town.
Hague Town.
Horicon Town.
Johnsburg Town.
Lake Luzerne Town.
Queensbury Town.
Stony Creek Town.
Thurman Town.
Warrensburg Town.
Argyle Town.
Cambridge Town.
Dresden Town.
Easton Town.
Fort Ann Town.
Fort Edward Town.
Granville Town.
Greenwich Town.
Hampton Town.
Hartford Town.
Hebron Town.
Jackson Town.
Kingsbury Town.
Putnam Town.
Salem Town.
White Creek Town.
Whitehall Town.
Arcadia Town.
Galen Town.
Huron Town.
Lyons Town.
Palmyra Town.
Williamson Town.
Wolcott Town.
Ossining Town.
Rye Town.
Attica Town.
Bennington Town.
Castile Town.
Covington Town.
Gainesville Town.
Perry Town.
Pike Town.
Sheldon Town.

Warsaw Town.
Wethersfield Town.
Barrington Town.
Benton Town.
Italy Town.
Jerusalem Town.
Middlesex Town.
Milo Town.
Potter Town.
Starkey Town.
Torrey Town.
State=33: 1,185 Records.

STATE: NORTH CAROLINA (34)

Title

Alamance County.
Ashe County.
Avery County.
Bertie County.
Bladen County.
Cabarrus County.
Caldwell County.
Caswell County.
Chatham County.
Cherokee County.
Chowan County.
Duplin County.
Edgecombe County.
Franklin County.
Gates County.
Graham County.
Granville County.
Greene County.
Halifax County.
Haywood County.
Hertford County.
Hoke County.
Johnston County.
Jones County.
Martin County.
Mitchell County.
Montgomery County.
Northhampton County.
Pamlico County.
Pender County.
Perquimans County.
Person County.
Richmond County.
Robeson County.
Rutherford County.
Stanley County.
Tyrrell County.
Vance County.
Warren County.
Burlington City.
Elon College Town.
Graham City.
Jefferson Town.
Lansing Town.
Banner Elk Town.
Crossnore Town.
Elk Park Town.
Newland Town.
Kelford Town.
Woodville Town.
Bladenboro Town.
White Lake Town.
East Arcadia Town.
Glen Alpine Town.
Concord City.
Granite Falls Town.
Milton Town.
Brookford Town.
Andrews Town.
Murphy Town.
Edenton Town.
Lattimore Town.
Bolton Town.
Chadbourn Town.
Fair Bluff Town.
Tabor City Town.
Falcon Town.
Lexington City.
Thomasville City.
Calypso Town.
Faison Town.
Magnolia Town.
Rose Hill Town.
Teachey Town.
Wallace Town.
Warsaw Town.
Greenevers Town.
Pinetops Town.
Leggett Town.
Bunn Town.
Franklinton Town.
Louisburg Town.
Centerville Town.
Creedmoor City.
Oxford City.
Stem Town.
Stovall Town.
Hookerton Town.
Snow Hill Town.
Walstonburg Town.
Enfield Town.
Halifax Town.
Hobgood Town.
Roanoke Rapids City.
Scotland Neck Town.
Weldon Town.
Littleton Town.
Ahoskie Town.
Winton Town.
Cofield Town.
Como Town.
Harmony Town.
Benson Town.
Kenly Town.
Selma Town.
Maysville Town.
Lincolnton Town.
Hassell Town.
Jamesville Town.
Oak City Town.
Parmele Town.
Robersonville Town.
Williamston Town.
Beargrass Town.
Mount Gilead Town.
Star Town.
Conway Town.
Garysburg Town.
Gaston Town.
Lasker Town.
Rich Square Town.
Seaboard Town.
Severn Town.
Woodland Town.
Richlands Town.
Swansboro Town.
Bayboro Town.
Oriental Town.
Vandemere Town.
Alliance Town.
Arapahoe Town.
Mesic Town.
Minnesott Beach Town.
Stonewall Town.
Elizabeth City.
Atkinson Town.
Watha Town.
Top Sail Beach Town.
Randleman Town.
Seagrove Town.
Staley Town.
Ellerbe Town.
Hamlet City.
Rockingham Town.
Hoffman Town.
Norman Town.
Fairmont Town.
Lumberton City.
Orrum Town.
Parkton Town.
Pembroke Town.
Proctorville Town.
Red Springs Town.
Rowland Town.
St Pauls Town.
McDonald Town.
Raynham Town.
Mayodan Town.
Eden City.
Cleveland Town.
East Spencer Town.
Faith Town.
Forest City Town.
Spindale Town.
East Laurinburg Town.
Gibson Town.
Laurinburg City.
Wagram Town.
Albemarle City.
Norwood Town.
Columbia Town.
Henderson City.
Middleburg Town.
Warrenton Town.
Goldsboro City.
Burnsville Town.
State=34: 176 Records.

STATE: NORTH DAKOTA (35)

Title

Kidder County.
McHenry County.
Wing City.
Dawson Village.
Pettibone Village.
Robinson City.
Steele City.
Tappen City.
Tuttle Village.
Anamoose City.
Balfour City.
Bergen Village.
Berwick City.
Deering Village.
Drake City.
Granville City.
Karlsruhe City.
Kief Village.
Upham City.
Velva City.
Clear Lake Township.
Crofte Township.
Driscoll Township.
Ecklund Township.
Esthervilie Township.
Florence Lake Township.
Glenview Township.
Harriett Township.
Hazel Grove Township.
Lein Township.
Morton Township.
Sibley Butte Township.
Steiber Township.
Schrunk Township.
Taft Township.
Wilson Township.
Harding Township.
McCulley Township.
Lark Township.
Allen Township.
Atwood Township.
Baker Township.
Buckeye Township.
Bunker Township.
Chestina Township.
Clear Lake Township.
Crown Hill Township.
Crystal Springs Township.
Excelsior Township.
Frettim Township.
Graf Township.
Haynes Township.
Lake Williams Township.
Manning Township.
Peace Township.
Petersville Township.
Pettibone Township.
Rexine Township.
Sibley Township.
Stewart Township.
Tanner Township.
Tuttle Township.
Valley Township.
Weiser Township.
Westford Township.
Williams Township.
Quinby Township.
Merkel Township.
Northwest Township.
Anamoose Township.
Balfour Township.
Bantry Township.
Berwick Township.
Bjornson Township.
Brown Township.
Cottonwood Lake Township.
Deep River Township.

Deering Township.
Egg Creek Township.
Falsen Township.
Gilmore Township.
Hendrickson Township.
Karlsruhe Township.
Kottke Valley Township.
Lake George Township.
Lake Hester Township.
Land Township.
Layton Township.
Lebanon Township.
Little Deep Township.
Mouse River Township.
Newport Township.
Normal Township.
Odin Township.
Pratt Township.
Riga Township.
Round Lake Township.
Saline Township.
Schiller Township.
Velva Township.
Villard Township.
Fairview Township.
Slope Center Township.
State=35: 103 records.

STATE: OHIO (36)

Title

Adams County.
Allen County.
Ashland County.
Ashtabula County.
Athens County.
Belmont County.
Butler County.
Clark County.
Columbiana County.
Coshocton County.
Crawford County.
Cuyahoga County.
Defiance County.
Erie County.
Fayette County.
Fulton County.
Greene County.
Guernsey County.
Hamilton County.
Hardin County.
Hocking County.
Huron County.
Jackson County.
Knox County.
Licking County.
Lucas County.
Mahoning County.
Marion County.
Miami County.
Monroe County.
Montgomery County.
Muskingum County.
Noble County.
Ottawa County.
Paulding County.
Portage County.
Preble County.
Putnam County.
Richland County.
Ross County.
Sandusky County.
Scioto County.
Seneca County.
Stark County.
Summit County.
Trumbull County.
Tuscarawas County.
Van Wert County.
Warren County.
Wayne County.
Williams County.
Cherry Fork Village.
Manchester Village.
Peebles Village.
Rome Village.
Seaman Village.
West Union Village.
Winchester Village.
Beaverdam Village.
Bluffton Village.
Cairo Village.
Harrod Village.
Lafayette Village.
Lima City.
Spencerville Village.
Fort Shawnee Village.
Ashland City.
Jeromesville Village.
Mifflin Village.
Perrysville Village.
Savannah Village.
Ashtabula City.
Conneaut City.
Jefferson Village.
Rock Creek Village.
Albany Village.
Amesville Village.
Athens City.
Buchtel Village.
Chauncey Village.
Coolville Village.
Glouster Village.
Jacksonville Village.
Nelsonville City.
Trimble Village.
Buckland Village.
Minster Village.
New Knoxville Village.
St. Marys City.
Uniopolis Village.
Waynesfield Village.
Barnesville Village.
Bellaire City.
Belmont Village.
Bridgeport Village.
Brookside Village.
Flushing Village.
Holloway Village.
Martins Ferry City.
Powhatan Point Village.
Shadyside City.
Fayetteville Village.
Mount Orab Village.
Ripley Village.
Russellville Village.
Hamilton City.
Jacksonburg Village.
Middletown City.
Millville Village.
New Miami Village.
Oxford Village.
Seven Mile Village.
Somerville Village.
Trenton City.
Delroy Village.
Leesville Village.
Sherrodsville Village.
Christiansburg Village.
Woodstock Village.
Catawba Village.
Donnelsville Village.
North Hampton Village.
Springfield City.
Tremont City Village.
Columbiana Village.
East Liverpool City.
East Palestine City.
Leetonia Village.
Lisbon Village.
New Waterford Village.
Rogers Village.
Salineville Village.
Summitville Village.
Wellsville City.
Nellie Village.
Bucyrus City.
Chatfield Village.
Crestline City.
Galiton City.
New Washington Village.
Tiro Village.
Bedford City.
Berea City.
Brook Park City.
Cleveland City.
Cuyahoga Heights Village.
East Cleveland City.
Garfield Heights City.
Linndale Village.
Maple Heights City.
Newburgh Heights Village.
Shaker Heights City.
South Euclid City.
Valley View Village.
Warrensville Heights City.
Defiance City.
Hicksville Village.
Ney Village.
Sherwood Village.
Kelleys Island Village.
Sandusky City.
Milledgeville Village.
Octa Village.
Washington City.
Archbold Village.
Delta Village.
Fayette Village.
Lyons Village.
Metamora Village.
Swanton Village.
Wauseon Village.
Burton Village.
Bellbrook City.
Bowersville Village.
Cedarville Village.
Clifton Village.
Spring Valley Village.
Yellow Springs Village.
Byesville Village.
Cambridge City.
Cumberland Village.
Fairview Village.
Kimbolton Village.
Lore City Village.
Pleasant City Village.
Quaker City Village.
Salesville Village.
Senecaville Village.
Old Washington Village.
Arlington Hts. Village.
Cheviot City.
Cincinnati City.
Deer Park City.
Fairfax Village.
Golf Manor Village.
Greenhills City.
Lockland City.
Madeira City.
Mount Healthy City.
North College Hill City.
Norwood City.
Reading City.
St. Bernard City.
Silverton City.
State=36: 204 records.

Terrace Park Village.
State=36: 1 record.

Woodlawn Village.
Springdale City.
Benton Ridge Village.
Jenera Village.
Mount Blanchard Village.
Mount Cory Village.
Vanlue Village.
Alger Village.
Dunkirk Village.
Forest Village.
Kenton City.
McGuffey Village.
Patterson Village.
Deshler Village.
Holgate Village.
McClure Village.
Napoleon City.
New Bavaria Village.
Laurelville Village.
Logan City.
Murray City Village.
Greenwich Village.
Monroeville Village.
New London Village.
North Fairfield Village.
Norwalk City.
Willard City.
Coalton Village.
Jackson City.
Oak Hill Village.
Wellston City.

Amsterdam Village.
Bloomingdale Village.
Brilliant Village.
Dillonvale Village.
Irondale Village.
New Alexandria Village.
Stratton Village.
Gann Village.
Centerburg Village.
Danville Village.
Fredericktown Village.
Gambier Village.
Martinsburg Village.
Mount Vernon City.
Grand River Village.
North Perry Village.
Wickliffe City.
Chesapeake Village.
Coal Grove Village.
Ironton City.
Kirkersville Village.
Newark City.
St. Louisville Village.
Utica Village.
Berkey Village.
Toledo City.
Midway Village.
South Solon Village.
Beloit Village.
State=36: 60 Records.

Campbell City.
State=36: 1 Record.

Craig Beach Village.
Lowellville Village.
Poland Village.
Sebring Village.
Struthers City.
Youngstown City.
Green Camp Village.
Marion City.
Morral Village.
Casstown Village.
Covington Village.
Ludlow Falls Village.
Piqua City.
Potsdam Village.
Antioch Village.
Beallsville Village.
Clarington Village.
Graysville Village.
Jerusalem Village.
Lewisville Village.
Miltonsburg Village.
Stafford Village.
Woodsfield Village.
Clayton Village.
Dayton City.
Farmersville Village.
Kettering City.
Miamisburg City.
Riverside Village.
Vandalia City.
Moraine City.
Chesterville Village.
Edison Village.
Sparta Village.
Adamsville Village.
Frazeysburg Village.
New Concord Village.
Norwich Village.
Philo Village.
Fultonham Village.
Zanesville City.
Batesville Village.
Belle Valley Village.
Caldwell Village.
Dexter City Village.
Sarahsville Village.
Summerfield Village.
Clay Center Village.
Elmore Village.
Genoa Village.
Marblehead Village.
Port Clinton City.
Put In Bay Village.
Rocky Ridge Village.
Antwerp Village.
Broughton Village.
Haviland Village.
Melrose Village.
Oakwood Village.
Paulding Village.
Payne Village.
Corning Village.
Hemlock Village.
Shawnee Village.
Beaver Village.
Brady Lake Village.
Hiram Village.
Kent City.
Mantua Village.
Ravenna City.
Windham Village.
Streetsboro City.
Eaton City.
Lewisburg Village,.
New Paris Village.
West Elkton Village.
West Manchester Village.
Belmore Village.
Cloverdale Village.
Columbus Grove Village.
Dupont Village.
Glandorf Village.
Leipsic Village.
Miller City Village.
Ottoville Village.
West Leipsic Village.
Bellville Village.
Butler Village.
Lucas Village.
Mansfield City.
Shiloh Village.
Ontario Village.
Adelphi Village.
Bainbridge Village.
Chillicothe City.
Clarksburg Village.
Frankfort Village.
Kingston Village.
South Salem Village.
Burgoon Village.
Clyde Village.
Fremont City.
Gibsonburg Village.
Helena Village.
New Boston Village.
Otway Village.
Portsmouth City.
Rarden Village.
South Webster Village.
Attica Village.
New Riegel Village.
Tiffin City.
Lockington Corporation.
Port Jefferson Village.
Sidney Village.
Russia Village.
Alliance City.
Canton City.
Limaville Village.
Massillon City.
Meyers Lake Village.
Waynesburg Village.
Akron City.
Barberton City.
Lakemore Village.
Northfield Village.
Macedonia City.
Richfield Village.
Girard City.
Newton Falls City.
State = 36: 130 Records.

Warren City.
State=36: 1 Records.

Yankee Lake Village.
Baltic Village.
Barnhill Village.
Dennison Village.
Dover City.
Gnadenhutten Village.
Midvale Village.
Mineral City Village.
Newcomerstown Village.
New Philadelphia City.
Port Washington Village.
Roswell Village.
Stone Creek Village.
Strasburg Village.
Sugarcreek Village.
Tuscarawas Village.
Uhrichsville City.
Zoar Village.
Milford Center Village.
Elgin Village.
Middlepoint Village.
Ohio City Village.
Van Wert City.
Venedocia Village.
Willshire Village.
Wren Village.
Hamden Village.
Wilkesville Village.
Zaleski Village.
Butlerville Village.
Harveysburg Village.
Maineville Village.
Pleasant Plain Village.
South Lebanon Village.
Waynesville Village.
Belpre City.
Lowell Village.
Lower Salem Village.
Marietta City.
Burbank Village.
Creston Village.
Fredericksburg Village.
Mount Eaton Village.
Orrville City.
West Salem Village.
Alvordton Village.
Blakeslee Village.
Bryan City.
Edgerton Village.
Stryker Village.
Custar Village.
Hoytville Village.
Milton Center Village.
North Baltimore Village.
Portage Village.
Tontogany Village.
West Millgrove Village.
Bratton Township.
Brush Creek Township.
Franklin Township.
Green Township.
Jefferson Township.
Liberty Township.
Manchester Township.
Meigs Township.
Monroe Township.
Oliver Township.
Scott Township.
Sprigg Township.
Tiffin Township.
Wayne Township.
Winchester Township.
Amanda Township.
Auglaize Township.
Bath Township.
Jackson Township.
Monroe Township.
Perry Township.
Richland Township.
Spencer Township.
Sugar Creek Township.
Clear Creek Township.
Vermillion Township.
Ashtabula Township.
Austinburg Township.
Cherry Valley Township.
Colebrook Township.
Denmark Township.
Jefferson Township.
Lenox Township.
Monroe Township.
Morgan Township.
Plymouth Township.
Saybrook Township.
Sheffield Township.
Windsor Township.
Alexander Township.
Ames Township.
Athens Township.
Bern Township.
Canaan Township.
Carthage Township.
Dover Township.

Lee Township.
Lodi Township.
Rome Township.
Trimble Township.
Troy Township.
Waterloo Township.
York Township.
Goshen Township.
Logan Township.
Noble Township.
St. Marys Township.
Salem Township.
Colerain Township.
Flushing Township.
Goshen Township.
Kirkwood Township.
Mead Township.
Pease Township.
Pultney Township.
Smith Township.
Somerset Township.
Union Township.
Warren Township.
Washington Township.
Wheeling Township.
York Township.
Pike Township.
Pleasant Township.
Union Township.
Washington Township.
Hanover Township.
Lemon Township.
Liberty Township.
Madison Township.
Milford Township.
Morgan Township.
Oxford Township.
Reily Township.
Ross Township.
St. Clair Township.
Union Township.
Wayne Township.
East Township.
Fox Township.
Harrison Township.
Lee Township.
Monroe Township.
Orange Township.
Rose Township.
Union Township.
Adams Township.
Concord Township.
Jackson Township.
Mad River Township.
Salem Township.
Union Township.
Bethel Township.
Mad River Township.
Pike Township.
Springfield Township.
Jackson Township.
Monroe Township.
Wayne Township.
Butler Township.
Center Township.
Elkrun Township.
Fairfield Township.
Franklin Township.
Hanover Township.
Knox Township.
Liverpool Township.
Madison Township.
Middleton Township.
St. Clair Township.
Salem Township.
Unity Township.
Washington Township.
Wayne Township.
West Township.
Yellow Creek Township.
Bedford Township.
Clark Township.
Newcastle Township.
Perry Township.
Tiverton Township.
Tuscarawas Township.
Virginia Township.
Auburn Township.
Buycyrus Township.
Chatfield Township.
Cranberry Township.
Dallas Township.
Holmes Township.
Jackson Township.
Lykens Township.
Polk Township.
Sandusky Township.
Texas Township.
Too Township.
Vernon Township.
Whetstone Township.
Defiance Township.
Delaware Township.
Hicksville Township.
Mark Township.
Berlin Township.
Oxford Township.
Perkins Township.
Concord Township.
Green Township.
Jasper Township.
Madison Township.
Paint Township.
Perry Township.
Union Township.
Wayne Township.
Amboy Township.
Chesterfield Township.
Clinton Township.
Dover Township.
Franklin Township.
Fulton Township.
German Township.
Gorham Township.
Pike Township.
Royalton Township.
Swan Creek Township.
York Township.
Parkman Township.
Troy Township.
Bath Township.
Beaver Creek Township.
Caesars Creek Township.
Cedarville Township.
Jefferson Township.
Miami Township.
Ross Township.
Spring Valley Township.
Sugar Creek Township.
Xenia Township.
Cambridge Township.
Center Township.
Jackson Township.
Jefferson Township.
Knox Township.
Liberty Township.
Londonderry Township.
Madison Township.
Millwood Township.
Monroe Township.
Oxford Township.
Richland Township.
Spencer Township.
Valley Township.
Washington Township.
Westland Township.
Wheeling Township.
Wills Township.
Columbia Township.
Green Township.
Whitewater Township.
Blanchard Township.
Madison Township.
Blanchard Township.
Buck Township.
Cessna Township.
Jackson Township.
Marion Township.
Washington Township.
Napoleon Township.
Pleasant Township.
Benton Township.
Falls Township.
Good Hope Township.
Green Township.
Laurel Township.
Marion Township.
Perry Township.
Salt Creek Township.
Starr Township.
Ward Township.
Washington Township.
Bronson Township.
Clarksfield Township.
Fitchville Township.
Greenfield Township.
Greenwich Township.
Hartland Township.
New London Township.
Norwalk Township.
Norwich Township.
Peru Township.
Richmond Township.
Ripley Township.
Sherman Township.
Townsend Township.
Bloomfield Township.
Coal Township.
Franklin Township.
Hamilton Township.
Jackson Township.
Jefferson Township.
Liberty Township.
Lick Township.
Madison Township.
Milton Township.
Scioto Township.
Washington Township.
Ross Township.
Saline Township.
Berlin Township.
Brown Township.
Butler Township.
Clay Township.
Clinton Township.
College Township.
Harrison Township.
Hilliar Township.
Howard Township.
Jackson Township.
Jefferson Township.
Liberty Township.
Middlebury Township.
Milford Township.
Miller Township.
Monroe Township.
Morgan Township.
Morris Township.
Pike Township.
Pleasant Township.
Union Township.
Wayne Township.
Leroy Township.
Painesville Township.
Perry Township.
Hamilton Township.
Symmes Township.
Upper Township.
Bowling Green Township.
Harrison Township.
Licking Township.
McKean Township.
Union Township.
Washington Township.
Harding Township.
Providence Township.
Richfield Township.
Spencer Township.
Deer Creek Township.
Fairfield Township.
Monroe Township.
Oak Run Township.
Paint Township.
Range Township.
Somerford Township.
Stokes Township.
Union Township.
Austintown Township.
Beaver Township.
Berlin Township.
Coitsville Township.
Ellsworth Township.
Goshen Township.
Green Township.
Jackson Township.
Milton Township.
Poland Township.
Smith Township.

Big Island Township.
Bowling Green Township.
Green Camp Township.
Marion Township.
Pleasant Township.
Salt Rock Township.
Lafayette Township.
Bethel Township.
Brown Township.
Elizabeth Township.
Newberry Township.
Newton Township.
Spring Creek Township.
Staunton Township.
Washington Township.
Adams Township.
Benton Township.
Bethel Township.
Center Township.
Franklin Township.
Green Township.
Jackson Township.
Lee Township.
Malaga Township.
Ohio Township.
Perry Township.
Salem Township.
Summit Township.
Sunsbury Township.
Washington Township.
Wayne Township.
Butler Township.
Jackson Township.
Jefferson Township.
Madison Township.
Mad River Township.
Miami Township.
Adams Township.
Blue Rock Township.
Brush Creek Township.
Clay Township.
Harrison Township.
Hopewell Township.
Jackson Township.
Madison Township.
Meigs Township.
Newton Township.
Salem Township.
Salt Creek Township.
Springfield Township.
Union Township.
Washington Township.
Wayne Township.
Beaver Township.
Brookfield Township.
Buffalo Township.
Center Township.
Elk Township.
Enoch Township.
Jackson Township.
Jefferson Township.
Marion Township.
Noble Township.
Olive Township.
Seneca Township.
Sharon Township.
Stock Township.
Allen Township.
Bay Township.
Benton Township.
Carroll Township.
Catawba Township.
Clay Township.
Danbury Township.
Erie Township.
Harris Township.
Portage Township.
Put In Bay Township.
Salem Township.
Brown Township.
Crane Township.
Paulding Township.
Washington Township.
Monroe Township.
Jackson Township.
Pee Pee Township.
Perry Township.
Scioto Township.
Atwater Township.
Brimfield Township.
Charlestown Township.
Deerfield Township.
Edinburg Township.
Franklin Township.
Freedom Township.
Hiram Township.
Mantua Township.
Nelson Township.
Palmyra Township.
Paris Township.
Randolph Township.
Ravenna Township.
Rootstown Township.
Shalersville Township.
Suffield Township.
Windham Township.
Harrison Township.
Jefferson Township.
Lanier Township.
Twin Township.
Jennings Township.
Monterey Township.
Ottawa Township.
Palmer Township.
Perry Township.
Pleasant Township.
Van Buren Township.
Cass Township.
Franklin Township.
Madison Township.
Sandusky Township.
Sharon Township.
Springfield Township.
Buckskin Township.
Colerain Township.
Concord Township.
Deerfield Township.
Franklin Township.
Green Township.
Harrison Township.
Huntington Township
Jefferson Township.
Liberty Township.
Paint Township.
Paxton Township.
Scioto Township.
Springfield Township.
Twin Township.
Union Township.
Ballville Township.
Green Creek Township.
Jackson Township.
Madison Township.
Rice Township.
Riley Township.
Sandusky Township.
Towsend Township.
Washington Township.
York Township.
Bloom Township.
Brush Creek Township.
Clay Township.
Green Township.
Harrison Township.
Jefferson Township.
Madison Township.
Morgan Township.
Nile Township.
Porter Township.
Rarden Township.
Rush Township.
Union Township.
Valley Township.
Vernon Township.
Washington Township.
Adams Township.
Big Spring Township.
Reed Township.
Seneca Township.
Clinton Township.
Loramie Township.
Perry Township.
Washington Township.
Canton Township.
Lexington Township.
Marlboro Township.
Coventry Township.
Franklin Township.
Richfield Township.
Springfield Township.
Bloomfield Township.
Braceville Township.
Champion Township.
Greene Township.
Howland Township.
Mesoptamia Township.
Newton Township.
Warren Township.
Weathersfield Township.
Auburn Township.
Bucks Township.
Clay Township.
Dover Township.
Fairfield Township.
Franklin Township.
Goshen Township.
Jefferson Township.
Mill Township.
Oxford Township.
Perry Township.
Rush Township.
Salem Township.
Sandy Township.
Sugar Creek Township.
Union Township.
Warren Township.
Warwick Township.
Washington Township.
Wayne Township.
Harrison Township.
Jackson Township.
Jennings Township.
Liberty Township.
Pleasant Township.
Washington Township.
Willshore Township.
York Township.
Brown Township.
Clinton Township.
Eagle Township.
Madison Township.
Wilkesville Township.
Hamilton Township.
Harlan Township.
Massie Township.
Turtle Creek Township.
Union Township.
Adams Township.
Grandview Township.
Independence Township.
Liberty Township.
Ludlow Township.
Salem Township.
Watertown Township.
Canaan Township.
Clinton Township.
Congress Township.
East Union Township.
Milton Township.
Paint Township.
Salt Creek Township.
Jefferson Township.
Mill Creek Township.
Northwest Township.
St. Joseph Township.
Springfield Township.
Superior Township.
Milton Township.
Webster Township.
State=36: 620 Records.

STATE: OKLAHOMA (37)

Title

Atoka County.
Chotaw County.
Coal County.
Craig County.
Greer County.
Harmon County.
Haskell County.
Hughes County.
Jackson County.
Kiowa County.
Latimer County.
Murray County.
Okfuskee County.
Okmulgee County.
Ottawa County.

Pittsburg County.
Pushmataha County.
Atoka City.
Caney Town.
Stringtown Town.
Tushka Town.
Anadarko City.
Bridgeport City.
Carnegie Town.
Cement Town.
Cyril Town.
Healdton Town.
Wilson City.
Tatums Town.
Tahlequah City.
Boswell Town.
Fort Towson Town.
Hugo City.
Soper Town.
Centrahoma City.
Coalgate City.
Lehigh City.
Phillips Town.
Tupelo City.
Devol City.
Bluejacket Town.
Elmore City Town.
Maysville Town.
Wynnewood City.
Granite City.
Willow Town.
Gould Town.
Buffalo Town.
Laverne Town.
May Town.
Kinta Town.
McCurtain Town.
Stigler City.
Tamaha Town.
Calvin Town.
Dustin Town.
Gerty Town.
Lamar Town.
Stuart Town.
Wetumka City.
Yeager Town.
Blair Town.
Duke Town.
Elmer Town.
Olustee Town.
Ryan City.
Terral Town.
Kildare Town.
Nardin Town.
Newkirk City.
Gotebo Town.
Hobart City.
Lone Wolf Town.
Mountainview.
Roosevelt Town.
Snyder Town.
Red Oak Town.
Garvin Town.
Haworth Town.
Checotah City.
Eufaula City.
Hanna Town.
Madill City.
Dougherty Town.
Sulphur City.
Hickory Town.
Delaware Town.
Lenapah Town.
Boley Town.
Castle Town.
Okemah City.
Paden Town.
Weleetka City.
Midwest City.
Beggs City.
Bryant Town.
Dewar City.
Henryetta City.
Hoffman Town.
Morris City.
Okmulgee City.
Gayson Town.
Commerce City.
Picher City.
Quapaw Town.
Wyandotte Town.
Peoria Town.
Blackburn Town.
Maramec Town.
Skedee Town.
Alderson Town.
Ashland Town.
Canadian Town.
Crowder Town.
Haileyville City.
Hartshorne City.
Indianola Town.
Kiowa Town.
Krebs City.
McAlester City.
Pittsburg Town.
Quinton Town.
Savanna Town.
Byng Town.
Albion Town.
Antlers Town.
Clayton Town.
State = 36: 127 Records.

Rattan Town.
State = 37: 1 Records.

Konawa Town.
Sasakwa Town.
Wewoka City.
Marble City Town.
Moffett Town.
Paradise Hill Town.
Texhoma Town.
Grandfield City.
Hollister Town.
State = 37: 9 Records.

STATE: OREGON (38)

Title

Baker County.
Clatsop County.
Coos County.
Grant County.
Lake County.
Wasco County.
Wheeler County.
Baker City.
Haines Town.
Halfway Town.
Richland Town.
Sumpter City.
Unity City.
Greenhorn City.
Astoria City.
Gearhart City.
Hammond Town.
Seaside City.
Bandon City.
Coos Bay City.
Coquille City.
Eastside City.
Myrtle Point City.
Powers City.
Lakeside City.
Port Orford City.
Dayville Town.
Long Creek Town.
Seneca City.
Lakeview Town.
Paisley Town.
Nyssa City.
Jordan Valley Town.
Garibaldi City.
Nehalem Town.
Antelope City.
Maupin Town.
The Dalles City.
Fossil Town.
Mitchell Town.
Spray Town.
State=38: 41 Records.

STATE: PENNSYLVANIA (39)

Title

Adams County.
Armstrong County.
Bedford County.
Berks County.
Blair County.
Bradford County.
Butler County.
Cambria County.
Cameron County.
Carbon County.
Clearfield County.
Clinton County.
Columbia County.
Crawford County.
Delaware County.
Elk County.
Erie County.
Fayette County.
Forest County.
Franklin County.
Fulton County.
Greene County.
Huntingdon County.
Juniata County.
Lackawanna County.
Lawrence County.
Luzerne County.
Lycoming County.
McKean County.
Mercer County.
Mifflin County.
Monroe County.
Montgomery County.
Montour County.
Northumberland County.
Potter County.
Schuylkill County.
Somerset County.
Sullivan County.
Tioga County.
Venango County.
Warren County.
Washington County.
Wayne County.
Westmoreland County.
Wyoming County.
Abbottstown Borough.
Bendersville Borough.
Biglerville Borough.
East Berlin Borough.
Fairfield Borough.
Gettysburg Borough.
Littlestown Borough.
McSherrystown Borough.
New Oxford Borough.
York Springs Borough.
Bonneauville Borough.
Carroll Valley Borough.
Avalon Borough.
Baldwin Borough.
Blawnox Borough.
Brackenridge Borough.
Braddock Borough.
Braddock Hills Borough.
Castle Shannon Borough.
Coraopolis Borough.
Crafton Borough.
Dormont Borough.
E. Pittsburgh Borough.
Elizabeth Borough.
Emsworth Borough.
Etna Borough.
Homestead Borough.
Ingram Borough.
McKeesport City.
McKees Rocks Borough.
Millvale Borough.
Mount Oliver Borough.
North Bradock Borough.
Pitcairn Borough.
Pittsburgh City.
Rankin Borough.
Sharpsburg Borough.
Springdale Borough.
Swissvale Borough.
Tarentum Borough.
Verona Borough.
Versailles Borough.
West View Borough.
Whitaker Borough.
Wilmerding Borough.
Lincoln Borough.
Sewickley Hills Borough.
Haysville Borough.
Apollo Borough.
Applewold Borough.
Dayton Borough.
Elderton Borough.
Ford City Borough.

Ford Cliff Borough.
Kittanning Borough.
Leechburg Borough.
Manorville Borough.
North Apollo Borough.
Parker City.
Rural Valley Borough.
South Bethlehem Borough.
West Kittanning Borough.
Worthington Borough.
Beaver Falls City.
Bridgewater Borough.
East Rochester Borough.
Fallston Borough.
Homewood Borough.
Koppel Borough.
New Brighton Borough.
Shippingport Borough.
Big Beaver Borough.
Bedford Borough.
Coaldale Borough.
Everett Borough.
Hopewell Borough.
Hyndman Borough.
Manns Choice Borough.
New Paris Borough.
Pleasantville Borough.
Rainsburg Borough.
St. Clairsville Borough.
Saxton Borough.
Schellsburg Borough.
Woodbury Borough.
Centerport Borough.
Laureldale Borough.
Lenhartsville Borough.
Lyons Borough.
Mohnton Borough.
Reading City.
St. Lawrence Borough.
Shoemakersville Borough.
Strausstown Borough.
Altoona City.
Bellwood Borough.
Duncansville Borough.
Hollidaysburg Borough.
Martinsburg Borough.
Newry Borough.
Roaring Spring Borough.
Tyrone Borough.
Williamsburg Borough.
Alba Borough.
Athens Borough.
Burlington Borough.
Canton Borough.
Le Raysville Borough.
Monroe Borough.
New Albany Borough.
Rome Borough.
Sayre Borough.
South Waverly Borough.
Sylvania Borough.
Towanda Borough.
Troy Borough.
Wyalusing Borough.
Bristol Borough.
Morrisville Borough.
Penndel Borough.
Richlandtown Borough.
Trumbauersville Borough.
Bruin Borough.
Butler City.
Callery Borough.
Cherry Valley Borough.
Connoguenessing Borough.
East Butler Borough.
Eau Claire Borough.
Evans City Borough.
Fairview Borough.
Harmony Borough.
Harrisville Borough.
Karns City Borough.
Mars Borough.
Petrolia Borough.
Portersville Borough.
Prospect Borough.
Slippery Rock Borough.
Valencia Borough.
West Liberty Borough.
West Sunbury Borough.
Zelienople Borough.

Chicora Borough.
Ashville Borough.
Barnesboro Borough.
Brownstown Borough.
Carrolltown Borough.
Cassandra Borough.
Chest Springs Borough.
Cresson Borough.
Daisytown Borough.
Dale Borough.
East Conemaugh Borough.
Ebensburg Borough.
Ferndale Borough.
Gallitzin Borough.
Geistown Borough.
Hastings Borough.
Johnstown City.
Lilly Borough.
Lorain Borough.
Loretto Borough.
Nanty Glo Borough.
Patton Borough.
Portage Borough.
Sankertown Borough.
Scalp Level Borough.
South Fork Borough.
Southmont Borough.
Spangler Borough.
Summerhill Borough.
Tunnelhill Borough.
Vintondale Borough.
Westmont Borough.
Wilmore Borough.
Ehrenfeld Borough.
Driftwood Borough.
Emporium Borough.
Beaver Meadows Borough.
Jim Thorpe Borough.
Lansford Borough.
Lehighton Borough.
Palmerton Borough.
Parryville Borough.
Summit Hill Borough.
Weissport Borough.
Nesquehoning Borough.
Bellefonte Borough.
Howard Borough.
Milesburg Borough.
Millheim Borough.
Philipsburg Borough.
Port Matilda Borough.
Snow Shoe Borough.
South Philipsburg Borough.
Unionville Borough.
Avondale Borough.
Coatesville City.
Modena Borough.
Oxford Borough.
Brisbin Borough.
Chester Hill Borough.
Clearfield Borough.
Coalport Borough.
Curwensville Borough.
Du Bois City.
Glen Hope Borough.
Grampian Borough.
Houtzdale Borough.
Irvona Borough.
Mahaffey Borough.
Newburg Borough.
New Washington Borough.
Osceola Borough.
Ramey Borough.
Troutville Borough.
Wallaceton Borough.
Westover Borough.
Avis Borough.
Beech Creek Borough.
Flemington Borough.
Lock Haven City.
Loganton Borough.
Mill Hall Borough.
Renovo Borough.
South Renovo Borough.
Benton Borough.
Berwick Borough.
Bloomsburg Town.
Briar Creek Borough.
Catawissa Borough.
Centralia Borough.

Millville Borough.
Orangeville Borough.
Stillwater Borough.
Blooming Valley Borough.
Cambridge Springs Borough.
Centerville Borough.
Cochranton Borough.
Conneaut Lake Borough.
Conneautville Borough.
Hydetown Borough.
Linesville Borough.
Meadville City.
Saegertown Borough.
Spartansburg Borough.
Springboro Borough.
Titusville City.
Townville Borough.
Venango Borough.
Woodcock Borough.
Berrysburg Borough.
Elizabethville Borough.
Halifax Borough.
Harrisburg City.
Lykens Borough.
Millersburg Borough.
Williamstown Borough.
Brookhaven Borough.
Chester City.
Clifton Heights Borough.
Collingdale Borough.
Colwyn Borough.
Darby Borough.
East Lansdowne Borough.
Eddystone Borough.
Folcroft Borough.
Glenolden Borough.
Lansdowne Borough.
Marcus Hook Borough.
Media Borough.
Millbourne Borough.
Morton Borough.
Norwood Borough.
Parkside Borough.
Prospect Park Borough.
Ridley Park Borough.
Rose Valley Borough.
Rutledge Borough.
Sharon Hill Borough.
Trainer Borough.
Upland Borough.
Yeadon Borough.
Johnsonburg Borough.
Ridgeway Borough.
St. Marys Borough.
Albion Borough.
Corry City.
East Springfield Borough.
Edinboro Borough.
Elgin Borough.
Erie City.
Fairview Borough.
McKean Borough.
Mill Village Borough.
North East Borough.
Platea Borough.
Union City Borough.
Waterford Borough.
Wattsburg Borough.
Wesleyville Borough.
Belle Vernon Borough.
Connellsville City.
Dawson Borough.
Dunbar Borough.
Everson Borough.
Fairchance Borough.
Fayette City Borough.
Markleysburg Borough.
Masontown Borough.
Newell Borough.
Ohiopyle Borough.
Perryopolis Borough.
Point Marion Borough.
S. Connellsville Borough.
Uniontown City.
Vanderbilt Borough.
Tionesta Borough.
Chambersburg Borough.
Mont Alto Borough.
Orrstown Borough.
Waynesboro Borough.

McConnellsburg Borough.
Clarksville Borough.
Greensboro Borough.
Jefferson Borough.
Rices Landing Borough.
Waynesburg Borough.
Alexandria Borough.
Birmingham Borough.
Broad Top City Borough.
Cassville Borough.
Coalmont Borough.
Dudley Borough.
Huntingdon Borough.
Mapleton Borough.
Marklesburg Borough.
Mill Creek Borough.
Mount Union Borough.
Orbisonia Borough.
Petersburg Borough.
Rockhill Borough.
Saltillo Borough.
Shade Gap Borough.
Shirleyburg Borough.
Three Springs Borough.
Mifflin Borough.
Mifflintown Borough.
Port Royal Borough.
Thompsontown Borough.
Archbald Borough.
Blakely Borough.
Carbondale City.
Clarks Summit Borough.
Dickson City Borough.
Dunmore Borough.
Jermyn Borough.
Mayfield Borough.
Moosic Borough.
Moscow Borough.
Old Forge Borough.
Olyphant Borough.
Scranton City.
Taylor Borough.
Throop Borough.
Vandling Borough.
Jessup Borough.
Adamstown Borough.
Lancaster City.
Marietta Borough.
Terre Hill Borough.
Bessemer Borough.
Ellport Borough.
Enon Valley Borough.
New Castle City.
New Wilmington Borough.
South New Castle Borough.
Volant Borough.
Wampum Borough.
Lebanon City.
Alentown City.
Ashley Borough.
Avoca Borough.
Courtdale Borough.
Dallas Borough.
Dupont Borough.
Duryea Borough.
Edwardsville Borough.
Exeter Borough.
Forty Fort Borough.
Freeland Borough.
Hazleton City.
Hughestown Borough.
Jeddo Borough.
Kingston Borough.
Laflin Borough
Larksville Borough.
Laurel Run Borough.
Luzerne Borough.
Nanticoke City.
Nescopeck Borough.
New Columbus Borough.
Pittston City.
Plymouth Borough.
Pringle Borough.
Shickshinny Borough.
Sugar Notch Borough.
Swoyersville Borough.
Warrior Run Borough.
West Hazleton Borough.
West Pittston Borough.
West Wyoming Borough.
White Haven Borough.
Wilkes Barre City.
Wyoming Borough.
Yatesville Borough.
Harveys Lake Borough.
Penn Lake Park Borough.
Duboistown Borough.
Hughesville Borough.
Jersey Shore Borough.
Montgomery Borough.
Montoursville Borough.
Muncy Borough.
Picture Rocks Borough.
Salladasburg Borough.
S. Williamsport Borough.
Williamsport City.
Bradford City.
Eldred Borough.
Kane Borough.
Lewis Run Borough.
Mount Jewett Borough.
Port Allegany Borough.
Smethport Borough.
Clark Borough.
Farrell City.
Fredonia Borough.
Greenville Borough.
Grove City Borough.
Jackson Center Borough.
Jamestown Borough.
Mercer Borough.
New Lebanon Borough.
Sandy Lake Borough.
Sharon City.
Sharpsville Borough.
Sheakleyville Borough.
Stoneboro Borough.
Wheatland Borough.
Burnham Borough.
Kistler Borough.
Lewistown Borough.
McVeytown Borough.
Newton Hamilton Borough.
Juniata Terrace Borough.
E. Stroudsburg Borough.
Mount Pocono Borough.
Stroudsburg Borough.
Ambler Borough.
Bridgeport Borough.
Bryn Athyn Borough.
Conshohocken Borough.
E. Greenville Borough.
Greenlane Borough.
Hatboro Borough.
Hatfield Borough.
Jenkintown Borough.
Narberth Borough.
Norristown Borough.
North Wales Borough.
Pennsburg Borough.
Pottstown Borough.
Red Hill Borough.
Rockledge Borough.
Royersford Borough.
Schwenksville Borough.
Souderton Borough.
W. Conshohocken Borough.
Danville Borough.
Bangor Borough.
Easton City.
Freemansburg Borough.
N. Catasauqua Borough.
Roseto Borough.
Tatamy Borough.
Wilson Borough.
Kulpmont Borough.
McEwensville Borough.
Marion Heights Borough.
Milton Borough.
Mount Carmel Borough.
Northumberland Borough.
Riverside Borough.
Shamokin City.
Snydertown Borough.
Sunbury City.
Watsontown Borough.
Philadelphia City.
Matamoras Borough.
Austin Borough.
Coudersport Borough.
Galeton Borough.
Ulysses Borough.
Oswayo Borough.
Shinglehouse Borough.
Ashland Borough.
Auburn Borough.
Coaldale Borough.
Cressona Borough.
Deer Lake Borough.
Frackville Borough.
Gilberton Borough.
Girardville Borough.
Gordon Borough.
Landingville Borough.
McAdoo Borough.
Mahanoy City Borough.
Mechanicsville Borough.
Middleport Borough.
Minersville Borough.
Mount Carbon Borough.
New Phila Borough.
New Ringgold Borough.
Palo Alto Borough.
Pine Grove Borough.
Port Carbon Borough.
Port Clinton Borough.
Pottsville City.
Ringtown Borough.
St. Clair Borough.
Schuylkill Haven Borough.
Shenandoah Borough.
Tamaqua Borough.
Tower City Borough.
Tremont Borough.
Beavertown Borough.
Freeburg Borough.
Selinsgrove Borough.
McClure Borough.
Addison Borough.
Berlin Borough.
Boswell Borough.
Casselman Borough.
Central City Borough.
Confluence Borough.
Garrett Borough.
Hooversville Borough.
Jennertown Borough.
Meyersdale Borough.
New Baltimore Borough.
New Centerville Borough.
Paint Borough.
Rockwood Borough.
Salisbury Borough.
Shanksville Borough.
Somerset Borough.
Stoystown Borough.
Ursina Borough.
Wellersburg Borough.
Windber Borough.
Callimont Borough.
Seven Springs Borough.
Dushore Borough.
Eagles Mere Borough.
Forksville Borough.
Laporte Borough.
Blossburgh Borough.
Elkland Borough.
Knoxville Borough.
Lawrenceville Borough.
Liberty Borough.
Mansfield Borough.
Roseville Borough.
Tioga Borough.
Wellsboro Borough.
Westfield Borough.
Hartleton Borough.
Lewisburg Borough.
Clintonville Borough.
Cooperstown Borough.
Emlenton Borough.
Franklin City.
Oil City.
Pleasantville Borough.
Polk Borough.
Rouseville Borough.
Utica Borough.
Barkeyville Borough.
Sugarcreek Borough.
Bear Lake Borough.
Clarendon Boro.
Tidioute Borough.

Youngsville Borough.
California Borough.
Canonsburg Borough.
Centreville Borough.
Cokeburg Borough.
Donora Borough.
Elco Borough.
Finleyville Borough.
Houston Borough.
Marianna Borough.
Midway Borough.
Monongahela City.
North Charleroi Borough.
Roscoe Borough.
Speers Borough.
Twilight Borough.
Washington City.
West Alexander Borough.
Bethany Borough.
Hawley Borough.
Honesdale Borough.
Prompton Borough.
Starrucca Borough.
Waymart Borough.
Arnold City.
Arona Borough.
Avonmore Borough.
Bolivar Borough.
Derry Borough.
Donegal Borough.
East Vandergrift Boro.
Export Borough
Greensburg City
Hunker Borough
Hyde Park Borough
Irwin Borough
Jeannette City
Latrobe Borough
Ligonier Borough
Manor Borough.
McNessen City.
Mount Pleasant Borough.
New Alexandria Borough.
New Florence Borough.
New Kensington City.
N. Belle Vernon Boro.
North Irvin Borough
Oklahoma Borough.
Penna Borough.
Scottdale Borough.
Seward Borough.
Smithton Borough.
South Greensburg Borough.
S. W. Greensburg Borough.
Vandergrift Borough.
West Leechburg Borough.
West Newton Borough.
Youngstown Borough.
Youngwood Borough.
Lower Burrell City.
New Stanton Borough.
Factoryville Borough.
Laceyville Borough.
Meshoppen Borough.
Nicholson Borough.
Tunkhannock Borough.
Delta Borough.
East Prospect Borough.
Fawn Grove Borough.
Franklintown Borough.
Hallam Borough.
Hanover Borough.
North York Borough.
Railroad Borough.
Red Lion Borough.
West York Borough.
Wrightsville Borough.
York City.
Yorkana Borough.
Berwick Township.
Butler Township.
Conewago Township.
Cumberland Township.
Franklin Township.
Freedom Township.
Germany Township.
Hamiltonban Township.
Highland Township.
Huntington Township.
Latimore Township.
Menallen Township.
Mt. Joy Township.
Mount Pleasant Township.
Oxford Township.
Reading Township.
Straban Township.
Tyrone Township.
Union Township.
Collier Township.
Crescent Township.
East Deer Township.
Fawn Township.
Indiana Township.
Kilbuck Township.
Penn Hills Township.
Reserve Township.
S. Fayette Township.
S. Versailles Township.
Springdale Township.
Stowe Township.
West Deer Township.
Bethel Township.
Boggs Township.
Bradys Bend Township.
Burrell Township.
Cadogan Township.
Cowanshannock Township.
East Franklin Township.
Gilpin Township.
Honey Township.
Kiskiminetas Township.
Kittanning Township.
Madison Township.
Mahoning Township.
Manor Township.
North Buffalo Township.
Parks Township.
Perry Township.
Pine Township.
Plumcreek Township.
Rayburn Township.
Redbank Township.
South Bend Township.
South Buffalo Township.
Sugarcreek Township.
Valley Township.
West Franklin Township.
Marion Township.
N. Sewickley Township.
Pulaski Township.
Bedford Township.
Bloomfield Township.
Broad Top Township.
Colerain Township.
Cumberland Valley Twp.
E. Providence Township.
E. St. Clair Township.
Harrison Township.
Hopewell Township.
Juniata Township.
Kimmell Township.
King Township.
Liberty Township.
Lincoln Township.
Londonderry Township.
Mann Township.
Monroe Township.
Napier Township.
Snake Sprg. Valley Twp.
Southampton Township.
South Woodbury Township.
Union Township.
W. Providence Township.
W. St. Clair Township.
Bern Township.
Earl Township.
Exeter Townsihp.
Longswamp Township.
Maidencreek Township.
Marion Township.
N. Heidelberg Township.
Ontelaunee Township.
S. Heidelberg Township.
Tulpehocken Township.
Union Township.
Allengheny Township.
Antis Township.
Blair Township.
Catharine Township.
Freedom Township.
Greenfield Township.
Huston Township.
Juniata Township.
Logan Township.
North Woodbury Township.
Snyder Township.
Taylor Township.
Tyrone Township.
Woodbury Township.
Armenia Township.
Asylum Township.
Athens Township.
Burlington Township.
Canton Township.
Columbia Township.
Franklin Township.
Granville Township.
Herrick Township.
Leroy Township.
Litchfield Township.
Monroe Township.
N. Towanda Township.
Orwell Township.
Overton Township.
Pike Township.
Ridgebury Township.
Rome Township.
Sheshequin Township.
Smithfield Township.
S. Creek Township.
Springfield Township.
Standing Stone Township.
Stevens Township.
Terry Township.
Towanda Township.
Troy Township.
Tuscarora Township.
Ulster Township.
Warren Township.
Wells Township.
W. Burlington Township.
Wilmot Township.
Windham Township.
Wyalusing Township.
Bristol Township.
Falls Township.
Lower Southampton Twp.
Middletown Township.
Adams Township.
Allegheny Township.
Brady Township.
Butler Township.
Center Township.
Cherry Township.
Clay Township.
Clearfield Township.
Clinton Township.
Concord Township.
Connoquenessing Township.
Cranberry Township.
Fairview Township.
Forward Township.
Franklin Township.
Jefferson Township.
Lancaster Township.
Marion Township.
Mercer Township.
Middlesex Township.
Muddycreek Township.
Oakland Township.
Parker Township.
Penn Township.
Summit Township.
Venango Township.
Washington Township.
Winfield Township.
Worth Township.
Adams Township.
Allegheny Township.
Barr Township.
Cambria Township.
Clearfield Township.
Conemaugh Township.
Cresson Township.
Croyle Township.
Dean Township.
East Carroll Township.

East Taylor Township.
Elder Township.
Gallitzin Township.
Lower Yoder Township.
Middle Taylor Township.
Munster Township.
Portage Township.
Stonycreek Township.
Summerhill Township.
Susquehanna Township.
Upper Yoder Township.
Washington Township.
West Carroll Township.
West Taylor Township.
White Township.
Gibson Township.
Grove Township.
Lumber Township.
Portage Township.
Shippen Township.
Banks Township.
Lausanne Township.
Lehigh Township.
College Township.
Haines Township.
Liberty Township.
Penn Township.
Rush Township.
Snow Shoe Township.
Spring Township.
Worth Township.
East Brandywine Township.
East Vincent Township.
East Whitland Township.
Newlin Township.
Pocopson Township.
Upper Oxford Township.
West Nantmeal Township.
West Sadsbury Township.
Beccaria Township.
Bell Township.
Bigler Township.
Boggs Township.
Bradford Township.
Brady Township.
Burnside Township.
Chest Township.
Cooper Township.
Decatur Township.
Ferguson Township.
Girard Township.
Goshen Township.
Graham Township.
Greenwood Township.
Gulich Township.
Jordan Township.
Karthaus Township.
Knox Township.
Lawrence Township.
Morris Township.
Penn Township.
Pike Township.
Sandy Township.
Union Township.
Woodward Township.
Pine Township.
Allison Township.
Bald Eagle Township.
Beech Creek Township.
Castanea Township.
Chapman Township.
Colebrook Township.
Crawford Township.
Dunnstable Township.
East Keating Township.
Gallagher Township.
Greene Township.
Grugan Township.
Lamar Township.
Leidy Township.
Logan Township.
Noyes Township.
Pine Creek Township.
Porter Township.
Wayne Township.
West Keating Township.
Woodward Township.
Beaver Township.
Benton Township.
Briar Creek Township.
Catawissa Township.
Cleveland Township.
Conynham Township.
Fishing Creek Township.
Franklin Township.
Greenwood Township.
Hemlock Township.
Jackson Township.
Locust Township.
Madison Township.
Main Township.
Mifflin Township.
Mount Pleasant Township.
Orange Township.
Pine Township.
Roaringcreek Township.
Scott Township.
Sugarloaf Township.
North Center Township.
South Center Township.
Athens Township.
Beaver Township.
Bloomfield Township.
Cambridge Township.
Conneaut Township.
Cussewago Township.
East Fairfield Township.
East Fallowfield Township.
East Mead Township.
Fairfield Township.
Greenwood Township.
Hayfield Township.
North Shenango Township.
Oil Creek Township.
Pine Township.
Randolph Township.
Richmond Township.
Rome Township.
Sadsbury Township.
Sparta Township.
Spring Township.
Steuben Township.
Summerhill Township.
Summit Township.
Troy Township.
Union Township.
Venango Township.
Vernon Township.
Wayne Township.
West Fallowfield Township.
West Mead Township.
West Shenango Township.
Woodcock Township.
Mifflin Township.
Rush Township.
Wiconisco Township.
Williams Township.
Aston Township.
Chester Township.
Darby Township.
Lower Chichester Township.
Marple Township.
Middletown Township.
Newtown Township.
Ridley Township.
Tinicum Township.
Upper Chichester Township.
Upper Darby Township.
Benezette Township.
Benzinger Township.
Fox Township.
Highland Township.
Horton Township.
Jay Township.
Jones Township.
Millstone Township.
Ridgway Township.
Spring Creek Township.
Amity Township.
Concord Township.
Conneaut Township.
Elk Creek Township.
Girard Township.
Greene Township.
Greenfield Township.
Lawrence Park Township.
Le Boeuf Township.
McKean Township.
North East Township.
Springfield Township.
Summit Township.
Union Township.
Venango Township.
Washington Township.
Waterford Township.
Wayne Township.
Brownsville Township.
Bullskin Township.
Connellsville Township.
Dunbar Township.
Franklin Township.
Georges Township.
German Township.
Henry Clay Township.
Jefferson Township.
Lower Tyrone Township.
Luzerne Township.
Menallen Township.
Nicholson Township.
North Union Township.
Perry Township.
Redstone Township.
Saltlick Township.
South Union Township.
Springfield Township.
Springhill Township.
Stewart Township.
Upper Tyrone Township.
Washington Township.
Wharton Township.
Green Township.
Harmony Township.
Howe Township.
Jenks Township.
Kingsley Township.
Tionesta Township.
Quincy Township.
Warren Township.
Ayr Township.
Belfast Township.
Bethel Township.
Brush Creek Township.
Dublin Township.
Licking Creek Township.
Taylor Township.
Thompson Township.
Todd Township.
Wells Township.
Aleppo Township.
Center Township.
Cumberland Township.
Dunkard Township.
Franklin Township.
Freeport Township.
Gilmore Township.
Gray Township.
Greene Township.
Jackson Township.
Jefferson Township.
Monongahela Township.
Morgan Township.
Morris Township.
Perry Township.
Richhill Township.
Springhill Township.
Washington Township.
Wayne Township.
Whiteley Township.
Barree Township.
Brady Township.
Carbon Township.
Cass Township.
Clay Township.
Cromwell Township.
Dublin Township.
Franklin Township.
Henderson Township.
Hopewell Township.
Jackson Township.
Juniata Township.
Lincoln Township.
Logan Township.
Miller Township.
Morris Township.
Oneida Township.
Penn Township.
Porter Township.
Shirley Township.
Smithfield Township.

Springfield Township.
Spruce Creek Township.
Tell Township.
Tod Township.
Union Township.
Walker Township.
Warriors Mark Township.
West Township.
Wood Township.
Beale Township.
Delaware Township.
Fayette Township.
Fermanagh Township.
Greenwood Township.
Lack Township.
Milford Township.
Monroe Township.
Spruce Hill Township.
Susquehanna Township.
Turbett Township.
Tuscarora Township.
Walker Township.
Abington Township.
Benton Township.
Carbondale Township.
Clifton Township.
Covington Township.
Elmhurst Township.
Fell Township.
Glenburn Township.
Greenfield Township.
Jefferson Township.
La Plume Township.
Lehigh Township.
Madison Township.
Newton Township.
North Abington Township.
Ransom Township.
Roaring Brook Township.
Scott Township.
South Abington Township.
Spring Brook Township.
West Abington Township.
Earl Township.
Ephrata Township.
Leacock Township.
Manor Township.
Paradise Township.
Penn Township.
West Earl Township.
West Hempfield Township.
West Lampeter Township.
Hickory Township.
Little Beaver Township.
Mahoning Township.
Neshannock Township.
Perry Township.
Plain Grove Township.
Pulaski Township.
Scott Township.
Shenango Township.
Slippery Rock Township.
Taylor Township.
Union Township.
Washington Township.
Wayne Township.
Wilmington Township.
Black Creek Township.
Butler Township.
Conyngham Township.
Dennison Township.
Dorrance Township.
Exeter Township.
Fairmont Township.
Fairview Township.
Foster Township.
Franklin Township.
Hanover Township.
Hazle Township.
Hollenback Township.
Huntington Township.
Jackson Township.
Jenkins Township.
Kingston Township.
Lake Township.
Nescopeck Township.
Newport Township.
Pittston Township.
Plains Township.
Plymouth Township.
Ross Township.
Slocum Township.
Union Township.
Wilkes Barre Township.
Wright Township.
Anthony Township.
Armstrong Township.
Bastress Township.
Brady Township.
Brown Township.
Casade Township.
Clinton Township.
Cogan House Township.
Cummings Township.
Eldred Township.
Franklin Township.
Gamble Township.
Hepburn Township.
Jackson Township.
Jordan Township.
Lewis Township.
Limestone Township.
Loyalsock Township.
Lycoming Township.
McHenry Township.
McIntyre Township.
McNett Township.
Mifflin Township.
Mill Creek Township.
Moreland Township.
Muncy Creek Township.
Nippenose Township.
Old Lycoming Township.
Penn Township.
Piatt Township.
Pine Township.
Plunketts Creek Township.
Porter Township.
Shrewsbury Township.
Susquehanna Township.
Upper Fairfield Township.
Washington Township.
Watson Township.
Wolf Township.
Woodward Township.
Annin Township.
Bradford Township.
Ceres Township.
Corydon Township.
Eldred Township.
Foster Township.
Hamilton Township.
Hamlin Township.
Keating Township.
Lafayette Township.
Liberty Township.
Norwich Township.
Otto Township.
Sergeant Township.
Wetmore Township.
Coolspring Township.
Deer Creek Township.
Delaware Township.
Fairview Township.
Findley Township.
French Creek Township.
Greene Township.
Hempfield Township.
Hermitage Township.
Jackson Township.
Jefferson Township.
Lackawannock Township.
Lake Township.
Mill Creek Township.
New Vernon Township.
Otter Creek Township.
Perry Township.
Pine Township.
Pymatuning Township.
Salem Township.
Sandy Creek Township.
Sandy Lake Township.
Shenango Township.
South Pymatuning Township.
Springfield Township.
Sugar Grove Township.
West Salem Township.
Wilmington Township.
Wolf Creek Township.
Worth Township.
Armagh Township.
Bratton Township.
Brown Township.
Decatur Township.
Derry Township.
Granville Township.
Menno Township.
Oliver Township.
Union Township.
Wayne Township.
Barrett Township.
Chestnuthill Township.
Coolbaugh Township.
Eldred Township.
Hamilton Township.
Jackson Township.
Middle Smithfield Township.
Paradise Township.
Pocono Township.
Polk Township.
Price Township.
Ross Township.
Smithfield Township.
Stroud Township.
Tobyhanna Township.
Tunkhannock Township.
Abington Township.
East Norriton Township.
Franconia Township.
Hatfield Township.
Limerick Township.
Lower Frederick Twp.
Montgomery Township.
New Hanover Township.
Perkiomen Township.
Plymouth Township.
Salford Township.
Skippack Township.
Springfield Township.
Towamencin Township.
Upper Dublin Township.
Upper Frederick Twp.
Upper Gwynedd Township.
Upper Hanover Township.
Upper Moreland Township.
Upper Pottsgrove Twp.
Upper Providence Twp.
Upper Salford Township.
West Norriton Township.
West Pottsgrove Twp.
Whitemarsh Township.
Worcester Township.
Mahoning Township.
Lower Mt. Bethel Twp.
Plainfield Township.
Williams Township.
Coal Township.
Delaware Township.
East Cameron Township.
Jackson Township.
Jordan Township.
Lewis Township.
Little Mahanoy Township.
Lower Augusta Township.
Lower Mahanoy Township.
Mount Carmel Township.
Point Township.
Ralpho Township.
Rockefeller Township.
Rush Township.
Shamokin Township.
Turbut Township.
Upper Augusta Township.
Upper Mahanoy Township.
Washington Township.
West Cameron Township.
West Chillisquaque Twp.
Zerbe Township.
Lehman Township.
Abbott Township.
Allegany Township.
Bingham Township.
Clara Township.
Eulalia Township.
Genesee Township.
Harrison Township.
Hebron Township.
Hector Township.
Homer Township.

Keating Township.
Oswayo Township.
Pike Township.
Pleasant Valley Township.
Portage Township.
Roulette Township.
Sharon Township.
Stewardson Township.
Summit Township.
Sweden Township.
Sylvania Township.
Ulysses Township.
West Branch Township.
Wharton Township.
Barry Township.
Blythe Township.
Branch Township.
Butler Township.
Cass Township.
Delano Township.
East Brunswick Township.
East Norwegian Township.
East Union Township.
Eldred Township.
Foster Township.
Frailey Township.
Hegins Township.
Hubley Township.
Kline Township.
Mahanoy Township.
New Castle Township.
North Manheim Township.
North Union Township.
Norwegian Township.
Pine Grove Township.
Porter Township.
Reilly Township.
Ryan Township.
Schuylkill Township.
Tremont Township.
Union Township.
Upper Mahantongo Township.
Washington Township.
Wayne Township.
West Brunswick Township.
West Mahanoy Township.
West Penn Township.
Beaver Township.
Jackson Township.
Penn Township.
Addison Township.
Allegheny Township.
Brothersvalley Township.
Conemaugh Township.
Elk Lick Township.
Fairhope Township.
Greenville Township.
Jefferson Township.
Jenner Township.
Larimer Township.
Lower Turkeyfoot Township.
Northampton Township.
Paint Township.
Shade Township.
Somerset Township.
Southampton Township.
Summit Township.
Cherry Township.
Colley Township.
Davidson Township.
Elkland Township.
Forks Township.
Fox Township.
Hillsgrove Township.
Laporte Township.
Shrewsbury Township.
Bloss Township.
Brookfield Township.
Charleston Township.
Chatham Township.
Clymer Township.
Covington Township.
Deerfield Township.
Delmar Township.
Duncan Township.
Elk Township.
Elkland Township.
Farmington Township.
Gaines Township.
Hamilton Township.
Jackson Township.
Lawrence Township.
Liberty Township.
Middlebury Township.
Morris Township.
Nelson Township.
Osceola Township.
Putnam Township.
Richmond Township.
Rutland Township.
Shippen Township.
Sullivan Township.
Tioga Township.
Union Township.
Ward Township.
Westfield Township.
Kelly Township.
Canal Township.
Cherrytree Township.
Clinton Township.
Cornplanter Township.
Cranberry Township.
Irwin Township.
Jackson Township.
Mineral Township.
Oilcreek Township.
Pinegrove Township.
Plum Township.
President Township.
Richland Township.
Rockland Township.
Victory Township.
Cherry Grove Township.
Columbus Township.
Conewango Township.
Elk Township.
Glade Township.
Mead Township.
Pleasant Township.
Sheffield Township.
Southwest Township.
Spring Creek Township.
Sugar Grove Township.
Triumph Township.
Watson Township.
Canton Township.
Cecil Township.
Cross Creek Township.
East Bethlehem Township.
East Finley Township.
Fallowfield Township.
Independence Township.
Mount Pleasant Township.
North Franklin Township.
Smith Township.
Berlin Township.
Buckingham Township.
Canaan Township.
Cherry Ridge Township.
Clinton Township.
Damascus Township.
Dreher Township.
Dyberry Township.
Lake Township.
Lebanon Township.
Manchaster Township.
Mount Pleasant Township.
Paupack Township.
Preston Township.
Salem Township.
Scott Township.
South Canaan Township.
Sterling Township.
Texas Township.
Allegheny Township.
Bell Township.
Cook Township.
Derry Township.
Donegal Township.
East Huntington Township.
Fairfield Township.
Ligonier Township.
Loyalhanna Township.
Mount Pleasant Township.
Penn Township.
Rostraver Township.
St. Clair Township.
Salem Township.
Sewickley Township.
South Huntingdon Twp.
Unity Township.
Upper Burrell Township.
Washington Township.
Braintrim Township.
Clinton Township.
Eaton Township.
Exeter Township.
Falls Township.
Forkston Township.
Lemon Township.
Mehoopany Township.
Meshoppen Township.
Monroe Township.
Nicholson Township.
North Branch Township.
Northmoreland Township.
Noxen Township.
Overfield Township.
Tunkhannock Township.
Washington Township.
Windham Township.
Conewago Township.
East Hopewell Township.
West Manchester Township.
State=39: 1,649 Records.

STATE: RHODE ISLAND (40)

Title

Warwick City.
Central Falls City.
Cranston City.
Pawtucket City.
Providence City.
Woonsocket City.
East Providence City.
Barrington Town.
Bristol Town.
Warren Town.
Coventry Town.
West Greenwich Town.
West Warwick Town.
Burrillville Town.
Cumberland Town.
Glocester Town.
Johnston Town.
North Providence Town.
North Smithfield Town.
Smithfield Town.
Exeter Town.
North Kingstown Town.
South Kingstown Town.
New Shoreham Town.
State=40: 24 Records.

STATE: SOUTH CAROLINA (41)

Title

Abbeville County.
Allendale County.
Bamberg County.
Barnwell County.
Chester County.
Chesterfield County.
Clarendon County.
Colleton County.
Darlington County.
Dillon County.
Fairfield County.
Georgetown County.
Jasper County.
Kershaw County.
Lancaster County.
Laurens County.
Lee County.
McCormick County.
Marlboro County.
Newberry County.
Oconee County.
Saluda County.
Sumter County.
Union County.
Abbeville City.
Calhoun Falls Town.
Donalds Town.
Due West Town.
Lowndesville Town.
New Ellenton Town.
Wagener Town.
Allendale Town.

Fairfax Town.
Sycamore Town.
Ulmer Town.
Anderson City.
Belton City.
Iva Town.
West Pelzer Town.
Bamberg Town.
Denmark City.
Govan Town.
Olar Town.
Blackville Town.
Elko Town.
Hilda Town.
Kline Town.
Snelling Town.
St Stephen Town.
Jamestown Town.
Chester City.
Fort Lawn Town.
Lowrys Town.
Richburg Town.
Great Falls Town.
Cheraw Town.
Chesterfield Town.
Jefferson Town.
McBee Town.
Mount Croghan Town.
Pageland Town.
Patrick Town.
Ruby Town.
Cottageville Town.
Lodge Town.
Smoaks Town.
Waterboro Town.
Williams Town.
Edisto Beach Town.
Darlington City.
Hartsville City.
Lamar City.
Society Hill Town.
Dillon City.
Lakeview Town.
Latta Town.
Ridgeway Town.
Winnsboro Town.
Lake City Town.
Timmonsville Town.
Furman Town.
Luray Town.
Yemassee Town.
Gifford Town.
Ridgeland Town.
Bethune Town.
Camden City.
Health Springs Town.
Clinton City.
Cross Hill Town.
Gray Court Town.
Laurens City.
Waterloo Town.
Bishopville Town.
Lynchburg Town.
McCormick Town.
Mount Carmel Town.
Parksville Town.
Plum Branch Town.
Bennettsville City.
Blenheim Town.
Clio Town.
McColl Town.
Tatum Town.
Little Mountain Town.
Peak Town.
Pomaria Town.
Seneca Town.
Walhalla Town.
Westminster Town.
West Union Town.
Branchville Town.
Norway Town.
Rowesville Town.
Santee Town.
Ridge Spring Town.
Saluna Town.
Wards Town.
Mayesville Town.
Pinewood Town.
Carlisle Town.
Union City.
Rock Hill City.
York Town.
State=41: 124 Records.

STATE: SOUTH DAKOTA (42)

Title

Butte County.
Corson County.
Harding County.
Hyde County.
Walworth County.
Washabaugh County.
Ziebach County.
Virgil Town.
Fruitdale Town.
Nisland Town.
Mound City Town.
Pollock Town.
Henry Town.
Wallace Town.
McIntosh City.
McLaughlin City.
Morristown Town.
Grenville Town.
Loyalton Town.
Onaka Town.
Orient Town.
State=42: 21 records.

Buffalo Town.
State=42: 1 record.

Belvedere Town.
Hillsview Town.
Wetonka Town.
Egan City.
Ward Town.
White Rock Town.
Agar Town.
Glenham Town.
Java City.
Lowry Town.
Mobridge City.
Lesterville Town.
Dupree Town.
Bristol Township.
Crystal Lake Township.
Eureka Township.
Palatine Township.
Pleasant Valley Township.
Belle Prairie Township.
Bonilla Township.
Broadland Township.
Carlyle Township.
Foster Township.
Iowa Township.
Liberty Township.
Logan Township.
Nance Township.
Sand Creek Township.
Eagle Township.
Highland Township.
Ola Township.
Pleasant Grove Township.
Richland Township.
Smith Township.
Wilbur Township.
Elvira Township.
Cottonwood Township.
Howard Township.
Lawrence Township.
Moore Township.
Plain Center Township.
Ree Township.
Eden Township.
Graceland Township.
Waverly Township.
Delaney Township.
Fairview Township.
Grand Valley Township.
Lake Township.
Lincoln Township.
McLaughlin Township.
Mahto Township.
Pioneer Township.
Pleasant Ridge Township.
Prairie View Township.
Ridgeland Township.
Riverside Township.
Rolling Green Township.
Sherman Township.
Thunder Hawk Township.
Twin Butte Township.
Wakpala Township.
Walker Township.
Watauga Township.
Mission Township.
Farmington Township.
Grenville Township.
Highland Township.
Nutley Township.
Oak Gulch Township.
Racine Township.
Valley Township.
Holland Township.
Cleveland Township.
Cloyd Valley Township.
Cottonwood Lake Township.
Glover Township.
Hosmer Township.
North Bryant Township.
Odessa Township.
Powell Township.
Cottonwood Township.
Provo Township.
Arcade Township.
Centerville Township.
Enterprise Township.
Fairview Township.
Zell Township.
Ellston Township.
Fairfax Civil Township.
Landing Creek Township.
Pleasant Valley Township.
Star Valley Township.
Alden Township.
Fairview Township.
Florence Township.
Howell Township.
Logan Township.
Mondamin Township.
Ontario Township.
Park Township.
Rose Hill Township.
Spring Township.
Spring Hill Township.
Cross Plains Township.
Fair Township.
Liberty Township.
Milltown Township.
Wittenberg Township.
Lincoln Township.
Valley Township.
Washington Township.
W. M. Hamilton Township.
Little Buffalo Township.
Anina Township.
Blaine Township.
Crow Township.
Franklin Township.
Marlar Township.
Pleasant Township.
Clarno Township.
Brookfield Township.
Jefferson Township.
Union Township.
Lincoln Township.
Wacker Township.
Buffalo Township.
Dumarce Township.
Eden Township.
Fort Township.
Pleasant Valley Township.
Sisseton Township.
Corn Creek Township.
Mosher Township.
Norris Township.
Grafton Township.
Miner Township.
Rock Creek Township.
Anderson Township.
Flat Creek Township.
Strool Township.
Vrooman Township.
Dry Wood Lake Township.
Lake Township.
Lee Township.
Afton Township.
Benedict Township.
Jackson Township.
Letcher Township.
Logan Township.

Oneida Township.
Garfield Township.
Star Prairie Township.
Dolton Township.
Hurley Township.
Marindahl Township.
Utica Township.
State=42: 157 records.

STATE: TENNESSEE (43)

Title

Bedford County.
Campbell County.
Carroll County.
Coffee County.
Crockett County.
Cumberland County.
Decatur County.
Dyer County.
Fayette County.
Fentress County.
Franklin County.
Gibson County.
Giles County.
Grainger County.
Greene County.
Grundy County.
Hamblen County.
Hamilton County.
Hancock County.
Hardeman County.
Haywood County.
Jackson County.
Lake County.
Lincoln County.
Loudon County.
McMinn County.
Marshall County.
Maury County.
Meigs County.
Monroe County.
Moore County.
Morgan County.
Overton County.
Pickett County.
Polk County.
Putnam County.
Roane County.
Scott County.
Stewart County.
Van Buren County.
Wayne County.
White County.
Lake City Town.
Shelbyville Town.
Wartrace Town.
Cleveland City.
Jellico City.
La Follette City.
Caryville Town.
Jacksboro Town.
Auburntown Town.
Atwood City.
Bruceton Town.
Hollow Rock Town.
Huntingdon Town.
McKenzie City.
McLemoresville Town.
Trezevant Town.
Clarksburg Town.
Elizabethton City.
Watauga City.
Newport Town.
Parrottsville Town.
Manchester City.
Alamo Town.
Bells Town.
Maury City Town.
Crossville City.
Pleasant Hill Town.
Crab Orchard City.
Decaturville Town.
Parsons Town.
Alexandria Town.
Dowelltown Town.
Liberty Town.
Trimble Town.
La Grange Town.
Moscow Town.
Oakland Town.
Rossville Town.
Somerville Town.
Gallaway City.
Williston City.
Braden Town.
Jamestown Town.
Allardt Town.
Cowan Town.
Decherd Town.
Huntland Town.
Winchester City.
Bradford Town.
Dyer City.
Gibson Town.
Humboldt City.
Medina Town.
Milan City.
Rutherford Town.
Trenton City.
Yorkville Town.
Ardmore City.
Elkton Town.
Lynnville Town.
Pulaski City.
Minor Hill City.
Rutledge City.
Baileyton.
Greeneville Town.
Tusculum City.
Mosheim Town.
Altamont Town.
Palmer Town.
Tracy City Town.
Coalmont Town.
Beersheba Springs Town.
Morristown Town.
Chattanooga City.
Lakesite City.
Sneedville Town.
Bolivar City.
Hickory Valley Town.
Hornsby Town.
Middleton Town.
Silerton Town.
Toone Town.
Whiteville Town.
Saltillo City.
Savannah Town.
Brownsville Town.
Stanton City.
Sardis Town.
Gainesboro Town.
Jefferson City Town.
White Pine Town.
Ridgely Town.
Tiptonville City.
Gates Town.
Henning Town.
Iron City Town.
Fayetteville City.
Lenoir City.
Loudon Town.
Greenback City.
Philadelphia City.
Athens City.
Englewood Town.
Etowah Town.
Niota City.
Calhoun City.
Ramer City.
Michie Town.
Stantonville Town.
Finger Town.
Denmark Town.
Cornersville Town.
Lewisburg Town.
Mount Pleasant Town.
Decatur Town.
Madisonville Town.
Sweetwater City.
Tellico Plains Town.
Vonore Town.
Lynchburg Town.
Oakdale Town.
Livingston Town.
Byrdstown Town.
Benton City.
Ducktown City.
Algood Town.
Baxter Town.
Monterey Town.
Dayton City.
Harriman City.
Kingston City.
Rockwood City.
Oneida City.
Huntsville Town.
Cumberland City Town.
Dover Town.
Spencer Town.
McMinnville City.
Viola Town.
Clifton City Town.
Collinwood City.
Waynesboro City.
Sparta City.
Doyle Town.
State=43: 186 Records.

STATE: TEXAS (44)

Title

Bee County.
Bowie County.
Brewster County.
Brooks County.
Burleson County.
Caldwell County.
Camp County.
Coleman County.
Collingsworth County.
Comal County
Comanche County.
Concho County.
Culberson County.
Delta County.
De Witt County.
Dickens County.
Duval County.
Eastland County.
Edwards County.
Fannin County.
Fayette County.
Glasscock County.
Goliad County.
Gonzales County.
Grayson County.
Hamilton County.
Hill County.
Hopkins County.
Houston County.
Hunt County.
Irion County.
Jeff Davis County.
Jim Hogg County.
Jim Wells County.
Kenedy County.
Kinney County.
Kleberg County.
Lamar County.
La Salle County.
Live Oak County.
McCulloch County.
McMullen County.
Marion County.
Mason County.
Menard County.
Milam County.
Mills County.
Motley County.
Newton County.
Nolan County.
Palo Pinto County.
Presidio County.
Real County.
Red River County.
Reeves County.
Robertson County.
Runnels County.
Sabine County.
San Augustine County.
San Saba County.
Shelby County.
Trinity County.
Val Verde County.
Washington County.
Willacy County.
Zavala County.
Burke City.
Hudson City.

San Felipe Town.
Bastrop City.
Elgin City.
Beeville City.
Meridian City.
Morgan City.
Walnut Springs City.
De Kalb Town.
Hooks City.
New Boston Town.
Texarkana City.
Leary City.
Alpine Town.
Falfurrias City.
Caldwell City.
Snook City.
Luling City.
Bloomburg Town.
Hughes Springs Town.
Marietta Town.
Novice City.
Santa Anna Town.
Dodson Town.
Wellington City.
New Braunfels City.
Comanche City.
De Leon City.
Gustine Town.
Eden City.
Van Horn Town.
Texline Town.
Hereford City.
Cooper City.
Pecan Gap City.
Cuero City.
Dickens City.
Spur City.
Hedley Town.
Benavides City.
Carbon Town.
Cisco City.
Eastland City.
Gorman City.
Ranger City.
Rising Star Town.
Rocksprings Town.
Bailey City.
Bonham City.
Dodd City Town.
Ector Town.
Honey Grove City.
Ladonia Town.
Leonard City.
Savoy Town.
Trenton Town.
Windom Town.
Fayetteville Town.
Schulenburg City.
Carmine City.
Streetman Town.
Wortham Town.
Seagraves City.
Galveston City.
Gonzales City.
Nixon City.
Waelder City.
McLean City.
Bells Town.
Collinsville Town.
Denison City.
Gunter Town.
Howe Town.
Pottsboro Town.
Tioga Town.
Van Alstyne Town.
Whitesboro Town.
Whitewright Town.
Tom Bean Town.
Southmayd Town.
Dorchester Town.
Sadler City.
Hamilton City.
Chillicothe City.
Channing Town.
Obrien City.
Abbott Town.
Hillsboro City.
Itasca City.
Mount Calm Town.
Penelope Town.
Como Town.
Cumby City.
Crockett City.
Kennard Town.
Caddo Mills City.
Celeste Town.
Commerce City.
Greenville City.
Quinlan City.
Wolfe City City.
West Tawakoni Town.
Neylandville Town.
Campbell Town.
Bryson City.
Valentine Town.
Port Arthur City.
Alice City.
Premont City.
Brackettville City.
Spofford City.
Kingsville City.
Benjamin City.
Goree City.
Paris City.
Toco Town.
Lometa Town.
Cotulla City.
George West City.
Three Rivers City.
Melvin Town.
Jefferson City.
Menard Town.
Cameron City.
Rockdale City.
Buckholts City.
State=44: 193 Records.

Miland Town.
State=44: 1 Record.

Goldthwaite City.
Matador Town.
Cushing Town.
Garrison Town.
Chireno City.
Dawson City.
Kerens Town.
Barry City.
Emhouse Town.
Richland City.
Newton City.
Blackwell Town.
Sweetwater City.
Agua Dulce City.
Driscoll City.
Robstown City.
Gordon Town.
Graford Town.
Mingus City.
Strawn City.
Marfa City.
Camp Wood City.
Leakey City.
Annona Town.
Avery Town.
Bogata Town.
Clarksville City.
Pecos City.
Balmorhea City.
Woodsboro City.
Bremond City.
Calvert City.
Hearne City.
Winters City.
Hemphill City.
Pineland City.
Bronson City.
San Augustine City.
Broaddus Town.
San Saba City.
Center City.
Joaquin Town.
Timpson City.
Huxley City.
Meadow Town.
State=44: 65 Records.

Wellman Town.
State=44: 1 Records.

Throckmorton City.
Groveton City.
Trinity City.
Woodville Town.
Colmesneil Town.
Del Rio City.
Grand Saline City.
Van City.
Edom City.
Barstow Town.
Grandfalls Town.
Wharton City.
Vernon City.
Lyford Town.
Raymondville City.
Stockdale City.
Plains Town.
Crystal City City.
State=44: 18 Records.

STATE: UTAH (45)

Title

Garfield County.
Piute County.
Rich County.
Sanpete County.
Minersville Town.
Deweyville Town.
Garland City.
Mantua Town.
Plymouth Town.
Snowville Town.
Escalante Town.
Hatch Town.
Eureka City.
Nephi City.
Holden Town.
Kanosh Town.
Leamington Town.
Lynndyl Town.
Meadow Town.
Scipio Town.
Circleville Town.
Junction Town.
Kingston Town.
Marysvale Town.
Laketown Town.
Randolph Town.
Woodruff Town.
Centerfield Town.
Ephraim City.
Fairview City.
Fayette Town.
Fountain Green City.
Gunnison City.
Manti City.
Mayfield Town.
Moroni City.
Mount Pleasant City.
Spring City.
Sterling Town.
Wales Town.
Henefer Town.
Soldier Summit Town.
Bicknell Town.
Ogden City.
Uintah Town.
Harisville City.
State=45: 46 Records.

STATE: VERMONT (46)

Title

Bennington County.
Franklin County.
Grand Isle County.
Rutland County.
Windham County.
Windsor County.
Manchester Village.
North Bennington Village.
Old Bennington Village.
Readsboro Village.
Endsburg Falls Village.
Richford Village.
St Albans City.
Alburg Village.
Albany Village.
Barton Village.
Derby Center Village.
Derby Line Village.
Newport City.
Orleans Village.

Poultney Village
Rutland City.
Bellows Falls Village.
Newfane Village.
N. Westminster Village.
Saxtons River Village.
Westminster Village.
Ludlow Village.
Perkinsville Village.
Proctorsville Village.
Arlington Town.
Bennington Town.
Dorset Town.
Landgrove Town.
Manchester Town.
Peru Town.
Pownal Town.
Readsboro Town.
Rupert Town.
Sandgate Town.
Searsburg Town.
Shaftsbury Town.
Stamford Town.
Sunderland Town.
Winhall Town.
Woodford Town.
Barnet Town.
Hardwick Town.
St. Johnsbury Town.
Bloomfield Town.
Canaan Town.
Guildhall Town.
Lemington Town.
Bakersfield Town.
Berkshire Town.
Enosburg Town.
Fairfax Town.
Fairfield Town.
Fletcher Town.
Franklin Town.
Georgia Town.
Highgate Town.
Montgomery Town.
Richford Town.
St. Albans Town.
Sheldon Town.
Alburg Town.
Isle La Motte Town.
North Hero Town.
Barton Town.
Brownington Town.
Jay Town.
Troy Town.
Benson Town.
Brandon Town.
Castleton Town.
Chittenden Town.
Clarendon Town.
Danby Town.
Fair Haven Town.
Hubbardton Town.
Ira Town.
Mendon Town.
Middletown Springs Town.
Mount Holly Town.
Pawlet Town.
Pittsfield Town.
Poultney Town.
Proctor Town.
Sherburne Town.
Shrewsbury Town.
Sudbury Town.
Tinmouth Town.
Wallingford Town.
Wells Town.
West Haven Town.
West Rutland Town.
Athens Town.
Brattleboro Town.
Grafton Town.
Londonderry Town.
Newfane Town.
Putney Town.
Rockingham Town.
Westminster Town.
Windham Town.
Baltimore Town.
Cavendish Town.
Chester Town.
Ludlow Town.
Reading Town.
Springfield Town.
Weathersfield Town.
Weston Town.
West Windsor Town.
Windsor Town.
State=46: 116 Records.

STATE: VIRGINIA (47)

Title

Alleghany County.
Bath County.
Bland County.
Brunswick County.
Buckingham County.
Carroll County.
Charlotte County.
Floyd County.
Giles County.
Greensville County.
Highland County.
King and Queen County.
Lunenburg County.
Northampton County.
Northumberland County.
Nottoway County.
Patrick County.
Richmond County.
Rockbridge County.
Shenandoah County.
Smyth County.
Surry County.
Sussex County.
Iron Gate Town.
Alberta Town.
Lawrenceville Town.
Charlotte Town.
Drakes Branch Town.
Keysville Town.
Phoenix Town.
Boyce Town.
Floyd Town.
Glen Lyn Town.
Narrows Town.
Pearisburg Town.
Pembroke Town.
Rich Creek Town.
Irvington Town.
Kenbridge Town.
Victoria Town.
Cape Charles Town.
Cheriton Town.
Nassawadox Town.
Blackstone Town.
Burkeville Town.
Gordonsville Town.
Stanley Town.
Warsaw Town.
Glasgow Town.
Goshen Town.
Edinburg Town.
Mount Jackson Town.
New Market Town.
Toms Brook Town.
Woodstock Town.
Chilhowie Town.
Marion Town.
Claremont Town.
Dendron Town.
Surry Town.
Stony Creek Town.
Wakefield Town.
Waverly Town.
Montross Town.
Buena Vista City.
Covington City.
Danville City.
Lexington City.
Petersburg City.
Radford City.
South Boston City.
Waynesboro City.
State=47: 72 Records.

STATE: WASHINGTON (48)

Title

Columbia County.
Cowlitz County.
Garfield County.
Grays Harbor County.
Jefferson County.
King County.
Kittitas County.
Pacific County.
Pierce County.
Snohomish County.
Walla Walla County.
Lind Town.
Ritzville City.
Washtucna Town.
Leavenworth City.
Dayton City.
Starbuck City.
Kalama Town.
Kelso City.
Longview City.
Pomeroy City.
Coulee City Town.
Electric City.
Ephrata City.
Hartline Town.
Moses Lake City.
Quincy Town.
Wilson Creek Town.
Mattawa Town.
George City.
Aberdeen City.
Cosmopolis Town.
Hoquiam City.
McCleary Town.
Oakville Town.
Westport City.
Port Townsend City.
Algona City.
Auburn City.
Beaux Arts Village.
Bothell City.
Carnation Town.
Clyde Hill Town.
Duvall Town.
Enumclaw City.
Hunts Point Town.
Issaquah City.
Kent City.
Medina City.
Pacific Town.
Renton City.
Seattle City.
Skykomish Town.
Snoqualmie Town.
Tukwila City.
Black Diamond Town.
Des Moines City.
Yarrow Point Town.
Mercer Island City.
Lake Forest Park City.
Bremerton City.
Port Orchard City.
Cle Elum City.
Ellensburg City.
Kittitas Town.
Roslyn City.
Bingen Town.
White Salmon Town.
Toledo Town.
Oroville Town.
Twisp Town.
Raymond City.
South Bend City.
Ione Town.
Bonney Lake Town.
Buckley City.
Carbonado Town.
Dupont City.
Gig Harbor Town.
Orting Town.
Puyallup City.
Roy City.
South Prairie Town.
Sumner City.
Tacoma City.
Wilkeson Town.
Fife Town.
La Conner Town.
Lyman Town.
North Bonneville Town.
Arlington City.
Darrington Town.
Edmonds City.
Everett City.
Gold Bar Town.

Granite Falls Town.
Index Town.
Marysville City.
Monroe City.
Mountlake Terrace City.
Mukilteo City.
Snohomish City.
Stanwood City.
Sultan Town.
Woodway Town.
Lynnwood City.
Lake Stevens Town.
Brier City.
Cheney City.
Medical Lake Town.
Spokane City.
Northport City.
College Place Town.
Walla Walla City.
Granger City.
Toppenish City.
Yakima City.
State=48: 117 Records.

STATE: WEST VIRGINIA (49)

Title

Berkeley County.
Braxton County.
Cabell County.
Calhoun County.
Clay County.
Doddridge County.
Fayette County.
Gilmer County.
Grant County.
Greenbrier County.
Harrison County.
Jackson County.
Lewis County.
Lincoln County.
Marion County.
Marshall County.
Mason County.
Mingo County.
Monongalia County.
Monroe County.
Morgan County.
County of Ohio.
Pendleton County.
Pocahontas County.
Preston County.
Randolph County.
Ritchie County.
Roane County.
Summers County.
Taylor County.
Tucker County.
Tyler County.
Wayne County.
Webster County.
Wetzel County.
Wirt County.
Wood County.
Hedgesville Town.
Martinsburg City.
Burnsville Town.
Flatwoods Town.
Gassaway Town.
Sutton Town.
Huntingtown City.
Clay Town.
West Union Town.
Ansted Town.
Fayetteville Town.
Meadow Bridge Town.
Mount Hope City.
Pax Town.
Thurmond Town.
Glenville Town.
Layopolis Town.
Falling Springs Town.
Quinwood Town.
Rainelle Town.
Ronceverte City.
Clarksburg City.
Lost Creek Town.
Lumberport Town.
Nutter Fort Town.
Salem City.
Stonewood Town.
Anmoore Town.
Ravenswood Town.
Ripley City.
Jane Lew Town
Weston City.
Hamlin Town.
Anawalt Town.
Fairmont City.
Fairview Town.
Farmington Town.
Grant Town Town.
Mannington City.
Monongah Town.
Rivesville Town.
Worthington Town.
Barrackville Town.
Benwood City.
Cameron City.
McMechen City.
Moundsville City.
Hartford Town.
Henderson Town.
Leon Village.
Mason Town.
New Haven Town.
Point Pleasant City.
Bramwell Town.
Matoaka Town.
Oakvale Town.
Piedmont City.
Ridgeley Town.
Gilbert Town.
Matewan Town.
Williamson City.
Morgantown City.
Osage Town.
Peterstown Town.
Union Town.
Bath Town.
Paw Paw Town.
Richwood City.
Cass Town.
Durbin Town.
Hillsboro Village.
Marlinton Town.
Albright Town.
Brandonville Corporation.
Newburg Town.
Rowlesburg Town.
Tunnelton Town.
Beverly Town.
Elkins City.
Town Harman.
Huttonsville Town.
Mill Creek Town.
Montrose Corporation.
Womelsdorff Town.
Auburn Town.
Cairo Town.
Ellenboro Town.
Harrisville Town.
Pennsboro City.
Pullman Town.
Reedy Town.
Spencer City.
Hinton City.
Flemington Town.
Grafton City.
Davis Town.
Hambleton Town.
Hendricks Town.
Parsons City.
Thomas Town.
Friendly Town.
Middlebourne Town.
Ceredo Town.
Fort Gay Town.
Kenova City.
Wayne Town.
Addison Town.
Camden on Gauley Town.
Cowen Town.
Hundred Town.
Littleton Town.
New Martinsville City.
Pine Grove Town.
Smithfield Town.
Elizabeth Town.
State=49: 152 Records.

STATE: WISCONSIN (50)

Title

Ashland County.
Bayfield County.
Buffalo County.
Chippewa County.
Columbia County.
Crawford County.
Douglas County.
Florence County.
Forest County.
Green Lake County.
Iowa County.
Iron County.
Kewaunee County.
Lafayette County.
Marquette County.
Monroe County.
Richland County.
Rusk County.
Sauk County.
Shawano County.
Vernon County.
Washburn County.
Ashland City.
Butternut Village.
Mellen City.
Bayfield City.
Cable Village.
Mason Village.
Washburn City.
Fountain City City.
Mondovi City.
Bloomer City.
Cadott Village.
Chippewa Falls City.
Cornell City.
Stanley City.
Cambria Village.
Columbus City.
Doylestown Village.
Fall River Village.
Friesland Village.
Lodi City.
Portage City.
Poynette Village.
Rio Village.
Wyocena Village.
Bell Center Village.
Eastman Village.
Gays Mills Village.
Lynxville Village.
Prairie du Chien City.
Soldiers Grove Village.
Steuben Village.
Wauzeka Village.
Fox Lake City.
Kekoskee Village.
Oliver Village.
Superior City.
Brandon Village.
Ripon City.
Mt. Calvary Village.
Crandon City.
Kingston Village.
Princeton City.
Avoca Village.
Dodgeville City.
Linden Village.
Rewey Village.
Ridgeway Village.
Hurley City.
Montreal City.
Merrillan Village.
Algoma City.
Casco Village.
Kewaunee City.
Argyle Village.
Benton Village.
Darlington City.
Gratiot Village.
Shullsburg City.
Merrill City.
Two Rivers City.
Broken Village.
Elderon Village.
Fenwood Village.
Stratford Village.
Endeavor Village.
Montello City.
Oxford Village.
Westfield Village.
Milwaukee City.
Kendall Village.
Melvina Village.
Wilton Village.

Wyeville Village.
Warrens Village.
Gillett City.
Lena Village.
Oconto City.
Oconto Falls City.
Centuria Village.
Luck Village.
Yuba Village.
Beloit City.
Footville Village.
Bruce Village.
Conrath Village.
Glen Flora Village.
Hawkins Village.
Ingram Village.
Ladysmith City.
Tony Village.
Weyerhaeuser Village.
Baraboo City.
Ironton Village.
Lake Delton Village.
La Valle Village.
Lime Ridge Village.
Loganville Village.
Merrimac Village.
North Freedom Village.
Plain Village.
Reedsburg City.
Rock Springs Village.
Sauk City Village.
Spring Green Village.
Couderay Village.
Mattoon Village.
Shawano City.
Tigerton Village.
Cascade Village.
Glenbeulah Village.
Lublin Village.
Genoa Village.
La Farge Village.
Ontario Village.
Readstown Village.
Viroqua City.
Westby City.
Eagle River City.
Delavan City.
Sharon Village.
Williams Bay Village.
Birchwood Village.
Minong Village.
Shell Lake City.
Spooner City.
Big Falls Village.
Clintonville City.
Ogdensburg Village.
Hancock Village.
Lohrville Village.
Plainfield Village
Wautoma City.
Agenda Town.
Ashland Town.
Chippewa Town.
Gingles Town.
Gordon Town.
Jacobs Town.
La Pointe Town.
Marengo Town.
Morse Town.
Peeksville Town.
Sanborn Town.
Shanagolden Town.
White River Town.
Barksdale Town.
Barnes Town.
Bayfield Town.
Bayview Town.
Bell Town.
Cable Town.
Clover Town.
Delta Town.
Drummond Town.
Eileen Town.
Hughes Town.
Iron River Town.
Kelly Town.
Keystone Town.
Lincoln Town.
Mason Town.
Namakagon Town.
Orienta Town.
Oulu Town.
Pilsen Town.
Port Wing Town.
Grandview Town.
Russell Town.
Tripp Town.
Washburn Town.
Alma Town.
Belvidere Town.
Canton Town.
Cross Town.
Dover Town.
Gilmanton Town.
Lincoln Town.
Maxville Town.
Milton Town.
Modena Town.
Montana Town.
Waumandee Town.
Anderson Town.
Blaine Town.
Grantsburg Town.
La Follette Town.
Lincoln Town.
Roosevelt Town.
Wood River Town.
Arthur Town.
Auburn Town.
Cooks Valley Town.
Delmar Town.
Edson Town.
Estella Town.
Goetz Town.
Ruby Town.
Woodmohr Town.
Arlington Town.
Caledonia Town.
Columbus Town.
Courtland Town.
Dekorra Town.
Fort Winnebago Town.
Fountain Prairie Town.
Hampden Town.
Leeds Town.
Lewiston Town.
Lowville Town.
Marcellon Town.
Newport Town.
Otsego Town.
Pacific Town.
Randolph Town.
Scott Town.
Wyocena Town.
Otsego Town.
Freeman Town.
Scott Town.
Utica Town.
Wauzeka Town.
Clyman Town.
Elba Town.
Emmet Town.
Fox Lake Town.
Lebanon Town.
Leroy Town.
Portland Town.
Shields Town.
Theresa Town.
Parkland Town.
Aurora Town.
Commonwealth Town.
Fence Town.
Fern Town.
Homestead Town.
Tipler Town.
Ashford Town.
Eldorado Town.
Empire Town.
Springvale Town.
Waupun Town.
Alvin Town.
Argonne Town.
Armstrong Creek.
Blackwell Town.
Caswell Town.
Crandon Town.
Freedom Town.
Hiles Town.
Laona Town.
Lincoln Town.
Nashville Town.
Popple River Town.
Ross Town.
Wabeno Town.
Green Lake Town.
Mackford Town.
Marquette Town.
St. Marie Town.
Seneca Town.
Arena Town.
Brigham Town.
Clyde Town.
Dodgeville Town.
Highland Town.
Linden Town.
Mifflin Town.
Mineral Point Town.
Moscow Town.
Pulaski Town.
Waldwick Town.
Anderson Town.
Carey Town.
Gurney Town.
Kimball Town.
Knight Town.
Pence Town.
Saxon Town.
Ahnapee Town.
Carlton Town.
Casco Town.
Franklin Town.
Lincoln Town.
Luxemburg Town.
Red River Town.
West Kewaunee Town.
Argyle Town.
Benton Town.
Darlington Town.
Elk Grove Town.
Fayette Town.
Kendall Town.
Lamont Town.
New Diggings Town.
Seymour Town.
Shullsburg Township.
Wayne Town.
White Oak Springs Town.
Willow Springs Town.
Wiota Town.
Neva Town.
Norwood Town.
Peck Town.
Vilas Town.
Harding Town.
Russell Town.
Somo Town.
Cato Town.
Kossuth Town.
Liberty Town.
Manitowoc Town.
Mishicot Town.
Two Creeks Town.
Two Rivers Town.
Berlin Town.
Brighton Town.
Cassel Town.
Cleveland Town.
Day Town.
Easton Town.
Eau Pleine Town.
Emmet Town.
Franzen Town.
Green Valley Town.
Halsey Town.
Hewitt Town.
Holton Town.
Hull Town.
Johnson Town.
Maine Town.
Marathon Town.
Rib Falls Town.
Reitbrock Town.
Spencer Town.
Wausau Town.
Wien Town.
Buffalo Town.
Crystal Lake Town.

Douglas Town.
Harris Town.
Neshkoro Town.
Newton Town.
Oxford Town
Packwaukee Town.
Shields Town.
Springfield Town.
Angelo Town.
Clifton Town.
Glendale Town.
Grant Town.
Greenfield Town.
Jefferson Town.
Lafayette Town.
New Lyme Town.
Portland Town.
Ridgeville Town.
Scott Town.
Sheldon Town.
Sparta Town.
Wellington Town.
Wells Town.
Wilton Town.
Bagley Town.
Brazeau Town.
Lena Town.
Little River Town.
Maple Valley Town.
Oconto Falls Town.
Spruce Town.
Stiles Town.
Underhill Town.
Clam Falls Town.
Clear Lake Town.
Farmington Town.
McKinley Town.
Akan Town.
Bloom Town.
Buena Vista Town.
Dayton Town.
Eagle Town.
Forest Town.
Henrietta Town.
Ithaca Town.
Marshall Town.
Richwood Town.
Rockbridge Town.
Sylvan Town.
Westford Town.
Avon Town.
Center Town.
Janesville Town.
Johnstown Town.
Lima Town.
Newark Town.
Porter Town.
Rock Town.
Spring Valley Town.
Atlanta Town.
Big Bend Town.
Big Falls Town.
Cedar Rapids Town.
Dewey Town.
Flambeau Town.
Grant Town.
Grow Town.
Hawkins Town.
Hubbard Town.
Lawrence Town.
Murry Town.
Richland Town.
Rusk Town.
South Fork Town.
Strickland Town.
Stubbs Town.
Thornapple Town.
True Town.
Washington Town.
Wilkinson Town.
Willard Town.
Wilson Town.
Baraboo Town.
Bear Creek Town.
Dellona Town.
Delton Town.
Excelsior Town.
Fairfield Town.
Franklin Town.
Freedom Town.
Greenfield Town.
Honey Creek Town.
Ironton Town.
La Valle Town.
Merrimac Town.
Spring Green Town.
Sumpter Town.
Troy Town.
Washington Town.
Westfield Town.
Winfield Town.
Woodland Town.
Radisson Town.
Weirgor Town.
Belle Plaine Town.
Fairbanks Town.
Grant Town.
Green Valley Town
Herman Town.
Morris Town.
Navarino Town.
Pella Town.
Red Spring Town.
Seneca Town.
Waukechon Town.
Hutchins Town.
Greenbush Town.
Lima Town.
Mosel Town.
Aurora Town.
Cleveland Town.
Goodrich Town.
Grover Town.
Holway Town.
McKinley Town.
Maplehurst Town.
Molitor Town.
Taft Town.
Clinton Town.
Coon Town.
Forest Town.
Genoa Town.
Jefferson Town.
Liberty Town.
Stark Town.
Sterling Town.
Union Town.
Viroqua Town.
Wheatland Town.
Whitestown Town.
Lac Du Flambeau Town.
Phelps Town.
Washington Town.
Darien Town.
Delavan Town.
Geneva Town.
Sharon Town.
Barronett Town.
Bashaw Town.
Bass Lake Town.
Beaver Brook Town.
Birchwood Town.
Brooklyn Town.
Casey Town.
Chilog Town.
Crystal Town.
Evergreen Town.
Frog Creek Town.
Gull Lake Town.
Long Lake Town.
Minong Town.
Sarona Town.
Spooner Town.
Springbrook Town.
Stinnett Town.
Stone Lake Town.
Bear Creek Town.
Dupont Town.
Larrabee Town.
Little Wolf Town.
Matteson Town.
Union Town.
Weyauwega Town.
Wyoming Town.
Aurora Town.
Bloomfield Town.
Coloma Town.
Deerfield Town.
Leon Town.
Oasis Town.
Poysippi Town.
Rose Town.
Warren Town.
State=50: 544 Records.
Final totals: 12,142 Records.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RODINO (at the request of Mr. WRIGHT), for today on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SAWYER) to revise and extend their remarks and include extraneous material:)

Mr. SARASIN for 5 minutes today.
Mr. WHALEN for 10 minutes today.
Mr. GRASSLEY for 15 minutes today.
Mr. KEMP for 30 minutes today.
Mr. GREEN for 10 minutes today.

The following Members (at the request of Mr. GLICKMAN), to revise and extend their remarks, and to include extraneous matter to:

Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. DIGGS, for 10 minutes, today.
Mr. ULLMAN, for 5 minutes, today.
Mr. COTTER, for 5 minutes, today.
Mr. CARR, for 5 minutes, today.
Mr. VAN DEERLIN, for 5 minutes, today.
Mr. REUSS, for 30 minutes, today.
Mrs. COLLINS of Illinois, for 5 minutes, today.
Mr. STAGGERS, for 5 minutes, today.
Mr. BRADEMAS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks was granted to:

Mr. COTTER and to include extraneous matter notwithstanding the fact that it exceeds 2 pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $6,323.63.

Mr. PEASE to revise and extend his remarks and have them placed in the body of the RECORD at that point just before the vote on the Vanik amendment.

Mr. NEAL to include extraneous matter immediately following remarks of Mr. GRASSLEY on official U.S. policy on multilateral debt reorganization.

Mr. SYMMS.

Mr. BIAGGI, on the first Vanik amendment to H.R. 12050 in the Committee of the Whole today.

Mr. EVANS of Colorado and to include extraneous matter notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $739.

(The following Members (at the request of Mr. SAWYER), and to include extraneous matter:)

Mr. GILMAN.
Mr. DERWINSKI in two instances.
Mr. DORNAN.

Mr. HAGEDORN.
Mr. PURSELL in three instances.
Mr. LENT.
Mr. KETCHUM.
Mr. MCCLORY in two instances.
Mr. GOODLING in two instances.
Mr. LEACH.
Mr. BOB WILSON in two instances.
Mr. ROUSSELOT in three instances.
Mr. SYMMS.
Mr. ASHBROOK.
Mr. DICKINSON.
Mr. ANDERSON of Illinois.
Mr. STOCKMAN.
Mr. STEIGER.
Mr. GRASSLEY.
Mr. KEMP.
Mr. ARMSTRONG.

(The following Members (at the request of Mr. GLICKMAN) and to include extraneous material:)

Mr. CLAY.
Mr. PEPPER in three instances.
Mr. MAZZOLI in two instances.
Mr. BAUCUS in two instances.
Mr. SIMON.
Mr. OTTINGER.
Mr. HAMILTON in 10 instances.
Mr. BYRON in 10 instances.
Mr. ROSENTHAL in 10 instances.
Mr. SISK.
Mrs. LLOYD of Tennessee in five instances.
Mr. DOWNEY in two instances.
Mr. EDWARDS of California in two instances.
Mr. JACOBS.
Mr. GUDGER in two instances.
Mr. DICKS.
Mr. EILBERG in 10 instances.
Mrs. BURKE of California.
Ms. OAKAR.
Mr. Moss in two instances.
Mr. NOLAN.
Mr. SOLARZ.
Mr. JONES of Oklahoma.
Mr. RISENHOOVER in two instances.
Mr. WALGREN.
Mr. EDGAR.
Mr. BENJAMIN.
Mr. PATTISON of New York.

ENROLLED BILL SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 11657. An act to amend the Central, Western, and South Pacific Fisheries Development Act to increase the appropriation authorization through fiscal year 1982, to expand the United States fisheries development effort, and to cooperate in the formation and research of the South Pacific regional fishery agency, and for other purposes.

ADJOURNMENT

Mr. GLICKMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Friday, June 2, 1978, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4306. A letter from the Mayor of the District of Columbia, transmitting a plan for the development of improved services for alcoholics in the District of Columbia, pursuant to Public Law 90–452; to the Committee on the District of Columbia.

4307. A letter from the Secretary of Housing and Urban Development, transmitting reports of three new records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4308. A letter from the acting chairman and the president, U.S. Railway Association, transmitting the second annual report on the performance of the Consolidated Rail Corporation, pursuant to section 307(b) of the Regional Rail Reorganization Act of 1973, as amended; to the Committee on Interstate and Foreign Commerce.

4309. A letter from the Secretary of Commerce, transmitting the annual report of the Economic Development Administration for fiscal year 1977, pursuant to section 707 of the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works and Transportation.

4310. A letter from Architect of the Capitol, transmitting a report on his expenditures during the period October 1, 1977, through March 31, 1978, pursuant to section 105(b) of Public Law 88–454, as amended; to the Committee on Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REUSS: Committee on Banking, Finance and Urban Affairs. H.R. 9486. A bill to authorize a contribution by the United States to the Tin Buffer Stock established under the Fifth International Tin Agreement; with amendment (Report No. 95–1057, Pt. III). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Iowa: Committee on Small Business. Report on Small Business Committee allocation of budget totals to subcommittees for fiscal year 1979 (Rept. No. 95–1235). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 945. Joint resolution making an urgent supplemental appropriation for the black lung program of the Department of Labor for the fiscal year ending September 30, 1978 (Rept. No. 95–1236). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURPHY of New York: Committee on Merchant Marine and Fisheries. H.R. 185. A bill to amend section 2632 of title 10, United States Code, to provide the Secretary of the department in which the Coast Guard is operating with the authority to transport Coast Guard employees to and from certain places of employment (Rept. No. 95–1237). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURPHY of New York: Committee on Merchant Marine and Fisheries. H.R. 188. A bill to amend the Intervention on the High Seas Act to implement the Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other Than Oil, 1973; with amendment (Rept. No. 95–1238). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. Report on Appropriations Committee recommendations compared with the allocation of budget totals to the Appropriations Committee for fiscal year 1979 (Rep. No. 95–1239). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on foreign tax credits claimed by U.S. petroleum companies (Rept. No. 95–1240). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. H.R. 12196. A bill to provide for cost-of-living adjustments in the annuity of a retired Comptroller General and for other purposes (Rept. No. 95–1241). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 12252. A bill to amend title 38 of the United States Code in order to require the Administrator of Veterans' Affairs to pay a $150 allowance to any State or any agency or political subdivision of a State in reimbursement for expenses incurred in the burial of each veteran in any cemetery owned by such State or agency or political subdivision of a State, if the cemetery or section thereof is used solely for the interment of veterans (Rept. No. 95–1242). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS. Committee on Veterans' Affairs. H.R. 12258. A bill to amend title 38, United States Code, to increase the maximum amount which the Administrator of Veterans' Affairs may pay for the funeral expenses of a veteran from $250 to $350 (Rept. No. 95–1243). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 12257. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to furnish cemetery memorial headstones or markers to commemorate veterans who die after being honorably discharged and whose remains are not recovered or identified (Rept. No. 95–1244). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 12261. A bill to pay tribute to those members of the U.S. Armed Forces who served honorably in Southeast Asia during the Vietnam conflict (Rept. No. 95–1245). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCKAY: Committee on Appropriations. H.R. 12927. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1979, and for other purposes (Rept. No. 95–1246). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEVILL: Committee on Appropriations. H.R. 12928. A bill making appropriations for public works for water and power development and energy research for the fiscal year ending September 30, 1979, and for other purposes (Rept. No. 95–1247). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLOOD: Committee on Appropriations. H.R. 12929. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1979, and for other purposes (Rept. No. 95–1248). Referred to the Committee of the Whole House on the State of the Union.

Mr. STEED: Committee on Appropriations. H.R. 12930. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1979, and for other purposes (Rept. No. 95–1249). Re-

ferred to the Committee on the Whole House on the State of the Union.

Mr. LONG of Maryland: Committee on Appropriations. H.R. 12931. A bill making appropriations for Foreign Assistance and related programs for the fiscal year ending September 30, 1979, and for other purposes (Rept. No. 95–1250). Referred to the Committee of the Whole House on the State of the Union.

Mr. YATES: Committee on Appropriations. H.R. 12932. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1979, and for other purposes (Rept. No. 95–1251). Referred to the Committee of the Whole House on the State of the Union.

Mr. McFALL: Committee on Appropriations. H.R. 12933. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1979, and for other purposes (Rept. No. 95–1252). Referred to the Committee of the Whole House on the State of the Union.

Mr. SLACK: Committee on Appropriations. H.R. 12934. A bill making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1979, and for other purposes (Rept. No. 95–1253). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHIPLEY: Committee on Appropriations. H.R. 12935. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1979, and for other purposes (Rept. No. 95–1254). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLAND: Committee on Appropriations. H.R. 12936. A bill making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1979, and for other purposes (Rept. No. 95–1255). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 1212. Resolution providing for the consideration of H.R. 11493. A bill to amend the Rail Passenger Service Act to extend the authorization of appropriations for an additional fiscal year, to provide for public consideration and implementation of a rail passenger service study, and for other purposes (Rept. No. 95–1256). Referred to the House Calendar.

Mr. MEEDS: Committee on Rules. House Resolution 1213. Resolution providing for the consideration of H.R. 12250. A bill to designate the Boundary Waters Canoe Area Wilderness, to establish the Boundary Waters Canoe Area National Recreation Area, and for other purposes (Rept. No. 95–1257). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 1214. Resolution providing for the consideration of H.R. 12433. A bill to amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes (Rept. No. 95–1258). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1215. Resolution providing for the consideration of H.R. 12505. A bill to provide for a research, development, and demonstration program to determine the feasibility of collecting in space solar energy to be transmitted to Earth and to generate electricity for domestic purposes (Rept. No. 95–1259). Referred to the House Calendar.

Mr. PERKINS: Committee on Education and Labor. Report pursuant to section 302 (6) of the Congressional Budget Act of 1974 (Rept. No. 95–1260). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS:

H.R. 12915. A bill to amend section 2301 of title 44, relating to the National Archives Trust Fund Board; to the Committee on Government Operations.

By Mr. DERRICK (for himself, Mr. DAVIS, Mr. MITCHELL of Maryland, Mr. BONIOR, Mr. MAGUIRE, Mr. FLOOD, and Ms. MIKULSKI):

H.R. 12916. A bill to provide in cooperation with the States benefits to individuals who are totally disabled due to employment-related byssinosis and to the surviving dependents of individuals whose death was due to such disease or who were totally disabled by such disease at the time of their death; to the Committee on Education and Labor.

By Mr. FITHIAN (for himself, Mr. WAMPLER, Mr. CORNWELL, Mr. RICHMOND, Mr. BEVILL, Ms. KEYS, Mr. JOHNSON of Colorado, Mr. GLICKMAN, Mr. THONE, Mr. WINN, Mr. COHEN, Mr. VOLKMER, and Mr. MARLENEE):

H.R. 12917. A bill directing the Secretary of Agriculture to compile and publish certain information relating to the adequacy of a transportation system to meet the needs of agriculture and rural development in the United States, and for other purposes; to the Committee on Agriculture.

By Mr. FOWLER:

H.R. 12918. A bill to amend title 23 of the United States Code to provide additional exemptions to States from requirements to make refunds to the highway trust fund by reason of a withdrawal of approval of a route or portion thereof on the Interstate System; to the Committee on Public Works and Transportation.

By Mr. LEGGETT (for himself, Mr. FORSYTHE, and Mr. BONKER):

H.R. 12919. A bill to amend the Fishery Conservation and Management Act of 1976 in order to increase the voting membership of the Pacific Regional Fishery Management Council, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MICHEL (for himself, Mr. AUCOIN, Mr. D'AMOURS, Mr. DEVINE, Mr. FORSYTHE, Mr. FLORIO, Mr. GOLDWATER, Mr. GUYER, Mrs. HOLT, Mr. HUGHES, Mr. JOHNSON of California, Mr. KETCHUM, Mr. MCEWEN, Mr. MADIGAN, Mr. MURPHY of Pennsylvania, Mr. MURTHA, Mr. PATTEN, Mr. RINALDO, Mr. RUPPE, Mr. SISK, Mr. STEIGER, Mr. STOCKMAN, Mr. WALSH, Mr. BOB WILSON, and Mr. WINN):

H.R. 12920. A bill to promote and coordinate amateur athletic activity in the United States, to recognize certain rights for U.S. amateur athletes, to provide for the resolution of disputes involving national governing bodies, and for other purposes; to the Committee on the Judiciary.

By Mr. NICHOLS:

H.R. 12921. A bill to amend the Internal Revenue Code of 1954, as amended so as to exempt subsistence allowances of law enforcement officers of the United States from from Federal income taxes; to the Committee on Ways and Means.

By Mr. PURSELL:

H.R. 12922. A bill to establish a National Energy Trust Fund, and to provide for the use of such fund by the Secretary of Energy in conducting and supporting research, development, and demonstrations designed to develop alternative energy sources; to the Committee on Science and Technology.

By Mr. ROYBAL (for himself, Mr. DELANEY, and Mr. WAXMAN):

H.R. 12923. A bill to establish uniform procedures for and regulate the procurement, production, and distribution of audiovisual materials by all Federal agencies; to the Committee on Government Operations.

By Mrs. SPELLMAN (by request):

H.R. 12924. A bill to amend chapter 87 of title 5, United States Code, to increase the amounts of regular and optional group life insurance available to Federal employees and provide optional life insurance on family members; to the Committee on Post Office and Civil Service.

By Mrs. SPELLMAN (for herself and Mr. GILMAN):

H.R. 12925. A bill to provide that legislation appropriating funds for payment of pay to Federal employees shall be enacted separately from other legislation; to the Committee on Rules.

By Mr. YOUNG of Florida:

H.R. 12926. A bill to amend the Food Stamp Act of 1977 to provide that individuals who participate in psychiatric residential treatment programs shall be eligible to receive food stamps; to the Committee on Agriculture.

By Mr. McKAY:

H.R. 12927. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1979, and for other purposes.

By Mr. BEVILL:

H.R. 12928. A bill making appropriations for public works for water and power development and energy research for the fiscal year ending September 30, 1979, and for other purposes.

By Mr. FLOOD:

H.R. 12929. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1979, and for other purposes.

By Mr. STEED:

H.R. 12930. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1979, and for other purposes.

By Mr. LONG of Maryland:

H.R. 12931. A bill making appropriations for Foreign Assistance and related programs for the fiscal year ending September 30, 1979, and for other purposes.

By Mr. YATES:

H.R. 12932. A bill making appropriations for the Deparment of the Interior and related agencies for the fiscal year ending September 30, 1979, and for other purposes.

By Mr. McFALL:

H.R. 12933. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1979, and for other purposes.

By Mr. SLACK:

H.R. 12934. A bill making appropriations for the Department of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1979, and for other purposes.

By Mr. SHIPLEY:

H.R. 12935. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1979, and for other purposes.

By Mr. BOLAND:

H.R. 12936. A bill making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1979, and for other purposes.

By Mr. JACOBS (for himself, Ms. KEYS, Mr. MIKVA, Mr. CHARLES WILSON of Texas, Mr. EVANS of Indiana, Mr. HAMILTON, Mr. SHARP, Mr. AUCOIN, Mr. FRENZEL, Mr. MATTOX, Mr. FITHIAN, Mr. SIMON, Mr. CAVANAUGH, Mr. MCCLOSKEY, Mr. KOSTMAYER, Mr. GEPHARDT, Mr. UDALL, and Mr. WALGREN):

H.R. 12937. A bill to eliminate the exemption for Congress or for the United States

from the application of certain provisions of Federal law relating to employment, privacy, and social security and for other purposes; jointly, to the Committees on Education and Labor, Government Operations, and Ways and Means.

By Mr. MARRIOTT (for himself, Mr. ARMSTRONG, Mr. BAUMAN, Mr. EDWARDS of Oklahoma, Mr. HANSEN, Mr. JOHNSON of Colorado, Mr. KAZEN, Mr. LUJAN, Mr. MCDADE, Mr. MURPHY of Pennsylvania, Mr. RHODES, Mr. RONCALIO, Mr. RUDD, Mr. RUNNELS, Mr. RUPPE, Mr. SKUBITZ, Mr. STUMP, Mr. SYMMS, and Mr. WEAVER):

H.R. 12938. A bill to provide grants to States for the restoration of abandoned uranium mill sites and to require the Secretary of Energy to restore such sites if the States fail to do so; jointly, to the Committee on Interior and Insular Affairs, and Interstate and Foreign Commerce.

By Mr. NOLAN (for himself, Mr. FRASER, Mr. OBERSTAR, Mr. SPENCE, Mr. TRAXLER, Mr. WRIGHT, and Mr. YOUNG of Texas):

H.R. 12939. A bill to provide for the establishment of a board which will establish and administer agricultural production and marketing programs, and for other purposes; jointly, to the Committees on Agriculture, International Relations, Interstate and Foreign Commerce, and Ways and Means.

By Mr. STUMP (for himself, Mr. TREEN, Mr. WHITLEY, Mr. KEMP, and Mr. GUYER):

H.R. 12940. A bill to remove residency requirements and acreage limitations applicable to land subject to reclamation law; to the Committee on Interior and Insular Affairs.

By Mr. HALL:

H.J. Res. 954. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; and to provide for the systematic paying of the national debt; to the Committee on the Judiciary.

By Mr. ASHBROOK (for himself, Mr. BEARD of Tennessee, Mr. BRECKINRIDGE, Mr. DAVIS, Mr. DEVINE, Mr. EVANS of Indiana, Mr. FITHIAN, Mr. KAZEN, Mr. KRUEGER, Mr. WHITTEN, Mr. MITCHELL of New York, Mr. MOLLOHAN, and Mr. MURTHA):

H. Con. Res. 636. Concurrent resolution disapproving proposed regulations of the Department of the Treasury requiring centralized registration of firearms and other matters; jointly, to the Committees on the Judiciary, and Ways and Means.

By Mr. ZEFERETTI (for himself, Mr. BADHAM, Mr. CHAPPELL, Mr. DERWINSKI, Mr. DEVINE, Mr. DORNAN, Mr. ICHORD, Mr. KEMP, Mr. KINDNESS, Mr. LENT, Mr. MATHIS, Mr. MCDONALD, Mr. WHITEHURST, Mr. WHITLEY, Mr. BOB WILSON, and Mr. CHARLES WILSON of Texas):

H. Con. Res. 637. Concurrent resolution calling for the dismissal of indictments against three high-ranking former Federal Bureau of Investigation officials; jointly, to the Committees on the Judiciary and the Select Committee on Intelligence.

MEMORIALS

Under clause 4 of rule XXII,

423. The SPEAKER presented a memorial of the Legislature of the State of California, relative to Federal dam safety programs; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HORTON:

H.R. 12941. A bill for the relief of Mordechai Dror; to the Committee on the Judiciary.

By Mr. LAGOMARSINO:

H.R. 12942. A bill for the relief of CM Sgt. Bernard V. Krall, U.S. Air Force, retired; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 12943. A bill for the relief of Eun Kyung Cho and Hei Kyung Cho; to the Committee on the Judiciary.

By Mr. MOORHEAD of California:

H.R. 12944. A bill for the relief of Alexandre J. Aubry; to the Committee on the Judiciary.

By Mr. WYLIE:

H.R. 12945. A bill for the relief of Arthur J. Abshire; to the Committee on Merchant Marine and Fisheries.

By Mr. YOUNG of Florida:

H.R. 12946. A bill for the relief of Mr. Martin R. Goodall, his wife Mary and their sons, James and Dan Schrey; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause I of rule XXII,

473. The SPEAKER presented a petition of the New England Regional Commission, Boston, Mass., relative to location of a regional petroleum reserve, which was referred to the Committee on Interstate and Foreign Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 15

By Mr. BIAGGI:

—Page 217, line 20. strike out the close quotation marks and the period thereafter and insert immediately after such line the following new part:

"Part H—Special Grants for Safe Schools

"PURPOSE

"SEC. 699A. The purpose of this part is to provide financial assistance to aid local educational agencies through the Nation to meet special needs incident to providing security for children, employees, and facilities in elementary and secondary schools by reducing and preventing crimes against them and to assure that crimes committed in schools are reported to local law enforcement agencies.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 699B. There is authorized to be appropriated $15,000,000 for the fiscal year ending September 30, 1979, and such sums as may be necessary for each of the four succeeding fiscal years to carry out this part.

"ALLOTMENTS TO LOCAL EDUCATIONAL AGENCIES

"SEC. 699C. (a) Within 180 days after the date of enactment of the Education Amendments of 1978, the Commissioner shall identify and report to the Congress the 15 local educational agencies which have the highest incidence of crime in the schools served by such agency.

"(b) The sums appropriated to carry out this part for a fiscal year shall be allotted by the Commissioner among the local educational agencies identified pursuant to subsection (a) in a manner which gives consideration to the following criteria:

"(1) the need for assistance, taking into account such factors as—

"(A) the reported incidences of violent crimes committed against students, faculty, or other school personnel or officials;

"(B) the extent and impact upon elementary and secondary education of crime in the schools of the district to be served;

"(C) the financial need of such local educational agency;

"(D) the expense and difficulty of effectively carrying out a plan described in section 699D(a) in such school district; and

"(E) the degree to which measurable deficiencies in the quality of public education afforded in such district exceed those of other school districts within the State;

"(2) the degree to which the plan described in section 699D(a), and the program or project to be assisted, are likely to effect a decrease in crime in the schools;

"(3) the degree to which a local educational agency has developed administrative guidelines requiring reporting to local law enforcement agencies of all crimes committed in schools under their jurisdiction; and

"(4) the degree to which employees of the local educational agency report crimes committed in schools to local law enforcement agencies.

"APPLICATION

"SEC. 699D. (a) A local educational agency may receive a grant under this part for any fiscal year only upon application therefor approved by the Commissioner, with the consent of the appropriate State educational agency, upon the Commissioner's determination that the local educational agency has adopted and is implementing, or will, if assistance is made available to it under this part, adopt and implement, a plan to reduce crime and increase the safety and security of the students, employees, and facilities of its elementary and secondary schools through programs and projects designed to carry out the purpose of this part, including—

"(1) the provision of additional professional or other staff members (including staff members specially trained in problems incident to crime control) and the training and retraining of staff for schools which are affected by such a plan;

"(2) provision of information to parents and other members of the general public incident to the development or to the implementation of such plan;

"(3) the adoption of administrative guidelines requiring educational staff to promptly report all crimes occurring in school or in school buildings to local law enforcement agencies;

"(4) planning and evaluation activities;

"(5) acquisition, installation, modernization, or replacement of appropriated equipment and supplies;

"(6) minor alterations of school plants and facilities; and

"(7) other specially designed programs or projects that meet the purpose of this part.

"(b) The Secretary shall promulgate such regulations as may be necessary to provide for the suspension of funding under this part to any local educational agency which the Secretary determines has not complied with the requirement of subsection (a)(3)."

Conform the table of contents accordingly.

H.R. 15

By Mr. BUCHANAN:

—On page 268, line 11, add ", Franco-American" after "Hispanics".

H.R. 15

By Mr. CORRADA:

—Page 232, line 11, insert the following subsection:

"3(A) the Commissioner shall reserve from the amount not reserved pursuant to clause 3 of this paragraph such amounts as may be necessary, but not in excess of 1 per centum thereof, for the purposes of section 732."

—Page 275, line 8, insert the following after the word "employees.":

"Dependents of excepted service professional employees of the schools shall be eligible to attend the schools."

EXTENSIONS OF REMARKS

THE DISCOVER AMERICA INTERNATIONAL POW WOW

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. ANDERSON of California. Mr. Speaker, the Ninth Annual Discover America International Pow Wow held in St. Louis last September attracted more than 400 travel experts from some 60 foreign countries and the interest it aroused throughout the world resulted in an estimated $100 million in travel business for the United States.

This international event was organized by DATO—Discover America Travel Organization—with the support of 288 U.S. firms which supplied "Discover America—Visit U.S.A." Travel accommodations, goods, and services to help further the growth and improvement of tourism in this country.

A highlight of the September meeting was an address by F. C. "Bud" Wiser, former president of Pan Am which I should like to include in the RECORD for the benefit of all Members of the House and their constituents who may be less than fully aware of the great tourism opportunities that exist within our own national borders. As chairman of the Aviation Subcommittee of the House Committee on Public Works and Transportation, I believe, too, that Mr. Wiser's comments will be of great value to the Members in considering the Air Service Improvement Act of 1978 which will be brought to the floor during this session.

Address follows:

DISCOVER AMERICA INTERNATIONAL POW WOW

Thank you for the invitation to join with you today.

It seems particularly appropriate that you are meeting this year in St. Louis, the city which had leaders foresighted enough to finance a young aviator's dream of conquering the North Atlantic, alone and nonstop, just 50 years ago.

Charles Lindbergh's flight was a notable human achievement. But its ramifications were far greater than one man's courageous act. The flight of the Spirit of St. Louis captured the world's imagination. People for the first time began to recognize the possibility of development of peaceful aviation. Public support and private capital became abundantly available.

The air age was born.

The seed of mass international tourism was planted.

Today, we have gathered from all over the world to generate tourism, specifically tourism to the United States, in the ongoing effort to introduce people of the world to our land and to guarantee that our product provides what it promises. And, I think it safe to say, to see to it that we all make a little money doing so.

The Discover America Travel Organizations, with the support of the United States Travel Service, are prime vehicles for fulfilling this mission. I would like to take this occasion to congratulate Fabian Chavez for his appointment as assistant secretary of commerce for tourism and to wish him and his associate Jeanne Westphal every success in carrying forward the work of the USTS.

The DATO Discover America International Pow Wows are the prime forum for continued stimulation of the VISIT USA program.

Pan Am, incidentally, worked closely with the Discover America International Committee in organizing and conducting the Brussels Mission to Europe in 1968 and has been an enthusiastic supporter of DATO from its inception.

Delegates at Brussels realized that organized, face-to-face communications between the suppliers of travel goods and services in the U.S. and international producers of tourism would be productive for all concerned from a business standpoint and for keeping the dialogue that had been opened going.

The first Pow Wow was held in New York in 1969, with 67 representatives from ten European countries meeting with 68 U.S. firms. The following year, Latin America was added to the network. The first world conference convened in Chicago in 1971.

Participation has increased rapidly. Bill Toohey tells me that this year he expects a total of 1,600 people to attend this ninth annual Pow Wow. They represent 60 countries and 288 firms occupying some 340 booths, along with other members of the travel community and foreign and U.S. press. Bill also reports that hundreds of millions of dollars of business have been initiated or transacted in your recent sessions compared with hundreds of thousands at the first Pow Wow.

It seems safe to conclude that the Brussels group seized upon an idea whose time had come and that operation of the Discover America International Pow Wow, with the constant cosponsorship and support of the USTS, has transformed this idea into a dynamic reality.

The Brussels Conference also set objectives that needed to be met if the United States was to realize its potential as a tourist attraction. Since then, considerable progress has been made toward achieving these goals.

The Brussels gathering identified specific concerns that Europeans had about visiting the United States—particularly concerns that tourists would not be welcome and that prices would be too high.

Since 1968, the U.S. has indeed become a more hospitable place to visit, as many of our guests have remarked, particularly on the occasion of the Bicentennial's Operation Sail.

Basically, we have finally admitted to ourselves that not everybody speaks our language and have taken steps to extend a more cordial welcome to our non-English-speaking visitors. Among the actions that come to mind are:

Multilingual college students provide language services at our major gateways;

Hotel chains have introduced language capability programs;

Multilingual signs have been installed at airports and in the national parks;

People who provide handling services have become more proficient in foreign languages;

More and more tours cater to one language group, and

Travel experts who staff the toll-free Travelphone USA, a joint USTS, Travelodge and Pan Am venture, are equipped to answer, in seven languages, virtually any question a foreign visitor may have.

What has happened to prices the world over in the past nine years is no secret. However, it is encouraging to note that in an otherwise gloomy survey of the world economic scene, the International Monetary Fund recently reported that the United States is among the three nations which have done the best job of containing inflation. The other two, incidentally, are also travel-oriented countries—Germany and Japan.

The airlines have been in the forefront in the drive to restrain price increases, and the airlines have achieved this primarily through the continuing application of new technology.

Consider a few statistics. The U.S. consumer price index has risen 136 percent since 1948—U.S. airline air fares 27 percent. The consumer price index here has climbed 75 percent in the past ten years—international air fares 40 percent. The price of owning and operating an automobile has gone up 63 percent in the same period, the price of food 180 percent. In real terms, the price of scheduled airline service across the North Atlantic actually has decreased 44 percent since 1963.

Pan Am has long advocated the lowest possible economic fares, as the way to expand the market for international travel. It was Pan Am, in fact, which led an otherwise reluctant industry into transatlantic tourist fares in 1952. More recently, Pan Am has proposed budget fares for the Atlantic and supported reductions in APEX tariffs. As you know, the Civil Aeronautics Board scuttled the APEX filing for the Atlantic and directed us to up the price of the reserved-seat budget fare. We have done so and the fare was approved.

Both of these fares serve the objectives that Pan Am has been pursuing for a long time—using our scheduled services to offer the pleasure traveler low fares that simultaneously give us added revenues to hold down the level of fares for the business traveler. We shall continue to pursue these objectives.

Containment of price and development of new business has also been of concern to the U.S. domestic travel industry. Foreign visitors today have a wide variety of discounts available on domestic airlines, on Amtrak and on the bus lines.

European travel producers at Brussels stressed the need for higher commissions. The IATA airlines have since agreed to an increase in the basic point-to-point commission from seven to eight percent. Support of tour operators has also been greatly liberalized, with obviously positive results.

The efforts to attract foreign visitors, including those from Canada and Mexico, are paying off. In 1968, the U.S. hosted 12,000,000 visitors who spent $2 billion. Last year we entertained 17,454,000 foreign visitors who spent $5.8 billion in the U.S. and another $1 billion for U.S.-flag carrier service. Noted travel writer and consultant William D. Patterson notes that this makes "the United States the globe's Number 1 destination in terms of $6.8 billion earned from foreign tourism." The figures continue to climb; the USTS predicts there will be 18,600,000 foreign visitors this year, who will spend an estimated $7.4 billion.

As is typical of all highly developed countries, U.S. citizens continue to spend more abroad than we earn from foreigners. However, last year the travel deficit narrowed to $2.7 billion from $3.1 billion in 1975; this was the smallest deficit since 1970.

Statements or insertions which are not spoken by the Member on the floor will be identified by the use of a "bullet" symbol, i.e., ●

The number of overseas visitors also continues to grow. In 1968 there were 1,800,000, and they spent $640,000,000. Last year there were 4,500,000, a 20 percent increase over 1975. These people spent $2.4 billion, a 30 percent increase over the previous year.

DATO and the USTS are to be congratulated on their role in this accomplishment. So is the travel agent/tour operator industry, whose impact is indicated by the fact that in 1976 travel agency sales in the U.S. alone were nearly $15 billion. We know from our own experience the crucial role agents play in our business. This was underscored by a recent survey of Canadian vacation travel patterns. In 1976, 20 percent of the people planning trips consulted an agent, up from seven percent in 1970. Seventy-three percent of those planning an overseas trip and 83 percent of those buying a package tour took advantage of the services travel agents provide.

The USTS also deserves high marks for its efforts in promoting international tourism and in making visitors more welcome. We strongly support the USTS in its campaign to increase its budget, and we would urge that additional monies be channeled into increased advertising and promotion and into opening more offices abroad in the most promising markets.

While today's numbers are impressive, the United States is now only on the verge of establishing a mass market for tourism, particularly from abroad. I submit that now is the time for the U.S. travel industry, working through DATO, to set new objectives and develop new programs.

Various new approaches have been suggested, and I trust that they will be the subject of lively discussion here this week. Some possibilities the industry might want to consider include:

Discover America/VISIT USA weeks to bring together travel suppliers and producers could be organized in specific markets;

Travel showcases featuring travel industry exhibits that bring the product to the trade and consumer market could be developed for regions, states and cities;

The Pow Wow approach could be adopted to stimulate convention business through introducing meeting organizers to U.S. sites and facilities;

Better information systems could lead to greater attendance at conventions and trade shows and fairs in the U.S.;

Perhaps most importantly, DATO chapters could be established in other countries around the world to maintain constant VISIT USA efforts.

I have probably just scratched the surface. But let us begin to expand our thinking. We at Pan Am stand ready and eager to participate indeveloping new ideas and implementing new programs.

Over the years the airlines have played three major roles in the development of the tourist industry: enhancement of the quality of life, creation of jobs, and development of technology to bring fares within the reach of the average person.

The social and educational values of travel have been known, albeit dimly, perhaps since the first prehistoric man wondered what was to be found outside his own valley and climbed the hill to look. In the Book of Daniel we read, "many shall run to and fro, and knowledge shall be increased."

During the last quarter of this century, international travel will enrich life on a scale never before possible. The tourist industry is the largest quality-of-life enhancer the world has ever seen.

Major responsibilities in the development of this phenomenon has fallen on the world's airlines, for they have used technology to conquer the obstacles of distance and of price. However, while airlines make it possible for the average man and woman to travel between continents, airlines do not compel them to do so. Airlines are the method, not the motive.

Futurologist Herman Kahn recently wrote: "People seem to have an almost insatiable deside to travel; and for increasing numbers the money and time available for travel have been growing, while the facilities for traveling have become more convenient and less expensive."

T. A. Wilson, chairman of the Boeing Company, has stated: "Until recent times most of us relied on explorers, missionaries, military personnel or news media representatives to make the unfamiliar portion of our world more familiar. Air travel now provides the means for all to participate directly in the process. In effect, what Marco Polo did in 1272 A.D., thousands now do daily. Before the end of this century, the number will increase to millions."

All this activity creates jobs. The IATA member airlines employ some 840,000. But this is just the nucleus. All airlines must buy supplies ranging from paper napkins to aircraft. All airlines must rely on the travel services and support industries.

No one has ever added up worldwide totals. However, we have some indicative samples. For instance, the sales volume of U.S.-built widebodies—the 747's, DC–10's and 1011's—has amounted to $15.5 billion to date. Of that sum, about $9 billion represents payroll. The U.S. Department of Commerce has calculated that for each $1 of sales of completed aircraft, $2.19 is generated in sales for all the companies that supply its component parts.

DATO estimates that travel in the U.S. generates 3,800,000 jobs directly, with payroll of $22 billion and an additional 2,000,000 indirectly. Employment in the travel industry over the past two decades has grown more than twice as fast as overall nonagricultural employment, and has proved remarkably recession-proof.

Travel industry jobs depend on economic air transport and economic air transport depends, in turn, on aeronautical technology and airline efficiency.

The purpose of improved aeronautical technology, in terms of airline goals, is to provide superior economic performance as well as superior technical performance. Thus, the first long-range jets offered economic performance far superior to the piston-engined airliners they replaced. In turn, the wide-body 747 provided even better economics.

When the 747 went into service in 1970, its direct operating costs were about one-third of those of the piston-engined airplanes in service 20 years earlier—and about half those of the 707. The 747 engine is about 30 percent more fuel efficient than the original 707 engine, and the 747 overall is just about three times as productive as the most efficient 707.

Figures like those explain why the rate of increase in air fares has been less than the rate of increase in the price of most goods and services. Also that relatively low rate of increase helps to explain why air travel, domestic and international, has grown so rapidly.

The world airlines as a group recently entered a new era. The petroleum crisis dealt them a grievous blow from which they have not recovered. More than ever, they need to acquire improved technology in order to offset higher costs. Short term, they need to replace obsolescent airliners with more efficient modern ones. Long term, they need to be able to acquire advanced technology that is on the shelf but not yet embodied in airliners—airliners that will be as great an improvement over the 747 as the 747 was over the 707.

Let me reemphasize that the ability to buy new technology has been a principal factor in keeping fares down. It will be a principal factor for the future. The purchase of new technology must be financed either by taxes or by airline earnings. The preferable way is earnings. The consumer of air transportation and the supplier of transportation services have a stake in air line earnings high enough to improve service and to contain fare increases.

That is tomorrow's challenge.

Today's challenge is to expand tourism to help generate earnings to meet tomorrow's needs.

That's what the Pow Wow is all about and I wish you the most successful Pow Wow yet.

I am sure that Charles Lindbergh would have applauded your activities. He was a lifelong apostle of the peaceful uses of aviation to promote world commerce and understanding among all the peoples of the world.●

NATIONAL SECURITY AND WORLD PEACE

Hon. Theodore M. (Ted) Risenhoover

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. RISENHOOVER. Mr. Speaker, I have today received a letter—like perhaps several of my colleagues—from five former Supreme Allied Commanders of NATO. It is a very ominous and important message concerning our national security and world peace.

I am on the record voting for the removal of the embargo on arms for Turkey and, after reading this letter, I hope that my colleagues will share in this view.

I include this letter in the RECORD:

WASHINGTON, D.C.
June 1, 1978.

Hon. TED RISENHOOVER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RISENHOOVER: As former Supreme Allied Commanders of the North Atlantic Alliance, we are deeply concerned by the damaging consequences of the U.S. arms embargo on Turkey for United States and NATO security. We view with alarm the deterioration in NATO's southern flank caused by the sharp decline in Turkish military capabilities and the increasing alienation of Turkey from the United States. Should Turkey, as a result of the embargo, turn away from this country and reduce or terminate its commitment to NATO, the whole of Southeastern Europe and the Middle East would become more vulnerable to Soviet military pressure.

Turkey is vitally important to our Western collective security in that it (1) controls the passage of Soviet war vessels from the Black Sea to the Mediterranean; (2) houses large numbers of strategically important U.S. and NATO facilities, some of which are uniquely situated for collecting intelligence on Soviet military activities; (3) provides an air defense warning critical to the operation of our Sixth Fleet in the Mediterranean; and (4) provides a major contribution of army forces to NATO. The continued adherence of Turkey to the West is particularly important to Greece. If Turkey were detached from NATO, Greece would be surrounded by neutral and Communist states and would be less able to deter or prevent Soviet political or military advances.

It is imperative, therefore, to stimulate a resolution of the differences between our two Eastern Mediterranean allies, Greece and Turkey, and to promote a just and humane

Cyprus settlement in a way that does not undermine U.S. and NATO security. Our need for our Western defensive alliance is now greater than ever in light of the ominous Soviet military build-up in Europe of recent years. We, therefore, strongly support the lifting of the embargo on arms for Turkey.

Sincerely,

ANDREW J. GOODPASTER,
LYMAN L. LEMNITZER,
LAURIS NORSTAD,
ALFRED M. GRUENTHER,
MATTHEW B. RIDGWAY.●

MARIO BIAGGI SPEAKS OUT FOR RULE OF LAW IN CYPRUS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. WOLFF. Mr. Speaker, I and a number of my colleagues in the House are most concerned by the administration's proposal to lift the congressionally imposed arms embargo against Turkey. The actions of the Senate Foreign Relations Committee opposing this action was an important step but the issue is by no means resolved.

On April 16, in an impressive and impassioned demonstration some 10,000 to 15,000 Greek-Americans gathered in Lafayette Park to protest the lifting of the embargo and calling for adherence to the rule of law in Cyprus.

A featured speaker at the rally was my colleague MARIO BIAGGI from New York, one of the staunchest supporters of the arms embargo and responsible for the amendment to the Foreign Assistance Act of 1974 which provided the first U.S. commitment of funds for rehabilitation aid to Cyprus. His statement provides a clear perspective of the issues involved and deserves the close attention of my colleagues.

Mr. BIAGGI's statement follows:

STATEMENT OF THE HONORABLE MARIO BIAGGI—APRIL 16, 1978

It was almost four years ago when Turkey, in an act of immoral and illegal aggression invaded Cyprus. To this day Turkey continues to occupy more than 40 percent of Cyprus and control a much higher percentage of its key industries. Three years ago, the United States Congress in response to these ruthless actions voted to impose an embargo on further U.S. military arms and assistance to Turkey for it was some of this aid which was used to invade Cyprus. I was proud to have been one of the main advocates of the legislation and felt it demonstrated to the world the Congress' belief in the rule of law.

This Administration has proposed a lifting of the arms embargo due to fear that Turkey will make good on her threat to close all U.S. military bases. Yet the fact is the illegality and immorality which prompted the arms embargo has not diminished. Turkey continues to illegally control a sizable portion of Cyprus. Human rights violations are continuing—thousands of Greek Cypriots remain refugees on their home land living lives of despair—some 2000 Greek Cypriots remain missing having been that way since the invasion. Yet the United States, the new champion of human rights has chosen to overlook this situation and instead take an action which will have the effect of sanctioning the status quo on Cyprus.

The question of human rights on Cyprus is of deep concern to me. A recent communication to the United Nations by Mr. Joseph J. Stephanides, Charge d'Affairs of the Permanent Mission of Cyprus to the United Nations portrayed graphically the extent to which human rights of violations exist in Cyprus. Mr. Stephanides stated "the living conditions of the enclaved Greek Cypriot inhabitants in the areas of the Republic under Turkey's military occupation have recently become unbearable as a result of unthinkable inhuman practices which they systematically employ . . . These are medieval conditions of horror, torture and continuous harassment." Mr. Stephanides appealed to the world community when he states, "There can hardly be any justification for inaction and apathy of the face of the impartially documented and internationally verified gross violations of fundamental human rights by the Turkish arm of occupation against the people of Cyprus as a whole."

Turkey, if in good faith could have sought a resolution of this unlawful occupation and its consequences. They have had four years to demonstrate their good faith. In the continuing absence of such a commitment and the continuing presence of human rights violations it is intolerable that this Administration would even suggest a change in the embargo.

To lift the embargo at this time would thwart the will of the people as expressed by the Congress. It would endanger our favorable relations with the people of Cyprus and Greece. Can we not expect their friendship to turn to hostility because of our abandonment and betrayal?

America's credibility is at stake. We must insist that Turkey show its good faith by negotiating a lasting peace on Cyprus including a reunification for those thousands of Greek Cypriots who are refugees on their own land and a full accounting of all missing Greek Cypriots.

The role America plays with respect to Cyprus will be a barometer which other nations will use to gauge the integrity and viability of our foreign policy. Our respect for the rule of law must not waiver. Our insistence of respect for human rights cannot be compromised. Our pursuit of a lasting and just peace on Cyprus must continue.●

JOYCE HARRISON PARK

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. PEPPER. Mr. Speaker, I request permission to include in the RECORD the following poem written by Ms. Marie Cunningham Brown, an outstanding member of the staff of the House Select Committee on Aging, in which she expressed her pride in the successful struggle of her sister, Ms. Joyce Harrison Park, to become the first professional member of her family. Ms. Park will graduate on Friday, June 2, 1978, from the School of Dentistry of the Baltimore College of Dental Surgery of the University of Maryland at Baltimore. I believe all who read this RECORD will be warmed by the pride and love expressed in this poem:

JOYCE HARRISON PARK

(By Marie Cunningham Brown)

The happiness of the moment is evident
through the radiance of your smile.
The pride we feel is evident, too, we want
the moment to last a while.
Memories of long ago begin to cross my mind.
I wondered then, what would be for you
with the passage of years and time.
For you were only two when Mama died and
couldn't understand why we cried as
we held you close to us.

We knew the years ahead would be difficult
and hard to tread. Our words were all
that we had to give you. I believe you
remembered most of what we said.

We promised you our love and encouraged
you to live your life to the fullest.

You set a goal for your life, you became a
wonderful mother and loving wife.

You set a higher goal for yourself and how
you did persist.

You graduated from college on your own
and have now become a dentist!

And here we are again holding you close to
us and sharing your moment of triumph.

Should you see a tear or two today, they are
but a symbol of the dreams we all
shared for your success. Know that it
means as much to us as it does to
you!

Your brother, Jesse and sisters, Marietta,
Olivia, Rosa, Bertha, Henrietta and
Marie.

And of course Catherine and Geraldine, in
memory.●

FEDERAL HANDGUN LAWS AND STRICTER ENFORCEMENT CAN REDUCE CRIME

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. McCLORY. Mr. Speaker, for some time now I have been endorsing stronger, more effective Federal gun laws aimed at deterring the criminal misuse of handguns.

An editorial which appeared in the May 27 edition of the Chicago Tribune emphasizes the need for such laws by citing statistics on the number of homicides that involved handguns during 1977.

Mr. Speaker, the time for action is now. The Congress must stop backing down from enacting effective handgun legislation. The public has demonstrated time and time again that it would support stronger gun laws and stricter enforcement of our current laws. One of President Carter's campaign promises was to enact this type of legislation. Almost 2 years have passed since we heard those promises.

Mr. Speaker, I hope each and every Member of this body will read the attached article from the Tribune. The points it makes deserve our consideration and prompt action. The article follows:

HOMICIDE BY HANDGUN

Of the 823 murders in Chicago in 1977, 444 involved handguns. Police Supt. James O'Grady drew the natural inference—"Without question the best method of curtailing senseless killings and maimings both of

juveniles and adults is to minimize the ready availability of handguns."

True, people kill people. And true, people can be—and are—killed with a variety of instruments other than handguns. People can be killed with axes and ice picks—each used once in a 1977 Chicago killing. They can be killed with scissors and screwdrivers—each used twice in Chicago in 1977. But only handguns were used as many as 444 times.

More than half the murders [460] arose out of quarrels that escalated to a homicidal extreme. On the basis of combined statistics, the "typical" murder would be one committed with a handgun on a Saturday in September, between 1 and 4 a.m., by a black male aged 16. The police district with the fewest murders was the Central District, including the Loop.

Nearly everyone is against murder, but doing something about handguns remains controversial. In recent testimony before a House subcommittee, a spokesman for the National Rifle Association said, "Half the households in the United States presently own firearms." Obviously a highly popular response to the handgun menace is to go out and buy a handgun.

Chicago Judge Allen F. Rosin put it this way: "It's not only the bad people who carry guns, but the good people, too. The good people are afraid of the bad people, so they carry guns. That's the way it is on our streets nowadays."

This spring a Chicago alderman proposed an ordinance calling for a 10-day jail term for any unauthorized person found carrying a gun. The idea was endorsed by John Townsend, deputy chief of homicide and robbery detectives, and Joseph DiLeonardi, homicide commander. But the alderman sponsoring the proposal was lonely independent Ald. Martin J. Oberman [43d].

By now it should be obvious that only national legislation can possibly provide effective gun control.

Opinion polls show strong majorities in favor of national laws controlling the purchase of handguns. But the National Rifle Association continues to intimidate Congress. President Carter wants to outlaw Saturday-night specials, but hesitates to attempt anything before the next elections.

We can expect handguns to continue to mow down Americans at a rate of 9,000 a year—including hundreds in Chicago. This will go on and on until Congress and the President muster the resolution [if they ever do] "to minimize the ready availability of handguns," to quote Supt. O'Grady again.●

ALASKAN LANDS BILL

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. CLAY. Mr. Speaker, due to pressing business in my congressional district, I was absent on Friday, May 19 when the House of Representatives concluded consideration of H.R. 39, the Alaskan lands bill. Had I been present I would have voted "nay" on rollcall No. 338, an amendment to continue mineral assessment provisions, "nay" on rollcall No. 339 to recommit the bill to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries, and "yea" on rollcall No. 340, final passage of the bill.●

MINIMUM WAGE LEGISLATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. MAZZOLI. Mr. Speaker, since coming to Congress, I have consistently supported Federal minimum wage legislation. I have also opposed most exemptions to these laws.

However, recent events have forced me—and, I believe, many of my colleagues—to reexamine our national minimum wage legislation in light of its effects on those whom the law is designed to enhance and upgrade.

Specifically to be reexamined is whether the appalling 16.9 percent unemployment rate for teenagers and the shocking 35.3 percent unemployment rate for black teens demand a move to a lower minimum wage for youth to encourage hiring among young people.

Raising the minimum wage also hits small businesses—especially of the mom-and-pop variety—terribly hard.

The following Washington Post article by William Raspberry points out our efforts to do good by raising the minimum wages might be self-defeating.

Indeed, as hard as it may be to accept, Mr. Speaker, our efforts to do good by periodically increasing the minimum wage might be backfiring on us.

RAISING WAGES—AND THE JOBLESS RATE

(By William Raspberry)

The D.C. City Council is considering legislation to put William and Willie Mae Clark out of business.

That's not what council members have in mind, of course. They are concerned about local residents who are struggling to live on $2.75 an hour—$110 for a full 40-hour week. They want to raise the local minimum wage to $3.25, 60 cents higher than the present federal minimum.

Viewed from the side of the struggling worker, the proposed increase seems impeccably humanitarian. William and Willie Mae Clark represent the other side of the picture.

They are owners and operators of the Sparkle Car Wash at 933 Florida Ave. NW, which they acquired—"for too much money"—after the 1968 riots. They are afraid to death that the minimum-wage increase will be approved.

"It would just about put us out of business," Mrs. Clark said the other day. "And not just us. A lot of blacks trying to make it in business would be hurt by this."

The Clarks have figured their break-even point at an average of three cars per hour per attendant. "That's what it takes, at $3 per car, to cover our overhead: mortgage, gas, electricity, water. The water bill alone has tripled in the 10 years we've been here, even though we're not using any more water."

If the minimum wage goes up, so does the overhead. Mr. Clark isn't sure the business can stand it. "There's only so much you can charge for washing a car before people say, 'The hell with it,'" she said.

One way of dealing with the increased minimum wage would be to lay off some people. But the Clarks' non-automated carwash requires a minimum of seven attendants.

Another way is to increase business, but if they knew how to do that they would have done it already.

The third way is to install automatic, exterior-only equipment. "If we could do that, we could operate the place with just me and my husband and maybe one or two other people. But being small and black, we can't get the financing to go automatic."

Even if they could, it would defeat the purpose of the City Council proposal. Instead of seven or nine employees making $2.75 an hour, they'd have one or two making $3.25. As it is, they could wind up with zero employees making zilch.

The Clarks represent an aspect of minimum-wage legislation that is frequently overlooked. The tendency is to look at those working now earning substandard wages and to think how much better off they would be if they all got raises. Some of those workers would, in fact, be better off. But some untold number would be out of work.

(Astonishingly, the federal Bureau of Labor Statistics has no data on the number of workers who lose their jobs as the result of increases in the minimum wage.)

Some businesses—groceries, gas stations and larger restaurants, for instance—are able to absorb minimum-wage boosts simply by raising their prices. Others, including carwashes, laundries and shoe-repair shops are likely to discover that there are limits to what the traffic will bear. At some point, you decide to wash your own car, or buy wash 'n' wear shirts, or bargain-basement, throw-away shoes.

The Clarks are a reminder of something else as well. Those who advocate increases in the minimum wage tend to think of fat-cat capitalists exploiting poor workers whom they employ at slave wages. There's no doubt that a lot of employers are paying their people less than they deserve and less than the employer can afford.

But not all of them. "They say low-income people need more money," Mrs. Clark said. "I would agree with that—if they were worth more.

"We'd like some more money, too. I pay myself less than the minimum wage—$70 a week. My husband, who works another job, draws $110 every two weeks. We drive a 1971 automobile."

The Clarks, in brief, are exploiting no one.

It is admirable, in these days when we all seem to be looking for ways to fatten our own bank accounts, that the council is paying some attention to those who work at poverty wages.

This is merely a reminder that it might be useful to pay some attention to Sparkle Car Wash, to all those automated carwashes that employ two people, to the laundries that are going out of business—and to the thousands of teen-agers who cannot find work because the law says they have to be paid more than the employers think they are worth—before they raise the minimum wage.●

FOOD AID TO LAOS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. SIMON. Mr. Speaker, I am pleased to note the State Department's announcement that it will provide 10,000 tons of food aid—mostly rice—to Laos.

The food situation in Laos has been serious since the end of last year. Drought and accompanying famine have been widespread. The need for emergency food aid has been clear for some time, and the 10,000 tons to be provided by the United States will help alleviate a potential catastrophe in Laos.

Whatever we may think of the current regime in Laos—and I regret its communistic nature—we should be proud of the United States for its humanitarian decision to provide emergency food relief.

As one who urged the State Department to decide in favor of food aid to Laos, I would like to mention the critical role played by my colleagues, Representatives PETE MCCLOSKEY and SONNY MONTGOMERY and Senator EDWARD M. KENNEDY. The people of the United States and the people of Laos can be thankful for these normally concerned Members of Congress.●

AFRICAN ULCER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. JACOBS. Mr. Speaker, the following editorial from the May 17, 1978 Indianapolis Star is thoughtful and deserving consideration by every Member of Congress:

AFRICAN ULCER

Renewed warfare in Zaire's Shaba province—formerly Katanga province—reminds of the long shadow inevitably cast by unwise foreign policy long held by the United States and other western nations.

Cuban-led Katangese rebels from Angola, it's reported, have staged another invasion of Zaire's southernmost, mineral-rich region which borders on Angola. AZAP, Zaire's government-controlled news agency, says Zairian dictator Mobutu Sese Seko has convened his "crisis staff" and that the U.S., France, Belgium, Communist China and Morocco have been alerted "so that these countries would help Zaire to deal with the grave situation," as they did in last year's so-called "80-day war."

Commenting on the background of last year's upheaval, we pointed out that Katanga was forced to become part of Zaire—formerly the Belgian Congo—at the time that country gained independence in the early 1960s. Katanga, we noted, "had little ethnic connection with the Congo as a whole (merely a chunk of African territory carved out for his own gain a century earlier by Belgium's King Leopold II) and when independence finally dawned it wanted real independence—of its own." It failed.

Considered "essential" to Zaire's viability, it was bombed and blasted into submission by United Nations decree. Blindly obedient to the inadequately thought-out policy of self determination of nations earlier proclaimed by President Franklin D. Roosevelt, the U.S. government under President John F. Kennedy supplied the aircraft and munitions for the brutal operation.

But this African ulcer will not heal. Inflamed by blind adherence to a well-meaning policy proclaiming self-determination of nations but failing to define what nations, the Katangese unrest keeps boiling, boiling.

And—irony of ironies—while the Katangese were originally pro-western and the original Zaire government under Patrice Lumumba was clearly pro-communist, now the situation is reversed. Mobutu, though a typical African tyrant, is at least nominally pro-western. But the Katangese insurgents in desperation have grasped the tempting hand extended by Angola, backed by the Soviet Union and its Cuban mercenaries.

Last year France airlifted Moroccan troops to help dictator Mobutu keep under his thumb an African territory Zaire had no good right to own in the first place—unless by the discredited decree of long-dead, exploiter-supreme Leopold II. The U.S. and other countries provided monetary support.

So these questions must remain: How long will this foolishly implanted African malady continue to plague world peace? How long must the American people endure shallow, ill-conceived U.S. foreign "policy" which means well but fails to perceive its peace-shattering shortcomings? ●

WELFARE REFORM

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. ULLMAN. Mr. Speaker, welfare reform remains one of the toughest challenges to this Congress. Comprehensive welfare plans from the White House and the Ad Hoc Subcommittee on Welfare carry price tags in excess of $20 billion. Because that is a cost that Congress is not willing to pay, many writers and pundits have pronounced welfare reform dead this year.

Welfare reform is not dead this year.

Within the approaches proposed in the House and the Senate, we have the foundation for a major welfare plan—at a reasonable cost—that can be passed this year.

To that end, I would recommend the lead editorial in the New York Times of May 23, 1978:

REDEEMING THE WELFARE PLEDGE

President Carter fulfilled a campaign pledge last year when he submitted a sweeping welfare reform proposal to Congress. But key Democrats, like House Ways and Means Chairman Ullman and Senate Finance Chairman Long, balked at the nearly $20 billion price tax and for all practical purposes declared the controversial plan dead on arrival. Even as Representative Corman's special subcommittee labored conscientiously on the original proposal, welfare reform was quietly stricken from Washington's legislative priority list.

Still, several Congressmen, notably Representative Ullman and Republican Senators Baker and Bellmon, persevered to devise more modest programs. All pretense of grandiose reform has vanished now, but a bill incorporating four critical ingredients of reform stands a chance—if only Congress and the Administration can overcome the partisanship that impedes compromise on the competing Democratic and Republican plans.

Minimum national benefit levels. Whatever new welfare law Congress passes, it should establish uniform benefit levels. Benefits now vary dramatically, from a high of $6132 for a family of four in New York City to a low of $2556 in Mississippi. The Ullman formula would raise the national minimum to $4200, an increase over present levels in 11 states.

Welfare fathers. Any new welfare plan should also extend coverage nationally to families headed by unemployed fathers, eliminating pressure that drives families apart. At present, nearly half the states refuse such coverage. Both the Ullman and Baker-Bellmon bills would require it of all states, although to limit such coverage to 17 weeks a year, as the Ullman bill does, seems harsh.

Job creation. If the cycle of welfare dependency and poverty is ever to be broken, welfare recipients must be brought into the world of work. They need training in marketable skills and jobs that offer reasonable wages and hope for the future. Baker-Bellmon is the more appealing on this score. It would provide public service jobs under CETA (Comprehensive Employment and Training Act), the primary Federal job program for the poor. The Ullman plan would set a minimum-wage ceiling for such jobs; Baker-Bellmon would pay prevailing public service wages, thus avoiding the creation of another level of workers beneath the already stigmatized CETA work force. More important, it would virtually guarantee a job to at least one parent in every two parent family.

Fiscal relief. Lastly, Washington must help the cities and states. Poverty—and migration of the poor—is a national problem, attributable largely to forces beyond local control. Yet the costs are now shared by all levels of government. For example, New York City pays 25 percent—over $400 million next fiscal year—of the aid to families with children. Mayors and governors will find Baker-Bellmon the more generous of the two measures in providing added fiscal relief.

Like the larger original Carter plan, both bills address the most glaring deficiencies of the current welfare system. Their differences seem reconcilable. And the President, who deserves credit for trying to straighten out the "welfare mess," can help by pushing welfare higher on his legislative agenda. In the end, substance will largely be dictated by cost. Even within the $7 to $9 billion ceiling on new expenditures suggested by Representative Ullman, Congress can fashion a sound welfare package that responds to pressing human needs. Is that too much to expect of a White House and Congress controlled by Democrats, self-proclaimed champions of the poor?

THE DEFENSE OF THE WEST

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. DORNAN. Mr. Speaker, before the outbreak of World War II, Sir Winston Churchill warned his countrymen of the impending dangers posed by the growth of Nazi Germany's military power. But his pleadings were to no avail. His speeches were even censored by the British Broadcasting Co. in 1936 as being too alarmist. Opposition to the diabolical schemes of Hitler and his ministers of death came too late, and millions of innocents paid the ultimate price for the follies of their complacent political leaders.

In the past 10 years we have witnessed yet another peacetime military buildup of unprecedented proportions, certainly unprecedented since Hitler prepared his war machine for the conquest of Europe. In virtually every field of modern weaponry, the Soviet Union has made impressive gains. It was recently reported in the prestigious technical journal, Aviation Week and Space Technology, that Soviet tests of heavy SS–18 and SS–19 ICBM's surpassed the most pessimistic projections of Western defense analysts. In six different tests of these new Soviet heavy missiles, at least 50 percent of them were able to strike targets within a radius of

600 feet. Needless to say, the Carter administration failed once again properly to gage the degree of Soviet progress in improving their missile accuracies. No longer can the United States take comfort in the prevalent view that the West enjoys an uncontested technological superiority.

Mr. Speaker, once again the peace and security of the West is threatened by the vast demonic energies of a ruthless totalitarian power. In Europe, along the front lines of Western defense, there exists an imbalance of conventional forces favoring the Communist bloc by a margin of roughly 2 to 1.

Perhaps it is fitting that another Churchill should once again warn us of the impending danger. In his timely article, "The Defense of the West," Winston Churchill II outlines the need for greater cooperation among Western allies. He fears a new arms agreement with the Soviets that will result in lopsided advantages for the Soviet Union.

Mr. Speaker, I commend Mr. Churchill's wise and timely counsel to my colleagues:

THE DEFENSE OF THE WEST

(By Winston S. Churchill II)

For more than 30 years the peoples of Europe—unique among the generations of the 20th century—have enjoyed the inestimable blessings of peace. Out of the ashes and devastation of two World Wars a new Europe has been built—a Europe in which the living standard of the average family far exceeds anything dreamed of only a few years ago and which has achieved for its peoples unprecedented social and technological advances.

The peoples of the Western democracies fought the Second World War with, above all, two goals in mind: the maintenance or restoration of their countries' freedom and the establishment of a lasting peace. There was a widespread recognition that mistakes were made in 1919 which should not be repeated in 1945; principal among these had been the oppression of the vanquished—summed up in Lloyd George's phrase: "We will squeeze the German lemon until the pips squeak"—and the failure to accept the right of peoples to self-determination. Thus, when the United Nations was established in 1946, it was founded on the principles of self-determination and respect for human rights and had as its aim the maintenance of peace through the restraint of aggression by a worldwide system of collective security.

When the last survivors of the Nazi concentration camps were liberated, there was a general assumption in the West, whose peoples had endured, suffered and sacrificed so much, that they had won freedom, not for themselves alone, but for all mankind. Alas, it was not to be. In the moment of triumph, the wartime alliance was betrayed. The Soviet Red Army which occupied half of Europe, coming ostensibly as "Liberators" from the Nazi scourge, came in fact as a force of invasion and occupation. A generation and a half after the end of the War, more than 200 million people of Eastern Europe continue to be denied both basic human rights as individuals and self-determination as nations. For many, for example the Czechoslovaks, seven years of Nazi occupation has been followed by more than thirty years of Soviet occupation. Today, in Czechoslovakia alone, there are no fewer than five Soviet divisions with more troops and tanks than Britain's entire Rhine army—they are not there as a defensive force, but as an army of occupation. In each of these countries, we see long traditions of nationhood and independence submerged under the oppressive rule of totalitarian dictatorship and the police state.

THE GROWING SOVIET CHALLENGE

Today a new challenge presents itself to the Western democracies, a challenge which, for the first time in a generation, seriously calls in question the prospects for stability in Europe and for world peace. Not content with denying human rights to their own peoples and independence to the nations of Eastern Europe, the narrow political clique yielding power in the Kremlin is in danger of disturbing the delicate equilibrium of forces which has been the foundation of world peace for more than a generation. Once again we see a single nation, ruled by totalitarian dictatorship and motivated by an unconcealed determination to dominate the world, building up a war-machine far beyond any requirement of self-defense or the deterrence of war. Whether the Soviet leadership has embarked on this policy of arms-escalation for the purpose of furthering aggressive military designs or of providing a strong power-base from which to wield decisive diplomatic pressure and military blackmail, is impossible to know. To argue the point is irrelevant for, whatever the intentions of the Soviet leadership today, they can change over a weekend. What is indisputable is that this buildup, together with the political designs that are behind it, represents a challenge which the Western democracies will ignore at their peril. Our democratic society is being put to the test—at the end of the day are we to be found wanting? The brutal challenge that confronts us inevitably, and rightly, leads us to reexamine the values on which our society is founded. Are those values still valid today? If so, are they worth defending? And, if we conclude that they are, what are we prepared to sacrifice to defend them? Are we prepared to spend as much on defense (£110.64 or $220 per capita in 1976), as for example, we spend on alcohol and tobacco (£162.46 or $324)? Are we, if need be, prepared to make the ultimate sacrifice and lay down our lives in defense of freedom, as two generations have so selflessly done before us?

The Soviet Union's challenge to the West is threefold: a growing military threat at both strategic and conventional levels; a military and economic assault against the Third World as evidenced by recent Soviet involvement, direct and through third parties, in Africa; and a campaign of political subversion designed to undermine the Western democracies from within—the case of Portugal being merely the most flagrant so far.

THE SOVIET BID FOR SUPREMACY

While engaging the West for much of the 1970's in a diplomatic offensive known as "detente," with the aim of persuading the Western democracies to lower their guard—a ploy in which they have been remarkably successful—the Soviet leadership simultaneously launched an all-out bid to achieve military supremacy over the West.

The NATO allies have long drawn comfort from the fact that, though they are outnumbered by the Soviets in the primary measures of military power—tanks, artillery, maneuver battalions, armored personnel carriers, combat aircraft, and so forth—NATO holds a significant "qualitative" advantage in its weapons, particularly nuclear and advanced conventional weapons in the same way that the Victorian empire-builders fighting superior numbers of Africans and Indians, took heart from the fact, immortalized by Belloc, that "We have the Maxim gun, and they have not!"

The days of effortless supremacy for the West are now gone. By a supreme effort, involving the diversion of vast economic and technological resources, the Soviets have taken the SALT I Agreement of May 1972 as the opportunity to catch up with the United States and achieve parity or "rough equivalence" in nuclear strike-power.

The Soviets now enjoy the psychological strength of no longer being the underdog in the nuclear race and, by the same token, the United States, having lost its former clear advantage, may feel more wary of being involved in any future confrontation with the Soviets. Meanwhile in Europe the strengthening of Soviet conventional forces—more than one million Soviet soldiers with no fewer than 25,000 tanks now face Western Europe—has given the Soviet Union the capability of a "standing start" attack, as was so dramatically achieved in Egypt and Syria against Israel on October 6, 1973. The Western allies, like Israel, base their defensive strategy on the mobilization of reservists and the deployment of reinforcements, but the recent development in Soviet strike capability means, according to the top military authorities in NATO, that the Alliance can now be sure of no more than 72 hours warning—rather than the 30 days warning or tension period previously relied upon.

Most worrying of all are the current trends in Soviet production. Soviet armaments factories are churning out 3,000/4,000 T-64 tanks, 1,800 combat aircraft and 250 nuclear missiles a year—out-building Britain's entire inventory every three months. Neither the restraint of arms-production shown by the West nor the mood of "detente" has in any way been reflected in an abatement in the arms-escalation policies of the Soviet Union.

Thus, it must be the aim of the Western democracies to secure a serious and binding arms-control agreement with the Soviets. However, with the exception of an agreement not to deploy more than one anti-ballistic missile (ABM) system, little has been achieved in the SALT negotiations, and nothing at all in the talks on Mutual Balance Force Reductions (MBFR).

In the absence of a satisfactory SALT or MBFR agreement, the NATO allies will have no choice but to make a seriously increased effort to strengthen their defenses, for only in this way can it be brought home to the Soviet leadership that they are wasting their time—not to say their peoples' resources—through their arms-escalating policies and that they had best revert to the previous policies of peaceful co-existence that prevailed under Khruschev. If they do not, the nations of the Western Alliance will find themselves on the downward path they have trodden with such disastrous results already once this century, a path on which the political options open to them will become more and more restricted until they reach the point of no return.

EUROPE MUST STRENGTHEN ITSELF

For too long the nations of Western Europe have taken a free ride off the United States and have neglected their own defenses. If some 300 million of the most prosperous and technologically capable people of the world are not prepared to make such modest sacrifices as are required to maintain their freedom, they will not long remain free, nor will they deserve to. Britain can play, if she so chooses, a key part in strengthening the cohesion and unity of Western Europe and can, by giving a good example to our European partners, strengthen Europe's defenses so as to ensure that the deterrent is seen to be valid by those who may contemplate either war or military blackmail.

If we ignore the warnings, if we fail to confront the harsh realities that are before us, there is a danger that we will see peace, which we have taken so much for granted.

slipping from our grasp. All too frequently it has been glibly asserted by politicians that the facts cannot be put before the people as they would be unpopular. I venture to believe that the overwhleming majority of the British people, when confronted with the facts, have enough common sense and moral fiber to recognize that there is, in the last resort, nothing more important to them than to continue to be able to live their lives in peace and in freedom. Only by arousing our people to the new dangers that confront them can we hope to turn the world away from the disaster course on which it is set. If we can achieve this, there can be no doubt that the strengths and values of the free society will prove more enduring than the ideologies of the totalitarian police states. Although these despotisms give the appearance of being all-powerful, they are in reality rotten to the core and they will ultimately be overthrown by their own peoples demanding liberation—provided only that the Western democracies are able to keep the torch of freedom burning brightly.

(NOTE.—The above article was revised for *Policy Review* from a chapter in the forthcoming anthology, *In Defense of Freedom*, edited by Kenneth Watkins and published by Cassell and Co., London.)●

THE LATEST PORK BARREL: H.R. 10929

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. PURSELL. Mr. Speaker, during my years of public service, the formulation of budgets has always been of particular interest to me. While a member of the Michigan State Senate, I served on the appropriations committee, which provided me with firsthand knowledge of the budgetary process and its many intricacies. Based on this experience and knowledge, I am a very firm supporter of efficient, sensible budgets—and am outraged when attempts are made to inflate budgets, especially with "pork-barrel" projects. This type of senseless spending only serves to weaken our monetary system by adding to the spiral of rising costs.

Therefore, I was most disturbed by the actions of the House with regard to H.R. 10929, the Department of Defense Appropriation Authorization Act of 1979. As a former military officer, I strongly support a strong, solid national defense. I believe that America must remain first in defense if we are to maintain our position of world leadership. However, I become very distressed when I see this Congress passing authorization bills which are inflated with pork-barrel projects—especially in the area of defense. I think that there is little doubt in anyone's mind that H.R. 10929 is our latest pork barrel.

Of particular concern to me is the committee's attempt to provide DOD assistance to the Lake Placid Olympic Organizing Committee. The Department of Defense did participate in the 1960 Winter Olympics at Squaw Valley, but it did so at a very low level. But what is more important, is that the 1960 participation by DOD was embodied in separate legislation on which hearings were held, and the funding provided to support these activities was approved through the normal appropriations process. The 1960 participation was limited to services uniquely within the competence of the DOD" and were not intended "as a replacement for services available from civilian sources."

But today, we find support for the Olympics in our Defense Department authorization, with virtually open-ended services available. I support the Olympics wholeheartedly, but I state unequivocally that this type of provision does not belong in a defense authorization bill. It is really the worst type of pork-barrel, as the provision virtually hands a blank check to the Olympic Organizing Committee.

Therefore, I was very disappointed to see Congresswoman SCHROEDER's amendment to rectify this provision go down to defeat in a voice vote. I can only wonder how long this type of pork-barrel will continue until the American public cries "enough."

In a larger sense, I think the Congress is failing in its duty to work toward a balanced budget. H.R. 10929 was reported out of the Armed Services Committee a full $2,423,308,000 over the President's budget request. How can we, as representatives of the people, talk about reducing inflation and lowering taxes when we continue to approve such inflationary bills?

I think it is high time that we put some credence into our rhetoric. I was one of the 67 Members of Congress who voted against H.R. 10929. I would hope that in the future more Members will take a closer look at our seemingly mindless authorizing habits and begin to heed the cry of the American public to hold the line on unnecessary spending.●

MIAMI EDUCATOR HONORED

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. PEPPER. Mr. Speaker, it has recently come to my attention that an outstanding educator in my area has been honored by the publication the Migrant Educator as one of the outstanding educators serving the children of migrant workers.

I would like to share with our colleagues something of the background and achievements of this former migrant child who is now giving so freely of herself to help other children of migrant families.

Dr. Billie Clare Davis is the director of the high school equivalency program, University of Miami. A former migrant who grew up in the agricultural migrant stream, Dr. Davis has spent a number of years as a freelance writer, lecturer, and consultant in areas of education, curriculum, and social problems as related to migrants, multiethnic, Spanish-speaking, and disadvantaged children and youth.

Dr. Davis is best known for her autobiographical story, "I Was a Hobo Kid," which relates experiences of a migrant child. The story originally appeared in Saturday Evening Post and was later featured in numerous other anthologies. This story was also filmed by the National Education Association under the title "A Desk for Billie."

Because of her work in education, Dr. Davis has been the recipient of various awards, among them one for Meritorious Service to the Field of Education, by the Missouri Education Association; Outstanding Achievement, by the Florida Federation of Business and Professional Women's Clubs; and Distinguished Alumni Award, from Drury College.

From July 1968 to the present, Dr. Davis has been associated with the University of Miami high school equivalency program. She first served as a resource teacher in staff development, then as instructor in social studies and language arts; Curriculum Coordinator for 1 program year, associate director during the 2 program years ending in 1973, and, finally, director since November 1973.

The letter and article follows:

D. A. LEWIS ASSOCIATES, INC.,
February 2, 1978.

Hon. CLAUDE D. PEPPER,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE PEPPER: Dr. Billie Clare Davis, Director of the High School Equivalency Program at the University of Miami, was recognized as Educator of the Month in a recent issue of our newsletter. A copy of the article is furnished for your information.

The Migrant Educator is a monthly news publication read in more than 40 States by those concerned with the education of children who migrate with parents seeking employment in agriculture and fishing. The main objectives of the newsletter are to serve as a channel for disseminating news and useful information, encourage interstate cooperative efforts, and stimulate professionalization and program pride among migrant educators.

I regret the delay in bringing this to your attention. We are now instituting a procedure for regularly informing members of Congress of these awards. It has been our experience that, when so informed, the Congressman was pleased to learn of national recognition given to one of his constituents, and often further honored the recipient by sending a congratulatory letter.

Sincerely,

JOHN D. HUSS,
Editor.

[From the Migrant Educator, July 1977]

EDUCATOR OF THE MONTH—DR. BILLIE CLARE DAVIS

This month's Educator of the Month, Dr. Billie Davis, is the Director of the High School Equivalency Program, University of Miami. A former migrant who grew up in the agricultural migrant stream, Dr. Davis has spent a number of years as a free-lance writer, lecturer, and consultant in areas of education, curriculum, and social problems as related to migrants, multi-ethnic, Spanish-speaking, and disadvantaged children and youth.

Dr. Davis is best known for her autobiographical story, "I was a Hobo Kid," which relates experiences of a migrant child. The story originally appeared in Saturday Evening Post and was later featured in numerous other anthologies. This story was also

filmed by the National Education Association under the title A Desk for Billie.

Because of her work in education, Dr. Davis has been the recipient of various awards, among them one for "Meritorious Service to the Field of Education," by the Missouri Education Association; "Outstanding Achievement," by the Florida Federation of Business and Professional Women's Clubs; and "Distinguished Alumni Award," from Drury College.

From July 1968 to the present, Dr. Davis has been associated with the University of Miami High School Equivalency Program. She first served as a resource teacher in staff development, then as instructor in Social Studies and Language Arts; Curriculum Coordinator for one program year, Associate Director during the two program years ending in 1973, and, finally, Director since November 1973.●

MINIMUM WAGE LAWS DEPRIVE TEENAGERS OF JOBS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. McCLORY. Mr. Speaker, last October I expressed concern over the adverse effects which minimum wage increases have on our Nation's youth.

Many businesses—faced with paying higher wages for services they normally provide through the hiring of youth or other low-pay, unskilled workers—choose to discontinue those services or hire workers with better skills.

According to an article by Richard Strout in the May 12 edition of the Christian Science Monitor, my fears appear to be well founded. Unemployment among teenagers—especially minority teenagers—has risen since the minimum wage increased this past January.

Mr. Speaker, we cannot afford to have this happen. Many of these teenagers seek part-time employment to help support their families, others to pay for their college tuition. It would seem to me that establishing a youth wage differential would be beneficial both to the teenagers and to those employers of unskilled labor who thus are able to avoid raising prices for services provided to consumers. At the same time, I do not feel it would have any adverse effects on the job market for skilled workers. The editorial follows:

JOBLESS TEEN-AGERS AND THE HIGHER MINIMUM WAGE

(By Richard L. Strout)

I am beginning to think that I have been wrong all these years on the minimum wage. It has been accepted dogma of most economic histories that minimum wages are the appropriate way to protect low income workers; the idea goes far back to steel workers' strikes in President Harding's administration. They worked seven-day weeks and 10-hour days, and once a fortnight a 24-hour shift. Pay was low. The eight-hour day had the support of President Harding—one of the few social reforms. I believe, that he ever vigorously backed. Along with it came the minimum wage. The AFL–CIO is all out for the minimum wage and the Carter administration has just raised the federal minimum to balance off inflation.

The time has come, I think, to take another look. Rep. Paul Simon, a liberal Democrat from Illinois, is troubled by the matter as are many others. Yes, a minimum wage by all means, to make sure that low pay workers get a floor under their income. But how about the unemployed, unskilled youths who can't get jobs because the minimum wage is more than they're worth? There are hundreds of thousands of them.

Department of Labor statistics on youth unemployment show teen-age unemployment at 17.3 percent in March—a point and a half higher than last December. The minimum wage was increased last January and teen-age unemployment rose, too. Unemployment for black teen-age workers is currently at an incredible 39 percent. It is up a point since the new minimum wage act. In fact overall unemployment of all workers has fallen in the same period, down from 6.4 percent to 6.2 percent; every category of workers listed by the Bureau of Labor Statistics has shown improvement but one—the teen-agers that the minimum wage was supposed to aid.

The minimum wage was increased last January from $2.30 an hour to $2.65, or 15 percent. Organized labor hailed it. Alas, the subsequent loss of teen-age jobs just about canceled out, the increase in jobs due to the government's own employment programs.

Debate over this has gone on a long time. In 1970 the Labor Department documented the matter. It reported, "There is some basis for the inference that the effect of the federal manpower programs and the federal minimum wage have tended to offset each other." A later paper by the Congressional Research Service called this result "ironic and even pathetic." Indeed it is. Mr. Simon quotes the director of the Congressional Budget Office as testifying recently: "Increases in the minimum wage . . . can diminish employment opportunities for less skilled workers, particularly teen-agers."

Black teen-agers hanging about in American slums without the discipline of jobs are tragic and menacing. Over half of them now are unemployed. It is no way to run a democracy. There have been riots in these circumstances in times past and there could be again. Minimum wage laws were enacted to aid the poor and friendless but the time has come to reconsider their effect. Instead of fighting reconsideration organized labor should encourage it.

Why can't the United States do what many European countries do, institute youth wage differentials to stimulate employment for youngsters? Mr. Simon notes that the Organization for Economic Cooperation and Development recently held an international conference to consider youth unemployment. It referred directly to the adverse effect of minimum wages on youth employment; opinion appears "fairly widespread" it reported, that one cause of idle youth is the "relatively high wage rates . . . for entry level jobs." Cut through the jargon and what it says is that a lot of employers can't afford regular pay to unskilled youngsters: "By and large, a single undifferentiated minimum seems to reduce teen-age employment . . . reduced work experience may have long-lasting consequences."

In short, I think that a reform that was spendid in its time needs to be reconsidered. Liberal Mr. Simon concludes, "We ought to have a lower minimum wage for young workers."●

TUITION TAX CREDITS

HON. EDWARD W. PATTISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. PATTISON of New York. Mr. Speaker, today we have completed action on one of the more controversial bills to come before the 95th Congress—the Tuition Tax Credit Act. As is often the case with such legislation, the issue has been reduced to its most simplistic terms. Those of us who voted against the bill will bear the stigma of opposing a much needed tax break for parents with children in private primary and secondary schools.

I would like to take this opportunity to state that my opposition to H.R. 12050 was based solely on my opposition to providing tuition tax credits to college students.

I support modest tax credits for tuition paid for private elementary and secondary school students. I voted for an amendment to have the bill cover these students. I supported the amendment which would have provided loans to all college students.

If the rule governing the debate on H.R. 12050 had allowed it, I would have supported a move to strike the provision which gave tuition tax credits to college students, and I could have then supported the bill. Unfortunately, such action was not possible under the rule. I therefore had no choice but to oppose final passage of H.R. 12050.

I continue my support for tuition tax credits for private elementary and secondary students. I will support any future bill which provides reasonable credits for these students alone.

My opposition to tuition tax credits for college students stems from my belief that such aid would be both ineffective and inequitable. Higher education is a major, long-term investment for most families. When tuition bills are due, a tuition tax credit several months of a year in the future will not be very useful to those families having trouble meeting this expense. Even if it were paid in advance, a credit of $250 toward an annual expense of $3,000 to $5,000 simply does not help enough to make a difference.

The Carter administration's proposal to increase direct Federal student grants to middle- and low-income families and loans to all students, regardless of income, would be much more effective in meeting this need. Furthermore, such direct aid can be distributed selectively to those who actually need assistance. A general tuition tax credit for college students will result in a huge drain on the Treasury, and an increase in the deficit, with no positive benefits. I could not vote for such a bill.

Credits for private elementary and secondary students are another story. Parents who send their children to private schools help take a burden off public schools while still paying taxes to support the public system. They deserve a break. Furthermore, the modest tuition tax credit proposed in the Vanik amendment, which I supported, would have provided this break while not encouraging any significant shift in school enrollment from public to private schools.

I wish I could have supported final passage of a bill which would have given credit only to elementary and secondary students. I did not have this option, and I could not, in good conscience, support tuition tax credits for college students.

Since the college tuition tax program far exceeded the loss of the elementary and secondary tuition tax, the bad aspects of the legislation far outweighed the good and I therefore opposed final passage of H.R. 12050.●

THE HUMAN RIGHTS PROBLEM IN CAMBODIA

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. SOLARZ. Mr. Speaker, the human rights problem in Cambodia today deserves the attention of all American citizens. This body passed a resolution last month (H. Con. Res. 573) requesting that the President call upon foreign countries which have diplomatic relations with Cambodia to rectify the inhuman situation by both the use of direct influence upon the Cambodian authorities and by raising the issue in the appropriate international forums.

In my own view, the United States should do everything in its power—short of military intervention—to help bring the violations of human rights in Cambodia to an end and to help alleviate the plight of the hundreds of thousands who have suffered. I have urged the United States minimally to provide refuge for some 15,000 Cambodians reported to be in camps in Thailand and elsewhere in Southeast Asia, and to make it clear that other escapees would be welcome here.

At its annual convention on May 21, the American Jewish Committee—a distinguished Jewish organization that has stood up for human rights throughout the world—passed a resolution specifically dealing with the Cambodian problem. The committee called upon the Third World nations to vocalize their disapproval of the Khmer Rouge regime and requested that provisions be made to alleviate the abominable conditions the refugees are forced to endure. The AJC also suggested that the President meet with the leaders of other nations in order to place multinational pressure upon the regime. Finally, there was a proposal to establish a nongovernmental inquiry tribunal for the purpose of investigating the actual circumstances of the Cambodian situation through the testimony of firsthand witnesses and victims.

I hereby submit the text of this forthright resolution for the consideration of my colleagues and commend the efforts of this worthy organization.

THE AMERICAN JEWISH COMMITTEE
STATEMENT ON CAMBODIA

If published reports of mass killings in Cambodia by its Communist rulers are even only partially true, then the scale of murder in that small, tragic land, perpetrated in pursuit of a political end, approaches the enormity of the Nazi extermination based on a myth of racial purity. If these reports are true, the Cambodian regime is guilty of the ultimately violation of human rights—the mass murder of its own citizens.

The AJC is dismayed by the failure of all but a few states to take cognizance of the killings and the failure of the UN itself to deal with the situation with the great urgency it warrants.

We call upon the developing nations of the world, especially in Africa and Asia, to register publicly their outrage and protest against this deliberate and massive destruction of life.

We urge the admission to our country under the parole provisions of the immigration law, or under special legislation, if necessary, the thousands of Cambodian refugees living in tragic circumstances in camps in Thailand. We also urge other countries to admit generous numbers of such refugees.

We call on President Carter to invite the leaders of the democratic nations to meet with him to consider possible courses of action to bring to bear maximum moral and political pressure against the reign of terror in Cambodia.

We call upon concerned non-governmental organizations to establish an international inquiry tribunal composed of jurists, religious leaders and other persons of high reputation respected internationally or in their countries for their independence and integrity, to hear public testimony for escapees and other with first-hand knowledge, and make known their findings.●

TRIBUTE TO EARL A. ROTH

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. PURSELL. Mr. Speaker, it is with sincerest warmth and admiration that I pay tribute today to Earl A. Roth, who has been the dean of the College of Business at Eastern Michigan University since its creation in 1964. I had the privilege of studying under Dean Roth while I attended Eastern Michigan University, and so I am especially aware of his fine talents and academic leadership.

I pay tribute to Dean Roth today because he will soon be retiring from his post at the college of business. On July 1, 1978 this educator will end 25 years of service to EMU—a very distinguished career indeed. Prior to his appointment as dean, he served as head of the department of business for 3 years. At Eastern, Roth has served as chairman of the faculty senate, chairman of the Eastern Michigan University North Central Association of Self Study, acting dean of the graduate school, and acting vice president for instruction.

Prior to coming to Eastern, he served as head of the distributive education department at the University of Missouri and State director of the Missouri Department of Education from 1950 to 1952. Dean Roth is also a member of Phi Delta Kappa, Delta Pi Epsilon, and Beta Gamma Sigma and is listed in "Who's Who in American College and University Administration" and "Who's Who in the Midwest." His bachelors and masters degrees were earned at Ohio State University and his doctorate from Indiana University.

Under Dean Roth, Eastern's college of business has grown to be the second largest business college in Michigan, and certainly one of the finest in the Midwest. He has had a spectacular career and has touched many thousands of students over the years.

I wish Dean Roth every happiness and success in his retirement. He will certainly be missed at Eastern, but the university will be forever richer for having had his guidance.●

PUBLIC AWARENESS OF ASBESTOS DISEASES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. ANDERSON of California. Mr. Speaker, for the past several months I have been investigating the problems associated with occupational exposure to asbestos. This is a problem which is, justifiably, attracting increased public attention.

It is a problem for which a solution must be found. Because the Federal Government is the employer of a large number of workers who are exposed to asbestos, I am hopeful that we will be a leader in working out the solution. Secretary Califano has provided a real service in increasing public awareness of the problem, as increased awareness is a step that must necessarily be taken on the road to solution. It is in this vein that I am submitting for the RECORD an article that appeared in Friday's Los Angeles Times. I hope that all of my colleagues will take the time to read it, and to ponder the severity of the problem which faces us.

HAVE HIGH CANCER RISK—THOUSANDS EXPOSED TO ASBESTOS TO BE STUDIED

(By Henry Weinstein)

SAN FRANCISCO.—John Morris, a 49-year-old submarine repairman, is living "on borrowed time." But each day, he says, he is thankful to Dr. Phillip Polakoff, a Berkeley physician who told Morris last summer that he—like thousands of other shipyard workers—is a victim of asbestosis, an irreversible disease resulting from a scarring of the lungs.

There is no medication for the disease. Morris is still working, but he experiences shortness of breath. That makes climbing on the ladders in the submarines at Mare Island Naval Shipyard in Vallejo more stressful.

But he says he is living "a day at a time, and so far I'm in pretty good shape."

The disease decreases the amount of oxygen that gets to the blood system. If Morris feels the slightest "symptoms" in his lungs or develops a cold, he immediately goes to Polakoff because he knows he could rapidly develop pneumonia and die.

Polakoff's voice breaks when he talks about Morris and the thousands of workers he and his colleagues at the newly formed Western Institute for Occupational/Environmental Sciences, Inc., hope to aid in their battle against the illness caused by asbestos, the so-called "magic mineral" that has 3,000 industrial uses.

Thursday Polakoff launched the most extensive screening program of persons exposed to asbestos that has been undertaken anywhere in the country. He does not yet know the persons in the program will be and hopes to find them over the next month. Such persons have a much higher chance than the norm of developing lung cancer, stomach cancer and other diseases.

This summer Polakoff and his associates plan to examine 2,000 current and former workers who have been exposed to asbestos, mostly in shipyards from World War II to the present. They will utilize a hotline where concerned workers can call for information and a mobile van supplied by the National Institute for Occupational Safety and Health to supply free X rays to the workers. The data will be analyzed at USC cancer control center.

Of the 2,000 persons the new institute hopes to examine, 500 will be women who worked in the shipyards during World War II and have not worked around asbestos since that time. Persons with an exposure as short as a month or two have developed asbestos-related diseases, according to Health, Education and Welfare Department officials, as have wives who merely washed their husbands' asbestos-laden clothes. A number of these women have developed mesothelioma, a rare cancer of the chest and abdominal lining.

The remaining 1,500 participants will include 300 longshoremen who are at least 40 years old and who had their initial contact with asbestos at least 15 years earlier, and 1,200 presently employed or retired ship workers.

Thus far, Polakoff's nonprofit institute has received $150,000 in federal funding, $50,000 from various unions and "$650 from one company" to launch the program. The study needs another $300,000.

The project is a landmark that "if successful will be used in other communities and with other dangerous substances," said Gabriel Gillotti, regional administrator of the federal Occupational Safety and Health Agency here. "Up to now the problem of asbestos-related diseases hasn't been a priority. We have to find out the magnitude and the severity of the problem and publicize it," he said at a news conference here.

Federal Health, Education, and Welfare Secretary Joseph A. Califano last month warned millions of Americans who worked with asbestos during and after World War II that as many as 51% of them might die of lung cancer or other diseases as a result of that exposure. About 4.5 million of the 8 to 11 million persons he said are in danger worked in shipyards during World War II.

Polakoff already has had 359 present and former Mare Island workers X rayed at Herrick Memorial Hospital in Berkeley. Each of the workers had a minimum of more than 10 years time elapsed since initial exposure to asbestos. Fifty-nine percent of those examined had lung abnormalities and 23% of those had significant abnormalities, Polakoff said.

Polakoff stated that about 400,000 residents of the Bay Area alone are at high risk for lung cancer because of contact with asbestos. He based this figure on estimates that 2.5 million people worked in the bustling shipyards at Hunters Point, Emeryville, Alameda, Richmond, Vallejo and Sausalito during the 1940s.

The problem is not limited to shipyard workers, noted Art Carter, chief of the state's Division of Industrial Safety. He said 3,500 businesses in California are now registered as users of carcinogens (cancer-causing substances), and that 68,000 workers handle asbestos presently in California. A number of these work in brake-lining repair shops in Southern California and should have special medical checkups, he said.

Along the same line, John Henning, secretary of the California Federation of Labor (AFL–CIO) said "this is not just a northern California problem." Thousands of persons, he said, have been employed in shipyards in the Los Angeles and Long Beach areas who are also at risk.

Polakoff cited a study by Dr. Jean Felton who X rayed 500 workers at the Long Beach Naval Shipyard in June, 1977. "These men had primarily short-term exposures (one to 14 years). Despite this brief elapsed period from onset of exposure, 30% had asbestos-related abnormalities," Polakoff said.

Normally, it takes 15 to 35 years after initial exposure for the diseases to appear and by then it is often too late to do anything. Workers have breathed in millions of microscopic-like asbestos fibers which are tasteless, odorless, invisible and indestructible.

"Once a fiber enters the lung, it rarely comes out," said Polakoff, who is a certified specialist in occupational medicine.

The mobile van this summer will do 100 or more X rays a day starting June 17 at union halls in Vallejo, Oakland and San Francisco. The X rays will be provided to those examined on a confidential basis. Persons detected to have problems will be urged to see a physician and be put on some sort of health maintenance program or have further tests.

"This is only one study," said Polakoff, 32, who studied medicine at Wayne State University in Detroit and at Oxford. "People who have been exposed to asbestos need a whole battery of tests."

He said a study by Dr. Irving Selikoff of New York, the nation's leading researcher on the relationship of asbestos to cancer, showed that a smoker exposed to asbestos is 30 times more likely to develop lung cancer than a nonsmoker who has been exposed, and 90 times more likely than a nonexposed nonsmoker.

Polakoff was asked to look into the problem by John Robinson of the Mare Island Metal Trade Council in December, 1976, after Robinson discovered that a number of his union colleagues had developed lung problems.

He had sent 25 X rays to Selikoff at Mt. Sinai Hospital in New York and was shocked to learn that 17 of them showed serious problems. "The Navy took these X rays and they never said anything to any of the workers," said Robinson. Naval officials said they were unaware of any problems when questioned later.●

PROTECTION FOR THE BOUNDARY WATERS CANOE AREA

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. LEACH. Mr. Speaker, the Boundary Waters Canoe Area in northeastern Minnesota is the most heavily used unit in the National Wilderness Preservation System. This federally managed wilderness is the largest interconnecting lakeland wilderness in the country, making it the premier spot in the Nation for wilderness canoeing and camping.

The 1964 Wilderness Act applies contradictory standards to the BWCA and has resulted in conflicts in the management and use of the area, as well as in major litigation as the demands and pressures on BWCA resources have increased.

The Burton-Vento compromise bill, approved by the House Interior and Insular Affairs Committee, seeks to clarify the purposes of the Wilderness Act. The legislation to be considered on the floor shortly will protect the BWCA wilderness resources while still providing certain flexibility to accommodate local concerns.

It is important to recognize that once a wilderness area is despoiled, many years and much in the way of energy and resources are required to rebuild it. There are few places in the world where the beauty of nature is more strikingly reflected than the Boundary Waters of northern Minnesota. We have a compelling responsibility to look to the future and to protect for our children and grandchildren the possibility of experiencing a world of nature as well as of technology. I strongly urge sympathetic consideration be given to the Burton-Vento compromise bill.●

MANOLO REYES

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. PEPPER. Mr. Speaker, I request permission to include in the RECORD the following testimony given by Dr. Manolo Reyes, distinguished former Latin American commentator for WTVJ channel 4 in Miami, before a congressional committee about the Castro regime's most recent African military adventures. Dr. Reyes has in the past offered numerous committees of the Congress a wealth of information and analyses pertinent to the Castro government and I believe his generosity of time and talent merit this recognition:

TESTIMONY

Since 1970 up to now I have testified twelve times before Committees and Subcommittees of the Senate and the House of Representatives about the Cuban situation. For the most part, my testimony has been based on reports and information emanated from within Cuba. I have also given my own evaluation and analysis according to the issues and fact-pattern received from the Island. This testimony is based on the same premises.

The Fidel Castro regime's involvement in Africa is more larger than it has been said up to now. The actual number of Cuban mercenary troops in Africa range from 66,000 to 70,000.

Most of the soldiers that Castro sent to Africa, up to approximately the first 40,000, were reservists of his army. To achieve that goal he had to call those up to 45 years of age. He did not want to touch the three big armies that he has inside Cuba: The Western Army, The Eastern Army and The Central Army.

Facing an increasing battleground in Africa, now Castro has begun to draw soldiers for the African Military Adventure from those three armies. Castro is sending the troops to Africa following the orders of the Soviet Union, which is supplying uniforms, weapons, ammunitions and several contingents of men for the African Adventure through an international communist brigade.

At the same time the Soviet Union is helping Castro to maintain the terror in Cuba. Since Castro is draining soldiers from his three big armies for Africa, the Soviet Union is providing Russian soldiers to Cuba, on a basis of 4 to 1. Per each 4 soldiers that Castro sends to Africa, Moscow sends 1 to Cuba.

This has increased the number of Soviet soldiers about 5,000 in the first quarter of this year. There are now, stationed inside

Cuba, spread throughout the Island, some 30,000 Soviet troops.

Fidel Castro and the Soviet Union want to re-edited the British Colonialism that once existed in Africa, and that ended when the British Government withdrew from that part of the world.

There is a big unrest inside Cuba because the majority of the Cuban people is against the communist military adventure in Africa. The Cuban people claim that Castro condemned the American presence in Vietnam and now he has made a Vietnam in Africa. But above all, the majority of the Cuban people pointed out to specific reasons for their unrest.

1. Cubans have nothing to do in Africa. It is not a war of the Cubans. And by nature, Cubans are not worriers.

2. Thousands of Cuban families have been hit very hard due to the African war because their husbands, fathers, brothers and sons are returning from Africa injured, crippled or in a coffin. And all of that for the Communist system, repelled by nature, by the Cubans—and a war—that has no exigent reasons for the Cubans.

There are three other strong reasons of friction between the Cuban people, Castro and the Soviet Union.

1. At the beginning of his regime, Castro said he was going to expel the United States from the Island because Cuba was for the Cubans. The reality shows that Castro expelled the Americans from Cuba and brought the Soviets into the Island, in a bigger number and broader authority. Today the final word in Cuba, whether it is the main decision of the Government or in a little town, the decision is made by a Russian official.

2. Castro has been in power for almost 20 years and even though he has pledged innumerable times that Cuba was going to be a golden cup—the Cuban people still have a Ration Card for everything. They have to make long lines—under sun or rain—for many hours to get small quantities of basic food or clothing. The Russians have special places and passes to buy whatever they want. Cubans are not allowed to get near those places.

3. The heavy authority exercised by the Russian officers upon the Cuban soldiers. Tension has been so great that Russian and Cuban soldiers have been separated throughout the Island in different military barracks.

In special paragraph we point out the crucial situation that Castro is having with the new breed of Cubans. Castro is not a symbol anymore for the Cuban youth. The Batista ordeal happened 20 years ago and Castro now has nothing to offer to the Cuban youngsters, "Only a Ration Card—and Africa."

Castro continues the exportation of his so-called "Communist Revolution". To that effect he has inside Cuba more than 200 guerrilla training schools to instruct Red Agents from differing parts of the world. Recently, in this month of April, CBS–TV confirmed in its 60 Minutes Sunday Show in a program entitled Terror International, that some of the most important international terrorists, responsible of killings and kidnappings throughout the world, were trained in Cuba. Also is logical to assume, that since the majority of terrroist acts have been committed lately in Europe, there is a growing possibility that those kind of acts would start to proliferate soon in America, including nuclear terrorism.

Finally, there is another frustration for the Cuban people inside the Island, frustration brought about by the United States giving up the Panama Canal. Most of the Cuban people firmly believe that after the Panama Canal, now Washington will give up the Guantanamo Naval Base, the only military base of the United States inside a communist territory.

And they are also fearful due to the sentence of the late Marshall Grechko, Minister of Defense of the Soviet Union, who once said: "He who domains the maritime passages of the world, will domain the world."●

DAVIS-BACON FRUSTRATES HOME WEATHERIZATION PROGRAM

HON. TOM HAGEDORN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. HAGEDORN. Mr. Speaker, in 1976, Congress appropriated $200 million for home weatherization programs to be administered under the community action program (CAP) of the Community Services Administration (CSA). What has happened to this program, as has been the fate of numerous other Federal construction programs, has been summarized by Eric Green in the latest issue of the Reporter:

What the Congress giveth to CAP's, the U.S. Department of Labor [through its administration of the Davis-Bacon Act] . . . may have taketh away.

A Department of Labor memorandum on the applicability of the Davis-Bacon Act to weatherization projects performed by CETA workers has seriously jeopardized further CAP involvement in the program by forcing the payment of wages far in excess of those that can be afforded. If the Davis-Bacon provisions are rigidly enforced, many CAP's will be required to pay CETA weatherization workers $10 per hour and above, with most CAP's completely unable to pay such wages.

Thus, as is typical with the Davis-Bacon Act, not only does the taxpayer suffer but so do the intended program beneficiaries. I would like to bring to the attention of my colleagues Field Memorandum No. 433–77 which has muddied up the waters of the home weatherization program, as well as the full text of Mr. Green's article. It is only the latest case study of the counterproductiveness of the Davis-Bacon Act:

FIELD MEMORANDUM No. 433–77

The Labor Department has included in the memo answers to some of the most commonly asked questions about Davis-Bacon. A sample of those questions and answers follow:

Question: Are Davis-Bacon wage rates required for individuals employed in weatherization and home repair activities?

Answer: If the individuals are employed as participants and no federal funds other than CETA are being used, then Davis-Bacon wage rates would not be applicable (except, of course, as described in the "background" portion of this Field Memorandum). If another Federal source of funds is being used in conjunction with work being performed by CETA participants, then the requirements of the other Federal funding source must be used to determine whether Davis-Bacon rates must be paid.

Question: What form should consultation with appropriate labor organizations take?

Answer: Prime sponsors are to notify area officials of building-trades unions, or union councils, of their intention to design, approve or operate construction-related CETA work activities. These officials are to be provided copies of CETA components or project applications which describe work statements, pay rates, and other operating details. After union officials have been allowed a period to inspect the plans, meetings are to be held with union officials to review plans. This requirement does not mandate that the prime sponsor obtain union concurrence, but rather insures that affected unions are informed and provides a reasonable opportunity for these unions to comment, and discuss potential problems or make suggestions before the proposed work activity begins. Prime sponsors must then consider advice given or positions taken by union officials, but may proceed to implement planned activities in accordance with other CETA requirements.

For further information about this field memorandum or the Davis-Bacon Act, contact Christopher C. Richter at the Department of Labor at (202) 376–6774.

CAA's FEAR ENFORCEMENT OF DAVIS BACON ACT

(By Eric Green)

What the Congress giveth to CAP's, the U.S. Department of Labor and, inadvertently, the Community Services Administration may taketh away.

CSA and its 865 subsidiaries at the local level, the Community Action Agencies, rejoiced when Congress agreed in 1976 to provide $200 million for a home weatherization program, which would be run in large part by CSA and the CAP's.

As the September/October, 1976 *National Center Reporter* noted, CSA and the CAP's looked upon weatherization as the golden chance to improve their credibility throughout the country. If CAP's and CSA operated a well run weatherization program, so the theory went, CAP's could buttress their longstanding contention that they have operated community action projetcs with "demonstrated effectiveness."

Most CAP's to date have indeed run well-oiled weatherization programs. But last September, as a result of repeated requests from CSA and the CETA prime sponsors, the U.S. Department of Labor unleashed a new "field memorandum" which may ultimately cause a tragic denouement in weatherization for CAP's.

This new field memo, #433–77 has raised a tempest in the CAP world. The memorandum was supposed to clarify the relationship of the Davis-Bacon Act to the hiring of CETA workers for weatherization projects. But instead, the "clarifying" memo has (1) muddied the waters to make Davis-Bacon rules appear even more incomprehensible and/or (2) jeopardized further CAP involvement in weatherization.

CAP's must wrestle with three factors as they try to unscramble the meaning of this new memorandum: (1) they must recognize the new questions raised by this memo; (2) they must evaluate its effects; and (3) they must find solutions to their Davis-Bacon problems in order to continue weatherization projects.

THE QUESTIONS

The Department of Labor says officially that the hiring of CETA workers for weatherization projects must comply with the provisions of the Davis-Bacon Act if the project is multi-funded. The Davis-Bacon Act, in brief, says that construction workers must be paid at the prevailing wage rate for the area. The Secretary of Labor establishes the prevailing rate for each region in the country. If Davis-Bacon provisions are strictly enforced, many CAP's will be forced to pay CETA weatherization workers $10 per hour and higher in order to meet the union wage scale. CAP's find it financially impossible to pay those salaries.

But what the Labor Department says officially about Davis-Bacon and what it says

"off the record" remain two separate matters. Despite their new field memorandum and their official warnings about the need to comply with Davis-Bacon, the fact remains that DOL will accept, de facto, implicit agreements between CAP's and the unions which will satisfy both parties, while skirting the issue of Davis-Bacon. These tacit, informal arrangements allow CAP's to remain in weatherization and hold down the cost to pay CETA weatherization workers.

The Labor Unions agree to these arrangements because (1) they remain uninterested in providing weatherization jobs to members. Weatherization projects are notorious for offering low-paying salaries.

Unions also agree because (2) they improve their community image. The unions can point with self-satisfied pride to their concern about finding jobs for the disadvantaged population. In reality, finding weatherization jobs for the disadvantaged insures that union workers will face less competition for the higher-paying skilled jobs. In many instances, however, the disadvantaged lack the skills to perform the higher-paying union jobs.

VIEW FROM CSA

Dick Saul, Chief of CSA's weatherization program, looks upon the new Labor Department memorandum as "awakening a sleeping dog."

"I think most CAP's have worked things out," he said. "The problem as I understand it is that the Labor Department is not leaving well enough alone."

Saul says an interagency meeting between CSA and the Labor Department would help resolve the issue of enforcing Davis-Bacon. He says that forcing CAP's to hire weatherization workers at the same wage scale as carpenters and more highly skilled labor remains inherently unfair.

Saul says that the Labor Department's new zealousness in enforcing Davis-Bacon (and as a result providing more jobs for union members) may be an outgrowth of the Ford Administration's attempt to win political support from the "hard-hats."

"I think this has led to some rather outlandish interpretations," Saul added. "At that time there was probably some politics behind it. There was high unemployment in the building trades and everybody was trying to get votes and it was done at the top level. I think we're sort of stuck with some of that . . . It's something we have to get on top of and I'm hoping there could be some negotiations and understandings. I don't think we're ready at this point to say anything in an article because there hasn't been any negotiation."

VIEW FROM THE BUREAUCRACY

The Department of Labor's Mel Bernstein indicts CSA, among others, for causing the present furor about Davis-Bacon. Bernstein said CSA asked for an interpretation of the Davis-Bacon Act because "they didn't like what they saw in the law."

"The people, including those at CSA, were screaming for clarification of Davis-Bacon. Now they've got it. Those are the risks they took in asking for it. The local agencies, the prime sponsors, and the Community Action Agencies were yelling and screaming for an interpretation. I'm sure they were asking for a ruling because in many cases the local unions were on their backs," Bernstein said. Bernstein is a member of the Employment and Training Administration's Taskforce for Youth Programs.

Another ETA manpower specialist, Eric Johnson, says the Labor Department wrote the field memorandum because "we were getting more and more calls from prime sponsors about the legality of hiring CETA workers for weatherization."

"There was an increasing problem as we brought more and more people into the CETA system," Johnson recalled. "Prime sponsors in different regions were calling us and asking, 'Is that all right? Is this all right?' Rather than continuing to act in an ad hoc way, we decided to set up a clearer policy concerning the CAP relationship with Davis-Bacon."

THE EFFECTS

Jim Gardner, a Manpower Specialist for the Department of Energy, says that the CETA program is not considered in most cases to be covered by Davis-Bacon.

Gardner, who wrote a first draft of the No. 433–77 regulations when he worked at the Labor Department, explains that the labor union determines the fate of the CAP weatherization program.

"The problems develop in areas with both high unemployment and a strong unionized industry," he noted. "In these cases, the unions are very reluctant to say to the price sponsor, 'O.K., you go ahead, you work on these poor people's homes.' The unions are very reluctant to say, 'We have got these skilled carpenters who are out of work, you hire them and pay them the minimum wage.' That's against the principles of the union also. So you run into a dilemma in these types of cases. If you must comply with Davis-Bacon and you can't resolve your problem with the union, then you're out of business," Gardner says.

Gardner adds that Davis-Bacon requires CAP's to pay the prevailing wage for CETA weatherization workers. The prevailing wage is determined by computing the wage rates for jobs that compare to weatherization positions.

But many CAP's wonder what happens when no agency or union performs work that is similar to weatherization. How do you then determine your wage scale, CAP's ask. Gardner explains that in cases where no one is performing work comparable to wetherization, the experience of the employee comes into play in determining the prevailing wage.

"If no one does comparable work, you base the wage rate on the experience of the people you're hiring. When you're talking about CETA employees, you're talking about people who really don't have any skills. Davis-Bacon makes allowances for that. Where a journeyman might get $10/hour, an untrained individual might get $5/hour. So you retain that type of flexibility in CETA also."

Gardner indicates, however, that CAP's involvement in weatherization does not usually bother the labor union.

"If the government doesn't go in there and weatherize those homes, those homeowners are not going to have the money to have anyone else do it," Gardner points out. "They don't even have the money to buy the materials to do it themselves let alone possess the skills that would be required to weatherize a home. So you're really not taking anything away in doing this. Ordinarily the unions are more than happy to cooperate even to the point of lending the CAP's some technical assistance if needed. If those union members want jobs, then you have a problem because they'll go in and say you must pay union wages."

WEATHERIZATION

The Program Chief for the weatherization program for a large northeastern state says that union cooperation has allowed his local agencies to run weatherization programs throughout the state.

"Davis-Bacon does not really apply here as far as I can tell," he said.

"We certainly haven't had the problems and we have a highly unionized state," the program chief claims. "Where you run into the problem is with the unions. We had some problems initially but we worked them out. We've never had a problem with CETA funds, with wages or with unions."

He adds, "You have to deal with unions. You can't ignore those guys. They're there and you have to be able to accept a certain amount of rhetoric. We'll sit down with the unions and work it out. It's when you ignore them or try to flout them that you then get into trouble. If you don't (deal with the unions), you deserve to get pounded. If your country or city government is dividing the people, or they're saying they're not going to pay more than 'x' numbers of dollars, then let them fight with the unions."

SITUATION IN BELLINGHAM, WASH.

Suzanne Deming runs a $1 million weatherization program in a 5000 square mile rural area spanning four counties in north-central Washington State. Her present dilemma illustrates what happens when different parties interpret in different ways Davis-Bacon applicability to the hiring of CETA weatherization projects.

Deming blames CSA and her local "balance of state" program agent for her problems in delivering weatherization to her region. Unless the situation is resolved, she says, her program faces possible termination.

"There is the theory that you could get around Davis-Bacon by classifying weatherization people in non-prevailing wage scale jobs," she said. "Around here the only thing that would be comparable to weatherization would be carpenter's jobs or carpenter's apprentices . . . It's up to CSA to say that Davis-Bacon does not apply to weatherization. But CSA has dodged the issue for the last 3½ years. What needs to be done is for CSA to say 'no, this is not work on public facilities for major rehabilitation. This is energy conservation. The people involved are not necessarily skilled carpenters. They're trainees. They're getting on-the-job training.'" (Davis-Bacon requires paying the prevailing wage for major rehabilitation work on public facilities.)

Deming says CSA continues to dodge the issue because of its reluctance to become engulfed in a "hassle" with the unions. She says in her own case that she has made informal, unwritten agreements with the local unions, similar to the way some other states resolved their Davis-Bacon problems.

"Locally, I have a pretty good relationship with my unions and they are not giving me any trouble. We have made a very good informal agreement about how we can handle this . . . But we can't put it in writing because the unions are not able to do it and neither are we . . . putting it on paper would show a lot of violations."

Deming maintains that the local CSA program agent, who oversees her weatherization project, refuses to provide assistance to clear up the confusion about Davis-Bacon. The program unit for her region wants a formal, written agreement between the unions and her Community Action Agency, the Whatcom County Opportunity Council, before it will agree to waive Davis-Bacon.

"But we just can't do that," she maintained. "The argument is that we are in violation of Davis-Bacon . . . and that we're going to have to pay retroactively for all the times we violated the law. The bottom line about this whole situation is that CSA should just clean up this matter. If they did that, there shouldn't be any problem at all.

"We've had no assistance from our regional CSA office. It may be a small issue to them but when you have to operate that program at the local level it is no small issue. I think it has come to the point that something has to be done because these weatherization programs are no longer just small projects. It's become major. We're also very much involved in housing issues and unless we get some clarification on Davis-Bacon, it's going to jeopardize some of the other things we're doing. CSA has got to do something; otherwise CAP's are going to be out of weatherization."

"If CSA told us, then we would be in good shape," Cloyd Campbell, CETA supervisor in Deming's region said. "We would prefer it in writing to make sure our tracks are cov-

ered. Then DOL would hold us harmless (would not hold his agency liable) and we would have no worries at all."

But Campbell warns that CSA seems reluctant to ask for a waiver. "CSA has bosses too—Congress being the top dog. Apparently they don't want to give the statement," Campbell said, adding, "If I was in CSA's position I'd take a chance . . . you just can't let your CAP agencies hang on forever by the thumbs. You've got to come out with a decision. This may sound a little strong, but it sounds to me like a dereliction of duties."

SOLUTIONS

Mel Bernstein from the Labor Department suggests that CSA ask for a special waiver from Congress to exempt weatherization programs and other forms of CETA public service employment from Davis-Bacon guidelines.

Bernstein says that Congress and the labor unions should be amenable to supporting the waiver for CAP's.

"Congress is very supportive of weatherization," he said. "When we talk about weatherization, we're talking about relatively unskilled jobs. It requires elementary carpentry, installing a window or blowing insulation into an attic . . . not highly skilled jobs. They do not conflict with highly skilled unionized jobs. Any recommendation to help facilitate the weatherization project would probably go over well in Congress."

But Eric Johnson at DOL paints a far darker picture for a waiver for CAP's involved in weatherization. He says that bending CETA reauthorization legislation does not alter Davis-Bacon provisions for weatherization programs.

"It appears the most definitive way to resolve this issue in favor of not paying the prevailing wage would be to change the legislation for other construction type funding programs," Johnson commented. "The fact that Davis-Bacon is not mentioned in the CETA legislation is not really the pertinent point here. I do not see any indication that Congress will change the present wording on the law. Merely deleting Davis-Bacon requirements under CETA still won't make it clear whether to absolve people (such as CAP's) from paying Davis-Bacon wage rates." Johnson questions whether Congress remains strongly committed to continuing weatherization programs.

"I feel that Congress is no so strongly interested in weatherization projects that they would be willing to anger the unions and go against their own previously set policy regarding Davis-Bacon," Johnson continued "They wouldn't feel it was worth doing. While weatherization is something really nice and they've been sticking it on a lot of places lately, I haven't seen the movement afoot to really push that kind of thing. If someone put this waiver up and the unions said 'nay' it would be stopped. Even if the unions sat back and just watched. Congress would still let it (the waiver) die. I don't see a movement to push it other than rhetorically."

Johnson agrees that the present strategy, which calls for union and CAP's to agree sub rosa, has enabled CAA's to stay in weatherization.

"With union guidance and review, a prime sponsor can set up special types of projects which in effect strictly follow the law and still allow part of the work to be done with CETA people at less than Davis-Bacon wages."

THE HENNEPEN COUNTY SOLUTION

Bill Brumfield, the prime sponsor for a CAP weatherization program in Hennepin County, Minnesota, suggests another alternative to keep Community Action Agencies in weatherization.

"We've been able to make some agreements with the local union here. The union wants us to pay union supervisor and maybe three or four CETA apprentices. What we've done here is pay the wages from community block money to pick up the wage differential.

"CAP's should get a commitment that the local government will come up with the money to make prevailing wage. They should find a way to pay the differential by utilizing either some local money or some other federal monies. General revenue sharing money is another possibility. You don't have any strings attached with that. Countercyclical (emergency) funds for areas with unemployment higher than 4.5 percent is another posssibility . . . We don't have any confusion about the law. We just have to comply with it."

OPINION FROM DOE

Jim Gardner from the Department of Energy concludes that ultimately the political realities in each prime sponsor area will determine the fate of the CAP weatherization program.

"The big thing," he said, "is how much strength does the union have and what is their feeling about whether weatherization comes under Davis-Bacon. If the union says 'yes it does' then you've got a lot of problems.

"But you've got a lot of regions that fall in gray areas. The prime sponsors are afraid to make a decision on Davis-Bacon because they fear that a year down the road, they'll come down the wrong way. They're afraid that the government will hold them liable for back pay and that they'll have to pay very large amounts of money. Prime sponsors who are in that particular type of situation should read that memorandum (No. 433–77) and figure out what to do. Those who are in a real fix should be able to tell from reading that memo what action they should take."

The U.S. Department of Labor's Field Memorandum No. 433–77 was sent on September 13, 1977 to all regional administrators of the Comprehensive Employment and Training Act. The memo was written, according to DOL, to uniformly apply the provisions of Davis-Bacon to all CETA programs.●

BAUCUS MAKES EVERY EFFORT

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. EDGAR. Mr. Speaker, while I favor tuition tax credits, one of our colleagues who is opposed to tuition tax credits—MAX BAUCUS—was not able to be here today. MAX has one of the best attendance records in Congress, and I know that he mails a compilation of all of his votes to every western Montana household.

I say this, because I know that MAX made every effort to be here today to vote on this issue. Because of the Northwest Airlines strike and a number of other problems, he was simply unable to get here from Montana on time.

MAX had his staff working through the night trying to make some sort of connections to get him here for today's votes and back home again in time for his primary election June 6. This turned out to be impossible. But he has made his position on tuition tax credits clear by arranging for pairs on each vote.

While I disagree with Congressman BAUCUS' opposition to tuition tax credits, I think the people of Montana can be proud of his willingness to take a stand on a controversial issue even when he was unable to make the vote.●

ONE-MAN FIGHT TO PUT INCENTIVE IN WELFARE AID

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. OTTINGER. Mr. Speaker. Recently, an article appeared in the New York Times regarding Dr. Leonard Greene who is the head of the Institute for Socioeconomic Studies in White Plains. I would like to take this opportunity to share this with my colleagues.

The article follows:

[From the New York Times, Apr. 23, 1978]

ONE-MAN FIGHT TO PUT INCENTIVE IN WELFARE AID

(By Nancy Rubin)

When Leonard Green injured his hands last year doing temporary work in a Mount Vernon factory, his foreman urged him to go on relief. "You're a fool to continue working," said the man, "you've got lots of kids and you'll get more benefits on welfare than you will by working here."

Leonard Greene was not surprised. Founder and president of the Institute for Socioeconomic Studies, he had intentionally falsified his identification (though not his injury), so that he could personally witness the plight of the unskilled worker. He was now experiencing first-hand what he had always known in theory: that the current welfare programs provide individuals with powerful work disincentives, rather than encouraging them to seek employment.

In a study released by the Institute for Socioeconomic Studies late last summer on Westchester's food-stamp program, Dr. Greene's observations were once again confirmed. The survey, which was conducted in conjunction with the Institute for Suburban Governance of Pace University indicated that the number of persons participating in the Federally sponsored food-stamp program within the county had doubled during the last five years. Today, it is believed to include over 40,000 individuals—most of them young, poor, and living in female-headed households—at the cost of $700,000 a month. Seventy-nine percent of the recipients also draw relief from other forms of public assistance:

Although the growth rate for the food-stamp program in Westchester falls well below the national level, the most disturbing aspect of the study is the dependency patterns formed by users of food stamps. According to the study, more than two-thirds of the program participants have received stamps for over a year, while 53 percent apparently having lost all hope of economic recovery, expects to continue receiving stamps for at least another 12 months. These figures, Dr. Greene explained, suggest that once people start receiving public assistance, they find it difficult to give it up.

"The government, with all good intentions, has hurt the people, instead of helping them. It has created generations of people on the dole," said Dr. Greene, who has repeatedly testified before Congressional committees on various aspects of welfare reform. "We've become hooked on the idea of providing public assistance benefits, rather than developing programs that would give people some incentive to work."

Dr. Greene, who is also a computer scientist and inventor of flight instruments, such as the Stall Warning Indicator (which is now standard equipment on many aircraft), is the president of the Safe Flight Instrument Corporation in White Plains. He first became interested in welfare reform over a decade ago, when he offered an unskilled black worker training as a computer assemblyman in his factory. "A few days later he came back and told me he couldn't take the job because he would be making too much money for his family to qualify for low-income housing," recalled Dr. Greene. "That really bothered me and I got to wondering what kind of society we had that fostered that kind of dependency."

Criticizing the current welfare benefit laws for their inefficiency and poor design, Dr. Greene noted that the Institute is currently involved in a study analyzing $250 billion in Federal funds being distributed through 182 separate welfare programs across the nation. Much of it, he added, is needlessly swelling the national debt, undermining the economy, and doing little to alleviate the real causes of poverty.

"Many people think the current welfare system is ineffective because of the opportunities for fraud and abuse," he said, "but that's only a small part of the problem. The larger observation is that the government is oppressing the people with its benefit regulations, and destroying the fabric of American life."

The economist cited the case of a married couple that reaches retirement age. Despite the wife's years of work and contribution to the labor force, she is expected to give up her rights to Social Security benefits in lieu of her husband's allowance. "That's essentially a penalty for having a wedding certificate," Dr. Greene said, "and just one instance of the many inequities in our laws."

Or take the case of the small farmer who must utilize all his land each year in order to survive. At the same time, the wealthier farmer is able to idle his land, collect government benefits for doing so, and even become involved in selling futures on government-supported price controls. "We've forced out the farmer with our grapes-of-wrath approach," said Dr. Greene. "The trouble with our laws is that they don't allow the near poor any vertical progression."

To remedy the situation, Dr. Greene proposes "cashing out" all the existing benefit programs, including low-income housing, food stamps and other welfare benefits. In their place, Dr. Greene has developed the "fair share" concept of welfare reform, or negative income tax, which would give all citizens, whether rich or poor, individual income allowances. Persons with little or no income would receive the full benefit of the allowance, while individuals with higher incomes would be taxed on a graduated scale, similar to the current income tax laws. Non-need families, thus, would not be eligible to receive their allowances, but their monies would be turned back to the government instead to help fund the program.

"The idea is to make funds available to everyone who really needs them," said Dr. Greene, "but not by arbitrarily cutting off people because they fall above a certain minimal level of income, as the laws require today. Instead, the allowance is meant to be distributed on a sliding scale, so that a man who is living with his family just above the poverty line, for instance, might receive enough assistance to help him keep his house or farm. It might make all the difference and provide him with the incentive to keep on working."

A firm believer in the individual's ability to better himself, Dr. Greene has applied many of his economic theories to the operation of his own business. At Safe Flight, where he has always hired large numbers of disadvantaged youths, the handicapped and older workers, Dr. Green encourages his employees to advance through the ranks to administrative and executive positions. Several years ago, in fact, the company attracted several highly skilled technicians from a competitor with an early retirement policy to come work at Safe Flight, where "abilities, not birthdays," were stressed.

The recipient of countless awards and honors, Dr. Greene has received a commendation from the Department of Health, Education and Welfare for his establishment of the Chain Scholarship Fund, a national college scholarship foundation. In 1974 he was named one of the top three independent business leaders in the United States as the Albert Gallatin Award winner for the Northeast. The businessman said he was particularly pleased with that award because it was "an endorsement of his fundamental beliefs about the positive relationship that can be formed between management and labor."

But perhaps the best insight into the man was offered during a recent Congressional hearing on welfare reform when a reporter asked Dr. Greene why a prominent businessman like himself had become so actively involved in the reform of national economic policies. "I don't want to be a successful member of a sinking ship," he said, "we're all in this together and if we ignore the people trapped in our economy, we are essentially undermining the future of the quality of life in this country, and the value of all the things we have strived for." ●

REFRAIN FROM WATCHING TELEVISION 1 NIGHT EACH WEEK

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. KETCHUM. Mr. Speaker, West German Chancellor Helmut Schmidt has asked his people to refrain from watching television one night each week, utilizing that evening to enhance the family unit. I consider this a most laudable suggestion, one which perhaps our own people might do well to emulate.

Not only is the emphasis on family life a commendable notion in itself—the suggestion that we relieve ourselves of television's declining quality programing for at least one evening a week is doubly attractive. While there is no denying that the electronic media have the capability to educate and inform, the caliber of programs now being aired hardly takes advantage of this opportunity. On the whole, television seems determined to appeal to our baser nature; to lionize the less desirable segments of society, and to fill in the lulls between sensational productions with vapid and inane presentations.

How many of us have looked on as our children and grandchildren gaze at the one-eyed monster with glassy eyes? Entire evenings may pass in total family silence as a stream of ridiculous programs pass across the screen. Evidence of growing dissatisfaction with television's programing is given by the number of corporations which are withdrawing their sponsorship in protest.

I do not claim to be an expert psychologist, and I will make no comment as to the supposed link between violent crime and television violence. I simply believe that the American people would do well to rediscover the lost art of family enjoyment, communication, and conversation while the tube lies dormant one night out of seven. Perhaps if enough of us adhere to this policy, television programers will realize we are a bit brighter than they had thought. If they do not, at least we will be spared their insulting efforts for a short period of time.●

PERSONAL EXPLANATION

HON. MAX BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. BAUCUS. Mr. Speaker, on May 17, 18, and 19, 1978, I was absent from the legislative session of the House of Representatives.

The House considered H.R. 39, the Alaskan National Interest Lands Conservation Act during this period. This bill was the subject of lengthy debate and extensive compromise in the Committees of Interior and Insular Affairs and Merchant Marine and Fisheries. Knowing that numerous amendments would be offered on the floor I decided to oppose all amendments and support the open rule and the Committee compromise. Thus had I been present, I would have voted in the following manner:

Rollcall No. 330, H.R. 39: Alaska National Interest Lands Conservation. The House agreed to the rule (H. Res. 1186) under which the bill was considered, "yes."

Rollcall No. 335, H.R. 39: Alaskan National Interest Lands Conservation. The House rejected an amendment that sought to make certain boundary changes in order to reduce the total acreage within parks, wildlife refuges by approximately 5 million acres to permit selection of these lands by the State of Alaska "no"; and

Rollcall No. 336, H.R. 39: Alaska National Interest Lands Conservation. The House rejected an amendment that sought to reduce lands to be designated as wilderness from approximately 66 million acres to 33 million acres, "no."

Rollcall No. 337, H.R. 39: Alaska National Interest Lands Conservation. The House agreed to resolve itself into the Committee of the Whole "yes"

Rollcall No. 338, H.R. 39: Alaska National Interest Lands Conservation. The House agreed to an amendment that continues minerals assessments provisions and requires the President to submit a proposal to Congress by October 1, 1981, for a procedure for evaluation applications by individuals wishing to carry out mineral exploration or extraction on conservation system lands "no"

Rollcall No. 339, H.R. 39: Alaska National Interest Lands Conservation. The House rejected a motion to recommit the bill to the Committees on Interior Affairs and Merchant Marine and Fisheries with instructions to report it back forthwith containing an amendment in the nature of a substitute (text of H.R. 12703 previously offered in the Committee of the Whole), "no"; and

Rollcall 340, H.R. 39: Alaska National Interest Lands Conservation. The House passed the measure to designate certain lands in the state of Alaska as units of the National Park, National Wildlife Refuge, National Wild and Scenic Rivers and National Wilderness Systems, "yes".●

LIFTING THE TURKISH ARMS EMBARGO

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues an editorial entitled "Carter and the Turks" which appeared in the Christian Science Monitor on Friday, May 19, 1978.

Soon, Congress will be considering H.R. 12514, the International Security Assistance Act of 1978, which contains provisions regarding Greece and Turkey and the lifting of the partial arms embargo against Turkey. I urge my fellow Members of Congress to give careful and full consideration to this very important foreign policy decision whether to sustain provisions of H.R. 12514 and lift the embargo against Turkey.

The editorial urges us, as Members of Congress, to make this decision on the basis of a rational foreign policy judgment on whether lifting the embargo will support NATO and strengthen hopes for progress on a Cyprus settlement.

It seems to me that there is now a very crucial need for a positive foreign policy initiative in the Eastern Mediterranean to move the situation off dead center. Lifting the embargo can hopefully help create an environment in which successful negotiations for a Cyprus settlement can occur and in which Greek and Turkish confidence can be restored in the NATO alliance.

The editorial follows:

[From the Christian Science Monitor, May 19, 1978]

CARTER AND THE TURKS

President Carter has a host of foreign policy problems but none more serious now than the question of Turkey's weakened role in NATO. So far he has not given this matter top priority. The Panama treaties and the Middle East arms package consumed his energies in Congress. But now that the day has been won on these issues, it is indispensable that the President similarly pull out all stops in an effort to get Congress to lift the U.S. arms embargo on Turkey. No less is at stake than the strength and stability of the Western alliance in the face of growing Soviet assertiveness.

It is ironic that at a time when the Russians are exploiting fresh opportunities to extend their influence—in Africa, the Middle East, Afghanistan—the U.S. Congress is helping them. For that in effect is what it is doing. Washington's European allies alone seem to understand that if Turkey is not soon helped to improve its deteriorating defenses, the whole southeastern flank of NATO, now a strategic Mediterranean buffer between the Soviet Union and the Middle East and between East and West, will be softened. Already the United States has had to shut down some of its military installations in Turkey.

Turkish Prime Minister Bulent Ecevit does not go so far as to suggest that Turkey will pull out of the alliance. But, under growing pressures at home, he is being forced to look to other alternatives if the U.S. Congress continues its myopic policy. He has told Mr. Carter that Ankara will not sign a join statement on NATO's future at the upcoming summit in Washington and he hints that Turkey will reduce the size of its armed forces (it now has the second-largest standing army in NATO).

That may sound like arm-twisting to some, but, in Mr. Ecevit's eyes, things look quite different. Failure of the Senate Foreign Relations Committee to end the embargo, imposed when Turkish troops occupied northern Cyprus, has had serious repercussions in Turkey. Many Turks feel that they are being treated like second-class citizens, that the West does not appreciate them, and therefore that they should perhaps stand all alone, bolstering their ties with the nonaligned world and—yes—with the Soviet Union.

On the Cyrus issue the Turks believe they have put forward reasonable opening proposals. UN Secretary-General Kurt Waldheim in fact termed them concrete and substantial, but the Greek Cypriots refuse to talk now—a stance Ankara views suspiciously as tied to a desire to keep the pro-Greek deadlock in Congress.

Whether these suspicions are true or not, the American lawmakers can be faulted for playing politics instead of pursuing principle It is no secret that the pro-Greek lobby is highly organized and cohesive. It has influence over some important congressional posts and its financial support of Democrats and Republicans alike is a matter of public record.

Can it be doubted that the Senate Foreign Relations Committee and other members of Congress would view the situation differently if, instead of the pro-Greek chorus, pro-Turkish voices were heard in the land? To Turkey's disadvantage, there are few such. Hence President Carter faces a tough task in persuading the lawmakers to be ruled by good sense and patriotism rather than their political emotions. He managed this admirably well in the case of the Mideast arms deal. For the first time the power of the Jewish lobby in the Congress was broken because of a perceived overriding national interest.

This must be the touchstone in the Turkish arms issue as well. There is no rationale in sounding the alarm about the Soviet Union's inroads around the world and growing challenge to the West—when the West itself does not keep its house in order.●

ADMIRALTY ISLAND, ALASKA

HON. LAMAR GUDGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. GUDGER. Mr. Speaker, one of the areas in Alaska that most needs protection is Admiralty Island. It is an island 100 miles long and 25 miles wide, located just south of Juneau, where it is a memorable part of the Alaskan experience to millions of people who have traveled the Inside Passage, which bounds the island on the east.

Foremost among those who seek permanent protection of Admiralty Island's fisheries, wildlife, and scenic values are the people who live there, the Tlingit Indians of Angoon. The village of Angoon, the only community on the island, is the last stronghold of traditional Tlingit culture—one of the most advanced and artistic cultures in North America.

I am a cosponsor of H.R. 8651, a bill initiated by the people of Angoon, to establish the Admiralty Island National Preserve as part of the national park system. After considering this proposal in conjunction with the larger Alaska bill (H.R. 39), the Subcommittee on General Oversight and Alaska Lands reached agreement with the people of Angoon to include Admiralty Island as a designated wilderness area in H.R. 39. This is strongly supported by the people of Angoon.

Moreover the island is famous for its salmon, with an estimated production of 2 million fish every year. Sitka deer inhabit the island, and the bays and tidal flats are habitat for migrating waterfowl and shorebirds. In addition, it is one of the best areas in Alaska for brown bear. As early as 1901, President Theodore Roosevelt recommended the island as a brown bear refuge. Also biologists find that Admiralty has more bald eagles, an endangered species and our national symbol, than all the other 49 States combined.

In view of the cultural value, the bald eagle habitat and the brown bear habitat, Admiralty Island needs wilderness protection, House enactment of H.R. 39, assuming similar action in the Senate, guarantees this protection.●

PIERCE COUNTY RADIO WATCH HONORED

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. DICKS. Mr. Speaker, local and State leaders in Pierce County, Wash., have designated May as Pierce County Radio Watch Month in recognition of an outstanding public service organization in my district.

This most dedicated organization has, for 7 years, maintained an around-the-clock monitoring service on channel 9; the national emergency channel. They notify local and State law enforcement agencies of any emergencies that occur in the area.

Because of the earnestness with which Pierce County Radio Watch has approached this responsibility, they have earned a reputation of accuracy and effectiveness among local law enforcement agencies. They have developed an excellent system for screening information before they transmit it; and they have instigated procedures to get correct and useful information to the right people. Every agency they deal with has nothing but praise for the coordinating efforts of this valuable community service organization.

The Pierce County Sheriff's Office and the Tacoma Police Department receive more than 100 calls a month and the Washington State Patrol gets about 60 calls a month from Pierce County Radio Watch. Often, these calls are the first they receive of an emergency, that can range from a lone female who ran out of gas at 3 a.m., to a stalled auto on Interstate 5 during rush hour traffic, to such an emergency as a recent gyrocopter crash in Tacoma.

Law enforcement agencies routinely have come to depend on Pierce County

Radio Watch to complement their own communications network. And, in recent years, they have expanded their surveillance effort to include traffic reporting for KVI radio in Seattle, helping them to improve their traffic reporting network for listeners throughout Puget Sound.

While many people in Pierce County are not yet aware of the services provided by Radio Watch, the daily lives of thousands are affected daily by the work of this excellent organization.

I recently presented Pierce County Radio Watch with a flag that was flown over the Nation's Capitol in their name. Today, I would like the U.S. House of Representatives to be aware of the excellent 7-year record of this organization during May, Pierce County Radio Watch Month.●

DIVESTITURE NOT NEEDED TO DEVELOP COAL SURPLUSES

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. JONES of Oklahoma. Mr. Speaker, as the Congress nears completion of some sort of national energy plan, I wanted to call my colleague's attention to a recent report carried by the news media. The gist of that report was that oil and nuclear fuel energy companies should not be barred from acquiring coal lease properties on the basis of antitrust law.

The study was requested by Congress, and conducted by the Antitrust Division of the Department of Justice. According to the study, prohibiting oil and nuclear energy firms from buying coal-bearing properties might actually decrease competition for this new energy resource. The Justice Department found the current coal markets in the United States to be "workably competitive."

Frankly, Mr. Speaker, I think this is good news, and for several reasons. First of all, it is reassuring to know that no major abuses of antitrust law seem to be occurring in an area as vital to our economy as energy. Second, I hope this study will serve to balance the on-going discussion as to the nature and desirability of maintaining privately held energy companies. Third, and most importantly, I hope that this report may prove to be the cornerstone of our efforts to increase production of the abundant coal supplies in the country.

Congress can do many things to set national energy policy. We can approve seminars and fund research into coal conversion. We can enact tax breaks or tax penalties to encourage conversion to coal. We can, in short, erect the signposts to point the way to our energy future. We cannot, however, legislate the extraction of coal. Ultimately, this job must fall on the tried and proven shoulders of the free enterprise system.

This Justice Department study seems to suggest that the free enterprise system is working pretty well without Government intervention. If Congress acts like a conservative gardener, and prunes and trims the economy only when necessary, I think we can be assured of a bountiful harvest of energy for future generations.●

THE NATIONAL ENERGY TRUST FUND ACT

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. PURSELL. Mr. Speaker, today, I am introducing legislation entitled the "National Energy Trust Fund Act" for basically two reasons: Because I have a strong commitment to solving our energy problems, and I do not feel that our leaders are adequately addressing the problems. When I first came to Washington some 18 months ago, I truly believed that the time had come to really deal with our energy problems in substantive terms. We had experienced an "energy crisis" and piecemeal attempts at solving it. We had listened to a great deal of rhetoric, with little action toward implementing the spoken words. But January 1977 saw a new Congress and a new administration which promised to be intent and forthcoming on our energy problems. I looked forward to taking part in this important mission.

We were certainly led to expect great things—and at one point I thought we were on the right track with the creation of a new Department of Energy. However, 18 months later I feel frustrated and disappointed because we are not really any nearer to dealing with our energy problems that we were in January 1977. What has been done? The creation of a new department, yes—but it continues to flounder and is still not fully organized. The energy bill is now over a year old and has not been enacted. Quite frankly, I feel that bill fell so short of our goals that I voted against it. Now, we are presented with "Phase Two" of the energy plan—a memo sent up to Congress 1 day after the budget deadline containing proposals of which 95 percent have already been approved in some form by the House Science and Senate Energy Committees. This is the work of an administration that "declared war" on our energy problems?

Quite frankly, I believe the administration's so-called energy plans are an affront to the American people and fall very short of the type of commitment we must have. It is my firm belief that what this country needs is a strong, national effort in energy, similar to the commitment made to the space program in the 1960's. The space program certainly proved our leadership abilities overall—and the resourcefulness of the congressional committees in particular. Once a strong, cohesive commitment was made to space, the Congress was able to accelerate programs to achieve a major goal—reaching the Moon—in a relatively short period of time.

And in the area of science itself, Americans have proved their resourcefulness again and again. For instance, at one time, all of our tires were made of rubber, imported from Brazil. But now, thanks to our scientists, our tires are now made from synthetics produced in this country. With a commitment to this goal, we were again able to achieve in a relatively short period of time.

When will our leaders not only realize that energy is a No. 1 priority, but act like they realize it, as they did with the space program? At our present rate, we will never be able to accelerate energy development—of any sort—to meet the goals of energy independence. Our economy is dependent to a large extent on a stable energy supply—much of which is now imported. We have no choice but to accelerate our energy program with a goal of energy independence.

To do this, we must work to increase our research and development of nonfossil energy sources. Oil, gas, and coal—from any part of the world—will not last forever. If we do not concentrate our efforts on nonfossil, nonnuclear sources, we will experience the greatest energy crisis ever. This is not a dramatic omen—it is simply a truth which we must face and deal with.

It is with these thoughts that I present the National Energy Trust Fund. The purpose of this bill is very simple—to encourage and conduct a comprehensive national program of basic and applied research and development and technical demonstrations of alternative energy sorces. Furthermore, this bill would seek to promote a partnership between the public and private sectors in terms of energy development—which is vital to all aspects of our economy.

The Secretary of Energy is directed to make loans, contracts, and grants to qualifying individuals and organizations. (Organizations include municipalities, colleges, universities, corporations, and unincorporated businesses.) These financial arrangements would serve to carry out the purposes of this act in terms of alternative energy sources. (Alternative energy sources are defined as nonfossil, nonnuclear (excluding fusion technology) energy sources including (but not limited to) solar power, geothermal energy, and new techniques in the provision and use of hydroelectric energy.)

The trust fund would be funded from the proceeds of any tax heretofore or hereafter imposed specifically to promote energy supply or for energy conservation purposes and then appropriations as necessary. The Secretary of the Treasury would hold the trust fund and report each year to the Congress on its fiscal condition. The Secretary would be able to invest any funds which were not necessary for withdrawals for energy purposes.

Furthermore, the funding in this bill is increased in incremental steps, and then decreased in later years to further encourage energy independence. Our purpose is to accelerate research and development in alternative energy with a space program type of commitment, to reach our goal of energy independence in a relatively short period of time.

I cannot emphasize enough the absolute need for a strong, cohesive commit-

ment to alternative sources of energy. Without such an effort—of which we are certainly capable—we will never see the end of our energy problems.

I urge my colleagues to consider the seriousness of this problem, and hope that they will join me in this effort to prepare our country for energy independence as we prepared America for the journey to the Moon.●

THE HARRIS SURVEY

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. DOWNEY. Mr. Speaker, according to a recent Harris survey, a massive majority of Americans favor the United States and the Soviet Union coming to a new SALT agreement that would limit the number of nuclear missiles each country can deploy. Mr. Harris found a 75 to 12 percent majority favoring this position in a poll released on May 22, 1978.

This survey is significant because it should encourage our negotiators to press forward at this time with the knowledge that there is a sizable domestic constituency which will work for ratification of a satisfactory agreement.

The survey also found that there is a 74 to 17 percent majority in favor of both countries ending all nuclear testing, which is in line with the decision of the Carter administration to seek a comprehensive test ban treaty with the Soviet Union.

Since this poll gives valuable insights into the current thinking of Americans on relations with the Soviet Union, I ask that it be inserted in the RECORD for the consideration of my colleagues.

The text of the poll follows:

[From the Chicago Tribune, May 22, 1978]

THE HARRIS SURVEY

(By Louis Harris)

Reports that the American people have turned less favorable toward detente and have cooled on their desire to see the United States and the Soviet Union agree on strategic arms limitations simply have no basis in fact. To the contrary, there appear to be sizable majorities of the public who deeply hope agreements between the world's two leading superpowers can be achieved.

Despite rather widespread claims to the contrary, a recent Harris Survey of 1,563 adults nationwide has found:

A 71–15 percent majority favors "detente—that is, the United States and Russia seeking out areas of agreement and cooperation." A year ago a slightly higher 75–10 percent majority supported detente, while in 1976 a 73–16 percent majority held the same view. By any standard, support for arriving at key agreements between the two countries is substantial and overwhelming.

Specifically a 75–12 percent majority favors the U.S. and Russia coming to a new SALT arms control agreement that would limit the number of nuclear warheads and missiles they can deploy. Just a year ago, the margin was 66–8 percent. In the past 14 months, backing for SALT has gone up 9 points. Recently, Secretary of State Cyrus Vance and chief arms negotiator Paul Warnke reported that real progress had been made on SALT negotiations and that final agreement might be only a matter of weeks away. It has been suggested that Soviet Chairman Leonid Brezhnev might well be invited to visit President Carter in Washington this summer for a summit meeting, at which new SALT agreements would be announced.

On three other key areas of potential agreement, massive majorities are favorable:

On "increasing trade between the U.S. and Russia," a 70–18 percent majority nationwide register their approval, up slightly from the 66–16 percent majority who felt the same way in 1977.

An agreement between the U.S. and Soviet Union to "end all nuclear weapons testing" meets with 74–17 percent approval by the public. A year ago, a slightly larger 75–12 percent majority favored such an agreement.

By 63–21 percent, a sizable majority also favors the U.S. granting Russia "the same trading rights with us as most other nations have." This would mean giving the Soviets the "most favored nation" rights enjoyed by other countries with whom we conduct trade.

It is clear from these findings that there is still a favorable climate for détente in this country. Large majorities feel that in a nuclear era, confrontations between the two leading nations in the world must be avoided. This means finding areas of agreement which might then ease tensions.

At the same time, according to recent Harris Surveys, the American people are uneasy about Soviet and Cuban military activities in Africa as well as about violations of human rights within the Soviet Union. And they seem to feel that the U.S. should not hesitate to make forceful representations to the Kremlin on these matters.

What they do not want, however, is to have the progress of the SALT talks and the prospects for increased trade linked too closely with these other issues. The public believes that a policy of pluralism must be a cornerstone of U.S.-Soviet relations in this advanced nuclear age.

For the Carter administration, agreements on SALT and trade with the Russians could well turn around the dismal 63–29 percent negative ratings that the public has given the President on his conduct of foreign policy. At the heart of this judgment is people's feeling that President Carter has not handled relations with Russia very well. Indeed, they give him a lower rating on this score than any President in the last 15 years.

What a solid majority wants to see is progress in negotiations, patiently and effectively worked out, with no danger to America's security. And that objective can be achieved, in the minds of a 71–15 percent majority, by pursuing the policy of detente.

TABLES

Between April 29 and May 6, the Harris Survey asked a cross-section of 1,563 adults nationwide in in-person interviews:

"Do you favor or oppose detente—that is, the United States and Russia seeking out areas of agreement and cooperation?"

DETENTE WITH RUSSIA

[In percent]

	1978	1977	1976	1975
Favor	71	75	73	62
Oppose	15	10	16	15
Not sure	14	15	11	23

WOULD YOU FAVOR OR OPPOSE (READ LIST) AGREEMENTS WITH RUSSIA?

[In percent]

	1978	1977	1975
The United States and Russia coming to a new SALT arms control agreement:			
Favor	75	66	59
Oppose	12	8	14
Not sure	13	26	27
The United States and Russia agreeing to end all nuclear weapons testing:			
Favor	74	75	(1)
Oppose	17	12	(1)
Not sure	9	13	(1)
The United States and Russia increasing trade with each other:			
Favor	70	66	52
Oppose	18	16	25
Not sure	12	18	23
Russia being given the same trading rights with us as most other nations have:			
Favor	63	61	55
Oppose	21	19	23
Not sure	16	20	22

[1] Not asked.

THE ECONOMICS OF GUNS AND NODULES: WHY WE NEED A DEEP SEA MINING BILL

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. BREAUX. Mr. Speaker, the deep seabed mining issue has echoed in the halls of Congress for many years. In the past, however, the administration has viewed each session of the continuing United Nations Law of the Sea (LOS) Conference with optimism and has not supported domestic deep sea mining legislation for fear that it might disrupt negotiations perceived to be delicate.

Last year, at the start of the sixth session of the LOS Conference, the administration began to change its position. For the first time the folks downtown began to recognize the need to move forward with domestic legislation. The head of the U.S. delegation at the LOS, Ambassador Elliot Richardson, has stated that the proceedings at the Conference which have entered into its second decade of negotiations should not deter the progress of domestic legislation. As a result of the willingness of the executive branch to work with the Congress on this issue, many of the questions which have surrounded deep seabed mining in the past have been worked out. The product of these efforts is H.R. 3350 which will be brought before the House next month.

I have always maintained that a sound and equitable LOS treaty is preferable to any form of unilateral action taken by the United States to encourage the development of deep seabed mining. This view is reflected by the interim nature of H.R. 3350.

However, I also believe that if a treaty cannot be obtained, the United States cannot afford to wait and allow our technological lead to dwindle and at the same time subject ourselves to serious economic disruptions in our supplies of strategic minerals.

Although experts generally agree that the threat of long-term cartelization of the nickel, copper, cobalt, and manganese markets is minimal, I stated my concerns last year that the possible adverse effects of short-term disruptions in supply had not been satisfactorily dispelled. Unfortunately my statement of last year has been substantiated by recent events, a description of which follows.

During the second week in March, rebel forces began what turned out to be a well planned and executed assault on Zaire's copper-rich Shaba Province. This campaign culminated in the shutdown of more than 75 percent of Zaire's annual copper production and 90 percent of that country's cobalt production capacity. According to the Washington Post, the rebel forces, which are now purportedly retreating into Angola, succeeded in rendering Zaire's Shaba Province mines inoperative for a period of at least 6 months to several years.

The repercussions emanating from the recent turn of events in Zaire will be felt, not only in that country and region of the world, but internationally for months and possibly years to come.

By cutting the main artery supplying Zaire's economic blood, the rebels effectively imposed a major economic setback to a nation which is struggling to meet its massive foreign debt obligations. Internationally, the termination of mining operations in the Shaba Province has already begun to affect the world price of these strategically important metals.

The financial section of the Washington Post has provided an alarming chronicle of the impact the conflict in Zaire has had on the world price of copper:

On May 15, 1978, news of the rebel invasion into the mining district of Zaire caused copper prices to increase a cent per pound—to 59.20 cents/lb.

On May 17, 1978, the Zairian conflict triggered a wave of speculative demand which caused copper prices to jump by 0.7 to 0.8 cents per pound.

The following day (May 18) copper prices advanced 1.0 to 1.4 cents a pound, finishing at 60.90 cents/lb.

On May 19, 1978, the Washington Post reported: "the rebel invasion of copper-rich Zaire triggered heavy speculative demand that lifted copper futures on New York's Commodity Exchange (Comex) about 2.5 cents per pound."

According to the Washington Post, on May 22: "Reports that rebels had flooded copper mines during hostilities in Zaire stimulated another wave of speculative buying yesterday that inflated the prices of those futures."

"Mining engineers and technicians fleeing the African nation told reporters that even if they returned to work, it could be six months before the mines were operational."

"Copper futures, accordingly, jumped nearly a cent a pound on top of a 2.5 cent price hike last week."

On May 25, copper prices increased by 2.5 cents per pound in the wake of news verifying the forced reduction in Zaire's copper production. The spot contract on New York's Comex finished at 64.40 cents per pound compared to the quoted price for copper of 58.00 cents per pound on April 28.

In 1976, Zaire's cobalt production accounted for 51 percent of total world production. Cobalt is normally produced as a byproduct of nickel and copper ore production and processing. Nickel and copper markets have been depressed lately due to low prices for these metals. Consequently, production of these two metals has been cut back. Demand for cobalt was high during the first quarter of 1978, and reached an all time high in March. The combined effects of high demand and decreased production has precipitated a severe world shortage of cobalt.

As of May, African Metals Corp., one of the world's largest suppliers of cobalt, announced a rationing program whereby its customers would receive only 70 percent of their contracted supply allocation. As a result, while the posted price for cobalt (the price paid by African Metals Corp. customers under contract) has remained at $6.85 per pound, the free market price for cobalt began to soar in late April to $18 and $20 per pound.

Since the United States is totally dependent on foreign sources of cobalt, the price trends for cobalt in this decade are especially disconcerting. In 1972, cobalt was selling for $2.45 per pound. The price steadily increased to $3.75 per pound in 1974, $4.90 per pound in 1976, to the current price of $20 per pound. Based on the current market price, the price of cobalt has increased an incredible 716 percent in 6 years.

Cobalt is critical to the United States from both strategic and economic standpoint. It is an essential element in many alloys and superalloys. Cobalt is especially important in electrical and aerospace industries.

In 1974, according to the Congressional Research Service, 83 percent of the United States cobalt imports originated in Zaire. The Department of the Interior stated that as of March of this year, consumer stockpiles of cobalt in the United States would meet only 2 months of this country's current consumption.

The prospect of major shortages of cobalt in this country is significant given the fact that Zaire's cobalt production could be deferred for 1 year. The fact that a worldwide shortage existed before the disruption of mining operations in Kolwezi, which accounts for 46 percent of the world's production of cobalt, can only mean that the price of cobalt will continue to rise.

The tragic events in Zaire provide a painful exposure of the vulnerability of the United States to supply disruptions in certain raw material markets. Other strategically and economically critical metals in this category include nickel and manganese of which 71 percent and 100 percent, respectively, of our annual consumption must be imported.

For the United States, there exists an alternative to this extremely dangerous one-sided trade situation. The solution lies on the bottom of the deep ocean. Scattered across the seabed throughout the world's oceans are potato-sized accretions which contain an estimated $3 trillion worth of nickel, copper, and manganese.

Private corporations in this country and in other industrialized nations have expressed an interest in mining these manganese nodules.

According to some estimates, by mining these nodules U.S. companies could meet all of our country's demand for cobalt and manganese by the year 1990.

What this means for the United States is a stable supply of these critical metals, a decreased balance of payments deficit (imports of nickel, copper, cobalt, and manganese contributed $1.5 billion to our payments deficit in 1976), and increased stability in the world market for these metals. Stable prices, as Secretary of Commerce Juanita Kreps recognized in testimony before the Oceanography Subcommittee, will derive benefits for the international community as well as the United States.

Currently pending in the House is a bill, H.R. 3350. This bill would authorize U.S. companies to engage in mining of manganese nodules on the sea floor beyond the limits of national jurisdiction. The companies have the technology to proceed. What they need now is an interim legal framework under which they can continue expenditures and begin commercial recovery prior to the final resolution of a U.N. Law of the Sea Conference. The warnings of economic analysts have gone unheeded for too long. These warnings have now become realities. It is time for the Congress to act on this important legislation when it comes to the floor later this month.●

CRIMINAL CODE REFORM

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. EDWARDS of California. Mr. Speaker, last January the Senate passed a massive, 682-page criminal code reform bill and the House Judiciary Subcommittee on Criminal Justice is now trying to weed through this complex legislation. The Senate version of the bill represents a tremendous expansion of the Federal Government's criminal jurisdiction at the expense of civil liberties. The following Los Angeles Times editorial explains the need for caution in drafting the House version of this important legislation. In its haste, the Senate allowed intrusions upon many individual and first amendment rights which are crucial to our democratic society. The editorial points out that the balance between State and Federal power will be dangerously tipped toward the side of the Federal Government if the Senate's Criminal Code bill becomes law. I recommend to my colleagues this thoughtfully written editorial which clarifies many of the faults of the Senate-passed bill:

[From the Los Angeles Times, May 24, 1978]

A LEAP IN THE DARK

Legislation to codify, revise and reform federal criminal law (S. 1437, passed by the Senate, and H.R. 6869, now under consideration by the House of Representatives) has

encountered a setback in the House judiciary subcommittee.

After 23 days of hearings, the subcommittee balked at the complexity of the massive, 682-page measure. Rep. Henry J. Hyde (R-Ill.), summed up the committee's sentiment by calling the bill "a giant leap in the dark." Another committee member, Rep. Charles E. Wiggins (R-Calif.), says the House must take a long and independent look at reform, and not simply ratify the Senate action.

Supporters of the legislation proceeded immediately to the attack, but their arguments, instead of adding strength to their cause, became impressive new evidence that the code should be defeated.

The Washington Post prefaced its renewed support of the code with this confession: "It is almost impossible for anyone, other than the (Justice Department) lawyers who have lived with it for a decade, to comprehend all of the changes this proposed code would make in federal criminal law." Yet, from that admission, the newspaper went on to argue for passage of a bill that it finds almost incomprehensible.

The New York Times attacked the House subcommittee's analysis as "a cop-out on crime," an evaluation that reduces a momentous issue to a trivial level. The present form of the revision of federal criminal law would profoundly alter the relationship between the federal government and the states, and between the American people and the federal government.

Sen. Alan Cranston (D-Calif.), who opposes the legislation, says it would "tip the delicate balance of police power in our nation too much in the direction of the federal government." That observation was a diplomatic attempt to state a hard truth in soft terms.

The code represents a massive invasion of federal criminal power into areas traditionally left to the states. In testimony before the House subcommittee, Prof. John Quigley of Ohio State Law School estimated that, under the bill, the annual criminal caseload of federal courts, now numbering 40,000, would increase more than five times. This would bring about a tremendous expansion in the apparatus of the federal criminal-justice system, including the FBI.

The significance of this vast extension of federal jurisdiction would be difficult to exaggerate. No longer would there be a "delicate balance" between state and federal police authority. Federal power would predominate.

In most fundamental way, the proposed code would reverse the relationship between government and American citizens. In our democracy, through the First Amendment that guarantees freedom of information, the government is kept under the watchful eye of the people. Under the code, as approved by the Senate, the government would become the watchful censor over the political activities of the people.

How did this come about in a measure that began as a well-intended effort by a national commission to rationalize a jumble of federal laws accumulated over nearly 200 years?

The commission's work started under President Lyndon B. Johnson's administration, fell into the hands of Richard M. Nixon's administration, which was dominated, even during the peak of its power after the 1972 election, by a siege mentality.

What emerged was legislation that was authoritarian in tone and substance, and whose guiding principle was the implicit assertion of the need to protect the government from its domestic enemies—the people.

During the uproar over Watergate, the proposed code, like nearly everything else, was overtaken and submerged in the news of the dramatic, day-by-day developments that finally led to the ouster of President Nixon. But the legislation, which escaped the attention of most of the public, was not forgotten by its sponsors, nor by the Justice Department's team of lawyers who drafted the bill.

When the measure surfaced, as Senate Bill 1 in Gerald R. Ford's administration, the public finally became aware of its significance. Even proponents of the S 1 version have now admitted that it was an atrocity. It would have whittled away First Amendment freedoms, undercut Fifth Amendment protections and, in sum, enhanced the power of government, and diminished America's system of individual rights. It would have enabled the government to insulate itself from effective political criticism.

Yet a reform of the criminal code, a tedious task involving the rewriting and codifying of some 3,000 criminal offenses, was an appealing idea. Everybody agreed that, if not imperative, the revision of the code was worthwhile.

After the disaster of S 1, an immediate salvage effort was launched, with the technical assistance of the Justice Department squad that had continued to draft and redraft the bill through three administrations.

What finally emerged was S 1437 in the Senate and the companion bill in the House, and the new measure was hailed as a "masterful compromise" between liberal and conservative senators who otherwise could not agree on the time of day.

The compromise does represent an advance over S 1, but if the new version had been drafted in the dark it hardly could have failed to be an improvement over its predecessor, which was a carefully designed assault on dividual freedoms.

Several improvements in the current draft should be noted.

Judges would be barred from prosecuting a news organization for violating a court-issued gag order, if the order subsequently were held unconstitutional. As the situation now stands, a news reporter can be punished for violating an order that is later declared invalid.

The so-called Nuremberg defense for public officials accused of law violations has been dropped. The old bill would have allowed them the defense of claiming that their lawless actions were committed in behalf of national security.

The new version would repeal the Smith Act, which made it a criminal offense to talk about the overthrow of the government by force.

Such gains, and some others, are not to be minimized, but to say that these changes justify enacting this legislation is to overlook numerous other statutes that lay a heavy burden on all forms of political expression.

Thomas I. Emerson, professor emeritus, Yale law school, comes to the conclusion that this bill "retains a large number of provisions which individually and in totality are gravely detrimental to the American system of individual rights."

Though enumerating them may be somewhat less exciting than reviewing a Rapid Transit District bus schedule, they demand close study because they give the government widely expanded power over the actions of American citizens.

Section 1301 (Obstructing a Government Function by Fraud) could be used by the government to impose censorship on government information. It would be a bar to prosecution that the "offense was committed solely for the purpose of disseminating information to the public." But the use of the word "solely" would virtually wipe out the protection if a jury could detect the presence of any other motive.

Section 1311 (Hindering Law Enforcement) would provide that a person was guilty of an offense if he "interferes with, hinders, delays or prevents the discovery, apprehension" of a person charged with a crime "by engaging in conduct by which he knowingly conceals the other person or his identity." This provision could be used against a news reporter who refused to disclose his files to the government, or destroyed them to protect a confidential source.

Section 1331 (Criminal Contempt) would create an offense of not only disobeying a court order but "resisting" such an order. This term could be interpreted to include mere speech. News organizations would be exempt under certain conditions, as we noted, but other worms of expression would be subject to the authority of a judge.

There are many other aspects in this massive revision of criminal law that reflect the legacy of the Nixon years.

Section 1343 (Making a False Statement) says that a person is guilty of a crime if, "in a government matter," he knowingly makes "a material oral statement that is false" to a law-enforcement officer or to an official assigned "investigative responsibility." A mere disagreement between a citizen and a law-enforcement agent could subject the citizen to federal prosecution, and the outcome could depend on one man's word against another. Moreover, the offense would extend beyond a statement of fact, because it would include "a declaration of representation of opinion, belief or other state of mind."

Present law on false oral statements generally has been limited to false statements in the content of a quasijudicial proceeding, or in a situation where one person falsely tried to implicate another in a crime.

Several sections of the code would impose greater control on the flow of information from inside the government to the public. While national-security matters have to be guarded, and some information affecting the privacy of individuals should be protected, a democracy thrives on information, and withers when information is cut off.

The sweep and magnitude of the proposed reform is ominously impressive. If the code is approved in its present form, the weight of federal criminal law will be felt in every corner of the land.

Section 1831, for example, would extend federal jurisdiction over riots to any incident involving the movement of a person across state lines. A "riot" is defined as a public disturbance that includes as few as 10 persons. As one critic has said, the code would come close to converting the federal judiciary into courts of general criminal jurisdiction.

The reform of the entire body of federal criminal law is a logical approach—on paper. In reality, it is not. It is just too vast, too complicated for Congress to swallow at one time.

When the bill was perfunctorily debated a few months ago in the Senate, Sen. James B. Allen (D-Ala.) said, "There aren't five senators . . . who have any idea what's going on . . . ." Sen. James A. McClure (R-Ida.) said the legislation had "become a law unto itself, a massive re-creation whose full implications are known only by its prosecutorial draftsmen (in the Justice Department) . . . ."

The cautious position taken by Rep. James R. Mann (D-S.C.), the chairman of the House Judiciary subcommittee, is fully justified. He wants to limit his committee's work to the consideration of obsolete laws and some improvements in sentencing procedures.

Step by cautious step is the way to proceed on legislation that goes to the heart of our system of justice and affects the fundamental freedoms of the American people.●

GREGORY WITTINE: UNPARALLELED COURAGE AND DETERMINATION

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. LENT. Mr. Speaker, I would like to call to the attention of my colleagues a record of personal courage and determination in overcoming handicaps that is unparalleled in my experience. It is the record of Gregory J. Wittine, 22, of Baldwin, Nassau County, N.Y., who, on June 9 will receive the Eagle Scout award in a Court of Honor convened at the Cerebral Palsy Treatment and Rehabilitation Center, Roosevelt, N.Y.

We all know the rank of Eagle Scout is not easy to attain. Only 1 percent of all the millions of boys who enter scouting achieve that pinnacle of scouting. But Gregory Wittine faced even greater odds. He is so severely afflicted with cerebral palsy that he is unable to speak or walk, and has very limited use of his hands. He can communicate with others only by using an alphabet board on which he points to letters, laboriously spelling out his thoughts, letter by letter. To move about he must use a wheel chair.

You might well wonder how anyone with Gregg's handicap could dare to even think about winning the Eagle Scout award. But not only did Greg dream that impossible dream—with an unconquerable spirit of determination and perseverance, he set out to achieve that goal. From the time he entered scouting, Greg was sure that he would one day be an Eagle Scout.

Slowly, but methodically, he worked his way up through the ranks as a Tenderfoot, Second Class, First Class, Star Scout, and Life Scout. Each rank was achieved through effort and patience that would seem insurmountable to the average person. Because of his handicap, each step took far longer than usual. But the attainment of each higher rank only spurred Greg on to the challenge of realizing his goal to be an Eagle Scout.

Some of those challenges were unbelievably difficult. One merit badge Greg earned, for instance, required him to hike 10 miles. Greg crawled for 1 mile on his hands and knees, and was only persuaded to get back to his wheelchair after his knees were badly cut and bruised. Then he wheeled himself the remaining 9 miles.

When merit badges involved tests of knowledge, Greg spelled out his answers letter by letter on his alphabet board. Each merit badge required extra time and effort on Greg's part. But no matter how difficult the task, Greg held to his impossible dream. He never gave up. Merit badge by merit badge, Greg continued to climb higher in scouting ranks. Then came the magic moment. Greg won his 24th merit badge, and won approval from the District Council's Eagle Scout Review Board. He was told he had realized his dream, and would be awarded the Eagle Scout rank.

Then, a final obstacle appeared unexpectedly which almost dashed Greg's hopes. The National Boy Scout Council at North Brunswick, N.J., refused to approve the award. The council acknowledged that Greg had met all the requirements, save one. The council said its rules permitted only those who had not reached the age of 18 to become Eagle Scouts. Greg was now 22.

The decision outraged Greg's many supporters and friends. His Scoutmaster Richard Golden, members of the Merroque District Eaglescout Review Board, Bernard Greenbaum and Max Kleinman, Senators and Members of Congress, were among those who deluged the National Scout Council with letters demanding reconsideration of Greg's case. The national press picked up the story. Early in May, the Boy Scout National Executive Committee met and decided to change its rules to permit persons with severe physical handicap to remain in Scouting past the age of 18, and to continue to advance in rank past that age if other qualifications were met. Furthermore, the committee made the rules change retroactive, so that Gregory Wittine could become an Eagle Scout. And on June 9, Greg will receive his long-sought award.

But in the minds of his friends and supporters, Gregory Wittine has achieved far more than the rank of Eagle Scout, impressive as that personal honor is. He has won a significant national recognition for the abilities of the severely handicapped. And, perhaps his greatest achievement, Greg has given each of us an invaluable example of the inexhaustible possibilities of human accomplishment, if only we have the desire, the courage, and the will to persevere.

Mr. Speaker, I will long remember the answer Greg gave when asked by a reporter what message he might have for others who have dreams, but face severe obstacles in achieving them. Slowly, letter by letter, Greg spelled out, "Keep Trying."

Mr. Speaker, we owe Gregory Wittine a debt of gratitude for the way he kept trying, and in so doing provided all of us with a shining example of the possibilities that lie within reach of the unconquerable human spirit. An example so compelling that it helped persuade the National Boy Scout Council to change its rules so that other handicapped Scouts will be encouraged in their efforts to follow the very difficult path Greg blazed for them.●

PERSONAL EXPLANATION

HON. LAMAR GUDGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. GUDGER. Mr. Speaker, on Friday, May 19, 1978, I was unavoidably absent from the House. Had I been present, I would have voted on matters before the House as follows:

"Nay" on rollcall No. 339, on a motion to recommit the bill, H.R. 39, the Alaska National Interest Lands Conservation Act "nay" on rollcall No. 338, an amendment that continues minerals assessments provisions, and requires the President to submit a proposal to Congress by October 1, 1981, for a procedure of evaluating applications by individuals wishing to carry our mineral exploration or extraction on conservation system lands; and "yes" on rollcall No. 340, final passage of H.R. 39. I was paired with Mr. HAGEDORN on rollcall No. 339 and with Mr. CONYERS on rollcall No. 340.●

MOROZ: NO LAWBREAKER

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. EILBERG. Mr. Speaker, I am pleased to report to my colleagues on a recent project in Philadelphia which demonstrates how various parts of our community can work together to successfully focus public attention on the denial of human rights abroad.

Several weeks ago, members of the Ukrainian community in Philadelphia staged a march to honor Valentyn Moroz, who has spent the past 13 years in a Soviet prison because he challenged the authority of the Soviet system by campaigning for Ukrainian rights.

The Philadelphia march was important not only because it expressed support for a courageous man who symbolizes man's hope for freedom; it was important also because it was the latest of several examples of Ukrainian-Jewish cooperation on the issue of human rights.

A recent commentary in the Philadelphia Bulletin explains the significance of this action. I commend the following article to the attention of my colleagues. It is an excellent description of how the people of Philadelphia are working together to remind all of us of our obligation to speak out whenever human rights are trampled.

UKRAINIANS ON THE MARCH

(By Rosamunde Ginsburg)

Although it will take weeks before news of it reaches Valentyn Moroz via the grapevine in the Soviet Union's Mordovia Labor Camp, the Philadelphia Ukrainian community will celebrate his 42nd birthday tomorrow. The Committee for the Defense of Valentyn Moroz, a Ukrainian historian and political prisoner, plans a parade in his honor that will begin at 2 P.M. at Independence Hall and end at the Art Museum.

Moroz is no lawbreaker as we know the term. Yet he has been behind bars for the past 13 years, except for nine months between his first and second convictions. Nor is he a violent person who might harm himself or others. Yet he was a "patient" for almost two of those 13 years at the Serbsky Institute of Forensic Psychiatry. This is in line with Russia's policy of declaring its dis-

sidents insane and sentencing them to indefinite terms at such institutions.

Moroz' first arrest was for having in his possession underground literature and Soviet-banned foreign publications. The second was for writing essays decrying the arbitrary nature of Soviet law and the Kremlin-directed destruction of Ukrainian culture.

In jail at the notorious Vladimir Prison, Moroz developed serious illnesses, was drugged and was given food contaminated with chemicals. There, also, he was badly hurt in an attack by other prisoners and later placed in solitary confinement for almost two years. He then undertook a four-and-a-half month hunger strike, trying to persuade the authorities to transfer him to a labor camp. They did so only after remanding him to the psychiatric hospital for nearly two years.

Defense Committee Chairperson Ulana Mazurkevich says, "We hope that all of the pressures we are bringing to bear, of which the parade is just one, will help Moroz gain his freedom. Making him a thorn in the side of the USSR just might hasten his release."

Ms. Mazurkevich recently returned from Washington where she met with Senators Richard Schweiker (R-Pa.) and Henry Jackson (D-Wash.), who have promised to write to Moroz pledging their support.

"Another aim," she emphasized, "is to call attention to the thousands of other political prisoners in the USSR." According to Soviet dissidents, at least 50 percent of these are Ukrainian. The reason for this disproportionately high number, they feel, is that Moscow is trying to eradicate the nationalist, or separatist, movement in the Ukraine.

This desire for self-determination goes back 300 years. Events such as the death-by-starvation of millions during the government-created famine of the 1930s served to intensify this yearning. The killing of Ukrainian culture—ethnocide—is far more subtle and continues to this day.

Saturday's parade is receiving support from members of the Jewish community. The Interreligious Task Force on Soviet Jewry has adopted the non-Jewish Moroz as one of its "prisoners of conscience" for whom it has special concern.

This is significant in light of the fact that, historically, there has been anti-Semitism in the Ukraine. But, according to the Ukrainian Held, an underground journal written there, "Ukrainian Nationalism has not only purged itself of any such taint, but has actually come to regard the Jewish population with special friendship, as fellow-sufferers from the same oppression." Witness the trial of the Jewish doctor, Mikhail Shtern, against whom two thousand of his Ukrainian neighbors refused to testify and whose ultimate release they helped to secure. There is now cooperation between the two nationalities even though their goals are different.

The Jews want to leave the USSR. With this, the Russians have less of a problem because there is no homeland within their borders for Jews. (Even so, they have allowed only about 140,000 to emigrate since 1970.) With the Ukrainians, it is a different story. To allow secession and the formation of an independent nation, even though this is "guaranteed" by Article 72 of the Soviet constitution, would threaten the leadership with intolerable internal dissent.

So, Valentyn Moroz, a symbol of the Ukrainian separatist movement, becomes also the symbol of a new alliance between two peoples that have forged their collective zeal and resources into a weapon of heightened effectiveness. It is another triumph for the cause of human rights.●

PROPERTY TAXES

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. ROUSSELOT. Mr. Speaker, many of my colleagues in the House of Representatives have let me know that they are very much aware that there is a hotly debated tax measure on California's June 6 primary ballot. This measure, the Jarvis-Gann initiative, would limit property taxes to 1 percent of market value and require a two-thirds vote of both houses of the State legislature for new taxes. Jarvis-Gann would restrain increases in State spending and make it difficult to raise tax rates.

We have States in our Union that operate with low tax rates. An article which appeared in the May 25 edition of the Wall Street Journal describes the growing attraction of the State of New Hampshire, which manages its affairs without an income or sales tax. They do not provide all the services that are found in big spending States, but many have found that they are better off without these Government programs. The article tells about a Californian who moved his family to New Hampshire and figures he is saving thousands of dollars, because of the lack of a State sales and income tax. New Hampshire may very well be, as its Governor describes it:

. . . one of the last strongholds of the free enterprise system.

With the passage of Jarvis-Gann, Californians may decide to follow in the footsteps of New Hampshire.

I commend this article to the attention of my colleagues:

NORTHERN NIRVANA—"NEW" NEW HAMPSHIRE FINDS THAT LOW TAXES HELP TO FUEL ECONOMY

(By David Gumpert)

MERRIMACK, N.H.—Until a year ago, Richard Hale was enjoying the California good life. The 40-year-old executive lived with his wife and two children in a nine-room hillside house, surrounded by a dozen varieties of fruit trees, outside San Jose. During his free time, he sailed in San Francisco Bay.

But after 13 years in California, the good life wore thin. Growing congestion was making it "increasingly difficult to commune with nature," Mr. Hale says.

So a year ago, when he got an offer to help run a microwave-parts company in southern New Hampshire somewhat larger than a similar firm he was running in California, he grabbed it. He hasn't been disappointed. Mr. Hale bought the same size house he had in California for half the proceeds of his old house. And he figures he is saving thousands of dollars annually because New Hampshire has neither the income tax ncr the sales tax California has.

Mr. Hale continues to sail during the summer, and he has taken up ice boating in the winter. The Merrimack area, he observes, seems "very similar to San Jose 10 to 15 year sago." Even if he wanted to return West, he says, "I'd probably have difficulty getting my family back to California."

NORTHERN "SUN BELT"

Not too long ago, comparing California and New Hampshire would have seemed preposterous. Yet today, apart from the obvious differences in size and climate, New Hampshire appears to many to be offering attractions similar to those California once offered. And it is experiencing a boom similar to that in some Sun Belt states.

In the last five years, 225 companies either have opened their first plants in the state or have moved their corporate headquarters here, creating more than 14,000 jobs. Many companies have come from neighboring Massachusetts; others have come from farther away. As one prominent example, in 1974, Wheelabrator-Frye Inc., a maker of engineering and specialty products, with annual revenues of $482 million, moved its corporate headquarters to Hampton, N.H., from New York.

The new firms have helped fuel a population spurt that has made New Hampshire one of the nation's fastest-growing states. Since 1970, the state's population has increased by 15%, more than double the 6.4% national rate and even more than California's 9.6%. The Grancite State's population growth has been exceeded by a few Sun Belt and Mountain states, but east of the Mississippi River only Florida has grown faster. Those who have come here have had little trouble finding work because New Hampshire's unemployment rate hovers around an enviable 3%.

THE PRICE OF GROWTH

But a growing and increasingly vocal minority in the state is contending that New Hampshire is paying a steep price for its fast growth. These critics argue that because the state has neither an income nor a sales tax (it is the only state to lack both), it can't provide the social services taken for granted elsewhere. For instance, the state ranks 50th in its per-capita contribution to education; thus, schools don't have kindergartens and parents of handicapped children must pay much of their children's education costs. Nor does the state operate a law school or a medical school.

But Gov. Meldrim Thomson, Jr., has little sympathy with those who would like to see the state doing more. "We have too many in the legislature who don't want to run the state as a business but as a charitable institution," he says.

Certainly, New Hampshire would appear to be a well-run "business." It has balanced books and is the only state in New England with a Moody's triple-A bond rating. State revenues come mainly from an 8% business profits tax and from levies on liquor, cigarets and horse racing. State-owned liquor stores have the region's lowest prices and are purposely located near neighboring state borders.

"There's a lot of attraction up there," says James Howell, chief economist for First National Bank of Boston. And Keith Wheelock, president of Fantus Co., a corporate consulting firm, credits New Hampshire with being "aggressive in taking advantage of its assets."

The bulk of growth has occurred in New Hampshire's southernmost section, which is convenient to Boston and to scenic mountain and ocean areas. This area, known locally as the "golden triangle," is bounded by Salem and Nashua in the south and Manchester in the north. Although it contains under 4% of the state's land area, it has more than 30% of the state's 849,000 people and is becoming something of a boom area.

PLANTS ON A HANDSHAKE

Housing prices have soared. Motel rooms during the week are nearly impossible to get without making reservations weeks in advance. The area's leading industrial developer, Samuel Tamposi, builds plants and office buildings for customers "on a handshake." He says confidently, "If they won't take (the plants), someone else will."

This expansion has come despite an exodus since World War II of the textile and

shoe and leather firms that once formed much of New England's industrial base. As recently as 1968, shoe and leather companies employed 20,000 New Hampshire workers. Now they employ only about 11,000.

The state has more than made up these losses by attracting computer, electronics and other high-technology companies. The first substantial success in attracting new business came in 1971 when New Hampshire eliminated its cumbersome tax on inventories and machinery and equipment and substituted the flat tax on net operating profits. The new levy gave New Hampshire "an element of tax certainty" that it didn't have before, says Paul Guilderson, director of the state's industrial development office.

New businesses also have been attracted to New Hampshire because the state's corporate atmosphere is so hospitable. There is no land-use law as in neighboring Vermont, and a pro-business attitude is fostered by the state's two most influential public figures, Gov. Thomson and William Loeb, publisher of the Manchester Union Leader, the only state-wide paper in New Hampshire.

Gov. Thomson says he works hard at personally trying to persuade businessmen to relocate in New Hampshire. Once they arrive, he says, he tries to make them feel comfortable. "I'm as busy cutting ribbons as many politicians are kissing babies," he says.

Indeed, as Gov. Thomson sees it, New Hampshire is an island of stability in a sea of turbulence. "We may be one of the last strongholds of the free enterprise system," he says. "New Hampshire is what America was." He fights hard to maintain the status quo: When a couple covered up the state's official motto, "Live free or die," on their auto license plates, he unsuccessfully fought them up to the U.S. Supreme Court.

But the governor's critics maintain that his fiscal conservatism is false economy. One result of not having sales or income taxes is a heavy property-tax burden. The bulk of education costs and costs normally assumed by states, such as judges' salaries, financing of nursing homes for the indigent and certain welfare payments, come from property taxes.

"We have a mythology in New Hampshire that because we don't have an income or sales tax, it's cheaper to live here," says George B. Roberts, a Republican who is speaker of the state's house of representatives. He argues that if the state were providing services that most other states provide, its annual budget would be about 50% larger than the current $528 million. "The social costs for things not done in New Hampshire have yet to be reaped," he warns.

Recently, the state has been taken to task for allegedly neglecting problems. A study done for the state legislature earlier this year argued that New Hampshire has probably identified only half the handicapped children "that would be expected on the basis of most research on the prevalence of handicapping conditions." And a class action suit was filed in February in a U.S. district court in Concord charging that children who have been identified as handicapped aren't getting the financial aid they are entitled to for special education.

The state and local communities also are charged with repeatedly trying to wriggle out of making legitimate welfare payments. New Hampshire legal-aid lawyers have filed at least 10 suits in federal court and countless others in state courts over the past four years to obtain welfare payments for indigent residents, says Charles Burkam, director of community education for the legal-aid service.

SCHOOL SCORES CITED

Gov. Thomson defends the state's current approach to services. He contends that the state's low education contribution is "good" because it means local community contributions are most crucial and "people are more apt to watch their money when it's spent closer to home." As evidence that his state's education system is working well, he points to a recent survey of scholastic-aptitude test results that showed New Hampshire students with higher scores than both the New England and the national averages.

Besides such spending issues, there also has been mounting concern around the state that perhaps the growth is happening too fast. Several dozen towns in southern New Hampshire have enacted ordinances designed to limit new housing construction in an effort to stave off service and budget demands.

Some businessmen are beginning to grumble that with the unemployment rate so low, they can't find the skilled labor they need and turnover is too high. For example, Centronics Data Computer Corp., a maker of computer printers, says its turnover has doubled to more than 30% annually since the company was founded in Hudson, N.H., nine years ago. "Almost anyone who works for us can have another job within 24 hours," says Robert Howard, president. "It's a very unhealthy situation for us and other companies."

State industrial-development officials say they are pushing hard to persuade out-of-state businesses wishing to relocate in New Hampshire to go north of the golden triangle. Also, at least three committees have been established in recent months, one by the governor, another by the legislature and a third by businessmen and civic leaders, to more closely monitor and possibly regulate the fast growth. "We realize we have a good thing going, and we want to keep it," says John Sununu, chairman of a governor's committee on New Hampshire's future.

TAKING THE PLEDGE

But changes in New Hampshire's way of doing things seem unlikely in the near future. Gov. Thomson, a Republican, is expected to run for reelection in the fall. Two Democrats who are challenging him already have "taken the pledge," political shorthand for promising not to propose new taxes. And a state official says he doesn't anticipate any regulation of the state's growth because "the primary thrust has been for local control."

To many executives who have relocated companies and plants in New Hampshire, the state is fine the way it is and certainly a big improvement over previous locations. Take Kollsman Instrument Co., a Sun Chemical Co. division that makes altimeters. For most of the early 1970s the company operated on Long Island, N.Y., at break-even point or a loss. High union wage rates and cumbersome union rules that hurt productivity were a big drain on finances, says Fred Gagnon, Kollsman's general manager.

In 1975, Kollsman closed its Long Island operations and moved to Merrimack, N.H. Today, without a union to contend with, wages are 17% to 18% lower than on Long Island, and productivity is "nearly double what it was," Mr. Gagnon says. Last year Kollsman had $43 million of sales with 1,000 employes, compared with $35 million of sales with 1,500 employes during the last year on Long Island. Most important, Kollsman is today turning a healthy profit, he says.

Similarly, when Mass Machine & Stamping Co., a $4-million-a-year maker of flat washers, wanted to move to larger quarters from its Boston headquarters 2½ years ago, it discovered that "we just couldn't afford real estate in the Boston area," says Richard Theurer, executive vice president. The firm's officers looked in Nashua, N.H., met with Gov. Thomson and found Mr. Tamposi, the developer, who "had a building up here that fit us perfectly" at "substantially" less than anything in Boston, he says. Mr. Theurer says his firm couldn't be happier. His only fear is that so many others will see how attractive New Hampshire is that the state will be "ruined."●

NEW YORK'S JUNE SHOWDOWN

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. ROUSSELOT. Mr. Speaker, inasmuch as this body will be taking up the New York City Financial Assistance Act of 1978, I would like to bring to the attention of my colleagues the following editorial, and letter to the editor, by Francis Schanck, which appeared in the May 25 edition of the Wall Street Journal:

NEW YORK'S JUNE SHOWDOWN

The New York City financial crisis is rapidly building toward a last-minute crunch next month, which seems more and more likely to result in one of two outcomes. Either the city will be forced into the courts to formally recognize its bankruptcy. Or the federal government will open the spending floodgates by handing out blank checks to every band of city hall pols in the country.

At the moment the immediate parties are dancing through an Alphonse and Gaston fairyland The municipal unions don't want to settle their wage negotiations until they learn how much money the federal Treasury is willing to throw in the pot, and Secretary Blumenthal won't say how much until there's a labor settlement. The state legislature is toing and froing on further state guarantees for more bond issues by the Municipal Assistance Corporation, while MAC says it can't use existing authority until the matter is settled. Union pension fund trustees hint that they won't make the bond purchases they've already promised if the whole house of cards is going to collapse anyway after current federal loans are repaid June 30. If the federal government is to do anything, new legislation will be necessary, and Sen. Proxmire. who heads the relevant Senate committee, has just postponed scheduled hearings, saying that other parties haven't fulfilled their commitments to get their affairs in order first.

The whole spectacle is based on the heady premise that New York's problem is a financing problem, that the essential task is to arrange the pieces of a complicated financial puzzle into a new infusion of loans. But the loan puzzle would be no problem if there were any real likelihood that the loans will ever be repaid. The doctors are concocting a patent medicine cure for anemia, but the patient has a severed artery. The fuss about financing only serves to obscure reality. New York's problem is a budget problem. The essential task is to stop spending more than it takes in.

This task New York's pols have steadfastly refused to face. The principal budget-cutting tool has been labor force attrition, which succeeded in reducing payroll numbers without reducing payroll costs. A billion dollar infusion of additional federal aid in programs like CETA has served to reduce the budget deficit, but it continues to run about $1 billion a year, not counting $700 million over two years the city has offered in the current labor negotiations.

Even today the city refuses to face up to fundamental decisions about what services it can afford to offer. After three years of "financial emergency" it still operates a municipal broadcasting system. It still operates a huge city hospital system despite a surplus of beds. It hasn't even begun to talk about the long-term blight it visits on itself by the huge middle-class subsidy of rent control.

The virtue of a formal bankruptcy would be to get reality on the table. No doubt it would result in a severe crisis, with work

stoppages, horrendous litigation, emergency legislation in Washington and Albany and so on. But the crisis would force some kind of decision on what can and cannot be afforded. The most sophisticated of New York's financial nursemaids have in effect been trying to arrange a bankruptcy by another name, hoping that conditions on federal loans would substitute for a bankruptcy crisis in forcing fundamental decisions. This has not worked; the result has been only to prolong the illusion and no doubt intensify the eventual misery.

This time the city may very well stumble into bankruptcy from the sheer complexity of the rescue effort, for the complexity diffuses away from any one or few individuals the political responsibility for a bankruptcy decision. On the other hand, the administration seems increasingly intent on redeeming the President's campaign promise to bail out the city no matter what. The crunch of next month's crisis will no doubt bring forth hasty and gimmicky legislative proposals, with "guarantees" and "loans" to hide a de facto federal subsidy for the city's feckless ways.

What Congress will have to remember is not complex, but simple: New York is returning to the trough a second time, that if it is fed again it will be back a third time and a fourth. And that as city halls everywhere see the lesson, New York will only be the head of the line.

DO NOT BAIL OUT THE BIG APPLE

If W. Bernard Richland had done some research into the history of municipal defaults in this century I doubt if he would have written "Why Bankruptcy Won't Cure the Big Apple" (May 4). Even a cursory review of what actually happened in the Thirties to the city of Detroit, the state of Arkansas and other political entities that defaulted in the Depression would not support his suicide scenario.

My relatively unheard voice was one of those other than The Wall Street Journal raised in 1975 recommending no federal rescue for New York City. As one who also was active in municipal finance during the Thirties, I read with considerable dismay the newest repetition of the Felix Rohatyn "call out the troops" theme. There is no evidence to support the assumption that basic governmental services stop when cities default. The seemingly general acceptance of this concept expressed by Mr. Richland as "no food, no coal, no oil, no gasoline for police cars, fire engines . . . no nothing" has been a principal contributing cause to the disastrous developments of the past three years.

In the Thirties when cities could not pay the interest or principal on their bonds, in most cases, bondholders' protective committees were formed. Representatives of the bondholders met with city officials and worked out a practical program based on the realities. Obviously it is to the bondholders' long term interests to have the city become again a healthy community as rapidly as possible. This means that cash must be found to maintain essential services and, as far as I know, no bondholders' committees ever held otherwise. Bondholders usually were willing, for an agreed upon period, to either eliminate or accept reduced interest payments on their bonds and extend maturities.

What happened in New York City's 1975 moratorium—another name for default—was just the opposite. Through the creation of the Municipal Assistance Corporation, some $5 billion of New York City's maturing debt has been refunded at substantially increased interest rates.

It seems to me by far the greatest cost is, at best, a paralyzing and, at worst, a lethal blow to state sovereignty and local autonomy. The example for other states and municipalities, if New York is rescued by the federal government, to go thou and do likewise is inescapable. Why risk voter displeasure by balancing budgets or prudently managing community affairs when profligacy pays so well?

All defaults are sad. When any individual or group of individuals is unable to meet its commitments someone gets hurt. Usually, and New York is certainly not an exception, efforts to prevent or to postpone the inevitable add to the total anguish. The brains which have been combining to avoid bankruptcy should be employed in using this powerful, if unpopular corrective device. Investors, over recent years, who bought New York and Big Mac bonds received yields well in excess of other, good quality, tax exempts. By reaching for those yields investors accepted the risks inherent in those bonds. How can investors be persuaded to buy top quality bonds at AAA yields if high risk bonds are to be rescued by the federal government?

FRANCIS R. SCHANCK,
Senior Partner, Bacon, Whipple & Co.
CHICAGO.●

FINANCIAL REPORT OF THE CONGRESSIONAL STEEL CAUCUS: QUARTERLY STATEMENT OF EXPENSES AND FUND BALANCE

HON. ADAM BENJAMIN, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. BENJAMIN. Mr. Speaker, on May 31, 1978, the executive committee of the Congressional Steel Caucus approved the quarterly financial report of the caucus as of March 31, 1978. In accordance with executive committee order No. 1, I am respectfully submitting herewith the financial report for insertion into the RECORD. Henceforth, the Congressional Steel Caucus will make this information available to the full House of Representatives on a quarterly basis. The report is as follows:

Quarterly Report—Statement of expenses and fund balance statement

(House of Representatives, Congressional Steel Caucus, Statement of Expenses, March 1978)

Salaries	$3,000.00
Travel	0
Stationery	235.55
Telephone	199.11
Publications	53.53
Equipment	86.01
Miscellaneous	0
Total expenses	3,574.20

(House of Representatives, Congressional Steel Caucus, Fund Balance Statement)

Total revenues (clerk hire and membership dues)	$11,350.00
Less expenses:	
January 1978	0
February 1978	2,000.00
March 1978	3,574.20
Total caucus expenses	5,574.20
Unexpended revenues	5,775.80

CONGRESSIONAL STEEL CAUCUS MEMBERS WHO HAVE PAID DUES AS OF MARCH 31, 1978

Joseph M. Gaydos, John F. Seiberling, Tom Bevill, Douglas Walgren, W. C. "Dan" Daniel, Richard H. Ichord, C. W. "Bill" Young, Thomas N. Kindness, Robert S. Walker, Gus Yatron, Edward W. Pattison, Robert Duncan, Ralph H. Metcalfe, Barbara A. Mikulski, Charles J. Carney, Allen E. Ertel, Frank E. Evans, Benjamin A. Gilman, Donald J. Mitchell, Robert H. Mollohan, Donald J. Pease, and Tom Railsback.

Robert A. Roe, Clarence D. Long, William F. Walsh, James Weaver, David W. Evans, John H. Dent, Michael O. Myers, John J. Cavanaugh, E. Thomas Coleman, Philip E. Ruppe, E. G. "Bud" Shuster, Morgan F. Murphy, James L. Oberstar, Henry J. Nowak, Edward J. Patten, Frank Annunzio, Morris K. Udall, Austin J. Murphy, John P. Murtha, John W. Jenrette, Jr., Gary A. Myers, and James M. Hanley.

Ralph S. Regula, Stanley N. Lundine, Martin A. Russo, Robert H. Michel, Joseph P. Addabbo, Samuel S. Stratton, George E. Brown, Jr., Leo C. Zeferetti, James R. Mann, Robert McClory, Robert C. McEwen, Gunn McKay, Marc L. Marks, John M. Murphy, Thomas A. Luken, Douglas Applegate, Carl D. Pursell, and Mary Rose Oaker.●

REPORT ON CHINA BY CONGRESSMAN WILLIAM LEHMAN

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. BRADEMAS. Mr. Speaker, one of the ablest and most respected Members of the House of Representatives is our distinguished colleague, the Honorable WILLIAM LEHMAN of Florida.

Congressman LEHMAN returned recently from a trip that he and several other Members of the House and Senate made to the People's Republic of China.

Mr. LEHMAN wrote an excellent report on his visit to that country and I believe that other Members will read with interest his observations and I insert Mr. LEHMAN's report at this point in the RECORD:

WASHINGTON, D.C.,
May 2, 1978.

DEAR FRIENDS: One morning in mid-March, our Congressional Office received a call from the White House asking me to accompany a mission to Mainland China.

The relationship between the United States, the world's most productive nation, and China, the world's most populous nation, will be important in determining the future peace and well-being of the world. I was pleased to have this rare opportunity to learn first-hand about China, where a new leadership came to power in 1976 after the death of Chairman Mao Tse-tung, and to be able to share my observations and impressions of China with the people of the 13th Congressional District.

Later that day at the White House, I met with the other members of our delegation (three other House members and two Senators, including Florida Senator Lawton Chiles), for the first briefing session of what became an intensive course in the politics, society and economy of Mainland China.

On March 22, the evening before departure, we experienced our first combination of communism and cuisine at the Peoples Republic of China (PRC) Liaison Office in Washington. We were served delicious food in a room decorated with wall murals of poems written in Chinese calligraphy in Chairman Mao's own hand.

After a twenty-hour flight, we disembarked at Shanghai International Airport. Our group

was cordially welcomed to China with the customary tea reception by the Deputy Director of the Foreign Affairs Bureau of the Shanghai Revolutionary Committee, Li Chuwen, and other PRC officials.

"It is fitting," our host remarked, "that your journey begins in the very city where President Nixon and Premier Chou En-lai issued the Shanghai Communique in 1972" which restored ties between the U.S. and Mainland China.

Two hours later, it was "wheels up" again on a Civil Aviation Administration of China (CAAC) plane to Peking. During the following twelve days, we visited many different cities, towns and villages as we logged over 30 hours of train travel and covered more than 500 kilometers by car and bus.

We drank tea with high government officials in the magnificent Great Hall of the People and with poor peasants in their dirt-floor huts. We toured factories that make diesel engines and those that produce porcelain. We saw huge oil refineries in operation and under construction. We visited classrooms for village children and day care centres in industrial areas. A ballet school performed for us and a medical school showed us the teaching of both traditional Chinese and modern Western medicine. We talked with farm laborers and farm commune brigade leaders, with factory workers and factory managers, with teachers and professors, and with city officials and civil servants.

DIPLOMACY AND POLITICS

The number one issue, we were constantly reminded, was normalization of relations between the U.S. and Mainland China. To the Chinese this means U.S. recognition of "one China", requiring the severing of diplomatic ties with Taiwan as a condition for establishing full diplomatic relations with Peking. We were often told that Taiwan is as much a part of China as Long Island is a part of the U.S.

The Chinese view Russia as their major external threat and always refer to their northern neighbor as "the Polar Bear." We were repeatedly warned that the U.S. must contain Soviet expansionism. A high Chinese official told us that the 30-year Chinese-Soviet mutual assistance treaty is a meaningless piece of paper that will not be renewed when it expires in 1980.

We acquired most of our political impressions in Peking, but found the people outside the capital more concerned with the problems of daily life than with politics and diplomacy. I find similar differences when I leave Washington to return home to South Florida.

INDUSTRY

Industry in China ranges from medieval to modern. There are huge factories, and also men still serving as beasts of burden, pulling heavy carts loaded with steel, wood and other materials through the city streets.

Inside the factories, we were surprised to see men and women working on heavy equipment and machinery without hard hats, safety shoes, goggles or even adequate lighting, the basic safety requirements now mandatory in the U.S.

Under its new leadership, Chinese industry has begun to adopt such capitalistic customs as incentive pay and piece-work wages. Foreign trade is also being expanded. Surprisingly, however, the Chinese communists are very financially conservative and refuse to use the foreign bank credits which they have been offered. They believe in a pay-as-you-go economy.

The top salary for an industrial worker is about $60 a month, and women workers receive equal pay with men. One urban industrial family we met paid only $3 a month for rent, which is subsidized, $4 to $5 a month for electricity and cooking gas, which are not subsidized, and $10 for a month's supply of rice, which has not increased in price in 20 years.

All the people with whom we spoke work six days a week, but members of the same family may not have the same day off, as factories operate every day with two or three shifts per day. Women workers receive 56 days of maternity leave with full pay, and child care is available at the factory when they return to work.

Workers receive promotions based on productivity, length of service, and, most important of all, political attitudes. Factory workers may retire at 50 and office workers at 55 with 70 percent of their previous salaries.

AGRICULTURE

Fifty kilometers from Tsupo, in Shantung Province, we visited a huge agricultural commune of 30,000 people, divided into work brigades. The commune is self-sufficient and the people seemed adequately fed. Individuals are able to grow their own gardens and to raise fowl, pigs and rabbits.

Since the communists came to power in 1949, the land has been leveled, improved, irrigated and drained. Crops are rotated scientifically. As far as we could see, mechanization on this and other farm communes is limited to drainage and irrigation pumps.

The sight of hundreds and hundreds of blue-clad people working the land by hand without a single machine leaves me with a lasting impression of the current state of Chinese agriculture. Farm machinery is slowly being introduced, however, and the future of farm laborers displaced by these machines may become a problem. China's officials will probably not permit farm mechanization to proceed more rapidly than their ability to absorb displaced farm workers.

TRANSPORTATION

In the major cities, the factories are located within self-contained communities so that people do not have to commute long distances to work. Homes, schools, stores, hospitals and theaters are all built together with the factories. Therefore, in metropolitan areas, bicycles and a few buses serve as the principal means of transportation.

Between cities, nearly everyone travels by train. When our group first arrived at Shanghai airport, we were the only passengers in the terminal. At the end of our journey, when we returned to Shanghai by train, we arrived at midnight and the railroad station was jammed with thousands of people. When our group did travel by plane, the aircraft ranged from modern Russian-made jets to ancient propeller planes of doubtful origin.

The trains are good and run on time. When we had compartments on our trains, they equalled any accommodations I have experienced in the U.S. or Europe. The train meals were of good restaurant quality, but the dining cars were often without heat, and we had to wear our warmest clothing as we ate.

Even the better hotels are not up to Western standards. The rooms are not too clean and toilet facilities are often primitive. With few exceptions, hotels are unheated, leading Rep. Gillis Long (D-La.) to name our hotel in Chi-nan "The Ice Palace." The huge block walls of the Russian-designed "guest house" seemed to retain all the cold of the past winter. Whenever the sun came out in Chi-nan, we ran outside to get warm.

SOCIETY—CULTURE

Because crime is so rare, China is the only country in the world that I have visited where you do not have to lock or even close your hotel room door. In one case, a shop clerk who had accidently overcharged me the equivalent of about 50¢ tracked me down with great difficulty to make a refund.

There is no tipping in China, and people refuse even token gifts or souvenirs of any monetary value. The only things they would accept were polaroid photos I took of them.

All adults in China dress in two-piece Mao suits of either blue, green or grey. The women wear their hair either short or braided and the men's hair is closely-cropped. The only difference between the dress of soldiers and civilians is metal rather than plastic buttons. Officers are distinguished by four shirt pockets instead of two and by collars with red tabs.

Although adults dress alike, the children are dressed in a variety of bright-colored costumes. The children seem to be happy. We saw hundreds of children during our visit and never once did we hear a child cry.

Public displays of affection are not acceptable. In the whole of China, I saw only one young couple holding hands. As a method of holding down the birth rate, men and women are discouraged from marrying before their late 20's.

The Chinese retain their traditional concern and respect for older people. We saw the elderly automatically allowed to go to the front of the line when people queue up to get on the train.

The Chinese officials showed us the greatest hospitality and served plentiful quantities of delicious food. We even began to get used to the jellyfish, 100-year-old duck eggs, and camel hoof soup, all considered great delicacies. The yogurt was the best I have ever eaten and I found everything delightful except the sea slugs, which the Chinese value for their high protein content.

In the cities and towns, the buildings are a dull grey-brown. There are no birds or grass. In contrast, we saw the exquisite beauty of old China in museums, antique shops and ancient palaces. In Chi-nan, we saw old Buddhist temples and religious caves which had been dug 2,000 years ago. In Peking, we inspected China's modern annual arts and crafts exhibition.

We were apparently the first Americans to visit certain parts of Shantung Province, southeast of Peking. We were so unusual that even in the city of Chi-nan, which has over a million people, we found hundreds waiting when we came out of factories or shops. They were curious to see us and they waved and smiled.

EDUCATION, MEDICINE, AND LAW

Literacy in China is now almost universal. We often saw hundreds of people lined up three and four deep reading the newspapers which are publicly displayed on the sides of buildings. Just think of the future impact a homogeneous society of 900 million people who can read and write would have on the world.

In the public schools, we found joy and high spirits. The textbooks are thin and worn, but the teachers are gifted and dedicated, and the children seemed friendly and outgoing. However, their communist indoctrination begins in nursery school.

Medical care in China is free. Among its unique features are the "barefoot doctors" who take care of 90 percent of people's ailments after only one year of medical training.

High school students who wish to become physicians must first pass a rigorous entrance exam and are then admitted to a five-year medical school. The medical school we visited was not well-equipped by Western standards, but the artificial larynx (voice box) we were shown proved their ability to do very advanced research.

There are no lawyers in China, and there is no formal legal training. The judicial system works through non-adversary proceedings, and the rulings of those who administer justice in China are not subject to independent interpretation.

PROPAGANDA

Constant 1984-style propaganda is part of daily life in Mainland China, and it was

very difficult for us to understand its intensity.

To those now in authority, all current economic, moral and political problems are the result of the Gang of Four, the internal enemy of the people who, we were told, tried to destroy the spirit, the will and the future progress of the country. The Gang of Four was the losing side in the power struggle which broke out after the death of Chairman Mao and Premier Chou En-lai. It included Mao's widow and nephew, who were more radical and anti-intellectual than the present leadership.

We were often given examples of the Gang's effect. The ballet school had no spirit until they "smashed the Gang of Four." Then they had enough spirit to send a group on tour to Canada. The medical school had not been able to progress until, "overcoming their spiritual shackles, they learned well the teachings of Chairman Mao, and smashed the Gang of Four." Even the first words a patient spoke with his new artificial larynx were to praise Chairman Mao, thank Premier Hua, and denounce the Gang of Four. Our group concluded that the members of the Gang of Four were the busiest four people who ever existed.

FUTURE UNITED STATES–CHINA RELATIONS

Both America and China would benefit from increased mutual cooperation. The British, Canadians, and Australians already have newsmen in China, and we saw many Japanese businessmen. We should be expanding our exchanges of students, businessmen, reporters and other interested individuals.

The U.S cannot remain the only major power in the world which does not have full diplomatic relations with Mainland China, but we need not move too fast. China does not produce much that we really need right now. Our present annual trade with China is only about the same as that with Guatemala, but the potential in the future could be very great.

At present, the U.S. Liaison Office in Peking is treated as well, if not better, than the missions of many other countries with full embassies in China. In the absence of formal diplomatic relations, however, we are unable to conclude trade, airline, shipping, consular and other types of intergovernmental agreements which would enable U.S.-China relations to develop beneficially.

Although I support the eventual establishment of formal U.S. diplomatic relations with Mainland China, we must also guarantee that there be no forceable military takeover by China of the people of Taiwan. Taiwan, a nation with strong economic and political ties to the U.S., is presently capable of defending itself against any conventional military threat from China, and Peking is unlikely to use its nuclear weapons against the island.

One could spend a lifetime in China and never know anything about the country. In the intensive program arranged for our group, we were able to absorb a great deal about this vast and puzzling land. From our visit, we learned how much progress China has made in the last thirty years. During the lifetimes of our children and grandchildren, it will join the ranks of the superpowers. We must, therefore, find some way to increase the future understanding and friendship between our two nations.

While we saw many beautiful sights in China, I am sure the most satisfying was at the end of our journey at Shanghai airport. An American air force plane was waiting there with a big red, white and blue flag on its tail. To us it meant "home again to the land of the free."

With every good wish, I am,

Sincerely,

WILLIAM LEHMAN,
Member of Congress.●

INTERDEPENDENCE AND TIMELY COMPONENT COORDINATION

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. BOB WILSON. Mr. Speaker, from time to time over the past three decades, the House of Representatives unofficial Philosopher in Residence has produced "mini-essays" which contain great quantities of common sense.

Joe, who has probably known more House Members on a first name basis than any man in history has just produced another fine essay—this one entitled "Interdependence and Timely Component Coordination."

I ask unanimous consent to include his essay as a part of my remarks:

INTERDEPENDENCE AND TIMELY COMPONENT-CO-ORDINATION

Occasionally term selected for director of wide-range task is co-ordinator. Term breathes with potential for progress toward predetermined goals. It is harmonious adjustment of components involved in complex matters, few existing in isolation and composed of separate and related elements. It may be wise to deal with such factors one by one. Human minds grasp most readily single, uncluttered concepts. Still those facets are parts of the whole picture. In a specialized era, all facets have advocates who stress their aims. Competition among them can preclude evaluation of the situation. Then expert co-ordinator with new face and fresh approach may achieve impartial objectivity, difficult to attain by avid contenders.

Two thoughts come to mind. Professional golfers illustrate co-ordination process. When driving ball from first tee, they must coordinate every body-component. If any deviate at all, the drive is not good. Or, consider Law School Course. New students often are confused by variety of subjects: evidence, real property, sales and wills. Only in final year do they fall into perspective.

An astute teacher said that big problems merely are a collection of small ones. Solution lies in breaking the giant into its components. That counsel has pertinence now at every stage of human activity—from provincial tasks to international affairs. Certainly it applies to American domestic problems. We live in a world—figuratively and steadily shrinking in size with unlocking of each new secret of nature. Lightning-like rapidity of communication, moreover has produced a constantly-widening awareness of this progress—everywhere.

Just as ideas don't exist in isolation neither do people nor nations. Fortress America is an illusion. We cannot withdraw inside our borders to concentrate on what mistakenly may be considered our own, best interests. With infinite wisdom the Creator scattered material resources—far and wide. There are no natural monopolies, only those made by mankind. Self-sufficiency, too, is illusive. We all need each other for they have something we want. In the common interest of humanity—eventually we must learn to trust others.

Such emphasis-shift from selfishness to altruism—almost challenges human nature itself. Like all changes of magnitude, it will not arrive suddenly. Centuries of deep-rooted jealousy present formidable obstacle to that achievement. It will come gradually. For gradualness—anathema to some people—is a law of nature! Have any of us ever seen growth of grass, beards or fingernails? Yet they go on all the time. Furthermore, in the Grand Design, diffusing material resources is— a parallel: skills, talents and ability of human individuals. With them we must also strive to cooperate.

Irrespective of title, doesn't every, able executive co-ordinate when reconciling conflicting views? Consultation on all schools of related thought is imperative; and it must be timely i.e., before decision-making. Otherwise, adversaries needlessly may be created! On signing Declaration of Independence, Ben Franklin said: "We must all hang together or assuredly we shall all hang separately." Why not Declarations of Interdependence—with constant implementation thereof? For, Interdependence and Timely Component Co-Ordination—ultimately may contribute substantially to survival of the human species!●

THE FIGHT TO IMMUNIZE CHILDREN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. DERWINSKI. Mr. Speaker, Christoper Cohen, one of our distinguished public officials, was alderman of Chicago's 46th ward and is now director of HEW's region V. Mr. Cohen is respected for his special interest in and knowledge of Government programs in our urban areas.

Director Cohen recently contributed an article discussing the importance of childhood immunization programs and the efforts made by the Government to contain the risk level of dangerous diseases across the country. The article appeared in the May 29 Perspective section of the Chicago Tribune; and I believe that it deserves the attention of the Members:

[From the Chicago Tribune, May 29, 1978]

THE FIGHT TO IMMUNIZE CHILDREN

(By Christoper B. Cohen)

Significant progress is beginning to show up in the national campaign to protect the 20 million American children most vulnerable to seven dangerous diseases.

Joseph A. Califano, secretary of the Department of Health, Education, and Welfare [HEW] took action a year ago to bring down high levels of risk. At the start, 40 percent of children under 15 were unprotected against the seven diseases—polio, measles, German measles [or rubella], mumps, diphtheria, whooping cough [or pertussis], and tetanus.

The campaign's specific goals are: to raise the immunization level against these diseases to 90 percent [the level needed to ensure against an epidemic]; and to set up a permanent system to provide comprehensive immunization to three million children born each year.

As a recent Tribute editorial pointed out "The vaccination campaign has the moral and financial support of the federal government." But it is truly a national, not just governmental, campaign enlisting the support of all sectors of American society: local, state and federal governments; voluntary organizations; professional health groups; educators; labor and industry. It is being waged with the will of citizens to mobilize against deadly—but defeatable—enemies, more than with Treasury dollars. It requires unprecedented efforts to arouse public concern about this country's intolerably low levels of childhood immunity.

Out of 52 million children under the age of 15 a year ago, more than 19 million were not immunized against the killer polio. And the number of kids unprotected was going up. It was apparent that many young parents had forgotten the iron lungs and crutches associated with the paralyzing effects of polio less than a generation ago and the mental and physical handicaps inflicted on thousands of rubella victims in the 1960s.

In Illinois, more than 50,000 youngsters had little or no protection against polio, according to a state health department survey done a few months ago.

Last year at this time we were most concerned about measles outbreaks. Measles cases increased each year since 1973. Nationwide, nearly 12 million kids were not immunized against measles. In Illinois, 43,000 of the 160,000 pupils entering school for the first time were not protected against measles.

Our progress recently has been good. Measles cases in the last three months of 1977 dropped 65 percent below the same period in 1976. The number of immunizations in publicly funded programs—the only ones for which there are complete figures—increased in 1977 over 1976 for all seven diseases. Consequently, measles, rubella and mumps cases have declined in most states during the first four months of this year over that period last year. The exceptions are Illinois and three other Midwestern states where rubella cases have increased this year.

The thing to remember is that these are not mere statistics, but figures that mean smaller numbers of children getting sick—some of them escaping lifelong handicaps. Few realize that out of every 1,000 measles cases there is one death.

Although this progress is encouraging, we have to work still harder to reach children in low-income areas and preschoolers everywhere. HEW is promoting immunization through its health service professional organizations and other federal departments to improve in these areas. We are making maximum use of all of HEW's programs such as community health centers, day care and Head Start centers, and early screening and treatment programs for poor children.

Many sectors have contributed to our successes so far:

Seventeen states have decided to enforce their school entry immunization laws, to refuse to admit children who don't have the required immunizations. Independent school districts [including Chicago] in many of the other states are doing the same.

Local school and health authorities nationwide are cooperating with each other more than in the past.

Medical organizations are asking physicians and auxiliary groups to review patients' immunization status and to educate parents about the importance of having youngsters immunized; hospitals are giving new mothers information and shot records before they leave.

The AFL–CIO is informing its members about the importance of immunization.

Businesses are helping with promotional activities. In some states, McDonald's has offered a free hamburger, french fries, or other rewards to children who get all their shots. Metropolitan Life Insurance's sales force gives booklets on immunization to parents.

Local chapters of voluntary groups such as Red Cross, nursing leagues, and PTA are helping schools to review records, contacting parents, and conducting publicity.

News media coverage of the problem has been excellent and some TV spots will feature characters from "Star Wars."

But there still are parents who don't understand that the preventable diseases can threaten their children's lives.

Parents should keep and periodically check the vaccination records of each of their children. If you're not sure whether a child has had all the initial and booster shots, call your doctor or health care provider.

If a child is missing one or more shots, and you cannot afford to pay a doctor's fee, take the child to any of 34 public health clinics in Chicago [call 842–7910 for the nearest location] or look in your telephone directory for the city, county, or township health department nearest to you.

[3] Since schools are the principal places both for disease to spread and for opportunities to check immunization records, help your school and local health officials by cooperating when they send you forms asking to report on your children's immunization status.

[4] Get behind and participate in any drives in your neighborhood or school or church organization activities to locate children who are inadequately protected, to persuade their parents to have them immunized, and to spread awareness of the problem in your community.●

ADDRESS OF CONGRESSMAN JOHN BRADEMAS AT OPENING OF EXHIBITION COMMEMORATING BICENTENNIAL OF THE BIRTH OF GENERAL JOSÉ DE SAN MARTÍN

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. ROYBAL. Mr. Speaker, as Chairman of the Hispanic Caucus in the House of Representatives, I was very pleased to note a recent address given by our colleague, the distinguished majority whip of the House of Representatives, the Honorable JOHN BRADEMAS of Indiana, on the occasion of the opening of an exhibit commemorating the bicentennial of the birth of General José de San Martín.

Congressman BRADEMAS, I think it is significant to point out, Mr. Speaker, delivered his address on this occasion in Spanish.

The ceremony at which Mr. BRADEMAS spoke was conducted in the Hispanic Society Room of the Library of Congress on February 24, 1978.

Mr. Speaker, I am pleased to insert at this point in the RECORD the text of Mr. BRADEMAS' address in English:

REMARKS OF CONGRESSMAN JOHN BRADEMAS

Dr. Boorstin; Ambassador Aja Espil of Argentina; my valued friend, Secretary General of the Organization of American States, Alepandro Orfila; Dr. Kahler, Chief of the Latin American Division; President of the San Martín Society, Dr. Garcia Godoy; Ladies and Gentlemen:

I count it a great honor to have been invited to be with you on this important occasion. You may ask why is it that a Congressman from South Bend, Indiana, should be speaking at the Library of Congress at an event marking the bicentennial of the birth of José de San Martín?

The answer is simple. Although I am a professional politician, I am at heart a frustrated Hispanist.

In the eighth grade I read a book about the Mayas that caused me to choose as the first career to which I aspired, that of archeologist, specializing, despite my Hellenic heritage, in Central America.

Later in school I thought that I wanted to be a businessman active in export-import work in Latin America. In college days, I spent a summer in the mountains of the state of Puebla, Mexico, working with Aztec Indians, helping them build a playground, assisting them in coping with tropical diseases, and teaching them farm skills.

Later, as an undergraduate at Harvard, I wrote an honors thesis on the Sinarquista movement in Mexico.

And later still, as a student at Oxford, I decided, after having read Gerald Brenan's seminal work, *The Spanish Labyrinth*, to write a doctoral dissertation on the role of the anarcho-syndicalists in Spain during the Twenties and the first years of the Spanish Civil War. My research involved talks with anarchists exiled in Paris and in the South of France and work in libraries in Amsterdam and London as well, of course, as in Spain.

In 1961, during my second term in Congress, I visited Argentina with my Connecticut colleague, Congressman Robert Giaimo, both of us young supporters of President John F. Kennedy and of the Alliance for Progress, to explore ways in which the United States could help colleges and universities in Latin America play a more effective role in the economic development and social growth of the nations of the rest of the hemisphere as well as in strengthening free political institutions there.

During nearly twenty years of service in Congress, I have continued my interest in Latin America and the Hispanic world generally—and as some of you may know, I have been a vigorous champion of Federal support of the arts and the humanities and of libraries, including the Library of Congress.

In this last connection, I feel a special kinship with the Hispanic Division of the Library and appreciation for two valued friends and outstanding members of its staff, Dolores Martín, editor of the Handbook of Latin American Studies, and Georgette Dorn, specialist in Hispanic culture.

I hope, then, that my Hispanic credentials are sufficiently in order to be permitted at least to offer some modest observations on this occasion.

WHO WAS SAN MARTÍN?

Who was José de San Martín?

With Simón Bolivar, San Martín was the most important leader of the independence movement in South America.

San Martín was born in Yapeyú, Argentina. He received first-rate military training in Spain, where he also fought with distinction as an officer in the Spanish army against the forces of Napoleon.

Indeed, it was while San Martín was in a military encampment that news of the insurrection in South America reached him. In his own words, he "realized that the war he was fighting for Spain, he should really be waging against Spain and in favor of his homeland."

San Martín became commander of the revolutionary forces in Buenos Aires where he formed the famed regiment of grenadiers.

On being named Governor of the Province of Cuyo (now Mendoza), in the foothills of the Andes, he initiated untutored revolutionary forces in the art and discipline of fighting well-equipped Spanish armies.

In 1817, in a daring feat, San Martín and his army crossed the Andean Cordillera at the highest peak in the hemisphere. From snowy mountain paths, the revolutionaries fell upon the royalist troops in Chile and, after several major battles, freed the region from Spanish rule.

Although he was invited to accept the governorship of Chile, San Martín refused the honor and instead set out immediately to plan the liberation of Peru. In this effort he had the support, despite internecine struggles, of the government in Buenos Aires.

LIBERTY FROM SPAIN

Leading troops from both Argentina and Chile, San Martín proceeded to Peru. And

after battles and intricate negotiations with the Spaniards, Peru was also able to win liberty from the Spanish yoke.

San Martín governed Peru for over a year during which time he carried out far reaching liberal reforms. By 1822 he had reached the zenith of power.

The forces of Bolivar coming from the North and San Martín's approaching from the South met in Peru. San Martín realized that in order to stage a major final drive against the colonial power, one of the two leaders should become supreme commander of the allied forces. Unconvinced of Bolivar's wholehearted cooperation, San Martín resigned as Protector of Peru and handed over his entire army to Bolivar.

San Martín's gesture remains a remarkable example of self-denial and of putting patriotic interest ahead of personal ambition.

In an effort to isolate himself from the incessant infighting among Argentine patriots, San Martín went to Chile. Shortly thereafter, in 1824, he sailed for Europe convinced that his continued presence in Argentina could be perceived as a threat by rising political leaders.

It was toward the end of 1828 that San Martín made a final trip to South America, stopping in Montevideo. The news from across the River Plate was so disheartening that he returned to Europe without setting foot on his native soil. A pilgrimage to call upon San Martín became a must for Argentine and other South American visitors to France, among these, Domingo Faustino Sarmiento, the great Argentine educator, who became an important nation-builder and a leading intellectual of 19th Century Argentina.

COMMITMENT TO DEMOCRACY

It seems to me, as we meet in the year 1978, we should remember above all the great influence which San Martín's deep commitment to freedom from Spain and to the principles of democracy exercised on the early independence movement in Spanish America.

There is no question that his activities hastened the declaration of independence by Argentina. In one letter San Martín wrote:

How much longer will we wait to declare our independence Is it not ridiculous to coin money, hoist the flag, and have cockades and wage war against Spain, from whom one believes we still depend? . . . Men of courage should not fear decisions. If independence is not declared the Congress of Tucumán is a sham.

San Martín rejoiced greatly when on July 9, 1816, the Congress of Tucumán declared independence.

It is, I think, significant that he opposed a military regime for his country, stating that "military might is only capable of getting us out of the swamp."

Yet he made clear that he favored a strong and vigorous government "to avoid the evils that would result from war, disorder, and anarchy."

THE LESSONS OF SAN MARTÍN'S LEGACY

In this day and age when democratic governments seem to be in such difficulty throughout the world, we should remember that San Martín believed firmly in the principle of representative democracy.

In a year when we are debating the signing of the Panama Canal treaties, it is fitting to recall San Martín's deep conviction that each nation should determine its own destiny.

San Martín championed as well a faith in a common American destiny for the people of the hemisphere. He enthusiastically endorsed the tenets of the Monroe Doctrine of preventing European intervention into hemispheric affairs.

He worked tirelessly toward recognition throughout the world of Spanish American independence, and you will recall that in 1822, the independence of Argentina was formally recognized by the United States.

Throughout his long retirement, San Martín was saddened by the continued and bloody struggles for power in many of the South American republics. He repeatedly offered to help in repelling French forces invading from the River Plate region.

He died in exile, in 1850, without seeing the ultimate unification of Argentina a decade later.

What, then, is the lesson of San Martín for our times?

He consistently placed the interests of his country above his own.

He constantly urged the peoples of South America to strive to build free, strong, independent and progressive nations.

Above all, he believed that the destiny of each nation should be shaped by its own people and not by outside forces.

Self-rule, self-government, strong democratic institutions, respect for individual rights—these were the lessons of the great "Liberator" of Argentina.

They are lessons we should do well to heed today.●

REINTRODUCTION OF H.R. 12728, THE SUSAN B. ANTHONY DOLLAR COIN ACT OF 1978

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Ms. OAKAR. Mr. Speaker, I have reintroduced H.R. 12728 which now will have 25 sponsors. The following are excerpts from my remarks given at the Subcommittee on Historic Preservation and Coinage:

Mr. Chairman, the administration has proposed that the new coin be issued with a so-called contemporary version of the liberty head design on the obverse side. This was very disappointing to many Americans including the Congresswoman's caucus, who had written to the Secretary of the Treasury, requesting that the Department propose the portrait of Susan B. Anthony. I have for submission into the hearing record a copy of the letter dated March 22, 1978 the caucus wrote to Mr. Blumenthal. We never received a response which I find surprising and alarming.

Senator PROXMIRE, chairman of the Senate Banking, Housing, and Urban Affairs Committee has also introduced a similar bill in the Senate, and has reiterated his support for the portrait of Ms. Anthony. I am also aware that you Mr. Chairman are open minded as to whose portrait is placed on the dollar coin.

I wish to emphasize that this bill has the full support of a wide spectrum of womens' organizations including the League of Women Voters, the National Organization of Women, the National Women's Political Caucus, and the Daughters of the American Revolution.

That is why my colleague PAT SCHROEDER and myself are here today, to request that the subcommittee consider our bill to place Ms. Anthony's portrait on the obverse side of this new dollar coin.

Having an actual woman portrayed on a coin is not a unique concept. As early as 1837, a woman appeared on the circulating coinage in Great Britain, and as early as 1835, Spain circulated coinage with the profile of Isabel. In 1892 the Netherlands circulated coins with the portrait of Wilhelmina. Thus, I would suggest that the concept of a portrait of a woman on circulating coinage in the Western world is not new. In fact we are one of the very few countries which has never had a woman portrayed on a circulating coin.

Why Susan B. Anthony? Today we have the unique opportunity to recognize and honor all women of our great country by placing the portrait of a woman on this coin, whose illustrious career spanned the 19th century, and who, perhaps more than any other woman, changed our lives through her single minded devotion to the principle that all Americans must participate in a democracy. She realized more completely than anyone else that in order for the women of America to truly participate as American citizens, they had to be given the right to vote. In 1848, she laid the groundwork for the passage of the 19th amendment.

Susan B. Anthony retained her leadership of the Women's Suffrage Movement until her death in 1906 at the age of 86. Unfortunately she never lived to see the fruition of her valiant efforts. Ratification, giving women the right to vote, did not occur until 1920, some 15 years later. Her motto "failure is impossible" is as applicable today to those of us who believe in human rights throughout the world. All Americans and in particular women, owe her a tremendous debt of gratitude for her undaunting courage in her single minded crusade to attain this precious democratic right-to-vote.

The portrayal of "Miss Liberty" has been found on American coins from the 18th century to the 1960's. Currently, we have established a tradition in the 20th century in this country of honoring outstanding American men by placing their portraits on our circulating coinage, beginning with Abraham Lincoln on the copper penny in 1909. Since then, our circulating coinage shows Thomas Jefferson on the nickel, George Washington on the 25-cent piece, Franklin Roosevelt on the dime, and Benjamin Franklin and John F. Kennedy on the 50-cent piece.

Without exception all of our circulating coins now honor Americans—not abstractions—individual men who have earned their place in our Nation's history. Is there any reason why we cannot honor a woman who actually lived? Must we retain a mythological figure? It has been said that all women can identify with the mythological portrayal of Miss Liberty, but I would like to respond by saying that there is one issue with which I am sure that the rainbow of American women in our country of every race, creed, and philosophy can mutually identify—it is the right to express ourselves at the ballot box—the democratic right to vote. Truly Susan B. Anthony who is principally responsible for enabling women to exercise this democratic right represents American women far better than the ill-conceived contemporary design offered to us by the U.S. Treasury. Susan B. Anthony is Miss Liberty and once more she is an American who helped Americans achieve the liberty and freedom we now enjoy.

The proposal to place Susan B. Anthony on the new dollar coin has generated some controversy and opposition from our own Treasury Department. That is not surprising. Susan Anthony generated controversy and faced opposition all her life. This fact did not deter her from her noble cause. We welcome the opportunity now to speak up for her. It would be a very special honor to have this woman's portrait placed on the new dollar coin. By doing so we honor all Americans who cherish their democracy, and their liberty, which has as its fundamental concept the right to vote.

THE ECONOMIC RECOVERY ACT OF 1978

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. NOLAN. Mr. Speaker, on May 11, 1978, I reintroduced the Economic Recovery Act of 1978, incorporating several new provisions which differ from the original bill. A summary of the new bill follows:

THE ECONOMIC RECOVERY ACT OF 1978

The Economic Recovery Act implements the economic goals mandated by the Full Employment and Balanced Growth Act of 1978 (the Humphrey-Hawkins Bill), which passed the House of Representatives on March 20, 1978. The Humphrey-Hawkins Bill includes a provision mandating economic goals and policies designed to obtain farm income at 100% of parity at the marketplace during the next five years. The Economic Recovery Act, in accordance with the provisions of the Humphrey-Hawkins Bill, gradually improves farm income during the next five years, reaching 100% of parity by 1982.

FARM COMMODITY PRICES

Agricultural commodities may not be bought, sold or traded for less than their established prices, nor for more than 110% of the established prices. The established price for each agricultural commodity (determined by the National Board of Agricultural Governors) is based on the parity price or the comprehensive cost of production price for each such commodity, whichever is greater.

The established price will not reach 100% of parity until 1982. The governing price level will be 85% of the established price in 1979, 90% of the established price in 1980, and 95% of the established price in 1981. Civil penalties are imposed for anyone who buys, sells or trades agricultural commodities at prices less than the above stipulated price levels or in excess of 110% of the established price.

NATIONAL BOARD OF AGRICULTURAL GOVERNORS

The Economic Recovery Act establishes a National Board of Agricultural Governors. The Board shall establish and administer all agricultural production and marketing programs in the United States.

The Board is composed of 50 farmers, 2 consumer representatives, 2 labor representatives, 2 business representatives (all appointed by the President) and the Secretary of Agriculture. Of the 50 farmer members of the Board, the President shall select one from among the 3 members of each state ASCS committee, which shall be elected by the producers of each state. The farmer members of the Board must be actively engaged in agricultural production as their primary source of income. Each Board member shall serve for a term of 3 years.

The Board's functions include establishing the following: parity prices and comprehensive cost of production prices, established prices, national production goals, acreage allotments and marketing quotas, a reserve program and import quotas.

NATIONAL PRODUCTION GOALS

The Board shall establish annual national production goals for each agricultural commodity. The production goals shall be based upon: (1) estimated domestic requirements, including reserves, and (2) estimated export requirements, and (3) levels of production consistent with U.S. agricultural conservation programs.

ACREAGE ALLOTMENTS AND MARKETING QUOTAS

The Board shall establish acreage allotments and marketing quotas for each agricultural commodity in an amount equal to the production goals established for such commodity. The acreage allotments and marketing quotas shall be based on the production history for each farm, taking the highest production during three of the five previous years. When appropriate commodity groups may elect, by producer referendum, to participate in either the acreage allotment or marketing quota program.

Each producer's production history shall be retained with the land for which such production history is established. Marketing quotas may be negotiable only between bonafide farmers within states and on an annual basis. Producers may not exceed their normal crop acreage unless specifically authorized by the Board.

The Board shall establish rules and procedures to adjust the allocation of acreage allotments and marketing quotas to assure fair and equitable allocation thereof. The Board must allocate marketing quotas in a manner that will not adversely affect the economy of any county or local community.

The Board shall decrease or increase the allocation of acreage allotments or marketing quotas for each commodity to reflect decreases or increased in the production goals for each such commodity. Such adjustments in acreage allotments or marketing quotas shall be applied uniformly to all producers of each commodity.

Producers may grow, raise or produce any amount of agricultural commodities on their individual normal crop acreage, but no agricultural commodities shall be sold or traded in excess of their acreage allotment or marketing quota. All agricultural production which exceeds the respective acreage allotment or marketing quota, and which is storable, shall be sealed by the Board and stored at the producer's expense as a producer-owned reserve which shall be administered under terms established by the Board.

NON-FARM CORPORATIONS

No acreage allotments or marketing quotas shall be allocated under this Act to non-farm corporations if a majority interest in any such corporation is held by those not engaged in farming operations. The Board may, at its discretion, delay implementation of this provision from two to five years.

Farmer-owned cooperatives, family farm corporations and charitable organizations are exempt from this provision.

RESERVE PROGRAM

With the consent of Congress, the Board may establish a reserve program which will be flexible enough to acquire stocks of commodities produced in compliance with acreage allotments and marketing quotas but which, because of unforeseen changes in supply and demand, the market cannot absorb. In order to acquire stocks, the Board shall issue marketing quotas for the purchase of commodities produced in excess of domestic and export requirements. All stocks on hand at the time this Act becomes law will be eligible for purchase by the Board as part of the reserve stocks.

Reserve stocks may be stored by producers at commercial storage rates or under such other terms and conditions as the Board considers necessary.

Reserve stocks shall be released only for use in domestic food and fiber emergencies or disaster situations, as determined by the President, and for humanitarian food or fiber relief needs in the event of emergencies in other countries. Reserve stocks of each agricultural commodity may be sold in quantities equal to the difference between actual production and the national production goals for each commodity. If more than a minimal amount of any commodity is required to meet production shortfalls, the additional reserve stocks will be purchased from available producer-owned supplies.

IMPORT-EXPORT POLICY

The Board shall limit the volume of competitive agricultural imports to the amount necessary to fulfill national consumption needs when the U.S. experiences a shortfall in production.

All imported agricultural commodities shall be priced at a minimum of 110 percent of the established price, or 10 percent over the current market price, whichever is greater. The tariff revenues obtained from the importation of agricultural commodities shall be placed in a special credit account for the exporting nations to purchase U.S. products. The special credit account shall be established and administered by the Board.

No agricultural commodities shall be exported at less than 100 percent of the established price, except for those commodities exported under food assistance programs.

Federal inspection regulations covering agricultural commodities produced in the United States shall also be applied to imported agricultural commodities as a condition for entry into the United States or its possessions.

PRODUCER REFERENDUMS

The Board's recommendations regarding acreage allotments and marketing quotas shall be subject to producer referendums. If 15 percent of the producers who have a production history affected by the Board's recommendation petition the Board for a referendum, the Board shall, not later than one month after validating the petition, conduct a referendum, by secret ballot, of such producers. If the Board determines that more than a majority of the producers voting in the referendum oppose the proposed recommendation, it shall be withdrawn.

In any event any commodity group wishes to be excluded from the provisions of this Act, such producers may use the referendum procedure so that all of the producers in the commodity group will be able to vote on the question.

CONSUMER INFORMATION

Retail food stores shall be required to post information providing a comparison between average cost to consumers for food products and the average farm value of the same product in order to clearly establish the amount which farmers receive for their share of the food product. This information shall be displayed prominently in retail food stores.●

THE NEED FOR THE HUMANE APPROACH OF HOSPICE CARE

HON. DOUGLAS WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. WALGREN. Mr. Speaker, in the May 30, 1978, issue of the Washington Post, Mr. Nicholas von Hoffman comments on the health care his mother received during her terminal illness. I encourage all Members to read his account for it illustrates the need for the humane approach of hospice care for the terminally ill.

THE STRUGGLE TO DIE IN PEACE

(By Nicholas von Hoffman)

"I understand," the doctor told me. "I have an 86-year-old mother who hates doctors. It's quite embarrassing."

The doctor was taking over the management of my nearly 80-year-old mother's case of terminal cancer. A kindly man, who understood this was not the time for treatment but for palliation and the patient's comfort, he was a godsend to a woman who had long since elected to do without the services of orthodox medicine.

What Mother had been encountering were high-tech physicians who couldn't accept someone who had decided not to leave the world via the Hubert Humphrey route. Ten or 12 years ago when she first became aware of having the disease, Mother had decided she would not permit surgery, radiation or chemotherapy, and she has stuck to the decision ever since.

It was up to the rest of us to convince the various kinds of practitioners of medicine that she was of sound mind and mature judgment and her wishes should be observed. That's not so easy with some kinds of doctors. In certain situations it's not the family that pleads for something, anything to be done, but the doctor who pleads with the family to permit it.

A little reading and a little asking around should quickly convince anyone that a patient with advanced cancer may be making a medically sound choice in refusing treatment. Often the odds that the treatment can have even a temporarily palliative effect are long, while the odds that the same treatment will cause awful side effects are relatively short. You won't bet money on a race horse with those chances so why bet the last days of your life?

For some doctors that's hard to live with, so hard their own emotions push them to say wild things in order to be allowed to get at the patient. "You may have heard a lot of romantic things said about a dignified, natural death," said one, "but I'm telling you there's no such thing." Or there was the physician who came into Mother's hospital room to argue her into accepting treatment at 11 o'clock at night. When the patient, paralyzed in her bed, said she was tired and wanted to sleep, the doctor responded, "You know sleep is sometimes a form of escape."

Some weeks ago, Mother decided she would prefer to pop off, as she often refers to her death, via a pill. Four or five times she's brought up the subject of suicide by pill, but in our culture children usually can't bring themselves to give their parents the means to do that.

You have to get your pill for yourself, when you're still healthy. Only rarely will a loved one have the moral self-confidence, the ethical certainty to help you.

Maybe none of us would contemplate taking our own lives if there were institutions for dying. My mother has loved the hospital, but the hospital couldn't keep her. In her advanced state of illness—she is so feeble she can't turn over on her side without assistance—a hospital with a high standard of nursing care can make her reasonably comfortable.

But hospitals aren't places designed to make dying people comfortable. They are treatment institutions. Moreover, under pressure from every side to cut costs, hospitals feel a special obligation to toss out Medicare patients like my mother who will not take any medicine. "Will you let me stay if I take an aspirin," asked Mother, her sharp tongue undiminished by age and illness. Actually, if the family can afford $250 plus a day, the guest may continue to abide on the premises.

For patients like Mother, the solution may be the hospice, a new kind of institution expressly designed for the dying. These are low-tech places where the physician and spiritual comfort of the patient comes first. Whether we can find enough of the right kind of people to work in hospices is problematic. So many of us have been trained to believe the only people worthwhile are those who can perform the miracles of science; we accord little prestige to those who work the less brassy miracles of comfort, compassion and the charity that surpasses understanding.

"I feel like a ball being bounced from one place to another," Mother said of the vicissitudes of finding a peaceful and moderately comfortable Medicare-approved place to die. She is a woman who has composed her soul, she has made her peace with all of us who love her and is leaving us with her blessing, but meekness and forgiveness can be carried too far. "I want you to promise me," she said the other day, "that after I pop off, you'll make sure my body isn't given to medicine."

Mother died on April 28 and it wasn't.●

UNITED STATES-SOVIET RELATIONS NEED REEVALUATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. BIAGGI. Mr. Speaker, deep and justifiable concern is being registered by the administration and Congress over renewed campaigns by the Soviet Union to expand their influence in the Third World and strengthen their positions in Eastern Europe.

As we grope for the reasons for this new Kremlin aggressiveness we see that their actions are based in part as a reaction to years of appeasement policies by the United States. Whether they be cloaked under terms such as détente, they translate into an inadequate U.S. response to the Soviet Union.

Where are we today? Let us start with Africa. The Soviet Union has embarked upon a concerted, conscientious, and consuming campaign to expand their influence over the continent of Africa. They are doing it themselves with commitment of funds and arms. They have the help of their ally, Cuba, which has tripled its number of troops in Africa from 15,000 in 1977 to more than 42,000 at present. The problem in Zaire occupied center stage with respect to Africa. In Zaire, Communist-backed rebels operating from bases in Marxist Angola launched a surprise attack against the southern province of Shaba on May 11. These insurgents armed with Soviet-made weapons and trained by Cubans made their second effort in 14 months to bring down the prowestern government of President Mobuto Sese-Seko.

World tension mounted as troops from other nations, primarily France, went in to rescue some 2,500 foreigners including 14 Americans, caught in the midst of the turmoil. U.S.-based paratroopers were alerted to take part in a rescue mission but they were not used. The Zaire strife did have its casualties. At least 40 foreigners were killed and there were reports of widespread torture of hundreds of others.

Zaire is by no means the only nation where the Soviet-Cuban alliance is working. Cuban troops are stationed in the following 11 nations of Africa: Algeria, Angola, Benin, Congo, Equatorial Guinea, Ethiopia, Guinea, Guinea-Bissau, Libya, Mozambique, and Sierra Leone. In addition, according to U.S. News & World Report, the Cubans and Russians were involved in five of eight so-called bush wars ongoing in Rhodesia, Namibia, Angola, Eritrea, and Ethiopia. The following chart prepared by the U.S. News & World Report discusses the true extent to which Russians have moved in Africa since the onset of détente.

WHERE RUSSIANS HAVE MOVED IN DURING DÉTENTE

Richard M. Nixon's May, 1972, talks with Soviet leaders in Moscow set the stage for détente—a policy aimed at avoiding military conflict between the superpowers. Americans thought détente also meant neither nation would try to take advantage of the other in troubled parts of the world.

What the record shows:

1972. Soviets sent 55 million dollars in arms to Africa, 970 million to the Mideast. Egypt was the major recipient until the Soviet military mission was ousted in July.

1973. Arms worth 2.655 billion dollars were consigned by Russia to the Mideast to replace Arab losses in the 1973 war with Israel. Syria received much of this aid. Arms to African nations were valued at 75 million.

1974. U.S.S.R. arms shipments to Africa went up to 235 million dollars while aid to Mideast nations dropped to 1.785 billion. Contracts were signed for a billion in sales to Libya. Algeria and Somalia also received important shipments.

1975. Africa received 600 million dollars' worth of arms, much of it going to Moscow's new clients in Angola. Soviet shipments to Arab nations fell to 850 million dollars.

1976. Soviet arms shipments to Africa for the first time surpassed those to the Mideast—1.07 billion dollars against 830 million. Also signed: a billion dollar arms agreement with Iraq to include MiG–21s and 23s. Libya received jet fighters and bombers under a deal made in 1974, and fighting in Angola absorbed Soviet warplanes, tanks and guided missiles. Moscow made its first offer of large military credits to Ethiopia.

1977–78. In another startling shift, the Soviets poured an estimated billion dollars' worth of arms into Ethiopia for use against Somalia. The Soviets lost air, naval and missile storage bases in Somalia.

In addition, Moscow since 1972 has paid all expenses of thousands of African and Arab pilots, gunners and technicians that were trained in the Soviet Union.

Mr. Speaker, It represents the practical fallacy of this ill-conceived element of U.S. foreign policy.

The administration has reacted albeit somewhat late to the Soviet-Cuban moves in Africa. Perhaps the strongest attack was made by the President's National Security Adviser Mr. Brzezinski. The President himself has charged Cuba with assisting in the turmoil in Zaire.

Yet, mere strong reactions will not quell this storm. The Soviets see an opportunity for exploitation and are prepared to take full advantage. The United States has ignored Africa for too long, thus permitting the Soviet Union to plant its seeds. The result, the United States is placed in the position of responding to Soviet acts instead of initiating strong relations with the African

nations themselves. Yet our failure to adequately respond to Soviet pressures and aggression has permitted it to continue and grow. We must be prepared to meet the Communist challenge in Africa or wherever else it is generated. We must maintain a strong defense and avoid being party to concessionary arms agreements. We must remember that the Soviets are vulnerable. A not yet released NATO study indicates that by the 1980's, the economic deterioration of the Soviet Union will have reached a critical level. The report also indicates that Moscow may be forced to seek economic help from the West. Already the Soviet Union is heavily reliant on U.S. agricultural products. We and our western allies can employ meaningful economic sanctions against the Soviets as a means of halting their advances around the world. We should not be reluctant to impose these sanctions, for it represents a real area of U.S. strength.

Congress as well, must not lose sight of the Soviet challenge. We must not resist those programs in our defense budget which are made to keep us strong. We must not cripple the President's ability to act by questioning the credibility of policy statements. A policy of trust must be established and maintained. It is mutually beneficial.

The Soviet buildup in Eastern Europe occupied much of this week's NATO summit. In a recent interview, Gen. Alexander M. Haig, Jr., Supreme Allied Commander of Europe expressed concern over this buildup and cited the fact that—

> They (Soviets) have overcome a roughly 10 to 1 inferiority in the central strategic balance to the point that today they are at parity or essential equivalence with us.

More specifically in this decade alone, the Kremlin has added some 100,000 troops and an increase of some 40 percent in the numbers of tanks provided to Warsaw Pact nations. Their naval strength has also been beefed up considerably.

The end result is an increasing threat to the NATO nations, a threat which cannot be overlooked or ignored. The response must be a reaffirmation of the basic partnership which exists between the United States and NATO with an adequate commitment by all member nations to guarantee NATO's abilities to counter any Soviet adventures in this region of the world.

The Soviet influence does not end in these areas. Their hands are in virtually all areas of the world. It is more subtle for example in the Middle East. While Egypt renounced its former associations with Moscow, they have not been deterred. They have been conspicuous in their silence with respect to the peace talks and they are working behind the scenes with other Arab States who play a less critical but important role in the future of the Mideast. Here again, the Soviets must be watched.

Finally we must examine Latin America. The Soviet-Cuban influence is more subtle but it does exist. This was a deep concern of mine and a number of my colleagues who oppose the Panama Canal treaties of 1978 which calls for us to turn control of the canal over to Panama in the year 2000. It is a veiled invitation for the Soviet Union to almost move right in and plant a new Communist threat in our backyard.

Of course we cannot overlook the closest of all Communist threats—Cuba a mere 90 miles off the U.S. shores. There was talk early in this administration about working to normalize relations with Cuba. This brought about a groundswell of opposition from many in Congress and a good percentage of the American people. Their recent military aggressiveness has resulted in a complete rethinking of the situation by the administration. If relations are to improve with Cuba it must be on our terms not theirs. Our terms do not include allowing them to engage in adventures in Third World nations.

Another factor to consider is the continued repressive nature of the Soviet Union's policies as they relate to Jews in their own nations and the millions they hold in the captive nations in Eastern Europe. Their failure to respect basic human and civil rights is barbaric and indicative of their continued totalitarian type of rule. The President has made human rights an integral part of our foreign policy. We must bolster this and make it a precondition for any agreements between the United States and the Soviet Union. Foreign policy tends to be more glittery than practical at times. We must yield our hand firmly in our insistence on respect for human rights. Anything less would be hypocrisy. The captive peoples of the world felt betrayed by détente. They must be provided with new hopes.

The Soviet threat is real not imagined. It does not call for hysteria or overreaction. It does not call for renewed military actions by the United States. However, we must keep ourselves strong militarily, and not be overly hasty in progressing on the SALT talks. We cannot give the Soviet Union the impression that they can have their cake and eat it too. We will not settle for agreements limiting arms while they expand their sphere of influence around the world.

No one wants to see a renewal of the cold war. Peace and cooperation with the Soviet Union remains a desirable goal. However, the road has obstacles which must be removed before the journey is completed.●

THE COLORADO PAYS OFF

HON. FRANK E. EVANS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. EVANS of Colorado. Mr. Speaker, during this past year, there have appeared a number of magazine and newspaper articles concerning Federal reclamation policy. The Denver Post article I am placing in the RECORD clearly presents the issues as we are aware of them out West.

Although there is no area of Federal law or policy that cannot stand improvement, I believe much of the recent analysis has been excessively negative and contains a strong no-growth assumption.

The experience of the State of Colorado confirms that intelligent, well planned water development projects are necessary for an area's ability to provide an acceptable standard of living while maintaining environmental quality.

Congress and the Western States have not invested resources in these reclamation projects as some kind of boondoggle or pork barrel. We build these projects, because if we do not save the water that roars through our State for about 60–90 days, there will not be any water for the rest of the year. Consequently, reclamation, water projects, and water programs are absolutely essential and critical to the future of our area.

THE COLORADO PAYS OFF

(By Zeke Scher)

A few blocks off the main street through Montrose, Colo., is an unpretentious group of low-level buildings neatly concealing a gigantic role it plays in the daily life of the Rocky Mountain empire.

The structures house the nerve center of a major federal project that 20 years ago was condemned as a waste of money with no hope of success. A more recent appraisal is savior of much of the arid West—creator of a land of opportunity—as well as a money-maker.

Its name, Colorado River Storage Project, is still clouded by the controversy and confusion that surrounded its birth in 1956. But controversy and confusion have been a hallmark of the Colorado River since 1540 when Spaniards explored upstream from its mouth in the Gulf of California.

Exploration from the upper reaches waited 330 years—until John Wesley Powell's first trip from Green River, Wyo., through the Grand Canyon in 1869. Almost another 100 years passed before the river was harnessed sufficiently to turn "the menace" into a national resource.

Mentioning Montrose in the same sentence with the Colorado River may add to the confusion. The Colorado is no closer than 60 miles from Montrose (at Grand Junction). The river extends 1,360 miles from Rocky Mountain National Park in northern Colorado to Mexico on the Pacific Coast. How does Montrose (pop., 6,496) get in the picture? That is our story.

By the early 1920s it became apparent to booming California, Arizona and Nevada that the natural flow of the Colorado River couldn't be depended upon to supply year-round water demands.

At the same time the slower-developing upstream states—Colorado, Wyoming, Utah and New Mexico—watched with great concern the increased demands on the river by the lower states. The upper states which contained the sources of the river's flow feared permanent loss of the water for development because of first claims on use by the lower states.

In 1922 a U.S. Reclamation Bureau report recommended construction of a huge dam at Boulder Canyon on the lower Colorado, specifying priorities in water use for (1) river regulation and flood control, (2) storage for irrigation and (3) development of power. The upper states objected.

Each group of states wanted their water rights protected, and that is what drew them to Santa Fe, N.M., in November 1922 for a meeting chaired by the U.S. secretary of commerce, Herbert Hoover. The Colorado River Compact resulted. This divided the river into two basins with Lees Ferry, just

south of the Utah line in Arizona, as the dividing line.

The compact guaranteed the lower states 7.5 million acre-feet of Colorado River water annually (not less than 75 million acre-feet in any 10-year period).

In 1930 Hoover, then president, signed an appropriation act to start construction of the long-recommended Boulder Dam (completed in 1936 and now named for him). It provided huge storage (31 million acre-feet) and power facilities (1.3 million kilowatts).

Development was non-existent on the river in the vast 113,496 square miles drainage area of the upper basin—one-twelfth of the contiguous United States. Part of the problem was the upper states couldn't even agree among themselves on apportioning the river.

Finally in 1948, avoiding a court fight, the Upper Colorado River Basin Compact was negotiated to divide the water: Colorado, 51.75 percent; Utah, 23 percent; Wyoming, 14 percent; New Mexico, 11.25 percent, and a flat 50,000 acre-feet to Arizona for the area above Lees Ferry.

The Upper Colorado River Commission was created to represent the upper states—headquarters is now in Salt Lake City—and a move began immediately to authorize a Colorado River Storage Project. A bill introduced in Congress in 1950 got nowhere.

In late 1952 a basinwide development plan was endorsed by the U.S. Interior Department. More bills followed but failed to get executive support until January 1955 when President Eisenhower backed the project in his State of the Union address.

Being proposed was a series of big dams and reservoirs on the upper Colorado and its major tributaries—some $700 million worth—which would store more than 33 million acre-feet and produce more than 1.4 million kilowatts (kw) of electricity (which would be sold to pay for the project).

Also included was the concept of including Congress-approved irrigation districts as "participating projects"—11 originally, 10 more added later. These also would be paid for from project revenues but without interest (power and storage costs would be repaid with interest).

Key parts of the project were a dam on the Colorado in Glen Canyon, 14 miles upstream from Lees Ferry; Flaming Gorge Dam on the Green River in extreme northeastern Utah near the Wyoming-Colorado borders; three dams on the Gunnison River east of Montrose, and Navajo Dam on the San Juan River at the Colorado-New Mexico line.

Screams of protest inundated Congress—from lower basin power and water interests, conservation groups, Eastern anti-reclamation Congressmen and private utility companies. They went like this:

—Power from the proposed hydroelectric power plants—it would be more than the production then of the private utilities in Utah, Colorado or Arizona—"will never be sold."

—Cost of producing the water-generated power is more expensive than using "cheap" coal or even the "unlimited" supplies of "cheap" oil to run generators.

—Problems will be great and costly in constructing transmission lines across the wide expanses of the mountain West.

—Stored water upstream will evaporate, cause losses to the lower basin and eliminate all surplus water.

—Reservoirs will inundate scenic areas, degrade the environment with artificial lakes and threaten at least one national monument (Rainbow Bridge).

The State of California submitted a formal statement, ticking off 14 objections and questioning whether the project was "justified or needed."

Even the Public Service Co. of Colorado, noting that the power would be sold to public authorities and not private companies, attacked the new policy as discriminatory and un-American. Private utilities also objected to federal transmission lines when the project could pay to use their lines.

The validity of those claims—or lack of same—will become evident.

In Congress compromises were made—plans for a dam at Echo Park on the upper Green River were dropped—and on April 11, 1956, the Colorado River Storage Project became part of reclamation law. There were unique features in the act.

The federal government should be totally repaid within 50 years after each unit begins operation. Public authorities, like rural cooperatives and other non-profit associations, will be "preference customers" for wholesale power. Some costs attributable to recreation development and aiding Indian reservations will be "national investments" and don't have to be repaid.

Reclamation Bureau officials moved quickly to get construction started on the two largest dams. The first contract was awarded at Glen Canyon six months after the law was signed. The prime contract was let April 29, 1957, for a 710-foot-high dam to create a 27 million acre-foot reservoir (186-mile-long Lake Powell) that would run eight generators with a capacity of 950,000 kw. Cost: $235 million.

Flaming Gorge work began in January 1957 with the prime contract awarded in June 1958 for a 502-foot dam, 3.8 million acre-foot reservoir and three generators with capacity of 132,000 kw. Cost: $78 million.

Navajo Dam construction began in 1958 on a 405-foot dam for a 1.7 million acre-foot reservoir (no power). Cost: $44 million.

The three dams on the Gunnison River, called the Curecanti unit, didn't break ground until July 1962. Blue Mesa Dam was first—390 feet high for a 940,800 acre-foot reservoir (60,000 kw power plant). Cost: $43 million. Morrow Point Dam was next: 469 feet high with a 117,000 acre-foot reservoir (120,000 kw plant). Cost: $41 million. Curecanti's third dam, Crystal, was begun in 1973 and is expected to begin operation this year. Its 323-foot dam has one generator (28,000 kw) fed by a 26,000 acre-foot reservoir. Cost: $27 million.

As the first buckets of concrete went into Flaming Gorge and Glen Canyon dams in the summer of 1960, the Reclamation Bureau was pondering where to locate the headquarters which would control power operations for the entire project. Denver? Salt Lake City? They seemed likely choices.

An electrical engineer who was chief of the transmission division of the Parker Davis Project near Phoenix, Ariz., Leo Allen DeGuire, was named a consultant for locating the power office. He toured the upper basin.

"I was convinced the operations and maintenance divisions should be kept together," says DeGuire. "The geographical center of the upper basin was Montrose, and there would be three of the dams nearby. That's why I recommended Montrose."

The Bureau went along with DeGuire's recommendation and at a Montrose Chamber of Commerce meeting in October 1962 revealed power dispatching and far-flung communications would originate at the foot of the Uncompahgre Plateau. The chamber was equally impressed with the influx of about 130 project employees and their sizable annual payroll.

Temporary offices were set up in a small building on the north side of town while bids were accepted for constructing a specialized center to house the computerized operation. A $1 million contract for the main building was let in July 1963, just as water storage began in Glen Canyon and Flaming Gorge. (Plant and equipment at Montrose are now valued at more than $5 million.)

DeGuire, the recommender, was back in Montrose in mid-1963—as maintenance division chief. After 1968 he would be power operations manager, the top post.

Flaming Gorge got one of its three generators "on line" Nov. 11, 1963, to produce the first Colorado River Storage Project (CRSP) power. Glen Canyon's first generation was Sept. 4, 1964. Montrose dispatchers, in their new center at 1200 S. Rio Grande Ave., had something to dispatch.

Bureau transmission lines went up to make the first connections between Utah and Arizona and between Utah and New Mexico. These were 230,000-volt lines. Other Bureau lines—from 115,000 to 345,000 volts—formed a CRSP system linking Flaming Gorge to Cheyenne and northern Colorado; Glen Canyon to Shiprock, N.M., and southern Arizona; Curecanti units to Salida and Midway (between Pueblo and Colorado Springs); all of them to the Montrose headquarters. That amounts to some 1,500 miles of transmission lines (now tied into the entire Western power network).

In the Montrose center, dispatchers and schedulers see that the customers get the power they contract for. Computers scan the performance of each generator every six seconds—around the clock—and send out corrections automatically in trying to match the load to the demand.

They also lend and borrow power, keeping track of "what we owe the world and what the world owes us." The "world" is anywhere outside the CRSP system. Exchanging or buying available power permits the project to conserve its water since "keeping water in the river" is another obligation. Borrowed power may be paid back at peak daytime periods.

Under the project law, first call for water goes to irrigators, with any leftover being sold to municipal and industrial users. There are 18 water district contracts. Power customers number 75, including 19 in Colorado.

Contrary to the dire predictions of the protesters, all of the project's power was sold out by 1969—and has been sold out since. (Twice as much could be sold now but Congress hasn't authorized any expansion to meet the demand.) Twenty percent goes to Arizona in summer (less in winter); the rest goes to the upper states; none goes to California.

As for claims that hydroelectric power would be more expensive, cost of project energy from the start has been lower than any coal-fired generation (six mills, or .6 cent, per kilowatt hour in 1963 and only 6.55 mills now; that is less than half of some private utility wholesale rates; the retail average cost to a Denver resident is 3.6 cents per kilowatt hour).

Marketing the project's wares is the job of John W. Mueller, power manager in the regional office at Salt Lake City. He makes the contracts that the Montrose office executes.

Mueller has seen power revenues rise from $5 million a year the first two start-up years to a peak in 1976 of $61.9 million. Last year's drought—the runoff was 27 percent of average—curtailed power income to $41 million.

The first 14 revenue-producing years shattered another doubt of the 1950s about future success. Since 1964, CRSP revenues have totaled $397 million. From this, $230 million have been returned to the U.S. Treasury in principal and interest. The rest has paid operational expenses. Mueller says that by any standard, CRSP stands for success.

The telephone rang at 6:30 a.m. last Feb. 2 at Richard Schlosser's Montrose home. Paul Hughart, a dispatcher on the early shift at the CRSP operations center, was on the line.

"We're having some system problems," Hughart said.

Schlosser, chief of the power dispatching and operations branch, could have guessed as much. His electric alarm clock, set for 6:15 a.m., didn't go off.

Normally, Hughart and Larry Burke, the other dispatcher, could handle most situations—switching power sources, making gen-

eration match fluctuating loads, adjusting customer schedules. But a power outage followed by a flood of puzzling information led to a call for help.

There had been a break in power from the Delta-Montrose Electric Association which serves most needs of the center (CRSP buys electricity like any other customer). The outage triggered the center's auxiliary generators (computers and microwave communication facilities have an uninterruptible supply from DC batteries).

Schlosser and his colleagues assimilated facts gathered from other dispatching centers—PSC at Table Mountain in Golden, Lower Missouri Region at Loveland, Utah Power & Light at Salt Lake City, Arizona Public Service at Phoenix.

A sudden outage had occurred at 6:02 a.m. when "something"—still unknown after three months—caused a 230,000-volt line between the Dave Johnston power plant near Casper and the Stegall substation on the Nebraska-Wyoming line near Cheyenne to open. It stayed open (line remained in fault, the engineers say).

When the high voltage sought another avenue—like water, seeking a path of least resistance—it overloaded a series of interconnected lines, in domino fashion. An early report of a faulty breaker at Stegall substation was wrong; it operated under overload as it was supposed to.

But then 115,000-volt lines between Cheyenne and two southern Wyoming plants, Seminoe and Kortes, also opened. Next came CRSP lines—138,000 volts between Vernal, Rangely and Hayden; 115,000 volts from Shiprock to Durango; 230,000 volts from Shiprock to the Curecanti unit lines.

"We could conclude from our instruments in the control center that our problems were caused by overload conditions," says Schlosser. "It was a cascading action from someplace else. There would be several stages in solving the problem."

Almost all of Colorado plus parts of Wyoming, North Dakota, Nebraska, Utah and Kansas became an energy-deficient island. The complex system of interconnected lines maintained power to most people on the "island"; 160,000 customers lost power.

At that early morning hour Colorado was importing energy from outside the region and the outage to the north was felt immediately. As generation dropped, interruptible loads were shed automatically.

Within minutes all available CRSP generators were put in service to help replace declining power. (Coal-fired plants can require days to get a generator to peak capacity.)

Attempts to close the open lines and restore the power network seemed to succeed, but three times the overload tripped the breakers again. When a generator at Hayden tripped out, a major loss to the system of 250,000 kw compounded the problem. (It took this "happening" to disclose faulty wiring in the Hayden unit.)

Schlosser and his men realized what was happening and stopped trying to close the Shiprock and Curecanti lines. As engineers throughout the region worked feverishly to restore the network, one from Gering, Neb., by passed a breaker at Stegall and the system was put back together—at 9:11 a.m.

The CRSP couldn't stop or prevent the outages but it could—and did—within minutes switch on extra units at Blue Mesa, Morrow Point and Flaming Gorge to provide all available hydroelectric power—nearly 1 million kw—to help restore power wherever it was needed.

"We put on all we had in the area and loaded up," says Schlosser. "It was a real bad breakdown in a way because it happened so many times. No one person can see it all in an interconnected system. The East is ahead of us with their coordinating center and super dispatching office."

He emphasized that with loads building up in many areas, like in Denver, the energy suppliers are "at the mercy of the transmission system."

"Generation is not keeping up because of the long delays in approval and red tape," he says, "The environmental type plugs in his appliances and then goes out to protest. Leadtime on a steam plant is seven or eight years."

Ivan Smith, power operations manager at the PSC Table Mountain center, compiled a minute-to-minute report on the Feb. 2 outages. Experiences of power agencies throughout the area might help the Western Systems Coordinating Council, an industry advisory organization, find new operating standards to minimize future outages.

We're still undergoing a learning process," says Smith. We had a lack of information to the dispatch centers on overloads, particularly the loading on the major ties. There was inadequate communication between the Bureau and the utilities. But we are reinforcing our facilities with a minimum of two paths of communication."

While the exact cause of the outage may never be known, Smith and others noted a high north-to-south power flow that morning totaling 600,000 kw over limited transmission facilities. By agreement, the maximum now is 450,000 kw.

Despite the Western drought in 1977, California and the lower basin got their water as CRSP reservoirs permitted the release of 8.2 million acre-feet. As of last Oct. 1, an estimated 19.6 million acre-feet were still in storage. A big runoff this spring should approach capacity (31.4 million).

Although generation was down last year because less water was available (4.9 billion kwh compared to 5.7 billion kwh in 1976), and power income dropped to $41 million, the U.S. Treasury still got $12.4 million in CRSP payments. That leaves an unpaid balance of "only" $650 million.

If all authorized participating projects are completed, like the Dallas Creek, Dolores and West Divide in Colorado, the reimbursable investment will rise to $2.4 billion. CRSP financial statements say payment of power investment that carries interest will be completed by the year 2000, and that all irrigation investment will be paid by 2050, as required.

As if the water and energy business of the West weren't complex enough in the Reclamation Bureau, it was divided in two last Oct. 1. President Carter created the Department of Energy (DOE) which, among other things, took over power marketing functions from the Bureau "to promote efficiency" in the national energy program.

This meant most CRSP facilities at Montrose were transferred to the new department, including 90 of the 130 Bureau employees. The same operator at the same phone number now answers, "Department of Energy," instead of "Bureau of Reclamation."

In December DOE created the Western Area Power Administration (WAPA) to supervise its new 14-state domain with its 16,235 miles of lines and 7.4 million kw capacity. Headquarters will be in Denver—somewhere. Functions are still being performed in the Reclamation Bureau at the Federal Center, with an acting administrator in Billings, Robert L. McPhail, awaiting confirmation by Congress.

Reclamation Bureau personnel still run CRSP dams. But with construction, operation and maintenance of transmission lines under DOE authority, a score card is needed to determine which team is up. Ex-Bureau veterans—DOE newcomers—just shake their head and continue doing what they have always done—more efficiently, according to Washington.

The next great quagmire—it is already here—will be restructuring rates for power and energy. What is the proper charge for the capital investment in making generation available, and what is the proper charge for energy used at different hours?

In Montrose where the "world" is outside, the CRSP personnel continue providing water and energy to some 2 million Westerners, keeping water in the river to make the lower basin happy and staying alert for the next outage. There will be no letup.

"It will get a lot worse before it gets better," says DeGuire. "People can't depend on natural gas or oil. So they will turn more and more to electricity."

The CRSP power—just a byproduct of an irrigation and water-control project 20 years ago—gets more attractive daily. What other type of generation starts quickly, runs on a renewable resource, never pollutes the air or water, rarely breaks down and even contributes to the recreation, water and food supply of millions?

Yes, they are looking for some more CRSPs. If they find any, I wonder what the objections will be.●

A CRITICAL MESSAGE FOR AMERICA FROM GEN. JOHN SINGLAUB

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

Mr. SYMMS. Mr. Speaker, the most profound, and most profoundly alarming, message I can remember on the critical condition of our national security has just been made public through an interview with Maj. Gen. John K. Singlaub, who ironically takes off his uniform and enters retirement from the Army today.

His vastly knowledgeable candor is in such stark contrast to the silence and evasion of his professional comrades, which I have decried in recent weeks, and the Nation is deeply indebted to him and to Spotlight, the publication of Liberty Lobby, for the great public service this represents. Combine Paul Revere and Billy Mitchell and all the other patriots who have alerted their fellow citizens to impending calamity, and you cannot begin to equal the import and the impact of this tremendous warning.

I do not merely call it to your attention, or commend it to your reading. I urge you, I implore you, for the sake of this Republic and freedom everywhere, study General Singlaub's words, take them to heart, and make them a part of your prayerful decisionmaking in the critical days ahead:

GENERAL SINGLAUB SPEAKS OUT . . . AND IT IS A GRIM WARNING TO AMERICA

(By George Nicholas)

"A fine military officer and a great patriot" was how Sen. Barry Goldwater described Major General John K. Singlaub (Spotlight, May 22, 1978).

This week we are pleased to bring our readers, in the form of an exclusive interview with staff correspondent George Nicholas, the first public statement of this distinguished commander since his summary and vindictive retirement from the crucially important post he held as chief of staff, U.S. Army Forces Command at Ft. McPherson (FORSCOM).

The circumstances in which General Singlaub abruptly ended one of the most re-

markable and promising Army careers in American military history are well known today: in fact, they have made him a national figure with a rapidly growing following.

"What we have here," Sen. Goldwater commented, "is a brave and courageous man willing to stand out alone among his fellow officers and declare what he feels to be right."

In fact, General Singlaub sought to arouse no public attention or response with his remarks, which were uttered at a private talk, before a military audience, in answer to a direct question from one of the ROTC cadets in the audience. But once challenged to state his own personal view of recent administration decisions to give away our Panama Canal, shelve the neutron bomb and scrap the B-1 bomber, General Singlaud would not equivocate, waffle or dissemble in the approved manner we have become accustomed to hearing from the political guardians of our national security; in a few simple and candid words, the general told the truth. By this act itself, General Singlaub stands alone, in a special place of honor, gallantry and exceptional merit, amid the evasiveness and cant of our vast defense bureaucracy, who were startled to hear the truth if only because they had so long ago lost the habit of uttering it.

MANY PERILOUS MISSIONS

General Singlaub has always been a "soldier's soldier," a fighting officer and combat leader who put honor and duty to the nation above bureaucratic caution. Commissioned a second lieutenant at the outset of World War II, he was posted to the European Theater where he parachuted deep into enemy territory and organized French resistance forces behind German lines as an OSS team leader. In 1944—having demonstrated exceptional ability and gallantry, as well as outstanding qualities of leadership in the performance of this singularly hazardous assignment—the young officer was transferred to the China-Burma-India Theater where he jumped behind Japanese lines to rally and direct Chinese guerrilla formations in a series of highly effective special operations under the very noses of the enemy.

World War II ended in 1945, but the shooting did not stop for John Singlaub, who found himself occupying a risky intelligence command deep in Manchuria, in the thick of the Chinese civil war. Then came the fierce, bloody Korean action: Singlaub fought it on the front lines as an infantry battalion commander. Only with a temporary lull in worldwide hostilities did he find himself stateside in the more conventional sort of post: on the faculty of the Command and General Staff College at Ft. Leavenworth; an alumnus of the Air War College; another tour in Europe, then a stint with the Army staff in Washington.

When the Vietnam crisis grew hot in the early 60s, General Singlaub found himself in yet another risky and responsible unconventional warfare command in Indochina. Then came a tour in Germany; another one in the office of the secretary of defense in the Pentagon; a stint as readiness region commander in Denver, involving work with the Army National Guard and Army Reserves; then a tour as chief of staff of the United Nations Command in Korea, 1967-77.

CRITICIZED WITHDRAWALS

After giving voice to personal doubts concerning the Carter Administration's unilateral decision to withdraw the bulk of U.S. forces from Korea—doubts which are fully spelled out in the general's own words for the first time in the interview which follows—Gen. Singlaub was recalled from Korea but given a key command: that of chief of staff, FORSCOM. When, however, he was overheard—somewhat against his own intentions—expressing honest and realistic views on the perilous state of our national security a second time—albeit before a strictly military audience—Gen. John Singlaub was abruptly summoned to Washington. What happened next the general related to The Spotlight in his own words:

"As a result of answering some questions on a military subject from ROTC cadets—and answering then truthfully—as my own personal opinion, I encountered some dissatisfaction from the administration, which created enough embarrassment to the Army that I felt the only honorable thing to do was to submit my request for voluntary retirement."

These are the mild and generous words of a great general who voices no grievance and seeks no redress for the irrational and hysterical pressures generated by a few, measured and well-phrased reservations concerning the catastrophic state of our national security—reservations voiced before a closed military audience and disclosed only by utter inadvertence. But for all of General Singlaub's modesty and reticence, the nation knows where the truth stands and where the real guilty parties lie.

"I say the wrong man resigned," commented Sen. Goldwater on hearing of General Singlaub's retirement. But let the Carter Administration's ruthless bureaucratic enforcers note that General John Singlaub—combat infantryman, master parachutist, Army aviator, Ranger and leader of American soldiers in five separate shooting wars—has merely resigned from the Army's active list; he has not retired from public affairs, nor ended a lifetime of service to the nation. In coming months and years his voice will be heard and his presence felt wherever the vital questions of our dangerously enfeebled, disastrously neglected national security are discussed and decided.

Henceforth, if the American people demand to know the facts about the sellout of their interests and the betrayal of their national security, there will be the fearless voice of General Singlaub to tell them the truth. And soon enough—sooner than the poltroons and politicians of the Carter clique think—the American people may decide to retire forever from public life the real culprits of our national betrayal.

THE INTERVIEW

Although your abrupt "retirement" last month from one of the Army's top force commands has been attributed by the establishment media to your "outspoken" remarks concerning the Pentagon's troop withdrawal from South Korea and the shelving of the neutron bomb, in reality your public comments on these and other defense matters have been brief and guarded so far. But now that you have an opportunity—the first one in a lifetime of dedicated service to the nation—to speak out without restraint, would you tell The Spotlight's readers whether recent administration policies have in fact relegated the United States to a position of military inferiority vis-a-vis the communists? Is it true that America has become a second-class power?

General SINGLAUB. "Yes, an alarming strategic imbalance in favor of the communist bloc known as the Warsaw Pact alliance has arisen as the result of our disregard of vital strategic interests, our neglect of required force structures and our unrealistic levels of defense spending. Speaking as an Army officer with long experience, I must say that Soviet armaments are now not just quantitatively but also qualitatively superior to our own—an unprecedented humiliation for the U.S., whose past hegemony was based in part on our uncontested technological leadership. Viewed in the aggregate, our defense posture over the past two or three years can only be described as unilateral disarmament. There is no question that in terms of military strength and strategic resources, the communists have risen to first place over us.

But Administration spokesmen suggest that only by adopting this sort of conciliatory and deferential approach can we hope to soften the Soviets to espouse detente—that is, a relaxation of cold-war tensions—and enter productive arms-control negotiations with us. Have you noticed any signs of Soviet responsiveness along these lines?

General SINGLAUB. "No, there are no visible indications that our attempts to humor and appease the Soviets are producing any reciprocal gestures of communist pacifism. In fact, the contrary is true: our misguided and illogical defense policies are encouraging the Soviets and their surrogates to stage ever more aggressive and expansionist global scenarios in Africa, the Middle East, and elsewhere. Of course, it cannot be otherwise. The example of history tells us that when you allow one side among potential adversaries to acquire a decisive military edge, you cannot hope to preserve peace: this is how wars are started. Our irrational and inadequate defense policies, our hesitancy in asserting our vital strategic interests, our appeasement-minded giveaways are leading our opponents to the belief that they can get away with murder. This is the certain road to global conflagration and thermonuclear war."

Fidel Castro, foremost among the surrogate Soviet shock troops, has been allowed—by U.S. absenteeism—to score heady victories in Angola and Ethiopia. Will Communist Cuba now renew the demand that we hand over our naval base at Guantanamo?

General SINGLAUB. "By every report, Castro is greatly stimulated by his African exploits and by the U.S. giveaway of our historic Panama Canal command. He may well decide that the time is ripe for another grab at the American naval base on Guantanamo Bay. And if Castro does, for all I know, the White House may decide, in the spirit of detente, that he should have it."

Do the Joint Chiefs agree with these policies, and if not, do they have the freedom to make their dissent known?

General SINGLAUB. "Well, I cannot speak for the views held by the Joint Chiefs, but I can tell you that according to Secretary of Defense Harold Brown, senior officers who dissent do have one freedom: to resign."

We hear incessant rumors, and as often as not from knowledgeable and trustworthy inside sources, that behind the Pentagon's "consensus curtain" there is a great deal of concern and dissent among senior service commanders. The American public, instead of being told the truth about our critical situation, is being fed a stream of propaganda, slogans and myths by administration publicists. What is the truth?

General SINGLAUB. "Well, one thing I can confirm is the existence of widely propagated "defense myths" that do a lot of harm whatever their origin. One of these myths is that the Soviets, like ourselves, consider all-out nuclear war "unthinkable"—an option only a madman would invoke. But in reality—although the American public has not been told of this—we have hard information indicating that the Soviet high command by no means views all-out thermonuclear conflict as an "unthinkable" contingency. They think about it a great deal; in fact, they don't merely meditate on it, they are devising strategic scenarios for the launching, fighting and winning of a nuclar campaign against the U.S.

"Another defense myth sold to the American public is the assumption that chemical-biological warfare—involving poison gas and deadly germs—has been abandoned by all major powers. We here in the United States have done so—foresworn the use of chemical or biological agents in combat and destroyed the bulk of our existing stockpiles of such

substances. Research and development on CBW projects was cancelled in toto by presidential order. Having set a moral example with all this, Washington fully expected the Soviets to follow suit. But our adversaries did nothing of the sort. There are reliable intelligence indicators that the Soviets have sharply stepped up their CBW research and development programs and that they are stockpiling deadly bacteria and viruses for "use against the Soviet Union's ememies" in case of war. Here we have the result of a widely disseminated defense myth: an entire branch of warfare in which Soviet superiority is absolute and U.S. inferiority total."

Do such "defense myths" arise spontaneously, or with the aid of administration and media propagandists?

General SINGLAUB. "You only have to trace the genesis of such a defense myth to realize that it does not spring spontaneously from the heavens. Take the myth that "We cannot ever again become involved in an Asian land war." When this myth first began to circulate, toward the end of the ill-starred Vietnam war, it was endorsed, not by just the usual coterie of establishment "defense analysts" and "policy scholars" but by an unexpected dove, North Korea's Communist dictator Kim Il Sung. Neurotic and megalomaniac, Kim Il Sung has long been known as the proponent of a single war doctrine: that South Korea must be reunified as a single communist peninsula under his personal control. But in early 1972 we suddenly began to hear strange, soothing sounds from North Korea. Detente was in the air. The Communist North Koreans opened a series of negotiations with the anti-communist, U.S.-backed South Koreans. These negotiations, Kim Il Sung declared, would generate a mutually satisfactory settlement to the Korean problem so that the U.S. need never become involved in an Asian land war again. Well, Washington was pleased as punch. In early 1971 we had withdrawn the U.S. 7th Division from South Korea, and now the buzz went around U.S. policymaking circles: "Here it is! The Communists are responding to our peace overtures! Detente is going global! There'll be no more major wars in the Far East!"

Unfortunately for all this official optimism, Kim Il Sung never meant a word of it. While he lulled Washington with a series of "peace talks" he was secretly preparing for war—by all signs, offensive war. Beginning in 1972, the North Koreans embarked on an intensive, immensely costly rearmament program that concentrated on military hardware required only in wars of aggression. The North Korean high command moved up its heavy artillery units into concrete-hardened emplacements right along the frontier, for maximum reach into South Korea. They doubled the number of their fighter aircraft and tanks, tripled their mobile armor and increased four-fold the number of amphibious assault craft—a purely offensive piece of equipment. Having deployed their 120 mm howitzers and 130 mm siege guns and FROG missiles along the border, Kim Il Sung backed them up with many military airfields moved up front and concealed in reinforced underground hangars and with hardened tank sites dug deep in mountains along the border. He built 12 ocean-going attack summarines—South Korea has not a single one—and emplaced them in forward berths shielded by concrete and anti-aircraft batteries. He vastly expanded the war production capacity of North Korea; almost all of the weaponry we have discussed here, even the subs, while designed in the USSR were actually built in North Korea. Finally, the North Koreans began digging tunnels under the DMZ. They also sent teams of secret agents to South Korea to stir up the kind of trouble that would eventually touch off an armed conflict. You can see why I said that withdrawing our forces from South Korea might lead to war. In fact, it is an act of folly."

Does the presence of strong and combat-ready U.S. defense forces make a crucial difference in such a situation?

General SINGLAUB. Indeed it does. First of all, Kim Il Sung, for all his compulsive power-drive, might himself hesitate to push the button for all-out war that instantly embroils him in a shoot-out with the U.S. Moreover, his patrons—the Soviet Union and Red China—may well restrain him for the time being from triggering total war—something Moscow might decide to set off by its own actions, when the moment is ripe, but not by proxy. The same reasoning holds in Europe, where our NATO forces have been seriously undercut by the withdrawal of their support echelons. Here the currently prevailing official myth is that if an emergency hits, we can always summon up the reserves. But the real-time, lightning-fast scenario of modern nuclear conflict will allow no time for old-fashioned mobilization; it will erupt over our heads like thunder and lightning. Thus it is essential that we maintain adequate force structures, both in the Far East and in Europe.

Does that include deployment of the neutron bomb?

General SINGLAUB. It does. That production of the enhanced radiation weapon, the so-called neutron bomb, can be put off indefinitely, is another myth. What the American public is not told is that in heavy tanks, as well as other armored fighting vehicles, the Soviets hold a 5-to-1 superiority over us. The neutron bomb is our best anti-tank weapon right now; it should become part of our defense arsenal without a day's delay.

5-to-1 sounds like an awesome edge for the communists to be holding over our heads. Have things come down to this sorry state?

General SINGLAUB. They have. I feel certain the American public doesn't even suspect the real deterioration in our defenses—our indefenses, to use the apt term for them. Our main battle tank, the M–60, is hopelessly outdated; its Soviet counterpart, the T–72, is technologically almost three generations ahead. We have a projected new battle tank, the XM–1, and it's a good piece of armor. But its production is being dangerously delayed—just like the neutron bomb, only even more so. It is indispensable for our army's combat capability that the XM–1 be committed to full-scale production without further foot-dragging. We are also in dire need of a new generation of infantry fighting vehicles. The M–133 was a good armored troop carrier 20 years ago, but now it's way outclassed by comparable Soviet-bloc equipment. And it's not just the rolling stock that's outdated. At Ft. Bragg some troops are still housed in wooden sheds built during World War II—for that matter, here at Ft. McPherson we use buildings dating back to the 19th century—and with construction lagging nationwide, the time has come to modernize our accommodations.

Where do our most urgent priorities arise—abroad or here at home?

General SINGLAUB. In global terms, we face a grave crisis. Our failure to act in a consistent and logical way in Africa, our unwillingness and unpreparedness to live up to our historic role—that of the leading power and champion of the free world—in Europe and elsewhere, has encouraged the Soviet Union and its surrogates, mainly Cuba and East Germany, to their present level of aggressive and expansionist activity. They are following reckless policies, moving military forces into areas of the world where the communist bloc has had traditionally no influence to speak of. That, in my opinion, is the fatal road to World War III. But our key priorities and most crucial challenges lie right here at home. We must not merely revise our defense appropriations but our thinking in the vital area of national security.

Now that you are free to explain the facts to all Americans, and perhaps assume your preordained role in the process of rethinking our national priorities, may we hope that you will do so, General?

General SINGLAUB. Right now, I can only say that I do intend to take a hand in this urgent national reappraisal. I hope to be able to continue to serve our country, perhaps at first working with organizations that share my concern over that state of our national security.

THE PRESIDENT'S DILEMMA IN AFRICA

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. BONKER. Mr. Speaker, conflicts which have been simmering in Africa for several years are now claiming global significance culminating in a new and dangerous chasm between the superpowers. Events in recent days have the sense of a growing, if not imminent, crisis, threatening both détente and the administration's efforts to establish a new and viable African policy. African countries are also confronted with the grim prospect of East/West frictions being played out in places like Eritrea, Angola, Zaire, and Zimbabwe at the expense of African interest, often with the shedding of African blood. Americans are being told that our country has suffered important policy reverses in countries which few knew existed a short time ago. How significant these reverses are to vital U.S. national interests is difficult to ascertain in the present emotionally charged atmosphere.

The President faces a dilemma, partly of his own making. He must appear to be strong and effective in countering Soviet and Cuban designs in Africa but not in a way which will alienate relations with important African Countries and with no apparent show of force to back up his rhetoric. And the choices before President Carter are not all that attractive. Nor does the United States have a tremendous amount of leverage in coping with sporadic crises in that continent. Fiery statements from administration spokesmen only increase the possibility of the United States overreacting at some point, which could precipitate another Vietnam commitment. We wisely avoided that mistake in the Horn of Africa, but who is to say it will not happen in other African hotspots. CIA Director Stansfield Turner's visit on Capitol Hill to explore the possibility of supplying military support (through third countries) to guerrilla factions in Angola, supposedly to keep the Cubans occupied there, is one grim example. This is an ominous reminder of the CIA of old, but it certainly is no way to conduct foreign policy.

In addition to lambasting the Russians and the Cubans, the President has also openly worried about so-called congressional restraints on his ability to respond effectively to recent events in Africa. One

can admittedly share President Carter's frustration over his inability to respond to Russian-Cuban initiatives in Africa, but Congress is not the problem. To date there has been no legitimate reason or circumstance that could justify our direct involvement in Africa; even if there were, it is doubtful the administration would commit us to matching Russian-Cuban adventurism with American adventurism on an endless "tit for tat" basis. Communist countries do not have public reaction to contend with in their foreign policy and besides it is unlikely the American people will again support extensive U.S. involvement in a remote and vast continent.

The major problem of U.S. policy in Africa is not congressional restraints on Presidential action (which, for the most part, make extensive allowances when U.S. national security is involved), but the absence of a clear sense of what our Government's goals are in Africa or a well-articulated vision of what the U.S. role should be on the continent.

U.S. policy in Africa today is still in a state of transition—from the post-colonial era of identifying with our European Allies (most of whom happened to be the colonial powers) to a more African-oriented policy of supporting liberation efforts, particularly in southern Africa, which the Soviets have been doing all along.

In the midst of all the rhetoric emanating from the White House, thus far the United States has pursued prudent and well-measured actions in responding to conflicts in Africa. But the President could also do much more to respond to the destabilizing consequences of the Soviet-Cuban presence in Africa while minimizing the likelihood of that continent becoming a battleground for East/West proxy wars. U.S. policy should be directed to helping these countries band together and develop a capability of responding collectively to common threats.

There is an impressive body of testimony which suggests that the United States could offer a viable alternative to countries with a significant Cuban presence rather than simply writing them off as lost causes. Russia's scorecard in Africa is not all that impressive, despite the media's preoccupation with Russian gains there. Former Russian clients like Sudan, Egypt, Somalia, and North Yemen all have a bitter dislike and distrust of the U.S.S.R. Africa may well turn out to be Russia's Vietnam.

A few years ago, the National Security Council warned Congress that Russia's two African surrogates, Somalia and Guinea, posed security problems for the United States. At the time, both of these coastal states had Soviet-built port and air facilities that were used for their naval and reconnaissance missions. It turned out to be a poor investment for the Russians as they were thrown out of Somalia earlier this year and are on their way out of Guinea.

Another possibility would be for the United States to focus more on the Soviet rather than the Cuban presence as a source of concern. Africans are finding the Russians can get pretty arrogant, if not outright racist, in their dealings with Third World countries. One wonders whether the Soviet presence in Africa would be that significant if somehow the United States would not be so paranoid about the Russian-Cuban axis and concentrate on the social and economic forces that logically bring us together.

At the very least, the administration should refrain from foreclosing some of these options by playing so heavily into the knee-jerk reactions which have surrounded the Soviet and Cuban presence in Africa. Let the United States be on the African side and pursue those policies that will benefit Africans and not overreact to Communist-inspired activities, they represent no serious threat to our national security.

The Communists, for their part, will eventually be recognized for what they really are—neocolonialists—and will soon discover that Africans do not make good Marxists. When all the politicking and fighting have subsided, Africans are going to be Africans regardless of what the superpowers do in that continent.●

AMENDING THE IMPACT AID PROGRAM

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. GOODLING. Mr. Speaker, I rise to offer an amendment regarding the impact aid program reauthorized in title X of H.R. 15.

Since I have been in Congress I have been a consistent opponent of the impact aid program. In my view, much of the program has no economic justification. I refer particularly to those portions of the act authorized in section 3(b) of Public Law 874 which make payments to school districts on behalf of children of civilian Government employees.

Let me make it clear, however, that I, too, support payments to school districts on behalf of military personnel who either live on military property or in an adjacent community. The Soldiers and Sailors Relief Act through its provisions essentially denies States and communities from benefits or significant tax revenue for military personnel, thereby imposing a burden on the educational system in those areas.

However, these same facts do not exist with respect to civilian employees. They live exclusively in private residences which generate property taxes. They do not have access to commissaries and PX's (which are exempt from sales taxation), and they are not excused from the payment of State income taxes. In short, civilian Federal employees do not impose an economic burden on the communities in which they reside or work.

As a matter of fact, it is my view that Federal employees bring to a community a considerable number of advantages as evidenced by the struggles which go on within this body over the location of Federal offices. For the most part, Federal personnel are much more highly paid than the average State and local worker and, in many cases, more highly paid than those in private industry. They, therefore, generate a considerable amount of revenue for the States and communities where they are located.

Because I do not feel that it is possible to eliminate payments for these civilian employees overnight, the amendment which I have offered would reduce payments over a 6-year period, beginning with fiscal 1979. Each year the payments would be reduced by one-sixth so that by fiscal 1984 payment would be entirely eliminated for these students.

According to cost calculations done by the Congressional Research Service of the Library of Congress, this amendment would reduce entitlements an estimated $129 million in fiscal 1979 and by the time of its full implementation in fiscal 1984, would reduce entitlements under Public Law 874 by $1.2 billion. However, even with these reductions, payment levels through tier 2 would be almost identical with estimated payments under the current law in fiscal 1979.

I commend the amendment to my colleagues and urge its adoption:

AMENDMENT TO H.R. 15

Page 270 strike out lines 14 through 17 and insert in lieu thereof the following:

Absorption;

Sec. 1004. Subparagraph (A) of section 3(d)(2) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is amended to read as follows:

"(2)(A) For purposes of paragraph (1) of this subsection, the number of children determined under paragraph (1) of subsection (a) and under paragraphs (1) and (2) of subsection (b) shall, for any fiscal year beginning on or after October 1, 1978, be deemed to be a number which is equal to the following fraction of the number actually determined under such paragraphs:

"(i) five-sixths of such actual number for the fiscal year ending September 30, 1979;

"(ii) four-sixths of such actual number for the fiscal year ending September 30, 1980;

"(iii) three-sixths of such actual number for the fiscal year ending September 30, 1981;

"(iv) two-sixths of such actual number for the fiscal year ending September 30, 1982; and

"(v) one-sixth of such actual number for the fiscal year ending September 30, 1983, and for any fiscal year beginning on or after October 1, 1983, the number of children determined under such paragraphs shall, for purposes of paragraph (1) of this subsection, be deemed to be zero.●

HAPPY BIRTHDAY BOB HOPE

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. ANDERSON of Illinois. Mr. Speaker, Bob Hope has been called an American institution and as such I believe it is appropriate to have him in Washington to honor him for his 75th birthday. It is indeed refreshing to have a national institution come to this city without asking for Federal funds. To list all of Bob Hope's accomplishments is a

task we should leave to those who have the time to publish many tomes. More important than his accomplishments though, Bob Hope retains a spot at the core of every American's affections and especially the millions of servicemen to whom he selflessly gave his time, spirit and heart during Christmas for so many years. He is a man who not only fulfills the promise of his name but who throws a large measure of generosity and charity along with it. In fact, Bob Hope hoards only one thing, his eternal youth.●

RICE FOR LAOS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. GILMAN. Mr. Speaker, earlier this week the administration announced its intention to donate 10,000 tons of rice to Laos under title II of the Public Law 480 program.

The administration states that this $5 million of aid is being granted as a humanitarian gesture to a country which has been stricken by a severe drought. It is estimated that Laos needs 112,975 tons of foodstuffs to offset their drought losses; 80,00 to 90,000 tons already having been pledged by private organizations and governments, our donation will come close to fulfilling the Laotian needs.

This grant demonstrates the continuing commitment by the United States to human rights and basic humanitarian aid. The United States has consistently fulfilled its international obligation to aid in emergency situations. However, the Laotian Government has failed to fulfill its international obligation to give a complete and accurate reporting of any MIA's in their country.

Our Nation has repeatedly requested such information, and have sent to the Laotian Government files on 49 MIA's in Laos. We have received no reply.

It is hoped that the Carter administration will take into account the humanitarian aspects of the unresolved MIA issue in considering any future aid to Laos and insist that any improvement in our relations with that nation and any aid beyond that which addresses emergency needs, be contingent upon a full accounting of our MIA's and adherence to international agreements on human rights.

The Congress has recently expressed its wholehearted concern for our MIA's in H.R. 538, a resolution which I authored, calling upon the President to request a U.N. investigation of the MIA problem. In addition, the Congress has refused aid to Vietnam due to its lack of cooperation on the MIA problem.

It is my hope that our foreign policy and aid commitments to countries such as Laos and Vietnam, which have withheld information on our missing servicemen, will in the future reflect the high priority which we place on a full accounting.●

THE ROAD TO PROSPERITY—PART V—ONE MORE ANALYSIS OF THE INVESTMENT INCENTIVE ACT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. STEIGER. Mr. Speaker, yesterday's RECORD contained an economic analysis of the Investment Incentive Act by Merrill Lynch Economics. It is one of four analyses that have been done on the act. Today, I want to include in the RECORD the fourth analysis.

This analysis has been prepared by Norman Ture. Dr. Ture has been working with the National Association of Manufacturers to develop an econometric model for analyzing and measuring the effects of taxes and changes in the tax laws on our economy. The NAM Tax Impact Project Task Force has been working since 1974 to construct this model.

The work by Ture and TIP is perhaps the first to measure the direct effects of tax changes on the supply of labor and capital services. People do not engage in economic activity for purely altruistic motives. There have to be rewards and incentives. In economic terms, the greater the reward, the more people would be willing to expend on a particular activity. On the other hand, disincentives will discourage economic activity.

Whether we like it or not, taxes are a disincentive. If people feel their labor is subject to a high tax, they will not work as hard. If individuals feel that their savings—their capital stock—is subject to a high tax, they will consume, not save. Or, they will invest in any available tax shelter, even if it is uneconomical, merely to avoid paying high taxes. If the tax burden is relieved, the opposite effect occurs. People will work harder and save more.

These are facts of life which are not measured in the revenue estimates which are done by the Treasury Department on tax legislation. These facts cannot be ignored. At least some attempts are being made to provide a realistic basis for legislating on taxes. For instance, Chase Econometrics, DRI, Merrill Lynch Economics and Ture-TIP have sought to develop objective measures of the economic impact on a change in the capital gains tax. Economics is still an art, not a science, so the effort is not the final step in the process. At the moment, it is the best we have. I hope the Members will find this information useful when we consider the Investment Incentive Act.

The analysis follows:

Subject: Effects of H.R. 12111 on the Economy and on Federal Tax Revenues.

Enactment of H.R. 12111, restoring the pre-1969 alternative tax treatment of net long-term capital gains and eliminating capital gains as a preference item for minimum tax, would have a significant expansionary effect on the economy and would modestly increase Federal tax revenues. Assuming the bill's enactment as of the beginning of 1978, full-time equivalent employment would increase by 90,000 over the levels projected under present law for 1978 (although the provisions of the bill would not be effective until January 1, 1980, the saving and investment response by both individuals and corporations would initiate with enactment of the legislation); in 1987, there would be 150,000 more full-time equivalent employed persons than the projected present-law level.

This increase in jobs would reflect both the increase in the demand for and supply of labor services resulting from the net additions to the stock of business capital in response to the reduction in the overall marginal rate of tax on capital income effected by H.R. 12111. The estimated response would be an $8 billion increase in gross capital outlays in the first year, increasing to $19 billion in the fifth year as adjustment to the lower cost of saving and of capital was completed; on the new, higher growth path of the economy, gross capital outlays would be $13 billion more than under present law 10 years hence; net capital additions would be $6 billion more (measured in constant 1977 dollars).

These larger additions to the amount of business capital would increase the productivity of labor and real wage rates—by $90 a year in the first year, increasing to $150 a year 10 years later (in constant 1977 dollars). Together with the increase in the gross returns to the larger stock of capital, the increased labor income resulting from the expansion in employment and in real wage rates would raise GNP by $12 billion over the present-law level in the first year and by $27 billion 10 years later (measured in constant 1977 dollars). Of this increase in GNP, the increase in total real wages would amount to about $10 billion in the first year, rising to about $19 billion in 1987.

In response to the reduction in tax on the returns on investment, individuals would increase their saving by increasing amounts during the first five years. In the fifth year, as the adjustment was completed, consumption outlays would be slightly less than under present law, although greater than in the previous year. Thereafter consumption would increase; 10 years after enactment, consumption spending would be about $14 billion greater than under present law.

The initial-impact revenue effect would be to reduce Federal tax revenues by about $2 billion in 1980 and by about 3 billion in 1987 (constant 1977 dollars). These estimates, however, are grossly misleading; they assume no economic effects from enactment of the bill. Taking those effects into account, there would be an immediate revenue *gain* of $3 billion in 1978. The increase in revenues would taper off thereafter; in 1987, the net effect on Federal tax revenues would be a *gain* of about $1 billion.

These revenue estimates ignore the possible effects of H.R. 12111 on the extent to which taxpayers would choose to realize capital gains. The present tax treatment of capital gains not only increases the total tax on the returns to saving and investing, it also acts as a transfer tax on the disposition of capital assets. Reducing the capital gains tax rate, particularly for taxpayers with large amounts of capital assets, would in all likelihood induce an increase in the volume of realization. The data on gain realization, however, afford no basis for reliable estimation of the increase in realization in response to a reduction in the capital gains tax rate in any given period of time.

Our revenue estimates also do not take into account the effects of H.R. 12111 on capital asset values. Reducing the marginal rate of tax on capital gains should tend to raise the market value of capital assets; the magnitude of this effect is difficult to estimate. Insofar as H.R. 12111 resulted in a significant increase in realization, this would tend to curb the increase in the market value of assets. Hence, the larger the estimate of the feedback revenue gain from additional

transactions, the smaller is the likely revenue gain from increases in the market valuation of assets. If one were to assume that the combined effect of additional realizations and increase in market value is a 10 percent increase in the amount of gains reported and included in taxable income, the net effect on Federal tax revenues would be an increase of about $1 billion over the amounts shown in the attached Table 1.

In any event, our estimates of the new revenue effects should be seen as lower limits. Actual revenue gains are likely to be modestly greater than shown in the attached Table 1.

TABLE 1.—ECONOMIC AND FEDERAL TAX REVENUE EFFECTS OF H.R. 12111

[Dollar amounts in constant 1977 dollars]

Increase or decrease (—) in—	1978	1980	1982	1987
Employment (thousands of full-time equivalent employees)	90	100	110	150
Annual wage rate	$80	$90	$110	$150
Gross national product (billions):				
Total	12	15	18	27
Business sector	10	12	14	21
Capital outlays (billions):				
Gross	8	12	19	13
Net	8	11	16	6
Consumption (billions)	4	3	(1)	14
Federal tax revenues (billions):				
Initial impact	0	(2)	(3)	(3)
Net of feedback	3	1	0	1

Note: The figures are the differences between the estimated amount of the respective economic magnitudes under the tax change and under present law in each year.

Amounts shown in parentheses are decreases from present law in that year, not from the preceding year under the tax change.

Estimates of employment effects are rounded to the nearest 10,000; estimates of annual wage effects are rounded to the nearest $10; estimates of effects on GNP, capital outlays, consumption, and Federal revenues are rounded to the nearest $1 billion.

Table 2. Effects of H.R. 12111 on Real Wages and Returns to Capital [1]

	Real Wages	Returns to Capital
	(billions of 1977 dollars)	
First Year	10	3
Third Year	11	4
Fifth Year	13	4
Tenth Year	19	6

[1] Returns to capital exclude income imputed to owner-occupied houses and income from abroad.●

CARTER ADMINISTRATION FUZZY ON GUN CONTROL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. ASHBROOK. Mr. Speaker, press accounts this weekend have convinced me that President Carter may have given his personal endorsement to the Treasury Department proposed regulations of March 21, which provide for registration of gun sales.

By permitting confusing press accounts to be circulated over the wire services during the Memorial Day recess, the administration has convinced many that it will rescind the proposed Treasury regulations of May 22. This is not necessarily the case. It could be a ruse.

Because many of my colleagues may be confused as to the present signals. I am inserting in the RECORD two articles from the Washington Post: the first appeared May 27, 1978, and is written as follows:

GUN FRIENDS SHOOT DOWN TREASURY NUMBERS PLAN

The Treasury Department dropped stiff new gun control proposals yesterday under pressure from thousands who believed the government was trying to make them register their guns.

President Carter had proposed regulations on March 16 designed to make it easier for the government to track guns used in a crime. They would require any gun made or imported in the United States to have a unique serial number and require that all gun thefts be reported.

The problem comes over the increased reports, required from the gun manufacturers, importers and dealers.

The regulations did not have to be approved by Congress, but the Treasury's Alcohol, Tobacco and Firearms Division (ATF) needed between $4 and 5 million to put the program into effect.

At least 200,000 people, led by the National Rifle Association and other pro-gun lobbying groups, put on the pressure, ATF officials said. Letters were running 18-to-1 against the proposal. Congress passed a resolution dropping $4.2 million from the ATF budget.

The Treasury gave in yesterday. "The whole business is dead," said a spokesman.

"The Treasury Department has informed Congress that the proposed firearms regulation, which is the subject of some controversy, will not be implemented unless Congress provides the funds beforehand."

When the rules were announced, Assistant Treasury Secretary Richard Davis said they would "allow us to trace firearms used in crime in a much more efficient and effective manner."

Opponents felt this was a first step toward gun registration—a highly emotional issue. The file would be computerized, they said, and a future administration could easily add the requirement that gun owners' names be added.

As one opposing letter said, "History has proven that gun registration is generally followed by gun confiscation and the enslavement of free people."

The other article which I am inserting appeared the very next day, Sunday, May 28, 1978, and reads as follows:

TREASURY DENIES IT HAS DROPPED PLANS FOR GUN-CONTROL RULES

(By Harold J. Logan)

The Treasury Department yesterday denied that it has dropped a set of proposed new gun-control regulations, but conceded it is not likely they will be implemented in 1979 as originally proposed.

The department's statement came after news reports indicated that it had dropped the proposals in the face of pressure generated by the National Rifle Association, a powerful pro-gun lobby.

The regulations would require quarterly reports of all gun sales, unique 14-character serial numbers on each gun and immediate reports of thefts from dealers.

"The Treasury Department has not withdrawn or revised the proposed regulations it published on March 21," Assistant Treasury Secretary Richard J. Davis said yesterday.

"Because of great public interest in the issue, and because of the widespread incorrect information about the nature of these proposals that have been generated by some groups we have extended the comment on them until June 30," he said.

President Carter proposed the new regulations March 16 in an effort to make it easier for the government to track guns used in crimes.

At least 200,000 people wrote to Treasury's Bureau of Alcohol, Tobacco, and Firearms protesting the proposals. Almost immediately, Congress passed a resolution dropping $4.2 million—the amount needed to implement the regulations—from ATF's fiscal 1979 budget.

In a May 23 letter to Sen. Lawton Chiles (D-Fla.), chairman of the Treasury appropriations subcommittee, Deputy Treasury Secretary Robert Carswell wrote, "If a decision is made to implement any of [these regulations], it would be necessary to seek either a supplemental appropriation for 1979 or include a request for such funds in our 1980 submission.

"We will not implement these proposals without receiving from Congress the funds to do so."

NRA officials had raised the objection that the regulations were an attempt to "end run" Congress with administrative rules that exceeded Treasury's legal authority.

I should like to emphasize for my colleagues that the first news item was a United Press International dispatch, which may likely have carried in many newspapers throughout the country. The second "clean-up" article was written by a Washington Post staff writer, and carried no UPI dispatch identification. Because some constituents may honestly believe that the Treasury Department has dropped its proposals, I believe it incumbent upon those of us in the Congress to inform the public of the following facts:

First. The Treasury Department has extended public comment until June 30, but states, as a reason that "because of great public interest in the issue, and because of the widespread incorrect information about the nature of these proposals * * *" the period for public comment is being extended. Clearly, this is a case of the tail wagging the dog. Because a Treasury Department official believes that opponents of the regulations are incorrectly informed, we can only assume that he is hoping that by leaving the doors open for public comment beyond the May 22 original deadline, many gun control groups will rally to the support of the officials who proposed the regulations.

Second. While developments in the House and Senate Appropriations Committees give us heart that the data bank system will not be implemented during fiscal year 1979, there is no assurance that the BATF will not continue to implement the structure. The agency may not fully promulgate the regulations until it receives full funding from the Appropriations Committees. During hearings in the House and Senate, the BATF was severely reprimanded for not having sought advanced authority. There are some Members, however, who, while agreeing with the regulations in principle, voted to strike down funding at this time because the Treasury Department had failed to consult the proper committees. This means that the Department could quietly incorporate the data collection system in future budgetary requests, at such a time when the public sentiment would not be running at such a high level as today.

Third. The Department has clearly

stated that they have not withdrawn or revised the regulations, and have shown no inclination to do so.

Fourth. More than 200 of our colleagues in the House and the Senate have joined Senator JAMES MCCLURE and me in pursuing our legislative efforts to gain disapproval of the registration plan.

Fifth. The BATF regulations have been endorsed by the National Coalition to Ban Handguns as so valuable that "if adopted, they could represent the most important victory for handgun control since the 1968 act."

Sixth. The Treasury Department itself has stated that it has a 90 percent effectiveness on tracing firearms. No need for the regulations has been demonstrated.

FULL DISCLOSURE OF CONTENTS OF GUN REGULATIONS IS NEEDED

As ranking minority member of the committee charged with oversight of the Bureau of Alcohol, Tobacco and Firearms, I have insisted upon full disclosure of the nature of this proposed rulemaking since the first day I knew of the plan. At our subcommittee briefing of March 16, the BATF first advised us of their intentions. After studying the proposal, I issued a statement that "A broad sweeping plan for gun control is being pushed by a Federal agency without the consent of Congress. This sneak attack is the Carter administration's way of getting gun control without public knowledge."

Since that statement was carried by the news media, the BATF has carried on an aggressive lobbying effort to discredit the opinions of Members of Congress who have determined to stop the implementation of these proposals.

Because many gun owners and other freedom-loving people from across the country have asked whether the BATF actually intends to pursue their rulemaking, I submit the following information for the benefit of my colleagues and interested citizens. The report contains a listing of contradictions which show, at a minimum, that the Agency has misrepresented the nature of its proposals.

CONTRADICTIONS BY THE BATF REVEALED IN SUBCOMMITTEE ON CRIME OVERSIGHT HEARINGS—MAY 4, 1978, AND MAY 18, 1978

First. The BATF stated, during congressional briefings, that the cost of implementation of this project would be $4–$6 million. However, a document published by that Agency April 1, 1977, entitled "Critique by the Bureau of Alcohol, Tobacco and Firearms, U.S. Treasury Department, of the Police Foundation Report on Firearms", stated that "it would take 4,432 positions and would cost $104 million." If we are to believe BATF's report of April 1, the cost of implementing this project would be astronomical.

Second. The BATF did not disclose their intentions to create a Federal firearms data bank to the Appropriations Committees, even though they had completed their drafts prior to their own appearances before the committees for fiscal year 1979 appropriations. A belated letter of May 23 to the chairman of the Senate subcommittee with appropriations authority over BATF was cited in the Washington Post article of May 28 as follows:

> If a decision is made to implement any of [these regulations], it would be necessary to seek either a supplemental appropriation for 1979 or include a request for such funds in our 1980 submission.
>
> We will not implement these proposals without receiving from Congress the funds to do so.

During our hearings, when confronted with a "90-percent tracing success" press release of April 1, 1978, BATF. Director Rex Davis disclaimed the accuracy of that figure, and claimed the need for improved firearms tracing capability.

The latter, taken in tandem with other erroneous press announcements, casts serious doubt upon the BATF's credibility by stating one thing to the media, and another to the Congress, they have succeeded in creating an atmosphere of doubt and mistrust.

Third. They stated during briefings and oversight hearings that they had the authority to implement these regulations. Yet, they now promise to return to us for authority to spend the funds to implement their plan. Just what has the BATF said? Do they intend to rescind the regulations, or do they intend to put them on the books? Put them on the books and wait for funding?

Fourth. The agency has stated, in correspondence with congressional offices, that the regulations would not amount to registration of individual gun owners. However, the regulations on their face will permit massive cataloging of names and addresses of citizens who purchase firearms as follows:

From a firearms licensee who goes out of business (23,000 yearly);

Purchases of more than one handgun in a period of 5 days from the same firearms licensee;

Military personnel who desire to purchase firearms while on duty for later return to the United States, and

Firearms that are imported by a firearms licensee.

There is a likelihood that a "political agreement" made by certain Treasury Department officials (as revealed by Assistant Secretary Richard Davis during a March 16 briefing session), may well call for later total inclusion of the identity of all purchasers of firearms.

HEARINGS REVEAL BREACH OF FAITH BY CARTER ADMINISTRATION

During our committee hearings on the 1968 Gun Control Act, and subsequently on the proposed Federal Firearms Act of 1976, administration spokesmen said that centralized records would not be maintained under the then existing legal authority of BATF. The law has not changed, but the administration has.

Our hearings revealed that people are concerned that their Government can, in 1978, reverse commitments made in 1967 and 1975. To paraphrase the words of one of our subcommittee witnesses of May 18, Mr. Robert Cherry, a director of the National Sporting Goods Association, the public has a right to some consistency in Government policy. He said, in part:

> Now, to me when a current government official—say, Mr. Davis, Rex Davis—who is currently—or Mr. Richard Davis, Assistant Secretary of the Treasury and Mr. Davis who is the Director of the BATF—when either of those gentlemen give me an assurance or tell me something, it is more than Mr. Davis speaking to me. It is the voice of my government. And when my government assures me that something will not be done or will be done, I take that as a very definite obligation from my own government. I then, therefore, believe that it certainly should be binding because I have been assured as all of the gentlemen who are in my position in the past many times that this is not an attempt at registration, that it is something that we do not intend to do. And yet at some later date some different gentleman tells me that, "Well, we've changed our minds. We think we are going the other way." I regard that a breach of faith by my government.

I believe this sums up the feeling of those of us who are puzzled by the Carter administration's conflicting pronouncements. As Members of Congress, we, too, expect to be told the truth. We deserve to know exactly the nature of this administration's plans for gun control. Will they rescind the regulations or will they quietly implement them as they quietly work their way through the Halls of Congress? If we do not demonstrate to the people in this country that we will "hang tight" to protect them against the arrogance of Government run afoul of previous pronouncements and previous congressional limitations, I fear that we are not fulfilling our duties to serve as the closest link between the people and the Government.

WHAT CAN A MEMBER OF CONGRESS DO?

I should like to urge my colleagues who believe that the history is clear . . . that Congress has spoken loudly against Federal registration on at least 16 previous occasions, in both Houses and in the committees of the Houses, to join me in my efforts in the battle against the implementation of these regulations. I am asking our friends to redouble their efforts, and for those who have not yet joined us to do so. You may aid by doing the following:

First. Write to the BATF, expressing your concern with the implementation of such regulations. The CONGRESSIONAL RECORD of April 13, 1978, page 10138 contains many of my criticisms of the proposed regulations. The deadline for public comment has been extended to June 30. The agency, in counting responses to the proposal, has cataloged letters in separate categories, listing congressional comments separately from the other nine categories.

Second. Speak with Members of Congress who have not yet joined in cosponsoring House Concurrent Resolution 558 and Senate Concurrent Resolution 79. These resolutions serve to place BATF on notice of congressional disapproval. They reiterate the legislative history, and set forth the clear and concise argument that the attempts to implement these regulations exceed statutory authority.

Third. Plan public meeings in your congressional districts to inform constituents as to the present status of these regulations, advising of the danger of silence. In not opposing the regulations, they may permit this agency to reject the tremendous responses already received. The agency may very well attempt to implement its plans at a later time when

it can quietly obtain congressional funding. The threat of this cannot be overemphasized, as the agency views persons who dissent from their own position as having "widespread incorrect information . . ." (May 28, Washington Post article).

PRESIDENT CARTER MUST CLARIFY HIS POSITION

This proposal has come home to roost on the doorstep of the President. Some press accounts would lead citizens, and perhaps Members of the National Legislature to believe that the administration has rescinded its gun control proposal.

By permitting the Federal bureaucracy to cloud public thinking as to the exact course of these regulations, the administration is casting serious doubt as to its integrity.

The President should immediately inform the public as to the plan to either implement this new system of Federal gun control, or rescind the proposal. The American public has the right to know this answer. People are deluging the Congress, asking whether their Government is going to continue its plans, rejecting prior congressional intent, or withdrawing the regulations.

Vague and inaccurate press accounts only lead to misunderstanding and, ultimately, a general lack of confidence in the functioning of Government. Who is governing whom, and by whose will are we being controlled, Mr. Carter?

I am hopeful that the developments of late will not lull us into complacency, but rather, will underscore the dire urgency of prompt and decisive action.●

AUDIT IS STILL AWAITED

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. DICKINSON. Mr. Speaker, I ask unanimous consent to insert into the RECORD the following news account by Jerry Landauer staff reporter of the Wall Street Journal. I believe the story speaks for itself—but will there be answers?

AUDIT IS STILL AWAITED OF CARTER'S OUTLAYS IN THE 1976 CAMPAIGN

WASHINGTON.—Jimmy Carter and Gerald Ford didn't have to knock on the doors of rich people, hat in hand, while jousting for the presidency in 1976. For the first time, taxpayers picked up all the campaign expenses.

In theory, the Carter-Ford contest marked a turning point toward cleaner government: For the victor there are no hefty donors to reward and for the loser no heavy debts to retire. But the returns on taxpayer-financed presidential politics still aren't all in.

More than a year after Mr. Carter moved into the White House, the six-member Federal Election Commission hasn't issued an audit, as required by law, of how he spent the $21.8 million in tax funds to get there. In fact, the commission hasn't even finished auditing Mr. Carter's primary campaigns, which two years ago launched him on his path to the presidency. (The primaries, too, were partly financed by tax dollars for the first time in 1976.)

The delay is noteworthy because the commission's actions will set a precedent for how closely it intends to scrutinize the details of a President's campaign, especially when some of those details may be embarrassing to the White House.

Carter campaign officials say they have met all requirements of the law. Still, a look at spending reports that the Carter campaign filed with the commission raises certain questions.

THE ULTIMATE RECIPIENT

For one thing, the Carter campaign often listed large expenditures to campaign workers—$10,000 to John Billet in New Jersey, for instance—so that the ultimate recipients aren't identified. According to commission regulations, campaign treasurers are supposed to report the "particulars" of all expenditures exceeding $100, giving the public a "sufficiently detailed description as to establish their relationship to the campaign."

Whether Mr. Carter's reports always met this detailed disclosure standard seems questionable. All told, his campaign spent nearly $500,000 for otherwise unspecified "get-out-the-vote" activities to beat Mr. Ford. Another $279,000 went for "miscellaneous office expenses." And $603,000 more isn't described in any way on the ground that all was spent in sums of less than $100; in contrast, Mr. Ford's campaign reported unitemized expenditures of $90,000.

So far, though, the commission hasn't acted even in what seem to be clear cases of inadequate compliance with the election laws. In October 1976, Mr. Carter's managers placed $338,000 in federal funds in Trust Co. Bank in Atlanta. The sole stated purpose: to "get out the vote." In April the Carter people finally filed an amended report, not in response to demands for proper disclosure by the election commission but after requests for clarification by this newspaper. The bulk of the $338,000 assertedly was spent in sums of less than $100; thus, most recipients haven't been disclosed.

APPARENT ERRORS AND DISCREPANCIES

The Carter reports also contain numerous apparent errors and discrepancies.

One involves a listed expenditure of $10,703.54 to a subsidiary of Ruder & Finn Inc. in New York. Chairman David Finn says his firm billed the Carter campaign $703.54 for designing some brochures. What happened to the other $10,000 remains a mystery. "We have absolutely no record of billing or receiving that ten thousand," Mr. Finn says, after checking twice.

In Cleveland, an officer of Hexter & Associates Inc. sounds similarly mystified by Carter statements showing that the campaign paid the company $1,700 for polling, $2,345 for telephone canvassing and $9,365 for miscellaneous office expenses. President John Hexter says his firm didn't poll anybody, didn't canvass voters and incurred just $60 in expenses in connection with various printing jobs.

John E. Mathews Jr. of Jacksonville, Fla., is listed as the recipient of $2,000 from the Carter campaign; Mr. Mathews says he merely cashed a check, as a favor for the local Carter coordinator.

Besides, should taxpayers pick up the tab for $395.70 paid by the Carter campaign to the Utah State Liquor Commission just before Election Day? Or for the $1,000 paid to the Shrine of the Black Madonna in Detroit to help turn out black votes? Or for $1,000 paid to Gino's Restaurant in Manhattan plus $301.51 to Bird of Paradise Liquors in Albuquerque for "miscellaneous office expenses"? Or for $1,575 sent to Jimenz Food Products Inc. in San Antonio for "vote getting and other"?

Spokesmen for the Carter campaign committee sound confident that violations didn't occur. "Our committee has made every effort to comply fully with all requirements of the federal election laws," says Douglas Huron, now senior associate counsel at the White House. The Carter spending reports on file with the commission may contain some unintentional omissions, Mr. Huron says, "but all our expenditures are fully documented in our internal files."

At the election commission, a spokesman says the $50,000-a-year commissioners (three Republicans and three Democrats, including three former Congressmen) are working hard. The agency has finished auditing 10 of the 15 contenders in the presidential primaries. And in April the agency finally published an audit of Mr. Ford's general election campaign. Except for $700 to pay parking tickets, the former President's government grants were all spent for "qualified"—that is, legitimate—political purposes, the audit found; Mr. Ford's people refunded the $700.

By contrast, a tough-minded audit of the Carter campaign could retrieve many thousands of dollars for the Treasury because Mr. Carter's managers evidently can't produce receipts for all the "walking around money" sent to ward politicians in certain cities to turn out a big Democratic vote; an outlay that can't be documented, including those for less than $100, must be refunded.

Still another sticky issue is candidate Carter's free use of an airplane owned by National Bank of Georgia in the spring of 1976. This favor could be deemed an illegal corporate contribution because the Carter people didn't pay for four campaign flights on the bank's plane until the summer of 1977; that's when the facts became known during the investigation of the President's friend and then Budget Director, Bert Lance, who had headed the bank. White House aides worry that the press would pounce on an unfavorable finding to belabor the President again.

The election commission also has been slow to act on questionable outlays involving some other candidates. The commission hasn't yet moved to investigate a possible violation more than two years ago in the financing of Democratic Sen. Henry Jackson's 1976 presidential primary campaign.

Under the law, no political committee can give a candidate for federal office more than $5,000; any further spending on his behalf must be "independent"—that is, without the candidate's cooperation and certainly not at his request. In early 1976 the political arm of the Marine Engineers Beneficial Association gave Mr. Jackson's campaign $5,000. Then on the same day in April 1976, the Marine Engineers gave $5,000 to each of five political clubs in Baltimore.

One of the Baltimore clubs, the Fourth District Democratic Organization, reported the income as coming not from the Marine Engineers but from Sen. Jackson himself—a clear indication that this $5,000 and perhaps the $20,000 to the four other clubs weren't spent independently, as the law requires.

At times, however, the election commission moves fast. On Dec. 30, 1977, the Democratic National Committee asked for a waiver of existing legal limits on political contributions so that the Democrats could deploy the fund-raising prowess of the presidency one more time, to wipe out old party debts totaling $2 million.

It took the commission just a couple of days to process the necessary paper work. Then, without taking time to publicize the request in its official publication so that outsiders could object the commission unanimously yielded to the Democratic desire early in 1978.

ARE THE PRESIDENT'S HANDS TIED IN AFRICA?

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. GRASSLEY. Mr. Speaker, we will be considering the Export-Import Bank reauthorization bill shortly. This bill is of major importance to U.S. exporters, to

U.S. workers, and finally, to all the rest of us who suffer from the inflationary effects of a severe balance of payments deficit.

However, within this bill are amendments which are addressed more to this Nation's foreign policy than to our economic predicament. Like many members on the Banking Committee, and in the rest of Congress, I continue to have reservations about the inconsistencies which characterize this Nation's foreign policy with regard to countries which violate internationally recognized human rights.

For some time I have believed that the United States should champion the cause of human rights, and that the best way to do so is by our own good example. What this means is that we should show ourselves to be supporters of those countries whose policies allow citizens fundamental democratic rights and freedoms. Governments can lean left or right, but as far as I am concerned, when they move against the liberties of their citizens they are in the wrong.

Our foreign policy is determined for the most part by the President, and this is how it should be, for such a system prevents special parochial interests to interfere with the consistency and the administration of that policy. Congress has stood as watchdog of the President, intervening when it feels that the President has erred. Yet I have reached the conclusion that the executive and legislative branches of this Government are beginning to work at cross purposes, and the confusion of our foreign policy, probably as much the cause as the effect of the current congressional involvement in foreign policy affairs, is mounting to dangerous proportions. The ongoing turbulance in Africa and our role there serves as an explicit and eye-opening case in point.

The present danger and our exposure in Africa is a subject which too few Americans fully appreciate in that they do not see the relationship between Africa and the rest of the world in a large enough perspective. A close examination of the crisis in Africa can tell us a great deal about a crisis that may be developing here.

The current tussle over whether or not the President's hands are tied in Africa is a legitimate one. In this post Vietnam/post Watergate time, the United States is quite obviously going through a period of adjustment and readjustment over who has what authority. The country has gone through similar periods of adjustment in the past—the post Civil War era, and the period following the stock market crash of 1929 are two examples that come to mind.

In the election of 1976, we saw the electorate select a President based, not on what he knew or on what experience he had, but on how honest he appeared and how he said what he said. The primary issue in that election was as much the integrity of the Nation and its institutions as it was anything else . . . and what has resulted might well have been expected. A President with little experience in national or world affairs has illustrated to the world a foreign policy that at best can be described as inconsistent, and at worst may be exceedingly dangerous . . . and a Congress, bent on preventing abuses of executive power, has legislated its way into the foreign affairs arena to a point that may be equally dangerous.

Are the President's hands tied in Africa? Yes—to a degree they are; just as they potentially could be in half a dozen other global hot spots.

Given two facts of life—that the primary concern of "foreign policy" is strategic; that is, the security of the Nation in the face of other nations' competing interests, and that the primary concern of "domestic policy" is the welfare of the citizenry—and recognizing that the two are not always so easily defined, then a constant balance must be sought between interpretation of domestic policy and strategic concerns. Nowhere is that argument more self-evident than in the current debate over human rights policies. The most effective device at our disposal, in that area, is to provide the very best example here at home. We cannot, through any method short of invasion, enforce such a policy within the borders of other nations. It is true that we can effect the internal policies of those nations we do business with, within limits—as the House Banking Committee intended to do when we agreed to prohibit Export-Import Bank dealings in South Africa. That action, while directly affecting an extremely small percentage of the South African economy, would carry the message to that country's government that we do not condone their apartheid policies.

At this point it should be clear, even to a young and in some respects naive administration, that the entire continent of Africa is of immense strategic importance. And it should be clear to the Congress that legislation which prevents the President—any President—from having the flexibility to respond rapidly to foreign policy developments, within logical limits, is strategically dangerous. If Angola, 2 years ago, and Ethiopia, more recently, did not impress upon us the extent of the Soviet-Cuban threat on that continent, then surely the most recent bloody incursion into Zaire by Angolan rebels should have.

Just as domestic policy and strategic needs must constantly be balanced, so must the relative power of the Presidency and the oversight role of Congress be constantly balanced. An out-of-control Presidency, overawed with its military and diplomatic powers, has to be guarded against—recent history has shown that. But so must a tendency of the Congress to arbitrarily inject legislation that interferes with the constitutional role of the Presidency. Both needs can be protected while still allowing the President to respond rapidly to calls for help from our strategically important friends. The role of the Congress in such situations must be to keep the President honest—to question him, and his motives, at every opportunity—and perhaps to limit the type or extent of assistance it is his to give. But the role of Congress must not be to "tie the President's hands" by injecting the ponderous legislative process into every foreign policy decision.●

WILLIAM SAFIRE ON THE "NEW POOR" IN AMERICA

HON. JACK F. KEMP
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. KEMP. Mr. Speaker, the nationally syndicated columnist, William Safire, had a commentary in this morning's New York Times which not only merits the attention of every Member of Congress but, by the severity of what it says, also demands this Congress address itself to the issues raised. I refer to the unconscionably high rate of inflation and tax rates on the backs of American workers and savers and the refusal of the administration to deal with it by even admitting its true cause.

There is an ill-wind blowing from the economic policymaking circles of the administration on how it probably intends to deal with inflation. And that ill-wind sounds and feels like the rhetoric voiced and the subsequent programs put into place by the Nixon administration in 1971 and 1972. That administration started by jawboning, which is what the present administration is doing. Then it proceeded to voluntary wage and price controls, which is what the present administration is talking about. Then it slapped on mandatory wage and price controls. That led to an inevitable slowing of the economy, brought on by the worst shortages in peacetime history and by confusion and lack of confidence among producers and consumers, and that then led to the worst recession since the Great Depression and chronic unemployment.

Has this administration learned nothing?

What, then, is the answer?

The prescription offered by Mr. Safire for the Federal Government ending the prospects of double-digit inflation are a cut in nondefense spending and a tightening of the money supply. Both are certainly the right steps. But the only real way we can tighten the money supply is to restore incentive to the economy for work and production by a dramatic and permanent tax rate reduction. Aggregate savings would rise by more than enough to cover the short-term deficit, and because of those savings and greater after-tax income, the Federal Reserve would not have to buy any additional Treasury bills, thereby increasing the money supply. That is how I believe Mr. Safire's proposal would work to stop this assault on the people of America.

Mr. Speaker, in order to do what Mr. Safire proposes, this country must have permanent tax rate reductions. It is the only effective way to get us off the horns of the inflation vs. unemployment dilemma, for the economic growth which would flow from such reductions would both reduce the rate of inflation and the rate of unemployment, thus allowing real income growth to combat the problem of the new poor.

Mr. Safire's column follows:

THE NEW POOR

(By William Safire)

WASHINGTON.—If you are making more money now than you ever made before, but inflation and the "tax bracket creep" have reduced the purchasing power of your take-home pay, then you are a member of The New Poor.

If you used your life savings to buy a home, and rising property taxes are forcing you to sell and move to a neighborhood where houses are cheaper, you are a member of The New Poor.

The growing resentment of The New Poor will make itself felt next week in a taxpayers' revolt in California; a chain reaction is likely to follow in other states, as voters turn on their bureaucratic tormentors.

The source of this resentment is a combination of furies. Not only do The New Poor believe that Government programs have become too bloated and expensive, they also believe that Government policy is directed against their interests. Carternomics stimulates the economy to reduce unemployment and help the "old" poor, while it causes runaway inflation that creates legions of the new poor.

The Consumer Price Index released today, showing a 10.8 percent yearly rate of inflation, will be explained away as temporary, caused by flukes or greedy capitalists or bad weather. But double-digit inflation (a phrase coined in March 1974 by Times economic writer Leonard Silk) is wiggling its victory sign, and the Administration in power cannot pass the buck.

Although Government statisticians claim that the cost of living has risen by only 28 percent in the past four years—an average of 7 percent a year—they are living in an unreal world. Raymond DeVoe, Jr. of Loeb Rhoades Hornblower has compiled a half-facetious "trivia index" that shows what has been going on beyond the price of hamburger:

Since 1974, the cost of a can of Coca-Cola has doubled, from 20 cents to 40 cents; in that time, a milkshake at McDonald's has risen 47 percent; Band-Aids are up 75 percent, dog biscuits up 67 percent. Laundering a shirt cost 50 cents then, 91 cents now: a Beefeater Martini that cost $1.75 then is $3.00 now, and a dime's stay at a parking meter is now a quarter. (Panhandlers now ask for a quarter instead of a dime, a 150 percent increase.)

The price of Time, Newsweek, Playboy, TV Guide and The New York Daily News has gone up 100 percent since 1974, as has a stein of beer in a singles bar and a packet of Kleenex in which to cry. (The New York Times has risen 33 percent, but now offers new sections and a conservative columnist.) New rubber heels cost twice as much, as do basketball tickets, and a check bounced by your bank now costs $5.00 instead of $3.00. (The salary of the chairman of the Council of Economic Advisers has risen 35 percent in two years.)

The point is that the "real" cost of living—including all those non-necessities that we cannot do without—has risen at a rate twice that of the official inflation rate. And not because of the weather, or corporate greed; the reason is that public policy demands stimulation to reduce unemployment.

How do we stop double-digit inflation and the creation of tens of millions of new poor? At the local level, as in California, force the reduction of the bureaucracy and accept fewer services; at the Federal level, cut non-defense spending and tighten money to put the brakes on the rise in the cost of living.

But Mr. Carter has not the stomach for this. When he replaces his token woman in-house liberal, Midge Costanza, he keeps her on the bloated White House payroll; to make way for her successor's staff, he puts the unneeded Costanza crew on the Labor Department payroll for over $100,000 a year. When the latest save-the-cities boondoggle was announced, it included a budget to employ the President's son at $26,000 a year; to offset this sort of petty patronage graft, Mr. Carter's budget calls for 495 fewer F.B.I. agents.

Instead of attacking Government-caused inflation, Mr. Carter seems destined to take the Nixon route: he will exhort for a while, perhaps add his own antibusiness finger-wagging, and then—in the third year of his Presidency—impose wage and price controls, which will be popular and make him seem activist.

The controls may come in the form of the Wallich-Okun scheme, using the tax system to subsidize "reasonable" price and wage increases. This is wage-price control in sheep's clothing, and might hold down the lid until the 1980 elections, after which organized labor would blow it sky-high.

To deflect the resentments of The New Poor, Mr. Carter will jawbone at selected villains until failure is apparent, and then will treat only the symptoms of inflation with disguised or direct controls.

That's a sad scenario. If the Carter men had the courage to apply the brakes now—and thereby gain the productivity increases that a mild recession brings—we would be able to avoid a crippling inflation this year, a loss of economic freedom next year, and a major recession after that.●

FBI INDICTMENTS

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. ZEFERETTI. Mr. Speaker, on May 10, Senator HAYAKAWA and I introduced a concurrent resolution calling for the dismissal of the indictments against three high-ranking officials of the FBI: former Acting Director L. Patrick Gray, former Acting Associate Director W. Mark Felt, and former Assistant Director Edward S. Miller.

I would like to commend to my colleagues' attention two very recent and timely articles on this subject—one that appeared in the New York Times by William Safire and another by Kevin Lynch and Richard Brookhiser which appeared in the National Review. These articles deserve serious reading.

The articles follow:

[From the New York Times, May 18, 1978]

RUNNING AGAINST HOOVER

(By William Safire)

WASHINGTON, May 17.—The ill-considered decision of the Carter Administration to prosecute former F.B.I. officials, and to discipline present F.B.I. agents, for using questionable but long-tolerated investigative techniques in order to stop the terrorist bombers of the Weather Underground, has begun to backfire.

The accused lawmen and threatened agents have refused to cop the plea offered them; they will not plead to a misdemeanor and take a suspended sentence. On principle, they say they operated within then-recognized guidelines in upholding public safety, and that current operations of the Justice Department are not that much different today.

What worries Justice most is the accused officials' right to "discovery"—finding out about past and current practices similar to those they are accused of—which would then be taken before a jury in open court.

For nearly a year, people inside and outside Justice have been nervous about "cooperating with the law," when such cooperation may later be deemed illegal.

For example, after Vice President Mondale made a speech in August of 1977 supporting a bill outlawing all warrantless wiretapping, the telephone company—which does the tapping for the Government and is worried about civil damage suits arising therefrom—threatened to refuse to do any foreign intelligence work without a court order.

On Sept. 29, 1977, Attorney General Griffin Bell wrote American Telephone and Telegraph "to assure you that it remains the position of the Executive Branch that the foreign intelligence surveillances . . . are a lawful exercise of the President's constitutional power."

Nervousness about being sued or prosecuted tomorrow for what the A.G. says is legal today extends to agents on the beat. The longest floating investigation in existence is the F.B.I.'s surveillance of the Communist Party of the U.S.A., begun in 1938. In 1976, Attorney General Levi—recognizing that the surveillance of a political party could no longer lawfully be conducted under the rubric of "domestic security"—simply switched the case's cover sheet, giving that investigation the legal rationale of a foreign intelligence probe.

"Discovery" will show that F.B.I. agents have been following certain officials of the Communist Party in the United States, looking at the outside of their mail and examining their roll calls, at the very least. (Properly, Judge Bell refuses to confirm even the existence of this particular investigation: he tells me, "I never signed a wiretap authorization on the Communist Party U.S.A." and that no surveillance is being used which, if used in a criminal case, would require a warrant. He adds obliquely, "we just keep up with people.")

Someday, however, the question will arise: Is this legal? When the Trotskyite Socialist Workers Party was the object of the F.B.I.'s "Cointelpro" surveillance only a few years ago, it rightly hollered bloody murder and the F.B.I. was denounced for police-state tactics.

If the Communist Party, U.S.A., is an agent of a foreign power, or if its leaders are engaged in conducting espionage here, Justice ought to prove its case and close the sham party down; if you cannot make a case after forty years, you're not really trying.

On the other hand, if the long-suspected, closely watched leaders of the Communist Party here are not demonstrably agents of a foreign power, then it is the "foreign intelligence" excuse for keeping them under surveillance that is the sham, and we should extend to our card-carrying friends the same protections accorded members of any other party.

One day, what the F.B.I. is now doing will be challenged. Put yourself in the shoes of the F.B.I. agent taking pictures from across the street of visitors to Communist Party headquarters; will future interpreters of the law find him guilty? Put yourself in the shoes of the Attorney General: "I cannot be certain that I won't be prosecuted someday for doing what I think is legal today."

That's not right: a person's actions should be judged in the context of the time those actions are taken, and not ex post facto. Of course, if "discovery" should turn up a memo dated only last spring directing F.B.I. agents to work in certain gray areas with the assurance that what seems illegal is really permissible counterespionage, that would be an even more vivid example of hypocrisy.

At a time when Soviet expansionism and espionage are gaining strength, Mr. Carter ought not to be looking for scapegoats to satisfy our consciences for yesterday's practices, or blowing an uncertain trumpet at today's troops. Justice should drop its politically inspired indictments before "discov-

ery" destroys what little spycatching capacity we have left.

HUNTING DOWN THE FBI

(By Kevin Lynch and Richard Brookhiser)

In May of 1970, Miss Bernardine Dohrn, leader of the Weatherman faction of the Students for a Democratic Society, announced a shift in policy:

"Now we are adapting the classic guerrilla strategy of the Vietcong and the urban guerrilla strategy of the Tupamaros to our situation here in the most technically advanced country in the world. . . . Within the next 14 days we will attack a symbol or institution of American injustice. This is the way we celebrate the example of Eldridge Cleaver and H. Rap Brown and all black revolutionaries who first inspired us by their fight behind enemy lines for the liberation of the people."

Miss Dohrn's organization had inadvertently tipped its hand two months earlier when a nail-packed anti-personnel bomb exploded in a Greenwich Village townhouse, shredding three Weatherman manufacturers. Subsequent bombs were better built, and, over the next two years, the Weathermen—later known as the Weather Underground—claimed credit for explosions in Cambridge, Chicago, Marin County, Calif., and, in Washington, D.C., the Capitol building and the Pentagon. Thereafter, their activities fell off, though as late as 1975 they acknowledged bombings of the State Department, a New York bank, and the Kennecott Copper Building in Salt Lake City.

On April 10, 1978, a federal grand jury indicted a lawyer from Stonington, Connecticut, and two other former government employees in connection with the Weather Underground episodes. Later that day, the Justice Department dismissed related charges against an executive of Wells Fargo. What made the government's actions interesting was that the four men were not ex-bombers, but ex-members of the FBI; and they had been charged with infringing the civil rights of friends and acquaintances of the Weathermen.

The Justice Department has been pursuing the FBI angle of the Weather Underground case since the spring of 1976. The assignment to track the terrorists down had originally been given to FBI Squad 47, based in New York; in the course of its investigations, the civil rights division of the Justice Department found that Squad 47 had tapped the phones of 12 persons and opened the mail of 16. Grand juries were impaneled to investigate the Bureau, and agents of the Squad found themselves haled for questioning.

The lawyers of the Justice team were more interested in FBI higher-ups than in Squad 47, however, and so they employed the use-immunity law, by which witnesses before grand juries can be forced to testify against themselves, with the assurance that their testimony will not be used against them. The tactic worked until the investigation reached John Kearney. Kearney had been supervisor of Squad 47 from late 1970 to June 1972, and Justice offered to let him plead guilty to minor charges of civil-rights violations if he would finger his superiors. But Kearney, believing himself innocent of any wrongdoing, refused to cooperate. Justice squeezed but Kearney wouldn't budge. On April 7, 1977, he was indicted on two counts of conspiracy, two counts of obstruction of correspondence, and one count of unlawful wiretapping. The statute of limitations would have run out two months later.

The Kearney indictment—the first indictment of an agent in the Bureau's 54-year history—stirred both the FBI and the Justice Department. Former and current agents leapt to Kearney's defense, while some Justice lawyers accused Attorney General Griffin Bell of not pushing the investigation high and hard enough. The lawyers were answered on April 10, 1978, when former Acting Director L. Patrick Gray, former Chief of Counterintelligence Edward Miller, and former Acting Associate Director W. Mark Felt were indicted for conspiring to deprive citizens of their civil rigths. At the same time, Bell announced that the FBI would undertake disciplinary proceedings against 69 of its members, including J. Wallace LaPrade, head of the New York field office. In a postscript, the prosecution of Kearney was dropped.

The case against Kearney rested on two basic charges: unlawful wiretapping and unlawful mail-opening. Until 1972, the FBI, with the blessing of several Attorneys General, had routinely conducted wiretaps on domestic organizations without getting warrants. Appearing before a Senate Appropriations subcommittee a few weeks after Kearney's indictment, Attorney General Bell acknowledged that what Kearney did "has been going on for forty years in this country." In 1963, for example, no less a civil libertarian than Attorney General Robert Kennedy, when informed that an advisor to Martin Luther King Jr. was suspected of having Communist ties, suggested to J. Edgar Hoover that the FBI should begin wiretapping King. In 1972, the Supreme Court ruled that warrants were required for taps on domestic organizations, but the Court didn't require warrants if the tapped organizations had "significant" ties with a foreign power, its agents, or its agencies. Lest there be any doubt about whether the Weather Underground had such ties, the FBI his compiled a four-hundred-page report detailing its relationships with foreign powers, particularly Cuba, a frequent host to the Weather Underground ever since the group's founding in 1969.

The mail-opening charge was as securely based as the wire-tapping charge. Mail-opening, like wiretapping, had long been a routine FBI tool. In a memorandum to Attorney General Bell, Kearney's defenders noted that former Attorney General Levi, when forced to make a decision on whether to prosecute agents for opening mail, chose not to: "Whatever can be said about the law now, the Department believes at the time the potential defendants acted, there was substantial basis for thinking that the law was otherwise."

In order to avoid such confusions, the Justice Department rephrased its second batch of charges. Gray, Miller, and Felt are accused of conspiring "to injure and oppress citizens of the United States"; the indictment cites as "overt acts" break-ins at the homes of eight relatives and friends of the Weathermen. Justice's new argument was deliberately modeled on *United States* v. *Ehrlichman*, another case involving a high federal official and a break-in; and it seems tailored to outflank several defenses along the lines of those that Kearney's lawyers were planning.

The Justice Department charges, new and old, have caused unprecedented consternation in the Bureau. Agents, normally as vocal as door-jambs, are speaking out singly and *en masse*. When Kearney made his pleas in Manhattan a year ago, three hundred agents greeted him—the first public demonstration, the *New York Daily News* noted, in FBI history. On April 20 of this year nearly a thousand people, most of them agents, gathered outside the District Court in Washington, D.C. to applaud Gray, Miller, and Felt as they went to make their pleas; among them were two hundred agents who had come from New York on predawn buses.

Meanwhile, in private, individual agents have been accusing the Justice Department of vendetta—or of ambition. "There are certain lawyers in Justice," commented one, "who want to see our heads roll so they can take credit for rooting out so-called corruption in the FBI. It's a big career-builder at the expense of men who honestly thought they were acting within the law."

Against all this, the Justice Department would surely maintain that it is striving to right old wrongs. The FBI overrated in its pursuit of the Weathermen, they would say; "the risks to national security in this case," Benjamin Civiletti of the Department's Criminal Division told the *Washington Post*, "were ephemeral." Others, with longer memories, support the FBI. As Representative John Rousselot (R., Calif.) reminded the House.

"It would be naive to presume—in those troubled days of the early Seventies—that the Department of Justice, the Federal Government, and the investigative news media had no inkling of the extraordinary efforts and measures employed by the FBI to apprehend these threats to national security. Yet there was no public outcry during the emergency. But now, in a different era, when the challenge has been met and the nation is no longer at the mercy of this little band of bombers, an entirely new viewpoint—and an entirely new set of rules—is being applied."

The new set of rules enables the former quarry to turn on their pursuers. So far, five civil suits have been filed against Kearney, Miller, and Felt, all spawned by allegations made in the original Kearney indictment. Also named in the suits are half a dozen other present and former FBI and Justice Department personnel.

Among the first to bring suit was William A. Price, whose phone Squad 47 is alleged to have tapped and whose leftist credentials range from a 1956 appearance before the Senate Internal Security Subcommittee, where he refused to answer questions about his relationship with the Communist Party of the United States, to a 1971 trip to Cuba with a contingent of the Venceremos Brigade. The law firm handling the suit is Rabinowitz, Boudin, and Standard, and it must be deriving as much pleasure from the suit as Mr. Price. The firm is the New York counsel of the National Emergency Civil Liberties Committee, a legal arm of the CPUSA and a leader in the campaign against U.S. intelligence agencies. Leonard Boudin, whose leftist credentials are in even better order than Price's, is, in addition, the father of Kathy Boudin, a member of the Weather Underground who is still being sought by the FBI (recent speculation places her well beyond the Bureau's reach: in the Soviet Union).

Though civil suits against federal employees are not a new phenomenon, they have never been as popular as they are now. Since the civil suit is a relatively easy way to gain free publicity, many leftist organizations, in particular, are going this route. Of such suits, the one generally recognized as posing the greatest threat to U.S. intelligence services is the one brought by the Socialist Workers Party. The SWP, the major Trotskyist organ in the United States, pledged itself at its founding to the defense of the Soviet Union, and reaffirmed that commitment in 1972. From 1938, when it was first organized, until 1976, when Attorney General Levi issued guidelines that barred the FBI from further investigations of it, the SWP was under government surveillance. It learned of that surveillance through the theft, by persons still unknown, of documents from the FBI office in Media, Pennsylvania. In July 1973, shortly after that theft, the SWP filed suit against 22 members of the FBI, the CIA, the Postal Service, and the Treasury, Justice, and Defense Departments. Although the suit is still in the discovery stage, the Trotskyists have already scored several significant victories: 1) access (as a result of favorable discovery rulings by Federal District Judge Thomas Griesa) to fifty thousand FBI documents relating to the Bureau's investigation; 2) proof that the CIA collected information on SWP offi-

cials and members when they traveled abroad; 3) evidence that the civil suits were reducing FBI intelligence collection (an agent has testified that even before Levi's guidelines were issued, the Bureau had reduced its investigation of the SWP because the "agents don't want to be put in a position where they are accused of harassment"); 4) a warning by Judge Griesa that he would consider imprisoning FBI officials or other persons who defied a court order to disclose the names of informers still in place.

To gain some idea of how great the boom in civil suits against federal employees has been, one need only look at the Justice Department's annual bills for private counsel. In 1974, the Department paid $12,000 for private attorneys to represent government employees; in 1975, it paid $47,800; in 1976, it paid $554,306; and in 1977, it paid over $2 million. The cost of private counsel has risen so astronomically—the bill for the SWP suit alone is expected to reach almost $2 million—that the Department has had to request supplemental appropriations from Congress, some of whose members have been extremely recalcitrant. Speaking of one intelligence-related suit, in which the defendants range from several GIs to the Secretary of Defense, Senator Lowell Weicker told Attorney General Bell, "Brother, if you think I want to go ahead and pay any portion of their legal defense, I sure don't." Weicker informed Bell that he looked with a "very, very jaundiced eye" on requests for money to defend "unlawful" intelligence actions; such requests were based, he said, on reasoning—that the defendants were following orders—rejected "at the Nuremberg trials."

Weicker must be relieved, then, to know that the Justice Department is not bearing the costs of Kearney's defense, for which he should thank Attorney General Levi. Shortly before the end of the Ford Administration, Levi issued guidelines strictly defining the areas of federal obligation. According to the guidelines, government employees would have to bear the costs of their own defense: 1) if, as in Kearney's case, a federal indictment had been filed against them; 2) if investigation indicated such an indictment was likely; 3) if investigation revealed evidence of participation in a crime; or 4) if the employees' action did not reasonably appear to have been within the scope of their normal duties.

Although he has not chosen to amend the guidelines, Levi's successor, Griffin Bell, has expressed his dissatisfaction with them. Bell told a Senate Appropriation subcommittee that he thought it was a "great shame" that these men—Kearney and the other FBI agents who are facing civil suits—will be stripped of "their money, their life savings, to pay their lawyers when they thought they were doing something in the interest of their country." Bell was undoubtedly aware of what the threat of civil suits has done to FBI effectiveness—to say nothing for morale. "I feel I should consult a lawyer before carrying out an assignment," a New York agent said. "How can I know if my superiors are acting properly? Or, even if they are, that some lawyer in Justice isn't going to interpret something as a crime that previously was standard procedure?"

Some members of Congress have, accordingly, introduced legislation to make federal employees less vulnerable to bounty hunters. One bill, proposed by the Carter Administration, would grant federal employees immunity to civil suits by substituting the government as defendant whenever the Attorney General determines that the original target of the suit was acting within the scope of his normal duties. In the event that the government lost the case and damages were assessed against it, the employee in question would be subject to disciplinary and administrative action—or, if his actions were found to be criminal, to prosecution. The bill stipulates, however, that a "good-faith reliance on a court order or legislative authorization shall constitute a complete defense to any claim or suit arising under the Constitution." Introduced in the Senate by James Eastland and in the House by Peter Rodino—the chairmen of their respective Judiciary Committees—the bill's chances for passage are considered good.

In the meantime, the more than one hundred active and former special agents who have been summoned before grand juries to testify about the FBI's Weather Underground program have had to rely for their legal defense on the fund-raising abilities of two organizations, the Society of Former Special Agents of the FBI and the Ad Hoc Citizens' Legal Defense Fund for the FBI. The former group is 41 years old and, until the plague of litigation hit, functioned mainly as a charitable and benevolent organization; it also undertook, since active FBI agents are by law forbidden from Capitol Hill, to present the FBI viewpoint there. But at present, most of the Society's energies are consumed in raising funds ($300,000 so far) to defend the accused agents. The other organization, the Citizens' Legal Defense Fund, is much younger (founded in May of last year) and owes its existence solely to the character of John Kearney. By April 8, the day after his indictment, one of his colleagues at Wells Fargo (where he had gone to work after he retired from the FBI), James Brustman, had already launched a campaign to defend him. Out of Brustman's efforts evolved the Citizens' Legal Defense Fund.

Headed by Clare Boothe Luce, James Buckley, and William Simon, the Legal Defense Fund has most certainly struck a chord; it has been deluged by letters expressing a heartfelt bitterness toward the Weather Underground—and toward the U.S. Government for prosecuting a loyal employee. So far, about fifteen thousand people have made donations including Barry Goldwater, Leon Jaworski, and a retiree who, along with his donation, offered to take Kearney's place in jail. Enough money came in to enlist the services of Edward Bennett Williams, the noted trial attorney, on Kearney's behalf.

Since the Legal Defense Fund was also providing money for the other agents who had been summoned before grand juries in New York and Washington, its resources, like those of the Society of Former Special Agents, were strained. Now, with the indictments of Gray, Miller, and Felt, they will be strained even further. More money, in larger donations, would undoubtedly come in if contributions were tax-exempt, but the Internal Revenue Service has denied the Defense Fund's request for status as a tax-exempt organization. That decision is being appealed on several grounds—perhaps the most interesting being that, while the IRS has denied the Legal Defense Fund tax-exempt status, it has seen fit to grant it to Mr. Boudin's National Emergency Civil Liberties Committee, which is supporting one of the civil suits against Kearney.

Even more important than the injury to individual agents is what litigation does to FBI effectiveness, as demonstrated in the SWP suit. An intelligence organization that is unable to protect its sources gets very little intelligence; if Judge Griesa's decision to compel the Justice Department to disclose the names of the FBI informants inside the SWP is upheld by higher courts, the FBI will be dealt a paralyzing blow. Even without the help of Judge Griesa, the FBI, like the CIA, is already getting much less intelligence than it did just a few years ago.

Stuart Knight, director of the Secret Service, has testified before the Senate Subcommittee on Criminal Laws and Procedures that his organization is only receiving about 40 to 50 per cent of the intelligence information it received two years ago, primarily because of the Freedom of Information Act and the Privacy Act. The FOIA, which was widely greeted as a legislative watershed, gives individuals and organizations the right to obtain information about themselves in the possession of government agencies. The Privacy Act prevents the Federal Government from releasing information about anyone without his consent. Knight said that—as a consequence of these laws—he has been forced to recommend that President Carter not visit certain cities because of the erosion of police intelligence on radicals and terrorists in those cities. The police in most cities now routinely withhold intelligence information from the FBI and the CIA out of fear that the agencies will be forced to disclose the information under the FOIA. Meanwhile, because of the Privacy Act, the FBI no longer provides police and other local law-enforcement agencies with the information it once did.

As the intelligence agencies weaken, the morale of their organized opponents rises. In January of last year the National Lawyers Guild convened a meeting to address the "need for unified action around the country to stop political spying." Out of this meeting, the Campaign to Stop Government Spying was born. Headed by Morton Halperin, the CSGS is an umbrella group composed of 45 member organizations and 33 "cooperating organizations." Its membership ranges from soigné organizations like the Americans for Democratic Action and the Friends of the Earth to groups that, in a bygone era, were referred to as Communist fronts—the National Lawyers Guild and the National Emergency Civil Liberties Committee. The CSGS sees no need for subterfuge. Recognizing that the intelligence agencies have been stunned by the law suits, by the various state and federal laws sharply restricting intelligence gathering, and by the increasing pressure from a generally hostile media, it hopes to close in for the kill—to terminate all intelligence surveillance. To this end it is on record as favoring legislation that confines the FBI solely to criminal investigations of persons reasonably suspected of having committed a federal crime.

Meanwhile, although the Carter Administration hasn't yet issued its promised regulations for the CIA and the FBI, Vice President Mondale has gone on record as stating that the guidelines would prohibit the FBI from investigating political organizations in the name of "domestic security." Mondale also promised that the Senate and House Intelligence Committees would receive "the full facts about intelligence programs, including timely notice of all covert operations."

Curiously, while the U.S. intelligence agencies have an abundance of overseers, on Capitol Hill and in the rest of the country, the activities of other intelligence services go largely unmarked. The Senate Select Committee on Intelligence, for example, devoted the bulk of its first annual report to the activities of the CIA and the FBI; it also briefly discussed the operations in the U.S. of the Chilean, Iranian, Taiwanese, and Filipino intelligence services. The report failed to mention, however, the Soviet bloc's intelligence operations in the U.S., compared to which the efforts of Chile et al. are strictly Little League. Last year, Soviet agents were expelled from Norway, Sweden, West Germany, Switzerland, Spain, and Zambia. At the same time, the FBI arrested: a Soviet émigré in New Jersey, on charges of attempting to transmit space program secrets to a KGB agent; two Americans in California, on charges of plotting with a Soviet official in Mexico; and an American and a West German in Florida, on charges of conspiring to smuggle cruise missile components to the USSR.

Since there are reliably reported to be at least one thousand full-time Soviet-bloc spies in the U.S., it is probably safe to assume that a major share of their activities are proceeding free of interference. An aide

to a Republican senator recently said he takes it for granted that there is a Soviet presence on Capitol Hill. Given the fact that spies have been discovered inside virtually every major Western government, he says it is naive to think that they wouldn't make a special effort to penetrate the government of their major adversary—and that they couldn't succeed, especially when the adversary is preoccupied with the fumigation of its own intelligence agencies.

Dangerous in a different way, though equally unnoticed these days, are the anomic madmen of the terrorist underworld. The relation of international terrorism to the Soviet bloc is complicated. Many terrorists get arms or training from Communist countries: Weathermen and Black Panthers used to travel to Cuba; Italy's Red Brigades carry guns from Czechoslovakia. It is difficult, however, to call the terrorists Communists in any meaningful sense. The FALN, the Baader-Meinhof gang, the Japanese Red Army group, have no programs, no coherent ideas, no motives, seemingly, beyond boredom and a kind of fierce pettiness. This is irrelevant to their foreign patrons. Terrorists turn to "Communism" for a semblance of intellectual coherence, and to Communists for infusions of supplies and expertise; Communists, for their part, are quite willing to support terrorists, in order to depress the public spirit of enemy nations. By sapping the FBI, the United States sets itself up as an inviting target. "The real question today," observed J. Wallace LaPrade, "is what we are saying to members of terrorist groups in this country and throughout the world."

Judging from its behavior, Washington seems to find LaPrade's observation irrelevant—as irrelevant, in its own way, as Bernardine Dohrn's outdated ravings. May Washington reconsider the warning, before America is forced to reconsider the threat.●

FLAG DAY

Hon. Theodore M. (Ted) Risenhoover

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

● Mr. RISENHOOVER. Mr. Speaker, the Flag Day Committee has invited Dr. Oral Roberts of Oklahoma to be special speaker in this Chamber at noon, June 14, when we commemorate the 201st anniversary of the birth of our flag.

The U.S. Air Force Band and the Singing Sergeants will perform. The joint services will provide the color guard. Our colleagues, Mr. LE FANTE, Mr. VENTO, and Mr. BEARD, who serve on the committee, will join in the ceremonies.

Our speaker is an evangelist who has taken his healing ministry to all continents and most countries. He says his parish is "the world of suffering humanity." To help that work, he established and is president of Oral Roberts University. He has lived with controversy but is one of the most forthright, sincere people that I have ever met.

About his healing by faith ministry, he once wrote:

Many things contribute to the healing process. A look, a word, a communication of the spirit helps. Surgical skill, medication, nursing care, play their part. And it is absolutely amazing what prayer can do when offered in a positive manner for a person who cooperates by releasing his faith at the same time. Miracles can and do happen.

In that respect, Dr. Roberts is now building "the city of faith," where medicine and faith will be practiced together.

I also want to share some of his other views, about our country and the flag it symbolizes. Dr. Roberts once addressed a group of freshly naturalized citizens and I ask unanimous consent to reprint part of that talk:

FLAG DAY

Today we are on a new kind of frontier in America. There are no more land runs. Most of the ethnic groups are here. We worked out many of our problems but now we face a Frontier of the Mind and the Spirit, which is the most difficult area of all.

It is hard to develop a new land. You know what it means to leave your old country and cross the ocean coming to a new land. It is hard. But now we are on a new kind of frontier that challenges us and will challenge you.

The Frontier of Economics. We have a problem of feeding, not only ourselves, but our world. Every farmer in America produces the average food supply for thirty other people, whereas in many lands the farmer is hard pressed to produce food for himself and two other people. We have a problem, an economic problem, of feeding the world. Only new creative processes will help us solve the food problem of the world.

We have labor problems; capital problems. All of it can be summed up in an economic problem that challenges every person in America to find ways and means of solving it.

Another problem is the educational problem. You know, in most other lands education is only for the privileged few, but our forefathers believed that every child should receive an education. But now it is the dream of this country that every boy and girl should receive a college education.

I came up in this state. I was born the son of poor parents, of an itinerant preacher, but I believe that it was in this state that something was bred in me where by faith in God, by initiative and hard work, I could accomplish whatever God had put in my heart. Oral Roberts University is one example.

Another frontier is in religion. A new spirit of ecumenicity, or a new spirit of family is coming into our country where we are not divided as we once were by sectarianism. Where each man can worship God and respect the other man as he worships God, eliminating bitterness and prejudice. We respect one another, but still keep our faith in God.

I am very happy about this development. That does not take away from your faith or from your relationship with your church, but it does mean that we respect the other man.

Another frontier is in the realm of healing. I mention that because of man's illnesses. The illnesses of his body, the illnesses of his mind, and most of all those in spirit. Finding new ways in medical healing, in spiritual healing, in the healing that comes to people by love and understanding. We are on a Frontier of Healing.

We are on a Frontier of Finding New Ways of Peace, because we have not found the way to live in peace, and if there is a prayer that any of us should pray, I think the prayer should be:

"Oh, God, give me peace in my heart and help me share that peace with at least one more person in my world." ●

HOUSE OF REPRESENTATIVES—*Friday, June 2, 1978*

The House met at 10 o'clock a.m.

Rev. Jimmy Swaggart, Assembly of God Church, Baton Rouge, La., offered the following prayer:

Dear Heavenly Father, we have come to You in the name of the Lord Jesus Christ. We thank You for all of Your many and gracious blessings. We realize America's might, power, and strength are only because of the blessings bestowed upon our great and good land. We thank You for this.

We pray for those who are in positions of authority. We realize in these trying times their load is heavy. We must depend upon You for guidance and strength. The decisions made affect the lives of multiple millions. Only You can give the guidance needed to make these types of decisions.

Again, we thank You. Again, we appreciate You; and again, we love You. We say all of this and ask it in the name of the Lord Jesus Christ. Amen and amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

REV. JIMMY SWAGGART

(Mr. MOORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORE. Mr. Speaker, it is indeed a privilege to have one of my constituents, Brother Jimmy Swaggart, open our session with prayer today.

Brother Swaggart leads one of the largest evangelical ministries in the world. Each year through his efforts, the Word of God is brought to millions of homes in every corner of the globe.

Jimmy Swaggart preaches on a network of 300 TV and 600 radio stations each week. This year his ministry will take him to over 130 cities and towns, and he will travel more than 140,000 miles.

Also, he is an accomplished gospel singer and last year his albums sold more than 1 million copies.

Brother Swaggart's work is not confined just to this country. His works are heard in 15 foreign countries and in addition to his many missionary activities overseas, he is now building an evangelistic training center in Mombasa, Kenya.

Brother Swaggart is truly a good shepherd. I am pleased to welcome him to the House of Representatives and honored to introduce him to my colleagues.

THE LATE HONORABLE JAMES B. ALLEN

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, the people of Alabama are in deep grief today in the loss of Alabama's junior Senator, JAMES B. ALLEN, who died of a massive heart attack last night in a hospital at Foley, Ala.

Most surely one of the mighty oaks for conservative government on the U.S. Senate has fallen.

It was my privilege to serve with Senator ALLEN when he presided over the Alabama Senate as Lieutenant Governor. He was extremely fair in his decisions and even then he knew the rule book from cover to cover. I knew him in his hour of deepest sorrow when he lost his wife in a tragic fire and his many friends throughout Alabama were pleased when some years later he married Maryon.

Mr. Speaker, JIM ALLEN ably represented my State and the Nation. In the U.S. Senate he stood tall—a mighty voice for conservative government. He believed in fiscal responsibility at all levels of government and was prudent in his own habits where the taxpayers' money was involved.

There are not enough superlatives in Webster's Dictionary to adequately portray the many admirable qualities of this great Alabamian. JIM ALLEN was a man of character, a man of much humility, a great Christian, a man of the highest moral fiber, who literally worked his heart out for all Alabamians whom he took great pride in serving.

He was dedicated to his work and his likes are not likely to pass this way again. The delegation from our State has lost a good friend—Alabama has lost an outstanding public servant, and the Nation has lost a great statesman. In the words of the Apostle Paul, "He has fought a good fight, he has finished his course, he has kept the faith."

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I certainly want to join the gentleman from Alabama in expressing condolences and grief over the most untimely passing of this great American. It is obvious that not only has the State of Alabama lost a great servant of its people, but the entire United States will be worse because of the loss of this great American who served with such great distinction in the other body. Certainly we are not likely to find that kind of leadership at any time in the near future and we will miss him greatly.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I certainly join in the remarks of the gentleman from Alabama. It is a sad day for all Americans to learn of the passing of JIM ALLEN. As the gentleman knows, my State joins the great State of Alabama. We certainly have great respect for Senator ALLEN in Mississippi and I feel like he also belongs to us. I offer my condolences and sympathy to his family.

THE ARROGANT BUREAUCRACY OF THE FEDERAL TRADE COMMISSION

(Mr. RISENHOOVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RISENHOOVER. Mr. Speaker, out where I come from in Oklahoma it is considered improper to slip up behind a man and gut him while he is not watching; so I want this morning to again put the Federal Trade Commission on notice and seek the support of my colleagues to reduce by one-third the fiscal 1979 budget of the Federal Trade Commission. Printed in last Friday's RECORD is my statement detailing plans to amend the FTC's appropriation which now is scheduled for House consideration June 12.

The FTC is America's most out-of-control, arrogant bureaucracy, even worse than OSHA. That is a distinction—because the competition by other bureaucracies is fierce. It seems that being a faceless, self-anointed but nonelected dictator of a dominion has gained great appeal in this town.

Two interesting things have been done recently by the leader of the pack.

The FTC Chairman Mr. Michael Pertschuk, has spent considerable time lobbying members of the FTC's appropriations subcommittee about some cuts they voted in the budget for the FTC's strange attack on children's advertising. As an American citizen, Mr. Pertschuk has the constitutional right to "petition the Government for redress of grievances" under the first amendment and I hold that his lobbying is just fine.

However, at the same time, Mr. Pertschuk's agency has just written a new rule which prevents you—my elected colleagues—and me from talking freely with him about matters pending before the FTC.

In other words, Mr. Pertschuk has the right to talk freely to Congress about his problems. But elected representatives are denied the same unrestrained right to talk to him about hot coals he is pouring on the heads of the people we were elected to represent.

I think we can save money—and curb this nonsense—by simply cutting the FTC's budget. The FTC might just be the starter; there are others that need the same help.

Mr. Speaker, I am placing a more detailed position paper in the Extensions of Remarks today. I hope my colleagues will read it and my statement of last Friday.

This is one you can hang your hat on when you go home and tell the folks how you deal with the bureaucracy.

INTRODUCTION OF BILL TO PROTECT PRESS FROM UNWARRANTED SEARCH AND SEIZURE INTRUSIONS

(Mr. DRINAN asked and was given permission to address the House for 1 minute.)

Mr. DRINAN. Mr. Speaker, this past Wednesday the Supreme Court held that law enforcement authorities may enter and search the premises of a newspaper armed only with a warrant issued upon probable cause that the newspaper may have in its possession evidence of a crime. Newspapers and others everywhere across the country have recognized the very serious implications of this unprecedented decision. It is little wonder that the Boston Globe editorialized and characterized the Supreme Court decision as a "first step toward a police state."

Mr. Speaker, I am today introducing a bill which will help to secure freedom of the press and protect newspapers from unwarranted intrusions by law enforcement authorities. This bill would prevent any person acting under color of law from conducting any search or seizure on the premises of persons engaged in news gathering or dissemination without an adversary court proceeding. Such a proceeding would give the newspaper the opportunity to contest the search and possible seizure of its files and other materials.

Mr. Speaker, I hope that in due course this bill will be enacted.

A POINT OF PERSONAL PRIVILEGE

Mr. PIKE. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER pro tempore (Mr. MINETA). The Chair has examined the newspaper article in question and feels that the gentleman from New York (Mr. PIKE) has a basis for a point of personal privilege.

The gentleman from New York (Mr. PIKE) is recognized.

Mr. PIKE. Mr. Speaker, I just want to show the Members of this august body the headline which brings me here in the well today. The headline says, and the story says: "Representative PIKE violated Securities Law, Judge Says."

I have been a lawyer for a long time, and I have never commented to the press on litigation in which I was involved. However, I do feel compelled, because of that headline in particular and that article, to read just one line or one sentence out of the decision in the case they are talking about. It appears on page 28 of a very lengthy decision, and here it is:

> Although for the reasons set forth in section II, *supra* Neuman stated a claim against Pike under the securities law on the facts found by me after trial, that claim has not been established, and I find for the defendant on this issue.

Mr. Speaker, other than the fact that they got the story exactly backward, it "ain't" a bad story.

Mr. Speaker, I yield back the balance of my time.

AMENDING AND EXTENDING THE EXPORT-IMPORT BANK ACT OF 1945

Mr. NEAL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 12157) to amend and extend the Export-Import Bank Act of 1945.

The SPEAKER pro tempore (Mr. BOLLING). The question is on the motion offered by the gentleman from North Carolina (Mr. NEAL).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MONTGOMERY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 318, nays 3, answered "present" 1, not voting 112, as follows:

[Roll No. 402]

YEAS—318

Abdnor	Clay	Goodling
Addabbo	Cleveland	Gradison
Ammerman	Coleman	Grassley
Anderson, Calif.	Collins, Ill.	Green
	Conable	Gudger
Anderson, Ill.	Conte	Guyer
Andrews, N.C.	Corcoran	Hall
Andrews, N. Dak.	Corman	Hamilton
	Cornell	Hammer-schmidt
Annunzio	Coughlin	
Applegate	Cunningham	Hanley
Archer	D'Amours	Hansen
Armstrong	Daniel, R. W.	Harkin
Aspin	Danielson	Harris
AuCoin	Davis	Harsha
Badham	de la Garza	Hawkins
Bafalis	Delaney	Heftel
Baldus	Dellums	Hightower
Barnard	Derwinski	Hillis
Bauman	Devine	Hollenbeck
Beard, R.I.	Dickinson	Holt
Beard, Tenn.	Dicks	Holtzman
Bedell	Dodd	Horton
Benjamin	Dornan	Huckaby
Bennett	Downey	Hughes
Biaggi	Drinan	Ichord
Blanchard	Duncan, Tenn.	Ireland
Blouin	Early	Jenkins
Boggs	Eckhardt	Johnson, Calif.
Boland	Edgar	Johnson, Colo.
Bolling	Edwards, Calif.	Jones, N.C.
Bonior	Eilberg	Jones, Okla.
Bonker	English	Jones, Tenn.
Bowen	Erlenborn	Jordan
Brademas	Ertel	Kastenmeier
Breckinridge	Evans, Del.	Kazen
Brinkley	Evans, Ga.	Kelly
Brodhead	Evans, Ind.	Kemp
Brooks	Fary	Ketchum
Broomfield	Fascell	Kildee
Brown, Mich.	Fenwick	Kindness
Brown, Ohio	Findley	Kostmayer
Broyhill	Fish	Krebs
Buchanan	Fisher	LaFalce
Burke, Fla.	Fithian	Lagomarsino
Burke, Mass.	Flippo	Latta
Burleson, Tex.	Flood	Leach
Burlison, Mo.	Florio	Lederer
Burton, Phillip	Flynt	Le Fante
Butler	Ford, Tenn.	Leggett
Byron	Fowler	Lehman
Caputo	Fuqua	Lent
Carney	Gammage	Levitas
Carr	Garcia	Livingston
Carter	Gaydos	Lloyd, Tenn.
Cavanaugh	Giaimo	Long, La.
Cederberg	Gilman	Long, Md.
Chappell	Glickman	Lott
Clawson, Del	Gonzalez	Luken
Lundine	Obey	Spence
McClory	O'Brien	Staggers
McCloskey	Panetta	Stangeland
McDade	Patterson	Stanton
McEwen	Pattison	Stark
McFall	Pease	Steed
McHugh	Pepper	Steers
McKinney	Perkins	Steiger
Madigan	Pettis	St Germain
Mahon	Pickle	Stockman
Mann	Pike	Stokes
Markey	Poage	Stratton
Marks	Preyer	Studds
Marriott	Price	Symms
Martin	Pritchard	Taylor
Mattox	Quie	Thompson
Mazzoli	Quillen	Traxler
Meyner	Rahall	Treen
Michel	Railsback	Trible
Mikulski	Rangel	Tsongas
Mikva	Regula	Udall
Miller, Calif.	Reuss	Ullman
Miller, Ohio	Rhodes	Van Deerlin
Mineta	Rinaldo	Vanik
Mitchell, N.Y.	Risenhoover	Vento
Moakley	Roberts	Volkmer
Moffett	Robinson	Walgren
Mollohan	Rogers	Walker
Montgomery	Rooney	Walsh
Moore	Rosenthal	Wampler
Moorhead, Calif.	Rostenkowski	Waxman
	Roybal	Weaver
Moorhead, Pa.	Russo	White
Moss	Sarasin	Whitehurst
Motti	Satterfield	Whitley
Murphy, Ill.	Scheuer	Whitten
Murphy, N.Y.	Schroeder	Winn
Murphy, Pa.	Schulze	Wirth
Murtha	Sharp	Wolff
Myers, Gary	Shuster	Wright
Myers, John	Sikes	Wydler
Myers, Michael	Simon	Yates
Natcher	Skubitz	Yatron
Neal	Slack	Young, Fla.
Nedzi	Smith, Iowa	Young, Mo.
Nichols	Smith, Nebr.	Zablocki
Nix	Snyder	Zeferetti
Nowak	Solarz	
Oberstar	Spellman	

NAYS—3

Lloyd, Calif.	Mitchell, Md.	Wilson, Bob

ANSWERED "PRESENT"—1

Fountain

NOT VOTING—112

Akaka	Forsythe	Patten
Alexander	Fraser	Pressler
Allen	Frenzel	Pursell
Ambro	Frey	Quayle
Ashbrook	Gephardt	Richmond
Ashley	Gibbons	Rodino
Baucus	Ginn	Roe
Beilenson	Goldwater	Roncalio
Bevill	Gore	Rose
Bingham	Hagedorn	Rousselot
Breaux	Hannaford	Rudd
Brown, Calif.	Harrington	Runnels
Burgener	Heckler	Ruppe
Burke, Calif.	Hefner	Ryan
Burton, John	Holland	Santini
Chisholm	Howard	Sawyer
Clausen, Don H.	Hubbard	Sebelius
	Hyde	Seiberling
Cochran	Jacobs	Shipley
Cohen	Jeffords	Sisk
Collins, Tex.	Jenrette	Skelton
Conyers	Kasten	Stump
Cornwell	Keys	Teague
Cotter	Krueger	Thone
Crane	Lujan	Thornton
Daniel, Dan	McCormack	Tucker
Dent	McDonald	Vander Jagt
Derrick	McKay	Waggonner
Diggs	Maguire	Watkins
Dingell	Marlenee	Weiss
Duncan, Oreg.	Mathis	Whalen
Edwards, Ala.	Meeds	Wiggins
Edwards, Okla.	Metcalfe	Wilson, C. H.
Emery	Milford	Wilson, Tex.
Evans, Colo.	Minish	Wylie
Flowers	Nolan	Young, Alaska
Foley	Oakar	Young, Tex.
Ford, Mich.	Ottinger	

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 12157) to amend and extend the Export-Import Bank Act of 1945, with Mr. MINETA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, June 1, 1978, all time for general debate had expired and the bill had been considered as having been read and open to amendment at any point.

Are there any further amendments to the bill?

AMENDMENT OFFERED BY MR. EVANS OF DELAWARE

Mr. EVANS of Delaware. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Delaware: Page 4, strike lines 7 through 13 and insert in lieu thereof the following:

"(8) In no event shall the Bank guarantee, insure or extend credit or participate in the extension of credit (a) in support of any export which would contribute to enabling the government of the Republic of South Africa to maintain or enforce apartheid; (b) in support of any export to the government of the Republic of South Africa or its agencies unless the President determines that significant progress toward the elimination of apartheid has been made and transmits to the Congress a statement describing and explaining that determination; or (c) in support of any export to other purchasers in the Republic of South Africa unless the United States Secretary of State certifies that the purchaser has endorsed the following principles: non-segregation of the races in all work facilities; equal and fair employment for all employees; equal pay for equal work for all employees; initiation and development of training programs to prepare non-white South Africans for supervisory, administrative, clerical and technical jobs; increasing the number of non-whites in management and supervisory positions; and improving the quality of life for employees in such areas as housing, transportation, schooling, recreation and health facilities."

Mr. EVANS of Delaware. Mr. Chairman, the country of South Africa brings to mind the practice of apartheid, of racism endorsed as a policy by the Government of South Africa. I abhor it. I detest it. And I do not believe there is anyone in this chamber that does not feel the same way. But I think the question before us is: How we, as a great Nation, a Nation that believes in human rights, can effect positive, reasonable and progressive change in South Africa?

We have identified a problem, and I respectfully suggest that we should be looking for a workable solution to that problem.

The current language in section 5 effectively prohibits any form of extension of credit to companies doing business in South Africa. This language I believe is counterproductive and clearly hurts American jobs and American exports at a time when we need both very badly. However, it also hurts economic opportunities for black South Africans who desperately need this opportunity. My

amendment will encourage peaceful and progressive change.

It has three parts.

(A) It prohibits Ex-Im aid in support of any export which would contribute to maintaining or enforcing the policy of apartheid.

(B) The amendment specifically prohibits Ex-Im Bank support to the Government of South Africa. Since the Government of South Africa institutionalizes racism we should not give them direct aid.

But finally, (C), and I think most importantly, my amendment requires that companies which purchase U.S. exports must agree to adhere to fair employment practices as enunciated in the so-called Sullivan Doctrine.

I have known Rev. Leon Sullivan from Philadelphia for a long time and worked with him almost 10 years ago. I think most Members of this body know Dr. Sullivan to be a man who has worked diligently in helping the disadvantaged, the unemployed and in helping to train people for real productive jobs so that they can maintain a level of dignity that they might not otherwise be able to achieve without that kind of training and concern. Reverend Sullivan went to South Africa in 1974 and he came back and set up a code of ethics for American companies doing business in South Africa. They were called the Sullivan Principles—a code of conduct for American companies doing business there.

This amendment incorporates most of that code, including such fair and equitable principles as nonsegregation of the races in all work facilities, equal and fair employment for all employees and equal pay for equal work for all employees. By conditioning Eximbank credits and guarantees upon adherence to these principles, this country can make a progressive contribution to the plight of the black South Africans.

I think it is important also, Mr. Chairman, to distinguish between foreign aid, aid under the International Development Bank, the African Development Bank and aid directly through credits and guarantees of the Eximbank.

The Eximbank does not provide gifts to any country, but it is a way to promote American exports and creates jobs for Americans here at home.

Let me bring that down to something that I think all of you might be able to recognize: A billion dollars of exports means approximately 90,000 American jobs here at home and that is a pretty darned good investment, and that is what the Eximbank does.

My amendment allows the Eximbank support for U.S. exports to South Africa but does so in a way that will help black South Africans as well.

Mr. Chairman, if we want to promote American jobs here at home, if we want to promote South African jobs in South Africa, if we want to do something for black South Africans to allow them to achieve a level of dignity that they otherwise might not be able to achieve, then we will support this amendment.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(At the request of Mr. STANTON, and by unanimous consent, Mr. EVANS of Delaware was allowed to proceed for 3 additional minutes.)

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Delaware. I yield to my friend, the minority leader of the Committee on Banking, Finance and Urban Affairs, the gentleman from Ohio.

Mr. STANTON. I thank the gentleman for yielding.

I wish to extend compliments to the gentleman in the well. He has worked long and hard on an amendment. I think when the majority of the committee reads this, they will see that it allows American exporters to export American goods to South African industry—not the Government but to industry—in which they adhere to the principles which he calls and are referred to in American industry as the Sullivan agreement; is that correct?

Mr. EVANS of Delaware. That is correct.

Mr. STANTON. Among these are that they must practice nonsegregation of the races in eating establishments, and so forth, equal pay for all employees, and equal and fair employment practices for all employees.

I want to know specifically—perhaps the gentleman could tell me; he has done a lot of work on this—has he checked or has he come across how the people in South Africa, mainly the moderate blacks, for example, might look upon the gentleman's amendment? Does he have any idea?

Mr. EVANS of Delaware. First of all, I thank my friend, the gentleman from Ohio, for his kind and thoughtful comments.

Just by coincidence, I have a few comments that I might like to offer from, I think, from reasonable and fair black South Africans, and also some Americans who happen also to be black. I should like to read a couple of comments:

First of all, I should like to read a comment not from a black person but from the Baltimore Sun. It stated if we did not take this particular approach, "it would inflict great misery on South Africa's black majority and starve the movement for change."

Vernon Jordan, head of the National Urban League here in the United States, stated upon his return from a recent visit to South Africa, after meeting with black South African leaders there, that "to a person they were firm in their conviction that American corporations should not withdraw.

Ambassador Andrew Young, with whom I do not always agree, said in an interview with the Chicago Tribune on February 6, 1978, "that economic sanctions look like an easy answer, but South Africa is one of the most self-sufficient nations in the world."

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(At the request of Mr. STANTON, and by unanimous consent, Mr. EVANS of Delaware was allowed to proceed for 2 additional minutes.)

Mr. EVANS of Delaware (continuing). "It could get along without us. In fact, their economy contributed about a half billion dollars to the U.S. economy yearly. If we cut off investments, we would lose jobs in this country, and we would not necessarily help blacks in that country."

In a recent interview with Columnist William J. Raspberry, Percy Qoboza, who is probably the leading black spokesman in South Africa, a leading journalist there, stated that:

> Disinvestment in South Africa would create economic chaos and guarantee a full-scale bloody racial confrontation which would unleash a blood bath such as we have never seen.

Chief Buthelezi, of South Africa, who is head of the Zulu Tribe consisting of 5 million South Africans, condemned the advocacy of withdrawal of foreign capital as a "sterile exercise because it does not help either side." Clearly, disinvestment is not in our economic interest, nor is it the way to encourage sound change in South Africa.

Mr. STANTON. I appreciate the gentleman's comments.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Delaware. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

I would like to commend the gentleman for his amendment, and I certainly intend to support it. I would hope that the Members of this body would stop and think what we are doing. If we do not support this amendment, we cast ourselves in such a hypocritical position that it would be difficult to explain.

Cuba, Russia, all of the totalitarian countries, Uganda—there is barbed wire around them to keep the people in. This is not the case in South Africa. Their problem is to control the influx of population, of the blacks coming in to find jobs. This is their real problem. There are more blacks now than there were last year or the year before, and they are coming in because of the economic opportunities afforded South Africans. So regardless of the apartheid policies, which we abhor, I think to try to punish them economically and to deny them the opportunity of enhancing their industrial capacity by the expanded job opportunities, I think we are just being very foolish. I think that the gentleman's amendment is good. It is sound. I certainly support it. I think to use this as a device to inflict our will on them, which in turn really just creates more problems for the blacks in the country, which is reflected by the most liberal editors in South Africa, as well as most moderate blacks.

Mr. EVANS of Delaware. Most responsible blacks.

Mr. DICKINSON. Yes; those with whom I have talked. They back the gentleman's position.

I think it is reasonable. I think it is moderate. I think it is sound. I certainly commend the gentleman. I intend to support it.

The CHAIRMAN pro tempore. The time of the gentleman from Delaware has expired.

(At the request of Mr. AUCOIN, and by unanimous consent, Mr. EVANS of Dela-

ware was allowed to proceed for 2 additional minutes.)

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Delaware. I yield to the gentleman from Oregon.

Mr. AuCOIN. Mr. Chairman, I appreciate the gentleman yielding.

I just want to say that I strongly associate myself with the remarks the gentleman has made. I genuinely compliment the gentleman for the very thoughtful effort the gentleman has put into this amendment. It improves section 5 of the bill.

I think the statement the gentleman has reported to us from the head of the Zulu Tribe, which is the largest tribe in South Africa, really says it all.

I am quoting from the gentleman's "Dear Colleague" letter in which the gentleman quotes the head of that tribe in saying that an absolute ban on trade with South Africa would be a "sterile effort, because it does not help either side." It does not help South Africa or South Africans and it does not help the United States.

I just hope the House will have the good sense to reflect that wisdom when we approach the vote on the gentleman's amendment. I compliment the gentleman for putting forth a very thoughtful effort.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Delaware. Of course, I yield to the distinguished chairman of the Committee on Banking, Finance and Urban Affairs.

Mr. REUSS. Mr. Chairman, I just want to join the heavenly chorus and commend the gentleman on a very serviceable amendment. I think the gentleman has done a good job on it and I hope it will overwhelmingly pass.

Mr. LaFALCE. Mr. Chairman, will the gentleman yield?

Mr. EVANS of Delaware. I yield to the gentleman from New York.

Mr. LaFALCE. Mr. Chairman, I want to join the heavenly chorus also, but with a few questions. I think this is an admirable approach of the gentleman from Delaware (Mr. EVANS), insofar as dealing with the problems of apartheid in South Africa, but there are a few provisions in here that concern me, not insofar as they would apply to South Africa, but insofar as they might not also apply elsewhere and we would not be aware of them.

For example, when the gentleman says equal and fair employment for all employees and equal pay for equal work for all employees, now, that is the principle that I strongly endorse.

The CHAIRMAN pro tempore. The time of the gentleman from Delaware has again expired.

(At the request of Mr. LaFALCE, and by unanimous consent, Mr. EVANS of Delaware was allowed to proceed for 2 additional minutes.)

Mr. LaFALCE. Mr. Chairman, if the gentleman will yield further, I think what the gentleman has in mind in those phrases is coping with the policy of apartheid. Very often when we use that phrase in the United States, it is a terrible discrimination that has existed here for years against females. Most countries of the world do discriminate against females, regretfully, unfortunately. I think we should pass the equal rights amendment. I am wondering what the policy of South Africa is insofar as females are concerned and I am wondering what the applicability of this phraseology would be there.

Mr. EVANS of Delaware. Mr. Chairman, I can only quote what an old friend in Dallas, Tex., once said: "That goals are ends to be achieved. That plans are the means to achieve them. The place is here, and the time is now."

I think the place is here and the time is now for us to send the message which is contained in my amendment.

Mr. LaFALCE. Does that mean the gentleman does not know?

Mr. EVANS of Delaware. It means I do not know completely. It is a start; it is not perfect. At least it is a start, and it is action we should take.

Mr. LaFALCE. Yes, but I think it is important that we find out what we are doing.

Mr. TSONGAS. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Chairman, I appreciate the gentleman's yielding, but I have an amendment which I was planning to offer to the pending amendment. I think it would be appropriate for me to offer it first, and then we can conduct a colloquy on it later on, if that is what the gentleman had in mind.

Mr. TSONGAS. Mr. Chairman, I will direct my remarks to the gentleman from Delaware (Mr. EVANS).

In section (b) of the proposed amendment the language used refers to support for export sales to the South African Government or its "agencies."

In South Africa the government owns or has a controlling interest in a number of companies which are denominated "parastatal corporations." These include, for example, ISCOR, an iron and steel corporation; ESCOM, the government-owned electric utility; and SASOL, which is the oil company, and a number of corporations in the transportation field.

We understand it is the intention of the gentleman from Delaware (Mr. EVANS) that these important governmentally controlled corporations are included in the word, "agencies," as used in this subsection. We would like to inquire if this interpretation is, in fact, correct.

Mr. EVANS of Delaware. Mr. Chairman, will the gentleman yield?

Mr. TSONGAS. I yield to the gentleman from Delaware.

Mr. EVANS of Delaware. Mr. Speaker, I cannot speak specifically, to the gentleman from Massachusetts (Mr. TSONGAS), about coal companies or steel companies, but I can say that in section (b) there is a prohibition against support of exports to the Government of the Republic of South Africa or its agencies. I think that is rather specific, and if there is a quasi-governmental entity involved, it would in my estimation be covered.

Mr. TSONGAS. Mr. Chairman, I thank the gentleman.

Mr. Chairman, the original amendment on this issue, when it came up before the Committee on Banking, Finance, and Urban Affairs, was changed from a description of majority rule to one where the issue was the elimination of apartheid. I accepted that because I felt it was important to try to devise a workable amendment.

What we have today is a further eroding of what I think is important, the necessity for a statement by the United States relative to the situation in South Africa. South Africa is the only country in the world where racism is institutionalized. That is the first point.

The second point is that, whether we like it or not, the impression in South Africa is that the United States, and especially the U.S. Congress, is supportive of the white South African Government irrespective of our rhetoric, that the Carter administration is simply a voice crying in the wilderness, and that deep down the Congress feels that economics is more important than the principle of racial equality.

There have been a number of Members of this body and other people, including the Governor of New Hampshire, who have gone to South Africa and said, "Don't worry. We are supportive."

About 8 months ago, on September 12, 1977, South Africa came to a crossroads. That crossroads was marked by the death of Steve Biko. Steve Biko was the leading black moderate in South Africa. When he died, under the most brutal conditions, South Africa had a choice: To either move toward some sort of racial equality or to engage in what is referred to there as the laager mentality. They chose the latter course, and there has been a banning of many newspapers. The feeling of many moderates is that what we are now facing is the reality that the only course left to those in South Africa who are not white and who are seeking racial equality is violence.

That is a seed whose harvest is 4 or 5 years down the road, in the opinion of people like Donald Woods and others.

What is the U.S. position? We condemn South Africa. In the resolution offered by the gentlewoman from Illinois (Mrs. COLLINS) we condemned South Africa a few months ago overwhelmingly, but now we are talking about dollars and cents, and there are those who have said the United States would back down if it is in our own economic interests to do so. The people of the world are looking to this vote and this bill as an indication of just where we stand. This issue is really the litmus test for all of black Africa.

When the President went to Nigeria not that long ago, he wanted to talk about Cubans in Ethopia. He wanted to talk about Cubans in Angola.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. TSONGAS) has expired.

(By unanimous consent, Mr. TSONGAS was allowed to proceed for 4 additional minutes.)

Mr. TSONGAS. The Africans did not want to talk about the Cubans. They wanted to talk about what the United States was doing in South Africa. That is the test. And it is interesting that this Congress should have this issue brought to it by the Banking Committee, which reflects, obviously, an interest in economic affairs.

Mr. Chairman, I am saddened that the original amendment is not likely to survive. I am prepared to accept the Evans language. However, I would like to ask the gentleman from Delaware, as we discussed last evening, whether it would be his intent, should he serve on the conference committee, to stick with the language of his amendment rather than negotiating with the Senate language, which was an even more watered down version.

Mr. EVANS of Delaware. If the gentleman will yield, in the event that I serve as a member of the conference committee, I would be very strong in my resolve to back the House language.

Mr. TSONGAS. I thank the gentleman.

Mr. Chairman, let me make two points, and then I will be finished.

One, the argument against the original language has been used to the effect that disinvestment is not the way to deal with the problems in South Africa. The issue before us today is not disinvestment. It is the use of U.S. facilities, the Eximbank.

And, secondly and sadly, to quote black African leaders who argue that we should have business as normal, overlooks two things: First, that many of the black leaders referred to are, in essence, on the payroll of the South African Government; and, secondly, there is something called the Terrorism Act, which says if you engage in that kind of dialog, you are then liable to 5 years in prison. And one would suggest just how much credibility you can put in the statements of those who, had they said otherwise, would have been in jail for 5 years, as many have been.

Mr. BAUMAN. Mr. Chairman, will the gentleman yield on that point?

Mr. TSONGAS. I yield to the gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding.

Mr. Chairman, the gentleman, I think, does a great disservice to Percy Qoboza, who was quoted by the gentleman from Delaware, and who was, a few months ago, as the gentleman from Massachusetts (Mr. TSONGAS) well knows, released from prison because of his outspoken position to apartheid. He has held the position throughout his public career as a moderate black leader, perhaps the major one in South Africa, that the economic welfare of the black people could only be enhanced by continued investment from the West, including the United States. He restated this even after he got out of prison, where he had been jailed by the government last year for his statements. Certainly he is not on the payroll of the government, and his advice is not in any way tarnished by support of apartheid. His criticism of the government has continued to this day. I think the gentleman knows that.

Mr. TSONGAS. Mr. Chairman, the point I was trying to make was this: The gentleman, having gotten out of jail, would be sensitve about going back in. If one looks at the statements of Steve Biko, who paid for his views with his life, one will find a different view. That is the point I was trying to make.

Mr. Chairman, I am prepared to accept this amendment, with some reluctance.

Mr. MAGUIRE. Mr. Chairman, will the gentleman yield?

Mr. TSONGAS. I yield to the gentleman from New Jersey.

Mr. MAGUIRE. I thank the gentleman for yielding, and I want to congratulate the gentleman on his leadership on this matter and on his arguments he has just made.

Mr. Chairman, I also wish to associate myself with his remarks.

Mr. EVANS of Delaware. Mr. Chairman, will the gentleman yield?

Mr. TSONGAS. I yield to the gentleman from Delaware.

Mr. EVANS of Delaware. I thank the gentleman for yielding, and I would like to congratulate the gentleman from Massachusetts for his very fair approach in accepting a reasonable approach which will protect American jobs and also do something about providing a workable solution in South Africa, a solution which will help black South Africans, as well.

Mr. NEAL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to commend the gentleman from Massachusetts (Mr. TSONGAS) for bringing this important issue to our attention. He is an outstanding member of the committee and of this House, and we are going to miss him when he goes over to the Senate.

I would also like to commend the gentleman from Delaware (Mr. EVANS) for his thoughtful approach to perfecting this amendment.

What we are trying to say is that we do not want to contribute to encouraging the Government of the Republic of South Africa in its policies of apartheid. I think the amendment offered by the gentleman from Delaware (Mr. EVANS) does that very adequately. We send the message in a sensible way, I think.

Again, Mr. Chairman, I would like to commend both gentlemen, and I urge the adoption of the amendment offered by the gentleman from Delaware (Mr. EVANS).

Mr. PEASE. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I am happy to yield to the gentleman from Ohio.

Mr. PEASE. Mr. Chairman, this House has before it a bill containing language ending all activities between the Export-Import Bank and South Africa. This policy question must be addressed on two planes. First, the additional restriction proposed with regard to South Africa must be carefully reviewed in relation to existing restrictions on Export-Import Bank services, and secondly, we must judge whether apartheid in South Africa is a special case in the international community deserving of special action.

To the point of existing restrictions, it is worthwhile to note what countries are now ineligible to one degree or another and what justification has been provided.

A total of 26 countries are currently "blacklisted" by the Export-Import Bank. Restrictions on 18 of these countries (Albania, Bulgaria, the People's Republic of China, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, North Korea, Vietnam, Outer Mongolia, Tibet, Cuba, the Soviet Union, Cambodia, Laos, and the People's Democratic Republic of Yemen) have been adopted pursuant to the legal requirement that the Bank not support transactions with Communist countries unless the President finds it to be in the national interest. I support this provision of the law and I do not quarrel with its intent. But it is important for us to recognize that the clear motives behind these restrictions are political and ideological.

Four countries (Rhodesia, Namibia, Transkei, and Bophuthatswana) are on the restricted list because we have never recognized them as legitimate nation states. The motive for restriction in these cases is diplomatic.

This leaves a group of countries (Uganda, South Africa, Chile, and Uruguay) which are subject to restrictions because of moral considerations and economic or political conditions within their borders. Apparently, the President, the Congress, and the Bank authorities have concluded these countries are special cases which deserve special restrictions.

I am not totally familiar with the policy reasons for the restrictions on Chile and Uruguay. But it is a fact that neither of these countries is eligible for direct Bank credits or financial guarantees. In the case of Uganda, the Bank is also prohibited from offering direct credits or financial guarantees. This is reasonable. I am confident we share a belief that the Bank should do nothing to underwrite commercial trade with Uganda so long as Idi Amin remains in power. Moreover, there is a moral component in our policy determination regarding Uganda. Amin practices genocide. This being the case, it is proper that the Bank do nothing that might contribute to a continuation of Amin's reign of terror.

It is in this context that we must determine what is to be done about South Africa. Currently, the Bank still provides financial guarantees for Bank loans to South Africa even though the Bank has adopted a tougher stance with regard to Uganda, Chile, and Uruguay.

I question whether the Bank's response to apartheid in South Africa should be any weaker than its response to genocide in Uganda. These are two great evils which challenge us to take a stand in defense of our principles. Special action is warranted to meet the challenges. Is there any less of a moral imperative for the Bank to cut its ties to South Africa than in the case of Uganda?

Often I am reminded by my friends at the State Department that consistency enhances the effectiveness of our policies. The Bank's response to special circumstances in South Africa and Uganda are inconsistent and we should act to correct this mistake.

I will not dwell on the question of whether apartheid in South Africa is a special case among nations which justifies special action. The answer is self-evident. The established social order in South Africa runs contrary to every impulse in my being. It is the only country in the world that has seen fit to codify and to institutionalize racism as a governing way of life. Apartheid flies in the face of all that we believe in as a people and all that we stand for as a nation.

Mr. Chairman, I would just like to add my words of commendation for both the gentleman from Massachusetts (Mr. TSONGAS) and the gentleman from Delaware (Mr. EVANS) for this work.

I think South Africa is a special case which needs to be given a great deal of attention in this body and in the world. I think that the amendment offered by the gentleman from Massachusetts did that; and the amendment to that amendment suggested by the gentleman from Delaware takes perhaps a somewhat more practical approach.

Mr. Chairman, I commend both of them for their good work.

Mr. McKINNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just very briefly, I would like to join my colleague, the gentleman from Massachusetts (Mr. TSONGAS), in reluctantly accepting the amendment of my good friend, the gentleman from Delaware (Mr. EVANS). Given the position of the other body, this amendment provides a form of constructive compromise, rather than a conference stalemate. I could not let this time go by, however, without mentioning the outrageous conditions under which a vast majority of South Africans live, and without saying to this House that we can no longer sit back, as many did prior to the outbreak of World War II, and watch our country support a nation which treats fellow human beings like animals.

Mr. Chairman, I think it is advisable to have on record some of the statistics regarding the conditions in South Africa, where 84 percent of the population have no say whatsoever in governing their own country. Eighty-seven percent of the land is put aside for the 4 million whites, and the rest, 13 percent, has been designated as "homelands" for the 19 million blacks. The "homelands" that have been so designated have no mineral wealth, little arable land, next to no industry, minimal development potential, and simply serve as dumping grounds for the black population of South Africa. I would suggest to my friends and colleagues in this House that there is very little difference between these dumping grounds and the Nazi concentration camps which this Nation sat back and watched being built in the 1930's and which this country itself constructed for Japanese-Americans.

The list of atrocities is voluminous, but I would be remiss if I did not mention that in 1970 59 percent of the South African male workers were migrant workers, with no job security and no right to live with their families. In addition, an estimated 2 million people have been forcibly moved in South Africa to the "homelands," an action which we find intolerable in Communist countries but which we close our eyes to in Western nations. Last, and perhaps most despicable, every black over the age of 16 is required to carry a "passbook," containing fingerprints, race identity card, tribal connection, official permit to be in the area, record of payments of taxes, and employment and arrest records, to prove their right to be in a "white area."

In view of these repressive and racist activities, I would like to reaffirm to my colleagues that I support the gentleman from Delaware's (Mr. EVANS) amendment because I believe it will pass this Chamber and will be received favorably by our good friends in the other side of the Capitol. I would like to suggest, however, that in the future more needs to be done, and sooner or later this Nation, which prides itself as the great human rights advocate and leader of the free world, is going to have to take a very long, hard look at our association with a nation which treats the majority of its population as subhuman. We should think about the fact that we happen to be very outraged over the lack of Jewish emigration in Russia, but seem to be only slightly outraged over the treatment of 19 million black "nonpersons" in South Africa.

Mr. MITCHELL of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and my colleagues, it is with a great deal of regret that I rise in opposition to the amendment of the gentleman from Delaware (Mr. EVANS).

My concern with the amendment is that the structure of the government and law in South Africa is so repressive and so heinous that it is so brutal that even if Vorster leaves, whoever comes in must operate under that totally terrible and repressive law.

I honestly do not believe that, given the apparent attitude of the Vorster government, given the structure of the law, we are going to see any discernible changes occur, even with the benefit of the gentleman's amendment. I am going to oppose it, but I do so reluctantly.

Let me cite to the Members very briefly some of the parts of law in South Africa. Members are familiar with the Internal Security Act of 1950, known as the "Suppression of Communism Act." It defines Communism—and this is important—as any doctrine which aims at bringing about any political, industrial, social, or economic change within the republic. That is communism under the South African law. This act, this Internal Security Act of 1950, permits the Minister of Justice to debar offenders from holding public office and to impose banning on them. I am convinced, my dear colleague, Mr. EVANS, that your amendment, no matter how well-intentioned it is, if it is going up against that kind of law, it is going to be relatively meaningless.

Let me cite for the Members the Public Safety Act of 1953, which allows the Government to declare a state of emergency, and thus to assume emergency powers such as arrest without warrant and detention—detention incommunicado—to counter actions or threatened actions which would "endanger public safety."

I submit that the gentleman's well-intentioned amendment and the intent of this House becomes meaningless in the face of that kind of law.

Let me cite another law, the general law amendment of 1963. It provides for arrest without warrant, detention incommunicado and without trial of political detainees for successive 90-day periods—not one, but successive 90-day periods. In 1964 the act was amended to provide for the imprisonment under the same terms of reluctant witnesses. The courts of South Africa have no power to intercede on behalf of persons detained under the act.

Finally, let me cite one other provision of law in South Africa, because I think if we deal with the structure of the law, we will see how puny and ineffective our attempt is today. The Terrorism Act No. 83 of 1967 created the offense of terrorism. Under section 6 of this act, persons charged with terrorism are subject to incommunicado in depth, deterrent detention without warrant, without charge or trial. Conviction under the Terrorism Act carries with it a mandatory minimum sentence of 5 years, or the maximum sentence of death. No court intercession is permitted in this case. Only the commissioner of police is permitted to order the release of a detainee.

This last act is the most stringent of South Africa's security laws. Let me indicate to you, my colleagues, that it was under this section 6 of the Terrorism Act that Stephen Biko was arrested, detained, and allowed to die a miserable and lonely death on a mat on a stone floor in a prison cell. That death took place on September 12, 1977.

There was no trial in the Biko case, and the mandatory sentence was administered.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

(By unanimous consent, Mr. MITCHELL of Maryland was allowed to proceed for 3 additional minutes.)

Mr. MITCHELL of Maryland. Mr. Chairman, all that I have attempted to rehearse for the Members is bad enough, but what is absolutely heinous and horrendous was the reaction of South Africa after the murder of Steve Biko. In response to all of the international pressures and the indignation from leaders around the world, in response to the action taken by this House, a resolution of condemnation on the murder of Steve Biko, what did the Vorster government do? It announced, in the light of worldwide indignation, the banning of 18 civil rights organizations in South Africa and the arrest, death, or banning of some 50 black or white opponents of apartheid. That was the response.

And in the light of that response, I say to the gentleman from Delaware (Mr. EVANS), I do not think his amendment or

the action of this House is going to have any effect on the ending of apartheid in South Africa.

Some say that the Congressional Black Caucus has taken a hard position. Perhaps we have, but it is a hard situation that we deal with. Our position calls for total economic sanctions against South Africa: Total.

The arguments will be raised that if we impose total economic sanctions against South Africa around the world, we really hurt the black people of South Africa. Well, maybe we will, but I would suggest to the Members that in any struggle for human dignity someone suffers, and I think the black Africans have indicated their willingness to suffer in the struggle because some of them have died and have gone through this kind of hell.

Let me rehearse for the Members, as I did in the Banking Committee when we were discussing this issue, some of the arguments I heard against our own civil rights struggle in this country. It was suggested that if we pushed too hard for school integration, we would hurt some poor little black children. Somebody gets hurt in a monumental push for change. When we pushed for an end to segregation in public accommodations, the argument was made: Would we not be hurting black people? Well, maybe so, but I would rather suffer temporary hurt than the permanent hurt of my personhood and manhood being stripped away from me.

I am convinced the majority of black Africans in South Africa would take that similar position. As one of our great patriots said: "Give me liberty or give me death." And if Patrick Henry could say that, then the South Africans can also say that.

This amendment is well intentioned and a decent gesture, but is a meaningless and futile gesture in the light of that enormously repressive regime that has its repression built in under law.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

(By unanimous consent, Mr. MITCHELL was allowed to proceed for 2 additional minutes.)

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Maryland. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, I would like to say to the gentleman that I think the amendment offered by the gentleman from Delaware is a sensible compromise position. I understand there will be an amendment offered to strike the whole section, and I guess our choices are between this amendment and nothing, and I just wanted to mention that to the gentleman.

Mr. MITCHELL of Maryland. I understand.

Mr. NEAL. I just wanted to indicate that to the gentleman.

Mr. MITCHELL of Maryland. I understand, and perhaps it is a sensible mid position. This one Member must ask: Can one take a mid position against evil? Could one take a mid position against Hitler? Could one take a mid position against any of the enormous evils that this world has seen? This Member cannot.

Mr. DOWNEY. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Maryland. I yield to the gentleman from New York.

Mr. DOWNEY. Mr. Chairman, I thank the gentleman for yielding.

It has been my experience both in conversations with Donald Woods and a black minister Gatcha Buthelezi that they espouse the position the gentleman takes today and that is when there are 18 million blacks in the government and 70,000 working in corporations and possibly making more in wages than the average black does, that they recognize that some of those people will be the first people laid off and those will be the ones that will be suffering and they will be very willing to do that.

Because they recognize that if there is to be change in South Africa, as there must be, that some of the people who have the good jobs are the ones who are going to suffer, and they are willing, ready and able to do that.

Mr. MITCHELL of Maryland. I thank the gentleman for his comments, and they are completely accurate.

Mr. EVANS of Delaware. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Maryland. I yield to the gentleman from Delaware.

Mr. EVANS of Delaware. Mr. Chairman, I think my friend the gentleman from Maryland, Mr. MITCHELL, is aware that I understand his position. I want him to understand my position that it is in no way endorsing the South African Government policy of apartheid. It is only perhaps a small step in the alleviation of human suffering. I think we should take that step wherever it may be, whether it be here in America or in South Africa.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. EVANS of Delaware, and by unanimous consent, Mr. MITCHELL of Maryland was allowed to proceed for 1 additional minute.)

Mr. MITCHELL of Maryland. Mr. Chairman, I thank the gentleman for yielding me the additional time. Let me say to the gentleman from Delaware, believe me, Mr. EVANS, I understand your deep sensitivity on this issue and your concern. Maybe I am wrong, maybe I am. I do not think that I am. My argument is you cannot compromise with total evil. You cannot take a midpoint with total tyranny. My argument is whenever you have monumental evil constructed by man then there is no point of conciliation between that which is right, that which is moral and that which is evil.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL of Maryland. I am happy to yield to the gentlewoman from New York, Ms. HOLTZMAN.

Ms. HOLTZMAN. Mr. Chairman, I thank the gentleman for yielding, and I commend the gentleman for his statement.

Mr. Chairman, what concerns me about this amendment, which I believe is very well intentioned and decent, is that in many respects it would have no teeth. What concerns me particularly is the statement in subparagraph (c) that the purchaser need only endorse certain principles; the purchaser is not required to implement any of those principles.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Ms. HOLTZMAN, and by unanimous consent, Mr. MITCHELL of Maryland was allowed to proceed for 2 additional minutes.)

Ms. HOLTZMAN. Mr. Chairman, if the gentleman will continue to yield, let me say that my understanding is that purchasers within South Africa can be barred by law from implementing these provisions. In other cases long-standing customs may stand in the way.

For example, it is my understanding that there is a custom in South Africa that generally prevents whites from working for blacks. How then can there be prompt implementation of the provision in this amendment for increasing the number of nonwhites in management and supervisory positions?

I am troubled by the fact that there is no requirement that the purchaser implement the principles contained in this amendment or carry out those principles in any respect.

Mr. MITCHELL of Maryland. The gentlewoman from New York (Ms. HOLTZMAN) is so right. That is why I attempted to cite the South African law. For instance, if anyone indeed attempted to move toward a bettering of conditions in South Africa, then, under the Internal Securities Act, which defines communism as "any doctrine which aims at bringing about any political, industrial, social, or economic change within the Republic," that law would supersede and negate those efforts. The gentlewoman from New York (Ms. HOLTZMAN) is exactly right.

Mr. TSONGAS. Mr. Chairman, if the gentleman will yield, let me say that I agree with the gentleman from Maryland (Mr. MITCHELL), and the gentlewoman from New York (Ms. HOLTZMAN), about the fact that there is no provision for implementation.

I wonder, Mr. Chairman, if I could ask that the amendment be amended by adding "and implement" after the word "endorse?"

Mr. Chairman, I wonder if the gentleman from Maryland (Mr. MITCHELL), would yield to the gentleman from Delaware (Mr. EVANS), to reply to my inquiry?

Mr. MITCHELL of Maryland. I yield to the gentleman from Delaware.

Mr. EVANS of Delaware. Mr. Chairman, I thank the gentleman for yielding. Let me say this: You know, if you say "implement" that connotes getting it all done and having it all finished. I do not think we have gone that far in the United States of America. I think if you were to change this that a better wording would be "proceeding toward implementation of."

Mr. TSONGAS. I accept the gentleman's proposed change to his amendment.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. TSONGAS. Mr. Chairman, I won-

der if the Chair could rule on the proposed unanimous-consent request?

Mr. DERWINSKI. Mr. Chairman, I move to strike the requiste number of words and I rise in support of the proposed amendment, if that is still the proper parliamentary situation.

Mr. TSONGAS. Mr. Chairman, has the Chairman ruled on the proposed modification of the amendment?

The CHAIRMAN. The Chair will state that the Chair has not put the question on the unanimous-consent request to modify the amendment before the Committee in view of the fact that the Chair is not sure at the moment what the exact language change would be.

The gentleman from Illinois (Mr. DERWINSKI) is recognized for 5 minutes.

Mr. DERWINSKI. Mr. Chairman, I have a few specific points. U.S. business investment in South Africa has become a strong and positive force in advancing racial equality; economic sanctions would only serve to nullify this growing influence.

If American corporations were forced to withdraw from South Africa, the first to suffer would be black South Africans themselves.

Black leaders in South Africa oppose restrictions on U.S. investments.

This section is an expression of selective morality, since it would not affect other nations whose human rights record leaves more to be desired than does South Africa's.

Restrictions on U.S. trade with South Africa could breed a dependence of the United States on the Soviet Union.

South Africa is making social progress as shown by that nation's adoption of the Western-sponsored Namibia plan, its official endorsement of the "Sullivan principles," and the South African Government's announcement that nonwhites would be permitted to register in private schools.

I think the point has been very well made that this amendment is intended to be a practical step toward what would be a progressive economic development in South Africa. I think the test of it will come after a period of years if it is in our law and if results are achieved because of it. I do not think anyone can say this morning that it will or will not produce utopia. So I would suggest we adopt the amendment and give it a chance.

I would also suggest, Mr. Chairman, that more Members should look at the entire continent of Africa and be as concerned with abuses in other countries. For example, in the Central African Empire, the general, who some years ago by coup d'etat became president for life, had himself declared an emperor. In the process of the coronation, news report stated that 20 percent of the national budget went for the cost of a coronation ceremony that is in a country where 95 percent of the people barely exist at subsistence level. That is a denial of human rights. I wish that somehow through this bill, or any other vehicle, we could address that kind of problem as well.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding.

I would like to speak to these two amendments which I feel very strongly about. I do think that the Evans amendment is a wise and prudent amendment. I know some effects of the Sullivan code in Africa, and so the law must allow it. In one company with 60 percent black employees and 24 supervisory personnel, 4 of those supervisory personnel are black. There are integrated washrooms, integrated cafeterias, equal pay for equal work. This is true in at least one of the companies which has adopted the Sullivan code. Therefore, it is possible to implement it and in practical ways it has made practical small improvements in the companies that adopt it, and in the lives of the employees.

Nevertheless, my heart is with the original Tsongas amendment in the bill. Somewhere there must be a symbol. Practical things are essential in everyday life, and they must be adopted. And I can see the good effort here of the gentleman from Delaware (Mr. EVANS) and the general acceptance of his amendment in this House; but we have people all over the world, not just in Africa, with pass cards unable to go from one section of their country to another without the permission of the police, with thousands of people in thought-reformation camps and concentration camps and labor camps. Millions are being killed. We know what is happening in the countries of this world, and somewhere there must be a symbol, a stand for decency. That is why, with great regret, I still support the original Tsongas amendment. My heart is there. It is a symbol of something we honestly mean. Certainly we cannot deny that the Sullivan code is producing small improvements one by one in different industries in Africa. I am not denying that. I think the Evans amendment is well intentioned, and I know how sensitive is the gentleman from Delaware (Mr. EVANS) on this whole question, but my heart remains with the original amendment in the bill.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Ohio.

Mr. STANTON. I thank the gentleman for yielding.

Mr. Chairman, we have a parliamentary situation in which unanimous consent was requested. I do not think the Chair heard it, nor was it clear, that the Evans amendment, now having been read, is by unanimous consent changed to the following: Where we have in the present language, "The purchaser has endorsed the following principles," it is my understanding, and I ask unanimous consent that the language read: "The purchaser has endorsed and is proceeding toward the implementation of principles."

The CHAIRMAN pro tempore. The Chair would like to clarify the unanimous consent request. Following the word "endorsed," the addition is "and is proceeding toward the implementation of."

Mr. STANTON. That is correct.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. BAUMAN. Reserving the right to object, Mr. Chairman, I think it would be the better procedure to reduce this to writing and to offer it as an amendment at some point shortly, so there is no question as to exactly what the substance is. I know at least one other Member has been trying to get recognition to offer an amendment. I would hope the gentleman would withdraw his request.

Mr. EVANS of Delaware. Mr. Chairman, I will be happy to withdraw it.

Mr. MAGUIRE. Mr. Chairman, I do have an amendment which I will be happy to offer, but I understand there is an amendment here to be offered by the gentleman from New York, Mr. SOLARZ, which he had hoped to offer even earlier than mine, if we can wait on mine.

AMENDMENT OFFERED BY MR. SOLARZ TO THE AMENDMENT OFFERED BY MR. EVANS OF DELAWARE

Mr. SOLARZ. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLARZ to the amendment offered by Mr. EVANS of Delaware: Page 4, strike lines 7 through 13 and insert in lieu thereof the following:

"(8) In no event shall the Bank guarantee, insure or extend credit or participate in the extension of credit (a) in support of any export which would contribute to enabling the government of the Republic of South Africa to maintain or enforce apartheid; (b) in support of any export to the government of the Republic of South Africa or its agencies unless the President determines that significant progress toward the elimination of apartheid has been made and transmits to the Congress a statement describing and explaining that determination; or (c) in support of any export to other purchasers in the Republic of South Africa unless the United States Secretary of State certifies that the purchaser has endorsed the following principles: non-segregation of the races in all work facilities; equal and fair employment for all employees; equal pay for equal work for all employees; initiation and development of training programs to prepare non-white South Africans for supervisory, administrative, clerical and technical jobs; increasing the number of non-whites in management and supervisory positions; a willingness to engage in collective bargaining with labor unions; and improving the quality of life for employees in such areas as housing, transportation, schooling, recreation and health facilities."

Mr. SOLARZ. Mr. Chairman, I will be relatively brief. I agree with the general thrust of the observations and remarks of my very good friend, the gentleman from Maryland (Mr. MITCHELL), but it seems to me that the political and parliamentary realities of the situation which confronts us today is that, for better or for worse, rightly or wrongly, the amendment of the gentleman from Delaware (Mr. EVANS) is going to be adopted and if it is going to be adopted I think one significant omission in the amendment should be remedied.

The amendment of the gentleman from Delaware (Mr. EVANS), as the Members of the Committee know, essentially embodies the so-called Sullivan code. But one of the deficiencies in the Sullivan code is that it makes no provision for negotiations with black labor unions. My amendment would remedy that deficiency by adding to the list of principles which must be both endorsed, and hope-

fully implemented, a willingness to engage in collective bargaining with black labor unions as well as white.

I would point out the the Members of the Committee that there is no prohibition in South African law against collective bargaining with black labor unions. There is, however, no requirement in South African law that industrial enterprises engage in collective bargaining with black or other labor unions. What this amendment would do is simply add to the list of principles a willingness on the part of the relevant enterprises to engage in collective bargaining with labor unions. It would not obligate them in any way, shape, manner or form, to agree to any labor union demand which was a violation of South African law. All that it would require them to do is to engage in a collective-bargaining process.

I would submit to the Members of the Committee that in the final analysis the improvements which are going to have to take place in the conditions and circumstances of the black and colored majority in South Africa will ultimately result, in the most significant measure, from the efforts of the black and colored peoples of that country themselves. As helpful as the various principles in the Sullivan code may be, there is no substitute for what can be accomplished by a labor organization representing the interests of the workers themselves. I think that we would have accomplished little, even with the adoption of the amendment of the gentleman from Delaware (Mr. EVANS), if we do not include in the list of principles mentioned therein a willingness to engage in collective bargaining with labor unions, so that the black and colored workers of that country will at least have an opportunity to make their case on their own behalf with the relevant employers to whom this legislation applies.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, as the gentleman knows, the gentleman brought this to our attention today. We can look upon this amendment in a couple of ways. I think it is important, at least to me, to know and clarify a couple of specific points. It is not, from what the gentleman has said, the gentleman's intention at all to force a labor union upon an industry in South Africa: is that correct?

Mr. SOLARZ. There is no intention to force any particular union on anybody.

Mr. Chairman, all that the amendment would require a relevant enterprise to do is to engage in collective bargaining with any legal, legitimate labor union that represents the employees in that enterprise.

Mr. STANTON. Mr. Chairman, the gentleman has stated that he has the knowledge, and I do not have sufficient knowledge on this subject. Do I understand there is no such thing as a right-to-work law in South Africa?

I want to be sure, No. 1, that we are not going to do anything that would be contrary to South African law.

This does not force anything upon them in any way, except for negotiation and discussion purposes, and mainly the gentleman's point—and he must have some basis for this—is that black labor unions should be involved at least in discussions on this subject?

Mr. SOLARZ. Mr. Chairman, I can assure the gentleman that this is not a disguised repeal of any right-to-work provisions that may exist in South African law.

Mr. DOWNEY. Mr. Chairman, if the gentleman from New York (Mr. SOLARZ) will yield, I might be able to help with the gentleman's inquiry.

In January of this year the other body, under the chairmanship of the senior member of the State of Iowa in the Senate, produced a very excellent report, and on that particular point they said that although not legally prohibited, black unions are officially recognized by the South African Government, which fears the political consequences of the black labor movement in a society in which 70 percent of the population is black.

So they clearly are not legally prohibited.

Mr. SOLARZ. Mr. Chairman, that is the point I was trying to make.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLARZ) has expired.

(On request of Mr. DOWNEY, and by unanimous consent, Mr. SOLARZ was allowed to proceed for 1 additional minute.)

Mr. SOLARZ. Mr. Chairman, if I may continue, there is no existing prohibition in South African law against black labor unions, so the inclusion of this amendment in a list of principles to which the enterprises would have to subscribe would not require anyone to violate South African law. But in the absence of this provision, I think the amendment would be seriously inadequate.

Mr. DOWNEY. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to the gentleman from New York.

Mr. DOWNEY. Mr. Chairman, once again, I wish to quote from the statement to which I referred because it supports entirely the gentleman's position. We are talking here about the South African Government:

> It tolerates the existence of scores of black unions that are of little effectiveness today.

Obviously it would be our position to try to encourage those black unions more effectively. I might add, interestingly enough—and I hope this does not hurt the gentleman's position—that not a single U.S. firm negotiates in collective bargaining with a single South African trade union, and that is a circumstance we might want to change.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLARZ) has again expired.

(On request of Mr. EVANS of Delaware, and by unanimous consent, Mr. SOLARZ was allowed to proceed for 2 additional minutes.)

Mr. EVANS of Delaware. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I yield to my friend, the gentleman from Delaware.

Mr. EVANS of Delaware. Mr. Chairman, I would like to ask the gentleman a question about an IBM subsidiary, for example, operating in South Africa. IBM does not have a union, as the gentleman knows, but I think the company has tried to establish some very high principles in terms of fair employment practices.

Would this particular language prohibit any form of credit or guarantee to an IBM subsidiary operating in South Africa?

Mr. SOLARZ. Absolutely not. All this would require is that, if there is a labor union in the subsidiary and it is a legitimate union, they would have to be willing to engage in collective bargaining with it. But if there is no union, the amendment would not require them to go out and organize one, nor does it require the Eximbank to deny them credit because they are not negotiating with a union, if there is no union with which to negotiate.

Mr. EVANS of Delaware. Mr. Chairman, I would appreciate it if the gentleman would afford me an opportunity to read the language of the amendment very briefly.

I will ask the gentleman from New York (Mr. SOLARZ), is he talking here about existing labor unions?

Mr. SOLARZ. This amendment would apply to a situation where there is an enterprise in which there is a legitimate labor union.

Mr. EVANS of Delaware. I understand.

Mr. SOLARZ. Under those circumstances the enterprise would be obligated to engage in collective bargaining with that union.

Mr. EVANS of Delaware. Mr. Chairman, I thank the gentleman for yielding, and I will not object to his amendment.

Mr. SOLARZ. Mr. Chairman, I thank the gentleman.

Mr. KELLY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I want the Members to know how much I have enjoyed this exhilarating discussion about human relations. I have been just fascinated. I do not know what in the world it has to do with the Eximbank, but it certainly has been interesting.

The purpose of the Eximbank is to try to extend and create exports for our country, to improve our industry, to provide work for our people, and to deal in a commercial world on commercial terms. But suddenly we have deviated from that, and we are now having a very interesting discussion about human relations.

I would like to just say that the principal amendment is certainly one I am going to support, because I am sufficiently sensitive to be able to understand the difference between a whack in the shins and a hit in the head. I think that the committee bill provides a hit in the head, and I think the principal amendment provides a whack in the shins. I like a whack in the shins better than I like a hit in the head, so I am going to support the principal amendment.

Mr. Chairman, what I would like to discuss, for just a moment, is what we are about to do here. We are getting

ready to send American salesmen representing manufacturers out into commerce and into the world markets, and we are getting ready to tell those who would be our prospective customers that "if you deal with the United States, we have quit bribing people now. What we do now to sell is to insult them." We are going to tell them how to run their country.

Just take the amendment we have in the process right now. In the United States, we have absolute unanimity on the benefits of unionism. Everyone in America loves the unions. Everyone in America understands that there is no contribution by the unions to the terrible inflation that is ripping our economy. We all love the unions. It is great. And we want to pass on this good stuff to the rest of the world and we want to tell South Africa, "If you are going to buy our goods, we are going to have to deal with the unions, because we love them so much, we have so much unanimity."

And so what we are going to do now is, we are not going to go into a world market where our competitive ability is already diminishing, in the steel industry, in the shipbuilding industry, in our maritime industry, and other principal and basic industries upon which our vitality and existence depend. So instead of dealing with what the Eximbank is about, to try to help the American people, we are suddenly turning this into some sort of device that will help some stalwart Americans like Andrew Young to posture for local politics while he decimates our position in Africa and while he creates a situation where the choice is either Red or dead in Africa as a result of going to run the risk of having to send Americans to fight. And it is not a question of blacks or whites. Twenty-five percent of the American Army is black. They are loyal Americans. And if we go into Africa, they are going to die and bleed like everyone else.

So clearly what the proposition is, what we are trying to do, for purely domestic political purposes, is to try to turn the Eximbank a commercial institution, which has proven to be in the best interest of our country, into some kind of a political device that has nothing to do with politics or with the tides of the next election.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SOLARZ) to the amendment offered by the gentleman from Delaware (Mr. EVANS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MAGUIRE TO THE AMENDMENT OFFERED BY MR. EVANS OF DELAWARE

Mr. MAGUIRE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. MAGUIRE to the amendment offered by Mr. EVANS of Delaware: In subsection (8)(c) line 12 after the word "endorsed," insert the following: "and is proceeding toward the implementation of".

Mr. MAGUIRE. Mr. Chairman, I think the debate of the last few minutes indicates that the House is prepared to accept this language. It has been agreed to, I believe, by the sponsor of the principal amendment.

Mr. EVANS of Delaware. Mr. Chairman, will the gentleman yield?

Mr. MAGUIRE. I yield to the gentleman from Delaware.

Mr. EVANS of Delaware. Mr. Chairman, I thank the gentleman for yielding.

I think the amendment of the gentleman from New Jersey (Mr. MAGUIRE) is perhaps an improvement. It qualifies more specifically what we are talking about. I do not think we necessarily need it because I think there is, in this use of the word "endorsed," an inference that indicates a move "toward implementation of"; but I have no objection to the gentleman's language.

Mr. MAGUIRE. Mr. Chairman, I thank the gentleman from Delaware.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. MAGUIRE. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, we accept the amendment on this side.

Mr. MAGUIRE. Mr. Chairman, I thank the gentleman from North Carolina.

I do want to make a couple of remarks as to why I think this amendment is important.

The difficulty we have had in our policy toward South Africa in the past as a government—and also with respect to the expression of intentions by U.S. corporations—has been that there has been a rather substantial gap between what we say and what we do.

At the very least, Mr. Chairman, asking that corporations not only endorse, but also show that they have proceeded toward implementation is a step away from a reliance on rhetoric alone and a step toward saying, "Let us finally do something."

I must say, though, that in my mind—and I share the concerns and the views expressed by the gentlewoman from New Jersey (Mrs. FENWICK) a moment ago—we probably would have been better advised if we had gone forward with the original language that came from the committee.

Mr. Chairman, I am going to support the amendment of the gentleman from Delaware (Mr. EVANS), but I honestly do so with some reluctance. The fact of the matter is that we have some of our private banks and corporations now making decisions which go beyond what the U.S. Government has yet indicated a willingness to do. Some U.S. banks, for example, some of the largest ones, are saying that they will not give additional loans to the South African Government or its agencies. Some investors are saying they will not increase their investments. The difficulty with the Evans approach is that it does not clearly enough take the necessary next step, which to say that the U.S. Government is not going to take U.S. tax dollars or apply a U.S. stamp of approval to additional increments in our economic relationships with some Africa.

Mr. Chairman, I very much wish that we were doing that today because I think the time has long since come. It is clear that we have not assisted in stimulating change for the better in South Africa over the last couple decades, on the theory that a few corporations and some economic relationships would change the situation gradually.

As the gentleman from New York (Mr. DOWNEY) pointed out earlier, there are only 70,000 black South Africans who work for American corporations out of a nonwhite population of 19 million. I think we are kidding ourselves if we think we are going to be able gradually, through economic relationships, to improve the situation there. In fact, the history of the last few decades and of the last 2 years in particular demonstrates to me that theory is bankrupt.

Therefore, Mr. Chairman, I would have hoped that we would have taken at least this first step with respect to Eximbank guarantees and that we would have said that we are not going to offer further guarantees unless significant progress is made toward the elimination of apartheid.

The gentleman from Massachusetts (Mr. TSONGAS) made a very good point earlier. Nobody is saying, "Let us take out what is there." We are simply saying with this provision, "Let us not proceed further with officially sanctioned additions to what we have done already in our economic relationships."

Mr. Chairman, we are falling short of that today. I think one can argue, even on economic grounds, that in a situation as potentially explosive as South Africa's, the economic risks alone exceed what the U.S. Government and, therefore, the U.S. taxpayer should be guaranteeing through the bank. And surely the U.S. Government should not be encouraging commercial bankers and exporters to further involve themselves in a country whose abhorrent racial policies are perpetuated in part as a result of the strength which outside investment gives to the regime, a point made very forcefully recently in a report issued by the other body, under the leadership of Senator CLARK of Iowa.

Mr. DOWNEY. Mr. Chairman, will the gentleman yield?

Mr. MAGUIRE. I yield to the gentleman from New York.

Mr. DOWNEY. Mr. Chairman, first of all, I would like to commend the gentleman from New Jersey (Mr. MAGUIRE) on his statement and on his amendment; and I would like to associate myself with his remarks.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. MAGUIRE) has expired.

(On request of Mr. DOWNEY and by unanimous consent, Mr. MAGUIRE was allowed to proceed for 2 additional minutes.)

Mr. DOWNEY. The gentleman mentioned some of the U.S. corporations. I think that we might want to mention two of them by name which deserve to be singled out for their wise activity. The first is the Chase Manhattan Bank, which has established a policy of not providing loans to the South African Government, its statutory corporations, the homelands, border industries, or to Namibia. The recent activity of the Polaroid Corp., I think, is also represent-

ative of the type of responsible corporate activity, that we should encourage. It is my hope that our Government can follow their very effective and wise action.

Mr. MAGUIRE. I thank the gentleman. I might add City Bank to that list. But, I think the key point here, the key problem is the South African Government, its structure of law, its institutionalized race system, which permeates every aspect of South African life: Civil, political, economic, as the gentleman from New York (Mr. McKINNEY) and Maryland (Mr. MITCHELL) so eloquently stated. Unless we get serious as a Government and as a people about addressing that issue directly rather than trying to do it by proxy through U.S. corporations, I think we are not going to make any significant progress.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MAGUIRE. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, although I am sympathetic to the intentions to be sought by this amendment, I am compelled to rise in opposition to it, in the context of the legislation before us today.

The thrust of section 5 of the Eximbank authorization bill is to further the disengagement of our Government from its tacit support for the Government of South Africa and the abhorrent system of racial segregation and discrimination which it enforces on an unwilling majority. The amendment before us would substitute a set of good intentions for such an effective policy of disengagement.

American business involvement in South Africa is sometimes justified on the grounds that an expanding South African economy will ultimately benefit all South African citizens, white and black alike. While this argument might have some merit in instances where U.S. business contributes to equitable economic growth, it fails to apply to South Africa, for the simple reason that under that country's system of government, the black majority is denied the benefits of citizenship and is therefore precluded from participating in the benefits of economic prosperity. Short of radical social, economic and political change in South Africa, I cannot imagine how the maintenance of U.S. trade can possibly play a constructive role in the transition to majority rule.

Moreover, I wish to point out that while I respect the efforts of the Rev. Leon Sullivan to obtain for South African workers the equal opportunity provisions that he has worked so hard and successfully to secure for black workers here in the United States, I find the statement of principles he advocates somewhat lacking in clout, considering the extreme system of economic exploitation that prevails in South Africa. While in the abstract, the Sullivan principles make unobjectionable reading, the catch lies, as Jennifer Davis has recently pointed out, in an analysis published in the Southern Africa Perspectives of the Africa fund, in what the principles exclude. Specifically, and unlike the code of corporate conduct recently adopted by the European Economic Community, the Sullivan principles include no demand for negotiations with black trade unions or for their recognition by the South African Government. No wonder that the principles were hastily endorsed by 54 U.S. companies with operations in South Africa and even by the South African Government itself, for there is little here that challenges the structure of apartheid.

As Ms. Davis expresses it succinctly in the introduction to her analysis of the Sullivan principles: "Africans are not struggling and dying to reform or improve apartheid. They want nothing less than the total abolition of the system and the establishment of a new state based on full popular particiption. To propose change in any lesser terms is trivial and irrelevant."

Mr. MAGUIRE. I thank the gentlewoman, and I wish to associate myself with the substance of her remarks.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

(At the request of Mr. BIAGGI and by unanimous consent Mr. MAGUIRE was allowed to proceed for 3 additional minutes.)

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. MAGUIRE. I yield to the gentleman from New York.

Mr. BIAGGI. I thank the gentleman for yielding, and congratulate him for improving what I believe is a very sound and progressive amendment.

I have looked at the provisions of this amendment, and I endorse it heartily, but I would like to compare the conditions it addresses itself to, to similar conditions that exist in Northern Ireland. One of the principles is no segregation of the races, no separate work facilities. Well, that is the condition in South Africa, and it is abominable. In Northern Ireland there is segregation on a religious and economic basis, and it is just as intolerable.

Another principle is fair employment for all employees. The abuse of this condition exists in Northern Ireland and has continued for years and does continue there now. It is just as immoral there as it is in South Africa.

Then, there is equal pay for equal work. That condition is one that must be corrected in Northern Ireland as well. Development of training programs to prepare nonwhite South Africans for administrative and clerical jobs; I dare say it is as flagrant in South Africa as are the flagrant violations of this in Northern Ireland

Increasing the number of nonwhite management and supervisory positions; there is a classic illustration with relation to Catholics in business and government in this regard. Improving the quality of life in special areas such as housing, transportation, schooling, recreation, health facilities; the same conditions exist in Northern Ireland. All these are intolerable in Rhodesia, in South Africa, and in Northern Ireland.

The point I am making is this: The amendment is sound, and I support it. We are dealing with a denial of human rights, but if we are to be, as the President has declared, the apostle of human rights throughout the world, then that principle should be universally applied. If we do not do that, we will be hypocritical and employ double standards, hence we will be false to those that we preach to. Yes, in South Africa the conditions should be corrected, and I hail the maker of the amendment and all of those who have improved the quality of that amendment, but I also suggest that this is not the only place.

These very same conditions exist in Northern Ireland, and should be addressed. It is our responsibility as the leading advocate of human rights to address ourselves in that particular neglected area of Northern Ireland.

Mr. KELLY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is my hope and intention to urge my colleagues to come away from this effort to try to turn what has been a very profitable institution for American industry into a device of politics. We are now adding additional conditions upon South Africa's dealing with the United States.

South Africa is a trading partner whose trade amounted to $2.5 billion in the last year.

Our industry is starved for trade. We are so starved for employment that the Government is buying employment for our people—our people.

The discussion about improving conditions of human rights throughout the world is a worthy discussion, but it should not be superimposed upon our desire to try to help our own people. America is in trouble.

Last year we came up short $27 billion. Now, $27 billion does not mean anything to the Members of this Congress, but to the people out in the streets $27 constitutes a pretty good bit; $27,000 is astronomical; and $27 billion is the difference between national survival and not surviving.

We just cannot continue to bleed this way. We need to do something to help our own people in a constructive and productive way. That is what the Export-Import Bank is about.

Let me remind the Members of the magnitude of what we are doing here. We are attempting to deal with an institution to which this legislation commits a total amount of $40 billion to try to help our industry. Now that is important to everybody, to rich and to poor and to everyone else. And to try and cause this to be something that is going to be used as an instrument to embarrass us commercially in the world markets, to try to embarrass us militarily, or to try to embarrass us from the standpoint of making sense in the world is not reasonable.

One cannot be a salesman in the world and go forth and have the first thing out of his mouth be an insult to customers.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. KELLY. I yield to the gentleman from Oregon.

Mr. AuCOIN. Mr. Chairman, I appreciate the gentleman yielding.

I compliment him for pointing out the record trade deficit this country is suffering today. I think implicit in his remarks is the fact that the dollar as a consequence is weakening.

William Miller, the Chairman of the Federal Reserve Board, testified before the Banking Committee that because of the drop of the dollar we have had in recent months there has been almost a full percentage point increase in inflation.

These are factors that we need to recognize as we legislate on the Eximbank. I think I understood the gentleman to say that it may be unwise to mix politics and trade and for that reason I assume, then, that the gentleman, accepting that principle, is going to support section 6 of this bill which is designed to strike a blow for that very same principle that he enunciated?

Mr. KELLY. The gentleman is not entirely safe in that assumption.

Mr. AUCOIN. If the gentleman will yield still further, I am sorry, then, that the gentleman applies a principle to one section of the bill but that he is unwilling to apply to another section of the bill. But the gentleman can be forgiven for the inconsistency of his principles.

Mr. KELLY. I would like to point out to the gentleman that this is a precedent that has been established here. This legislation in section 5 does not make any sense. All this House is doing in section 5 is embarrassing an ally, a military ally, a trading partner, a nation upon which we have been able to depend upon for the millennium, which is now being embarrassed while we are embracing Communist nations for which we have no respect at all. That is exactly the point I have made, that you have been able to hold your nose and embrace communism but you say that you are too delicate to handle the prospects of South Africa.

Mr. AUCOIN. The gentleman has mentioned my name.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. AUCOIN and by unanimous consent, Mr. KELLY was allowed to proceed for 1 additional minute.)

Mr. AUCOIN. Would the gentleman yield to me? He mentioned my name.

Mr. KELLY. Yes, I would be very happy to yield to the gentleman from Oregon.

Mr. AUCOIN. I appreciate the gentleman yielding because he made an inaccurate statement.

My position on this bill is that trade should be neutral. The gentleman knows I supported a neutral approach in the subcommittee, the full committee, and here on the floor. There is no inconsistency in my viewpoint.

And I am interested in the fact that the gentleman says we do not have to make sense and I would say he seems to have achieved that.

Mr. KELLY. Mr. Chairman, I want to apologize to the gentleman, and I want that apology to be without any kind of equivocation. And that was a misstatement. I think it had more to do with our brothers than it did to the colloquy between the gentleman from Oregon (Mr. AUCOIN) and myself.

Mr. MITCHELL of Maryland. Mr. Chairman, I make a point of personal privilege. The speaker in the well has indicated some language referring to our colleague, the gentleman from Oregon, (Mr. AUCOIN).

The CHAIRMAN. The Chair will state that the gentleman from Maryland is not in order in raising a point of personal privilege in the committee.

Mr. MITCHELL of Maryland. Mr. Chairman, I make the point of order that the gentleman in the well from Florida (Mr. KELLY) used some language directed at my colleague that I do not think he meant to use, and, in all fairness, I think the gentleman ought to be given the opportunity to withdraw his words.

The CHAIRMAN. The Chair will state that the Chair believes he did hear the gentleman from Florida (Mr. KELLY) express an apology to the gentleman from Oregon, Mr. AUCOIN.

Mr. MITCHELL of Maryland. The gentleman from Florida (Mr. KELLY) did apologize?

Mr. KELLY. Yes, and the apology was without any equivocation.

Mr. AUCOIN. That is right.

Mr. MITCHELL of Maryland. I thank the Chair and the gentleman.

Mr. KELLY. If there is a better way to make it stronger, please assist me.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BAUMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have taken this time in part to address a question or two to the gentleman from Delaware (Mr. EVANS), the author of the major amendment, which has been pending for an hour and a half.

In the first proviso of your amendment the language reads that the bank is prohibited from doing certain things, which would contribute toward enabling the Government of the Republic of South Africa to maintain or enforce apartheid.

I assume that it could be argued that any assistance to a private company trading with South Africa, even one which might adhere to the principles set forth in subsection (c) of this amendment, would indirectly aid the Government in its policy.

My question is, is it the intention of the gentleman that subsection (a) in any way negates subsection (c), if the applicant for the export aid agrees with the principles?

Mr. EVANS of Delaware. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Delaware.

Mr. EVANS of Delaware. Mr. Chairman, in reply to the inquiry of the gentleman from Maryland (Mr. BAUMAN) let me say that that is not my intent at all. The intent here is to just codify the U.N. embargo that was adopted by the U.N. Assembly and supported by this country in 1977 which prohibited support for such things as military assistance, which is and was rather specific.

So the intent is not at all to prohibit any form of guarantee or credit to those things that are not directly related to the military or the police.

Mr. BAUMAN. The second question I have regards subsection (c). Does this subsection apply to nationals of the Republic of South Africa who might subscribe to these principles, because the report on page 6 as it pertains to the original bill's language makes it clear that it was the committee's intent that the prohibition apply not only to the Government of South Africa and its agencies, but to nationals as well, even though that is not stated specifically in the bill?

Mr. EVANS of Delaware. Will the gentleman yield further?

Mr. BAUMAN. I yield to the gentleman.

Mr. EVANS of Delaware. The intent of subsection (c) is to provide credits or guarantees to private sector purchasers of U.S. goods that do adhere to certain principles. The intent, the objective, of this amendment is to take a reasonable and a rational approach to providing economic opportunity for all South Africans, be they black or white.

Mr. BAUMAN. I thank the gentleman for his explanations.

Mr. RAILSBACK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to take the 5 minutes because I think it has been very well debated. I want to commend the chairman of the subcommittee and also the gentleman from Delaware (Mr. EVANS).

I rise in support of the amendment offered by my colleague from Delaware (Mr. EVANS), which would lessen the restrictions placed on Export-Import Bank transactions involving nationals of the Republic of South Africa.

It is my understanding that section 5 of this bill presently prohibits the Bank from participiating in any transaction involving the Republic of South Africa or its citizens until significant progress toward the elimination of apartheid has been determined by the President. The Evans amendment would allow the Bank to extend credit to South African nationals so long as the U.S. Ambassador to South Africa certifies that the purchaser has fulfilled a set of anti-apartheid requirements. I believe that this amendment would lead to far more significant progress toward the reversal of apartheid in South Africa than would a blanket ban on all Export-Import Bank transactions in that country.

Many responsible black leaders in South Africa hold the view that boycotts, economic sanctions, disinvestment and disengagement will be detrimental and not beneficial to the black people in South Africa. They point out that such sanctions will cause the economy to decline and employment opportunities to decrease. The blacks will be the ones to suffer most because of their loss of jobs and the accompanying loss of economic freedom.

Washington Post columnist William Raspberry recently interviewed Percy Qoboza, the black editor of the South African newspaper the World. Quoboza,

who has become something of an international hero for his outspokenness, is quoted by Raspberry as saying:

If you want a complete transformation of this society, the easiest thing to do is get everybody packing up their bags, taking their money out of the country and resisting all forms of investment in the country. But of course the moment you do that, you create economic chaos. And that is a sure guarantee for a full-scale bloody racial confrontation, which would unleash a bloodbath such as we have never seen. Therefore, this is clearly not consistent with my own belief that we must seek a peaceful transformation of the society. So when people talk glibly about disinvestment, I think they ought to realize what they are saying—from 8,000 miles away, from the safe security of distance—"Let the blood flow, and maybe then we'll have a just society."

Mr. EVANS' amendment offers an alternative to disinvestment in South Africa. Instead of ceasing all transactions with that country, a move that may harm the black people, the amendment will serve to encourage the improvement of conditions for the black people, both economically and socially. If a South African purchaser would like to receive credit from the Export-Import Bank, he must be prepared to prove to the U.S. Ambassador that his company has established complete nonsegregation of employees, as well as equal opportunities in the areas of pay and advancement. Efforts must also be made to improve the quality of life for the employees in the areas of housing, transportation, schooling, recreation, and health facilities.

Because the Evans amendment does not abandon the black people of South Africa, but offers an incentive to South African companies to improve the lives and opportunities of these people, I will support this amendment. I encourage my colleagues on both sides of the aisle to carefully consider the debate on the proposal, and support it when the vote is taken.

Mr. MAGUIRE. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I will be happy to yield to the gentleman from New Jersey.

Mr. MAGUIRE. I thank the gentleman for yielding. I do not know whether the gentleman has been here for the whole debate, but early on in the debate it was made clear that we do not have before us a proposal embracing the notion of disinvestment. What we have before us is a proposal which says future additional investments shall be conditioned on these criteria with respect to lending.

Mr. RAILSBACK. No; I understand what the gentleman is saying. Frankly, I do not accept that either. I think that concept is bad, just as I think disinvestment is bad.

Let me just say that I have carefully read the amendment offered by the gentleman from Delaware (Mr. EVANS) which I think is reasonable. In other words, what he is trying to do, in a rather skillful, intelligent way, is send a very good message without, at the same time, doing anything that may end up hurting the blacks.

Mr. MAGUIRE. So the gentleman supports the amendment?

Mr. RAILSBACK. I very strongly support the gentleman's amendment.

Mr. MAGUIRE. Will the gentleman yield further?

Mr. RAILSBACK. I yield to the gentleman.

Mr. MAGUIRE. On the substance of all he said, I would take the gentleman's comments more seriously, frankly, if I thought there was any indication that the South African Government was willing in any way to talk with, consult with, or plan for the future with its nonwhite residents.

I do not think there is any indication that this is, in fact, the case.

Secondly, there are indications that they are systematically eliminating the black leadership in South Africa. When you have 20 people dying under mysterious circumstances in prison over a 20-month period, when you look at the facts, that is the situation.

Mr. RAILSBACK. As the gentleman knows, I do not condone that.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. RAILSBACK) has again expired.

(At the request of Mr. MAGUIRE, and by unanimous consent, Mr. RAILSBACK was allowed to proceed for an additional 3 minutes.)

Mr. MITCHELL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Chairman, I realize the House wants to move things along very quickly because it is Friday; but I wanted to respond briefly to the gentleman from Illinois. We have worked together and I respect and admire the gentleman.

I suppose in every situation comparable to the situation in South Africa there are divergent points of view. In black America today there is black Washington on the one hand versus Cooper on the other. There are some that say, "Dump the tea and damn the consequences," and others say, "Let us move on in an orderly course."

I suggest to the gentleman that there are certain evils we cannot compromise and when we fight those evils, someone gets hurt.

Mr. RAILSBACK. Mr. Chairman, I have heard the comments of the gentleman from Maryland (Mr. MITCHELL) and I thought the gentleman articulated them very well.

I might just add for the Members that I had occasion to talk to the chairman of a rather respected corporation that was part of a Time, Inc. contingent that actually visited several countries in Africa trying to get the pulse of the people. One of the countries they visited was South Africa. They did not just visit with the Government leaders. They actually visited with many of the people that were charged with being radicals, but that were only antigovernment. The business leader with whom I spoke indicated that in talking with the black leaders in South Africa they were just about universally opposed to having the United States do anything that could create severe economic consequences for the blacks as well as the whites in South Africa. This conversation, in addition to the Raspberry column, influences me to believe that we do not want to do anything drastic. We want to do something that is sensible, rational, and reasonable.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from New York.

Mr. SOLARZ. Mr. Chairman, I could not agree more that we need to do something sensible, rational, and reasonable and certainly not provoke racial war in South Africa. Nothing could be further from our intention today.

Mr. RAILSBACK. That is exactly what Mr. Qoboza said.

Mr. SOLARZ. But Bishop Buthelezi, who is also a leader in South Africa, disagrees with those sentiments and Mr. Qoboza very articulately has said that he hoped the United States would begin to show South Africa our concern with Africa.

I think the Tsongas amendment, as modified by the Evans amendment, is the responsible way to show that position; but to suggest that somehow not doing business with South Africa is going to change them is historically not correct and past history shows that it is not correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. MAGUIRE) to the amendment offered by the gentleman from Delaware (Mr. EVANS).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment, as amended, offered by the gentleman from Delaware (Mr. EVANS).

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: On page 4, delete Section 5, lines 4 through 13, and renumber the other sections accordingly.

Mr. ASHBROOK. Mr. Chairman, my amendment eliminates the section 5 prohibition against the Republic of South Africa. I find it incredible that the majority of the committee would impose tight, new restrictions on South Africa while at the same time exempting the People's Republic of China.

What we have here is a classic case of liberal double-think. Apparently it is all right for a government to systematically repress its citizens as long as such repression is conducted by a Communist government. It is only wrong and to be properly punished if conducted by a non-Communist government.

It is time to call a halt to this double standard. Without attempting to defend recent actions of the South African Government, although they can stand up in any comparison with other African nations, I would like to point out the hypocrisy that is being exhibited on this issue. Once again many Members are engaging in selective outrage, violently condemn-

ing South Africa while ignoring the denial of basic liberties and murder of innocent people in other regimes.

Despite all of its problems, South Africa is probably the freest and most open nation in Africa. Opposition parties are allowed to exist. The newspapers frequently print articles critical of the Government. People may discuss and comment on political issues.

The black-ruled dictatorships around South Africa display no similar freedom. Look at the internal policies of countries such as Uganda, Mozambique, and Tanzania. Of all the African nations that have gained independence in the last two decades how many can anybody name that have a free and democratic form of government?

South Africa is certainly not a perfect state, but it compares favorably to the rest of the African Continent and to the Communist world. I regret that we are following a course of selective morality and selective outrage.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, I just wanted to direct this inquiry to the gentleman for technical reasons. Relative to the gentleman's amendment, what he intended to do was to strike the original language in section 5 from the bill, and what he now intends to do is to strike the language as amended by the Evans amendment; is that not correct?

Mr. ASHBROOK. Yes the gentleman is correct. By striking the section we would also strike the amendment and all amendments thereto, as I understand it.

Mr. STANTON. Mr. Chairman, I thank the gentleman.

Mr. TSONGAS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is an echoing in this Chamber. Twelve years ago I was an intern to then Congressman Brad Morse. I spent my two summers as an intern working on the issue of South Africa.

We put together at that point a 200-page report on what the United States should do to disengage the apartheid policies in South Africa. That was in 1966 and 1967. If I recall correctly, there was a grand total of eight Members of Congress who were willing to sign the statement that I drafted at that point regarding what was then the Members' ICJ position on Namibia, then South West Africa.

The argument used against our position at that point was: "Let's not do anything. Let's not rock the boat; things will evolve. Things will get better."

I considered that to be a rather shallow argument 12 years ago and one I would have been embarrassed to pursue myself. But to argue today 12 years later that that same approach should be followed, I think, speaks for itself. Events will overtake us. It is my hope that the Congress today will try to get ahead of them.

Mr. Chairman, let me quote from the Washington Post of May 4, 1978:

> The political meaning of the Tsongas amendment is nonetheless clear. The American public's consciousness of apartheid is being raised. From the administration, the idea has spread to Congress that American relations with South Africa will inevitably deteriorate further if Pretoria is not seen to be moving with all deliberate speed to alter the nature of a system that virtually all Americans, regardless of their differences on tactics, regard as an abomination and as a temptation to society-wide violence. Many in South Africa seem to feel their country can tough it out: circumvent or survive the Carter administration and find more "understanding" for apartheid elsewhere in the American body politic. The Tsongas amendment says South Africa is wrong.

Mr. Chairman, it is time for this Congress to say exactly the same thing.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Ashbrook amendment. I will endeavor not to repeat the many eloquent arguments that have been made with respect to this issue. But I would like to speak very specifically and, hopefully, very profoundly to the rather fragile argument that my distinguished colleague raises when he articulates the notion of selective morality, and take the Members back, for just a moment, in responding as directly as I can, to that argument of several years ago in this country. The very same arguments applied then, probably offered by the very same mentality that offers them now, when blacks in this country began to challenge the evil of racism, discrimination, prejudice, Jim Crow, and oppression that existed in the South of this country.

Many people said this happens all over America. Why are you singling out the South? There are racists in Berkeley, there are racists in New York, there are racists all over America. Why should we challenge the South with all of these civil rights movements? This is selective morality.

Mr. Chairman, Martin Luther King was a brilliant man. He understood, from the standpoint of strategic tactics, as well as principles, that indeed, it was true that the evils of racism and prejudice and oppression did exist for blacks, browns, reds, yellows, women, and many other people all over our country.

But he knew that, in order for the rest of the country to introspect about the evil that was being perpetrated across the country, we had to challenge that evil where it was most symbolic, where it had longevity, where it had history of high visibility. For in challenging it where it was most evil, we were then able to challenge it where it was considered more subtly.

Mr. Chairman, South Africa is the South of the world. I would agree that human rights violations exist all over the world, including this country. The fact that the Wilmington 10 are still in jail is testimony to that reality. The United Nations has never given us sanctions and said we are not violative of human rights.

So, yes, indeed, just as civil rights was a journey that this Nation had to go on, starting in the South of America, human rights is, indeed, a journey that the entire world must go on.

Mr. Chairman, I would ask my colleagues to consider this: My distinguished colleague indicated that this is a commercial world, where all we do is commercial business. We have an interest, I say to my colleagues, in challenging the evil in South Africa for this important reason; today the world is growing smaller, and countries are increasingly interdependent and interrelated. Anyone who does not understand that is either a fool or a naif, and I would hope that none of my colleagues fall into these categories. But the problems of war and peace proliferate. Nuclear weapons, ecological problems, economic problems, problems of hunger, malnutrition, starvation in the world, these are issues which transcend national borders, which will require the highest and best in all of us. It will require our ability to communicate. But we certainly must overcome the ravages of human rights if we are ever going to deal with the problems of such magnitude that I have just articulated.

Mr. Chairman, South Africa has to journey, in terms of how it deals with human beings in 1978, given the magnitude and the perplexity of the problem.

That there are still some white people on the face of this Earth who still believe that they are superior, this is inane, this is stupid. It would seem to me that this Congress, this great deliberative body, representing the American people, ought to be the champions of human freedom.

Yes, we started a journey in the South of this country relative to human rights, a journey that this country is still embarking upon. The journey for human rights is one which has to continue. We have heard talk about Uganda, China, other places. I agree that human rights is not a reality all over the world, but let us start it where it is most evil, where it is most vocal and visible.

How can a handful of people at this moment in the evolvement of our history still believe the insane, ludicrous notion that they are superior to other people on the basis of color of skin? This is incredible. It would seem to me that we should not in any way embrace that notion. And for the gentleman to offer a motion to strike, even a flimsy, weak gesture, to make this statement, defies my understanding. We have a profound obligation here, if we are committed to anything, to deal with the question. So let us start with South Africa.

The CHAIRMAN. The time of the gentleman from California (Mr. DELLUMS) has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I thank the gentleman for yielding.

I think he has taken a very moderate approach in this debate.

Mr. DELLUMS. I do not feel very moderate. I feel very angry, because of the ludicrous nature of the debate that has occurred thus far.

Mr. ASHBROOK. I imagine it was on the basis of all of the debate thus far that I did not feel it was necessary to bombastically point out all of the reasons I feel I should support this amendment.

I think my colleague from California is properly pointing out the problems of South Africa, but I think there are equal problems throughout Africa to which we are not addressing ourselves. The gentleman is simply saying, from his point of view, here he thinks the worst problem is, while overlooking other African nations which have similar problems.

Mr. DELLUMS. That is not my assertion, that we overlook these realities.

I have suggested, for example, in a number of conversations with the distinguished gentleman that what this House of Representatives ought to do is establish some mechanism which allows us to define what the hell we mean by human rights. Here on the floor we do not know. Most of us are talking between our ears, and we do not understand what we mean.

The CHAIRMAN. The time of the gentleman from California (Mr. DELLUMS) has again expired.

(On request of Mr. BROWN of Michigan and by unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, it is not my suggestion that we ignore it. My suggestion is that we find some competent capable way of defining the issue in some nonpolitical terms so that those on the right do not attack the left, and those on the left do not attack the right. Let us attack the problems of the violation of human rights regardless of where the violation occurs.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I thank the gentleman for yielding.

The only thing I would say to my friend, the gentleman from California (Mr. DELLUMS), is that I agree with him 100 percent on this point.

The fact that we do not have a basic guide for human rights is the best argument for my amendment. I happen to think that Liberia impinges on the civil rights and human rights of many people by placing in their constitution a provision that a person of my race cannot own property there. Do you think that is a human rights violation or not? Until we seriously address this problem as my friend states we will be floundering around on amendments and section 5's of this and other bills.

We cannot go to any nation and talk intelligently until we define what human rights are and apply them uniformly.

Again, I think that what the gentleman says is the best argument for my amendment.

Mr. DELLUMS. Mr. Chairman, my response is simply that if Dr. Martin Luther King and others had not dealt with the problem in the South, we would still be dealing with human rights in this country.

We have to start somewhere. Where the problem is highly visible is the place at which it has to start. Then we can deal with areas in which it has manifested itself.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Wisconsin.

Mr. REUSS. Mr. Chairman, I want to commend the gentleman from California (Mr. DELLUMS) for what he has said about selective morality. I think he has laid that one to rest.

The fact is that the apartheid-boasting minority of South Africa are the descendants of Dutch and British people, two peoples who have followed progressive and human rights-oriented goals. Of those to whom much is given by way of heritage, much shall be required, so I do not think we need to waste any time here today in discussing other horrible things on the face of the globe.

The language of the amendment addresses itself to South Africa, and that is what we should vote on.

Mr. DELLUMS. Mr. Chairman, I thank my colleague, the gentleman from Wisconsin.

The CHAIRMAN. The time of the gentleman from California (Mr. DELLUMS) has again expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DOWNEY. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from New York.

Mr. DOWNEY. First of all, Mr. Chairman, I think the reality of this amendment is that it is a blueprint for doing nothing.

My friend, the gentleman from Wisconsin (Mr. REUSS), the chairman of the Committee on Banking, Finance and Urban Affairs, has also pointed out what we are dealing with is a country which holds itself to be a 20th century democracy, with the rule of law of a democracy.

Mr. Chairman, I think at the same time it systematically represses 10 million people. The hypocrisy of that regime speaks for itself.

Mr. DELLUMS. Mr. Chairman, in the remaining moments I have, I would simply like to point out to my distinguished colleagues that we have to hope for a world in which we have people capable of living with each other in peace, in a spirit of cooperation, and with human dignity. That cannot occur as long as there is not equity in our perception of each other as human beings or as long as we continue to see ourselves as superior and inferior. We will never have peace. We will never have the kind of tranquility which we definitely need.

Mr. Chairman, this amendment speaks to South Africa. Let us address that reality. I do not think anyone here can give me an articulate reason that we should not challenge the South African regime. I do not think anyone here can stand up and argue eloquently in defense of the inhumaneness in South Africa.

Given that reality, let us vote down this amendment, because it strikes at even the most modest effort on the part of this committee to do something we should have done a long time ago, and that is to strike a blow for human freedom and human dignity all over the world.

If South Africa is the place in which to start, let us start there.

Mr. BROWN of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this debate I think is tremendous, for it discusses all aspects of the problem, and I think the gentleman who preceded me in the well has stated the position toward apartheid of most of the Members of the House. But, that is not the issue in this legislation. The issue in this legislation is, do we accomplish, do we have a better chance of accomplishing that cause which has been so well espoused here in the well by having language that constitutes a ban on the use of the Bank's facilities pertaining to South Africa, or leave the law in such a way that the needs of South Africa for the utilization of the Bank can be leveraged to accomplish the social goals we all apparently champion?

Now then, probably 95 percent of the utilization of the Bank is really of no great significance to South Africa. They can get similar help from the French, the Japanese, the British, or around the world. But, there are some things that probably are very important, and utilization of the Bank with respect to these transactions is very important to South Africa. Would not it be much better to permit the President—as he has already done to a certain extent—to permit the President in these critical areas where it is essential to utilize the Bank by South Africa, to say to the South African Government, "I will waive the prohibition. I will waive the prohibition if you show me progress in the human rights, elimination of apartheid areas. You have this matter pending before you. Show me progress, and I will consider it and I will consider authorizing the transaction."

That way, we have leverage. That way, we just do not deal in rhetoric. We actually have a mechanism for accomplishing that which I hope we all want to accomplish, and not just talk about it.

I wonder how many Members who have spoken in the well this morning in support of the basic ban or some kind of provision to limit access to the Bank, I wonder how many have talked to the President and urged him to exercise the authority he already has to limit or ban any Export-Import Bank involvement in transactions affecting South Africa or South African firms? I commend the gentleman from Maryland; I commend the gentleman from California in that they may have been successful in part, although I think the policy has been in existence longer than that.

There are no extensions of credit to South Africa at the present time—no extensions of credit. There are no

guarantees or insurance, I do not believe, beyond 2 years. I see a gentleman shaking his head, and I would be glad to be corrected—3 years? But, in any case, the President under existing authority has imposed limitations. He can at the present time totally terminate South African access by the Government of, or by firms in, South Africa, to the Export-Import Bank.

Mr. TSONGAS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Massachusetts.

Mr. TSONGAS. The point of the amendment is this. If the action is taken solely by the Executive this will happen.

Mr. BROWN of Michigan. Before the gentleman proceeds, does not the gentleman see the logic of my argument about the leverage, that something of greater significance can be accomplished by leverage than by bans?

Mr. TSONGAS. Will the gentleman yield to me?

Mr. BROWN of Michigan. I will be glad to yield to the gentleman so long as he addresses himself to my basic statement rather than if he just repeats what we have already heard more than twice.

Mr. TSONGAS. But if in South Africa he would say to himself they cannot do that in that way, there is a unified American approach, that is the difference.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. BROWN) has expired.

(By unanimous consent, Mr. BROWN of Michigan was allowed to proceed for 30 additional seconds.)

Mr. BROWN of Michigan. Mr. Chairman, what makes anyone think that a law passed by the Congress, that can be repealed at any time, has in some way greater perpetuity than a President who will at least serve until 1980?

Mr. CHARLES WILSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with my unrestrained tendency to be on the losing side, I rise to support the amendment of the gentleman from Ohio.

I would first like to say, when the gentleman from New Jersey (Mr. MAGUIRE) passed this letter out condemning the death of Steve Biko, I was anxious to be a signer.

I would also like to say that over Easter when I was in South Africa, I have never been more horrified than I was by the conditions that exist in Soweto. I was absolutely stunned. I could not believe it. I did not have any discussions with Afrikaaners that did not deteriorate into a quarrel, including the breaking up of a dinner party in a rather distressing fashion. But I would like to give a little bit of insight that I got in South Africa during my visit to Soweto when I was out there.

The big difference between the United States and the Government of South Africa now has to do with the proposal of the gentleman from Michigan (Mr. DIGGS), the chairman of the South African Subcommittee. He had a great success, because he was able to get the little pathetic YMCA that exists there—built with charities from South African citizens—through great effort Mr. DIGGS was able to get them to set aside one room in the YMCA as a reading room. They are lined up waiting to get into it, because it is the only place they can get books and read about Martin Luther King and George Washington Carver and other successful American blacks.

We have appropriated the money to build a library there and so far South Africa will not even let us build a library there for those people so they can read.

But the point of this story was that in Soweto I had conversations with three or four of the black leaders, most of whom spent most of their time in jail. I did not find any that did not think that economic sanctions at this time—and this had to be considered an economic sanction—by the United States in an explicit and definitive way such as this would deteriorate progress that is being made.

American corporations are the only people there that are willing to pay equal pay for equal work. I could not find any people that did not feel any economic losses South Africa suffered would fall most heavily upon the oppressed people of Soweto. For that reason I will join the small band that supports this amendment.

Mr. MAGUIRE. Mr. Chairman, will the gentleman yield?

Mr. CHARLES WILSON of Texas. I yield to the gentleman from New Jersey.

Mr. MAGUIRE. Did the gentleman feel people who spoke to him felt completely free when they expressed their views to him?

Mr. CHARLES WILSON of Texas. I would like to address that. This is what caused the breakdown of the dinner party. There was an Indian there who was a very militant civil rights advocate and very much an opponent of the regime. And at the dinner party I asked him, I said: "All right now," he happened to favor economic sanctions, I presume, but I asked him: "Just tell me when I go back, because I will write a report, do you think I should write it favoring or opposing economic sanctions?"

He did not answer me. I said: "Answer me." He said: "I cannot, because with the people here at this table, if I answered you truthfully, I would be banned by morning."

That impressed me a great deal.

Mr. MAGUIRE. That is the point I am trying to make.

Mr. CHARLES WILSON of Texas. After that whenever I spoke to any of the black leaders I spoke to them alone, out in the streets.

Mr. MAGUIRE. Mr. Chairman, if the gentleman will yield further so that I might pursue this point with the gentleman, it would seem to me that there may not be a representative sample of feelings as a result of a couple of conversations the gentleman had.

Mr. CHARLES WILSON of Texas. You can only deal with your instincts, but I do believe that the blacks I talked to trusted me. I have done some specific things for a couple of them, and I spoke to them only when it was impossible to have any sort of electronic surveillance whatever and I think that they were telling me the truth.

Mr. MAGUIRE. I might mention that there are others, such as Donald Woods, who is a white, and groups such as Amnesty International, the American Committee on Africa, church groups, and others, who I believe are in close touch with black opinion there and who would, I believe, contradict the gentleman in his position.

Mr. CHARLES WILSON of Texas. Have they said that we should invoke economic sanctions?

Mr. MAGUIRE. Yes, many black South African leaders do. But what I am saying is that these groups who are in touch with black spokesmen in South Africa give a different account than the gentleman has given.

Mr. CHARLES WILSON of Texas. Do not misunderstand, I speak not one word in favor of the social system in South Africa.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. DELLUMS, and by unanimous consent, Mr. CHARLES WILSON of Texas was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. CHARLES WILSON of Texas. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman mentioned a few seconds ago that one has to operate on one's instinct and I think the gentleman is correct. Let me take you back again, historically so as to use an analogy—the civil rights movement. At that time there were many people who talked about the black leaders, and who frequently quoted them, but I always wondered who the black leaders were, because it seemed that the people were deciding who the black leadership was based upon their own views.

I have talked to people in South Africa and they have said, "Bring on your economic sanctions because it will be a blow toward establishing human freedoms and an effort toward establishing human dignity for us. We can handle the economic sanctions, because we know there is a purpose and a time frame that is involved which allows us to endure. We are people who can struggle within that time frame, because we know that ultimately this strategic approach can assist in the achievement of our dream of freedom and bring us human dignity."

So, the gentleman can quote black South Africans who say, "Don't bring down the economic sanctions," that is true, but I can quote many, many more who say, "Bring on the economic sanctions, because they are preferable to what we have now and through that strategy we can achieve our goals and we will be able to preserve our freedoms and our dignity. Through this we will be able to challenge the supremacy theory." Thus, the gentleman is correct. One must trust one's instincts.

If those instincts embrace the principles of freedom and dignity, I say that we should strike down the amendment before us at this time.

Mr. DOWNEY. Mr. Chairman, will the gentleman yield?

Mr. CHARLES WILSON of Texas. I yield to the gentleman from New York.

Mr. DOWNEY. Mr. Chairman, first of all let me say that I am sure the gentleman from Texas does abhor apartheid. But is the gentleman familiar with the Senate report on American corporate activities in South Africa? Because it contradicts some of the things the gentleman has just said.

Mr. CHARLES WILSON of Texas. Is the gentleman referring to Senator CLARK's report?

Mr. DOWNEY. That is correct.

It says that the net effect of American investment has been to strengthen the economic and military self-sufficiency of South Africa's apartheid regime, undermining the fundamental goals and objectives of U.S. foreign policy.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. DOWNEY and by unanimous consent, Mr. CHARLES WILSON of Texas was allowed to proceed for 2 additional minutes.)

Mr. DOWNEY. Mr. Chairman, if the gentleman will yield further, I repeat, it says that it is undermining the fundamental goals and objectives of U.S. foreign policy.

Whatever they are.

But I think the point is clear that the American corporate involvement has been aimed, again to quote the report:

> But by comparison with the abysmal performance of U.S. corporations in the past, these efforts to express condemnations of apartheid, and exert a measure of influence toward its erosion, represent some degree or process in the directions of a socially responsible multinational role in a society that has shown little capacity for significant change on its own.

I think they are changing, but I still have the feeling that it was the same in the years prior to the Second World War when there were those who argued that we should do business with Nazi Germany and with Japan and in that way we possibly could get them to change, but that did not prove to be true. And the gentleman from Massachusetts (Mr. TSONGAS) has given the same argument that nothing has changed in the last 12 years, and, therefore, this is one of the very first starts.

It would show the South Africans that, hopefully, then we are, as a government, going to have less and less to do with them without precipitating revolution, without precipitating bloodshed, but giving us as a government some voice so that in the future when majority rule does come to South Africa, we will be able to say we participated; we wanted to see it happen and we wanted to see it happen nonviolently, and this is one of the ways in which we can achieve that goal.

Mr. CHARLES WILSON of Texas. I understand the gentleman's position perfectly. I simply disagree with it.

In closing, I would like to say that in line with what some of the members of the minority have said, it does seem to me to be an impossible double standard. I would prefer to be a black in Soweto than to be a Jew in much of Eastern Europe. I think we should keep those things in mind.

Mr. STANTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this vote is a tough vote for the Members who are here present or those who are listening. The amendment, as I look at it, of the gentleman from Ohio (Mr. ASHBROOK) is something that many of us fought very hard for during the committee hearing. We did it despite some pressure from people who were wondering if we are for or against apartheid, and that is not the case at all. It was a question of trying to keep the Export-Import Bank from, No. 1, being politicized for any reason and, No. 2, to leave where it is now the flexibility of the administration that they wanted upon which they have acted to stop direct loans, to limit insurance, and so forth, to 3 years. Since that time we fought hard against the Tsongas amendment. We have fought hard for 2½ hours here now for the amendment offered by the gentleman from Delaware (Mr. EVANS), an amendment which was a compromise amendment. I do know that Mr. TSONGAS certainly wanted to keep his original language in principle. The gentleman from Maryland wanted the principle of the Tsongas amendment, and we had principles on this side. We debated it for 2½ hours and came to the conclusion that the Evans amendment is in keeping with what the American industry is doing in South Africa. It is good, we hope, for those that it would aid and, therefore, we support the Evans amendment.

I would say, though, in all fairness that the administration supports the Ashbrook amendment. I think the gentleman should be shocked at that. I give him an opportunity to deny it, if he so desires.

Mr. ASHBROOK. If the gentleman will yield, I do. I had no idea that in this isolated instance the Carter administration had shown some reformed reason.

Mr. STANTON. Maybe, then, the gentleman would in light of that withdraw his amendment.

Anyhow, they did write to me and say what they did want was to keep the flexibility, to allow the President to act as he has acted now to cut off direct loans; and that they are reviewing the situation; and that legislative authority currently exists to curtail such financing to South Africa; and that the administration is reviewing the prohibition of export-import financing as a policy option, and, therefore, they prefer that the flexibility to act on this issue remain available, and that, therefore, they would be for the Ashbrook amendment. It was a tough decision. Fighting as we did for the Evans amendment, I am compelled to support it.

Mr. GOLDWATER. Mr. Chairman, while we may disagree with the policy of apartheid—and it is for certain I disagree with it—the bill before us will not alleviate this situation one wit. Punitive action against an industrial power like South Africa is only symbolic, and it does nothing to promote the aspirations of black people in that country.

One of the most respected black leaders in South Africa is the Zulu Chieftan, Buthelezi. In fact, it has often been said that he is to the black population in South Africa what Dr. Martin Luther King was to blacks in this country. Chief Buthelezi is constantly a thorn in the side of the white government in Pretoria, so he is his own man. What does he say about actions comparable to this denial of Eximbank guarantees to South Africa? Simply that it does not help black or white.

South Africa is a western country. It was a valuable ally in World Wars I and II. When countries deserted us right and left in the Korean war, South Africa came in and gave us support. In reality they have asked little of us. They have not slapped embargoes on us. They do not hold back valuable minerals that we need for industrial development and jobs because they disagree with our foreign policy. Yet, every time I turn around we are trying to kick their backsides.

South Africa is making progress in racial relations—perhaps not as fast as we would like. But how long did it take this country to give blacks voting rights? How long did it take this country to allow blacks to eat in restaurants as a part of national policy? Oh, how forgetful we are, how sanctimonious.

If we truly want to help blacks in South Africa, we will encourage American countries there to continue their policy of equal pay for equal work, we will work quietly and firmly to encourage Pretoria to relax racial restrictions, and we will stop trying to grandstand to the rest of the world with punitive, churlish legislation that only intensifies the problem.

The rest of the world is geting a little fed up with our cries of "foul ball," especially at a time when we seem to have trouble getting our own house in order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The question was taken; and on a division (demanded by Mr. ASHBROOK) there were—ayes 14, noes 36.

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announced that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears. Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared.

A quorum of the Committee of the Whole is present. Pursuant to clause 2,

rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Ohio (Mr. ASHBROOK) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 116, noes 219, not voting 99, as follows:

[Roll No. 403]

AYES—116

Abdnor	Fountain	Miller, Ohio
Ambro	Goldwater	Mitchell, N.Y.
Andrews, N.C.	Gonzalez	Montgomery
Andrews, N. Dak.	Gudger	Moore
Archer	Guyer	Moorhead, Calif.
Armstrong	Hagedorn	Murphy, Pa.
Ashbrook	Hall	Myers, John
AuCoin	Hamilton	Obey
Badham	Hammer-schmidt	Pettis
Bafalis	Hansen	Pickle
Bauman	Harsha	Poage
Beard, Tenn.	Hefner	Quillen
Bowen	Hightower	Rhodes
Broomfield	Holt	Roberts
Brown, Mich.	Huckaby	Robinson
Brown, Ohio	Ichord	Satterfield
Broyhill	Ireland	Schulze
Burke, Fla.	Jeffords	Shuster
Burleson, Tex.	Johnson, Colo.	Skubitz
Butler	Jones, N.C.	Smith, Nebr.
Cederberg	Jones, Okla.	Snyder
Chappell	Kazen	Spence
Clawson, Del	Kelly	Stangeland
Coleman	Kemp	Steiger
Conable	Ketchum	Stockman
Corcoran	Kindness	Stratton
Crane	Lagomarsino	Symms
Cunningham	Lent	Taylor
Daniel, Dan	Livingston	Treen
Daniel, R. W.	Lloyd, Tenn.	Vander Jagt
Derwinski	Lott	Wampler
Devine	McDonald	Whitehurst
Dickinson	McEwen	Whitley
Dornan	Madigan	Wiggins
Duncan, Tenn.	Mahon	Wilson, Bob
English	Mann	Wilson, Tex.
Erlenborn	Marriott	Winn
Findley	Martin	Young, Fla.
Flynt	Michel	

NOES—219

Addabbo	Conte	Giaimo
Ammerman	Corman	Gilman
Anderson, Calif.	Cornell	Glickman
Anderson, Ill.	Cornwell	Goodling
Annunzio	Coughlin	Gradison
Applegate	D'Amours	Grassley
Aspin	Danielson	Green
Baldus	Davis	Hanley
Barnard	Delaney	Harkin
Beard, R.I.	Dellums	Harrington
Bedell	Dicks	Harris
Beilenson	Dodd	Hawkins
Benjamin	Downey	Heckler
Bennett	Drinan	Heftel
Biaggi	Duncan, Oreg.	Hillis
Bingham	Early	Hollenbeck
Blanchard	Eckhardt	Holtzman
Blouin	Edgar	Horton
Boggs	Edwards, Calif.	Hughes
Boland	Eilberg	Jenkins
Bonior	Ertel	Johnson, Calif.
Bonker	Evans, Colo.	Jones, Tenn.
Brademas	Evans, Del.	Jordan
Breckinridge	Evans, Ind.	Kastenmeier
Brinkley	Fary	Kildee
Brodhead	Fascell	Kostmayer
Brooks	Fenwick	Krebs
Buchanan	Fish	LaFalce
Burke, Mass.	Fisher	Le Fante
Burlison, Mo.	Fithian	Leach
Burton, Phillip	Flippo	Lederer
Byron	Flood	Leggett
Caputo	Florio	Lehman
Carter	Ford, Mich.	Levitas
Cavanaugh	Fowler	Lloyd, Calif.
Chisholm	Fuqua	Long, La.
Clay	Gammage	Long, Md.
Cleveland	Garcia	Luken
Collins, Ill.	Gaydos	McClory
	Gephardt	McCloskey
	McDade	Ottinger
	McFall	Panetta
	McHugh	Patterson
	McKinney	Pattison
	Maguire	Pease
	Markey	Pepper
	Marks	Perkins
	Mattox	Pike
	Mazzoli	Preyer
	Meeds	Price
	Meyner	Pritchard
	Mikulski	Quie
	Mikva	Rahall
	Miller, Calif.	Railsback
	Mineta	Rangel
	Mitchell, Md.	Regula
	Moakley	Reuss
	Moffett	Rinaldo
	Mollohan	Risenhoover
	Moorhead, Pa.	Rogers
	Murphy, Ill.	Roncalio
	Murphy, N.Y.	Rooney
	Murtha	Rosenthal
	Myers, Gary	Rostenkowski
	Myers, Michael	Roybal
	Natcher	Russo
	Neal	Sarasin
	Nedzi	Scheuer
	Nichols	Schroeder
	Nix	Seiberling
	Nolan	Sharp
	Nowak	Simon
	O'Brien	Slack
	Oberstar	Smith, Iowa
	Solarz	
	Spellman	
	Staggers	
	Stanton	
	Stark	
	Steed	
	Steers	
	Stokes	
	Studds	
	Thompson	
	Traxler	
	Trible	
	Tsongas	
	Udall	
	Van Deerlin	
	Vanik	
	Vento	
	Volkmer	
	Walgren	
	Walker	
	Walsh	
	Weaver	
	White	
	Wirth	
	Wolff	
	Wright	
	Wydler	
	Yates	
	Yatron	
	Young, Mo.	
	Zablocki	
	Zeferetti	

NOT VOTING—99

Akaka	Fraser	Rodino
Alexander	Frenzel	Roe
Allen	Frey	Rose
Ashley	Gibbons	Rousselot
Baucus	Ginn	Rudd
Bevill	Gore	Runnels
Bolling	Hannaford	Ruppe
Breaux	Holland	Ryan
Brown, Calif.	Howard	Santini
Burgener	Hubbard	Sawyer
Burke, Calif.	Hyde	Sebelius
Burton, John	Jacobs	Shipley
Carney	Jenrette	Sikes
Carr	Kasten	Sisk
Clausen, Don H.	Keys	Skelton
Cochran	Krueger	St Germain
Cohen	Latta	Stump
Collins, Tex.	Lujan	Teague
Conyers	Lundine	Thone
Cotter	McCormack	Thornton
de la Garza	McKay	Tucker
Dent	Marlenee	Ullman
Derrick	Mathis	Waggonner
Diggs	Metcalfe	Watkins
Dingell	Milford	Waxman
Edwards, Ala.	Minish	Weiss
Edwards, Okla.	Moss	Whalen
Emery	Mottl	Whitten
Evans, Ga.	Oakar	Wilson, C. H.
Flowers	Patten	Wylie
Foley	Pressler	Young, Alaska
Ford, Tenn.	Pursell	Young, Tex.
Forsythe	Quayle	
	Richmond	

Messrs. CLEVELAND, CAPUTO, and RISENHOOVER changed their vote from "aye" to "no."

Messrs. MOORHEAD of California, BROWN of Ohio, and HEFNER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. AUCOIN

Mr. AUCOIN. Mr. Chairman, I offer a perfecting amendment to section 6.

The Clerk read as follows:

Amendment offered by Mr. AUCOIN: Page 4, line 19, immediately after "China" insert the following: "unless the President finds that this would not be in the national interest."

Page 4, line 22, immediately after "China" insert the following: "unless the President finds that this would not be in the national interest."

Mr. AUCOIN. Mr. Chairman, this amendment as I indicated, is a perfecting amendment to section 6 which is a section that would at some future time, put in place the machinery for the Eximbank to provide lines of credits for transactions of U.S. exporters with the People's Republic of China.

My purpose in offering this perfecting amendment is not to get into the substance of section 6. Suffice it to say that section 6 is in the bill for two reasons. It was passed by the Subcommittee on International Trade and by the Committee on Banking, Finance and Urban Affairs, by substantial margins. The section is in the bill for two reasons: No. 1, this country is running a trade deficit and last year that trade deficit was some $29 billion. It also recognizes that that kind of a trade deficit weakens the dollar, encourages inflation, saps our economy, cripples our ability to put people to work, and does general economic damage to our country.

Secondly, it recognizes a phenomenon that is taking place in mainland China and that is that that country is embarked on an unprecedented industrialization program.

It recognizes that because of that change in policy, mainland China is becoming a prime buyer in the international trade community. A number of our own trading competitors in the world; namely, Japan and the Common Market, are now very aggressively taking advantage of that market because of the concern they have for their own economies and because of the concern that they have for their own balance-of-payments position.

So what this amendment says is that we also ought to give the United States the opportunity to follow the same course and not let that mainland China market go to our competitors in the future.

There have been some who have said that by the provisions in section 6, forces the President's hands in a way that may not be desirable; namely, that it removes discretion on his part.

It is because of that concern that I offer this perfecting amendment. It has been read by the Clerk and I think that makes the motion clear.

It allows the President to play a trump card and say that such transactions shall not be applied if he in his own judgment feels that those transactions would somehow not be in this Nation's best interests. It is because of that concern and my anxiousness to respond to it that I offer this amendment. I hope the subcommittee chairman who has worked diligently on this bill is prepared to accept it, and I would hope that the ranking minority member would be prepared to accept it as well.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. I yield to the gentleman from North Carolina.

Mr. NEAL. I thank the gentleman for yielding.

I would like to commend the gentleman on his perfecting amendment. I do think it improves this section of the bill, and we are prepared to accept it on this side.

Mr. STANTON. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. I yield to the ranking Republican Member.

Mr. STANTON. I thank the gentleman for yielding.

As the gentleman said, there will be an attempt in a moment to strike the entire section, but this particular perfecting amendment is a good one, and we certainly accept it.

Mr. KELLY. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. I am very pleased to yield to my friend, the gentleman from Florida.

Mr. KELLY. I thank the gentleman for yielding and for being very pleased.

As I understand the gentleman's position, in the quest to solve our balance-of-payments situation and in our quest for employment for our people, the gentleman is suggesting that where it is not against our national interest that we deal with Communist countries, whether they are a champion for human rights or not, we should deal with them under those circumstances. Do I understand the gentleman's position correctly?

Mr. AUCOIN. My response to the gentleman from Florida is simply this: As he himself stood in the well a few minutes ago and said in the case of the South African amendment, the Eximbank is an instrument by which this country can improve our trade posture, can improve our balance-of-payments deficit, and that, furthermore, there are such overriding concerns in this area that trade really ought to be a natural kind of question and ought to be distinguished from foreign aid which is an entirely different matter. As a result, yes, we ought to be trading as aggressively as we can.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. KELLY, and by unanimous consent, Mr. AUCOIN was allowed to proceed for 2 additional minutes.)

Mr. AUCOIN. We ought to recognize that trade is not a gift to another country; trade is something that works to our advantage; and, more than that, trade does not convey any form of approval of the country that this Nation is trading with.

Mr. KELLY. If the gentleman will yield further, then the gentleman is recognizing that when we go forth in the world to sell, we have to meet the competition on the terms of the competition, and the idea of our imposing limitations, political limitations, is just inconsistent with the purpose of what we are trying to do here.

Mr. AUCOIN. The gentleman knows that is my position and that is the principle he enunciated, and other Members on his side of the aisle have enunciated, and Members on this side of the aisle have enunciated as well. I think it is a position that argues in favor of not only the perfecting amendment but also section 6.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VANIK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have no objection to any efforts to perfect the legislation, but as soon as it is perfected I want to offer an amendment which would strike the entire section. I will argue about that later. I will offer the amendment that our colleague, the gentlewoman from New Jersey (Mrs. FENWICK) was going to offer. I would like to offer that amendment immediately upon the completion of the action on the perfecting amendment. I do not think that title VI can be perfected. The perfecting amendment does not take care of the basic objections that I want to discuss in just a few moments. I merely want to advise my colleagues in the Committee that this effort will be made immediately after the Committee completes its work on the efforts of the gentleman from Oregon (Mr. AUCOIN) to perfect the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. AUCOIN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VANIK: Page 4, line 14; strike out section 6, lines 14–22.

Mr. VANIK. Mr. Chairman, the language that I seek to strike by striking title VI is the language that would provide authority for the extension of Export-Import credits to the People's Republic of China. The views in support of my amendment are in the report which has been prepared by the gentlewoman from New Jersey (Mrs. FENWICK) and Messrs. BLANCHARD, D'AMOURS, GRASSLEY, GREEN, STEERS, and WYLIE. Their views set forth reasons for which this amendment ought to be adopted.

I want to point out to my colleagues that the Trade Act of 1974 set forth a very responsible studied approach to the whole problem of trade and the extension of credits.

I think what we have here is an effort to run around the flank of the Trade Act and circumvent it in order to do something special for the People's Republic of China.

Now, I cannot speak with any expertise on human rights in the People's Republic of China. All I can say is to my knowledge they do not even have an office where one can apply for an exit visa. I do not believe a form exists in the People's Republic of China where one can apply for an exit visa. For all I know, there might be 25 or 30 million people that might be trying to get out of the country. We have no way of knowing whether there is any kind of respect for human rights. The country is still a closed place.

I think to make this overture at this time to get around the Trade Act of 1974 would be a dreadful mistake. I do not think we ought to do it. As a matter of fact, as far as I know, the country has not even asked for this.

Now, my colleague talks about trade deficits. I have been dealing with the problem of trade deficits very seriously and for a long time. I do not think there is anything in the prospect of this trade to any degree we can measure that would justify us for unilaterally moving forward and opening up the gates of our Treasury, of our Export-Import Bank, to finance trade in a special way to the People's Republic of China.

I suppose there might be some advantages for certain ports on the Pacific coast that might have the benefit of tremendous China trade; but there is nothing to indicate at this time that this action ought to be taken. I think we ought to have the opportunity to study our relationship with the People's Republic of China. I think that at this point it would be a mistake to single out the People's Republic of China and say that they meet our standards or they meet our expectations in the area of human rights and, therefore, they deserve this special privilege over and beyond that that might be extended to other countries. At some other time we may be able to accept the objectives of title VI, but we are not ready at this time.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I am happy to yield to the gentleman from Illinois. I know the gentleman's State has some wheat to sell and I would hope we might fully explore such sales.

Mr. FINDLEY. Mr. Chairman, I hope my interest extends beyond the price of wheat, important as that is.

The gentleman said that he views this as an effort to run around the Trade Act of 1974. It is my opinion, supported by members of the committee that produced this legislation, that this language would not affect the Trade Act of 1974, that the Jackson-Vanik amendment with its strictures on immigration policy would continue in full effect, notwithstanding this new language.

Mr. VANIK. What does it do? Tell me what the bill does.

Mr. FINDLEY. Mr. Chairman, I think it might be better if the author of the language would respond.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I will be happy to yield to the chairman of the subcommittee.

Mr. NEAL. Mr. Chairman, I am not the author of the language, but I am very much a supporter of the language because I think it does something beneficial for our country.

It is the official policy of our country that we move toward normalization of relations with the People's Republic of China and some think we ought to move much faster than we are.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. VANIK) has expired.

(On request of Mr. NEAL, and by unanimous consent, Mr. VANIK was allowed to proceed for 4 additional minutes.)

Mr. NEAL. Mr. Chairman, if the gentleman will yield further, I personally do not think we ought to move faster than we are.

I was in China earlier this year and spoke with Teng Hsiao-ping, Vice Premier of the country, and he told me they would like to normalize relations. He said, "We would like to normalize relations, but," he said, "we can wait. We are

in no hurry." He said, "We can't wait a hundred years, we can't 200 years, but we can wait."

I think we can wait a little while, too. Although I do not think we should normalize relations under their conditions concerning Taiwan, it seems to me the provisions of our bill offer a symbolic gesture to the People's Republic of China. We would be saying to them that we want to continue and expand the initiatives we began in 1972.

We have some strategic interests in common. They want to contain the Russians; I think we also would like to contain the Russians. I certainly think that is important. And one Member pointed out earlier in the debate, the Japanese have signed trade agreements with the People's Republic of China to export to that country something like $20 billion worth of goods and services over the next several years. Why should we not trade with them. We could certainly use the jobs and profits and a reduction in our trade deficit.

We are in no way saying we should endorse their standards. We are not making a statement on that in any way whatsoever. All we are saying is that we are willing to talk and deal, in a nonhostile way, with 25 percent of the world's population.

By adopting this amendment, we would in no way affect the Trade Act of 1974, and we would in no way modify the Jackson-Vanik language that is a part of our law. I am not even sure we would promote exports in the near term. This is symbolic, almost purely symbolic.

We would only be saying that we recognize that 25 percent of the world's population exists, that we would like to be in dialog with it, and that hopefully we might end up selling some of our products to those people.

Mr. Chairman, I thank the gentleman for yielding.

Mr. VANIK. Mr. Chairman, I would like to say in response to the gentleman from North Carolina (Mr. NEAL) that I can see a time in the future we might reach this point. But this would give the People's Republic of China a preference, would it not?

Mr. NEAL. No; it would not.

Mr. VANIK. Certainly it would give them a preference over the Soviets and over some other countries?

Mr. NEAL. That is quite correct.

Mr. VANIK. Are we sure we want to do that? Does the Committee on International Relations have any feeling about this? It seems to me that committee should have been involved in this issue.

This certainly is a great dramatic change of policy, and it affects our relationships with other parts of the world. I am concerned, because as a member of the Committee on Ways and Means and as the chairman of the Subcommittee on Trade, I think it creates problems that I do not think we are prepared to handle at this moment.

I do not think we have reached a point in our relationship with China that we want to loan for their purchases, particularly since they have not asked credits. We are now involved in trade and I think we ought to have a broader experience in this trade without moving into the credit business.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, as the gentleman knows, this language would not really allow us to extend credit, because the Bank would still be bound by the Jackson-Vanik language and the Bank's own human rights language.

I think the gentleman is quite correct in saying the Chinese probably would not take advantage of it to any great extent. Again, though, it would be symbolic. We would be saying we are interested in trade and we are interested in opening up a trade dialog with that country. It is an interim step.

Mr. Chairman, the gentleman indicated he thought there would problems. Could the gentleman tell me what those problems might be?

Mr. VANIK. Mr. Chairman, I think we would have problems with other trading countries that are not given the same preference.

Mr. REUSS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have served with the gentleman from Ohio (Mr. VANIK) for nigh on 24 years. I have always numbered him as among the righteous and the right over those years, and he is entitled to be wrong in one instance in those 24 years.

What does the language before us which the gentleman from Ohio (Mr. VANIK) seeks to strike do? In my judgment, it is largely symbolic. It is a good symbol. Life, after all, is made up of symbols.

The language does not lay a glove on the Jackson-Vanik amendment. The People's Republic of China, in fact, does not permit free emigration of its people, and so they would be hoist on that petard. It in no way ties our hands on human rights. The bill before us contains human rights provisions, and the Chinese provisions on habeas corpus are, to say the least, Pickwickian, as are those on adversary procedures.

Furthermore, the President, under the projected language of the gentleman from Oregon (Mr. AUCOIN), wears the pants on this. He decides whether Ex-Im may be used, just as he does in the case of Poland and Romania, and it seems to me quite bizarre that we should be tougher on the People's Republic of China, no friend of the Soviet Union, than we are on Poland and Romania, who are now the permanent or intermittent hosts to the Red Army.

I would not want to oversell this bill. I rejoice if the farmers in the district of my good friend, the gentleman from Illinois (Mr. FINDLEY), have been able to sell a few grains to China. But I would not look for, as a result of this bill, any great expansion of American exports.

Neither would I like to join those from our country who sometimes dance on the Chinese wall, whirling the knotted cord toward the Soviet Union. I do not think we should get into geopolitics here. But what is involved here, I say to my friends, is the idea of friendship between the people of this country and one-quarter of the people on this globe, 950 million Chinese men, women, and children.

The Chinese Government has not asked for this. But I think it would be an excellent thing for world peace if, in this very mild, light-handed and symbolic way, the Congress signified that it too is willing to do what it can for world peace and try to solidify a friendship between the people of the People's Republic of China and the people of this Republic at a time when friendship with all people is never more important than it is today.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Oregon.

Mr. AUCOIN. I thank the gentleman for yielding.

Mr. Chairman, I would agree with the gentleman that we should not today oversell this provision, because really what it does is put in place a piece of machinery in the charter of the Eximbank that would allow the transactions with China, but the controlling factor is the Jackson-Vanik amendment——

Mr. REUSS. And the human rights provision.

Mr. AUCOIN (continuing). And the human rights provision of the charter of the Eximbank itself. But it does put in place machinery, so that at some future date, these transactions, with the help of the Eximbank, could take place.

I think it is also important to recognize that while we are taking this modest step—I would not even call it a step, I would call it a half step—our trading competitors are outcompeting us in every part of the world. They are moving. Japan has just signed an 8-year trade agreement with China. The Common Market has entered into a 5-year agreement with mainland China. They use institutions similar to the U.S. Eximbank.

So I think we should keep these things in mind in taking this modest step at this time.

Mr. REUSS. The most succulent articles to the greatest cuisine in the world, to the Chinese and the Americans, are carrots.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Washington.

Mr. MEEDS. I thank the gentleman for yielding, and I associate myself with the remarks of the gentleman from Wisconsin.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio.

I point out that the manifestation of good will carried in this amendment is the major benefit of the proposal of the gentleman from Oregon during a period of time in which we are embarking on new relations with the People's Republic of China.

Mr. REUSS. Mr. Chairman, I thank the gentleman.

Mrs. FENWICK. Mr. Chairman, I move

to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I did not intend to speak, but I cannot listen while we tiptoe through the tulips toward this splendid gesture and talk about succulent meals and $20 billion which Japan is going to enjoy.

Yes, this section 6 is only a symbol. However, what kind of symbol is it? It is happening all over again. We do not really mean that we are concerned about human beings. We do not really mean it when there is $20 billion hanging out there somewhere. No matter what is happening to the people, we do not really mean it. We want a symbol.

Mr. Chairman, right this minute, if it is felt that we should cement and encourage good relations and the development of peace in the world, the President has the power at any time he wants to recommend a change on behalf of this country. It is right there in the law. All he has to do is to recommend that the Eximbank credit be extended to these companies wishing to do business there.

Mr. Chairman, there is nothing needed here. There is nothing but a symbol. This Congress, through one vote during 1 hour of 1 day, says one thing; and at another hour of the same day it says something quite different.

I do not know what the world thinks of us. I do not think there is a single department of the Government which wants this section of the bill, not the Treasury, not the State Department. Nobody wants this section of the bill.

Mr. Chairman, the only people I have heard from are the Northwest Council of Businessmen, from the northwestern part of our Nation. Those are the only people who have at all suggested to me that they support this particular section.

It is hard to listen to the arguments we have heard today. We seem to be playing games with each other and with the world. There is no reason to step forward at this moment, when we know of the delicate negotiations which are going on, and not leave these powers in the hands of the President where the present law puts them and where they belong, so that he can deal with the interests of this country as the law requires him to do. There is no reason for Congress to step forward once again and give another symbol. For what? For what reward?

Mr. Chairman, I have just finished letters in an effort to try to get two more people out of China. They are grown sons who want to see their dying mother.

Can I get them out? No.

Again, Mr. Chairman, let us not fool ourselves as to what we are doing here. This is not necessary in the interest of international peace. Our President has peace in mind. In sending emissaries there, he has made it clear that he has this in mind. We should leave these powers in his hands and let him offer this as some kind of reward when we see something done.

Mr. Chairman, I urge this House not to step forward into places where we do not belong, doing things that we should not do.

Mr. STANTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, when this legislation, specifically, title VI, was before the committee, it was thoroughly debated. The gentleman from Oregon held several important hearings on this legislation.

Our decision to support the administration or the legislation of the gentleman from Oregon is not taken lightly. It was not some whim which somebody came along with.

First of all, let us look at the record of the consideration of the Trade Act.

I understand the position of the gentleman from Ohio in protecting the Jackson-Vanik amendment. Believe me, if I had any choice here today, I wish we had had the subject of the Jackson-Vanik amendment before us because I certainly would like to see that repealed.

However, Mr. Chairman, there is one important principle that was stressed by a gentleman who appeared before our subcommittee on this legislation.

I think it applies not only to this amendment, but the entire Export-Import Bank philosophy as well. Appearing as one of the witnesses before our committee was the former Under Secretary of State, George Ball, who served in that capacity in previous administrations for 6 years. On this specific subject of aid to China he made the following important observation:

> Have we forgotten that the Export-Import Bank credits are not designed to help foreign countries, and the extension of such credits should not be considered as a special privilege we are conferring on foreign governments? If foreign governments—in this case China—cannot buy their goods from the United States on the basis of financing comparability, then they will buy from some other country. It is just that simple.

Second, he made a final concluding comment:

> In conclusion, if I can make one further observation . . .

Mr. HYDE was speaking about South Africa at that time—

> . . . I myself feel that there has never been any very clear evidence that discriminatory provisions that restrict trade or deny economic benefits to foreign governments ever bring about benign change within those countries.

So, we have the philosophy of a man with great experience. Whether or not it is this amendment or an extra-strong human rights amendment, whatever it is, we have not by this method done it.

If we desire to do it, we should do it in the committee chaired by the gentleman from Wisconsin (Mr. ZABLOCKI), the Committee on International Relations. This language which we are addressing to amend and change the amendment offered by the gentleman from Oregon, first of all is in the bill at the pleasure of the President. Now, we say at the pleasure of the President in the national interest he can leave it in, so it is not too important a point one way or the other. But it should never be in there in the first place.

Finally, let us get out of the business of involving the Export-Import Bank in foreign affairs. Let us not forget that we have an organization here that supplied 440,000 jobs last year to the American people; that financed $8.5 billion for American businesses to 157 countries abroad. It did so without spending one penny of the American taxpayer's dollar. It contributed $36 million back to the Treasury. It has already returned to the Treasury what it took to finance the Bank in 1945. So, I support the gentleman from Oregon in his offering of the amendment, because it gets back to that principle, gets back to the banking position.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield?

Mr. STANTON. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding. Mr. Chairman, it was not my intention to speak on this matter, but I think the gentleman made the best case for the defeat of the provision in the bill and for a vote in favor of the amendment offered by the gentleman from Ohio (Mr. VANIK) to delete it. Mr. Chairman, I opposed the Jackson-Vanik amendment, but this issue is another matter. Why should the United States make an exception for the People's Republic of China.

The House International Relations Committee, as of the present time, has not studied this matter in the detail which it requires. I believe it is premature. For example, it has come to my attention that in some instances in the past domestic industries already having a contract to sell have been denied export licenses on the basis of human rights violations in the purchasing countries. Why should we now make an exception and agree to a provision where a nation that consistently denies human rights would have the privilege of preferred credit. I hope the Vanik amendment is adopted.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(At the request of Mr. ZABLOCKI and by unanimous consent Mr. STANTON was allowed to proceed for 2 additional minutes).

Mr. STANTON. We respect the gentleman for his views. Would not the gentleman agree with me that the language should never have been in the Export-Import Bank bill?

Mr. ZABLOCKI. If the gentleman will yield further—I thoroughly agree. It does not belong in this legislation; so lets take it out by voting for the Vanik amendment.

Mr. STANTON. In the last minute that I have left, let me simply conclude by saying we respect certainly the position of the gentleman from Wisconsin wholeheartedly, but when it comes to legislation for the Export-Import Bank, just one little symbol, we still have the Jackson-Vanik amendment, and I think truthfully in all respect those who oppose it are opposing something that really does not make that much difference at all.

Mr. AuCOIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have already made most of the points I feel necessary to make myself with regard to this issue. I simply want to respond to a couple of additional points that have been raised.

The gentleman from Ohio has indicated his provision would somehow provide special treatment for China. I would have to tell my colleagues, and so has the distinguished gentleman from Wisconsin, that already we have three and soon we will have four Communist nations who are not pillars of human rights who are receiving Ex-Im Bank help: Poland, Yugoslavia, Romania, and Hungary.

When it comes to trade generally we simply cannot say we will subject the questions of trade to the requirement that other countries have to come up to our understanding of human rights, or we will be left with only a handful of trading partners, a Canada or an Australia, and even those would, I suppose, have to be reviewed on a quarterly basis!

The gentleman from Ohio indicated we needed more study for this proposal. That suggests, wrongly, that this is an 11th hour amendment that came to the floor without adequate consideration. I have to tell my colleagues that detailed hearings were held in the Subcommittee on International Trade. We had lengthy testimony from not only witnesses of the caliber of Mr. Ball but also people from industry and organizations that are expert in the field of trade.

I would like to quote from the testimony of Christopher H. Phillips, president, of the National Council for United States-China trade. He said:

"It seems clear that the continued unavailability of Eximbank financing to American companies exporting to China will increase their competitive disadvantage in the China market. . . . Recently, the Chinese have begun to seek longer term financing arrangements of up to as much as 10 years. Such financing is not possible in the United States without Eximbank guarantees or participation."

Someone raised the point that China has not asked for Export-Import Bank credits. I have to say to my colleagues: Why should they? They can trade with Japan. They can trade with the Common Market. There are other people in the world they can trade with—and they are doing so today. I mentioned the Japanese trading agreement entered into with the Japanese equivalent of the Eximbank this year. But in more particular response to that issue, I would like to quote from a remark quoted in the Wall Street Journal by Sun Fang, the deputy secretary general of the Canton Trade Fair. He was asked specifically about this question whether or not China would use these credits if they were made available to the Chinese exporters. He said:

The Japanese Eximbank doesn't extend credit to us (China); it extends credits to Japanese enterprises that sell to China. A similar arrangement provided by the U.S. would be . . . one that would be an internal affair (of the United States).

If the United States wants to help their own businessmen in this way it obviously would be helpful to the U.S.-China trade.

Of course China is not asking for this. We ought to be asking for it ourselves. We ought to be concerned about our balance-of-payments deficit. We ought to be concerned about the fall of the dollar and we ought to be concerned with unemployment in our own country that could be corrected by some day overcoming the balance-of-payments deficit. We ought to be asking for it. And that is exactly what we are trying to do by taking this preliminary step.

I urge the defeat of the amendment.

Mr. STEIGER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Vanik amendment.

Mr. Chairman, I do not want to prolong the debate, but I am intrigued by, first of all, the North-South difference of opinion in Milwaukee, and then the question as to whether or not this whole thing is substantive or symbolic, and I have not figured it out yet.

My friend the gentleman from Oregon (Mr. AuCoin), who authored the original section 6 would have you believe, when you listen to the gentleman, that this is the most significant step to improve our relationship and trade between mainland China and the United States since the People's Republic of China was formed in 1947 or 1948. Yet the chairman of the full committee, my friend the gentleman from Wisconsin, Henry Reuss says it is not important at all, but it is an important symbolic step.

I was going to ask our friend the gentleman from Oregon (Mr. AuCoin) whether or not anything could be done about trade without this, and I think the answer is yes, if the President so determines it.

My concern here is that we will be establishing a separate provision for China different than that for Hungary, different from that for Poland, different from that for Yugoslavia and different from that for Romania. And we are creating a situation in which we are saying that we hope something might happen in terms of China trade. But the gentleman has not done it all the way. Had the gentleman added a section 6 applying universally to the Soviet Union, to Poland, Hungary, China, East Germany, to whatever other country it might be, including South Africa, saying that we wanted to have particular relationships, that would have been fine, but the gentleman did not do that. The gentleman has just picked out China.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield at that point?

Mr. STEIGER. No, I will not yield, because I have not completed my statement. The gentleman chose not to yield to me while he had the floor and I will not yield to the gentleman now until I finish. I will be happy to come back to the gentleman later if I have time.

So what we have to look at is what we have done like in Jackson-Vanik. Some say they do not like Jackson-Vanik, they do not like Jackson-Vanik in the Eximbank and I do not like Jackson-Vanik in the Eximbank, and I do not like it in the Trade Act, but that is the law. And that is what we will have to live with.

But at least we have made the arrangements with Poland, with Romania, with Yugoslavia, and with Hungary and we went through a series of hearings, and that is what we did, but that is not what you are doing with this.

This is the wrong place, this is the wrong step, the wrong symbol, and, beyond that, it is not substantive at all because, the President of the United States can do this very thing under the law as it stands now. You do not have to select out China for this purpose.

So I do not believe it ought to be done. I believe the Vanik amendment ought to be adopted.

Now I will be happy to yield to the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. Mr. Chairman, I thank the gentleman for yielding to me, and I must apologize to the gentleman for inadvertently not yielding to him after I had promised that I would do so.

Mr. Chairman, the gentleman is wrong on two points. He has mentioned Congress proceeded under the terms of the Trade Act when it gave similar credits in trade with Poland, Hungary, Yugoslavia, and Romania. But the truth is that Yugoslavia and Poland were treated separately by action of Congress; when credits were allowed in trade with those two countries, a separate distinction was made for those countries. We seek a similar step today in trade with China.

Mr. STEIGER. This was done prior to the Trade Act in 1974 in which the debate centered on Jackson-Vanik on the question of extending MFN privileges to them, because those countries were being traded with separately prior to that time.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. STEIGER. I yield to the gentleman from Oregon.

Mr. AuCOIN. I thank the gentleman for yielding. Of course, that is exactly the point I was making. They were dealt with separately. They were dealt with separately at the time for particular reasons. The precedent has been established. There are reasons why we should deal separately with China now, given what is happening in the world, given what is happening in our economy, and given what is happening to the dollar. The gentleman is wrong in those two particulars.

Mr. STEIGER. I am sure that the gentleman from Oregon would understand that his view of my wrongness is different from my view of his wrongness. I think the Vanik amendment ought to be adopted.

Mr. BAUMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I do not think we ought to let the historic record pass before we vote on the Vanik amendment and, hopefully, delete this section. The present state of Red China was referred to by the gentlewoman from New Jersey (Mrs. Fenwick), and was well described in the supplemental views in the report, concerning the quality of the nation with which we are dealing. She specifically

referred in the report to the rating that Freedom House, which is internationally recognized in estimating each country's desire and ability to protect civil and political rights, has given, listing the People's Republic of China in the next-to-worst category. This places Red China in a worse category than the Republic of South Africa, which just was the subject of 2½ hours of debate.

We have heard arguments put forward that this is both a substantive and yet a symbolic move toward the Red Chinese. The question is, What is the purpose for such a symbolic move? Have they given us something to warrant this? I am unaware that we have any obligation based on the history of this country. In three decades of existence Red China has turned out to be one of the most barbarous and absolutely repressive regimes of this century. The other body produced a report a few years ago in which one of the noted American-Chinese experts, Prof. Richard Walker of South Carolina, estimated after a thorough study, a lifetime of familiarity with the country, that in the course of all of the history of Chinese communism, anywhere from 34 million to 64 million people perished, not just as a result of warfare but systematic executions at the hands of the several governments.

According to the 1977 Report of Amnesty International this murderous history has not changed. As a result of the recent change in regimes upon the death of Mao, there were wholesale executions which were protested by international organizations, immediate convictions and death on the spot for large numbers of people.

The gentlewoman referred to the problems about emigration which is totally denied.

I can understand the desire of the businessmen of this country to make money. I have referred many times on this floor to the desire for a segment of American business to confirm Lenin's estimate that one day the Communists would buy from us the rope that they would use to hang us. Nevertheless a majority in this Congress has decided to place political restrictions on international lending institutions as we just did regardng South Africa. So we must take into account the civil and political rights record that Red China has established. If we want to adopt a similar amendment, as the gentleman from Delaware (Mr. EVANS) offered in regard to South Africa, and establish a specific program of principles to which the Red Chinese must adhere and live up to over a period of time, then we can judge whether or not we should increase trade. But to appease communism simply in the hope of making money is a Judas-like policy we should avoid.

I might say I will anticipate the gentleman from Iowa and say that his amendment may provide the mechanism, when it is offered, to establish a standard of human rights for our prospective trading partners.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Iowa.

Mr. HARKIN. I thank the gentleman for yielding.

Without getting into the substance of this discussion, I just want to—I do not know whether it is to correct the gentleman—at least state that I have the ranking hereof the nations by Civil Liberties and Freedom House, and they put them in the same column as South Africa.

Mr. BAUMAN. The gentleman is not correct as far as political liberties. Freedom House rates South Africa much higher in the political rights of its citizens than the People's Republic of China.

Mr. AUCOIN. They are ranking the same on civil rights.

Mr. BAUMAN. Since we are all so much concerned with human and civil rights, we ought at least to take into account that factor when Red China is considered.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding.

To save 5 minutes of debate, I will support the amendment.

Mr. Chairman, I support the Vanik amendment to remove the proposed exemption for the People's Republic of China. I had a similar amendment drafted. It would maintain the current prohibition on Export-Import assistance for transactions with the PRC and other Communist countries.

I am at a loss to understand why of all nations the People's Republic of China has been selected for such special treatment. It certainly is not because that country has any greater degree of liberty or concern for human rights than other Communist countries. In fact, the PRC is one of the most repressive regimes now operating in the world.

The PRC shows totalitarianism at its worst. Thought reform, execution of political dissidents and mass murders are a way of life. I do not need to reiterate the scores of articles and speeches I have put in the RECORD over the years.

I urge my colleagues to eliminate the proposed exemption—an exemption that the PRC has not earned and does not deserve.

Mr. FINDLEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I voice support for the language that is presently in the bill. It is my understanding that the gentleman from Oregon (Mr. AUCOIN) will offer a perfecting amendment to that language which, in my view, will make it still better; but with or without the perfecting amendment, I believe it serves the public interest. I feel it is entirely proper for this committee to bring this language before us.

My friend, the chairman of the Committee on International Relations, made a point that this had not been before the Committee on International Relations, and that is certainly true, but it is not for want of opportunity. This bill was reported by committee more than a month ago, and it was in the process of deliberation for several months prior to that; so the Committee on International Relations certainly had ample opportunity to deal with this subject if it wished to.

I say it is entirely proper for this committee to bring the language before us, because I view the Export-Import Bank not as a means of being nice to foreign countries, not as a means of passing out favors to this regime or that regime, but as an aid to U.S. business enterprises that wish to develop business in countries where it is difficult directly to reach the customer. For that reason I supported the amendment of the gentleman from Ohio (Mr. ASHBROOK), which would have stricken the language about South Africa, because I felt it was unfortunate for the Congress to put impediments upon the activities of the Export-Import Bank.

The point needs to be underscored also that this language does not impair or set aside or restrict in any way the Jackson-Vanik amendment that is the law of the land and this language does not presume to alter that one bit. This language would have effect only if and when the People's Republic of China meets the conditions of Jackson-Vanik.

Now, the question has been raised, Is this symbolic or substantive? It is symbolic until that time, until that time if and when the People's Republic of China meets the standards of Jackson-Vanik. Until that time it is a symbolic gesture of cooperation, of interest and better relations with the People's Republic of China; but symbols are very important and I hope this language will survive.

The point also needs to be made that this does not impair in any way the interests of the Republic of China, the regime on the island of Taiwan. This relates only to the People's Republic of China and United States commercial transactions that might develop. It is an aid to U.S. enterprise in dealing with the People's Republic of China.

Those of us who have been to China recently know full well that Western nations are doing a lot of business in China and United States firms need every possible assistance in order to compete effectively so the United States can get its share of that business.

The point that has not been mentioned so far, that I think is most important of all, is that if a record vote occurs on this amendment, and I assume it will occur, this will be the first time, to my knowledge and recollection, that this body has ever gone on record on a question of policy toward the People's Republic of China.

Now, if as I believe this is a symbolic gesture that probably will not have substantive effect for several years, perhaps for a very long time. I ask you to ponder carefully whether you feel it is in the interest of our Nation to have a recorded vote on the record in a negative vein rejecting a symbolic gesture of cooperation with the People's Republic of China. Is that really the step that we should take at this juncture?

You may say, "It is not my choice that we have this before us today."

I am not on the committee that re-

ported it, either, but we have to deal with reality and very soon you and I are going to face the decision whether or not to enter our vote "yes" or "no" on a symbolic gesture of friendship and cooperation with the People's Republic of China.

I would hope that at this juncture when the administration is obviously trying to maintain good relations with the People's Republic of China that we would carefully consider this.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. FINDLEY was allowed to proceed for 2 additional minutes.)

Mr. FINDLEY. Mr. Chairman, Dr. Brzezinski just returned from the People's Republic of China. Many of us have been there. We have established an acquaintance with many of the officials there. There is strong evidence that the People's Republic of China has opened a new chapter in its relationship with the outside world and its internal policy as well. If I had the time and you had the patience, I would be glad to go into the details of these changes, but these changes are most promising.

Now in the wake of those developments, in recognition of the obvious desire of our administration to strengthen our ties with China for national security reasons, not to mention economic reasons, is it really prudent for this body to turn down language which represents a symbolic gesture of cooperation and friendship to the People's Republic?

I think not, and I implore my colleagues to join me in voting "no," in other words, to sustain the language that is now in the bill and vote "no" on the amendment to strike the language out. I do implore my colleagues to think carefully on this issue. I implore you to vote "no" on the amendment.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I thank the gentleman for yielding, and I want to commend him for an absolutely outstanding statement.

I hesitate to take the floor in opposition to the position of my esteemed colleague, the gentleman from Ohio (Mr. VANIK), with whom I usually stand shoulder to shoulder, but I think the gentleman from Illinois (Mr. FINDLEY) has put his finger on the possibly grave implications of this amendment in terms of our national security interests.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. FINDLEY) has expired.

(On request of Mr. SEIBERLING, and by unanimous consent, Mr. FINDLEY was allowed to preceed for 1 additional minute.)

Mr. SEIBERLING. Mr. Chairman, if the gentleman will continue to yield, it may well be that a key factor restraining Moscow from an even more adventuristic foreign policy than it is now engaged in is the fact that, starting with President Nixon's trip to China, the Soviets have had greater cause for caution, when contemplating aggressive activities in Europe or elsewhere, because of the serious possibility that they might have a rear to defend in East Asia.

Mr. Chairman, I think that has a very important bearing on our defense budget and on our entire national security posture.

Mr. FINDLEY. Mr. Chairman, I would say to the gentleman from Ohio (Mr. SEIBERLING) that in my opinion our relationship with the People's Republic of China is worth at least 50 divisions vis-a-vis the Soviet Union.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, I just want to commend the gentleman from Illinois (Mr. FINDLEY) for his excellent statement and say that I agree with him 100 percent.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. FINDLEY) has again expired.

(On request of Mr. NEAL, and by unanimous consent, Mr. FINDLEY was allowed to proceed for 2 additional minutes.)

Mr. NEAL. Mr. Chairman, if I may continue, I would like to point out further that on the question of human rights, the provision in this bill which the Vanik amendment would seek to strike, would not exempt the People's Republic of China from the human rights provisions that exist in the Bank now.

I think the gentleman from Illinois (Mr. FINDLEY) helps to clear up the point as to whether this has symbolic merit or substantive merit, and I think the point was well made that its present merit is a symbolic one. We are saying that we clearly have a strategic interest in common with the People's Republic of China; that we have an interest in providing jobs and profits in this country; and that this Bank exists to serve our needs, not the needs of another country. We are saying also that it does have an important symbolic value in opening the door and beginning a dialog with a quarter of the population of this planet.

We are not in any way saying that we approve of their system of government or their way of life. We are just saying that we want to begin a dialog.

Mr. Chairman, I thank the gentleman from Illinois (Mr. FINDLEY) for his eloquent statement.

Mr. HARKIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I admit that I find myself in a little bit of a quandary on the Vanik amendment. On the one hand, I would at least like to see the People's Republic of China treated the same as the other countries with which it is listed in Freedom House in relation to its ranking with other nations on political rights and civil liberties. On the other hand, I am wondering why the People's Republic of China has to be given any kind of special consideration.

I understand that the President could extend the provisions of the Eximbank to Red China just as he does to, for example, Yugoslavia or Saudi Arabia or Poland or Peru or Pakistan or Kuwait or Jordan or any of these other countries which are listed in this column as to their rankings by Freedom House.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman from Iowa (Mr. HARKIN) makes a very good point. The gentleman who was in the well and who just completed his statement said that a vote against the Vanik amendment would be symbolic. All the Vanik amendment does is to continue the present law, and the present law permits the President to waive the prohibition against Eximbank's activities relating to all transactions with the People's Republic of China if he wishes to do so. I cannot see where there would be any symbolism in just maintaining the law as it presently is.

Mr. HARKIN. Yes. Mr. Chairman, that is where my quandary starts, and I submit that it is true.

But on the other hand, if in fact we have a country like China, which has sort of been closed to the outside world for so long and has been sort of closed to our influence for so long, if we are trying to open it up a little bit and make our influence felt, and if we can do something for closer ties so that our influence on these things like political rights and human rights can have more effect in that country, then I would be opposed to that amendment. And that is the quandary I raise. Do we have to take an additional step to move closer to this opening up?

Some of these other countries I just mentioned, like Yugoslavia, Saudi Arabia, Peru, and Pakistan, we have dealt with those countries over a long period of time and our influence is felt in those countries. That is not true in the case of Red China. So do we have to take a little bit of an extra step, such as the gentleman from Oregon is stating, to get to this position? I do not know.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. I do not know if the gentleman was on the floor when I made the argument pretty much as the gentleman is making now, with respect to South Africa, and that is, to the extent that it is permitted, the President can waive, and so on, and is able to exercise some leverage toward the accomplishment of the objective that all of us, I hope, espouse and seek. And that is available in the present law.

Mr. HARKIN. I thank the gentleman.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Wisconsin.

Mr. REUSS. I thank the gentleman for yielding very briefly on this issue.

In our foreign policy, what does the Executive do and what does the Congress do? Some of the finest initiatives in our foreign policy have been taken by the Congress.

Mr. HARKIN. Oh, I agree with that.

Mr. REUSS. It is the Congress which said, "Let there be a Marshall Plan," was one; it was the Congress which said, "Let there be a Marshall Plan," and one came into being; it was the Congress which said there ought to be a Peace Corps, and the President took it up and there was a Peace Corps.

So if we believe that the friendship of one-fourth of the world's population is a good thing and will make them toe up to the human rights standards, as the gentleman has so eloquently and consistently espoused, I cannot think of a better thing to do than to knock down the Vanik amendment.

Mr. HARKIN. I guess again this quandary of mine relates to whether or not we ought to, as I said, bring this relationship with China along so that it puts them in the same kind of relative position as these other countries.

If this bill does that, then I would be for it. If, however, it carves out some kind of special exemption and difference for these other countries. I would be opposed to it.

Mr. REUSS. Mr. Chairman, if the gentleman will yield further, we did it specially for Yugoslavia, we did it specially for Poland, and I believe rightly. Here, as I say, is one-fourth of the globe's population. I do not think it is out of order for us to take up China as we are today.

Mr. HARKIN. I thank the gentleman for his remarks, because I do not want to be put in the position of voting, for example, against the Vanik amendment and then be accused of trying to thwart our further relationship with the People's Republic of China. That I do not want to do at all. I want us to move ahead with that kind of relationship. And so I am sorry that the debate has sort of revolved around that aspect of it, that a vote against the Vanik amendment is a vote against our proceeding ahead with the relationship with China.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. HARKIN) has expired.

(By unanimous consent, Mr. HARKIN was allowed to proceed for 2 additional minutes.)

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has come to the very essential, fundamental point. A vote for the Vanik amendment cannot be viewed as other than a vote against friendly cooperation with China. Even though it is almost totally symbolic, it will be inevitably so viewed. And that is why I feel that the vote that is soon to come is of such great historical importance. The first time that this body has been on record with a nay-and-yea vote about policy concerning the People's Republic of China, it would be a pity if the vote comes out in the form that will be viewed as negative against further cooperation with China.

Mr. HARKIN. I just do not know why the President does not do it himself, just as he has with every other country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. VANIK).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. VANIK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 179, noes 138, not voting 117, as follows:

[Roll No. 404]

AYES—179

Addabbo	Fountain	Mitchell, N.Y.
Ambro	Fowler	Moakley
Ammerman	Gammage	Moffett
Annunzio	Gaydos	Mollohan
Applegate	Gephardt	Montgomery
Archer	Giaimo	Moore
Armstrong	Gilman	Moorhead, Calif.
Ashbrook	Goldwater	Murphy, N.Y.
Badham	Gonzalez	Murphy, Pa.
Bafalis	Goodling	Murtha
Bauman	Gradison	Myers, John
Beard, Tenn.	Grassley	Myers, Michael
Benjamin	Green	Nichols
Bennett	Gudger	Panetta
Blanchard	Guyer	Pease
Blouin	Hall	Pepper
Boggs	Hammer-schmidt	Perkins
Breckinridge	Hansen	Pickle
Brinkley	Harkin	Pike
Broomfield	Heckler	Poage
Brown, Mich.	Hefner	Regula
Broyhill	Hightower	Rhodes
Buchanan	Hollenbeck	Rinaldo
Burke, Mass.	Holt	Risenhoover
Burleson, Tex.	Huckaby	Roberts
Butler	Hughes	Robinson
Byron	Ichord	Rooney
Caputo	Ireland	Rostenkowski
Cavanaugh	Jeffords	Satterfield
Cederberg	Jenkins	Scheuer
Chappell	Jones, N.C.	Schulze
Clawson, Del	Jones, Okla.	Shuster
Coleman	Kelly	Smith, Nebr.
Conable	Ketchum	Snyder
Conte	Kindness	Spence
Cornell	Kostmayer	Stark
Coughlin	Lagomarsino	Steers
Crane	Le Fante	Steiger
D'Amours	Lederer	Studds
Daniel, Dan	Leggett	Symms
Daniel, R. W.	Lent	Taylor
Davis	Levitas	Traxler
Delaney	Livingston	Treen
Derwinski	Lloyd, Tenn.	Vander Jagt
Devine	Long, La.	Vanik
Dodd	Long, Md.	Volkmer
Dornan	Lott	Walker
Duncan, Tenn.	Luken	Walsh
Early	McClory	Wampler
Eilberg	McEwen	White
English	McHugh	Whitley
Ertel	McKinney	Wiggins
Evans, Ind.	Mann	Wright
Fenwick	Marks	Wydler
Fish	Marriott	Yatron
Fisher	Martin	Young, Mo.
Flippo	Mattox	Zablocki
Flood	Mazzoli	Zeferetti
Florio	Michel	
Flynt	Miller, Ohio	
Ford, Mich.		

NOES—138

Abdnor	Brodhead	Drinan
Anderson, Calif.	Brooks	Duncan, Oreg.
Andrews, N.C.	Brown, Ohio	Eckhardt
Andrews, N. Dak.	Burlison, Mo.	Edgar
Aspin	Burton, Phillip	Edwards, Calif.
AuCoin	Carter	Erlenborn
Baldus	Chisholm	Evans, Colo.
Barnard	Clay	Evans, Del.
Beard, R.I.	Cleveland	Fascell
Bedell	Collins, Ill.	Findley
Beilenson	Corcoran	Fithian
Biaggi	Corman	Garcia
Bingham	Cornwell	Glickman
Bonior	Cunningham	Hagedorn
Bonker	Danielson	Hamilton
Bowen	de la Garza	Hanley
Brademas	Dellums	Harrington
	Dicks	Harris
	Downey	Harsha
Hawkins	Miller, Calif.	Seiberling
Heftel	Mineta	Sharp
Hillis	Mitchell, Md.	Simon
Holtzman	Moorhead, Pa.	Skubitz
Johnson, Calif.	Moss	Slack
Johnson, Colo.	Myers, Gary	Smith, Iowa
Jones, Tenn.	Natcher	Solarz
Jordan	Neal	Spellman
Kastenmeier	Nedzi	Staggers
Kazen	Nix	Stangeland
Kildee	Nolan	Stanton
Krebs	Nowak	Steed
LaFalce	O'Brien	Stockman
Leach	Oberstar	Stokes
Lehman	Obey	Thompson
Lloyd, Calif.	Ottinger	Tsongas
Lundine	Patterson	Udall
McCloskey	Pattison	Van Deerlin
McDade	Pettis	Walgren
McFall	Preyer	Waxman
Madigan	Price	Weaver
Maguire	Pritchard	Whitehurst
Mahon	Rangel	Wilson, Bob
Markey	Reuss	Wilson, Tex.
Meeds	Roncalio	Winn
Meyner	Rosenthal	Wirth
Mikulski	Roybal	Yates
Mikva	Schroeder	

NOT VOTING—117

Akaka	Frey	Roe
Alexander	Fuqua	Rogers
Allen	Gibbons	Rose
Anderson, Ill.	Ginn	Rousselot
Ashley	Gore	Rudd
Baucus	Hannaford	Runnels
Bevill	Holland	Ruppe
Boland	Horton	Russo
Bolling	Howard	Ryan
Breaux	Hubbard	Santini
Brown, Calif.	Hyde	Sarasin
Burgener	Jacobs	Sawyer
Burke, Calif.	Jenrette	Sebelius
Burke, Fla.	Kasten	Shipley
Burton, John	Kemp	Sikes
Carney	Keys	Sisk
Carr	Krueger	Skelton
Clausen, Don H.	Latta	St Germain
	Lujan	Stratton
Cochran	McCormack	Stump
Cohen	McDonald	Teague
Collins, Tex.	McKay	Thone
Conyers	Marlenee	Thornton
Cotter	Mathis	Trible
Dent	Metcalfe	Tucker
Derrick	Milford	Ullman
Dickinson	Minish	Vento
Diggs	Mottl	Waggonner
Dingell	Murphy, Ill.	Watkins
Edwards, Ala.	Oakar	Weiss
Edwards, Okla.	Patten	Whalen
Emery	Pressler	Whitten
Evans, Ga.	Pursell	Wilson, C. H.
Fary	Quay.e	Wolff
Flowers	Quie	Wylie
Foley	Quillen	Young, Alaska
Ford, Tenn.	Rahall	Young, Fla.
Forsythe	Railsback	Young, Tex.
Fraser	Richmond	
Frenzel	Rodino	

The Clerk announced the following pairs:

On this vote:

Mr. Boland for, with Mr. Ashley against.

Mr. Edwards of Alabama for, with Mr. Akaka against.

Mr. Stratton for, with Mr. Carney against.

Mr. Baucus for, with Mr. Diggs against.

Mr. Krueger for, with Mr. Ginn against.

Mr. Jenrette for, with Mr. Rahall against.

Mr. Breaux for, with Mr. Hannaford against.

Mr. Gore for, with Mr. Shipley against.

Mr. Teague for, with Mr. John L. Burton against.

Mr. Bevill for, with Mr. Weiss against.

Mr. Fary for, with Mr. Rogers against.

Mr. Forsythe for, with Mr. Richmond against.

Mr. Rousselot for, with Mr. Dingell against.

Mr. Russo for, with Mrs. Burke of California against.

Mr. Hyde for, with Mr. Metcalfe against.

Mr. Horton for, with Mr. Conyers against.

Mr. Frey for, with Mr. Mottl against.

Mr. Dickinson for, with Mr. St Germain against.

Messrs. MOFFETT, RISENHOOVER, HUGHES, GIAIMO, EARLY, McEWEN, McHUGH, CORNELL, RINALDO, and Mrs. HECKLER changed their vote from "no" to "aye."

Messrs. ANDREWS of North Dakota, PREYER, ANDREWS of North Carolina, and CUNNINGHAM changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. NEAL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. WRIGHT, having assumed the chair, Mr. MINETA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12157) to amend and extend the Export-Import Bank Act of 1945, had come to no resolution thereon.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I ask to proceed at this time for the purpose of inquiring of the distinguished majority whip the program for next week.

Mr. BRADEMAS. Mr. Speaker, will my colleague, the distinguished minority whip yield?

Mr. MICHEL. I will be happy to yield.

Mr. BRADEMAS. I thank the distinguished minority whip for yielding.

The program for the House of Representatives for the week of June 5, 1978, is as follows:

On Monday the House meets at noon for the Consent Calendar and three bills on suspension. Votes on suspensions will be postponed until the end of all suspensions.

First, H.R. 185, amendments for movement of Coast Guard personnel;

Second, H.R. 183, amend intervention on the High Seas Act;

Third, H.R. 12140, Federal Water Pollution Control Act amendments.

H.R. 12250, boundary waters canoe area, under an open rule, with 2 hours of debate;

H.R. 12481, insular areas authorization, under an open rule, with 1 hour of debate;

H.R. 12505. solar power research and development, under an open rule, with 1 hour of debate.

On Tuesday the House will meet at noon for the Private Calendar, with three bills under suspension. Votes on suspensions will be postponed until the end of all suspensions.

First, H.R. 8394, Refuge Revenue Sharing Act of 1978;

Second, H.R. 12637, North Pacific Fisheries Act amendments;

Third, H.R. 12668, Polar Living Marine Resources Conservation Act of 1978.

They will be followed by H.R. 12240, intelligence authorizations, under an open rule, with 1 hour of debate, and

H.R. 12426, New York City Financial Assistance Act of 1978, under an open rule, with 1 hour of debate, but the rule and general debate only will be taken on Tuesday.

On Wednesday, the House meets at 10 a.m. on the Treasury-Postal Service appropriations bill for fiscal year 1979 and on the Labor-HEW appropriations bill for fiscal year 1979.

On Thursday, the House meets at 10 a.m. to complete consideration on H.R. 12426, the New York City Financial Assistance Act of 1978, and to complete consideration of the Labor-HEW appropriations bill for fiscal year 1979.

On Friday, the House meets at 10 a.m. on the House joint resolution providing for urgent supplemental appropriations for black lung and on the transportation appropriations bill for fiscal year 1979.

During the legislative days reserved for appropriations bills, other legislation may be scheduled on days when early completion of appropriations bills makes time available. Among the bills that are subject to being so-called up, but not necessarily in this order, are the following, Mr. Speaker:

H.R. 11493, Amtrak Improvement Act of 1978, under an open rule, with 1 hour of debate.

H.R. 12433, Housing and Community Development Act amendments, under an open rule, with 2 hours of debate.

H.R. 15, ESEA Amendments of 1978, under an open rule with 1 hour of debate.

H.R. 12005, Justice Department Authorizations, subject to a rule being granted.

H.R. 9400, Civil Rights for Institutionalized Persons, to complete consideration.

H.R. 11983, FEC Authorizations, under an open rule with 1 hour of debate.

H.R. 10285, Commodity Exchange Act Extension, subject to a rule being granted.

H.R. 3350, Deep Seabed Hard Minerals, subject to a rule being granted.

H.R. 12432, Civil Rights Commission Act of 1978, subject to a rule being granted.

H.R. 12452, CETA Amendments of 1978, subject to a rule being granted.

H.R. 7577, Economic Opportunity and Community Services Amendments of 1978, subject to a rule being granted.

H.R. 8099, Water Rights for the Ak-Chin Indians, under an open rule, with 1 hour of debate.

H.R. 12157, the Export-Import Bank bill, to complete consideration.

Mr. Speaker, the House will adjourn by 3 p.m. on Fridays and by 5:30 p.m. on all other days, except Wednesdays.

Conference reports may be brought up at any time. Any further program will be announced later.

Mr. Speaker, I thank my colleague, the distinguished minority whip, for yielding.

Mr. MICHEL. Mr. Speaker, I thank the gentleman from Indiana.

Might I inquire on that supplemental notice in what order those measures might be considered? Am I to assume that, for example, the Export-Import Bank bill, while listed last and being under consideration today and will probably be carried over, would those bills in which we have not completed consideration be given higher priority than those in which we have not even dealt with?

Mr. BRADEMAS. Mr. Speaker, if the gentleman will yield further, we will try to do that, I may say to the gentleman from Illinois; but as I earlier indicated, the bills will not be called necessarily in the order in which I read them.

Mr. MICHEL. Mr. Speaker, might I also ask of the majority whip that we would have at least a day's notice on the rule on the FEC authorization; could we be assured of that?

Mr. BRADEMAS. Mr. Speaker, we always try to give that assurance, I might say to the gentleman from Illinois, the distinguished minority whip.

Mr. MICHEL. Mr. Speaker, I thank the gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. WRIGHT). Is there objection to the request of the gentleman from Indiana?

There was no objection.

ADJOURNMENT TO MONDAY, JUNE 5, 1978

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries, who also informed the House that on May 26, 1978 the President approved and signed a bill of the House of the following titles:

H.R. 10392, an act to establish a Hubert H. Humphrey Fellowship in Social and Political Thought at the Woodrow Wilson International Center for Scholars at the Smithsonian Institution and to establish a trust fund to provide a stipend for such fellowship.

PERSONAL EXPLANATION

Mr. HAGEDORN. Mr. Speaker, although I was able to speak in behalf of the Vanik amendment yesterday to extend the tuition tax credit to elementary and secondary schools, I was forced to miss the actual vote due to an important commitment in my district. Had I been present, I would have, of course, supported passage of this amendment. In addition, I would have opposed the second Vanik amendment to increase the credit to 50 percent (an amendment on

which I was incorrectly paired in favor), opposed the Mikva tax deferral amendment, and supported final passage of H.R. 12050, the Tuition Tax Credit.

ANNUAL REPORT ON OCCUPATIONAL SAFETY AND HEALTH ACTIVITIES IN THE FEDERAL GOVERNMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

To the Congress of the United States:

I am transmitting to the Congress the annual report required by Section 19b of the Occupational Safety and Health Act of 1970, entitled "Occupational Safety and Health Activities in the Federal Government." The report summarizes the Government's programs for the protection of the safety and health of its employees during 1976, activities prior to the beginning of my Administration, and was prepared by the Department of Labor.

The report indicates that not all agencies of the Federal Government have in the past fully followed guidelines set forth by the Department of Labor for workplace safety and health programs. This Administration is studying ways to improve the workplace safety and health efforts of all Federal agencies, including those programs that affect Federal employees. I intend that reports covering the years of this Administration will reflect significant progress in that regard.

JIMMY CARTER.

THE WHITE HOUSE, *June 2, 1978.*

FEDERAL RESERVE'S QUARTERLY REPORT TO JOINT ECONOMIC COMMITTEE SHOWS MONEY GROWTH DOWN, BUSINESS LOANS AND INTEREST RATE UP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. BOLLING) is recognized for 5 minutes.

● Mr. BOLLING. Mr. Speaker, the Joint Economic Committee and the Federal Reserve Board have an agreement under which the Board submits quarterly written reports on financial developments to the committee. We have just received the Board's report on developments in the first quarter.

The rate of monetary growth slowed quite sharply in the first quarter falling to an annual rate of 5 percent after a rate of almost 8 percent for 1977 as a whole. The Fed attributes this slowdown to the decline in economic activity caused by the severe winter weather, the coal strike and a slower than usual pace of tax refund disbursements by the Treasury. However, it is obvious that the Fed has also deliberately undertaken to tighten monetary and credit conditions.

The first quarter also witnessed a marked slowdown in the growth of saving deposits at bank and thrift institutions. The rate of expansion of saving deposits by individuals declined substantially, while saving deposits of business and State and local governments actually declined in absolute terms. Much of the decline in the growth of saving deposits for individuals came in small deposits. After growing by $13.7 billion in 1977, small-scale deposits in savings accounts went up only $1.1 billion during the first quarter, in part because the ceiling interest rate at banks and savings institutions is now below the interest rate on other short-term market instruments for the first time in years. This is a somewhat ominous sign not because it reflects financial disintermediation, but because it coincides with a sharp and worrisome rise in consumer debt.

Both short- and long-term interest rates rose in the first quarter. The rise in short-term rates continues an upward trend that began more than a year ago. Short-term rates are now ranging between 6 and 6½ percent—about 200 basis points above their 1976 lows. Long-term interest rates have also begun to rise. For example, the average rate on new commitments for conventional mortgages on new homes increased from 9.10 percent at the end of 1977 to 9.30 percent at the end of March. This is the highest mortgage rate since 1974.

Bank lending to business expanded sharply during the first quarter. Data from the largest banks indicate that this growth was widely distributed among industries, with increased bank lending to manufacturing, trade, construction, and service industries. However, this expansion of bank lending is less a reflection of growing business demand for funds than of the increasing costliness of obtaining funds by other methods. High long-term interest rates have discouraged businesses from issuing long-term bonds, and continuing low stock prices during the first quarter discouraged equity issue. Apparently, businesses are switching to short-term credit because of the cost and difficulty of raising long-term funds.

Mortgage lending declined in the first quarter. Some of the decline is attributable to the bad weather which hampered home construction, and some of it is attributable to the slow inflow of savings into thrift institutions.

Overall, Mr. Speaker, I am not encouraged by this quarterly report because the financial conditions described in it are a threat to the continuing growth of production and employment in our economy. That threat might have been removed had the advice of the Joint Economic Committee—to maintain growth of monetary aggregates at roughly their 1977 levels—been heeded.

Looking to the future, Mr. Speaker, I hope the news will be better and that the Fed will modify its restrictive policies. The second quarter is half over and some economic signs are better. During June and July the Joint Economic Committee will hold its midyear hearings and then report on the state of the economy to the Congress. I hope that our report will be more optimistic than this one from the Federal Reserve. However, much of that is up to the Fed itself.

I include herewith the Federal Reserve's report on domestic financial developments in the first quarter and ask that it be printed in the RECORD.

DOMESTIC FINANCIAL DEVELOPMENTS IN THE FIRST QUARTER

Growth of the major monetary aggregates slowed during the first quarter of 1978, apparently reflecting in large measure the effects of the weather-induced lull in the growth of economic activity. The rate of increase in M–1 for the quarter was well below the average for all of 1977. Inflows to commercial banks of interest-bearing deposits subject to regulatory ceilings also weakened, as did deposit flows into nonbank thrift institutions, thus contributing to slower growth of M–2 and M–3 for the quarter.

As flows into deposit accounts subject to regulatory ceilings abated in the first quarter, commercial banks continued to rely on managed liabilities to help support the expansion of their loan portfolios. Banks issued substantial amounts of large-denomination time deposits, which are not subject to regulatory ceilings, and increased their use of nondeposit sources of funds. Thrift institutions, especially savings and loan associations, were able to extend sizable amounts of mortgage credit, though at a pace below the record high levels of late 1977; they financed these extensions in part by stepping up their borrowing from Federal home loan banks.

The total volume of credit raised by nonfinancial sectors in the first quarter appears to have remained around the high level of the fourth quarter of 1977. Businesses increased their borrowing slightly as a rapid increase in their bank loans more than offset a reduction in their use of other forms of credit. In the household sector, mortgage financing slowed from the record pace of the fourth quarter, while consumer credit remained strong. Credit demands by the U.S. Treasury were again heavy, reflecting another sizable budget deficit. State and local governments maintained their borrowing close to the pace of the fourth quarter, as they continued to refund in advance debt obligations issued at higher interest rates.

In early January the Federal Reserve raised the discount rate on advances to member banks from 6 to 6½ per cent; this action was designed to help stabilize conditions prevailing in international exchange markets. Concurrently, the System became less accommodative in the provision of reserves to the banking system through open market operations, and the rate on Federal funds (overnight loans of immediately available bank funds) increased to about 6¾ per cent from 6½ per cent in December. The Federal funds rate remained at the 6¾ per cent level to mid-April, as growth of the monetary aggregates was generally within longer-run ranges set by the Federal Open Market Committee. Most other short-term interest rates rose along with the Federal funds rate in early January. Over the rest of the quarter, however, many of these rates tended to edge lower; some of this decline stemmed from the substantial demands for Treasury bills by foreign central banks, which were investing dollars purchased in foreign exchange markets. As a result, many short-term market rates increased only about 5 to 10 basis points, on balance, over the quarter.

Increases in interest rates on many longer-term securities in the first quarter equaled or even exceeded somewhat the upward movement of short-term rates over that period. Like short-term rates, yields on intermediate- and long-term instruments shifted upward with the rise in the

Federal funds rate in January. This movement tended to reinforce a rising trend in long-term rates that had been evident through December as investors revised upward their expectations about the future strength of demands for money and credit. Long-term rates showed little change in February and early March, but began to rise again in late March and early April, apparently reflecting market concern about indications of an acceleration in the rate of inflation and the possibility of a more restrictive policy stance by the Federal Reserve.

MONETARY AGGREGATES AND BANK CREDIT

Largely because of the slower growth of economic activity, the pace of expansion of M–1—currency and privately held demand deposits at commercial banks—declined to an annual rate of 5 per cent in the first quarter, about 2¾ percentage points below the average rate for 1977. Special factors—including severe winter weather the lengthy coal strike, and a slower-than-usual pace of tax refund disbursements by the Treasury—led to a slight decline in M–1 during February. By late March, however, these factors were no longer restricting money demand, and expansion in M–1 resumed.

M–1 grew at about the same rate as GNP during the first quarter, and as a result, velocity—the ratio of GNP to M–1—increased only very slightly. Apparently, the substantial rise in interest rates that occurred between April and October of 1977 was no longer prompting further efforts by the public to economize on cash balances and the upward movements of rates in the first quarter had only a small effect on money demand. Moreover, in the first quarter, as in the previous 5 quarters, M–1 grew about in line with expectations based on historical relationships among money, income, and interest rates. Earlier in the current economic expansion, the effects of financial innovations on cash-management practices had given rise to extraordinarily large increases in velocity.

CHANGES IN SELECTED MONETARY AGGREGATES

[Percent, seasonally adjusted annual rates]

Item	1975	1976	1977	1977 Q1	1977 Q2	1977 Q3	1977 Q4	1978, Q1
Member bank reserves:								
Total	−0.3	1.0	5.2	4.1	2.9	7.3	6.1	8.5
Nonborrowed	3.2	1.2	2.7	4.0	1.8	1.7	3.5	14.5
Concepts of money: [1]								
M–1	4.4	5.7	7.8	6.9	8.1	8.1	7.2	5.0
M–2	8.3	10.9	9.8	10.9	9.0	9.9	8.0	6.4
M–3	11.0	12.8	11.7	12.2	10.2	11.9	10.6	7.4
M–4	6.5	7.1	10.0	10.2	8.2	9.5	10.7	10.0
M–5	9.6	10.3	11.7	11.7	9.6	11.6	12.1	9.5
Time and savings deposits at commercial banks:								
Total (excluding large CD's)	11.7	15.0	11.2	13.7	9.7	11.2	8.5	7.5
Savings	17.5	25.0	11.1	21.3	8.8	7.3	5.4	2.2
Other time	7.8	7.4	11.4	7.2	10.5	14.6	11.4	12.0
Thrift institutions [2]	15.6	15.8	14.6	14.1	11.9	15.0	14.4	8.7
MEMO (change in billions of dollars, seasonally adjusted):								
Large negotiable CD's at large banks	−5.6	−19.1	8.0	.4	−.2	.7	7.1	8.8
All other large time deposits [3]	−3.6	−1.0	11.7	.5	−.5	5.2	6.4	6.4
Small time deposits	18.6	16.5	13.7	3.4	6.6	3.3	.4	1.1
Nondeposit sources of funds [4]	−5.9	14.9	11.9	2.7	2.5	2.5	4.2	6.4

[1] M–1 is currency plus private demand deposits adjusted. M–2 is M–1 plus bank time and savings deposits other than large CD's. M–3 is M–2 plus deposits at mutual savings banks and savings and loan associations and credit union shares. M–4 is M–2 plus large negotiable CD's. M–5 is M–3 plus large negotiable CD's.

[2] Savings and loan associations, mutual savings banks, and credit unions.

[3] Included in M–2 and M–3.

[4] Nondeposit sources funds include borrowings by commercial banks from other than commercial banks in the form of Federal funds purchased, securities sold under agreements to repurchase, and other liabilities for borrowed money, plus gross liabilities to own foreign branches (Euro-dollar borrowings), loans sold to affiliates, loan repurchase agreements, borrowings from Federal Reserve Banks, and other minor items.

Note: Changes are calculated from the average amounts outstanding in each quarter. Annual rates of change in reserve measures have been adjusted for changes in reserve requirements. Data reflect revisions from benchmark adjustments and from new seasonal factors.

Growth of M–2 also slowed in the first quarter—to an annual rate of about 6½ per cent from 8 per cent in the fourth quarter. The reduction in M–2 growth resulted from a slowing of inflows of savings deposits to commercial banks as well as moderation in the rate of increase of M–1. The rate of expansion of savings deposits held by individuals declined sharply in the first quarter, and savings accounts of businesses and of State and local governments contracted for the third consecutive quarter.

Flows into small-denomination time accounts at banks, which had slowed markedly in the fourth quarter, continued to expand at a reduced pace in the first 3 months of 1978. The slow growth of savings and small-denomination time deposits was attributable to the rise in market interest rates in the second half of 1977 and early 1978, which brought yields on market instruments maturing in 4 years or less well above regulatory ceilings on deposits of comparable maturity. The relative attractiveness of returns available in credit markets during the first quarter was reflected in a substantial rise in fund flows to money market mutual funds and in noncompetitive tenders in auctions of Treasury securities. As in the two previous quarters, growth in M–2 was supported by the issuance of large time deposits (other than negotiable certificates of deposit (CD's) at weekly reporting banks), which are not subject to rate ceilings. Increases in these deposits accounted for more than three-fourths of the increase in the time and savings deposit component of M–2 in the first quarter.

Faced with weak inflows of deposits subject to regulatory ceilings, banks—especially large ones—again relied heavily on managed liabilities during the first quarter to finance the accumulation of earning assets. Total large-denomination time deposits, including both negotiable and nonnegotiable CD's, increased more than in the fourth quarter, and other borrowings—principally repurchase agreements and purchases of Federal funds from nonbanking institutions—also rose more strongly. The average level of borrowing by member banks at Federal Reserve discount windows fell substantially, however, as the spread between the discount and Federal funds rates generally narrowed.

The use of managed liabilities enabled banks to expand total loans and investments at an annual rate of 10½ per cent in the first 3 months of 1978, the largest gain since the second quarter of 1977. The faster growth of bank credit was accounted for by an increase in holdings of Treasury securities in February, which reversed the pattern of disinvestment that had prevailed in the previous two quarters. Portfolios of other investment securities, which had risen throughout 1977, were essentially unchanged in the first quarter. The expansion in loans eased only slightly from the rapid pace of the fourth quarter, as real estate and business lending remained strong while net credit extensions to consumers slowed somewhat.

BUSINESS CREDIT

Bank lending to businesses—as measured by changes in business loans net of holdings of bankers acceptances—surged to an annual rate of 20 per cent in the first quarter. Both large and small banks experienced rapid increases. Data from the largest banks indicate that growth was distributed widely across industries; loans to manufacturing, trade, construction, and service industries displayed particular strength. Term business loans at these large banks expanded more than $2 billion, the greatest quarterly increase since late 1974. These loans, which have maturities of 1 year or more, accounted for half of the first-quarter expansion in total business loans net of bankers acceptances at the largest banks. This acceleration in term lending apparently is related to heightened demand for such loans by corporations. Survey data indicate that interest rates on term loans rose more than rates on similar market instruments in the first quarter, and that banks generally were no more willing to make fixed-rate term loans than they had been in other recent months.

The volume of short- and intermediate-term funds raised by businesses from nonbank sources was a little lower during the quarter. On balance, commercial paper issued by nonfinancial corporations was about unchanged, with a sizable gain during March roughly offsetting declines in January and February. Those earlier declines had resulted mainly from repayments of paper issued by public utilities during December to cover temporarily inadequate cash flows. In March, however, commercial paper issued by utilities declined less than seasonally. Growth in business loans at finance companies abated somewhat from the very rapid pace of the fourth quarter, with automobile-related credit again accounting for most of the advance.

As businesses in general increased their reliance on bank borrowing during the first quarter, the volume of new long-term financing declined markedly. Gross bond and equity issuance by U.S. corporations fell to a seasonally adjusted annual rate of $34 billion, the slowest quarterly pace since 1974.

BUSINESS LOANS AND SHORT- AND INTERMEDIATE-TERM BUSINESS CREDIT

[Seasonally adjusted changes at annual percentage rates]

Period	Business loans: Total [1]	Business loans: Excluding bank holdings of bankers acceptances	Total short- and intermediate-term business credit [2]
1975:			
Q1	−5.2	−6.2	−3.9
Q2	−8.7	−9.0	−8.9
Q3	−3.1	−3.5	−1.1
Q4	.7	−3.2	−4.6
1976:			
Q1	−6.7	−4.8	.2
Q2	1.4	2.2	6.1
Q3	3.9	1.1	1.1
Q4	12.0	8.2	11.6
1977:			
Q1	11.4	16.4	17.1
Q2	12.6	13.3	16.4
Q3	10.2	8.9	9.4
Q4	16.0	14.9	18.0
1978: Q1	16.4	19.8	17.1

[1] At all commercial banks based on last-Wednesday-of-month data, adjusted for outstanding amounts of loans sold to affiliates.
[2] Short- and intermediate-term business credit is business loans at commercial banks excluding bank holdings of bankers acceptances plus nonfinancial company commercial paper and finance company loans to businesses measured from end of month to end of month.

Public bond offerings by most categories of issuers dropped off sharply during January and February, but recovered somewhat in March and April. The volume of industrial and public utility issues was particularly light. Offerings by financial concerns, however, picked up toward the end of the quarter, resuming the historically high pace of late 1977. Private placements of corporate debt are estimated to have moderated in the first quarter.

Yields on long-term corporate bonds continued to rise during the first quarter, partly in response to increased investor apprehension about an acceleration in the rate of inflation. The Federal Reserve index of yields on recently offered Aaa-rated utility bonds rose from 8.48 per cent at the end of 1977 to 8.75 per cent at the end of the first quarter of 1978. Rates climbed further during April, reaching their highest levels since mid-1976. The slower pace of new bond offering and the concurrent rise in bank term loans this year may reflect a reluctance of potential corporate borrowers to enter into long-term obligations at existing interest rates. Following the widespread strengthening of balance sheet positions during 1975–76, many corporations are capable of turning to short- and intermediate-term borrowing and of slowing their accumulation of liquid assets without reducing their liquidity positions to unacceptably low levels.

Stock prices were generally lower on the New York Stock Exchange (NYSE) during the first quarter of 1978, at least partly in response to conditions of uncertainty created by the decline of the U.S. dollar on international currency markets, a temporary slowing in domestic economic expansion, and a more rapid rate of inflation. Over the quarter, the NYSE composite index declined 5.0 per cent from its level at the end of 1977. As during 1977, however, stock prices of smaller firms generally outperformed those of the more highly capitalized corporations that dominate the NYSE index. Both the American Stock Exchange (AMEX) index and the National Association of Securities Dealers Automated Quotation (NASDAQ) over-the-counter index—which reflect the stock price performance of smaller corporations—registered further increases during the first quarter.

GROSS OFFERINGS OF NEW SECURITY ISSUES

[Billions of dollars, seasonally adjusted annual rates]

Type	1977 Q1 [1]	1977 Q2 [1]	1977 Q3 [1]	1977 Q4 [1]	1978 Q1 [1]
Corporate (total)	48	50	61	59	34
Bonds	38	40	49	43	27
Publicly offered	22	20	33	24	15
Privately placed	16	20	16	19	12
Stocks	10	10	12	16	7
Foreign	4	13	13	5	4
State and local government	44	50	47	46	41

[1] Revised.
[2] Estimated.

A vigorous rally in the stock market in April returned the NYSE index to its level at year-end and carried the AMEX and NASDAQ indexes higher. The rally—reportedly sparked by heavy stock purchases by institutional and foreign investors—appears to have been spurred partly by a stabilization of the U.S. dollar on international currency markets, by indications of a resurgence in domestic economic activity after a weather-related winter slowdown, and by evidence that economic policy actions were being undertaken to slow the rate of inflation.

The generally lower level of stock prices on the New York Stock Exchange limited the incentive for new corporate equity issues during the first quarter. The volume of new issues, estimated at a seasonally adjusted annual rate of $7 billion, was the smallest since the trough in stock prices in late 1974. Public utilities, which tend to have less flexibility in adjusting their debt-to-equity ratios, continued to account for the bulk of new equity issues.

GOVERNMENT SECURITIES

In the municipal securities market, gross bond issuance proceeded at a $41 billion annual pace during the first quarter. Although down somewhat from the record quarterly levels of 1977, volume remained large by historical standards. Repeating the 1977 pattern, advance refundings of outstanding higher-coupon issues accounted for about one-fifth of new offerings. A sizable decline since late 1975 in interest rates on tax-exempt bonds—particularly lower-rated issues—remained a strong incentive for refunding, although a Treasury Department ruling in late 1977 placed tighter limits on the type of issues that may be refunded in advance.

The Bond Buyer index of long-term tax-exempt yields was about unchanged on balance over the first quarter. While net acquisitions of municipal bonds by commercial banks slowed during the first quarter in the face of the increased volume of business loans, continued strong demand for tax-exempt investment outlets by property-casualty insurance companies, investment companies, and individuals have helped keep rates on tax-exempt bonds in an historically low range relative to taxable yields.

The Treasury borrowed a total of $20.8 billion net (not seasonally adjusted) during the first quarter to help finance a $25.8 billion budget deficit and a $3.7 billion deficit of off-budget programs. Increases in outstanding marketable obligations accounted for $15.6 billion of the net borrowing, primarily in the form of notes and bonds. Net financing by Federally sponsored credit agencies jumped to $4.5 billion, the highest level since 1974, as the Federal Home Loan Bank System and the Federal National Mortgage Association (FNMA) borrowed to help finance their support of the residential mortgage market. FNMA acquired $2.1 billion of mortgages in the first quarter, and the Federal home loan banks advanced $1.1 billion (not seasonally adjusted) to savings and loan associations.

Continuing the pattern of late 1977, foreign official institutions and State and local governments remained major sources of demand for Treasury obligations during the first quarter. Foreign official institutions increased their holdings of marketable and nonmarketable securities by $13.7 billion, primarily investing dollar proceeds acquired from intervention in foreign exchange markets. State and local governments, using the proceeds of advance refunding operations, invested $2.5 billion in special nonmarketable Treasury obligations.

FEDERAL GOVERNMENT BORROWING AND CASH BALANCE

[Quarterly totals, billions of dollars, not seasonally adjusted]

Item	1976 Q2	1976 Q3	1976 Q4	1977 Q1	1977 Q2	1977 Q3	1977 Q4 [1]	1978, Q1
Treasury financing:								
Budget surplus, or deficit (−)	2.0	−13.0	−22.8	−18.7	8.6	−12.2	−28.8	−25.8
Off-budget deficit [2]	−.6	−1.8	.4	−4.3	.1	−4.9	−1.3	−3.7
Net cash borrowings, or repayments (−)	9.4	18.0	17.4	17.6	−1.1	[4] 19.5	20.7	20.8
Other means of financing [3]	−4.0	−.7	−.8	2.7	−.4	.4	2.6	1.3
Change in cash balance	6.8	2.6	−5.7	−2.6	7.2	[4] 2.8	−6.8	−5.9
Federally sponsored credit agencies, net cash borrowings [5]	.5	1.7	.4	.7	3.0	1.8	2.0	4.5

[1] Revised.
[2] Includes outlays of the Pension Benefit Guaranty Corporation, Postal Service Fund, Rural Electrification and Telephone Revolving Fund, Rural Telephone Bank, Housing for the Elderly or Handicapped Fund, and Federal Financing Bank. All data have been adjusted to reflect the return of the Export-Import Bank to the unified budget.
[3] Checks issued less checks paid, accrued items, and other transactions.
[4] Includes $2,500,000,000 of borrowing from the Federal Reserve on Sept. 30, which was repaid Oct. 4 after the new debt ceiling was enacted.
[5] Includes debt of the Federal Home Loan Mortgage Corporation, Federal home loan banks, Federal land banks, Federal intermediate credit banks, banks for cooperatives, and Federal National Mortgage Association (including discount notes and securities guaranteed by the Government National Mortgage Association).

MORTGAGE AND CONSUMER CREDIT

Net mortgage lending during the first quarter of 1978 was at an estimated annual rate of $126 billion, down sharply from the record pace of $142 billion during the final quarter of 1977. Reduced lending on residential properties accounted for the entire decline, as expansion of nonresidential mortgage credit continued at its pace in late 1977. Among major lenders, the slowdown was most pronounced at depositary institutions, where net mortgage acquisitions declined in

the face of a weakening in deposit inflows. Delays in construction due to bad weather may have further disrupted mortgage flows during the early months of the year.

Largely because of their smaller cash flow, savings and loan associations, the largest suppliers of residential mortgage funds, reduced their net lending by more than 15 per cent from recent record levels. These associations also curtailed new mortgage commitments; the result was the first quarterly decline in outstanding commitments (seasonally adjusted) since 1974. The slackening in deposit growth also forced savings and loans to rely increasingly on advances from the Federal home loan banks, and on other borrowed funds, to help meet takedowns of mortgage commitments. Outstanding advances increased $3.6 billion on a seasonally adjusted basis, reaching a level above the 1974 peak. Savings and loans expanded their holding of liquid assets (seasonally adjusted) during the first quarter at the greatly reduced pace of the previous quarters. The Federal Home Loan Bank Board, in an attempt to free additional funds for mortgage lending, reduced its minimum liquidity requirements for the associations, effective May 1.

NET CHANGE IN MORTGAGE DEBT OUTSTANDING

[Billions of dollars, seasonally adjusted annual rates]

Change—	1977 Q1[1]	1977 Q2[1]	1977 Q3[1]	1977 Q4[1]	1978, Q1[2]
By type of debt:					
Total	108	131	139	142	126
Residential	(84)	(104)	(107)	(109)	(93)
Other[3]	(24)	(27)	(32)	(33)	(33)
By type of holder:					
Commercial banks	20	27	29	26	22
Savings and loans	50	59	62	63	53
Mutual savings banks	4	6	8	8	7
Life insurance companies	2	4	5	8	7
FNMA and GNMA	(4)	6	−3	(4)	6
Other[5]	32	29	38	37	31

[1] Revised.
[2] Partially estimated.
[3] Includes commercial and other nonresidential as well as farm properties.
[4] Less than $500,000,000.
[5] Includes mortgage pools backing securities guaranteed by the Government National Mortgage Association, Federal Home Loan Mortgage Corporation, or Farmers Home Administration, some of which may have been purchased by the institutions shown separately.

Among other major lenders, commercial banks also slowed their net mortgage acquisitions significantly from the strong pace of late 1977, in part because of increased demand for business loans. Mortgage lending by life insurance companies, primarily on nonresidential properties, changed little. The flow of funds into markets for mortgages insured by the Federal Housing Administration or guaranteed by the Veterans Administration held up relatively well, as reductions in issues of mortgage-backed, pass-through securities guaranteed by the Government National Mortgage Association (GNMA) were roughly offet by increased mortgage purchases by FNMA. A general increase in home-mortgage interest rates since late 1977 made the purchase price on outstanding 4-month FNMA purchase commitments attractive to mortgage originators possessing such commitments.

The combination of slower deposit flows into thrift institutions, sustained demand for mortgages, and a rise in interest rates on other long-term instruments pushed home mortgage yields higher during the first quarter. Average rates on new commitments for conventional mortgages on new homes increased from 9.10 per cent at the end of 1977 to 9.30 per cent at the end of March, the highest since 1974. During the quarter, rate ceilings on Government-underwritten home mortgages were raised by 0.25 of a percentage point to 8.75 per cent. Nonrate terms and credit standards are also reported to have tightened somewhat in recent months; many lenders, for example, now are said to be insisting upon larger downpayments.

Consumer installment credit, the other major source of household financing, expanded at a record seasonally adjusted annual rate of $37 billion during the first quarter. Automobile credit, buttressed by a sharp recovery in new-car sales in March, continued to account for more than 40 per cent of total growth in installment credit.●

BLEAK BUSINESS CLIMATE FORECAST IN CALIFORNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GOLDWATER) is recognized for 5 minutes.

● Mr. GOLDWATER. Mr. Speaker, I am deeply troubled by an article which appeared in the New York Times last weekend on the dismal economic conditions which affect the business community in southern California. I am having the article printed in the RECORD following my remarks. I urge each of you to read it, with a thought to the effect we in Government can have on the potential for business growth. Taxation, a policy for dealing with inflation, and the delivery of public services are just a few of the factors which determine the prospects for a healthy business climate in every congressional district in the country.

As this article points out, Government policy has intimidated major corporations from locating in my home State. It started early in the 1960's when the State began lavish spending programs for welfare and other social services which require raising more taxes. Regulatory programs expanded, placing severe restrictions on business activity in the areas of health, safety, and the environment. The costs of these programs is also staggering.

The California Manufacturers Association, a coalition of labor unions in the State, and the California Business Roundtable, have submitted a package of proposals to the California Legislature which place greater emphasis on creating an atmosphere of economic vitality.

The policy of Governor Brown and his administration has done considerable damage to the attraction of new firms in the State. Corporate income is taxed at a higher rate than 48 other States. California expenditures for welfare-oriented programs are 50 percent above the national average, contributing significantly to this burden on the business community. The tax on inventories which businesses store has drained corporate treasuries. California is also one of only three States which levies a tax on its total profits derived from conducting business in the State.

A poor policy for planning the development of energy resources has also discouraged business from looking favorably at California. Since the Brown administration took office in 1974, electrical generating capacity has fallen to less than half of its level during the previous 4 years. There are problems with developing other resources such as natural gas, oil, and coal, and an attitude of hostility toward nuclear fuel pervades the Governor's office.

The regulatory bureaucracy in Sacramento has done a real job by inhibiting the issuance of business permits. The Governor's people in a position to facilitate business growth have taken a confrontational approach in entertaining business interests. With such a high rate of unemployment in the State, an open door to the businessman would seem to be in order. Cosmetic steps, like catchy slogans—"California Means Business"—are not about to induce a company to spend millions on setting up shop, or expanding, in California.

Today's Wall Street Journal, in an article by James M. Perry, aptly describes the mood of Californians toward their Governor:

> Californians . . . are tired of hearing about the legendary mattress on the floor and the dates with rock star Linda Ronstadt as well as . . . the potential that lies in everybody's garbage pail.

According to one poll-taker,

> Californians these days have real problems, and they've decided they need a practical, down-to-earth problem solver to deal with them.

It seems to me, Mr. Speaker, the way business has been pushed around in California of late, there certainly is the need for quick and positive action.

The article follows:

LURE OF CALIFORNIA FADES FOR BUSINESS

(By Robert Lindsey)

LOS ANGELES, May 26.—"Housing costs are too high . . . Taxes are too high . . . The transportation system is bad . . . More and more of our young executives won't accept a transfer here."

In a curious echo of the complaints that business and industry began to fling at New York City more than a decade ago, business leaders here say they are alarmed that southern California, once one of the more desirable assignments in corporate America, has lost its luster.

Industry executives say that it is becoming increasingly difficult to recruit personnel in other cities to take jobs here and that more and more executives are refusing transfers here.

Moreover, they say relatively high operating and living costs are stimulating a flow of jobs out of the region and deterring additional employers from locating here.

"If the future doesn't look any better than the recent past, industry will continue to leave the county," Robert Draine, a senior vice president of the Coldwell Banker Company, a real estate concern, told a public hearing on the county's future last week.

NO REPLACEMENTS

"We are not getting the new industrial firms that are willing to move into the county today to replace those that are moving out," he added.

Daniel R. Miller, a senior vice president of Daniel, Mann, Johnson & Mendenhall, an engineering company, said at the same hearing: "We are facing increasing difficulty in attracting top professionals here, or to transfer individuals here from our other offices, because the area is now being perceived as a problem city, one in which it is undesirable to live."

Many Los Angeles County companies, such as the Fluor Corporation, a large engineer-construction concern, have moved south to the open spaces of fast-growing Orange County. But severe shortages of moderate-priced housing are blamed for a labor shortage there that has begun to slow up growth

and prompt some companies to leave this suburban refuge.

David Methvin, who founded Computer Automation in a garage with $15,000 10 years ago and built it into a major manufacturer of minicomputers, with $60 million in annual sales, said the labor shortage, a high tax structure and an "antibusiness attitude in California" had prompted him to move part of his operations from Orange County to Austin, Tex.

EXPANDING ELSEWHERE

Still other expansion will occur in Dallas, Portland, Ore., and in Ireland he said.

"We won't expand any more in California; we don't need its problems." he said. "Our ability to recruit people into California and a shortage of labor has become excruciatingly painful in the last year and a half, and it led us to look elsewhere.

"People tell us, 'I can't afford to move to California; the taxes are too high; I'll have to pay twice as much for a house."

"Add that to the antibusiness attitude of the Brown administration and the high taxes and all the government regulation that has helped raise the price of houses, and I think if you took a poll up and down the street here you'd find just about every other electronics company saying the same thing; they can't afford it."

"There's a large exodus of business leaving the state," he said.

Whether or not the administration of Gov. Edmund G. Brown Jr. has discouraged business is a political issue in the state.

The Governor denies it, citing the creation of almost 500,000 new jobs in the state last year. But, as more decisions such as that by Mr. Methvin have been made, he has repeatedly had to defend himself against assertions that he has slowed the growth of the economy by overly rigid regulations. Candidates in the state's current Republican gubernatorial primary campaign have used this as one of their principal points of attack.

The state's taxes are also a major issue in the June 6 primary election, focused on Proposition 13, which would limit property taxes to 1 percent of the market value of a home and impose strict limits on additional taxes.

Although taxes, growing freeway congestion, the impact of rising gasoline prices on automobile commutation expenses, and other problems are mentioned by industry executives, they say that high prices for housing are the most often cited complaints among people refusing to move here.

Although housing costs have jumped nationally in the past three years at much faster rates than in the past, the rise has been much more spectacular here. The Real Estates Research Council, an industry group, estimated this week that in April the average price of a single-family home sold in this region was $83,200, $27,000 above the national average.

In more desirable areas and communities that middle and senior management executives seek out, costs are much higher, usually beginning at about $150,000. In Orange County, the median price of a new home recently passed $110,000.

"We had one man who worked for a company in Manhattan and lived in Westchester and came out for a final interview with our chief executive officer," a personnel executive for a large insurance company here said.

"He figured his home in Westchester is worth at least $100,000, but when he came here he said he couldn't touch anything comparable for less than $225,000. He got on the plane the next day and said goodbye."

To cope with the problem of employees and potential employees increasingly turning jobs down here, L. D. Norris, manager of employee relations policy and procedures for the Atlantic Richfield Corporation, said his company was considering giving employees an extra cost-of-living stipend during their assignment here, one that would not continue if they were later transferred elsewhere.

Most of the resistance to being transferred here, he said, "involved the high cost of housing and taxes," although he added that he suspected that some people used these as an excuse because they did not want to leave where they were living now.

RAPID PRICE RISE

Mr. Norris said, "Related to some parts of the East, New York and Philadelphia, for instance, costs aren't all that different, but even for people in these areas the rapid run-up in housing prices here has been a serious factor. But in Houston, the South and the Southwest, the difference in housing prices is really substantial."

He said that if employees were willing to drive longer and live in less prestigious communities, it was still possible to buy homes for less than $70,000. But, he added, this often does not satisfy the workers and it sometimes presents sensitive problems in the office if it does.

"One of the problems we are encountering," he said, "is that when new arrivals come out here, they experience peer pressure to live in certain [prestigious] communities."

He said their peers at work had often bought their homes in the early 1970's at much lower prices, before the recent torrid inflation, but the newcomers cannot afford homes in the same areas.

It is not uncommon, Mr. Norris said, for a new employee to find that many of the people whom he supervises live in what is perceived to be a more prestigious community and in a larger home, "and this presents human relations problems." ●

ANSWERS TO QUESTIONS ABOUT NEW YORK CITY'S FINANCIAL SITUATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN. Mr. Speaker, next week the House is scheduled to consider H.R. 12426, the New York City Financial Assistance Act of 1978.

The bill would provide Federal loan guarantees for New York City securities to help the city to get back into the municipal bond market.

I am pleased that so many of my colleagues are studying this legislation very carefully and seeking to learn more about New York City's financial problems. To help in this effort, I call to my colleagues' attention a question-and-answer sheet on New York City's financial situation which has been prepared by Mayor Koch's office.

This fact sheet and a brief summary of H.R. 12426 follow:

NEW YORK'S FINANCIAL SITUATION QUESTIONS AND ANSWERS

1. Q. What is the City requesting from the Federal government in order to become financially self-sustaining by Fiscal Year 1982?

A. The City is seeking Federal guarantees of $2 billion which could be used either for seasonal loans or for long-term loans to finance true capital projects. These capital projects would protect the revenue base of the City and reduce operating expenses. The guarantees would last up to fifteen years, and the City would pay a guarantee fee of .5% each year on the amount guaranteed.

2. Q. Aren't there more than enough funds within New York to meet the City's financial needs?

A. While there are more than ample financial resources within New York, the ability to lend and the willingness to lend are unfortunately not the same thing. As seen by the failure of the City's Note Offering in November, the private credit markets remain closed to the City of New York, even though the City has repaid its Federal loans on or ahead of schedule and has met all other obligations to its creditors. To overcome the continuing concerns expressed over fiduciary requirements and other issues, the City has requested Federal guarantees of some of its securities which it will market over the next four years.

3. Q. In 1975, the City said the Seasonal Financing Act would be the only financing help it needed from the Federal government. Are there any assurances that the guarantee program is the last Federal financing help the City needs?

A. In 1975, City and State officials believed that the three year Seasonal Financing program would allow sufficient time for the City to balance its budget in accordance with the MAC Act and thereby regain access to the credit markets. Although the City expects such a balanced budget for the Fiscal Year ending June 30, 1978, the market problems were more severe than anyone realized and the City has not been able to sell its securities publicly, as seen in the failure of its Note Offering in November. Part of the problem is that the budget does not conform in all respects to generally accepted accounting principles (GAAP). By Fiscal Year 1982, it will. In addition, the seasonal loan facility did not enable the City to make the capital improvements necessary to attain long-term vitality. Without that vitality, investors lack assurance that the balance between revenues and expenses can be maintained. While no one can predict the future with certainty, City officials believe that the Federal guarantee program will give the City time to achieve a record of balanced budgets while reducing past financing pressures so that it can enter the market on its own strength at the expiration of the proposed four year program.

4. Q. What will be the cost to the Federal government?

A. It is expected that the guarantee will, like the Seasonal Financing Act, produce a profit for the Treasury. This profit will come from the guarantee fee the City is offering to pay the Federal government. The Federal government will have made over thirty million dollars from the Seasonal Financing Act by June 30, 1978 as a result of the premium the City has paid for this facility over the Government's interest cost.

5. Q. What has the State done to help the City?

A. As Secretary Blumenthal said in his testimony, New York State has taken major steps to help. It now advances $800 million annually to provide working capital for the City. It funds 75% of the costs of the City University senior colleges. It is assuming responsibility for funding the City's courts. It established the Emergency Financial Control Board to oversee the City's budgets and borrowings. Most recently, Governor Carey provided the City with $250 million in additional aid to help the City balance its fiscal 1979 budget and he pledged over $75 million to help pay for the transit settlement.

6. Q. Why can't the State guarantee the City's bonds?

A. The State of New York is constitutionally prohibited from lending its credit in this way.

7. Q. Why has the State cut taxes by $750 million if the City needs more help?

A. As previously mentioned, the State has provided $250 million for Fiscal Year 1979 to help the City balance its budget. The tax

cut is designed to stimulate economic activity within the State. In the past, businesses left the State because of the heavy tax burden but it is believed that the tax cut will stop or at least reduce the outflow. To the extent this happens, it will benefit the City. Even with the tax reductions, New York will continue to rank as one of the highest in per capita State and local tax collections.

8. Q. When will the City obtain a truly balanced budget?

A. As mentioned, the City has taken many steps to obtain an equilibrium between its revenues and its expenses and it expects to have a balanced budget in the current fiscal year in accordance with the MAC legislation. As outlined in the Four Year Financial Plan submitted to the Secretary of the Treasury on January 20th, the City expects to have a budget balanced in accordance with generally accepted accounting principles in fiscal 1982.

9. Q. Won't a high labor contract make a balanced budget difficult to achieve?

A. The Fiscal 1979 Executive Budget is balanced and provides for a reasonable labor settlement, and the Four Year Financial Plan identifies additional funds for labor costs in the following years without increasing the City's projected budget gap.

10. Q. What is the impact of New York City's financial problems on other localities?

A. One example of the impact of New York's financial situation on other localities became evident shortly after the fiscal crisis became fully public in July 1975. According to Dr. John E. Peterson of the Municipal Finance Officers Association, municipalities in every state experienced increases in the interest rates on the bond sales. He estimated that the added-interest costs of state and local borrowers was $147 million in the first year.

SUMMARY OF H.R. 12426

Short title: New York City Financial Assistance Act of 1978.

Financial assistance: Would provide $2 billion in loan guarantees to New York City, guarantees to be for no longer than 15 years, but could be for short term, thus providing standby seasonal assistance.

Termination: Authority to issue guarantees would terminate June 30, 1982.

Conditions of eligibility:

City must be unable to meet its borrowing needs in the private market or elsewhere—by determination of the Secretary;

City must achieve a true budget balance by the fourth year;

City must achieve budgets balanced according to accounting principles prescribed by Secretary of the Treasury during previous three years;

An independent fiscal monitor must be in place for entire period guarantees are outstanding;

A substantial portion of City's financial needs must be met through commitments from other public or private sources;

Secretary must determine there is a reasonable prospect of repayment of obligations to be guaranteed;

City must agree to an annual independent audit of its books;

Interest rate on obligations must be reasonable and in line with other guaranteed obligations.

Limitation on guarantee amount: The bill would limit guarantees to $2,000,000,000 in principal and accrued interest.

Guarantee fee: Secretary must assess a guarantee fee of at least one-half of one percent of outstanding principal.

U.S. remedies:

In event of default, Secretary is required to withhold Federal payments to City or State as offset against the default.

In event of insolvency or bankruptcy, bill provides that the United States has priority claim over other creditors. Bill does not provide for waiver of this priority claim.

Inspections, audits and reports: Full authority is provided for Treasury to inspect all pertinent documents relating to the City's financial affairs. The GAO is authorized to make appropriate audits and to report to Congress. Treasury is required to report periodically to Congress on activities under the legislation.

LEGISLATION TO AMEND SECTION 1002, TITLE 38, UNITED STATES CODE, REGARDING WIDOW'S BURIAL RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HAMMERSCHMIDT) is recognized for 5 minutes.

● Mr. HAMMERSCHMIDT. Mr. Speaker, under current Federal regulations pertaining to burials in national cemeteries, if a veteran's widow subsequently remarries, she automatically relinquishes her right to be buried with her former spouse.

This is unfair in a situation where a widow remarries during her later years, but who upon death wants to be buried with her former spouse.

I am, therefore, Mr. Speaker, today introducing legislation which will remedy this unfair situation, which currently exists in section 1002 of title 38, United States Code. This legislation will not in any way dilute the veteran's benefits or entitlements, and I should think the number of situations this remedial bill will affect would be minimal indeed and, therefore, would cause very insignificant additional costs to the U.S. Government. It will simply grant the possibility—the choice—of being buried with her former spouse.●

FOUR U.S. ATTORNEYS TO TESTIFY AT HELSINKI COMMISSION HEARING ON SOVIET LEGAL THEORY AND PRACTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FASCELL) is recognized for 5 minutes.

● Mr. FASCELL. Mr. Speaker, four prominent U.S. attorneys will testify this week before the Commission on Security and Cooperation in Europe about the current wave of repression in the Soviet Union aimed at human rights activists.

Scheduled to appear at the Commission's hearings are former Attorney General Ramsey Clark; civil rights legal experts, Edward Bennett Williams and Alan Dershowitz; and noted Soviet legal expert, George Fletcher, of the University of California.

The hearings will focus primarily on the legal pretexts that Soviet authorities have used to arrest and try members of Helsinki monitoring groups who have sought to pressure the Soviet Government to comply with the human rights provisions of the Helsinki Accord. Earlier this month, a founder of the Helsinki monitoring group in Moscow, Yuri Orlov, was sentenced to 7 years imprisonment and 5 years internal exile for alleged anti-Soviet propaganda activities.

Clark, Williams, and Dershowitz have all taken an active interest in aiding the defense of Helsinki monitoring group members Aleksandr Ginzburg, Anatoly Shcharansky, Mykola Rudenko, and Oleksiy Tykhy as well as Orlov. All but Ginzburg and Shcharansky, who are imprisoned awaiting trial, have been convicted and sentenced by Soviet courts, because of their Helsinki-related aitivities. U.S. attorneys have been refused permission by Soviet authorities even to attend the trials of the accused men.

The hearings are scheduled for 9 a.m. Tuesday, June 6 in room 2212 of the Rayburn House Office Building, where two new Commission studies will also be released. The studies include biographical information on Helsinki monitoring group members and background on Soviet law and legal procedures used against them.●

TRUTH IN LENDING—IT IS WORKING FOR AMERICAN CONSUMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, this week marks the 10th anniversay of enactment of the original truth in lending bill. This landmark legislation and its important amendments has proved to be the greatest single aid to American consumers than any other credit measure to emerge from the U.S. Congress in recent years.

Prior to truth in lending, consumer awareness of credit terms was remarkably low. Truth in lending required financial institutions to spell out credit terms in full and established stiff civil liability to creditors not complying with the act.

Under truth in lending legislation, for the first time creditors were required to inform borrowers that the 3-percent interest charge per month they were being charged actually meant an annual interest rate of 36 percent. Will Ogburn of the National Consumer Law Center in Boston recently gave an example of how financial institutions disguised true credit terms prior to truth in lending, in an article which appeared in the Washington Post, May 28.

Ogburn said:

Finance companies traditionally charge the highest interest rates. Sometimes, before the Act, you could see a finance company advertisting 8 percent interest on a 36-month loan. But what they didn't say was that the consumer would be charged 8 percent of the full $1,000 for all three years, even though some of the balance had been paid off in the first two years. In fact, the true interest on that loan was 14.55 percent, which was higher than the bank loan at, say 10 percent. But because the finance company didn't have to conform to the same reporting methods, it looked like a better deal.

Truth in lending has effectively stopped such practices by finance companies.

Consumers also had little knowledge and understanding of financing charges on credit cards prior to truth in lending. The Federal Reserve Board conducted

a study of consumer awareness of interest rates just before the Truth in Lending Act was enacted, just after enactment and again last year. Awareness of credit card interest rates was raised substantially. Prior to the legislation, only 26 percent of consumers studied were aware of the annual interest rates they paid on credit cards. One year after the law was passed, 63 percent were aware of credit charges and in 1977 that figure had risen to 71 percent.

No one doubts that truth in lending has had an overwhelmingly positive effect on consumers. The Federal Reserve has called the bill "possibly the most important legislation in the credit area."

Since the initial legislation 10 years ago, various amendments have both strengthened truth in lending and effectively dealt with changes in the credit market. In 1970, an amendment was added to prohibit the distribution of unsolicited credit cards, a much needed amendment since the number of credit card users had jumped from 5 million in 1965 to 50 million by 1970.

The truth in leasing amendment to the bill was another greatly needed amendment, passed in 1976. Due to the increase in Americans renting rather than buying their homes, truth in lending requirements were extended to cover leasing agreements.

And now the Senate has voted out another amendment to this legislation, an act called the truth in lending simplification bill. Proponents of the bill maintain that this legislation will aid consumers further by "simplying" credit terms and making them more readily understandable.

I support simplification of truth in lending. However, simplification must be done in a manner which retains all the consumer safeguards available under the legislation as originally passed. The truth in lending simplification bill as reported by the Senate does not achieve this.

Mr. Speaker, I am not of the opinion that omission of credit terms in the name of simplification is of benefit to the consumer. Nor do I believe that eliminating the important right of rescission, the right for a borrower to have 3 days to back out on any agreement in which he gave a second mortgage on his home, is in the best interest of the consumer. Nor is the easing of creditor's liabilities for noncompliance with the law in the best interest of consumers, in fact, it is these very same stiff penalties which have helped make truth in lending such a success in its original form.

All the above provisions are in the bill voted by the Senate May 10. Truth in lending has proved a tremendous success. Countless studies point to the benefits provided under this legislation. Consumer awareness of credit terms has been raised a remarkable degree. In light of the huge success of this law, the logical question is why continue to tamper with this legislation and run the risk of weakening the act. In my judgment, this will be the only effect of the "simplification" of truth in lending as now proposed.●

ZIMBABWE AND UNITED STATES POLICY IN SOUTHERN AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 10 minutes.

● Mr. DIGGS. Mr. Speaker, for the record, I think the following article clearly lays out a perspective on future development in Rhodesia-Zimbabwe that should assist us in arriving at a sober approach to promoting peaceful change and development in southern Africa. Unfortunately, at present the Congress and the administration have allowed a preoccupation with Soviet and Cuban activities in Africa to obscure our real interest in developing a positive and nonideological policy in that continent—one which will reap positive benefits for Africa and America over the long term.

Because of our tendency to react to developments in Africa within the intellectual framework of a persistent anti-Communist mind-set, our diplomatic and aid relations, particularly in southern Africa, risk becoming hostage to our hysteria toward the Soviet Union and Cuba jeopardizing our long-term interests in Africa as a whole. Thus we have continued a negative, nonrecognition policy toward the People's Republic of Angola thereby at least indirectly contributing to the climate of instability engulfing both Angola and neighboring Zaire. And merely because Mozambique adopted a "leftist" course in its sovereign pursuit of its domestic political and economic development, Congress saw fit to place stringent restrictions on administration flexibility in southern Africa by prohibiting economic assistance to Mozambique. This is a good example of the type of congressional restriction that urgently needs to be repealed.

Hopefully, American policy toward Rhodesia-Zimbabwe—as that entity undergoes a difficult and unpredictable transition to real majority rule and independence—will not be intolerant of the course of development that Zimbabweans may deem necessary to pursue in building a new nation. The following article by Roger Ridell from the May–June 1978 issue of Africa Report, in my opinion, offers a timely analysis of development alternatives that may confront a future independent Zimbabwe. Athough the author clearly leans toward a socialist development path for Zimbabwe, he notes—as we should—that in the case of Angola and Mozambique, "Compromises are being worked out to marry the desire of these new states for self-reliance with the need of the companies to make a profit" and that "Dependence on the East also works against the goal of self-reliance" as does total dependence upon the West. This seems to me to offer the type of perspective that should govern future administration and congressional responses to the basic human needs of development in both Zimbabwe and Namibia. It is for this purpose that I recommend the following article to my colleagues:

WHAT ECONOMIC ROAD?

(By Roger Riddell)

A central factor in the current conflict over Rhodesia's future is the economic structure which will emerge in independent Zimbabwe. At the risk of oversimplification, it appears that the supporters of the internal settlement would opt for the present pattern of economic development, with perhaps the introduction of some marginal changes associated, for example, with the removal of racially discriminatory legislation. The leaders of the Patriotic Front, on the other hand, favor a more radical structural change and the establishment of a self-reliant and socialist economic path for Zimbabwe.

The attempt to examine the implications for Zimbabwe of opting for these two very different economic futures is fraught with difficulties. At least two-thirds of the country is covered by guerrillas, and the Rhodesian authorities appear to have abandoned large rural areas in the northeast and southeast of the country. Increasingly, the proponents of radical change and "moderation" have moved further apart. Support for the more radical Patriotic Front forces of ZAPU and ZANU in the rural areas (where 80 percent of the population live) is still high, according to recent reports from foreign journalists and missionaries. There appears at present to be little hope that the internal settlement will lead to a cessation of the fighting, and economic scenarios that paint a rosy picture of early stability leading to economic boom injected with large inflows of Western capital are politically naive.

In 1975 the combinations of the economic effects of the war and the world recession brought a halt to the expansion of the Rhodesian economy. Before then, Rhodesia's capital expansion had been remarkable in the experiences of Third World economies.

In the 20 years to 1975, the economy grew at an annual average rate in real terms of 5 percent; in that year, gross domestic output was valued at $3.2 billion (at present, U.S.$=Rh$0.65) and the population of the country stood at 6.3 million. Primary production accounted for 48 percent of total domestic product with agriculture, mining, and manufacturing contributing 17, 6, and 25 percent, respectively.

The country is now self-sufficient in food production; it produces more tobacco than any country in Africa and it exports substantial amounts of maize, beef, cotton, and sugar as well as tobacco. Rhodesia also has the largest industrial base of any country in Africa, except South Africa. Its extractive mining industry is technologically advanced; it exports chrome (Rhodesian chrome is of the highest quality and Rhodesian reserves account for about one-third of Western reserves), nickel, asbestos, copper, and gold.

Rhodesia has had its own iron and steel works since the 1930s; its electrical power needs are supplied by the huge Kariba dam which is soon to be supplemented by the new thermal power station at Wankie. Finally, the country has a comprehensive road and rail system which links it to the sea via South Africa, Botswana, Zambia, and Mozambique.

When the United Nations imposed economic sanctions in 1965 and the country became legally isolated from the world community, the economy soon revived, and in many ways gained strength in its "isolation." A large number of manufacturing industries have been set up behind an externally imposed protective wall and have prospered because the lack of foreign exchange has curtailed the importation of both capital and consumer goods.

Nor did the imposition of sanctions prevent Rhodesia from exporting her much-demanded agricultural and mining products to world markets, although the need to avoid detection has certainly lowered the price paid to Rhodesian exporters. In some cases, such as with the Byrd Amendment, United Nations sanctions have been blatantly ignored, in others trading has taken place less openly.

By 1975 the value of Rhodesian exports was approximately 60 percent higher than before UDI. Restrictions on the repatriation of profits by foreign companies added further buoyancy to the economy, and in the first 10 years of economic "isolation" real growth was even higher than in the previous 10 years.

But this impressive record has led to the creation of a rigid economic structure which benefits only a tiny minority of the population. Historically, the dynamic productive sectors of the economy have been intricately linked to the developed market economies so as to create an outward-looking, export-oriented and dependent growth path.

During the federal period (1953–1963) foreign capital accounted for over 50 percent of total investment. By UDI in 1965, nearly 70 percent of net profits accrued to foreign companies, and today the percentage is certainly higher. Since UDI, foreign capital has constituted 37 percent of total investment and a far higher proportion of productive investment.

This outward-oriented growth path has helped to create (with the assistance of state intervention) a small highly developed and dynamic modern sector supported by a vast underdeveloped residual sector. This growth path has led to huge benefits for the small white population, which has serviced the growth, and the increasing marginalization of the large African population.

Land has been the key factor in the evolution of Rhodesia's economic structure. Today some 63 percent of the population lives in the Tribal Trust Lands (TTLs) where the vast majority exist in subsubsistence conditions. The average annual income of the 675,000 subsistence farmers in the TTLs is not more than $200.

The Tribal areas are currently carrying three times as many people as they are able to support. Both the grazing land and the cultivated land are in a state of crisis. Over 50 percent of the land is either bare or heavily overgrazed and over 17 times as much land is being used for dryland cultivation as is ecologically desirable.

As one might expect, the Tribal areas are becoming increasingly incapable of feeding their population; starvation is reported, and larger and larger quantities of food are now having to be brought in from the white commercial farms. The growth of "protected" villages (see Africa Report, September–October 1977) has made this crisis situation even worse.

At the other end of the scale is the white population, which consists of only 250,000 people, only 4 percent of the total (a smaller number, it is said, than the number of British people living in California). Half of Rhodesia's land is given over to white occupation, and there are currently 6,682 farms covering 35.7 million acres.

In contrast with the acute overcrowding in the African areas, large areas of white land are either unused or under-ultilized. Much of the white farming is inefficient and the majority of white farmers are only able to survive through the payment of large direct and indirect subsidies. More than 60 percent have such low incomes they do not qualify for income tax payments and in the current financial year, agricultural subsidies and assistance to predominantly white agriculture amounts to $92 million.

Outside agriculture, whites own the local capital, manage the foreign-based enterprises, and hold the top positions in the civil service as well as in service industries. This is well illustrated by the fact that in 1974 the whites contributed over 99 percent of all personal income tax paid in Rhodesia. For this white elite, annual average income is $8,585 and in the last 10 years has increased by over 50 percent in real terms. Most white families enjoy the benefit of low-paid black servants, which has enabled wives to seek employment. Nearly 50 percent of white women work outside the home, so family income is on average far higher than these figures indicate.

Between these two extremes is the African labor force employed in the modern sectors of the economy. The TTLs are not only important because they hide the impoverished majority in the rural areas, but also because they are the source of cheap labor for the rest of the economy.

In 1977, there were nearly one million Africans employed in the modern sectors of the economy. Of these, 40 percent were employed on commercial (white) farms; here the annual average wage was $300, in contrast with an estimated poverty line for a family of six of not less than $900 a year.

In relation particularly to working conditions in this sector, the International Commission of Jurists stated in 1976 that "one of the most blatant forms of modern slavery existing throughout the world (is) the status of certain black workers in Rhodesia" (The Guardian August 11, 1976). The majority of the rest of the African labor force is employed in the urban areas; the average wage paid to these workers in 1977 was $1,100, in contrast with the urban poverty line of $1,652. More than 80 percent of the urban black work force receive incomes below the poverty line.

African workers are able to survive with such low wages because of the accommodating mechanism of the Tribal Trust Lands. The shortfall in necessary income is largely made up through continual support from the Tribal areas: Sometimes food is sent to the urban areas, more commonly a worker's dependants live and are provided for in the TTLs. In this way the development of the modern sectors of the economy and the high wages paid to the elite are built upon the underdevelopment of the Tribal areas and the low wage structure of the blacks.

What is likely to happen if Zimbabwe, while removing overt racial discrimination, encourages the expansion of the present dynamic sectors of the economy and opens the doors more widely to foreign capital to build upon its already entrenched position within the Rhodesian economy?

The present strategy has failed to absorb the present work force into productive employment. In the period of Rhodesia's most rapid economic expansion, from 1969 to 1975, expansion in the modern sectors of the economy led to the creation of about 50,000 new jobs a year. Over this period, the annual level of investment was about $690 million a year. Yet, during this time, the modern sector failed to provide employment for at least 45,000 men and 210,000 women—the potential work force was not being absorbed.

In the next 10 years, some 110,000 new jobs would be needed each year to absorb the growing work force. But for this to occur under the current strategy and with the present composition of capital, even higher levels of investment would be necessary and real growth would have to be at least 11 percent a year, in real terms. For a number of reasons this is highly unlikely to occur.

In the first place, foreign companies, since UDI have been prevented from repatriating their profits abroad, would be likely to lower their rates of reinvestment, particularly in a climate of political instability.

Secondly, there is likely to be increasing pressure to move away from the present institutionalization of subpoverty wages for the black labor force. In 1975, total black wages amounted to $660 million and gross operating profits were $1.51 billion. To double the wage bill (and even then not all employees would be receiving anything like an adequate wage) and channel profits to the provision of essential services, particularly to the rural population, would lead to a drastic cut in present profit levels.

Thirdly, any future economic strategy would need to place far more emphasis on raising the levels of incomes of those living in the rural areas. As the total potential work force cannot be absorbed into modern sector employment, policies would have to include both increasing investment in the Tribal areas and resettlement of the excess Tribal population (at present some 500,000 families) onto the unused and underutilized commercial and plantation land.

A recent estimate shows that at least 75 percent of European land would be needed to accommodate the present excess Tribal population and to enable them to obtain a modest income from the land. But such a resettlement scheme would not only require something like a tenfold increase in investment in traditional agriculture, but would also confront head-on the protection of white property rights which the internal settlement scenario demands as a *sine qua non* for any future policy. And to complete the circle, a channelling of such high levels of investment to subsistence agriculture would lower the rate of expansion of the modern sectors of the economy.

Other areas significant for the future are the debt problem and the outflow of funds. In the past few years, the present government has not found it possible to increase the general level of taxation, and rising government expenditure has been met through government borrowing. In the current year, the government has borrowed $240 million alone, while in the period 1967 to 1974, public sector borrowing amounted to $590 million.

Under this scenario, a future government would also be committed to repaying its foreign debts to maintain its international credit worthiness. The present foreign debt of the Rhodesian government, payable to bond holders on the London stock market, the British government, and the World Bank, stands at about $189 million. In addition, there may well be a sizable amount of secret debt contracted since UDI. Finally, current pension payments of the government amount to $50 million and current provisions allow for this to be paid abroad.

Then there is the problem of outflows of funds from the country resulting from future foreign capital investments and international loans. In the period 1966 to 1974, new foreign investment of about $384 million was exceeded by outflows of about $600 million. This net outflow of capital will be exacerbated by future foreign investment, however greatly, the need for capital in the scenario demands such investment.

To this the repayment of international loans must be added. The proposed Zimbabwe Development Fund includes the provision of international loans to an independent Zimbabwe government of about $750 million over a five-year period.

All this, plus interest, would have to be repaid in the future—and the experience of Third World countries shows that international debt repayment is now a major economic problem severely handicapping domestic economic policies. Under the present economic path, a future Zimbabwe would have to depend largely on the international price of her mineral and agricultural exports—over which she could exert little control—to meet these debts.

The experiences of Zambia and Kenya, which have both followed policies of export-led growth and an openness to foreign capital, are relevant. Kenya is now facing severe balance of payment problems, domestic inflation, and increasing unemployment—not all of which are attributable to the oil price rises of the early 1970s.

Recent reports from Zambia show that she is experiencing acute difficulties in meeting her external debt obligations. Her debt service ratio rose from 3.1 percent in 1970 to 9.1 percent in 1976 and by 1977 outstanding debt stood at $1.67 billion, amortization was $119.7 million and interest payments were $66.2 million. Although Zambia's problems center on her almost total dependence upon copper exports, the Zambian case should sound a warning for those who advocate export-led growth for a future Zimbabwe.

Finally, and most importantly, this whole "moderate" scenario depends critically upon the ending of the war and the creation of a stable economic climate which would encourage the incredibly high levels of foreign investment and capital necessary to produce a continuous real growth rate of some 11 percent a year.

The war has already led to an acute economic crisis. Gross national product fell by 3 percent in real terms in 1976 and a further 7 percent in 1977. At present the war is costing $1.2 million a day, and accounts for over 40 percent of current government revenue.

In February this year, industrial production was at its lowest since 1971, and by June last year the numbers of African employees had already fallen by 40,000 since two years previously. The crisis is showing in company reports: More Wear, a leading Rhodesian firm, recently reported a loss of $3.5 million over the year, while Cadbury-Schweppes reported a fall in taxed profit of 75 percent.

The Swiss government's recent economic sanctions on Rhodesia have affected exports; for the second quarter of 1978, a 20 percent cut in import allocation for foreign exchange has been announced following a similar cut for the first quarter.

Since the war is unlikely to cease in the short term, a deepening of the current economic crisis can be expected. Not only is the present economic strategy unlikely to solve Zimbabwe's future economic problems, but it seems that the crisis so widely predicted if radical change were to occur has already arrived.

In September last year, commenting on the Anglo-American settlement proposals, the leaders of the Patriotic Front stated the problem of Zimbabwe as the destruction of colonialism and its institutions; the attainment of genuine independence; and the democratization not only of the vote but of *all institutions* and the way of life in Zimbabwe.

Fleshing this out into its economic implications and incorporating other statements of both Joshua Nkomo and Robert Mugabe, it is clear that a radical change away from settler-colonialism towards a more socialist self-reliant economic structure is being demanded.

For this to take place, radical restructuring of the economy would be necessary. What is demanded is capital expansion which would give the highest priority to providing productive employment for all and channeling the results of growth to the needs of all Zimbabweans—the poor and marginalized as well as the rich. For this to occur, it would be necessary to remove the power that foreign and settler capital have on the present economy, and to shift away from the tight dependence of the economy on the West.

Given the particular structure of the present Rhodesian economy, it would seem that a Zimbabwean socialist economic strategy would aim at the following:

The nationalization of all land, the resettlement of large numbers of peasants onto the unused and underutilized white land, and the creation of a system of communally owned farming units throughout the rural areas. This would provide the basic framework for productive agricultural employment for what is in Rhodesia largely a rural population.

The reorganization of industry so that manufactured goods are geared to mass consumption (food, clothing, housing materials, etc.) rather than to luxury items (expensive furniture, exotic toiletries etc.).

Critically related to this radical restructuring of agriculture and industry is the need to control and change the production processes and financial operations of foreign capital, which has been largely responsible for the present export-led growth strategy that has led to growing inequalities and increasing debt.

Finally, it would be important to narrow the wide differentials in income levels, initially through lowering the vastly inflated incomes of the managerial, industrial, and bureaucratic categories of the work force.

Carrying out such a strategy implies radical changes right through the economy. Not only would such a course of action be vigorously opposed by the small, yet powerful, group of people who gain from the present economic structure (black as well as white), but it would require continued widespread political support and considerable organizational ability for it to be achieved.

Within Rhodesia at the present time, the socialist strategy has been dismissed as unworkable by white businessmen and farming groups and by the daily press. The examples of Mozambique and Angola are cited as evidence of the hopelessness of Zimbabwe attempting to travel along such a path.

Both Angola and Mozambique have undoubtedly faced enormous economic and social problems. They have both attempted radical land reform and changes in their agricultural systems, and Mozambique, in particular, has attempted to initiate a system of communally owned farming units for the rural population.

To date the results have certainly been disappointing: Some peasant groups have tried to resist these changes, food production has dropped markedly, and food is having to be imported. However, many of the problems have been country-specific, not related to strategy as such.

In Mozambique an excessive dry period has hindered progress, while in Angola the failure of commercial agriculture has been largely due to the cessation of seasonal migration from the south of the country. In both countries, however, the future looks brighter: in Mozambique a vigorous new program is underway, aided by large amounts of foreign capital and technical assistance and in Angola hundreds of foreign assistants are helping to boost production of the country's cash crops through training programs.

By comparison, a future socialist Zimbabwe would already have the advantage of a highly developed commercial agricultural sector. As long as production levels on these farms are maintained (probably not more than 2,000 out of the total of 6,682 white farms), then the possibilities for radical change would appear far more promising than in either Mozambique or Angola.

Resettlement onto white land would not be difficult because the overcrowded African lands lie adjacent to the unused and underutilized white areas. The present marketing system could be used as a framework for the future and the trained agricultural extension staff could provide the basis for future extension work.

Controlling both local and foreign enterprises in a socialist Zimbabwe would probably entail the expropriation and nationalization of a large number of operations would have to be made in particular sectors for either longer or shorter periods.

The decision to expropriate would depend upon a whole range of factors such as: the willingness of companies to cooperate with the socialist path of development, the integration of an enterprise in the wider economy, the need to maintain levels of foreign exchange, alternative options for extraction and production, levels and availability of local and foreign expertise, implications of withdrawal.

The control of foreign capital, however, is highly unlikely to lead to the total withdrawal of transnational corporations for the foreseeable future, nor to the cutting off of trade with the West. It has been found to be in the interests of both Mozambique and Angola and of the key foreign companies for these companies to stay. Compromises are being worked out to marry the desire of these new states for self-reliance with the need of the companies to make a profit.

In Mozambique, radical rhetoric has given way to pragmatism, and relations with the West have expanded in recent months. The Angonlan oil industry is in the hands of Western capital, and this sector at present provides some 90 percent of the country's critical foreign exchange earnings.

Western companies operating in Angola include Gulf Oil, Texaco, Fiat, Volvo, and de Beers, while in Mozambique, South African interests still play an important role. Furthermore, trade with Western countries has by no means ceased. Brazil and Portugal are opening up trade with Angola again.

Nevertheless, the dangers of maintaining links with private foreign capital while restructuring the economy away from dependence on the West and export-led growth should not be underestimated. For this reason, both Angola and Mozambique have opened up economic links with the East, to shake off the grip that market forces have had on their colonial economies. The Soviet Union and Cuba are actively involved in Angolan reconstruction, and in both countries East Germany, Romania, Yugoslavia, and Hungary are all providing assistance. Of course dependence on the East also works against the goal of self-reliance.

A future Zimbabwe can expect large inflows of aid from the West as well as from the East to help her particular path of reconstruction. In Mozambique, agricultural development is being financed by $50 million from Scandinavia, while Holland and West Germany are participating in reconstruction as well as all the United Nations agencies.

There can be little doubt that even if the Zimbabwe Development Fund, as envisioned in the Anglo-American proposals with its inherent problems of future international debt, does not operate, Britain and the

United States would provide major aid and development assistance in the future.

One problem needing careful consideration in a possible socialist Zimbabwe is the availability of skilled manpower. Between 350,000 and 500,000 Portuguese left Angola around the time of independence, causing a critical manpower shortage and the abandonment of certain enterprises. For Zimbabwe, some Western analysts have argued that a 10 percent loss of skilled whites would bring the economy to the brink of disaster. However, the experience of Angola and the gloom of the pessimists need to be put into perspective.

In the first place, there is already a growing exodus from Rhodesia. In 1977, there was a net emigration of 12,000 whites (some 5 percent of the white population). Thus, there would even be a skilled manpower crisis with the perpetuation of the present economic structures.

Secondly, some 6,000 trained Zimbabweans live abroad at present, many of whom are likely to return once independence is finally achieved. Thirdly, there has always been a considerable amount of on-the-job training in Rhodesia so that black "assistants" are often as skilled as their white counterparts. In addition, one positive effect of the war which has drawn a large proportion of the skilled white labor force away for military service has been the rapid increase and acquisition of skills by black workers left behind to maintain production.

Finally, the experiences of Angola and Mozambique shows that alternative sources of foreign skilled manpower would probably be available both to keep essential services in operation and to run training programs for Zimbabweans. Certainly, however, a strategy which has as one of its primary goals the alleviation of poverty would have to include a relative lowering of salary for the elite, and this raises problems which a socialist government would need to address.

Both economic options for a future Zimbabwe present enormous problems. The first would initially seem to present the most attractive alternative because it entails little structural change; but it offers little chance that the basic economic problems of the country will ever be solved.

The alternative presents an incoming government with huge short-term problems of reconstruction. They are not, however, insuperable and because this second strategy would address the needs of the poor majority, it holds out the greatest hope for the war-weary Zimbabweans.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. WHITE) is recognized for 5 minutes.

● Mr. WHITE. Mr. Speaker, the CONGRESSIONAL RECORD of May 23, 1978, states that, due to previously scheduled commitments in the 16th District of Texas, I was unable to be present for the vote on final passage of H.R. 39, the Alaska National Interest Lands Conservation Act. However, on May 19, 1978, the date of that vote, I requested from the Office of Sergeant at Arms to be paired in favor of passage of H.R. 39. I was given a "general pair" with Congressman JOHN MYERS, as indicated on the copy of the pair sheet provided me by the Office of the Sergeant at Arms. This pair was omitted in the CONGRESSIONAL RECORD of May 19, 1978.●

HON. SILVIO O. CONTE AWARDED HONORARY DOCTOR OF HUMANE LETTERS DEGREE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

● Mr. BURKE of Massachusetts. Mr. Speaker, I rise to inform my colleagues that my neighbor and good friend to the west in the Commonwealth of Massachusetts, Mr. CONTE, this past weekend was honored by Georgetown University. Congressman SILVIO O. CONTE was awarded an honorary doctor of humane letters degree at commencement exercises at that school on May 28.

SILVIO CONTE and I came to the Congress together 20 years ago. We have fought many legislative fights together and I have always been proud to be his colleague. He is certainly worthy of this recognition from this fine school. At this time, I would like to insert into the RECORD the citation awarded to Congressman CONTE with his honorary degree:

SILVIO O. CONTE

Born, Pittsfield, Massachusetts, November 9, 1921.

Served with the Seabees, Southwest Pacific Theater, World War II.

Educated, Boston College; Boston College Law School, LL.B., 1949.

Elected to Massachusetts State Senate, 1950; served to 1958.

Elected to 86th Congress, November 1958; reelected to each succeeding Congress.

Member, platform committee, Republican National Convention, 1960, 1964, 1968, 1972, 1976.

Member, House Appropriations Committee, House Small Business Committee.

Ranking Minority Member, House Transportation Subcommittee.

The President and Directors of Georgetown College: To all who shall view these presents: Greetings and peace in the Lord

This man from Berkshire County in Massachusetts is a man who exemplifies the very heart and being of our country. Our country was founded and is carried on by Americans who have risen to political stature because of their determination to study and work and to be deeply perceptive of the needs of their fellow Americans and to struggle for ways to help these needs through governmental process.

Silvio O. Conte went to the local schools in Pittsfield and served in the Armed Services in World War II. Seeing the necessity to further his education, he worked his way through law school. Then his motivation to serve the public led to his being elected a Massachusetts State Senator. After eight years he was elected to the Congress of the United States, representing the First Congressional District of Massachusetts.

In Congress his consistent and amiable drive for the needs of health and education in our nation has gained for him the respect of his colleagues on both sides of the Congressional aisle. His specific interest in the field of mental health has enabled this program to advance and advance. His personal interest as a member of Appropriations Committee has added funds for thousands of patients in need.

In the great spirit of the independence of the Berkshire man, he has again and again helped with legislation for the small businessman. In the international field again and again he has struggled for funds for the neediest nations.

Georgetown in its own perspective of advocacy for the God-given rights of education for all according to the individual's talents and the inalienable right of each to work and prosper as an individual recognizes the singular contribution this man of Berkshire has made toward these ends in his Congressional career, and therefore the President and Directors of Georgetown University proudly proclaim the Honorable

SILVIO O. CONTE

Doctor of Humane Letters, honoris causa

In testimony whereof they have issued these their formal letters patent, under their hand and the Great Seal of the University at Georgetown in the District of Columbia, this twenty-eighth day of May, nineteeen hundred and seventy-eight.

TIMOTHY S. HEALY, S.J.,
President.
MICHAEL P. WALSH, S.J.,
Chairman, Board of Directors.
VIRGINIA M. KEELER,
Secretary.
DONALD G. HERZBERG,
Dean.●

HENRY CABOT LODGE SPEAKS ON LIFE AND WORK OF GEN. GEORGE C. MARSHALL

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on April 4 of this year the distinguished former Senator, Henry Cabot Lodge, was a principal speaker at the Marshall Foundation Dinner at the Washington Hilton Hotel honoring the life and work of Gen. George C. Marshall. Senator Lodge was for many years an illustrious Member of the U.S. Senate and voluntarily left the Senate to join the Armed Forces of our country abroad. There he also rendered distinguished and dedicated service. Out of eminent experience and close proximity to General Marshall and his work, Senator Lodge was peculiarly fitted to illuminate the significance of Gen. George C. Marshall the man and Gen. George C. Marshall the architect of the great economic and humanitarian program that saved Europe from communism which bears his name. I had the privilege to attend this dinner.

Most of us who were there had been a part of the Washington picture when General Marshall was such a dominant figure here. It revived tender memories for us all to hear the eloquent and moving address of Senator Lodge which received a stirring ovation. It is well in these critical times that we review the life and career of General Marshall, one of the greatest of all Americans, and what America did through him in the leadership of the free world in war and in peace. No one is better qualified to bring that noble past back to the present than Senator Lodge. I, there-

fore, ask, Mr. Speaker, that Senator Lodge's address appear in the body following my remarks.

ADDRESS OF HENRY CABOT LODGE

When I look at the last fifty years, I am impressed that life expectancy is up 50%, that the working day has been cut 1/3, and that per capita output has more than doubled. I can never forget the defeat of Hitler's attempt to impose a racist police state on the world in a war of unprecedented scope. I remember that after the war there was the wisdom to build NATO, form the U.N.—and to go to the moon. And, of course, and of unique interest to us—there was the wisdom of General Marshall to invent and then to carry out the Marshall Plan.

Long before there was any thought of European recovery—and while the war was roaring full blast—General Marshall's achievements had been prodigious. As Chief of Staff during World War II he had directed the creation of the World War II Army and Air Force, determined the worldwide strategy for our armed forces and chosen virtually all the Generals. Any one of these accomplishments would have entitled the author to a big place in history. But, after the war, came the Marshall Plan which in sober truth prevented Europe from being overwhelmed. These achievements, in war and peace, justify the statement that General Marshall stands out as the greatest American of the 20th century.

The Marshall Plan laid the economic foundations for a peaceful Western defense against Soviet pressure. It started a generation of postwar economic growth, preventing another depression-and-war cycle like that of the 1930's. A European framework was hammered together within which West Germany and Italy could come back into the free community of the West. For the first time since Charlemagne in the 9th century Western Europe moved towards regional unity manifested today in the Common Market and other European institutions. And for the first time in all history a peacetime community of the nations on both sides of the North Atlantic began to emerge.

The Marshall Plan promoted the security of the United States by strengthening our friends. We did not seek to profit at the expense of a wartorn Europe but rather to relieve its woes. We must not forget the wisdom of that approach. National security is achieved not just by military power—indispensable though that is—but by taking actions which subtract from the number of our potential enemies and add to the numbers and strength of our friends. This thought is typical of General Marshall, by its sagicity, its magnanimity, and its love of his fellow man.

These are but a few examples of General Marshall's achievements. They explain how it was that a man of the quality of the late Ambassador Charles E. Bohlen could say:

"I have never gone in for hero worship, but of all the men I have been associated with, including Presidents, George Catlett Marshall is at the top of the list of those I admire. He had the ability to evoke loyalty, respect and affection of those who had the privilege of working with him. He was a man of integrity. You felt the firmness as if it were written in large letters all over him.

The existence of nuclear weapons introduces a new danger into the world and raises the question of whether we can continue to use methods for nominating our candidates for President which worked well in the past. Public opinion in the future should demand that our candidates for Presidential nominations be drafted instead of emerging from the usual competitive scramble. My reading of history tells me that only two of our Presidents—Washington and Eisenhower—were actually drafted for their first nomination for President. (I omit the many times when a sitting President "drafted" himself for a second term.) The traits which are needed in a President in modern times will undoubtedly not be those which are required in a man who fights for the Presidency in the usual way—such traits as scrappiness, competitiveness and no small amount of artfulness and lust for office. The President in the 21st century will have to be primarily concerned with avoiding nuclear war. His second priority may be to administer the government so that it will actually work in spite of all the roadblocks which over the years have been built into it. Both of those tasks call for talents which are quite different from those which are needed to win a party nomination and to get elected in the usual way. Both require a basic change in public opinion.

Clearly the pressure of our convention system requires the wrong kind of activity by candidates; candidates should concentrate on avoidance of nuclear war and not become absorbed in campaign strategy and tactics. When a truly superior man appears he should be brought to the front by a "college" of eminent citizens of widely different backgrounds especially chosen for the purpose and not be required, as he is by present circumstances, to "jawbone" the delegates.

Is the drafting of men for Presidential nominations at least not worth thinking about? If the public started judging men on their capacity to avoid war, their knowledge of the world and of weapons and their ability to surround themselves with the ablest advisers—instead of on their skill in raising money or their ability physically to withstand the fatigue of campaigns—I believe the country would be safer.

I do not need to tell this audience that the talents I have just mentioned are precisely those which General Marshall had in such abundant measure. Alas, we cannot bring him back to life, but we can at least work to keep his memory green, to educate ourselves on all that he did and the way in which he did it and fit ourselves to act in his spirit.

This, I submit, is one of the goals of our Foundation. All of you here in this room are tremendously busy people. There are many interesting and valuable things which you can do with your time. And yet, I venture the guess that when in the years ahead you look back on your connection with the Marshall Foundation, you will feel that you gave your time and energy for a great cause. It is no exaggeration to say that if, someday, we are able to act as General Marshall would have acted, we will on that day save our country.

He was, of course, an expert on weapons and foreign relations. To suggest how he would deal with the problems which we face in 1978 is speculation, but I believe that he would be concerned by the current arms race with the Soviet Union and, in his oft-quoted phrase would not be "fighting the problem", but would be trying to solve it.

Finally he was an incarnation of loyalty to the American ideals on which our country was founded. These ideals are as good today as they were when the United States committed itself to them in the 18th century. They should underlie all our plans.

I refer, of course, first to the words of the Declaration of Independence that "all men are created equal" and have "certain inalienable rights" among which are "life, liberty and the pursuit of happiness". But I also stress the words written thirteen years later in the Preamble to the Constitution, which I shall now quote. And I shall ask each of you to ask yourself, as I cite each separate phrase, how well we have succeeded—and are succeeding—in making each phrase live.

I quote the Preamble: to "from a more a more perfect union, establish justice, insure domestic transquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

You may agree with me that we have done better with some than with others. Clearly, the "inalienable rights" of "all men" have not yet been assured: the constutional mandate to "establish justice" has not yet been carried out; and "domestic transquility" does not everywhere exist.

The words of the Preamble are not only adequate, they are also noble. By way of ideals we need nothing more. Otherwise enthusiasm for what is bad will surely triumph over lack of enthusiasm for what is good. This enthusiasm must come from the feelings of the people individually. Without ideals we face the disaster described with such sombre drama by W. B. Yeats in which "the best lack all conviction, while the worst are full of passionate intensity". Light—which is truth—and heat—which is enthusiasm—used to be together. Somewhere along the line they become divorced so that today we have truth without enthusiasm and enthusiasm without truth.

Lincoln in his first inaugural address spoke of "the struggle for maintaining in the world that form and substance of government whose leading object is to elevate the condition of men; to lift artificial weights from all shoulders; to clear the paths of laudable pursuit for all; to afford all an unfettered start and a fair chance in the race of life."

I close by quoting Lord Bacon. He said: "It is not what men eat, but what they digest, that makes them strong; not what we gain, but what we save that makes us rich; not what men read but what they remember that makes them learned, and not what we preach, but what we practice that makes us Christians. These are great but common truths, often forgotten by the glutton, the spend-thrift, the bookworm, and the hypocrite."

I conclude by saying that these truths are epitomized in the life of General Marshall. They are dependable guides for the future and, our foundation, in our efforts to keep his memory green, does a noble work.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. AKAKA (at the request of Mr. WRIGHT) for today on account of official business.

To Mr. COTTER (at the request of Mr. WRIGHT) for today on account of illness in the family.

To Mr. HYDE (at the request of Mr. RHODES) for today on account of death in the family.

To Mr. RODINO (at the request of Mr. WRIGHT) for today on account of illness in the family.

To Mr. STUMP (at his own request) for today on account of official business.

To Mr. WHALEN (at his own request) for June 2 and June 5 on account of

official business as a delegate to the United Nations Special Session on Disarmament.

To Mr. VENTO (at the request of Mr. WRIGHT) after 2 o'clock p.m. today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BOLLING, for 5 minutes, today.

(The following Members (at the request of Mrs. SMITH of Nebraska) to revise and extend their remarks and include extraneous material:)

Mr. GOLDWATER, for 5 minutes, today.

Mr. GREEN, for 5 minutes, today.

Mr. HAMMERSCHMIDT, for 5 minutes, today.

(The following Members (at the request of Mr. CORNWELL) to revise and extend their remarks and include extraneous material:)

Mr. FASCELL, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. DIGGS, for 10 minutes, today.

Mr. WHITE, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BOLLING, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,149.75.

Ms. HOLTZMAN, on the Evans of Delaware amendment to H.R. 12157 in the Committee of the Whole today.

Mr. GOLDWATER to revise and extend his remarks prior to vote on Ashbrook amendment.

(The following Members (at the request of Mrs. SMITH of Nebraska) and to include extraneous material:)

Mr. TAYLOR.
Mr. GILMAN.
Mr. STEIGER.
Mr. STEERS.
Mr. KETCHUM.
Mr. WYDLER.
Mr. CRANE in five instances.
Mr. BROWN of Ohio in two instances.
Mr. DERWINSKI in six instances.
Mr. DEL CLAWSON.
Mr. SARASIN.
Mr. CAPUTO.
Mr. FINDLEY.

(The following Members (at the request of Mr. CORNWELL) and to include extraneous matter):

Mr. MOSS.
Mr. RODINO.
Mr. PEPPER.
Mr. DRINAN.
Mr. DIGGS.
Mr. RISENHOOVER.
Mr. GONZALEZ in three instances.
Mr. ANDERSON of California in three instances.
Mr. EILBERG.
Mr. MURTHA.
Mr. EDGAR.
Mr. LAFALCE.
Mr. LEDERER.
Mr. GAMMAGE.
Mr. MAZZOLI.
Mr. MINETA.
Mr. CONYERS.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title:

H.R. 8423. To amend titles II and XVIII of the Social Security Act to make improvements in the end stage renal disease program presently authorized under section 226 of that Act, and for other purposes.

H.R. 11370. To authorize an appropriation to reimburse certain expenditures for social services provided by the States prior to October 1, 1975, under titles I, IV–A, VI, X, XIV, and XVI of the Social Security Act.

ADJOURNMENT

Mr. CORNWELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 55 minutes p.m.) under its previous order, the House adjourned until Monday, June 5, 1978, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAWKINS: Committee on House Administration. Senate Concurrent Resolution 89. Concurrent resolution authorizing the printing of additional copies of volume II of the Senate hearings entitled "Korean Influence Inquiry". (Rept. No. 95–1261). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself, Mr. AKAKA, Mr. CARR, Mr. CARTER, Mr. COUGHLIN, Mr. GIBBONS, Mr. GOODLING, Mr. HARKIN, Mr. HEFTEL, Mr. LE FANTE, Mr. MCDONALD, Mr. MAZZOLI, Mr. MINETA, Mr. MURPHY of New York, Mr. PATTERSON of California, Mr. RICHMOND, Mr. ROE, Mr. TRAXLER, Mr. CHARLES WILSON of Texas, and Mr. YATRON):

H.R. 12947. A bill to amend chapter 40 of title 18, United States Code, to require the addition of taggants to explosive materials for the purpose of identification and detection of such materials; to the Committee on the Judiciary.

By Mr. APPLEGATE:

H.R. 12948. A bill to require that direct Presidential primary elections be held throughout the United States on the first Tuesday after the first Monday in May of each Presidential election year; to the Committee on House Administration.

By Mr. CEDERBERG:

H.R. 12949. A bill to repeal the carryover basis provisions added by the Tax Reform Act of 1976; to the Committee on Ways and Means.

H.R. 12950. A bill to amend the Internal Revenue Code of 1954 to provide for an extension of the period during which an individual must purchase a new residence for nonrecognition of gain on the sale of an old residence in the case of members of the Armed Forces who are stationed overseas or who are required to reside in Government-owned quarters; to the Committee on Ways and Means.

By Mr. COTTER (for himself, Mr. LEACH, and Mr. RAHALL):

H.R. 12951. A bill to provide that certain statutory subsistence allowances received by State police officers will not retroactively be included in gross income; to the Committee on Ways and Means.

By Mr. DRINAN:

H.R. 12952. A bill to secure and protect the freedom of the press from unwarranted intrusions by persons acting under color of law; to the Committee on the Judiciary.

By Mr. DUNCAN of Tennessee (for himself, Mr. BEARD of Tennessee, and Mr. QUILLEN):

H.R. 12953. A bill to amend section 15d of the Tennessee Valley Authority Act of 1933 to provide that expenditures for pollution control facilities will be credited against required power investment return payments and repayments; to the Committee on Public Works and Transportation.

By Mr. GIAIMO:

H.R. 12954. A bill to rescind certain budget authority contained in the message of the President of May 12, 1978 (H. Doc. 95–335), transmitted pursuant to the Impoundment Control Act of 1974; to the Committee on Appropriations.

By Mr. HAMMERSCHMIDT:

H.R. 12955. A bill to amend title 38, United States Code, to allow a surviving spouse of a deceased veteran to be buried in a national cemetery with such veteran even if the surviving spouse has remarried; to the Committee on Veterans' Affairs.

By Mr. HARRINGTON (for himself, Mr. BONKER, Mr. GILMAN, Mr. NIX, and Mr. PEASE):

H.R. 12956. A bill to restate the purpose of the Peace Corps, to establish the Peace Corps as a Government foundation, and for other purposes; to the Committee on International Relations.

By Mr. LEGGETT (for himself, Mr. MURPHY of New York, Mr. FORSYTHE, Mr. BIAGGI, Ms. MIKULSKI, Mr. MCCLOSKEY, Mr. WHITEHURST, Mr. CUNNINGHAM, Mr. VENTO, Mr. FRASER, Mr. KRUEGER, Mr. GUYER, Mr. GORE, and Mr. ABDNOR):

H.R. 12957. A bill to amend the Dingell-Johnson Sport Fish Restoration Act in order to deny benefits under that act to any State which does not extend certain reciprocal fishing privileges to nonresident individuals who have attained age 62 and hold valid fishing licenses issued by the State of their residency; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of Illinois:

H.R. 12958. A bill to amend the Internal Revenue Code of 1954 by requiring automatic cost-of-living adjustments in the income

tax rates and the amount of the standard deduction; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 12959. A bill to amend the definition of the term "qualified vessel" under a Capital Construction Fund; to the Committee on Merchant Marine and Fisheries.

By Mr. NOLAN (for himself, Mr. GILMAN, Mr. HARRINGTON, Mr. PATTERSON of California, and Mr. SOLARZ):

H.R. 12960. A bill to amend the Internal Revenue Code of 1954 to allow handicapped individuals a deduction for certain transportation expenses; to the Committee on Ways and Means.

By Mr. SATTERFIELD (by request):

H.R. 12961. A bill to amend title 38, United States Code, in order to extend the authority of the Administrator to make grants and carry out a pilot program for the exchange of medical information between Veterans' Administration facilities and the medical community, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 12962. A bill to amend title 38 of the United States Code in order to extend the authority of the Administrator to make grants to States for the construction, remodeling, or renovation of State home facilities for furnishing hospital, domiciliary, and nursing home care for eligible veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 12963. A bill to amend title 38 of the United States Code to require that veterans receiving hospital, nursing home or outpatient medical care from the Veterans' Administration for nonservice-connected disabilities be charged for such care to the extent that they have health insurance or similar contracts or rights with respect to such care, or have entitlement to private medical care under workers' compensation or automobile accident reparation statutes of any State, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 12964. A bill to amend title 38. United States Code, to authorize a pilot program for the treatment and rehabilitation of veterans with alcohol or drug-dependent disabilities, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 12965. A bill to amend title 38, United States Code, to limit the circumstances under which the expenses of travel of certain veterans traveling to or from a Veterans' Administration facility in connection with the furnishing of medical care and treatment for nonservice-connected disabilities will be reimbursed; to the Committee on Veterans' Affairs.

H.R. 12966. A bill to amend title 38, United States Code, to provide readjustment professional counseling to Vietnam-era veterans and their families, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SEIBERLING (for himself, Mr. GUYER, and Mr. MOTTL):

H.R. 12967. A bill to amend title II of the Social Security Act to require that procedures be established for the expedited replacement of undelivered benefit checks, to require that decisions on benefits claims be made within specified periods and to require that payment of benefits on approved claims begin promptly; to the Committee on Ways and Means.

By Mr. SMITH of Iowa (for himself, and Mr. CONTE) (by request):

H.R. 12968. A bill to amend the Small Business Act by transferring thereto those provisions of the Domestic Volunteer Service Act of 1973 affecting the operation of volunteer programs to assist small business, and for other purposes; to the Committee on Small Business.

By Mr. TEAGUE:

H.R. 12969. A bill to repeal section 781(c) of the Higher Education Act of 1965 to permit facilities constructed with assistance under that act to be used for sectarian activities or for religious worship; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. SMITH of Nebraska:

H.R. 12970. A bill for the relief of Teodoro A. Ando; to the Committee on the Judiciary.

By Mr. KOSTMAYER:

H.R. 12971. A bill for the relief of Leah Mi Cohen; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII proposed amendments were submitted as follows:

H.R. 15

By Mr. CORRADA:

—On page 106, revise section 136(a) to read as follows:

"SEC. 136. (a) WITHHOLDING.—Whenever the Commissioner, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there has been a failure to comply substantially with any assurance set forth in the application of that State approved under section 141 or 161, the Commissioner shall notify the agency that further payments will not be made to the State under this title (or, in his discretion, that the State educational agency shall reduce or terminate further payments under this title to specified local educational agencies or State agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, (1) no further payments shall be made to the State under this title, or (2) payments by the State educational agency under this title shall be limited to local educational agencies and State agencies not affected by the failure, or, (3) payments to particular local educational agencies shall be reduced, as the case may be. Where partial payments to a local educational agency are continued under this subsection, the expenditure of those payments shall be subject to such conditions as the Commissioner deems appropriate in light of the failure which led to the partial withholding. Pending the outcome of any proceedings under this subsection, the Commissioner may suspend payments to such agency, after such agency has been given reasonable notice and opportunity to show cause why such action should not be taken.

—On page 106, in section 136(C) of title I, insert the following after the second sentence: "In any case in which a State educational agency desires to enter into a compliance agreement, but alleges that full compliance with the requirements of this title is genuinely not feasible until a future date, the Commissioner shall hold a hearing at which that agency shall have the burden of demonstrating that immediate compliance is not feasible. The Commissioner shall provide an opportunity for parents, their representatives, and other interested parties to participate in that hearing. If the Commissioner determines, on the basis of all the evidence presented to him, that immediate compliance is genuinely not feasible, he shall make written findings to that effect before entering into such a compliance agreement with that State educational agency. Any compliance agreement under this subsection shall not be exempt from disclosure under any provision of section 552 of title 5, United States Code."

—On page 373, add a new section 456: "USE OF RECOVERED FUNDS

"SEC. 456. (a) Whenever the Commissioner has recovered funds following a final audit determination with respect to any applicable program, he may consider those funds to be additional funds available for that program and may arrange to repay to the State or the local agency affected by that action not to exceed 75 percent of those funds upon his determination that—

"(1) the practices or procedures of the State or local agency that resulted in the audit determination have been corrected, and that the State or the local agency is in all other respects in compliance with the requirements of that program;

"(2) the State or the local agency has submitted to the Commissioner a plan for the use of those funds pursuant to the requirements of that program and, to the extent possible, for the benefit of the population that was affected by the failure to comply or by the misexpenditures that resulted in the audit exception; and

"(3) the use of those funds in accordance with that plan would serve to achieve the purposes of the program under which the funds were originally granted.

"(b) Any payments by the Commissioner under this section shall be subject to such other conditions as the Commissioner deems necessary to accomplish the purposes of the affected programs, including—

"(1) the submission of periodic reports on the use of funds provided under this section; and

"(2) consultation by the State or local agency with parents or representatives of the population that will benefit from the payments.

"(c) Notwithstanding any other provision of law, the Commissioner may authorize amounts made available under this section to remain available for expenditure, subject to such conditions as he deems appropriate, for up to three fiscal years following the fiscal year in which the audit determination referred to in subsection (a) was made.

"(d) At least thirty days prior to entering into an arrangement under this section, the Commissioner shall publish in the Federal Register a notice of his intent to do so and the terms and conditions under which payments will be made. Interested persons shall have an opportunity for at least thirty days to submit comments to the Commissioner regarding the proposed arrangement.".

H.R. 15

By Mr. McCLOSKEY:

—On page 349 strike out line 1 and everything that follows through line 17 on page 150 and insert in lieu thereof the following:

"(k) The Department of Health, Education, and Welfare shall not disclose the identity of individual schools, local educational agencies, State educational agencies, or institutions or post-secondary education (as described in section 1202 of the Higher Education Act of 1965) which participate in any Federally funded research study, funded in whole or in part through the Education Division of that Department, which necessitates an assurance of the confidentiality of identity in order to obtain the full and

candid response of individuals participating in the study, if such study—

"(1) is limited to a specific sample or selection of such schools, agencies, or institutions;

"(2) is not required of such schools, agencies, or institutions by any statute or regulation pertaining to the Federal education program or programs which are subject of such study for the purpose of any auditing, monitoring, or enforcement duty or procedure;

"(3) is based on the voluntary participation of such schools, agencies, or institutions; and

"(4) is conducted only after a notice describing and justifying the proposed study has been published in the Federal Register for the purpose of obtaining public comment thereon by the officer of that Department initiating the proposal not less than thirty days prior to any action upon the proposal.".

H.R. 12250

By Mr. VENTO:

—Page 2, line 17, strike "National Recreation" and insert "Mining Protection".

Page 2, lines 19 and 20, strike "and the recreation area".

Page 2, lines 22 through 24, strike the entire subsection and renumber the following subsections accordingly.

Page 3, lines 2 through 4, strike "and the natural character and the environmental quality of the lakes, streams, and shorelines of the National Recreational Area,".

Page 3, lines 11 through 13, strike "and regulate further road and commercial development in the recreation area to insure that such activities are consistent with this Act".

—Page 3, line 23, strike "National Recreation" and insert "Mining Protection".

—Page 5, line 20, strike "and river".

Page 5, line 22, strike "ten" and insert "twenty-five".

Page 5, after line 25 insert the following:

"East Bearskin, Cook County,
South Farm, Lake County."

Page 6, prior to line 1, insert the following:

"(2) On the following lakes and river which are partly in the wilderness, motorboats with motors no greater than ten horsepower shall be permitted:". (Renumber the following subsection accordingly.)

Page 6, strike lines 2 and 4.

Page 6, line 23, strike "until January 1, 1984" and insert "until the dates specified".

Page 6, line 25, after "horsepower" insert ", until January 1, 1984".

Page 7, line 4, after "horsepower" insert "until January 1, 2010".

Page 7, line 7, strike "1984" and insert "2000".

Page 7, line 9, after "Bay" insert "and Jackfish Bay".

Page 7, line 12, strike "June 15 through August 30" and insert "July 1 through August 31".

Page 7, after line 14, insert a subsection as follows:

"(5) On Trout Lake, St. Louis County, motorboats with motors of no greater than ten horsepower shall be permitted until January 1, 2010. Notwithstanding the preceding sentence, motorboat use shall be prohibited on Trout Lake, St. Louis County, during the period July 1 through August 31 of each year."

—Page 13, line 14, strike "NATIONAL RECREATION" and insert "MINING PROTECTION".

Page 13, lines 16 through 24, strike the entire section and insert the following:

"SEC. 7. In order to protect existing natural values and high standards of environmental quality from the adverse impacts associated with mineral development, there is hereby established the Boundary Waters Canoe Area Mining Protection Area (hereinafter in this Act referred to as the "mining protection area"), comprising approximately two hundred and twenty-two thousand acres."

—Page 14, line 2, strike "recreation" insert "mining protection".

Page 14, line 3, strike "recreation" insert "mining protection".

Page 14, line 5, strike "National Recreation" and insert "Mining Protection".

—Page 14, strike lines 18 through 25.

Page 15, strike lines 1 through 25.

Page 16, strike lines 1 through 9. Renumber the following sections accordingly.

—Page 16, lines 15 and 16, strike "recreation" and insert "mining protection".

Page 16, line 18, strike "recreation" and insert "mining protection".

Page 16, line 22, strike "recreation" and insert "mining protection".

Page 17, line 10, strike "and the recreation area".

Page 17, line 14, strike "or the recreation area".

Page 17, line 24, strike "and recreation area".

Page 18, line 6, strike "or recreation area".

—Page 18, line 13, strike "RECREATION" and insert "MINING PROTECTION".

Page 18, line 23, strike "National Recreation" and insert "Mining Protection".

Page 19, lines 4 and 5, strike "National Recreation" and insert "Mining Protection".

Page 19, line 13, strike "National Recreation" and insert "Mining Protection".

Page 22, line 1, strike "recreation" and insert "mining protection".

—Page 22, line 17, strike "recreation" and insert "mining protection".

—Page 22, line 23, strike "and recreation area".

Page 23, line 10, strike "recreation" and insert "mining protection".

—Page 23, line 14, strike "recreation" and insert "mining protection".

Page 23, lines 15 and 16, strike "recreation" and insert "mining protection".

Page 23, line 20, strike "recreation" and insert "mining protection".

Page 23, line 22, strike "recreation" and insert "mining protection".

Page 24, line 1, strike "recreation" and insert "mining protection".

—Page 26, line 8, strike "recreation area" and insert "mining protection area or which are located on land adjacent to any of the lakes listed in Section 5"

—Page 27, strike lines 20 through 25.

Page 28, strike lines 1 through 25.

Page 29, strike lines 1 through 12.

EXTENSIONS OF REMARKS

COMPLEX NOMINATING METHOD

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. APPLEGATE. Mr. Speaker, I would like to take this opportunity to address my distinguished colleagues on a subject that is discussed and debated every 4 years but about which nothing is ever done. I am speaking of the method by which our Presidential and Vice-Presidential candidates are nominated by their respective parties to run for those offices.

About a year prior to a Presidential election and for about 6 months afterward, the word is always "reform." Unfortunately, there is not enough time to change the method before the election and too much time after it. So much, in fact, that the ideas, no matter how good they are, are forgotten.

The present nominating method is complex, frustrating, time consuming, and very costly. In 1976, there were 30 separate State nominating primaries lasting from February to June. Currently, there is talk of expanding that number to 40 in 1980. Clearly, the situation is getting out of hand.

Another flaw in the system is that the people are not directly responsible for nominating their party's respective candidates.

We elect delegates to the national conventions who, in turn, nominate their party's candidates for the two highest offices in our land. Personally, I believe it would be much better in every sense of the word if the nominations were done by the voters themselves.

For these and other reasons, Mr. Speaker, I am today introducing the "National Presidential Direct Primary Elections Act of 1978." It is the purpose of my bill to both eliminate the inequities in the present system and to greatly simplify it. This can be done with relative ease with little or no interference with any current Federal election law.

Rather than allowing the 30-plus States to have individual primaries, my bill calls for every State to have a primary on the same day, along the same lines as the general election in November. This shall occur on the first Tuesday after the first Monday in May. With this system, there is no need for conventions or the maximum amount of $2 million for which a political party can qualify to hold such an event.

By using such a system, as I am proposing, we are providing the people of this country with a direct voice in choosing their leaders. This is the purest form of a democracy that can be obtained in the United States.

My bill also provides for a simple method of qualifying oneself for inclu-

---

Statements or insertions which are not spoken by the Member on the floor will be identified by the use of a "bullet" symbol, i.e., ●

sion on a ballot of a particular State. It is based on regions of the country that are nearly equal in population. It also includes an alternative qualifying procedure, both of which allow for all political parties, no matter how minor, to participate in the system.

Mr. Speaker, I urge my colleagues to read this short, simple bill for the sake of the people they represent. Further, I ask that the committee to which it is referred take action on it as soon as possible. Thank you.●

OFFICIAL U.S. NEGOTIATING TEAM TO VISIT ADEN

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. FINDLEY. Mr. Speaker, for 4 long years I have been encouraging in every way possible the resumption of diplomatic relations between the United States and the People's Democratic Republic of Yemen—a small but strategically important country located on the Arabian peninsula at the mouth of the Red Sea.

In that endeavor I have journeyed to Aden twice and held countless conferences with U.S. and Aden officials—citing the growing importance, of Aden, in light of military and political developments on the Horn of Africa.

From my first experience with President Salem Rubyai Ali in 1974 and during two subsequent interviews with him, I have been convinced of the desire of the Aden Government to establish a cordial relationship with the United States. In fact, during my most recent talk with President Ali in January of this year in Aden, he dictated a warm personal message which I delivered personally to President Carter.

From this review, you can imagine my satisfaction and joy at having the privilege of announcing that Aden will welcome a U.S. negotiating team later this month. The team will consist of four senior officials of the U.S. State Department, who will be authorized to discuss U.S.-Aden affairs, including the resumption of diplomatic relations. I have confirmed the facts with the Aden mission at the United Nations, New York.

The first sign of friendship occurred in May, 1974, when President Ali granted my request by releasing into my care a constituent Ed Franklin of Pike County, Ill., who had then served 16 months of a 5-year sentence on a spy charge. Franklin was a victim of circumstance, convicted because, as a tourist, he unintentionally photographed a security area in Aden.

A few months later President Ali responded to another of my requests releasing two other U.S. citizens from prison. Last September President Ali visited New York to participate in United Nations deliberations and told me, in an interview, that his government would welcome improved relations with Washington.

It has always been my view that diplomatic relations are mutually beneficial, offering advantages to both governments. They are a convenience, indeed a necessity to effective work for peace and understanding.

The opening of a U.S. diplomatic mission in Aden, which I hope will soon be a reality, would make possible a new avenue for U.S. influence for peace and stability in a region where Soviet influence is substantial.

The U.S. mission was closed on demand of the Aden Government in 1969 in the wake of a Middle East crisis.●

NATURAL GAS PRICING AGREEMENT WILL DISCOURAGE DOMESTIC PRODUCTION

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. BROWN of Ohio. Mr. Speaker, only on a few rare occasions does one find a concise but yet accurate analysis of Federal energy policy and the implications of this policy on domestic energy development. Prof. Lawrence J. White of the New York University Graduate School of Business Administration recently provided us with such an occasion in a letter to the editor of the New York Times concerning natural gas pricing. In case my colleagues missed Professor White's excellent analysis of the recent natural gas pricing agreement reached by the House/Senate energy conferees, I ask that it be reprinted in the CONGRESSIONAL RECORD.

The letter follows:

[From the New York Times, May 21, 1978]

LETTER TO THE EDITOR

To the Editor:

The current legislation before Congress to deregulate natural gas prices may well prove to have counter-productive effects. By allowing for a gradual increase in prices between now and 1985, with free market prices to reign after that date, the legislation could set back the cause of deregulation for many decades.

If natural gas prices reach free market levels in 1985, they must necessarily rise faster than the free market price between now and then; whether this faster rise occurs smoothly over the seven years or occurs all in one jump in 1985 is irrelevant to the reasoning that follows. Finally, assume for the sake of argument that the free market price of natural gas and the costs of exploration and drilling increase at roughly the annual inflation rate.

Now, consider the incentives of a natural gas producer who is planning his exploration and drilling activities: Each year between now and 1985 he asks himself, "Should I explore and drill this year, or wait until next year (or until 1985)? And, if I find any natural gas, should I sell it this year or store it until next year (or until 1985)?" And the answers are clear: He wants to hold off selling the natural gas until 1985. Remember, unlike normal manufacturing output, this is a non-renewable resource; one cannot sell the same cubic foot of natural gas twice. So, selling that cubic foot in 1985, when the price has risen faster than the general inflation level, will always be more lucrative than selling it in any earlier year.

Our producer's first choice would be to explore and drill today, at today's drilling costs, then cap the well and wait until 1985 to sell the gas. If drilling and capping is considered politically unacceptable, then he may wait until 1983 or 1984 before he starts his exploration and drilling. Or, if delays in exploration and drilling are somehow not possible, he will surely find many excuses for delaying as long as possible (until 1985) in his efforts to bring the natural gas to market.

In short, by promising deregulation by 1985, Congress has eliminated any incentives to bring new natural gas to market between now and then. I greatly fear that in 1983 or 1984, when there has been no supply response (or perhaps even the perverse supply response suggested above) to Congress's "generous" gradual price increases, Congress may well conclude, "Aha! See, price increases do not work. There has been no supply response." And Congress will reinstitute regulation.

Introducing changes gradually rather than abruptly may normally appear to be sensible public policy. But here, as we have demonstrated, it will lead to perverse results.

The only sensible policy for natural gas is to deregulate immediately. Today. Or tomorrow, for sure. If the effects on consumers need to be cushioned or spread out, short-term (and strictly short-term!) Federal tax credits or subsidies to consumers are the proper policy response.

LAWRENCE J. WHITE,
Associate Professor.●

FATHER JUDGE SCHOOL ROWS TO VICTORY

HON. RAYMOND F. LEDERER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. LEDERER. Mr. Speaker, I rise today to bring to the attention of my colleagues a momentous event in student rowing competition. Father Judge High School, from my home city of Philadelphia has a courageous crew of young men. They have struggled and trained and competed but were not able to take the championships.

In the true tradition of American competitiveness and fortitude the teams have made their first mark in city competition.

The resolution of the Judge Crew Boosters Club details the triumph of this fine school. I ask that this resolution be included in the RECORD here in tribute

to the dedication and fine achievement of these young men:

Let these facts be known, that the Father Judge High School, Philadelphia, Pennsylvania, has a rowing team;

That after many years of hard, strenuous training and many frustrations and near wins;

That finally the break-thru came in this year of 1978;

That the Varsity; Junior Varsity; Third Eight; Fourth Eight; Novice Eight and supporting squads; won individual and collective events, resulting in

That the Father Judge Crew won the Manny Flick's; the Philadelphia City Championship and the Catholic League Championship;

And that the Father Judge Crew has been offered and accepted invitations to row in the Stotesbury Cup Regatta, Philadelphia, Pennsylvania and the Schoolboy Nationals Regatta, Princeton, New Jersey;

Therefore, we the Judge Crew Boosters Club offer our heartiest congratulations and our continued co-operation in the future years.

BOARD OF DIRECTORS,
Judge Crew Boosters Club.●

APPROPRIATIONS BILL FOR 1979 FOR STATE, JUSTICE, COMMERCE AND RELATED AGENCIES

Hon. Theodore M. (Ted) Risenhoover

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. RISENHOOVER. Mr. Speaker, I wish to address a subject related to my remarks of last Thursday in which I advocated a one-third reduction in the Federal Trade Commission's budget request for fiscal year 1979. As I predicted, my suggestions have met with varied reactions from complaints that I would cripple the Government's consumer protection mission to suggestions that I was allowing the Commission too much money. For my part, I welcome any controversy my remarks may have created because I believe that, through such controversy, Congress can begin the long overdue process of examing closely the costs and benefits of the FTC's activities, as well as those of other regulatory agencies.

What I have to say today may also be considered controversial by some, because it involves the Chairman of the FTC, Michael Pertschuk, who is certainly no stranger to controversy, and a controversial amendment to the FTC's appropriations bill. I am speaking of the provision which would prevent the FTC from banning advertising for any product the ingredients of which are regarded by the Food and Drug Administration as being "generally recognized as safe" (GRAS) for their intended use. The provision concerns the FTC's rulemaking proceeding against children's advertising and is intended to prevent the FTC from banning nondeceptive advertising for products containing sugar, unless and until sugar is deemed unsafe by the FDA.

Shortly after this amendment was introduced in the FTC's Appropriations Subcommittee, Mr. Pertschuk was lobbying members of that subcommittee in an attempt to have the amendment defeated. I do not question Mr. Pertschuk's integrity or the inherent propriety of his conduct in this matter. On the contrary, I believe that it is in the highest national interest that Congress, as well as other decisionmakers, hear from as many sources as possible concerning the matters before them.

However, the FTC, like many other governmental agencies, has a rule which proscribes discussions of matters pending before that agency between commissioners and persons not employed by the Commission. See 42 Fed. Reg. 60563 (1977), amending 16 CFR § 1.18(c). Where FTC trade regulation rules are concerned, this proscription takes effect when the notice of the rulemaking is published in the Federal Register. As you are no doubt aware, the notice of the children's advertising rule was published in the April 27, 1978 issue of the Register, 43 Fed. Reg. 17967, and the amendment was not introduced until mid-May.

Now, as I indicated above, I personally favor communications between Congress and the agencies. I believe that we have gone too far in our efforts to protect the integrity of the administrative process when I, as an elected representative of the people, cannot discuss with an agency official a matter which is likely to have a substantial effect on those people.

At this time, I will argue only that as long as we are going to have these so-called ex parte rules, they should be applied in an evenhanded manner. That is, if I and my colleagues are unable to discuss a pending rulemaking proceeding with Mr. Pertschuk, then he should not be able to do so with us.

Yes, as I understand it, that is precisely what Mr. Pertschuk has been doing in connection with the amendment concerning children's advertising. He has lobbied members of the subcommittee about the amendment arguing in essence that the FTC should be allowed to continue to consider banning advertising for sugared products in its rulemaking proceeding.

Would such conduct be justified in light of the clear proscription of the Commission's ex parte rule? At the very least, Mr. Pertschuk, as required by the ex parte rule, would be required to place in the rulemaking record memorandums summarizing his discussions.

I point out in Mr. Pertschuk's defense that the FTC's ex parte rule proscribes only communications about the merits of a pending rule. Since I have not been privy to his discussions with members of Congress, Mr. Pertschuk's defenders might suggest that I should not make assumptions with respect to their contents and assume that they involved improper subjects. Before I respond to this hypothetical argument, let me reemphasize that I not wish to ascribe any improper motives to Mr. Pertschuk or, least of all, to my distinguished colleagues with whom he has met in recent weeks.

Nevertheless, it appears to me that virtually any communication about the amendment—and certainly any attempt to influence the decisional process—would necessarily impinge upon the merits of the FTC's proposed rule. This is because one of the central issues concerning both the proposed rule and the amendment is the safety of food products containing sugar. In fact, the FTC has identified five sets of questions relating in varying degrees to this issue. See 43 Fed. Reg. 17969–70. One such question deals specifically with a study authorized by the FDA concerning the subject. Similarly, the primary reason in favor of the amendment is that the FDA's determination with respect to the safety of sugar should be binding upon the FTC. In short the two matters are so closely intertwined that it would be virtually impossible to discuss the advisability of either without involving the merits of the other.

Moreover, Mr. Pertschuk has indicated in his public statements that he favors banning certain types of children's advertising—including that for highly sugared foods. It seems unlikely that Mr. Pertschuk, as a human being fighting for a project in which he believes very strongly (at one point he stated that Congress would have to "cut off his arm" to get him to stop this project), would be able to withhold his opinions as to what he considers to be a pressing need for a ban on advertising.

Finally, I note that, in issuing its ex parte rule, the FTC stressed the appearance of impropriety which it would eliminate, 42 Fed. Reg. 60561 (1977). In a similar vein, Mr. Pertschuk, stated during his confirmation hearings that ex parte communications are to be avoided because, ". . . cynicism and public skepticism of the integrity of Government is at a fever pitch, and I believe that it is essential for Government servants to scrupulously avoid even the appearance of collusive relationships." Bureau of National Affairs, 1977 Antitrust & Trade Regulation Reports, No. 808, at E–1.

In my view, few things are so likely to intensify this climate of cynicism and skepticism as a "double standard" by which persons outside the FTC are forbidden to communicate with the chairman about a pending matter—regardless of how strong or pure their interest in that matter—whereas, the chairman is free to communicate with such outsiders when it suits him. I call upon Mr. Pertschuk now to return to the principles he announced in his confirmation hearings by refraining from any further discussions of the appropriations amendment with the Congress and placing on the public record summaries of all conversations he has had thus far on the subject. In the alternative, I would suggest rescinding and modifying the ex parte rule, but, as I said, that is the subject of another speech.●

THOROUGHLY PROFESSIONAL SOLDIER CALLS IT QUITS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. McDONALD. Mr. Speaker, Maj. Gen. John K. Singlaub, USA (Retired) spoke today at the Army-Navy Club under the auspices of the American Security Council. Therefore it is entirely appropriate to include a somewhat condensed version of his career in the CONGRESSIONAL RECORD. As the title of the news story from the Atlanta Journal of June 1, 1978, indicates, he is a professional's professional with some very unique qualifications. The story follows:

[From the Atlanta Journal, June 1, 1978]

"THOROUGHLY PROFESSIONAL SOLDIER" CALLS IT QUITS

IN THREE WARS AND 29 ASSIGNMENTS, GEN. SINGLAUB BUILT A CAREER FEW CAN MATCH

His khaki uniform is crisp and plain. Just a combat infantryman's badge, aviator wings and a master parachutist badge. On his shoulder is a ranger stripe, and on his collars the twin stars of a major general.

It is the last time he will wear those stars and that uniform. He is retiring after 35 years, four months and 17 days in the Army.

John K. Singlaub didn't go to the "trade school," as West Point is known in the service, but in three wars and 29 assignments the University of California graduate built a career few can match.

Commissioned at the height of World War II in January 1943, he immediately volunteered for paratroop duty, and eight months later joined the Office of Strategic Services (OSS), the forerunner of the CIA.

In early 1944, Singlaub led a three-man team into Nazi-occupied southern France, where he helped organize and train French resistance units. The following year, he was in charge of an OSS team training Chinese guerrillas along the border of Japanese-held Indochina.

Just before the Japanese surrendered, Singlaub led a parachute team onto the island of Hainan in the Gulf of Tonkin, where they rescued 400 Allied prisoners.

At war's end, he was dispatched to Manchuria as an Army liaison officer, his cover for intelligence duties.

Manchuria was in turmoil in those early months of 1946. The Russians, who had swarmed into the eastern provinces in the final days of war, were finally pulling out and systematically looting as they went.

"They went around marking every piece of Japanese equipment either 'da' or 'nyet', depending on whether they wanted it or not," he recalls. "By the time I got there, everything was marked 'nyet.'"

As the communist forces spread through Manchuria, Singlaub was forced to shift his intelligence operations south to Peking. He was barely able to sustain a network in Korea because Gen. Douglas McArthur's intelligence officer, Maj. Gen. Charles A. Willoughby had no use for the OSS/CIA.

"For a time, even when I would send an officer to Seoul on leave to establish a safe house (for agents), they were detected by Willoughby's people and thrown in the clink, and I would have to get them out," he recalls.

When the Korean War broke out in 1950, Singlaub spent a year as second in command of the CIA mission in Seoul.

Following assignments in the U.S. and Germany, he returned to Asia in 1966, this time as a colonel commanding a special operations unit in Vietnam which undertook espionage, long-range patrols, infiltration and sabotage.

After another tour of duty in Germany and stateside assignments in Texas, Washington and Denver, Singlaub was assigned to Korea as chief of staff to the U.S. commander and senior U.N. military member of the negotiating team at Panmunjom.

Following his recall by President Carter in 1977, Singlaub was named chief of staff for Forces Command (FORSCOM) at Fort McPherson in Atlanta.

He is retiring at 57 and looks forward to settling his family into the home he is building in the high mountains of Colorado. But he will not rest.

His figure is trim from tennis and skiing and his eyes are restless under a close crewcut.

As a fellow officer once said, "Jack Singlaub is a thoroughly professional soldier." ●

REDLINING: INSURANCE CRISIS IN URBAN AMERICA

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. LaFALCE. Mr. Speaker, the insurance industry in the United States controls hundreds of billions of hard-earned dollars. This industry affects each and every American citizen either directly or indirectly, and usually both. We need liability insurance, life insurance, fire and homeowners insurance, title insurance on our homes; businesses need general liability insurance, product liability insurance, professional malpractice insurance, property insurance, and a host of others too long to list.

Congress has paid little if any attention to this industry, however, despite clear and convincing evidence that the American public is not receiving the kind of services it should from a business this important. I have sought, in a number of ways, to point out how important it is that we look into the questions involving this industry in great detail.

Recently the Washington Post reported on a study just released by the Department of Housing and Urban Development concerning allegations of "redlining" by insurance companies with regard to homeowners and other forms of property insurance. The study found that this practice is extremely widespread; that insurance companies grant or deny insurance based solely on geographic location, something that we have forbidden banks and other financial institutions to do with respect to mortgages. I might point out that failure to prevent redlining by insurance companies effectively permits continuation of the same practices by those institutions that do give mortgages, in that they will rarely do so unless the buyer is able to obtain property insurance coverage.

I think, Mr. Speaker, that this issue warrants our careful attention, and I commend the Post article and the HUD study to my colleagues. The article follows:

[From the Washington Post, May 31, 1978]

HUD: INSURANCE REDLINING WIDESPREAD

(By Susanna McBee)

Insurance industry redlining is widespread in inner-city areas and often extends "far beyond blighted urban areas into many otherwise healthy neighborhoods," the Department of Housing and Urban Development has charged in a new report.

The report also concludes that redlining "has an undeniable racial component," and that redlined areas "often coincide with nonwhite neighborhoods."

Insurance redlining is the practice of refusing to provide insurance for property because of its location.

The report called insurance redlining "a kind of arbitrary, guilt-by-association indictment of entire neighborhoods or even cities that excludes many decent risks from access to a free insurance market. It is by indirection choking credit and the means to maintain healthy core urban areas today in the nation." It said such redlining is sometimes done on the basis of zip codes.

Ronald W. Vinson, vice president for Washington relations at the Insurance Information Institute here, challenged the report's conclusions and said HUD "wants to blame the insurance industry for all the ills of urban areas."

He charged that the study on which the conclusions of the report were based is "not very extensive and was put together in a hurry."

Vinson denied that insurance companies discriminate by race, but said they do take into account age of buildings, condition of neighborhoods and income level.

He said that redlining "may or may not" exist in the 23 states that have no programs for assuring property owners in high-risk areas access to insurance. But he said that, by definition, redlining does not exist in the other 27 states and the District of Columbia that do have such programs, known as FAIR plans.

FAIR plans insure about 900,000 structures in those 28 jurisdictions, but in only three states—Wisconsin, Massachusetts and Rhode Island—do they provide homeowner coverage at affordable rates, the HUD report said.

HUD noted that insurance coverage under New York's FAIR plan costs three to five times more than conventional insurance. Companies in Virginia also can charge up to 25 percent more for FAIR plan insurance, but in Maryland and the District of Columbia, rates are comparable with regular insurance, Vinson said.

Vinson noted that the HUD report does not contain legislative recommendations and said the Office of Management and Budget "refused to allow the recommendations to go to Congress."

However, Gloria Jimenez, HUD's federal insurance administrator, whose staff prepared the report, said, "OMB felt the report is strong enough and doesn't need recommendations."

It was understood that HUD proposed that FAIR plan rates be set no higher than private market rates and that the Justice Department raised antitrust objection to the proposal. The Housing Banking Committee has approved a measure incorporating the proposal, but the Senate Banking Committee has not.

The report, entitled "Insurance Crisis in Urban America," was released last week.●

FLAWED NATURAL GAS INCENTIVE

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

Mr. KOSTMAYER. Mr. Speaker, I enter into the RECORD today a letter which appeared in the New York Times of Thursday, June 1, 1978, from Joel R. Jacobson, commissioner, New Jersey Department of Energy. Mr. Jacobson makes two good points about the deregulation of natural gas. The first is that gradual deregulation will not produce additional gas because producers will simply sit on the wells until the lid is off altogether.

Second, he makes the point that the major oil companies are doing very well now and, in fact, have excess cash which they are not using to promote exploration or development but are expanding into other areas such as department stores, copper mining, newspapers, insurance companies, trucking, and retail grocery chains.

The industry has every right to diversify and, indeed, has an obligation to its stockholders to do so. But let us not be misled by claims that they need additional profits which to provide more incentives for drilling. The facts indicate that the contrary is true.

[From the New York Times, June 1, 1978]

FLAWED NATURAL GAS INCENTIVE

To the Editor: Prof. Lawrence J. White has argued (letter May 21) that gradual deregulation will not produce new natural gas resources because producers will still find it more profitable to keep the natural gas in the ground until total deregulation becomes effective in 1985.

I agree with Professor White's analysis, but disagree that the solution is deregulation today, or at the very latest, tomorrow.

When the Federal Power Commission raised the wellhead price of natural gas from 52 cents per thousand cubic feet to $1.42 per thousand cubic feet in 1976, it authorized a 16.98 percent return on equity—a most handsome reward, indeed—for natural gas producers.

Today, Congressional conferees are talking about an increase as high as $4.50 per thousand cubic feet. One can calculate easily the imputed return on common stock investment if this escalating price were to be reached.

Nonetheless, the American Petroleum Institute and all of its members continue to assert that deregulation and higher costs are necessary in order to provide the "incentive" to drill for new resources.

The truth is that major producers are engulfed by a massive cash flow and are casting about for interesting diversions for their money. In 1977, the industry's cash flow amounted to more than $30 billion. Its return on invested capital jumped 30 percent. The 15 largest oil companies earned $10.7 billion, after taxes, for a 14 percent average return on invested capital.

But, are the oil companies drilling with these ample capital resources? It appears not. Mobil has bought Montgomery-Ward, Exxon has bought a copper mine, Atlantic Richfield has bought a newspaper and electrical conduit manufacturer, Tenneco has bought an insurance company, an almond orchard and Sunoco has bought a trucking firm and retail grocery chain.

I agree that in a free enterprise system, the major oil producers have a perfect right to diversify.

I would suggest, however, that they demonstrate the common decency and good grace to finance these new investments by drawing upon the capital resources of their stockholders, not by adding still higher costs upon the already overburdened ratepayers.

JOEL R. JACOBSON,
Commissioner.●

RETIREMENT OF NATHANIEL PLAFKER AFTER 42 YEARS OF SERVICE TO EDUCATION

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. EDGAR. Mr. Speaker, I would like to bring to the attention of my colleagues the story of an educator in my congressional district whose dedication and creativity has improved the lives of many of my constituents. Mr. Nathaniel Plafker is retiring after 42 years of service in public education. His retirement dinner will be tomorrow, June 3, and hundreds of his friends and colleagues will share their love and respect for Mr. Plafker at the Ramada Inn in Essington, Pa.

Mr. Plafker has spent his life as a teacher and administrator in public school systems of Delaware County. He is known as a person of great integrity and intellect, and equally as an educator who puts the needs of children first in priorities. His educational service has been spent as a practitioner, working closely with students and teachers. He has served as teacher, principal, acting superintendent—in a small district, and now as the No. 1 assistant—with duties from curriculum to special education to personnel—in a medium-size district.

In his file there is a letter from one of the most talented music teachers in the profession. This letter was written at the time the teacher moved from the small district where Mr. Plafker was acting superintendent on to a very large district. The letter was written 6 years ago, and I am sure that this person would be happy for me to share some of the comments:

. . . I've always thought that the positions of principal and superintendent must be lonely jobs—growing more remote as you advance professionally. And yet, YOUR door was always open! I wonder if you realize how unusual that is—how many administrators hide behind their doors with buffering assistants and red tape. People know that they really matter to you; that you really care about your staff and the students and the community. I've never heard you double-talk or talked with you when you didn't listen and try to understand. We did not always agree, but I respected your judgment, not just because you were "the Boss," but because you respected me and my opinions also. . . . It's strange how many people I have met in education who know you, and always the reaction is the same—"Nat Plafker is an exceptional man, and one of the few men I have ever met who possessed complete integrity."

Mr. Plafker began his teaching career in Chester in 1936, after graduating from Temple University. In Chester he served as first principal of Pulaski Junior High School when it was new. He was a teacher and an administrator in the Chester school system until 1963 when he became assistant principal of Penncrest High School in the Rose Tree Media School District. In 1965 he came to the Yeadon School District as principal of the high school. He served as supervisory principal and acting superintendent from 1969–72, the year Yeadon schools were merged with Lansdowne-Aldan and Darby-Colwyn to form the William Penn School District.

Dr. Mark C. Nagy, superintendent of William Penn District, commented at the school board meeting when the retirement was announced that—

Without Mr. Plafker's dedication to excellence, our district would not have attained its high level of educational quality. It has been a constant source of satisfaction and comfort for me to know that this outstanding person has riveted his attention on all aspects of our instructional program.

Mr. Plafker grew up in Chester where the Plafker family was renowned for their service to the city. During World War II, he served on the War Rationing Board and in 1944 was named chairman of Ceiling Price Panel. He received the Rotary Club's "Distinguished Service Award" for outstanding service to the Chester School District in 1945. He also received "Man of the Year Award" at Ohev Shalom Synagogue, where he is a member.

As the No. 2 administrator in William Penn, Mr. Plafker has many responsibilities including interviewing prospective teachers. He introduced a new requirement for candidates 2 years ago—a writing sample on the application form in order that he might see how well the persons could communicate in writing.

He is known for his strong feelings about accountability on the part of educators—and students and parents.

Last year in a presentation on the goals of education, he referred to the lowered SAT scores in the Nation, especially the inability of college freshmen to write a coherent, well-structured sentence. He said that—

. . . it behooves us as educators, if we are going to be accountable, to stop seeking and making excuses, sweeping concern and criticism under the proverbial rug and begin at once to address these weaknesses and these trends.

Not being one given to words without follow-up action, Mr. Plafker has been closely involved with making reading, writing, and the language arts skills the

priority in William Penn School District. He has been insistent that in-service be provided so that teachers are sure of their materials and understand the requirements.

Equally emphasized are his strong beliefs about education being concerned with human values as well as basic skills. Recently, he stated:

The schools are accountable for teaching children reading and mathematics. That is a priority. But let me add, so that there is no misunderstanding of our opinion regarding educational goals, that priorities for public education must also include self-esteem of students, understanding of democracy by actual participation in the classroom, appreciation of people with different viewpoints, development of fine arts talents as basic skills, and respect for honesty and integrity.

Such goals are appropriate for public education. However, let it be clearly stated that these goals cannot be attained by teachers and administrators alone. Community support through tangible involvement and participation is VITAL.●

NINTH ANNUAL MEMORIAL DAY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. FLORIO. Mr. Speaker, Triton High School in Runnemede, N.J., recently conducted its ninth annual Memorial Day program on May 26, 1978.

This southern New Jersey school is unique in that it has constructed a beautiful monument in its courtyard to honor eight former students who died in the Vietnam conflict.

The memorial project was initiated during the height of the Vietnam war demonstrations that unfairly castigated the young men who fought and died in that bitter episode.

The intent of the faculty committee that conceived the idea was to instill into the student the fact that the sacrifices of the young men who fought in Vietnam deserve our gratitude and respect, regardless of the controversy about the validity of America's role there.

The student body, the school staff, and members of the community joined in a variety of fundraising activities that led to the construction of the memorial with most of the student body in attendance. The school band, a choral group, and a military detachment also participated in the ceremony in addition to guest speakers.

The former students who made the "supreme sacrifice" honored on this occasion are:

James Castaldi, class of 1963.
James X. Glich, class of 1964.
John H. Haley, Jr., class of 1966.
Robert J. Lazaro, class of 1965.
Douglas M. Soroka, class of 1966.
Francis J. Hayes, Jr., class of 1966.
Eugene J. Hill, Jr., class of 1967.
Walter Demsey, class of 1967.●

EXTENDING GUN CONTROL ACT

HON. BILLY LEE EVANS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. EVANS of Georgia. Mr. Speaker, as we anticipate consideration of the appropriation bill for the Treasury Department, I feel compelled to call the attention of my colleagues to an attempt by the Bureau of Alcohol, Tobacco and Firearms to expand the provisions of the Gun Control Act of 1968 into unauthorized areas without Congressional authorization or approval.

Mr. Speaker, at a time when Congress needs to reassert its legislative authority and stem the flow of legislation by regulation it seems especially important that we consider the following information prior to approval of the budgetary requests of the Treasury Department.

SECTIONS 926 AND 923 OF TITLE 18, UNITED STATES CODE DO NOT AUTHORIZE THE REGULATIONS PROPOSED BY THE DEPARTMENT OF THE TREASURY ON MARCH 21, 1978

Section 923 (g), a part of the Gun Control Act of 1968, establishes a regulatory inspection system which has been upheld by the Supreme Court in the case of the *United States* v. *Biswell* 406 US 311 (1972), as being carefully limited in time, place, and scope. It provides that:

1. Licensed importers, manufacturers, dealers, and collectors shall *maintain* records of importation, production, shipment, receipt, sale or other disposition of firearms and ammunition.

2. The licensees "shall make such records *available for inspection* at all reasonable times, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe;" and

3. "The Secretary may enter during business hours the premises (including places of storage)" of the licensees for the purpose of *inspecting* or *examining* the records *required to be kept* and any firearms or ammunition stored on the premises (emphasis supplied)

It is obvious that this regulatory inspection scheme contemplates that the Secretary obtain information from licensees concerning importation, production, shipment, receipt, sale and other disposition by personal visits of his agents to the premises of the licensees. To carry out the statutory plan, the Secretary is given the extraordinary power to enter the premises of these private businesses without a warrant or other judicial order.

It would be unwise to conclude that the authority given the Secretary to prescribe that reports be submitted with respect to the records maintained by the licensees, empowers him to require that a record of every firearm henceforth manufactured and every subsequent disposition of it be transmitted to the Government for centralized computerization. The word submit, importantly, is defined in Webster's New Collegiate Dictionary for 1977, as meaning "to yield to governance or authority" and "to make available".

It is more consistent with the statutory scheme, and with inspection schemes in other statutes,[1] to view the section as requiring the maintenance of reports, as required by regulation, for submission to the Secretary's agent when inspections are conducted.[2]

The statute also does not confer power on the Secretary to take away records, although he can probably do so in those cases where he is able to establish that they constitute evidence of a crime.

This interpretation is consistent with Section 922(m) which enumerates the ways in which Section 923 can be violated. Section 922(m), in declaring what is unlawful, refers only to records which licensees are "required *to keep* pursuant to Section 923 . . . or regulations promulgated thereunder". (emphasis supplied) Nothing is said suggesting that Section 923 can be violated by a failure to send in a report for centralization. Similarly, Section 924, which prescribes penalties for violation of the Act, mentions only violations with regard to information "required . . . to be kept in the records of a person licensed" under the Act. That penalty section moreover, makes it a felony to violate "any provision" of the Act, but unlike Section 922, does not include the words "or regulations promulgated thereunder" thereby preventing Section 924 from being even arguably applicable to any failure to send in reports for centralization. Congress must plainly and unmistakably define what conduct constitutes a crime before it is punishable. *United States* v. *Bass*, 404 U.S. 336, 348 (1971). It is inconceivable that Congress, which made felonies of even the most minor failures to maintain records, could have intended to authorize a centralization regulation without providing a criminal punishment for its violation.[3] If Congress had intended to authorize such a regulation, it would have done so distinctly and just as distinctly made violation of it an offense, such as in the case of the

[1] See for example 26 U.S.C. 5207, which requires distillers to "render" such reports to the Secretary of the Treasury as he shall by regulation prescribe. That statute, which served as a model for Section 923 (g) and is also enforced by ATF, directs that the reports be kept on the distiller's premises. The Secretary is given the same right to enter the distiller's premises during business hours as he is in the case of the firearms dealer. The word "render" is defined in Webster's New Collegiate Dictionary for 1977 as meaning "to transmit to another" and "to furnish for consideration". In this context it has the same meaning as "submit".

[2] A reading of the remainder of Section 923 (g), by which the Secretary is given permission to make acquired information available to local authorities, suggests the type of report, envisioned by the statute, which could be of benefit to them. The Secretary could, for example, issue a regulation requiring dealers to furnish to inspectors reports on whether certain named felons had purchased firearms. In those instances, it would then be unnecessary for agents to review the records and such information could thereafter be furnished locally to interested police authorities, in accordance with the statutory intent.

[3] The fact that 18 USC 923(e) authorizes the Secretary to revoke a license if its holder has violated any provision of the statute or any rule or regulation of the Secretary does not disturb this argument. This is an additional or alternative penalty applicable, as are the criminal sanctions, to all infractions. There is nothing in the statute or its legislative history to indicate that 18 USC 923(e) and the criminal provisions are other than coextentive in application.

failure to maintain records proscribed in Section 922.

Had Congress intended to provide for gun registration in Title I of the Gun Control Act, it would no doubt have enacted provisions similar to those contained in Title II of the Act, which deals with such firearms as machine guns and sawed-off shotguns, wherein it is stated:

§ 5841. Registration of Firearms

(a) Central Registry

The Secretary or his delegate shall maintain a central registry of all firearms in the United States which are not in the possession or under the control of the United States. This registry shall be known as the National Firearms Registration and Transfer Record. The registry shall include: (1) identification of the firearms; (2) date of registration; and (3) identification and address of person entitled to possession of the firearm.

A comparison of the proposed regulations and Section 5841 reveals that Treasury would by regulation virtually accomplish for Title I firearms what Congress by statute accomplished for Title II firearms insofar as establishing a central firearms registry is concerned.[4]

While it is true that the proposed regulations would not federally centralize the names and addresses of all retail purchasers, they will nonetheless, federally centralize, by proposed 27 CFR 178.113 and 178.114, the names and addresses of members of the United States Armed Forces who import firearms and of those persons who purchase firearms from a dealer who has imported their purchases for them.

Thousands of names and addresses will be federally centralized by virtue of this proposal and as a result of regulations already in effect. Previously unchallenged are present Sections 178.126(a) and 178.127 of Title 27 of the Code of Federal Regulations. The former requires the reporting to the Bureau of Alcohol, Tobacco, and Firearms of the names and addresses of those who purchase two or more pistols or revolvers at one time or during five consecutive business days. The latter requires that the records of discontinued dealerships be delivered to ATF.[5] How many thousands of firearms and names and addresses of purchasers this involves is unknown. In his statement of May 4, 1978, prepared for the House Judiciary Committee, ATF Director Rex Davis said: "We have had a *massive project* underway for more than a year which has as its goal the centralization in Washington of out-of-business dealer records." (emphasis supplied) It is, moreover, impossible to project how many thousands of names and addresses will be harvested by proposed 27 CFR 178.126, which directs that when an ATF officer indicates a need for information concerning receipt and disposition of firearms, licensees shall report by telephone the information as requested by the ATF officer.

No intent of Congress to establish a broad system of central reporting so as to accomplish this central registry of Title I firearms can be inferred from the overall structure of the Gun Control Act or its wording. A single ambiguous use of the word "reports," or any variant thereof, in the entire statute is insufficient to convert a plan for record maintenance by private businessmen into a scheme for central reporting to the federal government. Such statutes as the Labor-Management Reporting and Disclosure Act, 29 U.S.C. 431 et seq., and the Federal Election Campaign Act, 2 U.S.C. 431, et seq., illustrate the clarity with which Congress establishes central reporting requirements when it intends to do so. A reading of these laws also leaves no doubt that there is an obligation to "file" reports centrally. The word "file" is defined in Webster's New Collegiate Dictionary for 1977, as meaning "to place among official records as prescribed by law."

The legislative history of the 1968 Act also affirms that Congress never intended to authorize centralized registration. Both Houses of Congress repeatedly rejected legislative attempts to allow the federal government to accomplish centralized registration or licensing of firearms. Prior to the passage of the Act, the House voted down such schemes on three occasions and the Senate took similar action on four different votes. Further in 1972, the Senate voted three times to reject firearms registration and in 1976 the House Judiciary Committee voted four times to reject registration.

In addition, the then Under Secretary of the Treasury testified on July 10, 1967, before the Senate Judiciary Committee that the legislation then under consideration, which subsequently became the 1968 Act, would not authorize federal registration of firearms. The Commissioner of Internal Revenue, of whose Service ATF was then a part, also appeared that day and testified that the legislation was not intended to register firearms at the federal level.

It is clear, therefore, that Treasury is attempting to exceed its statutory authority and accomplish by regulation what Congress has expressly declined to legislate.●

[4] The proposed regulations do not attempt to duplicate the Transfer Tax provisions of Title II.

[5] Section 178.126(a) orders that multiple purchases be reported on Form 3310.4. The form then calls for the names and addresses. This two-step approach may indicate Treasury's lack of confidence in its own authority to order these reports. Section 178.127 strongly suggests a disbelief in a right to accept records for centralization. It permits ATF, when state or local ordinance requires the delivery of discontinued dealership records to other responsible authority, to arrange for such delivery.

MAIL EARLY

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. KETCHUM. Mr. Speaker, it goes without saying that the newly enacted increase in first-class postage was not what one could call enthusiastically received by our citizens. Like most of us, I have been barraged with mail inquiring as to why an all-too-independent agency continually requires more money in order to provide less service. Among the correspondence I have read was one suggestion which I would like to share with my colleagues: Tony Cantrell, of Bakersfield, submitted a letter to the Bakersfield Californian proposing that citizens mail this year's Christmas greetings prior to the May 29 burial of the 13-cent stamp. This economical suggestion, as pointed out by my constituent, will not only enable us all to save 2 cents per card—if that going rate prevails come December—it will also provide the Postal Service folks with the opportunity to deliver our Christmas cards at their leisure. Following is the text of Tony Cantrell's offering:

MAIL EARLY

I suggest we all mail our Christmas cards before May 29—not only to save two cents but will give our postal department a better chance for delivery before the holidays—could be an added attraction if they decide to raise postage again before Christmas.

TONY CANTRELL.●

OAS TRADE FAIR

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. PEPPER. Mr. Speaker, I have the pleasure of requesting the inclusion in the RECORD of a recent speech delivered to the Organization of American States Trade Fair of the Americas by the very distinguished mayor of Miami, Fla., Hon. Maurice A. Ferre. Mayor Ferre's unswerving dedication to the development of trade and friendship, and the strengthening of cultural ties, with our Latin-American neighbors has been and continues to be one of the greatest sources of good will between the nations of this hemisphere. Furthermore, Mr. Speaker, the stupendous success of the OAS Trade Fair reflects our distinguished mayor's exemplary personal efforts at fomenting the kind of relations, both diplomatic and commercial, that increase understanding between nations. Thus, I take great pride in offering this address as an example of the interdependence of all of the communities of the Americas and very specially as an exemplification of the dedication of such a fine individual as my friend and great American, Maurice Ferre.

TRADE FAIR OF THE AMERICAS INAUGURATION

Ladies and gentlemen: For decades we have envisioned Miami as the Gateway to the Americas. More people leave to and arrive from the southern part of the hemisphere through Miami than any other port. We have long been a Gateway. Today, what we are about, hopefully, is establishing Miami as a bridge. Gateways are thresholds to be passed. Bridges are permanent links that bring together separate shores. The vision of Miami as a bridge is hopefully more enduring. It is unity that excites and motivates.

We are not the first who have talked of unity; Bolivar and De Hostos spent a lifetime dreaming of Pan-Americanism. The OAS is a living symbol of the dream of unity. Political unity, however, is harder to define and even more difficult to achieve. Not so of cultural and especially of commercial unity.

What we inaugurate today is a Trade Fair. I am grateful as the mayor of the City of Miami for the splendid cooperation we have received from the State, the County, the Federal Government and the OAS. The Fair would not be possible without the contributions of these entities and the hard work of Charlie Crumpton, Assistant City Manager, the unbelievable dedication of Evelio

Ley and Associates, the sponsorship of Governor Reuben Askew, Senator George Firestone, the Legislature, the Board of County Commissioners and my own City Commission. Our deepest thanks for your support and faith.

The dream of the Fair has lingered almost from the infancy of Miami. It was the substance behind Interama. It was the main subject of conversation when Governor Askew and I led a group of distinguished Floridians to South America on our first Bicentennial Friendship Trip in December of 1975. It took shape through many discussions with Javier Roca at CIPE, the encouragement of the Inter-American Development Bank and the OAS. Two years, millions of dollars, and thousands of working hours later . . . here we are.

Free trade amongst people is perhaps one of the simplest and yet most difficult concepts to understand. Much more has been achieved in the history of the world through trade than through any other human endeavor.

For the first time in the 201 years of our Nation's history, a local government—with the assistance of the State and Federal governments—is putting up a major trade fair for our Latin and Caribbean neighbors to come to our shores to sell their products to our buyers.

If you go back to the beginning of the century until now, the balance of trade between the United States and our Southern neighbors has been overwhelmingly in our favor. This has recently begun to change due to the increased price of oil. Absent oil, even today, our sales of goods and services, greatly exceed purchases from our Southern neighbors. What this Fair says to our Latin brothers and sisters, in effect, is: "come, show us your goods; we are willing to buy as well as to sell."

The symbol of the Fair, as you will see in your programs, is a Phoenician boat. Historically, we in the Western World recognize the Phoenicians as being the master traders who took their products and by selling them all over the Mediterranean, greatly expanded their civilization. We are the inheritors of that world. You cannot go far in the Mediterranean without running into a former Phoenician colony.

Miami does not have natural resources nor great factories. We aspire to be a banking and commercial center. The basis of our strength is our geographic location; but that is God-given. What is man-given is what we do with these natural attributes and what we wish to do besides being a bridge between the North and South, with our multi-ethnic, multi-cultural community, is to become a market place. Like the Dutch to Renaissance Europe, we wish to become the modern Phoenicians to the Americas; a market place for the goods and services of the hemisphere.

The Trade Fair of the Americas fits precisely into the goals our President has set for our nation. Jimmy Carter comes out of the rural South. It is difficult to understand the direction of President Carter's enlightened approach towards foreign policy unless one understands the march from Selma to Birmingham. Human rights means human dignity. Human rights foreign policy is an extension of the civil rights movement of the South. The great mark of the Carter Administration in the years to come will be the recognition that, for the most part, we in the modern world are not libertarian but rather egalitarian in nature. Our march is egalitarian. It is this simple but encompassing concept that is the beacon of the United States as we begin our third century as a nation. The sixteen nations that are gathered here with their respective exhibitors participate as *equals*. It is precisely this approach to each other that is so meaningful for the future well-being of our hemisphere.

We are indeed privileged to have as our honored guest to inaugurate this Fair, the First Lady of our nation. Rosalynn Carter, in her own right has fought for and stands for equality. Early in this Administration, Mrs. Carter took on an immense responsibility, as an equal partner with her husband, the President, by representing our country on a trip through Latin America and the Caribbean. The results of her efforts and success will be enjoyed for many years to come. She is a symbol of equality and hemispheric good will. She is also an important participant in the process. We are honored with her presence today. It is my pleasure to present to you the First Lady of the United States, Rosalynn Carter.●

TOXIC SUBSTANCES CONTROL ACT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. DERWINSKI. Mr. Speaker, as we move closer to George Orwell's not-so-fictional "1984," our beloved bureaucrats are busy preparing for the millennium. One of the latest examples of their handiwork is the implementation of the Toxic Substances Control Act (TSCA), which became effective January 1, 1977. Generally, TSCA provides the Environmental Protection Agency with broad jurisdiction over those who manufacture, process, or distribute chemical substances or mixtures.

Section 8(e) of TSCA proves that any person who manufactures, processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion such substances or mixtures present a substantial risk of injury to health or the environment shall immediately report the transgression. The phrase "any person" includes any employee of an employer covered by the Act. Furthermore, any person who violates section 8(e) is subject to a fine of $25,000 for each day of the violation or imprisonment for not more than 1 year, or both.

At this point, industry and its employees are not too clear as to how section 8(e) will be policed. To protect itself and its employees, one large oil company is advising all company personnel the best policy is to report too much, even if it is in error, rather than report too little.

In other words, if you are going to fink, fink big. It is a classical Orwellian touch. Of course there always is the possibility a violator could claim his fine as a tax deduction.

I hereby attach the memo issued by this particular company to all employees. I blocked the company's name out so that 24 hours go by before the bureaucrats discover the memo came into my hands and the entire company is closed down.

To All Employees:

The Toxic Substances Control Act (TSCA) became effective on January 1, 1977. Generally, this Act provides the Environmental Protection Agency (EPA) with broad powers over those manufacturers and importers who manufacture, process, or distribute chemical substances or mixtures.

For the most part, the company's compliance with the statute will be under the direction of those personnel already working in the areas of health and environmental regulations, and employee involvement with TSCA compliance activities will be minimal.

There is one provision, however, that may involve you personally, and it is one that you should regard as imposing upon yourself a serious legal obligation.

Section 8(e) of TSCA states that: "any person who manufactures, processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substances or mixture presents a substantial risk of injury to health or the environment shall immediately inform the Administrator of such information unless such person has actual knowledge that the Administrator has been adequately informed of such information."

With respect to Section 8(e), there are two very critical points.

First, the phrase "any person" includes any employee of an employer who "obtains information" within the meaning of Section 8(e).

Second, "any person" who violates Section 8(e) can be "liable to the United States for a civil penalty in an amount not to exceed $25,000 for such violation. . . ." In addition to the civil liability, TSCA also provides for criminal liability of "a fine of not more than $25,000 for each day of violation, or . . . imprisonment for not more than one year, or both."

Because EPA has only recently published guidelines as to how it will interpret and implement Section 8(e), the Agency has not sought to enforce this reporting provision up to the present time. Those guidelines have now been issued, however, and we should assume that compliance will be strictly enforced.

The EPA guidelines provide that a company may relieve its employees of responsibilities for reporting information directly to the EPA, if it establishes an internal reporting system which designates a specific company employee, or employees, who will have the authority for deciding whether a report should be submitted to the Agency.

The procedure must specify:

(a) the information that must be reported;

(b) how the information is to be prepared, and the designated company official to whom it is to be sent;

(c) the Federal penalties for failing to report;

(d) a method for promptly advising the employee of the disposition of his report.

In light of the above, the company and its subsidiaries have established an internal reporting system, and the method by which that system will function is fully outlined in the enclosure that accompanies this letter. You are urged to read it carefully so as to insure that both you and the company do everything we can to fulfill our legal obligations under Section 8(e) of TSCA.

One final note. Many of you will find the attached instructions unclear and confusing.

For that, we apologize. The instructions, however, are essentially a repetition of guidelines issued by EPA; and we decided that it was necessary to tell you what those guidelines contained. As both industry and government gain experience under Section 8(e), it is hoped that our reporting obligations will be clarified. In the meantime, do not hesitate to error on the side of reporting too much rather than too little. Such an error poses no legal problems either for you or for the company. Failing to report, however, could result in serious legal problems both for yourself and for the company.●

CAROL FOREMAN: THE "TITANIC" OF AMERICAN AGRICULTURE AND BUSINESS

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. TAYLOR. Mr. Speaker, Government regulation of business and agricultural activity has gotten out of control. The consumer activists, environmentalists, conservationists, and hunger lobbyists have taken over and the American farmer is getting it from all sides. So is the businessman.

Something must be done to get the Government off the backs and out of the pockets of farmers and businessmen.

Our colleague, BILL WAMPLER, of Virginia ranking Republican member of the House Agriculture Committee, has made a start in this direction, as he explained earlier this week in a speech to the American Meat Institute here in Washington. I commend it to your reading.

THE AMERICAN MEAT INSTITUTE BOARD

When Dewey Bond invited me to meet with you this morning, I was pleased. But when I asked him what I should talk about, he said, "Oh just let your hair down." So right away you know you're in trouble.

I am sorry Bob Bergland wasn't able to be here. But I am glad farmers were well represented by the half-a-dozen other Secretaries of Agriculture on your program.

I was particularly pleased to see Carol Foreman listed on your program. Although I usually disagree with her, one thing you can say about Carol is that she's not shy about putting her beliefs into practice. For instance, she was one of the first to warn the public about the possible dangers of eating bacon . . . and she even ordered a reduction in the amount of nitrates you can use in processing it. Then, she proposed noncured meat products be sold under the generic names of traditionally cured products, inviting possible outbreaks of botulism and food poisoning from consumers who don't read labels too closely. Then, to help develop worldwide meat standards, she appointed a vegetarian as U.S. consultant to the U.N. meat board meeting in Rome.

Now, speaking frankly, if I were in your shoes, I'd be concerned. I won't say how concerned . . . but let me put it this way: Carol Foreman is doing for meat consumption what the Titanic did for ocean travel!

But there's more to the problem facing your industry than just Carol Foreman. She has now been joined by Barry Commoner and other psuedo-scientists who have suddenly discovered fried hamburgers may be the real cause of cancer. What's next? Apple pie? Sex?

All this reminds me of the fable of the shepherd boy who cried wolf too often. Soon nobody believed him. Soon no one will believe the Foremans and Commoners of this world.

One this is certain: someone down at USDA has to take the bull by the horns and return some common sense to the Department.

When a peanut farmer was elected President in 1976 and a grain farmer was named Secretary of Agriculture, I felt the policy of having a real spokesman for agriculture in the highest councils of government would continue. But that wasn't the case.

Today, the consumer activists, the environmentalists, the conservationists and the hunger lobbyists have taken over. We now have assistant Cabinet secretaries for consumers . . . for the environment . . . for women. What's needed someplace in this Administration is an Assistant Secretary for Farmers!

This new atmosphere is, also reflected in President Carter's fiscal 1979 budget which markedly shifts U.S.D.A. away from its traditional emphasis on production, research and marketing . . . and toward food and welfare assistance and income transfer programs.

At the same time, we see the State Department for the first time in a decade dominating U.S. farm export policies and contributing to the erosion of agricultural sales abroad. The Administration's sugar policy is in a shambles. There's an overzealousness which I mentioned a moment ago in banning protective food additives without adequate testing or without proper consideration of the impact on farm income and on the availability of meat and poultry products.

In addition, there's a real failure on the Administration's part to meet the agricultural communitys' needs for adequate pest management representation in the councils of government. Support for soil and water conservation and forestry programs has been reduced. At the same time, U.S.D.A. has failed to develop worthwhile energy programs, such as a gasahol and solar development, and has placed curbs on agricultural science and research and education in the face of Congressional mandates to expand these fields of endeavor.

The influence of consumer activists is epitomized by Carol Foreman whom I mentioned a few minutes ago.

As you are well aware, Ms. Foreman proposed in the Federal Register amending Federal Meat Inspection regulations to permit the marketing of new and untested noncured meat products under the generic names of traditionally cured meat products.

What concerns me—and a number of my colleagues in the Congress—are the health safety aspects of the Foreman proposal . . . so much so that dozen of us on the Agriculture Committee sent a letter of protest to Secretary Bergland this morning.

In our letter, we stated—and I quote—"The proposed safety controls for these new and potentially high volume meat products are completely inadequate and invite an outbreak of botulism and other bacterially-induced incidents across the country . . . the safety precautions prescribed by your Assistant Secretary require strict refrigeration controls at each step from processing to consumer use and place the burden of safety on each party handling the new product. Children who take sack lunches to school would be particularly vulnerable. Moreover, confusion among the two types of products would most likely occur, causing accidental misuse if identical generic names and shapes of products are permitted."

The letter goes on to say that people know hot dogs are safe, even if taken on a picnic where they are not well chilled. They know bologna is safe in a child's lunch and can be kept in an unrefrigerated school locker for hours without problems. They know that if they mistakenly leave bacon on the kitchen counter for hours, it can be refrigerated and used again without risk.

They know these things because they grew up with them.

But the Foreman plan changes all this. In our letter to the Secretary, we made clear that we are not opposed to a new family of meat products—but simply to permitting these new products to be marketed under traditional generic names—such as hot dogs and bologna and salami and bacon and ham and so forth.

Specifically, we called on Secretary Bergland to withdraw the proposed Foreman reglation and incorporate provisions along these lines: First, include on the label of each of these new products this warning—and I quote: "The Secretary of Agriculture has determined that failure to keep this product refrigerated at temperatures below 40 degrees Farenheit at all times is dangerous to your health."

Second, we recommend the adoption of new generic terms and different shapes for these products. For instance, the non-cured meat product which would compete with hot dogs, which are a cured product, could be called "cold dogs," and their shape could be square instead of round—so there would be no mistake in the mind of the consumer just what he or she was buying.

This proposal of Ms. Foreman is just one small tip of the iceberg of government regulations which business faces each day.

Do you have any idea how many different Federal forms Washington asks business to fill out? Would you believe over 5,000? Five thousand forms to keep the bureaucrats at work and businessmen from their work!

Do you have any idea how much all this costs?

According to a just-released study prepared by Washington University in St. Louis for a Senate committee, Federal red tape costs every man, woman and child in this country $470 a year. Altogether, this report says the care and feeding of some 40 Federal agencies involved in regulatory activity has gone up 115 percent in the past five years, presently costing taxpayers $4.8 billion annually. Safety and anti-pollution features mandated by the government added $666 to the price of the average car last year—and President Carter wonders why he can't control inflation!

The problem is—we all pay for government regulation: farmers, ranchers, cattlemen, meat processors, businessmen, taxpayers and consumers—whether it be in the form of unnecessary paperwork or overzealous enforcement by government bureaucrats.

Time magazine summed up the problem in an article earlier this year entitled, "Rage Over Rising Regulation." The magazine said the American people have about had it with autocratic bureaucrats to whom—quoting Time—"nothing succeeds like excess." Said the magazine—and I quote again—"There is a deepening revulsion among Americans against the excesses of bureaucracy (which) suggests that a showdown is imminent."

Perhaps to head off just such a showdown, President Carter proposed a partnership between government and business. On the surface, this has a nice ring to it—since by definition a partnership suggests the idea of equals pitching in to help each other

achieve a mutually beneficial goal or objective.

But the fact of the matter is that government and business are not equals at all. Nor are they seekers of mutually beneficial goals. The traditional role of Government is that of a servant of society and of the people. Now the President wants to make it a partner with business.

Speaking as a former businessman, I prefer to keep government in the role of servant. I just don't think there's a good basis for an alliance in which one partner's heavy hand is on your shoulder and his other is in your pocket.

Don"t misunderstand me: There are valid areas for government regulation. I'm sure we all agree on that. No one condones either shoddy business practices, slipshod workmanship, unsafe working conditions or unsanitary food. We are all concerned about the safety and value and quality of what we buy—for, in the final analysis, we are all consumers.

That's not the problem. The problem is that government regulation of business and agricultural activity has gotten out of control. Congressional authorization to regulate for a worthy purpose has become the bureaucrat's unlimited license to hunt and his unchecked mandate to control. Something must be done about it.

As a small start in this direction, I plan to introduce legislation this week to bring the occupational safety and health administration under the provisions of the legislation which it administers. Believe it or not, O.S.H.A. isn't covered by its own legislation. The bill I plan to introduce will extend the definition of "employer" to specifically include O.S.H.A. I think it's only fitting that this most controversial of Federal regulatory agencies be required to live under the same restrictions it imposes on agriculture and business.

I have another bill in the drafting stage to help put the businessman on an equal footing with the Federal government and the vast resources which it can marshall against him in a given case. Specifically, this measure will require the government to reimburse business firms for reasonable litigation costs and attorney fees in government-initiated cases won by the firms. One special feature of this bill—it would mandate that funds used for such reimbursement come from the budget of the agency or commission which brought the action in the first place.

If we can get some legislation of this kind through the Congress, perhaps the bureaucrats will begin to get the message—that the American people and American business are fed up with un-civil servants who are more concerned about justifyir.g their jobs than serving justice.

As each of you know, the meat industry is one of the most highly regulated in the country. I don't have to remind you of the seemingly endless government paperwork you face and the unbelievable amount of time involved in dealing with U.S.D.A., O.S.H.A., E.P.A., I.R.S., I.C.C., and N.L.R.B., just to mention a few of the alphabet agencies arrayed against you. I just don't believe the processing and marketing of meat at prices we all can afford justifies this much government in the slaughterhouse!

This country of ours—and this industry of yours—can continue to prosper and grow—if we provide the climate for such prosperity and growth. And this calls for less—not more—government regulation, in my opinion.

In the final analysis, what has produced more of this world's goods and services for more people than any other nation or civilization known to man is the free and unfettered system we call private enterprise—and it's still the best regulator around. Let's make sure we keep it.

Thank you.●

TUITION TAX CREDIT

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. GARCIA. Mr. Chairman, there are few issues, I feel certain, that will be more difficult for me, more keenly felt by my constituents, more hotly debated both within and outside this body than the issue of tuition tax credits. The controversy—and passion—surrounding this bill has certainly given me a good lesson in the careful thought and consideration every issue before this body must be given. And it is after that kind of thought, and after listening to well-considered arguments on each and all sides of this issue that I today rise in support of Mr. VANIK's amendment to this bill to provide tuition tax credits for the families of children attending private schools.

Mr. Chairman, I am doing this to help the parents of children in my district. Yes, even in the south Bronx, I am convinced that the proportion of minorities in the public and private schools is comparable. And I deeply believe that even—no, particularly—in areas such as mine, people must have access to alternatives in education at the most basic level. No, in my district there is no segregation in the private schools, for they are filled with the children of parents who see a private education as a way to create a brighter future for their kids.

Tuition tax credits are not just for the middle and upper class, and I reject those arguments that imply they will not help those who need it. They seek to help lower-income families—people who must adjust their own financial difficulties to their children's educational needs. If aid is not provided during the years when children are in elementary and secondary school, many of the most capable and deserving will not have the option of competing for postsecondary tax credits—or any other form of college assistance, for that matter—and I think that is clearly exclusionary and discriminatory against the more needy children in our society. Let Secretary Califano and the U.S. Catholic Conference debate how much money private schools receive. Our primary concern should be the educational opportunities available to the children.

Support of private education does not mean no support for public education. And I have supported the concept of aid to private education since my days in the New York State Legislature. Support of tuition tax credits will not mean the end of public education, but it does mean that we are prepared to guarantee a child's educational opportunities. You may be certain that I will continue to be as diligent in my support of public education, and of improving the quality of education our children receive in all institutions.●

WHO SPEAKS FOR US ON AFRICA?

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. SEIBERLING. Mr. Speaker, in Tuesday's Washington Post there appeared an article by the distinguished writer, Marquis Childs, pointing out that our former colleague, Andy Young, is indeed, performing a great service for the United States in his role as U.S. Ambassador to the U.N.

Mr. Childs states that the consensus among Western diplomats with whom he has talked at the U.N. is that Amabassador Young's performance is on the plus side. One diplomat summed it up as follows:

> You owe Ambassador Young a considerable debt. More than most Americans understand, he has developed a link with the Third World countries. Young has assured them of America's intentions as perhaps no one out of the conventional white establishment could have done. This is a distinct gain and one that, all things considered, is likely to stand you in good stead in the future.

It seems to me that the kind of principles that Ambassador Young has stood for and the kind of links he has developed with Third World countries, particularly those in Africa, will do far more for our relations with those countries than the kind of saber rattling that we have been hearing recently from Dr. Brzezinski. The irony is that Ambassador Young is following the very kind of approach that Dr. Brzezinski was recommending that the previous administration follow with respect to Africa and Third World countries when he spoke to Members of Congress in May 1976. The views Dr. Brzezinski expressed at that time are summarized in the statement I placed in the RECORD last Wednesday at page 15781.

In fact, the summary of Dr. Brzezinski's views. which he himself edited, is a considerably toned down version of his actual remarks in May 1976. At that time he castigated Dr. Kissinger for tending to view all of our relations with the Third World in terms of their interaction with the East-West conflict. Has Dr. Brzezinski now fallen into this same error?

It is also ironic that Dr. Brzezinski should now be characterizing Russian actions in Africa as a violation of the "spirit of détente," as expressed in some

apparently unwritten and never published understanding between Dr. Kissinger and the Russian Government. In the summary of his remarks of May 1976, Dr. Brzezinski stated:

The Russians never deceived us about détente. They always said there would be mixed cooperation and conflict. We [i.e., the Nixon-Ford Administration] were the ones who were talking about a "generation of peace." The United States and the Soviet Union are separated by differing historical forces, and the conflict will be with us for a long time. That is why it is not a good idea to base our whole foreign policy on détente.

Mr. Speaker, I thought Dr. Brzezinski's remarks of 2 years ago made a great deal of sense and constituted a realistic critique of the Kissinger foreign policy and the way we should approach our relationships with the other countries of the world. Surely, he owes it to the Congress and the country to explain whether, in fact, his perceptions have changed as to our relations with the Third World countries and the meaning of détente.

Without such explanation, one can only conclude that certain elements in this administration are slipping into the same unproductive pattern of thought as the previous administration in shaping an African policy. This pattern includes the dangerous assumption that the executive branch cannot deal openly with the American people and Congress, but instead must have the authority to engage in clandestine operations without consulting with the Congress or informing the American people in advance. As more and more is revealed about the ineptitude of our Government's activities in Angola under the previous administration, the wisdom of the restraints imposed by Congress is becoming increasingly apparent. The recent book by former CIA agent Stockwell about the stupidity of the CIA's clandestine role in the Angolan civil war is only the latest example.

I share the general concern over the Soviet-Cuban-East German activities in Africa. It would be folly not to take them seriously. But it is just possible that Ambassador Young's efforts to identify ourselves with the aspirations and interests of the African peoples is a far better foundation for American policy than the recent bluster of Dr. Brzezinski.

Mr. Speaker, the full text of Marquis Childs' article follows these remarks:

ARE WE UNDERRATING ANDREW YOUNG?

(By Marquis Childs)

UNITED NATIONS.—When he is told that by many Americans, white, middle to upper class, he is considered a mischief-maker firing random shots at anything that pokes above the horizon, Ambassador Andrew Young says he is unaware of such a feeling. That was in the wake of the uproar over his remarks downgrading the presence of Cuban troops in Africa. Those remarks seemed to go contrary to what President Carter himself had said on the subject.

If I should be an embarrassment to him, Young says in his serious, soft-spoken way, then I would leave this job. I would find another way to work for him.

He believes the role of the Cubans has been greatly overplayed in the press. Both Soviet and Cuban forces could be mired down in Africa as the United States was sunk in Vietnam.

Scare themes get far too much prominence. Six months or a year ago no one had heard of the Horn of Africa; today it is treated as an immediate menace to American security.

Young adds up the pluses for the United States in Africa. Somalia, which was at war with Ethiopia over the Ogaden—a thousand miles of sand, in Young's words—has a close relationship with the United States and is the recipient of aid in various forms. A new American ambassador is soon to go to Ethiopia to renew relations there.

In Angola, Gulf Oil does something close to a $100 million business in oil. That is the chief source of money for operating the government and obtaining essential imports from abroad. If the Cubans are there in any number, it may be as order keepers. Young notes that 300,000 to 400,000 white Portuguese left their former colony with scarcely a casualty, and that some whites remain. From Guinea, once considered a Soviet fiefdom, Sékou Touré has several times sent an invitation to Young to pay a visit.

On the massacre at Kolwezi in Zaire, he has some interesting ideas. He believes the rebel invaders came in not to slaughter whites but to disrupt copper production and throw such a scare into European technicians that they would not come back. Since copper is the heart of Zaire's economy, the country, once the Belgian Congo, would be brought down.

He notes, not without bitterness, that while the slaughter of the whites has received prominence, little or nothing has been said about the killing of black civilians. Several hundred blacks may have been shot at the same time that their dwellings were destroyed during the raid.

But Young's conviction—his optimism—comes out strongest on the issue that looms largest. That is the future of Rhodesia and subsequently of South Africa. He believes that if the guerrillas can be persuaded to take part in a black majority Rhodesian government there can be a transition without civil war and bloodshed. That peaceful transition can be furthered by stationing a U.N. peacekeeping force in Rhodesia for a transition period and also in Namibia (South-West Africa).

If that can occur in Rhodesia, then ultimately a similar transformation can take place in South Africa. While this may sound wildly optimistic, it represents Young's deep and continuing involvement with the racial crisis in southern Africa. He has never hesitated to speak out, although he has kept the confidence of all parties to the conflict.

As American ambassador to the United Nations, Young has, in my memory, been far more active than anyone in that role. He has been continuously concerned with the brambles of the African thicket. He has called practically everybody racist, including the Swedes, to their considerable surprise, and the residents of Queens.

But how to grade this dedicated activist? Plus or minus? I have asked this question of several Western diplomats here at the United Nations, and they come down on the plus side. As one who did not wish to be identified by name put it:

"You owe Ambassador Young a considerable debt. More than most Americans understand, he has developed a link with the Third World countries. Young has assured them of America's intentions as perhaps no one out of the conventional white establishment could have done. That is a distinct gain and one that, all things considered, is likely to stand you in good stead in the future."

That is what I heard from others. At times he is irritating. But his intensive efforts to avert bloody civil war and bring about a peaceful solution were given a B-plus if not an A on his report card.

I think of the frustration his predecessors—notably Adlai Stevenson—suffered in a role that has more often than not been show rather than substance. I feel that frustration will never trouble Young. And I feel, too, that out of his dedication to Carter he would not hesitate to resign if he considered himself an embarrassment to the president.●

LEGISLATION REQUIRING DETECTION TAGGANTS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. ANDERSON of California. Mr. Speaker, I am today resubmitting my legislation phasing in requirements that identification and detection taggants be added to explosive materials.

As a collective body, this Chamber has, from time to time, passed resolutions condemning various acts of terrorism at home and abroad. These resolutions are important. They indicate that it is the intention of the House not to tolerate such acts.

My legislation, H.R. 12516, will translate these intentions into positive action. It provides us with a vehicle to enact legislation which will help assure a reduction in criminal bombings, and savings in lives and property which they too often destroy.

By tagging explosive materials, it will be possible to detect the presence of a bomb before it is detonated. Should there be an explosion, law enforcement officials will be able, with the addition of detection taggants, to track down and convict the guilty parties with greater frequency and speed, and at less expense. When the present 8-percent arrest rate for criminal bombers is increased, I feel certain that less people will feel so secure in committing their disgusting crimes.

There are now a total of 57 sponsors of H.R. 12516. With their support, and with indications that the bi'l will receive subcommittee hearings, I am hopeful that we will pass this legislation this year. To help insure that this happens, and to show the Nation that we are determined to reverse the trend toward increased bombings in this country, I ask my colleagues to join those of us who have already cosponsored H.R. 12516.

The list of present cosponsors follows:

Mr. Akaka, Mr. Anderson of California, Mr. Annunzio, Mr. Brown of California, Mr. Buchanan, Mr. Carney, Mr. Carr, Mr. Carter, Mr. Corman, Mr. Corrada, Mr. Coughlin.

Mr. de Lugo, Mr. Derrick, Mr. Downey, Mr. Duncan of Tennessee, Mr. Edgar, Mr. English, Mr. Evans of Georgia, Mr. Fary, Mr. Fascell, Mr. Flood.

Mr. Gibbons, Mr. Goodling, Mr. Green, Mr. Hagedorn, Mr. Hannaford, Mr. Harkin, Mr. Heftel, Mr. Hughes, Mr. Jacobs, Mr. Krueger.

Mr. Le Fante, Mr. Lagomarsino, Mr. Lehman, Mr. Lent, Mr. Lott, Mr. McCormack, Mr. McDonald, Mr. Mazzoli, Mr. Mineta, Mr. Moakley, Mr. Mottl, Mr. Murphy of New York, Mr. Murphy of Pennsylvania.

Mr. Patterson of California, Mr. Price, Mr. Richmond, Mr. Robinson, Mr. Roe, Mr. Stump, Mr. Traxler, Mr. Vento, Mr. Whitehurst, Mr. Wilson of Texas, Mr. Won Pat, Mr. Yatron, Mr. Young of Missouri.●

STEEL LABOR AND MANAGEMENT DEMAND TOUGHER ANTIDUMPING PENALTIES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. CRANE. Mr. Speaker, on March 15, 1978, Congressman MICKEY EDWARDS and I introduced a job stability package including three bills calling for the enactment of provisions to expedite the investigation of injury due to foreign dumping; job retention incentives in high unemployment areas; and a congressional mandate in order to trigger regulatory action in affected area. I, therefore, feel it is important to call attention to an article in the May 24 issue of the Washington Post "U.S. Steel Industry Calls For Tougher Anti-Dumping Penalties" which I will include at the end of my remarks.

It was also significant to note in the aforementioned article that "Major steel companies have been waging a campaign against foreign steel for years, but only recently have they been joined by their labor unions, becoming a potent force in Congress." Mr. Speaker, Congressman EDWARDS and I now have 42 cosponsors on this package and we invite our colleagues on both sides of the aisle to join us on these bills by just calling either office to let us know their intention.

Also, I am sure many of the Members read the notes from the Joint Economic Committee of May 16, 1978. The lead article points out that "Federal regulation has become America's number one growth industry." The story went on to emphasize "We write one page of law and we get 50 pages of regulations."

One bill in our package is designed to eliminate this absurdity, particularly when it causes additional economic problems for an area already reeling from the blows of high unemployment. This bill differs from the traditional regulatory reform legislation in that there is no question as to its constitutionality.

The massive regulatory reform bill still has not been brought to the floor for debate and I am sure one of the holdups is that many Members feel a congressional veto is unconstitutional. H.R. 11561 our bill is known as the "Truth-in-Regulation Act of 1978."

In this bill, no regulation proposed by an agency can take effect unless the employment picture in an affected industry is held harmless and/or unless a joint resolution passes both Houses of Congress and is signed by the President. This is clearly constitutional and no regulation will become effective if the Congress does not act.

To determine if an industry is held harmless with respect to employment, a local task force, including labor, reports their findings to the agency administrator who includes this data in the report to Congress. This is a standing task force which also prepares an overall, community economic impact statement on the proposed regulation. The agency must take these statistics into consideration when preparing its own economic and environmental impact statements on the regulation for the appropriate congressional committee.

Mr. Speaker, most of our laws and regulations are well intentioned but the American people are entitled to expect the Congress and the administration to look carefully at the cost-benefit ratios before promulgating new regulations. The Washington University study reports that Federal rules and regulations in 1979 will cost $102.7 billion—$4.8 billion in administrative costs of the agencies and $97.9 billion in compliance costs by the private sector. This is staggering.

Mr. Speaker, I urge all my colleagues to join us promptly as cosponsors.

The Post article follows:

[From the Washington Post, May 24, 1978]

U.S. STEEL INDUSTRY CALLS FOR TOUGHER ANTI-DUMPING PENALTIES ON IMPORTS

(By James L. Rowe, Jr.)

NEW YORK.—The steel industry said yesterday it is becoming increasingly skeptical that the government's program to hold down steel imports will work and promised to push for new legislation that would impose quicker and heavier penalties on countries found to sell their products below fair value in the United States.

George Stinson, chairman of National Steel Corp., told reporters that a new study showed that the American steel industry lost $4.1 billion in 1976 and 1977 because of "massive dumping" of steel by foreign producers.

He said that dumping in those two years cost about 30,000 American jobs.

Stinson said in a later interview that he has not yet given up on the so-called trigger price mechanism developed by the Carter administration to reduce illegally priced steel imports, but that if they do not begin to have a substantial impact by Aug. 1 he would have to conclude that they are not working.

The Carter plan sets minimum prices for steel imports based on the cost of production and transportation of the world's lowest-cost producer, Japan.

Stinson conceded that nearly all steel producers are experiencing a big upsurge in orders during the second quarter, some of it due to increased demand for steel and some of it because the trigger prices keep out undervalued steel.

But he said the trigger prices are too low and that they should be increased by between $25 and $40 a ton.

Mark Anthony, president of the California-based Kaiser Steel Corp., said the trigger prices are doing little to keep Japanese steel out of the West Coast markets because the trigger prices are the lowest on the West Coast.

Because the trigger prices include transportation charges, West Coast prices are cheaper than those in the Midwest or East Coast because Japan is closer to Los Angeles than to Chicago or Pittsburgh.

The Carter administration designed its minimum price system under heavy pressure from steel companies, steel workers and Congress—all of whom were convinced that unfair European and Japanese steel marketing was costing American workers jobs.

Major steel companies have been waging a campaign against foreign steel for years, but only recently have they been joined by their labor unions, becoming a potent force in Congress. Protectionist sentiment has been growing in Congress not just for steel but among industries as widely dispersed as color television, shoes, and fasteners such as nuts and bolts.

President Carter's chief trade negotiator, Robert Strauss, has reached a number of voluntary restraint agreements with countries supplying shoes and televisions, but by far the most comprehensive program to restrict imports was the trigger price mechanism devised by a task force headed by Treasury Undersecretary Anthony Solomon.

The mechanism relies on the same anti-dumping laws that steel industry officials said yesterday they want to toughen. If steel is imported into this country at a price below the trigger price, an immediate investigation is launched to determine whether the item is being sold below the cost of production, which is illegal under U.S. law.

If the item is found to be in violation of trade laws, the Treasury then slaps on a special tariff.

The trigger price system is designed to speed up an anti-dumping investigation, reaching a tentative decision in three to six months, rather than the year or more it takes under normal anti-dumping procedures.

But the existence of trigger prices, which were just revised upwards, is supposed to eliminate unfair trade before it occurs, on the theory that foreign suppliers will not test the system by selling below the trigger price.●

HUMAN RIGHTS

HON. NEWTON I. STEERS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. STEERS. Mr. Speaker, I rise in support of the Tsongas amendment. Last November, the House overwhelmingly passed a resolution denouncing repressive actions by the South African Government. This resolution urged the President to "take effective measures against the Republic of South Africa in order to register the deep concern of the American people about the continued violation of human rights in that country."

The language that was added to H.R. 12157 by my distinguished colleague from Massachusetts (Mr. TSONGAS) is a most effective measure, I believe. It will not force an overnight change in South Africa, but it will send a clear signal to South Africa and the rest of the world that American concern over the institutionalized racism that exists in South Africa will be a barrier to a continuation of Ex-Im Bank activities in South Africa. It is time for the House to back up its rhetoric of last October with action and defeat the effort to kill this amendment.●

MAJ. GEN. JOHN K. SINGLAUB ADDRESSES AMERICAN SECURITY COUNCIL—PART I

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. McDONALD. Mr. Speaker, today the distinguished American soldier, Maj. Gen. John K. Singlaub addressed the news media luncheon of the American Security Council. He told those present of the events that had led up to his early retirement from the military, and outlined events that must distress and dismay every patriotic American.

For the information of my colleagues I am providing a copy of the text of General Singlaub's remarks, and will at a later date provide a copy of the question and answer session that followed the formal presentation.

General Singlaub's remarks follow:

STATEMENT BY MAJ. GENERAL JOHN K. SINGLAUB, U.S.A. (RET.), AT AMERICAN SECURITY COUNCIL NEWS MEDIA LUNCHEON, ARMY & NAVY CLUB, WASHINGTON, D.C.

At the outset I think I should make it clear that I believe in civilian control of the military. My early retirement was not brought about because I deliberately defied that civilian authority, but because my opposition to some of the policies of the current administration was inadvertently made public. When that occurred, I concluded that the only honorable thing I could do would be to submit a request for voluntary retirement as soon as practical. This was accepted by the Army and I did retire on the 31st of May.

The events that led up to my early retirement have been somewhat misreported and I would like to set the record straight. At the end of April, I was asked to present a leadership course as part of a perspective building series at Georgia Tech University for ROTC cadets. I had been asked to be one of their first guest speakers. A question and answer period was to follow which I felt should be off-the-record to permit a free exchange between the guest speaker and the ROTC cadets. I had proposed this to university officials and my office reported to me that the university had agreed to those ground rules.

As it turned out, there was a breakdown in communications and the officer who reported to me that the question and answer period would be off the record was apparently describing a second question and answer period which was to take place for the faculty only at a subsequent luncheon. I entered the auditorium still believing that it was to be an off-the-record question and answer period even though there was a television camera present. I was assured before I took the platform that this was an in-house camera belonging to Georgia Tech for the purpose of recording guest speakers. I had no objections to any members of the press reporting on the contents of my speech.

In that question and answer period, some controversial questions were asked on military subjects, by a military audience and they asked for my personal military opinion. I gave that opinion honestly, explaining that it was my personal opinion; however we all know that that was made public and created a situation which resulted in my early retirement.

I have no regrets about having retired. I have had a good career in the Army I am proud of my service to my country and have no bitterness whatsoever toward the Department of the Army or any of its officials. I suspect that the Georgia Tech incident might have gone unnoticed if it had not been a second occurrence for me. The first time I brought displeasure to the administration was last year in Korea when, in the course of presenting some background information to a Washington Post reporter, I stated my belief that the withdrawal of all the ground forces from Korea on the schedule proposed by the administration would lead to war. I initially expressed that as the view of the Korean military but assured the reporter that I believed this myself and I still do.

The basis of that belief is that the policy of withdrawing troops from Korea at this time was undoubtedly out-dated based on information concerning the military capabilities of the North Koreans. The policy of the campaigning candidate was announced before intelligence resources had been brought to bear on the North Korean situation. It must be assumed that current intelligence information was not available to those who had advised the presidential candidate.

At the present time, the North Koreans have a military force superior to that of the Armed Forces of the Republic of Korea and the United Nations command combined.

It is not simply a matter of the strength of the North Korean forces, but also the acts of aggression which have been committed by the North with offensive operations in mind. I refer specifically to their continued infiltration of agents through the demilitarized zone and by the sea into the islands on the coast of South Korea. They have conducted tunneling operations which are obviously only for offensive activity. The North Koreans have moved their artillery forward so that they are now just north of the demilitarized zone. They have moved their airfields forward to extend the range of their aircraft into South Korea. None of these action can be considered purely defensive. So much for the Korean situation.

Another subject on which I had some disagreement with the current policies of the Department of Defense concerns the use of women in combat units. While I have to admit to being enthusiastic about women in the Armed Forces—my wife was a Navy Ensign when I met her—I feel that the concept of placing women in combat units is wrong. I arrived at that conclusion not because I feel women cannot perform most tasks as well as men; but because I feel that as a Nation, we should not have women in combat units.

In my exerience, women in a combat situation have an adverse impact on the male soldiers or servicemen in the area. Men tend to be protective and while we might educate a generation of men who do not have that attitude, it is my contention that as long as men have mothers, they tend to be protective of women.

During the tree-trimming crisis in the joint security area of the Korean DMZ in 1976, I observed many good soldiers who were so concerned about their wives, girlfriends, or their subordinate women soldiers that they left their duty stations to see to their welfare. That attitude toward women cannot be eliminated by training.

The second major objection I have is that the presence of women in our combat units is perceived by our friends as well as by our potential enemies as a sign of weakness. The projected goal for our army to be 12 percent women will be considered a weakening of that army with a consequent reduction in the deterrent effect of that force.

I think it is significant that the Soviet Union has no more than 10,000 women in a force of over 4 million and that Israelis have never used women in combat in their current Israeli defense forces. The great myth about their participation in combat goes back to the day of the Haganah and the Palestine liberation activities where they were used, with great publicity, primarily for deception reasons. The Israeli forces today are not prepared to lower the combat effectiveness of their units by placing women in those combat units.

Another point on which I have expressed some concern relates to the cancellation of the production of the neutron warhead. Most observers of the European scene recognize that NATO's greatest concern is the large number of tanks in the Warsaw Pact countries.

Their conventional forces, primarily armored heavy forces, are the greatest threat today. The neutron bomb is considered as an anti-tank or anti-mechanized weapon which would enable the forces to attack the large formations of armored vehicles in effect by incapacitating their crews. The cancellation of that great hope of NATO appeared to me to be unsound on the basis of military considerations. I consider, and have expressed, the view that to cancel it without receiving any compensating concessions from the Soviets is throwing away a trump card.

I have expressed the view, and feel rather strongly, that the cancellation of the B–1 bomber is in somewhat the same category.

I have expressed the view concerning the SALT discusions that I find no basis in history to support the concept of unilateral disarmament. The Soviets are not born-again Christians; they are in fact born-again Bolsheviks and they have no Judeo-Christian ethic to prompt them to grant us the same concessions we are making in hopes that they will reciprocate. They have not done that in the past and history is quite clear that the reverse is true.

I have suggested that our chief SALT negotiator places the United States at a disadvantage from the beginning. Mr. Warnke is known by the Soviets and the rest of the world as advocating unilateral disarmament and I believe that if I were negotiating against him, knowing his proclivities and announced views, it would be relatively easy to take advantage of him.

Finally, I have expressed the view that the renegotiation of the Panama Canal Treaty was an appropriate subject for consideration; but the give-away provisions in the current treaties, in my mind, were unnecessary. I think the important point is to be able to use the canal. Turning the canal over to the weakest military force and the

least stable government in the hemisphere does not really enhance the security of the canal, in my view. Also, the high probability of an alliance between Castro and Torrijos sugests that in the future restrictions may be placed on the use of the canal in the same way that the Egyptians used the Suez Canal to place certain pressures on the Israelis in 1956.

In conclusion, I want to emphasize the fact that in all the expressions of disagreement with policies of the administration I have never challenged the civilian leadership and in all cases I was expressing a clearly labeled personal view on a military subject of which I had some knowledge and expertise.

It seems to me that one of the key issues here is that a professional officer has to be able to distinguish between proper and improper support. Blind, unquestioning obedience to decisions on military matters which were made without reference to the Nation's military advisors may not be in the best long term interests of the United States. For the military to remain silent under these circumstances is interpreted as consent. I believe that the citizens of this country have a right to expect that important decisions affecting our national security have been made with due consideration of the best military advice available.

With regard to my own personal plans, I intend to retire and make my base in Colorado. I do, however, plan to work very closely with the American Security Council in their efforts to inform American citizens about key national security issues. I intend in the very near future to work with the defense task force of the American Conservative Union to produce a film that will illustrate some of these key national defense issues. I have enjoyed this opportunity to express these views to you and I look forward now to receiving your questions.●

PERSONAL EXPLANATION

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. SARASIN. Mr. Speaker, on June 2, 1978, I was absent for part of the legislative session of the House of Representatives. Had I been present, I would have voted in the following fashion:

Rollcall No. 395: H.R. 12050: Tuition Tax Credits. The House rejected an amendment in the nature of a substitute that sought to provide deferral of income taxes for college tuition, which the taxpayer would repay over a period of 10 years, rather than a tax credit. "No";

Rollcall No. 396: H.R. 12050: Tuition Tax Credits. The House passed the measure to amend the Internal Revenue Code of 1954 to provide a Federal income tax port-Import Bank. "Yea";

Rollcall No. 397: H. Res. 1168: Rule. The House agreed to the resolution providing for consideration of H.R. 12157, a bill to extend the authority for the Export-Import Bank. "Yea";

Rollcall No. 398: H. Res. 1208: Rule. The House agreed to the resolution providing for consideration of the bill H.R. 15, a bill to extend the authorization for the Elementary and Secondary Education Act. "Yea":

Rollcall No. 399: H.R. 12157. The House agreed to resolve itself into the Committee of the Whole, "Yea"; and

Rollcall No. 401: H.R. 12157: Export-Import Bank. The House rejected an amendment that sought to permit the Bank to guarantee, insure, or extend credit to South Africa as long as it also extends credit to or is authorized to extend credit to communist countries. "No".●

HUBERT HUMPHREY'S LAST BATTLE

HON. BRUCE F. CAPUTO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. CAPUTO. Mr. Speaker, I would like to bring to the attention of my colleagues excerpts from an article by Alexander Cockburn that appeared in the December issue of the New Statesman which poignantly describes Hubert Humphrey's last and perhaps hardest battle: The fight against cancer. This article discusses an area of medical research which touches everyone either directly or indirectly. We all, at the least, have heard stories of someone with cancer. That alone should be an impetus for recognizing the importance of cancer research. I am sure that my colleagues will find this article as interesting as I.

HUBERT HUMPHREY'S LAST BATTLE

(By Alexander Cockburn)

In 1930, when Hubert Humphrey was 19 and about to attend college, the death rate from cancer in the United States was 112 per 100,000. In 1940, the year he married, the rate was 120. By the time he entered the U.S. Senate in 1948 it had risen to 125. Today the rate stands at 132 per 100,000: an 11 per cent rise per decade over the last 40 years. This year 385,000 Americans will die of cancer, a victim every one and a half minutes. One out of every six deaths is due to cancer. Over a quarter of the population will develop cancer in their lifetimes and one out of every five will die of it.

Only three major causes of death (of which cancer is second only to heart disease in the United States) have significantly increased in recent years in the U.S.: cancer, homicide and cirrhosis of the liver. Much of the increase is due to smoking. For males the rate of death from lung cancer rose from 18 per cent per 100,000 in 1950 to 52 per cent per 100,000 today. For women it tripled from 4 to 12.3. And the cancer plague is not indifferently distributed by providence. It is not—contrary to established ideology—a simple case of "bad luck".

Since 1950, when Hubert Humphrey was first campaigning for civil rights in the U.S. Senate, the cancer rate among black males has increased 50 percent; among white males, 20 percent. More blacks get cancer and more die from it. As the American Cancer Society puts it: "Because blacks predominate in the lower socio-economic groups, many are exposed to industrial carcinogens." Paralleling such emphasis on the industrial environment, it is now widely accepted that from 70 to 90 percent of all cancers are environmentally induced or related.

Americans die of cancers caused by the air they breathe, the water they drink, the food they eat and even (given the recent ban on certain children's nightwear for being carcinogenic) the clothes they wear. . . . Yet, the emphasis has rather been on technology—can the cancer be successfully cut out, and on chemotherapeutic techniques—rather than on the circumstances which probably provoked the cancer in the first place.

To take the environmental aspect a stage further, and thus see the sort of political action required: it is now estimated that there are 50,000 manufactured chemicals to which Americans are exposed in one way or another. Of these 12–15,000 are believed to cause cancer. . . . But no more than 50 percent of the suspect chemicals are regulated by the Federal Government. . . . Any determined confrontation with cancer by the Government needs to involve testing all chemicals before they are released into the environment. . . . The testing programme, until now, has received less than 6 percent of the National Cancer Institute's resources, and less than 7 percent of the Institute's staff. It has been charged in Congress that the Government is only managing to test 27 new chemicals (out of 800) each year.

One might have thought that Humphrey's public demonstration of the effects of the second largest killer in the U.S. might have stimulated some interest, even some action in this quarter. Not so. The passing of the "Happy Warrior", so securely part of the system for his active life, is not even now being allowed seriously to discommode arrangements which are killing more than the combined victims of the wars in Korea and Vietnam each year.●

PERSONAL EXPLANATION

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. LONG of Louisana. Mr. Speaker, I wish to take this opportunity to indicate a correction of my vote on the House floor for a recorded vote on May 31 on the Foreign Relations Authorization Act for fiscal year 1979. I intended to vote "yea" on rollcall No. 389, an amendment which would preclude expenditure of funds under the act for use directly or indirectly to implement the Panama Canal treaties without a specific act of Congress authorizing such action.

I hurriedly left a meeting of the Rules Committee to be present for this important vote, and in my hurry mistakenly pushed the wrong button. I regret that these things do happen in the press of congressional business, but I would like the record to show that this was an error on my part. I support the restriction against departmental activities relative to implementation of the Panama Canal treaties without express consent of Congress. I have consistently supported this position on other occasions here in the House and ask at this point that the permanent RECORD show this correction.●

FINANCIAL STATEMENT

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. MURTHA. Mr. Speaker, this statement marks the 5th consecutive year I have made a voluntary financial disclosure statement covering my personal transactions and use of taxpayer funds in the operation of Pennsylvania's 12th District Congressional Office.

On April 30, 1978, in compliance with the rules of the U.S. House of Representatives, I filed the required financial disclosure statement.

I make this additional statement for two reasons. First, to make clear that in the exercise of my duties I am subject to no conflicts of interest that would prevent me from representing the 12th Congressional District. Second, to indicate how tax moneys have been spent in operation of the office.

Mr. Speaker, I would now like to insert into the RECORD my financial statement covering January 1, 1977 through December 31, 1977:

FINANCIAL STATEMENT

PART I: PERSONAL FINANCES

A. Taxes

Total taxes paid for the year 1977 amounted to $19,560; this included Federal income tax and Pennsylvania state and local taxes.

B. Sources of all income

My total income for 1977 amounted to $58,560. $54,275 was accounted for by my Congressional salary and the balance was comprised of interest on a savings account I hold jointly with my wife, wages from the Johnstown Car Wash of which I am Secretary, honoraria from the General Public Utilities Service Corporation of Parsippany, New Jersey and the Ohio Mining and Reclamation Association, dividends on stock owned in the First Tyler Bank and Trust Company of Sistersville, West Virginia, and AT&T.

C. Holdings and interests

(1) Living accommodations.—My wife and I jointly own a home in Johnstown where we have lived since 1961. In Washington I rented an apartment during 1977.

(2) Stocks.—I own stock in the Johnstown Minute Car Wash located on Roosevelt Boulevard. I have served as Secretary of the Car Wash organization since 1966. I have a few shares of AT&T and First Tyler Bank of West Virginia.

(3) Bonds.—The only bonds I owned in 1977 were U.S. Savings Bonds.

(4) Loans.—As of December of 1977 I owed the Dale National Bank for loans made for routine home and family expenses.

(5) Transportation.—I own a 1977 Ford and a 1974 Ford. My wife owns a 1977 Ford.

(6) Other assets.—The only other assets I have are life insurance policies with a cash value.

PART II: OFFICE REPORT

A. Office Supply Account

In 1977, I received $6,500.00 in the stationery account. This is a general fund used for the purchase of regular office supplies such as paper, envelopes, stationery, pens, pencils, and other daily office needs. An additional $1,692.00 was provided by the Committee on House Administration at my request to compensate for additional supplies required in the Johnstown District Office ruined by the Flood of 1977. Many of our supplies were stored in an area of the building that was flooded.

An additional item purchased from this fund is American flags flown over the U.S. Capitol. In general, I ask persons requesting flags to pay for the flag themselves. There are cases, however, where a constituent or organization (particularly nonprofit groups) deserves to be honored for outstanding service to our area or nation. In such instances, I purchase the flags from this account. Examples during 1977 included several Volunteer Fire Companies, a County Agriculture Service Center, several Veterans Posts, and Scout Troops. All of the 1977 allowance was used plus some funds transferred to the account.

B. Postage

This fund allows the purchase of stamps for official business use not covered by the Congressional frank. This includes foreign postage, special delivery, and cases of routine office procedure not covered by the frank. The occasion where the office uses the fund most is in purchasing special delivery stamps where it is important that a report or inquiry be returned to a constituent or community official as quickly as possible. In 1977 the postage allowance was $211. I expended $783.00 for postage, the excess over the allowance being provided through the transfer of funds from other accounts authorized by regulations of the U. S. House of Representatives for this purpose.

C. Communication

The Communication fund was established two years ago to facilitate the correspondence between members and constituents. The uses I made of this fund were in typesetting and negative preparation of newsletters and meeting notices, plus the preparation of polls and questionnaires.

The allowance for this fund in 1977 was $5,000. An additional $1,102.09 was transferred into the fund during the year. The total costs from the fund were $2,895.29 for communication. In addition, under the House rules, $3,176 was transferred from this fund to cover costs in other accounts. Thus, at the end of the year the Communication allowance showed a balance of $30.80.

D. Computer

During 1977 I had a computer terminal in my Washington office which was used as a link with the data in the Library of Congress. The total cost in 1977 was $855. No direct allowance is provided for this purpose, but funds can be transferred from other accounts into a computer fund. The final balance in the account at year's end was $555.70.

E. Equipment Lease

To operate the Congressional office, it is essential to lease a number of pieces of equipment both in Washington and the district offices. These include copying machines, typewriters, and similar items. The allowance by the House in 1977 for this purpose was $9,000. I spent $7,625.70 and transferred $894.85 out of the account, leaving a balance at the end of the year of $479.45.

F. District Office Rent

In previous years, the rent for office space in federal buildings was automatically reimbursed by the House. Beginning in 1977 this was subtracted from an account provided to the member.

In 1977 I retained district offices in Johnstown, Kittanning, Somerset, Punxsutawney and Indiana. All, with the exception of the Indiana office, are located in federal buildings. The total rental in 1977 for all offices amounted to $12,707, paid by the Office of Finance.

G. Official Expenses

Under this category items were covered for official office actions not provided under oath accounts. As examples, I received $555.69 in reimbursements for official travel within the Congressional District. The costs of subscriptions to newspapers, and research items were paid from this account. Another item included was costs of taping my weekly radio report. The allowance for this category was $2,000. An additional $4,221.02 was transferred into the account, and a balance of $1,327.82 remained at the close of 1977.

H. Travel

This fund covers official trips between the Congressional District and Washington. Official business trips by staff between those locations can also be reimbursed from this fund. The allowance for 1977 was $2,746 and an additional $1,000 was transferred into the account. Of this total $661.23 remained when the year ended. Virtually every week I drive between Washington and the Congressional District.

I. Telecommunications

The basic costs of official telephone service and long distance calls are covered by this account. The total allowance was $15,952.23. Of this total $13,194.57 was spent and $2,500 was transferred into other accounts, leaving a balance of $257.66. Additional phone costs were encountered during the flood activity. Following the flood a reevaluation of our phone system resulted in changes designed to economize for the remainder of the year.

J. Staff

During 1977 I was allowed a maximum of 18 staff positions and a total allowance of $260,871. Of this amount, all positions were filled. At year's end a balance of $352 remained in the fund. This resulted from paying salaries plus the transfer of $10,018 into other accounts. I have seven people on my staff in Washington including an administrative assistant; legislative assistant; legal adviser; case worker (veterans, black lung, social security, etc.), two secretaries and a receptionist.

The other staff members serve throughout the 12th Congressional District. All but two of the staff members presently or formerly resided in the 12th Congressional District.

K. Government Travel

In 1977 I took four trips as part of my official oversight work as a member of the House Appropriations Committee. Those trips where:

February 14.—One day inspection of Naval installation at Norfolk, Virginia, for Military Construction Subcommittee. Trip: Johnstown to Norfolk and return. Transportation provided by government owned aircraft. I claimed the $50 per diem allotment and $5.14 for costs.

March 16.—One day inspection trip to the Philadelphia Naval Shipyard for Military Construction Subcommittee. Trip: Washington to Philadelphia and return. No per diem allotment was claimed. The transportation cost was $64.

April 11 to April 13.—Inspection of projects and activities on Indian reservation in New Mexico as part of oversight for the Interior Subcommittee. The air transportation reimbursement was $601.00. A per diem allowance of $125 was also claimed.

December 2 to December 4.—Inspection of the Tooele Army Depot in Utah where the Military Construction Subcommittee was concerned about the storage of chemical weapons. Trip: Johnstown to Tooele to Salt Lake City and return to Johnstown. Transportation cost of $390 (part of the transportation was provided by government-owned

aircraft), and $100 per diem was claimed (from an allowed $50 per day).

In summary, the total allotment for the office for 1977 was $316,268.48. A balance of $3,782.47 remained as of May 17, 1978.

Since taking office in 1974 I have returned to the Treasury a total of $90,756.24. These savings were realized while maintaining full service to the people of the 12th Congressional District.●

FAA AVIATION NOISE SYMPOSIUM

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. ANDERSON of California. Mr. Speaker, as one of the principal authors of the Airport and Aircraft Noise Reduction Act, H.R. 8729, which has been reported out of the Committee on Public Works and Transportation and now awaits floor action, I long have had an interest in finding solutions to the airport/aircraft noise problems which now constitute one of the major environmental problems confronting us. H.R. 8729 is a constructive approach to solving those problems for the air carrier airports and the air carrier fleet.

Similar problems are confronting many of the general aviation airports, especially those located in urban areas. Recently the Federal Aviation administration held a noise symposium in Los Angeles in a constructive effort to bring together the various interests involved. One of the papers presented at the symposium was prepared and delivered by William J. Critchfield, A.A.E., Airport Manager of the Torrance Municipal Airport in Torrance, Calif., located in the district I am privileged to represent.

Torrance Municipal Airport is one of the Nation's busiest with more flight operations per year than nearby Los Angeles International Airport.

Mr. Critchfield's remarks, even though addressing a controversial issue, will be of interest to many others who are facing similar problems. The congressional mail, called to the attention of the Aviation Subcommittee which I chair, indicates that the problem exists across the United States and will require the good will and the concerted attention of all the diverse interests involved if it is to be solved.

PRESENTATION TO THE FAA AVIATION NOISE SYMPOSIUM

(By W. J. Critchfield, A.A.E., Airport Manager)

Good afternoon, Ladies and Gentlemen:

The question, "Can general aviation airports survive in today's environment?" can be answered in one word: Yes!

During the next few minutes, I will attempt to explain how Torrance Airport, which is one of the busiest general aviation airports in the United States, is going about surviving in today's environment.

The City of Torrance, as proprietor of Torrance Municipal Airport, began last October what has been termed a "pioneering effort" in the area of aircraft noise abatement. Torrance found itself in a situation similar to W. C. Fields, when he said, "I grabbed the bull by the tail and came face to face with the problem."

The City of Torrance has indeed come "face to face" with the problem, with the adoption of a noise ordinance which does three things: First, it sets a noise limit on individual departing and arriving aircraft; second, it establishes a departure curfew, while allowing for business and emergency exemptions if reasonable criteria are met; and third, it restricts the hours during which touch-and-go operations may be performed.

This ordinance, which is a law and certainly appears to be totally concerned with enforcement, is our basic education tool. Since its adoption over six months ago, there has not been a single situation arise in which we have had to resort to enforcement to work to a solution.

For the past year, our noise abatement team has been monitoring aircraft noise with a state-of-the-art, portable noise monitor. Our noise abatement specialist positions himself alongside the runway and records such informational items as climb profile, general wind conditions, estimated percentage of gross weight, and the aircraft's registration number. An environmental quality officer, who is the other half of the team, monitors the noise in a residential area, notes the flight path of the aircraft, and insures that non-aircraft noises are not a factor. All of this information goes into an aircraft noise signature data bank and is also recorded on the individual aircraft's data card. Should an aircraft exceed the noise limits, a notice is sent to the operator. When the operator voluntarily responds, his specific problem is discussed and an acceptable solution is agreed upon. Let me offer a few statistics to show the effectiveness of this educational approach.

Of those operators receiving notices, 76% responded back in a most positive way. Only 9% of these have received a second notice. We have had no third time offenders. Before the ordinance became effective, the number of events which exceeded our selected noise limits was 1.3 aircraft per hour. This rate is now down to .6 of an aircraft per hour. We now have aircraft departure noise data on over 400 individual aircraft, and our data bank now contains noise measurements on over 160 different makes and models of general aviation aircraft.

I would like to briefly mention the departure curfew in effect at Torrance. After carefully considering the impact on interstate and intrastate commerce, the City of Torrance included provisions for business exemptions during the curfew hours. The City also lowered the permissible noise levels during these hours. As a result, business aircraft which flew out of Torrance Airport before the restriction are continuing to do so. There has not been a detectable increase or decrease in the number of departures. Not one single aircraft used for business has been denied the right to depart; and not one noise complaint has been received concerning these departures.

The restrictions on touch-and-go operations have naturally impacted the flight school operators at Torrance Airport. After considerable and I might add, unique, analysis of the entire student training operation, which is about 40 percent of our total operations, a cooperative effort was begun with the flight schools. Without going into detail, let me say that we feel that we can safely correct the problem of an excessively large traffic pattern and eventually adjust this restriction.

All of these accomplishments—the noise limits, the curfew and the touch-and-go restrictions—have come about not by enforcement of the noise ordinance, but by education.

At this point you are probably wondering how Torrance Airport became involved in all of this. Those of you who live in the area know about our city and how we compare with the other municipalities in this area. For those of you who are not familiar with the City of Torrance, and whose last recollection of us was our float in the Rose Parade, let me say simply this: Within and around the City of Torrance live some of the most sophisticated and intelligent citizens to be found anywhere. Many of these same citizens fly in and out of Torrance Airport. We are not "homeowners" or "pilots": we are people—people with different goals and pursuits and ideas, but with the same rights. The City of Torrance cares about its people, and because general aviation is a pursuit of some of these people, the City cares about its airport—as well it should.

Torrance Airport handles more flight operations a year than most big city air carrier airports, including our neighbor, LAX. It not only pays its own way and returns dollars to the City coffers, but it also provides millions of dollars in increased revenue for the businesses both within the city and in our neighboring cities.

As the city and the airport grew side by side, they unfortunately grew closer together. While our solution to this problem may be unique, the problem itself certainly is not. Throughout this country, almost every one of the 11,000-plus airports faces this problem to some degree. At Torrance Airport, the problem became critical—not by federal standards; not by state standards; not by county standards; but by our own city standards. The City of Torrance has always endeavored to maintain the highest standards possible for all of its people; and it decided that Torrance Airport would not become an exception. Our goal was to eliminate the unnecessary noise involved in the daily operations of the airport.

And so the work began—committees, meetings, studies, public forums, deliberations, testing, analyzing, and finally action.

We have been strongly criticized not only by our own people, but by just about everyone else involved in airport noise abatement (including many of you in this room), but in looking over the few options we had available, we chose this course of action because, in the words of the former Washington Redskin coach George Allen, "The future is now." He could not take his team to the Superbowl in two years by utilizing future draft picks; and we cannot save general aviation by relying on the "draft picks" of Part 36 certification. Not only were many of the business and pleasure aircraft being flown today manufactured years ago, but certification of a general aviation aircraft does not prevent a pilot from laying down 103 decibels of noise on people's homes at seven o'clock on Sunday morning.

The future is now, not only for Torrance Airport, but for general aviation as well. In 1976, of the 11,713 airports in this country, 11,083 were exclusive general aviation airports. Between January 1971 and December 1975, 987 airports closed. In 1976, 220 more airports were abandoned, and approximately the same number in 1977. General aviation now has a fleet of over 153,000 aircraft, compared to 2,600 air carrier aircraft. Each time a general aviation airport closes, the aircraft using that airport must find another airport to accept them. Torrance Airport cannot handle many more of these refugees. This slow death of general aviation airports must be stopped, and the City of Tor-

rance is dedicated to this. While some of our recent actions may seem to be in direct conflict with what I have just said, let me explain exactly what Torrance Airport, and most general aviation airports, face when confronted with a noise problem.

The FAA Aviation Noise Abatement Policy of November 18, 1976, the State of California's Department of Aeronautics Title 21 Noise Standards, the EPA's recommendations, and most other sources of direction deal primarily with jet air carrier operations. It is estimated by the U.S. Department of Transportation that over 6 million people are impacted by aircaft noise from the 23 major air carrier airports in the U.S. The Air Transport Association identifies an additional 9 airports as being "noise sensitive." If, then, over 6 million people are impacted by these 24 airports, how many millions more are impacted by the remaining 11,000-plus airports? Only the most uninformed person would say that general aviation aircraft do not make noise.

Consider the following single event noise readings obtained in the residential areas adjacent to Torrance Airport:

A twin-engine Aero-Commander 560 at 91 decibels;

A single-engine Beech Bonanza at 93 decibels;

A single-engine Cessna 206 at 95 decibels;

A single-engine Piper Cherokee at 95 decibels; and

A twin-engine Beech Queen Air at 105 decibels.

These are just a few examples of the many readings we have in our data bank. In addition to the sound level itself, the duration of these fly-overs sometimes exceeds 40 seconds. It is this duration factor that prompted the State of California to acknowledge single event measurements which take into consideration both the magnitude of the noise and the duration of the noise as heard above the community ambient noise level. We in Southern California who spend much of our leisure time outside can appreciate this type of measurement.

For the vast majority of general aviation airports, the preferential runway concept cannot be used since there is only one runway, or, as in the case at Torrance, two parallel runways. Proper land use planning and zoning unfortunately came too late to be a viable alternative for most general aviation airports. Building codes that require adequate soundproofing for future construction are fine, but what about the existing buildings and homes? And how do you soundproof backyards and parks and beaches? The "buying-up" of existing residential areas is neither financially feasible or politically viable. Displaced thresholds do not solve the problem, since general aviation aircraft are not particularly noisy on approach, and, in the case of proficiency or training, a displaced threshold of 800 feet can easily result in an increase in noise of over 40% on departure for a 100-horsepower aircraft such as Cessna 150.

Higher glide slope angles again offer little relief, as the specific problem area is in the departures, not the arrivals, of general aviation aircraft.

The FAA's integrated noise model lists information on only four models of general aviation non-jet aircraft.

And the list goes on and on. Everywhere we turned, we found that the solutions presented pertained to either future airports or jet air carrier airports, or simply were not practical. We found that the wheels of noise abatement presently on the market wouldn't fit the much smaller cart of general aviation. So the City of Torrance set out to invent a smaller wheel that would fit not only our own cart but the carts of almost every other general aviation airport.

It is human nature to scoff at inventors, so we don't mind when people scoff at us. We simply look at the results achieved so far. While it doesn't do much good to toot our own horn in the midst of all the din that is going on now, I would like to briefly summarize what we have achieved in six months.

Besides the statistics I mentioned earlier relative to aircraft meeting our noise limits and qualifying for departure curfew exemptions:

We have convinced our flight schools that the future of student training at the airport depends upon them. To this end, we are now working together to incude noise abatement techniques in their training programs.

We have been in and out of court with the local pilots' association, and they are now actively involved in a public relations effort to improve the image of the airport.

We have worked with over 40 different pilots in an aircraft evaluation program in which various noise abatement techniques are monitored. These test runs are voluntary, with the expenses borne by the pilots themselves, and they are conducted within the parameters of the aircraft operator's manual in a manner accepted as safe by the pilots. The results of this on-going program have shown noise reductions ranging from 9 to 22 decibels. These numbers are quite encouraging when you consider that a decrease of 10 decibels reduces the noise by 50%.

We have examined our training traffic pattern and found that our eventual goal of pulling the pattern off of the residential areas will reduce the noise of these aircraft by 22 to 67 percent.

We have applied for and received at the State level a grant for our permanent noise monitor. We are currently in the bid process for a noise monitoring system equal in size to many major airports, but with a more advanced technology incorporated into it. Very few sounds in the world can duplicate that of a jet aircraft, but you would be amazed how many sounds are similar to that of a general aviation aircraft. In order to distinguish between aircraft and community noise, the City of Torrance has designed a sophisticated system. While the State did extend itself in providing extra dollars, we find ourselves in the position of having to come up with an additional 40 to 50 percent in order to accomplish our goals. Interestingly enough, none of this money, either State or City, is for enforcement. It is all for the education concept we have working for us. It was only natural that the expenditure of this sum of money was objected to by the aviation community, who felt that the money should be spent more in the interest of the users. But let me remind you of this simple fact. Torrance Airport covers some 520 acres of property. Today's cost of installing a chain link security fence around the airport is in excess of $130,000. This is a lot of money to spend just because there is a handful of people who would do the airport harm if there were no fence.

Harm can come to the airport from restrictions and closures, and the noise monitor as an educational tool will act as a fence and protect our airport. Our system will not only identify those areas in which there is a noise problem, but it will also identify those areas of the community in which there is no problem. Subjective and emotional rhetoric will be replaced by scientific data. The City of Torrance not only is picking up the tab for the additional system costs, but it has also committed itself to an educational program that will cost in excess of $100,000 a year. The City cares about its airport and about general aviation. We are convinced that, despite the obstacles I have mentioned, we are well down the road towards inventing a wheel that can be shared by all of general aviation. We have programs that any general aviation airport can use. We have concepts that can work almost anywhere. But, you know, it's lonely out here in the woods. We are finding our way out—but we could use some help!

We would like for the FAA to encourage the field level of Air Traffic Control to work with us on our traffic patterns problem. Not by correspondence, but by actual person-to-person contact at our airport. We would like for you to stand with us in the residential areas, and look with us from the Control Tower, and site with us and hear our plans.

We would like for the FAA to encourage the Flight Standards Branch to have their examiners talk with us, and to our flight school instructors and owners, and discuss the real time noise problems at our airport.

From these two concepts, we would like the FAA to give our joint findings to the Academy in Oklahoma City, and let them design safe noise abatement techniques into every flight school syllabus as a requirement. We strongly believe that noise abatement is not the nemesis of safety in the world of general aviation. You have only to watch a departing aircraft finally achieve 1800 feet of altitude at 3 miles from the airport boundary, and then realize that a simple best rate of climb would have put this aircraft at 600 feet at the airport boundary to determine which flight profile is in the interest of safety. Some of our suggested noise abatement techniques come directly from the FAA Academy. Safety should not be compromised; nor should it be used as a crutch by those pilots who are willing to accept a standard at less than the professional level.

We would like for the State and Federal legislatures—and in particular Congressman Anderson and his committee—to continue to address the problem of noise abatement, especially in the area of general aviation.

We would like the media to begin to show the gains and results of not only our efforts but of the efforts of everyone involved in this issue.The impact of the media upon the population of this country has long been established. While we realize that quiet general aviation airplanes do not make headlines, as do noisy air carrier airplanes, we firmly believe that there is an audience of millions out there who want to hear how we are dealing positively with their noise impact problems.

To the airlines, we ask for your public support. We realize that you have problems facing you of a magnitude we in general aviation cannot comprehend, but we ask you to remember that your future pilots are today's general aviation pilots, and many of your passengers make their connections by general aviation aircraft from and to airports you cannot service.

We would like for the Environmental Protection Agency to work with us in the area of analysis of social problems and public reaction and response in the communities surrounding general aviation airports. The bottom line in noise abatement is not a decibel reading: it is the impact of unnecessary noise on the daily lives of residents of these areas.

We ask the Federal, State, and County agencies to join forces for the good of many, and to act promptly in the acquisition of satellite training areas. In our own particular case, I am referring to the reactivation of

Reeves Field on Terminal Island as a general aviation airport and training facility from its present status of imported car parking lot.

We ask that you Councilpersons involved in City and County governments ask us what you can do to help us help you.

We ask the Aircraft Owners and Pilots Association to not only continue their trend towards acceptance of noise abatement, but that you reallocate resources from fighting the program to helping solve the problems.

Gone forever in metropolitan areas are the days of goggles and the silk scarf.

Of all the help we are asking for, we need the help of the individual pilot more than anyone else, for ultimately, it is the individual contribution of each and every general aviation pilot that will allow general aviation to grow and prosper.

We ask the General Aviation Manufacturers Association to work closely with us in the sharing of noise data, so that your engineers may more quickly achieve those technological improvements which you are already pursuing. We ask you to recognize that quieter aircraft can be marketed to your advantage; and we specifically ask those manufacturers who already endorse the concept of quite general aviation aircraft to publish noise emission figures, just as you now publish other performance information.

We would like for the National Business Aircraft Association, who in 1967 published noise abatement cockpit procedures for business jet aircraft, to do the same for non-jet general aviation aircraft.

We would like for private enterprise to investigate the after-market retrofit possibilities in power plant noise suppression, especially in the area of propeller RPM reduction, since over 80 percent of the noise is generated from the propelier.

We have asked for a lot, and we have asked for it quickly, but as I said before, for general aviation, the future is now. We must trade our future draft choices for what is available today if we are to win in this league.

The City of Torrance is well along in the design of this wheel, and it seems more logical for you to help us to perfect a common wheel for everyone, rather than re-invent your own wheel.

Pride in accomplishment has carried us from Kitty Hawk, North Carolina, to the planet Moon. I am proud to be a part of aviation; a part of general aviation; and to be an airport manager, working for a city that takes pride in itself.

I am proud to have been honored here today as a speaker.

Thank you.●

THE LATE SENATOR JAMES B. ALLEN

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1978

Mr. STANTON. Mr. Chairman, I know the entire House is saddened by the message that the gentleman from Alabama has given us. I cannot help but think that Senator ALLEN was truly a giant among our times, this man who has contributed so much to our country and to the gentleman's State.

I join the gentleman from Alabama in expressing truly our condolences to his family in the great loss personally to them and to this country.

NORTH KOREA BUILDUP WORRIES GENERAL

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. McDONALD. Mr. Speaker, the President's plan to withdraw our troops from Korea has already cost the United States the services of a very able and professional military leader, Gen. John K. Singlaub. Many persons attempted to point out to President Carter that we can ill afford to ignore the stated intentions of Kim Il Sung and North Korea to liberate the Republic of Korea by force. Whatever glossy coating and pink ribbons are put on the package, no one will be fooled. A retreat is a retreat and no amount of press statements from the White House will change that fact. In the meantime, the huge North Korean arms buildup continues. This was discussed by our United Nation's Commander in Korea, Gen. John Vessey, Jr., in a wire story that appeared in the Atlanta Journal and Constitution of May 28, 1978. General Vessey, it should be noted expresses some of the same concerns as did General Singlaub. The problem will not go away, Mr. President, the challenge has to be met or America will have to continue its slide toward becoming a second-class power. The item follows:

NORTH KOREA BUILDUP WORRIES GENERAL

SEOUL, KOREA.—Former Army sergeant, now general, John Vessey, Jr., says the time has come for America to back up its words in Korea with actions.

Vessey, who during his 39 years in the Army has accumulated a Purple Heart, the Distinguished Service Cross, two Bronze Stars for bravery and four stars as a general, bosses the United Nations command in Korea. He gets paid $46,500 a year as the hired American gun to keep the peace in South Korea and prevent the Kim Il Sung gang from riding south and invading South Korea again.

"Certainly the American government has said in hard, clear terms that its plan to withdraw U.S. ground troops from Korea does not mean our total withdrawal from this part of the world," Vessey told a group of Tennessee editors in Seoul. "But in security matters and military matters, actions speak louder than words."

The 55-year-old Minneapolis mustang with the thinning light hair and the restless eyes confided his worries about maintaining peace and tranquility south of the Demilitarized Zone which splits Korea into two countries at the midriff of the 650-mile peninsula.

"Every indication we have is that North Korea is building armed forces oriented offensively toward attacking South Korea," he said. "That is its one reason for existence. It's far beyond what is needed for defense; it's what keeps them buying and adding to their inventory in great numbers, and the arms the North Koreans are buying are not defensive weapons.

"I don't believe even Kim Il Sung wants to start a war just for the sake of starting a war," Vessey said, shifting his chair so he could get a better view of the wall map with the red crayoned wound showing the division of the two countries at about the 37th parallel.

"But he's dedicated to unifying the peninsula on his terms, and he'd like to do it politically, but he's going to do it under the threat of an attack. Every evidence that we've seen is that he is preparing for an attack. When the time is right—if that's the only way to do it—I would guess that he would invade."

Using the editors as a jury, Vessey presented his evidence against Kim Il Sung's North Koreans, hoping to prove they are more capable today of an attack on Seoul than when they captured the South Korean capital nearly 28 years ago.

The commander of the American and South Korean forces explained that while the United States was thrashing around in Vietnam, the North Koreans had secretly built up a mighty military machine, including nearly 2,000 tanks, 25 combat divisions, more than 900 fighters, bombers and transport planes along with a dozen submarines and a 2.5 million paramilitary militia.

That was the debit side of his ledger. In black ink, Vessey listed the 40,000 Americans and 600,000 South Koreans under arms, the 11,000 anti-tank weapons, the 300 jet fighters and a long inventory of various sized mortars, artillery pieces, frigates and coastal patrol boats.

The scene could have been the board room of any Western world corporation. There was the long, highly polished table around which were seated the attentively listening shareholders. Vessey, as the board chairman, gave his profit and loss statement in the soft, somber voice board chairmen use when forecasting losses. But his comparable inventories were all explosives ranging in size from bullets to bombs; all designed to kill, to maim, to blind, and to devastate.

The wiry artilleryman who served in World War II and Vietnam said that if the Americans were not in Korea, and if there was no outside help, he believed South Korea would win any war Kim Il Sung started.

Vessey's face muscles hardened and his voice tensed as he added up the production costs of such a victory, costs he had paid and seen others pay in North Africa and Vietnam.

"War is not a game," Vessey explained with pauses between each word. "It is a disaster, and the people of this country have had one disaster in the last 30 years; they don't want another. We are not interested in another disaster here.

"The strategy of the South Korean government is to prevent a war," he continued. "The strategy of the U.S. government is to prevent a war, and the way we prevent a war here is to make it clear to the other guy that starting a war doesn't provide a means to an end for him."

Vessey then ticked off a long list of terrorist attacks launched against South Korea by Kim Il Sung, including one which killed President Park Chung Hee's wife. He told of two recent infiltration attempts by North Korean patrol boats, and the discovery of at least two North Korean-dug tunnels. One tunnel in the "Iron Triangle" area of the Korean War was about three miles long and drilled through solid granite in an attempt to infiltrate troops behind the Demilitarized Zone during an invasion.

"These tunnels, and perhaps others which they may be digging right now, were not for infiltration," Vessey said. "They were for invasion. They are part of the threat of military attack."

Vessey, in addition to being the U.N. commander, is also boss of the U.S. forces in Korea and the Eighth U.S. Army. Thirteen months ago he told another group of newsmen he was opposed to President Carter's plans to remove all ground combat troops from Korea, and last February he told a Senate subcommittee that had he been making the decision, he would not have withdrawn the ground forces "at this time."

"The president has said he's going to withdraw the American ground troops in a

fashion that doesn't upset peace and tranquility on the Korean peninsula," Vessey said "Really, that's the only reason we have those forces here. As long as he can do it in a fashion that doesn't upset peace and stability on the Korean peninsula, one can't argue with the decision."

Vessey concluded with his own view on the possibility of another Korean war:

"As long as the United States and the Republic of Korea make it clear to Kim Il Sung that we're going to stand together, you will not start a war. It just doesn't make sense for him to start one."●

TEMPLE UNIVERSITY'S GRADUATION PLANS FOR HANDICAPPED STUDENTS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. EILBERG. Mr. Speaker, one of Philadelphia's leading educational institutions, Temple University, has set an example of which we can all be proud.

This year, in surveying their prospective graduates, Temple officials identified six persons who meet the Federal definitions as being handicapped.

Already a national leader in educating the handicapped, Temple decided to highlight its efforts in this area by making a special effort to accommodate these six individuals at graduation exercises.

The following news release summaries those exercises, and I commend it to the attention of my colleagues:

The news release follows:

TEMPLE UNIVERSITY NEWS RELEASE

There are 36 million handicapped people in the United States today, according to estimates by the U.S. Department of Health, Education, and Welfare.

Temple University will salute six of them at its 92nd annual commencement exercises at Civic Center Convention Hall.

The six happen to be graduating from Temple.

One is deaf. One is blind. One is confined to a wheelchair. One lost both legs in World War II. One is a recovered drug addict. One has a genetic birth defect.

To ensure that the deaf graduate can "hear" the commencement exercises, her interpreter, who is also graduating, will "sign" the ceremonies from the stage, the first time this has ever been done at Temple.

It is appropriate that Temple's motto is Perseverantia Vincit—perserverance conquers.

Handicapped people are now being mainstreamed into society, instead of being shutout, because of new rules and regulations providing them equal opportunity under the Rehabilitation Act of 1973. HEW defines a handicapped person as anyone with physical or mental impairment that substantially limits or restricts one or more major life activities. Handicapping conditions include alcoholism, cancer, deafness, diabetes, drug addiction, emotional illness, heart disease, orthopedic, speech or visual impairment, among others.

By HEW's definition, these Temple graduates are handicapped. But if you talk to them you find out they haven't let their handicaps stand in the way of their achievements. The graduates are:

Gloria J. Sposato, West Gowen Ave., Philadelphia, Bachelor of Science in Education degree. She was the first deaf person to enter Temple with the aid of an interpreter's services (which schools and colleges are now required to provide if they receive federal money). She teaches at the Pennsylvania School for the Deaf and also at Temple, as a sign language instructor.

Deborah F. Mason, Gypsy Lane, Philadelphia, Master of Education degree with certification in teaching the visually handicapped, mentally retarded, emotionally disturbed and those with learning disabilities. She has been legally blind since birth. She did her master's thesis on the Optacon, a small reading device for the blind that converts print images into tactile images. The thesis is being copyrighted and is believed to be only the second master's thesis at Temple to be copyrighted. She teaches at the Overbrook School for the Blind.

Alice L. Ackroyd, of Nazareth, Pa., Bachelor of Arts degree in psychology. She is a quadriplegic as the result of an automobile accident and spent her two years at Temple in a wheelchair. She is a transfer student from Northampton County Area Community College in Bethlehem.

Harry A. Garton, Richboro, Pa., Doctor of Education degree. He said, "I had not completed high school when I was drafted into the U.S. Army in 1943. Lost both legs April 16, 1945. I decided to go back to school and enrolled in Temple High School in June 1951. From there on I continued to further my education to reach the goal I have now achieved." He is 54 and a curriculum coordinator for arts in Council Rock School District as well as a classroom teacher. This will be his fourth degree from Temple. He gets around with the use of two canes.

Mark L. Nissenbaum, North Marvine St., Philadelphia, Bachelor of Arts in political science. "I am a recovered heroin addict who went through Gaudenbia House drug rehabilitation before coming to Temple," he said. He's an Olney High School graduate and will be 30 on July 18. He plans to go to law school.

Andrea P. Cavallo, South 13th St., Philadelphia, Bachelor of Arts degree in journalism. She was born with a genetic birth defect of the upper limbs. "At times it was a constant proving to myself and my colleagues and my teachers that I am capable to attaining my goals as they are," she said. "I, personally, do not consider it a handicap although it is labeled as such because I, with much determination, can do anything anyone else can do. I drive a car and I never attended private schools. I had 12 years of Catholic schooling and was always an honor student. I also graduated from Community College of Philadelphia with honors in 1975."

Patrick J. Gore, Disston st., Philadelphia, who was Mrs. Sposato's interpreter at Temple, Bachelor of Science degree in business education. He has also interpreted for one of the two deaf graduate students currently enrolled at Temple. As the result of his interpreting for the deaf he has been sitting in on a wide variety of classes he'd never taken otherwise and getting an even broader education than most students. He teaches at Community College of Philadelphia and expects to make a career of teaching the hearing impaired. Through special arrangements with Temple, he studied at Gallaudet College, the only college for the deaf in the U.S., to improve his "signing" ability and get better understanding of communicating with the hearing impaired. No one in his family is deaf.

More than 170 handicapped students are currently registered with Temple's Center for the Disabled. The University is considered a national leader in providing educational opportunities for the handicapped and in research and training related to the education of handicapped persons.●

GENERAL SINGLAUB SPEAKS OUT

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. McDONALD. Mr. Speaker, not since the recall of General MacArthur has any event connected with our armed services caused such a stir as the affair of General Singlaub. Again, as is the case of MacArthur, the question is whether professional military judgement can be ignored to our Nation's peril. In the case of Korea, wherein we fought our first "no win" war, the stage was set for the glorious failure of another "no win" war in Vietnam. In the present instance General Singlaub became persona non grata with the White House because his views in opposition to President Carter's military policies became known to the public. His views, however, are not that unique among the military. As with any professional soldier of good conscience, General Singlaub could not bear to see us cancel weapons that could save American lives, nor give up ground that we might have to take back later at a bloody cost. In this first story to the press since retirement, General Singlaub very ably sketches in what really occurred when he was called back to Washington from Korea. His account does no credit to our President. The article from the Atlanta Journal of June 1, 1978, follows:

[From the Atlanta Journal, June 1, 1978]

GENERAL SINGLAUB SPEAKS OUT

(By Maj. Gen. John K. Singlaub, U.S.A., Ret.)

Early in the afternoon of May 21, 1977, I had my first meeting with President Carter.

Defense Secretary Harold Brown and I had driven over to the White House less than 12 hours after I had been recalled from my post as chief of staff for United Nations forces in Korea.

The secretary went in first to see the president for a few minutes, and then we both entered the Oval Office. The president came in and was all smiles. He sat down and asked me to tell him what had taken place.

I reviewed the details of my interview with Washington Post reporter John Saar. During what I thought was a background discussion, I had expressed concern over any plans to withdraw U.S. ground forces from Korea.

My comments had been printed, and I was later told the president had already decided in favor of the withdrawal.

On that Saturday afternoon in the Oval Office, I apologized to the president for having caused him some embarrassment. I said I was not trying to defy any civilian authority.

The president told me how he had run for office for over two years, and he had consulted with his military advisers, who had recommended that U.S. ground forces be withdrawn. That position, he said, had been agreed to by the Joint Chiefs of Staff and by the secretary of defense.

At that point I looked at Secretary Brown, because I knew that was just nonsense.

The Joint Chiefs had never been asked whether they thought it was a good idea to withdraw the ground troops. They had only been told to analyze three methods of withdrawing the troops: immediately, some now and some two years hence, or some in 1978 and all of them within five years. They said

that the third was the best of three bad options.

In their analysis, the Joint Chiefs made a very strong statement that the withdrawal would involve some grave risks to our national security. The secretary of defense either deleted that phrase from the paper he gave to the president, or at least watered it down.

So when I looked at Secretary Brown, the president said, "I've considered their concerns, but I have had a vast experience in making decisions. You know I was in the Navy, and I had to make difficult decisions. And I was governor of the state of Georgia, and I had to make difficult decisions there.

"I consulted with your boss," the president told me. "Gen. Vessey (Gen. John Vessey, the U.N. commander in Korea) sat right where you're sitting now, Gen. Singlaub, and told me of his deep concerns about this. But I'm accustomed to making difficult decisions, and I've concluded that this is the best thing."

What the president didn't say was that he had told Gen. Vessey he would not make a decision on the withdrawal until he had consulted with Gen. Vessey again. Obviously, however, he had already made his decision.

The president said he had decided not to punish me and that he wasn't going to take any serious action that would jeopardize my career. But he felt that my usefulness in Korea had decreased significantly as a result of the Washington Post incident.

He had asked Secretary Brown to have the Army transfer me to another assignment.

I told the president I was very sorry that he had decided I could not return to Korea.

I felt I was fully capable of carrying out whatever decision he made, and I told the president I would like to stay in Korea.

He said, "No, I've decided that you shouldn't go back."

I was disappointed and shocked.

I had not thought anything I had said to John Saar during his interview could have caused such an uproar. In fact, when the midnight call had come through to my quarters in Seoul summoning me to Washington, I had honestly thought it was some sort of joke.

My talk with Saar had, in fact, been almost accidental. I had not, at first, been scheduled to meet him the day he flew into Seoul for a briefing on the Korean situation.

Saar was not based in Korea. He reported on Korea from Japan, and had a bad reputation for writing nonsense about what was going on in Korea.

Much of Saar's information apparently came from the communist-leaning Korean residents in Japan, most of whom have been dominated by an organization out of Pyongyang, the capital of North Korea.

So, Saar was always writing articles that told of the terrible violations of human rights within South Korea. He wrote such nonsense, in fact, that the U.S. ambassador wouldn't allow him to talk to people in the embassy in Tokyo.

At the suggestion of our public affairs officer, Saar was invited to Seoul for a briefing by Lt. Gen. John Burns, the deputy commanding general of the U.N. Command, and by Jim Hausman, who had been in Korea since 1946, when he was an adviser to then-President Sygman Rhee.

As a part of the backgrounder, Hausman gave Saar an idea of what the Koreans thought of any plans to withdraw U.S. troops from their country.

Part way through this discussion, Hausman called me and said Saar had been asking military questions about the 2nd Division, which is stationed in South Korea. Hausman said he didn't feel competent to answer the questions, and wanted to know if I could help.

I had 20 minutes until my next appointment, so Hausman sent Saar to my office. It was assumed by me and by Jim Hausman that this was a continuation of the off-the-record backgrounder.

During the course of my interview with Saar, I made the point that the Koreans felt very strongly that the withdrawal of U.S. ground forces would lead to war. I said that all indications were that the North Koreans were prepared to do this and that they appeared to have the capability.

I also said that the withdrawal of U.S. ground forces would not only remove a very important deterrent, but also the actual military capabilities that are important to the defense of South Korea, because the 2nd Division is much stronger than the Korean divisions.

I had said that the Koreans felt strongly about any withdrawal, and that I agreed with them.

And that was the key phrase that appeared in the Washington Post: Gen. Singlaub states that the withdrawal of U.S. ground forces on the current plan will lead to war.

After Saar left my office, my public affairs man asked if I had cautioned the reporter that my remarks were off the record. I had not.

Late that afternoon Saar called my office and said, "I want to confirm that our interview was on the record."

I said, "John, that's not the way I understand it. It's my clear understanding that it was part of the backgrounder that you were receiving from Jim Hausman."

Saar said, "You know what the rules are. If you don't tell me at the beginning, why, I have to consider that I'm authorized to print this."

So I said, "Yeah, I know what the rules are now, but I was not aware of that at the beginning of the day."

He said, "Unless you want to retract what you've said, or change what you've said, I am entitled to print it."

"I guess you've got me," I said, "because I'm not going to change it. I didn't say anything that I don't believe, and I just don't believe in changing what I believe to be the truth."

In the middle of the night, Gen. Vessey started getting calls from Gen. George Brown, the chairman of the Joint Chiefs of Staff.

Gen. Vessey eventually called me and said that I was to report immediately, on the first available transportation, to Gen. Brown and he would arrange for me to see the president.

Gen. Brown, in talking to Gen. Vessey, was somewhat amused by all of this, and didn't think it was very serious at all. Gen. Brown himself had some problems with the press quoting him and causing some flak.

At first, I honestly thought it was a joke. I even called the public affairs office and asked them to send me a copy of the story. I told him to send it early the next morning, because I wanted to get some sleep.

Friday was a long day, as I flew to Washington by way of Tokyo and New York. I was ambushed by the press in each air terminal.

When I arrived in Washington on Friday night, the officers who met me said that on the following morning I would go to the protocol office in the Army section of the Pentagon and wait for Secretary Brown to arrange an escort to the White House.

I felt I should have a chance to tell my side of the story to the military chain of command first, and I said so.

The next morning, I did have a chance to talk with Gen. Bernard Rogers, Army chief of staff. He had apparently talked with Secretary Brown, and Brown had talked with the president, because it was all clear in their minds what was going to happen.

When I tried to ask Gen. Rogers what he thought the president would say and what my options were, he did not want to talk about it.

I then spent about an hour and a half with Secretary Brown and his special assistant, John G. Kester.

The president, they told me, considered that I had gone public and spoken in opposition to a decision that he had already made, the decision to withdraw U.S. ground forces from Korea.

As subsequent congressional investigation shows, the president did make his decision around May 5.

But those of us in Korea had not been told of that decision. In fact, we were told just the opposite.

All of us—on the embassy side as well as the military side—and the Koreans were informed that the decision on withdrawal would not be made until after there had been a consultation with the governments of South Korea and Japan.

Those consultations were to take place the week after my interview with John Saar.

I reminded Secretary Brown that there had been no decision, or at least we had been informed there was no decision.

Then Kester said, "Tell me, general, if you had been told that a decision was made, and that you were to tell the Koreans this anyway, would that have made any difference?"

I said, "I'm not sure I understand what you mean, John. Are you saying would I be willing to lie to the Koreans?"

Kester replied, "That's not exactly what I said."

"Well," I said, "I guess I just don't understand what you're asking me, then."

This concerned me since I was accused of violating the code which says that once the commander makes a decision, everybody supports that decision.

In fact, we had been specifically told that no decision had been made, and we felt obliged to continue to point out the disadvantages of what we thought was still just a proposal.

We had even received a message from the Joint Chiefs that no decision had been made and it would not be made until after the administration had consulted with the Koreans and the Japanese.

The U.S. did not have a good track record on consulting with the Korean government. In the case of the withdrawal of the 7th Division, the Koreans were simply informed it would take place.

We were told to make the point with the Koreans that this time there would be honest consultations.

I should have been forewarned, however. A month before the incident with Saar, I had lunch with Gen. Rogers in Seoul and asked him why there was talk of a withdrawal when it was obviously militarily and strategically unsound. It was even cheaper to maintain the 2nd Division in Korea than in the States.

"Well, Jack," he had said, "you just have to understand that the president has probaby made up his mind to do it."

In the same way, on the Saturday afternoon in May, the president had decided that my career in Korea was over.

Afterwards, Secretary Brown even tried to prevent me from returning to Seoul to pick up my wife and family. He just wanted the people out there to pack them up and send them to the States.

Gen. Vessey interceded by guaranteeing he could control my reception. Since the Koreans were delighted the subject of the withdrawal had come up, the White House was

afraid there might be a great deal of hoopla on my return, adding fuel to a fire the president did not want.

Sitting across from him that day, I had considered retirement.

But I felt that retirement probably wouldn't serve any useful purpose at that time. I felt I could still make a contribution.

This is aways in a senior officer's mind. You have to weigh whether you can do more good in or out of the system.

I know there are many officers who have been so disgusted and so frustrated over some policy decisions that have been made based on inadequate information or on the wrong information, that they have to weigh whether they can do more by getting out and speaking out, or staying in and trying to influence the situation from within.●

THE RHODESIAN MORASS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. DORNAN. Mr. Speaker, what is the object of our policy toward Rhodesia? I ponder the question. I examine it from every angle. And yet it escapes me. There must be some magnificent wisdom behind these great measures of state that I cannot fathom.

Let us consider the first principles of the question. Square one. I was under the impression that the administration was in favor of majority rule in Africa. Mr. Young and the President lecture us somberly on the virtues of the democratic process and the historical necessity of applying this rather delicate process of government to the African Continent. Now there are a fairly impressive crop of political scientists who would argue that the success of a democratic political order depends upon the presence of a number of other social and economic conditions. They would say that democratic success depends upon a long tradition of the right to dissent, an informed and literate population, a high degree of industrialization and communication. They would say that democracy is not easily transplanted. Most of the roots of the African political tradition are tribal, colonial, and authoritarian; that there is very little in the African experience that would lend optimism for the establishment of a viable democracy.

Mr. Speaker, I think that we would have to recognize that no matter how desirable a Democratic solution is to these far away political problems, we must take into account such complicated factors. I think we must heed the advice if those who argue that a state's political constitution must be in conformity with its social institutions. But, for the sake of argument, let us concede the President's wishes are noble, and that democracy is the best answer to Africa's political problems.

But then, we must ask a further question. Where is the absence of democracy most acute? Mozambique? Zanzibar? From the tone and the emphasis of the administration's pronouncements, one would think that the case for black majority rule is most important in those states where caucasians are in a minority: Rhodesia and South Africa. Black Africa is governed mostly by dictatorships, tribal oligarchies, and authoritarian single party regimes. These seem to get passing notice in the struggle for black majority rule.

Mr. Speaker, imagine a situation where the United States could effect a revolutionary transition to Democratic rule. Imagine, for a moment, that we had a racial minority, imbued with a sense of mission, which had ruled a racial majority from time immemorial. Imagine that this ruling racial minority, bowing to the winds of change, was willing to cede to the racial majority the right to rule the state: majority rule, and all that majority rule implied. Imagine further that the leaders of this racial majority were highly respected men of good will, tolerant men, political moderate with the best interest of their nation at heart. Imagine that these men were true patriots, full of broad and lofty sentiments, willing to forgive and forget the past.

Mr. Speaker, if such a condition were to come to fruition, it would be a reformer's dream. It would be the best of all possible political worlds. In your mind's eye you could not think of no better opportunity for constructive change, for a peaceful transition to majority rule. It would be foolish to forsake such an opportunity. There are some among us who might, of course. There are some so blinded by a twisted sense of racial guilt or possessed by a desire to punish that they would actually jeopardize the chances for a peaceful transition to majority rule. And indeed there are some who would willingly torpedo a peaceful reform, backed by an overwhelming, biracial majority of a nation, only to placate the representatives of a vicious, vengeful minority, whose minds and souls are poisoned by political and racial extremism.

Mr. Speaker, as I said, I do not pretend to understand the current Rhodesian policy. But I would ask the Members of the House to read the insightful editorial by William Randolph Hearst, Jr., published in the May 7, 1978, issue of the Hearst newspaper chain. I ask that it be inserted into the RECORD.

Editorial follows:

WHOSE SIDE ARE WE ON?

(By William Randolph Hearst, Jr.)

NEW YORK.—The true intent of the two black guerrilla leaders who, with the help of Russia, maintain tribal bands of marauders outside Rhodesia's borders—and have the gall to call themselves the Patriotic Front—was revealed to the world this past week. They want to take over Rhodesia and establish a Marxist dictatorship.

These two men, Joshua Nkomo and Robert Mugabe, are so highly regarded by the Carter administration—the President, Secretary of State Cyrus Vance and United Nations Ambassador Andrew Young—that our government appears reluctant to accept or recognize the interim transitional government. Yet it is the declared purpose and plan of that interim government to conduct free and open elections and set up a black-led one-man-one-vote government, just exactly the form that Britain and the United States have demanded all along.

More than a decade ago, the political parties of both Nkomo and Mugabe were banned by the Rhodesian government, and both men fled across the borders where they proceeded to enlist dissident guerrillas from inside Rhodesia. They pledged to fight the all-white government until there could be a one-man-one-vote system. Their "war" began in 1972 with an attack on a white homestead and the murder of its occupants. Since then more than 9,000 lives have been lost.

Last week, Ian D. Smith, who will remain as prime minister until the elections are held, terminated the bans against the Nkomo and Mugabe political parties.

He invited the leaders and all of their followers to return to Rhodesia and take part in the elections. He promised total amnesty, with no reprisals, offered the government's services in helping reunite guerrillas with their families, and to release all political detainees within the country.

This offer was made in behalf of the entire Executive Council of the interim government, consisting of equal numbers of blacks and whites and including leaders of the three most powerful black political factions of parties in Rhodesia—Bishop Abel Muzorewa, Jeremiah Chirau and Rev. Ndabaningi Sithole. These three, together, control 85 percent of the black votes of the country.

Despite this offer of friendship—which can only be considered an indication of how thoroughly the interim government intends to bring about black rule in the country that had so recently had solely a white-run government—both Nkomo and Mugabe turned it down flat.

They prefer to stay where they are, Nkomo in Zambia where he heads a ZAPU terrorist faction, and Mugabe in Mozambique, where he heads a ZANU terrorist faction.

All the things they SAY they have wanted and have been fighting for, have come about, yet they want no part of it, even though they, personally, have been invited to participate in forming the new government.

One would think that now, with their goals in sight, the guerrillas would be happy to return from the bush and participate in bringing full democracy to Rhodesia, the major goal they said they were seeking. The schedule for it is open and forthright—free elections, with all parties participating, to be held as soon as possible. As soon as a black prime minister is elected, the economic sanctions imposed by most of the world will be lifted. Then, on Dec. 31, the new one-man-one-vote government will take over.

That Mugabe and Nkomo refuse to accept the peace offer reveals dramatically that a free democracy was not what they had in mind. What they want, obviously, is a Marxist dictatorship. Mugabe, an avowed Marxist (his and Nkomo's guerrillas are supplied by the Russians), has stated he does not believe in free multi-party elections. He wants only a one-party system—his. He and Nkomo together have a following of about 15 percent of the black population.

Nevertheless, under a policy presumably developed by our U.N. ambassador, Andrew Young, the Carter administration says it will not "accept" the interim government until it includes Mugabe and Nkomo. The interim government has agreed that whites will be in charge of defense and internal security. The Patriotic Front leaders want blacks in charge of everything. Thus, the United States is saying there will be no whites in charge of anything in Rhodesia, if it wants our backing and approval.

The entire transitional program with its racially balanced interim Executive Council, its early free elections, and its transfer to

black leadership on Dec. 31 was exactly what was called for when Secretary of State Henry Kissinger and British Foreign Secretary Anthony Crosland first met with Ian Smith two years ago.

It is strange to find our own government now holding back on its approval for the sake of a couple of communist terrorists and guerrillas.

Mr. Kissinger told The Hearst Newspapers just this past week that the United States became involved because of two basic reasons:

(1) With the collapse of the Portguguese Empire, the entire strategic situation in southern Africa changed. Rhodesia was vulnerable, and a guerrilla war had already started on its borders, fueled by guerrillas in neighboring Mozambique, formerly a Portuguese colony.

(2) U.S. impotence in Angola had been demonstrated by refusal of Congress to provide arms to the pro-Western, pro-democratic faction. This opened the field to the Soviets, who brought in the Cuban battalions that finally took over Angola, the Portuguese "star" in Africa.

That is when the U.S. entered the picture in Rhodesia. We could not lose all of southern Africa to the Soviets. Kissinger, in a speech in Zambia, following British initiative, pledged that Rhodesia would have full U.S. support if Ian Smith would form a government of majority rule within two years.

Mr. Kissinger's speech was given in April, 1976. Ian Smith did just what Henry Kissinger requested. All within the allotted two years.

But the government of the United States has changed hands. Now, suddenly, with Andrew Young calling the signals, we are insisting that two communist terrorist leaders, who have been offered the chance to run for election, be included in the INTERIM government—or else the U.S. won't accept the transitional program. How come?

We entered the Rhodesian affair to arrest the spreading communist influence in southern Africa. Now we are thwarting the creation of a moderate all-black government until and unless it brings in a couple of communist ragtags representing a tiny proportion of the black voters.

We made a commitment to keep the Russians out of southern Africa and decided that among other things we must help Rhodesia set up a representative government.

So let's get on with it. Let's keep our promise.

President Carter should accept the moderate interim government, as established, and approve the plans for a free election and the formal transfer of power on Dec. 31 from all white to mostly black.

While he's at it, Jimmy Carter might reappraise his friend Andy Young's talents. In my opinion he might serve his country better in some other ambassadorial post, in South Africa preferably.●

CONFUSION OVER INVESTMENT INCENTIVE ACT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. STEIGER. Mr. Speaker, on Wednesday, May 31, I introduced H.R. 12907, the Investment Incentive Act. Much to my chagrin, there was some confusion over which Congressman EVANS was a cosponsor. I meant to include TOM EVANS of Delaware, but DAVID EVANS of Indiana appeared on the bill instead. I apologize to both Members for the inconvenience. Mr. EVANS of Delaware will be on the bill when it is resubmitted.●

REPRESENTATIVE DRINAN INTRODUCES A BILL TO SECURE AND PROTECT THE FREEDOM OF THE PRESS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. DRINAN. Mr. Speaker, this past Wednesday, the Supreme Court decided a case which has enormous importance for the freedom of the press and for our Republic. In a case involving the student newspaper at Stanford University, the Court held that law enforcement authorities may enter and search the premises of a newspaper armed only with a warrant issued upon probable cause that the newspaper may have in its possession evidence of a crime.

For the police to obtain such a warrant, it is not necessary that they show any involvement by officers or employees of the newspaper in the alleged unlawful activity. It is also unnecessary for the police to give notice to the newspaper that such a warrant will be sought or that a warrant has been issued to search the premises. Furthermore since most newspapers keep their front doors open to the public, the police need not knock before entering the premises and may proceed to conduct their search without further ado.

It should be noted also that some States allow search warrants to be executed against nonresidential premises at all hours of the day and night. Thus it is possible that such searches could take place at a time when the newspaper offices are empty, thus allowing the police to conceal entirely their visit to the place and their seizure of papers, documents, and other material which is the lifeblood of the news gathering and publishing process. It is little wonder that the Boston Globe, in its June 1, 1978, editorial characterized the Supreme Court decision as "a first step toward a police state."

To insure that the dire assessment by the Globe does not become a reality, I am today introducing a bill which will, if enacted, secure and protect the freedom of the press from unwarranted intrusions by law enforcement authorities. This bill would prevent any person, acting under color of law, from conducting any search or seizure of the premises of persons engaged in news gathering or dissemination without an adversary court proceeding. Such a proceeding would give the news operation the opportunity to contest the search and possible seizure of its documents, files, and other materials.

The only exception to the requirement of an adversary court proceeding prior to the search would be if the police could demonstrate to the court that there is probable cause to believe that an officer or employee of the news media has committed or is committing a criminal offense. In such instances, the police would have to meet the strict standards of the fourth amendment which require that the warrant application describe with particularity "the place to be searched, and the persons or things to be seized." Only in these special circumstances could the police obtain an ex parte warrant authorizing them to search limited and restricted areas of the premises of a news media operation and to seize only those items particularly identified.

Furthermore, my bill would prohibit the sweeping searches authorized by the Court whether engaged in by Federal, State, or local officials. It would apply to any person acting under color of law, thus covering any person cloaked with the mantle of authority whether or not such person is a police officer. Investigators, prosecutors, mayors, or any other person acting in an official capacity would be reached by the prohibitions contained in the bill.

Under section 5 of the 14th amendment, the Congress has ample constitutional authority to reach the activities of State and local officials, as well as Federal officers. Indeed the Court, in this week's decision, noted:

> Of course, the Fourth Amendment does not prevent or advise against legislative or executive efforts to establish nonconstitutional protections against possible abuses of the search warrant procedure. . . .

This bill accepts the Court's invitation to provide precisely the kind of legislative protection which the press now desperately needs to continue its vital role in our constitutional scheme.

I should note also that several years ago the Court, in Katzenbach against Morgan, interpreted section 5 to give Congress broad legislative powers to protect the rights secured by the 14th amendment. In that decision the Court made a critical distinction between the power of Congress to contract, on the one hand, the guarantees of the bill of rights and the 14th amendment, and to expand, on the other, those same rights. It is clear that Congress may expand the rights protected by the 14th amendment, but it cannot contract those rights. The bill I am introducing today would adhere strictly to that constitutional requirement.

The exercise of congressional authority under the 14th amendment to protect fourth amendment rights is not unprecedented. In 1968 Congress enacted title III of the Omnibus Crime Control and Safe Streets Act. That title placed limits on the authority of State and local officials (as well as on Federal officials) to engage in electronic surveillance, an activity, like search and seziures, which is covered by the fourth amendment. I am one who believes that the 1968 act did not fully protect the rights guaranteed

by the fourth amendment. But title III nonetheless did seek to define the parameters of police powers to conduct electronic surveillance. And those limitations were made applicable equally to State and Federal authorities alike.

The bill also provides civil and criminal remedies for violating its proscriptions. Any person aggrieved by any search or seizure which offends the prohibitions of the act could sue in State or Federal court to obtain damages or injunctive relief. The phrase "person aggrieved" is intended to give very broad standing to persons who have been affected by an unlawful search or seizure. Indeed if this bill, or a similar measure were to become law, I would expect the courts to interpret this language to provide standing to injured persons which would be as broad as article III of the Constitution allows. See *Trafficante* v. *Metropolitan Life Ins. Co.*, 409 U.S. 205 (1973). If the police were to violate this act, I would envision a wide range of persons being aggrieved by such unlawful conduct, such as reporters, news editors, publishers, confidential sources, and others who may be affected by an illegal search of the premises of a news gathering organization or reporter.

The remedial provisions in the bill would also authorize the courts to award appropriate relief. General damages would be allowed as it might be difficult for the aggrieved person to establish actual damages. In the area of constitutional torts, a broad damage remedy is particularly efficacious since the injury inflicted is not amenable to easy calculation in dollar and cents terms. The bill also allows punitive damages up to $10,000 for each violation upon a showing that the illegality was willful.

Finally the bill permits the court to award reasonable attorney fees to the prevailing party other than the United States. This provision is modeled on similar provisions in titles II and VII of the Civil Rights Act of 1964 and the Civil Rights Attorney's Fees Awards Act of 1976. Under these statutes, the prevailing plaintiff ordinarily would recover its attorney fees unless special circumstances rendered the award unjust. See *Newman* v. *Piggie Park Enterprises, Inc.*, 390 U.S. 400 (1968). In contrast a prevailing defendant would only recover its counsel fees if it could establish that the plaintiff brought the suit in bad faith, vexatiously, without foundation, or for harassment purposes. This is the standard recently announced by the Supreme Court in Christiansburg Garment Co. against EEOC. Of course, the United States would be liable for fees if it or one of its agencies, officers, or employees engaged in unlawful conduct prohibited by the bill. Furthermore, since a newspaper, for example, might well have to seek preliminary relief to prevent a violation of the act, attorney fees would be available at such interim stages of the litigation when substantial rights of the parties are determined.

It is to be noted that, in addition to civil remedies, the bill also provides a criminal sanction. Any person acting under color of law who engages in an illegal search or seizure could be prosecuted and fined up to $10,000. No jail sentence is provided.

In concluding, let me reemphasize the importance of enacting legislation to protect the gathering and dissemination of the news. Throughout our history, the press has played a vital role in maintaining the integrity of our democratic institutions. During those times of its greatest worth, the press has exposed corruption, disclosed improprieties by high ranking officials, and revealed the undue influence of special interests on the processes of government. In pursuing this noble role, the press needs a great deal of breathing space to investigate and ferret out unlawful or improper conduct.

The Supreme Court decision may very well jeopardize the precarious position of the press in achieving those ends. The sweep of the Court's opinion would allow the police to search the premises of a newspaper and seize whatever documents they thought within the scope of the warrant. In such cases, the warrant would provide little protection against such intrusions and seizures even though the newspaper could ultimately force the return of unlawfully seized materials. Because confidential sources and deadlines play such a critical role in a news operation, the seizure by the police of such documents could strike a fatal blow to the reporting and disclosure of a particularly devastating story.

The Court disregarded the practical differences between the use of a warrant and the use of other legal process after an adversary hearing to obtain privately held documents, papers, and other materials in the possession of news people. This bill recognizes those critical distinctions and seeks to enact them into law. I ask my colleagues to join with me in supporting this measure. A copy of the bill is inserted in the RECORD at this point:

H.R. 12952

A bill to secure and protect the freedom of the press from unwarranted intrusions by persons acting under color of law

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Press Protection Act of 1978".

SEC. 2. It shall be unlawful for any person acting under color of law, without prior adversary court proceeding, to search any place or seize any things in the possession, custody, or control of any person engaged in the gathering or dissemination of news for the print or broadcast media unless such search or seizure is conducted pursuant to a warrant issued by a court upon probable cause that such person has committed or is committing a criminal offense.

SEC. 3. (a) Any person aggrieved by a violation of this Act may commence a civil action in an appropriate United States district court or State court at any time not later than three years afer the alleged violation occurred or terminated, or one year after the discovery of such alleged violation, whichever is later.

(b) In any civil action under this section, the court, if it finds a violation of this Act, shall award such relief as may be appropriate, including general damages, equitable or declaratory relief, and punitive damages not to exceed $10,000 for each willful violation.

(c) In any civil action under this section, the court, in its discretion, may allow the prevailing party (other than the United States, or an agency, officer, or employee thereof) reasonable attorney fees as part of the costs, and the United States (and any agency, officer, or employee thereof) shall be liable for such costs.

SEC. 4. Any person acting under color of law who willfully violates this Act shall be fined not more than $10,000.●

ENERGY POTENTIAL

HON. BOB GAMMAGE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. GAMMAGE. Mr. Speaker, I would like to bring to your attention an editorial recently published in the highly acclaimed magazine, Texas Monthly. While I do not entirely agree with some of the author's perceptions regarding this Nation's energy potential, particularly with regard to our nuclear resources, I do think my colleagues would benefit from reading this article, especially in light of the lengthy debate on the energy bill.

[From the Texas Monthly, June 1978]

BEHIND THE LINES

(By William Broyles)

(Practical men, who believe themselves to be quite exempt from any intellectual influence, are usually the slaves of some defunct economist.)

John Maynard Keynes

Keynes was a great economist who believed that ideas were powerful, and that none was more powerful than an idea whose time had passed. The energy program that Congress may yet approve in our lifetimes has its good points, but it is also a confused muddle of ideas whose times have passed. The program assumes that the interests of producers and consumers are fundamentally opposed, that coal and nuclear power can replace oil and gas, and that there is no more oil and gas, so a higher price won't increase their supply. All those assumptions are wrong.

The battle between producers and consumers is a phony issue. The dispute in Congress between so-called champions of producers and consumers of energy is like two ants fighting over a crumb of bread and ignoring the elephant's foot about to crush them both. Even taking an ambitious conversation effort into account, the national energy plan calls for massive increases in production by 1985: coal, up 84 per cent; nuclear power, quadrupled; oil and gas, new discoveries 60 per cent greater than recent rates. Simply to hold our import levels *constant* we will have to increase energy production in the next nine years more than in any other nine-year period in our history. The General Accounting Office, the Congressional Research Service, the Office of Technology Assessment, and the Congressional Budget Office all agree that given the provisions of the proposed energy plan we will in fact have to *double* our imports of foreign oil by 1985, when Arab oil production is expected to de-

cline. "We've been telling everyone the result will be a global depression," said one economist, "but no one seems to listen." They don't listen because they are obsessed with energy producers "ripping off," in President Carter's words, the American people. But you don't sacrifice the fundamental need all Americans have for sufficient energy to discourage a few producers who might rip off consumers. An excess profits tax on energy revenues not plowed back into more production, combined with a fuel stamp program to help the poor meet rising energy costs, would be much more sensible than burning down the barn to kill a few rats.

Coal is the only immediate answer. No matter how quickly public happenings like Sun Day spur our technology to solve the hard problems of solar power and other energy alternatives, between now and 1985 only coal can close our energy gap, a fact that should hearten no one. Coal, our most abundant fossil fuel, cannot be produced without great danger to miners in deep mines or to the environment in strip mines; it cannot be transported without massive diversion of resources; and it cannot be burned without major health and environmental hazards. It is also beset by Stone Age operators and a belligerent work force, as the recent coal strike so abundantly proved. Until our technology allows us economically to convert coal into cleaner, transportable, efficient fuels like gas and gasoline (as the Germans did—at great cost—in World War II), coal will be at best an unpleasant necessity, its production constantly limited by its bulk and its manifest dangers to the environment.

Nuclear power is not the answer. On the other hand, the proposal that we quadruple our output of nuclear power by 1985 is not only wildly unrealistic, it is profoundly irresponsible. In the last 24 months, only one new nuclear plant was licensed and put into operation; thirteen were canceled; almost fifty were deferred, perhaps indefinitely. No matter how serious the energy crisis, this turn away from nuclear power could only be good news. After twenty years we have yet to come up with a way to dispose of the wastes from nuclear plants, wastes that remain dangerous to human life for 250,000 years. I doubt that any of the Texas cities now participating in nuclear power plants would continue if they were made responsible for disposing of the radioactive wastes. Today Texas is being considered as a dumping ground for hundreds of tons of such wastes. No new nuclear power plants should be built until we devise a satisfactory way to isolate and manage our current legacy of nuclear wastes.

We have plenty of energy resources. All energy experts agree that our oil and gas resources are plentiful; combined with coal and lignite, they provide enough fossil fuels to last a thousand years. The problem is not how much we have, but how long it takes to recover and how much it costs. In Texas, the easy oil and gas production discoveries were made before 1950. Since 1950 we have drilled two and a half times as many wells and found only a fourth as much oil. The oil and gas that we *must* produce between now and 1985, when alternative sources like coal gasification, methane, and solar can come into play, will come from deeper wells, from offshore, and from harder-to-find fields. So far the Carter Administration seems determined not to encourage the capital investment needed for this exploration. First the Administration dragged out the argument that a backlog in drilling rigs meant that higher prices wouldn't encourage production (although three hundred new drilling rigs were being produced every year); then they reprogrammed their computers (as the Governor's Energy Advisory Council discovered through the Freedom of Information Act) to distort the standard data that had originally shown more investment would be needed to find additional natural gas; then they fired the head of the respected U.S. Geological Survey, who was continuing to crank out reports showing that huge resources of gas and oil were still to be found. Since new fields take three to seven years to begin producing, this continued discouragement of new exploration could be disastrous.

The current energy "crisis" doesn't have to be a crisis. If we can rise above the petty politics of region versus region and producer versus consumer, then we can see the energy crisis for what it could be—a tremendous national opportunity, an economic frontier like the opening of the West and the building of the railroads. The $700 billion investment the University of Texas Council on Energy Resources calculates will be needed by 1985 to meet our goals of production, conservation, and environmental protection could soak up the persistent unemployment of the past five years, end regional stagnation, strengthen the dollar, and put our whole economy on a new and fundamentally sound footing. Outside of Washington, public officials are grasping the implications of this challenge. The Northeast governors, once implacable energy foes, are now pushing for the creation of the Energy Corporation of the Northeast, a public corporation funded to invest in energy projects. The Midwest governors are following suit. We need the same sort of leadership here, since it seems clear that Washington will not be providing it.

Texas is at the crossroads. For the immediate future our new energy base must be coal. Two years ago the Texas Railroad Commission ordered utilities and large industrial users to begin switching to coal. This switch has been accelerated by our high free market prices for natural gas, an incentive other states who get our gas at a cheaper, regulated price, unfortunately for the country, have not shared. This short-term regional inequity helped give Texas the jump on conversion to coal. The long-run contracts for the forty million tons of coal we will be importing by 1985 have been signed and the generating plants are coming on line. But already we are getting a taste of what it is like to be an energy importer. Montana has announced a 30 percent severance tax on its coal, and the Burlington & Northern Railroad is on the verge of doubling its transportation rates to San Antonio. The combined result will cost Texas consumers hundreds of millions of dollars a year.

This imported coal must be a short-run solution, particularly if the national plan allows cities like Los Angeles to use the natural gas we save. If we think Houston has air pollution now, just wait until all its industries are burning coal instead of natural gas. All the specters of coal use, from acid rain to radioactive discharge to sludge disposal, will soon be our lot. Our only recourse is to push hard for new sources. This month a test well in Brazoria County is scheduled to begin drilling into the massive deposits of methane gas trapped in geopressured reservoirs like so many bubbles in champagne. Tests are underway to convert Texas' huge lignite fields into gas. If methane wells and lignite gasification become practical, then Texas will have a whole new base of clean and plentiful fossil fuel resources. We need to pursue solar alternatives as well, particularly the so-called "soft" approches that provide home heating and cooling.

But Texas isn't alone at the cross-roads. Energy is a fundamental world issue, and the world is looking to the United States for leadership. We still have a chance to set aside regional rivalries and political infighting so that we can face the challenges of conversion and production. We won't have that chance much longer.●

TAX CREDITS ARE NO SOLUTION TO TAX DISCONTENT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. CONYERS. Mr. Speaker, yesterday the House approved tuition tax credits for parents of students attending private elementary and secondary schools as well as public and private institutions of higher learning. These new credits, which it is estimated will amount to nearly $2 billion annually, will be added to the already swollen ranks of other credits, subsidies, and exemptions that comprise the nearly $140 billion in tax expenditures this year. Tax expenditures are the exceptions or reductions in the normal tax rate that are offered to individuals and corporations to promote a particular type of economic activity or else to lighten the tax liability of groups experiencing adverse circumstances. In the popular mind, with considerable justification, they are known as the loopholes, shelters, and privileges accorded upper-income individuals and powerful organizations.

The tuition tax credit was a rather hastily contrived response to the burgeoning tax revolt sentiment that appears to be seizing the country. It has been defended on the grounds that moderate and middle-income taxpayers urgently need relief. Yet 50 to 60 percent of the benefits will go to families earning more than $20,000 a year, while as much as 30 percent will go to households with incomes of more than $30,000 annually, groups that are hardly to be characterized as moderate-income. In fact, the students and their families who truly need financial assistance are the least likely to benefit from the tuition tax credit.

Furthermore, these tax credits constitute very poor public policy toward education. They will further weaken the system of public education in this country that is already in critical condition. In some regions they will reward private schools that were originally established for one simple reason, to foil court-order school desegregation. There are very serious constitutional issues that have been studiously avoided.

The tax revolt sentiment will not easily go away and certainly is not seriously confronted by this tuition credit measure. That sentiment has as much to do with the inequities of tax policy and the failure of public policy as it does with the high cost of Government. As a matter of fact, it can reasonably be argued that these tuition tax credits will only deepen the public antagonism to Government because they represent greater inequi-

tableness as well as ill-conceived and inconsistent public policy.

The larger question that the tuition tax credit raises is: Will the Federal budget become an instrument for setting priorities and establishing sound, consistent, effective, and equitable public policy, or remain a device for parceling out favors and privileges, regardless of substantive merit and long-term fiscal consequence? I think the public is being deceived in believing that it will obtain relief through measures such as the tuition tax credit. Over the long run, there really is no gain for middle-America in obtaining a piece of the privileged tax pie, however small, that other groups have enjoyed for so many years. They can be assured that the tax credits and exemptions they receive will always be miniscule compared to those the really privileged groups obtain. Tax justice and sound tax policy, in the long run, can only come through basic tax reform and effective Government programs. ●

LOUISVILLE CELEBRATES ITS BICENTENNIAL

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

Mr. MAZZOLI. Mr. Speaker, on May 27, 1978, Louisville, Ky.—the city of my birth and the city I am honored to represent in the House of Representatives—celebrated its 200th birthday.

On May 27, 1778, George Rogers Clark landed his party of militia and settlers on Corn Island in the Ohio River. The island is gone now, but the adventurous spirit of Clark and his cohorts has endured over the years and is exhibited today by the good people of Louisville.

Louisville's birthday party included music, exhibits, dances, and fireworks. No doubt the most colorful of the celebrations was a reenactment of Clark's landing on Corn Island by a group of modern-day Louisvillians suited up in Revolutionary garb.

My hometown, like our Nation, has come a long way over the last two centuries. I am pleased to report, Mr. Speaker, that Louisville continues to display the vitality, enthusiasm, optimism, and resourcefulness possessed by George Rogers Clark and his stalwart, intrepid band over 200 years ago.

I would like to share with everyone the following newspaper accounts of the bicentennial celebrations which appeared in the Louisville Courier Journal.

[From the Louisville Courier Journal]

WHY CELEBRATE? BECAUSE THE TOWN SURVIVED, AND IT HAS ITS VIRTUES

Given enough time, every community has an opportunity to celebrate a bicentennial. Louisville's chance comes tomorrow.

May 27, 1778, of course, was the day that Colonel (later General) George Rogers Clark and a band of militia and pioneer families established the first permanent settlement in this area. That date has as good a claim as any to be Louisville's birthday, though the tiny frontier community didn't officially receive the name Louisville until two years later.

These settlers and their descendants fared better than the legendary tribe of "white Indians" that preceded them at the Falls of the Ohio. The tribe, according to several accounts (including one related to Colonel Clark himself by an Indian chief named Tobacco), once inhabited much of Kentucky. But its population was depleted in wars with other Indian tribes, and the last of the mysterious race were wiped out in a great battle near what is now Clarksville, Indiana.

The same disaster easily could have befallen the handful of settlers who came to Corn Island 200 years ago, especially after Colonel Clark and most of his soldiers left to bedevil the British who occupied Kaskaskia and Vincennes. There was a revolution on, and Clark's job was to help it succeed, not to found a city that one day would become a cultural melting pot with a Belvedere upon which various ethnic groups could once a year unmelt.

But revolution or no, the settlers had found an ideal spot ("a very Eden," said one), and they set about making it their own. The exceptionally severe winter of 1779–80 tested their endurance and courage but didn't slow their progress. The following spring, dozens of new families came down the river, and the frontier settlement, now moved to the mainland from Corn Island, began turning into a town.

It's tempting, in 1978, to say that these hardy pioneers succeeded too well. Louisville, with its large parks and tree-lined parkways, is a city of considerable natural beauty. But a wilderness Eden it is not.

We breathe polluted air, drive congested roads and worry whether our drinking water is full of subtle poisons. We have become, in short, a fairly typical large American city.

Does that merit a celebration? The answer is a qualified "yes." The folk who arrived here two centuries ago might not approve entirely of what Louisville has become. (They'd surely be shocked, for instance, to discover that Corn Island has disappeared under the dammed waters of the mighty Ohio.) But the blessings enjoyed by most inhabitants of the city today are many—and are all too easily ignored.

We may not be healthier than our forefathers, but we are at least likely to live longer. We have public schools that, for all their faults, offer almost everyone an opportunity to become literate. We have libraries and theaters and, thanks to a symphony orchestra and ubiquitous portable radios, music for every taste. Unlike the citizens of some metropolises, we have quick access to a countryside filled with forests and lakes.

Perhaps we cannot help envying the hard, simple, adventurous life of those first settlers. But how many of us, given the chance, would trade places if the decision were irrevocable?

EUREKA! LOUISVILLE IS FOUND AGAIN

(By Jay Lawrence)

Led by a reincarnated Col. George Rogers Clark, a wise-cracking, irreverent band of early Americans landed in flatboats at the riverfront in Louisville yesterday, bent on founding a town but finding one that had been established exactly 200 years earlier.

As one of the buckskin-garbed, would-be settlers put it, "We observed that, with all these roads and buildings here, it would be a nice place to put a town."

It was the commemoration of Clark's landing on Corn Island in the Ohio on May 27, 1778. And in the eyes of some who attended the 1978 landing, it was a good thing Clark had been in charge of the founding rather than the Heritage Corporation, which was in charge of its re-enactment.

"It was quite a fiasco," said a primitively attired Bill Berkman, chairman of the re-enactment committee, after the schedule of events had to be changed in midstream. His "mountain men" were melting in their buckskins in the hot sun as they stood around on the Third Street Wharf while waiting for a party of dignitaries on the Belle of Louisville.

The buckskinners never did parade downtown, as planned, and they never met up with the group of politicians, Heritage Corporation officials and the actual settlers' descendants who were on the Belle.

The 90 or so pioneers, representing the roughly 200 who accompanied Clark, boarded the four wooden flatboats about 3:30 p.m. About 4:30, they floated past the riverfront to where Corn Island used to be before it was covered beneath the Ohio.

Then they were towed upstream to the Third Street Wharf by powerboats.

When George Rogers Clark (actually WAVE radio personality Claude Wayne) stepped ashore to delayed yet strong applause from several hundred onlookers, the Belle was nowhere to be seen.

It was somewhere out in the river, and its dignitaries would not come ashore for another hour.

In their part of the ceremony, Mayor William Stansbury and John Blalock, board chairman of the Heritage Corporation, dropped two armloads of flowers into the waters of the Ohio where Corn Island once was.

The flowers were carnations—gold and blue for Louisville's official colors.

The sweaty-faced pioneers waited ashore awhile before moving to the Belvedere for an awards presentation.

Before they left the riverfront, however, Clark made the most of it in a greeting interview with Robin Logsdon, master of ceremonies.

Speaking in a staged pioneer twang, Col. Clark several times worked the adjectives "quite amazing" and "magnificent" into descriptions of what his successor had wrought.

'I had no idea when I landed the first time that it would wind up like this," he told Logsdon and the crowd, gazing in mock awe at downtown Louisville. "I'm quite amazed; I'm quite pleased. I'm glad to see people took up where we left off and built such a magnificent city."

It was hardly a solemn occasion. The crowd loved it.

"Somebody over there wanted to know if they named a candy bar after me," the colonel continued. "It's true; they did. The Clark bar. I sure thought that was sweet of them."

Wayne was one of the few participants in the landing who was not authentically attired. His suede cloth buckskins were made for the occasion by a local costume company and rented to the Heritage Corporation.

Most of the people who landed from the flatboats were members of various pioneer clubs whose members often make their own buckskin clothing and their own flintlock rifles.

They came from as far away as Tennessee and Illinois to participate, and some were left standing on the dock when a fifth flatboat lined up for the occasion did not make it.

After the landing, the crowd gawked at the pioneers, many of them with long, outlandish beards, who strutted about and seemed pleased to be the center of attention.

One man had five earrings in a line dangling from his pierced left earlobe.

The men wore broad-brimmed or coonskin

hats, and almost all carried a flintlock rifle, flintlock pistol, powder horn, sheath knife and ammunition bag.

The women wore long cotton dresses, patterned or solid-colored, and bonnets.

The strangely clothed people, dwarfed by the downtown buildings and looking out of place on the concrete, stood out as much as a group of astronauts would have in the Louisville of 200 years ago. But it was their day.

"Are you Daniel Boone?" a youngster asked Jim Morse of Anderson, Ind. Morse said his flintlock was made about the turn of the century, but he made his foxskin cap himself.

One Louisville resident said he makes his living as a truck driver but actually lives to be a primitivist.

"You want my real name or the name most people know me by?" he asked a reporter. He was told that "Hawkeye Hagan" would suffice to identify him.

Hawkeye, who said he is 40, was wearing an open-throated white muslin "settlers' shirt," buckskin pants and a broad-brimmed black hat.

His wife Joann had on a brown cotton dress, muslin apron and shawl, and a dust-bonnet. Pioneer women wore the hats even to bed, she said, "because they washed their hair only about every 30 days."

The Hagans insisted that their costumes, every bit of which were homemade, were of the type that would have been worn by Clark's party.

Others, such as 16-year-old Andrew Clark, acknowledged that their clothing was somewhat more modern. Andrew said his calico shirt dated his outfit about 1840.

Andrew said he was descended from Col. Clark's brother, William, and he thanked Logsdon when the master of ceremonies announced his relationship to the colonel to the public.

Hawkeye professed to know a good deal about the original expedition and practices in 1778. For example, he said Col. Clark's expedition "traded its way out of trouble" two or three times by offering hostile Indians such goods as blankets.

He said the pioneers actually would have shed their buckskins and worn next to nothing during the river voyage on a hot day like yesterday.

And did Hawkeye, by participating yesterday, get a better feel for the Clark party's experience?

Well, no.

"I think we've gotten more of a feel of what it was like other times," he said.

FIFTY YEARS OF SERVICE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. FLORIO. Mr. Speaker, I would like to enter into the RECORD a statement regarding two fine, outstanding men who have contributed much time and effort to their community of National Park, N.J.

Mr. Louis E. Berryman, 510 Asbury Avenue and Mr. Ellwood J. Bentz, 105 North 5th Street, both of National Park, are celebrating their 50th anniversary as members of the National Park Fire Department. Both Mr. Berryman and Mr. Bentz have been active participants of this organization working strictly on a volunteer basis. Certainly, their unselfish devotion in service to their town is deserved of the highest of commendations. May they continue to serve National Park for many more happy and healthy years.●

DONALD M. SOMERS

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. MINETA. Mr. Speaker: My good friend, Congressman PETE MCCLOSKEY from California's 12th Congressional District, and I would like to bring to the attention of our colleagues in the House of Representatives some of the accomplishments of Mr. Donald M. Somers, director of public works for the city of Sunnyvale, Calif., who was honored last week as one of the Top Ten Public Works Men of the Year.

The selection of Mr. Somers for this honor was a part of the celebration of National Public Works Week, May 21–27, an annual observance spotlighting the work done by public works agencies throughout the United States and Canada. The event is sponsored by the American Public Works Association in cooperation with the American Society of Civil Engineers, American Water Works Association, Council of State Governments, Institute of Traffic Engineers, National Association of Counties, National League of Cities and the Water Pollution Control Federation. Donald Somers was selected as a representative of the finest in public works from scores of nominees by a distinguished panel of judges. In their opinion and in the opinion of Mr. MCCLOSKEY and myself, Mr. Somers' work reflects the highest standards of professional conduct and the wise use of manpower and public funds.

Somers is a graduate of Polytechnic Institute of Troy, N.Y., and has been with the city of Sunnyvale for 22 years. When he joined the city in 1955 as assistant city engineer, its population was 24,000. It has since grown to about 107,000. The community has experienced rapid industrial growth and today an estimated 80,000 people are employed within the city limits. Somers has kept pace with this expansion by planning and directing the design and construction of traffic, waste water, and water supply systems, as well as recreational facilities and public buildings. Furthermore, he supervised the preparation of farsighted master development plans and created an efficient operating and maintenance organization.

Somers has attracted and held dedicated and experienced personnel willing to pursue new ideas and concepts. The department has also adopted progressive management techniques.

The challenge of heavy automobile traffic has been met by widening and extending major thoroughfares as well as providing new streets. During Somers term, over 146 miles of streets have been added and 82 traffic signals installed. Recently, funding was approved for converting 7,500 street lights to sodium vapor, resulting in an estimated 40-percent energy savings.

Under Somers' leadership, the city's water systems were consolidated by 9 miles of transmission lines and 156 miles of distribution pipes. Storage tanks and booster stations were added and Sunnyvale is now served by two outside water supplies and nine municipal wells. Other notable programs completed during his career include a city hall and council chambers, eight parks, eight parking lots, a community center, 238 miles of sidewalks, 106 miles of storm drains and a 100-year storm retention basin.

Somers' dedicated approach to improving the quality of life for Sunnyvale citizens through topnotch public works programs meets the profession's highest standards.

On June 1, 1978, Mr. Somers will be honored locally at a dinner in his honor sponsored by the South Bay chapter of the American Public Works Association.

At this time, Mr. Speaker, Mr. MCCLOSKEY and I would like to ask our colleagues to join us in saying congratulations, Don, and best wishes for future successes.●

GOVERNMENT COSTS QUESTIONED

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. DEL CLAWSON. Mr. Speaker, there is a spirit abroad in our land with prospects for sweeping improvement or added malaise, according to how it is channeled. The popular revolt against taxes and the intrusions of Government, the dawning realization that take-home pay may be a poor measure of prosperity, can force realistic appraisal of Government costs and services. If so, we may see reduction in the Government spending at all levels which raises taxes and fuels inflation, destroying the purchasing power of our money. The column by Bill Gold which appeared in the May 30 issue of the Washington Post combines telling logic with personal insight into the problems faced by most Americans which have set the stage for the present rebellion. Under leave to extend my remarks the column follows at this point in the RECORD:

[From the Washington Post, Tues., May 30, 1978]

THE DISTRICT LINE—THE PAY RATE WAS SIX BITS HIGHER THEN

(By Bill Gold)

A few days ago, the last paragraph of the District Line quoted Bob Orben as saying, "Going ahead with the neutron bomb would be sheer waste. We already have something that destroys people and leaves the buildings intact. It's called a 9¾ percent mortgage."

Gaetano Gentile responded: "I fail to understand why he is so appalled by the 9¾ percent mortgage rate.

"In 1926, I bought a home. The interest rate on my mortgage was 6 percent. Today's 9¾ percent interest rate is therefore about 50 percent over the 1926 rate.

"The enclosed picture, which appeared in your Business and Finance section recently, shows the George Hyman Construction Co. sign on a building site, and under it is the legend, 'Bricklayers Wanted, $13.25 an hour.' In 1926 bricklayers were getting $2.50 to $3 an hour.

"So lenders are not the only guys in black hats."

You'll get no argument from me on that proposition. I think borrowers, lenders and all the rest of us have gone off our fiscal rockers.

While you're marveling at a $13.25 rate for bricklayers, let me tell you about a word carpenter named Gold whose pay rate used to be $14.

The town was Springfield, Ohio.

The year was 1934. And the $14 was for a 6-day week, not for each hour.

At 5:45 each morning, I began editing sports copy and writing headlines. At 9, I went to the composing room to supervise the makeup of the sports pages. Later I made my rounds looking for news: hunting and fishing handouts, public and private recreation centers, high school and university athletic departments. There were also amateur and professional games to cover. And boxing and racing. And a column to write for the next day.

On Saturdays, I had to work an extra shift. At 4 p.m.—quitting time on normal days—I was farmed out to the city editor and worked for him until the big Sunday paper was rolling. I got off at 2 a.m. Sunday. Then at 5:45 Monday morning the cycle began anew.

After I had worked my way up to $18 a week, I told the managing editor that the next raise would have to be to $25 because I was getting married. He threw his head back and laughed heartily. He was still laughing when I left his office. I left because I had the distinct feeling that when he stopped laughing he wasn't going to say "yes." For all I know, he's still sitting there laughing. I haven't been back.

But I have done a lot of wondering about us poor slobs who broke our backs to earn that kind of money and saved a little of it for our old age. What we saved has been debased and devalued with every subsequent increase in wages and prices.

I have seen inflation steal the savings of several generations, and today I am watching a new generation of workers being robbed by accelerating inflation. Husbands and wives both work and save their money because some day they want to be able to afford a home of their own, an education for their children and a nest egg that will make their futures more secure.

What they'll discover is that prices will always stay a little bit ahead of wages. Whatever you want, it costs a little more than you can really afford. So you wait for wages to catch up—but by the time wages rise, the price of what you want has also gone up. You can't win.

Yes, $13.25 an hour for bricklayers seems a mite high to a fellow who used to earn $14 for a 6-day week. But it doesn't seem at all high to a fellow who is trying to provide for a family at today's prices.

Those who lend money, whether for mortgages or any other purpose, are also caught in inflation's trap. Picture yourself as the owner of a house that cost you $18,000 but will bring an inflated $60,000 on today's market. You sell your home for $10,000 down and $50,000 to be paid to you over a period of 25 years with 9¾ percent interest. That sounds like a smart move on your part, doesn't it? For once in your life, you're going to be a lender, not a borrower.

However, if inflation steals 8 or 9 percent of your money each year, what is your true rate of return at 9¾ percent? And what will your children do with your "vast wealth" if they inherit $50,000 from you? One thing they will not be able to do is buy back the house you sold. By that time, your $18,000 house will be selling for $180,000.

Meantime, if you sell your house at an inflated price you will have several choices, all bad. You can buy another house at an even higher price. You can pay an outrageous rent for an apartment. Or you can live in a tree.●

U.S. AIR FORCE DEMONSTRATION

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. RINALDO. Mr. Speaker, each year, McGuire Air Force Base in New Jersey sponsors an open house to demonstrate to New Jersey and the Nation the latest developments in military and civilian aviation, along with displays from various industries and military organizations. In addition, the U.S. Air Force aerial demonstration team—known worldwide as the Thunderbirds—and the U.S. Army parachute team, the Golden Knights, perform amazing feats of aerial courage.

This show is a convincing demonstration of the excellent training, recruiting, and operational skills of the U.S. Air Force and the U.S. Army Paratroop Training School.

I had the pleasure of attending the most recent Memorial Day exercise at McGuire Air Force Base. It attracted one of the largest crowds of any event in New Jersey . . . about 325,000 spectators.

Let me quote from an excerpt of a report written by Charles O. Finley of the Newark Star Ledger:

The hundreds of thousands of enthusiastic spectators stretched along the edge of the main highway for more than a mile. The highlight of the air show was a precision flying demonstration by the Thunderbirds—the official demonstration flyers for the U.S. Air Force.

Spectators were awed as the sleek aircraft streaked low over their heads in complicated maneuvers.

Mr. Speaker, the Air Force not only gives the public a tremendous demonstration of advanced aerospace technology, but this show is without doubt one of the most effective methods of recruiting young men and women into the U.S. Air Force.

I was not only impressed by the skills of the pilots and ground crews, but I was moved by the patriotism and commitment of the pilots and Air Force personnel and officers to the security of our Nation. We have some of the finest, most talented men and women in America serving in our Air Force, as proven on my visit to McGuire Air Force Base.

I wish to extend my thanks to all those who participated in this event, and I would like to commend Maj. Gen. Thomas M. Sadler, Commander of the 21st Air Force; Brig. Gen. Erskine Wigley, Vice Commander; Col. Dwayne H. Erickson, Wing Commander of the 438th Military Airlift Wing; and Base Commander, Col. Kenneth S. Landon, for the courtesy shown to my party and all the other thousands of visitors to McGuire Air Force Base.●

A TRIBUTE TO SAMUEL H. BEER

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. BRADEMAS. Mr. Speaker, each of us has studied under teachers who have made particularly strong impact on his or her life, and one of the finest teachers I have ever known is Samuel H. Beer, Eaton Professor of the Science of Government at Harvard University.

A man of enthusiasm and wit and considerable practical experience in politics, Sam Beer insisted on the highest intellectual standards in his teaching and scholarship.

Several weeks ago, Sam Beer delivered his final lecture.

Professor Beer expects to retire in July after four decades of teaching.

I take this time to pay my own tribute to him and to insert at this point in the RECORD an article from the May 1978, Harvard Gazette, entitled "Sam Beer and Soc. Sci. 2: A Legend Comes to a Close."

[From the Harvard Gazette May 19, 1978]

SAM BEER AND SOC. SCI. 2: A LEGEND COMES TO A CLOSE

Samuel H. Beer, Eaton Professor of the Science of Government, gave his final lecture May 4 before a packed house in Room 18 at 2 Divinity Avenue. His students, colleagues, some of whom were section men 25 years ago, and his wife, Roberta, gathered to pay tribute to him. Mr. Beer will retire in July after 40 years of teaching.

He explained to his class, "I really have changed my lectures over the years. I've even changed the jokes. But this lecture I haven't changed. There's such an air of finality about it."

Western Thought and Institutions or Soc. Sci. 2 started as a 1946 General Education "experiment" but when it ended, it was a Harvard institution, said former students.

"Although Soc. Sci. 2 gained its reputation as an excellent undergraduate course, it's also been a central part of graduate education for section leaders," says Professor Michael Walzer (Government). Notable section leaders have included Mr. Walzer, Professor Stephan Thernstrom (History), Former Secretary of State Henry A. Kissinger, and Secretary of Energy James R. Schlesinger.

Each week Mr. Beer held a two-hour meeting with his section men to discuss not only the daily problems of the course, but the central intellectual issues it raised.

Section men who gathered at a luncheon in Mr. Beer's honor following the lecture said they could not duplicate his teaching style but would continue to emulate it. "It's an ideal we model our teaching after," says Mr. Thernstrom.

"Sam Beer understands that the function of lecturing isn't most importantly to convey information but rather to stimulate interest," says Mr. Walzer. His extraordinary success in getting students to wrestle with the fundamental moral and intellectual issues was crucial to Soc. Sci. 2's success, adds Mr. Walzer.

The course was structured around six stages in Europe's political development including the Puritan, French, and Nazi revolutions. Students read major works of social or political theory including Locke, Rousseau, Marx, and Weber.

"I used the course for a springboard for my research," says Mr. Beer who continually reworked the lectures. "I changed the emphasis during the years depending on what work I was doing." Most recently that em-

phasis was on the modern state (in England) and nationalism.

He told his last class about the interviews he conducted the summer of 1945 in Germany. The histories, ripe with human details, "gets close to the reality of life," says Mr. Beer.

He will continue to teach two courses, American Federalism and Modern British Politics and Policy next fall.

Mr. Beer will also continue his research and, time permitting, his backpacking. An avid parachutist for some time, he gave that up several years ago.

An expert on the theory of federalism, he has written widely, including the book The Modernization of American Federalism.

Before coming to Harvard he served as a speech writer for President Franklin D. Roosevelt, a New York Post reporter, and a staff member of Fortune. He also served on the Federal Resettlement Administration and the Democratic National Committee in 1935. Mr. Beer is past president of the American Political Science Association.

A graduate of the University of Michigan (1932), he was a Rhodes Scholar and also received a bachelor's degree from Oxford University, Engand. A recipient of Fulbrights and Guggenheim Fellowships, he earned the doctorate in political science at Harvard (1943).

Mr. Beer looks back on Soc. Sci. 2's demise with no regrets. "It was time to stop the course; I am greatly relieved. It's a blow from which both Harvard and I will survive."

THE TELEVISION IMPORTS CASE

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. ROSTENKOWSKI. Mr. Speaker, the importance of the television imports case currently before the Supreme Court can hardly be underestimated. This case will undoubtedly affect much of our international trade policy in the years to come.

I would like to call attention to an article written by our colleague, MORGAN F. MURPHY, which appeared in the May 30, 1978, issue of the Chicago Sun Times. I encourage all Members to read MORGAN's account for it illustrates that unfair trade practices threaten not only American jobs but the viability of continued world trade:

[From the Chicago Sun Times, May 30, 1978]

JAPAN'S COLOR-TV REBATES BREAK U.S. TRADE LAW

(By Morgan F. Murphy)

Some time in June the U.S. Supreme Court will decide whether the federal government is giving Japanese TV makers an unfair advantage over their U.S. rivals by failing to enforce a U.S. trade law. The decision is being closely watched for its possible impact on world trade.

The issue is whether Japan is breaking an American trade law by illegally subsidizing its color TV industry. Zenith Radio Corp., which brought the suit, argues that under the Tariff Act of 1897, Japan's refunding of a value-added tax on color TV exports is an unlawful "bounty or grant" requiring the United States to impose offsetting duties. Congress has re-enacted the offsetting-duty law five times, most recently in 1974.

Many foreign countries generate revenue through a value-added tax, which is applied to a commodity or product at every stage of production—unlike a sales tax, which is applied only to the final price. Rebating the value-added tax permits these countries to sell abroad more cheaply than at home.

Zenith charges that the tax rebate has made it possible for Japanese TV makers to undersell their U.S. rivals by 15 to 20 per cent. As a result, the company maintains, Japan has been able to increase its share of the U.S. color TV market from 11 per cent in 1968 to 38 per cent in 1976. Zenith contends that this growth in Japanese imports has contributed to the loss of 60,000 jobs in the American TV industy.

The Treasury Department, on the other hand, argues that Japan's 15-per cent tax refund is not a direct subsidy. It fears that offsetting duties imposed on color TVs made in Japan would set a precedent for heavy duties on foreign-made steel, clothes, autos and most other imports. This would raise prices for consumers. Treasury officials warn, and might provoke Europe and Japan to retaliate with higher tariffs on U.S. goods.

The Zenith case has far-reaching importance because nearly all countries rebate value-added taxes on products they sell to the United States. This practice is permitted under international trade rules, but the United States has never accepted the clause authorizing the rebates.

America is one of the few nations that does not impose some kind of value-added tax. Instead, it collects most of its revenue from income and corporate taxes, while the states usually levy modest sales taxes. These sales taxes are refunded to U.S. companies that sell overseas, but they are substantially lower than the value-added tax, which often amount to 15 per cent or more of an Item's wholesale price. In the case of European steel, the value-added tax is as high as 30 per cent. By rebating such steep taxes, Europe and Japan enable their manufacturers to sell in the U.S. market at low prices.

In my view, the Supreme Court should rule in Zenith's favor. Zenith's contention that Japan's rebate is a bounty or grant is solidly supported by a Supreme Court ruling in 1903. In that case, a Baltimore importer challenged the government's imposition of an offsetting, or "countervailing," duty on sugar shipped from Russia. The duty was levied because the Czarist government, which imposed an excise tax on sugar sold in Russia, lifted the tax when the product was sold abroad. The court ruled in favor of the sugar duty, saying: "When a tax is imposed upon all sugar produced but is remitted upon all sugar exported, then, by whatever process or in whatever manner or under whatever name it is disguised, it is a bounty upon exportation."

Treasury officials argue that the 1903 countervailing duty was imposed only on the amount of the tax refund considered "excessive." But what is the meaning of "excessive," if not a resulting 15-to-20-per cent price advantage that has helped cause 60,000 American TV workers to lose their jobs?

Would a decision in Zenith's favor destroy free trade? The answer is no. What it would do is prod Europe and Japan to face squarely the long-simmering issues of rebates and subsidies at the international trade talks being held in Geneva, Switzerland. Despite the best efforts of our trade negotiators at these talks, no country is likely to make significant concessions on these points unless Zenith wins its case.

Free trade is not endangered by Zenith, but by unfair and illegal trade practices that destroy U.S. jobs. The way to preserve free trade is to ensure that it is also fair trade.●

OPENING OF THE EAST BUILDING OF THE NATIONAL GALLERY OF ART

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. BRADEMAS. Mr. Speaker, yesterday President Carter officially opened the new East Building of the National Gallery of Art.

Mr. Speaker, the dedication of this building marks a significant day in the cultural life of our country and I take this opportunity to commend some of the many individuals who have given our Nation its newest architectural and artistic treasure.

First, the building itself, designed by one of America's foremost architects, I. M. Pei, is already being widely acclaimed as an architectural masterpiece.

Washington Post art critic Jo Ann Lewis has called Mr. Pei's latest work a "Cathedral of Art," and New York Times architectural writer Paul Goldberger has praised the building "as the very best of the current generation of museum structures." He writes that it is "surely the finest piece of contemporary architecture in official Washington."

Second, the Nation is once again indebted to the Mellon family for its contributions to a wider public appreciation of art. The entire cost of the new East Building, $94.4 million, was borne by Paul Mellon and his family.

Indeed, as with the National Gallery of Art, which was built in 1941 through the financial assistance of Andrew Mellon, the new gallery contains priceless paintings on loan from the Mellon family. I refer particularly to the Ailsa Mellon Bruce collection of 60 French impressionistic and postimpressionistic works.

Here, Mr. Speaker, let me recall that the National Gallery of Art opened with only 125 paintings. Yesterday the new East Building was opened with a showing of over 1,200 paintings, tapestries, and pieces of sculpture many of which were commissioned solely for this event. I refer here to the works of Alexander Calder, Robert Motherwell, Joan Miro, Henry Moore, David Smith, James Rosatis, and others which will certainly contribute to making the new gallery one of the Nation's foremost centers for the exhibition of art of the 20th century.

Third, Mr. Speaker, I want warmly to congratulate the outstanding Director of the National Gallery, J. Carter Brown, and its other officers and advisers for their effors in commissioning these works of art and their excellent preparations in successfully inaugurating the new gallery

Fourth, the new gallery opens with one of the largest collections of art from another nation ever to be displayed in this country. We must be particularly grateful to the people of the German Democratic Republic for their loan of five centuries of extraordinary works of art as well as to the International Business Machines Corp. for contributing some $750,000 to

bring "the splendor of Dresden" collection to our country.

Mr. Speaker, that the new gallery has had such an auspicious beginning and that its home is itself such a splendid work of art, demonstrate the great interest of the people of the United States in art of excellence.

Over the last decade public attendance at museums and galleries has increased dramatically, and I think there can be little doubt that the new East Building of the National Gallery of Art will soon become one of the more popular sites for Americans visiting their Capital City and for visitors from other nations to the United States.●

CIVIL AERONAUTICS BOARD APPLICATIONS

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. MOSS. Mr. Speaker, by notice of proposed rulemaking dated April 28, 1978, the Civil Aeronautics Board has proposed to establish expedited "hearing" procedures for processing applications for new or modified air route authority and the establishment of Board-made rates. Historically, the Board has interpreted existing law as requiring full evidentiary hearing in all route cases.

"Basically, the new procedures would require the submission of all evidence in written form and would dispense with an oral hearing and an initial or recommended decision by an administrative law judge." Instead, the Board would in most cases subject to this procedure, receive and review all the evidence itself and issue an agency decision.

In support of this rulemaking the Board states that its conventional procedures are both expensive and time consuming; that its increasing workload makes it imperative that the Board now explore new methods for processing cases; and that it is unable to entertain this increasing number of applications and other requests because it simply lacks the staff to process all these applications and requests in a timely fashion under conventional procedures.

Insofar as the proposed rule provides for the use of expedited procedures where there are no material facts at issue, it tracks procedures at other agencies which have been approved by the courts in a long line of cases. On the other hand, the CAB acknowledges that the proposed rule would go beyond existing agency practice by expanding the nonoral hearing procedure to embrace cases where material facts are at issue. The legality and advisability of this proposal has been the subject of extensive debate within the agency. In this regard, the public is indebted to member Richard J. O'Melia for attaching to his separate statement several memorandum prepared by various bureaus of the CAB dealing with the preceived legal risks associated with the proposed rule. These memorandums and the proposed rule are set forth in the Federal Register of May 5, 1978, at pages 19403–19417.

I

Mr. Speaker, I fully endorse the objectives of the proposed rule for reducing delay, costs, and administrative burdens upon the public and the Board. But I am concerned that the Board in articulating its rationale for this procedure initiative has not focused on the standards contained in the Administrative Procedure Act.

The issue is reasonably straightforward. The Board proposes to dispense with oral hearings and associated cross-examination principally for initial licenses and modifications of license to the extent that this is "fair to applicants and opponents;" Federal Register, page 19410. The Administrative Procedure Act provides for a similar dispensation with respect to this class of matters to the extent a party will not be "prejudiced;" 5 U.S.C. 556(d).

I rise therefore to bring to the attention of Members the history of this standard in the hope that it will prove useful in sharpening the focus of the debate on this important initiative. The elimination of oral hearings in certain initial license cases is not a new proposal. It was first advanced 38 years ago in the final report of the Attorney General's Committee on Administrative Procedure, chaired by Dean Acheson:

5. UNNECESSARY RESTRICTION UPON USE OF INFORMAL METHODS

In most cases in which a person applies for some official permission, the agency, if satisfied that the permission is proper, grants it without any formal proceedings. Sometimes the public interest in a full record of the grounds of decision is thought so important by Congress that formal proceedings and a formal record are required by law. For example, the Interstate Commerce Commission and the Federal Communications Commission must hold public hearings before either may approve consolidations of the companies which it regulates.

But there are other cases where formal proceedings are required either by the terms of the statute or by administrative interpretations in which, in the Committee's opinion, something less would fully protect the public interest and make for more expeditious dispatch of business. For instance . . . the Civil Aeronautics Board is required to hold hearings before granting a certificate of convenience and necessity for a new air route. In these and other similar cases, it should be enough for the statute to require the agency to give public notice of the application, but to dispense with a formal hearing if no protest or request to be heard is received and if its own investigation establishes the propriety of granting of the application. (Chapter III, "Informal Methods of Adjudication;" 1941) pages 40–41.

With respect to the CAB in particular, the committee further stated:

In general, the Committee's recommendation . . . in chapter III relating to informal methods of adjudication . . . are applicable to the Civil Aeronautics Board. In respect to the Board's procedures, particular attention is called . . . (2) to the recommendation in section 5 of chapter III that the statutory requirement of hearings prior to the issuance of certificates of public convenience and necessity and foreign air carrier permits be amended so as to make it possible to dispense with hearings where the Board finds the application satisfactory and no protest is heard: pp. 172–173.

Congress was favorably disposed to the recommendations made by the Attorney General's Committee, the CAB, and other Federal agencies, and therefore carefully re-drafted the bill proposed by the Committee:

(A) to specifically include "licensing" in addition to rulemaking and adjudication;

(B) to distinguish initial licenses from renewal and other licensing procedures; and

(C) to provide that all applications for initial licenses should:

(1) be determined promptly; Sec. 558(b),

(2) using non-oral, expedited hearings, Sec. 554(d), 556(d), and 557(a),

(3) without an initial or recommended decision by the hearing officer; Sec. 557(b),

(4) when the agency issues either:

(1) a tentative decision, or

(2) a report prepared by the staff normally engaged in that portion of the agency's operation to which the proceeding related; Sec. 557(b)(1), or

(3 in lieu of any sort of preliminary report, a final order granting or denying an initial license in emergency instances, Sec. 557(b)(2),

except where a party will be prejudiced thereby, Sec. 556(d) or cross-examination is necessary to bring out the truth, Sec. 556(d), 557(c).

Congress freed initial licenses from the requirements of sections 554, 556, and 557 for "such matters as the granting of certificates of convenience and necessity which are of indefinite duration, upon the theory that in most licensing cases the original application may be much like rulemaking."

Mr. Speaker, because the CAB's proposed procedural rule evidences some ignorance as to the intent of Congress in incorporating the "initial license exception" in the Administrative Procedure Act, I believe it is necessary to review the legislative history of the act. I do so because Senate and House reports of the act are no longer widely available; because other regulatory agencies may be similarly uninformed; and because of its impact upon our own consideration of various regulatory reform initiatives.

By way of introduction, the page numbers I shall cite are those from Senate Document 248, 79th Congress, 2d session, entitled "Administrative Procedure Act, Legislative History, 1944–46." This document contains the Senate and House committee reports of 1945 and 1946, the May 1946 proceedings of the House and Senate as reported in the CONGRESSIONAL RECORD, and several statements by the Attorney General regarding the bill.

II

The basic scheme underlying the act is to classify all administrative proceedings into two categories, "rulemaking" and "adjudication." Since licensing is neither, Congress found it necessary to specifically include licensing in the act under the definition of "Order," section 551(6). The Senate's analysis of the provision stated:

The term "order" is defined to exclude rules. "Licensing" is specifically included to remove any possible question at the outset. Licenses involve a pronouncement of pres-

ent rights of named parties although they may also prescribe terms and conditions for future observance. It should be noted, however, that licensing is exempted from some of the provisions of sections 5, 7, and 8 relating to hearings and decisions; page 197.

I should note that sections 5, 7, and 8 of the bill refer to sections 554, 556, and 557 of the act. Similarly, section 9 is section 558 in the act. The House report contained similar language:

The term "order" is essentially and necessarily defined to exclude rules. "Licensing" is specifically incuded to remove any question, since licenses involve a pronouncement of present rights of named parties although they may also prescribe terms and conditions for future observance. Licensing as such is later exempted from some of the provisions of sections 5, 7, and 8 relating to hearings and decisions; page 254.

Congress next defined a "License" and "Licensing" in sections 551(8) and (9). In its analyses of these two terms the Senate discussed for the first time the difference between initial licenses and other types of licenses:

This definition supplements subsection (d). Later provisions of the bill distinguish between initial licenses and renewals or other licensing proceedings. A further distinction might have been drawn between licenses for a term, such as radio licenses, and those of indefinite duration, such as a certificates of convenience and necessity; page 197.

The House committee emphasized the importance of these differences:

The definition of licensing supplements section 2(d). It is included because licenses take many forms and the term is important in some of the remaining sections. Later provisions of the bill distinguish between initial licensing and renewal or other licensing proceedings.

Having classified licensing as an adjudication, Congress turned to the task of exempting initial licenses from the burdens of the adjudicatory process, except in certain defined situations. I should probably note for the record that the original application of adjudication procedures to licensing is the result of an historic accident, especially since the court held in 1930 that licensing was nonjudicial for purposes of review. In 1920, Congress granted the Interstate Commerce Commission the power to issue certificates of convenience and necessity. Unfortunately, Congress did not specify what would constitute a licensing hearing, but instead left that to the Commission. As a result, because the Commission developed as an adjudicatory tribunal, it simply applied adjudicatory procedures to its new task, and hence the trial-type hearing came into use for transportation licensing. One of the purpose of the initial license exemption was to correct this mistake.

III

The initial license exemption is first stated in section 554(d)(A). In support of this exemption, the Senate report states:

The exemption of applications for initial licenses frees from the requirements of the subsection such matters as the granting of certificates of convenience and necessity which are of indefinite duration, upon the theory that in most licensing cases the original application may be much like rule making. The latter, of course, is not subject to any provision of section 5. The exemption of cases involving "the past reasonableness of rates" (if triable *de novo* on judicial review they would be exempted in any event) is made for the same reason. There are, however, some instances of either kind of case which tend to be accusatory in form and involve sharply controverted factual issues. Agencies should not apply the exceptions to such cases, because they are not to be interpreted as precluding fair procedure where it is required; pages 203–204.

The House report language at page 262 is virtually identical. Congressman Walters, however, did provide a little more insight as to the intent of the exception with respect to receipt and review of evidence in expedited proceedings during the debate on the bill on May 24, 1946:

However, the subsection does not apply in determining applications for initial licenses, because it is felt that the determination of such matters is much like rule-making and hence the parties will be better served if the proposed decision—later required by section 8—reflects the views of the responsible officers in the agency whether or not they have actually taken the evidence; page 361.

By way of further clarification, Congressman Hobbs inserted into the RECORD on the following day a letter from Attorney General Tom Clark, which stated:

Sec. 5. . . . The section does apply, however, to licensing with the exception that section 5(c), relating to the separation of functions, does not apply in determining applications for initial licenses, i.e., original licenses as contradistinguished from renewals or amendments of existing licenses.

Section 5(c). . . . As explained in the comments with respect to section 5 generally, this subsection does not apply either in proceedings to determine applications for initial licenses or in those to determine the reasonableness of rates in the past; pages 409–410.

IV

A principal effect of the exemption is the dispensation of cross-examination in Section 556(d). However, the House committee's analysis of the provision sets forth two caveats to the exception:

The provision on its face does not confer a right of so-called "unlimited" cross-examination. Presiding officers will have to make the necessary initial determination whether the cross-examination is pressed to unreasonable lengths by a party or whether it is required for the "full and true disclosure of the facts" stated in the provision. Nor is it the intention to eliminate the authority or agencies to confer sound discretion upon presiding officers in the matter of its extent. The test is—as the section states—whether it is required "for a full and true disclosure of the facts." In many rule-making proceedings where the subject matter and evidence are broadly economic or statistical in character and the parties or witnesses numerous, the direct or rebuttal evidence may be of such a nature that cross-examination adds nothing substantial to the record and unnecessarily prolongs the hearing. The right of cross-examination extends, in a proper case, to written evidence submitted pursuant to the last sentence of the section as well as to cases in which oral or documentary evidence is received in open hearings. Even in the latter case, subject to the appropriate safeguards, technical data may as a matter of convenience be reduced to writing and introduced as in courts. Among these are technical statements, reports of surveys, analyses, and summaries. The written evidence provision of the last sentence of the section is designed to cover situations in which, as a matter of general rule or practice, the submission of the whole or substantial portions of the evidence in a case is done in written form. In those situations, however, the provision limits the practice to specified classes of cases and, even then, only where and to the extent that "the interest of any party will not be prejudiced thereby." To the extent that cross-examination is necessary to bring out the truth, the party must have it. An adequate opportunity must also be provided for a party to prepare and submit appropriate rebuttal evidence; page 271.

The Senate committee's analysis of the provision at pages 208–209, while not as detailed, is similar. The Attorney General's statement on the provision, entered into the record by Congressman Hobbs, adds one additional detail which may be of interest to the members of the bar:

It may be noted that agencies are empowered, in this subsection, to dispense with oral evidence only in the types of proceedings enumerated; that is, in instances in which it is not necessary to see and hear the witnesses in order properly to appraise the evidence. While there may be types of proceedings other than those enumerated in which the oral testimony of the witnesses is not essential, in such instances the parties generally consent to submission of the evidence in written form so that the inability of the agency to compel submission of written evidence would not be burdensome: pages 411–412.

Given the foregoing explanation of the section, it is clear that Congress has authorized the agencies to only waive cross-examination where it is not necessary for "a full and true disclosure of the facts" and "the interest of any party will not be prejudiced thereby." It is difficult to conceive of a fairer test.

V

Another effect of the initial license exemption is contained in section 557. This section allows an agency to dispense with an initial or recommended decision by the hearing officer and instead to issue either a tentative agency decision or a report recommending a decision by one of its responsible employees, other than the hearing officer, who is normally engaged in the particular portion of the operation to which the proceeding is related. In addition, agencies are authorized to issue final orders granting or denying an initial license in emergency situations without such a preliminary report.

Once again, however, the two committee analyses of the provision clearly state the exemption should not be used in those situations where the case cannot pass two tests set forth in Section 556(d). The language in the House report at page 273 is substantially similar to that provided by the Senate committee:

The alternative intermediate procedure which an agency may adopt in rule making or determining applications for initial licenses lies in the discretion of the agency. In order to simplify the bill, the exception which confers this discretion is broadly drawn. However, it may be noted that even in those cases, if issues of fact are sharply controverted or the case or class of cases tend to become accusatory in nature, sound practice would require the agency to adopt the intermediate recommended decision procedure; page 210.

The Attorney General's statement, introduced by Congressman Hobbs, is particularly enlightening with respect to recommendations made by the staff:

The second exception permits, in proceedings to make rules and to determine applications for initial licenses, the continuation of the widespread agency practice of serving upon the parties, as a substitute for either an examiner's report or a tentative agency report, a report prepared by the staff of specialists and technicians normally engaged in that portion of the agency's operations to which the proceeding in question relates. The third exception permits, in lieu of any sort of preliminary report, the agency to issue forthwith its final rule or its order granting or denying an initial license in the emergent instances indicated. The subsection, however, requires that an examiner issue either an initial or recommended decision, as the case may be, in all cases subject to section 7 except rule making and determining applications for initial licenses. The act permits no deviation from this requirement, unless, of course, the parties waive such procedure; pages 412-413.

Thus with respect to initial licenses there are three ways to render an expedited agency decision. This exemption predates the CAB's Show Cause procedure—the use of which the agency has been reluctant to expand—by more than three decades.

The two congressional committees provided further guidance as to the processing of applications for initial license in their analyses of section 557(c):

"Supporting reasons" means that briefs on the law and fact must be received and fully considered by every recommending, deciding, or reviewing officer. They must also hear such oral argument as may be required by law, and the bill does not diminish rights to oral argument. Where the issues are serious or the case becomes one adversary in character, the agency should provide for argument before all recommending, deciding, or reviwing officers; pages 210 (Senate) and 273 (House).

VI

Having established expedited procedures for determining initial licenses. Congress enacted Section 558(b) which "requires agencies to determine promptly all applications for licenses" page 368. As the House report stated:

This section operates in all cases whether or not hearing is required, but it does not provide for a hearing where other statutes do not do so. Nor does it diminish statutory rights to a hearing. It does not confer licensing powers. The requirement of dispatch means that agencies must proceed as rapidly as is feasible and practicable, rather than at their own convenience. Undue delays are subject to correction by mandatory injunction pursuant to section 10; page 275, see also page 212 (Senate).

The section 10 referred to in the report has now been renumbered as 5 U.S.C. 706. The two committees state in their reports that this section "expressely recognizes the right of property interested parties to compel agencies to act where they improvidently refuse to act;" pages 214 (Senate) and 278 (House).

Congressman Walters explained the reason for incorporating the requirements of sections 558(b) and 706(1) for expeditious action during the debate of May 24, 1946, as follows:

These special provisions are necessary because of the very severe consequences of the conferring of licensing authority upon administrative agencies. The burden is upon private parties to apply for licenses or renewals. If agencies are dilatory in either kind of application, parties are subjected to irreparable injuries unless safeguards are provided. The purpose of this section is to remove the threat of disastrous, arbitrary, and irremediable administrative action; page 368.

Mr. Speaker, I believe that Congressman Walters' statement 32 years ago today, together with all the exemptions outlined above, clearly indicate the intent of Congress, to wit; all applications for initial licenses should be determined by expedited, non-oral procedures as quickly as possible, except where cross-examination is necessary for a "full and true disclosure of the facts," or the interest of any party will be prejudiced by a lack of cross-examination.

With respect to initial applications for certificates of convenience and necessity and other licenses, expedited proceedings should be the rule, not the exception. To the extent that the proposed rule requires the applicant to request an expedited proceeding, the proposed rule is inconsistent with this policy.

VII

While the emphasis of the CAB's proposed rule is directed primarily toward the licensing of air routes, it also incorporates ratemaking. Under the Administrative Procedure Act the three exemptions, which I have just discussed, also apply to ratemaking where the agency is authorized to initiate the rates. In this regard, it should be observed that the Federal Aviation Act of 1958 provide two separate and distinct procedures for establishing rates.

Section 406(a) of the act of 1958, which deals with the carriage of mail, directs the CAB to fix and determine the rates of compensation to the carriers effective from such date as it shall determine to be proper—past, present, or future. Since these rates are always agency-made rates, the exceptions to sections 544, 566, and 557 of the Administrative Procedure Act apply. As a consequence, expedited hearing procedures may be utilized in mail rate proceedings, subject of course to the caveats set forth in the House and Senate committee reports.

Passenger and property rates present a different situation. The CAB is not authorized to establish these rates initially, sections 404(a) and 1002(g), and it may only change an existing or carrier-proposed rate if, after notice and hearing, it finds the rate to be unlawful; section 1002(d). Since these proceedings tend to be accusatory in form, written evidence procedures are not appropriate.

VIII

Mr. Speaker, as I stated at the beginning, I fully endorse the objectives of the proposed rule. But the current proposal does not take full advantage of the expedited procedures already provided by the law. That can be corrected. The important thing is that after almost a third of a century the CAB, under the direction of Chairman Kahn, is exploring expedited procedures for the processing of important elements of that agency's workload.

It is my hope that the information which I have placed in the RECORD today will encourage the Board in this endeavor and spur other agencies to follow suit. Finally, I hope that my colleagues in this and the other body will find the information as useful as I have in considering the various regulatory reform initiative currently pending before the Congress.●

CONGRESSMAN WYDLER'S 1978 QUESTIONNAIRE RESULTS

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

Mr. WYDLER. Mr. Speaker, I am pleased to share with the Congress today a letter from home. The residents of our fabulous Fifth Congressional District have again enthusiastically responded to my annual questionnaire. Their responses, in number and in quality, indicate to me the deep feelings so many Americans have that to their elected public officials the individual citizen's opinion matters.

They are right, Mr. Speaker. More than ever before, as our lives and times grow more complex, we must look to the source of democracy's power—the people—and pay heed to their commonsense views on the news as we formulate legislation.

This annual survey has been held yearly during my service in the House. For the Fifth District of Long Island, it has been my practice to develop straightforward questions about the major national and international issues having a direct impact on the lives of all Americans.

The questionnaire is then mailed to every household in the congressional district, giving residents an opportunity to answer in a multiple choice fashion. This year, for this first time, I asked my constituents to list the five most important issues we face in the coming year.

After all tabulations are completed the final results of the opinion survey are of extraordinary value to me, giving, as they do, a personal insight into the feelings of my Long Island neighbors on the key issues in Congress.

Results of the 14-question opinion survey are now being sent to Fifth Congressional District residents. Those constituents who appended personal messages have received replies from me.

There were some surprises and some very thought-provoking responses to the 1978 questionnaire. In the Fifth District, 73.39 percent of those responding believe the United States should place nuclear power production on a high priority, in order to make America more independent of foreign oil producers—a policy I would very much like to see the present White House administration adopt.

Asked about an across-the-board cut

in Federal income taxes as the keystone in an economic incentive proposal, 66.02 percent were in favor of such a plan. As you know, Mr. Speaker, I am working for such a tax cut—of one-third of all rates charged on individual returns.

While President Carter has proposed a 5-year amnesty period for illegal aliens, 74.97 percent of those responding are against such a proposal, disagreeing with the White House plan to allow the illegal aliens to work here for 5 years and then making a decision on their status by congressional action—yet undefined by Mr. Carter.

In general, by large pluralities, the residents of the Fifth District who sent me their responses oppose more low income housing in the district (78.17 percent); favor offshore oil drilling 50 miles south of Long Island (70.45 percent); and favor allowing private industry to compete with the U.S. Postal Service in delivering mail (73.06 percent).

The complete results of the 1978 questionnaire also include a tabulation of what residents believe to be the five most important issues we face in the coming year. Not surprisingly, these issues are energy, taxes, inflation and the economy, crime, and employment.

The following is a complete tabulation of the 1978 fabulous Fifth Congressional District questionnaire:

RESULTS OF THE ANNUAL "FABULCUS FIFTH" QUESTIONNAIRE OF 5TH CONGRESSIONAL DISTRICT, NASSAU COUNTY, N.Y.

[In percent]

	Yes	No	No opinion
1. Should the Federal Government subsidize construction of more low income housing in our 5th Congressional District?	16.53	78.17	5.30
2. Would you favor legislation to allow private industry to compete with the U.S. Postal Service in delivering mail?	73.06	23.76	3.18
3. Would you favor creation of a "free trade zone" on Long Island a large area in which factories could manufacture goods for export without being charged U.S. Customs fees?	56.46	28.21	15.33
4. Should the so-called mandatory retirement age be increased from 65 to 68 yrs?	57.71	35.66	6.63
5. During the next year, do you think the economy will improve?	23.24	63.11	13.65
6. Should the United States place nuclear power production on a high priority in order to make America more independent of foreign oil producers?	73.39	21.39	5.22
7. Do you favor an across-the-board cut in Federal income taxes as the keystone in an economic incentive program?	66.02	27.18	6.80
8. Would you favor delay of environmental controls in order to ease the energy crisis?	56.59	37.16	6.25
9. Do you favor the Panama Canal treaties as proposed by President Carter—and now before the U.S. Senate—including Panamanian control of the Canal by the year 2000?	32.10	58.60	9.30
10. Do you think public utilities, such as Lilco, should be charged for use of military or other public facilities in times of energy crisis, such as the recent Long Island ice storms or the New York City blackout?	29.11	62.87	8.02
11. Do you favor offshore drilling of oil in the Atlantic in the waters 50 mi south of Long Island?	70.45	25.50	4.05
12. Would you favor a 5-yr "amnesty" period for illegal aliens who entered the United States between Jan. 1, 1970, and Jan. 1, 1977 (as proposed by President Carter), so that they may be allowed to work as resident aliens for 5 yr, and then, in 5 yr, making a further decision on their status through congressional legislation?	18.95	74.97	6.08
13. Do you believe the United States is actually undergoing an energy crisis?	62.25	31.20	6.55
14. Would you be willing to pay more at the gas pump and the electric meter to have all the energy you want to use?	20.25	73.20	6.55

Your thoughts on the 5 most important issues we face in the coming year would be of great importance to me: A. Energy B. Taxes C. Inflation and the economy D. Crime E. Employment.

ENERGY FACTS

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 2, 1978

● Mr. ARMSTRONG. Mr. Speaker, over a year ago, President Carter proposed new legislation to cope with the Nation's worsening energy shortage. He recommended new and more complex price controls, tax incentives, rebates, regulations, exhortations, the creation of a new Department of Energy—to name just a few components of what Mr. Carter himself termed "one of the most complicated legislative packages—that a President has ever sent to Congress."

In the ensuing year, the President has seen a Department of Energy created by Congress, and little else besides a long and often bitter fight over his substantive proposals.

Now it looks like the Congress may act and, in fact, may create an energy bill even more complicated than the contraption fashioned by the administration. As an example, the "natural gas deregulation compromise" appears not to be a real deregulation of natural gas, at least not for 10 years, while extending immediate Federal price controls to all natural gas with 23 separate classes of prices.

Already over the past 5 years, Congress has created the Federal Energy Administration, which was incorporated into the new Department of Energy. The FEA became deeply involved in regulating oil producers and consumers, and in the process promulgated regulations which make a pile over three feet thick. More than 10,000 persons have been hired to interpret and enforce these regulations and, awful thought, to think up new regulations.

In addition, the Environmental Protection Agency has increased its restrictions on how, when, and where oil and gas wells may be drilled. For example, if an oil well may be located near a historical site, it cannot be started if any snow is present—the snow precludes an archeological clearance, and snow removal efforts could also damage any artifacts. So it becomes difficult to drill a winter well in the Northern Rockies.

The Security and Exchange Commission has attempted to restrict the use of limited investment partnership formerly used by many wildcatters to raise drilling capital.

The result of this type of frenzied Federal activity is as depressing as it is obvious: in 1977, domestic oil consumption reached an all-time high; but domestic oil production dropped to the lowest level since 1961; imported oil averaged 47 percent of U.S. consumption, and at some times during the year accounted for more than half of total U.S. oil consumption; since 1972 the dollar costs of imported oil have jumped from $4.3 to $41.5 billion in 1977; yet petroleum accounts for a greater percentage of U.S. energy use now than it did in 1970—up from 44 to 49 percent.

Under the circumstances, Congress would be foolish to agree to even more controls and restrictions—regardless of the rhetoric.

Over the past 5 years, I have submitted several proposals to alleviate the Nation's fuel problems. The centerpiece of my recommendations and, in my judgment, of any plausible energy policy, is decontrol of energy prices and elimination of at least the worst of the regulatory burdens.

These issues are sure to be debated as the House readies itself to consider the final version of the energy bill. Hopefully, the Members of this body will make their decisions not on political expediency, not on wishful thinking, but on the facts. As a prelude to this debate, however, I submit the following digest of energy facts and some observations:

I.—U.S. ENERGY PATTERNS

A. U.S. ENERGY CONSUMPTION BY FUEL TYPE [1]

	1950	1960	1970	1977
Hydroelectric	0.2	0.3	0.4	1.1
Geothermal			.003	.04
Nuclear			.1	1.3
Natural gas	2.9	5.9	10.5	9.3
Coal	6.5	5.3	7.4	6.7
Petroleum	6.5	9.7	13.9	18.4

[1] Million barrels of oil per day equivalent.

Source: Center for Strategic and International Studies.

B. U.S. ENERGY CONSUMPTION BY FUEL TYPE

[In percent]

	1950	1960	1970	1974	1975	1977
Petroleum	39	44	44	44	46	49
Natural gas	18	27	31	32	29	26
Coal	38	25	21	18	18	18
Nuclear				1	3	4
Hydroelectric	5	4	4	4	4	3

Source: Center for Strategic and International Studies, DOE.

C. THE ENERGY USERS, BY SECTOR

[In percent]

	1950	1960	1970	1977
Industrial	36	34	31	29
Transport	27	25	24	24
Residential/commercial	23	24	24	24
Electrical generation energy loss	9	11	15	17
Nonenergy (petrochemicals, etc.)	5	5	6	6

Note: 21 percent of all energy consumed in the United States is in the form of motor gasoline.

Source: Center for Strategic and International Studies.

D. ENERGY EFFICIENCY

[In percent]

	1950	1960	1970	1974	1975
Energy used	53.8	49.4	50.5	48.5	47.7
Energy wasted	46.2	50.6	49.5	51.5	52.3

Source: Center for Strategic and International Studies.

E. ENERGY LOSS (WASTE) BY SECTOR

[In percent]

	1950	1960	1970	1974	1975
Electrical power generation	77.3	66.7	64.8	63.8	63.5
Residential/commercial	25.0	30.0	25.4	26.0	25.0
Industrial	25.0	29.6	24.3	24.5	24.7
Transport	75.6	75.5	75.5	75.0	74.7

Note: For example, 63.5 percent of all energy used in generating electrical power in 1975 was wasted.

Source: Center for Strategic and International Studies.

II.—PETROLEUM

A. HISTORIC U.S. SUPPLY AND DEMAND PATTERNS

[In billions of barrels per year]

Year	Domestic demand	Domestic production	Imports	Imports as a percent of demand
1950	2.38	2.19	0.19	8
1955	3.10	2.73	.37	12
1960	3.59	2.93	.66	18
1962	3.80	3.04	.76	20
1964	4.03	3.21	.82	20
1966	4.41	3.47	.94	21
1968	4.90	3.86	1.04	21
1970	5.37	4.12	1.25	23
1971	5.55	4.12	1.43	26
1972	5.99	4.34	1.65	28
1973	6.31	4.03	2.28	36
1974	6.08	3.85	2.23	37
1975	5.96	3.75	2.21	37
1976	6.37	3.70	2.67	42
1977	6.72	3.54	2.18	47

Sources: DOE.

B. NUMBER OF DOMESTIC OIL WELLS DRILLED ANNUALLY

Year	New production wells	Total wells drilled	Total wells in production
1950	24,000	NA	466,000
1955	32,000	NA	524,000
1960	22,200	40,700	591,000
1962	21,700	38,700	592,000
1964	21,000	38,600	588,000
1966	15,900	30,500	583,000
1968	13,800	26,300	554,000
1970	12,600	23,400	531,000
1971	11,400	21,400	517,000
1972	10,800	21,400	508,000
1973	9,555	19,600	497,000
1974	12,784	23,000	NA
1975	16,408	28,000	NA
1976	17,020	30,770	NA
1977	18,896	33,526	NA

Source: DOE.

C. THE PETROLEUM END-USERS. . . . WHO ARE THEY? HOW EFFICIENT?

	1950	1960	1970	1974	1975	Percent energy wasted, 1975
Transport	52	53	53	54	55	74.7
Residential/commercial	20	21	18	16	14	25.0
Industrial	16	14	11	11	11	24.7
Nonenergy (petrochemicals)	7	9	11	10	10	(1)
Electrical power generation	5	3	7	9	10	63.5

[1] Used as a product.

Note: For example, in 1960, 14 percent of all petroleum was used in the industrial sector . . . and the industrial sector wastes 24.7 percent of energy supplied (in 1975).

Source: Center for Strategic and International Studies.

D. IMPORTED OIL—THE DOLLAR COST

Year:	*Amount (billions)*
1960	$1.6
1965	2.1
1967	2.1
1968	2.4
1970	2.8
1971	3.3
1972	4.3
1973	7.6
1974	23.6
1975	26.6
1976	31.8
1977	41.5

SOURCES: FEA, Treasury.

III.—NATURAL GAS

A. HISTORIC U.S. SUPPLY AND DEMAND PATTERNS

[In trillions of cubic feet per year]

Year	Domestic consumption	Domestic production	Reserve additions	Yearend reserves	Supply (in years) at current use	Supply (in years) at 1977 usage
1950	5.9	6.3	12.0	184.6	31	9
1955	8.9	9.4	21.9	222.5	25	11
1960	13.0	12.8	13.8	262.2	20	13
1964	15.7	15.3	20.1	279.4	18	13
1966	18.0	17.5	19.2	286.4	16	14
1968	20.0	19.3	12.0	282.1	14	14
1970	22.6	21.8	11.1	[1] 290.7	13	14
1971	23.5	22.6	9.4	278.8	12	13
1972	22.5	22.1	9.4	266.1	11	13
1973	22.6	22.1	6.8	250.1	11	12
1974	21.6	21.2	8.7	237.1	10	11
1975	20.1	19.5	10.4	228.2	11	11
1976	20.0	19.9	7.5	216.0	10	10
1977	20.0	19.9	11.8	208.9	10	10

[1] Including Alaskan natural gas for the 1st time.

Sources: DOE, AGA, BOM.

B. HISTORY OF NATURAL GAS PRODUCTION WELLS

Year	New production wells	Producing wells, total
1950	NA	65,000
1955	3,600	71,000
1960	5,300	90,800
1962	5,800	97,000
1964	4,900	103,100
1966	4,100	112,500
1968	3,300	114,400
1970	3,800	116,200
1971	3,700	117,300
1972	5,100	119,167
1973	6,400	123,034
1974	7,240	126,329
1975	7,580	131,086
1976	9,057	137,594
1977	11,378	NA

Sources: DOE, AGA.

C. NATURAL GAS END USERS

[In percent]

	1950	1960	1970	1974	1975
Industrial	53	48	43	42	41
Residential/commercial	27	33	33	35	37
Electrical power generation	10	13	18	17	16
Nonenergy (petrochemicals, etc.)	7	3	3	3	3
Transport	3	3	3	3	3

Source: Center for Strategic and International Studies.

IV. COAL

A. U.S. CONSUMPTION AND PRODUCTION, 1950–76

[Millions of short tons per year]

Year	Domestic demand	Domestic production	Export
1950	491.1	560.4	29.0
1955	447.0	490.8	54.1
1960	398.0	434.3	37.7
1962	408.8	438.0	40.2
1964	445.5	503.0	49.3
1966	497.7	546.8	50.7
1968	509.0	556.7	51.7
1970	523.9	612.6	72.4
1971	502.2	560.9	58.0
1972	525.7	596.5	56.0
1973	556.0	591.8	52.0
1974	552.7	603.4	59.9
1975	556.3	648.4	65.7
1976	598.8	678.7	59.4
1977	619.6	672.0	53.7

Note: Totals will not add because of stockpiling.

Sources: DOE, BOM.

B. COAL—THE NOTABLE CHANGES

Year	Number of mines	Percent of coal surface-mined	Average price per short ton
1950	9,429	23.9	NA
1960	7,865	31.4	$4.69
1965	7,228	35.1	4.44
1968	5,327	36.9	4.68
1970	5,601	43.8	6.26
1971	5,149	45.0	7.07
1972	4,879	48.9	7.66
1973	4,744	49.5	8.53
1974	5,247	54.0	15.75
1975	6,168	54.8	19.24
1976	6,100	55.5	19.43
1977	5,600	[1] 56.0	[1] 21.00

[1] Preliminary.

Sources: DOE, BOM.

C. COAL END-USING SECTORS

[In percent]

	1950	1960	1970	1974	1975	1977
Electrical generation	18	40	57	63	65	76
Industrial	45	46	38	33	32	21
Residential/commercial	22	10	3	2	2	1
Nonenergy (chemicals)	2	2	2	2	2	2
Transport	13	2				

Source: Center for Strategic and International Studies, DOE.

V.—ELECTRICITY—IT'S NOT ALL WATER OVER THE DAM

A. WHAT TURNS THE GENERATORS?

[In percent]

	1950	1960	1970	1974	1975	1977
Coal	56	55	44	45	44	46
Natural gas	16	22	25	17	16	14
Petroleum	15	9	14	16	15	17
Hydro power	13	14	16	16	16	10
Nuclear			1	6	9	12

Source: Center for Strategic and International Studies, DOE.

B. THE CONVERSION LOSS PROBLEM

Depending on the fuel mix burned under the steam boiler, the conversion of fossil fuels to electrical energy results in a loss of 60–75% of the potential energy (or an efficiency of only 25–40%).

Older style nuclear plants have an efficiency of as low as 1%. With effective breeder reactors, however, the efficiency may approach 80% (20% energy waste) . . . even though the amount of heat loss is tremendous.

C. NUCLEAR POWER, OPERABLE PLANTS, AND CAPACITY

Year	and number of plants:	Capacity (thousands of kilowatts):
1960	4	321
1965	7	856
1970	13	5,622
1971	15	7,770
1972	24	14,448
1973	27	19,760
1974	43	29,168
1975	54	38,568
1976	60	44,080
1977	69	50,000

Source: DOE.

D. THE NUCLEAR FUTURE, A FEW OBSERVATIONS

1. On January 1, 1973, 131 nuclear power plants were under construction or had reactors on order.

2. By January 1, 1975, construction of 60 of those nuclear plants had been postponed 1–3 years . . . and 18 had been cancelled outright.

3. In some states, it now requires approval from 36 different local, state and federal agencies to site and build a nuclear power plant—stretching lead times to 10 years.

4. Two principal problems are still not solved to regulatory groups' complete satisfaction—the waste disposal problem and emergency reactor cooling systems.

5. Even so, electric utilities plan over 30% of the new power plants built in the next ten years as nuclear (comprising almost 50% of the generating capacity).

Sources: Based on data from AEI, ERDA, FEA.

VI.—WHAT'S LEFT, U.S. DOMESTIC FUEL RESERVES

[Measured in years remaining in current usage for supplies located within the United States and Alaska, including offshore shelves]

	Best case estimate	Worst case estimate	Consensus
Petroleum	290	10	40–50
Coal	800	50	200–300
Natural gas	80	12	40–50
Oil shale	600	[1]	[2] 200
Nuclear fission	[3]	30	[?]

[1] Not usable.
[2] Limited uses.
[3] Indefinite, breeder reactor.

Note: This represents a compilation of "expert" estimates.

OIL—A GOVERNMENT CREATED SHORTAGE

The United States is using more and more petroleum each year. But we are producing less and importing an increasing proportion of our needs from overseas sources, primarily from the OPEC nations.

In the last 5 years, U.S. production has declined from a daily average of 9.5 million barrels to 8.4 million barrels in 1977. Consumption rose from about 15 million barrels daily in 1970 to 17.3 million barrels in 1973. The embargo reduced demand somewhat, but the daily average rose to a new high of 18.4 million barrels by the end of 1977.

As a consequence, we are now dependent on foreign sources for 47 percent of our day-to-day needs. The cost of this imported oil has skyrocketed from $2.1 billion in 1966 to $41.5 billion in 1977, an 1,875 percent increase. And, oil producing nations are now threatening another additional price increase.

Aside from the purely financial considerations and the drain on our balance of trade and balance of payments, our heavy dependence on foreign sources for a crucial raw material has omnious geopolitical and strategic implications. It literally makes our Nation's energy-based prosperity the hostage of the oil sheiks. Is it not about time that we face the facts about why domestic oil production is lagging and start solving the problem?

OIL PRICE REGULATION—A FLOP

After 4 years' experience with oil price controls and substitution of bureaucratic controls and regulations for marketplace decisionmaking, the results are clear.

The regulatory bureaucracy has been spectacularly successful in creating jobs for regulators. There are over 18,000 employees at DOE. The regulatory scheme has promulgated a stunning number of regulations—over 3,200 pages of such regulations and proposed regulations were issued by FEA in its first year alone. The FEA manual is now over 36 inches thick, and monthly revisions add 50 to 100 pages at a crack. While solving some injustices, the regulations and regulators have created many new injustices, disrupted the Nation's oil industry, and imposed severe hardships on many producers, refiners, distributors, retailers, and consumers.

But all this economic regimentation has not prevented consumer price increases—gasoline has gone from about 32 cents a gallon to over 64 cents a gallon in the last 4 years. Nor has this regulation encouraged new U.S. oil production. Quite obviously, the whole regulatory scheme has had the opposite effect.

While consumer prices have responded to the unregulated prices of OPEC oil, domestic oil prices have been held below the level at which producers have an economic incentive to discover, produce, and market oil. So we are producing less oil at home and becoming even more dependent on overseas sources. The situation will surely grow worse until free market pricing is restored.

Will a return to free market oil prices result in still higher consumer gasoline and oil product prices? Probably not, although a modest price increase would be better than the present trend toward ever-increasing dependency on OPEC, which means vastly higher consumer prices and unhealthy reliance on undependable sources.

Both letters from my own constituents and public opinion polls show that while a slight majority of the American people believe we face an energy problem, a majority also feels that the oil companies are getting too much and somehow to blame.

Yet both the current laws and regulations and the President's proposal do nothing to deal with one of the principal problems of the current situation. Domestic crude oil discovered in the United States before 1973 is price-regulated at $5.25 per barrel, while imported oil sells for around $14.60 per barrel.

So the current Government policy rewards U.S. companies for having explored and produced foreign oil, while penalizing domestic production.

While there is a chance that some type of oil price deregulation might cause price increases and untoward profit margins, the first priority should be a price policy which will encourage exploration, new discoveries, and new production of oil and natural gas.

Then if the resulting profits are truly windfalls, Congress could and should enact windfall tax legislation, including plowback provisions to encourage oil companies to reinvest profits in increased new production.

But the main thing is to encourage production through either gradual decontrol of prices or by legislating the end of the entire price-control allocation scheme.

ENDING THE NATURAL GAS SHORTAGE

In the 94th Congress, I introduced legislation to end the Nation's worsening natural gas shortage by removing Federal controls on the wellhead price of natural gas. And I continue to support deregulation.

Even after two severe winters on the east coast, Congress again seems ready to ignore the basic cause of the natural gas shortage. Government regulations caused the shortage, and more Government regulations are not soon likely to solve the shortage.

Yet the latest proposal adopted by the Energy Conference Committee, while hailed as a deregulation compromise, amounts to more regulation, not less. This proposal would regulate all natural gas, not just that transported across State lines, and would set up 23 different categories of Government-regulated natural gas prices—for the next 8 years. Deregulation in 1985 is held out as a reward for accepting 8 years of even more natural gas controls.

But there is another catch. If the President feels that natural gas prices should be rising too fast, he can reimpose price controls between 1985 and 1987. So we really are looking at 10 more years of regulations.

What is most dismaying about this latest regulatory scheme is that once again Congress has failed to learn from experience and has ignored the growing number of natural gas curtailments.

The severe curtailments of gas service which have plagued many areas could have been averted if Congress had heeded warnings of the impending problem. Unfortunately, however, until gas curtailments began to close schools and factories, most Members of Congress tended to ignore the consequences of Federal price regulations which encourage consumption while virtually eliminating incentives to increase, or even maintain, production.

AN ARTIFICIAL SHORTAGE

Even now some of our colleagues are reluctant to face the central fact about the natural gas shortage—it has been

artificially created by these Federal controls. Until these restrictions are eliminated, or drastically modified, the situation is bound to grow worse. And the longer a decision is delayed, the more serious the consequences will become.

Until 10 years ago, America enjoyed an abundant supply of this efficient and environmentally desirable fuel. Gas consumption rose dramatically, but production more than kept pace. Year after year, more new gas was developed than consumed; reserves steadily increased.

But in 1968 the Supreme Court upheld the Federal Power Commission's complicated system of price regulation which was imposed on all natural gas sold for transmission in interstate commerce.

The effect was dramatic. Incentive to produce new gas for interstate commerce vanished almost overnight. The Nation's total gas production leveled out after rising for years, and the country began to use more gas than was produced. By 1973 new reserve additions were less than one-third of consumption and the Nation's total natural gas reserves dropped from a 15-year supply in 1967 to a 10-year reserve in 1970.

Actual new reserve discoveries in 1976 amounted to about 7.5 trillion cubic feet—36 percent of 1976 consumption levels. And of that 7.5 Tcf, only 3.5 Tcf were actually new discoveries. The rest was "discovered" by revisions in existing reserves.

In 1977, the same pattern continued. New natural gas reserve additions totaled 11.8 trillion cubic feet. But only 2.15 Tcf were from the discovery of new reservoirs; 2.11 Tcf resulted from new gas reserves "discovered" in existing gas fields; 7.58 Tcf resulted from "revisions and extensions" of the figures applying to existing fields.

As the Federal Power Commission regulations, and then those of the Federal Energy Regulatory Commission, have held down the price of gas, more and more has been diverted to intrastate use. Even though the highest regulated price for new natural gas has been increased to $1.49 per Mcf, the average price paid by gas suppliers is still only 87 cents per Mcf for interstate sales. But almost all intrastate gas is being sold at close to $2 per Mcf.

Consequently, new discoveries in the continental United States are mostly sold inside State boundaries, and less and less of U.S. gas is sold in interstate commerce.

U.S. NATURAL GAS PRODUCTION—DECLINE OF INTERSTATE SALES

Year	Production (trillion cubic feet)	Percent interstate
1966	17.5	67
1968	19.3	66
1969	20.8	67
1970	21.8	64
1971	22.6	67
1972	22.5	65
1973	22.6	62
1974	21.2	58
1975	19.5	55
1976	19.9	51
1977	19.9	50

Sources: AGA, DOE, FPC.

As a result of these short-sighted Federal policies, shortages have plagued the Nation for the past 5 years.

In my own State of Colorado, lack of natural gas has at times closed schools, shut down factories, and slowed new home construction. In Colorado Springs, all interruptible gas customers are shut off the majority of the winter, and new customers have been added only on a replacement basis.

In Denver, the waiting list for natural gas, begun in 1973, is almost a year long, and Public Service Co. sees no improvement in sight.

Meanwhile, industries located in areas with local supplies of natural gas have a significant competitive advantage over firms which must rely on other forms of energy. Consequently, firms are foregoing plans to expand in nonproducing areas and relocating plants to take advantage of abundant natural gas available in a handful of States where it is produced in great quantity.

Homeowners and industries elsewhere who are, in effect, prohibited from bidding on natural gas are being forced to switch to higher priced substitutes.

In Colorado Springs, for example, the city council spent $1 million for equipment to inject a propane-air mixture into natural gas lines at times of peak demand. This cost, and the use of higher priced propane, became necessary simply because regular gas supplies were inadequate to maintain pressure in the lines on the coldest days when peak demand occurs.

Other communities have responded in other ways: Burlington, for example, maintains a large supply of fuel oil for emergency use if their interruptible supply of gas is cut off, leaving the powerplant—and city buildings, including the hospital—without service.

As municipalities and other priority users are increasingly forced to depend on propane, coal, and oil, the price of these substitutes is bid up in response to increased demand. Mobile home owners who use propane for heating and farmers who use it extensively in crop drying were horrified when the price per gallon jumped from around 18 cents to over 60 cents within a few months. Although part of the reason for the increase was the unconsidered impact of an FEA regulation, even after that was rectified, propane has remained twice as expensive as it was 4 years ago, and an even worse price-supply crunch may develop in the future.

The price of coal has been similarly affected—since 1968, the average price per short ton for coal has gone from $4.68 to $21.

OTHER AREAS OF THE NATION

Although I have mentioned hardships and dislocations in my own State, the shortage of natural gas is causing similar consequences elsewhere. Recently, the Federal Power Commission turned down an oil company's request to supply domestic natural gas to New York State users at a cost of 52 cents per Mcf. So instead these users ended up with imported liquefied natural gas from Algeria at $1.86 per Mcf.

In New Jersey, gas curtailment levels last winter averaged 28 percent. If they rise to 30 percent, the State estimates that 12,000 workers could be laid off, and that the working hours of another 40,000 employees would be reduced. In Ohio, in 1970, a 10-day shutdown of natural gas caused 1,500 man-years of unemployment.

These are just a few of many dislocations that has resulted from the Federal Government's unwise attempt to substitute administrative judgments and regulations for the efficient working of the free market. Even the Federal Power Commission, the agency which regulates the field price of gas, has repeatedly called for legislation to decontrol gas altogether. FPC studies, and much other evidence, including an ERDA study last year, indicate that decontrol is the only feasible way to assure the Nation a dependable supply of natural gas.

OBJECTIONS TO DECONTROL

The main objection to returning to free-market pricing seems to be the fear of a drastic increase in home heating costs. Such increases may be justified by comparison to other fuels which are harder to transport and use, less desirable environmentally and far more expensive on an energy equivalent basis. Fortunately, however, further higher prices to residential users do not seem likely.

Most of the burner-tip cost of natural gas to the consumer is the cost of distribution, not gas. Only about 25 to 30 percent of the price paid for home heating is accounted for by the fuel cost, the balance representing the distribution charges. So even if the field price of gas were to double or triple, a pessimistic estimate, I believe, the effect on most homeowners would be relatively modest, certainly far less than converting to other fuels if natural gas stocks are further depleted. And such increases would probably be phased over many years.

The alternative should also be considered. If nothing is done, and the volume of gas carried in interstate pipelines declines, the shrinking volume of gas will necessarily become more expensive as the cost of the pipeline—the major component of the cost—is amortized over fewer and fewer units of natural gas. In short, some experts believe that price increases resulting from decontrolling the wellhead price will be less than price increases required by a regulated price structure. As the former FPC Chairman John Nassikas pointed out:

> Whatever the cost of deregulation may ultimately be, it will be far less than the costs associated with current and anticipated curtailments of gas deliveries, idle pipeline capacity, high cost supplemental supplies.

THE FREE MARKET APPROACH

The Nation has suffered long enough as a result of this experiment with regimentation in the natural gas industry. By substituting Government decisionmaking for the free market, we have curtailed supply, increased costs, fostered economic dislocations, and permitted the Nation to become increasingly dependent on foreign sources of natural gas.

There are over 4,000 producers of natural gas in this country. I think it is time to turn them loose again. Let us go back

to the kind of competition that provided us with abundant natural gas before and will do so again.

There is no reason to delay. This subject has been exhaustively studied and the conclusions are obivous.

By deregulating natural gas, Congress can do more to alleviate the Nation's overall energy shortage than by any other piece of legislation before Congress.

MORE TAXES IN THE U.S. ENERGY FUTURE?

The President has proposed a system of taxes and more taxes.

This approach should be rejected. Americans pay far too much in taxes as it is, and usually the burden falls on those least able to bear it.

While some taxes may be necessary to shift preferences where the market system does not reflect the true cost of energy (in most cases due to Government intervention), the more than $40 billion a year in energy taxes proposed by the President could drag the economy down, hike unemployment levels, and boost inflation—without making a substantial impact on the energy problem.

For example, unemployed Americans are not likely to buy any cars, let alone smaller ones. Neither will higher taxes cause Americans to use less gas and oil if the regulations keep the price low.

And higher taxes will certainly not prompt the oil companies to look for more oil or create alternatives to our excessive cost of importing oil and natural gas.

TRANSITION TO NEW TECHNOLOGIES

Much has been said about the need for new technologies—from solar energy, geothermal, tidal, and wind-powered systems to the dream of unlimited clean fusion power.

All of these can and will make a substantial contribution to our energy situation, but what we need is both the time to make that transition and the encouragement of both businesses and individuals.

Some encouragement should come through the price system. How does maintaining an artificially low price for natural gas encourage the development of solar heating for homes? Deregulating natural gas prices would give a natural boost to solar heating and cooling. So would tax credits for individuals who installed their own solar heating systems.

Electric rates which place a heavy emphasis on the first kilowatt hours tend to discourage both conservation and private power supplementation, yet many remote locations might be better off with either independent or supplementary systems. High rise buildings are prodigious wasters of electricity, but the current rate structure does not really reflect any need for conservation.

There are certainly other changes that could be made in the income tax structure to encourage technological innovation, as well as in building codes, Federal and local regulations, and transportation pricing.

All of these should be explored, especially with an eye to reducing the more meaningless and oppressive Federal regulations.

WHO REALLY MUST BEAR THE BURDEN?

In conclusion, I would like to comment briefly on an implicit misunderstanding which seems to complicate much of the public discussion of energy issues. It is often implied, and sometimes openly charged, that a handful of affluent consumers are using so much energy that the shortage could be largely or completely alleviated if they would reduce their consumption. So many proposed solutions to the energy problem are based on cutting off or reducing "excessive" use of energy by snowmobiles, motor boats, private aircraft, racing cars, and so forth.

Such proposals might reduce consumption marginally, but they would not solve the main problem. Over 40 percent of the demand for petroleum in 1977 was for automotive transportation. Less than 1 percent was for snowmobiles, motor boats, and private aircraft.

Moreover, American families with incomes of more than $30,000 comprise about 10 percent of the population and have 16 percent of the cars—around 19 million. Their actual mileage per car is about the same as all American families who make more than $7,000 a year. Since more than 70 percent of all American families make more than $7,000 and Americans consumed over 100 billion gallons of gasoline last year, it is obvious that any real reduction in gasoline use must involve all Americans, not just a few high-income gas hogs.

The same pattern holds true for natural gas consumption. According to studies by natural gas companies around the United States, there is only about a 20-percent difference in consumption levels between the highest income areas and the low-income areas.

Obviously, meaningful energy proposals will affect all Americans.

Domestic oil and natural gas production are continuing to decline, and even after the embargo of 1973–74, our reliance on imported fuels continues to increase, while the prices we shell out for such fuels also skyrocket. In 1973, U.S. dependence on petroleum imports was 34 percent; in 1974 it increased to 37 percent; and this year to over 47 percent.

The failure of Congress to come up with a realistic energy policy has also created a situation where Americans who invested in the oil and natural gas business in the United States are being penalized, while Americans who invested abroad are being rewarded.

I think it is clear; we have no choice. Regardless of Government policies, political promises, self-deception, and little white lies, energy prices have gone up and will continue to go up.

Unless we choose a tremendous loss of personal freedom for all Americans which will result from the increase in Government controls and regulations, we cannot choose lower prices. As we have seen, even thousands of pages of regulations could not keep energy prices from some increase. So, more regulations, and the corresponding loss of personal freedoms are no answer.

What we can choose, however, is the kind of future we pay for with higher energy prices. Will it be one where we have new energy sources, a continuation of personal freedom, and a faith in personal initiative? Or will it be one where the Government controls energy use, legislates the morality of energy consumption, and mandates all phases of the economy?

I believe the choices we face are that fundamental and that there is no escaping a choice, because U.S. prosperity is based on energy.

Refusing to make a choice is, in effect, choosing higher prices and surrendering control of energy policy and our economy to the oil producers of the world.

Continuing the present situation is merely a "share the shortage" philosophy requiring greater and greater Government involvement as the shortages become worse, as they will.

And if the Government controls energy, it must control our most personal choices.

I feel the choices which face this Congress should be made as an active decision, rather than as a passive acceptance of current policies.

We can encourage new technologies, new discoveries, and new ways of life, or we can blindly assume that everything will somehow remain the same, and that we can scrape up another $40 billion to pay off foreign oil suppliers this year, and the year after, and the year after, ad infinitum.

After the experience of the past 4 years, I suggest we choose the American tradition of letting Americans be free to work out solutions, rather than opting for more and more regulations.●

SENATE—*Monday, June 5, 1978*

(Legislative day of Wednesday, May 17, 1978)

The Senate met at 12 noon, at the expiration of the recess, and was called to order by Hon. EDWARD ZORINSKY, a Senator from the State of Nebraska.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our fathers and our God, we thank Thee that in every generation Thou dost lift from our common life leaders of uncommon strength and wis-

dom. Now that his chair is vacant and his voice silenced, we thank Thee for Thy servant, our colleague and friend, JAMES ALLEN. We thank Thee for his sharp mind, his parliamentary skills, his courtly manners, his magnanimity, his kindness, his abiding friendship, and his living faith in Thee.

Surround with Thy love all who are dear to him, comforting them and strengthening them in the days to come. Guide his State in determining its future leadership. Be with us here as we continue to work without him, that we may be strong as he was strong, gracious as he was gracious, faithful as he was faithful. And finally wilt Thou bless this land with justice and righteousness.

Through Jesus Christ, our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 5, 1978.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EDWARD ZORINSKY, a Senator from the State of Nebraska, to perform the duties of the Chair.

JAMES O. EASTLAND,
President pro tempore.

Mr. ZORINSKY thereupon assumed the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield briefly to the distinguished Senator from Alabama (Mr. SPARKMAN).

DEATH OF SENATOR JAMES B. ALLEN OF ALABAMA

Mr. SPARKMAN. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

Mr. President, I shall not make any extended remarks at this time, but at an appropriate time, I shall speak on the life and death of my dear friend and colleague.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read the resolution, Senate Resolution 472, as follows:

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable James B. Allen, late a Senator from the State of Alabama.

Resolved, That the President of the Senate appoint a committee, of which he shall be a member, to attend the funeral of the deceased Senator.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate at the conclusion of its business today, do stand in recess.

The ACTING PRESIDENT pro tempore. Without objection, the resolution is considered and agreed to.

Pursuant to the resolution just agreed to, the Chair appoints all Members of the Senate to constitute the committee to attend the funeral of the deceased Senator JAMES B. ALLEN.

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a resolution and ask that it be stated.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The second assistant legislative clerk read the resolution, Senate Resolution 473, as follows:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay from the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed to arrange for and attend the funeral of the Honorable James B. Allen, late a Senator from the State of Alabama, on vouchers to be approved by the chairman of the Committee on Rules and Administration.

The ACTING PRESIDENT pro tempore. Without objection, the resolution is considered and agreed to.

EXTENSION OF TIME FOR RECOGNITION OF LEADERSHIP

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time of the leaders today be extended from 10 minutes each to not to exceed 30 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATOR JAMES B. ALLEN—THE PASSING OF A TRUE GENTLEMAN

Mr. ROBERT C. BYRD. Mr. President, all Members of the Senate were deeply saddened last week by the sudden passing of our friend, the distinguished Senator from Alabama, JAMES B. ALLEN. For nearly a decade, Senator ALLEN had served diligently and brilliantly as one of our colleagues, and his presence and influence will be genuinely missed in this Chamber.

Ralph Waldo Emerson wrote, "Life is not so short but that there is always time enough for courtesy." Courtesy was a hallmark in Senator ALLEN'S relations with people. The source of that courtesy was an inherent sense of respect that he bore for others. Even in the most heated legislative battles, of which he was a master, JIM ALLEN never lost the qualities of dignity and human decency that endeared him to everyone, including those who on a particular issue were his opponents.

Some men in this life are consumed and eventually wasted in the pursuit only of self-interest. But Senator ALLEN was a man who gave himself away in the service of his principles and the people of Alabama. He believed in ideals that are lasting, and he sought to fulfill his obligation to those ideals in everything he did.

In every respect, JAMES ALLEN was a gentleman. He was one of those rare men to whom to know is to understand the meaning of the word "honor." Throughout his life, he had cultivated in himself those qualities of character and personality that are recognized and cherished in refined society almost universally.

JIM ALLEN was born reared, and educated in Alabama. After serving in the Alabama State House of Representatives, he resigned from that body to enlist in the U.S. Navy during World War II. In 1946, after completion of 3 years duty in the Pacific theater of war, he was elected to the Alabama Senate. Subsequently serving twice as the Lieutenant Governor of Alabama, he was elected to the U.S. Senate in 1968. As a Senator, he became a meticulous legislative craftsman, and was an articulate spokesman for the issues that were of deepest concern to him.

I recall that he had asked me upon several occasions to lead the prayer breakfast in the Vandenberg Room, which occurs on every Wednesday morning. I suppose it had been 3, 4, or 5 years since I had attended such a prayer breakfast. Finally, I said, "Yes, JIM, I will lead the prayer breakfast for you." So we set a date, and it was on a Wednesday, a week ago last Wednesday.

I am glad that I told JIM ALLEN that I would speak at that prayer breakfast for him. That was the last Senate prayer breakfast he conducted.

He was that kind of man. He had time to give not only to the Senate and to the work of the Senate but also time to give to the spiritual side of life, which, in the final analysis, is what is lasting.

Mr. President, throughout the history of the U.S. Senate, many men have won distinction as Senators. JIM ALLEN won such distinction also. But he added luster and honor to the Senate through the service he rendered among us, and he will not soon be forgotten. He will never be forgotten by those of us who have served with him and who came to know him and to love him.

Many times he shook hands with me and said: "BOB, I love you. I really love you." In the midst of our heated debates he would do this. That was the kind of man he was, and that is the kind of man that I shall remember.

Let fate do her worst.
There are relics of joy,
Bright dreams of the past
That she cannot destroy.

They come in the nighttime
Of sorrow and care,
And bring back the features
That joy used to wear.

Long, long be my heart
With such memories filled,
Like the vase in which roses
Have once been distilled.

You may break, you may shatter
The vase, if you will,
But the scent of the roses
Will hang 'round it still.

Mr. President, after Senators have had a chance to speak of Senator ALLEN, I wish to make reference on the passing of former Senator Joseph Montoya.

I yield now to the distinguished minority leader.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. BAKER. Mr. President, the sudden death of our colleague, Senator JIM ALLEN, has come as a shock to all of us. He was admired and respected by Members of this body on both sides of the aisle, and his own respect for the Senate as an institution was well-known. Although he had served in the Senate a shorter time than many of his colleagues, few Senators spent as much time attending to the business of the Senate. His fine legal mind quickly grasped the intricacies of Senate rules and procedure, and he applied his expertise consistently to protecting the rights of the minority during Senate debate of many controversial issues.

JIM ALLEN and I were on opposite issues in a number of these debates, and he was always a formidable opponent. His dignity and courtly manners set a standard for all of us during the most spirited discussions. I believe that even those who disagreed with him strongly on philosophical issues admired his patience and his keen sense of fairness.

Mr. President, when I found myself in agreement with Senator ALLEN on legislative issues, he was a staunch and valuable ally. We worked closely together on legislation dealing with public financing of congressional campaigns and on the Labor Reform Act, which is now before the Senate. And whether he agreed or disagreed with your point of view, JIM ALLEN was unfailingly courteous, on and off the floor. He treated his fellow Senators with respect. He in turn was highly respected for his personal conduct and his loyalty to the Senate. No man championed those causes in which he believed more firmly or effectively. His skills as a legislator and as a parliamentarian will be sorely missed, and his passing represents a great loss, not only to this body, but to the Nation as well.

Mr. President, JIM ALLEN was not only a colleague but a friend. He served the Senate and his State with distinction. His talent was incisive. His intellect was keen. His compassion was great. His understanding of the fundamentals of the Republic was unexcelled. His grasp of the rules of the Senate, the precedents, the reason and the rationale for their existence and their present state of evolution was astonishing.

I once remarked when someone asked me, "Don't you wish you knew the rules as well as JIM ALLEN," that, in my view, I had no ability to do that, but rather I wanted to make sure that JIM ALLEN understood them so that he could impart that special knowledge to the rest of us in the course of our deliberations and our legislative endeavor.

All of us will miss JIM ALLEN, Mr. President; none as keenly and personally as his family—and I take this opportunity to pay my special respects to Mrs. Allen and to his family—nor as immediately and fundamentally as will his constituents in the State of Alabama. But all of us, nonetheless, will miss JIM ALLEN for his special contribution of himself and his considerable talent to the formulation of public policy in this Chamber.

So, Mr. President, I join all of my colleagues in wishing a fond farewell to a man who contributed much to the modern history of the Senate, and he will be long remembered for that effort.

Mr. ROBERT C. BYRD. Mr. President, I yield now to the senior Senator from Alabama.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SPARKMAN. I thank the majority leader.

Mr. President, I did not make remarks as I introduced the resolution because I thought that the two leaders should like to come first. But let me say that I am greatly grieved at the death of my colleague and my good friend, JIM ALLEN.

I was in Alabama when I received the news. As a matter of fact, I was attending a meeting, and a rather large crowd was there, when I got word that he had died. I refused to believe it until I had the Associated Press check and verify it. JIM ALLEN was a man of good health. I had never known him to have any great difficulty healthwise.

I had known JIM ALLEN ever since he was a young lawyer starting out in the practice of law at Gadsden, Ala., his hometown. I knew him when he served in the State legislature. I knew him when he served as Lieutenant Governor twice with a 4-year interval between the two periods of service.

We have all said that JIM ALLEN was the master of parliamentary procedures in this body, and I have often said that he gained that ability as a result of his presiding over the Senate of the State of Alabama so that when he came to the Senate of the United States he had a tremendous grasp of parliamentary procedures generally.

JIM ALLEN and I worked together for 10 years here in the Senate. We got along fine. As a matter of fact, recently there was a very large meeting in Alabama that was held in connection with my announced retirement. JIM ALLEN was one of the speakers there, and I shall always remember one thing that he said.

He said:

John Sparkman and I have served together in the Senate all of these years. We have not always agreed, but there has never been an unkind word between us.

And that is true. Many times JIM would offer an amendment or a motion that I could not agree with, and very often I would meet him in the well of the Senate and say:

Jim, I am sorry, but I cannot vote with you on this.

He would say:

I fully understand, and you ought to vote just the way you are voting.

He was that kind of a man.

JIM has rendered tremendous service here in the Senate as well as in other legislative bodies at the State level. He was a man of ability. He was a good lawyer. He was a good member of the legislature, a good Member of the Senate, and he rendered a good service as Lieutenant Governor on two different occasions, as I have mentioned.

He not only knew parliamentary procedures, but he knew how to get along with other people.

We shall miss JIM ALLEN greatly.

I remember when he was first elected to the Senate a dinner was given for him in the State capital, Montgomery, Ala., I was there. The retiring Senator, Lister Hill, was there, and Lister made a great presentation at that time.

In my talk following that I told JIM ALLEN that I had been described one time as a person with the longest service as a junior Senator in the Senate of the United States. That was not quite right because Bill Fulbright held that position. But I had served 22 years as junior Senator, and I said to JIM ALLEN: "JIM, I hope you serve as junior Senator for 22 years."

Some time ago he laughingly said to me, "I believe I am going to break that record that you boasted of."

But now JIM has gone. My wife and I are greatly grieved. We extend our deepest sympathy to Maryon, his widow.

When I learned of JIM's death I tried every way I could to reach Maryon by telephone, but she was not reachable. As a matter of fact, she was undergoing treatment down in south Alabama.

JIM died at Gulf Shores in south Alabama, and his death was sudden, a heartbreaking surprise to all who have known and worked with him.

We extend our sympathy not only to Maryon but also to his children and all of his loved ones and his great mass of friends everywhere.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise to express my feeling of the great loss the Senate has suffered with the passing of JIM ALLEN. When the history of the U.S. Senate is written, and they talk about the greats of the U.S. Senate, JIM ALLEN's name will belong in that book.

It was not too often that I agreed with the Senator from Alabama. His views were not always the same as mine. Mine were not always the same as his. But I had such tremendous respect for him as a person and for his conduct of the Senate's business, for his courtly presence, and for his effectiveness on the floor of the U.S. Senate that I feel it a personal loss, as do all the other Members of the Senate at his having left us.

He fought for his points. He was effective. He understood, comprehended, and had digested the rules of the Senate as probably no other man in the U.S.

Senate. In his way he used those rules to fight for his positions. He did it in a gentlemanly manner.

You always knew where JIM ALLEN stood. He never equivocated, and whether there was 1 other Member of the Senate or 99 other Members of the Senate who were in accord with his point of view, he took it, he fought for it, and he made his point known to the Senate and the people of this country.

When I would talk to others outside the Senate about some of the strong leaders of this body, there was never an occasion in which I failed to mention the name of JIM ALLEN as one of those strong leaders. In his manner and in his mastery of the Senate rules he did as much to have impact upon the course of legislation in this body as any other single individual.

I did not know him intimately but I knew him well enough to know that he was a warm, considerate, concerned person. When I was engaged with the Senator from South Dakota in the filibuster on deregulation of natural gas I had occasion during many of those days and before the filibuster took place to inquire of JIM ALLEN as to whether he would be of assistance in explaining and helping with respect to the Senate rules. He said he would and, indeed, he did.

He did not agree with my position, but he was the kind of Senator's Senator who felt that the rules were to be interpreted and applicable to all Members equally, and if he could be helpful to another Member in digesting those rules and understanding them he was there to do so.

Personally I always think of him as the one human being whom I know and whom I met in my life whom I could never follow through a door. No matter what the occasion, JIM ALLEN was so courteous and had such a degree of warmth toward his fellow man that he always insisted that whoever he was walking with preceded him before he passed through that door. A small gesture, but I think it was a mark of the man's humaneness, kindness, and gentlemanliness.

I am a northerner. I had often heard of southern courtesy and southern graciousness. JIM ALLEN was the epitome of that courtesy and graciousness in every possible way.

We will miss him. The Senate as an institution will miss him, and the country will miss his total dedication and effectiveness on the floor of this body. I consider it a privilege personally to have known JIM ALLEN, and I grieve with his family at their loss.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Chair alternate from side to side in the use of the time of both leaders on this occasion and under the circumstances.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. YOUNG. Mr. President, the sudden and untimely death of our colleague, Senator JAMES B. ALLEN, of Alabama, has left a feeling of deep sadness in the Senate.

JIM ALLEN, as we all referred to him, was one of the giants of the Senate, not only during his comparatively short time in the Senate but in the past quarter of a century or more. He was a most formidable foe of legislation which he deemed unwise or not in the best interest of our country. In opposing such legislation, though, he was always tenacious and formidable. He coupled with this an unusual knowledge of the intricate rules of the Senate. No one in my time had ever more completely mastered the rules of the Senate than had JIM ALLEN.

JIM had the unusual faculty of relentlessly fighting legislation and treaties he strongly opposed, but while doing so he always remained the typical Southern gentleman. Even those who bore the brunt of his opposition could not help but have a deep sense of admiration and respect for this beloved Senator.

I was privileged to serve with him on the Senate Agriculture Committee where he always had a deep interest and concern for farmers. His keen mind and great legal expertise were always so evident through the years that he served on that committee.

JIM ALLEN will be greatly missed, not only by the Members of this body, but by people everywhere. Pat and I extend our deepest sympathy to his beloved wife Maryon and all the family.

Mr. HELMS. Mr. President, Mrs. Helms and I were preparing to return to Washington on the evening of June 1 when the shocking news came that JIM ALLEN had died in Alabama about an hour earlier.

It was not a moment that I will forget quickly. A thousand thoughts raced through my consciousness: Concern for the country in the loss of such a dedicated defender of American principles, my own deep and personal loss of a treasured friend, the countless hours that JIM ALLEN and I had worked together on this floor during the past 5 years.

Then came a steady stream of calls from news media, wanting to know my reaction. Mr. President, how do you answer questions of this type? One gropes, at a time like that, for an adequate expression of sadness, for the words to pay tribute to an outstanding friend. The words would not come—not in an adequate sort of way.

My former colleague in the Senate, Sam Ervin, offered the best assessment of JIM ALLEN. Senator Ervin said:

> If I had to stand with one man at Armageddon and battle for the Lord, I hope that man would be Senator James Allen of Alamana.

That summed it up. Both Senator Ervin and I worked closely with JIM ALLEN in efforts to preserve what we felt were the fundamental principles of America. When vital issues were before the Senate, JIM ALLEN and I had an agreement that at no time would both of us leave the Senate floor simultaneously. I remember the Panama Canal debates, and the hour after hour that JIM ALLEN sat over there, watching and observing rising so often to debate and discuss that momentous issue.

That fight was lost by two votes, but it was not JIM ALLEN's fault. As always, as in everything he did, he did the best he could.

As I look back on my friendship and my relationship with JIM ALLEN, I think it was his will to stand up for his country that made him an acknowledged statesman. He was a strong man, but his strength was not really his greatness. Victor Hugo once said that people do not lack strength; they lack will.

Well, Mr. President, JIM ALLEN lacked neither strength nor will.

The news accounts of Senator ALLEN's death and, indeed, the comments today on this floor, have emphasized his parliamentary skill, which was, indeed, amazing. Some news reporters have written about JIM ALLEN in terms of his being one of the few remaining Southern conservatives. But the nobility of JIM ALLEN was that he cared about the freedoms of the American people, and he was willing to stand up for them.

He often expressed puzzlement that so many Americans often do not seem to understand that the Federal Government is the cause of many of their problems. So he frequently took stands which were not politically popular. It would have been easier for JIM ALLEN to have rolled with the punch, not bothering to stand in protest against things he believed to be wrong. He would not have been subjected to the cirticism that he sometimes had to endure. But he took the positions constantly, as someone once put it, that nothing is politically right which is normally wrong.

The last time I saw JIM ALLEN was the morning of May 24, a Wednesday morning, to which the distinguished majority leader has already alluded. We had attended the Senate prayer breakfast and as JIM ALLEN and I walked together to our respective offices he mentioned that he would be glad to go back to North Carolina with me—"if," as he put it, "it would help."

He will not be going back to North Carolina, Mr. President, not in the flesh. But the spirit of JIM ALLEN, a man of principle, courage and dedication, is kindred to the spirit of the people of North Carolina. It is a very special blessing to me that for more than 5 years I have had the privilege of knowing him, working with him, having him as my friend, and being his. Mrs. Helms and I extend our deepest sympathy to Maryon, and to the rest of JIM ALLEN's family.

Mr. President, I yield the floor.

Mr. DOLE. Mr. President, I have listened with great interest to the eloquent statements made concerning our friend, JIM ALLEN.

On Saturday, the Senator from Kansas was in Alabama and had the opportunity to visit Gadsden, Ala., and pay his respects to Mrs. Allen and Jim Allen, Jr. As has been said this morning, I believe by the distinguished majority leader, many Senators gain distinction as Senators in one way or another, but I would

guess the true measure of a Senator is whether or not he gains respect from his colleagues. There is no doubt about it that JIM ALLEN gained respect. Some of it came slowly, some of it was begrudging, but there was respect, a respect based on his ability, which has been referred to a number of times on the Senate floor; a respect based on his demeanor; a respect based on his attitude, his courtesy.

There is no doubt that Senator ALLEN will be missed. Probably some will feel that with the passage of time this might eliminate a possible roadblock to legislation. But having had the opportunity to visit in Alabama on Saturday, there is no doubt in this Senator's mind that JIM ALLEN was loved and respected. He was loved and respected by men and women in all walks of life, of all political persuasions. Yes, because of his parliamentary prowess, but perhaps more importantly because of his dedication to duty, his devotion to the people of Alabama, his willingness to work quietly.

He left his mark in the Senate. He was a good legislator. It was certainly a privilege, particularly for those of us who shared his philosophy, to have had the opportunity to work with him, side by side in a common effort, time after time after time.

Mr. President, I am deeply grieved at the death of Senator JAMES ALLEN. The people of Alabama have lost a great representative, the U.S. Senate has lost a respected leader, and I have lost a close friend and dear colleague.

DEVOTED TO ALABAMA

Alabamians shall long remember JIM ALLEN as a repository of those deeply held traditional values—love of country, respect for authority, dedication to duty—which can best be described as "American." Born and raised in Gadsden, Ala., a product of Alabama public schools, the voice of JIM ALLEN was an accurate reflection of the will of the people of his State. While in the Senate, he made a practice of visiting every Alabama county at least once a year to keep in touch with his fellow citizens. This devotion did not go unrewarded. When Senator ALLEN ran for reelection in 1974, he received 95 percent of the popular vote, carrying every county in his State.

PARLIAMENTARY PROWESS

Senator ALLEN's command of Senate rules and procedure, and his prowess in debate, have earned for him a secure place in the history of the Senate. Like any Senator, JIM ALLEN had his critics, but none doubted his sincerity and good will. A master tactician, uncanny and stalwart, he was a formidable presence on the Senate floor. The Senator from Kansas, and undoubtedly all of his colleagues, could tell dozens of stories of the times JIM ALLEN tied the Senate in parliamentary knots—stories that may one day be legends.

These maneuvers, however, were not idle play or blind obstructionism, but stemmed from a deep-seated faith in the soundness and justness of his beliefs. None took his responsibilities as a U.S. Senator more seriously than JIM ALLEN. And if he was sometimes a considerable foe, he was always a gentleman, treating his colleagues with deference and respect.

MAN OF INTEGRITY

After his reputation as a parliamentarian, JIM ALLEN was perhaps best known for his personal integrity. Since his election to the Senate 10 years ago, he each year published a financial statement in the CONGRESSIONAL RECORD. JIM was a devoutly religious man, too, who viewed his chairmanship of the Senate Prayer Breakfast Group as one of his most treasured responsibilities.

These qualities made JIM ALLEN a wonderful husband and father, in addition to a good friend. At this time of sorrow, I would like to offer my most heartfelt condolences to the Allen family.

Senator JAMES ALLEN left his mark on the Senate—a mark that will long be remembered. He was a virtuous man, a courteous, if tenacious, legislator. I consider it a privilege to have known him and worked with him. He will shortly be succeeded, but it is unlikely that he will be replaced.

Mr. JAVITS. Mr. President, I am a Senator who did not share JIM ALLEN'S philosophy. I mourn his loss. I think it is a real loss to the Senate. I rise to pay my respects and condolences to his widow and to his son.

Mr. President, I have been in this body a long time—not as long as some others, but I think I qualify as having been here a long while. I have learned one thing about it, which is also a reflection of our country. That is that the Senate is a conglomerate, really; it is a mirror of our Nation and its diversity of view, of character, of background, of sectional interests, and the philosophic as well as pragmatic outlook. In that composite, which is the finest expression of the Senate, JIM ALLEN had an honored and important place.

Tribute should be paid to him for the skill, the diligence, and the profound dedication which he devoted to what he conceived to be his duty in the interests of making this body as representative as possible of the American ideal and the American idea. He performed his role strongly and, as has been said before, occasionally nettled me and many others, but he performed his role well and creditably as an essential element in what goes into making up our minds.

I, like others here, at the same time that I might have been annoyed at the delay or the other problems which I thought were caused, realize that I had to prove my case, just as others did; that I had to sit up and take notice of the arguments made against them. In my judgment, it elevated my own judgment, commanded more of my ability than sometimes I thought I had, and I think that is just as true of other Senators. So he rendered a real service as an outstanding servant of his country and the people of his State in the cause of democratic government.

Also, and I should like his widow and his son to know, Mr. President, JIM ALLEN was reasonable. When you finally did find a formula, and we did, in respect of some prohibitions which he wished to place against participating in foreign aid by some of the African States, for example, for reasons which were very weighty, when you did find a formula, he was not one to haggle or niggle about it. When the formula appealed to him, he accepted it. When he was with you, he was just as strongly with you and just as effective as when he was against you. And we all know how effective he could be when he was against you and how, as a single and individual Senator, he very often carried the power almost to the majority in terms of his knowledge of the way things are done here and the rules by which they are done.

So, I say of JIM ALLEN, a noble son of his State, who has had a fine and very distinguished career here, that he fulfilled one of the primary obligations of being a Senator: He contributed affirmatively to the total wisdom which we consider to be, when we are lucky enough to have it, our finest aggregate product.

His family has every reason, in the midst of the tragedy of his having left them at so relatively young an age, as modern ages go, to derive deep consolation and satisfaction from the appreciation which he developed here.

He did not seek it. As a matter of fact, often, he did many things which one would think would repel it. But we are a little over 21 around here and we did appreciate it.

I extend my wife's and my profound condolences to his family and to the Senate.

Mr. HATCH. Mr. President, I rise also to share some of my feelings with regard to the Senator from Alabama, my dear friend, JIM ALLEN. When I arrived here as a freshman Senator, he was one of the first people to take me under his wing and to assist me in understanding a little more about the Senate.

Not only have I enjoyed him as a fellow Senator, but I have enjoyed him as a person who has similar ideals and similar beliefs.

One of the most enjoyable things about Senator ALLEN was his conduct of the Senate prayer breakfast every week. Whenever he, as the leader of the prayer breakfast, would take charge and lead the discussion, we could always expect a lively, intelligent, spiritual discussion that provoked all of us into thinking more about what we are really here for and helped us all to realize that, after all, material things are pretty fleeting in the light of the overall world.

I like Mrs. Allen just as much as I did Senator ALLEN, although I did not know her as well and do not know her as well. But Senator ALLEN, as the chairman of the Subcommittee on Separation of Powers of the Committee on the Judiciary, on which I was ranking Republican, has befriended me in ways that I could never express here, on the floor of the Senate. I would say he was one of my

dearest friends, one of the people whom I looked up to the most. The news of his passing the other evening was almost, at that time, more than my wife and I could bear, because she knew how very much I loved him and still do.

I do not know many people with whom I have been in contact, and I have known a lot of wonderful people in my day, whom I would rate in the same class of humanity and diligence, effort, energy spirituality, and intelligence as Senator ALLEN. I just happen to believe that there is a life hereafter and that he has to have a great place therein because of the life that he lived here.

I join my colleagues who have eulogized him today in expressing my high regard, my deep-felt love for all that he meant to us here in this body and for what he means personally to me, and for the many good things that he did. In fact, I do not know of one bad thing that Senator ALLEN did in the whole time that I knew him. William Wordsworth said, in his ode, "Intimations of Immortality:"

Our birth is but a sleep and a forgetting:
The Soul that rises with us, our life's Star,
Hath had elsewhere its setting,
And cometh from afar:
Not in entire forgetfulness,
And not in utter nakedness,
But trailing clouds of glory do we come
From God, who is our home:
Heaven lies about us in our infancy!
Shades of the prison-house begin to close
Upon the growing Boy,
But he beholds the light, and whence it flows,
He sees it in his joy

I think that, in some way, sums up some of my feelings about Senator ALLEN.

So, also, does William Cullen Bryant's "Thanatopsis," in which he said:

So live that when thy summons comes to join
The innumerable caravan, which moves
To that mysterious realm, where each shall take
His chamber in the silent halls of death,
Thou go not, like the quarry-slave at night,
Scourged to his dungeon, but, sustained and soothed
By an unfaltering trust, approach thy grave,
Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams.

If ever a man could have that said about him, I think it was our friend, Senator JIM ALLEN.

Finally, Elaine and I would like to join in extending our deep-most sympathy to Senator ALLEN'S wife and family, because they have to grieve over the loss of someone that great. Our love and our prayers will be with them.

I thank the Chair.

Mr. SCOTT. Mr. President, I, too, wish to pay my respects to the memory of our colleague and friend in the Senate. He was one of the finest men I was privileged to know. He and Maryon had visted our home just within the last few days. We were good personal friends.

I believe JIM ALLEN will be remembered for the statesman that he was, the parts that he played in the debates on the floor of the Senate, his mastery of the parliamentary arts, and his courtesy to his colleagues in the Senate.

I was privileged to serve with him on the Senate Judiciary Committee. It was a pleasure to be associated with Senator ALLEN, in committee, in the Senate, and in a personal capacity.

I extend my deepest sympathies to his widow.

Mr. BARTLETT. Mr. President, Senator JAMES ALLEN was a truly distinguished gentleman and will long be remembered for the unwaivering dedication and incomparable talents he brought to public service. The principles he stood for with such devotion earned him a special place in the hearts of the people of Alabama. These same principles earned him a special place in the hearts of the Members of this body.

I happened to be with him on many occasions in the prayer breakfast meetings with which he associated himself weekly. His christian devotion was certainly an outstanding part of his private life, his family life, and his public life.

This past year, he was the chairman of the President's prayer breakfast, which I think was the most successful one I have witnessed in the several times I have attended.

This body is a body of debate and the compelling purpose of the Senate is to embroil itself in controversy. Out of this controversy, hopefully, and I think actually, does come light, the truth of the better way. JIM ALLEN found himself embroiled in the controversy of the Senate on many, many occasions. Sometimes he was in the majority, but oftentimes in the minority and a number of times, he almost seemed to be a light by itself, shining very brilliantly and very confidently.

Because of the light he brought to our deliberation, the legislative record of this body during the time he was a Member of the U.S. Senate is far superior to what it would have been if it had not been for the interest, the activity, the energy, the courage, the devotion of Senator JIM ALLEN of Alabama.

What we think of him can be shown quite accurately statistically by what his constituents in Alabama think of him. After his first term in the U.S. Senate, he was reelected in 1974, carrying every county in Alabama and receiving 95 percent of the popular vote, a unique testament to his popularity.

Here on the Senate floor, his unflagging spirit and mastery of Senate rules and procedures earned him the admiration and deep respect not only of each of his colleagues but of the citizens of this Nation.

Senator ALLEN was a unique public servant and a fine man. His friends here in the Senate, in Alabama and across America, and, for that matter, throughout the world, are deeply saddened by his passing and are going to miss him.

If I had to sum up my thinking of Senator ALLEN in a few words, I would say he was a Christian man, a gentle man, a gentleman.

● Mr. WEICKER. Mr. President, the shock and sadness of Senator JAMES B. ALLEN'S passing last week is eased only by the great respect and appreciation we have for his years of service among us here in the Senate.

The Senator from Alabama and I disagreed on many issues which came before the Senate. And yet at all times his resourcefulness and imagination made him a formidable opponent; courtesy, fairness, and respect were his unfailing trademarks.

Perhaps the greatest debt of gratitude owed to JIM ALLEN by the Senate and the Nation is for his tireless defense of minority interests in Congress. His innovative and skillful use of the Senate rules and procedures on many occasions preserved the precious right in our democracy of minority voices to be heard and to have their influence felt at the highest levels of government.

In times which cry for the reestablishment of political and ideological balance in America, JIM ALLEN stood as an immovable object in the path of some seemingly inexorable majorities. For that we respect him, honor him, and will deeply miss him.●

● Mr. ROBERT C. BYRD. Mr. President, in this past Sunday's Washington Post, there appeared an editorial in tribute to our late colleague from Alabama, entitled "JAMES BROWNING ALLEN," which captured some of the substance of the man and his impact on the Senate and on legislation. Mr. President, I ask that this editorial be printed in the RECORD.

The editorial follows:

[From the Washington Post, June 4, 1978]

JAMES BROWNING ALLEN

Sen. James B. Allen of Alabama, who died suddenly on Thursday, was a master of the Senate rules. That is the first thing to be said of Mr. Allen, and it is no mean praise. He did not merely learn Jefferson's parliamentary manual; he absorbed it and employed it more doggedly, shrewdly and creatively than any other senator in years. In the era in which the all-night Senate filibuster went out of style, Sen. Allen substituted tactical skill for oratorical stamina. He was constantly devising new—but impeccably precedented—ways of sustaining debate, blocking legislation he opposed, and defending the conservative positions that he held tenaciously.

He was effective—far too effective, from the liberals' point of view. At various times he managed to block or delay campaign-financing legislation, voter-registration bills, civil-right measures, tax changes and much, much more. On the Judiciary and Rules Committees, he was always a factor to be reckoned with. On the Senate floor he was a formidable, independent force.

In short, Sen. Allen was an old-style Southern conservative. He was akin to that generation of very adept, very strong-minded and very parliamentary Southern Democrats who ruled the Senate not so long ago. He didn't merely love the rules; he relished the institution and its traditions of courtesy, precedence and rich debate. It was no accident that, for all their disagreements over issues, Mr. Allen and Majority Leader Robert Byrd developed a generally good working relationship. One would expect that of two "inside" senators with high regard for details and proprieties.

Mr. Allen's death surely diminishes the power of the Senate's conservatives. But liberals, to, may miss him, for he did impose a kind of discipline on the Senate's life. Every sponsor of a bill knew what he might

have to contend with; outrageous measures were called up less often, and fewer corners cut, because Mr. Allen was there. Now other senators of both parties have learned some of his tactics—there has been ample evidence of that. But no one uses them quite as predictably or calmly or consistently. With Mr. Allen gone, there may be fewer parliamentary sieges in the Senate, but lots more guerrilla warfare. For the institution, that is not necessarily a gain.●

● Mr. BAYH. Mr. President, I am saddened to speak today of the passing of JAMES ALLEN. The junior Senator from Alabama served the people of his State and of this Nation with great skill and an eager desire to do what he believed was right. He was an authentic power in the Senate, a master of the legislative and parliamentary processes. There is not one among us who has not seen the impact of Senator ALLEN's personality and idealism. Mr. President, we have all felt the power of his presence in the Senate, and I know that my colleagues are, as I am, grieved at his loss.

Two characteristics come to my mind when I think of Senator ALLEN. First, I knew JIM ALLEN as a Senator who was a bold, tirelessly dedicated advocate of his ideals: the kind of man who commands respect. He began his extensive record of public service in 1938, when he was first elected to the Alabama House, where he served until 1942. After World War II, he was elected to the Alabama Senate for 4 years and later served twice as Alabama's Lieutenant Governor. Throughout his career he was aggressive and tenacious in executing his duties, and always fair. We all know he gave up his law practice of 33 years in order to devote himself totally to the Senate and to the people.

The second vivid memory I have of Senator ALLEN is a very personal one. Mr. President, the junior Senator from Alabama served on the Judiciary Subcommittee on the Constitution, which I chair. We did not always agree on legislative issues and often vigorously opposed each other on the merits of various pieces of legislation. But the important thing, I think, is that our disagreements were never personal. JIM ALLEN was a courteous, kind, and thoughtful man, and that personable character was never submerged by the political debate of the hour. I will always cherish the very personal feelings and concern for me and my family which he extended. During the period in which my family has faced serious health problems it was characteristic of JIM and Maryon ALLEN that they were consistently expressing their deepest personal concern for our well-being. I am certain that each person who knew Senator JAMES ALLEN can repeat that statement. Senator ALLEN respected everyone and conferred dignity by that respect on us all. He will be missed greatly. I would like to express for myself and my family a sense of deep personal loss to Maryon Allen in the hopes that her grief will be tempered by fond memories and a full understanding of the contributions that JIM ALLEN made to the lives of all us who were fortunate enough to know him.●

● Mr. BELLMON. Mr. President, "there are very many characteristics which go to make a model civil (public) servant. Prominent among them are probity, industry, good sense, good habits, good temper, patience, order, courtesy, tact, self-reliance, manly deference to superior officers and manly consideration for inferiors * * *." These words make up a portion of the first annual message to Congress by President Chester A. Arthur, delivered December 6, 1881. They describe many of the attributes JIM ALLEN displayed as a highly influential Member of the U.S. Senate.

As one who came to the Senate in 1968 at the same time JIM ALLEN was elected, I marveled at the mastery my colleague displayed of the legislative process and of parliamentary procedure. Senator ALLEN quickly came to be the unchallenged master of Senate procedure and, over the years, was often helpful to me as he was to other Members who needed guidance on complicated parliamentary questions. His knowledge of the rules and his willingness to share this knowledge with others gained him a wide following and made him one of the most respected Members.

Mr. President, each Member of the Senate makes a contribution in a unique and special way. JIM ALLEN's special contribution was in his ability to make certain that the rights and prerogatives of Members were protected and preserved. Others might agree or disagree with the position he might have taken on a particular issue but there could be no disagreement with the basic fairness with which he approached the issues and which was so prevalent in his dealings with others. The Senate will not be the same without JIM ALLEN. This body will be seriously impoverished unless others who are endowed with the same instincts of probity, industry, good sense, good temper, courtesy, tact, and self-reliance about which President Arthur spoke and which JIM ALLEN displayed throughout his Senate career quickly come to the fore.●

Mr. ROBERT C. BYRD. Mr. President, I wish to announce that there will be a date and hour set aside for eulogies to our late departed friend and colleague, JIM ALLEN, and all Senators on both sides of the aisle will be appropriately notified of that occasion.

I yield now to the distinguished Senator from New Mexico (Mr. DOMENICI).

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

DEATH OF FORMER SENATOR JOSEPH M. MONTOYA

Mr. DOMENICI. Mr. President, I stand today before my colleagues at a sad time for New Mexico and the rest of the Nation, because my former fellow Senator from New Mexico, Joseph M. Montoya, passed away this morning here in Washington, D.C., at about 9:15.

Senator Montoya was the senior Senator from our State when I began my Senate duty. He had already established an historic record of service, beginning in elective politics at 21 and becoming a great force in New Mexico politics early in life. He rose from humble beginnings and, using his ability and intelligence, became the youngest New Mexico State Senator in our history. At 42 years old, he was elected to the U.S. House of Representatives and was elected 7 years later, in 1964, to the U.S. Senate.

Senator Montoya presided over great advances in our State and ambitious new programs in the Senate. Remembering his own beginnings, he always had a tremendous sympathy for the underdog, for those burdened by poverty, for the disadvantaged, and for all of those who somehow failed to get their share of the good things this Nation had to offer. He was a strong spokesman for the Hispanic-American, knowing firsthand the plight of this segment of our society. He was a leader in the fight for a better education for everyone, knowing that the key to success was education. He was, above all else, a strong voice for our home State of New Mexico. Thousands upon thousands of people are now employed in our State, and in this Nation, because of Senator Montoya's farsightedness and hard work. One of his greatest achievements was a father of the Economic Development Act. Under that act, which Senator Montoya pushed so hard for, individual States and communities in this country have made real progress in improving physical facilities and employing their people.

Senator Montoya and I didn't always agree on the issues confronting us in the Senate. But, that was of little importance when it came time to work together for the State of New Mexico. He was always willing to go to bat for any program, no matter how small, when it affected New Mexico. In addition, he was generous with his counsel and his help to me was invaluable.

To his wonderful family, and especially to his wife Della, Mr. President, I wish to extend my deepest regrets. I know that for them, and for all of Senator Montoya's friends in our State and in America, this is a sad day, indeed.

Mr. ROBERT C. BYRD. Mr. President, I know that every Member of the Senate joins me in extending sympathy to Della Montoya and to the children of former Senator and Mrs. Joseph Montoya, Joseph, Patrick, and Lynda, in their bereavement.

Joe Montoya was our friend and colleague here in the Senate for 12 years. He served in the House of Representatives before that time, in the 85th through the 88th Congresses. He spent more than 40 years in public office, serving as Lieutenant Governor and in the New Mexico State House of Representatives and Senate. He was a public man, a devoted servant of the people, and a man who was dedicated to bringing opportunity to the people of his State and his Nation.

In New Mexico, Joe Montoya is a legend. He was a poor boy who was a brilliant student and a hard worker. He was

first elected to public office while he was still in college—at 21 years of age. He went on to become a great leader of the Democratic Party in New Mexico, and a great representative and Senator for all the citizens of his State. He had a deep pride in his Hispanic heritage and in his historic roots in the American Southwest. He will always serve as an inspiration to those young Hispanic-Americans who were so often in the thoughts of this good man.

Because of his deep faith in the importance of education, Joe Montoya worked long and hard to improve the Federal programs which he believed would open the doors of opportunity to young Americans, especially those who were poor or handicapped by language skills. He was a strong supporter of economic development programs, of programs to help veterans, of programs to protect the security of senior citizens. He worked hard to make himself an expert in legislation pertaining to research and development in atomic energy, and as a member of the Joint Committee on Atomic Energy, he was an early advocate of energy conservation and energy resource development.

Most important of all, Joe Montoya never lost faith in the American system and the great opportunities it offered to those who were willing to participate fully in making it work. In a speech which he made on July 8, 1974, he talked about the challenge and need for young Americans to rededicate themselves to the real meaning of the American Revolution. He said,

> It is not enough that the rights of man should be written in the books of philosophers and in the hearts of good people. It is not even enough that they should be written into our Constitution or declared in speeches on the Fourth of July. Instead, it is necessary that those who claim these rights also claim the responsibility for preserving them, with God's help.

Senator Joseph Montoya did accept that responsibility, and dedicated his life to preserving those rights for the New Mexican and American people he loved so dearly. He will be long remembered, both here in the U.S. Senate and in the State of New Mexico which was his home.

A TRIBUTE TO SENATOR JOSEPH M. MONTOYA

Mr. DOLE. Mr. President, I was deeply grieved to hear of the death of one of my former colleagues, Senator Joe Montoya, earlier today. During his nearly 40 years in public life, "Little Joe," as his fellow New Mexicans called him, endeared himself to his fellow Spanish-Americans, and to the people of New Mexico.

Joe Montoya's political rise was meteoric. Elected to the New Mexico House of Representatives at the age of 21, he was 2 years later named majority floor leader. After he attained the constitutionally prescribed minimum age of 25, he was elected to the State Senate, where he shortly became the majority whip. In 1957, upon his election to the House, Joe Montoya began his 20-year career in the Congress.

CONCERN FOR CONSTITUENTS

During those 20 years, Joe gained a reputation as an able legislator, most interested in truly representing the people of his State and carefully attending to the special needs of his diverse constituency. While in the Congress, Joe stayed in touch with his constituents by making an average of two trips home per month. Senator Montoya was loved and respected by many New Mexicans, but especially by his fellow Spanish-Americans. The tribute most often repeated was that "he never forgot where he came from." In the Senate, Joe championed legislation geared to help the farmer and laborer along with the Indian and Chicana populations of his home State.

BIPARTISAN LEGISLATOR

Mr. President, I remember Joe as tough and hard-working—a bread-and-butter Senator. He was a man who never allowed political considerations to overshadow his concern for his fellow New Mexicans and his desire for real improvements in their lives. His career is a reminder that although we may disagree on specific issues, we can still work together in a bipartisan manner to hammer out solutions to our country's problems.

Mr. President, Senator Joseph Montoya will long be remembered in New Mexico, and in Washington, too. I enjoyed my years working with him, and consider it a privilege to have known him.

ORDER OF PROCEDURE

(The following occurred earlier:)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the time of the two leaders has expired today, which I believe originally was to be not more than 1 hour equally divided, there be a brief period for the transaction of routine morning business, with the understanding that there be no call of the calendar, and that that brief period extend for not more than 10 minutes, and that any Senator be permitted to speak up to 3 minutes, the period to be 12 minutes, and at the conclusion of the period the Senate resume consideration of the unfinished business.

Mr. HELMS. Mr. President, reserving the right to object, that has no effect on the standing order with respect to the Senator from North Carolina?

Mr. ROBERT C. BYRD. I am glad the Senator reminded me. He has an order to be recognized for 15 minutes.

Mr. President, I ask unanimous consent that following the expiration of the order, or the time being yielded back, for the recognition of the two leaders, Mr. HELMS then be recognized under the order previously entered, and that there then be the aforementioned morning business period, to be followed by a resumption of the unfinished business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Conclusion of earlier proceedings.)

SPECIAL ORDER

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Carolina is recognized for not to exceed 15 minutes.

Mr. HELMS. Mr. President, I thank the Chair.

THE PANAMA CANAL TREATIES

Mr. HELMS. Mr. President, this morning I sent a letter to President Carter, respectfully expressing the hope that he will resolve the differences in interpretation between the United States and Panama before any irreversible steps are taken to ratify the Panama Canal treaties, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
June 5, 1978.

Hon. JAMES E. CARTER,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am sending to you the text of the statement which I will deliver today on the Senate Floor with regard to the proposed exchange of the instruments of ratification of the Panama Canal treaties.

The purpose of the speech is to document in detail the intention of the Senate in approving six key amendments to the resolutions of ratification of the treaties, contrasting the documented Senate intention with the interpretations placed upon those amendments by the Panamanian Foreign Ministry communique of April 25, 1978.

The Foreign Ministry's communique is Panama's official explanation of its stand on the treaties to the Panamanian people. As such, it stands as part of the public record. The Panamanian communique goes to great lengths to repudiate the Senate's work on the six key amendments—either by outright rejection, or by interpreting the amendments in a fashion contrary to the Senate's intention. It is plain that fundamental disagreements still exist between Panama and the United States.

For the sake of future harmony between the two nations, and for the sake of the security of the Canal and of our country, it is imperative that this deep division be resolved before any irreversible steps are taken leading to ratification of the treaties. In particular, I respectfully ask you to reconsider the proposed concept that calls for the immediate exchange of instruments, with the effective date postponed until March 31, 1979. Not only is that concept contrary to the intention of the Senate, but it removes the last bit of leverage over the Panamanian government, at a time when these issues are unresolved.

If, at this juncture, the United States accepts the Panamanian signature on the protocols of ratification, the implication would be that the United States also accepts Panama's interpretation of the six Senate amendments in question. Since most of the Senate sponsors of those amendments conditioned their acceptance of the whole treaties on passage of those changes, the Executive Branch has a special obligation to ensure complete acceptance of the Senate's intentions. Unless the communique is withdrawn, with written assurances that Panama understands the Senate's intentions, the only alternatives left are to ask for another plebiscite in Panama on the Senate's text, or to return the treaties to the Senate for reconsideration of Panama's interpretations.

Mr. President, you and I did not agree on the treaties, but I know that we surely agree on the need to make sure that the United States and Panama see eye-to-eye on the meaning of the treaties.

Sincerely,

JESSE HELMS.

PANAMA REPUDIATES SENATE CHANGES IN CANAL TREATIES

Mr. HELMS. Mr. President, due to the complexity of the presentation I am about to make, I ask unanimous consent that an outline of the contents be printed in the RECORD at this point, preceding the rest of my statement.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

OUTLINE OF CONTENTS

I. The significance of the Panamanian Foreign Ministry Communique in the ratification of the treaties.

II. The Communique's rejection of six Senate changes.

A. The Nunn reservation to the Neutrality Treaty:

1. The intent of the Nunn reservation.

2. Panama's rejection of the Nunn reservation.

B. The DeConcini reservation to the Neutrality Treaty:

1. The need for a unilateral right to defend the canal.

2. Legislative history of attempts to gain unilateral defense rights for the Canal.

3. Responses to Panamanian objections.

4. The leadership amendment to the second treaty.

5. Panama's April 25 repudiation of the DeConcini amendment.

C. The Hollings-Heinz-Bellmon reservation to the Panama Canal Treaty:

1. The ambiguity of article XIII, paragraph (4)(c).

2. Senate attempts to clarify the ambiguity.

3. Panamanian expectations in the communique.

D. The Brooke reservation to the Panama Canal Treaty:

1. The intent of the Senate in passing the Brooke reservation.

2. Panama's interpretation of the Brooke reservation.

E. The Cannon reservation to the Panama Canal Treaty:

1. Limitations on financial potential of the Panama Canal.

2. Panama's expectations under the Cannon reservation.

F. The Danforth understanding to the Panama Canal Treaty.

III. Has Panama accepted the treaties and amendments?

Appendix: Text of the Foreign Ministry Communique.

Mr. HELMS. Mr. President, President Carter and Gen. Omar Torrijos are making plans to exchange the instruments of ratification of the Panama Canal treaties about 10 days from now; yet Panama has put itself on public record as repudiating virtually all the substantive changes which the U.S. Senate voted to add to the treaty documents.

This repudiation took the form of a 25-page official communique issued by the Panamanian Foreign Ministry on April 25. It is a formal statement analyzing the various amendments, reservations, and understandings one by one. Although superficially addressed to the Panamanian people, it is evidently the declaration of Panama's stand on the treaties which Torrijos promised to President Carter in their exchange of letters on March 15.

Although virtually unpublicized in this country, the document was published in Spanish on April 26 in the Panamanian newspaper La Estrella De Panama. It was translated into English and published as a supplement to the Foreign Broadcast Information Service, published by the Department of Commerce, on May 1.

In the communique, Panama sharply criticizes five reservations and one understanding—the very Senate amendments which most observers have credited with winning over the additional five or six supporters which the treaties needed for approval. Panama's repudiation ranges from outright rejection to elaborate "interpretations" which are diametrically opposed to the Senate's intention in passing the amendments.

Therefore, Mr. President, even if Panama accepts the amendments by signing the protocols of ratification, Panama has put the world on notice that she accepts them only according to her own interpretation—an interpretation that virtually empties the Senate changes of any significant content. The differences between the Senate's intent, as expressed in the treaty debates, and the Panamanian interpretation is so great that the potential for disputes, acrimony, and dissension will be vastly increased by ratification of the treaties. Once Panama assumes sovereignty over the canal, the United States will either have to acquiesce in Panama's demands, or withdraw early. We will be mousetrapped.

Indeed, the communique itself speaks of further struggles, further negotiations to shorten the life of the relationship with the United States.

Ironically, Mr. President, the treaties could not have passed without the very Senate amendments which Panama now repudiates. Most of the Senate sponsors of these changes announced publicly that their support of the treaties was conditioned upon acceptance of the changes in question. Without the votes of the sponsors, there would have been five or six fewer votes for the treaties themselves. And, of course, it is a matter of record that each treaty passed with only one vote to spare.

The communique thus calls into question Panama's good faith in proposing to sign protocols of ratification when the parties are so far apart in their understanding of the obligations imposed. It places a special burden on President Carter to resolve the differences before any irrevocable steps are taken to ratify the treaties. It is a settled point of international law that the exchange of instruments of ratification is a discretionary act on the part of the President. As is well understood, Senate approval of a resolution of ratification does not constitute ratification; the exchange of instruments constitutes ratification. Even after the Senate approves its resolution, the President still may withhold ratification if, in his judgment, circumstances warrant such a grave step.

President Carter, however, is reported to be taking an additional step, one without precedent: He is said to be planning to exchange the instruments of ratification with their effective date postponed until March 31, 1979. This action, too, is contrary to the Senate's intention in approving the reservation of the distinguished Senator from Massachusetts (Mr. BROOKE). The President's proposed action is precipitous and, as I will demonstrate in my discussion of the Brooke reservation, seems calculated to conform with Panama's interpretation, rather than with the Senate's intention.

The President's proposed action is unnecessary at this time, and deprives him of the leverage necessary to resolve the differences between the interpretation of Panama and the intention of the Senate. Nothing in the treaty or in international law requires a hasty exchange of ratifications. On the contrary, the President is supposed to judge the situation on present circumstances. Since the Senate action, the following events have occurred:

First. Immediately after the Senate approval of the Panama Canal Treaty, a coalition of the suppressed political groups in Panama stated publicly that, when they returned to power, they would reject the treaties approved by the Torrijos regime.

Second. The dictator Torrijos, in well-publicized statements issued at the same time, announced that, if the treaties had not been ratified, the National Guard was planning to sabotage the canal installations. This confirmed information which had circulated in the Senate prior to treaty approval. It demonstrates conclusively that Torrijos was negotiating in bad faith; and it decisively increases the probability that Torrijos will resort to violence in the future to undermine or destroy the treaties.

Third. The Foreign Ministry communique repudiates some of the basic conditions imposed by the Senate, and speaks of new negotiations and struggles after ratification to shorten the treaties' term. It repeats the threat of violence against the canal if Panama's desires are not fulfilled.

These conditions point to a fundamental failure of the negotiating and ratification process. They leave the President with few prudent options. President Carter can send the Senate version of the treaties back to Panama and ask for a second plebiscite to insure popular acceptance of the Senate changes. He can send the treaties back to the Senate for reconsideration with Panama's interpretations. Or he can withhold ratification until further negotiations produce a protocol of ratification which concretely rejects the disputed Panamanian interpretations. Mere formal acceptance of the Senate text is not enough as long as Panama maintains the Foreign Ministry communique as its official interpretation of the treaties for the Panamanian people.

Although no option is without its disadvantages, the worst option would

be to proceed with the proposed exchange of ratifications next week between the dictator Torrijos and the President of the United States, as long as a fundamental disagreement exists in interpretation. If we accept Panama's signature under the circumstances, it means that we accept Panama's interpretation.

The communique itself outlines Panama's view of the legal status of the treaties at the present time:

We can assert that, regardless of the term used, what matters is if the condition, reservation, amendment or declaration made by one party to the other modifies or changes what has been agreed to by the plenipotentiaries. If that change has not been made, it is unquestionable that the treaty has not been ratified but, rather, that a counteroffer has been made by one party which the other is at liberty to reject, modify, or approve. Only if it approves the counteroffer is the consent or perfecting of the wish of both parties to obligate themselves realized.

Mr. President, I ask unanimous consent that the communique of the Panamanian Foreign Ministry be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. HELMS. Mr. President, a careful reading of the Panamanian Foreign Ministry communique demonstrates conclusively that Panama has not given consent to the changes imposed by the Senate. Rather, Panama regards the Senate changes as a counteroffer which Panama is at liberty to reject, modify, or approve." Now of course, Panama is absolutely correct; Panama is at liberty to reject, modify, or approve the Senate changes. The communique constitutes Panama's own counteroffer to the counteroffer. It becomes an integral part of Panama's understanding of the terms. The President must act to remove the fundamental disagreement, to send the treaties back to the Panamanian people for a plebiscite, or to send them back to the Senate for reconsideration. Only under such conditions, to quote the Panamanian communique, "is the consent or perfecting of the wish of both parties to obligate themselves realized."

II. THE COMMUNIQUE'S REJECTION OF SIX CHANGES

The communique of the Panamanian Foreign Ministry is 25 pages long, and contains long passages which present an extraordinarily strident tone for a diplomatic instrument. Nevertheless it is an instrument which must stand as part of the official documentation of the treaties. In any interpretation of the treaties, or in any subsequent dispute over intention or meaning, the communique will stand as a pivotal document.

Mr. President, I ask unanimous consent that the communique of the Panamanian Foreign Ministry be printed in the RECORD at the conclusion of my remarks.

Mr. President, a careful reading of the document is required, because it attempts to be, on its face, an officially authorized statement by the Government explaining its stand with regard to the Senate-authorized changes. But more importantly, it is an attempt to limit the scope of the Senate changes and their juridical effect through restrictive interpretations and outright rejection of some elements of the treaty. The communique says:

With the completion of the Senate's proceedings in the United States, the Foreign Ministry, complying with orders from His Excellency President Demetrio B. Lakas and His Excellency Chief of Government Brig. Gen. Omar Torrijos Herrera, now undertakes to fulfill its duty of explaining to the citizenry the juridical scope of the resolutions of the Senate and setting forth its stand concerning the Senate's decision.

If Panama were in complete agreement with the actions of the Senate, there would be no need for "setting forth its stand."

The plain fact is that Panama is rejecting the Senate's significant changes precisely because they are significant. The key points rejected by Panama are as follows:

The Nunn Reservation to the Neutrality Treaty, modifying Article V so as to permit negotiations for the stationing of U.S. troops in Panama after the year 2000; Panama says, "With total emphasis, the Foreign Ministry declares that Article V cited previously has not been changed."

The DeConcini Reservation to the Neutrality Treaty authorizing U.S. troops unilaterally to enter Panama to put down a threat to the neutrality of the Canal. Although the subsequent leadership amendment to the Panama Canal Treaty merely restated long-standing U.S. policy on intervention, Panama says: "It is necessary to stress that the Senate's definition of U.S. policy in this reservation covers both treaties, which are mentioned specifically in the reservation, so that there would not be the slightest doubt that the DeConcini amendment added to the Neutrality Treaty would not continue in force."

The Hollings-Heinz-Bellmon Reservation to the Panama Canal Treaty, providing that the U.S. is not obligated to pay any outstanding balance under the annual $10 million contingency payment (Article XIII, 4, c) when the Canal is turned over in the year 2000. Administration officials testified that the contingent payment would not be included in the estimated toll base, would never be earned, and never paid. Panama states it to be her understanding that the contingent payment would be included in the toll base, would be paid in subsequent years if not earned in a particular year, and that "Paragraph 4 C is not symbolic or worthless; the two countries, in good faith, must give it practical content."

The Brooke Reservation, providing that the instruments of ratification be exchanged effectively not earlier than March 31, 1979, and the treaties not enter into force prior to October 1, 1979, unless the implementing legislation is passed earlier; Panama says that October 1, 1979, instead of being the earliest possible date, is "the deadline for the treaties' entry into force."

The Cannon Reservation that the Panama Canal Commission reimburse the U.S. Treasury for interest on investment and amortization of assets. Although all financial studies have shown that the Canal cannot generate enough revenue to make such payments, Panama says that "this reservation does not alter what was agreed upon. To the extent that the United States does not violate the principle of honoring the treaties in good faith, Panama cannot present claims to the United States.

The Danforth Understanding that toll rates need not be set at levels to cover payment of the contingency payment. Panama threatens violence if the Danforth Understanding prevails: "To the extent that the Panamanian people are satisfied with the canal administration due to the products they derive from it, they will continue protecting their canal. But if a stingy spirit prevails, aggravating the injustice suffered by Panama since 1903, then a circle of friendship will not have been built around the canal, but rather one of hatred, with possible grave consequences if a crisis occurs, which the national government would be the first to deplore."

Mr. President, the attitude of Panama on any one of these points would be enough to invalidate the agreement. I repeat that Panama has a right to reject the agreement if she so desires; but the President has no right to ratify on the basis of Panama's conditions without once more sending it back to the Senate. With Panama's understanding of the treaties now on the record, it is clear that these are not the treaties which the Senate approved. Either the Panamanian people must agree to the Senate version by plebiscite, or the U.S. Senate must agree to the version of the Panamanian Foreign Ministry.

As already pointed out, the communique is a carefully premeditated statement by Panama's legal experts, issued only after authorization by the President and the head of state of Panama. These contradictions cannot be allowed to stand without resolution, or the future operation of the canal and our continuing relationship with Panama will be placed in grave jeopardy. The issue is important enough to analyze each of the affected Senate amendments, the legislative history, and the context of Panama's objections.

A. THE NUNN RESERVATION TO THE NEUTRALITY TREATY

The Nunn reservation was passed by the Senate on March 15, 1978, by a vote of 82 to 16, as an amendment to the resolution of ratification of the Neutrality Treaty. The substantive portion reads as follows:

Nothing in this Treaty shall preclude Panama and the United States from making, in accordance with their respective constitutional processes, any agreement or arrangement between the two countries to facilitate their performance at any time after December 31, 1999, of their responsibilities to maintain the regime of neutrality established in the Treaty, including agreements or arrangements for the stationing of any United States military forces or maintenance of defense sites after that date in the Republic of Panama and the United States may deem necessary or appropriate.

The Nunn reservation was deemed necessary because of article V of the Neutrality Treaty, which reads as follows:

ARTICLE V

After the termination of the Panama Canal Treaty, only the Republic of Panama shall operate the Canal and maintain military

forces, defense sites and military installations within its national territory.

On its face, article V prohibits the stationing of any military forces not maintained by Panama; obviously that would include U.S. military forces as well. Although the Neutrality Treaty is of permanent duration—that is, in perpetuity—the treaty would have to be renegotiated and reratified to enable the United States to maintain military forces in Panama, even if the Panamanian Government so desired. The Nunn reservation would avoid that uncertain and unsettling process, allowing a mere government-to-government agreement. As such, it was a considerable softening of the ironclad language of article V.

1. THE INTENT OF THE NUNN RESERVATION

The Nunn reservation was regarded as a significant change, both by its sponsors and by the treaty floor managers. On March 14, Senator NUNN said:

I have sought to strengthen the treaties through amendment. As I stated last November, I could not support the treaties as originally submitted to the Senate last November. The Treaties' vague and equivocal language concerning U.S. defense rights beyond the year 1999 and the priority passage of U.S. vessels in times of emergency would have laid the foundation for conflicting interpretations. . . .

Accordingly, I join many of my colleagues in cosponsoring the amendments of Senators Byrd and Baker. . . .

I am also dissatisfied with article V of the Neutrality Treaty, which prohibits the United States from retaining any military installations in Panama beyond the year 1999. In my view, a small but select U.S. military presence in Panama beyond 1999 would be highly desirable for both of our nations and for all who use the canal. . . .

Accordingly, I have sponsored a change in the treaties specifying that the United States and Panama in the future, could, by mutual consent begin negotiations for an extension of a U.S. military presence in the Canal Zone beyond the year 1999. I have been assured by both the leadership of the Senate and the executive branch that this significant change is now acceptable. . . .

On March 15, the distinguished assistant treaty manager, Mr. SARBANES, responded in kind:

The reservation he has offered does provide the opportunity that would be to some extent closed under the existing language of the treaty because then to accomplish this objective you would have to have actual amendments to this treaty or a new treaty; whereas, the reservation which the Senator from Georgia has offered would make it possible to act by mutual agreement other than a treaty arrangement.

On the basis that it was a significant change, many Senators voted to approve the treaty.

Indeed, the Nunn reservation was cosponsored by many Senators who had expressed doubts about the treaty, as well as by some who strongly favored the treaty. The sponsors with Senator NUNN were Senators BELLMON, DECONCINI, BROOKE, TALMADGE, HEINZ, RANDOLPH, CHILES, JACKSON, ZORINSKY, and BAYH. Senator NUNN said:

I think the American people are clearly concerned over the total U.S. military pullout mandated by the Neutrality Treaty. I believe that the vast majority of Americans who are aware of this treaty and have studied this treaty want changes which would grant both the United States and Panama greater flexibility on this issue. . . . So to me, Mr. President, this is a very important improvement.

* * * * *

I certainly think this amendment is in the best interests of the relationship between the United States and Panama, and it eliminates a part of my problem with the treaty.

Similarly, the distinguished senior Senator from Georgia (Mr. TALMADGE) said:

I think the Senator has made a great improvement in this treaty. I commend him for offering this amendment. I think that it is a definite improvement over the Panama Canal Treaty, because I share with my colleague the view that before the year 2000, if the working relationship between the U.S. Government and the Panamanian Government is such as we hope and expect, they may desire to have a future military presence on the part of the U.S. Government in the Canal Zone . . .

Senator HEINZ, after reading a portion of an amendment he had intended to offer himself, said:

The language I just read the Senator comes from my own reservation I had intended to propose. I think the Senator's reservation accomplishes precisely the same goal and, as the Senator well knows, I support his reservation.

Clearly, the Senate was not just going through an exercise; the Senate thought it was doing something important.

2. NECESSITY FOR PANAMA TO ACCEPT THE NUNN RESERVATION

In the light of Panama's rejection of the proposition that article V was modified by the Nunn reservation, it is important to note in the legislative history that the Senate held extensive debate concluding that the treaty could not be ratified unless Panama accepted the Nunn reservation. Both opponents and proponents of the treaties were in complete agreement on this point: The instruments and ratification cannot be exchanged unless Panama agrees to the Nunn reservation—and of course, by implication, with any and all reservations. The exchange began with Senator DOLE on March 15:

Mr. DOLE. I guess the question is, what if the Senator approves the ratification and Panama rejects? What if the Senate wants to establish this treaty and the Panamanian people refuse to conclude a protocol and the change called for in this reservation, would the ratification of the treaty thereby be vitiated?

Mr. NUNN. The Senator from Georgia stated very clearly that legally, as the reservation itself expressed, unless Panama agreed to this reservation the instruments of ratification of the treaty would not be exchanged. This reservation also specified that it has to be done by the conclusion of a protocol of exchange to be signed by the authorized representatives of both governments. So, the Senator from Georgia understands that unless the reservation is accepted by the Government of Panama, there will be no treaty . . . If the floor manager has any different interpretation, I certainly think he should make it known now because that is my understanding.

* * * * *

Mr. SARBANES. No; I do not differ with the response which the able Senator from Georgia has given. . . . The language of the reservation makes it clear that this is a condition precedent to the exchange of the instruments of ratification, and therefore is a prior condition that has to be met before you can proceed to the conclusion of the treaty arrangement between the two nations.

The reservation, incidentally, as was indicated in yesterday's debate, does have binding effect and therefore it is a matter of consequence.

* * * * *

Mr. DOLE. Will the protocol come back to the Senate for debate and approval? How is that handled?

Mr. SARBANES. No, the protocol of exchange would not come back to the Senate. But the condition we have attached is that the instruments of ratification shall not be exchanged except upon the conclusion of such a protocol of exchange which shall include, among other things, the reservation offered here by the Senator from Georgia.

Mr. President, as the distinguished Senator from Maryland pointed out, the Senate does not have another chance to act upon the protocol of exchange, a situation that makes the present situation extremely delicate. What is the Senate to do if the President of the United States ignores the objections and conditions officially raised by Panama, yet he goes ahead with the protocol of exchange anyway? The language of the protocol might contain a superficial acceptance of the Nunn reservation or any other of the reservations; yet Panama has already put forward her understanding of those reservations, an understanding which differs remarkably from what the Senate agreed to. Because the Senate will not have a chance to examine the protocol of exchange, the President is morally bound to send the treaties themselves back to the Senate for further debate. If there is no true agreement, then the protocol of ratification should not be signed, as pointed out by the distinguished Senator from Massachusetts (Mr. KENNEDY), who began the following exchange:

Mr. KENNEDY. If I could have the attention of both the Senator from Georgia and the Senator from Maryland, is it my understanding that, if Panama does not accept this reservation, the treaty itself will fail?

Mr. NUNN. As I understand it, the execution of this protocol of exchange which would contain this reservation is a condition precedent to the effectiveness of the treaty.

Mr. KENNEDY. And that is the understanding of the Senator from Maryland as well?

Mr. SARBANES. Yes.

Will the Senator yield?

Mr. NUNN. I am glad to yield.

Mr. SARBANES. I am now quoting from Charles G. Fenwick, International Law:

"Since the signature of a treaty represents a meeting of minds of the several parties upon specific provisions involving reciprocal obligations, any changes or amendments inserted by one party as a condition of ratification must be accepted by the other party if the treaty is to come into legal effect.

"I ought to point out that ever since 1922, the technique which the Senate has used to alter the legal effect of provisions contained in a treaty, in exercising its advise-and-consent function, or the primary technique, has been through amendments to the articles of ratification as reflected in reservations. Those, of course, then have to be agreed to, or accepted by the other party to the treaty if, in fact, there is to be a treaty."

Mr. President, this colloquy can leave no doubt in any person's mind that there must be a true meeting of minds, if a treaty is to have binding effect. I cannot believe that a single one of my distinguished colleagues would disagree with that point, no matter what their position on the treaties themselves. If Panama officially rejects the Senate's interpretation of the treaties, and then signs the protocol of exchange with the United States, then it means by implication that the United States accepts the Panamanian interpretation, and we are bound thereby.

3. PANAMA'S REJECTION OF THE NUNN RESERVATION

If the Nunn reservation does not change the scope of article V, then no reservation can be said to have any effect upon any treaty. The whole nature of a reservation is to make a substantive change. The fact that a reservation is an amendment to the resolution of ratification and is to be incorporated into the protocol of exchange, rather than into the article V itself does not change its practical effect. Therefore, the judgment of the Foreign Ministry's communique on the Nunn reservation can be considered as nothing other than a rejection of the effect of the reservation:

With total emphasis, the Foreign Ministry declares that Article V cited previously has not been changed.

The communique goes on to add the following cryptic note:

All states have the power to negotiate without limitations except those imposed by the UN Charter.

But negotiation is not the issue in the Nunn reservation; the issue is whether article V permits agreements for U.S. troops to remain in Panama after 1999 without negotiation of new treaties. If article V does not permit such nontreaty agreements, then we could face a serious confrontation on an issue which is of prime importance to the Senate, an issue which, indeed, could have defeated the treaties. If Panama does not accept the Nunn reservation as a substance change in article V, there should be no treaty.

Panama's reaction is particularly disturbing, because it runs contrary to the information given to the Senate as to Panama's attitude. The Senate had been led to believe that the Nunn reservation was consistent with the negotiations and our understanding of Panama's attitude. Even the Senate leadership was under that impression, as was evident in the following exchange on March 15:

Mr. KENNEDY. May I ask the Senator, again the floor manager, whether there has been any indication from the Panamanian Government as to the acceptability of this particular reservation?

Mr. SARBANES. I would have to say to the Senator in response to that question that we have no definitive indication.

Mr. KENNEDY. But it is the Senator's position that this reservation is completely consistent with the other provisions of the treaty and with the understandings and negotiations which have taken place between the United States and Panama?

Mr. SARBANES. I respond to that in the affirmative. . . ."

* * * * *

Mr. KENNEDY. In the amendment of the Senator from Georgia, it is very clear that the purpose is to maintain the regime of neutrality established in the treaties. Those words have great weight in terms of establishing both the purpose and tone of this reservation.

As I understand from the debate yesterday and from the statements today, that is the purpose of this reservation. Without this particular reservation, without other treaty arrangements—even with the agreement of the Panamanian Government and the United States—this treaty would preclude the opportunity for joint agreement to U.S. military presence for the purpose of maintaining the neutrality of the canal. This is really the purpose and the focus of this reservation.

Do I understand the Senator from Georgia correctly?

Mr. NUNN. The Senator from Massachusetts is correct.

The Nunn reservation imposes no additional burden upon Panama. However, it significantly alters the effect of article V to permit an exception to article V in the future, if both parties agree. For the Panamanian Government now to declare "with total emphasis" that article V "has not been changed" is to make a mockery of the Senate's proceedings. Indeed, it is more than that; it is a repudiation of the reservation itself.

B. THE DECONCINI RESERVATION TO THE NEUTRALITY TREATY

Mr. President, the DeConcini reservation No. 83 was passed by the Senate on March 16 by a vote of 86 to 13, as an amendment to the resolution of ratification of the Neutrality Treaty. The substantive portion of it was as follows:

Notwithstanding the provisions of Article V or any other provision of the Treaty, if the Canal is closed, or its operations are interfered with, the United States of America and the Republic of Panama shall each independently take such steps as it deems necessary, in accordance with its constitutional processes, including the use of military force in Panama, to reopen the Canal or restore the operations of the Canal, as the case may be.

Although this reservation is entirely consistent with the purposes of the Neutrality Treaty and the responsibilities of the United States under that treaty, the amendment made explicit a point that was before only implicit. Panama chose to take offense at the Senate's action and the Senate's debate, and the partisans of Panama felt it necessary to sponsor a so-called "leadership amendment" to the Panama Canal Treaty restating U.S. policy.

The Senate passed the "leadership amendment" to the Panama Canal Treaty on April 18, by a vote of 73 to 27. Cosponsored by the distinguished majority leader, Mr. BYRD, the distinguished minority leader, Mr. BAKER, and by Senators DECONCINI, CHURCH, SARBANES, SPARKMAN, JAVITS, LEAHY, and GRAVEL, the substantive portion read as follows:

Pursuant to its adherence to the principle of nonintervention, any action taken by the United States of America in the exercise of its rights to assure that the Panama Canal shall remain open, neutral, secure, and accessible, pursuant to the provisions of this Treaty and of the Neutrality Treaty and the resolutions of advise and consent thereto, shall be only for the purpose of assuring that the canal shall remain open, neutral, secure, and accessible, and shall not have as its purpose nor be interpreted as a right of intervention in the internal affairs of the Republic of Panama or interference with its political independence or sovereign integrity.

There is, on the surface, no conflict between the language of the two reservations. Both are limited solely to actions designed to open the canal or to keep it open, pursuant to the regime of neutrality with both nations are pledged to maintain. The scope of the DeConcini resolution is limited to actions taken "to reopen the canal or restore the operations of the canal." Although the DeConcini reservation authorizes the United States to "take such steps as it deems necessary," the authority thereby granted is not unlimited, but rather is strictly constrained by the stated purpose; namely, "to reopen the canal or restore the operations of the canal."

Indeed, if anything, the leadership amendment to the second treaty goes beyond anything the DeConcini reservation threatened, for it goes beyond the question of keeping the canal "open" and adds three new substantive grounds for action; namely, keeping the canal "neutral," "secure," and "accessible." It is thus far more wide-ranging in offering motives for action, gives a far broader range for interpretation of any given set of circumstances affecting the canal's operations, and offers a blank check for anything the United States may wish to do. For if the logic of the leadership amendment is examined closely, its plain meaning is that both parties have agreed in advance that any U.S. action, including intervention in Panama's internal affairs, shall not be interpreted as "intervention" so long as such intervention has as its purpose keeping the canal open, neutral, secure, and accessible.

Thus the leadership amendment to the second treaty in no way cancels or amends the original DeConcini reservation. Although it appears to offer a legal fiction to redefine intervention as "nonintervention," it does nothing to make the DeConcini reservation inoperative in any way. And, especially, it leaves intact something to the legal status of any action, including military action, that the United States may wish to take in the future for the purpose of keeping the canal open.

It leaves intact the DeConcini reservation's use of the word "independently." The DeConcini reservation says that the United States and Panama "shall each

independently take such steps as it deems necessary." On this key word hinges the right of the United States to take unilateral action to fulfill our responsibilities under the treaties. Without that word, our security rights with regard to the canal are worthless. Without that word, the withholding of consent by Panama is sufficient to make any action we take illegal.

The administration constantly maintained that the right of independent action was implicit in the treaties. When doubts arose, the administration maintained that the right of independent action was implicit in the so-called "leadership amendments" to the first treaty. When the argument of implicitness was still not enough to secure the last two or three votes needed for approval, the administration permitted the distinguished Senator from Arizona to use the word "independently" in his reservation, thus making explicit at last the central issue in the defense arrangements.

It is, therefore, vital that Panama accept the DeConcini reservation for there to be a meaningful agreement on central treaty issues. But Panama insists that the DeConcini reservation is somehow canceled by the reservation made to the second treaty. The Panamanian Foreign Ministry communique states flatly:

> It is necessary to stress that the Senate's definition of U.S. policy in this reservation covers both treaties, which are mentioned specifically in the reservation, so that there would not be the slightest doubt that the DeConcini amendment added to the Neutrality Treaty would not continue in force.

If the President of the United States does not uphold the full force and effect of the DeConcini reservation for "independent" U.S. action to maintain the neutrality of the canal, then he will be breaking the very commitment upon which the treaty structures were approved by the Senate.

1. THE NEED FOR A UNILATERAL RIGHT TO DEFEND THE CANAL

The central issue with regard to U.S. defense rights in the Panama Canal treaties is the question of the unilateral right to defend the canal. From the very beginning, the negotiators were faced with a basic contradiction: The key issue for Panama was the reversion of the sovereign rights exercised by the United States; the key issue for the United States was the right to defend the canal unilaterally.

The difference in size, stability, and military power between the two nations was the practical problem that made solutions difficult. Even Panama had to admit that she did not have the capability to defend the canal, nor could Panama be given the capability. Yet the unilateral right to exercise military force is the most fundamental of sovereign rights. Despite the fine structures of international law and multilateral treaties, no nation is truly independent, that is truly free from conquest, unless it has the power to defend itself without recourse to another, or has an unshakeable ally to protect its independence. But what happens if the only feasible ally is the very nation that nationalistic pressures claim to be the oppressor?

International law holds that each nation has the right to make decisions over all internal affairs without outside interference, and that no other nation has a right to violate its territorial integrity. This is summed up in the doctrine of sovereignty, that is, the exercise of supreme power or dominion over a defined territory.

Although the doctrine of sovereignty had its origins in the theory of the medieval monarchy, which considered all power to rest in the person of a living sovereign, the concept of the sovereignty of nations did not develop until the late 18th century began to transfer the actual power from the living monarch to representational government, with power theoretically flowing from the people. The doctrine of sovereignty held that it was immoral and unlawful to interfere with the will of the people.

However, the theory of inviolate sovereignty was first applied to nations with republican and/or democratic structures. The extension of inviolate sovereignty to despotisms of various sorts, or to situations of anarchy, was honored more in the breach than in the observance. Even today, the notion that the sovereignty of despotic countries may not be violated has not really been accepted by the mass of the American people. Despite the sophistication of opinion makers and establishment leaders, who would like to pretend that all nations should be treated as equals, many, if not most Americans doubt the wisdom of scrupulous observance of the dictates of sovereignty when it comes to Communist regimes or "tin horn dictators" whose power is based on force. They reason that if sovereignty is based upon the will of the people, how can we respect the sovereignty of nations where the will of the people has been suppressed?

The U.S. negotiators chose, for political reasons, to sidestep the issue of sovereignty in the Canal Zone. Apparently, they made a decision that it would be easier to begin negotiating from the premise that the United States did not hold sovereignty in the Canal Zone. By denying that the United States had ever held sovereignty, the negotiators apparently thought that it would be easier to sell the finished treaties to the American people, and easier to come to practical terms with the Panamanians.

The negotiators failed on both counts. The prestigious poll taken by Opinion Research Corp., of Princeton, N.J., showed that half-way through the treaty debates, 72 percent of the American people still opposed giving up ownership and control of the Panama Canal. Even other polls, which purported to show a shift of opinion, admitted that any such shift turned on the issue of adequate defense. When the question of adequate defense was put to the people by Opinion Research, it was found that acceptance of adequate defense turned upon whether the United States would have the unilateral right to defend the canal.

As for coming to terms with the Panamanians, the negotiators never solved the central problem of unilateral defense. The original drafts signed by the President were deemed to be unacceptable by the Senate leadership, because of the ambiguities of our defense rights. Not even a clarifying statement issued jointly by the President of the United States and the Panamanian dictator was deemed sufficient; the leadership insisted that the statement be incorporated into the treaties as amendments if two-thirds of the Senators were to be won over to support. As a desperate move to secure the final two or three votes needed, the Senate leadership agreed to the DeConcini reservation, giving both nations the right to act independently.

But apparently, this is precisely what the Panamanians still refuse to accept as part of the treaty instruments. If President Carter accepts the Panamanian understanding that the DeConcini reservation does not continue in force, by his act of signing the protocol of exchange, then he will have made a major concession that was not in the mind of the Senate.

What the negotiators have done by sidestepping the issue of sovereignty is to continue the fatal ambiguity of the 1903 treaty. For many experts far more competent in the field of international law than I have concluded that the 1903 treaty conveys the substance of sovereignty, the attributes of sovereignty, indeed, the total exercise of sovereignty. By the same treaty, Panama surrendered the same substance, the same attributes, the same exercise of sovereignty. It is a reasonable conclusion of law that sovereignty was conveyed; but the treaty is unique in that it is silent on the crucial point.

During our years of construction and operation, the United States possessed a position of strength. If sovereignty is the exercise of supreme power in a defined territory, then the United States exercised full sovereignty. Panama complained, but she had no position either in law or in power to complain. The United States never once acknowledged that Panama possessed sovereignty concurrently with the United States; even the notion of residual sovereignty meant only the claim of Panama to reassume sovereignty if we ever gave it up.

Despite Panama's complaints, the creation of the Canal Zone set up the only practical solution to the exercise of military power by the United States without being subordinated to Panama. So long as Panama did not exercise sovereignty within the Canal Zone, Panama could not object in law to any action that the United States took in defense of the zone. It set up a defined territory where the United States had freedom of action.

In the beginning, when Panama was first independent, the United States undertook to be guarantor of Panama's independence. Indeed, this was a condition demanded by Panama; it was not popular in the United States. The United States had further extraterritorial rights outside of the Canal Zone, rights (such

as sanitation) that in fact conferred great benefits on Panama. As the doctrine of nonintervention grew, however, the United States, in deference to Panama's wishes, receded from any extraterritorial rights. We agreed that we had no right to act within Panama's territory without Panama's permission. In practice, however, the Canal Zone was treated by both countries as U.S. territory.

Thus, in 1947, the United States and Panama had negotiated a defense treaty that allowed the United States to keep a number of World War II military bases outside of the Canal Zone and within Panamanian territory. When the treaty was put to the National Assembly for ratification, organized mobs, provoked according to the U.S. State Department by Communist agents, filled the galleries and surrounded the building, threatening death to any deputy who voted to ratify. The agreement was defeated.

However, even though the United States felt that Panama had reneged on a defense commitment in the 1936 treaty, and even though the United States felt that the rejection was made by duress and did not represent the will of the Panamanian nation, all U.S. troops then in the territory of Panama were withdrawn in a matter of hours. They were withdrawn precisely because of the respect of the United States for the sovereignty of Panama.

The logic of sovereignty is inescapable. A nation has the right to determine its internal and external affairs without outside interference. The movement of foreign troops within its territory is an internal affair, even when regulated by treaty. The interpretation of treaties, particularly as the treaties affect its own territory, is also an internal affair. Because of the inviolability of sovereignty under international law, no outside nation can assert its foreign interpretation of such treaties in contravention of the sovereign's interpretation.

Thus, even if we believe that Panama has violated the Panama Canal treaties, even if we believe that Panama has violated the regime of neutrality, we have no right to use military force to remove what we interpret to be a violation. Once we surrender the exercise of sovereign rights, we must act only in concert with the new sovereign, or we face checkmate. Our only legal alternative is mediation, conciliation, arbitration; but Panama is not obliged to accept the results of any of those processes.

So long as the United States exercises sovereign powers in the Canal Zone, Panama has no legal right to object to our actions in that territory. Conversely, once Panama exercises sovereign powers in that territory, we have no legal right to object. The logical box is airtight.

That is why it was important, in my judgment, for the United States to maintain that the 1903 treaty was a cession of sovereignty en bloc, as well as a transfer of territory. Without the successful assertion of such rights, we would have no ground for the successful operation and defense of the canal.

Similarly, once the negotiators began with the premise that sovereignty was to be conceded to Panama, the United States shifted to a position of weakness. The best that could be hoped for was an explicit concession by Panama to the United States of the unilateral right to defend the canal. This, in itself, would be a dubious base for defense, because it would be a concurrent assertion of sovereignty by two different nations over the same territory. It involves a fundamental contradiction, even if the primary sovereign accedes to such a concession by the treaty. The primary sovereign would still have a right to renounce the treaty, or to contest an action under the treaty. The only advantage of the United States is one of pragmatism: The United States could act first in an emergency, and then sort out the legal consequences later.

Such a concession must be explicit, rather than implicit. If it is merely implicit, there is no agreement in law. Anglo-Saxon legal traditions are inclined to supply meaning to the law to make it work, if explicit sanction is missing; but Latin American legal traditions, based on code law, presume exactly the opposite rule of interpretation. If agreements are not spelled out exactly, the courts cannot supply a solution, no matter how logical in the implications of the language. When different cultural traditions govern the same negotiators, a collision is inevitable.

The method the negotiators chose was to carefully avoid making any explicit recognition of a unilateral right of defense. The rights of both nations were stated in parallel form, as though both would always operate concurrently and cooperatively. The treaties simply omitted considerations governing the operation of these rights if it should happen that they would be exercised in opposition to each other. The negotiators apparently hoped that such disagreements would never arise; or perhaps they simply allowed for the legal effect of the doctrine of sovereignty, namely, that the will of Panama would supersede the rights of the United States.

The proponents of the treaties constantly interpreted the parallel rights language of the treaties as a unilateral right; but they assiduously opposed any attempt to have unilateral rights written into the text. The desperate acceptance of "independently" in the DeConcini reservation, however, smoked out Panamanian discontent over any legal commitment to U.S. unilateral rights.

2. LEGISLATIVE HISTORY OF UNILATERAL DEFENSE RIGHTS

The struggle over the question of unilateral U.S. defense rights for the canal began in 1975. Up until that time, the Department of Defense had insisted upon the retention of a Canal Zone under the new treaty that would leave the United States with a defined territory of jurisdiction, if not sovereignty, similar to other overseas bases. The State Department negotiators insisted, however, that Panama would never accept such a concept. Instead the State Department began negotiating with the Department of Defense and the National Security Council, developing the notion of "combined defense" of the canal, in which United States and Panamanian forces would work cooperatively in all aspects of defense, with the zone itself being dismantled into operational units.

The then Deputy Secretary of Defense, Mr. William P. Clements, Jr., was delegated to go to Panama to discuss this with Torrijos. Mr. Clements testified before the Armed Services Committee on February 1, 1978, as follows:

In September of 1975, General Brown and I went to Panama and spent 2 days there and met with General Torrijos and his staff. Assistant Secretary of State Rogers went with us and we had a thorough, ongoing discussion while we were there, as you can imagine. We were joined by the President of Panama, President Lakas, and also by the U.S. Ambassador to Panama, Mr. Bill Jordan.

This was a fruitful trip in the spirit that we impressed upon Mr. Torrijos that the singlemost thing in any treaty negotiation had to be the security of the canal and as it affected our national security and our strategy on a worldwide basis.

General Torrijos understood this; he agreed that the security aspects of this had to be clear, and that the rest of the treaty could be accommodated to this basic building block.

Subsequently, a security clause acceptable to the Pentagon was evolved. The Department of Defense attorneys helped significantly in this. Ben Forman was the drafter of that particular clause. It was processed through the Interagency Group, including the State Department and the NSC staff at the White House, and that particular clause was included in the then existing draft of the treaty.

I would like to insert in the record that particular clause that was included, and I will read it to the committee:

"In the event of any threat to the neutrality of the Canal, the Parties shall consult concerning joint and individual efforts to secure respect for the Canal's neutrality and security through diplomacy, conciliation, mediation, arbitration, the International Court of Justice, or other peaceful means. If such efforts would be inadequate or have proved to be inadequate, each Party shall take such other diplomatic, economic or military measures as it deems necessary in accordance with its constitutional processes."

Mr. President, the first sentence in the Clements clause is merely a face-saving device; the real operative part is the last sentence. It is both prospective and retrospective; that is, it covers either threats which have occurred or which could occur. It is not limited to peaceful methods of conciliation, which obviously would be too time consuming in a crisis. If such methods "would be inadequate" then each Party can take such steps—and the operative phrase is "military measures"—"as it deems necessary."

Thus without using the word "unilateral" the clause would have given unilateral rights. In the questioning which followed, I asked Mr. Clements the following:

Mr. HELMS. Does that clause . . . give the United States the unilateral right to intervene in Panama to protect the Canal?

Mr. CLEMENTS. Yes, sir, I was told by the legal counsel of the State Department and by our counsel in the Department of Defense, that this clause, 'it deems necessary,' it, referring to the United States, gave us all the rights that we needed. That gives us that unilateral right.

Mr. HELMS. Now, General Torrijos was in agreement with this at that time; is that correct?

Mr. CLEMENTS. Yes, sir, he was

Nevertheless, when the treaties were finally unveiled by President Carter last September, the Clements language, with the right of unilateral action, was missing. In its place was a vague, general statement, based upon the parallel rights theory. Article IV of the Neutrality Treaty read as follows:

ARTICLE IV

The United States of America and the Republic of Panama agree to maintain the regime of neutrality established in this Treaty, which shall be maintained in order that the termination of any other treaties entered into by the two Contracting Parties.

The general consternation created by this weak statement was so great, even among treaty proponents, that President Carter and General Torrijos, when they met in Washington on October 14, 1977, were forced to issue a joint statement to clarify, or perhaps amplify, article IV. However, the statement was not a signed agreement. Suspicions about the efficacy of the statement—apart from its content—led to a demand that the statement be made a part of the treaty. This suspicions were heightened when the State Department steadfastly rejected every suggestion that the statement be included in the treaty.

Nevertheless, concern over U.S. defense rights remained so high that the Foreign Relations Committee, despite an almost solid front of treaty support, voted to put the language in the treaty. But Panamanian sensitivities were already high on the defense issue, already indicating that there was no meeting of minds on the most crucial issue. The committee voted to include the language as a new title, a move which raised an uproar from Panama. The new title gave entirely too much prominence to the U.S. defense rights; the committee thereupon reversed itself and broke the statement in two parts, attaching them as "interpretations" to articles IV and VI. The committee report tells the story:

The Committe had originaly voted to include the Joint Statement in a single amendment which would have added as a new article IX to the treaty. Upon being advised by the State Department—contrary to previous advise—that this placement could require a new Panamanian plebiscite, the Committee voted to reconsider the proposed article IX and voted instead to recommend the addition of that same material in two parts, to articles IV and VI. This did not represent a "flip-flop" . . . The difference is purely one of cosmetics. If a negligible change in form, with no change whatsoever in substance, could obviate the need for a new plebiscite—an eventuality which could complicate vastly the ratification process—then the Committee concluded that it could happily oblige.

The committee did not explain why no new plebiscite would be needed in Panama as a result of the change; it merely stated that "the Committee is informed by the Department of State that the Government of the Republic of Panama has concluded that no new plebiscite will be required for the approval of the two amendments." Although neither the joint statement nor the two amendments appeared on the ballots used in the plebiscite, the joint statement did appear in the newspapers, and was read by General Torrijos to the people of Panama on live television 3 days before the plebiscite. "It thus is clear that the Panamanian people were fully apprised of the Joint Statement prior to the plebiscite, and were accorded a full opportunity to consider its provisions before approving the treaties."

That position, of course, is a nonsequitur. The Panamanian peopple might very well have considered the joint statement as just so much rhetoric, and not legally binding. They might have been able to accept the joint statement as meaningless grist for the political mill in the United States, so long as it did not appear as an integral part of the treaty. Indeed, it is a fair conclusion that the Government of Panama also feared another plebiscite on the joint statement, because of its sensitivity to the unilateral defense rights question. That fact that the Government of Panama would take the unprecedented step of requesting the Foreign Relations Committee to submit a lower profile for the amendments indicates how anxious Panama was to avoid testing the feelings of the Panamanian people on this issue.

When the amendment is read carefully, however, it does not explicitly spell out unilateral defense rights, it merely elaborates on the parallel rights concept, making no provisions for resolution of a conflict between the rights of the two parties. Moreover, it goes beyond the exposition of parallel rights to deny, explicity, interference in the internal affairs of Panama. Since everything within Panama's territory is an internal affair, including disputed treaty interpretations, the rights of Panama are thus made paramount. That is a correct interpretation of international law; but it does not give the United States the unilateral rights of defense that, from a practical point, is absolutely necessary for the security of the canal.

The substantive part of the amendment reads as follows:

Under the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (the Neutrality Treaty), Panama and the United States have the responsibility to assure that the Panama Canal will remain open and secure to ships of all nations. The correct interpretation of this principle is that each of the two countries shall, in accordance with their respective constitutional processes, defend the Canal against any threat to the regime of neutrality, and consequently shall have the right to act against any aggression or threat directed against the Canal or against peaceful transit of vessels through the Canal.

This does not mean, nor shall it be interpreted as a right of intervention of the United States in the internal affairs of Panama. Any United States action will be directed at insuring that the Canal will remain open, secure, and accessible, and it shall never be directed against the territorial integrity or political independence of Panama.

The language of the amendment says that each party had the right to defend the canal against "any threat." But if the United States perceives the threat to be the Government of Panama, then the amendment means that the United States has the right to use force against Panama, which reduces the treaty to absurdity. Astonishingly, the committee report boldly asserts that the United States has such a right, in language more provocative than anything later spoken on the Senate floor. The report says:

It allows the United States to introduce its armed forces into Panama whenever and however the Canal is threatened. Whether such a threat exists is for the United States to determine on its own in accordance with its own constitutional processes. What steps are necessary to defend the Canal is for the United States to determine on its own in accordance with its constitutional processes. The United States has the right to act if it deems proper against *any* threat to the Canal, internal or external, domestic or foreign, military or non-military. Those rights enter into force on the effective date of the treaty. They do not terminate.

This statement is sheer nonsense, because any treaty is subject to the rule of sovereignty. Unless there is a total cession of sovereignty to another nation, every concession of a treaty is subject to the continuing will of the sovereign nation, and that nation's interpretation of the treaty. The committee argues that:

The prohibitions set forth in the second paragraph do not derogate from the rights conferred in the first. The Joint Statement recognizes that the use of Panamanian territory might be required to defend the Canal. But that use would be for the sole purpose of defending the Canal—it would be purely incidental to the Canal's defense; it would be strictly a means to that end, rather than an end in itself; and it would not be carried out for the purpose of taking Panamanian territory. The concepts of the territorial integrity and political independence of Panama are, in short, an integral part of the treaty. . . .

The committee's rationalizations simply set forth the committee's interpretation of hypothetical actions; but under the doctrine of sovereignty, it is Panama's interpretations that would be controlling. Panama need not, indeed, could not, accept the interpretation of the United States regarding military actions on Panamanian territory, particularly if those actions interfered, even temporarily, with the acts of the Panamanian Government. The poverty of the committee's argument is demonstrated by the assertion that the concepts of the territorial integrity and political independence of Panama are an integral part of the treaty, yet on the very same page, the committee sweeps away its own statement by saying:

Finally, even if a conflict were somehow to arise between the two paragraphs, because the United States has the right to act against "*any* . . . threat directed against the Canal", there is no question that the first would prevail. The rights conferred therein are stated in absolute terms and must be construed as controlling.

In one breath the committee asserts that Panama's integrity is an integral part of the treaty, yet in the next breath Panama's integrity cannot prevail against U.S. intervention. At the very beginning of the canal debate, the committee thus attempted to assert a right of armed intervention far more absolute than any statement made on the floor; it is all the more shocking because the assertion is not in the least supported by a fair reading of the text, or by basic principles of equity and international law.

When the debate on this amendment, amendment No. 20, began, the distinguished majority leader, Mr. BYRD, was far more temperate in his assertions, and far less absolute. Yet he once more interpreted the contradictions of the joint statement as guaranteeing to the United States "unilateral" defense rights. He stated on March 9:

It is also clear from this amendment that the United States has the right to act on its own, if need be, to protect the Canal. This amendment states that each country shall, in accordance with its constitutional processes, defend the Canal, and shall have the right to act against any aggression or threat.

This language is definitive; it is specific; it is clear. It does not state and it does not imply that the two countries must consult, or that they must act in concert, or that one country has veto power over the actions of the other.

It is to be hoped and anticipated that the two countries will, indeed, act on a cooperative basis, with consultation and concerted action. I believe that the approval of these treaties will increase the likelihood of cooperation between the United States and Panama. So while cooperation is possible and desirable, this amendment does not preclude unilateral action.

The statement of the distinguished minority leader, Mr. BAKER, also seized on the amendment as a guarantee of unilateral rights for the United States:

The treaty must be amended to provide the guarantee that the United States may, by the words of the treaty, unilaterally act to insure that the Panama Canal remains both secure and open. By this amendment to the treaty . . . it becomes the explicit position of the United States and Panama that the United States may act to meet any threat to the regime of neutrality whether it originates from without or within Panama. It should be clearly understood that a Panamanian decision to deny use of the Canal to any nation constitutes as much a threat to the regime of neutrality as would an invasion of Cuban troops.

By this amendment we admittedly are guarding against the worst scenario we could envision—one in which we would be forced to take action to keep the canal secure and open in the face of an action or even a failure to act by the Government of Panama.

In an attempt to make explicit the very concerns raised by the distinguished majority and minority leaders, I offered as a substitute to their amendment the language developed by former Deputy Secretary Clements, language agreed to by Torrijos, but which explicitly gave each nation power to act as it saw fit. Only by some such language as Mr. Clements devised, could the treaty make clear that the United States had a unilateral right of defense.

The purpose of offering the Clements language as a substitute was to draw the issue clearly between what rights we would have by law under the treaty, and what rights we would have by our interpretation only. The report of the Committee on Foreign Relations, and the speeches of the distinguished majority and minority leaders all emphasized that the United States would have the rights of unilateral action. Yet the text itself did not specify that each nation could take the steps which it deemed necessary. The silence of both the leadership amendments and the treaty itself on the right of unilateral action leaves our rights to be governed only by the context, namely, the context of Panama's sovereignty.

The fundamental problem is that the United States apparently wants to appear to be giving back all sovereign rights to Panama, but, at the same time, keep some of the rights of sovereignty by subterfuge. The use of force within a specified territory is an exercise of sovereignty. Such force can only be used with the consent of the sovereign. If that consent is not expressed specifically in a treaty or other agreement, then the consent cannot be presumed. The fact that a treaty permits the United States to take some defense actions within the territory of another sovereign does not permit us to take any action, particularly when the treaty contains clauses preserving the ultimate sovereign rights of the nation. Such an interpretation would be contrary to international law and to other international agreements that we have signed.

In particular, as I pointed out in defense of my proposed substitute, such an interpretation would be contrary to the U.N. Charter, to the Rio Pact, and to the Charter of the Organization of American States. Insofar as we recognize the sovereign equality of all nations we must bow to the treaty interpretations of other nations when the use of force within their territory is involved. The U.N. Charter is very specific:

ARTICLE 2

The Organization and its Members . . . shall act in accordance with the following principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security . . . are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

In the Senate debate on March 10, I pointed out that the phraseology of article 2, paragraph 4 was incorporated in the leadership amendment—a fact which made the committee report's language that our right of intervention was absolute even more incredible. Should any dispute arise over whether U.S. military actions in Panama were directed toward maintaining neutrality or toward interfering with Panamanian internal affairs, the United States is bound to refrain "from the threat or use of force."

Moreover, article 103 of the U.N. Charter, the so-called "supremacy clause," provides that:

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Thus, clearly, any dispute arising out of interpretation of the canal treaties is subject to the rules of the U.N. Charter. We cannot unilaterally assert our interpretation of treaty rights, particularly by using force. We cannot use force in the territory of Panama and maintain that the force is not directed against the territorial integrity of Panama if Panama is objecting to that use of force. We cannot even maintain that the treaties permit us to use force to keep the canal neutral in the face of Panamanian objections.

The U.N. Charter authorizes the use of force only in one situation, described in article 51; namely, for—

The inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations.

By no stretch of the imagination could we justify the use of force in Panamanian territory as the inherent right of self-defense. Nor could it be considered "collective" self-defense if the territory being attacked; namely, Panama, objected.

But these objections would be mitigated if the treaty specifically spelled out unilateral defense rights for the United States. Specific language would be equivalent to advance permission for such action as we thought necessary. It would amount to the reservation of a specific sovereign right at the time of the general transfer of sovereignty. It is true that Panama could still seek to renounce the treaty, or could protest a specific exercise of the defense right. But Panama could not assert that the right had not been given.

The Senate in its wisdom rejected the substitute, with its specific language, and adopted the leadership amendment, with its evasive language. Perhaps the mood was that we should not test the will of the Panamanians on a matter which went directly to the heart of the transfer of sovereignty; perhaps some of my colleagues preferred to sidestep the issue in the hope that it would never have to be confronted in practical terms, trusting to the generosity of the treaties to provide a basis for a firm cooperative partnership with Panama. Others, perhaps, trusted in the committee report's optimism that sheer naked force would override Panama's sovereignty should a crisis arise.

One Senator, however, who was not satisfied was the distinguished Senator from Arizona, Mr. DECONCINI. On March 16, he stated on the Senate floor:

For the last 3 months, I have argued that the treaties as drafted did not appear to contain sufficient safeguards for the United

States . . . Until recently I believed that it would be possible for the Senate to make some constructive amendments to the treaty that would satisfy the needs of Panama—but not at the sole expense of the American people. However, as every member of this Chamber knows, the administration was unwilling to accept the slightest changes in the text of the agreement.

Because of this recalcitrance, I suspect that a number of potential supporters of the treaty were lost. . . . When it became clear that no amendments except the so-called leadership amendments would be accepted, I began to search for alternatives that would accomplish the desired objectives.

The major problem that bothered the distinguished Senator was the problem of unilateral U.S. defense rights. His concerns were expressed when he introduced his reservation:

The purpose of this amendment is quite simple, Mr. President. It is designed to establish a precondition to American acceptance of the Neutrality Treaty. That precondition states that regardless of the reason and regardless of what any other provision of the Neutrality Treaty might say or what interpretation it might be subject to, if the Panama Canal is closed, the United States has the right to enter Panama, using whatever means are necessary, to reopen the Canal. There are no conditions, no exceptions, and no limitations on this right. By the terms of the amendment, the United States interprets when such a need exists, and exercises its own judgment as to the means necessary to insure that the Canal remains open and accessible.

The Senator's explanation is considerably more moderate than the assertions in the committee report with reference to the leadership amendment. He was, however, expressing a very strong sentiment of the American people, going beyond any interpretation that could be supported by the text of his own amendment. He expressed his concerns very pointedly:

I have been . . . bothered by the possibility that internal Panamanian activities might also be a threat to the waterway, should we give it up. Labor unrest and strikes; the actions of an unfriendly government; political riots or upheavals—each of these alone or in combination might cause a closure of the Canal.

The distinguished Senator's analysis was exactly right. He had put his finger upon the contradiction in the administration's position in trying to distinguish between the internal affairs of Panama and threats to the neutrality of the canal. The administration failed to face the very real possibility that there might be no distinction between the two.

Moreover, the Senator from Arizona also put his finger upon the crucial issue that had been sidestepped:

The amendment contains a very specific reference to the use of military force in Panama. I believe these words are absolutely crucial because they establish the American right—which I am not convinced is adequately provided for either in the body of the treaty or the leadership amendment—to take military action if the case so warrants. It further makes it clear that the United States can take military action on Panamanian soil without the consent of the Panamanian Government.

The question of consent is also crucial. Since the main thrust of this amendment is directed toward situations in which the Canal is closed because of internal difficulties in Panama—difficulties like a general strike, a political uprising, or other similar events, the consent of the Panamanians to take action would not make sense. If America is to have any rights at all under this treaty, it must have the right to act independently to protect the Canal and to keep it open.

In other words, the DeConcini reservation made explicit what was only implicit before. In accepting the DeConcini reservation, the distinguished floor manager of the treaty, Mr. CHURCH, sought to minimize the scope which the Senator from Arizona had claimed by reading the language in a very restricted fashion; but he also repeated the interpretation that the leadership amendment already gave the United States the right of unilateral military action:

Now, Mr. President, this reservation restricts the use of American military force, should that ever be necessary in the future, to two purposes: The reservation clearly reads "If the canal is closed or its operations are interfered with."

In either of those two cases, Mr. President, the regime of neutrality, the objective of keeping the Canal open, neutral, accessible, and safe obviously would be thwarted.

When the leadership amendment to the treaty was adopted, the United States reserved the right to act unilaterally, in accordance with its constitutional processes, to defend the Canal against any threat to the regime of neutrality and consequently, to act against any aggression or threat directed against the Canal or against the peaceful transit of vessels through the Canal.

Any interference with the operation of the Canal, any stoppage, any closure, would clearly prevent the peaceful transit of vessels through the Canal and clearly contradict the regime of neutrality to which both the United States and Panama are committed.

Therefore, this reservation must be considered, in my view, in part as a restatement, in part as an elaboration of the amendment already adopted by the Senate to Article IV of the Neutrality Treaty.

As such, it is acceptable and I hope that the Senate will adopt it.

Despite the attempts of the distinguished Senator from Idaho to limit the force of the amendment, his repeated use of the adverb "clearly" did not solve the basic contradiction. The circumstances surrounding the use of military force are seldom "clearly" manifested to parties on both sides of a dispute. His admission that the DeConcini reservation was an "elaboration" of the leadership amendment is a telling admission indeed; for the first time the "unilateral" rights which had existed in self-serving interpretation only, now existed in black and white. The reaction of the Panamanians was already beginning to demonstrate that Panama did not agree with the granting of unilateral defense rights to the United States at all. It was beginning to become evident that the negotiators' handiwork was fatally flawed from the beginning.

3. RESPONSE TO PANAMANIAN OBJECTIONS

As early as March 16, the day on which the DeConcini reservation was passed, newspaper reports began to circulate that the Panamanians strongly objected to it. Even before the debate on the DeConcini reservation began, the distinguished Senator from Michigan, Mr. GRIFFIN, raised the issue:

Mr. President, I was interested to learn of a report this morning by CBS Radio—and television, I take it, about the fact that the Ambassador of Panama called at the White House on yesterday and let the President and Secretary Vance know that General Torrijos is extremely upset over Senate additions to the treaties, as I understand the report.

I also understand, on the basis of the report that the President called General Torrijos on yesterday and attempted to calm him down and to assure him that, really, what the Senate was doing here was not making any significant changes in the treaty.

I can only read between the lines, Mr President, but I suspect that the concern is not only about what the Senate already has done but also what the Senate may be about to do this afternoon. I refer, in particular, to an amendment to be offered by the Senator from Arizona, (Mr. DeCONCINI). . . .

This, of course, would fly in the face of the Panamanian interpretation of the Neutrality Treaty, which is that the United States cannot come in with military forces to defend the neutrality of the Canal unless it is with the permission of the Republic of Panama.

* * * * *

The public press reports now are that President Carter—I do not know if it is true or not—has agreed to go along with this amendment by the Senator from Arizona, which obviously would be a significant change in the treaty as it has been interpreted and understood in Panama.

* * * * *

I would think that, in light of the situation in the Senate, it would not be unreasonable to ask the White House to inform the Senate if it is true, as reported by CBS, that General Torrijos and top Panamanian officials have expressed their outrage about the action taken in the Senate and about to be taken today, and whether such an exchange of views took place on yesterday. Also, how about informing the Senate, so that we can intelligently decide our responsibility?

Unfortunately, the profound warning of the distinguished Senator from Michigan was not heeded. No reply whatsoever was given to the Senator. The DeConcini reservation was proposed and accepted, and the Neutrality Treaty itself was approved as though all were well. The Senate had no warning from the leadership or from the administration that Senator GRIFFIN's perception was correct, and that the reservation was "a significant change in the treaty as it has been interpreted and understood in Panama."

Had that information been officially delivered to the Senate, or at least officially confirmed, the DeConcini reservation might have failed, and with it the approval of the Neutrality Treaty itself. Senators of opposite philosophical persuasions might have changed their votes on one or the other, judging by their reactions. Treaty approval had come and gone on March 16, without a hint of trouble ahead.

It was only on March 17, the day after approval of the Neutrality Treaty, that evidence of Panamanian discontent was produced. In a long colloquy between Senators ALLEN and GRIFFIN, sharp criticism of the withholding of the letters developed:

Mr. GRIFFIN. However, a matter that disturbs this Senator very much relates to an

exchange, within the last 48 hours, of telephone calls and an exchange of letters between the President and General Torrijos relating to the reservations that were being considered in the Senate. I find now by reading the morning papers—not from any information provided by the White House—that a letter was received at the White House yesterday from General Torrijos, apparently sent in response to a letter sent by President Carter to General Torrijos on Wednesday, and that these letters pertain directly to the matter under discussion in the Senate. Despite the fact that this Senator, early in the debate on yesterday, following a CBS report by Phil Jones, called upon the White House to provide us with a report as to previous telephone conversations and the letter sent by President Carter, no information was provided to the Senate.

I find it rather disturbing that the exchange of letters between the two heads of Government was not made available to the Senate yesterday before the vote. I do not know precisely what was in the letters. In the news reports this morning I find strong indications that the President apparently was seeking to assure the Panamanians that the reservations and amendments being adopted in the Senate are meaningless and will not change the treaty.

Mr. ALLEN. Is the Senator talking about the amendments to the resolution of ratification?

Mr. GRIFFIN. And certain reservations, particularly the one offered by Senator DeConcini.

Mr. ALLEN. In other words, agreeing to something here that he was assuring Torrijos did not mean anything, is that right?

Mr. GRIFFIN. Obviously, until we see the letters, it is difficult to say what is in them . . . But there is every reason to be concerned that while Senators were being assured, on the one hand, that their amendments were meaningful in order to get their vote, there were assurances being given to the Panamanians or General Torrijos that the same amendments would not change anything.

As the debate continued, more and more Senators became involved. The distinguished minority leader, Mr. BAKER, joined in the call for the letters to be produced. Shortly thereafter, the distinguished majority leader, Mr. BYRD, came to the floor, and while he was engaged in colloquy, a messenger handed him copies of the Carter-Torrijos exchange. With all due allowances made for the rhetorical flourishes of diplomatic correspondence, the letters confirmed the attempt to down play the meaning of the Senate alterations in the treaty.

Under date of March 15, the day before the DeConcini reservation was accepted, President Carter wrote:

In the Senate debate, we have fortunately been able to prevent any amendments to the Treaty other than the so-called "Leadership" amendments to Articles IV and VI. These incorporate exactly the terms of the Statement of Understanding published after our conversation of October 14.

In considering its Resolution of Ratification of the Treaty, the Senate will almost certainly attach a number of reservations, conditions or understandings reflecting certain of its concerns. We have made every effort and have been successful to date in ensuring that these will be consistent with the general purposes of our two countries as parties to the Treaty. I hope you will examine them in this light.

When one considers that the executive branch and the legislative branch are two coordinate branches of the U.S. Government, the President's letter to Torrijos is a demeaning instrument, expressing contempt for the constitutional obligations of the Senate. It contains the bold assertion that the Presidency controls the actions of the Senate, and is able to vitiate any actions not conformable with the Presidential will. Whether that actually happened or not, it is astonishing for a President to boast in such manner to another head of state, with the strong implication that he has rendered the Constitution meaningless.

The substance of the telephone conversations has never come to light. Yet some hint of the representations which the President made to Torrijos is contained in Torrijos' letter of reply. He wrote, under the same date of March 15:

In your letter and conversation you informed me that the Senate will introduce some reservations, but that they will not alter nor detract from the content of what was agreed upon in the Neutrality Treaty and in our Declaration of October 14, 1977. In this respect, I wish to inform you that the Government of Panama will proceed to study carefully these reservations and will take its position once the Senate has voted on both Treaties. The situation is thus because in the plebiscite held in Panama the Panamanian people voted for the two Treaties together and not in separate form.

I do wish, nonetheless, to point out that such a study will be based on the following concepts: For Panama any reservation would be unacceptable which blemished our national dignity, which altered or changed the objectives of the Treaty or which were directed at hindering the effective exercise of Panamanian sovereignty over all of its territory, the transfer of the Canal, and military withdrawal on December 31, 1999. For that reason, I received with great gratitude your words that these objectives will absolutely not be changed by means of amendments or reservations. This reaffirms my estimate concerning the great morality and honesty which characterizes you as a political leader and as a person.

The Panamanian people would not accept words, misplaced commas, or ambiguous sentences which had as their objective, or which might signify, occupation in perpetuity disguised as neutrality or intervention in their internal affairs.

Of course, this contains Torrijos' version of the conversation, but the White House issued the letter voluntarily, and without comment. The assertions of Torrijos were never denied.

What did Torrijos assert to be his understanding of the promise to him of President Carter?

First. He asserted that the President had promised him that there would be no substantive changes in the treaties.

Second. He asserted the President had promised him that Panama's "objectives will absolutely not be changed by means of amendments or reservations," that is, any such amendments or changes would be meaningless.

Third. He stated that Panama would not accept an amendment that permitted "occupation" in the disguise of neutrality—a veiled reference to the DeConcini reservation.

Fourth. He stated that Panama would "take its position" as to whether any amendments were "unacceptable" after both treaties had been voted on.

The threat to refuse to accept the DeConcini reservation was thus manifest even before it was voted on. The threat that Panama would not accept any substantive changes was stated bluntly before the treaty was voted on. In short, Torrijos, as dictator of Panama, was refusing to accept the constitutional processes of a democracy. It is quite clear under our system of government that the Nation is not committed to the final draft of treaties, and that the Senate has the right and the responsibility to make such changes as it sees to be in the interests of the Nation. Torrijos was negotiating in bad faith if he did not accept the principles of our democratic form of government. The many references to his dictatorship during the Senate debate were perfectly proper. The implied threats of a dictator, indeed, had a derogatory effect on the democratic process in the United States. It is unfortunate that the President saw fit to conform to the habits of a dictatorship.

Finally, the threat that a study would be made of the "acceptability" of the Senate's work would be made when both treaties had been voted on was carried out; the Foreign Ministry communique is, of course, the result.

4. THE LEADERSHIP AMENDMENT TO THE SECOND TREATY

Despite the assurances which the President gave to Torrijos, dissatisfaction continued to increase in Panama, according to numerous news reports. Then, on March 28, the Panamanian Ambassador to the United Nations sent a letter from Torrijos to the heads of state of all U.N. members. In a letter to the U.N. Secretary General, the Ambassador, Jorge E. Illueca, explained why the letter had been sent:

General Torrijos's letter and the documents enclosed make reference to the vote which took place on 16 March 1978 at the United States Senate on the Resolution of Ratification of the Treaty concerning the Permanent Neutrality of the Panama Canal. In this resolution, approval to the ratification was granted subject to a number of amendments, conditions, reservations and understandings, inserting among them a precondition to American acceptance of the Neutrality Treaty, known as the "DeConcini Amendment."

According to its proponent, the "DeConcini Amendment" is intended to give the United States of America the unilateral and perpetual right to "take military action on Panamanian soil without the consent of the Panamanian Government," pretending that said amendment must be construed to permit the United States to intervene in Panama in the event of labour unrest strikes, a slowdown, or under any other pretext labeled as interference with Canal operations. . . .

Not only does the amendment make no reference to the regime of neutrality, but, as stated by Senator Edward Kennedy, who opposed the DeConcini Amendment, "Panama had waited 75 years since its independence to end American occupation of its heartland. I must wait another 22 years before it achieves full control over its national territory." Now Panama is asked, in Kennedy's words, "to accept an amendment which has the ring of military interventionism—not just during this century, but for all time."

The Panamanian action shocked supporters of the Treaty, with its pointed

adoption of the views of the distinguished Senator from Massachusetts, Mr. Kennedy. The amendment had not faced serious opposition; in fact, Senator KENNEDY's views were not even presented on the floor, but were printed in the RECORD under the "bullet" rule. Yet the Panamanian statement came close to repudiating the Senate action.

By the time of the Senate's Easter recess, Panamanian criticism had escalated to minicrisis proportions. The pro-Panama media in this country took up the cry, and began to deliver savage attacks upon the motives of the distinguished Senator from Arizona.

Meanwhile, informal negotiations resumed with the Panamanian regime in an attempt to find a formula that would mollify Panamanian objections. Former Assistant Secretary of State for Latin American Affairs William Rogers made a special trip to Panama to discuss possible solutions. In Washington, the team seeking a solution was led by the distinguished majority leader, Mr. BYRD.

The problem, of course, was that the Panamanians were demanding more than could be resolved by logic. The U.S. negotiators had hoped to squeeze through by a carefully constructed semantic ambiguity, which would not concretely resolve the issue of unilateral defense. Apparently they hoped that the text would be vague enough so that the dictator could assert to the Panamanian people that they were receiving full sovereignty, but that actually would leave to the United States a toehold to violate that sovereignty if circumstances should develop where military force was absolutely necessary. The strategy was to get over the ratification hurdle by enveloping the contradiction in semantic doubletalk. When the Senator from Arizona quite properly called their hand by demanding that the contradiction be resolved, the deception was unmasked.

Senator DECONCINI was puzzled that the storm of controversy arose over his action, and he had good reason. On April 18, he told the Senate:

What puzzles me, Mr. President, is that suddenly the public debate has focused on whether it is appropriate for the United States to retain the right to keep the canal open regardless of the reasons that may lead to its closure. Frankly, I believed that there was no disagreement in principle on this point. I believed that it was accepted by the Foreign Relations Committee and the Senate leadership. It has come as quite a shock to me that this is apparently not the case.

Let me be more specific, Mr. President. On February 3, the Senate Foreign Relations Committee ordered its report on the Panama Canal treaties to be printed and distributed to Members of the Senate to aid them in their consideration of the treaties. Since only Senator Griffin dissented from the report and appended minority views, I must assume—as I believe all of us assumed—that the rest of the Foreign Relations Committee agreed with the report.

As it turns out, Mr. President, a number of Senators who are fairly senior members of that committee have publicly raised serious questions about the principle behind the DeConcini amendment. The reason why this is perplexing, Mr. President, is that the Senate Foreign Relations Committee Report on the treaties endorsed that principle. . . . The Foreign Relations Committee . . . asserts broader rights than were asserted in the DeConcini amendment. In other words, the Foreign Relations Committee report goes beyond the rights asserted by my simple clarification.

Of course, the distinguished Senator was exactly right. I have already pointed out the sweeping and absolutist claims made by the Foreign Relations Committee for the leadership amendment, claims that pointedly asserted the supremacy of U.S. unilateral defense rights over Panamanian internal affairs and territorial integrity.

Senator DECONCINI went on:

I know there is nothing in my reservation that goes beyond the words of the Foreign Relations Committee, and I believe those words reflect the intent of the Congress. My only quarrel today as well as in the past has been what I perceive as ambiguity in the drafting of the leadership amendment. The Foreign Relations Committee report believes that the leadership amendment accomplishes the stated objectives; I do not. However, I assert no new right, but neither will I accept any changes in those words that derogate from the rights we have clearly established in our action on the Neutrality Treaty.

The Senator's final words set the tone for the debate on the "solution" to the problem of Panamanian discontent. The issue was whether the new leadership amendment derogated or changed the original DeConcini reservation or not. In proposing the new amendment, the distinguished majority leader, however, carefully avoided coming down on this point; he merely made the record that the amendment had been cleared with the Panamanian dictator.

The final text of the amendment represents a consensus which developed out of those discussions with the many Senators on both sides of the aisle.

On this Sunday, the past Sunday, together with the distinguished floor managers of the treaties, Mr. Sarbanes and Mr. Church, met with the Panamanian Ambassador, Mr. Gabriel Lewis, in the company of Warren Christopher, the Deputy Under Secretary of State, and showed to the Panamanian Ambassador the proposed text of the amendment.

Following our discussion, Ambassador Lewis relayed the contents of the proposed amendment to his government. Later in the day, Mr. Sarbanes and Mr. Church, and I were informed through the State Department that the Panamanian Government considered the amendment to be a "dignified solution to a difficult problem."

Nevertheless, proponents of the new leadership amendment, were very careful to maintain that it did not diminish or limit the DeConcini reservation, as the following exchange between Senator JAVITS and Senator LAXALT makes clear:

Mr. LAXALT. Is the Senator saying to all of us then that the effect of this reservation is to diminish the effect of the DeConcini reservation?

Mr. JAVITS. Not at all. On the contrary, it is to lay down the ground rules by which it should be used, and which are the only ground rules that are practicable for a nation like our own.

What concerned me about the original DeConcini reservation is that it was susceptible to abuse, and this, the ground rules here laid down, it seems to me, removes that danger.

Mr. LAXALT. To the extent then this is a limiting factor, a moderating factor, certainly at least to that extent then it has to diminish the thrust of the DeConcini amendment or do I misunderstand the observations of the Senator from New York?

Mr. JAVITS. I think the Senator does misunderstand my observations. It diminishes nothing. It increases our stature, but it diminishes absolutely nothing about what the purpose of the agreement between Carter and Torrijos, which was incorporated in the previous treaty, was intended to attain, and that is, under any circumstances, even if it means stepping upon the territory of Panama, under any circumstances, even if it means guerrillas or organized troops who are operating out of Panama, we have the obligation to keep that canal open, neutral, accessible and secure.

Thus, the distinguished Senator from New York makes clear his understanding that the United States has the power to send troops to Panama, even if it means fighting guerrillas or organized troops, and that the new leadership amendment does not abridge that right in any way.

Similarly, an exchange between the distinguished floor manager, Mr. CHURCH, and the distinguished Senator from Utah, Mr. HATCH, nailed down the fact that the new leadership amendment did not in any way undo the DeConcini reservation.

Mr. HATCH. Does this reservation mean that the United States may not use military force to defend the Canal?

Mr. CHURCH. No.

Mr. HATCH. Does the United States have the unilateral right, pursuant to this reservation, to send troops to keep the canal open under this reservation, or must the Panamanians agree to such sending of troops?

Mr. CHURCH. Each country, under the treaty, has the obligation to keep the canal open and, in accordance with the terms of the leadership amendments as well as the terms of the pending reservation, that choice can be made by each government.

Mr. HATCH. Can it be made unilaterally is my question; and can we, without Panama's permission, send in the troops?

Mr. CHURCH. I think I answered the question.

Mr. HATCH. Specifically, I think I interpret your answer to be that we can.

Mr. CHURCH. The Senator is correct.

Mr. HATCH. If the Canal were to be closed and the Panamanians were to be opposed to an effort to send in the troops, would this amendment prevent us from sending such troops?

Mr. CHURCH. This reservation does not undo the previous action of the Senate.

Mr. President, this statement, by the distinguished floor manager of the treaties, the statement that "this reservation does not undo the previous action of the Senate," is critical to our present inquiry. It demonstrates without any doubt that the new leadership amendment, to the second treaty, did not in any way cancel or undo the DeConcini reservation to the Neutrality Treaty. It shows the clear understanding of the Senate that the United States must have the unilateral right to defend the canal.

Moreover, that interpretation is not merely the understanding of the Senate itself; it is also the understanding of the President of the United States. In a letter to the distinguished Senator from Massachusetts, Mr. BROOKE, under date of April 17, the President said:

It is abundantly clear, therefore, that the United States can, under the Neutrality Treaty, take whatever actions are necessary to defend the Canal from any threat regardless of its source.

The correlative part of the Memorandum of Understanding, embodied in the leadership amendment to the Neutrality Treaty, makes it quite clear that action of this character must be confined to the stated objective alone, and that it will not be interpreted as a right of intervention in the internal affairs of Panama.

In this letter, the President manfully adheres to the basic contradiction imposed upon him by the circumstances, a contradiction which demands that any intervention in the internal affairs of Panama will not be interpreted as intervention in the internal affairs of Panama, if those internal affairs happen to be the threat to the neutrality of the canal. The President seems to be saying that, if we do intervene to protect the canal, such intervention "will not be interpreted as a right of intervention." In other words, we will take the action, but we will not interpret it as our right.

Nevertheless, the phrase "from any threat regardless of its source" is new language for the President, language as sweeping as the absolutist language of the Foreign Relations Committee report. Logic dictates that "any threat regardless of its source" includes the notion that the Panamanian Government, or lack of government, could itself be the threat. The DeConcini reservation still lives.

5. PANAMA'S APRIL 25, REPUDIATION OF THE DECONCINI AMENDMENT

It can be seen from the legislative history that the DeConcini reservation was important to the U.S. Senate's approval of the Neutrality Treaty, a treaty whose ratification is linked legally to the approval of the Panama Canal Treaty as well. Moreover, it is also clear that approval of the Panama Canal Treaty was fundamentally based upon the concept of unilateral U.S. defense rights for the canal, the very point which the DeConcini reservation made explicit.

Moreover, there was very little disagreement between opponents and proponents of the treaties on this point. Both accepted the fundamental principle of unilateral defense rights; the debate concerned whether or not these rights were properly protected by the treaties and the accompanying reservations. It is unquestionably clear that neither treaty would have been approved if there had been any doubt that the treaties gave us unilateral defense rights.

Moreover, no one reading the legislative history can claim that the DeConcini reservation was in any way modified, cancelled, repudiated, or superseded by the new leadership amendment. When the DeConcini reservation was first passed, the speech of the distinguished Senator from Arizona made clear that he considered it to cover only threats to the canal, not Panama's internal affairs. The distinguished floor leader made the same point.

The new leadership amendment merely restated what was already in the treaties, without resolving the issue of what happens when Panama's internal affairs become the threat to the canal's operations. However, the implication of the language of the new leadership amendment, and the legislative history quoted earlier, show conclusively that the United States believes that it has a right to move in to protect the canal from any threat, without Panama's consent.

Any attempt by Panama, therefore, to repudiate the DeConcini amendment, to minimize it, or to reject its force therefore strikes a blow to the heart of the understanding which the Senate believed to exist between Panama and the United States. Yet this is what Panama said in the Foreign Ministry's communique:

This is what has commonly been called the DeConcini reservation. Obviously its scope departed from the Torrijos-Carter declaration because it eliminated the obligation of the United States not to interfere in the internal affairs of Panama and to respect the political independence and territorial integrity of Panama.

* * * * *

As abominable as the DeConcini reservation were the baseless explanations of the same senator, who seeks to revive U.S. intervention in the internal affairs of Panama. Fortunately, the Senate approved the 18 April resolution . . . which reaffirms respect for the principle of nonintervention in the internal affairs of the countries of America. . . .

With this last Senate resolution, it is evident that the United States has reaffirmed its international commitments in light of the UN and OAS charters. With it the DeConcini reservation has been rid of its imperialistic and interventionist claws, and the enforcement of the principle of nonintervention has been reestablished.

* * * * *

Panama experienced moments of patriotic indignation following the introduction of the so-called DeConcini reservation. Via diplomatic channels the national government firmly expressed its rejection of that amendment as something harmful not only to U.S. relations with Panama but its relations with the entire continent. President Carter and the Senate leaders quickly understood this. The Senate then pointed out that a major tenet of U.S. policy is its adherence to the principle of nonintervention. And this adherence also pertains to the neutrality treaty which is of an indefinite duration. It is necessary to stress that the Senate's definition of U.S. policy in this reservation covers both treaties, which are mentioned specifically in the reservation, so that there would not be the slightest doubt that the DeConcini amendment added to the neutrality treaty would not continue in force. What continues in force are the legal commitments of the United States to the UN and OAS charters that forbid intervention.

The Foreign Ministry communique says explicitly that "the national government firmly expressed its rejection of that amendment." It states the firm belief that the addition of the new leadership amendment to the Panama Canal Treaty impacted retroactively on the Neutrality Treaty, so that there would not be the slightest doubt that the DeConcini amendment "would not continue in force."

Mr. President, the record shows conclusively that the Government of Panama does not accept the condition added to the Neutrality Treaty by the Senate, a condition that was added as a means of obtaining passage of the resolution of ratification. Moreover, this condition merely made explicit a principle that all factions in the treaty debates agreed to, namely, the right of unilateral military action against any threat to the canal, even if that threat arose from the internal affairs of Panama itself. Neither the DeConcini reservation itself, nor any Senator in the debate demanded a right of intervention per se; but the whole Senate did demand the right to act to protect the Canal against any threat. In rejecting the DeConcini reservation, Panama has rejected the foundation upon which the treaty structure was built.

C. THE HOLLINGS-HEINZ-BELLMON RESERVATION TO THE PANAMA CANAL TREATY

The Hollings-Heinz-Bellmon reservation was passed by the Senate on April 17 by a vote of 90 to 2, as an amendment to the resolution of ratification of the Panama Canal Treaty. The substantive portion reads as follows:

Any accumulated unpaid balance under paragraph 4(c) of Article XIII at the termination of the Treaty shall be payable only to the extent of any operating surplus in the last year of the Treaty's duration, and that nothing in that paragraph may be construed as obligating the United States of America to pay after the date of the termination of the Treaty any such unpaid balance which shall have accrued before such date."

Paragraph 4 of Article XIII of the Treaty reads as follows:

4. The Republic of Panama shall receive, in addition, from the Panama Canal Commission a just and equitable return on the national resources which it has dedicated to the efficient management, operation, maintenance, protection and defense of the Panama Canal, in accordance with the following:"

Subparagraph (c) reads as follows:

(c) An annual amount of up to ten million United States dollars ($10,000,000) per year, to be paid out of Canal operating revenues to the extent that such revenues exceed expenditures of the Panama Canal Commission including amounts paid pursuant to this Treaty. In the event Canal operating revenues in any year do not produce a surplus sufficient to cover this payment, the unpaid balance shall be paid from operating surpluses in future years in a manner to be mutually agreed.

The terms of the treaty, then, provide that, in addition to other payments, the United States shall pay to Panama an amount of up to $10 million out of any surplus available; moreover an obligation remains to pay in succeeding years any part of such a sum not paid in the year it was due. The problem emerges at the end of 1999, when the canal is turned over. What happens to the accumulated "rollover" of payments which were not made if a surplus was never or seldom earned? Conceivably, there could be an outstanding obligation of as much as $220 million in 1999.

The interpretation of this part of the treaty is complicated by paragraph 1 of article XIII:

Upon termination of this Treaty, the Republic of Panama shall assume total responsibility for the management, operation, and maintenance of the Panama Canal, which shall be turned over in operating con-

dition and free of liens and debts, except as the two Parties may otherwise agree.

The issue therefore is whether the phrase "free of liens and debts" includes the treaty obligations under article XIII (4)(c). A reasonable argument can be made that article XIII(4)(c) is an obligation of the United States, and not of the Panama Canal Commission; and that, furthermore, (4)(c) clearly says that payment in any year is due only to the extent that "revenues exceed expenditures." The implication is that if no surplus is earned by 1999, no payment is ever due.

On the other hand, an equally reasonable argument can be made that any accumulated unpaid balance is an obligation that must be paid under paragraph 1 of article XIII. The very fact that paragraph (4)(c) was included in the treaty suggests that the United States expected to pay something under its provisions, and Panama expected to receive something.

Yet the testimony of administration officials made it very clear that the United States never expected to pay anything under this provision of the treaty, an attitude which has angered the Panamanians.

1. THE AMBIGUITY OF ARTICLE XIII, PARAGRAPH (4)(C)

The problem with article XIII, paragraph (4)(c) is not so much the legal ambiguity itself, but the contrast in expectations. When Gov. H. R. Parfitt, Governor of the Canal Zone and President of the Panama Canal Company, testified before the Armed Services Committee, he pointed out that all the economic assumptions excluded the $10 million contingency payment from their calculations. He was questioned by the distinguished Senator from New Hampshire, Mr. McINTYRE.

Senator McINTYRE. Governor, it is my understanding that our Government is of the opinion that the $10 million contingent payment is not to be included in the toll base, and you mentioned this in your statement, correct?

Governor PARFITT. That is correct, sir.

Senator McINTYRE. Further, I understand that the Panamanians expect this payment; is this true?

Governor PARFITT. As recently as Sunday I was advised to this effect by several Senators who were visiting with the Panamanian Government.

* * * * *

Senator McINTYRE. How would you suggest this problem be resolved? I understand that Torrijos or somebody down there is saying that if they don't get the $10 million by the year 2000, they will expect 22 times $10 million, or $220 million in payment. Do you know of this?

Governor PARFITT. I think that alludes to the fact that the treaty does say in any given year to the extent you don't pay the surplus it rolls over to the next year, and he is assuming then at the year 2000 it no longer rolls over, it is then paid off. It has been our negotiator's position that since the treaty says these funds will be paid to the extent earned, and if they aren't earned they are not a liability of the U.S. Government and they would not be paid.

Senator McINTYRE. It is obvious from your testimony today that you do not feel that if the $10 million contingency payment is not included in the toll base, it will be very unlikely that we will have a $10 million surplus running around.

Governor PARFITT. I feel very definitely if it is not included in the toll base, it will not be generally earned.

The gap between expectation and reality will thus be affected by manipulation of the toll base. If the Panamanians are expecting the toll rates to be set high enough to earn a surplus, then there will be a feeling of betrayal and of being cheated if the United States deliberately sets the rates at a level where no surplus will be earned.

Moreover, there is the additional problem of defining what a surplus is. Accountants have ways of manipulating balance sheets so that a surplus can disappear with slight of hand. The study prepared by American Management Systems, Inc., for the Armed Services Committee, took pains to point this out:

What constitutes a surplus? Under the treaty, the Commission is required to pay as much as $10 million per year to Panama, to the extent that such monies can be paid out of surplus. During implementation, specific agreements are needed to define exactly what constitutes a surplus. Some of the points that should be covered include:

Precise definition of how much depreciation is allowed as an expense. Any increase in current depreciation rates is likely to become controversial.

Determination as to whether and under what conditions previous year deficits can be applied against subsequent surpluses. . . .

Determination as to whether to permit temporary toll surcharges (for additional capital expenditures or for covering deficits) which do not enter the surplus calculation. Such a device appears likely to cause controversy.

Such devices, even though legitimate in accounting practice, are all likely to increase the danger of frustrated expectation, a feeling that the United States was not negotiating in good faith when the treaties were written.

The contention of the administration was that no ambiguity existed, and that the United States incurred no liability if a surplus were never earned. At the hearings of the Foreign Relations Committee, the distinguished Senator from Ohio, Mr. GLENN, raised the point with Ambassador Bunker. Senator GLENN asked:

In the event there is a balance owing at the end of the year 1999, what will be the obligation of the United States to pay that balance?

Ambassador BUNKER. No. There will be no obligation after the treaty expires, Senator.

Senator GLENN. There will be no obligation.

Ambassador BUNKER. No.

However, the difference between the Panamanian perception of the impact of article XIII, paragraph (4)(c), and the U.S. perception was underlined in a statement made by Panama's Economics and Planning Minister, Dr. Nicholas Barletta, in San Francisco. Superficially, his answer to a question from the audience at a Commonwealth Club meeting would appear to agree with the position of Ambassador Bunker; but clearly, his expectations were different. Dr. Barletta said:

If there is an accumulated deficit by the time the treaty ends, in 1999, that's it, the U.S. is not committed to make it up if such amount has not been able to be collected from the revenues of the canal operation. We do not hope in our interpretation of this clause of the treaty, that the U.S. is committed to pay any such deficit that might have accumulated. However, I would like to say, that, in our estimation, the revenues of the Canal and all the projections and studies that have been made should be able to cover this second $10 million that should come to Panama if revenues permit, so I don't forsee much of a problem in respect to deficit.

Dr. Barletta's statement that "all the projections and studies that have been made" support his estimate that there will be sufficient surplus earned can only be based on economic fantasy. Indeed, none of the consultants hired by the U.S. Government, or by Congress, suggest that the $10 million can be regularly earned. Governor Parfitt, who directs the day-to-day operations of the Panama Canal Company, is the one man in the world who is most intimately acquainted with canal finance. His expectations, based on realism rather than on politics, have already been quoted in his exchange with Senator McINTYRE. In response to further questioning by Senator BARTLETT, he went even further.

Senator BARTLETT. I believe you told Senator McIntyre that the Canal Commission would expect to set its toll revenue to meet its cost and that if this contingent payment was not included in the plan for setting tolls, there would be little surplus to pay the Panamanians since the Commission is not a profitmaking organization.

Governor PARFITT. That is correct, sir.

Senator BARTLETT. So what we would have here is a situation in which we have promised to pay the Panamanians out of any surplus which the Commission earns, but the Commission is not expected to have any surplus.

Governor PARFITT. Under a situation which we now forecast, which is one of ever-increasing demand for additional tolls, we would not be generating surpluses, at least in very significant amounts.

Senator BARTLETT. And if we include the contingency payment in the estimate of operating costs, we increase the chance of the Canal Commission running into debt, and we have said to the Panamanians that we will turn the canal over to them free of debt.

Governor PARFITT. That is correct, sir.

However, the intent of the Department of State and of the administration generally is most clearly shown in the draft implementing legislation submitted to Congress in response to earnest requests from both treaty supporters and opponents. As was carefully pointed out in an analysis of this legislation by the Comptroller General, Mr. Elmer Staats, the legislation does not provide for the toll base to include the contingency payment. In his "Comparison of GAO Concerns and Draft Implementing Legislation for Panama Canal Treaty," Staats writes:

Contingent payment of surplus to Panama, provides method of calculation not included in toll base; no mention of carryover beyond 1999, sec. 203, pp. 10–11, sec. 232, pp. 20–21.

Clearly, Panama's expectations will not be fulfilled.

2. SENATE ATTEMPTS TO CLARIFY THE AMBIGUITY

Although the leadership sought to maintain that there really was no ambiguity, the feeling that there was an ambiguity persisted. It was pointed out that the statement of Panamanian Planning and Economics Minister Barletta stood in isolation as a personal opinion, expressed informally in response to a question from his audience in San Francisco. There was no guarantee that it was anything more than a personal opinion which did not commit the Panamanian Government.

Indeed, the distinguished Senator from Oklahoma, Mr. BARTLETT, sought to elicit an official statement from General Torrijos by telegram on February 1 and again on February 22. Finally on March 6, the Panamanian Ambassador to Washington sent Senator BARTLETT transcripts of the Barletta statements, saying that they would "answer your question." Senator BARTLETT protested on April 7 that it did not really answer the question at all:

This leaves, of course, a lot of doubt as to what the President of Panama really does think and how he does interpret the ambiguities that exist in Aritcle XIII.

Senator BARTLETT, as a result, then offered an amendment to clarify the ambiguities. The distinguished Senator from Idaho, Mr. CHURCH, strongly opposed that amendment:

In the first place, we believe that the language of the Treaty does not present an ambiguity. Therefore no amendment is necessary.

Second, the interpretation of this particular provision by the American Government and the Panamanian Government is not in conflict. Both governments understand the provision alike, which lays additional emphasis on our contention that no amendment is necessary.

Third, if, for any reason, Senators still believe some clarification is called for, the proper way for the clarification to be made is by way of amendment to the articles of ratification, not by way of an amendment which would force a change in the text of the treaty itself, thus introducing the possibility of either having to renegotiate the treaty or having to submit the amended treaty to another plebiscite in Panama.

For these reasons, we feel it would be most unwise for the Senate to adopt this amendment.

The amendment, like all other amendments opposed by the leadership, was defeated by tabling, 40 to 33. But the doubts were not subdued. A group of Senators did feel that it was necessary to amend the articles of ratification. It is significant that the three cosponsors of the amendment were favorably disposed toward the treaties, ultimately voting for both: Senators HOLLINGS, HEINZ, and BELLMON. Senator HOLLINGS made the case for eliminating any possible ambiguities and false expectations:

Imagine nearly a quarter of a century down the line, when those in charge of policy get out their copies of the treaty and start the debate all over again. Imagine the confusion, the disagreement, and the possibility for ill-will. Arguments like that at the time of the turnover could cancel out many of the other advantages accorded us by these treaties.

How much simpler then—and wiser, too—to deal forthrightly with the situation now. We can do so easily and effectively in the Resolution of Ratification. Then there can be no doubts at century's end. The Panamanians will know—we will know—what the terms of the treaty provide and what they do not provide.

There will be no possibility of false expectations in Panama or anywhere else. Instead of debate and discord in the year 2000, the transition can be consummated in an aura of friendship and cooperation that is the whole purpose of these treaties.

This time, the leadership indicated that they were willing to accept such an amendment to the resolution of ratification. The Senate agreed overwhelmingly, by a vote of 90 to 2. Everyone believed that there was unanimity of agreement on interpretation between the Senate and the Panamanian Government, but that was before the April 25 communique.

3. PANAMANIAN EXPECTATIONS IN THE COMMUNIQUE

The statement of Dr. Barletta was continued and amplified in the Foreign Ministry communique. And although the communique agrees with the technical aim of the amendment, at the same time, it demonstrates a deeper and much more profound disagreement with the U.S. assumptions behind the reservation. The Panamanians are emphasizing not so much what happens in 1999, as what happens year by year under article XIII:

Panama has always understood, and so explained to the citizenry at the time, that the budget containing revenues from and expenditures for the operation of the Canal would be so drafted as to make the Canal Commission capable of paying to Panama the sum stipulated in Article XII, Paragraph (4)(c). If for unforeseen reasons this sum were not paid in a certain year, Panama understands that the United States will make an effort to cover that sum in subsequent budgets. Paragraph (4)(c) is not symbolic or worthless. The two countries, in good faith, must give it practical content.

For this reason, Panama does not foresee the accumulation of unpaid balances in the year 2000. However, if they did exist, the United States would not be obligated to make such payment to Panama. In summary, there is a clear understanding between the U.S. Senate and the Republic of Panama in this area.

Unfortunately, it is plain that there is no clear understanding between the U.S. Senate and the Republic of Panama in this area. From a practical standpoint, it is absolutely clear on the record that the United States does not intend that the Panama Canal Commission will earn enough to make article XIII, paragraph (4)(c) a reality. And because it does not intend to earn a so-called "surplus," the question of what happens in 1999 is very important. It is for this reason that the U.S. Senate overwhelmingly went on record that the U.S. Treasury will not owe anything in 1999.

But Panama's point of view is that the contingency payment clause "is not symbolic or worthless." Panama "understands" that "the United States will make an effort" to "give it practical content." This contrasts sharply with the U.S. point of view that article XIII, paragraph (4)(c), has no practical significance whatsoever because the United States intends to make no effort at all to earn the necessary surplus to give it practical content. So the superficial agreement on the technical point of what is owed in 1999 masks a far more important and more fundamental disagreement over what the paragraph means at all.

The consequences of this disagreement is bound to increase tensions and bitterness between the two countries. For the pathetic cry of Panama on this point is the cry heard from every victim of the shell game. To put it bluntly, article XIII, paragraph (4)(c) is a tactic that is unworthy of a great nation. It is not the opinion of the Senator from North Carolina that Panama came into the game with clean hands; indeed, it appears that the U.S. negotiators and the Panamanian negotiators both came together in an effort to swindle the other. But a cheap victory on this clause is small recompense for the imbalance of the terms of the whole treaty, terms which unnecessarily surrendered truly vital points to a nation too small to preserve the canal.

Our negotiators went into the talks on this point knowing full well that the canal operations could not support the $10 million contingency payment. If they did not know it, they were totally incompetent. But they also know that the U.S. Senate would never approve a treaty that required the U.S. Treasury to subsidize payments to Panama up to annual amounts of $10 million. They also knew that the definition of expenditures could be manipulated to soak up any so-called surplus. Yet they made the pretense of holding out to Panama the chance of an additional $10 million per year; then by sleight of hand they inserted an escape clause in the apparently innocuous "rollover" provision.

The Senate quite properly sought to make the escape clause explicit by approving the Hollings-Heinz-Bellmon reservation. The protection in that reservation aimed not at Panama but at the unnecessary problem created by the negotiators. By making the problem explicit, the U.S. Senate alerted Panama to the duplicity of the U.S. negotiators. The only way in which Panama's expectations can be satisfied at this point is to raid the U.S. Treasury—that is, to get the money from the U.S. taxpayers. Even under the treaty, Panama has no claim on that money; Panama admits that she has no claim on that money. But psychologically, Panama expected that money; and this fundamental disagreement brought out by the Hollings-Heinz-Bellmon reservation will undoubtedly poison the whole atmosphere of cooperation, and destroy the supposed climate of "good will" that the proponents of the treaties extolled exceedingly.

There is no proper way that the United States can fulfill the expectations which our negotiators raised among the Panamanians with regard to this clause, without further costs to the United States taxpayers. If the taxpayers are charged for the $10 million, then the administration would have to back down on every assurance given to the American people

with regard to costs. Although we are not technically liable to pay those amounts, the fundamental disagreement underlying the issue is a time bomb waiting to go off.

D. THE BROOKE RESERVATION TO THE PANAMA CANAL TREATY

The Brooke reservation was passed by the Senate on April 17, 1978, by a vote of 84 to 3, as an amendment to the resolution of ratification of the Panama Canal Treaty. The substantive portion reads as follows:

Exchange of the instruments of ratification shall not be effective earlier than March 31, 1979, and the treaties shall not enter into force prior to October 1, 1979, unless legislation necessary to implement the provisions of the Panama Canal Treaty shall have been enacted by the Congress of the United States of America before March 31, 1979.

The effect of the Brooke reservation was to modify both treaties, because the ratification of both treaties was linked together. Article II of the Panama Canal Treaty states:

This Treaty shall be subject to ratification in accordance with the constitutional procedures of the two Parties. The instruments of ratification of this Treaty shall be exchanged at Panama at the same time as the instruments of ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, signed this date, are exchanged. This Treaty shall enter into force, simultaneously with the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, six calendar months from the date of the exchange of the instruments of ratification.

Parallel language appears in article VIII of the Neutrality Treaty.

It will be seen from article II that no calendar date is set for either ratification or entry into force; the only timeframe established is that entry into force occurs 6 months after ratification (ratification, of course, being the Executive action, not the date of Senate approval). Thus, under the treaty as it stood before the Brooke amendment there was no obligation whatsoever even to ratify the treaties.

Even the Panamanian communique agrees on this point:

In international law there is no obligation to proceed to the exchange of the instruments of ratification of the treaties even if the treaties have been ratified. This is a political decision that is properly made by the body which manages foreign relations.

However, to make the Panama treaties work requires very complicated implementing legislation. Many treaties require, at most, the authorization and appropriation of funds to make them work. The Panama Canal Treaty, however, requires legislation to eliminate the Panama Canal Company, create the Panama Canal Commission, establish accounting and ratemaking procedures, alter our defense arrangements and installations, change pension arrangements, transfer property, and so forth. To put a time deadline on that process would be to fly in the face of congressional jurisdiction and procedures.

It is noteworthy that the implementing legislation for the 1955 treaty was infinitely less complicated than that needed for the present treaties; yet the 1955 implementing legislation took 3 years.

The problem, therefore, is that the President has it within his power to start the clock running on the 6 months between his act of ratification and the treaties' entry into force. If he ratifies the treaties; that is, if he exchanges the instruments of ratification, then Congress would be confronted with the need for a forced-draft schedule to hold hearings in several committees in both Houses of Congress, hold debate, have a conference, and have a second conference if necessary. Then the process has to be repeated for any appropriations necessary.

If the Panama legislation were ordinary legislation it would still have a hard time becoming law on such a schedule. But the Panama legislation is so complicated, requiring so many kinds of expertise, that it is difficult to believe that good legislation could be passed in 6 months. Moreover, it would require Congress to set-aside other legislative projects which might have higher priorities. Congress cannot overlook the fact that the administration promised a draft of the implementing legislation last October, a promise that was supposed to be fulfilled in a few weeks. By February, during the treaty debates, Congress was still demanding the legislation, since parts of the treaties could not be interpreted properly without seeing what the administration had in mind to implement vague sections. Not until March did a rough draft appear, with the administration's apologies for being so late. The apologies stated that the job was far more complicated than had been expected.

A final draft still has not been presented; but what has been presented is already controversial, with the Comptroller General stating that it has failed to meet GAO concerns on several key points. The concepts in the bill have already been sharply criticized by many Senators during the treaty debates, so it is doubtful that it will have an easy time in passage.

Therefore, if the President should start the clock running on the implementing legislation through rash action, a tragic confrontation might ensue. In the first place, Congress might not have time to do a proper job, leaving either a botched piece of work—or leaving no legislation at all. In the latter case, the United States would be confronted with a situation in which the treaties would go into effect so far as they could be effective without legislation. That is, all jurisdiction would return to Panama, all properties would revert to Panama, the United States would have no authority in Panama, and we would immediately owe Panama payments without any way to pay them; yet we would have no way to operate or protect the canal.

The dimensions of potential conflict are enhanced by the attitude of the House. During Senate debates, the Senate and its leadership emphatically rejected the claims of the House of Representatives to participate in the disposition of U.S. property under article V, section 3 of the Constitution. The Senate attitude has highly disturbed the House of Representatives. Some 240 House Members, led by Merchant Marine Committee Chairman JOHN MURPHY of New York and Congressman GEORGE HANSEN of Idaho, have cosponsored resolutions insisting on the House right to vote on the transfer of property before the property is transferred. The cosponsors include the chairman of half of the leading committees and subcommittees, as well as the ranking minority members of those committees, directly concerned with the Panama Canal legislation.

Although the resolution is presently being held in committee, 190 Members—only 24 short of the necessary majority—have signed a discharge petition to bring the resolution to the House floor for a debate.

Finally, it should be pointed out that the House has acted three times in the past month in a manner that can only be interpreted as hostile to swift passage of the implementing legislation should the President take actions to ratify or initiate ratification of the treaties. On May 9, under the leadership of Mr. HANSEN, the House added an amendment to the first concurrent budget legislation to prohibit the use of any funds to be used to implement the canal treaties. On May 24, also under the leadership of Mr. HANSEN, a similar amendment was added to the defense authorization bill. On May 31, Mr. HANSEN once again was successful, by a vote of 203 to 163, in adding the amendment to the foreign relations assistance authorization bill.

The fear that the President might be tempted to put Congress under the gun was the motivating force behind the Brooke reservation. The effect of the Brooke amendment was to prevent the ratification of the treaties before March 31, 1979, unless the implementing legislation were enacted earlier. In other words, the President could not start the clock running for nearly a year; but once he did so, Congress would still be under the gun.

Yet the Brooke amendment still gives Congress only about 17 months to act, about half as much time as was taken in 1955. And there is no guarantee that Congress will act, given the attitude of the House. A prudent President would not ratify the treaties at all until it was clear that Congress had acted or until all the difficulties had been satisfied. The Brooke amendment is supposed to guarantee at least 17 months for action, but if the President should ratify at the earliest possible date (March 31, 1979), Congress might still not be able to complete the legislation successfully. The literal effect of the Brooke amendment was to guarantee some time for the Congress to act; but the intended effect was to warn the President of rash and precipitate action. The intent was to warn the President that March 31, 1979, was the earliest possible date, and that if he were wise, he might wait until much later. Unfortunately, the Brooke reservation contains one ambiguous word, "effective," speaking of the effective date of the exchange of instruments of ratification. By an extraordinary inter-

pretation of this word, administration officials have announced that the President is about to take precipitate action: An immediate exchange of the instruments of ratification, with the "effective" date of March 31, 1979. This was described as making the exchange "in escrow."

If the President actually takes such a step, he will be setting the clock moving on the 17-month period—an action that could well lead to international and constitutional confrontation.

1. THE INTENT OF CONGRESS IN PASSING THE BROOKE RESERVATION

Senator BROOKE, in presenting his amendment on the floor, very carefully spelled out his intent. He was very specific is describing the nature of the timetable it set up:

> The reservation as I am not submitting it provides the following timetable:
>
> First, the exchange of ratification shall not be effective earlier than March 31, 1979. It need not take place even at that date.

Thus, the distinguished Senator from Massachusetts took pains to indicate that March 31, 1979, was the earliest possible date, and that it need not take place even then. He went on:

> Second, the treaties shall not enter into force prior to October 1, 1979, unless legislation necessary to implement the provisions of the Panama Canal Treaty shall have been enacted before March 31, 1979. This stipulation sets the earliest dates the Treaties could come into effect. It does not require that it do so on a specific date.

Thus, once more, the Senator emphasized that March 31 and October 1, 1979, were "the earliest dates." He went on to explain the complexity of the problem and the need to use caution:

> It would provide us an opportunity to monitor the drift of events in Panama and elsewhere that would have an impact on U.S. capacity to manage the canal over the next 20 years or so. Given the emotions that have been evoked by this issue, I see great merit in not feeling forced to proceed immediately with the implementing legislation if the decision is made to ratify the Panama Canal Treaty.
>
> A relatively long time period between the decision to ratify, if it is made, and the effective date of the treaties is needed for several reasons. First, if the implementing legislation is needed, it will be extremely complex. Numerous statutes will be affected. All legal ramifications of the end to U.S. jurisdiction in an area we have controlled for three-quarters of a century will have to be explored. A new employment system will have to be established. In short, the passage of the Panama Canal Treaty of 1977 would entail a wholesale reorganization of the Canal enterprise.
>
> Second, any reasonable assessment of the legislative schedule for the rest of this year leads to the conclusion that it would be impossible to give the necessary in-depth attention to the implementing legislation it deserves this year. There is a backlog of important legislation on energy, farm problems, labor relations, and so forth. . . .
>
> Third, the implementing legislation would be of interest to many committees. This will inevitably add to the time necessary to consider it in an adequate manner.
>
> Fourth, this is an election year. The necessity of campaigning will further restrict the capacity of Members to give the needed attention to this matter.
>
> Fifth, there are likely to be many controversies between Congress and the executive regarding this legislation. For instance, it appears that the administration, in many of its calculations regarding the financial arrangements envisioned in the treaty, has assumed that the United States will forgo the interest payments on the U.S. investment that are presently going to the Treasury from canal revenues. I believe Congress would and should insist that those payments continue. . . .

There is, thus, ample reason to prolong the period before the treaties go into effect.

Senator BROOKE, therefore, put the executive branch on notice that he did not expect ratification to take place until the President had time to review events in Panama and the Congress had time to act. He made it perfectly clear that the President was not required or expected to act by March 31, 1979. He outlined the difficulties facing the implementing legislation, and, finally, he pointed out the constitutional crisis that would be involved if the President acted precipitously:

> There is an additional important reason why sufficient time should be allowed to pass the implementing legislation. If the treaty came into effect before the United States had passed the legislation, we would find ourselves in the rather untenable position of being bound by a legitimate international obligation but unable to carry out our responsibilities under it. Such a situation would, at a minimum, be damaging to our international image. Moreover, it could precipitate a constitutional crisis if the executive acted to implement the treaties by Executive order rather than await the needed action by Congress. There is no reason to precipitate such a crisis if we can avoid it. By adopting the pending reservation, a major step will have been taken to lessen the likelihood that such a problem would develop.

The intent of the Brooke reservation, therefore, was to give time to allow prudence, caution, moderation, and discretion in the timing of the instruments of ratification. It was not expected that the President would take hasty action which might foreclose a decision not to ratify later on, and which would eliminate any leverage that the President might have in the posttreaty negotiations that the United States might have with Panama over implementation.

Yet the State Department has announced that it intends for the President to exchange the instruments of ratification immediately, with the effective date to be March 31, 1979. The theory that the instruments be exchanged "in escrow" means that the power of pulling back or delaying the entry into force will be removed from U.S. control. It means that the United States will be committed to a specific date even before the President can be sure that Congress will have completed its work in time. The proposed exchange of instruments "in escrow" is like delivering over a postdated check to a creditor.

If the President fears that the Congress will unduly prolong the legislative process, the sensible procedure would be to use the date in the Brooke reservation as a trump card, a force held in reserve to back up more expert and subtle forms of persuasion. But by playing it now, before he has had time to see how Congress might react, or how events develop in Panama, he is forcing an unnecessary confrontation that can only exacerbate his relations with Congress. He is saying to Congress, "I don't trust you and your judgment." He has almost a whole year to play that card, yet he appears to be on the verge of playing it now. The results could be unfortunate, both for Panama and the United States. Yet it appears that he is about to play it now as another capitulation to Panama's desires. despite the intention of Congress.

2. PANAMA'S INTERPRETATION OF THE BROOKE AMENDMENT

The Foreign Ministry communique's comment on the Brooke reservation shows that Panama either willfully misunderstood the original provisions of the treaty, before it was modified, or has adopted an erroneous interpretation now to justify the earliest possible date for ratification. The comment begins:

> In view of the abovementioned reservation, the fact that the instruments are exchanged will not make the treaties effective within 6 months as was previously agreed.

Of course, there was never any agreement that the treaties would become effective within 6 months. The agreement was that the treaties would become effective within 6 months after ratification (article II), not 6 months after Senate approval. The decision to ratify could take an indefinite length of time, as previously explained. Neither before the Brooke reservation was passed, nor afterward, has there been any agreement in the treaty that exchange of ratifications would take place at any specified time. Nor does the Brooke reservation contain any hint that the effective date of the exchange of ratifications might be different than the actual date.

Indeed, the fact that the Brooke reservation specifies March 31 as the earliest date, rather than the specified date, shows that no specific timeframe was envisaged. Yet the communique goes on to say:

> The significant ceremony in which the chiefs of government of Panama and the United States will exchange the instruments of ratification of the Torrijos-Carter treaties will soon take place in Panama. However, the exchange will not be effective until 31 March.

There is absolutely nothing in the treaty that requires the exchange to take place soon. Nor is there any obligation to make the exchange effective on March 31.

As a result, Panama's interpretation for the date of the entry into force of the treaties is completely erroneous:

> Panama understands that the deadline for the treaties' entry into force is 1 October 1979; however, it may take place before that date if the U.S. Congress completes, before that date the legislation to implement the treaties.

Plainly, October 1 is not a deadline. A deadline is the latest possible date. What Congress intended was that October 1

would be the earliest possible date, not the latest.

Thus, President Carter, in agreeing to exchange ratifications with an effective date of March 31, 1979, and an entry into force of October 1, 1979, is capitulating to a Panamanian interpretation of the treaty which is not justified by the text of the Brooke reservation. In so doing, he will be repudiating the Brooke reservation just as assuredly as Panama does in the communique.

E. THE CANNON RESERVATION TO THE PANAMA CANAL TREATY

The Cannon reservation was passed by the Senate on April 18, 1978, by a vote of 90 to 10, as an amendment to the resolution of ratification of the Panama Canal Treaty. The substantive portion reads as follows:

After the date of entry into force of the Treaty, the Panama Canal Commission shall, unless it is otherwise provided by legislation enacted by the Congress, be obligated to reimburse the Treasury of the United States of America, as nearly as possible, for the interest cost of the funds or other assets directly invested in the Commission by the Government of the United States of America and for the interest cost of the funds or other assets directly invested in the precedessor Panama Canal Company by the Government and not reimbursed before the date of entry into force of the Treaty. Such reimbursement of such interest costs shall be made at a rate determined by the Secretary of the Treasury of the United States of America and at annual intervals to the extent earned, and if not earned, shall be made from subsequent earnings. For purposes of this reservation, the phrase "funds or other assets directly invested" shall have the same meaning as the phrase "net direct investment" had under section 62 of title 2 of the Canal Zone Code.

This reservation was brought up late in the afternoon of April 18, and was allotted 2 minutes of debate, equally divided. With the exception of the phrase "unless otherwise provided by legislation enacted by the Congress," it is identical to a reservation brought up by the distinguished Senator from Nevada earlier in the day. No substantive points were made in the debate, except for the following comment by the distinguished Senator from Idaho, Mr. CHURCH:

Since the reservation offered by the distinguished Senator from Nevada provides that the final decision on the reimbursement of interest will be left to the Congress when it passes upon the enabling legislation to implement this treaty, we see no objection to the adoption of the reservation.

The effect of that addition was to postpone the real debate on this issue to a later time, thus stripping the reservation of any content. The only action it accomplishes is to leave the door open for Congress to consider the problem later—an action to which Panama must implicitly agree in accepting the reservation.

The substantive points, however, were touched upon in the earlier debate on the amendment for which this was a substitute. The distinguished Senator's statement was also short, but it is worth quoting in full:

The subject of my reservation is interest payments and recovery of the U.S. investment. I was privileged to chair hearings in the Senate Armed Services Committee on the financial impact of the proposed Panama Canal Treaty. One of our witnesses was Elmer B. Staats, Comptroller General of the United States, who discussed the financial issues. He made the assumption that the forthcoming implementing legislative package will relieve the Panama Canal Commission of the obligation to pay interest to the Treasury on the interest-bearing portion of the U.S. investment. This asumption is in line with the administration's statements that the commission will be relieved of this obligation. The U.S. investment in the Canal is sizable and amounts to about $318 million. When figured at the rate of long-term treasury bonds the interest amounts to around $20 million a year. The Panama Canal Company has the statutory obligation to pay. At $20 million per year over 22 years this would amount to $440 million loss to the Treasury over the life of the Treaty. I might note that Comptroller General Staats stated that this $20 million estimate annual interest payment could be substantially more per year over the next 22 years. Since the interest rate is based on the U.S. Treasury average rate for long-term issues and "as that portfolio turns over, these rates are bound to go up, and I do not believe that this has been fully taken into account in these projections." According to an Armed Services Committee staff study, Mr. Staats estimated the total loss to the Treasury over the next 22 years at $505 million.

I have quite a problem accepting the forgiveness of this obligation. As a matter of fact, I cannot accept it. On February 1, 1978, President Carter in a nationally televised address to the American people stated:

"Are we paying Panama to take the Canal? We are not. Under the new treaties payments to Panama will come from tolls paid by ships which use the Canal."

On December 28, 1977, the President said:

"We wanted a treaty that did not put a financial burden on the American taxpayer and we got it."

On September 26, 1977, Secretary of State Vance in testimony before the Senate Foreign Relations Committee stated concerning the cost of the treaties:

"The treaties require no new appropriations nor do they add to the burdens of the American taxpayer."

Well in line with this spirit of not imposing upon the taxpayer, I submit my reservation to not relieve the Panama Canal Commission of this statutory interest obligation because if the Commission is relieved of that obligation obviously it would impose a burden on the American taxpayer by the loss of those revenues of at least $20 million a year for the next 22 years.

The distinguished Senator's remarks are so apt, so much to the point, that it is hard to believe that anyone could disagree with them. His original amendment would have, by direct action, imposed upon the Commission the obligation to repay the Treasury for those costs to the American taxpayer. Yet later on, he withdrew that amendment, and inserted language postponing the Senate's decision on the matter—an action that particularly pleased the distinguished floor leader, so much so that he was willing to accept the revised version. The question therefore arises: Why, therefore, was it so necessary to postpone the actual decision on this matter, while at the same time permitting the distinguished Senator from Nevada to have the honor of getting his reservation passed? The distinguished Senator from Nevada performed an outstanding service in preserving the Senate's option to debate this point at greater length in the future; yet that debate can only come to the conclusion that the Senator's intent to protect the American taxpayers is impossible to fulfill, given the canal's earning potential and the exorbitant payments which the treaties require us to give to Panama.

1. LIMITATIONS ON FINANCIAL POTENTIAL OF THE PANAMA CANAL

The Senator from North Carolina has been deeply concerned by the multibillion-dollar costs which will have to be paid by the American taxpayers to implement the Panama Canal treaties. It is claimed that all payments to Panama will come from canal revenues; yet in order to make those payments available to Panama, the American taxpayer must pay huge costs of operation which can never be recovered from tolls. As a result, the Senator from North Carolina made a careful study of the conclusions of experts who have examined canal finances.

The central question is: How high can tolls be raised? All the experts agree that tolls cannot be raised without limit. Every time the tolls are raised, some of the traffic is diverted to other routes. With less traffic, fewer ships are paying tolls. So even with the higher tolls on each ship, the aggregate income might be less than before tolls were raised. At a certain point one reaches the point of diminishing returns as the curve flattens out. Once toll increases pass 40 percent, the net aggregate income remains the same. Even if increases of 100 percent were imposed, the aggregate revenue increase would still hover near 40 percent. Thus there is a practical ceiling on the canal's income.

The Comptroller General, in the same statement quoted by the distinguished Senator from Nevada, went on to demonstrate the impact of interest charges and amortization charges on the canal's deficit. According to his rough estimates for fiscal year 1979, the net tolls income deficiency, after payments to Panama, would be $37 million. But if interest and amortization were included as payments to the U.S. Treasury, the net tolls income deficiency would be $79 million.

Governor Parfitt estimated the necessary toll increase at 19.5 percent, including the bonanza of income from Alaskan oil. To raise $79 million, tolls would have to be increased by 40 percent the first year. Thus in one stroke, the ceiling would be reached. From that point on, the upward spiral of deficits would be paid by the American taxpayer.

However, the picture is even grimmer. According to studies by Mr. W. M. Whitman, former Secretary of the Panama Canal Co., and a consultant in canal finance, the projected statements misstate the actual deficit. And further studies by the Institute for American Relations, projected these deficits for 6 years and discovered that to make all the payments to Panama and to the U.S. Treasury would require increases

ranging from 49.8 percent in fiscal year 1979 to 63.3 percent in fiscal year 1984 in aggregate toll revenues. Since it is impossible to increase the aggregate earning capacity of the canal above 40 percent, it is evident that it is simply impossible to repay the American taxpayer for his investment in the assets of the canal.

Those who are interested in more details on the financial earning potential of the canal should consult my presentation to the Senate on April 17, page S. 5641 of the daily RECORD, for detailed analyses and tables. At that time, I proposed a reservation that would have created a balance of equity between Panama and the United States. The reservation would have established priorities of payment, as funds were available: Panama would have been guaranteed $20 million a year from the payment for services and the fixed payment; then, as funds were available, the U.S. Treasury would have been paid for interest and amortization; finally, Panama would have been paid under the 30-cents-a-ton formula to the extent that funds were available. The reservation was defeated on the morning of April 18, tabled by a vote of 56 to 39.

Nevertheless, the fact remains that, if tolls are raised high enough, some return could be made to the U.S. Treasury. Congress should carefully consider that option. Yet any such increase in tolls, will decrease tonnage passing through the canal, and decrease payments to Panama under the 30-cents-a-ton formula. Moreover, it would clearly make it impossible to pay anything under the contingency payment clause. Once more, Panama's expectations are being set aside.

2. PANAMA'S EXPECTATIONS UNDER THE CANNON RESERVATION

The practical realities of canal finance leave Congress with very little choice to exercise under the Cannon reservation. If Congress is to have the option of protecting the U.S. taxpayer, it can only be done at the expense of Panama. The Cannon reservation legitimized the option of including payments to the U.S. Treasury as an operating expense, before any payments to Panama are made. The treaty says that payments to Panama shall be made out of canal operating revenues, but the term "canal operating revenues" is nowhere defined. Article XIII, paragraph (4)(c), as already pointed out, appears to be talking about net operating revenues; but no distinction is made in paragraphs (4) (a) and (b) between net revenues or gross revenues. It is conceivable that Congress, in the implementing legislation, could define operating revenues as meaning net operating revenues, consistent with paragraph (4)(c). That is probably the only way that real meaning could be given to the Cannon reservation; yet it would mean that, if net revenues (after paying the U.S. Treasury) were not available, no payments need be made to Panama.

With this as background, the Foreign Ministry's communique sets forth Panamanian expectations:

Aside from the fact that it is evident that the United States has been amortized bountifully, the knowledge of its revenue-raising capacity to cover the Panama Canal costs according to studies by experts contracted especially by U.S. authorities demonstrates that the policy on revenue and expenditures for the Canal's operations can be established in such a manner that will satisfy the provisions of this reservation and the income which Panama hopes to receive according to Article XIII, Paragraph (4) (b) and (c), without significantly affecting the volume of traffic. Therefore, this reservation does not alter what was agreed upon. To the extent that the United States does not violate the principle of honoring the treaties in good faith, Panama cannot present claims to the United States.

It is not at all evident that the United States has been amortized bountifully. In fact, most of the studies show that the return to the United States has been understated because of the inflation of the dollar since 1903. Moreover, as already demonstrated, Panama is incorrect in stating that the revenue projections indicate that the canal can pay both the U.S. Treasury and Panama out of earnings. In fact, there is no way even a portion of both requirements can be met without decreasing the volume of traffic by excessive tolls, and consequently, decreasing Panama's income under the 30 cents a ton formula.

Therefore, the Cannon reservation is a significant alteration of what was agreed upon. Without the reservation, there would be no grounds whatsoever for Congress to include costs to the Treasury among the costs of operation. Panama appears to be denying to Congress the right to choose an option that might decrease Panama's financial benefits. Panama's discussion of good faith falls down over the assumption that the original treaty provisions cannot be altered by the Senate. But the Senate did alter the treaty provisions by amendment, including the Cannon reservation. Panama must accept the full meaning of the Cannon reservation if she wants the rest of the treaty; and Panama must accept it, in good faith, as an alteration.

F. THE DANFORTH UNDERSTANDING TO THE PANAMA CANAL TREATY

The Danforth understanding was passed by the Senate on April 17, by a voice vote, as an amendment to the resolution of ratification of the Panama Canal Treaty. The substantive portion reads as follows:

Nothing in subparagraph 4(c) of Article XIII shall be construed to limit the authority of the United States of America through the United States Government agency called the Panama Canal Commission to make such financial decisions and incur such expenses as are reasonable and necessary for the management, operation, and maintenance of the Panama Canal. In addition, toll rates established pursuant to paragraph 2(d) of Article III need not be set at levels designed to produce revenues to cover payment to Panama described in subparagraph 4(c) of Aricles XIII.

This understanding returns once more to the same theme as some of the reservations already discussed; yet it makes even more explicit certain principles which are anathema to Panama.

The distinguished Senator from Missouri, Mr. DANFORTH, sought to nail down the point:

The Commission must be free to make expenditures which it deems are required to insure the same level of Canal operations as existed under the Panama Canal Company. The contingent payment must not in any way act as a constraint on Commission decisions. This understanding makes it clear that the Commission's authority shall not be burdened or limited in any way by considerations of the contingent payment.

The understanding also makes it clear that tolls for users of the Canal need not be set at levels designed to produce sufficient revenues to cover the $10 million contingent payment, or any portion thereof. The wording does allow Congress, if it so desires, to permit tolls to account for this payment. I have noted that the draft implementing legislation proposed by the administration does not allow for this payment in the toll base. But I do not want to bind this or some future Congress in this regard. I do, however, wish to establish the fact that the United States, through the Panama Canal Commission, is under no obligation whatsoever to compel Canal users to bear explicitly this financial burden.

This explicit rebuke to Panama's expectations somehow became almost too much for the Foreign Ministry to bear. Although it merely makes explicit what follows from the logic of the treaty and of other reservations, the Panamanian communique burst out in a long restatement of grievances—a hysterical outburst that calls into question the future cooperation of Panama and its good faith in accepting any of the amendments which the Senate added to the treaties and the resolutions of ratification:

When the text of Article XIII, Paragraph (4) (b) and (c) was agreed to, it was evident from a study of the Canal operations that the Canal produces approximately $18 million annually which comprise the Canal's operating revenues. The negotiators' understanding was that this figure would serve as a base to cover the payment to Panama of the $10 million guaranteed in Article XIII, Paragraph (4)(b) and the additional $10 million agreed to in Article XIII, Paragraph 4(c), these payments being considered as part of the Canal's operating revenues. For this reason we are in agreement that the obligations derived from Article XIII, Paragraph (4) (b) and (c) in favor of Panama can be covered without raising tolls and for this reason we agree with the Senate that it is not imperative to raise tolls to cover these obligations to Panama. By virtue of the principle of good faith which prevails in the observance of the treaties, Panama expects the United States to accommodate its policy on expenditures so that this article can be the means by which Panama receives a fairer retribution for its contribution to the Canal work. To the extent that the Panamanian people are satisfied with the Canal administration due to the products they derive from it, they will continue protecting their Canal. But if a stingy spirit prevails, aggravating the injustice suffered by Panama since 1903, then a circle of friendship will not have been built around the Canal but rather one of hatred, with possible grave consequences if a crisis occurs which the national government would be the first to deplore.

Once again, the Panamanian position is based upon economic fantasy. Even at present toll rates, there has been no surplus of $18 million annually to serve as a base. The reorganization of the canal un-

der the treaty is too complicated to discuss at this point, but there is no simplistic method of arriving at any $18 million figure. Indeed, the canal has run at losses.

Every single financial study of the canal has clearly demonstrated that tolls will have to be raised. The official figure, and minimum figure, is an increase of 19.5 percent, but other studies show double and triple that amount. Thus the notion that payments can be paid to Panama without raising tolls has no relation to reality. When the communique says that "we agree with the Senate that it is not imperative to raise tolls to cover these obligations to Panama," it is agreeing with something the Senate never said. Moreover, if all the true costs are added in, as permitted by the Cannon reservation, the Panamanian statement is nonsense.

Thus the statement that "Panama expects the United States to accommodate its policy on expenditures" to provide the benefits which Panama expects is diametrically opposed to the Danforth understanding, the Cannon reservation, and the Hollings-Heinz-Bellmon reservation. When Panama calls for good faith in implementing the treaties, Panama is insisting on implementing the treaties according to Panama's original expectations. Panama is totally rejecting the concept that the U.S. Senate has any right to alter the treaties in any respect.

When Panama makes such statements, Panama is rejecting its own principle of offer and counter-offer. Panama is demanding that the Senate amendments have no meaning. It is perhaps not surprising that a dictatorship fails to understand the democratic process, and the constitutional requirements which U.S. officials must adhere to. In a dictatorship, one man can approve a treaty draft; but in the United States, the draft accepted by the Chief Executive is only a provisional document, subject to change by the U.S. Senate. For the U.S. Senate itself is acting in good faith when it changes treaty language.

If Panama is to rely upon good faith, therefore, then Panama must accept the changes imposed by the Senate in good faith, and Panama must work to implement those changes in good faith herself. The only alternative is to reject the whole package.

Yet the foreign ministry goes on to raise the spectre of crisis, created by violence among the Panamanian people. Panama's use of threats has been typical of the entire negotiating process. The negotiations began in a Communist-organized riot in 1964. Panamanian government propaganda about the martyrs of 1964—when half the martyrs were looters who were trapped by greed in buildings set on fire by arsonists—has been direct incitement to violence. The multiplicity of statements by government officials—from Omar Torrijos on down—about the inability to control the anger of the people have been direct attempts to stir up the Panamanian people. Deploring such violence is thus the height of hypocrisy.

To once more use the same techniques that are doubtless tried and true—during the period preceding ratification, throws into doubt Panama's willingness to cooperate in any aspects of treaty implementation. It casts into doubt Panama's acceptance of any of the amendments and reservations. It says to the American people that the treaty does not represent a true agreement, a true meeting of minds, but is a transparent device for the rapid and total takeover of the canal. For the President to ratify the treaties under such circumstances would be to break faith with the Senate and the American people.

III. HAS PANAMA ACCEPTED THE TREATIES AND AMENDMENTS?

The foreign ministry communique purports to contain Panama's acceptance of the treaties and amendments. Yet even in the concluding pages of the communique, it is clear that Panama is not yet satisfied. It is clear that Panama's acceptance is only a short-term tactical maneuver. For once Panama regains sovereignty, Panama will be in a strong position to denounce the treaties and demand negotiations. Having already rejected the key reservations by interpreting them as having meanings opposite to what the Senate intended, Panama is ready to reenter the liberation struggle, with all the trappings of Marxist dialectic:

> The achievements obtained in the negotiations are conquests which belong to the Panamanian people. They cannot be destroyed or renounced but can be taken to their ultimate culmination by future generations. Let us strengthen these conquests, the most feasible now, and when better circumstances for struggle exist, we will again undertake the task to improve the terms of the relationship.

This passage makes it plain to all that Panama expects to renew the struggle against the United States. Even though the Panama Canal Treaty is supposed to last for 22 years, and is supposed to phase in Panamanian control and operation of the canal, the struggle will continue. The passage cannot be interpreted as referring to the post-treaty period because it talks about undertaking "to improve the terms of the relationship," when "better circumstances for struggle exist." The better circumstances, of course, will exist when Panama has sovereignty over the canal, and Panamanians are trained to operate the canal. Those better circumstances will be sooner than we think.

Does Panama accept the treaties and the amendments when Panama signs the protocol of ratification? Clearly, only as a tactic:

> The national government has reached the conclusion that the treaties unquestionaby achieve, within a reasonable period of time, the fundamental objectives of the Panamanian nation. Because of this, the national government will consent to the exchange of the instruments of ratification of the Torrijos-Carter treaties. With the entry into force of the treaties, better instruments of struggle will be placed in the hands of the republic. With them, Panama will continue its efforts so that the national objectives will be realized in a shorter period of time by virtue of opportune and patriotic negotiations that the governments of the future will undertake.

The treaties and sovereign jurisdiction will provide a base for new negotiations—negotiations doubtless based on the same kind of threats exhibited as in the past. Panama's intention to shorten the 22 years of the treaty is boldly expressed. Despite all of Panama's talk about the United States lacking good faith, this remarkable document tells us that Panama is not agreeing in good faith, either to the treaties themselves or to the amendments. Panama is making a farce out of the ratification process, and is treating the Senate with contempt.

Despite the years of negotiations, despite the long months of debate, there is still no meeting of minds on the basic treaty issues. Panama's interpretation of the key amendments is openly opposed to the Senate's intention in passing those amendments. If both nations sign protocols which include the Senate amendments, it does not mean that Panama accepts the amendments with the Senate's intentions intact. It means that Panama accepts the amendments according to her own interpretation—an interpretation that repudiates the Senate's work. Panama has put us on public notice by means of the foreign ministry communique. The President must not ratify the treaties as long as the gulf of meaning opens wide between the two nations.

[EXHIBIT 1]

PANAMANIAN FOREIGN MINISTRY COMMUNIQUE ON CANAL TREATIES

I. INTRODUCTION

When the Senate of the United States gave its advice and consent to President Carter regarding the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, the Foreign Ministry issued two communiques (16 and 27 March) in which it said that the government would not express its judgment on the amendments, understandings, conditions and reservations approved by the Senate until the same body also arrived at its constitutional decision regarding the Panama Canal treaty.

On the 18th of this month the U.S. Senate gave its advice and consent to President Carter regarding the Panama Canal treaty with the reservations and understandings which will be analyzed in this communique.

With the completion of the Senate's proceedings in the United States, the Foreign Ministry, complying with orders from His Excellency President Demetrio B. Lakas and His Excellency Chief of Government Brig. Gen. Omar Torrijos Herrera, now undertakes to fulfill its duty of explaining to the citizenry the juridical scope of the resolutions of the Senate and setting forth its stand concerning the Senate's decision.

II. SIGNIFICANCE OF THE TERMS "AMENDMENTS," "UNDERSTANDINGS" AND "RESERVATIONS"

The above terms are used by the Senate in its resolutions of 17 March and 18 April of the present year. For this reason it is appropriate to express the meaning given to those terms by U.S. jurists.

Amendments

An amendment to a treaty is a formal change in the letter of the text negotiated by the parties.

Reservations

A reservation modifies or limits the substantive effect of one or more of the treaty stipulations. A reservation is a condition which adds something substantial to a treaty

or eliminates something substantial from it. A reservation is a notification in the sense that the state making it will not implement the treaty except in accordance with that condition.

Understandings

The term "understanding" is used to describe a declaration which is not made with the intention of modifying or limiting any of the treaty stipulations. An understanding can clarify or interpret one or more of the treaty stipulations or incorporate a declaration of policy or procedure.

Declaration

The terms "declaration" or "communication" are used to express certain matters of policy or principle and in no way abrogate or change the rights or obligations stipulated in the treaty. Frequently those terms are used interchangeably with the word "understanding."

The legal meaning of a Senate declaration, regardless of its designation, depends entirely on its substance. A declaration which modifies, limits or changes the text of the treaty or its meaning is actually a reservation. A declaration which clarifies or explains or deals with a secondary matter does not change the treaty and consequently is not a reservation. Sometimes it can be difficult to distinguish clearly between an understanding and a reservation. One may gradually obscure the other and thus become a question which the two parties may decide for themselves.

(Source: Whiteman, Digest of International Law, Vol 14, pp 137–198)

The Bienna convention of 1969 on treaty law says in Article 19:

"Article 19. A state may formulate a reservation at the time of signing, ratifying, accepting or approving a treaty or adhering to it. * * * "

That same convention defines the term "reservation" in Article 2(1) D:

"D. 'Reservation' is understood to be a unilateral declaration, regardless of its name or designation, made by a state in signing, ratifying, accepting or approving a treaty or in adhering to it with the purpose of excluding or modifying the legal effects of certain dispositions of the treaty in its application to that state."

In formulating the draft to the convention, the commission of international law explained the word "reservation" in the following terms:

"13. A definition of reservation becomes necessary because the states, in signing, ratifying, accepting, approving a treaty or adhering to it, usually formulate declarations on the matter in which they understand some questions or on their interpretation of certain dispositions. Such a declaration can be a simple clarification of the position of the state or can be a reservation, depending an whether it modifies the application of the clauses of the treaty already approved or excludes it."

(Document of the United Nations, Supplement No 9 A/5209, p 8)

Although this Vienna convention has not entered into force, it is the product of the work of codification of public international law sponsored by the United Nations and reflects the present state of the development of the norms which regulate relations between those subject to international law.

We can assert that, regardless of the term used, what matters is if the condition, reservation, amendment or declaration made by one party to the other modifies or changes what has been agreed to by the plenipotentiaries. If that change has been made, it is unquestionable that the treaty has not been ratified but, rather, that a counteroffer has been made by one party which the other is at liberty to reject, modify or approve. Only if it approves the counteroffer is the consent or perfecting [perfeccionamiento] of the wish of both parties to obligate themselves realized.

III. RATIFICATION BY PLEBISCITE IN PANAMA

In the United States ratification is effected by the president with the advice and consent of the Senate. In Panama, in conformity with Article 274 of the constitution, ratification of the treaties concerning the canal is by plebiscite. The authority to ratify resides exclusively in the people, in each citizen who takes on the responsibility of a conegotiator. The executive branch is not responsible for ratification in Panama. Its role is limited to that of being a mere exponent of the popular will.

The plebiscite required by the constitution has already been carried out in Panama. The people of Panama expressed their desire to ratify, that is, to give their approval to, the government's negotiating effort in the plebiscite held on 23 October 1977.

IV. DOCUMENTS RATIFIED BY THE PANAMANIAN CITIZENRY ON OCTOBER 23, 1977

Under Law 33 of 1977, which summoned the people to a plebiscite, the following were submitted for the consideration of the citizenry: the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal and the Panama Canal treaty with the minutes [actas], annexes, maps and agreements signed in Washington, D.C., on 7 September 1977. In addition the Panamanian people approved the statement of understanding of 14 October 1977 agreed upon by Panamanian Chief of Government Gen Omar Torrijos Herrera and U.S. President Jimmy Carter. This amendment was personally explained to the citizenry by General Torrijos before 23 October 1977. In other words, the people who supported the Torrijos-Carter treaties in the plebiscite approved the true interpretation given to those instruments by their signatories, that is, by the persons most authorized to interpret them or determine their true scope.

The statement of understanding was as follows:

"Under the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (the neutrality treaty), Panama and the United States have the responsibility to guarantee that the Panama Canal will remain open and secure to ships of all nations. The correct interpretation of this principle is that each of two countries shall, in accordance with its respective constitutional processes, defend the canal against any threat to the regime of neutrality, and consequently shall have the right to act against any aggression or threat directed against the canal or against the peaceful transit of vessels through the canal. This does not mean, nor shall it be interpreted as, a right of intervention by the United States in the internal affairs of Panama. Any U.S. action will be directed at insuring that the canal remain open, secure and accessible, and it shall never be directed against the territorial integrity or political independence of Panama.

"The neutrality treaty provides that the vessels of war and auxiliary vessels of the United States and Panama will be entitled to transit the canal expeditiously This is intended, and it shall so be interpreted, to assure the transit of such vessels through the canal as quickly as possible, without any impediment, with expedited treatment, and in case of need or emergency to go to the head of the line of vessels in order to transit the canal rapidly."

V. THE DE CONCINI RESERVATION AND THE PRINCIPLE OF NONINTERVENTION

The struggle against colonialism has been long and bloody. The best example of a collective effort to break the chain of oppression was given by America when Bolivar liberated the people and gave them the fruits of their own government. Despite this independent, however, new forces alien to our people established spheres of influence and colonial situations which, fortunately, have been almost eliminated. In addition to their fight for their emancipation, the peoples of America have also struggled to eradicate all forms of interference in their domestic affairs.

A clear Latin American contribution to the development of international law has been the formalization of the principle of nonintervention, which was codified for the first time in Article 8 of the conference [as published] on the rights and duties of states approved by the Seventh Pan-American Conference held in Montevideo in 1933. This rule states:

"No state has the right to intervene in the internal or external affairs of another."

President Franklin Delano Roosevelt's position was clearly expressed by the U.S. delegate in these words:

Declaration made by the U.S. commission upon signing the Convention on the Rights and Duties of States in Montevideo in 1933:

"Any observing person must clearly understand now that under the Roosevelt administration the U.S. Government is as opposed as any other government to interference with the liberty, sovereignty or other domestic affairs or processes of the governments of other nations. . . .

"I feel safe in committing myself to the statement that, with our support for the general principle of nonintervention as it has been defined, no government should fear any intervention by the United States under the Roosevelt administration."

This principle or basic norm of international conduct was successfully introduced by Latin American jurists, including our Dr. Ricardo J. Alfaro, into the UN Charter, adopted in 1945, which in Article 2 (4) states:

"All members shall refrain in their international relations from the threat or use of force against the territorial integrity or politcal independence of any state, or in any other manner inconsistent with the purposes of the United Nations."

In April 1948, 30 years ago, the American countries met in Bogota where they clearly and categorically reiterated their support for the principle of nonintervention as follows:

Article 15 of the OAS Charter approved in Bogota in 1948: "No state or group of states has the right to intervene, directly or indirectly, regardless of the reason, in the domestic or foreign affairs of another. The foregoing principle prohibits not only action by the armed forces, but any other form of interference or attack on the character of the state and political, cultural and economic elements which constitute it." (Note: This article is identical to Article 18 of the OAS Charter amended by the Buenos Aires protocol in 1967.)

The aforementioned article is included in Chapter 17 of the OAS Charter which is entitled "Rights and Fundamental Duties of States," and Article 11 of this same charter states:

"The fundamental duties of the states are not susceptible to impairment in any manner."

The foregoing signifies that the states have accepted a limitation to their capacity to contract internationally. The state cannot contract the destruction of its character, and there is no pact whatsoever which validly achieve that objective.

In view of the stipulation of the aforementioned Article 11, during the plebiscite period the Foreign Ministry spokesmen explained that Article V of the canal treaty, which establishes the principle of nonintervention as a duty of the United States to abstain from meddling in the domestic affairs of Panama, was unnecessary from the legal viewpoint but that it had been included as a precautionary political measure,

And in view of multilateral rules contained in treaties-laws, as are the UN and OAS charters, conventions which regulate the conduct of Panama, the United States and other countries, there is not the slightest shadow of a doubt that no state, superpower or ministrate, can claim the "right" to intervene in areas which are of the exclusive competence of other states.

But a hardly edifying spectacle was given when some U.S. senators, during the Senate debate on the Torrijos-Carter treaty, rudely used langauge which without a doubt indicated that, in their opinion, the United States has the "right to intervene" in Panama to preserve the neutrality and security of the canal.

This must be made very clear. The "right of intervention" does not exist; everything is to the contrary [todo lo contrario]. Intervention has been proscribed in international legal life. There may be interventions. These cannot be avoided, just as crime cannot be avoided, but such interventions can only be regressively engendered by colonialist and neocolonialist minds which still do not understand that the destiny of man is freedom.

During his speech in the Senate, Senator DeConcini used language which offended the dignity of the Panamanian nation and which is not consonant with the great advancements of humanity. He spoke of so-called rights of intervention which the peoples of the world, organized under the symbol of the United Nations, extinguished once and for all in a collective manner. However, Senator DeConcini also stated:

"This does not mean, nor should it be interpreted as, a right of the United States to interfere in the domestic affairs of Panama."

Any intervention violates the basic rule of self-determination.

Any intervention violates the respect which every state owes to the independence, territorial sovereignty and honor of other states. Therefore, our citizens expressed with righteous firmness their repudiation of Senator DeConcini's words used in explaining his amendment.

Fully identified with the national will, the Panamanian Government made timely efforts before the U.S. Government to insure the Senate would reaffirm the international commitments of the United States contained in the UN and OAS charters. We were successful in that respect. To dispel any doubt, the U.S. Senate in its 18 April resolution stated:

Pursuant to its adherence to the principle of nonintervention, any action taken by the United States of America in the exercise of its rights to assure that the Panama Canal shall remain open, neutral, secure and accessible pursuant to the provisions of the treaty and the neutrality treaty, and the resolutions of advice and consent thereto, shall be only for the purpose of assuring that the canal shall remain open, neutral, secure and accessible, and shall not have as its purpose nor be interpreted as a right of intervention in the internal affairs of the Republic of Panama or interference with its political or sovereign integrity.

This Senate resolution renders indefensible the allegation that the Torrijos-Carter treaties grant the United States any right of intervention in Panama.

According to international law, the obligation which all states have of nonintervention in the internal affairs of others is but the corollary of the principles of sovereign equality of states and respect for their political independence. If sovereignty is the right of all peoples to have their own government, to not have any other supreme state power, it is evident that any intervention conflicts with political independence and is repudiated legally by all humanity.

Panama's political independence, territorial integrity and self-determination are guaranteed by the unshakable will of the Panamanian people and the active solidarity of peoples of the world, in accordance with what was solemnly compacted in the UN Charter. On 28 November 1821 Panama declared its will to be free and independent. This decision was reaffirmed on 3 November 1903 and also on 9 January 1964 when the January martyrs who offered their lives pointed out the path of sacrifices as the price of liberation from the colonialist yoke. Therefore, the Republic of Panama rejects, in a united and decisive fashion, any attempt by any country to intervene in its internal affairs. This is not only a matter of international law but of the steadfast will of our people.

Liberty is an inborn right of human beings and people. One is free when liberty takes hold of the soul of a people. That torch exists firmly in the heart of each and every Panamanian, and therefore any attempt to intervene in matters of the exclusive competence of Panamanians will be rejected without any hesitation.

VI. INTERVENTION IS REPUDIATED IN THE U.S. SENATE

The voices of great U.S. leaders were heard clearly as they repudiated any interpretation that an alleged "right" to intervene in Panama could be inferred. Senators Frank Church, Mike Gravel, George McGovern, Jacob Javits, Paul Sarbanes, Edward Kennedy and others stated that the era of intervention is a thing of the past. It is relevant to quote a portion of Senator Kennedy's statements:

"And it is quite fair that the government and people of Panama should aspire to end the foreign military occupation of their own territory, that they should aspire to recover full national control of all their territory almost 100 years after becoming independent."

For his part, Senator Church said:

"The UN Charter, the OAS Charter and the Inter-American Treaty of Reciprocal Assistance—our military alliances with our neighbors in this hemisphere—all contain provisions which prohibit intervention in the internal affairs of other nations. Therefore, the interventionist policy of the United States is a thing of the past.

"However, in Latin America memories have not faded. The main unifying force in the foreign policy of the Latin American nations over the last 40 years has been support for the principle of nonintervention. Having committed themselves 40 years ago to a new and more mature relationship with the United States, the Latin American countries are determined to keep it that way."

VII. AMERICA IN A STATE OF ALERT TO KEEP THE DOORS OF INTERVENTION FROM BEING REOPENED

As clear proof of all the American peoples' effective and affective solidarity with Panama in its struggle to free itself of every colonialist presence or vestige of colonialism in its territory, it is worthwhile to note the words of two prominent Latin American leaders.

Venezuelan President Carlos Andres Perez said the following on welcoming the President of the United States in Venezuela on 28 March of this year:

"With all this, Mr. President, the feelings of the Latin American people are interpreted in a fully optimistic manner but without being able to hide the sincere concern felt throughout Latin America in the face of any eventuality.

"Just as we joyously celebrated the U.S. bicentennial, we Latin Americans want to celebrate with the same fraternal rejoicing the ratification of the new treaties, the indication of a new era of friendship and cooperation between Latin America and the United States. This is the symbolic meaning of the new Panama Canal treaties.

"Not only will this be the ratification of a new treaty that is just and respectful of sovereignty, but at the same time, it will ratify forever the eternal friendship between the United States and Latin America."

Colombian President Dr. Alfonso Lopez Michelsen let his eloquent voice be heard in the following terms:

"Let not the foot of a foreign power again be placed on the sacred soil of a Latin American country.

"The Bogota charter, approved by the Pan-American Conference in April 1948, guarantees our right to never suffer intervention by any foreign power."

VIII. GENERAL TORRIJOS SET THE PARAMETERS OF DIGNITY IN ORDER TO MAKE A DECISION

Despite the fact that the Foreign Ministry communiques expressed the government's decision to withhold judgment regarding the reservations introduced into the canal neutrality treaty, it is obvious that General Torrijos' statements to the press and his notes to the chiefs of state of the whole world and to President Carter indicated the government's dissatisfaction and concern regarding the interventionist nature of the so-called DeConcini reservation. Therefore, in his note to the chiefs of state, General Torrijos said:

"Because of the support which your people and government have given to the Panamanian cause and because, according to Article 7 of the neutrality treaty, Panama and the United States will open to the support of all the states of the world the objectives of this treaty, we have believed that is our duty to inform you of this situation about which we have publicly expressed our deep concern."

And in his letter to President Carter, our chief of government said:

"However, I do wish to point out that this study will be based on the following concepts: Panama will consider unacceptable any reservation which offends the national dignity, which distorts or changes the objectives of the treaty or which is designed to prevent the effective exercise by Panama of sovereignty over all its territory, the turnover of the canal and the military withdrawal on 31 December 1999."

IX. ANALYSIS OF THE AMENDMENTS, RESERVATIONS AND UNDERSTANDINGS

The Foreign Ministry now proceeds, methodically, to analyze the amendments, reservations and understandings by which the U.S. Senate gave its advice and consent to the Torrijos-Carter treaties.

I. Amendments

A. At the end of Article IV, insert the following: "A correct and authorized statement of certain rights and duties of the parties under the foregoing is contained in the statement of understanding issued by the Government of the United States of America on 14 October 1977 and by the Government of the Republic of Panama on 18 October 1977, which is hereby incorporated as an integral part of this treaty, as follows:

"Under the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (the neutrality treaty), Panama and the United States have the responsibility to assure that the canal will remain open and secure to ships of all nations. The correct interpretation of this principle is that each of the two countries shall, in accordance with their respective constitutional processes, defend the canal against any threat to the regime of neutrality, and consequently shall have the right to act against any aggression or threat directed against the canal or against the peaceful transit of vessels through the canal. This does not mean, nor shall it be interpreted as, a right of intervention of the United States in the internal affairs of Panama. Any United States action will be directed at insuring that the canal will remain open, secure and accessible, and it shall never be directed against the terri-

torial integrity or political independence of Panama."

B. At the end of the first paragraph of Article VI, insert the following:

"In accordance with the statement of understanding mentioned in Article IV above: The neutrality treaty provides that the vessels of war and auxiliary vessels of the United States and Panama will be entitled to transmit the canal expeditiously. This is intended, and it shall be so interpreted, to assure the transit of such vessels through the canal as quickly as possible, without any impediment, with expedited treatment, and in case of need or emergency, to go to the head of the line of vessels in order to transit the canal rapidly."

A perusal of these two amendments reveals that they correspond exactly with the statement of understanding agreed upon by General Torrijos and President Carter on 14 October 1977. This declaration contains an authentic interpretation of the treaty of neutrality agreed upon by the signatories. It was released in Panama before the plebiscite and accepted by the citizenry in approving the Torrijos-Carter treaties.

What the above transcribed amendments do is to formalize the statement of understanding because it was not signed. But this fact does not minimize its obligatory power. In international law commitments are also contracted in oral form. The interpretation of the neutrality treaty agreed upon by General Torrijos and President Carter obligates Panama as well as the United States and is part of the treaties even though the document is not signed. It was there that the authentic interpretation of the neutrality treaty was given by the person who in Panama has the constitutional responsibility for directing foreign relations.

II. Reservations:

A. Subject to the condition which will be included in the instrument of ratification of the treaty which will be exchanged with the Republic of Panama, notwithstanding the provisions of Article V or any other provisions of the treaty, if the canal is closed, or its operations are interfered with, the Republic of Panama and the United States of America shall each independently have the right to take such steps as it deems necessary, in accordance with its constitutional processes, including the use of military force in Panama, to reopen the canal or restore the operations of the canal, as the case may be.

This is what has commonly been called the DeConcini reservation. Obviously its scope departed from the Torrijos-Carter declaration because it eliminated the obligation of the United States not to intervene in the internal affairs of Panama and to respect the political independence and territorial integrity of Panama.

Panama has recognized the U.S. right to act unilaterally in defense of the neutrality of the canal. General Torrijos reaffirmed this to President Carter in the note he sent him on 15 March 1978:

"Subsequently, and by virtue of the confusion created regarding the two articles of the neutrality treaty we proceeded to issue a memorandum of understanding which clearly interpreted the unilateral capacity of each of our countries to preserve the regime of neutrality against threats, attack or closure of the canal, the priority passage of warships in case of emergency and noninterference in the internal affairs of Panama as well as the inviolability of territorial integrity and political independence of my country."

As abominable as the DeConcini reservation were the baseless explanations of the same senator, who seeks to revive U.S. intervention in the internal affairs of Panama. Fortunately, the Senate approved the 18 April resolution, known as the Church amendment, which reaffirms respect for the principle of nonintervention in the internal affairs of the countries of America, which was reproduced above.

With this last Senate resolution, it is evident that the United States has reaffirmed its international commitments in light of the UN and OAS charters. With it the DeConcini reservation has been rid of its imperialistic and interventionist claws, and the enforcement of the principle of nonintervention has been reestablished. The specter of new interventions at the end of the 20th century, which rightly caused concern to all Panamanians, has been eliminated.

B. Subject to the condition that the instruments of ratification of the treaty shall be exchanged only on the conclusion of a protocol of exchange to be signed by authorized representatives of both governments, which shall constitute an integral part of the treaty documents and which shall include the following:

"Nothing in this treaty shall preclude Panama and the United States from making in accordance with their respective constitutional processes any agreement or arrangement between the two countries to facilitate performance at any time after December 31, 1999, of their responsibilities to maintain the regime of neutrality established in the treaty, including agreements or arrangements for the stationing of any U.S. military forces or maintenance of defense sites after that date in the Republic of Panama, that Panama and the United States may deem necessary or appropriate."

This is what is known as the Nunn reservation. It has been objected to in Panama with the argument that it is contrary to Article V of the neutrality treaty which stipulates:

"After the termination of the Panama Canal treaty, only the Republic of Panama shall operate the canal and maintain military forces, defense sites and military installations within its national territory."

The Foreign Ministry shares the national sentiment regarding the termination of U.S. military occupation. The Nunn amendment does not oblige Panama to negotiate an agreement on bases, much less to accept a treaty with this purpose. The obligation to negotiate is nonexistent and even if it did exist, the obligation to negotiate does not entail the commitment to sign a treaty. In 1970 Panama rejected the 1967 treaties without detriment to the commitment of the United States and Panama before the OAS to negotiate a treaty which would resolve the causes of conflict.

The straight interpretation of the Nunn reservation is that if the United States resolved to propose to Panama the negotiation of a treaty so that the United States could have military bases in Panama after 1999, the government ruling Panama's destiny at that time will be free to agree or not agree to the negotiations. That will be its responsibility. That government will assess the situation and make its sovereign decision which it will communicate to the United States.

With total emphasis, the Foreign Ministry declares that Article V cited previously has not been changed. All states have the power to negotiate without limitations except those imposed by the U.N. Charter.

C. Before the date of entry into force of the treaty, the two parties shall begin to negotiate for an agreement under which the American Battle Monuments Commission would, upon the date of entry into force of such agreement and thereafter, administer, free of all taxes, without compensation to the Republic of Panama and in accordance with the practices, privileges, and immunities associated with the administration of cemeteries outside the United States by the American Battle Monuments Commission, including the display of the U.S. flag, such part of Corozal Cemetery in the former Canal Zone as encompasses the remains of citizens of the United States.

D. The U.S. flag may be displayed, pursuant to the provisions of Paragraph 3 of Article VII of the Panama Canal treaty at such part of Corozal Cemetery in the former Canal Zone as encompasses the remains of citizens of the United States.

E. The President of the United States:

a. Shall have announced, before the date of entry into force of the treaty, his intention to transfer, consistent with an agreement with the Republic of Panama, and before the termination date of the Panama Canal treaty, to the American Battle Monuments Commission the administration of such part of Corozal Cemetery as encompasses the remains of the United States, and

b. Shall have announced immediately after the date of exchange of the instruments of ratification plans to be carried out at the expense of the U.S. Government, for:

i. Removing, before the date of entry into force of the treaty, the remains of citizens of the United States from Mount Hope, Corozal Cemetery as encompasses such remains, except that the remains of any citizen whose next of kin objects in writing to the secretary of the army not later than 3 months after the date of exchange of the instrument of ratification of the treaty shall not be removed; and

ii. Transporting to the United States for reinterment, if the next of kin so requests, not later than 3 months after the date of entry into force of the treaty, any such remains encompassed by Corozal Cemetery and, before the date of entry into force of the treaty and remains removed from Mount Hope Cemetery, pursuant to subclause i.; and

c. Shall have fully advised, before the date of entry into force of the treaty, the next of kin objecting under Clause b. i. of all available options and their implications.

This reservation also does not signify any variation from the Torrijos-Carter treaties. What is contemplated here is the possibility of negotiating an agreement on permanent respect deserved by the dead. No Panamanian objects to this agreement. This is deeply rooted in the soul of each Panamanian in view of the Christian doctrine to venerate their predecessors. The Foreign Ministry envisages no difficulty in reaching an agreement with the United States, following the examples used by other countries on this matter, such as France.

Panama has no objection in conformity with the provisions of Paragraph 3 of Article VII of the Panama Canal treaty and once the provisions therein are fulfilled, to the burial of the remains of U.S. citizens under the shadow of their flag in Corozal Cemetery. The funeral rites which any civilized nation holds for those who have offered their lives is worthy of all our respect. This is not a matter of sovereignty or expression of the exercise of juridictional powers. The Panamanian flag will always be flown in a place of honor as unequivocal proof of its sovereignty.

F. To carry out the purpose of Article III of the treaty assuring the security, efficiency and proper maintenance of the Panama Canal, the Republic of Panama and the United States of America during their respective periods of responsibility for canal operation and maintenance shall, unless the amount of the operating revenues of the canal exceeds the amount needed to carry out the purposes of such article, use such revenues of the canal only for purposes consistent with the purposes of Article III.

One of the basic norms of international law is the sanctity of treaties—faithful compliance with its commitments. The purposes of the neutrality treaty expressed in Arti-

cle III will be carried out with good faith by Panama. Panama will do this as a basic practice of its foreign policy. What the Senate requests here does not deviate from the rules of international law and from what has always been Panama's practice in its foreign relations. Panama will always act in a way that is consistent with its commitments.

III. Understandings:

A. Paragraph 1C. of Article III of the treaty shall be construed as requiring, before any adjustments in tolls for use of the canal, that the effects of any such toll adjustment on the trade patterns of the two parties shall be given full consideration, including consideration of the following factors in a manner consistent with the regime of neutrality:

1. The costs of operating and maintaining the Panama Canal;

2. The competitive position of the use of the canal in relation to other means of transportation;

3. The interests of both parties in maintaining their domestic fleets;

4. The impact of such an adjustment on the various geographical areas of each of the two parties; and

5. The interest of both parties in maximizing their internal commerce.

The Republic of Panama and the United States shall cooperate in exchanging information necessary for the consideration of such factors.

The factors noted in this understanding are reasonable. Any good administrator of the Panama Canal, in trying to make adjustments to the tolls, must necessarily consider those factors and others deemed appropriate. Panama, as sovereign owner and exclusive administrator of the canal, will make those decisions which it considers most appropriate for the proper operation of the canal and its greatest profitability, taking into account the fact that the canal has competitors and that means which compete with it are under development.

B. The agreement "to maintain the regime of neutrality established in this treaty" in Article IV of the treaty means that either of the two parties to the treaty may, in accordance with its constitutional procedures, take unilateral action to defend the Panama Canal against any threat, as determined by the party taking such action.

C. The determination of "need or emergency" for the purpose of any vessels of war or auxiliary vessel of the United States or Panama going to the head of the line of vessels in order to transit the Panama Canal rapidly shall be made by the nation operating such vessel.

These agreements are consistent with the Torrijos-Carter statement of 14 October 1977:

D. Nothing in the treaty, in the annexes of the protocol relating to the treaty, or in any other agreement relating to the treaty obligates the United States to provide any economic assistance, military grant assistance, security supporting assistance, foreign military sales credits or international military education and training to the Republic of Panama.

This understanding is correct. The note which Secretary of State Cyrus Vance sent to Ambassador Gabriel Lewis Galindo on 7 September 1977 contains no obligations of economic aid to Panama. That involves measures to be taken at the discretion of the United States independently of the fate of the treaties.

Panama has always understood that the basic economic benefits granted by the treaty are contained in Articles III and XIII.

E. The President shall include all amendments, reservations, understandings, declarations and other statements incorporated by the Senate in its resolution of ratification respecting this treaty in the instrument of ratification exchanged with the Government of the Republic of Panama.

This understanding is directed toward the President of the United States rather than Panama. Panama has no objection to this understanding.

RESERVATIONS AND UNDERSTANDINGS INTRODUCED BY THE U.S. SENATE INTO THE PANAMA CANAL TREATY

A. Reservations: 1. Pursuant to its adherence to the principle of nonintervention, any action taken by the United States of America in the exercise of its rights to assure that the Panama Canal shall remain open, neutral, secure and accessible, pursuant to the provisions of this treaty and the neutrality treaty and the resolutions of advice and consent thereto, shall be only for the purpose of assuring that the canal shall remain open, neutral, secure and accessible, and shall not have as its purpose nor be interpreted as a right of intervention in the internal affairs of the Republic of Panama or interference with its political independence or sovereign integrity.

This reservation is extremely important politically. With it the Senate dissipated the fears which had emerged throughout Latin America that the DeConcini amendment had revived gunboat and big stick diplomacy in this hemisphere. The Senate has reaffirmed the U.S. commitment in multilateral pacts that are treaties—laws regulating not only life on the American continent but throughout the world. Intervention is not a right; it is an international crime.

By virtue of the 1928 Kellogg-Briand Treaty the big powers renounced the use of force as a means to settle conflicts. Based on this pact, the United States, the Soviet Union, the United Kingdom and France took the Nazi war criminals to the scaffold.

The people of the world consecrated their rejection of the use of force in Article 2.3 of the UN charter; the peoples of America did likewise in Article 20 of the OAS Charter. Additionally, Article 2.4 of the UN Charter and Article 18 of the OAS Charter consecrate the respect for the soverign decisions of each state in matters which, as stipulated by international law, are of their sole domestic purview. These are norms that perfect the principle of nonintervention in the legal sense.

Panama experienced moments of patriotic indignation following the introduction of the so-called DeConcini reservation. Via diplomatic channels the national government firmly expressed its rejection of that amendment as something harmful not only to U.S. relations with Panama but its relations with the entire continent. President Carter and the Senate leaders quickly understood this. The Senate then pointed out that a major tenet of U.S. policy is its adherence to the principle of nonintervention. And this adherence also pertains to the neutrality treaty which is of an indefinite duration. It is necessary to stress that the Senate's definition of U.S. policy in this reservation covers both treaties, which are mentioned specifically in the reservation, so that there would not be the slightest doubt that the DeConcini amendment added to the neutrality treaty would not continue in force. [Es necesario remarcar que la expresion de politica que hace el Senado en esta reserva incluye a ambos tratados, los cuales se mencionan especificamente en esta reserva, para no haya la menor sospecha de que la enmienda DeConcini anadida al tratado de neutralidad sigue viva] What continues in force are the legal commitments of the United States to the UN and OAS charters that forbid intervention.

And further, as the instruments drawn up by one or more parties regarding a treaty (Article 31 of the Vienna convention on treaty laws) are very important for the interpretation of treaties in international law, it is deemed pertinent to transcribe the letter that President Carter sent General Torrijos on 18 April:

"Gen. OMAR TORRIJOS HERRERA,
Chief of Government of Panama.

"DEAR GENERAL TORRIJOS: "A few moments ago the U.S. Senate granted its consent to the second of the Panama Canal treaties that you and I signed in Washington in September of last year.

"The ratification of the new treaties opens a new era in U.S. relations not only with Panama but with all the nations of the hemisphere. Working jointly our two nations can set an example and encourage others in the Americas and elsewhere to work toward just and constructive international cooperation in the pursuit of common goals.

"Precisely because these treaties are so important to our two countries, their negotiation has been drawn out and difficult. The debate in our Senate has been the longest ever in the history of the United States over a treaty and as you know the debate has been vigorous. The treaties have brought to the fore in our nation difficult and emotional subjects removed from the canal and our treaties with Panama, just as in your country patriots of good will have had clearly divergent viewpoints as occurs when one wants to make just transactions to reach common goals of greater importance.

"The patience and patriotism of the people of Panama during this lengthy process has been impressive and has earned the respect of the world. In recent months there have been moments when the outcome was uncertain and there were doubts as to whether the two treaties should be ratified. On our part, these doubts has been set aside.

"With its actions today the Senate has reaffirmed what was important in the treaties from the beginning: that the United States, while safeguarding its interest in a secure, open and accessible canal, does not intend to interfere in the domestic affairs of Panama, its government, its policies or its cultural integrity, nor in any way undermine its sovereignty or its political independence.

"These are the principles that we have always cherished as a nation. We have lived up to them in our relations with other American republics since President Roosevelt proclaimed his adherence to the principle of nonintervention in 1933. Those principles are consecrated as international rights in the UN and OAS charters. Therefore, it is appropriate that those principles, particularly the principle that no nation has the right to interfere in the domestic affairs of another, should be incorporated into the treaties and its related documents, including the Senate resolutions. When we meet to exchange the ratification documents we will be able to reiterate that this principle of nonintervention is clearly accepted by our two countries.

"Respect for the sovereignty and dignity of Panama and the United States must be the basis on which to establish the cooperation and mutual respect that will be decisive for the new kind of relationship that we are about to begin. I want to congratulate and thank you, General Torrijos, for the great courage and leadership you gave the people of Panama while our countries were negotiating this new relationship.

"I look toward the future with great hope and confidence. And, on the personal level, I hope and wish to visit Panama to reaffirm our personal friendship and this new relationship between our two countries.

"Sincerely,

JIMMY CARTER."

In this letter, President Carter reaffirmed the U.S. commitment to refrain from intervention in Panama's internal affairs.

2. Notwithstanding any other provisions of this treaty, no funds may be drawn from the U.S. Treasury for payments under Article XIII, Paragraph 4, without statutory authorization.

Panama's right to receive the sums stipulated in Article XIII, Paragraph 4, is very clear. Now, if in order to meet its contractual obligations the United States must follow a domestic legislative procedure, Panama has no objection. What is important is for the United States to meet its obligations in Panama's favor. The domestic mechanism provided for in U.S. legislation is of no concern to Panama.

3. Any accumulated unpaid balance under Paragraph 4 C. of Article XIII at the termination of the treaty shall be payable only to the extent of any operating surplus in the last year of the treaty's duration, and that nothing in that paragraph may be construed as obligating the United States of America to pay after the date of the termination of the treaty any such unpaid balance which shall have accrued before such date.

This is a reservation which contains a correct interpretation of the treaty. Panama has always understood, and so explained to the citizenry at the time, that the budget containing revenues from and expenditures for the operation of the canal would be so drafted as to make the canal commission capable of paying to Panama the sum stipulated in Article XIII, Paragraph 4 C. If for unforeseen reasons this sum were not paid in a certain year, Panama understands that the United States will make an effort to cover that sum in subsequent budgets. Paragraph 4 C. is not symbolic or worthless. The two countries, in good faith, must give it practical content.

For this reason, Panama does not foresee the accumulation of unpaid balances in the year 2000. However, if they did exist, the United States would not be obligated to make such payment to Panama. In summary, there is a clear understanding between the U.S. Senate and the Republic of Panama in this area.

4. Exchange of the instruments of ratification shall not be effective earlier than March 31, 1979, and the treaties shall not enter into force prior to October 1, 1979, unless legislation necessary to implement the provisions of the Panama Canal treaty shall have been enacted by the Congress of the United States of America before March 31, 1979.

Article II provides that the canal treaty" . . . shall enter into force . . . 6 calendar months from the date of the exchange of the instruments of ratification." In view of the above-mentioned reservation, the fact that the instruments are exchanged will not make the treaties effective within 6 months as was previously agreed. The significant ceremony in which the chiefs of government of Panama and the United States will exchange the instruments of ratification of the Torrijos-Carter treaties will soon take place in Panama. However, the exchange will not be effective until 31 March. The Senate made this decision in order to provide enough time for the legislation to be enacted in the United States for the implementation of the treaties. However, the postponement of the date in which the treaties go into effect—notwithstanding the exchange of the instruments of ratification—is not a change, because in international law there is no obligation to proceed to the exchange of the instruments of ratification of the treaties even if the treaties have been ratified. This is a political decision that is properly made by the body which manages foreign relations. In the specific case of the Torrijos-Carter treaties, the governments of Panama and the United States have the power to choose whatever date they consider most convenient for the exchange of ratification instruments. Panama understands that the deadline for the treaties' entry into force is 1 October 1979; however, it may take place before that date if the U.S. Congress completes, before that date (as published) the legislation to implement the treaties.

5. The instruments of ratification to be exchanged by the United States and the Republic of Panama shall each include provisions whereby each party agrees to waive its rights and release the other party from its obligations under Paragraph 2 of Article XII.

Article XII of the Panama Canal treaty refers to the possibility of building a sea-level canal in Panama or adding a third set of locks to the present canal. There is no question that the subject of a sea-level canal was not introduced into the negotiation at Panama's initiative. This subject was given great importance during the stage of the negotiation which led to the draft treaties of 1967. In the negotiations that began in 1971, the subject remained latent for several years and then it suddenly regained prominence in July 1977. The United States made proposals which Panama vigorously rejected. The United States wanted an option in perpetuity to build a sea-level canal in Panama. This was the main issue discussed at the meeting in Bogata of the presidents of Colombia, Venezuela, Costa Rica and Mexico, the prime minister of Jamaica and the chief of government of Panama. It was there that a formula, basically the one established in Paragraphs 1 and 2 of Article XII, was developed.

According to Paragraph 1 of Article XII, for the duration of the treaty, Panama and the United States ". . . commit themselves to study jointly the feasibility . . ." of a sea-level canal in Panama. If after this study the two parties agree that this canal is necessary, they may negotiate the terms of a new treaty for its construction. Therefore, there is no obligation here restricting Panama or placing an obligation on its territory.

Paragraph 2 A. Article XII represents a great concession made by Panama to the United States. Panama pledged not to build a canal or to permit a canal to be built in Panama for the duration of the treaty, that is until the year 2000, without the consent of the United States. Here there is a clear obligation on the territory of Panama which the United States cannot negotiate for 22 years.

Paragraph 2 B. of Article XII places a limitation on the United States in its negotiating capacity. According to this article, the United States cannot negotiate for 22 years with third countries of America on the construction of a canal outside Panama, unless Panama frees it from that limitation.

Paragraphs A. and B. referred to the establishment of a legal equilibrium in the counter-claims [contraprestaciones] of the parties. But in the material aspect, it is obvious that Paragraph 2 is balanced against Panama because it is known that the most adequate routes for building a sea-level canal are in Panama. The disproportion of the distance in the routes of Nicaragua, Costa Rica, and Colombia compared to Panama is immense. And it is not only the problem of construction costs but also the length of the routes which delays the transit of ships, which practically excludes the possibility of building a new canal outside Panama. The Senate considered that it was too much for a nation as small as Panama to have a veto over its negotiating capacity. It attributed more value to this than to the concession which Panama accepted in Bogota for the sake of reaching an agreement [transaccion].

Now Panama can, if it so desires and finds adequate financing, build a new canal whenever it deems it appropriate without having to consult the United States. At the same time, the United States is free to negotiate with third countries without Panama's veto.

The formula contained in the reservation, previously agreed upon with Panama, does not alter the treaty. What the two parties will do is that, upon exchanging the ratification instruments, each will waive its right and release one another. The treaty is not modified. If there is a waiving and mutual release of the reciprocal duties and rights agreed to in Paragraph 2, it is because this clause remained unchanged. But the presidents of the two countries will expressly waive the right given their countries by the treaty and will release each other from their obligations regarding the sea-level canal.

By order of Article 277 of the constitution, General Torrijos has the power to direct Panama's foreign relations. In the exercise of this power, he will waive any right which does not have practical significance and will accept the U.S. waiver which is of practical significance to Panama. Now we will have the free disposition of the territory which God placed in the hands of Panamanians and which for well-known historical reasons has been in foreign hands. The monopoly of routes granted to the United States is eliminated forever. An appropriate formula was found so as to avoid commitments with the United States regarding the sea-level canal in Panama.

6. After the date of entry into force of the treaty, the Panama Canal Commission shall, unless otherwise provided by legislation enacted by Congress, be obligated to reimburse the Treasury of the United States of America as nearly as possible for the interest cost of the funds or other assets directly invested in the commission by the Government of the United States of America and for the interest cost of the funds or other assets directly invested in the predecessor Panama Canal Company by the government and not reimbursed before the date of entry into force of the treaty. Such reimbursement of such interest costs shall be made at a rate determined by the secretary of the Treasury of the United States of America and at annual intervals to the extent earned, and if not earned, shall be made from subsequent earnings.

For purposes of this reservation, the phrase "funds or other assets directly invested" shall have the same meaning as the phrase "net direct investment" has under Section 62 of Title 2 of the Canal Zone Code.

This is a duty which the Senate has assigned to the Panama Canal Commission. It is part of the right which Panama gave the United States by virtue of Article III. The responsibility for the operation of the canal rests with the United States. Its rights and duties are exercised and fulfilled through the aforementioned commission.

Aside from the fact that it is evident that the United States has been amortized bountifully, the knowledge of its revenue-raising capacity to cover the Panama Canal costs according to studies by experts contracted especially by U.S. authorities demonstrates that the policy on revenue and expenditures for the canal's operations can be established in such a manner that will satisfy the provisions of this reservation and the income which Panama hopes to receive according to Article XIII, Paragraph 4 B. and C., without significantly affecting the volume of traffic. Therefore, this reservation does not alter what was agreed upon. To the extent that the United States does not violate the principle honoring the treaties in good faith, Panama cannot present claims to the United States.

The most significant point in Article XIII is that the canal will revert to Panama on 31 December 1999, free of debts. This remains unchanged and it is this great achieve-

ment which fills the hearts of all Panamanians with joy.

B. Understandings:

1. Nothing in Paragraphs 3, 4 and 5 of Article IV may be construed to limit either the provisions of Paragraph 1 of Article IV providing that each party shall act, in accordance with its constitutional processes, to meet any threat to the security of the Panama Canal, or the provisions of Paragraph 2 of Article IV providing that the United States of America shall have primary responsibility to protect and defend the canal for the duration of this treaty.

Here the Senate expresses an understanding that can meet no opposition in Panama. Paragraph 1 of Article IV was explained to Panamanian citizens just as it was outlined by the Senate. Paragraph 2 of Article IV grants to the United States ". . . primary responsibility to protect and defend the canal." However, it is evident that, since the canal is on Panamanian soil, we Panamanians have the greatest interest in defending it. For that reason, the wisest course is for there to be close cooperation between the armed forces of the two countries for the protection of a canal that is of interest to them and to the world.

It is also obvious that the armed forces of the two countries must act in conformity with their respective constitutional processes. In Panama only the assembly of representatives can "declare war and authorize the executive to negotiate for peace." (Article 141, Paragraph 2 of the constitution) In the United States war and peace also depend on the popular will as represented by Congress. Each country has constitutional rules which the armed forces should always respect.

2. Before the first date of the 3-year period beginning on the date of entry into force of this treaty and before each 3-year period following thereafter, the two parties shall agree upon the specific levels and quality of services, as are referred to in Article III, Paragraph 5 of the treaty, to be provided during the following 3-year period and, except for the first 3-year period, on the reimbursement to be made for the costs of such services, such services to be limited to such as are essential to the effective functioning of such canal operating areas and such housing areas referred to in Article III, Paragraph 5 of the treaty. If payments made under Article III, Paragraph 5 of the treaty for the preceding 3-year period, including the initial 3-year period, exceed or are less than the actual costs to the Republic of Panama for supplying, during such period, the specific levels and quality of services agreed upon, then the commission shall deduct from or add to the payment required to be made to the Republic of Panama for each of the following 3 years one-third of such excess or deficit, as the case may be. There shall be an independent and binding audit, conducted by an auditor mutually selected by both parties, of any costs of services disputed by the two parties pursuant to the reexamination of such costs provided for in this understanding.

When the sum that the United States should pay to Panama for police services, fire protection, street maintenance, public lighting, street cleaning, traffic control and garbage collection was set at $10 million, it was believed that this sum represented the real expenses that would be incurred by Panama in providing those services to the areas agreed upon without additional costs to the treasury of Panama, since said services to be assumed by Panama would have originated solely from the existence of the canal and therefore should be considered a canal operating cost. It was not an arbitrary figure, but one duly substantiated by the Panamanian negotiating mission to the U.S. negotiators. It was not a subterfuge to obtain a donation from the United States, but rather an act of justice because of the real expenses which Panama would incur upon reassuming jurisdiction over its territory called the Canal Zone. For this reason, the following adjustment clause was included in Article III:

It is agreed that every 3 years from the date that this treaty enters into force, the costs involved in furnishing said services shall be reexamined to determine whether adjustment of the annual payment should be made because of inflation and other relevant factors affecting the cost of such services.

The understanding proposed by the Senate is acceptable. The mechanism of adjustment was established so that Panama will always receive what it spends in providing those services.

3. Nothing in Subparagraph 4C. of Article XIII shall be construed to limit the authority of the United States of America through the United States Government agency called the Panama Canal Commission to make such financial decisions and incur such expenses as are reasonable and necessary for the management, operation and maintenance of the Panama Canal. In addition, toll rates established pursuant to Paragraph 2D. of Article III need not be set at levels designed to produce revenues to cover the payments to Panama described in Subparagraph 4C. of Article XIII.

This understanding is consistent with the treaty. During the debate which preceded the plebiscite, it was clearly explained that the United States would control the administration of the canal for 22 years by reason of its majority position on the Canal Commission. Article III, Paragraph 2 D. gives the United States the power to "establish, modify, collect and retain tolls for the use of the Panama Canal, and other charges, and establish and modify methods of their assessment." The two parties agreed, in Article III, Paragraph 1 A. of the Neutrality Treaty that the tolls would be ". . . just, equitable and reasonable, and limited to those necessary for safe navigation and efficient, sanitary operation of the canal."

When the text of Article XIII, Paragraph 4 B. and C. was agreed to, it was evident from a study of the canal operations that the canal produces approximately $16 million annually which comprise the canal's operating revenues [costo de operacion]. The negotiators' understanding was that this figure would serve as a base to cover the payment to Panama of the $10 million guaranteed in Article XIII, Paragraph 4 B. and the additional $10 million agreed to in Article XIII, Paragraph 4 B. and C. these payments being considered as part of the canal's operating revenues. For this reason we are in agreement that the obligations derived from Article XIII, Paragraph 4 B. and C. in favor of Panama can be covered without raising tolls and for this reason we agree with the Senate that it is not imperative to raise tolls to cover these obligations to Panama. By virtue of the principle of good faith which prevails in the observance of the treaties, Panama expects the United States to accommodate its policy on expenditures so that this article can be the means by which Panama receives a fairer retribution for its contribution to the canal work. To the extent that the Panamanian people are satisfied with the canal administration due to the products they derive from it, they will continue protecting their canal. But if a stingy spirit prevails, aggravating the injustice suffered by Panama since 1903, then a circle of friendship will not have been built around the canal but rather one of hatred, with possible grave consequences if a crisis occurs which the national government would be the first to deplore.

4. Any agreement concluded pursuant to Article IX, Paragraph 11, with respect to the transfer of prisoners shall be concluded in accordance with the constitutional processes of both parties.

It is evident that the treatment contemplated in Article IX, Paragraph 11, with respect to the exchange of prisoners will have to be adjusted to the constitutional processes of each country so that it may be effective. There can be no opposition to this understanding.

5. Nothing in the treaty, the annex or agreed minutes relating to the treaty, or in any other agreement relating to the treaty obligates the United States to provide any economic assistance, military aid assistance, security supporting assistance, foreign military sales credits or international military education and training to the Republic of Panama.

This is the correct interpretation. Panama has always understood that there is no provision in the Panama Canal Treaty that obliges the United States to provide Panama with economic assistance or to give it donations.

It is impossible to conceive of obligatory assistance. Solidarity cannot be imposed by decree or by treaties.

6. The President shall include all amendments, reservations, understandings, declarations, and other statements incorporated by the Senate in its resolution of ratification respecting this treaty in the instrument of ratification exchanged with the government of the Republic of Panama.

This is a Senate understanding addressed to the President of the United States. Panama, according to the statements expressed in this document, has accepted the amendments, reservations and understandings which the Senate of the United States attached to the Torrijos-Carter treaties.

Foreign Ministry Conclusions: The previous exposition permits the Foreign Ministry to declare that the Torrijos-Carter treaties with the Senate resolutions:

1. Do not offend the nation's dignity.—The unquestionable fact that the United States must leave the Isthmus of Panama at the latest by 31 December 1999 completes our process of independence and places in our hands the exclusive control of the canal for use as an effective lever for our economic and social development. Also, all prospects of an alleged and obsolete "right" of intervention have been dispelled since the Senate of the United States has reaffirmed in the Church amendment the contents of the Torrijos-Carter declaration, that is, that any action taken by the United States in connection with the Panama Canal "* * * shall not have as its purpose nor be interpreted as a right of intervention in the internal affairs of the Republic of Panama or interference with its political independence or sovereign integrity."

Nothing can reaffirm our national dignity more than the knowledge that there will be an end to the military occupation of the fatherland almost 100 years after the establishment of the republic.

2. The objectives of the treaty have not been distorted or changed.—The fundamental objective of the liberating negotiations was to agree in the treaty to a clear and categorical program for our liberation. For this reason it was a fundamental objective to agree to a definite date or deadline for the new treaty. What has been the ideal of all Panamanians was realized in Article II, Paragraph 2, of the canal treaty:

"2. This treaty will expire at noon, Panama time, on 31 December 1999."

Greater conciseness and precision cannot be conceived.

Nothing has occurred after the plebiscite which weakens or alters this clause.

Another fundamental objective of the treaty was to obtain the reversion of the canal to Panama free of debts. This was

agreed to in Article XIII, Paragraph 1, of the Panama Canal treaty which says:

"Upon termination of this treaty, the Republic of Panama shall assume total responsibility for the management, operation, and maintenance of the Panama Canal, which shall be turned over in operating condition and free of liens and debts, except as the two parties may otherwise agree."

What was stated here and which our people understood certainly as a great achievement in the path of our liberation has not been distorted or diminished.

Other fundamental achievements of the negotiatons are the abrogation of the 1903 treaty and its amendments (Article I) and the resumption by Panama of its exclusive jurisdiction throughout all national territory (Article XI). The amendments contained in the Senate resolutions have not tarnished these definitive achievements of our people.

3. Nothing will prevent Panama from effective exercise of its sovereignty throughout all its territory.—The position of the U.S. Government during the Senate debates was that the United States has no sovereignty in the Canal Zone. Carter has spoken firmly in defense of Panama's traditional thesis. This position has cleared this legal problem in the minds of the American people. In keeping with this position, Article XI establishes that Panama will resume total jurisdiction in the Canal Zone when the treaty enters into force. U.S. jurisdictional rights, the only thing it possessed in Panama, will end on that date. The Senate debate and the firm position of the Senate majority have reaffirmed Panamanian sovereignty, which will be exercised effectively by Panama when the treaty goes into effect, because this treaty eliminates the so-called Canal Zone government. The anachronism of two governments in a single territory, as was stressed with patriotic zeal by President Demetrio Basilio Lakas in a meeting with President Nixon in 1971, has been brought to an end.

4. Great national objectives have been achieved.—By virtue of the generational alpinism spoken of very properly so by the chief of government, all generations of isthmians have contributed their ideas, efforts and sacrifices. Each Panamanian has been a volunteer soldier in the common task of liberation. Beginning with the note by Jose Domingo de Obaloia and Eusebio A. Morales in 1904, which best expresses our legal arguments, up to the tragic event of the January martyrs—22 Panamanian heroes offered their lives and gave an everlasting cry of Panama's wish to be sovereign and free—it can be said that Panama has sought to:

A. Abrogate the 1903 treaty;

B. Recover the patrimony constituted by Panama's geographic position and its isthmian configuration to exploit the most important natural resource given to it by God, that is, to exploit to its maximum transit operations of the canal, the railroad and ports under its exclusive control and administration;

C. Reincorporate the Canal Zone into the rest of the fatherland's territory;

D. End the U.S. civilian and military presence;

E. Place the canal under a system which will guarantee the transit of ships of all flags on equal conditions and isolate the canal from any public controversy; and

F. Train qualified personnel in technical matters to assume responsibility for the canal's administration to the fullest extent possible.

The Foreign Ministry can state with satisfaction that the fundamental objectives which were imbedded in the national soul have basically been achieved. Unfortunately, all of these objectives will not be achieved immediately. It involves a liberation program that will be completed in 22 years, because the treaty is the product of negotiations in which reciprocal concessions were made. All Panamanians would like this term to be shorter, but we were able to achieve only that which is established in the treaties, despite the titanic and persistent efforts of our negotiator.

As always, Bolivar's ideals are timely here: "Let us seek a medium between those extremes which could lead us to the same obstacles, to unhappiness, to dishonor. I dare to give the results of my thoughts about the future fate of America: not the best fate, but the most feasible."

Simon Bolivar Reply from a South American to a Gentleman of This Island, Henry Cullen.

The achievements obtained in the negotiations are conquests which belong to the Panamanian people. They cannot be destroyed or renounced but can be taken to their ultimate culmination by future generations. Let us strengthen these conquests, the most feasible now and, when better circumstances for struggle exist, we will again undertake the task to improve the terms of the relationship. Let us think always of generational alpinism, of the contribution of each generation to the nation, to its progress and sustained growth. The forebears have bequeathed us a fatherland. Let us work for it each day.

The national government has reached the conclusion that the treaties unquestionably achieve, within a reasonable period of time, the fundamental objectives of the Panamanian nation. Because of this, the national government will consent to the exchange of the instruments of ratification of the Torrijos-Carter treaties. With the entry into force of the treaties, better instruments of struggle will be placed in the hands of the republic. With them, Panama will continue its efforts so that the national objectives will be realized in a shorter period of time by virtue of opportune and patriotic negotiations that the governments of the future will undertake.

The Foreign Ministry has faith in the capacity for struggle of the Panamanians. It also has faith that with time the U.S. public will better understand Panama's reasons for insisting on an improvement in the terms of its contractual relationship with the United States. This will facilitate the future decisions of the U.S. Government in its relations with Panama. The North American people are a just people. Some of their leaders have shown courage, patriotism and a clear sense of history. The Torrijos-Carter treaties are evident achievements in our liberation struggle, but they are not the final phase.

Upon agreeing to the terms of the protocol of the instruments of ratification of each treaty, Panama will reaffirm its right to self-determination, respect for its territorial integrity and political independence and its rejection of all forms of intervention in its internal affairs and will ask the United States to reaffirm its commitments in accordance with the UN and OAS charters.

Let us view the future with optimism because each Panamanian is struggling to hasten the liberation process. The rulers and those who are ruled should utilize to the maximum the favorable opportunities which present themselves to promote the common good. Panama opportunely utilized the process of decolonization and made itself part of it with reciprocal solidarity. We went to the Third World and the nonalined countries and we obtained the necessary support so that the whole world could understand Panama's liberation cause. Thanks to the persistent work of the Foreign Ministry, we concluded the negotiation with the treaties. No one can deny that the Torrijos-Carter treaties contain great and positive advances for Panama in the poltical and economic spheres. We have reached levels in our liberation process that place us very near the summit.

We are sure that we will climb the summit of perfecting our independence on 31 December 1999 without bringing anguish or mourning to the hearts of Panamanian mothers.

We Panamanians have followed with great interest the debates in the U.S. Senate. The Spanish version of the debates reached our homes by radio. All of us were able to perceive the intense opposition against the treaties in the Senate. At no time was it certain that the treaties would be approved with or without amendments. It is evident that no one in Panama or the United States can predict that the next Senate will be better than the current one. The Panamanian citizenry ratified the treaties on 23 October 1977 and it will again ratify them with the national jubilation that will reign when President Carter and General Torrijos sign in Panama the protocols of exchange of the ratification instruments.

We assume full responsibility for the acceptance of the treaties with the conviction, firmness and encouragement that patriotism and the dedication to the cause of Panama's liberation give us.

Panama and the United States have wanted and sought a friendly and peaceful solution. This was achieved after 14 years of intense negotiations in which Panamanian nationalism saw the flowering of its best ideas. It is now up to all Panamanians, architects and beneficiaries of the treaties, to enjoy these benefits in a climate of peace and national unity.

Panama, 25 April 1978, Foreign Ministry.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. BUMPERS). There will now be a period for the transaction of routine morning business.

COMMITTEE MEETING

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 7, beginning at 4:30 p.m. to hold confirmation hearings on the judicial nomination for the U.S. District of New Hampshire.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR TEST BAN: ANOTHER TREATY BLUNDER?

Mr. DOLE. Mr. President, the Carter administration's efforts to conclude a 5-year total ban on nuclear weapons testing raises a number of serious questions about the advisability of rushing into an accord of this type at this particular time.

In the wake of serious controversy and doubts about the administration's judgment in the Panama Canal and SALT Treaty negotiations, one is inclined to ask: Are we about to blunder into another treaty fiasco, without the proper reflection and precautions? The Panama Canal Treaty passed the Senate with one vote to spare. With the SALT Treaty debate near at hand, chances for approval appear slim at this time. Most of the major doubts surrounding both of these treaties centered on negotiating conces-

sions by the administration, and the absence of effective guarantees to safeguard national security interests.

Perhaps, therefore, the President would be well advised to reflect at length upon these aspects before plunging forward into yet another treaty of questionable value and uncertain equitability. Columnist George F. Will, in a commentary appearing in the Washington Post on June 4, suggests that "Government today has a parching thirst for the appearance of achievement that will dispel doubts, including self-doubts about its competence." If this is, in fact, the case, then the track record for this administration thus far has not been good.

If initial indications are accurate, the proposed total test ban on all nuclear weapons may have an even more difficult route to ratification. Its implications for U.S. national security are alarming. As Will notes, "The proposal is unverifiable and asymmetrical in its consequences." He suggests that this administration may believe that "unequal restraints on the United States are valuable because U.S. weapons are a threat, and perhaps the principal threat, to peace."

To conclude such an accord at this time, particularly in the midst of continuing concern about the SALT II negotiations, could be a serious mistake for our country, and for this administration.

Mr. President, I ask unanimous consent that the text of George Will's column "The Test-Ban Quest," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 4, 1978]

THE TEST-BAN QUEST

Government today has a parching thirst for the appearance of achievement that will dispel doubts, including self-doubts, about its competence. That thirst probably explains, in part, the Carter administration's decision to ask the Soviet Union to agree to a five-year ban on testing nuclear weapons. Another explanation is that the administration is untroubled by asymmetrical consequences of cosmetically symmetrical agreements.

A full test ban would be unverifiable; it would prevent the United States from conducting appropriate tests to confirm the continued reliability of nuclear-weapons stockpiles; and it would jeopardize the U.S. ability to maintain its competence in nuclear-weapons technology.

Testing in the atmosphere has been banned for 15 years. In 1974, the United States and the Soviet Union agreed to a 150-kiloton limit on underground tests. There would be little opposition to lowering the threshold drastically perhaps to 5 kilotons.

But at approximately that point a limit becomes unverifiable. The threshold of detection depends, in part, on whether testing takes place in rock or porous soil. But significant tests can involve blasts too small or muffled to distinguish from earthquakes and other seismic events that produce "background noise" in the earth. And a single test is normally enough to confirm a new weapon design or the reliability of old weapons.

When fighting for confirmation as arms negotiator, Paul Warnke said he believed that "an agreement which is not verifiable is worse than no agreement." Of course, the Soviets will agree to on-site inspection of a minimal, face-saving sort—sufficient, that is, to save face for U.S. negotiators.

But it is inconceivable that the Soviets will accept thorough, rigorous inspection and mechanical verification measures of the sort that would be necessary to prevent the administration's proposal from being "worse than no agreement." The Soviet Union has not thoroughly transformed its traditional attitudes about inspection. So, a depressing aspect of the test-ban debate in the United States will be the administration's unavailing struggle to maintain its intellectual integrity while arguing for its own proposal.

A complete test ban would be imprudent because it would prevent not only U.S. testing for new developments, but also "proof testing" of the sort needed to maintain confidence in the reliability of the deterrent. Nuclear weapons are extraordinarily complex and are composed of materials subject to deterioration. Unpredictable things go wrong. Checks of some U.S. weapons have revealed problems that have required significant corrective work, including final "proof tests."

Were a complete test ban verifiable by U.S. technical means, or were the Soviet Union an open society in which cheating by the government might be leaked to an alert and independent press, the end of "proof testing" might be acceptable, and even advantageous to the United States. The mutual degradation of nuclear stockpiles over several decades might enhance deterrence because it would inhibit planning for an aggressive war.

But the Soviet Union is not an open society, and it is not fastidious about adhering to international agreements. So an unverifiable ban on testing would be asymmetrical, and detrimental to the United States.

It also would involve another unacceptable asymmetry: It would complicate—but only for the United States—the conservation of scientific skills important to national security. It would make nuclear-weapons development an uninteresting profession, and U.S. scientists and laboratories would increasingly confine themselves to other tasks. But the Soviet government can order scientists around, as it does other conscript labor.

It is said that a United States-Soviet agreement not to test would discourage nuclear proliferation because non-nuclear nations would feel inhibited in testing and hence, in development. But many of the nations that could choose to develop nuclear weapons—South Africa, South Korea, Taiwan, Israel, Pakistan, Iran—have hitherto considered their security closely linked to U.S. policy. For such nations, the strongest incentive to develop nuclear weapons—much stronger than the hypothetical, inhibiting power of a United States-Soviet test ban—is doubt about the reliability of the United States. Such doubt is intensified by U.S. proposals as imprudent as the administration's test-ban proposal.

Given that the proposal is unverifiable and asymmetrical in its consequences, the most plausible explanation of it is that the administration believes unequal restraints on the United States are valuable because U.S. weapons are a threat, and perhaps the principal threat, to peace. And the administration probably believes that reducing the 150-kiloton threshold by "only" 145 kilotons would contaminate its "achievement." This parched administration's method of quenching its thirst for achievement only deepens doubt about its judgment.

INTERNATIONAL WHEAT AGREEMENT

Mr. DOLE. Mr. President, the International Wheat Agreement, to which the United States is a signatory, expires this summer. The International Wheat Council has been meeting to negotiate a new agreement to replace the current one, but to date the meetings have not produced anything which would be acceptable to all sides.

The chief difference stems from the fact that the European Community wants a wheat agreement including maximum and minimum prices and insists also on a coarse grains agreement, as well as some "understanding" on dairy products and meat. The U.S. position has been that it could not support such a wheat agreement since it would not work. Also, the United States would not participate in a coarse grains agreement for the same reason and because it would be trade restrictive. Both these positions had been recommended by the advisory committees created to provide counsel to the U.S. negotiators. The other members of the Council supported the U.S. position, and the European Community appeared to be virtually alone.

The U.S. position was sound, since our experience with fixed wheat price agreements has proved the United States is always the loser. There is really no good economic reason why the United States should be a participant in an international wheat agreement with maximum and minimum prices. It is a loser.

The United States is by far the dominant supplier of coarse grains to the world. There are fewer countries which import coarse grains than there are countries which import wheat. The U.S. farmer does not need nor does he want to have an international organization telling him when and under what conditions he may export his grain.

It is not difficult to understand why the European Community's position would not be easily acceptable to the rest of the world. During periods of world shortages it was not the restrictive practices of the European Community which served world needs but the free marketing system of the United States. Anything which restricts the U.S. ability to determine its own export policy would not be in the best interests of all the world grain importers.

Lately there are, nevertheless, strong indications that the United States has backed away from its position and appears ready to accede to the European Community on virtually all the points on which the Community has insisted and which the United States had indicated were unacceptable. The administration appears, furthermore, to be pursuing this course without even having informed the advisory committees in advance that it was changing its position. If this is so, it is irresponsible behavior, since the advisory committees were foreseen in the Trade Act legislated by Congress as the means by which the administration might receive the technical advice of the involved and interested industry. We understand that the administration appears to be somewhat disturbed about the lack of support from the industry for its position. This is shocking, for it suggests that they are not being guided by the expressed inter-

ests of the industry but rather would like to have the industry accept quietly what it is the administration wants.

There is, furthermore, no indication that the U.S. negotiators would receive anything in return which would be of benefit to the U.S. farmers or the rest of the U.S. economy. The vague suggestions of what the European Community might be willing to offer in return by way of increased access to the European Community for U.S. grains are too nebulous and, even if they were to be realized, would be almost completely insignificant. There is no indication that the European Community would or even could permit greater access for U.S. grains into the Community. There is no indication that the Community would discontinue its very disruptive trade practices, such as its highly subsidizing flour exports, a practice which has made it impossible for U.S. flour millers to compete in the world flour markets. This has cost U.S. farmers and U.S. flour millers millions of dollars in lost export opportunities.

The U.S. farmer deserves better than national prices, with all the trappings of maximum and minimum levels.

I find it odd, furthermore, that although the administration continues to pay lipservice to expanding agricultural exports, it concentrates in areas where it has long since reached the point of diminishing returns. The United States should be looking into new areas into which to expand exports, and yet the administration continues policies which are trade restrictive in the areas which offer the greatest growth potential. There are bills now before the Congress, with strong bipartisan support, designed to expand U.S. agricultural exports, particularly into the Eastern Bloc countries. The administration has, however, not seen fit to support this effort. Instead the administration appears to have chosen to sacrifice the U.S. farmer's sovereignty over the marketing of his grains merely in order to be able to state that it was able to conclude a negotiation with the European Community, which offers nothing in exchange. What the European Community is proposing is obviously in the interests of the Community farmers, rather than those of the U.S. farmers.

We can understand that the Office of the Special Trade Representative would like to be able to come back from Geneva suggesting that they had successfully completed the round of trade negotiations. We can also understand that it would be a little easier for the administration to meet the demands of protesting farmers by responding that they must adhere to the provisions of an international agreement.

I recall all too well the experience in 1967, when the U.S. negotiators returned from Geneva with the now infamous International Grains Agreement as the only thing which the United States had obtained in the negotiations. It was touted as being very good for the U.S. farmers, but even those who strongly backed it then denounced it promptly after they left Government, calling it a very poor agreement for the United States. It cost the U.S. farmers a great deal in lost wheat exports, permitting other exporting countries to make inroads into the markets the United States had worked for years to obtain. It cost the U.S. citizen millions of dollars in lost revenue from imports. I would not like to see that happen again. It would be irresponsible to support any action which could restrict our exports, depriving the farmers of the right to obtain their income through the export markets and depriving the U.S. citizen of the necessary foreign exchange and the support for the declining value of the U.S. dollar.

I suggest that before the U.S. negotiators agree to any proposals that the Congress and the farmers be advised what it is the administration is negotiating. Otherwise we could find ourselves in the position of having to reject a proposed treaty which is contrary to the interest of U.S. agriculture. I will propose that we invite Mr. Strauss to give him the opportunity to explain to the Congress what it is they are negotiating, what it is they expect to get in return, and if it is indeed what the trade advisory committees have recommended. If not, why not?

Mr. President, I yield back the remainder of my time.

(Routine morning business transacted and additional statements submitted are printed later in today's RECORD.)

CONCLUSION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business?

If not, morning business is closed.

LABOR LAW REFORM ACT OF 1978

The PRESIDING OFFICER (Mr. BUMPERS). Under the previous order, the Senate will now resume consideration of the unfinished business, H.R. 8410, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 8410) to amend the National Labor Relations Act to strengthen the remedies and expedite the procedures under such act.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have been very concerned with some of the aspects of this particular bill, as everyone knows. I thought this afternoon I should list some facts against labor law reform and especially with regard to the economic impact against small business and frankly against the country as a whole.

All of our surveying to date demonstrates that the impact of passage of labor law legislation will be disastrous to the economy.

Pierre Rinfret's recently released economic study highlights specific impact on inflation, wages, and small business.

Each increase of 10 percent in unionization would bring with it a 3-percent hike in the rate of inflation. It is clear that the proposed legislation would tend to dramatically increase the general inflationary trend of the United States which now appears to be about 7 percent, with wholesale and consumer price increase rates currently close to double digit levels.

The major economic burden of this legislation would be borne by small business. Taking 250 or less workers as a definition—and that may be too few—small business accounts for 66 percent of total U.S. employment. In addition, the "make whole" provision of the proposed legislation would have a particularly adverse impact on small business. Compensation in such cases would be based on wage and benefit scales negotiated with establishments of 5,000 or more employees.

Of the 12 States studied, each shows the same damaging impact on both inflation and small business.

Dr. Rinfret's study is, we think, a unique study and probably the first really effective economic impact analysis of legislation in the United States.

Jack Carlson, chief economist of the Chamber of Commerce, has done a State-by-State analysis which proves the economic consequences on passage of this bill.

If enacted, the bill would add to cost-push inflation.

The higher labor cost would cause consumer price levels to increase at least 3.6 percent by 1985, and mean higher inflationary rates causing a great loss of purchasing power for an average family of four.

Dr. Carlson goes on further and states that labor costs for small businesses could increase more rapidly because they are less unionized now, because of small business failures and mergers and, thus, less competition.

Dr. Carlson indicates that each State could be hurt as Carlson has shown in analyzing each State's impact.

Cost of implementing the legislation is exorbitant as revealed by the Irving study.

A recent study produced by the NLRB general counsel, John Irving, indicates that a minimum of an additional $30 million is needed to support the implementation of this bill during the first year alone. The money is needed to handle management, enforcement litigation, and administrative cost.

That is only part of it, because the President has indicated that he wants an additional $12 million on top of the $33 million for a total of $45 million, which is 51 percent more than the budget of last year for one of the most efficient agencies in Government which has been very capable in handling its work primarily because of voluntary compliance between management and labor leading to the effective settlement of almost all of the matters brought before the Board.

Should this bill be passed no one has indicated just what economic impact would ensue as a result of the lack of voluntary compliance which heretofore we have taken for granted and which will become as a matter of fact in the future.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. HATCH. I am delighted to yield.

YEAS AND NAYS ORDERED ON AMENDMENT NO. 2254

Mr. HELMS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair and I thank the Senator.

Mr. HATCH. Mr. President, this same NLRB study said unions can be expected to intensify organizational efforts in plants and industries which are now unorganized. The cost impact analysis directly refutes the claims of S. 2467 proponents that the bill is in keeping with regulatory reform.

Therefore, I think it is important to point out to everyone concerned that the economic impact of this bill has only been partially examined and the bill is found wanting even on those partial examinations.

If you start to figure in the actual costs of the lack of voluntary compliance, which will inevitably ensue as a result of the enactment of this bill, you are talking about billions of dollars, a clogging of the Board, even if you do add the two extra members, which are not needed at this time under the present law, which is very fair to both sides, and you are asking about delays that the poor unfortunate employees have never had before.

Perhaps the offsetting balance would be the intimidation effect on business management throughout our country, because when they are faced with losing their businesses as a result of Federal contract debarment, the blacklisting by the Federal Government, and putting men and women out of work as a result of just one of the more heinous aspects of this bill, with the accompanying possibility of losing their businesses, they may very well have to capitulate, which seems to me to be one of the problems of this bill—forced capitulation in the marketplace rather than free and open competition which, of course, has been the hallmark of our society.

With regard to public opinion, the analysis of every major public opinion poll shows antiunion attitudes. I think that is unfortunate. I hate to see antiunion attitudes throughout the country, because I do not think that that is proper.

Having been raised in the union movement myself, having earned my journeyman's certificate, having worked in the building trades for 10 years as a member of the AFL–CIO, and having studied the growth of unionization in America and the importance of that growth, I think it is unfortunate that there is an antiunion attitude throughout the country, even among union people.

But I submit that antiunion attitude has been caused by Washingtonian labor union leaders and their repetitive demands for excessive legislation, which leads to more inflation, higher costs, more domination of our society by a bureaucracy created by them, an inordinate special interest control over the Presidency, the Congress, and the bureaucracy.

I believe without the union movement we would have a rich class and a poor class in America, just those two classes. We would not have the great advent and rise of the middle class. So I compliment those early union leaders who fought so hard to develop the union system so that people would have an opportunity of organizing together to stand against what was at that time an almost impenetrable management.

I think, however, that no one who is listening here today or who will read this hereafter would disagree with the statement, except the most adamant union leaders, that the pendulum has swung too far, that the balance, the incredibly important balance, between management and labor has now swung as a result of governmental domination here in Washington by the Washingtonian labor union leaders to the special interest side of big labor here in Washington.

Now, with regard to public opinion, although I disagree that the public should have an antiunion attitude, the polls indicate that they do, and I submit that the reason they do is, because of the approaches by big labor, not the least of which is the bill before us today, which is almost an unconscionable call for power—not call, demand for power—by our Washingtonian labor union leaders who, I think, very seldom really think of what is best for the men and women who work in America, including those who do not belong to labor unions, and what bothers me is that they promulgated this bill under the guise that they really are trying to give the working men and women of America a right to choose which, incidentally, they have right now, and which works very well right now, and which has worked well for 43 years under the National Labor Relations Act, which would be turned upside down by this bill.

PUBLIC OPINION

The polls reviewed include U.S. News & World Report, Opinion Research Corp. (ORC), Gallup, Harris, Roper, Yankelovich, and the Cambridge Research report. The polls show little support for Federal legislation which would make it easier for unions to organize nonunion workers.

The ORC poll shows very little support (22 percent) exists among the general public for passage of such Federal legislation.

State polls have been completed by ORC for some 12 States. Each reveals a uniformity in opposition to the bill.

The U.S. News poll shows that a minority of household heads are in favor of making it easier for unions to organize (only 24 percent); 59 percent of the public do not think the Federal Government should make it easier for unions to organize workers. Fifty-eight percent disagree with the proposition that if a company has a union, all new workers should be required to join the union to keep their jobs. In fact, the proposal to make it easier for unions to organize fails to win a majority support from current union members. In general, the public favors the enactment of laws that might curb union power and protect employees' rights in unionization and collective bargaining practices.

What about the press against labor law "reform?"

To date we have over 1,000 editorials from across the country expressing opposition to enactment of labor law reform legislation. A compendium of over 600 editorials was distributed just prior to spring recess. The second volume is planned for distribution in mid-May. We have welcomed the support of the National Newspapers Association, the American Newspaper Publishers Association, and the National Association of Broadcasters.

People know that these organizations very seldom come out against any type of legislation unless it is so bad that they have to, and that is why they have come out against this legislation, even though at the present time we are being sold a bill of goods that this is just a modest bill, it does not do very much. To put it in the words of former great Senator Richard Russell, he said that he was always concerned about these "itty-bitty bills that don't help nobody and don't hurt nobody." That is what they are trying to foist on America today.

With regard to the National Labor Relations Board, I would just like to say that it is a highly efficient organization. It hardly needs an additional two members, and it hardly needs the aspect of this bill to give it even more trouble than it has had in the past. It has been able to handle its business.

NLRB HIGHLY EFFICIENT

An analysis of the NLRB report on its operations disclosed that the agency is run efficiently, quickly resolves disputes, and focuses the majority of attention on small business.

NLRB cut its backlog by a thousand cases last year—52,943 cases in 1977; the Board closed 53,908 cases, which is pretty interesting.

The median time at regional offices in cases from the time of charge to the issuance of complaint was 48 days. This compares with 55 days in 1976. Over 85 percent of all unfair labor practice cases are disposed of prior to the issuance of a complaint and 94.5 percent of all such cases were closed prior to any hearing. Unions won 46 percent of the 9,484 certification and decertification elections, management, 54 percent. If the truth is known that is the real reason for the bill, or at least one of the major reasons for the bill.

The focus of the NLRB is small business. Approximately 75 percent of all representation elections involved 59 or fewer employees. About 85 percent involved less than 100 employees and 94 percent less than 200 employees.

On that particular point labor has made and promulgated the half-truth that 78 percent of all business is not covered by this bill, the fact of the matter is the businesses that are not covered by this bill are either sole proprietorships, businesses owned by one person,

who is his own employee, which cannot be organized anyway, or businesses that have such a small employee unit that the unions would not make any effort to organize them under the law.

So the fact of the matter is that that half-truth ignores the full truth which is that although sole proprietorships and businesses which are too small to be organized will not be covered by this bill, which any reasonable person would expect, 76 to 80 percent of all employees in this society are covered by this bill, and that is the significant telling statistic that I think everybody knows.

That, I think, is what is wrong with the amendment pending, because the amendment basically does not change what has heretofore been the law pursuant to the rule of the National Labor Relations Board. It just perpetuates the law which was going to perpetuate it anyway and not change it.

In analyzing S. 2467, Edward B. Miller, former Chairman of the NLRB, in an administrative appraisal of the NLRB, concluded that the efficient operations of NLRB will be slowed down, with litigation increasing and hearing schedules clogged. Thus, he concluded, both representation and unfair labor practice cases "would be substantially delayed."

I am going to talk a little bit later about the rulemaking power which this bill would give to the Board, which could cause a tremendous loss in the voluntary compliance which has been the hallmark of the efficient operation of the National Labor Relations Board, to the detriment of every employee, every union, and every business in America, and yet they continue to ignore that fact.

The General Counsel of the National Labor Relations Board, John Irving, has said, and said it very clearly, that if this bill is passed, there will be almost immediately a huge increase in cases, a huge increase in elections, a huge increase in contested litigation before the Board, and a huge increase in contested unfair labor practice litigation, and that the voluntary compliance upon which they have relied for years and years would not work in the future.

Mr. President, on Wednesday, May 24, 1978, in an editorial published in the Tarrytowns and Irvington Daily News entitled "Workers Resist Union," written by Marge Leahy, a staff writer, she states:

Teamsters Local 458 is picketing the Able II Mix Concrete Corp. in Irvington in an effort to unionize the company's four workers who are resisting unionization.

Union pickets are blocking deliveries, thus forcing the business at 24 N. Astor St., to shut down, reported Mitch Feinglass, president of the three-year-old non-union company.

Pickets, seated in cars because of rain, refused to comment today on their actions and directed inquiries to the Elmsford headquarters. Arthur Revellese, local secretary-treasurer and union spokesman, could not be reached for comment.

Signs attached to cars read: "Drivers working for Able Concrete do not receive wages and other conditions established as good as those by Teamsters 496."

"I have no hope of survival," Feinglass said, if the union action continues. "I'm a small business. I have no hope against a multi-million dollar union."

Union drivers of supply trucks will not cross picket lines, Feinglass said, and he has not been able to deliver concrete to his jobs since mid-Tuesday because of a lack of materials.

He said he had no objection to his men joining the union, if that were their choice, but "Im not going to force my men to sign up for the union." He believes his men should have the option to decide.

I might interpolate here that there are a lot of employers who do not feel the same way as Mr. Feinglass, who would just deliver their employees over to the union—that happens every day—rather than lose their businesses.

One Able Mix employee, driver Robert Williams of Wilton, Conn., said, "I think they are trying to do me out of a job. We go union. We go to the bottom of the list. They'll be working and I'll be out of a job."

Williams said that union members do not work for any one firm, but work as needed on a number of jobs which are handed out on a seniority basis.

Another worker, Frank Kavanah of Elmsford, said, "I'm guaranteed work all year. If we were union, no work, no pay." On rainy days, they wouldn't be working, he said, noting that Feinglass provides work on off-days.

Robert Aluisio, of Hastings, said, "We were happy with things the way they were." A fourth driver was absent.

While each is listed as drivers, they agreed they did other tasks, helping each other as necessary with loading or other tasks. Union drivers, they claimed, do not perform other tasks or even polish their trucks.

The picketing came as a surprise to Feinglass on Monday. He said he immediately went to the union headquarters to determine the reason for the picketing.

Feinglass said he was given no options other than unionizing and was told by Revellese that the union cared about providing jobs for its members, not about Feinglass's employees.

The drivers also felt that the high wages a union worker is paid would necessitate their working less time. Feinglass was uncertain of exactly what the increase would be if unionized.

Feinglass does not yet know what his next step will be or whether he will ever be able to compensate for the lost business.

In a followup article published the next day, Ms. Leahy reports:

The Able II Mix Concrete Corp. in Irvington, shut down by pickets from Teamsters Local 456, filed a complaint Wednesday with the National Labor Relations Board protesting union action in trying to organize the company's drivers.

The complaint also seeks to provide the chance for the four employees—who said they oppose unionizing—to vote on joining the Teamsters, according to Donald Hulnick, company attorney. Such a vote, under NLRB supervision, could occur within 10 days, Hulnick said.

The effect of the picketing has been to close the plant because trucks bringing supplies Able II needs are not crossing pickets. As a result, the company has been shut down since mid-Tuesday when supplies on hand ran out.

The company's complaint is over the effect of the Teamster pickets. If the pickets are there just to point out the difference between union and company wages and not to seek union members, the company said there is no reason for the Teamsters to interfere with company operations.

The company said, however, unionizing is the issue. The company claimed it is paying fair and adequate wages which satisfy their employees.

Signs carried by the pickets indicate that the wages paid by the concrete mix company are not prevailing union wages and do not mention unionization efforts.

However, the pickets were said to have told the four Able drivers in general terms that union membership would mean higher wages and larger benefits.

The first contact that the Elmsford union made with the company or its drivers about the proposal was on Monday when the Teamsters showed up with pickets, according to the company's owners, Mitch Feinglas and Robert Neublatt. Neublatt further said that the workers said they had not been contacted at all previously about joining the union.

Feinglas, upon seeing the pickets, immediately went to the union hall to determine the reason for picketing. He said he spoke with Arthur Revellese, secretary-treasurer and union spokesman, who showed him a contract for union membership to sign, but was not permitted to take the document from the Elmsford hall to show to his lawyer. Feinglas did not sign it, and then left.

Revellese has not returned phone calls inquiring about the issue.

Meanwhile, Able II drivers criticized the tactics used. "I don't think this is the way to go about it," complained Aluisio, stating they could not perform their job. "Union representatives should have first come in to talk with us."

He did say the pickets have acted in a gentlemanly manner.

Co-worker Frank Kavanah agreed although he said that the union picketing was a practical way for the Teamsters to force the issue. Two other drivers were absent early this morning.

All the drivers had discussed union membership, Kavanah said. "Sure, we'd like to make more money, but it wouldn't be practical for us. On rainy days, I'd just be sitting." No work could be guaranteed on off-days and therefore no pay, he said, adding that at Able II there was job security knowing he could work year-round.

Mr. President, I am delighted to yield to the majority leader, without losing my right to the floor and without any subsequent remarks being considered a second speech under the rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Utah.

INTENTION TO FILE CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, I shall send to the desk later today a cloture motion, and I ask unanmious consent that the 1 hour under the cloture rule begin running on Wednesday at 4 o'clock p.m., notwithstanding the fact that the Senate, if this request is agreed to and if a subsequent request concerning the cloture motion is agreed to, will not be in session tomorrow.

Mr. BAKER. Mr. President, reserving the right to object, and I shall not object, the arrangement that the distinguished majority leader is now propounding has been discussed with me, and I believe it is the best arrangement we could make, especially in view of the desire unanimously held on both sides to omit a ses-

sion of the Senate tomorrow in respect for our late colleague, Senator ALLEN. So there will be no objection to setting a time at 5 o'clock on Wednesday—that is, an hour after 4 o'clock, to comply with the rules—for the first cloture vote.

Mr. ROBERT C. BYRD. May I say that the vote itself would occur, as the distinguished minority leader knows, after the establishment of a quorum, for which the clerk would begin to call the roll at 5 o'clock.

Mr. BAKER. Mr. President, we have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Now, Mr. President, I ask unanimous consent that I may be authorized to offer a second cloture motion today, and that it be voted on on Thursday of this week, at a time which will later be agreed upon, notwithstanding the fact that if this request were consented to, there will be no session tomorrow during which I could offer the cloture motion.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, once again I will not object. This also is to accommodate the Senate in respect to the funeral ceremonies for Senator ALLEN. As I understand, then, under the rules, if we can agree on a time to vote on Thursday, it will be 1 hour after we have convened or after the establishment of the presence of a quorum?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. BAKER. I will say to the distinguished majority leader that I would hope that we can agree on a time for a vote on Thursday in that respect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the distinguished minority leader, and I thank the distinguished Senator from Utah.

Mr. HATCH. The majority leader is certainly welcome. I am delighted to yield to him.

At this point, I yield the floor to the distinguished Senator from Idaho (Mr. MCCLURE).

The PRESIDING OFFICER. Without objection, the Senator from Idaho is recognized.

THE EVILS OF DEBARMENT

Mr. MCCLURE. We debate today the issue of amending the National Labor Relations Act. Proponents of such an amendment process indicate that these amendments are not radical changes from present law, but rather simply fine tuning which will allow for a better running of our industrial-labor relations in this country. In all due respect to these reformers I cannot accept this fatuous line of argument. This bill, Senate bill 2467, drastically affects the balance of power between labor and management. Furthermore, it infringes upon an independent employee's right to either accept or reject union representation. This bill is not an attempt to reform as much as it is an abortion of our previous understanding of the function of Government in labor relations. A particular provision of this bill is illustrative of how far the proponents of this bill wish the Government to go in order to intimidate all employers from questioning any policies or demands that a union may make. The language of the debarment provision from the House's version of the so-called labor reform bill is as follows:

To amend the National Labor Relations Act, as amended, to strengthen the remedial provisions of the act against repeated or flagrant transgressors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the National Labor Relations Act is amended by adding at the end thereof the new subsection:

(n) Whenever it is charged that any person has engaged in or is engaging in a willful and flagrant unfair labor practice, and/or has engaged in or is engaging in a pattern or practice, of unfair labor practices designed to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7; and, whenever the general counsel has reasonable cause to believe that such charge is true, he shall include the allegation in the complaint issued pursuant to section 10(b): *Provided,* That no allegation of a pattern or practice of unfair labor practices shall be based on any unfair labor practice occurring more than three years prior to the filing of the charge with the board. If it is determined, upon completion of the procedures available in section 10 (b), (c), (d), (e), (f), and (g), that a person has engaged in a willful or flagrant unfair labor practice and/or a pattern or practice of unfair labor practices designed to interfere with, restrain, or coerce employees in the exercise of rights guaranteed in section 7, the Labor Board shall certify the identity of the person to the Comptroller General who shall distribute a list to all agencies of the United States containing the names of persons found by the Labor Board to have engaged in willful and flagrant unfair labor practices and /or a pattern or practice of unfair labor practices. No contracts shall be awarded to such person, or to any firm, corporation, partnership, or association in which such person has a controlling interest, until three years have elapsed from the date of the Labor Board certification; unless, the agency of the United States concerned, after notice and opportunity for hearing to all interested parties, certifies to the Labor Board that there is no other source for the material or services furnished by the person affected by the Labor Board order."

The effect of debarment is even more severe. The Secretary of Labor is given the authority to impose and cancel these harsh debarment penalties and it is dangerous to leave such sweeping authority in the control of one Government official. Furthermore, the Senate version of this reform bill has evolved a blacklisting concept that is particularly extreme and excessive. The debarment provision in the Senate bill is broader than the House-passed bill because the Senate bill does not restrict this crude debarment order to the particular facility where the violation occurs. In other words, a companywide debarment order is the likely result. The ramifications for such an extreme penalty is ignored by these queer and curious labor reformers. No consideration is given for the employees who would inevitably lose their jobs as a result of a debarment order. This lack of thought and analysis by these pseudo reformers does not provide me nor any Senator here with the proper foundation in approving such a heinous section of this bill. In the remarks that follow, I will restrict my comments to this debarment provision of the bill. By magnifying the problems with debarment and labor relations in this country, it can be illustrated fully that this approach and radical shift in governmental administration in the labor area is incorrect. My duty is to speak for I do not wish to be an accomplice to undermining the balance between organized labor and management in this country. The truth must be heard. As the French novelist Emile Zola wrote in J'Accuse. L'Aurore:

When the truth is buried underground it grows, it chokes, it gathers such an explosive force that on the day it bursts out, it blows up everything with it.

This Senate needs to avoid an explosion which could cause irreparable harm to the U.S. economy. People's lives and livelihoods are too precious to sacrifice to the abstract of pseudo reform.

The alleged reason for this debarment provision is to strengthen the remedial provisions of the National Labor Relations Act against repeated or flagrant transgressors. In essence the bill provides that if "any person has engaged in a willful and flagrant unfair labor practice and/or a pattern or practice of unfair labor practices designed to interfere with, restrain or coerce employees in the exercise" of their section 7 rights, the Board shall certify that finding to the Comptroller General. The Comptroller will then inform all other agencies of the U.S. Government of the finding, and no Government contracts will be awarded to the person or business entity for a period of 3 years from the date of the Board's certification. The only exceptions are those persons or business entities which a governmental agency, after a hearing, certifies to the NLRB as being the sole source for the material or services involved.

There are several serious deficiencies both in the concept of debarment and the wording of this particular proposed legislation. First, it is obvious that the debarment penalty exceeds remedying the particular unfair labor practice found. Instead, debarment would prevent employers who meet the law's criteria from obtaining Federal contracts for a 3-year period. Under this legislation, even after particular unfair labor practices have been remedied, debarment would be mandated without any further inquiry into the sufficiency of the traditional NLRB remedy or the necessity of the use of debarment against the particular employer.

It would then take an extraordinary action by the Secretary of Labor to reverse this debarment decision. Thus, once the Comptroller certifies that the employer should be debarred, no simple procedure exists to permit this decision to be reversed. Thus, a debarment action could be based on a "pattern" of NLRB findings some of which might be reversed upon court review. In this regard it is important for all Senators to know that only about 70 percent of NLRB orders which were appealed in the last 6 years

were enforced in full by the courts. In light of this shaky track record, it is unfair to impose such a harsh penalty if further findings indicate that such a penalty is unwarranted. In essence, we are electrocuting business concerns and in the event that the entity is found innocent, we can do nothing but apologize to the corporate corpse. Or perhaps the foolhardy reformers in the name of equity would want the Government to award debarment pay similar to backpay since we would be obliged to even up the equities of the matter. Of course, it may be hard to estimate how much restitution is needed to pay an individual for the ruin of his business by the Government's ridiculous debarment procedure.

(Senator HODGES assumed the chair).

Mr. McCLURE. A proper reassessment of the debarment is missing from this bill. To give the same Government official who imposes the debarment the right to lift the penalty is a naive and foolhardy approach. How many people who make serious, grave decisions that severely effect others reverse their decisions later upon review? The political nature of the office of Secretary of Labor also is a serious factor when one considers placing all this decisionmaking power concerning debarment provisions. Will a change in administration affect who does and who does not get debarred? Is it, in fact, hard to imagine this debarment provision being used as a sword to punish businesses that wish to test legally the convictions that they are treating their employees properly? Can we actually deny due process with the threat of economic ruin? The debarment provision before us makes the risk of believing in your thoughts too expensive. Debarment is being used supposedly to have employers comply with the existent labor law. It is far too harsh a remedy to use. If we continue such a policy, we are saying that sledge hammers must be used to drive thumbtacks into a surface. Somehow, clearer minds must understand the stupidity of such a course of action.

Previous Board and court cases have demonstrated that remedies which exceed neutralizing particular unfair labor practices have traditionally been struck down by the courts as punitive and outside the scope of the Board's remedial power. A review of this philosophy through case law is important in order to appreciate how unorthodox and unrealistic debarment is to labor relations in this country.

The Supreme Court has explained that the affirmative remedial power of the Board "is merely incidental to the primary purpose of Congress to stop and prevent unfair labor practices." For this reason, the Board must closely restrict its remedies to undoing the effects of the unfair labor practices committed. In other words, its orders may not be punitive or confiscatory.

Conceptually, this remedial-punitive distinction is perhaps more troublesome than the requirement that the Board relief must not conflict with the policies of the act because, in a sense, each order directing a violator to take affirmative action contains an element of punishment, at least in the subjective judgment of the party required to comply with the Board's order.

At the outset, it should be noted that the terminology employed by the court in describing nonremedial orders as "punitive" is unfortunate in that it implicitly introduces considerations which are not relevant to the issue. The Supreme Court itself, in NLRB against 7-Up Bottling Co., referred to the remedial-punitive debate as a "bog of logomachy" into which it preferred not to enter. The punitive label is actually shorthand for the concept that a Board order is invalid where it is shown to be a "patent attempt to achieve ends other than those which can fairly be said to effectuate the policies of the act."

The Supreme Court first defined the limits of the Board's remedial jurisdiction in Consolidated Edison Co. of New York, Inc. against NLRB, stating:

> The power to command affirmative action is remedial, not punitive, and is to be exercised in aid of the Board's authority to restrain violations and as a means of removing or avoiding the consequences of violation where those consequences are of a kind to thwart the purposes of the act.

Although the application of this formula has undergone minor modifications through the ensuing years, as the circumstances of particular cases have dictated, the general principles stated therein have retained their validity.

For example, the Supreme Court has often upheld Board decisions which have the legitimate purpose of removing or avoiding the effects of an unfair labor practice. Thus, the Court has approved remedies which purport to restore the status quo as a means of depriving the violator of the advantage gained by the unfair labor practice, or returning the parties to the position which would have existed, but for the illegal conduct. Alternatively, the Board's relief may be justified on the grounds that it prevents the consequences of a violation from thwarting the purposes of the act. Thus, the Court has held that a lesser order would be ineffective, or that the relief is necessary to prevent future enjoyment of the fruits of an unfair labor practice.

Conversely, the court, in Local 60, Carpenters against NLRB, declared that where "no 'consequences of violation' are removed . . .; and no 'dissipation' of the effects of the prohibited action is achieved, . . . (the order . . . becomes punitive and beyond the power of the board."

In Republic Steel Corp. against NLRB, the Supreme Court held that a Board order which directed the employer to pay to appropriate governmental agencies an amount of money equal to that which had been earned by discriminatorily discharged employees on "work relief projects" and to credit that amount of money to a backpay award, was beyond the Board's remedial authority. Such payments, the Court claimed, had neither the effect of making employees whole nor of assuring them to their right to bargain collectively. Hence, the remedy served no statutory purpose. Indeed, the Court felt that such payments were in the nature of an exaction, since the "work relief" payments constituted consideration for valuable services which the Government received.

Significantly, in Republic Steel, the Court also rejected the Board's argument that the remedy was permissible since it would have the effect of deterring others from violating the act. Although a remedy may incidentally act as a deterrent, the Court felt that if the NLRB were permitted to impose remedies solely on the basis of acting as a deterrent, the Board would be free to set up any system of penalties which it could deem adequate to that end. The Court's holding reflects the principle that the rational relationship between unlawful conduct and the relief which is granted is not satisfied when the remedy purports to achieve ends other than those contemplated by the statute.

The logic of the Supreme Court clearly indicates that the debarment provision before us must severely be questioned on constitutional as well as on commonsense grounds. It is my hope that the commonsense in this Chamber is plentiful enough to avoid this constitutional consideration and possible economic ruin. Thus, the brief review of the Board's remedial and not punitive power should cause us all to pursue and question the worth of appropriateness of debarment provisions of this bill.

Let us look squarely at this debarment provision. The debarment penalty is clearly punitive. Since the proposed penalty would give congressional sanction to a remedial method never before adopted by Congress, the courts, or the Board, the "legal and policy considerations bearing on its applicability" should be carefully considered.

The bill lacks standards for defining a "willful or flagrant unfair labor practice and/or a pattern or practice of unfair labor practices." Nothing in the bill helps distinguish an egregious (that is, flagrant) violation from a "pattern" of violations which might have a minimal impact on the employees in a unit involved. The bill does not define "flagrant" violation in terms of the type or seriousness of the violation. Furthermore, the word "pattern" does not suggest the number of violations necessary, or determine whether the violations must be of the same type, before the sanction would be applied. A "practice" or unfair labor practices conceivably could range from a widespread attempt to undermine a union campaign to a few section 8(A)(1) violations which would not have appreciable effect on a large unit of employees.

For example, an owner of a small plant who responds to a unionization campaign with contumacious conduct such as illegal discharges, threats to close his plant, and widespread interrogation of his employees is not distinguished from an employer who merely undertakes a "pattern" of questioning a few employees out of several hundred about their knowledge of the union. Quite clearly, there would be no reason to bar the latter employer from Federal

contracts, but the bill does not provide for graduated penalties. In short we are giving license to an omnipotent penalty without knowing the parameters of that penalty. The debarment provision does not require the Board to consider the size of the unit involved or the impact of the violations on the employees therein. Therefore, the bill offends the well-established principle that the imposition of NLRB remedies intended to have a broad impact must be based on a consideration of the nature and seriousness of the unfair labor practices found, the complete labor relations history of the offender, and the probability of the practices recurring.

Furthermore, the debarment penalty would have a detrimental effect on the fairness of NLRB litigation. Previously, the Board and courts have held consistently that even in those instances where a flagrant violation has occurred, extraordinary remedies such as payment of attorneys' fees will not be assessed unless the violator also advances a "frivolous" and "nondebatable" defense. Thus, the tribunals which regularly deal in NLRB cases have indicated a strong lack of "desire to take action which could become the basis of chilling the assertion of rights reasonably held in good faith by virtue of imposing a penalty because of failure to prevail in the litigation." This potentially chilling effect is more pronounced in Senate bill 2467 than in any of the other remedies in labor law history. With enactment of this bill, the employer who litigates a charge alleging that he has engaged in a "pattern" of unfair labor practices does not only face the loss of litigation expenses if his defense should prove frivolous, rather, the vague standards and definitions of the bill confront the employer with the possible loss of the Government contract portion of his business for at least 3 years, plus the time necessary to regain his lost contracts. This severe penalty would tend to encourage an employer with a debatable defense to settle an unfair labor practice charge because of the uncertainty and seriousness of the penalty. So in the name of labor reform we silence employers who wish to speak their mind in a court of law.

In addition, as mentioned previously this debarment provision is not restricted to the particular unit where the unfair labor practices occurred. Rather, debarment would apply to "such person, or to any firm, corporation, partnership, or association in which such person has a controlling interest . . ." No showing would be required, as in the usual broad order situation, that the employer had instituted a systemwide, centrally directed, and coordinated policy to commit unfair labor practices throughout his entire operation. From this language, it could be easily argued that a flagrant violation at one Chevrolet plant would deprive the entire General Motors Corp. of its Federal contracts.

The bill clearly would force the enforcement of all divisions of one employer, even if each division had a distinct labor relations policy. Obviously, the overly broad language of this bill fails to consider the labor relations structure of the employer involved, or the impact of the unfair labor practices on the employees in units where no violation occurred.

The devastating impact of debarment on the employees of the affected employer seems to have been overlooked in favor of a vaguely defined notion of the impact of unfair labor practices. It is easy to conceive that the loss of jobs to employees whose employer has been debarred from Federal contracts could be more serious than the effect of the unfair labor practices. Such mitigating factors, however, are not considered in the application of the debarment penalty. Similarly, the impact on the public is not considered. Once debarment is found appropriate, the only instance in which it would not be effectuated is when an agency certifies to the NLRB that there is "no other source for the material or services furnished." Nothing would prevent debarment, however, even if other available sources are more expensive, or provide inferior quality goods or services. Indeed, the concept of Federal debarment would necessarily entail increased costs to the public since Federal regulations require that the contracts be awarded to the lowest qualified bidder.

In sum, the debarment provision is an ill-defined, vague, and overly broad statute. Moreover, the concept of debarment in any form is unacceptable because it provides a penalty which far exceeds the particular unfair labor practice found, improperly discourages respondents from participating in litigation, could easily result in the loss of jobs for employees in the unit and may increase the cost of supplies purchased by the Federal Government.

A number of nonpartisan organizations have called for the elimination of this debarment provision.

Recently the Administrative Conference of the United States recommended that the Office of Federal Contract Compliance drop its debarment sanction. The Conference stated that "contract cancellation is in many cases too severe or impracticable as the primary sanction for noncompliance with equal employment opportunity regulations."

It pointed out that a broad debarment penalty fails to take into account the special circumstances of major employment categories, and recommended that the Department of Labor develop a system of graduated sanctions for breach of EEO obligations. The conference's recommendations were printed in the July 2, 1975, Federal Register. Similar logic dictates that debarment sanctions are not appropriate remedies for regulatory agencies like the NLRB. It would be imprudent of this body to adopt this crude debarment provision in the light of all this evidence.

Proponents of this debarment provision ignore the interest that is to be protected with our labor relations law. The first function of labor law is protect the employee. This function is followed by a need to protect employees and in a greater context contributing to a sense of fairness to the general society. If a debarment sanction is imposed upon an employer, the most direct result will be loss of jobs. While it is certain that the employer will suffer economic damage, his employee must also share in this economic deprivation. An employee without a job is not helping the employment problem in this country. A debarment provision which breeds unemployment in a small town will have a crippling effect on an entire community. It can play havoc with the local economy of an area. Is this Senate prepared to accept such consequences of a debarment sanction?

Further, the proponents of this debarment provision have likened the punishment of a 3-year bar against Government contracts to the imprisoning of a burglar. Both forms of punishment, they say, deprive the violator of his livelihood and both sentences prevent the alleged wrongdoer from supporting his or her families. This ridiculous analogy is so attenuated and strained as to be ludicrous, but in the interest of truth and clear thinking, I will elucidate the weaknesses of this absurd comparison.

To begin, the actions of an employer whose goal is ultimately production, economic gain, a contribution to employment and our entire economic system is certainly more meaningful and reputable than the ways and wiles of a common thief. The thief's actual motive is deprivation of property and infringement of a person's safety. The thief is violating the criminal law. The focus of our criminal law is to protect the general society and this is why the thief must be isolated. There is a genuine concern that this thief may strike again and a mere fine will not alter his conduct. Conversely the employer who commits an unfair labor practice can be fined and this will alter this unlawful conduct. At the same time, it is unnecessary for the Government to interfere with the industrial production of this employer because that action not only harms the employer but also severely affects his innocent employees and the general society. If debarment becomes the norm, untold economic damage will be the result to many innocent parties. Furthermore, our Government may be forced to look to alternative sources of supplies and this can drastically increase the cost to our Government. This increased cost translates to the general populace, the people we represent, bearing this increased cost. The public is damned by this debarment provision and even they are punished by this proposed sanction. Our common thief is operating at a level where only he benefits and it is only he and his dependents that suffer by his punishment. Such is not the case with the employer punished by debarment. His level of operation is on a higher plateau and the effects of his punishment are far reaching to those who are truly innocent but who will suffer nonetheless. The creators of this trite analogy do not understand that apples and oranges cannot be mixed in a fruit cocktail of legal thought. Labor law and criminal law serve different interests and to cross these legal lines pro-

duces a syllogism that is as incorrect as it is absurd. I would hope that members of the Senate will not subscribe to this pedantic and self-serving logic.

Thus, I conclude my remarks by reminding this body that a sanction like debarment has no place in the labor legislation of the United States. It is an excess that can cause great wounds in our economic system and can further persecute the innocent worker who is often a pawn between organized labor and management. The hungry reformers who ask for passage for this debarment measure are people who listen not to reason, nor care for justice, nor bent by any prayer. Their only cause is revenge and punishment and this does not contribute or fit into the U.S. labor-management relations policy. My respected colleagues, rise above this petty request and vote against such a destructive provision.

HISTORY AND POLICIES OF THE NATIONAL LABOR RELATIONS LAW

Mr. President, the bill which is currently before the Senate is perhaps one of the most important pieces of legislation introduced in this session. An informed decision upon the merits of this bill requires close scrutiny of the historical development of labor relations law of the United States.

The National Labor Relations Act is the principal body of Federal law which governs labor-management relations in private industry. The National Labor Relations Act has developed through three statutes enacted by Congress. Each of these three statutes embodied a major cycle in labor-management relations. These three statutes are: The National Labor Relations Act, also known as the Wagner Act, enacted by Congress in 1935; the Labor Management Relations Act, also known as the Taft-Hartley Act, enacted by Congress in 1947; and the Labor Management Reporting and Disclosure Act, also known as the Landrum-Griffin Act, enacted by Congress in 1959.

Notwithstanding the many amendments enacted by the Taft-Hartley and the Landrum-Griffin Acts, the policy statement as originally enacted by Congress in 1935 has remained unchanged. This policy statement is found in section 1 of the act, and reads as follows:

Section 1 . . . it is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

Mr. President, the essence of the act is the protection of employees in their freedom to act in free concert in dealing with their employers, and the protection of employees while they select representatives of their own choosing. The essence, Mr. President, is the promotion of employee free choice.

The balance which exists in the labor law at its current state has been carefully planned and established by our distinguished and eminent predecessors. To tilt the scale in favor of either side, that is, to favor the side of either labor or management would dangerously contravene the express policy of the law of labor-management relations, that of the protection of the opportunity for employees to make an informed choice of whether or not they want to be represented by a labor organization.

Mr. President, the Labor Law Reform Act of 1978, as reported by the Senate Human Resources Committee dangerously upsets that balance so carefully implemented by our predecessors in the Congress. As a matter of fact, the bill before us now would drastically alter the 43-year-old National Labor Relations Act from a remedial to a punitive statute. I respectfully submit that the distortion occasioned by the passage of this bill would render the policy statement which I quoted earlier a complete nullity.

In order for my fellow Senators and I to exercise informed judgment in deciding upon the merits of this legislation, the expansive scope of the National Labor Relations Act's coverage needs to be addressed.

EMPLOYEES COVERED

The employee coverage of the National Labor Relations Act, in terms of both the breadth and meaning of the coverage, is one of the most important features of the act. While the meaning of the coverage can be understood only after analysis of virtually all of the substantive features of the act, the scope or breadth of the coverage can be understood for most practical purposes by consideration of one section of the act—section 2(3), which defines the term "employee."

Section 2(3) of the NLRA, as amended, defines the term "employee" as follows:

The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless the act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse, or any individual having the status of an independent contractor, or any individual employed as a supervisor, or any individual employed by an employer subject to the Railway Labor Act, as amended from time to time, or by any other person who is not an employer as herein defined.

Initial decision as to whether or not a particular worker or group of workers comes within the act's definition of "employee" is made by the National Labor Relations Board. In representation cases, the Board's decision is usually not subject to review by the courts. In unfair labor practice cases, the act provides that the Board's findings of fact are binding on the reviewing courts if they are supported by "substantial evidence on the record considered as a whole." The Supreme Court holds that reviewing courts are required to consider all the facts and circumstances in deciding whether or not the Board's rulings on employee status are based on substantial evidence.

EMPLOYEE STATUS AND ITS MEANING

Employee status under the NLRA may be considered from two points of view. It may be approached in terms of its "causes"—that is, the facts that make a person an "employee" within the meaning of the act; and it may be approached in terms of its consequences—that is, the legal significance of a person's being an "employee" within the meaning of the act.

As to the first of these approaches, it may be said that virtually all persons commonly understood to be employees are "employees" within the meaning of the act. Of course, section 2(3), defining the term "employee," expressly exempts certain persons. In addition, the National Labor Relations Board generally takes the view that persons in high positions who perform essential managerial functions will not ordinarily be considered "employees." It should be noted, finally, that persons must be employed in business whose activities affect interstate commerce before the act can apply to them. Once these qualifications have been made, however, it may be said with a high degree of certainty that the act applies to all employees, as that term is commonly understood.

Furthermore, temporary severance of the employment relationship, as in cases of strikes, sick leaves, layoffs, shutdowns, or seasonal lulls, does not terminate employee status.

One who has employee status under the NLRA becomes entitled to all the rights, privileges, and protection of the act. He has the right to form and join labor unions and to engage in collective bargaining and other concerted activities; he also has the right to refrain from any and all such activities. Even more important, the act protects those rights against interference, influence, or coercion—by either employers or unions.

Employee status ordinarily means, moreover, that the employee is eligible to vote in all the types of elections provided for in the act. Whether the election be held in order to select a representative or to reject one, or in order to rescind a union's authority to bargain for the union shop, each person who has employee status in the appropriate bargaining unit is entitled to vote in the election. Subject to certain qualifications, persons who have employee status are entitled to vote even where their employment has temporarily ceased. The general rule is that employees not currently employed are entitled to vote whenever there is a reasonable expectation that they will be reemployed, since they may be affected by the presence or absence of a bargaining representative.

CLASSES OF EMPLOYED COVERED

Subject to certain stated exemptions in favor of supervisors, independent contractors, and others, the NLRA covers practically all groups of employees.

Moreover, certain provisions of the NLRA, such as the ban against strikes for boycott purposes and other unlawful objectives, applies even to persons otherwise exempted from the act's "employee" definition. The NLRA provides, in section 2(3), that the term "employee" includes "any employee and shall not be limited to the employees of a particular employer." Of course, the "employee," in order to be covered, must be working for an employer whose activity affects interstate commerce. But, apart from this qualification, it may accurately be stated that the act applies to virtually every conceivable type of employee who, in the common understanding, sells his services for a wage or salary and undertakes to perform a given function with or without supervision.

Thus, the act applies without question to all the common employee groups—machinists, tool-and-die makers, carpenters, typesetters, elevator operators, common laborers, white-collar workers—in businesses whose activities affect interstate commerce. It applies, moreover, to agents employed by a labor union and to such relatively distinctive groups, as plant guards, attorneys, chemists, engineers, architects, nurses, and doctors. Where the persons in those positions are employed by a company engaged in commerce or in activities affecting interstate commerce.

The act covers not only regular full-time workers, but also part-time, seasonal, and day-to-day workers, and even applicants from employment and discharged workers waiting to receive their final paychecks. Such persons are held entitled to all the rights granted by the act—the rights to form, join, and participate in unions free from employer interference, coercion or discrimination. However, the act does not cover students whose work is part of their training, such as hospital interns and residents, or of only secondary interest to their studies, such as students on work-study programs.

Especially noteworthy in the definition of the term "employee" is the fact that it is not restricted to the employees of a particular employer. Such provision was thought necessary because, in many cases, employees organize along craft or industrial lines, forming unions which extend beyond the limits of single-employer units. Those unions often bargain collectively with a number of employers, with the result that workers are sometimes brought into an economic relationship with employers other than their own.

The bill before us now will also substantially change the representation rights of plant guards. In order to fully understand the severe implications of the changes in the proposed bill, the current status of plant guards under the current National Labor Relations Act is necessary.

While plant guards have employee status under the act, their representation rights are somewhat restricted. Section 9(b)(3) of the act provides that the Board may not decide that a unit is appropriate for bargaining purposes if it—

. . . includes, together with other employees, any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer's premises; but no labor organization shall be certified as the representative of employees in a bargaining unit of guards if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards.

The net effect of section 9(b)(3) is that plant guards may seek Board certification only if their union neither admits other employees to membership nor is affiliated, directly or indirectly, with a union which admits other employees to membership. However, a nonguard union, although not certified, may act as bargaining representative of guards and its contract will bar an election petition by a rival union. The statute bars such a union only from NLRB certification. A union ineligible to be certified as a representative of guards may nevertheless be placed on the ballot in an NLRB election if employees are notified of its ineligibility and a union qualified for certification also appears on the ballot.

One of the duties of the Board, therefore, is to decide whether or not various types of employees are guards. In performance of this duty, the Board must look to the wording of section 9(b)(3); it must decide whether employees "enforce against employees and other persons rules to protect property of the employer or * * * protect the safety of persons on the employer's premises."

In determining whether or not an employee is a guard within the meaning of section 9(b)(3), the NLRB considers, as principal factors, the authority of the employee to enforce the employer's plant rules, or to control the admission of persons to, or their conduct upon, the employer's property. The NLRB considers the nature of an employee's duties as the controlling factor, rather than the percentage of working time spent at guard duties. Thus, employees spending most of their working time as janitors, firemen, boiler tenders, or even at production work, are guards if they regularly perform duties as guards on a part-time basis, such as weekends and holidays. Even an employee who substituted for a guard only two or three times during the period of a year was held to be a guard. In another case, however, the NLRB held that infrequent and irregular performance guard duty did not make employees guards.

Although the term "guard" is usually associated with persons who wear uniforms and carry firearms, watchmen who are neither in uniform nor armed are guards where they have control over admission of persons to plant premises. Even ushers are guards where they have the authority to deny entry of persons to the employer's premises without payment of a fee. Unarmed couriers who drive vans transporting nonnegotiable instruments and bank correspondence are also guards.

Plant protection employees of firms which furnish guard service to other firms are guards, even though they do not guard the property of their immediate employer. Plant protection employees working as such for their immediate employer are guards if their duties include active participation in guard operations.

However, where such employers do not actively enforce plant rules or must call upon a guard for such enforcement they are not guards.

Mr. President, I yield to the distinguished Senator from Arizona (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. President, it carries me back quite a few years to stand on this floor and talk about labor problems and labor legislation, because when I first came to the Senate back in 1953 the great Senator Taft was still alive, and he prevailed on me to take an appointment to the then so-called Labor Committee. I told him at that time that I had no real background that would be valuable, but he felt because of my experience in corporation work that I would have at least some value to it, so I took it more for the honor of serving under Bob Taft and learning from him.

Unfortunately, of course, that time was cut short by his untimely passing. I said I had no background, although I was president of a corporation. We never had a union, although I told the unions every time they approached me that I would recognize any vote my employees cast, but they would have to do their politicking on their own time and not mine. Consequently, I am very proud and happy to say that the unions were never able to organize my business.

Mr. President, I happen to be a union member, and I do not think there are many Members of the Senate who are dues-paying union members. I belong to AFTRA, and am an honorary member of two other unions. So I do not approach this subject from the standpoint of criticism, because I have always maintained that if I worked at a trade that had a union I would join the union, but I wanted it perfectly understood that I would never join a union where compulsion was the force.

If there is anything wrong with the union movement in the United States today, in my opinion it is compulsion, the fact that in many trades, many industries, many skills, a man has to be a member of the union before he can even get a job or he has to join the union immediately after going to work for the company the union represents.

I say I think it is one of the problems because as we look around this world the picture has not changed much since the years when I served on the Labor Committee and, by the way, I served 12 years on the committee and was the ranking Republican member when I took that inadvertent sabbatical leave in 1964.

Where union membership is voluntary we find very, very high membership amongst the workers. For example, in the Scandinavian countries it runs over 90 percent.

Unions in those countries and other countries where it is voluntary are more, I would like to say, like a fraternity than the unions we have in this country; in

other words, you do not join a union in those other countries until they ask you to join. It is a social badge.

We used to have it that way in the American railway unions. Ever since they changed it they have been going downhill. It is instinctively and basically against an American to be forced to do anything. I have always said if you want to get an American to do something tell him he cannot do it and, by golly, he will find a way to do it.

So what we find in the United States today is a union membership of around 20 percent of the total workers, and we now have over 90 million people working. Yet union membership in other countries where free unionism is practiced runs, as I say, over 90 percent.

Mr. President, just a brief thumbnail history of what we are talking about in this legislation. In 1934 I do not think anyone would have argued that management had the better side of the bargaining table. There were really no laws that protected the worker. Everything was in management's hands.

I think it was perfectly proper at that time that the so-called Wagner Act was passed, which tried to give equal strength to both sides of the bargaining table. I think the original Wagner Act accomplished much of that objective.

However, it did not take very long when through the judgments of quasi-judicial bodies, such as the National Labor Relations Board, before the Wagner Act's purpose began to be bent a bit, until we found in the late forties that amendments would have to be made to the Wagner Act to make it palatable as far as fairness goes between the unions and management, and that was when the Taft-Hartley amendment to the Wagner Act was passed.

Now, since that time, through a continuation of judgments by quasi-judical bodies like the National Labor Relations Board and decisions of courts at all levels, the original intent of Taft-Hartley has practically disappeared from our labor law.

I remember the advice that Senator Taft used to give the committee, that it was a very precarious field that we were operating in, and our constant efforts had to be toward absolute fairness. And I subscribe to that. I do not think management should have an upper hand any more than I think the union side of the table should have an upper hand.

During all those years I served on that committee, I had the expert advice of Mr. Michael Bernstein, now retired, who I think did more concerning the drafting of Taft-Hartley than probably any other man.

Now we are confronted with a bill that I would like to discuss, not at too great length but at some length, S. 2467, which in my opinion has as its major objectionable feature—although it is very cleverly put and worded—a method whereby workers in this country could be forced to join unions.

I happen to come from a so-called right-to-work State. I have never thought "right to work" was exactly the correct nomenclature for that portion of Taft-Hartley, section 14(b). "Liberty to work," I thought, would have been better, because nobody has a right to work; he has the liberty to seek employment, and if he can find employment, fine; if he cannot, he has to do something about it.

I note from other States—19 have so-called right-to-work laws—Senators from those States have experienced, I believe, the same thing I went through during the time last year when they were attempting to legalize common situs picketing, or secondary boycotts. I never figured out the exact percentage, but I daresay close to 50 percent, a little less than 50 percent of the mail that I had on this subject came from people that had the courage to say, "I am a member of such and such a local. I do not want to lose my job through secondary boycotting," or common situs, as it is properly called.

These complaints came mostly from the building industry. As we all know, the building industry is enjoying right now one of its greatest moments, and the pay of a good craftsman is very high.

I have had words with one of our big employers in Arizona, a very forward looking organization called Motorola. I just want to pass on to my colleagues what they feel about this act. I think it is proper to relate the feelings of the other side of the table, namely, management.

They have one particular concern; namely, the enactment of the so-called make-whole provisions of the bill, which they fear will substantially accelerate exportation of United States jobs offshore, particularly in those industries such as the semiconductor industry already besieged by imports from low-wage foreign countries.

Already 3,100 Motorola employees in the Phoenix area have been laid off due to increased imports of semiconductor devices, principally from the Far East. More recently, 150 more Motorolans nearly lost their jobs when eroding prices caused by Far Eastern competitors' dumping caused our U.S. unit labor cost to be higher than the average unit sales price.

"Make-whole" will aggravate that trend for the necessary effect of postulating a dollars-and-cents remedy for refusal to bargain in good faith for a first union contract will be to make that dollars-and-cents formula the floor for any negotiated settlement. Then, having once achieved their formula increase, the union will be obliged to keep getting at least the formula in subsequent contracts, or lose the support of its constituency. Other unions will be similarly pressured by their memberships to obtain no less than the formula increase, and nonunion companies like Motorola will clearly have to grant their employees the formula increase in order to attract and retain the qualified employees that Motorola has to have.

In short, the formula will become the floor for wage and benefit adjustments generally in both union and nonunion companies.

Add to that the fact that the formula the bill uses is undoubtedly the most inflationary formula there is, and you will understand the dilemma of the Motorola Co. Their spokesman asks, "How can I keep providing jobs when the U.S. Government tells me that to continue to do business in this country I must make wage and benefit adjustments that price me out of the market."

That is the feeling of one of the major businesses in my State, which is also the world's largest manufacturer of semiconductors.

I do not know if anyone has expressed the feeling of the American Newspaper Publishers Association, but I am sure all my colleagues received correspondence from them in which they say that S. 2467 would give unwarranted and inequitable power to labor unions during organizational campaigns, deprive employers of important rights of free speech, deprive employees of an opportunity to make their own decisions whether or not to be represented by labor organizations, unfairly penalize many employers for technical and esoteric violations of labor law, and foster the very litigation and delay which the authors of the bill wish to remedy.

On this latter point, the general counsel of the National Labor Relations Board estimates that his office alone would need an additional $28 million and 900 more staffers to handle the surge in litigation the legislation would cause.

In subsequent correspondence they have taken an even stronger position:

We take this position quite simply, because the bill is blatantly unfair and totally one-sided in its approach to management, from its packing of the National Labor Relations Board, to its quickie elections, to its equal access, to its enormously punitive sanctions. The bill is clearly an injustice designed by its writers to accomplish one goal: to halt the downward slide of union membership.

Mr. President, I have to subscribe to that. I cannot think of any other reason why, at this time in our history, particularly union history, we have to have all the pressure on to pass this bill which, I do not care how you read it, study it, or look at it, is one designed to reverse the downward slide of union membership.

As I said earlier, I do not think that compulsion is the way to end the problems of the unions. I think it would be a very interesting experiment for the unions to not return to, but go forward to the European and other countries' ideas of a union being an organization that it is a privilege to belong to—an organization that has social advantages and business advantages, but these advantages are not to be just blatantly passed out to everybody who is looking for or who has a job.

I think that is the meat of the problem. Frankly, I do not think the passage of this bill is going to help the unions out of the dilemma they are in now.

I would like to make it perfectly clear at this point in my remarks that I think the strike is the only weapon that a working man has. We should never do anything at the Federal level or at State levels to prevent striking unless striking

places an unnecessary burden on other members of our society. I am thinking particularly of striking by firefighters. There has not been a strike in the post office. though the Lord knows the service is bad enough now without finding ourselves in the situation of a strike.

I think we can pass legislation which will outline what this body feels are strikes which would cause unnecessary hardships on people.

I am reminded of the airlines strike a number of years ago that put hundreds of thousands of people in this country at an uncomfortable disadvantage in their efforts to travel back and forth to see their families at holiday time. That kind of a strike is what I am talking about.

Generally, I think we ought to respect the idea or the fact that a strike is the only weapon a working man has.

To continue with my conclusions on this particular bill:

SUMMARY AND CONCLUSIONS

As drafted and reported out of the Senate Human Resources Committee, S. 2467 will upset the balance of labor relations at the expense of individual worker's freedom of choice. And, to that extent, stability in labor relations will be seriously undermined for union and nonunion employees alike. Since industrial strife and labor unrest will likely result if this bill is enacted, this legislation profoundly contradicts the avowed goals of its sponsors.

Many of the difficulties surrounding S. 2467 stem from a failure by its sponsors to remedy the weaknesses they perceive in current labor laws with precise and carefully drawn legislation. The preeminent concern, of course, is to obtain legislation that is fair and workable. In our view, however, the proposed bill satisfies none of these criteria. In its present form. this bill simply turns the clock back to the days of the Wagner Act of 1935 which resulted in abuses by labor organizations, and ultimately was amended in 1947, by the Taft-Hartley Act. As presently constituted, if S. 2467 is enacted, employees will suffer, employers will suffer and, above all, the public will suffer.

Under the Taft-Hartley Act, employees achieved substantial gains. While that legislation attempted to create an equitable balance between employers and labor organizations, employee rights remained the paramount concern. This bill, however, does little for the protection of employee rights and, in fact, would result in an undermining of an employee's right to refrain from engaging in union activity.

The significance of an employee's informed choice in selecting a union to be a bargaining agent should be at the forefront of this legislation. However, the bill completely skirts this issue and would have exactly the opposite effect. Employee free choice is not something that should be sacrificed in the name of expediency.

One of the key problems with this legislation is that there are numerous sections of this bill wholly unrelated to the stated purposes. It is self-evident that the real purpose of these provisions is to provide union organizers with greater advantages over employers during representation campaigns. This conclusion is borne out by figures published by the Bureau of Labor Statistics indicating that organized labor lost 800,000 dues-paying members between 1974 and 1976. Similarly, according to the Board's annual report, in 54 percent of the elections conducted in fiscal 1977, workers rejected union representation. These statistics reveal the eroding position of organized labor and the genesis of the demands voiced by officials of international labor unions in seeking congressional assistance to help stem the tide of declining membership.

In sum, in contrast to prior labor legislation, this bill does not provide an appropriate balance between the rights of labor and management. While much has been made of the assertion that the bill is intended to equalize the positions of labor and management, even a cursory analysis shows this claim to be specious.

I. REPRESENTATION CASE PROPOSALS

A. TIMING OF THE ELECTION

1. TIMING OF THE ELECTION—CURRENT LAW

There are no mandated deadlines for the direction and holding of elections.

2. TIMING OF THE ELECTION—PROPOSED CHANGES UNDER S. 2467

Section 6 of this bill amends section 9(c) of the act by establishing mandatory time periods for the holding of elections. These time periods can be summarized as follows: An election must be directed within 13 days after filing a petition in an appropriate bargaining units supported by a majority of the employees, and the elections must then be held in not less than 21 days and no more than 30 days from the filing of the petition. When the petition seeks a unit not established by rule or is supported by less than a majority, but at least 30 percent of the employees, a 45-day time limit is imposed. Finally, a 75-day period is allowed for issues which present questions of exceptional novelty or complexity.

3. TIMING OF THE ELECTION—SUGGESTED CHANGES

Due to the enormous difficulties with respect to the proposed changes concerning mandatory time periods set out below, a simple approach would be to establish a time limit of 60 days for an election from the date that the bargaining unit has been determined.

4. TIMING OF THE ELECTION—CRITIQUE

In the representation area, S. 2467 is aimed at expediting the Board's representational process. The basic premise of the proponents of this legislation is that the NLRB's election machinery is too slow. Upon close analysis, however, the facts do not support the claims made in support of the delays in the voting process. Moreover, one must first carefully weigh the desirability of speeding up Board elections.

Perhaps the chief problem with respect to the committee's treatment of the subject of delays in the representation process is that adequate attention has never been focused upon the real causes of delay. While an indepth study of this subject should be undertaken prior to serious consideration of legislation, there are, however, two obvious factors causing significant delays. First, is the inability of the regional offices to schedule consecutive day hearings. This results in prolonged and cumbersome proceedings stretched out over an extensive period of time. Second, is the temerity of many regional directors not to decide representation issues themselves but transfer these issues to the Board for decision. Since transferring the case to the Board is an unnecessary and time-consuming task, regional directors should not be permitted to avoid initially ruling on unit issues.

The voting process whereby an employee casts a ballot for or against a union raises significant issues. Majority rule bears with it the consequence of having to adhere by union rule and to a contract which someone else negotiated. The safety valve built into the current law was described by the Supreme Court in *J. I. Case* v. *NLRB*, 321 U.S. 332, 339 (1944) as follows:

> The workman is free, if he values his own bargaining position more than that of the group, to vote against representation: but the majority rules, and if it collectivizes the employment bargain, individual advantages or favors will generally in practice go in as a contribution to the collective result.

(Mr. FORD assumed the chair.)

Mr. GOLDWATER. Proponents of arbitrary time limits on representation elections proceed on the basis that speed is the preeminent concern in effectuating employee desires. Yet, if one assesses the impact that collective bargaining has on individual rights, it can hardly be asserted that speed in conducting elections necessarily serves the interests of employees.

Union election campaigns, like any other campaign, provide voters with an opportunity to consider the arguments, pro and con, and decide on a course of action. The potential shift from individual freedom of contract to aggregate freedom of contract is an extremely important issue in any campaign. From our perspective, that issue and the consequences which flow out of establishing a bargaining relationship cannot be reduced by imposing mandatory time periods for holding elections.

Mr. President, Congress itself has recognized the substantial impact collective bargaining occasions on individual rights. In 1959, the Senate Labor Subcommittee, considering governmental regulation of internal union affairs, noted:[1]

> Under the National Labor Relations and Railway Labor Acts the union which is the bargaining representative has power, in conjunction with the employer, to fix a man's wages, hours, and conditions of employment. The individual employee may not lawfully negotiate with his employer. He is bound by the union contract. In practice, the union also has a significant role in enforcing the grievance procedure where a man's contract rights are enforced. The Government which gives unions this power has an obligation to insure that the officials who wield it are re-

[1] S. Rep. No. 187, 86th Cong., 1st Sess. 20 (1959).

sponsive to the desires of the men and women whom they represent.

One should think that the same concerns would motivate affording employees the maximum, not the minimum, time to make an informed decision on whether a union should be chosen to represent their interests.

In the same vein, the time periods prescribed by the bill are totally unrealistic. First, the time periods run from the date a petition has been received and not from the date that the bargaining unit has been established. Since the key issue in the representational process is defining the pool of voters, the main inquiry is what unit the Board will direct an election in, not what unit the union asserts is appropriate in its petition. Unit decisions, including, under this bill, the issue of whether a rule applies, are not arrived at for at least some period of time. Yet, the clock starts running once the petition is received, even though the parties might not know who will vote for several weeks thereafter. Thus, the period of time to actually campaign in the deferred unit is far shorter than even the 21- to 30-day period.

Mr. President, the use of mandated time periods is also faulty in that it presumes that where a union receives a majority of signed authorization cards, an election should be conducted in a shorter period of time. This is totally at odds with the notion of providing employees a meaningful opportunity to make an informed choice. It has been repeatedly recognized that employee signatures on authorization cards are not a reliable indicia of employee support for a union.

According to the study conducted by Professors Goldberg, Getman, and Herman, "Union Representation Elections: Law and Reality," at 135 (1976), which was relied on by the Senate Human Resources Committee in proposing the equal access provision, 18 percent of the employees who signed authorization cards stated either that they did not want union representation when they signed or were uncertain of their desires in this regard. Moreover, this study revealed that only 72 percent of card signers actually voted for union representation in a Board election.

As a practical matter, the signing of an authorization card only allows a union to get on the ballot. As characteristic of any political election, it is often maintained that everyone has the right to have his name on the ballot and, therefore, have any eligible voter sign his petition. It does not, of course, suggest that the employee who signs an authorization card will, in fact, vote for the union at the time of the election. Furthermore, if an employee only hears one side of a story, it is not difficult to sign a card, particularly where the consequences of signing are not told to the employee.

B. RULEMAKING POWER

In the current law, the Board has rulemaking authority, but has chosen not to use this authority due to the complexities involved in this area. But let us take a look at the proposed change.

Section 4 of the bill, which amends section 6 of the act, authorizes the Board to promulgate rules concerning equal access, resolution of disputes concerning eligibility of voters, and holding of elections in cases in which an appeal to the Board has not been decided prior to the date of the election. The Board is also charged with promulgating rules to determine whether certain units are appropriate for the purposes of collective bargaining.

We have some suggested changes. The Board has chosen not to use its rulemaking powers in determining bargaining units because it is a cumbersome process and units are too varied and complex to become subject to inflexible rules. As a result, this provision should be amended to read:

The Board should establish the criteria or standards to be established in unit cases without making specific unit determinations.

If Congress retains the rulemaking provision, the following provision should be added after page 5, line 24, of the bill:

(D) To establish, to the extent practicable, standards which shall apply uniformly to employer and labor organization conduct during representational campaigns.

(E) To define, to the extent practicable, what conduct on the part of either an employer or labor organization constitutes an unfair labor practice under section 8.

4. RULEMAKING POWER—CRITIQUE

Establishing bargaining units through rulemaking is an untried concept in the private sector. Two public sector jurisdictions, Florida and Massachusetts, have utilized the rulemaking process in establishing bargaining units for State employees. Having participated in the Florida proceedings, we are familiar with the benefits and problems posed in determining bargaining units through rulemaking. Before considering the potential benefits and problems, however, it is first relevant to note the Labor Board's attitude toward rulemaking.

The Labor Board has traditionally evidenced a hostility toward the use of rulemaking. See, for example, F. McCulloch, "Procedures Employed by the NLRB for Determining Policy," 1964 Proceedings, "ABA Section of Administrative Law"; Bernstein, "The NLRB's Adjudication Rule Making Dilemma Under the Administrative Procedure Act" (79 Yale L.J. 571 (1970)). Indeed, former Chairman McCulloch considered rulemaking to be a "cumbersome process * * * that necessarily impedes the law's ability to respond quickly and accurately to changing industrial practices."

While the drafters of S. 2467 believe that rulemaking should be used in representational cases, the Labor Board has previously rejected such an approach. In 1971, the American Association of University Professors filed a petition requesting that the Board issue rules "to guide the determination of issues in representation cases involving faculty members in colleges and universities." Denying the petition for rulemaking, the Board stated:

The Board considers that the Petition properly points out that the Board's unit determinations in this area should take into account certain practices and organizational structures which do not parallel the traditional practices and organizational structures in private industry. The Board's information to date, however, suggests that there is also a great variety in this regard within the academic community, and also that the practices and structures in universities and colleges are undergoing a period of change and experimentation. The Board believes that to adopt inflexible rules for units of teaching employees at this time might well introduce too great an element of rigidity and prevent the Board from adapting its approach to a highly pluralistic and fluid set of conditions. Accordingly, the Board shall deny the Petition.[2]

The reasons advanced for rejecting rulemaking in the academic community in 1971 are equally relevant today. Moreover, a review of rulemaking in the public sector illustrates limited utility for its use in private sector representational cases.

Rulemaking in Massachusetts and Florida resulted from the fact that the parties and agencies involved agreed that the establishment of bargaining units at the outset of a new legislative scheme would best be achieved in one proceeding rather than case-by-case adjudication. The procedures employed in those States can best be analogized to a consolidated representational case. Indeed, in Florida, for example, the pending representation cases involving State employees were essentially folded into the rulemaking proceeding.

From a logistical point of view, it is a very difficult and time-consuming task to establish bargaining units through rulemaking. While general criteria can and have already been developed, the application of that criteria will vary depending on the facts of a particular case. For example, the Board has long exercised its rulemaking authority concerning voting eligibility of employees on layoff or leave of absence with a reasonable expectation of return to work. Despite the rules, however, litigation has not been avoided, and it is likely that codification of bargaining units will have the same result.

The value of rulemaking is in establishing a framework which can be applied on a uniform basis. Bargaining unit determinations, however, have never been susceptible to such a standard. According to an extensive study conducted on behalf of the industrial research unit of the Wharton School of Finance and Commerce, it was concluded that—

[T]he vacillating trends and inconsistent results in many of the unit cases provide substantial evidence of the severity of this problem. An analysis of these same cases will reveal that much of the confusion in the area of unit determinations is attributable to the Board itself.[3]

Another example of the highly tenuous basis for proponents of this section is revealed in a statement contained in

[2] NLRB Order denying Petition for Proceedings for Rule Making, July 16, 1971.

[3] John Abodeely, *The NLRB and the Appropriate Bargaining Unit* at 6 (1971).

the Senate report (p. 20) that [e]xamples of such plainly appropriate units approved as a matter of course by the Board are single plant units * * *." However, a careful review of the case law on this subject reveals extensive litigation concerning the single plant vis-a-vis the multiplant unit, particularly where there is a high degree of functional integration of the employer's operations. As an indication of the disparity of thinking by Board members as to the proper unit configuration with respect to the single plant versus multiplant unit, member Leedom, in a dissenting opinion in S.D. Warren Co., 144 N.L.R.B. 204 (1963), aff'd. on the other grounds, 353 F.2d 494 (1st Cir. 1965), asserted that his colleagues' decision represented "an arbitrary grouping with no rational foundation."

Mr. President, the problem with S. 2467 is that it assumes that the Labor Board is capable of establishing hard and fast unit structures by rulemaking. We must, as the Labor Board did in rejecting the AAUP rulemaking petition, seriously question such a capability. The adoption of bargaining unit rulemaking could well have a negative impact on existing collective bargaining arrangements, in cases where longstanding bargaining units would not coincide with newly created Board unit rules. The negative impact on labor relations stability of such a scenario would be very significant.

C. EQUAL ACCESS

1. EQUAL ACCESS—CURRENT LAW

Under the current law, unions have several campaign advantages not accorded to employers. Some of these advantages include the following: Union officials are allowed to carry the campaign to the employees' homes; [4] union officials can campaign without notification to the employer; union officials may speak to a small group of employees in close quarters; [5] and, union officials may make promises to employees as part of their campaign propaganda. Furthermore, employee organizers may solicit union support on company premises during nonworking hours and may distribute union literature in nonworking areas.

2. EQUAL ACCESS—PROPOSED CHANGES

Section 4 of the bill, which amends section 6 of the act, provides that the Board must issue regulations allowing employees an "equal opportunity to obtain in an equivalent manner" campaign information from a labor organization during a period of time the employees are seeking representation by a labor organization. In addition, after the union has given written notice to the employer that employees have demonstrated an interest in representation by that union, the union is entitled to an "equal opportunity to present information in a manner equivalent to the employer."

3. EQUAL ACCESS—SUGGESTED CHANGES

Due to the many advantages accorded to unions under the present election campaign procedures, this provision should be deleted in its entirety and the present law codified in this area.

If the concept of equal access is retained, and we strongly urge that it not be, it should be limited to cases where the Board or a Federal court has determined that on the basis of a complete evidentiary record, equal access is needed and alternate communication channels are lacking. This could be done in cases where an election had been set aside because of employer misconduct. The Board could then petition the Federal court for such relief.

In addition, section 6(b)(1)(A) of the act could be amended to provide the following changes:

(1) At page 5, line 16, after the word "organization," the following language should be added: *"which has filed a timely petition with the National Labor Relations Board and prior to the conduct of an election pursuant to section 9 of the Act."*

As a result, page 5, lines 16 to 19, should be deleted after the word "organization." This provision would, therefore, tie the equal access provision to the period between the filing of a petition and conduct of an election:

(2) At page 5, line 19, after the word "manner," the following language should be added: *"provided that the labor organization shall compensate the employees at the applicable rate for the time spent at such a meeting if the employees were compensated by the employer."*

4. EQUAL ACCESS—CRITIQUE

Section 4 of the most arbitrary and unfair provisions of the proposed bill. Most importantly, this provision is wholly unnecessary, because unions already have a vast array of communication avenues that employers are prohibited from using. This provision, together with the prohibitively short election time limits, insures that voters will not be given an adequate opportunity to fully weigh the merits of unionization. Indeed, upon careful review it is manifestly clear that this provision will do little to realize, and may, in fact, subvert the very purposes it seeks to accomplish.

The Board has, over a period of 42 years, developed various procedures and safeguards necessary to insure the fair and free choice by employees of their bargaining representative. The equal access rule contradicts the Board's lengthy experience in carefully balancing the rights of labor and management, notwithstanding the rule's total disregard with respect to an employer's property rights. The Board, however, has never held as a general rule that equal access for labor organizations in election campaigns is necessary. This is because labor organizations already have a large number of advantages under the current law, as set out above. Despite this background, this legislation gives unions an even greater advantage and, therefore, will destroy the former balance in organizational campaigns between labor and management.

As indicated in the Senate report, this provision is directed at "captive audience" speeches conducted by the employer during the campaign. It is based largely on a study conducted by Prof. Stephen Goldberg concerning the Board's election process.[6] According to Goldberg, "the employer has a substantial advantage in communicating with employees about union representation" resulting from company meetings during working hours.

Without addressing the issue regarding the accuracy of the Goldberg study or the proper weight it should be accorded, the question remains as to whether this provision achieves its objectives. First, there is a substantial question as to what constitutes the "required showing of interest" on the part of employees for the purpose of qualifying for the access rule. According to the Senate report (p. 26) "10 percent of the employees in the proposed unit, or a minimum of three employees in small units," constitutes a sufficient showing of interest. It is obvious that this definition is woefully inadequate because the ingredients constituting the proper showing of interest are never defined. For example, are the employees required to sign a petition to be given to the employer, or must the employer rely solely on the representations of the union organizers as to the number of supporters? These problems are exacerbated by the Senate report's additional statement (p. 26) in the nature of a disclaimer that "(t)his test is to be used as a rule of thumb only." If the test is not 10 percent of the employees or a minimum of three employees, is 8 or 5 percent or a minimum of one employee sufficient?

Second, as currently drafted, this provision would apply anytime an employer talks with his employees concerning unionization, even though no petition for an election has been filed by a union with the Board. As a result, it is likely that union organizers will notify employers that they have obtained several organizational cards and insist that they should have access to the company premises every time the company mentions unions. This process is particularly troublesome, because a union can simply continue notifying the employer that it has obtained organizational cards without a corresponding duty to file a petition to an election. Consequently, it is advisable to establish a rule whereby union organizers would be precluded from having equal access to the company's premises if they did not file a petition upon notifying the employer of union support within any 12-month period.[7]

Third, this provision is extremely vague with respect to its scope of coverage. Significantly, it appears that it would apply to such situations as a small group meeting conducted by an employer in which the subject of unionization is discussed, despite the fact that it is only one of numerous subjects covered. Hence, anytime an employer touches upon the subject of unions, however so briefly, a union might have the right to go through

[4] *Peoria Plastic Co.*, 117 N.L.R.B. 545 (1957).

[5] *General Shoe Corporation*, 77 N.L.R.B. 124 (1968).

[6] Goldberg, Getman, and Herman, *Union Representation Elections: Law and Reality* (1976).

[7] This proposal is closely analogous to current section 9(c)(3) of the Act which precludes filing a petition in any unit where an election has been held within the preceding 12-month period.

the lengthy and cumbersome ordeal of coming onto the employer's premises and addressing the employees, at the employer's expense and with a resulting loss of production.

Fourth, the breadth of this provision far surpasses its stated purpose of equalizing campaign opportunity. Thus, while the sponsors of the equal access provision maintained that it was aimed at an employer's "captive audience" speeches, as currently drafted and as described in the Senate report, this provision would apply to any communication, oral or written, by the employer during working hours on company premises. It is, of course, difficult to understand the necessity for expanding the coverage of this provision.

Fifth, there is an additional problem concerning the number of union officials who should be permitted on the company premises. Union campaigns usually entail the efforts of significant numbers of organizers who will surely want to spread their propaganda. However, the thought of a parade of organizers canvassing company premises should not be tolerated and, therefore, a maximum number of two officials should be set out in this provision.

Interestingly, the Goldberg study contains a factual account concerning the representation process which weighs strongly against the equal access and mandatory time periods for holding an election provision. As part of this study, 18 elections were evaluated to determine the proportion of authorization cards signed before the employer became aware of the organizational drive. According to the report, in 10 of the elections, all cards were signed before the employer became aware of the drive; and in four elections, 50 to 75 percent of the cards were signed before the employer became aware of the drive. As a result of this information, Professor Goldberg concludes that—

[I]t appears, then, that in most elections the employer does not know about the card-signing drive in time to respond before a majority of the cards have been signed.[8]

This study, thus, reveals the lack of employer knowledge concerning organizational attempts in most instances, a premise widely disputed by the sponsors of this bill. Since the employer must normally learn of union drives upon receipt of the petition for an election, it is certainly unfair and inequitable to afford union organizers with even greater advantages by allowing these persons to carry their campaign on company premises. Furthermore, the committee's refusal to consider this finding by Professor Goldberg when it gave carte blanche approval of his other findings which support different sections of the bill, is yet another indication of the obvious one-sided nature of this legislation to a degree which can only be characterized as egregious.

In light of the fervent push by organized labor to get this bill through Congress, it is not surprising that there is no duty placed upon unions to pay the employer's costs when production is curtailed due to a union organizer's speech on company premises. The notion that unions are unable to pay such costs is totally specious. Since the average number of employees in a bargaining unit is less than 50 and if you assume that the average wage rate is $5 per hour, then the union will be required to pay only a limited amount of money for a 1-hour speech or two half-hour speeches. Under no circumstances, therefore, should unions be permitted to avoid these costs.

Aside from these considerations, under current law there are two situations where the Board has been invested with discretion to expand a union's communication opportunities. On the one hand, there is a line of cases revealing unique circumstances so that the opportunities between the union and the employer are grossly disparate, regardless of either party's conduct. For example, in *NLRB v. S & H Grossinger's Inc.*, 372 F.2d 26, 29 (2d Cir. 1967), the second circuit held that nonemployee organizers should be permitted access to employees on the employer's premises where "(n)o effective alternatives are available to the union in its organizational efforts." On the other hand, there is another line of cases indicating that where there may be no circumstantial disparity and opportunity, but the employer's conduct in intimidating employees from exercising existing communication opportunities, the Board is required not only to clear up those avenues, but also to provide the union with others. See *exempli gratia, NLRB v. J. P. Stevens & Co., Inc.*, 563 F.2d 8 (2d Cir. 1977), cert. denied, 46 U.S.L.W. 3526 (1978).

D. FREE SPEECH

1. FREE SPEECH—CURRENT LAW

Under section 8(c) of the act, the often referred to "free speech" provision, the Board has a wide degree of discretion in establishing various rules and procedures for regulating an employer's and union's speeches during elections.

2. FREE SPEECH—PROPOSED CHANGES

Under section 6 of the bill,[9] the Board is authorized to issue and enforce rules applicable to campaigning during the 48-hour period preceding an election.

3. FREE SPEECH—SUGGESTED CHANGES

Section 8(c) of the act should be amended to provide:

(c) The expressing of any views, argument, opinion, or the making of any statement (including expressions intended to influence the outcome of an organizing campaign or the dissemination thereof), whether in written, printed, graphic, visual or auditory form, shall not (i) constitute or be evidence of an unfair labor practice under any of the provisions of this Act, or (ii) constitute grounds for, or evidence justifying, setting aside the results of any election conducted under any of the provisions of this Act, if such expression contains no threat of reprisal or force or promise of benefit.

In addition, there is a need to define what type of activity occasions the implementation of this rule.

4. FREE SPEECH—CRITIQUE

While the free speech provision in the bill does not represent a serious encroachment on the current law, the Senate report places recent Board cases on this subject in jeopardy. According to the Senate report (p. 27), the Board would be given "the power to police such tactics as last minute material misrepresentations and captive audience speeches to the extent that the agency deems necessary."

Case law on this subject, however, substantially conflicts with the position that the Board would take under the Senate report. Under a new standard formulated in Shopping Kart Food Market, Inc., 228 N.L.R.B. 190 (1977), the Board no longer will police the truthfulness of noncoercive campaign rhetoric. This position is an outgrowth of the difficulties the Board encountered in making determinations regarding the materiality of particular misrepresentations under the former Hollywood Ceramics Co., Inc., 140 N.L.R.B. 221 (1962) test. Since the Board was unable to reach uniform and consistent results, it abandoned its former standards.

As perceived by numerous Federal circuit courts of appeals in ruling on Board decisions in this area, one of the difficulties under the former standard was the Board's abuse of its discretion in its treatment of campaign misrepresentations to favor unions over employers.[10] The courts, therefore, felt compelled to caution the Board that—

[i]t should hardly need saying that this [the *Hollywood Ceramics* standard] no less applies to material misrepresentation by a union than by an employer. *NLRB v. Lord Baltimore Press, Inc.*, 370 F.2d 397, 401–02 (8th Cir. 1966).

In any event, the Board has chosen to reduce its role in policing free speech. To the extent that the current position of the Board would be changed, as outlined by the Senate report, extensive and unnecessary litigation is anticipated.

Finally, there is no justification for limiting free speech during the 48-hour period. In light of the restrictive time period accorded to employers to conduct their campaigns, the 48-hour limitation constitutes an unwarranted infringement of the employer's freedom of expression.

II. DETERRENTS

The provisions under this bill providing new remedies for violators constitute extreme and oppressive sanctions. These proposals clearly reflect the viewpoints of those, like Secretary of Labor Marshall, who think that the only unremedied abuses are against unions. The provisions are totally antithetical to the remedial nature of the NLRA because they are designed for one purpose, and one purpose only, and that is punishment. Such relief contradicts the Supreme Court decisions interpreting the Board's remedial authority which prohibited several Board orders that were

[8] Goldberg, Getman and Herman, *Union Representation Elections: Law and Reality* 135 (1976).

[9] There is no counterpart provision contained in H.R. 8410.

[10] For an excellent discussion of this subject, *see* Williams, Janus, Huhn, *NLRB Regulation of Election Conduct*, 57–58 (1974) and the cases cited therein.

punitive or confiscatory (*Republic Steel Corp.* v. *NLRB*, 311 U.S. 7, 10–11 (1940);[11] *NLRB* v. *Seven-Up Bottling Co.*, 344 U.S. 344, 349 (1953)); or where "a patent attempt to achieve ends other than those which can fairly be said to effectuate the policies of the act." *Virginia Electric & Power Co.* v. *NLRB*, 319 U.S. 533, 540 (1943).

As characteristic of the result-oriented approach taken by the committee with respect to the representation process, an examination of the provisions containing deterrents in S. 2467 reveals the identical problem concerning an inadequate study of the problem or the solutions. According to the Board's 42d annual report, an inordinately high number of violations are committed by small businesses. However, a list of these violators will bear little, if any, correlation with a list of companies with meaningful Government contracts. Moreover, as in the example of a noted textile manufacturer, Government contracts only constitute approximately $5 million in comparison to a figure of $800,000,000 in sales in a recent fiscal year. Obviously, Government contracts are not a significant part of its business. One wonders, therefore, how effective a remedy will debarment be for most violators of the act.

For these same reasons, it is likely that other remedies under S. 2467 will not accomplish the goals of this legislation. Since some of these remedies—debarment, time and one-half and make-whole—are largely ineffectual, they should be deleted from the bill. As a substitute, another provision should be drafted along the following lines. At the moment it becomes clear that a series of employer violations have been committed or that the individual violation is not inadvertent or committed by a low level supervisor off on a frolic of his own, then it becomes appropriate for the Board to consider threatening the individuals who direct the company policy with meaningful sanctions that will cause them to change their behavior. Among these meaningful sanctions are the threat of imprisonment for contempt and steep fines.

(Mr. DECONCINI assumed the Chair.)

A. BACKPAY REMEDY

1. BACKPAY REMEDY—CURRENT LAW

Mr. GOLDWATER. Under the current law, there is a provision for backpay which is computed according to employee's wage rate. An employee's interim earnings are deducted from the total salary he would have received absent the employer's unfair labor practice. However, unless an employee makes a good faith effort to find interim employment, he wlil not be eligible to receive a backpay award.[12]

2. BACKPAY REMEDY—PROPOSED CHANGES

Under section 9 of the bill, which amends section (10c) of the act, employees who lose their jobs as a result of the company's unfair labor practices may receive a 150-percent backpay remedy less any wages actually earned by the employee. This remedy would apply in the following situations: Where employees are seeking representation by a labor organization, in a decertification or deauthorization election and prior to the signing of an initial collective-bargaining agreement.

3. BACKPAY REMEDY—SUGGESTED CHANGES

This provision is wholly unnecessary. However, if Congress believes this provision should remain in the bill, it should be rewritten to specifically impose a duty of mitigation.

4. BACKPAY REMEDY—CRITIQUE

For the reasons outlined above, the backpay scheme under the bill will probably not constitute an effective remedy, with the exception that in certain small businesses it will have a disastrous effect. Most importantly, since no duty of mitigation is imposed upon the employee, providing for mitigation serves no real purpose. The necessity for imposing a duty to mitigate is based upon the commonsense principle that an employee should make a bona fide attempt to reduce the amount of damages by the employer by seeking comparable employment.[13] Thus, the employee may not remain idle; he must seek other comparable employment and, if there are no other jobs available, he must remain in the labor market.[14]

B. DEBARMENT

1. DEBARMENT—CURRENT LAW

Under the current law under the National Labor Relations Act, there is no provision for debarment.

2. DEBARMENT—PROPOSED CHANGE

Under section 9 of this bill, which amends section 10(c) of the act, companies or labor organizations found to be in willful violation of a Board or court order may be debarred. This debarment procedure is initiated by the Board which makes a recommendation to the Secretary of Labor. While a 3-year period is the designated time interval for debarment, this provision gives the Secretary of Labor discretion in determining the debarment period.

3. DEBARMENT—SUGGESTED CHANGES

Assuming that Congress believes that debarment is a necessary sanction, enforcement should be left in the Federal district courts as characteristic of Board procedure with respect to contempt matters. Since the Board has been successful in enforcing contempt charges before the Federal district courts, there is no reason to assume that it will not be equally successful in bringing debarment charges in that forum. The Federal district courts assure there is no institutional bias or other personal or political considerations taken into account.

4. DEBARMENT—CRITIQUE

There can be no question that debarment is fundamentally punitive. Chief among the problems resulting from this new remedy is the fact that debarment would be profoundly counterproductive to the goal of S. 2467 to protect workers' rights, because of the simple fact that debarment would, in many cases, mean the loss of jobs for those employees who would be working on the contract. It obviously makes little sense to punish the worker for the employer's acts, even in cases where unfair labor practices by recalcitrant employers are willful and repeated.

The experience of the Office of Federal Contract Compliance Programs (OFCCP) illustrates why debarment should not be implemented, or at the very least, why debarment should not be implemented at this time. The difficulties within the OFCCP became so severe that a special task force was assembled to develop constructive suggestions leading to a more workable program. The task force has just recently issued a report in September 1977, on its findings entitled "Preliminary Report on the Revitalization of the Federal Contract Compliance Program." The report is less than complimentary. In referring to the lack of standards or guidelines within the OFCCP, the report acknowledges that—

> Until such time as OFCCP codifies and demonstrates its ability to require rigid adherence by contract officers to *reasonably definitive and objective standards for compliance decisions the fears of contractors will remain somewhat justified.* (Emphasis added.)

The debarment provision is also without any qualifying language as to its application. As presently constructed, an entire corporation may be barred from receiving Government contracts even though only one of its affiliates or divisions is found guilty of a willful violation. Such a result is an overkill and is directly contrary to Board precedent which has developed several tests in analyzing whether two or more companies can be considered a "single employer." These tests include an analysis as to whether there is interdependence of operations, common ownership and control, and common direction of labor relations policies.[15] These tests could serve as a useful guide rather than following the current "shotgun" approach.

Mr. President, to sum up:

It also appears that the sponsors of debarment contemplate that the Board will cease having contempt power. Under the current law, the Board may seek a contempt order in the Federal district court compelling the respondent to comply with a former Board ruling. Under this section, however, the Board is imbued with the authority to seek debarment after determining that the respondent has willfully violated a final order. The difficulty with this scheme is the lengthy 6-month period of time it

---

[11] In *Republic Steel*, the Supreme Court acknowledged that "[t]he Act is essentially remedial." 311 U.S. at 10.

[12] *See, e.g., NLRB* v. *Avon Convalescent Center*, 549 F. 2d 1080 (6th Cir. 1977); *NLRB* v. *Arduini Manufacturing Corp.*, 394 F. 2d 420 (1st Cir. 1968).

[13] *See* McCormick, *Damages* 127 (1935). "It is important that rules for awarding damages should be such as to discourage even persons against whom wrongs have been committed from passively suffering economic loss which could be averted by reasonable efforts."

[14] *Phelps Dodge Corp.* v. *NLRB*, 313 U.S. 177 (1941).

[15] *American Federation of Television & Radio Artists* v. *NLRB*, 462 F. 2d 887 (D.C. Cir. 1972); *Local 391, International Brotherhood of Teamsters* v. *NLRB*, 543 F. 2d 1373 (D.C. Cir. 1976); *Los Angeles Newspaper Guild, Local 69* v. *NLRB*, 185 N.L.R.B. 303 (1970) *aff'd per curiam*, 443 F. 2d 1173 (9th Cir. 1971).

usually takes for an administrative law judge to reach a decision together with the additional 6-month period of time it usually takes the Board to reach a decision on appeal. The end result may, perhaps, be stated more graphically by the suggestion that, by providing relief according to the administrative law judge route as a substitute for contempt power, you might increase delays on the order of 1,000 percent. Moreover, Federal district courts are much speedier than administrative law judge proceedings and are empowered to give much greater relief in terms of possible sentences, fines, and the like, than an administrative law judge.

Supporters of debarment also fail to consider the Board's success in bringing contempt charges against violators of the act. Throughout its history, the Board's record of bringing contempt charges against repeated or willful violators of a Board order is impeccable. By the same token, there are a number of extraordinary remedies available to the Board in dealing with the very small percentage of persistent offenders.

In sum, debarment represents a complete and unwarranted change in the philosophy of the act. Since there is a very real possibility that it will result in idling workers, it profoundly contradicts the avowed goal of S. 2467 to protect workers' rights. Nor surprisingly, labor spokesmen have expressed much concern on this problem and the American Conference of the United States recommended that this sanction be deleted.

Mr. President, that constitutes about half of what I want to say in criticism, and in some cases support, of the bill before us. I will withold further comments until a proper time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MOYNIHAN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SPARKMAN). Without objection, it is so ordered.

Mr. HATCH. Mr. President, in continuation of my speech this morning, I should like to read a letter into the RECORD from the National Toll, Die, & Precision Machining Association at 9300 Livingston Road, Washington, D.C., 20022.

DEAR SENATOR HATCH: As elected president of the above association—comprised of more than 2400 companies in the U.S. tooling and machining industry—I'd like to bring to your attention what I feel to be some very serious (if not calamitous) inequities in the so-called Labor Law Reform Bill presently under consideration in the Senate. Although ours is a $6.5-billion-a-year industry, it is comprised exclusively of small businesses—many from your state—and it is these companies, and other small businesses like them, which would be most severely impacted by passage of S. 2467 and/or H.R. 8410.

It is our contention that these bills represent perhaps the most blatant and damaging affront to the small business community in its relations with organized labor since that relationship began.

While I know you are familiar with the basics of the legislation, two recently-released documents relative to S. 2467 have not received overwhelmingly wide distribution, and I would like to bring them to your attention since they are vital to the issue.

The first is a report prepared by the Office of Advocacy of the SBA but withheld by supporters of the labor bill in the Administration until pressure from some Senators brought about disclosure of the report. The SBA report indicates that changes proposed in the labor bill would "trip the delicate balance which exists between small business and labor in favor of the latter." To quote further from the SBA report: "The Labor Reform Bill will give unions an unfair advantage over small businesses who have neither the time nor expertise (including resources to acquire the expertise) to walk the very same compliance line proposed by the bills. Since the penalties for non-compliance are so severe, most small businesses confronted with a union organization drive will likely give up in advance rather than risk any action which might be construed later to have been illegal. This will result in unnecessarily increased costs which small businesses are least able to pass on to consumers. Projected further, this means many more small businesses going out of business."

The second document I would like to bring to your attention is a poll recently conducted by Patrick Caddell, perhaps best known as the pollster for President Carter. Although conducted for the American Retail Federation, the poll is quite revealing in terms of the public's conception of needed labor law "reform."

Based on 1500 interviews, the Caddell survey has revealed that "the largest single 'reform' desired by most respondents was a reduction of labor union power."

The poll also showed that the American public by a 41 to 33 margin does *not* want to "make it easier for unions to recruit new members." By a very impressive 48 to 22 margin, the poll also indicated that the public objects to easing the "rules by which unions gain the right to represent employees."

Senator, I urge you to take these two documents under heavy consideration in weighing the effects that the labor bill will have upon the small businesses which make up the backbone of commerce in the United States.

In recent committee reports, the Small Business Committee of the House of Representatives has described the tooling and machining industry as being a prototype of small businesses in the United States. In this light, you may be interested to know that this association's board of trustees has voted unanimously to oppose unequivocably S. 2467 and H.R. 8410.

Accordingly, we respectfully urge you to oppose any measures which would assure passage of this legislation, including efforts to invoke cloture against the extended debate being carried on in the U.S. Senate by the bill's opponents.

Sincerely,

JACK. B. SHERMAN,
President.

(Mr. MATSUNAGA assumed the chair.)

Mr. HATCH. Once again, I find it necessary to respond to a "Special Report" published by the AFL–CIO Task Force on Labor Law Reform which is replete with mistruths. This report, entitled "The Problem Is the Caseload," cites several statistics from the recently issued Forty-Second Annual Report of the National Labor Relations Board which the task force claims shows the Board to be an agency unable to process its cases in a timely manner. The figures, according to the report, contain a dire warning—"more cases for the Board and more delays for ordinary workers."

The first set of statistics shows the growth of NLRB decisions in unfair labor practice cases. The report states that in 1947 the Board decided 115 cases whereas 30 years later decisions were handed down in 1,127 cases. The conclusion, set in bold type, reads, "That Means Delay." We would have to agree that many things have changed in 30 years. However, a threshold question might be whether S. 2647 would enable the Board to process its cases more quickly. According to NLRB General Counsel John Irving, over 90 percent of the unfair labor practice cases coming before the NLRB in 1977 were disposed of in a median time of 42 days without the necessity of formal litigation by the Board. Equally important, of the 37,828 unfair labor practice cases taken in by the Board during fiscal 1977, the agency was able to close out 32,196 of these before issuance of a complaint, a healthy development due primarily to the fact that present law contains strong incentives for parties before the Board to settle their differences privately. However, an earlier analysis of H.R. 8410 compiled by the Boards' General Counsel predicts that if the labor law reform legislation were enacted, there would be a 3-percent drop in unfair labor practice settlements and 2,570 new unfair labor practice cases. Thus, if the AFL–CIO task force is concerned about delays that might occur from the growth in the Board's caseload, then it must be quite disturbed over the sharp increase in new cases that will be generated by passage of S. 2467.

The special report goes on to claim that "backpay awards alone show the need for reform." The report states that in 1976, 6,822 workers were awarded $11.2 million in backpay whereas in 1977, 7,220 workers were awarded $15.8 million, a 40-percent increase in 1 year. If one accepts organized labor's premise that all employers are inherently evil, then it would seem rather clear from these figures that the Board is doing a better job each year remedying past wrongs. Although it is difficult to decipher the point being made by the special report, if the task force is concerned about the dramatic increase in the amount of backpay won by workers, then it would seem that it would have great difficulty supporting provisions in H.R. 8410 and S. 2467 that would increase backpay awards by an additional 50 to 100 percent.

The third point made by the special report is that "employers are increasingly breaking the labor law." The report states that in 1977 the NLRB issued 4,834 complaints compared with 1,945 in 1967, a 40-percent increase in 10 years. The task force tells us that these figures indicate "the epidemic of business lawlessness." What the special report does not state is that complaints issued by the NLRB against unions also rose 40 percent during the same period, from 251 to 623. If labor-management relations in this country is awash in a sea of lawlessness, then it is puzzling why the "reform" leg-

islation only addresses alleged employer wrongs.

The special report further states that "the administrative law judges need help." The basis for this claim is that during 1977, the Board received 37,828 unfair labor practice charges as compared with 17,040 in 1970. The task force, however, declines to state further that administrative law judges do not handle charges, rather they hold hearings on complaints that are not settled before the dispute reaches the hearing stage. Moreover, the Board's annual report states that 32,196 (or 85.6 percent) of the charges filed with the agency during fiscal 1977 were closed before issuance of a complaint. The annual report also states that the General Counsel was able to settle a substantial number of these remaining charges to such an extent that in 1977, administrative law judges were required to conduct hearings on initial unfair labor practice cases in only 1,381 instances. Interestingly, the same figure for 1967 was 1,024, not the sort of increase that one would think sounds the death knell for worker rights.

With regard to delays, I might also add that each administrative law judge hears only about 10 cases a year, as I analyze it. Yet this bill would give each of them an attorney to back him or her up.

What it amounts to is that, again, we are providing a good retirement for lawyers through this type of legislation, which, incidentally, is not unusual for the Congress of the United States. But I think the people of this country are getting tired of it. I think we have such a litigious and such a lawyer-prone society today that there is very little call for continuing the type of legislation that continues to accentuate the need for lawyers in our society.

That is in spite of the fact that I am a lawyer and appreciate and respect the practice of law very much.

DELAYS IN REPRESENTATION CASES

One of the more interesting aspects of the task force report is the short shrift given to delays in representation cases since one of the principal intentions of S. 2467/H.R. 8410 is the speeding up of the election process.

I was just confronted by a number of AFL-CIO union members outside on the Senate steps.

I have a lot of respect for those men for lobbying here in Washington, trying to express their particular points of view. But, on the other hand, their point was that they felt that they have been held up in their election process and that this is a flagrant situation.

The strict expedited election requirements of S. 2467/H.R. 8410 are premised on the theory that the NLRB moves too slowly in holding elections to determine whether employees wish to become union members and in resolving legal questions that materially affect the outcome of such elections. The labor reform bills, therefore, would impose a series of inflexible deadlines for holding these elections and require legal questions surrounding the voting to be resolved after the election. This is the so-called famous vote-and-impound situation.

However, according to the annual report, during fiscal 1977 the Board received a record 14,358 representation cases while closing 15,436 such cases. A key factor in this excellent record was that 82 percent of the cases were processed without the necessity of a formal Board hearing. Of the 9,795 representation elections actually held during the year, 7,986 or 81.5 percent were conducted under voluntary agreement by the parties. Most important, the Board itself was required to direct an election in only 64 instances. This figure represents about one-half of 1 percent of these cases.

If the labor law reform legislation were to be enacted, according to NLRB General Counsel Irving there would be a 47 percent drop in such voluntary agreements, which would require hearings and regional director or Board decisions in more than 4,000 additional cases (24 daily labor report G-1, 3 (1978)). Existing Board procedures would be crippled by such a dramatic decline in voluntary agreements as substantial delays in case handling would be the inevitable result.

In other words, these men and women who confronted me on the steps of the Capitol today would not be helped at all. They claim that they have been barred, that they voted for a union in their particular business 4 months ago, and that they have been barred for that long, by company action or inaction, from forcing the union upon the company.

The fact is that if this bill is passed, we will have even more delays than they have had now, assuming that there is no valid reason for the delays they have undergone. That may be an assumption which we should not make at this particular time.

I am sure that, in their eyes, any action by the employer would be invalid. But in this free country, employers do have rights, and there are many actions they can take which are valid under the rules, albeit at some future time the NLRB may come down against them or the courts may come down against them.

In any event, what we have just pointed out is that there would be a 47-percent drop in voluntary compliance and voluntary agreements between the parties, which would add 4,000 additional cases to the caseload of the Board, which would be inordinate and would cause even more difficulties for the employees if this bill is enacted.

This bill is not an employer bill. It is a Washington labor-leader bill, and it adds more power to this special interest group, which is too powerful, in the eyes of most people in the country today, in Washington.

Further evidence of the expeditious manner in which the Board now operates is found in the median time required from the filing of a petition by a union requesting an election to the issuance of a direction to hold the election. The time for such actions during fiscal 1977 was 43 days, down from 47 days during the previous year. One would think that a Federal agency should be commended, not condemned, for concluding a hearing process and resolving complex legal issues within a median time of 6 weeks. Under the labor reform bills, however, proponents point out that the Board would no longer have sufficient time for such questions to be answered until after the election has been concluded. Rather, the fixed election times would effectively require employees to vote on union representation before a determination of their legal rights had been made. The legislation trades away the resolution of significant preelection issues in return for holding elections a week or two sooner than is now the case.

As Secretary of Labor Marshall stated during a Washington Star interview earlier this year while discussing the expedited election procedures in S. 2467:

> If there are legitimate legal problems, they ought to be taken up after the election, not before.

I think these are important things to note, but something else is important.

When I appeared on the Advocates program, I made the comment, with regard to one of my arguments, that there is little or no justification for expanding the Board from five to seven members, except for the desire of certain persons and certain special interest groups to pack the Board even more than it is today; that the Chairman of the National Labor Relations Board has stated that they work only 4 hours a day deciding cases, which is the principal reason for the Board's existence, to begin with.

I did not mean to imply by that that the only thing they do is work 4 hours a day. But the Chairman took from that program the attitude that that is what I said; that what I said was that they work only 4 hours a day deciding cases. I did not say that.

I confronted the Chairman with this. I said, "No; what I said was that the Chairman of the National Labor Relations Board said that they work only 4 hours a day deciding cases, which is the principal reason for the existence of the Board, to begin with," which had a natural implication that they did other things than decide cases, the principal reasons for their existence.

The Chairman, Mr. Fanning, then said, "Oh, that's different." The next day he wrote me a letter and demanded that I retract that comment, and I could not, because I heard it from his own lips, and we knew he had made the statement on other occasions. He became kind of upset about it and demanded that I retract. I would not retract, because he did say it.

So I wrote a letter to him, under the Freedom of Information Act, asking him how much time Board members did spend out of the office during the last couple of years. I think it might be interesting to know.

I do not mean to be critical at this time. I think that the particular duties they have may be necessary—some of them—and that there is more to being a Board member than deciding cases, although that is the principal reason for being a Board member. I think it will be interesting to note some of the responses I receive.

With regard to the National Labor Relations Board members travel statistics, one of the two principal aims of the

labor reform legislation is to "expedite the procedures" of the National Labor Relations Act.

NLRB BOARD MEMBERS' TRAVEL STATISTICS

One of the two principal aims of the labor reform legislation is to "expedite the procedures" of the National Labor Relations Act. Proponents of the legislation paint a bleak picture of the board's ability to absorb its ever-increasing caseload, despite the facts I have cited to the contrary. The Senate report, for example, suggests that it is:

[I]mpossible for the Board to keep pace with the continuing increase in the number of meritorious unfair labor practice charges alleging interference with employee rights without additional statutory amendments. For, in the past 10 years, while organizing activity has stayed at the same level, litigation in this category has doubled from 1585 cases in 1976 to 3345 cases in 1976.

As the Board's 42d annual report indicates, this trend continued into fiscal 1977 with 37,828 unfair labor practice charges being filed.

Proponents of labor "reform" suggest that one way of addressing the Board's caseload problem is to expand the number of Board members from five to seven. Again in the words of the Senate report:

There is a limit to the capacity of a Board member to absorb material in any given period of time . . . [and] an increase in Board membership from 5 to 7 . . . will enable the Board to handle more cases and reduce the time it presently takes to dispose of cases at that level.

This picture of five Board members hopelessly adrift in a sea of paperwork is simply a myth which does not do justice to the Board's ability to manage its caseload. It is a myth which is not borne out by the statistics. In fiscal 1977, for example, the Board absorbed a record 52,943 cases and closed 53,908 cases thereby reducing its backlog by nearly 1,000 cases. In addition, the five-member Board issued a record 1,848 formal decisions.

Nor do the statistics portray a Board restricted to their offices on Pennsylvania Avenue by an avalanche of cases. Indeed, figures supplied to me by the current members of the Board indicate that they regularly find time to mingle with their public constituency at conventions, seminars, and other events. The information supplied encompasses travel and speaking engagements for 1976 and 1977 by Chairman Fanning and members Jenkins, Penello, and Murphy, and early 1978 figures for members Jenkins, Murphy, and Truesdale. In view of the August 1977, resignation of member Walther—a frequent public critic of Board policies such as its Midwest Piping and Weingarten doctrines—statistics relating to his travel and speaking engagements have not been received. According to the information supplied, in calendar year 1976 four Board members made 82 separate trips and 71 speeches affecting approximately 141 working days either in whole or in part. The cost to the taxpayers for such trips amounted to nearly $24,000. In 1977, 47 speeches were made in the course of 57 trips affecting 117 working days. The cost was nearly $22,000.

It should be emphasized that there is absolutely nothing inherently wrong with such travel. Indeed, it frequently results in a healthy exchange of information and ideas between the Board members and the public. However, these figures quite clearly do not support the claim that the current Board members are so deluged with cases that they have little or no time for anything except making decisions. To the contrary, during 1977 when the Board members were in the process of issuing a record number of decisions, they nevertheless found time to take an average of 14 trips and deliver 11 speeches each. And remember we are not counting all the Board members, only the majority of them.

It is important to point out that these figures reflect only the tip of the iceberg because they do not include the numerous hours devoted to speech preparation. With the exception of the executive assistant to the Chairman who performs some speechwriting, none of the Board members are assigned speechwriters. Instead, either they must prepare the speeches themselves or members of their staff must be assigned to this task. Thus, significant amounts of staff time are frequently diverted from case processing to speechwriting.

Yes, the Board has a heavy workload. Yes, the position of Board members can, at times, be demanding. But no, the current Board members are not at the point of exhaustion. And no, the answer to expediting Board procedures is not to increase the size of the Board from five to seven Board members. The appointment of two additional Board members—in addition to making it more difficult to achieve a concensus and issue decisions expeditiously—will merely subject the American taxpayers to a 20-percent increase in Board member trips and speeches. I, for one, can think of far preferable ways to spend my tax dollar, and I think the vast majority of all Americans can think of preferable ways themselves.

Mr. President, I ask unanimous consent to print in the RECORD a table containing the summary of travel for the NLRB members for fiscal years 1976, 1977, and 1978.

The PRESIDING OFFICER. Is there objection?

Mr. MELCHER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Montana reserves the right to object.

Mr. MELCHER. And I shall not object, but I think it would serve the purpose of the Senator from Utah and the purpose of the Senate better if the source of the information was cited at this time.

Mr. HATCH. I did cite the source. It came from the Board members themselves.

Mr. MELCHER. I understand then that this is a résumé?

Mr. HATCH. Yes, this is a résumé which we have compiled from the Board members.

Mr. MELCHER. From the individual Board members?

Mr. HATCH. From the individual Board members' own information.

Mr. MELCHER. I see. This compiles all that information?

Mr. HATCH. Yes; I believe it compiles it accurately.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Board member	Number of trips	Number of speeches	Approximate number of workdays affected in whole or in part	Cost to taxpayers
CALENDAR YEAR 1976				
Murphy	38.0	51	[1] 43	$11,790.00
Fanning	10.0	4	23	2,884.01
Jenkins	14.0	6	36	5,353.84
Penello	20.0	10	39	3,915.78
Walther [2]				
Total	82.0	71	141	23 943.63
Average for Chairman Murphy and members Fanning, Jenkins, and Penello	20.5	17.75	35.25	5,985.90
CALENDAR YEAR 1977				
Fanning	13.0	11	29	3,322.29
Jenkins	9.0	5	19	4,747.45
Penello	15.0	8	39	4,491.99
Murphy	19.0	23	[1] 27	8,210.96
Walther [2]				
CALENDAR YEAR 1977—Con.				
Truesdale	1.0		3	293.18
Total	57.0	47	117	21,065.87
Average for Chairman Fanning and members Jenkins, Penello, and Murphy	14.0	11.75	28.5	5,193.17
CALENDAR YEAR 1978				
Fanning [2]				
Jenkins	7.0	6	9	2,432.49
Penello [2]				
Murphy	7.0	11	[1] 12	3,365.10
Truesdale	11.0	7	26	4,972.59
Total	25.0	24	47	10,770.18
4-mo average for members Jenkins, Murphy, and Truesdale	8.3	8.0	15.6	3,590.06

[1] The information submitted suggests that this figure may not include all travel days.

[2] Statistics unknown.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that none of my speeches thus far be considered a first or second speech in this matter in violation of the rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I yield the floor to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, as we rapidly approach the first of what may be many cloture votes on this labor law reform bill, the Senator from Kansas would like to address one of the most hotly debated subjects that this legislation has created. As I have said each time I have addressed the Senate on this particular bill, both the proponents and opponents of this legislation have a genuine concern about its potential impact on small businesses of America. I repeat that I doubt that the legislation is as bad as the Chamber of Commerce suggests nor as good as the AFL–CIO or other groups might suggest. We are all in agreement that small businesses are in a significantly different position relative to union powers and larger concerns. We are all agreed that small businesses should not have to bear the same burdens and penalties that may be justified for other businesses. Our divergence of opinion occurs when the proper solution to these perceived problems is addressed.

EXPEDITED ELECTIONS

Under the present law, there are no mandated deadlines for the direction and holding of elections. The National Labor Relations Board has the flexibility to arrive at a fair determination in each case. Section 6 of this bill would establish mandatory time periods for the holding of elections. These time periods can be summarized as follows: An election must be directed within 13 days after filing a petition supported by a majority of the employees and the election must be held in not less than 21 days and no more than 30 days from the filing of the petition. When the petition seeks a unit not established by rule or is supported by less than a majority of the employees, a 45-day time limit is imposed.

This particular proposal would have its most severe impact on small businesses. As has been well documented during this debate, plants of 100 or fewer employees have become the primary target for recent organizational efforts of labor organizations. Plants of this size usually have managers who perform several jobs and the owner may operate in this position. Few of these employers and managers are specialists in any sense when it comes to labor law or the legal limitations and requirements placed upon them or their businesses, if a union organizer makes contact with their employees. With constant inflation and ever-increasing Government induced paperwork, these small businesses are kept busy just trying to keep their head above water and operate at a profit. They simply do not have the time to become knowledgeable about representation elections.

On the other hand, the labor organizer is a specialist. That is what he does. He does it day after day. He is a specialist in his single area of concern which is organizing unorganized workers. No one quarrels with that. That is a fact.

Many times, these organizers keep a low profile and this organizing activity does not come to the employer's attention until enough cards have been secured to petition for an election. Therefore, the small businessman's first notice that an organizational effort is being mounted could be when he is served with an election petition. He could have as little as 3 weeks' notice before the election is actually held.

To understand the full impact of this new rule, the efforts that unions commonly make in organizational campaigns must be reviewed. For example, unions are permitted by law to make promises to employees which do not have to be kept. They might be classed with some promises made by those in politics.

Employers on the other hand are forbidden from making any promises during an organizational drive. Because of court interpretations of constitutionally protected free speech, unions can give out information that may be incorrect. A small businessman would have little opportunity to refute or even check the accuracy of union claims. If our concern is to insure that employees make a reasoned, unpressured decision, it would appear these time limits are inappropriate.

Mr. President, since 80 percent of all elections are currently being held within 45 days, the proposed amendments are questionable as to their necessity. The use of mandated time periods is also faulty in that it presumes that where a union receives a majority of signed authorization cards, an election should be conducted in a shorter period of time. It has been repeatedly recognized that employees' signatures on authorization cards are not a reliable indication of employee support for a union. A recent study relied on by the Human Resources Committee revealed that only 72 percent of card signers actually voted for union representation in the subsequent election. If an employee only hears one side of a story, it is not difficult to sign a card, particularly where the consequences of signing are not told to the employee.

It is much like signing a petition to Congress. Most anyone will sign a petition, most anyone will sign a card, particularly where you have only been exposed to one side of the argument. Many times when you hear both sides, as you should, you might have a different view. But if you only hear one side it is not difficult to sign up, particularly where the consequences of signing are not told to the employee. All of these problems are intensified in a small business election campaign. Fewer employees must be contacted to convince a majority to sign. A small businessman is also less able to discuss the advantages of nonunion status and the disadvantages of union membership with his employees. The result will be forcing employees into an uninformed decision.

UNEQUAL ACCESS

Mr. President, at other points in this debate the Senator from Kansas has discussed the conceptual problems involved in the so-called equal access section of this bill. I have previously noted that a serious constitutional challenge could be mounted to this provision in addition to the practical problems which would be created. However, this provision also has potential for seriously impacting the conduct of small business labor relations.

Section 4 of H.R. 8410 provides that whenever an employer speaks to his employees concerning union representation, the labor organization must be provided an equal opportunity to submit campaign information in an equivalent manner. As has been repeatedly pointed out, there is no equality in such a proposal.

Under the current law, unions have several campaign alternatives not accorded to employers. Some of these measures include the following: Union officials are allowed to carry the campaign to the employees home whereas employers can only address groups of employees at the workplace. Union officials can campaign without notification to the employer for any length of time. Union officials may make promises to employees as part of their campaign efforts, but employers may not make any promises. Also, employee organizers may solicit union support on company premises during nonworking hours and may distribute union literature in nonworking areas.

Each of these advantages is an even greater tool in a small business organization campaign. There are fewer employees to contact at their homes, and the inherent pressure of a personal request to sign an authorization card is increased.

As drafted, this provision appears to apply to such situations as a small group meeting conducted by an employer in which the subject of unionization is discussed, despite the fact that it is only one of numerous subjects covered. When a small businessman has daily, repeated contacts with his employees, casual conversation concerning unions is much more likely to occur. The Senator from Kansas doubts whether the employees would be benefited from requiring an equal opportunity for unions in such a situation. This section would also apply whenever a union has obtained any organization cards even though no petition for an election has been filed. Therefore, it is possible that a union could effectively prohibit a small businessman from discussing union efforts with his employees at any time by the simple expedient of keeping a few organization cards on file.

If the communication concerning unions by the employer occurs during working hours in working areas, the problems are multiplied. A possible interpretation of this section would require the employer to pay the wages of his employees while the union spoke with the

employees. Both the additional cost and the nonproductive time would be more difficult for a small business to absorb.

DEBARMENT

Mr. President, the current National Labor Relations Act has no provision for debarment from Government contracts for those companies who have violated the act. Nevertheless, section 9 would debar those companies or labor organizations found to be in willful violation of Board or court order. This debarment procedure would last for 3 years in normal cases. The major problems with this new remedy revolve around the fact that debarment would be counterproductive to the goal of protecting workers' rights. This is because of the simple fact that debarment would, in many cases, mean the loss of jobs for those employees who would be working on the contract. It obviously makes little sense to punish the worker for the employers' acts.

According to the National Labor Relation Board's 42d annual report, an inordinantly high number of violations are committed by small businesses. I refuse to believe that this is the result of any malice on the part of small businessmen. Rather, I am certain that it is the result of a lack of understanding of the complex rules and regulations that have developed through more than 40 years of cases and rulings by the Board.

The Senator from Kansas believes that debarment represents a complete and unwarranted change in philosophy of the act. Since there is a very real possibility that it will result in idling more workers and forcing small businessmen to close their businesses, it profoundly contradicts the avowed goal of this bill which is to protect workers' rights.

MAKE-WHOLE REMEDIES

Mr. President, under current law, there is no provision for a make-whole remedy. Section 9 of the bill again is a departure from past practice. Under this section, the Board may award compensation to union employees for a delay in entering the first contract if that delay is caused by an unfair labor practice of the employer.

The amount would be measured by the difference between the wages actually received and the wages the employees were receiving at the time of the unfair labor practice multiplied by an inflator. That inflator would be the percentage of change in wages and other benefits in the Bureau of Labor Statistic's quarter report for major collective bargaining settlements.

While this make-whole remedy represents a fundamental shift in Board policy concerning collective bargaining, it would also make an unwarranted penalty for small businesses. It is difficult to understand why the average wage and benefit settlements index is an appropriate standard. This index penalizes employers whose wage rates may be less than the index. An analysis of the companies comprising this index shows such industries as telephone, steel, automobile, aluminum, and rubber industries. All of these industries are oligopolies, they are all capital intensive, and they are all industries in which the unions have had a historic stronghold. Thus, by definition, these settlements will be significantly greater than the normal first contracts for a small employer.

A case in point is the recently negotiated coal contract. The contract was front-loaded, which entails a greater salary increase during the first years than in the final year. Therefore, the first year's salary increase may be as high as 15 or 16 percent. Similarly, in a report recently released by the Department of Labor, agreements covering 5,000 or more workers had increases in total compensation of 14.6 percent. This percentage exceeds even the unbelievably high rate of inflation which has recently been reported. At the time when our country is experiencing the worst inflation in many years, and there appears to be no end to this inflationary spiral in sight, this bill would build in a guarantee of further inflation in wage settlements. This type of disregard for the American public is unacceptable to the Senator from Kansas.

LITIGATION

Mr. President, while the small businessman is at a disadvantage in any of his dealings with a union, that disadvantage is never more prevalent than in the litigation context. The union is represented by experienced, very capable counsel who have dealt with hundreds or thousands of similar cases. On the other hand, the small businessman is unable to afford atorneys of equal caliber. The NLRB General Counsel has himself predicted that this legislation will substantially increase litigation before the NLRB and Federal courts.

Some of the areas in which litigation is likely to increase are easily perceived. The expedited election provision will result in fewer elections being agreed to by the parties in light of the arbitrary time period. Without a proper time period for the employer to present his views on unionization, litigation will be forced on those issues which otherwise would have been consented to prior to the election. The committee also extends the Board's injunctive authority to section 8(a)(3) discharge cases. Under this provision, the Board would be required to seek injunctive relief to have a discharged employee reinstated during an organizational campaign if the Board believes there is "reasonable cause" to issue a complaint. Mr. Irving also predicted this provision will result in a dramatic increase in petitions because respondents litigating these controversial cases will be less inclined to settle the underlying unfair labor practice charges.

EXEMPTION AMENDMENTS

Mr. President, the proponents of this legislation have announced that they will bring up an amendment to address the concerns that the Senator from Kansas and others have expressed about small businesses. The pending amendment introduced by the distinguished majority leader would preserve the existing jurisdictional standards developed by the National Labor Relations Board with respect to small businesses. In effect, that amendment provides that the Board "shall not assert jurisdiction over any labor dispute over which it would decline jurisdictions" under the standards in force on May 1, 1978. I accept this amendment as a good-faith attempt to allay the concerns of certain Senators about this legislation. Unfortunately, this amendment will not solve any of the problems that would be created by passage of this legislation. This failure arises from two primary considerations.

First, this amendment would not prevent the adverse application of the new provisions in this bill to any business which currently meets the NLRB's jurisdictional standards. More than 75 percent of all employees work for employers who are covered by the National Labor Relations Act. The infringement that this bill would make on their rights is not affected by the proposed amendment. This amendment does not address the problems created by the make-whole remedy, the 150-percent pay remedy, the debarment provisions, or any other section of the bill which has been criticized for its impact on small businesses.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. DOLE. Yes.

Mr. MELCHER. The Senator may recall, either from being present or reading the CONGRESSIONAL RECORD, that this point was discussed by the Senator from Utah, who said that those small businesses that were not covered under the standards as set by the Board, might come under the jurisdiction of the Board, because those standards might be changed at any time at the discretion of the Board.

In view of that, would not the Senator from Kansas agree with me that the amendment clearly tells small businesses where they stand concerning the jurisdiction of the board over their particular business?

Mr. DOLE. I would only say I was not present when this matter was discussed earlier by the distinguished Senator from Utah (Mr. GARN), but as I understand the analysis that I have set forth, it is supported by the small business community itself.

It is my understanding that the small business community and their representatives said that this amendment does not address their underlying concerns. We are trying to make certain that we are protecting the rights of small business, but as I look at the amendment we have not reached that point. Maybe there will be some effort to clarify that.

It would seem to me that those small businesses which have been targets of union organizational activity would still be targets of that effort, whether or not this amendment was adopted.

Mr. MELCHER. I thank the Senator for yielding to me. I only make this one point: That the amendment addresses a point that was discussed rather thoroughly here on the floor, as to whether or not at some future time the Board, under its own discretion, its own decision, could decide to extend its jurisdiction. As to that question, the amendment clarifies the point of what small businesses are under the Board's jurisdiction.

Since the case of retail businesses, or restaurant businesses or hotel, or motel businesses, many of them are not under the jurisdiction of the NLRB, this amendment clarifies it and makes it simple for them. You do not have to do as the Senator mentioned earlier, hire an attorney to find out what the law is or what your rights are on that particular point.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. DOLE. Yes.

Mr. JAVITS. As a practical matter, the amendment was designed to deal with narrowing the universe which was in controversy. Our feeling was that many small businessmen were alarmed and induced to protest to their Senators, et cetera, on the ground that, well, the National Labor Relations Board can always change its mind. So by incorporating this particular amendment in the law, making it statutory and mandatory, we feel that we have taken out 75 percent, certainly, of the people who felt that they had a gripe and a complaint, and a right to express it. We feel that is narrowing the area of controversy, and I might tell the Senator this: I hope very much that the opposition will express itself on such an amendment; I think the yeas and nays are fine. I think we ought to have a yea and nay vote on this amendment and the Ford amendment, to which it is attached. I think we will then be dealing with what should be legitimate opposition.

I personally think to create an illusory opposition simply fortifies the position of people like myself that the small businessman is being used rather than being served.

Mr. HATCH. Will the Senator yield?

Mr. DOLE. First, let me say I appreciate the comments of the Senator from Montana and the Senator from New York. I do not have any quarrel with efforts to narrow the issues in the debate. Certainly, we will pursue our responsibility to be fair and objective. I am voicing the concerns expressed to me by the very people who are supposed to be saved by the amendment. I am happy to yield.

Mr. HATCH. I think it should be pointed out, since the colloquy between the distinguished Senator from Montana and myself, that what the issue was is that prior to this Byrd amendment, which has been amended by the Ford amendment, by board ruling there are certain jurisdictional amounts which are set which labor has argued excludes 78 percent of the businesses in our society, at least small businesses, from the effect of invocation of the National Labor Relations Act. What they have failed to say is that it does not exclude 76 to 80 percent of the workers in the society. All it excludes are, basically, sole proprietorships or individual businesses which are owned by individual proprietors who work for themselves, or units which are so small that the unions would not organize them anyway.

That is by rule.

What this amendment does is it would preserve by statute that present state of the law, which is still not doing very much one way or the other for small businesses other than preserving the present state of the law, which would be a step in the right direction, perhaps, in the eyes of some people. But it looks as though, according to the small business associations that I have been chatting with, this is just a ploy to keep the present law rather than really do something for small business and yet bring the vast majority of all small businesses and their employees under the aegis of this particular "reform" bill.

The point that was made was that although the present rules have existed for quite a while, the jurisdictional rules, John Fanning, the chairman of the National Labor Relations Board, recently gave a speech saying he would like to expand that jurisdiction to go beyond the rules. The fact of the matter is I think he would have a very difficult time in doing that under the present Board status, or in any other way. The rules are very unlikely to be changed whether or not we make them statutorily defined.

What it really comes down to is that this amendment does not do much for anybody. It does not change anything. It does not really change the present state of the law. It does not benefit small business in any way, shape or form, other than to have a statute rather than a rule.

As a practical matter the unions are not allowed to organize sole proprietorships, nor will they take the time to organize businesses which are so small, that have units which are so small, that it does not pay to organize them.

So as a practical consequence, nothing is being done for small business here, at least in my viewpoint and in the viewpoint of, I think, most small businessmen who are presently under attack by the labor movement, or who may be in the future.

I think that might help the distinguished Senator from Kansas to know about what the distinguished Senator from Montana and myself related to in our prior colloquy.

So this amendment really does not do anything. It does not hurt anybody or help anybody. It really is a little bitty amendment that does not help anybody and does not hurt anybody. On the other hand, there is a feeling among the small business community that like so many amendments like this, these little bitty amendments, it needs to be fought because they are afraid that somebody will think maybe this amendment does help them when it really does not help them. It does not solve the small business problems with this bill, nor does it solve the small business problems raised by the Rinfret report, nor does it help the small business problems raised by the Small Business Administration's Office of Advocacy report, nor the problems emphasized in the polls showing that the vast majority of all people in this country yes, would like labor reform, but in another way. They would like to see labor reformed and not given more power.

That, frankly, is what this bill is all about. It is giving labor more power, this special interest group, which the vast majority of people feel is too vast already.

Mr. JAVITS. Will the Senator yield for 1 minute?

Mr. DOLE. I yield.

Mr. JAVITS. The difficulty with the point which I have just heard made is that it is not the workers who are complaining. The people complaining are the entrepreneurs. When you speak of all the small business community, you are not talking about workers. You are talking about owners. We say that under the statute if you let us pass this amendment, we are ready to vote, we will take out 75 percent of the people complaining and the people who feel this is unjust, that it is rough on them. Maybe if they are not going to be organized now, they may be organized later.

So it seems to me that this makes a very measurable step forward. It very materially confines the area of those who have any complaint. You do not hear the workers complaining that they do not want this bill or that it is invidious to them. They will be out of it, too. But you do not hear them complaining. The people complaining are the employers, the entrepreneurs. So it seems to me we make a very measurable contribution by taking out 80 or 78 percent of the complainers. I just wanted to make that very clear.

Mr. HATCH. Will the Senator yield again with regard to that last statement of the Senator from New York?

Mr. DOLE. May I yield first to the Senator from Montana?

Mr. MELCHER. I thank the Senator for yielding. I think the amendment goes right to the point that was being discussed in the debate on May 23 here in the Senate, which occurs on page 14993 in the RECORD. The Senator from Utah (Mr. HATCH) said:

> Let me just add this: The present Chairman of the National Labor Relations Board has been on the Board for in excess of 20 years. He is on record as being for expanded jurisdiction. In other words, he wants to expand the Board's jurisdiction by narrowing these guidelines. I believe we are going to find that, regardless of what happens here, the guidelines will be narrowed.

So the amendment that was introduced and cosponsored by so many of us goes strictly to that point and directly to that point. The guidelines will not be narrowed. We will make it statutory. We will leave them where they are.

I think the Senator has brought about, in the course of these debates, a very worthwhile amendment, though I do not think the Senator from Utah has cosponsored it; has he?

Mr. HATCH. No.

Mr. MELCHER. The debate has been going on pointing out that the Board had the discretion. The Chairman of the Board, Mr. Fanning, had said he wanted to narrow the guidelines, and if he had his way he would. That is taken care of by the amendment. He will not be able to do so.

Mr. DOLE. I thank the Senator from Montana. I yield to the Senator from Utah for 1 minute.

Mr. HATCH. I thank the distinguished Senator from Kansas, and also the distinguished Senator from Montana for the point he has made.

Regarding the point made by the distinguished Senator from New York, first

of all the employees are not the ones being excepted. Seventy-six to eighty percent of all employers will continue to be covered whether or not this amendment happens to pass. No matter what happens here they will be covered. The only ones who will not be covered will be those sole proprietorships or units so small the unions will not try to organize them anyway because it would not make economic sense.

The distinguished Senator from New York indicated that the employees are not complaining about this bill, but only the employers, the entrepreneurs.

That is not, in my opinion, quite true, because the polls are showing that the vast majority of people in this country are complaining about this type of legislation, including about 50 percent of the union employees, who do not want any further power lodged in the hands of the Washingtonian labor leaders through bills such as this. In fact, the polls are pretty clear on it, not only the opinion research poll, but the Cambridge Associate poll as well.

So the employees are complaining. People throughout society are complaining and they are scared to death that this delicate balance is going to be tipped completely, or at least to a great degree, into the hands of the Washingtonian labor union leaders. If that happens, everybody is going to lose.

That is the attitude that comes through all over our society. So it is not 75 percent of employees who are complaining, that is not true. It is actually 78 percent of small businesses that are sole proprietorships or so small that they are exempted under present law and will not be changed a bit under this law. But the vast majority of all employees will be subject to this law and I think that is where it comes down.

Mr. JAVITS. If the Senator will yield further just a moment, I gather the figures that are extrapolated to try to include the workers are these surveys that the minority leader put out, of which I have a copy here.

Those have been very, very thoroughly discussed and debated on the floor as to what the phrasing of the questions implies. I want to refer back to that argument, leading into this one, the point that was just made, this effort to extrapolate that workers are objecting, where they are specialized questioned designed to elicit certain answers. I am not going to redebate that particular issue, but I ask unanimous consent to have printed at this place in the RECORD, the record of that debate which dealt with the validity of those particular surveys.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. WILLIAMS. I appreciate that, Mr. President, the Senator from Indiana dealt with the Cambridge Report survey, which was first introduced into the debate this morning by the distinguished minority leader; and his talk raises certain questions that I wanted to discuss.

I think it could be agreed that in polling public opinion it is difficult to formulate questions in a manner that is both precise and does not suggest a response. The Cambridge poll presented several questions that, in my view, were not accurate if they were intended to elicit public opinion about the bill that is before us here in the Senate. As an example, one of the questions was put this way:

In general, do you think the rules by which unions gain the right to represent employees need to be made easier for the unions or not?

That was the question.

This question certainly does not accurately reflect the bill before us. The bill does not make the rules easier for a union to organize workers, yet the question was put in exactly those terms:

Do you think the rules by which unions gain the right to represent employees need to be made easier for the unions or not?

What we have before us is a bill that makes it easier for employees to obtain the information they need to decide. The bill makes it easier for workers to decide in a prompt election whether they want a union. All of the provisions here run directly to the individual, the employee, not to the union. It goes to the employee in terms of the opportunity to be educated and informed on the decision that he or she will have to make at the time of the election. It makes it easier for the employee to have an opportunity to express that decision in a democratic election, whether that decision is to have a union, or not to have a union.

So instead of asking a question in terms of making it easier for unions, I was wondering, as the Senator from Indiana was speaking, what the response would have been if the question was put this way:

Do you think the rules should be changed to make it easier for workers to get information equally from both sides before they vote on whether or not they want a union?

I would have asked the Senator whether he would agree that had this question been asked, the answer, given the American public's sense of fair play, would have been quite different than as it was to the question presented in the Cambridge poll.

Mr. HATCH. Will the Senator yield at that point?

Mr. WILLIAMS. Yes.

Mr. HATCH. Mr. President, I would not think that question would be fair under the facts in this bill. If equal access were to be applied, I think this would be unequal. Today the balance is in favor of labor with regard to the special treatment that it gets in regard to explaining its provision. If we add the equal access provision, that gives it almost total control over the explanation concerning the unionization of any particular business.

I do not think the Senator from Indiana would think that was a fair question.

Mr. WILLIAMS. Here is another question, on page 5 of the Cambridge poll:

One possible change in the labor law would allow labor union organizers to go on to the property of businesses at any time, including working time, and try to recruit members. Do you favor or oppose this idea?

This is probably the most inaccurate description of what the bill does in terms of equal access, yet that was the preface to the question, "Do you favor or oppose this idea?" The preface to that was, "One possible change in the labor law would allow labor union organizers to go on to the property of businesses at any time, including working time."

The bill's equal access provision does not grant this opportunity or right at all. There is nothing in the bill which says that the union organizers can go on to company premises at any time. With a reading of the bill itself we can see that there are situations where the employer opens the door and creates thereby an equal opportunity for the employees to have access to information from those who would advocate the union. But in no way does it open that door at any time to union organizers to come on to the property.

Here, again, we have the question that is leading the person interviewed to the answer, the classical case of a leading question.

I wonder if in asking public opinion about access, the results would have been different if the question had been put this way:

If the employer calls the workers together in the plant to give an antiunion speech, do you think the workers should have an equivalent opportunity to hear the other side?

A question put in that form would reflect what this bill seeks and provides, an equivalent opportunity to match, in argument, the arguments made by the employer. That is all. Under the legislation, it certainly would not be at any time and at the will or the instigation of those who are advocating the union. It is only when the employees have been systematically exposed to the views of the person who speaks with the most authority, the employer, that the other side would get its opportunity for the presentation of its opposing view.

Again, I think the great American spirit of fair play would result in a clear answer by the American people of yes if the question had been phrased to accurately describe what is in our bill.

On page 6 of the poll included in the RECORD earlier today, this question was put:

When union elections are held, should the election be held immediately after some employees indicate they want a union, or should there be a waiting period such as a month between then and the election so that both the union and the business can explain their positions and campaign for support among employees?

First, I would have to say that my first reaction in hearing that question was that it is not talking about this bill at all, because the bill does not require or even suggest that elections be held immediately.

Second, what the question suggests as a reasonable waiting period, about a month, is pretty close to what this bill does provide, as a matter of fact. The shortest period is 21 days and for the simplest situation the period is 21 to 30 days.

On this question, Mr. President, if the actual terms of the bill had been related I wonder whether the results would have been different.

I think that the same 70 percent would have favored the bill's provisions without the erroneous suggestion that the alternative was to hold the election immediately. After that, regarding a waiting period of about a month, the result probably would have been the same.

Another question that was asked in the Cambridge survey:

"Some people say that if a majority of employees of a firm or factory want to have a labor union, then every employee should have to pay dues to the union since the union will be representing them. Do you agree with this idea or not?"

This has to do with the so-called right-to-work issue. Yet there is nothing in this bill that would deal with the right-to-work issue or would compel union security agreements. Including that question in this poll stacks up an opinion and an attitude that is in character with so much of the opinion and attitude about this bill that has been developed; a focus on issues that have no part, are not relevant to, are not included within, and are not going to be included in this bill.

I just raise this because I did feel that the Senator from Indiana, in raising it earlier today, had been very reasonable in his approach. I wanted to commend him for that, but I also wanted to point out that the questions in the Caddell Cambrige reports poll do not reflect the bill before us; therefore, the

answers to the questions are not reliable in determining what American public opinion is on this legislation.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. WILLIAMS. I am happy to yield.

Mr. JAVITS. I think the Senator is rendering a fine service by analyzing this policy and the results; therefore, I wish to associate myself with his views.

I point out that in the Joint Economic Committee, we had a series of hearings as to polls and what they mean, with testimony by the outstanding experts—Lou Harris and a whole group of other people who take polls. Their testimony is clear that the answers are heavily dictated by the questions. This is the technical side, the professional side of polling How you write the question is a decisive factor in what answers you get and what the percentages are. The Senator has gleaned that truth from this analysis which he has just made. That is their professional testimony, that is a decisive element in polling, how you ask what question you are asking.

Mr. WILLIAMS. I think that those of us who have been trained in the law are particularly sensitive to this. I respectfully suggest this to one of the leading Members that has a record of such distinction in the law. There is nothing like getting a lecture from the judge when you are trying to lead a witness into a question and have that gavel come down so you feel it is almost on your head.

We are particularly sensitive to this. I am sure that we all can fall into this polling error as we put questions.

We have included a poll in the record—and again, all sides develop and contract for a poll. We have the poll that the unions engaged, the AFL–CIO. It might be interesting to compare a couple of questions here. One is the poll that was contracted for by the AFL–CIO. The other is the Cambridge poll. Let me just read comparable questions. This might be somewhat redundant. First, I read from one poll. I shall not identify it at the outset:

The question was whether you favor—

A law making it easier for workers in large companies to vote on whether or not they wish to join labor unions.

From the same poll:

A law making it easier for workers in a small company to vote on whether or not they wish to join labor unions.

Both of those questions were answered predominantly yes, 73 percent and 67 percent, the first two questions.

Now, from the other poll.

One possible change in the labor law being considered would make it easier for unions to recruit new members in companies where they are not currently represented. Do you think this change is needed or not?

The answer in the affirmative on that question was 33 percent; not sure, 26 percent; no, 41 percent.

Those are two good polling agencies. They both, I am sure, have the highest competence in accurate sampling for desired results. The questions dealt with the same issue. The responses were diametrically opposite.

The first two questions I read were from the opinion poll contracted for by the American Federation of Labor–Congress of Industrial Organization, that had 73 percent yes to the first question, 67 percent yes to the second question.

The third question I read was from the poll contracted for by the retail federation, the Cambridge poll that I started my discussion of polling about earlier.

It came to the exact opposite result, again suggesting, as the Senator from New York described, and as I have, too, that we have to look at the polling techniques: The question produces and leads to certain answers.

So, when we are considering, when it is important to understand what people are thinking, in order to really know what they are thinking, we had better really know how the question that was put to the public was phrased.

Mr. HATCH. Will the Senator yield for one short comment?

Mr. DOLE. Yes.

Mr. HATCH. I should like to point out, however, that all of the polls agree and they are a wide variety of pollsters, the most respected pollsters in our society. They agree that employees themselves are concerned about this overreach, this bill, this type of legislation. Not only are they, but everybody in America is concerned and the vast majority of people in America do not want this kind of legislation. I think that is the important thing.

This amendment is not going to help eliminate some of those problems, regardless of the fact that some people think they do.

I thank the Senator from Kansas for allowing me to make these comments.

Mr. DOLE. Mr. President, I thank my distinguished colleagues who have commented on the amendment. The distinguished Senator from Utah properly pinpointed the problem: more than 75 percent of all employees work for employers covered by the National Labor Relations Act. We are not going to change that with the Byrd amendment. Any infringement the bill might make on their rights is not going to be affected by the proposed amendment. The amendment does not address, as I have indicated, the problems created by the "make-whole" remedy, the 150 percent backpay remedy, the debarment provisions, or any other section of the bill which has been criticized for its impact on small business.

As I have indicated, the analysis by the Senator from Kansas is supported by the small business community itself. Through their national representatives in Washington, small businessmen across the Nation have shown that this amendment does not address their underlying concerns. Those small businesses which have recently been the target of union organizing activity, would in most cases still be subject to the adverse consequences associated with passage of this legislation. Other amendments which adequately address these concerns may be brought up later in this debate. The Senator from Kansas will willingly support any amendment which makes a meaningful improvement in the status of small businesses under this legislation. However, the Byrd amendment is not such an amendment.

The second inadequacy in the proposed amendment deals with the jurisdictional standards themselves. The basic standards are tied to the monetary inflow and outflow of goods and services in the business. The annual volume of business is determined by the value of goods and services furnished to customers outside the State and to those customers within the State who themselves meet a jurisdictional standard. For example, transactions with retail establishments within the State which meet the retail standard of $500,000 gross volume are counted.

The primary two standards relate to nonretail and retail concerns. For nonretail concerns, the test is $50,000 outflow or inflow. For retail concerns, the test is a $500,000 gross volume of business. Other standards have been developed on a case-by-case basis. For example, newspapers must have a $200,000 gross volume to be subject to the NLRB's jurisdiction.

The so-called Byrd amendment would freeze the jurisdictional standards at the corresponding dollar levels. This freeze is made despite the current high rate of inflation. The Senator from Kansas was greatly disturbed when the most recent reports of inflation revealed that our economy had once again passed the double-digit inflation level. Even those businesses which are now exempted from the NLRB's jurisdiction would soon find themselves either brought under the Board because of inflation or put out of business by that same inflation. Given the current spending practices of Congress and the administration, I feel confident in predicting that many of the now exempt employers will soon find themselves compelled to deal with the complexities and penalties that this act would create. The proposed amendment does not address the problems that inflation will continue to create.

It seems to me that the concerns of small businessmen are real. They are not exaggerated. They are not addressed by the amendment. I tried to stress some of the most important provisions as they impact on small business. These small businessmen indicate that they are being pushed to the brink by the current economic conditions. Inflation, of course, has impacted heavily on them.

If this legislation is to pass, it should not leave this Chamber or should not be passed by Congress without some significant amendments in the small business area. The reason we have raised these questions on the Senate floor is so they can be properly addressed by those who support not only the amendment but the legislation.

The Byrd amendment does nothing except maintain the status quo, and not even that in every case, as I have tried to point out specifically. I suggest that perhaps later on, appropriate amendments may be adopted to address the conerns of small business. Certainly, the pending amendment does not do that.

Mr. President, I am prepared to yield and do yield the floor.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that Thomas C. Corless of Senator MCCLURE's office be entitled to floor privileges during the debate and vote on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION (NO. 1)

Mr. ROBERT C. BYRD. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 8410, an act to amend the National Labor Relations Act to strengthen the remedies and expedite the procedures under such act.

1. Robert C. Byrd; 2. Howard M. Metzenbaum; 3. John Melcher; 4. Harrison A. Williams, Jr.; 5. Abraham Ribicoff; 6. Spark Matsunaga; 7. Daniel Patrick Moynihan; 8. Henry M. Jackson; 9. Edward M. Kennedy; 10. Paul S. Sarbanes.

11. George McGovern; 12. Jacob K. Javits; 13. Jennings Randolph; 14. William Proxmire; 15. John A. Durkin; 16. Gaylord Nelson; 17. John H. Chafee; 18. Richard S. Schweiker; 19. Birch Bayh.

CLOTURE MOTION (NO. 2)

Mr. ROBERT C. BYRD. Mr. President, in accordance with the order that was entered this morning, I send a second cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTIONS

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 8410, An act to amend the National Labor Relations Act to strengthen the remedies and expedite the procedures under such act.

1. Robert C. Byrd; 2. John Melcher; 3. Harrison A. Williams, Jr.; 4. Abraham Ribicoff; 5. Spark Matsunaga; 6. Daniel Patrick Moynihan; 7. Henry M. Jackson; 8. Edward M. Kennedy; 9. Paul S. Sarbanes; 10. Howard M. Metzenbaum.

11. Jacob K. Javits; 12 Jennings Randolph; 13. William Proxmire; 14. George McGovern; 15. John A. Durkin; 16. Gaylord Nelson; 17. John H. Chafee; 18. Richard S. Schweiker; 19. Birch Bayh.

Mr. ROBERT C. BYRD. Mr. President, under the order that was entered earlier today, the 1 hour under rule XXII will begin running on this first cloture motion on Wednesday of this week at the hour of 4 p.m. This would mean that the rollcall vote on the cloture motion would occur at around 5:15 p.m., give or take a little, depending upon how long it takes to assemble a quorum or to establish the presence of a quorum. The clerk will begin to call the roll for that quorum at 5 p.m. on Wednesday.

Under the order entered today earlier, the vote on the second cloture motion will occur on Thursday at a time that has not yet been determined, but which will be stated on Wednesday this week.

Mr. BAKER. Mr. President, on the matter of trying to establish a time to vote on Thursday, I wonder if I could have the attention of the distinguished majority leader for a moment?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. It seems that the effort to accommodate Senators' schedules on Thursday has focused mostly on this side and I have a suggestion I would like to make to the majority leader to see if it has merit in his view.

In order to accommodate most Senators, I would suggest that we consider first asking unanimous consent to waive the quorum under rule XXII, to have the hour under the rule commence running at 1:15 in the afternoon on Thursday, and the vote, not the quorum call, but the vote begin then at 2:15 in the afternoon on Thursday, and that the rollcall in that instance extend for 30 minutes, to end then at 2:45 instead of the ordinary time allowed under rules for a rollcall vote in the Senate.

If the majority leader cares to put such a request, I believe it would not find objection on this side of the aisle.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BAKER. Yes.

Mr. JAVITS. I was asked about this and it sounded reasonable to me.

I make a commencement speech, so it was originally intended that we have until 3 o'clock to vote. I agreed, so I am bound.

So I suggest, because of the exigencies of airplanes, perhaps we would be willing to let the vote run until 3.

Mr. BAKER. That is fine.

Mr. JAVITS. Just to take care of things.

Is that all right with both leaders?

Mr. BAKER. Mr. President, that suits me, if it is agreeable to the majority leader, and there are no other objections to it.

Mr. DOLE. If the Senator will yield for a question, it is appropriate to waive the quorum under rule XXII?

Mr. BAKER. Mr. President, I asked the Parliamentarian earlier.

Mr. ROBERT C. BYRD. Unanimous consent.

Mr. BAKER. I was advised by the Parliamentarian that it has been done on a number of occasions.

The only reason for it is because of the uncertainty of obtaining the quorum and, since we have plane schedules on both sides, that uncertainty would sort of complicate the equation.

So on the assurances of the Parliamentarian that it has been done and that there is ample precedent for it, I then made that suggestion to the majority leader.

Mr. ROBERT C. BYRD. Mr. President I personally like the suggestion. I would like to withhold making the request for a few minutes until I have been able to do a little checking on this side of the aisle. I think it is a good suggestion, personally.

ORDER OF PROCEDURE

(During Mr. GOLDWATER's address the following occurred:)

Mr. GOLDWATER. Mr. President, I ask unanimous consent that I may yield sufficient time to the junior Senator from New York to make some remarks, and I ask unanimous consent also that I do not lose the floor, but will return to my text at the conclusion of the Senator's remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. MOYNIHAN. Mr. President, it is characteristic of the grace and the friendship of the revered Senator from Arizona that he would allow me to interrupt his discourse at this point. I wish to thank the Senator from Arizona.

TENTH ANNIVERSARY OF DEATH OF ROBERT F. KENNEDY

Mr. MOYNIHAN. Mr. President, I rise for the difficult purpose of speaking in anticipation of the 10th anniversary of the death of our mutual friend, the friend of all of ours, Robert F. Kennedy.

Tomorrow the Senate will not be in session owing to the purpose of attending the funeral of Senator JAMES B. ALLEN, whose untimely death was a blow to us just this last week. That being the case. there would not be occasion to insert in the RECORD a few remarks I would like to make.

Mr. President, it is a complex fate that finds me on the 10th anniversary of his death rising to commemorate the life of Robert F. Kennedy who was the 52d Senator from the State of New York. It is complex for it was surely improbable that he would ever be a Senator from New York. He was altogether a man of Massachusetts. It is even more complex in that nothing was ever less probable while he lived that I should, after an interval, succeed him.

I would not wish to be too Irish about it, but we were, in truth, of different social orders—at least as the ancient Greeks, would judge the matter. He was truly of a race of heroes, born to die in battle and to be remembered in history. I was of a middling condition, a follower.

I knew him first in the 1950's when he was counsel to the Senate Permanent Subcommittee on Investigations, at a time it was examining labor union activity. I was never so certain of this enthusiasm as he was and, indeed, for most of the 15-odd years that I followed him into one fray after another, I was rarely wholly confident of the ground on which he had chosen to fight, but never doubting him.

I never said goodby. I was in San Francisco on Thursday, the 30th of May, and I had to leave the campaign in order to give a series of commencement addresses which I had agreed to make long before he had announced his candidacy for the Presidency.

His had not been the easiest case to make, especially in California; yet I thought he would do well, and was almost certain he would end as President. Midmorning of the 30th I went by his suite at the Fairmont Hotel, but he was sleeping late. He would do that. With greater

energy than most, he was even more prodigal with that energy.

And so I said goodby to Fred Dutton instead. On the following Wednesday morning, in New York City, I found that a story about my commencement address the previous evening at the New School for Social Research had made the front page of the New York Times. It was, in effect, a prediction that certain kinds of social policy to which we were giving ourselves over with much enthusiasm in the 1960's would give us more than an equivalent amount of grief in the 1970's.

I was wondering what he would think about it, for I knew he was just beginning to have doubts of his own. I was in the dining room of the Harvard Club in New York, and as I was asking myself this, a member came over to tell me the news that was not on the front page of the Times, the news that Robert F. Kennedy had been shot.

He died later that day—a day which few of us will ever forget. His dear friend Frank Mankiewicz said, in next to his final announcement, that his condition was uncertain as to life.

So a great heart passed from this body, and, as his younger brother, the distinguished Senator from Massachusetts, EDWARD M. KENNEDY, said from the altar of Saint Patrick's Cathedral, in that unforgettable funeral preceded by an unprecedented 4-day vigil, he had picked up a fallen standard.

Many lovely things have been written about Robert Kennedy since, and have been written on the occasion of this 10th anniversary, by his friends such as David Broder of the Washington Post, Robert Healy of the Boston Globe, and today Anthony Lewis of the New York Times and Jim Dickenson of the Washington Star. They speak always of his capacity for growth.

I would like to suggest that Robert Kennedy belongs to no single political tradition or tendency in the United States, save that of openness and pragmatism. Sometimes, there was an element in his views which was almost penitential, which it need not have been, for nothing is more appropriate than for a person to change his views in the light of new information or new thought or new experience. He bought passion and conviction to almost everything he did, so that the fact was of change and, indeed, of growth. His is a large example to have given the American Republic, which he loved so and for which in the true sense he died.

When President John Kennedy died, I was then a young Assistant Secretary of Labor. I said then:

> I don't think there's any point in being Irish if you don't know that the world is going to break your heart eventually.

Robert Kennedy's death made this thought overwhelming.

Yet on this 10th anniversary of Robert Kennedy's death I would suggest that this is not the only thing to know of such occasions, because following that, there is yet a larger judgment of the world which he himself, Robert Kennedy, offered on the occasion of the death of Martin Luther King, only 2 months before his own.

Standing on the back of a truck in Indianapolis, he spoke to a group of Americans and said to them:

> My favorite poet was Aeschylus. He wrote: "Even in our sleep, pain which cannot forget falls drop by drop upon the heart until in our own despair, against our will, comes wisdom through the awful grace of God."

So, Mr. President, I would take this opportunity both to celebrate his life and to mourn his passing, and I know I speak for the whole of the U.S. Senate in addressing to his widow, Ethel, and his children, the thought that we will share only a part of that they and only they can fully experience on this day.

I thank the Chair.

Mr. LUGAR. Mr. President, will the Senator yield for a question?

Mr. MOYNIHAN. I do not have the floor.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. GOLDWATER. I yield to the Senator from Indiana.

Mr. LUGAR. I appreciate the courtesy of the Senator from Arizona for giving me likewise this opportunity to make comment after the eloquent remarks of the Senator from New York.

The Senator from New York has made mention of the speech given by Senator Robert Kennedy in Indianapolis on the night that Dr. Martin Luther King was assassinated.

Of course, all of us from Indianapolis remember that occasion and that speech very well, because the trauma of that evening was considerable throughout the United States of America, and it was my responsibility at that time, serving as mayor of the city of Indianapolis, to try to think through really what we were to do.

Late in the afternoon we had word that Senator Kennedy would be appearing in Indianpolis that evening, and that he proposed to appear at a park at 17th and Broadway, which at that time in the history of our city was perhaps the most volatile central city area.

It was a time of enormous unrest, quite apart from the affairs that were to occur immediately after Dr. King's assassination. We had gone through tremendous security precautions, simply to make certain that Senator Kennedy would be safe during his appearance.

His plane was in the air and I was attending a banquet being held for Shortridge High School athletes who had been runners up in the State high school championship basketball tournament. That high school at the time was 90 percent black—10 percent white in the constitution of its student body. The audience attending that banquet was predominantly black and highly emotional. The word came of the intent of Senator Kennedy to speak even under those circumstances.

We prepared in every way we could without knowing what could happen to him and, really, to our city at that point.

I must say one of the most dramatic things that happened, historically, in the history of our city was the fact that there were people at 17th and Broadway who were remorseful and shocked but absolutely quiet as he gave the speech, excerpts of which the Senator has just quoted, and which have been subsequently quoted all over the country and engraved on many occasions.

I was so deeply moved by that experience personally that at the time of Senator Kennedy's death, I conducted a memorial service in his honor on the steps of the City-County Building in Indianapolis and reunited, essentially, almost the same people who had been a part of the 17th and Broadway rally, which, although it was intended to be a partisan rally given Dr. King's assassination, had become something much more.

I am grateful for this opportunity, and for the remarks the Senator has made this afternoon, to simply reiterate once again in memory of both Dr. King and Senator Kennedy the circumstances of the city of Indianapolis in what I think is an appropriate and beautiful tribute.

I yield the floor to my colleague from Arizona.

Mr. MOYNIHAN. Will the Senator from Arizona yield to me?

Mr. GOLDWATER. Yes.

Mr. MOYNIHAN. I would like to thank the Senator from Indiana for his thoughtful and vivid recollection of that event. This goes beyond any personal references. I only want to say that to observe how a man at a moment in his life rises to a circumstance is such that we all rise with him. The people of Indianapolis on that day rose in that fashion, as perhaps all of us did.

I thank my friend from Arizona.

Mr. GOLDWATER. Mr. President, I would like to join my friend from New York in his comments on Bob Kennedy. I am probably one of the few Members of this body who has had the pleasure of serving with all three of the Kennedy brothers when they were Senators. It has been a very, very unusual experience to find three men from the same family, yet three so different.

Jack was different from Bob and Bob was different from TED. While I never had the pleasure of knowing Joe, I always felt that had he not given his life in World War II, he would have been the fourth Member of this body. It was a tragic thing that happened that night in Los Angeles.

I do not like to add this to our thinking, but I read in the morning paper that the man who killed Bob Kennedy is looking forward to his parole in 1985. That is a sad commentary on how justice has evolved in this country.

I worked with Senator Kennedy on the Rackets Committee, the McClellan committee, and I found him to be a typical, hard-hitting Irishman. He epitomizes more than his brothers what most people look for in the Irish, a man unafraid and willing to take on all comers in any numbers.

I think one of the great things that the men of the family have given to all of us is the observation of great and devoted love for a mother who has produced a remarkable family.

I thank my friend for presenting his remarks and I want to associate with him.

ORDER FOR RECESS UNTIL 11 A.M. ON WEDNESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. on Wednesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond 30 minutes, with statements limited therein to 5 minutes each, and I ask that there be no automatic call of the calendar, during that period.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

REPORT ON OCCUPATIONAL SAFETY AND HEALTH ACTIVITIES IN THE FEDERAL GOVERNMENT—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM–179

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was received on June 2, 1978, during the recess of the Senate, under authority of the order of May 26, 1978, which was referred to the Committee on Human Resources:

To the Congress of the United States:

I am transmitting to the Congress the annual report required by Section 19b of the Occupational Safety and Health Act of 1970, entitled "Occupational Safety and Health Activities in the Federal Government." The report summarizes the Government's programs for the protection of the safety and health of its employees during 1976, activities prior to the beginning of my Administration, and was prepared by the Department of Labor.

The report indicates that not all agencies of the Federal Government have in the past fully followed guidelines set forth by the Department of Labor for workplace safety and health programs. This Administration is studying ways to improve the workplace safety and health efforts of all Federal agencies, including those programs that affect Federal employees. I intend that reports covering the years of this Administration will reflect significant progress in that regard.

JIMMY CARTER.

THE WHITE HOUSE, *June 2, 1978.*

RECOMMENDATION FOR EXTENSION OF TRADE ACT WAIVER AUTHORITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM–180

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was received on June 2, 1978, during the recess of the Senate, under authority of the order of May 26, 1978, which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with subsection 402 (d)(5) of the Trade Act of 1974, I transmit herewith my recommendation for a further 12-month extension of the authority to waive subsections (a) and (b) of section 402.

In accordance with subsections 402 (d)(5) (B) and (C), this recommendation gives my reasons for recommending the extension of waiver authority and for my determination that continuation of the waivers applicable to the Socialist Republic of Romania and to the Hungarian People's Republic will substantially promote the objectives of section 402.

I include as part of my recommendation, my determination that further extension of the waiver authority, and continuation of the waivers applicable to the Socialist Republic of Romania and to the Hungarian People's Republic, will substantially promote the objectives of section 402.

For the information of the Congress, I also include my finding and determination that the requirements for renewal of the United States-Romanian Agreement on Trade Relations under section 405(b) of the Trade Act have been satisfied.

JIMMY CARTER.

THE WHITE HOUSE, *June 2, 1978.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States received on June 1 and June 2, 1978, during the recess of the Senate, submitting nominations, which were referred to the appropriate committees.

(The nominations received during the recess are printed at the end of today's proceedings of the Senate.)

MESSAGES FROM THE HOUSE RECEIVED DURING THE RECESS

ENROLLED JOINT RESOLUTION SIGNED

Under authority of the order of May 26, 1978, the Secretary of the Senate, on May 30, 1978, received a message from the House of Representatives which announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 137. A joint resolution reaffirming the unity of the North Atlantic Alliance commitment.

The enrolled joint resolution was signed by the Acting President pro tempore (Mr. MATSUNAGA) on May 25, 1978.

ENROLLED BILLS SIGNED

Under the authority of the order of May 26, 1978, the Secretary of the Senate, on May 31, 1978, received a message from the House of Representatives which announced that the Speaker has signed the following enrolled bills:

S. 1702. An act to amend the Administrative Conference Act;

H.R. 8423. An act to amend titles II and XVIII of the Social Security Act to make improvements in the end stage renal disease program presently authorized under section 226 of that act, and for other purposes; and

H.R. 11370. An act to authorize an appropriation to reimburse certain expenditures for social services provided by the States prior to October 1, 1978, under titles I, IV–A, VI, X, XIV, and XVI of the Social Security Act.

The enrolled bills were signed by the Vice President on June 1, 1978.

Under authority of the order of May 26, 1978, the Secretary of the Senate, on June 1, 1978, received a message from the House of Representatives which announced that the House agrees to the amendments of the Senate to the bill (H.R. 11657) to authorize appropriations to carry out the Central, Western, and South Pacific Fisheries Development Act until the close of fiscal year 1983, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 11401) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; and requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. TEAGUE, Mr. FUQUA, Mr. MILFORD, Mr. ROE, Mr. LLOYD of California, Mr. WYDLER, and Mr. WINN were appointed managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 6669) to establish a national climate program, and for other purposes; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. TEAGUE, Mr. BROWN of California, Mr. AMBRO, Mr. WIRTH, Mr. BEILENSON, Mr. WALKER, and Mr. WINN were appointed managers of the conference on the part of the House.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 11657. An act to amend the Central, Western, and South Pacific Fisheries Development Act to increase the appropriation authorization through fiscal year 1982, to expand the United States fisheries development effort, and to cooperate in the formation and research of the South Pacific regional fishery agency, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. ZORINSKY).

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on May 30, 1978, he presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 137. A joint resolution reaffirming the unity of the North Atlantic Alliance commitment.

The Secretary of the Senate reported that on June 2, 1978, he presented to the President of the United States the following enrolled bill:

S. 1792. An act to amend the Administrative Conference Act.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate a message from the President of the United States submitting the nomination of Paul F. Murray, of Rhode Island, to be U.S. attorney for the district of Rhode Island, which was referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

PROPOSED RESCISSION AND DEFERRALS—MESSAGE FROM THE PRESIDENT—PM-181

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers which was referred to the Committee on Appropriations, the Committee on the Budget, the Committee on Foreign Relations, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Finance, jointly, pursuant to the order of January 30, 1975:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one proposal to rescind $48 million in budget authority previously provided by the Congress. In addition, I am reporting three new deferrals totalling $8.1 million and revisions to three previously transmitted deferrals increasing the amount deferred by $0.4 million.

The rescission proposal affects the military assistance program. The new deferrals and the revisions to existing deferrals involve programs in the Departments of Agriculture, Commerce, the Interior, and the Treasury.

The details of the rescission proposal and the deferrals are contained in the attached reports.

JIMMY CARTER.

THE WHITE HOUSE, *June 5, 1978.*

PRESIDENTIAL APPROVAL

A message from the President of the United States stated that on May 30, 1978, he had approved and signed the following enrolled joint resolution:

S.J. Res. 137. A joint resolution reaffirming the unity of the North Atlantic Alliance commitment.

MESSAGES FROM THE HOUSE

At 12:21 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 5493) to extend until October 1, 1980, the appropriation authorizations for the Seal Beach, Great Dismal Swamp, and San Francisco Bay National Wildlife Refuges, with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 212. An act to provide that the park referred to as the East Lake Park located within the West Point Lake project on the Chattahoochee River, Ga., shall hereafter be known and designated as the "R. Shaefer Heard Park";

H.R. 7041. An act to rename two lakes which have been completed as part of the Papillion Creek basin project as the Glenn Cunningham Lake and the Standing Bear Lake;

H.R. 12050. An act to amend the Internal Revenue Code of 1954 to provide a Federal income tax credit for tuition; and

H.R. 12598. An act to authorize appropriations for fiscal year 1979 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, to make changes in the laws relating to those agencies, to make changes in the Foreign Service personnel system, to establish policies and responsibilities with respect to science, technology, and American diplomacy, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 635. A concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 5493.

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 212. An act to provide that the park referred to as the East Lake Park located within the West Point Lake project on the Chattahoochee River, Ga., shall hereafter be known and designated as the "R. Shaefer Heard Park"; to the Committee on Environment and Public Works.

H.R. 7041. An act to rename two lakes which have been completed as part of the Papillion Creek basin project as the Glenn Cunningham Lake and the Standing Bear Lake; to the Committee on Environment and Public Works.

H.R. 12050. An act to amend the Internal Revenue Code of 1954 to provide a Federal income tax credit for tuition; to the Committee on Finance.

H.R. 12598. An act to authorize appropriations for fiscal year 1979 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, to make changes in the laws relating to those agencies, to make changes in the Foreign Service personnel system, to establish policies and responsibilities with respect to science, technology, and American diplomacy, and for other purposes; to the Committee on Foreign Relations.

COMMUNICATIONS

The PRESIDING OFFICER laid before the Senate the following communications, together with accompanying reports, documents, and papers, which were referred as indicated:

EC-3715. A communication from the Assistant Secretary for Conservation, Research, and Education, Department of Agriculture, transmitting, pursuant to law, a report of the Forest Service for fiscal year 1977; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3716. A communication from the President of the United States, transmitting a request for supplemental appropriations for the fiscal year 1978 in the amount of $29,360,000 in budget authority and amendments to the request for appropriations for the fiscal year 1979 in the amount of $185,544,000 in budget authority; to the Committee on Appropriations.

EC-3717. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report of expenditures during the period October 1, 1977 through March 31, 1978, from moneys appropriated to the Architect of the Capitol; to the Committee on Appropriations.

EC-3718. A communication from the Assistant Secretary of Defense, reporting, pursuant to law, on contract award dated for the period May 15, 1978 through August 15, 1978; to the Committee on Armed Services.

EC-3719. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the stockpile report, April 1977 through September 1977; to the Committee on Armed Services.

EC-3720. A communication from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code to provide for both the Navy and Marine Corps a below zone selection limitation for temporary and reserve officers on active duty, to increase to the same limit the below zone authorization for regular officers, to provide for below zone selection authority for limited duty officers, and for other purposes; to the Committee on Armed Services.

EC-3721. A communication from the Secretary of Defense, transmitting, pursuant to law, a Reorganization Order issued for the Departments of the Navy and the Air Force; to the Committee on Armed Services.

EC-3722. A communication from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to promote the vitality of communities by encouraging comprehensive State Strategies of increased and better-coordinated State assistance and State-initiated governmental reforms, which focus primarily upon those communities experiencing distress or decline, and by facilitating the coordination of Federal actions and activities to complement and enhance such strategies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EC-3723. A communication from the Secretary of Commerce, transmitting, pursuant to law, the fifth report on Title III of the Marine Protection, Research and Sanctuaries Act of 1972; to the Committee on Commerce, Science, and Transportation.

EC-3724. A communication from the Chairman, Civil Aeronautics Board, transmitting, pursuant to law, a report on the Feasibility and Economic Impact of Youth Standby Fares; to the Committee on Commerce, Science, and Transportation.

EC-3725. A communication from the Act-

ing Chairman and the President, United States Railway Association, transmitting, pursuant to law, a report on the performance of the Consolidated Rail Corporation (ConRail) in compliance with section 307(b) of the Regional Rail Reorganization Act of 1973, as amended; to the Committee on Commerce, Science, and Transportation.

EC-3726. A communication from the Deputy Secretary, Department of Energy, transmitting, pursuant to law, its annual report on the industrial energy efficiency program established by Title III, Part D of the Energy Policy and Conservation Act (EPCA); to the Committee on Energy and Natural Resources.

EC-3727. A communication from the Assistant General Counsel, International Trade and Emergency Preparedness, Department of Energy, reporting, pursuant to law, notice of a meeting related to the international energy program; to the Committee on Energy and Natural Resources.

EC-3728. A communication from the Chairman, Interagency Geothermal Coordinating Council, Department of Energy, transmitting, pursuant to law, the second annual report on the Geothermal Energy Research, Development and Demonstration Program to the Committee on Energy and Natural Resources.

EC-3729. A communication from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with Bend Research, Inc., Bend, Oregon, for a research project entitled "Coupled Transport Membranes for Metal Separations, Phase IV"; to the Committee on Energy and Natural Resources.

EC-3730. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Public Works and Economic Development Act of 1965, as amended, to provide public works employment for the long-term unemployed, and for other purposes. to the Committee on Environment and Public Works.

EC-3731. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report of the Economic Development Administration for 1977; to the Committee on Environment and Public Works.

EC-3732. A communication from the General Counsel of the Treasury, transmitting, pursuant to law, determination of injury in Investigation No. 303, TA-2, under section 303(b) of the Tariff Act of 1930, as amended, together with the information obtained in the investigation, on Leather Wearing Apparel from Uruguay; to the Committee on Finance.

EC-3733. A communication from the Acting Assistant Secretary (Tax Policy), Department of the Treasury, transmitting a draft of proposed legislation, together with explanations, of the Small Issue Industrial Development Bond and Differential Investment Tax Credit proposal of the President's urban program; to the Committee on Finance.

EC-3734. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within sixty days after the execution thereof; to the Committee on Foreign Relations.

EC-3735. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within sixty days after the execution thereof; to the Committee on Foreign Relations.

EC-3736. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Removing Status Offenders from Secure Facilities: Federal Leadership and Guidance Are Needed," June 5, 1978; to the Committee on Governmental Affairs.

EC-3737. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual reports of the Federal Power Commission (FPC), and the Federal Energy Regulatory Commission (FERC or Commission) for the periods March 12, 1977 through September 30, 1977, and October 1, 1977 through February 28, 1978, respectively, relating to the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC-3738. A communication from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, a report on proposed altered system of records; to the Committee on Governmental Affairs.

EC-3739. A communication from the Comptroller General of the United States, reporting, pursuant to law, a list of reports of the General Accounting Office of the month of April 1978; to the Committee on Governmental Affairs.

EC-3740. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "To Provide Proper Compensation for Hearing Impairments, The Labor Department Should Change its Criteria;" June 1, 1978; to the Committee on Governmental Affairs.

EC-3741. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report on the recommendations of Presidential advisory committees relating to the report of the National Advisory Council on Education Professions Development; to the Committee on Governmental Affairs.

EC-3742. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report on the recommendations of Presidential advisory committees relating to the report of the National Commission for Manpower Policy; to the Committee on Governmental Affairs.

EC-3743. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Operational Testing of Air Force Systems Requires Several Improvements," June 2, 1978; to the Committee on Governmental Affairs.

EC-3744. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, three reports on Privacy Act systems of records; to the Committee on Governmental Affairs.

EC-3745. A communication from the Assistant Secretary for Conservation, Research, and Education, Department of Agriculture, transmitting, pursuant to law, a report for a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3746. A communication from the Mayor, the District of Columbia, transmitting, pursuant to law, a document entitled "A Plan for the Development of Improved Services for Alcoholics in the District of Columbia"; to the Committee on Governmental Affairs.

EC-3747. A secret communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness of the Joint Flight Test Program; to the Committee on Governmental Affairs.

EC-3748. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Status, Progress, and Problems in Federal Agency Accounting During Fiscal Year 1977," May 26, 1978; to the Committee on Governmental Affairs.

EC-3749. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, an act adopted by the Council on May 2, 1978, which would order the closing of a part of Brookland Avenue, N.E., adjacent to Parcel 123 at the intersection of Brookland Avenue and Allison Street, N.E. (Act 2-195); to the Committee on Governmental Affairs.

EC-3750. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, an act adopted by the Council on May 2, 1978, which would order the closing of a part of Aberfoyle Place, N.W., at 31st Street, N.W., between Squares 2344 and 2358 (Act 2-196); to the Committee on Governmental Affairs.

EC-3751. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, an act adopted by the Council on May 2, 1978, which would order the closing of a part of a public alley in Square 218, bounded by Eye and K Streets, and 14th and 15th Streets, N.W. (Act 2-197); to the Committee on Governmental Affairs.

EC-3752. A communication from the District of Columbia Auditor, transmitting, pursuant to law, reports on (1) analysis of 1978 real property sales ratio study; (2) analysis of D.C. Occupational Safety and Health Act of 1978; (3) "The City Can Obtain Discounts from the Postal Service on Large First Class Mailings"; and (4) "The Urban Corps Program Does Not Meet a Need for District Colleges"; to the Committee on Governmental Affairs.

EC-3753. A communication from the Assistant Secretary for Education, Department of Health, Education, and Welfare, transmitting, pursuant to law, a report entitled "The Condition of Education, 1978 Edition"; to the Committee on Human Resources.

EC-3754. A communication from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports covering the period of May 1 through May 16, 1978, concerning visa petitions which the Service has approved according the beneficiaries of such petitions third- and sixth-preference classification under the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

EC-3755. A communication from the Administrator, U.S. Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Act by transferring thereto those provisions of the "Domestic Volunteer Service Act of 1973" affecting the operation of volunteer programs to assist small business, and for other purposes; to the Select Committee on Small Business.

EC-3756. A communication from the Administrator, U.S. Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Act to increase the maximum allowable compensation and travel expenses for experts and consultants; to the Select Committee on Small Business.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions and memorials, which were referred as indicated:

POM-674. A resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"SENATE JOINT RESOLUTION No. 5

"Whereas, A new home buyer is paying substantial amounts in taxes and special fees to local California communities, which are charged to the buyer indirectly through the builder or developer of the home; and

"Whereas, These taxes and fees are not deductible under the current rules and regulations promulgated by the Internal Revenue Service; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States and the Internal

Revenue Service to adopt legislation or regulations to allow deductions by a new home buyer for taxes and fees directly traceable to that particular new home; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice-President of the United States, to the Speaker of the House of Representatives, to the District Director of the Internal Revenue Service, and to each Senator and Representative from California in the Congress of the United States."

POM-675. A resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works:

"SENATE JOINT RESOLUTION NO. 6

"Whereas, The Federal Clean Air Act (42 U.S.C., Sec. 1857, et seq.) requires each state to prepare, adopt and submit to the administrator of the Environmental Protection Agency a plan which provides for the implementation, maintenance, and enforcement of each national ambient air quality standard; and

"Whereas, The Environmental Protection Agency disapproved portions of the State Implementation Plan which California prepared and submitted in 1972, including the portion relating to the preconstruction review of new or modified stationary sources; and

"Whereas, The State Air Resources Board failed to revise California's State Implementation Plan within the prescribed period to include an acceptable new source review procedure, and in 1973, the Environmental Protection Agency promulgated a substitute new source review regulation which it is now administering and enforcing in most parts of the state; and

"Whereas, Under this regulation no approval to construct or modify a stationary source can be granted unless the applicant shows to the Administrator of the Environmental Protection Agency that the source will not prevent or interfere with the attainment or maintenance of any national ambient air quality standard; and

"Whereas, One or more of the existing national ambient air quality standards are now being exceeded in many California air basins and the enforcement of this regulation may affect the future plans of enterprises to locate or expand in California or elsewhere in the United States and may have substantial social and economic impacts; and

"Whereas, The standards themselves, and the validity of the evidence upon which they are based, have been the subjects of several recent investigations; and

"Whereas, The Clean Air Act requires the Administrator of the Environmental Protection Agency from time to time to review, and modify as appropriate, the air quality criteria for each pollutant for which a national ambient air quality standard has been established; and

"Whereas, Testimony presented to the Senate Committee on Natural Resources and Wildlife suggests that the new source review procedures approved by the Environmental Protection Agency for other parts of the United States are not as restrictive, or not as rigidly enforced, as those which the Environmental Protection Agency has promulgated for California; and

"Whereas, Prospective enterprises and employees in California will suffer a competitive disadvantage unless the Environmental Protection Agency establishes and enforces the same uniform minimum standards for new source review in all states; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the Congress of the United States to review the present circumstances and control technologies to ascertain that the programs and timetables for compliance that are contained in the Clean Air Act, and the administrative regulations based on the act, are compatible with these circumstances and technologies and are not unrealistic and without public support; and be it further

"*Resolved*, That the Congress request the Administrator of the Environmental Protection Agency to review the national primary ambient air quality standards to determine if they are consistent with the latest scientific evidence concerning the effects of air pollution on human health and they are appropriate for the purpose for which they were established; and be it further

"*Resolved*, That the Congress request the Administrator of the Environmental Protection Agency to review the administration and enforcement of new source review programs throughout the United States to insure that all states are required to meet the same minimum standards; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Administrator of the Environmental Protection Agency and to each Senator and Representative from California in the Congress of the United States."

POM-676. A resolution adopted by the Legislature of the State of California; to the Committee on Human Resources:

SENATE JOINT RESOLUTION NO. 17

"Whereas, For 60 years prior to enactment of the Federal Occupational Safety and Health Act by Congress, California had a strong industrial safety program, considered by most safety experts to be one of the most effective in the nation; and

"Whereas, Passage of the Federal Occupational Safety and Health Act preempted California's proven safety program and mandated California's adherence to certain inflexible rules and regulations established by the federal act and by the Federal Department of Labor; and

"Whereas, Compliance with the Federal Occupational Safety and Health Act eliminated California's cooperative safety program in which California labor, business, and state activities jointly established and maintained California's exemplary industrial safety records, and, instead, established an adversary procedure whereby California's safety inspectors have now become police officers enforcing the law; and

"Whereas, Making reasonable changes in the California Occupational Safety and Health Act of 1973 is extremely difficult because of the Federal Occupational Safety and Health Act mandate which threatens a federal takeover of California's safety programs for any deviation from the federal program; and

"Whereas, The operation of the California Occupational Safety and Health Act of 1973 within such federal mandates has resulted in expenditures almost four times as large as under California's previous safety program; and

"Whereas, Compliance with mandated provisions of the federal act have buried California's safety inspectors under an avalanche of paperwork requiring three times more man-hours for report writing and the completion of various forms and written documents than under California's previous safety program; and

"Whereas, The California Department of Finance's January 1976 "Review of the Implementation of the California Occupational Safety and Health Act" identifies several research studies which provide evidence indicating that a majority of all industrial accidents are not inspection preventable and that an estimated 60–75% of all industrial accidents are thus uneffected by Cal-OSHA's compliance program; and

"Whereas, The number of California occupational safety and health standards is constantly increasing, until there are at present, an estimated 7,000 standards which are supposed to be enforced and with which the employer community is required to be familiar; and

"Whereas, Cal-OSHA has been in effect since 1973, and according to the aforementioned Department of Finance review, any reduction in the overall rate of occupational injuries and illnesses cannot be demonstrated and the potential for reducing injury rates is very limited; and

"Whereas, According to the aforementioned Department of Finance review, a meaningful relationship between violations of Cal-OSHA standards and the occurrence of injuries has not been found; and

"Whereas, The complexities of the California Occupational Safety and Health Act and its multitude of standards make it difficult for many compliance safety engineers to recognize violations outside their specialized field of expertise; and

"Whereas, California's Occupational Safety and Health Standards Board's General Industry Safety Orders many times conflict with orders generated by the Federal Occupational Safety and Health Act for specialized industries, producing inconsistencies, contradictions, and confusion; and

"Whereas, An example which demonstrates the cumbersome absurdity of both the federal and the California acts' standards is the General Industry Safety Orders' 49 pages of requirements for ladders which apply generally to their manufacture, and which in many cases are not related to user safety, and, therefore, have little practical relevance to a safety inspection program; and

"Whereas, It is unlikely that more than three or four of the 49 pages in the General Industry Safety Orders on ladders are enforceable by California's Division of Industrial Safety; and

"Whereas, According to the most recent statistics available from the Division of Industrial Safety inspectors spend less than 20 percent of their time actually conducting onsite inspections; and

"Whereas, The California Legislature's chief fiscal officer, the Legislative Analyst, has reported that California Occupational Safety and Health Act compliance officers perform an average of only two inspections per week, at which rate each work place in California can expect an inspection on the average of once every 23 years; and

"Whereas, This rate of inspections under the California Occupational Safety and Health Act produces less than one-fifth of the inspections conducted under California's previous safety programs; and

"Whereas, The California Occupational Safety and Health Act produces thousands of citations, less than 2 percent of which are for serious violations; and

"Whereas, Compliance with the Federal Occupational Safety and Health Act has resulted in a system whereby the California Occupational Safety and Health Act directs almost all of its efforts at eliminating minor nonserious hazards rather than the elimination of serious injury-producing hazards to California's workers; and

"Whereas, Cal-OSHA inspectors in enforcing Cal-OSHA standards, issue more than 98 percent of their citations for nonserious violations which bear little or no relationship to conditions which actually cause injuries; and

"Whereas, California's Legislative Analyst has reported that only 6 percent of the investigations conducted in 1975 pertaining to referrals to the State Department of Health

resulted in the issuance of citations for serious violations; and

"Whereas, California's Legislative Analyst has reported that up to 40 percent of all employee complaints result in inspections which are frivolous, thus diverting the resources of the Division of Industrial Safety into nonproductive areas; and

"Whereas, California would be better served to maintain its own safety program with its own rules and regulations, with an ability to respond adequately to needed changes without the constant spectre of a federal takeover for not being in conformity with federal mandates; and

"Whereas, As a result of adverse federal and state court decisions in at least five other states, there has risen serious doubt about the constitutionality of the federally-mandated inspection program contained in the California Occupational Safety and Health Act; and

"Whereas, The California Division of Industrial Safety and the California Legislature, in cooperation with the industrial community and California's labor organizations, in a unified effort, are better able to produce a greater measure of safety for California workers than when forced to become adversaries in an inflexible system, as required by compliance with the Federal Occupational Safety and Health Act; and

"Whereas, The Federal Occupational Safety and Health Act, and the California Occupational Safety and Health Act's compliance with its rigid mandates, has not improved California's safety record, but to the contrary has reduced the likelihood that inspections will take place, has increased costs, has forced inspectors to do paperwork rather than make inspections, and confused industry with a multitude of conflicting and contradictory standards; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the Congress of the United States to amend the Federal Occupational Safety and Health Act or insert supplementary language into the appropriate budget act allowing the California Occupational Safety and Health program the administrative flexibility necessary to efficiently resolve numerous problems of implementation such as those described in this joint resolution and to more effectively deal with the root causes of occupational injuries and illnesses to produce a genuine reduction in employee accident, injury, illness and death rates; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM–677. A resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works:

"RESOLUTION CHAPTER —

"Whereas, Recent incidents of dam failures resulting in lost of life, injuries, and property damage point up a national need for improved dam safety programs at the federal and state levels of government; and

"Whereas, Previously authorized programs have not been adequate in scope or sufficiently funded to be nationally effective; and

"Whereas, Several agencies of the federal government directly design, build, and operate dams, or, through their licensing, permitting, or other regulatory procedures, cause the design, construction, and operation of dams in the United States; and

"Whereas, More effective efforts are needed on the national and state levels to assure improved public safety from the hazards presented by dams; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby expresses its concern about the safety of dams, and respectfully memorializes the President and the Congress of the United States to include the following major principles in their deliberations on any federal legislation regarding dam safety:

"(a) That such legislation stress the critical role of independent dam safety reviews for publicly owned and privately owned dams, since the major problems of dam safety are probably going to be from the far more numerous private dams, which are often unregulated and uninspected;

"(b) That any legislation include (1) a requirement for annual safety evaluations and reports, and (2) five-year major inspections and reports after construction and during the continuing operations phases of the dam's life, so it continues to function without a loss of safety;

"(c) That such legislation provide for the establishment of appropriate organizations at the federal and state levels to provide dam safety inspection services, and allow individual states which so desire to contract with the appropriate federal agency established for this purpose;

"(d) That such legislation provide for the use of people on review panels or boards who are knowledgeable and experienced in the seismic design of dams, where dam safety programs are implemented in seismically active areas of the United States;

"(e) That such legislation should require that whenever federal agencies build or license dams in states where the design standards, construction practices, and inspection procedures are more stringent than their own or require the recognition of particular hazards, the state standards and processes shall govern; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Presidential Science Advisor, the Secretary of the Interior, the Commissioner of the Bureau of Reclamation, the Chairman of the Council on Environmental Quality, the Secretary of the Army, the Chief of Engineers, the Secretary of Agriculture, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM–678. A memorial adopted by the Legislature of the State of Florida; to the Committee on Veterans Affairs:

"HOUSE MEMORIAL NO. 242

"Whereas, the people of Florida sincerely appreciate the sacrifices of Florida veterans in times of war and peace, and

"Whereas, veterans are entitled to a final resting place provided by the country they so selflessly defended, and

"Whereas, it is proper for the state to participate in the selection of a location for a veterans' cemetery, now, therefore,

"Be it resolved by the Legislature of the State of Florida:

"That the United States Congress and the Veterans Administration are requested to establish a cemetery for military veterans to be located in central Florida, and to further provide funding sufficient for annual maintenance of the cemetery.

"Be it further resolved that a copy of this memorial shall be spread upon the journals of the House of Representatives and Senate of the State of Florida and copies shall be forwarded to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM–679. A memorial adopted by the Legislature of the State of Florida; to the Committee on Veterans' Affairs:

"HOUSE MEMORIAL NO. 423

"Whereas, there is a compelling need for a veterans' medical facility in Brevard County, Florida, by virtue of an existing veterans' population in excess of 40,000 persons, including disabled veterans, military retirees, other veterans, and dependents of veterans, and

"Whereas, nearly $1,000,000 is spent annually by the United States Government on medical costs for veterans in Brevard County, Florida, and

"Whereas, a satellite facility could provide medical treatment at one-third the cost of private medical facilities, affording a great savings to the taxpayers, now, therefore,

"Be it resolved by the Legislature of the State of Florida:

"That the Congress of the United States is requested to direct the Administrator of the United States Veterans Administration to conduct a demographic study of Brevard County, Florida, to confirm the need for a United States Veterans Administration satellite facility in Brevard County, Florida, and to report back to the Congress of the United States no later than 6 months after receiving directions from the United States Congress to perform such study.

"Be it further resolved that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM–680. A memorial adopted by the Legislature of the State of Florida; to the Committee on Veterans' Affairs:

"HOUSE MEMORIAL NO. 622

"Whereas, the Legislature, the Governor, and the Cabinet recognize and appreciate the vital and honored services rendered to our state and nation by the many veterans of Florida who have ensured our national defense and preserved our democratic institutions and way of life, and

"Whereas, the Legislature, the Governor, and the Cabinet fully support proper and convenient medical care for veterans in this state and throughout the nation in recognition of their contributions and sacrifices for the defense of our people, and

"Whereas, numerous veterans and veteran organizations such as the Broward County Veterans Council, repersenting mobile chapters of the American Legion, Veterans of Foreign Wars, Disabled American Veterans, Jewish War Veterans, the Retired Officers Association, Fleet Reserve, Paralyzed Veterans Association, World War I Barracks, and other veteran and auxiliary organizations, have expressed need for a Veterans Administration out-patient medical facility to be located in Broward County, and

"Whereas, although there is a veterans hospital in Miami, travel by an out-patient from Broward County often represents great hardship because of the distance involved and extended delay at the Miami Veterans Administration hospital which cannot accommodate the influx of ever-increasing Dade and Broward veterans requiring medical attention, and

"Whereas, although Palm Beach County has an out-patient veterans' facility in Riviera Beach, the population of Broward County is almost double that of adjoining Palm Beach County, and the facility at Riviera Beach is too distant for out-patient care for most Broward veterans, and

"Whereas, Broward County has the second largest population of any county in the State of Florida and the number of veterans in Broward County exceeds 100,000 and is growing rapidly, now, therefore,

"Be it resolved by the Legislature of the State of Florida:

"That the Congress of the United States is requested to recognize a present need for a veterans' out-patient medical facility in Broward County and is requested to direct the Veterans' Administration to establish such an out-patient medical facility in a readily accessible location in Broward County, giving consideration to population density and geographical factors and to make such site selection in cooperation with the Division of Veteran Affairs of the Department of Community Affairs of the state.

"Be it further resolved that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-681. A memorial adopted by the Legislature of the State of Florida; to the Committee on Finance:

"HOUSE MEMORIAL NO. 341

"Whereas, the Republic of Cuba under the dictatorship of Fidel Castro has conducted ongoing programs of subversion and revolution against democratic republics in South and Central America with the sole objective of replacing democratic institutions with communistic-styled dictatorships, and

"Whereas, the Republic of Cuba under the dictatorship of Fidel Castro has continually attempted to foster a spirit of anti-Americanism throughout South and Central America, and

"Whereas, the Republic of Cuba under the dictatorship of Fidel Castro has confiscated American property without any compensation in contravention of all standards of justice and in direct violation of the basic American principles of just compensation, and

"Whereas, the Republic of Cuba under the dictatorship of Fidel Castro has oppressed its freedom-loving citizens to the extent that multitudes have been put to death, imprisoned, or forced into exile and have had their personal property confiscated for the benefit of the Castro government, and

"Whereas, any direct or indirect resumption of trade relations between the Republic of Cuba and the United States of America is tantamount to approval of the Cuban Government and its oppressive communistic policies, Now, therefore,

"Be it resolved by the Legislature of the State of Florida:

"That the President and Congress of the United States are hereby urged to support a policy that no further direct or indirect trade agreements with the Republic of Cuba be instituted until American lives and property have been accounted for, just compensation for the loss of such property has been given, and a proper accounting has been given for the lives of Cuban citizens who have disappeared.

"Be it further resolved that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress."

POM-682. A resolution adopted by the Legislature of the State of New York; to the Committee on Environment and Public Works:

"LEGISLATIVE RESOLUTION

"Whereas, Increased diversion of water from Lake Michigan at Chicago was authorized by Section 166 of the Water Resources Development Act of 1976 (P.L. 94-587), for the stated objectives of reducing shoreline damages due to high waters in the Great Lakes and to enhance the water quality of the Illinois Waterway; and

"Whereas, The diversion program may permit the Corps of Engineers to divert up to 10,000 cubic feet per second (cfs) of Great Lakes Water through the Chicago drainage canal and into the Mississippi Watershed, an increase from 3,200 cfs which was established as the maximum amount to be diverted by a 1967 decree of the United States Supreme Court after decades of litigation, (*Wisconsin, et al. v. Illinois*, 388 U.S. 426 (1967)); and

"Whereas, The said section 166 referred to above does not take into consideration the loss of hydroelectric power generation in New York, the higher energy costs for New York consumers caused by increased diversion, and the fact that the diversion program undermines national efforts to reduce dependence on imported oil for power generation; and

"Whereas, The Power Authority of the State of New York owns and operates major hydroelectric facilities on the Niagara and St. Lawrence Rivers which will be adversely affected by any such increased diversion since each decrease of 1000 cfs at those two facilities will decrease generation by some 254 million kilowatt hours annually, the replacement of which by oil-fired generation would require the consumption of 420,000 barrels of oil at an increased cost of 5.6 million dollars to the consumers of Authority energy each year at current oil prices, with the potential for such increased costs to reach $38 million annually if diversion at the full authorized rate is accomplished; and

"Whereas, The Canadian Government has filed a strongly-worded protest against increased diversion affirming the position that the Power Authority's hydroelectric plants, which share the use of international waters with Canadian plants, would be expected to absorb the full impact of any increased diversion at Chicago since the 1909 Boundary Waters Treaty between the United States and Canada requires that neither country unilaterally undertake actions which affect boundary waters, and any diversions from Lake Michigan affect the levels of all the Great Lakes except for Lake Superior; and

"Whereas, Should the Canadian position prevail, the potential annual losses in energy to be absorbed by United States entities, including generating losses on the wholly-Canadian section of the St. Lawrence River, could be over 2 billion kilowatt hours, which if replaced by oil-fired generation would require the utilization of 3,300,000 barrels of oil costing nearly $45,000,000 annually; and

"Whereas, It is a highly inappropriate solution to Chicago's water quality problems to incur potential costs of this magnitude to dilute inadequately treated sewer discharges in the Illinois Waterway; and

"Whereas, The proposed increased diversion will have a very minimal impact on lake levels and shoreline erosion, since increased diversion in the full authorized amount would result in an end of the month level less than ¼ inch lower than it would have been if the diversion rate had remained at 3,200 cfs; and, since the effects of water diversions continue to be felt downstream years after the diversion stops, such effects would persist into national low cycles and exacerbate the problems associated with low lake levels; and

"Whereas, Despite the efforts of many New York Congressmen, the Congress approved a $500,000 appropriation for the Corps' diversion program for fiscal year 1978 and is considering a similar appropriation for fiscal year 1979; now, therefore, be it

"Resolved, That this Legislative Body respectfully memorializes the President and Congress of the United States (a) to refrain from funding any further action to implement the plan to increase the diversion of water from Lake Michigan authorized by Section 166 of the Water Resources Development Act of 1976 (P.L. 94-587) and (b) to repeal said Section; and be it further

"Resolved, That a copy of this resolution, suitably engrossed, be transmitted to the President of the United States and to the Speaker of the House of Representatives, the President Pro Tem of the United States Senate, and to each member of the Congress of the United States from the State of New York."

POM-683. A resolution adopted by the Legislature of the State of Pennsylvania; to the Committee on Governmental Affairs:

"RESOLUTION

"Whereas, General Kazimierz Pulaski was a gallant hero of America's war for independence who continually risked his life in the Battle of Savannah, Georgia; and

"Whereas, The year 1979 marks the 200th anniversary of that famous Polish cavalry officer's sacrifice on the plains of Georgia; and

"Whereas, General Pulaski, as well as many other ethnic heroes, contributed to the establishment of a republic that assured a home for free and hard-working people; and

"Whereas, Contemporary Americans have an obligation to honor General Pulaski in every possible manner; and

"Whereas, The issuance of a commemorative stamp, honoring General Pulaski at the 200th anniversary of the Battle of Savannah in 1979, would indeed be a singularly fitting tribute for Pulaski; therefore be it

"Resolved, That the Senate of Pennsylvania memorialize the President of the United States, Congress and the United States Postal Service to issue a stamp commemorating the heroic efforts of General Pulaski during the Battle of Savannah in 1779; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the United States, and to the presiding officer of each House of Congress of the United States and to each Senator and Representative from Pennsylvania in the Congress of the United States and to the Postmaster General of the United States."

REPORTS OF COMMITTEES SUBMITTED DURING THE RECESS

Under authority of the Senate of May 26, 1978, the following reports of committees were received on May 31, 1978:

By Mr. HUDDLESTON, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment and an amendment to the title:

S. 1835. A bill directing the Secretary of Agriculture to compile and publish certain information relating to the adequacy of a transportation system to meet the needs of agriculture and rural development in the United States, and for other purposes (Rept. No. 95-923).

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 3082. A bill to amend the North Pacific Fisheries Act of 1954 (Rept. No. 95-924).

By Mr. CANNON, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 471. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 3082. Referred to the Committee on the Budget.

BILL PLACED ON THE CALENDAR

On May 24, 1978, H.R. 11779, the Renewable Resources Extension Act of 1978, was received from the House of Representatives and through inadvertence was referred to the Committee on Agricul-

ture, Nutrition, and Forestry, when it should have been placed on the Calendar, since a companion measure, S. 3035, Order No. 811, had on May 15, 1978, been reported from that committee. Therefore, the committee has been discharged from further consideration of H.R. 11779 and the bill has been placed on the Calendar.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SPARKMAN (by request):

S. 3161. A bill to provide for a National Commission on the International Year of the Child, and for other purposes; to the Committee on Foreign Relations.

By Mr. DOLE:

S. 3162. A bill to secure and protect the freedom of individuals from unwarranted intrusions by persons acting under color of law; to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. HANSEN) (by request):

S. 3163. A bill to authorize the Secretary of the Interior to establish an urban park and recreation recovery program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAYH (for himself, Mr. METZENBAUM, and Mr. PERCY):

S. 3164. A bill entitled the Citizen's Privacy Protection Amendment of 1978; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPARKMAN (by request):

S. 3161. A bill to provide for a National Commission on the International Year of the Child, and for other purposes; to the Committee on Foreign Relations.

INTERNATIONAL YEAR OF THE CHILD ACT

● Mr. SPARKMAN. Mr. President, by request, I introduce for appropriate reference a bill to provide for a National Commission on the International Year of the Child, and for other purposes.

The bill has been requested by the President of the United States and I am introducing it in order that there may be a specific bill to which members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill, together with the letter from the President of the Senate, dated May 24, 1978 be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 3161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Year of the Child Act."

DECLARATION OF PURPOSE OF THE INTERNATIONAL YEAR OF THE CHILD

SEC. 2. The United Nations General Assembly, by a resolution approved at its thirty-first session, has designated the year 1979 as the International Year of the Child. This action was designed to focus national and international attention on various aspects of the needs of children and to encourage all nations, individually and in cooperation, to take appropriate and relevant actions to meet them. The General Assembly called upon member states and international organizations to participate fully in the International Year of the Child and to devote the year 1979 to efforts at the international, national and community levels to provide lasting improvements in the well-being of children.

ESTABLISHMENT OF A NATIONAL COMMISSION

SEC. 3(a) The President shall establish a National Commission on the International Year of the Child (hereinafter in this Act referred to as the "Commission"), and to appoint to the Commission not more than 25 members chosen from among citizens in private life.

(b) The President shall designate a Chairperson and two Vice Chairpersons from among the members.

(c) The President of the Senate and the Speaker of the House of Representatives may each designate two members of the Senate and the House of Representatives, respectively, to serve on the Commission, in addition to the members to be appointed by the President.

FUNCTIONS OF THE COMMISSION

SEC. 4(a) The Commission shall promote: (i) effective and significant observance in the United States of 1979 as the International Year of the Child (hereinafter in this Act referred to as the "Year"), with particular reference to the goals stated in Section 2; (ii) cooperation by the United States with UNICEF and other international organizations and with other nations to achieve the objectives of the Year. To these ends, the Commission shall seek to stimulate within the United States a better understanding of, and actions to meet, the needs of children both in this and in other countries. Such needs would include, but not be limited to the social, health, educational, and developmental needs of children, as well as concern for the general condition and rights of children.

(b) The Commission shall keep informed of activities undertaken or planned by various organizations and groups in the United States and abroad in observance of the Year and shall consult with such groups and stimulate such activities and programs through community, civic, local, State, regional, national, Federal, international private and professional organizations.

(c) The Commission may conduct studies, inquiries, and hearings and hold meetings as it deems necessary. It may assemble and disseminate information, and issue reports and other publications. It may also coordinate, sponsor, perform, or oversee projects, studies, events, and other activities that it deems necessary or desirable for the observance of the Year.

(d) The Commission shall make recommendations to the President on national policies in furtherance of the goals of the Year; and shall make a final report to the President on its work and recommendations, not later than March 31, 1980.

COORDINATION AND ADMINISTRATION

SEC. 5(a) The Commission is authorized to establish such subcommittees, the membership of which may include persons not members of the Commission, as it deems necessary to carry out the purpose of this Act.

(b) Each agency of the executive branch of the Government is authorized: (1) to furnish to the Commission, upon request of the Chairperson of the Commission, such information, advice, and services, as may be useful to the Commission for the fulfillment of its functions under this Act, and (2) to detail personnel to the Commission.

(c) Each member of the Commission or any of its subcommittees, who is not a member of Congress may, while serving on business of the Commission, be compensated at a rate not to exceed the daily equivalent of GS–15 for each day they are engaged in the actual performance of duties.

(d) The Commission may appoint such staff personnel as it considers necessary to carry out its duties under this Act without regard to the provisions of Title 5, United States Code, governing appointment in the competitive civil service, and without regard to Chapter 51 and Subchapter III of Chapter 53 of such Title relating to classification and General Schedule pay rates, except that not more than two individuals so appointed may receive pay in excess of the annual rate of basic pay in effect for grade GS–15 of the General Schedule. Appointments shall be made without regard to political affiliation.

(e) The Commission is authorized to accept and use services of voluntary and uncompensated personnel. Such personnel shall not be considered Federal employees for any purpose other than for purposes of Chapter 81 of Title 5, United States Code (relating to compensation for injury), and Sections 2671 through 2680 of Title 28, United States Code (relating to tort claims), and shall not perform the work of Federal employees.

(f) Members or staff of the Commission or of a subcommittee thereof, shall be allowed travel expenses while attending meetings of the Commission or its subcommittees or otherwise engaged in the business of the Commission away from their homes or regular places of business, including per diem in lieu of subsistence, as authorized under section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(g) The Commission is authorized to procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code.

(h) The Commission is authorized to accept, use, and dispose of contributions of money or property.

(i) The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties and responsibilities.

(j) The Commission may use the United States mails under the same conditions as other departments and agencies of the United States.

(k) The powers granted the Commission by this Act shall be in addition to those granted by Executive Order 12053. The powers granted the Commission by Executive Order 12053 may be employed to fulfill the responsibilities of the Commission under this Act.

(l) The powers granted the Commission under this Act may be delegated to any member or employee of the Commission by the Commission chairperson.

(m) Financial and administrative support services (including those related to budget and accounting, financial reporting, personnel, and procurement) shall be provided to the Commission by the General Services Administration, for which payment shall be made in advance, or by reimbursement, from funds of the Commission, in such amounts as may be agreed upon by the Chairperson of the Commission and the Administrator of the General Services Administration.

WAVERS OF CERTAIN OTHER PROVISIONS OF LAW

SEC. 6. In order to expedite matters pertaining to the planning for, and work of, the Commission, the Commission is authorized to make purchases and contracts without regard to section 252 of title 41 of the United States Code, pertaining to advertising and

competitive bidding, and may arrange for the printing of any material pertaining to the work of the Commission without regard to the Government Printing and Binding Regulations and any related laws or regulations.

TERMINATION DATE

SEC. 7. The Commission shall continue in existence until thirty days after submission of its final report to the President pursuant to section 4(d), at which time it shall terminate, but the life of the Commission shall in no case extend beyond April 30, 1980.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated, without fiscal year limitation, $1,360,000 to carry out the provisions of this Act. Such sums shall remain available for obligation until expended.

No funds authorized hereunder may be used for lobbying activities.

THE WHITE HOUSE,
Washington, D.C., May 24, 1978.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C. 20510.

DEAR MR. PRESIDENT: I am transmitting today a bill to provide for a National Commission on the International Year of the Child, 1979.

Enactment of this legislation will enable the United States to participate fully in celebrating 1979 as the International Year of the Chid, which was designated by the United Nations General Assembly by approval of a resolution of its thirty-first session.

This National Commission will create within the United States a better understanding of the needs of children, both here and abroad, and will prepare a report and recommendations on national policies to meet these needs.

The powers granted to the National Commission under this Act will be in addition to those provided in Executive Order 12053.

I urge its early passage.

Sincerely,

JIMMY CARTER.●

By Mr. DOLE:

S. 3162. A bill to secure and protect the freedom of individuals from unwarranted intrusions by persons acting under color of law; to the Committee on the Judiciary.

PERSONAL PRIVACY ACT OF 1978

Mr. DOLE. Mr. President, the U.S. Supreme Court in a recent decision expanded the use of search warrants to seize an individual's private papers. The Senator from Kansas believes that the decision is not justifiable, will have a chilling effect on the freedom of the press.

Mr. President, I introduce legislation today to insure that every individual will be secure from a governmental intrusion into his private affairs.

In the case of Zurcher against Standford Daily, the Court held that law enforcement authorities may enter and search the premises of a newspaper armed only with a warrant issued upon probable cause that the newspaper may have in its possession evidence of a crime. For the police to obtain such a warrant, it is not necessary that they show any involvement by officers or employees of the newspaper in the alleged unlawful activity. It was also unnecessary for the police to give notice to the newspaper that such a warrant will be sought or that a warrant has been issued.

Mr. President, the principle the Court laid down permits searches of homes and offices for documentary evidence of crimes committed by anyone. The abuses of this type of conduct are enormous. The legislation I introduce today would require that before a warrant could be issued to search the private papers of a person not involved in a crime, there must be an adversary hearing.

PROVISIONS IN THE BILL

Mr. President, the bill that I am submitting would amend the existing section 2235 of title 18 to cover the situations in which warrants are issued involving persons not suspected of any crime.

Any person acting under color of State law would be required to have a prior adversary court hearing before obtaining a search warrant, if the person is not a criminal suspect. If the person seeking a search warrant, can convince a court that the subject of the warrant has committed or is committing a criminal offense, the prior adversary hearing would not be required.

Another safeguard is also built in to insure the effective administration of justice. If the person seeking the warrant produces reasonable evidence to show that the giving of notice would lead to attempts to conceal, destroy, or alter the items to be seized or substantially interfere with the conduct of the investigation, the prior adversary hearing could be omitted. In all other cases, an opportunity to contest the warrant before its enforcement would have to be provided.

Mr. President, Mr. Justice Stevens in his dissenting opinion, states that—

The warrant application set forth no facts suggesting that respondant was involved in any wrongdoing or would destroy the desired evidence if given notice of what the police desired.

I have Justice Stevens' view and believe that this type of warrant does not comply with the fourth amendment.

I believe that Congress should act swiftly and boldy in protecting the public against possible abuses by the Federal Government. There is no greater right that must be protected than to be secure in our private thoughts and in our homes.

By Mr. JACKSON (for himself and Mr. HANSEN) (by request):

S. 3163. A bill to authorize the Secretary of the Interior to establish an urban park and recreation recovery program, and for other purposes; to the Committee on Energy and Natural Resources.

URBAN PARK AND RECREATION RECOVERY ACT

● Mr. JACKSON. Mr. President, I am introducing today (by request) a bill to establish an urban park and recreation recovery program in the Department of the Interior. This proposal is based upon one of the major findings of the National Urban Recreation Study mandated by Public Law 94–422.

Mr. President, the Senate Energy and Natural Resources Committee is extremely interested in working with the administration, affected State and local governments, and the relevant interest groups in formulating a comprehensive urban recreation policy for this country. In this regard, the rehabilitation of existing indoor and outdoor recreation facilities and areas will undoubtedly prove to be an important element of this policy.

Clearly, however, there are many other facets of the urban recreation scene that must be carefully addressed by the committee and the Congress.

I am pleased that Senator METZENBAUM of the our committee has indicated a strong interest in urban recreation policy. As vice chairman of the Parks and Recreation Subcommittee, he has agreed to take the lead on this issue, and I am confident that, under his leadership and initiative, the committee will consider all of the ramifications of the urban recreation issue in a comprehensive and responsible manner. It is my understanding that he plans to begin hearings on this important issue in the very near future.

Mr. President, I ask unanimous consent that the bill, the administration's letter of transmittal and an exchange of correspondence between myself and Secretary Andrus be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 3163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE AND EFFECTIVE DATE

SECTION 1. This Act may be cited as the "Urban Park and Recreation Recovery Act" and shall become effective on October 1, 1978.

FINDINGS AND PURPOSES

SEC. 2. The Congress finds that the quality of life in urban areas is closely related to the availability of fully-functional park and recreation systems, including land, facilities and service programs. The Congress further finds that many hard-pressed cities have recreation systems which are seriously deteriorated and that no existing Federal assistance program fully addresses the needs for physical rehabilitation of these systems. The purpose of this Act is to authorize Federal grants to hard-pressed communities specifically for the rehabilitation and development of critically-needed recreation areas and facilities for a period of five years. This short-term program is intended to complement existing Federal programs such as the Land and Water Conservation Fund and Community Development grant programs by encouraging and stimulating local governments to revitalize their park and recreation systems and to make long-term commitments to continuing maintenance of these systems.

URBAN PARK AND RECREATION RECOVERY PROGRAM

SEC. 3. The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to establish an Urban Park and Recreation Recovery Program to provide financial assistance for rehabilitation and development of recreation areas and facilities in the form of challenge grants to local governments in urban areas. Such assistance shall be subject to such terms and conditions as the Secretary considers appropriate and in the public interest to carry out the purposes of this Act.

DEFINITIONS

SEC. 4. When used in this Act—

(a) "recreation facilities" means indoor or outdoor facilities which are intended to serve the close-to-home recreation needs of community residents, with emphasis on public facilities readily accessible to residential

neighborhoods, including multiple-use community centers which have recreation as one of their primary purposes, but excluding major sports arenas, exhibition areas and conference halls used primarily for commercial sports, spectator or display activities.

(b) "recreation areas" means existing parks, building or sites dedicated to recreation purposes and administered by public agencies for use by the general public.

(c) "grants" means matching capital grants to public agencies for the purpose of rebuilding, remodeling, expanding or developing existing outdoor or indoor recreation areas and facilities, including improvements in park landscapes, buildings and support facilities, but excluding routine maintenance and upkeep activities.

(d) "maintenance" means all commonly accepted practices necessary to keep recreation areas and facilities operating in a state of good repair and to protect them from deterioration resulting from normal wear and tear.

(e) "general purpose local government" means any city, county, town, township, parish, village or other general purpose political subdivision of a State, including the District of Columbia.

(f) "special purpose local government" means any local or regional special district, public-purpose corporation or other limited political subdivision of a State, including but not limited to school districts, park authorities, and park, conservation, water or sanitary districts.

(g) "State" means any State of the United States or any instrumentality of a State approved by the Governor; the Commonwealth of Puerto Rico.

GRANTS TO IMPLEMENT PROGRAM

SEC. 5. GRANTEES.—(a) The Secretary is authorized to provide 50 per centum matching, rehabilitation grants directly to eligible general purpose local governments upon his approval of applications therefor by the chief executives of such governments. At the discretion of such applicants, and if consistent with an approved application, rehabilitation grants may be transferred to independent special purpose local governments: *Provided*, That recreation areas and facilities owned or managed by them offer recreation opportunities to the general population in their service areas.

(b) Payments may be made only for development or rehabilitation activities which have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward the satisfactory completion of a project.

(c) The Secretary may authorize modification of an approved project only when a grantee has adequately demonstrated that such modification is necessary because of circumstances not foreseeable at the time a project was proposed.

(d) CRITERIA FOR GRANT ELIGIBILITY AND PRIORITIES FOR PROJECT APPROVAL.—Eligibility of general purpose local governments for grants shall be based upon need as determined by the Secretary. Within 120 days after the effective date of this Act, the Secretary shall publish in the Federal Register a list of the general purpose local governments eligible to participate in the Urban Park and Recreation Recovery Program together with a discussion of criteria used in their selection. Such criteria shall be based upon the minimum standards for physical and economic distress established for the Department of Housing and Urban Development's Urban Development Action Grants.

The Secretary shall also establish priority criteria for project selection and approval which consider such factors as:

(1) population;

(2) age and condition of existing recreation areas and facilities;

(3) demonstrated deficiencies in access to neighborhood recreation opportunities, particularly for low-income and minority residents;

(4) public participation in determining rehabilitation or development needs;

(5) the extent to which a project supports or complements target activities undertaken as part of a local government's overall community development and urban revitalization program;

(6) the extent to which a proposed project would provide employment opportunities for low- and moderate-income residents in the project neighborhood and/or would provide for participation of neighborhood, nonprofit or tenant organizations in the proposed rehabilitation activity or in subsequent maintenance, staffing or supervision of recreation areas and facilities; and

(7) the amount of State and private support for a project as evidenced by commitments of non-Federal resources to project construction or operation.

(e) LOCAL COMMITMENTS TO SYSTEM RECOVERY AND MAINTENANCE.—As a requirement for project approval local governments applying for rehabilitation grants must submit to the Secretary interim evidence of commitments to ongoing rehabilitation, operation, maintenance, and service programs and planning for their overall park and recreation system. Such commitments should maximize coordination of all community resources, including other federally supported urban development and recreation programs. Following an interim period to be established by regulations under this Act, all local applicants must submit to the Secretary, as a condition of eligibility, complete park and recreation recovery plans identifying overall rehabilitation and maintenance objectives for the park and recreation system, including satisfactory demonstration by a local government of:

(1) adequate planning for the development or rehabilitation of specifically identified recreation areas and facilities, including projections of the cost of proposed projects,

(2) capacity and commitment to assure that facilities provided or improved under this Act shall thereafter continue to be adequately maintained, promoted, staffed and supervised; and

(3) intention to maintain total local public outlays for park and recreation purposes at levels at least equal to such expenditures in the year preceding that in which grant assistance is sought.

(4) the relationship of the park and recreation recovery program to overall community development and urban revitalization efforts.

The Secretary shall establish and publish in the Federal Register requirements for preparation, submission and updating of local park and recreation recovery plans.

(f) PROGRAM DEVELOPMENT GRANTS.—The Secretary is authorized to provide 50 per centum matching grants for program development and planning specifically to meet the objectives of this Act.

(g) STATE ACTION INCENTIVE.—The Secretary is authorized to increase Federal grants authorized in section 5(a) by providing an additional match equal to the total match provided by a State of up to 25% of total project costs. In no event may the Federal matching amount exceed 75% of total project cost. The Secretary shall further encourage the States to assist him in assuring that local rehabilitation plans and programs are adequately implemented by cooperating with the Department of the Interior in monitoring local park and recreation recovery plans and programs and in insuring consistency of such plans and programs, where appropriate, with State recreation policies as set forth in statewide comprehensive outdoor recreation plans.

(h) MATCHING REQUIREMENTS.—The non-Federal shares of project costs assisted under this section may be derived from general or special purpose State or local revenues, State categorical grants, special appropriations by State legislatures, donations of land, buildings or building materials and/or in-kind construction, technical and planning services, but not from any Federal grant program other than General Revenue Sharing and the Community Development block grant program. Reasonable local costs of plans or program development to meet the requirements of subsection (e) of this section may be used as part of the local match only when local applicants have not received program development grants under the authority of subsection (f) of this section. The Secretary shall encourage States and private interests to contribute, to the maximum extent possible, to the non-Federal share of project costs. The amount of State and private contributions to the project, shall be considered as one factor in rating projects for approval.

(i) CONVERSION OF RECREATION PROPERTY.—No property improved or developed with assistance under this Act shall, without the approval of the Secretary, be converted to other than public recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing local park and recreation recovery plan and only upon such conditions as he deems necessary to assure the provision of adequate recreation properties and opportunities of reasonably equivalent location and usefulness.

COORDINATION OF THE PROGRAM

SEC. 6. The Secretary shall (a) coordinate the urban park and recreation recovery program with the total urban recovery effort and work with the Secretary of HUD to insure maximum effectiveness of the program. The Secretary shall also coordinate to the fullest extent possible with other Federal departments and agencies and with State agencies which administer programs and policies affecting urban areas, including but not limited to, programs in housing, urban development, natural resources management, employment, transportation, community services and voluntary action; (b) encourage maximum coordination of the program between appropriate State agencies and local applicants; and (c) require that local applicants include provisions for participation of community and neighborhood residents and for public-private coordination in rehabilitation planning and project selection.

AUDIT REQUIREMENTS

SEC. 7. Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of project undertakings in connection with which assistance under this Act is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. The Secretary, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are hereby authorized to be appropriated for the grants authorized by this Act, not to exceed $150 million for each of the fiscal years 1979 through 1983, such sums to remain available until expended. Not more than three per centum of the funds authorized in any fiscal year may be used for grants for the development of local park and recreation recovery plans and programs pur-

suant to sections 5(e) and 5(f) of this Act. Grants made under this Act for projects in any one State shall not exceed in the aggregate 15 per centum of the aggregate amount of funds authorized to be appropriated in any fiscal year.

LIMITATION ON USE OF FUNDS

SEC. 9. No grant funds available under this Act shall be used for acquisition of land or interests in land.

EXPIRATION OF AUTHORITY

SEC. 10. The authority for new appropriations under this Act shall expire on September 30, 1983. Funds already authorized and appropriated as of that date will remain available until expended.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 12, 1978.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is the "Urban Park and Recreation Recovery Act of 1978," a draft bill to implement one element of President Carter's Urban Policy message of April 3, 1978. This proposal is based upon one of the major findings of the year-long "National Urban Recreation Study" mandated by P.L. 94-422 and conducted by this Department. It reflects the contributions of innumerable government agencies, private organizations and individuals representing National, State and local interests and the results of field work in 17 major metropolitan areas around the country.

We recommend that this draft bill be referred to the appropriate Committee for consideration and that it be enacted in its present form.

The purpose of the Urban Park and Recreation Recovery Act is to give National recognition to the importance of fully-functional park and recreation systems in urban communities and neighborhoods and to respond to difficulties which many hard-pressed cities have had in rehabilitating or improving deteriorated park and recreation areas. The "National Urban Recreation Study" found that many existing neighborhood and community recreation areas were failing to serve the needs of citizens because of the age, design or condition of their services-oriented facilities. The draft bill would address these problems by establishing a five-year grant program to stimulate local action to rehabilitate and revitalize park and recreation systems and to encourage long-term local commitments to continuing maintenance of these systems. We view this initiative as one time program which would not extend beyond 1983. The proposal would fill a gap in current Federal efforts to ensure, in cooperation with State and local governments, adequate recreation opportunities for all Americans.

The key elements of the proposed Act are:

1. Authorization of an Urban Park and Recreation Recovery Program in the Department of the Interior—

The Secretary of the Interior would be authorized to provide 50 percent matching grants for rehabilitation of indoor and outdoor recreation facilities directly to eligible general purpose local governments, with provision for assistance to special purpose agencies such as school or park districts at the discretion of city mayors, county chairmen or other chief executives of general purpose governments.

2. Emphasis on challenging States, local governments and the private sector to commit their own resources to urban revitalization.—

In accordance with the overall theme of the President's Urban Policy message, this program would emphasize self help through commitments of non-Federal resources in the matching of Federal grants. Section 5(g) of the bill contains a State action incentive which would provide a dollar-for-dollar bonus in Federal matching for every dollar a State contributes, up to 25% of project costs. This provision would allow up to 75% Federal matching with a 25% State match. The State matching incentive would encourage States to help their cities while providing flexibility for local and State governments on the share of project costs that each would bear.

Under section 5(d), project selection and approval criteria would also give a boost in priority rating to projects which are supported by State and private contributions.

3. Targeting of the program to fiscally hard-pressed cities.—

Under section 5(d) of the bill, the Secretary is mandated to use the UDAG criteria of the Department of Housing and Urban Development to target the program to local governments which meet minimum standards for physical and economic distress; these criteria include such factors as age of housing, per capita income, population decline, employment and unemployment rates and percent of residents below the poverty level as measurements of the relative distress of local jurisdictions on a national scale. Section 5(d) also requires development of priority criteria for project selection and approval which recognize age and condition of existing recreation facilities and demonstrable deficiencies in neighborhood recreation needs, along with other need factors.

We feel that the eligibility and priority criteria included in the bill will allow use of the funds authorized to ensure maximum stimulus to State and local governments and maximum direct benefits in the forms of improved recreation opportunities for urban areas with the greatest needs. Eligibility and priority criteria would be established in the shortest time possible following Congressional enactment of the program to eliminate unnecessary delays in implementation of local recovery programs.

4. Local commitments to development of overall recovery programs and to ongoing system maintenance.—

The purposes of sections 5(e) and 5(f) of the bill are to insure that local applicants for rehabilitation grants are committed to a systematic process for identifying rehabilitation needs and priorities and to adequate staffing, funding and maintenance programs for proper utilization and upkeep of existing and rehabilitated facilities. The bill would provide matching assistance for program development and planning where necessary, but we do not envision either requiring or funding lengthy or massive data collection and analysis efforts. The intent is rather to obtain formal commitments from local elected officials and administrators to publicly-approved projects, programs and policies for ongoing system rehabilitation and maintenance.

5. Coordination with other urban development and recreation programs.—

The bill recognizes the need for coordination of the Park and Recreation Recovery Program with related programs at the Federal, State and local level. It requires coordination among the Secretary of the Interior, the Secretary of Housing and Urban Development and other Federal agencies in the determination of eligible applicants and in development and administration of the program. This will ensure maximum linkage with other elements of the President's comprehensive urban policy, particularly the labor-intensive public works, arts and culture and neighborhood volunteer elements. The bill also specifies Federal cooperation with State recreation and urban assistance agencies and between State and local governments in program planning and administration; it has several provisions encouraging participation by community and neighborhood residents, volunteer organizations and other private interests at the local level.

We feel that the proposed program will address a long-recognized need for rehabilitation of urban parks and recreation centers and that proposed administrative procedures and requirements provide a balanced response to some critical recreation concerns of State and local interests. We look forward to working with Congress, the States and local governments in implementing this aspect of a comprehensive national urban policy.

The Office of Management and Budget has advised that this legislative proposal is in accord with the President's program.

Sincerely,

ROBERT L. HERBST,
Assistant Secretary.

ENR-P & R-NATIONAL PARK SERVICE,
May 17, 1978.

Hon. CECIL D. ANDRUS,
Secretary, U.S. Department of the Interior, Washington, D.C.

DEAR MR. SECRETARY: On May 12, 1978, the Department transmitted to the Senate the "Urban Park and Recreation Recovery Act of 1978." In that transmittal, you requested that the Administration's draft bill be referred to the appropriate Committee and enacted.

On April 27, 1978, Senator Proxmire introduced S. 3013, a bill to authorize the Secretary of Housing and Urban Development to establish an urban park and recreation program. While there are some differences between the two measures in many respects they appear to be identical.

Since Senator Proxmire indicated that he was introducing his bill "at the request of the Administration," I am not clear as to the Administration's position on this legislation.

I would like some clarification on this matter at your earliest convenience. As I do not feel that I can introduce this particular draft legislation in the absence of such clarification, your prompt consideration of this request will be appreciated.

Sincerely,

HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., May 25, 1978.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SCOOP: Your letter of May 17 concerning the "Urban Park and Recreation Recovery Act of 1978," has been received. This Act is an integral part of the President's urban program. It was transmitted by the Department of the Interior, on behalf of the Administration, to the Senate on May 12.

I am not aware of the circumstances surrounding the introduction of S. 3013 by Senator Proxmire. Prior to Administration clearance of the Urban Park and Recreation Recovery Act which the Department of the Interior submitted to you, several drafts and versions of bills to accomplish our objectives were developed. A number of these drafts were circulated for review and comment. Possibly, in this process, a draft was confused as the Administration bill. However, the bill introduced by Senator Proxmire was not and is not an Administration proposal.

The actual Administration bill is the one the Department of the Interior submitted to the Senate on May 12. We believe this is an important piece of legislation and the need for this Act is thoroughly demonstrated in the findings of the National Urban Recreation Study, recently submitted to Congress in response to P.L. 94-422. I urge your immediate and favorable consideration of this legislation and am willing to work with you in expediting its passage this session.

Sincerely,

CECE,
Secretary.●

By Mr. BAYH (for himself, Mr. METZENBAUM, and Mr. PERCY):

S. 3164. A bill entitled "The Citizen's Privacy Protection Amendment of 1978"; to the Committee on the Judiciary.

● Mr. BAYH. Mr. President, today I am introducing along with Senators METZENBAUM and PERCY the citizen's privacy protection amendment to the Civil Rights Act. This legislation is designed to establish special procedures for searching and seizing evidence of a crime when that evidence is in the possession of a person not implicated in any criminal activity. A special exception to this approach is incorporated when there are specific indications that the evidence to be sought might be hidden or destroyed.

The Citizen's Privacy Protection Amendment of 1978 is a response to the Supreme Court's decision of last week in the case of Zurcher against Stanford Daily. In that decision the majority held that the police armed with a warrant could, forcibly and without notice, search a person's business or home for evidence of a crime even if that person is in no way suspected of complicity in that crime. While no one would argue that prosecutors should not have access to necessary evidence, I do not believe that this is an appropriate standard for seeking such evidence from innocent third parties. As chairman of the Subcommittee on the Constitution I am particularly disturbed over the dangerous implications this ruling could carry for our first, fourth, and sixth amendment freedoms and the citizen's right to privacy in general.

Mr. President, the Zurcher decision poses a particular threat to the media and its constitutionally protected functions of news gathering and dissemination. By its very nature the media conducts investigations of possible criminal activity by a wide variety of people and organizations. The fruits of these investigations could almost routinely be considered "evidence" relating to crimes and would, therefore, be subject to seizure by unannounced police raids of newspaper, radio, and television stations. In the course of these searches confidential news sources could very well be compromised and exposed. As Justice Stewart's dissent in Zurcher points out:

A search warrant allows police officers to ransack the files of a newspaper, reading each and every document until they have found the one named in the warrant, while a subpoena would permit the newspaper itself to produce only the specific documents requested. A search, unlike a subpoena, will therefore lead to the needless exposure of confidential information completely unrelated to the purpose of the investigation. The knowledge that police officers can make an unannounced raid on a newsroom is thus bound to have a deterrent effect on the availability of confidential news sources. The end result, wholly inimical to the First Amendment, will be a diminishing flow of potentially important information to the public.

One need not rely on mere intuition to reach this conclusion. The record in this case includes affidavits not only from members of the staff of The Stanford Daily but from many professional journalists and editors, attesting to precisely such personal experience. Despite the Court's rejection of this uncontroverted evidence, I believe it clearly establishes that unannounced police searches of newspaper offices will significantly burden the constitutionally protected function of the press to gather news and report it to the public.

It should be emphasized, of course, that the dangers posed by Zurcher are not confined to the media. Justice Stevens' dissent eloquently outlines the negative implications of the court's opinion for our rights to privacy on a broad spectrum of American society:

Just as the witnesses who participate in an investigation or a trial far outnumber the defendants, the persons who possess evidence that may help to identify an offender or explain an aspect of a criminal transaction, far outnumber those who have custody of weapons or plunder. Countless law abiding citizens—doctors, lawyers, merchants, customers, bystanders—may have documents in their possession that relate to an ongoing criminal investigation. The consequences of subjecting this large category of persons to unannounced police searches are extremely serious. The ex parte warrant procedure enables the prosecutor to obtain access to privileged documents that could not be examined if advance notice gave the custodian an opportunity to object. The search for the documents described in a warrant may involve the inspection of files containing other private matter. The dramatic character of a sudden search may cause an entirely unjustified injury to the reputation of the persons searched.

Mr. President, in its decision the majority stated that Congress was free to establish more stringent legislative standards than the rule laid down by the Court in Zurcher. I believe we have a responsibility to respond to that invitation. The citizen's privacy protection amendment would require that when any person acting under color of law, whether a Federal, State or local official, seeks evidence of a crime from a citizen's home or business who is not suspected of being involved in the crime the proper procedure is to serve a subpena duces tecum rather than conduct a surprise search. An exception to this approach is recognized if there is reason to believe the evidence could be lost or destroyed. Violations of the act will result in civil damages.

Mr. President, it is one of the strengths of our Constitution that it provides so many safeguards to insure fair treatment and due process for those persons suspected of crimes, but I also strongly believe that when there is absolutely no reason to suspect a particular citizen is in any way implicated in criminal activity, that citizen's right to privacy in his or her home or business should be strictly adhered to by our Government. This is an ancient and honorable principle. It might be well for us to bear in mind one of the most famous statements by William Pitt in this regard:

The poorest man in his cottage may bid defiance to all the forces of the crown. It may be frail, its roof may shake, the wind may blow through it, the storm may enter, the rain may enter, but the King of England cannot enter. All of his forces dare not cross the threshold of the ruined tenements.

The citizen's privacy protection amendment will insure that persons not suspected of crimes will be afforded an equal degree of privacy from their Government.

Mr. President, I ask unanimous consent that the text of my bill and an editorial from the Washington Post be printed in the RECORD.

There being no objection, the bill and editorial were ordered to be printed in the RECORD, as follows:

S. 3164

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Citizen's Privacy Protection Amendment of 1978.

SEC. 2. In order to assure the rights of citizens under the 4th and 14th Amendments of the Constitution and to protect the freedom of the press under the 1st Amendment, the Civil Rights Act of 1964 is amended by adding at the end thereof a new Title XII, as follows:

"TITLE XII

"SEC. 1201. Subject to the exceptions found in Section 1202 of this Act, anyone acting under color of law who has probable cause to believe evidence of a crime is located on or about premises in which the person in possession of the evidence has a reasonable expectation of privacy shall attempt to secure that evidence only through a subpoena duces tecum.

SEC. 1202. Notwithstanding Section 1201 of this Act; a warrant may issue if:

(1) there is probable cause to believe the person or persons in possession of the evidence may be involved in the crime under investigation; or

(2) there is probable cause to believe the evidence sought to be seized would be destroyed, hidden or moved if the procedures set out in Section 1201 were followed.

SEC. 1203. (a) Any person aggrieved by a violation of Title XII of this Act may commence a civil action in an appropriate United States District Court.

(b) In any action brought under this Section the Court may award such general damages as may be appropriate as well as punitive damages not to exceed $10,000 for each violation."

RESTRICTING SEARCH WARRANTS

Near the end of the Supreme Court's decision expanding the use of search warrants to seize private papers, Justice Byron R. White pointed out how the effects of the decision can be overcome. "Of course," he wrote, "the Fourth Amendment does not prevent or advise against legislative or executive efforts to establish nonconstitutional protections against possible abuses of the search warrant procedure. . . ." What he means is that Congress can pass a law embodying the protections the court has refused to find in the Constitution. Congress should seize the opportunity at once. The dangers of the "possible abuses" are too great to permit delay.

The statement by Deputy Attorney General Benjamin R. Civiletti that the Department of Justice will not authorize federal police to seek warrants for surprise searches of newspaper files is not enough. For newspapers, although they face a special problem involving confidential sources of information, are not the only ones in jeopardy. The decision threatens the privacy of every home and office in the country; yet the Department of Justice, which egged the court on toward the outcome it reached, seems oblivious of those dangers.

The principle the court laid down permits searches of homes and offices for documentary evidence—pictures, letters, notes, diaries—of crimes committed by anyone. As far as we can

tell, there is no exemption even for the files of psychiatrists, ministers and lawyers.

The possible abuses are legion. Under this decision, the Nixon administration might have been able to get a warrant to search the files of Daniel Ellsberg's psychiatrist for information about the Pentagon Papers. Under it, your house can be searched if the police have reason to believe someone has mailed you a confession to a crime or a picture of a crime being committed. Such searches, no doubt, might make the solution of particular crimes simpler. But searches are not always productive and rarely are surgical. The search in the case before the court did not produce the picture the police sought; search of a Los Angeles radio station lasted more than eight hours. During the course of searches such as those, the police cannot be prevented from looking at whatever they run across. Who knows what bits of highly personal and private information they might have stumbled across in the files of Mr. Ellsberg's psychiatrist or would find in your home?

Congress can eliminate these and other possible abuses by passing legislation denying to federal judges the authority to issue warrants of this kind. Such legislation should go beyond repudiating the new doctrine that it is permissible to search an innocent person's belongings for evidence that someone else has committed a crime. It should also roll back the reach of search warrants to where it was 15 years ago, when the private papers of an individual could not be searched even for evidence of his own wrongdoing. The idea, now accepted by the court, that no place is immune from government scrutiny except a person's brain is alien to the precepts of the Bill of Rights.

By passing such legislation quickly, Congress would be doing more than just protecting the public against possible abuses by the federal police. It would be creating a model that could be taken to the state legislatures, each of which would have to adopt it before the public could be safe again. Beyond that, Congress would be sending a message to the Supreme Court that it's whittling away of the Fourth Amendment has gone too far. Such a message might have little immediate effect, given the current membership of the court. But it would lie there, waiting for the court of a later era first to realize that such basic privacy should not be breached and then to restore to the Fourth Amendment the meaning its authors intended it to have.●

ADDITIONAL COSPONSORS

S. 1967

At the request of Mr. ROBERT C. BYRD, the Senator from West Virginia (Mr. RANDOLPH), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Minnesota (Mr. ANDERSON) were added as cosponsors of S. 1967, dealing with social security contributions by State and local governments.

S. 2504

At the request of Mr. DOLE, the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of S. 2504, a bill to amend the Commodity Credit Corporation Act to establish a program to expand exports of farm commodities by CCC financing.

S. 2674

At the request of Mr. PROXMIRE, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 2674, to assist cities and States with respect to the authority of national banks to underwrite and deal in securities issued by State and local governments, and for other purposes.

S. 2716

At the request of Mr. NELSON, the Senator from Montana (Mr. PAUL G. HATFIELD) was added as a cosponsor of S. 2716, the Interstate Land Sales Full Disclosure Amendments of 1978.

S. 2721

At the request of Mr. MCCLURE, the Senators from Utah (Mr. GARN and Mr. HATCH) were added as cosponsors of S. 2721, to amend section 803 of Public Law 90–284 to allow educational institutions to determine housing policies.

S. 2742

At the request of Mr. NELSON, the Senator from Iowa (Mr. CULVER) was added as a cosponsor of S. 2742, to reform the depreciation system for small business.

S. 2865

At the request of Mr. NELSON, the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Utah (Mr. HATCH), the Senator from Minnesota (Mrs. HUMPHREY), the Senator from Indiana (Mr. LUGAR), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 2865, to delete the widow's tax, on excess estate tax which is not found in the Internal Revenue Code.

S. 3147

At the request of Mr. DOLE, the Senator from North Dakota (Mr. YOUNG), the Senator from California (Mr. HAYAKAWA), the Senator from New Mexico (Mr. SCHMITT), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 3147, a bill to prohibit the issuance of regulations on the taxation of fringe benefits.

SENATE RESOLUTION 461

At the request of Mr. DOLE, the Senator from Alaska (Mr. STEVENS), and the Senator from California (Mr. HAYAKAWA) were added as cosponsors of Senate Resolution 461, relating to the emigration of John and Lorriane Jodwalis.

SENATE CONCURRENT RESOLUTION 68

At the request of Mr. CURTIS, the Senator from Colorado, (Mr. HASKELL) was added as a cosponsor of Senate Concurrent Resolution 68, expressing the sense of the Congress on the Baltic States question.

SENATE CONCURRENT RESOLUTION 79

At the request of Mr. MCCLURE, the Senator from Nevada (Mr. CANNON) was added as a cosponsor of Senate Concurrent Resolution 79, disapproving proposed regulations of the Department of Treasury requiring centralized registration of firearms and other matters.

AMENDMENT NO. 1794

At the request of Mr. PROXMIRE, the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of amendment No. 1794, intended to be proposed to S. 50, the Full Employment and Balanced Growth Act of 1978.

AMENDMENT NO. 2254

At the request of Mr. ROBERT C. BYRD, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of amendment No. 2254, proposed to H.R. 8410, the labor reform bill.

AMENDMENTS SUBMITTED FOR PRINTING

LABOR LAW REFORM ACT OF 1978—H.R. 8410

AMENDMENTS NOS. 2255 THROUGH 2285

(Ordered to be printed and to lie on the table.)

Mr. LUGAR submitted 31 amendments intended to be proposed by him to H.R. 8410, the Labor Law Reform Act of 1978.

AMENDMENTS NOS. 2286 THROUGH 2317

(Ordered to be printed and to lie on the table.)

Mr. HATCH submitted 32 amendments intended to be proposed by him to H.R. 8410, the Labor Law Reform Act of 1978.

SENATE RESOLUTION 471—ORIGINAL RESOLUTION REPORTED DURING THE RECESS TO WAIVE THE BUDGET ACT

Mr. CANNON, from the Committee on Commerce, Science, and Transportation, reported the following original resolution, which was referred to the Committee on the Budget on May 31, 1978:

S. RES. 471

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 3082, a bill to amend the North Pacific Fisheries Act of 1954. Such waiver is necessary because the Japanese salmon fishing season begins June 9, 1978, at which time there will be no governing legal mechanism to implement the terms of the recently negotiated 1978 Protocol Amending the International Convention for the High Seas Fisheries of the North Pacific Ocean unless S. 3082 is enacted into law. The bill implements this Protocol by amending the North Pacific Fisheries Act of 1954. It would provide substantially increased protection for United States salmon stocks that would otherwise be subject to fishing by the Japanese high seas fleet and authorizes to be appropriated $1,000,000 for fiscal year 1979 and such sums as may be necessary for fiscal year 1980 in order to carry out the provisions of the bill relating to research of marine mammals in the North Pacific area. In addition, the bill authorizes to be appropriated $500,000 to the Secretary of Commerce for the 3-year period beginning October 1, 1978, and ending September 30, 1981, to carry out a sonar salmon research demonstration project in the Arctic-Yukon-Kuskokwim region. Because the implementing legislation was not transmitted to the Congress until May 9, there was not adequate opportunity to act on the bill prior to May 15. The matters contained in S. 3082, as reported, relating to the cost of the implementation of the 1978 Protocol, were anticipated by the Committee on Commerce, Science, and Transportation in its March 15, 1978, report to the Committee on the Budget.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FEDERAL SPENDING PRACTICES AND OPEN GOVERNMENT

● Mr. CHILES. Mr. President, the Subcommittee on Federal Spending Practices and Open Government is rescheduling the oversight hearing on the

Government in the Sunshine Act (Public Law 94-409) from Wednesday, June 7, to Tuesday, June 13, 1978, at 10 a.m., in room 3302, Dirksen Building.

A hearing will also be held the following day, Wednesday, June 14, on the Contract Disputes Act of 1978 (S. 2787) at 10 a.m., in room 3302, Dirksen.

For further information regarding these hearings, please contact Mr. Ronald A. Chiodo, subcommittee chief counsel and staff director.●

CHANCE OF DATE ON NOMINATION HEARING

● Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that the public hearing originally scheduled for Tuesday, June 6, 1978, at 9:30 a.m., in room 2228, Dirksen Senate Office Building, has been changed to Wednesday, June 7, 1978, at 4:30 p.m., in room 2228, Dirksen Senate Office Building, on the following nomination:

Shane Devine, of New Hampshire, to be U.S. district judge for the district of New Hampshire vice Hugh H. Bownes, elevated.●

SELECT COMMITTEE ON SMALL BUSINESS

● Mr. NELSON. Mr. President, I wish to announce that the Select Committee on Small Business will hold a hearing on S. 836 (to amend title IV of the Small Business Investment Act of 1958) on Monday, June 12, 1978, at 9:30 a.m. in room 424 of the Russell Senate Office Building. The Senator from Oklahoma (Mr. BARTLETT) will chair the hearing.

Further information can be obtained from the committe office at 224-5175.●

ADDITIONAL STATEMENTS

PROPOSED ECONOMIC BOYCOTT OF UGANDA

● Mr. WEICKER. Mr. President, on January 23, I introduced legislation in the Senate (S. 2412, S. 2413, and S. 2414) to end U.S. commercial support of the bloody regime of Idi Amin in Uganda. At that time, I stressed the great extent to which the Ugandan Government relies on U.S. firms to buy its coffee and sell its communication equipment and luxury goods. An economic boycott of Uganda is our readiest and most effective means of pressuring Amin to cease his terror.

But so far, Mr. President, the U.S. Government—a government which ironically prides itself as champion of human rights the world over—has, like the priest in the parable of the Good Samaritan, been content to mind high thoughts and ideals while walking past a beaten, bleeding nation.

Richard Ullman, in his article "Human Rights and Economic Power: The United States Versus Idi Amin" which appeared in the April 1978 issue of Foreign Affairs provides an astute discussion of the issues involved in United States-Ugandan economic relations. Formerly a professor of international relations at Princeton University, Mr. Ullman is currently a member of the editorial board of the New York Times.

He demonstrates how the Amin government would suffer in the event of an American economic boycott, such as I have sponsored in the Senate and Congressman PEASE introduced in the House. Coffee amounts to more than four-fifths of Uganda's exports. One-third of Uganda's coffee is bought by American companies. The lion's share of the money Amin uses to buy arms, pay soldiers, and reward henchmen comes from coffee sales. If the United States were to cut off Ugandan trade, the consequent shortage of available cash might well precipitate a crisis for Amin. Given the current political and economic turmoil of Uganda, one can easily imagine a scenario in which Amin, unable to meet the payroll of mercenary thugs, is deposed by the Ugandan people.

Even in the unlikely event that new markets could be quickly found for the 63,000 tons of coffee the United States bought from Uganda last year, enactment of a U.S. trade embargo against Amin would set a moral example for the world. The message would be clear that this democracy, founded on respect for fundamental human rights, want no part in sustaining government by genocide.

The concern of the Carter administration about economic sanctions against Uganda is that our actions will legitimize the use of economic leverage to achieve political ends. They justifiably fear economic actions like the OPEC oil embargo of 1973.

But the belief by many in our Government that economic and political realms can be kept separate belies reality. Political action always have economic consequences and vice versa. Moreover, as Mr. Ullman describes, the United States has constrained trade with the Soviet Union, Eastern Europe, Cuba, Rhodesia, Communist China, North Korea, Vietnam, Cambodia, Laos, and the Dominican Republic. It is clear from our history that certain situations require the use of economic tools.

Mr. President, I urge my colleagues to examine Mr. Ullman's fine contribution to the growing body of literature dealing with United States—Ugandan relations and ask that the text of his article be printed in the RECORD.

The article follows:

HUMAN RIGHTS AND ECONOMIC POWER: THE UNITED STATES VERSUS IDI AMIN

(By Richard H. Ullman)

By the time this journal is in its readers' hands, the American Congress may have been called upon to decide whether Uganda's coffee should be barred from entering the United States. Its decision will hold great importance for Uganda, for the United States, and for the international system. At stake will be the issue of whether or not the richest and most powerful of sovereign states is justified in using its economic power unilaterally to force the government of a smaller and weaker state to alter the way it treats its own subjects. The questions raised come cascading forward: Why should rich North Americans interfere in the internal affairs of a poor Africa state? How would that interference relate to other American interests and policies—in Africa and elsewhere? What is the larger significance for the international system of such use of an economic instrument—a coffee boycott—for a political purpose?

II

In any contemporary lexicon of horror, Uganda is synonymous with state-become-slaughterhouse. The most conservative estimates by informed observers hold that President Idi Amin Dada and the terror squads operating under his loose direction have killed 100,000 Ugandans in the seven years he has held power. Some estimates run as high as 300,000. Many victims have been guilty of nothing more than catching the eye of the killer—a shopkeeper with coveted goods, a Christian in a Muslim village, a civil servant who questions a command, a judge with foreign friends.

Other governments, in Africa and elsewhere, rule by terror and reward opposition by death; Equatorial Guinea and Cambodia would belong on any list, and there are more. But the scale of official murder in Uganda, its ferocious brutality, and its terrible capriciousness all place Idi Amin's Uganda in a category of its own in which the nearest analogues may be Hitler's Germany or Stalin's Russia. Just as South Africa is unique—an entire system of political and social repression resting on racial distinctions—so Uganda is also. Each, for different reasons, deserves international condemnation.

Thus far, however, Uganda has escaped the kind of censure exemplified by the U.N. Security Council's vote last November to impose a mandatory arms embargo on South Africa. The most notable act of international censure came at last summer's conference of Commonwealth heads of government when, in Idi Amin's absence, the meeting passed a resolution deploring human rights violations in Uganda. Previously, in March 1977, the U.N. Human Rights Commission—on which Uganda sits—shelved a proposal that it should conduct an investigation into Ugandan conditions. Early last December the five Nordic governments jointly sponsored a U.N. General Assembly resolution condemning Uganda. Immediately it aroused intense controversy within the U.N.'s 50-member African group, with some members even willing to support it. But the majority urged—and the Nordic sponsors agreed—that in exchange for a commitment that the Human Rights Commission would take up Uganda once again in March 1978, the resolution would not be publicly debated or pressed to a vote.

Not surprisingly, many Westerners contrast African governments' toleration of Uganda with their denunciation of South Africa. Nearly all African leaders have been vociferous in their condemnation of the white regime in Pretoria while remaining silent regarding the black regime in Kampala. African leaders are, indeed, curiously schizophrenic regarding Amin. Many privately admit to abhorring him, and say that he has disgraced Africa. Yet only a few, such as Tanzania's Julius Nyerere and Zambia's Kenneth Kaunda, have said so publicly. The Commonwealth conference succeeded in condemning Uganda last summer only because the resolution of censure did not mention Amin by name and because it passed by acclamation: no head of government had to put his name to it. Only a short while later, at the summit meeting of the Organization of African Unity (OAU) at Libreville, Amin received a rousing ovation.

Many African leaders refuse to speak or act against Amin for fear of violating the OAU's cardinal rule against interference in a member state's internal affairs. The use of repressive force to maintain order—or power—in new, fragile states composed of multiple tribal groupings is common. Some leaders undoubtedly feel that even though the scale and the capriciousness of official violence in Uganda goes beyond any rational bounds and is fully deserving of repudiation, any effort to condemn Amin would open the door to a process that ultimately would rebound against themselves. Therefore, perhaps the

most important factor determining whether or not African governments will ever join in some sort of collective condemnation or action against Idi Amin's regime will be whether they can persuade themselves, as others are already persuaded, that the slaughter in Uganda is indeed a case apart.

There are a few African leaders who purport to believe that the allegations against Amin—well-documented though they are—are fabrications by white racists designed to discredit all African governments. Throughout Africa Amin enjoys a certain popularity because of his theatrical humiliation of whites; the photograph of his great bulk, chair-borne, being carried into an OAU rally in a Kampala stadium by a clutch of sweating British businessmen—a modern "white man's burden," as Amin himself put it—will not soon be forgotten.

III

Black African states can censure Amin, and their doing so would be a gesture of great moral significance. Conceivably, they could use coercive force against him. But armed action would endanger ordinary Ugandans and the citizens of the neighboring countries from which a military campaign would come.

It is the West, more than black Africa, that holds the power decisively to affect events in Uganda. The alternative to coercion by arms is economic coercion, and only the West can provide it. Uganda's economic relations with African states consist of a fairly modest trade in foodstuffs and light manufactured goods. As in the case of South Africa, it is in the economic realm that Western states can exert leverage. South Africa's modern, industrialized economy is deeply intertwined with the economies of the West. There is no comparable interdependence in the case of Uganda, but a simple and direct dependence. Uganda depends on the West to provide a market for the Ugandan coffee crop, and coffee is now the country's only export of any significance. A decade or so ago Uganda exported substantial amounts of both cotton and copper, but under Amin its economy has been thrown into such chaos that cotton growing and copper production have virtually ceased, and in recent years coffee has accounted for more than four-fifths of Uganda's exports. That coffee—the cheaper *robusta* type used for instant coffee—amounts to five percent of the world's crop by value. During 1977 Uganda benefited substantially from the rise in world coffee prices brought about by the frosts in Brazil and earned some $750 million for its crop, more than double the figures for 1976. No less than one-third of that coffee comes to the United States. Another fifth goes to the United Kingdom, and other Western countries—notably West Germany, France, Italy, Japan, and the Netherlands—buy virtually all the rest.

Uganda's coffee is grown almost entirely by peasant smallholders, not on plantations. Growers are required to sell their beans to the state marketing board, and are paid, at a price set by the board, in vouchers redeemable only in nearly worthless Ugandan shillings. Sometimes they are not even paid at all. Their crop is simply seized. Thus Amin's regime, and not the growers, receives all the foreign exchange. Amin uses it to pay off loans from Libya and other Arab countries, to buy weapons (mostly from the Soviet Union), and to supply his army, police, and civil service with luxury goods. The latter are particularly important to his hold on power: Amin uses lavish material rewards to purchase loyalty.

Thus there is a direct relationship between foreign purchases of Uganda's coffee and Amin's murderous regime. Whether he would fall from power if those purchases ceased is a question impossible to answer. Many knowledgeable persons think that he would. There is no doubt, however, that he and his closest collaborators would feel the impact of a boycott of Uganda's coffee, and feel it hard.

Who else would feel it? Economic sanctions, so the accepted wisdom runs, are blunt instruments. They cannot be "fined tuned" to impinge only upon those persons whose actions deserve censure. Take the case of South Africa: Some who support Pretoria's policies (and some who do not) concede that comprehensive sanctions—especially a stoppage of all petroleum imports—might eventually bring the white regime to its knees. However, the process would take years, they argue, and while it is occurring urban blacks (roughly half the black population) would feel the pain earlier, and to a greater extent, than whites. That may or may not be the case for South Africa. But Uganda's situation is very different. The vast majority of Ugandans, more than 90 percent and including most of the peasant coffee-growers, depend in large measure upon subsistence agriculture for the necessities of life and participate only marginally in the cash economy. An effective boycott of Uganda's coffee would thus seriously curtail the livelihood only of the country's small urban sector, including Amini's army and police.

There is, of course, the risk that a boycott—especially one that was only partial—would misfire, and merely cause Amin to rule with greater brutality. Even an effective boycott might only induce him to hunker down, rally Ugandans to his side, and wait out the siege. That is doubtful, however. Amin might indeed be able to rally some support. But he is scarcely a popular ruler, and he would have to rely entirely upon sticks, rather than upon the mixture of carrots and sticks he now employs. Moreover, he could not threaten to bring down Uganda's economy with him. It already is down. Some specialists compare Uganda today with Cambodia, so completely has Amin allowed—in fact, hastened—the deterioration of a once fairly impressive social and economic infrastructure.

While a coffee boycott—if effective—would be quite narrowly focused in its impact, and might succeed in removing Amin from power, it obviously could not *assure* a better future for Ugandans. Amin's downfall would likely be accomplished by members of the narrow circle around him. These are men who themselves have blood on their hands. However Amin's downfall were brought about, there are plenty of Ugandans with scores to settle. In six years of rule, Amin has vastly exacerbated religious and tribal animosities. To expect an easy and bloodless transition in the aftermath of one of the most barbarous reigns of our era would scarcely be realistic, although the process could (and certainly should) be eased by rapid and generous offers of foreign assistance. In addition, many of the thousands of educated and talented Ugandans who have fled abroad to escape Amin would undoubtedly return to aid their country's reconstruction. Whoever Amin's successors might be, however, the chances are overwhelming that they would not be men afflicted with his peculiarly vicious kind of paranoia. It is scarcely likely that the lives of Ugandans—of all classes—would be worse. And there is a very good chance that they would be much better.

IV

The certainty that the Amin regime would be hurt by a boycott, and the considerable chance that he might even fall from power, has motivated Democratic Congressman Don J. Pease of Ohio, supported by 75 colleagues, to introduce legislation to cut off all American trade with Uganda. They are also sponsoring an alternate, less sweeping bill that would bar Ugandan coffee from entering this country.

Pease would, of course, prefer international action, akin to the U.N. arms embargo against South Africa. But he recognizes that, at least for the present, the chances of securing the required international consensus are nonexistent. Even if the U.N. Human Rights Commission should agree to investigate Ugandan atrocities, its inquiry would be likely, at best, to give rise to a General Assembly motion of censure, but not to punitive action. Pease therefore favors a unilateral boycott by the United States, as Uganda's largest export market and supplier of foreign exchange. If an American lead were followed by the United Kingdom, where there is perhaps even a greater awareness and abhorrence of Amin, and by only one or two other Western countries, the impact would likely be large. Even if no other Western government were to follow—and there is no sign that any contemplates doing so—a strong American lead might well stimulate consumer boycotts elsewhere. In any case, denial only of the American market would crimp Uganda's foreign exchange supply. Even that might be enough to precipitate defections from the ranks of Amin's lieutenants. And, combined with the Administration's current policy of refusing to license the export to Uganda of armaments of any sort, it would at the very least effectively disassociate the United States from a genocidal regime.

The Carter Administration has pronounced itself as opposed to a unilateral American boycott of Ugandan coffee. Douglas J. Bennet, Jr., Assistant Secretary of State for Congressional Relations, wrote to Congressman Pease in September 1977 that the Administration was "not convinced" that a unilateral boycott "would be effective in bringing about an improvement in human rights conditions" in Uganda. But its reason for opposing a unilateral action was more general. Bennet stated:

"Boycott actions are not consistent with the principles of the General Agreement on Tariffs and Trade (GATT), to which the United States is committed as the basis for international commercial relations. Whenever these principles are set aside, their overall authority as a protection for our own international trade interests is undermined. Therefore, as a general matter, we are extremely reluctant to take actions which contradict these principles."

This argument is, of course, very much in the mainstream of official and popular American thinking about international economic relations that runs back to the nineteenth century. As a major trading power, the United States should oppose any effort to restrain trade for a political purpose. Even though a particular cause might be compelling—and Bennet's letter reminded Pease of the Administration's "unequivocal opposition to the continuing record of human rights violations in Uganda"—the more general American interest in an international economic system with minimal barriers would ultimately suffer from a boycott. As *The Washington Post* put it (November 14, 1977), a boycott would set "a dangerous precedent for more of the same political manipulation of international trade in less egregious cases."

Underlying this argument is the widely shared conviction that economics and politics belong on separate "tracks." The GATT, to which Bennet referred in his letter to Pease, is an important element in the structure of global rules and institutions erected after World War II to guard against the political intrusions in world trade relations that had proved so ruinous during the interwar years. Within this framework, economic pressure should *ordinarily* be used only to counter economic abuses by others—unilateral imposition of protective tariffs, predatory exchange rate manipulation, and the like.

Human rights violations, such as Amin's, are in the political realm; they should be countered by political measures—denunciation, ostracism, and, ultimately, military force—*unless* (and here is the exception to the ordinary instance) economic sanctions are mandated by an international organization like the United Nations.

The model for such multilateral action—and one referred to by Bennet in his letter to Pease—has been economic sanctions against the Rhodesian government of Ian Smith, imposed by the U.N. Security Council following his unilateral declaration of independence from Britain in 1965. The requirement of great power unanimity in the Security Council assures that economic measures will not be taken unilaterally or, even more important, without American consent. If sanctions against Rhodesia—even though far from effective or fully observed by the United States—have been the *beau idèal* for American policymakers, the nightmare was the Arab oil embargo, imposed with varying degrees of stringency against the United States and other Western nations because of their support of Israel in the Middle East war of October 1973. A variant of the same nightmare has been the Arab boycott of selected American banks and companies for their business dealings with Israel. These visions seem to confirm the soundness of Washington's continued insistence upon the protection of a Security Council vote as necessary to justify blurring the separation between policial and economic "tracks."

American practice, however, has departed considerably from this ideal. To cite but a few examples: in 1960 the United States unilaterally imposed a trade embargo on Cuba in retaliation for the Castro regime's uncompensated expropriation of American property. Here, perhaps, was an economic response to an economic action, but the motivation—for both sides—was unabashedly political. That same year Washington obtained economic sanctions by the Organization of American States (OAS) against the Dominican Republic government of Rafael Trujillo for its attempted intervention in Venezuela. And, later by a majority vote in which there were a number of dissenters, it induced the OAS to put a multilateral fig leaf over its embargo against Cuba. Similarly—sometimes unilaterally, at other times through the medium of the so-called Coordinating Committee (COCOM) within NATO—the United States has restricted the sale of important equipment and sensitive technology to communist countries. Finally, the Carter Administration has taken limited punitive economic measures—a cutoff of economic aid and credits, suspension of arms sales—against several governments, Uganda's included, for their flagrant violations of human rights.

The truth, of course, is that the economic and political realms are inseparable, and that decisions made "solely" on the basis of economic criteria have profound political consequences. The explicit decision not to offer easier-than-market credit to a hard-pressed government, such as Peru's, means that it probably will need to repress workers protesting forced austerity—and, later, to face foreign accusations of human rights violations—in order to remain in power. Similarly, the tacit decision to allow market forces to govern the amount of Uganda's coffee American firms purchase is also a tacit decision to take no significant steps—covert measures being, presumably, ruled out—to bring down Idi Amin, nor even to disassociate the United States from support of his regime.

American policymakers are, of course, well aware of the difficulty, in practice, distinguishing between "economic" and "political" causes and effects. They find it convenient to maintain the rhetorical distinction, however, because of a view that, on balance, American interests are better served in a world in which there is a strong presumption against the overtly political use of economic instruments. Moreover, maintaining the distinction makes it possible to avoid some hard decisions. If unilateral (or Western) economic measures to bring down Amin are ruled out, the peculiar advantage that the United States possesses by virtue of its economic size is neutralized, and the issue of what to do about Amin becomes one of organizing a moral consensus against him. The United States thus becomes only one state among many, and the decision is passed squarely back to Amin's peers, the leaders of other African states. Washington is willing to do its part, at the U.N. General Assembly or in the Human Rights Commission, to contribute to censuring Amin, but the central role falls to his fellow Africans.

Undeniably, this is a posture that makes life easier for an American Administration for which, after all, events in Uganda—even if Americans are involved—can never be of continuing central importance. And it is one that carries no risk that the United States (or a Western coalition) will be labeled as an oppressor of a weak, black Third World state. Even African leaders who privately wish for Amin's downfall might be reluctant to see such an outcome brought about as a result of direct American economic pressure. The precedent might seem too dangerous: in other circumstances they themselves might be Washington's chosen targets.

This may be a more comfortable American posture, but it is one that is both intellectually and morally disingenuous, especially for an Administration like Jimmy Carter's, which has so forthrightly identified itself with the promotion of human rights worldwide. When it comes to dealing with Uganda the United States is not merely another small African country. African states can enjoy a luxury denied to the United States by virtue of its size and power. No matter what posture they assume regarding Amin, short of declaring war upon him it will make relatively little difference to his ability to survive. But the United States wields great leverage over the Ugandan economy. By not using it Washington tacitly acquiesces in Amin's survival.

VI

A peculiarity of the American relationship with Uganda is its drastic asymmetry. It is difficult to imagine a bilateral combination in which the power of the first partner to affect the second is so great and that of the second to affect the first so small. Doing without Ugandan coffee would cause scarcely a ripple in the American coffee market.

Indeed, so painless would a boycott be that the President of the National Coffee Association representing the entire domestic industry wrote last November 29 to Congressman Pease and to Secretary of State Vance stating that the Association's members awaited the government's orders. Its board of directors agreed unanimously "that the violations of human rights occurring under the Ugandan Government of President Idi Amin are abhorrent and morally repugnant." But rather than respond firm by firm to public pressures to desist from purchasing Ugandan coffee, and rather than risk being charged with antitrust violations for colluding in a boycott the Association asked the Congress and the Administration "to declare and implement a uniform national policy" that would bind the entire industry.

The situation in other Western countries would undoubtedly be similar, for Uganda's share of their markets is comparably insignificant. Nor would there be a likelihood of significant evasion. Boycott regulations are difficult to enforce if there is substantial profit in evading them. But Uganda's coffee is so small a part of the world crop that the incentives for importers to cheat would be slight, and they could reasonably ask for assurance that coffee from other suppliers was not in fact diluted with Uganda's crop. Similarly, Amin does not enjoy such political support that other African suppliers would be much tempted to come to his assistance by palming off his coffee as their own.[1]

There is, of course, the possibility that other purchasers—the Soviet Union or radical Arab states, such as Libya—might come forward, either to buy the coffee for their own consumption or for resale. That is unlikely, however. The effort would be costly. The countries in question routinely purchase little coffee. Resales might be detected. Moscow came to Cuba's rescue a decade and a half ago and purchased its sugar crop, but there are virtually no parallels between the situations of Cuba and Uganda, nor any—other than flamboyant personal styles and anti-Western rhetoric—between Idi Amin and Fidel Castro. And even Libya's Colonel Qaddafi might find that the role of Amin's savior would carry more political costs than benefits.

The relative ease of imposing an effective boycott against Uganda, however, may become an argument against it, especially in the eyes of Africans. If Western governments want to use their economic leverage on behalf of black Africans, such an argument might run, let them use it in circumstances where they themselves would also have to pay a price—for example, against the white racist regime in South Africa. Virtue that is costless is scarcely distinguishable from opportunism. To take action against Idi Amin while continuing to conduct business as usual with John Vorster would be an affront to the rest of Africa.

The counters to this argument are not so much logical as political—and avowedly opportunistic. It is undeniably true, given the degree of economic interdependence between South Africa and the West, that sanctions against Pretoria must be costly if they are to have any chance of effectiveness. But that, in fact, may be an argument for starting with Uganda. Once Western governments and societies prove willing to apply sanctions against Uganda, at little pain to themselves, it would be politically more difficult for industries and individuals to argue persuasively that comparable measures should not be taken next against South Africa. There is now, in every Western country and certainly within the U.S. Congress, a considerable body of opinion that decries what is held to be an international double standard applied to South Africa: those who fulminate at Pretoria's abuses of human rights, it is said, are too often willing to overlook equally grave violations elsewhere, especially in black Africa. A boycott aimed at Uganda would effectively dispose of these allegations of a double standard—and perhaps neutralize those who make them as politically potent opponents of sanctions against South Africa.

There is, it should be noted, one respect in which the asymmetries of Uganda's international relationships place leverage in the hands of Ida Amin—the vulnerability of the 300 or so Britons, 200 or so Americans, and lesser numbers of other Westerners who still reside in Uganda. Amin has threatened them before. In the face of a boycott, he might carry out his threats. Westerners in Uganda may be divided into three groups. Something over a third are Christian missionaries. (Perhaps 60 percent of the Ugandan population

[1] Because Ugandan coffee-growers receive so little for their crop, those living near the Kenyan and Tanzanian borders attempt to smuggle their coffee out. This coffee is, of course, not identified as Ugandan. But since the proceeds go to the growers and not to Amin, their smuggling should be encouraged: it benefits them directly while reducing still more the importance to the world of Amin's "official" crop.

is at least nominally Christian, while ten percent, including Amin and nearly all his inner circle, are Muslims.) The missionaries remain precisely because they hope to alleviate the hardships Ugandans have suffered under Amin. An equal number of the Westerners are either businessmen or specialists of various sorts who serve the regime—pilots, technologists, and the like. They do not feel endangered, and they stay because there are large sums of money to be made. The remainder are a heterogeneous lot, including some dependents of Ugandans. Western governments acknowledged possible dangers to their citizens long ago by warning them to leave Uganda. The United States issued such a warning in 1973, when it closed its embassy in Kampala, and it has frequently been repeated. Each Western resident remains for personal reasons. Clearly their situation should cause concern. But it should not ultimately be a decisive determinant of Western policy.

VII

If Congress mandates a boycott of Uganda's coffee by American importers (not to mention legislating the more drastic sanctions many Congressmen also desire), it should do so with a clear awareness of the larger implications of that action. I would indicate, of course, that the U.S. government is prepared to say that there are boundaries of decency beyond which other governments must not pass in their treatment of their own citizens, and that it will suspend official American assistance to those governments. This, in fact, is consonant with existing American policy, as has already been pointed out. Much more important, it would also indicate that Washington would order private persons and firms under its jurisdiction to cease actions that help those governments maintain themselves in power. And in nearly every instance it is the private sector's role, rather than official aid, that makes a difference. Such a posture could scarely be confined to Uganda alone. Unless Congress were prepared to make it general and, in particular, apply it to South Africa, it would make an absurdity of any larger American policy toward Africa. That is why action against Uganda should be accompanied by economic pressure—not necessarily an embargo, but meaningful economic measures of some sort—against the present South African government.

A boycott against Uganda for its abuses of human rights would also indicate a greater American willingess to depart from the "two-track" separation of economics from politics. There have, of course, been other instances in which Congress has blurred that separation to promote human rights—most notably the so-called Jackson Amendment of 1974, denying most-favored-nation treatment to the exports of countries whose citizens are not allowed freely to emigrate. In practice, however, the Jackson Amendment and similar punitive economic measures have been applied only to the Soviet Union and its allies, countries (especially the Soviet Union) that the United States has long regarded as adversaries on a number of grounds. Human rights violations constitute only one of those grounds, and historically it has not been the most important. By contrast, Uganda can in no sense be regarded as an adversary of the United States—its international role is too unimportant, and its impact on this country too minimal. That is why a boycott of its coffee could represent the application of a genuinely new principle in American foreign relations.

The difficulty, of course, lies not in stating that principle but in translating it into day-to-day policy. Especially, it lies in making the judgment as to which governments have placed themselves beyond acceptable limits of decency in their treatment of their citizens. Since consistency in application over time is an essential characteristic of sound policy—especially in an area as sensitive and as emotion-laden as this one—the criteria for determining whether or not a given government deserves a place on the list of offenders must necessarily be gross and not susceptible to reasonable contradiction. To put it crudely, ordinary garden-variety oppressors—of which, arguably, there are many—would not qualify. Rather, the list would be limited to the most egregious cases, such as regimes that practiced widespread murder or the wholesale forced degradation of their subjects merely on the ascriptive basis of race. The present government of South Africa would clearly qualify under the second criterion, those of Uganda, Cambodia, and Equatorial Guinea, under the first. While it is unlikely that other states will follow South Africa in grounding an entire political structure in racial distinctions, it is all too likely that the state system will see future Ugandas or Cambodias, where extermination—either capricious or in accordance with an elaborate design—becomes an habitual instrument of national policy.

To single out this handful of existing states as deserving of special censure, and special measures, is not to suggest that the human rights performance of other governments—from the Soviet Union to South Korea, from Argentina to Indonesia—should not be an object of considerable American concern, and of American pressure. To apply that pressure, a whole panoply of foreign policy instruments—incentives, protests, public exposure of wrongdoing, denials of aid of various kinds, Jackson Amendment-type restraints on trade—are available and appropriate. But only in the most serious instances should Washington resort to measures as drastic as sweeping economic sanctions whose ultimate objective is to bring about either a total change in a government's domestic policies or else its downfall.

These are measures, it should be noted, that fall far short of war—of the employment of American military forces for coercive purposes. Yet, at the same time, their purpose is one for which states have traditionally employed military force. If the Congress wants to bring down Idi Amin, it might be asked, why not use force to do it? The answer, of course, is that Congress does not wish to expend American lives in order to save Ugandans. That should surprise no one. Some 30 years ago, E. H. Carr observed that in the nineteenth-century European scramble for empire, Great Britain could accomplish without force what lesser economic powers could only achieve with warfare.[2] The observation applies to the United States today. It does not apply to the Soviet Union, which has nothing like the economic leverage the United States has; neither 100 years ago, did it apply to Germany, Britain's rival.

Just as some states are more potent wielders of economic pressure, so some are more vulnerable targets. We have seen that Uganda, by virtue of its dependence on a few buyers of a single crop, is peculiarly vulnerable. South Africa—with a modern, industrialized, energy-consumptive economy—is also vulnerable to economic pressure, but in a different way, and the necessary measures would be much more costly to the states wielding pressure. By contrast, Cambodia under the radically autarchic regime of Pol Pot's Khmer Rouge, would scarcely be vulnerable at all. Vietnam—a small economy itself, of course—had to use military force when it attempted to alter Cambodian conduct. But so would the United States if it wanted to deflect the Phnom Penh regime from a path of barbarism apparently approaching Amin's. One uses—or chooses not to use—the instruments at one's disposal. The fact that economic leverage can be applied only with difficulty against South Africa, and probably not at all against Cambodia, is no argument for not using it against Uganda.

International consciousness of a shared humanity may some day reach a point where supranational authorities or states acting at their command will maintain strike forces—larger versions of the Israeli force that landed an Entebbe or the German force at Mogadishu, each to rescue its own nationals—for use against regimes that brutalize their own citizens. But that day is nowhere in sight. Until it comes, today's prevailing general proscription against the use of military force is best preserved intact. It is a proscription which, by consensus, applies especially to the two superpowers. Although each has flagrantly violated it, it remains a bulwark of a "moderate" international order. American use of military means to save Ugandans or Cambodians from their own governments would violate prevailing norms regarding appropriate conditions for using international force: judged by commonly accepted standards, no "vital" American interests are at stake. And, of course, it would risk counter-intervention by others (conceivably, Moscow on Amin's behalf, Peking on Pol Pot's).

By contrast, the use of economic instruments to promote human rights does not conjure up quite the same images of a system of small-state lambs and predatory superpower wolves. The international economy contains strong incentives that in nearly all cases constrain a giant trading and investing power like the United States to play by the "two-track" GATT rules it was so instrumental in writing. The best assurance for the Senegals or the Bolivias (or other small states that are not egregious offenders against decency) that Washington will not some day use against them the economic leverage it might apply to Uganda is the likelihood that the United States itself would be seriously injured if the use of economic coercion for political purposes became an everyday occurrence. Uganda—and South Africa—would be distinct exceptions, and exceptions often do strengthen rules; those who break rules tend subsequently to observe them precisely in order to underline the uniqueness of the exceptional cases.

In the case of Uganda today, the rules of the system, which separate the "economic" from the "political," work entirely to support the brutal regime of Idi Amin. It is, therefore, incumbent upon others who benefit from the normal working of that system—large states and small ones alike—to take action to assure that it no longer provides Amin with the instruments by which he maintains his grasp on power. If possible, that action should be collective. Its impact, not to speak of its international legitimacy, would be much enhanced. But if efforts to bring about collective action by the international community should fail, the United States—and those other major purchasers of Uganda's crucial coffee crop that elect to follow—should take steps to wield the West's large economic power against, rather than in support of, Idi Amin.●

[2] Edward Hallett Carr, *Nationalism and After*, London: MacMillan, 1945, p. 16.

THE BATTLE OVER U.S. INTELLIGENCE

● Mr. GOLDWATER. Mr. President, at a time when the intelligence services of the United States are receiving undeserved criticism from major sources in the media and uninformed persons, it is timely that a feature appeared in the Air Force magazine of May 1978, entitled "The Battle Over U.S. Intelligence." It is very well done, succinct and to the point, and I would suggest that my colleagues take advantage of this writing

and read it. I ask that it be printed in the RECORD. The article follows:

THE BATTLE OVER U.S. INTELLIGENCE

(By Bonner Day)

The U.S. intelligence community is in a battle for money and power at a time when its product, vital information about the aims and activities of foreign countries, has never been more in demand.

The struggle is the result of public criticism of intelligence abuses, combined with repeated actions to cut spending and manpower in this critical area.

For the past five years, U.S. intelligence organizations have been buffeted by congressional investigations, damaging publicity, and a series of personnel purges.

All parts of the intelligence community have been affected, including the Defense Intelligence Agency, the Defense Department's National Security Agency, and the other military intelligence services. The Central Intelligence Agency, in its role of coordinator for all national intelligence, has been a principal target.

The latest in a series of shakeups of the intelligence community was ordered by President Carter in January. Next to come is a new intelligence charter, now being studied by the Senate and House, that would set the President's executive order on intelligence into law, after adding a number of congressional twists.

The aim is to mend a badly damaged intelligence network, but the effect has been to set the chiefs of the various intelligence organizations against each other in a heated battle for what remains of intelligence money and authority.

The effect of the criticism and the budget cuts already has been devastating: U.S. agents and analysts have been reduced to a fraction of what they were a decade ago. Numerous intelligence collection operations have been stopped for lack of men and money. Relations with foreign informants and friendly intelligence services have been damaged severely.

Veteran intelligence officers agree that disclosures and investigations, combined with the money pinch, have hurt the intelligence efforts of the U.S. Further, a significant number are convinced that intelligence reports have declined in quantity, timeliness, and accuracy over a period of several years.

Military intelligence officers are particularly disturbed that the frequent reorganizations of the intelligence community have put more authority each time into the hands of a single person—the Director of Central Intelligence—and diminished the military voice in the critical decisions over budgets and intelligence assignments.

For military intelligence organizations, this trend means fewer dollars in the annual budget scramble. More importantly, military intelligence chiefs fear they will have less say over what the agencies under them can collect.

Still, military intelligence officers interviewed by Air Force Magazine are optimistic about the nation's intelligence. They say the increasing use of modern technology for collecting intelligence—particularly satellite photography and electronic listening devices—could make intelligence more accurate than ever before. If the current turbulence within the US intelligence community can be resolved satisfactorily, they predict, the intelligence available to the nation's policymakers will be improving sharply in the years ahead.

The guidelines Congress and the Carter Administration have prepared are designed to provide additional checks on potential abuses by intelligence agencies.

Some military intelligence officers note that while it has been the civilian CIA that has been most criticized for abuses, each new reform has given the Director of Central Intelligence more authority, at the expense of the military intelligence services.

THE NEW RULES

The guidelines Congress and the Carter Administration have prepared are designed to provide additional checks on the activities of intelligence agencies.

President Carter announced his reform in January. In 1971 and 1975, major guidelines were issued during the Nixon and Ford Administrations. Says one military intelligence expert: "Each President seems bent on putting his individual stamp on the intelligence community."

Under President Carter's Executive Order 12036, two committees of the National Security Council—The Special Coordination Committee and the Policy Review Committee—have direct supervision of all US intelligence.

The Coordination Committee, chaired by National Security Affairs Assistant Zbigniew Brzezinski, reviews sensitive intelligence operations, and, for the first time, coordinates all counterintelligence activities.

For the military organizations, this means Defense Secretary Harold Brown will be sharing with the National Security Council authority that he once could delegate to the heads of the military intelligence organizations.

The Coordination Committee includes Vice President Walter F. Mondale, Secretary of State Cyrus R. Vance, Defense Secretary Brown, Attorney General Griffin Bell, Budget Director James McIntyre, Joint Chiefs of Staff Chairman Gen. George S. Brown, CIA Director Adm. Stansfield Turner, and FBI Director William H. Webster.

The National Security Council's other intelligence body, the Review Committee, examines intelligence operations and approves policies and budgets for the intelligence community. This committee has as chairman Admiral Turner, and as members NSA Assistant Brzezinski, the Vice President, and members of the National Security Council.

Secretary Brown thus will be only one voice on the review committee, when it passes on policies and budgets that have been prepared by Admiral Turner.

The President's order increased the authority of Admiral Turner, as Director of Central Intelligence, over military intelligence organizations, making him responsible for budgeting the entire intelligence community, for assigning intelligence tasks, and for preparing national intelligence reports for the President and the National Security Council.

In recognition of Turner's strengthened hold over military intelligence, Carter's order provides that the authority to assign intelligence tasks can be transferred to the Defense Secretary. Carter has directed Turner and Brown to practice such transfers regularly.

Still, military officers are concerned that units around the world must funnel intelligence requests up to Turner, a time-consuming process that would undercut the traditional authority of military commanders in the field.

Beyond the civilian-military dispute, Carter's order reaffirms the historic ban against assassination that President Ford introduced in Executive Order 11905. The 1947 intelligence charter that organized the US intelligence community after World War II handled this touchy issue differently, by authorizing "any such acts" as might be necessary. Assassination attempts were deemed necessary by administrations during the cold war, the Korea War, and the war in Southeast Asia.

About the ban on assassination, one veteran intelligence officer says: "If Congress had been asked to vote on the assassination of Fidel Castro in the early 1960s, the measure would have passed by at least a two-to-one majority, and the person who introduced the bill would have been given a medal. Now Congress it indignant that such a plan was even being considered."

Under the President's order, Attorney General Bell is responsible for ensuring that intelligence operations comply with the law and for protecting constitutional rights and privacy of US citizens who may be intelligence targets.

As an added precaution, intelligence agencies must answer queries of the Intelligence Oversight Board, which reports directly to the President. Unlike the disbanded Foreign Intelligence Advisory Board, which monitored the quality of intelligence for the President, the new oversight board is charged instead with investigating questions of legality or impropriety in intelligence matters.

The three members are former CIA officer Thomas L. Farmer, former Tennessee Sen. Albert A. Gore, and former Pennsylvania Gov. William M. Scranton.

As a third safeguard, at the request of Congress, the President has directed that senior officers of the intelligence community report fully and promptly to the Senate and House intelligence committees.

CONGRESSIONAL REFORMS

The intelligence charter proposed in Congress goes further, with the intent of making into law many of the rules the President has established by executive order. Congress is scheduled to hold hearings this spring on the legislation, which would replace the 1947 and 1949 laws that organized the present intelligence community.

One of the more damaging congressional innovations, in the opinion of veteran intelligence officers, is a ban against payments for intelligence purposes to clergymen, journalists, members of the Peace Corps, and persons in US government-sponsored art, culture, and education programs. Intelligence veterans fear that some persons in every category of foreign travelers will seek to have their categories included in the ban. Even as proposed, they say, the job of the Soviet Union's counterintelligence teams is made much easier.

No such ban exists for Soviet travelers coming to the US. The large number of such travelers has caused FBI and other counterintelligence experts to concede that they no longer have enough agents to watch all those who are suspected of being Soviet agents.

The proposed law also gives the Senate a bigger hand in staffing the CIA and the National Security Agency. The Director, the Deputy Director, and the top assistants in the CIA would have to be confirmed by the Senate. For the first time, the Director and the Deputy of the NSA also would have to be confirmed, and at least one would have to be a civilian.

The Director of Central Intelligence, now Admiral Turner, would be renamed the Director of National Intelligence (DNI) under the proposed changes. He would serve as the chief intelligence officer of the US and as Director of the CIA, as he does now. But, in addition, the President would be given authority to separate the position of DNI and CIA director and appoint two people for the two responsibilites now held by Admiral Turner.

The effect of the proposed legislation would be to give Congress a bigger voice in intelligence activities, and to give the DNI a bigger voice over the defense intelligence organizations.

Military intelligence officers are busy studying the proposed charter in preparation for making final arguments to preserve some of the military's present authority.

As in the Carter order, Turner would prepare a budget for the entire intelligence community and have the authority to add to or subtract from the budget of the individual organizations. This authority would be at

the expense of Secretary Brown and his intelligence officers.

The congressional bill makes some detailed restrictions, specifically prohibiting assassination, terrorism, torture, the mass destruction of property, creation of food or water shortages or epidemics, the overthrow of democratic governments, and the support of human rights violations.

Covert activity, in which US agents try to influence events rather than just collect inmation, requires certification by the President under the proposed charter, and congressional intelligence committees must be notified beforehand. The Director of National Intelligence also must report to the committee regularly on all such activity.

Veteran intelligence agents say the new and proposed rules make their work much more difficult. In the future, they say, US intelligence will be much more public and will resort to covert actions very sparingly, if at all.

The principal subjects of both the President's order and the congressional charter are the operations of the Central Intelligence Agency and its Director. But the rest of the intelligence community also is included. Specifically named are the State Department, the Treasury Department, the Defense Department's Defense Intelligence Agency and National Security Agency, the Department of Energy, the FBI, and the Drug Enforcement Administration.

Military officers repeatedly make the point that the reforms are designed to correct CIA abuses, principally, but that the practical effect is to give the Director of the CIA even more authority. The additional authority comes, they say, at the expense of military intelligence organizations that have been relatively free of scandal.

DAMAGING PUBLICITY

Veteran officers say they are concerned about the effect of public disclosures on future operations, rather than who is to blame for the past.

In his book, *Secret Missions*, retired Army Lt. Gen. Vernon A. Walters, a former CIA deputy director writes: "During the great investigations into the United States intelligence community, I had occasion to talk to many chiefs of foreign intelligence services, friendly and otherwise. Damage was done to us not by the enemy, but by a distorted sense of national guilt cleverly exploited by those hostile to us. Many of these chiefs of foreign services were appalled at the spectacle of the United States dragging into public view not just dubious actions, but many of the sources and methods by which we worked."

Veteran intelligence officers say the recent congressional investigations, the open statements of former and current CIA Directors William Colby and Admiral Turner, and the release of intelligence documents through the use of the Freedom of Information law have seriously damaged operations abroad.

Intelligence veterans report that sources are refusing to meet with CIA agents abroad, for fear their names later will appear in public. In some cities, military agents have picked up the slack.

Further, the threat of lawsuits for excessive government censorship has caused the release of sensitive information through the Freedom of Information law. One intelligence agent complained to superiors that his identity and activities, as well as the identity of a close relative living abroad, had been released to foreigners without his knowledge or consent.

Says one veteran agent: "The direct effect of the publication of names is small compared with how it affects the willingness of ordinary Americans and foreigners to walk into an American embassy voluntarily with useful information."

The result has been that many intelligence offices abroad, assigned to gather intelligence, have been closed and the agents sent home for lack of business.

Intelligence reports have suffered. US government sources say when the Cubans went into Angola and later into Ethiopia, many of the details were poorly reported or relayed too late to help American policymakers. Other lapses have been reported in Asia and South America.

POLITICAL PRESSURES

US intelligence experts also are critical of the growing pressure from the White House to slant intelligence for political purposes. An increasing amount of information, other intelligence officers say, is held secret to prevent blunders of government officials from being made public.

In one of the more notorious cases, according to General Walters, he was asked as CIA deputy director to impede the Watergate investigation and to pay salaries to the Watergate burglars while they were in jail. Commenting on later being awarded the Distinguished Intelligence Medal, General Walters writes: "The citation recognized that I had resisted great pressures on me and by so doing had avoided even more serious consequences for the Agency."

Traditionally, the Defense intelligence voice has been independent and made policymakers at least hesitate before bending intelligence reports to fit policy objectives. This independence has been trimmed, however, by repeated reorganizations. Now military officers are concerned that the latest changes will silence the military voice entirely.

The restraints are already tight. Dr. James Schlesinger, while Defense Secretary, was unable to get the CIA to clear space satellite photos for a congressional committee. He had to order U–2 spy plane flights so Congress could get photos of Soviet missiles in Somalia.

Military officers are studying whether, under the latest guidelines, a Defense Secretary would have the same authority.

Says one source: "In most cases, it is politics rather than national security that causes an intelligence report to be kept secret."

SAVING FEDERAL DOLLARS

The manpower cuts in the intelligence community have been explained as a normal process following a buildup for the war in Southeast Asia. But CIA veterans say privately that that explanation is misleading, that the agency shifted personnel without raising total levels significantly, that there really was no buildup for the war, and that the cutbacks are at the sacrifice of essential and sometimes critical intelligence activities.

In the military services, the situation is different. During the war, there was a heavy demand for tactical intelligence that stripped other intelligence functions of trained operatives.

Military men saw their jobs eliminated after the crisis, and were transferred to other duties. Defense civilians were retired or dismissed in annual budget cuts to levels far below those before the war began.

The real push behind the manpower cuts is the evergrowing cost of satellites, photography, and electronic sensors, combined with the demand of budget officers from the White House to cut spending.

Most intelligence organizations, as a result, have cut manpower ceilings fifty percent or more from pre-Vietnam War years.

Top intelligence officials, with some exceptions, say the constant trimming has caused the quality of intelligence to deteriorate. Says one veteran intelligence official: "There is a growing notion that you can get along without spies and that space satellites can take care of all intelligence collection."

The growth of intelligence from machines has caused more than budget problems, however. Because the cost of collecting photos is so enormous, the results cannot be neglected. So as intelligence agencies pour more people into processing them, they have fewer agents for other intelligence gathering. According to one source: "Much of the critical intelligence from other sources has been neglected in recent years. US intelligence has come to rely on what it can count, and has disregarded much of the intelligence that cannot be measured."

Most of the extensive gadgetry is in the Defense budget, which has resulted in a deceiving increase in military spending for intelligence. The increase, say military officers, has gone directly to buy and operate machinery, while manpower cuts have continued.

Within the Defense Department is the National Reconnaissance Office (NRO), which has the mission of coordinating reconnaissance conducted by spy satellites and the SR–71 reconnaissance plane, the successor to the U–2.

The Air Force runs the NRO, spending almost a quarter of the nation's entire intelligence budget. Another big bite of the intelligence budget goes to the National Security Agency for electronic intelligence, including foreign military radio, microwave, telex, and telephone traffic. NSA is responsible for listening posts around the world, and also uses ships and aircraft for its collection of electronic intelligence.

The focus on machines has raised criticism. Retired Army Lt. Gen. Daniel Graham, former DIA chief and a one-time top assistant in the CIA, says: "In staring at the results of technical intelligence, we lost sight of the total picture, which includes military doctrine and strategy; I include myself in this criticism."

General Graham, while retired, was a member of "Team B," part of an intelligence exercise in which a team of nongovernment foreign affairs experts examined available intelligence and came up with a different, more pessimistic conclusion about the Soviet Union's military trends from that of the government's "Team A."

Graham says there might be enough agents to go around if the CIA stopped duplicating the efforts of the Defense Department and concentrated its activities on the analysis of nonmilitary intelligence.

The CIA's expansion into military intelligence, brought about partly by satellite photography, has been a source of embarrassment. In one CIA paper on a country's aircraft strength, it was noted that forty planes were in Iran and speculated that they must be there either for maneuvers or on some form of loan to the Iranian government. This caused some concern in government circles until an investigation revealed that the CIA paper itself was based on a military paper that used a standard military abbreviation, IRAN, for Inspection and Repair As Necessary. When the error was discovered, the CIA ordered all copies of the report destroyed.

Though money and missions long have been a problem to the intelligence community, morale is the principal concern today. The public abuse, combined with a steady stream of dismissals, has brought the intelligence community, particularly the CIA, to a new low. This has led a surprising number of veteran intelligence officers to conclude that some members of the US intelligence community may become susceptible to recruitment by the Soviet Union.

One former top official says: "I once never thought about the danger of a CIA agent becoming a double agent. Now, because of the treatment they have received, I wouldn't be surprised."

Jack Maury, a former top CIA official, is more optimistic: "It is remarkable that over the past quarter century there have been well over 50,000 employees of the CIA and of that number only three or four . . . for reasons of pride, profit, or treachery have seen fit to reveal information, with the re-

sult and apparent purpose of seriously endangering the effectiveness of the CIA."

POWER STRUGGLES

The civilian and military intelligence services have long battled. But in the past the struggle was focused on intelligence estimates. Now, the frequent changes of intelligence chiefs and the manpower cuts in the intelligence community have caused the battle for money, missions, and influence to escalate to the point where morale and the quality of intelligence has been affected.

Admiral Turner is the subject of most of the complaints, both from civilian and military intelligence officers. Says one CIA veteran: "Turner's firings have caused us to lose continuity, one of the most important factors in dealing with agents."

One top military officer says: "The manner of the firings was absolutely inexcusable and could not have been done more badly. He is letting good men go that other agencies would be glad to have, if they had the money to hire them."

In the face of these criticisms, Admiral Turner still seems a victor in the bureaucracy battle. He is conceded to be the most influential director in the history of the CIA. Says one official: "He meets with the President one and two times a week, more than any previous director."

TOMORROW'S INTELLIGENCE

Despite the current turbulence, there are some trends that point to improved intelligence.

Intelligence, at an increasing rate, is being declassified and converted into everyday language so that more people, particularly in military units, can understand and use it. More overseas military commands, for example, now are given daily reports on the movement of antiaircraft launchers and other selected weapons in the Soviet Union.

Improvements are being made in satellites, photography, and electronic sensors. Computers, already used extensively in Stateside headquarters, are now being used more and more at overseas bases.

But there are also many signs that disturb intelligence experts. The move to centralize intelligence under the direction of one man, Admiral Turner, upsets many who fear one intelligence voice increases the chances for error and miscalculation.

The danger of intelligence being used for political purposes is greater with the rise of the CIA over the military intelligence organizations.

The intelligence community has been losing senior, experienced analysts at an alarming rate, before replacements can be trained.

Overall, there have been continued manpower cuts since the Vietnam War, while the volume of intelligence requests has increased dramatically.

For veteran intelligence officers, there is no question that US intelligence has been hurt, or that it must be strengthened. General Walters speaks for many in his memoirs:

"Our position of strength in the world is changing, not necessarily for the better. This calls for more vigilance on our part than ever before."

AIR FORCE INTELLIGENCE—SHRINKING IN SIZE

The Air Force Intelligence Service, like the rest of the nation's intelligence organizations, has seen its strength cut sharply in recent years.

Maj. Gen. James L. Brown, USAF Assistant Chief of Staff/Intelligence and Commander of the Air Force Intelligence Service (AFIS), today head a force of 13,500. This total is forty-one percent smaller than the 23,000 officers, enlisted personnel, and civilians who were in AFIS as recently as 1970.

AFIS experienced a ten percent cut in manpower in 1972. This year it will complete a further reduction of twenty-five percent spread over four years.

Even with the cuts, however, the Air Force remains at the forefront of the nation's intelligence-gathering activities. Air Force personnel directed satellites, reconnaissance planes, and listening posts around the world.

Approximately sixty percent of AFIS personnel are overseas. A major concentration of intelligence people is at USAFE Headquarters at Ramstein AB, Germany. From this headquarters, Air Force intelligence operatives are sent throughout Europe. In the Pacific, significant numbers of the intelligence personnel are controlled from PACAF Headquarters at Hickam AFB, Hawaii, and subordinate commands in Korea and Japan.

About ten percent of the total Air Force Intelligence Service is located in Washington, D. C., assigned to the Defense Intelligence Agency, the National Security Agency, or the U.S. Air Force Intelligence Headquarters. The remainder are assigned to air bases across the US or on special assignment in the US or abroad.

Despite a cutback in manpower, Air Force officials say the opportunities for men and women are excellent in the Intelligence Service. Much of what AFIS employees do involves top-secret sensors that can measure nuclear explosions, detect missile launches, and even count troops on the march at night. Employed are the latest techniques in satellites, aircraft, pilotless aircraft, photography, and electronic monitoring. Human agents, less conspicuous, are also used.

Air Force intelligence specialists assigned to air units brief and debrief aircrews. Experts in Russian and other languages translate and analyze foreign publications, documents, and intercepted foreign communications. Teams of specialists translate and interpret photos, radar prints, and other technical data into reports that can be read and understood by policymakers. Engineers and other technical experts search foreign defenses and weapons for weaknesses and vulnerabilities. Analysts compile intelligence from the Air Force and the nation's other intelligence organizations for special studies and comprehensive assessments on aviation, space, and foreign targets.

Though seldom brought to public notice, the Air Force Intelligence Service has produced some of the nation's most respected intelligence officers. Veterans of the Intelligence Service include Air Force Lt. Gen. Eugene F. Tighe, Jr., a career intelligence officer who was USAF's Intelligence Chief from January to September 1977 and is presently Director of the Defense Intelligence Agency.

Another veteran, Maj. Gen. George J. Keegan, Air Force Assistant Chief of Staff for Intelligence from 1972 to 1976, is credited with a number of intelligence achievements. Studies under his direction proved conclusively the intercontinental range of the Soviet Backfire bomber, in the face of now-discredited arguments from other intelligence organizations. General Keegan, now retired, also sponsored a massive study of the Soviet Union's civil defenses. In 1973, he initiated a series of translations of significant Soviet military writings under the title, *Soviet Military Thought*, that are widely used by colleges and universities throughout the U.S. as well as in foreign countries.

The present director of the Intelligence Service, General Brown, is a twenty-year veteran of intelligence assignments. He was appointed in September 1977.

A description of the Intelligence Service's responsibilities is provided on p. 96.●

THE BOSTON GLOBE ON TAX CREDITS, NOT TAX DEDUCTIONS, FOR CHARITY

● Mr. KENNEDY. Mr. President, during the recent Senate recess for Memorial Day, an excellent editorial appeared in the Boston Globe on the current debate in Congress over pending proposals for additional tax incentives to encourage charitable contributions.

The editorial recognizes the fact that the increasing use of the standard deduction in recent years has brought about a corresponding decline in the utilization of the charitable deduction. Since the charitable deduction is available only to those who itemize their deductions, not to those who use the standard deduction, fewer and fewer taxpayers—especially in low- and middle-income groups—are now in a position to derive any benefit from the charitable deduction.

While recognizing this problem, the editorial also takes strong exception to current proposals to provide a remedy by allowing taxpayers to receive both the charitable deduction and the standard deduction. A far more preferable remedy, as the editorial points out, would be to offer a tax credit, rather than a tax deduction, for charitable contributions, in order to avoid the extreme inequities that come into play when deductions are used.

In almost all areas in recent years, Congress has turned away from the use of tax deductions and opted for the use of tax credits in cases where tax incentives are thought to be desirable and effective means of providing Federal subsidies. The Globe editorial argues eloquently in favor of this trend and I ask that it may be printed in the RECORD.

[From the Boston Globe, May 30, 1978]

GETTING CREDIT FOR CHARITY

In one form or another, the refrain that "of course, your contribution is tax deductible" is included in every charitable organization's pitch for donations. In fact, however, fewer and fewer Americans reap any benefit from the tax code's deduction provisions here. As a result, contributions to charity are declining and America's vaunted support of "voluntary associations" that perform good deeds is fading.

Few would deny the importance of sustaining a broad range of charitable organizations to foster medical research, to provide youth recreation and social services, and to provide all types of specialized educational offerings. Yet, the spokesmen for such organizations argue, increases in the "standard deduction" have eliminated the value of the tax advantage of giving to charity for most taxpayers.

In 1970, 52 percent of taxpayers took the standard deduction; in 1977 the figure was 77 percent; and, if tax simplification proposals now being advanced by the Carter Administration are adopted, the proportion is expected to rise to 84 percent.

Simplification of the tax system is a worthy goal but clearly the charities have a complaint. They also propose a remedy—allowing even those taxpayers who utilize the "standard deduction" to deduct charitable donations from their income when computing their taxes.

On its face, it's a sensible proposal. But it contradicts one of the most laudable themes of the tax reform movement. That is the effort to get away from tax deductions and substitute tax credits.

When a charitable donation is made, and a deduction claimed, the donor is, in part, giving what would otherwise have been tax money to the charity. A wealthy person in the 70 percent tax bracket who donates $1 million for a new college gym is, in effect, giving up $300,000 to the college and transferring $700,000 of what would have been

government money to the school. At the bottom end of the income scale, a person in the 14 percent tax bracket who gives $100 to a church is giving up $86 and transferring $14 of what would have been government money to the church.

There is something very appealing—one is tempted to say very American—about this system of the individual personally directing the flow of some "government" dollars. Yet a substantial question remains. Why should the wealthy person be able by spending $3 to direct the flow of $7 that would otherwise have gone to the government while a less affluent individual has to spend $8.60 to influence the allocation of $1.40.

This inequity could be rectified, while maintaining the tax incentive for most charitable giving, if those using the "standard deduction" were allowed to take a flat tax credit equal to, say, 25 or 30 percent of charitable gifts when computing their tax liability.

A tax credit is deducted directly from the tax payment rather than the income on which the tax is computed. Thus, the man giving $1 million to his college would be able to deduct $250,000 or $300,000 from his tax liability. The person donating $100 to a church could deduct $25 or $30. Properly designed the revenue loss to the government would be the same as with the system of deductions. But each charitable giver would be leveraging the same percentage of "government" funds with his charitable gift.

The use of credits would actually enhance the tax incentive for charitable giving for most taxpayers. Yet, unquestionably, those institutions that count on very large gifts from wealthy donors would be hurt and would have to seek more diverse sources of funds.

However, the net effect of changing the tax code to permit tax credits for charitable giving would be once again to implant a financial incentive for giving by all taxpayers and quite likely broaden the support for the "voluntary associations" which are so much a part of the nation's history.●

THE MIDEAST ARMS SALES

● Mr. McGOVERN. Mr. President, today's Washington Post carries an interesting piece by the distinguished New York attorney, Rita Hauser, relative to the recent arms sale in the Middle East.

I ask that this thoughtful piece be printed in the RECORD.

The article follows:

THE JET DEAL: WE FAILED TO USE OUR LEVERAGE

(By Rita E. Hauser)

Now that the sound and fury over the sale of warplanes to Israel and Saudi Arabia has subsided, it is obvious that that was one battle the American people could have been spared. Yet, as has so often been true of President Carter's quest for peace in the Middle East, the administration had the germ of a good idea that was diminished by its poor tactics and its failure to place the matter in the proper context.

The United States and Saudi Arabia have been moving toward a unique relationship since the 1973 war. With arms and patronage, Washington is affording the Saudis the protection they need from radical states allied with the Soviet Union. By turning to the United States, the Saudis are making plain where they stand in global politics.

This unfolding relationship need not be advanced at the expense of American ties with Israel. To the contrary, the building of a military alliance between Israel, Egypt, Jordan, Saudi Arabia and Iran, one based on their common interest in deterring Soviet power, should be the explicit aim of U.S. policy.

The sale of F15s could have been the occasion for the United States to announce its intent to develop such a common strategy. Instead, it degenerated into bickering over the power of the "Jewish lobby," and a battle of wills on the Hill. The president failed to clarify the contours of a sound policy.

To overcome Israel's fears about the sale, fears grounded in stategic considerations and a deeper worry that the Arabs are gaining political influence with Washington at Saudi expense, the United States should have insisted that the Saudis commit themselves finally and publicly to the peace process begun by President Sadat six months ago. For Saudi Arabia has not given open and unequivocal support to the Egyptian goal: a de facto peace between Israel and Egypt in which Jordan and Syria would probably later concur. That, rather than the vague and probably meaningless pledge by the Saudis not to use the F15s for offensive purposes, was the counterpart Carter should have sought. The chance to use arms for peace, in an explicit fashion, was lost.

Instead, the administration insisted it needed the Saudi sale to maintain leverage with the Wahabi Kingdom. But planes are not the real leverage, since other suppliers would take Saudi orders. The dynamic of the U.S.-Saudi relationship lies in the strong need for that Persian Gulf nation to reside within the American military protective orbit and thus to acquire influence in the development of U.S. policy for the broad Middle East area.

Moreover, Saudi Arabia's enormous wealth can cycle safely only through the United States. A hugh credit balance tilts the underlying strength to the debtor. The fear of many in Washington that the Saudis must be wooed lest they park their money elsewhere is groundless, for there is no other secure haven. So, too, oil: In the near future, at least, oil prices will be determined not by OPEC but by the glut in the world market. In short, the United States has the net balance of strength in the U.S.-Saudi equation, and should not hesitate to use it to foster a meaningful coming together of Egypt and Israel and the beginning of a real—rather than an apparent—peace process.

Would the Saudis respond to American pressure to aid the faltering Sadat initiative? The Saudis surely fear the prospect of another Mideast war in which, especially after the sale of the F15s, their oil fields would likely become a target. An Egyptian-Israeli peace would head off that prospect. But, in a peace, other Arab states might then turn their attention to Saudi Arabia, a bigger and more important prize than Israel by any measure.

A realistic Saudi strategy, one perhaps already in place, would be to forge an American and thus an indirect Israeli connection to prevent all-out war in the area but, at the same time, to support the PLO financially to keep the guerrillas alive and nipping at Israel from bases in Lebanon. That would tie down the Syrian army and preclude major subversion in the Gulf. The icing on the cake consists of building up a powerful military force to fend off local adventurers.

That is why Saudis may fear committing themselves to a full Israeli-Egyptian rapproachment. They are better off with a tepid Sadat-Begin love affair that freezes the status quo and permits the Saudis to gain strength at home.

The true test of American diplomacy is to persuade the Saudis, and not just the Israelis, to take risks for peace. In exchange, the United States would lead the way to an alliance of Mideast states desiring to safeguard the region from Russian incursion. Israel is central to such an alliance. An astute administration would seek not to break the "Jewish lobby" but to reorient strategy in light of current political realities.

The game unfolding in the Middle East is bigger than the immediate Arab-Israeli conflict. The Israelis did not, in recent months, always give evidence they were aware of geopolitical changes that have occurred since 1973. Or, if they were aware, they may have permitted their fears to overcome their wits in pushing a battle in the Senate that could not be won. But, then, neither did the White House show any sign of a mature political analysis. Unlike Israel, it did not have the excuse of fear.●

FINE LINE OR BOTTOM LINE?

● Mr. GOLDWATER. Mr. President, as we all know, the President is Commander in Chief of the Nation's armed services and is fully authorized to exercise civilian control over the military. Just how he does this is sometimes open to question although it cannot be disputed that he has the absolute right.

In my own opinion, there are times when our military leaders should speak out for what they believe is correct—even if this runs counter to the policy of his Commander in Chief and even though it may draw some disciplinary action.

The example of Maj. Gen. John K. Singlaub who was forced to retire after voicing public criticism of the President's defense policies is a case in point. On this much debated question, the Lubbock, Tex., Avalanche Journal recently had an interesting editorial on the Singlaub case entitled "Fine Line or Bottom Line?" which I ask to have printed in the RECORD.

The editorial follows:

FINE LINE OR BOTTOM LINE?

Although there have been times when the Constitutional balance between civilian control and military expertise have clashed, throughout most of the nation's history, fortunately the clashes have been academic or resolved in a satisfactory manner.

In brief, the President of the United States indeed is the Commander In Chief of the nation's armed forces, and as such retains final control over them.

This, to a certain extent, also applies to high ranking personnel of the armed services, their decisions, actions and comments, political or military.

But in an era of increasing outspoken opinions, it has been no surprise that there are those in the military who disagree with decisions reached at the civilian level.

One of the more "recent" classic examples of course, was the head-on confrontation between then President Harry S Truman and Gen. Douglas MacArthur.

And while there were those who still feel Gen. MacArthur should have been left to run the war—even if it meant chasing the Red Chinese back across the Yalu River in North Korea, the final decision rightly rested with Mr. Truman.

Since then, the U.S. has fought a controversial war in Vietnam and lost, mostly—military men and many others claim—because "civilian politicians" got into the act and fought the conflict on a "political" basis rather than on sound military principles.

Now, we have another "confrontation" of sorts. Maj. Gen. John K. Singlaub, after twice running into President Carter's policies and publicly criticizing them, is "voluntarily" leaving the service.

Army officials last week ordered Gen. Singlaub to fly to Washington after he blasted Carter's decision not to produce the neutron warhead and had disagreed publicly with the Panama Canal treaties.

A year ago, it was Gen. Singlaub who was called to the White House for a face-to-face

meeting with Carter after the general had criticized the President's decision to withdraw U.S. ground forces from Korea. At the time, Singlaub was chief of staff of U.S. forces in Korea and later was reassigned to his post at the Army Forces Command headquarters in Fort McPherson, Ga.

The General is muchly decorated, a combat veteran of World War II, Korea and Vietnam. He is 56 years old and has completed more than 35 years of military service. As such, he is no novice or upstart.

And while we subscribe fully to the Constitutional concept that there must be civilian control over the military's actions, there is a question in our mind at what point that "civilian control" should completely muzzle opinions or thoughts by competent military leaders.

The fine line, we think, may come where the civilian judgment, in the opinion of the military, jeopardizes both the military and the nation.

At that point, the military as now set up, must risk the wrath of the President, or the Pentagon, by speaking out. Unfortunately, it may be a case sometimes of attempting to save the nation and destroying a career.●

COMMONSENSE ABOUT ENERGY

● Mr. McGOVERN. Mr. President, despite increasingly higher prices for conventional finite energy resources and the Nation's balance of trade deficit, predicated in part on increased fuel imports, we have not begun to realize the potential of energy conservation and alternative energy technologies. While the lack of fully implemented conservation and alternative energy strategies have a number of separate and distinct causes, they both suffer severe public relations problems. Conservation, to many minds, means curtailment which is subsequently associated with substantial lifestyle adjustments generally reducing the overall quality of living. On the other hand, while it is difficult to find anyone who is opposed to renewable energy resources in principle, it is common for the public to perceive solar energy as a nice idea which may be feasible several generations in the future. Essentially, many people believe these strategies offer few practical solutions. In his article, "Common Sense about Energy," Steven Schneider states:

If conservation suggests the coming of the dark age, then alternative energy suggests the millennium.

Today, with the "oil glut" and temporary relief from Canada on the natural gas question, the people no longer believe that the energy crisis demands the moral equivalent of war. Their reasoning, in part, is justified. The world is not about to run out of oil today or tomorrow as some suggest. However, the public policy issues that must be addressed here do not concern the time when the last drop of our conventional fuels have been severed from the ground. The impact of depletion of our energy resources on the standard of living becomes evident and unbearable long before such resources are gone. Prices increase and the resulting inflation will reduce the purchasing capacity of our citizens and pose severe hardships on the millions of individuals living on fixed incomes.

The public's reasoning is also justified on the grounds that the administration and Congress have not been able to enact the stated goals of the national energy plan; and perhaps more importantly, the goals of the plan do not adequately reflect the needs of the Nation. The fact that the administration has neglected to take appropriate initiatives with regard to the development of renewable energy resources demonstrates another major facet of the "public relations problems" discussed earlier. The administration is only beginning to study relationships between energy technologies and other facets of the Nation's economy. It would seem particularly imperative that we undertake major Federal initiatives in solar energy and conservation as those technologies have been shown to be considerably more labor intensive than conventional technologies. In light of the administration's support of full employment goals, their lack of substantive initiative is confusing to say the least, and may discredit these technologies in the public eye.

Mr. President, I ask that an excellent article, "Less is More: Conservation and Renewable Energy," by Steven Schneider, that appeared in the March–April issue of Working Papers, be printed in the RECORD.

The article follows:

LESS IS MORE: CONSERVATION AND RENEWABLE ENERGY

"The phrase 'energy conservation,' like the term 'budgeting,' has a certain ring of asceticism to it," wrote Columbia University professor Lloyd J. Dumas not long ago. "It conjures up images of working by candle-light, shivering in the cold, and bumping along the streets in a dirty, overcrowded bus."

The notion of "alternative" or "renewable" energy sources conjures up quite a different image, but it also suffers a public relations problem. It is hard to find anyone who is against solar energy, windmills, or any of the half-dozen other ways people might find to utilize the energy flows of nature. But it is easy to find people who believe that solar power is an impossible dream, that geothermal energy is best confined to entertaining tourists at Yellowstone, and that windmills are the province of a few half-crazed back-to-the-landers who eat granola for breakfast. If conservation suggests the coming dark age, then alternative energy suggests the millennium. To many, the chance that either one will help solve our energy problems seems slim.

President Carter's proposed energy plan—even its original form, let alone the half-cooked compromise emerging from Congress—reflected this "realistic" approach to energy policy. The plan was touted as fostering conservation. Yet its original projections depended on conservation measures to reduce overall energy demand only 4 percent from what it would otherwise be in 1985. Domestic energy supplies, by contrast, were expected to expand some 20 percent.

Alternative energy sources also got short shrift. If the administration's original projections were realized, the use of solar energy would increase, but it still would account for only 1.5 percent of the growth in energy demand projected for 1985. This year the government will spend $224 million on research into solar electric power, with another $96 million going into solar heating and cooling research. For comparison, the nuclear program is getting $1.67 billion in federal research and development money.

It is true, as I argued in Part One of this essay ("Where Has All the Oil Gone?" *Working Papers*, January/February 1978), that the world is not about to run out of oil—and that ways should be found to tap the reserves that the big companies have so far shown themselves unwilling to produce. It is also true that oil and gas, even coal, will not last forever. Anthropologist Marvin Harris recently wrote, "The real question is not when the last drop of oil is gone, nor is it when the last ton of coal will be mined."

"The effect of [resource] depletion on the standard of living becomes unbearable long before the last blade of grass or the last horse or reindeer is gone. . . . As coal and oil become scarcer, their costs will go up. And since virtually every product or service in industrial society depends on large energetic inputs derived from these sources, inflation will steadily reduce the ability of the average person to pay for the goods and services now regarded as essential for health and well-being.

"How fast and how low standards of living in the industrial nations will fall depends on how long conversion to alternative energy sources is delayed."

In addition to stretching out our supplies of fossil fuels, conservation and renewable energy sources have other advantages. They do less damage to the environment than conventional sources. They are frequently cheaper, and are likely to become more so. They are more labor intensive, and their development is thus likely to have a favorable impact on employment. And they are the only energy options not currently dominated by the big energy corporations.

Right now, saving energy is cheaper than producing more of it. The cost savings are particularly significant when the environmental and public-health damage done by fossil fuels is taken into account. But even in pure economic terms, as *Business Week* reported, "An investment in conservation is far cheaper these days than almost any investment in new supplies."

"Except in the Mideast, where oil production costs remain extremely low, most new oil or gas wells require a capital investment of $4.5 billion for every quadrillion BTUs of energy ("quads" in energy lingo) that they yield each year. Synthetic oil and gas from coal would probably cost more than $10 billion per quad. New electric power plants range anywhere from $45 billion per quad for coal to nearly $90 billion for nuclear.

"By contrast, an investment in capital equipment to save the equivalent amount of energy is often less than $1.5 billion per quad of energy saved each year—and is sometimes zero." [1]

If conservation is so economical, why don't we have more of it? One reason is that people often seek to minimize the initial cost of a purchase (whether an appliance or a house) rather than the item's life-cycle cost. Another reason is that consumers often have more trouble coming up with the cash for an investment in energy conservation than utilities have in coming up with the funds to supply more power. Finally, again according to *Business Week*, "Plant managers generally look for a fifteen percent return on investment in their product lines, but they typically demand a return of thirty percent or more on discretionary investments, including those on energy saving equipment."

A serious push for conservation will thus require even greater changes in energy prices than have already occurred. That fact is well appreciated in the corridors of power: hence all the wrangling over price controls, new taxes, and the like. Conservation will also require changes in some of our institutional arrangements. That fact, as yet, may be less appreciated.

For years, the ready availability of low-cost oil and natural gas meant that buildings, machinery, and means of transportation were designed with little regard for energy efficiency. One-third of America's housing has

Footnotes at end of article.

no insulation at all. According to a study by the American Institute of Architects (AIA), between 25 and 50 percent of energy used in older buildings—and up to 80 percent of energy used in newer ones—is wasted. In 1973, U.S. cars weighed an average of 4,275 lbs. If they had weighed 2,500 lbs. instead, they would have used 30 to 40 percent less fuel.[2]

The possibilities for saving energy through conservation are therefore substantial. A Congressional Budget Office study stated that insulation and related improvements could save 35 percent of the energy used to heat a typical home. The AIA estimates that by 1990, 12.5 million barrels of oil a day—the equivalent of roughly one-third of our current energy use—could be saved by installing energy-efficient systems in both new and old buildings. According to administration figures, simply adding one passenger each to 40 percent of commuting cars—and thereby reducing the number of cars on the road—would save about 400,000 barrels of oil a day, or about 2.5 percent of total oil consumption.

Measures that seek to encourage conservation are ordinarily of two sorts. One strategy is to require changes in the way buildings are built, the ways people and goods are moved, and the ways energy is used in industrial production. The other is deliberately to raise the price of fuels and electricity (or allow them to rise as the market dictates), thereby giving people an economic incentive to use less.

In the long run, a nation's use of energy will depend heavily on its price. Since World War II, for example, countries where fuel is expensive relative to everything else (West Germany, France, Japan, and Sweden) have used only about half as much energy per unit of GNP as nations with low fuel costs (the United States, the United Kingdom, Norway, and Canada). In Sweden, primary fuels in the early 1970s cost about 37 percent more than in the United States, and Swedish industry used about 35 percent less fuel per capita than American industry. But electricity in Sweden was 18 percent cheaper, and industrial consumption of electricity per capita was 26 percent greater than in the United States.

In the short run, however, the effect of price increases on energy use is less than is commonly supposed. Following the Arab oil embargo, gasoline prices rose from an average of 40 cents a gallon (October 1973) to more than 62 cents a gallon in 1977. Despite this price increase, consumption rose from 6.7 million barrels of gasoline a day in 1973 to a record level of 7.1 million barrels in 1977. Nor has any other country achieved commensurate reductions in gasoline consumption by increasing gasoline prices. Between October 1973 and January 1977, West Germany boosted gasoline prices from $1.12 to $1.44 per gallon, and France raised them from $.95 to $1.59; but in both countries gasoline consumption declined to only about 6 percent. In the United States it is estimated that a 10 percent increase in the price of gasoline would initially reduce consumption by only 1 percent. Over several years consumption might fall by 2 or 3 percent, still a modest savings relative to the price hike.[3]

There are good reasons for drivers' reluctance to cut back on car use. Many find it difficult or impossible to reduce their driving simply because they have no other way of getting to work or to shopping areas. Fuel accounts for less than a fifth of the total cost of owning a car (18.4 percent for a standard-size automobile and 14.3 percent for a subcompact, according to Department of Transportation figures for 1976). So increases in the price of fuel alone won't do much to change behavior.

A combination of price hikes, regulations, transportation alternatives, and long-term planning, however, can significantly change transportation patterns. Long before the rising price of OPEC oil intensified pressure for energy conservation in the United States, Sweden slapped a 50 cents per gallon tax on gasoline to keep prices up, and taxed new cars between $500 and $900 depending on size. The Swedes also have maintained a rapid, efficient system of public transportation. According to a recent study, Swedish automobiles in 1971 averaged 2,400 lbs. (60 percent of the American figure), and people used private cars for roughly 55 percent of their trips below six miles (as compared with 90 percent in the United States).

For the Swedish strategy to be even partially effective in this country—which is both larger and less densely populated—American systems of public transportation need to be improved and expanded. Again, higher energy prices alone will not induce many travelers to switch from cars to more energy-efficient forms of transportation; despite the increase in gasoline prices, riders on mass transit systems have increased by only about 3 percent since 1971.

The main reason that public transportation does not attract more riders is that it is slow and uncomfortable. When the traveler's time is counted as part of the cost of using public transportation, mass transit's apparent cheapness relative to the automobile disappears. Evaluating the cost of the traveler's time near the average wage rate of $5 per hour in 1975, the Department of Transportation found that roughly three-quarters of the total cost of both an automobile and a bus varies in proportion to speed. Because the automobile is, on the average, 1.7 times as fast as the bus, it ends up being 75 percent cheaper per passenger mile. Inducing people to ride the bus, therefore, will require express bus lanes, more comfortable vehicles, a more extensive network of routes and, correspondingly, high public investment.

Yet even such inducements, in the short term at least, can go only so far. Cities built during the era of cheap oil are simply too dispersed for the kinds of mass transit systems found in Sweden. And heavy rail systems for intraurban travel (San Francisco's BART, for example) will not save energy in most American cities. In the long run, saving energy on transportation—and freeing the United States of its addiction to the automobile—will require more compact housing patterns. "Thanks from Jimmy Carter" signs in buses will not do the trick. Neither will gimmicks like the standby gasoline tax that Carter proposed and Congress rejected.

In the meantime, we need to continue boosting automobile fuel efficiency. Current federal regulations require automobile manufacturers to increase the average efficiency of their cars to 27.5 miles per gallon by 1985. In addition, Carter has proposed (and at this writing the House-Senate conferees have provisionally accepted) a tax on new cars whose fuel consumption is relatively high.[4]

Making intercity transport more efficient will require a massive infusion of capital into America's railroad system, which suffers from decades of neglect. If U.S. metroliners, for example, could operate at the 160 miles per hour they were designed for, they would be the fastest way of getting from Manhattan to downtown Washington, and would utilize about one-fourth as much energy per passenger as an airplane making the same trip. Yet because track conditions are poor, the metroliner cannot exceed 95 mph.

In general, a well-built system of railroads would be the fastest, safest, and most energy-efficient way of getting from one downtown area to another when the distance between the two is less than 500 miles. Despite this fact, U.S. policy toward the railroads is half-hearted. On the one hand, the federal government is spending $1.75 billion to upgrade the Northeast Corridor rail system. On the other hand, Congress has cut Amtrak's annual request for capital funds by two-thirds in each of the last three years, and has reduced its operating budget as well. Congress is thus forcing Amtrak to order both cutbacks in service and increases in fares, two classic ways of reducing ridership. And it is doing so despite the fact that since Amtrak's first full year of operation (1972) the agency has boosted annual ridership from 16.6 million to a record 19.2 million, reversing the decline in passenger service that plagued the private railroad system. Amtrak currently has a $4.5 billion five-year plan before Congres. The plan, which merits support, seeks new high-speed passenger train corridors and equipment.

In the residential and commercial heating sector, higher prices will encourage more efficient buildings. But there are substantial lags and loopholes in the effect of higher prices. According to a Congressional Budget Office study, the increase in energy prices over the last several years has already made insulation a good investment: fuel savings over a 20-year period are already roughly triple the cost of the insulation. Since 1974 about 8 million owner-occupied homes have been insulated, but it is estimated that 30 million more (and 11.5 million rental units) could still profit from insulation. The main obstacle in owner-occupied homes may be that insulation requires an initial outlay of several hundred dollars. The obstacle in rental units may be that the tenant pays the heating bill and the landlord makes the decision about insulation.

Again the Swedish case is instructive. Space heating there is twice as efficient as in the United States. That is only partly due to higher Swedish energy prices. It is also due to the fact that Swedish building codes require more energy-efficient construction, that Sweden's mortgage law gives homeowners and builders access to extra funds for energy-saving features in homes, and that the government maintains energy-saving training programs for homeowners and apartment managers.

In industry, a major potential source of energy conservation is termed "cogeneration." Nearly half the fuel used by industry is burned to produce steam. That steam can be reused to produce electricity as well, giving plants a kind of in-house generating capacity. West German industry, for example, now produces 28 percent of the country's electricity by cogeneration. In a 1975 report to the National Science Foundation, Dow Chemical's Industrial Center estimated that by 1985 half of all U.S. industry's need for electricity could be met by cogeneration. That is the equivalent of the power produced by 50 large nuclear reactors.

Other than the initial equipment costs, the main obstacle to cogeneration is the structure of the electric power industry. Plants that utilized cogeneration would sometimes need back-up power supplied by the utilities and would sometimes have excess power to sell. Under current pricing arrangements, back-up power would be more expensive per unit than power currently purchased; most utilities reduce prices to large customers. Also, the excess power a firm produced would often be unsalable, since laws in most places allow only the utilities to sell electricity to the public. (Even where such laws do not exist, access to the transmission lines is controlled by the utilities.) If these difficulties were removed, cogeneration should become highly attractive to significant numbers of companies.

Overall, despite its recent public relations campaigns, the utility industry does little to encourage conservation of electricity. Most utilities have resisted flat-rate or "Lifeline" pricing systems under which large users would pay the same (or more) per unit than

Footnotes at end of article.

small residential customers. They have also resisted peak-load pricing, which would raise the cost of electricity during the times of day when use is highest. The reason is not hard to understand. Investor-owned utility companies are typically guaranteed a fixed return on their invested capital. If peak-load demand is high, they can expand their capital by borrowing money to build new plants or improve old ones. They then repay the loans with revenue from the additional electricity they sell. The shareholders, meanwhile, are earning a fixed rate of return on a growing investment base: earnings per share are thus increasing. If demand remains constant and more capacity is not needed, investor earnings can increase only when state utility commissions allow rates to go up. These days, that is an infrequent occurrence.

The utilities were in serious financial trouble during 1974 and 1975, the years of slow energy growth, but have since recovered along with the resurgence in demand for electricity. 1974, for example, New York's Consolidated Edison omitted its quarterly dividend for the first time in its 90-year history and saw its stock drop from $18 to $6 a share. That same year the Dow Jones utility index fell from 95 to 57.9. With the resumption in demand, Con Ed has raised its dividend to a new high, and its stock is selling at more than $20 a share; the Dow index, meanwhile, has passed the 100 mark.

Economic performance of this sort is good for those who own utility stocks, but it is bad for the cause of energy conservation. As Carter has recommended, the utilities' practice of promotional pricing (discounts to big customers) should be terminated and peak-load prices increased. (These measures were approved by the House but rejected both by the Senate and by the House-Senate conferees.) In addition, local communities should consider taking over privately owned utilities and establishing municipal ownership. While privately owned utilities have consistently opposed rate reform aimed at discouraging consumption, some publicly owned companies have pioneered in this area.

Renewable energy sources, like conservation, become more attractive economically as the prices of conventional fuels rise. The variety of potentially practical alternative sources is quite wide. Hungary, Iceland, New Zealand, and the Soviet Union, for example, all make relatively extensive use of geothermal energy—heat from the earth's core. The one large-scale commercial use of geothermal energy in the United States—Pacific Gas and Electric's dry steam Geysers of California—produces electricity considerably more cheaply than coal-fired or nuclear generating plants.[5] Four plants generating power from mixtures of steam and hot water—a more abundant, but more difficult source to utilize—are currently planned for the Imperial Valley. (Nine other countries already have such plants.) Comparable resources appear to lie in the Rocky Mountain states. This January—in the first effort to develop them—Utah Power and Light Company announced plans to build a plant at Roosevelt Hot Springs. It is not yet known how common the geological configurations allowing geothermal energy to be tapped may be, but these recent developments are encouraging.

Tidal power—harnessing ocean currents to produce electricity—is produced commercially in France and the Soviet Union. Research into its possibilities for the United States is virtually nonexistent. Windmills, another way of generating electricity from natural energy flows, are currently cost effective only in remote locations. By 1980 it is expected that technological improvements will enable them to generate electricity at between 2 and 6 cents a kilowatt hour, roughly twice the cost of conventionally generated electricity today. If conventional costs continue to rise, windmills may become more attractive. Companies like Lockheed and General Electric are reportedly waiting for a market to develop; the Department of Energy is spending some $20 million in research and development money on problems of windmill reliability and back-up generation.

Another promising renewable source of energy is what is known as biomass conversion—that is, burning wood, wastes, sugar cane, algae, or other combustible agricultural products. Some American cities are already burning refuse to generate energy, and roughly a hundred others are studying the process. John Deere and Company, an agricultural equipment manufacturer, burns garbage in energy-generating facilities in Wisconsin and Iowa.

Other biomass fuels are better than garbage, however. The energy content of wood and dry crop wastes is comparable to that of western coal. (America's half-million woodburning stoves, in fact, represent the most popular renewable energy source currently in use.) A report by the Mitre Corporation recently concluded that approximately 5 percent of all U.S. energy needs could be produced on just 10 percent of now-idle forest and pasture land. High-yield species would be grown in closely spaced, short-rotation tree farms.

In another form of biomass conversion, it is estimated that harvesting ocean kelp and converting it to methane could generate as much gas as the United States currently consumes each year—23 trillion cubic feet. Land plantations reportedly could generate another 8 to 10 trillion cubic feet a year. Estimates are that the cost would come to between 2 and 6 cents a kilowatt hour, but these figures remain highly speculative.

Despite this potential, biomass conversion has played little role in U.S. energy policy; it is barely mentioned in the Carter plan. In Sweden, by contrast, the forest industry currently produces 60 per cent of its own energy needs. Throughout Europe liquid fuels from biomass materials have been blended with gasoline for decades. In Brazil it is now national policy to substitute up to 20 percent ethyl alcohol for petroleum-based liquid fuels. And in China biomass materials converted into a nontoxic fuel are used for cooking, lighting, machinery, and electric power generation.

Of all the alternative energy sources, solar power has attracted the most attention and seems to hold the most potential. Right now approximately 20 percent of U.S. energy consumption goes to provide space heating and hot water. Much of this heat could be furnished with existing solar technologies. According to government studies, solar hot water heating makes good economic sense almost everywhere in the United States right now. Solar space heating is not yet competitive with oil and gas, but an Energy Research and Development Administration study of 12 geographically dispersed cities found that it is already competitive with electric heat.[6]

During the past few years the number of solar heating systems has grown between 10 and 20 percent a year, with about 15,000 solar energy systems currently in place. Carter's plan called for 2.5 million to be installed by 1985. The main barriers to realizing this goal are the high initial cost of solar systems, slow turnover in housing stock, the need to retrofit existing homes, and reluctance or ignorance on the part of consumers. These factors may decrease in importance over time. According to an ERDA study, reducing the cost of solar collectors from the present $20 per square foot to $15 would enable solar heat to compete successfully with oil space heating in many areas. If it could be reduced to $10 by 1980, solar space heating would be competitive with gas as well. If the price of oil and gas rises to the extent Carter has proposed, solar will become competitive that much faster.

Solar thermal power plants can also generate electricity. At present the cost of solar electricity is estimated to be between two and four times that of conventionally generated power. But the capital cost of nuclear power plants has grown 16 to 20 percent annually for the past decade, with coal plants close behind at a steady 16 percent. Both increases are significantly higher than the rate of inflation, and both are due largely to new requirements for safety and environmental protection. Solar thermal power plants have none of the safety or environmental problems associated with their competitors, and are therefore apt to become more attractive economically. If present cost trends continue, solar power will be competitive with coal and nuclear power by the year 2000. Additional research into solar technology could shorten that time lag.

Photovoltaics—producing electricity directly from sunlight with a photoelectric cell (and thus bypassing the heat-generating process entirely)—currently can provide electricity at about ten times the cost of conventional power. The Department of Energy estimates that it will take ten years and cost $500 million in research and development funds to reduce costs to practical levels.

Present policy does little to encourage the development of such energy sources; instead, it encourages the consumption of oil and natural gas. Existing price controls hold the cost of energy in the United States below the world price, and market prices in any event take inadequate account of the fact that oil and natural gas are depletable resources. If conservation and alternative energy sources are to be fostered, oil and gas prices will have to rise.

Allowing a straight price hike, however—with the proceeds going to oil and gas producers—reduces consumption simply by reducing people's standard of living. That is essentially what has happened so far, and Carter's proposals—not to mention the compromises emerging from Congress—would exacerbate the situation. Decontrolling the price of "new" oil, allowing increases in the price of "old" oil, and raising the price of interstate natural gas—all measures envisioned by the administration—would effectively transfer millions of dollars from consumers to energy producers. Despite the latter's protestations to the contrary, they do not need the money. And energy price increases of this sort fall particularly harshly on the poor, who spend a greater proportion of their income on energy than do those who are better off.

Carter should therefore consign to the dustbin his proposal that oil companies get the full OPEC prices of $13.50 a barrel for newly discovered oil. Instead he should give them the present ceiling price of "old" oil—$5.25 a barrel—for all domestically produced oil. Considering that domestic oil was profitably sold for $3.50 a barrel only five years ago, a price of $5.25 should more than cover the cost of most domestic production.[7] While the companies will complain that such prices give them little incentive to look for more oil in the United States, there is no reason for consumers to pay premium prices so the companies can scurry around after marginal additions to domestic supplies. Most of the continental United States is pretty well drilled already.

The way to keep prices up without hurting people's standard of living is to tax energy use and rebate the money to consumers. Carter proposed such a system, with a $75 per capita across-the-board rebate. His original proposal would have been mildly progressive in impact: under the plan, according to the Congressional Budget Office,

---

Footnotes at end of article.

families in the lowest income group would come out 2.8 percent ahead by 1980 and those in the highest group would come out .4 percent behind. Within income classes, the system would be less equitable. Since the amount rebated varies only with family size, high energy users within each income class (who would pay the highest tax) would suffer more than low energy users. People without cars would gain at the expense of auto owners, and city dwellers with access to public transportation at the expense of people in suburbs and rural areas.

To some extent, an effective conservation strategy requires these effects: each of them penalizes those who use a lot of energy. But considerations of fairness militate against Draconian measures for the low-income farmer who bought a big car in an era of cheap energy and who still has no access to public transportation. Partial compensation based on locale and income group should therefore be built into the rebate scheme.

For example, a sample survey might be conducted on the amount currently spent on energy by people in different geographic regions and income groups. Data would be gathered both on direct energy expenditures—gasoline, heating oil, etc.—and on indirect expenditures such as energy costs incorporated in a family's food bill. Families could then be compensated for such factors as area of residence and income group. Of course, those who currently use more energy than the average for their income class or region would still be more heavily penalized by the tax, but that is an inevitable effect of any conservation measure.

The reason for such a tax and rebate scheme is that a family that paid $400 extra for natural gas (say) might begin to think seriously about insulation or solar heat even if the $400 were rebated at the end of the first year. To maximize the rewards for efficient energy use, rebates in subsequent years would be based on the family's initial entitlement.

Other than relative price, the greatest barrier to the widespread adoption of conservation measures and solar heating for residential and commercial properties is the high initial cost. Investments in insulation or a solar system may save money even now when figured over the life of the equipment; but the steep initial cost often discourages consumers from purchasing them. Builders too are reluctant to install solar systems in new houses, for fear that the additional cost will scare off potential buyers.

In response to this problem, President Carter has proposed tax credits (25 percent of the first $800 spent and 15 percent of the next $1,400) to families that insulate; similar measures were approved by both Houses of Congress. The difficulties of tax credits, however, are well known. Most of the benefits would go to middle and upper-class families who own homes and who have access to the capital necessary to purchase insulation. The proposal does nothing to stimulate insulation in rental units, or in homes owned by people with lower incomes.

Rather than provide subsidies to the middle class, the government might better ensure that low-interest loans for energy-saving improvements are available to low and middle-income groups, and give tenants the right to compel landlords to make such improvements. The House-Senate conferees have taken a step in this direction by approving a plan for $3 billion in federally subsidized energy conservation loans, to be made available to families with incomes below the median in a given area.

A similar policy should apply to solar power. Solar water and space heating will shortly be competitive with oil in several parts of the country, and with natural gas if its price is deregulated. "Competitive," however, means over the 20-year average lifespan of a solar system. Some studies have shown that consumers will not make purchases of that sort unless they are assured of a payback within five years.

Consequently, the pricing strategy needs to be supplemented by measures to provide funds to prospective purchasers of solar equipment. Carter again proposed tax credits for this purpose (40 percent on the first $1,000 and 25 percent on the next $6,400), but to take advantage of the maximum credit available ($2,000) a family would ordinarily need an income of more than $18,000. According to the Congressional Budget Office, each barrel of oil that would be saved by such a tax credit would "cost" the government $11.28. A better measure is simply a low-interest loan program aimed at low and middle-income groups. The House-Senate conferees have agreed on a program of solar loans made by conventional lenders but purchased from them by the Government National Mortgage Association at rates between 7.5 and 12 percent. Most of the benefits of this program, however, will go to the relatively well-off.

The auto makers, the oil companies, and the utilities rise regularly these days to laud the future of solar power and energy conservation. But their continued profits depend on our continued use of fossil fuels and nuclear power. Automobile manufacturers have always made their highest profits on the sale of big cars, and they are not exactly bending over backwards to meet Washington's new regulations on fuel efficiency. The utilities have traditionally increased their profits by boosting demand for electricity and expanding their capacity correspondingly. The oil companies, which have extensive holdings of gas, coal, and uranium as well as petroleum, have profited enormously from an energy-dependent public.

So while they bow in the direction of "soft" energy paths, these companies have done much to persuade us that too great an emphasis on conservation and alternative energy means slow growth and unemployment. The economy, they say, needs cheap, abundant energy—and right now they are the only ones who can provide it. Upon occasion voters and their representatives have bought this argument. Referenda to curtail nuclear power or to institute flat-rate electric bills, for example, have floundered on the rocks of slow-growth threats.

In the long run, there is no necessary connection between levels of energy use and GNP or living standards. Sweden, West Germany, and Switzerland have living standards equal to or higher than our own but consume only about 60 percent as much energy per capita as the United States. Numerous studies have shown that by increasing the efficiency with which we use energy we can reduce future consumption but continue to raise our standard of living. For example, a study by Data Resources for the Energy Policy Project of the Ford Foundation concluded that we could cut our historic rates of energy growth in half and still more than double our GNP by the year 2000.[8]

In the short run, however, high energy prices (with no corresponding rebate) do act as a kind of surtax on people's incomes, lowering discretionary income and thereby depressing aggregate demand. Industries that depend on high energy inputs will be forced to raise their prices substantially, and may have to cut output and employment.

If the economy is to grow with less energy use, energy will have to be employed more efficiency; its productivity will have to increase. Existing technologies can accomplish much of this. West German industry, for example, uses 38 percent less energy per unit of output than American industry, and Sweden uses 40 percent less energy than the United States for each dollar of GNP.[9] Estimates are that by using known methods the United States could save between 20 and 30 percent of energy used in manufacturing (which in turn accounts for some 28 percent of total U.S. energy consumption). Higher energy prices will encourage both replacement and innovation, but the transformation will be gradual. Machinery is replaced slowly, and energy costs in most industries are a relatively small fraction of total costs.

The economy can also grow with less energy as energy-intensive industries decline relative to other sectors. To some extent this shift has already begun. Since 1945 energy use in the United States has been expanding more slowly than GNP despite (until recently) declining real energy costs. Foreign experience suggests this pattern is typical. One reason for it may be the continued growth of service-providing sectors of the economy relative to manufacturing sectors.

The five most energy-intensive industries, together with the energy-producing industry, consume about one-third of all the energy used by U.S. industry. They also account for roughly half of new investment in plant and equipment. But together they account for only 15 percent of GNP and about 10 percent of employment. Declines in these industries, therefore, would reduce energy consumption significantly without reducing employment by a commensurate amount. If they can be "replaced" economically by labor-intensive sectors—services, for instance, or new conservation and alternate-energy industries—the economy need not suffer.[10] But the transition will require extensive government planning, public investment, and job programs.

It is no accident that conservation and alternative-energy sources suffer from public relations problems, whether of the bumpy-bus-ride variety or the rising-unemployment variety. There are many powerful interests pushing coal, nuclear power, natural gas, and oil—provided only that it all can be sold at the right price. There are few interests—and no powerful ones—pushing conservation measures or research and development programs for alternative energy. There are many workers whose jobs and lives would be affected if the price of natural gas rises substantially, or if gasoline is heavily taxed. There are very few who would be immediately affected if we decide to forget about solar energy.

But in the end the energy dilemmas we are constantly reminded of are only political problems to be solved. In the short run we need the oil that the companies are reluctant to produce, and we need new institutions capable of seeing that fossil fuels are produced with the public interest in mind. In the long run we need to use energy more efficiently—to get "more for less." And we need to encourage soft, renewable energy technologies.

Anything less seems foolhardy if not suicidal. But the outcome is nonetheless in doubt for all that. The chances of wisdom winning out over foolishness—and the interests of the many winning out over the interests of the few—have never, in our society, been particularly bright.

FOOTNOTES

[1] Roger Sant, former assistant administrator of the U.S. Federal Energy Administration, found that a $500 billion investment in energy conservation would save the United States twice as much energy as a comparable investment in new supplies would produce.

[2] Between 1950 and 1973 fuel economy in autos decreased by more than 10 percent.

[3] So far the increase in gasoline prices has not had a major impact on Americans' auto buying habits. In September 1973 small cars (compacts and subcompacts) accounted for 36 percent of the domestic market. Immediately after the major gasoline price increases in January 1974 their share of the market rose to 41.2 percent, but in 1977 they were back down to 36.4 percent. Imported

cars, however, modify this picture somewhat. In 1973, imports and U.S. small cars combined accounted for 37.3 percent of the U.S. market. In 1974 the figure was up to 53.2 percent, but last year it was back down to 48.2 percent. (Not all imports are small cars, but most are.)

[4] According to the provision approved by the House-Senate conferees, the tax would begin at $200 in 1979 on cars getting less than 15 miles per gallon. Those getting less than 14 miles per gallon would be taxed $300 and those below 13 taxed $550. These taxes would be increased annually until 1985, when cars getting less than 22.5 miles per gallon would be taxed $400, while those under 12.5 would be taxed $3,850. Carter's original proposal to rebate the proceeds of this tax to consumers was rejected by Congress. Even without the gas guzzler tax the Congressional Budget Office estimates that the average fuel economy of cars on U.S. roads will increase by about 20 percent between now and 1990.

[5] Since 1890 residents of Boise, Idaho, have used naturally occurring hot water to heat their homes. Those on the geothermal line pay less than one-half as much as Boise residents who use natural gas for heat. The only other U.S. city to make extensive use of geothermal heat is Klamath Falls, Oregon. But there the results have been only marginally economic.

[6] Electric heat is not so uncommon as is frequently supposed. As a result of the natural gas shortage, about half the new homes built in the United States today are unable to get gas hookups and therefore turn to electric heat. While 30 percent of new dwelling units built in 1971 had electric heat, by 1974 the figure was up to 47 percent.

[7] The only exception to this should be oil that is more expensive to recover. Even here the companies should be required to demonstrate both the reasons for the higher cost and the immediate need for the oil. If both these conditions were met satisfactorily, the companies should then be entitled to a fair return and a higher price. But they should not automatically get the OPEC price, as they would under President Carter's proposals.

[8] From the period after World War I to 1954 the amount of energy used to produce a dollar of GNP in the United States fell from a peak of 92 million BTUs to about 59 million. Then, in the era of cheap Middle Eastern oil, little progress was made: in fact by 1970 the energy/GNP ratio was back up to 62 million. But with the rise in the price of energy during the past few years, the ratio has fallen below 58 million. In West Germany and Sweden it is already down to about 41 million.

[9] In 1972, West Germany used only 67 percent as much energy as the United States to produce a ton of petroleum products; 68 percent as much for a ton of steel; and 57 percent as much for a ton of paper. Measured on the basis of a dollar's worth of shipments, West German output in 1972 required 70 percent as much energy for food production, 37 percent for paper, 57 percent for chemicals, 50 percent for petroleum and coal products, 73 percent for stone, clay, glass, and concrete products, and 80 percent for primary metal production. The average for these six energy-intensive industries was 69 percent.

[10] A Bonneville Power Administration study found, "High impact conservation programs create more jobs than would be created by building new power plants to generate an equivalent amount of energy." Similarly, Fred Dubin, president of an engineering, planning, and management firm that has done several energy analyses, found that $2 billion invested in solar power and conservation technologies creates four times as many jobs as $2 billion invested in nuclear reactors.●

PAUL FREUND ON "WHAT IS HAPPENING TO AUTHORITY?"

● Mr. KENNEDY. Mr. President, last month, in a commencement address at Stonehill College in North Easton, Mass., Prof. Paul A. Freund of Harvard Law School spoke perceptively on an issue of fundamental importance to the Nation and its future—the role of respect for authority in Government and other institutions in our society.

Professor Freund finds several causes of the current erosion of respect for authority. In particular, he cites such factors as the confusion between "authority" and "authoritarianism," the modern trend toward equality, and the disenchantment with the results achieved by those in authority—a feeling, as he puts it, that the best and the brightest have been frauds and failures.

Professor Freund's address contains both diagnosis and prescription. In addition to his analysis of the causes, he also suggests appropriate ways to stem the current erosion of authority—particularly the need for those in authority to engage in what he calls self-correction and self-limitation. In this way he suggests, it may be possible for those in authority to demonstrate the wisdom of the restraints that are essential to protect and preserve the freedom of us all.

Mr. President, it is easy to understand why Professor Freund has earned his high reputation as one of the wisest men in America and as one of the most influential scholars and students of our constitutional system of government. I believe all of us will appreciate the opportunity to read his Stonehill College essay, and I ask that it may be printed in the RECORD.

The material follows:

WHAT IS HAPPENING TO AUTHORITY?

I confess that I enjoy the pageantry of Commencement, matched only by military processions. I suggest an innovation in government protocol—that in receiving foreign heads of state, the President forego the review of troops to substitute an academic line-up in full regalia. It would be symbolic of our values, and whether it was well received by the visiting potentate would be a test of his own culture and civilization.

Ten years ago we saw the beginnings of the student protest movement. In retrospect it is clear that it was not a special American phenomenon, not simply an explosive outburst against the war in Vietnam. It was a world-wide generational rebellion against authority. In Germany, for example, it took the form of an attack on the university system, its concentration of authority in a group of senior professors. When a young German teacher complained of the new order—tripartite government of faculty, students, and staff—I remarked that surely reform was overdue. "Yes, but you know us Germans—when we do anything, we do it so thoroughly."

On this anniversary it seems appropriate to reflect on the theme of authority—what it is, and what has been happening to it.

The two great dangers threatening modern society, in the words of the French poet Paul Valery, are disorder and order. The force of that aphorism is surely felt by anyone contemplating a country such as Italy today and as it was under Mussolini's fascism. In the same spirit one could say that the two great threats are authority and loss of authority. The choice between all of the one and all of the other is a choice between stagnation and anarchy. Or, as Alfred North Whitehead put it, "The art of free society consists first in the maintenance of the symbolic code; and secondly in fearlessness of revision, to secure that the code serves those purposes which satisfy an enlightened reason. Those societies which cannot combine reverence to their symbols with freedom of revision, must ultimately decay either from anarchy, or from the slow atrophy of a life stifled by useless shadows."

Over the past generation in our own society it takes no profound observer to recognize the erosion of respect for authority, and therefore of authority itself, in all the major institutions of life—the family, the church, the law, the schools, the government. What causes are responsible for this decline? I suggest two principal causes: first, a general disenchantment with authoritarian governance, which is a spurious form of authority and which is not distinguished from the authoritative, the genuine form; and second, a general enchantment with social and economic mobility and egalitarian goals. Often the two are combined, as in the case of upper middle-class children who discover injustice in the world and rebel against their parents.

Authority, I have said, has been confused with authoritarianism. The latter is the sheer exertion of power or will over others, while true authority is something more qualified—power which can be justified by reason, by the capacity to explain itself. Books have been written on the authoritarian personality, but it was all said by Ring Lardner: " 'Father, why are we moving?' 'Shut up,' the father explained."

The word authority comes from the Latin "augere," to increase or augment, and among rational beings this is done by reason, not by fiat. Hitler was authoritarian; Charles Evans Hughes was authoritative. And yet the revolt against sheer power has spilled over and been projected against rational processes of ordering. All forms of constraint become suspect and are looked on as at least presumptively illegitimate.

A second cause of the decline of authority, I have suggested, is the movement toward egalitarian ideals. Partly there is a leveling up; the idea of a hierarchy of talent, ability, achievement is rejected in favor of an ideal of fellowship, of brotherliness rather than Big Brotherhood, community rather than competition. Partly there is a leveling down, a feeling that too often eminence has been bogus, that the "best and brightest" have been frauds and failures, have failed us miserably. The feeling goes back, in my lifetime, to the great depression of the 1930's. I recall a lady in Washington telling Justice Brandeis that the bankers were descending on the capital wringing their hands, utterly helpless and defeated, to which Brandeis replied wryly, "Well, aren't they known as the Napoleons of finance?"

The loss of respect for authority is no doubt an overreaction, but it is at least comprehensible. It springs from a combination of sources: misunderstanding the claims of authority, a generous impulse toward brotherhood, and a disillusionment with the pretensions of the captains and the kings.

How then can authority, and respect for authority, be rehabilitated and restored? First of all, by demonstrating that those in authority are prepared to engage in self-examination and self-correction. Consider two paradigms of authority—in law, the Supreme Court; in language, the dictionary. The Supreme Court of the United States owes much of its prestige to its readiness to reconsider its own decisions, yielding, as Justice Brandeis put it, to the lessons of experience and the force of better reasoning. As for a great dictionary, we may think of it as a huge, impersonal repository of unalterable truths, but of course it is nothing of the kind. The late Professor Kittredge of

Harvard was once approached after class by a student who said, "Professor, you pronounced so-and-so with the accent on the first syllable, but I had occasion to look it up in Webster's unabridged, and the accent is on the second syllable." Kittredge took out a little notebook and said, "I am making a note of that. That's wrong. I must change it in the next edition."

Besides self correction, a necessary virtue of those in authority is self-limitation. There are many experts, but few if any universal sages, although there is a prevalent disease known as the Nobel-prize syndrome, which infects its victims with delusions of omniscience. The late Cardinal Gibbons of Baltimore was once asked whether he really believed the Pope was infallible. "I can only say," he replied, "that when I was last in Rome his Holiness called me Cardinal Jibbons!" (In 1960, when John F. Kennedy was running for President and was seeking ways of de-fusing the church-state issue, I gave him this story, which he used in New York, except that, doubtless because Cardinal Gibbons was a remote figure there, he changed the names to Spellman and Spillman.) Self-limitation is not a mark of weakness. It is, said Goethe, the first mark of the master. Power confined is power compounded.

In addition to self-correction and self-limitation, it is extremely helpful if one can radiate authority rather than exert it. Justice Brandeis opposed the construction of the present Supreme Court building, the marble palace, on the ground that the influence of the Court must come from the intrinsic quality of its performance, not from the pomp of its ceremonies or trappings.

I have spoken of those who yield authority, and what they can do toward its restoration. Those who are subject to authority, in turn, need to be reminded of the role that authority plays in enhancing freedom. The lesson of the playing field is just that; without the umpire, the coach, the captain, each player's freedom to play the game would be dissipated in enervating, open-ended disputes. Without the authority of precedent and a binding higher law, the judge would be torn apart by the agony and absurdity of passing judgment on a defendant's past and future life. If restraints are wise, they make us free. If our fetters are shaped and re-shaped by right reason, we find freedom in our fetters. These are large "ifs," but they are a necessary attribute of authority.

I would add just a word. Right reason cannot be merely abstract and mechanical. It must include a sense of wonder at the unknown, and awe at the mystery of the unknowable. Wallace Stevens had this to say about the range of reason:

"Rationalists, wearing square hats,
Think, in square rooms,
Looking at the floor,
Looking at the ceiling.
They confine themselves
To right-angled triangles.
If they tried rhomboids,
Cones, waving lines, ellipses,—
As, for example, the ellipse of the half-moon—
Rationalists would wear sombreros."

I invite you, from time to time, to remove your mortarboards, look at the shape of things outdoors, and wear sombreros.●

THE AFRICAN QUAGMIRE?

● Mr. McGOVERN. Mr. President, Mr. Tom Wicker, the brilliant New York Times journalist, has written a most thoughtful and provocative piece, entitled "Which Way to the Quagmire?" which appeared in the New York Times of May 28. The article raises serious questions about the administration's Africa policy.

I ask that it be printed in the RECORD. The article follows:

WHICH WAY TO THE QUAGMIRE?

By Tom Wicker)

What, if anything, is the Carter Administration up to in Africa? Does even President Carter know? In view of the following record of events and statements, does anyone?

May 16—Mr. Carter complained to Congressional leaders that existing laws unduly restricted him in aiding friendly governments under attack, as Zaire was at the time; Secretary of State Vance said one such restriction was the Clark Amendment barring aid to forces fighting in the civil war in Angola.

May 18—A French-Belgian airlift, using some American planes, began to rescue Europeans and Americans from Shaba Province in Zaire; Fidel Castro summoned an American diplomat to deny that Cuba was participating in any way in the Katangan invasion of Shaba from Angola.

May 19—The State Department asserted that Cuba had trained the Katangan forces and supplied them with Soviet weapons; the White House publicly detailed the American participation in the airlift while high Administration sources privately let it be known that the participation had been in response to Cuban Soviet involvement in Angola, Ethiopia and elsewhere in Africa.

May 23—Senator Dick Clark of Iowa said Mr. Carter's public statements about Congressional restrictions led him to believe Mr. Carter had "made the decision to reinvolve the United States in the Angola war."

Walter Pincus and Robert Kaiser reported in The Washington Post, however, that Mr. Clark, the chairman of the Senate subcommittee on Africa had been recently approached by Stansfield Turner, the C.I.A. director, and David Aaron, the President's Deputy National Security Advisor. Both talked to Mr. Clark about indirect aid to forces opposing Cuban troops in Africa; Mr. Turner was reported to have specified a plan to pass American arms through a third party to forces waging guerrilla war against the Marxist Cuban-backed Government of Angola.

This would have circumvented the Clark Amendment, which prohibits such aid being given directly; not unnaturally, the author of the Clark amendment resisted the idea.

May 24—White House Press Secretary Jody Powell said President Carter "had no knowledge (Mr. Turner and Mr. Aaron) were doing this sort of thing," although he did not deny that they had done it. When Mr. Clark's charge first appeared, Mr. Powell did deny that Mr. Carter had decided "to take any action that would be contrary to the Clark Amendment or any law."

May 25—At a new conference in Chicago, Mr. Carter said that he (a) had no intention of involving the United States in military conflict in Angola or anywhere else in Africa, (b) had no problem with most existing restrictions, including the Clark Amendment, but (c) was worried that Congress might impose further restraints on Presidential authority and the use of foreign aid funds.

He also described American participation in the rescue airlift as "an appropriate and measured response" to a situation for which he said Angola and Cuba must share responsibility.

If Mr. Carter's news conference is taken at face value, at least the following questions arise:

What was he complaining about for a week, if existing restrictions on his powers enable him to make "an appropriate and measured response" to what he considers Cuban-Angolan responsibility for the Shaba fighting?

What was Mr. Turner talking about to Dick Clark if there is no intention of further American involvement in Angola?

Or does Mr. Carter exclude roundabout schemes like the one outlined by Mr. Turner from his definition of being "involved" in Angola?

If so, does he believe such "covert" operations can be kept secret? And if not, does he think his C.I.A. director ought to be making such proposals independently of Administration policy?

Even Mr. Carter's protestations at Chicago that he only wants to be able to give "much needed friendship" to African nations seems curiously overstated. He said, for instance that "We are prohibited, except under special circumstances, from giving any aid to Zambia." The special circumstances must have been in effect one week earlier when it was announced that the United States would give Zambia $100-million in economic assistance over three years to ease problems caused by the declining of copper prices.

Now it may be that Mr. Carter only wants the world to think he would be tougher on the Cubans if Congress would let him; but the Cubans and Soviets are quite likely to take his complaints to mean only that Mr. Carter's hands really are tied.

Or it may be that the President really does feel the need to fend off further Congressional restraints on his powers. Letting Stansfield Turner run loose on Capitol Hill with covert action schemes to circumvent existing restrictions is a strange way to make that point.

Everything considered, and in the light of the distaste of Presidents for appearing weak and indecisive, one may be pardoned for being grateful that the Clark Amendment was in effect in these recent weeks, to do just what it was intended to do.●

EXCESSIVE GOVERNMENT SPENDING

● Mr. GOLDWATER. Mr. President, as we all know, President Carter came to the White House on the basis of a campaign which promised to reduce the size of Government and cut bureaucratic expenses. We all also know at this point that campaign promises mean very little to the present occupant of the White House. As an example of how he came to grips with the question of big government, we have only to look at his new Department of Energy. There we find a budget of $10.6 billion for fiscal 1978 and a roster of employees expected to total nearly 20,000.

Mr. President, in the Thursday Letter, a publication of the Dean Witter Reynolds, Inc., there is an interesting item on the Department of Energy which I ask to have printed in the RECORD.

The item follows:

[From the Thursday Letter, May 11, 1978]

FEDERAL FUNDS—CALL THEM TAXPAYER PAYMENTS

Like most of us, Dean Witter Reynolds' Joseph Garcia knows that he's been working most of 1978 thus far to pay for Uncle Sam's share of our entire year's earnings. Also like the rest of us mortals, he often wonders what our good Uncle does with all that dough. The other day, while reading the 1977 Annual Report of Supran Energy Corp. (27.8% owned by Southern Union Co.), he saw an interesting commentary that sheds some light on where our avuncular friend puts some of our

money, and why the government keeps getting bigger and bigger:

"$10.6 Billion! They Can't Be Serious! The Department of Energy will employ 19,767 people and dispose of a fiscal 1978 budget of $10.6 billion. To put that budget in perspective, consider the following:

1. It represents $500,000 per Department employee.

2. It represents $50 for each and every member of the total United States population.

3. It represents $266,871 for each of the 39,763 wells drilled in 1976.

4. It represents $58.35 for each of the 181,855,700 feet drilled in 1976.

5. It represents $3.59 for each barrel of domestic crude-oil production in 1976.

6. It represents $1.67 for every barrel of petroleum products consumed in 1976.

7. It represents $0.10 for every gallon of gasoline consumed in 1976.

8. It represents $0.3434 on every barrel of proven crude oil reserves as of December 31, 1976 (30.9 billion barrels).

9. It exceeds 1975 capital and exploration expenditures by the petroleum industry to explore for and produce domestic crude oil, natural gas, and natural-gas liquids ($9.4 billion, according to the Chase Manhattan Bank), and it is almost three-fifths of capital expenditures in all United States petroleum sectors that year ($17.7 billion).

10. It exceeds the 1974 profits of the seven largest oil companies—profits that were called "obscene."

There's a footnote to the above: "The 1979 budget increased to $12.6 billion, up 19%. This budget approximately doubles the 1976 earnings of the seven largest oil companies and exceeds the 1976 earnings of the top 20 oil companies by almost $2 billion."

If this doesn't rile you up enough, consider the recent statement by the Health, Education, and Welfare Department, which said that about $7 billion of taxpayer money has been lost via various means, including improper payments, ineligible payees, etc. Now it wants to add about 200 investigators (at a cost of several million dollars) to find out where that missing moolah has gone. No wonder business executives point to government spending as the principal cause of inflation. You might also note that the Tax Foundation, after studying Mr. Carter's budget figures, estimates than $0.45 of every $1 of taxpayer-money spending in the next fiscal year will go to individuals under such programs as Social Security, Medicare, welfare, and federal employees' pensions. The latter could be as much of a millstone around the federal government's neck as New York City's employee pension obligations are on the Big Apple's.●

FOREIGN INVESTORS IN U.S. AGRICULTURE

● Mr. McGOVERN. Mr. President, there is growing concern in America on the subject of foreign investments in U.S. real estate, particularly American farmland. The chairman of the Senate Committee on Agriculture, Nutrition, and Forestry (Mr. TALMADGE) has commissioned the General Accounting Office to use its resources on this subject and formally report its findings to the Congress. This report is in progress and is anxiously awaited by Members of the Senate.

Perhaps the most indepth analysis of foreign ownership yet to appear in the printed press was an article by Robert Lindsey that appeared in the Sunday, May 14, 1978, New York Times, entitled "Foreign Investors Rush to Acquire U.S. Property as Haven for Funds." It is my judgment that other Senators have developed such an interest in the topic that I ask unanimous consent that the article to which I have referred be printed in the RECORD:

FOREIGN INVESTORS RUSH TO ACQUIRE U.S. PROPERTY AS HAVEN FOR FUNDS

(By Robert Lindsey)

STOCKTON, CALIF., May 11.—Alfred Zuckerman's father came here from Texas 70 years ago and began farming the capricious soil of the San Joaquin River Delta. Realizing a dream in 1937, he bought a 5,200-acre island in the river and turned its rich peat into a farm lush with asparagus, potatoes, onions and other crops protected by high levees that held back the river.

The island remained in the Zuckerman family for more than 40 years. But last month it was sold for $5.8 million to a corporation based in the European principality of Liechtenstein and owned by investors in Italy. "I've never met the investors and don't know who they are," Alfred Zuckerman said.

The island here is among thousands of acres in California's San Joaquin Valley, and many thousands of acres more elsewhere across the country, that have recently gone into foreign ownership. The unusual real estate rush by noresident foreign buyers involves not only farmland but also shopping centers, office buildings, hotels, houses and other property.

Foreign investors, troubled by political and economic instability in their own countries and attracted by the greater purchasing power a deflated dollar has given them, are buying much of the United States—but no one knows how much.

Gerald Jackson, president of the American Real Estate Exchange of San Francisco, which handles many foreign sales, estimates that about 20 percent of all farmland being sold in the country now is going to foreign buyers and that the total is 40 to 50 percent in certain areas, among them the Mississippi Delta, certain parts of the Middle West and California's Central Valley.

The European Investment Research Center, a holding company in Brussels, estimated recently that Europeans spent $800 million on American farmland last year alone, while other estimates placed the total investment in real estate at several times that amount. But none of the figures are more than guesses.

Many, if not most of the purchases, Government experts said, are being made through trusts, corporations, banks, lawyers and offshore companies in the Netherlands Antilles and other Caribbean locations that specialize in concealing such transactions.

FARMERS PROTEST SALES

Farmers in many parts of the country are more and more frequently protesting the acquisitions, complaining that foreigners are often paying too much for land and driving up prices and taxes. However, some real estate brokers who cater to foreign investors argue that American farmers are overreacting, that there are not as many deals being consummated as the farmers believe.

"If foreigners could buy all the farmland available for the next 10 years, they would not own 2 percent of the country's farmland," said Jeffrey T. Server, an executive of Chicago's Arthur Rubloff & Company, a major dealer in farmland. "There's no reason at all for the family farmer or anyone else to feel threatened by foreign investment."

But such reassurances have not stilled the protests, and there are lobbying efforts around the country to limit such purchases by state law.

"You can't pay what these people are paying for the land and farm it," said Richard H. Lehman, a Democratic Assemblyman from a farming district in California, who is pushing legislation to restrict foreign purchases. "Land is probably the most important resource we have, and we do not have the necessary tools to find out who owns it."

7 STATES BAR OWNERSHIP

Seven states—Connecticut, Indiana, Kentucky, Mississippi, Nebraska, New Hampshire and Oklahoma—have laws barring nonresident aliens from owning land, and 13 other states, including New York, impose some limits.

But knowledgeable real estate experts say that most of these laws can be circumvented easily, and they add that, if tested, the laws might be held unconstitutional because they deny equal protection under the law to foreign buyers.

Although there are no reliable figures on the total volume of foreign land purchases in the country, interviews with Government officials, real estate specialists, foreign investors and others in 15 states suggest a large and growing role by foreign investors in American real estate.

Canadian investors, because they have generally been less secretive in their dealings, are among the most conspicuous buyers. But the interviews indicated that moneyed families, corporations and institutions such as pension funds from West Germany, Italy, France, Britain, the Netherlands, Belgium, South Africa, Rhodesia, the Arab countries, Latin America, the British crown colony of Hong Kong and elsewhere are investing heavily in this country.

FRENCH CANADIANS IN FLORIDA

In south Florida, some real estate men estimate that French Canadian investors have spent more than $500 million in the last three years; a company controlled by Canada's Hudson's Bay Company recently announced that it would finance half the cost of a $1 billion new town of 50,000 people in Dade County.

Canada's Olympia & York Development Ltd. recently bought eight New York City office buildings for almost $350 million, and has made several other acquisitions in this country.

Another Canadian company, Nu-West Development Corporation Ltd. of Calgary, recently paid $16 million for 2,000 acres of undeveloped land overlooking the coast at San Clemente south of here, not far from the home of former President Richard M. Nixon. The same company offered recently to buy 80 percent of a major Phoenix home builder.

Substantial foreign real estate investments were reported in virtually every section of the country. The following examples give an indication of the activity:

¶In Boston, the 34-story State Street Bank Building was sold to Dutch investors for $35.5 million, and Italian and French companies are among the major investors in Boston's redevelopment effort.

¶In Montana, a recent survey by state officials indicated that foreign buyers had acquired at least 100,000 acres of ranch land.

¶In Beverly Hills, real estate experts estimated that Arab and Iranian investors had spent more than $150 million in the last 18 months on expensive homes. Significant numbers of Korean and Chinese investors have also bought homes in southern California, some of them, real estate agents said, with cash.

¶In New Orleans, Iran's Bank Omran is supplying half of the capital for a $500 million complex of offices, hotels, stores and apartments called Canal Place.

¶In rural Louisiana, the Ferruzzi family of Ravenna, Italy, bought and is developing a 27,000-acre cattle ranch; the family also owns major ranching properties in North Carolina.

¶In northern Iowa, a prosperous West German farmer, Clemens August Van Twickel, bought 1,013 acres of farmland last year for $2 million, not far from where the Metternich family of West Germany paid $3.85 million for a farm three years ago.

BID FOR 3 HOTELS

Last week, an Arab-backed, Dutch-based consortium bid $50 million to buy the Roosevelt, Biltmore and Barclay Hotels in Manhattan from the Penn Central Company. And along Wilshire Boulevard in Los Angeles, Arab and Iranian investors have bought at least a half-dozen office buildings in the past six months.

In a comment echoed by his counterparts in other parts of the country, Roy Schwarz Jr., a New Orleans broker, said of the overseas buyers:

"They're looking to put out big bucks; they want shopping centers, office buildings, quality property. They're paying high prices and taking low returns. They want to preserve their capital and they want pride of ownership. They figure this country is the last bastion of free enterprise."

The foreign buyers are often willing to settle for lower rates of return than Americans. This quality has troubled some real estate men.

DESIRE TO PRESERVE CAPITAL

"As a broker, I must say the commissions from foreign purchases are as spendable to put my children through college as those of domestic buyers," said a Philadelphia broker. "But the prices can get out of whack and become higher than domestic buyers can afford; we see Equitable Life and Prudential buying properties for 8.5, 9, 9.5 percent return while foreign buyers are getting them for 6.5."

Stephen K. Weber of Oppenheimer Industries in Kansas City said that fear of leftist governments, terrorism and kidnapping and the desire to preserve capital—not necessarily to make money on it—were all factors.

"There is a lot of old wealth in Europe," he said, "and these people know from experience that after wars and conflicts have ended, retention of farmland has enabled them to retain a net worth and get back on their feet. They're looking now at American farm properties because they feel this is the last place in the world where land will be confiscated."

Regarding commercial properties, Edward Sulzberger of Sulzberger-Rolf Inc. in Manhattan, which sold a Fifth Avenue office building last week to a West German company, said: "The dollar is so low that even if foreigners did nothing with the property they've bought, they'd make a handsome profit."

Here in California's great Central Valley where family farms have given way increasingly in recent years to large corporate agribusiness enterprises, the question that farmers are asking is, How much more will the foreigners buy?

CALIFORNIA DEALS CONTINUE

And the deals continue; last month, an Italian family bought a 2,120-acre peach ranch south of here for $5.5 million. North of here, in Sacramento, some Canadians bought a hotel for $4 million; Hong Kong investors bought a 300-unit apartment complex for $5.7 million; a smaller apartment house went to investors from Thailand, and three shopping centers were bought by Swiss and Canadian investors.

"This is about the last of the big family-owned properties around here," Mr. Zuckerman said, remarking on the irony that his family had to sell because of the need to pay inheritance taxes after his father's death.

Mr. Zuckerman has agreed to help manage the property for a year, then the Italians will take over. Mr. Lehman, the State Assemblyman who is trying to win passage of laws to block such purchases, said he expected them to continue. "It's an incredible infusion [of money]," he said. "The one thing holding them back is that there's not that much land for sale." ●

SOUTH AFRICA

● Mr. GOLDWATER. Mr. President, there have been so many inaccurate and downright dishonest things written about South Africa in this country in the last several years that it is like a ray of sunshine on a dark day when a South African takes his pen in hand and writes a few truths about his country. I am not going to say that everything has happened in South Africa that we Americans would like to see happen as far as the relationship of black and white goes, but I spent the Easter recess there, and that was my third visit to the country covering some 35 years, and I am convinced that South Africa can live without the United States but the United States is going to have a very difficult time surviving in this world without South Africa and her strategic importance to us, particularly now that we have practically lost every vantage point around the Indian Ocean except South Africa. I ask that this article entitled, "South Africa—the Facts of Life Today . . . and a Vision of Its Future" by Jan S. Marais be printed in the RECORD.

The article follows:

SOUTH AFRICA—THE FACTS OF LIFE TODAY . . . AND A VISION OF ITS FUTURE

(By Jan S. Marais)

INTRODUCTION

Is there any other country in the world which has suffered so much criticism over the last three decades as has South Africa?

What are the facts? Has the country really so many imperfections? Has it made so many mistakes?

Are there special conditions; has it special problems, and what are they?

Are there any good and wonderful things at all about South Africa?

Any special advantages and factors in its favour?

And what, on balance, is the truth; and what in true perspective, based on realities, is its future? Is there going to be an ultimate and terrible bloodbath, wiping out the many achievements of the past, and culminating, in the place of white minority rule, in black minority rule in typical African fashion?

Talking about typical African fashion: Some believe that this means clamouring for black majority rule, on a one-man-one-vote basis, meaning one vote only one, and then a black dictatorship or military regime.

Should the West, especially America, wash its hands of the problems and sins of Southern Africa? If not, what can be done? Particularly in its own interest and in the interest of the Western World and the Western way of life.

Is it a matter of the great Western powers of today having to make up their minds and to opt for either an evolutionary development towards an acceptable democracy, or to opt for revolution such as is so common in Africa and elsewhere in underdeveloped or developing countries?

Of course, you are entitled to believe that I cannot but be biased or prejudiced and that I, as a South African, will hold on fanatically to an optimistic view of this country's future. All I can assure you is that, while wearing also my hat as President of the South Africa Foundation, I have for many, many years made it my business to study the South African and Southern African situation in both local and international perspective, to be fanatically realistic and to endeavor to convey or project the truth in its unadulterated form, whether it be good or bad.

So, on this basis, what are my conclusions?

Well, in a nutshell, I believe that as with so many things in life, the wheel will turn a full cycle—has now almost turned a full circle—and the much-maligned South Africa will again become a magnet of attraction for both people and investments within the next few years. That there will be a "scramble" to get in before we are much older.

But, let's look at some of the special features of present day South Africa first.

THE FACTS OF LIFE IN SOUTH AFRICA TODAY

To put the South African situation in proper perspective, it is necessary to indicate briefly, what the main facts of life in South Africa are at present.

1. Population Composition

According to the latest available statistics, there are today 25,260,000 South Africans, as follows:

South African population

	Number	Percent of total
Whites	4,300,000	17.0
Asians	730,000	2.8
Coloureds	2,430,000	9.6
Blacks	17,800,000	70.6
Total	25,260,000	100

White South Africans are mainly of Dutch, English, French and German descent with a sprinkling of others from practically every other country. Many languages are spoken, but there are two official languages, Afrikaans and English.

According to the latest official census (1970) about 48 percent of the White population regard Afrikaans as their first language and 30 percent English. Another 18 percent have no specific language preference. Most people in South Africa have at least a working knowledge of both official languages.

About 65,000 South Africans prefer German as their first language.

The Asian group consists mainly of the descendants of Indians who were imported during 1860 and later years to work in the sugarcane fields in Natal. Indians were subject to repatriation until 1961, when, under the present Government, they became permanent South African citizens.

The Coloureds are the offspring of the original so-called "Strandlopers" in the Cape, imported Malay slaves and the mixing of these groups with the Whites and Blacks.

It is important to note that of all the various racial groups in South Africa, the Coloureds are undoubtedly, in a historical sense, the group best entitled to claim South Africa as their home—especially the Western Cape, where more than 35 percent of the total Coloured population live at present.

The Blacks consist of 9 separate ethnic groups, each with its own language, legal system, life-style values and socio-political identity. In life-style and language the Zulu nation, for instance, differs as much from the Tswana nation as the French from the Italians.

Historically the Black came down from the Northern areas, often as a result of tribal and faction fights, and settled in different parts of the country, more or less in the areas of the present-day homelands plan.

It is often not properly understood that these different Black tribes do not always get on well with one another, especially that they cannot be mobilised and become united against a "common enemy", such as is unfortunately, at least to some extent, the situation in South Africa today. They can in any case not always understand each other. Neither do all of them speak or understand English and Afrikaans. It is evident that many communication gaps exist.

Urban blacks

Of the present Black population of 17,800,000, about 8,500,000 live either permanently or temporarily in the so-called White areas outside the planned homelands. These are the people who are usually referred to as the Urban Blacks. They were drawn to the developing "White" areas, especially after the discovery of diamonds and gold toward the end of the nineteenth century and the subsequent rapid industrial take-off and development.

2. EDUCATIONAL LEVELS AND FACILITIES

The White group is highly literate and compares well with any developed nation. Proportionately more Whites receive a university education than any other nation apart from the U.S.A., and illiteracy* in this group is, for all practical purposes, non-existent. (Only 2.3 percent of the White population older than 6 years of age cannot read and write).

There is also compulsory education being introduced step by step for the Coloureds and Asians and the literacy rate is estimated at 76 percent for the Coloureds and at 80 percent for the Asian Group.

School education for Blacks is not yet compulsory although an African child who wants to go to school, is never turned down. In this respect South Africa often boasts of having among its Blacks the highest literacy rate in Africa, viz 45 percent (31.9 percent in 1960). compared with an estimated general average of only 31 percent in the rest of Africa. Figures like 25 percent for Botswana, 25 percent for Ghana, 40 percent for Uganda, 24 percent for Nigeria and 10 percent for Sierra Leone are not uncommon in present-day Africa.

It has been confidently calculated that illiteracy in South Africa will be wiped out within the next generation.

One of the criticisms sometimes thrown at the Whites by Black leaders is, "Why tax yourself and educate our children if you are not prepared to open all possible job and advancement opportunities to them? This is the way to frustrate them and breed revolutionaries among them!"

3. PER CAPITA INCOME AND LIVING STANDARDS

South African Whites enjoy one of the three or four highest standards of living in the world. And it is usually believed that the standards of living of Non-Whites compare very well with those in practically the whole of the rest of Africa, or anywhere else.

In terms of taxable income the per capita remuneration of White South Africans increased by 143 percent to $2,900 over the period 1960–1975, while Coloured income increased by 176 percent to $570. The corresponding increase in Asian income was by 184 percent to $671, and in Black income by 195 percent to $272 per annum (1975 figures).

Figures can, of course, be misleading. The factual position is that percentages now increase faster for Non-Whites but the physical gap in wages is still widening. Some calculations indicate that the latter will start narrowing in about 5 years' time, while wage discrimination should be non-existent in the near future. Merit is now rapidly taking its place.

When compared with other African States the following statistics will indicate the relative positions:

Comparisons with other African states

(1972–73 figures, the latest available from many African States).

	Per Capita Income
South Africa (excluding Transkei)	$850
Angola	223
Botswana	106
Ethiopia	72
Kwazulu [1]	131
Lesotho	74
Malawi	71
Mozambique	217
Nigeria	63
Rhodesia	325
South West Africa	207
Transkei [2]	129

[1] An intended independent South African homeland.

[2] An independent homeland as from 26/10/76.

Another comparison is that with 43% of Southern Africa's population, South Africa and South West Africa provide about 70% of the total output of the whole region.

4. THE PRESENT ECONOMIC RECESSION AND ITS RELATION TO WORLD MARKETS

In order to evaluate properly the present recession and its various repercussions, it is necessary to refer briefly to the following:

a. Firstly, South Africa is a so-called "open country" and one of the world's first 16 trading nations.

b. Historically, economic cycles in South Africa have shown 12 to 18 months time lag between a recession or upswing in the countries which are its main trading partners and a recession or upswing in its own economy.

c. With reference to the present situation, South Africa was in fact still enjoying "boom" conditions about two years ago when America, England, West Germany and its other trading partners were experiencing severe recessionary conditions.

It is therefore, not illogical that South Africa is at present still experiencing recessionary conditions and that it can look forward to a recovery after the elimination of the recessionary conditions which its trading partners have experienced for a relatively long time, but which now show definite signs of recovery.

Since we are a major exporter of important minerals and raw materials, this seems only a logical development and it will benefit considerably the export earnings and balance of payments situation in South Africa.

In my view South Africa will again experience sound growth of some 5 percent plus towards 1978.

5. THE GOLD PRICE

Although South Africa has expected, and in her forward planning provided for, a decline in the role of gold in its future economic growth, it is also true that the recent extent of the collapse in the gold price was not generally expected.

South Africa did not bargain on a $200 or $300 price for its gold, but at the same time it did not expect a decline of much lower than about $125 to $150 per fine ounce.

The sudden sharp drop in the gold price to around $110, did, therefore, aggravate South Africa's balance of payments problems.

6. CAPITAL EXPENDITURE COMMITMENTS

Many South Africans would agree that right at the moment we have committed ourselves to a rather heavy expenditure programme on infra-structure and other major development projects in relation to our balance of payments situation.

It could be argued that we were too optimistic in view of the rather high gold price which prevailed for quite a long time. On the other hand, it is also true that many of these commitments were entered into on relatively reasonable terms with reference to inflation and escalating costs and that they are essential for further replacing gold as a foreign exchange earner and for laying the foundation of increased employment opportunities for our rapidly increasing population.

Under the changed circumstances, a considerable scaling-down of projects that can be delayed, has already taken place. The following, however, is an indication of important projects which are going ahead.

The expansion of the large South African Iron and Steel Corporation (Iscor) to nearly twice its present size—a project which will cost $2,070 million;

The completion of the Sishen/Saldaha ore export project at $800 million;

Work is now starting on a second oil-from-coal installation, SASOL II, which will cost more than $1,200 million;

About $3,000 million will be spent, over the next 10 years, by the Electricity Supply Commission (Escom) to produce six times the present output;

The implementation of containerisation by the South African Railways and Harbours, at $2,300 million;

A variety of smaller, private projects, with a total cost of about $3,000 million.

Grand total $12,370 million.

It will be obvious, when glancing through this list, that these projects are very strategic and that many of them will contribute on a large scale to foreign exchange earnings, directly and/or indirectly.

Many new job opportunities will be created, exports will be boosted dramatically, and the standards of living of all our peoples will improve. Obviously, this can only happen over a number of years.

7. BALANCE OF PAYMENTS SITUATION

Viewing our balance of payments problems against the background that I have sketched, it can be said that we have plans to manage the situation, but that at the same time, any renewed or increased inflow of capital will considerably benefit South Africa.

It is furthermore logical that any easing of the tensions in Southern Africa will make it possible to save on defense and allied expenditure and will practically overnight result in an increased inflow of capital.

Remedial Measures

Under the circumstances of fighting inflation, coping with the recessionary economic situation, handling in the best possible manner the balance of payments shortfall and on top of all that experiencing a rapidly declining gold price and a decline in foreign capital inflow, the South African authorities had to implement rather severe and formerly unknown methods of dealing with the situation. These have taken the form of severe credits restrictions through the banks, an import deposit scheme to discourage imports, the scaling-down of certain development projects already mentioned, increased loan levies and expediting as far as possible the development of several foreign exchange earners.

The situation is manageable, but as in other countries, it cannot be managed without certain hardships, more specifically unemployment in certain categories. This, in the South African context—with its large number of underdeveloped people and racial problems—is undoubtedly a more serious matter than in most other countries.

As a rough indication we project the future trend of the current account of our balance of payments as follows:

Deficit on current account:	*Million*
1976	$1,700
1977	1,400
1978	1,100

As far as our unemployment situation is concerned, it may be expected that the present 4–5 percent will increase to 6 percent by the end of the year; and possibly up to 7 percent by the middle of next year. It will, however, improve towards the end of 1977 as the expected economic recovery gets under way.

Although South Africa is at the present time going through a downward economic phase, our economy will, I believe, regain its normal upward growth path before long. Obviously, those who want to make the most

*A literate person, in this context, is seen as any person older than six years of age who has passed any standard at school.

of the opportunities offered by the new growth era should not wait until the upswing actually starts. They should begin preparing themselves accordingly; they may have to start investing right now.

8. OUR MINERAL AND OTHER RAW MATERIAL RESOURCES

It has been said that the Good Lord gave South Africa the most complex racial situation in the world, but that He compensated by also giving it some of the world's richest natural resources.

Others have said that if the Communist world should succeed in controlling, in addition to their own, also the resources of South Africa, they could create a monopolistic advantage for themselves which would make the OPEC cartel look like a kindergarten party.

What in fact are the known resources of South Africa? And how important are they to the Western World?

The Russian hope of a commodity "OPEC"

There has been a spate of press reports recently, stating that South Africa is not important to the West and that the West, more specifically the U.S.A. could do without her.

Is this true?

Let us forget, for the moment, about South Africa's strategic importance: that she is situated at perhaps the most vital or sensitive corner of the sea-lanes which already carry 24,000 ships per annum—mostly tankers—bound for Europe and America.

These lanes carry the supplies of most of Europe's oil, and will, towards the turn of the century, carry 60% of the U.S.A.'s oil needs.

Let us first concentrate on South Africa's mineral and other raw material production and reserves, at time when the major Western industrial countries are at least beginning to give some attention to possible future commodity shortages.

a. Actual Mineral Production.—Interesting features of South Africa's mineral production includes the following:

Our annual gold production of nearly a million kilograms, forms more than 70% of all the gold produced in the Western world.

About 50% of all the gem diamonds of the world are produced in South Africa and South West Africa, as well as large quantities of industrial diamonds.

South Africa is the largest producer of platinum in the free world. This is an essential ingredient in fertilisers and in many metallurgical processes; and it is widely used in the jewellery trade.

South Africa is the world's second largest producer of chromium after the U.S.S.R. It is said that Rhodesia possesses the largest reserves of high grade chromium. Together with South Africa, the region holds 96% of the world's chromium resources.

Other minerals include manganese, vadium, fluorspar, asbestos, antimony, vermiculite, titanium, nickel, amosite and, of course, coal and iron ore.

South Africa's mineral sales during 1975 consisted of the following (in $ millions):

	1975
Gold	2,944
Coal	363
Diamonds	200
Copper	168
Manganese	117
Asbestos	105
Nickel	71
Iron Ore	48
Chrome	47
Limestone	45
Vanadium	44
Phosphates	29
Antimony	26
	4,207
Others	546
Total	4,753

The total value of $4,753 million was up 5,2% on the 1974 figure despite the world economic recession, and despite a drop in the gold price as well as a 2,2% decline in the volume of gold production—which led to a decline of 3,3% in the net gold output during 1975. Under expansionary economic conditions the annual increase could be considerably more. However, to what extent this will or could make up for the decline in the gold price, remains to be seen.

South Africa supplies Germany with 80% of its blue asbestos, 53% of its manganese, 45% of its chrome ore and virtually all of its gold and diamonds.

b. South Africa's Mineral Reserves.—South Africa's biggest lack, so far, is oil. But this drawback is offset by extensive coal fields, which supply fuel for most of the country's power needs. Sasol I's oil-from-coal process already makes sizeable contribution to the country's petroleum needs, and when Sasol II comes on stream the two plants will be able to provide about 40% of South Africa's 1975 oil needs.

South African coal is among the cheapest to mine in the world, and she relies on coal for 75% of her energy needs—compared with a world average of 32%.

Uranium

Furthermore, South Africa has 25%–30% of the Western world's uranium resources. South African scientists have developed a unique and much cheaper method of enriching uranium, a breakthrough which will stand her in good stead in years to come.

With existing mineral resources, South Africa is regarded as one of the world's top four mining countries. According to Dr. Robert A. Kilmarx of Georgetown University, Washington, South Africa is next to Australia and just below America and Soviet Russia as far as non-fuel mineral wealth is concerned.

South Africa's estimated mineral reserves, as a percentage of world and Western reserves, are as follows:

[Percent]

	Of world reserves	Western reserves
Gold	65	72
Chromium	72	75
Platinum	60	70
Manganese	50	72
Vanadium	50	73
Uranium	25	30
Iron ore	6	8
Nickel	2	3
Asbestos	14	16
Coal	2	5
Diamonds	50	60
Copper	2	4

It is clear from these figures that South Africa's mineral resources are quite remarkable. While she only accounts for 0.8% of the world's surface, and has only 0.5% of the globe's population, she is exceeded only by the U.S.S.R. and the U.S.A. in world Mineral Production. This is the position at the present time. It is not impossible that, in the future, South Africa will compare even more favourably.

It remains to be said that, in her mining history of about a century, South Africa has acquired a greater knowledge of underground mining than any other country in the world.

This country holds every possible world record for shaft sinking and is a world authority and adviser on rock mechanics, mining ventilation, hydro-metallurgy, exploration techniques, and the refining of petrol from coal.

c. Global Importance.—The 20 metallic and 30 non-metallic minerals mined in South Africa include almost every raw material needed by modern industry.

The U.S.A., Russia and China each consume more raw materials than they can produce. They are net importers of commodities. The U.S.A. alone, consumes about 30% of the world's annual production of raw materials and energy. The rest of the world, especially Western Europe and Japan, may be forced to look to possibly only four countries for its supply of raw materials—South Africa, Australia, Canada and Brazil.

Out of 122 countries classified as "developed" today, 48 (or 40%) have no mining industries whatsoever.

Against this background, is it logical to say that South Africa is of no importance to the West?

There are many who believe that South Africa will in the future increasingly be the raw material store-room for the Free World.

d. The Russian Strategy.—According to a Special Report of the "E.R.C. World Market Perspective" of Vancouver, Canada, ". . . the really important events which will shape future world-wide economic events . . . are being largely ignored . . . we believe that the stage in South Africa is currently being set for an international powerplay which could radically change the course of political, military and economic events for the remainder of this century . . ."

Their thesis, in essence, boils down to this:

The U.S.S.R. can survive at its present level of economic and military activity only by purchasing food and technology from the West;

The U.S.S.R. is rapidly exhausting its international line of credit, having run a record $5 billion trade deficit in 1975;

The principal liquid asset that the U.S.S.R. can offer the West in exchange is gold, but the international price of gold is nearly at a two year low;

South Africa is the U.S.S.R.'s only major competitor in supplying newly-mined gold bullion, and other raw material to the international markets. South Africa's sales tend to depress international prices;

A political and military vacuum exists in Southern Africa because the U.S.A., Britain and Western Europe have now for a long time pretended that this area of the world has ceased to exist—despite its strategic importance, and despite its obvious economic importance to the West.

"The next logical target (for the U.S.S.R.) . . . would be to Sovietize South Africa, not only to get control of the world's most strategic shipping lanes, but also to take over South Africa's gold and mineral production".

By controlling, largely, the supply of the world's main raw material resources, Russia could manipulate prices at will, and replenish Russian granaries with western crops.

Russia will in fact be able to hold the world at ransom as far as raw materials are concerned—a commodity "OPEC"!

Look at the combined strengths:

80 percent of the world's gold,
76 percent of all chrome,
90 percent of all platinum,
75 percent of all manganese,
80 percent of all vanadium, and
50 percent of the world's uranium.

High Quality Steel.—In addition South Africa has the largest fluorspar reserves in the world. Fluorspar, chrome, manganese and vanadium are essential for the production of high quality steel, such as that used in the armament industry.

Of no importance to the West?

Gold.—When it comes to gold, I have been pleading for some 20 years for an entirely new approach to this most unique metal. I would like South Africa to launch a major goldsmith, goldrefining and conversion industry, to produce a wide range of articles in gold and to develop a world-wide market for them.

Admittedly, this kind of project could not possibly render colossal returns overnight,

but over a period of time, it could hold tremendous advantages for South Africa.

9. STRATEGIC VALUE OF THE SEA ROUTES AROUND THE CAPE

The strategic importance of the sea lanes around the Cape of Good Hope has been mentioned previously: 24,000 ships around the Cape each year, mostly carrying oil for Europe and America.

Admiral Ralph Cousins, Supreme Allied Commander Atlantic and Commander in Chief of the Atlantic Fleet during 1974 said recently, while speaking on the possibilities of wars of economic sabotage:

"The most obvious example would be an attempt by the Soviet Union through a naval guerrilla war to interrupt oil shipments out of the Persian Gulf to Europe and the West. One option open to the Soviets would be submarine or missile patrol boat attacks on tankers once they have left the Persian Gulf and headed south to round the Cape of Good Hope. Naval authorities in the West should be acutely conscious of the importance of this route to America and her allies".

The British Labour Government's decision to abandon the Royal Navy's base at Simonstown at the very tip of the Cape may well be considered in future as an act of folly. By abandoning Simonstown, the British gave up the only fully-developed, modern deep-water naval base on the coast of Africa. The Simonstown naval base contains protected submarine pens, is large enough to accommodate nuclear powered submarines, and has the facilities to repair warships as large as cruisers.

In the bowels of the Silvermine mountain, to the north of the base, is the Cape naval radio installation, a major communications facility. The same mountain houses electronic intelligence-gathering devices that keep track of naval traffic in the waters around Southern Africa—an electronic eye that scans most of the Indian and Atlantic oceans.

The noted American military expert, Drew Middleton, put it as follows:

"The decision to abandon the base went hand in hand with the emotional drive among British and American liberals to ostracize South Africa for its race policies. In the present global strategic situation, the U.S.A., and certainly Britain, cannot afford these fits of ideological self-indulgence. It can only be hoped that unofficial arrangements can be worked out between these navies and the South African government for the use of Simonstown in war or crisis".

10. INVESTMENTS FROM OVERSEAS AND CAPITAL REQUIREMENTS

There are today foreign investments in South Africa to the tune of approximately $15,000 million. The major sources of these investments are as follows:

	Amount in millions	Percent of total
* European Common Market countries	$9,750	65
Other European countries	1,200	8
North and South America	2,550	17
African countries	450	3
Asia	250	2
Others	800	5
Total	15,000	100

* Direct German investment in South Africa totals $213 million, while a further $1,662 million was invested indirectly. Germany thus contributes about 12 percent of all foreign investments in South Africa.

For these calculations, we have allowed for a net capital inflow of $1,200 million per annum in the foreseeable future, which is not unrealistic when it is compared with capital inflow figures of previous years. Any increased inflow will, of course, make more rapid economic development possible. A slow-down in investment inflow will on the other hand reduce our economic growth rate and lead to lower employment figures. This, in turn, will depress standards of living—especially among the peoples that cannot afford it.

11. FUTURE INTERNAL MARKET POTENTIAL

Population projections indicate that towards the year 2000 South Africa should have a total population living here of some 55 million. And provided a satisfactory growth rate, let's say an average of 6% per year, can be maintained, the general average standards of living of this relatively large population, could perhaps be 3 to 4 times of what it is today.

Here is therefore a most promising and lucrative market potential unfolding not only for South African manufacturers but also for the country's trading partners.

12. THE POTENTIAL FOR ECONOMIC COOPERATION IN SOUTHERN AFRICA

Nobody has as yet made careful calculations and projections about the obvious potential of co-operation among the 10 or so countries in Southern Africa. Some indicators, however, are as follows:

a. Harnessing the waters generating electricity, irrigating the arable land, growing the foodstuffs, exploiting, converting and refining the minerals and other raw materials and selling all these to the rest of the world, indicate mind-boggling opportunties.

b. South Africa has the technology and the know-how to master all of these projects as envisaged. For instance, we are the only country in Africa where food production at roughly 4,0% per annum grows faster than the population increase of 2,7%.

Only 12% of our total land area is arable. Yet the country produces more than enough food, and considerable quantities can be exported—mainly maize, sugar and wool. Exports amount to $1 300 per annum depending, of course, on weather conditions.

c. South Africa also has the know-how about matters such as pest-control, elimination of diseases and the application of the most modern scientific techniques in agriculture and for breeding purposes.

d. South Africa has the world's most up-to-date knowledge of deep-level mining and many other relevant forms of expertise to help exploit the enormous latent resources.

e. As a money and capital market, South Africa is already far advanced, with the most modern institutions, some of which lead the world in innovation and modernity.

Furthermore, the country has an excellent reputation for credit-worthiness.

Once peace has settled and co-operation becomes a way of life, the world's future El Dorado is likely to be here in Southern Africa.

13. THE RACIAL AND POLITICAL SITUATION

What then is holding back or preventing this dream of prosperity, wealth and happiness in South Africa?

For almost 30 years now, South Africa has been the skunk among nations.

It all really started with the so-called winds of change—the breaking away from the old colonial system and the swing to practically the opposite—Uhuru, the ideal of freedom under majority rule.

Now in Africa there are those clamouring for freedom—a system of majority rule on the one man, one vote basis on the one hand and, on the other hand, there are those who maintain that this is not possible in the African context, simply because it cannot work at all where the people are not yet educated, experienced, and mature enough in their thinking about matters of state, economy, psychology and politics.

The latter maintain that a gradual evolutionary process is in the interest of both the developed and under-developed.

It is also true that with all the glamour of freedom and so-called majority rule, the African picture today looks as follows:—

Out of the 49 independent states, 7 are considered as having multi-party, more or less democratic, forms of government. They are South Africa, Botswana, Rhodesia, Gambia, Morocco, Mauritius and Senegal.

Another 20 have partly-elected one-party governments; and

20 states fall under military regimes or dictatorships.

Two governments—Comora and Lesotho—are transitional at present, changing from multi-party to single-party states.

The Homelands concept in South Africa.—In South Africa itself, it was foreseen by certain leaders such as the late Dr. H. F. Verwoerd, that majority rule might be demanded before it could be practical. And therefore, the homelands concept was devised.

Now basically one might reason that there is absolutely nothing wrong with the homelands concept provided it is planned and developed in a just manner. It is really not at all different from what happened for instance with the former British Protectorates and in many other parts of the world.

What went wrong?—Personally, I believe that the main issue that went wrong was that in South Africa, in addition to the homelands concept, existing forms of discrimination were legalised and new ones were introduced as they were considered necessary to bring the homelands plan to fruition and to eliminate friction and incidents in the interim. Furthermore, the whole plan left some obvious, serious questions unanswered. For instance, the specific future position of the Asians and the Coloureds as well as the future of the obviously irreducible number of urban Blacks; i.e. those Blacks permanently settled for a long, long time in the White or mixed areas and for whom very little justification if any can be found for making them citizens of a country they have never known.

Well, again in my personal humble view, all this set the ball rolling for innumerable racial "incidents", exactly the ammunition the enemies of the West needed to blow up around the world through the overseas media and other important bodies, thereby estranging millions of people from us in South Africa and making it more and more difficult for our friends to stand by us or to be seen in our company.

Having said all that, I do not want to leave the impression that there are not many forms of discrimination which cannot be justified in any way and which we simply must abandon.

But, in any case, in the unfolding of this pattern much fertile ground was created for the enemies of the West to plan the take-over of the resources and the strategic situation in South Africa.

Soweto.—There is not one, but many reasons—for events such as the riots in Soweto and I for one, have been advocating many changes over the last 25 years many of which have not been implemented or listened to. Serious and urgent attention to many of the issues involved is vitally necessary.

I believe, for instance, that a clear vision of their future must be created for the three groups I have mentioned, and that with some modifications and adjustments, the homelands programme, or a new version of the homelands programme, can be a saleable product to the Western World.

I believe that the Coloureds, the Asians and the irreducible number of urban Blacks must, over a period of time, be totally accepted and become part and parcel of the future South Africa proper.

Discrimination on colour in all its various forms must be eliminated. Merit must take its place.

Furthermore, I believe the homelands concept, in some form or another, is for the foreseeable future irreversible and that it does provide the valid advantage of allaying the fears of the Whites and several other groups of being swamped, kicked out or wiped out as has traditionally happened in other parts of Africa.

The South Africa Foundation.—I am wearing for this occasion also my South Africa Foundation hat.

The South Africa Foundation is a quite unique body. I believe really the only one of its kind in the world.

Its members (5,000), its Board of Trustees (350) and its Council (35) represent all shades of political viewpoint, from the extreme right to the extreme left in the South African context; it is multi-racial on all three levels; and furthermore not only trade and industry, but all sectors of national life in South Africa are represented, such as the academics, the clergy, the various professions, agriculture, even sports organisations.

I consider the Foundation the most representative organisation in South Africa.

It is basically a research, fact-finding and fact-distributing organisation; projecting outwards to the rest of the world the facts about South Africa, be they good or bad; and projecting inwards to and among South Africans the facts of life both in South Africa and elsewhere; and how all these are related and interrelated.

The Foundation stays out of active party politics.

The basic concept is "to bring light into dark minds", in the belief that knowledge, perspective and wisdom will lead to understanding and the wisest and most logical and mature policies.

I would like to recommend to all of you who are interested in South Africa to join the Foundation as members. There are no obligations but very important advantages. For instance, receiving the monthly South Africa Foundation News, the quarterly South Africa International and many other regular mailings of the Foundation will keep you informed, in an entirely unbiased and unprejudiced manner, about events and trends in South Africa—in fact, the facts of life in, and how they relate to, South Africa.

In my position as President of the South Africa Foundation, I can highlight what the indicators indicate, what the vital issues are, what the trends and events are and how they are related and interrelated. I can also tell you to some extent what the components of a future specific blueprint for South Africa obviously must be. I cannot, however, spell out in technical detail my own ideal blueprint without getting involved in South African party politics, something the Foundation has to avoid if it wants to continue to exist and play the vital role for which it is known.

I do believe, however, that I have indicated to you at least a few of the obvious essential changes. I am convinced they and many others will take place and that South Africa will, over the next few years, again take its place in the front line of leading Western nations.

A vision of South Africa towards the year 2000.—So, how do I see the trend of events, and what will South Africa look like towards the year 2000?

Well, I do not expect plain sailing all the time. At times it will look like taking two steps forward and then suddenly two and a half steps backward. However, the longer-term evolutionary trend will be towards democratic rights for all.

I also expect our society to remain basically a free capitalistic one, but one with more of a social consciousness than old time capitalism.

I expect the unfolding of a most lucrative home market (50–55 million people) with fascinating trading and investment opportunities.

I expect the Coloureds, the Asians and the "irreducible number of Urban Blacks", i.e. those Blacks that cannot and will not be absorbed in one way or another in the Homelands, to reach practical parity with one another and with the Whites in the political sense in White or rather "mixed" South Africa; and the general average living standard in South Africa should, at that time, be about three to four times what it is today.

The population composition towards the year 2000 will probably be roughly as follows:

South Africa

	Number	Percent of total
Whites[1]	9,000,000	28
Coloureds	5,500,000	17
Asians	1,500,000	5
Urban blacks[2]	16,000,000	[3] 50
Total	32,000,000	100

[1] Given a vigorous immigration effort.

[2] In the "white areas"—outside the independent homelands.

[3] It is possible that an unknown percentage of these will be "quest workers." For instance, those working in the present border industries will in any case live permanently in their respective homelands—giving rise to a lower percentage of blacks in "white" or "mixed" South Africa.

Homelands

Name of homeland	Number	Percent of total
Transkei	4,000,000	19
Ciskei	1,300,000	6
Bophutatswana	2,400,000	12
Lebowa	2,800,000	14
Gazankula	900,000	5
Venda	700,000	4
Swazi	800,000	4
Kwazulu	5,600,000	27
Basotho-Qwaqwa	2,000,000	9
Total	20,500,000	100
Grand total	52,500,000	

According to present Government policy it is intended that these nine Homelands must become completely independent. Opposition parties and many other observers believe that a Federal, Provincial or more or less similar system, would be preferable and might be the ultimate pattern; or perhaps the ultimate pattern for some of the intended Homelands.

The new concept of a multi-racial Cabinet Council at persent being introduced could be considered as at least a positive evolutionary step towards the future of South Africa I have visualised for you.

What about now? My message to you!

In the meantime, my message to you and all others who are interested in South Africa is briefly this:

a. Please be aware of the trend towards over-accentuation in practically the whole wide world by everybody—periods of prosperity are fuelled too much in a cumulative manner and the same applies to periods of recession and depression.

South Africa is not being washed down the drain!!

But what about the riots???

Let me try to answer your question as follows:

I believe that the experience of other societies, including the United States, is relevant to our own, particularly to the events of the past few months, in a much more profound way than is usually recognised. It was that great historian of both America and France, Alexis deTocqueville, who was the first to point out that one significance of the French Revolution was that it occurred not at the beginning of the 18th Century, when France was a despotic monarchy and laid heavy feudal exactions on the peasantry, but at the end of that century, when the absolutism of the monarchy had been greatly tempered, when most of the feudal exactions had been removed and when 60% of the French peasantry owned their own land. The paradox was, he wrote, that it was precisely in those parts of France where there had been most improvements that discontent ran highest:

"Patiently endured so long as it seemed beyond redress, a grievance comes to appear intolerable once the possibility of removing it crosses men's minds. For the mere fact that certain abuses have been remedied draws attention to the ills and they now appear more galling; people may suffer less, but their sensibility is exacerbated!"

Indeed deTocqueville's thesis provides an analogy the force of which should be familiar to Americans. For it was not during the years of greatest black oppression in the United States that black Americans rose in revolt. As Professor Edward Banfield has pointed out, for 20 years prior to July 18, 1964, there were few riots by blacks, and none of them was a major riot, involving several hundred rioters and lasting more than a day. Rather the worst riots occurred after the series of decisions and acts—the Brown v. Board of Education decision of 1954, the Civil Rights Act of 1957, 1960, 1963, 1964, and the Voting Rights Act of 1965—which had largely completed the process of reversing the historical discrimination against blacks in America. In 1966, for example, there were 11 major and 32 minor riots and in 1967, there were 25 major and 30 minor riots.

Nor were the riots in America manifestations of wide-spread outrage by blacks, as elaborate surveys of black opinion has indicated.

Nor did the riots generally occur in areas where oppression or racial discrimination or poverty were most prevalent. The worst riot occurred in Detroit which had been regarded as one of the most enlightened cities in its racial policies.

b. Majority rule has become a credo which is void of logic in large parts of the world. Even in the United Nations the super powers appear to have retained some veto rights. Simple democratic majority rule has not worked in any under-developed country in a satisfactory manner. It would mean the same as giving every child a driver's licence. In practise in Africa it usually amounts to only "One Vote once"!!!

Maybe "maturity rule" could be made the new credo in the place of minority and majority rule.

c. As leaders in our world of today, please make a study of the relative moralities and principles of justice and fairplay as applied by major bodies such as the World Council of Churches and the United Nations.

Is it not high time that the civilised world agrees on a new set of moralities and principles that could be applied by all to all in the same manner? One that will exclude the childish and immoral Double Standards.

Abandoning the blatant double standards will have the effect of also eliminating or minimising the miseries of many more millions of people that can be found in South Africa and the rest of Africa.

d. Please ponder the ideal which I believe in, namely that Africa, and especially South Africa, is bound over a shorter or longer period to become the new El Dorado of the

future world. Once the tide begins to turn, I expect a scramble of people and capital to get in. Those who are there now and who get in first, are going to reap very, very rich harvests indeed . . . !

Please make a study of South Africa and its potential; and especially come along and have a look with your own eyes.●

FULL VOTING REPRESENTATION IN CONGRESS FOR THE DISTRICT OF COLUMBIA—ALONE WITH BRAZIL

● Mr. KENNEDY. Mr. President, in connection with House Joint Resolution 554—the pending constitutional amendment now on the Senate calendar to provide full voting representation in Congress for the District of Columbia—the Library of Congress has recently completed a survey of the status of capital cities in all nations with a popularly elected national legislature.

According to the study, among 115 nations with elected national legislatures, the United States and Brazil stand alone in denying representation in the legislature for citizens of the Nation's Capital City.

The Library of Congress analysis is an important study in comparative government and a significant source of additional support for the proposed constitutional amendment, which offers Congress the chance to end the serious injustice perpetrated on the 700,000 citizens of Washington, D.C. They deserve a voice in the Senate and the House like any other American citizen, and like citizens in other nations the world over.

The new study provides dramatic documentation of the lonely and reactionary position of the United States in the international community with respect to one of the fundamental and most widely recognized human rights in the world today—the right to vote for elected representatives. The study makes clear that in this important respect the United States, the emperor of human rights, has no clothes. Aside from the authoritarian and repressive regime of Brazil, America stands alone among the nations of the world in imposing this flagrant restriction on the civil and political rights of the citizens of its Capital City.

According to the study, the virtually universal practice in nations with elected legislatures—whether democracies or totalitarian systems—is to accord representation to the Capital City on a parity with other cities in the nation. A key element of the study is its documentation that even in nations with federal systems of government like the United States, this principle of parity is followed.

The study included 16 federal nations, with the following findings:

Nine federal nations: (Australia, Canada, West Germany, India, Nigeria, Pakistan, Switzerland, the Soviet Union and Yugoslavia) have capital cities which are not special federal districts and which receive the same representation in the legislature afforded to other cities.

Seven federal nations (Argentina, Australia, Brazil, Malaysia, Mexico, Venezuela, and the United States) have capital cities which are federal districts with a special status similar to that of the District of Columbia. Only Brazil and the United States deny voting representation in the legislature for residents of the capital cities.

It is clear from this study that opponents of representation in Congress for the District of Columbia cannot hide behind the Federal analogy. Theoretical arguments for denying representation, based on the view that the District of Columbia is not a State, are easily outweighed by the demand of the citizens of the Capital City to participate in the basic rights of democracy. With the exception of Brazil, other federal nations, modeled on our own Federal Government have resolved this issue against discrimination and in favor of representation for the capital. In this respect, the onrushing tide of world democracy and human rights has left the United States sadly in its wake.

Mr. President, I ask that the Library of Congress study, which was prepared by David Nispel and Nina Shafran of the Foreign Affairs and National Defense Division, may be printed in the RECORD.

The study follows:

NATIONAL LEGISLATURES AND CAPITAL CITY REPRESENTATION

(By David Nispel and Nina Shafran, Foreign Affairs and National Defense Division, Congressional Research Service, Library of Congress, May 31, 1978)

INTRODUCTION

This study examines the ways in which different nations provide for electoral representation of residents of their capital cities. A comprehensive survey was made of the 115 countries—16 federal and 99 unitary systems—that have at least one elected legislative body. Basic data on the legislatures themselves—their memberships, bases of electoral districts, suffrage—were collected along with data on how residents of the capital cities are represented. Since comprehensiveness was a primary criterion, countries were included even though their legislative bodies may not have significant independent authority, or the elections of their members may not be "free."

Of the 115 countries studied, 113 were found to provide the residents of the capital city with representation in their national legislatures.* The United States was one of only two countries, the second being Brazil, that do not make provisions for such representation.

The countries examined have been placed into three groups: (1) all countries that have national (elected) legislatures, but are not federal states—a total of ninety-nine; (2) the nine countries that are federal states but do not have "Federal Districts" as their capital cities; and (3) seven countries that are federal states and have specifically designated "Federal Districts" as their national capitals, much like the United States with its capital, the District of Columbia.

The following were the main sources used in conducting this study: the January 1978 issue of the *National Basic Intelligence Handbook*, put out by the Central Intelligence Agency; *The Europa Year Book, 1977*, Volumes I and II, which is published in London by Europa Publications Ltd.; the *Political Handbook of the World: 1977*, edited by Arthur S. Banks; and the *Deadline Data on World Affairs* series, for the years 1976–1978. In addition, the Inter-Parliamentary Union's study, *Parliaments of the World* (1976) was consulted, as were most of the foreign embassies and the country desks at the U.S. Department of State.

*For five of the ninety-nine non-federal states examined in Section I, specific information regarding the capital city's representation could not be confirmed by embassies in Washington. Based on all other sources consulted, however, there is no evidence that those five capital cities do *not* have full and equal representation in their national legislatures.

SECTION I

This section presents data for the national legislatures of countries that do not have federal systems. A total of ninety-nine countries are examined. Included in the comparative study are countries with competitive and one-party political systems. The countries selected for study all have at least one directly elected chamber. The factors considered in examining each country were: size of the legislature, the number of chambers, the number of political parties involved in the process, whether the members were elected or appointed, the basis of representation, and the existence of suffrage. In all cases, the status of the capital city in the legislature is noted.

Albania (Tirana)

One-party system exists. The *People's Assembly* consists of 250 deputies elected by popular vote. One deputy is elected for every 8,000 people on the basis of universal compulsory suffrage for all over age 18. In terms of representation, the capital city of Tirana is treated no differently from any other city.

Algeria (Algiers)

A single-party system with a unicameral legislature. The *National Assembly* (which reconvened in March 1977) consists of 261 members elected by direct and secret ballot from districts based on population. The capital city is represented through its electoral district, as are all cities.

Andorra (Andorra la vella)

The *General Council* is a unicameral body and consists of 24 members with one half elected every two years for a four-year term. Four members are elected from each of the country's six parishes. The capital city has representation in the General Council through its parish. Adults who are third generation Andorrans have suffrage. Traditionally, there are no political parties, only partisans for particular independent candidates for the General Council.

Antigua (St. Johns)

The legislature is a bicameral body with a 10-member appointed *Senate*, and a 17-member popularly elected *House of Representatives*. The capital city is treated the same as all other cities. Suffrage is universal. Antigua has a multi-party system.

The Bahamas (Nassau)

A multi-party system exists. The legislature is bicameral, consisting of a 16-member appointed *Senate*, and a 38-member *House of Assembly* directly elected on the basis of universal suffrage. The capital city is represented on the same basis as all other cities.

Barbados (Bridgetown)

The legislature is a bicameral body. All 21 members of the *Senate* are appointed. The 24-member *House of Assembly* is elected by direct popular vote on the basis of universal suffrage. The members represent the 11 parishes, with seats distributed according to voting-population size. The capital city is located in St. Michael's parish, and receives representation as all other cities do. The system is multi-party.

Belgium (Brussels)

The bicameral legislature consists of a *Senate and a Chamber of Representatives*. The Senate has 181 members, 106 of whom

are elected by direct popular vote, according to proportional representation; 50 members are elected by the 9 provincial councils; 25 members are co-opted by the Senate. The Chamber of Representatives consists of 212 members directly elected on the basis of universal suffrage. Administrative districts are based on population, and the capital city is given status equal to that of any other city.

Belize (Belmopan)

Although the country remains a British colony, it is self-governing with a bicameral legislature. The 8-member *Senate* is appointed while the 18-member *National Assembly* is elected by popular vote on the basis of universal suffrage. The system is multi-party. (Further information was not available.)

Botswana (Gaborone)

The *Legislative Assembly* consists of 36 members, 32 of whom are popularly elected, while 4 are elected by the 32 representatives. The *House of Chiefs* is a largely advisory body with 15 members, including the 8 principal tribes' chiefs serving ex officio, 4 elected sub-chiefs, and 3 members selected by the other 12. Constituencies are based on population. The capital city is represented on this same basis. A multi-party system with universal suffrage exists.

Bulgaria (Sofia)

The *National Assembly* is a unicameral body of 400 members popularly elected. Constituency boundaries are based on population. As a result, the caiptal city of Sofia is itself an electoral district. But it does not have any unusual status per se in terms of representation. Suffrage is universal and compulsory over age 18.

Burma (Rangoon)

The *People's Assembly* is a unicameral body of 451 members, all popularly elected on the basis of universal suffrage. The country is divided into administrative divisions (constituences) based on population. The capital city is represented on the same basis as all other cities. The Burma Socialist Program Party is the only legal party.

Cambodia (Phnom-Penh)

The *People's Representative Assembly* consists of 250 members popularly elected on both a regional and occupational basis, with universal suffrage. The Communist Party of Kampuchea dominates political life. It is unclear how the regional and occupational divisions are established. (Information on the representation of the captial city was not available.)

Cameron (Yaounde)

The Federal Republic of Cameroon, established in 1961, went through a transition in 1972 to a unitary form of government. The country adopted a new name—United Republic of Cameroon—and adopted a new constitution which provides for a unitary state headed by a strong executive. A single-party system exists. The *National Assembly* consists of 120 members elected by direct popular vote. Representation for the capital city is based on the same principles which determine representation for all other cities. Suffrage is universal.

Cape Verde Islands (Praia)

A unicameral *National People's Assembly* consists of 56 members who are elected by popular vote on the basis of universal suffrage. The Assembly includes only members of the official party (PAIGC). The capital city is represented on the same basis as all other cities.

China, Republic of (Taipei)

Both the *National Assembly* and the *Legislative Branch* have some parliamentary functions. The National Assembly is a unicameral body of 3,045 members nominally, but less than half of the seats are now filled. The Legislative Branch is nominally composed of 760 members. All members (both bodies) are popularly elected on a regional and occupational basis, by universal suffrage over age 20. The capital city is treated like any other city in terms of representation. The National Party (Kuomintang) has no real opposition.

Colombia (Bogota)

A multi-party system with a bicameral legislature. The 112-member *Senate* and the 198-member *Chamber of Representatives* are all elected on a basis of direct proportional representation with universal suffrage over age 21. The capital city of Bogota is represented on the same basis.

Cook Islands (Rarotonga)

A multi-party system with a bicameral legislative body. The *Legislative Assembly* has 22 members popularly elected by universal suffrage. The *House of Arikis* (chiefs) consists of 15 members who are appointed (an advisory body only). The capital city is represented according to its population, as are all other cities.

Costa Rica (San Jose)

The *Legislative Assembly* is a unicameral body with 57 members representing the provinces in proportion to population. The capital city is treated as all other cities, being represented through its province. All members are elected by direct popular vote. Suffrage is universal and compulsory over age 18.

Cyprus (Nicosia)

The *House of Representatives* nominally consists of 50 members (35 Greek and 15 Turkish) although Turkish participation has ceased. Elections for the Greek membership were by popular vote. A *Turkish Cypriot Legislative Assembly* was organized in 1975, consisting of 40 popularly elected members. A multi-party system. Constituencies are based on population. The capital city is no exception and has equal representation status.

Czechoslovakia (Prague)

The Federal Assembly is a bicameral body, with a *Chamber of Nations* and a *Chamber of the People*. The Chamber of Nations consists of 150 members, all popularly elected: the 2 Republics (Czech and Slovak) each select 75 members. The Chamber of the People consists of 200 members directly elected from districts based on population, thus giving the Czech nation a 2 to 1 majority over the Slovak nation in that house. The capital city is represented through its appropriate district. Suffrage is universal in a basically one-party system.

Denmark (Copenhagen)

The *Folketing* is a unicameral legislature whose 179 members are elected by direct popular vote under a modified proportional representation system: 135 are elected in 17 districts; 2 each from Greenland and the Faroe Islands; 40 additional seats are divided among parties which have secured at least 2% of the vote, but whose district representation does not accord with their overall strengths. The capital city of Copenhagen is included in this representation system. Suffrage is universal, and there are several competing parties.

Djibouti (Djibouti)

A unicameral *Parliament* consisting of 65 popularly elected members on the basis of universal suffrage. (Djibouti does not yet have an embassy in the United States, and specific information regarding the basis of representation was not available at the time of this study.)

Dominica (Roseau)

The unicameral legislature, the *House of Assembly*, consists of 21 members popularly elected on the basis of universal suffrage, plus 3 appointed members. (Further information not available.)

Dominican Republic (Santo Domingo)

A bicameral legislature with a *Senate* and a *Chamber of Deputies*, both elected by direct popular vote. The Senate consists of 27 members, 1 for each of the 26 provinces, and one for the National District which contains the capital city. There are 91 Deputies elected on the basis of 1 deputy for every 50,000 inhabitants in each province and the national district. Suffrage is universal and compulsory for those over age 18 or married, except members of the armed forces and the police, who cannot vote.

Egypt (Cairo)

The *People's Assembly* is a unicameral body elected (with exception—see further) by direct popular vote. Of its 350 members, 10 must be Coptic Christian, by appointment of the president if necessary. In 1976, the Coptic Christians secured 7 of 247 elected seats, their remaining 3 seats being filled by appointment. The country is divided into 175 electoral districts, based on population, with 2 representatives from each district. Because of its dense population, the capital city sends 80 representatives. Suffrage is universal. All political parties are banned.

El Salvador (San Salvador)

A multi-party system with a unicameral legislature. The *Legislative Assembly* consists of 52 members elected by direct popular vote on a proportional basis, with universal suffrage. The capital city has status in the Legislative Assembly the same as all other cities.

Equatorial Guinea (Malabo)

The *People's National Assembly* is a 60-member body elected by direct popular vote on the basis of universal suffrage. Representation is based on population size, and the capital city is no exception. But the President exercises virtually unlimited power. The National Unity Party of Workers is the only legal party.

Fiji (Suva)

The bicameral legislature consists of an appointed 22-member *Senate*, and a 52-member *House of Representatives* elected by direct popular vote on the basis of universal suffrage. The seats are distributed as follows: 22 Fijian, 22 Indian, and 8 "general" seats. The capital city is treated as all other cities. A multi-party system exists.

Finland (Helsinki)

The 200-member Parliament (*Eduskunta*) is elected by direct popular vote from 15 districts under a system of proportional representation. Because of its dense population, Helsinki is heavily represented. Suffrage is universal. A multi-party system exists.

France (Paris)

A multi-party system with a bicameral legislature. The 490-member *National Assembly* is elected by direct universal suffrage from constituencies based on administrative units. The *Senate* consists of 283 members, 277 of whom are indirectly elected by electoral colleges, while the remaining 6 are co-opted by the Senate. Paris is represented in both chambers based on those same principles which apply to the rest of the country.

Gabon (Libreville)

The unicameral 70-member *National Assembly* has limited powers, but is elected by direct popular vote on the basis of universal suffrage. Electoral districts are based on population, and the capital city is included in this representation system. The Gabonese Democratic Party is the only legal party.

The Gambia (Banjul)

The *House of Representatives* is a unicameral body with 41 members: 4 chiefs are elected by secret ballot from among their

own number; 3 non-voting members are appointed; the Attorney General sits ex officio and without a vote; 32 members are popularly elected by universal adult suffrage; there is also an appointed speaker. The country is divided into 35 electoral districts, based on population. The capital city constitutes a single district, and sends one representative to the House. A multi-party system exists.

German Democratic Republic (Berlin)

The *People's Chamber* is a unicameral body of 500 members, elected directly from a list of candidates presented by the Communist-controlled National Front. Suffrage is universal. There is essentially one party, with 4 token parties. The capital city receives status equal to all other cities in terms of representation in the Chamber.

Greece (Athens)

The unicameral *Parliament* consists of 300 members elected by direct, universal suffrage. The country is divided into 56 electoral districts. The capital city comprises two districts because of its dense population and sends 50 representatives altogether. A multi-party system.

Grenada (St. George's)

The bicameral legislature consists of a 13-member *Senate* appointed by the governor, and a 15-member *House of Representatives*, popularly elected on the basis of universal suffrage. The 15 House constituencies are based on population, and each constituency sends one representative. The capital city constitutes one of the constituencies. A multi-party system.

Guatemala (Guatemala City)

The unicameral *National Congress* consists of 61 members elected by direct popular vote on the basis of universal suffrage, compulsory for literates, optional for illiterates. Each of the country's 23 districts sends at least 2 representatives to the Congress, depending on population. The capital city is represented through its district.

Guinea (Conakry)

The Democratic Party of Guinea is the only legal party. The unicameral *National Assembly* consists of 150 members, popularly elected on the basis of universal suffrage. The capital city is represented in the same manner as all other cities. The legislature has little independence.

Guyana (Georgetown)

The *National Assembly* is a unicameral body consisting of 53 members elected by direct popular vote on the basis of universal suffrage. The whole country comprises one electoral body. The capital city has status equal to that of any other city.

Haiti (Port-au-Prince)

A single party system. The unicameral legislature is known as the Legislative Chamber for purposes of ordinary legislation, and as the *National Assembly* for more formal purposes. All 58 members are directly elected by universal suffrage. Electoral constituencies are based on population. The capital city is by itself a single constituency.

Hungary (Budapest)

The *National Assembly* is a unicameral body consisting of 352 members elected by direct, universal suffrage. The capital city has representation in the national legislature like any other city. The Hungarian Socialist Workers' Party is the only legal party.

Iceland (Reykjavik)

The *Parliament* consists of 60 members elected by a mixed system of proportional and direct representation. The members elect one third of their number to constitute the Upper Chamber, while the remainder make up the lower Chamber. The capital city has representation like all other cities in the legislature; currently, it sends a minimum of 12 representatives, based on its population. Iceland has a multi-party system.

Indonesia (Jakarta)

There are two legislative bodies. The *People's Representation Council* (DPR) is a partially elected body. Of its 460 members, 100 are appointed, 9 indirectly elected, and 351 directly elected under suffrage which is universal for all over age 17 and for all married persons regardless of age. The *People's Consultative Assembly* includes the 460 members of the DPR, plus 460 other members (chosen by several processes, but none directly elected). The capital city is represented in both chambers on the same principles that apply throughout the country. A multi-party system.

Iran (Teherán)

A single-party system with a bicameral legislature. The *Senate* has 60 members, of whom 30 are directly elected and 30 are appointed by the Shah. The *National Consultative Assembly* consists of 268 members, all elected by direct popular vote on the basis of universal suffrage. The capital city is represented in both chambers on the same basis as any other city.

Ireland (Dublin)

The bicameral legislature consists of a *Senate* and a *House of Representatives*. The Senate has 60 members of whom 11 are appointed by the Prime Minister, 43 are indirectly elected from 5 panels of candidates established on a vocational basis; 6 members are elected by University electoral colleges. The *House of Representatives* has 144 members elected under a mixed system of direct universal and proportional representation. There are several political parties. As the capital city, Dublin does have representation in the legislature like that of any other city.

Israel (Jerusalem)

A multi-party system with a unicameral legislature. The *Knesset* consists of 120 members elected by direct universal suffrage on the basis of proportional representation from national party lists. The capital city enjoys equal representation in the legislature.

Italy (Rome)

The bicameral legislature consists of a *Senate* and a *Chamber of Deputies*. The Senate currently has 323 members. 315 members are elected by direct popular vote; 5 are appointed by the President; former presidents are Senators by right. The *Chamber of Deputies* has 630 members elected by popular vote on a proportional basis. Suffrage is universal over age 18, except in Senatorial elections where minimum age of voter is 25. The capital city's representation is determined by the system employed throughout the rest of the country.

Ivory Coast (Abidjan)

A single-party system with a unicameral legislature. The *National Assembly* consists of 120 members elected by direct popular vote on the basis of universal suffrage. The capital city is represented in the legislature as all other cities are.

Jamaica (Kingston)

The bicameral legislature consists of a 21-member appointed *Senate*, and a 60-member *House of Representatives*, elected by direct and universal suffrage. The capital city sends representatives through the "parish" in which it is located. There are 2 political parties.

Japan (Tokyo)

A multi-party system with a bicameral legislature (Diet). The *House of Councillors* has 252 members, all of whom are popularly elected, based on population of the constituencies. Likewise, all 511 members of the *House of Representatives* are directly elected on a proportional basis. The capital city, because of its dense population, sends many representatives to each chamber. Suffrage is universal over age 18.

Kenya (Nairobi)

The unicameral *National Assembly* consists of 171 members, of whom 158 are elected by direct universal suffrage from single-member constituencies; 12 members are nominated by the President; the Attorney General is a member ex officio. The capital city of Nairobi enjoys status equal to that of all other cities in terms of representation. The Kenya Africa National Union is the sole party.

Korea, Democratic People's Republic of (P'yongyang)

The *Supreme People's Assembly*, a unicameral body, is composed of 579 members—one member per 30,000 people. Nominees for the Assembly are drawn from the dominating party, the Korean Worker's (Communist) Party. Elections to the Assembly are by universal suffrage and are to be held every four years. The last election was in November 1977. Members represent nine provinces, two special cities. P'yongyang is one of the special cities and has 73 delegates. This number is based on the population of P'yongyang metropolitan area.

Korea, Republic of (Seoul)

The legislature consists of the unicameral *National Assembly*, numbering 219 members. Two thirds of that total are elected by universal suffrage for six-year terms. There are 73 members appointed by the president and approved by the National Conference for Unification. A multi-party political system exists. Members represent nine provinces, two special cities. Seoul is one of the special cities and has 17 representatives. The number of elected members for each province and city is determined by population.

Liberia (Monrovia)

The Liberian Congress includes an 18-member Senate and a 74-member House of Representatives. All Senators serve for six year terms; there are two senators for each county. Monrovia is represented on the same basis as all other cities. Representatives are elected for four-year terms. Only one party exists, the True Whig Party. Universal suffrage prevails.

Liechtenstein (Vaduz)

The Diet is a unicameral body of 15 members directly elected on the basis of male suffrage and proportional representation. A multi-party system prevails. Vaduz is given full representation in the Diet.

Luxembourg (Luxembourg-ville)

Although the appointed 28-member Council of State retains some vestigial legislative functions, actual legislative responsibility is centered in the elected Chamber of Deputies. All 59 members are elected by direct popular universal suffrage on the basis of proportional representation. The capital city is treated in the same manner as all other cities in regard to electing representatives. A multi-party system exists.

Macao (Macao)

A unicameral Legislative Assembly consists of 17 members serving four-year terms. The Assembly includes the Governor, 5 appointed representatives, 10 elected representatives, and 1 member specially nominated. The 10 representatives are elected nationally and represent the entire State of Macao. The capital city is treated no differently from any other city. Many parties exist. Suffrage exists for adult Portuguese, Chinese and foreign residents.

Madagascar (Antananarivo)

A unicameral People's National Assembly of 137 members was elected through universal suffrage in June 1977. Only one party was permitted to slate candidates. However,

six groups are now allowed to engage in political activity. Representation is based on population and the capital city holds status in the National Assembly just as all other cities do.

Malawi (Lilongwe)

A unicameral *National Assembly* is composed of 15 nominated and 60 elected members. All members are elected on the basis of population, the capital city included. One political party exists. Suffrage is universal.

Maldives (Male)

The *Majlis* is a popularly elected unicameral body. All 56 members are elected for five-year terms: two members are elected by the people of Male, and two each by the people of each atoll. The remaining 8 members are appointed by the president. No organized political party exists. Suffrage is universal.

Malta (Valletta)

The *House of Representatives* is a unicameral body consisting of 65 members. There are 13 electoral districts, 5 members for each district. Valletta is represented through its electoral district. Elections must be held within a five-year period for every new House. A two-party political system exists. Suffrage is universal.

Mauritania (Nouakchott)

The unicameral *National Assembly* consists of 70 members, including 7 representatives from the Western Sahara. Each member is elected directly for a five-year term. The Mauritanian People's Party approves a single list of national candidates for election. Suffrage is universal. Nouakchott is treated the same as all other cities in the National Assembly.

Mauritius (Port Louis)

The *National Assembly* consists of 62 directly elected members and 8 specially selected members. It is a unicameral body. There are 20 three-member constituencies, and one two-member consistuency. Seats are distributed on the basis of population. The capital city is represented on this same basis. A multi-party system exists. Suffrage is universal.

Monaco (Monaco-Ville)

The *National Council* consists of 18 members, who are elected nationally. Elections are held every five years. A multi-party system exists. Suffrage is universal. Monaco-Ville is given status in the National Council equal to that of all other cities.

Mongolia (Ulan Bator)

The national assembly is designated the *People's Great Hural*. This unicameral body contains 354 members, who are elected for four-year terms. Representation is based on population and Ulan Bator elects members on this same basis. Universal suffrage prevails. Assembly members are all from the sole existing party.

Morocco (Rabat)

The unicameral legislature, the *House of Representatives*, includes 264 members, each elected for four-year terms. Two thirds of the House are elected directly by universal suffrage, the remainder elected directly by workers, employers, and government representatives. A multi-party system exists, but parties function largely outside of the government. The capital city is treated no differently from any other city.

Nauru (Yeran: Administrative District)

The *Parliament* consists of 18 popularly elected members and is unicameral. Political parties have developed only since 1976. Two parties now compete for government control, and elections are to be held every 3 years. The Assembly elects Nauru's President. Suffrage is universal. Representation in Parliament is based on population and the administrative district of Yeran is represented on the same basis.

Netherlands (Amsterdam)

The legislature (States General) consists of an indirectly elected *First Chamber* and a directly elected *Second Chamber*. The first house was 75 members who are elected by the provincial legislatures. The second house contains 150 representatives each elected directly on the basis of proportional representation. Amsterdam enjoys representation status equal to that of all other cities. Universal suffrage and a multi-party system exist.

New Zealand (Wellington)

The legislature is a unicameral body including 87 members. Representatives are elected for three-year periods. Constituency boundaries are based on population. Wellington is represented through its electoral district. A multi-party system prevails, with candidates elected by universal suffrage.

Nicaragua (Managua)

The Nicaraguan Congress is a bicameral body. The *Senate* consists of 30 representatives who are elected from the sixteen "departments." The *Chamber of Deputies* is composed of 70 members elected from four regions. Representation is based on population. Representation for the capital, Managua, is determined on the same basis as other cities for both Chambers. There is suffrage for the married and literate at age 18, otherwise the voting age is 21. One major party dominates the System.

Norway (Oslo)

The parliament (Storting) is a modified unicameral body. Immediately after the general election, the Storting separates into two chambers (the *Lagting* and the *Odelsting*). There are 155 representatives, of which one fourth serve in the upper house and three fourths serve in the lower house. A competitive party system prevails. Parliament members are elected on the basis of proportional representation. The capital city of Oslo is represented on this same basis. Universal suffrage exists.

Panama (Panama City)

The *National Assembly of Community Representatives* is a unicameral popularly elected body. There are 505 representatives, one from each of the electoral districts. Panama City is represented like the rest of the country. The Assembly meets only one month each year. Political parties have been suspended. Suffrage is universal and compulsory.

Papua New Guinea (Port Moresby)

The *House of Assembly* is a unicameral body with 109 members. A maximum of 3 members may be appointed from that total. Papua New Guinea is divided into 20 provinces. Each province has 1 regional representative and "open electorate" representatives. The number of "open electorates" for all provinces, including the capital, is based on the population. Port Moresby comprises 2 provinces—the central province and a newly created national capital district. Members serve for four-year terms by virtue of preferential-type elections. A multi-party political system prevails. Suffrage is universal.

Paraguay (Asuncion)

The National Congress is composed of a *Senate* (30 members) and a *Chamber of Deputies* (60 members). All representatives are elected for five-year periods. Representation is based on population and Asuncion holds equal status in the National Congress. A multi-party system exists; however, the party which wins the election is automatically awarded two-thirds of the seats in Congress. The remaining seats are divided proportionately among the other parties. Suffrage is universal; it is compulsory for persons between the ages of 18 and 60.

Philippines (Manila)

In April 1978, elections were held for a new 200-member *National Assembly*. This was the first election conducted since martial law was imposed in 1972. Of the 200 Assembly members, only 165 were actually elected, the remainder being appointed (1 seat reserved for President Marcos, 16 seats reserved for various interest groups, and 18 seats reserved for the cabinet members). Manila elected 21 members to the Assembly. All Assembly members are elected on the basis of population by universal suffrage. A multi-party system exists, with one party dominant.

Poland (Warsaw)

A unicameral *National Assembly* is elected by direct compulsory universal suffrage. Each of the 460 members is elected for a four-term. Voters are presented with a single list of candidates approved by the National Unity Front. The Front also awards the number of seats in the legislature to the various eligible groups. Constituency boundaries are based on population. Warsaw enjoys the same level of representation as other cities.

Portugal (Lisbon)

The parliament consists of a unicameral *Legislative Assembly* with 263 members. Representation is on a proportional basis throughout the country, including the capital city of Lisbon. Elections are to be held every four years. Presently, there is military oversight of the legislative and political process. A multi-party political system prevails. Suffrage is universal with the exception of those persons who had previously participated in "undemocratic" groups.

Rhodesia (Salisbury)

The Rhodesian political situation is fluid. The current *National Assembly* is scheduled to be replaced by one reflecting majority rule on December 31, 1978. The current legislature is composed of 66 members, 50 white members elected by the white population, and 16 blacks appointed by the government. The country is divided into electoral districts; the capital city is represented through its district. The new National Assembly will be unicameral and contain 100 elected members. The white population will be reserved 28 seats for a period of ten years. Suffrage will be universal and a multi-party political systems will exist.

Romania (Bucharest)

The *Grand National Assembly* is a unicameral body of 349 members. Representatives are elected from single-member constituencies by compulsory universal suffrage. Most recent election was in 1975 when 139 of the total legislative seats were contested by two candidates. A Unity Front nominates all candidates. Bucharest receives the same degree of representation as other cities.

San Marino (San Marino)

The *Grand and General Council* is a unicameral body elected by popular vote. The 60 members are elected on a basis of proportional representation. The capital city is represented on the same basis as the rest of the country. A multi-party system exists. Suffrage is universal.

Senegal (Dakar)

The *National Assembly* is a 100-member unicameral body elected for a five-year period. One major party (Socialist) exists. Two other parties have been legalized, however. Assembly members are directly elected by adult universal suffrage. Dakar is treated as all other cities in terms of representation.

Sierra Leone (Freetown)

The *House of Representatives* is unicameral and consists of 100 members. The majority of seats (85) are filled by elected constituent representatives, while 12 seats are allocated to Chiefs, and 3 seats are filled

by presidential appointment. Freetown is treated similarly to all other cities regarding representation. Two political parties exist. Suffrage is universal.

Singapore (Singapore City)

The *Parliament* is composed of 69 members and is unicameral. There is one major party, the ruling People's Action Party. It won all the seats in the last three elections. Four parties served as the opposition in the most recent election. Members to Parliament are elected by direct universal compulsory suffrage, on the basis of each electoral district's population. No district is given special status. The capital city is represented through its district.

South Africa (Pretoria)

The Parliament is a bicameral body composed totally of white members. There are 54 members in the *Senate*, 44 of whom are elected by provincial assemblies. The final 10 members are all appointed by the president. White voters directly elect the 171 members of the *House of Assembly*. A multi-party political system exists. General suffrage is restricted to the white population. Pretoria enjoys the same level of representation as all other cities.

Spain (Madrid)

The bicameral Cortes was popularly elected in June 1977. The *Congress of Deputies*, the more powerful body, is composed of 350 members elected by proportional representation. The Senate consists of 248 members, 207 of whom are directly elected. The King appoints the remaining 41 representatives. Because of dense population. Madrid constitutes a single electoral district, electing 32 deputies and 4 Senators. Universal suffrage and a multiparty system exist.

Sri Lanka (Colombo)

The unicameral *National State Assembly* has 168 representatives, all elected by direct universal suffrage. The capital city has status in the assembly on the same basis as all other cities. A multi-party system exists.

Sudan (Khartoum)

The Sudanese legislature consists of a 250-member unicameral *People's Assembly*. One-half of the members are elected directly by the people, 100 elected by various mass groups, and 25 appointed by the president. All members are elected from the various provinces and districts. Khartoum receives representation on an equal basis with other cities. Universal adult suffrage exists. All political parties, other than the Sudanese Socialist Union, have been banned since 1969.

Surinam (Paramaribo)

The 39-member *Parliament* is a unicameral body. All members are popularly elected for four-year terms. The capital city of Paramaribo enjoys equal representation in the Parliament. A multi-party system exists. Suffrage is universal.

Sweden (Stockholm)

The parliament, or *Riksdag*, is composed of 349 members. Proportional representation is responsible for the election of 310 of the members. Stockholm receives the same degree of representation as all other cities. The final thirty-nine seats are distributed among the contesting parties to insure definite proportionality. Numerous parties contest the elections. Suffrage is universal.

Syria (Damascus)

The *People's Council* is a unicameral body of 186 members. Members are directly elected, serving four-year terms. Damascus is one of 14 electoral provinces. Its status is the same as that of other provinces for purposes of representation. While four other parties are permitted to exist, the Baath Party is the dominant organization. Suffrage exists on a universal basis.

Tanzania (Dar es Salaam)

The *National Assembly* is organized on a unicameral basis. Members serve for a term of five years. The 218 representatives come from three sources: 57 are appointed from Zanzibar, 65 are appointed from the mainland, and 96 are directly elected from the mainland. All members are selected on the basis of their respective area's population. Dar es Salaam is represented through its electoral district. A single party exists. Suffrage is universal.

Tonga (Nukualofa)

The *Legislative Assembly* is composed of 21 members. Nobles elect 7 peers, the populace elects 7 members, and 7 representatives are Ministers of the Crown. Suffrage is granted to all adults who are literate and pay taxes. The capital city of Nukualofa is given equal representation in the Legislative Assembly. There are no political parties.

Trinidad and Tobago (Port of Spain)

The legislature is bicameral consisting of a 31-member *Senate* and 36-member *House of Representatives*. The former body is appointed, while members of the House are elected on a proportional basis. The capital, Port of Spain, is represented on this same basis. A multi-party system prevails. Suffrage is universal.

Tunisia (Tunis)

The *National Assembly*, a largely advisory body, is composed of one chamber and contains 112 members. Representatives are elected for five-year periods, from electoral districts based on population size. Tunis is represented with status equal to that of any other city. The political system is dominated by a single party which holds all Assembly seats. Suffrage is universal.

Turkey (Ankara)

The Grand National Assembly consists of the *Senate of the Republic* and the *National Assembly*. The Senate gains its membership from three sources: 150 members are directly elected for staggered six-year terms, 15 are appointed for staggered six-year terms by the president, and 18 members are given life terms. The National Assembly contains 450 members elected for four-year periods on a proportional basis. The capital city is represented under this proportional system. Many parties exist, and suffrage is universal.

United Kingdom (London)

The UK Parliament consists of two chambers, a *House of Lords* and a *House of Commons*. The former is selected partly by heredity, with the remainder appointed to service. Total membership is about 11,000. Only about 200–300 members regularly attend House of Lords sessions. The House of Commons has 635 members. Each representative is directly elected from single-member constituencies for a period of five years. The UK has a multi-party political system with universal suffrage. London, because of its large population, comprises 92 constituencies, and therefore sends 92 representatives to the House of Commons.

Vietnam (Hanoi)

The *National Assembly* is unicameral and contains 492 members, 249 from the northern part of the country and 243 from the southern part. Representation is on a proportional basis, and the capital city appears to be included in this system. One major party dominates. There are approved minor parties, however. Suffrage is universal.

Western Samoa (Apia)

The *Legislative Assembly* is a unicameral body elected for a period of three years. It is composed of 45 members elected by the heads of families and 2 members elected from universal suffrage. The 45 tribal chiefs represent no particular cities or regions. The other 2 Assembly members represent the country at large, including the capital city. There are no political parties.

Zaire (Kinshasa)

The *National Legislative Council* consists of 210 members and is a unicameral body. There is one deputy in the Council for every 100,000 voters. Kinshasa is treated no differently from other cities in terms of representation. Suffrage is universal and compulsory. Only one party is legalized.

Zambia (Lusaka)

The *National Assembly* is a unicameral body composed of a maximum of 136 members. Of that total, 125 are elected by universal adult suffrage. The president is allowed to appoint ten additional members. Lusaka has full representation status in the National Assembly. Only one party is legally recognized. All candidates must be party members. Suffrage is universal.

Sections II and III provide information on the national legislatures of countries which are "federal" and have at least one elected body, with particular attention to how their capital cities are represented in the legislature. The definition of "federal" used to select countries for study was that given by the 1960 edition of the *Dictionary of American Politics*, Edward C. Smith and Arnold J. Zurcher, editors, which reads as follows:

"Pertaining to the division of public powers in a state between one central government with authority to legislate on certain subjects and to enforce its will upon individuals, and numerous regional governments each having authority in other matters within its restricted territorial jurisdiction . . ." (pp. 148–149).

The authors of the present study made no attempt to distinguish between those countries in which provincial governments have actual and significant authority over local affairs, and those countries in which the states have authority in name only. On this basis, sixteen federal states are treated in this study:

Argentina	Mexico
Australia	Nigeria
Austria	Pakistan
Brazil	Switzerland
Canada	U.S.S.R.
Germany, Federal Republic of	United States
India	Venezuela
Malaysia	Yugoslavia

Nigeria, Pakistan and Argentina are included as special cases. Although their national legislatures have been temporarily dissolved, parliamentary elections are promised in the near future.

SECTION II

Of the sixteen federal countries named above, nine have capital cities which are *not* special Federal Districts. Section II compares these nine federal legislatures, which include: Austria, Canada, the Federal Republic of Germany, India, Nigeria, Pakistan, Switzerland, U.S.S.R., and Yugoslavia. (The countries with Federal Districts are treated separately in Section III.) Factors considered in examining the legislatures were the same as in Section I, with additional emphasis placed on capital city representation to the national legislature, and local governmental structure.

Austria (Vienna)

A multi-party system with a bicameral legislature. The size of the *Federal Council* varies. At present, it consists of 58 members elected by provincial legislatures (the 9 Land Assemblies). The 183-member *National Council* is popularly elected by a system of proportional representation. Austria consists of 9 provinces (Lander), of which Vienna is one. Thus, the capital is both a province and a municipality at the same time. Each prov-

ince elects a provincial assembly (by direct popular vote). Each provincial assembly then elects a governor and representatives to the 58-member Federal Council; Vienna sends 12 representatives. Vienna also elects representatives to the 183-member National Council, according to Austria's system of direct and proportional representation. Suffrage is universal.

Canada (Ottowa)

The legislature consists of a *Senate* and a *House of Commons*. All 102 members of the Senate are appointed by the Governor-General on the basis of 24 Senators per each of the four regions, plus 6 from Newfoundland. The lower house consists of 264 members, directly elected by universal suffrage from single-member districts. House seats are distributed on the basis of population. Canada is divided into 10 provinces and 2 territories. The capital city is located in Ontario, the most populous of the 10 provinces. Ottowa is mainly controlled by the government of Ontario. Under Canada's constitution, the federal government has no authority over local governments; the capital city is no exception. As representatives to both the Senate and the House of Commons are on regional and provincial bases, Ottowa has status in the national legislature equal to that of all other cities.

Germany, Federal Republic of (Bonn)

West Germany has a multi-party system with a bicameral legislature. The *Federal Assembly* consists of 45 appointed members, including 4 non-voting representatives from West Berlin. The *National Assembly* consists of 518 members elected by universal direct suffrage under a mixed system of direct and proportional representation. It includes 22 non-voting representatives from West Berlin. West Germany is divided into 10 states (Laender). Each state has its own constitution and an elected legislature which is empowered to legislate in all matters not expressly reserved to the federal government. Bonn was selected in 1949 to be the provisional seat of the government. Although there is some federal oversight, Bonn has no special constitutional status. Constituency boundaries are based on the Laender and population size. Thus, the capital city is like any other West German city with regard to legislative representation.

India (New Delhi)

India is comprised of 22 self-governing states and 9 Union Territories administered by the central government. The Parliament is a bicameral body consisting of a *Council of States* and a *House of the People*. The Council has 243 members, 231 of whom are indirectly elected by the Legislative Assemblies of the States and Union Territories; 12 are appointed by the President. The House of the People has 545 members of whom 542 are directly elected by universal suffrage (not more than 525 from the 22 states plus not more than 20 from the Union Territories). If the President is convinced that certain minorities are not adequately represented in the House, he can nominate additional members. The national capital, New Delhi, is located in one of the Union Territories (Delhi). (For this reason, New Delhi is not considered to be a separate "Federal District.") Electoral constituencies are based on population. New Delhi is one of 522 such districts, and popularly elects one representative to the House of the People. New Delhi is also represented in the Council of States according to India's system of indirect election.

Nigeria (Lagos)

The *Federal Parliament* was abolished following the 1966 military coup. The legislature had consisted of two chambers. The upper house, comprised of 56 Senators, received its membership from three sources. Each of the four regions was represented by 12 Senators, elected by the regional legislatures. The Federal Territory of Lagos, with a population of roughly one ninth the regional average, received 4 Senators elected by its legislature. The President appointed the remaining 4 Senators. The lower house contained 312 members, elected directly from single-member constituencies. A Supreme Military Council currently exercises both legislative and executive powers. All political parties have been banned since the 1966 coup.

Since 1976, the federal republic has consisted of 19 separate states. Lagos, the capital city, is considered to be one of those states. A return to democratic civilian rule has been promised by the current military government. The date for the leadership change is October 1979.

A series of steps are being taken to transform Nigeria into a new federal republic. A new capital city, to be called a Federal Capital Territory, is currently being constructed. Lagos will remain the capital until completion of the new District in 1986 or 1987. An elected constituent assembly is currently debating provisions for a new constitution, which will provide the Federal District with representation in both chambers of the legislature. The assembly has approved a provision granting the new District representation in the Senate. The states will each elect 5 Senators, while the District will elect one Senator (a total of 96 members). The proposed House of Representatives consisting of 450 members is to be elected on the basis of population. The new Federal District will be represented in the House on this basis. The new District is scheduled to have approximately 150,000 people, roughly one tenth the figure for the lowest-populated state.

Pakistan (Islamabad)

The federal republic consists of 4 provinces, the administered "Tribal areas," and the federal capital of Islamabad. The bicameral legislature was dissolved in July 1977, when the military assumed government control. Since the coup, Pakistan has operated under martial law. The former legislature was bicameral. The National Assembly was composed of 200 members who were directly elected on the basis of proportional representation. In addition, ten women were elected to the chamber by the National Assembly. The federal capital of Islamabad was represented on the same basis as all other cities. The upper house, the Senate, was permitted 63 members by the constitution. Islamabad was fully represented here, as well. Suffrage was universal. Numerous political parties remain in existence. The military leaders have promised that national elections will be held. However, no date has been firmly established.

Switzerland (Bern)

The Swiss Confederation is composed of 22 cantons, 3 of which are subdivided. Bern, the capital city, comprises one of the cantons. The Federal Assembly is bicameral, and consists of a Council of States and a National Council. Each of the cantons elects 2 representatives to the Council of States (a total of 44). The second chamber, the National Council, consists of 200 members. Representatives to the National Council are elected on the basis of proportional representation. Bern is represented on this same basis. The total membership from Bern will vary from one election to the next, keeping in step with its changing population figures. Universal suffrage and a multi-party system exist.

U.S.S.R. (Moscow)

The Soviet Union is composed of 15 Union Republics. The Supreme Soviet, which has exclusive legislative authority, is composed of two chambers, the Soviet of the Union and the Soviet of Nationalities. Moscow, as the capital city of both the R.S.F.S.R. and Soviet Union as a whole, is represented in each chamber. The Soviet of the Union is elected on the principle of one deputy for every 300,000 residents in an election district, and has 760 members. The Soviet of Nationalities is elected on the basis of territory. Each Republic, Region, and National Area is awarded a definite quota of seats. It has 750 representatives. The total membership in the two chambers, from Moscow, is 23. The capital city is treated the same as all other cities. Suffrage is universal, and one party prevails.

Yugoslavia (Belgrade)

The Yugoslav Socialist Federal Republic consists of six republics and two autonomous provinces. Belgrade is the capital city. A bicameral Federal Assembly exists. There are 30 delegates from each republic, and 20 delegates from each province, seated in the Federal Chamber. The second house, the Chamber of Republics and Provinces, consists of 12 representatives from each republic's assembly and 8 members from each provincial assembly, with a total of 88 members. Belgrade is represented in each Chamber of the Federal Assembly through the Republic of Serbia. Suffrage is universal, and a single party exists.

SECTION III

This section offers an analysis of the national legislatures of seven federal countries which now have Federal Districts as national capitals: Argentina (Buenos Aires), Australia (Canberra), Brazil (Brasilia), Malaysia (Kuala Lumpur), Mexico (Mexico City), Venezuela (Caracas), and the United States of America (Washington, D.C.). These seven legislatures are examined, considering those same factors as were mentioned in Sections I and II, with particular reference to the representation of the Districts in their respective national legislatures.

Argentina (Buenos Aires)

In March 1978, a military dictatorship took control of Argentina. The military junta has curtailed political activity by all parties, and has disbanded Congress. The Statute of the Revolution supercedes the constitution (although certain sections of the constitution remain in effect). The country is divided into 22 provinces, one National Territory, and one Federal District (Buenos Aires), the capital of the country. At the present time, authority over local affairs rests with the central junta. Prior to the takeover in 1976, the legislature was bicameral, consisting of a *Senate* and a *Chamber of Deputies*. The Senate had 69 members, all popularly elected; 3 from each of the 22 states, and 3 from the Federal District. The Chamber of Deputies had 243 members, also popularly elected, from the 22 provinces and the Federal District on the basis of the population. According to this system, Buenos Aires had elected one seventh of the deputies to the Chamber. However, even under the constitution, Buenos Aires had few elements of home rule; the president was designated as "the immediate and local chief of the capital of the nation."

Australia (Canberra)

The country is divided into 6 federal states, plus 2 territories—The Northern Territory, and the Australian Capital Territory (Canberra). The bicameral legislature consists of a 64-member *Senate* which is popularly elected (10 Senators from each of the six federal states, and 2 from each of the territories; Canberra, the Capital Territory, has a population size only half as large as the smallest of the six states). The 124-member *House of Representatives* is popularly elected from constituencies based on population size. On this principle, Canberra sends 2 representatives to the House. As the capital of Australia, Canberry has no form of local government. The national Parliament has exclusive power to make laws for the peace and order of the Commonwealth regarding the seat of the government. The territory is governed by centrally-appointed officials who

are advised by an 18-member elected assembly. Suffrage is universal.

Brazil (Brasilia)

Brazil consists of 22 states, 4 territories, and 1 Federal District as capital, Brasilia. Originally the capital of Brazil had been Rio de Janeiro. As part of the government's development plans for Brazil, a section of the dense jungle territory in the country's interior was designated as the site of a new capital, and actual work began in 1957. The new Federal District, named Brasilia, was inaugurated as the nation's capital on April 21, 1961.

The bicameral legislature consists of a *Senate* and a *Chamber of Deputies*. The Senate has 66 members, all of whom are popularly elected: each of the 22 states elects 3 Senators. The size of the Chamber of Deputies varies but there are a minimum of 7 deputies from each state and 1 deputy from each territory. All are elected by direct popular vote. Currently there are 310 deputies. Brasilia does not send representatives to either House of the legislature, although, with its population of over one million, it is larger than two of Brazil's states and all four territories. The constitution had provided for full representation in the legislature for the capital, Rio de Janeiro. It provided for 3 Senators, as for each of the states, and a number of deputies to be determined by the same proportional system applied throughout the country. The Brazil constitution of 1946 contained provisions regarding the political organization of the new Federal District, stating that the federal legislature would govern the administrative and judicial powers.

Suffrage in Brazil is universal and compulsory over age 18, except illiterates and those stripped of their political rights.

Malaysia (Kuala Lumpur)

Malaysia is comprised of 13 states plus a separate Federal Territory—Kuala Lumpur—which serves as the national capital. Originally, Kuala Lumpur was both the seat of the government and the capital of the state of Salangor. A constitutional amendment in 1974 made Kuala Lumpur a separate Federal Territory, and the capital of Selangor was replaced by Shah Alam. Precise delimitation of the Federal Territory has yet to be made. The legislature of Malaysia is bicameral with a *Senate* and a *House of Representatives*. The Senate has 58 members; 32 of these are appointed by the Paramount ruler, and the remainder are elected by the thirteen state legislatures (2 from each state). Kuala Lumpur is administered directly by the federal government and has no elected legislature. It does not send representatives to the Senate which is not a popularly elected body. It does send representatives to the House, the dominant legislative body, which has 154 members elected by direct popular vote from constituencies based on population. On this basis, Kuala Lumpur sends 5 representatives. A multi-party system exists, and suffrage is universal.

Mexico (Mexico City)

The Mexican National Congress is composed of a *Senate* and a *Chamber of Deputies*. The Senate contains 64 members, each elected for six-year terms. The lower house, as of 1976, had 230 members elected for three-year terms. Members are elected on the basis of population, each deputy representing about 200,000 people. All are popularly elected by universal suffrage. A multi-party system exists, with one party as dominant.

The Mexican federal republic comprises 31 states and a Federal District. Mexico City is the capital of the republic. The District consists of Mexico City itself, and nearby towns and villages. Since 1928, the Federal District has directly elected 2 Senators, just as each of the 31 states do. The District elects a number of deputies based on population of the area. The 1917 Constitution designates the President to be the "Chief Executive of the Federal District." A Governor is appointed by the president.

U.S.A. (*Washington, D.C.*)

The United States Congress is a bicameral body composed of a 100-member *Senate* and a 435-member *House of Representatives*. All members of Congress are elected directly by the people. Each state is awarded two seats in the Senate, while the House receives its membership according to the population of each state. Universal suffrage exists. A multi-party system, with two parties dominant prevails.

The United States is a federal republic composed of 50 states and a Federal District, Washington, D.C. There are also several U.S. territories. Washington, D.C. is the national capital. The District currently has no voting representation in either house of Congress. Washington does send one non-voting delegate to the House of Representatives.

Venezuela (Caracas)

The National Congress is a bicameral body with members of each chamber elected for five-year periods. Direct popular elections are held for each house. The *Senate* consists of 49 elected members. Each state and the Federal District elect 2 members. Seven additional Senators are allotted for the representation of minorities. The *Chamber of Deputies* has 203 members, all elected from constituencies based on the population. Suffrage is universal and compulsory. A multi-party system prevails.

The Federal Republic of Venezuela consists of 20 states, 2 Federal Territories, 72 Federal Dependencies, and the Federal District—the capital city of Caracas. Caracas has full representation in each house of the bicameral National Congress. There are two senators representing the District, and an indefinite number of deputies in the Chamber of Deputies (based on the District's population). The president appoints the Governer of the District. Federal and local jurisdictions are coordinated, but the District does enjoy some autonomy through a local council.●

THE F–15 SALE: A FAILURE OF AMERICAN POLICY

● Mr. HEINZ. Mr. President, this morning's Washington Post contains a thoughtful article by Rita Hauser on the longer term significance of the administration's decision to sell F–15's to Saudi Arabia. Departing from other analyses of this subject, Ms. Hauser sees as the major mistake in administration policy its failure to use the sales to extract more meaningful commitments from the Saudis. Rather than commitments not to use the planes for offensive purposes or not to station them at Tabuk, she argues, the President should have "insisted that the Saudis commit themselves finally and publicly to the peace process begun by President Sadat 6 months ago." In other words, we have missed a major opportunity to exchange arms for peace and in the process give the stalled peace negotiations a major push forward.

Mr. President, this is sound—and intriguing—reasoning. I commend this article to my colleagues and ask that it be printed in the RECORD.

The article follows:

THE JET DEAL: WE FAILED TO USE OUR LEVERAGE

(By Rita E. Hauser)

Now that the sound and fury over the sale of warplanes to Israel and Saudi Arabia has subsided, it is obvious that that was one battle the American people could have been spared. Yet, as has so often been true of President Carter's quest for peace in the Middle East, the administration had the germ of a good idea that was diminished by its poor tactics and its failure to place the matter in the proper context.

The United States and Saudi Arabia have been moving toward a unique relationship since the 1973 war. With arms and patronage, Washington is affording the Saudis the protection they need from radical states allied with the Soviet Union. By turning to the United States, the Saudis are making plain where they stand in global politics.

This unfolding relationship need not be advanced at the expense of American ties with Israel. To the contrary, the building of a military alliance between Israel, Egypt, Jordan, Saudi Arabia and Iran, one based on their common interest in deterring Soviet power, should be the explicit aim of U.S. policy.

The sale of F15s could have been the occasion for the United States to announce its intent to develop such a common strategy. Instead, it degenerated into bickering over the power of the "Jewish lobby," and a battle of wills on the Hill. The president failed to clarify the contours of a sound policy.

To overcome Israel's fears about the sale, fears grounded in strategic considerations and a deeper worry that the Arabs are gaining political influence with Washington at Saudi expense, the United States should have insisted that the Saudis commit themselves finally and publicly to the peace process begun by President Sadat six months ago. For Saudi Arabia has not given open and unequivocal support to the Egyptian goal: a de facto peace between Israel and Egypt in which Jordan and Syria would probably later concur. That, rather than the vague and probably meaningless pledge by the Saudis not to use the F15s for offensive purposes, was the counterpart Carter should have sought. The chance to use arms for peace, in an explicit fashion, was lost.

Instead, the administration insisted it needed the Saudi sale to maintain leverage with the Wahabi Kingdom. But planes are not the real leverage, since other suppliers would take Saudi orders. The dynamic of the U.S.-Saudi relationship lies in the strong need for that Persian Gulf nation to reside within the American military protective orbit and thus to acquire influence in the development of U.S. policy for the broad Middle East area.

Moreover, Saudi Arabia's enormous wealth can cycle safely only through the United States. A huge credit balance tilts the underlying strength to the debtor. The fear of many in Washington that the Saudis must be wooed lest they park their money elsewhere is groundless, for there is no other secure haven. So, too, oil: In the near future, at least, oil prices will be determined not by OPEC but by the glut in the world market. In short, the United States has the net balance of strength in the U.S.-Saudi equation, and should not hesitate to use it to foster a meaningful coming together of Egypt and Israel and the beginning of a real—rather than an apparent—peace process.

Would the Saudis respond to American pressure to aid the faltering Sadat initiative? The Saudis surely fear the prospect of another Mideast war in which, especially after the sale of the F15s, their oil fields would likely become a target. An Egyptian-Israel peace would head off that prospect. But, in a peace, other Arab states might then turn their attention to Saudi Arabia, a bigger and more important prize than Israel by any measure.

A realistic Saudi strategy, one perhaps already in place, would be to forge an American and thus an indirect Israel connection to prevent all-out war in the area but, at the

same time, to support the PLO financially to keep the guerrillas alive and nipping at Israel from bases in Lebanon. That would tie down the Syrian army and preclude major subversion in the Gulf. The icing on the cake consists of building up a powerful military force to fend off local adventurers.

That is why Saudis may fear committing themselves to a full Israel-Egyptian rapprochement. They are better off with a tepid Sadat-Begin love affair that freezes the status quo and permits the Saudis to gain strength at home.

The true test of American diplomacy is to persuade the Saudis, and not just the Israelis, to take risks for peace. In exchange, the United States would lead the way to an alliance of Mideast states desiring to safeguard the region from Russian incursion. Israel is central to such an alliance. An astute administration would seek not to break the "Jewish lobby" but to reorient strategy in light of current political realities.

The game unfolding in the Middle East is bigger than the immediate Arab-Israeli conflict. The Israelis did not, in recent months, always give evidence they were aware of geopolitical changes that have occurred since 1973. Or, if they were aware, they may have permitted their fears to overcome their wits in pushing a battle in the Senate that could not be won. But, then, neither did the White House show any sign of a mature political analysis. Unlike Israel, it did not have the excuse of fear.●

THE RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM

● Mr. McGOVERN. Mr. President, the Senate Agriculture, Rural Development, and Related Agencies Appropriations Subcommittee will soon begin markup of legislation affecting fiscal year 1979 appropriations for the Resource Conservation and Development (R.C. & D.) program. I am concerned that although there is much talk by administration representatives of their commitment to utilizing local programs to combat critical soil erosion that they are, by their recommendations for this program, defeating their stated purpose.

In terms of improving man's ability to coexist with his environment and properly utilize our land and water resources, in terms of man's stewardship of resources, perhaps no other program has been as successful in rural areas as the R.C. & D. program, which the Congress first authorized in 1962.

Under the umbrella of the R.C. & D. program, soil conservation districts, watershed districts, local units of government and individuals work cooperatively to enhance the communities in which they live. The R.C. & D. program is, in this way, unique among other programs. It works under a loose definition of "community" in rural areas where problems are not confined by simple political boundaries.

While the objectives of individual R.C. & D. districts differ depending upon the area they serve and the problems facing their community, local R.C. & D. executive councils are free to interpret the wishes of area residents and find ways to implement them. I have found these councils to be amazingly resourceful in working with limited funds and drastically fluctuating budgets in tackling the problems confronting them.

I want to take this opportunity to review what is actually being accomplished by South Dakota R.C. & D. programs and contrast it with what the administration claims they should be doing. I think you will find the program to be justified within the administration's own rationale.

Prior to his ascending to the Presidency, candidate Jimmy Carter issued a position paper purporting to set out his views on conservation matters as follows:

As more land is brought into production, soil erosion has dramatically increased. This problem demands new emphasis on our stewardship of land, water and forest resources . . . The Carter Administration will once again utilize local soil and water conservation districts to fight erosion.

At first blush it might appear the administration is following through on Jimmy Carter's promise to rural Americans. Assistant Secretary of Agriculture for Conservation Research and Education Rupert Cutler told the Senate Agriculture, Rural Development and Related Agencies Appropriations Subcommittee on April 11:

The budget proposed for the Soil Conservation Service in fiscal year 1979 totals $442-million. This includes funds for strengthening our basic mission of assisting farmers in cooperation with conservation districts and for additional conservation assistance directed towards improving water quality, solving critical area erosion problems and agricultural waste management problems, and for providing conservation assistance on Indian lands.

According to Soil Conservation Service Administrator R. M. Davis on that same day, the technical assistance budget has been increased to provide emphasis on public interest activities specifically dealing with water quality and treatment of critically eroded lands. Yet, at the same time, I find that the watershed planning budget was proposed to be cut in half by the administration. The Great Plains program has been cut by about two-thirds. The R.C. & D. program has a "phase out" budget cut by nearly three-quarters.

I fail to understand how this administration can square its commitment to stewardship of land and water resources, water quality, and critical erosion problems with their proposal for decreasing the budgets of programs which accomplish those ends.

Mr. Cutler tells the subcommittee he is concerned that the R.C. & D. program is not generating measurable economic impacts and claims USDA is "currently examining several alternative program designs" to better meet soil and water conservation needs. Mr. Davis says the program's earlier objectives directed toward economic development can better be addressed by other projects and that the R.C. & D. program should be redesigned to address current natural resource concerns.

I think it is worth noting that the R.C. & D. program has not been static. It has evolved over the years since 1962 and if my constituent mail is any indication it may be that the R.C. & D. program has already arrived at the point USDA hopes to bring it to under a new name. Perhaps it would be better for USDA to reanalyze its criteria for the program rather than "phasing out" a program which seemingly is already meeting their hoped for new goals.

One of my constituents put it this way:

One measure of the RC&D's success is the number of people serving without pay on the local Executive committees. They represent all the diverse interests brought together through the RC&D program to meet conservation needs. This type of success is not susceptible to the USDA's benefit-cost analysis.

I was overwhelmed by the volume of mail I received from my constituents when they learned the USDA proposed phasing out the R.C. & D. program. The concern for the R.C. & D. program is unprecedented. They have quietly accepted whatever budget was proposed in the past. But this year is different. Let me quote several portions of my constituent mail on this matter:

The RC&D has proved they are able to work with many different landowners, local units of government plus SCS and local sponsors. We only use RC&D projects for conservation practices that are too large and too expensive for private landowners or local units of Government to finance. We have already done much with critical erosion areas with the RC&D program. . . . Work done in local water development would alone justify the program.

I accept the challenge of those who say RC&D programs have not met their goals. We have the proof they have and could even show greater progress could have been made except for the fact budget cut-backs force us into priorities and we can only move as fast as money becomes available.

The Randall RC&D area has completed one hundred and eleven measures since we were authorized for operation. A large number of these measures were for critical erosion area control. These critical areas control measures are implementing non-point pollution control.

Across the nation we have "208" non-point planning occuring. One of the main thrusts of the "208" planning effort in South Dakota is the reduction of soil erosion and siltation. The planning effort is only as good as the implementation that follows. . . . It is our opinion that the RC&D is one of the very important tools that can be used to stop erosion. . . . With adequate funding in conservation, we will not need "208" in the future.

Such a reduction in RC&D programming would create a hardship which no one in our community can afford in seeking the completion of RC&D projects. There are many critical erosion areas which cannot be corrected without RC&D funds. . . . Rather than cutting the budget, there is a need to increase it in order to properly finance RC&D.

This program is doing a good job in South Dakota in helping the farmers and ranchers to protect our most important resource, our agricultural lands. If American agriculture is to continue to produce at its present level or to increase production in the future, those programs which help the farmer to protect his land must be retained.

We feel the RC&D program is essential for the protection of the Hutchinson County resource base. Our county presently has 13 critical area projects in the development stage. These projects are necessary to protect the water quality of our rivers and lakes and to protect against severe soil erosion. We feel that there is a need for the RC&D program in our county.

It is hard to believe that at a time when one of the nation's greatest concerns is to clean up our lakes and streams that our President sees fit to slash those programs which are working towards the goal of clean water and clean air."

I suggest that while this administration is working so diligently to come up with a new program to address the needs they envision from here in Washington and that the R.C. & D. program should be "phased out" to make room for it once they have devised it, that what in fact will happen is that the administration's new program will in essence be the R.C. & D. program the way it has evolved in rural areas.

I would also suggest that until such time as the administration presents us with their plans for a new program to replace the R.C. & D. program so that we have an opportunity to examine it and see in what way it differs from the R.C. & D. program as we know it, that we keep up our momentum by funding the program at its present level at a minimum and that we give serious consideration to increasing its budget to $50 million.

The new direction this administration seeks is already underway in the field. It is the USDA, not the American farmer, who has been slow to recognize this fact.●

FOREIGN TAX CREDITS FOR OIL—THE NEED FOR A RESERVATION TO THE UNITED STATES-UNITED KINGDOM TAX TREATY

● Mr. KENNEDY. Mr. President, in recent weeks, most of the controversy over Senate ratification of the pending tax treaty between the United States and Great Britain has concerned the section of the treaty that prohibits American States from using certain procedures for taxing the earnings of multinational corporations with operations within their jurisdiction. I have joined Senator CHURCH and others in opposing this provision of the treaty—article 9(4)—as an arbitrary and unnecessary infringement by the Federal Government on the taxing powers of the States, and I am hopeful that the Senate will adopt a reservation to this provision.

But there is an additional objectionable provision of the treaty, a provision which has received too little attention and which is clearly undesirable as a matter of our national energy policy. that provision is article 23, which would make Britain's petroleum revenue tax—the so-called PRT—eligible for "foreign tax credit" treatment under the U.S. income tax. The result of the provision is to offer a potential $500 million a year windfall to U.S. multinational oil firms drilling in both the North Sea and in OPEC countries.

In 1975, the Internal Revenue Service informed the Treasury that it regarded the PRT as a form of royalty or excise tax, not an income tax. Under this interpretation, the PRT would not qualify for the foreign tax credit. Instead, it would be a deduction from income, not a credit against taxes. Article 23 was included in the treaty as a device to neutralize the IRS interpretation and to reward firms drilling for oil in the North Sea with the more lucrative U.S. tax treatment available under the foreign tax credit provisions.

The principal U.S. firms operating in the British sector of the North Sea are major oil companies like Exxon, Mobil, and Texaco, and independent companies like Occidental, Getty, and Allied Chemical. It is these firms which would be the primary beneficiaries of this treaty provision.

Article 23, however, is seriously flawed, because it does not limit the benefits of the foreign tax credit to oil produced in the United Kingdom. Instead, the article is open-ended, and will allow oil companies to shelter oil income from U.S. taxes whatever the source of the oil—even if, for example, the oil is produced in the OPEC countries. The end result of article 23, therefore, may well be to subsidize oil firms for their OPEC drilling and development—precisely contrary to the intended purpose of article 23 as an incentive for North Sea drilling.

The reason the multinational oil companies are anxious to have article 23 has little to do with the PRT and a great deal to do with the politics of OPEC oil.

In addition to the PRT, U.S. firms drilling in the North Sea also pay Britain's normal corporate income tax, which is eligible for the foreign tax credit. Therefore, even if the foreign tax credit is denied for the PRT, U.S. firms will owe only small amounts of U.S. tax on North Sea oil. In large part, the effect of article 23 will be to enable the firms to store up excess foreign tax credits to reduce their U.S. taxes on oil income from other sources.

At the present time, payments to OPEC countries are claimed as eligible for the foreign tax credits, so that the firms have little or no current use for excess tax credits generated from North Sea oil.

What the oil firms fear, however, is a successful challenge by the IRS to the eligibility of their OPEC payments for the foreign tax credit. In recent years, under pressure from Congress, the IRS has begun to reexamine the status of oil payments traditionally allowed as foreign taxes, but which in reality are royalties. In actions affecting payments to Saudi Arabia and Libya, for example, the IRS has recently denied tax credits for such payments. In effect, the oil firms want article 23 as a hedge against these IRS challenges.

Equally undesirable is the disincentive effect of article 23 for U.S. oil production, which is subject to U.S. tax to the extent that firms are encouraged by tax breaks like article 23 to drill in OPEC countries and other foreign locations, they may forego efforts to expand drilling and development of oil reserves in the United States.

The Treasury claims that the revenue loss from article 23 will be negligible. But this claim is based on the assertion that OPEC payments will continue to be treated as taxes for purposes of the foreign tax credit, or that the OPEC countries will be willing to restructure the payments to make them eligible for the credit, or that the oil firms will be able to tie up the IRS in litigation over the issue for the foreseeable future.

In fact, it is estimated that PRT payments will total over $1 billion a year in the early 1980's, which represents a potential revenue loss of about $500 million a year if PRT payments are fully shifted into foreign tax credits. By contrast, if these credits are limited to British source oil, it is estimated that the potential revenue loss will be no more than 75 million.

The defect in article 23 can be easily remedied by a reservation to the treaty that limits PRT tax credits to British oil income, instead of allowing such credits for all foreign oil income. I intend to offer such a reservation at the appropriate time on the Senate floor, and I hope that it will be accepted by the Senate.●

THE MISSOURI RIVER RESOURCE

● Mr. McGOVERN. Mr. President, the Missouri River mainstem impoundments are one of South Dakota's most valuable potential assets. I say "potential" because that tremendous water resource must be first put to use in South Dakota before it yields very much benefit.

This is not to deny that impoundments are not already benefiting South Dakota and surrounding States. They are providing flood control, low-cost hydroelectricity to cities and farms, a source of municipal water supply, water for irrigation, water-based recreation, and fish and waterfowl benefits. But the question of benefit to South Dakota is one of scale.

South Dakota gave up nearly a half million acres of some of its most fertile river bottom land to those impoundments. We surrendered valuable wildlife habitat which has yet to be mitigated. In return, we were tacitly promised a share of that water for our use. Part of that promise was Federal development of large-scale irrigation projects.

The projects which were first to utilize Federal development ability were removed from the side of the Missouri, being some distance away from the source of water supply. While this concept is being questioned by many South Dakotans, the idea of "getting water to where the land and people are" is still valid.

The fact of the matter is, however, that many South Dakotans are farming right alongside the Missouri River. For them to have such a tremendous resource so close and yet not enjoy its benefit has been a particular frustration.

Irrigation Age editor Ron Ross tells the story of what several South Dakotans have done to overcome that problem on their own in a recent article entitled "Bootstraps Development on the Missouri." It is a story of people's initiative, pluck in the face of adversity, cooperation among Federal, private and State interests, frustration in the face of bureaucratic redtape, but mainly, perseverance of the sort which characterize South Dakota's pioneer heritage. In its own way it is a rather dramatic story and I believe worthy of being shared.

Therefore, I ask that it be printed in the CONGRESSIONAL RECORD.

The article follows:

BOOTSTRAPS DEVELOPMENT ON THE MISSOURI

(By Ron Ross)

Imagine yourself on a high plateau dying of thirst. Below you a few hundred feet sits a pail of water; a single cup could save you. But you can't get it up the hill.

That situation faced Dick Lloyd and Bob Priebe and other dryland farmers near Chamberlain, S.D. in 1975. They weren't dying, but their crops were.

Their farms nearly overlook the gigantic Fort Randall Reservoir (Lake Francis Case) on the Missouri River. The reservoir contained nearly 20 million acre-feet of water, every drop suitable for irrigation. But the water might just as well have been 100 miles away.

Yields were zero or near zero. As the rainless summer wore on, farmers desperately cut and stacked every dusty stalk of corn they could find and finally turned to fireweed to prevent their cattle from starving. Everything except foundation cows were sold, and eventually most of them, too.

The drier it got, the more they looked longingly at the reservoir's water; a tiny fraction of it could have saved their crops and cattle. But their fields were 400 feet higher than the reservoir. They knew that kind of lift was technically possible, but also knew it represented a costly proposition. Others who had already developed irrigation on the Missouri had learned that.

But the tremendous development costs seemed much more feasible as weeks without rain continued and it appeared that 1976 would be a repeat of '75.

"When you are going broke anyway, you think of doing things that you didn't think you could do before," Priebe told me as he, Dick Lloyd, lawyer Leonard Andera and consulting engineer Ron Gebhart and I sat in a Chamberlain restaurant recently.

During the late summer of 1975, Priebe began talking to neighbors about the possibility of attacking the problem together and developing a multi-owner irrigation project.

About 14 landowners with some 5,000 acres seemed interested. And in August, an application in the name of Hilltop Irrigation District was made to the board of county commissioners of Brule county. With the board's approval, they then had the legal entity—an irrigation district—to allow them to proceed.

It would be easy to end the story right there. To simply report that everything went smoothly and that the farmers harvested 150-bushel corn last year. Because the last part of that rosy tale is true. They were the first irrigators to pump from the reservoir as a district. They did harvest good irrigated corn yields in 1977, in spite of a few hail storms. They did win their battle for feed stability, which was their original goal.

All fine and good. But then Lloyd and Priebe started to talk about the many frustrating roadblocks that they had to go through before a drop of water was pumped. It became apparent that what they did could only have been accomplished with an extreme amount of determination—the kind that boils to the surface when you face going "belly up".

"We didn't know we'd be hitting so many hurdles until each one came along. Otherwise, I don't know . . . ," Lloyd stated.

"Some of the problems resulted because we're faced with irrigation laws that date back to pre-mechanized agriculture," said Andera, the irrigation district's legal counsel. "To give you an idea of how antiquated they are, there is one section still in the state irrigation code that says members can build a project with their own teams of horses, rather than advertise for bids."

Another section of the irrigation code states that irrigation districts must post notice for hearings and special elections. Dick Lloyd has photos of his wife, Dixie, nailing election meeting notices to REA poles—though a few phone calls would have been quicker.

So, with memories of such nonsense occasionally creating a laugh or two, Lloyd and Priebe drank their coffee and gave their own version of how to build an irrigation district.

JANUARY 1976

The hopeful irrigators learned that money was available from the Ft. Randall Conservancy Sub District to be used for forming irrigation districts. By this time, the project was down to 10 landowners—less than 4,000 acres. Application was made to the Sub District for money. They got $1,618.24, which gave them their start.

FEBRUARY 1976

The first organization meeting was held in Andera's office. Three directors were elected—Priebe (president), Lloyd and another landowner, Jim Satterlee. Talk of bigger money surfaced. A resolution was passed authorizing the district to negotiate a loan with the state of South Dakota. The legislature was in session and approved sale of bonds for the Hilltop project for $713,148. Members were elated. An earlier state project had been funded similarly at a modest 3% interest rate!

MARCH 1976

The first clinker. The Hilltop gang learned that the state legislature had approved sale of bonds, but the lawmakers had failed to approve a guarantee for the sale of the bonds. Without the guarantee, bond buyers wouldn't look at them.

The district also learned that the Soil Conservation Service could not provide engineering service assistance until 1978, a year after the farmers hoped to be irrigating!

MAY 1976

Application was made to the U.S. Army Corps of Engineers' Omaha, Neb. office for a Section 10 Permit, required before any construction could be started. They were told a Section 10 Permit usually requires about 90 days.

AUGUST 1976

Board members, anxious to get started on a feasibility study, contracted with Benjamin, Kasl and Associates, McCook, Neb., a consulting engineering firm.

After 3 months, no Section 10 Permit had been received. Board members realized that patience is required when dealing with government agencies.

SEPTEMBER 1976

A road was built to the site and the board approved the final feasibility study and directed the consulting engineers to proceed. So far, no funding had been approved. No Section 10 Permit had yet been received. Irrigation district members began to worry in earnest.

About this time, two "part-time" archaeologists associated with the University of South Dakota, and hired by the Corps of Engineers, dropped in to do a survey at the construction site. It is a requirement before a Section 10 Permit can be issued.

"After walking down to the site of the intake structure, one of them came back up carrying a bone," said Lloyd. "As it turned out, it was from one of my neighbor's departed cows. But she told us that we would have had a problem if it had had tomahawk marks on it!" This bit of information cost the district $100.

(Note: The archaeological survey is a necessary and serious step in the process. If burial grounds are found, work is stopped until the graves can be removed.)

OCTOBER 1976

Directors started looking for other sources of money. At this point they got lucky. Explains Lloyd: "We didn't think that FmHA had money available for us. But one day, more or less out of desperation, I encouraged our local office to call the state director. The unbelievable happened. The state called Washington, D.C. There was a special fund for $3 million, for loans of the type we needed. In five minutes they gave us verbal confirmation for $750,000 to finance the water distribution system, at 5 percent interest, with a 40-year repayment schedule.

"To show how lucky we were, all the money was gone when we checked back a couple days later to see if the loan could be increased by $100,000. The money was gone, but we had our $750,000."

No Section 10 Permit was forthcoming. After 6 months the Corps of Engineers did report that the application had been lost. A new application was made.

NOVEMBER 1976

By now delays in development and uncertainty of funding had taken its toll. Interest had waned, and revisions were made in the district boundaries. Seven members remained. The project now totaled 1906 acres.

Still no Section 10, after 7 months.

DECEMBER 1976

The district obtained easement rights of way and set up a procedure to meet requirements for an FmHA loan. Changes were made by the consulting engineers in the final design. It was decided to advertise for bids Dec. 30. Bids were to be opened on January 18 and a completion date set for June 1, 1977.

Things looked good, until it was determined that an irrigation district must issue bonds to obtain money from a federal source. That meant that it would cost another $5,000 for bond consultants and attorneys and more delays before the money would be available. This delayed completion of the project 30 days.

Because of annual drawdown of the reservoir, an emergency resolution was passed so construction of the intake structure could be made during low water time.

After 8 months, still no Section 10.

JANUARY 1977

On January 18, bids for a contractor were opened. Successful bidder, Sandhills Implement, came in at $756,812.38.

The Section 10 had not arrived after 8 months. Work on the intake structure could not be started. Pressure on Senator George McGovern's office was passed on to the Corps of Engineers. Finally, verbal confirmation was given for the Section 10 Permit. By that time water was coming up in the reservoir. Construction on the intake structure was begun on January 18.

FEBRUARY 1977

The Section 10 Permit finally arrived and was framed by the board of directors.

It was decided that assessment percentages of the project be based on the gallonage of water delivered to each farm. Amounts ranged from 8% to 18.1%.

The board voted to apply for another $100,000 from FmHA, and agreed to support this loan with another $75,000 of their own money to cover the estimated total cost of $925,000. The board met to decide whether or not to sell bonds. Approved. Completion date was extended one month, to July 1, 1977. The intake structure was back-filled March 16.

Problems encountered in obtaining the Section 10 Permit had delayed construction of the intake structure. Rising water level of the reservoir had further hampered work on the project.

APRIL 1977

The contractor began unloading pipe on April 4 and started trenching April 25.

No interim financing was yet available. The contractor said the crew would only continue construction for 10 days from the billing date, or until May 6.

Approval on the District Transcript was needed from a circuit court judge, the Department of Natural Resources (DNR) and attorney general before interim financing could be released. The transcript was approved with no objections in circuit court and sent to the DNR on April 15.

By April 28 no action had been taken by the DNR. Calls were made daily until May 3, when it was learned that the DNR *would not* approve the transcript. A new DNR lawyer had found it lacking.

The race was on. Changes in the transcript were made. The circuit judge was holding court in a small town 100 miles away. Andera drove the transcript to the judge for another approval, which was granted on Thursday morning, May 5. Then three board members flew to the state capitol to hand-deliver the transcript. At this point, a bit of gentle persuasion paid off. The board members pointed out they weren't leaving without the DNR's approval.

The First National Bank of Lincoln, Neb. accepted verbal confirmation from the attorney general's office and wired $841,166.67 the following morning. A $202,258.80 payment was made to the contractor on the last day of the grace period. The workmen didn't have to stop.

Corn was planted.

JUNE 1977

Work continued on the project. Installation of three huge 400 horsepower electric motors and two 200 horsepower motors was made. Booster stations were installed on each farm. Fifteen miles of pipeline was laid, ranging in diameter from 22 inches to 6 inches. The system has the capacity to pump 14 million gallons a day, or 10,000 gallons a minute. Center pivots were readied for water. For the first time in three years, the area got a good rain. Without it there wouldn't have been a crop to irrigate.

JULY 1977

On July 5, their dream came true. Water moved through the system to 1,325 acres of corn. At harvest, neighbors couldn't believe the corn being taken from the irrigated fields.

Total project cost was $920,215.71, or $482.80 per acre, plus $200 per acre for the sprinklers. The first payment to FmHA of $18,514 was made Jan. 1, 1978.

End of the story? Note quite. All the irrigators face now, as a district, are 39 annual payments of $49,955.●

INTERNATIONAL TRADE COMMISSION INVESTIGATION OF INJURY CAUSED BY INCREASED COPPER IMPORTS

● Mr. GOLDWATER. Mr. President, on May 22, the U.S. International Trade Commission began its investigation of whether increased imports of unalloyed, unwrought copper are causing serious injury or the threat of serious injury to the domestic industry. The Commission's hearing was called in response to a petition filed on behalf of nearly all of the principal domestic copper producers under section 201 of the Trade Act of 1974.

The hearings were held in Tucson, Ariz., the county seat of Pima County, which is the source of nearly half of the total copper production in Arizona. Unfortunately, Tucson and Pima County are also the location of most of the unemployment in the copper industry, which unquestionably has been caused by a massive flood of imports.

Mr. President, copper is something we cannot do without. It is one of the critical resources which any developed nation needs and it would be extremely shortsighted of any country to fail to take whatever action is needed to prevent the virtual destruction of such a vital industry. Yet, this is the future that the United States faces unless prompt action is taken to revive our copper industry.

This is no exaggeration. No less an authority than Dr. William Dresher, dean of the College of Mines at the University of Arizona, has predicted that there will be no U.S. copper industry to speak of by the mid 1980's unless strong measures are taken to solve the overwhelming problems facing the industry.

One of the major problems, and so far an irremovable one, has been the huge buildup of worldwide copper stocks in amounts twice as high as the normal overhang. Due to the calculated, maximum production efforts of foreign producing nations during recent years, this situation has continued to persist even though domestic copper production has declined.

For example, in 1977, U.S. copper mines operated at a rate of 77 percent of operating capacity. Foreign copper mines were producing at a rate of 92 percent of capacity.

As far as the United States is concerned, the majority of foreign production imported here has come from the developing producer nations. Chile, Peru, and Zambia, in particular, have increased their exports to the United States.

The significant thing about this is that so many of the developing nations exercise control over both the marketing and production of copper within their borders. These are the very nations who face greatly increased foreign exchange demands in order to finance growing external debts and pay for their constantly increasing energy imports.

They are not subject to the same ground rules of the free enterprise system as our own producers are. Most signs from the developing countries point to the continued production and export of copper by them at full capacity with little regard to normal market conditions.

Moreover, large reserves of copper are known to exist in the same nations. Thus, both the capacity and purpose are present in those nations to continue to flood the United States with copper imports.

The message is clear. Unless strong and immediate action is taken to avert the growing injury to the domestic industry caused by imports, U.S. copper producers will become a mere residual supplier of copper in their own home market.

Mr. President, the evidence is clear. Imports of refined copper were double the normal rate last year and are presently three times the historic rate. The recent flood of imports is unprecedented except in years of exceptional demand such as wartime or a very prolonged strike.

Rising copper imports have caused massive unemployment in the United States. In Arizona alone, unemployment in the copper industry ran as high as 10,000 persons last year and still stands at about 8,000 below the usual work figure.

The record presents a classic and tragic case of import injury. First, there has been a significant idling of productive facilities. Second, imports have prevented firms from operating at even the cost of production.

As discussed by Theodore Gates before the ITC, the stark facts are, based on questionnaire responses to the Commission, that the U.S. copper industry, "had operating losses in excess of $100 million in 1977—far more than its 1975 recession year loss. * * *"

Third, domestic unemployment has run into the several thousands.

These facts leave no doubt that serious harm has already been done to the domestic industry, both to producers and workers.

As to the threat of serious injury, I would point out that one of the world's leading specialists of the metals and minerals industry, Simon Hunt, warned the ITC that mine capacity utilization in the United States would fall to about 62 percent in 1980. This, of course, would be a calamity.

It would put the developing copper nations in the same strong position as the OPEC nations at the time of the oil crisis. We might remember that in 1973, the year of the Arab oil embargo, imports of oil represented 36 percent of domestic demand. In 1977, refined copper imports were 20.8 percent of domestic demand. And, according to the latest statistics, they have reached 30 percent.

If this trend continues and if domestic production falls as much as Mr. Hunt has projected, the foreign copper producing countries will have the power of control over copper supplies and prices and be able to exercise a tremendous political influence on the free world.

Thus, strong action is needed now to prevent this situation from worsening—not later—when the domestic industry is so far gone that the national security is jeopardized.

Mr. President, I submitted a statement on this matter to the ITC urging favorable action on import relief as requested by the domestic copper industry, which goes into the subject in greater detail. I ask that my statement be printed in the RECORD.

The statement follows:

STATEMENT OF SENATOR BARRY GOLDWATER

I. INTRODUCTION

This statement is filed for Senator Barry Goldwater by counsel, in response to the notice of investigation and hearings under section 201(b) of the Trade Act of 1974 to determine whether unwrought copper, other than alloyed, is being imported to the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic copper industry. In view of the importance of the copper mining industry in Arizona as the major component of the United States industry and, in particular, as a leading source of employment and income in Arizona, the statement includes specific information with respect to the economic and human impact of imports on Arizona and her people.

II. COPPER'S CONTRIBUTION TO ARIZONA

Over half of our nation's mined copper comes from Arizona, about 61% in 1977.[1] This is not only more than all the other States combined, but exceeds the production in any other country in the Free World, except Chile.[2]

Of the 25 leading copper producing mines in the United States, 16 are located in Arizona.[3] Arizona mines produced 932,005 tons of copper in 1977 from less than one-quarter of one percent of Arizona's land surface.[4]

In recent years, employment in the Arizona copper industry has averaged about 25,000 workers annually.[5] In 1975, for example, this was about 12% of the State's basic work force.[6] This means that, directly and indirectly, Arizona's copper industry accounted for one of every eight jobs in the State in 1975. In the Tucson metropolitan area, where one-third of Arizona's copper workers live, the figure was one in six jobs.[7]

In terms of personal income, the copper industry was responsible for one out of every eight dollars received in Arizona in 1976. Personal income from copper in Arizona during that year totaled $412.5 million. This represented nearly 12% of the State's basic personal income from such sources as agriculture, mining, export manufacturing, tourism and the federal government.[8]

Copper mining is one of the highest paid jobs in Arizona. Wages and fringe benefits combined amounted to an average of $15,700 in 1975[9] and an average of $17,980 in 1976.[10] In the context of the Commission's hearings, this is especially important because there is little alternative employment available in Arizona where unemployed copper workers can find alternative employment of a comparable pay level.[11]

Moreover, the copper industry has a major indirect influence on the Arizona economy. Over 70% of the mines' equipment, fuel, supplies and other goods and services are purchased in Arizona.[12]

In 1976, copper mining industry purchases in Arizona totaled $379 million. This meant $147 million to the wholesale trade business, $127 million to public utilities, and $52 million to Arizona manufacturing businesses.[13]

In addition, the Arizona copper industry normally pays a substantial share of the tax burden in Arizona. In 1976, the industry paid over $114 million to support State, county and municipal governments and school districts. This included mining property taxes, severence taxes, corporate income tax, payroll taxes and sales taxes on Arizona purchases.[14]

Although all sectors of the State benefit economically from the copper industry, the geographical concentration of the industry gives copper mining an overwhelming importance in certain areas, particularly small, rural communities. For example, a survey prepared by the Bureau of Business Economic Research at Arizona State University in December of 1977 reported that nearly 55% of total civilian employment is provided directly by the mining industry in Greenlee County, consisting of about 12,000 persons.[15]

Thus, the injury caused by imports swells to major proportions in selected communities of the State. Moreover, the adverse effect of imports is concentrated in a single area of the nation, consisting of five Western States, Arizona, Utah, New Mexico, Montana and Nevada, which account for over 80% of total United States copper mining production.[16]

III. COPPER PRODUCTION AND CONSUMPTION

From 1973 to 1978, domestic new copper production decreased by 11%, from 1,718,000 short tons, to 1,518,000 short tons.[17] Total domestic production of refined copper from primary and secondary materials decreased by 18% from 1973 to 1978. Combined production from primary materials and scrap totaled 2,354,702 short tons in 1973 and only 1,880,889 short tons in 1977, including 1,496,184 tons of primary production and 384,705 tons from scrap.[18]

At the same time, foreign production increased. In 1976 and 1977, operating rates at foreign copper mines stood at about 92%.[19] The estimated operating rate of United States copper mines was only 77%, in comparison.[20]

While both domestic mine production and total domestic production of refined copper declined in 1977 over 1976, domestic copper consumption increased in 1977 over 1976. United States refined copper consumption stood at 2,182,036 short tons last year, compared with 1,991,885 short tons in 1976.[21] Thus, even though domestic consumption was increasing, domestic producers suffered a decline in sales.

IV. IMPORTS OF REFINED COPPER

According to the U.S. Bureau of Mines, imports of refined copper for 1977 represented "The highest refined import level since 1969."[22] The total for the year was 390,776 short tons.[23] On the other hand, exports of refined copper were down 54% to 51,529 short tons for 1977, compared to 111,887 in 1976.[24]

Since the total domestic production of refined copper, including production from both domestic and foreign sources and from secondary materials, stood at 1,880,889 short tons in 1977, imports represented 20.8% of domestic production.

As the United States is virtualy self-sufficient in copper in normal years, average annual imports have usually remained well below 10% in recent history. Imports, as a percentage of domestic production, have been under 8% during 11 of the previous 20 years and below 9% in 14 of those years. Except for 1976 and 1977, imports during this entire period have exceeded 8% only in years of exceptional demand, such as time of war or prolonged strike. Thus, the surge of refined copper imports in 1976 and 1977 is unprecedented in recent peacetime experience.[25]

Over half of refined copper imports in 1977 came from government-owned-or-operated mining enterprises in Zambia, Peru and Chile. The respective amounts imported from these countries last year include: Zambia, 77,865 tons, Peru 48,979 tons, and Chile 87,565 tons.[26] The government exercises control over both marketing and production in each of these countries,[27] which is a factor deserving of the Commission's attention.

It is generally recognized that the major copper exporting developing countries face greatly increased foreign exchange requirements in order to finance their growing external debts and pay for constantly increasing energy imports. Most signs from these countries point to their continued production and export of copper at or near full capacity with little regard to market conditions.[28]

For example, exports of refined copper to the United States from Chile were 42,000 metric tons in 1973 and 63,600 tons in 1976, from Peru were 3,503 metric tons in 1973 and 21,519 tons in 1976, and from Zambia were 4,800 metric tons in 1973 and 125,773 tons in 1976.[29]

The over-production by foreign producers has created a surplus of worldwide copper stocks more than one million tons above the normal over-hang. This in turn has depressed prices and been the source of the recent flood of imports or refined copper into the United States.[30]

Notwithstanding this very large over-hang, it is reported that significant expansions in foreign capacity are planned. In fact, the U.S. Bureau of Mines projects that refined copper capacity in South America and Africa, the source of the majority of our copper imports, will increase by 36 percent during the period from 1976 to 1980.[31]

It is not suggested that it is the role of the Commission to condemn these foreign practices, but it is suggested the Commission should take these practices into account as important economic factors which have caused and will continue to cause serious injury to the domestic industry.

The fact that the majority of copper imports originate in countries with nationalized or government-controlled mines that do not operate under the same profit-and-loss ground rules as domestic producers is relevant to the Commission's determination of economic conditions facing the domestic copper industry both in the short-and-long-run.

The fact that significant expansions in foreign capacity are planned raises the real possibility of continued over-supply of copper for the next several years and confirms that imports of copper will remain a substantial cause of serious injury.

Moreover, in carrying out the over-riding intent of Congress as expressed in the section 2 of the Trade Act of 1974, it is relevant for the Commission to note the lack of reciprocity in most of the foreign developing copper-producing nations.

The Congressional statement of purposes in section 2 places great emphasis on achieving "open and nondiscriminatory world trade," assuring "substantially equivalent competitive opportunities for the commerce of the United States," and establishing "fairness and equity in international trading relations."

In this context, it is noted that Chile imposes a 10% ad valorem. Peru imposes a tariff of more than 42% on most refined copper and Zaire sets an 8% tax consisting of a 5% revenue tariff and a 3% statistical tax. Each of these countries applies the taxes on a CIF basis, which further increases their relative weight.[32]

In contrast, the same copper items are subject to a United States duty of only .8c per pound, which is equivalent to 1.3 percent based on the current price of most domestic producers for a pound of copper.[33] Therefore, at least three of the major foreign producing nations impose tariffs on copper imports far above the current United States duty.

In order to implement Congressional intent, it is believed the Commission is authorized to take into account the extent to which these foreign countries have provided equitable and reasonable access to their markets in determining the standard to be met for establishing serious injury. In other words, the Commission may determine to find serious injury, on the basis of a lesser standard than it normally applies, when, as in this case, discriminatory practices exist in the foreign producing country with respect to similar products to those which are the subject of the hearing.

V. ECONOMIC IMPACT OF IMPORTS

The consequences of imports on the domestic copper industry cannot be over estimated. In fact, if relief is not provided, there may be no domestic industry by the mid-1980's.[34]

The impact of copper imports on Arizonans has been succinctly described by the Arizona Mining Association. Referring to the total imports reported for 1977, Mr. J. K. Richardson, President of the Association, has concluded: "We know, here, that had those 390,776 gross tons of copper imported been available to our Arizona mines, we would have had almost 8,500 more jobs within the State and could have produced it all rather than curtailed."[35]

This is a precise estimate of the injury caused by imports to the domestic industry, which leaves no doubt that imports are a substantial cause of serious injury. The fact that 8,500 workers were unemployed because of imports brings to the forefront the human factor, which is even more important than mere dollars and cents statistics.

These 8,500 unemployed workers represent heads of families who suffered a se-

Footnotes at end of article.

vere disruption of their lives because of imports.

The estimate of the total number of unemployed in Arizona due to imports is confirmed by the growing number of unemployed copper workers who have filed claims with the Arizona Unemployment Insurance Bureau for trade adjustment assistance. From the last week of December in 1977, when the Department of Labor first certified Arizona copper workers as being eligible to apply for adjustment assistance, the Bureau has received almost 7,000 applications. This figure is growing daily.[36]

Unfortunately, the first payments of adjustment assistance, which supplements the regular unemployment compensation, could not be furnished until after Christmas. The uncertainty of the copper industry future caused by constantly growing imports, together with the absence of a pay-check, led to greatly diminished Christmas celebrations for thousands of unemployed workers affected by those imports. The magnitude of the human factor should not be slighted in the Commission's consideration of whether serious injury exists.

At its peak, unemployment in the Arizona copper industry reached 10,000 below the recent average employment level of 25,000. From June to September of 1977, Arizona copper industry employment fell from 22,200 to 15,100. The current employment rate is 17,000, which is 5,000 below last year's peak employment and 8,000 below the normal average.[37]

In small, rural communities, there is nothing else for workers to do. Retraining programs are inadequate even in metropolitan areas, such as Tucson, became copper industry salaries are among the highest in the State. Therefore, there are very little replacement opportunities available comparable to the income level of the copper industry.

Mining employment in Arizona remains 42 percent below the 1974 level. The Statewide loss of personal income due to layoffs is estimated at $140,000,000 for 1977.[38] In three counties alone, Gila, Pima and Pinal Counties, the 1977 loss in personal income totaled $90,000,000.[39] This is the direct result of copper industry lay-offs.

The full impact on employment and personal income is far greater at the Statewide level. The loss of jobs in mining leads to the loss of jobs in other civilian employment, since many businesses supply and serve the copper industry.

According to a recent survey of one-third of businesses in a large area of Arizona from South Phoenix to the Mexican border, over 75 percent of the respondents reported a net decrease in revenues when compared with 1976. Only 20 percent of local businesses reported any kind of growth.[40]

One-fourth of the businesses surveyed were forced to reduce their work force.[41] Thus, the study concluded "that the problems facing Arizona copper mines have had severe financial effect not only on the mines themselves, but on towns and cities throughout the State as well." [42] This financial impact was felt by businesses of all types, such as insurance agents, general consumer goods store, and personal care services.[43]

Therefore, it is suggested that the full extent of injury caused by imports cannot be determined by viewing the impact on the domestic copper industry alone, but can only be determined in the context of the snowballing effect of such injury upon related industries.

VI. FINDING OF SERIOUS INJURY AND THREAT THEREOF

Each of the salient facts on the record meets the criteria of section 201 of the Trade Act of 1974 for making an affirmative finding that increased imports have been a substantial cause of serious injury or the threat thereof with respect to the domestic copper industry.

A. Serious injury

First, the significant idling of productive facilities in the copper industry is an all too true development. The record proves that at least two major copper mines in the United States have shut down for an indefinite period of time, and those mines which are still operating are doing so on a curtailed basis designed to minimize losses.[44]

Second, not only does the reduced work schedule caused by imports prevent a significant number of firms from operating at a reasonable level of profit,[45] but the flood of imports has forced domestic producers to lower their prices to levels which prevent them from recovering full production costs.[46]

Third, significant unemployment running into the thousands has been documented as a result of imports.

These three facts prove that serious injury already exists in the domestic industry.

B. Threat of serious injury

The threat of serious injury in the future is proven beyond any question. The domestic copper industry is continuing to experience a decline in sales, a growing inventory of stocks of refined copper, and a downward trend in production and profits. Employment has increased slightly above the steep drop in late 1977, but is still far below normal levels.[47]

Large reserves of copper are known to exist in the same foreign producing countries which have been the major source of increasing imports. Chile, Zambia, Peru and Zaire alone account for 46% of the rest of the world's reserves.[48] It is also known that these countries are planning substantial increases in copper refining capacity.[49]

The will to produce and export at nearly full production, without regard to market considerations, is demonstrated from the recent practice of these countries and other developing nations.[50] In fact, Chile is estimated to have had an operating rate of 106% of capacity in 1977.[51] The need in these nations for increasing amounts of foreign exchange to satisfy growing energy and other development purposes is self-evident.[52]

Thus, the capacity and reason are present in major foreign-producing countries for continuing to flood the United States with refined copper imports. Since the developing country producers have already gained a substantial foothold in the U.S. market, it is only logical and common business sense that they would continue to export refined copper in ever-increasing amounts to this country.

C. Substantial cause

With respect to substantial cause, imports or refined copper in both of the previous years increased to nearly double the average level for the first half of this decade. An increase of 94% in imports is certainly sufficient to warrant a finding by the Commission of substantial cause.[53]

Accompanying this increase in imports, the proportion of the domestic market supplied by domestic producers has fallen from 91% to 82%. Refined copper imports increased to 18% of domestic consumption in 1976 and 1977 from an average of 9% for the period 1970–1975.[54] The resulting increase of 100% in the share of the domestic market held by imports clearly supports a finding of substantial cause.

As discussed in (b), the capacity and purpose to produce and export at even higher levels exists in the developing copper producer countries. Accordingly, the quantity of imports and the proportion of the domestic market supplied by imports will likely increase in the future. These factors demonstrate beyond any doubt that imports are a substantial cause of serious injury and the threat thereof to the domestic industry.

Finally, it is clear that imports are not only an important cause, but the leading cause, of serious injury to the domestic industry. The loss of 8,500 jobs due to imports, which has been calculated by the Arizona Mining Association, is far and above the most serious injury experienced by the industry in 1977. No other problem facing domestic producers can be estimated to have caused unemployment of this magnitude.

VII. CONCLUSION

In summary, the Commission has before it evidence which proves convincingly that increased imports are a substantial cause of serious injury to the domestic copper industry and are a substantial cause of the continuing threat of serious injury to such industry.

It is urged that the Commission act on these facts by recommending to the President the imposition of import restrictions on refined copper sufficient to prevent the domestic industry from becoming merely a residual supplier for copper to the United States market.

A quota on the import into the United States of refined copper is necessary, as distinguished from a mere increase in the small duty on refined copper items, because the major source of imports is in countries whose governments control both marketing and production of copper.

Unless a strict quota is imposed with no loop-holes, government-controlled and government-operated foreign producers are likely to continue their over-enthusiastic copper exports for internal political reasons which are to a great extent immune from normal market constraints. So long as many of the major foreign-copper producers operate under State-controlled economic systems far different from our own free enterprise society, it is believed the only assured method of relief the Commission could recommend is a substantial import restriction on refined copper.

If the domestic industry is allowed to decline to a mere residual supplier of copper in the 1980's, or even if its share of consumption is cut back significantly, the CIPEC copper producing countries of the Third World will be in a similar situation as the OPEC countries are in the Seventies.

In 1973, the year of the Arab oil embargo, imports of oil and oil products constituted 36.1 percent of domestic demand. In 1977, refined copper imports represented 20.8 percent of domestic consumption. If the present trend continues, CIPEC will soon be supplying a similar proportion of our energy needs to that provided by OPEC at the time of the 1973 oil crisis.

The potential of CIPEC countries to capitalize on their control of 2 million tons of copper a year is undeniable. Given the situation in which a badly injured domestic copper industry lacks the ability to respond quickly to fast growing demands, CIPEC will have the power of control over copper supplies and prices and will be able to exercise a tremendous political influence, not only on the United States, but on virtually the entire free world.

Thus, it is suggested the Commission take account of the enormous risk involved in failing to halt the injury being caused by imports and the threat of imports. It is respectfully submitted that the time for positive action on import relief is now, not later, when the domestic industry is so far gone that the national security is jeopardized.

FOOTNOTES

[1] U.S. Department of Interior, Bureau of Mines, *Mineral Industry Surveys, Copper in 1977* (March 28, 1978), p. 3 (hereinafter cited as *Copper in 1977*).

[2] World Bureau of Metal Statistics. *World Metal Statistics* (April 1978), p. 33.

[3] U.S. Department of Interior, Bureau of Mines, *Minerals Yearbook*, 1976 (computer printout).

[4] Copper in 1977, *supra* note 1, p. 3; Arizona Mining Association, *Arizona: Copper Capital, U.S.A. 1977* (Dec. 1976), introduction p. 2 (hereinafter cited as *Arizona: Copper Capital, U.S.A. 1977*).

[5] Source: Arizona Department of Economic Security, Labor Market Information Research and Analysis.

[6] *Arizona: Copper Capital, U.S.A. 1977, supra* note 4, p. 3.

[7] *Id.*

[8] Arizona Mining Association, *Arizona: Copper Capital, U.S.A. 1978* (Dec. 1977), p. 5 (hereinafter cited as *Arizona: Copper Capital, U.S.A. 1978.*)

[9] *Arizona: Copper Capital, U.S.A. 1977, supra* note 4, p. 3.

[10] *Arizona: Copper Capital, U.S.A. 1978, supra* note 8, p. 6.

[11] For comparison purposes, 1977 annual average weekly earnings in selected industries in Arizona were: copper mining $303.58, aircraft and missiles $301.92, construction $347.28, food products $209.44, machinery $188.73, retail trade $160.38, wholesale trade $218.14. Source: Arizona Department of Economic Security, Labor Market Information Research and Analysis.

[12] *Arizona: Copper Capital U.S.A. 1978, supra* note 8, p. 6.

[13] *Id.*

[14] *Id.*, p. 7.

[15] Arizona State University, College of Business Administration, Bureau of Business and Economic Research, *The Arizona Mining Industry: A Workhorse in Trouble* (Dec. 1977), p. 1.

[16] *Copper in 1977, supra* note 1, p. 3.

[17] *Id.*, p. 2.

[18] *Id.*, p. 2 (table 1), p. 4 (table 5).

[19] Source: U.S. Department of Interior, Bureau of Mines. For many years, the norm of world production has been 93% of capacity. Sir Ronald Prain, *Copper, The Anatomy of An Industry* (London: Mining Journal Books Limited 1975), p. 55.

[20] Source: U.S. Department of Interior, Bureau of Mines.

[21] *Copper in 1977, supra* note 1, p. 6.

[22] U.S. Department of Interior, Bureau of Mines, *Mineral Industry Surveys, Copper Industry in February 1978* (March 16, 1978), p. 1.

[23] *Copper in 1977,* supre note 1, p. 6.

[24] *Id.*, p. 7.

[25] See table below:

REFINED COPPER—RATIO OF IMPORTS TO PRODUCTION

	Percent
1958	7
1959	13
1960	7
1961	3
1962	4.9
1963	5
1964	6
1965	6
1966	7
1967	20
1968	20
1969	5.7
1970	5.8
1971	8.1
1972	8.3
1973	8.8
1974	14.0
1975	7.9
1976	19.7
1977	20.8

Imports are calculated as a percentage of domestic refined copper production from primary materials, both domestic and foreign sources, and from secondary materials, and are based on statistics published by the U.S. Department of Interior, Bureau of Mines, in Minerals Yearbook for 1954, 1959, 1964, 1969 and 1974, respectively, and in *Mineral Industry Surveys, Copper in 1977.*

[26] *Copper in 1977, supra* note 1, p. 6.

[27] Sir Ronald Prain, *supra* note 19, chapter 16, pp. 222–238.

[28] *Id.*, pp. 202–203, 269–270.

[29] World Bureau of Metal Statistics, *World Metal Statistics* (April 1978), pp. 47, 56, 67.

[30] See statement by William H. Dresher, Dean, College of Mines, The University of Arizona, The Domestic Copper Industry—*An Industry Under Seige*, presented at The American Copper Council, Copper College, Tucson, Arizona (March 23, 1978), p. 16.

[31] U.S. Department of the Interior, Bureau of Mines, *Mineral Commodity Profiles, Copper - 1977* (June 1977), p. 5 (table 2).

[32] Source: The Library of Congress, Congressional Research Service.

[33] Petition for Temporary Import Relief With Respect to Imports of Refined Copper Filed on Behalf of the Principal Domestic Copper Producers In the Matter of TA-201-32 (Feb. 23 1978), p. 8.

[34] William H. Dresher, *supra* note 30, p. 21.

[35] Letter from H. K. Richardson to Barry M. Goldwater, March 23, 1978 (unpublished letter).

[36] Source: Arizona Department of Economic Security, Labor Market Information Research and Analysis. Over 8,000 Arizonans are certified for adjustment assistance.

[37] *Id.*

[38] *Id.*

[39] *Id.*

[40] *The Arizona Mining Industry: A Workhorse in Trouble, supra* note 15, p.4.

[41] *Id.*

[42] *Id.* pp. 8–12.

[44] William H. Dresher, *supra* note 30, p. 1.

[45] *Id.*

[46] *Petition For Tempoary Import Relief, supra* note 33, p. 2

[47] In Arizona, normal annual average employment in the copper industry is about 25,000. Current employment is only 17,000.

[48] *Mineral Commodity Profiles, Copper—1977, supra* note 31, p. 6 (table 3).

[49] *Id.*, p. 5 (table 2).

[50] See text at note 19, 26–30, *supra*.

[51] Source: U.S. Department of Interior, Bureau of Mines.

[52] Sir Ronald Prain, *supra* note 19, p. 57.

[53] *Copper 1977, supra* note 1, p. 2, with respect to 1975, 1976 and 1977; *Minerals Yearbook, 1974, supra* note 25, with respect to 1970 through 1974.

[54] See table below:

REFINED COPPER RATIO OF IMPORTS TO CONSUMPTION

	Percent
1958	10.2
1959	14.6
1960	10.3
1961	4.6
1962	6.2
1963	6.8
1964	7.7
1965	6.9
1966	6.9
1967	17
1968	21
1969	6.1
1970	6.5
1971	6.1
1972	8.1
1973	8.6
1974	14.3
1975	9.6
1976	19.2
1977	17.9

Source: U.S. Department of Interior, Bureau of Mines, Minerals Yearbook for 1954, 1959, 1964, 1969 and 1974, *Mineral Industry Surveys, Copper in 1977.*●

PROPOSED ARMS SALES

● Mr. SPARKMAN. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is immediately available to the full Senate, I ask to have printed in the RECORD the notifications I have just received. A portion of the notifications, which are classified information, have been deleted for publication, but are available to Senators in the office of the Foreign Relations Committee, Room S-116 in the Capitol.

The material follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., May 18, 1978.

Hon. JOHN J. SPARKMAN,
Chairman, Committee on Foreign Relations, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding under separate cover, Transmittal No. 78-23, concerning the Department of the Navy's proposed Letter of Offer to Australia for major defense equipment, as defined in the International Traffic in Arms Regulations (ITAR), estimated to cost in excess of $7 million.

Sincerely,

ERNEST GRAVES,
Lieutenant General, USA, Director, Defense Security Assistance Agency.

TRANSMITTAL No. 78-23

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION (36) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Australia.

(ii) Total estimated value: Major defense equipment* [deleted], other [deleted], total [deleted].

(iii) Description of articles or services offered: Harpoon missile systems [deleted].

(iv) Military department: Navy.

(v) Sales commission, fee, etc. paid, offered or agreed to be paid: None.

(vi) Date report delivered to Congress: May 18, 1978.

* As included in the U.S. Munitions List, a part of the International Traffic in Arms Regulations (ITAR).●

TRIBUTE TO NELSON ROCKEFELLER

● Mr. McGOVERN. Mr. President, the distinguished New York Times journalist, Mr. James Reston, has written a deserved tribute to Nelson Rockefeller on the occasion of Mr. Rockefeller's 70th birthday.

Mr. Reston properly notes that even in political defeat, Mr. Rockefeller has kept remarkably free of rancor and peevishness. As one who has sometimes been tempted to yield to resentment in the

face of public criticism and political defeat, I especially appreciate the following words from Walter Lippmann as quoted by Mr. Reston:

Perhaps the highest function of a public servant in a free and democratic society is to preserve its oneness as a community while he fights the battles that divide it . . .

How rare it is in public men to accept public criticism without private resentment. To be free of that kind of resentment is a mark of a thoroughbred.

I ask unanimous consent that Mr. Reston's piece be printed in the RECORD.

The article follows:

ROCKY AT SEVENTY

(By James Reston)

WASHINGTON.—Nelson A. Rockefeller is celebrating, or anyway recognizing, his 70th birthday these days, not because he is 70 just yet (he won't be until July 8) but because, like the Queen in Britain, May is more convenient for his friends than July.

Either way, if you have a taste for the might-have-beens of history, this is something more than a social event. If Nelson Rockefeller had been poor, the chances are he might never have entered politics. If he had been a Democrat, he might have overcome the handicaps of being rich and liberal, and made it to the White House. But being rich, Republican and liberal, he now joins the long list of political also-rans who might have been very good Presidents but didn't quite make it.

It is a distinguished list: Hubert H. Humphrey, Adlai E. Stevenson, Alfred E. Smith, John W. Davis, James M. Cox, Charles Evans Hughes, Horace Greeley, Gen. Winfield Scott, John C. Fremont, and, other observers would no doubt add, Henry Clay, William Jennings Bryan, and Wendell Willkie.

Anyway, these comparisons only invite more controversy. The interesting thing about Mr. Rockefeller is that, winning or losing, he has devoted his life to public service. He came to Washington almost 40 years ago at the invitation of President Franklin D. Roosevelt to head the Office of Inter-American Affairs.

He was Assistant Secretary of State for Latin-American Affairs (1944–45); Chairman of the International Developemnt Board (the Point 4 Program), 1950–1951; Under Secretary of Health, Education and Welfare, 1953–1954; Governor of the State of New York, 1959–73; and finally, after the tragedies of Vietnam, Watergate and the Nixon Presidency, Vice President of the United States.

It would be hard to argue that any other Presidential candidate of his own generation had a longer experience of executive responsibility, or a wider training in running large bureaucracies in state or Federal Government, but he was never able to persuade or capture the conservative forces in any Republican Presidential nominating convention.

The heart of the Republican Presidential conventions in his time, if not of the Republican Party as a whole, lay with the Goldwaters, the Reagans, and the Fords, and Mr. Rockefeller had another problem: he was a good manager but a poor campaigner on the national scene, a little ahead of his time on policy, a little behind the time in jumping into the Presidential race.

Yet he had, and still has, certain other qualities that are essential to modern government. He has a gift, rare in these days, for recruiting and using men and women of unusual talents from all over the country. Over the years, he has brought them in from the universities, the press, the city and state governments, and given them more responsibility than most political executives. Henry Kissinger is probably the best example of this capacity to find and pass along exceptional talents.

Mr. Rockefeller also has the unusual personal gift of losing without bitterness. Often he has been tempted, and occasionally he has blown off against his political opponents, but on the whole he has preserved his sense of humor and his sense of history.

This is very unusual among the also-rans. Most of the time, they don't accept political defeat without personal resentment. It is even harder for their wives and children, who love the old man at 70, and tend to rail against the politicians and the press that defeated his ambitions.

Well, you can agree or disagree with Nelson Rockefeller's public record, but on his 70th birthday, it is probably fair to say that in Washington at least, he has no enemies, and even his critics and opponents admire him for his record of public service, especially considering how easy it would have been for him to concentrate on a much easier private life.

It will be interesting to see now where he goes from his 70th birthday, and the guess here is that, liberated from political ambition, he will concentrate on the priorities of the nation.

If you look at his public record, he has been dealing with the fundamental problems of the age: with the relations of the nations of this hemisphere; with the need, as he defined it in his Godkin Lectures at Harvard almost a generation ago, for the defense of freedom within the Atlantic community; with the problems of health, education, and welfare at home; and with the struggles of the poor in the developing nations; and the imperative need for defense against the last of the imperial nations, Soviet Union.

At 40, he was a political accident; at 60 he was a Presidential candidate; at 70, he is coming back to the philosophy of the Republic, and the defense of freedom in the world, and this may be more important in his coming years than almost anything else.●

REDTAPE STRANGLES ENERGY PRODUCTION

● Mr. GOLDWATER. Mr. President, our Nation's dependency on foreign sources of energy is constantly emphasized by officials of the Carter administration when addressing problems of oil and gas supply. This being the case, you would think that some effort might be made to expedite the search for and development of new sources of supply in this country.

However, if you look closely at some individual cases, you will discover that the Federal bureaucracy is either totally unaware of the Nation's energy needs or is completely inept in its efforts to deal with them. My own impression is that the Federal bureaucracy is both unaware and inept.

In this connection, a shocking story was recently brought to my attention by a constituent concerning efforts to develop new oil sources off the Louisiana coast. It tells of a company literally strangling in Government redtape while trying desperately to add significantly to this country's natural gas production. This story as told by the producers, Hamilton Brothers and partners, is one that I am sure can be repeated many times over by others attempting to do something about our energy needs. I ask that the story told by Hamilton Brothers be printed in the RECORD.

The material follows:

REDTAPE STRANGLES ENERGY PRODUCTION
A SHOCKING STORY

After five years of exploration and development at our South Marsh Island Field—at a cost of more than one-half billion dollars—Hamilton Brothers and partners (Producers) are so strangled by Federal red tape and bureaucratic inaction that we have not been able to produce critically needed natural gas from this prolific field.

The Producers risked a total of $256 million in bonuses paid to the Government for three blocks with no clear assurance that any reserves were present. After discoveries were made on the Blocks, a total of $164 million had been spent on development necessary for production. In addition, $63 million was invested in the construction of an anhydrous ammonia (AMPRO) plant at Donaldsonville, Louisiana to produce fertilizer, and an additional $18 million in the construction of a gasoline plant at Patterson, Louisiana to remove liquids such as natural gasoline from the gas which, otherwise, would have been lost. All of this investment was made in good faith to bring gas, oil and fertilizer to the American public.

Despite the desperate demand for these reserves, capable of delivery of 150 million cubic feet of gas and 9,500 barrels of oil and liquids daily, we have experienced unbelievable delays in achieving production. The Blocks were acquired in 1972, and the first discovery wells were drilled early in 1973. In mid-1974 the Producers entered into gas sales contracts which were submitted to the Federal Power Commission (FPC) for approval with the request that a portion of the gas be used in the AMPRO plant for the production of fertilizer, the remainder to go into interstate transmission. First hearings by the FPC were not complete until June 1975. The presiding administrative judge then took six months to publish his ruling and recommendation to the FPC that they grant a 35 percent allocation of gas to the AMPRO plant and permit the field to go on production.

After another fifteen month delay, the Commission issued on March 7, 1977 an order so ambiguous that it could not be relied upon. The Producers and the pipeline purchaser requested the FPC clarify its ruling. In the meantime, a new Federal regulatory agency, the Federal Energy Regulatory Commission (FERC) assumed the duties of the FPC. Nearly a year later, in January 1978, FERC considered the matter again but sent it back to their staff for additional clarification.

In March 1978, an order was handed down denying the use of any of this gas for the fertilizer plant. The field remains shut-in and if this order stands, FERC has demolished a long-standing practice which allows Producers to reserve a portion of their gas for processing into fertilizer and other essential products vital to the nation's welfare. Any court appeal will result in additional time consuming bureaucratic procedures.

Federal bureaucracy has thus held up production urgently required for a period of four years. The reason apparently, Federal officials lack either the desire or the competence to resolve an application which was not different from others that preceded it and received approval. The result is that a large flow of gas into homes, industry, hospitals and fertilizer for the growing of crops in America has been totally curtailed.

We and the entire industry are continually thwarted in our efforts to increase domestic supplies of oil and gas by bureaucratic inefficiency. The effect of these delays on the economy is best demonstrated by the $40 plus billion oil and gas balance of payments deficit suffered by our nation in 1977. Had our source of supply and many others like it been allowed to produce during the periods they were bogged down by environmental delays and bureaucratic inaction, oil

and LNG imports could have been reduced, thus diminishing the staggering balance of payments deficit this country suffered.

At the same time we have all read that certain oil companies stand accused of withholding gas from the market for their own benefit. The truth is that the FPC, now FERC, has been doing the withholding—by failing to make incisive decisions. This coupled with similar delays experienced by every other American industry today accounts to a great extent for the present state of our economy.●

U.N. APPEAL FOR BANGLADESH REFUGEES

● Mr. KENNEDY. Mr. President, in response to the increasingly desperate needs among some 150,000 Burmese refugees in Bangladesh, the United Nations High Commissioner for Refugees issued late last week an urgent appeal for $15.5 million in emergency relief supplies—to meet basic food, shelter and medical needs.

While on a mission to Geneva last week, I had occasion to meet with the High Commissioner, Mr. Poul Hartling, as well as with the Bangladesh Ambassador, to discuss the growing humanitarian crisis among Burmese fleeing violence and chaos across the Bangladesh border. The continued flow of tens of thousands of refugees into Bangladesh over the past several weeks represents not only an immediate humanitarian problem, but a serious diplomatic issue that must be of greater concern to the international community and to the United States.

I am pleased that in the provision of humanitarian assistance the administration has moved rapidly to respond to the United Nations High Commissioner's appeal authorizing an immediate contribution of $500,000 from international disaster assistance funds. I have been assured that more will follow when additional needs are identified. Also, I commend the Agency for International Development for releasing some $2 million in Public Law 480 Food for Peace commodities, providing an immediate food supply for the United Nations High Commissioner for Refugees' effort, and for diverting ships on the high seas for Chittagong.

However, on the diplomatic front, more clearly needs to be done by all concerned to help resolve the root cause of the massive refugee flow into Bangladesh. I urge the Secretary of State to strongly support United Nations initiatives, and to work directly with other governments in the region, to help bring peace and relief to the troubled area along the Bangladesh-Burmese border.

Without strong diplomatic action, the refugee crisis in Bangladesh may fester into a longer term problem that can only threaten peace and stability in the area.

Mr. President, I want to share with the Senate the United Nations High Commissioner for Refugees' appeal which was issued last week while I was in Geneva, and I ask that it be printed in the RECORD along with an article in the New York Times.

The materials follow:

AIDE-MÉMOIRE ON THE UNHCR PROGRAMME OF HUMANITARIAN ASSISTANCE TO NEWLY ARRIVED REFUGEES IN BANGLADESH

INTRODUCTION

1. Since March 1978, refugees from the Arakan state of Burma have been crossing the border into Bangladesh. The main influx began in the second half of April. According to recent estimates by the local authorities, there are now some 150,000 arrivals, of whom 113,000 have been given shelter in eight camps.[1] The remainder are awaiting registration for their entry into the camps. The influx of persons crossing the border continues and the Government fears their number is likely soon to reach 200,000. Almost half of the arrivals are under 15 years of age. Living conditions are extremely difficult and urgent action is required, particularly as pre-monsoon rains have already started in the area.

2. The Government of Bangladesh took immediate steps to meet the needs of these persons, providing food, health services and logistical support. However, in view of the magnitude of the problem and its own very limited resources, the Government addressed a formal request for humanitarian assistance to the Secretary-General of the United Nations and, through its Permanent Representative to the European Office of the United Nations, to the United Nations High Commissioner for Refugees. The Government requested "whatever assistance possible through the aegis of the United Nations and its subsidiary organs" and expressed the wish that the United Nations co-ordinate all external assistance including bilateral contributions. In order that this assistance should be rendered effectively, the High Commissioner has been requested by the Secretary-General to co-ordinate the response of the United Nations system.

3. Pending the preparation of a detailed programme of assistance, urgent measures were taken to meet the immediate needs of the refugees. The World Food Programme (WFP) has approved food commitments to a value of $2,176,000 comprising 6,336 tons. The United Nations Children's Fund (UNICEF) made available transportation facilities, medicaments and other relief assistance including sinking of tube-wells. The United Nations High Commissioner for Refugees (UNHCR) advanced $500,000. The World Health Organization (WHO) has assessed medical needs and is proceeding with urgent procurement.

4. The High Commissioner sent two senior staff members to Bangladesh to assess the situation, in co-operation with UNDP, UNICEF, WFP and WHO. As a result of these consultations and in close liaison with the Government, a programme of humanitarian assistance to the newly-arrived refugees amounting to $15,565,000 has been drawn up. This covers food, valued at $7,900,000, which the Co-ordinator hopes will be contributed in kind on a CIF basis.

5. After consultation and in full agreement with the Administrator of the United Nations Development Programme, the High Commissioner has appointed the UNDP Regional Representative in Bangladesh as his Special Representative. The High Commissioner has assigned a senior UNHCR staff member to ensure liaison between the Special Representative and UNHCR Headquarters and is sending another senior staff member to assist the Special Representative as Chief of Field Operations.

[1] The camps are Kutupalong, Anjumanpara, Whylong, Nhila, Ledha, Ghundung, Naikhyonchuri and Dechuapalong. The first five camps are located between Ukhia and Tokna in Chittagong district. The other three are in Chittagong Hill Tracts district.

IMPLEMENTATION AND CO-ORDINATION OF THE PROGRAM

6. The Government of Bangladesh is establishing a special interministerial committee, on which UNHCR will be represented. Within the United Nations system various components of the programme will be implemented by members of the United Nations system in their respective fields of competence.

7. Regular interagency meetings are taking place in Bangladesh. Such governmental and voluntary agencies, in particular the Bangladesh Red Cross Society, with assistance from the League of Red Cross Societies, are already active in bringing assistance to these persons. Close co-operation is being maintained with these bodies as well as with other non-governmental organizations concerned.

8. Noting the wish of the Government of Bangladesh that the United Nations co-ordinate all external assistance, the Co-ordinator would be grateful if Governments, non-governmental organizations and private agencies would keep him informed of their intentions and actions, including details of bilateral contributions.

REQUIREMENTS

9. In view of the continued influx of refugees, the programme provides for the basic needs of an estimated 200,000 persons for the period May through December 1978. It covers five major sectors: food; shelter; health, sanitation, water supply and communal services; clothing and blankets; transportation and vehicles. Details are given below and a summary budget is attached as Annex I. The summary budget covers total requirements, including those presented in the appeal made by the League of Red Cross Societies on 18 May 1978. A summary of assistance so far made available and known to the Co-ordinator is shown at Annex III. The estimated requirements indicated below are based on information available to date. The Co-ordinator will make any budgetary adjustments required, within the limits of the resources placed at his disposal, in the light of the prevailing situation.

(a) Food, $7,900,000.

Some 25,500 tons of food are required to meet the basic nutritional needs of the refugees. It is hoped that food will be contributed in kind, in particular in the form of wheat, soy-fortified sorghum grits (SFSG), rice, vegetable oil, fish protein concentrate and dry skimmed milk, which are not available locally. Requirements are as follows:

(In Metric tons)

Wheat, 7,680.
Soy-fortified sorghum grits (SFSG), 5,520.
Rice, 7,680.
Vegetable oil, 1,656.
Fish protein concentrate, 1,536.
Dry skimmed milk, 672.
Sugar, 288.
Salt, 384.
Tea, 58.

Valued at standard WFP evaluations for overseas markets and the Government's mandatory prices for the local markets, these commodities total $7.9 million.

(b) Shelter, $1,100,000.

The refugees are now living in very precarious conditions, often without shelter. It is planned to build 4,000 communal shelters, each able to accommodate 50 persons. Labour and local materials, in particular bamboo, required for this purpose will cost $1 million. In addition, 16 square feet of plastic sheeting per person will be required, a total of 3.2 million square feet at a cost of $100,000.

(c) Health, Sanitation, Water supply and Communal Services, $2,465,000.

Health and sanitation conditions in the camps are extremely bad and, in view of the prevalence of epidemic diseases such as malaria, intestinal parasites, dysentery and cholera, a comprehensive health programme and adequate sanitation are urgently re-

quired. The situation is aggravated by lack of drinking water.

(i) Health. Two temporary hospitals of 50 beds each are needed. Their construction including equipment and supplies will cost $300,000. An initial list of the general drugs and medicaments expected to be required for the whole caseload is attached as Annex II, for the information of donors who wish to contribute in kind. These needs are estimated at $1 million, giving a sub-total of $1.3 million.

(ii) Sanitation. 30 sanitation units will be provided, each to serve approximately 1,000 persons, at a cost of $270,000, plus $20,000 running costs. Trench latrines will be dug for 170,000 persons at a cost of $75,000, giving a sub-total of $365,000.

(iii) Water supply. 1,200 tube-wells are needed at an estimated cost of $400,000.

(iv) Communal Services. These and essential domestic items such as soap and cooking fuel are estimated at $400,000.

(d) Clothing and blankets, $1,500,000.

Many persons arrive without any personal belongings other than the clothes they are wearing. It is planned to provide:

Estimated costs. 100,000 sarees, $240,000; 100,000 lungees, $140,000; 100,000 vests, $100,000; 100,000 blouses, $100,000; 200,000 children's garments, $200,000; 120,000 woolen blankets, $720,000.

(e) Transport and vehicles, $1,900,000.

(i) Overseas food transport. Transport costs for the five items of food supplies not available locally (see (a) above) would amount to $1,080,000 at current rates. It is hoped, however, that these costs will be covered by contributions in kind made on a CIF basis.

(ii) Inland food transport. Costs for this would amount to $440,000 at prevailing local rates, including handling, storage and related expenses.

(iii) Vehicles. The area of locations of the refugees is difficult of access and will become more so when the monsoon breaks. In addition to existing transport facilities in the area, the following will be required:

8 5-6-ton trucks, $100,000; 15 light vehicles (minibuses/4 wheel-drive type), $90,000; 5 ambulances, $50,000.

Running costs are estimated at $140,000, giving a sub-total of $380,000.

(f) Contingency reserve and programme support, $700,000.

Every effort will be made to restrict programme support costs. An amount of $700,000 is estimated to cover the programme support and any unforeseen needs.

ANNEX I

UNHCR Programme of Humanitarian Assistance to newly-arrived Refugees in Bangladesh

(Summary of budgetary estimates: May–December 1978)

(In United States dollars)

(a) Food: 25,500 tons, 7,900,000; (b) Shelter, 1,100,000; (c) Health, sanitation, water supply and communal services, 2,465,000; (d) Clothing and blankets, 1,500,000; (e) Transport and vehicles, 1,900,000; (f) Contingency reserve and programme support costs, 700,000.

Total: 15,565,000.

ANNEX II

UNHCR Programme of Humanitarian Assistance to newly-arrived Refugees in Bangladesh

List of medical requirements

Item(s)	*Quantities required*
Chloroquine (tablets, 150 mg)	7,200,000
Primaquine (tablets, 15 mg)	4,400,000
Fansidar (tablets, Sulfadoxine, 500 mg and Pyremethanite, 25 mg)	800,000
Quinine Bihydrochloride (Ampoules, adult dose)	40,000
Chloroquine (Ampoules, adult dose)	40,000
D.D.T. (powder) (tons)	24
Cholera cots (pieces)	2,600
Oralyte (packets)	1,150,000
Ampicillin, 250 mg/Bactrim	2,400,000
Halogen tablets	20,000,000
Tetracycline, 1% eye ointment tubes	2,000,000
Tetracycline syrup, 100 ml bottles	800,000
Cotton wool (kg)	5,000
Gauze, 100-metre rolls	10,000
Bandages, 3" x 5 metre rolls	40,000
Adhesive plaster, 1" rolls	16,000

ANNEX III

UNHCR PROGRAM OF HUMANITARIAN ASSISTANCE TO NEWLY ARRIVED REFUGEES IN BANGLADESH

[Summary of known external assistance as at May 25 1978; in U.S. dollars]

Donor	Contributions in cash	Contributions in kind: Items	Contributions in kind: Value
A. Governments:			
Australia	3,409	Vitamin tablets, medical and sanitation equipment.	(1)
Canada	204,464		
Denmark		Medicines	(1)
France		do	(1)
Japan	9,009		
New Zealand	1,020		
United Kingdom	21,938	Charter cost 1 707 aircraft United Kingdom—Bangladesh.	(1)
		310 rolls plastic sheeting	56,673
		Medicines	29,250
B. United Nations system:			
UNHCR	500,000		
B. United Nations system—Continued.			
UNICEF		Use of 2 5-ton trucks for 90 days; 25 drug-diet kits; 10,000 packets rehydration salts; 40 bales tarpaulins; sinking of 50 tube wells.	(1)
WFP		2,880 MT wheat; 2,880 MTSFSG/rice; 576 MT fish protein concentrate.	2,176,000
C. Non-governmental and others:			
Bangladesh Red Cross		Tents, clothing, blankets, food, medicaments.	(1)
Muslim World League	11,688		
Swiss Red Cross	51,813		
OXFAM and other United Kingdom voluntary agencies.		363 rolls plastic sheeting; 50 bales children's clothing; 4 sanitation units; 5 cases medical supplies.	(1)
Total	803,341		(1)

[1] Not available.

[From the New York Times, June 3, 1978]

BANGLADESH, SAD HAVEN FOR FLEEING BURMESE

(By William Borders)

TEKNAF, BANGLADESH, June 2.—This remote corner of one of the world's poorest countries is straining to feed and sustain 150,000 Moslem refugees who have streamed across the border from Burma in the past few weeks.

Fleeing what they say is religious persecution at home, the refugees, miserable and wretched in the heavy monsoon rains, are huddled in 10 camps hastily thrown together here in the southeast of Bangladesh, and their number is growing by a few thousand every day.

With tears and signs of hopelessness, they tell stories of rape, harassment and plunder by Burmese soldiers and other members of Burma's Buddhist majority, and they say bitterly that now they can never go back.

ENOUGH FOOD FOR NOW

"They don't want us there," said a man sitting with his wife and three young, naked children in a crowded shed of bamboo and palm fronds. "We did not have much at home, but they have taken it all from us and now we have nothing."

Because of a quick response by United Nations agencies and because this has been a rather good crop year for Bangladesh, the refugees have enough food—although just barely. But many are sick from bad sanitation or from exposure on the 20- to 30-mile walks getting here. As of this morning, there had been 303 deaths in the camps since late in April when the trickle of refugees coming in little boats across the sluggish, brown Naf River suddenly swelled to a flood. There have also been 184 births.

Because Burma is all but closed to Western correspondents unless they pose as tourists, it is impossible to know what prompted the exodus into Bangladesh, which is 85 percent Moslem. The Burmese Government says that the refugees are not citizens but people who left this area years ago seeking a better life and are now fleeing to avoid census checks that would expose them as illegal immigrants.

ISSUE OF CITIZENSHIP

"The word spread through the villages that our immigration agents were checking," a Burmese diplomat said. "And then when they would get to the next village, they would find it deserted."

The Bangladesh Government, which insists that the help it is giving is temporary and that the refugees cannot stay, says the refugees are Burmese and are being thrown out simply because they are Moslem and ethnically similar to the Bengalis rather than Buddhist and ethnically Oriental, like 85 percent of Burma's 30 million people.

Bangladesh, which has a population of 85 million in a land the size of New York and New Jersey together, cannot feed itself even in good crop years, like this one, without huge amounts of foreign aid. This year, its people produced 13 million tons of grain but consumed 15 million.

Because wheat, rice and other foods happen to be available in storage, Bangladesh has been able to feed the refugees, but United Nations agencies had to guarantee to replenish the stocks so there would be no loss of food to this country, which is by many economic standards one of the world's most hopeless.

ONE MAN'S ACCOUNT

All of dozens of refugees interviewed today and yesterday said they had been born in Burma, and many produced faded yellow identity cards, carefully preserved in plastic, that they regarded as proof of citizenship. But Burmese law does not automatically grant citizenship to someone born in Burma unless enough of his forebears were citizens, and the Government says that many refugees who think they are citizens actually are not. Burma's reasoning sounds like a fine, legalistic distinction to the thousands of unwanted people streaming down the palm-lined highway searching for a place to put down their loads and unroll their little grass mats.

Aftab Hussain, a wizened old man in a red-checked sarong who was carrying a basket with a few battered cooking pots in it, described the conflict this way:

"For years, ever since President Ne Win came in, they have all been saying to the Moslems: 'You don't belong here. You are not really Burmese. You belong in Pakistan or Bangladesh and you should go there.' "

Mr. Hussain said that two weeks ago, Burmese soldiers stormed into his village, about 10 miles from the border, and told all the Moselms to pack up and leave the Buddhist residents undisturbed. In one of many similar refugee accounts, he said that the soldiers had raped some of the women and taken others away, and that some of the young men had also been taken away.

"Then we knew it was over, and so we left," he said, reaching for his grandson's hand as they resumed trudging down the road toward the camp, a cluster of huts that are makeshift dormitories for fifty or a hundred people each.

After years of tension between religious groups, which is not uncommon in Asia, Burma's timing of whatever official action prompted this mass movement remains a puzzle. Tobarak Hossain, Bangladesh's Foreign Secretary, speculated the other day in Dacca, the capital, that the Burmese might have assumed that his Government would be preoccupied now with the campaign for tomorrow's presidential election.

NOTHING—ON EITHER SIDE

"But whatever the reason, we cannot even contemplate letting these people stay," Mr. Hossain said. "Bangladesh is a very poor country and we cannot absorb this kind of influx. Of course, we will give emergency help now, but they must go back. Every country has minorities, and the Burmese cannot simply throw theirs out." In the latest of several diplomatic exchanges on the subject, the Foreign Secretary is taking a delegation to Rangoon next week to discuss the problem.

Last week, Poul Hartling, the United Nations High Commissioner for Refugees, appealed for what he called a "major international humanitarian assistance effort, urgently required." He asked member nations for $15.5 million, half of it for food to last 200,000 people through December and half for emergency supplies, such as the plastic sheeting that keeps most of the rain out of the bamboo huts.

The refugees are not supposed to leave the camps, and when they do, they are often not greeted kindly. In Bangladesh, it is almost impossible to be out of sight of other people; every tiny plot of land is jealously cultivated and there is no surplus for strangers.

"They say there is nothing for us here in Bangladesh," commented a young woman who sat in the little corner allotted to her, playing sadly with a listless child who seemed badly malnourished from years—not weeks—of not getting enough to eat.

"They tell us we cannot stay here. But on the other side of the river, at home, they said we could not stay there either. Where can we stay? What will we do?" And then she buried her face in the hem of her tattered and dirty blue blouse and silently sobbed.●

THE ALASKAN WILDERNESS

● Mr. RIEGLE. Mr. President, on April 3, of this year, I inserted in the RECORD an editorial from the Detroit Free Press dealing with the issue of regulation of the Alaskan wilderness. Since that time I have become a cosponsor of the bill to protect that great natural resource, S. 1500.

Now, another editorial has appeared in the Free Press and I request that it be printed in the RECORD, in order that it might be made available to my colleagues.

The people of Michigan support this effort to protect for the Nation and unborn generations the great abundance of resources in Alaska, both the splendor of that State's beauty and the oil, gas, minerals, and other valuables to be found within the State.

We are speaking of the disposal of public lands, lands paid for out of the General Treasury of the United States and under the control of the peoples' Government. That their disposition should be determined with a mind toward the greatest benefit for the greatest number, and not for a few wealthy speculators and corporations is altogether proper.

Mr. President, quoting the Free Press, I will "fight for what is at stake in Alaska: the last, wild legacy of creation, the last majestic wilderness Americans will ever see."

The article follows:

[From the Detroit Free Press, May 16, 1978]

ALASKA: MICHIGAN CONGRESSMEN SHOULD JOIN THE BATTLE TO SAVE AMERICA'S LAST MAJESTIC WILDERNESS

The most important land conservation issue of our generation, perhaps of our century, will reach the House floor this week. It is the Alaska lands bill, a chance to preserve the most stunningly beautiful wilderness left on this planet.

But the form in which the bill will be passed remains in doubt. Already it has been weakened and stripped down in committee. Congressmen who are too sympathetic to mining and development interests will be fighting hard to reduce the wilderness areas even more and to open to exploitation vast reaches now designated as national park preserves and wildlife refuges. And Rep. Lloyd Meeds, D-Wash., has introduced a completely unacceptable substitute bill which reduces the acreage to be saved, opens the Arctic National Wildlife Range to oil and gas drilling and slashes in half the areas designated as wilderness.

A few Michigan congressmen have worked diligently to preserve Alaska's grandeur for all the American people. Democrats David Bonior, William M. Brodhead and Robert Carr are among the bill's sponsors. Rep. Bonior has indicated he will offer amendments on the floor to restore lands stripped from the bill in committee and to tighten mining access provisions.

Republican Rep. Guy Vander Jagt was instrumental in setting up the process that led to the selection of lands in the bill; we hope he will wield his great influence with his colleagues to help defeat attempts to weaken it. Another Democrat, John D. Dingell, has worked to expand and strengthen the wildlife refuge system.

There will be other environmental challenges and threats to be met in our time, from the future of nuclear power to the spoilation of the seas and the toxic poisoning of our habitat; but on the single, simple issue of conservation—of saving the land for future generations—nothing will be more important than the Alaska lands bill.

The bill sets aside 100 million acres as parks, national forests, wildlife refuges and wild and scenic rivers. The lines have been drawn to leave the richest oil and mineral deposits open to development, and vast tracts open to logging. This is not a bill that locks up valuable resources; it is the bare minimum necessary to preserve the unique and diverse Alaskan landscape from thoughtless destruction.

The time has come for all the Michigan delegation to recognize and fight for what is at stake in Alaska: the last, wild legacy of Creation, the last majestic wilderness Americans will ever see. We can never create anything as precious or beautiful; but we can destroy it. That must not happen. A strong Alaskan lands bill must be passed.●

THE TUITION TAX CREDIT

● Mr. McGOVERN. Mr. President, today's Washington Post carries a provocative letter to the editor from Mr. David W. Breneman, a senior fellow at the Brookings Institution, relative to the tuition tax credit.

I ask that this article be printed in the RECORD.

The article follows:

THE TUITION TAX CREDIT AS A "CRUEL HOAX"

As Congress rushes toward enactment of a tuition tax credit, a cruel hoax is being played on the majority of U.S. taxpayers. The broad political support for this legislation indicates that many citizens believe that they will be better off financially if it is passed. In fact, the enormous drain on treasury revenues implicit in such credits—estimated at between $1 and $5 billion annually depending upon size of credit and coverage—will be paid for by all of us through reduced opportunity for broad-based tax cuts or through inflation.

If the tax credit forces Congress to scale back broader tax reforms, then those who will benefit will be the minority of taxpayers who are currently paying tuition, either for themselves or for their dependents. Since a disproportionately large number of the families in this group have incomes in excess of $25,000, tax relief for everyone is being foreclosed by selective relief for the most affluent, a curious approach to taxpayer equity.

Alternatively, the credit may simply result in larger budget deficits. It is equally curious that at a time when the economy requires a fiscally prudent approach to deficits to reduce inflationary pressure, a proposal to reduce treasury revenues substantially should receive such wide support. Some may believe that the loss of revenues will force offsetting spending cuts, but the budgetary process renders that belief unfounded and naive. In fact, two of the sponsors of this legislation, Sens. Bob Packwood (R–Ore.) and Daniel Moynihan (D–N.Y.), went to some length in the Senate Finance Committee hearings to reassure the education community that these tax expenditures would not come at the cost of reduced federal spending for other education programs. And they are undoubtedly correct in that assessment: Tax expenditures simply are not forced to compete with direct-spending measures that are the province of separate authorizing and appropriating committees.

The most likely outcome if tuition tax credits are enacted, therefore, is simply larger budget deficits and increased inflation, the cruelest tax of all.

If these economic and budgetary realities were not reason enough to be wary—on grounds of rational self-interest—of this legislation, the final blow will be delivered by the nation's colleges and universities in the form of increased tuition. If the entire tuition-paying student body of each campus suddenly receives a tax credit equal to $250 or more against tuition paid, colleges and universities will seize the opportunity to capture the credit for themselves through equivalent tuition increases. University officials will reason that students' families will be no worse off after the tuition increase than before and in fact, may "benefit" from the illusion of tax relief), and thus will convert the measure indirectly into institutional assistance. It may be that direct, per capita aid to colleges and universities is needed as the next step in federal higher education policy; however, it would surely be preferable to debate that issue openly rather than introduce it through the back door in the guise of tax relief.

Have we as a nation become so gullible that tax measures working against the self-interest of the majority can be swept into law on a groundswell of anti-government feeling? Are we prepared to devote a sizable amount of the general tax reduction proposed by President Carter to that part of the population currently paying tuition, including a disproportionate number of high-income families? Before final action on this legislation is taken, it would behoove each taxpayer to assess the costs and benefits realistically, and make that judgment known.

By any rational calculation, tuition tax credits should be overwhelmingly defeated.●

AMERICAN PUBLIC OVERWHELMINGLY SUPPORTS STRONGER GUN CONTROL

● Mr. KENNEDY. Mr. President, over the past weekend, the Center for the Study and Prevention of Handgun Violence released a study showing broad national support by the American public for more effective handgun controls.

Among the results of this new nationwide survey, conducted by Cambridge Reports, was the finding that an overwhelming majority of the people—84 percent—favor strict Federal laws for the registration of handguns. According to the study, the current support is 14 percent higher than in previous surveys.

The poll also shows that 74 percent of the public favors legislation requiring a license to own a handgun.

These new figures provide dramatic evidence of the vast nationwide concern that exists for effective measures to bring an end to the epidemic of gun violence that plagues the United States. It is unacceptable for Congress to continue to permit a small minority of vocal lobbyists to thwart the will of the people of this country. I hope that all Members of Congress will examine the results of this new survey and resolve to work even harder to achieve the goal of enacting the responsible gun control legislation that is needed.

Mr. President, I ask that the survey be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

[News release of the Center for the Study and Prevention of Handgun Violence, Philadelphia, Pa., Dr. Milton S. Eisenhower, Chairman, June 3, 1978]

AMERICANS WANT MORE EFFECTIVE HANDGUN CONTROLS, SURVEY SHOWS

FORTY-NINE PERCENT WOULD VOTE FOR CANDIDATES FAVORING STRONG LEGISLATION

American citizens continue to favor more effective federal legislation to curb handgun violence.

Even citizens owning handguns are in favor of more stringent regulations for the registration and use of these weapons.

Moreover, public concern about handgun violence is so strong that 49 percent of citizens would be more inclined to vote for candidates who favor handgun controls, while only 28 percent would be less inclined to do so.

These are among the findings of a new nation-wide survey disclosed by Dr. Milton S. Eisenhower, chairman of the Center for the Study and Prevention of Handgun Violence, a Philadelphia-based research and educational organization. The study was conducted by Cambridge Reports, Inc., an organization specializing in public attitude surveys.

Seventy-four percent also require the registration of all handguns now in possession of civilians, and 20 percent opposed.

Concern about handgun control is not restricted to people who do not own such weapons. Among those who own handguns, 74 percent indicated they would require registration of all handguns at time of purchase or transfer, and 59 percent of handgun owners favor registration of all handguns now in civilian possession.

There is also widespread interest in establishing stringent licensing laws governing the use of handguns. On the question of legislation requiring a license to own a handgun at all, 74 percent are in favor, and 21 percent are opposed. An even larger number, 79 percent, favor requiring a license to carry a handgun outside of the owner's house or place of business.

American citizens not only want to be able to keep track of who own guns and where and how they are used, but they also are tough on those who misuse the weapons; 83 percent of the public wants mandatory prison sentences for all persons using a handgun in a crime. There is less support, though still a majority of 55 percent, for mandatory prison sentences for those who carry handguns outside of their house or business without a license.

The survey also indicates that the public strongly favors banning the so-called Saturday Night specials. When the question referred to banning the future manufacture and sale of "non-sporting type handguns," the unfamiliar phrase brought a 48 percent favorable response. When the question referred to the more familiar "small, cheap, low quality handgun," the favorable response rose to 70 percent.

Although the majority of adults oppose such a drastic step, one in three even would go so far as to favor banning the manufacture and sale of all handguns.

There is even a "hard core" of anti-handgun people, one American in three or four, who wish to use public funds to buy back and destroy existing handguns, either voluntarily or on a mandatory basis.

The survey finds that there is a handgun owner in one household out of four in the nation and more than one American adult in 10 has been involved in a threatening experience with a handgun. About 23 percent of the public think it likely they will be a victim of handgun violence in their lifetime.

Protection of the home and family was the most prevalent reason (43 percent) for the civilian's purchase of a handgun.

In its conclusions, the survey states: "It is clear from the overwhelmingly favorable responses to regulations governing the purchase, use and availability of handguns that the American public wants handgun control legislation.

"Indeed, people are so concerned about handgun control that it even affects their political behavior. As the (survey) shows, a plurality of Americans would be more inclined to back a candidate who favors handgun control."

The Center for the Study and Prevention of Handgun Violence, sponsor of the survey, was formed under leadership of Dr. Eisenhower to reactivate the study of American handgun violence which he began as head of the National Commission on the Causes and Prevention of Violence. He was appointed Chairman of the Commission by President Lyndon Johnson in 1968.

The Center's board of directors includes Dr. Marvin E. Wolfgang, University of Pennsylvania; Dr. Franklin E. Zimring, University of Chicago Law School; Lloyd N. Cutler and James S. Campbell, Washington, D.C., and Nelson T. Shields, Wilmington, Del.

A summary of the survey findings is enclosed for your information. Questions concerning the survey may be directed to Mr. Jonathan Carlson Cambridge Reports, 10 Moulton St., Cambridge, Mass. Telephone: 617–661–0110.

SUMMARY OF FINDINGS BY CAMBRIDGE REPORTS, INC.

INTRODUCTION

This overview summary, prepared by a well-known research agency Cambridge Reports, Inc., presents findings of a national survey measuring public attitudes toward hanguns. Cambridge Reports, Inc. surveyed 1500 American adults, selected in a manner to reflect the views of the whole adult population of the United States. The interviews were conducted between April 20 and May 15, 1978, by trained, professional interviewers under the supervision of the Corporation's field staff. The explanations preceding each set of data are Cambridge Reports' interpretations of their findings.—The Center for the Study and Prevention of Handgun Violence.

OBJECTIVES

The basic objectives of this survey were:

To measure citizen awareness, knowledge of and attitudes toward handguns,

To measure in-depth, citizen knowledge of and attitudes toward the control of handguns.

OVERALL POLICIES ABOUT HANDGUN CONTROL

We began our summary with an analysis of data related to American's attitudes toward the control of handguns.

We asked a series of question about attitudes people have regarding:

The sale of handguns;

The purchase of handguns;

Handgun registration;

Licensing;

Sentencing of criminals who have used a handgun in the course of their misdeed;

Possible banning of handguns; and

Repurchase of existing handguns by the state of national government.

As you will see on examining the following table, Americans are strongly in favor of controlling who owns a handgun.

Here are some specific proposals that have been made for controlling handgun violence. Would you tell me whether you would strongly favor, somewhat favor, somewhat oppose or strongly oppose each proposal with respect to civilians only. Law enforcement personnel would not be affected.

[In percent]

	Strongly favor	Somewhat favor	Somewhat oppose	Strongly oppose	Don't know
Institute a waiting period before a handgun can be purchased to allow for a criminal records check?	74	14	4	3	5
Strengthen the rules for becoming a commercial handgun dealer	63	18	7	5	7
Crack down on illegal handgun sales	72	13	5	6	5

Continuing with this same series of questions we see that the general public strongly favors regulations governing the purchase of guns as well as controlling those who sell guns. A vast majority of the public wants gun registration, including guns which are already owned.

[In percent]

	Strongly favor	Somewhat favor	Somewhat oppose	Strongly oppose	Don't know
Require prospective handgun purchasers to get a permit or license to purchase	65	17	7	7	5
Require the registration of all handguns at time of purchase or transfer	67	17	5	7	5
Require the registration of all handguns now owned	57	17	9	11	6

This concern about handgun control is by no means restricted to people who do not have handguns and fear those who do. As we see in the following table, a vast majority of people from households where there are guns are in favor of regulations requiring registration of handguns, including those presently owned. Support from people who do not have handguns is even stronger.

[In percent]

	Strongly favor	Somewhat favor	Somewhat oppose	Strongly oppose	Don't know
Require prospective handgun purchasers to get a permit or license to purchase:					
Handgun	53	18	11	14	4
No handgun	71	16	5	3	5
Require the registration of all handguns at time of purchase or transfer:					
Handgun	57	17	7	16	3
No handgun	72	17	3	3	4
Require the registration of all handguns now owned:					
Handgun	44	15	11	24	6
No handgun	63	18	8	6	5

Furthermore, there is substantial interest in establishing stringent licensing laws governing the use of handguns.

[In percent]

	Strongly favor	Somewhat favor	Somewhat oppose	Strongly oppose	Don't know
Require a license to own a handgun at all	58	16	10	11	6
Make the rules for a license to own a handgun stricter	55	17	10	11	8
Require a license to carry a handgun outside of one's house or place of business	61	18	8	8	6
Make the rules for getting a license to carry a handgun outside of one's house or place of business strict	57	19	9	10	5

Looking again at people in households where there are handguns we find considerable support for making rules and regulations governing use and carrying of handguns more stringent. And, people who do not live with handguns are even more likely to feel strongly that registration and licensing need to be up-graded.

[In percent]

	Strongly favor	Somewhat favor	Somewhat oppose	Strongly oppose	Don't know
Require a license to own a handgun at all:					
Handgun	40	13	16	26	5
No handgun	66	17	7	5	5
Make the rules for a license to own a handgun stricter:					
Handgun	37	18	15	25	5
No handgun	62	17	9	5	8
Require a license to carry a handgun outside of one's house or place of business:					
Handgun	45	17	13	21	5
No handgun	68	18	5	4	5
Make the rules for getting a license to carry a handgun outside of one's house or place of business strict:					
Handgun	46	15	14	22	3
No handgun	63	20	7	5	5

The public not only wants to be able to keep track of who has guns and where they are and how they are used, but also, Americans come down hard on people who have misused guns. Eighty-three percent of the public wants mandatory prison sentences for all persons using a gun in a crime. There is less support, though still a majority, for mandatory prison sentences when people carry handguns outside of their house or business without a license. Which means that, in fact, the call for licensing we have just seen is taken very seriously.

[In percent]

	Strongly favor	Somewhat favor	Somewhat oppose	Strongly oppose	Don't know
Require mandatory prison sentences for all persons using a gun in a crime	68	15	6	6	6

[In percent]

	Strongly favor	Somewhat favor	Somewhat oppose	Strongly oppose	Don't know
Require mandatory prison sentences for a l persons carrying a handgun outside without a license to do so	38	17	17	21	8

Licensing and registration are not the only concerns people have about handguns. We find that the public is very interested in banning what have come to be known as "Saturday Night specials."

[In percent]

	Strongly favor	Somewhat favor	Somewhat oppose	Strongly oppose	Don't know
Ban the future manufacture and sale of non-sporting type handguns	33	15	20	21	11
Ban the future manufacture and sale of small, cheap, low quality handguns	54	16	10	13	7

One adult in three in this country even goes so far as to advocate banning the future manufacture and sale of all handguns, although the majority oppose such a drastic step.

[In percent]

	Strongly favor	Somewhat favor	Somewhat oppose	Strongly oppose	Don't know
Ban the future manufacture and sale of all handguns	23	9	22	36	10

There is even a "hard" core of anti-handgun people, one American in three or four, who wish to use public funds to buy back and destroy existing handguns, either voluntarily or on a mandatory basis, as we note on the following page.

[In percent]

	Strongly favor	Somewhat favor	Somewhat oppose	Strongly oppose	Don't know
Use public funds to buy back and destroy existing handguns on a voluntary basis	22	11	19	37	11
Use public funds to buy back and destroy existing handguns on a mandatory basis	19	7	17	45	12

Basic involvement with handguns

People establish values and make policy decisions on the basis of their own experience and what they learn from others. For this reason we shall turn to looking at the extent to which Americans have direct contact with handguns.

We began our survey of handguns in American society today by asking respondents to tell us about their direct involvement with handguns.

We first asked whether someone in the household was a handgun owner. As the table shows, there is a handgun owner in one household out of four in this country.

Does anyone living in this immediate household own a handgun or pistol or not?

(In percent)

Yes	24
Not sure	4
No	72

We asked about other encounters with a handgun.

Have you ever been attacked or threatened with a handgun? [If so] Were you injured or not?

(In percent)

Yes, not injured	9
Yes, injured	2
No, never	89

More than one American adult in ten has been involved in a threatening experience with a handgun. How many people think they will actually have such an experience in their lifetime?

How likely do you think it is that you will be a victim of handgun violence in your lifetime: very likely, somewhat likely, possibly but not likely, or next to impossible?

(In percent)

Very likely	8
Somewhat likely	15
Possibly, but not likely	51
Next to impossible	14
Don't know	12

Anticipation of being a victim of handgun violence is greater among those living in urban and suburban settings than among people in rural environments (28% vs. 14%); and we note that urban/suburban dwellers are slightly more often involved in such incidents than people in rural areas (11% vs. 7%).

On querying why people purchase handguns we learned that protection is the overwhelming reason offered. Despite a slightly lower incidence of handgun violence and a much lower expectation of encountering handgun violence, rural respondents are a bit more likely to say they are buying a handgun for protection than are people in more urban settings.

Why did that person in your household buy a handgun or pistol?

[In percent]

	Overall	Urban	Sub-urban	Rural
Protection, protect home and family	43	43	40	46
Target shooting or practice	9	6	18	4
Hunting	8	8	4	13
Employment related, police officer, sheriff's department	8	6	13	5
Sport	6	5	6	8
Collecting	5	4	7	6
Was a gift	5	9	2	2
I like guns, for fun	4	3	3	5
Always had one, family always had one	3	4	1	2
Other	7	8	6	8
Don't know	3	6	2	1

Recapitulation

The purpose of this study was to measure citizen awareness, knowledge of, and attitudes toward handguns and hangun control. We have just seen in this last chapter that guns directly affect the lives of many Americans.

One household in four has a handgun in it;

Every second household with a handgun in it has that handgun for "protection";

In only one household with a handgun in four has the gun a recreation function; and

One American adult in ten has been threatened cr attacked by a handgun.

Americans don't just own handguns or have to deal with handguns in stressful and life threatening situations. People in this country who own handguns, like those who do not own handguns, want safety—safe equipment, some assurance that guns will only be handled by responsible people, accountability.

It is clear from the overwhelmingly favorable response to regulations governing the purchase, use, and availability of handguns that the American public wants handgun control legislation.

Indeed, people are so concerned about handgun control that it even affects their political behavior. As the next table shows, a plurality of Americans would be more inclined to back a candidate who favors handgun control.

Would you be much more inclined, somewhat more inclined, somewhat less inclined or much less inclined to vote for a candidate who favored handgun control?

(In percent)

Much more inclined	22
Somewhat more inclined	27
Somewhat less inclined	15
Much less inclined	13
Don't know	23

Because present regulations governing the purchase and use of handguns vary so much from one state to another and make control difficult if not impossible, voters want to see handgun control mandated nationally.

Would you agree or disagree: The only way to control handguns is by Federal law; state laws which allows them to be purchased in some states and not in others are ineffective.

(In percent)

Agree	70
Don't know	17
Disagree	14

●

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, there are some measures which have been cleared for passage by unanimous consent. I, therefore, ask unanimous consent that the Senate proceed to the consideration of Calendar orders numbered—if I may have the attention of the distinguished minority leader—793, 797, 834, 854, 855, 856 and 858.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, the items that the majority leader has indicated just now apparently are cleared on this calendar and we have no objection to proceeding to their consideration and disposition at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

NACOA AUTHORIZATIONS, 1979

The Senate proceeded to consider the bill (H.R. 10823) to amend the National Advisory Committee on Oceans and Atmosphere Act of 1977 to authorize appropriations to carry out the provisions of such act for fiscal year 1979, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment on page 1, line 7, after "3 (b)" insert "(1)".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95-862), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE AND SUMMARY

The bill authorizes appropriations of $572,000 for fiscal year 1979 for the National Advisory Committee on Oceans and Atmosphere (NACOA). The 18-member advisory committee provides independent information and advise to both the Congress and the executive branch.

The bill also extends the term of each of the present NACOA members by 1 year. The six members whose terms were to expire on July 1, 1978, would have their terms extended to July 1, 1979. The six appointed for terms ending July 1, 1979, would be extended to July 1, 1980. The six appointed for terms ending on July 1, 1980, would be extended to July 1, 1981.

The appointments of these present 18 members were delayed, and the purpose of the extensions is to enable them to serve full, not abbreviated, terms.

The amendment made by the committee is a technical amendment, which clarifies the intent that the amendment made by paragraph (1) refers only to the first paragraph of section 3 of the NACOA Act.

BACKGROUND

Establishment of NACOA

Congress created the original National Advisory Committee on Oceans and Atmosphere by Public Law 92-125, which was approved August 16, 1971.

This action was a direct result of recommendations made by the Stratton Commission.[1] The Commission was established by Congress to examine all aspects of marine science and to develop an overall strategy which would provide the Nation with a well-integrated and centrally coordinated program in this area. Such a program would provide ways to make more effective use of scientific and engineering resources and accelerate development of marine resources. The plan was also to insure that the Nation's leadership in marine science and resource development would be maintained.

In January of 1969, the Stratton Commission submitted its report to Congress.[2] As a result of the recommendations contained in that report, three complementary actions took place: an Executive order was approved creating the National Oceanic and Atmospheric Administration within the Department of Commerce, and two pieces of legis-

Footnotes at end of article.

lation were drafted, reported by the Committee on Commerce and enacted, establishing the coastal zone management program [3] and the National Advisory Committee on Oceans and Atmosphere.[4]

This 1971 act established a 25 person NACOA, with members appointed by the President for staggered 3-year terms; members could not be full-time Federal officers and employees. The act and its 1975 amendments gave NACOA these four basic responsibilities: to undertake a continuing review of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; to advise the Secretary of Commerce with respect to the National Oceanic and Atmospheric Administation; to submit an annual report to the President and the Congress setting forth an assessment of the Nation's marine and atmospheric activities; and to submit such other reports as may from time to time be requested by the President or the Congress.

The NACOA of 1977

In 1977 Congress repealed the 1971 NACOA Act and replaced it with a new statute, the National Advisory Committee on Oceans and Atmosphere Act of 1977 (Public Law 95–63, 91 Stat. 265, July 5, 1977).

The 1977 act created a new NACOA, similar to the original one. However, the number of members was reduced from 25 to 18, stricter qualifications for membership were established, and the new act, unlike the old, directed that NACOA conduct both its annual assessments and its continuing review of policy and programs "on a selective basis." This Committee's report (Rept. No. 95–211, May 16, 1977, p. 4) explained that the term "on a selective basis" was included to encourage NACOA to select and analyze in depth a few major issues each year which are of significant interest to the Congress and the executive branch. The committee stated that it would like to see NACOA provide more useful and timely assessments of issues and programs.

The new act became law in July 1977. Because of delays in the appointment process, the members of the new NACOA were not appointed by the President until January 1978.

FOOTNOTES

[1] Commission on Marine Science, Engineering and Resources, established by the Marine Resources and Engineering Development Act of 1966.

[2] "Our Nation and the Sea", Report of the Commission on Marine Science, Engineering and Resources, January 1969.

[3] Coastal Zone Management Act of 1972 (16 U.S.C. 1451–1464).

[4] Act of August 16, 1971 (33 U.S.C. 857–6 to 857–12).

BASIC WORKWEEK OF FEDERAL FIREFIGHTERS

The Senate proceeded to consider the bill (H.R. 3161) to amend title 5, United States Code, to improve the basic workweek of firefighting personnel of executive agencies, and for other purposes, which had been reported from the Committee on Governmental Affairs with an amendment on page 3, line 11, strike "(a)(c)" and insert "(a)–(c)".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–867), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The primary purpose of H.R. 3161, as amended by the committee, is to provide that the regularly scheduled administrative workweek of each Federal firefighter shall average 56 hours per week. In addition, the bill authorizes payment of 25 percent premium pay to firefighters who have a 56-hour workweek and authorizes overtime pay under the provisions of title 5 of the United States Code for all hours of work in excess of the 56-hour workweek.

HISTORY OF THE LEGISLATION

Senator Spark M. Matsunaga of Hawaii introduced a measure similar to H.R. 3161 (H.R. 4634) when he was a Member of the House of Representatives in the 94th Congress. It failed passage in the House last Congress. Senator Matsunaga sponsored similar legislation this Congress in S. 1163. Representative Herbert Harris of Virginia introduced H.R. 3161 on February 7, 1977. After hearings in the House Subcommittee on Employee Ethics and Utilization, and amendment by the House Post Office and Civil Service Committee, H.R. 3161 was passed in the House of Representatives on April 12, 1978.

HEARINGS

The Subcommittee on Civil Service and General Services conducted hearings on May 2, 1978. Testimony was presented by Senator Matsunaga; Congressman Harris; Frederick A. Kistler, Director, Bureau of Policies and Standards, Civil Service Commission; Pascale Petosa, Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs; Kenneth T. Blaylock, president, American Federation of Government Employees, and Fred Schillreff, International Association of Firefighters; and Irving Geller, general counsel, National Federation of Federal Employees.

At hearings and during the course of congressional consideration, the administration has opposed enactment of this legislation. Its objections are explained in the statement of this report.

The general view of Federal firefighters, as revealed during the hearings on this legislation, is that they are being treated unfairly. The additional 18 hours per week apparently is a significant factor in determining the duration of a firefighter's employment with the Federal Government. Although other benefits for Federal firefighters are similar to those offered municipal firefighters, about 23 percent of Federal firefighters left their jobs in 1977.

It is the position of the Civil Service Commission that if the regularly scheduled administrative workweek of firefighters is reduced to 56 hours, a concomitant reduction in the 25 percent premium pay which firefighters now receive would be in order. On the other hand, proponents point to the high turnover rate for Federal firefighting personnel and the relative pay differential for municipal and Federal firemen in support of their position that the present requirement is unfair and would best be corrected by reducing the hours but keeping the pay scheme.

It should be noted that the Civil Service Commission opposes this measure in large part because it objects to setting compensation plans—that is, the percentage of premium pay, in statute when the authority to fix pay for Federal employees is normally within its jurisdiction. The Department of Defense, the major employer of Federal firefighters, opposes the change in the tour of duty for firefighters because it will require hiring additional personnel.

BACKGROUND

The Federal Government employs approximately 11,500 civilian firefighters. About 10,500 of this number are employees of the Department of Defense. The remainder are employed by the Department of Transportation, the Nuclear Regulatory Commission, the Department of Agriculture, and the Veterans' Administration.

Federal firefighters have a variety of responsibilities which are not required of most municipal firefighters. Department of Defense firefighters, for example, must be familiar with the steps necessary to prevent and combat fires connected with munitions, exotic chemicals, aircraft fuels and nuclear products. Department of Agriculture firefighters are responsible for dealing with the threats of fire to national forests. Nuclear Regulatory Commission firefighters must be familiar with the massive problems of fire at nuclear powerplants. The Federal Government is a self-insurer of its losses and has as a consequence, a direct incentive to prevent fire-related losses. The responsibility for fire prevention falls on the Federal firefighters and their record of fire prevention is good.

STATEMENT

H.R. 3161 amends chapter 61 of title 5, United States Code, relating to hours of work, to prescribe a new basic workweek for Federal firefighters. Under existing law, the authority to fix the hours of work of Federal employees, including firefighters, rests with the heads of employing agencies. The typical workweek of the Federal firefighter now is 72 hours, consisting of three 24-hour shifts. Each shift contains an eight-hour period of actual work and a 16 hour period of standby status. During the standby period the firefighter has a sleeping period; however, the entire standby period may be interrupted for emergencies or duties normally performed during the designated work period. In no case may a firefighter be away from assigned duties—for example, firefighting, fire prevention or inspection tours, or standby at the firehouse—during the 24-hour shift.

Because Federal firefighters do not work a normal eight-hour day or 40-hour week, special rules apply to their compensation. These rules result from the provisions of title 5 of the United States Code, which govern the compensation of Federal employees, and a provision (29 U.S.C. 207(k)) of the Fair Labor Standards Amendments of 1974. The computation of firefighter pay is complicated because of the various interpretations required to make these statutory provisions work together. The key issues of debate on H.R. 3161 require that these provisions be explained.

Section 5545(c)(1) of title 5, United States Code, provides that Federal employees who regularly perform substantial amounts of standby duty beyond a normal tour of duty shall receive an additional sum as compensation in lieu of overtime, night differential, Sunday and holiday pay. This sum is called premium pay. It is a percentage, not to exceed 25 percent, of base pay. The actual percentage of premium pay is fixed by the Civil Service Commission on the basis of overtime, nights, Sundays, and holidays worked. Irregular overtime work beyond the scheduled

72 hours results in further overtime compensation.

As a result of this requirement, many Federal firefighters receive, as compensation in lieu of overtime, night differential, Sunday, and holiday pay, the maximum percentage of premium pay (25 percent) which the Civil Service Commission may authorize. They receive the maximum amount because they work 72 hours per week, they work at night, and they work a certain number of Sundays and holidays. Were it not for this special premium pay provision, Federal firefighters (and other Federal employees in like circumstances) would receive for their present workweek a combination of amounts, including time and one-half overtime pay, night differential pay, and Sunday and holiday pay.

Section 207(k) of title 29, United States Code, subjects Federal firefighters to the overtime provisions of the Fair Labor Standards Act. Since January 1, 1977, the FLSA has required overtime pay to firefighters for all hours worked in excess of 54 per week.

Under the FLSA, overtime work is compensated for a rate of 1½ times the employee's regular rate of pay. For Federal firefighters, the regular rate of pay is determined by dividing the firefighter's total remuneration (base pay plus 25 percent premium pay) by 72 hours. Under a decision of the Comptroller General (B–51325, March 19, 1976), Federal firefighters who have a 72-hour workweek are considered to have been paid at their regular rate of pay for each of the 72 hours in their worksheet. Therefore, according to the Comptroller General, firefighters are entitled to be paid only at the rate of one-half times their regular rate of pay for the 18 hours of overtime work (72–54) under the FLSA. In the case of a GS–5, step one, firefighter, for example, each of the 18 hours is worth only an extra $1.66 in FLSA overtime pay. Furthermore, since such overtime must be actually worked to be paid, a firefighter who takes annual or sick leave, performs military service, or is called to jury duty, suffers a reduction in FLSA overtime pay.

UNIFORMITY IN FEDERAL EMPLOYEE HEALTH BENEFITS AND COVERAGE

The Senate proceeded to consider the bill (H.R. 2931) to amend chapter 89 of title 5, United States Code, to establish uniformity in Federal employee health benefits and coverage provided pursuant to contracts made under such chapter by preempting State or local laws pertaining to such benefits and coverage which are inconsistent with such contracts, which had been reported from the Committee on Governmental Affairs with amendments as follows:

On page 1, line 7, after "(m)" insert "(1)";

On page 2, line 4, strike "provisions." and insert "provisions.";

On page 2, beginning with line 5, insert the following:

"(2)(A) Notwithstanding the provisions of paragraph (1), if a contract under this chapter provides for the provision of, the payment for, or the reimbursement of the cost of health services for the care and treatment of any particular health condition other than a mental health condition, the carrier shall provide, pay, or reimburse for any such health service properly provided by a person licensed under State law to provide such service.

"(B) The provisions of this paragraph shall not apply to group practice prepayment plans.".

SEC. 2. Section 8901(8) of title 5, United States Code, is amended by striking out "before January 1, 1964" and inserting in lieu thereof "after December 31, 1978, and before January 1, 1980".

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read:

An Act to amend chapter 89 of title 5, United States Code, to establish uniformity in Federal employee health benefits and coverage by preempting certain inconsistent State or local laws while recognizing the rights of States to determine who is to provide health services, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–903), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 2931, as amended, is to establish uniformity in benefits and coverage under the Federal employees' health benefits program by providing that the provisions of any contract under such program shall supersede and preempt any State or local law or regulation that is inconsistent with such contractual provisions. At the same time, however, the purpose is to recognize the rights of States to determine who is to provide health services.

The bill also amends section 8901(8) of title 5, United States Code, to permit an employee organization, as defined under the section, to apply, after December 31, 1978, and before January 1, 1980, to the Civil Service Commission for approval of a health benefit plan.

HEARINGS

Hearings on H.R. 2931 were held by the Subcommittee on Civil Service and General Services on Septemebr 14, 1977. Appearing in support of the bill were: Mr. Thomas Tinsley, Director, Bureau of Retirement, Insurance and Occupational Health, U.S. Civil Service Commission; and Mr. Malcolm McIntyre, director, Government Relations Division, Aetna Life and Casualty Co. Appearing in opposition to the bill were: Dr. Robert B. Shelton, president, United Chiropractors of North America; Dr. Paul Parrott, American Chiropractic Association; and Mr. Herbert Anderson, the National Association of Insurance Commissioners.

Thereafter, the subcommittee amended the bill as described above and recommended favorable action by the full committee on the bill, as amended, on May 9, 1978.

BACKGROUND

The Federal employees' health benefits (FEHB) program, established by the Federal Employees' Health Benefits Act of 1959, now codified in chapter 89 of title 5, United States Code, provides health insurance coverage for about 3 million Federal employees and annuitants and 6 million dependents. The contracts negotiated between the Civil Service Commission and the various FEHB carriers are required to provide the same benefits for the same premium for all enrollees in a particular plan. The contracts specify the benefits to be provided by the various plans and the premium cost which is shared by the Government and the enrollees.

The total cost of the program in fiscal year 1976 was approximately $2.2 billion of which amount the Government contributed approximately $1.4 billion. The total cost of the program for fiscal year 1977 will be about $2.5 billion.

According to the Comptroller General, as documented in his October 17, 1975, report to the Congress entitled "Conflicts Between State Health Insurance Requirements and Contracts of the Federal Employee Health Benefits Carriers":

(1) Some doubt and confusion exists among the carriers and the States regarding the applicability of State requirements to FEHB contracts, and

(2) The States are becoming increasingly active in establishing and enforcing health insurance requirements.

As a result of these findings, the Comptroller General recommended that the Congress consider legislation to clarify the applicability of State insurance requirements to FEHB contracts.

Some States have established health insurance requirements that conflict with the provisions of the FEHB contracts, such as requiring recognition of certain practitioners not covered by Federal employee's health benefit plans. Many States have not attempted to enforce their requirements that conflict with the FEHB plans. In other States, the carriers have been successful in convincing the States that the Federal employees' plans are exempt from State requirements. Other States have enforced their requirements but have not done so uniformly for all carriers in the Federal program.

For example, the Indemnity Benefit Plan (Aetna) pays for chiropractic services in Nevada as required by State law, but does not pay for such services in any other State. Six employee organization plans pay for chiropractic services only in New York and Montana where State law requires coverage for such services. The Services Benefit Plan has been required to pay for these services only in Maryland and Oklahoma. Even in the States that have enforced conflicting requirements, few Federal enrollees are aware of the States' requirements, and, as a result, most enrollees do not attempt to obtain reimbursement for chiropractic services.

As a result of this situation, officials of the Civil Service Commission asked the General Counsel of the Commission to review the law and furnish legal opinion on the question of the dominance of the Federal Employees' Health Benefits law over State and local laws. The General Counsel's conclusion was that, based on the supremacy clause of the Constitution, the Federal Employees' Health Benefits law preempts State and local laws in this area. While the Commission has adopted the views of its General Counsel, the Commission has advised the committee as follows:

The Commission adopted the views of the General Counsel that the Federal Employees Health Benefits Act preempts State laws in this area. The Commission realizes that enforcement of this preemption policy will almost inevitably lead to time consuming and costly litigation with the States until its position is finally upheld by the courts. We do not view this as necessary or desirable. H.R. 2931 while it has more limited applicability does provide an immediate and permanent statutory solution to the problem of maintaining uniformity of benefits to all enrollees in the plan and enables the Commission, acting on behalf of the Government, to administer the Federal Employees Health Benefits Act in a reasonable and efficient

manner. Furthermore, enactment of H.R. 2931 should result in a reduction in cost to the Federal Government and the employees.

COMMITTEE ACTION

H. R. 2931, as amended, guarantees that the provisions of health benefits contracts made under chapter 89, of title 5, United States Code, concerning benefits or coverage, would preempt any State and/or local insurance laws and regulations which are inconsistent with such contracts. Such a preemption, however, is purposely limited and will not provide insurance carriers under the program with exemptions from State laws and regulations governing other aspects of the insurance business, such as the payment of premium taxes and requirements for statutory reserves.

H.R. 2931 is needed not only to clear up the doubt and confusion which exists among the carriers and States, but also to clarify the Federal Government's and the Civil Service Commission's authority to regulate implementation of the law. As stated by the Civil Service Commission:

"While the FEHB law gives the Civil Service Commission the sole authority to negotiate contracts with participating carriers and to prescribe regulations to implement that law, the law does not give the Commission clear authority to issue regulations restricting the application of State laws when their provisions do not parallel the provisions in the Commission's health benefits contracts. The legislative history of the FEHB law is essentially silent on this point."

The committee also feels that a State's authority to control the licensing of health practitioners should also be preserved. As a result, an amendment was adopted which is designed to preserve certain States' authority by compelling insurance carriers to pay for any services which are contracted for if they are provided by a practitioner certified by the State to provide such services.

The amendment simply reserves to the States the right to determine who is and who is not qualified to provide health care; it encourages more innovative health techniques; it treats all health practitioners who treat the same conditions in an equitable manner; and it does not apply to mental health since existing Federal law already restricts payment to psychiatrists and clinical psychologists. (5, U.S.C., 8902(k))

A further modification to the bill allows employee organizations, as defined in section 8901(8) of title 5, United States Code, to apply after December 31, 1978, and before January 1, 1980, to the Civil Service Commission for approval of a health benefit plan. Such organizations have been, in effect, barred from applying to the Commission for a health benefit plan unless they applied before January 1, 1964, This change, however, should not be considered as a reflection upon the merits of any new plan which may be applied for, as it merely allows the Civil Service Commission to review new proposals and to judge whether or not they meet the requirements necessary for Federal employee health benefits programs.

BUDGET ACT WAIVER

The resolution (S. Res. 450) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 11877, was considered and agreed to, as follows:

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 11877 an Act to authorize appropriations for fiscal year 1979 for the Peace Corps and to make certain changes in the Peace Corps Act. Such waiver is necessary to allow the authorization of $3,713,000 in additional funds for fiscal year 1978 for Peace Corps programs. The amount previously authorized for the Peace Corps, $83,900,000 for fiscal year 1978 is not adequate to cover the $2,000,000 in increased costs due to inflation and unanticipated support requirements, for statutory salary increases or the costs of rebuilding the Peace Corps program. The administration has requested an additional $3,644,000 to pay for program improvements, primarily in the area of training, and $69,000 for statutory salary increases.

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by the May 15, 1977, deadline, because there had been inadequate time for the new administration to formulate its own proposals for the Peace Corps. Improved training and programing were subsequently identified as primary needs but implementation of planned improvements will cost more than the $82,900,000 in program funds authorized for fiscal year 1978. Peace Corps did not include a calculation for overseas inflation in its fiscal year 1978 budget request and has consequently confronted difficulties paying for inflationary cost increases.

The effect of defeating consideration of the supplemental authorization will be to delay most program improvements for a full year since the majority of Peace Corps training is conducted in the summer. It will also put a strain upon ongoing operations in the field. There is little or no surplus in other accounts to finance improved training because inflation, together with efforts to rebuild the program have strained all accounts.

The desired authorization will not delay the appropriations process and will need to be accommodated in a supplemental appropriation.

This authorization is sufficiently small that it will not significantly affect the congressional budget. However, its impact on Peace Corps efforts to improve its program, as advocated by a number of Senators, will be considerable.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95-918), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE RESOLUTION

Section 402(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House or the Senate to consider any bill or resolution which directly or indirectly authorizes the enactment of new budget authority for a fiscal year unless that bill or resolution is reported in the House or Senate, as the case be, on or before May 15 preceding the beginning of such fiscal year. Because H.R. 11877 authorizes enactment of new budget authority which would become available in 1978 and was reported by the Committee on Foreign Relations on May 12, 1978—after the May 15, 1977, deadline for fiscal year 1978 authorization—a resolution waiving section 402(a) of the Budget Act with respect to H.R. 11871 must be adopted before this bill can be considered by the Senate. In reporting favorably on the resolution, the Budget Committee is not prejudging the merits of the bill.

BUDGET ACT WAIVER

The resolution (S. Res. 453) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 3075, was considered and agreed to, as follows:

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 3075 a bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act and for other purposes. Such waiver is necessary to allow the authorization of $5,000,000 in additional budget authority for fiscal year 1978 for foreign military sales credits. The amount previously authorized for this purpose, $677,000,000 has proven inadequate for the task of providing sufficient foreign military sales credits to Lebanon. The administration has requested an additional $5,000,000 in budget authority in order to provide $50,000,000 worth of foreign military sales credits to help rebuild the Lebanese Army.

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by the May 15 1977, deadline, because the political and military situation in Lebanon has worsened since that date.

The effect of defeating consideration of the supplemental authorization will be to reduce the effectiveness of the Lebanese Army with possible negative consequences for peace in southern Lebanon and the Middle East region.

The desired authorization will not delay the appropriations process and will need to be accommodated in a supplemental appropriation.

This authorization is sufficiently small that it will not significantly affect the congressional budget. However, a modest and timely foreign military sales program would provide additional stability in southern Lebanon as Israeli forces withdraw from the area.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95-919), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE RESOLUTION

Section 402(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House or the Senate to consider any bill or resolution which directly or indirectly authorizes the enactment of new budget authority for a fiscal year unless that bill or resolution is reported in the House or Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year. Because S. 3075 authorizes enactment of new budget authority for fiscal year 1978 and was reported by the Committee on Foreign Relations on May 15, 1978—after the May 15, 1977, deadline for fiscal year 1978 authorization bills—a resolution waiving section 402(a) of the Budget Act with respect to S. 3075 must be adopted before this bill can be considered by the Senate. In reporting favorably on the resolution, the Budget Committee is not prejudging the merits of this bill.

BUDGET ACT WAIVER

The resolution (S. Res. 455) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 3076, was considered and agreed to, as follows:

Resolved, That pursuant to section 402 (c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 3076, a bill to authorize fiscal year 1979 appropriations for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes. Such waiver is necessary because the bill also contains supplemental fiscal year 1978 authorizations for two purposes: (1) the payment of arrearages of $37,275,000 in the assessed United States contribution to United Nations Educational, Scientific, and Cultural Organization (section 108); and (2) an additional grant of $10,468,000 to Radio Free Europe/Radio Liberty, Inc., to provide for the continuation of radio operations until the end of this fiscal year by compensating for the unexpectedly sharp fall in the international value of the United States dollar (section 301).

For neither purpose was it possible to report authorizing legislation by May 15, 1977. As regards United Nations Educational, Scientific, and Cultural Organization, it was not clear by that date that that organization had substantially reduced its politicized, anti-Israel activities; it was thus not appropriate at that time to end the cut-back on United States contributions to United Nations Educational, Scientific, and Cultural Organization begun in 1975. As regards RFE/RL, Inc., funds were provided in the original fiscal year 1978 authorization to compensate for a possible depreciation in the relative value of the dollar, but in recent months the actual depreciation exceeded that allowance by a considerable margin, rendering RFE/RL, Inc., unable to fulfill its planned level of operations without a supplemental grant.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95-920), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE RESOLUTION

Section 402(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House or the Senate to consider any bill or resolution which directly or indirectly authorizes the enactment of new budget authority for a fiscal year unless that bill or resolution is reported in the House or Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year. Because S. 3076, as reported, authorizes enactment of new budget authority which would be available in fiscal year 1978, and was reported by the Committee on Foreign Relations on May 15, 1978—after the May 15, 1977 deadline—a resolution waiving section 402(a) of the Budget Act with respect to S. 3076 must be adopted before the bill may be considered by the Senate. In reporting favorably on the resolution, the Budget Committee is not prejudging the merits of the bill.

BUDGET ACT WAIVER

The resolution (S. Res. 460) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 3112, was considered and agreed to, as follows:

Resolved, That pursuant to section 402(c) of the Congresional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 3112, a bill to amend the Act of October 19, 1965, authorizing construction of the Library of Congress James Madison Memorial Building. Waiver in fiscal year 1978 of section 402(a) is necessary to allow for an increase in the funding authorization for construction of the building.

S. 3112 would increase the authorization for construction funds by $10,000,000, from $123,000,000 to $133,000,000. The amount previously authorized is inadequate to cover the costs of necessary changes in the building resulting from congressionally mandated expansion of its functions, construction delays, and inflation.

Compliance with section 402(a) of the Congressional Budget Act of 1974 was not possible by the May 15, 1977, deadline, because the Architect of the Capitol did not become aware of the inadequacy of the authorization until late in 1977. The amount of additional funds needed was not known until early in 1978, and the Committee on Rules and Administration did not receive this information until May 3, 1978.

The effect of defeating consideration of the additional authorization would be to further delay construction, thereby adding to the total cost of completing the project, and putting additional pressure on the Library of Congress to carry out the missions assigned to it by the Congress.

The desired authorization will not have the effect of delaying the appropriations process; it will need to be accommodated in a supplemental appropriation.

This authorization is sufficiently small that it will not significantly affect the congressional budget. However, it will result in completion of a project which is badly needed in order to meet the changing and expanding responsibilities of the Library of Congress.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95-922), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE RESOLUTION

Section 402(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House or the Senate to consider any bill or resolution which directly or indirectly authorizes the enactment of new budget authority for a fiscal year unless that bill or resolution is reported in the House or Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year. Because S. 3112, which authorizes enactment of new budget authority which would become available in fiscal year 1978, was reported on May 19, 1978, a resolution waiving section 402(a) of the Budget Act with respect to S. 3112 must be adopted before this bill may be considered by the Senate. In reporting favorably on the resolution, the Budget Committee is not prejudging the merits of the bill

REMOVAL OF INJUNCTION OF SECRECY—EXECUTIVE J, 95TH CONGRESS 2D SESSION

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Protocol Amending the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Tokyo, April 25, 1978 (Executive J, 95th Cong., 2d sess.), transmitted to the Senate today by the President.

I ask unanimous consent that the treaty be considered as having been read the first time; that it be referred to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

I am pleased to transmit the Protocol Amending the High Seas Fisheries of the North Pacific Ocean between the United States, Canada, and Japan for Senate advice and consent to ratification. The Protocol, along with accompanying Agreed Minutes and Memoranda of Understanding, were signed in Tokyo on April 25, 1978.

The Protocol amends the existing International Convention for the High Seas Fisheries of the North Pacific Ocean. Under the Protocol salmon of United States origin will receive substantially greater protection than afforded under the existing International Convention for the High Seas Fisheries of the North Pacific Ocean signed on May 9, 1952. An amendment to the existing Convention, rather than sole reliance on the provisions of the Fishery Conservation and Management Act, is being sought in order to obtain the continuing benefits of the abstention principle established by the existing Convention, and to overcome the practical management and enforcement problems which occur in areas of the high seas where United States origin salmon intermingle with salmon originating in other countries.

I transmit also for the information of the Senate the report of the Department of State with respect to the Protocol and associated documents.

I urge the Senate to act favorably at an early date on this Protocol.

JIMMY CARTER.

THE WHITE HOUSE, *June 5, 1978*.

ORDER FOR STAR PRINT OF S. 2788

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a star print of S. 2788, a bill to amend the Regional Rail Reorganization Act of 1973, be authorized, in order to make corrections in the original bill as filed by the Committee on Commerce, Science, and Transportation. These corrections

will make the bill conform to the changes made in existing law as reflected in the committee's report 95-885. In addition, the star print amends the title of S. 2788.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR H.R. 39 TO BE HELD AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 39 be held at the desk until the close of business on June 8.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL ORDER—CONSIDERATION OF UNFINISHED BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday of this week, after the two leaders have been recognized under the standing order, Mr. DURKIN be recognized for not to exceed 15 minutes, after which the Senate resume its consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW YORK CITY—A HUMAN, COMPASSIONATE TOWN WHICH CAN AND SHOULD STAND ON ITS OWN FEET.

Mr. PROXMIRE. Mr. President, every once in a while a simple human interest story comes to our attention that tells more vividly than statistics what a city or commmunity is really like.

Take New York City for instance. Tomorrow, the Senate banking committee begins its hearings on New York City, with the appearance of mayor Koch. Some of us on the committee are opposed to further Federal loan assistance to New York. We feel the city has the resources to solve its problems but that it will only do so if it has to. We feel the best service the Federal Government could give the city would be to deny further loans or guarantees and require the city to face up to its problems. My mail from New York City has been running consistently 3 to 1 to do exactly this.

Mr. President, we are dealing with a city which is not only a great one but also an intensely human one. A letter in today's New York Times describes the reaction of New Yorkers to a serious bus accident:

When the crash occurred, the front end of the bus was crushed so badly that there was no means of egress, and so, motorists behind us, halted by the crash, came rushing over to us and urged us to jump out the windows before the bus caught fire or exploded.

We jumped and they stood there to catch us. Within minutes, ambulances and police and firemen were there. As I jumped, after the women were cleared, except for the women pinned down in front, I found the ambulances already filled. A policeman grabbed a woman and myself, rushed us into a patrol car and sped us to Lincoln Hospital. Apparently, the hospital had already been alerted, and as we arrived, there was a small battalion of doctors, nurses and orderlies, and all hands that could turn to and render medical aid. With hard-to-believe devotion to duty, they worked over every accident victim, until every one was under control. They never stopped for a moment.

I was born, bred and educated in New York City, many years ago, and always loved New York. In recent years, I have heard too many people criticize New York, the police, the firemen and doctors and hospitals.

I saw the real New York go into action that day. There is no other place in the world quite like it.

This is the Big Apple—and all our critics better believe it, and learn from it.

Mr. President, I agree with that wholeheartedly. I think there is no inconsistency between believing that and thinking highly of the people of New York and at the same time taking the posture that, as I say, three of four New Yorkers who write me say that we should require the city to use its resources to meet its own problems.

Mr. President, I ask unanimous consent that this article, which portrays how human, compassionate and helpful New Yorkers can be, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

I SAW THE REAL NEW YORK GO INTO ACTION

TO THE EDITOR: This is the story of the bus crash and the Big Apple. I was a passenger aboard the Riverdale bus that crashed on the Major Deegan Expressway May 24, in which so many were injured. Despite my injuries I could not help but note many of the incidents that took place immediately after the crash, incidents which should make us all proud to be New Yorkers.

When the crash occurred, the front end of the bus was crushed so badly that there was no means of egress, and so, motorists behind us, halted by the crash, came rushing over to us and urged us to jump out the windows before the bus caught fire or exploded.

We jumped and they stood there to catch us. Within minutes, ambulances and police and firemen were there. As I jumped, after the women were cleared, except for the women pinned down in front, I found the ambulances already filled. A policeman grabbed a woman and myself, rushed us into a patrol car and sped us to Lincoln Hospital. Apparently, the hospital had already been alerted, and as we arrived, there was a small battalion of doctors, nurses and orderlies, and all hands that could turn to and render medical aid. With hard-to-believe devotion to duty, they worked over every accident victim, until every one was under control. They never stopped for a moment.

I was born, bred and educated in New York City, many years ago, and always loved New York. In recent years, I have heard too many people criticize New York, the police, the firemen and doctors and hospitals.

I saw the real New York go into action that day. There is no other place in the world quite like it.

This is the Big Apple—and all our critics better believe it, and learn from it.

MEMORIAL DAY: A TIME TO REMEMBER THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, a week ago today, on Memorial Day, our Nation remembered those who died in the service of our country. Had it not been for their courage and strength in times of past crises, we might not be meeting in this room today.

So many of our brightest, strongest, and talented gave their lives for America. It is fitting that we dedicate 1 day each year in memoriam. I ask, can we do more?

Mr. President, I think we can. We can approve a treaty which strengthens our commitment to the tenets for which thousands of American soldiers died. We can ratify a treaty which makes genocide an international crime.

The Genocide Treaty has already been approved by 82 nations, including all of our Western allies.

How can we maintain our commitment to human rights if we refrain from signing? How can we demonstrate to other nations that our support for basic human liberties is more than just rhetoric? How can we inspire other nations to protect individual rights within their own borders?

The fact that this treaty remains unapproved after 30 years has been a constant source of embarrassment to this Nation. Time and time again we have had to admit that we were not among the signers of a treaty condemning mass murder. It is time now to take action against this horrible and barbarous crime.

On Memorial Day, we remembered Americans who put foremost the cause of human liberties on this continent and in nations the world over.

Let us further honor their memory by ratifying the Genocide Convention.

I yield the floor.

Mr. JAVITS. Mr. President, I never fail to be pleased and tremendously interested at this time of the day when the distingiushed Senator from Wisconsin appears on the floor and warms my heart and delights me reminding us that we have been so remiss and so much against our own deep feelings and our own nature and character in failing to ratify the Genocide Treaty, and always has a special bit on New York City about which I think, with pardonable pride, I know a thing or two. We will have our inning tomorrow. The Senator from Wisconsin, with his customary friendship and generosity, has invited Senator MOYNIHAN and myself to sit with the committee, as we have before.

I only like to tell the Senator what the real issue is, and he has heard me before, and I am saying this again because I feel so deeply that what he has to say on the subject should be reiterated. I think the real issue is will this spirit live. It is a marvelous spirit. Many, many millions of people pass through New York first thinking, well, it is a callous city and everyone is looking at you for what you have and for how much you are going to give them. But it really is a city full of ethnicity and, therefore, the special character which ethnicity gives our country.

It is also a city noted for its generosity and hep characters, who have hearts much in the Damon Runyon tradition, as well as for elevated traditions of our

great educational institutions and scientific institutions. But this city's vitality, dynamism, and heart is based upon its infrastructure. It is the greatest city in the world because of what it is built on and how it is built.

My problem is in New York City, with all these wonderful feelings, sentiments, and courage in the face of what it takes to live in New York and be a New Yorker, why do so many people say they love to visit but do not want to live there, though the atmosphere is stimulating and exciting? It is hard to live there, very hard to live there. The electricity can blow up, the subways can stop, they can have blackouts, the place can be covered with garbage, you can have epidemics, all these automobiles can break down, and those policemen can strike. Do not forget that. And those firemen, too. And that is what we are facing.

We are facing the fact that the greatest city in the world, which is in our country, could find itself in this paralyzed position simply because of the financial infrastructure breakdown.

On tomorrow, I say to the Senator from Wisconsin, we must try to prove that case to him. I have not given up on him, not at all. He saw our plight once before and he met it. I think he will again.

I thank the Chair.

CEREMONY DEDICATES CARL T. CURTIS DAM

Mr. HANSEN. Mr. President, our distinguished colleague, Senator CURTIS of Nebraska, was in Elwood, Nebr., recently for the dedication of a dam and reservoir named in his honor.

It was a proud moment for Senator CURTIS and the occasion for a dedicatory ceremony with J. W. "Pat" O'Meara, executive vice president, National Water Resources Association, Washington, D.C., giving the main address.

Mr. O'Meara's address provided both a fine history of reclamation but is a singular tribute to Senator CURTIS.

Mr. President, I ask unanimous consent that the address be printed at this point in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

DEDICATION OF THE CARL T. CURTIS DAM AND RESERVOIR

It is a signal honor and a cherished privilege to have the opportunity to come to Gosper County and join with my fellow Nebraskans to render richly deserved homage to one of the great civic leaders of our beloved State.

You can see by my grey hair, I am sure, that I am not exactly a young man. Suffice to say, I am on the sunnyside of 50 and bearing-down on 60. I was born just down the line a piece, in Hastings, and I want you to know that, way back in time, when I was still in high school, and several years before I was old enough to vote, Carl Curtis was elected to represent me in the Congress of the United States. That was a long time ago. When first elected, he represented the Fourth Congressional District of Nebraska which, at that time, consisted of 25 counties extending west from Gage and Lancaster Counties. Later, when the State was reapportioned, it became the First Congressional District, which included the southern two tiers of counties stretching from the Missouri River on the East to the Colorado border on the West. While it contained several major cities, with Lincoln, of course, the largest, it also encompassed Beatrice, Falls City, Hastings, Holdrege, and McCook, but the pivotal city was Minden.

During Carl's first term in the Congress, Nebraska had five Representatives, rather than the present three. Carl was elected to the Congress on November 8, 1938, by whomping the incumbent Democrat, and fellow Mindenite, Charles Binderup (by more than 17,000 votes out of a total turn-out of about 100,000. Other Nebraska Representatives serving with Carl back in the 76th Congress were George Henry Heinké, Nebraska City; Charles F. McLaughlin, Omaha; Karl Steffan, Norfolk; and Harry B. Coffee, Chadron. The Nebraska Senators at that time were George W. Norris, McCook, and Edward Raymond Burke, Omaha. About the only name on that list that has survived the test of time is George Norris, except, of course, Carl T. Curtis; a name that has grown in stature and, over the years, has become synonymous with dedication and service.

In Carl's maiden speech in the House of Representatives, an important event in the career of any freshman Congressman, he used the opportunity to extol the virtues of Nebraska. He described its rich soil and the rolling hills, the great herds of cattle, its amber waves of wheat and soldier straight rows of green corn. "Why," he said "Mr. Speaker, all Nebraska needs to be a paradise is lots of water and good people." At that point, a member of the Ohio delegation rose and asked, "Will the Gentleman yield?" Quite flattered to have the attention of one of the senior members of the House, Mr. Curtis said he would be happy to yield to the Gentleman from Ohio. The Congressman thanked Mr. Curtis for yielding and said, "I am pleased to learn from your very edifying address that all Nebraska needs is good people and lots of water, but I would remind the Gentleman from Nebraska that good people and lots of water are all they need in Hell.' "

Of course, that story is not true, but this one is: At a Senate hearing about a year ago, Senator Hansen of Wyoming was questioning a witness from the Department of Agriculture about the drought that was searing the West. "What criteria do you use," the Senator asked, "to decide that a drought exists?" At that point Senator Curtis quipped, "That's when you have ducks that are 2 years old who don't know how to swim."

The Board of Directors of my Association, the National Water Resources Association, at a recent meeting, reviewed the long congressional career of Senator Curtis, and graded his performance relative to water resources development. On a scale of 1 to 10, they rated Carl a 12! That is just one way of saying how fitting it is that the officials of the Tri-County would today designate, for all time, that this project shall bear his name. What a simply marvelous monument to a fabulous career!

Senator Curtis has worked in the shadow of the beautiful monuments, large and small, that have been raised in Washington, D. C., to honor the great and the near great of this country; but, I believe nothing could please Carl more than the honor you do him today, for he often has said "The backbone of Nebraska's economy is irrigated agriculture." To give his name to an irrigation project is indeed a fitting tribute.

This project was authorized in 1974 under the provisions of the Small Reclamation Projects Act of 1956. Fifty-four such projects have been completed throughout the West, and 65 are under construction or in various stages of approval. These projects have been highly significant in conserving and extending the use of scarce Western water supplies. This project is in operation today because of the personal intervention of Senator Curtis. He obtained a project endorsement from the President, and, if he had not so effectively intervened, this project might well be one of the 65 that still are in various stages of approval.

But, this project is a reality, and full water service will be provided to 33,642 acres that now receive only partial water, and 9,158 new acres will be irrigated. The total project cost is just over $17 million, of which almost $10 million will be repaid in direct payments, and the total cost will be repaid many times over through increased productivity, cash earnings, and new jobs.

There are those who criticize reclamation projects like the one we are gathered here to dedicate today. They complain that we produce too much food and fiber, and that we have huge surpluses and costly Government programs to keep some land fallow, while we increase crop production through irrigation. To those who say we produce too much food, I just wonder how they respond to a recent UNICEF appeal which points out that the threat of severe malnutrition or even starvation faces 400 to 500 million children in the poorer nations of the world; that of these children, 30 percent will die before the age of 5; that right now an entire generation of children runs the risk of being scarred for life by the effects of semi-starvation and malnutrition; and whose heritage appears to be disease, blindness, mental retardation, and stunted growth.

But, isn't it nice to contemplate, and I am sure it will happen, that some of the extra food that will be produced because of this project, will find its way to those desperately needy children.

To those who say the Reclamation program is too costly, I would like to cite some interesting figures developed by the Denver Research Institute of the University of Denver. In 1975 (the latest year data is available), as a direct result of Reclamation programs, there was a net increase in business activity of $11.3 billion. Federal internal revenues received an extra $1.8 billion, and State tax coffers were enriched by $935 million.

That is quite a record for just 1 year, when our total investment in Reclamation over 76 years is only about $7 billion. Now you and I both know that $7 billion is a lot of money, but let me point out that the Department of Health, Education and Welfare has a budget request for fiscal year 1979 of $185 billion. When I note the budget for the Department includes an item for "training and employment, social services, and other labor services" at $18.4 billion. I begin to wonder. What I really begin to wonder is: Is this enormous expense really justified? For those outlays, there is no cost/benefit ratio, no EIS, no discount rate, no repayment schedule, and finally, it is not an investment, it is an expense.

At the Department of Health, Education and Welfare, Secretary Califano recently announced that his Inspector General had discovered that in 1 year his Department had unnecessarily or improperly spent between $6.3 and $7.4 billion. If the President would really like to save money, I would suggest HEW would be a good place to assign his "Hit List" gang rather than to halt construction of worthy water development projects authorized by the Congress. We need a new fiscal policy far more than we need a new water policy. I don't think I would be so nervous about a new water policy if one of the experts working on it back in Washington

hadn't asked me how many acres there were in a section. Which brings to mind an old adage—If it ain't broke, don't try to fix it.

Nebraska is doing its share and more in agricultural production. There are now over 60,000 irrigation wells in this State. From the water produced by those wells, and from the surface water that is now available from the various projects that are now in operation, there are now 7.1 million irrigated acres in this State, making Nebraska the third largest State in the Nation in irrigated lands.

Now that kind of development doesn't "just happen." It is the result of a lot of hard work, planning, perseverance, and dedication. It just may be a beneficial legacy of the great drought of the early 1930's when we learned the bitter lesson that the rich soil of Nebraska is barren and fruitless without water. The pioneers learned in the school of hard knocks that we cannot depend on the vagaries of Nature for a regular and constant supply of life-giving water. From that same stern catalyst came a part of Senator Curtis' basic political ambition—the development of the economy and resources of his native State. Inherent in achieving that ambition is the fundamental need to develop and wisely use its God-given precious water.

In passing, let me recall the names of just a few Nebraskans who have worked with Carl down through the years and who deserve to be remembered. Senator George Norris, who I mentioned earlier, but also Senator Ken Wherry, Rep. A. L. Miller, Fred Seaton, Judge Smith, Harry Strunk, George Johnson, Dr. Kingsley, C. W. McConaughy, Hugh Butler, and, yes, many of you who have gathered here today. To those who have gone before, and to you who continue to labor for water resource development, we are most grateful for your service.

There are a great many dedicated civic-minded citizens who have labored long and productively in the water resources development arena, but two additional men should be remembered today: Harry W. Bashore and Floyd Dominy, both Nebraskans and both served with distinction as the Commissioner of Reclamation.

At this point I would like to exercise the prerogative of the speaker and inject a personal note. As you know, I represent NWRA, which is simply a confederation or a union of the water associations in the 17 Reclamation States and Hawaii. Representing the Nebraska Water Resources Association here today is the President Bob Peterson. One other person here who also once worked for the Bureau and the Tri-County, and who has built miles of roads and highways and dozens of dams, and who built this dam—I'm proud of him—he's my brother Gene O'Meara and his lovely wife Jean.

As I reviewed the Senator's long, distinguished, and successful career, it occurred to me that his political philosophy could be boiled down to just three words: God Bless America!

I say that because I know of no better way to bless America than to work to develop the gifts of natural resources that are available to us. That kind of effort is clearly evident in the 40-year congressional career of Carl Curtis.

Carl has served long, and he has served us well. Now we know that someone else will fill Carl's seat in the 96th Congress. Who that person will be is up to the electorate of this State. Before you make your choice, I hope you will clearly ascertain the philosophies of those who seek to succeed Mr. Curtis, and make sure—no, make doubly sure—that the man who gets your vote will be the man who will continue to advocate and support an aggressive and imaginative water resources development program for this great Nation! You cornhuskers can ill afford to be represented in the United States Senate by a man who will waffle on water resource development decisions.

I would like to sum up what I have had to say today by quoting the words of a great American:

Burn down your cities and leave our farms, and your cities will spring up again as if by magic—but destroy our farms, and the grass will grow in the streets of every city in the country.

Those words were uttered before the turn of the century by that great American, great Nebraskan, William Jennings Bryan. They are as true today as they were then, and since they underscore the importance of what we do here today, I'm going to repeat them:

Burn down your cities and leave our farms, and your cities will spring up again as if by magic—but destroy our farms, and the grass will grow in the streets of every city in the country.

So let the word go forth from Elwood, Nebraska, that what we do here on May 28, in the year of nineteen hundred and seventy-eight, and in the two hundred and second year of the Republic, be inscribed from this day forward and forever more on all maps and charts and on the hearts of a grateful citizenry. This is a richly deserved recognition of distinguished service, and a mark of our esteem.

When we consider the source, the dedication, and the commitment of Senator Carl T. Curtis, certainly the words of the Bible ring true: "You have fought the good fight, you have run the race, you have kept the faith."

For myself and for all gathered here today for this auspicious event, I say: Congratulations Carl! God Bless America, and God Bless You, Senator Curtis!

CONCLUSION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Wednesday the Senate will convene at 11 a.m. After the two leaders or their designees have been recognized under the standing order, Mr. DURKIN will be recognized for not to exceed 15 minutes, after which the Senate will resume its consideration of the unfinished business. At 4 p.m., the 1 hour under the cloture rule will begin running, at the close of which the clerk will call the roll to establish the presence of a quorum, upon which the rollcall vote being automatic will occur on the motion to invoke cloture.

If cloture is invoked, which it will not be on Wednesday, the Senate will then proceed to the consideration of the unfinished business to the exclusion of all other business until that business is completed. If cloture is not invoked on Wednesday, the Senate will resume consideration of the unfinished business.

Senators will assemble here at 8 a.m. tomorrow morning on the Capitol steps for departure to Andrews Air Force Base from whence Senators will depart to Alabama to attend the final services for our colleague, Senator JAMES B. ALLEN.

RECESS UNTIL 11 A.M. WEDNESDAY, JUNE 7, 1978

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, and pursuant to Senate Resolution 472, as a further mark of respect to the memory of our late departed colleague, Senator JAMES B. ALLEN, that the Senate stand in recess until 11 a.m. Wednesday next.

The motion was agreed to; and at 6:06 p.m., the Senate recessed until Wednesday, June 7, 1978, at 11 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate June 1, 1978, under authority of the order of the Senate of May 26, 1978:

DEPARTMENT OF STATE

Adolph Dubs, of Maryland, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Afghanistan.

Frederic L. Chapin, of New Jersey, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

William H. Gleysteen, Jr., of Pennsylvania, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

IN THE COAST GUARD

The following licensed officer of the U.S. Merchant Marine to be a permanent commissioned officer in the Regular Coast Guard in the grade of lieutenant (junior grade):

Danny Ellis.

IN THE AIR FORCE

Gen. George S. Brown, U.S. Air Force, (age 59), for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 8962.

IN THE NAVY

Vice Adm. Donald D. Engen, U.S. Navy, (age 53) for appointment to the grade of vice admiral on the retired list pursuant to the provisions of title 10, United States Code, section 5233.

Executive nominations received by the Secretary of the Senate June 2, 1978, under authority of the order of the Senate of May 26, 1978:

DEPARTMENT OF STATE

Morton I. Abramowitz, of Massachusetts, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Thailand.

Raymond E. González, of California, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ecuador.

THE JUDICIARY

Santiago E. Campos, of New Mexico, to be U.S. district judge for the District of New Mexico, vice H. Vearle Payne, retired.

Nomination sent to the Senate on June 5, 1978:

DEPARTMENT OF JUSTICE

Paul F. Murray, of Rhode Island, to be U.S. Attorney for the district of Rhode Island for the term of 4 years, vice Lincoln C. Almond, term expired.

HOUSE OF REPRESENTATIVES—*Monday, June 5, 1978*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God is our refuge and strength, a very present help in trouble. Psalms 46: 1.

O God, our Father, who hast given us minds with which to think, hearts with which to love and hands and feet with which to work, help us always to hold these gifts as sacred trusts from Thee and to use them in Thy service for the welfare of our country and all mankind. May we ever keep our minds upon that which is true, honest, just, pure, lovely, and gracious that out of good thoughts and good deeds there may come good work for our people this day and all our days.

Before Thee we remember the life and work of our adored Senator JAMES B. ALLEN. We thank Thee for him, for his great character, his grand patriotism, his generous good will and his genuine concern for his State and his country. Comfort his family with Thy presence and strengthen them for the days that lie ahead. Be Thou their refuge and their strength—now and forever more. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

RECALCULATING RETIRED PAY OF CERTAIN SENIOR ENLISTED ADVISERS OF MARINE CORPS

The Clerk called the bill (H.R. 10343) to provide for recalculation of the retired pay of individuals who served as sergeant major of the Marine Corps before December 16, 1967.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DAVIS. Mr. Speaker, reserving the right to object, I do so only to provide the chairman of the Subcommittee on Military Compensation an opportunity to describe the bill.

Mr. Speaker, I think it is a fair bill. It was originally the bill that I sponsored, correcting a longstanding inequity faced by some of our most outstanding enlisted men.

Mr. Speaker, I yield to the gentleman from Alabama (Mr. NICHOLS).

Mr. MITCHELL of New York. Mr. Speaker, I also reserve the right to object. I do so for the same reasons as the gentleman from South Carolina (Mr. DAVIS). I would like to hear from the gentleman from Alabama (Mr. NICHOLS) also, and I yield to him for that purpose.

Mr. NICHOLS. Mr. Speaker, I thank the gentleman from South Carolina (Mr. DAVIS) and the gentleman from New York (Mr. MITCHELL), my colleagues on the subcommittee, for yielding to me.

Mr. Speaker, the bill will allow the two remaining sergeant majors in the Marine Corps, who served in that position before December 16, 1967, to calculate their retired pay on the same basis as enlisted members serving in that position for that time. We are talking about a total amount of money of $8,000. It is in the bill.

Mr. Speaker, I would urge passage of the bill.

Mr. DAVIS. Mr. Speaker, I thank the gentleman for his explanation, and I withdraw my reservation of objection.

Mr. MITCHELL of New York. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 10343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the retired pay of any individual who served as sergeant major of the Marine Corps and who completed such service before December 16, 1967, shall be computed based upon a rate of basic pay of the sum of (1) the highest rate of basic pay to which such individual was entitled while so serving, and (2) $150.

(b) For the purpose of computing any adjustment under section 1401a of title 10, United States Code, in the retired pay of any individual whose retired pay is affected by subsection (a), the rate of basic pay provided under such subsection for the purpose of computing the retired pay of such individual shall be considered to have been the rate of basic pay applicable to such individual at the time of his retirement, and any adjustment under such section 1401a in the retired pay of such individual before September 30, 1978, shall be readjusted to reflect such rate of basic pay.

SEC. 2. (a) Any change in the retired pay of any individual by reason of the enactment of this Act shall be effective for months beginning after September 30, 1978.

(b) The enactment of this Act shall not reduce the retired pay of any individual.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FEDERICO DEGETAU FEDERAL BUILDING

The Clerk called the bill (H.R. 4270) to designate the Federal building and United States courthouse in Hato Rey, Puerto Rico, the "Federico Degetau Federal Building."

There being no objection, the Clerk read the bill, as follows:

H.R. 4270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal building and United States courthouse located on Carlos Chardon Street, Hato Rey, Puerto Rico, is hereby designated as the "Federico Degetau Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Federico Degetau Federal Building".

● Mr. MINETA. Mr. Speaker, H.R. 4270 would designate the Federal building and U.S. courthouse in Hato Rey, Puerto Rico, the "Federico Degetau Federal Building."

Federico Degetau was born in Ponce, Puerto Rico, on December 5, 1862. He attended the public schools, the Colegio Central in Ponce and completed an academic course at Barcelona, Spain. Degetau studied law in several universities in Spain and in 1888 he received a law degree from the Central University in Madrid. He was admitted to the bar and commenced practice in Madrid.

Federico Degetau entered the Spanish Academy of Jurisprudence on Legislation and was one of the founders of the Societe Francaise pour L'Arbitraje entre Nations. Degetau returned to Puerto Rico, after many years in Spain, and became actively involved in politics. In 1897 he was a member of the Municipal Council of San Juan. During that same year he was appointed one of the four commissioners sent to Spain to request autonomy for Puerto Rico. The principles of liberalism and colonial reform were the moving forces which guided him during this mission and during his future years as Puerto Rico's delegate to the Cortes of Spain, a position he occupied until 1898. Later he was the mayor of San Juan, the capital city of Puerto Rico. In 1899 General Henry appointed him Secretary of the Interior in the first cabinet formed in Puerto Rico under the American flag.

He was also appointed, on a later date, by General Davis as a member of the Insular Board of Charities. From 1899 to 1900 Degetau also served as first vice president of the Municipal Council of San Juan and was president of the Board of Education of San Juan from 1900 to 1901.

On November 6, 1900, he was elected first Resident Commissioner from Puerto Rico to the U.S. House of Representatives. As Resident Commissioner, under the Foraker Act of 1900, he had neither voice nor vote, since he had no floor privileges. In 1901, he was admitted to the U.S. Supreme Court bar. Among his

achievements while in office was his testimony before the House Committee on Insular Affairs which gained floor privileges for the position of Resident Commissioner. His services until 1905, contributed to the importance and effectiveness of the office of the Resident Commissioner in representing the people of Puerto Rico in the U.S. Congress. He renewed the practice of law and died at the age of 51 years in Santurce, Puerto Rico on January 20, 1914.

In view of his career as an attorney and statesman in search of justice and liberty for his fellow men, it is a fitting and proper tribute to name the Federal building and U.S. courthouse in Hato Rey, Puerto Rico, the "Federico Degetau Federal Building."●

● Mr. JOHNSON of California. Mr. Speaker, I wish to associate myself with the remarks of my distinguished colleague, the chairman of the Subcommittee on Public Buildings and Grounds, Mr. MINETA.

H.R. 4270 honors Federico Degetau by naming the Federal building and U.S. courthouse in Hato Rey, Puerto Rico, after him. Federico Degetau spent nearly all of his adult life in civic and governmental work. He was elected first Resident Commissioner from Puerto Rico to the U.S. House of Representatives on November 6, 1900. His services until 1905, contributed greatly to the prestige and effectiveness of the office of the Resident Commissioner in representing the people of Puerto Rico in the U.S. Congress. In view of his tireless efforts in representing the people of Puerto Rico, it is, indeed, a proper tribute to name the Federal building and U.S. courthouse in Hato Rey, Puerto Rico, in his honor.●

● Mr. CORRADA. Mr. Speaker, I rise in support of my bill H.R. 4270.

I want to commend the Committee on Public Works and Transportation for their action in reporting out favorably H.R. 4270. The approval of this bill will reflect the views of the House as an appropriate way of honoring the late Federico Degetau.

You must be wondering who was this man that deserves the privilege of having a Federal building named after him. Federico Degetau was the first Resident Commissioner of Puerto Rico in the U.S. House of Representatives. He laid the foundation for the expansion of the role of the Resident Commissioner Office to what it is today.

I think it is proper to mention some of the most relevant highlights on the life and deeds of Mr. Degetau.

Federico Degetau was born in Ponce, Puerto Rico, on December 5, 1862. He attended the public schools, the Colegio Central in Ponce and completed an academic course at Barcelona, Spain. Degetau studied law in several universities in Spain and in 1888 he received a law degree from the Central University in Madrid. He was admitted to the bar and commenced practice in Madrid.

Frederico Degetau entered the Spanish Academy of Jurisprudence on Legislation and was one of the founders of the Societe Francaise pour L'Arbitraje entre Nations. Degetau returned to Puerto Rico, after many years in Spain, and became actively involved in politics. In 1897 he was a member of the Municipal Council of San Juan. During that same year he was appointed one of the four commissioners sent to Spain to request autonomy for Puerto Rico. The principles of liberalism and colonial reform were the moving forces which guided him during this mission and during his future years as Puerto Rico's delegate to the Cortes of Spain, a position he occupied until 1898. Later he was the mayor of San Juan, the capital city of Puerto Rico. In 1899 General Henry appointed him secretary of the interior in the first cabinet formed in Puerto Rico under the American flag.

He was also appointed, on a later date, by General Davis as a member of the Insular Board of Charities. From 1899 to 1900 Degetau also served as first vicepresident of the Municipal Council of San Juan and was president of the Board of Education of San Juan from 1900 to 1901.

On November 6, 1900, he was elected first Resident Commissioner from Puerto Rico to the U.S. House of Representatives. As Resident Commissioner, under the Foraker Act of 1900, he had neither voice nor vote, since he had no floor privileges. In 1901, he was admitted to the U.S. Supreme Court bar. Among his achievements while in office was his testimony before the House Committee on Insular Affairs which gained floor privileges for the position of Resident Commissioner. His services until 1905, contributed to the importance and effectiveness of the Office of the Resident Commissioner in representing the people of Puerto Rico in the U.S. Congress. He renewed the practice of law and died at the age of 51 years in Santurce, Puerto Rico on January 20, 1914.

In view of his career as an attorney and statesman in search of justice and liberty for his fellow men, it is a fitting and proper tribute to name the Federal building and U.S. courthouse in Hato Rey, Puerto Rico, the "Federico Degetau Federal Building." May I also say that today's action by the House represents an honor not only to Federico Degetau but to all Puerto Ricans who will see with great satisfaction that the largest Federal office building in our island will bear the name of a fellow Puerto Rican.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MIKE MONRONEY AERONAUTICAL CENTER

The Clerk called the bill (H.R. 7674) to designate the "Mike Monroney Aeronautical Center."

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Federal Aviation Administration Aeronautical Center, Oklahoma City, Oklahoma, shall hereafter be known and designated as the "Mike Monroney Aeronautical Center". Any reference in a law, map, regulation, document, record, or other paper of the United States to such Center shall be held to be a reference to the Mike Monroney Aeronautical Center.

o Mr. MINETA. Mr Speaker, H.R. 7674 would designate the Federal Aviation Administration Aeronautical Center in Oklahoma City, Okla., the "Mike Monroney Aeronautical Center."

Congressman Mike Monroney was born in Oklahoma City, Okla., on March 2, 1902. He attended public schools and was graduated from the University of Oklahoma in 1924, and then served his community as a journalist and in private enterprise. In 1938 he was elected to the House of Representatives, where he served with distinction until his election in 1950 to the U.S. Senate. He continued to represent the people of Oklahoma in the Senate for 18 years.

During the course of his congressional service, Congressman Monroney was particularly noted for his efforts to improve the organization of the Congress. He served as vice chairman of the Joint Committee on the Organization of Congress during the 79th Congress; he coauthored with Senator Robert M. LaFollette the legislative reorganization bill of 1946; and he served as cochairman of the Joint Committee on Organization of Congress in 1965. His career was also noted by various public service awards, among them the 1945 Collier's Award for "Distinguished Congressional Service" and the 1961 Wright Brothers' Memorial Trophy for public service in aviation.

In view of his long and distinguished career and his interest in aviation, and in view of his many years of outstanding service to the people of his community, his State, and his country, it is fitting and proper that the Aeronautical Center in Oklahoma City, Okla., be named in his honor as the "Mike Monroney Aeronautical Center."●

● Mr. JOHNSON of California. Mr. Speaker I wish to associate myself with the remarks of my distinguished colleague, the chairman of our Subcommittee on Public Buildings and Grounds, Mr. MINETA.

H.R. 7674 honors an outstanding American, the Honorable Mike Monroney, by naming the aeronautical center in Oklahoma City, Okla., after him.

In 1939, he was elected to the U.S. House of Representatives and began a role of public service that became marked with various legislative accomplishments. In 1950, he was elected to the U.S. Senate when he continued to represent the people of Oklahoma admirably for 18 years. During his years in the Congress, he held various committee posts and sponsored major bills, including legislation dealing with aviation and congressional reorganization. He was held in the highest regard by his colleagues for his long and dedicated service. He served not only the State of

Oklahoma, but the entire country with distinction and it is most fitting to name the aeronautical center in his honor.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the Senate bill (S. 1640) to designate the Mike Monroney Aeronautical Center, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Federal Aviation Administration Aeronautical Center, Oklahoma City, Oklahoma, shall hereafter be known and designated as the "Mike Monroney Aeronautical Center". Any reference in a law, map, regulation, document, record, or other paper of the United States to such center shall be held to be a reference to the Mike Monroney Aeronautical Center.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7674) was laid on the table.

CHET HOLIFIELD BUILDING

The Clerk called the bill (H.R. 12138) to name a certain Federal building in Laguna Niguel, Calif., the "Chet Holifield Building."

There being no objection, the Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal building located at 2400 Avila Road, Laguna Niguel, California, is hereby designated as the "Chet Holifield Building". Any reference in any law, regulation, document, record, map, or other paper of the United States to such building shall be considered to be a reference to the Chet Holifield Building.

● Mr. MINETA. Mr. Speaker, H.R. 12138 would name the Federal building in Laguna Niguel, Calif., the "Chet Holifield Building."

Congressman Chet Holifield was born in Mayfield, Ky., on December 3, 1903. He was educated in the public schools of Arkansas and has resided in California since 1920. He has served his community, his State, and his country for many years.

Chet Holifield was first elected to Congress in November 1942, and he served with distinction in the House of Representatives for 32 years. He was entrusted by the House with a great many responsibilities, among them chairman 87th, 89th, and 91st Congresses, vice chairman 88th and 90th Congresses, Joint Committee on Atomic Energy; chairman, House Committee on Government Operations; chairman, Subcommittee on Legislation and Military Operations, House Committee on Government Operations; and member, House Committee on Standards of Official Conduct.

And perhaps most notably, because of his special expertise in the field, he served as congressional adviser or delegate to innumerable commissions and international conferences on atomic energy.

In view of his long and distinguished career, and in view of his many years of outstanding service to the people of his district and to his country, it is fitting and proper that the Federal building at Laguna Niguel, Calif., be named in his honor as the "Chet Holifield Building."●

● Mr. JOHNSON of California. Mr. Speaker, I wish to associate myself with the remarks of my distinguished colleague, the chairman of our Subcommittee on Public Buildings and Grounds, Mr. MINETA.

H.R. 12138 honors a prominent American—former Congressman Chet Holifield—by naming the Federal building in Laguna Niguel, Calif., after him. Congressman Holifield was elected to Congress in 1942 and served admirably through the next 32 years until his retirement at the end of the 93d Congress. Chet Holifield held various committee posts while serving in Congress. Most notably, he served as chairman of the House Government Operations Committee in 1949. He handled the legislation which created the General Services Administration, the agency which has jurisdiction over the Federal building at Laguna Niguel, Calif. During his years in Congress, he served not only the State of California, but the entire country in helping to build America. He was the driving force behind meaningful legislation designed to assist the entire country. He was forthright and eloquent in his belief in our system of government and the American way of life. He labored long and hard and served the Congress and his constituents with distinction. I am sure that all of the California delegation and all of the people in California would agree that Chet Holifield was a very fine Congressman and would agree with the contents of this bill.●

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the three bills just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DECLARING THAT THE UNITED STATES HOLDS IN TRUST FOR THE PUEBLO OF SANTA ANA CERTAIN PUBLIC DOMAIN LANDS

The Clerk called the bill (H.R. 3924) to declare that the United States holds in trust for the Pueblo of Santa Ana certain public domain lands.

The SPEAKER. Is there objection to the present consideration of the bill?

Ms. MIKULSKI. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

DECLARING THAT THE UNITED STATES HOLDS IN TRUST FOR THE PUEBLO OF ZIA CERTAIN PUBLIC DOMAIN LANDS

The Clerk called the bill (H.R. 10240) to declare that the United States holds in trust for the Pueblo of Zia certain public domain lands.

The SPEAKER. Is there objection to the present consideration of the bill?

Ms. MIKULSKI. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

VLADIMIR SLEPAK

(Mr. WAXMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAXMAN. Mr. Speaker, Vladimir Slepak, who has been refused permission to leave the Soviet Union for over 8 years, was arrested by the authorities on June 1. The charge is "hooliganism." His "crime" was that he hung a banner from his apartment window with the plea, "Let my family go to Israel." If convicted of this absurd charge, Vladimir Slepak can be sentenced to 5 years in prison.

This is simply the latest in a series of outrages which have marked the Soviet campaign to completely destroy any hope held by the Soviet "refuseniks" that they may some day be permitted to live in freedom.

That the Soviet Government threatens to imprison an individual for 5 years, because of a simple public plea for mercy and compassion is a measure of Soviet determination to silence all opposition.

Vladimir Slepak has been without employment since he applied to emigrate to Israel in March 1970. A radio engineer, he has been told that he is in possession of "state secrets"—a common excuse employed by the authorities to reject emigration applications. But even though

Soviet lay provides that such a basis for refusing permission to emigrate is void after 5 years, the Slepak family has received no relief.

Vladimir Slepak's public plea was an act of desperation. If it was not to be in vain, we in the Congress must speak out on his behalf. I urge may colleagues to join me in signing a letter of protest to the Soviet authorities, and calling for his release from prison and freedom to leave the Soviet Union.

THE 55-MILE-PER-HOUR SPEED LIMIT SHOULD BE ENFORCED

(Mr. WINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WINN. Mr. Speaker, anyone who has driven on our highways recently has noticed that the 55-mile-per-hour speed limit adopted 5 years ago is being violated by up to as many as three-fourths of the motorists on the road. Even people driving Federal and State vehicles are guilty of breaking the law.

Recently, one of my constituents related two instances in which he was passed by official Government vehicles. One was a Navy recruiting car traveling in excess of 65 miles per hour, and the other was a Job Corps bus which passed him as if he were standing still.

There is no question that enforcement efforts have been lax. Nevertheless, it is ridiculous to have a law on the books if it is not being enforced. Moreover, it is absurd to expect the average citizen to obey the law voluntarily if he sees it broken daily by State and Federal vehicles.

The House will soon have an opportunity to do something about this situation. When we consider the highway bill for fiscal year 1979, I ask that Members pay particular attention to provisions for funding assistance to the States specifically for the purpose of enforcing the speed limit.

Some people want us to raise the speed limit or let the States set their own. However, I believe we should retain the present law, despite some of the inconveniences it may cause.

In the meantime, we can assist the States by implementing an aggressive program of public information and education and by continuing to emphasize our own commitment to the speed limit. Saving lives and energy are much more important than inconvenience.

THE LATE SENATOR JOSEPH M. MONTOYA

(Mr. LUJAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUJAN. Mr. Speaker, I rise to inform the House of the passing of our former colleague, former Senator Joseph M. Montoya of New Mexico at Georgetown Hospital this morning at 9 a.m.

I feel very fortunate to have had the opportunity to work with Senator Montoya for the major portion of the time I have been in Washington. Having served on the Joint Committee on Atomic Energy with the Senator and having seen close up his total devotion to the State and people of New Mexico, I want to say that the people of our State have lost a very dear friend.

Senator Montoya was exactly what every public servant should be—a true servant of the people who elected him. No person was too insignificant for Senator Montoya to take a personal interest in and no problem brought to him by a constituent was ever too small for him to try to solve. His duties kept him in Washington most of the time, but his heart was always in New Mexico and his concern was for the people back home.

I am fortunate to have known Senator Montoya on a personal basis long before I entered into public life and I found him to be a warm and caring person in all aspects of life.

There is little I can say to add to the stature of this man who served his State and Nation with such dedication for so many years. I can only say that those of us who were fortunate enough to have known him are better for it.

THE RETURN OF JAMES LEA, CHIEF CLERK, OFFICIAL REPORTERS OF DEBATES

(Mr. BAUMAN asked and was given permission to address the House for 1 minute and to receive and extend his remarks.)

Mr. BAUMAN. Mr. Speaker, we are not always one big, happy family here in the House of Representatives, but it would be very difficult for all of us to get along without members of the staff to assist us with our work in a great many instances.

Today, I want to take the well to welcome back, after an extended operation for an eye problem, one of the members of the staff, who is very important to us. He is also one I have the good fortune to represent since he lives in Prince Frederick, Md. I refer to the Chief Clerk of the Official Reporters of Debates, James Lea, who has returned today.

I am sure that no errors will creep into the RECORD from now on, since they will be caught well before they ever appear. Jimmy is back with us, and we are glad of that.

PROPOSED CONSTITUTIONAL AMENDMENT TO REQUIRE BALANCED FEDERAL BUDGET

(Mr. COLEMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN. Mr. Speaker, each and every day more indications of the drastic need for us to eliminate the Federal Government's contribution to inflation become apparent. In the last several days, more and more statistical information has been offered to illustrate the Nation's growing inflation problem. Tomorrow the eyes of the Nation will be watching the voters of California as they decide on several proposed methods of reducing their State government's fueling of inflation.

Last week, I sent you and all other Members a package of information about a constitutional amendment I am sponsoring. House Joint Resolution 916. This amendment, once adopted by the States, would require a balanced Federal budget except in times of national emergency. I hope that you can find the time to review my package, because it also includes a review of your own State's treatment of the balanced budget questions, and it gives further explanation of the resolution.

Mr. Speaker, in summary there are five reasons we need numerous introductions of this resolution and adoption of the resolution before the 95th Congress adjourns:

First. Adoption of the resolution will create a mental attitude in the people of our Nation that offers optimism about inflation instead of pessimistic anticipation, which fuels more inflation.

Second. Adoption of the resolution will convince the world business community that the dollar is a good and sound trading medium and, therefore, will reduce some of the external pressures encouraging inflation.

Third. Adoption of the resolution will show the people of our Nation that Congress is serious about getting the Federal Government out of the inflation business.

Fourth. Adoption of the resolution will immediately force all of us to reassess our views on Federal spending priorities.

Fifth. Adoption of the amendment will remove the Federal Government's contribution to inflation.

I plan to reintroduce the resolution on June 13, 1978 and welcome the participation of all other Members.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., June 2, 1978.

Hon. THOMAS P. O'NEILL, Jr.
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 3:28 p.m. on Friday, June 2, 1978, and said to contain a message from the President wherein he transmits a request for the extension of the Jackson-Vanik Waiver Authority concerning the Republic of Romania and the Hungarian People's Republic and the United States-Romanian Agreement on Trade Relations, together with copies of two determinations in connection therewith.

With kind regards, I am

Sincerely

EDMUND L. HENSHAW, Jr.,
Clerk.

RECOMMENDING EXTENSION OF JACKSON-VANIK WAIVER AUTHORITY CONCERNING REPUBLIC OF ROMANIA AND HUNGARIAN PEOPLE'S REPUBLIC AND UNITED STATES-ROMANIAN AGREEMENT ON TRADE RELATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 95-345)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In accordance with subsection 402(d)(5) of the Trade Act of 1974, I transmit herewith by recommendation for a further 12-month extension of the authority to waive subsections (a) and (b) of section 402.

In accordance with subsections 402(d)(5)(B) and (C), this recommendation gives my reasons for recommending the extension of waiver authority and for my determination that continuation of the waivers applicable to the Socialist Republic of Romania and to the Hungarian People's Republic will substantially promote the objectives of section 402.

I include as part of my recommendation, my determination that further extension of the waiver authority, and continuation of the waivers applicable to the Socialist Republic of Romania and to the Hungarian People's Republic, will substantially promote the objectives of section 402.

For the information of the Congress, I also include my finding and determination that the requirements for renewal of United States-Romanian Agreement on Trade Relations under section 450(b) of the Trade Act have been satisfied.

JIMMY CARTER.

THE WHITE HOUSE, *June 2, 1978.*

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 3(b) of rule XXVII. The Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated, and after those motions to be determined by nonrecord votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

TRANSPORTATION OF COAST GUARD EMPLOYEES

Mr. MURPHY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 185) to amend section 2632 of title 10, United States Code, to provide the Secretary of the Department in which the Coast Guard is operating with the authority to transport Coast Guard employees to and from certain places of employment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2632 of title 10, United States Code, is amended as follows:

(1) In subsection (a)—

(a) by striking the words "of a military department" and inserting in lieu thereof the word "concerned"; and

(b) by striking the word "that" where it precedes the words "department, he may" and inserting in lieu thereof the word "his";

(2) In subsection (b) by striking the words "of the military department";

(3) In subsection (c), clause (A) of paragraph (2)—

(a) by striking the word "or" and inserting in lieu thereof a comma; and

(b) by inserting the words "or the Coast Guard," after the words "Marine Corps,".

The SPEAKER. Is a second demanded?

Mr. TREEN. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from New York (Mr. MURPHY) will be recognized for 20 minutes and the gentleman from Louisiana (Mr. TREEN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I recommend the passage of H.R. 185, as reported by the Committee on Merchant Marine and Fisheries. It is a simple bill, reported unanimously by the committee without amendment, and as far as I know, is completely noncontroversial.

Under existing law, there are very proper constraints on the use of governmental vehicles in the transportation of employees between their homes and their places of employment. In the case of certain Coast Guard employees, those restraints create a situation which this bill will relieve.

In its duties in connection with the maintenance of navigation systems for use by both the armed services and commerce, the Coast Guard is engaged in the construction of an expanded long range system known as Loran-C. Because of the electronic needs of the system, the transmitting stations are located in remote areas, away from electromagnetic forces generated from other activities. Necessarily, the sites are also remote from communities where the Coast Guard construction and operating personnel could obtain housing and other community supports, thus preventing dependents from accompanying them to their duty stations.

One solution would be to provide dependents' housing at the station site, a solution which would be too expensive and not satisfactory for many of the dependents' needs. Another solution would be to make the assignments on an unaccompanying duty basis, with the resultant detriment to morale for married personnel.

The third solution has been decided upon as the most practicable and desirable—to locate dependents of married personnel in the nearest community with available housing. That has resulted in commuting problems, with personnel at two sites required to commute daily more than 50 miles to and from their homes and duty stations. While this may not create an Earth-shattering problem, it is a serious one of commuting costs for many of the enlisted personnel involved.

The bill would relieve this problem by giving to the Secretary of the Department of Transportation the same authority now held by the Secretaries of the Army, Navy, and Air Force to provide transportation for their personnel. The transportation can be furnished only after the Secretary determines that a reasonable effort has been made to induce private operators to provide the necessary transportation and that the service furnished will supply the most efficient transportation to the personnel concerned.

The total annual cost of action anticipated after the passage will approximate $4,000 per year.

I urge the passage of the bill.

Mr. TREEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman of the committee, the gentleman from New York (Mr. MURPHY) has given an adequate explanation of the bill and it is supported by the minority.

Mr. Speaker, I join my colleagues in supporting H.R. 185, a bill to authorize the Secretary of the Department in which the Coast Guard is operating to transport Coast Guard employees to and from certain places of employment.

In accordance with the National Implementation Plan for Loran (long range aids to navigation) the Department of Transportation is constructing several Loran stations at remote sites. The remote location of these stations is made necessary because of the stations' isolated placement in the Loran C network, and to free the station from electromagnetic interference.

Some of these remote sites will be in areas where adequate community support cannot be provided for Coast Guard personnel assigned to the stations. For example, the Loran station to be constructed at Searchlight, Nev., will be 55 miles from the nearest town offering adequate community support. As a result, adequate transportation will have to be provided between the towns providing community support and the remote Loran station.

Under existing law the Secretary of a "military department" is authorized to provide assured and adequate transportation for persons employed in his Department to and from the places of employment whenever he determines it is necessary for the effective conduct of

the affairs of his Department. As currently defined by law, the Coast Guard is not considered a "military department." This bill would extend the existing authority to include the Secretary of the Department in which the Coast Guard is operating—currently the Department of Transportation. Thus the bill would allow the Secretary of Transportation to provide adequate and assured Government transportation for personnel from their quarters to the remote Loran station sites. The alternatives to providing Government transportation are to require personnel to drive their own vehicles to the stations, or to make the sites unaccompanied duty stations. It is felt that these options would work an unnecessary hardship on the personnel and adversely affect crew morale.

I believe this bill is necessary and urge you to support its passage.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. TREEN. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. LATTA).

(By unanimous consent, Mr. LATTA was allowed to speak out of order.)

NEED FOR IMMEDIATE ACTION TO SETTLE DISPUTE BETWEEN CANADA AND THE UNITED STATES ON FISHING RIGHTS IN THE GREAT LAKES

Mr. LATTA. Mr. Speaker, I do not know of a better time to speak out on this subject than right now since we are talking about the Coast Guard. I was dismayed over the weekend to see on national television that the Coast Guard is now being asked to patrol the waters of the Great Lakes between Canada and the United States because we have not been able to get together with our friendly neighbor to the north, Canada, on a new fishing agreement.

This problem, which arose on the west coast, has now spilled over into the Great Lakes at a time when the sports fishing on the Great Lakes is just coming on for the season. We have thousands of sport fishermen desirous of fishing in the Great Lakes without the thought of being apprehended and their gear confiscated if they wander into Canadian waters. We have thousands of charter boats with millions of dollars of equipment both in Canada and in the United States awaiting word that they can safely return to the lakes. We have sports fishermen and women waiting to go fishing on the Great Lakes and their plans are now in disarray because negotiations have broken down between two friendly nations over a fishing treaty which primarily is affecting the west coast. Why this dispute should have spilled over into the Great Lakes to the extent that our fishermen and women—and I am speaking now about hook and line fishermen and fisherwomen—cannot after noon today, go into Canadian waters, and the Canadians cannot fish in U.S. waters on our Great Lakes is beyond me. I think this is an impasse that should not have been reached between our two friendly nations.

I discussed this matter with the State Department just this morning and urged them, if they cannot get together quickly on some sort of agreement on the west coast, to eliminate Great Lakes hook and line fishing from their discussions. Frankly, I don't believe the Great Lakes should have been involved from the outset. The State Department representative, Mr. Doug Marshall, indicated they would consider my suggestion.

The question arose as to whether or not Public Law 94–265, dealing with extending the 200-mile fishing limit would apply to hook and line fishermen. To my surprise, I learned that the State Department was interpreting language in Public Law 94–265 to apply to hook and line fishermen.

I do not believe the Congress intended for such fishing to be included under the act. If remedial legislative action is needed, it should be taken forthwith as a multimillion-dollar fishing business is at stake between these two countries, as well as the plans of a lot of fishermen and fisherwomen who normally would be using the Great Lakes during their vacations.

So I would plead with the administration and our friends to the north to get this matter resolved, not on June 19 when they are talking about sitting down and negotiating for the first time on a long-term agreement, by exempting the hook and line fishing in the Great Lakes from these west coast discussions in order that our people in the Great Lakes area can get on with their fishing.

● Mr. BIAGGI. Mr. Speaker, I rise in support of H.R. 185, as reported by the Committee on Merchant Marine and Fisheries—and urge its passage by the House.

This bill represents amendatory legislation which is simple and noncontroversial—but it is necessary to provide to the Secretary of Transportation the authority to transport Coast Guard employees to and from certain places of employment.

This legislation will alleviate a problem which has arisen because of the construction of remotely located long-range radio aids to navigation stations.

Because site selections are based upon freedom from electromagnetic interference and placement of the Loran-C network, some sites are—and others necessarily will be—located in remote areas of the United States where adequate community support for Coast Guard personnel is not—or will not be—readily available.

This, perforce, also includes the inadequacy or nonavailability of public transportation. Requiring personnel to drive their own vehicles—or, in the alternative, to make the sites unaccompanied duty stations—would work a hardship on personnel and adversely affect morale.

Furthermore, providing adequate housing for the dependents at the station site would be too expensive and would be otherwise unsatisfactory for the needs of the dependents involved.

The providing of a Government vehicle for transportation to and from the station site is the most reasonable and cost-effective resolution of the problem.

I now ask that the House consider and pass H.R. 185—to provide this minor but necessary transportation authority.●

Mr. TREEN. Mr. Speaker, I have no other requests for time.

Mr. MURPHY of New York. I have no further requests for time, Mr. Speaker.

The SPEAKER pro tempore (Mr. VANIK). The question is on the motion offered by the gentleman from New York (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 185.

The question was taken.

Mr. CUNNINGHAM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

INTERVENTION ON THE HIGH SEAS ACT AMENDMENTS

Mr. MURPHY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 188) to amend the Intervention on the High Seas Act to implement the protocol relating to intervention on the high seas in cases of marine pollution by substances other than oil, 1973, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Intervention on the High Seas Act (88 Stat. 8, Public Law 93–248) is amended as follows:

(1) Section 2 is amended to read as follows:

"SEC. 2. As used in this Act—

"(1) 'a substance other than convention oil' means those oils, noxious substances, liquefied gases, and radioactive substances—

"(A) enumerated in the protocol, or

"(B) otherwise determined to be hazardous under section 4(a);

"(2) 'convention' means the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, including annexes thereto;

"(3) 'convention oil' means crude oil, fuel oil, diesel oil, and lubricating oil;

"(4) 'Secretary' means the Secretary of the department in which the Coast Guard is operating;

"(5) 'ship' means—

"(A) a seagoing vessel of any type whatsoever, and

"(B) any floating craft, except an installation or device engaged in the exploration and exploitation of the resources of the seabed and the ocean floor and the subsoil thereof;

"(6) 'protocol' means the Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other Than Oil, 1973, including annexes thereto; and

"(7) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands,

the Commonwealth of the Northern Marianas, and any other commonwealth, territory, or possession of the United States.".

(2) Section 3 is amended by—

(A) striking the word "oil" and inserting in lieu thereof the phrase "convention oil or of the sea or atmosphere by a substance other than convention oil"; and

(B) striking the word "Convention" and inserting in lieu thereof the phrase "convention, the protocol".

(3) Section 4 is amended by—

(A) inserting the words "human health," between the words "limited to," and "fish" and designating the existing section as subsection (b);

(B) adding a new subsection (a) as follows:

"(a) The Secretary, after consultation with the Administrator of the Environmental Protection Agency and the Secretary of Commerce, shall determine when a substance other than those enumerated in the protocol is liable to create a hazard to human health, to harm living resources, to damage amenities, or to interfere with other legitimate uses of the sea.".

(4) Section 10 is amended by adding a new subsection (c) as follows:

"(c) With respect to intervention for a substance identified pursuant to section 4(a), the United States has the burden of establishing that, under the circumstances present at the time of the intervention, the substance could reasonably pose a grave and imminent danger analogous to that posed by a substance enumerated in the protocol.".

(5) Section 13 is amended—

(A) in subsection (a) by striking the period at the end of the subsection and inserting in lieu thereof the phrase "and article II of the protocol and may propose amendments to the list of substances other than convention oil in accordance with article III of the protocol."; and

(B) in subsection (b) by striking the words "annexes thereto" and inserting in lieu therof the word "protocol".

(C) by adding a new subsection (c) as follows:

"(c) The President may accept amendments to the list of substances other than convention oil in accordance with article III of the protocol.".

(6) Section 15 is amended by inserting the words ", the protocol," between the words "convention" and "and".

SEC. 2. This Act shall be effective upon the date of enactment, or upon the date the protocol becomes effective as to the United States, whichever is later.

The SPEAKER pro tempore. Is a second demanded?

Mr. TREEN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. MURPHY) will be recognized for 20 minutes, and the gentleman from Louisiana (Mr. TREEN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York, Mr. MURPHY.

Mr. MURPHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I recommend the passage by the House of the bill, H.R. 188, as reported by the Committee on Merchant Marine and Fisheries.

The bill would amend the Intervention on the High Seas Act in order to implement the 1973 protocol to the 1969 convention relating to intervention on the high seas in cases of oil pollution casualties. The protocol would expand the coverage of the convention to substances other than oil, such as noxious substances, liquefied gases, and radioactive wastes.

H.R. 188, as introduced, was identical to H.R. 11406 in the 94th Congress, reflecting a legislative proposal of the Secretary of Transportation. No action was taken in the 94th Congress, since the protocol in question was not submitted to the Senate for its advice and consent.

The protocol has now been forwarded to the Senate for its appropriate action, and its advice and consent is expected during the present Congress. This implementing legislation would become effective on date of enactment, or on the date on which the protocol would become binding on the United States, whichever is later.

Last fall, the Secretary of Transportation forwarded a new proposal for implementing legislation, containing substantially the same language as H.R. 188. Rather than starting with a new bill, therefore, the committee proceeded with the consideration of H.R. 188 and amended it to reflect basically the language of the proposal. As reported, it is in substance identical to the departmental proposal.

When the protocol comes into effect, this bill as enacted will recognize the right of the United States to intervene and take appropriate action on the high seas in the case of any vessel of whatever flag, which, through collision, grounding, or other casualty, poses an imminent danger to the coastline or related interests of the United States from pollution of the sea by hazardous substances other than oil.

Any action which is reasonably necessary may be taken to prevent, mitigate, or remove the damage threat, including the destruction of the vessel and cargo, without subjecting the United States to any liability for its actions. The pollution revolving fund established under the Federal Water Pollution Act will be available to bear the costs of the action taken. All rights of action are preserved to recover such costs from the vessel owner or any other party whose negligence caused the incident from which the intervention action was initiated.

The bill will implement one more international agreement designed to improve the world's antipollution efforts. As such, it is worthy of the support of every Member of the House. I solicit that support.

Mr. TREEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleagues in supporting H.R. 188, a bill to amend the Intervention on the High Seas Act to Implement the Protocol Relating to Intervention on the Seas in Cases of Marine Pollution Substances Other Than Oil, 1973.

The Intervention on the High Seas Act of 1974 (33 U.S.C. 1471–87) implemented the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969. The act authorized the United States to take whatever actions are necessary in the event of a casualty involing a domestic or foreign vessel on the high seas to prevent a grave and imminent danger to its coastline or related interests from pollution by crude oil, fuel oil, diesel oil, or lubricating oil. These oils may be referred to as convention oil. H.R. 188 would amend the Intervention on the High Seas Act to Implement the Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other Than Oil, 1973.

The protocol extends the right of intervention on the high seas to include incidents involving nonconvention oils and hazardous substances such as noxious substances, liquefied gases—and radioactive substances. With regard to these substances, the bill includes pollution of the atmosphere as well as the sea.

An annex to the protocol contains a list of substances for which intervention is authorized. However, the protocol does not preclude intervention with respect to an unlisted substance where it can be shown that the unlisted substance poses a grave and imminent danger equivalent to that of a listed substance.

The proposed amendments become effective on the date of enactment or the date the protocol becomes effective for the United States, whichever is later. The protocol becomes effective internationally 90 days after 15 nations have ratified it. To date only two nations have ratified the protocol due mainly to the delays in establishing the list of substances contained in the annex, and in publishing the list in foreign languages. The protocol was forwarded to the Senate on July 25, 1977, for its advice and consent.

I believe we have a good bill, and urge support of its passage.

● Mr. BIAGGI. Mr. Speaker, I rise in support of H.R. 188, as reported by the Committee on Merchant Marine and Fisheries—and urge its passage by the House.

This bill represents amendatory legislation which is necessary to implement a protocol to an international treaty which is expected to receive the advice and consent to ratification by the Senate in the very near future.

It would implement the "1973 High Seas Intervention Protocol" by amending the "1974 Intervention on the High Seas Act"—to enable the United States to take rapid and necessary action on the high seas to prevent pollution, or threat of pollution, by foreign-flag or U.S.-flag vessels that contain hazardous substances.

This is in addition to existing authority

which permits taking similar rapid and necessary action on the high seas—to prevent pollution or threat of pollution by vessels that contain oil.

This bill complements existing legislation which is representative of the international and domestic concern—over the need for a coastal nation to act in a timely fashion to prevent major oil or hazardous material pollution damage—to a nation's waters or adjoining shorelines—as an outgrowth of a marine disaster—such as a collision, grounding, or foundering of a vessel on the high seas.

As many of you may well remember, the authority to intervene under the "1974 Intervention Act" which implements the "1969 High Seas Intervention Convention" was exercised by the United States during the *Argo Merchant* grounding near Cape Cod in December of 1976—and the less publicized *Irenes Challenge* foundering in the Pacific Ocean in January of 1977. Both of these vessels carried oil.

This bill will now extend such authority to vessels which carry hazardous substances—and evidences an awareness that oil is not the only potential source of marine pollution.

This bill—amending the "1974 Intervention Act"—does not change any of the substantive provisions of the act as it relates to oil. Rather, it merely extends the features of the act to substances other than oil.

As to the newly covered substances, the Secretary of Transportation is still required to determine that a grave and imminent danger exists;

He may still coordinate and direct efforts to remove or eliminate the threatened pollution;

He continues to have authority to undertake salvage or other action to remove or eliminate threatened pollution; and

He may still remove and, if necessary, destroy the ship and cargo which is the source of the danger.

The bill does not change the system of consultation required before undertaking intervention action when time is available—and continues to recognize the right to take prompt intervention when the circumstances demand it.

Annexed to the protocol is a list containing the hazardous substances for which intervention is authorized—if the requisite danger to the coastline or related interests is present. However, the protocol also recognizes the right of intervention with respect to an unlisted substance. Therefore, the bill also provides for additions to the list of hazardous substances—in advance or at the time intervention action is considered necessary.

Mr. Speaker, in concluding, I want to state that this legislative initiative is another one of the many related legislative initiatives by this Congress with respect to the transportation of goods and products within the marine mode.

Earlier, the House acted upon—and the President signed—Public Law 95-75 which implements international navigational rules in an effort to maintain a high level of safety at sea.

The House also acted upon—and the President signed—Public Law 95-208 which provides for the establishment of uniform structural standards for intermodal cargo containers.

Additionally, the House acted upon—and the Senate is presently considering H.R. 6803, a bill establishing a single national standard of strict liability for oil spills—and the creation of a fund to clean up oil spills and compensate victims for oil pollution damages.

I now ask that the House consider and pass H.R. 188, a bill to permit intervention on the high seas in cases of marine pollution by substances other than oil.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 188, as amended.

The question was taken.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS

Mr. ROBERTS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12140) to amend the Federal Water Pollution Control Act to provide additional authorizations for certain operating programs under the act.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (1) of section 104(u) of the Federal Water Pollution Control Act (33 U.S.C. 1254) is amended to read as follows: "(1) not to exceed $100,000,000 per fiscal year for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975, not to exceed $13,900,000 for the fiscal year ending September 30, 1979, and not to exceed $14,039,000 for the fiscal year ending September 30, 1980, for carrying out the provisions of this section, other than subsections (g)(1) and (2), (p), (r), and (t), except that such authorizations are not for any research, development, or demonstration activity pursuant to such provisions;".

The SPEAKER pro tempore. Is a second demanded?

Mr. DON H. CLAUSEN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ROBERTS) will be recognized for 20 minutes and the gentleman from California (Mr. DON H. CLAUSEN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ROBERTS).

Mr. ROBERTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 12140 which extends certain authorizations provided by the Federal Water Pollution Control Act.

H.R. 12140 amends section 104(u)(1) of the act to provide additional authorizations for fiscal years 1979 and 1980 for certain activities authorized under that section.

The Environmental Protection Agency requested an authorization of $13,900,000 for fiscal year 1979. For fiscal year 1980 EPA requested an open-ended authorization. The committee authorized such amounts as it determined could be used.

H.R. 12140 authorizes $13,990,000 for fiscal year 1979 and $14,039,000 for fiscal year 1980. It is intended that these funds be distributed among the following eligible activities:

First. Water quality surveillance and information dissemination activities provided by section 104(a)(5) and 104(b)(6);

Second. Great Lakes water quality monitoring provided by section 104(f); and,

Third. Manpower planning and training activities provided by section 104(g)(3).

Mr. Speaker, I urge my colleagues to join me in supporting the enactment of this necessary legislation.

Mr. DON H. CLAUSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 12140 which extends certain authorities under section 104 of the Federal Water Pollution Control Act. These authorities expired June 30, 1975.

This bill will provide programs for Great Lakes water quality monitoring, surveillance, and information dissemination activities on monitoring of water quality standards and for training of sewage treatment plant operating personnel, amounting to $13.9 million for fiscal year 1979, which was the amount requested in the President's fiscal year 1979 budget, and $14,039,000 for fiscal year 1980.

During fiscal year 1979, H.R. 12140 would authorize funds to be used for water quality monitoring which includes completion of a biological monitoring and data automation pilot project. It would also authorize a program for the development of water pollution control manpower training capabilities at the State and local level, and would also develop national training strategies, curricula, and delivery systems to meet identified EPA, State, local and private sector training needs, plus support and evaluation of staffing and training efforts nationally. H.R. 12140 further authorizes additional funding under section 104 for the Great Lakes program, which includes a surveillance program to assist regional programs on the Great Lakes which are carried out in consultation with Canadian, State, and local authorities. These efforts will serve as partial support for the United States-Canada Great Lakes agreement.

Mr. Speaker, H.R. 12140 is a very important piece of legislation and I urge my colleagues to vote for its adoption.

● Mr. JOHNSON of California. Mr. Speaker, I join my friend and colleague, Chairman RAY ROBERTS, in urging enactment of H.R. 12140.

H.R. 12140 extends authorizations for fiscal years 1979 and 1980 for certain operating programs provided by section 104(u)(1) of the Federal Water Pollution Control Act.

These programs include water quality monitoring, Great Lakes water quality monitoring, and manpower planning and training.

Funds authorized by H.R. 12140 are not to be used to provide appropriations for programs authorized by sections 104(g)(1), 104(g)(2), 104(p), 104(r), 104(t) or, for any research, development, or demonstration activity.

An authorization of $13,900,000 is provided for fiscal year 1979 and $14,039,000 for fiscal year 1980.

Mr. Chairman, I urge enactment of this necessary legislation.●

Mr. ROBERTS. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ROBERTS) that the House suspend the rules and pass the bill, H.R. 12140.

The question was taken.

Mr. CUNNINGHAM. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 3, rule XXVII, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 185, H.R. 188, and H.R. 12140, on which the yeas and nays are ordered.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

TRANSPORTATION OF COAST GUARD EMPLOYEES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 185.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 185, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 336, nays 0, answered "present" 1, not voting 97, as follows:

[Roll No. 405]

YEAS—336

Abdnor	Fary	Lujan
Addabbo	Fascell	Luken
Akaka	Fenwick	Lundine
Ambro	Findley	McClory
Ammerman	Fish	McCormack
Andrews, N.C.	Fisher	McDade
Andrews, N. Dak.	Fithian	McDonald
	Flippo	McEwen
Annunzio	Flood	McFall
Archer	Florio	McKay
Ashbrook	Flynt	McKinney
Ashley	Foley	Madigan
Badham	Forsythe	Maguire
Bafalis	Fountain	Mahon
Baldus	Fowler	Markey
Barnard	Fraser	Marks
Bauman	Frenzel	Marlenee
Beard, R.I.	Fuqua	Marriott
Beard, Tenn.	Gammage	Mathis
Benjamin	Garcia	Mattox
Bennett	Gaydos	Mazzoli
Bingham	Gephardt	Meeds
Blanchard	Gilman	Metcalfe
Bouin	Ginn	Meyner
Boggs	Glickman	Michel
Boland	Goldwater	Mikulski
Bolling	Goodling	Miller, Calif.
Bonior	Gore	Miller, Ohio
Brademas	Gradison	Mineta
Breaux	Grassley	Mitchell, Md.
Breckinridge	Green	Mitchell, N.Y.
Brinkley	Gudger	Moakley
Brodhead	Guyer	Moffett
Broomfield	Hagedorn	Montgomery
Brown, Ohio	Hall	Moore
Broyhill	Hamilton	Moorhead, Calif.
Buchanan	Hammer-schmidt	
Burgener		Moorhead, Pa.
Burke, Fla.	Hanley	Moss
Burke, Mass.	Hansen	Mottl
Burleson, Tex.	Harkin	Murphy, N.Y.
Burlison, Mo.	Harrington	Murphy, Pa.
Burton, John	Harris	Murtha
Burton, Phillip	Harsha	Myers, Gary
Butler	Hawkins	Myers, John
Byron	Heckler	Myers, Michael
Caputo	Hefner	Natcher
Carr	Heftel	Neal
Carter	Hightower	Nedzi
Cavanaugh	Hillis	Nichols
Chappell	Hollenbeck	Nolan
Chisholm	Holt	Nowak
Clausen, Don H.	Holtzman	Oberstar
	Horton	Obey
Clawson, Del	Hubbard	O'Brien
Clay	Huckaby	Ottinger
Cleveland	Hughes	Panetta
Cohen	Hyde	Patterson
Coleman	Ichord	Pattison
Collins, Ill.	Ireland	Pease
Collins, Tex.	Jacobs	Pepper
Conable	Jeffords	Perkins
Corcoran	Johnson, Calif.	Pettis
Corman	Johnson, Colo.	Pickle
Cornell	Jones, N.C.	Preyer
Crane	Jones, Okla.	Price
Cunningham	Jordan	Pursell
D'Amours	Kastenmeier	Quayle
Daniel, Dan	Kazen	Quie
Daniel, R. W.	Kelly	Quillen
Davis	Kemp	Rahall
Dent	Ketchum	Railsback
Derrick	Keys	Rangel
Derwinski	Kildee	Regula
Devine	Kostmayer	Reuss
Dickinson	Krebs	Rhodes
Dicks	Krueger	Richmond
Dodd	LaFalce	Rinaldo
Downey	Lagomarsino	Risenhoover
Drinan	Latta	Roberts
Duncan, Tenn.	Leach	Robinson
Early	Lederer	Rogers
Eckhardt	Le Fante	Roncalio
Edgar	Leggett	Rooney
Edwards, Ala.	Lehman	Rosenthal
Edwards, Calif.	Lent	Rostenkowski
Edwards, Okla.	Levitas	Rousselot
English	Lloyd, Calif.	Rudd
Erlenborn	Lloyd, Tenn.	Russo
Evans, Colo.	Long, La.	Satterfield
Evans, Ga.	Long, Md.	Sawyer
Evans, Ind.	Lott	Scheuer
Schroeder	Stark	Wampler
Schulze	Steed	Watkins
Sebelius	Steers	Weaver
Seiberling	Steiger	Weiss
Sharp	Stockman	White
Shipley	Stratton	Whitehurst
Shuster	Studds	Whitley
Sikes	Symms	Wiggins
Sisk	Taylor	Wilson, Tex.
Skelton	Thompson	Winn
Skubitz	Traxler	Wirth
Slack	Treen	Wolff
Smith, Iowa	Trible	Wright
Smith, Nebr.	Udall	Wydler
Snyder	Vander Jagt	Wylie
Solarz	Vanik	Yates
Spellman	Vento	Yatron
Spence	Volkmer	Young, Fla.
St Germain	Waggonner	Young, Mo.
Staggers	Walgren	Zablocki
Stangeland	Walker	
Stanton	Walsh	

NAYS—0

ANSWERED "PRESENT"—1

AuCoin

NOT VOTING—97

Alexander	Dornan	Patten
Allen	Duncan, Oreg.	Pike
Anderson, Calif.	Eilberg	Poage
	Emery	Pressler
Anderson, Ill.	Ertel	Pritchard
Applegate	Evans, Del.	Rodino
Armstrong	Flowers	Roe
Aspin	Ford, Mich.	Rose
Baucus	Ford, Tenn.	Roybal
Bedell	Frey	Runnels
Bellenson	Giaimo	Ruppe
Bevill	Gibbons	Ryan
Biaggi	Gonzalez	Santini
Bonker	Hannaford	Sarasin
Bowen	Harkand	Simon
Brooks	Howard	Stokes
Brown, Calif.	Jenkins	Stump
Brown, Mich.	Jenrette	Teague
Burke, Calif.	Jones, Tenn.	Thone
Carney	Kasten	Thornton
Cederberg	Kindness	Tsongas
Cochran	Livingston	Tucker
Conte	McCloskey	Ullman
Conyers	McHugh	Van Deerlin
Cornwell	Mann	Waxman
Cotter	Martin	Whalen
Coughlin	Mikva	Whitten
Danielson	Milford	Wilson, Bob
de la Garza	Minish	Wilson, C. H.
Delaney	Mollohan	Young, Alaska
Dellums	Murphy, Ill.	Young, Tex.
Diggs	Nix	Zeferetti
Dingell	Oakar	

The Clerk announced the following pairs:

Mr. Alexander with Mr. Pike.

Mr. Zeferetti with Mr. Anderson of Illinois.

Mr. Patten with Mr. Tucker.

Mr. Biaggi with Mr. Emery.

Mr. Bevill with Mr. Whalen.

Mr. Giaimo with Mr. Bob Wilson.

Mr. Eilberg with Mr. Milford.

Mr. Dellums with Mr. Young of Alaska.

Mr. Howard with Mr. McCloskey.

Mr. Murphy of Illinois with Mr. Runnels.

Mr. Jenrette with Mr. Ruppe.

Mr. Dingel with Mr. Sarasin.

Mr. Cotter with Mr. Thone.

Mr. Carney with Mr. Duncan of Oregon.

Mr. Whitten with Mr. Allen.

Mr. Minish with Mr. Bedell.

Mr. Simon with Mr. Livingston.

Mr. Hannaford with Mr. Conyers.

Mr. Diggs with Mr. Flowers.

Mrs. Burke of California with Mr. Kindness.

Mr. Brown of California with Mr. Nix.

Mr. Ullman with Mr. Dornan.

Mr. Van Deerlin with Mr. Conte.

Mr. Mikva with Mr. Cochran of Mississippi.

Mr. Tsongas with Mr. Bonker.

Mr. Mann with Mr. Bowen.

Mr. Charles H. Wilson with Mr. Teague.

Mr. Ryan with Mr. Pritchard.

Mr. Rose with Mr. Frey.
Mr. Baucus with Mr. Stokes.
Mr. Aspin with Mr. Thornton.
Mr. Danielson with Mr. Jones of Tennessee.
Ms. Oakar with Mr. Kasten.
Mr. Santini with Mr. Brown of Michigan.
Mr. de la Garza with Mr. Pressler.
Mr. Cornwell with Mr. Holland.
Mr. Anderson of California with Mr. Applegate.
Mr. Ford of Tennessee with Mr. Gibbons.
Mr. Jenkins with Mr. Roybal.
Mr. Mollohan with Mr. Roe.
Mr. Stump with Mr. Bellenson.
Mr. Brooks with Mr. Evans of Illinois.
Mr. Delaney with Mr. Gonzalez.
Mr. McHugh with Mr. Waxman.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 3(b)(3) of rule XXVII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all of the additional motions to suspend the rules on which the Chair has postponed further proceedings.

INTERVENTION ON THE HIGH SEAS ACT AMENDMENTS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill H.R. 188, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MURPHY) that the House suspend the rules and pass the bill, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 344, nays 1, not voting 89, as follows:

[Roll No. 406]

YEAS—344

Abdnor	Breaux	Coleman
Addabbo	Breckinridge	Collins, Ill.
Akaka	Brinkley	Collins, Tex.
Ambro	Brodhead	Conable
Ammerman	Brooks	Corcoran
Andrews, N.C.	Broomfield	Corman
Andrews, N. Dak.	Brown, Ohio	Cornell
Annunzio	Broyhill	Crane
Archer	Buchanan	Cunningham
Ashbrook	Burgener	D'Amours
Ashley	Burke, Fla.	Daniel, Dan
AuCoin	Burke, Mass.	Daniel, R. W.
Badham	Burleson, Tex.	Davis
Bafalis	Burlison, Mo.	Delaney
Baldus	Burton, John	Derrick
Barnard	Burton, Phillip	Derwinski
Bauman	Butler	Devine
Beard, R.I.	Byron	Dickinson
Beard, Tenn.	Caputo	Dicks
Benjamin	Carr	Dodd
Bennett	Carter	Downey
Bingham	Cavanaugh	Drinan
Blanchard	Chappell	Duncan, Tenn.
Blouin	Chisholm	Early
Boggs	Clausen, Don H.	Eckhardt
Boland	Clawson, Del	Edgar
Bolling	Clay	Edwards, Ala.
Bonior	Cleveland	Edwards, Calif.
Brademas	Cohen	Edwards, Okla.
English	Lagomarsino	Railsback
Erlenborn	Latta	Rangel
Ertel	Le Fante	Regula
Evans, Colo.	Leach	Reuss
Evans, Del.	Lederer	Rhodes
Evans, Ga.	Leggett	Richmond
Evans, Ind.	Lehman	Rinaldo
Fary	Lent	Risenhoover
Fascell	Levitas	Roberts
Fenwick	Lloyd, Calif.	Robinson
Findley	Lloyd, Tenn.	Rogers
Fish	Long, La.	Roncalio
Fisher	Long, Md.	Rooney
Fithian	Lott	Rosenthal
Flippo	Lujan	Rostenkowski
Flood	Luken	Rousselot
Florio	Lundine	Rudd
Flynt	McClory	Russo
Foley	McCormack	Satterfield
Ford, Mich.	McDade	Sawyer
Forsythe	McEwen	Scheuer
Fountain	McFall	Schroeder
Fowler	McHugh	Schulze
Fraser	McKay	Sebelius
Frenzel	McKinney	Seiberling
Fuqua	Madigan	Sharp
Gammage	Maguire	Shipley
Garcia	Mahon	Shuster
Gaydos	Markey	Sikes
Gephardt	Marks	Sisk
Gilman	Marlenee	Skelton
Ginn	Marriott	Skubitz
Glickman	Mathis	Slack
Goldwater	Mattox	Smith, Iowa
Gonzalez	Mazzoli	Smith, Nebr.
Goodling	Meeds	Snyder
Gore	Metcalfe	Solarz
Gradison	Meyner	Spellman
Grassley	Michel	Spence
Green	Mikulski	St Germain
Gudger	Miller, Calif.	Staggers
Guyer	Miller, Ohio	Stangeland
Hagedorn	Mineta	Stanton
Hall	Mitchell, Md.	Stark
Hamilton	Mitchell, N.Y.	Steed
Hammer-schmidt	Moakley	Steers
Hanley	Moffett	Steiger
Hansen	Montgomery	Stockman
Harkin	Moore	Stratton
Harrington	Moorhead, Calif.	Studds
Harris	Moorhead, Pa.	Symms
Harsha	Moss	Taylor
Hawkins	Mottl	Thompson
Heckler	Murphy, N.Y.	Traxler
Hefner	Murphy, Pa.	Treen
Heftel	Murtha	Trible
Hightower	Myers, Gary	Udall
Hillis	Myers, John	Vander Jagt
Hollenbeck	Myers, Michael	Vanik
Holt	Natcher	Vento
Holtzman	Neal	Volkmer
Horton	Nedzi	Waggonner
Hubbard	Nichols	Walgren
Huckaby	Nolan	Walker
Hughes	Nowak	Walsh
Hyde	O'Brien	Wampler
Ichord	Oberstar	Watkins
Ireland	Obey	Waxman
Jacobs	Ottinger	Weaver
Jeffords	Panetta	Weiss
Johnson, Calif.	Patterson	White
Johnson, Colo.	Pattison	Whitehurst
Jones, N.C.	Pease	Whitley
Jones, Okla.	Pepper	Wiggins
Jordan	Perkins	Wilson, Tex.
Kastenmeier	Pettis	Winn
Kazen	Pickle	Wirth
Kelly	Poage	Wolff
Kemp	Preyer	Wright
Ketchum	Price	Wydler
Keys	Pursell	Wylie
Kildee	Quayle	Yates
Kostmayer	Quie	Yatron
Krebs	Quillen	Young, Fla.
Krueger	Rahall	Young, Mo.
LaFalce		Zablocki

NAYS—1

McDonald

NOT VOTING—89

Alexander	Bevill	Cochran
Anderson, Calif.	Biaggi	Conte
Allen	Bonker	Conyers
Anderson, Ill.	Bowen	Cornwell
Applegate	Brown, Calif.	Cotter
Armstrong	Bellenson	Coughlin
Aspin	Carney	Danielson
Baucus	Brown, Mich.	de la Garza
Bedell	Burke, Calif.	Dellums
	Cederberg	Dent
Diggs	McCloskey	Ryan
Dingell	Mann	Santini
Dornan	Martin	Sarasin
Duncan, Oreg.	Mikva	Simon
Eilberg	Milford	Stokes
Emery	Minish	Stump
Flowers	Mollohan	Teague
Ford, Tenn.	Murphy, Ill.	Thone
Frey	Nix	Thornton
Giaimo	Oakar	Tsongas
Gibbons	Patten	Tucker
Hannaford	Pike	Ullman
Holland	Pressler	Van Deerlin
Howard	Pritchard	Whalen
Jenkins	Rodino	Whitten
Jenrette	Roe	Wilson, Bob
Jones, Tenn.	Rose	Wilson, C. H.
Kasten	Roybal	Young, Alaska
Kindness	Runnels	Young, Tex.
Livingston	Ruppe	Zeferetti

The Clerk announced the following pairs:

Mr. Alexander with Mr. Pike.
Mr. Zeferetti with Mr. Anderson of Illinois.
Mr. Patten with Mr. Tucker.
Mr. Biaggi with Mr. Emery.
Mr. Bevill with Mr. Whalen.
Mr. Giaimo with Mr. Bob Wilson.
Mr. Eilberg with Mr. Milford.
Mr. Dellums with Mr. Young of Alaska.
Mr. Howard with Mr. McCloskey.
Mr. Murphy of Illinois with Mr. Runnels.
Mr. Jenrette with Mr. Ruppe.
Mr. Dingell with Mr. Sarasin.
Mr. Cotter with Mr. Thone.
Mr. Carney with Mr. Duncan of Oregon.
Mr. Whitten with Mr. Allen.
Mr. Minish with Mr. Bedell.
Mr. Simon with Mr. Livingston.
Mr. Hannaford with Mr. Conyers.
Mr. Diggs with Mr. Flowers.
Mrs. Burke of California with Mr. Kindness.
Mr. Brown of California with Mr. Nix.
Mr. Ullman with Mr. Dornan.
Mr. Van Deerlin with Mr. Conte.
Mr. Mikva with Mr. Cochran of Mississippi.
Mr. Tsongas with Mr. Bonker.
Mr. Mann with Mr. Bowen.
Mr. Charles H. Wilson of California with Mr. Teague.
Mr. Ryan with Mr. Pritchard.
Mr. Rose with Mr. Frey.
Mr. Baucus with Mr. Stokes.
Mr. Aspin with Mr. Thornton.
Mr. Danielson with Mr. Jones of Tennessee.
Ms. Oakar with Mr. Kasten.
Mr. Santini with Mr. Brown of Michigan.
Mr. de la Garza with Mr. Pressler.
Mr. Cornwell with Mr. Holland.
Mr. Anderson of California with Mr. Applegate.
Mr. Ford of Tennessee with Mr. Gibbons.
Mr. Jenkins with Mr. Roybal.
Mr. Mollohan with Mr. Roe.
Mr. Stump with Mr. Bellenson.
Mr. Cederberg with Mr. Coughlin.
Mr. Dent with Mr. Martin.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be discharged from further consideration of the Senate bill (S. 2380) to amend the Intervention on the High Seas Act to implement the protocol relating to intervention on the high seas in cases of marine pollution by substances other than oil, 1973, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there

objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Intervention on the High Seas Act (88 Stat. 8, Public Law 93-248) is amended as follows:

(1) Section 2 is amended to read as follows:

"SEC. 2. As used in this Act

"(1) 'a substance other than convention oil' means those oils, noxious substances, liquefied gases, and radioactive substances—

"(A) enumerated in the protocol, or

"(B) otherwise determined to be hazardous under section 4(a).

"(2) 'convention' means the International Convention relating to intervention on the high seas in cases of oil pollution casualties, 1969, including annexes thereto;

"(3) 'convention oil' means crude oil, fuel oil, diesel oil, and lubricating oil;

"(4) 'Secretary' means the Secretary of the department in which the Coast Guard is operating;

"(5) 'ship' means—

"(A) a seagoing vessel of any type whatsoever, and

"(B) any floating craft, except an installation or device engaged in the exploration and exploitation of the resources of the seabed and the ocean floor and the subsoil thereof;

"(6) 'protocol' means the protocol relating to intervention on the high seas in cases of marine pollution by substances other than oil, 1973, including annexes thereto; and

"(7) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and any other Commonwealth, territory, or possession of the United States.".

(2) Section 3 is amended by—

(A) striking the word "oil" and inserting in lieu thereof the phrase "convention oil or of the sea or atmosphere by a substance other than convention oil"; and

(B) striking the word "Convention" and inserting in lieu thereof the phrase "convention, the protocol".

(3) Section 4 is amended by—

(A) inserting the words "human health," between the words "limited to," and "fish" and designating the existing section as subsection (b);

(B) adding a new subsection (a) as follows:

"(a) The Secretary, after consultation with the Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration, shall determine when a substance other than those enumerated in the protocol is liable to create a hazard to human health, to harm living resources, to damage amenities, or to interfere with other legitimate uses of the sea.".

(4) Section 10 is amended by adding a new subsection (c) as follows:

"(c) With respect to intervention for a substance identified pursuant to section 4(a), the United States has the burden of establishing that, under the circumstances present at the time of the intervention, the substance could reasonably pose a grave and imminent danger analogous to that posed by a substance enumerated in the protocol.".

(5) Section 13 is amended—

(A) in subsection (a) by striking the period at the end of the subsection and inserting in lieu thereof the phrase "and article II of the protocol and may propose amendments to the list of substances other than convention oil in accordance with article III of the protocol."; and

(B) in subsection (b) by striking the words "annexes thereto" and inserting in lieu thereof the word "protocol".

(C) by adding a new section (c) as follows:

"(c) The President may accept amendments to the list of substances other than convention oil in accordance with article III of the protocol.".

(6) Section 15 is amended by inserting the words ", the protocol," between the words "convention" and "and".

SEC. 2. This Act shall be effective upon the date of enactment, or upon the date the protocol becomes effective as to the United States, whichever is later.

MOTION OFFERED BY MR. MURPHY OF NEW YORK

Mr. MURPHY of New York. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. MURPHY of New York moves to strike out all after the enacting clause of the Senate bill S. 2380, and insert in lieu thereof the text of H.R. 188, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 188) was laid on the table.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 12140.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ROBERTS) that the House suspend the rules and pass the bill H.R. 12140, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 338, nays 9, not voting 87, as follows:

[Roll No. 407]

YEAS—338

Abdnor	Brinkley	Conable
Addabbo	Brodhead	Corcoran
Akaka	Brooks	Corman
Ambro	Broomfield	Cornell
Ammerman	Brown, Ohio	Coughlin
Andrews, N.C.	Broyhill	Cunningham
Andrews, N. Dak.	Buchanan	D'Amours
	Burgener	Daniel, R. W.
Annunzio	Burke, Fla.	Davis
Archer	Burke, Mass.	Delaney
Ashley	Burleson, Tex.	Dent
AuCoin	Burlison, Mo.	Derrick
Badham	Burton, John	Derwinski
Bafalis	Burton, Phillip	Devine
Baldus	Butler	Dickinson
Barnard	Byron	Dicks
Bauman	Caputo	Dodd
Beard, R.I.	Carr	Downey
Beard, Tenn.	Carter	Drinan
Benjamin	Cavanaugh	Duncan, Tenn.
Bennett	Cederberg	Early
Bingham	Chappell	Eckhardt
Blanchard	Chisholm	Edgar
Blouin	Clausen, Don H.	Edwards, Ala.
Boggs		Edwards, Calif.
Boland	Clawson, Del	Edwards, Okla.
Bolling	Clay	English
Bonior	Cleveland	Erlenborn
Brademas	Cohen	Ertel
Breaux	Coleman	Evans, Colo.
Breckinridge	Collins, Ill.	Evans, Del.
Evans, Ga.	Lederer	Railsback
Evans, Ind.	Le Fante	Rangel
Fary	Leggett	Regula
Fascell	Lehman	Reuss
Fenwick	Lent	Rhodes
Findley	Levitas	Richmond
Fish	Lloyd, Calif.	Rinaldo
Fisher	Lloyd, Tenn.	Roberts
Fithian	Long, La.	Robinson
Flippo	Long, Md.	Rogers
Flood	Lott	Roncalio
Florio	Lujan	Rooney
Flynt	Luken	Rosenthal
Foley	Lundine	Rostenkowski
Ford, Mich.	McClory	Rousselot
Forsythe	McCormack	Rudd
Fountain	McDade	Russo
Fowler	McEwen	Sawyer
Fraser	McFall	Scheuer
Frenzel	McHugh	Schroeder
Fuqua	McKay	Schulze
Gammage	McKinney	Sebelius
Garcia	Madigan	Seiberling
Gaydos	Maguire	Sharp
Gephardt	Mahon	Shipley
Gilman	Markey	Shuster
Ginn	Marks	Sikes
Glickman	Marlenee	Sisk
Goldwater	Marriott	Skelton
Gonzalez	Mathis	Skubitz
Goodling	Mattox	Slack
Gore	Mazzoli	Smith, Iowa
Gradison	Meeds	Smith, Nebr.
Grassley	Metcalfe	Snyder
Green	Meyner	Solarz
Gudger	Michel	Spellman
Guyer	Mikulski	Spence
Hagedorn	Miller, Calif.	St Germain
Hamilton	Miller, Ohio	Staggers
Hammer-schmidt	Mineta	Stangeland
	Mitchell, Md.	Stanton
Hanley	Mitchell, N.Y.	Stark
Harkin	Moakley	Steed
Harrington	Moffett	Steers
Harris	Montgomery	Steiger
Harsha	Moore	Stockman
Hawkins	Moorhead, Calif.	Stratton
Heckler		Studds
Hefner	Moorhead, Pa.	Taylor
Heftel	Moss	Thompson
Hightower	Mottl	Traxler
Hillis	Murphy, N.Y.	Treen
Hollenbeck	Murphy, Pa.	Trible
Holt	Murtha	Udall
Holtzman	Myers, Gary	Vander Jagt
Horton	Myers, John	Vanik
Hubbard	Myers, Michael	Vento
Huckaby	Natcher	Volkmer
Hughes	Neal	Waggonner
Hyde	Nedzi	Walgren
Ichord	Nichols	Walker
Ireland	Nolan	Walsh
Jacobs	Nowak	Wampler
Jeffords	Oberstar	Watkins
Johnson, Calif.	Obey	Waxman
Johnson, Colo.	O'Brien	Weaver
Jones, N.C.	Ottinger	Weiss
Jones, Okla.	Panetta	White
Jordan	Patterson	Whitehurst
Kastenmeier	Pattison	Whitley
Kazen	Pease	Wiggins
Kelly	Pepper	Wilson, Tex.
Kemp	Perkins	Winn
Ketchum	Pettis	Wirth
Keys	Pickle	Wolff
Kildee	Poage	Wright
Kostmayer	Preyer	Wydler
Krebs	Price	Wylie
Krueger	Pursell	Yates
LaFalce	Quayle	Yatron
Lagomarsino	Quie	Young, Fla.
Latta	Quillen	Young, Mo.
Leach	Rahall	Zablocki

NAYS—9

Ashbrook	Daniel, Dan	McDonald
Collins, Tex.	Hall	Satterfield
Crane	Hansen	Symms

NOT VOTING—87

Alexander	Beilenson	Conte
Allen	Bevill	Conyers
Anderson, Calif.	Biaggi	Cornwell
	Bonker	Cotter
Anderson, Ill.	Bowen	Danielson
Applegate	Brown, Calif.	de la Garza
Armstrong	Brown, Mich.	Dellums
Aspin	Burke, Calif.	Diggs
Baucus	Carney	Dingell
Bedell	Cochran	Dornan

Duncan, Oreg.	Mikva	Sarasin
Eilberg	Milford	Simon
Emery	Minish	Stokes
Flowers	Mollohan	Stump
Ford, Tenn.	Murphy, Ill.	Teague
Frey	Nix	Thone
Giaimo	Oakar	Thornton
Gibbons	Patten	Tsongas
Hannaford	Pike	Tucker
Holland	Pressler	Ullman
Howard	Pritchard	Van Deerlin
Jenkins	Risenhoover	Whalen
Jenrette	Rodino	Whitten
Jones, Tenn.	Roe	Wilson, Bob
Kasten	Rose	Wilson, C. H.
Kindness	Roybal	Young, Alaska
Livingston	Runnels	Young, Tex.
McCloskey	Ruppe	Zeferetti
Mann	Ryan	
Martin	Santini	

The Clerk announced the following pairs:

Mr. Alexander with Mr. Pike.
Mr. Zeferetti with Mr. Anderson of Illinois.
Mr. Patten with Mr. Tucker.
Mr. Biaggi with Mr. Emery.
Mr. Bevill with Mr. Whalen.
Mr. Giaimo with Mr. Bob Wilson.
Mr. Eilberg with Mr. Milford.
Mr. Dellums with Mr. Young of Alaska.
Mr. Howard with Mr. McCloskey.
Mr. Murphy of Illinois with Mr. Runnels.
Mr. Jenrette with Mr. Ruppe.
Mr. Dingell with Mr. Sarasin.
Mr. Cotter with Mr. Thone.
Mr. Carney with Mr. Duncan of Oregon.
Mr. Whitten with Mr. Allen.
Mr. Minish with Mr. Bedell.
Mr. Simon with Mr. Livingston.
Mr. Hannaford with Mr. Conyers.
Mr. Diggs with Mr. Flowers.
Mrs. Burke of California with Mr. Kindness.
Mr. Brown of California with Mr. Nix.
Mr. Ullman with Mr. Dornan.
Mr. Van Deerlin with Mr. Conte.
Mr. Mikva with Mr. Cochran of Mississippi.
Mr. Tsongas with Mr. Bonker.
Mr. Mann with Mr. Bowen.
Mr. Charles H. Wilson of California with Mr. Teague.
Mr. Ryan with Mr. Pritchard.
Mr. Rose with Mr. Frey.
Mr. Baucus with Mr. Stokes.
Mr. Aspin with Mr. Thornton.
Mr. Danielson with Mr. Jones of Tennessee.
Ms. Oakar with Mr. Kasten.
Mr. Santini with Mr. Brown of Michigan.
Mr. de la Garza with Mr. Pressler.
Mr. Cornwell with Mr. Holland.
Mr. Anderson of California with Mr. Applegate.
Mr. Ford of Tennessee with Mr. Gibbons.
Mr. Jenkins with Mr. Roybal.
Mr. Mollohan with Mr. Roe.
Mr. Stump with Mr. Bellenson.
Mr. Risenhoover with Mr. Martin.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. EVANS of Colorado). Is there objection to the request of the gentleman from Texas?

There was no objection.

RESCISSION PROPOSAL, MILITARY ASSISTANCE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 95-346)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one proposal to rescind $48 million in budget authority previously provided by the Congress. In addition, I am reporting three new deferrals totaling $8.1 million and revisions to three previously transmitted deferrals increasing the amount deferred by $0.4 million.

The rescission proposal affects the military assistance program. The new deferrals and the revisions to existing deferrals involve programs in the Departments of Agriculture, Commerce, the Interior, and the Treasury.

The details of the rescission proposal and the deferrals are contained in the attached reports.

JIMMY CARTER.

The WHITE HOUSE, *June 5, 1978.*

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a resolution of the following title:

SENATE RESOLUTION 472

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable James B. Allen, late a Senator from the State of Alabama.

Resolved, That the President of the Senate appoint a committee, of which he shall be a member, to attend the funeral of the deceased Senator.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate, at the conclusion of its business today, do stand in recess.

BOUNDARY WATERS CANOE AREA

Mr. MEEDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1213, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 1213

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12250) to designate the Boundary Waters Canoe Area Wilderness, to establish the Boundary Waters Canoe Area National Recreation Area, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment printed in the Congressional Record of May 31, 1978, by Representative Oberstar of Minnesota if offered as an amendment in the nature of a substitute to the bill. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Washington (Mr. MEEDS) is recognized for 1 hour.

Mr. MEEDS. Mr. Speaker, the rule which has just been read contains a typographical error and, accordingly, I ask unanimous consent to delete the words, "one hour," in line 8 on page 1 of the resolution and to insert in lieu thereof the words, "two hours."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MEEDS. Mr. Speaker, I yield the usual 30 minutes for the minority to the gentleman from California (Mr. DEL CLAWSON), and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1213 is the rule providing for the consideration of the bill H.R. 12250 designating the Boundary Water Canoe Area Wilderness and National Recreation Area.

While some controversy remains on this bill, there should be none on the rule. It is a simple rule that has been written to accommodate all points of view. The rule is an open rule with no waivers of points of order, and it provides for 2 hours of general debate to insure that everyone who wishes to may be heard.

In addition, the rule provides that it shall be in order to consider the amendment printed in the CONGRESSIONAL RECORD of May 31, 1978, by Representative OBERSTAR of Minnesota if offered as an amendment in the nature of a substitute to the bill.

The committee thought it appropriate to assure recognition of the gentleman from Minnesota (Mr. OBERSTAR), since he is not a member of the Interior Committee, but the Boundary Waters Canoe Area is entirely in his district.

The Boundary Waters Canoe Area Wilderness is the largest wilderness east of the Rockies and is the most popular and easily visited in the country. The bill that is before us seeks to establish a Boundary Waters Wilderness of more than a million acres, which is slightly larger than the present wilderness there and will be subject to some changes in management. In addition, there is established a national recreation area of 222,000 acres to link the three separate parts of the wilderness.

Mr. Speaker, I support the rule and

urge the adoption of House Resolution 1213 in order that H.R. 12250 may be considered.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1213 makes in order the consideration of H.R. 12250 which designates the Boundary Waters Canoe Area Wilderness and National Recreation Area in the Superior National Forest in northern Minnesota. The rule provides 2 hours of general debate as corrected by unanimous consent a few minutes ago. The time is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs. For a positive change, no waivers are contained in this resolution, although it does have one unusual provision. It shall be in order to consider the amendment in the nature of a substitute as printed in the CONGRESSIONAL RECORD of May 31, 1978, by the gentleman from Minnesota (Mr. OBERSTAR). Although this accords the gentleman no special privileges, it does acknowledge his right to present the substitute. Finally, one motion to recommit is allowed.

Mr. Speaker, the bill designates the Boundary Waters Canoe Area Wilderness, and the Boundary Waters Canoe Area National Recreation Area. While some measure of controversy may surround the bill, no organized opposition to the rule has been brought to my attention.

Mr. MEEDS. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I just want to take this opportunity to thank both the majority and the minority members of the Committee on Rules for their very fair and equitable consideration of the rule and for the very fair and considerate rule which resulted from their deliberations. The rule yields adequate time for general debate and protects my right and the right of the people I represent to offer a substitute which represents their views on the future management of the boundary waters canoe area.

Mr. Speaker, I also wish to thank the committee for the very splendid treatment I was accorded by members on both sides of the Committee on Rules.

Mr. MEEDS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. PHILLIP BURTON).

Mr. PHILLIP BURTON. Mr. Speaker, I rise in support of the resolution. I would like to join with my colleagues in commending the Committee on Rules for their thoughtful treatment of this proposal. I enclose in the RECORD some of the editorial and news coverage that this bill has received:

LIST OF ENDORSING EDITORIALS, FEATURE STORIES, AND MAGAZINE ARTICLES ON THE FRASER-BURTON-VENTO BWCA BILLS

EDITORIALS

The New York Times, May 21, 1978.
Chicago Daily News, July 25, 1977.
Chicago Tribune, April 18, 1977.
The Milwaukee Journal, March 30, 1978.
The Des Moines Register, January 2, 1978.
Oelwein Daily Register, June 27, 1977.
The Des Moines Register, July 23, 1977.
The Journal Gazette (Fort Wayne Indiana), May 23, 1978.
The Minneapolis Tribune, many editorials.
The Minneapolis Star, many editorials.
St. Paul Pioneer Press, many editorials.
St. Paul Dispatch.
The Duluth News Tribune, many editorials.

FEATURE STORIES

The New York Times, July 28, 1977.
The Washington Post, June 19, 1977.
Des Moines Sunday Register, January 15, 1978.

MAGAZINE ARTICLES

The Living Wilderness, several articles, (The Wilderness Society).
The Sierra Club Bulletin, several articles.
Sports Illustrated.
Outdoor America (Izaak Walton League), several articles.
Naturalist, many articles.
National Parks and Conservation Magazine, many articles.
Mariah Magazine.
Outside.
Planning Magazine, American Society of Planning Officials.
Parks and Recreation, Official publication of the National Recreation and Park Association.
Congressional Quarterly.

[From the New York Times, May 21, 1978]

MAKING CHANGE—THE WILD ONES

Should power boats and, in season, snowmobiles be allowed in the Boundary Waters Canoe Area along the Canadian border in northeastern Minnesota? The issue, which has no doubt escaped the attention of most Americans, arouses the passions of conservationists, outdoorsmen and nearby residents.

The million-plus acres of interconnecting lakes and rivers and virgin forests constitute the second largest unit in the nation's wilderness system—and its most heavily used. Planes must fly a respectful distance overhead, but political compromises made when the area was designated a wilderness allowed loggers and motorized vehicles to continue to disrupt its stillness.

Now the House of Representatives is considering legislation that would forbid or restrict practices that are incompatible with a wilderness area. The bill approved by the House Interior Committee—the so-called Burton-Vento compromise—would ban mining, prohibit future logging, compensate loggers for their losses and offer them substitute timber elsewhere. It would also restrict motorboats and snowmobiles to limited areas of the wilderness and create recreation areas nearby where they could be used. Resort owners who are adversely affected could get financial aid or require the Government to buy them out. The bill seems reasonable; no wilderness is enhanced by the internal combustion engine.

[From the Chicago Daily News, July 25, 1977]

KEEP THE WILDERNESS WILD

The Boundary Waters Canoe Area in northeast Minnesota provides a wilderness haven for nearly 20,000 Illinoisans each year. But the area, with its 1,600 square miles of pristine forests and lakes, could be turned into a motorized thoroughfare under legislation Congress is considering.

Rep. James Oberstar (D-Minn.) wants to enlarge the Boundary Waters Canoe Area and make half of it into a National Recreation Area, where motorboating, snowmobiling and treecutting would be allowed. Wilderness lovers—including most of the animals who make the forest their home—would be crammed into what's left.

Opponents of Oberstar's legislation are rallying around another bill introduced by Rep. Donald Fraser (D-Minn.). He wants to make the area a true wilderness domain, saved from man's motorized encroachments.

The Boundary Waters Canoe Area is the only wilderness preservation area in the nation that allows motor vehicles or treecutting of any kind. Fortunately, very few trees have been felled in the last few years, and motorboats are heavily restricted. Snowmobiles, which roared through the area's snowy stillness until last year, now are virtually forbidden.

These uses of the Boundary Waters Canoe Area originally were allowed because of fears by local residents that their economy would suffer if the area was limited to wilderness recreation. Yet last year nearly 165,000 persons visited the area, spending millions of tourist dollars along the way. Clearly, the public needs and wants wilderness areas where nature's tranquility is uninterrupted by the roar of engines and saws.

We support Rep. Fraser's bill and disagree with the Chicago-based Boating Industry Assn., which contends the legislation would "create an exclusive clubground for canoe paddlers and backpackers at the expense of other citizens." The Boundary Waters Canoe Area is for everyone who is willing to meet the wilderness on its own terms.

[From the Chicago Tribune, April 18, 1977]

THE BOUNDARY WATERS' FUTURE

On the border between northeastern Minnesota and western Ontario is the Boundary Waters Canoe Area, a unit of the National Wilderness System and part of the Superior National Forest. Its million acres are adjacent to the Quetico Provincial Park in Canada. Together, the BWCA and the Quetico comprise a uniquely large and unspoiled area of northern lakes and forests. The wilderness status of the Canadian portion is effectively protected by law. But the American portion is under siege.

When the Wilderness Act was passed in 1964, the BWCA was included, but as a "special case" with loopholes for logging and access to motorboats (since extended to include snowmobiles). The status of BWCA is ambiguous, and there is a consensus that it needs clarification by new legislation.

But of what kind Two contrasting answers are sponsored by two Minnesota Democratic congressmen. Rep. Donald M. Fraser of Minneapolis would firmly designate all million acres of the BWCA as wilderness, with no special loopholes. Rep. James L. Oberstar of Chisholm would lop off 40 per cent of the BWCA as a "national recreation area," available to a wide variety of exploitation incompatible with the wilderness concept. Four segments of the BWCA that Rep. Oberstar would detach are on the Canadian border.

The controversy is a classic instance of conservation vs. exploitation, but there are special dimensions in this instance which strengthen the conservationist cause. One is that although loggers and snowmobilers have innumerable other areas, in Minnesota and beyond it, in which to do their things, those who value a northern lakes and forest wilderness have no comparable area other than BWCA-Quetico in which to satisfy their wishes. Another is that wilderness seekers coming to the BWCA are so numerous that they refute any notion that a BWCA wilderness is locked away from extensive human use.

There are 16 million acres of commercial forest in Minnesota outside the BWCA. The debated stands of virgin forest in the BWCA constitute only one per cent of the potential commercial timber in that one state. The counterparts in other states of those who covet the spruce and pine in the BWCA have reconciled themselves to a pulp mix of more aspen, birch, and balsam and less spruce and pine. The real question is not whether or not timber interests should be considered (they should be) but whether or not they should be allowed to cut almost everywhere in the national forests.

Recent public use figures for the BWCA suggest that those who approach this controversy preoccupied with money have considerable reason to side with the conservationists. Of more than a million visitor-days in the BWCA in 1974, 68 per cent were spent by paddlers of canoes. Outfitting canoe trips is a major industry in Ely. Snowmobilers (most of them local people) accounted for only one per cent of the usage, and motorized boaters for only 28 per cent. Here is one area in which canoeists outnumber other people.

About 15 per cent of the visitor-days were spent by residents of Illinois, and many by people still farther away from the BWCA. Quite aside from conserving a unique habitat, a case can be made that in this instance wilderness designation would be both popular and profitable.

Failure to enact the policy of the Fraser bill would subject the BWCA to immediate diminution. It would seriously erode the wilderness character of those parts of the present BWCA that even Rep. Oberstar would protect.

In our increasingly crowded, polluted, noisy, and paved world, legislative changes affecting the Boundary Waters Canoe Area should defend rather than impair its wilderness status.

[From the Milwaukee Journal, Mar. 30, 1978]

PRESERVING A SPLENDID WILDERNESS

At long last, legislation to preserve Minnesota's superb Boundary Waters Canoe Area (BWCA) appears to be emerging from the legislative wilderness. A compromise bill, which seems acceptable, is expected to be considered and then endorsed by a House Interior subcommittee next week.

The boundary waters area is immense—a million acres of wilderness lakes and forests along the Minnesota-Canadian border. It is the second largest unit in the National Wilderness Preservation System. It contains the largest virgin forests remaining in the eastern half of the United States.

Yet, despite its nominal wilderness status, the BWCA remains plagued by conflicts. Portions have been logged, off and on, for 75 years (there now is a temporary moratorium on cutting). Powerboat use has marred the tranquility of some of its mirror lakes. Resumption of snowmobiling, now banned, threatens its winter peace. Mining interests eye the land.

The compromise, proposed by Reps. Bruce Vento (D-Minn.) and Phillip Burton (D-Calif.), should guard this national treasure against such intrusion while offering fair, new opportunities for commerce and motorized recreation in the huge Superior National Forest outside the wilderness boundaries.

Specifically, the Vento-Burton compromise would maintain existing wilderness boundaries, with some minor additions. It would set up a national recreation area outside the BWCA for logging and motorized recreation. It would ban logging and mining in wilderness portions.

Powerboating would be allowed on 13 lakes around the edge of the wilderness, but not in it—with the exception of two lakes on which motor use would be phased out by 1984. To compensate logging companies for loss of BWCA timber, they would be allowed to harvest timber outside the area.

It is a reasonable compromise. After the expected subcommittee approval, it faces rough rapids in the full House Interior Committee and on the House floor. It deserves to weather both tests, intact.

[From the Des Moines Register]

COMPROMISE ON BWCA

Not surprisingly, congressional protection for the Boundary Waters Canoe Area of northern Minnesota is likely to take the form of a compromise between the two bills that have defined the issue. The good news is that the compromise is expected to favor the preservationist viewpoint.

Hearings on the two bills—by Representatives Donald Fraser and James Oberstar, Minnesota Democrats—were held last summer and fall. A new bill to replace them is being prepared in the House subcommittee on national parks and insular affairs. It should reach the House Interior Committee early in 1978.

Fraser's bill would have enlarged the canoe area and banned logging, mining, snowmobiles and motorboats. Oberstar's would have allowed these activities in part of the area. Under the new bill, logging and mining are expected to be prohibited and limited use of motorboats and snowmobiles permitted. Impetus for a relatively strong compromise position came from the Carter administration, which supports maximum wilderness protection.

We hope the forthcoming legislation is as protectionist as predicted, and that it is not weakened during Interior Committee review. To allow continued use of motorboats and snowmobiles in the area, even on a more limited basis than now, is encroachment enough on the concept of wilderness preservation that ought to govern every facet of man's relationship to the Boundary Waters.

[From the New York Times, July 28, 1977]

WILDERNESS PLAN ROUSES MINNESOTA LAKE COUNTRY AND POSES HARD QUESTIONS ABOUT LAND USE POLICY

(By Philip Shabecoff)

ELY, MINN.—With a small grunt of disgust, Dan Engstrom bent to pick up the Coca-Cola can lying in the mossy bog and place it carefully in the center of the trail.

"We'll get it on the way back and carry it out with us," he told his companions.

The can, its red skin faded, was the first artifact of civilization seen in two days by the small group paddling through a corner of the Boundary Waters Canoe Area in northeastern Minnesota.

Otherwise, this untouched fragment of the north woods looked much as it did when it was a hunting ground for Sioux and Chippewa Indians and a waterway for French-Canadian voyagers bringing a winter's haul of furs back east.

This quiet, unspoiled lake country, the largest wilderness area east of the Rocky Mountains, is now the object of a bitter, occasionally violent battle that stretches all the way to Capitol Hill. The outcome of the dispute will probably have a major long-range impact on Federal wilderness policy. But the issue also contains profound implications for the whole question of land use in the United States, a basic environmental issue that, in the view of many observers, this nation has not even started to address.

When the Boundary Waters was designated a Federal wilderness in 1964, a special waiver allowed logging, mining and the use of motorized vehicles in some parts of the otherwise protected area.

Now two bills have been introduced in the House of Representatives, both by Minnesota Democrats, that would change the status of the area. One bill, sponsored by Representative Donald M. Fraser of Minneapolis, would preserve the entire one-million-acre area as a wilderness. Mining, logging, motorboats, snowmobiles and other motorized vehicles would be banned. The other bill, introduced by Representative James L. Oberstar, whose district includes the area, would protect much of the wilderness but would also detach 400,000 acres as a national recreation area, open for motors, logging and other uses.

What one resident of this city described as "a small war" is now on between those who want maximum protection for the wilderness and those who want it open for multiple uses. The battle is a classic one, pitting environmentalists and sportsmen, scientists and nature lovers against commercial interests and local residents who believe they should have the right to use and enjoy their own home territory.

Passions run deep on both sides of the issue. To Dan Engstrom and Miron Heinselman, vice chairman and chairman of Friends of the Boundary Waters Wilderness, and to Steven Payne of the Wilderness Society, three members of the recent canoeing group, the presence of something unspoiled and primitive at the edge of industrial society is a value to be fought for. They are joined by allies across the country, including many of the national environmental organizations.

ECONOMIC THREAT CITED

But opponents of the wilderness insist that the Boundary Waters area should be open for many uses. Loggers, miners and resort owners in the area angrily complain that their livelihood is being threatened for an abstract concept called "the wilderness experience." Other residents of this small community believe that the Federal Government has no business telling them where they can use a motorboat in the summer or a snowmobile in the winter.

Recently, Mr. Fraser, Mr. Oberstar and Bruce F. Vento, another Democratic Representative from Minnesota, held a day of hearings in St. Paul and another here in Ely on the Boundary Waters dispute. Most of those who supported wilderness protection testified in St. Paul.

Beck Rom, a slim, dark-haired young woman whose family has lived in Ely for 90 years, said that many residents of the town were in favor of the Fraser bill but were afraid to speak out. "There's been a lot of violence," she said. "Mostly it has been in small ways like throwing eggs and fortunately nobody has been hurt so far. But they kept people from doing business with my father's store. And they burned down buildings belonging to people who supported the wilderness."

Miles Aakhus, publisher of The Ely Echo, one of the town's two newspapers wants Congress to leave the canoe area in its current status but worries that other opponents of the wilderness may resort to violent tactics. "Last winter when they banned the use of snowmobiles, there were men in the bars talking about going and putting the torch to the woods. I'm afraid that's what they'll do if the Fraser bill passes."

LOSS OF TAX REVENUE

The Ely hearing, held in a high school auditorium packed with loggers, canoe outfitters, resort owners, merchants, teen-agers and housewives carrying babies, was noisy and raucus.

Local officials spoke of the tax revenues they would lose if the entire area were made a wilderness. Resort owners said they would

be forced to go out of business. Sawmill operators said they needed the wood in the virgin forests to be able to keep their employees working. Handicapped and elderly residents testified that the ban on motors would keep them from enjoying the Boundary Waters.

The leader of the fight for the wilderness is Dr. Heinselman, a small, white-haired 57-year-old former Forest Service scientist who despite his appearance can paddle a canoe all day, carry a 70-pound aluminum canoe on his shoulders and a pack on his back over a half-mile portage, read trail signs like an Indian and talk steadily about why the Boundary Waters should be saved.

Sitting on a lichen-covered rocky out cropping at the edge of a small lake, Dr. Heinselman made the case for the wilderness. A pair of loons, attracted by the motion, paddled curiously but warily a hundred feet away.

People who complain about wilderness advocates being selfish in wanting the Boundary Waters are not stating the whole case, he said. The area is only one part of the larger Superior National Forest, two million acres of lakeland in the area already open for motorboats, snowmobiles, logging and other general uses.

While there are 1,000 lakes in the Boundary Waters, there are 14,000 more in Minnesota alone, and over 40,000 in the northern lakeland that covers Minnesota, Michigan and Wisconsin, he said.

"There are a lot of people who love this place and they will fight for it," said Dr. Heinselman, who retired early from the Forest Service to lead the fight.

Perhaps the most eloquent spokesman for the Boundary Waters Wilderness is Sigurd F. Olson, 78, a renowned naturalist and author who has lived in Ely for more than 50 years.

People come to the wilderness, he said, "above all because they are looking for a sense of wholeness in their lives. The wilderness is an antidote to noise and clamor and strident pressures and speeds of modern civilization. People need it for their own souls. The preservation of the wilderness is really the preservation of the human spirit."

[From the Washington Post, June 19, 1977]

FATE OF A UNIQUE WILDERNESS ABOUT TO BE DETERMINED

(By Margot Hornblower)

ELY, MINN.—In these wild borderlands of the north country, the territorial imperative is the law. Wolves, bears, even migratory birds, fiercely defend their turf from outsiders.

Now man, a relative newcomer, has entered the primeval struggle. Though encumbered by courts and legislatures, he, too, is staking out competing claims to the wilderness.

The territory in question is a million acres of northern Minnesota called the Boundary Waters Canoe Area. The largest federally protected wilderness east of the Rockies, it is a picture-postcard land of pine forests where urban environmentalists can escape the mechanized world.

But in small towns like Ely, the economy depends on mining and logging. Long winter boredom is relieved by snowmobiles. Summer power boating to trout streams is considered a constitutional right. So citizens here claim environmentalists are out to destroy their way of life by creating a "rich man's preserve" in their own back yard.

Thus the struggle over the territory is a conflict of class, of geography, of culture and philosophy which goes to the heart of the environmental movement.

After five years of court battles between the environmentalists, recreation groups and commercial interests, the fate of this unique wilderness is about to be determined in Congress. Hearings will be held shortly on competing bills sponsored by two Minnesota Democrats.

Rep. James L. Oberstar, who represents northeastern Minnesota, including the wilderness area, would allow logging, motorboats and snowmobiles in 40 per cent of the area.

Rep. Donald M. Fraser of Minneapolis, 200 miles downstate, backed by 50-co-sponsors, would allow access only to backpackers and canoeists.

The conflict has galvanized such national environmental groups as the Sierra Club, National Wildlife Federation and Izaak Walton League, which say the Oberstar bill, would set a dangerous precedent.

The leader of the environmental coalition, Friends of the Boundary Waters Canoe Area, is Miron Heinselman, 57, a retired scientist who specialized in forest ecology. A mild-mannered man with single-minded dedication, Heinselman is now a full-time activist.

"People who live in an urban society have no idea how drastically man has changed the world," Heinselman said, adding that wilderness—land undisturbed by timbering, farming, roads or human settlement—is a living laboratory.

"We're just beginning to understand life systems—from plants to man. We ought not to destroy the last remnants of the natural world until we know more about it."

Sigurd Olsen, 78, a writer who lives in Ely, has also joined the Boundary Waters fight. "The average urbanite thinks wilderness is a place to go fishing," Olsen said. "But once you've been there a few days, you start noticing the sunsets and the calling of the loons. A certain calm descends on you.

"The preservations of wilderness is more than rocks, trees, beautiful lakes and rivers—it's the salvation of the human soul. It satisfies our hunger to experience the primitive, the natural world."

For environmentalists, silence is an essential part of the wilderness. "I've been canoeing when the motorboats zoom by," said Janet Green, head of the Friends in Duluth. "It's obscene. It's like yelling in church."

Ely natives, most of whom seem to oppose the environmentalists, are equally fervent in defending their territory. At Jerry Bibeau's barber shop last week, a random sampling of customers viewed wilderness advocates with unanimous hostility.

"These people want to go back to the way the Indian lived," said Bibeau, who doubles as a city councilman. "But we're civilized here in Ely. There's no way I'm going to paddle a canoe."

Chet Jahnke, 44, an iron ore miner, spends his day off fishing. With his motorboat, it takes 45 minutes to get to his favorite spot. If he had to go by canoe, "it would take three hours out of my day," he said.

Ernest Earjes, 69, a retired tax assessor, said the Fraser bill would discriminate against the elderly. "The only people who'll go in [to the Boundary Waters] will be the young people who can paddle," he said. "Punching holes in water is hard work."

Controversy over the Boundary Waters is nothing new. Since it was first set aside in 1902, battles have been fought over logging, roads, fly-in resorts, motor vehicles, dams and mines.

The current controversy stems from a unique exception Sen. Hubert H. Humphrey (D-Minn.) wrote into the 1964 Wilderness Act. Although wilderness was defined as an area "untrammeled by man . . . retaining its primeval character," timber cutting and motorboats were specifically permitted in the Boundary Waters Canoe Area.

Thus, the Forest Service allows motorboats along 21 designated routes which cover 60 per cent of the water area. Snowmobiles were banned last year after a Sierra Club suit. Logging is permitted in 40 per cent of the Boundary Waters, although only 10,000 acres are under lease.

In 1972, environmentalists filed suit to stop the logging of virgin timber in the area. They won a ban, but it was overturned last year on appeal. At Oberstar's request, timber companies agreed to wait until this summer for Congress to resolve the issue.

Boundary Waters has the largest virgin forests in the East. Colonnades of 90-foot pines have stood there untouched for centuries.

In the 540,000 acres of virgin forest where only fire, wind and insects have taken their toll, "the entire vegetation is the result of natural processes," Green said. "There's an aesthetic, as well as a scientific value, to know you're not looking at a tree farm."

However, local residents—who sport bumper stickers reading "Sierra Club, Kiss My Axe"—claim that if no cutting is allowed, the trees will grow old and die, creating vast acreages of "cellulose cemeteries," vulnerable to forest fires.

While Oberstar would exempt virgin timber from logging, he would allow cutting in a 405,000-acre area. The nearby 2-million-acre Superior National Forest is a patchwork where economically feasible lumber sales are hard to assemble, he said. "The Boundary Waters areas is important for the future growth of the timber industry," he added.

Whether it's timber, motorboating or another issue, the argument on both sides is over how much is enough. Environmentalists say 14,000 lakes and 16 million acres of national forest timberland in Minnesota, outside the wilderness area, are more than enough for motorboat enthusiasts and timber companies. The latter argue that the 600,000 acres proposed for complete wilderness under the Oberstar bill—and 14 million acres in the federal wilderness system—are more than enough for canoeists and ecologists.

"What's the use of wilderness, if everybody can't use it?" asks Jerry Bibeau.

Green counters, "If everybody could use it, it wouldn't be a wilderness."

TURNING BACK THE CLOCK TO PRIMEVAL AMERICA

ELY, MINN.—Eleven thousand years ago, a glacier rolled over what is now the Canadian border, strewing great granite boulders over the landscape, carving a thousand crystal lakes in the wilderness. Later, the Chippewa Indians came and went, leaving red pictographs on the rock ledges. French voyageurs, their canoes laden with furs from the Northwest, glided through on their way to Montreal.

Today it is still possible to slip into northern Minnesota's Boundary Waters Canoe Area for 24 hours, turning back the clock to primeval America.

At first, city eyes, accustomed to the glare of pavement and the fine print of document, see only a mass of green and a mass of blue. Slowly, within the green, dense forests spread out from open bogs. Within the forest the narrow silver trunks of aspen and birch shine through the pine trees.

There are differences, it soon becomes apparent, between spruces and balsams, between red pines and white pines and jack pines. The needles are long or short light or dark, feather or spindly. Each cone, bark, root is distinct. Some trees are dead from last year's drought.

The lake that glides under the canoe isn't really blue except under the midday sun. In the morning it mirrors the white mist. It shines copper under the sunset. When the shadows fall a polished obsidian comes to mind.

City ears, dulled by the rush-hour din, hear nothing at first. There are no voices, no clacking typewriters, no honking horns, so it must be quiet. It takes a while, but soon the silence isn't silent at all. Water splashes against the rocks, mosquitoes whine, trees rustle. And, from every direction an incomprehensible polyphony of birdsongs.

More than 100 species fly here from the tropics, covering 300 miles a day in their rush toward summer nesting grounds. People who care about such things have counted 22 species of warbler in the Boundary. Warblers, each one a freak of evolution. They can be told apart, not only by the different colors that camouflage them from predators and the various sounds they make but by the fact that one feeds only in the top third of a certain tree, another, only in the bottom third, for reasons man has yet to discover.

The wilderness seems immobile at first. It is on a grand scale. But movement is everywhere if one looks for it. On the smooth surface of the lake, a centimeter-long whirlygig beetle waltzes from side to side, leaving a swooping pattern in his wake. Sunlight glimmers silver-green in the grooves of the ripples. A black spider crawls up the side of a pink granite boulder.

Except for a great blue heron feeding by the shore, and a turkey buzzard circling overhead, the animals and birds are in hiding. "Quick—three beers," as Minnesotans have labled the song of the olive-sided flycatcher, peals out of the trees, but the bird is nowhere in sight. The wolves and bears don't come out until nightfall and the moose are shy of hunters. Even the beaver huts, carefully assembled with twigs and mud, show no sign of life.

After a mile-long portage, the back is bruised from a heavy load. A swim at dusk is in order before setting up camp. A quarter mile out, the water is cool enough to absorb the stress of the day. A hundred feet away, a striped loon looks up and glides over with obvious curiosity. As we swim closer, curious, too, the bird shrieks with giddy laughter, a cry that has haunted many a camper in the wilderness. Bottom up, it pops quickly beneath the water and disappears.—*Margot Hornblower.*

[From the Des Moines Sunday Register, Jan. 15, 1978]

THE CHOICE: WILDERNESS—"SPECIAL" CANADIAN PARK NEAR BOUNDARY WATERS AREA

(By Larry Stone)

Should a unique area of inter-connected rivers and lakes be managed for wilderness canoeing or as a multiple-use area where mechanized travel and timber harvest are allowed?

That dilemma faces the U.S. Congress this year, when it debates the future administration of northern Minnesota's Boundary Waters Canoe Area.

But Ontario authorities already have faced a similar decision for Quetico Provincial Park, which lies just north of the Boundary Waters—and the Canadians have come down emphatically in favor of full wilderness protection.

The administrative decision was made in 1973, following more than five years of controversy, government studies and public reviews. Late last year, the master plan was completed, outlining the management to maintain Quetico as a "primitive park," under the most protective of Ontario's park classifications.

Based on recommendations of a park advisory committee, the master plan called for emphasizing the canoe-camping opportunities of the 1.1-million acre wilderness.

"In effect," the master plan said, "Quetico will become a special type of park and will provide canoe-campers in search of a wilderness experience with unique recreational opportunities.

"On the other hand," the plan continued, "recreationists in search of the more traditional and intensive type of opportunity will have to look elsewhere."

Logging and mining have been banned in the park, motorboats have been restricted—with a complete ban to take effect next year, and user controls will be maintained to provide a wilderness-type experience for park visitors.

Fishermen even will be encouraged to fish for sport or food, rather than carrying out limits of fish to show the folks back home.

Park Superintendent Fergus Wilson said logging and motorboat interests originally objected to the Quetico's wilderness classification, though most now seem reluctantly to have accepted it.

Contrarily, he noted, wilderness advocates have been much more vocal and continue to press for even faster implementation of wilderness management of the park.

Some changes in park management which will be most noticeable to visitors include: The establishment of a quota system to restrict or redistribute canoeist use, a limit of visitor group size to nine people, strict enforcement of a ban on bottles and cans and several small boundary changes.

The visitor quota system will be similar to that used in Minnesota's Boundary Waters and will allow conoeists to make advance reservations to assure their entrance to the park.

Limiting the group size to nine persons will help reduce the impact on campsites and will improve the experience for wilderness canoeists who do not like to meet other large parties, Wilson said.

A bottle and can ban has been in effect, Wilson said, but its enforcement will be stepped up this season.

Boundary changes include the exclusion of Lac la Croix, along the Minnesota border, from the park and the addition of all of Saganagons Lake in the southeastern Quetico. All of Batchewaung Lake, on the park's northern boundary, also will be included in the park.

The northern boundary of the park also will be adjusted to include campsites as well as water areas of boundary lakes.

Other management practices to be used in the park will help to emphasize that the recreationist is a "priviliged intruder" upon the wilderness, the master plan said.

"(The visitor's) presence is acceptable only within an ecological context whereby man's numbers and technology participate, rather than dominate."

In keeping with this wilderness philosophy, the park staff will be required to travel within the Quetico by canoe, portage trails will not have signs and the use of wheels to transport boats will be forbidden on portages.

Ultimately, visitors may be restricted to specified campsites to reduce the impact of people.

Since about 95 per cent of the Quetico's users are from the United States, Ontario officials also are considering separate quotas for resident and non-residents to prevent Canadians from being excluded from park use by throngs of Americans. The establishment of better access points along the northern side of the park will help reduce this problem the master plan said.

These minor management problems notwithstanding, the future of Quetico clearly is that of wilderness, the master plan indicates.

"The goal is to preserve Quetico Provincial Park . . . as an area of wilderness that is not adversely affected by human activities."

NOTE: For more information on the Quetico Park visitor quota system, reservation system or other park policies, write: Quetico Provincial Park, Nym Lake, Atikokan, Ontario, Canada, POT ICO.

[From the Minneapolis Tribune, May 5, 1978]

BWCA: OBERSTAR DOES NOT GO FAR ENOUGH

Rep. James Oberstar has made two important concessions in his latest proposal for the Boundary Waters Canoe Area. He concedes that abundant timber is available outside the BWCA, so that logging can now be banned inside the area. And he agrees that the BWCA's entire 1 million acres should be kept in wilderness, rather than split into separate wilderness and recreation regions. But the Eighth District congressman still gives undue emphasis to motorboats.

Oberstar would allow motorboats on 90 of the BWCA's more than 1,000 lakes. In terms of numbers of lakes, that doesn't sound unreasonable. But Oberstar and his supporters fail to point out that the proposal would motorize nearly 60 percent of BWCA waterways and put nearly 60 percent of BWCA campsites on motorized lakes. If only lakes of 100 acres or more are considered, the figure is closer to 70 percent in both cases. The proposal would reduce motor use from present levels, but not enough to protect the BWCA as the country's only real canoe-wilderness.

The sounder plan for wilderness protection remains the bill written by Reps. Phillip Burton of California and Bruce Vento of Minnesota and approved by the House Interior Committee last month. It would limit motorboats to 11 peripheral lakes and parts of a few others—or to less than 10 percent of BWCA waterways.

However there is still need for compromise. The bill calls for an "equitable transition" to nonmotorized use of the BWCA. Efforts should be made to ensure that resort owners forced out by motorboat curbs are treated equitably—perhaps by lengthening the motorboat phase-out. And a controversial provision extending federal control to routes into the BWCA may need to be amended to meet some of the concerns of property owners along those routes. But there should be no tampering with the basic protection the Burton-Vento bill provides inside the BWCA.

[From the St. Paul Pioneer Press, May 4, 1978]

NO CANOES FOR WENDY

Gov. Rudy Perpich seems to have come away empty-handed from an attempt to encourage Rep. Phillip Burton to open up more of the BWCA to motor use than is already permitted in a bill authored by Burton and Rep. Bruce Vento.

Perpich went to Washington this week to meet with Burton, D-Calif., chairman of the House National Parks subcommittee. According to news stories about the trip, Perpich stayed away from members of the Minnesota delegation, including Vento.

If the accounts are correct, we are glad Burton stood his ground. Somewhere down the line the fact has become obscured that the Burton-Vento bill is a compromise proposal—an attempt to find a middle ground between a pure wilderness bill by Rep. Donald Fraser and various multiple-use proposals authored by Rep. James Oberstar.

Indeed, the whole BWCA controversy has become so fogged that there are people in his state who think the idea of a wilderness area in northern Minnesota is some brand-new plot recently hatched in Washington.

Absolutely clear is the fact the BWCA is a bed of coals for DFL politicians. All three bills—taking three different positions—bear the names of Minnesotans. Sen. Wendy Anderson and Gov. Perpich have counted noses and decided they can go farther and faster in motorboats.

Now, the DFL is divided, but the weight is shifting toward motors as Anderson and Perpich find places to settle. You can bet your ballot there will be heat aplenty on Vento to move into line and thus somehow make the others—especially Wendy Anderson—appear to be right.

Logging and mining now are out of consideration for the canoe country and everyone seems to have backed away from the idea

of using or abusing the National Recreation Area concept as a way of legalizing non-wilderness uses of some-to-much of the BWCA and surrounding territory. The focus now is on motors—boats and snowmobiles—and it is expressed in numbers.

The Burton-Vento bill would allow the use of motors on some peripheral lakes. The pressure, generated by residents of northern Minnesota, is for opening up more lakes to motorized travel. They talk about numbers of lakes and decline to mention that those lakes add up to more than half the surface water and campsites in the canoe country. If the BWCA were given true wilderness status there would be no motors.

The BWCA has been a battleground for decades. First it was "preservationists" (or whatever epithet was used then) against the progress promised by power companies that couldn't stand to see all that rushing water go to waste. An airplane ban wiped out the fly-in resorts of the interior, to great cries of anguish except from those who owned resorts on the edge of the BWCA; the land was bought and buildings burned. The pressure from loggers has been constant and the threat of mining intermittent.

The most recent controversy was set off by area residents desires to run snowmobiles around in the BWCA and by lawsuits against logging, for and against mineral exploration. It is clear that the status of the BWCA needs clarification. That is where the current batch of legislation starts.

There may be flaws of detail in the Burton-Vento bill and if there are they should be fixed, and no doubt will be, but the idea is to give the BWCA wilderness protection insofar as possible, not to turn it into a national recreation area or even into some water-oriented national park, like Voyageurs, just to the west of the BWCA.

The protectionist attitude should not be lost to satisfy the playground desires of nearby residents (Burton-Vento takes ample care of the economic problems of resorters in the area) and it certainly should not be sacrificed in an attempt to save the neck of a desperate U.S. Senator from Minnesota.

[From the Duluth News-Tribune Jan. 4, 1978]

ONE USE IS ENOUGH

For all practical purposes, the Boundary Waters Canoe Area has become a hotel without a roof.

Officials of the Superior National Forest, which includes the BWCA, announced last week that potential visitors to that wilderness canoe area should make reservations if they intended to visit the area anytime between May 11 and Sept. 4, 1978.

The BWCA has about 2,000 developed campsites, and until this year, only about 25 percent of them were covered by a reservation system. Competition has been so strong for all campsites in the BWCA, however, that the park managers are now bringing all campsites under a reservation system.

The objective, of course, is to prevent crowding of the BWCA, and abuse to the environment. On any one day, no more than 442 new campers will be allowed into the BWCA, and no more than two-thirds of all the campsites will be used at one time. To disperse visitors throughout the BWCA, the area will be served by 70 entry points.

A second objective of this new full-reservation system is to prevent a recurrence of the kind of inconveniences that marked several weeks and weekends during this past summer. Because too many people arrived at entrance points on the opening of the fishing season, Memorial Day weekend, and throughout the last week of July and the first two weeks in August, these visitors often had to wait in line, sometimes overnight, before getting an entrance permit, if they got one at all.

The situation points up the foresight of Congress in first setting aside this one-million-acre section of land as a wilderness area, and at the same time, it should convince those representatives now writing new legislation on the BWCA how critical it is to preserve the BWCA's wilderness status.

Had the area not been set aside as federal parkland, the public pressures on the area would now have totally destroyed its wilderness character. The need for a more stringent reservation system today reveals the area is not large enough, nor resilient enough to tolerate any additional, long-term use other than as a pure wilderness area.

In a word, the nation's population has caught up with the BWCA. While Congress should not act precipitously or capriciously, it's time all parties involved in the BWCA controversy recognized that the days of "multiple use" must come to an end.

[From the Duluth News-Tribune, Mar. 18, 1978]

GOOD BWCA BILL

Work was completed Thursday on a proposed new federal law to regulate and manage the use of the Boundary Waters Canoe Area (BWCA).

Based on preliminary information available on this legislation, it appears to be a fair and reasonable compromise, admittedly weighted in favor of environmental concerns, as against commercial concerns.

The proposed legislation has come from the National Parks subcommittee of the House Interior Committee. The drafted bill is primarily the work of U.S. Rep. Phillip Burton, D-Calif., chairperson of the subcommittee, and U.S. Rep. Bruce Vento, a Democrat from St. Paul.

To see the proposed bill as a compromise, it is necessary to understand that it is a blend of legislation recommended by U.S. Rep. James Oberstar, our Eighth District representative, and U.S. Rep. Donald Fraser, Democrat from Minneapolis.

In broad outlines, Oberstar's bill would have created a wilderness area, and a separate recreation area. He would have allowed logging, snowmobiling, and motorized water travel in the recreational area, with some motorized routes running through the wilderness area.

The central thrust of Oberstar's legislation was to set aside a wilderness area, while allowing timber producers, resort owners, and motorboat and snowmobile users to continue to operate in the recreation, multiple-use area.

Fraser's legislation, on the other hand, would ban all logging, would allow no snowmobiles, nor motorboats. Indirectly, Fraser's legislation would have crippled some of the resorts on the edge of the BWCA, because their business depends on being able to use motorboats on lakes partially in the BWCA.

The bill which came out of subcommittee Thursday is clearly closer to Fraser's plan than to Oberstar's. Yet, it is not entirely as Fraser had proposed. The working draft, for example, would require loggers with existing cutting contracts to close down their operation within one year. At the same time, the Secretary of Agriculture would be authorized to compensate loggers with expenses incurred in preparing to exercise their contracts. Also, the state and federal governments would be required to spend possibly $12 million apiece to develop new timber stands outside the BWCA, to provide loggers with better-managed alternative sources of long-fibered trees.

In contrast to Fraser's total ban on motorized traffic in the BWCA, the compromise bill would continue to allow 10 horsepower motorboats on lakes along the edge of the BWCA, including Fall, Moose, Snowbank, Brule, East Bearskin, Clearwater, South Farm, Little North, North, North Fowl, South Fowl, Magnetic and Little Gunflint lakes.

Also, motorboats would be allowed along a corridor running from Seagull Lake into Saganaga, while motorboats would be allowed during the peak fishing seasons on a corridor from Fall Lake to Newton Lake, into Pipestone Bay of Basswood Lake. These concessions are a long way from a total ban on motorized traffic in or near the BWCA.

As to snowmobiles, in contrast to the present ban on the use of these machines in the BWCA, the Burton-Vento proposal would establish two snowmobile routes to Canada, one from the end of the Gunflint Trail through Saganaga Lake, and the other from Crane Lake to Little Vermillion and Lac La Croix.

In addition to these regulations on the BWCA, the proposed bill orders the Secretary of Agriculture to provide financial assistance to resorts to help them revise their recreational life-styles. If a resort wanted to become a center for cross-country skiing, for example, and not snowmobiling, federal money would be made available to help the owner make such a transition. Also, the federal government would have a new responsibility to provide new camping, hiking and snowmobiling trails and facilities in the balance of the Superior National Forest outside the BWCA.

The loggers, resorters, snowmobilers and motorized fishermen all would have liked more than this proposal offers. Yet, it gives all of them more than they would have had if Fraser's bill had been accepted untouched. This proposed bill seems to be a workable compromise, written as it should be, in favor of the BWCA's unique and perishable wilderness character.

[From the Minneapolis Tribune, Mar. 28, 1978]

A CONSTRUCTIVE COMPROMISE FOR THE BWCA

At last, a workable compromise has emerged for the Boundary Waters Canoe Area. Now Congress has a sound bill that would preserve the BWCA as a wilderness; allow limited motorboating and snowmobiling; ban logging, but provide compensation for loggers' losses. The compromise was put together by Rep. Phillip Burton of California, who heads the House parks subcommittee, with the help of Rep. Bruce Vento of St. Paul.

The Burton-Vento bill would settle the controversial question of logging by banning it altogether. Timber companies would be compensated for any losses; substitute timber would be made available in other national forests, and a program of intensified forestry begun on those lands. The logging ban is supported by Gov. Rudy Perpich, who has proposed similar state compensation measures.

Motorboating would be allowed on several lakes around the edge of the wilderness area. Snowmobiling would be permitted on two routes to settlements and cabins on the Canadian border. Resort owners affected by proposed restrictions would get financial help and other considerations. A 227,000-acre, National Recreation Area would be set up outside the BWCA.

The BWCA controversy stems from fuzzy language in the original 1964 Wilderness Act. Federal courts have ruled that Congress intended to protect the BWCA as a true wilderness. That was also the view of the law's chief sponsor, the late Sen. Hubert Humphrey.

"There is a constant fight up here in Congress," Humphrey once said, "to protect what little public land we have left that is worthy of protection. Any time anybody can find something on that public land that looks as if it might yield a dollar, he is up here to get it. And I am here to see that 100 years from now somebody's children may be able to take a canoe and portage up through these forests and commune with nature."

We supported Rep. Donald Fraser's much stronger BWCA-protection bill, but like Frazer we recognize the need for compromise to settle the BWCA controversy. The Burton-Vento bill, Fraser says, is "very thoughtful and constructive . . . and consistent with the concern for basic protection." Some fine-tuning may be needed, but we hope Burton's subcommittee, which will take up the bill April 3, gives quick approval.

[From the St. Paul Sunday Pioneer Press, Mar. 26, 1978]

BWCA COMPROMISE

If a compromise is possible on the future of the Boundary Waters Canoe Area, a congressional subcommittee has achieved it.

The National Parks subcommittee of the House Interior Committee has produced a draft BWCA bill that we hope will be the pattern for congressional action. The bill is primarily the work of subcommittee Chairman Rep. Phillip Burton, D-Calif., and Rep. Bruce Vento, D-Minn.

Vento had been given the task of trying to reconcile conflicting bills introduced by two other Minnesota Democrats, Donald Fraser of Minneapolis and James Oberstar of the Eighth District, which includes the BWCA.

Fraser's bill, in essence, would have simply put the BWCA under all the protections of the Wilderness Act and banned all mechanized and commercial activity. Oberstar, reflecting concerns of his constituents, would have encircled the canoe wildlerness with a heavy-use recreational area. Then the Carter administration came through with its own proposal.

About the only thing all three had in common was that they concerned the same part of the country.

Make no mistake. The Burton-Vento compromise is a compromise. It will please neither the environmental purists nor those residents of northern Minnesota who regard the BWCA as some sort of local playground. But the proposed bill seems to us to ensure the integrity of a unique wilderness while recognizing the economic needs of the surrounding area and some present, non-wilderness uses.

Geographically, the Burton-Vento bill establishes a million-acre Boundary Waters Wilderness Area, incorporating the present BWCA and some surrounding property. It sets up a 227,000-acre National Recreation Area, as in Oberstar's bill, but the recreation area would simply follow the main roads that already cut into the BWCA: the Gunflint Trail, the Echo Trail and the Fernberg Road.

Mining and mineral exploration would be forbidden within both the wilderness and recreation areas. There would be no more logging in the wilderness and present logging contracts would end in one year—time during which logging roads, structures and other signs of activity would be wiped out. But the bill also provides for compensation to logging companies that hold contracts and directs the Secretary of Agriculture to find substitute timber outside the wilderness area.

Resorts and local communities are to be assisted in developing new recreation programs in keeping with the changed nature of the canoe country, additional outdoor recreation opportunities are to be provided outside the wilderness and the wilderness itself is to get new backpacking and hiking trails. Resorters who believe their business has been harmed may insist on being bought out at "fair market price."

Snowmobiles will be prohibited within the wilderness except for two trails allowing access to Canada, one along the eastern edge of Saganaga Lake and the other from Crane to Little Vermilion lakes (On this matter, it should be noted that the National Park Service plans extensive snowmobile trails within Voyageurs National Park, a more suitable place than the nation's only canoe wilderness.)

Motorboats of 10 horsepower or less will be permitted on a number of lakes on the edge of the wilderness and, for five years only, on Newton Lake and Pipestone Bay of Basswood during the spring and fall fishing seasons.

Congress should bend no further.

[From the Fort Wayne (Ind.) Journal-Gazette, May 23, 1978]

BOUNDARY WATERS SHAME

Up in Northeastern Minnesota along the Canadian border is a splendid place called the Boundary Waters Canoe Area, a place that—shamefully—is the focus of a bitter congressional battle over practically everything but the future of its million-plus acres of lake chains and virgin forests.

Congress should be working out how to preserve the wilderness qualities of the Boundary Waters for all Americans to enjoy—not just canoeists, backpackers and environmental purists, not just resort owners, marina operators, and motorboaters and not just lumbermen. Congress owes that to the nation because it avoided solving the problem in 1964 when the Boundary Waters was ironically included in the National Wilderness System without full wilderness protection.

Basically, Congress must decide where various recreational and commercial activities can occur in the Boundary Waters and the other 2 million acres of Superior National Forest.

Rep. Donald Fraser from Minneapolis wrote an excellent bill to distribute these activities according to what would best promote the Boundary Waters as a wilderness.

Taking a different approach, Rep. James Oberstar from the Boundary Waters country wrote a bill that promotes the economic use of the area as the top priority.

And combining these two goals without compromising the environmental integrity of the Boundary Waters, Rep. Bruce Vento from St. Paul and Rep. Phillip Burton who chairs the National Parks Subcommittee perfected the Carter administration's plan for the area and wrote an outstanding compromise bill.

The shame is that the merits and demerits of these bills are not the determining factors of House action on the Boundary Waters. In the same disgraceful context, neither Minnesota senator will sponsor a compromise bill in the Senate that is similar to the Burton-Vento measure in the House.

Instead of the merits, opponents of the Burton-Vento bill are embracing the arguments of reaction that hardly become the progressive Rep. Oberstar. One of their arguments is that "big government" shouldn't tell the little people on the local level what to do with 3 million acres of land that is owned by 215 million Americans. Another argument is that the local people have a proprietary interest in the Boundary Waters that comes ahead of the interests of those "elitist" canoeists and other visitors who support the local economy by their recreational use of the area.

Also instead of the merits, the future of the Boundary Waters is at the mercy of the politics of some congressmen who are trading on reaction and emotion. Rep. Oberstar, for instance is holding up the House on the Burton-Vento bill in an attempt to muscle concessions from Rep. Fraser who is running for the senate. The tactic is to hold the bill hostage as long as possible to keep the heat from the Boundary Waters region on Rep. Fraser until the state convention in early June, and maybe throughout his Senate campaign.

And then there's the Senate where Sen. Wendell Anderson of Minnesota refuses to sponsor a bill, preferring instead to wait and see what happens to Rep. Fraser in his bid for a Senate seat. Sen. Anderson will need the Minneapolis-St. Paul vote to get elected—that area favors the Burton-Vento bill—and Rep. Fraser needs more support in Northeastern Minnesota where the sentiment runs against the compromise bill.

Mired in reaction and immersed in politics, the biggest shame is that Minnesota and the nation may find that the Boundary Waters are the lost waters.

[From the Des Moines Register, July 23, 1977]

BOUNDARY WATERS WILDERNESS: LOCAL VERSUS NATIONAL INTEREST

(By Richard Liefer)

Indians and trappers who once paddled and portaged in what today is the Boundary Waters Canoe Area (BWCA), a million-acre wilderness in extreme northern Minnesota, would have marveled at the agitation in nearby Ely on July 8.

Many businesses were closed: "Gone to the BWCA hearing," store window signs explained. Three Democratic congressmen were holding House subcommittee hearings at the high school, exploring ways to regulate use of the BWCA.

Parked in front of the school were loggers' trucks bearing signs like "We need BWCA pine NOW!" One truck was a gallows from which the Sierra Club and two environmentalists were hanging in effigy. Bumper stickers invited the Sierra Club to "kiss my axe." Some people wore patches that said, "Snow belongs to everyone."

Recognizing one side of the BWCA-use dispute was no trick; subtlety was not rampant The preponderant local sentiment seemed to be: Don't restrict "our" wilderness area any further.

The other side was respresented, too, if less ostentatiously. In fact, the Sierra Club concluded that supporters of the environmentalists' pro-wilderness position were dominant in number at Ely and at a similar hearing the day before in St. Paul. Many came from far away.

The hearings addressed two proposals for regulating activities in the BWCA. One bill, by Representative Donald M. Fraser of Minneapolis, would preserve the wilderness character of all the BWCA by banning timber-cutting, mining and the use of snowmobiles and motorboats. Iowa's Dick Clark has introduced an identical bill in the Senate.

The other House bill, sponsored by Representative James Oberstar of northeastern Minnesota, would divide the BWCA into two blocks, a 600,000-acre wilderness and a 500,-000-acre national recreation area. Timber harvesting, snowmobiling, motorboating and some commercial activities could take place in the recreation area. Both bills would enlarge the BWCA.

New legislation affecting this vast expanse of lakes, streams and forests would be unnecessary but for a significant imperfection of the 1964 Wilderness Act, which included the BWCA in the new wilderness preservation system. (The BWCA is the second-largest wilderness area in the system, the largest east of the Rockies.)

Although the 1964 law defined wilderness as a place "where the earth and its community of life are untrammeled by man," it said the BWCA should be managed "without unnecessary restrictions on other uses, including that of timber." It also allowed for "the continuance with the area of any already established use of motorboats."

These contradictions have kept BWCA in a spotlight of controversy. Congress ought to end the ambiguity by declaring the BWCA a full-fledged wilderness. But that proposed

solution boils the blood of many who testified in Ely.

Snowmobile and motorboat advocates, outfitters, officials of small communities adjacent to the BWCA, state legislators from the area, and elderly and handicapped outdoorsmen spoke in favor of the Oberstar bill or of no bill. Some prefer the the status quo, or want the management authority of the secretary of agriculture reduced.

For the most part, the present management plan for the BWCA dates from 1965, when Orville Freeman was secretary of agriculture. Freeman designated 19 canoe routes (60 per cent of the water surface) for motorboat and snowmobile use. He divided the BWCA into an interior zone closed to logging and a slightly smaller area, a portal zone, open to timber harvesting.

Snowmobiling was prohibited last September, generating antipathy in Ely that beggars description.

It is not difficult to understand some of the concerns of northeast Minnesotans, for they involve matters of economics and convenience. El Lustman, executive director of the Ely Chamber of Commerce, figures that 65 per cent of the Ely economy is derived from tourism and logging, and that further restricting BWCA use would hurt the town. Officials of other small towns expressed a fear that federal encroachment on more municipal land would adversely affect their tax bases.

Fraser's bill, however, would increase federal payments to local governments in lieu of taxes. And there is no reason why local economies could not be adjusted to emphasize the unique, purely wilderness aspect of the BWCA.

Outfitters with money invested in motors and towboats naturally do not want them banned in the BWCA. And the elderly and handicapped who can fish but not paddle a canoe consider motorboats vital.

Considerable logging has taken place, but by 1975 a federal District Court had barred further harvesting of large blocks of virgin timber.

The Eighth Circuit Court of Appeals overturned the lower court's prohibition on logging about a year ago, but four timber companies with contracts on six timber stands have refrained from cutting until mid-September to give Congress time to act. Hence the need for prompt action.

While it is possible to sympathize with those likely to be inconvenienced by BWCA restrictions or affected by a reordering of the local economy, it is not possible to embrace the "liberty" argument. "People of Ely are also citizens of the United States," said one motorboat enthusiast. The right to motor to a favorite fishing spot is assumed to be God-given and constitutionally protected.

Lawmakers with the national interest in mind will discount that contention, and they will discount proprietary attitudes toward the BWCA—attitudes like those of Bob Lessard, a member of the Minnesota Legislature, who said: "We can take care of our lands up here."

Presumably Lessard would exclude from his list of exemplary local stewards whoever left a 1950s-vintage car rusting with its bumper almost in the water. True, the heap of metal I paddled past was just outside the BWCA, but is the mind-set behind such a practice left at the edge of the wilderness?

The BWCA is a national asset. It should be preserved for future generations in a state as close to natural as possible. This consideration should prevail over the narrow short-range view of those who would exploit the wilderness. Under the Fraser bill, only non-motorized canoeists, hikers, snowshoers, etc., would use the BWCA.

Logging would destroy the BWCA's balanced ecosystem; it would deprive researchers of an invaluable gene pool. The BWCA still contains about half a million acres of virgin forests. Timber-harvesting practices cannot duplicate nature, forests grow back but species are lost.

The logging industry's need for timber from the BWCA is doubtful. Gerald L. Seck, a lawyer from Walker, Minn., who helped obtain an injunction against logging in the BWCA's portal zone, testified that timber-cutting in the BWCA is an "insignificant part of the logging industry in Minnesota." The state has 16 million acres of commercial forests, with only 160,000 acres of virgin timber in the portal zone.

Sigurd Olson, the leading environmentalist in Ely and a person of national reputation, contended that plenty of timber is available outside the BWCA. Two-thirds of the Superior National Forest lies outside the BWCA. Olson went along with the ambiguous language of the 1964 act—for which Minnesota Senator Hubert Humphrey is to thank or blame, depending on your viewpoint—because he wanted the bill as a whole. What has changed in 13 years? Use of the BWCA has increased enormously, Olson said. So has interest in canoeing and in the wilderness experience concept.

The "wilderness experience" is hard to define and highly subjective. It is easily ridiculed and can smack of the worst kind of elitism. At the very least, it means the enjoyment of peace, quiet and isolation. Motors destroy the peace.

There are thousands of lakes and millions of acres of timberland outside the BWCA, surely enough for loggers and motorboat enthusiasts. Compromise, the thrust of the Oberstar bill, is not necessary.

Congress must decide between local interests and the national interest. Lawmakers are expected to act soon. Jay Scholtus of Virginia, Minn., told the congressmen in Ely: "We have a wilderness treasure on our doorstep." The nation has a wilderness treasure in northern Minnesota. The treasure needs the protection only formal wilderness status will provide it.

Mr. MEEDS. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOTTL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 339, nays 1, not voting 94, as follows:

[Roll No. 408]

YEAS—339

Abdnor	Barnard	Breckinridge
Addabbo	Bauman	Brinkley
Akaka	Beard, R.I.	Brodhead
Ambro	Beard, Tenn.	Brooks
Ammerman	Bedell	Broomfield
Andrews, N.C.	Benjamin	Brown, Ohio
Andrews, N. Dak.	Bennett	Broyhill
Annunzio	Bingham	Buchanan
Archer	Blanchard	Burgener
Ashbrook	Blouin	Burke, Fla.
Ashley	Boggs	Burke, Mass.
AuCoin	Boland	Burleson, Tex.
Badham	Bolling	Burlison, Mo.
Bafalis	Bonior	Burton, John
Baldus	Brademas	Burton, Phillip
Byron	Breaux	Butler
Caputo	Hollenbeck	Pease
Carr	Holt	Pepper
Carter	Holtzman	Perkins
Cavanaugh	Horton	Pettis
Cederberg	Hubbard	Pickle
Chappell	Huckaby	Poage
Chisholm	Hughes	Preyer
Clausen, Don H.	Hyde	Price
Clawson, Del	Ichord	Pursell
Clay	Jacobs	Quayle
Cleveland	Johnson, Calif.	Quie
Cohen	Johnson, Colo.	Quillen
Coleman	Jones, N.C.	Rahall
Collins, Tex.	Jones, Okla.	Railsback
Conable	Jones, Tenn.	Rangel
Corcoran	Jordan	Regula
Corman	Kastenmeier	Reuss
Cornell	Kazen	Rhodes
Coughlin	Kelly	Richmond
Crane	Kemp	Rinaldo
Cunningham	Ketchum	Risenhoover
D'Amours	Keys	Roberts
Daniel, Dan	Kildee	Robinson
Daniel, R. W.	Kostmayer	Rogers
Delaney	Krebs	Roncalio
Dent	Krueger	Rooney
Derrick	LaFalce	Rosenthal
Derwinski	Lagomarsino	Rostenkowski
Devine	Latta	Rousselot
Dickinson	Leach	Rudd
Dicks	Lederer	Russo
Dodd	Le Fante	Satterfield
Downey	Leggett	Sawyer
Duncan, Tenn.	Lehman	Scheuer
Early	Lent	Schroeder
Eckhardt	Levitas	Schulze
Edwards, Ala.	Lloyd, Calif.	Sebelius
Edwards, Calif.	Lloyd, Tenn.	Seiberling
Edwards, Okla.	Long, La.	Sharp
English	Long, Md.	Shipley
Erlenborn	Lott	Shuster
Ertel	Lujan	Sikes
Evans, Colo.	Luken	Simon
Evans, Del.	Lundine	Sisk
Evans, Ind.	McClory	Skelton
Fary	McCormack	Skubitz
Fascell	McDade	Slack
Fenwick	McEwen	Smith, Iowa
Findley	McFall	Smith, Nebr.
Fish	McHugh	Snyder
Fisher	McKay	Solarz
Fithian	McKinney	Spellman
Flippo	Madigan	Spence
Flood	Maguire	St Germain
Florio	Mahon	Staggers
Flynt	Markey	Stangeland
Foley	Marks	Stanton
Ford, Mich.	Marlenee	Stark
Forsythe	Marriott	Steed
Fountain	Mattox	Steers
Fowler	Mazzoli	Steiger
Fraser	Meeds	Stockman
Frenzel	Metcalfe	Stratton
Fuqua	Meyner	Studds
Gammage	Michel	Symms
Garcia	Mikulski	Taylor
Gaydos	Milford	Traxler
Gephardt	Miller, Calif.	Treen
Gilman	Miller, Ohio	Trible
Ginn	Mineta	Udall
Glickman	Mitchell, Md.	Vander Jagt
Goldwater	Mitchell, N.Y.	Vento
Gonzalez	Moakley	Volkmer
Goodling	Moffett	Waggonner
Gore	Montgomery	Walgren
Gradison	Moore	Walker
Grassley	Moorhead, Calif.	Walsh
Green	Moorhead, Pa.	Wampler
Gudger	Moss	Watkins
Guyer	Mottl	Waxman
Hagedorn	Murphy, Pa.	Weaver
Hall	Murtha	Weiss
Hamilton	Myers, Gary	White
Hammer-schmidt	Myers, John	Whitehurst
Hanley	Myers, Michael	Whitley
Hansen	Natcher	Wiggins
Harkin	Neal	Winn
Harrington	Nedzi	Wirth
Harris	Nichols	Wolff
Harsha	Nolan	Wright
Hawkins	Nowak	Wydler
Heckler	Oberstar	Wylie
Hefner	Obey	Yates
Heftel	O'Brien	Yatron
Hightower	Ottinger	Young, Fla.
Hillis	Panetta	Young, Mo.
	Patterson	Zablocki
	Pattison	

NAYS—1

McDonald

NOT VOTING—94

Alexander	Duncan, Oreg.	Pike
Allen	Edgar	Pressler
Anderson, Calif.	Eilberg	Pritchard
	Emery	Rodino
Anderson, Ill.	Evans, Ga.	Roe
Applegate	Flowers	Rose
Armstrong	Ford, Tenn.	Roybal
Aspin	Frey	Runnels
Baucus	Giaimo	Ruppe
Bellenson	Gibbons	Ryan
Bevill	Hannaford	Santini
Biaggi	Holland	Sarasin
Bonker	Howard	Stokes
Bowen	Ireland	Stump
Brown, Calif.	Jeffords	Teague
Brown, Mich.	Jenkins	Thompson
Burke, Calif.	Jenrette	Thone
Carney	Kasten	Thornton
Cochran	Kindness	Tsongas
Collins, Ill.	Livingston	Tucker
Conte	McCloskey	Ullman
Conyers	Mann	Van Deerlin
Cornwell	Martin	Vanik
Cotter	Mathis	Whalen
Danielson	Mikva	Whitten
Davis	Minish	Wilson, Bob
de la Garza	Mollohan	Wilson, C. H.
Dellums	Murphy, Ill.	Wilson, Tex.
Diggs	Murphy, N.Y.	Young, Alaska
Dingell	Nix	Young, Tex.
Dornan	Oakar	Zeferetti
Drinan	Patten	

The Clerk announced the following pairs:

Mr. Zeferetti with Mr. Aspin.
Mr. Carney with Mr. Ruppe.
Mr. Biaggi with Mr. Allen.
Mr. Baucus with Mr. Brown of Michigan.
Mr. Hannaford with Mr. Thone.
Mr. Alexander with Mr. Anderson of Illinois.
Mr. Conyers with Mr. Conte.
Mr. Jenrette with Mr. Sarasin.
Mr. Anderson of California with Mr. Stump.
Mr. Howard with Mr. Young of Alaska.
Mr. Bellenson with Mr. Armstrong.
Mr. Giaimo with Mr. Tucker.
Mr. Applegate with Mr. Whitten.
Mr. Cornwell with Mr. Whalen.
Mr. Eilberg with Mr. Dornan.
Mr. Stokes with Mr. Cochran of Mississippi.
Mr. Bevill with Mr. Vanik.
Mr. Thompson with Mr. Teague.
Mr. Flowers with Mr. Drinan.
Mr. Charles Wilson of Texas with Mr. Davis.
Mr. Bonker with Mrs. Collins of Illinois.
Mr. Santini with Mr. Dellums.
Mr. Van Deerlin with Mr. Thornton.
Mr. Tsongas with Mr. McCloskey.
Mr. Bowen with Mr. Bob Wilson.
Mr. Charles H. Wilson of California with Mr. Kindness.
Mr. Ullman with Mr. Duncan of Oregon.
Mr. Ryan with Mr. Jeffords.
Mr. Brown of California wtih Mr. Diggs.
Mr. Rose with Mr. Martin.
Mr. Roe with Mr. Holland.
Mr. Murphy of New York with Mr. Dingell.
Ms. Oakar with Mr. Livingston.
Mrs. Burke of California with Mr. Frey.
Mr. Roybal with Mr. Ford of Tennessee.
Mr. Patten with Mr. Emery.
Mr. Cotter with Mr. Edgar.
Mr. Danielson with Mr. Gibbons.
Mr. de la Garza with Mr. Jenkins.
Mr. Evans of Georgia with Mr. Kasten.
Mr. Minish with Mr. Pike.
Mr. Mollohan with Mr. Pressler.
Mr. Murphy of Illinois with Mr. Pritchard.
Mr. Mikva with Mr. Nix.
Mr. Mann with Mr. Mathis.
Mr. Ireland with Mr. Runnels.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PHILLIP BURTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12250) to designate the Boundary Waters Canoe Area Wilderness, to establish the Boundary Waters Canoe Area National Recreation Area, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. PHILLIP BURTON).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12250, with Mr. MURTHA in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. PHILLIP BURTON) will be recognized for 1 hour and the gentleman from Kansas (Mr. SEBELIUS) will be recognized for 1 hour.

The Chair recognizes the gentleman from California (Mr. PHILLIP BURTON).

Mr. PHILLIP BURTON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, H.R. 12250 represents an effort of the House Committee on Interior and Insular Affairs to deal with a longstanding problem confronting not only the people of northern Minnesota, but the people of our country with reference to the Boundary Waters Canoe Area. The subcommittee held a number of hearings and committee discussions, in all of which the gentleman from Minnesota, in whose district the BWCA is located, our distinguished colleague, Mr. OBERSTAR, was invited to participate as if he were in fact a member of the subcommittee even though he was not assigned to our subcommittee nor, for that matter, to our full committee.

In somewhat oversimplified terms the issue presented to our subcommittee could be roughly classified into four discernible aspects. One of the aspects was to deal with the longstanding issue of mining in the BWCA, an issue that was satisfactorily resolved by the subcommittee and the full committee. And on this issue there is no contention that I am aware of.

The next was the longstanding issue of logging within the BWCA. That issue lent itself to being divided between the logging of virgin stand timber and logging generally. There has been no difference of opinion on logging of virgin stand timber and subsequent to the approval of the committee proposal by the Committee on Interior and Insular Affairs the issue of logging generally has been resolved in the sense that the committee bill permits operations for one year to wind down whatever logging is taking place, and the Oberstar substitute envisages terminating the logging immediately. So in these two respects the two bills we have before us are essentially in full agreement.

With respect to the mining, the committee struggled with what precise technical language we should use. Although there was a difference in the earlier Oberstar proposal and the proposal before us, the committee bill as reported out and the Oberstar bill as it is being offered, contain identical language, I am advised. However, as I represented to my colleagues, the whole issue of mining as we have studied it, and the law is highly technical and I have indicated that we would ultimately end up with language approved by the land and severance of interest in lands experts. We have made some movement in that direction, but the language that we have, and I am sure the gentleman from Minnesota (Mr. OBERSTAR) would concur, the language he has in this respect, should not be considered definitive or final because we are still exploring what, if any other, technical changes must be made in that respect.

The measure was sufficiently and carefully studied so that in the 46-member Committee on Interior and Insular Affairs the bill passed out without a dissenting vote. There was only one dissenting view and that issue was related to the lumbering issue which, has essentially, as I indicated earlier, been resolved.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PHILLIP BURTON. Mr. Chairman, I yield myself 3 additional minutes.

A great number of subcommittee members worked with great diligence, very particularly the gentleman from Kansas, our ranking Member, Mr. SEBELIUS; but I think I should single out for a very special commendation the untiring and unique efforts of our fellow Member of the full committee, the gentleman from Minnesota (Mr. VENTO) for his most competent and unique contribution to the legislation that is before us today. The gentleman from Minnesota (Mr. VENTO) chaired the field hearings conducted by our subcommittee in Minnesota last year and has been most singularly instrumental in bringing this legislation before the House today.

I would like the RECORD also to reflect the reasonable and accommodating attitude reflected throughout by both our distinguished colleagues, the gentleman from Minnesota (Mr. FRASER) as well as our colleague, the gentleman from Minnesota (Mr. OBERSTAR) in whose district the BWCA is located.

The other two issues that the committee had to deal with dealt essentially with motorized use in the summer, use that is not permitted in wilderness areas generally, and motorized snowmobile use in the winter, a use that has been banned as a result of an order of Secretary of Agriculture Butz and under Secretary of Agriculture Bergland, who the Members will recall is a former colleague from the State of Minnesota. For the past few years snowmobiling has not been permitted anywhere in the BWCA.

The subcommittee and the full committee decided to adopt a recommendation by the Secretary of Agriculture to permit snowmobiling only, which is more use than currently permitted, to get access to the Canadian side in these areas

where snowmobiling is permitted. We have not been able to accommodate the conflicting points of view on what and how much and where snowmobiling or motorboat use should be permitted in the summer, in the spring, and in the fall. So the committee proposal will be refined marginally by an amendment. The subcommittee and full committee tried to treat this issue by recognizing the incompatible nature of the use of canoes and motorboats by eliminating in the main the use of motorboats during the months of July and August, the two heaviest months for canoeing, and by permitting use restrictions on horsepower and other items, the use of motorboats on certain designed lakes within the BWCA. I believe the subcommittee and full committee have truly produced legislation that can be considered to be balanced. I suspect one-tenth of that measurement of balance is that the so-called Burton-Vento compromise has been favorably editorialized by most of the major newspapers in the State of Minnesota, including the largest newspaper in the congressional district wherein the BWCA exists. There is one tactical situation I would like to explain to my colleagues.

We intend to perfect the subcommittee bill and to eliminate some 200,000-plus areas that were designated in the committee bill as a national recreation area, it was determined that this section led to a beclouding of the real issues and, therefore, that section should be eliminated.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. PHILLIP BURTON. Mr. Chairman, I yield myself an additional 2 minutes.

Mr. Chairman, that section should be replaced by an essentially agreed upon limitation only for mining in this mining protection zone on federally owned lands; so the committee will seek an opportunity to protect the basic bill primarily in that connection and to extend motorized use on more lakes and for a longer period of time. We intend to offer at that point in time, in the event the gentleman from Minnesota (Mr. OBERSTAR) offers a substitute, to offer an amendment to his bill in the nature of a substitute, to the end that we will then be discussing, in fact, the options that confront our colleagues.

Mr. SEBELIUS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, as I am certain most Members know by now, the Boundary Waters Canoe Area Wilderness issue has been surrounded by considerable controversy. While everyone is still not in agreement on all features, I think that the committee bill, as brought to the floor today, attempts to rectify most of the issues in a proper manner. The resolution of many of the points of controversy in this bill constitutes a tribute to the ability of our subcommittee chairman (Mr. PHIL BURTON), along with the very able work of our Minnesota colleague on the committee (Mr. VENTO). Likewise, I pay my respects to the ability and work of the gentleman from Minnesota (Mr. FRASER), author of one of the versions, and to the gentleman from Minnesota (Mr. OBERSTAR), in whose district the area is located.

While I recognize that any change from the status quo is often hard to accept and difficult to adjust to by local interests, I am impressed by the tremendously important national significance of this area. It is the largest wilderness area in the eastern half of the United States, and we will never find the opportunity to have a bigger one elsewhere in the East; it supports more users than any other designated wilderness area in the United States; it is the only lakeland paddle canoe wilderness in the Nation; and it has a long recognized history of wilderness-type use. Thousands of people from all over the East and Midwest travel long distances to use and enjoy the peace and solitude of this area. Moreover, the natural resource qualities of the area are truly superlative.

While H.R. 12250 does bring some disruptive influence to local interests, I believe the bill also provides numerous countermeasures to soften the impact. Further, with the adoption of the amendments to be offered today which will slacken the restrictions on motorboat use on some lakes and will eliminate the national recreation area designation, I believe the bill will constitute a very responsible compromise.

I should further point out that the administration recommended a bill which contained many features much more environmentally protective than what is in the committee bill.

There are several features of the bill I would like to specifically address.

Considering the great importance of the wilderness values of the Boundary Waters Canoe Area, the Forest Service should work very closely with the International Boundary Commission to assure that any activities associated with boundary identification have as limited an adverse impact as possible on wilderness values. Absolutely no impact would be ideal, and is the goal which should be pursued.

I mentioned earlier that the Boundary Waters Canoe Area accommodates the greatest amount of use of any designated wilderness. Corresponding with this, it is my understanding that there has probably been more study and research conducted in the Boundary Waters Canoe Area by the Forest Service regarding wilderness user attitudes, perceptions, desires, activities, and impacts, than in any other wilderness in the Nation. The Forest Service should strengthen its commitment to make stronger application of this work to the management of this area and to other wilderness areas across the Nation. Of absolutely critical importance is the development and implementation of wilderness carrying capacity thresholds and controls. It is one thing to initially designate a wilderness, but safeguarding its integrity in perpetuity does not stop there. It is essential that appropriate user limitations are recognized and adhered to so that the wilderness qualities for which the area was established are perpetuated indefinitely for the sake of many generations of users to come. We simply cannot permit these superlative wilderness areas to become overrun by overuse. I believe that the Forest Service has been very cognizant of this situation to date, particularly as reflected by research effort conducted on this subject in the Boundary Waters Canoe Area. Along with this new congressional deliberation and designation for a strengthened Boundary Waters Canoe Area wilderness, I believe a renewed commitment should also come from the Forest Service managers for a professionally updated review and recommitment regarding user carrying capacity protections for this splendid wilderness resource. This effort should be incorporated into the comprehensive management plan to be developed pursuant to the provisions of section 20 of the bill.

Mr. Chairman, that completes the comments I wish to make on this bill at this time.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, this legislation that is pending before us has been the subject of indepth evaluation and discussion, and I certainly want to commend the gentleman in the well, the gentleman from Kansas (Mr. SEBELIUS), for his work.

It is my understanding that, while the committee bill itself is a compromise, there will be further efforts to compromise the legislation in order to try to bring about a more balanced perspective for the management of this area.

As a Member whose district has been affected by similar legislation earlier in this Congress, I urge my colleagues to pay particularly close attention to the comments from the gentleman of Minnesota (Mr. OBERSTAR) in whose district this area lies. Too often we pay too little heed to the voice of the people who will be most directly affected by pending legislation.

Mr. OBERSTAR, by way of his substitute, gives us a clear opportunity to pass a responsible compromise which accommodates both the interests of environmentalists and the needs and concerns of local residents who derive their living from the Boundary Waters Area. I have discussed this compromise with several of my colleagues on both sides of the aisle and note that Mr. QUIE, Mr. FRENZEL, and Mr. HAGEDORN all concur that it is a reasonable alternative which, more than other versions before us, reflects the valid needs of the local population, and the hearings revealed an overwhelming percentage of support for the Oberstar proposal from the people who live and make their livelihood there.

I urge my colleagues to support the Oberstar substitute as a basis for final legislation.

Mr. PHILLIP BURTON. Mr. Chairman, I yield 10 minutes to the gentleman

from Minnesota (Mr. VENTO), a member of the full committee.

Mr. VENTO. Mr. Chairman, first of all, let me give credit to the chairman of the subcommittee for providing the opportunity that I have had to participate as a member of the full Committee on Interior and Insular Affairs and consider the subject matter that is before us, one which so importantly affects Minnesota and the area that other Members of my delegation and I represent, as well as this Nation.

I want to give special credit to the authors of the various proposals, the two gentlemen from Minnesota (Mr. FRASER and Mr. OBERSTAR), each of whom has labored diligently to bring forth a resolution of this issue.

The bill on the Boundary Waters Canoe Area that we are considering is both a culmination and a new beginning. Through H.R. 12250, this legislation that is before us, Congress will be ending the years of controversy and uncertainty that has surrounded the BWCA. This bill will be a culmination of a long process of executive orders, court decisions, and legislative initiatives to protect this unique natural resource.

H.R. 12250 will mark a new commitment to the protection of the BWCA. This bill will reaffirm Congress intent to preserve this area as a wilderness for the benefit and enjoyment of not only the present generation but of all future generations of Americans as well.

Legislation to protect the BWCA is imperative. The threat to this wilderness is very real and is increasing at a dramatic rate. Canoeists, motorboaters, snowmobilers, cross-country skiers, loggers, and miners all demand access to this fragile ecosystem. Unless these demands are faced through the legislative process, we will lose one of the largest wilderness areas through overuse and abuse.

Mr. Chairman, this proposal represents the efforts of the Subcommittee on National Parks and Insular Affairs of the Committee on Interior and Insular Affairs to resolve the conflicts over what use of the BWCA is compatible with its wilderness qualities. The bill is the culmination of a lengthy hearing process. Last year, at the direction of the chairman of the subcommittee, I chaired hearings in St. Paul, Minn., and Ely, Minn., and of course, we had further hearings under his direction in Washington, D.C. During these hearings every concerned citizen we could possibly permit to testify was allowed to have ample opportunity to express their views, and various organizations had that same opportunity. They expressed their views on this issue and offered their opinions on how the BWCA should be managed. Based on these hearings and a careful consideration of the previous proposals, H.R. 12250, a compromise bill, resulted. This bill seeks to balance national and local concerns while affording maximum protection for the wilderness.

Many of the disputes which have surrounded the BWCA have already been resolved by the hearing process. All parties now agree that mining and logging are incompatible with the qualities of the area if we wish to maintain the wilderness character of this area. They also agree that mining and logging would threaten the integrity of the wilderness. It is also recognized that there is sufficient timber available outside the BWCA to maintain a viable wood fibers industry for norther Minnesota, and the bill does give direction for intensive forest management, reforestation, and technological assistance. There even exists the potential for growth of that industry because of the actions and the directions set forth in this approval under the authority of the State of Minnesota. However, for these agreements to occur, Congress must give approval to this particular measure we have before us.

The issue of motorized use within the BWCA is the major remaining controversy. The lakes of the BWCA serve increasing numbers of canoeists and motorboaters each year. In making its determinations, the subcommittee tried to strike a balance between these competing uses. Many key fishing lakes remain open to motorized use, and nearly every lake with a resort or cabin located on it will remain open for motorized use. Under this compromise proposal 41 percent of the present motorized use will continue to be allowed until 1984, and approximately 36 percent until the year 2010. After that point in time, 25 percent or approximately one-quarter of the present motorized use will be permitted. Thus the phaseout concept will accommodate a large percentage of this generation's demand for motorized use.

In considering the issue of motorized versus nonmotorized use, the subcommittee and the full committee were guided by several factors, and these factors are as follows:

No. 1, canoe use is the predominant form of recreation in the BWCA. Over 60 percent of the users of the BWCA are canoeists, and if we look at the visitors and the number of days spent, the figure goes to 70 percent for those who visit and stay over a long period of time.

Over 60 percent of the users of the BWCA are canoeists. And if you go by visitor days, it amounts to 70 percent of those who visit the State over a length of time.

The second fact is that there is a conflict between canoeists and motorboat users. In a survey conducted, a vast majority of the canoeists stated that the motorboats disrupted their wilderness experience, because of noise and congestion, and so on.

The third factor is that motor use has historically been considered incompatible with wilderness designation by Congress. And, indeed, the events of the past 14 years, in terms of conflicts that have occurred, in terms of court cases, in terms of administrative rulings, add validity to this judgment that was initially made by Congress.

The concept of the wilderness is the concept that wilderness use should determine the activities that occur. Local enterprise should not determine how wilderness will be used and, of course, we do provide access points to Canada to snowmobile routes, an this is important.

The reintroduction of snowmobiles, which have been banned for the past 2 years, I think would be a poor precedent, in terms of wilderness areas. And as late as passage of the Endangered Wilderness Act this year again reaffrmed our opposition to the reintroduction of snowmobiles in wilderness areas.

I urge my colleagues to stand firm on this position.

To my right is a map of the Boundary Waters Canoe Area, 1 million acres, which is the most extensive wilderness area we have in the United States. It is amazing that this wilderness should be threatened by our enthusiasm to rush forward and to use it. All agree that there is to be no mining in this wilderness area. All agree there is to be no timber cutting in this wilderness area at this time. All agree that we should not pollute this area. But to be threatened by the fact of overuse of recreation is indeed a sad irony. That overuse relates to canoeists and motorboat users. It relates to a variety of use.

We have available almost 2½ times the water surface area immediately outside this area which is available for motorized use.

On this map, the areas marked in red indicate where motorized use is provided. In fact, public ownership of the national park to the west of the area, the national park, has extensive motorized use. Indeed, in one area there ought to be an opportunity where someone can go and have some solitude, where someone can go and have an experience that is different. The overuse and abuse of this area will destroy it. It will destroy the economy in this area, which is far more damaging than any kind of limit that we can put on it. We are not suggesting a greater ownership of public land. What we are talking about is a new type of management system in this area, which has had a great deal of controversy, to eliminate the uncertainties that surround it.

In conclusion, Mr. Chairman, I ask the Members to support this compromise bill and to support the amendments we propose. This bill tries to balance the demands of the local community with the needs of the national constituency which does use it and is very much interested in this vital national resource.

Mr. PHILLIP BURTON. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, 10,000 years ago the last glacier retreated from northern Minnesota, leaving behind it the assorted lakes and waterways and interconnecting channels which now make up the Boundary Waters Canoe Area. That was probably the last quiet and peaceful thing that happened in the Boundary Waters Canoe Area in its entire history.

The BWCA is the basis of the economy

of an area that includes family-owned and operated resorts and outfitters. The area is made up of small communities of people who have lived in the area for generations and whose way of life is inextricably linked to the future management of this area. This did not happen just by accident. It happened as a result of conscious tradition, conscious implementation of law in the entire management and history of the Boundary Waters Canoe Area.

Mr. Chairman, beginning in the 1880's there was logging in the area; and from the time that motorboats were first invented and perfected, they were used in the area. It was a recognition that its uses were important to the local economy, to the future development, and to the people of the area.

Those uses have been continued, and they have been protected in Federal law. In fact, in the Wilderness Act, that landmark piece of legislation passed by the Congress in 1964, with language carefully drafted by then Senator Hubert Humphrey, after consultation with wilderness groups and with the local residents, which protected the rights of people in northern Minnesota to log in the area and to use motoboats in the area; in short, to continue their way of life and the economic base of the area's economy.

But here we are, Mr. Chairman, 14 years later, again faced with legislation dealing with the future of the Boundary Waters Canoe Area, after the people had been assured, after commitments had been made in law, after commitments had been made by wilderness advocates that the use of the area would not be changed, that in 1964, this was the last time any change would occur in the use of that area.

I think the proper function of Government is to seek to improve the quality of life of people. I think Government action and intervention is justified when it is directed toward those goals; but when Government acts in a way that is harmful to people, that action ought to be stopped. That is the case with this legislation.

Mr. Chairman, we do not need a piece of legislation which seeks to further burden the people and further create economic difficulties for an area already troubled with economic problems. We do not need legislation that adds more regulations, and there are some 52 separate instances in this bill where the Secretary of Agriculture is given discretionary authority to do this or that, thus adding to and expanding or creating more difficulties and regulations, and more work for the regulation writers.

Mr. Chairman, I have developed what I think is a fair compromise, one that achieves the major conservation goals of protecting the Boundary Waters Canoe Area from damage caused by mining, by logging, by, in a word, overuse of the area.

When I set out with this legislation in 1975, to draft a piece of legislation that would narrow down the uses and that would resolve the controversy, it was my hope that we could end the bitterness and the divisiveness that has characterized the entire history of the Boundary Waters Canoe Area, which today has erupted into emotional reaction on both sides. Furthermore, deep, bitter divisiveness within our own Democratic Party erupted once again at our convention last Saturday. It is evident in every community in the northern part of the State which I represent.

It was my hope we could bring people together and that we could, by discussing this issue openly, on the basis of the compromise piece of legislation, come to some agreement that would be in the interest of all of the people of the State and that would end that divisiveness. Apparently we have not done so, however. We have come to the House floor, with both sides widely divided on one of the major issues in this dispute.

Now, one of the key issues when I started with this legislation, in meeting with wilderness advocates, was whether or not it would be possible to end mining; whether or not it would be possible to end the logging in the area. The first consideration of wilderness advocates was for the virgin forest areas of the Boundary Waters Canoe Area, and I have made a commitment that we would work to end the logging in the virgin forest area. My first bill reflected that commitment. It would have ended logging in the virgin forest area and continued it in the second growth areas.

In 1976, I negotiated a moratorium on logging in the BWCA in order to provide Congress time to act on legislation to protect the virgin timber under contract and open to logging under a Federal court decision in 1976.

Over a period of years I have successively modified my bill in an attempt to be responsible to the wilderness concerns and the local economy, to the point where we have a piece of legislation that eliminates mining and eliminates logging altogether, relying on the assurance of the State of Minnesota that Federal land and the five county area adjacent to the Boundary Waters Canoe Area will be available for logging. We have relied on the assurance of the U.S. Forest Service there will be available softwood timber on Federal lands in northern Minnesota.

My substitute will incorporate provisions that will establish a Federal-State cooperative program for more intensive forest management in the State lands adjacent to the Boundary Waters Canoe Area so that we will assure the State of the wood fiber industry in Minnesota.

Mr. PHILLIP BURTON. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. PHILLIP BURTON. Mr. Chairman, there is one item for the record that I think might be useful to have confirmed. During the course of my earlier statement, I had represented that the subcommittee afforded the gentleman from Minnesota—though not a member of the subcommittee nor a member of the full committee—the opportunity to fully participate, including by debate as if he were a member of the subcommittee. Is that statement correct?

Mr. OBERSTAR. I intended at the conclusion of my remarks to recognize that the committee has been most generous with its time in allowing me an opportunity to speak and to make suggestions, including during the markup period, while the chairman had all the votes locked up in his pocket.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. PHILLIP BURTON. Mr. Chairman, I yield 5 additional minutes to the gentleman from Minnesota.

Mr. OBERSTAR. What we are down to in this Boundary Waters Canoe Area bill today is, who will use the area? It is the people's question. Who is going to use the Boundary Waters Canoe Area, those from thousands of miles or hundreds of miles away, or those who live in the area, whose lives and livelihoods are dependent upon the small businesses, the small outfitter operators, the small resorts and the people who live there year round.

Who are these people? They are steelworkers who work in the taconite plant, the iron ore plants, the small businesses in Ely, Aurora, Grand Marais, Tofte, Hedstrum, Two Harbors and Silver Bay.

My bill takes the area which now has 1,060 lakes, the 1,030,000 acres. Of those 1,060 lakes, 124 are open to motorized use today under the existing management of the BWCA. We reduce from 124 down to 92 the number of lakes that will be used out of the 1,060. It includes a large water surface, because those are the large lakes suitable for motorized use. We allow 800 miles open exclusively to canoe use. That is 800 miles. I suggest we could put a canoeist in there and push him off on the eastern end of the Boundary Waters Canoe Area and he would run out of food before he runs out of paddle lakes. And then we allow 343 miles of lake open to motorized travel, limited on most lakes to 10 horsepower, and on 16 specifically named lakes to 25 horsepower.

What could be more reasonable? How much more could the people of northern Minnesota be asked to give up? This they have done willingly over a period of 3 years of open town hall public meetings which I have sponsored and in which the citizens participated in shaping a piece of legislation which I now offer this afternoon, that restricts the use of the area. They have been willing to do it to make an accommodation that yields more to wilderness than to multiple use, but one that protects a very basic need and necessity and a way of life.

I think what we have offered is a responsible alternative, one that yields more to wilderness than to multiple use, but one that protects the basic right of the people of northern Minnesota to enjoy this area and to make their livelihood in it.

H.R. 12250 represents an abrogation of the promises and assurances made to the people of northern Minnesota that they would continue to have the access to the Boundary Waters upon which their way of life, the economy of the area and the viability of so many small, family owned and operated businesses depend.

Tradition and law have established the Boundary Waters' unique position within the wilderness system.

In the Wilderness Act of 1964, Congress included the Boundary Waters in the wilderness system. Yet, at the same time as Congress included the BWCA, within the wilderness system, the people of northern Minnesota were assured this legislative action would not deprive them of their traditional, long-established use of the area or would not force them out of business.

Fourteen years later, the Congress is facing the decision of abiding by those assurances or by stating they are no longer applicable. There can be no doubt as to Congress intent in the Wilderness Act with respect to the Boundary Waters. We either honor those assurances or we do not.

What is before us, however, is not a question of whether the Boundary Waters should be included in the wilderness system. That decision was made 14 years ago. An integral part of that decision, however, was a recognition of the special character of the Boundary Waters.

What we are seeking now is a equitable legislative solution which protects the Boundary Waters from environmental damage, recognizes the national interest in that preservation and protects the rights of local people.

I believe that a solution which fails to adequately consider the multiplicity of interests is inadequate and unfair.

I have devoted more time in this Congress to this issue which so vitally affects the people I represent than to any other single issue. It is an important issue which has cast uncertainty over the lives of thousands and has become increasingly divisive within my home State of Minnesota.

It has been my hope since I became a Member of this House to end the long controversy surrounding the Boundary Waters.

It is detrimental for our State to be so divided over this one issue.

I have made several substantial compromises from my initial legislative proposal for the Boundary Waters. The people of my district have accepted these compromises.

I have developed what I believe is a fair compromise which accomplishes the major conservation goals of protecting the Boundary Waters from any ecological damage from mining or timber harvesting.

In my own mind, there has never been any doubt mining or exploration for minerals had potentially devastating consequences on the Boundary Waters Canoe Area. In the interests of insuring the achievement of the overriding goal of prohibiting mining, I have included in my substitute language which is almost identical to the language contained in the committee bill.

My substitute would order an immediate termination of timber harvesting. That provision represents a development of my position from my first proposal which would have continued the timber harvesting permitted by the Wilderness Act of 1964 and recognized as a legitimate use of the BWCA by the U.S. Eighth Circuit Court of Appeals. My proposal would, however, have preserved the over 500,000 acres of virgin stands in the Boundary Waters.

I later revised my bill to permit a 20-year transition period in order to permit more intensive management of the areas outside of the BWCA to assume the burden of meeting the needs of the wood fiber industry.

That industry employs over 9,000 people with a payroll in excess of $130 million in my district.

The proposed phaseout of timber harvesting was consistent with a study released by the Forest Service last year that an immediate termination of timber harvesting within the BWCA would have a potential loss of 1,190 jobs and $30 million annually to the economy of northern Minnesota.

Following that study, the timber issue was thoroughly debated and the State of Minnesota and the U.S. Forest Service have now made assurances that the replacement timber is available.

Chief John McGuire of the Forest Service has stated in a letter dated April 7, 1978, to the Interior Committee:

> The current softwood cutting rates on the Superior National Forest could be maintained for 10 years and still have nearly a 2-year's supply of softwoods under contract, even if all portal zone logging is terminated. Existing volumes under contract and potential sales which can be made elsewhere in the Superior National Forest are adequate to sustain current employment levels in the timber industry. . . . Any additional softwood timber that the State of Minnesota can make available during the coming decade would provide wood for the expansion of paper mill production or for the maintenance of a somewhat larger contract backlog of National Forest timber.

The State of Minnesota has promised to provide additional softwood timber.

The major provisions of my bill with respect to timber harvesting:

First. Terminate timber harvesting immediately.

Second. Direct the Secretary of Agriculture to provide 47,000 cords of softwood in addition to the softwood yield of Federal lands in 18 counties of northern Minnesota.

Third. Provide this amount may be reduced by whatever additional softwoods the State of Minnesota makes available as it has indicated it will.

Fourth. Authorize an annual expenditure for 5 years of $12 million for the more intensive management of the Superior National Forest, including funds for road building to improve access to less profitable stands, timber stand improvement, and reforestation absolutely essential to insuring the future availability of timber.

Fifth. Authorize $3 million annually for 5 years to the State of Minnesota, to be matched on an 80–20 basis, to enable the State to manage its own lands more intensively.

Sixth. Include specific direction to the Secretary to offer timber for use in sawmills which is as close to the sawmills as possible. There are a number of moderate-sized sawmills in northern Minnesota which are family owned and operated businesses, long-established in the communities. I believe it is absolutely essential we insure the survival of these small businesses by insuring them access to the saw timber for their mills.

These small businesses require timber that is limited in supply. Further, they are limited by the fixed location of their mills. Increased distances to the supply reduces their ability to remain competitive and in business.

My substitute, like the committee bill, provides for compensation of anyone who has suffered financial loss in fulfilling the terms of any of the valid contracts for timber sales within the BWCA. There is no disagreement the holders of leases of the six sales within the BWCA should receive compensation for the expenses they have incurred in preparing these sales for logging, which the Eighth Circuit Court of Appeals has ruled is legal.

I have included funding for the State on a matching basis in recognition of the importance these lands can play in meeting the timber needs of an industry which employs thousands of people in the northern part of our State.

The sum is modest, but the 80–20 matching formula is consistent with the commitment of the State to more intensive management of State lands in the five counties of Cook, Lake, St. Louis, Koochiching and Carlton.

The State is also authorized to spend those funds on county lands, which could use significantly more intensive management. At present, there is no complete inventory of timber available on the lands owned by the counties of Minnesota.

The major issue in disagreement before this House centers on the extent to which a long-established use of the area, recognized by Congress in the Wilderness Act of 1964, will be permitted to continue.

Motorboats are now permitted on 124 of the BWCA's 1,060 lakes, on 19 routes and on 375 of the BWCA's 1,135 miles of waterways. The substitute would decrease motor use to 15 routes on 92 lakes, a total decrease of about 25 percent in the number of routes and the number of lakes open to motors.

Motor use has existed in the BWCA since the establishment of the roadless area in the 1920's. State of Minnesota DNR studies and the Forest Service indicate no evidence has been found of environmental damage resulting from motor use.

In a letter to me, Rupert Culter, Assistant Secretary of Agriculture, wrote that "no effects on water quality have been measured to date on motorized routes in the BWCA. Motorized use at current levels has not had a measurable impact on water to date."

It is not the intent of the substitute to open up any lakes which are now not open to motors. Often, the debate over the BWCA has proceeded as though the Boundary Waters were now totally closed to motorboats and the substitute would open up the BWCA to motors.

Such is not the case.

Motor use is now and always has been an integral part of the BWCA. It now accounts for 38 percent of total use (1977 Forest Service data). Canoeists account for 56 percent. In 1977, 57,000

visitors to the BWCA chose to use motors; 95,000 chose paddle canoe.

One-third of the motor use is from outside of Minnesota. Illinois and Indiana send the largest and the second largest numbers of visitors to the BWCA from outside of Minnesota. In 1977, 51 percent of the visitors from Indiana used motors; 40 percent of those from Illinois. In citing the need for continued motor use, I am not defending a purely local interest.

Yet the impact of the committee bill will be borne by the people living in the area.

The committee bill closes most of the lakes now open to both them and canoeists. At present, motorists have access to 61 percent of the water surface of the BWCA; under the committee bill, even as amended, this figure would drop immediately to 17 percent and eventually to 5 percent.

H.R. 12250 accepts the principle of continued motorized recreation in the BWCA. The amendments further extend that acceptance. The provisions for motorized use are still inadequate to the needs of the recreational economy of the resorts, outfitters and related businesses.

The bill offers those resorters forced out of business the option of selling out to the Government. The estimated cost is approximately $8.7 million.

The loss of those resorts would have a significant impact on the tax base and the economy of sparsely populated areas such as Cook County where 94 percent of the land is already in public ownership.

Approximately 65 resorts operate on the periphery of the boundary waters. In the Ely-Fernberg Road area, over 50 businesses depend on tourism, with tourism, bringing in directly at least $6 million annually, over 40 percent of that small city's economic activity.

In Cook County, 25 percent of that county's $100 million economic activity is generated by the Gunflint Trail: resorts, outfitters, related business and private homes.

These resorts on the Gunflint Trail serve approximately 9,000 guests annually.

The committee bill, as amended, will permit some of the resorts to remain in operation Motorized access to a lake or part of the lake is not sufficient for most of the resorts to remain in operation.

The committee bill presents several major problems to the over 100 resorts and outfitters now sending motorized parties into the boundary waters:

First. Phase-out only postpones the eventual. In the case of Saganaga, phase-out to 2010 makes no sense. The Canadians are building a road for access to this border lake. Under the committee bill, this lake, upon which a forest study estimates four American resorts depend, will be almost completely closed to motors except for a narrower corridor to Canadian customs after a 32 years phase-out. The length of the phase-out should be indication that this lake, 17 miles by 4 miles, should remain permanently open to motors. In 32 years we will be faced with the absurd situation of extensive Canadian development as we terminate motors.

Second. The bill provides for no permanent access to the most popular fishing lake in the BWCA: Basswood Lake. The extended 22 phase-out on Jackfish and Pipestone Bays will prohibit resorts on Fall Lake, of which there are five outfitters and local residents, from entering Basswood during July and August. While these are heavy canoe months, they are also heavy motorized months.

Third. The bill provides no permanent motorized routes, but merely continues motors permanently on approximately 12 lakes. The disaster of this approach will be nowhere clearer than on Moose Lake. Moose Lake is a popular entry point for access to the fishing on Knife Lake. Second, resorts on Moose Lake send their guests into Basswood Lake. Access to neither Basswood nor Knife is provided. Moose Lake is not a fishing lake. The lake no longer sustains a fish population and efforts by the State to restock have proven futile.

The committee eliminates any access to the border routes on Knife and Crooked on which local outfitters estimate 50 percent of their business now depends.

At the end of 20 to 30 years, even the seasonal access to the popular fishing lakes of Trout and Basswood will be discontinued. Saganaga Lake on the American side will revert to a wilderness lake except for the access corridor to Canadian customs. The Canadian shore will be fully developed and motors will be permitted on that side.

In 5 years, motors will be limited to the eastern one-tenth of Seagull Lake. At present, 40 summer homes, a resort and two outfitters are located on this lake, which contributes 3.4 percent of the county's economic activity.

In addition to the provisions for acquiring resorts through voluntary sale, every property owner on Fall, Moose, Snowbank, Lake One, Sawbill, Brule, East Bearskin, Clearwater, Saganaga, Seagull, McFarland, North Fowl and South Fowl Lakes will be required to offer the Government the right of first refusal on the sale of property outside of the family.

East of the three counties adjacent to the BWCA already have more than 50 percent of public ownership; the acquisition of the Government of the private property through this provision would represent a further reduction of the tax base and private sector.

The question of snowmobile use is not a major issue in this controversy. Snowmobiling in the BWCA began in 1957, existed at the time of the Wilderness Act of 1964 and was permitted until the imposition of a ban by Secretary of Agriculture Earl Butz. Prior to the ban, snowmobiling accounted for only approximately 5 percent of total use of the BWCA, but at least 80 percent of use during the months of January, February, and March.

Winter use in 1977 dropped to one-third the level of the previous winter because of the snowmobile ban. Weather and deteriorating snow conditions in late winter are limiting factors on snowmobile use. Use is actually heaviest in January and February, with a sharp drop-off in March, with almost no snowmobiling beyond March 31.

My substitute would permit snowmobiles on those lakes and portages open to summer use.

Snowmobiling is an important recreational activity in northern Minnesota. I have had many constituents tell me the winter activity and the social life of snowmobiling has made winter bearable in northern Minnesota.

At the same time, snowmobiling offers a supplement to the local economy. On the Gunflint Trail, following the ban on snowmobiling in the BWCA, two resorts closed for the winter and the winter business of a third dropped 50 percent.

The harshness of the winter makes extensive camping in the BWCA unlikely. Even limited use of the BWCA in winter will require provision for snowmobiling in the area.

The alternative is for the entire area to be almost completely unused, except for the periphery or for the very rare individual who will camp in the extremely cold winter of northern Minnesota.

My substitute has received the support of a diverse coalition of groups interested in preserving the Boundary Waters from any ecological damage and in protecting the rights of those now enjoying the Boundary Waters to continue to do so.

These goals are not contradictory, but are in fact complementary.

The people living in the area adjacent to the BWCA have not destroyed the area, but have, in fact, worked for its preservation.

Those who now enjoy the BWCA want to see its pristine beauty protected. The same qualities of the BWCA which bring the canoeists into the area also bring the individual who chooses to use a motor.

The substitute will prohibit mining and logging. It will enable the motorist to continue to use a motor on one of the 15 designated routes on the 92 lakes all of which are now open to motors.

My substitute is supported by:

Labor: National AFL–CIO; Carpenters' Union; United Steelworkers of America, including Minnesota locals representing 15,000 steelworkers in northern Minnesota; International Union of Operating Engineers; Laborers International Union; Minnesota AFL–CIO; and Minnesota Wood Fibers Employees Legislative Council.

Governmental units: St. Louis County Board of Commissioners; Lake County Board of Commissioners; Cook County Board of Commissioners (St. Louis, Lake and Cook are the three counties surrounding the BWCA); and the city councils of Ely, Grand Marais, Virginia, Eveleth, Cook, Orr, Silver Bay, Cloquet, Hoyt Lakes and many other city and town councils in northern Minnesota.

Senior citizen organizations: American Association of Retired Persons; Minnesota Senior Federation; and Iron Range Senior Federation.

Veterans organizations: Minnesota United Veterans Legislative Council; American Legion Department of Minnesota; and Eighth Congressional District, VFW.

Chambers of Commerce: Greater Min-

neapolis Chamber; Duluth Area Chamber; Northeast Minnesota Region Jaycees, and Virginia, Minnesota Chamber of Commerce.

Other: National Rifle Association; Minnesota Eighth Congressional District DFL Convention, and Minnesota Seventh Congressional District DFL Convention.

I would like to share with my colleagues some of the resolutions of support I have received.

The AFL–CIO has supported my bill as a "carefully drawn up piece of legislation that balances the concept of primitive wilderness with the rights of the area's existing residents and the economic needs of Minunesota." (Taken from the AFL–CIO News, December 1977.)

Steelworker union officials last week signed a letter stating, "The Burton bill is a class discrimination policy. . . . Traditionally this has been our recreation area. It also discriminates against the retired members."

The Minnesota Administrators of Special Education in April passed a resolution in support of my bill. Their resolution read in part:

Legislation regarding the Boundary Waters Canoe Area as proposed by Congressman Phillip Burton, Bruce Vento and Donald Fraser tends to limit the accessibility for handicapped people; therefore, be it resolved, That the Minnesota Administrators of Special Education go on record as supporting the Oberstar proposal which will allow more liberalized use of motorboats and snowmobiles into the peripheral lakes of the Boundary Waters Canoe Area.

The most eloquent support for my bill has come, however, from the people themselves. The people of northern Minnesota have organized one of the largest grassroots efforts in the last 30 years in northern Minnesota. It has transcended age, occupation, political affiliation. It has represented the spirit of a people determined to fight for a way of life.

Most, if not all, my colleagues have either met with or seen my constituents. They have walked the Halls of Congress for the past year, attempting to win support for their bill—for it is their bill.

While the bill is endorsed by national organizations, the people of northern Minnesota have conducted this lobbying campaign on their own—raising funds necessary to send their representatives to Washington.

They have been miners from the taconite industry and workers in the wood fiber industry—fishermen who use the Boundary Waters primarily for day use. Small businessmen and businesswomen have come to Washington fighting for the right to continue to keep their businesses.

They are not asking that the Boundary Waters be logged or mined. They are not asking that additional areas be opened for motorized recreation. They have been willing to make concessions on both the the number of lakes open to motors and the size of the motors permitted.

Under my substitute, the Boundary Waters will be preserved from any ecological damage from mining and logging. There will be no question the Boundary Waters is a unit of the wilderness system.

The committee bill accepts motors in the BWCA. Their position is not inconsistent with the Wilderness Act of 1964 in this respect.

It is inconsistent and an abrogation of the Wilderness Act in that it does not recognize motorized recreation use is an integral part of the BWCA and that the way of life of the people of my district depend upon it.

Mr. PHILLIP BURTON. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, at the outset I would like to compliment the committee, the Interior Committee, and the subcommittee and the subcommittee chairman for their very careful consideration of the various proposals that were submitted to the committee dealing with the Boundary Waters Canoe Area.

The hearings held in Ely, Minn., and in St. Paul, Minn., and the hearings held in Washington, and the very careful thought and enormous amount of attention which has been given to this matter, particularly by the subcommittee chairman, have been enormously helpful and constructive in attempting to resolve some of the issues that were presented by the various bills presented to the committee.

I would like simply to make a couple of observations about the legislation that we will be voting on later today.

First, a poll which has been conducted within the past 2 weeks of the residents of Minnesota comes with the following results.

The people were asked to indicate how they felt about:

Limiting access to the Boundary Waters Canoe Area to preserve it as a natural wilderness area.

The results are as follows: 45 percent strongly agreed; 26 percent slightly agreed; 11 percent were neutral; 9 percent slightly disagreed; and 9 percent strongly disagreed.

Then a second question was asked of the residents of the State as follows. They were asked to choose between two statements:

First, the use of motorboats and snowmobiles should be restricted in the BWCA so the area can be preserved as a wilderness; or

There should be no restrictions on the use of motorboats and snowmobiles in the BWCA so people can use the area as they see fit.

When presented with these two choices 73 percent of the voters picked the first, which said that motorboats and snowmobiles should be restricted, and only 17 percent said there should be no restriction on the use of motorboats or snowmobiles.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I will be glad to yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I do not see any distinction between the position of the gentleman from Minnesota (Mr. FRASER) and the other gentleman from Minnesota (Mr. OBERSTAR) on any of those questions. So I do not see what relevancy that poll has. I think you both agree that there has to be some restrictions.

Mr. FRASER. The gentleman is right in the fact that there are restrictions in both of the bills but if the Oberstar substitute is adopted, 98 percent of the existing motorboat use will be continued, and will be made permanent, which is not now in the law and, second, snowmobiles, which are currently banned by the Secretary of Agriculture will be reintroduced, which will make a significant change.

Mr. FRENZEL. I agree with the gentleman from Minnesota (Mr. FRASER) that there are some differences between his bill and the other gentleman from Minnesota, Mr. OBERSTAR's substitute, but I do not think they have anything to do with that poll.

Mr. FRASER. I believe that the poll shows where people sort themselves out as to whether they want more restrictions or fewer restrictions. That is essentially the issue which we are going to have to settle here today.

Mr. PHILLIP BURTON. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I will be glad to yield to the gentleman from California.

Mr. PHILLIP BURTON. Mr. Chairman, research has led me to believe that the Oberstar substitute permits 98 percent of the existing motorized use. Is that the gentleman's understanding?

Mr. FRASER. It is. Equally serious, the present motorized use is determined by regulations of the Department of Agriculture, but if the substitute is adopted, the motorized use is frozen permanently in the law. so that the opportunities for further management changes on motorized use would disappear.

One of the points to be made about the map on my right here—and it is a point that the gentleman from Minnesota (Mr. VENTO) has made already—is that there are an enormous number of lakes already open in the area to motorized use.

Minnesota is known as the Land of Lakes. We have over 13,000 lakes. A large number of them are in the northeastern part of the United States. Those that are open to motors are illustrated by the color red on that map. So the effect of the legislation here is to protect less than 10 percent of the lakes. There are roughly 1,000 lakes in the BWCA, and this effort is to protect them from motorized use.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PHILLIP BURTON. I yield 5 additional minutes to the gentleman from Minnesota.

Mr. FRASER. The lakes marked in blue on the map are the lakes that would be open either on a permanent basis or for 20 or 30 years. These are the lakes that are either on the periphery of the boundary area or in some cases they lie wholly inside of it. These are the most regularly used motorized lakes, so that if these lakes are opened, and this will come in the form of amendments which we agreed could be offered, then 40 percent of the existing motorized use, based on the number of visitors' days would be able to continue. In other words, by opening up lakes already heavily used by motorists, 40 percent of that use will be continued under the amendments that will be presented today.

I think the final point that I would

like to make is that there is no doubt about the concern of some people who live in the area who are unhappy about Federal action in the Northeastern part of the United States, who have encountered Federal action frequently, for example, in the establishment of the Voyageur's Park to the west. The Federal Government is also involved in large landholdings, and the people face the problem of getting adequate recompense for these lands being off the tax rolls. All of these I think are concerns that need to be listened to. But there is no doubt that throughout the State there is a very strong sentiment that the wilderness character of this area should be preserved to the maximum extent possible consistent with sensible management.

That is essentially what the so-called Burton-Vento bill will do, particularly if the ameliorating amendments which we have agreed to are adopted at the appropriate time.

I yield back the remainder of my time.

Mr. SEBELIUS. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, this is about the most controversial piece of legislation this Congress is going to consider as far as Minnesota is concerned. The gentleman from Minnesota (Mr. OBERSTAR) indicated in his comments it was pretty controversial in the convention that his party was engaged in last weekend as well.

Let me tell the Members where I come from. I have been a conservationist all my life, and I have canoed in the Boundary Waters Canoe Area. I felt so strongly about this even when I got started farming, that as a farmer I took some losses in my farming operation in order that I might put it into the contour strips and handle my farm in a way that would protect it wherever possible, and pass it on to the next generation better than it was when I took it over. I come from that background myself. Left to my own emotions and those of my constituents in the First District, I believe we would have come out in favor of the original Fraser bill. Since that time I have studied the situation not only from the viewpoint of canoeists but of the concerns of the people in northeastern Minnesota, and I find that this is not some unique wilderness area that only people a long way away, be it southern Minnesota or Illinois or Iowa. It is also the back door of a vast number of people in northern Minnesota as well.

The only way I have ever gone into the BWCA is under my own power with a paddle. I have never used a motor. I would not use a motor up there. I never would want to. I would not have that experience. But I do not want to prevent people who want to fish some big lakes in the BWCA to do so, getting in there with motors.

One of the things I believe we ought to do is protect the wilderness nature of the BWCA. One of the controversies that existed for a period of time which we were trying to resolve was to stop logging. There is no logging under both substitute bills. That, therefore, is no longer a controversy. The wilderness area will be protected, whether one can see it from the water or not. There will not be any mining either. A controversy in Minnesota has been that some mining companies wanted to get in there and see what kind of minerals were there.

The people got upset in Minnesota, as well as myself, and I joined with them to prevent mining exploration in the BWCA.

With logging and mining prohibited, what in the future is going to hurt the BWCA? It is people, people going in there, the ones who use the campsites. Many campsites I have visited virtually destroy the wilderness nature so that you cannot allow people to use them for a long period of time till time heals the scars.

Rarely do people using motorboats camp overnight. They go in there and fish and come back out again in 1 day. All they have done is travel on the water and come back out again. The only thing that stands in the way of the present motorboat routes being accepted by people is that canoeists do not like the sound of a motor.

I have traveled on some of those big bays up there, and I will tell the Members that my boys, when they were smaller, were mighty worried when they went across a big body of water. They did not feel any wilderness experience going across that body of water, but when they heard a motor, there was a safety feeling. They knew somebody could pick us up in a squall.

I am not a snowmobiler. They are not using the BWCA now. Snowmobiles, however, only go on snow-covered frozen lakes. In the summertime you do not see any sign that they had been there. You see the sign of the snowmobiles on land in southern Minnesota where I come from. Special trails are set aside on land to protect the environment. In the BWCA, snowmobiles do not go through the woods, do not travel on land. They stay on the lakes. Therefore, they are not damaging to the wilderness area.

The question is can this area be compatible enough so that some of those lakes, 343 miles out of 800 miles, that the gentleman from Minnesota (Mr. OBERSTAR) indicated we could use some motors on. I believe we ought to.

I support the Oberstar substitute. I have some questions on a few of the lakes that the gentleman has put in; but I find it is much more acceptable than the Vento substitute that we have or are going to be considering here, because we are dealing with people using the wilderness in a way that will not hurt the wilderness and the only thing that the motorboats are doing is offending the ears of a few people who are canoeing, and nothing else that I can see.

Now, when we originated the 1964 Wilderness Act, and I was also one of the coauthors of the 1964 act, we put the BWCA under a management plan. Under present law, there is no prohibition on motorboats on lakes and there is no provision for protecting the lakes forever from motorboats as well.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. SEBELIUS. I yield 3 additional minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, present law decision on motorized use on lakes are done under a management plan; however, both substitute bills preclude motors on some lakes and include them on some lakes. Motors are permitted on peripheral lakes, a time limitation on motorized use for some lakes is in the Vento bill. The question we are trying to decide now is, which lakes should we permit motors on and for how long?

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, what I cannot help asking is why? Why should there not be one place in which there are no motors? Why can we not have that quietness? If it were the only lake in Minnesota, you could say, well, 10 or 20 percent of that ought to be allowed to people who like motors; but I see no reason not to keep this wilderness area quiet and peaceful and what a wilderness area ought to be. If you are walking down the trail, it is no wilderness when you hear a great big surging motorboat.

Mr. QUIE. We are talking about canoeing on BWCA waters. You cannot see it on these two maps we have up here, but you can see it on the map in the corridor. There are vast areas of the BWCA in which you cannot have motors in the Oberstar bill and I agree.

The question is should you be able to go where there is no sound of motors as soon as you get to the first big boy, or is it alright to wait till you get further back before you have that wilderness experience?

I find the wilderness experience myself is on the smaller rivers and smaller lakes, rather than on the large lakes like Basswood. It is like saying do you want the wilderness experience on Lake Superior or on Milac Lake. It seems to me it is good to have some motors around the large lakes that might afford some protection.

Mrs. FENWICK. Mr. Chairman, if the gentleman will yield further, there are so few places left where there are no motors; the snowmobiles in New Jersey are just a pest. You cannot go out and have some feeling of nature or quiet. I should think a corner of a large State like that might be kept for something a little different.

Mr. QUIE. I agree, we need such areas, we have them in the Oberstar bill. The question is what value judgment do we extend to each lake. Should we deny certain large lakes to people that want to motor in to fish? It is sort of like the back areas where you have enjoyed yourself in New Jersey and the question is how large an area should we take as a wilderness where there is no sound of motors?

The Basswood Lake area is certainly an area of large bodies of water. I do not see how the use of motors are detrimental there.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. QUIE) has again expired.

Mr. SEBELIUS. Mr. Chairman, I yield 1 additional minute to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, the BWCA extends both east and west of the Quetico. Canadians do not allow motors there unless one has an Indian guide. Canadians do permit motors east and west of the Quetico. I think we should continue present motorized routes south of Canada east and west of the Quetico. The question is should we or should we not permit motors in an area just south of the Quetico, the Basswood Lake area?

I feel that the nature of that area definitely is compatible to motor use for two reasons, the size of the lakes and the present use of those lakes by the residents of the area.

Mr. PHILLIP BURTON. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the chairman of the subcommittee.

Mr. PHILLIP BURTON. Mr. Chairman, because our colleagues know of the esteem I hold for our dear colleague, the gentleman from Minnesota (Mr. QUIE), I am sure he would not want the RECORD to reflect that the Oberstar proposal affords compatible use with the Canadian Provincial Park at Quetico. As we know, that is not the case. Although the gentleman and I agree that is desirable, the Oberstar proposal fails in all respects to produce that objective.

Mr. QUIE. Mr. Chairman, I am talking about the principle. If we look at the map, we do not need to reduce motor routes east or west of the Quetico to be compatible. I see no reason to cut down the motorized use there. Between those points I recognize the Oberstar bill may not be compatible but there are other reasons to permit continued use of motors on some of those routes.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. QUIE) has expired.

Mr. SEBELIUS. I yield 4 additional minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, Quetico is in that center of the BWCA, as the Oberstar map shows. As I see it, there are large lakes south of the Quetico that would fit very well with the kind of use we have seen in the past. In the past the people of northeastern Minnesota have used these lakes for fishing. You can see by the map other vast areas for canoeing only. We could have compatible use for all the people who want to use it without hurting the wilderness area at all under the Oberstar proposal.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I want to thank the gentleman from Minnesota (Mr. QUIE) for his very thoughtful statement on the Boundary Waters Canoe Area.

The gentlewoman from New Jersey (Mrs. FENWICK) does raise a very emotional point. People who are not familiar with the area often ask the question: "Why can't there be some area set aside for these purposes?"

Just looking at this map I have now placed in the well, we can see the enormous, vast area that is open to exclusive canoe paddle zones. Those are the areas. Those are the small interconnecting lakes and channels in that vast area in yellow; they are exclusively set aside for canoe paddling. One will never hear a motor in there as long as he stays in that area.

In the other areas, on the big lakes, there are very few canoeists. They do not want to use Trout Lake, Basswood Lake, Lac La Croix, Saganaga, Seagull, or Snowbank Lake. These are enormous, huge lakes. You could be out in the middle of one of those lakes using a 25-horsepower motor for fishing, and that motor will not be heard on the shores where the canoeists are. There is very little opportunity for confrontation with motors by canoeists. We do set aside this area.

The point is that a society grew up around this border lake country, a society of small businessmen and merchants, people who work the mines and in the forests, people who have only a day or two on a weekend to go out fishing.

This area is a 1,000 square miles in size.

The area is vast. My congressional district would cover the entire State of New Jersey. It would stretch from Silver Spring all the way to Hartford, Conn. This BWCA is only one corner of my congressional district. It is a vast area. We have to realize that it is a 1,000 square miles in area, and we have set aside all but 9 percent of the lakes for canoeing.

Mr. Chairman, I assure the gentlewoman that those concerns are met, and that there is a vast area of quiet for people who want to go canoeing.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman's statement. I have listened with interest.

I think, though, the gentleman from Minnesota (Mr. OBERSTAR) who is my colleague, fails to point out the size of the lakes that remain open, and I think that the gentleman from Minnesota is well aware of that.

We are talking about 60 percent that are open right now, and the gentleman's substitute provides that 58 percent of total water surface will be open on the large lakes and small lakes.

Another aspect of motorized use caused a reduction in canoe use. Canoeists today want to get away from this conflict. Some of the canoe areas that get used the most are in the interior. As to many of the lakes we look at on the map of the gentleman from Minnesota (Mr. OBERSTAR) these lakes do suffer from incursions by motorboats into the wilderness, and this results in an incompatibility of use.

The fact is that the type of use of this area has been changing. It has changed dramatically. The motorboat and fishing use is not as extensive a use as canoe use is today. There has been a change, and it is time we recognized it. If we are going to maintain this area, we must recognize that fact and devise a management plan that will adequately face up to the reality of what is happening today.

In addition to that, the substitute proposal is, of course, inconsistent with what is going on at Quetico, and it brings back the use of snowmobiling, a use which has been banned for over 2 years. While that may constitute a greater use and demand, we still have adequate areas for that purpose.

Mr. Chairman, the map behind us is, I believe, the map we ought to be looking at, rather than this other map. Sure it is true only 92 percent of the lakes in this area permit motor use of 1,100-plus lakes; however, these 92 lakes constitute 98 percent of the waters of the current motor lakes which are in question. This proposal eliminates the flexibility that the Secretary of Agriculture has and needs to manage the BWCA effectively and superimposes an inflexible, impossible requirement for recreation and timber management which result in a simply unworkable proposal that deserves to be defeated.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. QUIE) has expired.

Mr. SEBELIUS. Mr. Chairman, I yield 1 additional minute to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, let me just respond to one further thing. The use is changing. The first time I went up there was in 1949. Bill Rom was the only canoe outfitter in Ely for a number of years. I traveled for 8 days in 1949 and I saw no one else except one other canoe party. I am not offended by the motorboat users. I am offended by all of the people using it. I wish it was back in 1949 and I could go out there and see only one other canoeist. But so many people have found it, and they are going to share it. We cannot go back to the past. Now, a permit system limits the canoes because of the pressure on campsites. That is a change. There are a number of outfitters now.

More changes will evolve over a period of time. I image there are some resorts which cater to motorboat people will cater more and more to canoeists as time goes on. The question is, Should that evolve as time goes on, or should we make a decision now on these lakes ourselves?

I would suggest, on the lakes the gentleman from Minnesota (Mr. OBERSTAR), suggests be permitted open now, anytime in the future the Congress can always pass a different law if it becomes compatible to the use desired.

Mr. PHILLIP BURTON. Mr. Chairman, I yield myself 7 minutes.

Yes; it is the committee approach that seeks the evolution rather than not coming to terms at all with the problem that one and all agree is creating great difficulties in the area. Simply stated, there is only one canoe wilderness area in the United States of America, and that is in the Boundary Waters Canoe Area. Further, currently there is conflict between more people wanting to use this very limited and unique resource than a permit system which has been installed can permit. So the simple question of motorized use is as follows: Should we not per-

mit the canoeists some exclusive area of use during summer months, and should we not provide in the nonsummer months, where the conflict is less than in the summer months, as does the full committee bill, as will be amended, an extension of time on some lakes to the year 2000?

Should we not approach this matter as I described it? There is no one that contends other than the fact that more people want to use this fragile resource than can be permitted to use it. There is no one who contends that motorized use, summer and winter, can be used on 97 percent of the lakes in Minnesota. We are only saying that, in this exclusive, unique, sole Boundary Waters Canoe Area, the only one in the country, we should provide a tilt to the use of that quiet, majestic area.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. PHILLIP BURTON. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the gentleman talks about the changing nature of the Boundary Waters Canoe Area. In 1949, at the time our colleague, the gentleman from Minnesota (Mr. QUIE), mentioned there were 50,000 visitor days in the Boundary Waters Canoe Area. Today there is over 1 million. The percentage of motor use has remained about the same. About 40 percent of the area is motorized. That motor use has not had an adverse impact on the waters and waterways. In fact, the Forest Service continually monitors the water quality and it has found no adverse effects on those waterways. But the effect on the land is not from the motor user because he is essentially a day visitor in the Boundary Waters Canoe Area.

It is the overnight camper, the canoeist, who goes out into the area and stays there for a week; it is he who has had the greatest effect on the land, the fragile land. Therefore, by allowing some motor use, we are, in effect, lessening the impact on the land while making no impact on the waters.

Mr. PHILLIP BURTON. Mr. Chairman, in the remaining time I have left, I would like to observe something which has virtually not been discussed at all. Virtually the entire Oberstar proposal, about 98 percent, restores full-blown snowmobiling where it has been banned for the last couple of years. There has been no discussion of that.

Mr. Chairman, my colleagues who have been observing the course of this legislation must admit that if there are any deficiencies—and no piece of legislation is perfect—in this very balanced piece of legislation, as I categorize it, the way to treat that is by amending the particular committee proposal that has been worked on for months and not to take a single blunderbuss amendment that does a great deal more than that which has been particularly described, about which reasonable people can be in some disagreement.

Therefore, Mr. Chairman, I would urge my colleagues to reject the Oberstar substitute and deal with the really narrow fact areas as we understand them, as a matter of substance, between the committee bill and that which those Members with some great concern have separated into other areas, and not throw the whole bill out with provisions in it that most of the Members could not possibly understand the impact of.

Rather, Mr. Chairman, if the judgment is made that the full committee bill is not perfect, then we ought to be amending it in most discreet terms, if at all.

Mr. Chairman, I will make one final commentary. In the interest of accommodation, respecting the confidential nature of colleagues' relations one with the other, we have moved a good deal further toward compromise than I would have preferred—and further than useful or desirable.

Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I would like to deal with the point the gentleman just raised about snowmobile use.

My substitute would allow snowmobiles to be used on those lakes indicated on the map of the substitute. It is a substantial reduction, we think, from the snowmobile use that was allowed before the ban of Secretary Butz of snowmobiles. This area is 40 below zero in the wintertime. It is quite, still, deep, cold. Anybody who wants to go out in 40 below zero weather with a snowmobile, I say, God bless him. Let him go.

Mr. Chairman, what are we reserving the land for when we ban the snowmobile, for the winter skiers?

Let us see how many winter skiers there were. Last year, in January, 1977, there were 220 visitors to the Boundary Waters Canoe Area. I think there were probably Forest Rangers going out to see what was going on.

In February, there were 371; March, 139.

The skiers, the resort people tell me, want the resort operators to go out with their snowmobiles and groom a trail so that they can go out there and have a nice, clean unmolested trip about 2 or 3 miles into the woods. They do not have to break the trail themselves in that case. They do not have to bust through the snow drifts. They come out there, and it is all nice and neat for them; but even then, they have not given the area very much use.

Should we ban snowmobiles and just lock up the area and take away 40 percent of the winter business of the resorts?

Mr. PHILLIP BURTON. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. PHILLIP BURTON. Mr. Chairman, the gentleman will admit that there has been no snowmobiling at all during the last couple of years; is that not correct?

Mr. OBERSTAR. I just stated that it was banned, and look at what happened. Nobody is using it.

Mr. PHILLIP BURTON. As I understand, the total usable days for snowmobiling during the season in which it was last used, which was either 2 or 3 years ago, were 10,000 for the whole year; and every single day on which anybody used it during that period counted as a visitor day.

Mr. OBERSTAR. It is a very minimal use, so I am saying, why cannot that minimal use continue? It is a very small impact but very big for resort operators and outfitters who are dependent upon it, and for local people who enjoy the winter access to the BWCA.

My point is that the total use is small; the area so large that there is room for both the snowmobiler and the skier.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, as a skier myself I can tell the Members one thing, that it is an abomination to cross-country skiers. The last thing they want to use is a snowmobile track because the character of the track made by the treads is unsuitable for use by skiers.

Mr. OBERSTAR. Yes, but the trails are groomed. The snowmobile goes out and breaks the trail, and carries a little bedspring behind it so that it breaks it up for the skiers.

Mr. SEIBERLING. That is true, but is the gentleman saying that the snowmobile use he now is advocating is solely for the purpose of grooming ski trails?

Mr. OBERSTAR. The gentleman missed the point I made earlier. When the cross-country skiers come to the resorts up there and want to use the area for cross-country skiing, they ask the resorters, "Couldn't you break the trail for me with the snowmobiles?"

We would be glad to have the gentleman come up and use it. We have 800 miles of area he can go cross-country skiing in. He is welcome.

Mr. SEIBERLING. I think there are two types of skiing. One is when one goes on a prepared trail, if that is what the gentleman is talking about. There is also the kind of cross-country skiing in which the skier does not want a trail. He wants the experience of going through the untrammeled snow, and the only place he can get that is away from snowmobiles.

Mr. KETCHUM. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. KETCHUM. I thank the gentleman for yielding to me.

Mr. Chairman, I would have to say that I am somewhat in favor of the gentleman's arguments. Cross-country skiing is a lot of fun; downhill skiing is a lot of fun. Usually, those individuals who participate in those sports are at least fairly physically fit—not in all cases, but most of the time. We have an awful lot of handicapped individuals; we have individuals who have physical problems; we have senior citizens who certainly ought to have the opportunity to view this magnificence.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. SEBELIUS. Mr. Chairman, I yield 2 additional minutes to the gentleman from Minnesota.

Mr. KETCHUM. It would seem to me that by precluding this use, we would be denying that area to a rather substan-

tial number of our citizens, as we have done in many other bills that have come before this body recently.

Mr. OBERSTAR. The gentleman makes a very valid point, and for the reasons the gentleman has cited, Minnesota handicapped groups have supported my bill. The Minnesota Federation of Senior Citizens supported my bill on those very grounds. The Minnesota Veterans Association sponsors an annual fishing trip. They would be denied because they take their boats from the Veterans Hospital in Minnesota to the wilderness area to go fishing, and they would be denied under this proposition. There is a little gesture in the committee bill to provide for these citizens, but not much more than that.

Mr. PHILLIP BURTON. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. PHILLIP BURTON. I am sure my colleague from California would not think it unduly immodest of me to observe that he and I share a great deal of concern for the elderly and handicapped. I have been pushing the Department generally, and do intend to produce effective policy to the end that these experiences are made more relevant to those with physical handicaps.

I assure the gentleman that I shall be as determined in producing that service-wide result, if you will, as I am in most matters. I know my colleague from California would not want to dispute my self-proclaimed credentials in that respect.

Mr. KETCHUM. There is probably no one in this body who has more respect and empathy with senior citizens and handicapped individuals than the gentleman from California, to be sure. I would state that the gentleman from California is not a skier, to my knowledge. He is one of the great outdoorsmen from San Francisco.

Mr. SEBELIUS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I wonder if I could ask the distinguished chairman of the subcommittee, the gentleman from California (Mr. PHILLIP BURTON) whether he has a full-blown substitute which this committee will take up later on?

Mr. PHILLIP BURTON. Mr. Chairman, we have several amendments, 85 percent of which in terms of scope merely are necessary once we made the judgment to eliminate the national recreation area, a judgment that I reluctantly reached because of the great misunderstanding it was producing in terms of some of the debate on the legislation. The balance of our amendments would bring into closer conformity our bill with the Oberstar bill.

Mr. FRENZEL. But if there is a 27-page substitute, is that what we are ultimately going to vote on?

Mr. PHILLIP BURTON. I am representing to the gentleman the changes which will be made in the amendments.

Mr. FRENZEL. I thank the gentleman.

I yield further to the gentleman from California (Mr. PHILLIP BURTON).

Mr. PHILLIP BURTON. Mr. Chairman, as in any representative body people make estimates as to which gives their side a preferred option. We have further decided to eliminate the nonissues, as I mentioned in my initial presentation, to establish up to the year 2000 in some instances and in the year 2010 in others the continued motorized use of certain lakes and lake chains and to increase the available horsepower.

All of these amendments—and I represent this as a person who gives and keeps his word and speaks with clarity as well as truth—tend to scratch, if you will, some of the potential nonissues and are an accommodation or gesture, if you will, to those who have asserted that our bill is too strong.

Mr. FRENZEL. Is the gentleman going to ask us to vote on this substitute when we are through here?

Mr. PHILLIP BURTON. If the gentleman wants a rollcall, he can certainly get it.

Mr. FRENZEL. Is that the parliamentary situation, that we are going to set aside this bill?

Mr. PHILLIP BURTON. No. No. The gentleman from California is merely determined that this issue—which lamentably in a few instances has not been characterized as accurately as it might have been—be put in its maximum positive possible condition for the Members to consider.

Mr. FRENZEL. I thank the gentleman for his 27-page accommodation and for his 4-minute description of it, but I must say I still do not have it clearly in mind.

I would like to yield to the gentleman from Minnesota (Mr. OBERSTAR). Can the gentleman shape the parliamentary situation for me?

Mr. OBERSTAR. I would attempt to do so.

Mr. FRENZEL. I would appreciate it.

Mr. OBERSTAR. But to scrutinize the response of the gentleman from California I would say this.

Mr. FRENZEL. I have had all the scrutiny I can take. I would just like to know what we are going to do today.

Mr. OBERSTAR. The parliamentary situation is very difficult. I intend to offer my substitute for the committee bill. However, in the parliamentary situation, the committee may offer a substitute to my substitute. I have no idea as to what the gentleman from California (Mr. PHILLIP BURTON) is going to do.

I have no idea or way of knowing what the gentleman is going to do. Whether he intends to read the bill section by section, offer the committee amendments, and at the end of which time I would then offer my substitute or whether he would allow me to offer my substitute first and then a substitute for the substitute.

Mr. FRENZEL. I thank the gentleman for his description.

Mr. Chairman, I have one further question to ask the gentleman.

There are a number of lakes on which motorized travel is allowed. In the border section, on several lakes, namely Basswood, Lac La Croix, and Saganaga Lake, there is also motorized use on the Canadian side, is that correct?

Mr. OBERSTAR. That is correct. The gentleman has described Lac La Croix and Saganaga Lake on the east end.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SEBELIUS. Mr. Chairman, I yield 2 additional minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for yielding me the additional time.

Mr. Chairman, I am not going to yield further because I do not seem to be having very much luck with my questioning, but I do thank the gentleman from Minnesota for that information.

I would restate the point that the gentleman from Minnesota (Mr. QUIE) made about the use of motorized travel. Most motorized use in that area does not find its way into the Government statistics. Therefore when you talk about x percent of this and x percent of that, it may not mean anything because there is simply no record.

It is also true that the load factor in the area is canoeing. They keep a record of the number of entries into the Boundary Waters Canoe Area and there are only a certain number permitted. On any given sunny summer weekend the quotas are exhausted and then people are not allowed to go in. And the allowed amount of density is not going to change whether or not we allow motorboats on the lake. It is not going to prevent any traffic jams. We are still not going to be able to allow everybody who wants to go on a canoeing trip to go in there. That situation will not change at all.

The other question that was raised by the gentleman from Minnesota (Mr. FRASER) was with reference to a poll that was taken. I believe the gentleman was talking about a private poll commissioned for himself or in his behalf. The last public poll we saw on this was the Minnesota poll done by the Minneapolis Tribune and that indicated almost an even split in the State.

The even split was almost the case in the gentleman's own Democratic convention held last weekend. The convention did not endorse the Fraser position, nor indeed any position.

I think the point the gentleman from Minnesota (Mr. OBERSTAR) has been getting at here—and I must say that he has been a good deal more flexible than those on the other side—is that there is plenty of land, air, and water up there. Whatever the local people need in order to prosper, and whatever the resorts need to prosper and, indeed, whatever people need to enjoy a wilderness experience is available.

But what we have to remember is that in one of those counties there is only 6 percent private ownership of the land. If these resorts go under, or are bought by the Government, the local people cannot afford to run their school districts, or to take care of their snowplowing operations, and there will be practically no valuation left for them.

Mr. PHILLIP BURTON. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I will not yield.

Yes, of course, they will get some Federal help.

But an annual Federal stipend will not

build jobs. And most people in that area want jobs and property valuations rather than a handout from Uncle Sam.

The two gentlemen from Minnesota (Mr. OBERSTAR and Mr. FRASER) have done an admirable job in bringing together widely divergent points of view on use of timber in the BWCA. It is my hope that another compromise would be possible on the motorized use issue. Without a compromise, I fear there will be no law passed this year.

Therefore, although I probably started closer to the Fraser position than to the Oberstar position, I will support the Oberstar substitute as the best means of getting a bill this year. By adding permanent motorized use on a few border lakes—where the Canadians allow such use already, and by adding a few peripheral lakes, I think a good compromise bill can be put together.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PHILLIP BURTON. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I respect our distinguished colleague, the gentleman from Minnesota (Mr. FRENZEL), for his studied attention to matters legislative. As the gentleman knows full well, on Saganaga Lake—as I pronounce it, and I guess I probably mispronounce it—motorized use is permitted until the year 2010.

This legislation, as I would hope the gentleman would stipulate, reconciles as best one can differences in points of view with our primary yardstick being a recognition that too many people want to use the resources. We are trying to give some tilt to the canoe wilderness experience in this magnificently beautiful part of our country.

With reference to the substitute bill for our bill, which I think will stand the light of scrutiny, section by section, were it to be amended section by section, I would have no problem at all but if we are going to deal with sweeping, up or down, amendments, then it is our judgment that the committee bill, being the one that has been worked on, should be the first one the membership has an opportunity to express an opinion on.

Mr. FRENZEL. Mr. Chairman, if the gentleman will yield, I would like to take issue with the statistics and the fallacy of the statistics. It is true some motorized use is now included.

The use of motors on lakes and on the periphery is opened up permanently under the compromise proposal that has been put forth by the subcommittee. The use statistics for going into the interior are absolutely or should be absolutely appropriate, but I make no distinction respecting dishonesty between, for example, motorboat users and canoeists.

Mr. PHILLIP BURTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. NOLAN).

Mr. NOLAN. Mr. Chairman, I rise in support of the Burton-Vento-Fraser committee Boundary Waters Canoe Area Wilderness legislation. The BWCA is our Nation's largest wilderness area east of the Rocky Mountains and our only lakeland canoeing wilderness of its kind. Undoubtedly, it is a resource which must be protected and preserved for all generations.

Motorboats are currently permitted throughout Minnesota; a State which boasts over 13,000 lakes in total. Surely there exist enough lakes suitable for motorboating outside of the BWCA to absorb such a ban as is proposed in the Burton-Vento-Fraser legislation. This holds true for snowmobiles as well. I concur with my colleague from New Jersey, Representative MILLICENT FENWICK, that surely there must be at least one small area in the great State of Minnesota which can be preserved for the individual who relishes, indeed cherishes an outing which does not involve in the least the internal combustion engine.

The Boundary Waters Canoe Area is truly a magnificent national treasure in urgent need of the protection afforded it by the Burton-Vento-Fraser Committee bill. I strongly urge its adoption.

Mr. Chairman, I rise in support of H.R. 12250 and those amendments offered by my colleagues from Minnesota, Mr. FRASER, Mr. VENTO, and myself. It is my conviction this legislation and package of amendments serves to accommodate the concerns voiced by individuals in and around the BWCA area.

Still another point which should be spoken to is the question of accessibility to this area by handicapped individuals. The argument has been made that to designate the BWCA as a wilderness area would be to effectively exclude by inaccessibility the handicapped and senior citizens who also enjoy the pristine beauty of this truly unique canoe area. I do not hold this to be true.

I should like to briefly decribe an organization whose expressed mission is to provide access to such wilderness areas to the handicapped. This organization calls itself the Wilderness Inquiry II and is one of three affiliate groups under the parent organization, the Wilderness Inquiry Association. Wilderness Inquiry II is designed to meet the recreational needs of the handicapped by providing access into such areas. It is intended that such excursions may be employed to assist handicapped individuals in coping with their disabilities by using the Wilderness as a means of developing self-confidence in themselves.

In August of 1977, a pilot trip was run in the BWCA. The group included two paraplegics and two deaf-mutes and four other individuals experienced in wilderness camping. Only one of the disabled individuals had ever been on an extended canoe trip. In the course of the trip, the group experienced rapids, beaver dams; it rained 3 out of 4 days and on the third night, strong winds up-staked their tent and soaked their gear. Nonetheless, humor prevailed and, at trip's end, each participant agreed many more excursions would be in order. Said one participant,

> . . . Perhaps if things had gone more smoothly, if the group's leaders had functioned more or less as tour guides, the trip would have been less enjoyable . . .

Mr. Chairman, the BWCA is our Nation's largest wilderness area east of the Rockies and our only lakeland canoe wilderness area—motors are permitted throughout the rest of the State of Minnesota as are snowmobiles. The BWCA is a truly magnificent treasure in urgent need of protection. Perhaps if enjoying the area becomes too easy and outings occur more smoothly, excursions into the Boundary Waters Canoe Area may be less enjoyable.

Mr. PHILLIP BURTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I rise in support of the Boundary Waters Wilderness proposal (H.R. 12250), and I commend the chairman of the National Parks Subcommittee (Mr. PHIL BURTON) and the gentlemen from Minnesota (Mr. VENTO and Mr. FRASER) for their work on this proposal. The controversy over the use and designation of the Minnesota Boundary Waters dates from the beginning of this century, and the enactment of this legislation would settle once and for all the issues of logging, mining, and motorboat use in this area.

In fact, this legislation, with the amendments offered by the gentlemen from Minnesota—Mr. FRASER, Mr. VENTO, and Mr. NOLAN—makes several concessions to local residents, resort owners, and the logging industry, the groups which expressed the most serious reservations about the wilderness proposal.

A proposed national recreation area, which would have been established along three road corridors dividing the Boundary Waters Wilderness into three parts, would be eliminated from the bill by these amendments. In lieu of the protections against unregulated development which would have been provided by a NRA, the amendment would establish a mining protection area, which would prohibit mineral development activities along these three corridors. However, logging would continue to be allowed in these corridors, and commercial development could continue without restriction.

I think this represents a major concession to local residents and timber interests, since development and recreational activities in areas adjacent to the proposed wilderness area will serious impact on the wilderness.

Similarly, allowing the permanent use of motorboats on the lakes bordering the Boundary Waters Canoe Area is another major concession. since many of these lakes offer the only access to major canoe routes in the wilderness. The use of motorboats in the proposed Boundary Waters Wilderness is the major point of disagreement over this legislation. I want to point out some interesting statistics prepared by the Forest Service on the recreational use of this area, to illustrate the extent to which this legislation accommodates the interests of those who want continued motorboat use in the boundary waters.

According to the Forest Service's survey of BWCA use for 1977, 60 percent of all visitors to the Boundary Waters Canoe Area were paddle canoeists. Motorboaters and motor canoeists accounted for only 35.7 percent of the visitors to the boundary waters, and only 27 percent of the visitor days. Less than 15 percent of the motorboaters for 1977 were local residents. Nonetheless, motor-

boats are currently permitted on 60 percent of the water surface in the BWCA.

The Boundary Waters is the only designated canoe area wilderness in the Nation, the only recreational area where canoeists can go to escape the sound and interference of motorboats, and experience wilderness first hand. On the other hand, motorboats have hundreds of places to go outside the wilderness on an unrestricted basis. There are 11,000 lakes in Minnesota open to motorboat use, including 2,800 lakes in the northeastern section of the State.

Despite these opportunities for motorboat recreation outside of the BWCA, the legislation before us today would allow continued motorboat use on a permanent basis on 12 percent of the lakes, and would allow continued use on several lakes for periods from 5 to 25 years, under the Fraser-Vento-Nolan amendments. In fact, under H.R. 12250, 40 percent of all current motorboat use would continue until the year 2000. The Oberstar substitute, on the other hand, would allow continued motorboat use permanently on 58 percent of the BWCA water surface, representing only a 2-percent reduction in the area of water open to motorboat use. Considering the unique attraction of the BWCA as the only designated canoe wilderness in the country, the continued use of motorboats on the interior lakes would not only affect the enjoyment of visitors who come to the BWCA to canoe, but would also be detrimental to the qualities of this area which distinguished it as a national recreation area visited by thousands of Americans each year.

H.R. 12250 would strengthen current management of the Boundary Waters Area by putting into the law a permanent prohibition against the use of snowmobiles in the wilderness area. Congress created an exemption for the Boundary Waters Canoe Area in 1964, and allowed snowmobile use in this wilderness area despite the fact that such use is prohibited by law in all other wilderness areas. The Forest Service instituted a snowmobile ban by regulation in 1976, and this legislation would make that ban permanent. To allow snowmobile use, as would be provided in the Oberstar bill, would set a serious precedent not only for the BWCA, but for other existing and future wilderness areas.

The Burton-Vento bill does allow for snowmobile use along the corridors which provide necessary access to the Canadian side of the boundary waters. But other uses of snowmobiles in the BWCA would be for recreational purposes, and for recreational users there are more than 6,000 miles of snowmobile trails outside the BWCA. The Boundary Waters Canoe Area is the only winter wilderness area in the Midwest, and there are increasing numbers of winter visitors who come to cross-country ski or snowshoe in the wilderness because they know they will not encounter snowmobiles.

This quality must be preserved by adopting the permanent snowmobile ban provided in H.R. 12250.

Mr. Chairman, I support this legislation, and I urge my colleagues to vote for its passage to establish a wilderness area in the Boundary Waters Canoe Area. The Boundary Waters is the largest wilderness area east of the Rockies—over 1 million acres of beautiful lake-studded terrain—and it is the only canoe wilderness area in the entire Nation. It contains the largest block of virgin timber stands in the Eastern United States, and represents the last northeastern ecosystem which contains the whole spectrum of native wildlife—including timber wolves, moose, and bald eagles. The Boundary Waters Canoe Area offers unique educational, recreational, and natural values which cannot be restored once civilization encroaches on its boundaries. We owe it to ourselves and future generations to preserve this area in its wild and natural state.

A wilderness experience such as one might find in the Boundary Waters Canoe Area is not something which can easily be described. Sigurd Olsen, who is considered the poet laureate of the Boundary Waters, and the most eloquent proponent of preserving it as a wilderness area, said in a recent interview that when people go into the wilderness today, they are looking for spiritual values and inspiration which are almost impossible to define. In wilderness, such seekers can find a rejuvenation of the spirit, and a sense of harmony and oneness with all living things. The preservation of this spirit is one goal of the Boundary Waters Wilderness bill, and I urge my colleagues to vote for the passage of this important legislation.

Mr. SEBELIUS. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. MARLENEE).

Mr. MARLENEE. Mr. Chairman, have you ever seen a wheelchair in a canoe? Have you ever seen a paraplegic out 15 miles on a lake without a motor? Have you ever seen an elderly person with a heart condition 15 miles out on a lake without a motor? No, Mr. Chairman. The wilderness advocates are narrow in this design and are unyielding in this. Past experience tells us that.

I thank the gentleman for yielding.

Mr. SEBELIUS. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. HAGEDORN).

Mr. HAGEDORN. Mr. Chairman, the Boundary Waters Canoe Area is the second largest natural wilderness area in the Nation, and the largest this side of the Rocky Mountains. It abounds in beautiful and scenic lakes and streams, untouched and secluded forest lands, and miles of quiet canoe routes. It is an area in which a person can still experience a measure of genuine solitude. The BWCA is a natural resource important to Minnesota and important to the Nation.

Since its inclusion in 1964 in the national wilderness preservation system, the Boundary Waters Canoe Area has been the focus of intense controversy with respect to the uses to be permitted within it. The purpose of H.R. 12250 is to finally resolve this issue.

It is more important to understand what is not at issue today than what is. During the course of the past several years, there have been numerous versions of BWCA legislation, each permitting a slightly different variety of uses, and each encompassing slightly different boundaries. Most of the major subjects of initial controversy have been resolved through compromise by both sides.

Logging is no longer at issue. Both the committee bill, and the Oberstar substitute would prohibit logging within the wilderness, and provide funds to develop alternate logging resources outside of the BWCA.

Mining is no longer at issue. The exploration for mineral resources is prohibited in both the committee bill, and the Oberstar substitute.

The wilderness designation of the BWCA is no longer at issue. Both the committee bill, and the Oberstar substitute would classify as "wilderness" the entire BWCA.

What is at issue, Mr. Chairman, is the extent to which the people who have lived all of their lives in the BWCA and vicinity are going to be permitted to retain a semblance of their life-style. These people, who have suddenly been labeled as "threats to the wilderness," have preserved the BWCA lands for generations. They have maintained its paths; they have repaired it after fires; and they have diligently conserved and preserved its unique resources.

I am talking about the people who own small resorts, the outfitters, the small storekeepers, and the support personnel dependent upon these businesses. These are the villains in the mythology of the professional environmentalists.

The Oberstar substitute, by permitting recreational motorboating in a small percentage of the lakes within the BWCA, would allow these individuals to continue to earn an honest living while doing nothing to despoil the BWCA environment. It is only those, for whom man himself is an intruder in the environment, that such limited recreational use would represent an infringement upon the environment. The substitute would actually reduce total motorboat usage within the BWCA by 25 percent from what is legally permitted today, with much of the motorboat usage likely to remain in the peripheral lakes of the BWCA.

If the committee bill is approved, those whose livelihood depends upon the BWCA, will be forced to dispose of their property at what is likely to be a significant loss. The supported fair market value that these people will receive will in no way compensate them for the goodwill that they and their parents and grandparents have developed over the years, and will in no way compensate them for the disruption that will be caused to their lives.

I have the greatest respect for those hardy enough to ski cross-country through the BWCA, or to trek it or canoe it. I would never support anything that I believed would diminish the value of these experiences. It is clear, however, that a substantial number of visitors to the BWCA are not quite so rugged, with travel by motorized water vehicles representing well over one-third of all BWCA travel by visitors.

The denial of access to the BWCA for

these people far outweighs, in my opinion, the miniscule, largely psychological advantages that might accrue to those individuals who remain to use the BWCA. It is interesting to note, in this respect, the exceptionally diverse group of Minnesota organizations which recognize this, and have endorsed the Oberstar language.

It is endorsed by the AFL–CIO in the State, the Minnesota Chamber of Commerce, the Minnesota Senior Citizens Federation, veterans' groups, numerous city councils throughout the State, and by handicapped groups concerned that their members will totally be denied access to the BWCA.

Mr. Chairman, I urge support for the Oberstar substitute. Better than any any other proposed language, it represents a fair and decent compromise, recognizing both the irreplaceability of the resources of the BWCA, and the irreplaceability of the life-styles of the residents of the BWCA.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. HAGEDORN. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, everything the gentleman says would be so true if these were the only lakes in Minnesota.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. HAGEDORN) has expired.

Mr. SEBELIUS. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, in the heat of all of the discussions, I think that most of us here would admit that some kind of a bill is necessary. Most of us would like to see a bill pass. I think, however, some of our experience with recent legislation, notably the Alaska bill, leads me to believe that when we pass an extreme measure over to the other body, it lies over there and we do not have legislation.

It is hard for me to judge between the Fraser version and the Oberstar version. I have the advantage over many members of this committee in that I have been up there. I have seen some of these lakes and know the area a little bit but it is difficult for me to make that decision, too.

It seems to me that if we pass the committee version that we are simply not going to have a bill. Then this matter will come up again and again. I think that is not a responsible way to work. We ought to try to develop some kind of reasonable compromise.

For that reason, while I agree the Oberstar compromise is not perfect, nor maybe even close to it, it seems to me it is a version that would get Senate attention and therefore could become law. For that reason I will support the Oberstar compromise, even though it may be less than perfect.

There are a lot of things about this area that many of the members of this committee do not understand. One really has to be there to see them. In the peripheral lakes where people have been using these areas, where these resort investments developed, it seems to me to be unfair and unwise not to let the motorized use continue. I do not know if the gentleman from Minnesota (Mr. OBERSTAR) has put too much use in or too little, but I am going to support it as the most responsible opportunity.

I believe that a couple of border lakes, Basswood Saganaga, and La Croix, and a couple of peripheral lakes with a history of use and development like Seagull and Isabella, could be added to the bill for permanent motorized use. That would not jeopardize the wilderness in any significant amount, but it would be of great assistance to the local people.

But, if the committee bill is pushed through, there will be little chance for compromise. I will vote for it in any case, because I think it is necessary to keep the bill's chances alive. It is important that we have a BWCA bill this year.

Mr. SEBELIUS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, we have had a very good discussion. It has been ably led by Members who know far more than I do about this area.

I have concluded—and I am going to stick with my conclusion—that the committee bill, with a few additional amendments, is the route I chose to go, even though I have to acknowledge that all these fine arguments are good.

I find myself a little like the Governor of Minnesota when he testified before our committee. He talked about one side of the issue, and then he talked about the other side, but he did not seem to come to a conclusion. I said to him, "Mr. Governor, it sounds as though some of your friends are for it and some of your friends are against it, and you are with your friends."

Mr. Chairman, I have a lot of friends on both sides here, but I intend to support the committee bill if the amendments that are going to be offered to it are adopted.

I urge all the Members to make their own judgment on everything that takes place, because this bill is very important. I am very sorry that we could not have had better attendance during the general debate, because all the Members who have participated in it have done a very fine job.

Mr. PHILLIP BURTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, I want to commend all the Members who were involved in this debate. The gentleman from California (Mr. PHILLIP BURTON), who is in a very difficult situation, has performed admirably, and the committee has produced a very fine compromise bill.

One of the toughest jobs any Member of Congress ever has is when he has to make a decision on a project in his own district, and the gentleman from Minnesota (Mr. OBERSTAR) has performed very magnificently since he has been faced with this very heavy responsibility. The gentleman is a serious, valuable legislator, and it pains me not to be able to agree with him on his substitute amendment and in the major fight we are going to have on this issue.

Mr. Chairman, all the gentlemen from Minnesota, a State which seems to produce so many great political leaders, have acquitted themselves well. I think the debate this afternoon has been valuable, and I am sure the House will make a wise decision.

Mr. Chairman, I support the Boundary Waters Canoe Area Wilderness Act, H.R. 12250. This beautiful area of northwestern Minnesota has been the focus of debate for many years, and failure to take decisive action now may threaten this unique natural treasure.

At the present time, the Boundary Waters Canoe Area, with just over 1 million acres, is the largest unit of the National Wilderness System east of the Rocky Mountains. More importantly, it is the Nation's only lakeland canoe wilderness. The BWCA is a network of more than 1,000 lakes connected by numerous streams and portages. For most of this century, battles have been fought to protect this fragile environment. In 1964, Congress enacted the Wilderness Act, including the BWCA in the newly created wilderness system. Many of the problems we are trying to solve today arise from a paragraph in the Wilderness Act that permitted logging and motorboating to continue in the BWCA, uses prohibited in other wilderness areas.

Since passage of the Wilderness Act, conflicts over the use of the BWCA have steadily increased, particularly in the State of Minnesota. Numerous court suits have been brought to prohibit various activities in the wilderness; the State legislature has wrestled with the problem in regard to its holdings within the BWCA. I think it should be quite clear by now that this controversy cannot and should not be resolved in the courts—Congress must take responsibility for this important decision.

H.R. 12250, of which I am a cosponsor, represents a compromise that balances the wilderness values of this area and the competing uses of the land in a reasonable way. It establishes a Boundary Waters Canoe Area Wilderness, made up of the present BWCA and several additions on the periphery. In addition, a large national recreational area is created, encompassing the three access corridors currently dividing the BWCA.

This compromise bill allows the BWCA to be used by as many people as possible, and as many different uses as possible, while protecting the unique ecology that makes this resource so valuable. Admittedly, this may not go as far as some would like, but I believe it achieves a proper balance. I, therefore, urge my colleagues to vote favorably on H.R. 12250.

Mr. PHILLIP BURTON. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I rise in support of the committee bill and in opposition to the amendment in the nature of a substitute to be offered by the gentleman from Minnesota (Mr. OBERSTAR). The Boundary Waters Canoe Area is an important national asset which deserves the protection, in the interests of the entire country, that the committee seeks to afford.

The legislation as reported by the

Committee on Interior and Insular Affairs has been thoroughly thought through, and it simply does not as some would allege constitute a major Federal deprivation of property rights or a "locking up" of lands and lakes preventing public access.

It does not block all access by motorboats from the lakes in the BWCA. It does restrict their use in some areas, in which they would intrude themselves into the quietude of the only wilderness in the country dedicated specifically to canoeing. Moreover, there are thousands of lakes in the region, and a great many of them are, and will remain, available for use by motorboats.

The substitute offered by the gentleman from Minnesota (Mr. OBERSTAR) would freeze into law the existing motorboat usage, whereas the legislation prepared by Messrs. FRASER, VENTO, and NOLAN (also from Minnesota) protects the canoeist's interest and the motorboater's interest, by providing adequate areas for both.

Further, the amendments which Mr. FRASER and his associates will offer shortly will increase—over what the committee bill provides—the continued usage of 41 percent of present motorized use from now through 1984. Given the incredible number of lakes accessible to motorboat users—both within and outside the boundaries of the BWCA—this seems to me eminently fair.

In sum, the legislation now before us, with the amendments to be offered by Mr. NOLAN, Mr. VENTO, and Mr. FRASER, deserves the overwhelming support of the House. The substitute should be voted down and the committee bill and amendments should be approved.

● Mr. ANDERSON of Illinois. Mr. Chairman, I rise in strong support of H.R. 12250, a measure which provides further wilderness protection to the Nation's only lakeland canoe wilderness—the Boundary Waters Canoe Area in northern Minnesota. One area of continued controversy seems to be whether or not motorized travel should be allowed to continue in the BWCA and I would like to address my comments to this dispute today.

While I regret I have not had the opportunity to experience the BWCA personally, it may interest my colleagues to know that about 12 percent of all BWCA users are residents of Illinois. In 1974 alone, over 19,000 Illinoisians traveled to the BWCA and approximately 63 percent of these users explored the area without motorboats or snowmobiles, preferring instead to paddle a canoe, snowshoe, hike or cross-country ski.

It is no wonder then that I have received so much mail from my constituents in favor of this bill. One letter in particular helped me to realize the vast differences between the areas where motorized travel is prohibited and where it is allowed. Thomas Burgener of Freeport, Ill., has visited the BWCA a number of times, and he wrote that the difference between these two areas is like "night and day."

> In the paddle only areas I dipped a cupful of water anywhere and anytime I wanted; in the motor areas I could hardly force myself to drink . . . The water was rainbow-colored from oil. It smelled and carried sediment stirred up by propellers. Around the shoreline of campsites, there was often trash in the water.

Mr. Burgener went on to discuss the conditions of campsites:

> The campsites in the motor areas were heavily used; grass was nonexistent, the dirt was either hard-packed or dusty. Despite the container laws, there was an abundance of pop tops and bottle caps. There was always paper litter. In one site a fisherman who apparently didn't want his catch disposed of it under a bush. In contrast, the campsite in paddle-only waters, while they showed use, certainly weren't worn out. And I never, repeat, never found litter.

Mr. Chairman, presently, 72 percent of the BWCA's users are canoe enthusiasts while at least 60 percent of the BWCA's water surface remains open to motorized travel. If enacted, this compromise legislation will reserve most of the BWCA's lakes for canoeists—only about 6 percent of the 15,000 lakes in Minnesota. I think my colleagues would agree with me that there are enough lakes in Minnesota to accommodate just about every type of vessel a person can dream up for his or her recreation pleasure.

With this in mind, I believe the members of the Interior Committee have made every effort to strike a reasonable balance between adequate wilderness protection and motor usage. I believe the concerns and interests of the surrounding communities have been fully considered and dealt with fairly. In fact, if the amendments package offered by my colleagues Mr. FRASER, Mr. VENTO, and Mr. NOLAN is accepted, with only two minor exceptions every resort bordering the wilderness will be allowed continued motor usage of at least 10 horsepower and in some cases up to 25 horsepower on the lake on which it is located. Motorized access is continued, by road and water, for every single existing private home or cabin on the BWCA periphery. Further, a number of my constituents expressed concern that parts of the very popular Lake Vermillion might be included in the BWCA. These small areas have been deleted from the BWCA to eliminate fears that motorboat or snowmobile use on the lake might be affected by this bill. By passage of the amendments package, further concessions will be made to those who utilize motors—about 41 percent of the present motorboat use will be allowed to continue in the BWCA until 1984, compared to the committee bill which would allow only about 35 percent to continue.

In short, Mr. Chairman, I believe the interests of motorboaters have been adequately considered in the bill and I urge its adoption.●

● Mr. McCLORY. Mr. Chairman, I rise in support of H.R. 12250, the Boundary Waters Canoe Area Wilderness. The BWCA should be kept open to all of the public and I feel the legislation we are debating here today accomplishes this goal by balancing the need to provide for the interests of the people who live and work in the BWCA with those of the people who enjoy the BWCA as a yearly vacation area and wish it to remain an undeveloped wilderness area. Several areas of the BWCA are set aside for those who wish to enjoy such outdoor sports as motorboating and snowmobiling, while other areas have been kept for those who wish to enjoy canoeing, camping, and hiking.

Mr. Chairman, many of my constituents enjoy spending hours and days of peaceful retreat in this area, one of our last remaining unspoiled wilderness treasures, and I hope the majority of my colleagues in this body will join me in support of this worthwhile legislation.●

● Mr. FINDLEY. Mr. Chairman, I would like to add my support to the so-called Burton-Vento version of the Boundary Waters Canoe Area bill. As you know, the Boundary Waters Canoe Area is the only lakeland canoe area in the Nation, providing an ideal environment for canoe enthusiasts and fishermen alike. And since this area is unique to the Nation, it attracts visitors from all over the country who wish to admire and use this wilderness area.

Since its creation in 1964 as a primitive wilderness area, this area of northeastern Minnesota has come under considerable legal challenge concerning the use of outboard motors, ski mobiles, access to lakes and resorts, and timber cutting. This bill seeks to put an end to this drawnout litigation and attempts to create a balance between reasonable access to the area by canoeists and allowing the resorts to stay in operation or be bought out by the Federal Government at fair market value.

It is not only a bill that would benefit the people of northeastern Minnesota, but would benefit all Americans who wish to have the enjoyment of canoeing through an area unobstructed and overdeveloped by commercial interests.●

Mr. EDWARDS of California. Mr. Chairman, I rise in support of this bill and briefly would like to point out some of the primary reasons for my enthusiastic support.

In 1964, this Congress approved a measure which included the Boundary Waters Canoe Area in our Wilderness System. We have the chance to finish our work today and bring this area a little closer to the intent of the Congress at that time and the true definition of wilderness. The two most critical differences in the amended committee bill and the Oberstar substitute surround the usage of motorboats and snowmobiles. Many people have voiced their concern over the elderly and handicapped who will not be able to enjoy this wonderful area unless they are allowed to use motorboats. On the contrary, these people support an unmechanized wilderness system. Local motorboaters, within a 75-mile radius of this area, account for only 7 percent of the total BWCA users. There are over 11,000 lakes in Minnesota outside this area for motorboaters to vacation on. There is only one Boundary Waters Canoe Area. This amended bill allocates 15 percent of the water area of our Nation's only canoeing wilderness to motorboat use for 22 more years. Personally, I believe this is more than generous considering Lake Superior is right next door for motorboat use.

When this Congress approved the

Boundary Waters Canoe Area bill in 1964, to be included in the Wilderness System, that is exactly what we meant—wilderness. No snowmobiles are allowed in any wilderness system, and 2 years ago they were banned within BWCA. We are adding 50,000 more acres to the BWCA, most of which incidently is federally owned. It seems ridiculous to allow snowmobiling to occur if we really want to protect this precious area as wilderness for future generations.

Finally, I would like to say one quick thing about the effect this bill will have on the local economy. Whenever we consider "environmental" legislation here on the floor, there are those who inevitably say that this particular measure will have an adverse effect on business. This could not be further from the truth. In fact, this bill will be a boon to the local economy. This is the only exclusive canoe area in our Nation. More folks have not used the BWCA in the past because of motorboaters than people who do not use this area because of canoeists. Enthusiastic canoeists will happily vacation in the beautiful and pristine waterways of the State of Minnesota if we act accordingly and protect this area. In addition, this bill specifically provides financial and technical assistance to merchants and resort owners to make the needed adjustments for the different clientele.

I applaud the Committee on Interior and Insular Affairs for their work on this legislation. I hope my colleagues will overwhelmingly vote in favor of this bill.

Thank you.

● Mr. CONTE. Mr. Chairman, I rise in strong support of the proposal we are now considering, with the modifications proposed by the gentlemen from Minnesota (Messrs. FRASER, VENTO, and NOLAN). Mr. Chairman, the proposal reflects several significant concessions made by the sponsors of the proposal, along with the members of the Interior Committee, in an attempt to limit the so-called economic disruptions that may result from this conservation proposal. The proposal reflects the serious intent of the Congress to eliminate the potential destruction of this pristine wilderness, the largest wilderness east of the Rocky Mountains, and the most heavily visited wilderness in our system. The bill will designate approximately 1.1 million acres as the Boundary Waters Canoe Area Wilderness. This designation will preclude mining and logging in the area. In dispute is the provision of the reported bill, as proposed to be modified by the Fraser, Vento, Nolan amendment, that will limit the use of motorized vehicles such as motorboats and snowmobiles. The limit on these environmentally disruptive vehicles is necessary in order to protect the integrity of this pristine wilderness.

Mr. Chairman, this proposal represents an opportunity for the Congress to finally resolve this 50-year battle over the use of these magnificent lakes. The amendment that is being offered by the three gentlemen from that great State where this wilderness area is to be permanently established, is another compromise of the original proposal. These two significant modifications are designed to resolve the issues in a manner that is both fair and just to the residents of the affected area while still maintaining the wilderness in its natural state. The amendment will still allow for 41 percent of current motorboat usage to continue in the region, until the year 2000. The amendment provides for the continued use of motorboats by resort owners on the lakes on which they are located. However, the amendment also protects the wilderness from the deep intrusions of these noisy "Toys of Man," by limiting the quantity of lakes open to such recreation to 17 percent, serviced by 13 percent of the campsites. This is generous in the light of the available lakes outside of this pristine wilderness that are easily accessible to the motorboat enthusiasts. The region supports roughly 39,500 other lakes, including 2,500 lakes of 10 acres or more in the immediate vicinity of the proposed wilderness, that can be utilized by the motorboat enthusiasts, the wilderness, on the other hand, is the only true sanctuary for the canoeists left in that entire region. Thus, the proposed wilderness will reduce the number of lakes in the State open for motorboats by only 2 percent. Mr. Chairman, that is a small price to pay for such large dividends.

The amendment also attempts to protect the resort owners, with the inclusion of a 3-year program of technical assistance to any resort owner seeking to change over from a motorboat clientele to one oriented to the wilderness. Additionally, the proposal calls for the Government to purchase private properties that are offered for sale, at fair-market prices, at the total discretion of the owners.

The other major point of disagreement that is addressed by the amendment, is the limit on the use of snowmobiles. The proposal that was reported out of the Interior Committee would ban such activities, as it presents a real destructive threat to the wildlife and habitat. The recent studies indicate that the use of snowmobiles is almost entirely limited to the local residents, who find this a convenient mode to assist them in reaching the lakes for winter trout fishing. Again, there are vast areas outside of the proposed wilderness that can be utilized for this purpose. Thus, the committee wisely decided to ban this activity as it was neither necessary nor was it a drawing card for attracting visitors. The ban of these noisy vehicles will allow for the wilderness to exist as undisturbed as possible. Such a ban is consistent with the intent of a wilderness designation.

Finally, Mr. Chairman, I would like to conclude with the observation that it is the motorboat and snowmobile enthusiasts who have alternatives readily available to them, not the canoeist or the individual who enjoys the tranquillity and pristine beauty of a true wilderness area. We have an opportunity to preserve this priceless area, an opportunity that may not present itself again. We have weakened the initial proposal twice, we cannot further weaken this landmark proposal and still call it a conservation measure. We must put the preservation of this wilderness ahead of the self-serving desires of a few. I urge my colleagues to support the amendment to be offered by the three gentlemen from Minnesota, it will result in the establishment of a magnificent, national wilderness that can be experienced by all Americans.

Thank you, Mr. Chairman.●

● Mr. SKUBITZ. Mr. Chairman, I rise in support of H.R. 12250 which makes changes in the current usage of the Boundary Waters Canoe Area in Minnesota.

I would urge my colleagues to keep in mind as we consider this bill, that while this area has large segments set aside for canoe use only, there are also large areas which have been traditionally reserved for multiple use. While it is my understanding that the mineral and timber issues are no longer in significant dispute, we will be asked to consider provisions which may significantly affect current motorboat usage which relates directly to the continued existence of established resorts and small businesses which depend on the area for their livelihood.

I believe the committee bill was a product of a spirit of compromise but will be improved by amendments regarding increased motor usage and elimination of the National Recreation Area. At the same time, the area reserved for canoe usage will be enlarged to meet increased demand and environmental concerns. I urge my colleagues to support these amendments and to listen carefully to those arguments offered by the gentleman from Minnesota (Mr. OBERSTAR) which would further modify this legislation.●

● Mr. CORCORAN of Illinois. Mr. Chairman, I rise in enthusiastic support of this boundary waters wilderness legislation, H.R. 12250, a bill which has generated a great deal of interest from all parts of our country—but, particularly from the Midwest whose own wilderness vanished so long ago. I, myself, have witnessed the great amount of interest this issue has generated. People representing both sides of the controversy have spent hours with my staff and me, and constituents from all over my district have written me hundreds of letters.

I believe that the recommendations of the House Interior Committee are based on a careful balancing of all points of view. For this reason I have cosponsored H.R. 12250.

Two days of hearings were held in Minnesota last summer, and 3 days of hearings were convened in Washington in late summer and early fall. At all points during the process, testimony was solicited from all sides. Each of the hearings ran many hours, providing a thorough exposure of the issues involved. In addition, an arrangement was worked out under which the concerns of local residents could be raised directly to the committee—suggestions were made, clarifications presented, questions asked, and amendments offered on their behalf. I think the committee deserves praise for the fairness of its deliberations.

I also believe that the bill itself strikes a reasonable and workable balance between the need to address the legitimate

concerns of local residents and the need to protect this unique area for future generations. As the members of the committee have described, the bill contains a number of provisions that should help buffer the impact on local residents.

First, the Fraser-Nolan-Vento amendments have deleted the national recreation area, a provision in the committee bill which many local residents found threatening. Second, the bill and amendments open all or part of 16 lakes in the wilderness to continued motorboat use. Every lake on which there are concentrations of homes and resorts as well as a number of the area's prime fishing lakes is opened to motorboats either permanently or on an extended phaseout basis. Third, the measure authorizes financial and technical assistance to help resorts and other businesses adjust to a more wilderness-oriented clientele. The bill creates a situation in which existing resorts will be in a unique position to appeal to a growing market for edge-of-the-wilderness vacations. They will be located on a lake where motorboats are permitted and yet will lie only one lake away from paddle-only lakes and streams. Fourth, the Secretary of Agriculture is directed by the bill to intensify outdoor recreational programs in the Superior National Forest outside the BWCA; the committee report mentions such programs as completing unfinished snowmobile trails, constructing additional campsites on popular lakes, improving lake access sites, and building new parking facilities. The Department is also authorized to construct a new system of hiking trails in the BWCA, particularly in locations where existing resorts might benefit.

Just as the bill takes into account the concerns of the local communities, it also sets out a plan for management that enhances the wilderness character of the Boundary Waters. It calls for a prohibition on mining and logging, goals on which all parties are now agreed. It scales down the amount of motorboat use in a way that does justice to the area's designation as this Nation's only lakeland canoeing wilderness. It continues the ban on snowmobiles promulgated by the Department of Agriculture in 1976. These steps go a long way toward guaranteeing that our children's children will be able to enjoy and learn from one of our country's most unique natural treasures. This is needed legislation that I feel deserves our support.●

● Mr. FISHER. Mr. Chairman, in supporting the Fraser-Vento-Nolan substitute, I wish to make one point in particular. That is, the version which goes as far as is practicable in preserving quietness in the Boundary Waters Canoe Area, in my judgment deserves support. The Fraser-Vento-Nolan bill does that.

The area we are dealing with is a canoeing area, not a motorboat or a snowmobile area. These latter two means of conveyance are noisy, no question about that. Minnesota rightly boasts of being the land of 10,000 lakes. It seems to me a few hundred of these lakes should be preserved against the noisy intrusion of motors, leaving the remaining 9,000 and more for motorboats in the summer and snowmobiles in the winter. Furthermore, this is the only area in the whole country set aside exclusively for canoeing.

Canoeing is a quiet activity, almost noiseless for the expert. Raucous noise such as that created by gasoline motors is altogether inconsistent with the essence of canoeing recreation which is soft, hushed, contemplative, and soothing to the nerves. Even in white-water canoeing, such as may be enjoyed in streams connecting the many lakes in the BWCA, there is relative quiet except for the noise of the rushing water.

I have been canoeing in this marvelously beautiful area many times. Its stillness is a major part of its charm. I can remember paddling a few hundred yards off from shore at dusk and listening to the echoes that resound off the low hills that surround many of the lakes. The tapping of a finger on the side of a canoe will produce an echo as will the snapping of one's fingers or even the clicking of one's teeth. That is how still it is. At such a time a few ducks taking off from the water will sound like 100. An outboard motor in such a setting would be incongruous and deafening, a totally unwelcome intrusion. Somewhere in this country, not too difficult to get to, there have to be a few places of such stillness.

Well, there are other, more weighty reasons for preferring the version of this bill which cuts back on noise. But this is the aspect I wish to emphasize. It is not unimportant when you stop to think about it.●

● Mr. VENTO. Mr. Chairman, several points have been raised during today's debate on H.R. 12250 that must be answered and clarified. I believe that such a clarification will be most useful for my colleagues in their deliberations.

It has been stated that motorboats do not have any harmful impacts on the lakes within the BWCA. This statement is inaccurate and must be corrected. The lakes of the BWCA are very sensitive and vulnerable to pollution because of their natural chemical characteristics, high quality water, and the characteristics of their surrounding watersheds. At this point in time, the lakes have been able to assimilate the pollutants discharged by motorboats and motor canoes. However, as the demand for outdoor recreation opportunities increase, so will the use of motorboats in the BWCA dramatically increase. Currently in the BWCA there exists no system for controlling the number of boats that can have access to a given lake. On some of the more popular lakes, lines of speedboats already wait to be launched and these lines will grow longer each year unless some restrictions are imposed. In May of 1977, the Minnesota congressional delegation, led by the late Senator Humphrey, wrote to the Department of Agriculture regarding the status of the BWCA and potential impacts on its use, quality, and future. Included in the questions that were asked was "What is the suitability of water routes and aquatic life in the BWCA for travel by canoe and motorized craft?" I think that it is appropriate at this time to read excerpts of Dr. Cutler's response:

> Motorized water travel, by either canoe or boat, could have a greater potential impact on lakes than does paddle canoe travel. Pollution results from spillage, exhaust emissions, and direct discharge of unburned gas and oil into the water by outboard motors. Outboard motors commonly waste 10–20 percent of their fuel by discharging it directly into water through the exhaust system. Although this wasted fuel has the potential for creating impacts in the sensitive water no effects on water quality have been measured to date on motorized routes in the BWCA. Lakes and streams have an assimilative capacity to withstand pollution up to a point, and apparently motorized use on most of the routes has been within, or has not significantly exceeded this assimilative capacity. Thus, motorized use at current levels has not had a measurable amount of impact on water to date. However, it should be noted that intensive investigations of this potential problem have not been conducted on these lakes.

Mr. Chairman and colleagues, America has been fortunate that the lack of proper precaution has not destroyed the pristine qualities of the lakes of the BWCA. Only the hitherto limited motorboat use within the BWCA has prevented measurable degradation of the water quality. But we can no longer leave such matters to fate, Congress must act quickly to correct this potential destructive force. Urgency is a key factor in our deliberations. The water temperature and the terrain of this region make assimilation of pollutants a slow process. The city of Ely has one of the most complex tertiary treatment systems in our country. Because of the conditions of the water, biodegradation is a slow process and the capacity of the lakes to assimilate pollutants is much lower than warmer lakes throughout the country. Unless Congress acts to protect the BWCA, the threat to the lakes throughout the area will become a very real possibility.

Motorboats and motorcanoes also pose a threat to the waterfowl that nest in the BWCA. Large populations of loons and eagles use the BWCA as their nesting ground and recent studies seem to indicate that motorized disturbances have a disruptive influence on nesting patterns. As the Department of Agriculture letter of July 1, 1977, states:

> Motorized travel may have an adverse impact on the nesting success of loons and eagles. Both are common to the BWCA. A recent study suggests that loon nesting success is higher on paddle-only routes than on motor routes. In addition, research has demonstrated adverse impacts on bald eagle nesting due to disturbances caused by snowmobiles and other motorized use during the nesting season.

Much attention has been paid to the availability of the BWCA for handicapped and senior citizens. In considering this issue, we must emphasize how best to allow senior citizens and the handicapped to participate in the wilderness experience offered by the BWCA. In a June 2, 1978, resolution, the Minnesota State Council for the Handicapped stated:

> Therefore be it resolved, that the Minnesota State Council for the Handicapped

advocates for the inclusion in any legislation and/or regulations governing the BWCA, specific recognition of, and the allowance for reasonable accommodation to, the needs of persons with disabilities.

Be it further resolved that any legislation pending on the BWCA, direct the appropriate regulatory agency, in consultation with persons having disabilities and/or organizations representing them, including but not limited to the Minnesota State Council for the Handicapped, to incorporate within the management plan and policies, guidelines which will support participation in the *wilderness experience* by persons who are disabled while maintaining the wilderness environment. (Emphasis added.)

Only in H.R. 12250 is this goal accomplished. By designating motorized and nonmotorized peripheral lakes, the House offers the handicapped equal opportunities to enjoy the BWCA. For those who wish to use motorboats, a large portion of the water within the BWCA remains open to motorized use. For those who wish to enjoy a canoe wilderness experience without the disruptions of motorboats and the difficulties of portaging, some peripheral lakes will now be available for their use.

This bill also directs the Secretary of Agriculture to establish a program to expand the outdoor recreation opportunities for the disabled. Such a program has long been needed and I am proud to see it incorporated into this legislation.

Mr. Chairman, I hope that these clarifications will help my colleagues in their deliberations.●

Mr. PHILLIP BURTON. Mr. Chairman, I thank God that the Committee on Rules allowed only 2 hours instead of 20 for general debate, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, it shall be in order to consider the amendment printed in the CONGRESSIONAL RECORD of May 31, 1978, by Representative OBERSTAR of Minnesota if offered as an amendment in the nature of a substitute to the bill.

The Clerk will read.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS

SECTION 1. The Congress finds that it is necessary and desirable to provide for the protection, enhancement, and preservation of the natural values of the lakes, waterways, and associated forested areas known (before the date of enactment of this Act) as the Boundary Waters Canoe Area, and for the orderly management of public use and enjoyment of that area, primarily as wilderness, and of certain contiguous lands and waters, while at the same time protecting the special qualities of the area as a natural forest-lakeland wilderness ecosystem of major esthetic, cultural, scientific, and educational value to the Nation.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. OBERSTAR: Strike all after the enacting clause and insert the following:

SECTION 1. The Congress finds that it is necessary to provide for orderly management of the lakes, waterways, and associated forested areas known as the Boundary Waters Canoe Area (hereinafter in this Act referred to as the BWCA) so as the provide for the widest public use and enjoyment of the area, primarily as wilderness, and to assure protection of the area's primitive character.

SEC. 2. It is the purpose of this Act to provide for such measures respecting the BWCA as will—

(1) maintain high water quality in such area, and protect against chemical degradation.

(2) protect the natural character and environmental quality of lakes, streams, shorelines in such area,

(3) assure access to such area by all Americans, including senior citizens and the handicapped,

(4) prevent the exploitation of mineral resources throughout the area,

(5) provide for the optimum management of fish and wildlife in such area and enhance the recreational enjoyment of such resources, including fishing and hunting,

(6) prevent further road development throughout the area, and restore existing roads in the area to a natural condition.

SEC. 3. (a) The Secretary shall administer the BWCA in accordance with the provisions of this Act, the Wilderness Act, and in accordance with other laws, rules, and regulations generally applicable to areas designated as wilderness, except that any reference to motorboats in section (4)(d)(1) of the Wilderness Act shall not apply to the BWCA.

(b) Paragraph (5) of section 4(d) of the Wilderness Act is hereby repealed and paragraphs (6), (7), and (8) of such section 4(d) are hereby redesignated as paragraphs (5), (6), and (7).

SEC. 4. (a) The use of motorboats and snowmobiles shall be permitted by the Secretary in the areas within the BWCA designated for such use on the map entitled "Motor Recreation Zones—Boundary Waters Canoe Area" dated April 1978. The use of motorboats and snowmobiles under this subsection shall be subject to such reasonable rules and regulations as the Secretary deems necessary to carry out the purposes of this Act.

(b) In administering the areas in which the use of motorboats is permitted under subsection (a), the Secretary shall not impose any horsepower limitation on outboard motors which are ten horsepower or less except that in the case of the following lakes, the Secretary shall impose no horsepower limitation on outboard motors which are twenty-five horsepower or less:

Trout.
Lac La Croix.
Fall.
Newton.
Brasswood.
Moose.
Newfound.
Birch.
Sucker.
Snowbank.
Saganaga.
Seagull.
Brule.
East Bearskin.
Clearwater.
Pine.

(c) Nothing in this section shall be construed to provide that mechanical portages necessary to serve motor routes permitted in the BWCA shall not be permitted to remain in operation.

(d) In establishing limitation on outboard motors used on canoe towboats and utility boats, the Secretary shall consider—

(A) the size of any lake on which any such boat primarily wil be used, and

(B) the size of any motor necessary to provide towing or utility service.

SEC. 5. (a) In addition to any other applicable prohibition or withdrawal from entry or appropriation under any provision of the Wilderness Act or under any other provision of law, no permit, lease or other authorization may be issued by any agency or authority of the United States for—

(1) exploration for, or mining of, minerals owned by the United States within the BWCA; or

(2) the use of land owned by the United States in relation to any mining or exploration for minerals in the BWCA.

The prohibitions contained in this subsection and any withdrawal from entry or appropriation for mining or exploration for minerals applicable to the BWCA shall not apply to the extent specifically provided in legislation enacted by the United States after the date of enactment of this Act pursuant to a national emergency declared by the President.

(b) The provisions of paragraphs (2) and (3) of section 4(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1133d(5)) shall not apply to the BWCA.

(c) The Secretary is authorized and directed to acquire any minerals or mineral rights alleged to be owned by persons other than the Federal or State governments in the following manner—

(1) The Secretary first shall seek to acquire these minerals or mineral rights by donation. In seeking a donation, the Secretary shall inform the person alleging the ownership interest of the procedures and limitations to be followed in acquisition by purchase as set forth in paragraph (2) below.

(2) If the person alleging the ownership interest does not donate his minerals or mineral rights to either the Federal or State governments, the Secretary shall acquire the rights by purchase, within the limits of funds appropriated for land acquisition in the Superior National Forest, and in an amount appropriately discounted for the following factors existent in relation to the particular mineral interest:

(A) The original patenting from the Federal public domain was fraudulent. The patenting of lands in the BWCA is prima facie fraudulent if (i) the Act under which the patent was issued was one of the Acts intended to put settlers on the land, such as, but without limitation, the Cash Purchase Act of 1820 (chapter LI, Act of April 24, 1820, 3 U.S. Stat. 566, 567, as amended); the Preemption Act of 1830 (chapter CCVIII, Act of May 29, 1830, 4 U.S. Stat. 420, 421, as amended); the Homestead Act of 1862 (chapter LXXV, Act of May 20, 1862, 12 U.S. Stat. 392–394, as amended); and the Timber and Stone Act (chapter 150, Act of June 3, 1878, 20 U.S. Stat. 88, 89, as amended, particularly by chapter 375, Act of August 4, 1892, 27 U.S. Stat. 348); and (ii) the land was patented after 1875 and before the establishment of the Superior National Forest by proclamation on February 13, 1909. The Secretary also shall consider any other evidence of fraud when determining the values of the minerals such as (i) the transfer by the entryman or patentee of whole or partial interests in the property during the patenting process or soon thereafter, (ii) the appearance in the chain of title of persons known to have participated in land speculation as land brokers, entrymen, or in other capacities.

(B) The date of separation of the mineral or mineral rights from the surface interest, if the separation occurred after 1927, the year when the courts have determined, that the roadless policy was established by the Secretary for the area.

(C) Any other factor, such as restrictions on mining within the area imposed by State or local government, or by operation of treaty.

(3) In the event any legal action or proceeding arises in relation to minerals or min-

eral rights where the patenting is prima facie fraudulent, the Secretary shall assert his right to constructive or public trusts or to recover money damage for the land acquired through fraud.

(e) Notwithstanding any requirement of this section, the Secretary shall have authority to acquire within the BWCA, existing mineral interests by donation, purchase, exchange or through exercise of the power of eminent domain.

(f) There is authorized to be appropriated to the Secretary such sums as may be required to carry out the purposes of this section, to be available until expended.

SEC. 6. (a) The Secretary is directed to terminate, as of the date of enactment of this Act, all timber harvesting in the BWCA whether under contracts in effect on the date of the enactment of this Act or otherwise. Immediately following the date of the enactment of this Act the Secretary shall act expeditiously to remove from the BWCA all structures, bridges, culverts, debris, and other human impacts associated with logging and take such similar ameliorative measures as he may deem necessary in order to facilitate the reforestation of cutover areas, the obliteration of roads, and other disturbed areas.

(b)(1) The Secretary and the Secretary of the Interior are directed to replace the softwood timber withdrawn from production under subsection (a) with softwood timber sale contracts on other Federal lands in Minnesota which are available for timber harvesting, at competitive prices, and comparable in species, species mix, volume, accessibility, and economic operability. The substitute timber shall be located within the eighteen Minnesota counties of Aitkin, Becker, Beltrami, Carlton, Cass, Clearwater, Cook, Crow, Wing, Hubbard, Itasca, Koochiching, Lake, Lake of the Woods, Mahnomen, Pine, Roseau, Saint Louis, and Wadena. In replacing softwood timber under this paragraph, the Secretary shall insure the replacement of equivalent amounts of saw timber as near as practicable to the sawmill locations existing on the date of enactment of this Act. For purposes of this Act, the annual allowable softwood yield of lands withdrawn from timber production under subsection (a) shall be deemed to be forty-seven thousand cords, not to include more than five thousand five hundred cords balsam fir.

(2) The United States shall pay just compensation for any timber contracts terminated under subsection (a), consistent with amendment V of the Constitution of the United States. Losses due to costs incurred in directly fulfilling the terms of such contracts shall be paid by the United States. Any action for the recovery from the United States of costs as provided above shall be brought in a court of competent junrisdiction. Any such judgments shall be paid from the claims and judgments fund (31 U.S.C. 724a) no later than one year after the filing of such judgments.

(c)(1) The Secretary and the Secretary of the Interior, in consultation and cooperation with the State of Minnesota, are authorized and directed to implement a program of intensive forest management within the Superior National Forest and on other Federal lands available for timber production within the eighteen counties referred to in subsection (b)(1) for the purpose of replacing softwood timber withdrawn from production under subsection (a), consistent with the existing applicable laws and regulations. Such program shall be designed to immediately enable such lands to produce a sustained yield of softwood timber equivalent to the 1976 softwood timber yield from such forest and other lands plus forty-seven thousand cords of softwood, not to include more than five thousand five hundred cords balsam fir.

(2) The forty-seven thousand cords amount referred to in paragraph (1) may be reduced in any year by an amount equal to the number of cords of softwood timber which is—

(A) available in such year at competitive prices, in comparable species, species mix, volume, accessibility, and economic operability from lands owned by the State of Minnesota, and

(B) in excess of the 1976 annual timber production from lands owned by the State of Minnesota.

(d) In administering the Superior National Forest, the Secretary is authorized and directed to engage in planting, direct seeding, natural regeneration, release, site conversion, and site preparation.

(e) The Secretary is authorized to employ twenty additional employees (including not less than one hardwood utilization and marketing expert) at levels on the General Schedule not in excess of level 16 and not below level 5 for purposes of administration of the Superior National Forest.

(f)(1) There is authorized to be appropriated $12,000,000 for each of the five fiscal years beginning after the date of the enactment of this Act for the purpose of fulfilling the requirements of subsection (c) as it relates to lands in the Superior National Forest in Minnesota. Of such amount, not less than $2,000,000 shall be used for road development for each such fiscal year, not less than $1,000,000 shall be used for timber stand improvement (including release, thinning, and pruning) for each such fiscal year, and not less than $1,000,000 shall be used for reforestation for each such fiscal year. Any of the amounts specified in this paragraph not appropriated in any fiscal year shall remain available for appropriation in subsequent fiscal years.

(2) In addition to amounts authorized under paragraph (1), there is authorized to be appropriated $3,000,000 for each of the five fiscal years beginning after the date of the enactment of this Act to be used for grants to the State of Minnesota for the development of the commercial softwood timber base on State lands in Cook, Lake, Koochiching, Saint Louis, and Carlton counties in the State of Minnesota. Not more than 80 per centum of the cost of such development shall be paid from amounts made available under this subsection. The State of Minnesota is authorized to use any portion of the amounts available from the United States under this subsection for assistance to such counties to assist such counties in the development of commercial softwood timber production on lands owned by such counties.

SEC. 7. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the BWCA.

SEC. 8. Nothing in this Act shall affect the jurisdiction as established by law of any governmental authority over any waters included in the BWCA.

SEC. 9. The Secretary shall cooperate with the State of Minnesota, any political subdivision thereof, or both in the administration of the BWCA and in the administration and protection of lands within or adjacent to the BWCA owned or controlled by the State or any political subdivision thereof. Nothing in this Act shall deprive the State of Minnesota or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within BWCA and impose land use controls and environmental health standards on non-Federal areas within the BWCA or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the BWCA.

SEC. 10. The Secretary is authorized and directed to develop a program of dispersed outdoor recreation in the BWCA. The Secretary shall consider, in developing such program, the need for additional lake access sites and parking facilities outside of the BWCA to provide more widely dispersed access for canoe use of the BWCA, especially with respect to lightly used canoe routes.

SEC. 11. Nothing in this Act shall affect the provisions of any treaty now applicable to lands and waters which are included in the BWCA.

SEC. 12. The provisions of Executive Order 10092, dated December 17, 1949, establishing an airspace reservation over certain areas of the Superior National Forest, are hereby incorporated into this Act.

SEC. 13. Nothing in this Act or the Wilderness Act shall be construed to prohibit the maintenance of the Prairie Portage Dam (on the international boundary chain between Birch and Basswood Lakes), and the Secretary is authorized to perform such maintenance work as may be required to keep that dam functional at its present height and width. Dams or other impoundments which are in existence within the BWCA on the date of the enactment of this Act on any waterway within the BWCA may be maintained or replaced as the Secretary deems necessary to preserve the wilderness character of the area.

SEC. 14. All authorizations for funds to be appropriated under the terms of this Act shall not be effective until October 1, 1978. Notwithstanding any other provisions of this Act, authority to enter into agreements or to make payments under this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriation Acts.

Mr. OBERSTAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes in support of his amendment in the nature of a substitute.

PARLIAMENTARY INQUIRY

Mr. PHILLIP BURTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. PHILLIP BURTON. Mr. Chairman, as I understand it, after the gentleman from Minnesota (Mr. OBERSTAR) completes his remarks, it will be in order then to offer a substitute amendment for the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. OBERSTAR); is that correct?

The CHAIRMAN. The Chair will state that a proper substitute for the amendment in the nature of a substitute would be in order.

The gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Chairman, the amendment in the nature of a substitute which I offer at this point brings us down to the final issue in the Boundary Waters Canoe Area dispute, one that has extended over the past 75 years, going back to the turn of the century when that area was first reserved by a great Republican President, Theodore Roose-

velt, who set aside 1,000 square miles of border country which later became the Superior National Forest and out of which was carved the 1,000 square miles we are discussing today, the Boundary Waters Canoe Area.

This area has loudly been proclaimed as the Nation's last and only canoe wilderness country, and it is a great and beautiful canoe country.

But that statement is made in some sense as if to say that the people of the area, who live there, the people who use motorboats, are going to do some harm to it. That reflects badly on my constituents. That reflects upon the people and their custodianship of that beautiful country. They have used and managed it well and wisely and responsibly. Their livelihoods depend on it. Their lifestyle, their way of life, is inextricably linked to the Boundary Waters Canoe Area. It is not exactly as if there were no other places to go canoeing in the State of Minnesota.

The Minneapolis Star newspaper reported last week on all of the charted canoe areas in Minnesota. There are lots of areas all over the State, including right down the Saint Croix, a wild and scenic river, for canoeing, as the Interior Committee set aside for canoeing some years ago. "Canoeing fun on the Cottonwood," it says. There are even some uncharted canoe routes. You can canoe all over the State if you want to canoe. You can canoe for 800 miles in the Boundary Waters Canoe Area if you want to canoe. There is plenty of room to be undisturbed by motorboaters. All the people of my district are asking for is a little piece of that area, just a little piece of it for themselves.

In one county, 25 percent of the total revenue generated in that county is dependent upon the resort industry. It is dependent upon motor access to the boundary waters canoe area. Only 6 percent of that county's 900,000 acres is open to private development. All of the rest of its is either in Federal or State or county ownership. Ninety-four percent of the 900,000 acres is in public ownership. Six percent is in private ownership. And now they want to take away the rest of it. Oh, yes, there is a provision in this bill for a buyout. But if you shut out motor access to the area, as the committee does, you can force the Government to buy your resort, under a provision of the committee bill. What do you get? The Government does not give you anything for the "goodwill" you have built up in your business. You have worked at your business all of your life. Many businesses have been in the same family for three generations. There is a whole lifetime tied up in that resort. Then the Government comes along and gives a fair market value price, if you get that. There is one person who is today fighting a BWCA acquisition battle that has lasted over 15 years. We are going to have more court cases like that over a longer period of time if the committee bill passes. And then they say, in that bill, "Well, we have got a little provision that will help the resorts. We will train them to do something else. We will take away your means of making a livelihood, but we will give you a training program." Maybe they will put them on CETA, or some on-the-job training, making hulahoops, or something. Nonsense.

Mr. Chairman, this is my district. These are my people. There has not been a new industry located up on the north shore in 15 years. There will not be any in the future if we shut off motor use in the BWCA. There has not been a new industry located in the city of Ely in 15 years, and there will not be if we wipe out the resorts and wipe out the outfitters. We will shut down the whole town. Many resorts have already lost 40 percent of their business because they cannot use snowmobiles in the winter months.

We have heard a little bit about newspaper editorials and polls in today's debate. The greatest poll is the one that happens in the voting booth. The most reliable poll is the one that happens when the people in the area speak.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 3 additional minutes.)

Mr. OBERSTAR. Mr. Chairman, the people who live up there are little people. We have eliminated the extractive industry, we have eliminated the consumptive industry, the wood fiber industry, from this area. The BWCA has been managed in the past as a two-zone area. My bill will eliminate the two-zone concept and make the whole BWCA a wilderness. Yet, we are going to give up 25 percent of the existing motorized lakes to be used exclusively for canoe zones.

The people of this area work in the iron ore mines and taconite plants. If they have 2 days off and they want to go out and fish, this committee bill says, "You cannot do that. Get in your car and go to some other place, away from where you live, and go fish there." So a group of steelworkers met with one of my colleagues recently and he explained this proposition, our committee bill.

They rejected the proposal and wrote this statement:

> We, the undersigned, remain in favor of the Oberstar bill concerning the B.W.C.A. issue in Northern Minnesota. The Burton bill is a class discrimination policy, which due to year-around vacation scheduling, would bar our members from the B.W.C.A. Traditionally this has been our recreation area. It also discriminates against the retired members.

The statement is signed by the presidents of numerous Steelworkers locals of northern Minnesota, representing 15,000 members and their families. That statement is their policy. They are opposed to a no-motor wilderness.

This matter of who is going to use this pristine area or whether it is to be locked up as though it was going to be destroyed is absolute nonsense. It has been used with motors for the last 60 years, and the Forest Service monitors the water quality constantly. There is no adverse effect on the water from motor use.

The main issue is whether the people who live there, whose lives and livelihoods depend on that land, are going to be able to use it in a responsible way, in a sensible way; and I hope my colleagues will allow them to use it in the way that I have designed in my bill, which I think is a responsible proposal.

I urge your vote for my substitute.

AMENDMENT OFFERED BY MR. VENTO AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. OBERSTAR

Mr. VENTO. Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. VENTO as a substitute for the amendment in the nature of a substitute offered by Mr. OBERSTAR:

Strike all after the enacting clause and insert the following new text in lieu thereof:

FINDINGS

SECTION 1. The Congress finds that it is necessary and desirable to provide for the protection, enhancement, and preservation of the natural values of the lakes, waterways, and associated forested areas known (before the date of enactment of this Act) as the Boundary Waters Canoe Area, and for the orderly management of public use and enjoyment of that area, primarily as wilderness, and of certain contiguous lands and waters, while at the same time protecting the special qualities of the area as a natural forest-lakeland wilderness ecosystem of major esthetic, cultural, scientific, and educational value to the Nation.

PURPOSES

SEC. 2. It is the purpose of this Act to provide for such measures respecting the areas designated by this Act as the Boundary Waters Canoe Area Wilderness and Boundary Waters Canoe Area Mining Protection Area as will—

(1) provide for the protection and management of the fish and wildlife of the wilderness

so as to enhance public enjoyment and appreciation of the unique biotic resources of the region,

(2) protect and enhance the natural values and environmental quality of the lakes, streams, shorelines, and associated forest areas of the wilderness,

(3) maintain high water quality in such areas,

(4) minimize to the maximum extent possible, the environmental impacts associated with mineral development affecting such areas,

(5) prevent further road and commercial development and restore natural conditions to existing temporary roads in the wilderness, and

(6) provide for the orderly and equitable transition from motorized recreational uses to nonmotorized recreational uses on those lakes, streams, and portages in the wilderness where such mechanized uses are to be phased out under the provisions of this Act.

BOUNDARY WATERS CANOE AREA WILDERNESS DESIGNATION AND MAP

SEC. 3. The areas generally depicted as wilderness on the map entitled "Boundary Waters Canoe Area Wilderness and Boundary Waters Canoe Area Mining Protection Area" dated June 1978, comprising approximately one million and seventy-seven thousand acres, are hereby designated as the Boundary Waters Canoe Area Wilderness (hereinafter referred to as the "wilderness"). Such designation shall supersede the designation of the Boundary Waters Canoe Area under section 3(a) of the Wilderness Act (78 Stat.

890) and such map shall supersede the map on file pursuant to such section. The map of the wilderness shall be on file and available for public inspection in the offices of the Supervisor of the Superior National Forest and of the Chief, United States Forest Service. The Secretary shall, as soon as practicable but in no event later than one year after the date of enactment of this Act, publish a detailed legal description and map showing the boundaries of the wilderness in the Federal Register. Such map and description shall be filed with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such map and description shall have the same force and effect as if included in this Act. Correction of clerical and typographical errors in such legal description and map may be made.

ADMINISTRATION

SEC. 4. (a) The Secretary shall administer the wilderness under the provisions of this Act, the Act of January 3, 1975 (88 Stat. 2096; 16 U.S.C. 1132 note), the Wilderness Act of 1964 (78 Stat. 890; 16 U.S.C. 1131–1136), and in accordance with other laws, rules, and regulations generally applicable to areas designated as wilderness.

(b) Paragraph (5) of section 4(d) of the Wilderness Act of 1964 is hereby repealed and paragraphs (6), (7), and (8) of such section 4(d) are hereby redesignated as paragraphs (5), (6), and (7).

(c) For the purposes of this Act, a snowmobile is defined as any motorized vehicle which is designed to operate on snow or ice. The use of snowmobiles in the wilderness designated by this Act is not permitted except that snowmobiles not exceeding forty inches in width may be used on the overland portages, as generally depicted on the map referenced in section 3 of this Act, from Crane Lake to Little Vermilion Lake in Canada, and from Sea Gull River along the eastern portion of Saganaga Lake to Canada.

(d) Effective on January 1, 1979, the use of motorboats is prohibited within the wilderness designated by this Act, and on all lakes partly within the wilderness, except for the following:

(1) On the following lakes which are partly within the wilderness, motorboats with motors of no greater than twenty-five horsepower shall be permitted:

Fall, Lake County,
Moose, Lake County,
Snowbank, Lake County,
East Bearskin, Cook County,
South Farm, Lake County,
Magnetic, Cook County.

(2) On the following lakes and river which are partly in the wilderness, motorboats with motors no greater than ten horsepower shall be permitted:

Brule, Cook County,
Clearwater, Cook County,
North Fowl, Cook County,
South Fowl, Cook County,
Island River east of Lake Isabella, Lake County.

(3) On the following lakes, motorboats with motors not exceeding horsepower limits as specified, shall be permitted within certain geographic limits, marked by the Secretary, and generally described as follows:

Sea Gull, Cook County, that portion generally east of Threemile Island, ten horsepower.

Saganaga, Cook County, that portion constituting a direct route from the terminus of the Gunflint Trail along the eastern shore of the lake to the Canadian customs station, twenty-five horsepower.

Notwithstanding the provisions of the preceding clauses, motorboats with motors not exceeding horsepower limits as specified, within certain geographic limits marked by the Secretary and generally described below, shall be permitted until the dates specified:

Sea Gull, Cook County, that portion generally west of Threemile Island, ten horsepower, until January 1, 1984.

Saganaga, Cook County, that portion generally west of the direct route to the Canadian customs station, east of American Point, and north of the narrows leading to Red Rock Lake, twenty-five horsepower, until January 1, 2010.

(4) On the following lakes, motorboats with motors of no greater than ten horsepower shall be permitted until January 1, 2000:

Newton, Lake County,

Basswood, Lake County, Pipestone Bay and Jackfish Bay only).

Notwithstanding the provisions of the preceding clauses, motorboat use on the following lakes shall be prohibited during the period July 1 through August 31 of each year:

Newton, Lake County,

Basswood, Lake County.

(5) On Trout Lake, Saint Louis County, motorboats with motors of no greater than ten horsepower shall be permitted until January 1, 2010. Notwithstanding the preceding sentence, motorboat use shall be prohibited on Trout Lake, Saint Louis County, during the period July 1 through August 31 of each year.

(e) The Secretary is directed to develop and implement, as soon as practicable, entry point quotas for day-use of motorboats to mitigate the impact of motor use within the wilderness portions of the lakes listed in subsection (d), the quota levels to be based on such criteria as the size and configuration of each lake, and the amount of use on that lake: *Provided*, That the quota established for any one year shall not exceed the average actual annual motorboat use of the three preceding calendar years: *Provided further*, That no persons traveling by motorboat may camp overnight within the wilderness portions of these lakes. In addition, the Secretary shall consider, and may implement if feasible, further restrictions on motorboats based on, but not limited to, such factors as noise emissions levels, ratio of motor horsepower to watercraft weight, and ratio of horsepower to watercraft length.

(f) The motorized uses authorized by this section shall be confined to those types of snowmobiles and motorboats which have been in regular use in the Boundary Waters Canoe Area prior to the date of enactment of this Act. The Secretary may set forth additional standards and criteria to further define the type of motorized craft which may be permitted. Except for motorboats and snowmobiles as authorized and defined herein, no other motorized use shall be permitted within the wilderness. Nothing in this Act shall prohibit the use of aircraft, motorboats, or snowmobiles, in emergencies, or for the administration of the wilderness area by Federal, State, and local governmental officials or their deputies, only where the Secretary finds that such use is essential. The Secretary shall issue regulations under which reasonable access to the international boundary shall be provided to United States representatives of the International Boundary Commission in the performance of their official duties. Management by that Commission of a sixty-foot-wide strip parallel to the international boundary on land areas shall be authorized to the extent such work is compatible with the purposes of this Act and with the legally prescribed duties of the International Boundary Commission.

RESORTS

SEC. 5. (a) The owner of a resort in commercial operation during 1975, 1976, or 1977 and located on land riparian to any of the lakes listed below may require purchase of that resort, including land and buildings appurtenant thereto, by written notice to the Secretary prior to September 30, 1983. The value of such resort for purposes of such sale shall be based upon its fair market value as of July 1, 1978, or as of the date of said written notice, whichever is greater, without regard to restrictions imposed by this Act:

Fall, Lake County, Moose, Lake County, Snowbank, Lake County, Lake One, Lake County, Sawbill, Cook County, Brule, Cook County, East Bearskin, Cook County, Clearwater, Cook County, Saganaga, Cook County, Sea Gull, Cook County, McFarland, Cook County, North Fowl, Cook County, South Fowl, Cook County.

An owner requiring purchase of a resort under this provision may elect to retain one or more appropriate buildings and lands not exceeding three acres, for personal use as a residence: *Provided*, That the purchase price to the Government for a resort shall be reduced by the fair market value of such buildings and lands, with the same valuation procedures outlined above.

With respect to any privately owned lands and interests in lands riparian to the lakes listed above, said lands shall not be sold without first being offered for sale to the Secretary who shall be given a period of one hundred days after the date of each such offer within which to purchase such lands. No such lands shall be sold at a price below the price at which they have been offered for sale to the Secretary, and if such lands are reoffered for sale they shall first be reoffered to the Secretary: *Provided*, That, this right of first refusal shall not apply to a change in ownership of a property within an immediate family.

(b) There are authorized to be appropriated such sums as may be necessary for the acquisition of lands and interests therein as provided by this section.

TIMBER SALE CONTRACTS

SEC. 6. (a) The Secretary is directed to terminate within a period of one year after the date of passage of this Act, all timber sale contracts in the Boundary Waters Canoe Area Wilderness. There shall be no further logging of the virgin forest areas formerly enjoined from logging by the United States district court on said contract areas during the termination period.

The purpose of said termination period is only to permit completion of the harvesting of timber within existing areas under contract that are not within the areas as described above, permit the orderly removal of structures, bridges, culverts, debris, and other human impacts, by or under the direction of the Secretary, and to facilitate the reforestation of cutover areas, the obliteration of roads and other disturbed areas, and similar ameliorative measures as deemed necessary and appropriate by the Secretary.

(b)(1) In the event that termination of timber sale contracts in subsection (a) reduced the total national forest volume which a purchaser has under contract on the Superior National Forest to less than two years cut based on the average volume of Superior National Forest timber harvested by the purchaser in the last three years, the Secretary may, with the consent of the purchaser, substitute, to the extent practicable, timber on other national forest lands approximately equal in species and volume to the timber sale contract affected. In offering substitute timber, the Secretary shall negotiate the substitution at a price that is mutually equitable considering such factors as species, volume, logging accessibility, and other terms of the agreement.

(2) The United States will pay just compensation for any timber contracts terminated or modified by this Act, consistent with amendment V to the Constitution of the United States. Losses due to costs incurred in directly fulfilling the terms of such contracts shall be paid by the United States. Any action for the recovery from the United States of costs as provided above shall be brought in a court of competent jurisdiction.

Any such judgments shall be paid from the claims and judgments fund (31 U.S.C. 724a).

(c) Within the limits of applicable laws and prudent forest management:

(1) the Secretary shall, in furtherance of the purpose of subsection (a) of this section and of section 4 of the National Forest Management Act of 1976 (90 Stat. 2949), expedite the intensification of resource management including emphasis on softwood timber production and hardwood utilization on the national forest lands in Minnesota outside the wilderness to offset, to the extent feasible, the reduction in the programed allowable timber harvest resulting from reclassification of the Boundary Waters Canoe Area, and

(2) the Secretary, in consultation with the State of Minnesota, is authorized and directed to implement program of intensive forest management within the Superior National Forest, consistent with the existing laws and regulations, applicable to the National Forest System. Such program will be designed to enhance the ability of said national forest to produce a continuous supply of forest goods and services. There are authorized to be appropriated such sums as may be necessary for the purposes of this subsection.

(d) In addition to such sums as may otherwise be appropriated for the Superior National Forest, there are authorized to be appropriated, from within existing authorities established by law, $8,000,000 for each fiscal year 1979 through 1983, inclusive, for the purposes of subsections (b)(1) and (c) of this section: *Provided*, That any of the foregoing amounts not appropriated in a given fiscal year shall remain available for appropriation in subsequent fiscal years.

(e) In addition to those personnel who would otherwise be available, the Secretary is authorized to appoint and fix the compensation (not exceeding that of grade 15 on the General Schedule for Federal employees) of additional full-time personnel for the Superior National Forest to carry out the purposes of this Act.

(f) In addition to amounts authorized under subsection (d), there is authorized to be appropriated $3,000,000 for each of the five fiscal years beginning after the date of the enactment of this Act to be used for grants to the State of Minnesota for the development of the commercial softwood timber base on State lands in Cook, Lake, Koochiching, Saint Louis, and Carlton counties in the State of Minnesota. Not more than 80 per centum of the cost of such development shall be paid from amounts made available under this subsection. The State of Minnesota is authorized to use any portion of the amounts available from the United States under this subsection for assistance to such counties to assist such counties in the development of commercial softwood timber production on lands owned by such counties.

BOUNDARY WATERS CANOE AREA MINING PROTECTION AREA ESTABLISHMENT

SEC. 7. In order to protect existing natural values and high standards of environmental quality from the adverse impacts associated with mineral development, there is hereby established the Boundary Waters Canoe Area Mining Protection Area (hereinafter in this Act referred to as the "mining protection area"), comprising approximately two hundred and twenty-two thousand acres.

MAP AND BOUNDARIES

SEC. 8. The mining protection area shall comprise the area generally depicted as a mining protection area on the map entitled "Boundary Waters Canoe Area Wilderness and Boundary Waters Canoe Area Mining Protection Area" dated June 1978, which shall be on file and available for public inspection in the offices of the Supervisor of the Superior National Forest and of the Chief, United States Forest Service. As soon as practicable after this Act takes effect, the Secretary shall file a map and a legal description of the recreation area with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such map and description shall have the same force and effect as if included in this Act. Correction of clerical and typographical errors in such description may be made.

LAWS APPLICABLE TO CERTAIN LANDS AND WATERS IN THE SUPERIOR NATIONAL FOREST

SEC. 9. (a) The provisions of the Acts listed in paragraph (b) of this section shall continue to apply to lands and waters specified in such Acts notwithstanding the inclusion of any such lands and waters in the wilderness or mining protection area designated under this Act. For lands and waters to which such Acts listed in paragraph (b) apply which are also within the wilderness or mining protection area designated under this Act, any withdrawal, prohibition, or restriction contained in such Acts listed in paragraph (b) shall be in addition to any withdrawal, prohibition, or restriction otherwise applicable to such wilderness or mining protection area under any other law.

(b) The Acts referred to in paragraph (a) are as follows:

(1) The Act of July 10, 1920 (46 Stat. 1020; 16 U.S.C. 577a, 577b), herein referred to as the "Shipstead-Nolan Act".

(2) The Act of June 22, 1948 (62 Stat. 568, as amended, 16 U.S.C. 577c–577h), herein referred to as the "Thye-Blatnik Act".

(c) The provisions of the Shipstead-Nolan Act are hereby extended and made applicable to all lands and water not otherwise subject to such Act which are within the wilderness designated under this Act.

(d)(1) The authorizes contained in the Thye-Blatnik Act are hereby extended and made applicable to all lands and waters not otherwise subject to such Act which are within the wilderness designated under this Act.

(2) In applying the second proviso of section 5 of such Thye-Blatnik Act to the areas to which such is extended and made applicable under this subsection, the phrase "fiscal year 1979" shall be substituted for the phrase "the first full fiscal year after the approval of this Act" in such proviso.

(3) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of the Thye-Blatnik Act with respect to the lands and waters within the wilderness designated under this Act. Such sums may be used for the payment of court judgments in condemnation actions brought under the terms of the Thye-Blatnik Act without regard to the date such condemnation actions were initially instituted. Funds appropriated from the Land and Water Conservation Fund may be used for the acquisition of any lands and waters, or interests therein within such wilderness.

EXISTING AIRSPACE RESERVATION

SEC. 10. The provisions of Executive Order 10092 as made applicable to the Boundary Waters Canoe Area established by the Wilderness Act of 1964 shall be deemed incorporated into this Act.

MINING AND MINERAL LEASING IN THE WILDERNESS AND MINING PROTECTION AREA

SEC. 11. (a) In addition to any other applicable prohibition or withdrawal from entry or appropriation under any provision of the Wilderness Act or under any other provision of law, no permit, lease, or other authorization may be issued by any agency or authority of the United States for—

(1) exploration for, or mining of, minerals owned by the United States within the Boundary Waters Canoe Area Wilderness and Boundary Waters Canoe Area Mining Protection Area; or

(2) exploration for, or mining of minerals within such areas if such activities may affect navigable waters in any way, or

(3) the use of property owned by the United States in relation to any mining of or exploration for minerals in such areas which may materially impair the wilderness qualities of the wilderness area or which may materially impair the natural values and environmental quality of the mining protection area.

The prohibitions contained in this subsection and any withdrawal from entry or appropriation for mining of or exploration for minerals applicable to the Boundary Waters Canoe Area Wilderness and Boundary Waters Canoe Area Mining Protection Area shall not apply to the extent specifically provided in legislation enacted by the United States after the date of enactment of this Act pursuant to a national emergency declared by the President.

(b)(1) Consistent with the prohibitions and other requirements in subsection (a) of this section, no permit, lease, or other authorization shall be issued unless and until—

(i) the Secretary shall have approved a plan that details how mining will be conducted consistent with this Act and with other Federal, State and local requirements, and that details how the area will be restored to its original condition or to a substantially equivalent condition, including the estimated cost thereof;

(ii) the applicant has posted a bond for performance payable to the United States in an amount determined by the Secretary to be sufficient to assure completion of the reclamation plan if the work had to be performed by the United States;

(iii) the applicant shall have obtained all permits, licenses, certifications and approvals required by Federal, State or local law;

(iv) the Secretary has determined that no permanent facility will be constructed nor alteration will occur that could render the area incapable of reverting to its original condition or to a substantially equivalent condition.

(2) The provisions of paragraphs (2) and (3) of section 4(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1133(d)(2) and 16 U.S.C. 1133(d)(3)) shall not apply to the areas designated herein as the Boundary Waters Canoe Area Wilderness and the Boundary Waters Canoe Area Mining Protection Area.

(c) The Secretary is authorized to acquire any minerals or mineral rights within the wilderness and mining protection area alleged to be owned by persons other than the Federal or State governments in the following manner—

(1) The Secretary first may seek to acquire these minerals or mineral rights by donation. In seeking a donation, the Secretary shall inform the person alleging the ownership interest of the procedures and limitations to be followed in acquisition by purchase as set forth in paragraph (2) below.

(2) If the person alleging the ownership interest does not donate his minerals or mineral rights to either the Federal or State Governments, the Secretary shall acquire the rights by purchase, within the limits of funds appropriated for property acquisition in the Superior National Forest, and in an amount appropriately discounted for the following factors if existent in relation to the particular mineral interest:

(A) The original patenting from the Federal public domain was fraudulent. The patenting of lands in the Boundary Waters

Canoe Area Wilderness and Boundary Waters Canoe Area Mining Protection Area is prima facie fraudulent if (1) the Act under which the patent was issued was one of the Acts intended to put settlers on the land, such as, but without limitation, the Cash Purchase Act of 1820 (chapter LI, Act of April 24, 1820, 3 U.S. Stat. 566, 567, as amended); the Preemption Act of 1830 (chapter CCVIII, Act of May 29, 1830, 4 U.S. Stat. 420, 421, as amended); the Homestead Act of 1862 (chapter LXXV, Act of May 20, 1862, 12 U.S. Stat. 392-394, as amended); and the Timber and Stone Act (chapter 150, Act of June 3, 1878, 20 U.S. Stat. 88, 89, as amended, particularly by chapter 375, Act of August 4, 1892, 27 U.S. Stat. 348); and (2) the land was patented after 1875 and before the establishment of the Superior National Forest by proclamation on February 13, 1909. The Secretary also shall consider any other evidence of fraud when determining the value of the minerals such as (1) the transfer by the entryman or patentee of whole or partial interests in the property during the patenting process or soon thereafter, (2) the appearance in the chain of title of persons known to have participated in land speculation as land brokers, entrymen, or in other capacities.

(B) The date of separation of the mineral or mineral rights from the surface interest, if the separation occurred after 1927, the year when the courts have determined that the roadless policy was established by the Secretary for the area.

(C) Any other factor, such as restrictions on mining within the area imposed by State or local government, or by operation of treaty.

(d) In the event any legal action or proceeding is instituted by or against the United States in relation to minerals or mineral rights where the patenting is prima facie fraudulent as described in subsection (c) of this section, the Attorney General of the United States shall assert the public's equitable right to constructive or public trusts, or to recover or offset damages including but not limited to those based on the value of land fraudulently acquired plus interest at six per cent per annum.

(e) Notwithstanding any requirement of this section, the Secretary shall have authority to acquire within the wilderness or mining protection area designated by this Act, existing mineral interests by donation, purchase, exchange, or through exercise of the power of eminent domain.

(f) There is authorized to be appropriated to the Secretary such sums as may be required to carry out the purposes of this section, to be available until expended.

SEC. 12. If any provision of this Act is declared to be invalid, such declaration shall not affect the validity of any other provision hereof.

EXISTING STRUCTURES

SEC. 13. Nothing in this Act or the Wilderness Act shall be construed to prohibit the maintenance of the Prairie Portage Dam (on the international boundary chain between Birch and Baswood Lakes), and the Secretary is authorized to perform such maintenance work as may be required to keep that dam functional at its present height and width.

JURISDICTION OVER FISH AND WILDLIFE

SEC. 14. Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the wilderness and the mining protection area.

JURISDICTION OVER WATERS

SEC. 15. The Secretary is authorized to promulgate and enforce regulations that limit or prohibit the use of motorized equipment on or relating to waters located within the wilderness: *Provided*, That nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State with respect to such waters except to the extent that the exercise of such jurisdiction is less stringent than the Secretary's regulations promulgated pursuant to this section: *Provided further*, That any regulations adopted pursuant to this Act shall be complementary to, and not in derogation of regulations issued by the United States Coast Guard.

The Secretary is authorized to enter into cooperative agreements with the State of Minnesota with respect to enforcement of Federal and State regulations affecting the wildernes and the mining protection.

COOPERATION WITH STATE

SEC. 16. (a) The Secretary shall cooperate with the State of Minnesota and any political subdivision thereof in the administration of the mining protection area and in the administration and protection of lands within or adjacent to the mining protection area owned or controlled by the State or any political subdivision thereof. Nothing in this title shall deprive the State of Minnesota or any politcal subdivision thereof of its right to exercise civil and criminal jurisdiction within the wilderness and the mining protection area and impose land use controls and environmental health standards on non-Federal areas within the wilderness and the mining protection area, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the wilderness and the mining protection area.

(b) The Secretary shall also consult with the State of Minnesota in an effort to enhance the multiple-use benefits to be derived from both State and national forest lands.

TREATIES

SEC. 17. Nothing in this Act shall affect the provisions of any treaty now applicable to lands and waters which are included in the mining protection area and the wilderness. On international boundary lakes on which motorized use is permitted by section 4 of this Act, any motorized use permitted by this section may be allowed only in those areas and during such times as may be consistent with regulations and management practices controlling such use on the adjacent lands and waters in Canada. The Secretary is authorized to limit, restrict, or close any of the routes or lakes within the wilderness for reasons of public safety, wildlife management purposes, or to prevent or alleviate resource damage.

EXPANSION OF RECREATION PROGRAMS

SEC. 18. (a) The Secretary is authorized and directed to expedite and intensify the program of dispersed outdoor recreation development on the Superior National Forest outside the Boundary Waters Canoe Area Wilderness, as designated by this Act. The Secretary shall consider in such new program developments the need for the following: additional snowmobile trails, particularly those now planned or under construction; remote campsites on lightly developed lakes; and lake access sites and parking facilities to provide motorized recreation experiences similar to those previously available in the Boundary Waters Canoe Area.

(b) The Secretary, consistent with the Wilderness Act of 1964 and with this Act, is authorized to construct a system of new hiking and backpacking trails within the Boundary Waters Canoe Area Wilderness as designated by this Act, and on appropriate adjacent lands outside the wilderness. In constructing such a trail system, consideration should be given to locating portions of the system near existing resorts on the perimeter of the wilderness to provide additional outdoor recreation opportunities for resort guests.

(c) The Secretary is authorized and directed to develop an educational program for the recreational users of the wilderness which will assist them to understand the purpose, value, and appropriate use of wilderness lands and the functioning of natural ecosystems in wilderness.

(d) The Secretary, consistent with the purposes of this Act, is authorized and directed to develop a program providing opportunities for a wide range of outdoor experiences for disabled persons.

(e) There are authorized to be appropriated such sums as may be necessary for the Secretary to carry out the purposes of this section.

SEC. 19. (a) The Secretary, in cooperation with other appropriate executive agencies, is authorized and directed to develop a cooperative program of technical and financial assistance to resorts in commercial operation in 1975, 1976, and 1977, and outfitters in commercial operation in 1977 which are located within the mining protection area or which are located on land adjacent to any of the lakes listed in section 5 of this Act. There are authorized to be appropriated such sums as may be necessary for the purposes of this subsection.

(b) There are authorized to be appropriated to the Secretary funds to be made available as grants to the Agricultural Extension Service, University of Minnesota, to provide over a three-year period educational and technical assistance to businesses and communities adjacent to the Boundary Waters Canoe Area Wilderness in order to improve economic opportunities for tourism and recreation-related businesses in a manner which is complementary to the management of the wilderness.

MANAGEMENT STUDY

SEC. 20. The Secretary, acting through the Chief, United States Forest Service, shall, not later than October 1, 1981, submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive management plan setting forth the specific management procedures to implement the objectives of this Act. An interim report setting forth public involvement procedures, management alternatives, and a timetable for the remaining study actions, shall be submitted within one year from the date of enactment of this Act. The construction, maintenance, repair, or replacement of any water level control structures within the wilderness is hereby prohibited, except as provided in section 13 of this Act. The Secretary is authorized to take such measures as may be necessary for the orderly removal of water control structures located within the wilderness.

LIMITATION OF AUTHORIZATIONS

SEC. 21. All authorizations for funds to be appropriated under the terms of this Act shall not be effective until October 1, 1978. Notwithstanding any other provision of this Act, authority to enter into agreements or to make payments under this Act shall be effective only to the extent or in such amounts as are provided in advance in appropriation Acts.

Mr. PHILLIP BURTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. FRENZEL. Reserving the right to object, Mr. Chairman, I wonder whether the author of the amendment can tell us what we are not going to read.

Mr. VENTO. If the gentleman will yield, Mr. Chairman, the amendment is an amendment that contains the revisions that were mailed out and distributed to Members last week.

It includes the change of the NRA to a mining protection area. It contains an inclusion for motorizing Trout Lakes and Jackfish Bay in the area and a modification in terms of motor size for some lakes in the BWCA. It further varies just slightly with the committee bill mining language in that there is a change as was requested by the Justice Department.

I think that this explanation covers the major points that are different in this substitute from the bill that was reported by the committee.

Mr. FRENZEL. This is a 27-page amendment?

Mr. VENTO. It is. It is a substitute. Much of the language in it was thoroughly considered in the committee.

Mr. FRENZEL. That is the document; is that correct?

Mr. VENTO. Yes. I believe the gentleman has it in his hand.

Mr. Chairman, this substitute text retains most of the provisions of the committee bill, with the following exceptions:

First, it incorporates the changes proposed jointly by Representatives FRASER, VENTO, and NOLAN to permit further motorized use within the BWCA. While I regret that we must further compromise the protection given to this unique area, I believe this provision is justified in that it further addresses the concerns of local residents near the area. It is a compromise that both side can live with.

Second, the substitute deletes the national recreation area from the committee bill. While the language adopted by the committee was to apply to only existing federally owned lands within this area, the designation has also been of much local concern, and I would support this amendment which also redesignates the area formerly shown as the recreation area to a mining protection area.

Third, the section regulating mining in the area is altered, following discussions with the Department of Justice.

This amendment is the subject of substantial agreement between Mr. OBERSTAR and the supporters of the committee bill, except that the amendment creates a mining protection area outside the BWCA while Mr. OBERSTAR'S substitute would not. The amendment makes several changes in the committee bill to respond to concerns raised by the administration. The amendment deletes the committee bill's absolute prohibition against any mining which requires the use of property owned by the United States. Such mining will be prohibited if it may materially impair the wilderness quality of the wilderness area or the natural values and environmental quality of the mining protection area.

In addition, the amendment adds certain conditions which must be met before any mining or exploration permits may be issued.

This package of amendments would allow motorboat use, either permanently or for a great period of time, on approximately 20 percent of the water area in the BWCA—the Nation's only canoe wilderness area. Combined with the existing provisions in H.R. 12250, approximately 75 percent of the motor users of the BWCA will have their entrance point lakes available for motor use. These concessions permit motor use on every lake where there is a concentration of homes and resorts and on certain interior lakes highly prized for their fishing. The lengthy phaseout period will allow for continuation of motorboat use for a generation or longer—in other words, until a time when many of those people now affected would, in any case, not be using motorboats.

Finally, the technical and correcting amendments adopted by the committee to H.R. 12250 are incorporated into this substitute along with other necessary conforming changes.

Mr. Chairman, I urge the adoption of this substitute text.

Mr. FRENZEL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. VENTO. Mr. Chairman and members of the Committee, just to review this substitute, I think most of us do know what is in essence included in the substitute.

First, it incorporates the changes proposed jointly by the gentlemen from Minnesota (Messrs. FRASER and NOLAN) and myself to permit further motorized use within the BWCA. While I regret that we must further compromise the protection given to this unique area, I believe this provision is justified in that it further addresses the concerns of the local residents near the area. Further, it is a compromise which both sides can live with.

Second, the substitute deletes the national recreation area from the committee bill. As I pointed out in my time previously, while the language adopted by the committee was to apply only to existing federally owned lands within this area, the designation has also been of much local concern, and I would support this amendment which also redesignates the area formerly shown as a recreation area to a mining protection area.

Third, the section regulating mining in the area is altered, following discussions with the Department of Justice.

This amendment is the subject of substantial agreement between the gentleman from Minnesota (Mr. OBERSTAR) and the supporters of the committee bill, except that the amendment creates a mining protection area outside of the BWCA, while the Oberstar substitute would not.

The amendment makes several changes in the committee bill. It deletes the committee bill's absolute prohibition against any mining which requires the use of property owned by the United States. Such mining will be prohibited if it may materially impair the wilderness quality of the wilderness area or the natural values and environmental quality of the mining protection area. In addition, the amendment adds certain conditions which must be met before any mining or exploration permits may be issued.

This package would allow motorboat use, either permanently or for a great period of time, on 20 percent, or approximately 20 percent of the water area in the BWCA. Combined with the existing provisions in H.R. 12250, approximately 75 percent of the motor users of the BWCA will have their entrance point lakes available for motor use. These concessions permit motor use on every lake where there is a concentration of homes and resorts and on certain interior lakes highly prized for their fishing. It, in essence, embraces the idea of evolution or the concept of moving from motorized to nonmotorized use in such a way that it is both accommodating and useful.

The lengthy phase-out period will allow for motor boat use for a generation or longer—in other words, until a time when the people affected would not be using motors.

With regard to motorized use, I think it is interesting to look at the use statistics, which do not deal with the peripheral lakes which remain open, permanently only 7 percent of the permits issued are for local use to the interior lakes. That is presently 7 percent. Yet, with these proposals we are making sure that almost half of those will continue to be allowed. So, it seems, as we look at the statistics here and ask about figures, that there are a number of other factors that should be considered. This is truly a compromise which, when added to the earlier concessions in the committee bill, is something everyone will be able to support.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to my colleague from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the amendment in the nature of a substitute also includes some language on mining on which, I believe, we are in substantial agreement. If I should prevail and the parliamentary situation would be appropriate, I would be happy to entertain an amendment to my substitute should that situation come up to provide conformity on the mining language. I have a question about the area covered by the mineral protection zone agreed to in the gentleman's substitute.

I want to know whether, specifically, the area geographically covered by that area extends south of the Kawishiwi River, south for a couple of sections and east for a couple of sections. Could the gentleman advise me whether it covers that area?

Mr. PHILLIP BURTON. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. PHILLIP BURTON. The outer parameters of my protection zone are the same as was in the old NRA.

Mr. OBERSTAR. Would that extend to south of White Iron Lake?

Mr. PHILLIP BURTON. I cannot make a representation in that respect, but I do assure the gentleman that, as I under-

stand my discussions with the gentleman from Minnesota (Mr. VENTO), and the other gentlemen from Minnesota, (Mr. FRASER and Mr. NOLAN), we do not intend by any indirection seek any limitation on mining other than in the federally owned lands.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(At the request of Mr. PHILLIP BURTON and by unanimous consent Mr. VENTO was allowed to proceed for 5 additional minutes.)

Mr. PHILLIP BURTON. I would like to note further that there is one other amendment where, as the gentleman is yielding on the mining rights, we are yielding on the matching to the State of Minnesota. All of this is to cancel out any unintended advantage so that we can get down to whatever the fundamental issues here are.

Mr. OBERSTAR. We have agreement on timber and mining.

Mr. PHILLIP BURTON. That is right, so we do not intend to reach anything farther than I had indicated. I am sure the gentleman will accept my assurance that if we achieve results in this sensitive area, that which would be taken in conference, so that we do not seek any inequity of advantage in any respect, as I am sure applies also to Mr. OBERSTAR.

Mr. OBERSTAR. Of course. I would like to ascertain the effect of this mineral protection zone or possible mineral developments outside the BWCA and beyond the entry area of the Fernberg Road.

Mr. VENTO. If I can reclaim my time, I think it follows the boundaries exactly of the national recreation area which existed. If it was not in the national recreation area then it would not be included in the mining protection area. There are no new areas included. If we can get to the map I think we can resolve it quickly. Our map on the floor does not show that and we cannot adequately clear up the gentleman's questions.

Mr. OBERSTAR. The purpose of my question is to show this area I just referred to is near the mineral deposit on which the International Nickel Co. has federally issued leases which are well outside the BWCA.

Mr. VENTO. I think that is a good point. I think any requirements should be considered.

Mr. PHILLIP BURTON. Mr. Chairman, if the gentleman will yield, I am advised my staff believe that to be the case, but until we are absolutely certain, the gentleman does not have anything to worry about. It is not in the legislation.

Mr. VENTO. I think this discussion points up an important point, that activities do spill out and spill over, and that this provision provides reinforcement for the type of protection we are trying to create by including the mining protection area.

Mr. FRASER. Mr. Chairman, I rise in support of the Vento substitute.

Mr. Chairman, one of the points that needs to be stressed about the committee bill and the substitute offered by the gentleman from Minnesota (Mr. VENTO), which incorporates the committee bill, and the substitute offered by the gentleman from Minnesota (Mr. OBERSTAR) is the fact that the Oberstar bill would extend and continue motorized use along the BWCA adjacent to the Quetico Provincial Park which lies just to the north. In Canada there is an area comparable to the BWCA with a great number of lakes that are open to canoeing. The Canadians have been gradually extending protection to the Quetico Park and they are banning motorized use on their side effective this year. The Oberstar bill would continue motorized use on the United States side, which is obviously an incompatible use of the area and one which surely we would not want to continue.

The other point I want to make about the substitute is that it does deal with the concern developed by the administration with respect to mining claims in the effort to give protection to the boundary waters to make sure no mining is going to go on there, and this is a position all of us hold and share with the gentleman from Minnesota (Mr. OBERSTAR). We want to make sure the language provided meets the concern of the Department of Justice.

The Department of Justice has looked at these various drafts, and the language which is now in the Vento substitute we are certain will deal adequately with the problem which they had raised in their communication to us.

Mr. RONCALIO. Mr. Chairman, if the gentleman will yield, does anyone else have an opportunity of recommendations on this bill such as might be submitted by the International Joint Commission between the United States and Canada?

Mr. FRASER. To my knowledge, the International Joint Commission between the United States and Canada has not been drawn into this because it is usually drawn only into issues where there are disputes arising out of an alleged violation of a treaty, such as with water. A recent example of that would be the Garrison Dam diversion in North Dakota. But, of course, we are common neighbors with Canada on this particular wilderness. Quetico picks up the Canadian side and the BWCA picks up on our side.

Another question I would like to address myself to is the number or how many lakes are to be made open. It was asserted earlier in the general debate that canoeing had remained roughly the same over the last two or three decades. In fact, that is not what has happened. In 1960, for example, canoeists accounted for 50 percent of the visitors days but 16 years later the canoeing visitor days had grown to 72 percent. In other words, canoeing use has been growing. The total use has grown to the point that the Forest Service has had to go to the permit system in order to avoid overcrowding, and we are finding out that the continued motorized use is inconsistent with the increased demand for the area by the canoeists.

It is worth noting that a U.S. Forest Service study in 1975 said that:

> Permitting motorized use to continue reduces the carrying capacity of the area and can only result in an earlier need to restrict the number of people permitted in the BWCA.

Mr. Chairman, I just want to conclude by exploring one major problem with the Oberstar version, which is that motorized use would not be significantly diminished under it.

We made the point in general debate which needs underscoring, that 98 percent of the motorized use that exists today would be continued under his substitute and would be made permanent in the law, and additional management changes by the Forest Service could not be made until Congress amended the law.

But, Mr. Chairman, even more serious, snowmobiles, which have been banned for the last 2 years, would also be reintroduced, and again on a permanent basis. As I say, snowmobiles were banned 2 years ago by order of the Secretary of Agriculture. The Oberstar substitute reverses that decision and renews the use of them.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. FRASER was allowed to proceed for 1 additional minute.)

Mr. FRASER. As I was saying, Mr. Chairman, this substitute would reinstitute the use of snowmobiles and that will also be on a permanent basis.

So I would urge my colleagues to look carefully at the Vento substitute. It incorporates the committee language. It incorporates everything else that we proposed in our letter to our colleagues a few days ago, opening up Trout Lake until the year 2010, Lake Saganoga until the year 2010, Jackfish and Pipestone Bay until the year 2000, increasing the horsepower on the peripheral lakes up to 25 horsepower. We think these adjustments and concessions on the lakes that have had heavy motorized use in the past ought to provide the appropriate transition from the current status of the BWCA as we work toward bringing it under a more nearly total wilderness management philosophy.

The CHAIRMAN. The question is on the amendment offered as a substitute by the gentleman from Minnesota (Mr. VENTO) for the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. OBERSTAR).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PHILLIP BURTON. Mr. Chairman, pursuant to the understanding I have—and I do not like to do this, but I do like to honor my commitments and my words—pursuant to the understanding with the gentleman from Minnesota, we have agreed that no matter what the initial outcome would be we would ask for a recorded vote.

Therefore, Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 141, not voting 80, as follows:

[Roll No. 409]

AYES—213

Addabbo	Fowler	Mottl
Akaka	Fraser	Murphy, Ill.
Ambro	Fuqua	Murphy, Pa.
Ammerman	Gammage	Murtha
Anderson, Ill.	Garcia	Natcher
Annunzio	Gaydos	Nedzi
Archer	Gephardt	Nolan
Ashley	Gilman	O'Brien
Aspin	Glickman	Obey
AuCoin	Gonzalez	Ottinger
Bafalis	Goodling	Panetta
Barnard	Gradison	Patterson
Beard, R.I.	Grassley	Pease
Bedell	Green	Pepper
Bennett	Hamilton	Perkins
Biaggi	Hanley	Pettis
Bingham	Harkin	Pickle
Blanchard	Harrington	Preyer
Blouin	Harris	Pursell
Boland	Heckler	Quayle
Bonior	Heftel	Quillen
Brademas	Hightower	Rahall
Breckinridge	Hillis	Railsback
Brinkley	Hollenbeck	Rangel
Brodhead	Holtzman	Regula
Buchanan	Ireland	Reuss
Burlison, Mo.	Jacobs	Richmond
Burton, John	Jeffords	Rinaldo
Burton, Phillip	Johnson, Colo.	Rogers
Byron	Jones, N.C.	Roncalio
Caputo	Jordan	Russo
Carr	Kastenmeier	Sawyer
Cavanaugh	Kazen	Scheuer
Cederberg	Keys	Schroeder
Chisholm	Kildee	Sebelius
Clay	Kostmayer	Seiberling
Cohen	Krebs	Sharp
Collins, Ill.	Krueger	Simon
Conte	Le Fante	Slack
Corcoran	Leach	Smith, Iowa
Corman	Lehman	Solarz
Cornell	Lent	Spellman
Coughlin	Levitas	Spence
Davis	Lloyd, Calif.	St Germain
de la Garza	Long, Md.	Staggers
Derrick	Luken	Stanton
Derwinski	Lundine	Stark
Dicks	McClory	Steers
Diggs	McCormack	Stratton
Downey	McDade	Studds
Duncan, Tenn.	McHugh	Thompson
Early	McKinney	Traxler
Eckhardt	Maguire	Trible
Edgar	Mahon	Udall
Edwards, Calif.	Markey	Vander Jagt
Emery	Marks	Vanik
English	Mathis	Vento
Evans, Colo.	Mattox	Walgren
Evans, Del.	Mazzoli	Waxman
Evans, Ga.	Meeds	Weaver
Fascell	Metcalfe	Weiss
Fenwick	Meyner	White
Findley	Mikulski	Whitehurst
Fish	Mikva	Whitley
Fisher	Miller, Calif.	Winn
Fithian	Mineta	Wirth
Flood	Mitchell, Md.	Wolff
Florio	Moakley	Wydler
Foley	Moffett	Wylie
Ford, Mich.	Moorhead, Pa.	Yates
Ford, Tenn.	Moss	Yatron

NOES—141

Abdnor	Clausen, Don H.	Fountain
Andrews, N.C.	Clawson, Del	Frenzel
Andrews, N. Dak.	Cleveland	Goldwater
Armstrong	Coleman	Gore
Ashbrook	Collins, Tex.	Gudger
Badham	Conable	Guyer
Baldus	Crane	Hagedorn
Bauman	Cunningham	Hall
Beard, Tenn.	D'Amours	Hammer-schmidt
Benjamin	Daniel, Dan	Hansen
Boggs	Daniel, R. W.	Harsha
Bolling	Delaney	Hefner
Breaux	Dent	Holt
Brooks	Devine	Horton
Broomfield	Dickinson	Hubbard
Brown, Ohio	Edwards, Ala.	Huckaby
Broyhill	Edwards, Okla.	Hughes
Burgener	Erlenborn	Hyde
Burke, Fla.	Ertel	Ichord
Burke, Mass.	Evans, Ind.	Johnson, Calif.
Burleson, Tex.	Fary	Jones, Okla.
Butler	Flippo	Jones, Tenn.
Carter	Flynt	Kelly
Chappell	Forsythe	Kemp
Ketchum	Moorhead, Calif.	Sikes
LaFalce	Myers, Gary	Sisk
Lagomarsino	Myers, John	Skelton
Latta	Myers, Michael	Smith, Nebr.
Lederer	Nichols	Snyder
Leggett	Nowak	Stangeland
Lloyd, Tenn.	Oberstar	Steed
Long, La.	Poage	Steiger
Lott	Price	Symms
Lujan	Quie	Taylor
McDonald	Rhodes	Treen
McEwen	Risenhoover	Volkmer
McFall	Roberts	Waggonner
McKay	Robinson	Walker
Madigan	Roe	Walsh
Marlenee	Rooney	Wampler
Marriott	Rostenkowski	Watkins
Martin	Rousselot	Wilson, Tex.
Michel	Rudd	Wright
Milford	Satterfield	Young, Fla.
Miller, Ohio	Schulze	Young, Mo.
Mitchell, N.Y.	Shipley	Zablocki
Moore	Shuster	

NOT VOTING—80

Alexander	Frey	Rose
Allen	Giaimo	Rosenthal
Anderson, Calif.	Gibbons	Roybal
Applegate	Hannaford	Runnels
Baucus	Hawkins	Ruppe
Beilenson	Holland	Ryan
Bevill	Howard	Santini
Bonker	Jenkins	Sarasin
Bowen	Jenrette	Skubitz
Brown, Calif.	Kasten	Stockman
Brown, Mich.	Kindness	Stokes
Burke, Calif.	Livingston	Stump
Carney	McCloskey	Teague
Cochran	Mann	Thone
Conyers	Minish	Thornton
Cornwell	Mollohan	Tsongas
Cotter	Montgomery	Tucker
Danielson	Murphy, N.Y.	Ullman
Dellums	Neal	Van Deerlin
Dingell	Nix	Whalen
Dodd	Oakar	Whitten
Dornan	Patten	Wiggins
Drinan	Pattison	Wilson, Bob
Duncan, Oreg.	Pike	Wilson, C. H.
Eilberg	Pressler	Young, Alaska
Flowers	Pritchard	Young, Tex.
	Rodino	Zeferetti

The Clerk announced the following pairs:

On this vote:

Mr. Pattison of New York for, with Mr. Jenrette against.

Mr. McCloskey for, with Mr. Dingell against.

Mr. Cornwell for, with Mr. Dornan against.

Mr. Alexander for, with Mr. Livingston against.

Mr. Carney for, with Mr. Teague against.

Mr. Zeferetti for, with Mr. Bevill against.

Mr. Hawkins for, with Mr. Runnels against.

Messrs. COHEN, MURPHY of Illinois, REGULA, MCCORMACK, and CAPUTO changed their vote from "no" to "aye."

Mr. GOLDWATER changed his vote from "aye" to "no."

So the amendment offered as a substitute for the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended, offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MURTHA, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 12250) to designate the Boundary Waters Canoe Area Wilderness, to establish the Boundary Waters Canoe Area National Recreation Area, and for other purposes, pursuant to House Resolution 1213, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SEBELIUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 324, nays 29, not voting 81, as follows:

[Roll No. 410]

YEAS—324

Abdnor	Cohen	Gaydos
Addabbo	Coleman	Gephardt
Akaka	Collins, Ill.	Gilman
Ambro	Collins, Tex.	Ginn
Ammerman	Conable	Glickman
Anderson, Ill.	Conte	Goldwater
Andrews, N.C.	Corcoran	Gonzalez
Andrews, N. Dak.	Corman	Goodling
Annunzio	Cornell	Gore
Archer	Coughlin	Gradison
Armstrong	Cunningham	Grassley
Ashbrook	D'Amours	Green
Ashley	Daniel, Dan	Gudger
Aspin	Daniel, R. W.	Guyer
AuCoin	Davis	Hagedorn
Badham	Delaney	Hamilton
Bafalis	Dent	Hammer-schmidt
Baldus	Derrick	Hanley
Barnard	Derwinski	Harkin
Bauman	Devine	Harrington
Beard, R.I.	Dickinson	Harris
Beard, Tenn.	Dicks	Harsha
Bedell	Diggs	Heckler
Bennett	Dodd	Hefner
Biaggi	Downey	Heftel
Bingham	Duncan, Tenn.	Hightower
Blanchard	Early	Hillis
Blouin	Eckhardt	Hollenbeck
Boggs	Edgar	Holt
Boland	Edwards, Ala.	Holtzman
Bolling	Edwards, Calif.	Horton
Bonior	Edwards, Okla.	Hubbard
Brademas	Emery	Hughes
Breaux	English	Hyde
Breckinridge	Erlenborn	Ireland
Brinkley	Ertel	Jacobs
Brodhead	Evans, Colo.	Jeffords
Brooks	Evans, Del.	Johnson, Calif.
Broomfield	Evans, Ga.	Johnson, Colo.
Brown, Ohio	Evans, Ind.	Jones, N.C.
Broyhill	Fary	Jordan
Buchanan	Fascell	Kastenmeier
Burgener	Fenwick	Kelly
Burke, Fla.	Findley	Kemp
Burke, Mass.	Fish	Ketchum
Burlison, Mo.	Fisher	Keys
Burton, John	Fithian	Kildee
Burton, Phillip	Flippo	Kostmayer
Butler	Flood	Krebs
Byron	Florio	Krueger
Caputo	Foley	LaFalce
Carr	Ford, Mich.	Lagomarsino
Carter	Ford, Tenn.	Latta
Cavanaugh	Forsythe	Le Fante
Cederberg	Fountain	Leach
Chappell	Fowler	Lederer
Clausen, Don H.	Fraser	Leggett
Clay	Frenzel	Lehman
Cleveland	Fuqua	Lent
	Gammage	Levitas
	Garcia	

Lloyd, Calif.	Myers, Michael	Skubitz
Long, La.	Natcher	Slack
Long, Md.	Nedzi	Smith, Iowa
Lott	Nichols	Smith, Nebr.
Lujan	Nolan	Snyder
Luken	Nowak	Solarz
Lundine	Obey	Spellman
McClory	O'Brien	Spence
McCormack	Ottinger	St Germain
McDade	Panetta	Staggers
McFall	Patterson	Stangeland
McHugh	Pattison	Stanton
McKay	Pease	Stark
McKinney	Pepper	Steed
Madigan	Perkins	Steers
Maguire	Pettis	Steiger
Mahon	Pickle	Stratton
Markey	Preyer	Studds
Marks	Price	Thompson
Marlenee	Pursell	Traxler
Marriott	Quayle	Treen
Martin	Quie	Trible
Mathis	Quillen	Udall
Mattox	Rahall	Vander Jagt
Mazzoli	Railsback	Vanik
Meeds	Rangel	Vento
Metcalfe	Regula	Volkmer
Meyner	Reuss	Walgren
Michel	Rhodes	Walker
Mikulski	Richmond	Wampler
Mikva	Rinaldo	Waxman
Miller, Calif.	Roberts	Weaver
Miller, Ohio	Robinson	Weiss
Mineta	Roe	White
Mitchell, Md.	Rogers	Whitehurst
Mitchell, N.Y.	Roncallo	Whitley
Moakley	Rooney	Wilson, Tex.
Moffett	Rostenkowski	Winn
Moore	Russo	Wolff
Moorhead, Calif.	Sawyer	Wright
	Scheuer	Wydler
Moorhead, Pa.	Schroeder	Wylie
Moss	Schulze	Yates
Mottl	Sebelius	Yatron
Murphy, Ill.	Seiberling	Young, Fla.
Murphy, Pa.	Sharp	Young, Mo.
Murtha	Sikes	Zablocki
Myers, Gary	Simon	
Myers, John	Skelton	

NAYS—29

Benjamin	Jones, Tenn.	Satterfield
Burleson, Tex.	Lloyd, Tenn.	Shipley
Clawson, Del	McDonald	Shuster
Crane	McEwen	Sisk
Flynt	Milford	Symms
Hall	Oberstar	Taylor
Hansen	Poage	Waggonner
Huckaby	Risenhoover	Walsh
Ichord	Rousselot	Watkins
Jones, Okla.	Rudd	

NOT VOTING—81

Alexander	Frey	Rosenthal
Allen	Giaimo	Roybal
Anderson, Calif.	Gibbons	Runnels
	Hannaford	Ruppe
Applegate	Hawkins	Ryan
Baucus	Holland	Santini
Bellenson	Howard	Sarasin
Bevill	Jenkins	Stockman
Bonker	Jenrette	Stokes
Bowen	Kasten	Stump
Brown, Calif.	Kazen	Teague
Brown, Mich.	Kindness	Thone
Burke, Calif.	Livingston	Thornton
Carney	McCloskey	Tsongas
Chisholm	Mann	Tucker
Cochran	Minish	Ullman
Conyers	Mollohan	Van Deerlin
Cornwell	Montgomery	Whalen
Cotter	Murphy, N.Y.	Whitten
Danielson	Neal	Wiggins
de la Garza	Nix	Wilson, Bob
Dellums	Oakar	Wilson, C. H.
Dingell	Patten	Wirth
Dornan	Pike	Young, Alaska
Drinan	Pressler	Young, Tex.
Duncan, Oreg.	Pritchard	Zeferetti
Eilberg	Rodino	
Flowers	Rose	

The Clerk announced the following pairs:

Mr. Drinan with Mr. Stump.
Mr. Zeferetti with Mr. Holland.
Mr. Howard with Mr. Pike.
Mr. Carney with Mr. Frey.
Mr. Jenrette with Mr. Pressler.
Mr. Patten with Mr. Brown of Michigan.
Mr. Minish with Mr. Ruppe.
Mrs. Burke of California with Mr. Pritchard.
Mr. Bevill with Mr. Cochran of Mississippi.
Mr. Alexander with Mr. Bob Wilson.
Mr. Cornwell with Mr. Runnels.
Mr. Cotter with Mr. Sarasin.
Mr. Mollohan with Mr. Jenkins.
Mr. Giaimo with Mr. Whalen.
Mr. Baucus with Mr. Tucker.
Mr. Brown of California with Mr. Kasten.
Mr. Danielson with Mr. Anderson of California.
Mr. Flowers with Mr. Dornan.
Mr. Eilberg with Mr. Young of Alaska.
Mr. Rose with Mr. Kindness.
Mr. Murphy of New York with Mr. Wirth.
Mr. Roybal with Mr. McCloskey.
Mr. Van Deerlin with Mr. Allen.
Mr. Whitten with Mr. de la Garza.
Mr. Charles H. Wilson of California with Mr. Thornton.
Mr. Mann with Mr. Hannaford.
Mr. Bonker with Mr. Stockman.
Ms. Oakar with Mr. Ullman.
Mr. Dellums with Mr. Conyers.
Mr. Gibbons with Mr. Neal.
Mr. Nix with Mr. Montgomery.
Mr. Santini with Mr. Bellenson.
Mr. Tsongas with Mr. Bowen.
Mr. Applegate with Mr. Hawkins.
Mr. Dingell with Mr. Livingston.
Mr. Duncan of Oregon with Mr. Teague.
Mrs. Chisholm with Mr. Ryan.
Mr. Kazen with Mr. Rosenthal.
Mr. Stokes with Mr. Wiggins.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent that the title of the bill be amended to read: "A bill to designate the Boundary Waters Canoe Area Wilderness, to establish the Boundary Waters Canoe Area Mining Protection Area, and for other purposes."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

"DIRTY DOZEN LIST" A HIGH HONOR

(Mr. RISENHOOVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RISENHOOVER. Mr. Speaker, over the weekend nine of my colleagues and I in the House of Representatives and two Members of the other body were placed on the "Dirty Dozen List" by the environmental action group here in Washington.

I would just like to say that to be on the "hit list" of that ultraliberal, unshaven, unclean bunch of kooks is the highest honor that has been paid to me since I have been in the House of Representatives.

PROVIDING FOR CONSIDERATION OF H.R. 12481, INSULAR AREAS AUTHORIZATION

Mr. MEEDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1191 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1191

Resolved, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12481) to authorize appropriations for certain insular areas of the United States, and for other purposes, and all points of order against section 3(b)(2) of said bill for failure to comply with the provisions of clause 5, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Washington (Mr. MEEDS) is recognized for 1 hour.

Mr. MEEDS. Mr. Speaker, I yield the usual 30 minutes to the gentleman from California (Mr. DEL CLAWSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1191 is the rule providing for the consideration of the bill, H.R. 12481 authorizing appropriations for certain insular areas of the United States.

This is a 1-hour open rule providing for two waivers of points of order against certain provisions in the bill. The first is a waiver of section 402(a) of the Budget Act. That section provides it shall not be in order to consider any bill which authorizes new budget authority for a fiscal year unless the bill has been reported by May 15 preceding the beginning of such fiscal year. A waiver is necessary for some points of order that could be raised against provisions in the original bill, most of which were eliminated in committee. The waiver was granted with the understanding that the few remaining Budget Act violations will be taken care of by a floor amendment here today.

In addition, the rule waives points of order for failure to comply with the provisions of clause 5, rule XXI. The waiver was granted only for one section—section 3(b)(2)—which contains

a minor appropriation in this authorization bill.

Mr. Speaker, the purpose of this bill is to authorize appropriations for programs in Guam, the Virgin Islands, the Northern Marianas Islands, American Samoa, and the Trust Territory of the Pacific Islands. The programs include health care needs, economic development programs, several new parks, and a total of $15 million for the rehabilitation and resettlement of the Bikini Atoll and Kili Island.

Mr. Speaker, I support the rule and urge the adoption of House Resolution 1191 in order that H.R. 12481 may be considered.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, House Resolution 1191 provides for the consideration of H.R. 12481, which authorizes appropriations for certain insular areas of the United States. The rule allows 1 hour of general debate. The bill will then be open to all germane amendments under the 5-minute rule. One motion to recommit will be in order.

Two waivers are necessary to permit consideration of the bill and the proposed committee amendments. As introduced, H.R. 12481 violates section 402(a) of the Congressional Budget Act. The waiver is required because the bill failed to meet the May 15, 1977, deadline for reporting authorizations for fiscal year 1978, though the committee amendments correct the situation. Section 3(b)(2) of the bill fails to comply with the provisions of clause 5, rule 21, which prohibits appropriations in a legislative measure. Because of the violation, the rule contains a waiver of all points of order against that section.

Mr. Speaker, H.R. 12481 authorizes $162.5 million for various programs for Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Marianas Islands. The bill failed under suspension of the rules on May 8, however, I am aware of no organized opposition to the rule.

Mr. Speaker, I have no further requests for time.

Mr. MEEDS. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RUDD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 344, nays 2, not voting 88, as follows:

[Roll No. 411]

YEAS—344

Abdnor	English	Levitas
Akaka	Erlenborn	Lloyd, Calif.
Ambro	Ertel	Lloyd, Tenn.
Ammerman	Evans, Colo.	Long, La.
Andrews, N.C.	Evans, Del.	Long, Md.
Andrews, N. Dak.	Evans, Ga.	Lott
	Evans, Ind.	Lujan
Annunzio	Fary	Luken
Archer	Fascell	Lundine
Armstrong	Fenwick	McClory
Ashbrook	Findley	McCormack
Ashley	Fish	McDade
Aspin	Fisher	McEwen
AuCoin	Fithian	McFall
Badham	Flippo	McHugh
Bafalis	Flood	McKay
Baldus	Florio	McKinney
Barnard	Flynt	Madigan
Bauman	Foley	Maguire
Beard, R.I.	Ford, Mich.	Mahon
Beard, Tenn.	Ford, Tenn.	Markey
Bedell	Forsythe	Marks
Benjamin	Fountain	Marlenee
Bennett	Fowler	Marriott
Biaggi	Fraser	Mathis
Bingham	Frenzel	Mattox
Blanchard	Fuqua	Mazzoli
Blouin	Gammage	Meeds
Boggs	Garcia	Meyner
Boland	Gaydos	Michel
Bolling	Gephardt	Mikulski
Bonior	Ginn	Mikva
Brademas	Glickman	Miller, Calif.
Breaux	Goldwater	Miller, Ohio
Breckinridge	Gonzalez	Mineta
Brinkley	Goodling	Mitchell, Md.
Brodhead	Gore	Mitchell, N.Y.
Brooks	Gradison	Moakley
Broomfield	Grassley	Moffett
Brown, Ohio	Green	Moore
Broyhill	Gudger	Moorhead, Calif.
Buchanan	Guyer	
Burgener	Hagedorn	Moorhead, Pa.
Burke, Fla.	Hall	Moss
Burke, Mass.	Hamilton	Motti
Burleson, Tex.	Hammer-schmidt	Murphy, Ill.
Burlison, Mo.		Murphy, Pa.
Burton, John	Hanley	Murtha
Burton, Phillip	Hansen	Myers, Gary
Butler	Harkin	Myers, John
Byron	Harrington	Myers, Michael
Carr	Harris	Natcher
Carter	Harsha	Nedzi
Cavanaugh	Hawkins	Nichols
Cederberg	Heckler	Nolan
Chappell	Hefner	Nowak
Chisholm	Heftel	O'Brien
Clausen, Don H.	Hightower	Oberstar
	Hillis	Obey
Clawson, Del	Hollenbeck	Ottinger
Clay	Holt	Panetta
Cleveland	Holtzman	Patterson
Cohen	Horton	Pattison
Coleman	Hubbard	Pease
Collins, Ill.	Huckaby	Pepper
Conable	Hughes	Perkins
Conte	Hyde	Pettis
Corcoran	Ichord	Pickle
Corman	Ireland	Poage
Cornell	Jacobs	Preyer
Coughlin	Jeffords	Price
Crane	Johnson, Calif.	Pursell
Cunningham	Johnson, Colo.	Quayle
D'Amours	Jones, N.C.	Quie
Daniel, Dan	Jones, Okla.	Quillen
Daniel, R. W.	Jones, Tenn.	Rahall
Davis	Jordan	Railsback
Delaney	Kastenmeier	Rangel
Dent	Kelly	Regula
Derrick	Kemp	Reuss
Derwinski	Ketchum	Rhodes
Devine	Keys	Richmond
Dickinson	Kildee	Rinaldo
Dicks	Kostmayer	Risenhoover
Diggs	Krebs	Roberts
Dodd	Krueger	Robinson
Downey	LaFalce	Roe
Duncan, Tenn.	Lagomarsino	Rogers
Early	Latta	Roncalio
Eckhardt	Le Fante	Rooney
Edgar	Leach	Rostenkowski
Edwards, Ala.	Lederer	Rudd
Edwards, Calif.	Leggett	Russo
Edwards, Okla.	Lehman	Satterfield
Emery	Lent	Sawyer
Scheuer	Staggers	Walgren
Schroeder	Stangeland	Walker
Schulze	Stanton	Walsh
Sebelius	Stark	Wampler
Seiberling	Steed	Watkins
Sharp	Steers	Weaver
Shipley	Steiger	Weiss
Shuster	Stratton	White
Sikes	Studds	Whitehurst
Simon	Symms	Whitley
Sisk	Taylor	Wiggins
Skelton	Thompson	Wilson, Tex.
Skubitz	Traxler	Winn
Slack	Treen	Wirth
Smith, Iowa	Trible	Wydler
Smith, Nebr.	Udall	Wylie
Snyder	Vander Jagt	Yates
Solarz	Vanik	Yatron
Spellman	Vento	Young, Fla.
Spence	Volkmer	Young, Mo.
St Germain	Waggonner	Zablocki

NAYS—2

Collins, Tex.	McDonald

NOT VOTING—88

Addabbo	Frey	Rose
Alexander	Giaimo	Rosenthal
Allen	Gibbons	Rousselot
Anderson, Calif.	Gilman	Roybal
	Hannaford	Runnels
Anderson, Ill.	Holland	Ruppe
Applegate	Howard	Ryan
Baucus	Jenkins	Santini
Bellenson	Jenrette	Sarasin
Bevill	Kasten	Stockman
Bonker	Kazen	Stokes
Bowen	Kindness	Stump
Brown, Calif.	Livingston	Teague
Brown, Mich.	McCloskey	Thone
Burke, Calif.	Mann	Thornton
Caputo	Martin	Tsongas
Carney	Metcalfe	Tucker
Cochran	Milford	Ullman
Conyers	Minish	Van Deerlin
Cornwell	Mollohan	Waxman
Cotter	Montgomery	Whalen
Danielson	Murphy, N.Y.	Whitten
de la Garza	Neal	Wilson, Bob
Dellums	Nix	Wilson, C. H.
Dingell	Oakar	Wolff
Dornan	Patten	Wright
Drinan	Pike	Young, Alaska
Duncan, Oreg.	Pressler	Young, Tex.
Eilberg	Pritchard	Zeferetti
Flowers	Rodino	

The Clerk announced the following pairs:

Mr. Drinan with Mr. Stump.
Mr. Zeferetti with Mr. Holland.
Mr. Howard with Mr. Pike.
Mr. Carney with Mr. Frey.
Mr. Jenrette with Mr. Pressler.
Mr. Patten with Mr. Brown of Michigan.
Mr. Minish with Mr. Ruppe.
Mrs. Burke of California with Mr. Pritchard.
Mr. Bevill with Mr. Cochran of Mississippi.
Mr. Alexander with Mr. Bob Wilson.
Mr. Cornwell with Mr. Runnels.
Mr. Cotter with Mr. Sarasin.
Mr. Mollohan with Mr. Jenkins.
Mr. Giaimo with Mr. Whalen.
Mr. Baucus with Mr. Tucker.
Mr. Brown of California with Mr. Kasten.
Mr. Danielson with Mr. Bowen.
Mr. Flowers with Mr. Dornan.
Mr. Eilberg with Mr. Young of Alaska.
Mr. Rose with Mr. Kindness.
Mr. Murphy of New York with Mr. Thone.
Mr. Roybal with Mr. McCloskey.
Mr. Van Deerlin with Mr. Allen.
Mr. Whitten with Mr. de la Garza.
Mr. Charles H. Wilson of California with Mr. Thornton.
Mr. Mann with Mr. Hannaford.
Mr. Bonker with Mr. Stockman.
Ms. Oakar with Mr. Ullman.
Mr. Dellums with Mr. Conyers.
Mr. Gibbons with Mr. Neal.

Mr. Nix with Mr. Montgomery.
Mr. Santini with Mr. Bellenson.
Mr. Tsongas with Mr. Anderson of Illinois.
Mr. Applegate with Mr. Wolff.
Mr. Dingell with Mr. Rousselot.
Mr. Duncan of Oregon with Mr. Rosenthal.
Mr. Addabbo with Mr. Caputo.
Mr. Anderson of California with Mr. Gilman.
Mr. Kazen with Mr. Livingston.
Mr. Metcalfe with Mr. Martin.
Mr. Teague with Mr. Stokes.
Mr. Ryan with Mr. Milford.
Mr. Waxman with Mr. Wright.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON HOUSE CONCURRENT RESOLUTION 561, AUTHORIZING THE PRINTING AS A HOUSE DOCUMENT THE FOLDER "THE UNITED STATES CAPITOL"

Mr. HAWKINS, from the Committee on House Administration, submitted a privileged report (Rept. No. 95–1264) on the concurrent resolution (H. Con. Res. 561) authorizing the printing as a House document the folder "The United States Capitol," which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE CONCURRENT RESOLUTION 441, PROVIDING FOR PRINTING OF REPORT "NEW PERSPECTIVES IN HEALTH CARE FOR OLDER AMERICANS"

Mr. HAWKINS, from the Committee on House Administration, submitted a privileged report (Rept. No. 95–1265) on the concurrent resolution (H. Con. Res. 441) providing for the printing of the report "New Perspectives in Health Care for Older Americans," which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 1136, PROVIDING FOR PRINTING OF BOOKLET ENTITLED "DUTIES OF THE SPEAKER"

Mr. HAWKINS, from the Committee on House Administration, submitted a privileged report (Rept. No. 95–1268) on the resolution (H. Res. 1136) providing for the printing of a booklet entitled "Duties of the Speaker," which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 933, PROVIDING FOR PRINTING OF REPORT "SENIOR TRANSPORTATION: TICKET TO DIGNITY"

Mr. HAWKINS, from the Committee on House Administration, submitted a privileged report (Rept. No. 95–1268) on the resolution (H. Res. 933) providing for the printing of the report "Senior Transportation: Ticket to Dignity," which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 932, PROVIDING FOR PRINTING OF REPORT "MANDATORY RETIREMENT: THE SOCIAL AND HUMAN COST OF ENFORCED IDLENESS"

Mr. HAWKINS, from the Committee on House Administration, submitted a privileged report (Rept. No. 95–1269) on the resolution (H. Res. 932) providing for the printing of the report "Mandatory Retirement: The Social and Human Cost of Enforced Idleness," which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 847, PROVIDING FOR PRINTING AS A HOUSE DOCUMENT OF PRINT ON COMMITTEE ON SCIENCE AND TECHNOLOGY

Mr. HAWKINS, from the Committee on House Administration, submitted a privileged report (Rept. No. 95–1270) on the resolution (H. Res. 847) providing for the printing as a House document of a print of the Committee on Science and Technology, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 934, PROVIDING FOR PRINTING OF COMMITTEE PRINT "FEDERAL RESPONSIBILITY TO THE ELDERLY"

Mr. HAWKINS, from the Committee on House Administration, submitted a privileged report (Rept. No. 95–1267) on the resolution (H. Res. 934) providing for the printing of the committee print "Federal Responsibility to the Elderly," which was referred to the House Calendar and ordered to be printed.

INSULAR AREAS AUTHORIZATION

Mr. PHILLP BURTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12481) to authorize appropriations for certain insular areas of the United States, and for other purposes.

The SPEAKER pro tempore (Mr. MURTHA). The question is on the motion offered by the gentleman from California (Mr. PHILLIP BURTON).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12481, with Mr. BENNETT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. PHILLIP BURTON) will be recognized for 30 minutes, and the gentleman from California (Mr. DON H. CLAUSEN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. PHILLIP BURTON).

Mr. PHILLIP BURTON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, H.R. 12481 is this year's bill dealing with most of the insular areas. It is an authorization bill to meet some of the current and foreseeable problems of the various offshore areas of the United States. These areas include Guam, the Virgin Islands, the Northern Marianas Islands, American Samoa, and the Trust Territory of the Pacific Islands. The House Interior Committee unanimously reported out this bill with some amendments on May 3. And we are offering en block here today some additional amendments, some of which are designed to meet some objections that the Office of Management and Budget had to the earlier version of this bill, and some of which are essentially technical.

First of all, within this bill, as amended here today, is a section authorizing $15 million for the Bikini people of the Marshall Islands in the Trust Territory. These people, evacuated from their atoll some 30 years ago because of U.S. nuclear testing, have been moved from island to island over the years. The most recent crisis facing those who returned to Bikini Island after the United States had announced that it was safe for human habitation is that the island is not safe for permanent resettlement and those Bikinians now living there must be moved and resettled somewhere in the Marshalls. Not only will they not be able to live off their island for at least 30 more years, but their health has been endangered.

With the $15 million authorized, we propose in one of the amendments that a number of things be done: First, that 10 percent of this amount be distributed directly to the Bikini people by the Secretary of the Interior; second, that 10 percent be deposited in the trust fund established for the Bikini people under Public Law 94–34; and third, the remainder of this be used in resettling the Bikini people wherever it is determined they can be resettled.

For Guam, at the request of OMB, the open-ended authorization for capital improvement projects contained in the original bill is being replaced with specified amounts: $13,868,000 for fiscal year 1979 and $9,900,000 for each of fiscal years 1980 through 1983. This will better enable the Governor of Guam to plan ahead over the next 5 years.

To facilitate financial management for both Guam and the Virgin Island governments, this bill as amended provides that if the legislatures of these respective offshore areas change their fiscal year to conform with our Federal fiscal year, certain taxes collected for these governments will be estimated and prepaid by the United States to these governments rather than making such payments after collection.

Lastly, for Guam, this bill amends Public Law 95–134, which authorized $25 million to enable the government of Guam to purchase the medical center of the Marianas to meet the health care

needs of Guam, and allows up to an additional $10 million to cover all bona fide loans and interest or interest paid thereon related to the construction, maintenance, and operation until the hospital purchase, plus the rising costs involved in this purchase due to the delay in appropriating the funds.

For the Northern Marianas Islands, as amended here today, the bill authorizes $12 million to both construct a permanent power station on Saipan and to upgrade the distribution system on Saipan, Tinian, and Rota, the three major islands. This is identical to what the Senate provided in S. 2821 that passed the Senate on May 10.

At present the island is dependent upon a 35-year old power barge on loan from the U.S. Corps of Engineers. This barge is inadequate to meet the demands of economic growth in the Northern Marianas. Adequate power is absolutely essential in order to encourage the kind of business investments out there that will enable the Northern Marianas Islands to develop the private sector of their economy.

Sections 3(b) (2) and (3) of H.R. 12481, which allow funds appropriated by the Appropriations Committees to remain expendable in the Northern Marianas until they are obligated, are in this bill for a very important reason. My colleagues and I were concerned that the Northern Marianas government, born so to speak on January 9 of this year, ought not to feel pressured, because of some deadline, to obligate funds willy-nilly simply to prevent them from reverting to the U.S. Treasury. We believe that the new government needs to take as much time as it possibly can in order to make carefully well thought out decisions regarding any financial commitments it makes and that this will only be possible if the Northern Marianas government is not under the gun to obligate funds by any deadline imposed from here.

Under a provision of the Covenant (Public Law 94–241), the Northern Marianas Islands are now eligible for the food stamp program. While there is a need for some kind of food assistance program for some of the poulation of the Northern Marianas, there is also a strong desire on the part of the people to preserve their island culture and to remain as self-sufficient as is possible. Therefore, a provision in this bill would authorize the Secretary of Agriculture, should the Governor and the legislature request it, to permit modification of regulations governing the food stamp program in the Northern Marianas Islands or to permit a program of federally donated foods to operate in all or some of the islands. Since land can not be alienated in the Northern Marianas, it should be regarded by the Secretary as an inaccessible resource.

Also, to help the new constitutional government of the Northern Marianas, the Secretary of the Treasury is authorized, if requested by the Governor, to administer and enforce the collection of the various taxes, including the Federal income tax, in the islands.

For the Virgin Islands, $1 million is authorized for each of 5 fiscal years for the purpose of establishing an economic development loan fund, comparable to that now in force in Guam, the Trust Territory of the Pacific Islands, and the Northern Marianas Islands. Such a fund will encourage indigenous entrepreneurship in the Virgin Islands and bolster the private sector of the economy.

For the construction of new hospital facilities on the three islands that make up the Virgin Islands, $4 million is authorized in fiscal 1979, with an additional $12 million for each of 4 fiscal years following fiscal 1979.

In section 5, the Secretary of the Interior, acting through the Director of the National Park Service, is authorized $3 million to develop, maintain, and administer the American Memorial Park located at Tanapaga Harbor, Saipan. The park's primary purpose is to honor the dead in the World War II Marianas Islands campaign.

Authorization for the park is needed now to prevent land from possible encroachment by developers.

Authorized to be established in Guam is the War in the Pacific National Historical Park for the purpose of commemorating the bravery and sacrifice of those participating in the campaigns of the Pacific, World War II, and to conserve the natural, scenic, and historic values. Sixteen million dollars is authorized for land acquisition and $500,000 for development.

The creation of this park, No. 2 on the National Park Service's priority list, has been endorsed by both the American Legion and by the Veterans of Foreign Wars as an appropriate setting to honor those who fought in the Pacific theater during World War II.

Also, pursuant to the request of OMB, we have eliminated the proposed National Seashore in Guam, and we have eliminated fiscal recognition of the fact that Guam has and is donating its lands as part of the Guam War in the Pacific National Historical Park. We hope to be able to deal with the latter sometime later in this session.

We also have an amendment to make clear that military personnel, including past military personnel, cannot be charged any entrance fee for visitation to this park or to the American park being established in Saipan.

And lastly, for the Virgin Islands National Park, the addition of Hassel Island in St. Thomas Harbor is authorized.

Approximately 50 percent of the value of Hassel Island will be donated by Isidor Paiewonsky, a fine environmentalist, who lives in the Virgin Islands. The rest of the land acquisition money will come from the Land and Water Conservation Fund, a fund for which money has already been authorized.

In section 3(b)(c) of H.R. 12481 as reported on May 4, 1978, the language on page 6, line 9, relating to an act of Congress enacted after March 24, 1976, is intended to mean any amendment to any act of Congress enacted after that date.

And that in effect sums up the major provisions of H.R. 12481. My colleagues on the Interior Committee, both Democrats and Republicans, believe it is designed to help the governments of these offshore areas serve their people in the best possible manner.

Mr. Chairman, this legislation with the amendments is essentially without any controversy. We have worked, as one might suspect, with the minority in this respect. Congressmen DON CLAUSEN and LAGOMARSINO are to be commended for their work on this bill as are my colleagues, TONY WON PAT and RON DE LUGO. And we hope that all of you will support it.

Mr. DON H. CLAUSEN. Mr. Chairman, the legislation as presented by the chairman, the gentleman from California (Mr. PHILLIP BURTON), and described by our chairman does coincide with the minority's understanding of the situation. As the Members know, the legislation cleared this body under suspension of the rules by a vote of 203 to 170. Subsequently, there have been consultations with the administration and between the majority and minority, with a request to make some improvements.

So, I can simply state categorically that the legislation now being presented is, in fact, a tightening up and improvement over the version originally considered. It is my understanding that the chairman will be offering, on behalf of the committee, a bloc of amendments, and I will ask for his verification as to whether I understand it correctly.

Mr. PHILLIP BURTON. That is correct.

Mr. DON H. CLAUSEN. The area that we will be deleting en bloc will be the Seashore National Monument in Guam. There will be a reletion of the reimbursement payments by Guam, and also in working out with the Agriculture Committee the food stamp provisions which would give the degree of flexibility for the executive and legislative branches to address the problems unique to the Marianas as they relate to administering our food stamp program.

Finally, as we have already stated, there will be an exact authorization amount rather than an open-end authorization.

Mr. PHILLIP BURTON. The gentleman is correct.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of H.R. 12481 which represents years of cumulative legislation experience in dealing with America's offshore problems. The Subcommittee on National Parks and Insular Affairs recognizes the unsatisfactory conditions existing in America's overseas possessions is largely responsible for the innovative provisions of this bill. In particular, I want to commend Mr. Dunmire, our minority staff member, who has done yeoman work on research and follow-through. Briefly, let me explain some of the more important aspects of this comprehensive legislation.

Guam is still recovering from the devastating effects of Typhoon Pamela in 1976. Estimates on reconstruction costs

are continuously rendered out of date due to soaring inflation, especially in transportation and construction costs. To assist in rehabilitation and to update Guam's antiquated infrastructure, section 1 authorizes $13.9 million for fiscal year 1979 and $9.9 million annually for 4 years thereafter for grants to the Government of Guam for the construction of public facilities. Moreover, Public Law 95–134 which authorized $25 million for health care needs in Guam, is increased to $35 million, thereby correcting earlier cost estimates which are no longer valid.

Section 2 authorizes $15 million—$3 million of which is in the form of an ex gratia payment—for the resettlement of the people of Bikini Atoll, Trust Territory of the Pacific Islands. Hazardous radiation levels, resulting from former U.S. nuclear tests and only recently detected, render the atoll uninhabitable and a new relocation site must be developed.

Saipan, the most populous island in America's newest Commonwealth, is totally dependent upon an antiquated electric power generator barge, built over 35 years ago and on loan by the U.S. military to the Government of the Northern Marianas. Section 3 authorizes $12 million, effective October 1, 1978, to construct a new power facility essential to the economic growth on Saipan. Additionally, in order to preserve island culture and to stimulate economic growth, H.R. 12481 authorizes the Secretary of Agriculture, upon gubernatorial request pursuant to Commonwealth legislation, to modify the regulations governing the food stamp program in the Northern Mariana Islands.

In consonance with comparable Federal legislation now in force in Guam and the Trust Territory of the Pacific Islands, section 4 authorizes $1,000,000 commencing in fiscal year 1979 and for 4 years thereafter for the purpose of promoting economic development in the Virgin Islands. Moreover, $4 million in fiscal year 1979 and $12 million annually for 4 subsequent years are authorized for the construction of hospital facilities in the Virgin Islands. This authorization permits the replacement of health care facilities in St. Thomas, St. John, and St. Croix.

Under section 5, the Secretary of the Interior, acting through the Director of the National Park Service, is authorized $3 million, effective Ocotber 1, 1978, to develop, maintain and administer the American Memorial Park located at Tanapag Harbor, Saipan. The park's primary purpose is to honor the dead in the World War II Mariana Islands campaign. Similarly, in commemoration of the bravery and sacrifice of those participating in the campaigns of the Pacific theater in World War II and to conserve natural, scenic and historic values, section 6 establishes the War in the Pacific National Historical Park. The Secretary of the Interior will administer the park and is authorized $16 million for land acquisition and $500,000 for development.

Section 7 directs the Secretary of the Interior to acquire Hassel Island in Saint Thomas Harbor, Virgin Islands, consisting of approximately 135 acres for park and recreational purposes. Effective October 1, 1978, there are authorized from the Land and Water Conservation Fund such sums as may be necessary for land acquisition and $1,000,000 for restoration of historic structures and for development of public facilities.

Unfortunately, most of the provisions of this bill fall outside the fiscal year 1979 budget. This is because the House recognizes the critical needs of America's offshore areas better than does the administration. We can hardly deny health care facilities which have deteriorated due to natural causes. Nor can we forego the opportunity to acquire historical areas for the benefit of future generations. The ambiguity of the budget process often demands hard decisions. This is one instance where humanitarian concerns must override fiscal constraint.

Mr. Chairman, H.R. 12481 is a bipartisan attempt to correct some of the problems confronting U.S. citizens living in the offshore areas. In this bill, we demonstrate legislative responsiveness. H.R. 12481 is frugal in cost when compared to the social and economic problems it will overcome; I urge my colleagues to lend their full support in its passage.

Mr. PHILLIP BURTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Guam (Mr. WON PAT).

Mr. WON PAT. Mr. Chairman, I rise in support of H.R. 12481 and I want to thank my colleagues for their support and efforts on behalf of this legislation which is of such great importance to Guam and the other insular areas of the United States. My deepest gratitude must go, as usual, to subcommittee chairman PHILLIP BURTON, the principal sponsor of the bill, whose energy and efforts on behalf of the Territories have been the major factor in getting this legislation to where it is today.

I also want to express my sincere gratitude to the minority members of our committee who have been so supportive in this effort, particularly DON CLAUSEN, BOB LAGOMARSINO, BILL KETCHUM, and KEITH SEBELIUS. They have recognized the need and importance of this legislation and all of us from Guam are indeed grateful for their understanding of the difficulties which we face and their continued willingness to support us in our efforts to develop our territory. We are indeed grateful and urge our colleagues to support it.

Mr. PHILLIP BURTON. Mr. Chairman, I yield such time as he may consume to the gentleman from the Virgin Islands (Mr. DE LUGO).

Mr. DE LUGO. Mr. Chairman, I wish to commend the chairman of the subcommittee, the gentleman from California (Mr. PHILLIP BURTON) on this legislation; also, the ranking minority member, the gentleman from California (Mr. DON H. CLAUSEN), who, as usual, has shown great insight into the problems of the offshore areas. I would also like to commend the gentleman from California (Mr. LAGOMARSINO).

Mr. Chairman, I rise in strong support of H.R. 12481, omnibus territories legislation introduced by chairman of the Subcommittee on National Parks and Insular Affairs, PHIL BURTON, and reported unanimously by the full Interior Committee.

This legislation contains important new authorization for the replacement of the aging and inadequate health care facilities in the Virgin Islands. The bill, as amended, would authorize $4 million in fiscal year 1979 and $12 million annually for fiscal years 1980, 1981, 1982, and 1983 for the construction of modern new hospitals on St. Croix and St. Thomas, as well as the construction of a new health clinic on the island of St. John.

The health care system in the territory has been the object of numerous private and governmental studies, all of which have uniformly found that growing demand has far outpaced the capability of existing facilities to provide modern health care services. A number of patchwork improvements have been instituted in recent years, but the studies have concluded that the 300 percent increase in the population of the Virgin Islands over the last 18 years have simply overwhelmed the capacity of our present two hospitals on St. Thomas and St. Croix. It should also be noted that there are inadequate facilities on St. John, where our residents are dependent on boat service in emergency situations to get them to the overcrowded facility on St. Thomas.

The bill also authorizes $1 million a year over the next 5 years for the Virgin Islands to put together an economic development program. This provision will significantly assist our efforts to stimulate the private sector in the Virgin Islands and to diversify our economy, liberating it from its present heavy dependence on tourism.

Mr. Chairman, this legislation represents the bipartisan efforts of a number of our distinguished colleagues in this body. In particular, I would like to commend Chairman BURTON and the ranking minority member of the subcommittee, DON CLAUSEN, for their work on behalf of the people of the U.S. Virgin Islands.

I urge that the bill be adopted.

Mr. PHILLIP BURTON. Mr. Chairman, I have no further requests for time.

Mr. DON H. CLAUSEN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of H.R. 12481 which follows the precedent established last year wherein the Congress assumed the initiative of attending to the urgent needs of America's offshore areas. Our subcommittee chairman, Mr. PHILLIP BURTON, has once again moved out in front, prescribing remedies for America's territories to correct some of the inequities that have plagued them for years. This "mini territorial omnibus bill" does not break new sod. The problems are old—only the solutions are new.

In Guam, for example, the establishment of a War in the Pacific National Historical Park has long been top priority. Moreover, ever since Typhoon Pamela struck in 1976, piecemeal and

belated financial assistance to rebuild Guam's infrastructure have, in most cases, been gobbled up by galloping inflation. H.R. 12481 authorizes funds to initiate a comprehensive rehabilitation upgrading and new construction of public facilities on the island.

And in the Virgin Islands, an economic development assistance program to assist the small businessman and to help diversify the Virgin Islands' economy has been needed. This bill provides such a measure. Also, the pressing requirement for modern health care facilities in the Virgin Islands must be met. H.R. 12481 addresses this problem as well.

Lastly, I wish to call your attention to a crisis situation in the Pacific—one of which you are undoubtedly aware, considering its broad coverage in the Nation's leading papers—that is, the conditions under which some of the people in the Bikini Atoll are currently living. These islanders are constantly exposed to harmful and potentially lethal radiation resulting as an aftermath from America's nuclear tests in the Pacific. Something must be done—now—to eliminate this hazard.

Recently, before the House Appropriations Committee, the Magistrate of the Bikini Islanders compared his people to the Children of Israel when they left Egypt to wander 40 years in the desert. The people of Bikini, since their evacuation from their homeland in 1946, have wandered the Pacific Ocean now for 32 years with still no promised land in sight. I will include for printing in full in the RECORD immediately following my statement this impassioned plea for American assistance. H.R. 12481 contains the financial authorization to bring this pitiful sojourn of the Bikini people to an end.

Mr. Chairman, this bill is innovative without being extravagant. It is imaginative, yet prudent. It is a common sense approach in meeting America's territorial obligations. Accordingly I urge its passage.

STATEMENT OF TOMAKI JUDA MAGISTRATE OF THE KILI COUNCIL BEFORE THE HOUSE APPROPRIATIONS COMMITTEE SUBCOMMITTEE ON INTERIOR

MAY 22, 1978.

Mr. Chairman: The Kili Council thanks you for this opportunity to address your Subcommittee on a matter of such importance to our people. My name is Tomaki Juda, and I am the Magistrate of the Kili Council. With me today are three other Bikinians, Nathan Note, Kessai Note and Johnny Johnson, as well as Tony deBrum, Vice Chairman of the Marshall Islands Political Status Commission, legal counsel Jonathan M. Weisgall of Covington & Burling in Washington, D.C., and legal counsel George M. Allen of Majuro, Marshall Islands.

Mr. Chairman, today marks a sad day in what is already a sad history of our people. More than 32 years ago, members of the U.S. Navy flew by seaplane to Bikini to convince the 167 people living on our atoll that they had to leave their homes so that the U.S. could test nuclear weapons there. According to official Navy records, Commodore Wyatt spoke after a Sunday church service and "compared the Bikinians to the children of Israel whom the Lord saved from their enemy and led into the Promised Land." Commodore Wyatt told our people of the power of the atomic bomb and stated that American scientists "are trying to learn how to use it for the good of mankind and to end all world wars." The Navy said it had searched the entire world for the best place to test these powerful weapons and Bikini was it. Commodore Wyatt then asked the Bikinians: "Would you be willing to sacrifice your island for the welfare of all men?"

Our people deliberated, and Chief Juda reported their decision:

"If the United States government and the scientists of the world want to use our island and atoll for furthering development, which with God's blessing will result in kindness and benefit to all mankind, my people will be pleased to go elsewhere."

Within one month, our people were moved to Rongerik, an atoll 150 miles from Bikini. Rongerik unfortunately was unable to support our population, and we were forced to move first to Kwajalein and then to the island of Kili, where most of us are still living today.

Meanwhile, the United States proceeded to conduct numerous nuclear tests on the 27 islands of Bikini. In fact, today there are only 24 islands on our atoll, since the 1954 Bravo shot, the second hydrogen bomb ever tested, demolished three islands and left a circular hole in the reef one mile wide.

In 1968, we were very pleased when President Johnson announced that Bikini Atoll was safe, and he promised that we could return home. But even then, the AEC seemed to be more interested in returning our people to Bikini than surveying the islands carefully enough to determine whether it was in fact safe for us to return. For years, we asked for comprehensive tests to measure the safety of Bikini, but we were assured all along, first by the AEC, then ERDA, and now the Department of Energy, that there were no serious radiation problems on Bikini. We did not want to return to Bikini until the U.S. had conducted tests with its most sophisticated aerial radiological survey equipment. Finally, in 1975 we filed suit in Honolulu to ask for an accurate measurement of radiation levels at Bikini and elsewhere in the Northern Marshalls in order to make a decision whether to return to Bikini.

After nearly two and one-half years of litigation, the U.S. last month finally agreed to conduct an aerial survey, but even then the agencies continued to argue among themselves, while our people suffered, over who would pay for the survey.

Over the weekend, we learned that the radiation levels of Bikini Atoll are so high that our people must once again leave Bikini. These people were moved by the U.S. to Bikini without adequate precautions and they have been exposed to dangerous levels of radiation. Our sadness today results from the fact that we believe this situation could have been avoided if a comprehensive study of the island had been conducted several years ago and if the scientists had been more realistic in their assessment of the dangers. It seems odd today that it was the Bikinians themselves who had to ask for testing and that our requests were refused. We were naive then, but our ignorance has turned into sadness and bitterness as we see ourselves as the victims of bureaucractic incompetence.

Needless to say, serious questions concerning resettlement, compensation and long-term medical care must also be addressed as soon as possible. With Bikini Atoll no longer possible as a home, we must find some location for our people to reunite and live together. Kili Island has severe disadvantages. Unlike Bikini Atoll, with its calm lagoon and reef fishing, Kili is an island, with no lagoon and no reef, so fishing is impossible. Kili runs parallel to the northeast tradewinds, so neither side of the island is leeward, and there is thus no protection for boats. The surf created by the tradewinds from November to May isolates Kili completely, except for infrequent calm spells. As a result of all these factors, we are continually dependent on food supports from the U.S.

Mr. Chairman, we know that there are no easy solutions to the problems facing our people, and we appreciate and respect the efforts made to help us by Mrs. Van Cleve, High Commissioner Adrian Winkel, District Administrator deBrum, John deYoung of the Department of Interior and others. We have learned that mere moral obligations of the U.S. do not enjoy much support in Washington. But we must change this attitude. Mr. Chairman, recall the ironic words of Commodore Wyatt in 1946, when he compared us to the Children of Israel whom the Lord led into the Promised Land. We are, sadly, more akin to the Children of Israel when they left Egypt and wandered through the desert for 40 years. We left Bikini and have wandered through the ocean for 32 years, and we will never return to our Promised Land. But we hope that today's sad news can serve as a catalyst to make the Bikini problem one of top priority so that we may soon find a permanent home in the Marshalls. We need your help. Thank you.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, just yesterday I got a telephone call about a most pitiful case. A man working on an oil rig just offshore saw two small boats approaching. They were manned by a man I met in Vietnam in March of 1975. There were 71 people in two frail boats; 18 women and 26 children were included in that number. The ship was not allowed to pick them up or do anything for them. They were told the best thing they could do would be to head for Australia.

This kind of thing is happening all the time. That was April 21. Nothing has been heard of those people since.

I think we must alert our ships and Embassies that we cannot treat these helpless people in this heartless way.

Mr. PHILLIP BURTON. Mr. Chairman, I commend our distinguished colleagues.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DON H. CLAUSEN. Mr. Chairman, I have no further requests for time, and yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congresse assembled,

GUAM

SECTION 1. (a)(1) There are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary for grants to the government of Guam for the construction of public facilities and the maintenance of essential services.

(2) The Secretary may place such stipulation as he deems appropriate on the use of funds appropriated pursuant to subsection (a)(1) hereof, which are not inconsistent with any stipulations placed on the use of such sums by any other Act of Congress.

(3) Grants provided pursuant to this section and not obligated or expended by the government of Guam during any fiscal year will remain available for obligation or ex-

penditure by such government in subsequent fiscal years for the purposes for which the funds were appropriated.

(4) Funds provided under paragraph (a)(1) may be used by Guam as the matching share for Federal programs and services.

(5) Authorizations of moneys to be appropriated under this subsection shall be effective on October 1, 1978.

(b) The government of Guam in carrying out the purposes of this Act or Public Law 95-134, may utilize, to the extent practicable, the available services and facilities of agencies and instrumentalities of the Federal Government on a reimbursable basis. Reimbursements may be credited to the appropriation or fund which provided the services and facilities. Agencies and instrumentalities of the Federal Government may, when practicable, make available to the government of Guam upon request of the Secretary such services and facilities as they are equipped to render or furnish, and they may do so without reimbursement if otherwise authorized by law.

(d) Section 30 of the Organic Act of Guam (48 U.S.C., 1421i), is amended by adding at the end thereof the following: "Beginning June 30, 1978, and annually thereafter, the foregoing sums shall be covered into the treasury of Guam on the basis of the total amount of such duties, taxes, and fees as the Governor of Guam, with the concurrence of the government comptroller of Guam, estimates will be collected in or derived from Guam during the fiscal year beginning on the following day. As soon as practicable after the close of each fiscal year, the Secretary of the Treasury shall determine the total amount of such duties, taxes, and fees that were actually collected in or derived from Guam during such fiscal year. If the amount covered into the treasury of Guam pursuant to the estimate exceeds the actual amount determined by the Secretary of the Treasury, then such excess amount shall be deducted from the amount next covered into the treasury of Guam pursuant to this section. If the amount covered into the treasury of Guam pursuant to the estimate is less than the actual amount so determined, then the Secretary of the Treasury shall as soon as practicable transfer the difference to the treasury of Guam.".

(e) Section 205 of the Act entitled "An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes" (Public Law 95-134) is amended by striking out "$25,000,000: and inserting in lieu thereof "$35,000,000: That $10,000,000 of such sum is not authorized to be appropriated prior to October 1, 1978. Health care needs shall include goods and services provided to maintain and operate the Medical Center of the Marianas:

TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 2. For rehabilitation and resettlement of Bikini Atoll and Kili Island, Trust Territory of the Pacific Islands, there is hereby authorized to be appropriated $15,000,000 (December 1977 prices) plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved. Authorizations of moneys to be appropriated under this section shall be effective on October 1, 1978.

NORTHERN MARIANA ISLANDS

SEC. 3. (a) For the construction of the Saipan Permanent Power Station for the Northern Mariana Islands, there is hereby authorized to be appropriated for fiscal year 1979 $12,000,000 (December 1977 prices) plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved.

(b)(1) The government of the Northern Marianas in carrying out the purposes of this Act, Public Law 95-134 or Public Law 94-241, may utilize, to the extent practicable, the available services and facilities of agencies and instrumentalities of the Federal Government on a reimbursable basis. Reimbursements may be credited to the appropriation or fund which provided the services and facilities. Agencies and instrumentalities of the Federal Government may, when practicable, make available to the government of the Northern Marianas upon request of the Secretary such services and facilities as they are equipped to render or furnish, and they may do so without reimbursement if otherwise authorized by law.

(2) Any funds made available to the Northern Mariana Islands under grant-in-aid programs by section 502 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (Public Law 94-241) or pursuant to any other Act of Congress enacted after March 24, 1976, are hereby authorized to remain available until expended.

(3) Any amount authorized by the Convenant described in paragraph (2), or by any other Act of Congress enacted after March 24, 1976, which authorizes appropriations for the Northern Mariana Islands, but not appropriated for a fiscal year is authorized to be available for appropriation in succeeding fiscal years.

(c) Notwithstanding the provisions of Public Law 95-113, the Secretary of Agriculture is authorized upon the request of the Governor of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with sections 5 and 7 of article II of the constitution of the Northern Mariana Islands, for the period in which said legislation is in effect, (1) to exempt any individual who is a member of a household otherwise eligible to participate in the food stamp program from participation in the food stamp program as a member of that or any other household and (2) to establish such income standards of eligibility as determined by the Governor of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with sections 5 and 7 of article II of the constitution of the Northern Mariana Islands, to be suited to the economic and social circumstances of the Northern Mariana Islands. This authority exists for the calendar year 1978 and remains in effect through September 30, 1980.

(d) The Secretary of the Treasury is authorized and directed, upon the request of the Governor of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with sections 5 and 7 of article II of the constitution of the Northern Mariana Islands, to detail to the Northern Mariana Islands such employees of the Internal Revenue Service as may be required, without reimbursement or other cost to the government of the Northern Mariana Islands, to administer and enforce the provisions of section 601, 603, or 604 of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (Public Law 94-241; 90 Stat. 263, 269) and in order to administer and enforce the collection of any payroll tax or other tax measured by income that may be in force in the Northern Mariana Islands pursuant to section 602 of such Covenant. This authority shall continue until such time as the Governor of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with sections 5 and 7 of article II of the constitution of the Northern Mariana Islands, requests the Secretary of the Treasury to discontinue the administration and enforcement of such taxes. The administration and enforcement of such taxes by the government of the Northern Mariana Islands shall begin on January 1 of the year following the year in which such Northern Mariana Islands law is enacted.

VIRGIN ISLANDS

SEC. 4. (a) There is hereby authorized to be appropriated to the Secretary the sum of $1,000,000 for each of the five fiscal years beginning with fiscal year 1979, to be paid to the government of the Virgin Islands for the purpose of promoting economic development in the Virgin Islands. The Secretary shall by regulation prescribe the types of programs for which such sums may be used.

(b)(1) There are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary for grants to the government of the Virgin Islands for the construction of public facilities and the maintenance of essential services.

(2) The Secretary may place such stipulations as he deems appropriate on the use of funds appropriated pursuant to subsection (b)(1) hereof, which are not inconsistent with any stipulations placed on the use of such sums by any other Act of Congress.

(3) Grants provided pursuant to this section and not obligated or expended by the government of the Virgin Islands during any fiscal year will remain available for obligation or expenditure by such government in subsequent fiscal years for the purposes for which the funds were appropriated.

(4) Funds provided under paragraph (b)(1) may be used by the Virgin Islands as the matching share for Federal programs and services.

(5) Authorizations of moneys to be appropriated under this subsection shall be effective on October 1, 1978.

(c) Section 28(b) of the Revised Organic Act of the Virgin Islands is amended to read as follows:

"(b) Subparagraph (A) of section 7652 (b)(3) of the Act of August 16, 1954 (68A Stat. 3) is amended to read as follows:

"'(A) No later than June 30, 1978, and annually thereafter, there shall be transferred and paid over to the government of the Virgin Islands from the amounts so determined a sum equal to the total amount of revenue estimated to be collected in the fiscal year commencing the following day, such estimate to be made by the Governor of the Virgin Islands, with the concurrence of the government comptroller of the Virgin Islands. The moneys so transferred and paid over shall constitute a separate fund in the treasury of the Virgin Islands and may be expended as provided by the laws of the Virgin Islands for the expenditure of funds generally. As soon as practicable at the close of each fiscal year, the government comptroller of the Virgin Islands shall certify the total amount of revenue actually collected by the government of the Virgin Islands during such fiscal year. If the amount transferred and paid over pursuant to the estimate exceeds such actual collections, then such excess amount shall be deducted from the amount next transferred and paid over pursuant to the first sentence hereof. If the amount transferred and paid over pursuant to the estimate is less than such annual collection, then the Secretary of the Treasury shall as soon as practicable transfer and pay over the difference to the government of the Virgin Islands.'".

AMERICAN MEMORIAL PARK

SEC. 5. (a) The Secretary, acting through the Director of the National Park Service, is authorized and directed to develop, maintain, and administer the existing American Memorial Park (hereinafter in this section referred to as the "park"), located at Tanapag Harbor Reservation, Saipan. The park shall be administered for the primary purpose of honoring the dead in the World War II Mariana Islands campaign.

(b) The Secretary is authorized and di-

rected to the maximum extent feasible to employ and train residents of the Mariana Islands to develop, maintain, and administer the park.

(c) The Secretary shall provide for interpretative activities at the park, for which he is authorized to seek the assistance of appropriate historians to interpret the historical aspects of the park. To the greatest extent possible, interpretative activities shall be conducted in the following four languages: English, Chamorro, Carolinian, and Japanese.

(d)(1) Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed on any permanent resident of Guam or the Northern Mariana Islands for entrance or admission into the American Memorial Park.

(2) Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed on any United States military personnel or dependents of such personnel for entrance or admission into the American Memorial Park.

(e) The Secretary shall transfer administration of the park to the government of the Northern Mariana Islands at such time as the Governor, acting pursuant to legislation enacted in accordance with sections 5 and 7 of article II of the constitution of the Northern Mariana Islands, requests such a transfer. All improvements, including real and personal property, shall thereupon be transferred without cost to the government of the Northern Mariana Islands and thereafter the full cost of development, administration, and maintenance for the park shall be borne by the government of the Northern Mariana Islands except as provided in subsection (F).

(f) For the development, maintenance, and operation of the park (but not for any acquisition of land or interests in lands), there is hereby authorized to be appropriated the sum of $3,000,000 effective October 1, 1978. Amounts appropriated pursuant to this subsection shall remain available until expended.

(g) Nothing contained in this Act is intended to alter or diminish the authority to exercise the five-year option contained in article VIII of Public Law 94-241.

GUAM NATIONAL SEASHORE

SEC. 6. (a) In order to conserve and protect outstanding natural and scenic values on the island of Guam there is hereby established the Guam National Seashore (hereinafter in this section referred to as the "seashore"). The seashore shall consist of the area as generally depicted on the map entitled "Boundary Map, Guam National Seashore", numbered P-09-08,000-A and dated May 1978, which shall be on file and open to public inspection in the offices of the National Park Service, Department of the Interior. Following ninety days notice to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate, the Secretary may make minor revisions of the boundary of the seashore by publication of a revised map in the Federal Register.

(b) Within the boundaries of the seashore established under this section the Secretary is authorized to acquire lands and waters and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer. Except for property deemed by the Secretary to be essential for visitor facilities, access, or administration of the seashore, acquisition by the Secretary of improved property (including sufficient land to protect the improvements) and agricultural land existing as of January 1, 1978, the Secretary shall be restricted to acquisition of easements to protect and maintain existing land use.

(c) The Secretary shall administer property acquired under subsection (b) in accordance with this Act and with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535) and the Act of August 21, 1935 (49 Stat. 666).

(d) The Secretary is authorized and directed, to the maximum extent feasible, to employ and train residents of Guam or of the Northern Mariana Islands to develop, maintain, and administer the seashore.

(e) Within three years from the date of enactment of this Act, the Secretary shall transmit to the committees named in subsection (a) the general management plan for the seashore consistent with the purposes of this section. The plan shall be jointly developed by the Secretary and the government of Guam.

(f) Pursuant to the plan developed under subsection (e), the Secretary shall seek to enter into an agreement with the government of Guam as to the role and responsibilities of the National Park Service and the territorial government in protecting, operating, and managing the seashore.

(g) The Secretary shall provide technical assistance to the government of Guam for the development and management of the proposed Guam Territorial Seashore Park.

(h)(1) Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed on any permanent resident of Guam or the Northern Mariana Islands for entrance or admission into the Guam Territorial Seashore Park.

(2) Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed on any United States military personnel or dependents of such personnel for entrance or admission into the Guam Territorial Seashore Park.

(i) Effective October 1, 1978, there is authorized to be appropriated $10,000,000 for acquisition of land and interests in land and $500,000 for development to carry out the purposes of this section.

WAR IN THE PACIFIC NATIONAL HISTORICAL PARK

SEC. 7. (a) In order to commemorate the bravery and sacrifice of those participating in the campaigns of the Pacific theater of World War II and to conserve and interpret outstanding natural, scenic, and historic values and objects on the island of Guam for the benefit and enjoyment of present and future generations, the War in the Pacific National Historical Park (hereinafter in this section referred to as the "park") is hereby established.

(b) The boundaries of the park shall be as generally depicted on the drawing entitled "Boundary Map, War in the Pacific National Historical Park, Guam" numbered P-24-80,000-B and dated March 1978, which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior. Following ninety days notice to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate, the Secretary may make minor revisions of the boundary of the park by publication of a revised map in the Federal Register.

(c) Within the boundaries of the park, the Secretary may acquire lands and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer.

(d)(1) Except for property deemed by the Secretary to be essential for visitor facilities, or for access to or administration of the park, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years, or in lieu thereof, for a term ending at the death of the owner, or the death of his or her spouse, whichever is the later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated, the Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner.

(2) The Secretary may terminate a right of use and occupancy retained pursuant to this subsection upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this section, and upon tender to the holder of the right of an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

(3) The term "improved property", as used in this subsection shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1978 (hereinafter in this section referred to as a "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(e) Other points on the island of Guam pertinent to this legislation may be identified, established, and marked by the Secretary in agreement with the Governor of Guam.

(f) The Secretary shall administer property acquired in accordance with the laws generally applicable to the management of units of the National Park System.

(g) The Secretary is authorized to seek the assistance of appropriate historians to interpret the historical aspects of the park. To the greatest extent possible, interpretative activities will be conducted in at least two of the following three languages: English, Chamarro, and Japanese.

(h) The Secretary is authorized to enter into negotiations with the Secretary of Defense for the berthing and interpretation of a naval vessel of World War II vintage which shall be accessible to the public on the island of Guam.

(i) Within two years from the date of enactment of this Act, the Secretary shall develop and transmit to the committees named in subsection (b) a general management plan for the national historical park consistent with the purposes of this section.

(j) The Secretary is authorized and directed, to the maximum extent feasible, to employ and train residents of Guam or of the Northern Mariana Islands, to develop, maintain, and administer the park.

(k)(1) Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed on any permanent resident of Guam or the Northern Mariana Islands for entrance or admission into the War in the Pacific National Historic Park.

(2) Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed on any United States military personnel or dependents of such personnel for entrance or admission into the War in the Pacific National Historic Park.

(l) For the purposes of the park established under this section, there are authorized to be appropriated such sums as may be necessary but not to exceed $16,000,000 for the acquisition of lands or interests in lands and $500,000 for development.

VIRGIN ISLANDS NATIONAL PARK

SEC. 8. (a)(1) The first paragraph of section 1 of the Act of October 5, 1962 (76 Stat. 746; 16 U.S.C. 398c), is amended by adding a comma after the words "adjoining lands,

submerged lands, and waters" and inserting "and Hassel Island located in Saint Thomas Harbor and adjoining lands, submerged lands, and waters,".

(2) Such section 1 is further amended by inserting immediately before the last paragraph, the following:

"HASSEL ISLAND

"The area known as Hassel Island in Saint Thomas Harbor consisting of approximately 135 acres, together with such adjoining lands, submerged lands, and waters as the Secretary of the Interior deems appropriate, but the boundaries shall not, in any event, extend beyond 100 yards from the mean high water mark of the island.".

(b) Section 2 of such Act is amended by—

(1) inserting "(a)" after "SEC. 2.";

(2) adding at the end of the first sentence the following:. "In acquiring such lands, the Secretary may, when agreed upon by the landowner involved, defer payment or schedule payments over a period of ten years and pay interest on the unpaid balance at a rate not exceeding the current prevailing commercial rate."; and

(3) adding the following at the end thereof:

"(b) The Secretary is authorized and directed to the maximum extent feasible to employ and train residents of the Virgin Islands to develop, maintain, and administer the Virgin Islands National Park.

"(c) Subject to continued protection and use of Hassel Island for park and recreation purposes and such other conditions as the Secretary may deem appropriate, the Territory of the Virgin Islands may, within but not after five years after the date of the enactment of this subsection, by duly enacted legislation acquire all interests of the United States in Hassel Island by reimbursing the United States in an amount equal to the amount actually expended by the United States for the acquisition of lands and interests in lands and for the costs of construction of permanent improvements, if any.

"(d)(1) Except for property deemed necessary by the Secretary of the Interior for visitor facilities or administration of the park, any owner or owners of improved property on Hassel Island on the date of its acquisition, may retain for themselves a nontransferrable right of use and occupancy of the property for noncommercial residential purposes, for twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the owner's spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner. The authority of the Secretary to acquire the property commonly known as the Royal Mail (hotel) by condemnation shall be suspended for ten years from the date of enactment and the Secretary shall acquire such property only with the consent of the owner or owners thereof, if such owner or owners agree, in writing, within ninety days after the enactment of this subsection to grant to the United States the right of first refusal to purchase such property as a purchase price not exceeding the fixed value of said property on July 1, 1978.

"(2) As used in subsection (d)(1), 'improved residential property' means a single-family dwelling, the construction of which began January 1, 1977, together with such lands as are in the same ownership and appurtenant buildings located thereon.

"(3) The Secretary may terminate a right of use and occupancy retained pursuant to subsection (d)(1) upon his determination that such use and occupancy is being, or may be, exercised in a manner inconsistent with the purposes for which they were included within the park and upon tender to the holder of such right the amount equal to the value of that portion of the right which remains unexpired on the date of termination.".

(3) Section 3 is amended by inserting "(a)" immediately after "SEC. 3." and by adding the following new subsection at the end thereof:

"(b)(1) Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed on any permanent resident of the Virgin Islands National Park.

"(2) Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed on any United States military personnel or dependents of such personnel stationed in the Virgin Islands for entrance or admission into the Virgin Islands National Park.".

(4) Section 4 is amended to read as follows:

"SEC. 4. Effective October 1, 1978, there are authorized to be appropriated such sums as may be necessary for the acquisition of lands and interests in lands within the Virgin Islands National Park. For purposes of this section, acquisitions of land on Hassel Island shall be deemed to be acquisitions qualifying for payment under the provisions of paragraph (2) of the Act of June 10, 1977 (Public Law 95-42; 91 Stat. 210). In addition to such sums as may have heretofore been appropriated for development of public facilities within the Virgin Islands National Park, effective October 1, 1978, there are authorized to be appropriated not more than $1,000,000 for restoration and rehabilitation of historic structures and for development of public facilities on Hassel Island: *Provided*, That not more than $500,000 of such amount may be paid to the Territory of the Virgin Islands for its use in furthering projects undertaken pursuant to the Land and Water Conservation Fund Act, the Historic Preservation Act, or other comparable programs upon the transfer of title to the United States of all properties held by the territory on Hassel Island.".

(5) Section 2(c) of the Act entitled "An Act to authorize the establishment of the Virgin Islands National Park, and for other purposes" (70 Stat. 940; 16 U.S.C. 398) is amended by adding the following sentence at the end thereof: Notwithstanding the acreage limitations and boundary designations contained in this section, the Secretary may, for administration as part of the park, also acquire, with the consent of the owner or by donation, real and personal property which is not within the defined boundaries of the park.".

AUTHORIZATIONS TO REMAIN AVAILABLE

SEC. 9. Any amount authorized by this Act or by the Act entitled An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes" (Public Law 95-134; 91 Stat. 1159) but not appropriated for a fiscal year is authorized to be available for appropriation in succeeding fiscal years.

TECHNICAL AMENDMENTS

SEC. 10. Section 501 of the Act entitled An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes" (Public Law 95-134; 91 Stat. 1159) is amended—

(1) by inserting ", notwithstanding any provision of law to the contrary," after "it is hereby declared to be the policy of the Congress"; and

(2) in subsection (a) by striking out "Notwithstanding any provision of law to the contrary, any" and inserting in lieu thereof "Any".

Mr. PHILLIP BURTON (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read the committee amendments as follows:

Committee amendments: Page 3, line 3, after the colon insert:

(1) In the first sentence of section 3, delete the comma after "United States" and delete the words "with interest as set forth below," and

(2) after paragraph (c) of section 3, delete the last paragraph before section 4 and insert in lieu thereof:

"All amounts heretofore withheld from sums collected pursuant to section 30 of the said Organic Act as interest on the amounts made available to the Government of Guam pursuant to this Act shall be credited as reimbursement payments by Guam on the principal amount advanced by the United States under this Act."

Page 3, lines 4 and 5, strike the citation and insert in lieu thereof "(64 Stat. 384, as amended, 48 U.S.C. 1421b)".

Page 6, line 15, after "(2)" insert the word "to".

Page 12, line 14, change "P-09-80,000-A" to "P-09-80,001-A".

Page 14, lines 11 and 12, strike out "Territorial Seashore Park." and insert in lieu thereof "National Seashore."

Page 14, lines 16 and 17, strike out "Territorial Seashore Park." and insert in lieu thereof "National Seashore."

Page 14, line 18, strike the word "There" and insert in lieu thereof "Effective October 1, 1978, there".

Page 18, line 7, strike "Historic" and insert in lieu thereof "Historical".

Page 18, line 12, strike "Historic" and insert in lieu thereof "Historical".

Page 18, line 14, after "section," insert "effective October 1, 1978,".

Page 19, line 11, following "such lands" insert a comma and "up to 6.6 acres.".

Page 22, line 3, strike the words "stationed in the Virgin Islands".

Mr. PHILLIP BURTON (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendments be considered en bloc, and that they be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. DON H. CLAUSEN. Mr. Chairman, we have no objection. This has been cleared with the minority.

The CHAIRMAN. Is there objection to the request of the gentleman from California (Mr. PHILLIP BURTON)?

There was no objection.

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

AMENDMENTS OFFERED BY MR. PHILLIP BURTON

Mr. PHILLIP BURTON. Mr. Chairman, I offer a series of amendments and ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. PHILLIP BURTON:

1. Page 1, lines 4 through 8, amend Section 1(a)(1) to read as follows:

"SECTION 1. (a)(1) For grants to the Government of Guam for the rehabilitation, upgrading, and construction of public facilities, there is hereby authorized to be appropriated to the Secretary of the Interior (herein-

after in this Act referred to as the Secretary) $13,868,000 for fiscal year 1979, and $9,900,000 annually for fiscal years 1980, 1981, 1982, and 1983 (October 1978 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved."

2. Page 2, line 4, delete "section" and insert "Act".

3. Page 2, line 18, delete "Reimbursements" and insert "Such amounts" and delete the last sentence of paragraph (b) on lines 20 through 25.

Beginning on page 3, line 1, and ending on line 15:

"Strike out all of paragraph (c) on page 3, lines 1 through 15 and redesignate paragraphs (d) and (e) of section 1 as (c) and (d) respectively."

4. Page 3, lines 18 and 19, delete " 'Beginning June 30, 1978, and annually thereafter," and insert in lieu thereof " 'Beginning as soon as the Legislature of Guam enacts legislation establishing a fiscal year commencing on October 1 and ending on September 30, and annually thereafter for five succeeding fiscal years,".

5. Page 4, lines 24 and 25, and page 5, lines 1 through 7, amend Section 2 to read as follows:

"SEC. 2. (a) There is hereby authorized to be appropriated $15,000,000 for the Bikini people evacuated from Bikini Atoll, Trust Territory of the Pacific Islands, as a result of U.S. nuclear tests commencing in 1946, and their descendants. Of this $15,000,000:

(1) $12,000,000 is authorized for the relocation and resettlement of the Bikini people within the Marshall Islands; and

(2) To compensate the Bikini people for the radiological damage inflicted on their atoll:

Ten percent of said $15,000,000 is authorized to be distributed as ex gratia payments to such individuals and in such a manner as the Secretary may determine and

An additional ten percent ex gratia of said $15,000,000 shall be held in trust pursuant to the trust agreement established by Public Law 94-34, with the proceeds to be distributed in accordance with the provisions thereof.

"(b) None of the funds authorized pursuant to subsection (a)(2) above shall be available for payment of any attorneys fees or associated expenses, but there are authorized to be appropriated to the Secretary of the Interior such additional sums as he may find to be necessary to satisfy any claim for services rendered in connection with such ex gratia payments. Any claim for compensation under this clause must be filed with the Secretary within one year from the approval date of the ex gratia payment or shall be forever barred.

"No claim for payment under subsection (a)(2) shall be allowed if the claimant has otherwise been compensated or in any way reimbursed for the services rendered or if the service was intended to be a voluntary public service and the decision of the Secretary with respect to the reasonableness of the claim and all findings and conclusions shall be final.

"Authorizations of moneys to be appropriated under this section shall be effective on October 1, 1978."

6. Page 5, lines 9 through 15, amend Section 3(a) to read as follows:

"SEC. 3. (a) There is hereby authorized to be appropriated for expenditure after October 1, 1978, not more than $12,000,000 (October 1978 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved, to assist in the acquisition and construction of a powerplant for the Northern Mariana Islands together with upgrading, rehabilitation, or replacement of distribution facilities."

7. Page 5, line 21, delete "Reimbursements" and insert "Such amounts" and delete the last sentence of paragraph (b)(1) beginning on line 23.

8. Page 6, line 17, amend section 3(c) to read as follows:

"(c) Notwithstanding the provisions of the Food Stamp Act of 1977, the Governor of the Northern Mariana Islands may (1) request that the Secretary of Agriculture implement a food stamp program in all or some of the Northern Mariana Islands subject to the same income standards of eligibility, deductions, and allotment of values as are applicable to Guam or (2), acting pursuant to legislation enacted in accordance with sections 5 and 7 of article II of the Constitution of the Northern Mariana Islands and for the period during which such legislation is effective, request that the Secretary of Agriculture (A) implement a food stamp program in all or some of the Northern Mariana Islands with such income standards of eligibility, deductions, and allotment values as the Secretary determines to be suited to the economic and social circumstances of such islands, *Provided*, That in no event shall such standards or values exceed those in the 48 contiguous States or be less than those requested by the Governor and/or (B) distribute or permit distribution in all or some of such islands of federally donated foods. This authority shall remain in effect through September 30, 1981, and shall not apply to section 403 of Public Law 95-135."

9. Page 8, lines 19 through 23, amend paragraph (b)(1) to read as follows:

"(b)(1) There is authorized to be appropriated for construction of hospital facilities in the Virgin Islands not more than $4,000,000 in fiscal year 1979, and $12,000,000 annually for fiscal years 1980, 1981, 1982, and 1983 (October 1978 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved."

10. Page 8, line 24, through page 9, line 3, delete all of paragraph (2) and redesignate paragraphs "(3)", "(4)", and "(5)" of subsection 4(b) as "(2)", "(3)", and "(4)" respectively.

11. Page 9, line 15, delete "(c)" and insert—

"(c)(1) Section 9(c) of the Revised Organic Act of the Virgin Islands is amended by deleting the period at the end thereof and inserting for such other date as the Legislature of the Virgin Islands may determine.' " and redesignate the following paragraph as "(2)".

12. Page 9, lines 20 and 21, delete the words "No later than June 30, 1978, and annually thereafter," and insert in lieu thereof "Beginning as soon as the Legislature of the Virgin Islands establishes a fiscal year commencing on October 1 and ending on September 30, and annually thereafter for five succeeding fiscal years,".

Page 10, after line 18, insert the following:

"(3) Section 28(a) of the Revised Organic Act of the Virgin Islands is amended to read as follows:

" 'All customs duties and Federal income taxes derived from the Virgin Islands, the proceeds of all taxes collected under the internal-revenue laws of the United States on articles produced in the Virgin Islands and transported to the United States, its Territories, or possessions, or consumed in the Virgin Islands, and the proceeds of any other taxes which may be levied by the Congress on the inhabitants of the Virgin Islands, and all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands shall be covered into the Treasury of the Virgin Islands and held in account for the government of the Virgin Islands, and shall be expended for the benefit and government of the Virgin Islands in accordance with the annual budgets except that nothing in this chapter shall be construed to apply to any tax imposed by chapter 2 or 21 of Title 26.' "

13. Page 11, line 7, insert—

"(c) Other points in the Northern Mariana Islands pertinent to this legislation may be identified, established and marked by the Secretary in agreement with the Governor of the Northern Mariana Islands.", and redesignate paragraphs "(c)", "(d)(1)", "(e)", "(f)", and "(g)" of section 5 as "(d)", "(e)(1)", "(f)", "(g)", and "(h)" respectively.

14. Page 11, line 19, after "military personnel" insert the following:

", past or present,".

14a. Page 12, line 7, delete "(f)" and insert "(g)".

15. Page 12, line 17, through page 15, line 7, delete all of section 6.

16. Page 15, line 9, change "Sec. 7. (a)" to "SEC. 6. (a)".

17. Page 17, line 24, delete the words "at least two of".

18. Page 18, line 12, change "Isinads" to "Islands".

Page 16, line 7, through page 17, line 4, delete all of paragraph (d) and redesignate sections "(e)", "(f)", "(g)", "(h)", "(i)", "(j)", "(k)", and "(l)" as "(d)", "(e)", "(f)", "(g)", "(h)", "(i)", "(j)", and "(k)" respectively.

19. Page 18, line 21, after "military personnel" insert the following:

", past or present,".

20. Page 19, line 5, change "Sec. 8. (a)(1)" to "Sec. 7. (a)(1)".

21. Page 21, lines 17 and 18, delete " 'residential' ".

22. Page 21, line 19, after "began" insert "before".

23. Page 23, lines 13 through 22, amend paragraph (5) to read as follows:

"(5) Section 2(c) of the Act entitled 'An Act to authorize the establishment of the Virgin Islands National Park, and for other purposes' (70 Stat. 940; 16 U.S.C. 398) is amended by adding the following sentence at the end thereof: 'Notwithstanding the acreage limitations and boundary designations contained in this section, the Secretary is authorized to accept through donation, or purchase from a willing seller, the real and personal property located on Lots 251-252 Estate Contant Enighed, Parcels 86B and 86AA Cruz Bay Quarter,'."

24. Page 23, line 24, change "Sec. 9." to "Sec. 8.".

25. Page 24, line 7, change "Sec. 10." to "Sec 9.".

26. Page 24, following line 17, insert the following new section:

"SEC. 10. Authorizations of moneys to be appropriated under this Act shall be effective on October 1, 1978.".

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PHILLIP BURTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PHILLIP BURTON. Mr. Chairman, these are the amendments we made reference to during the general debate. They include the elimination of the

National Seashore in Guam, while we retain the Guam war in the Pacific National Historical Park sought for and supported by the American Legion and the VFW. It includes an amendment to preclude any admission fees for those who served in the Armed Forces either in the past or currently or their dependents.

We eliminate the language dealing with forgiveness of some interest on a rehabilitation loan extended some time ago to Guam and, in agreement with a representative of the OMB, we insert dollar figures at the agreed levels for Guam and the Virgin Islands rather than keeping open-ended authorizations.

There are some other amendments but none of any particularly great significance.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. PHILLIP BURTON. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, we have had a continuing dialog on these amendments. They were discussed in the course of the debate and so we would accept the amendments, en bloc, as offered by the gentleman from California (Mr. PHILLIP BURTON).

The CHAIRMAN. The question is on the amendments offered by the gentleman from California (Mr. PHILLIP BURTON).

The amendments were agreed to.

The CHAIRMAN. Are there further amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose and the Speaker pro tempore, Mr. BOLLING, having assumed the Chair, Mr. BENNETT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12481) to authorize appropriations for certain insular areas of the United States, and for other purposes, pursuant to House Resolution 1191, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SNYDER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 292, nays 54, not voting 88, as follows:

[Roll No. 412]

YEAS—292

Addabbo	Forsythe	Murphy, Pa.
Akaka	Fountain	Murtha
Ambro	Fowler	Myers, John
Ammerman	Fraser	Myers, Michael
Andrews, N.C.	Fuqua	Natcher
Andrews, N. Dak.	Gammage	Nedzi
Annunzio	Garcia	Nichols
Archer	Gephardt	Nolan
Armstrong	Ginn	Nowak
Ashley	Glickman	O'Brien
Aspin	Goldwater	Oberstar
AuCoin	Gonzalez	Obey
Badham	Gore	Ottinger
Bafalis	Gradison	Panetta
Baldus	Green	Patterson
Barnard	Gudger	Pattison
Beard, R.I.	Guyer	Pease
Beard, Tenn.	Hanley	Pepper
Bedell	Harkin	Perkins
Benjamin	Harrington	Pettis
Bennett	Harris	Pickle
Biaggi	Harsha	Preyer
Bingham	Hawkins	Price
Blanchard	Hefner	Quie
Blouin	Heftel	Quillen
Boggs	Hightower	Rahall
Boland	Hollenbeck	Railsback
Bolling	Holt	Rangel
Bonior	Holtzman	Regula
Brademas	Horton	Reuss
Breaux	Hubbard	Rhodes
Breckinridge	Huckaby	Richmond
Brinkley	Hyde	Rinaldo
Brodhead	Ichord	Risenhoover
Brooks	Ireland	Roberts
Broomfield	Johnson, Calif.	Robinson
Broyhill	Johnson, Colo.	Roe
Buchanan	Jones, N.C.	Rogers
Burgener	Jones, Okla.	Roncalio
Burke, Fla.	Jones, Tenn.	Rooney
Burke, Mass.	Jordan	Rostenkowski
Burleson, Tex.	Kastenmeier	Rudd
Burlison, Mo.	Ketchum	Sawyer
Burton, John	Kildee	Scheuer
Burton, Phillip	Kostmayer	Schroeder
Butler	Krebs	Schulze
Byron	Krueger	Sebelius
Carr	LaFalce	Seiberling
Carter	Lagomarsino	Sharp
Cavanaugh	Le Fante	Shipley
Cederberg	Leach	Sikes
Chappell	Lederer	Simon
Chisholm	Leggett	Sisk
Clausen, Don H.	Lehman	Skelton
Clay	Lent	Skubitz
Cohen	Levitas	Slack
Coleman	Lloyd, Calif.	Smith, Iowa
Collins, Ill.	Lloyd, Tenn.	Smith, Nebr.
Conte	Long, La.	Snyder
Corcoran	Long, Md.	Solarz
Corman	Lott	Spellman
Cornell	Lujan	Spence
Coughlin	Lundine	St Germain
Daniel, R. W.	McClory	Staggers
Davis	McCormack	Stanton
Delaney	McFall	Stark
Derrick	McHugh	Steed
Derwinski	McKay	Steers
Dickinson	McKinney	Steiger
Dicks	Madigan	Stratton
Diggs	Maguire	Studds
Dodd	Mahon	Taylor
Downey	Markey	Thompson
Duncan, Tenn.	Marks	Trible
Early	Marlenee	Udall
Eckhardt	Marriott	Vander Jagt
Edgar	Martin	Vanik
Edwards, Ala.	Mathis	Vento
Edwards, Calif.	Mattox	Volkmer
Emery	Mazzoli	Walgren
English	Meeds	Walsh
Ertel	Metcalfe	Wampler
Evans, Colo.	Meyner	Weaver
Evans, Del.	Michel	Weiss
Evans, Ga.	Mikulski	White
Fary	Mikva	Whitehurst
Fascell	Milford	Whitley
Findley	Miller, Calif.	Wiggins
Fisher	Mineta	Wilson, Tex.
Fithian	Mitchell, Md.	Winn
Flippo	Mitchell, N.Y.	Wirth
Flood	Moakley	Wydler
Florio	Moffett	Wylie
Flynt	Moore	Yates
Foley	Moorhead, Calif.	Yatron
Ford, Mich.	Moss	Young, Mo.
Ford, Tenn.	Mottl	Zablocki
	Murphy, Ill.	

NAYS—54

Abdnor	Frenzel	Luken
Ashbrook	Gaydos	McDonald
Bauman	Goodling	McEwen
Brown, Ohio	Grassley	Miller, Ohio
Clawson, Del	Hagedorn	Poage
Cleveland	Hall	Pursell
Collins, Tex.	Hamilton	Quayle
Conable	Hammer-schmidt	Russo
Crane	Hansen	Satterfield
Cunningham	Heckler	Shuster
D'Amours	Hillis	Stangeland
Daniel, Dan	Hughes	Symms
Dent	Jacobs	Treen
Devine	Jeffords	Waggonner
Edwards, Okla.	Kelly	Walker
Erlenborn	Kemp	Watkins
Evans, Ind.	Keys	Young, Fla.
Fenwick	Latta	
Fish		

NOT VOTING—88

Alexander	Giaimo	Rosenthal
Allen	Gibbons	Rousselot
Anderson, Calif.	Gilman	Roybal
Anderson, Ill.	Hannaford	Runnels
Applegate	Holland	Ruppe
Baucus	Howard	Ryan
Beilenson	Jenkins	Santini
Bevill	Jenrette	Sarasin
Bonker	Kasten	Stockman
Bowen	Kazen	Stokes
Brown, Calif.	Kindness	Stump
Brown, Mich.	Livingston	Teague
Burke, Calif.	McCloskey	Thone
Caputo	McDade	Thornton
Carney	Mann	Traxler
Cochran	Minish	Tsongas
Conyers	Mollohan	Tucker
Cornwell	Montgomery	Ullman
Cotter	Moorhead, Pa.	Van Deerlin
Danielson	Murphy, N.Y.	Waxman
de la Garza	Myers, Gary	Whalen
Dellums	Neal	Whitten
Dingell	Nix	Wilson, Bob
Dornan	Oakar	Wilson, C. H.
Drinan	Patten	Wolff
Duncan, Oreg.	Pike	Wright
Eilberg	Pressler	Young, Alaska
Flowers	Pritchard	Young, Tex.
Frey	Rodino	Zeferetti
	Rose	

The Clerk announced the following pairs:

Mr. Jenrette with Mr. Cochran of Mississippi.
Mr. Kazen with Mr. Dornan.
Mr. Drinan with Mr. Frey.
Mr. Cotter with Mr. Kasten.
Mr. Dingell with Mr. Livingston.
Mr. Howard with Mr. Rousselot.
Mr. Patten with Mr. Sarasin.
Mr. Minish with Mr. Alexander.
Mr. Murphy of New York with Mr. Pike.
Mr. Eilberg with Mr. Stockman.
Mr. Danielson with Mr. Pressler.
Mr. Carney with Mr. Stump.
Mr. Cornwell with Mr. Holland.
Mr. Dellums with Mr. Brown of Michigan.
Mr. Montgomery with Mr. Tucker.
Mr. Neal with Mr. Bob Wilson.
Mr. Nix with Mr. Whalen.
Mr. Charles H. Wilson of California with Mr. McCloskey.
Mr. Giaimo with Mr. Kindness.
Mr. Rosenthal with Mr. Thornton.
Mr. Wolff with Mr. Young of Alaska.
Mr. Roybal with Mr. Pritchard.
Mr. Santini with Mr. Whitten.
Mr. Stokes with Mr. Gilman.
Mr. Ullman with Mr. Ruppe.
Mr. Baucus with Mr. Thone.
Mr. Applegate with Mr. Allen.
Mr. Bonker with Mr. Bevill.
Mr. Bowen with Mr. Duncan of Oregon.
Mr. Flowers with Mr. Moorhead of Pennsylvania.
Mr. Mann with Mr. McDade.
Mr. Mollohan with Mr. Hannaford.
Mr. Rose with Mr. Gibbons.
Mr. Tsongas with Mr. Gary A. Myers.
Ms. Oakar with Mr. Anderson of California.
Mr. Jenkins with Mr. Anderson of Illinois.
Mr. Beilenson with Mr. Conyers.
Mrs. Burke of California with Mr. Traxler.

Mr. Brown of California with Mr. Caputo.
Mr. de la Garza with Mr. Runnels.
Mr. Ryan with Mr. Teague.
Mr. Van Deerlin with Mr. Waxman.
Mr. Wright with Mr. Zeferetti.

Messers. KELLY, SATTERFIELD, POAGE, ABDNOR, WAGGONNER, PURSELL, STANGELAND, HUGHES, SYMMS, RUSSO, LUKEN, and TREEN changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 2821) to authorize $8,868,000 for grants to the government of Guam for construction of public facilities, and for other purposes, a bill similar to the bill just passed.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2821

An act to authorize $8,868,000 for grants to the government of Guam for construction of public facilities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. There is hereby authorized to be appropriated, for expenditure after October 1, 1978, to the Secretary of the Interior (hereinafter referred to as the Secretary), an amount not to exceed $8,868,000 for a grant to the government of Guam to assist in the rehabilitation, upgrading, and construction of public facilities.

SEC. 102. Funds provided under this Act may be used as the matching share for Federal programs and services.

SEC. 103. The government of Guam in carrying out the purpose of this Act may utilize, to the extent practicable, the available services and facilities of agencies and instrumentalities of the Federal Government on a reimbursable basis. Reimbursements may be credited to the appropriation or fund which provided the services and facilities. Agencies and instrumentalities of the Federal Government may, when practicable, make available to the government of Guam upon request of the Secretary such services and facilities as they are equipped to render or furnish, and they may do so without reimbursement if otherwise authorized by law.

SEC. 104. Funds appropriated pursuant to this Act shall remain available until expended, and the Secretary may place such stipulations as he deems appropriate on the use of these funds.

SEC. 105. No request by the Governor of Guam for the payment of funds pursuant to this Act will be accepted unless the territorial legislature has concurred in the Governor's request.

SEC. 106. There are hereby authorized to be appropriated for expenditure after October 1, 1978, not more than $12,000,000 to assist in the acquisition and construction of a powerplant for the Northern Mariana Islands together with upgrading, rehabilitation, or replacement of distribution facilities.

SEC. 107. Section 205 of Public Law 95-134 (91 Stat. 1162) is amended by deleting "$25,000,000: *Provided,*" and inserting in lieu thereof "$30,000,000: *Provided*, That of such sum $5,000,000 shall not be available for expenditure prior to October 1, 1978: *Provided further,*".

SEC. 108. There are hereby authorized to be appropriated for expenditure after October 1, 1978, not more than $4,000,000 for preconstruction work for hospital facilities in the Virgin Islands.

TITLE II

SEC. 201. There are hereby authorized to be appropriated for expenditure after October 1, 1978, not more than $15,0000,000 (December 1977 prices) plus or minus such amount, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved, for rehabilitation and resettlement of Bikini Atoll and Kili Islands.

MOTION OFFERED BY MR. PHILLIP BURTON

Mr. PHILLIP BURTON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PHILLIP BURTON moves to strike out all after the enacting clause of the Senate bill (S. 2821), and to insert in lieu thereof the provisions of H.R. 12481, as passed by the House, as follows:

GUAM

SECTION 1. (a)(1) For grants to the Government of Guam for the rehabilitation upgrading, and construction of public facilities, there is hereby authorized to be appropriated to the Secretary of the Interior (hereinafter in this Act referred to as the Secretary) $13,868,000 for fiscal year 1979, and $9,900,000 annually for fiscal years 1980, 1981, 1982, and 1983 (October 1978 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved.

(2) The Secretary may place such stipulations as he deems appropriate on the use of funds appropriated pursuant to subsection (a)(1) hereof, which are not inconsistent with any stipulations placed on the use of such sums by any other Act of Congress.

(3) Grants provided pursuant to this Act and not obligated or expended by the government of Guam during any fiscal year will remain available for obligation or expenditure by such government in subsequent fiscal years for the purposes for which the funds were appropriated.

(4) Funds provided under paragraph (a)(1) may be used by Guam as the matching share for Federal programs and services.

(5) Authorizations of moneys to be appropriated under this subsection shall be effective on October 1, 1978.

(b) The government of Guam in carrying out the purposes of this Act or Public Law 95-134, may utilize, to the extent practicable, the available services and facilities of agencies and instrumentalities of the Federal Government on a reimbursable basis. Such amounts may be credited to the appropriation or fund which provided the services and facilities. Agencies and instrumentalities of the Federal Government may, when practicable, make available to the government of Guam upon request of the Secretary such services and facilities as they are equipped to render or furnish, and they may do so without reimbursement if otherwise authorized by law.

(c) Section 30 of the Organic Act of Guam (64 Stat. 384, as amended, 48 U.S.C. 1421h), is amended by adding at the end thereof the following: "Beginning as soon as the Legislature of Guam enacts legislation establishing a fiscal year commencing on October 1 and ending on September 30, and annually thereafter for five succeeding fiscal years, the foregoing sums shall be covered into the treasury of Guam on the basis of the total amount of such duties, taxes, and fees as the Governor of Guam, with the concurrence of the government comptroller of Guam, estimates will be collected in or derived from Guam during the fiscal year beginning on the following day. As soon as practicable after the close of each fiscal year, the Secretary of the Treasury shall determine the total amount of such duties, taxes, and fees that were actually collected in or derived from Guam during such fiscal year. If the amount covered into the treasury of Guam pursuant to the estimate exceeds the actual amount determined by the Secretary of the Treasury, then such excess amount shall be deducted from the amount next covered into the treasury of Guam pursuant to this section. If the amount covered into the treasury of Guam pursuant to the estimate is less than the actual amount so determined, then the Secretary of the Treasury shall as soon as practicable transfer the difference to the treasury of Guam.".

(d) Section 205 of the Act entitled "An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes" (Public Law 95-134) is amended by striking out "$25,000,000: *Provided*" and inserting in lieu thereof "$35,000,000: *Provided*, That $10,000,000 of such sum is not authorized to be appropriated prior to October 1, 1978. Health care needs shall include goods and services provided to maintain and operate the Medical Center of the Marianas: *Provided further*".

TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 2. (a) There is hereby authorized to be appropriated $15,000,000 for the Bikini people evacuated from Bikini Atoll, Trust Territory of the Pacific Islands, as a result of U.S. nuclear tests commencing in 1946, and their descendants. Of this $15,000,000:

(1) $12,000,000 is authorized for the relocation and resettlement of the Bikini people within the Marshall Islands; and

(2) To compensate the Bikini people for the radiological damage inflicted on their atoll:

—Ten percent of said $15,000,000 is authorized to be distributed as *ex gratia* payments to such individuals and in such a manner as the Secretary may determine and

—An additional ten percent *ex gratia* of said $15,000,000 shall be held in trust pursuant to the trust agreement established by Public Law 94-34, with the proceeds to be distributed in accordance with the provisions thereof.

(b) None of the funds authorized pursuant to subsection (a)(2) above shall be available for payment of any attorneys fees or associated expenses, but there are authorized to be appropriated to the Secretary of the Interior such additional sums as he may find to be necessary to satisfy any claim for services rendered in connection with such *ex gratia* payments. Any claim for compensation under this clause must be filed with the Secretary within one year from the approval date of the *ex gratia* payment or shall be forever barred.

No claim for payment under subsection (a)(2) shall be allowed if the claimant has otherwise been compensated or in any way reimbursed for the services rendered or if the service was intended to be a voluntary public service and the decision of the Secretary with respect to the reasonableness of the claim and all findings and conclusions shall be final.

Authorizations of moneys to be appropriated under this section shall be effective on October 1, 1978.

NORTHERN MARIANA ISLANDS

SEC. 3. (a) There is hereby authorized to be appropriated for expenditure after October 1, 1978, not more than $12,000,000 (October 1978 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction

costs as indicated by engineering cost indexes applicable to the types of construction involved to assist in the acquisition and construction of a powerplant for the Northern Mariana Islands together with upgrading, rehabilitation, or replacement of distribution facilities.

(b)(1) The government of the Northern Marianas in carrying out the purposes of this Act, Public Law 95–134 or Public Law 94–241, may utilize, to the extent practicable, the available services and facilities of agencies and instrumentalities of the Federal Government on a reimbursable basis. Such amounts may be credited to the appropriation or fund which provided the services and facilities.

(2) Any funds made available to the Northern Mariana Islands under grant-in-aid programs by section 502 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (Public Law 94–241) or pursuant to any other Act of Congress enacted after March 24, 1976, are hereby authorized to remain available until expended.

(3) Any amount authorized by the Covenant described in paragraph (2), or by any other Act of Congress enacted after March 24, 1976, which authorizes appropriations for the Northern Mariana Islands, but not appropriated for a fiscal year is authorized to be available for appropriation in succeeding fiscal years.

(c) Notwithstanding the provisions of the Food Stamp Act of 1977, the Governor of the Northern Mariana Islands may (1) request that the Secretary of Agriculture implement a food stamp program in all or some of the Northern Mariana Islands subject to the same income standards of eligibility, deductions, and allotment of values as are applicable to Guam or (2), acting pursuant to legislation enacted in accordance with sections 5 and 7 of article II of the Constitution of the Northern Mariana Islands and for the period during which such legislation is effective, request that the Secretary of Agriculture (A) implement a food stamp program in all or some of the Northern Mariana Islands with such income standards of eligibility, deductions, and allotment values as the Secretary determines to be suited to the economic and social circumstances of such islands, *Provided*, That in no event shall such standards or values exceed those in the 48 contiguous States or be less than those requested by the Governor and or (B) distribute or permit distribution in all or some of such islands of federally donated foods. This authority shall remain in effect through September 30, 1981, and shall not apply to section 403 of Public Law 95–135.

(d) The Secretary of the Treasury is authorized and directed, upon the request of the Governor of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with sections 5 and 7 of article II of the constitution of the Northern Mariana Islands, to detail to the Northern Mariana Islands such employees of the Internal Revenue Service as may be required, without reimbursement or other cost to the government of the Northern Mariana Islands, to administer and enforce the provisions of section 601, 603, or 604 of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (Public Law 94–241; 90 Stat. 263, 269) and in order to administer and enforce the collection of any payroll tax or other tax measured by income that may be in force in the Northern Mariana Islands pursuant to section 602 of such Covenant. This authority shall continue until such time as the Governor of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with sections 5 and 7 of article II of the constitution of the Northern Mariana Islands, requests the Secretary of the Treasury to discontinue the administration and enforcement of such taxes. The administration and enforcement of such taxes by the government of the Northern Mariana Islands shall begin on January 1 of the year following the year in which such Northern Mariana Islands law is enacted.

VIRGIN ISLANDS

SEC. 4. (a) There is hereby authorized to be appropriated to the Secretary the sum of $1,000,000 for each of the five fiscal years beginning with fiscal year 1979, to be paid to the government of the Virgin Islands for the purpose of promoting economic development in the Virgin Islands. The Secretary shall by regulation prescribe the types of programs for which such sums may be used.

(b)(1) There is authorized to be appropriated for construction of hospital facilities in the Virgin Islands not more than $4,000,000 in fiscal year 1979, and $12,000,000 annually for fiscal years 1980, 1981, 1982, and 1983 (October 1978 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved.

(2) Grants provided pursuant to this section and not obligated or expended by the government of the Virgin Islands during any fiscal year will remain available for obligation or expenditure by such government in subsequent fiscal years for the purposes for which the funds were appropriated.

(3) Funds provided under paragraph (b)(1) may be used by the Virgin Islands as the matching share for Federal programs and services.

(4) Authorizations of moneys to be appropriated under this subsection shall be effective on October 1, 1978.

(c)(1) Section 9(c) of the Revised Organic Act of the Virgin Islands is amended by deleting the period at the end thereof and inserting "or such other date as the Legislature of the Virgin Islands may determine."

(5) Section 28(b) of the Revised Organic Act of the Virgin Islands is amended to read as follows:

"(b) Subparagraph (A) of section 7652(b)(3) of the Act of August 16, 1954 (68A Stat. 3) is amended to read as follows:

"'(A) Beginning as soon as the Legislature of the Virgin Islands establishes a fiscal year commencing on October 1 and ending on September 30, and annually thereafter for five succeeding fiscal years, there shall be transferred and paid over to the government of the Virgin Islands from the amounts so determined a sum equal to the total amount of revenue estimated to be collected in the fiscal year commencing the following day, such estimate to be made by the Governor of the Virgin Islands, with the concurrence of the government comptroller of the Virgin Islands. The moneys so transferred and paid over shall constitute a separate fund in the treasury of the Virgin Islands and may be expended as provided by the laws of the Virgin Islands for the expenditure of funds generally. As soon as practicable at the close of each fiscal year, the government comptroller of the Virgin Islands shall certify the total amount of revenue actually collected by the government of the Virgin Islands during such fiscal year. If the amount transferred and paid over pursuant to the estimate exceeds such actual collections, then such excess amount shall be deducted from the amount next transferred and paid over pursuant to the first sentence hereof. If the amount transferred and paid over pursuant to the estimate is less than such annual collection, then the Secretary of the Treasury shall as soon as practicable transfer and pay over the difference to the government of the Virgin Islands.'".

(3) Section 28(a) of the Revised Organic Act of the Virgin Islands is amended to read as follows:

"All customs duties and Federal income taxes derived from the Virgin Islands, the proceeds of all taxes collected under the internal-revenue laws of the United States on articles produced in the Virgin Islands and transported to the United States, its Territories, or possessions, or consumed in the Virgin Islands, and the proceeds of any other taxes which may be levied by the Congress on the inhabitants of the Virgin Islands, and all quarantine, passport, immigration, and naturalization fees collected in the Virgin Islands shall be covered into the Treasury of the Virgin Islands and held in account for the government of the Virgin Islands, and shall be expended for the benefits and government of the Virgin Islands in accordance with the annual budgets except that nothing in this chapter shall be construed to apply to any tax imposed by chapter 2 or 21 of Title 26."

AMERICAN MEMORIAL PARK

SEC. 5. (a) The Secretary, acting through the Director of the National Park Service, is authorized and directed to develop, maintain, and administer the existing American Memorial Park (hereinafter in this section referred to as the "park"), located at Tanapag Harbor Reservation, Saipan. The park shall be administered for the primary purpose of honoring the dead in the World War II Mariana Islands campaign.

(b) The Secretary is authorized and directed to the maximum extent feasible to employ and train residents of the Mariana Islands to develop, maintain, and administer the park.

(c) Other points in the Northern Mariana Islands pertinent to this legislation may be identified, established and marked by the Secretary in agreement with the Governor of the Northern Mariana Islands.

(d) The Secretary shall provide for interpretative activities at the park, for which he is authorized to seek the assistance of appropriate historians to interpret the historical aspects of the park. To the greatest extent possible, interpretative activities shall be conducted in the following four languages: English, Chamorro, Carolinian, and Japanese.

(e)(1) Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed on any permanent resident of Guam or the Northern Mariana Islands for entrance or admission into the American Memorial Park.

(2) Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed on any United States military personnel, past or present or dependents of such personnel for entrance or admission into the American Memorial Park.

(f) The Secretary shall transfer administration of the park to the government of the Northern Mariana Islands at such time as the Governor, acting pursuant to legislation enacted in accordance with sections 5 and 7 of article II of the constitution of the Northern Mariana Islands, requests such a transfer. All improvements, including real and personal property, shall thereupon be transferred without cost to the government of the Northern Mariana Islands and thereafter the full cost of development, administration, and maintenance for the park shall be borne by the government of the Northern Mariana Islands except as provided in subsection (G).

(g) For the development, maintenance, and operation of the park (but not for any acquisition of land or interests in lands), there is hereby authorized to be appro-

priated the sum of $3,000,000 effective October 1, 1978. Amounts appropriated pursuant to this subsection shall remain available until expended.

(h) Nothing contained in this Act is intended to alter or diminish the authority to exercise the five-year option contained in article VIII of Public Law 94-241.

WAR IN THE PACIFIC NATIONAL HISTORICAL PARK

SEC. 6. (a) In order to commemorate the bravery and sacrifice of those participating in the campaigns of the Pacific Theater of World War II and to conserve and interpret outstanding natural, scenic, and historic values and objects on the island of Guam for the benefit and enjoyment of present and future generations, the War in the Pacific National Historical Park (hereinafter in this section referred to as the "park") is hereby established.

(b) The boundaries of the park shall be as generally depicted on the drawing entitled "Boundary Map, War in the Pacific National Historical Park, Guam" numbered P-24-80,000-B and dated March 1978, which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior. Following ninety days notice to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate, the Secretary may make minor revisions of the boundary of the park by publication of a revised map in the Federal Register.

(c) Within the boundaries of the park, the Secretary may acquire lands and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer.

(3) The term "improved property", as used in this subsection shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1978 (hereinafter in this section referred to as a "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

(d) Other points on the island of Guam pertinent to this legislation may be identified, established, and marked by the Secretary in agreement with the Governor of Guam.

(e) The Secretary shall administer property acquired in accordance with the laws generally applicable to the management of units of the National Park System.

(f) The Secretary is authorized to seek the assistance of appropriate historians to interpret the historical aspects of the park. To the greatest extent possible, interpretative activities will be conducted in the following three languages: English, Chamarro, and Japanese.

(g) The Secretary is authorized to enter into negotiations with the Secretary of Defense for the berthing and interpretation of a naval vessel of World War II vintage which shall be accessible to the public on the island of Guam.

(h) Within two years from the date of enactment of this Act, the Secretary shall develop and transmit to the committees named in subsection (b) a general management plan for the national historical park consistent with the purposes of this section.

(i) The Secretary is authorized and directed, to the maximum extent feasible, to employ and train residents of Guam or of the Northern Mariana Islands to develop, maintain, and administer the park.

(j)(1) Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed on any permanent resident of Guam or the Northern Mariana Islands for entrance or admission into the War in the Pacific National Historical Park.

(2) Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed on any United States military personnel, past or present, or dependents of such personnel for entrance or admission into the War in the Pacific National Historical Park.

(k) For the purposes of the park established under this section, effective October 1, 1978, there are authorized to be appropriated such sums as may be necessary but not to exceed $16,000,000 for the acquisition of lands or interests in lands and $500,000 for development.

VIRGIN ISLANDS NATIONAL PARK

SEC. 7. (a)(1) The first paragraph of section 1 of the Act of October 5, 1962 (76 Stat. 746; 16 U.S.C. 398c), is amended by adding a comma after the words "adjoining lands, submerged lands, and waters" and inserting "and Hassel Island located in Saint Thomas Harbor and adjoining lands, submerged lands, and waters.".

(2) Such section 1 is further amended by inserting immediately before the last paragraph, the following:

"HASSEL ISLAND

"The area known as Hassel Island in Saint Thomas Harbor consisting of approximately 135 acres, together with such adjoining lands, submerged lands, and waters as the Secretary of the Interior deems appropriate, but the boundaries shall not, in any event, extend beyond 100 yards from the mean high water mark of the island.".

(b) Section 2 of such Act is amended by—

(1) inserting "(a)" after "SEC. 2.";

(2) adding at the end of the first sentence the following: "In acquiring such lands, up to 6.6 acres, the Secretary may, when agreed upon by the landowner involved, defer payment or schedule payments over a period of ten years and pay interest on the unpaid balance at a rate not exceeding the current prevailing commercial rate."; and

"(b) The Secretary is authorized and directed to the maximum extent feasible to employ and train residents of the Virgin Islands to develop, maintain, and administer the Virgin Islands National Park.

"(c) Subject to continued protection and use of Hassel Island for park and recreation purposes and such other conditions as the Secretary may deem appropriate, the Territory of the Virgin Islands may, within but not after five years after the date of the enactment of this subsection, by duly enacted legislation acquire all interests of the United States in Hassel Island by reimbursing the United States in an amount equal to the amount actually expended by the United States for the acquisition of lands and interests in lands and for the costs of construction of permanent improvements, if any.

"(d)(1) Except for property deemed necessary by the Secretary of the Interior for visitor facilities or administration of the park, any owner or owners of improved property on Hassel Island on the date of its acquisition, may retain for themselves a nontransferrable right of use and occupancy of the property for noncommercial residential purposes, for twenty-five years, or, in lieu thereof, for a term ending at the death of the owner or the owner's spouse, whichever is later. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner. The authority of the Secretary to acquire the property commonly known as the Royal Mail (hotel) by condemnation shall be suspended for ten years from the date of enactment and the Secretary shall acquire such property only with the consent of the owner or owners thereof, if such owner or owners agree, in writing, within ninety days after the enactment of this subsection to grant to the United States the right of first refusal to purchase such property at a purchase price not exceeding the fixed value of said property on July 1, 1978.

"(2) As used in subsection (d)(1), 'improved property' means a single-family dwelling, the construction of which began before January 1, 1977, together with such lands as are in the same ownership and appurtenant buildings located thereon.

"(3) The Secretary may terminate a right of use and occupancy retained pursuant to subsection (d)(1) upon his determination that such use and occupancy is being, or may be, exercised in a manner inconsistent with the purposes for which they were included within the park and upon tender to the holder of such right of the amount equal to the value of that portion of the right which remains unexpired on the date of termination.".

(3) Section 3 is amended by inserting "(a)" immediately after "SEC. 3." and by adding the following new subsection at the end thereof:

"(b)(1) Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed on any permanent resident of the Virgin Islands for entrance or admission into the Virgin Islands National Park.

"(2) Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed on any United States military personnel or dependents of such personnel for entrance or admission into the Virgin Islands National Park.".

(4) Section 4 is amended to read as follows:

"SEC. 4. Effective October 1, 1978, there are authorized to be appropriated such sums as may be necessary for the acquisition of lands and interests in lands within the Virgin Islands National Park. For purposes of this section, acquisitions of land on Hassel Island shall be deemed to be acquisitions qualifying for payment under the provisions of paragraph (2) of the Act of June 10, 1977 (Public Law 95-42; 91 Stat. 210). In addition to such sums as may have heretofore been appropriated for development of public facilities within the Virgin Islands National Park, effective October 1, 1978, there are authorized to be appropriated not more than $1,000,000 for restoration and rehabilitation of historic structures and for development of public facilities on Hassel Island: *Provided*, That not more than $500,000 of such amount may be paid to the Territory of the Virgin Islands for its use in furthering projects undertaken pursuant to the Land and Water Conservation Fund Act, the Historic Preservation Act, or other comparable programs upon the transfer of title to the United States of all properties held by the territory on Hassel Island.".

"(5) Section 2(c) of the Act entitled 'An Act to authorize the establishment of the Virgin Islands National Park, and for other purposes' (70 Stat. 940; 16 U.S.C. 398) is amended by adding the following sentence at the end thereof: 'Notwithstanding the acreage limitations and boundary designations contained in this section, the Secretary is authorized to accept through donation, or purchase from a willing seller, the real and personal property located on Lots 251-252 Estate Contant Enighed, Parcels 86B and 86AA Cruz Bay Quarter.'

AUTHORIZATIONS TO REMAIN AVAILABLE

SEC. 8. Any amount authorized by this Act or by the Act entitled "An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes"

(Public Law 95–134; 91 Stat. 1159) but not appropriated for a fiscal year is authorized to be available for appropriation in succeeding fiscal years.

TECHNICAL AMENDMENTS

SEC. 9. Section 501 of the Act entitled "An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes' (Public Law 95–134; 91 Sat. 1159) is amended—

(1) by inserting ", notwithstanding any provision of law to the countrary," after "it is hereby declared to be the policy of the Congress"; and

(2) in subsection (a) by striking out "Notwithstanding any provision of law to the contrary, any and inserting in lieu thereof "Any".

SEC. 10. Authorizations of money to be appropriated under this Act shall be effective on October 1, 1978.

Amend the title as to read "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "To authorize appropriations for certain insular areas of the United States, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 12481) was laid on the table.

GENERAL LEAVE

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, on rollcall No. 382, the so-called Korean resolution, I was present in the Chamber. I was the coauthor of the resolution on the committee which reported it, I spoke on its behalf, and watched with interest and concern its passage, being supportive of that resolution.

Mr. Speaker, the computer indicates that I did not vote on that occasion.

Having studied theology, Mr. Speaker, I am well aware of the fact that I, as an individual person, am not infallible; but this House needs to learn that electronic machines are not infallible either. I hope we will some day change our rules to provide that where a Member is confident of his vote, we might consider something other than treating a computer, which is not omniscient and certainly not omnipotent, as if it were a diety in this House.

Mr. Speaker, I ask unanimous consent that my explanation appear in the permanent RECORD immediately following rollcall vote 382.

The SPEAKER pro tempore. (Mr. SIMON). Is there objection to the request of the gentleman from Alabama?

There was no objection.

FEDERAL RESERVE STAFF REPORT—H.R. 7485

(Mrs. SPELLMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SPELLMAN. Mr. Speaker, earlier this month, I addressed the House about H.R. 7485, introduced by Chairman REUSS and myself to authorize banks to underwrite State and local revenue bond issues. At that time, I included in the remarks a copy of the letter from Federal Reserve Chairman G. William Miller in support of the bill.

The staff report, which formed the basis for the Federal Reserve's position, has been made available to me. I would like to point out the highlights of that report, and then include the full text in the RECORD.

Although the Federal Reserve staff has reviewed and reported favorably on the subject of bank underwriting of State and local revenue bonds for more than a decade, they took a fresh look at the situation when H.R. 7485 was introduced. After carefully analyzing the issues surrounding this legislation, they found "generally unpersuasive" the principal objections of the bill's opponents, which they distilled down to an "overstated" fear by other underwriters of the competition from banks. The Federal Reserve staff concluded that the competition argument supports broader underwriting, as it would strengthen the secondary market for revenue issues, which would result in a liquidity that should lead investors to accept lower yields.

According to the report, bank underwriting would offer reductions in underwriting costs and reoffering yields. The effect, the staff concluded, might be significant in cases where now few bids are received, or where underwritings are negotiated because of a lack of bidders.

The staff pointed to three major studies of the issue, all of which reached the same conclusion regarding savings in costs for State and local governments. It noted that the recent Cagan study of municipal offerings concluded that bank participation would have effected a total savings of $412 million on revenue bonds issued in 1977. That is 1½ percent of the total principal amount of revenue bonds sold last year.

Because underwriting risks for revenue bonds are essentially the same as for general obligation bonds which banks can now underwrite, the staff concluded that H.R. 7485 would not expose banks to any greater risk. Also, the staff noted, the banks can already purchase the same securities for their investment accounts.

The staff report discounts opponents' claim that the bill contains potential for unfair competition. If that were true, the same potential exists with respect to general obligation bonds, yet the staff found no such abuses. The strong competitive pressure characterized by our financial system works against such abuses, the staff noted. Furthermore, the legislation contains a series of restrictions and protections to avoid unfair competition.

The report dismisses the argument that banks might take competitive advantage of lower underwriting costs and capture for themselves excess profits, thus benefitting by a concentration of economic power. The staff concluded that there is an adequate market for both bank and nonbank underwriters. Today, both types of underwriters thrive, the staff said, and the legislation contains monitoring procedures to avoid abuses.

In the hope that we can proceed with this vitally needed legislation, I ask that my colleagues carefully consider the Federal Reserve staff report which addresses and places into proper context opponents' objections to the bill, and which points out the significant cost savings that would accrue to State and local governments from the enactment of H.R. 7485.

I request that the report from the Division of Research and Statistics, dated March 24, 1978, to the Board of Governors of the Federal Reserve System, be inserted at this point in the RECORD.

The material follows:

(Board of Governors of the Federal Reserve System, March 24, 1978)

SUMMARY

Bills similar to H.R. 7485 have been introduced in Congress during the past decade. The Board considered the question of revenue bond underwriting on a number of occasions between 1967 and late 1975, and it consistently expressed the belief that authorization of bank participation in this activity would be in the public interest. In testimony before Congress in December, 1975, however, the Board did not reaffirm its previous position on the issue, but rather stated that it wished to "take a fresh look at the situation" in view of developments in the municipal securities markets associated with the New York City financial crisis.

The staff has reviewed this question, and it recommends that the Board once again express support of bank underwriting of revenue bonds. The key benefit to the public from bank entry would be a reduction in interest costs on State and local debt issues. Opponents—most notably, the nonbank dealers—have asserted that bank competition would not yield these savings, but the staff believes that the preponderance of empirical evidence as well as simple logic favors the view that there would be small, but significant, reductions in underwriting spreads and reoffering yields. This view clearly is widely held by municipal officials, as passage of H.R. 7485 is supported by the Municipal Finance Officers of America, the National League of Cities, the U.S. Conference of Mayors, and other issuer organizations.

The staff has examined a number of arguments raised in opposition to bank underwriting of revenue bonds and found them generally unpersuasive. The assertion that bank activity in this field would entail serious conflicts of interest seems not to be borne out by experience with respect to general obligation (GO) securities; furthermore, various provisions of H.R. 7485, plus the regulations of the Municipal Securities Rulemaking Board, provide substantial safeguards against this risk. The assertion that the effect of bank entry would be primarily to drive out nonbank dealers and to thereby bring about greater dominance of the financial system by commercial banks seems

overstated, especially in light of the success nonbank dealers have had in sustaining their role in the GO market. Moreover, under H.R. 7485, the Treasury would report annually to Congress on the institutional distribution of underwriting, presumably so that the Congress could redress any undesirable imbalances. Finally, the assertion that revenue bond underwriting would expose banks and their depositors to undue risks appears to be based in part on a false notion of the relative risks of GO and revenue bonds; in any event, H.R. 7485 contemplates bank involvement only with securities that already are eligible for bank investment accounts.

DISCUSSION

H.R. 7485 (Attachment A) would significantly broaden the authority of commercial banks to underwrite and deal in securities.[1] The Banking Act of 1933 (Glass-Steagall Act) authorized banks to underwrite certain securities of the Federal government, as well as those backed by the full faith and credit of State or local ("municipal") governments. Excluded from the latter category of "general obligation" bonds were municipal securities secured solely by revenues from such municipal projects as highways, housing projects, and the like. In 1968, legislation was passed permitting banks to underwrite and deal in investment quality revenue bonds issued to finance housing, universities, and dormitories. H.R. 7485 would further extend bank underwriting authority to encompass all investment-grade revenue bonds other than special assessment obligations and industrial revenue bonds.

The bill contains several provisions intended to safeguard against potential conflicts of interest or "unsound" banking practices, as well as to ensure monitoring of the competitive effects within the securities industry:

(1) A bank's investment and dealer account holdings of revenue bonds of any single obligor would be limited to 10 percent of the bank's capital and surplus;

(2) A bank acting as an underwriter could not sell revenue bonds to any of its trust accounts except under court order;

(3) No member of an underwriting syndicate could purchase bonds for its trust department from another syndicate member until the syndicate had closed;

(4) Any sales of bonds by a bank to its depositors, borrowers, or correspondents would have to be accompanied by a written disclosure of that bank's role as an underwriter or dealer;

(5) With certain exceptions, a bank could not transfer bonds obtained as underwriter to its investment account during the underwriting period;

(6) The Secretary of the Treasury would have to report annually to the Congress on the distribution of revenue bond underwriting and dealing between banks and nonbank dealers.

Although the Glass-Steagall Act was designed to separate commercial banking from investment banking, exceptions were made in the case of U.S. government securities and municipal general obligation bonds in order to facilitate public finance. At the time, revenue bonds played only a minor part in municipal borrowing, and there apparently was no specific consideration in Congressional hearings of the question of revenue bond underwriting. It may be noted that Glass-Steagall does not bar banks from investing in revenue bonds for their own accounts.

Since the 1930's, the percentage of State and local bond offerings accounted for by revenue bonds has risen dramatically—16 per cent in 1950, 30 per cent in 1960, 34 per cent in 1970, 49 per cent in 1976, and 60 per cent in 1977.[2] The growth of revenue bond financing can be traced to several causes. One is the desire of State and local governments to overcome restrictive general obligation debt ceilings; issuance of revenue bonds by special authorities has provided an important alternative route for funding desired projects. The increase in revenue bond financing also reflects the expansion of State and local activity in areas that yield benefits that are more private than social in nature and that are therefore more appropriately paid for through user charges.

The record volumes of revenue bonds sold in recent years are cited by nonbank dealers as evidence that they are performing the underwriting function quite adequately without the help of banks. But the greater importance of revenue bond financing also implies a bigger base for cost savings from enhanced competition. Such savings might be expected to occur through reductions in both underwriting costs (spreads) and reoffering yields.

On the assumption that the current statutory barrier to entry is creating some monopoly profit for nonbank dealers, the introduction of additional competitors should lead to a reduction in the cost of underwriting services. The effect might be significant in cases where units now receive relatively few competitive bids, or where a lack of bidders leads to the use of negotiated underwritings (which generally have larger spreads). Opponents raise several objections to this argument—perhaps most notably that the ease of entry for nonbank dealers assures that the full benefits of competition are already being realized, especially in the case of larger, better-regarded issuers.

The arguments regarding the effects of added competition on reoffering yields give more clear-cut support for proponents of bank entry. The participation of banks in underwriting would bring access to a broader range of investors, and this should permit placement of new issues at lower yields. The participation of bank dealers would strengthen the secondary market for revenue issues, and the resulting greater liquidity should lead investors to accept lower yields.

A number of empirical studies have attempted to quantify the impact on interest costs of bank exclusion from revenue bond underwriting and dealing. The results of these studies are, of course, influenced by their key assumptions and other features of their design. Taken as a whole, however, they present a fairly compelling statistical case for the view that State and local governments would experience a small, but nonetheless significant, decrease in their financing costs if H.R. 7485 were passed.

Among the major studies of the potential effects of bank revenue bond underwriting was that conducted by the Board's staff in 1967 at the request of Senator Proxmire. Examination of a sample of 385 securities offered between 1964 and 1966 led to the conclusion that commercial bank underwriting would have reduced the interest costs of revenue bond issues. A massive study published in 1971 by Reuben Kessel reached the same conclusion based on the analysis of 9,420 bonds issued competitively between 1959 and 1967.

Most recently, Phillip Cagan of Columbia University has re-examined the issue, his work being supported by the Dealer Bankers Association. His analysis of 331 randomly selected issues sold in the 1973–1976 period led him to the same conclusion as the aforementioned studies—namely, that interest costs would be pared by bank underwriting, primarily through a reduction in reoffering yields. According to Cagan's estimates, bank participation would have afforded municipal issuers in 1977 a total saving with a present value of $412 million—1½ per cent of the total principal amount of revenue bonds sold last year. Savings over the past decade would have averaged $168 million per year.

Proponents of bank underwriting have suggested other benefits that would accrue to State and local units. It has frequently been asserted that bank underwriters would provide additional financial advice to local communities, and that they would be willing and able to commit capital to the underwriting of local revenue issues during periods of adverse market conditions. However, opponents have pointed to weaknesses in these arguments. Banks, they note, can now provide advice to communities, and might even do so more objectively if they do not have a potential underwriting interest. And to the extent that one of the advantages of bank underwriters may be a greater ability to distribute bonds to other banks, the fact that bank demand for such securities tends to decline in periods of credit stringency suggests that banks would not be especially well-positioned to provide underwriting support at such times.

Besides responding to the proponents' points, as mentioned above, opponents of expanded bank activity in the revenue bond market have attempted to make their case on at least three broad fronts; bank risk exposure, bank "conflicts of interest," and financial concentration. Although these arguments raise concerns that in many instances have their foundation more in hypothetical possibility than in actual experience, some of them are nonetheless sufficiently plausible to warrant attention. Indeed, the Board has in the past voiced similar concerns and has supported the insertion of safeguards such as are included in H.R. 7485.

The matter of enhanced risk exposure appears to be of least concern. Although revenue bonds have had a somewhat greater incidence of default than have GO's during the postwar period, the defaults have been of minimal magnitude relative to the overall volume of financing. Perhaps more relevant, there is no indication that short-term price variation is significantly different for revenue and GO bonds of like rating and maturity, so that underwriting risks are the same. Moreover, H.R. 7485 would permit banks to underwrite and deal only in revenue bonds rated Baa or higher, and banks already can purchase these securities for their investment accounts.

The arguments regarding conflicts of interest involve a range of potential abuses and "unfair" competitive practices. It is asserted that there is a basic conflict between underwriting and dealing, on the one hand, and the traditional deposit, correspondent, trust, investment, and lending functions, on the other. In dealing with correspondents, for example, a bank might be tempted to promote the sale of securities that were moving slowly from a syndicate because of an unrealistically high price. A similar temptation might face it with respect to trust accounts; at the same time, however, if the bank avoided self-dealing by purchasing for trust accounts only securities that it did not have in position, it might be unduly restricting the trust investments. It has also been asserted that banks might cover up their underwriting errors by placing overpriced securities in their own investment portfolios.

[1] Although H.R. 7485 deals specifically with the powers of national banks, State member banks would automatically be granted the same authority under Section 9 of the Federal Reserve Act.

[2] The sharp increase from 1976 to 1977 reflects the large volume of advance refundings, a disproportionate number of which were revenue bonds. In addition, since the New York City crisis, some State and local units may have turned to revenue bond financing where investors seemed more willing to purchase obligations backed by clearly earmarked revenues and assets of a specific enterprise than to purchase debt backed by municipal securities.

The possibility of such abuses would not be unique to revenue bond operations—they could arise with respect to Federal or GO securities as well. In fact, however, there is no evidence that this has been a problem. Even so, the various prohibitions and restrictions placed on banks by H.R. 7485 should provide substantial protection against any such abuses arising in the revenue bond area.

The multiple functions of banks also are asserted to provide a basis for unfair competitive practices. Even in the absence of illegal tying arrangements, it is suggested by opponents that a bank's customers will feel obliged to purchase securities from it in order to curry favor for subsequent loans or other services. Further, it is argued that banks face a conflict of interest in lending to nonbank dealers and competing with them at the same time; it is asserted that banks would capitalize on the creditor-debtor relationship to strengthen their competitive position in underwriting by, for example, exerting pressure for inclusion in syndicates. Again, such patterns of behavior are not beyond the realm of theoretical possibility; however, they seem unlikely to emerge as significant problems in practice given the strong competitive pressures that generally characterize our financial system. Certainly they have not been alleged to be important phenomena in those securities markets where banks currently underwrite and deal.

Opponents point to other reasons, however, why bank entry would result in diminished, rather than increased, competition and greater financial concentration. Banks, this argument runs, have access to lower cost sources of funds, including interest-free checking accounts, because of their depositary powers; in addition, their effective costs of carrying inventories are lower than those of nonbank dealers because they can take interest income from municipal securities on a tax-free basis while deducting from taxable income the interest costs on liabilities. Besides having this inherent cost advantage, it is asserted that bank underwriting departments might be subsidized by other bank operations as part of an overall profit maximization strategy, especially during an initial period as banks attempted to build their market share in the revenue bond market.

Opponents indicate that it is likely that banks would drive nonbank dealers—especially smaller, regional firms—from the market. In their view, rather than increasing competition, the entrance of the banks might well lead ultimately to a net reduction in the number of revenue bond underwriters. And the banks would capture for themselves the excess profits made possible by their lower costs, instead of driving down the financing costs of State and local units. In the process, economic power would become more heavily concentrated in the commercial banking industry, moving the financial system toward a combined commercial and investment banking system.

It is the staff's judgment that bank participation in revenue bond underwriting would prove pro-competitive, not anti-competitive. Although it is possible that some inefficient nonbank dealers would be driven out, it is likely that municipal borrowing costs would be cut through a broadening of the market and a reduction of monopoly profits and that there would still be a return adequate to keep both bank and most nonbank underwriters in business. This view is based in part on the fact that nonbank dealers have shown ability to compete quite effectively with banks in the GO market. An examination of data on underwriting syndicates during the first ten months of 1977, for example, reveals that nonbank dealers accounted for about 50 percent of the GO obligations managed by the top 20 firms and about 60 percent of the GO's managed by the top 45 firms. (These figures are for dollar volumes; the top 45 firms managed the majority of GO debt sold during the period.)[3] Many smaller, regional nonbank dealers apparently continue to thrive in the face of competition from huge, nationwide securities firms, partly on the strength of their ability to distribute securities to investors. It seems unlikely that the entrance of a relatively small number of primarily money-center underwriter banks will eliminate them from the revenue bond market. The fact that Congress would create a monitoring procedure through annual Treasury reports on market shares provides another protection against undue concentration.

[3] These figures are drawn from reports of the Public Securities Association, a municipal securities trade group. Institutional Investor magazine (February 1978, page 36) cites figures from the P.S.A. showing that the "dollar amount of deals managed by commercial banks ranked in the top 25 underwriters of GO issues has dropped rather sharply, from 68 percent in 1970 to 45 per cent in the first half of 1977." The magazine also reports than an SRI study revealed that nonbank dealers captured 73 percent of total underwriting revenues attributable to GO bonds in 1975.

TENTH ANNIVERSARY OF DEATH OF ROBERT F. KENNEDY

(Mr. RONCALIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RONCALIO. Mr. Speaker, my fellow colleagues, 10 years ago today his press officer, Frank Mankiewicz, periodically reported to us through radio and television on the condition of the dying Senator Robert F. Kennedy, who left us 10 years ago tomorrow.

Mr. Speaker, I would like my statement to include an editorial column written last week by David S. Broder, entitled, "R.F.K.: 'He was becoming someone very special,'" as a memorial from this House to the spirit of Robert F. Kennedy.

Mr. Speaker, the column follows:

R.F.K.: "He Was Becoming Someone Very Special"

(By David S. Broder)

It is 10 years ago this week that Robert F. Kennedy died, and the memory of that slim and beguiling man refuses to fade. Countless times these last 10 years I have caught myself thinking, "How Bob Kennedy would have loved this! Wouldn't this infuriate him? Wouldn't that have made him laugh?"

What is it that makes one politician of the many who have moved across the stage, so cherished? Not the intimacy of the relationship, for it was not of that character in my case. But the sense that he was—or, more accurately, was becoming—someone very special calls him back to mind.

He was the most paradoxical of people. A damnably difficult man to interview—given to long pauses, vacant stares, fingernail drumming, almost anything but the conventional give-and-take of journalist and public official.

He rebelled against the formal constraints of that stylized transaction, as he did against many other conventions. But in ordinary conversation, he was something else: loose, funny, angry, outrageous and infinitely variable.

His distinguishing quality was his capacity for what can only be called moral outrage. "That is unacceptable," he said of many conditions that most of us accepted as inevitable—so long as we and ours were spared their damage. Poverty illiteracy, malnutrition, prejudice, crookedness, conniving—all such accepted evils were a personal affront to him.

As his vision widened, from its early concentration on organized crime and labor racketeering to the social problems of this and other lands, his moral energy was not—like most others'—diffused and weakened. It was a weapon he brandished afresh on each occasion, startling a roomful of smug medical students one day, challenging a television panel the next. It was a force he could not discipiline—did not want to discipline—and, at times, it drove him to exhaustion and incoherence.

What made him something other than the strident scold he could have been were two other qualities: a love of life, of dogs, children, family, friends and fellow-creatures, and a gift of unforced, self-mocking humor.

On a trip through California in the autumn of 1966, where he was, in each succeeding speech, drawing a sharper line between his own growing condemnation of the Vietnam War and the policies of the man who had succeeded his brother as president, the tension within him and in his entourage was reaching the breaking point.

He was in a packed field house at Sacramento State University, the emotion of the student audience at the point of igniting. A young woman rose from the audience, shouting, "Senator, sign my petition, please." She forced her way forward—the audience and the press all expectant.

"What is it?" he asked.

"It's a petition to the Post Office Department to send Christmas packages to the soldiers in Vietnam postage-free," she said.

He signed with a flourish, and, in the same instant, said to the crowd, "Another courageous decision." No one else, I think, would have found quite that way to break the tension.

He cared passionately about his family, his country and this world—and he was prepared to play his part in the drama of his times no matter what it might be or what it might cost.

He wrote in the book he published in 1968: "Every generation has its central concern, whether to end war, erase racial injustice, or improve the condition of the working man. Today's young people appear to have chosen for their concern the dignity of the individual human being. They demand a limitation upon excessive power. They demand a political system that preserves the sense of community among men. They demand a government that speaks directly and honestly to its citizens. We can win their commitment only by demonstrating that these goals are possible through personal effort. The possibilities are too great, the stakes too high, to bequeath to the coming generation only the prophetic lament of Tennyson:

> 'Ah, what shall I be at fifty.
> Should nature keep me alive.
> If I find the world so bitter,
> When I am but twenty-five?'"

He was 42 when he died, and his legacy allows no lament.

TENTH ANNIVERSARY OF DEATH OF ROBERT F. KENNEDY

(Mr. MOFFETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. MOFFETT. Mr. Speaker and colleagues, I want simply to agree with the remarks of my distinguished colleague and friend from Wyoming (Mr. RONCALIO), and note that 10 years ago today when I was 23 years old, a man was killed who was a great inspiration to me, and

I think to many of the Members of the House, especially the younger Members who were not in the House at that time. The fact that we now have so many newer and younger Members of both parties in the House, I think, is in part a tribute to his activity.

Certainly, speaking for myself, I want to note how moved I was by him; how inspired I was by Senator Robert F. Kennedy, and how much I personally miss him, as I think we all do in these difficult times.

SOVIET MISBEHAVIOR AND SALT II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois, Mr. CRANE is recognized for 10 minutes.

● Mr. CRANE. Mr. Speaker, in view of the recent events, it is astonishing that the Carter administration has softened its hard-line talk by publicly denying news stories that they have frozen the SALT talks.

For several days the Washington Post and other major papers across the Nation have been carrying front page stories explaining that the administration is very concerned about Soviet global misbehavior, especially in Africa. The stories also indicate that the decision to freeze the SALT talks was due to the administration's analysis of the current domestic and international political climates. The President has stated that this was "absolutely not true." It seems that Mr. Carter and his administration are unsure of their policies toward the Soviet Union and SALT.

Does this administration have its head in the sand? A recent Harris survey clearly indicates that confidence in the President continues to decline. Since mid-1977 there has been consistent and near constant commentary expressing the public's dismay over the President's amateur diplomacy in conducting U.S. foreign policy. His decisions to drop the B–1 bomber and delay (and perhaps cancel) production of the neutron warhead without a quid pro quo from the Soviets to most Americans, are completely unbelievable.

His paradoxical policy relating to Africa has smacked of isolationism and worse. His reaction to increasingly bold Soviet involvement in Africa, by providing advisors, equipping, and encouraging Cuban military intervention, is frightening.

Mr. Carter has practiced a policy of retreating from his emphasis on human rights. After a strong start, his policy has faded to occasional high visibility asides directed against our allies while ignoring the conditions in Communist countries.

Everyday the CONGRESSIONAL RECORD sports floor statements on these and related issues reflecting criticism and dismay. Letters to congressional Representatives and newspapers have stated these same concerns. In short the message is loud and clear.

Even with this increasingly vocal outcry concerning the degradation of America's global stature, the President's reaction to date has been restricted to tough talk. The Soviets perceive us as weak. Tough talk without action to support it is only rhetoric, and they know it. The question is, Will we allow it to continue?

The U.S.S.R. has demonstrated its respect for America through its actions. Its flagrant violations of the human rights provisions of the Helsinki accords, manifested by the treatment of its citizens, is certainly a slap in the face to all the nations who are signatories. It illustrates a cavalier and disdainful attitude which if applied to strategic arms limitation agreements will clearly be to our disadvantage.

The Soviets are clever in their violations of agreements. They take major advantage and gain maximum exploitation of ambiguities. They try to see how far they can push before we call them on an issue. With the SALT I and interim agreements, there is serious question about their willingness to abide by the spirit and the letter of those agreements. Certainly the politics of the issue negatively influences the nature and amount of the information released. But regardless of whether the complete stories are ever told, we know that the Soviets have made a mockery of their signature on documents of import. In exchange for ratification of Soviet domination of Eastern Europe the West accepted what can now be recognized as disappearing ink on a piece of paper affirming human rights.

If the Soviet's signature on the Helsinki accords means so little, if they cannot be trusted to abide by what they have negotiated and agreed to, how does this bode for a SALT II agreement? If they cannot be trusted with issues of a visible nature, how will they treat provisions of an arms limitation agreement where verification is far more difficult?

The Soviets have had their cake and eaten it too. It has been the United States which has consistently compromised. The Soviets, in the SALT I and interim agreements, gave up nothing; but the United States had an edge in counterforce ability and in technology. Ambitious Soviet programs in such depth and vast proportions as to be deemed unexplainable have eaten away our advantage. It is too early to know all the details of the proposed SALT agreement, but it is time to direct more attention to this crucial issue.

Mr. Speaker, the President made a swing through several States viewing with alarm the Soviet actions and then denied newspaper reports that he had decided to take a tough line. I can just imagine Mr. Carter calling an editor saying, "What's the matter, can't you take a joke? The Soviets never get upset over my rhetoric so why should you take it seriously?"

Mr. Speaker, the following resolution indicates the House is very concerned and serious about this situation.

The resolution follows:

H. RES. 1217

Expressing the sense of the House of Representatives with respect to a second strategic arms limitation agreement with the Soviet Union.

Whereas the Soviet Union signed, along with 34 other Nations, the Helsinki Accords in 1975, in which the Soviet Union agreed to respect the human rights and fundamental freedoms of its citizens;

Whereas the Soviet Union has not honored that commitment in that the Soviet Government has unjustly arrested and incarcerated many Soviet citizens;

Whereas, in addition to violations of the Helsinki Accords, the compliance of the Soviet Union with the first SALT Treaty and the interim agreement has been questionable because of its failure to abide by the spirit if not the letter of those agreements;

Whereas the Soviet Union, by supplying and reinforcing its Warsaw Pact allies, has substantially built up both the number and quality of military forces; and

Whereas the Soviet Union has not exercised good faith or restraint in its recent acts of intervention in Africa: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the failure of the Soviet Union to comply with international agreements to which that country is a signatory, and the increased involvement by the Soviet Union in the aforementioned military activities, raise doubts with respect to the sincerity of the Soviet Union concerning a second strategic arms limitation agreement, and that the President, at this time, should not enter into a new strategic arms limitation agreement with the Soviet Union until the Soviet Union honors its commitments.●

PERSONAL EXPLANATION OF MISSED VOTES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. BRECKINRIDGE) is recognized for 5 minutes.

● Mr. BRECKINRIDGE. Mr. Speaker, I would like to take this opportunity to present my votes on various bills I missed during the period May 18 through May 31. Had I been present, I would have voted in the following fashion:

May 18, 1978:

Rollcall No. 334: H. Con. Res. 624: Soviet Helsinki Groups—"aye."

Rollcall No. 335: An Amendment to the substitute to H.R. 39, Alaska National Interest Lands Conservation—"nay."

Rollcall No. 336: An Amendment to the substitute to H.R. 39, Alaska National Interest Lands Conservation—"nay."

May 19, 1978:

Rollcall No. 337: "aye".

Rollcall No. 338: An Amendment to H.R. 39, Alaska National Interest Lands Conservation—"aye."

Rollcall No. 339: A motion to recommit H.R. 39, Alaska National Interest Lands Conservation—"nay."

Rollcall No. 340: H.R. 39: Alaska National Interest Lands Conservation Act—"aye."

May 22, 1978:

Rollcall No. 342: H. Res. 1072: Education Advisory Councils Act—"aye."

Rollcall No. 343: H.R. 11777: Cooperative Forestry Assistance Act—"aye."

Rollcall No. 344: H.R. 11778: Forest and Rangeland Renewable Resources Research Act—"aye."

Rollcall No. 345: H.R. 11779: Renewable Resources Extension Act—"aye."

Rollcall No. 346: S. 2370: Expansion of the Forest Services Volunteer Program—"aye."

Rollcall No. 347: H.R. 12353: Extension of Veterans Readjustment Appointment Authority—"aye."

Rollcall No. 348: H. Con. Res. 555: Most Favored Nation Status for Hungary—"aye."

Rollcall No. 349: H. Res. 1193: Consideration of H.R. 12602, Military Construction Authorization Act, 1979—"aye."

Rollcall No. 350: H.R. 12602: Military Construction Authorization For FY 1979—"aye."

Rollcall No. 351: An Amendment to H.R. 12602: Military Construction Authorization For FY 1979—"nay."

May 23, 1978:

Rollcall No. 353: S. J. Res. 4: Aboriginal Hawaiians Claims Settlement Study—"aye."

Rollcall No. 354: H.R. 12299: Domestic Violence Assistance Act—"nay."

Rollcall No. 355: H.R. 3050: Tax Treatment of Magazine, Paperback and Record Returns—"aye."

Rollcall No. 356: H.R. 8535: Tax Credit for Child Care by Relatives—"aye."

Rollcall No. 357: H. Res. 238: European Economic Community Restrictions on U.S. Exports of Certain Processed Fruits and Vegetables—"aye."

Rollcall No. 358: H.R. 11370: Reimbursements to States for Social Service Expenditures—"aye."

Rollcall No. 359: An Amendment to H.R. 10729, Maritime Authorization—"nay."

Rollcall No. 360: An Amendment to H.R. 10729, Maritime Authorization—"nay."

Rollcall No. 361: An Amendment to H.R. 10729, Maritime Authorization—"nay."

Rollcall No. 362: H.R. 10729: Maritime Authorization—"aye."

Rollcall No. 363: H. Res. 1188: The rule under which H.R. 10929, Department of Defense Appropriation Authorization Act, will be considered—"aye."

May 24, 1978:

Rollcall No. 365: An amendment to H.R. 10929, Department of Defense Appropriation Authorization Act—"nay."

Rollcall No. 366: An amendment in the nature of a substitute to the committee amendment that sought to replace the committee substitute with the administration's DOD budget request, with the exception of the $911.9 million authorization for the Trident submarine—"nay."

Rollcall No. 367: An amendment to H.R. 10929, Department of Defense Appropriation Authorization Act—"nay."

Rollcall No. 368: An amendment to the committee substitute for H.R. 10929, Department of Defense Appropriation Authorization Act—"nay."

Rollcall No. 369: An amendment to the committee substitute for H.R. 10929, Department of Defense Appropriation Authorization Act—"nay."

Rollcall No. 370: An amendment to the committee substitute for H.R. 10929, Department of Defense Appropriation Authorization Act—"nay."

Rollcall No. 371: An amendment to the committee substitute for H.R. 10929, Department of Defense Appropriation Authorization Act—"aye."

Rollcall No. 372: H.R. 10929: Department of Defense Appropriation Authorization Act, 1979—"aye."

May 25, 1978:

Rollcall No. 374: S.J. Res. 137: Reaffirming Unity of North Atlantic Alliance Commitment—"aye."

Rollcall No. 375: H. Res. 1165: Providing for consideration of H.R. 7814, Flexible Work Schedules—"aye."

Rollcall No. 376: "Aye."

Rollcall No. 377: H.R. 7814: Federal Employees Flexible and Compressed Work Schedule Act of 1978—"aye."

Rollcall No. 379: An Amendment to H.R. 9400, Civil Rights Institutionalized Persons—"aye."

May 31, 1978:

Rollcall No. 380: Approval of Journal of May 25—"aye."

Rollcall No. 382: H. Res. 1194: Korean Investigation—"aye."

Rollcall No. 383: H.R. 7041: Glenn Cunningham and Standing Bear Lakes—"aye."

Rollcall No. 384: H.R. 212: R. Shaefer Heard Park—"aye." ●

THE AMERICA-ISRAEL FRIENDSHIP LEAGUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 10 minutes.

Mr. ADDABBO. Mr. Speaker, the close and enduring friendship between the people of the United States and the people of Israel, like all friendships, is based upon mutual understanding and respect and an emotional bond which transcends mere self-interest. The tie between the United States and the Jewish homeland goes all the way back to our Founding Fathers. John Adams wrote to a friend in 1819 the words:

> . . . I really wish the Jews again in Judeah an independent nation.

A century later, on September 21, 1922, Congress adopted and President Harding signed a joint resolution favoring the establishment of a Jewish national homeland in Palestine. Again in 1944, 182 Members of this distinguished House of Representatives and 63 Senators signed a statement, commemorating the 25th anniversary of the Balfour Declaration. In the declaration, Congress declared that—

> It has thus become the declared and traditional policy of the United States to favor the restoration of the Jewish National Home.

May I point out that all of this took place before the establishment of Israel in 1948.

Since the partition of Palestine the Israelis have earned our deep respect and admiration. For Israel is a nation of immigrants and pioneers who have arisen from the ashes of Auschwitz to become one of the most important powers in the Middle East. Time and again the Israelis have proved their dedication to independence by defeating enemies many times their size.

Perhaps the emotional bond which ties us to Israel has best been portrayed by the former Secretary of State Dulles. Once, at a dinner party he exclaimed:

> Israel has only one embassy in this city out of a hundred, but I cannot look on it as just one country out of many. If I do that, I shall be denying the entire Judeo-Christian heritage on which the whole of this country is built—without that, there is no America.

Let us remember, too, that Israel has been our constant and unswerving friend throughout all of its short history. Alone, the bulwark of democracy in the Middle East, it has stood as a beacon of freedom and justice in a part of the world in which these words are too often foreign and distrusted. With each day, as a seemingly endless number of crises break out in as many different points on the globe, the value of a reliable friend in so important an area of the world becomes more and more clear.

Friendships, however, cannot endure when they are anchored in a vacuum of standard phrases and platitudes which may belie the reality of action. Rather, it is in the intermingling of people and culture that our friendship is continually reaffirmed.

Herbert Tenzer, our former colleague, is one of the men who is responsible for the dynamic personality of our relations with Israel. As a Member of the House of Representatives, his distinguished record testifies to his service to his country. As president of the America-Israel Friendship League, he continues that service by bringing the peoples and cultures of Israel and America closer together.

The America-Israel Friendship League counts 68 Members of the House and 7 Senators as members—and the list is growing. The league sponsors a variety of programs designed to further the good will of the two nations.

Its educational exchange programs bring Israelis and Americans together for the purpose of promoting an interchange of cultural, artistic, and scientific knowledge.

Through the auspices of the league, Israeli Boy Scouts tour the United States with their American counterparts.

The league sends American students to Israel to study solar energy.

Distinguished jurists from both countries met at an America-Israel Friendship League forum to discuss common interests.

The league sponsors conferences on international hijacking.

I can go on listing the accomplishments of the league, but the point is that America and Israel have a unique relationship within the family of nations. I think that this relationship is not based upon self-interest, but upon the organic makeup of the peoples and cultures of the two countries. The America-Israel Friendship League, its distinguished members, and its president, play an important role in giving life and character to that friendship and are to be commended.

SENATOR JAMES B. ALLEN—MASTER PARLIAMENTARY STRATEGIST—

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

● Mr. FLOOD. Mr. Speaker, the Congress of the United States has produced many leaders of national stature but few have attained a higher position as a parliamentary strategist than the late Senator JAMES B. ALLEN of Alabama.

Outstanding among his many contributions in the Senate were his services in the defense of the vital interests of the United States in the U.S. Canal Zone and Panama Canal. These activities included extensive hearings from July 22, 1977, through March 11, 1978, before the Subcommittee on Separation of Powers of the Senate Committee on the Judiciary, of which subcommittee he was the chairman; and his leadership in the Senate during the prolonged debates in opposition to the Panama Canal giveaway treaties, February 8 to April 18, 1978.

The records of the hearings, consisting of four parts and a digest of information, included testimony of a number of witnesses of outstanding distinction and background of experience. In conducting that investigation it was significant that Senator ALLEN and his subcommittee

were not impressed with diplomatic sophistries, legal circumlocutions, or other forms of evasion but were guided by the clear provisions of the U.S. Constitution as framed by the Founding Fathers of our country and approved by the States that adopted it. The record of the hearings and the February 1978 final report of his subcommittee on "The Panama Canal Treaty and the Congressional Power to Dispose of U.S. Property" merit the most careful study by all serious students of American history, particularly educators, editors, and others seeking valid source material. These records can be found in all major depositories for U.S. Government documents.

During the Senate debates on the two treaties, Senator ALLEN was truly heroic in defending the treaty based rights, power and authority of the United States and aroused wide support from the people throughout the Nation, some 86 percent of whom strongly opposed, and still oppose, the two treaties.

Mr. Speaker, the parts played by Senator ALLEN during both the hearing and the debates are historic and should serve as an inspiration to the youth of the United States as well as to those who seek to lead it.

Obituary notices, published in the Sun of Baltimore, Md., the Washington Star and the New York Times, follow as parts of my remarks:

[From the Baltimore Sun, June 2, 1978]

JAMES ALLEN OF ALABAMA IS DEAD AT 65

Gulf Shores, Ala. (AP)—Senator James B. Allen, the conservative Democrat whose knowledge of Senate rules made him the master of the filibuster, died yesterday, apparently of a heart attack.

Mr. Allen, who had been an Alabama senator for 10 years, died at South Baldwin County Hospital in Foley after collapsing at a Gulf Shores condominium, a hospital administrator said. He was 65.

Sandy McGill, the administrator, said Mr. Allen was "breathing when he got here. . . . They worked on him for approximately 30 minutes . . . and he just didn't make it."

Mr. Allen's wife, Maryon, was with him when he died.

He was considered the Senate's champion in the art of the filibuster.

"If I have to stand with one man at Armageddon and battle for the Lord, I hope that man would be Senator James Allen of Alabama," former Senator Sam J. Ervin, Jr., once said.

Mr. Ervin, a North Carolina Democrat, said yesterday, "We really can't afford to lose Jim Allen. He had intelligence, he had industry and he had the courage to stand up for what he knew to be right."

The Senate majority leader, Robert C. Byrd (D., W.Va.), said Mr. Allen "commanded respect with his mastery of the rules and his courtesy on the floor."

Mr. Allen was a leader of the opposition to the two Panama Canal treaties that were approved by the Senate March 16 and April 18.

Because he frequently held the Senate floor for hours during the debate, his voice became known to millions who listened to the live broadcast of the proceedings on National Public Radio.

Mr. Allen often used his knowledge of Senate rules to delay or block liberal proposals by sustaining filibusters on the Senate floor.

He offered few legislative proposals of his own and probably was the most conservative figure among Senate Democrats in recent years.

His death means Gov. George C. Wallace must call an election "forthwith" to replace Mr. Allen until his term expires in 1981.

Governor Wallace, who recently said he would not run for Alabama's other Senate seat, from which John J. Sparkman (D.) is retiring, can appoint someone to take Mr. Allen's seat until the election. He could resign as governor and have Lt. Gov. Jere Beasley appoint him to the seat.

Mr. Wallace said yesterday that "Alabama has had no greater public servant" than Mr. Allen.

Mr. Allen was born December 28, 1912, in Gadsden, Ala., where he attended public schools. He graduated from the University of Alabama and its law school, and practiced law in Gadsden from 1936 to 1968.

Mr. Allen served in the Alabama legislature as state representative from 1938 to 1942. He was re-elected in 1942 but resigned to serve in the Navy. He was stationed in the Pacific theater.

He was a member of the Alabama Senate from 1946 to 1950 and was lieutenant governor for two terms, from 1951 to 1955 and 1963 to 1967.

In 1954 he ran for governor but lost in the primary to James E. (Big Jim) Folsom.

Mr. Allen was elected to the U.S. Senate in 1968 and re-elected in 1974.

Mr. Allen is the fourth senator, all Democrats, to die during the 95th Congress. The others were Senators John L. McClellan of Arkansas, Lee Metcalf of Montana and Hubert H. Humphrey of Minnesota.

[From the Washington Star, June 2, 1978]

SENATOR ALLEN, THE MASTER PARLIAMENTARIAN, DIES

(By Walter Taylor)

Sen. James B. Allen, whose mastery of Senate rules and parliamentary maneuvering posed a constant threat to liberal legislation and to the timetables of Congress, died last night of an apparent heart attack. He was 65.

In the vanishing tradition of old-line Southern conservatives, Allen filibustered a score of important bills during his 10 years in the Senate, many of them into obscurity. But the filibuster—or "extended debate," as Allen preferred to refer to the talkathons in which he participated—was only one of his tools for obstructing legislation he opposed.

The courtly Alabama Democrat also perfected the post-filibuster "filibuster"—a tactic using time-consuming procedural motions to delay consideration of a bill even after the Senate had voted to end debate.

"If I have to stand with one man at Armageddon and battle for the Lord, I hope that man would be Sen. James Allen of Alabama," former Sen. Sam Ervin once said of Allen's parliamentary skills.

Sen. Edward M. Kennedy, D-Mass., with whom he often had battled in the Senate Judiciary Committee and on the Senate floor, last night described Allen as "perhaps the greatest parliamentarian ever to sit in the United States Senate."

Allen was pronounced dead at 7:15 p.m. (EDT) at a hospital in Foley, Ala., after collapsing while on vacation at nearby Gulf Shores. News service dispatches reported that Allen was alive when brought to the hospital but that he failed to respond to life-saving steps administered by doctors.

He was the fourth member of the Senate, all Democrats, to die in office during the current Congress. The others were Hubert Humphrey of Minnesota, Lee Metcalf of Montana and John McClellan of Arkansas.

Allen's death immediately raised the possibility that Alabama Gov. George C. Wallace might become a member of the Senate after all. Wallace last week bowed out of the race to succeed Alabama's senior senator, John Sparkman, who is retiring.

State law requires that a special election to fill such a vacancy be held "forthwith," but Wallace evidently could resign as governor and arrange to have himself named to hold the seat during the interim.

Billy Joe Camp, Wallace's press secretary, said last night that he "would expect an interim appointment," but said the governor was unlikely to discuss any plans for filling the post until after funeral services for Allen, scheduled for Tuesday.

Camp said it was not immediately clear how quickly a special election must be held and suggested that the "most practical solution" would be to include candidates for Allen's seat on the statewide ballot in November.

Allen probably was not as widely known outside the Senate as many of his colleagues, primarily because he initiated little legislation of his own during his 10 years in Congress and because his lack of seniority deprived him of any visible committee or subcommittee chairmanships.

But his knowledge of Senate rules—and his readiness to use them—gave him influence within the chamber far exceeding his public reputation. A couple of years ago, when Allen typically was tying the Senate in procedural knots while opposing changes in the filibuster rule itself, one newspaper story referred to him as a "one-man wrecking crew."

He spent much of his time on the Senate floor, seeming to lie in ambush for legislation that offended his conservative sensibilities. Among other things, Allen-led filibusters blocked or delayed bills creating a federal consumer protection agency, reforming the federal tax code, extending the Voter Rights Act, giving the vote to 18-year-olds, providing for postcard voter registration and providing public financing for congressional elections.

Most recently, he had joined forces opposing a major labor law reform bill currently on the Senate floor.

Allen's high-pitched Alabama drawl became familiar to many Americans during nationally broadcast debate earlier this year on new Panama Canal treaties, which he vigorously opposed. Even supporters of the treaties found themself remarking about "Dictator Torrijos," so often did Allen allude in those words to Brig. Gen. Omar Torrijos, the Panamanian head of government.

Even during the most heated Senate debates, however, Allen rarely lost his wry sense of humor or betrayed his finely honed sense of old-style Southern chivalry. He often would chuckle aloud at his own oratorical flourishes, or at a clever rejoinder by a colleague.

Allen's tactics of delay often prompted questions about the ability of the Senate to handle a modern-day workload while operating under free debate rules written generations ago. More than one critic contended that Allen's maneuvering was an abuse of parliamentary rules.

He addressed such concerns during a 1975 debate on streamlining Senate procedures. "Shall we destroy the one feature that more than any other makes the U.S. Senate the greatest deliberative body in the world?" said Allen.

"I say not. People need an opportunity for unwise legislation to be considered and slowed down. They need some restraint upon the abuses of an unbridled majority."

Although not elected to federal office until 1968, Allen's career in Alabama politics dated to the late 1930s. He served in both houses of the Alabama Legislature and twice was elected lieutenant governor of the state.

In his second term as lieutenant governor, from 1963 to 1967, he served under Wallace

and was long considered a close political ally of the governor. In 1968, he defeated former Rep. Armistead I. Selden Jr. to succeed Lister Hill in the Senate.

Allen was born Dec. 28, 1912, in Gadsden, Ala., where he attended public schools. He was graduated from the University of Alabama, and later earned a law degree from that school.

[From the New York Times, June 3, 1978]

SENATOR JAMES B. ALLEN HAILED; TERMED MASTER PARLIAMENTARIAN

(By M. A. Farber)

Senator Sam Ervin once said that if he had "to stand with one man at Armageddon and battle for the Lord," he hoped that man would be Senator James Browning Allen of Alabama, who died in Foley, Ala., Thursday at the age of 65.

The North Carolina Democrat did not elaborate on his choice of Senator Allen but, to his Senate colleagues, there was no need for an explanation. Everybody knew that James Allen was a valued ally in any fight, a man who could out-talk or outmaneuver many of the wisest and most experienced politicians in Washington. Even when he lost—and in the long, if not the short, run he often lost on the issues—the conservative Alabamian was sure to have made the most of his opportunities. If he did not beat the opposition, he wilted them.

Most recently, Senator Allen was in the vanguard of Senators opposing passage of the Panama Canal treaties. That, too, was a losing effort. But the junior Senator from Alabama was acknowledged on both sides of the aisle as the ranking "wizard of the rulebook."

As a champion of the filibuster and as a master parliamentarian, Senator Allen frequently managed to tie up the Senate for days and to wring concessions from his opponents. During long debates, he would fortify himself with cherry-flavored instant glucose.

Often Senator Mike Mansfield, the former Senate majority leader, would complain about Senator Allen's tactics of obstruction and would protest that he was abusing the Senate rules.

But Senator Allen, a physically large but personally shy man, did not see things that way. "To debate and discuss can't do anything but good," he would say.

GREATEST PARLIAMENTARIAN

Senator Edward M. Kennedy, who clashed with Senator Allen on more than one occasion, described the Alabama Democrat Thursday night as "perhaps the greatest parliamentarian ever to sit in the United States Senate."

"He was a skillful and unfailingly courteous statesman whose dedication to the Senate was surpassed only by his dedication to the people of Alabama," said the Massachusetts Democrat, who served on the Judiciary Committee with Senator Allen. "They have lost a kind and extremely able public servant, and the Senate has lost one of its best known modern institutions."

James Browning Allen was born in Gadsden, Ala., on Dec. 28, 1912. After graduating from the University of Alabama and from its law school, he practiced law in Gadsden in 1935.

In 1938, Mr. Allen was elected to the Alabama House of Representatives but, in 1942, he resigned to enter the Navy. He saw action in the Leyte and Okinawa campaigns.

Resuming his political career after World War II, he was elected in 1946 to the Alabama State Senate, in which he served until 1950. From 1951 to 1955, he was Alabama's Lieutenant Governor, a post that he held again from 1963 to 1967. In 1954, he was an unsuccessful candidate in Alabama's Democratic gubernatorial primary.

With the retirement of Senator Lister Hill in 1968, Mr. Allen entered the Democratic primary race for the Senate against Representative Armstead I. Selden Jr. To some observers it seemed that the only issue was which candidate was more loyal to Gov. George C. Wallace. But Mr. Allen also charged Mr. Selden with being part of the "Washington crowd," a reference to the Administration of President Lyndon B. Johnson.

Mr. Selden won the endorsement of Senator Hill, his cousin. But Mr. Allen won Mr. Hill's seat.

A ZERO RATING

In Washington, Senator Allen tried to dispel the notion that he was "George Wallace's man" in the Capitol or a latter-day "Senator Claghorn," a radio character of the 1940's who was so Southern that he drank only from a Dixie Cup.

Although he was conscious of being a poor public speaker who was easily embarrassed, the conservative junior Senator from Alabama took a lesson from his Southern colleagues and quickly set out to learn the intricacies of the Senate's rules.

In earlier years Senator Allen fought creation of a Federal consumer protection agency; reform of the Senate's filibuster rules; an antitrust bill that would allow states to obtain triple damages against businesses convicted of price fixing schemes; pay increases for top Government officials, including members of Congress; taxpayer financing of political campaigns; Federal funding to countries opposed to the white minority regime in Rhodesia; use of Treasury general revenue funds to defray the cost of Social Security benefits, and other measures.

The Senator, whose voting record earned him a zero rating from the liberal Americans for Democratic Action, was a strong supporter of the military and of legislation to curb pornographic materials and to restrain Federal involvement in school integration and in busing decisions.

In 1975, when New York City appealed for Federal aid to ease its financial crisis, he said that he was against "city slickers from New York" calling on "their country cousins for help."

Senator Allen, a 200-pound, six-footer who wore his red hair parted in the middle and slicked back, had little interest in the Washington social whirl, preferring an evening at home with his wife, Maryon, and a Southern-cooked dinner or a meal of hamburgers and ice cream.

His lack of pretense showed in other ways, too. Soon after the Panama Canal debates this year, when his voice had become known to millions over the National Public Radio, he was seen arriving in Washington from a trip to Alabama.

He had flown to Washington, but in tourist class. And, when he got off the plane, he carried his own bags.

In addition to his wife, Senator Allen leaves a son, James B. Jr., and a daughter, Debbie. Another daughter, Mary Rebecca, died in a fire at the age of 3. All of his children were by his first wife, the former Marjorie Jo Stephens, who died in 1956.

Services for Senator Allen will be held Tuesday in his home town of Gadsden, his office in Washington said yesterday. He will be buried at Crestwood Cemetery after services at the First Methodist Church. The Senate chaplain the Rev. Dr. Edward Elson, is scheduled to officiate.●

AN ARGUMENT FOR THE RETENTION OF AMTRAK SERVICE IN THE WEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming (Mr. RONCALIO) is recognized for 5 minutes.

● Mr. RONCALIO. Mr. Speaker, last month the Department of Transportation released its proposals for rerouting Amtrak in its report, "A Reexamination of the Amtrak Route Structure."

The proposals contained in that report leave Wyoming and the vast majority of the West completely without passenger rail service. An analysis of existing systems using the criteria employed by the Department of Transportation in determining route selection justifies continued operation of the San Francisco/Chicago Zephyr which runs through Wyoming.

I strongly oppose the DOT plan and wish to share with my colleagues my arguments against it, prepared largely by Mr. Clinton Ensign, a research assistant on my staff.

The analysis follows:

ANALYSIS

I am disappointed after reviewing the Amtrak route structure and I oppose the recommendation of the Department of Transportation to reroute the present passenger train network and eliminate the Chicago/San Francisco Zephyr. Such a measure is discriminatory against Western States, and is not based on sound financial or public interest merit, as this argument will prove.

These guidelines were used by the Department of Transportation in determining the proposed route recommendation:

(1) Density—the level of ridership on the route

(2) Revenue/Cost Ratio—the economic feasibility of the route

(3) Population—the number of people the route services

(4) Public Service—the social benefits the route offers.

Based upon this criteria used by the Department of Transportation, the Amtrak (Chicago/San Francisco Zephyr) line, servicing Wyoming, justifies continued operation.

DENSITY

If the elimination of certain routes is necessary, then let's begin with those routes that are not as efficient as the Zephyr. Many short and long distance routes on both the East and West Coasts will continue to run even though they have proved to be more inefficient than the Zephyr.

When ranking the 41 train routes by *density* of use, the San Francisco/Chicago Zephyr ranks 15th. In other words, there are still 26 other lines that per mile of track carry less passengers than the Zephyr. Even though the San Francisco/Chicago route runs through some thinly populated States, it still enjoys a high ridership level. Listed are just some of the routes that rank much lower than the Zephyr which will be continued under the proposed recommendation.

Density and passenger miles/train miles:

(100 percent federally funded routes) (*PM/TM*)

San Francisco/Chicago (Zephyr)	127
New York City/Harrisburg	126
Chicago/Houston	113
Minneapolis/Duluth	103
Chicago/Detroit	95
New York City/Detroit	91
Seattle/Portland	89
Chicago/St. Louis	87
Chicago/Milwaukee	84
Chicago/Carbondale	76
Chicago/Washington	60
New Haven/Springfield	34

This information clearly indicates that when thinking in terms of ridership, the Zephyr amply meets continued service requirements.

REVENUE/COST RATIO

Keeping in mind the fact that the Chicago/San Francisco Zephyr route is in the upper half of the routes offered by Amtrak in terms of passengers per train mile, consider now the economic efficiency of the system. In FY 77 the Zephyr lost just under 13¢ per pas-

senger mile. Out of the 41 train routes operated by Amtrak, the Zephyr ranked 20th when considering a profit/loss ratio. Again, it was in the upper half of the Amtrak routes offered in 1977. Listed are some of the routes that will be retained under the proposal that are much more costly to operate per track mile than the Zephyr.

(100 percent Federally funded routes):

	Fully allocated Profit/Loss per Passenger Mile
San Francisco/Chicago (Zephyr)	(.1274)
Chicago/Houston	(.1366)
Chicago/Detroit	(.1399)
Seattle/Portland	(.1477)
NYC/Buffalo/Detroit	(.1507)
NYC/Harrisburg	(.1757)
Chicago/Washington	(.1801)
Washington/Montreal	(.1866)
Chicago/Milwaukee	(.3251)
New Haven/Springfield	(.3814)

A report by D.O.T. sent to the Chairmen of Appropriations and Transportation Committees in both the Senate and the House stated that "There are not 'poor' performers in the recommended system." The statement by DOT is very misleading and incorrect. The New Haven/Springfield run lost over 38¢ per track mile and ranked extremely low in terms of density (see earlier reference). The Chicago/Milwaukee run is another big loser. It would be a flagrant error for Amtrak not to first eliminate their most inefficient routes. If that type of house cleaning is not done first then never will Amtrak have a prayer in imporving its efficiency.

An important question that I ask is "Will the recommended system be more economically efficient than the present system?" If the answer is "yes" then it cannot be any more than a marginal "yes". Presently, for every dollar of cost that is incurred by Amtrak, only 37 cents of revenue is received. Almost all of the present Amtrak routes are running severely in the red and elimination of any one of those routes would save the taxpayers millions. For example, the San Francisco/Chicago route lost 28 million dollars in FY 77. However, both the New York/Florida and New Conventional routes lost 61 million dollars each during the same year. Eliminating the Zephyr, as with any route, will reduce the deficit of Amtrak but will not necessarily increase the effectiveness of the system. There are better alternatives.

It should be pointed out that under the recommendation, certain routes will be consolidated. Two routes, "The Empire Builder" and "The North Coast Hiawatha", which are both much more inefficient than the Zephyr, will be consolidated with the hope that a more cost efficient and higher ridership level can be obtained. The Zephyr is to be merged with the Southwest Limited for the same reasons.

However, I am very skeptical that such consolidations will meet these expectations. Under the recommendation, the new Zephyr/Southwest Limited route would run from Chicago to Bakersfield and up to Oakland. The Oakland/Bakersfield route has proven to be one of the poorest performers of all the routes Amtrak offers. Out of 41 routes in 1977, the Oakland/Bakersfield run ranked 37th according to ridership and 36th according to a revenue/cost ratio. Instead of beefing up the new consolidated line, the recommendation would add a lead weight to the route.

Also, there is no conclusive data available to back up the assumption that the consolidation of two routes increases ridership or profits. There are such numerous factors involved that it is extremely difficult to predict with reasonable accuracy the type of results that can be expected in route mergers. In 1970, when the Rail Passenger Service Act was enacted into law, it was assumed that Amtrak would need only interim Federal funding and that the passenger train industry would once again become a viable business. However, DOT reports that "Unfortunately, the hope that Amtrak would be successful with only interim funding has proven to be unfounded and the progress that Amtrak has made has been achieved at considerable public expense." Since economic projections in the past have proven to be inaccurate, I am skeptical about unproven consolidation claims of increased efficiency in the future.

POPULATION

In determining the cities that Amtrak services, DOT mentioned, "The system will provide service to and from those locations where a significant percentage of our people live." Under the recommendation, some extremely inefficient systems will be retained because they are needed to serve more people. However, if population is a gauge to passenger train service, then I find it highly questionable for Amtrak to recommend service to a considerably smaller population that lies along the proposed route from Seattle to Chicago.

Assuming that major cities that are east of the Mississippi River will receive adequate Amtrak service, compare population densities of the two routes that lie west of the River. (Not including Oakland, San Francisco, or Seattle.)

POPULATION COMPARISON OF MAJOR CITIES SERVICED

(West of the Mississippi River to the West Coast)

[In thousands]

Chicago/San Francisco route

(Zephyr)

Omaha	572.8
Lincoln	185.4
Denver	1,404.3
Cheyenne	46.7
Laramie	23.4
Salt Lake/Ogden	783.8
Reno	145.2
Total	3,161.6

Chicago/Seattle route

(The North Coast Hiawatha and the Empire Builder)

Spokane	304.9
Butte	23.5
Billings	97.4
Missoula	29.6
Bismarck	38.4
Fargo	56.0
Grand Forks	41.9
Total	591.7

I do not oppose the proposed route from Seattle to Chicago, however, if it qualifies for passenger service then the Zephyr run, with an extremely higher population density, should also qualify for the same service. To do otherwise would be discriminatory.

Presently, important passenger rail service is vital to the energy resource populations of the West. The States of Wyoming, Colorado, Utah, Nevada, and Idaho are projecting above average growth rates in the next decade. In the years that Amtrak has been subsidized, the population of these States has increased by a million people.

(Population in thousands)

State	July 1, 1970	July 1, 1977	Percent change 1970–77
Colorado	2,210	2,619	18.5
Idaho	713	857	20.3
Nevada	489	633	29.6
Utah	1,059	1,268	19.7
Wyoming	332	406	22.2
Totals	4,803	5,783	

With these States being rich in valuable energy resources, and assuming the same rate of growth, projections indicate that by early 1984 populations in these States will have increased another million.

State	July 1, 1977	July 1, 1984
Colorado	2,619	3,104
Idaho	857	1,031
Nevada	633	820
Utah	1,268	1,518
Wyoming	406	496
Totals	5,783	6,969

DOT also stated that Amtrak should "Be able to concentrate attention and equipment on those routes which show promise, rather than having to devote resources to routes which today have been shown to be hopeless." Instead of abandoning passenger rail lines, we need to provide sound alternatives that will protect those States that are experiencing healthy and consistent growth. It is obviously the wrong time to eliminate passenger train service during this marked expansion period.

PUBLIC SERVICE

This nation was linked together for the first time over a century ago by a rail line that ran through the center of the West. The Zephyr, which runs basically along the same line and also cuts through the heart of the Rocky Mountains, is one of the most historic and scenic routes available to the public. Railroad passenger service connects major centers such as Salt Lake City, Denver, and Omaha as well as connecting scattered communities along the line. Not only is Amtrak a great benefit and public service to the general public in those regions, but it is especially appreciated by the elderly population who prefer the comfort of train transportation. Train travel is an expected mode of transportation for communities which were established with the purpose of aiding the railroad's westward expansion. If service ceased, these cities would be plagued with unemployment and labor protection payments would run into the millions.

A letter from the Department of Transportation which listed the advantages of the proposed system stated that "The system is National and serves all regions of the country."

All, *except* the West.

Most Western States would be left entirely without service. All of Nevada, Utah, and Wyoming would be eliminated from Amtrak routes. It is very misleading to assume that the citizens of Colorado and Idaho would receive quality train service either. Under the recommended system, Idaho would receive service at the narrow northern neck of the State. Idaho's largest cities, Boise, Twin Falls, Pocatello, and Idaho Falls, are all in the southern half of the State. In fact, for people in those cities that wanted to catch a train, the Zephyr would be their closest option. Actually, only a few thousand people in Idaho would benefit by Amtrak.

The type of service that Colorado would receive is deceptive also. For example, someone going from Denver to San Francisco would not be able to make proper train connections and would be forced to spend the night in La Junta, Colorado. Not only would a passenger's ticket cost more, but his trip would be so costly in terms of time and hotel accommodations that it would make the trip highly impractical. The run would be so ridiculously uncompetitive that the route would thus be an excellent candidate for cancellation in future years. A passenger going from Denver to Chicago on the "Spur", is also looking at additional wasted time and escalated ticket prices. Under those type of conditions, Amtrak would fail to be a "serv-

ice" to Colorado. To eliminate the Chicago/San Francisco Zephyr would leave a gaping hole in passenger train service in the Western region of America.

The people of Wyoming have a special need for Amtrak service because of the uniqueness of the State. Eighty and ninety miles of prairie separate southern Wyoming cities and serious winter weather frequently isolates these communities. Amtrak is used in winter months for transportation to major medical centers in Salt Lake City and Denver when driving is difficult and hazardous. The Wyoming Highway Patrol reported that during the 1977/1978 winter, Interstate 80 was forced to close 12 times because of snow and high winds. The duration of highway closure is unpredictable, but there have been times when I-80 has been closed for more than 100 hours. (Example: During the 1972/1973 winter—Rock Springs to Evanston was closed for 117 hours. Rawlins to Rock Springs was closed for 102 hours.) The Airport Traffic Control tower of the Federal Aviation Administration in Cheyenne estimated that the airport there was closed 30 days during a winter and the normal duration of a closure was 2 to 3 days. Amtrak is an indispensable link between separated populations during severe storms when only the train can get through.

SUMMARY

In summarizing this information, I am amazed at the capricious nature of the D.O.T. proposal. It does not reflect just or sound discretion in eliminating the Chicago/San Francisco Zephyr passenger rail service. Let me again indicate that I am not opposed to any measure that will increase the effectiveness of Amtrak. However, as has been shown, if other less productive routes are retained, then Wyoming and the Zephyr, according to the criteria used by the Department of Transportation in determining route selection, amply qualify for Amtrak service. If not, the proposal would discriminate against the taxpayers of the Western and Midwestern States. It would not be a reasonable or rational recommendation.

The proposal does not contain the type of medicine needed for a lasting improvement of Amtrak's financial sickness. Therefore, I must strongly oppose the proposal in its inequitable dealing with the people of the State of Wyoming and I urge the Department of Transportation to reconsider its passenger rail recommendation.●

NATIONAL WATER POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

● Mr. OBERSTAR. Mr. Speaker, in the House, on January 19, 1977, I stated:

We do not have a national water policy. It seems strange that the greatest food-producing nation in the world, a country with only three percent of the available fresh water on earth, does not have a water policy. The lack of water, a grave threat to our economic stability, looms ominously and deserves to be given high priority by the 95th Congress.

Mr. Speaker, we need that policy now.

Over 4,200 billion gallons of water fall on the United States every day, with a national average of 30 inches a year. About 70 percent of that water, however, is returned to the atmosphere by evaporation. Of the remaining 30 percent, amounting to about 7,000 gallons per person per day, a third is actually used—about half of it by agriculture, 40 percent by industry and 10 percent by communities. The unused two-thirds seeps into aquifers—natural underground reservoirs.

Theoretically, there is an abundance of water; the central issue is management—having enough in the right place at the right time. At the present time, management consists of a patchwork of local, State, regional, and Federal jurisdictions that often work in conflict with each other. Furthermore, water pollution control and water resource development at the Federal level are scattered among 16 Federal agencies with more than 180 budget accounts.

In an effort to coordinate water resource management, the administration in June 1977 launched a water policy study—a comprehensive reexamination of water law, policy, and programs. The Water Resource Policy Study group has already held hearings in the field and in Washington, D.C. The President is expected fairly soon to make his final recommendations, based on the study.

These recommendations must, in my opinion, include a system for obtaining an assessment of the overall cost, both economic and environmental, of water resource development, a system to make water conservation a practicable endeavor, and a system to coordinate local, State, regional and Federal management efforts. The system of balancing benefits and costs, conservation and coordination, should be one which avoids unnecessary damage to the ecosystem, protects scenic and esthetic values, enhances resource management of renewable resources, and conserves depleted resources—a tall order, but a necessary one, if we are to have any realistic hope of enacting a comprehensive water resources policy.

The demands on the Nation's water supply have grown dramatically in the last century. As a result, policies governing water conservation, development, and utilization have lagged far behind national development. New policies reflecting today's needs and the needs of the coming decades are essential to assure efficiency in water use, to insure economic growth, and to sustain a healthful environment.

Our farm policy, our export policy and our economic growth policy, combining with the birth rate, population distribution, and dietary habits, will influence the demand for water by the year 2000. We cannot accurately predict how these variables will combine to influence that demand, but a framework can and must be developed now to provide realistic alternatives to meet any possible situation.

The administration's water policy study is a step in the right direction. However, the Congress taking the recommendations, those reappraising existing policies and programs, will have the task of establishing the guidelines for bringing the water policies and programs of the United States into harmony with the goals of a highly developed industrial nation.

The Congress should be working vigorously now and in the months ahead to assure that the President's recommendations adequately reflect the Nation's future water needs.●

PERSONAL EXPLANATION

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, I arrived late to the Monday, June 5, session of the House of Representatives because I was attending to various matters in my congressional district during the morning. I missed three votes on motions to suspend the rules of the House and pass three separate bills. Had I been present, I would have voted to suspend the rules and pass H.R. 185, H.R. 188 and H.R. 12140. The first of these was the Coast Guard Employees' Transportation Act, the second was the Implementation of the Marine Pollution Control Protocol, and the third was the Federal water pollution control authorization.

H.R. 12250, THE BOUNDARY WATERS CANOE AREA BILL

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, I rise in favor of H.R. 12250, the Boundary Waters Canoe Area bill. The BWCA bill follows close on the heels of another crucial piece of environmental legislation, H.R. 39, the Alaska National Interest Lands Conservation Act. These two bills offer an opportunity for this Congress to make an extraordinary contribution to the protection and enhancement of the national patrimony.

Given the similarity of many of the points at issue in these two bills, it is perhaps not surprising that there is a familiar ring to many of the arguments being offered in opposition to the creation of the Boundary Waters Canoe Area. As with H.R. 39, for example, it is argued that the bill "removes" land from present or future usefulness. Nothing could be further from the truth.

It is not preservation of the land in its natural state that robs future generations of choices about its use, but heedless development and exploitation. We cannot recreate an extinct species; rebuild a fragile and interdependent ecosystem; or restore minerals that have been extracted. We cannot, without great controversy and legal complexity, so much as roll back habitual patterns of land use; and we cannot, without enormous expense, restore forests or watersheds to even a semblance of their original condition once they have been been altered. In preserving our remaining wilderness lands, we are doing far more than asserting a spiritual value or creating a recreational resource. Perhaps more important, we are insuring that future generations retain a true range of choices as to the ultimate use of these lands.

It is also asserted that H.R. 12250 represents an extension and intrusion of Federal authority. The facts argue otherwise. All but a fraction of the lands in question are already federally owned. Many of the constraints embodied in the bill are already in place as a result of

administrative decisions. Their inclusion in the bill clarifies their status and insures their enforceability and permanence, to be sure, but it does not represent a wholesale revision of the prevailing regulations and practices in the area.

Apart from the legal status of the lands in question, the area is, in a sense, a national treasure by usage. A substantial majority of its users are not residents of the area. If my own mail is any measure, the creation of the Boundary Waters Canoe Area is very much a matter of concern in the 10th District of Illinois. It is perhaps difficult for some of my colleagues from the West, where open space is not so scarce a commodity, to understand fully the significance of the BWCA for the people of our region. The combined effects of nature, geography, and patterns of American economic development have endowed the Middle West with much that is good—but they have also left us with few areas in which wilderness conditions are possible. We have many beautiful areas; many fine lakes for boating and fishing; many woodland areas where family camping, snowmobiling, and other motorized recreation can be enjoyed. But in the Middle West, indeed, throughout the East, we have few areas where true wilderness conditions can be enjoyed.

In this context, the authors of this bill, and the full membership of the committee who have helped to shape it in the form that is before us today, deserve special commendation. As I have already indicated, the problem in the Boundary Waters Area is, in large measure, one of reclaiming and restoring wilderness conditions in the face of contrary patterns of use that have been allowed to develop. This means that the economic and personal interests of the residents of the area have developed, to some extent, in directions that are contrary to the intent of the wilderness designation. The authors of H.R. 12250 have achieved a remarkable degree of balance between the public and private interests involved. They have done a masterful job of protecting the property rights and even the recreational preferences of the people of the area. The amendments being offered today by the sponsors underscore once more their willingness to accommodate the needs and concerns of the people of the area to the greatest possible extent.

Mr. Speaker, I am proud to have been among the cosponsors of this legislation. I hope we will move quickly to complete the work that has been so ably done by the authors and the committee. The Boundary Waters Canoe Area is unique; it is threatened by styles of recreational use that can be carried out elsewhere without harmful side effects; H.R. 12250 has made ample provision for those whose lifestyles will be in any way affected. It is a good bill and a fair one. I urge its passage.

LEAVE OF ABSENCE

(By unanimous consent, leave of absence was granted to:)

Mr. COTTER (at the request of Mr. WRIGHT), for today, on account of death in family.

Mr. GILMAN (at the request of Mr. RHODES), for June 7, 8, and 9, 1978, on account of official business.

Mr. PIKE (at the request of Mr. WRIGHT), for June 5, 6, and 7, on account of illness in the family.

Mr. RODINO (at the request of Mr. WRIGHT), for today, on account of illness in the family.

Mr. STUMP, for June 5, 1978 through June 9, 1978, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PURSELL) to revise and extend their remarks and include extraneous matter:)

Mr. CRANE, for 10 minutes, today.

(The following Members (at the request of Mr. BLANCHARD) to revise and extend their remarks and include extraneous matter:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. BRECKINRIDGE, for 5 minutes, today.
Mr. ADDABBO, for 10 minutes, today.
Mr. FLOOD, for 5 minutes, today.
Mr. RONCALIO, for 5 minutes, today.
Mr. OBERSTAR, for 5 minutes, today.
Mr. MCHUGH, for 10 minutes, on June 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PURSELL) and to include extraneous material:)

Mr. KETCHUM.
Mr. GILMAN.
Mr. DERWINSKI in three instances.
Mr. MCCLORY in three instances.
Mr. JEFFORDS.
Mr. LAGOMARSINO in two instances.
Mr. COLLINS of Texas in three instances.
Mr. O'BRIEN.
Mr. STEIGER.
Mr. MICHEL.
Mr. COHEN.
Mr. GRASSLEY in two instances.
Mr. SYMMS.
Mr. CORCORAN of Illinois.
Mr. HANSEN in five instances.
Mr. TREEN.

(The following Members (at the request of Mr. BLANCHARD) and to include extraneous matter:)

Mr. HAMILTON.
Mr. WOLFF.
Mr. LEHMAN.
Mr. CARNEY.
Mr. ANNUNZIO in six instances.
Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. BROWN of California in 10 instances.
Mr. ADDABBO.
Mr. MOAKLEY in two instances.
Mr. GAYDOS.
Mr. RUNNELS.
Mr. YOUNG of Missouri.
Mr. ROE.
Mr. HOLLAND in five instances.
Mr. KASTENMEIER.
Mr. MCDONALD in five instances.
Mr. AMBRO.
Mr. WEAVER.
Mr. OTTINGER in two instances.
Mr. CORRADA.
Mr. MINETA.
Mr. RODINO.
Mr. HALL.
Mr. RONCALIO.
Mr. SIMON in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1816. An act to amend the Public Works and Economic Development Act of 1965 to authorize a program of research, development, and demonstration to guayule rubber production and manufacture as an economic development opportunity for the southwestern States; to the Committees on Agriculture and Science and Technology.

THE LATE SENATOR JAMES B. ALLEN

Mr. NICHOLS. Mr. Speaker, I offer a resolution (H. Res. 1216) on the death of the Honorable JAMES B. ALLEN.

The Clerk read the resolution, as follows:

Resolved, That the House has heard with profound sorrow of the death of the Honorable James B. Allen, a Senator of the United States from the State of Alabama.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 7 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The resolutions were agreed to.

The SPEAKER pro tempore (Mr. SIMON). On behalf of the Speaker and without objection, the Chair appoints as members of the funeral committee the following Members on the part of the House:

Mr. BUCHANAN, Mr. DICKINSON, Mr. EDWARDS of Alabama, Mr. BEVILL, Mr. NICHOLS, Mr. FLOWERS, and Mr. FLIPPO.

The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, that as a further mark of respect to the memory of the deceased, the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 5 o'clock and 31 minutes p.m.) pursuant to House Resolution 1216, the House adjourned until tomorrow, Tuesday, June 6, 1978, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[*Omitted from the Record of June 2, 1978*]

4311. A letter from the Assistant Secretary for Education, Department of Health, Education, and Welfare transmitting the fourth annual report of the National Center for Education Statistics on the condition of education in the United States, pursuant to section 406(d) of the General Education Provisions Act, as amended (88 Stat. 556); to the Committee on Education and Labor.

4312. A letter from the Deputy Assistant Secretary of the Interior, transmitting notice of a proposed change in an existing records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4313. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on the special domestic assignment program for foreign service officers, pursuant to section 576(e) of the Foreign Service Act of 1946; to the Committee on International Relations.

4314. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, Department of State, transmitting a report on the programing and obligation of funds for Lebanon relief and rehabilitation, pursuant to section 495C of the Foreign Assistance Act of 1961, as amended (90 Stat. 762); to the Committee on International Relations.

4315. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

4316. A letter from the Chairman, Civil Aeronautics Board, transmitting a report on the feasibility and economic impact of youth standby fares, pursuant to section 8(b) of Public Law 95–163; to the Committee on Public Works and Transportation.

4317. A letter from the Administrator, U.S. Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Act to increase the maximum allowable compensation and travel expenses for experts and consultants; to the Committee on Small Business.

4318. A letter from the Comptroller General of the United States, transmitting a report on the Labor Department's hearing impairment criteria under the Federal Employees' Compensation Act (HRD–78–67, June 1, 1978); jointly, to the Committees on Government Operations, and Education and Labor.

[*Submitted June 5, 1978*]

4319. A letter from the Assistant Secretary of the Navy (Manpower, Reserve Affairs and Logistics), transmitting notice of the proposed transfer of the obsolete Fast Patrol Craft (PTF–17) to the City of Buffalo, N.Y., pursuant to 10 U.S.C. 7308(c); to the Committee on Armed Services.

4320. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting volume three of the first annual report of the Energy Information Administration, pursuant to section 57(a)(2) of the Federal Energy Administration Act, as amended (90 Stat. 1139; 91 Stat. 572); to the Committee on Interstate and Foreign Commerce.

4321. A letter from the Librarian of Congress, transmitting a report on scientific and professional positions established in the Library of Congress during calendar year 1977, pursuant to 5 U.S.C. 3104(c); to the Committee on Post Office and Civil Service.

4322. A letter from the Chairman, Interagency Geothermal Coordinating Council, transmitting the second annual report on the Geothermal Energy Research, Development and Demonstration Program, pursuant to 204(c) and 302(a) of Public Law 93–410; to the Committee on Science and Technology.

4323. A letter from the Comptroller General of the United States, transmitting a report on the operational testing of Air Force systems (PSAD–78–102, June 2, 1978); jointly to the Committees on Government Operations and Armed Services.

4324. A letter from the Comptroller General of the United States, transmitting a report on the progress made by the World Bank in establishing an independent review and evaluation system for its programs and activities (ID–78–14, June 5, 1978); jointly, to the Committees on Government Operations, Banking, Finance and Urban Affairs, and International Relations.

4325. A letter from the Comptroller General of the United States, transmitting a report on removing status offenders from detention and correctional facilities (GGD–78–37 June 5 1978); jointly, to the Committees on Government Operations, Education and Labor, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ULLMAN: Committee on Ways and Means. H.R. 12380. A bill to amend the Federal-State Extended Unemployment Compensation Act of 1970 with respect to an individual's eligibility period for benefits under such act (Rept. No. 95–1262). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on House Administration. S. 1267. An act to amend sections 3303a and 1503 of title 44, United States Code, to require mandatory application of the General Records Schedules to all Federal agencies and to resolve conflicts between authorizations for disposal and to provide for the disposal of Federal Register documents (Rept. No. 95–1263). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee on House Administration. House Concurrent Resolution 561. Concurrent resolution authorizing the printing as a House document the folder "The United States Capitol" (Rept. No. 95–1264). Referred to the House Calendar.

Mr. HAWKINS: Committee on House Administration. House Concurrent Resolution 441. Concurrent resolution providing for the printing of the report "New Perspectives in Health Care for Older Americans" (Rept. No. 95–1265). Referred to the House Calendar.

Mr. HAWKINS: Committee on House Administration. House Resolution 1136. Resolution providing for the printing of a booklet entitled "Duties of the Speaker" (Rept. No. 95–1266). Referred to the House Calendar.

Mr. HAWKINS: Committee on House Administration. House Resolution 934. Resolution providing for the printing of the committee print "Federal Responsibility to the Elderly" (Rept. No. 95–1267). Referred to the House Calendar.

Mr. HAWKINS: Committee on House Administration. House Resolution 933. Resolution providing for the printing of the report "Senior Transportation: Tickets to Dignity" (Rept. No. 95–1268). Referred to the House Calendar.

Mr. HAWKINS: Committee on House Administration. House Resolution 932. Resolution providing for the printing of the report "Mandatory Retirement: The Social and Human Cost of Enforced Idleness" (Rept. No. 95–1269). Referred to the House Calendar.

Mr. HAWKINS: Committee on House Administration. House Resolution 847. Resolution providing for the printing as a House document of a print of the Committee on Science and Technology (Rept. No. 95–1270). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. KEYS (for herself, Mr. CORMAN, Mr. RANGEL, Mr. STARK, Mr. JACOBS, Mr. FISHER, Mr. BURKE of Massachusetts, Mr. BRODHEAD, and Mr. GRADISON):

H.R. 12972. A bill to amend title XVI of the Social Security Act to remove certain work disincentives for the disabled under the supplemental security income benefits program; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Ms. KEYS, Mr. FRASER, Mr. VANDER JAGT, Mr. RANGEL, Mr. STARK, Mr. BURKE of Massachusetts, Mr. BRODHEAD, and Mr. GRADISON):

H.R. 12973. A bill to amend title XX of the Social Security Act to increase the entitlement ceiling and otherwise provide for an expanded social services program, to promote consultation and cooperative efforts among States, localities, and other local public and private agencies to coordinate services, to extend certain provisions of Public Law 94–401, and for other purposes; to the Committee on Ways and Means.

By Mr. CEDERBERG (for himself, Mr. DICKINSON, and Mr. SPENCE):

H.R. 12974. A bill to provide for the establishment of a board which will establish and administer agricultural production and marketing programs, and for other purposes; jointly, to the Committees on Agriculture, International Relations, Interstate and Foreign Commerce, and Ways and Means.

By Mr. CORMAN (for himself, Mr. GUYER, and Mr. JOHN T. MYERS):

H.R. 12975. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for certain services performed by chiropractors; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. JACOBS:

H.R. 12976. A bill to amend the Federal Aviation Act of 1958 relating to reduced-rate transportation for certain persons traveling to the United States to be adopted by residents of the United States; to the Committee on Public Works and Transportation.

By Mr. JEFFORDS (for himself, Mr. BLOUIN, Mr. BONKER, Mr. JOHNSON of Colorado, Mr. KOSTMAYER, Mr. MATHIS, Mr. MEEDS, Mrs. MEYNER, Mr. MURTHA, Mr. SAWYER, and Mr. THOMPSON):

H.R. 12977. A bill to establish an Agricultural Land Review Commission; to establish a demonstration program for protecting agricultural land from being used for nonagricultural purposes; and for other purposes; to the Committee on Agriculture.

By Mr. MURPHY of New York:

H.R. 12978. A bill to amend the Shipping Act to vest jurisdiction in the Federal Maritime Commission over complaints against shippers, consignors, and consignees, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RODINO:

H.R. 12979. A bill to improve the administration of justice by providing greater discretion to the Supreme Court in selecting the cases it will review and for other purposes; to the Committee on the Judiciary.

By Mr. ROGERS (for himself, Mr. STAGGERS, Mr. SCHEUER, Mr. FLORIO, Mr. MAGUIRE, Mr. MARKEY, Mr. OTTINGER, and Mr. CARTER):

H.R. 12980. A bill to revise and reform the Federal law applicable to drugs for human use and to establish a National Center for Clinical Pharmacology within the Department of Health, Education, and Welfare; to the Committee on Interstate and Foreign Commerce.

By Mr. STEERS (for himself, Mrs. HOLT, Mr. FISHER, and Mrs. SPELLMAN):

H.R. 12981. A bill to require the preparation of an environmental impact statement for any action causing the movement of 100 or more Federal employees from a place of employment in one county to one or more places of employment outside that county; to the Committee on Post Office and Civil Service.

By Mr. BRODHEAD:

H.R. 12982. A bill to amend the Internal Revenue Code of 1954 to require the withholding of income taxes from certain payments made under employer wage continuation plans; to the Committee on Ways and Means.

By Mr. KREBS:

H.R. 12983. A bill to amend the Federal Reclamation laws to promote the establishment of viable family farms on Federal Reclamation projects, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SYMMS (for himself, Mr. NEAL, Mr. COLLINS of Texas, Mr. WHITEHURST, Mr. YOUNG of Florida, Mr. BOB WILSON, Mr. GUYER, Mr. DORNAN, Mr. MCDONALD, and Mr. GRASSLEY):

H.R. 12984. A bill to provide for the issuance of gold medallions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. JOHN L. BURTON (for himself, Mr. PRITCHARD, Mr. SISK, Mr. DINGELL, Mr. MAGUIRE, Mr. FISH, Mr. FASCELL, Mr. NEDZI, Mr. YATES, Mr. ULLMAN, Mr. LONG of Louisiana, Mr. AUCOIN, Mr. MOORHEAD of Pennsylvania, Mr. HAMILTON, Mr. ROGERS, Mr. SMITH of Iowa, Mr. WON PAT, Mr. TUCKER, Mr. SEIBERLING, Mr. CEDERBERG, Mr. CORRADA, Mrs. CHISHOLM, Mr. FLORIO, and Mr. RUNNELS):

H.J. Res. 955. Joint resolution to authorize and request the President to issue annually a proclamation designating the first Sunday of September after Labor Day of each year as "National Grandparents Day"; to the Committee on Post Office and Civil Service.

By Mr. EVANS of Indiana:

H.J. Res. 956. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mrs. HOLT:

H.J. Res. 957. Joint resolution proposing an amendment to the Constitution of the United States for the purpose of limiting the power of Congress to tax; to the Committee on the Judiciary.

By Mr. MOORE (for himself and Mr. FLOOD):

H.J. Res. 958. Joint resolution designating July 1, 1978, as "National Free Enterprise Day"; to the Committee on Post Office and Civil Service.

By Mr. ST GERMAIN (for himself, Mr. CORRADA, Mr. RICHMOND, and Mr. STOKES):

H.J. Res. 959. Joint resolution to declare June 4 through 10, 1978, to be "National Neighborhood Week"; to the Committee on Post Office and Civil Service.

By Mr. SYMMS (for himself, Mr. JOHNSON of California, Mr. CAPUTO, Mr. JONES of Tennessee, Mr. ROBERTS, Mr. GARY A. MYERS, Mr. CHARLES WILSON of Texas, and Mr. WINN):

H.J. Res. 960. Joint resolution disapproving proposed regulations of the Department of the Treasury requiring centralized governmental registration of firearms; jointly, to the Committees on the Judiciary, and Ways and Means.

By Mr. ASHBROOK (for himself and Mr. FLOWERS):

H. Con. Res. 638. Concurrent resolution disapproving proposed regulations of the Department of the Treasury requiring centralized registration of firearms and other matters; jointly, to the Committees on the Judiciary, and Ways and Means.

By Mr. CHARLES WILSON of Texas (for himself, Mr. COLLINS of Texas, Mr. HIGHTOWER, Mr. KRUEGER, Mr. WHITE, Mr. WRIGHT, and Mr. YOUNG of Texas):

H. Con. Res. 639. Concurrent resolution relating to the national air quality standard for photochemical oxidants; to the Committee on Interstate and Foreign Commerce.

By Mr. CRANE:

H. Res. 1217. Resolution expressing the sense of the House of Representatives with respect to a second strategic arms limitation agreement with the Soviet Union; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII,

[*Omitted from the Record of June 2, 1978*]

The SPEAKER presented a memorial of the Legislature of the State of California, relative to Native Americans; to the Committee on Interior and Insular Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 15

By Mr. FOUNTAIN:

—On page 348, line 23, add the following new subsection to Section 1321:

(f)(1) Section 438 (a)(5)(A) of such Act is amended by striking out "name,".

(2) At the end of subsection (a)(5) of such Act, add the following new subparagraph:

"(C) Any educational agency or institution may release names of students, on a timely basis, to any individual, agency, or organization requesting such information: *Provided*, That such requests shall designate whole class membership rolls of—

"(i) students at the same level of chronological progression through the educational agency or institution; or

"(ii) graduates of a particular year."

H.R. 3350

By Mr. STARK:

(Amendment to the amendment in the nature of a substitute).

—In section 4495(b) of the Internal Revenue Code of 1954 (as proposed to be added by the Committee Amendment), strike out "3.75 percent" and insert in lieu thereof "10 percent".

In section 4497(a) of the Internal Revenue Code of 1954 (as proposed to be added by the Committee Amendment) strike out "20 percent of".

EXTENSIONS OF REMARKS

POSTAL SERVICE

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. ADDABBO. Mr. Speaker, the people of New York City have long been known for their straightforward opinions on the state of the world, in general and in particular, and so it is no surprise to me that a resident of Jackson Heights has come upon a singularly impressive proposal for the U.S. Postal Service.

Those of us serving in this House have long considered the problems of the Postal Service and it appears likely to me that we are no closer today to resolving those problems than we were when we set up this operation as an independent corporation.

But Mr. Sidney Sherman of Jackson Heights, a counselor at law by profession and student of mankind by advocation, has in a few paragraphs come up with what I consider the best possible way to make the public at large aware of the problems we have with the Postal Service.

Since he has said it so well, I would prefer that Members be given an opportunity to read for themselves the suggestions offered by Mr. Sherman. Accordingly, I ask unanimous consent that his letter to me of May 26, 1978, be printed in the RECORD in its entirety.

The letter follows:

JACKSON HEIGHTS, N.Y.,
May 26, 1978.

Hon. JOSEPH P. ADDABBO,
Member of Congress, House Office Building, Washington, D. C.

DEAR CONGRESSMAN ADDABBO: Once again, for the sixth time in the past ten years the United States Postal Service has taken upon itself the role of Jesse James by again "sticking up" the public with an increase in First Class Mail rate. I use the term "sticking up" most advisedly in that an examination of the postal records will clearly reveal that there has not been a deficit incurred on First Class Mail even when the public was paying 3¢ and 5¢ for First Class Postage.

It would be quite appropriate to commemorate the First Class Rate increase with a Commemorative Stamp depicting Jesse James entering a mail train with pistol drawn and the words "Stick 'em up" prominently emblazoned on the face of the stamp. Better yet since mail trains have been relegated to oblivion, why not commemorate the Commemorative Stamp to Texas Guinan with her classic motto "Hello Sucker" inscribed across the face of the stamp. Either would be truly synonymous of the treatment that the consumer is getting from both the Executive and Legislative Branches of Government. The day is long past since either the Executive or Legislative Branches of Government has had the guts to resist the pushing around that the average postal user gets from the Big Brass of the Postal Service and to say "The Buck Stops Here".

Some time ago the Hoover Commission was designated to study the Postal Service and to make a report. This they did, and came forth with some excellent ideas, which if applied, could have possibly put the Postal Service on a self-sustaining basis. But, like all good concepts, the Hoover Commission Report was relegated to interment in the archives. And, speaking of the archives, I am reminded of the retired old lady who had

never been to Washington and came for the first time and registered for a guided tour. As they passed the Archives Building she noted the words "What is Past is Prologue" engraved on the facade. She inquired of the guide the meaning of the quote and the guide promptly and courteously replied that it was fancy government language which means "You ain't seen nothin' yet." The guide's comment is a most accurate prophesy.

I think it would be a good idea for another Hoover Commission to be brought into being to look into the ineffectiveness of our current Postal System, and I am reasonably certain that they will come up with findings that will improve the quality of the Postal Service and too, afford a decent break to the average postal user.

As a retired Postal Employee and past officer of the Postal Union, I offer my services—"gratis" to any such Commission that may be promulgated either by the Executive or the Legislative Branches of our Government.

Just to make myself clear, since the term "gratis" is a rarity in Government parlance today—it means "for free."

I trust that some effective measures will be taken to protect the postal user from the added Federal Tax load that is now being imposed upon him. Without question the true impact of every increase in First Class Mail rates is an added tax burden in that First Class Mail has never operated at a deficit since the Pony Express first began to operate.

Sincerely,

SIDNEY J. SHERMAN.

VERNON KAYS RETIRES AS McHENRY COUNTY CLERK

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. McCLORY. Mr. Speaker, in the retirement from public office of my longtime friend, McHenry County Clerk Vernon Kays, we are witnessing the close of a public career which has spanned almost 40 years.

Vernon Kays, a life-long resident of Marengo in my 13th Congressional District of Illinois, was first elected as alderman of his home community in 1939. Ten years later he was the popular choice for mayor of Marengo. In 1954, he became county treasurer and then, in 1958, Vernon Kays was elected as county clerk of McHenry County, where he continues to serve to this day. Vernon Kays was elected and served as an alternate delegate to the 1952 Republican National Convention.

Mr. Speaker, Vernon Kays exemplifies the very finest in public service. He retains the idealism which motivated his original entry into public service. During his tenure as county clerk, Vernon Kays inaugurated many new systems and converted the office of county clerk into a modern and efficient operation which has received the praise of all who have come in contact with his office.

Mr. Speaker, I have had many occasions to visit in Vernon Kays' home and both he and his late wife, Gladys, and my family have shared a close association as we have continued our respective personal and political lives.

Mr. Speaker, I am planning to attend a retirement dinner in behalf of Vernon Kays on Saturday evening, June 10, and will convey to him a message of congratulations and present him with a copy of these remarks for inclusion among his memoirs.●

THE LOSS OF A LEADER

HON. HAROLD RUNNELS

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. RUNNELS. Mr. Speaker, it is with great sorrow that I convey to this House news of the death of a personal friend and former Member of the U.S. Congress and resident of New Mexico.

Joseph M. Montoya, elected to the U.S. House of Representatives in 1957 in a special election, serving three terms in the House, two in the Senate, died this morning at Georgetown Hospital. Joseph Montoya was a man totally dedicated and devoted to the life of being a public servant. He exemplified fully the qualities of a true statesman. Montoya, who would have celebrated his 63d birthday in September, began his political career at a very young age—a career that would see this man serve his State and his country for 40 years—almost all of his adult life.

His colorful career began in 1936 when Montoya was first elected to the New Mexico House of Representatives at age 21 while still attending college. In 1938 he was reelected and named House majority floor leader. Two years later he was to make political history by being elected as the youngest member of the New Mexico Senate and later majority whip. He continued in this capacity until 1946 when he was elected Lieutenant Governor and reelected in 1948. He returned to the State senate in 1952 and 2 years later he again gained control of the Lieutenant Governor's post.

His career in the U.S. Congress began on April 9, 1957, when during a special election, he was chosen to fill the vacancy caused by the death of Antonio M. Fernandez. Montoya was then elected to the 86th, 87th, and 88th Congresses. Then in 1964 he was elected to the U.S. Senate to fill the unexpired term of Dennis Chavez.

Montoya never really knew what it was like not to be involved in the political arena. His entire adult life was devoted to serving the people of New Mexico in one capacity or another. While in Washington, he was able to elevate himself to a position of prominence and respectability that was to remain with this man even after he left the Senate in 1976.

There is not an area in New Mexico that has not felt the impact of Montoya's efforts and accomplishments as a public servant. One can learn much about being a public servant by observing Senator Montoya—his accomplishments as a political leader and most of all by observing the love this man had for his State and its people. He was a man who helped to make America and New Mexico what it is today.

He will be missed by those of us who knew him and watched him during his remarkable political career.●

ANTIGUN CONTROL LOBBY HURTS CRIME CONTROL

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. McCLORY. Mr. Speaker, the distortions and misinformation which have been circulated by the so-called gun lobby appear to have destroyed the opportunity for a program of tracing the ownership of guns used in the commission of crimes.

As I have pointed out before, the proposed regulations of the Bureau of Alcohol, Tobacco, and Firearms were intended to facilitate the tracing by law enforcement officials of weapons used in the commission of crime as well as to assist in locating lost or stolen weapons. The proposed regulations were and are entirely consistent with existing law.

One of my constituents, after receiving a reply to his form letter inspired by the NRA, communicated further to me as follows:

I think I agree with your position. The crime control aspects of the proposed regulations would certainly seem to be beneficial with respect to rapidly tracing the ownership of firearms used in crimes.

The Chicago Tribune editorially commented on the subject of these regulations in its Friday, June 2, edition. A copy of this editorial is attached to these remarks in the hope of further enlightening the American public in an area of law enforcement where the gun lobby has undertaken to becloud and confuse this critical issue. The editorial follows:

THE ANTILAWMAKING LOBBY

A standard claim advanced by the National Rifle Association and similar groups is that its members are law-abiding, conscientious people who want only to protect their constitutional rights. This argument needs to be weighed against the more than 200,000 letters that have inundated the Treasury Department in recent weeks, nearly all of them denouncing a proposal for a national filing system to record gun sale.

The proposed law has nothing to do with gun ownership. Its purpose is to make it easier for police to trace firearms used in crimes. Manufacturers would be required to stamp a unique serial number on each gun; wholesalers and distributors would have to report commercial distribution, and report any thefts to the treasury's Bureau of Alcohol, Tobacco, and Firearms within 24 hours. Distribution would be recorded in a central file, enabling police to trace a gun quickly up to its last point of sale; the file would not, however, contain names of retail buyers. The government would have far less information than it does on the ownership of automobiles.

Mail to the bureau—much of it from members of the NRA and organizations like it—is running 18 to 1 against the proposal. Some of the letters are violent ["Don't make the mistake of coming for my guns. I would just as soon kill you as look at you," etc.]. Some express fears that computerized file would be only a first step toward individual registration of gun owners, then confiscation and "enslavement." Some use loftier and vaguer arguments, such as government costs and inflation.

There is, however, one underlying theme: There must be no new law having anything to do, directly or indirectly, with gun ownership. It does not matter what the law may provide; it may, like the present proposal, have no effect at all on individual gun owners. If it connects guns with legislation of any kind, it is anathema to the gun lobby.

Goodness knows we prize our liberties just as much as the NRA does. But we can't understand the justification for attacking a proposed law for no reason except that it is a proposed law or that it might conceivably be followed by another law, perhaps a bad one. The NRA declares instant, total war on any legislation in its field that it does not sponsor, merely because it fears legislation as such. We wonder when Congress will start pushing back against people who want it to surrender its lawmaking license on anything concerning their hobby.●

GUARDIAN OF THE MENORAH TRIBUTE BANQUET TO HONOR ESTHER MARKS OF YOUNGSTOWN, OHIO

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. CARNEY. Mr. Speaker, on Thursday, June 15, 1978, the ninth annual B'nai B'rith Guardian of the Menorah Award will be presented to Mrs. Esther Marks.

The funds raised from the Guardian of the Menorah tribute banquet will be donated to the B'nai B'rith Youth Services Appeal, which supports Hillel Foundations on 290 college campuses, B'nai B'rith youth organizations, serving about 35,000 teenagers, and career counseling services, which provide youth with college placement and job search assistance. B'nai B'rith is the oldest and largest Jewish service organization in the world, with representation in over 40 countries of the free world and a membership of over half a million men, women, and youth.

The annual B'nai B'rith Guardian of the Menorah Award is conferred in communities throughout the country to outstanding citizens who have shown, through service and commitment, a devotion to community and service to mankind. In conferring the award on Esther Marks, B'nai B'rith is recognizing Mrs. Marks' outstanding contribution to her community and Nation, through her participation in a wide range of educational, cultural, and religious activities.

Mrs. Marks' involvement with the Jewish community dates back to 1947, when she served as president of the Junior Hadassah. She subsequently served as President of the Pioneer Women (1953–55), the Pioneer Women Council (1955–57), and the Anshe Emeth Sisterhood (1957–59). In addition, she was president of the Women's Division of the Jewish Federation from 1963 to 1965, chairman of the Women's Division of Israel Bonds during both 1968–70 and 1972–75, and president of the Youngstown Jewish Community Center from 1973 to 1976. Presently she is assistant treasurer of the Jewish Federation of Youngstown. Since 1977, she has been serving as assistant treasurer of the Jewish Federation of Youngstown.

In addition to her involvement with the Jewish Community, Mrs. Marks is also active in the larger community. Since 1967—when she served as chairman—she has been active in the Women's Division Federation Drive. From 1966–69, she served as chairman of the Liberty Township Muscular Dystrophy Drive. She is a Budget Committee member of the Youngstown United Appeal, and was 1969 chairman of the Liberty Township United Appeal Drive. A past president of the Broadway Treater League, she has also devoted her time and energy to the Community Chest, the Library Fund, and the Symphony Guild.

Active in B'nai B'rith since her early teens, Mrs. Marks was president of the Youngstown Chapter No. 123 in 1961, and later served in the same capacity in 1969–70 for District 2.

Mrs. Marks demonstrated her commitment to Jewish youth through her service on the local B'nai B'rith Youth Organization board. She had also been president of the Kent State Hillel 5 Communities Board and chairman of the District 2 B'nai B'rith Youth Organization Council. She continues her involvement with Jewish youth as an active member of the B'nai B'rith Youth Organization Commission Liaison to the Nation B'nai B'rith Girls Organization.

Mrs. Marks is in her second term as a member of the Executive Board of B'nai B'rith International. She is also a member of the Council of Jewish Women, Brandeis, the Jewish Welfare Board, the Zionist Organization of America, and the El Emeth Sisterhood.

For 31 years, Esther Marks has been married to Irwin Marks, who is also active in Jewish community affairs. Their family includes two sons, Jules and Howard; a daughter, Marilyn; and two grandsons, Joshua and Benjamin. Mrs. Marks is employed as a bookkeeper and office manager with Steel City Iron & Metal, Inc.

Mrs. Marks has demonstrated her commitment to the well-being of her fellow man, by serving in many aspects of community life. Because of this involvement, particularly with the Jewish community of Youngstown, it is altogether fitting and proper that this year's Guardian of the Menorah Award be presented to her. Mr. Speaker, I wish to extend my sincere congratulations to Esther Marks and her family on her fine achievement. When her many friends join in honoring her, I hope to be there.●

GOLDEN JUBILEE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. FLORIO. Mr. Speaker, I would like to submit a statement regarding the golden jubilee anniversary of St. Joseph's Church.

St. Joseph's Church, located at 1010 Liberty Street, Camden, N.J., has served its parishioners and community for 50 years. Many residents of that area have in some way been positively influenced by the worthwhile activities initiated by this southern New Jersey church.

I would like to join in saluting and commending St. Joseph's Church and its parishioners on the celebration of their golden anniversary. Best wishes for many more years to come.●

THE TEST BAN QUEST

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the following column concerning a proposed nuclear test ban treaty by George F. Will in today's Washington Post, June 5, 1978:

THE TEST BAN QUEST

(By George F. Will)

Government today has a parching thirst for the appearance of achievement that will dispel doubts, including self-doubts, about its competence. That thirst probably explains, in part, the Carter administration's decision to ask the Soviet Union to agree to a five-year ban on testing nuclear weapons. Another explanation is that the administration is untroubled by asymmetrical consequences of cosmetically symmetrical agreements.

A full test ban would be unverifiable; it would prevent the United States from conducting appropriate tests to confirm the continued reliability of nuclear-weapons stockpiles; and it would jeopardize the U.S. ability to maintain its competence in nuclear-weapons technology.

Testing in the atmosphere has been banned for 15 years. In 1974, the United States and the Soviet Union agreed to a 150-kiloton limit on underground tests. There would be little opposition to lowering the threshold drastically, perhaps to 5 kilotons.

But at approximately that point a limit becomes unverifiable. The threshold of detection depends, in part, on whether testing takes place in rock or porous soil. But significant tests can involve blasts too small or muffled to distinguish from earthquakes and other seismic events that produce "background noise" in the earth. And a single test is normally enough to confirm a new weapon design or the reliability of old weapons.

When fighting for confirmation as arms negotiator, Paul Warnke said he believed that "an agreement which is not verifiable is worse than no agreement." Of course, the Soviets will agree to on-site inspection of a minimal, face-saving sort—sufficient, that is, to save face for U.S. negotiators.

But it is inconceivable that the Soviets will accept thorough, rigorous inspection and mechanical verification measures of the sort that would be necessary to prevent the administration's proposal from being "worse than no agreement." The Soviet Union has not thoroughly transformed its traditional attitudes about inspection. So, a depressing aspect of the test-ban debate in the United States will be the administration's unavailing struggle to maintain its intellectual integrity while arguing for its own proposal.

A complete test ban would be imprudent because it would prevent not only U.S. testing for new developments, but also "proof testing" of the sort needed to maintain confidence in the reliability of the deterrent. Nuclear weapons are extraordinarily complex and are composed of materials subject to deterioration. Unpredictable things go wrong. Checks of some U.S. weapons have

revealed problems that have required significant corrective work, including final "proof tests."

Were a complete test ban verifiable by U.S. technical means, or were the Soviet Union an open society in which cheating by the government might be leaked to an alert and independent press, the end of "proof testing" might be acceptable, and even advantageous to the United States. The mutual degradation of nuclear stockpiles over several decades might enhance deterrence because it would inhibit planning for an aggressive war.

But the Soviet Union is not an open society, and it is not fastidious about adhering to international agreements. So an unverifiable ban on testing would be asymmetrical, and detrimental to the United States.

It also would involve another unacceptable asymmetry: It would complicate—but only for the United States—the conservation of scientific skills important to national security. It would make nuclear-weapons development an uninteresting profession, and U.S. scientists and laboratories would increasingly confine themselves to other tasks. But the Soviet government can order scientists around, as it does other conscript labor.

It is said that a U.S.-Soviet agreement not to test would discourage nuclear proliferation because non-nuclear nations would feel inhibited in testing and, hence, in development. But many of the nations that could choose to develop nuclear weapons—South Africa, South Korea, Taiwan, Israel, Pakistan, Iran—have hitherto considered their security closely linked to U.S. policy. For such nations, the strongest incentive to develop nuclear weapons—much stronger than the hypothetical, inhibiting power of a U.S.-Soviet test ban—is doubt about the reliability of the United States. Such doubt is intensified by U.S. proposals as imprudent as the administration's test-ban proposal.

Given that the proposal is unverifiable and asymmetrical in its consequences, the most plausible explanation of it is that the administration believes unequal restraints on the United States are valuable because U.S. weapons are a threat, and perhaps the principal threat, to peace. And the administration probably believes that reducing the 150-kiloton threshold by "only" 145 kilotons would contaminate its "achievement." This parched administrations' method of quenching its thirst for achievement only deepens doubt about its judgment.●

DISCLOSURE OF TAX RETURNS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. LEHMAN. Mr. Speaker, it has been my practice since my first campaign for Congress in 1972 to make a full disclosure of my tax returns.

In keeping with this practice, I am including in the CONGRESSIONAL RECORD my Federal income tax returns for the year 1977:

U.S. INDIVIDUAL INCOME TAX RETURN, 1977

William and Joan Lehman, 2269 N.E. 163 Street, North Miami Beach, Fla.

Wages, salaries, tips, and other employee compensation, $54,275.

Interest income, $27,170.

Dividends, $4,446; less exclusion, $200; balance, $4,246.

Business income or (loss), —$5,714.

Capital gain or (loss), $13,266.

Other income, speeches, $300.

Total income. Add lines 8, 9, and 10c through 20, $93,543.

Employee business expenses, $2,519.

Adjusted gross income, $91,024.

Itemize deductions, $17,353.

Tax Table Income, $73,671.

Tax. X Schedule TC, $26,477.

Total, $26,477.

Total credits, $31.

Balance, $26,446.

Minimum tax, $6.

Total tax, $26,452.

Total Federal income tax withheld, $14,766.

1977 estimated tax payments, $2,000.

Amount paid with Form 4868, $10,000.

Total, $26,766.

If line 62 is larger than line 54, enter amount overpaid, $211.

Amount of line 63 to be refunded to you, $211.●

HOME PHONE POLL REFLECTS PEOPLES' PRIORITIES

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. GAYDOS. Mr. Speaker, I recently concluded a home phone poll survey among more than 2,000 residents of my 20th Congressional District of Pennsylvania to determine what they believe to be the principal problems facing the Nation today.

It should be emphasized that participants in this survey are strictly volunteers. They come from different communities, different walks of life, and different backgrounds. I do not know them, their political persuasions, their philosophies, or their priorities. My contact with them is by telephone and the opinions expressed are their own. I do know from past experience that their views are an accurate barometer of what most Americans believe and, therefore, I bring their thoughts to the attention of the President and the Congress.

The most recent survey was conducted on the question of what constitutes the people's priorities today. The results were most interesting when compared with a similar survey I initiated nearly 6 years ago. Issues change, of course. So, too, do opinions on problems which still linger.

Mr. Speaker, for the information of my colleagues I would like to insert into the RECORD the findings of the 1978 and 1972 home phone polls which list the priority of people on national problems:

1978 Home phone poll

1. Inflation	1,256
2. Corruption in government	620
3. Federal spending	589
4. Energy	535
5. Bridge highway repair	414
6. Welfare reform	382
7. Tax reform	343
8. Unemployment	288
9. Crime control	279
10. Foreign aid	250
11. Foreign imports	208
12. National health insurance	194
13. National debt	158
14. Trade deficit	155
15. Foreign investments	106
16. Nuclear arms limits	89
17. Drug abuse	84
18. Pollution control	56

1972 Home phone poll

1. Vietnam	1,319
2. Tax reform	1,163
3. Inflation	993
4. Government spending	793
5. Welfare reform	688
6. Crime control	668
7. Aid senior citizens	656
8. Drug abuse	596
9. Unemployment	534
10. National debt	451
11. Pension protection	438
12. Pollution control	400
13. National health insurance	249
14. Improve education	226
15. Trade deficit	203
16. Foreign relations	195
17. Revenue sharing	144
18. Nuclear arms limits	89

●

ISRAELI USE OF U.S.-SUPPLIED ARMS IN SOUTHERN LEBANON

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues correspondence I have had with the Department of State on the use by Israel of U.S.-origin equipment in Lebanon.

In this correspondence, as well as in an earlier letter to the Speaker of the House of Representatives, the Department of State has chosen not to make a determination on whether or not Israel violated U.S. law and has decided not to recommend any further action to the President on this matter but has indicated that it is not prepared to endorse Israel's characterization of its operation in Lebanon as an exercise in legitimate self-defense, as allowed under the 1952 Mutual Defense Agreement.

Many difficult and complex political and diplomatic considerations and judgments had to be taken into account by the Department of State in determining its position on this matter. Because Congress has made and is making judgments on other military actions by friendly states around the world, it is important that questions regarding observance of U.S. laws governing the use of arms supplied overseas be raised and hopefully answered.

My correspondence with the Department of State, as well as Secretary of State Cyrus Vance's letter to Speaker O'Neill, follow:

COMMITTEE ON INTERNATIONAL RELATIONS,

April 11, 1978.

Hon. CYRUS R. VANCE,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: I would like to ask you some further questions regarding Israel's military operations in southern Lebanon.

In your letter to Congress dated April 5, 1978, you state:

In the circumstances, I must report that a violation of the 1952 Agreement may have occurred by reason of Israeli operations in Lebanon.

I would like to know whether, in fact, it is the judgment of the Department of State that a violation did occur.

Second, in your letter of April 5, you state that you are not recommending to the President any further action, in part, because of Israel's assurance that it intends to withdraw from Lebanon. Does this assurance, in and of itself, remove the need for further action against Israel? If there was a violation, or may have been a violation, what is the legal justification for not taking further action? What timetable do we have from the Israelis for their withdrawal from Lebanon? When do you expect that withdrawal to be completed? What form did this assurance take? Do you consider it binding?

I appreciate your consideration of these questions.

With best regards.

Sincerely yours,

LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

DEPARTMENT OF STATE,
Washington, D.C., May 25, 1978.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on International Relations, House of Representatives.

DEAR MR. CHAIRMAN: The Secretary has asked that I respond to your letter of April 11, asking further questions about Israel's military operations in south Lebanon.

The Israelis have argued that the operation in southern Lebanon was an exercise in legitimate self-defense, which is allowed under the 1952 agreement. While a case could be made for that argument up to a point, we have had to take into account such factors as the nature, scope and duration of the Israeli military operation, as well as all the relevant surrounding circumstances. For a variety of reasons, the Department did not elect to make a formal determination or judgment, although we were not prepared to endorse Israel's characterization of the operation.

Therefore, the Secretary's April 5 letter notifying the Congress used language taken directly from the Arms Export Control Act, i.e., ". . . a violation of the 1952 agreement may have occurred . . .". I am unable to go beyond that statement.

The Secretary decided not to recommend any further action towards Israel, because we are still engaged in talks with the Israelis about the past and future use of U.S.-origin equipment and for the other reasons stated in the letter, namely, that it is essential to restore momentum to the Middle East peace negotiations and that Israel has assured us it intends to withdraw from Lebanon.

Israeli assurances that they will withdraw have been given both to the UN Secretary General and to the United States Government. Israeli spokesmen, including Prime Minister Begin, have stated repeatedly that Israel will comply with UN Resolution 425, and we consider this adequately assuring. The Israelis have announced publicly they will withdraw fully by June 13 from the remaining territory.

You ask whether the Israeli assurance, in and of itself, removes the need for further action. The answer is that this Israeli assurance was one of several elements which went into our decision not to recommend further action. Such action, under the law, would be at the discretion of the President or the Congress, and we have chosen not to recommend that the President exercise his.

Sincerely,

DOUGLAS J. BENNET, Jr.,
Assistant Secretary for Congressional Relations.

APRIL 5, 1978.

DEAR MR. SPEAKER: Pursuant to Section 3(c) of the Arms Export Control Act, I am providing the following information with respect to Israel's military operations in Lebanon that began on March 15.

Those operations have involved use of defense articles furnished to Israel by the United States under the foreign military sales program. Sales to Israel under this program are governed by a Mutual Defense Assistance Agreement of July 23, 1952, which provides:

"The Government of Israel assures the United States Government that such equipment, materials, or services as may be acquired from the United States are required for and will be used solely to maintain its internal security, its legitimate self-defense, or to permit it to participate in the defense of the area of which it is a part, or in United Nations collective security arrangements and measures, and that it will not undertake any act of aggression against any other state."

In the circumstances, I must report that a violation of the 1952 Agreement may have occurred by reason of the Israel operations in Lebanon.

We have discussed with senior officials of the Israeli Government these operations and the use of U.S.-origin equipment in them. The Israeli Government has said that it intends to comply with U.N. Security Council Resolution 425, which, among other things, calls for the withdrawal of Israeli forces from Lebanon. We are actively engaged in discussing with officials of the Israeli Government the date for the completion of such withdrawal.

In these circumstances, including the ongoing efforts to restore momentum to the vital peace negotiations and Israel's assurance that it intends to withdraw from Lebanon, I am not recommending to the President any further action.

Sincerely,

CYRUS VANCE.●

BUREAUCRATS AND COAL

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. BAUMAN. Mr. Speaker, Alexander Hamilton's famous statement that "Here, Sir, the people govern" is known around the world as a succinct statement of what our Nation is all about. Democracy. The rule of the people. Representative Government with checks and balances.

That is what is supposed to be the case. As our Federal Government continues its massive expansion, however, we should acknowledge that we are less and less a representative Government and more and more a petty tyranny made up by a thousand little fiefdoms. We call those fiefdoms the bureaucracy.

No better example of how we are now ruled is to be found than in the energy field where even the President has found his policies and goals frustrated by the bureaucrats. Mr. Carter wants the Nation to move in the direction of greater use of coal. Washington's bureaucrats are determined that we will not do so. The June 12, 1978, issue of Forbes magazine includes an extremely perceptive article which explains why even the President of the United States can no longer expect his orders to be carried out if the bureaucracy disagrees with those orders. Because those of us in Congress have the only effective weapon with which to attack this developing monster within our system through our origination of funding and associated guidelines, I commend this article to my colleagues. We are going to have to make some hard decisions in the near future regarding who really makes the decisions in our Government. This article is an excellent place to commence our thoughts in this regard.

THE PRESIDENT PROPOSES, THE BUREAUCRATS DISPOSE

(The President calls for less dependence on Arab oil for power generation. But bureaucrats and their environmentalist friends have different ideas.)

(By Jean Briggs)

People tend to think of the federal bureaucracy as a monolithic force. In fact, it is a loose amalgam of conflicting jurisdictions with often conflicting interests and politics. Thus the signals from Washington are often confusing and contradictory. Even on energy policy.

President Jimmy Carter and Energy Secretary James Schlesinger say that the U.S. should depend more upon coal and to a somewhat lesser extent upon nuclear energy, rather than on costly imported oil. But the Administration acts with divided counsel.

Start with the Clean Air Act Amendments. The original amendments passed in 1970 made it economical to transport western coal into the Midwest and even into the East. That's because plants burning western coal—generally speaking—throw considerably less sulfur into the air than plants burning eastern or midwestern coal. Thus a utility, under orders to emit less than a specific amount of sulfur, had a choice between installing expensive stack-gas scrubbers or hauling coal from the West. Most of them chose to haul low-sulfur coal. They regarded the scrubbers as unreliable. This was a big boost for western coal development, which most people consider essential if the U.S. is to hold down oil imports.

But all this was changed by the Clean Air Act Amendments of last summer. And what was the Administration's attitude toward this setback for western coal? The Administration strongly supported it. Why? In a word, politics. The Jimmy Carter coalition, remember, included environmentalists, who want to preserve the West, and eastern coal states that want coal business.

Here's what happened. The new law requires utilities to use the "best available technology" to clean up their coal—even if the coal is relatively clean to begin with. Once started on this path, it was probably inevitable that stack scrubbers would be required with western coal, too. In any case that is precisely how the Environmental Protection Agency is proposing to interpret the law. If so, good-bye western coal.

The Department of Energy—which hasn't forgotten that it is supposed to encourage coal production in the U.S.—has objected to EPA's interpretation of the law. The battle goes on. Western coal men say that EPA staffers are less interested in the amount of sulfur in the air then they are in keeping the West from developing its coal resources.

Then there's the strip-mine legislation enacted last year, also with strong Administration support. That law is being administered by a newly created Office of Surface Mining at the Interior Department. OSM was so zealous that the coal industry went to court over its first set of regulations. Some have already been overturned—including a requirement that water from mining areas must be cleaner than it would have to be under the Water Pollution Control Act.

In all this there is a good deal of genuine and sincere environmentalism, which is not always realistic when it comes to matching costs to benefits and therefore makes impossible demands on the coal and nuclear industries. In a minority of cases there are less innocent motives, personal ambition, for example. Ambitious young politicians and bureaucrats want to hitch their personal

stars to the popular concern for the environment and popular fear of nuclear energy. There is also a sometimes devious ideological side to the situation. Listen to Commonwealth Edison Chairman Thomas G. Ayers: "I had one [environmentalist] fellow say to me, 'The trouble with you is you're always interested in getting cheap power. We ought to make it more expensive so people don't use so much.'" This small minority is more interested in forcing its ideas on other people than in keeping soot out of the air and chemicals out of the water.

Use more coal, say Jimmy Carter and James Schlesinger. There's a lot of coal on federally owned lands. But there has been since 1971 a *de facto* moratorium on the leasing of federal lands for the development of coal. Last summer the President ordered a review of coal-leasing policy. Joe Browder, an assistant to the assistant secretary for land and water resources at the Interior Department, who was for years a leader in the environmental movement, was put in charge of it. The policy is nowhere near complete. Meanwhile a court order has prevented the previous leasing program from being put into effect on environmental grounds. The Department decided not to appeal but to negotiate a settlement with its opponent, the Natural Resources Defense Council. The coal industry, for one, opposes the settlement which is currently awaiting court approval. It charges that the Interior Secretary is giving away some of his own functions to NRDC.

Carter has wobbled on nuclear energy even more than on coal, but he did say, after taking office, that the U.S. needs additional light-water reactors. That would seem to have given at least a limited go-ahead to nuclear power. But how strong is Carter's commitment? Joseph Nye, assistant to the undersecretary of state for security assistance, science and technology, has emerged recently as an Administration spokesman on nuclear energy. Nye says Carter treads the middle path between the nuclear industry and its opponents. Utility men think that middle of the fence is a more apt description. They wonder if the President might go along with what his own White House Council on Environmental Quality recommended, a nuclear moratorium. California Governor Edmund G. (Jerry) Brown obviously thinks there are votes in such a political stance.

Then there's the licensing struggle. A utility considering a nuclear plant has no idea how long it will take or how much it will cost to build. At any point the Nuclear Regulatory Commission might decide to reopen the case or the utility might be taken to court to reconsider the same point. A Supreme Court decision in April limits the role federal judges can play in this process and gives utilities some hope, but not enough for them to start ordering.

The Administration has finally unveiled its long-promised bill to speed up nuclear license procedures, but in the House the bill eventually will go to Representative John Dingell's (D-Mich.) subcommittee. Dingell has already said it has no chance of getting anywhere this year. In the Senate it has gone to the nuclear regulatory subcommittee, chaired by Senator Gary Hart (D-Colo.), a strong environmentalist. When Energy Secretary Schlesinger went before Hart's committee last month in support of the bill, Hart strongly suggested that he would try to block the licensing bill unless it includes a solution to the problem of disposing of nuclear wastes. Carter and Schlesinger want to handle that as a separate matter.

If all that weren't bad enough, the bureaucracy keeps deferring decisions regarding what is known as the back end of the fuel cycle—everything that happens to nuclear fuel after it is removed from the core of the reactor. Last fall the Department of Energy said the government would take possession of used fuel rods and that it would begin issuing regulations early this year. All that has now been deferred indefinitely. The Department of Energy also said it would decide on a waste disposal method by 1985. Now it says not until 1988 or even 1993.

A study done by the Federal Power Commission before it became the Federal Energy Regulatory Commission says that in some areas of the country power reserves are likely to drop below what is needed to meet emergencies. And the National Electric Reliability Council, a utility industry group keeping track of such things, said in its most recent study that shortages could occur as early as 1979 in the Southeast. The shortages may never occur, but if they do there will be recriminations. As the National Association for the Advancement of Colored People said in its energy statement, "The next generation is likely to be sitting around in the dark blaming the utilities for not doing something this generation's officials would not let them do." ●

MEXICO-CHICAGO HEROIN PIPELINE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. WOLFF. Mr. Speaker, the Mexico-Chicago heroin pipeline supplies about 70 percent of the heroin sold in the United States. The main trafficking operation in this pipeline is run by the 2,000 member Herrera family based in Durango, Mexico and Chicago.

In a February 1978 report on narcotics trafficking and money laundering in Chicago, the House Select Committee on Narcotics Abuse and Control, concluded that—

In order to significantly reduce the supply of narcotics in Chicago, it is essential to eliminate or severely reduce narcotics trafficking by the Herrera family . . . The Chicago police and DEA should increase their efforts in infiltrating the Herrera organization and in gaining knowledge of their activities.

A recent article in Newsweek magazine describes DEA efforts toward this end. To date, two key members of the organization have been arrested and convicted by Mexican authorities. Arrest warrants have been issued for another 14 dealers, some of whom may be Herreras, and additional warrants will be isued in the next few weeks.

These enforcement efforts combined with the American-financed poppy eradication program in Mexico have served to reduce both the supply of heroin and its purity, thus increasing its price. This diminished supply of Mexican heroin represents a step in the right direction not only for DEA and the select committee but for the people of Chicago and the United States as well.

The article follows:

[From the Newsweek, May 22, 1978]

BUSTING THE HEROIN PIPELINE

Alfredo Alamo-Ramirez eased his old Ford up to a checkpoint on the U.S. Mexico border at Del Rio, Texas—and was promptly yanked out of line by suspicious customs agents. Acting on an informant's tip, they inspected the car and found 23 pounds of Mexican brown heroin, worth at least $2.5 million on the street, concealed in the gasoline tank. But instead of pleading ignorance, as the agents fully expected. Alamo-Ramirez asked for sanctuary and agreed to cooperate with American drug officials. They substituted 23 pounds of dog food for the heroin, and three days later, Alamo-Ramirez drove the car into a garage in a Latino neighborhood of Chicago. Drug Enforcement Administration agents then crashed in—with warrants—and grabbed another 17 pounds of heroin concealed in another car and $94,000 in cash. They also arrested three important drug-dealing suspects—each of whom is now serving a 45-year jail term.

That bust last June proved to be a major break for Federal agents seeking to halt the flow of Mexican heroin—and it could help bring about the downfall of the Herrera family, the dominant dealers in the trade according to DEA agents. A month after the garage bust, two key members of the Herrera organization were arrested, and their convictions ultimately led to the indictment in Mexico of Jaime Herrera-Nevarez, 50, alleged "godfather" of the clan, who has since fled Mexico to avoid prosecution. In the past month, Mexican authorities working with the DEA have issued arrest warrants for fourteen other members of the operation, and a dozen more are expected within the next week. The DEA now estimates that there are 1.5 fewer tons of Mexican heroin in the country than a year ago and that the heroin coming in is both lower in quality and higher in price. "We are beginning to win the war," says DEA director Peter B. Bensinger, who predicts that the Mexico-Chicago pipeline will be effectively choked off in eighteen months.

If so, Federal officials will have shut down the major supply route for heroin. Since the curtailment of the Turkish heroin trade in 1972, the Mexico-Chicago connection has supplied about 90 per cent of the heroin sold in the U.S., and Chicago has become the nation's undisputed drug capital. Each year, an estimated 10 or 11 tons of Mexican heroin with a gross retail value of more than $2 billion are smuggled into Chicago, nearly all of it by car coming across the Texas border. Half of the dope stays in Chicago; the rest is shipped around the country on commercial flights, and some goes as far as Puerto Rico. In all, Chicago police say that 99 percent of the known drug dealers in the city belong to the Herrera organization.

Family Affair: According to DEA officials, the Herrera organization has as many as 2,000 members and associates, many of them in fifteen Mexican families related by marriage. The older members, such as patriarch Jaime Herrera-Nevarez, control the operation from Durango, high in the rugged poppy-growing country of the Sierra Madres. The raw opium is first processed in Mexico, then shipped to six separate dealing and distributing operations in Mexican-American communities in Chicago, as well as to "field offices" in major American cities, including Los Angeles, New York, Boston, Miami, Philadelphia and Washington, D.C.

Some of the Chicago Herreras operate small businesses such as bars, restaurants and apartment houses, but they generally keep low profiles and live in modest circumstances, easily blending into the mostly poor Chicano neighborhoods. Despite their humble lifestyles, they run their operation like an efficient big business. The Chicago outfit alone, the DEA says, takes in as much as $100 million a year in profit—which would have placed it 116th on the 1976 Fortune 500 listing of the most profitable American corporations.

But now, the tide seems to be turning. Bensinger credits the four-year-old American-financed poppy eradication program in Mexico for cutting the supply of heroin and reducing its quality. The DEA estimates that 35,000 poppy fields have been destroyed in the last year and a half. As a result, Mexican heroin that was sold on the street at 6.6 per-

cent purity just two years ago is, on the average, only 4.9 percent pure today—and the prices have shot up. "Back in the '60s I'd go down and stand in line with the junkies waiting to buy a fix," recalls Abraham Azzam, deputy regional DEA director in Chicago. "A spoon of 4 to 6 grams sold for $150, and it had a purity of 35 to 40 percent. Today that same quantity costs $1,200 and is nowhere near the quality." Bensinger believes that such inflation leads to fewer heroin overdoses, discourages new users and may be reducing street crime in Chicago.

As supplies have diminished, the heat the past year, the DEA and the Mexican Attorney General's office have been quietly laying the groundwork for prosecutions under the "Janus" program created by the two governments. In the absence of an extradition treaty between the countries, Janus allows Mexican officials to prosecute a Mexican citizen who deals in drugs in the U.S., then flees to Mexico. U.S. officials can present their evidence to a Mexican court in the form of a deposition, which becomes the basis for prosecution. A similar method was used for prosecutions in the French Connection case—and Jacques Kiere, a DEA operative in France at that time, is now DEA chief in Mexico. Two months ago, Bensinger met with Mexican Attorney General Oscar Flores-Sanchez, and since then, Flores-Sanchezz has accepted 26 cases for prosecution from the DEA. The arrests will be made in the next week, the DEA says.

The most devastating weapon for attacking the drug trade may turn out to be an eight-year-old Federal law known as the "RICO" (Racketeer Influenced and Corrupt Organizations) statute. The law, which has lately been applied successfully to narcotics cases, allows the government to present evidence that a suspect's financial assets were acquired with illegal funds obtained from narcotics. If the defendant is convicted, the government can then confiscate the assets. Going after the profits, the DEA believes, will be more effective in the long run than busting street dealers.

'Now Catch Us': In the end, drug agents say that the combination of limited supplies, higher prices, greater risks for top-level traffickers and the seizure of profits will disrupt the heroin operation and break up the Herrera organization. Muses Chicago DEA director Vernon D. Meyer: "It's one of those things where they say, 'OK, you know. We know you know. Now catch us'." and the DEA is finally confident that it soon will.●

PERSONAL EXPLANATION

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. YOUNG of Missouri. Mr. Speaker, I was unavoidably absent from the floor on May 31, 1978, due to a death in the family. Had I been present, I would have voted as follows:

Roll No. 382, for approval of H. Res. 1194, yes;

Roll No. 383, for approval of H.R. 7041, yes;

Roll No. 384, for approval of H.R. 212, yes;

Roll No. 385, the rule for consideration of H.R. 12598, yes;

Roll No. 387, an amendment to H.R. 12598 by Mr. Ashbrook, no;

Roll No. 388, an amendment to H.R. 12598 by Mr. Bauman, no;

Roll No. 389, an amendment to H.R. 12598 by Mr. Hansen, yes;

Roll No. 390, for approval of H.R. 12598, yes.●

WHO IS SERVING WHOM?

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. KETCHUM. Mr. Speaker, I have always fervently believed that those of us who are privileged to hold membership in this House are here to serve the people. Certainly, it has never crossed my mind that the people are obligated to serve us. However, a recent Washington Post article seems to indicate that at least one of our colleagues does not share this thinking.

In the event that any of us might have missed this article, I have taken the liberty of including it below.

The tactic advocated by our colleague is not only "questionable," as some of us are quoted as saying; it is also self-serving to an embarrassing degree. It is our job to assist constituents who experience difficulty with any segment of the Federal Government. We are hardly entitled to standing ovations if, glory be, we manage to effectively ease the situation. Lord knows this body is suffering from a definite lack of confidence on the part of the American people. This suggestion can only feed the fires of that dissatisfaction, making all our jobs more difficult.

To those of you who are inclined to agree with the "campaign tips" in this article, I submit the following. If your dentist succeeds in relieving a toothache, do you consider his efforts worthy of a testimonial? I doubt it; he is only doing his job.

I am appalled that any one of us would consider using his or her constituency in this manner, and I am convinced that the American people are equally outraged. They know full well that they have been used long enough. It is our obligation and responsibility to prove that we are useful, and actions speak a lot louder than words.

Unfortunately, the actions recommended by this article amount to total silence:

CAMPAIGNING TIP: GET TESTIMONIALS BY CONSTITUENTS

(By Mary Russell)

As majority leader, part of Jim Wright's job is to help his fellow House Democrats get reelected.

But Wright's latest "campaign idea," detailed in a "Dear Colleague" letter, is raising some eyebrows.

The technique, recorded testimonials from constituents to use as radio spots, is not new. But some of the "how-to-do-it" instructions in the letter's backup sheet were labeled "exhibitive" by one member.

The technique "costs very little. And it is something only an incumbent can do," Wright says in the letter. "They'll give your Republican opponent an itch that he simply has no way to scratch."

The "how-to-do-it" backup sheet was more explicit. "From your case files, select a person the congressman has really been able to help. Try to choose a case that has at least some element of drama or human interest. Did you help get a soldier home on emergency leave from Afghanistan just in time for his mother's surgery? Is there a family you helped reunite through an immigration case . . .?"

"After choosing your subject get him on the telephone. Tell him several people have agreed to tape brief radio statements telling how the congressman helped them and you wonder if he would like to make one.

"Chances are he will eagerly volunteer, but will express doubts about his ability to talk effectively on the radio. Reassure him. Tell him you will work closely with him to make sure he does well.

"Putting yourself in the role of your subject, sit down and write a script for him. Wherever possible use his own words and phrases."

However, the sheet says, "Some people, no matter how hard they try, will always sound as if they are reading a script. If this happens, sit down at the recorder with your subject and you take the script. Read it to him, one line at a time and get him to repeat your exact words. Then, back at the studio, get a technician to edit out your voice and string his sentences together. That way he won't sound as if he is reading.

"Get about 20 of these little testimonials, schedule them for saturation broadcast in the days immediately prior to the election and it will sound as if the congressman has personally helped virtually everybody in town."

"I don't think that's anything we would do. We would avoid that sort of thing at all costs," Rep. Peter Kostmayer (D-Pa.) said.

Rep. Andrew Maguire (D-N.J.), said the advice was "questionable." "I don't contact constituents I helped to help in my campaigns. Unless they initiate it, I don't use them."

But Rep. Wes Watkins (D-Okla.) called it a "great way to show the broad areas of responsibility in the work a congressman does."

Wright said the method was not exploitive because constituents "volunteered" and "use their own words." The script is necessary to fit it into the one-minute time, Wright said. He sent the letter because of a fellow Democrat who was worried about counteracting the "oodles and scads" of money Republicans "are going to throw at him" in the last days of the campaign. "This is just one way and a darn cheap one of campaigning," Wright said.●

VERMONTERS SUPPORT STRONG ACTIONS TO RELIEVE ENERGY CRISIS

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. JEFFORDS. Mr. Speaker, I would like to share with my colleagues the results of my annual questionnaire, which was distributed to all Vermont households in late February.

This year's questionnaire was limited to one general issue: energy. More than 10,000 Vermonters have responded, and tabulations of all timely responses have been completed.

Since Congress as a whole continues to be politically timid in dealing with our energy problems, Members of this Chamber may be surprised to learn that the public, at least in Vermont, clearly recognizes the gravity of our energy problems. What is more, the Vermont public supports firm congressional action, particularly in the areas of renewable energy and conservation.

Mr. Speaker, I insert the questionnaire results in the RECORD at this time.

Questionnaire follows:

QUESTIONNAIRE

1. How serious is the energy crisis? Check the one statement which comes closest to your opinion.

A. There is no energy crisis, 3 percent.

B. Our dependence upon imported oil is causing some economic problems, but the situation is likely to straighten itself out without further government intervention, 3.7 percent.

C. The inflation and balance of trade problems caused by our dependence upon foreign oil are a serious concern, but President Carter overstated the case when he said our response must be the "moral equivalent of war," 20 percent.

D. Our continued and increasing dependence upon insecure supplies of foreign oil poses a grave threat to our national security. It is necessary, therefore, that we mobilize to meet the problem with an urgency similar to that of wartime, 73.3 percent.

2. What is the primary cause of our energy crisis? The following statements may be over-simplified, but please check those closest to your views.

A. Wasteful overconsumption has seriously depleted our petroleum resources, 67.9 percent.

B. The oil companies have manipulated supplies to increase their profits, 39.6 percent.

C. The oil producing nations are chiefly to blame, 7 percent.

D. The U.S. government's price controls have discouraged the oil companies from expanding production, 15.2 percent.

E. Environmentalists have unduly delayed production of new energy sources, such as offshore oil drilling and construction of nuclear power plants, 29.7 percent.

F. None of the above, 4.8 percent.

3. Which of the following steps should be taken by the federal government to conserve fossil fuel sources?

A. Raise taxes on petroleum to discourage use, and give the revenues back to consumers, 13.3 percent.

B. Raise taxes on petroleum to discourage use, and give the revenues back to the producers to stimulate production, 3 percent.

C. Allow the oil companies to raise prices as high as the market place allows, 9 percent.

D. Place a tax on gas-guzzling cars, 49 percent.

E. Give tax credits to people who take steps to conserve, such as installing insulation, solar water heaters, or wood stoves, 63.9 percent.

F. Require the states to change their rate structures for electricity, so that large users will not get lower rates, 40.6 percent.

G. De-regulate the price of natural gas, 16.2 percent.

H. Take major steps to stimulate mass production of solar and other renewable energy technologies, in order to accelerate a transition to those energy sources, 82.7 percent.

I. Relax licensing requirements, to encourage more rapid construction of new nuclear power plants, 16.9 precent.

4. The federal government has traditionally subsidized various energy sources, to encourage their development and to bring down prices for consumers. These subsidies come in various forms, ranging from research grants to tax incentives. In your view, how many cents out of each energy dollar should go to each of the following forms of energy? (The total should add up to $1.)

A. Nuclear, 16.5 cents.

B. Solar and other renewable sources, such as wind and wood, 46.7 cents.

C. Oil and natural gas, 12.7 cents.

D. Coal, 16.9 cents.

E. Other, 7.2 cents.●

THE CLOTHESPIN IMPORT SQUEEZE

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. COHEN. Mr. President, on Saturday, the Washington Post carried an article describing the squeeze that wooden clothespins imported from communist countries have placed on domestic manufacturers. This problem, which may seem trivial to uninformed observers in Washington, is a matter of critical significance to the people of the small towns in Maine and other States where these clothespins are made.

The rising tide of subsidized imports threatens the continued operation of several small clothespin manufactuers in Maine. If these plants were to close, hundreds of workers would lose their jobs. And in small Maine communities where the clothespin plants have long been the only major employers, the results would be devastating.

Later this month, the International Trade Commission will hold a hearing in Portland, Maine to consider ways to deal with the import crisis. I hope that my colleagues will take the time to read the Post article and consider the significance of this problem for the hundreds of affected families. I trust that they will agree with me that the administration and the Congress must take steps to safeguard the livelihood of these working families.

The article follows:

[From the Washington Post, June 3, 1978]

U.S. CLOTHESPIN INDUSTRY SQUEEZED BY IMPORTS

(By Ward Sinclair)

The newest episode in the story of shifting ties between East and West may be unfolding over your Aunt Ethel's backyard clothesline.

It involves the esoterica of wood spring clothespins, which certain communist countries are sending into the United States at a floodtide rate.

The four major American manufacturers of wood spring clothespins want the government to stem the flow of rising imports from China, Romania, Poland and Czechslovakia.

In case you believed the wood spring clothespin had been sent to oblivion by the gas and electric clothes dryer, consider these figures:

Last year, the United States imported 446.1 million clothespins with a total value of $2.8 million. China, Romania, Poland and Czechoslovakia accounted for 46 percent of the imports, but for only 40 percent of the dollar value—meaning their pins sold for less than the other countries' pins.

The big gainers in sales were China, which rose from zero in 1974 to $447,000 worth in 1977, and Romania, which climbed from $11,000 in 1973 to $167,000 last year. Poland, always ahead of the rest on clothespins sales, remained the leader last year at $513,000.

As these countries were gaining, the four U.S. firms—three with plants in Maine, one in Vermont—were falling behind in holding their share of the market, according to statistics they gave the U.S. International Trade Commission, which is investigating the firms' complaints.

The figures show that U.S.-made clothespins were outselling imports by about 4 to 1 in 1973. By last year, domestic clothespins held just slightly more than half of the market.

Diamond International Corp., with a plant in Peru, Maine; Forster Manufacturing Co., Wilson, Maine; Penley Corp., West Paris, Maine, and National Clothespin Co., Montpelier, Vt., say the result is that their profits are down and jobs endangered.

"The money figures and the number of people are not fantastic, compared to what the American public hears every day. But if you stop the U.S. industry, you've ruined the economy of small towns and cut off workers' incomes," said Frederick C. McAlpin III, whose Washington law firm is handling the companies' petition.

McAlpin said the efforts by the communist countries, where governments determine production policies, to flood the U.S. market with clothespins would be unfair to the domestic manufacturers and their employes.

But a spokesman for the trade commission cautioned against leaping to conclusions.

"It's true that if these Americans plants fold, it's welfare-town for the people who work there," he said. "But we will go into all sides of the issue and determine if other factors are affecting the market situation."

Earlier this year, for example, in the only other case similar to this, the trade commission investigated and rejected American producers' complaints that the People's Republic of China was inundating the U.S. market with cotton work gloves.

But back to clothespins. The U.S. firms agree that imported pins pose a threat (imports are up 58 percent since 1973) but that the real threat is from the communist imports (up 113 percent in five years).

The manufacturers are asking the commission to apply a section of the 1974 Trade Act that deals solely with communist products as opposed to products from any other country. They want a limit on imports or higher import duties.

The ITC has scheduled a public hearing on the matter for June 22 at Portland, Maine, in the heartland of America's clothespin industry—which employed 316 workers last year.

By law the commission will have until Aug. 3 to report its findings and recommendations for action, if any, to President Carter.

The solar clothes dryer lives, but it is pinned, so to speak, to variable trade winds.●

COMMENT ON "HOLOCAUST"

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. DERWINSKI. Mr. Speaker, there has been a great deal of public interest in the historic revival of the situation in Europe during World War II as a result of the TV film, "Holocaust." Of course, this production has also received much attention from the news media; and naturally, a topic this complex can be subject to a variety of interpretations.

I wish to insert into the RECORD a letter by Dr. Kazys Bobelis, who is the nationally recognized spokesman for Lithuanian-Americans. His open letter comments on a number of specific items in the film relating to the participation of Lithuanians. Hopefully, it will clear any doubts about the heroic record and suffering of the Lithuanian people during World War II. The letter follows:

LITHUANIAN AMERICAN COUNCIL, INC.,
Chicago, Ill., May 23, 1978.

An Open Letter to the News Media:

The Lithuanian people, abhorring violence and oppression anywhere, were and are against any type of dictatorship which destroys man's freedom or basic rights.

The Lithuanian nation during the Nazi occupation of World War II was subject to severe oppression. Its people suffered extreme and untold hardships under Hitler's regime, the same regime which reigned such brutality upon the Jewish people. Now these Nazi atrocities have been depicted in the film, "Holocaust", which was shown on the NBC network on April 17–20, 1978, and are frequently being brought out in the press and the courts.

It is unfortunate that this film unjustly attempts to lay blame on the entire Lithuanian nation for certain depicted events. The "Holocaust" mentions Lithuanian SS units. There never were any Lithuanian SS units organized. On the contrary, many Lithuanians were punished for their refusal to join Nazi SS units or for protesting the attempted organization of such units.

The film suggests that Lithuanians took part in Nazi perpetrated atrocities against the Jews. This is an outright lie. At the time of the Nazi occupation, Lithuania did not have its own government—everything was under the control of the Nazis.

In an attempt to put blame elsewhere, the Nazis often dressed their own soldiers in Lithuanian uniforms and then filmed their actions. There were many protests raised on behalf of the Lithuanian people against this Jewish genocide. Various people who had held high positions in the government of free Lithuania and who were leaders of Lithuania's political parties, protested the vile deeds of the Nazis. For these protestations they were deported or arrested. Countless Lithuanians placed themselves and their families in mortal danger by helping or hiding Jews.

We have great numbers of statements from Jews regarding Lithuanians who saved their lives. We also have a long list of Lithuanians who were jailed and executed for their attempts to help the Jews.

There may have been occasions when persons were completely thrown off balance, having seen how some Jews collaborated with the communists during the latter's occupation of Lithuania when communist forces deported thousands of Lithuanians to Siberia and death. There also may have been a question of individual adventurers, but an entire nation cannot be blamed for the actions of a few criminals.

Jews in independent Lithuania enjoyed cultural autonomy: they had their own schools, press, organizations and for many years had ministers for Jewish affairs represented in the country's government (Soloveickikas, Robinsonas).

In Lithuania the Jewish rabbinical schools (as well as all their other schools) were governmentally funded and were well known throughout Europe and the world. There was a greater percentage of Jewish doctors, lawyers, merchants, than the percentage of Jews in the population of Lithuania.

The Lithuanian American Council, representing over one million Americans of Lithuanian descent throughout the United States, strongly protests this unjust accusation of the entire Lithuanian nation and has requested the NBC network for time to correct this false misrepresentation. If this time will not be allotted, the Lithuanian American Council will have no recourse but to seek other legal means of alleviating this slanderous situation.

DR. KAZYS BOBELIS,
National President,
Lithuanian American Council, Inc.●

SALUTE TO THE REVEREND MONSIGNOR JOSEPH R. BRESTEL

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. ROE. Mr. Speaker, it is indeed a privilege and honor to call to the attention of you and our colleagues here in the Congress a most important commemorative celebration that is taking place in my congressional district in testimony to the lifetime of good deeds of a most distinguished member of the clergy, revered pastor, community leader and good friend, the Reverend Monsignor Joseph R. Brestel, whose standards of excellence in service to God and his fellowman have truly enriched the spiritual, cultural, and educational endeavors of our community, State, and Nation.

Mr. Speaker, I know that you and our colleagues will want to join with me in extending our warmest greetings and felicitations to Monsignor Brestel upon the celebration of the 40th anniversary of his ordination to the priesthood. With your permission I would like to insert at this point in our historic journal of Congress a testimonial statement prepared by his parishioners which has most eloquently intertwined the great pride we all have in his distinguished and dedicated lifetime of achievements on behalf of our people, as follows:

On Sunday, June 11, 1978, parishioners and friends of Reverend Monsignor Joseph R. Brestel, pastor of Saint Anthony R. C. Church, Hawthorne, and Vicar General of the Paterson Diocese, will assemble to honor this esteemed clergyman to celebrate the Fortieth Anniversary of his ordination to the priesthood.

Monsignor Brestel holds a very special place in the hearts of all who have had the good fortune to know him. He was born in Paterson, New Jersey, on July 7, 1913, the son of Joseph and Katherine Regan Brestel. He was raised in Saint George's Parish and graduated from its grammar school in 1926. He then went on to Saint Peter's Prep, Jersey City, for his secondary education. Upon completion of his academic studies at Seton Hall College, South Orange, in 1934, and Immaculate Conception Seminary, Darlington, he was ordained to the priesthood on June 11, 1938 in Saint John's Cathedral, Paterson. His was the first class to be ordained in the new Diocese of Paterson by its first Bishop, the Most Reverend Thomas R. McLaughlin.

His first assignment as a priest was to Saint Joseph's Church, Newton, where he also served as a CYO Camp Chaplain at Camp Columbus. On September 29, 1938 he was transferred as assistant priest to Saint John's Cathedral, Paterson, where he remained until September 1950 when Bishop Boland appointed him pastor of Holy Spirit Church, Pequannock. Four years later, Bishop McNulty transferred him to his home parish, Saint George's, Paterson, as its pastor. He spent twelve years there until Bishop Casey transferred him to his present assignment as pastor of Saint Anthony's Church, Hawthorne.

On a diocesan level, Monsignor Brestel has served as a Parish Priest Consultor, Diocesan Director of the Building Fund Campaign, and a member of the Diocesan Development Commission. He has been a member of the Board of Consultors since December 1964. Bishop Navagh appointed him Vicar General of the Diocese of Paterson in June 1965, and he was reappointed to this office by Bishop Casey in May 1966, and by Bishop Rodimer in January 1978. Following the death of Bishop Navagh he served as Administrator of the Diocese until the coming of Bishop Casey in May 1966.

Monsignor Brestel was appointed a Papal Chamberlain by His Holiness, Pope Pius XII in July 1958, and Pope Paul VI raised him to the rank of Domestic Prelate in October 1963.

His personal commitment to Almighty God and to the people he serves has enabled Monsignor Brestel to achieve the deepest respect and esteem of all he has contacted. His leadership position in the community is manifested by his many good deeds as chaplain of the Paterson Police Department, and later as chaplain of the Hawthorne Police and Fire Departments. He serves as a Trustee of Saint Joseph Hospital and Medical Center, and of the Board of Directors of Straight and Narrow Inc. He is president of the Riese Corporation a nonprofit housing organization for senior citizens sponsored by the Paterson Diocese. He is an advisory board member of the Little Sisters of the Poor, and was director of their building fund campaign which resulted in the new Saint Joseph Home for the Elderly in Totowa New Jersey. In recognition of his outstanding personal efforts, the first floor of the home was dedicated to him. His sage advice and counsel is sought by many of the diocesan agencies and his fellow priests.

There is much that can be said of the personal attention and care that Monsignor Brestel has lavishly bestowed upon each and every citizen who called upon him in their hour of need. He is always there to give comfort and aid to the sick, and is no stranger to the staffs of the many hospitals in the Paterson Diocese.

His warm personality, candor, and friendly demeanor establish him as one of the most popular and beloved priests in the Paterson Diocese.

Mr. Speaker, Monsignor Brestel's long list of exemplary achievements in public service span the needs and concerns of all of our people, young and adults alike. He has inspired us by his prayer and good example. In addition to his current distinguished service as pastor of St. Anthony R. C. Church, vicar general of the Diocese of Paterson and domestic prelate of the Holy See, he serves in the vanguard of our community as spiritual adviser and counselor in many charitable and civic endeavors.

In national tribute to the elegance of his faith and outstanding good works on behalf of our people, we extend our heartiest congratulations to the monsignor. We are deeply appreciative of the quality of his leadership and richness of his wisdom which have truly endeared him to the members of his congregation, the people of our district, State, and Nation.

In celebrating this milestone of achievement and preeminent ecumenical service of four decades—the 40th anniversary of his ordination to the priesthood—we do indeed salute an esteemed pastor, vicar general, papal chamberlain, domestic prelate, and great American—The Reverend Monsignor Joseph R. Brestel.●

ABORTION

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. OTTINGER. Mr. Speaker, an excellent article appeared in the June 5 issue of Newsweek entitled "Abortion Under Attack."

The article is excellent and becomes even more meaningful in light of this week's legislative program in the House. Once again, we will decide who, of those seeking abortions, shall be eligible to receive help from the Government. I hope my colleagues will take a moment to peruse this article before we take action.

[From Newsweek, June 5, 1978]

ABORTION UNDER ATTACK

It was the day before Mother's Day, and a young woman was waiting to have an abortion at the Chicago Loop Mediclinic. Suddenly, a half dozen adults and children belonging to Friends for Life rushed into the waiting room. The children stood with flowers and a crucified doll, while the adults read a Mother's Day proclamation denouncing abortion. The patient buried her head in her arms and began sobbing.

In Portland, Ore., two vanloads of parochial-school children pulled up to the Lovejoy Specialty Hospital and Surgical Center, which performs 75 per cent of Oregon's 12,000 abortions. The students chased women leaving the clinic, shouting, "Murderers, murderers." At the Alaska Hospital and Clinic in Anchorage, four opponents of abortion slipped into the operating room and chained themselves to a bed until police arrived and arrested them. In Ohio, Nebraska and Minnesota, several abortion clinics have been set on fire. And in Phoenix, Dr. Robert Tamis, an Arizona physician who performs abortions, says that abortion opponents have put glue in his office lock, shot at his car, poisoned his dog and harassed his children.

All across America, abortion is under greater attack than at any time since the Supreme Court legalized it in 1973. To its opponents, abortion is murder, and they have engaged in a crusade to wipe it out. Justifying their actions on moral grounds and backed by the authority and money of the Roman Catholic Church, they are engaging in civil disobedience reminiscent of the antiwar movement and taking their case to legislatures and the courts. And they are making considerable headway.

PUSHING THE CRUSADE

Last year, the Supreme Court ruled that even though every woman has a legal right to an abortion, the government is not obligated to pay for it. Since then, Congress has eliminated Federal Medicaid funding for most abortions for the poor, and only sixteen states continue to fund them on their own. Akron, Ohio, has imposed tough restrictions on all abortions, including a controversial requirement that women take the fetal remains to a licensed funeral director. In the broadest attack of all, thirteen states have passed resolutions calling for a constitutional convention to draft a constitutional amendment that would ban abortion altogether. "We are going to push our crusade until we have won," declares Dr. Mildred F. Jefferson, president of the National Right to Life Committee. "We will not rest."

The success of the attack surprised abortion supporters and left them on the defensive. "We were so sure that we had won [after the 1973 Supreme Court ruling]," says Pat Gavett, director of the Religious Coalition for Abortion Rights, "that we sat back and said, 'We have nothing more to worry about. The courts will take care of everything from here on in'." But now they have begun a counterattack to protect their earlier gains. The American Civil Liberties Union has made abortion rights its top priority this year. It is challenging restrictive legislation whenever it can—including the Akron ordinance. And the biggest single-issue lobbying arm of abortion supporters, the National Abortion Rights Action League (NARAL), has more than quadrupled its membership in the last year. "When the funds for poor people were cut off, that woke a lot of people up," says May Tucker, head of the Central Arizona Coalition for the Right To Choose.

The battle rages at a time when legal abortion has become remarkably common in America. In 1976, doctors performed 1.2 million abortions—one for every 2.8 live births (chart, page 39). Abortion is so frequent that population experts say it has become, in effect, a form of birth control, with about 90 per cent of all abortions performed in the first trimester of pregnancy. The most common procedure—vacuum aspiration—takes about five minutes, costs an average of $185 in a clinic and is safer than giving birth. And despite the reduction in Medicaid funding for the poor, legal abortion has all but ended backroom abortion mills.

CIVIL RIGHTS FOR WHOM?

For both sides, the abortion issue is an emotional one that does not lend itself to compromise or cool debate. At its simplest, it is an argument between those who regard abortion as murder and those who believe women must have a right to choose whether to bear a child. Both sides claim they are defending civil rights—opponents the rights of the unborn child, supporters the rights of the pregnant women. The issue is fraught with inconclusive medical and theological debate about when life begins—at conception, at birth or at some hard-to-define point in between. Strictly speaking, no one is *for* abortion and many women who undergo it report ambivalent feelings and sometimes depression. "Nobody has ever said abortion is great," says Cory Richards of Planned Parenthood in Washington. "It is a symbol of failure. But it may be the best thing a woman with an unwanted pregnancy has available." Carol Werner of NARAL agrees. "The phrase 'pro-abortion' is totally inaccurate. We are pro-choice. What matters is that the option is there so the woman can exercise it."

Because abortion was legalized by fiat of the Supreme Court, the clash was probably inevitable. Abortion was only beginning to emerge as a national issue in 1973, when the Court, in a surprising 7-to-2 decision, ruled that first-trimester abortions were a matter between a woman and her physician. In the second trimester, the Court said states could impose restrictions to protect the health of the mother, and in the third, it said they could ban abortion altogether, in effect recognizing the "potential life" of the fetus. But the issue was never fully debated in state legislatures or in Congress and the ruling left many people unprepared for the quick rise in abortions.

"TOO FAST, TOO EASY"

On this point, at least, there is some small agreement between both sides. "The Supreme Court decision was too fast and too easy," concedes Patricia Beyea, director of the ACLU Campaign for Choice. "The grass roots of the country weren't prepared for it. The issue hadn't developed properly at that level." Joseph Califano, Secretary of Health, Education and Welfare and an opponent of abortion, agrees: "People are better able to deal with problems that difficult if they have to confront them in their own community first."

For some women who get abortions, the complexities of the debate come down to the difficult decisions to go ahead and the tangled emotions that sometimes follow (page 40). "People do have mixed feelings," says Fran Kaplan, 31, who had an abortion four years ago in Milwaukee. "You're dealing with the lesser of two evils, and at some point you have to choose." Kaplan was starting a new job, separating from her husband and caring for a thirteen-month-old son when she became pregnant during an attempted reconciliation with her husband. "I was agonized by the decision," she says. "I felt sad that I had to say goodbye to something that might have been—to the little girl I wanted. But I also feel total relief I didn't have a baby."

Other women who get abortions have no ambivalence at all. "I was dreading it because I had heard all the scare stories about how abortion haunts you all your life," says Joan, 26, an editorial assistant for a New York-based woman's magazine. "But I have no little ghosts." And a report prepared by the National Academy of Sciences says that "the feelings of guilt, regret or loss appears to be outweighted by . . . feelings of relief."

Because abortion still carries a stigma, some women frequently don't tell anyone about it—not even the father. Mary, 38, had an abortion recently in Dallas without informing the father. "It would have just upset him," she says. "He might have wanted to marry me and I didn't want to marry him. Besides, there was nothing he could have done to change my mind." Whatever their feelings about abortion, the overwhelming majority of women who have had them and who were interviewed by Newsweek felt the option must be available. "I really think having the choice is more important than what you decide," says Mary, an assistant in an Atlanta design firm. "I sure would hate to get into a situation where I needed to have an abortion and couldn't."

"THE MOST BASIC RIGHT"

Most pro-choice women regard abortion—along with the Equal Rights Amendment—as a fundamental issue of the women's movement. Because it affects so many different women—married and single, working and nonworking, black and white—it has proved to be a unifying issue, removing the stigma of elitism that has troubled the movement. Beyond that, abortion is a very personal issue. "It's the most basic right a woman has," says Mary Clark, a coordinator for the California Abortion Rights Action League. "If a woman can't control her body, she has no control over the rest of her life."

Almost everyone agrees that more widespread use of contraception would dramatically reduce the number of abortions. Occasionally, contraceptive devices fail, and some unwanted pregnancies clearly occur because women, worried about the risks of the pill and the IUD, have switched to less effective methods. But most often pregnancy results when contraceptives are used incorrectly or irregularly, or—especially in the case of teenagers—not at all. "A diaphragm isn't going to work if it's left on the night table," says Dr. Sheldon Segal of the Rockefeller Foundation. Teen-agers often go without birth control—either because they worry that their parents might find contraceptive devices at home, or because they don't want to admit that they're preparing to have sex. Many still can't get birth control information. And often the most outspoken opponents of contraception are the same groups who oppose abortion. "The abortion critics haven't thought this through," says Segal. "They're defeating their own purpose.

A SINGLE-MINDED FERVOR

Collectively, the diverse groups of abortion opponents like to be known as the "pro-life family." They credit the 1973 Court decision for uniting them into a political movement,

and the most militant pursue their cause with a single-minded fervor that is both the despair and envy of the pro-choice lobby. "We perceive this as a war situation," says Anne Higgins, vice chairman of Americans for a Constitutional Convention. "We don't feel abortion will just go away." At state and local levels, pro-life activists spend much of their time lobbying politicians for more restrictive legislation. They are most visible at the national level each January in Washington, when March for Life organizes its annual walk down Pennsylvania Avenue to mark the anniversary of the 1973 Supreme Court decision. The marchers swarm through the halls of Congress and always arrange for a local florist to send a dozen red roses to each of the 535 members of Congress. "As long as this evil persists, people will rise up against it," says Nellie Gray, a 54-year-old former WAC corporal and government attorney who is the president and sole staffer of March for Life.

One of the biggest pro-life organizations, National Right to Life, claims up to 11 million members in 1,500 chapters around the nation and a total budget of $1.3 million. For the first time this year, says spokeswoman Judie Brown, the group has lobbyists in every state capital. Five full-time staffers also work in Washington, where they are assisted by four part-timers who help with the group's massive mailings.

PUSHING THE "PASTORAL PLAN"

Pro-life and pro-choice partisans alike agree that the Roman Catholic Church is the strongest single force in the antiabortion crusade. By one estimate, Catholics make up about half the members of the national movement and contribute hundreds of thousands of dollars to it. "Without the institutional backing of the Catholic Church, the pro-life movement would be a much less visible force," says Barbara Lindheim, senior research associate at the Alan Guttmacher Institute in New York, the research affiliate of Planned Parenthood. "There is no other single institution that has gotten involved in such a visible way. The church has provided money, local organization, shock troops and even mimeo machines."

The Roman Catholic Church has long been against abortion, and in 1975 the American Catholic hierarchy committed itself to organized public and political opposition to it.[1] The National Conference of Catholic Bishops issued a "Pastoral Plan for Pro-Life Activities," a thirteen-page pamphlet calling for "an educational/public information effort . . . that emphasizes the moral prohibition of abortion." It also encouraged "passage of federal and state laws . . . that will restrict . . . abortion as much as possible." In Washington, Msgr. James McHugh's Committee for Pro-Life Activities, which monitors—and advises on—abortion legislation, is working specifically to put the Pastoral Plan into action. A separate lay lobbying arm of the Bishops' Conference, the National Committee for a Human Life Amendment, is helping out by pressing for an amendment against abortion. About half of McHugh's budget of $200,000 comes from the Bishops' Conference. The National Committee annually receives $300,000 in contributions from the nation's dioceses.

The Pastoral Plan urges priests to speak out against abortion in the pulpit and calls on church-sponsored organizations to encourage opposition wherever possible. Few opportunities are lost. Last February, the Catholic Church of the Resurrection in Minneapolis distributed a newsletter from the Minnesota Citizens Concerned for Life. The church suggested that pro-life parishioners might want to help out at upcoming precinct caucuses—Democratic or Republican. On April 2, the St. Louis Cathedral Bulletin ran an announcement alerting members that "April 15, 1978, is the date assigned to the St. Louis Cathedral Parish for picketing 'THE ABORTION CHAMBER' at 130 North Euclid. Everyone, regardless of any other interests should be a part of the Pro-Life movement . . . No Christian will excuse himself lightly on this duty."

THE CHURCH-STATE DEBATE

The involvement of the Catholic Church in the abortion debate angers some pro-choice lobbyists. They don't object to the church's position against abortion, but they believe that by tucking right-to-life literature into Sunday bulletins and using diocesan money to fund political activities, it is violating First Amendment provisions guaranteeing the separation of church and state. Prominent feminist lawyers are currently challenging abortions restrictions on the ground that they represent undue religious pressure on the political process. The most prominent case is *McRae v. Califano*, a class-action suit contending that the Federal Medicaid cutoff is unconstitutional. Some abortion supporters also accuse the Catholic hierarchy of trying to legislate morality by imposing its opposition to abortion on others. "What the National Conference of Catholic Bishops is trying to do is essentially what Methodists and others tried to do with the Prohibition amendment," says Carol Werner of NARAL. "They want to put into law their religious beliefs and impose them on everyone."

Catholic officials are quick to defend themselves. "In no way are we trying to foist Catholic teachings on the American public," says McHugh. "We do not see any church-state conflict on the abortion issue. Many issues—civil rights, capital punishment, welfare reform—cannot be separated from their moral component."

Religious scholars and legal experts tend to agree with McHugh and discount charges that the Catholic Church's position on abortion is either improper or illegal. "The [church-state] argument is frivolous," says Alan Dershowitz, professor of constitutional law at Harvard. The church's anti-abortion view, he says, "does not have the primary effect of advancing one religious view at the expense of others." Martin Marty, a University of Chicago Divinity School professor, points out that when the Catholic Church backed civil rights in the '60s, many politicians were grateful, and that Vietnam war opponents seeking conscientious-objector status also gladly accepted help from the church. "Now the bishops are supporting a cause many people don't like, but I don't think we can change the rules of the game," he says. "Whoever says 'You can use your moral power for my cause and not yours' is in trouble."

Marty sees nothing wrong with having the Catholics—or anyone else—try to legislate morality. "It happens all the time," he says. "We legislated that drinking water be fluoridated, which goes against the moral beliefs of Christian Scientists." What Marty does object to in the abortion debate is the bishop's tactics of "contributing to single-issue politics." "I don't think they should converge on this issue at the expense of all others. We're becoming a nation of hundreds of one-issue things and we'll tear ourselves apart over it."

No one feels the single-issue pressure more than politicians—and some of them resent it. "We're tired of being inundated with pulpit-initiated letter campaigns," says one California legislator. "We're tired of having pickled fetuses shoved under our noses before every vote." However objectionable anti-abortion tactics and attitudes may sometimes be, they often work. In New York a bill requiring teen-agers to notify their parents before they can get an abortion is making its way through the legislature—though Gov. Hugh Carey, himself a Catholic, has already vetoed a similar bill. In Utah, right-to-lifers plan to reintroduce a bill that would make it illegal to perform an abortion in clinics. In Chicago, a restrictive ordinance similar to Akron's awaits action by the city council. "We hope every city in America will pass a law like Akron's," says National Right to Life Committee president Jefferson. Pro-lifers are also pressing their case for a convention to consider a constitutional amendment against abortion. It is very much a long shot: Thirty-four states must call for a convention before Congress will order one and any resulting amendment would have to be ratified by 38 state legislatures. "Still," said the ACLU's Beyea, "it's another organized force to contend with."

WHO PAYS?

Right-to-lifers have made their greatest headway in restricting public funding for abortion. Prohibitions finally went into effect last year when Congress, after dozens of votes and a five-month debate, agreed to eliminate most Federal payments for abortion. Under guidelines established by Congress and HEW, Federal Medicaid funds could be used to pay for abortion in only three circumstances: (1) when a woman's life is endangered, (2) when, in the opinion of two physicians, pregnancy would cause her "severe and long-lasting physical health damage" or (3) when the pregnancy resulted from rape or incest reported within 60 days. Thirty-three states imposed various restrictions, and in some, the reduction in Medicaid abortions was dramatic. New Jersey, for example, which once funded 10,000 abortions a year, now pays for only 240. Utah hospitals have not performed a state-funded abortion since last summer, except to save the life of the mother.

PLUGGED INTO THE SYSTEM

No one has any statistics yet to show the nationwide impact of the Medicaid cutoff, and it is unclear whether poor women are having their babies or somehow finding a way to pay for an abortion. Pat Baird of the Maricopa County Health Department in Phoenix, said she recently handled the case of a 19-year-old who tried to shoot herself in despair over her difficulty in paying for an abortion. Baird also said she had seen several cases of self-induced abortion, but there is no hard evidence to show that back-alley abortions are increasing. Sixteen states still pay for 65 per cent of the nation's 275,000 Medicaid abortions, and Barbara Lindheim of the Guttmacher Institute believes most poor women will somehow raise the money in the states that don't. In almost every city there are doctors who will bend the rules to make Medicaid abortions possible. "Women on welfare are plugged into the system," says Lindheim. "They know who to call to get an abortion."

Some abortion supporters say welfare costs are bound to soar if states refuse to make money available for the operation. In California, for example, researchers estimate that it would have cost $464 million to provide one year's care for children in lieu of abortions last year, which cost the state $27 million. But most pro-choice people are reluctant to use that argument. "It puts a cost on life and that's especially offensive to minorities," says Sacramento Planned Parenthood lobbyist Norma Clevenger. Evelyn Eaton of San Francisco's Catholic Council for Life phrases it more vividly: "What they're saying is that a dead baby is cheaper than a live one."

[1] Many Catholic women, however, get abortions. One clinic in Omaha reports that they account for 35 per cent of all patients; a New York clinic puts the figure at 40 per cent and 55 per cent of the patients at a Milwaukee abortion clinic are Catholic.

If the Carter Administration gets its way, a poor woman's access to abortion may soon be still more limited. An amendment will probably be tacked onto a one-year Labor-HEW appropriations bill, forcing Congress to debate abortion funding again. Califano says that the Administration favors paying for abortions only if the mother's life is threatened or her pregnancy results from rape or incest—eliminating the category of severe health damage to the mother. Califano also suggested that Congress "may want to consider" reducing the time for reporting the rape or incest.

In many cities, clinics and understanding doctors have begun to work out ways to lower costs for poor women who want abortions. Planned Parenthood now devotes about 14 per cent of its $77 million budget to abortion services—an expenditure that has prompted National Right to Life's Jefferson to call for an end to its government funding. Planned Parenthood associations have also developed their own "secular plans" for grass-roots action to keep abortion legal, and pro-choice activists are spending more time mobilizing their rank and file—something they've never been very good at. "We're getting organized," says Libby Gatov, who heads Citizens for Free Choice in California. "Up until now people just haven't felt the immensity of the threat."

Preventing pregnancy is everyone's ideal solution to the abortion problem, but that turns out to be easier said than done. A year ago, Califano ordered HEW staffers to come up with "alternatives to abortion." Connie Downey disbanded her study group after she determined that it had neither the direction nor the authority to resolve the problem of unwanted pregnancies. If a pregnancy is unwanted, she argued, there are "no alternatives to abortion" except "suicide, motherhood and, some would add, madness." Califano then proposed spending $142 million on the problem of teen-age pregnancies. But much of the money will be earmarked to provide services for women who decide to have their babies, and family-planning experts complain that no enough would be spent on preventing pregnancies in the first place with better birth-control and sex-education programs. "The HEW package only gives lip service to prevention," says one.

EPIDEMIC OF PREGNANCIES

The trouble is that better contraception—especially for teen-agers—is a touchy subject. Except for natural methods, most pro-life organizations oppose birth control for everyone. Many parents and teachers—whatever their position on abortion—believe that discussing sex and contraception with youngsters may encourage them to be sexually active. "The epidemic of teen-age pregnancies is nurtured by this kind of education being fed to young people," says Judie Brown of the National Right to Life Committee. But since 35 per cent of unmarried teen-age girls have had some sexual experience, some moderate pro-life groups believe more emphasis must be placed on pregnancy prevention, as long as teen-agers are not just given sex education and then handed contraceptives. "If we are not going to fund abortion," says Marjory Mecklenburg, president of the American Citizens Concerned for Life, "then we have an obligation in the area of support and prevention."

One reason for the emotional nature of the abortion debate (Marty calls it "a battle of bumper stickers between people with their minds already made up") is that abortion is not easily amenable to the political process, which is based on compromise. "On a fundamental issue, you can't strike a bargain," insists March for Life's Nellie Gray. "You are either for killing babies or you're not. You can't be for a little bit of killing babies." But Richards of Planned Parenthood believes the political compromise has already been made for the near future. "Abortion is legal. It is going to remain legal. But we're not going to fund it with tax dollars."

BUILDING A CONSTITUENCY

Politicians are uncomfortable with the abortion issue and try to avoid taking positions on it whenever they can. They fear the power of the various pressure groups, yet few politicians have lost elections on it alone. An analysis of the 1976 House elections by NARAL shows that of thirteen incumbents defeated, nine consistently voted against abortion, four voted for it. "We need to convince Congress that even though the anti-choice movement is very visible, it is not the threat it claims to be," says Karen Mulhauser, executive director of NARAL.

Abortion opponents will undoubtedly continue to flood legislators with mail and arrive by the busload to collar their congressmen. By their persistence and moral fervor they may continue to nibble away at abortion—chiefly by further restricting public funding. But with more than 1 million women having abortions each year, most people believe they are here to stay. "The fact is that abortion is legal, abortion services are put there and women who want the service are availing themselves of it," says Richards. "Overtime that will build a constituency, not of people who are going to say, 'This is great, let's have more of it,' but of people who are going to say, 'Look, I was in a tough position. I weighed the options and for me it was the only choice. I'm glad the service was there'." It seems likely that abortion will remain a fact of American life.●

URBAN RECREATION OPPORTUNITIES MUST BE DEVELOPED

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. MOAKLEY. Mr. Speaker, I commend sincerely the recent innovative proposal of the Secretary of the Interior Cecil D. Andrus. Mr. Andrus' proposal, that legislation be introduced to rejuvenate deteriorating indoor and outdoor recreation facilities in hard-pressed urban areas is both the product of a careful year long national urban recreation study and a crucial step toward addressing the needs of troubled urban communities for physical recreation areas and facilities.

As Mr. Andrus noted, the need for urban recreational facilities is great. There is direct relation between the quality of life in urban areas and the availability of fully functional parks and recreational systems, including land, facilities, and service programs. Thus, because most troubled urban areas lack such facilities, and because the construction of such recreational areas, such as the Boston Harbor Islands State Park have done so much to improve urban communities' quality of life, Secretary Andrus' proposal and H.R. 12536 both present a unique opportunity for the Congress to directly aid in the uplift of America's urban areas.

As previously mentioned, in my own city of Boston, Mass., the Boston Harbor State Park was developed in 1975. This park consists of 16 islands, rich in recreational and historic value. In fact, it is one of the few urban water parks in the Nation, providing abundant opportunities for swimming, hiking, sightseeing, camping, and picnicking. A clear representation of State and local efforts to preserve and restore our country's natural beauty, and develop recreational facilities for its urban communities.

Mr. Speaker, few State and local governments have either the money or the authority to conduct such widespread development. A degree of coordination between State, local, and Federal governments, as Mr. Andrus' proposal and H.R. 12536 provide, would, however, assure the realization of such recreational opportunities.●

RUTH CRAVATH

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. MINETA. Mr. Speaker, the quality of education and what we all can do to improve it is one of the most frequently discussed topics of our day. Most of my colleagues have participated in many debates on education policy here on the House floor. But for all the talk about how education should be improved, there is nothing that can make a more valuable contribution to the preparation of young people for life in our society than a good teacher.

Ruth Cravath is just a teacher. After changing the lives of hundreds of people in the South Bay area, she is retiring from San Jose High School after service both as a teacher and as an administrator. Through her dedication, sincerity, and commitment, she made good students better students and she took would-be dropouts and put them back on the road to a meaningful education.

Many of her students believe she was at her best when coaching for extra curricular activities like public speaking and debate. She gave unselfishly of her time and energy, and she often worked late training young speakers in her classroom.

Away from the classroom, Ruth Cravath was her student's friend. She was never too busy to help when called upon. There are countless former Ruth Cravath students who are successful in their chosen fields today because they had the good fortune of walking into her classroom one day. She inspired them and that inspiration is still part of their lives.

Mr. Speaker, members of Ruth Cravath's classes from the 1960's and 1970's are having a farewell dinner on Saturday, June 10, in her honor. I ask my colleagues to join with me in congratulating Ruth Cravath for her career of service and inspiration which I hope will serve as a model for teachers in San Jose and across the country.●

GENERAL SINGLAUB SPEAKS OUT—PART III

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. McDONALD. Mr. Speaker, in the third of the series of articles in the Atlanta Journal and Constitution written by Maj. Gen. John K. Singlaub the decision to pull our forces out from Korea is brought into sharp focus, and is characterized by the general as "the worst national security decision made by this country in recent years."

The article by General Singlaub reveals, I believe for the first time, the identity of the advisor who urged President Carter to make his Korean withdrawal decision. This person is Rear Adm. Gene R. LaRocque, retired.

The activities of this retired admiral, a disappointed and disgruntled man, who heads the Center for Defense Information in Washington has been the subject of concern to me for some time past, and on January 17, 1977 I alerted my colleagues to his activities which have endeared him to the doves and the pro-Soviet intellectuals.

In considering the advice given to the President, I believe that it is critical to recall that LaRocque heads an organization "sponsored by" the Fund for Peace which in turn has a close working relationship with the World Peace Council—an international Soviet-directed front. The leadership of the Fund for Peace attend World Peace Council meetings as delegates, and as a result the activities of the Fund, and those of LaRocque and his Center for Defense Information, consistently parallel the policies of the Soviet Union and in fact serve in the United States as an extension of the Moscow-propaganda apparat. I am alarmed and dismayed that the President can accept advice from a man whose ties to the enemies of our country are so close.

For those of my colleagues who would seek further information on the activities of the World Peace Council, its associated fronts and operatives in the United States, I suggest reference to material that I placed in the CONGRESSIONAL RECORD on January 12, p. 1063–1066, January 17, p. 1349–1350 and January 26, p. 2418–2419, 1977.

The text of General Singlaub's third article follows:

[From the Atlantic Constitution, June 3, 1978]

SINGLAUB: KOREA WORST CARTER GOOF

(By Maj. Gen. John K. Singlaub)

I suspect that the worst national security decision made by this country in recent years was to pull our forces out of Korea.

There were others, including the B–1 bomber, the neutron bomb, the Panama Canal treaty and the all-volunteer army. I think some of these others were individually bad, and cumulatively, they've forced us into a very weak security posture.

In my view, and I suspect it's shared by others, this administration has shown a level of amateurism and naivete that is dangerous. It's damaging to our international prestige. I personally feel that it's placing us in an inferior position from the military security viewpoint with the Soviet Union and China. It's hard to understand how some of these policies have come about.

Either President Carter is getting very, very bad advice, or the people who are running things are deliberately trying to weaken our security. That's the impression you get.

You would think that on the basis of chance—just blind luck—some of the decisions would be good ones, but there really haven't been very many good ones in the national-security field. They tend, in all cases, to weaken our national security posture.

And I think it's quite clear that key decisions are being made without reference to the Joint Chiefs of Staff.

For instance, the decision was made recently to limit the troop withdrawals from Korea this year. The original plan was to withdrawn a full brigade of the 2nd Division. Then the administration announced that that was going to be reduced, and we were only going to withdraw one battalion of that bridgade.

That decision was arrived at some place outside the Pentagon. Maybe Secretary of Defense Harold Brown was aware of it, but the chief of staff of the Army learned about it on either the radio or by reading it in the paper. Gen. John W. Vessey learned about it because the president of the Republic of Korea called him and said, "We just had a meeting a few hours ago in which we were discussing this withdrawal, and now I just have a press clipping that says President Carter has changed his mind—and that it's only going to be one battalion."

Gen. Vessey, who is our commander—United Nations Command in Korea—didn't know anything about it. At least one of the members of the Joint Chiefs of Staff had no inkling of that policy change, and I think that's generally true in quite a few of these things, or they're made without their knowledge of key decisions, or they're made despite their objections. And they're told quite simply: Either support this, or we accept your retirement.

Initially, we thought Carter's Korea decision might have come from some of the statements from the Brookings Institution or from a retired officer named Rear Adm. Gene LaRocque, who heads up an organization in Washington called the Center for Defense Information which provides sort of a military mantle to a lot of anti-defense and anti-military activities.

Adm. LaRocque was in Atlanta speaking to a series of peace forums and I attended two of them. One was called Peace through Politics, and the other was Peace and the Military.

At one of them, he came up and introduced himself to me and said, "I guess you don't agree with some of the stuff that I have put out." I said, "That's certainly true. I can't think of anything I agree with in what you have written." And he said, "Well, you know, I'm the one who advised Jimmy Carter to withdraw the troops from Korea."

I told him that I certainly violently disagreed with that point, that it was a simplistic approach and it obviously didn't take into consideration the fact that there's a great disparity in military strengths.

Whether the admiral or the Brookings Institution was the primary source of President Carter's information or advice, the important point is that the decision to withdraw from Korea was made before the release of intelligence showing a significant buildup of North Korean forces. They were hardening their facilities, moving artillery positions forward, moving airfields forward, all of which are obviously offensive moves rather than defensive. Once that buildup became known, I and most of the people in the military assumed that President Carter's advisers would change their position and would have advised him that it would be better to fall off of his campaign promise than to endanger the security of the Republic of Korea, as well as our interests in the Far East. That change, of course, has not taken place.

As for the Brookings Institution, I don't know of anyone who thinks it is a good institution. I think it is a tool, either knowing or unknowing, of the far left. Certainly it has produced studies that in my mind don't even qualify as sound academic studies. They are studies to justify positions that are on the far left and very anti-war and anti-defense.

I think that many years ago, Brookings Institution was better. I can remember reading, almost 30 years ago, some of the things Brookings had done, and it was not too bad. But in the recent decade or so it's really been pretty poor.

I don't know their sources of funds. I think they get some funding from David Rockefeller, and there are some other sources, many of them peace organizations of various types. It is very complex. I tried to get Adm. LaRocque to tell me the source of his funding, and he said, "Well, it's all above board," and he named some peace organization that is contributing to his group.

As for the Panama Canal treaties, I think the bulk of our officer corps is opposed to the treaties that we finally negotiated with Panama. How often have we heard that we "returned the canal to Panama?" It never belonged to Panama. Panama is a byproduct of our willingness to build a canal through the isthmus, and this is a part of the history that has been rewritten by backers of the treaties.

I've never seen so much mutilation of history as has taken place in the discussions on the Panama Canal, or the American canal in Panama. There was such a barrage of propaganda from our State Department, from the administration itself, trying to convince the American people that this was a good thing.

Another very important concern to the officer corps is the all-volunteer force. Most officers, I think, were opposed to the idea, but we were told, and I was certainly told personally by Gen. William C. Westmoreland, who said, "Jack, the president has told me that there's no alternative: You're either going to make the all-volunteer army work, or you're not going to have an army, because you're simply not going to have a draft. It's not possible."

Well, we worked hard, and we spent a lot of money making the all-volunteer force work, and it is not too bad. But it's disaster as far as the total force is concerned.

Our armed forces are too small. We cannot meet our treaty commitments with the active force. We have to use the reserve components.

But the all-volunteer force has removed the incentive for people to join the reserve components and has eliminated the greatest source of membership—the draftee who has done two years and still has four more years of obligation. We're not creating that pool of individuals we need. We should have nearly a million men in that pool, but it's down now to a little more than 100,000.

We need a half-million just in the early stages of a war.

We're placing more reliance on the reserves now than we did in the past, and yet we have created an armed force that is weakening the reserves at an alarming rate.

From the point of view of the active army, we have the right numbers of people. We don't have any trouble getting the number of volunteers that we want.

But there is some concern among our senior commanders that the quality of these people is not what it should be. And that's strange because we have an option of getting rid of the ones that are not motivated or lack the skills needed; we are able to get rid of them very easily in their basic training.

But despite that, we find that the level of literacy is down. Now, that's not just related to the Army; it's apparently a measure of the educational system of our country. We find that these soldiers can't read the manuals that they need to read to operate the equipment. They can't record their observations in the times that are needed because their level of literacy is so low. And that's a function of our school system. We're having to rewrite our field manuals into 5th-grade English. It was bad enough before at the 8th grade.●

REMARKS ON U.S.S.R. WORLDWIDE AGGRESSION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. DERWINSKI. Mr. Speaker, I was fascinated to read Dr. Brzesinski's hard-hitting remarks on the Soviet Union's continuation of worldwide aggression. I hope that this is an indication that the administration has at last awakened to the fundamental challenge which is now being posed to the United States and its national interests.

Whether or not some of the brave words which have emanated from the White House recently will be translated into concrete action remains a very open question. To do so will require an act of will and an understanding of global trends which thus far the Administration has failed to evidence. In the meantime, our African policy, like too much of our Nation's foreign policy, is marked by ineptitude, confusion, weakness, and an obvious drift.

An article in the Mav 28 Washington Post by Nick Thimmesch very aptly outlines the current state of the Carter administration's African policy. I insert it into the RECORD for the benefit of the Members:

[From the Washington Post, May 28, 1978]

CONFUSING POLICY ON AFRICA

(By Nick Thimmesch)

It takes the vision of mutilated white bodies and the horror stories of survivors to get Americans exercised over U.S. inability to deal with the bad things happening in Africa.

The reality is that the vast majority of the people murdered and massacred in Africa by insurgent or guerrilla forces are blacks. It is blacks who suffer the most from the ideologically inspired fighting in Africa, and whose bodies have been strewn about villages for years in the wake of guerilla raids.

Africa, with its 51 nations, is a confusing, seething continent, and small wonder that U.S. policy on Africa is also confusing. It was neglected in the Nixon and Ford administrations, partly because Henry Kissinger wasn't much interested.

But now we have President Carter and U.N. Ambassador Andrew Young. It is obvious that U.S. policy on Africa—despite Young's flip remarks to the contrary—is in serious trouble. The Soviets and Cubans do what they please and create great mischief. The nations with strong affinity to the West and to the United States have small confidence in U.S. help, because the United States has become impotent in many ways in recent years.

The decline of U.S. authority and strength can easily be linked to the Vietnam ordeal and also to the fierce and gratified urges to destroy the Nixon presidency. With amendments and restrictions placed on any president to deal quickly and surely with international crises, any president feels inhibited enough to declare, as Carter did, that his hands are tied.

The United States stands as a nation of bourgeois wimps irritated by the Soviet-Cuban aggression in Africa, but turning its back to drink beer and watch television. We do not appreciate the intensity of the revolutionary will power of the Cubans and their friends in Africa. (Cuba would be in Africa, with or without the Soviets—let's get that clear.) Moreover, even if the United States could muster the urge, our military forces are so thin, we couldn't do much anyway.

So there we stand, sans understanding, sans will, sans arms, sans nearly everything. There are nice ironies. A key factor in our inability to operate is the Clark amendment, authored by Sen. Dick Clark (D-Iowa), which restricted some of the president's actions in Africa. Iowans aren't that much interested in Africa, but Clark is, Iowans are far more interested in the worrisome state of agriculture, but Clark isn't. But who cares? He got elected, and he's a nice liberal.

Anyway, this mediocre state of affairs worries the globalists in this town, including Zbigniew Brzezinski, the president's national security adviser, Kissinger, who wishes he were still presiding over the world, Secretary of State Cyrus Vance, who likes consensus and orderliness, and the Dr. Strangelove strategists who always see dooms-day but rarely volunteer to shed their blood for principle.

Now, Carter could risk congressional censure and ship weapons to certain embattled forces in Africa. He needn't, nor should he, send U.S. troops. He could reinforce the friendship many African nations have for the United States by working to get them more military and economic aid. He could put the Soviets and/or the Cubans in a room, close the door and read the riot act to them. And he could fire Andy Young.

He certainly should do the latter. Young constantly contradicts what others in the administration say and believe. He somehow cites two African nations going Marxist-Leninist—Mozambique and Angola—as being denied U.S. aid. He fawns before African guerrilla leaders, mistakenly regarding them as the civil-rights brethren who worked with him in that noble American effort a decade or more ago. He cuts loose with incredibly irresponsible statements, such as saying that the Soviets and Cubans are a stabilizing force in Africa, and that Nixon and Ford ran racist regimes, and that the racists of the world are everywhere conspiring against Africa, him, Jimmy Carter and certain parts of Georgia.

But Carter can't fire him. Carter is a man who often shows a mind torn between alternatives. He is a sort of Dr. Jimmy and Mr. Carter, only he means well. He is torn between Young's pious idealism, stuffy and arrogant as it is, and the realities presented by a man who knows the cruel exercise of power, Brzezinski. He is torn between the somewhat patronizing attitude a white Southerner develops for an accomplished black like Young and the squinty eyed duty of a president of all the people.

I wish Carter could find a tough-minded black diplomatic professional, with whom he would develop no emotional hangups, to replace Andy Young.

But he won't. And U.S. policy on Africa will continue to be ineffective, and Carter will catch a lot of hell for it.●

L. I. JUDICIAL DISTRICT

HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. AMBRO. Mr. Speaker, I would like to share with my colleagues a few of the arguments I offered last Friday in support of a proposal of crucial importance to my Long Island Congressional District.

The following testimony, presented to the Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice, was in support of legislation I have introduced, H.R. 6465, which would partition the present Eastern District of New York and create a separate and unique judicial district for the counties of Nassau and Suffolk.

This bill seeks to correct difficulties which are not uncommon in other areas of the country—although perhaps not as severe as those on Long Island—and I am inserting this testimony in the RECORD for the benefit of my colleagues who may have similar problems in regard to their local Federal judicial district structure:

SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES, AND THE ADMINISTRATION OF JUSTICE

Mr. Chairman, first I'd like to thank you and the members of the Subcommittee for the opportunity to present arguments in support of H.R. 6465, a bill "to amend title 28 of the United States Code to establish a separate judicial district for the counties of Nassau and Suffolk, New York."

This is a most ambitious, complex proposal, but one which has both precedent and merit. It is ambitious and complex because the problems and inequities it seeks to correct are enormous. They are problems that affect people, and accordingly should properly be resolved by the United States Congress and its Committees. They are problems so pressing as to require the attention of the elected representatives of the people and not appointed surrogates.

Its issue is the present structure and composition of the Eastern Judicial District of the State of New York. It is the third most populous among the nation's 94 judicial districts and within it approximately 7.4 million people. The Eastern District includes the Counties of Richmond (Staten Island), Kings (Brooklyn), and Queens, all within the boundaries of the City of New York, and the Counties and Nassau and Suffolk on Long Island.

The two Long Island counties have a combined area of approximately 1,222 square miles and a combined population of 2.7 million people (1970 census), or about 36% of the total population of the Eastern Judicial District. As such it has a population greater than all but 25 states.

The population is expected to grow to 3,075,287 (38.6% of the Eastern District) by 1985; and to 3,564,313 (42.2%) by the year 2000.

In terms of sheer numbers of people, the case for establishment of the Northeastern Judicial District called for in H.R. 6465 is manifest.

Of the 25 States whose population exceeds that of the proposed Northeastern District, the lowest number of court locations is four.

The average population served per court location nationally is 503.700. The average populations served per court location in the six most populous states (California, Illinois, New York, Ohio, Pennsylvania and Texas), or those with the greatest population densities is 1,056,600.

The District of Connecticut (3,032,217 peo-

ple) is a good index of an area comparable to the proposed Northeastern District and that state is served by five Court locations.

But population is neither the sole, nor even determining factor in this matter.

As you are undoubtedly aware, the Eastern Judicial District now has its headquarters in southwestern Brooklyn. When the District was established in 1900, that location made great sense. Brooklyn was the center of population for the region served by the District. It was the center of commerce for the region served; center of employment; center of activity in every sense. Logic mandated that the federal court facility be located there.

But 78 years have passed since that time and the demographics of that Long Island landmass have changed radically in the past seven decades. Population, commerce, employment have all spread steadily and inexorably eastward; first to Queens in the 20's and 30's; then to Nassau in the late 40's and 50's; and now to Suffolk since the late 60's. Suffolk County is now the fastest growing county in New York and it is expected to continue this growth through the final 20 years of the 20th century and beyond.

The shift in population toward Nassau and Suffolk is best dramatized by the designation of the two counties as a separate Standard Metropolitan Statistical Area (SMSA) by the U.S. Department of Commerce on November 20, 1972.

The Nassau-Suffolk SMSA is the ninth largest in terms of population—and the first area so created without reference to a central city. It ranks third in spendable income per household and in retail sales per household. It is seventh in number of passenger cars. Furthermore, its business activity is the fastest growing among all New York State SMSA's—a compelling argument for creation of a total federal court and law enforcement presence in the bi-county area.

The makeup of those two counties is now utterly different from the rural-agricultural-potato farm region of 1900 when the Eastern District was established.

The changes go beyond mere population numbers and patterns. The years between 1960 and 1970 saw a fascinating increase in the numbers of persons living and working in Nassau-Suffolk, from 427,908 in 1960 to 606,772 in 1970, a gain of 41.8%. During that same period, the number of New York City-bound commuters increased from 216,280 to 231,182, a gain of only 6.9%.

Only 24.6% of the Nassau-Suffolk resident workers commuted to jobs in New York City in 1970 as compared with 31.8% in 1960. Clearly, these figures demonstrate the increased self-sufficiency of the Nassau-Suffolk area.

Those shifts in population and industry within the Eastern District bring us to the central question in this matter—the question of accessibility to the U.S. Courts.

The Brooklyn, Queens, Nassau corridor is now the most congested, maddening and infuriating traffic morass in the nation. Western Suffolk, at least, if not the whole county, is rapidly joining the transportation log jam which characterizes the other three counties. Traveling from even close-in Nassau County to the Brooklyn federal court complex is at best an all day affair.

The following table shows the average distance and travel time to the Brooklyn center from random points on Long Island:

Location and distance:	*Time hours*
Nassau Co.-Mineola 30	1
Suffolk Co.-Huntington 50	1.5
Hauppauge 57	1.5
Stony Brook 64	1.75
Riverhead 82	2.5
Montauk 129	3.5
Orient 112	3.5

The listed travel times are one-way trips during off-peak hours. During the morning and evening rush hours, average travel time would be increased by one-half again.

Considering the numbers, it is self-evident that the 2.7-million residents of Nassau and Suffolk do not, in fact, under the present arrangement, enjoy accessibility to the U.S. Courts. Roundup travel of three and four hours or more, in effect, denies to the people, the full facilities of the federal courts and the equal application of the Federal judicial system. The conditions in Nassau and Suffolk must be considered in relation to those of the Eastern District. For that purpose I would like to quote several passages from the recently published report United States Courts, Second Circuit, Report 1977. The Second Circuit includes the Eastern District.

EASTERN DISTRICT OF NEW YORK

The Eastern District of New York is the third most populous judicial district in the nation. The more than 7,400,000 people who live within its five counties have contributed to a caseload which has made this the second fastest growing of the circuit's districts over the past ten years. The court services a major port of entry and naturalizes more new Americans than any other court in the country. The volume and complexity of its criminal caseload requires its judges to devote more time to criminal trials than other districts . . .

During the past ten years total filings in the Eastern District of New York have increased 96 percent. The district is unique in the Second Circuit in that both civil and criminal filings have grown significantly, 102 percent and 78 percent, respectively.

An outstanding characteristic of the Eastern District is its heavy criminal caseload. Criminal cases constituted 24% of total filings in 1977—a proportion equalled only by the circuit as a whole. During the past ten years the attention required by the criminal caseload, coupled with the rise in civil filings, has caused the civil pending caseload nearly to double.

Both civil and criminal terminations increased during 1977, but while the district cleared its criminal calendar, the pending civil caseload rose 10%. This was the seventh consecutive year in which the number of pending civil cases increased.

Nassau and Suffolk Counties, representing 36% of the Eastern District in terms of population, account for 24.7% of the 1977 civil caseload, and 6.7% of the 1977 criminal caseload, excluding cases handled by magistrates, or 21.5% of the District's total caseload.

I think it is important to note that these figures are relatively new statistics and that since such statistics have been kept beginning in October, 1976, the general trend of workload in the Nassau-Suffolk area has been increasing.

The Federal Court statistics do not, however, tell the whole story. The impediments to litigation in the Federal Courts for Long Island residents have shifted the caseload burden to Long Island's state courts.

Nassau and Suffolk Counties comprise the Tenth Judicial District of the State of New York, one of 11 such districts in the state. In 1976, the last year for which figures are available, the Tenth District began with more non-matrimonial civil cases (11,479) and ended with more (11,862) than any Judicial District in New York. Keeping in mind the population disparities those two counties in 1976 ranked fifth and six among all counties in the state in number of defendant Class A felony indictments pending for more than one year. They ranked directly behind Manhattan, Brooklyn, Bronx, and Queens all of which have populations several times that of the two Long Island counties.

I am not suggesting that the criminal caseload reflects directly on potential federal criminal cases, since we are dealing with different bodies of law (although there is such a direct connection in civil, non-matrimonial matters). What I am proposing is the fact that there is more than sufficient litigative activities in those counties to require the attentions of a full-time U.S. Attorney with support facilities.

I am also suggesting that the absence of a full-blown Federal law enforcement presence in those counties has resulted in an inevitable backlog in those state courts that have assumed by default what would ordinarily be Federal responsibility.

Adequate Federal Court and law enforcement facilities have been long sought-after goals of the organized bar in the Nassau-Suffolk area. As far back as 1967, a report was presented by the Federal Court Committee of the Suffolk County Bar Association requesting that Federal Court facilities be established in both Long Island Counties. The chairman of that Committee who authored that report, Mr. Richard C. Cahn, has warmly endorsed H.R. 6465 and provided updated statistics which reinforce his 1967 recommendation. At the July 12, 1977, meeting of the entire Board of Directors of the Suffolk County Bar Association, a resolution was passed "wholeheartedly" endorsing "the creation of a new Federal District Court for Nassau and Suffolk Counties." This resolution was transmitted to me by William V. Maggipinto, the Association's President. I have received similar statements of support from a variety of key members of the different associations representing the legal profession, and I would like to share some of their observations with the members of this subcommittee:

"I was delighted to receive your letter of May 24, 1977, announcing your introduction of a bill in the House, which, if successful, will split the present Eastern Judicial District, and create a separate district for the Counties of Nassau and Suffolk. This is precisely the plan that the Federal Courts Committee, which I chair, of the Nassau County Bar Association, had advocated. Such a bill puts in proper perspective the future needs of these two counties . . . The present needs of these two counties demand accessible facilities, and the future demand will be even greater . . ." Thomas J. Higgins, Chairman, Nassau County Bar Association Federal Courts Committee.

"Your efforts are most welcome. The Nassau County Bar Association and the Suffolk County Bar Association have, for many years, attempted to obtain a permanent court facility in at least one of the counties where the center of population demands and requires that the public receive the full benefit of the Court facility. For years the lawyers of both counties have cooperated in attempting to convince the Courts, as well as our representatives, that it is unfair for the citizens of the two counties to have to travel to the farthest end of Brooklyn for the purpose of utilizing a Court that should be available to all people within a reasonable distance of travel." Jerome Bauer, Board of Directors, Nassau County Bar Association, First Vice-President, Nassau Lawyers' Association.

"On behalf of all our members and prosecuting attorneys on Long Island, I wish to offer our deep appreciation for your efforts in creating a new Long Island Federal District Court." Carl P. Maltese, President, Columbian Lawyers Association of Suffolk County.

"As General Attorney of the Long Island Rail Road, you, of course, would be aware that most of my cases are in the Federal court, in the Southern and Eastern Districts, which would be more convenient for litigants, witnesses and counsel. I don't know of any other attorneys who practice in Nassau or Suffolk counties who have more cases in the Federal courts than my office. . ." Paul J. Donnelly, Jr., General Attorney, Long Island Rail Road.

"I want to express the sincere thanks and appreciation of the Suffolk County Bar Association for your efforts in introducing this legislation." Lloyd H. Baker, Suffolk County Bar Association.

"I heartily concur in this legislation as I believe it will offer a far better alternative to the building of an annex of the existing Federal Court House in Brooklyn." Honorable Joseph Colby, Supervisor of the Town of Oyster Bay, New York.

"I read with interest your proposal of May 20, 1977, relative to the creation of separate districts for the counties of Nassau and Suffolk in the Federal Court system. Your proposal is innovative and I am sure it will enhance the workings of the Federal Court system." Arthur Randall, Executive Director, Nassau County Criminal Justice Coordinating Council.

"This additional district for the Counties of Suffolk and Nassau has long been needed . . ." Peter D. Rubinton, Board of Directors, Suffolk County Bar Association.

And finally, perhaps the most telling comment of all comes from an attorney who is a Federal Defender employed by the Legal Aid Society to service Eastern District of New York: ". . . I applaud and encourage your desire to establish a bill to create a new Federal court unit for Long Island . . . I believe that it is no secret that many *federal crimes committed on Long Island are being dealt with by the state authorities* (emphasis added) because of the lack of personnel and proper facilities for Long Island. Several bank robberies and United States Treasury Check cases are not being disposed of in the right forum . . . One of the serious drawbacks of the current situation is that if a person is accused of a federal crime and is apprehended on Long Island, it will take much longer to arraign this individual because the Magistrates only sit in Brooklyn, New York. On more than one occasion, I would be informed that a defendant is "on the way" from Long Island, and we would wait for his arrival. More often than not, the arraignment would take place on the following day . . ."

As to alternates to this proposal, those that have been put forth—a larger court building, a division of service—are more a response to that which their proposers believe is possible than an answer to the challenging needs of the people of Nassau and Suffolk Counties. Postponing, prolonging or denying a separation now is merely to put off the inevitable as clearly demonstrated by the facts, the evidence and undeniable requirements of the residents of those burgeoning suburban communities.●

THIRTY-SECOND ANNIVERSARY OF THE ITALIAN REPUBLIC

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. RODINO. Mr. Speaker, I urge all Americans today to join the citizens of Italy in celebrating the 32d anniversary of the founding of the Italian Republic.

It is an especially meaningful time for us to reflect on the meaning of Italian democracy, because one of the founders of the Italian Republic during the aftermath of World War II was Aldo Moro. The recent assassination of this great Italian patriot, who served five times as Prime Minister of Italy, is a tragic, yet important reminder of Italy's commitment to democratic institutions.

The United States has reaffirmed our friendship with the Italian Government as a cherished ally, during the recent crisis in Italy. The Italian people have shown themselves to be steadfast in their dedication to preserving open government. They have shown that terrorism and anarchy will never overcome the democratic institutions Italy pledged itself to 32 years ago.

Mr. Speaker, we all know the vast contributions that Italians have made to the development of western civilization and also the contributions in our own country, in the fields of art, science, medicine, and law, made by Americans of Italian descent. I personally take deep pride in my heritage as an American of Italian descent.

Mr. Speaker, I ask my colleagues in the House to join with me and all Americans in honoring the Italian Republic today on its 32d birthday. We are privileged to have its friendship, and we are proud of its commitment to free and open government. Let us pledge all our support to Italy's efforts to maintain its democracy in the years ahead.●

SOLAR POWER SATELLITE: DOE'S VIEWS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. OTTINGER. Mr. Speaker, tomorrow, the House may consider one of the most wasteful, reckless spending programs ever proposed, the Solar Power Satellite Research, Development and Demonstration Program Act. For the benefit of my colleagues, I wish to insert in the RECORD the testimony of the Department of Energy before the Science and Technology Committee regarding this legislation.

STATEMENT BY FREDERICK A. KOOMANOFF

Messrs. Chairmen and members of the joint subcommittee: It is a pleasure to discuss with you today the proposed Solar Power Satellite Research Development and Demonstration Act of 1978—H.R. 10601.

First, I would like to discuss the evolution of the DOE/SPS project activities. The DOE involvement in SPS started with the assignment of responsibility for SPS to ERDA in January 1976, and the creation of a SPS task force under Dr. Robert Summers to make a preliminary evaluation of the SPS potential as a supplier of energy. After the completion of the task force study with the recommendation that enough promise existed to conduct a detailed evaluation of the SPS concept, the function was delegated to the Environmental and Resource Assessment Branch of the Division of Solar Technology.

The function of that branch is to perform environmental and technology assessments for all the solar technologies.

The early ERDA efforts were centered on the environmental and socio-economic aspects as well as coordination with NASA. I have been the chief of the branch and have been deeply involved in SPS planning and studies since late fall of 1976.

The administration's SPS policy statement of October 1977 made DOE responsible for the overall management of the joint DOE/NASA project. The required additional management support was provided by the national laboratories starting in September 1977.

The SPS function has recently been transferred within DOE from the division of solar technology to the Office of Energy Research. The Department is currently considering the augmentation of the SPS staff under energy research.

The function of the SPS staff is to plan, manage and integrate the SPS study including the systems definition, the environmental and societal assessments, and the comparative evaluation to insure, in 1980, an initial understanding of the technical feasibility, the economic practicality and the social and environmental acceptability of the SPS concept. The study results will provide an informed basis for making future SPS program decisions.

Through the joint efforts of DOE and NASA over the past 2 years, we have formulated a plan for the evaluation of the SPS concept, and have already started to develop information in both the system definition and environmental areas.

Using as a basis the plan outlined in the concept development and evaluation document, a complete work breakdown structure has been developed. An increasing number of organizations are supporting the implementation of this work breakdown structure and preliminary results are becoming available.

The NASA systems definition effort has been under way for several years. Two configurations have emerged in their studies.

The configurations share a number of common features, but also differ markedly in others. The common features include solar cell energy conversion, the systems for converting from direct current to the high frequency microwave beam, the frequency, intensity and size of the beam, and the antenna and rectenna sizes.

The differences include the kinds of solar cell material and collectors, gallium arsenide versus silicon, the satellite weight, the power output, the construction site, low earth orbit versus geosynchronous earth orbit, the launch vehicle payload weight.

These results indicate the sensitivity to the assumptions made in the course of the design studies.

Much progress can be made in resolving these differences without extensive new technology development or flight demonstration activities. Questions regarding choice of solar cell material, weight, power, orbital construction site, and launch and orbital transfer vehicle configurations can be resolved within the context of our current study and related (but not SPS specific) R. & D. activities in both DOE and NASA.

I will now discuss some specific preliminary findings on the potential effects of the SPS microwave beam. This was recognized as a key problem area, and work was started immediately upon receipt of funding in September 1977—which coincided with the approval of the SPS plan.

These efforts were directed toward radio interference and the biological, ecological and atmospheric effects of the microwave beam.

Several potential problems have emerged. Because of the very high power levels of the beam (gigawatts instead of kilowatts or megawatts), the potential for interference with current RF (radio frequency) systems exists. Potentially affected systems include commercial broadcasting and microwave communications, radio navigation systems for land, sea and air, military communications and radar systems, amateur radio (hams), and radio astronomy. Plans are being developed to experimentally study these effects to obtain firm data.

Our understanding of the potential biological/ecological effects of the microwave beam is expanding. Although most of the microwave energy is captured by the rectenna—about 90 percent—enough spills over to cause significant concern. We are concerned with the effects of long-term, low-

dose level upon people, animals, and the ecology in the vicinity of, and outside, the rectenna sites.

Ohmic heating of the ionospheric electrons by microwave has been estimated to elevate the electron temperature in the D&E regions (70–120 km) by 1000°K or more. Experiments to verify these calculations and determine the environmental effects are mandatory.

A number of societal issues are to be studied. Perhaps some of the most serious issues lie in this area. Included are public acceptance—central versus dispersed power; international issues—space usage, microwave standards, perceived military threat, vulnerability to attack, and energy export: institutional issues—ownership, interface with utilities, regulation, and population and individual migration: resources—capital formation, and land, materials, facilities, manpower and energy requirements.

H.R. 10601 would add technology development and orbital demonstration to the present SPS evaluation program. In my opinion, which is shared by NASA, many key systems development and environmental issues must be resolved in the current study before such advanced efforts are warranted.

It now appears that the resolution of key questions relating to the atmospheric, RFI and EMI, biological and ecological effects of the microwave beam may require major experimental equipments. In some instances this equipment needed for resolution of environmental problems will require development activities by NASA.

The potential requirement for emitting antennas operating at SPS power levels and frequencies on the ground to study atmospheric perturbations is an example. The requirements for such experimental equipment will evolve from the current study. However, such efforts should not be started until the requirement clearly emerges.

The H.R. 10601 provisions for technology development and orbital demonstration are premature. The present study is properly scaled to the current level of understanding of SPS issues.

In summary, DOE and NASA are accelerating their joint efforts in implementing a carefully thought out evaluation plan—the scope of which is commensurate with the level of understanding of SPS issues. An accelerated technology development and orbital demonstation program is not warranted on the basis of our current level of understanding.

Critical environmentally driven experiments will be requested if the need emerges.

I will be pleased to answer any questions from the committees at this time.●

PERSONAL EXPLANATION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. McDONALD. Mr. Speaker, I was unavoidably absent last week for two important votes. On June 1, I missed rollcall No. 401, an amendment to H.R. 12157, due to a speech commitment, and on June 2, I missed rollcall No. 404, an amendment to H.R. 12157, due to the malfunctioning of the LRS (pageboy receiver).

If I had been present, I would have voted "yes" on roll No. 401 and "yes" on rollcall No. 404.●

BATF AGAINST BATF

HON. JAMES WEAVER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. WEAVER. Mr. Speaker, there have been stories in the press that the Bureau of Alcohol, Firearms, and Tobacco in the Treasury Department may withdraw its proposed regulations for additional registration procedures for firearms. It should.

The National Rifle Association has drawn up a list of point-by-point conflicts in what the BATF has said about these draft regulations. These contradictory statements about what the Bureau has in mind should be studied by Members of Congress and the public, and I ask that they be printed, as follows:

BATF v. BATF: STATEMENTS ON PROPOSED NEW REGULATIONS

(The justifications BATF is offering for their proposed new firearms regulations run directly counter to most previous statements the Bureau has made on the issues involved, or to the actual text of the regulations. Some examples are listed below. We know of no previous testimony or statements by BATF that support their present claims.

NAMES OF CITIZENS

Mr. Rex D. Davis,[1] statement before Subcommittee on Crime, House Judiciary Committee, May 4, 1978—"1. That each licensee should submit written quarterly reports showing the disposition of their firearms. These quarterly reports would not contain the names or addresses of non-licensees."

Hon. Richard Davis[2] (Subcommittee on Crime, May 4)—". . . In addition, and given the statements of some, we cannot be too clear on this point: these regulations do not require the names and addresses of citizen purchasers or owners of firearms to be reported to ATF: . . .

BUT

(1) Proposed regulations, Section 178.113 (b) (1)—"Being imported for the personal use of the licensee or on behalf of a non-licensee (when the firearms is being imported for a non-licensee, the *names and address of the non-licensee shall be stated*);" (italics added)

(2) Proposed regulations, Section 178.114—(This section is too long to quote here. It requires all military personnel desiring to bring personally-owned firearms back into the U.S. after overseas service to file an application with BATF, including their *name and the address where the firearm will be located.*)

(3) Existing regulations, Section 178.126 (a): "Each licensee shall prepare a report of multiple sales or other disposition whenever the licensee sells or otherwise disposes of, at any one time or during five consecutive business days, two or more pistols or revolvers . . . to an unlicensed person. . . . prepared on Form 3310.4 . . . and forwarded to the office specified thereon not later than the close of business on the day that the multiple sale or disposition occurs."

(4) Rex D. Davis, statement before the Crime Subcommittee, May 4: "We have had a massive project underway for more than a year which has as its goal the centralization in Washington of out of business dealer records." (Note: dealer records, by law, contain the name and address of every person purchasing a firearm from the dealer since 1968.)

(Comment: BATF's statements about names and addresses are very evasive. While it is true that the names and addresses of current purchasers of a single firearm from a dealer who stays in business would not be reported to Washington, it is also true that the proposed and existing regulations require certain categories of purchasers' names and addresses to be reported. Also, names and addresses of persons who have purchased firearms from dealers who go out of business are being compiled in Washington and presumably will be placed in the computer system the regulations would establish. 23,000 dealers go out of business yearly.)

In addition, BATF testified before the Crime Subcommittee in 1975, and Rex Davis has repeated since then, that BATF would like to tighten license requirements so as to force 75 percent of the currently licensed firearms retailers out of business because their agents are not able to inspect them frequently enough. If the regulations become effective, and BATF is later able to achieve this goal of decreasing the number of licensees, the names and addresses of everyone who has purchased a firearm from those retailers forced out of business would also be added to the computer.

SERIAL NUMBERS, CURRENT STATEMENTS

BATF News Release announcing proposed regulations, March 16, 1978—"The serial numbers now required do not provide adequate information for absolute indentification, since the same number sometimes appears on more than one weapon, and many weapons have several serial numbers, making it difficult for police to identify them."

Hon. Richard Davis, statement before Subcommittee on Crime, House Judiciary Committee, May 4, 1978—"A unique serial number would include in one number all that is necessary to submit for a firearms trace; would avoid confusion for a street officer seeking to determine what information or numbers he must submit; would end the duplication in numbers used by different manufacturers; and would simplify the computerization of this information. This change is long overdue."

Mr. Rex D. Davis (Subcommittee on Crime, May 4)—"The unique serial numbers will eliminate the possibility of different manufacturers using the same serial numbers. Since all pertinent data is contained in the identifying number, it should avoid unsuccessful traces due to inadequate or incorrect information."

BUT THEY SAID PREVIOUSLY

Excerpt from testimony before Crime Subcommittee, 1975

Jack Patterson, Assistant Chief Counsel, BATF—"Mr. Chairman, as far as I know, there have been no problems since the gun's manufacturer after the Gun Control Act of 1968 which affects the tracing of that weapon due to either duplication of serial numbers or illegible numbers on that gun."

Chairman Conyers: "What about the fact that any manufacturer could use the same set of numbers, and that has happened, has it not?"

Rex Davis:—"Well sir, or course that really would not make that much difference, because the other identifying information is on the weapon, such as the name of the manufacturer, the place of manufacturer, so that, taken in association with the serial numbers.

". . . From my knowledge, our tracing is not affected adversely in any significant degree by the serialization requirements."

Comment: It seems clear that the only justification for the serial numbers is to aid in the computerization of firearms records. However, if this were the only stated purpose, someone would certainly have pointed out

[1] Director, Bureau of Alcohol, Tobacco and Firearms (BATF).

[2] Assistant Secretary of the Treasury (Operations and Enforcement).

that nothing was preventing BATF from assigning internal numerical codes to each manufacturer for computer purposes, as is routinely done by the FBI for their National Criminal Information Center computer. Since BATF is attempting to down-play the computer aspects of their proposal, the "problems" with tracing were put forth as a justification.

COSTS

(Comment: There are serious and continuing discrepancies between past and present cost estimates for the programs the regulations would create. These include both total cost figures and BATF's failure to mention certain costs associated with the regulations during their testimony before the Subcommittee on Crime, May 4. These costs would increase their own figures by 70% over those cited in their testimony.)

Testimony before the Subcommittee on Crime, House Judiciary Committee, May 4, 1978 (committee transcript, page 86, beginning line 1576):

Mr. Volkmer: "I notice that you say now that it would take approximately $4.1 million to implement this change in rules and regulations in addition to what is in your present budget?"

Mr. Richard Davis: "That is correct. If the decision is made to implement it, we would have to come to the Congress, and our current estimate is $4.1 million for the first year. . . ."

Mr. Volkmer: "Is that mostly for computer operation?"

Mr. Davis: "It is not mostly for the computer itself. It is mostly for people to put information into the computer."

(NOTE: At no point in the ensuing testimony was any mention made of additional costs.)

BATF MEMO, April 19, 1978, from Rex D. Davis and initialed by him, to Assistant Secretary (Enforcement and Operations):

"Attached is this Bureau's estimates of the fiscal year 1979–1980 estimated funding requirements to comply with the proposed firearms regulation."

(First page of figures) "Firearms Regulations Program Resource Requirements—Total Estimated Costs—$4.1 million."

(Second page of figures) "Estimates for the Investigations of Major Thefts—Total Estimated Costs—$2,941,000" (This was never mentioned to the committee.)

AND THEY SAID PREVIOUSLY

(1) Letter from Rex D. Davis to Senator Bayh, July 16, 1975, printed in Hearings entitled "Handgun Control" by the Senate Juvenile Delinquency Subcommittee, pages 242–245:

". . . These program concepts are rather lengthy and we have enclosed a brief description of each for your use."

I. Dealer theft program—Through a change in regulations, we would require each licensed manufacturer, importer, or dealer to report each theft of firearms to us within 24 hours after the theft. Each multiple theft would be investigated in conjunction with local police to not only solve the immediate crime, but to prevent the movement of the stolen firearms into distant cities, where they enter the criminal world. This would require 801 positions with an attendant cost of $23,476,000."

IV. Recordkeeping (Submission of Forms 4473, Firearms transaction)—". . . It would require 4,432 positions and a cost of $104,602,000."

BATF Press Release dated April 1, 1977, entitled: Critique by BATF of the Police Foundation Report on Firearms

Page 24—"ATF took under study in 1975 a proposal to require licensed dealers to submit reports on all firearms sales . . . The only problem was that it would require 4,432 positions and a cost of over $104 million."

(Comment: There is clearly a difference between the two reporting proposals, in that the current one omits most of the names and addresses which a submission of 4473's would have included. However, this can in no way account for the vast difference in cost. Once you have spent the necessary amount to establish a computer system to hold all the other information about firearms sales, including an entry for the serial number of each firearm sold to a citizen, adding the name and address to that entry would be but a fraction of the total cost and effort. Whatever the explanation, if any, for the cost differentials between the two proposals, it cannot be rooted in the omission of most names and addresses from the current proposal. Moreover, as noted on page 1, the proposed regulations would result in the names and addresses of thousands of citizens being programmed into the computer, and the design of the system would have to provide for the entry and retrieval of names and addresses.)

THEFT REPORTING

Hon. Richard Davis, statement before the Crime Subcommittee: "The theft reports would enable ATF and local police to address more effectively the problem of stolen firearms. . . . Without knowledge of the theft, however, there is no way local or federal law enforcement can investigate the incident. . . .

Rex D. Davis, statement before the Crime Subcommittee: "Another important aspect of the proposed regulations is the requirement that all licensees report within 24 hours any loss or theft of firearms . . . A major part of ATF's mission is to enforce all federal firearms laws. However, the Bureau's attempts to accomplish this mission have been hampered, since the most effective deployment of manpower and resources depend on a thorough knowledge of firearms distribution networks, dealer trading practices, and patterns of theft and loss."

BUT THEY SAID PREVIOUSLY

BATF Release, April 1, 1977, entitled Critique of Police Foundation Report on Firearms

Page 29—"ATF's experience in law enforcement gives no indication that if licensed dealers were required to report thefts to local police that it would increase the ability of the police to recover stolen firearms and apprehend the criminals. *It would be of little value to have the thefts reported to ATF since the Gun Control Act of 1968 does not provide ATF with the statutory authority to pursue the interstate movement of the gun past the retail dealer as far as the theft is concerned.* ATF could provide a service by insuring that the guns were entered into the (FBI's) NCIC, but that would be the extent of it." (italics supplied)●

ATHLETIC SUCCESSES AT ROXBURY COMMUNITY COLLEGE

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. MOAKLEY. Mr. Speaker: The college experience involved more than just classroom activities, it also entails peer relations, group activities and athletic events.

Roxbury Community College, which has just completed its fifth academic year, is deeply involved in this total educational experience.

One phase of this effort has been in athletics and witnessed by the success of their basketball teams, their work seems to be effective.

Its men's team, which had a record of 19-3, was the Massachusetts State champion and included All-American player Howard West. The women's team, also Massachusetts State champion, had a record of 20–2 and led by All-American player Shebra Legrant, went to the national tournament in Kansas.

Recently, the Roxbury Community took the time to honor these student-athletes and their coaches at the third annual Roxbury Community College athletic banquet. Included in this tribute were Joyce London Alexander, general counsel and assistant vice-chancellor of the Massachusetts Board of Higher Education; Clarence Jones, deputy mayor of Boston, and Dr. Louis G. Bond, interim president of Roxbury Community College.

Coaches Alfreda Harris and Willie Booker and their players have much to be proud of for they have shown that a proper mix of academics and athletics can bring success not only to themselves but to the entire college community.●

ANTIGUN CONTROL LOBBY HAMPERS GUN LAW ENFORCEMENT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. MCCLORY. Mr. Speaker, the attached editorial from the Saturday, June 3 issue of the Washington Post entitled "Gun Rules and Overkill" is most timely in light of the fact that the House is scheduled to consider the Treasury, Postal Service and general Government appropriations bill Wednesday of this week.

Mr. Speaker, it is my intention during the debate of this measure to restore the $4.2 million in funds dropped from the budget of the Bureau of Alcohol, Tobacco, and Firearms and to remove the proviso that no funds be used to implement the BAT's proposed firearms regulations.

These well-intended regulations—proposed in an effort to stop the criminal misuse of firearms—have received much opposition from the members of the NRA, who are under the impresison that they would be the first step toward gun registration and confiscation. It is our job, as representatives of the people, to inform our constituents of the true intention of the BATF in proposing these regulations.

Mr. Speaker, I hope that the Members of this body will take the time to read the attached editorial before voting on this legislation later this week and will join me in my effort to restore the much needed funds to the BATF.

The editorial follows:

[From the Washington Post, Saturday, June 3, 1978]

GUN RULES AND OVERKILL

The National Rifle Association and other opponents of gun control have launched a fierce campaign against some firearms-tracking rules that the Treasury Department has proposed. That's rather odd because the rules would do just what NRA keeps telling gov-

ernment to do: crack down on illegal gun uses and leave legitimate owners alone.

Treasury's plan is meant to help officials trace guns used in crimes and find out where firearms leak from commercial channels into illegal paths. The rules call for a unique serial number on each new firearm, including future imports. Licensed manufacturers, importers and dealers would have to report quarterly on the disposition of each gun. Thefts and losses in commerce would have to be reported at once.

That's all. Dealers would not have to report the names of legitimate gun purchasers. Gun owners would not have to report or register anything. You won't learn that, however, from the NRA's alarms. They call the plan "a massive system of centralized national firearms registration" and seldom acknowledge that only guns in commerce—and irregular departures from those channels—would be tracked.

Spurred by misinformation, opponents of gun control have bombarded Treasury with some 200,000 letters against the plan. Congress is also being bombarded. The House appropriations panel has answered its mail by barring Treasury from spending any funds to carry out the rules this year. To underscore the point, the panel also cut the Alcohol, Tobacco and Firearms Bureau's budget by $4.2 million—the estimated cost of implementing the plan.

The House reaction is overkill, too. Treasury officials maintain that, with the rules not yet adopted, they had not requested any money for the plan. A $4.2-million cut would hit other programs, they claim. Moreover, they have pledged that, when the gun-tracking effort is ready, they will ask Congress for funds and give the lawmakers a proper shot at it.

We hope that Treasury will stick to its course. However, before the full House or Senate does vote on the plan, a lot of public education will be required to overcome the distortions and hysteria generated by the NRA. The point needs to be made that Treasury's target is the criminal use of guns. Perhaps some congressmen could answer their mail by pointing out that in 1976, according to the FBI, 18,780 people were murdered in this country—and about 12,020 of those murders (64 per cent) were committed with guns. That is the overkill that really has to be stopped.●

BEEF PRICES DISCUSSED

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. GRASSLEY. Mr. Speaker, due to the recent attention given to the increase in beef prices at retail and farm levels, President Carter has come under pressure to take action to suspend meat import quotas.

According to news reports, three options have been given the President by his Agriculture Secretary Bob Bergland, Carter's chief inflation fighter Robert Strauss, domestic adviser Stuart E. Eizenstat, and representatives of the State and Treasury Departments.

These three options vary greatly and are as follows:

A. A complete lifting of all restrictions on foreign meat imports.

B. Negotiate somewhat "higher" voluntary quotas with the 13 countries which export beef to the United States.

C. No action for 60 to 90 days.

I share with the American consumer the concerns regarding escalating food prices. These higher prices indeed create difficulties for the many families on a strict budget, and especially those on fixed incomes.

As I stated in my remarks to my colleagues on June 1, corn belt beef producers are also struggling. They have experienced negative returns on their operations in 15 of the last 23 quarters. They are now being given monetary incentives through these higher beef prices to increase or stop liquidation of their herds. This, in turn, will lead to a larger beef supply, and in the long run lowered beef prices.

In light of this, I am opposed to all lifting of import restrictions on foreign meat imports, as well as the voluntary quotas. I believe that no action should be taken by the President in this area in the future.

I would like to share with you the following resolution adopted by the voting delegates of the Iowa Farm Bureau Federation at the organization's midyear conference on June 1 with which I wholeheartedly agree.

IOWA FARM BUREAU FEDERATION RESOLUTION

"We oppose efforts to control beef prices through action to expand beef imports. We recognize that there have been increases in beef prices at the farm and retail levels in the last 30 days. However, this only brings the current price level to that of 1973.

"Instead of attacking the meat industry and the current price level, government should direct its attention to assisting consumers in understanding the cost of production, the need for profit before supplies will increase, the nutritional value of meat and the economics of the meat industry.

"We object to government turning its attack to food whenever the inflation rate increases. We strongly recommend that government focus its inflation fight on the causes of inflation and not distract the nation by side issues."●

TITLE: SUCCESS IN EDUCATION

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. TREEN. Mr. Speaker, there has been a growing concern over declining standards in our schools. We read of stories throughout the country of students who have received a grade school or high school diploma and yet cannot read well or write well. Some of these students have graduated as functioning illiterates.

More Federal funds have not been the answer to our problems in education. In fact, while Federal funding for education has been increasing, standards have been declining. It has been too easy for school officials simply to pass students from grade to grade, the so-called automatic promotion, without any consideration for achievement or lack of achievement on behalf of the individual student.

A recent newspaper column focused on the beneficial results obtained from an educational proposal by Sam Owen introduced in the Greensville County, Va., school system. The key idea is based on the principle:

You don't go to the next grade until you master the one you're in.

I call the attention of my colleagues to a column by William Raspberry "A School Plan That Works," which appeared in the Washington Post on May 29, 1978:

A SCHOOL PLAN THAT WORKS

(By William Raspberry)

Sam Owen's educational plan is not the sort of thing that wins awards or produces scholarly papers or generates fat government grants. It is pure common sense—mother-wit, as they used to say. His demonstrably successful formula:

You don't go to the next grade until you master the one you're in.

Anyone who has spent any time examining public education knows what a revolutionary idea that is. In fact, when Owen introduced it in the Greensville County, Va., school system, back in 1973, it generated considerable controversy.

And not so surprisingly, at that. The first year of his plan, which put an end to "social" promotions, 1,300 of the county's 3,750 pupils were retained in grade, even though many of them had been skating through with A's or B's. The grades, they discovered, didn't matter if they couldn't pass the standardized year-end test.

Some interesting things have developed since that first year. There was speculation that Owen's revolutionary idea would lead to a massive increase in school dropouts, as slow learners reacted to the embarrassment of being retained in grade.

It didn't happen that way. There were 132 dropouts the year before the plan went into effect. Last year, there were 82. Meanwhile, the number of retentions is steadily declining.

There were predictions that the suddenly rigid standards would be harmful to all but the brightest of the children, giving them an unnecessarily negative self-image.

It didn't happen that way. Not only have Greensville County's youngsters moved from near the bottom of the national rankings to well above average in most subjects, they also feel considerably better about themselves, Owens says.

There were those who feared that Owen's insistence that everybody pass a standardized test would be especially harmful to black children, who constitute a majority of the county's enrollment. Cultural bias, you know.

It didn't happen that way. When I talked to Owen last week, he was in the middle of separating out the black scores from last year's testing. So far, he had only done 4th and 6th grades. His findings?

In the spring of 1973, just before the plan went into effect, black 4th graders tested at 3.8—the national median for the eighth month of third grade. Last spring, the median score was 4.7. (The comparables for white students were 5.0 in 1973, 5.1 in 1977.)

Black 6th graders scored at a median of 5.4 in the spring of 1973. Last Spring, they were at 6.8. (White students went from 7.1 in 1973 to 7.2 last year.)

Nor are the improvements the result of teachers' juggling scores to make themselves look good. "If a man can take his peanuts to market and grade them himself, he's not going to have any bad peanuts," says Owen, who is full of such folksy wisdom. So he set up independent testing teams, consisting of counselors from other schools, central office staffers and retired teachers.

The often dramatic gains seem to be genuine, and Owen, for one, is not surprised.

"Before we started this thing, just about all the children were getting passing grades, even though a lot of them hadn't been doing the work. Their parents, naturally, thought the grades were based on achievement.

"Everybody's talking about the harm television does to children and how they watch too much TV. Well, if a child comes home with passing grades all the time, why shouldn't their parents let them watch TV?"

But when the annual standardized tests demonstrated that some of those passing grades were counterfeit, the teachers stopped handing them out indiscriminately. They began to insist that students earn their grades. Said Owen:

"I believe that if you take any group of students, some at the top will do well no matter what, others at the bottom will need a lot of help. It's the middle group that has to learn that achievement takes work."

It all makes so much sense. Countless thousands of youngsters across the country manage to get through high school with quite satisfactory grades, only to discover too late that they haven't learned anything.

We hear about the dramatic cases—the local high school valedictorian who flunked his college entrance examination, or the high school senior whose shameful secret is that he cannot read.

But an awful lot of reasonably bright students, from grade school up, would work a lot harder and do a lot better—if only they were told honestly how poorly they are doing now.

"It's like when you take your children to the doctor for their shots," Owen says. "You know it's going to hurt, but you also know it's for their long-term good."●

H.R. 12050 TUITION TAX CREDIT ACT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. STOKES. Mr. Speaker, on June 1, 1978, the House of Representatives passed H.R. 12050, the Tuition Tax Credit Act. I voted against this legislation and I would like to take this opportunity to explain my opposition.

At first blush, the tax credit for education principle gives the illusion of a means to aid middle-income families cope with rising educational costs through a tax relief device. While increased Federal support for educational expenses is clearly merited, a closer look at this legislation reveals, that tax credits are an inefficient, inequitable, and ineffective way to offer financial relief from tuition costs.

I would first like to discuss the impact of tuition tax credit on higher education. Unfortunately, the benefits of tuition tax credit are not effectively targeted at those families who genuinely need assistance in meeting tuition costs. It has been estimated that 50 to 60 percent of the benefits of H.R. 10250 would go to families earning more than $20,000 a year and that the students who truly need financial assistance would be the least likely to benefit from the bill. In essence, financial assistance would go to all who are in college regardless of need which means that the taxpayer will support the bill for the college education of the rich, who would be receiving the same help as the middle class and the poor.

Additionally, I believe that tuition tax credits may ultimately affect or replace current work study programs, guaranteed student loans, and financial aid grants, such as the basic educational opportunity grants. These programs of Federal aid to education have been aimed at implementing the principle that direct assistance should be targeted to students and families with minimal resources who might otherwise be unable to obtain an adequate education. I personally feel that greater support of these financial programs, which are more flexible than tax credits and thus permit tailoring to the needs of the student, present a viable alternative to H.R. 10250.

Also, in terms of cost, the tuition tax credit is more costly than the basic educational opportunity grants. And I suspect that to capture the credit, colleges and universities will raise tuition and fees. Consequently, no family would really be better off than it was before the credit.

With respect to tuition tax credits for elementary and secondary education, I believe the problems will be even greater. My prime concern is that such credits present a grave attack on public schools by promoting nonpublic education. The net effect of an elementary-secondary tax credit would be to provide more federal aid to private school children than to public school children. Public education has been the primary means by which cur children acquire their skills. I believe that instead of eroding the strength of our public schools, we should be putting more federal dollars directly into public education to improve the quality of public schools.

Additionally, the bill is flawed by providing aid to students who attend private schools that violate civil rights, sex, and handicap discrimination laws. As far as civil rights, tax credits would encourage those who seek to flee the public schools because of apprehensions about school desegregation. H.R. 12050, would therefore unconstitutionally subsidize segregated private schools which have been established to circumvent the desegregation of public schools required by Brown against Board of Education.

Mr. Chairman, the segments of our society who have the most to gain from good public schools are the poor. The politically underrepresented and the residents of our inner cities. Unfortunately, I feel passage of this legislation may soon evolve into a two caste system—public schools for the poor and private schools for the moderately affluent and rich.

Mr. Chairman, many of my constituents have written to me urging my support of tuition tax credit legislation. I have explained to them, as I explain to this body, my reasons for opposing this legislation. I have also made it clear to my constituents that my opposition to tuition tax credits is in no way indicative of my support for financial assistance programs for an elementary, secondary, and college education.

Recently, during the House Appropriations Committee Labor/Health, Education, and Welfare mark up session for fiscal year 1979, I was able to secure an additional $125 million in funds for five major federal educational assistance programs for the disadvantaged. I believe that this is the route, by targeting financial assistance to those most in need, that should be taken to meet the rising costs of an education. And I will continue to support increases in direct Federal aid to education from elementary through post-secondary schools.●

"LET'S STOP THE TREASURY DEPARTMENT'S BATF FROM USURPING CONGRESSIONAL AUTHORITY"

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. SYMMS. Mr. Speaker, we are all aware of the attempt by the Bureau of Alcohol, Tobacco, and Firearms to usurp congressional authority and effect Federal gun registration by bureaucratic edict. I am sure that most of my colleagues have been receiving large amounts of mail from outraged constituents opposing these proposed regulations.

On Wednesday of this week when the House acts on the Treasury Department appropriation bill for fiscal year 1979 we will have an opportunity to go on record to prohibit implementation of these regulations during fiscal year 1979. The appropriation bill as reported from the committee contains a provision prohibiting their implementation. I understand that an amendment may be offered on the floor to strike this provision. I strongly urge my colleagues to vote against such an amendment. To remove this provision from the bill would be a clear signal that the Congress is willing to allow this bureaucratic usurpation of its authority, and it may be construed by the American people that those voting to remove the prohibition favor de facto Federal gun registration.

Mr. Speaker, the Subcommittee on Crime of the House Judiciary Committee recently held hearings on this matter. At that time I testified in favor of the House Joint Resolutions 872 and 902 that I introduced along with over 40 cosponsors to block implementation of the BATF regulations. My statement before the subcommittee was as follows:

STATEMENT OF CONGRESSMAN SYMMS

Mr. Chairman and Members of the Subcommittee,

I am very concerned about the proposed BATF regulations which are, in effect, gun registration. These regulations would require all transactions of firearms within existing Federally licensed commerce to be reported quarterly to the BATF. This reporting includes all dealer sales to individual citizens, sales between manufacturers, importers, exporters, wholesalers, jobbers, distributors and dealers.

My concern over the Department of Treasury's proposed firearms regulations stems from the fact that the BATF is acting in violation of the intent of the Congress. Numerous amendments to the Gun Control Act of 1968 calling for direct registration or centralized recordkeeping were defeated by both the House and Senate.

For instance, Senator Edward Brooke offered an amendment on the floor of the

Senate on September 18, 1968, during consideration of the Gun Control Act which covered essentially the same points as the present BATF regulations. Senator Brooke's amendment was defeated by a vote of 55 to 33.

The Congress has shown its disapproval of firearms registration. Therefore, any attempt to institute centralized recordkeeping of firearms should be dealt with by the Congress, not by Executive Order or bureaucratic decree. The manner in which the BATF proposed the current firearms regulations can be interpreted as nothing more than an attempt to subvert the legislative process.

In addition to the problem with the regulations themselves, the cost of implementing them will be phenomenal. The BATF estimates that there were 5.2 million new firearms in commerce in FY '77. They also estimate that an average of four transactions take place before there is a dealer sale to an individual citizen. Taking these figures into consideration, the reporting requirements in the new regulations would result in not less than 25 million separate computer entries. The paperwork costs alone for dealers would be in the range of $8 million annually, the BATF estimates. I just do not feel these costs are justified for regulations that most of the population opposes and that have been voted down in the Congress.

In response to the BATF's efforts at "backdoor" registration, I and some of my colleagues have introduced legislation disapproving of these regulations. I urge the Committee to favorably consider my House Joint Resolution 872 now carrying 44 cosponsors or House Concurrent Resolution 558 with 135 cosponsors. The number of cosponsors on the Concurrent and Joint Resolutions indicates that over 40% of the House is on record as being opposed to the BATF regulations.

I ask the committee to consider these Resolutions disapproving the BATF regulations very seriously. The issue is not merely the content of the regulations, but more importantly the future role and authority of the Congress.

Thank you.●

ACCOLADES FOR SAN MARCOS HIGH SCHOOL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. LAGOMARSINO. Mr. Speaker, it was my pleasure and privilege to attend the closing night production of "Hello Dolly" presented by the Performing Arts Department of San Marcos High School in Santa Barbara, Calif.

If ever accolades were in order for an exceptional accomplishment, the combined efforts of students and teachers have earned the appreciation and admiration of the community.

From the opening overture to the closing scene, this wonderful musical was filled with show stopping scenes as a result of the talented cast and supporting crew. I couldn't help but feel optimistic about the future of our country as I watched the fine young students exerting every ounce of enthusiastic ability to achieve excellence. Everyone who was part of the enormous teamwork on this spectacular production should take a well deserved bow for a job well done.●

GUN CONTROL BY REGULATION

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. COLLINS of Texas. Mr. Speaker, whether a Federal Data Bank of Firearms Owners should be created in the United States is a question of policy that has been most controversial for many years. The House and the Senate have dealt with the question no less than 13 times in the last 10 years, and every time the proposed registration schemes have been overwhelmingly defeated.

Yet on March 16, 1978, Assistant Secretary of the Treasury for Enforcement and Operations, Richard J. Davis, announced that the Bureau of Alcohol, Tobacco, and Firearms was going to do by bureaucratic fiat what Congress has consistently refused to do by legislation. The regulations, if allowed to go into effect, would require all transactions of all firearms (rifles, shotguns, and handguns alike) within existing federally licensed commerce to be reported quarterly to the Bureau. Reporting would cover all dealer sales to individual citizens, as well as all transactions between manufacturers, importers, exporters, wholesalers, jobbers, distributors, and dealers. In addition, the regulations would order institution of a new system of identifying firearms with a common 14-digit serial code. With this system, BATF could computerize information as to the make, model, barrel length, caliber, and individual number of all shotguns, rifles, and handguns in this country. With this information, the Treasury Department could locate the purchasers of any firearms or any category of firearms that it might bureaucratically declare prohibited in the future.

This system would require 688,000 quarterly reports yearly from 172,000 holders of Federal firearms licenses and would involve some 35 to 40 million computer entries when used firearms are included in the records. BATF estimates that the regulations will cost the dealers an additional $8 million a year just for the paperwork. Though BATF estimates that it will cost the taxpayers $5 million to get the program started, their estimate does not even resemble the $35 to $100 million in startup costs that they have estimated in the past for similar systems. Past estimates have also indicated such systems cost $20 million a year to operate.

I am unalterably opposed to these regulations because they smack of a wholesale disregard for the will of Congress. The Bureau of Alcohol, Tobacco, and Firearms states that these new regulations are based on the 1968 Gun Control Act (United States Code, title 18, section 926), but a close examination of the record shows that seven times during the course of debate on that act, Congress specifically rejected registration and centralized recordkeeping. The following are those votes:

HOUSE OF REPRESENTATIVES

1. *July 19, 1968.*—An amendment requiring all handgun purchasers to complete a registration form at the time of purchase and requiring that the forms be filed with the Treasury Department. All existing handguns would be registered in the same manner. Defeated 168–89.

2. *July 19, 1968.*—An amendment to the previous amendment, extending its terms to all firearms (rifles, shotguns, handguns). Defeated 172–68.

3. *July 23, 1968.*—An amendment requiring a license to purchase a firearm and having the license issued by federally licensed firearms dealers. The license would include the person's name, address, picture, photograph or fingerprints, with this information immediately forwarded to the Treasury Department. Defeated 170–84.

SENATE

1. *September 17, 1968.*—An amendment requiring the registration of all firearms. (Virtually identical to a combination of the first two amendments defeated by the House.) Defeated 55–31.

2. *September 18, 1968.*—An amendment requiring the states to establish a registration system and forward the information obtained to the F.B.I. Defeated 48–35.

3. *September 18, 1968.*—An amendment requiring the registration of firearms at both the local and federal level, and establishing a firearms inventory in the Treasury Department with the information obtained from the registration system. Defeated 53–31.

4. *September 18, 1968.*—An amendment requiring every firearms purchaser to exhibit a federally approved State or Federal gun license. Defeated 49–35.

Mr. Speaker, Congress spoke very clearly about centralized gun registration when it considered the 1968 Gun Control Act. There is no room in the act or justification for the bureaucrats at BATF to set up a national firearms registration system. Their interpretation is based only on their idea that they know what's better for the American public than do the American people themselves.

When I first learned about these regulations, I contacted the Bureau and they assured me that these regulations would not create a centralized registration system. The main reason they gave was that there would be no names in the Federal computer banks. This explanation is hardly adequate when one realizes that with the information in the computers, BATF could almost instantly have a computer printout of every gun in every classification imaginable. BATF would also have the address and phone number of the store from which the gun was bought and the owner of that store would be required to turn over any names or other information that BATF wants.

Even more troubling than the feeble justifications that BATF gives, are the public statements by Richard Davis, Assistant Secretary of the Treasury, on March 16, 1978. In a public and congressional briefing, Mr. Davis asserted that these new regulations would give BATF the authority to call in and computerize all existing Federal form 4473's which have been filled out by individual firearms purchasers since the Gun Control Act of 1968. These forms list the name and address of each firearm purchaser. Mr. Davis qualified his statement later to say that such action would be "polit-

ically unrealistic." It's more than obvious that congressional intent matters to BATF only insofar as how much they can get away with at a time.

In a March 21 meeting with several Congressmen and gun lobbyists, Ms. Catherine Milton, Davis's special assistant, acknowledged that adding the names of the purchasers to the regulations was considered before the regulations were issued. She also acknowledged that adding the names would be the next logical step in the computerized system.

The step by step pattern that the Bureau of Alcohol, Tobacco, and Firearms is following is very clear. As the noted philosopher, David Hume, once observed, freedom is seldom lost all at once, but rather it is lost in small degrees, almost unnoticeable until they add up to Government control taking the place of personal responsibility and individual liberty. The place to make a stand is here and now, not only to protect our rights as Congressmen to legislate, but to protect the rights of Americans to keep and bear arms.

Gun control has never worked. It has only succeeded in taking firearms away from those who legally use them and leaving guns in the hands of criminals. Consider the experience of the city of Baltimore. In 1974, that city offered to purchase firearms in an effort to get the guns off the streets. After several weeks of intensive effort, it was revealed that the number of gun-related murders actually rose by 50 percent during the time of the program.

This Wednesday, the House will begin consideration of the Department of the Treasury's appropriations bill. Under the strong guidance of Chairman GEORGE MAHON, the full Appropriations Committee has cut $4.2 million from the Bureau of Alcohol, Tobacco, and Firearms budget (the estimated cost of implementing the regulations) and specified that none of the money remaining in BATF's budget can be used to carry out this de facto gun registration scheme. I urge my colleagues to reject attempts to restore this money and lift the restrictions on its use. We must make it clear to the bureaucracy that the only power to legislate in this country belongs to Congress.

Mr. Chairman, I urge you and the other members of the subcommittee to approve the concurrent resolution disapproving BATF rulemaking, H. Con. Res. 578. We must not allow this bureaucratic de facto gun registration scheme to take effect.●

DRUG REGULATION REFORM ACT

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. ROGERS. Mr. Speaker, I am today introducing H.R. 12980, the "Drug Regulation Reform Act of 1978." This legislation, cosponsored by Chairman STAGGERS, Mr. SCHEUER, Mr. FLORIO, Mr. MAGUIRE, Mr. MARKEY, Mr. OTTINGER, and Mr. CARTER, is identical to H.R. 11611 except for technical corrections.

In order to avoid confusion, hearings on the Drug Regulation Reform Act will focus on H.R. 11611; the markup will, however, be on the new bill.●

THE BATF PROPOSED FIREARMS REGULATION: IT CONTAINS PROVISIONS THAT ARE OF DUBIOUS CONSTITUTIONALITY, UNREASONABLE, AND COULD DELAY STATE AND LOCAL INVESTIGATIONS

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. HALL. Mr. Speaker, at first glance it may appear to be an excellent idea to require that prompt reports of firearms thefts be made to ATF. In reality, however, such a requirement may actually operate to impede the proper police work that must be accomplished when a theft occurs, since ATF has no jurisdiction to investigate violations of State and local law. These violations must be reported to the local authorities for investigation and prosecution. ATF, by attempting to mandate immediate reporting to its Washington headquarters under pain of felony penalties, is misleading licensees into thinking that their reporting obligation is primarily to ATF and is satisfied when that report is made. The primary theft reporting obligation of licensees is, however, to local police. ATF could have performed a public service if, instead of issuing the regulation, it sent a communication to licensees urging them to report such important matters to authorities capable of doing something about them. There are some 450,000 police officers with appropriate jurisdiction who can handle these thefts more adequately than 1,535 ATF agents. Unnecessary delay and confusion can also result from ATF's headquarters in Washington attempting to act as a conduit or dispatcher, for such reports.

Treasury, moreover, is abusing its regulatory authority by attempting to make it a felony to fail to report a crime to an agency which has no authority to act on the report. The attempt is all the more questionable because a failure to report the theft, which theft may in some instances be a Federal felony, would be punishable by up to 5 years in prison, whereas the failure to report any Federal felony, under the existing misprison of felony statute, title 18, section 4, United States Code, can be punished by up to only 3 years in prison. Further, although the misprision of felony statute does not make it a crime to fail to report misdemeanors, ATF's regulation would make it a 5-year felony to fail to report a misdemeanor, which need not even be a Federal misdemeanor, but can be a State petty larceny offense. To compound the injustice, ATF's regulation purports to make mere inaction a felony, unlike the present misprision of felony statute which requires some affirmative act of concealment for a violation to occur; a mere failure to disclose is not enough.

The constitutionality of the theft reporting regulation raises substantial constitutional questions since the definition and prosecution of local, intrastate crime is reserved to the States under the 9th and 10th amendments. There has been no congressional finding that the theft of firearms has become such a burden on interstate commerce that such thefts are to be reported to, or investigated by, the United States. If Congress has not seen fit to make firearms theft a Federal offense, it is, at the very least, highly inappropriate that an agency by regulation attempt to make misprision of a theft a Federal felony.●

THE TRAGEDY OF INEXPERIENCE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. MICHEL. Mr. Speaker, there has been much written and said about President Carter's dramatic reversal of policy concerning Soviet and Cuban intervention in Africa. Only a short while ago, United Nations Ambassador Andrew Young was telling the world that the Cubans were a "stabilizing" influence in Africa. He said we were wrong to get upset about the presence of Cuban mercenaries. President Carter himself, in a major address, said that Americans had an "inordinate fear" of communism.

But now we see that, at least, the true and chilling facts of Cuban intervention in Africa have apparently impressed the President.

Most reports of the new hard line concentrate on the reversal of policy. But what has to be emphasized is that it was precisely the inexperience and blundering of Andrew Young—and, yes, of the President himself—which created the atmosphere in which Soviet/Cuban adventurism could flourish. Nowhere have I seen this fact more strikingly and accurately reported than in an editorial "Past Errors Haunt Us" in the Peoria Journal-Star, June 2, 1978. At this time I would like to place this editorial in the RECORD.

PAST ERRORS HAUNT US

(By C. L. Dancey)

As President Carter exhorts NATO to a special concern about Soviet-Cuban adventures in Africa, and warns the Russians they are bombing the SALT talks by their African imperialism, we are obliged to remember a short year ago when this same President Carter and his legate, Andy Young, virtually opened the door in Africa and invited the Russians in.

They were not alone.

Let us remember the sequence of events, for we need to learn from them.

The Post-Watergate Congress, flush with radicals who had exploited that expose and fed upon the paralysis of Republicans and conservative Democrats, first sabotaged the Vietnam Peace Treaty by publicly refusing to ship arms and ammunition to South Vietnam—as North Vietnam launched a massive invasion and concluded the outright conquest of that country.

Then, Congress voted a ban on CIA activities, funds, or any other form of aid or encouragement to the clear majority of democratic forces in Angola—as the Soviet lackeys from Cuba moved in to conquer that country in the name of a fractional Red gang.

Senator George McGovern and his More-Liberal-Than-Anybody associates visited Cuba and came back with glowing reports about the "myths" about Castro, and how nice he was and reasonable and the great job he was doing—and advocated economic cooperation and political recognition with Cuba.

Remember that?

Then, Andrew Young visited Africa and came back expressing no concern about Cuban troops who were "keeping order" and aligned us with the most militant left-wing aspirants for power on the continent—and President Carter backed him.

We wrote then under the caption "Words Can Kill" about where this kind of invitation can lead when dealing with totalitarian societies.

And now, sure enough, after all this costly on-the-job training, we find the Carter administration, at least, terribly, terribly concerned about the march of Red conquest, financed and directed by the Russians and using the Cuban armed forces as their instrument.

That concern and that new policy is dead right.

It is just a little late.

And what it decisively admits and demonstrates, on its face, was how wrong the instant Carter policy was when he was an overconfident neophyte President last year—directing policy on the basis of the popular liberal mythology of the McGovern wing of the party and based on the special prejudices of the Civil Rights movement here which are understandable but have no realistic application to the facts of life on the other side of the Atlantic on the continent of Africa.

It's a costly, dangerous way to learn—and the price of stopping the Soviet steamroller . . . once we helped it get started . . . may be very dear.

For if the Soviets are not stopped by the change in words, Carter has little choice but to increase our military budget, review the Neutron Bomb decision, take another look at the B–1 bomber, raise the number of cruise missiles in production, increase support in NATO, etc.

And there is no guarantee that such efforts will be the full price.

It is just deadly dangerous to ever let this kind of Momentum of Conquest get started—and we've already done that.

When you offer them a down hill ride, they do not roll to a stop, easily. They build up speed—and it takes a big hill to slow them down again, much less stop them.●

ACCESSIBILITY FOR THE HANDICAPPED

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. O'BRIEN. Mr. Speaker, the issue of accessibility should be viewed in terms of insurance, since any citizen might become handicapped at any moment of any day.

Who will accessibility affect?

1. Five hundred thousand Americans who are wheelchair riders.

2. One million Americans who wear leg braces.

3. Five hundred thousand American citizens who use walkers.

4. Five hundred thousand Americans who use crutches.

5. Two million Americans who use canes.

The last few years Congress has passed legislation intended to attack discrimination that afflicts the Nation's handicapped. Public Law 94–142, the Education of All Handicapped Children Act, was passed in 1975. On April 28, 1977, the Secretary of Health, Education, and Welfare signed regulations implementing section 504 of the 1973 Rehabilitation Act. Section 504 states: "No otherwise qualified handicapped individual in the United States shall solely by reason of his handicap be excluded from the participation in, be denied the benefits of or be subject to discrimination under any programs or activities receiving Federal financial assistance."

The legislation and regulations enacted to end discrimination are important steps only if the legislation actually opens up doors to the handicapped population; doors that a handicapped individual will be able to enter. Though the Federal Government has mandated that primary and secondary schools, colleges and universities, public libraries and vocation training centers be made accessible, how much money has been provided to achieve this goal? Presently, there have been no Federal funds provided to help State and local governmental units pay for the structural changes required by law.

For too long the Federal Government has been willing to mandate that States and local governments comply with Washington's wishes, without Washington being willing to share in the cost of the law and regulations it mandates. The Federal Government must now be willing to accept part of the financial responsibility in helping to make our Nation more accessible.

How much will it cost to make primary and secondary schools, colleges and universities, public libraries and vocational rehabilitation centers accessible? In the beginning this was a question without an answer; but recently figures are becoming available which clarify the situation. The Association of Physical Plant Administrators of Colleges and Universities estimates the cost of making higher education accessibility at $1 billion. The American Library Association estimates the cost of accessibility for libraries at $275 million. It has been estimated that it will cost $290 million to make vocational rehabilitation facilities accessible and finally the National School Boards Association estimates the cost for elementary and secondary schools at $1.7 billion.

The amendment we intend to support will not even begin to pay for the cost of making these institutions accessible. It would provide: $100 million for primary and secondary schools, $75 million for colleges and universities, $25 million for vocational rehabilitation facilities, $25 million for public libraries.

If this amendment were to be approved, the Federal Government would at least be sharing some of the burden in the partnership between Washington and State and local governments. The concept of a partnership is an important one because for the most part the funds that are offered in this amendment are matching funds, so neither the Federal Government nor State and local government would bear the entire cost. Henceforth, if this amendment is enacted, the preparation and submission of applications under these programs will facilitate both the assessment and planning process as well as assisting institutions with their actual compliance needs if funded.

Free access is basic for every American. The reason for this amendment is simple. Accessibility is a universal concept larger than local circumstances. It will need a commitment from all levels of government. Finally, we should not overlook the human factor that no person should be denied access to services or participation in the full world of work and civic activities. The amendment we will offer will bring accessibility closer to reality.●

PATRICK BUCHANAN AND THE CHINA PROBLEM

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. SIMON. Mr. Speaker, I do not always agree with Patrick Buchanan, but in a recent column he pointed to a weakness in our foreign policy that I hope we examine carefully.

Mr. Buchanan says, in part:

INSULTING AN OLD ALLY

WASHINGTON.—The United States appears to be pursuing a policy of calculated insult toward its oldest friend in Asia, the Republic of China on Taiwan.

National Security Advisor Zbigniew Brezezinski scheduled his arrival in Peking to coincide precisely with the installation of a new head of state in Taipei.

The United States declined to send a representative to the inauguration of the new president of the Republic of China.

Taiwan's ambassador, James Shen, has been informed that when he departs his post, the United States will not accept a replacement.

In a major address on Asian policy to the Japan Society on April 27, Brezezinski pointedly made no mention of Taiwan or our mutual security treaty.

Since 1973 the number of American forces on Taiwan has steadily been reduced from 10,000 to 1,000.

The skids are being greased. The administration is creeping toward a normalization of relations with Peking which will mean scuttling Taiwan and severing the security treaty.

Where Mr. Buchanan and I part company is that I have long felt that it is sensible to recognize the Government which exists on the mainland of China, the People's Republic of China. At the same time, I do not believe we should turn on the Government that exists on Taiwan, a Government that has given its people appreciably more freedom than the Government of the People's Republic of China and a Government that

has some strong ties of friendship (as well as treaties) with the United States.

In the long run, I do not believe we are going to impress anyone by dropping our friendship for Taiwan in favor of a new friendship of a more powerful ally.

If the People's Republic of China is willing to accept our recognition and exchange ambassadors under those conditions, fine. Their Government is firmly in control of the most populous nation on the face of the Earth.

We welcome their friendship but we should not turn our back on our old friends.●

PERSONAL EXPLANATION

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. SIMON. Mr. Speaker, because of my appointment as a delegate to the U.N. Special Session on Disarmament, I have been in New York for a substantial part of the past week. During that time there were a number of votes on legislation before the House on which I would like to announce my position.

The votes, and my position on each, are as follows:

Rollcall No. 353, Hawaiian Native Claims Study, Senate Joint Resolution 4, "yea."

Rollcall No. 354, Domestic Violence Assistance Act, H.R. 12299, "yea."

Rollcall No. 355, Tax Treatment of Returns of Magazines, Paperbacks, and Records, H.R. 3050, "yea."

Rollcall No. 356, IRS Amendments for Dependent Care Services, H.R. 8535, "yea."

Rollcall No. 357, Common Market Regulations for Dried Fruit, House Resolution 238, "yea."

Rollcall No. 358, Reimbursement of Social Services Expenditures, H.R. 11370, "yea."

Rollcall No. 363, Rule for consideration of Defense authorizations, House Resolution 1188.

The following amendments to the Department of Defense authorization act, H.R. 10929:

Rollcall No. 366, amendment in the nature of a substitute to replace the Committee substitute with the Administration's DOD budget request, with the exception of the $911.9 million authorization for the Trident submarine, "yea."

Rollcall No. 367, delete the $8.1 million authorization for procurement of a Gulfstream II executive aircraft for use by the Marine Corps in its Aircraft Support Detachment, "aye."

Rollcall No. 368, replace $2.1 billion authorization for a large nuclear-powered carrier with a $1.5 billion conventionally powered, medium size carrier, "yea."

Rollcall No. 369, delete the authorization for procurement of aircraft carriers, "yea."

Rollcall No. 370, add $29.2 million for development of a wide-bodied cruise missile carrier, "yea."

Rollcall No. 371, prohibit use of funds to reduce Army combat troops in South Korea below 26,000 except in the case of an emergency declared by the President, "yea."

Rollcall No. 372, passage of H.R. 10929, "yea."

Rollcall No. 374, resolution reaffirming Unity of North Atlantic Alliance Commitment, S.J. Res. 137, "yea."

Rollcall No. 375, rule for consideration for Federal Employees Flexible and Compressed Works Schedules Acts, H. Res. 1165, "yea."

Rollcall No. 376, motion to resolve into Committee of the Whole House on the State of the Union for consideration of Federal Employees Flexible and Compressed Work Schedules Act, "yea."

Rollcall No. 377, Federal Employees Flexible and Compressed Work Schedules Act, H.R. 7814, passage, "yea."

Rollcall No. 379, Civil Rights of Institutionalized Persons, H.R. 9400, amendment to reinstate coverage for persons in jails, prisons, or other correctional institutions, but only permits the Attorney General to initiate a civil action in these areas when the court has transmitted a complaint or petition, "aye."●

THE ROAD TO PROSPERITY—PART VI—A RESPONSE TO THE TREASURY DEPARTMENT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. STEIGER. Mr. Speaker, Michael Blumenthal, Secretary of the Treasury, recently wrote a lengthy analysis of the Investment Incentive Act. His letter was directed to the members of the Ways and Means Committee.

As the sponsor of this act, I disagreed with the comments made by Mr. Blumenthal. I have responded to his letter. Last Friday, I received a letter from John Davidson of The Tax Council. Not only has Mr. Davidson thoroughly refuted every argument used by Mr. Blumenthal but he has carefully explained the fundamental difference between capital and income. In order that all the Members will have the benefit of Mr. Davidson's comments, I am including his letter in today's RECORD.

THE TAX COUNCIL,
Washington, D.C., June 2, 1978.

Hon. WILLIAM A. STEIGER,
U.S. House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR MR. STEIGER: Further to our discussions, I am setting down herein my comments with respect to Secretary Blumenthal's letter of May 11th to members of the Ways and Means Committee on H.R. 12111.

It is understandable that the prospect of a new start on reform in the capital gains area would be frustrating to the tax reform professionals who are historic prisoners of the myth of idle capital. But it is not so easy to understand how an Administration which recognizes the relation of capital and progress, as quoted below, would oppose clearing the decks of unwise reforms of the past as an initial step in working towards a tax structure better attuned to the public benefits which come from more capital:

". . . additional capital is needed to equip a growing labor force, to meet the goals of the National Energy Plan and to provide a cleaner environment and safer workplaces. In addition, the real income of workers can grow over the long run only if labor productivity is enhanced. Increased capital formation, which provides new and more efficient productive facilities, can help accelerate the growth of labor productivity, offsetting inflationary pressures and improving U.S. competitiveness in world markets." (From "Detailed Descriptions" of the President's 1978 Tax Program.)

Some of the specific points made in the Secretary's letter are underlined and commented upon below:

1. Reverting to pre-1969 tax rules for capital gains would substantially set back the major objectives of sound tax policy.

If "sound tax policy" is intended to mean a policy which confuses income and capital, I believe it is a confusion whose time has gone. The pre-1969 tax treatment of capital gains reflected an earlier Congressional recognition that capital gains are in fact something quite different from income; more specifically, that they are a part of a person's capital and not of his or her income. The treatment was not a policy of preference but a matter of judgment as to appropriateness. The method used was a matter of convenience and not of substantive policy. If the same rates had been enacted in a separate schedule, there would have been no semblance of a basis for the label of preference.

False labeling has no place in sound tax policy and false descriptions have no place in constructive tax policy dialogue. The case made by Administration spokespersons last year for taxing capital gains at income tax rates and in support of its "tighten-the-screws" recommendations of 1978 has relied on such false descriptions of capital gains as "income", "a form of income", "capital gains income", "capital income", "economic income" and "investment income".

Enactment of H.R. 12111 would cleanse the code of this falseness and, hopefully at least, make it obsolete in dialogue. Then further changes in the tax treatment of capital gains could be considered in the sunlight of truth—that capital gains are just what the words say and that the stock of capital including all gains realized or not is a national asset.

2. The measure (H.R. 12111) would sharply erode the progressivity and horizontal equity of the income tax system.

Words like "sharply erode" inevitably are repeated in the media even if in variance with appended data. In Table 3 appended to Secretary Blumenthal's letter, based on "expanded income", only a three percentage point reduction (from 37.1 to 34.1) is shown in the top rate of effective tax in the highest income group. The 37.1 percent is seven percentage points higher than the top effective rate shown in Fact Sheet 4 attached to the President's 1978 Tax Program.

Regardless, "Expanded Income" provides neither a fair nor an accurate base for measuring the progressivity of the income tax system. Its compilation and use are based on the false premise and false descriptions identified above.

Under the income tax system as it is, including the one-half of capital gains carried forward to adjusted gross income, the effective tax rate is in the range of 50 percent. If gains were excluded in measuring the effective progressivity of the income tax rates, the top rate would be in the range of 60 percent. In contrast, "expanded income" is derived essentially by adding to AGI the items labelled as "tax preferences" under the minimum income tax including the falsely labelled one-half of capital gains. With capital gains now providing something like 80 percent of the revenue derived from the minimum tax, it is principally the weight of this factor which pulls the top rate of effective tax down to 37 percent under the "Expanded Income" base.

In brief, the system of income tax rates considered alone is highly progressive which progressivity is not affected by what happens in the capital gains area. Even when capital gains as now taxed, or as they would be taxed with enactment of H.R. 12111, are included in the base for calculating effective income tax rates, the rates are or would be high enough to satisfy all but the most egalitarian taste for tax confiscation of high incomes and capital.

With respect to horizontal equity, as long as people in the affected income groups do

not want capital gains taxed at income tax rates, where is the complaint which justifies the tax reformer's concern? Actually, the taxing of capital gains as an addon under the income tax system is inequitable as between taxpayers with similar amounts of capital gains and the higher the rates of addon tax the greater the inequity. Specifically, the hardworking executive or professional with a $100,000 income and $50,000 of capital gains will pay tax on the gains at his marginal income tax rates. A person with $50,000 of capital gains and no income will pay a much lower tax thereon. It is a system of unequal tax on equal capital gains, so the lower the tax rates the less the inequality.

3. The measure would do little for capital formation on its own and would waste revenues urgently needed for much fairer and more effective tax incentives for capital formation. Similarly, the measure would greatly complicate future efforts to bring greater rationality to the whole structure of capital income taxation.

The first sentence is comprehensible only as a reflection of the tax reformer's confusion of capital with income. As the Administration's words first quoted indicate, the basic problem of capital formation is the inadequacy of capital in relation to GNP. Certainly the release of capital from taxation is a most efficient way to use revenues—quite the opposite of wasteful.

For validity, the second sentence is dependent on the confusion of capital with income. Such confusion has to be a most irrational adjunct of tax policy, and it is only logical that the first step towards rationality in the structure is to clear out the irrational.

The inclusion of capital gains in capital income is discussed in comment number six.

4. Table 1—(realized capital gains over the years).

While other points with respect to the table are emphasized in the letter, it would seem that the most significant point is that the volume of realized capital gains seven years after 1969 for the first time gets back to the volume of 1968. In contrast GNP nearly doubled in the same period.

5. Fairness—Rolling back the tax treatment of capital gains would sharply erode the progressivity and horizontal equity of the income tax system. The resultant tax system could not be squared with the notion that each citizen should pay a fair share of the nation's tax burden, according to ability to pay.

The first sentence repeats the point made earlier and commented upon in two above. However, the second sentence is as dependent as the first on the confusion of capital with income. When the taxation of capital and of income are analyzed separately, the only question would be whether the tax rates on gains after enactment of H.R. 12111 should be lowered as a matter of equity and in light of the condition postured in the words first quoted above.

Re equity, the rates of tax below 25 percent could be lowered either by increasing the exclusion or by some other method as might be agreed upon. The Council has recommended increasing the 50 percent exclusion to 65 percent which would reduce all rates by 30 percent resulting in a new top tax rate of 24.5 percent.

Re the tax impact on capital, there are two observations to be made. First, a 70 percent tax rate on capital passed at death, coming on top of a 25 percent rate paid on a gain from a transfer of capital before death, adds up to a 78 percent rate on the particular unit of capital. Second, recognizing the importance of the accumulation and preservation of capital to the public welfare, many countries either do not tax capital gains at all or tax them more lightly than in the U.S., including: Belgium, West Germany, Italy, the Netherlands, Britain, Sweden, France, Canada and Australia.

Coming back to the matter of equity or fairness, the tax reformer's posture of a goal of fairness is unreal. What is fair about basing tax policy on a confusion of capital with income? Even more specifically, however, the tax reformer's disdain for fairness is shown by the cavalier attention accorded capital losses. To claim virtue in or generosity for small increases in capital loss offsets is incomprehensible to me. Witness the $10,000 maximum capital loss offset included in the program sent to the President last September. What they were saying in effect was that, if a person had $100,000 of regular income and $100,000 of capital gains, he or she actually has $200,000 of income. However, with a $100,000 income and a $100,000 capital loss, the person would still have $90,000 of income.

Employment of the principle of ability-to-pay to rationalize uneconomic taxation of either income or capital is the last refuge of a tax reformer without a case. The principle is relevant as a humanitarian guide for taxing people who lack the capacity to pay a reasonable share of taxes. But it provides neither a guideline for the establishment of equitable rates of tax on either income or capital where the capacity to pay exists nor a guideline for achieving tax compatibility with the public interest in capital formation, economic growth and job creation.

6. The (President's) program would reduce the tax burden on capital income by more than $7 billion . . . by reductions in corporate and individual tax rates—and by liberalization of the investment tax credit. . . . Rolling back the capital gains tax rate would steal much of the revenue needed (for the program). That trade-off would be very bad for capital formation.

The $7 billion is arrived at by treating as minuses proposed increases in the taxes on capital gains directly and through the minimum income tax. Here again is the confusion of capital with income. A gain in capital is part of and economically indistinguishable from the capital itself, and is not a part of the income from capital. The identification of the impact of tax changes on the income from capital is a constructive development but the direct impact on the quantity of capital should be separately identified. Only that part of the income from capital which is saved by individuals or retained within corporations becomes part of the capital supply. Capital gains, however, realized or not, are part and parcel of the capital supply.

The notion that the revenue involved in correcting the 1969 mistakes in taxing capital gains should be traded off against income tax reductions is unsound for several reasons.

First, the income tax reductions, especially those which would accrue directly to business, are not proposed to help those who manage and/or own businesses but to enable a higher level of business capital spending for the benefit of the economy and our citizens as a whole. Such reductions are a break for the economy, not a gift to business.

Second, the threat of added inflation from tax reduction is confined to the reduction dollars which would be used for consumption spending. The dollars used for capital spending are counter inflationary in diminishing the pressures for credit expansion and by increasing the productivity of the economy.

Third, the lessened erosion of the nation's pool of capital resulting from enactment of H.R. 12111 also would be counter inflationary. The capital dollars released from taxation would improve the overall condition of capital markets but would not significantly contribute to capital spending by established companies. The immediate need here is for greater generation of internal funds for capital spending, not greater dependence on capital markets. By contrast, more moderate taxation of capital gains would open the door to regeneration of the American genius for starting new ventures involving new ideas and products.

Fourth, a cloud on the economic horizon is possible contraction of the building industry brought about by a low level of personal savings, tighter credit and competition for available funds. H.R. 12111 would have a positive impact on available funds while corporate tax reductions should tend to lessen business competition for available funds.

Fifth, the concept of ceilings on the amount of tax reductions is essentially related to the potential for inflation of deficit-financed consumption spending. The concept has the greatest validity with respect to personal tax reductions in the lower ranges, some validity at higher income levels but even less validity as regards corporate reductions. And it has no relevance as regards reductions in direct taxes on capital.

Ideally, tax reduction should represent a decision not to use the revenue involved for government spending. But even though deficit-financed, reduction in taxes on capital will not add to inflationary pressures. The Ways and Means Committee and the Congress as a whole would be wise to decide on the merits of H.R. 12111 without regard to any ceiling considered desirable for income tax reductions and as a matter which is not directly related to the level of corporate tax reductions.

7. Focusing tax relief in this limited area would severely unbalance the allocation of resources within the investment sector. Great amounts of relief would flow to existing assets, rather than toward stimulating new investment.

Such views are held only within the professional tax reform community. The notion that higher taxes on capital gains are a positive and lower taxes on these gains are a negative as regards balance in the allocation of investment resources has no support in economic theory or practice. The evidence is overwhelming that excessive rates of tax on capital gains are much more repressive of new ventures and investments than they are of established situations. There would be greater mobility in capital funds with elimination of the locked-in effect of the 1969 reforms.

8. The question of capital gains treatment is inextricably related to other major issues in the taxation of capital income. . . .

Again, the confusion of capital with income. It is this confusion which casts a cloud over the prospects for comprehensive tax reform affecting both the income from capital and capital itself. There is no mistaking what the tax reform professionals within and without the Administration are driving for—a new shot at taxing all capital gains at income tax rates. Yet, from where so many of us sit, we see no greater support for such a shot next year than this and most probably less. Still prisoners of the myth of idle capital, the reformers are callous to the fact that the public interest in greater capital formation is held hostage to their drive. Until this drive is rejected by the Administration or overrun by Congressional action, the public interest will be shorted.

H.R. 12111 would overrun the drive. If enacted this year, the decks would be cleared for the Administration to come in next year with a comprehensive program which views the taxing of capital gains as the taxing of capital and not of income. Experience with your bill suggests that such a program would find a receptive atmosphere on Capitol Hill. The prospect of a better tax climate for capital formation in the 1980s than has existed in the 1970s would be the kind of news the nation needs to recharge its faith in our system.

It would seem clear that the tarnishing of the once good image of the tax reform movement has in some part resulted from basing a major objective on the confusion of capital with income. Given the egalitarian motivation which is so dominant among the professionals of the movement, it is not to be expected that they will take the initiative in seeing the light. From the outside at least it would appear that the top policymakers in the Administration would have to take charge if it is not to remain a prisoner of what is in actuality a giant falsehood.

After all, the constituency which counts the most for more moderate taxation of the accumulation, use and transfer of capital is the public interest in stronger and better sustained economic growth, increased productivity, more new and better jobs and less inflation.

Sincerely,

JOHN C. DAVIDSON,
President, The Tax Council.●

GENERAL SINGLAUB SPEAKS OUT—PART II

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. McDONALD. Mr. Speaker, this is the second in a five-part series of articles by General Singlaub. In this part II (the first article can be found on p. 16113 of the June 2, 1978, CONGRESSIONAL RECORD), the general outlines the North Korean military buildup, much of which was not discovered in detail until the end of 1975, and why the U.S. 2d Division is such an effective deterrent. He further details why naval and air power alone would not be effective in stopping a new North Korean invasion. Lastly, he details the probable deleterious effects on our ally Japan, should South Korea fall. General Singlaub's analysis is timely and worthwhile reading. The article from the Atlanta Journal of June 2, 1978, follows:

GENERAL SINGLAUB SPEAKS OUT

U.S. PULLOUT WILL LEAD TO COMMUNIST OCCUPATION OF THE KOREAN PENINSULA

(Editor's Note: Maj. Gen. John K. Singlaub, a veteran of three wars and an articulate student of military history, was forced to retire from the Army this week because he disagrees with the military decisions being made in Washington by the Carter administration. In a five-part series written for The Atlanta Journal, General Singlaub tells for the first time what happened when the president called him on the carpet . . . and why he believes the administration is flirting with disaster in the area of national security.)

Do we learn from history? Apparently some of us, particularly those at the summit of power, have not learned very much, at least as far as Southeast Asia is concerned.

The U.S. withdrew all of its ground forces from Korea in May 1949. Just 13 months later, North Korea attacked the South.

The plan to once again withdraw our ground forces will have the same effect. I believe it will lead to the communist occupation of the Korean peninsula.

And the loss of South Korea would destabilize not only Japan, which might be forced to seek an accommodation with China or Russia, but also the rest of Asia.

To those of us stationed in Korea, these facts have been clear.

Since Kim II Sung came to power in North Korea in 1945, his stated national objectives have been to get the Americans out of South Korea and to unite the entire peninsula under a communist regime.

He has never renounced these goals and has refused to deal effectively with either a two-Korea concept or a national plebiscite since North Korea is now outnumbered two-to-one in population.

Kim Il Sung continues to infiltrate agents through the southern islands and the Demilitarized Zone. The North Koreans have even dug a series of tunnels under the DMZ, two of which have been entered and neutralized. These tunnels are tall and wide enough to pull a howitzer through.

Toward the end of 1975, our intelligence resources, which had been tied up in Southeast Asia, were released and concentrated on the Korean situation. They found a significant offensive buildup north of the DMZ.

The North Korean air force and navy are lery forward and put them in underground facilities with firing positions that are very difficult to knock out.

All of their combat aircraft are now in underground hangars, with great steel doors that close to protect them. Their radar units are on elevators which can be lowered in the event of an attack.

All of these preparation render the North Koreans less susceptible to damage from our air power, which is the element we plan to leave behind in South Korea.

The North Koreans have not only inoculated themselves against the weapons we plan to leave, but they are organizing to use their greatest strength, which is a very large tank force, in that very short and narrow avenue between the DMZ and Seoul, which is the obvious objective of any attack.

If the North Koreans could get their armored force into the center of Seoul, only 25 miles away, the war would be over, or at least the South Koreans would be forced to negotiate.

But as the North Koreans look south across the DMZ, they see the U.S. 2nd Division sitting astride the main axis of advance into Seoul. For that reason, the North Koreans consider the U.S. ground forces in Korea as the single most difficult problem facing them in any military adventure.

On paper, the South Korean army seems to outnumber its northern counterpart by about 100,000 men. But the North Koreans can field more divisions, because all of their support—transportation, supplies, maintenance and communications—is provided by civilians in the Communist infrastructure.

The North Koreans have moved their artillarger and, like the army, much better equipped than those in the South.

The counterbalancing point right now is the 2nd Division. It is equipped with ground surveillance radar, which we have not given to the Koreans. It has mobility on the ground—with a greater ratio of trucks and armored personnel carriers than the South Koreans possess—and in the air, with its helicopters. The division also has more antitank missiles than the entire South Korean army.

The South Koreans have a good force-improvement plan, funded over a five-year period. But because of U.S. production limitations, equipment and weapons deliveries are stretched over eight years, outside the current U.S. withdrawal timetable.

But aside from the military stumbling block which the 2nd Division presents to North Korean strategists, there is a psychological deterrence.

Both China and Russia are now dealing with the United States in an atmosphere of detenté, and both have expressed the view that they don't want to get directly involved in a military confrontation with the U.S.

It appears that at least China is acting as a restraining influence on North Korea as long as U.S. ground forces present the possibility of a military engagement.

However, if that ground force is removed, even the presence of U.S. air forces will not have the same deterrent power, because you don't know who is flying an airplane. Without authority from China or Russia, Kim II Sung might launch an attack in hopes he could seize Seoul and force a negotiated settlement. And without U.S. involvement, China and Russia would try to outdo each other to help the North Korean leader.

A communist-controlled Korea would then be a serious threat to the security of Japan, separated from the peninsula only by the narrow straits of Tsu Shima.

On the one hand, Japan would have to build up her small self-defense forces and assume a much greater role in that part of the world. And many other Asian nations are not particularly anxious to see Japan rearm.

But the withdrawal of our ground troops from Korea would also mean that Japan would have to produce nuclear weapons, which is a further proliferation we don't want.

On the other hand, if Korea goes communist, we will see some competition in Japan between the nationalist elements and those considered the pro-China group. If Japan decided she could no longer count on the U.S. she might consider an alliance with China. The Russians would not like that and would put pressure on Japan through the Sakhalin Islands to the north.

So instead of her comfortable position with the U.S., Japan might wind up caught in a vise.

The U.S. withdrawal from Korea, I believe, would be a signal to other nations in Asia that we were giving up our Pacific role. And it would be a signal to China to move.

Now I don't mean to imply that the U.S. could never withdraw from Korea. But we should keep our forces in place until there have been some significant concessions from North Korea.

These concessions might include simply signing a peace treaty and opening up the countries for interchange, abandoning the idea of unifying the entire peninsula under a single communist government or accepting the idea of two Koreas, the solution arrived at in Germany.

If such arrangements were made, and we upgraded the South Korean armed forces by supplying the equipment they can easily afford, then the risk of withdrawal would be acceptable.●

YOU CAN MAKE OSHA GET A SEARCH WARRANT—AND DO NOT SETTLE FOR A CHEAP IMITATION

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. HANSEN. Mr. Speaker, two points need to be made in regard to the recent Supreme Court ruling concerning OSHA. First, the Court's decision in the Barlow case does not allow for mere "paper" warrants. OSHA will have to provide some substantial rationale for inspecting a particular establishment in order to obtain a warrant. It will ultimately be up to each magistrate to determine whether or not sufficient grounds exist for a warrant to be issued. Some judges will be tough on this issue while others will not. The important thing is this: for the first time an impartial arbiter now stands between the businessman and OSHA and this should help put an end to OSHA's harassment inspections.

Second, the necessary legislative action to reform OSHA will be much more possible because of this ruling. Momentum in Congress is definitely with those who desire reform in the ineffective and inefficient safety agency. The Barlow victory is forcing the executive and legislative branches to begin looking seriously at ways OSHA can be reformed.

Mr. Speaker, for the benefit of my colleagues and interested businessmen and women throughout the Nation I include for the RECORD a statement by Mr. John L. Runft, Barlow's attorney, concerning the implications of the Supreme Court ruling particularly in terms of obtaining and using a warrant. The statement follows:

It would appear in many quarters that the *Barlow* decision is suffering from a second impact problem. In some media quarters, the initial euphoria is followed by a feeling that not much has been changed by the *Barlow* decision because it does not require the criminal burden for probable cause proof. From my viewpoint, this only means that the person evoking such an opinion does not and probably never did understand the *Barlow* case, let alone the doctrine of *Camara* vs. *Municipal Court*, 387 U.S. 523 (1967). In short, the fact that probable cause in the criminal law sense is not required does not preclude a meaningful jurisdiction for the magistrate. To put it another way, the development of a civil standard of probable cause does not mean that it is a nullity because it is different from the criminal law standard.

With regard to the probable cause standard, I have already found in the few days since the decision that it is best to begin an explanation with the key language in point from the decision:

"Whether the Secretary proceeds to secure a warrant or other process, with or without prior notice, his entitlement to inspect will not depend on his demonstrating probable cause to believe that conditions in violation of OSHA exist on the premises. Probable cause in the criminal law sense is not required. For purposes of an administrative search such as this, probable cause justifying the issuance of a warrant may be based not only on specific evidence of an existing violation but also on a showing that 'reasonable legislative or administrative standards for conducting an . . . inspection are satisfied with respect to a particular [establishment].' *Camara* v. *Municipal Court, supra*, at 538." Slip Op., *Marshall* vs. *Barlow's, Inc.*, pp. 12–13.

The key language in the above quote is found in the last clause of the last sentence. Note should be taken that the holding itself is framed as a quote from *Camara*, thereby expressly linking the two cases in their essential meaning. Secondly, the insertion of the word "establishment" is significant in that the insertion of this word from the OSHA statute gives almost unlimited application to *Barlow*. However, most significant in the above holding is the requirement that the legislative or administrative standards for conducting an inspection must be *reasonable*, and not only reasonable in a general sense but the reasonableness must be "satisfied with respect to a particular establishment." By this language, the Supreme Court preserved the true character of a judicial determination in that the uniqueness of the particular situation is the basis upon which reasonableness must be determined. This attention to each individual fact situation is uniquely characteristic of the judicial process and cannot be duplicated by the legislative or administrative process since laws, rules and regulations must always to a degree arbitrarily apply to all circumstances regardless of unique characteristics found in each situation. Hence, the essence of true judicial function has been preserved by this opinion.

The significance of the victory in *Barlow* was the reaffirmation of the constitutional position of the detached, neutral magistrate between the administrator and the regulated, in a fashion where the magistrate exercises a true judical function and discretion in considering all applications in light of the unique fact situation at hand. Applied properly by the judges, the doctrine in *Barlow* cannot mean a simple rubber stamping of an administrative plan or program—for such conduct would deny the essence of the constitutional jurisdiction reaffirmed in this decision.

Several recent cases have already seen magistrates turning down OSHA search warrants while applying the *Camara-Barlow* doctrine of administrative or civil probable cause. Attention is drawn to the case of *Marshall vs. Shellcast Corp.*, Civil Action No. 77–P–095–E, 5 BNA OSHC 1689 (N.D. Ala., 8/10/77), where OSHA inspectors went to the premises of defendant Shellcast Corporation, a foundry, for the purpose of conducting a compliance investigation pursuant to a national emphasis program (NEP), which program targeted the iron and steel foundry industry. Denied entry by Shellcast, the OSHA inspectors, by affidavit, obtained an order from the magistrate directing Shellcast to allow the inspection. At issue before the district court on stipulation was the question of whether probable cause had been established by OSHA. The court acknowledged the impact of the NEP information, but refused to grant the requested search warrant on the ground that more particular, individualized information was available to the OSHA inspector regarding relevant probable cause facts. Relying on the *Camara* decision, the court stated:

"[W]hen individualized information is present, OSHA or other similarly situated organizations cannot close their eyes to the individual situation, relying upon some national accumulated group of statistics.

* * * * *

"I find it unreasonable to make request for searches where the basis for the search, namely, incident rates for the particular company are not even inquired into or reported to the magistrate and indeed only statistics for the industry as a whole are used."

The court in *Shellcast* also indicated a number of other particular relevant facts it might have considered in the context of that case had they been present. Significantly, this court exercised its historical function of judicial supervision and determined the reasonableness of the probable cause showing in terms of the unique surrounding circumstances.

Similarly, *In Re Establishment Inspection of N.W. Airlines, Inc.*, 437 F. Supp. 533 (E.D. Wis., 1977), a district court ruled that a magistrate had improperly issued an OSHA warrant because it "had failed to show sufficient probable cause for the inspection." The affidavit in support of the warrant stated that OSHA had determined that violations probably existed and stated that the proposed search was part of an inspection program. The district court held that the magistrate had simply adopted OSHA's conclusion that there was probable cause that the magistrate had failed himself to review the facts regarding reasonableness with respect to the particular fact situation. The court stated:

"The magistrate must be given some factual basis for concluding that a violation exists at the time the warrant is requested.

"The 'standards' referred to (in *Camara*) do not relate to the manner in which the search is conducted, e.g., the time of day, persons making the search, etc. It refers rather to the criteria used to determine if a search should be conducted in the first instance. This is made clear by the following sentence in *Camara*: 'Such standards, which will vary with the municipal program being enforced, may be based upon the passage of time, the nature of the building (e.g., a multi-family apartment house), or the condition of the entire area. . . .' A yearly fire inspection of a warehouse may be reasonable under the circumstances, but a daily fire inspection might not pass muster. In any event, the reasonableness of the standards or program is not for the official in the field to determine. It is for the magistrate who must be informed of the standards being utilized."

Looking to the future, I rather believe the courts will inherently strive to protect the jurisdiction reaffirmed in *Barlow* when lawyers properly explain it to them. Further, I suspect much more mileage will be gained in these warrant cases by lawyers concentrating at least as much on the essential steps a magistrate must take in exercising his judicial function as on attempting to create ultimate probable cause standards in civil cases where the fact situations are so broad and malleable that the effort is often synonymous to pursuing the Holy Grail. Although not fully developed yet, my thoughts tend toward trying to express the magistrate's jurisdiction in terms of a series of functional steps. For example, one early step might be a review of the underlying legislation to determine whether the standards and/or program put forth in the application for a warrant are reasonable with respect to the basic purpose of the legislation itself. In other words, a magistrate should not infrequently explore the intent of the legislature as one of the methods of determining the reasonableness of the plan or standards at hand. If the administrative plans or standards pass muster in these earlier deliberations, then the magistrate should perform the classical balancing act of probable cause whereby the valid need to inspect is balanced against the intrusion into the privacy interests involved. As Justice White said in speaking for the majority in *Camara*, "'probable cause' is the standard by which a particular decision to search is tested against the constitutional mandate of reasonableness."

Barlow assures that an independent magistrate, not an administrator, will exercise that mandate.●

CONGRESS SHOULD STOP BUREAUCRAT GUN CONTROL PROPOSALS

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. HANSEN. Mr. Speaker, Wednesday, Members of this body will have the opportunity to restrict bureaucratic invasion into the legislative process by limiting money available to the Bureau of Alcohol, Tobacco and Firearms for use in implementing currently proposed regulations to control firearms in defiance of congressional resistance to such measures.

I hope this body will approve this as a matter of protecting the prerogatives of this Congress and the rights of the people.

I submit for this RECORD my testimony before the House Judiciary Subcommittee on Crime on May 18, 1978.

TESTIMONY OF THE HONORABLE GEORGE HANSEN

Mr. Chairman, I wish to thank you and the members of this Subcommittee for taking

time from your busy schedules for quick action on this very important question of arbitrary Agency regulations designed to control firearms.

It is indeed a serious situation when a group of bureaucrats in an agency can initiate far-reaching policies without specific authorization by the Congress. I have received hundreds of letters from outraged citizens protesting this backdoor approach to federal gun controls—regulations similar to provisions previously rejected by the Congress. Certainly this Subcommittee and the Congress should not be circumvented in decisions with such impact on the public as these regulations.

One of the most serious aspects of the proposed action by the Bureau of Alcohol, Tobacco and Firearms (BATF) is that it is symptomatic of an intensifying ailment in this country, government by bureaucracy. More and more we are seeing government decsion-making handled by non-elected officials beyond the reach of the people. And this problem is not restricted to BATF, even with firearms; it is all around us. OSHA recently has initiated action which would also bring that agency into the firearm regulating business, a function which was certainly not envisioned when operating authority was given that agency by the Congress.

Federal regulatory burglars seem to be endlessly finding new ways to rip off the basic rights of American citizens, all in the name of good intentions. Therefore, it is vital that Congress, those elected by and answerable to the people, assume the role of watchdog and bring the bureaucrats into line as they stray from their prescribed roles. As a sponsor of legislation designed to deal with the overreach of BATF I am grateful for these hearings which are most helpful in obtaining the facts necessary for further legislative action.

There is certainly no need to increase a scandalously bloated bureaucracy already exercising a heavy hand on our Constitutional guarantees of individual freedom at great cost to citizens in taxes and inflation and to business in overhead and paperwork.

Congress and not BATF has the authority to enact gun laws, or any other legislation for that matter, and I very strongly urge this Subcommittee to reinforce the principle of government by the people rather than by bureaucrats and the principle of controlling crime rather than citizens' rights through timely recommendations for needed action.●

PERMANENT TAX RATE REDUCTIONS AND INDEXING: TAX REFORMS AMERICA'S WORKERS AND INVESTORS NEED NOW

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1978

● Mr. KEMP. Mr. Speaker, as one of the earliest supporters in the House of legislation to index the Federal income tax system, I was very pleased to find an article in strong support of that concept in the current issue of Money magazine.

Indexing inflation-proofs the tax rates by raising the dollar limits of the tax brackets, exemptions, and standard deductions at the rate of inflation, so a worker and saver is not pushed into a higher percentage tax bracket when he or she gets a cost-of-living pay raise. Because we have a progressive income tax structure—which means a person pays an increasingly higher percentage rate on additional dollars earned—the more you earn today, the greater the percentage of those new dollars are paid to the Federal Government, starting at 14 percent and ending at 50 percent. For investment income, it goes up to 70 percent on the dollar.

There are two tax reforms which American workers must have. The first is across-the-board permanent tax rate reductions. The second is indexing. The first is needed to reduce the tax impact of past inflation; the second is needed to offset the tax impact of future inflation. To simply begin indexing now would lock in the unnecessarily high rates of taxation as they now stand—as they have grown because of inflation in recent years. More must be done. That is why I have pushed so hard for the enactment of my Tax Rate Reduction Act, a bill which would reduce individual income tax rates, across the board, by around 30 percent for everyone. Such a permanent rate reduction would bring taxes down to what they were before inflation started taking its toll in the early 1970's. This is what President Kennedy proposed in 1963, and it worked. It would work again—greater real growth in the economy, more jobs, more personal income, reduced rates of inflation, and as much, if not more, Federal revenue. That last point would be true because the lower rates would apply to a much broader tax base as production expands throughout the economy.

Mr. Speaker, whether the White House understands this or not—and it must not for it opposes indexing—the working people of this country understand it. The point is made in the Money magazine article by Charles R. Proseus, a telephone repairman in Baldwinsville, N.Y. He is quoted as saying that his fellow workers know that when they work more than 12 hours overtime, paycheck deductions from Federal and State income taxes and social security start to total 47 percent, so they just don't work any more overtime because it is not worth it. That means they lose the additional net income, Uncle Sam and his State and local nephews lose the tax revenue, and America loses the production.

All workers understand this as do all savers and investors. We need to enact an indexing bill to offset future inflation, but this Congress also needs to enact a permanent tax rate reduction bill to offset what has already happened.

The article follows:

THE TAX REFORM YOU MAY NEED MOST

LETTING INFLATION PUSH YOU INTO THE 50 PERCENT BRACKET IS AN HONOR YOU'D PROBABLY RATHER SKIP. HERE'S HOW TO DECLINE IT

(By Jerry Edgerton)

Dense and dank is the underbrush of the Internal Revenue Code, and hideous monsters lurk there. The one that Jimmy Carter particularly detests is the Loathsome Luncheon Loop-holer (of the three-martini species); Carter and others also shudder at the Exotic Shelter Digger. But the beast that preys most on middle-income taxpayers is the less fabled Stealthy Bracket Creeper.

The Creeper hides out in the fine print of tax schedules, and he's especially vicious because he feeds on inflation. In the years since 1965, while inflation has more than doubled prices, the brackets that determine what percentage tax you will pay have remained at the levels shown in the box on the opposite page. This means if you get pay raises intended to keep you even with inflation—which represents no increase at all in real buying power—your higher income continually raises your tax rate. In the end, your take-home income falls behind inflation. If Congress made no changes in the law, inflation at 6.5% would push a family making $25,000 a year now into the 50% bracket by the early 1990s.

The way to stop such tax increases on steady or even declining purchasing power is a system called indexing, already being used in Canada. As the cost of living goes up, indexing raises the dollar limits of the tax brackets and also the exemptions and standard deductions that a taxpayer gets to subtract from his gross income in computing his taxable income. With indexing, a citizen whose income keeps up with inflation still has a higher tax bill each year, but the percentage he pays to the government remains constant.

The consequences can be striking. Imagine two families of four whose incomes just kept up with the U.S. inflation rate by rising 36 percent from $18,000 in 1973 to $24,500 in 1977. During that period the income taxes of the first family jumped 54 percent, while those of the second climbed only 14 percent. Explanation: the first family lives in the U.S., the second in Canada. Hit by bracket creep, the Americans fell behind in buying power; coddled by indexing (plus some tax cuts), the Canadians increased their real income.

U.S. federal tax collections from individuals now rise about 16 percent for every 10 percent of increase in personal income. In states with progressive state income taxes, such as New York and California, inflation-increased income means a bigger state tax bite as well. The result, says Congressman Willis G. Gradison Jr., a Republican from Ohio, is that "government has a vested interest in maintaining inflation since present law permits a windfall tax bonus during an inflationary period."

Gradison has attracted more than 80 cosponsors for a bill that would index federal individual income taxes for inflation. Indexing proponents do not suggest that their bill will pass this year, but increasing complaints from constituents about taxes have generated more congressional interest in indexing than ever before. Past support has come largely from Republicans; this year there are some Democratic co-sponsors are well. "Indexing is an idea whose time is coming," says Gradison.

One reason is that taxpayers will begin to fall even further behind as higher Social Security taxes take effect. Economist Dennis Jacobe of the U.S. League of Savings Associations figures that middle-income families will need an annual wage increase of about 10 percent to keep pace, after taxes, with inflation of 6.5 percent.

Canada began indexing personal income taxes in 1974. Each October the Canadian Department of Finance determines the increase in consumer prices for the previous 12 months and then raises tax brackets, deductions and exemptions by the same percentage, in time to issue new tax tables in January. As a result, if your income rises in tandem with inflation, you stay in the same bracket as the year before. Canadians on fixed incomes pay lower and lower taxes each year.

The past few years of tax indexing in Canada have come against a backdrop of hard times. Unemployment and inflation both have been around 9% recently. The Canadian dollar, traditionally worth slightly more than its American counterpart, dropped to a

low of around 87 American cents early this year, though it has risen slightly since. "The government quite deliberately adopted an expansionary policy, but too much expansion was allowed," says economist John Bossons of the Institute for Policy Analysis at the University of Toronto. "That helped build in future inflation." But, adds Bossons: "You can't say the current large deficits are the fault of indexing. The government knew the effects of indexing before they cut taxes further."

Indexing proponents argue that Canadian spending might be even higher than it is—and the government deficit therefore even larger and more inflationary—if indexing hadn't disciplined the government to expect lower revenues because of indexing. Says John R. Allan, vice president of the University of Windsor and a former chief tax analyst of the Canadian Department of Finance: "Government officials now are saying, 'If we want to bring in a new program, we'll have to find something else that can be sacrificed.' "

WHAT THE SKEPTICS SAY

On balance Canada appears to have benefited from tax indexing, but some skeptics in Washington cite both economic and political arguments why indexing is not needed or would not work in the U.S. Here are three of the objections most often raised and responses from indexing proponents:

Periodic tax cuts have kept taxpayers roughly abreast of inflation even without indexing. Tax brackets and tax rates have not been changed substantially since 1965. But, as Senator Russell Long points out in the interview in the box at right, Congress has reduced taxes by a variety of devices, including credits deducted from the taxes owed and increases in standard deductions and personal exemptions. Since 1965, however, only low-income taxpayers (making less than the inflation-adjusted equivalent of $10,000 to $12,000 in 1975) have had enough tax reductions to offset inflation.

Congress has more control over the economy with the present system. In practice, this means that inflation keeps boosting tax revenues and Congress then decides whether to give some of this money back in tax cuts.

Legislators who deal with tax bills, such as Senator Long, worry that without the inflation bonus in tax collections, Congress might face the politically dreadful prospect of voting to raise taxes. And some legislators contend that indexing would limit their ability to make changes in the substance of the tax law, such as cuts to stimulate the economy.

William Fellner, a member of the Council of Economic Adviers under Presidents Nixon and Ford, argues that indexing would simply prevent Congress from confusing fundamental tax law changes with adjustments for inflation. Says Fellner, "With indexing, Congress would at least have to be honest when it raised taxes," rather than let inflation sneak them up. A corollary economic argument for indexing is that it would help soften recessions. The senior economist of the congressional Joint Economic Committee has calculated that the U.S. recession of 1974–75 would have been less severe if indexing had been in effect to lower taxes and stimulate the economy.

Indexing might make inflation worse. Large federal deficits encourage inflation, and indexing could increase the deficit by cutting back on revenues. Indexing proponents concede that deficits probably would go up at least temporarily. But they argue that growing deficits would provide a strong political incentive to cut federal spending, since without the inflation bonus the only alternative would be to raise taxes. Indexing might also help fight inflation, its backers argue. If unions knew that workers' tax rates would not go up with each pay increase, they might moderate wage demands.

The indexing proposals circulating in Washington don't apply to business taxes, because of the complexities of questions such as how to compute depreciation on equipment where inflation has greatly increased the cost of replacement. But one business tax issue, the treatment of capital gains, affects many individual taxpayers too. Capital gains could also be indexed, eliminating yet another source of tax unfairness caused by inflation.

Consider the plight of attorney John Sheffield, who bought a house in Los Angeles in 1949 for $7,000. Though Sheffield recently was offered $70,000 for the house, he contends that he cannot afford to sell it because of high capital-gains taxes. Even though most of that $63,000 increase in value simply reflects inflation since 1949, Sheffield would still be taxed on half the gain. And since Sheffield already owns a second house that he now lives in, he couldn't defer the tax by investing in a new house.

With indexing, a capital asset's value would be increased each year by the rate of inflation; capital-gains taxes would take effect only after the inflation increase. Indexing capital gains is not being actively considered in Washington now. But Congressman William Steiger, a Wisconsin Republican, has persuaded a majority on the Ways and Means Committee to support an amendment to cut maximum capital-gains tax rates back to 25%—restoring the situation that existed in the 1960s. Influential Democrats oppose Steiger's proposal, but he may win some compromise concessions—perhaps an increase in the amount of capital losses that can be used to reduce taxable income.

CUT FIRST, INDEX LATER

Congressmen, especially Republicans, are tussling with the depressing effect of high taxes and bracket creep on economic growth and investment. Some proponents of indexing, such as Senator William Roth of Delaware and Buffalo-area Congressman Jack Kemp, believe that tax rates should be cut substantially first, then indexed to keep inflation from wiping out the cuts. Kemp and Roth are sponsoring a bill to cut personal tax rates within each bracket by nearly one-third, in addition to reducing corporate taxes. Kemp likes to note that after a similar cut proposed by President John F. Kennedy and enacted in 1964, economic growth was so strong that federal tax collections increased rather than decreased in the next few years.

Taxes at the current rates discourage people from work and investment, Kemp and Roth contend. "People think on the margin," says Kemp, arguing that taxpayers are well aware how much of the earnings from an extra hour's or day's work will go to the government. An example is Charles R. Proseus, a telephone repairman from Baldwinsville, N.Y. Proseus says he and his fellow workers know that when they work more than 12 hours overtime, paycheck deductions from federal and state income taxes and Social Security will start to total 47 percent. "So I just cut it off at 12 hours," he says. "It isn't worth it to work any more." The Kemp-Roth argument will be a major Republican plank this fall and in 1980.

"Support for indexing is going to be directly proportional to the rate of inflation," predicts Barber B. Conable Jr., ranking Republican on the House Ways and Means Committee, who backs the proposal. Possibly, Congress will come to see less political mileage in boasting of tax cuts to a skeptical population aware that inflation has already pushed up taxes. As former New York Senator James Buckley, a long-time supporter of indexing, told a recent Senate hearing: "There is no tax reform that is more important to achieve, easier to accomplish and fairer in its impact than income tax indexation." If Congress begins to think like that, the Stealthy Bracket Creeper could become an endangered species.

BRACKET CREEP

This table shows the tax brackets, effectively unchanged since 1965, that apply to middle-income married couples filing joint returns. Note that the percentage increases in tax rates apply not to the whole taxable salary but only to the marginal part of it contained within the bracket. Nevertheless, as inflation-fattened salaries creep up from one bracket to another, the ever-higher percentages raise taxes at a rate greater than the salary gain.

Taxable income bracket:	*Marginal tax rate (percent)*
$11,201–15,200	22
$15,201–19,200	25
$19,201–23,200	28
$23,201–27,200	32
$27,201–31,200	36
$31,201–35,200	39
$35,201–39,200	42
$39,201–43,200	45
$43,201–47,200	48
$47,201–55,200	50

●

SENATE COMMITTEE MEETINGS

Title IV of the Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committees scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 6, 1978, may be found in Daily Digest of today's RECORD.

MEETINGS SCHEDULE

JUNE 7

9:30 a.m.

Judiciary

To hold hearings on the nominations of Philip B. Heymann, of Massachusetts, to be an Assistant Attorney General, Department of Justice, and Mary Johnson Lowe, to be U.S. district judge for the southern district of New York.

2228 Dirksen Building

Judiciary

Juvenile Delinquency Subcommittee

To hold hearings jointly with the Human Resources Subcommittee on Alcoholism and Drug Abuse on S. 2778, and other proposals, to tighten controls on and increase penalties for the manufacture and distribution of the drug PCP (angel dust).

4232 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting on pending calendar business.
322 Russell Building
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 22, to remove statutory and regulatory restrictions on broadcasters operating under the Communications Act of 1934.
235 Russell Building
Energy and Natural Resources
To resume consideration of S. 2692, FY 79 authorizations for civilian programs and S. 2693, FY 79 authorizations for national security programs, Department of Energy.
3110 Dirksen Building
Governmental Affairs
To resume consideration of S. 2640, proposed reform of the Civil Service laws.
3302 Dirksen Building
Joint Economic
To continue hearings on economic change, including demographic, employment, and inflation.
S-207, Capitol
10:30 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 2892 and 3061, proposed New York City Loan Guarantee Act.
5302 Dirksen Building
3:00 p.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 2892 and 3061, proposed New York City Loan Guarantee Act.
5302 Dirksen Building
4:30 p.m.
Judiciary
To hold hearings on the nomination of Shane Devine, to be U.S. district judge for the district of New Hampshire.
2228 Dirksen Building

JUNE 8

9:30 a.m.
Armed Services
Research and Development Subcommittee
To meet in closed session to receive testimony from Defense Secretary Brown regarding the impact of SALT on U.S. military research and development.
212 Russell Building
10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on Section 304 of P.L. 95-74, FY 78 appropriations for the Department of the Interior.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To mark up S. 50, the Full Employment and Balanced Growth Act.
5302 Dirksen Building
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2995, to provide for the conversion of a part of the National Visitor Center to railroad passenger service.
235 Russell Building
Energy and Natural Resources
To continue consideration of S. 2692, FY 79 authorizations for civilian programs and S. 2693, FY 79 authorizations for national security programs, Department of Energy.
3110 Dirksen Building
Environment and Public Works
Environmental Pollution Subcommittee
To continue markup of S. 2900, proposed Oil Spill Liability Fund and Compensation Act.
4200 Dirksen Building
Foreign Relations
To hold hearings, in open and closed session, on S. 2236, to strengthen Federal programs and policies for combating international and domestic terrorism.
4221 Dirksen Building
Governmental Affairs
To continue consideration of S. 2640, proposed reform of the Civil Service laws.
3302 Dirksen Building
Rules and Administration
To resume hearings on S. 2 and 1244, to require periodic reauthorization of Government programs.
301 Russell Building
Joint Economic
To continue hearings on economic changes, including demographic, employment, and inflation.
345 Cannon Building
2:00 p.m.
Select Ethnics
To hold an open business meeting.
Room to be announced

JUNE 9

10:00 a.m.
Energy and Natural Resources
Public Lands and Resources Subcommittee
To resume hearings on S. 3046 and 707, granting the power of eminent domain to coal slurry pipelines in certain circumstances.
3110 Dirksen Building
Environment and Public Works
To continue markup of S. 2900, proposed Oil Spill Liability Fund and Compensation Act.
4200 Dirksen Building
Foreign Relations
To meet in closed session with the Director of Central Intelligence for a briefing on the Cuban role in the attack in Shaba.
S-116, Capitol
Governmental Affairs
To continue consideration of S. 2640, proposed reform of the Civil Service laws.
3302 Dirksen Building
Human Resources
Health and Scientific Research Subcommittee
To resume hearings on S. 3115, to establish a comprehensive disease prevention and health promotion program in the U.S.
4232 Dirksen Building
Joint Economic
To continue hearings on economic change, including demographic, employment, and inflation.
S-207, Capitol
1:30 p.m.
Select Ethics
Morgan-Schmitt Subcommittee
To hold closed hearings concerning alleged unauthorized disclosure of information concerning intelligence activities in Panama.
S-407, Capitol

JUNE 12

9:30 a.m.
Environment and Public Works
To mark up S. 1493, to provide financial and technical assistance to States, local governments, and Indian tribes to manage impacts caused by energy development.
4200 Dirksen Building
10:00 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2892 and 3061, proposed New York City Loan Guarantee Act.
5301 Dirksen Building
Commerce, Science, and Transportation
To hold hearings on the nominations of Andrew H. Kenopensky, of New Jersey, Dennis R. Smith, of Massachusetts, and Paul Block, Jr., of Ohio, each to be a Member of the U.S. Metric Board.
235 Russell Building

JUNE 13

9:30 am.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on H.R. 8729, S. 747, and S. 3064, proposed Aircraft and Airport Noise Reduction Act.
235 Russell Building
10:00 a.m.
Banking Housing, and Urban Affairs
To continue hearings on S. 2892 and 3061, proposed New York City Loan Guarantee Act.
5302 Dirksen Building
*Governmental Affairs
Federal Spending Practices and Open Government Subcommittee
To hold oversight hearings on the Government in the Sunshine Act (P.L. 94-409).
3302 Dirksen Building
Joint Economic
To resume hearings on economic change, including demographic, employment, and inflation.
2168 Rayburn Building
Select Indian Affairs
To hold hearings on S. 2773, the Indian Trust Information Protection Act, and S. 3153, the Rhode Island Indian Claims Settlement Act.
1114 Dirksen Building

JUNE 14

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on S. 747, S. 3064, and H.R. 8729, proposed Aircraft and Airport Noise Reduction Act.
235 Russell Building
Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To hold hearings on H.R. 8588, to establish offices of Inspector General in certain Federal departments and agencies.
6226 Dirksen Building
Human Resources
To hold hearings on S. 2910, proposed Adolescent Health, Services, and Pregnancy Prevention and Care Act.
4232 Dirksen Building
10:00 a.m.
Commerce, Science, and Transportation
To hold hearings to examine negotiations by the Antarctic Treaty parties on the Antarctic living marine resource regime and the present U.S. posture in the negotiations.
318 Russell Building
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 864, to reduce the radio frequency interference with home entertainment products.
155 Russell Building
Governmental Affairs
Federal Spending Practices and Open Government Subcommittee
To hold hearings on S. 2787, proposed Contract Dispute Act.
3302 Dirksen Building

Rules and Administration
To mark up S. 2, and 1244, to require periodic reauthorization of Government programs.
301 Russell Building

Joint Economic
To continue hearings on economic change, including demographic, employment, and inflation.
S-207, Capitol

JUNE 15

9:30 a.m.
Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To continue hearings on H.R. 8588, to establish offices of Inspector General in certain Federal departments and agencies.
3302 Dirksen Building

Veterans' Affairs
Housing, Insurance, and Cemeteries Subcommittee
To hold hearings on S. 1643 and H.R. 4341, to eliminate the requirement for inspections of the mobile home manufacturing process by the VA, and S. 1556, authorizing funds through FY 81 to assist States in establishing and maintaining VA cemeteries.
457 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 72, to restrict the activities in which registered bank holding companies may engage, and to control the acquisition of banks by holding companies and other banks.
5302 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2981, to provide for the expansion of the category of rail lines eligible for rehabilitation, deferred maintenance, and various alternative facilities.
1202 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To mark up S. 2755, the Drug Regulation Reform Act and S. 3115, to establish a comprehensive disease prevention and health promotion program in the U.S.
4232 Dirksen Building

Judiciary
Citizens and Shareholders Rights and Remedies and Administrative Practice and Procedures Subcommittees
To resume joint hearings on S. 2117, to expand the basis upon which the U.S. can be held liable for the conduct of its employees under the Tort Claims Act.
5110 Dirksen Building

Joint Economic
To continue hearings on economic change, including demographic, employment, and inflation.
345 Cannon Building

JUNE 16

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on S. 747, S. 3064, and H.R. 8729, proposed Aircraft and Airport Noise Reduction Act.
235 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 72, to restrict the activities in which registered bank holding companies may engage, and to control the acquisition of banks by holding companies and other banks.
5302 Dirksen Building

10:00 a.m.
Joint Economic
To resume hearings on economic change, including demographic, employment, and inflation.
S-207, Capitol

JUNE 19

9:00 a.m.
Finance
Taxation and Debt Management Generally Subcommittee
To hold hearings on pending proposed tax legislation.
2221 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Rural Housing Subcommittee
To hold oversight hearings on the impact of solar energy on rural housing.
5302 Dirksen Building

JUNE 20

9:30 a.m.
Environment and Public Works
Resource Protection Subcommittee
To hold hearings on the environmental impact aspects (section 5) of S. 3077, proposed Export-Impor' Bank Act Amendments.
4200 Dirksen Building

Select Small Business
Monopoly and Anticompetitive Activities Subcommittee
To resume hearings on the Federal Government patent policy.
424 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Rural Housing Subcommittee
To continue oversight hearings on the impact of solar energy on rural housing.
5302 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To resume markup of S. 2755, the Drug Regulation Reform Act and S. 3115, to establish a comprehensive disease prevention and health promotion program in the United States.
4232 Dirksen Building

Joint Economic
To resume hearings on economic change, including demographic, employment, and inflation.
1202 Dirksen Building

JUNE 21

9:30 a.m.
Select Small Business
Monopoly and Anticompetitive Activities Subcommittee
To continue hearings on the Federal Government patent policy.
424 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Financial Institutions Subcommittee
To hold hearings on H.R. 10899, the International Banking Act.
5302 Dirksen Building

Environment and Public Works
Resource Protection Subcommittee
To hold oversight hearings on the Resource Recovery and Conservation Act (PL 94-580).
4200 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To continue markup of S. 2755, the Drug Regulation Reform Act, and S. 3115, to establish a comprehensive disease prevention and health promotion program in the U.S.
4232 Dirksen Building

Joint Economic
To continue hearings on economic change, including demographic, employment, and inflation.
S-207, Capitol

JUNE 22

9:30 a.m.
Veterans' Affairs
Compensation and Pension Subcommittee
To hold hearings on S. 379 and H.R. 6501, to provide increased awards of service-connected compensation to certain veterans who have suffered the loss or loss of use of paired extremities, and S. 2828, the Veterans Disability Compensation and Survivor Benefits Act.
6226 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Financial Institutions Subcommittee
To continue hearings on H.R. 10899, the International Banking Act.
5302 Dirksen Building

Environment and Public Works
Resource Protection Subcommittee
To continue oversight hearings on the Resource Recovery and Conservation Act (P.L. 94-580).
4200 Dirksen Building

Joint Economic
To continue hearings on economic change, including demographic, employment, and inflation.
318 Russell Building

JUNE 23

9:00 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To hold hearings on S. 2857, proposed Customs Courts Act.
4232 Dirksen Building

JUNE 20

9:30 a.m.
Selected Small Business
Monopoly and Anticompetitive Activities Subcommittee
To resume hearings on the Federal Government patent policy.
318 Russell Building

JUNE 27

9:00 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To resume hearings on S. 2857, proposed Customs Courts Act.
4232 Dirksen Building

JUNE 28

9:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on the procedures of EPA and the Consumer Product Safety Commission as relates to chronic hazards.
235 Russell Building

9:30 a.m.
Finance
Taxation and Debt Management Generally Subcommittee
To hold hearings on S. 3065, 2608, and 2428, proposals affecting the taxation of capital gains.
2221 Dirksen Building

JUNE 29

9:30 a.m.
Finance
Taxation and Debt Management Generally Subcommittee
To continue hearings on S. 3065, 2608, and 2428, proposals affecting the taxation of capital gains.
2221 Dirksen Building

HOUSE OF REPRESENTATIVES—*Tuesday, June 6, 1978*

The House met at 12 o'clock noon.

The Reverend Father Rodney R. Michel, St. Andrew's Episcopal Church, Scottsbluff, Nebr., offered the following prayer:

O Great and Wonderful God, this is Thy world and we seek always to remember that fact and to care for it and all that has been entrusted to us.

We ask Thy blessing upon our country that it may be a blessing to the world. In this moment, we ask Thy divine guidance for the House of Representatives; direct and prosper all their deliberations to the safety, honor, and welfare of Thy people. May this Congress always work to defend our liberties and save us from violence, discord, and confusion; that peace, happiness, truth, and justice may be established among us for all generations. Keep these Thy servants in Thy loving care as Thou dost love and care for us all.

We ask these things in the name of our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries, who also informed the House that on June 5, 1978, the President approved and signed bills of the House of the following titles:

H.R. 9005. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1978, and for other purposes.

H.R. 11662. An act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes.

INTRODUCTION FOR REV. FATHER RODNEY R. MICHEL OF ST. ANDREW'S EPISCOPAL CHURCH IN SCOTTSBLUFF, NEBR.

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, it is a distinct pleasure and honor for me to introduce to my distinguished colleagues the much-loved and well-respected rector of St. Andrew's Episcopal Church in Scottsbluff, Nebr., Rev. Father Rodney R. Michel.

St. Andrew's Church has one of the largest Episcopal congregations in the Third Congressional District of Nebraska.

Father Michel was chosen president of the National Honor Society while in high school and graduated from Seabury-Western Theological Seminary in 1970.

In addition to his responsibilities to the congregation at St. Andrew's Church, Father Michel has contributed much to the local community by being a member of the advisory board of foster grandparents; being president of the advisory board for the School of Practical Nursing at Nebraska Western College and St. Mary Hospital in Scottsbluff; and serving on the advisory board of the Platte Valley Musical Arts. He is also a member of the Scottsbluff Rotary Club, Tehama Shrine, and Scottsbluff Elks Club.

His contributions have also been at the diocesan level of the Episcopal Church, where has has been a member of the executive council; a member of the department of youth work; and currently serves on the commission on ministry and as chairman of the committee on elections.

Father Michel's wife, Marie, and children, Anne and John, are just as inspired by his words, and just as proud of him as I am today.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

KWONG LAM YUEN

The Clerk called the bill (H.R. 1798) for the relief of Kwong Lam Yuen.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MORRIS AND LENKE GELB

The Clerk called the bill (H.R. 3084) for the relief of Morris and Lenke Gelb.

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

HABIB HADDAD

The Clerk called the bill (H.R. 3995) for the relief of Habib Haddad.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

IRENE HOFFMAN

The Clerk called the bill (H.R. 5612) for the relief of Irene Hoffman.

Mr. WYLIE. Mr. Sueaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MARTINA NAVRATILOVA

The Clerk called the bill (H.R. 10210) for the relief of Martina Navratilova.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

BALL STATE UNIVERSITY AND THE AMERICAN ASSOCIATION OF COLLEGES FOR TEACHER EDUCATION

The Clerk called the bill (H.R. 1415) for the relief of Ball State University and the American Association of Colleges for Teacher Education.

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PROVIDING FOR THE CONVEYANCE OF TITLE AND OWNERSHIP TO PROPERTY IN WYOMING, TO BEN BOSCHETTO, JR.

The Clerk called the bill (H.R. 10160) to provide for the conveyance of title and ownership to 2.58 acres within the Bridger-Teton National Forest, Wyo., to Ben Boschetto, Jr.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONVEYING ALL INTERESTS OF THE UNITED STATES IN CERTAIN REAL PROPERTY IN NEW MEXICO TO WALTER HERNANDEZ

The Clerk called the bill (H.R. 3121) to convey all interests of the United States in certain real property in Sandoval County, N. Mex., to Walter Hernandez.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

CALL OF THE HOUSE

Mr. STAGGERS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. STAGGERS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 413]

Alexander	Flippo	Poage
Allen	Florio	Pressler
Andrews, N.C.	Flowers	Quie
Applegate	Flynt	Rodino
Armstrong	Fountain	Roybal
Ashley	Fraser	Runnels
Baucus	Garcia	Ryan
Beilenson	Gibbons	Santini
Bevill	Hannaford	Sawyer
Bowen	Harrington	Scheuer
Broyhill	Harsha	Simon
Buchanan	Heckler	Skubitz
Burke, Calif.	Holland	St Germain
Carney	Howard	Stokes
Cederberg	Jenrette	Stump
Chappell	Kastenmeier	Teague
Cochran	Krueger	Thompson
Coleman	Livingston	Thornton
Conyers	McCloskey	Tsongas
Cotter	McDonald	Tucker
Danielson	Maguire	Ullman
Davis	Mathis	Waxman
Dellums	Minish	Whitten
Dent	Mollohan	Wiggins
Dickinson	Montgomery	Wilson, Bob
Diggs	Murphy, N.Y.	Wilson, C. H.
Dornan	Nichols	Wilson, Tex.
Drinan	Nix	Young, Alaska
Duncan, Oreg.	Oakar	Young, Tex.
Edwards, Ala.	Patten	Zeferetti
Edwards, Calif.	Pike	

The SPEAKER. On this rollcall 342 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COLLECTIVE BARGAINING AGREEMENT ACHIEVED IN NEW YORK CITY

(Mr. MOORHEAD of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, today the House is scheduled to begin consideration of H.R. 12426, New York City Financial Assistance Act of 1978.

In case any Members are not aware of the fact, yesterday evening the city and the unions for the general municipal employees reached a collective-bargaining agreement. I call the attention of Members to the lead article in today's New York Times, which describes the terms of that agreement.

An agreement could have been reached much sooner if our former colleague Ed Koch had not conducted tough collective-bargaining sessions cognizant of the fact that a balanced city budget is a prerequisite to Federal assistance under H.R. 12426.

ELDER BASEBALL TEAM—AAA CHAMPS

(Mr. LUKEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LUKEN. Mr. Speaker, I would like to call attention to what I believe to be a significant achievement on the part of some of the young people in my district. On Sunday, June 3, 1978, the Elder High School baseball team won the AAA Championship of the State of Ohio. This is the 9th time that Elder has captured the State title. The consistent success of the team is a great source of neighborhood pride.

I would like to give the coach, Jerry Federle, and the members of the team the recognition they deserve for the hard work and energy which went into obtaining this title. Heartiest congratulations for a job well done. The following article gives an account of the championship game.

PERCENTAGES BRING BASEBALL TROPHY "BACK HOME" AGAIN

(By Enos Pennington)

COLUMBUS.—The Ohio big-school baseball title returned to where it rightfully belongs if you happen to believe in percentages.

Elder's victory Saturday in the Ohio Class AAA high school baseball tournament was the 26th victory for a Cincinnati school in 51 years the tournament has been held. Add the four titles that nearby Western Hills High School has won to Elder's total of nine and one neighborhood of Cincinnati claims more than 25 per cent of the big-school titles. That's called domination.

Baseball is such a neighborhood affair in the Price Hill area that Ken Selby, who coached Western Hills to the 1977 state Class III title, did the scouting on Euclid, Elder's 5–3 victim in the championship game, for Elder coach Jerry Federle.

"I don't think anyone rooted any harder for us than Ken," said Federle, who now can boast of a state championship in only two years as a head baseball coach. "And I don't think anyone rooted any harder for Western Hills last year than Elder people. It's that much of a neighborhood thing."

Columbus was filled with excuses for Cincinnati's lock of the Class AAA baseball title. Some said it was the Reds. A winning major league team, Cleveland people noted, usually creates more interest in that city's baseball programs. A wire service writer said he loves to watch Cincinnati high school teams because they're so well drilled in the fundamentals of baseball.

The best answer I heard in Columbus was that Cincinnati teams just don't expect to lose. And they don't. It came from an Elder player.

"You would hate to get all this way and not win," said Federle. "You may only get here once as a coach or player."

The odds were stacked in Elder's and Cincinnati's favors to return to Columbus soon. It's even money that they do.

The winning ways of the Cincinnati Reds may have rubbed off on Elder, but the way Reds manager Sparky Anderson handles pitchers didn't rub off on Federle. There's no luck in Federle's managerial bag.

It was the top of the seventh Saturday, the bases were loaded for Euclid with two out and Elder's 5–3 margin was suspect. A base hit of any proportion off Elder starter Tony Hetzer would have tied the score. A double could have cleared the bases and cleared Euclid's way to the state title.

Federle had his ace reliever—Joe Lind—cranked up in the bullpen.

"But there was no way I was going to put Joe in the game in that situation," said Federle. "I have a lot of respect for Lind, but I wasn't going to put that load on his shoulders. I was going to sink or swim with Tony."

Federle made the correct decision. Hetzer wasn't worried either. The gutsy Elder lefthander had the next Euclid batter's number. John Plantsek, Euclid's left-handed hitting first baseman, had fanned twice in his first three times up against Hetzer. His other try resulted in a pop up to the shortstop.

"I knew I could strike him out," said Hetzer. And he did. On six straight curve balls of varying speeds.

"I've built up a lot of confidence in my curve," said Hetzer. "Planisek did a great job of fighting off a couple pitches. But I knew I could get him if I got the pitch where I wanted it."

"It was just one hell of an effort by Tony," said Federle. "A courageous effort."

A first-inning Elder error opened the way for two unearned runs by Euclid.

The Panthers, who concluded their season at 26–5, got one of the runs back in their half of the first when Tim Murray walked, stole second, went to third on a bad throw by Euclid catcher Greg Wanchim and scored on a sacrifice fly by Greg Bleh.

Elder went ahead 4–3 with three unearned runs in the fourth. Butch Manney opened with a single and moved to second when Greg Langenbrunner reached on an error. Manney scored when Euclid pitcher Stan Kellers threw the ball past third after fielding a sacrifice bunt by Mike Ramstetter. Langenbrunner and Ramstetter then scored on a double by Chris Ward.

The final Elder run came in the sixth when Ramstetter was hit by a pitch, moved to third on a stolen base and throwing error by Wanchim and scored on Ward's second hit of the game.

Ward pulled off a fielding gem in the seventh to save at least one run when he fielded a smash off the bat of Carl Pungerchar and forced Wanchim at second for the second out. Hetzer was then nailed for two solid singles before striking out Planisek.

Middletown Fenwick's quest for the Class A title ended in a nightmare for the Falcons. Hicksville, a small community located on the Indiana state line in northwest Ohio, scored nine times in the top of the eighth to record an 11–2 victory over the Falcons.

STATE CLASS AAA CHAMPIONSHIP

				R	H	E
Euclid	200	000	1—3	9	6	
Elder	100	301	0—5	3	3	

(12KS)

WP—Hetzler, LP—Kellers; 2B Ward (E), Drobnick (Euc); hitting leaders Ward (E) 2–2 and 3 rbi, Lynn (Euc) 2–4, Drobnick (Euc) 2–3, Marie (Euc) 2–3.

PERMISSION FOR SUBCOMMITTEE ON INVESTIGATIONS AND REVIEW OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TODAY AND ON WEDNESDAY AND THURSDAY OF THIS WEEK DURING 5-MINUTE RULE

Mr. GINN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Investigations and Review of the Committee on Public Works and Transportation may be permitted to sit today, and on Wednesday, June 7, and Thursday, June 8, 1978 during the 5-minute rule, for the purpose of completion of oversight hearings on the subject of seatbelt safety.

The SPEAKER pro tempore (Mr. BROWN of California). Is there objection to the question of the gentleman from Georgia?

There was no objection.

REDUCTION IN SPENDING NEEDED

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, I have heard a report that the administration is going to recommend an additional $4 billion reduction in the proposed tax cut in order to help reduce the deficit.

While I very strongly believe we have to reduce the deficit, I am disturbed that the attack upon this problem was not brought about by a reduction in spending in the $500 billion budget. That is where cuts need to be made.

Mr. Speaker, today is primary day in California. There will be a referendum on the ballot, proposition 13, which will reduce taxes. It is there because the people of America know they have had enough. It is there because the people are fed up with bloated budgets and too much government. They have had enough. I do not know what the outcome of that referendum will be, but if I lived in California, I would vote for proposition 13. I have had enough, too.

GENERAL HAIG TO APPEAR BEFORE SUBCOMMITTEE ON NATO

(Mr. DAN DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAN DANIEL. Mr. Speaker, I commend our colleague from Ohio, Mr. SEIBERLING, for his statement and for submitting for publication the article regarding NATO. As chairman of the Subcommittee on NATO Standardization, Interoperability and Readiness, his is a concern I share.

In our hearings we are finding many areas of deficiency,

One of the primary problem areas is that of command and control. The differences in methods and in equipment are so numerous and pervasive as to make effective coordination all but impossible.

The current shortfall in reserve forces is so extensive that mobilization and readiness will be seriously hampered.

Our logistics problems are also significant. The probability of timely resupply is predicated on extensive planning and a lot of luck.

There can be no question but that the Soviet Union has embarked on military ventures in virtually every corner of the world. A strategy of encirclement is evolving. For this reason, if for no other, it is vital to our national interests to preserve and defend mutually what is left of the free world.

This afternoon at 2 p.m., Gen. Alexander M. Haig, Jr., commander in chief, U.S. European Command, will appear before our subcommittee in room 2119, Rayburn House Office Building. Any Members who desire to attend that meeting will be welcomed.

A MUCH NEEDED DEMONSTRATION OF DEMOCRACY

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, as the world's sport eyes turn toward the world cup championship (soccer) games in Buenos Aires, Argentina, I raise a proposition that would demonstrate the great democratic strides made in Argentina over the past few years to the watching world.

I am referring to the continued house arrest of an individual, persecuted for 14 long, lonely months. As my colleagues may remember, I recently took the floor to explain the plight of Mr. Jacobo Timerman, the former editor of the respected national newspaper, La Opinion. Mr. Timerman was arrested and incarcerated over a year ago, while the government tried in vain to substantiate the accusations made against him for vague financial wrongdoings. Failing to justify his imprisonment, the officials released Mr. Timerman, but refused to allow him to leave the country. Today, Mr. Timerman remains under the protection of 40 military guards, while the sluggish judicial system refuses to set a hearing date to clear his name, and allow him to emigrate. However, while awaiting this procedural process, Mr. Timerman and his family have been placed in serious danger, as demonstrated by the assignment of 40 guards.

I believe my colleagues agree with me, that this charade has gone on long enough. As the world focuses on the games, I suggest the best example of "the return to democracy," that can be demonstrated in Argentina, is the safe emigration of Mr. Timerman and his family. The time is perfect for the leaders of that emerging country to make this magnanimous act, while the eyes of the world watch with great jubilation.

I urge the officials of Argentina to effectively demonstrate their "return to democracy" and allow Mr. Timerman and his family to leave. Nothing will have a greater impact on the eyes or the minds of the freedom-loving individuals of the world.

URGING PRESIDENT CARTER TO IGNORE PROPOSAL TO REDUCE DOMESTIC MEAT PRICES BY INCREASING IMPORTS OF FOREIGN BEEF

(Mr. WAMPLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAMPLER. Mr. Speaker, I understand President Carter is considering a proposal by his advisers to reduce domestic meat prices by increasing imports of foreign beef. If taken, this action would be devastating to the U.S. cattle industry and result in even higher meat prices in the long run—as domestic cattle producers are driven out of business by cheaper foreign imports.

I have today sent a telegram to the President urging him to refrain from such action—and I urge Members of this body to consider similar messages in an attempt to alert the White House to this problem. I believe it is obvious that the present situation in the cattle industry—which is just now starting to recover from several years of bad drought and low prices compounded by rising inflation—needs to be brought to the President's attention.

The text of my telegram to Mr. Carter follows:

> I understand you are considering a proposal by your advisers to reduce domestic meat prices by increasing imports of foreign beef. For the sake of the U.S. cattle industry and the long-range stability of consumer prices, I respectfully urge you to refrain from such action at this time. At best, it would do little to curb meat prices; at worst, it would impair the ability of the cattle industry to continue to produce meat at reasonable prices. As you know, the cattle industry is just now starting to recover from five bad years of drought and low prices compounded by rising inflation. Opening the flood gates to foreign meat imports would seriously disrupt this recovery and contribute to even higher beef prices in the long-run due to the reduced number of producers able to survive such action.

AMERICAN SPORTS FISHERMEN WELCOMED ON CANADIAN SIDE OF GREAT LAKES

(Mr. LATTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, yesterday I called the attention of the House to the ridiculous controversy which has been going on between Canada and the United States over hook and line fishing in the Great Lakes. I am pleased to announce that last night Canada decided not to retaliate against the United States ban on Canadians, and will welcome American sports fishermen on its side of the Great Lakes.

Fisheries Minister Romeo Leblanc said yesterday:

> Canadian waters are, in fact, open to recreational and sport fishermen at the moment and for the foreseeable future.

This fishing dispute arose on the west coast and does not involve the Great Lakes. Hopefully, it will be resolved very quickly. I might announce to those Members interested in seeing this matter quickly resolved, there will be a meeting with the State Department at 2 o'clock this afternoon in room 1334. You are welcome to attend.

AMERICAN SPORTS FISHERMEN WELCOMED ON CANADIAN SIDE OF GREAT LAKES

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, I think we should all commend our colleague from Ohio (Mr. LATTA) for bringing this matter to the attention of the House. It certainly was not anticipated that this fishery problem should spill over into the Great Lakes, and particularly into the sports fisheries of the Great Lakes.

I share the feelings of my colleague from Ohio when he commends Minister Leblanc, Fisheries Minister of Canada, and External Affairs Minister Jamieson for not reciprocating against the action

taken by the United States. I hope, Mr. Speaker, that our enforcement officers may be less than zealous in their efforts until we can get this matter resolved and thereby not interfere with the people of both of our Nations enjoying the great sports fisheries in the Great Lakes.

MRS. YOUNG HEE KIM KANG, HEE JAE KANG, HEE JIN KANG, AND HEE SOO KANG

Mr. EILBERG. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3996) for the relief of Mrs. Young Hee Kim Kang, Hee Jae Kang, Hee Jin Kang, and Hee Soo Kang, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert: That, for the purposes of the Immigration and Nationality Act, notwithstanding the death on September 15, 1975, of Jun Kun Kang, who was the beneficiary of an approved petition filed April 22, 1974, in his behalf by his brother, Stanley Shin Kang, a citizen of the United States, Young Hee Kim Kang, the spouse of Jun Kun Kang, and their children, Hee Jae Kang, Hee Jin Kang, and Hee Soo Kang shall, if otherwise eligible, be entitled to fifth preference status under section 203(a)(9) of the Act as of April 22, 1974.

Amend the title so as to read: "An Act for the relief of Young Hee Kim Kang and her children, Hee Jae Kang, Hee Jin Kang, and Hee Soo Kang.".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2401, EMERGENCY INTERIM CONSUMER PRODUCT SAFETY RULE ACT OF 1978

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2401) to amend the Consumer Product Safety Act to establish an interim consumer product safety rule relating to the standards for flame resistance and corrosiveness of certain insulation, and for other purposes, with a House amendment thereto, insist upon the House amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, ECKHARDT, METCALFE, KRUEGER, CARNEY, LUKEN, MOSS, DEVINE, BROYHILL, and RINALDO.

MARKETING PRACTICES ACT

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 130) to provide for the protection of franchised distributors and retailers of motor fuel and to encourage conservation of automotive gasoline and competition in the marketing of such gasoline by requiring that information regarding the octane rating of automotive gasoline be disclosed to consumers, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That this Act may be cited as the "Petroleum Marketing Practices Act".

TABLE OF CONTENTS

TITLE I—FRANCHISE PROTECTION
Sec. 101. Definitions.
Sec. 102. Franchise relationship; termination and nonrenewal.
Sec. 103. Trial franchises and interim franchises; nonrenewal.
Sec. 104. Notification of termination or nonrenewal.
Sec. 105. Enforcement.
Sec. 106. Relationship of this title to State law.
TITLE II—OCTANE DISCLOSURE
Sec. 201. Definitions.
Sec. 202. Octane testing and disclosure requirements.
Sec. 203. Administration and enforcement.
Sec. 204. Relationship of this title to State law.
Sec. 205. Effective dates.
TITLE III—STUDY OF SUBSIDIZATION OF MOTOR FUEL MARKETING

TITLE I—FRANCHISE PROTECTION

DEFINITIONS

SEC. 101. As used in this title:

(1) (A) The term "franchise" means any contract—

(i) between a refiner and a distributor,

(ii) between a refiner and a retailer,

(iii) between a distributor and another distributor, or

(iv) between a distributor and a retailer, under which a refiner or distributor (as the case may be) authorizes or permits a retailer or distributor to use, in connection with the sale, consignment, or distribution of motor fuel, a trademark which is owned or controlled by such refiner or by a refiner which supplies motor fuel to the distributor which authorizes or permits such use.

(B) The term "franchise" includes—

(i) any contract under which a retailer or distributor (as the case may be) is authorized or permitted to occupy leased marketing premises, which premises are to be employed in connection with the sale, consignment, or distribution of motor fuel under a trademark which is owned or controlled by such refiner or by a refiner which supplies motor fuel to the distributor which authorizes or permits such occupancy;

(ii) any contract pertaining to the supply of motor fuel which is to be sold, consigned or distributed—

(I) under a trademark owned or controlled by a refiner; or

(II) under a contract which has existed continuously since May 15, 1973, and pursuant to which, on May 15, 1973, motor fuel was sold, consigned or distributed under a trademark owned and controlled on such date by a refiner; and

(iii) the unexpired portion of any franchise, as defined by the preceding provisions of this paragraph, which is transferred or assigned as authorized by the provisions of such franchise or by any applicable provision of State law which permits such transfer or assignment without regard to any provision of the franchise.

(2) The term "franchise relationship" means the respective motor fuel marketing or distribution obligations and responsibilities of a franchisor and a franchisee which result from the marketing of motor fuel under a franchise.

(3) The term "franchisor" means a refiner or distributor (as the case may be) who authorizes or permits, under a franchise, a retailer or distributor to use a trademark in connection with the sale, consignment, or distribution of motor fuel.

(4) The term "franchisee" means a retailer or distributor (as the case may be) who is authorized or permitted, under a franchise, to use a trademark in connection with the sale, consignment, or distribution of motor fuel.

(5) The term "refiner" means any person engaged in the refining of crude oil to produce motor fuel, and includes any affiliate of such person.

(6) The term "distributor" means any person, including any affiliate of such person, who—

(A) purchases motor fuel for sale, consignment, or distribution to another; or

(B) receives motor fuel on consignment for consignment or distribution to his own motor fuel accounts or to accounts of his supplier, but shall not include a person who is an employee of, or merely serves as a common carrier providing transportation service for, such supplier.

(7) The term "retailer" means any person who purchases motor fuel for sale to the general public for ultimate consumption.

(8) The term "marketing premises" means, in the case of any franchise, premises which, under such franchise, are to be employed by the franchisee in connection with the sale, consignment, or distribution of motor fuel.

(9) The term "leased marketing premises" means marketing premises owned, leased, or in any way controlled by a franchisor and which the franchisee is authorized or permitted, under the franchise, to employ in connection with the sale, consignment, or distribution of motor fuel.

(10) The term "contract" means any oral or written agreement. For supply purposes, delivery levels during the same month of the previous year shall be prima facie evidence of an agreement to deliver such levels.

(11) The term "trademark" means any trademark, trade name, service mark, or other identifying symbol or name.

(12) The term "motor fuel" means gasoline and diesel fuel of a type distributed for use as a fuel in self-propelled vehicles designed primarily for use on public streets, roads, and highways.

(13) The term "failure" does not include—

(A) any failure which is only technical or unimportant to the franchise relationship; or

(B) any failure for a cause beyond the reasonable control of the franchisee.

(14) The terms "fail to renew" and "nonrenewal" mean, with respect to any franchise relationship, a failure to reinstate, continue, or extend the franchise relationship—

(A) at the conclusion of the term, or on the expiration date, stated in the relevant franchise;

(B) at any time, in the case of the relevant franchise which does not state a term of duration or an expiration date; or

(C) following a termination (on or after the date of enactment of this Act) of the relevant franchise which was entered into prior to such date of enactment and has not been renewed after such date.

(15) The term "affiliate" means any person who (other than by means of a franchise) controls, is controlled by, or is under common control with, any other person.

(16) The term "relevant geographic market area" includes a State or a standard metropolitan statistical area as periodically established by the Office of Management and Budget.

(17) The term "termination" includes cancellation.

(18) The term "commerce" means any trade, traffic, transportation, exchange, or other commerce—

(A) between any State and any place outside of such State; or

(B) which affects any trade, transportation, exchange, or other commerce described in subparagraph (A).

(19) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and any other commonwealth, territory, or possession of the United States.

FRANCHISE RELATIONSHIP; TERMINATION AND NONRENEWAL

SEC. 102. (a) Except as provided in subsection (b) and section 103, no franchisor engaged in the sale, consignment, or distribution of motor fuel in commerce may—

(1) terminate any franchise (entered into or renewed on or after the date of enactment of this Act) prior to the conclusion of the term, or the expiration date, stated in the franchise; or

(2) fail to renew any franchise relationship (without regard to the date on which the relevant franchise was entered into or renewed).

(b) (1) Any franchisor may terminate any franchise (entered into or renewed on or after the date of enactment of this Act) or may fail to renew any franchise relationship, if—

(A) the notification requirements of section 104 are met; and

(B) such termination is based upon a ground described in paragraph (2) or such nonrenewal is based upon a ground described in paragraph (2) or (3).

(2) For purposes of this subsection, the following are grounds for termination of a franchise or nonrenewal of a franchise relationship:

(A) A failure by the franchisee to comply with any provision of the franchise, which provision is both reasonable and of material significance to the franchise relationship, if the franchisor first acquired actual or constructive knowledge of such failure—

(i) not more than 120 days prior to the date on which notification of termination or nonrenewal is given, if notification is given pursuant to section 104(a); or

(ii) not more than 60 days prior to the date on which notification of termination or nonrenewal is given, if less than 90 days notification is given pursuant to section 104(b)(1).

(B) A failure by the franchisee to exert good faith efforts to carry out the provisions of the franchise, if—

(i) the franchisee was apprised by the franchisor in writing of such failure and was afforded a reasonable opportunity to exert good faith efforts to carry out such provisions; and

(ii) such failure thereafter continued within the period which began not more than 180 days before the date notification of termination or nonrenewal was given pursuant to section 104.

(C) The occurrence of an event which is relevant to the franchise relationship and as a result of which termination of the franchise or nonrenewal of the franchise relationship is reasonable, if such event occurs during the period the franchise is in effect and the franchisor first acquired actual or constructive knowledge of such occurrence—

(i) not more than 120 days prior to the date on which notification of termination or nonrenewal is given, if notification is given pursuant to section 104(a); or

(ii) not more than 60 days prior to the date on which notification of termination or nonrenewal is given, if less than 90 days notification is given pursuant to section 104(b)(1).

(D) An agreement, in writing, between the franchisor and the franchisee to terminate the franchise or not to renew the franchise relationship, if—

(i) such agreement is entered into not more than 180 days prior to the date of such termination or, in the case of nonrenewal, not more than 180 days prior to the conclusion of the term, or the expiration date, stated in the franchise;

(ii) the franchisee is promptly provided with a copy of such agreement, together with the summary statement described in section 104(d); and

(iii) within 7 days after the date on which the franchise is provided a copy of such agreement, the franchisee has not posted by certified mail a written notice to the franchisor repudiating such agreement.

(E) In the case of any franchise entered into prior to the date of the enactment of this Act and in the case of any franchise entered into or renewed on or after such date (the term of which is 3 years or longer, or with respect to which the franchisee was offered a term of 3 years or longer), a determination made by the franchisor in good faith and in the normal course of business to withdraw from the marketing of motor fuel through retail outlets in the relevant geographic market area in which the marketing premises are located, if—

(i) such determination—

(I) was made after the date such franchise was entered into or renewed, and

(II) was based upon the occurrence of changes in relevant facts and circumstances after such date;

(ii) the termination or nonrenewal is not for the purpose of converting the premises, which are the subject of the franchise, to operation by employees or agents of the franchisor for such franchisor's own account; and

(iii) in the case of leased marketing premises—

(I) the franchisor, during the 180-day period after notification was given pursuant to section 104, either made a bona fide offer to sell, transfer, or assign to the franchisee such franchisor's interests in such premises, or, if applicable, offered the franchisee a right of first refusal of at least 45 days duration of an offer, made by another, to purchase such franchisor's interest in such premises; or

(II) in the case of the sale, transfer, or assignment to another person of the franchisor's interest in such premises in connection with the sale, transfer, or assignment to such other person of the franchisor's interest in one or more other marketing premises, if such other person offers, in good faith, a franchise to the franchisee on terms and conditions which are not discriminatory to the franchisee as compared to franchises then currently being offered by such other person or franchises then in effect and with respect to which such other person is the franchisor.

(3) For the purpose of this subsection, the following are grounds for nonrenewal of a franchise relationship:

(A) The failure of the franchisor and the franchisee to agree to changes or additions to the provisions of the franchise, if—

(i) such changes or additions are the result of determinations made by the franchisor in good faith and in the normal course of business; and

(ii) such failure is not the result of the franchisor's insistence upon such changes or additions for the purpose of preventing the renewal of the franchise relationship.

(B) The receipt of numerous bona fide customer complaints by the franchisor concerning the franchisee's operation of the marketing premises, if—

(i) the franchisee was promptly apprised of the existence and nature of such complaints following receipt of such complaints by the franchisor; and

(ii) if such complaints related to the condition of such premises or to the conduct of any employee of such franchisee, the franchisee did not promptly take action to cure or correct the basis of such complaints.

(C) A failure by the franchisee to operate the marketing premises in a clean, safe, and healthful manner, if the franchisee failed to do so on two or more previous occasions and the franchisor notified the franchisee of such failures.

(D) In the case of any franchise entered into prior to the date of the enactment of this Act (the unexpired term of which, on such date of enactment, is 3 years or longer) and, in the case of any franchise entered into or renewed on or after such date (the term of which was 3 years or longer, or with respect to which the franchisee was offered a term of 3 years or longer), a determination made by the franchisor in good faith and in the normal course of business, if—

(i) such determination is—

(I) to convert the leased marketing premises to a use other than the sale or distribution of motor fuel,

(II) to materially alter, add to, or replace such premises,

(III) to sell such premises, or

(IV) that renewal of the franchise relationship is likely to be uneconomical to the franchisor despite any reasonable changes or reasonable additions to the provisions of the franchise which may be acceptable to the franchisee;

(ii) with respect to a determination referred to in subclause (II) or (IV), such determination is not made for the purpose of converting the leased marketing premises to operation by employees or agents of the franchisor for such franchisor's own account; and

(iii) in the case of leased marketing premises such franchisor, during the 90-day period after notification was given pursuant to section 104, either—

(I) made a bona fide offer to sell, transfer, or assign to the franchisee such franchisor's interests in such premises; or

(II) if applicable, offered the franchisee a right of first refusal of at least 45-days duration of an offer, made by another, to purchase such franchisor's interest in such premises.

(c) As used in subsection (b)(2)(C), the term "an event which is relevant to the franchise relationship and as a result of which termination of the franchise or nonrenewal of the franchise relationship is reasonable" includes events such as—

(1) fraud or criminal misconduct by the franchisee relevant to the operation of the marketing premises;

(2) declaration of bankruptcy or judicial determination of insolvency of the franchisee;

(3) continuing severe physical or mental disability of the franchisee of at least 3 months duration which renders the franchisee unable to provide for the continued proper operation of the marketing premises;

(4) loss of the franchisor's right to grant possession of the leased marketing premises through expiration of an underlying lease, if the franchisee was notified in writing, prior to the commencement of the term of the then existing franchise—

(A) of the duration of the underlying lease, and

(B) of the fact that such underlying lease might expire and not be renewed during the term of such franchise (in the case of termination) or at the end of such term (in the case of nonrenewal);

(5) condemnation or other taking, in whole or in part, of the marketing premises pursuant to the power of eminent domain;

(6) loss of the franchisor's right to grant the right to use the trademark which is the subject of the franchise, unless such loss was due to trademark abuse, violation of Federal or State law, or other fault or

negligence of the franchisor, which such abuse, violation, or other fault or negligence is related to action taken in bad faith by the franchisor;

(7) destruction (other than by the franchisor) of all or a substantial part of the marketing premises;

(8) failure by the franchisee to pay to the franchisor in a timely manner when due all sums to which the franchisor is legally entitled;

(9) failure by the franchisee to operate the marketing premises for—

(A) 7 consecutive days, or

(B) such lesser period which under the facts and circumstances constitutes an unreasonable period of time;

(10) willful adulteration, mislabeling or misbranding of motor fuels or other trademark violations by the franchisee;

(11) knowing failure of the franchisee to comply with Federal, State, or local laws or regulations relevant to the operation of the marketing premises; and

(12) conviction of the franchisee of any felony involving moral turpitude.

(d) In the case of any termination of a franchise (entered into or renewed on or after the date of enactment of this Act), or in the case of any nonrenewal of a franchise relationship (without regard to the date on which such franchise relationship was entered into or renewed)—

(1) if such termination or nonrenewal is based upon an event described in subsection (c)(5), the franchisor shall fairly apportion between the franchisor and the franchisee compensation, if any, received by the franchisor based upon any loss of business opportunity or good will; and

(2) if such termination or nonrenewal is based upon an event described in subsection (c)(7) and the leased marketing premises are subsequently rebuilt or replaced by the franchisor and operated under a franchise, the franchisor shall, within a reasonable period of time, grant to the franchisee a right of first refusal of the franchise under which such premises are to be operated.

TRIAL FRANCHISES AND INTERIM FRANCHISES; NONRENEWAL

SEC. 103. (a) The provisions of section 102 shall not apply to the nonrenewal of any franchise relationship—

(1) under a trial franchise; or

(2) under an interim franchise.

(b) For purposes of this section—

(1) The term "trial franchise" means any franchise—

(A) which is entered into on or after the date of enactment of this Act;

(B) the franchisee of which has not previously been a party to a franchise with the franchisor;

(C) the initial term of which is for a period of not more than 1 year; and

(D) which is in writing and states clearly and conspicuously—

(i) that the franchise is a trial franchise;

(ii) the duration of the initial term of the franchise;

(iii) that the franchisor may fail to renew the franchise relationship at the conclusion of the initial term stated in the franchise by notifying the franchisee, in accordance with the provisions of section 104, of the franchisor's intention now to renew the franchise relationship; and

(iv) that the provisions of section 102, limiting the right of a franchisor to fail to renew a franchise relationship, are not applicable to such trial franchise.

(2) The term "trial franchise" does not include any unexpired period of any term of any franchise (other than a trial franchise, as defined by paragraph (1)) which was transferred or assigned by a franchise to the extent authorized by the provisions of the franchise or any applicable provision of State law which permits such transfer or assignment, without regard to any provision of the franchise.

(3) The term "interim franchise" means any franchise—

(A) which is entered into on or after the date of the enactment of this Act;

(B) the term of which, when combined with the terms of all prior interim franchises between the franchisor and the franchisee, does not exceed 3 years;

(C) the effective date of which occurs immediately after the expiration of a prior franchise, applicable to the marketing premises, which was not renewed if such nonrenewal—

(i) was based upon a determination described in section 102(b)(2)(E), and

(ii) the requirements of section 102(b)(2)(E) were satisfied; and

(D) which is in writing and states clearly and conspicuously—

(i) that the franchise is an interim franchise;

(ii) the duration of the franchise; and

(iii) that the franchisor may fail to renew the franchise at the conclusion of the term stated in the franchise based upon a determination made by the franchisor in good faith and in the normal course of business to withdraw from the marketing of motor fuel through retail outlets in the relevant geographic market area in which the marketing premises are located if the requirements of section 102(b)(2)(E) (ii) and (iii) are satisfied.

(c) If the notification requirements of section 104 are met, any franchisor may fail to renew any franchise relationship—

(1) under any trial franchise, at the conclusion of the initial term of such trial franchise; and

(2) under any interim franchise, at the conclusion of the term of such interim franchise, if—

(a) such nonrenewal is based upon a determination described in section 102(b)(2)(E); and

(B) the requirements of section 102(b)(2)(E) (ii) and (iii) are satisfied.

NOTIFICATION OF TERMINATION OR NONRENEWAL

SEC. 104. (a) Prior to termination of any franchise or nonrenewal of any franchise relationship, the franchisor shall furnish notification of such termination or such nonrenewal to the franchise who is a party to such franchise or such franchise relationship—

(1) in the manner described in subsection (c); and

(2) except as provided in subsection (b), not less than 90 days prior to the date on which such termination or nonrenewal takes effect.

(b)(1) In circumstances in which it would not be reasonable for the franchisor to furnish notification, not less than 90 days prior to the date on which termination or nonrenewal takes effect, as required by subsection (a)(2)—

(A) such franchisor shall furnish notification to the franchisee affected thereby on the earliest date on which furnishing of such notification is reasonably practicable; and

(B) in the case of leased marketing premises, such franchisor—

(i) may not establish a new franchise relationship with respect to such premises before the expiration of the 30-day period which begins—

(I) on the date notification was posted or personally delivered, or

(II) if later, on the date on which such termination or nonrenewal takes effect; and

(ii) may, if permitted to do so by the franchise agreement, repossess such premises and, in circumstances under which it would be reasonable to do so, operate such premises through employees or agents.

(2) In the case of any termination of any franchise or any nonrenewal of any franchise relationship pursuant to the provisions of section 102(b)(2)(E) or section 103(c)(2), the franchisor shall—

(A) furnish notification to the franchisee not less than 180 days prior to the date on which such termination or nonrenewal takes effect; and

(B) promptly provide a copy of such notification, together with a plan describing the schedule and conditions under which the franchisor will withdraw from the marketing of motor fuel through retail outlets in the relevant geographic area, to the Governor of each State which contains a portion of such area.

(c) Notification under this section—

(1) shall be in writing;

(2) shall be posted by certified mail or personally delivered to the franchise; and

(3) shall contain—

(A) a statement of intention to terminate the franchise or not to renew the franchise relationship, together with the reasons therefor;

(B) the date on which such termination or nonrenewal takes effect; and

(C) the summary statement prepared under subsection (d).

(d)(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Energy shall prepare and publish in the Federal Register a simple and concise summary of the provisions of this title, including a statement of the respective responsibilities of, and the remedies and relief available to, any franchisor and franchisee under this title.

(2) In the case of summaries required to be furnished under the provisions of section 102(b)(2)(D) or subsection (c)(3)(C) of this section before the date of publication of such summary in the Federal Register, such summary may be furnished not later than 5 days after it is so published rather than at the time required under such provisions.

ENFORCEMENT

SEC. 105. (a) If a franchisor fails to comply with the requirements of section 102 or 103, the franchisee may maintain a civil action against such franchisor. Such action may be brought, without regard to the amount in controversy, in the district court of the United States in any judicial district in which the principal place of business of such franchisor is located or in which such franchisee is doing business, except that no such action may be maintained unless commenced within 1 year after the later of—

(1) the date of termination of the franchise or nonrenewal of the franchise relationship; or

(2) the date the franchisor fails to comply with the requirements of section 102 or 103.

(b)(1) In any action under subsection (a), the court shall grant such equitable relief as the court determines is necessary to remedy the effects of any failure to comply with the requirements of section 102 or 103, including declaratory judgment, mandatory or prohibitive injunctive relief, and interim equitable relief.

(2) Except as provided in paragraph (3), in any action under subsection (a), the court shall grant a preliminary injunction if—

(A) the franchisee shows—

(i) the franchise of which he is a party has been terminated or the franchise relationship of which he is a party has not been renewed, and

(ii) there exist sufficiently serious questions going to the merits to make such questions a fair ground for litigation; and

(B) the court determines that, on balance, the hardships imposed upon the franchisor by the issuance of such preliminary injunctive relief will be less than the hardship

which would be imposed upon such franchisee if such preliminary injunctive relief were not granted.

(3) Nothing in this subsection prevents any court from requiring the franchisee in any action under subsection (a) to post a bond, in an amount established by the court, prior to the issuance or continuation of any equitable relief.

(4) In any action under subsection (a), the court need not exercise its equity powers to compel continuation or renewal of the franchise relationship if such action was commenced—

(A) more than 90 days after the date on which notification pursuant to section 104(a) was posted or personally delivered to the franchisee;

(B) more than 180 days after the date on which notification pursuant to section 104 (b)(2) was posted or personally delivered to the franchisee; or

(C) more than 30 days after the date on which the termination of such franchise or the nonremoval of such franchise relationship takes effect if less than 90 days notification was provided pursuant to section 104(b)(1).

(c) In any action under subsection (a), the franchisee shall have the burden of proving the termination of the franchise or the nonrenewal of the franchise relationship. The franchisor shall bear the burden of going forward with evidence to establish as an affirmative defense that such termination of nonrenewal was permitted under section 102(b) or 103, and if applicable, that such franchisor complied with the requirements of section 102(d).

(d)(1) If the franchise prevails in any action under subsection (a), such franchisee shall be entitled—

(A) consistent with the Federal Rules of Civil Procedure, to actual damages;

(B) in the case of any such action which is based upon conduct of the franchisor which was in willful disregard of the requirements of section 102 or 103, or the rights of the franchisee thereunder, to exemplary damages, where appropriate; and

(C) to reasonable attorney and expert witness fees to be paid by the franchisor, unless the court determines that only nominal damages are to be awarded to such franchisee, in which case the court, in its discretion, need not direct that such fees be paid by the franchisor.

(2) The question of whether to award exemplary damages and the amount of any such award shall be determined by the court and not by a jury.

(3) In any action under subsection (a), the court may, in its discretion, direct that reasonable attorney and expert witness fees be paid by the franchisee if the court finds that such action is frivolous.

(e)(1) In any action under subsection (a) with respect to a failure of a franchisor to renew a franchise relationship in compliance with the requirements of section 102, the court may not compel a continuation or renewal of the franchise relationship if the franchisor demonstrates to the satisfaction of the court that—

(A) the basis for such nonrenewal is a determination made by the franchisor in good faith and in the normal course of business—

(i) to convert the leased marketing premises to a use other than the sale or distribution of motor fuel,

(ii) to materially alter, add to, or replace such premises,

(iii) to sell such premises,

(iv) to withdraw from the marketing of motor fuel through retail outlets in the relevant geographic market area in which the marketing premises are located, or

(v) that renewal of the franchise relationship is likely to be uneconomical to the franchisor despite any reasonable changes or reasonable additions to the provisions of the franchise which may be acceptable to the franchisee; and

(B) the requirements of section 104 have been complied with.

(2) The provisions of paragraph (1) shall not affect any right of any franchisee to recover actual damages and reasonable attorney and expert witness fees under subsection (d) if such nonrenewal is prohibited by section 102.

RELATIONSHIP OF THIS TITLE TO STATE LAW

SEC. 106. (a) To the extent that any provision of this title applies to the termination (or the furnishing of notification with respect thereto) of any franchise, or to the nonrenewal (or the furnishing of notification with respect thereto) of any franchise relationship, no State or any political subdivision thereof may adopt, enforce, or continue in effect any provision of any law or regulation (including any remedy or penalty applicable to any violation thereof) with respect to termination (or the furnishing of notification with respect thereto) of any such franchise or to the nonrenewal (or the furnishing of notification with respect thereto) of any such franchise relationship unless such provision of such law or regulation is the same as the applicable provision of this title.

(b) Nothing in this title authorizes any transfer or assignment of any franchise or prohibits any transfer or assignment of any franchise as authorized by the provisions of such franchise or by any applicable provision of State law which permits such transfer or assignment without regard to any provision of the franchise.

TITLE II—OCTANE DISCLOSURE

DEFINITIONS

SEC. 201. As used in this title:

(1) The term "octane rating" means the rating of the antiknock characteristics of a grade or type of automotive gasoline as determined by dividing by 2 the sum of the research octane number plus the motor octane number, unless another procedure is prescribed under section 203(c)(3), in which case such term means the rating of such characteristics as determined under the procedure so prescribed.

(2) The terms "research octane number" and "motor octane number" have the meanings given such terms in the specifications of the American Society for Testing and Materials (ASTM) entitled "Standard Specifications for Automotive Gasoline" designated D 439 (as in effect on the date of the enactment of this Act) and, with respect to any grade or type of automotive gasoline, are determined in accordance with test methods set forth in ASTM standard test methods designated D 2699 and D 2700 (as in effect on such date).

(3) The term "knock" means the combustion of a fuel spontaneously in localized areas of a cylinder of a spark-ignition engine, instead of the combustion of such fuel progressing from the spark.

(4) The term "gasoline retailer" means any person who markets automotive gasoline to the general public for ultimate consumption.

(5) The term "refiner" means any person engaged in—

(A) the refining of crude oil to produce automotive gasoline; or

(B) the importation of automotive gasoline.

(6) The term "automotive gasoline" means gasoline of a type distributed for use as a fuel in any motor vehicle.

(7) The term "motor vehicle" means any self-propelled four-wheeled vehicle, of less than 6,000 pounds gross vehicle weight, which is designed primarily for use on public streets, roads, and highways.

(8) The term "new motor vehicle" means any motor vehicle the equitable or legal title to which has not previously been transferred to an ultimate purchaser.

(9) The term "ultimate purchaser" means, with respect to any item, the first person who purchases such item for purposes other than resale.

(10) The term "manufacturer" means any person who imports, manufactures, or assembles motor vehicles for sale.

(11) The term "octane requirement" means, with respect to automotive gasoline for use in a motor vehicle or a class thereof, imported, manufactured, or assembled by a manufacturer, the minimum octane rating of such automotive gasoline which such manufacturer recommends for the efficient operation of such motor vehicle, or a substantial portion of such class, without knocking.

(12) The term "model year" means a manufacturer's annual production period (as determined by the Federal Trade Commission) for motor vehicles or a class of motor vehicles. If a manufacturer has no annual production period, the term "model year" means the calendar year.

(13) The term "commerce" means any trade, traffic, transportation, exchange, or other commerce—

(A) between any State and any place outside of such State; or

(B) which affects any trade, transportation, exchange, or other commerce described in subparagraph (A).

(14) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam and any other commonwealth, territory, or possession of the United States.

(15) The term "person", for purposes of applying any provision of the Federal Trade Commission Act with respect to any provision of this title, includes a partnership and a corporation.

(16) The term "distributor" means any person who receives gasoline and distributes such gasoline to another person other than the ultimate purchaser.

OCTANE TESTING AND DISCLOSURE REQUIREMENTS

SEC. 202. (a) Each refiner who distributes automotive gasoline in commerce shall—

(1) determine the octane rating of any such gasoline; and

(2) if such refiner distributes such gasoline to any person other than the ultimate purchaser, certify, consistent with the determination made under paragraph (1), the octane rating of such gasoline.

(b) Each distributor who receives automotive gasoline, the octane rating of which is certified to him under this section, and distributes such gasoline in commerce to another person other than the ultimate purchaser shall certify to such other person the octane rating of such gasoline consistent with—

(1) the octane rating of such gasoline certified to such distributor; or

(2) if such distributor elects (at such time and in such manner as the Federal Trade Commission may, by rule, prescribe), the octane rating of such gasoline determined by such distributor.

(c) Each gasoline retailer shall display in a clear and conspicuous manner, at the point of sale to ultimate purchasers of automotive gasoline, the octane rating of such gasoline, which octane rating shall be consistent with—

(1) the octane rating of such gasoline certified to such retailer under subsection (a)(2) or (b);

(2) if such gasoline retailer elects (at such time and in such manner as the Federal Trade Commission may, by rule, prescribe), the octane rating of such gasoline determined by such retailer for such gasoline; or

(3) if such gasoline retailer is a refiner, the octane rating of such gasoline determined under subsection (a)(1).

(d) The Federal Trade Commission shall, by rule, prescribe requirements, applicable to any manufacturer of new motor vehicles, with respect to the display on each such motor vehicle (or representation in connection with the sale of each such motor vehicle) of the octane requirement of such motor vehicle.

(e) No person who distributes automotive gasoline in commerce may make any representation respecting the antiknock characteristics of such gasoline unless such representation fairly discloses the octane rating of such gasoline consistent with such gasoline's octane rating as certified to or determined by such person under the foregoing provisions of this section.

(f) For purposes of this section, the octane rating of any automotive gasoline shall be considered to be certified, displayed, or represented by any person consistent with the rating certified to, or determined by, such person—

(1) in the case of automotive gasoline which consists of a blend of two or more quantities of automotive gasoline of differing octane ratings, only if the rating certified, displayed, or represented by such person is the average of the octane ratings of such quantities, weighted by volume; or

(2) in the case of gasoline which does not consist of such a blend, only if the octane rating such person certifies, displays, or represents is the same as the octane rating of such gasoline certified to, or determined by, such person.

(g) The foregoing provisions of this section shall not apply—

(1) to any representation (by displaying at the point of sale or by other means) of any characteristics of any automotive gasoline other than its octane rating; or

(2) to the identification of automotive gasoline at the point of sale (or elsewhere) by the trademark, trade name, or other identifying symbol or mark used in connection with the sale of such gasoline.

(h) Any display or representation, with respect to the octane requirement of any motor vehicle, required to be made under any rule prescribed under subsection (d) shall not create an express or implied warranty under State or Federal law that any automotive gasoline the octane rating of which equals or exceeds such octane requirement—

(1) may be used as a fuel in all motor vehicles of the same class as that motor vehicle without knocking; or

(2) may be used as a fuel in such motor vehicle under all operating conditions without knocking.

ADMINISTRATION AND ENFORCEMENT

SEC. 203. (a) The Federal Trade Commission shall have procedural, investigative, and enforcement powers, including the power to issue procedural rules in enforcing compliance with the requirements of this title and rules prescribed pursuant to the requirements of this title, to further define terms used in this title, and to require the filing of reports, the production of documents, and the appearance of witnesses, as though the applicable terms and conditions of the Federal Trade Commission Act were part of this title.

(b)(1) The Environmental Protection Agency shall—

(A) conduct field testing of the octane rating of automotive gasoline, comparing the tested octane rating of gasoline at retail outlets with the octane rating posted at those outlets;

(B) certify the results of such tests and comparisons to the Federal Trade Commission; and

(C) notify the Federal Trade Commission of any failure to post the octane rating discovered in the course of such field testing.

(2) The Federal Trade Commission may enter into interagency agreements with the Environmental Protection Agency and such other agencies of the United States as the Commission determines appropriate for the purpose of assuring enforcement of the provisions of this title in a manner which is consistent with—

(A) minimizing the cost of field inspection and related compliance activities; and

(B) reducing duplication of similar or related field compliance activities performed by agencies of the United States.

(c)(1) Not later than 6 months after the date of the enactment of this Act, the Federal Trade Commission shall, by rule, prescribe and make effective—

(A) a uniform method by which a person may certify to another the octane rating of automotive gasoline; and

(B) a uniform method of displaying the octane rating of automotive gasoline at the point of sale to ultimate purchasers.

(2) Effective on and after the effective date of the rule prescribed under paragraph (1), any person—

(A) shall be considered to satisfy the requirements of subsection (a) or (b) of section 202, as the case may be, only if such person complies with the requirements established pursuant to paragraph (1)(A); and

(B) shall be considered to satisfy the requirements of section 202(c) only if such person complies with the requirements established pursuant to paragraph (1)(B).

(3) The Federal Trade Commission may, by rule, prescribe procedures for determination of the octane rating of automotive gasoline which varies from that prescribed in section 201(1). In prescribing such rule, the Commission—

(A) shall consider—

(i) ease of administration and enforcement; and

(ii) industry practices in the distribution and marketing of automotive gasoline; and

(B) may permit adjustments in such octane rating to take into account the effects of altitude, temperature, and humidity.

(4) The Federal Trade Commission may, by rule, prescribe and make effective a method of determining the octane rating of automotive gasoline which consists of a blend of two or more quantities of automotive gasoline of different octane ratings if the Federal Trade Commission finds that the method prescribed more accurately reflects the octane rating of such blend than the weighted-average method set forth in section 202(f)(1). Effective on and after the effective date of such rule, any person shall be considered to satisfy the requirements of section 202(f)(1) only if such person utilizes the method prescribed in such rule (in lieu of the method set forth in section 202(f)(1)).

(d)(1) Except as provided in paragraph (2), rules under this title shall be prescribed in accordance with section 553 of title 5, United States Code, except that interested persons shall be afforded an opportunity to present written and oral data, views, and arguments with respect to any proposed rule.

(2) Rules prescribed under subsection (c)(3) and section 202(d) shall be prescribed on the record after opportunity for an agency hearing.

(3) Section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) shall not apply with respect to any rule prescribed under this title.

(e) It shall be an unfair or deceptive act or practice in or affecting commerce (within the meaning of section 5(a)(1) of the Federal Trade Commission Act) for any person to violate subsection (a), (b), (c), or (e) of section 202, or a rule prescribed under subsection (d) of such section. For purposes of the Federal Trade Commission Act (including any remedy or penalty applicable to any violation thereof) such a violation shall be treated as a violation of a rule under such Act respecting unfair or deceptive acts or practices; except that for purposes of section 5(m)(1)(A) of such Act, the term "or knowledge fairly implied on the basis of objective circumstances" shall not apply to any violation by any gasoline retailer of the requirements of section 202(c) or (e).

RELATIONSHIP OF THIS TITLE TO STATE LAW

SEC. 204. To the extent that any provision of this title applies to any act or omission, no State or any political subdivision thereof may adopt, enforce, or continue in effect any provision of any law or regulation (including any remedy or penalty applicable to any violation thereof) with respect to such act or omission, unless such provision of such law or regulation is the same as the applicable provision of this title.

EFFECTIVE DATES

SEC. 205. (a) Sections 202(a)(1) and 203(b) shall take effect on the first day of the first calendar month beginning more than 6 months after the date of the enactment of this Act.

(b) Subsections (a)(2), (b), (c), and (e) of section 202 shall take effect on the first day of the first calendar month beginning more than 9 months after such date of enactment.

(c) Rules under section 202(d) may not take effect earlier than the beginning of the first motor vehicle model year which begins more than 9 months after such date of enactment.

TITLE III—STUDY OF SUBSIDIZATION OF MOTOR FUEL MARKETING

SEC. 301. (a) The Secretary of Energy, in consultation with the Chairman of the Federal Trade Commission and the Attorney General and other agencies as the Secretary deems appropriate, shall conduct a study of the extent to which producers, refiners, and other suppliers of motor fuel subsidize the sale of such motor fuel at retail or wholesale with profits obtained from other operations.

(b) Such study shall examine—

(1) the role of vertically integrated operations in facilitating subsidization of sales of motor fuel at wholesale or retail;

(2) the extent to which such subsidization is predatory and presents a threat to competition;

(3) the profitability of various segments of the petroleum industry;

(4) the impact of prohibiting such subsidization on the competitive viability of various segments of the petroleum industry, on prices of motor fuel to consumers and on the health and structure of the petroleum industry as a whole; and

(5) such other matters as the Secretary considers appropriate.

(c) In conducting the study required by this section, the Secretary shall give appropriate notice and afford interested persons an opportunity to present written and oral data, views and arguments concerning such study.

(d)(1) The Secretary shall report the results of the study required by this section, together with such recommendations for legislative action and such statistical evidence as he deems appropriate to the Congress on or before the expiration of the eighteenth month after the date of enactment of this section.

(2) If the President determines that interim measures are necessary and appropriate to maintain the competitive viability of the marketing sector of the petroleum industry during Congressional consideration of the recommendations contained in the report submitted under paragraph (1), he shall prescribe, by rule, in accordance with the procedures set forth in section 523(a) of the Energy Policy and Conservation Act (42 U.S.C. 6393) such interim measures.

(3) No interim measure proposed by the President under this section may be sub-

mitted after January 1, 1980, and the effect of such measures if approved by the Congress under paragraph (4) may not extend beyond 18 months after such Congressional approval.

(4) Such interim measures shall not take effect unless approved by both Houses of Congress as if it were a contingency plan under section 552 of the Energy Policy and Conservation Act (42 U.S.C. 6422): *Provided*, That the 60-day period referred to in such section shall be extended to 90 days for purposes of this section.

(e) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Mr. DINGELL (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the Senate amendment, and that it be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. BROWN of Ohio. Mr. Speaker, I do not reserve the right to object to this request but I reserve the right to object to the taking up of the legislation. I shall not object but I want to protect my right to ask questions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan to dispense with further reading?

There was no objection.

The SPEAKER pro tempore. Is there objection to the first request of the gentleman from Michigan?

Mr. BROWN of Ohio. Mr. Speaker, reserving the right to object, I have no objection to the consideration of this legislation. It is a piece of legislation on which the Senate and House have come to general agreement. It is part of a package understanding that the members of the Energy and Power Subcommittee, both the majority and minority, have come to with the administration that relates to an administrative action of the administration in regard to pricing of and allocation of motor gasoline.

The proposal for the removal of price and allocation controls from motor gasoline will be submitted to the House, I believe, later today or tomorrow. Prior to that submission the gentleman from Michigan and I wanted to be sure that the so-called dealer-day-in-court legislation, which is what we now have under consideration, can be passed by both bodies and signed by the President and become law, so that the distributors, the individual service station operators are protected by certain rights extended to them in this legislation, rights which I think all Members of the House fully understand because we passed the legislation under suspension last April. Therefore I will not go into the extensive details of the legislation but would like to ask the gentleman from Michigan to please explain the changes in the House bill that the amendment he is offering by unanimous consent makes.

Mr. DINGELL. Mr. Speaker, will my good friend, the gentleman from Ohio, yield?

Mr. BROWN of Ohio. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I would like to begin by commending my friend, the gentleman from Ohio, for the gentlemanly way in which he has assisted me in working on this particular piece of legislation and I wish to have his help known to my colleagues.

Mr. Speaker, the Senate adopted a number of amendments of a technical nature to title I of H.R. 130. The Senate adopted a procedural amendment to title II of H.R. 130. And the Senate adopted a new title, title III, dealing with competition and economic issues relating to gasoline marketing.

With respect to title I, the Senate expanded the coverage of the title to include marketers which have lost their brand or trademark licenses but have continued to receive motor fuel supplies through a continuation of supply agreements with their historical suppliers under allocation controls. The effect of this amendment is merely to permit supply agreements which, despite a subsequent withdrawal of a trademark, have existed continuously since May 15, 1973, to be treated as franchises for purposes of title I.

A second amendment to title I addresses a problem related to the term "distributor." The House bill could have required distinguishing a consignee's accounts from those of his supplier. As a result, a consignee might have been treated as a distributor with respect to some accounts but not with respect to others. Rather than attempting to delineate a means for making this determination, the Senate amendment treats a consignee as a distributor regardless of whether the account is that of the consignee or of his supplier. However, the Senate amendment includes a provision paralleling language contained in the House report. This provision excludes from the definition of distributor employees of a supplier as well as persons who merely provide transportation services for the supplier. Therefore, the Senate amendment retains the distinction that independent entrepreneurs are to be treated as distributors while employees of a supplier and common carriers are not.

Another Senate amendment addresses the question of contracts which do not reflect the actual gallonage which a franchisor has been supplying to the franchisee. For a number of reasons, in many cases, contracts have not been revised to reflect actual volumes. The Senate amendment assures that the supply protection of title I is based upon actual volumes supplied under the established pattern of business rather than on gallonage specified in contracts which no longer reflect the supply practices of the parties. It is my understanding that this amendment is not intended to substitute for clear and explicit supply terms in recent contracts where those terms are intended by the parties to govern their relationship. The amendment permits the franchisor or franchisee to introduce evidence of past delivery levels. This evidence would raise a rebuttal presumption that an agreement exists to deliver the same monthly gallonage of motor fuel that the franchisor sold to the franchisee during the corresponding months of the previous year.

Another Senate amendment to title I deals with the vulnerability of rural States to market withdrawals by major suppliers of motor fuels. The Senate amendment addresses this matter by affording the governors of affected States advance notice of a franchisor's plans to withdraw from the marketing of motor fuel through retail outlets in a relevant market area.

With respect to title II of H.R. 130, a floor amendment was adopted making the Environmental Protection Agency directly responsible for the field testing of the octane rating of automobile gasoline. The House bill provided a similar testing program; however, the Senate amendment clarifies the responsibilities of the EPA and improves the coordination of the EPA's actions with the responsibilities of the FTC under this title.

Title III of the Senate amendment is a new title. The introduced bill contained a title III which dealt with the issue of subsidization of marketing by refiners and other suppliers with profits derived from crude oil production, refining operations, or other marketing activities. This title raised significant questions relating to market structure, competition, and consumer protection. The title was therefore deleted prior to consideration of H.R. 130 by the full House. After lengthy debate of this issue, the Senate followed the lead of the House by not adopting any legislative requirements dealing with this matter. Instead, the Senate approved a study of petroleum marketing subsidization issues. This study is intended to focus on market subsidization by both refiners and other marketers and will explore questions relating to market structure, competition, and consumer cost. The Secretary of the Department of Energy is required to consult both the chairman of the FTC and Attorney General in the preparation of this study. Title III does not authorize regulatory action to be taken dealing with these subsidization questions without further action of both Houses of Congress through future legislative action.

I thank the gentleman for yielding.

Mr. BROWN of Ohio. Mr. Speaker, further reserving the right to object, let me ask just two or three other questions. The amendment offered by the unanimous consent request of the gentleman to title I, the same substance as the amendment to title I added to the legislation by the other body, makes an addition to the House bill definition of "contract." This additional language states that delivery levels during the same month of the previous year shall be prima facie evidence of an agreement to deliver such levels in subsequent years. Is it the gentleman's understanding that the additional language only applies to contracts which do not reflect the actual gallonages which the franchisor is supplying the franchisee?

Mr. DINGELL. Will the gentleman from Ohio yield?

Mr. BROWN of Ohio. I will be glad to yield to the gentleman.

Mr. DINGELL. The answer to the question is yes.

Mr. BROWN of Ohio. The amendment offered by the unanimous consent re-

quest of the gentleman adds a new title III, the same substance as the title III added to the legislation by the other body, to provide for a study of subsidization of motor fuel marketing. Is it the understanding of the gentleman that this study shall be comprehensive in nature and shall extend to the total market so that not only refiner-marketers are examined as to the extent that they subsidize sales of motor fuel, but also that wholesaler-jobbers who supply more than one outlet are studied to determine the extent to which they subsidize sales of motor fuel.

Mr. DINGELL. Will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman.

Mr. DINGELL. I wish to agree with the gentleman, again making it clear, however, that these Senate amendments, in which the House is being called upon to concur, did not originate with the gentleman from Michigan.

Mr. BROWN of Ohio. However, the gentleman is offering them at this point for consideration by the House.

Mr. DINGELL. I do that. The answer to the question, however, again is yes.

Mr. BROWN of Ohio. Is it also the understanding of the gentleman that the study previously referred to should examine the extent to which present pricing practices of refiners and wholesalers of motor gasoline may in fact be resulting in lower prices of motor fuel to ultimate consumers?

Mr. DINGELL. Will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman for yielding.

The answer to the question is again yes.

Mr. BROWN of Ohio. Finally, let me say to the gentleman from Michigan and the gentleman from West Virginia that I met yesterday at some length with officials of the Department of Energy, including Mr. John O'Leary, who have advised me that it is the plan of the Department of Energy to use the existing EIA P–302 and 306 forms by which they gather information from refineries, plus revised Bureau of Labor Statistics and Census surveys, in order to give them sufficient information regarding supply and price and market distribution to meet the minimum statutory requirements of the legislation under consideration at this point. This will also apparently be adequate to meet the obligations of the Department of Energy imposed in the environmental impact assessments, I have been advised. It is my understanding, therefore, that they will not require extensive or burdensome reporting by individual service station operators marketing gasoline products when DOE can get that information with a great deal less redtape, a great deal less paperwork, and a great deal less burden on the entire marketing system, by getting it from the refiners.

Mr. DINGELL. Will the gentleman from Ohio yield?

Mr. BROWN of Ohio. I yield to the gentleman from Michigan.

Mr. DINGELL. We have gone into the question of the decontrol proposal which will be shortly before the House and which we anticipate will be submitted by the Department of Energy with regard to motor vehicle gasoline. It is the understanding of the gentleman from Michigan that gasoline decontrol will not propose extensive new monitoring action by the Department of Energy which would impose burdens upon industry, nor will it contain a price trigger for the reimposition of controls.

Mr. BROWN of Ohio. That is also my understanding.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I thank the gentleman for yielding.

I want to congratulate the gentleman from Ohio and the gentleman from Michigan (Mr. DINGELL) for the good work they have done in bringing this bill to the floor today and urge passage of it, with no one objecting to it because the bill represents a long overdue action that should have been taken by this Congress long ago to protect the independent retailers at the marketplace who deal with this subject when they go to get gasoline from the suppliers.

They just take away their supply arbitrarily and just say they are not dealing with them any more. This protects thousands of those, perhaps hundreds of thousands of those across America and also protects the motorists from increasing competition with the independent dealers there and also helps reduce costs; so I want to compliment the gentleman from Ohio and the gentleman from Michigan for working this out with the Senate and hope it passes the House. It is long overdue.

Mr. BROWN of Ohio. Mr. Speaker, finally, let me compliment the gentleman from West Virginia, who made this legislation possible. The gentleman always adds to the interest of our Nation in the conduct of that committee and also in the conduct of this legislation. This is a prime example.

Mr. Speaker, let me add my commendation to the chairmanship of the gentleman from Michigan (Mr. DINGELL), with whom it is my pleasure to work. We do not always craft perfect legislation, but in this case we have come very close under the gentleman's leadership, with a certain contribution of the gentleman from Ohio who occasionally gets the gentleman from Michigan to agree with some of my viewpoints.

Mr. DINGELL. Mr. Speaker, will the gentleman from Ohio yield?

Mr. BROWN of Ohio. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I wish to commend my friend. The gentleman from Ohio has been a valuable player in this small drama. The gentleman's contribution is great and I wish to have the House and the gentleman's constituents know what the gentleman did in getting this through in the form in which it is. I commend the gentleman.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman, and for fear someone will want to call for a quorum to hear these remarks that are being exchanged between the gentleman from Michigan, the gentleman from West Virginia, and myself, I think I had better withdraw my objection so we can get the legislation passed and go on to other business.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the first request of the gentleman from Michigan?

There was no objection.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated, and after those motions, to be determined by "nonrecord" votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

REFUGE REVENUE SHARING ACT OF 1978

Mr. LEGGETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8394) to provide for payments to local governments based upon the acreage of the National Wildlife Refuge System which is within their boundaries, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 401 of the Act of June 15, 1935 (commonly referred to as the "Refuge Revenue Sharing Act", 16 U.S.C. 715s), is amended as follows:

(1) Subsection (a) is amended—

(A) by striking out in the first sentence thereof—

"(a) Beginning with the next fiscal year" and all that follows thereafter down through "shall be covered" and inserting in lieu thereof the following:

"(a) All revenues received during each fiscal year by the Secretary in connection with the operation and management of fee areas and reserve areas from—

"(1) the sale or disposition of animals, salmonoid carcasses, products of the soil (including, but not limited to, timber, hay, and grass), minerals (including, but not limited to, crude petroleum and natural gas), shells, sand, and gravel;

"(2) leases for public accommodations or facilities incidental to, but not in conflict with, the major purposes of such areas; and

"(3) other privileges;

shall be covered".; and

(B) by striking out the third sentence thereof.

(2) Subsection (b) is amended by inserting "and revenue-sharing" immediately after "revenue-producing"; and by striking out "set forth in subsection (a)".

(3) Subsections (c), (d), (e), (f), and (g) are amended to read as follows:

"(c) (1) The Secretary shall pay out of the fund, for each fiscal year beginning with the fiscal year ending September 30, 1979, to each

county in which is situated any fee area whichever of the following amounts is greater:

"(A) An amount equal to the product of 75 cents multiplied by the total acreage of that portion of the fee area which is located within such county.

"(B) An amount equal to three-fourths of 1 per centum of the fair market value, as determined by the Secretary, of that portion of the fee area (excluding any improvements thereto made after the date of Federal acquisition) which is located within such county.

"(C) An amount equal to 25 per centum of the net receipts collected by the Secretary in connection with the operation and management of such fee area during such fiscal year; but if a fee area is located in two or more counties, the amount each such county is entitled to shall be the amount which bears to such 25 per centum the same ratio as that portion of the fee area acreage which is within such county bears to the total acreage of such fee area.

"(2) to each county in which is situated any reserve area an amount equal to 25 per centum of the net receipts collected by the Secretary in connection with the operation and management of such reserve area during such fiscal year; but if a reserve area is located in two or more counties, the amount each such county is entitled to shall be the amount which bears to such 25 per centum the same ratio as that portion of the reserve area acreage which is within such county bears to the total acreage of such reserve area.

The Secretary shall pay out of the fund, for each fiscal year beginning with the fiscal year ending September 30, 1979.

"(3) For purposes of this section, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands shall each be treated as a county.

"(4)(A) For purposes of determining the fair market value of fee areas under paragraph (1)(B), the Secretary shall—

"(i) appraise before September 30, 1978, all fee areas for which payments under this section were not authorized for fiscal years occurring before October 1, 1977; and

"(ii) appraise all other fee areas, within five years after the date of the 1978 amendment to this subsection, in the order in which such areas were first established by the Service.

After initial appraisal under clause (i) or (ii), each fee area shall thereafter be reappraised by the Secretary at least once during each five-year period occurring after the date of the initial appraisal. Until any fee area referred to in clause (ii) is initially appraised under this subparagraph, the fair market value of such area shall be deemed to be that adjusted cost of the area which was used to determine payments under this subsection for fiscal year 1977; and in no case may the amount of any payment to any local government under paragraph (1)(B) with respect to any fee area be less than the amount paid under paragraph (2)(A) of this subsection (as in effect on September 30, 1977) with respect to such area.

"(B) The Secretary shall make the determinations required under this subsection in such manner as the Secretary considers to be equitable and in the public interest. All such determinations shall be final and conclusive.

"(5)(A) Each county which receives payments under paragraphs (1) and (2) with respect to any fee area or reserve area shall distribute, under guidelines established by the Secretary, such payments on a proportional basis to those units of local government (including, but not limited to, school districts and the county itself in appropriate cases) which have incurred the loss or reduction of real property tax revenues by reason of the existence of such area. In any case in which a unit of local government other than the county acts as the collecting and distributing agency for real property taxes, the payments under paragraphs (1) and (2) shall be made to such other unit which shall distribute the payments in accordance with the guidelines.

"(B) The Secretary may prescribe regulations under which payments under this paragraph may be made to units of local government in cases in which subparagraph (A) will not effect the purposes of this paragraph.

"(C) Payments received by units of local government under this subsection may be used by such units for any governmental purpose.

"(d) If the net receipts in the fund which are attributable to revenue collections for any fiscal year do not equal the aggregate amount of payments required to be made for such fiscal year under subsection (c) to counties, there are authorized to be appropriated to the fund an amount equal to the difference between the total amount of net receipts and such aggregate amount of payments.

"(e) If the net receipts in the fund which are attributable to revenue collections for any fiscal year exceed the aggregate amount of payments required to be made for such fiscal year under subsection (c) to counties, the amount of such excess shall be transferred to the Migratory Bird Conservation Fund for use in the acquisition of suitable areas for migratory bird refuges under the provisions of the Migratory Bird Conservation Act (16 U.S.C. 715–715r).

"(f) The Secretary shall carry out any revenue producing activity referred to in subsection (a) (1), (2), and (3) within any fee area or reserve area subject to such terms, conditions, or regulations, including sales in the open markets, as the Secretary determines to be in the best interest of the United States. The Secretary may, in accordance with such regulations as the Secretary may prescribe, dispose of animals which are surplus to any area by exchange of the same or other kinds, gift or loan to public institutions for exhibition or propagation purposes, and for the advancement of knowledge and the dissemination of information relating to the conservation of wildlife.

"(g) As used in this section—

"(1) The term 'Secretary' means the Secretary of the Interior.

"(2) The term 'fee area' means any area which was acquired in fee by the United States and is administered, either solely or primarily, by the Secretary through the Service.

"(3) The term 'reserve area' means any area of land withdrawn from the public domain and administered, either solely or primarily, by the Secretary through the Service.

"(4) The term 'Service' means the United States Fish and Wildlife Service."

(4) Such section is amended by adding at the end thereof the following new subsection:

"(h) In administering the Act of October 20, 1976 (Public Law 94–565, 31 U.S.C. 1601–1607), for fiscal years occurring after September 30, 1978—

"(1) reserve areas shall be deemed to be entitlement lands for purposes of section 6(a) of such Act; and

"(2) payments received by any unit of local government pursuant to subsection (c)(2) shall be deemed to be payments under a provision of law specified in section 4 of such Act.".

(b) Title IV of such Act of June 15, 1935, is amended by amending the center heading immediately perceding section 401 thereof to read as follows:

"TITLE IV—PARTICIPATION OF LOCAL GOVERNMENTS IN REVENUE FROM AREAS ADMINISTERED BY THE UNITED STATES FISH AND WILDLIFE SERVICES".

SEC. 2. The amendments made by this Act shall apply with respect to payments made to counties under title IV of the Act of June 15, 1935, for the fiscal year ending September 30, 1979, and for fiscal years thereafter; except that the amendments made to such title IV which amend section 401(a) and (g), add paragraph (4) to section 401(c), and amend the title heading shall take effect on the date of the enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. RUPPE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from California (Mr. LEGGETT) will be recognized for 20 minutes, and the gentleman from Michigan (Mr. RUPPE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 8394. H.R. 8394 amends the Refuge Revenue Sharing Act which was originally passed by Congress in 1935. That act provides for payments to counties containing national wildlife refuges. These payments are intended to partially offset the loss of tax revenues and other economic dislocations associated with the creation of a national wildlife refuge. H.R. 8394 revises the existing refuge revenue sharing system and ends a number of inequities in the system that have developed over the years.

The existing Refuge Revenue Sharing Act recognizes that the National Wildlife Refuge System serves all Americans by protecting and enhancing national wildlife. It attempts to ease the financial burden created by the presence of large blocks of refuge land within local jurisdictions. Unfortunately, the act has become outdated, and increasingly, payments under it are not able to adequately compensate counties for loss of tax revenues. As a result, many counties throughout the country have been actively opposing the acquisition of new refuge lands by the U.S. Fish and Wildlife Service. The State of North Dakota, for example, recently enacted legislation requiring the Fish and Wildlife Service to receive the approval of county commissioners before purchasing wetlands. This legislation is desperately needed so that we can move forward with our wetlands acquisition program. There are five major problems with the existing law which H.R. 8394 would correct. First, the act provides payments to local jurisdictions only to the extent of the net receipts from the refuge system. In 1976 and 1977 payments to counties were reduced by 28 percent because of insufficient receipts. H.R. 8394 would have any deficits made up through appropriations.

Second, the payment formula used to establish local entitlements for land acquired in fee does not reflect the real potential tax value of the property. Payments under this legislation would be

based on the fair market value of the acquired land and would more adequately reflect its true tax value.

Third, in the existing law, any payment to a local entity for public domain land depends on the ability of the property to produce net revenues. Since many of the refuge lands were acquired to provide a protective enclave for our national wildlife, the revenue produced on these properties is minimal or nonexistent. H.R. 8394 corrects this inequity by treating refuge public domain land the same way we treat national park, forest and BLM land under the Payment in Lieu of Taxes Act passed in the 94th Congress.

Fourth, the existing act limits the expenditure of revenue sharing funds to schools and roads. The demands on local governments have grown steadily over the years. No longer are counties solely concerned with building roads and administering schools. Local administrators should have the flexibility in determining how revenue sharing funds can best serve local residents.

Fifth, the existing law fails to provide for any payments to any units of local government other than counties. H.R. 8394 recognizes that in some parts of the country there are townships and municipalities that levy property taxes and provide essential services. These units, as much as any county, can suffer from the presence of a wildlife refuge. H.R. 8394 includes a passthrough provision which allows these units to share in payments with any qualifying county in the area.

The Congressional Budget Office estimates that this legislation will cost the Federal Government about $3.3 million in fiscal year 1979 and $15.3 million in fiscal year 1980. This estimate assumes no increases in revenues from the refuge system. It may be, however, that the proposed new refuges in Alaska, which are believed to contain significant mineral resources, could make the refuge revenue sharing program self-sufficient in time.

The provisions of H.R. 8394 are modeled after the Payment in Lieu of Taxes Act which did not include wildlife refuges. H.R. 8394 is not identical to that act, however. The committee determined that wildlife refuges tend to place a greater burden on local economies than do parks or forests which can in fact improve the economic picture in a local area. The national park system and the National Wildlife Refuge System are approximately the same size, yet the park system attracts 10 times the number of annual visitors. The Park Service has sponsored a number of economic impact studies which have invariably shown that tourist expenditures are of major importance to regional economies located near parks. Refuges, in contrast, usually provide little or no economic benefit to local governments. This legislation would offset that adverse economic impact.

The bill before the House today includes several technical amendments which were added at the request of the Budget Committee to insure that the legislation complies with section 401 of the Budget Act.

Mr. Speaker, I yield such time as he may consume to one of the coauthors of the bill, the gentleman from Georgia (Mr. GINN).

Mr. GINN. Mr. Speaker, I rise to urge the passage of this important proposal, H.R. 8394. This revision to the Refuge Revenue Sharing Act, initially enacted by Congress in 1935, is important to the communities throughout this country which pay the price of the loss of economic benefits and tax dollars, because of the acquisition of land by the Federal Government for wildlife refuges. As is the case in my own district, I am sure that these communities are proud of the contribution being made to the preservation of critical wildlife habitat by the establishment of these refuges, but I do feel that it is incumbent upon the Federal Government to provide some sort of equitable compensation to these local communities for the loss of these tax dollars.

No provision proposed in the Congress could feasibly provide full reimbursement to these communities for the loss of the economic opportunities available from the private utilization of these lands. However, the bill before us today does provide significant relief to these communities—enough relief, I believe, to continue strong community support for the maintenance of our Nation's wildlife refuges.

I must say, Mr. Speaker, that I am quite disappointed that the administration has stated its opposition to our proposal, for the bill is designed to assist the Wildlife Service in its efforts to continue to acquire land for critical wildlife habitat management. The administration has stated that the refuges should have been incorporated in the payments-in-lieu-of-taxes bill, Public Law 94–565, which was enacted 2 years ago. This indicates to me a failure to look at the legislative history of both payments-in-lieu-of-taxes and refuge revenue sharing statutes, as well as the lack of understanding of the prerogatives of the Congress.

In 1976, the House voted not to include refuges in Public Law 94–565, because it was felt that the Merchant Marine and Fisheries Committee needed to review proposed changes to the refuge revenue sharing system, which was not possible during consideration of the payments-in-lieu bill, and that the special nature of refuge land classification should be considered in providing compensation to local communities. The Merchant Marine Committee and its Subcommittee on Fisheries and Wildlife Conservation and the Environment have been thorough and precise in their consideration of this proposal. It was the unanimous opinion of the full committee that the refuge revenue sharing proposal presented today is the best approach for insuring proper and equitable treatment to the local jurisdictions which support refuges, fish hatcheries, and other facilities operated by the Fish and Wildlife Service.

The reason for this determination, Mr. Speaker, is that refuges do not generate the volume of receipts from mining or timber interests that other classifications of Federal lands do, and the general pattern throughout the country is that a wildlife refuge is vastly more restricted to visitation than say a national park. The formula, therefore, for aiding local jurisdictions must take these factors into account, and it is unreasonable to assume that the payments-in-lieu formula previously enacted by Congress is applicable in these situations.

For example, Mr. Speaker, studies show that within 5 years of the establishment of a national park, the economic benefits which accrue to the local community can be equated with the removal of the land from the tax rolls. As such, the formula under the Payments-in-Lieu Act provided for special transition payments, over and above the basic payments in the bill, for the first 5 years after acquisition.

This is not the case for wildlife refuges, for national parks have 10 times the visitors that refuges do. Therefore, the Merchant Marine Committee has called for a lower level of payments, but makes those payments permanent.

In conclusion, Mr. Speaker, permit me to cite an example of the effect of this proposal in my district.

The Okefenokee National Wildlife Refuge is partly located in my district. This is an ecological treasure of national significance, but it creates a problem for my constituents. Approximately 175,000 acres of the refuge are located in Charlton County. The county commissioners tell me that if this land were in private ownership, it would yield $2.20 per acre in taxes, or $388,000. The revenue sharing payments in the county for the refugee for fiscal year 1977 were only $46,000, or 26 cents per acre. This places a $342,000 burden on the local taxpayers.

My district is far from unique in this problem, Mr. Speaker, as there are fish and wildlife units in 543 counties in all of the States and 3 territories. Although there is a wide variation in the impact on local jurisdictions, there is a real need to treat local jurisdictions fairly when they happen to have areas within their boundaries which contribute to national and international goals. I urge my colleagues to take this into consideration and support our efforts to provide a more equitable system of payments to local communities which service lands administered by the U.S. Fish and Wildlife Service.

Mr. LEGGETT. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINN) for his important contribution in planning this legislation with our other colleagues. He has certainly helped us steer the bill to the floor at this point.

Mr. RUPPE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the special mission of the National Wildlife Refuge System is to establish, manage, and safeguard a national network of lands and waters sufficient in size, diversity, and location to protect, now and in the future, the wildlife heritage of America. Today, the National Wildlife Refuge System, which was started by President Theodore Roosevelt in 1903 with the designation of the Pelican Island National Wildlife Refuge in Florida, has grown to include 385 units in 49 States. These refuges

comprise approximately 35 million acres of diverse wildlife habitat.

Today, the Service's refuge acquisition program is threatened by local opposition generated by inadequate payments in lieu of taxes to counties in which refuge lands are located. The present refuge revenue sharing program, which has been in effect since the 1930's, suffers from many weaknesses. First, and foremost, is the fact that moneys generated from activities occurring on refuge lands, such as the sale of timber, hay, or gravel, are insufficient to cover the amount of moneys owed to counties. In 1977, because of inadequate refuge receipts, payments were reduced by 26 percent. If present trends continue, it is estimated that by 1983 payments to counties will be reduced by 75 percent.

Second, refuge revenue sharing payments may only be used for public schools and roads. This limitation fails to recognize the expanding role of local governments and their pressing need for general revenues.

Third, refuge revenue sharing payments are not based on the fair market value of the land. Instead, the existing law requires that the land values be established by increasing the original purchase price by the annual inflation index. Since many refuges were acquired in the 1930's when land values were extremely depressed, the result is that payments in lieu of taxes do not reflect today's market value of the land.

The final flaw in the existing system is that payments are made exclusively to counties. There is no recognition that other units of local government also suffer losses of revenue because of refuge acquisitions.

Mr. Speaker, these deficiencies in the current refuge revenue sharing program have manifested themselves in increasing local opposition to refuge acquisition. North Dakota, for example, has enacted legislation requiring that County Commissioners approve any proposed Federal wetlands acquisition. Pursuant to the Wetlands Loan Act, no lands can be purchased within a State unless the Governor agrees and the action of North Dakota could effectively block further acquisitions in this State.

Unless immediate action is taken to rectify the inequities of the existing payment-in-lieu-of-taxes system for the National Wildlife Refuge System, I fear that critically important wildlife habitat will not be acquired. The resulting loss of wildlife habitat to developmental pressure can have no other effect but to decrease the quality of life in America.

It is for these reasons that I support H.R. 8394, which authorizes payments to counties and other units of local government which have suffered losses of revenue because of refuge acquisitions. The legislation before us today also requires that payments be based on the fair market value of the land involved and it eliminates the restriction that such payments may be used only for public schools and roads. Finally, and most important, H.R. 8394 provides that if refuge receipts are insufficient to cover the amount of moneys owned local governments, then general appropriations shall be available to make up the difference.

Mr. Speaker, without the enactment of H.R. 8394, the goals for which the National Wildlife Refuge System was established cannot be met. Therefore. I urge the adoption of this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. FORSYTHE).

Mr. FORSYTHE. Mr. Speaker, I rise in support of H.R. 8394, which will provide payments in lieu of taxes to local governments whose jurisdiction includes lands within the National Wildlife Refuge System. The National Wildlife Refuge System, which comprises 35 million acres of critical wildlife habitat, is larger than the States of Rhode Island, Delaware, and Ohio combined. It consists of 385 refuges in 49 States and attracted an estimated 30 million visitors in 1977.

Conceived in 1903 by President Theodore Roosevelt as a means of protecting wildlife habitat, the refuge system is today threatened by an inability to acquire additional wildlife habitat because of the opposition of local governments because payments in lieu of taxes under the existing refuge revenue sharing program are substantially less than would be received by the local governments concerned if the lands were in private ownership.

The roots of this problem are found in the basic statute. Payments in lieu of taxes for acquired refuge lands are based upon "adjusted land values." The current value of the land is established by adding the annual cost-of-living index to the original acquisition price. Given the low land prices which dominated the depression area when many refuges were acquired, this system of adjusting land price does not accurately reflect the fair market value of the land today. Thus, where payments are made according to adjusted land values, counties receive small amounts which many find unacceptable.

The second major weakness of the existing law is that payments to counties must be made from revenues received from activities, such as grazing, which may occur in refuges. When total receipts are less than that needed to cover all payments, the amount of money received by the counties is reduced proportionately. In 1976, receipts were insufficient to cover required payments and, as a result, payments to counties were reduced by 27 percent. In 1977, insufficient refuge receipts forced a 26 percent reduction of payments to qualifying counties. The U.S. Fish and Wildlife Service estimates that if present trends continue, by 1983 counties will receive only 25 percent of the amount to which they are entitled.

These back-to-back reductions in payments, combined with the fact that payments are not based on the fair market value of the land, are the primary causes of local resistance to the Fish and Wildlife Service's important habitat acquisition program.

The significance of this growing opposition to refuges derives from the fact that under the Wetlands Loan Act of 1961, no land can be acquired with funds from the Migratory Bird Conservation Fund unless the acquisition has been approved by the Governor of the State. There is a legitimate concern that many counties will begin using this provision of the Wetlands Loan Act to actively resist further refuge acquisition. Already, North Dakota has enacted legislation prohibiting refuge acquisitions in that State unless approved by county commissioners and wetlands valuable to wildlife and to the public may be lost as a result.

Mr. Speaker, the viability of much of North America's waterfowl population depends on preserving this Nation's shrinking wetland habitat. Any reduction in the wetlands acquisition program could ultimately spell disaster for our irreplaceable waterfowl resources. In 1976, the Fish and Wildlife Service identified approximately 1.9 million acres of migratory bird habitat that should be protected and began a 10-year accelerated acquisition program. Without a refuge revenue sharing program that will provide equitable and consistent payments to counties, land acquisition will be severely restricted and one of this country's most important legislative tools for protecting waterfowl habitat will be rendered ineffective.

It is for these reasons that the Committee on Merchant Marine and Fisheries approved H.R. 8394. This legislation will provide an equitable system of compensating local governmental units which have incurred losses because of refuge acquisitions. This legislation insures that payments will be based on the fair market value of the lands involved, rather than on the adjusted value of the lands. Equally important is the fact that H.R. 8394 changes the existing law to provide that counties shall distribute any funds they receive from the act to other units of local government which have suffered revenue losses because of refuge acquisitions. Under the current law, payments are made to counties which have no responsibility to redistribute the funds according to actual loss. Finally, H.R. 8394 provides that if money from net receipts are insufficient to cover payments due under the program, funds from the general treasury shall be available to make up the difference.

Mr. Speaker, H.R. 8394 represents a reasonable and effective mechanism for compensation local governments for the loss of revenue incurred because of refuge acquisition. I fear that without a program such as this our Wildlife Refuge System acquisition program will be crippled. In an era when developmental pressures are destroying fish and wildlife habitat and threatening the rich diversity of species with which this Nation is blessed, I believe it is critical that the U.S. Fish and Wildlife Service have the ability to protect diminishing wildlife habitat. For these reasons, I urge the adoption of this legislation.

Mr. RUPPE. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. STEIGER), one of the original authors of the bill.

Mr. STEIGER. Mr. Speaker, I thank

my colleague, the gentleman from Michigan (Mr. RUPPE), for yielding.

Mr. Speaker, this bill which my distinguished colleague, the gentleman from Georgia (Mr. GINN) and I have sponsored is the result of a long series of negotiations and an awful lot of effort by the chairman of the subcommittee and the ranking member, my friend, the gentleman from California (Mr. LEGGETT) and my friend, the gentleman from New Jersey (Mr. FORSYTHE), and their staffs, as well as the Fish and Wildlife Service of the Department of the Interior. All have played just an extraordinary role.

Mr. Speaker, I am grateful to them. I thank all of them for the time and effort they have spent on this legislation.

Obviously, Mr. Speaker, I urge support for the bill and hope that it passes.

Mr. Speaker, this bill (H.R. 8394) extends the payments-in-lieu of taxes concept to our National Wildlife Refuge Lands System. It is designed to provide equitable compensation to local units of government on the same basis that local governments are now compensated for Federal lands in national parks, national forests, our wilderness lands, areas administered by the Bureau of Land Management, and water resource lands associated with the Army Corps of Engineers and the Bureau of Reclamation.

When Congress enacted the payments-in-lieu of taxes concept through the vehicle of Public Law 94–565 2 years ago, I was delighted to see Congress acting in good faith on the recommendations of the Public Land Law Review Commission. In its report to the President and the Congress, the Commission made a compelling argument that the Federal Government should compensate local governments for the tax immunity of their Federal lands. The Commission strongly emphasized the obligation of the United States to make certain that the burden of its public lands is spread among all the people of the Nation, and is not borne only by those governments in whose areas the lands are located.

At the same time, I was dismayed that Public Law 94–565 excluded our national wildlife refuge lands from this compensatory payments program. H.R. 8394 is intended to remedy that exclusion, which resulted primarily from technical and legal problems.

Our national wildlife refuge system comprises a great treasure of natural resources. The system was established when Gifford Pinchot and President Theodore Roosevelt designated our first refuge at Pelican Island, Fla., in 1903. The drought-stricken decade of the thirties added its own momentum to the growth of the system. Today, in the midst of our own generation's "conservation ethic" we are now confronted with a special responsibility to revise and update the laws which govern our wildlife refuge system. This is especially true if we are to make continued progress in conserving our natural resources and extending our wildlife habitat acquisition programs which are an integral part of the wildlife refuge system.

When units of local government contain lands owned by the Federal Government, they are deprived of the property taxes these lands would otherwise generate. Under Federal ownership, these lands are immune from taxation. Affected local governments suffer under a double strain in these circumstances. Revenues fall, and the presence of Federal lands often leads to increased demand for local government services. Law enforcement, sanitation, rescue services, and fire protection are only some of the services local governments must provide whether the land is federally owned or not. And the full array of these services must be provided from a reduced tax base.

I appreciate that local units of government are currently receiving payments under the existing Refuge Revenue Sharing Act of 1935, as amended. But the current payments are entirely inadequate. Payments at present are limited to the sharing of net receipts from sales generated by the refuge lands themselves. During the past 2 years, payments to local units of government have been reduced by more than 25 percent because revenues have failed to keep pace with entitlements. In fact the Fish and Wildlife Service now estimates this fund will be exhausted by 1983, unless efforts are now made to update the existing law. H.R. 8394 provides an authorization for appropriations to counteract any shortfall between receipts collected from refuges, and payments due local jurisdictions.

This bill further provides a new mechanism for the reappraisal of refuge land by the Fish and Wildlife Service every 5 years, rather than relying on the agricultural index averages which are not reflective of the true value of the land removed from local tax roles.

H.R. 8394 also removes the restriction that payments may be used by local jurisdictions only for roads and schools. Counties also will be required to pass on a proportional share of the payments to the local governments which have incurred the loss or reduction of real property tax revenues.

It is important to note that this bill applies to refuge lands that have been acquired by the Federal Government, and not to public domain lands which have never been on the local tax rolls. The domain lands will be subject to the basic payments made under Public Law 94–565.

For acquired lands, counties would receive the greater of 75 cents per acre, three-fourths of 1 percent of the fair market value of the land, as determined by the Secretary of the Interior under the new appraisal mechanism, or 25 percent of the net receipts collected by the Secretary from the area.

If receipts from wildlife refuges continue on the level of the past few years, it is estimated that the additional cost to the Treasury will increase from $3.5 million in fiscal year 1979 to $14.6 million in fiscal 1983. However, if receipts increase, as we may expect if oil and gas development continues on our refuge lands, there may well be no additional cost to the Treasury under this proposed revision.

Mr. Speaker, H.R. 8394 provides an urgently needed remedy. A county containing a national wildlife refuge experiences the same double strain that a county containing a national park or national forest experiences. It makes no difference to a county now unable to provide needed services, into which classification of Interior Department lands the Federal areas fall. Equally important, local governments containing wildlife refuges also feel the second strain, that of increased demand for local government services.

The needs I have pointed out can be met, and equity can be attained by passing H.R. 8394.

Mr. LEGGETT. Mr. Speaker, will the gentleman yield?

Mr. STEIGER. I am delighted to yield to the chairman, the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Speaker, certainly this shows that the committee keeps its promises. The gentleman from Wisconsin (Mr. STEIGER) extracted a promise from the committee when we heard the "in lieu" bill in the 94th Congress that we would hear this matter. We have moved diligently, and in a period of 2 years we have brought this matter back, and we are virtually in unanimous agreement on the importance of the legislation and its effectiveness.

Mr. Speaker, the gentleman from Wisconsin (Mr. STEIGER) was certainly pivotal, along with the gentleman from Georgia (Mr. GINN), in bringing this bill to the committee and in the effort to get it passed.

I thank the gentleman very much.

Mr. STEIGER. Mr. Speaker, I thank my chairman very, very much. He has kept his promise.

I am thankful for the fact that when I was dismayed with what was happening to the other bill, the gentleman was willing to take this legislation on. I do appreciate ever so much what the gentleman has done to bring this about.

Mr. RUPPE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I want to add my support to H.R. 8394, the refuge revenue sharing bill and commend my colleagues from Wisconsin (Mr. STEIGER) and my friend, Mr. GINN, for their insight and leadership in authoring this meaningful legislation. I would also like to recognize the key roles played by my colleague from California (Mr. LEGGETT), chairman of the Fisheries and Wildlife Conservation Subcommittee, and the distinguished gentleman from New Jersey (Mr. FORSYTHE), who together advanced the proposal through the subcommittee and full committee and on to the floor of the House of Representatives today.

The Congress first enacted the Refuge Revenue Sharing Act in 1935 to compensate counties for the tax dollars lost when lands are taken from the tax rolls and placed in the National Wildlife Refuge System. I have always strongly supported this revenue sharing concept, and have worked to improve it, as well as other existing revenue sharing programs of this type, which greatly assist

our counties. I am, therefore, pleased to see these essential amendments which reflect present day circumstances and the greater demands being placed on our counties for local services.

Most importantly, the bill addresses the inequity created by the lack of sufficient funds to cover the counties' entitlements under the act which forced the U.S. Fish and Wildlife Service to reduce by 27 percent the payments made in 1976.

The bill relies on our experience with the Payment in Lieu of Taxes Act which was initiated in our Interior and Insular Affairs Committee and was enacted during the last Congress. This legislation establishes a payment system modeled after the formulas we developed. It follows our concept of distinguishing between lands acquired in fee and lands withdrawn from the public domain. As we know from our close work with the counties on the payment in lieu of taxes bill, lands withdrawn directly from the tax rolls have a far greater financial impact on local government's ability to fund local services.

For lands acquired in fee the counties will receive the greater of 75 cents per acre, three-fourths of 1 percent of the fair market value of the land, or 25 percent of the net receipts from the area. In addition, if receipts are insufficient to meet all payments, the legislation authorizes appropriations to provide the necessary funds.

Protection of the wetland habitat is essential to the continued viability of our North American waterfowl population. This legislation provides us with the legislative tools for encouraging establishment of additional refuges where needed while minimizing the hardship on localities faced with a reduction in property taxes.

I urge my colleagues to support this meaningful and progressive piece of legislation.

● Mr. MURPHY of New York. Mr. Speaker, H.R. 8394 is an important piece of legislation which is designed to insure the continued viability of our national wildlife refuge system. The National wildlife refuge system represents the world's greatest network of lands managed for the benefit of wildlife. This network now includes some 386 separate units ranging from the Arctic Ocean to the South Pacific and encompassing over 32 million acres of the Nation's best wildlife habitat. The natural areas these units protect are as diverse and complex as the wildlife species that live on them.

That national wildlife refuge system serves all Americans, both urban and rural, by protecting and enhancing our national wildlife. Unfortunately, too often the costs of the refuge system are inequitably borne by the local governments adjacent to established refuges. The Refuge Revenue Sharing Act, originally passed in 1935, recognizes this basic fact, and attempts to alleviate the economic dislocation associated with the creation of a wildlife refuge. The act provides for payments to counties containing national wildlife refuges. These payments are intended to partially offset the loss of tax revenues which occurs when taxable lands become public lands within the refuge system.

Although the Refuge Revenue Sharing Act has been amended since its original enactment in 1935, the act continues to contain a number of inequities which work to the detriment of counties containing refuges and the national wildlife refuge system as a whole. H.R. 8394 would correct these inequities.

One of the biggest problems with the existing law is that payments to local governments are limited to the extent of receipts from the refuge system. In 1976 and again in 1977 these receipts were insufficient to cover the county's entitlement under the act. As a result, payments to counties had to be reduced by 28 percent in each year. H.R. 8394 would insure that counties receive the total amount of their entitlement.

H.R. 8394 will do more than insure that counties receive adequate payments under the act, it will moderate growing local opposition to new refuge acquisitions. Under the Wetlands Loan Act, no land can be acquired with funds from the Migratory Bird Conservation Fund unless the acquisition has been approved by the Governor of the State. The committee is concerned that resistance to the Nation's acquisition program will accelerate absent an equitable revision of the Refuge Revenue Sharing Act.

In 1976, the Fish and Wildlife Service identified some 1.9 million acres of migratory bird habitat that should be protected and began a 10-year accelerated acquisition program. In his environmental message, President Carter recommended a budget increase of $10 million a year for the wetland acquisitions program. Without a refuge revenue sharing program that will provide equitable and consistent payments to the counties, however, the acquisition program will be severely restricted and one of the Nation's most important legislative tools for protecting wetlands will become ineffective.●

Mr. LEGGETT. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. LEGGETT) that the House suspend the rules and pass the bill H.R. 8394, as amended.

The question was taken.

Mr. SYMMS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 3 of rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LEGGETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered, H.R. 8394.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

NORTH PACIFIC FISHERIES ACT AMENDMENTS

Mr. LEGGETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12637) to amend the North Pacific Fisheries Act of 1954, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the North Pacific Fisheries Act of 1954 (16 U.S.C. 1021 et seq.) is amended as follows:

(1) Section 2 is amended—

(A) by amending subsection (a) to read as follows:

"(a) 'Convention' means the International Convention for the High Seas Fisheries of the North Pacific Ocean with a protocol and annex relating thereto signed at Tokyo, May 9, 1952, as amended by the Protocol Amending the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Tokyo, April 25, 1978."; and

(B) by striking out subsection (e) and inserting in lieu thereof the following:

"(e) 'Fishery conservation zone' means the fishery conservation zone of the United States established by section 101 of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.).

"(f) 'Fishing vessel' means—

"(1) any vessel engaged in catching fish within the Convention area or in processing or transporting fish loaded in the Convention area;

"(2) any vessel outfitted to engage in any activity described in paragraph (1); or

"(3) any vessel in normal support of any vessel described in paragraph (1) or (2).

"(g) 'Permit' means a permit issued by the Secretary of State in cooperation with the Secretary under section 13 of this Act.

"(h) 'Secretary' means the Secretary of Commerce.".

(2)(A) Section 3(a) is amended to read as follows:

"SEC. 3. (a) The United States shall be represented on the Commission by not more than four United States Commissioners to be appointed by the President and serve at his pleasure. Each United States Commissioner shall be appointed for a term of office of not to exceed four years, but is eligible for reappointment. Any United States Commissioner may be appointed for a term of less than four years if such appointment is necessary to insure that the terms of office of not more than one Commissioner will expire in any one year. Of the Commissioners, who shall receive no compensation for their services as Commissioners—

"(1) one shall be an official of the United States Government;

"(2) two shall be residents of the State of Alaska; and

"(3) one shall be a resident of a State (other than Alaska) the residents of which maintain a substantial fishing in the Convention area.

An individual is not eligible for appointment under paragraph (2) or (3) as a Commissioner unless the individual is knowledgeable or experienced concerning the fisheries covered by the Convention.".

(B) The amendment made by paragraph (A) shall take effect on the sixtieth day after the date of the enactment of this Act.

(3) Section 4 is amended—

(A) by amending subsection (a) to read as follows:

"SEC. 4. (a) The United States Section shall appoint an advisory committee of not less than six and not more than twenty-one members and shall fix the terms of office thereof. The members shall be appointed from among—

"(1) individuals who are knowledgeable or

experienced with respect to the fisheries covered by the Convention; and

"(2) officers and employees of the fishery agencies of States the residents of which maintain a substantial fishery in the Convention area;

except that two-thirds of the membership of the committee shall consist of individuals, appointed under paragraphs (1) and (2), who are residents of Alaska."; and

(B) by amending the second sentence of subsection (d) to read as follows:

"On approval by the United States Section, not more than five members of the committee, designated by the committee, shall be paid for transportation expenses and per diem incident to attendance at meetings of the Commission or the United States Section; except that in the case in which—

"(1) one member is so designated, such member shall be from among the members representing Alaska;

"(2) two or three members are so designated, two members shall be from among those representing Alaska; and

"(3) four or five members are so designated, three members shall be from among those representing Alaska.".

(4) Section 6 is amended to read as follows:

"SEC. 6. The Secretary of State, with the concurrence of the Secretary, may accept or reject, on behalf of the United States, recommendations made by the Commission in accordance with article III, section 1 of the Commission.".

(5) Section 7 is amended to read as follows:

"SEC. 7. (a) The Secretary shall administer and, except to the extent otherwise provided for in this Act, enforce the provisions of the Convention, this Act, and regulations issued under this Act.

"(b) In carrying out such functions, the Secretary—

"(1) shall, in consultation with the Secretary of the department in which the Coast Guard is operating and the United States Section, adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this Act; and

"(2) may, with the concurrence of the Secretary of State, cooperate with the duly authorized officials of the government of any party to the Convention.

"(c) The Secretary may adopt regulations which apply only to stocks of fish in the Convention area north of the parallel of north latitude of 48 degrees and 30 minutes, but such regulations shall not apply in the Convention area south of the 49th parallel of north latitude with respect to sockeye salmon (Oncorhynchus nerka) or pink salmon (Oncorhynchus gorbuscha).".

(6) Section 9 is amended to read as follows:

"SEC. 9. (a) This Act shall be enforced by the Secretary and the Secretary of the department in which the Coast Guard is operating. Such Secretaries may by agreement utilize, on a reimbursable basis or otherwise, the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal agency, including all elements of the Department of Defense, and of any State agency in the performance of such duties. Such Secretaries shall, and the head of any Federal or State agency which has entered into an agreement with either such Secretary under the preceding sentence may (if the agreement so provides), authorize officers (hereinafter in this Act referred to as 'enforcement officers') to enforce the provisions of the Convention, this Act, and regulations adopted and permits issued under this Act, provided that any such agreement or contract entered into pursuant to this section shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

"(b) Enforcement officers may, within the fishery conservation zone—

"(1) with or without a warrant or other process—

"(A) arrest any person, if he has reasonable cause to believe that such person has committed an act prohibited by section 10;

"(B) board, and search or inspect, any fishing vessel which is subject to the provisions of the Convention and this Act;

"(C) seize any fishing vessel (together with its fishing gear, furniture, appurtenances, stores, and cargo) used or employed in, or with respect to which it reasonably appears that such vessel was used or employed in, the violation of any provision of the Convention, this Act, or any regulation adopted or permit issued under this Act;

"(D) seize any fish (wherever found) taken or retained in violation of any provision referred to in subparagraph (C); and

"(E) seize any other evidence related to any violation of any provision referred to in subparagraph (C);

"(2) execute any warrant or other process issued by any court of competent jurisdiction; and

"(3) exercise any other lawful authority.

"(c) The district courts of the United States shall have exclusive jurisdiction over any case or controversy arising under the provisions of this Act.

"(d)(1) Enforcement officers may in the Convention area outside the fishery conservation zone and similar zones of Canada and Japan—

"(A) board any fishing vessel of Canada or Japan catching or processing anadromous species pursuant to the Convention and, without warrant or process, inspect equipment, logs, documents, catch, and other articles, and question persons, on board the vessel for the purpose of carrying out the provisions of the Convention, this Act, or any regulation adopted or permit issued under this Act; and

"(B) if any such vessel or person on board is actually engaged in operations in violation of any such provision, or there is reasonable ground to believe any person or vessel was obviously so engaged before the boarding of such vessel by the enforcement officer, detain such vessel or person and further investigate the circumstances if necessary.

If an enforcement officer, after boarding and investigation, has reasonable cause to believe that any such fishing vessel or person engaged in operations in violation of any provision referred to in subparagraph (A), the officer shall further detain the vessel or person and deliver the vessel or person as promptly as practicable to the authorized officials of the appropriate nation.

"(2) When requested by the appropriate authorities of Canada or Japan, as the case may be, an enforcement officer may be directed to attend as a witness and to produce such available records and files or duly certified copies thereof as may be necessary, for the prosecution in Canada or Japan of any violation of the provisions of the Convention or any Canadian or Japanese law relating to the enforcement thereof.

(7) Section 10 is amended to read as follows:

"SEC. 10. It is unlawful for any person subject to the jurisdiction of the United States—

"(1) to violate any provision of the Convention, this Act, or any regulation adopted or permit issued under this Act;

"(2) to refuse to permit any enforcement officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Convention, this Act, or any regulation or permit referred to in paragraph (1);

"(3) to forcibly assault, resist, oppose, impede, intimidate, or interfere with any enforcement officer in the conduct of any search or inspection described in paragraph (2);

"(4) to resist a lawful arrest or detention for any act prohibited by this section; or

"(5) to interfere with, delay, or prevent, by any means, the apprehension, arrest, or detention of another person, knowing that such person has committed any act prohibited by this section.".

(8) Section 11 is amended to read as follows:

"SEC. 11. (a)(1) Any person who is found by the Secretary, after notice and opportunity for a hearing in accordance with section 554 of title 5, United States Code, to have committed an act prohibited by section 10 shall be liable to the United States for a civil penalty. The amount of the civil penalty shall not exceed $25,000 for each violation. Each day of a continuing violation shall constitute a separate offense. The amount of such civil penalty shall be assessed by the Secretary, or his designee, by written notice. In determining the amount of such penalty, the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violation, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.

"(2) Any person against whom a civil penalty is assessed under paragraph (1) may obtain review thereof in the appropriate court of the United States by filing a notice of appeal in such court within thirty days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, as provided in section 2112 of title 28, United States Code. The findings and order of the Secretary shall be set aside by such court if they are not found to be supported by substantial evidence, as provided in section 706(2) of title 5, United States Code.

"(3) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General of the United States, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

"(4) The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to imposition or which has been imposed under this section.

"(b)(1) A person is guilty of an offense if he commits any act prohibited by section 10 (1), (3), (4), or (5).

"(2) Any offense described in subsection paragraph (1) is punishable by a fine of not more than $50,000, or imprisonment for not more than six months, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this Act, or places any such officer in fear of imminent bodily injury, the offense is punishable by a fine of not more than $100,000, or imprisonment for not more than ten years, or both.

"(c)(1) Any fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any fish taken or re-

tained, in any manner, in connection with or as a result of the commission of any act prohibited by section 10 shall be subject to forfeiture to the United States. All or part of such vessel may, and all such fish shall, be forfeited to the United States pursuant to a civil proceeding under this section.

"(2) Any district court of the United States shall have jurisdiction, upon application by the Attorney General on behalf of the United States, to order any forfeiture authorized under paragraph (1) and any action provided for under paragraph (4).

"(3) If a judgment is entered for the United States in a civil forfeiture proceeding under this section, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this Act or for which security has not previously been obtained under subsection (d). The provisions of the customs laws relating to—

"(A) the disposition of forfeited property;

"(B) the proceeds from the sale of forfeited property;

"(C) the remission or mitigation of forfeitures; and

"(D) the compromise of claims,

shall apply to any forfeiture ordered, and to any case in which forfeiture is alleged to be authorized, under this section, unless such provisions are inconsistent with the purposes, policy, and provisions of this Act. The duties and powers imposed upon the Commissioner of Customs or other persons under such provisions shall, with respect to this Act, be performed by officers or other persons designated for such purpose by the Secretary of Commerce.

"(4)(A) Any officer authorized to serve any process in rem which is issued by a court having jurisdiction under section 9(c) shall—

"(i) stay the execution of such process; or

"(ii) discharge any fish seized pursuant to such process;

upon the receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person (I) delivering such property to the appropriate court upon order thereof, without any impairment of its value, or (II) paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

"(B) Any fish seized pursuant to this Act may be sold, subject to the approval and direction of the appropriate court, for not less than the fair market value thereof. The proceeds of any such sale shall be deposited with such court pending the disposition of the matter involved.

"(5) For purposes of this section, it shall be a rebuttable presumption that all fish found on board a fishing vessel and which is seized in connection with an act prohibited by section 10 were taken or retained in violation of the Convention and this Act.".

(9) Section 12 is repealed and section 13 is redesignated as section 12.

(10) Section 12 (as redesignated by paragraph (7)) is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) Such funds as shall be made available to the Secretary for research and related activities shall be expended to carry out the program of the Commission in accordance with the recommendations of the United States Section and to carry out other research and observer programs established pursuant to the Convention.

"(c) There are authorized to be appropriated to the Secretary, for purposes of carrying out the provisions of section 14, such sums not to exceed $1,000,000 for fiscal year 1979 and for each of the next two fiscal years.

"(d) There are authorized to be appropriated to the Secretary, for purposes of carrying out sonar censusing of salmon in fresh water streams of Alaska, not to exceed $500,000 during the period beginning October 1, 1978, and ending September 30, 1981.".

(11) Section 14 is redesignated as section 16.

(12) The following new sections are inserted immediately after section 12 (as redesignated in paragraph (7)):

"SEC. 13. (a) Each Canadian or Japanese fishing vessel which is authorized to fish in the fishery conservation zone pursuant to the Convention shall have on board a registration permit issued under subsection (b).

"(b) The Secretary of State, in cooperation with the Secretary, shall issue annually a registration permit for each Canadian or Japanese fishing vessel which is authorized to fish within the fishery conservation zone pursuant to the Convention. Each such permit shall set forth the terms and conditions contained in the Convention that apply with respect to such operations, and shall include the additional requirement that the owner or operator of the fishing vessel for which the permit is issued shall prominently display such permit in the wheelhouse of such vessel and show it, upon request, to any enforcement officer. The Secretary of State, after consultation with the Secretary and the Secretary of the department in which the Coast Guard is operating, shall prescribe the form and manner in which applications for registration permits may be made, and the forms of such permits. The Secretary of State may establish, require the payment of, and collect fees for registration permits; except that the level of such fees shall not exceed the administrative costs incurred by him in issuing such permits.

"(c) Notwithstanding any other provision of law, Canadian and Japanese fishing vessels authorized to fish for anadromous species outside the fishery conservation zone pursuant to the Convention shall not be required to obtain any permit relating to such species.

"SEC. 14. (a) The Secretary shall take such actions as are necessary and appropriate to assure the full implementation of the provisions of the Convention under which the United States and the Government of Japan have agreed—

"(1) to carry out a marine mammal research program;

"(2) to determine the effect of the salmon fishery on marine mammal populations; and

"(3) to work to reduce or eliminate the taking of marine mammals incidental to fishing operations.

during the research period ending on June 9, 1981. Such actions shall include, but not be limited to, the placement of observers aboard Japanese fishing vessels for purposes of making scientific observations and studies with respect to the incidental taking of marine mammals.

"(b) During the research period ending on June 9, 1981, the taking of marine mammals incidental to fishing operations by Japanese vessels within the fishery conservation zone shall be regulated in accordance with paragraph 1(c) of the annex to the Convention; except that if the Secretary finds—

"(1) on the basis of the marine mammal research program referred to in subsection (a)(1), that the population of Dall porpoise or of any other marine mammal affected by such incidental taking is below optimum sustainable population and is not trending upward toward such level or is in danger of depletion; or

"(2) that the contemplated research efforts cannot be successfully implemented or that necessary and desirable potential reductions or elimination of incidental taking of marine mammals, although feasible, are not being realized,

the Secretary, acting through the Secretary of State, shall immediately initiate negotiations with the Government of Japan to modify the Convention or recommend such other action as is necessary to limit or eliminate the incidental taking of marine mammals to the extent feasible and, in any event, to the extent required to assure that such populations attain and remain at their optimum sustainable population levels.

"(c) After June 9, 1981, the taking of marine mammals incidental to fishing operations by Japanese vessels within the fishing conservation zone shall be regulated pursuant to the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

"(d) The Secretary shall submit to Congress a report, prepared in consultation with the Secretary of State, on May 1 of 1979, 1980, and 1981, which shall set forth the activities undertaken by the United States and Japan to implement the objectives referred to in subsection (a) (1), (2), and (3) and the results of such activities.

"SEC. 15. The Secretary, the Secretary of State, and the Secretary of the department in which the Coast Guard is operating may administer this Act consistent with the terms of the Convention on a provisional basis pending the exchange by all the contracting parties of instruments of ratification or approval of the Protocol Amending the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Tokyo on April 25, 1978, in accordance with article II thereof.".

(13) This Act shall take effect on October 1, 1978.

The SPEAKER. Is a second demanded?

Mr. FORSYTHE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from California (Mr. LEGGETT) and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 20 minutes each.

The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the International Convention for the High Seas Fisheries of the North Pacific Ocean was signed in Tokyo on May 9, 1952, by the Governments of the United States, Canada, and Japan. The Convention has as its purpose to insure the maximum sustained productivity of the fishery resources of the North Pacific Ocean and to encourage the conservation of such resources. The Convention, which applies to all waters of the North Pacific Ocean and its adjacent seas, other than territorial waters, provides for the establishment of an International Commission. The Commission is composed of three national sections, each consisting of not more than four members.

In 1976, the Congress enacted the Fishery Conservation and Management Act (FCMA), which established a conservation and management regime for the fishery resources found within 200 miles of the U.S. coast and for anadromous species and Continental Shelf fishery

resources of the United States beyond such zone. The FCMA requires the Secretary of State to initiate the renegotiation of any international fishery agreement to which the United States is a party if such agreement is inconsistent with the provisions of the act. The Secretary of State determined that the INPFC was inconsistent with the FCMA in a number of respects.

In light of the inconsistencies, the Secretary of State on February 10, 1977, deposited a notice to withdraw from the convention. After a series of negotiations designed to conform the INPFC to the FCMA, an agreement was reached on April 25, 1978, and the United States, Japan, and Canada signed a protocol amending the INPFC. Accordingly the notice to terminate was withdrawn.

The main amendments to the convention provided by the protocol are as follows:

First, the abstention line for Japanese fishing vessels involving the taking of salmon originating in U.S. waters would be moved from 175 degrees West longitude to 175 degrees East longitude, which should result in a saving of at least 265,000 salmon annually;

Second, seasonal closures for such Japanese vessels would be provided for large additional areas outside the U.S. Fishery Conservation Zone (FCZ);

Third, limited fishing would be allowed by such Japanese vessel for salmon within a small area within the U.S. FCZ.

Fourth, U.S. scientists would be allowed to observe Japanese salmon catches and methods of operation and Japan would bear the costs associated with placing U.S. scientists on board Japanese vessels operating within the U.S. FCZ;

Fifth, Japan would agree to furnish a research vessel to conduct annual research in the Northern Bering Sea to study the continent of origin of anadromous species migrating in that area; the United States and Canada would be allowed to place up to three scientists aboard that vessel at their own expense;

Sixth, the requirement would be suspended until June 9, 1981 that requires Japanese salmon fishing vessels within the U.S. FCZ to have on board a certificate of inclusion relating to the incidental taking of marine mammals; during this 3-year period, Japan and the United States would conduct joint research to determine the effect of the Japanese salmon fishery on marine mammal populations and to reduce or eliminate the incidental catch of such mammals in this fishery;

Seventh, Japanese or U.S. scientists would conduct annual Dall porpoise sighting surveys on all Japanese salmon research vessels in the convention area and Japan would make every effort to return all Dall porpoises incidentally captured within the U.S. FCZ to Japanese salmon motherships where they would be examined by U.S. scientists; and

Eighth, Japan would make available an appropriate vessel for cooperative Dall porpoise research not later than the 1979 salmon fishery season unless it is agreed such research can be accomplished in another manner.

Mr. Speaker, H.R. 12637 will amend the North Pacific Fisheries Act of 1954—the implementing act for the INPFC—to provide for the implementation of the protocol to the INPFC. Also, it would authorize the necessary funds for carrying out research on marine mammals involved with the fishing fcr salmon—in particular the Dall porpoise—with a view toward seeing that the populations of such mammals attain or remain at their optimum sustainable levels.

In this regard, the bill would authorize to be appropriated $1 million per year for fiscal years 1979, 1980, and 1981.

In addition, the bill would:

First, require at least two of the four U.S. Commissioners to be from Alaska;

Second, increase the Advisory Committee from 20 to 21 and require that at least two-thirds of those appointed to the committee be from Alaska;

Third, increase from three to five the number of Advisory Committee members who could have their expenses paid incident to attending Commission meetings; and

Fourth, authorize to be appropriated $500,000 for carrying out sonar censusing of salmon in fresh water streams in Alaska.

Mr. Speaker, the protocol has the strong support of the administration and of our fishing industry in general. The legislation was unanimously reported by the committee and I urge its prompt passage.

Mr. Speaker, when checking with the Budget Committee prior to scheduling H.R. 12637 for a vote, I was advised that the bill was in technical violation of the Budget Act in two respects. Language to correct these deficiencies has been agreed to by the Budget Committee and has been included in the bill, as amended. Attached to my statement is a brief explanation of the language added to the bill and the reasons therefor:

ATTACHMENT No. 1

Section 401(a) of the Budget Act provides that it is not in order in either the House or Senate to consider any bill or resolution which provides new spending authority that would allow the United States to enter into contracts under which the United States is obligated to make outlays, unless the spending authority is provided in advance by appropriation Acts.

On page 24, line 4, after the word "Act", the following language was added:

", provided that any such agreement or contract entered into pursuant to this section shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.".

This language would correct this deficiency by making the new spending authority subject to appropriations provided in advance in appropriation Acts.

Section 402(a) of the Budget Act provides that it shall not be in order in either the House or the Senate to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that bill or resolution is reported in the House or the Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year.

In the case of this legislation, the bill would have had to have been reported prior to May 15, 1977, which was not the case.

To correct this deficiency, the following language was added on page 36 after line 18:

"(13) This Act shall take effect on October 1, 1978."

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 12637 which implements the recently negotiated protocol to the International Convention for the High Seas Fisheries of the North Pacific Ocean, commonly known as the INPFC. The original INPFC was signed in Tokyo on May 9, 1952, by the Governments of the United States, Canada, and Japan. The convention has as its purpose to insure the maximum sustained productivity of the fishery resources of the North Pacific Ocean and to encourage the conservation of these resources.

Until the passage of the Fishery Conservation and Management Act of 1976, the INPFC was the dominant conservation regime for salmon in the North Pacific Ocean. With the enactment of the Fishery Conservation and Management Act, the United States was confronted with a choice. We could have simply excluded the Japanese from the U.S. 200-mile zone pursuant to the FCMA, or we could renegotiate the INPFC to make it consistent with our 200-Mile Act. The decision was made to renegotiate the INPFC, and the protocol which H.R. 12637 implements is the result of those negotiation efforts.

Under the existing INPFC, Japan agreed to refrain from taking salmon of North American origin east of 175° west longitude. Even with this abstention line the Japanese salmon fishery took approximately 2.5 million North American salmon each year during the 1964 to 1973 period. Under the renegotiated INPFC, Japan's salmon fishery is expected to take only 400,000 to 668,000 North American salmon. At the low range, this would be an 85 percent reduction in annual interceptions. If the United States had simply closed its 200-mile fishery conservation zone to the Japanese fleet, and if the Japanese continued to respect the abstention line, the United States would have reduced Japanese interception of North American salmon by only 72 percent over the 1964 to 1973 harvest level. The 13-percent greater reduction achieved by the new protocol translates into an annual saving of at least 265,000 salmon.

It must be noted, however, that the Japanese would not be obligated to respect the 175°W. longitude abstention line if the United States withdrew from the INPFC and simply excluded the Japanese from fishing for salmon within the U.S. 200-mile zone. If the Japanese begin fishing east of the existing abstention line, they would have access to North American salmon in the Gulf of Alaska beyond the U.S. 200-mile zone and U.S. scientists estimate that the Japanese salmon fleet could harvest approximately 16 million North American salmon in this area. There are, therefore, substantial benefits to be derived from renegotiating the INPFC rather than electing to simply exclude the Japanese from the U.S. 200-mile zone.

It should also be noted that although the new agreement permits Japan to fish for salmon in a 70,000-square-mile area

within the U.S. 200-mile zone, the Japanese have, in exchange, agreed to refrain from fishing salmon in an area of approximately 775,000 square miles outside of the U.S. 200-mile zone. To accomplish this, the protocol extends the existing abstention line 10 degrees further westward to 175°E. longitude.

The new protocol obligates Japan to undertake a significant amount of research relating to salmon and to the taking of marine mammals incidental to the high seas salmon fishery. Currently, the Japanese high seas salmon fishery takes between 2,000 and 20,000 Dall porpoises incidental to its high seas salmon fishery. Preliminary studies suggest that approximately 13 percent of that number is taken within the U.S. fishery conservation zone. To reduce this level of incidental mortality, the new agreement obligates the United States and Japan to undertake a gear research and development program. In addition, there will be a joint biological research effort to obtain data regarding the abundance and status of Dall porpoise. This information, which is not presently available, will enable the United States to determine the impact of the high seas salmon fishery on this porpoise population. Without the research platform which the Japanese fleet will provide U.S. scientists, the United States would probably be unable to develop this critically needed information.

By implementing the newly negotiated protocol to the INPFC, H.R. 12637 will provide substantial new protections for salmon which spawn in North American waters. It will also provide a unique opportunity for the United States to develop critically needed biological information on Dall porpoises and to develop, in cooperation with the Japanese, fishing technology which will eliminate the incidental taking of these porpoises.

But H.R. 12637 does more than simply implement the new agreement. The legislation authorizes $500,000 for the purpose of undertaking a sonar census of salmon in the silt-laden streams of Alaska. To accurately monitor the effect of Japan's high seas salmon fishery, it is important that U.S. scientists be able to count the number of salmon returning to spawn. Unfortunately, many rivers in Alaska are filled with sediment and visual censusing is impossible. Pursuant to an amendment to H.R. 12637 which I offered, the Department of Commerce will be able to undertake a sonar censusing program which will, for the first time, provide complete data on the number of salmon returning to spawn. H.R. 12637 also recognizes that the dominant interest affected by the INPFC is in Alaska. Therefore, the legislation requires that two of the four U.S. representatives to the INPFC and two-thirds of the U.S. Advisory Committee shall be residents of Alaska.

Mr. Speaker, the INPFC, as renegotiated, provides significant new protections for North American salmon and I urge that H.R. 12637, which implements this new agreement, be adopted.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. FORSYTHE. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, once again I want to commend this committee for its responsive action in dealing with an improvement in the original 200-mile limit legislation that was cleared through this committee.

Mr. Speaker, I rise in strong support of the proposed amendments to the North Pacific Fisheries Act.

I would like to take this opportunity to compliment the Merchant Marine and Fisheries Committee members; in particular my distinguished colleague from California (Mr. LEGGETT), my colleague from New Jersey (Mr. FORSYTHE), and the House Merchant Marine and Fisheries Committee; for their willingness to address the need that has developed as a result of enactment of the 200-mile fishing limit, to update and amend existing statutes to make them coincide with international fishing agreements between the United States and other nations.

This legislation is necessary to implement a recently negotiated Protocol to the International Convention for the High Seas Fisheries of the North Pacific Ocean (INPFC). The revised international convention will have the effect of reducing Japan's salmon mothership fishery by approximately 85 percent.

In addition, the Japanese have agreed to conduct an extensive salmon research program which will provide the data we need to allow us to establish a more effective conservation and management program for salmon and a marine mammal research program to assess the impact of the Japanese salmon fishery on these species, in particular the Dall porpoise. The marine mammal research will assist us in developing new techniques for reducing the incidental killing of marine mammals. Without this agreement, it is believed this research would not take place as it requires the cooperation of the Japanese.

Our salmon fishery is an important segment of our fishing industry on the north coast of California and I urge my colleagues to support this legislation which will enable us to continue in our efforts to enhance and protect this industry.

● Mr. MURPHY of New York. Mr. Speaker, the purpose of H.R. 21637 is to amend the North Pacific Fisheries Act to implement a recently negotiated protocol to the International Convention for the High Seas Fisheries of the North Pacific Ocean (INPFC).

This convention has as its purpose to insure the maximum sustained productivity of the fishery resources of the North Pacific Ocean and to encourage the conservation of these resources.

Mr. Speaker, the INPFC was signed in Tokyo in 1952 by the Governments of the United States, Canada, and Japan. Under the terms of this convention, Japan agreed to abstain from fishing for, and Canada and the United States agreed to continue to implement conservation measures with respect to, halibut and herring of North American origin found in the convention area off the coasts of Canada and the United States and salmon of North American origin east of the line of meridian 175 degrees West longitude.

Mr. Speaker, in general, the INPFC has been effective and has met with the approval and cooperation of American fishermen except with respect to salmon. U.S. fishermen have contended ever since the inception of the convention that the line beyond which Japanese fishermen agreed not to fish east of for salmon should be moved farther west. Through the successful efforts of the U.S. negotiators, this concern has now been satisfied. The new convention was agreed to as a result of the mandate in our 200-Mile Fishery Zone Act, which requires all fisheries treaties to which the United States is a party to be renegotiated if such treaties are inconsistent with that act. The main amendment to the INPFC provided by the protocol would result in the abstention line—beyond which Japanese vessels would refrain from taking salmon originating in U.S. waters—being moved 10° farther west.

Mr. Speaker, the moving of this abstention line farther west will result in a substantial saving of U.S. origin salmon. Under the present convention, during the period of 1964–73, the Japanese salmon mothership fishery took approximately 2.5 million North American salmon each year. Under the revised INPFC, this mothership fishery is expected to take only 400,000 to 668,000 North American salmon. This would translate into approximately an 85 percent reduction in annual interceptions by the mothership fishery. However, had the United States closed its 200-mile fishery zone to the Japanese fleet and had the Japanese continued to abstain from fishing east of the abstention line, the United States could have reduced Japanese interceptions of North American salmon by only 72 percent over the base period level. This 13-percent greater reduction, which is estimated to be achieved by the new protocol to the convention, translates into a saving of at least 265,000 salmon per year.

Mr. Speaker, this feature of the protocol alone makes it imperative that H.R. 12637, the legislation that will provide the necessary authority for implementing the new convention, be passed immediately. In addition, Japan has agreed to conduct a joint research program with the United States to determine the effect of the Japanese fishery on those marine mammal populations—in particular Dall porpoises—which are taken incidental to that fishery, and on ways to reduce or eliminate the incidental catch of such marine mammals.

Mr. Speaker, I think our U.S. negotiators, in particular Ambassador Negroponte, did an outstanding job in renegotiating this convention. It has the strong support of our U.S. fishery industry and the implementing legislation for this convention was reported unanimously by the Committee on Merchant Marine and Fisheries.

I urge the immediate passage of H.R. 12637.●

Mr. FORSYTHE. Mr. Speaker, I have no further requests for time.

Mr. LEGGETT. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore (Mr. MOAKLEY). The question is on the motion offered by the gentleman from California (Mr. LEGGETT) that the House suspend the rules and pass the bill H.R. 12637, as amended.

The question was taken.

Mr. THONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3(b) of rule XXVII, and the prior announcement of the Chair, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LEGGETT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

POLAR LIVING MARINE RESOURCES CONSERVATION ACT OF 1978

Mr. LEGGETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12668) to establish a conservation program for the living marine resources of the Arctic and southern oceans, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Polar living marine resources Conservation Act of 1978".

CONGRESSIONAL FINDINGS

SEC. 2. The Congress finds that—

(1) the living marine resources of the Arctic Ocean and the Southern Ocean could contribute to the food supply and economy of the Nation and the world;

(2) the potentially harmful, and possibly irreversible, effects which may result from the harvesting of polar living marine resources should be prevented;

(3) certain marine animals (including threatened and endangered species) are dependent for their existence on continued adequate supplies of krill and other polar living marine resources which are now subject to harvesting;

(4) existing knowledge of the impact of human activity including harvesting upon the marine environment of the Arctic Ocean and the Southern Ocean is inadequate;

(5) there is a need to prevent the depletion of harvested species of polar living marine resources to levels below those which produce the greatest net annual increment in population numbers or biomass;

(6) there is a need to maintain the balance of the ecosystems within the Arctic Ocean and the Southern Ocean by taking into account the relationships of harvested species with dependent and related species, and to restore species or populations which are below levels which produce the greatest net annual increment in population numbers or biomass;

(7) effective international agreements are needed for the conservation of the living marine resources of the Arctic Ocean and the Southern Ocean; and

(8) a domestic program should be established—

(A) to assess the effects of harvesting on the living marine resources of the Arctic Ocean and the Southern Ocean;

(B) to support the obligations, commitments, and interests of the United States in international activities which provide for the conservation and management of these living marine resources; and

(C) to develop the technology for harvesting and processing polar living marine resources for the benefit of the United States and the international community.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Arctic Ocean" means the high seas within the area north of sixty degrees north latitude and the high seas south of such latitude which are within either the Bering Sea or the United States fishery conservation zone adjacent to the territorial sea off Alaska.

(2) The term "high seas" does not include any foreign fishery conservation zone which is recognized by the United States.

(3) The term "polar living marine resources" means any species of the animal kingdom which inhabits, and any species of the plant kingdom which occurs in, the marine environment of the Arctic Ocean or the Southern Ocean.

(4) The term "Secretary" means the Secretary of Commerce.

(5) The term "Southern Ocean" means the high seas south of the Antarctic convergence.

ESTABLISHMENT OF CONSERVATION PROGRAM

SEC. 4. (a) The Secretary, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall establish and carry out a comprehensive program which provides for the study, monitoring, and assessment of polar living marine resources and the marine environment of the Arctic Ocean and Southern Ocean. The objectives of the program shall include, but are not limited to—

(1) a continuing evaluation of the health and productivity of such resources, which evaluation shall include a study of the impacts on the marine environment of the commercial harvesting of such resources;

(2) the formulation of appropriate actions and measures which may be taken by the United States unilaterally, or in concert with foreign nations, to conserve polar living marine resources and to protect the marine environment of the Arctic Ocean and the Southern Ocean; and

(3) the development of feasible and environmentally sound methods for the harvesting and processing of such resources.

(b) For the purpose of carrying out the program described in subsection (a), the Secretary—

(1) shall acquire (by purchase, charter, or otherwise) and operate an appropriately equipped vessel; and

(2) may undertake such other activities as are necessary and appropriate.

GRANTS AND CONTRACTS

SEC. 5. (a) The Secretary, to such extent, or in such amounts, as are provided in advance in appropriation Acts, may make grants, and enter into contracts, under this section for the purpose of carrying out, in whole or in part, any study, monitoring, or assessment undertaken pursuant to section 4(a).

(b) Any person may apply to the Secretary for a grant or contract under this section. Application shall be made in such form and manner, and with such content and other submissions, as the Secretary shall by regulation prescribe.

(c) Any grant made, or contract entered into, under this section shall be subject to such terms, conditions, and requirements as the Secretary deems necessary and appropriate.

(d) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and evaluation, to any books, documents, papers, and records of receipts which, in the opinion of the Secretary and the Comptroller General, may be related or pertinent to such grants and contracts.

(e) For purposes of this section, the term "person" includes, but is not limited to, any educational institution or non-profit organization, whether or not such institution or organization exists or is organized under the laws of the United States or any State thereof.

INTERAGENCY COOPERATION

SEC. 6. (a) The Secretary shall consult with other Federal agencies which have statutory or administrative responsibilities for polar living marine resources research or protection to ensue that—

(1) the study, monitoring, and assessment carried out under section 4 is coordinated, to the maximum extent practicable, with the activities being conducted pursuant to such responsibilities;

(2) the vessel acquired pursuant to section 4(b)(1) is designed and operated so that such activities may, to the maximum extent practicable, be accommodated by the vessel; and

(3) the program established by section 4 is carried out in a manner consistent with, and in support of, the obligations of the United States under any existing or future international convention or treaty which is in force and effect with respect to the United States.

(b) Upon written request by the Secretary, the chief executive officer of any Federal agency—

(1) may make available to the Secretary, on a reimbursable basis or otherwise, those personnel, services or facilities of that agency which the Secretary deems necessary for the carrying out of section 4; and

(2) shall furnish to the Secretary such data or other information available to that agency which the Secretary deems appropriate for the carrying out of the provisions of this Act.

REPORTS

SEC. 7. (a) The Secretary shall, within twelve months after the date of the enactment of this Act, submit to Congress and the President a report containing—

(1) an assessment of the present domestic and international activities being undertaken with respect to the conservation, and the commercial harvesting and processing, of polar living marine resources; and

(2) a general description of the study, monitoring, and assessment which the Secretary proposes to carry out under the program established pursuant to section 4 during the first three years of the program.

(b) The Secretary shall submit to Congress and the President not later than February 15 of each year after 1980 a report containing—

(1) a detailed description of the study, monitoring, and assessment projects carried out under this authority of this Act during the immediately preceding fiscal year and of the results of such actions; and

(2) any recommendations, including, but not limited to, suggested legislation, which the Secretary may have for furthering the domestic and international efforts to conserve polar living marine resources.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. (a) There are authorized to be appropriated to the Department of Commerce—

(1) not to exceed $6,000,000 for each of fiscal years 1979, 1980, 1981, and 1982, to carry out this Act, including the mainte-

nance and repair of the vessel referred to in section 4(b); and

(2) not to exceed $20,000,000, commencing with the fiscal year ending September 30, 1979, for the acquisition of such vessel, including all necessary gear and appurtenances and naval architectural and engineering services.

(b) Any sums appropriated pursuant to subsection (a) shall remain available until expended.

The SPEAKER pro tempore. Is a second demanded?

Mr. FORSYTHE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. LEGGETT) will be recognized for 20 minutes and the gentleman from New Jersey (Mr. FORSYTHE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 12668 authorized the Secretary of Commerce to acquire an appropriately equipped vessel for the purpose of implementing a comprehensive program for the study, monitoring, and assessment of the living marine resources and the marine environment of the Arctic and the southern oceans.

The program would include: A continuing evaluation of the impact of commercial harvesting activities on the polar marine environment; a determination of those actions which should be taken by the United States to conserve polar living marine resources; and the development of feasible and environmentally sound methods for harvesting and processing such resources.

The Secretary would be authorized to make grants and to enter into contracts in carrying out such a program. She would also be directed to consult with other Federal agencies which have statutory or administrative responsibilities for polar living marine resources research or protection, thus, insuring that the program accommodates to the maximum extent practicable, the research activities of the other agencies.

Conversely, the chief executive officer of any Federal agency would be directed to make available any personnel, services, facilities, data or other information at his disposal to the Secretary which she deems as necessary to carry out this program.

Finally, Mr. Speaker, the bill would authorize $20 million to be appropriated to the Department of Commerce for the acquisition of an appropriately equipped fisheries research vessel. It also authorizes $6 million to be appropriated for each of the fiscal years 1979 through 1982 to carry out the act.

If the United States is to be a leader in the soon-to-be established conservation regime to protect polar living marine resources, we must start to collect biological data on these resources immediately. The history of other international conventions, such as the International Whaling Commission, clearly demonstrates the critical need for biological data. If the United States and other nations with strong conservation interests do not establish national programs to obtain this information, it is highly unlikely that the harvesting nations will do so.

Despite the obvious and pressing need for biological data on the living marine resources of the Arctic and Southern Oceans, existing U.S. research programs are virtually nonexistent. The National Oceanic and Atmospheric Administration has only one fisheries research vessel which is capable of working in the adverse weather conditions of the polar regions. This vessel, however, is not ice strengthened, and is, therefore, incapable of working close to or in partially ice-filled or ice-covered waters.

The total absence of U.S. fishery research capabilities in the polar regions highlights the need to upgrade our present research efforts. H.R. 12668 will accomplish this objective and will provide a framework for insuring the effective conservation and the rational utilization of the living marine resources of the Arctic and Southern Oceans. I urge its prompt passage.

The bill before the House today includes technical amendments suggested by the Budget Committee. These amendments insure compliance with the Budget Act.

Mr. Speaker, as a sidelight, the program we are talking about, reviewing the Antarctic Ocean, involves a bulk harvestable per year which we estimate to be twice the average tonnage of fish harvested throughout the world. Whether or not that is true will have to be verified by further and detailed research, and I believe it is a further critical reason why we need to go ahead with this ship at this time.

Mr. FORSYTHE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, despite the climatic severity and remoteness of Antarctica, this continent has attracted man's economic interest since Cook's voyages in the 17th century. The results of that interest constitute a sad chapter in our history.

The continuous harvesting of whales in Antarctic waters has severely reduced their numbers and driven some species to the brink of extinction. Prior to the curtailment of commercial sealing, it appeared that the various species of seals which inhabit the Antarctic Ocean would suffer the same fate. Today, a new threat to the living marine resources of the Antarctic Ocean confronts us—that threat is the overharvesting of krill.

The Antarctic marine ecosystem is described as both simple and unstable. It is simple in that krill constitute the major food source for over 22 species of whales, seals, birds, and fish. It is unstable in that an imbalance in any part of this biomass might disrupt the normal ecosystem. A dramatic reduction in the krill resource could lead to a commensurate reduction in other populations. In no other ecosystem in the world are so many species dependent on one species for their survival.

As the nations of the world turn their attention to the krill resource, it is likely that irreparable harm to all the living resources of the Antarctic will occur unless a comprehensive convention for the conservation of the living marine resources of the Antarctic is established.

The magnitude of the Antarctic krill resource is reflected by the fact that the existing stock is estimated to be between 800 million and 6.6 billion metric tons. The annual optimum sustainable yield may be between 30 million and 150 million metric tons.

The importance of this resource is found in the fact that in November 1975, the world's population passed the 4 billion mark, and demographers expect this figure to almost double, to 7 billion, by the year 2000. To feed this population, we will need to increase our harvest of marine protein to 130 to 150 million tons per year. Given the fact that the maximum sustainable yield from the existing world fisheries, excluding krill, is estimated to be only 100 million metric tons per year, it is clear that we will be unable to meet the protein needs of a burgeoning world population unless the krill resource is developed in an environmentally sound and rational manner.

In addition to their food potential, these small crustaceans have industrial uses. The outer covering of the krill's body is chitin, a substance which is similar to cellulose and which can be converted by a relatively simple process to chitosan. To an industrial society, chitosan is an extremely important compound. In fact, there are approximately 1,000 known industrial uses for chitosan.

With its potential for food and industrial use, the krill population of the Antarctic Ocean is coming under increasing pressure. What that pressure means for the krill and for the animal populations which depend on krill is uncertain. What is certain is that an unrestrained harvest will inevitably destroy the marine environment of the Antarctic.

Because of the need to establish a comprehensive and effective international convention for the conservation of the living marine resources of the Antarctic, I introduced H.R. 10905, which provided for the establishment of a program to study, assess, and monitor the living marine resources of the Antarctic Ocean. An essential ingredient of this program, which is now embodied in H.R. 12668, is the development of data which will be necessary to establish conservation regulations for the harvesting of krill. This legislation also provides for the establishment of a similar program to protect and conserve the living resources of the Arctic Ocean.

For too long, man has sought to take from the environment all that he could. In every instance, the price has been paid by future generations. It is time that we as a nation take a strong stand to insure that the generations which follow ours will not look to the polar oceans and see an environment ravaged by man's foolishness.

Mr. Speaker, I urge the adoption of H.R. 12668.

● Mr. MURPHY of New York. Mr. Speaker, I am happy to be able to commend to you for favorable consideration by the House the bill, H.R. 12668, which

was reported unanimously by the Merchant Marine and Fisheries Committee. This bill would establish a polar living marine resources conservation program.

The polar oceans are remote, stormy, inhospitable seas partially covered with ice. However, they are uniquely blessed with an abundance of living creatures.

In recent years, increased demands for new sources of protein and advanced fishing technology have led to great interest in commercial exploitation of polar living marine resources. Extensive new fisheries are expanding in the north polar regions, including the waters around Alaska.

However, the most promising of the polar living marine resources is a shrimplike animal called krill found in the southern ocean around Antarctica. Krill is so abundant it has been estimated that 200 million tons a year could be taken in a sustained yield fishery. This is approximately three times the present world seafood production.

Mr. Speaker, the value of this vast food resource in our starving world is obvious. However, this is not the only value of krill. Krill shells can readily be converted to chitosan, a valuable industrial chemical with over a thousand uses.

The Soviet Union, Japan, Poland, Chile, Taiwan, South Korea, West Germany, East Germany, Norway, and Spain, have all mounted exploratory krill fishing expeditions in the last 3 years. Over 200,000 tons of krill were reported taken during the past summer. Many more countries including France, South Africa, the United Kingdom, and China plan to begin krill fishing in the near future.

Uncontrolled exploitation of krill poses an unprecedented potential danger to the ecology of the southern oceans. All of the whales, seals, penguins, sea birds, squid, and fishes in the southern ocean ecosystem are either directly or indirectly dependent on krill for their food. In no other fishery is the harvested species at such a critical point in the food chain. Overfishing of krill could endanger fishers, marine mammals, and sea birds long before the krill resource itself was threatened.

The unique danger of uncontrolled krill fishing has been acknowledged by many nations, and later this year the United States will probably sign a Convention for the Conservation of the Living Marine Resources of the Antarctic Region. A draft negotiating text of this convention was agreed to at a recent special consultative meeting of the Antarctic Treaty nations. The draft convention is a landmark in international environmental conservation law in that it provides for the regulation of harvesting of all Antarctic living marine resources, not just krill, and establishes conservation aims that insure the protection of all living organisms in the ecosystem, not just those that are harvested.

Despite the progress of the draft convention, effective protection of the entire Antarctic ecosystem from adverse impact due to krill harvesting will be impossible without detailed scientific understanding of the southern ocean ecology. Some of this necessary scientific information will come from the krill harvesting, but information on nonharvested species can only be obtained from scientific research programs.

Unfortunately, at present the United States has only a minimal research program on southern ocean marine biology, which does not include fisheries research. This program relies on the use of a vessel which the National Science Foundation leases from Argentina, and which Argentina leases from the U.S. Navy. The United States does not possess a single fisheries research vessel that is ice strengthened and can operate in the polar oceans. This is a national disgrace.

The United States should have at least two ice-strengthened fisheries research vessels, one to operate in each polar region. The bill before us today provides for only one vessel and minimal operating funds. We must put the United States in a position where it can continue to have a voice in the development and conservation of polar living marine resources. I urge your support of this vital legislation.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEGGETT) that the House suspend the rules and pass the bill H.R. 12668, as amended.

The question was taken.

Mr. BROWN of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LEGGETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 3, rule XXVII, the Chair will now put the question on each motion, on which further proceedings were postponed, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 8394, H.R. 12637, and H.R. 12668, on which the yeas and nays have been ordered.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

REFUGE REVENUE SHARING ACT OF 1978

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill H.R. 8394, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEGGETT) that the House suspend the rules and pass the bill H.R. 8394, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 340, nays 28, not voting 66, as follows:

[Roll No. 414]

YEAS—340

Abdnor	Duncan, Tenn.	Kildee
Addabbo	Early	Kindness
Akaka	Eckhardt	Kostmayer
Ambro	Edgar	LaFalce
Ammerman	Edwards, Calif.	Lagomarsino
Anderson, Calif.	Eilberg	Latta
	Emery	Leach
Anderson, Ill.	English	Lederer
Andrews, N.C.	Erlenborn	Le Fante
Andrews, N. Dak.	Ertel	Leggett
	Evans, Colo.	Lehman
Annunzio	Evans, Del.	Lent
Armstrong	Evans, Ga.	Levitas
Ashbrook	Fary	Livingston
Ashley	Fascell	Lloyd, Calif.
Aspin	Fenwick	Lloyd, Tenn.
AuCoin	Findley	Long, La.
Bafalis	Fish	Long, Md.
Baldus	Fisher	Lott
Barnard	Fithian	Luken
Bauman	Flood	Lundine
Beard, R.I.	Foley	McClory
Beard, Tenn.	Ford, Tenn.	McCormack
Bedell	Forsythe	McEwen
Biaggi	Fountain	McFall
Blouin	Fowler	McHugh
Boggs	Fraser	McKay
Boland	Frey	McKinney
Bolling	Fuqua	Madigan
Bonior	Gammage	Mahon
Bonker	Garcia	Mann
Brademas	Gaydos	Markey
Breaux	Gephardt	Marks
Breckinridge	Gilman	Marlenee
Brinkley	Ginn	Marriott
Brodhead	Glickman	Martin
Brooks	Goldwater	Mathis
Broomfield	Gonzalez	Mattox
Brown, Calif.	Goodling	Mazzoli
Brown, Mich.	Gore	Meeds
Brown, Ohio	Gradison	Metcalfe
Burgener	Grassley	Meyner
Burke, Fla.	Green	Michel
Burke, Mass.	Gudger	Mikulski
Burleson, Tex.	Guyer	Milford
Burlison, Mo.	Hagedorn	Miller, Calif.
Burton, John	Hall	Miller, Ohio
Burton, Phillip	Hamilton	Mitchell, Md.
Butler	Hammer-schmidt	Mitchell, N.Y.
Byron		Moakley
Caputo	Hanley	Moffett
Carr	Hansen	Moore
Carter	Harkin	Moorhead, Calif.
Cavanaugh	Harrington	
Cederberg	Harris	Moorhead, Pa.
Chappell	Harsha	Murphy, Ill.
Chisholm	Hawkins	Murphy, Pa.
Clausen, Don H.	Heckler	Murtha
	Hefner	Myers, Gary
Clay	Heftel	Myers, John
Cleveland	Hightower	Myers, Michael
Cohen	Hillis	Natcher
Coleman	Hollenbeck	Neal
Collins, Ill.	Holt	Nedzi
Conable	Holtzman	Nolan
Corcoran	Horton	Nowak
Corman	Hubbard	Oberstar
Cornell	Huckaby	O'Brien
Cornwell	Hughes	Ottinger
Coughlin	Hyde	Panetta
Crane	Ichord	Patterson
Cunningham	Ireland	Pattison
D'Amours	Jeffords	Pease
Daniel, Dan	Jenkins	Pepper
Daniel, R. W.	Johnson, Calif.	Perkins
Davis	Johnson, Colo.	Pettis
de la Garza	Jones, N.C.	Pickle
Delaney	Jones, Tenn.	Poage
Derrick	Jordan	Preyer
Derwinski	Kasten	Price
Devine	Kastenmeier	Pritchard
Dicks	Kazen	Pursell
Dingell	Kelly	Quillen
Dodd	Kemp	Rahall
Downey	Ketchum	Railsback
Drinan	Keys	Rangel

Regula	Sisk	Udall
Reuss	Skelton	Ullman
Rhodes	Skubitz	Van Deerlin
Richmond	Slack	Vander Jagt
Rinaldo	Smith, Iowa	Vanik
Risenhoover	Smith, Nebr.	Vento
Roberts	Snyder	Volkmer
Robinson	Solarz	Waggonner
Roe	Spellman	Walgren
Rogers	Spence	Walker
Roncalio	St Germain	Walsh
Rooney	Staggers	Wampler
Rose	Stangeland	Watkins
Rosenthal	Stanton	Weiss
Rostenkowski	Stark	Whalen
Ruppe	Steed	White
Russo	Steers	Whitley
Sarasin	Steiger	Whitehurst
Satterfield	Stockman	Wilson, Tex.
Sawyer	Stratton	Winn
Scheuer	Studds	Wolff
Schroeder	Symms	Wright
Schulze	Taylor	Wydler
Sebelius	Thompson	Wylie
Seiberling	Thone	Yatron
Sharp	Thornton	Young, Fla.
Shipley	Traxler	Young, Mo.
Shuster	Treen	Zablocki
Sikes	Trible	Zeferetti

NAYS—28

Archer	Evans, Ind.	Moss
Badham	Frenzel	Mottl
Benjamin	Jacobs	Quayle
Bennett	Jones, Okla.	Rousselot
Bingham	Krebs	Rudd
Blanchard	Lujan	Wiggins
Clawson, Del	McDade	Wirth
Collins, Tex.	McDonald	Yates
Conte	Maguire	
Edwards, Okla.	Mikva	

NOT VOTING—66

Alexander	Flippo	Patten
Allen	Florio	Pike
Applegate	Flowers	Pressler
Baucus	Flynt	Quie
Beilenson	Ford, Mich.	Rodino
Bevill	Giaimo	Roybal
Bowen	Gibbons	Runnels
Broyhill	Hannaford	Ryan
Buchanan	Holland	Santini
Burke, Calif.	Howard	Simon
Carney	Jenrette	Stokes
Cochran	Krueger	Stump
Conyers	McCloskey	Teague
Cotter	Mineta	Tsongas
Danielson	Minish	Tucker
Dellums	Mollohan	Waxman
Dent	Montgomery	Weaver
Dickinson	Murphy, N.Y.	Whitten
Diggs	Nichols	Wilson, Bob
Dornan	Nix	Wilson, C. H.
Duncan, Oreg.	Oakar	Young, Alaska
Edwards, Ala.	Obey	Young, Tex.

The Clerk announced the following pairs.

Mr. Jenrette with Mr. Allen.
Mr. Cotter with Mr. Edwards of Alabama.
Mr. Alexander with Mr. Broyhill.
Mr. Baucus with Mr. Pressler.
Mr. Howard with Mr. Holland.
Mr. Minish with Mr. Dent.
Mr. Patten with Mr. McCloskey.
Mr. Bevill with Mr. Runnels.
Mr. Nichols with Mr. Buchanan.
Ms. Oakar with Mr. Stump.
Mr. Santini with Mr. Conyers.
Mr. Waxman with Mr. Dickinson.
Mr. Flynt with Mr. Teague.
Mr. Carney with Mr. Mollohan.
Mr. Danielson with Mr. Quie.
Mr. Bowen with Mr. Cochran of Mississippi.
Mr. Charles H. Wilson of California with Mr. Obey.
Mr. Ryan with Mr. Diggs.
Mr. Applegate with Mr. Bob Wilson.
Mrs. Burke of California with Mr. Young of Alaska.
Mr. Florio with Mr. Dornan.
Mr. Roybal with Mr. Tucker.
Mr. Simon with Mr. Whitten.
Mr. Stokes with Mr. Montgomery.
Mr. Tsongas with Mr. Beilenson.
Mr. Weaver with Mr. Dellums.
Mr. Krueger with Mr. Flowers.
Mr. Flippo with Mr. Ford of Michigan.
Mr. Gibbons with Mr. Duncan of Oregon.
Mr. Hannaford with Mr. Giaimo.
Mr. Pike with Mr. Mineta.

Messrs. ROUSSELOT, McDADE, CONTE, FRENZEL, BADHAM and QUAYLE changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NORTH PACIFIC FISHERIES ACT AMENDMENTS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill H.R. 12637, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEGGETT) that the House suspend the rules and pass the bill H.R. 12637, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 368, nays 0, not voting 66, as follows:

[Roll No. 415]

YEAS—368

Abdnor	Cederberg	Fowler
Addabbo	Chappell	Fraser
Akaka	Chisholm	Frenzel
Ambro	Clausen, Don H.	Frey
Ammerman	Clawson, Del	Fuqua
Anderson, Calif.	Clay	Gammage
Anderson, Ill.	Cleveland	Garcia
Andrews, N.C.	Cohen	Gaydos
Andrews, N. Dak.	Coleman	Gephardt
Annunzio	Collins, Ill.	Giaimo
Archer	Collins, Tex	Gilman
Armstrong	Conable	Ginn
Ashbrook	Conte	Glickman
Ashley	Corcoran	Goldwater
Aspin	Corman	Gonzalez
AuCoin	Cornell	Goodling
Badham	Cornwell	Gore
Bafalis	Coughlin	Gradison
Baldus	Crane	Grassley
Barnard	Cunningham	Green
Bauman	Daniel, Dan	Gudger
Beard, R.I.	Daniel, R. W.	Guyer
Beard, Tenn.	Davis	Hagedorn
Bedell	de la Garza	Hall
Benjamin	Delaney	Hamilton
Bennett	Derrick	Hammer-schmidt
Biaggi	Derwinski	Hanley
Bingham	Devine	Hansen
Blanchard	Dicks	Harkin
Blouin	Dingell	Harrington
Boggs	Dodd	Harris
Boland	Downey	Harsha
Bolling	Drinan	Hawkins
Bonior	Duncan, Tenn.	Heckler
Bonker	Early	Hefner
Brademas	Eckhardt	Heftel
Breaux	Edgar	Hightower
Breckinridge	Edwards, Calif.	Hillis
Brinkley	Edwards, Okla.	Hollenbeck
Brodhead	Eilberg	Holtzman
Brooks	Emery	Horton
Broomfield	English	Hubbard
Brown, Calif.	Erlenborn	Huckaby
Brown, Mich.	Ertel	Hughes
Brown, Ohio	Evans, Colo.	Hyde
Burgener	Evans, Del.	Ichord
Burke, Fla.	Evans, Ga.	Ireland
Burke, Mass.	Evans, Ind.	Jacobs
Burleson, Tex.	Fary	Jeffords
Burlison, Mo.	Fascell	Jenkins
Burton, John	Fenwick	Johnson, Calif.
Burton, Phillip	Findley	Johnson, Colo.
Butler	Fish	Jones, N.C.
Byron	Fisher	Jones, Okla.
Caputo	Fithian	Jones, Tenn.
Carr	Foley	Jordan
Carter	Ford, Tenn.	Kasten
Cavanaugh	Forsythe	Kastenmeier
	Fountain	Kazen
Kelly	Moorhead, Pa.	Shuster
Kemp	Moss	Sikes
Ketchum	Mottl	Sisk
Keys	Murphy, Ill.	Skelton
Kildee	Murphy, Pa.	Skubitz
Kindness	Murtha	Slack
Kostmayer	Myers, Gary	Smith, Iowa
Krebs	Myers, John	Smith, Nebr.
LaFalce	Myers, Michael	Snyder
Lagomarsino	Natcher	Solarz
Latta	Neal	Spellman
Le Fante	Nedzi	Spence
Leach	Nolan	St Germain
Lederer	Nowak	Staggers
Leggett	O'Brien	Stangeland
Lehman	Oberstar	Stanton
Lent	Obey	Stark
Levitas	Ottinger	Steed
Livingston	Panetta	Steers
Lloyd, Calif.	Patterson	Steiger
Lloyd, Tenn.	Pattison	Stockman
Long, La.	Pease	Stratton
Long, Md.	Pepper	Studds
Lott	Perkins	Symms
Lujan	Pettis	Taylor
Luken	Pickle	Thompson
Lundine	Poage	Thone
McClory	Preyer	Thornton
McCormack	Price	Traxler
McDade	Pritchard	Treen
McDonald	Pursell	Trible
McEwen	Quayle	Udall
McFall	Quillen	Ullman
McHugh	Rahall	Van Deerlin
McKay	Railsback	Vander Jagt
McKinney	Rangel	Vanik
Madigan	Regula	Vento
Maguire	Reuss	Volkmer
Mahon	Rhodes	Waggonner
Mann	Richmond	Walgren
Markey	Rinaldo	Walker
Marks	Risenhoover	Walsh
Marlenee	Roberts	Wampler
Marriott	Robinson	Watkins
Martin	Roe	Weiss
Mathis	Rogers	Whalen
Mattox	Roncalio	White
Mazzoli	Rooney	Whitehurst
Meeds	Rose	Whitley
Metcalfe	Rosenthal	Wiggins
Meyner	Rostenkowski	Wilson, Tex.
Michel	Rousselot	Winn
Mikulski	Rudd	Wirth
Mikva	Ruppe	Wolff
Milford	Russo	Wright
Miller, Calif.	Sarasin	Wydler
Miller, Ohio	Satterfield	Wylie
Mineta	Sawyer	Yates
Mitchell, Md.	Scheuer	Yatron
Mitchell, N.Y.	Schroeder	Young, Fla.
Moakley	Schulze	Young, Mo.
Moffett	Sebelius	Zablocki
Moore	Seiberling	Zeferetti
Moorhead, Calif.	Sharp	
	Shipley	

NOT VOTING—66

Alexander	Edwards, Ala.	Patten
Allen	Flippo	Pike
Applegate	Flood	Pressler
Baucus	Florio	Quie
Beilenson	Flowers	Rodino
Bevill	Flynt	Roybal
Bowen	Ford, Mich.	Runnels
Broyhill	Gibbons	Ryan
Buchanan	Hannaford	Santini
Burke, Calif.	Holland	Simon
Carney	Holt	Stokes
Cochran	Howard	Stump
Conyers	Jenrette	Teague
Cotter	Krueger	Tsongas
D'Amours	McCloskey	Tucker
Danielson	Minish	Waxman
Dellums	Mollohan	Weaver
Dent	Montgomery	Whitten
Dickinson	Murphy, N.Y.	Wilson, Bob
Diggs	Nichols	Wilson, C. H.
Dornan	Nix	Young, Alaska
Duncan, Oreg.	Oakar	Young, Tex.

The Clerk announced the following pairs:

Mr. Jenrette with Mr. Allen.
Mr. Cotter with Mr. Edwards of Alabama.
Mr. Alexander with Mr. Broyhill.
Mr. Baucus with Mr. Pressler.
Mr. Howard with Mr. Holland.
Mr. Minish with Mr. Dent.
Mr. Patten with Mr. McCloskey.
Mr. Bevill with Mr. Runnels.
Mr. Nichols with Mr. Buchanan.
Ms. Oakar with Mr. Stump.
Mr. Santini with Mr. Conyers.

Mr. Waxman with Mr. Dickinson.
Mr. Flynt with Mr. Teague.
Mr. Carney with Mr. Mollohan.
Mr. Danielson with Mr. Quie.
Mr. Bowen with Mr. Cochran of Mississippi.
Mr. Charles H. Wilson of California with Mr. Nix.
Mr. Ryan with Mr. Diggs.
Mr. Applegate with Mr. Bob Wilson.
Mrs. Burke of California with Mr. Young of Alaska.
Mr. Florio with Mr. Dornan.
Mr. Roybal with Mr. Tucker.
Mr. Simon with Mr. Whitten.
Mr. Stokes with Mr. Montgomery.
Mr. Tsongas with Mr. Bellenson.
Mr. Weaver with Mr. Dellums.
Mr. Krueger with Mr. Flowers.
Mr. Flippo with Mr. D'Amours.
Mr. Gibbons with Mr. Duncan of Oregon.
Mr. Hannaford with Mr. Ford of Michigan.
Mr. Pike with Mrs. Holt.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

POLAR LIVING MARINE RESOURCES CONSERVATION ACT OF 1978

The SPEAKER pro tempore (Mr. MOAKLEY). The unfinished business is the question of suspending the rules and passing the bill H.R. 12668, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LEGGETT) that the House suspend the rules and pass the bill H.R. 12668, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 268, nays 103, not voting 63, as follows:

[Roll No. 416]

YEAS—268

Addabbo	Cederberg	Foley
Akaka	Chappell	Ford, Mich.
Ambro	Chisholm	Ford, Tenn.
Ammerman	Clausen,	Forsythe
Anderson,	Don H.	Fountain
Calif.	Clay	Fowler
Anderson, Ill.	Cleveland	Fraser
Andrews, N.C.	Cohen	Frenzel
Andrews,	Coleman	Frey
N. Dak.	Collins, Ill.	Fuqua
Ashley	Conte	Garcia
Aspin	Corman	Gaydos
AuCoin	Cornell	Giaimo
Baldus	Cornwell	Gilman
Barnard	Coughlin	Ginn
Beard, R.I.	D'Amours	Gonzalez
Bedell	Daniel, Dan	Gradison
Bennett	Davis	Green
Biaggi	de la Garza	Gudger
Bingham	Delaney	Guyer
Blouin	Derwinski	Hagedorn
Boland	Dicks	Hammer-
Bolling	Dingell	schmidt
Bonior	Downey	Hanley
Bonker	Duncan, Tenn.	Harkin
Brademas	Early	Harrington
Breaux	Eckhardt	Harris
Breckinridge	Edgar	Harsha
Brinkley	Edwards, Calif.	Hawkins
Brodhead	Ellberg	Heckler
Brooks	Emery	Hefner
Broomfield	English	Heftel
Brown, Calif.	Erlenborn	Hightower
Brown, Mich.	Ertel	Hillis
Burgener	Evans, Colo.	Hollenbeck
Burke, Mass.	Evans, Del.	Holtzman
Burlison, Mo.	Fary	Horton
Burton, John	Fascell	Hubbard
Burton, Phillip	Fenwick	Hughes
Byron	Fish	Hyde
Carter	Fisher	Ireland
Cavanaugh	Flood	Jeffords
Johnson, Calif.	Moore	Sikes
Johnson, Colo.	Moorhead, Pa.	Sisk
Jones, N.C.	Moss	Slack
Jones, Tenn.	Murphy, Pa.	Smith, Iowa
Jordan	Murtha	Solarz
Kasten	Myers, Gary	Spellman
Kastenmeier	Myers, Michael	Spence
Kildee	Natcher	St Germain
Kindness	Neal	Staggers
Kostmayer	Nedzi	Stangeland
Krebs	Nolan	Stanton
LaFalce	Nowak	Stark
Lagomarsino	O'Brien	Steed
Le Fante	Oberstar	Steers
Leach	Obey	Steiger
Lederer	Panetta	Stockman
Leggett	Patterson	Stratton
Lehman	Pattison	Studds
Lent	Pepper	Thompson
Levitas	Perkins	Thornton
Lloyd, Calif.	Pettis	Traxler
Long, Md.	Pickle	Treen
Lujan	Preyer	Trible
McClory	Price	Udall
McCormack	Pritchard	Ullman
McFall	Quillen	Van Deerlin
McHugh	Rahall	Vander Jagt
McKay	Railsback	Vanik
McKinney	Rangel	Vento
Maguire	Regula	Walgren
Mahon	Reuss	Walsh
Mann	Rhodes	Wampler
Markey	Richmond	Weaver
Marriott	Rinaldo	Weiss
Martin	Risenhoover	Whalen
Mathis	Roe	White
Mattox	Rogers	Whitehurst
Meeds	Roncalio	Whitley
Metcalfe	Rooney	Wiggins
Meyner	Rose	Wilson, Tex.
Michel	Rosenthal	Wirth
Mikulski	Ruppe	Wolff
Milford	Russo	Wright
Miller, Calif.	Sarasin	Wylie
Mineta	Sawyer	Yatron
Mitchell, Md.	Scheuer	Young, Mo.
Mitchell, N.Y.	Schroeder	Zablocki
Moakley	Schulze	Zeferetti
Moffett	Shipley	

NAYS—103

Abdnor	Goldwater	Murphy, Ill.
Annunzio	Goodling	Myers, John
Archer	Gore	Ottinger
Armstrong	Grassley	Pease
Ashbrook	Hall	Poage
Badham	Hamilton	Pursell
Bafalis	Hansen	Quayle
Bauman	Holt	Roberts
Beard, Tenn.	Huckaby	Robinson
Benjamin	Ichord	Rostenkowski
Blanchard	Jacobs	Rousselot
Brown, Ohio	Jenkins	Rudd
Burke, Fla.	Jones, Okla.	Satterfield
Burleson, Tex.	Kazen	Sebelius
Butler	Kelly	Selberling
Caputo	Kemp	Sharp
Carr	Ketchum	Shuster
Clawson, Del	Keys	Skelton
Collins, Tex.	Latta	Skubitz
Conable	Livingston	Smith, Nebr.
Corcoran	Lloyd, Tenn.	Snyder
Crane	Lott	Symms
Cunningham	Luken	Taylor
Daniel, R. W.	Lundine	Thone
Derrick	McDade	Volkmer
Devine	McDonald	Waggonner
Dodd	McEwen	Walker
Drinan	Madigan	Watkins
Edwards, Okla.	Marks	Winn
Evans, Ga.	Marlenee	Wydler
Evans, Ind.	Mazzoli	Yates
Findley	Mikva	Young, Fla.
Fithian	Miller, Ohio	
Gammage	Moorhead,	
Gephardt	Calif.	
Glickman	Mottl	

NOT VOTING—63

Alexander	Conyers	Flynt
Allen	Cotter	Gibbons
Applegate	Danielson	Hannaford
Baucus	Dellums	Holland
Bellenson	Dent	Howard
Bevill	Dickinson	Jenrette
Boggs	Diggs	Krueger
Bowen	Dornan	Long, La.
Broyhill	Duncan, Oreg.	McCloskey
Buchanan	Edwards, Ala.	Minish
Burke, Calif.	Flippo	Mollohan
Carney	Florio	Montgomery
Cochran	Flowers	Murphy, N.Y.
Nichols	Roybal	Tsongas
Nix	Runnels	Tucker
Oakar	Ryan	Waxman
Patten	Santini	Whitten
Pike	Simon	Wilson, Bob
Pressler	Stokes	Wilson, C. H.
Quie	Stump	Young, Alaska
Rodino	Teague	Young, Tex.

The Clerk announced the following pairs:

Mr. Santini with Mr. Allen.
Mr. Howard with Mr. Murphy of New York.
Mr. Simon with Mr. Montgomery.
Mrs. Boggs with Ms. Oakar.
Mr. Bevill with Mr. Dornan.
Mr. Nichols with Mr. Quie.
Mr. Minish with Mr. Bowen.
Mr. Patten with Mr. Cochran of Mississippi.
Mr. Baucus with Mr. Pike.
Mr. Alexander with Mr. Holland.
Mr. Bellenson with Mr. Nix.
Mr. Flippo with Mr. Dent.
Mr. Florio with Mr. Broyhill.
Mr. Applegate with Mr. Krueger.
Mr. Hannaford with Mr. Edwards of Alabama.
Mr. Roybal with Mr. Duncan of Oregon.
Mr. Waxman with Mr. Gibbons.
Mr. Mollohan with Mr. McCloskey.
Mr. Flowers with Mr. Dellums.
Mr. Charles H. Wilson of California with Mr. Runnels.
Mr. Flynt with Mr. Buchanan.
Mr. Carney with Mr. Ryan.
Mr. Conyers with Mr. Stokes.
Mr. Cotter with Mr. Tsongas.
Mr. Danielson with Mr. Teague.
Mr. Doggs with Mr. Tucker.
Mr. Long of Louisiana with Mr. Stump.
Mr. Jenrette with Mr. Whitten.
Mrs. Burke of California with Mr. Bob Wilson.
Mr. Pressler with Mr. Young of Alaska.

Mr. SKUBITZ, Ms. KEYS, and Mr. SEIBERLING changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON SMALL BUSINESS TO HAVE UNTIL MIDNIGHT TO FILE REPORT

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the Committee on Small Business may have until midnight tonight to file a report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 12930, APPROPRIATIONS FOR TREASURY DEPARTMENT, U.S. POSTAL SERVICE, EXECUTIVE OFFICE OF PRESIDENT, AND INDEPENDENT AGENCIES

Mr. MURPHY of Illinois, from the Committee on Rules, submitted a privileged report (Rept. No. 95–1271) on the resolution (H. Res. 1218) providing for consideration of the bill (H.R. 12930) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1979,

and for other purposes, which was referred to the House Calendar and ordered to be printed.

INTELLIGENCE AUTHORIZATIONS

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1205 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12240) to authorize appropriations for fiscal year 1979 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. MURPHY) is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, I yield the usual 30 minutes for the minority to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1205 provides for an open rule with 1 hour of general debate on H.R. 12240, the Intelligence and Intelligence-Related Program Authorization Act for fiscal year 1979.

This bill authorizes appropriations for programs and activities of our national intelligence community as well as certain Department of Defense programs. The committee is prohibited from disclosing budgetary information on U.S. intelligence activities, pursuant to House Resolution 658. Thus, a classified annex to its report containing this information has been available to Members only for 3 legislative days.

This bill also authorizes $8,500,000 for fiscal year 1979 for the intelligence community staff and sets a personnel ceiling of 170. $43,500,000 is authorized for fiscal year 1979 for the Central Intelligence Agency retirement and disability system.

There is also a provision in the bill which requires that the Intelligence Committees of both Houses be notified whenever an alien is admitted into the United States against the advice of the FBI and the Attorney General.

Mr. Speaker, this bill was reported out unanimously by the Permanent Select Committee on Intelligence. It was then sequentially referred to the Committee on Armed Services which reported it out without amendment. The Committee on the Judiciary took no action on the bill but has no objection to the measure. I believe that all the committees worked hard and responsibly on this legislation and I urge adoption of House Resolution 1205 in order that H.R. 12240 might be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished gentleman from Illinois (Mr. MURPHY) has ably explained the provisions of the rule. Mr. Speaker, I would like to inform the Members that this measure, the authorizing appropriation measure for the Committee on Intelligence, was voted out of that committee without a dissenting vote. It was also voted out of the Committee on Armed Services without a dissenting vote. There are sensitive items contained in the measure and I see no need to go into details in the debate on the rule. I am sure that the measure will be fully debated when the bill is discussed in the Committee of the Whole.

Mr. Speaker, I urge the adoption of the rule.

Mr. JOHNSON of Colorado. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. JOHNSON).

Mr. JOHNSON of Colorado. Mr. Speaker, I cannot vote for this rule nor for this authorization.

I do not know how many Members have read the classified annex to the report that was available to all of us, but I read it and, on that basis, will not vote for the rule and will not vote for the bill. It is not that I disagree with what the intelligence community is doing, I do not know what the intelligence community is doing because the annex to the report that was classified so highly that it is only available to us in the committee room, and is supposed to contain some sort of information, I suppose, contains absolutely nothing about what the intelligence community is doing.

The committee has given us the amount of money to be expended. Members can find that out, but no details whatever on how the money is to be spent. I think we are returning to the days when an elite few Members of Congress allegedly exercised oversight over the intelligence community—in those days specifically the CIA—but in reality those Members did not know the bare outlines of the CIA activities, or at least they did not admit to knowing those activities when they were ultimately disclosed, though the CIA said that they had always informed the Members of the House on the program and that inconsistency has never been cleared up and I doubt that it ever will be.

The report does not tell us anything about intelligence activities. There is no need for Members of Congress to know in detail the activities of the intelligence community, but I submit there is a need for us to have some idea about their programs. We can read about classified activity in the newspapers regularly. There is continuing selective declassification by the executive branch through leaks to various columnists. We have access through the press to the disputes within the administration about the reliability of the information, just for example, regarding the Cuban forces in Africa, but we have no access to it ourselves.

The committee has chosen not to tell other Members what they presumably know about intelligence activities. So then the responsibility is theirs, Mr. Speaker, for any repetition of the kind of depredations committed by the CIA and other intelligence community agencies in the past. But the responsibility is also ours if we allow intelligence activities to be unmonitored by Congress—not just a few elite Members—but Congress itself in the whole.

The committee has assumed a burden of responsibility not required, and one would think not wanted.

Members who vote for this bill without knowing—without having read the classified annex to the report—or those who have read the classified annex, who know what is not contained in there, will be voting to grant a blank check for the expenditure of a lot of money to those who, in the past, have not warranted that kind of trust.

I have come to the conclusion after several years around here, Mr. Speaker, that most Members of Congress rather incongruously, I believe, feel that elected officials are somehow not as patriotic or as trustworthy as appointed officials. There are hundreds of appointed officials in this city who have access to the classified information that Members of Congress do not have access to. Why we are willing to abdicate our responsibility this way I do not know, but the American people should not be misled into believing that Members of Congress have access to information that the public does not have. We have no information available to us about the intelligence activities of the Government—none whatsoever. Accordingly, I will not endorse or vote for giving unchecked and, as far as I know, unmonitored authority to appointed officials. The history of the past few years should teach us not to entrust appointed officials who are not directly responsible to the public with vast amounts of money and unchecked authority. Neither should we leave vital decisions to a handful of Members of Congress. We do not trust elected officials with even the bare outlines of the most critical activities our Government engages in. We would not vote to give a vast sum to the Department of Agriculture or HEW or HUD without the opportunity of knowing what the expenditures are for. I do not understand why we do not insist upon having adequate information in this field which is so subject to executive branch abuse.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. QUILLEN. Mr. Speaker, I yield 2 additional minutes to the gentleman from Colorado.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank my colleague for yielding.

I can certainly understand the gentleman's concern. I would simply say all of us on the intelligence committee have that same concern. I think the gentleman will recall that under the rules there are times and places when Members of

Congress can make application and can ask the committee for specific information. I just wonder whether my colleague's concern has extended to making any requests to our committee for making information available to him? Also, has he read the classified documents that are available?

Mr. JOHNSON of Colorado. Yes. I went to read the annex, and, as far as I am concerned, after having had some exposure to intelligence activities as a member of the temporary Select Committee earlier, I felt that the information that was contained in the annex was absolutely useless. I might add that I also inquired earlier as to the possibility of attending some of the subcommittee hearings and was told by not a member of the committee, not a Member of Congress, but a staff person that the circumstances were such that it was almost impossible for me to gain access to this information. As I have read the rules since then, I think that was correct.

Mr. ASHBROOK. If my colleague would further yield, I think the rules are very clear, and if my colleague will make specific requests, the committee will take them under consideration. I do not think there is any effort to blank out the other Members of Congress in this vital field. There are areas where we specifically have a responsibility for maintaining secrecy—and I think the gentleman will agree we should discharge that responsibility. We do not accept this responsibility lightly and we are never completely certain how well we discharge this responsibility.

Mr. JOHNSON of Colorado. I understand that, but from the point of view of the other Members of Congress, we do not even know what to ask for.

Mr. WEISS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Colorado. I yield to the gentleman from New York.

Mr. WEISS. I appreciate the gentleman's yielding.

I simply want to commend the gentleman for the very high act of courage and patriotism that he is performing this afternoon. Last year when this measure, the measure to create the Select Committee, came before us, I voted against it exactly for the reasons now expressed by the gentleman.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WEISS).

Mr. WEISS. I appreciate the gentleman from Illinois yielding.

I think that for us to accept this kind of blank check either on the rule or on the measure itself is in fact to condone the worst excesses that the Congress and the country witnessed just a bare few years ago. If we do not want to return to the worst days of Watergate, it seems to me that now is the time to express our concerns by voting against the rule and against the authorization measure.

I yield back the remainder of my time.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. Mr. Speaker, the gentleman from Colorado knows my high regard for him. I know of his sincerity in the remarks the gentleman has made, but I am very surprised that he would take that view. The gentleman has indicated, as I understand it, that he has had access to the classified annex to the report which has the dollar figures and has the specific actions which the committee and the Congress is recommending.

Now, there are 93 pages in that report. That report is what will be made available to the agencies uptown that carry out the law. It is the information that will be made available to the appropriation committees as they act within their jurisdiction on this authorization.

Mr. Speaker, my Subcommittee on Program and Budget which initially drafted this bill had 55 hours of hearings. We had 3,000 pages of testimony. We submitted 700 questions to the agency to be answered for the RECORD in addition to that 55 hours of testimony.

The Select Committee on Intelligence has gone into greater detail with respect to our intelligence community than has ever been done before by a committee of the Congress.

I will have to admit that perhaps the language that the gentleman from Colorado finds in that 93 pages of annex may be complex and perhaps confusing; but I understand the gentleman to say the gentleman had the dollar figures. The gentleman knows how much we are spending in each category. Obviously, and admittedly, intelligence involves considerable complexity and expertise.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Speaker, I want to commend the gentleman from Colorado for a well-thought-out statement, which I would urge everyone to not only read again, but to pay very careful attention to.

I do not find fault with the new Committee on Intelligence. I think they are doing a good job, and I commend the chairman and all the members of that committee for it; but I am terribly concerned by what the gentleman from Colorado points out in this whole area of legislating in the blind because of the arguments and the constraints of national security. While I think that the new Committee on Intelligence has done good work and is overseeing the intelligence community more than the intelligence community was supervised in the past, I still think there is too much secrecy involved in much of this area that this secrecy has no rational justification on national security grounds.

I think there is a tendency in this body to provide even more secrecy than the agencies themselves wish to have or need. I do not think we should legislate in the dark on intelligence matters, except in those very specific areas where there is an absolute need for secrecy.

I am privy to intelligence information through my work on the Defense Appropriation Subcommittee. I myself know there is a great deal of information which is classified as "secret" which I read about in the newspapers. I do not think it is healthy to have an overemphasis on secrecy. Certainly sources and methods and things of that type should be protected, but I do think there has been a tendency in this body to be oversecretive and to deprive and to deny to the American people information on what happens in their Government.

Mr. Speaker, we cannot condone that. I feel that we have not gone far enough in overseeing what the intelligence community is doing. In fact, I feel that many Members of Congress are under constraints to not know, because it is a safer feeling if one does not know and if one is not privy to the information. One cannot be charged with leaking, for example.

Mr. Speaker, I do not think this is the way in which we best serve the people of this Nation, and I commend the gentleman from Colorado (Mr. JOHNSON) for his excellent statement.

Mr. MURPHY of Illinois. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. JOHN L. BURTON).

Mr. JOHN L. BURTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I have here a legislative report from the DSG which makes a statement, and I wonder if some Member of the Select Committee on Intelligence might comment on it. It says that the administration opposes portions of this bill which differ from its requests—and here is the "zinger"—and the portions and the requests are both classified.

If a Member wanted to amend the bill to bring it into conformance with the requests of the administration, how would that Member know what to amend since both the requests and the portions are classified?

Mr. BURLISON of Missouri. Mr. Speaker, will the gentleman yield?

Mr. JOHN L. BURTON. I yield to the gentleman from Missouri. I would not want to hear any secrets, though.

Mr. BURLISON of Missouri. Mr. Speaker, let me say to my friend, the gentleman from California (Mr. JOHN L. BURTON), that the reason the administration differs with several parts of our classified report is that we have not served as a rubber stamp for the administration and we made many modifications. We made very substantial cuts in the recommendations of the President in this highly important field.

We have made some decreases; in a very few instances we have increased what the administration asked for. Overall, we have reduced substantially, by my definition of "substantial," the requests of the President. The actions of this committee can be changed by our counterpart in the other body and by the conference committee that will come later.

I do not know whether the gentleman is suggesting that we ought to have the whole report in here on the public record, including reports of our hearings, our debates, the executive justifications, and our committee markup. If that is what the gentleman is suggesting, I would submit to him that he is suggesting we have no intelligence network and no intelligence machinery for this Government.

Mr. JOHN L. BURTON. Mr. Speaker, the only thing I would say is that, if the portions and the requests are both classified, it would be difficult to amend. Could I offer a blank amendment, for instance, to restore the administration's portion of the bill?

I just happen to agree with the gentleman from Colorado (Mr. JOHNSON) that it makes it difficult to deal with this matter, and maybe we could just have the committee that has the information act on behalf of the House and pass the bill. It is a tough one for us to deal with. If we wanted to amend it, we would not even be able to know what to amend.

Mr. Speaker, I yield back the balance of my time, and I urge that we take a vote on this matter.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when it comes to the security of this Nation, sensitive material is most important. I know it is true that they say what people do not know will hurt them, but there are things Members should be briefed on in a way to protect the national security of this country.

Since the Permanent Select Committee on Intelligence voted 8 to 0 for this measure and since the Committee on Armed Services approved it with no dissenting votes, then I think these committee members have considered it fully, hearing testimony day after day, and we should take their recommendation.

Since I have been in the House, I have seen the CIA and its image fade to almost nothingness, I have seen the FBI and its image fade, and I have seen the image of other intelligence operandi of this Government fade and fade.

I do not agree with many things that have been revealed as to the operations of these various agencies, but I do believe that the national security of this country is so important that we should conduct the debate as recommended by the two committees, realizing that if we want to go to the annex, we have available the information that is being objected to.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I think we can recognize that between the time that we established an intelligence organization in 1947 and about 3 or 4 years ago the Congress neglected its oversight role with respect to the subject of intelligence. But what has happened in the last couple of years, and especially since the establishment of this Permanent Select Committee on Intelligence, is that we have had effective congressional oversight, both by the committee of this body and the corresponding committee of the other body.

Mr. Speaker, I want to say that the representatives of the intelligence community have been completely open and forthright with our committee. They have not withheld any information which we required, insofar as I know. We have gone into great detail, as the gentleman from Missouri (Mr. BURLISON) has indicated. The detailed information which has been supplied with regard to the subject of funds that are to be expended for intelligence activities is such that it has consumed a great deal more time than those of us who volunteered to serve on this committee ever anticipated.

Mr. Speaker, I want to commend all of the members of the committee for the diligence which they have demonstrated in applying themselves to their jobs. I want to commend the intelligence communities for leveling with the committee, with regard to all of the essential information which it has been important for us to have.

Furthermore, I want to say that a great deal of damage has been done to our intelligence agencies, including damage that can be attributed to this body as well as the other body, with respect to our intelligence activities in recent years. Now, we are overcoming that; and it seems to me that we have the opportunity to strengthen the intelligence community and to support it through the kind of attention we are giving to it, the kind of oversight we are providing here. It is my sincere hope that we can continue those efforts.

There are some who feel that intelligence should be only an intelligence gathering function and that the information secured should be made public. But there are others who recognize the importance of secrecy and I am one of those, and we recognize the importance to our national security of strong and effective intelligence organizations. That is the position I am trying to uphold.

Mr. MURPHY of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Speaker, I would like to mention that the gentleman from Colorado has made an important contribution to this debate today. I intend to vote for the rule, and I hope the House does so overwhelmingly. But I think it would be well to note, for the purposes of House debate, some of the information on page 2 of the committee report.

I would like to read at least one sentence, and I would commend the reading of that page to the Members, because it deals with this question of secrecy. It documents the fact that our committee has dealt with this question.

On page 2 is this:

> This committee finds compelling evidence to convince it that disclosure of budget information as to the intelligence and intelligence-related activities of the Government is not justified in the immediate future. However, this is a judgment that the committee will have to revisit from time to time to determine whether a reassessment of its position is required.

During the course of the hearings—and I serve on the committee—I specifically asked the question for the record: What does the term "in the immediate future" mean? I got on the record the fact that that is a year-to-year review by this committee of whether or not a budget total or some specific budget data will be made available to the general public.

I think that is an important distinction. Our committee is not unaware of the problem of secrecy and the difficulties in which our Nation found itself because of there being too much secrecy. But on the other hand, the examination has to be careful and structured and disciplined. That is the sort of examination our committee will give in the years ahead.

Mr. Speaker, this is one Member, to the extent that I continue to serve on the committee, who intends to make it a point each year to have this Intelligence Committee study carefully, and reach a fresh determination yearly, of whether or not intelligence budget data should be kept secret.

Mr. MURPHY of New York. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. STARK).

PARLIAMENTARY INQUIRY

Mr. STARK. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MIKVA). The gentleman will state it.

Mr. STARK. Mr. Speaker, is a motion for the House to go into executive session in order at any time?

The SPEAKER pro tempore. It is not in order in the Committee of the Whole, the Chair will inform the gentleman.

Mr. STARK. It is in order in the full House, is it?

The SPEAKER pro tempore. The Chair will read the rule. It reads as follows:

RULE XXIX

SECRET SESSION

> Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any Member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the Members and officers thereof, and so continue during the reading of such communications, the debates and proceedings thereon, unless otherwise ordered by the House.

The Chair will emphasize that the rule requires that a Member assert that he himself has a secret communication to make for his motion to be in order.

Mr. STARK. I thank the Speaker.

Mr. MURPHY of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. QUILLEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 322, nays 48, not voting 64, as follows:

[Roll No. 417]

YEAS—322

Abdnor	Evans, Colo.	McDade
Addabbo	Evans, Del.	McDonald
Akaka	Evans, Ga.	McEwen
Ambro	Evans, Ind.	McFall
Ammerman	Fary	McKay
Anderson, Calif.	Fascell	McKinney
	Fenwick	Madigan
Anderson, Ill.	Findley	Mahon
Andrews, N.C.	Fish	Mann
Andrews, N. Dak.	Fisher	Markey
	Fithian	Marks
Annunzio	Flood	Marriott
Archer	Foley	Martin
Armstrong	Ford, Mich.	Mathis
Ashbrook	Forsythe	Mattox
Ashley	Fountain	Mazzoli
Aspin	Fowler	Meeds
AuCoin	Fraser	Metcalfe
Badham	Frenzel	Meyner
Bafalis	Frey	Michel
Baldus	Fuqua	Mikulski
Barnard	Gammage	Mikva
Bauman	Gaydos	Milford
Beard, R.I.	Gephardt	Miller, Ohio
Beard, Tenn.	Gilman	Mineta
Benjamin	Ginn	Mitchell, N.Y.
Bennett	Goldwater	Moakley
Biaggi	Goodling	Moore
Bingham	Gore	Moorhead, Calif.
Blanchard	Gradison	
Blouin	Grassley	Moorhead, Pa.
Boggs	Green	Mottl
Boland	Gudger	Murphy, Ill.
Bolling	Guyer	Murphy, Pa.
Bonker	Hagedorn	Murtha
Bowen	Hall	Myers, Gary
Brademas	Hamilton	Myers, John
Breaux	Hammer-schmidt	Myers, Michael
Breckinridge		Natcher
Brinkley	Hanley	Neal
Brooks	Hansen	Nedzi
Broomfield	Harkin	Nix
Brown, Calif.	Harris	Nowak
Brown, Mich.	Harsha	Oberstar
Brown, Ohio	Hawkins	O'Brien
Broyhill	Heckler	Patterson
Burgener	Hefner	Pattison
Burke, Fla.	Heftel	Pease
Burke, Mass.	Hightower	Pepper
Burleson, Tex.	Hillis	Perkins
Burlison, Mo.	Hollenbeck	Pettis
Butler	Holt	Pickle
Byron	Horton	Poage
Caputo	Huckaby	Preyer
Carter	Hughes	Price
Cederberg	Hyde	Pritchard
Chappell	Ichord	Quillen
Clausen, Don H.	Ireland	Rahall
	Jacobs	Railsback
Clawson, Del	Jenkins	Regula
Cleveland	Johnson, Calif.	Reuss
Cohen	Jones, N.C.	Rhodes
Coleman	Jones, Okla.	Rinaldo
Collins, Ill.	Jones, Tenn.	Risenhoover
Collins, Tex.	Jordan	Roberts
Conable	Kasten	Robinson
Conte	Kastenmeier	Roe
Corcoran	Kazen	Rogers
Corman	Kelly	Roncalio
Cornell	Kemp	Rooney
Cornwell	Ketchum	Rose
Crane	Keys	Rostenkowski
Cunningham	Kindness	Rousselot
D'Amours	LaFalce	Rudd
Daniel, R. W.	Lagomarsino	Ruppe
Davis	Latta	Russo
de la Garza	Leach	Sarasin
Delaney	Lederer	Satterfield
Derrick	Le Fante	Sawyer
Derwinski	Lehman	Schulze
Devine	Lent	Sebelius
Dicks	Levitas	Seiberling
Dingell	Livingston	Sharp
Dodd	Lloyd, Calif.	Shipley
Duncan, Tenn.	Lloyd, Tenn.	Shuster
Early	Long, La.	Sikes
Eckhardt	Long, Md.	Sisk
Edwards, Calif.	Lott	Skelton
Eilberg	Lujan	Skubitz
Emery	Luken	Slack
English	Lundine	Smith, Iowa
Erlenborn	McClory	Smith, Nebr.
Ertel	McCormack	Snyder
Solarz	Treen	Whitehurst
Spellman	Trible	Whitley
Spence	Udall	Wiggins
St Germain	Ullman	Wilson, Tex.
Staggers	Van Deerlin	Winn
Stangeland	Vander Jagt	Wirth
Stanton	Vanik	Wolff
Steed	Vento	Wright
Steers	Volkmer	Wydler
Steiger	Waggonner	Wylie
Stockman	Walgren	Yates
Symms	Walsh	Yatron
Taylor	Wampler	Young, Fla.
Thompson	Watkins	Young, Mo.
Thone	Whalen	Zablocki
Traxler	White	Zeferetti

NAYS—48

Bonior	Glickman	Nolan
Brodhead	Gonzalez	Obey
Burton, John	Harrington	Ottinger
Burton, Phillip	Holtzman	Panetta
Carr	Jeffords	Pursell
Cavanaugh	Johnson, Colo.	Quayle
Chisholm	Kildee	Rangel
Clay	Kostmayer	Richmond
Coughlin	Krebs	Rosenthal
Downey	McHugh	Scheuer
Drinan	Maguire	Schroeder
Edgar	Marlenee	Stark
Edwards, Okla.	Miller, Calif.	Studds
Ford, Tenn.	Mitchell, Md.	Walker
Garcia	Moffett	Weaver
Giaimo	Moss	Weiss

NOT VOTING—64

Alexander	Flippo	Quie
Allen	Florio	Rodino
Applegate	Flowers	Roybal
Baucus	Flynt	Runnels
Bedell	Gibbons	Ryan
Beilenson	Hannaford	Santini
Bevill	Holland	Simon
Buchanan	Howard	Stokes
Burke, Calif.	Hubbard	Stratton
Carney	Jenrette	Stump
Cochran	Krueger	Teague
Conyers	Leggett	Thornton
Cotter	McCloskey	Tsongas
Daniel, Dan	Minish	Tucker
Danielson	Mollohan	Waxman
Dellums	Montgomery	Whitten
Dent	Murphy, N.Y.	Wilson, Bob
Dickinson	Nichols	Wilson, C. H.
Diggs	Oakar	Young, Alaska
Dornan	Patten	Young, Tex.
Duncan, Oreg.	Pike	
Edwards, Ala.	Pressler	

The Clerk announced the following pairs:

Mr. Carney with Mr. Allen.
Mr. Santini with Mr. Montgomery.
Mr. Howard with Ms. Oakar.
Mr. Bevill with Mr. Dornan.
Mr. Nichols with Mr. Quie.
Mr. Minish with Mr. Bedell.
Mr. Patten with Mr. Cochran of Mississippi.
Mr. Cotter with Mr. Pike.
Mr. Baucus with Mr. Holland.
Mr. Alexander with Mr. Buchanan.
Mr. Charles H. Wilson of California with Mr. Dent.
Mr. Diggs with Mr. Krueger.
Mr. Waxman with Mr. Edwards of Alabama.
Mr. Hannaford with Mr. Duncan of Oregon.
Mr. Dellums with Mr. McCloskey.
Mr. Flowers with Mr. Runnels.
Mr. Flynt with Mr. Ryan.
Mr. Conyers with Mr. Stokes.
Mr. Florio with Mr. Tsongas.
Mr. Flippo with Mr. Teague.
Mr. Danielson with Mr. Tucker.
Mr. Jenrette with Mr. Whitten.
Mrs. Burke of California with Mr. Bob Wilson.
Mr. Murphy of New York with Mr. Young of Alaska.
Mr. Dan Daniel with Mr. Dickinson.
Mr. Beilenson with Mr. Gibbons.
Mr. Applegate with Mr. Hubbard.
Mr. Mollohan with Mr. Leggett.
Mr. Simon with Mr. Pressler.
Mr. Stratton with Mr. Stump.
Mr. Roybal with Mr. Thornton.

Mr. WEAVER changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12240) to authorize appropriations for fiscal year 1979 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The SPEAKER pro tempore (Mr. MIKVA). The question is on the motion offered by the gentleman from Massachusetts (Mr. BOLAND).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 12240, with Mr. FUQUA in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Massachusetts (Mr. BOLAND) will be recognized for 30 minutes, and the gentleman from Virginia (Mr. ROBINSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, the debate on the rule, of course, indicated that it is not all clear sailing for this committee. It will not be today, and it will not be in the years to come, and I guess perhaps it never will be. But that is predictable. We are dealing in a very, very sensitive area, and a lot of Members have their own feelings about the sensitivity of the information that we have developed in the Permanent Select Committee on Intelligence. Some of the opposition, of course, is predictable. It was not predictable, incidentally, from the gentleman fom Colorado (Mr. JOHNSON) for whom I have great respect and admiration. He is a valuable Member of this House. We do have a classified annex. This committee, of course, has to crawl before it starts to run, and this is our first effort at this particular mission. It is not a very easy mission, I would say to the Members of the Committee of the Whole House.

The Permanent Select Committee on Intelligence came into existence back in July of last year, and during August and most of September we engaged in structuring a staff for the committee. I think we have done that successfully. I might also point with pride, incidentally, to the amount of time that the members of the Budget Authorization Subcommittee have spent, not only on the fiscal year 1979 budget authorization but in reviewing the fiscal year 1978

budget. That entailed an incredible number of hours: Afternoons, evenings, sometimes Saturdays, and oftentimes visits to some of the intelligence facilities that are in the immediate area, or some of the intelligence facilities that are spread throughout the country.

H.R. 12240 does represent a milestone, in my judgment, and I think it ought to represent a milestone in the judgment of all the Members of the House of Representatives in the history of congressional oversight of intelligence activities. For the first time in its history—and there may be some disagreement with some of the procedures, and perhaps in the future, I might say to the gentleman from Colorado, we perhaps can iron them out—in any event, for the first time in the history of this body the House is considering a bill to authorize appropriations for the intelligence and intelligence-related activities of the U.S. Government. Furthermore, some features of this bill are unlike other authorization measures which have reached the floor of this House, and in particular, as we all know, the amounts and descriptions of the programs authorized by H.R. 12240 are not contained in the bill itself but rather in the classified annex to the committee's report. Objection has been voiced today to the classified annex. It is said that it does not tell us much information. It gives us some dollar figures, explains in a rather professional way, and perhaps not in too much detail, the way intelligence operations are conducted. The reason for it, of course, is that we have a responsibility, and I think the responsibility is particularly heavy upon this committee as it starts its work and as it reports to this House its first authorization bill and the first one in the history of the Congress itself to protect the secrecy of the information given to us. So we have provided for access to the classified annex by Members of the House of Representatives. We have staff who were sitting there who would advise Members about any programs on which questions might be asked of the staff, and I am sure that the staff would have given any Member relevant information that the committee itself is privy to had that Member asked. So I would say that as we start this particular budget authorization and as we bring it to the floor, for the first time in the history of the Congress we are doing it in a manner that ought to be satisfactory to the vast majority, the overwhelming number of the Members of this House. As I have indicated, there are some people who will never be satisfied with secrecy, never be satisfied with this kind of procedure and, of course, we expect that and it is predictable.

Mr. Chairman, may I just pay my respects to the members of the Budget Authorization Subcommittee.

As I think all of us know, at least those of us who served on the Committee on Appropriations, that the gentleman from Missouri (Mr. BURLISON), who chairs the Subcommittee on Budget Authorization, also serves on the Subcommittee on Appropriations dealing with intelligence and intelligence-related activities.

The ranking Republican member, the gentleman from Virginia (Mr. ROBINSON), who serves on the Budget Authorization Subcommittee of the Intelligence Committee, also serves on the Defense Subcommittee dealing with intelligence and intelligence-related activities of the intelligence community; so we have two members who have over the past years been reviewing appropriations, not authorizations, because in the final analysis in the bottom line is the line that will be brought out by the Committee on Appriations. We are very thankful of the fact that two of the members who served on this committee are members who served on the Committee on Appropriations and have dealt with these kinds of matters in the past.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. BOLAND) has expired.

Mr. BOLAND. Mr. Chairman, I yield myself 3 additional minutes.

Mr. Chairman, I also congratulate the gentleman from California (Mr. MINETA), who serves on the Budget Authorization Subcommittee and, as I said before, both the gentleman from Missouri (Mr. BURLISON) and the gentleman from Virginia (Mr. ROBINSON).

The amount of time these three gentlemen have put into this particular bill has been, in my judgment, one that ought to be appreciated and applauded by the members of this committee and by the Members of the House of Representatives.

Generally speaking, the agreements that have been reached by other committees—and I will yield in a minute to the gentleman from Colorado as soon as I finish my statement—the agreements reached by this committee and other committees that have jurisdiction in intelligence-related matters have been satisfactory. They have been ironed out with the Committee on Armed Services chaired by the distinguished gentleman from Illinois (Mr. PRICE). I want to congratulate the chairman of the committee and the staff of that committee for the work they have done on intelligence-related activities which come within the purview and jurisdiction of the Committee on Armed Services.

I also want to congratulate the distinguished gentleman from Missouri (Mr. ICHORD), who is in charge of the Subcommittee on Research and Development of the Committee on the Armed Services for his cooperation on this bill.

I also want to express my appreciation to the Committee on the Judiciary for the cooperation that that committee has given to the Budget Authorization Subcommittee and to the Select Committee on Intelligence.

I want also to express my appreciation to the chairman of that full committee and to the staff of the Committee on the Judiciary. We have had some differences. I think we have ironed them out.

There will be an amendment offered to title IV of the bill today by the distinguished gentleman from Pennsylvania (Mr. EILBERG), which will clear up some ambiguities with respect to title IV and the committee will be delighted to adopt that amendment.

Mr. Chairman, H.R. 12240 represents a milestone in the history of congressional oversight of intelligence agencies.

For the first time in its history, the House is considering a bill to authorize appropriations for all the intelligence and intelligence-related activities of the U.S. Government.

Furthermore, some features of this bill are unlike other authorization measures which have reached the floor of the House.

In particular, the amounts and descriptions of the programs authorized by H.R. 12240 are not contained in the bill itself but rather in the classified annex to the committee's report.

This annex is incorporated by reference in the bill itself.

A similar procedure was used by the Senate Select Committee on Intelligence for its fiscal year 1978 authorization bill, when that legislation was considered by the Senate in June of 1977.

The Permanent Select Committee on Intelligence has adopted this same procedure in order to thereby protect the highly classified nature of the programs that the classified annex discusses.

Members of the House have been given an opportunity to view this annex and to assess the recommendations of the committee as to these programs.

I believe that the committee has made some wise decisions.

We have recommended a budget package which represents a slight decrease from the President's budget recommendations but which makes both additions and deletions in reaching that position.

Members will understand why I cannot discuss the further details of the intelligence and intelligence-related programs which are included in this bill.

However, I do wish to make a number of general remarks which should give Members a general context in which to evaluate our intelligence capabilities and activities.

To begin with, you will notice the H.R. 12240 authorizes appropriations for intelligence and intelligence-related activities of the CIA, the Department of Defense, the NSA, the FBI, and a number of other agencies.

Intelligence activities include what is commonly understood to be espionage—intelligence collection, counterintelligence, and covert action.

Such programs are also called national intelligence, because they are primarily employed to provide intelligence to national policymakers—like the President, the National Security Council, and the Joint Chiefs of Staff.

They are organized as the national foreign intelligence program, which is managed by the Director of Central Intelligence, Admiral Turner.

What then are intelligence-related activities?

Generally speaking, intelligence-related activities are those Department of Defense programs, particularly surveillance and reconnaisance activities, which are designed to support operational military commanders, but which

because of their close relationship to national intelligence programs, are collected into the category called intelligence-related activities.

This way of looking at these programs as a whole, was begun at the request of the Congress some years ago. It has resulted, I believe, in a better overall picture of what resources are directed at intelligence requirements, by all the agencies of our Government.

The intelligence-related programs, as I mentioned, are all Department of Defense activities and are managed by the Secretary of Defense.

Because the intelligence-related programs are defense programs by another name, the Permanent Select Committee shares jurisdiction over them with the Committee on Armed Services.

Accordingly, when H.R. 12240 was reported out by the Committee on Intelligence, it was sequentially referred to the Committee on Armed Services.

Because of the classified nature of the programs involved and because the two committees initially differed in their recommendations on some of the intelligence-related items, both committees met and reached agreement as to all the intelligence-related items.

That agreement is reflected in the classified annex to the report of the Committee on Intelligence.

The same agreement was adopted by the Committee on Armed Services by a vote of 34 to 0.

I want to acknowledge at this point the very cooperative spirit with which the Committee on Armed Services—members and staff alike—has approached the process of resolving our differences as to intelligence-related programs.

I particularly wish to recognize the efforts of the gentleman from Illinois (Mr. PRICE), the distinguished chairman of the committee, the gentleman from Missouri (Mr. ICHORD), the chairman of the Research and Development Subcommittee, and the gentleman from California (Mr. BOB WILSON), who is both the ranking minority member on the Committee on Armed Services and the Permanent Select Committee on Intelligence.

H.R. 12240 was also referred to the Committee on the Judiciary, which discharged it without taking any action.

There is a difference between the recommendations of the two committees on one budget item, that of the domestic intelligence and terrorism program of the FBI.

The Committee on the Judiciary has recommended an increase over the President's budget request for this item.

That program, however, appears as a line item in H.R. 12005, the Committee on the Judiciary's fiscal year 1979 authorization bill for the Department of Justice.

Accordingly, the Permanent Select Committee asked for and received sequential referral of H.R. 12005 which it amended to return the program level to that requested by the President.

This issue will be joined when H.R. 12005 comes to the floor of the House and need not be discussed during consideration of H.R. 12240.

I have already mentioned that H.R. 12240 recommends budget authorization levels somewhat below that requested by the President.

I want to describe to the House the approach that the committee took in reaching this recommendation.

To begin with, as Members will be aware, this committee was formed in late July of 1977.

It did not really begin to function until well into September, when the first staff began to come on board.

The Program and Budget Authorization Subcommittee, under the able leadership of the gentleman from Missouri (Mr. BILL BURLISON), began an immediate review of the present fiscal year 1978 intelligence and intelligence-related programs.

This process consumed some 32 hours of hearings and almost 500 questions for the record.

Consequently, before the President's fiscal year 1979 request ever reached the committee, it had already been well briefed about ongoing programs.

I might add at this point that even without these briefings, both BILL BURLISON and KEN ROBINSON, both of whom serve on the subcommittee, also serve on the Defense Appropriations Subcommittee, where they had previously been exposed to these programs.

Their dedication to the job—as well as that of NORM MINETA—was truly impressive.

The Subcommittee on Program and Budget Authorization Subcommittee held 55 hours of hearings and processed 700 questions for the record in looking at the fiscal year 1979 budget request.

Field trips and frequent staff seminars also added to the process.

The result—the report which the committee has produced—was adopted unanimously by the subcommittee and by the full committee as well.

It received this support from all of the members of the committee precisely because of the careful consideration and extremely thorough preparation that the subcommittee and its staff had done.

I am a member of the Budget Subcommittee, as I am of all subcommittees, and I really feel that its recommendations have been thoughtful, cautious and very supportive of the intelligence agencies.

That point brings me to this remark.

This committee, to a man, supports the need for and the professional character of our intelligence agencies.

It does so based on the very thorough look that we have given these agencies and their activities in the process of drafting H.R. 12240.

I believe the approach we have taken to reach our conclusions is worth noting as well, because I feel the House ought to know how this committee is performing the task which it has been given.

To begin with, we have moved cautiously in performing those oversight, legislative and budget authorization tasks which we have been given.

The committee spent the largest amount of its energies in 1977 interviewing and selecting from hundreds of applicants members of its staff.

I cannot emphasize too strongly how important I view this first big step.

A committee which must conduct many of its hearings and meetings in closed session can become no better than its staff in the long run.

Further, the committee wished to choose as thoroughly professional and nonpartisan a staff as possible.

We had many qualified applicants, but we chose only those individuals who were recommended to the committee, by our staff director and chief counsel, and about whom the committee members on both sides of the aisle could agree.

Members of the House will no doubt be aware of the fact that our companion committee in the Senate is most often mentioned in any news account of investigations into or about intelligence.

In some ways that is entirely fitting.

That committee has acquired an excellent reputation for evenhandedness and integrity in its approach to these matters.

It had the great advantage of acquiring many of the staff members of the Church committee which preceded it and the quality of that staff work shows through.

However, the Senate committee gets the limelight more often for another reason as well.

With its large staff—twice the size of our committee—it is able to investigate every book that is written or every article that mentions the CIA.

That is fine and it should be done.

The permanent select committee also pays attention to those matters.

But, by and large, such investigations usually stem from events that occurred years ago, in many cases before this committee was created, and before the executive branch reforms under Presidents Ford and Carter.

This committee is, quite frankly, less interested and oriented toward dragging out past abuses, than it is, in present operations and legislation for the future.

Thus the two principal legislative accomplishments of the committee to date have been this bill, H.R. 12240, and the committee's action on H.R. 7308, the Foreign Intelligence Surveillance Act which the committee ordered reported just last week.

In considering both these bills the committee has moved first to educate itself as thoroughly as possible before any deliberation.

We have then acted—not on the basis of past practice but on the basis of what we as a committee have evoked from our hearings, our questions and our debates.

H.R. 12240, the bill before the House today, was approved unanimously by the committee at all levels.

It has the full support of Members from both sides of the aisle.

I am proud of this fact as I am sure are all the members of the committee.

Mr. Chairman, let me describe briefly the organization of this bill.

Title I lists those agencies of the Government which perform intelligence and

intelligence-related activities and notes that the actual amounts to be authorized are those contained in the classified annex to the committee report.

The committee considered making public the bottom line figure for these programs and conducted a series of public hearings in January to explore this possibility.

In considering H.R. 12240 the committee also decided not to publish this budget figure at this time.

We took this step for a number of reasons, but mostly because we felt, that this figure alone would not greatly aid public appreciation of intelligence, while it might take us down the road to disclosure of other budget totals for individual agencies, where real damage to the national security could be done.

Further, the committee felt strongly, that its oversight activities, and the drafting of legislation like the electronic surveillance bill, or intelligence charters would serve to contribute much more to public understanding and accountability for intelligence agencies.

Accordingly, title I does not mention any budget figures.

Title II would authorize appropriations of $8.5 million and 170 personnel for the intelligence community staff.

This organization exists to assist the Director of Central Intelligence in his role as head of the intelligence community.

It assists him in—among other things—exercising his budget and coordination authority over agencies besides CIA.

It will soon take on a new task in assisting him to "task" or set collection priorities for all these agencies.

This new authority was created by Executive Order 12036 entitled "United States Intelligence Activities," and it has resulted in an amendment to the President's budget request which was received by the committee after it had reported out H.R. 12240.

Accordingly, the committee will have an amendment to offer to title II to reflect its action and recommendation on the request for more people and money to perform collection tasking for the Director of Central Intelligence.

Title III authorizes $43.5 million for the CIA retirement and disability system, which, although very much like the civil service retirement system, is a separate fund.

It was created to allow retirement benefits, at a slightly higher rate than civil service, for those CIA officers whose service overseas, or in other hazardous circumstances, makes their secondary employment upon retirement unlikely.

The $43.5 million goes toward the unfunded liability of the system.

The committee held several hearings on the CIARDS system, as it is called, in 1977 and is satisfied that it serves the purposes for which it was created.

Title IV creates a new statutory obligation of the Attorney General.

It says that whenever the Attorney General determines that an alien seeking admission to this country is an excludable alien—that is, he is an espionage agent, a member of a foreign Communist Party or has come to overthrow the Government of the United States.

If that alien is admitted to the United Sttaes, then the Attorney General must notify the Congress as to each such individual.

The purpose of this section is to document for the committee the extent of this problem.

The FBI has stated to the committee that 9 times out of 10, actual known spies and terrorists are admitted to this country over the objection of the Bureau.

Naturally enough, since the FBI has the counterintelligence mission in this country, its job is made doubly difficult by such admissions.

This section was adopted by the committee, to counterbalance other provisions of law, which require notification of the Congress whenever the State Department does not grant a visa to such individuals.

The committee simply felt that this provision would point up the other part of that story—that previously identified espionage agents are being admitted to this country over the objections of the FBI.

The committee wishes to document the extent of this problem for itself before it makes any recommendation.

Mr. Chairman, that completes a summary of H.R. 12240. The bill is a very significant step for this House to take.

I realize that the form that this legislation takes is unusual.

It breaks new ground.

However, in the interests of preserving those national secrets not daily exposed by the press, I would suggest that this is the best way, by which Members can know, for what it is they are voting, without making public all the details of our intelligence apparatus.

There is a need to maintain the secrecy of these programs which cannot be operated without that protection.

I believe the House wishes to continue this protection and I, therefore, urge the House to approve H.R. 12240 and the committee's amendment to Title II.

Mr. Chairman, I am happy to yield to the distinguished gentleman from Colorado (Mr. JOHNSON).

Mr. JOHNSON of Colorado. Mr. Chairman, I appreciate what the gentleman from Massachusetts is saying. Perhaps the gentleman and other Members misunderstood what I was saying. I was not attacking the work they had done in the annex, the classified annex that detailed the number of hours that the members of the committee had spent listening to the various intelligence community agencies.

My point was that the report left this Member, at least, totally in the dark with respect to what the intelligence community is doing. I know that we cannot go into it beyond that, because it is a classified document; but I think the gentleman will have to acknowledge that from that point of view of those who had the interest to go and read the report, there was not anything in it except a number of acronyms. There was no way we could know what was involved.

Mr. BOLAND. Mr. Chairman, let me say that I understand the gentleman from Colorado is not attacking the committee or the Members who served on it. That is something the gentleman would not do.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. BOLAND. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, let me say, this is the first effort of the committee. I would like to remind the gentleman from Colorado of that. Perhaps in one sense we are entitled to a bit of a dry run. The basis upon which we have structured the budget authorization bill is the one used in the Senate last year and passed unanimously by the Senate. The Senate does exactly what the House Permanent Select Committee on Intelligence did with respect to this bill. When the Senate passed its budget authorization last year, the Senate Committee on Intelligence provided a classified annex precisely as we did, available to all the Members of the Senate.

I think perhaps we have gone a bit further and we did provide the staff to answer any questions which might have been raised by any Member who was looking at the classified annex and had some difficulty really understanding some of the detail or not understanding some of it. As I have indicated, we hope to do an even better job in the future.

We certainly will be mindful of the admonitions that have been pointed up here by the gentleman from Colorado (Mr. JOHNSON) and other Members. I certainly appreciate the position of the gentleman from Colorado.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I am delighted to yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I thank the distinguished chairman of the committee for yielding.

Let me ask, if any Member of the House were desirous of knowing what the total amount of money appropriated or authorized was for the intelligence agencies or for any one specific intelligence agency, would he be able to do so?

Mr. BOLAND. Yes; he would. The classified annex specifically details the amounts for particular programs that are contained within the intelligence community for intelligence and intelligence-related activities. We added up the amounts and came to a bottom line figure and listed figures for specific programs. Yes, that information is available.

Mr. GONZALEZ. That would be available to an ordinary Member of the House?

Mr. BOLAND. The gentleman is exactly right.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. BOLAND) has expired.

Mr. BOLAND. Mr. Chairman, I yield myself 2 additional minutes.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield further?

Mr. BOLAND. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, in this historic and pioneering effort where we formally go into authorization for the

first time, does the gentleman happen to know whether or not any of these agencies, whether it is the FBI or one of the military intelligence-gathering agencies, continue to keep dossiers of a political nature on Members of the Congress, as they have in the past and as I know they did in my case?

Mr. BOLAND. Mr. Chairman, I must say to the gentleman from Texas that I am not aware of that at all. We have no information to that effect.

Mr. GONZALEZ. Well, this has happened in the past. As a matter of fact, I had occasion to go into the matter over the period of a year or a year-and-a-half, and I finally did get a very nice letter from the present Director of the FBI. This had to do with the FBI, but I found out later that some of this information is cross-fed to other agencies such as the Military Intelligence Agency, and for all I know, this dossier may still be in existence. It was purely political.

Mr. Chairman, this was in the past. The present Director of the FBI says they are not about to continue to do it and will not go into that activity, but I just wondered if the gentleman had found out anything about that aspect of it.

Mr. BOLAND. No, I have not, but in reference to that let me say to the gentleman from Texas (Mr. GONZALEZ) that I think one of the prime missions and objectives of this particular committee is to be sure that the abuses of the past are not carried on in the future. I think that is one of the strengths of having a Permanent Select Committee on Intelligence in this body, just as it is a strength so far as the Senate is concerned at the present time.

I think the action of this committee this year, in its budget authorization and in the legislation which will set up the charters of the specific intelligence agencies, as well as the legislation dealing with electronic surveillance for foreign intelligence, will clearly indicate that the House did a wise thing in establishing this committee, and particularly so in making a real effort in its creation. I think it is a just move, one that will prohibit the abuses that occurred in the past.

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman.

Mr. ROBINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I join my colleagues in urging support of H.R. 12240. This bill represents an important milestone in that, for the first time, the House will be able to vote specifically to authorize appropriations for intelligence activities of the United States.

During the past several months, as a member of the select committee's Subcommittee on Program and Budget Authorization, I participated in an exhaustive examination of the intelligence needs of our Government and the programs and associated fiscal year 1979 resources requested by the President to meet these needs. H.R. 12240 is the culmination of this effort.

Mention has already been made of how many hours of hearings, how many pages of testimony, and volumes of justifications have gone into the preparation of this bill.

I firmly believe intelligence is indispensable not only as a strong force for peace but as an essential tool in war. The uncertain nature of the world today and the multitude of factors which affect the well-being of nations underscore this need for intelligence.

The purpose of the U.S. foreign intelligence effort is to provide policymakers the intelligence they need to make informed decisions. Given the global involvement of the United States, there is virtually nothing going on in the world which is not of some interest to policymakers. Much of the information they depend upon is readily obtained and requires no special intelligence collection effort. But other information must be the object of purposeful efforts to learn what is happening in the world and how that affects the interests of the United States.

Traditionally, Congress and the executive branch have focused on the military dimension of intelligence and, indeed, accurate and timely knowledge of a potential enemy's strengths, weaknesses, and intentions is essential in maintaining a balance of forces. This is especially critical in light of the many uncertainties that exist relative to U.S. equivalence in military power vis-a-vis the Soviet Union and the Warsaw Pact countries. Most of the intelligence programs and activities which would be authorized by H.R. 12240 fall into this category.

For those programs contained within the defense budget request to provide direct intelligence support to military operations—referred to in this bill as intelligence-related activities—we share jurisdiction with the Armed Services Committee. As previously stated during consideration of the Defense Appropriation Authorization Act, our committees worked together in an atmosphere of cooperation and understanding and reached complete accord on the fiscal year 1979 defense intelligence programs.

I might add that the Defense Subcommittee of Appropriations, of this House, is responsible for identifying such items, in the first place, and including them as a proper part of the intelligence budget in order that we can bring all of this under one umbrella.

Another area in which I believe intelligence collection is essential to the national security of the United States is in the monitoring of agreements. The progress which has been made in limiting strategic offensive forces, halting atmospheric tests of nuclear weapons, and creating nuclear-free zones would not have been possible without an intelligence capability to verify agreements. The committee examined in detail our current and programed capabilities to monitor agreements and funds are being recommended to continue and strengthen these capabilities.

Finally, H.R. 12240 would authorize appropriations for other less traditional intelligence programs for which the committee is convinced a need exists. The long-term implications of the production and distribution of food, energy resources, narcotics traffic, international terrorism, and the trade in conventional weapons are some examples.

Concurrent with the committee's detailed examination of the resource requirements of each of the major intelligence programs was an item by item review of all intelligence activities, especially covert activities. We have continued to place special emphasis of insuring the implementation of safeguards of the legal rights of our citizens, restrictions on the means which may be employed, strict procedures for review of sensitive operations, and strengthened oversight mechanisms. For all proposed intelligence programs we first looked at risk and relevance to U.S. policy and then at cost.

The administration requested a substantial increase for fiscal year 1979 over the amount Congress appropriated for intelligence activities in fiscal year 1978. I fully support our committee's recommendation not to publicly disclose the amounts of these requested funds in the interest of national security and will, therefore, not discuss specific committee actions. However, I would like to assure my colleagues that Permanent Select Committee on Intelligenec has vigorously pursued its intelligence community oversight responsibilities as set forth in House Resolution 658 and that the President's request for intelligence funding for fiscal year 1979 was examined with care and deliberation.

I believe the committee's recommendation represents a nearly optimum reconciliation of finance prudence with high priority intelligence needs.

While the committee generally supported the level of effort requested by the President, we were not persuaded that all of the specific programs were fully warranted and a net reduction is recommended. The committee's recommendations would delete or defer certain programs and in other cases increase program funding.

Overall, I am convinced that H.R. 12240 supports a program that will effectively meet our near-term intelligence needs as well as providing for the investment needed to sustain the intelligence capabilities and technologies essential to our national security and foreign policy in the future.

Let us just mention, briefly, the organization of the bill.

Title I of the bill deals with intelligence and intelligence-related activities. This is the area covered in the classified annex, and no budget figure is published, as was mentioned by the chairman, the gentleman from Massachusetts (Mr. BOLAND), and has been mentioned during the discussion of the rule.

Title II is the budget for the intelligence community staff. It authorizes $8.5 million and 170 personnel. It is the result of an Executive order which asked for the reorganization of the intelligence community.

We are going to have a committee amendment on this subject at a later point in the consideration of the bill.

Title III has to do with the CIA retirement fund, a retirement fund very similar to the Civil Service retirement fund, but separately created, and one that must

be funded. This bill authorizes the $43.5 million necessary to support that program.

Title IV is a new statutory obligation. If the bill is passed in its original form, it requires that the Attorney General notify the Congress if the State Department allows the entry of any undesirable aliens as determined to be undesirable by them.

Mr. Chairman, I understand that there will be an amendment that will be offered to slightly expand and to restrict, in terms of its application as to time, this title as well.

Mr. Chairman and members of the committee, developing this bill while serving as a member of the subcommittee and the only minority member of the subcommittee which developed it has been a very interesting and a challenging task. It is a very stimulating experience, I can tell the Members, to be a part of any sort of congressional first, and this is a congressional first in every way.

Mr. Chairman, I want to pay compliments first to the gentleman from Massachusetts (Mr. BOLAND), the chairman, for his even-handed, very fair treatment of the controversial areas and issues and because of his very, very fair treatment and his unfailing courtesy to those of us on the minority side. I also want to express the same accolades to the gentleman from Missouri (Mr. BURLISON), as chairman of the subcommittee, who was always prompt, courteous, and thoughtful in that if I could not be there as the only minority member on that subcommittee, the subcommittee simply did not meet.

Mr. Chairman, I also want to pay my respects to the staff of this new committee. We put together, as the chairman, the gentleman from Massachusetts (Mr. BOLAND), mentioned, a good staff since last October. In my view, they have done a superb job as a first effort in the legislative field, granting that they were dealing with something that was entirely new as far as the total Congress is concerned. They had the additional challenge of having to develop a classified annex to which much reference has been made here and which in itself was a new effort.

Mr. Chairman, I believe it might be interesting to note that after the notification to the full House that Members had available this opportunity to see that classified annex, out of 435 Members, and considering the fact that the members of Committee on Armed Services, had access to most of the details, only eight Members of the Congress went up there to familiarize themselves with the details of this bill. Nevertheless, it was there.

I want to express what I know is a deep regret on the part of our senior member on the minority side, the gentleman from California (Mr. BOB WILSON), who is unable to be here today because of activities which we all recognize that are going on in California.

In closing, Mr. Chairman, this is a good bill, drafted in the best short- and long-term interests of protecting the national security of this country and our citizenry.

I support the bill and urge its passage, Mr. Chairman.

Mr. BOLAND. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. PRICE), the chairman of the Committee on Armed Services.

Mr. PRICE. Mr. Chairman, this is the first year that the Permanent Select Committee on Intelligence and the Armed Services Committee worked together to report the authorization bill for intelligence and intelligence-related activities of the intelligence community.

As the Members will recall from the provisions of House Resolution 658 which established the select committee, the Armed Services Committee shares responsibility for authorizing certain elements in the intelligence authorization bill with regard to intelligence-related activities for the Department of Defense, and I am most pleased to report on the excellent working relationship with, and cooperation of the select committee chairman, Mr. BOLAND, members and staff in arriving at complete agreement on all items of joint responsibility.

Such a result was particularly important, since it establishes an excellent foundation for our joint work in the years ahead.

As part 2 of the report states, the results of our recommendations are classified and are included in the classified annex to the report on H.R. 12240 prepared by the select committee.

For the information of the Members, the overall funds jointly authorized fall in budget category 050 and are in the Armed Services Committee authorization figures contained in H.R. 10929 which passed the House on Mav 24, 1978.

Representing the Armed Services Committee, I strongly support H.R. 12240 and urge my colleagues' support of the bill.

Mr. BOLAND. Mr. Chairman, I want to express my appreciation to the chairman of the Committee on Armed Services, the gentleman from Illinois (Mr. PRICE), for his remarks.

Mr. Chairman, I am pleased to yield 5 minutes to the distinguished chairman of the Budget Authorization Subcommittee, the gentleman from Missouri (Mr. BURLISON).

Mr. BURLISON of Missouri. Mr. Chairman, first let me express my appreciation to Chairman BOLAND, the chairman of the full Committee on Intelligence, for the extraordinary patience and extraordinary amount of time that he devoted to our Subcommittee on Program and Budget. I want to say the same for the gentleman from Virginia (Mr. ROBINSON), who is the ranking Republican member on our subcommittee.

I also want to take a few minutes to express my deep and sincere personal appreciation to the outstanding staff that we have. I refer to the staff director of our subcommittee, Jim Bush, and to those who assist him, Marty Foga, Annette Smiley, Dwayne Andrews—and we should not forget about the help from the full committee staff, Tom Latimer and Mike O'Neal.

Mr. Chairman, this bill, H.R. 12240, provides for the first time a specific authorization for intelligence and intelligence-related activities. It authorizes those activities which make up what we call the national foreign intelligence program which provides intelligence of a very broad nature for the senior level of Government, particularly the President, the Cabinet, and the Joint Chiefs of Staff. These activities are conducted by several departments and agencies but are coordinated and tasked by the Director of Central Intelligence who is also responsible for budget preparation. Further, this bill authorizes intelligence-related activities of the Department of Defense which are programs that are integral to the defense force structure but which are similar to national intelligence programs and are often tasked for national intelligence purposes, particularly in peacetime. The similarity of program and functions between the national intelligence programs and the intelligence-related activities of the Defense Department is the reason that both are considered by the Select Committee on Intelligence and authorized in this bill. We have worked to assure that the program areas are complementary and mutually supportive but not duplicative. (Reason for highlighting IRA) the referral of this bill to the Committee on Armed Services has assured that the judgments we have made from an intelligence viewpoint are equally sound from a military perspective. Some adjustments were necessary to achieve this balance and these are fully incorporated in the bill and report before the House today.

Mr. Chairman, most intelligence activities are classified and necessarily so. In some cases, even the very existence of the program or activity is held secret. This sensitivity limits the description we can offer here on the floor. But I want to assure you that the committee has not been inhibited in its study of these programs and activities. In view of the security protection assured by House Resolution 658, our committee charter, the secure facilities with which the committee has been provided and a fully cleared staff, the administration has been very open regarding these programs. The committee took 55 hours or 3,000 pages of testimony, reviewed over 1,800 pages of justification material and received responses to 700 questions posed by the committee for the RECORD. Similar for 178. This is mentioned only to demonstrate that our review was extensive.

Our conclusions have been generally positive. We have found our intelligence capabilities impressive and generally well managed. The common view of intelligence as cloak and dagger activities is correct in only small measure. Much information is collected by technical devices and from open sources. Many of the expenditures are for translating, processing, and distributing information; for administrative expenses and, most important, for analysis, which is the process whereby information is converted into intelligence.

Several important changes are ongoing. The distinction between national intelligence and military intelligence is becoming less distinct to the advantages of both in terms of performance and of cost; intelligence is gaining wider distribution to people throughout the Government who have need of it; and diverse intelligence activities are being better coordinated by the Director of Central In-

telligence as a result of presidential direction in Executive Order 12036 which was signed in January.

This bill authorizes less than the administration requested but still permits real growth over last year. Further, in its actions on the fiscal year 1979 budget request, the committee has recommended deferral of certain proposals and the deletion of others. Some items were increased. However, the overall impact of the recommendation is a reduction in the request. In the committee's view, our recommended authorization represents a reasonable balance between needed capabilities and prudent cost. I urge passage of the bill.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. BURLISON of Missouri. I yield to my friend, the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman. Mr. Chairman, I think it is a sign of real progress that we have a bill before us dealing with this subject, but I think it is still somewhat of an anomaly that the major item in the bill is classified and, therefore, the Members on the floor are going to be voting on an authorization bill which is blank. Moreover, since the amount to be inserted is classified, the Members cannot discuss it with each other even if they know the figure, since we are not in a closed session.

I am wondering why at least the global figure for all of the 10 different agencies cannot be put in here so that the Members will have some idea what they are voting for and authorizing.

Mr. BURLISON of Missouri. Let me say to the gentleman, the Committee on Intelligence this year held 3 days of hearings on this specific issue of whether there should be a disclosure of the bottom line, or any part of the intelligence budget. After these 3 days of hearings, in which we heard testimony from the administration and from witnesses on both sides of the issue in the private sector, plus our review of the debate in 1975 when an amendment to disclose was offered to the defense appropriations bill which covers the intelligence agencies—after review of all of that and all of the testimony and the debate over on the Senate side, it was the unanimous consensus of our committee, that it was not in the best interest of the country to disclose the amount of money that we spend on intelligence.

Mr. SEIBERLING. It is fine to learn of the consensus, but can the gentleman tell us why that was the consensus?

Mr. BURLISON of Missouri. The reason for that is that if the enemy knows what our programs are and what we are spending for them it virtually destroys our intelligence program. We could not have an intelligence program with public disclosure of all of the programs and all of the figures involved.

Mr. SEIBERLING. I can understand that with regard to the individual programs but certainly the total amount we are spending on intelligence does not tell them very much.

Mr. BURLISON of Missouri. The gentleman makes a good point. I think the rationale for not disclosing the bottom figure is that, in the first instance, it would not tell anybody anything.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BOLAND. I yield 1 additional minute to the gentleman from Missouri.

Mr. BURLISON of Missouri. What would the figure mean if you did not know what the programs were? Intelligence and intelligence-related programs are a broad area, a broad field. If you had the figure you would have to know what some of those intelligence and intelligence-related programs were, and where the division was between intelligence and military operations.

The second rationale is that if the bottom line were disclosed then the next step would be to find out more about the bottom line, what went into that bottom line and there would be a discussion, or there would be a requirement for disclosing various programs and the various figures for all the programs in the intelligence community. To coin a cliché, disclosure of the bottom line would be letting the foot in the door.

Mr. SEIBERLING. It does seem to me the total would tell us how it fits into our other budget priorities.

Mr. ROBINSON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Ohio (Mr. ASHBROOK) a member of the committee.

Mr. ASHBROOK. Mr. Chairman, I thank my friend, the gentleman from Virginia (Mr. ROBINSON) for yielding me this time.

I am most pleased to join the chairman of the Permanent Select Committee on Intelligence and the ranking minority member on this side in my support of H.R. 12240.

First of all, Mr. Chairman, I would like to commend the Speaker of the House, the gentleman from Massachusetts (Mr. O'NEILL). I note that gentleman is on the floor, and I thank the Speaker for choosing his colleague, the gentleman from Massachusetts (Mr. BOLAND) as the chairman of our committee. I think we all knew in going into this committee work that we would be involved in a difficult area. I repeat, I believe the Speaker acted properly and with wisdom, in picking Chairman BOLAND. I believe in doing so he did an excellent thing for the intelligence community and I believe he did an excellent thing for all the various constituencies we have in this House, conservative, liberal, pro and con, national defense and internal security. Chairman BOLAND has been very fair. I know that the committee operates in a very fair manner. I know there is general feeling of satisfaction among the membership of the committee regarding his leadership.

I know that the committee has been referred to a couple of times as an elite group. I certainly do not have that feeling or the feeling that there is some sort of a monolithic view. There are always diverse points of view. I know because I am one of those diverse points of view. There are many things that have to be reconciled; we do not agree necessarily on everything. I think that all of the views and opinions that members have, one way or another, are expressed in the committee. The fact that we all agree today in no way should tell the membership of this body that there is a single monolithic view regarding the intelligence community and the responsibility Congress has in participating with the executive in this important area.

As I say, we have many disagreements. None of them have been bitter, none of them have been with rancor. There are some areas, quite frankly, where I wish we had large appropriations and there are some where I think we should have more positions in the intelligence community. But I can say as one member representing one of those diverse points of view, that I am very well satisfied with what this committee has done in the first few months. Again I say, I think, having been privileged to work with Chairman BOLAND and on the majority side a fine group of individuals to serve, and I think the ranking member, the gentleman from California (Mr. BOB WILSON) and the rest of us have enjoyed working with this committee.

I recall when going in some of us thought it was going to be partisan because it was set up on the basis of 2-to-1 plus 1. The Senate select committee was not set up on this basis. While I in no way rolled over on that one, I still think the number should have been closer. I can only say as one member of the minority that I have been very pleased with the work of this committee. I have been very pleased with the cooperation of the intelligence community. As a matter of fact, I would honestly say I sit there sometimes and wonder why the intelligence community tells everything they do.

I want to know and yet sometimes I think there are areas that it would be better if only the President of the United States and Admiral Turner would know what goes on, because the chance of two people leaking is not nearly as much a threat when it comes to vital secrets as in sharing these secrets with 13 Members of this body. The more it is shared, the further it goes down the line, the greater chance there is of breaking security. This is one way of saying as a Member on this side I am very pleased with what the committee has done up to now. I give my unqualified support to H.R. 12240 and hope that the rest of the committee does, too.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

It is kind of ironic that we are reduced to talking about what a great job the members of the committee have done—which I am sure is true—but it is not very enlightening since we are not allowed to talk about the substance of what they did. While that arises from the nature of this particular subject, maybe that indicates that we ought to go into a closed session and talk about the merits of the bill.

Mr. ASHBROOK. I certainly cannot object or in any way criticize or in any way indicate that I would have anything other than agreement with my colleague

from my State, if I were in his same position, if I were not a member of the committee. We are dealing with an anomaly; there is no question about it. The security of our country and national defense, national security are things that have been used before to cover up all sorts of abuses. I know one can stand there and wonder if they are still being covered up. I guess we have to take just one step at a time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBINSON. I yield 1 additional minute to the gentleman from Ohio.

Mr. ASHBROOK. The only point I can make is that we are 13 Members better off than we were a year ago. I realize the gentleman is not one of the 13 so that is not going to satisfy him. Maybe after it goes along there will be more sharing. That is one of the continuing responsibilities of this committee. Frankly, we have not gotten to it yet. One of the continuing responsibilities is to look honestly at the whole intelligence field as to what really has to be secret and what can be opened up and shared. I know that is one of the things we have discussed and, frankly, we have not had time to get that yet.

Mr. SEIBERLING. If the gentleman will yield, I would hope that in the next year's committee's deliberations they might take up the question of somehow figuring out a way to bring the rest of the Members into the deliberations. I am sure the committee has done an outstanding job, but it would be more in keeping with our traditions and our responsibilities if we all ended up having an opportunity to review and debate the merits of the legislation.

Mr. ASHBROOK. If I could answer my colleague, if he listened to our colleague, the gentleman from Kentucky (Mr. MAZZOLI) I assure him there is one advocate on our committee of moving in that direction. Again, we are not in a monolithic mold. It is a part of our continuing responsibility. I think as the years go by, more and more will be opened up but, frankly, as a first effort I think we have done very well.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBINSON. Mr. Chairman, I have no more requests for time, and I reserve the remainder of my time.

Mr. BOLAND. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California (Mr. MINETA) a member of the Budget Authorization Subcommittee.

Mr. MINETA. Mr. Chairman, first of all, I would like to commend our full committee chairman, the gentleman from Massachusetts (Mr. BOLAND), the chairman of the Program and Budget Authorization Subcommittee, the gentleman from Missouri (Mr. BURLISON), the gentleman from Virginia (Mr. ROBINSON), and the staff for the great time and effort put into the work of this committee.

Mr. Chairman, I rise to add my support to H.R. 12240. As a member of the Subcommittee on the Program and Budget Authorization, I participated in many hours of hearings and committee meetings of which our chairman has spoken. I can attest that our examination of U.S. intelligence activities was extensive and I believe in the end was productive.

Our effort was not taken from a perspective of either pro-intelligence or anti-intelligence. We sought to understand each program and to recommend an authorization level based on the merits of each. This process has resulted in many cuts and a few additions to the administration's request, with the net effect being a reduction. These adjustments are related to strengths or weakness of the individual programs affected. Our classified report will provide the administration with a detailed discussion of the committee's findings, both positive and negative.

A great deal of work was devoted to the substance of the intelligence programs and their budgets; but, in addition, our work also carries out a fair portion of the oversight responsibilities of the total committee. Many intelligence activities are a balance between propriety and necessity, between secrecy and the demands of an open society, between risk and benefit. These aspects will never be easy to balance, but we have been conscientiously attentive to these issues and I know that this committee will continue to be.

There has been a great deal of discussion about whether or not the bottom line dollar figure should be disclosed as far as how much is being spent within the intelligence community. Now, let me read from the committee report where it says:

> The committee concluded that disclosure of any such amount of funds would inevitably lead to pressures for the disclosure of additional levels of detail regarding the budgets and activities of our intelligence agencies.

The issue at hand is, if you disclose the bottom line figure, then the pressure is there to come up with the subtotals and therein lies the problem, because increases or decreases in the intelligence budget may make major program changes evident.

The overriding difficulty is that most intelligence activities depend on secrecy as to their very existence in order to be successful. This is in contrast to defense, where we usually acknowledge freely the existence of programs, but hold secret their details.

In intelligence the existence must be secret and if lost, the detail is often moot.

Although the committee has recommended against disclosure it clearly recognizes that the question must be continuously pursued and reconsidered regularly, perhaps annually. The House may be assured that this committee knows and understands the intelligence budget in great detail and is prepared to explain any part of it to any Member.

So, therefore, Mr. Chairman, I urge passage of this bill.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, I was concerned by the earlier remarks of the gentleman from Colorado, because I share the concerns he expressed.

Several years ago, in 1975 I believe, when we had the large debate on the intelligence budget and its use, the budget was made available to all Members and I availed myself of the opportunity to study it. Frankly, I did not feel that I came away an expert, but felt that it was healthy that all of us had access to that budget.

Now I have a few specific questions that I would like to ask my colleague. Do you have in the classified annex, as described in the committee report, detailed budgets for intelligence activities for each part of the world, and are these available to Members?

The CHAIRMAN. The time of the gentleman from California (Mr. MINETA) has expired.

All time of the gentleman from Massachusetts (Mr. BOLAND) has expired.

Mr. ROBINSON. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

Mr. NEAL. Mr. Chairman, if the gentleman will yield further, let me see if I can capsulize my request for information. I am really interested in knowing whether or not the information available to the members of the subcommittee is also available to all Members of this House?

And I would like to know if the information the subcommittee has includes how all the intelligence agencies spend their money in each country in the world. I wonder if the gentleman and the subcommittee have details of all intelligence expenditures, and if they know for what purpose the money is expended.

Mr. MINETA. First of all, Mr. Chairman, I would like to thank my colleague, the gentleman from Virgiia (Mr. ROBINSON), for yielding this additional time to me.

Mr. Chairman, there are two major aspects of the intelligence field. One is the intelligence field itself, and the other is the intelligence-related activities. Those programs that are in both the intelligence field and the intelligence-related activities are outlined in the report in detail.

A Member in an earlier colloquy referred to acronyms and whether or not one would know what they meant. The programs are detailed in terms of how much they cost, what they are, what they do, and it is presented in detail and it is available.

Our subcommittee went into these matters about various programs very extensively because we were concerned about some of the redundancies relating to these kinds of issues. There was a great deal of detail that we went into over a long period of time during these hearings.

Mr. NEAL. Mr. Chairman, if the gentleman will yield further, is that detail available to all Members of the House?

Mr. MINETA. Those hearings and those details are available to the Members.

I am convinced, after having gone through these matters, that the information is complete. We went through the issues like a matrix; we covered them

really from all different directions, because we wanted to get a thorough understanding of these various programs.

Mr. NEAL. Mr. Chairman, this is a healthy approach. If Members of the House have full access to knowledge about the amounts of money spent by our various intelligence agencies and how that money is spent, and we avail ourselves of this opportunity, we can properly exercise our very important oversight responsibilities. We can assume that we have the intelligence we need for our national security and at the same time assure that the intelligence community does not engage in activities which are not in our national interests. I thank the gentleman and commend him and the committee for their work.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Chairman, I thank the gentleman for yielding.

I commend the gentleman from California (Mr. MINETA) and my colleague, the gentleman from Massachusetts (Mr. BOLAND), for the work they have done.

I am one of the eight Members of the House who spent a great number of hours on the classified documents. I wish I could support more enthusiastically the end result. I do commend every Member involved in this effort for the work they have done.

Mr. Chairman, today for the first time the Congress has the opportunity to consider the authorization of funds for intelligence activities on an informed basis. This is clearly a step forward in the continuing effort to provide substantive overview of our Nation's intelligence programs. Unfortunately, it does not alter or remedy the absence of accountability to the American people, who remain totally in the dark as to how much of their money is being spent on intelligence and how it is spent. In addition, the procedure which we implement for the first time today does not affect Executive Order 12036, by which the President has authorized the Central Intelligence Agency to conduct covert operations, to engage in surveillance of American citizens, to open mail surreptitiously, and, in general, to perpetuate the abuses which have been revealed in recent years.

There is no convincing reason for continued refusal to disclose the budget of the intelligence agencies. Our own intelligence experts have for years been able to estimate with reasonable certainty the amount of money spent by the Soviet Union on intelligence; surely the KBG can make similar estimates of aggregate American expenditures on intelligence. It is the American people who are not permitted to know how much of their own money is being used for intelligence. The Pike Committee recommended that the intelligence agencies' expenditures be made public. By failing to follow that recommendation, we deprive the people of their right to know what their Government is doing, and at what cost.

By persisting in our refusal to reveal, even in general terms, the activities undertaken in the name of intelligence for "national security purposes," we fail in our responsibility to prevent recurrences of past intelligence abuses. Despite this vote today, the shroud of secrecy still surrounds the CIA and other agencies which engage in intelligence activities. Despite highly touted reforms, the CIA remains essentially unaccountable to the American people, and we have done nothing to halt the clandestine activities, at home as well as abroad, which generated so much criticism and outrage on the part of the American people in the very recent past.

Mr. Chairman, the constraints upon those of us who carefully studied the intelligence authorizations prevent me from discussing precise intelligence activities; in fact, they prevent any discussion at all. There is no justification for this "gag rule" which prevents the people from learning even the broad outlines of the actions being carried out in their name. It is my fervent hope that we will, in the near future, take the very simple step of disclosing the intelligence agencies' budgets. It is also my hope that we will permit discussion of and votes upon the kinds of activities in which these agencies can engage. Until such time, I believe it is incumbent upon us to vote against the authorization of funds for intelligence purposes.

We have before us today the semblance, but not the reality of genuine legislative oversight of intelligence programs. We have not even the semblance of an effort to end covert operations abroad and invasions of privacy at home. We must end the insulation of the CIA and other intelligence agencies from the scrutiny of the public. Only then can we act in a truly informed manner in the consideration of funds for such programs. I will continue to oppose authorizations which are cloaked in secrecy and kept hidden from the American people. Approval of this bill will only lead to the perpetuation of the abuses which spring inevitably from secrecy.

Mr. ROBINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Chairman, I thank the chairman of my committee for his help, and I thank the gentleman from Virginia (Mr. ROBINSON) for yielding me this time.

Mr. Chairman, I am proud to be a member of the House Intelligence Committee and to be associated with the distinguished gentleman from Massachusetts (Mr. BOLAND) our chairman.

Let me, too commend the distinguished gentleman from Missouri (Mr. BURLISON) for his outstanding work in guiding this fiscal year 1979 authorization to the floor.

I support the work my committee did on H.R. 12240. However, I have reservations about our committee's decision—a decision in which I joined—not to disclose budget figures for the Nation's intelligence activities for fiscal year 1979.

As will be noted from a reading of the report accompanying H.R. 12240, the committee shares some of these same reservations. It intends that the decision not to reveal the total intelligence budget and supporting data will be re-examined each budget year.

Implicit in this re-examination is the possibility—even the probability—that some kind of intelligence-budget disclosure will be made in the future.

There are compelling arguments for disclosure which I hope to see our committee, the Congress and the public fully debate them in the years ahead.

For purposes of discussion, I would like to place some of these arguments before my colleagues this year.

One argument made is that disclosure of the intelligence budget is little different than disclosure of our National Defense Budget.

As we know, the defense budget is disclosed not just in aggregate figures, but item-by-item and function-by-function as well. And, the budget is subjected to vigorous public debate.

Many other nations, of course, do not disclose either their national defense budgets or their intelligence budgets.

Yet, I believe that our policy of public disclosure and debate strengthens rather than weakens our national security. The same strengthening process could well occur if the Nation's intelligence budget is subject to the same kind of disclosure and vigorous debate.

These debates help to form a national concensus for various defense policies. Similarly an enlightened public debate on the costs and effectiveness or our National Intelligence Programs could help form a National Consensus in support of intelligence policies.

Another argument made for publicizing intelligence-budget figures is that taxpayers deserves a detailed explanation of the cost-effectiveness of the billions of dollars that our intelligence agencies spend annually.

To allow these substantial funds to move through the budget process each year without scrutiny and without public debate could be considered at best, bad economics, and, at worst, an ostrich-like attitude many feel has far too long characterized congressional oversight of intelligence activities.

This attitude can be expressed as follows:

> Do what you think needs to be done, but don't tell us about it. Then if something goes wrong Congress can't be blamed.

The formation of the Intelligence Committees in both House and Senate was the first step in renouncing this unfortunate attitude. Budget disclosure could well be one of the next logical steps in this corrective and constructive process.

A third consideration is that article I, section 9, clause 7 of the Constitution requires that:

> A regular statement and account of the receipts and expenditures of all public money shall be published from time to time by the Congress.

This requirement is simple and direct on its face even though constitutional scholars may read various exemptions and qualifications into this language.

In any event, article I, section 9, clause 7 could require disclosure of the intelligence budget and should be discussed in that connection.

Another consideration is that the Pike committee, the Church committee, and the Rockefeller Commission all recom-

mended some form of budget disclosure for the intelligence agencies. These committees studied this question at length, and their serious study deserves careful consideration as we continue our deliberations in the years head.

Mr. Chairman, the Intelligence Committee, under the estimable leadership of Mr. BOLAND, will fully debate this subject during the fiscal year 1980 budget process. If the committee decides to disclose total—or even the specific—intelligence figures this House can be sure that the decision will not have been reached casually or without making the Nation's security, defense, and intelligence needs the committee's main concerns.

● Mr. BOB WILSON. Mr. Chairman, I am most pleased to join the chairman of the Permanent Select Committee on Intelligence in adding my support to H.R. 12240. As previously mentioned by Chairman BOLAND, this bill is intended to authorize appropriations necessary to intelligence and intelligence-related activities of those agencies and departments listed in title I.

The intelligence-related activities consist of a number of Department of Defense programs which provide intelligence to military operational commanders. Because of the nature of these activities, the Permanent Select Committee on Intelligence shares jurisdiction with the Committee on Armed Services. As a member of both committees I can attest that the committees worked in an atmosphere of cooperation and understanding and reached complete agreement on all matters that were jointly considered.

At the time our committee considered title II authorizing the intelligence community staff the sum of $8,500,000 and an end strength of 170 full-time employees the administration was preparing a request to adjust the end strength and dollar amounts for the intelligence community staff. Mr. BOLAND will address that action shortly with an amendment to title II and again I ask your favorable support.

Finally, with respect to title IV dealing with admission of certain excludable aliens, our committee, in consideration of the large number of excludable aliens who are now being admitted to this country over the objections of the intelligence community, strongly believes that it is in our interest to be kept fully informed of such admissions.

Overall, this bill before you would authorize appropriations for all U.S. intelligence activities for fiscal year 1979 and although a slight net reduction from the request is recommended, I firmly believe it provides sufficient resources to maintain an intelligence capability second to none.

In conclusion, Mr. Chairman, I would like to mention that for the last 25 years I have been a member of a subcommittee of armed services that exercised oversight responsibilities of the intelligence community and in all those years our knowledge of intelligence community activities was limited when compared to that which we have in the Select Committee on Intelligence. The House Permanent Select Committee now has the qualifications in its members and staff and the requisite information to carry out the responsibilities given to it by the Congress in H.R. 658.

Accordingly I urge House passage of H.R. 12240 as recommended by the committee.●

● Mr. WEISS. Mr. Chairman, this is indeed a historic occasion. For the first time, the House is being asked to vote on a bill which we know nothing about. The possibilities are staggering. If we carry the premise of this debate to its logical conclusion, I can envision the day when debate will be unnecessary. A small group of Members need merely come to the floor with a bill number, provide us with no significant details concerning the content or impact of the bill, and we can vote and then move on to the next phantom piece of legislation.

And that is what H.R. 12240 (the intelligence authorization for fiscal year 1979) is, a phantom bill. We are being asked to authorize an unknown amount of money for unknown reasons to an intelligence program which we know nothing about. This, my distinguished colleagues, is a used car dealer's dream.

I will admit, however, that it is difficult to give specific reasons why I am against this authorization. I suppose this is the genius of this legislation. If no information is given, nothing can be criticized.

If it were not for all the intelligence agency abuses that have come to light during the past few years, I might be amused by H.R. 12240. Instead I am appalled. What discourages me most is not that the CIA, the Defense Department, the National Security Agency, the FBI and the other agencies affected by this authorization want us to give them money without telling us what it is for. This cloak-and-dagger thinking is to be expected from our intelligence agencies. No; what disturbs me most is that we in the House—who have been entrusted with protecting the American people from threats to their rights and civil liberties—blindly and blandly accept this kind of thinking.

What makes it so intolerable is the condescending assumptions that underlie it. On one hand, we are told that this authorization is in the country's national interest, only to be patted on the head and told, in effect, that this information is too important and too confidential to be entrusted to us.

When the legislation creating the Select Committee on Intelligence was introduced last July, I wondered aloud whether it created two classes of Members of Congress: one class that was privy to intelligence information and another class which was not. I thought then, as I do now, that I have a right to know as much as any other Member of Congress. My objections were dismissed.

Today, we see the consequences of this decision. I am not sure, I am sorry to say, why this legislation was even brought to the floor for a vote. Perhaps that will be the next step. Why waste time debating something which is based on information with which—in the eyes of the Select Committee—most of us cannot be entrusted?

In its report on this bill, the Select Committee concludes that disclosure of information could lead to additional pressures for more detailed information regarding U.S. intelligence activities. I agree. But this is not bad. Have we forgotten that our intelligence agencies have tapped phones, opened mail, broken into files, collected dossiers and broken the law in other ways for the express purpose of harassing people for exercising their constitutional rights? With this in mind, I think Congress not only has a right but an obligation to ask for more detailed information regarding U.S. intelligence activities.

I will vote against H.R. 12240, and I urge my fellow Members who believe in protecting and preserving the rights of the American people to join me.●

Mr. ROBINSON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time having expired, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence and Intelligence-Related Program Authorization Act for Fiscal Year 1979".

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. (a) Funds are hereby authorized to be appropriated for fiscal year 1979 for the conduct of the intelligence and intelligence-related activities of the following departments, agencies, and other elements of the United States Government:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, the Department of the Air Force, and the Marine Corps.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

(b) A classified annex to the report prepared by the Permanent Select Committee on Intelligence of the House of Representatives to accompany this Act shall be deemed to reflect the final action of the Congress with respect to the authorization of funds for fiscal year 1979 for intelligence and intelligence-related activities of the United States Government, including specific amounts for activities specified in subsection (a). Copies of such annex shall be made available to the Committees on Appropriations of the House of Representatives and the Senate and to the appropriate elements of the United States Government for which funds are authorized by this Act under subsection (a).

(c) Nothing contained in this Act shall be deemed to constitute authority for the conduct of any intelligence activity which is prohibited by the Constitution and laws of the United States.

TITLE II—INTELLIGENCE COMMUNITY STAFF

SEC. 201. (a) There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1979 the sum of $8,500,000 to provide the support necessary to permit the Director of Central Intelligence to fulfill his responsibility for directing the substantive functions and managing the resources for intelligence activities.

(b) For fiscal year 1979 the Intelligence Community Staff is authorized an end

strength ceiling of one hundred and seventy full-time employees. Such personnel may be permanent employees or employees on detail from other elements of the United States Government so long as they are properly counted within the ceiling and there is a mix of positions to allow appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) Except as provided in subsection (b) and until otherwise provided by law, the activities of the Intelligence Community Staff shall be governed by the Director of Central Intelligence in accordance with the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a–403j).

TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability System for the fiscal year 1979 the sum of $43,500,000.

TITLE IV—ADMISSION OF CERTAIN EXCLUDABLE ALIENS

SEC. 401. Whenever the Attorney General notifies the Secretary of State that he knows or has reason to believe that an alien applying for admission into the United States is an excludable alien under the terms of section 212(a)(27), (28), or (29) of the Immigration and Nationality Act (8 U.S.C. 1182 (a)) and that alien is subsequently admitted into the United States, the Attorney General shall, within thirty days, notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate of such admission.

Mr. BOLAND (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: Page 3, line 15, strike out "$8,500,000" and insert in lieu thereof "$12,400,000".

Page 3, beginning on line 20, strike out "one hundred and seventy" and insert in lieu thereof "two hundred and forty-one".

Page 4, line 3, after the period insert the following new sentence: "Any employee who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that an employee may be detailed on a non-reimbursable basis for a period of not more than one year for performance of temporary functions as required by the Director of Central Intelligence."

Mr. BOLAND. Mr. Chairman, this amendment would add $3.9 million and 71 positions to the levels authorized in title II of the bill, which is the title which provides for the intelligence community staff.

When the Director of Central Intelligence appeared before the Subcommittee on Budget Authorization, the request was heard by the distinguished gentleman from Missouri (Mr. BURLISON).

Mr. ROBINSON. Mr. Chairman, I rise in support of the amendment.

As our subcommittee chairman, the gentleman from Missouri (Mr. BURLISON), has stated, this amendment was requested by the President subsequent to our consideration of H.R. 12240. The request was made to provide additional resources to assist Admiral Turner, Director of the Central Intelligence Agency, in discharging his responsibilities under the recent Presidential Executive order on U.S. intelligence activities.

Now, while we are not recommending authorization of the full amount requested, I believe that the resources that would be authorized by this amendment are sufficient to implement the changes in intelligence management directed by the President. The select committee will then be able to assess the impact of these changes and, if necessary, adjust the authorized personnel ceiling in fiscal year 1980.

I urge that my colleagues support this amendment.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to raise with the chairman of the subcommittee, or the ranking minority member, the question of just why these additional spaces should be required. It appears to me that we are accessories in a process of empire building. Admiral Turner has been designated as the head of the intelligence community, so he is collecting a staff. Now, this request comes in, even before that staff has been authorized, to increase it by another 70 individuals.

This is the same officer who, when he came in to take over the Central Intelligence Agency, fired almost indiscriminately—if the stories in the paper are to be believed—some several hundred qualified, highly capable intelligence officers, many of them in the operations area; people who had risked their lives, or jeopardized their health in order to qualify for the special retirement program for which $43 million is being authorized in this bill.

It does not make sense to me that Admiral Turner should be allowed to discharge all these capable people at will, and then go out and hire 70 others for something else. If we are going to fire qualified people, at least they could be transferred to the new staff, could they not?

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. There are really two rationales, if I understand the gentleman's question correctly. First, the DCI has an additional responsibility, the budget preparation for an area in which he had not previously had responsibility.

Mr. STRATTON. And 170 people are not enough to prepare the budget?

Mr. BURLISON of Missouri. Second, as a result of the still additional responsibilities placed upon the DCI by the Executive Order 12036, requiring him to set up a national tasking center, whereby the DCI will task intelligence collection for the entire intelligence and intelligence-related communities.

Mr. STRATTON. I do not want the gentleman to take all of my time. The Director of the Central Intelligence Agency already has a very substantial staff available to him as Director of the Central Intelligence Agency. Now, on top of this, he is adding another group. The question the gentleman from Missouri has not answered is, why should the admiral fire 200 or 300 capable people, career people, dedicated people, many of them highly respected in the community, and then come back and ask for permission to add 70 others? If he needs 70 more, why does he not take them out of the quotas that he fired?

Mr. BURLISON of Missouri. Well, I would respond to the gentleman by saying that I am not privy to which individuals were fired or what their individual capabilities or qualifications were, but I would submit that perhaps, if the gentleman would continue to yield, perhaps the 100 or 200 or so who were ultimately released were not the members which the DCI considered necessary and capable to fit into these additional responsibilities.

Mr. STRATTON. I think what the Congress needs, before we contribute to what to me appears to be a case of empire building, is some kind of rationale for the basis of these past firings. This matter was discussed at great length in the press. I have a number of friends who have been members of the CIA and devoted employees, and they tell me that the organization was rocked from top to bottom as a result of these firings and that morale over there is at a very low level.

I just do not think we ought to allow that kind of thing to go on and at the same time to encourage empire building elsewhere.

Mr. ROBINSON. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Virginia.

Mr. ROBINSON. Mr. Chairman, I thank my friend, the gentleman from New York, for yielding, because I raised the same question when Admiral Turner came before our subcommittee with respect to this question of empire building and laying on another layer of bureaucracy. But in all fairness, we have to say 50 of these 71 positions are requested by him to be transferred from the CIA to the intelligence community staff and that they are not just being brought in from no place. They are being transferred from CIA to the intelligence community staff, and the rest of them are coming from the DOD.

The CHAIRMAN. The time of the gentleman from New York (Mr. STRATTON) has expired.

(By unanimous consent, Mr. STRATTON was allowed to proceed for 1 additional minute.)

Mr. STRATTON. Mr. Chairman, I would say in response to the gentleman's comment, this still does not answer my concern, whether he transfers them from one agency to another. It seems to me that this is empire building in one area

at the same time there is indiscriminate firing in the place where we really need expertise, and that is in intelligence collecting, to tell us what is going on today in Africa and Afghanistan and elsewhere.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. Mr. Chairman, in response to the gentleman's second concern, as to the people requested, our members on the committee shared that same concern. That is why we gave the Director of Central Intelligence, the DCI, only 50 of the additional bodies he requested, and we denied an additional 62. So we had a concern that the gentleman shares. But after our review of the additional responsibilities, we agreed on a part of the administration request.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 5 minutes.

There was no objection.

Mr. BOLAND. Mr. Chairman, let me say in response to the gentleman from New York—and I want to compliment him on his position with respect not alone to our national defense and our national security but also for his longtime interest in the intelligence community—that I am not sure that the action by the DCI, the Director of Central Intelligence, with respect to riffing a number of those who have been longtime employees of the intelligence community was not justified. It is difficult for me, of course, as it was for the chairman of the Subcommittee on Budget Authorization, to decide on that.

At the same time, I think some 400 of them have been retired or have left, and perhaps another 300-some-odd will be riffed in the months ahead. I do not think anybody can disagree with the President of the United States or those who have been familiar with the intelligence community that there was a necessity for the reorganization of the U.S. intelligence activities, and that of course was implemented by the Executive order which President Carter signed in January. I think everybody would agree with that. I think it was high time, in the face of some of the things that have gone on in the past, that there ought be a closer look at intelligence activities and what particular people were doing within the boundaries of those activities. I am sure the gentleman from New York would agree with that, too. I do not think he would have any objection to that.

The problem is that when we get a new Director of any agency, a new Secretary of any of the departments, or a new Administrator in one of the administrations, oftentimes he will look for his own team.

That is not to say that everybody ought to be sacked and that those who are occupying some of the lower level positions ought to be dismissed. But the fact of the matter is that if you are going to have an effective intelligence community you ought to have personnel, at least within that community and on your staff, that believe in some of the reorganization plans that will be put into effect, not alone by the DCI but also under the direction of the President of the United States. I am sure the gentleman from New York would also not disagree with that.

I am not sure that all those who were riffed were those who were absolutely essential to the operations of the CIA or any of the intelligence community. I do not think the gentleman from New York would disagree with that. I think he would understand that, too.

So that there was some grave concern on the part of the subcommittee, as has been mentioned by the gentleman from Missouri (Mr. BURLISON) and the gentleman from Virginia (Mr. ROBINSON) with reference to the reorganization of the intelligence community. The gentleman from New York knows quite well the problems that the DCI—the Director of Central Intelligence—had, not just within the Central Intelligence Agency but also within the administration itself and with the Secretary of Defense, Secretary Brown. The gentleman is familiar with that. And there was an accommodation made and the Secretary of Defense does have jurisdiction over those particular intelligence activities that lend themselves to command and operational activities or commands in the field and, as a result, the Secretary of Defense is really the boss in that area.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, let me say to the gentleman from Massachusetts (Mr. BOLAND) that I recognize that this committee just came into existence earlier in this Congress and they have not had a chance to look these matters over perhaps in detail or to familiarize themselves with all of them; but I hope, in line with what the chairman has just indicated, that they would be on guard against the Director trying to build up a big staff and put the emphasis instead particularly on the people who will be collecting the intelligence. I think the last thing we want in an intelligence community is a lot of staff people drawing up prospectuses and developing budgets; rather we should have more people out actually collecting the information. So I hope the thrust of the committee in the future will be in that direction.

Mr. BOLAND. That is precisely what the Budget Committee is looking at and has looked at and that is precisely the feeling of the Director of Central Intelligence Admiral Turner, in establishing an intelligence community staff that can get an overall look at intelligence activities and specifically the collection of intelligence.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. BOLAND was allowed to proceed for 1 additional minute.)

Mr. BOLAND. Mr. Chairman, one of the areas in which we have grave concern is duplication and overlapping in tasking, particularly within the intelligence community. And in the reorganization that the DCI has requested, and for which he has asked for additional funds and additional personnel, a number of the directors and a number of the personnel will be relegated to the new National Intelligence Tasking Center which I think will eliminate some of the problems he now has in coordinating intelligence tasking, thereby providing the intelligence agencies with specific intelligence that is essential to commanders in the field, that is essential to the DCI and also that is essential to the President, Secretary of Defense and other national policymakers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEISS

Mr. WEISS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEISS: Strike title IV in its entirety.

Mr. WEISS. Mr. Chairman, unless this section is deleted, the committee will find that they will be taking the first step backward toward the creation of a Committee on Internal Security in the House of Representatives.

I think that if you look at what the mandate of this committee is, as a Select Committee on Intelligence Activities, it is hard to find justification for the provision to have reported back to them the admission into the United States of excludable aliens. What has really happened, if you read the report, is that apparently the Federal Bureau of Investigation seems to be unhappy at some of the determinations that the Attorney General makes in relation to determining who in fact is an excludable alien.

There is no question but that under sections 27 and 29 if the Attorney General makes the determination that in fact an alien is to be excluded, that is it. Nobody can disturb that judgment. So the question really is who should make that determination, the FBI or the Attorney General? And if there is disagreement between the FBI and the Attorney General, why should the Select Committee on Intelligence get into the middle of that? It is my understanding that currently there is a reporting requirement back to the Committee on the Judiciary. That is where it ought to be allowed to rest.

I should also say, finally, that it is my understanding that the Department of State is opposed to this particular provision. I feel that not only is the committee being used by the FBI but probably this entire Congress is about to be used by the FBI. I think that we ought to make very clear that that is not the role of the committee. I do not think they want it. They are probably doing it as an accommodation, without knowing how serious the step is that they are undertaking.

I seriously urge the committee to adopt the amendment.

Mr. Chairman, I yield back the remainder of my time.

Mr. BURLISON of Missouri. Mr. Chairman, I rise in opposition to the amendment and in support of title IV of H.R. 12240.

The FBI has expressed its concerns to the House Permanent Select Committee on Intelligence regarding the Bureau's inability to sustain visa denials through State Department for certain aliens who are excludable under the Immigration and Nationality Act, particularly those who may pose a threat of espionage. The Bureau does not, as a matter of policy, request exclusion of all identified or suspected intelligence officers. The committee's findings indicate, however, of those visa denial requests made by the FBI, 87 percent were admitted contrary to the Bureau's desires in 1976; 99 percent were admitted in 1977; and all denial requests have been admitted thus far in 1978.

The purpose of the legislation is twofold: First, it will insure that Congress is aware of visa-related decisions which have a bearing upon the magnitude and direction of the foreign counterintelligence program within the United States. Second, it will highlight congressional interest in the foreign counterintelligence aspect of visa denial actions.

The legislation does not place Congress within the decisionmaking sequence regarding visa denials. It does, however, alert Congress to the number and frequency of those instances which the FBI believes will increase the national foreign counterintelligence burden. These data are necessary if the Congress, and in particular the House Permanent Select Committee on Intelligence, is to exercise its intelligence oversight responsibilities.

It is recognized that many factors must be considered in making such an important decision as that to deny a visa. Among these considerations are the foreign policy implications of such denials, the need to protect our intelligence operations overseas, and—of utmost importance—the consideration of basic human rights. However, foreign counterintelligence considerations must also be weighed in the decisionmaking process.

I am particularly concerned that the effect of the McGovern amendment has been to tip the balances in favor of not implementing FBI requests for visa denials. While I support the intent of the McGovern amendment, I strongly believe that it should not be a crutch for decisionmakers. If the application of the McGovern amendment is resulting in the rubberstamping of all visa requests in order to eliminate the need to report to Congress, then we must be made aware and take appropriate action. Title IV has been proposed in order to assure Congress is informed.

Accordingly, I urge my colleagues in the House to give this measure favorable consideration.

Now, basically for these two reasons, Mr. Chairman, we strongly feel that this is a wise piece of legislation and should be left in this bill.

Mr. Chairman, I yield to the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Chairman, the gentleman is an expert in many of the areas that relate to national security, but I am sure the gentleman did not want to mislead the House when he said that excludable aliens were being admitted to the United States, contrary to the findings of the Department of Justice.

The gentleman is certainly aware, or I assume the gentleman is aware, of the provisions of sections 27, 28, and 29, of the Immigration and Nationality Act referred to in the bill. The gentleman knows that once the Attorney General finds an alien falls within sections 27 and 29, the alien must be excluded from the United States. There is no possibility in which an alien can come to the United States if the Attorney General has found him excludable.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(At the request of Ms. HOLTZMAN, and by unanimous consent, Mr. BURLISON of Missouri was allowed to proceed for 2 additional minutes.)

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. BURLISON of Missouri. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, there is no possibility that an alien could be admitted contrary to the findings of the Department of Justice and the Attorney General.

Second, with respect to section 28, the alien is similarly absolutely excluded, unless the Attorney General specifically waives the law and allows this person to enter; so I do not understand how in any circumstance in which the Attorney General is opposed to the entry of an alien, that person could come into this country.

Therefore, I will come back to the point the gentleman from New York (Mr. WEISS) raised. Since the determination of admissibility is placed by law in the hands of the Attorney General, why is it we are now in this legislation permitting an end run around the Attorney General by the FBI? Presumably, if the FBI finds the person falls within the category of sections 27 and 29 and is unable to persuade the Attorney General of these facts, there is no case to make. I cannot believe any Attorney General would want spies, saboteurs, or terrorists to enter the United States. Why then are we allowing the Congress to get into a dispute between the FBI and the Attorney General? I wish the gentleman would clarify that.

Mr. BURLISON of Missouri. Mr. Chairman, let me say to the gentlewoman that in the last fiscal year, 87 percent of the excludable aliens whom the FBI recommended against admission were subsequently admitted to the country. Last year it was 99 percent. This year it is 100 percent, so we are not making an end run and we are not going into the decisionmaking process. We are simply saying that in those instances when the recommendation of the Federal Bureau of Investigation is against the admission of an excludable alien, subsequently admitted, that the appropriate congressional committee be advised of that fact.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield further?

Mr. BURLISON of Missouri. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, I hope the gentleman would, however, agree with me that if the Attorney General finds that these people are excludable and finds their entry objectionable under the law, they cannot come into this country.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ASHBROOK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this is an area in which I have had more than passing interest and it is rather interesting to see the debate almost completely turned around.

First, I would start from the position of saying the McGovern amendment of last year was a mistake. That is not the issue here.

Obviously, my colleague from New York approves of that; but let us take a look at what has happened in actual fact.

My colleague from New York was right regarding sections 27 and 29; however, the State Department in their letter to the chairman of our committee indicates very clearly that waivers under section 28 by the Department of Justice for temporary visitors are almost mandated by the McGovern amendment.

> Such waivers are recommended by the Department of State when it is determined that to do so would be in our national interest.

Let us look at what has in fact actually happened. First, let me make this point: If I say that somebody should not come into this country, probably someone would say, "That is all right. We know what his point of view is, and he would not want somebody coming in who is of the far left." But let me give the Members an example of what has happened as it relates to one of our colleagues on the other side. As a matter of fact, I saw him a few minutes ago, and I refer to the man who is now the mayor of New York City, Mr. Koch.

Mr. Koch engaged in a lengthy communication with the State Department over a long period of time, and it appears in the RECORD of March 1, 1976, at pages 1415 through 1418. The bound volume with those remarks is at the desk. This was regarding the admission of Hugo Blanco.

Mr. Koch, who was then a Congressman, wrote the following letter to the Secretary of State, in which he said:

> I am writing with regard to Mr. Hugo Blanco, a Peruvian who I understand has encountered difficulty in obtaining a visa to enter this country because of his outspoken political beliefs. Though I have no personal knowledge of this case, I believe that, with the exception of terrorists who publicly advocate murder in pursuit of their goals, those who want to have a free discussion of ideas should not be impeded in coming to this country for that purpose. I would, there-

fore, urge you to allow Mr. Blanco to enter the United States without further delay.

What happened? The State Department provided information. Mr. Koch then had to reverse his position because he was given the information as to why Mr. Blanco was excluded. All this relates to sections 27, 28, and 29, the sections about which our colleagues from New York are concerned.

This is the letter Mr. Koch received from the Secretary of State. First they indicate that much of the information is classified and not a part of the public record just as is the case in our committee. They cannot go into details, but the letter goes on to say:

A part of the public record, however, is his declaration that he

And that is Mr. Blanco—

took full and sole responsibility for the murders of three policemen which occurred during a raid he and his followers made on a police station in Peru during 1962.

It goes on to say that:

The public record contains further information about his affiliation with the Fourth International and other groups, as well as quotations from his writings in which he has advocated the use of violence.

Here is a man who, on his own record and on a record that is approved by Mr. Koch in subsequent letters that he sent along to people who had been writing him protesting the fact that he could not come into this country, admitted the murders of three policemen and was also writing materials in terms of advocating violence. He was properly excludable from this country under the law as it was before the McGovern amendment.

As a matter of fact, it is rather interesting to note what Mr. Koch wrote to a friend, a well-known American, Dr. Benjamin Spock, who was spearheading the drive to let Mr. Blanco into the country. Here is what our former colleague wrote to Dr. Spock:

Don't you agree that if, in fact, he admitted responsibility for the murder of three policemen and advocates the use of violence that those are grounds for rejection?

In your original letter to me your reference to Secretary Kissinger was "has all the instincts of a thug, coated over with professional pomposity." My question is how would you now characterize Hugo Blanco?

Why do I point this out? Because in 1978, under the McGovern amendment, Hugo Blanco was admitted to this country. So we have moved exactly in the opposite direction from what we were being told.

Now, as the gentleman from Missouri (Mr. BURLISON) indicates, as one small modicum of restraint in this area, as just one little area of letting the Intelligence Committee know when things like this happen, we are simply asking that they inform the committee of the applications of the FBI for exclusion of aliens which are overruled. What is wrong with that?

The CHAIRMAN. The time of the gentleman from Ohio (Mr. ASHBROOK) has expired.

(By unanimous consent, Mr. ASHBROOK was allowed to proceed for 2 additional minutes.)

Mr. ASHBROOK. Mr. Chairman, to continue, as the gentleman from Missouri (Mr. BURLISON) has indicated, we cannot prevent them from coming into the country, but this certainly relates to the intelligence and the security of this country when decisions are made relating to excludable aliens. We should know.

If the Members wish, I could take about 15 minutes and go through another dozen instances of precisely the same type of situation where, because of our openness and because we want to bend over so far the other way, we are allowing terrorists and we are allowing people who advocate violence to come into the country. This is on the record. This is not what JOHN ASHBROOK says, but this is on the record. We are allowing them to come into this country because of the application of the McGovern amendment.

This does not seem to be asking very much. We are not asking for the repeal of the McGovern amendment, although I personally would like to see that. We are not asking for that.

We are merely asking that the Intelligence Committee as a part of its responsibility be informed of both the numbers and the individual instances where applications to prevent an excludable alien from coming into our country are overruled. At least we should know about it. It does not seem we are asking very much.

Mr. Chairman, our immigration laws require that foreigners who wish to visit the United States not be persons whose presence here would create security problems for this country. The law excludes Communists, terrorists, and other such undesirables. There is a provision, however, that if the entry of an excludable person is in the interests of the United States, the Secretary of State can request that the Attorney General grant a waiver so that the person can be admitted. In recent years that has been a loophole for the admission of many undesirables who in no way should have been admitted and whose presence in our country serves no useful purpose.

Last year, as a result of an amendment to the Foreign Relations Authorization Act, fiscal year 1978, introduced by Senator MCGOVERN, the Secretary of State must ask for waivers for all those who are and should be excludable. This has opened the floodgates to Communists, terrorists, espionage agents, and other security problems. In almost all of the cases where the FBI has recommended that a waiver be denied, the undesirable was allowed to enter the United States due to State Department action.

There are a number of examples of this. One was Hugo Blanco, a Peruvian, Trotskyite, terrorist who was barred from the United States in 1975. At that time, our then colleague Edward Koch of New York wrote to the State Department demanding to know why Blanco had been barred. The State Department at first refused to reveal the evidence they had about Blanco, on the grounds that it was classified. Later, however, they sent Congressman Koch public record information showing that Blanco was involved in terrorism in Peru and had admitted responsibility for the murder of three policemen. Mr. Koch then concluded, that based on this information, Blanco should be barred from the United States, (CONGRESSIONAL RECORD March 1, 1976, pp. 4812–4815).

This year under the McGovern amendment the terrorist, Hugo Blanco, was admitted to this country.

Ernest Mandel is the leader of the Trotskyite Fourth International, a group which is involved in international terrorism. Some of its members, however, argue that terrorism may be a good tactic, but should not be used at this time. Among those who argue this are the leaders of the Socialist Workers Party, the American section of the Fourth International. Ernest Mandel leads the faction that advocates terrorism now. Even Jack Barnes, the national secretary of the Socialist Workers Party, has accused Mandel of "attempting to smuggle terrorism, under the name 'urban guerrilla war,' into the traditions of Leninism" in order to justify the terrorist activities including kidnaping and murder of the Argentine sector of the Fourth International (speech to an SWP conference printed in International Internal Discussion Bulletin of the Fourth International, No. 9, July 1973, page 11).

Mandel had been barred from the United States because he had violated the terms of an earlier visa. This year, under the McGovern amendment, he was admitted to this country.

Wilfred Burchett, who was publicly identified in testimony before the Senate as a KGB agent, was recently again allowed to visit this country. He had gotten waivers in the past despite his activity against the interests of the United States. In November 1969, Yuri Krotkov, a defector from the Soviet KGB, in testimony before the Senate Judiciary Subcommittee on Internal Security, identified Burchett as one of the agents that he had controlled for the Soviet intelligence service.

In addition, Burchett has been identified by American former prisoners of war from Korea and Vietnam, as a person who participated in the interrogations to force them to make false confessions to be used for Communist propaganda against the United States. I feel that such people—terrorists, Soviet intelligence agents, and so forth, should not be admitted to the United States. If we are going to admit them it is clear that the FBI will have to commit manpower and money to prevent such individuals from carrying out illegal activities in this country.

Title IV of this bill requires that the House and Senate Intelligence Committees be notified in cases where the FBI recommendation of denial of a waiver is disregarded. We need to know about individuals whose presence in this country causes security problems that require FBI intelligence gathering, and hence, impact on the funding levels our com-

mittee recommended for the intelligence agencies, such as the FBI.

The facts are alarming. Since the passage of the McGovern amendment, this administration has overruled every request of the FBI for the exclusion of undesirable aliens. The precise figures are classified and I cannot make them available for that reason but the percentage figures tell the story equally well, even without the number of individual cases. I can only state that the number of cases is substantial. Here is what has happened.

Calendar year and percentage of denial requests not implemented	
1976	87
1977	99
1978 (None implemented end 1st quarter)	—

In other words, 99 percent of the requests of the FBI to deny admission to excludable aliens in 1977 were turned down and 100 percent so far this year. Think of that. The McGovern amendment simply made legal what the liberals in the State Department were doing and wanted to do. It gave them a convenient hook on which to hang their hat. As a result, a terrorist, murderer, anarchist will gain a visa to come to this country notwithstanding the facts. The argument is given that we want to comply with the Helsinki accords and the State Department must bend over backward so as to not impinge on anyone's human rights. Nonsense. You cannot even get honorable people into or out of the Soviet Union, a signatory to the Helsinki accords, but any thug in the world can make a triumphant tour of this country, thanks to our liberal State Department and the McGovern amendment.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. The gentleman is still conceding, is he not, that the Attorney General ultimately has the power, regardless of the McGovern amendment and regardless of what the Secretary of State does, the ultimate power resides in the Attorney General to refuse to grant a waiver and to refuse to permit an alien to come in under section 28, and he has the ultimate authority under section 28 and section 29, if he makes the appropriate finding these people should not enter; is that correct?

Mr. ASHBROOK. Yes. I kind of wonder why the Justice Department and the State Department throw up their hands and say, "We are not going to do anything about anybody."

Who are we going to exclude if we do not exclude Hugo Blanco?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. ASHBROOK was allowed to proceed for 1 additional minute.)

Ms. HOLTZMAN. Will the gentleman yield further?

Mr. ASHBROOK. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. That is why I raise the point. Since the Attorney General has the ultimate power in this case to make the decision, and since the FBI works for the Attorney General and is under his control, why are we permitting this end run? Why are we interfering with a decisionmaking process within the Justice Department? I do not understand that.

Mr. ASHBROOK. In the first place, the FBI and the Attorney General are not primarily responsible to Congress. They are part of the executive branch. I think it is entirely appropriate that the Intelligence Committee at least knows the numbers, the frequency and the individual cases where applications for exclusions are denied. I think that is a part of our intelligence oversight, and I do not think that is impinging on human rights or impinging on civil rights of anyone. It is simply a part of our intelligence responsibility to know how Immigration and Naturalization is functioning in this area, vis-a-vis the State Department, the FBI, the executive branch of Government and the Justice Department.

Ms. HOLTZMAN. If the gentleman will yield further, it sounds to me as though the FBI has some internal bureaucratic problems with the Attorney General, and I am not sure that it is appropriate for the Congress to get in the middle of that.

Mr. ASHBROOK. I do not think we are getting in the middle. I think as a matter of oversight we should know what we are doing.

Mr. Chairman, I urge the defeat of the amendment.

Ms. HOLTZMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, the provisions of the immigration law that are at issue here are provisions of grave concern to all of us. Nobody wants to see persons enter the United States who would commit sabotage or espionage or who would engage in murder, or the like. And that is why our law has absolute prohibitions against their entry, and the power to prohibit entry is specifically given to the Attorney General of the United States.

What this committee report says, however, is not true. The report says, on page 6, "that the U.S. Government may be regularly admitting aliens contrary to the recommendations of—the Attorney General."

There is no way in which aliens could come into the United States, under sections 27, 28, or 29, contrary to the recommendations or decisions of the Attorney General. It is just not possible under the law.

Therefore, what this committee is suggesting to the House in this bill is that when the Attorney General does not accept the recommendations of the FBI—and I assume there are cases in which that happens—then somehow there is something wrong in the process and the Congress should get involved.

I do not see any evidence of the need for that. I do not see any evidence that the Attorney General has not performed his function appropriately with respect to the FBI and with respect to other agencies within his domain; nor is there any indication from the debate that we have held so far that anyone has made such a claim.

The gentleman from Missouri was unable to tell me why the FBI was unable to convince the Attorney General of its findings.

For that reason, I am unpersuaded of the need for this additional oversight by the Intelligence Committee. In fact, it seems to me that the purpose of this oversight is, as the committee says in its report, to bring a more balanced perspective to the decisionmaking process regarding Federal Bureau of Investigation requests. The decisionmaking process under the law, however, is given to the Attorney General and not to the FBI; and I would hope that the FBI could make its case, if it has a case, to the Attorney General. I would say to my friend, the gentleman from Missouri, that, if it cannot make a case to the Attorney General with respect to these matters, perhaps it has no case to make.

Finally, Mr. Chairman, since there is discretion to admit an ineligible alien only under section 28 (there is no discretion to admit anybody to this country who would fall within the category of a possible espionage agent, a possible saboteur, or someone who would engage in acts of terrorism) and since that section has to do with persons whose activities involve writing or speaking, activities or ideas, I am concerned that the committee language may raise questions about our commitment to observe the Helsinki Accords and our willingness to deal with them as responsively as possible.

Mr. Chairman, frankly, I am not afraid of ideas. I do not think any American has to be afraid of ideas. Although we do not have any obligation to permit anyone to come into this country if the person is going to commit violence or is going to violate our laws, we should not erect barriers against persons who write or publish, or discuss ideas with which we may not agree. We do not have to be afraid of ideas in this country.

Mrs. FENWICK. Mr. Chairman, will the gentlewoman yield?

Ms. HOLTZMAN. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Chairman, I thank the gentlewoman for yielding.

I am puzzled. Could the gentlewoman tell me, Was Mr. Blanco admitted?

Ms. HOLTZMAN. I am unfamiliar with that case. Perhaps the gentleman from Missouri (Mr. BURLISON) knows the answer to that.

Mr. BURLISON of Missouri. If the gentlewoman will yield, Mr. Chairman, apparently he was.

Mrs. FENWICK. Mr. Chairman, is the gentlewoman suggesting that Congress ought not to know that Mr. Blanco was admitted? It seems curious to me.

I agree with the gentlewoman from New York (Ms. HOLTZMAN). There is absolutely no reason that we should fear any ideas in the world; but I think a Peruvian peasant, as so described by Mr.

Koch in the CONGRESSIONAL RECORD, who has openly boasted of killing three policemen, is scarcely one who is going to come here without some ideas.

The CHAIRMAN. The time of the gentlewoman from New York (Ms. HOLTZMAN) has expired.

(On request of Mr. BURLISON of Missouri and by unanimous consent, Ms. HOLTZMAN was allowed to proceed for 1 additional minute.)

Mr. BURLISON of Missouri. Mr. Chairman, will the gentlewoman yield?

Ms. HOLTZMAN. I am happy to yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. Mr. Chairman, let me say that the Secretary of State is a rather powerful official in this Government. Let me say that the President is the boss of the Attorney General, as the gentlewoman knows; and let me say that there are a number of instances, which I think the gentlewoman has referred to, in which the Attorney General has waived these requirements, and these individuals have been admitted.

Mr. Chairman, let me say that all in the world that we are requesting in this amendment is that the Congress be notified in those instances; when those things occur, that we be notified of them.

In view of the fact that the Committee on International Relations is notified if an excludable alien is not admitted, what is so inequitable or unreasonable or unfair about the Congress being notified when an excludable alien is admitted against the recommendation of the Federal Bureau of Investigation?

The CHAIRMAN. The time of the gentlewoman from New York (Ms. HOLTZMAN) has again expired.

(By unanimous consent, Ms. HOLTZMAN was allowed to proceed for 1 additional minute.)

Ms. HOLTZMAN. Mr. Chairman, generally speaking, I would agree with the gentleman from Missouri (Mr. BURLISON). However, as the gentleman well knows, there is no possibility that anybody can come into the United States who the Attorney General finds falls within sections 27 and 29 of the immigration law. The only section we really refer to and under which anybody could possibly be admitted to this country is section 28.

In that case, the Attorney General is required now to report, under the law, to the House Committee on the Judiciary. With respect to that, I think there is adequate protection.

I am not saying that the Congress should not know it already has the power and ability without this provision to find the facts. Furthermore, the Intelligence Committee could always ask for an explanation. The practice under these sections of the immigration laws without title IV of this bill.

Mr. MOFFETT. Mr. Chairman, will the gentlewoman yield?

Ms. HOLTZMAN. I yield to the gentleman from Connecticut.

Mr. MOFFETT. Mr. Chairman, I thank the gentlewoman for yielding.

I would say, without getting into arguments about whether things like the House Un-American Activities Committee are a good idea, it seems that this is almost a reincarnation of that kind of approach. That thought troubles this Member greatly.

The CHAIRMAN. The time of the gentlewoman from New York (Ms. HOLTZMAN) has again expired.

(On request of Mr. MOFFETT and by unanimous consent, Ms. HOLTZMAN was allowed to proceed for 1 additional minute.)

Mr. MOFFETT. It troubles me greatly because we have seen in our immigration policies over the past several years an inconsistency which goes something like this: We have admitted some violent people, and very frequently they have been admitted from countries that have had right-wing dictatorships, with whom we were friendly and with whom our country had a good relationship. We have excluded a number of people who, by any of our standards, would be peaceful people, but because they happen to be socialist writers, have been excluded. This is because of the peculiarities of our law.

That has troubled some Members of the House and has troubled this Member, because I think we are in agreement that we certainly do not want to admit people who have a propensity for violence. That is clear. I do not think on either side of the aisle, whatever our philosophies or ideologies, many of us want to advocate that kind of thing. But, I do not think that the idea of saying that the FBI will report directly to us when in fact they have a boss, and that boss in fact—if we do scrupulous oversight—will be reporting to us anyway, is a good idea.

Mr. Chairman, I associate myself with the remarks of the gentlewoman from New York.

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I do not happen to be as knowledgeable of these provisions as is the gentlewoman from New York, but I believe I am wise enough to recognize that these individuals who are excludable and who would be reportable to our committees are not the individuals who are just projecting ideas that may vary from some ideas that we may hold. As a matter of fact, since the Final Helsinki Act, we have opened our gates in a very generous way to try to demonstrate our desire for a freer flow of individuals into our country, and hopefully so that more of our citizens can travel to those countries.

But, in waiving provisions which would otherwise make them excludable and by accepting them here, it would be extremely gullible on our part to concede that these are just individuals who are holding and projecting ideas that may be unacceptable. These individuals in large measure, especially those who come over there on temporary visas, are individuals who are engaged themselves in intelligence activities in behalf of the nations from which they come. Any of us who do not recognize that, it seems to me, are just being unrealistic.

This provision in the bill merely requires the sharing of information. Should we permit one agency of Government to hold and conceal information that may be useful to us in defending our own national security? It seems to me that to deny our committee access to that information would be an extremely narrow perception of our responsibility, and especially of our responsibilities as members of the Intelligence Committee, that is recommending the sharing of this vital information.

So, it is just unthinkable to me that these excludable individuals, should not even be reportable, and that the information of their identity would not be available. That, it seems to me, is completely unthinkable. I just hope that we resoundingly reject this amendment.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I thank my colleagues for yielding to me.

I certainly identify and agree with everything the gentleman from Illinois has said. I think our colleague from New York, who is very intelligent and knowledgeable, knows that sections 27 and 29 are a catch-22.

What we are talking about in those cases is the Attorney General virtually has to be certain that the person who was otherwise excludable as far as coming to this country would engage in illegal acts. That is the loophole. One can take a terrorist or anybody who has done almost anything overseas and he comes to this country and wants to make a triumphal speech tour, and all he has to show is he is not coming to this country to engage in acts of espionage, sabotage, et cetera. That is the loophole, and they will have to let him into this country simply because the Attorney General cannot certify he will probably engage in these activities.

In the past, we have excluded some people who have engaged in those illegal acts overseas, and unless we can show he will engage in those acts, under section 29 we cannot exclude him.

Mr. McCLORY. But the person by and large probably just is not believable.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, fortunately I have the quite unwieldy immigration statutes with me. I would like to assure my colleague, the gentleman from Ohio, with respect to the powers of the Attorney General under section 27. He does not have to be certain about anything to exclude an alien. All the Attorney General has to have is reason to believe that the person seeks to enter the United States incidentally—not even solely or principally, but incidentally—to engage in activities which would be prejudicial to the interests of the United States or endanger the security of the

United States. The Attorney General's power under section 27 is enormous.

Mr. McCLORY. And it is my understanding he can waive the exclusion.

Ms. HOLTZMAN. He cannot. After the Attorney General makes such a finding under that section—or under section 29—he cannot waive it.

Mr. ASHBROOK. Mr. Chairman, I move to strike the requisite number of words.

But again, if he does not make a finding, there is nothing to waive, and if he will not make a finding even in the worst examples—section 29 says they have to engage in espionage, sabotage, or public disorder—then section 27 might as well not be on the book. If they are going to let everybody in regardless of what they have done, then section 27 is of no consequence. That is my point. We have to deal with the practical fact of what is happening, not with what the law is. This administration doesn't appear bent on excluding any alien for any reason.

Mr. CRANE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment of our colleague from New York and in support of section 401 of title IV. I believe that the language of this section will serve an important function in enhancing the oversight function of the Congress, and strengthening the internal security of this country.

Currently, under section 212(a)(27), (28) and (29) of the Immigration and Nationality Act, certain categories of persons are excluded from admission to the United States. These include espionage agents, terrorists, members of overseas Communist parties, and persons who would overthrow the Government of the United States. If a person applying for admission is identified under sections (27) or (29) as falling into one of the designated excludable categories, he must automatically be denied admission; if he is found to fall under section (28), admission may be denied, but may also be waived. Most commonly, differences of fact have arisen between the concerned agencies—the Department of State and the FBI—over whether or not a given applicant is or is not a member of an excluded class. In the event of such a dispute, seriously undesirable aliens may be admitted to the country, contrary to the express recommendations of the Federal Bureau of Investigation and the Attorney General. This has taken place on a regular basis in the past, and unless corrective action is taken, will undoubtedly take place again.

The presence of such persons in the United States is clearly detrimental to the security interests of this country. In a period of growing international terrorism, it is imperative that every possible effort be taken to prevent the entry of persons who might engage in such activities. Given the cancerous and destructive growth of terrorism in Western Europe, the Middle East, Africa, Latin America, and Asia—and I think we need to look with particular concern to the resurgence of this phenomenon in nations such as Germany and Italy—this is a time for us to increase rather than loosen our scrutiny of persons who would be likely to engage in these activities. Discussion is already underway of how and when terrorism might spread to the United States itself. This is one area where, frankly, I would not give the other side the benefit of the doubt.

Much the same can be said for the admission of potentially dangerous persons, such as espionage agents or other persons whose activities are known to be detrimental to the security interests of the United States. If any serious question exists as to whether a given individual is or is not a security threat, I strongly feel that that person should be denied admission to the United States. At the very least it is the height of folly to swamp our already-overburdened counterintelligence services by the admission of persons whose questionable nature will require ongoing scrutiny and observation.

The language of section 401 will, I believe, add an important balancing element to the decision-making process under which these applications are reviewed. I place considerable faith in the judgment of the Federal Bureau of Investigation as to the desirability or undesirability of aliens falling under section 212(a)(27), (28), and (29) of the Immigration and Nationality Act. If for any reason the recommendation of the FBI or the Attorney General is overruled or disregarded with regard to such applications, this Congress, through its respective Intelligence Committees, should be informed. This additional scrutiny will, it appears, help to stem the flow of potential security risks into this country, and thus should help to establish more solidly our true counterintelligence priorities.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, after all of the debate on this particular title, let me say that one of the problems that was facing this committee—and I think that those who favor the striking of this section, or this title, would agree that one of the problems in this area would be—is the internal squabble between the Department of Justice and the Department of State.

It is well known, too, I think, by all the Members of the House, that one of the reasons for the squabble is precisely what we are trying to take care of here. This committee is willing to accept an amendment which will be offered if this present amendment is defeated and the Committee of the Whole refuses to strike title IV. The committee is willing to accept an amendment which will be offered by the gentleman from Pennsylvania (Mr. EILBERG), who is the chairman of the Subcommittee on Immigration, Citizenship and International Law of the Committee on the Judiciary.

Let me say to the gentleman from Connecticut, my friend Mr. MOFFETT, and my friend the gentleman from New York (Mr. WEISS) that the very issue that you were talking about, whether or not we are establishing another internal security committee, is of course simply not so.

That was a question that was raised by the distinguished gentleman from Connecticut (Mr. DODD) when I appeared before the Committee on Rules to ask for a rule.

There is no intention on the part of this committee to have any particular list of any people who are excludable or not excludable under the laws of this Nation. We do not want that. We do not want that kind of a list.

What we are trying to do, really, is to assist the intelligence community in really determining whether or not the practices which have occurred under this provision ought to be changed. That is exactly what we are trying to do, get the facts, get the numbers, determine whether there should be a recommendation made, and, if there ought to be, we will make one.

I do not think anyone can disagree that admitting excludable aliens does present a problem, I think, in counterintelligence, for the FBI. Nobody can disagree with that.

So what this committee is seeking to do is determine precisely what the facts are, who is right or wrong in the squabble between the Department of Justice and the Department of State and then come up with some recommendation.

The title as it is carried in the bill now is permanent legislation and the amendment which will be offered by the gentleman from Pennsylvania (Mr. EILBERG) will make the list apply to fiscal year 1979. And also that the reports with respect to those who are excludables, who have been granted visas, will also go to the Committee on the Judiciary. I think that ought to resolve the problem.

Mr. DODD. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Connecticut (Mr. DODD).

Mr. DODD. Mr. Chairman, I appreciate the gentleman from Massachusetts (Mr. BOLAND) recalling the discussion we had in the Committee on Rules over this particular point. One of my concerns there was that the committee would be collecting a bundle of names where there was no process for expunging that record after a certain period of time. And I could envision a situation where 5 or 10 years from now where you might have someone of questionable character after that information, then being entirely exonerated from any potential wrongdoing, who would be subject to a conflict because his or her name happened to appear on a record or a list somewhere of having been the subject of an investigation by the Intelligence Committee because just that kind of a list, or that kind of information about an individual is just so damaging to them. And we have seen lists reappear in the past.

As I understand it under the bill that has been passed there is no mechanism at all for dealing with these people. Even if you only take a look at them, what do you do with the list? What happens to

them, what happens to the list, do they end up permanently in some file drawer?

Mr. BOLAND. I think I can assure the gentleman, from my point of view, and I think I can speak for the point of view of the committee, that I think as soon as we look at the lists developed by the committee, we will send them back to the Department of State or the Department of Justice from whence they came. But, in any event, the committee is appreciative of and applauds the position of the gentleman from Connecticut (Mr. DODD) and his colleague from Connecticut (Mr. MOFFETT) and the distinguished gentlewoman from New York (Ms. HOLTZMAN) and her colleague, the gentleman from New York (Mr. WEISS). We are concerned about it. But really our concern goes to finding out whether or not the admission of excludable aliens really impacts upon the counterintelligence ability of the FBI. That is one of the reasons it is in there. It is something that will not be permanent. We will make it temporary.

Mr. Chairman, we have debated this now for almost an hour.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. DODD, and by unanimous consent, Mr. BOLAND was allowed to proceed for 2 additional minutes.)

Mr. DODD. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Connecticut.

Mr. DODD. I thank the gentleman for yielding.

In this discussion regarding the provisions of law that have to do with excludable aliens, I would be glad to hear, if I could, from the chairman regarding this point. As I understand it, under the law as it presently exists, if the Attorney General files a report excluding an alien from entering into this country, then that person is to be excluded?

Mr. BOLAND. Absolutely. The power is in the Attorney General, as the gentlewoman from New York indicated. The problem is, I think, a problem of pressure which is put upon the Attorney General by others, by the Secretary of State, by people outside the Attorney General's office concerned about the reaction of other countries, where when we exclude the particular alien there is a violation of the Helsinki Agreements, and that sort of thing. So the Attorney General, I think, is under some—I do not know whether it is compelling pressure—but I think he is under some pressure to recommend waiver of an exclusion. That is where the problem is. I agree with that.

In any event, Mr. Chairman, I think I ought to ask for a vote, but I ought not yet to do it in face of the fact that the gentleman from New York (Mr. WEISS) has risen.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding.

Could I ask the gentleman a question?

Mr. BOLAND. Surely.

Mr. WEISS. Given the charge of the Permanent Select Committee on Intelligence, does the gentleman really believe that the power of having names of aliens, excludable aliens who are to be admitted to this country with the approval of the Attorney General, is in fact fulfilling the role of a Permanent Select Committee on Intelligence, when I thought that the reason that the committee was created to begin with was to oversee some of the excesses of the intelligence community? That was the genesis of this whole situation.

Mr. BOLAND. That is right.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. WEISS, and by unanimous consent, Mr. BOLAND was allowed to proceed for 1 additional minute.)

Mr. BOLAND. The gentleman is precisely right, the committee was created to oversee the excesses of abuses and also to be sure that the oversight of the intelligence community is conducted by this committee and that the intelligence community is acting within the purview of the law and within the Constitution. I think that is important too, as does the gentleman.

The gentleman did not vote for the creation of the committee when it was voted on last year anyhow; the gentleman opposes it now; he is not going to vote for the budget authorization bill (H.R. 12240) today. But I can understand. I have no objection to that.

Mr. WEISS. Will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from New York.

Mr. WEISS. I thank the gentleman.

I appreciate the gentleman's not having any objection to it. The gentleman is not suggesting that simply because I voted against the creation of that committee for the very reasons cited by the gentleman from Colorado (Mr. JOHNSON), that in fact the arguments on striking title IV are ex post facto invalid?

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from New York (Mr. WEISS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WEISS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 60, noes 312, not voting 62, as follows:

[Roll No. 418]

AYES—60

Bedell	Dodd	Kildee
Biaggi	Downey	Kostmayer
Blouin	Drinan	Leggett
Bonior	Eckhardt	Lundine
Brodhead	Edgar	McHugh
Brown, Calif.	Edwards, Calif.	Maguire
Burton, John	Fraser	Markey
Burton, Phillip	Garcia	Mikulski
Cavanaugh	Giaimo	Mikva
Chisholm	Gonzalez	Miller, Calif.
Clay	Harrington	Mitchell, Md.
Collins, Ill.	Harris	Moffett
Corman	Holtzman	Moss
Cornell	Kastenmeier	Nolan
Obey	Schroeder	Vanik
Ottinger	Seiberling	Walgren
Rangel	Stark	Weaver
Reuss	Studds	Weiss
Richmond	Thompson	Wirth
Scheuer	Thornton	Yates

NOES—312

Abdnor	Fascell	Marks
Addabbo	Fenwick	Marlenee
Akaka	Findley	Marriott
Ambro	Fish	Martin
Ammerman	Fisher	Mathis
Anderson, Calif.	Fithian	Mattox
Anderson, Ill.	Flippo	Mazzoli
Andrews, N.C.	Flood	Meeds
Andrews, N. Dak.	Foley	Metcalfe
Annunzio	Ford, Mich.	Meyner
Archer	Ford, Tenn.	Michel
Armstrong	Forsythe	Milford
Ashbrook	Fountain	Miller, Ohio
Ashley	Fowler	Mineta
Aspin	Frenzel	Mitchell, N.Y.
AuCoin	Frey	Moakley
Badham	Fuqua	Moore
Bafalis	Gammage	Moorhead, Calif.
Baldus	Gaydos	Moorhead, Pa.
Barnard	Gephardt	Mottl
Bauman	Gilman	Murphy, Ill.
Beard, R.I.	Ginn	Murphy, Pa.
Beard, Tenn.	Glickman	Murtha
Benjamin	Goldwater	Myers, Gary
Bennett	Goodling	Myers, John
Bevill	Gore	Myers, Michael
Bingham	Gradison	Natcher
Blanchard	Grassley	Neal
Boggs	Green	Nedzi
Boland	Gudger	Nichols
Bolling	Guyer	Nix
Bonker	Hagedorn	Nowak
Bowen	Hall	Oberstar
Brademas	Hamilton	O'Brien
Breaux	Hammer-schmidt	Panetta
Breckinridge	Hanley	Patterson
Brinkley	Hansen	Pattison
Brooks	Harkin	Pease
Broomfield	Harsha	Pepper
Brown, Mich.	Hawkins	Perkins
Brown, Ohio	Heckler	Pettis
Broyhill	Hefner	Pickle
Buchanan	Heftel	Poage
Burgener	Hightower	Preyer
Burke, Fla.	Hillis	Price
Burke, Mass.	Hollenbeck	Pritchard
Burleson, Tex.	Holt	Pursell
Burlison, Mo.	Horton	Quayle
Butler	Huckaby	Quillen
Byron	Hughes	Rahall
Caputo	Ichord	Railsback
Carr	Ireland	Regula
Carter	Jacobs	Rhodes
Cederberg	Jeffords	Rinaldo
Clausen, Don H.	Jenkins	Risenhoover
Clawson, Del	Johnson, Calif.	Roberts
Cleveland	Johnson, Colo.	Robinson
Cohen	Jones, N.C.	Roe
Coleman	Jones, Okla.	Rogers
Collins, Tex.	Jones, Tenn.	Roncalio
Conable	Jordan	Rooney
Conte	Kasten	Rose
Corcoran	Kazen	Rostenkowski
Cornwell	Kelly	Rousselot
Coughlin	Kemp	Rudd
Crane	Ketchum	Ruppe
Cunningham	Keys	Russo
D'Amours	Kindness	Sarasin
Daniel, Dan	Krebs	Satterfield
Daniel, R. W.	LaFalce	Sawyer
Davis	Lagomarsino	Schulze
de la Garza	Latta	Sebelius
Delaney	Leach	Sharp
Derrick	Lederer	Shipley
Derwinski	Le Fante	Shuster
Devine	Lehman	Sikes
Dickinson	Lent	Sisk
Dicks	Levitas	Skelton
Diggs	Livingston	Skubitz
Dingell	Lloyd, Calif.	Slack
Duncan, Tenn.	Lloyd, Tenn.	Smith, Iowa
Early	Long, La.	Smith, Nebr.
Edwards, Ala.	Long, Md.	Snyder
Edwards, Okla.	Lott	Solarz
Emery	Lujan	Spellman
English	Luken	Spence
Erlenborn	McClory	Staggers
Ertel	McCormack	Stangeland
Evans, Colo.	McDade	Stanton
Evans, Del.	McDonald	Steed
Evans, Ga.	McEwen	Steers
Evans, Ind.	McFall	Steiger
Fary	McKay	St Germain
	Mahon	Stratton
	Mann	Symms

Taylor	Waggonner	Winn
Thone	Walker	Wolff
Traxler	Walsh	Wright
Treen	Wampler	Wylie
Trible	Watkins	Yatron
Udall	Whalen	Young, Fla.
Ullman	White	Young, Mo.
Van Deerlin	Whitehurst	Zablocki
Vento	Whitley	Zeferetti
Volkmer	Wiggins	

NOT VOTING—62

Alexander	Hannaford	Roybal
Allen	Holland	Runnels
Applegate	Howard	Ryan
Baucus	Hubbard	Santini
Beilenson	Hyde	Simon
Burke, Calif.	Jenrette	Stockman
Carney	Krueger	Stokes
Chappell	McCloskey	Stump
Cochran	McKinney	Teague
Conyers	Madigan	Tsongas
Cotter	Minish	Tucker
Danielson	Mollohan	Vander Jagt
Dellums	Montgomery	Waxman
Dent	Murphy, N.Y.	Whitten
Dornan	Oakar	Wilson, Bob
Duncan, Oreg.	Patten	Wilson, C. H.
Eilberg	Pike	Wilson, Tex.
Florio	Pressler	Wydler
Flowers	Quie	Young, Alaska
Flynt	Rodino	Young, Tex.
Gibbons	Rosenthal	

The Clerk announced the following pairs:

On this vote:

Mrs. Burke of California for, with Mr. Eilberg against.

Mr. Conyers for, with Mr. Carney against.

Mr. Dellums for, with Mr. Dornan against.

Mr. Stokes for, with Mr. Vander Jagt against.

Messrs. WALGREN, KILDEE, LEGGETT, CORMAN, McHUGH, and CORNELL changed their vote from "no" to "aye."

Messrs. RISENHOOVER, ABDNOR, RINALDO, PEPPER, and PURSELL changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FISH

Mr. FISH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FISH: Page 4, strike out line 18 and all that follows down through line 4 on page 5 and insert in lieu thereof the following new section:

SEC. 401. During fiscal year 1979, whenever the Attorney General notifies the Secretary of State that he knows or has reason to believe that an alien applying for admission into the United States is an excludable alien under the terms of section 212(a) (27), (28), or (29) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) and that alien is subsequently admitted into the United States, the Attorney General shall, within thirty days, notify the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate of such admission.

Mr. FISH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Chairman, the purpose of this amendment is twofold—to limit the duration of the reporting requirement of section 401 of the bill to the fiscal year 1979 and secondly to allow review of referrals by the Attorney General under the section by the Judiciary Committees of both bodies, in addition to the Intelligence Committees.

The Subcommittee on Immigration, Citizenship, and International Law of the Judiciary Committee, needless to say, is greatly concerned with the admission of any alien in the United States who may be or is determined to be excludable under any of the provisions of the Immigration and Nationality Act, especially where the grounds for exclusions relate to espionage, subversion, and other activities which might threaten this country's national security.

Unfortunately, the Subcommittee on Immigration did not have the opportunity to consider section 401.

The effect of my amendment is to automatically terminate the reporting requirement of the section at the end of the 1979 fiscal year unless Congress enacts legislation to continue it. In this way the Judiciary Committee will have the opportunity to thoroughly consider the provision before it becomes permanent law.

The amendment will require the Attorney General, during fiscal year 1979, to forward reports relating to these excludable individuals to the Judiciary Committees, as well as the Intelligence Committees.

I feel this is a reasonable requirement in light of the fact that immigration is within the jurisdiction of those standing committees and that the admission of persons expressly excluded by our immigration statute is a matter which should properly be brought before those committees.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. FISH. I will be glad to yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, the gentleman has explained the amendment. The amendment is agreeable to this side. It is the amendment which would have been offered by the gentleman from Pennsylvania (Mr. EILBERG), chairman of the Subcommittee on Immigration. We have no objection to it.

Mr. FISH. I thank the gentleman.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I think generally the situation on this side is that we felt that it should be permanent. We have no objection to making it for 1 year.

As the gentleman says, we also talked about it and debated it concerning what is happening and having some review, and also with the view of having a little better Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FISH).

The amendment was agreed to.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, for the information of the members of the Committee of the Whole, the gentleman from Ohio is not offering an amendment. No more amendments will be offered, as I understand, to this bill. We will be ready to vote on the bill in about 5 minutes if the Committee will indulge us.

Mr. SEIBERLING. Mr. Chairman, I just thought the Members would like to know, since I doubt if many of them have read the classified figures over in the committee room, and I do not know how many of them have looked at the committee report, that the biggest item in this bill is a blank:

Intelligence activities: Fiscal year 1978—blank;

Budget request—blank;

Committee recommendation—blank; and

Recommended change—blank.

I do not intend to vote against the authorization for our Government's intelligence-gathering activities, but since the amount we are asked to authorize is a blank, I intend to vote "blank," by simply voting "present."

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. NATCHER) having assumed the chair, Mr. FUQUA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12240) to authorize appropriations for fiscal year 1979 for intelligence and intelligence-related activities of the U.S. Government, the Intelligence Community Staff, the Central Inttelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 1205, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. JOHNSON OF COLORADO

Mr. JOHNSON of Colorado. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. JOHNSON of Colorado. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. JOHNSON of Colorado moves to recommit the bill H.R. 12240, to the Select Committee on Intelligence.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. WEISS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken by electronic device; and there were—yeas 323, nays 43, answered "present" 5, not voting 63, as follows:

[Roll No. 419]

AYES—323

Abdnor	Derwinski	Jordan
Addabbo	Devine	Kasten
Akaka	Dickinson	Kazen
Ambro	Dicks	Kelly
Ammerman	Diggs	Kemp
Anderson, Calif.	Dingell	Ketchum
	Dodd	Keys
Anderson, Ill.	Duncan, Tenn.	Kildee
Andrews, N.C.	Early	Kindness
Andrews, N. Dak.	Eckhardt	Krebs
	Edwards, Ala.	LaFalce
Annunzio	Edwards, Calif.	Lagomarsino
Archer	Edwards, Okla.	Latta
Armstrong	Emery	Leach
Ashbrook	English	Lederer
Ashley	Erlenborn	Le Fante
Aspin	Ertel	Leggett
AuCoin	Evans, Del.	Lehman
Badham	Evans, Ga.	Lent
Bafalis	Evans, Ind.	Levitas
Baldus	Fary	Livingston
Barnard	Fascell	Lloyd, Calif.
Bauman	Fenwick	Lloyd, Tenn.
Beard, R.I.	Findley	Long, La.
Beard, Tenn.	Fish	Long, Md.
Benjamin	Fisher	Lott
Bennett	Fithian	Lujan
Bevill	Flippo	Luken
Biaggi	Flood	McClory
Bingham	Foley	McCormack
Blanchard	Ford, Mich.	McDade
Blouin	Ford, Tenn.	McDonald
Boggs	Forsythe	McEwen
Boland	Fountain	McFall
Bolling	Fowler	McHugh
Bonker	Fraser	McKay
Bowen	Frenzel	Madigan
Brademas	Frey	Mahon
Breaux	Fuqua	Mann
Breckinridge	Gammage	Marks
Brinkley	Gaydos	Marlenee
Brooks	Gephardt	Marriott
Broomfield	Gilman	Martin
Brown, Mich.	Ginn	Mathis
Brown, Ohio	Goldwater	Mattox
Broyhill	Goodling	Mazzoli
Buchanan	Gore	Meeds
Burgener	Gradison	Meyner
Burke, Fla.	Grassley	Michel
Burke, Mass.	Green	Mikulski
Burleson, Tex.	Gudger	Milford
Burlison, Mo.	Guyer	Miller, Ohio
Butler	Hagedorn	Mineta
Byron	Hall	Mitchell, N.Y.
Caputo	Hamilton	Moakley
Carr	Hammer-schmidt	Moore
Carter		Moorhead, Calif.
Cederberg	Hanley	
Clausen, Don H.	Hansen	Moorhead, Pa.
	Harkin	Mottl
Clawson, Del	Harris	Murphy, Ill.
Cleveland	Harsha	Murphy, Pa.
Cohen	Hawkins	Murtha
Coleman	Heckler	Myers, Gary
Collins, Tex.	Hefner	Myers, John
Conable	Heftel	Myers, Michael
Conte	Hightower	Natcher
Corcoran	Hillis	Neal
Corman	Hollenbeck	Nedzi
Cornell	Holt	Nichols
Cornwell	Horton	Nix
Coughlin	Huckaby	Nowak
Crane	Hughes	Oberstar
Cunningham	Ichord	O'Brien
D'Amours	Ireland	Panetta
Daniel, Dan	Jacobs	Patterson
Daniel, R. W.	Jenkins	Pease
Davis	Johnson, Calif.	Pepper
de la Garza	Jones, N.C.	Perkins
Delaney	Jones, Okla.	Pettis
Derrick	Jones, Tenn.	Pickle
Poage	Schulze	Trible
Preyer	Sebelius	Udall
Price	Sharp	Ullman
Pritchard	Shipley	Van Deerlin
Pursell	Shuster	Vento
Quayle	Sikes	Volkmer
Quillen	Sisk	Waggonner
Rahall	Skelton	Walgren
Railsback	Slack	Walker
Regula	Smith, Iowa	Walsh
Reuss	Smith, Nebr.	Wampler
Rhodes	Snyder	Watkins
Rinaldo	Solarz	Whalen
Risenhoover	Spellman	White
Roberts	Spence	Whitehurst
Robinson	Staggers	Whitley
Roe	St Germain	Wiggins
Rogers	Stangeland	Winn
Roncalio	Stanton	Wirth
Rooney	Steed	Wolff
Rose	Steers	Wright
Rostenkowski	Steiger	Wylie
Rousselot	Stratton	Yatron
Rudd	Symms	Young, Fla.
Russo	Taylor	Young, Mo.
Sarasin	Thone	Zablocki
Satterfield	Thornton	Zeferetti
Sawyer	Traxler	
Scheuer	Treen	

NAYS—43

Bedell	Glickman	Moffett
Bonior	Gonzalez	Moss
Brodhead	Harrington	Nolan
Brown, Calif.	Holtzman	Obey
Burton, John	Jeffords	Ottinger
Burton, Phillip	Johnson, Colo.	Pattison
Cavanaugh	Kastenmeier	Rangel
Chisholm	Kostmayer	Richmond
Clay	Lundine	Stark
Downey	Maguire	Thompson
Drinan	Markey	Weaver
Edgar	Metcalfe	Weiss
Evans, Colo.	Mikva	Yates
Garcia	Miller, Calif.	
Giaimo	Mitchell, Md.	

ANSWERED "PRESENT"—5

Ruppe	Seiberling	Studds
Schroeder	Skubitz	

NOT VOTING—63

Alexander	Gibbons	Roybal
Allen	Hannaford	Runnels
Applegate	Holland	Ryan
Baucus	Howard	Santini
Beilenson	Hubbard	Simon
Burke, Calif.	Hyde	Stockman
Carney	Jenrette	Stokes
Chappell	Krueger	Stump
Cochran	McCloskey	Teague
Collins, Ill.	McKinney	Tsongas
Conyers	Minish	Tucker
Cotter	Mollohan	Vander Jagt
Danielson	Montgomery	Vanik
Dellums	Murphy, N.Y.	Waxman
Dent	Oakar	Whitten
Dornan	Patten	Wilson, Bob
Duncan, Oreg.	Pike	Wilson, C. H.
Eilberg	Pressler	Wilson, Tex.
Florio	Quie	Wydler
Flowers	Rodino	Young, Alaska
Flynt	Rosenthal	Young, Tex.

The Clerk announced the following pairs:

On this vote:

Mr. Eilberg for, with Mrs. Burke of California against.

Mr. Carney for, with Mr. Dellums against.

Mr. Jenrette for, with Mr. Conyers against.

Mr. Cotter for, with Mr. Stokes against.

Until further notice:

Mr. Howard with Mr. Pike.

Mr. Minish with Mr. Pressler.

Mr. Patten with Mr. Runnels.

Mr. Florio with Mr. Vander Jagt.

Mr. Charles H. Wilson of California with Mr. Allen.

Mr. Waxman with Mr. Holland.

Mr. Murphy of New York with Mrs. Collins of Illinois.

Mr. Rosenthal with Mr. Teague.

Mr. Chappell with Mr. Cochran of Mississippi.

Mr. Baucus with Mr. Duncan of Oregon.

Mr. Applegate with Mr. Krueger.

Mr. Hannaford with Mr. Hubbard.

Ms. Oakar with Mr. McKinney.

Mr. Alexander with Mr. Quie.

Mr. Santini with Mr. Hyde.

Mr. Simon with Mr. McCloskey.

Mr. Roybal with Mr. Stockman.

Mr. Beilenson with Mr. Dornan.

Mr. Danielson with Mr. Stump.

Mr. Mollohan with Mr. Ryan.

Mr. Montgomery with Mr. Tucker.

Mr. Flowers with Mr. Bob Wilson.

Mr. Flynt with Mr. Wydler.

Mr. Tsongas with Mr. Young of Alaska.

Mr. Vanik with Mr. Whitten.

Mr. Gibbons with Mr. Charles Wilson of Texas.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 12240, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

NEW YORK CITY FINANCIAL ASSISTANCE ACT OF 1978

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1206 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1206

Resolved, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12426) to authorize the Secretary of the Treasury to provide financial assistance for the city of New York. After general debate, which shall be confined to the bill and shall continue not to exceed two and one-half hours, two hours to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs, and one-half to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. No amendment to title II of the bill, including an amendment in the nature of a substitute which would change title II, shall be in order except amendments recommended by the Committee on Ways and Means, and said amendments shall not be subject to amendment. It shall be in order to consider the amendment recommended by the Committee on Ways and Means now printed in the bill on page 10, lines 12 through 18, and all points of order against said amendment for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. ZABLOCKI). The gentleman from New York (Mr. DELANEY) is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield the usual 30 minutes for the minority to the gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, this resolution makes in order the consideration of H.R. 12426, the New York Financial Assistance Act of 1978. The rule provides for 2½ hours of debate; 2 hours to be controlled by the Committee on Banking, Finance and Urban Affairs; and one-half hour to be controlled by the Committee on Ways and Means. It is a modified open rule which waives points of order under the Budget Act in consideration of title I and makes in order only committee amendments to title II.

A little over 2½ years ago I stood in this well to ask my colleagues to support the New York fiscal aid program which expires this June 30. At that time, I stressed New York's importance as the place where a great portion of our citizens can trace their start in America Immigrants from all over the world answered the call which issues forth from the Statue of Liberty lighting up New York's Harbor. "Give me your tired, your poor, your huddled masses yearning to breathe free" reads the inscription. And so they came, and came, and came. As the teeming millions entered New York that city's heart was always open. This generous city nourished both the soul and the body of its new citizens.

To many people of the world that city—and that generosity—still symbolize what is great about America.

When this House passed legislation to provide New York with seasonal financing assistance it was necessary to base the plea for such an act not only on the symbolic importance, but on the economic consequences as well. Unquestionably a default by New York City, then or now, would have grave consequences for our national economy and the already beleaguered dollar.

Today, we can look at the record of achievement and progress the city has recorded in the last 2½ years.

That record is one of compliance with not only the letter of the law; but the spirit as well.

Since December 1975, the city of New York has repaid all of its Federal loans at or ahead of schedule. In addition to paying the usual borrowing rate the city paid a 1 percent premium for these loans. No foreign country is asked to pay such a premium for money borrowed from the United States. In fact many foreign nations have borrowed money far below the usual rate.

More importantly, the city's reliability has netted the Federal Government a $40 million profit on this one loan program.

I would ask my colleagues what other Government loans provide the taxpayers with such a healthy profit?

Besides paying back its loans the city has tightened its belt. Here are some examples of steps the city has taken to bring its financial house in order:

The city work force has been reduced by 20 percent through layoffs, attrition, and firings of 61,000 employees.

The city has eliminated an operating deficit of $1 billion and has balanced its budget under State law.

In 1975 municipal workers agreed to a 2½-year wage freeze.

Eighteen million dollars has been expended to install a new management information system. The result is that the city's books have been examined by independent outside auditors and found acceptable in accordance with generally accepted accounting principles.

The welfare rolls have been reduced to their lowest level in 8 years.

These are substantial improvements.

The city has instituted tuition at the city university. It has also increased the transit fare by 40 percent.

The result of this intensive effort by city government, labor unions, and concerned citizens is that New York City is on the brink of fiscal self-sufficiency. Having reached this point the city no longer asks for direct loans. New York City can regain its footing through the use of loan guarantees.

Due to the strict language in the bill the possibility of default on these guarantees is negligible. The bill calls for all Federal aid to New York City and State to be held hostage should the city be unable to meet its obligations.

My colleagues should also be aware that the Federal Treasury will continue to profit from this relationship. A guarantee fee of one-half percent of outstanding guarantees will be charged. This fee can be increased at any time by the Secretary of the Treasury.

The precedent for Federal loan guarantees is a clear one.

The Federal Government has guaranteed loans for several cities, territories, and private enterprises in the recent past. Among these are the loan guarantees given to 13 developers of so-called new towns. The Federal Government also guarantees loans for the power authority on Guam and the Virgin Islands. Many of my colleagues will recall that this House supported loan guarantees for the Lockheed Corp. when it was troubled.

The impressive record of achievement by the city and the adequate safeguards against a Federal bailout make this legislation a responsible solution to a most difficult problem.

In 1975 it was thought the action prescribed to the city would result in its ability to reenter the private securities market on its own.

The city took the prescribed actions and then some. At the moment the difficulty is in marketing unguaranteed securities. The Federal guarantees will hasten New York's return to the private credit markets and get the city off the Government's back once and for all.

Therefore, I urge you to pass this resolution providing for the consideration of this bill and then to vote for the bill itself. The bill is not a bailout for New York. It merely gives the city the tools with which to bail itself out. The people of New York and its officials will continue to make sacrifices. With the Federal Government standing behind it the city will survive.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Speaker, I wish to commend the gentleman from New York (Mr. DELANEY) for his leadership in bringing this rule to the House and for his leadership on behalf of our great New York City.

Mr. Speaker, I rise in support of the rule and New York fiscal aid legislation I would first of all like to thank Chairman HENRY REUSS and Subcommittee Chairman BILL MOOREHEAD, as well as commend the work of the staff of the Subcommittee on Economic Stabilization of the Committee on Banking, Finance and Urban Affairs. Their outstanding leadership in getting the bill drafted and to the floor of the House has deserved the gratitude of us all. I commend the gentleman from New York (Mr. DELANEY) for expediting the rule and his leadership.

In the history of the United States, New York has been a vital center of commerce and culture. Ellis Island has become a symbol of America as a land of refuge and opportunity. The words Wall Street are synonymous with American private enterprise. Broadway means American entertainment at its finest.

New York City today is a thriving, vital community of 7½ million people, whose economic health has great effect upon the lives of millions of others—indeed upon the entire country, if not the world. The problems of New York, as well as those of our other great cities, are national in scope. We can no longer afford the provincialism of yesterday which looked upon our great Nation as a conglomeration of bickering separate localities—the separate well-being of one having no effect upon the well-being of another.

If the problems are national in scope, Mr. Speaker, then the solutions must be national, also. I do not mean to imply that New York City is not responsible for the shape of its finances, but great sacrifices have been made by New Yorkers toward a remedying of the situation. Thousands of jobs have been eliminated, the waste in Government is being eliminated, and the deficit has been cut by well more than half. I believe, however, that without Federal assistance, the functioning of vital services in New York City will have to come to a standstill. The people of New York deserve better. In spite of what the movies and television shows depict, the people of New York are honest, hard working, and heavily taxed folk, the type of people who have helped build America and make it great.

And what has Federal assistance cost the American taxpayer thus far? The Treasury has made a profit on its loans. As far as I know, this is about the first time that the United States has actually profited from an assistance effort.

But the returns will be much greater than what is printed on the bottom line. Investors throughout the world will have greater confidence in the notes of our

local governments. New York City, experiencing today a renaissance in banking and culture, will continue to serve her country as the financial, communications, and cultural capital of the world. Let us not dim the lights of the Great White Way.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation made in order by this resolution in H.R. 12426, the New York City Financial Assistance Act of 1978, section 402(a) of the Budget Act, which imposes the May 15 reporting deadline, is waived. It is my understanding, however, that a floor amendment will be offered to cure the Budget Act violation.

Since two committees were involved in writing the bill, the Committees on Banking, Finance and Urban Affairs, and Ways and Means, 2½ hours of debate time are allotted. Banking is to receive 2 hours and Ways and Means one-half hour. Title I of the bill is open to all germane amendments, and the entire measure is to be read for amendment by titles instead of by sections. Only Ways and Means Committee amendments are in order to title II, which amendments are not subject to amendment. Finally, the rule makes in order the amendment recommended by the Committee on Ways and Means now printed in the bill on page 10, lines 12 through 18, notwithstanding clause 7, rule XVI (the germaneness rule). This language prohibits New York City obligations from being acquired by the Federal Financing Bank.

Basically, this legislation authorizes a program of Federal guarantees for up to $2 billion of New York City's securities with a maximum maturity of 15 years. It requires the city to submit a plan for bringing its budget into balance, to publish periodic financial reports, and to have annual audits. The Secretary of the Treasury is to administer the Federal responsibilities under the bill and is required to make a determination that there is a reasonable prospect that the guaranteed obligations will be repaid. The General Accounting Office is to conduct audits of the city's finances and report to Congress. The interest earned on federally guaranteed securities is made subject to Federal income taxation, and the Federal Financing Bank is prohibited from purchasing New York City obligations which are guaranteed by the Federal Government.

The committee report states that there are to be no costs other than administrative costs involved with this measure. If New York were to default, however, new budget authority would be required.

Mr. Speaker, there is no question but what this issue is a source of controversy. On the one hand, arguments are made that the entire world is looking to America to see how she handles the potential bankruptcy of her largest city. It is said that should New York fail financially the effects will not be confined to the city, but will spread throughout our Nation and, to an extent, throughout many areas of the world.

On the other hand, there are those who say that New York City has brought its financial troubles on itself by not controlling its labor unions' demands and for a variety of other reasons, such as poor administration. It is also said that the State of New York could absorb the city's problems without any Federal involvement.

Regardless of which side of the argument with which you may subscribe, I am certain we all would agree that New York City has spent beyond its means. It is now imperative that the "Big Apple" come to its senses; face the cold, hard truth that it is just about broke; and deal effectively with its labor and financial management problems immediately.

I reserve the balance of my time.

Mr. Speaker, I yield 15 minutes to the gentleman from Florida (Mr. KELLY).

Mr. KELLY. Mr. Speaker, I heard the acclaim when I approached the well, and I want to thank my colleagues for the eager anticipation with which they waited.

Mr. Speaker, the chairman of Committee on Rules I think said it all. He said that what New York needs is just an opportunity to balance its budget, and I could not agree more. Furthermore, I would not have the audacity to appear here if I had only my opinion in that respect.

Mr. Speaker, the Senate Banking Committee unanimously found that New York City had the resources to finance itself; and I think we ought to give this great city an opportunity to do just that. I think we ought to do this, because if we do not do it, we are going to be waltzing in the same way that we have been waltzing since 1975.

In 1975, the proposition was that for one time and one time only New York needed some help; and if they could get that help, then they would never be back here again. There were all sorts of pledges about how they were going to balance the budget, and now we are getting all sorts of stories about how New York City has sacrificed, how New York City has done everything that was expected and required of them. I think the quote was that they have complied with the letter and the spirit of the law.

One of the things that they were supposed to do was to balance the budget. Well, they did, but it is a kind of a funny balance. They are out about a billion dollars, but other than for that billion dollars, they are balanced. The way New York does this is to get the law changed so that, although the books are not balanced in the real world, in New York they are balanced. So, they can have a balanced set of books with a deficiency of a billion dollars.

Now, some of the other things that New York has done to sacrifice—and I want all the Members to know what a really great job the leadership in New York has done—between 1975, when we bailed them out the last time—for the last time—they have increased their revenues $1,300 million. They have increased their revenues that much. And, they have reduced their indebtedness $69 million. So, the name of the game in New York is, the way they solve their problem is to heap more misery on the people of New York. If they get any money they spend it not on paying debts or capital improvements they just spend it.

I think that brings us down to the issue we have to face in this Congress. We have to face it in the context of Proposition 13, which is being voted on in California today. The people in New York City live in the richest city in the United States of America. They are the most taxed people in the United States; they are the most burdened with government debt in the United States.

For us to refinance this indebtedness is only going to permit an extension of the bad management that has put New York in the condition it is in. What is required in New York is to quit taxing the people and start reducing the spending, and that will be the only solution for New York.

Now, what I would like to do is to just give a little indication here—let us take the transit system, for instance. The cost of labor since 1968 has increased 124.5 percent. The ridership is down 20 percent, so that 20 percent fewer people in New York are enjoying the benefits of the subway and transit system, and they are paying 125 percent more. While the ridership on the transit system was going down, the number of employees to run the system increased about 3,400. It took about 3,400 more people to run the system when there were fewer people riding the system.

What they have done is, since 1976, they have reduced the 3,400 increase down to just about 400, so they only have about 400 more there now than they did in 1968. But, do you know what? The labor costs have continued to go up anyway. This was the case even during the time the number of employees was reduced by 3,000 in little more than a year.

So, this has been the kind of sacrifice that New York has made. We have had a lot of talk about how they have reduced the number of hospital beds. They have. New York City had about 12,000 hospital beds that were controlled and operated by the city. They have reduced that about 1,000. Most cities do not have any hospital beds. These are operated at a deficit, and this is the kind of operation that has caused New York to be in the condition it is in.

I want to mention just one other thing. There has been much talk about how they have reduced the labor force 61,000. They actually and literally laid off 61,000 of the work force of New York City, and they did this in order to sacrifice, to have an austere government in existence in New York City. But, what did they do? They reduced the cost of that work force by only 1 percent, and before someone says, "No, it was 5 percent," all I have to say is that in New York you can choose any set of books you want. The one I am going with is the one that said they have reduced it just 1 percent.

Pretty clearly what happened was this. They continued to pay wage increases during a wage freeze. They paid more overtime so that the cost of operating was reduced only 1 percent, although they laid off 61,000 people.

The cost of this little maneuver has

not been calculated yet for this reason. Much of that additional money went for overtime. The work rules in New York City provides that overtime can be included and calculated in the retirement pay, and the New York City taxpayers are going to be paying for these bloated retirements predicated upon the overtime that was incurred during the time that they were economizing.

I think pretty clearly that this indicates New York has no intention under the present administration or the past administration to do anything except to bankrupt the town, and for this Congress to finance them certainly makes no kind of sense.

Mr. KETCHUM. Mr. Speaker, will the gentleman yield?

Mr. KELLY. I yield to the gentleman from California.

Mr. KETCHUM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I enjoyed the discussion of both the gentleman in the well and the chairman of the Rules Committee, the gentleman from New York (Mr. DELANEY). I have only one question: Is the gentleman for or against the rule?

Mr. KELLY. Am I for or against the rule? I think it is a very good rule and I intend to vote for it.

Mr. KETCHUM. I thank the gentleman.

Mr. KELLY. Mr. Speaker, I stand in opposition to H.R. 12426, the second New York bailout bill, because it is bad medicine for New York City's ills, and against the best interests of the residents of that beleaguered city and the Nation's taxpayers who will be called upon to foot the bill should the new financing schemes fail.

The bill and its creators have adopted the premise that the root of New York's problem is lack of adequate financing caused by loss of investor confidence. The implication is that this loss of confidence is, somehow, unwarranted in the present "improved" condition of New York.

In reality, the exact opposite is true. Excessive spending and borrowing is what caused New York's fiscal problems to begin with, and refinancing by means of Federal guarantees will prolong the agony without contributing to the solution in any way. And using the Federal Government as a financing crutch certainly is not likely to improve investor confidence by any measure.

What makes bondholders happy, and what I would have liked to have seen happen in New York City over the 3-year period when the Federal seasonal loans to New York City were in effect, was a return to fiscal sanity.

In the real world this would have included genuine cuts in spending to reflect the city's ability to pay for services, management, and productivity improvements in all city departments, and an increased capacity by municipal workers (the highest compensated in the Nation) to comprehend that their city was fighting for its life and could not continue wage policies of the free-spending past.

In the past, when confronted with the illogic of their position and unable to make a well-founded answer, the New York interests have fallen back on a sham tactic and called me the Congressman from Disney World, because that fine diversion is in my district. It is an association I am proud of.

But let me assure you the real fantasyland is in the financial light-and-shadow show that is New York's politics and bookkeeping.

How else can a town on the verge of bankruptcy afford generous fringe and retirement packages that include 50.7 days paid leave out of a 261-day work year, 35-hour workweek for its employees, and days off for policemen who donate blood.

The city spent millions to install a modernized accounting system, but it still permits wild fluctuations in budgetary data, a factor that investors must also take into account. The system can be manipulated to permit millions of dollars to be "found" when political considerations—such as union wage demands—require it.

New Yorkers elected Mayor Koch on the strength of his promise to be a tough bargainer on the city's behalf. This was an empty promise.

On February 27, 1978, the mayor appeared in Washington with an impressive list of "bargaining demands" of the city of New York. These included approximately $100 million in work rule giveaways—similar to the blooddays provisions. He also stated that—

> There shall be no general wage increase for the period of the agreements, and all current COLA's which terminate at the expiration of existing contracts shall not be continued.

We learned today there has been a wage settlement that will cost approximately $1.1 billion in increases over the next 2 years. Municipal workers will be earning 8 percent more by the end of the 2-year period and will be receiving additional cost-of-living payments.

Mayor Koch totally abandoned his demands for "givebacks" only a fortnight after asserting in a letter to me that—

> Givebacks are an important component of the City's package. They are considered essential not only to help fund the offer, but also to recapture excesses of the past. This is something I believe the public demands.

So much for hard bargaining.

Municipal unions, numbering in excess of 200,000 members, exceed the population of the average American city. A capitulation to their demands spells defeat for any reasonable efforts to bring solvency to New York City.

Federal assistance will only strengthen the death grip of the unions over the city and its tax abused residents. It will trigger similar demands by other communities that have been profilgate.

The practices that pushed New York City over the fiscal brink continue and the politicians are unwilling to face reality and make the hard decisions to help the city mend itself. The track record since 1975 is one of token gestures and cosmetic reforms that yielded high publicity dividends but accomplished little or nothing in terms of actual cost savings.

The highly acclaimed layoffs of 61,000 employees (20 to 28 percent of the workforce, depending on whose figures are used) resulted in negligible cost reductions of 1 to 5 percent due to higher overtime costs.

The people of New York City had their subway fares hiked by 45 percent. But no effort was made to curb transit labor costs which rose 124.5 percent since 1968, at a time when ridership declined by 20 percent. In fact, while municipal workers were technically "frozen" during the past 3 years, transit workers salaries increased by a total of 16.6 percent.

The Senate Banking Committee saw through this charade and issued a report in February in support of the proposition that New York City can meet its basic financing needs, both long- and short-term, from sources available in the city, in New York State, the banking community and the city and State pension funds. I strongly support this position and wish to underscore the belief expressed by this panel that New York City should remove itself from dependency on the Federal Government.

I sit on committees with jurisdiction over rural and densely populated areas. If Federal guarantees are issued to New York City, then every community in the country, large and small, will be clamoring for equal treatment.

Worst of all, by subsidizing New York's past and present excesses, we will not be helping the people of New York.

They have been pauperized by excessive taxes, the highest debt levels on record and outlandish municipal wage policies. By bailing out New York the second "last" time we will be institutionalizing these bad policies and setting up a role model for other communities.

We have all been subjected to long lists of city "accomplishments" and revolving door budgetary statistics, all aimed at selling Congress on the notion that, New York City is somehow special, different from other cities and, therefore, deserving of becoming the national taxpayers' albatross.

But the contradictions are too numerous and the inescapable conclusion remains that New York City has done nothing of substance to help itself.

It has done nothing to reduce spending. Its current expense budget is 20 percent higher than it was in 1975.

Its debt reduction is virtually at a standstill.

Salary packages are at their highest levels and the unions are demanding more.

New York City outspends the average American city by 46.5 percent per capita. New York's annual per capita expenditures are $1,716.52, compared with $1,236 for Baltimore; $599.93 for Philadelphia; $450.29 for Detroit; and $265.78 for Dallas. New York City's per capita tax burden of $1,186, and per capita long-term debt of $1,520.41 are also the highest.

Pleading a heart of gold, New York pays the highest average welfare payments to its poor without improving their conditions. Only jobs can do that. But jobs have fled the city because of high taxes, crime, and bad schools.

Reports by the State comptroller general complain about widespread lack of productivity among various city departments. These conditions cost the city millions.

Mayor Beame's blue-ribbon temporary commission on city finances found that rent control and stabilization destroy the city's tax base and contribute to further deterioration of the city's housing stock. Other experts agree. They recommend ending the controls to stabilize the tax base and bring investors back to the city. But Mayor Koch bows to a large tenant constituency and favors maintaining rent controls.

The bill we are considering is bad because it encourages New York City to perpetuate harmful practices without regard for the long-term health of the city. It establishes a bad precedent for other cities.

We were told that New York City would have a balanced budget when we approved the first "last and only" bailout of New York. What we got was a "legally" balanced budget that hid continuing operating expenses in the capital budget. Now we are told we will have to wait another 3 years for a truly balanced budget.

We may never see one, however, if budget estimates continue to treat as an accomplished fact unrealized developments on the State and Federal level: Federal welfare reform; State assumption of more welfare costs; revision of revenue sharing to give the city more money; and passage of the urban aid package, to name a few.

While some of these measures may come to pass, they constitute a shaky foundation for budget estimates.

The bill requires New York City to operate on a balanced budget. But it has no provisions to bring that about. It provides no sanctions if the politicians fail.

New York is distressed, because it spends beyond its means. But the bill does not demand a reduction in spending.

The House Banking Committee rejected my amendments to require the city to reduce its spending by a total of 5 percent by 1982; and a provision for Federal aid to the city only until New York State could make constitutional provision for taking up its share of the burden. I plan to offer these amendments on the House floor.

Given the recommendations of the Senate Banking Committee, and overwhelming evidence that New York City has done little to show self-discipline, it is not in the best interests of New York City or the American taxpayers for Congress to adopt this bill.

If we refinance New York "for the last time one more time" we will give the city officials the means with which to avoid responsibility to the people they represent, and New York City will become a line item on every Federal budget from now on. We will impose a continuing and awesome burden on the people of New York without in any way contributing to a solution to that great city's problems.

The solution is a reduction in spending. If New York reduces its spending, it will not have problems beyond immediate financing, which the Senate panel concluded local authorities can meet.

For the sake of the people of New York City, and those we represent, let us not perpetuate the chaos in New York and risk spreading it to other communities.

Mr. DELANEY. Mr. Speaker, I have no further requests for time.

Mr. LOTT. Mr. Speaker, I have just one request for time, and I yield 2 minutes to the gentleman from New York (Mr. CAPUTO).

Mr. CAPUTO. Mr. Speaker, I have just a technical inquiry. The Budget Act, as the gentleman knows, requires presentation of spending bills prior to the May 15 preceeding the fiscal year in which an appropriation or an outlay might be made. We made fiscal year 1978–79 deadline by virtue of the May 10 submission of the Moorhead bill. But for the period beginning July 1, 1978 and ending September 30, 1978 there is no authority under the Budget Act to make any kind of outlay for New York City direct loans or guaranties.

My understanding—and I think this should be clairified for the record because the creditors are going to be concerned—is that the contemplated use of this legislation, if it passes in this form, is to have the Treasury issue some kind of promise that it will guarantee or make good on any default that might happen between July 1 and September 30, 1978, even though under this version of this rule and the underlying bill there would be no authority to guarantee anything until October 1, 1978.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, will the gentleman yield to me?

Mr. CAPUTO. I yield to the gentleman from Pennsylvania.

Mr. MOORHEAD of Pennsylvania. I propose to offer an amendment which will cure this defect but which will say there can be no guarantees issued until October 1.

I have been advised by both the Treasury Department and the city as well as the State officials that with the legislation in place they will have no difficulty in taking care of the financing in that 90-day period.

Mr. DELANEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BAUMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 339, nays 21, not voting 74, as follows:

[Roll No. 420]

YEAS—339

Abdnor	Annunzio	Bedell
Addabbo	Armstrong	Benjamin
Akaka	Ashley	Bennett
Ambro	Aspin	Bevill
Ammerman	AuCoin	Biaggi
Anderson, Calif.	Badham	Bingham
	Bafalis	Blanchard
Anderson, Ill.	Baldus	Blouin
Andrews, N.C.	Barnard	Boggs
Andrews, N. Dak.	Beard, R.I.	Boland
	Beard, Tenn.	Bolling
Bonior	Guyer	Myers, Gary
Bonker	Hagedorn	Myers, John
Bowen	Hall	Myers, Michael
Brademas	Hamilton	Natcher
Breaux	Hammer-schmidt	Neal
Breckinridge		Nedzi
Brinkley	Hanley	Nichols
Brodhead	Harkin	Nolan
Brooks	Harrington	Nowak
Broomfield	Harsha	Oberstar
Brown, Mich.	Hawkins	Obey
Brown, Ohio	Heckler	O'Brien
Broyhill	Hefner	Ottinger
Buchanan	Hightower	Panetta
Burgener	Hillis	Patterson
Burke, Fla.	Hollenbeck	Pattison
Burke, Mass.	Holt	Pease
Burlison, Mo.	Holtzman	Pepper
Burton, John	Horton	Perkins
Burton, Phillip	Huckaby	Pettis
Butler	Hughes	Pickle
Byron	Ichord	Preyer
Caputo	Ireland	Price
Carr	Jacobs	Pritchard
Carter	Jeffords	Pursell
Cavanaugh	Jenkins	Quayle
Cederberg	Johnson, Calif.	Quillen
Chisholm	Jones, N.C.	Rahall
Clausen, Don H.	Jones, Okla.	Railsback
	Jones, Tenn.	Rangel
Clay	Jordan	Reuss
Cleveland	Kasten	Rhodes
Cohen	Kastenmeier	Richmond
Coleman	Kazen	Rinaldo
Collins, Ill.	Kelly	Risenhoover
Conable	Kemp	Robinson
Conte	Ketchum	Roe
Corcoran	Keys	Rogers
Corman	Kildee	Rooney
Cornell	Kindness	Rose
Cornwell	Kostmayer	Rostenkowski
Coughlin	Krebs	Rousselot
D'Amours	LaFalce	Ruppe
Daniel, Dan	Lagomarsino	Russo
Daniel, R. W.	Latta	Sarasin
Davis	Leach	Satterfield
de la Garza	Lederer	Sawyer
Delaney	Le Fante	Scheuer
Derrick	Leggett	Schroeder
Derwinski	Lehman	Schulze
Dickinson	Lent	Sebelius
Dicks	Levitas	Seiberling
Diggs	Livingston	Sharp
Dingell	Lloyd, Calif.	Shipley
Dodd	Lloyd, Tenn.	Shuster
Downey	Long, La.	Sikes
Drinan	Long, Md.	Sisk
Duncan, Tenn.	Lott	Skelton
Early	Lujan	Skubitz
Eckhardt	Luken	Slack
Edgar	Lundine	Smith, Iowa
Edwards, Ala.	McClory	Smith, Nebr.
Edwards, Calif.	McCormack	Solarz
Emery	McDade	Spence
English	McEwen	Staggers
Erlenborn	McFall	St Germain
Ertel	McHugh	Stangeland
Evans, Del.	McKay	Stanton
Evans, Ga.	Madigan	Stark
Evans, Ind.	Maguire	Steed
Fary	Mahon	Steers
Fascell	Mann	Steiger
Fenwick	Markey	Stratton
Fish	Marks	Studds
Fisher	Marriott	Taylor
Fithian	Martin	Thompson
Flippo	Mathis	Thone
Flood	Mattox	Thornton
Foley	Mazzoli	Traxler
Ford, Mich.	Meeds	Treen
Ford, Tenn.	Metcalfe	Trible
Forsythe	Meyner	Udall
Fountain	Michel	Van Deerlin
Fowler	Mikulski	Vento
Frenzel	Mikva	Volkmer
Fuqua	Miller, Calif.	Waggonner
Garcia	Miller, Ohio	Walker
Gaydos	Mineta	Walsh
Gephardt	Mitchell, Md.	Wampler
Giaimo	Mitchell, N.Y.	Watkins
Gilman	Moakley	Weaver
Ginn	Moffett	Weiss
Glickman	Moore	Whalen
Goldwater	Moorhead, Calif.	White
Gonzalez		Whitehurst
Goodling	Moorhead, Pa.	Whitley
Gore	Moss	Wiggins
Gradison	Mottl	Wilson, Tex.
Grassley	Murphy, Ill.	Winn
Green	Murphy, Pa.	Wirth
Gudger	Murtha	Wolff

Wright	Yatron	Zablocki
Wylie	Young, Fla.	Zeferetti
Yates	Young, Mo.	

NAYS—21

Archer	Cunningham	Marlenee
Ashbrook	Devine	Poage
Bauman	Edwards, Okla.	Regula
Burleson, Tex.	Frey	Roberts
Clawson, Del	Gammage	Rudd
Collins, Tex.	Hansen	Snyder
Crane	McDonald	Symms

NOT VOTING—74

Alexander	Hannaford	Rosenthal
Allen	Harris	Roybal
Applegate	Heftel	Runnels
Baucus	Holland	Ryan
Bellenson	Howard	Santini
Brown, Calif.	Hubbard	Simon
Burke, Calif.	Hyde	Spellman
Carney	Jenrette	Stockman
Chappell	Johnson, Colo.	Stokes
Cochran	Krueger	Stump
Conyers	McCloskey	Teague
Cotter	McKinney	Tsongas
Danielson	Milford	Tucker
Dellums	Minish	Ullman
Dent	Mollohan	Vander Jagt
Dornan	Montgomery	Vanik
Duncan, Oreg.	Murphy, N.Y.	Walgren
Eilberg	Nix	Waxman
Evans, Colo.	Oakar	Whitten
Findley	Patten	Wilson, Bob
Florio	Pike	Wilson, C. H.
Flowers	Pressler	Wydler
Flynt	Quie	Young, Alaska
Fraser	Rodino	Young, Tex.
Gibbons	Roncalio	

The Clerk announced the following pairs:

Mr. Murphy of New York with Mr. Allen.
Mr. Rosenthal with Mr. Milford.
Mr. Cotter with Mr. Runnels.
Mr. Carney with Mr. Alexander.
Mr. Danielson with Mr. Mollohan.
Mr. Jenrette with Mr. Dent.
Mr. Gibbons with Mr. Nix.
Mr. Hannaford with Ms. Oakar.
Mr. Florio with Mr. Krueger.
Mr. Minish with Mr. Teague.
Mr. Patten with Mr. Pike.
Mr. Flowers with Mr. Duncan of Oregon.
Mr. Santini with Mr. Stump.
Mrs. Spellman with Mr. Harris.
Mr. Waxman with Mr. Montgomery.
Mr. Charles H. Wilson of California with Mr. Tucker.
Mr. Stokes with Mr. Roybal.
Mr. Dellums with Mr. Walgren.
Mr. Conyers with Mr. Holland.
Mr. Howard with Mr. Cochran of Mississippi.
Mr. Heftel with Mr. Roncalio.
Mr. Fraser with Mr. Whitten.
Mr. Flynt with Mr. Young of Alaska.
Mr. Eilberg with Mr. Hubbard.
Mr. Evans of Colorado with Mr. Dornan.
Mr. Ullman with Mr. Vander Jagt.
Mr. Vanik with Mr. Wydler.
Mr. Tsongas with Mr. Quie.
Mr. Simon with Mr. Pressler.
Mr. Ryan with Mr. Bob Wilson.
Mr. Chappell with Mr. McCloskey.
Mrs. Burke of California with Mr. Hyde.
Mr. Bellenson with Mr. Findley.
Mr. Baucus with Mr. Stockman.
Mr. Brown of California with Mr. Johnson of Colorado.
Mr. Applegate with Mr. McKinney.

Mr. NICHOLS changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WATER POLICY INITIATIVES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 95-347.)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

I am today sending to Congress water policy initiatives designed to:

—improve planning and efficient management of Federal water resource programs to prevent waste and to permit necessary water projects which are cost-effective, safe and environmentally sound to move forward expeditiously;
—provide a new, national emphasis on water conservation;
—enhance Federal-State cooperation and improved State water resources planning; and
—increase attention to environmental quality.

None of the initiatives would impose any new federal regulatory program for water management.

Last year, I directed the Water Resources Council, the Office of Management and Budget and the Council on Environmental Quality, under the chairmanship of Secretary Cecil Andrus, to make a comprehensive review of Federal water policy and to recommend proposed reforms.

This new water policy results from their review, the study of water policy ordered by the Congress in Section 80 of the Water Resources Planning Act of 1974 and our extensive consultations with members of Congress, State, county, city and other local officials and the public.

Water is an essential resource, and over the years, the programs of the Bureau of Reclamation, the Corps of Engineers, the Soil Conservation Service and the Tennessee Valley Authority have helped permit a dramatic improvement in American agriculture, have provided irrigation water essential to the development of the West, and have developed community flood protection, electric power, navigation and recreation throughout the Nation.

I ordered this review of water policies and programs because of my concern that while Federal water resources programs have been of great benefit to our Nation, they are today plagued with problems and inefficiencies. In the course of this water policy review we found that:

—Twenty-five separate Federal agencies spend more than $10 billion per year on water resources projects and related programs.
—These projects often are planned without a uniform, standard basis for estimating benefits and costs.
—States are primarily responsible for water policy within their boundaries, yet are not integrally involved in setting priorities and sharing in Federal project planning and funding.
—There is a $34 billion backlog of authorized or uncompleted projects.
—Some water projects are unsafe or environmentally unwise and have caused losses of natural streams and rivers, fish and wildlife habitat and recreational opportunities.

The study also found that water conservation has not been addressed at a national level even though we have pressing water supply problems. Of 106 watershed subregions in the country, 21 already have severe water shortages. By the year 2000 this number could increase to 39 subregions. The Nation's cities are also beginning to experience water shortage problems which can only be solved at very high cost. In some areas, precious groundwater supplies are also being depleted at a faster rate than they are replenished. In many cases an effective water conservation program could play a key role in alleviating these problems.

These water policy initiatives will make the Federal government's water programs more efficient and responsive in meeting the Nation's water-related needs. They are designed to build on fundamentally sound statutes and on the Principles and Standards which govern the planning and development of Federal water projects, and also to enhance the role of the States, where the primary responsibilities for water policy must lie. For the first time, the Federal government will work with State and local governments and exert needed national leadership in the effort to conserve water. Above all, these policy reforms will encourage water projects which are economically and environmentally sound and will avoid projects which are wasteful or which benefit a few at the expense of many.

Across the Nation there is remarkable diversity in the role water plays. Over most of the West, water is scarce and must be managed carefully—and detailed traditions and laws have grown up to govern the use of water. In other parts of the country, flooding is more of a problem than drought, and in many areas, plentiful water resources have offered opportunities for hydroelectric power and navigation. In the urban areas of our Nation, water supply systems are the major concern—particularly where antiquated systems need rehabilitation in order to conserve water and assure continued economic growth.

Everywhere, water is fundamental to environmental quality. Clean drinking water, recreation, wildlife and beautiful natural areas depend on protection of our water resources.

Given this diversity, Federal water policy cannot attempt to prescribe water use patterns for the country. Nor should the Federal government preempt the primary responsibility of the States for water management and allocation. For those reasons, these water policy reforms will *not* preempt State or local water responsibilities. Yet water policy is an important national concern, and the Federal government has major responsibil-

ities to exercise leadership, to protect the environment and to develop and maintain hydroelectric power, irrigated agriculture, flood control and navigation.

The primary focus of the proposals is on the water resources programs of the Corps of Engineers, the Bureau of Reclamation, the Soil Conservation Service and the Tennessee Valley Authority, where annual water program budgets total approximately $3.75 billion. These agencies perform the Federal government's water resource development programs. In addition, a number of Federal agencies with water-related responsibilities will be affected by this water policy.

I am charging Secretary Andrus with the lead responsibility to see that these initiatives are carried out promptly and fully. With the assisstance of the Office of Management and Budget and the Council on Environmental Quality, he will be responsible for working with the other Federal agencies, the Congress, State and local governments and the public to assure proper implementation of this policy and to make appropriate recommendations for reform in the future.

SPECIFIC INITIATIVES IMPROVING FEDERAL WATER RESOURCE PROGRAMS

The Federal government has played a vital role in developing the water resources of the United States. It is essential that Federal water programs be updated and better coordinated if they are to continue to serve the nation in the best way possible. The reforms I am proposing are designed to modernize and improve the coordination of Federal water programs. In addition, in a few days, I will also be sending to the Congress a Budget amendment proposing funding for a number of new water project construction and planning starts. These projects meet the criteria I am announcing today. This is the first time the Executive Branch has proposed new water project starts since Fiscal Year 1975, four years ago.

The actions I am taking include:

A directive to the Water Resources Council to improve the implementation of the Principles and Standards governing the planning of Federal water projects. The basic planning objectives of the Principles and Standards—national economic development and environmental quality—should be retained and given equal emphasis. In addition, the implementation of the Principles and Standards should be improved by:

—adding water conservation as a specific component of both the economic and environmental objectives;

—requiring the explicit formulation and consideration of a primarily non-structural plan as one alternative whenever structural water projects or programs are planned;

—instituting consistent, specific procedures for calculating benefits and costs in compliance with the Principles and Standards and other applicable planning and evaluation requirements. Benefit-cost analyses have not been uniformly applied by Federal agencies, and in some cases benefits have been improperly recognized, "double-counted" or included when inconsistent with federal policy or sound economic rationale. I am directing the Water Resources Council to prepare within 12 months a manual which ensures that benefits and costs are calculated using the best techniques and provides for consistent application of the Principles and Standards and other requirements;

—ensuring that water projects have been planned in accordance with the Principles and Standards and other planning requirements by creating, by Executive Order, a project review function located in the Water Resources Council. A professional staff will ensure an impartial review of pre-construction project plans for their consistency with established planning and benefit-cost analysis procedures and applicable requirements. They will report on compliance with these requirements to agency heads, who will include their report, together with the agency recommendations, to the Office of Management and Budget. Project reviews will be completed within 60 days, before the Cabinet officer makes his or her Budget request for the coming fiscal year. Responsibility will rest with the Cabinet officer for Budget requests to the Office of Management and Budget, but timely independent review will be provided. This review must be completed within the same budget cycle in which the Cabinet Officer intends to make Budget requests so that the process results in no delay.

—The manual, the Principles and Standards requirements and the independent review process will apply to all authorized projects (and separable project features) not yet under construction.

Establishment of the following criteria for setting priorities each year among the water projects eligible for funding or authorization, which will form the basis of my decisions on specific water projects:

—Projects should have net national economic benefits unless there are environmental benefits which clearly more than compensate for any economic deficit. Net adverse environmental consequences should be significantly outweighed by economic benefits. Generally, projects with higher benefit/cost ratios and fewer adverse environmental consequences will be given priority within the limits of available funds.

—Projects should have widely distributed benefits.

—Projects should stress water conservation and appropriate non-structural measures.

—Projects should have no significant safety problems involving design, construction or operation.

—There should be evidence of active public support including support by State and local officials.

—Projects will be given expedited consideration where State governments assume a share of costs over and above existing cost-sharing.

—There should be no significant international or inter-governmental problems.

—Where vendible outputs are involved preference should be given to projects which provide for greater recovery of Federal and State costs, consistent with project purposes.

—The project's problem assessment, environmental impacts, costs and benefits should be based on up-to-date conditions (planning should not be obsolete).

—Projects should be in compliance with all relevant environmental statutes.

—Funding for mitigation of fish and wildlife damages should be provided concurrently and proportionately with construction funding.

Preparation of a legislative proposal for improving cost-sharing for water projects. Improved cost-sharing will allow States to participate more actively in project decisions and will remove biases in the existing system against non-structural flood control measures. These changes will help assure project merit. This proposal, based on the study required by Section 80 of P.L. 93–251, has two parts:

—participation of States in the financing of federal water project construction. For project purposes with vendible outputs (such as water supply or hydroelectric power), States would contribute 10% of the costs, proportionate to and phased with federal appropriations. Revenues would be returned to the States proportionate to their contribution. For project purposes without vendible outputs (such as flood control), the State financing share would be 5%. There would be a cap on State participation per project per year of ¼ of 1% of the State's general revenues so that a small State would not be precluded from having a very large project located in it. Where project benefits accrue to more than one State, State contributions would be calculated accordingly, but if a benefiting State did not choose to participate in cost-sharing, its share could be paid by other participating States. This State cost-sharing proposal would apply on a mandatory basis to projects not yet authorized. However, for projects in the authorized backlog, States which voluntarily enter into these cost-sharing arrangements will achieve expedited Executive Branch consideration and priority for project funding, as long as other project planning requirements are met. Soil Conservation Service projects will be completely exempt from this State cost-sharing proposal.

—equalizing cost-sharing for structural and non-structural flood control alternatives. There is existing authority for 80%–20% Federal/non-Federal cost-sharing for non-structural flood control measures (including in-kind contributions such as land and easements). I will begin approving non-structural flood control projects with this funding arrangement and will propose that a

parallel cost-sharing requirement (including in-kind contributions) be enacted for structural flood control measures, which currently have a multiplicity of cost-sharing rules.

Another policy issue raised in Section 80 of P.L. 93–251 is that of the appropriate discount rate for computing the present value of future estimated economic benefits of water projects. After careful consideration of a range of options I have decided that the currently legislated discount rate formula is reasonable, and I am therefore recommending that no change be made in the current formula. Nor will I recommend retroactive changes in the discount rate for currently authorized projects.

WATER CONSERVATION

Managing our vital water resources depends on a balance of supply, demand and wise use. Using water more efficiently is often cheaper and less damaging to the environment than developing additional supplies. While increases in supply will still be necessary, these reforms place emphasis on water conservation and make clear that this is now a national priority.

In addition to adding the consideration of water conservation to the Principles and Standards, the initiatives I am taking include:

Directives to all Federal agencies with programs which affect water supply or consumption to encourage water conservation, including:

—making appropriate community water conservation measures a condition of the water supply and wastewater treatment grant and loan programs of the Environmental Protection Agency, the Department of Agriculture and the Department of Commerce;

—integrating water conservation requirements into the housing assistance programs of the Department of Housing and Urban Development, the Veterans Administration and the Department of Agriculture;

—providing technical assistance to farmers and urban dwellers on how to conserve water through existing programs of the Department of Agriculture, the Department of Interior and the Department of Housing and Urban Development;

—requiring development of water conservation programs as a condition of contracts for storage or delivery of municipal and industrial water supplies from federal projects;

—requiring the General Services Administration, in consultation with affected agencies, to establish water conservation goals and standards in Federal buildings and facilities;

—encouraging water conservation in the agricultural assistance programs of the Department of Agriculture and the Department of Interior which affect water consumption in water-short areas; and

—requesting all Federal agencies to examine their programs and policies so that they can implement appropriate measures to increase water conservation and re-use.

A directive to the Secretary of the Interior to improve the implementation of irrigation repayment and water service contract procedures under existing authorities of the Bureau of Reclamation. The Secretary will:

—require that new and renegotiated contracts include provisions for recalculation and renegotiation of water rates every five years. This will replace the previous practice of 40-year contracts which often do not reflect inflation and thus do not meet the beneficiaries' repayment obligations;

—under existing authority add provisions to recover operation and maintenance costs when existing contracts are renegotiated, or earlier where existing contracts have adjustment clauses;

—more precisely calculate and implement the "ability to pay" provision in existing law which governs recovery of a portion of project capital costs.

Preparation of legislation to allow States the option of requiring higher prices for municipal and industrial water supplies from Federal projects in order to promote conservation, provided that State revenues in excess of Federal costs would be returned to municipalities or other public water supply entities for use in water conservation or rehabilitation of water supply systems.

FEDERAL-STATE COOPERATION

States must be the focal point for water resource management. The water reforms are based on this guiding principle. Therefore, I am taking several initiatives to strengthen Federal-State relations in the water policy area and to develop a new, creative partnership. In addition to proposing that States increase their roles and responsibilities in water resources development through cost-sharing, the actions I am taking include:

Proposing a substantial increase from $3 million to $25 million annually in the funding of State water planning under the existing 50%–50% matching program administered by the Water Resources Council. State water planning would integrate water management and implementation programs which emphasize water conservation and which are tailored to each State's needs including assessment of water delivery system rehabilitation needs and development of programs to protect and manage groundwater and instream flows.

Preparation of legislation to provide $25 million annually in 50%–50% matching grant assistance to States to implement water conservation technical assistance programs. These funds could be passed through to counties and cities for use in urban or rural water conservation programs. This program will be administered by the Water Resources Council in conjunction with matching grants for water resources planning.

Working with Governors to create a Task Force of Federal, State, county, city and other local officials to continue to address water-related problems. The administrative actions and legislative proposals in this Message are designed to initiate sound water management policy at the national level. However, the Federal government must work closely with the States, and with local governments as well, to continue identifying and examining water-related problems and to help implement the initiatives I am announcing today. This Task Force will be a continuing guide as we implement the water policy reforms and will ensure that the State and local role in our Nation's water policy is constant and meaningful.

An instruction to Federal agencies to work promptly and expeditiously to inventory and quantify Federal reserved and Indian water rights. In several areas of the country, States have been unable to allocate water because these rights have not been determined. This quantification effort should focus first on high priority areas, should involve close consultation with the States and water users and should emphasize negotiations rather than litigation wherever possible.

ENVIRONMENTAL PROTECTION

Water is a basic requirement for human survival, is necessary for economic growth and prosperity, and is fundamental to protecting the natural environment. Existing environmental statutes relating to water and water projects generally are adequate, but these laws must be consistently applied and effectively enforced to achieve their purposes. Sensitivity to environmental protection must be an important aspect of all water-related planning and management decisions. I am particularly concerned about the need to improve the protection of instream flows and to evolve careful management of our nation's precious groundwater supplies, which are threatened by depletion and contamination.

My initiatives in this area include the following:

A directive to the Secretary of the Interior and other Federal agency heads to implement vigorously the Fish and Wildlife Coordination Act, the Historic Preservation Act and other environmental statutes. Federal agencies will prepare formal implementing procedures for the Fish and Wildlife Coordination Act and other statutes where appropriate. Affected agencies will prepare reports on compliance with environmental statutes on a project-by-project basis for inclusion in annual submissions to the Office of Management and Budget.

A directive to agency heads requiring them to include designated funds for environmental mitigation in water project appropriation requests to provide for concurrent and proportionate expenditure of mitigation funds. Accelerated implementation of Executive Order No. 11988 on floodplain management. This Order requires agencies to protect floodplains and to reduce risks of flood losses by not conducting, supporting or allowing actions in floodplains unless there are no practicable alternatives. Agency implementation is behind schedule and must be expedited.

A directive to the Secretaries of Army, Commerce, Housing and Urban Development, and Interior to help reduce flood damages through acquisition of flood-

prone land and property, where consistent with primary program purposes.

A directive to the Secretary of Agriculture to encourage more effective soil and water conservation through watershed programs of the Soil Conservation Service by:

—working with the Fish and Wildlife Service to apply fully the recently-adopted stream channel modification guidelines;

—encouraging accelerated land treatment measures prior to funding of structural measures on watershed projects, and making appropriate land treatment measures eligible for Federal cost-sharing;

—establishing periodic post-project monitoring to ensure implementation of land treatment and operation and maintenance activities specified in the work plan and to provide information helpful in improving the design of future projects.

A directive to Federal agency heads to provide increased cooperation with States and leadership in maintaining instream flows and protecting groundwater through joint assessment of needs, increased assistance in the gathering and sharing of data, appropriate design and operation of Federal water facilities, and other means. I also call upon the Governors and the Congress to work with Federal agencies to protect the fish and wildlife and other values associated with adequate instream flows.

New and existing projects should be planned and operated to protect instream flows, consistent with State law and in close consultation with States. Where prior commitments and economic feasibility permit, amendments to authorizing statutes should be sought in order to provide for streamflow maintenance.

CONCLUSION

These initiatives establish the goals and the framework for water policy reform. They do so without impinging on the rights of States and by calling for a closer partnership among the Federal, State, county, city, and other local levels of government. I want to work with the Congress, State and local governments and the public to implement this policy. Together we can protect and manage our nation's water resources, putting water to use for society's benefit, preserving our rivers and streams for future generations of Americans, and averting critical water shortages in the future through adequate supply, conservation and wise planning.

JIMMY CARTER.

THE WHITE HOUSE, *June 6, 1978.*

ROBERT F. KENNEDY

(Mr. BOLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOLAND. Mr. Speaker, today marks the 10th anniversary of the death of Robert F. Kennedy. For those of us who knew him, the harsh memories of his death, are softened, by the fond memories of his life with us. His public life was devoted to calling attention to the problems that beset our society. He became the champion of those who were too poor or too weak or too young or too old to articulate their own needs and concerns.

Out of the public eye, he was a man of warmth and humor who delighted in the company of his family. He possessed an uncommon kinship with children; they were drawn to him, and at ease with him, in a manner that is foreign to most adults.

David S. Broder, in a column which appeared in the Washington Post on May 31, eloquently captures the spirit of Robert Kennedy. I commend that column to the attention of my colleagues.

Mr. Speaker, the newspaper column is as follows:

RFK: "HE WAS BECOMING SOMEONE VERY SPECIAL"

(By David S. Broder)

It is 10 years ago this week that Robert F. Kennedy died, and the memory of that slim and beguiling man refuses to fade. Countless times these last 10 years I have caught myself thinking, "How Bob Kennedy would have loved this! Wouldn't this infuriate him? Wouldn't that have made him laugh?"

What is it that makes one politician, of the many who have moved across the stage, so cherished? Not the intimacy of the relationship, for it was not of that character in my case. But the sense that he was—or, more accurately, was becoming—someone very special calls him back to mind.

He was the most paradoxical of people. A dannably difficult man to interview—given to long pauses, vacant stares, fingernail-drumming, almost anything but the conventional give-and-take of journalist and public official.

He rebelled against the formal constraints of that stylized transaction, as he did against many other conventions. But in ordinary conversation, he was something else; loose, funny, angry, outrageous and infinitely variable.

His distinguishing quality was his capacity for what can only be called moral outrage. "That is unacceptable," he said of many conditions that most of us accepted as inevitable—so long as we and ours were spared their damage. Poverty, illiteracy, malnutrition, prejudice, crookedness, conniving—all such accepted evils were a personal affront to him.

As his vision widened, from its early concentration on organized crime and labor racketeering to the social problems of this and other lands, his moral energy was not—like most others'—diffused and weakened. It was a weapon he brandished afresh on each occasion, startling a roomful of smug medical students one day, challenging a television panel the next. It was a force he could not discipline—did not want to discipline—and, at times, it drove him to exhaustion and incoherence.

What made him something other than the strident scold he could have been were two other qualities: a love of life, of dogs, children, family, friends and fellow-creatures, and a gift of unforced, self-mocking humor.

On a trip through California in the autumn of 1966 where he was in each succeeding speech, drawing a sharper line between his own growing condemnation of the Vietnam War and the policies of the man who had succeeded his brother as president, the tension within him and in his entourage was reaching the breaking point.

He was in a packed field house at Sacramento State University, the emotion of the student audience at the point of igniting. A young woman rose from the audience, shouting, "Senator, sign my petition, please." She forced her way forward—the audience and the press all expectant.

"What is it?" he asked.

"It's a petition to the Post Office Department to send Christmas packages to the soldiers in Vietnam postage-free," she said.

He signed with a flourish, and in the same instant, said to the crowd, "Another courageous decision." No one else, I think, would have found quite that way to break the tension.

He cared passionately about his family his country and this world—and he was prepared to play his part in the drama of his times, no matter what it might be or what it might cost.

He wrote in the book he published in 1968: "Every generation has its central concern, whether to end war, erase racial injustice, or improve the condition of the working man. Today's young people appear to have chosen for their concern the dignity of the individual human being. They demand a limitation upon excessive power. They demand a political system that preserves the sense of community among men. They demand a government that speaks directly and honestly to its citizens. We can win their commitment only by demonstrating that these goals are possible through personal effort. The possibilities are too great, the stakes too high, to bequeath to the coming generation only the prophetic lament of Tennyson:

> 'Ah, what shall I be at fifty,
> Should nature keept me alive,
> If I find the world so bitter,
> When I am but twenty-five?' "

He was 42 when he died, and his legacy allows no lament.

OUR UNDEREQUIPPED, UNPREPARED NATO FORCES

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, in the Washington Post on Sunday, in the "Outlook" section, there is an article by Arthur T. Hadley, entitled, "Our Underequipped, Unprepared NATO Forces."

It is a very depressing and disturbing article, which indicates that we are grievously behind in both the training and the equipment of our NATO forces in many respects; and it seems to me that it is important to bring this to the attention of all of the Members who are concerned about our defensive posture in NATO.

It seems to me we ought to be focusing more on ways and means of strengthening the conventional weaponry and training of our NATO ground and air forces instead of appropriating huge amounts of money for additional nuclear aircraft carriers and nuclear cruisers that will be virtually useless in a war with the Soviet Union and add virtually nothing to the defensive capabilities of NATO.

Mr. Speaker, I incude the article with my remarks.

The newspaper article is as follows:

OUR UNDEREQUIPPED, UNPREPARED NATO FORCES

(By Arthur T. Hadley)

The conventional wisdom in Washington is that NATO, outnumbered in tanks and planes by Soviet and Warsaw Pact forces, nonetheless can defend western Europe because of its superiority in electronic warfare, computer-guided weapons and better-

trained personnel. "We need not match the enemy tank for tank," says Defense Secretary Harold Brown. "We retain a qualitative edge."

As a society, the West is far ahead of the Soviet Union in computers and electronics. But in the application of technology to warfare it is the Russians, not the Americans, who have the most sophisticated weapons and communications systems now deployed in Europe. Many of our most modern systems either are still on the drawing boards, don't work as advertised or are so complex that the troops can neither use nor maintain them and the generals don't understand them.

There are three main areas in which NATO must have a "qualitative edge" to offset the Warsaw Pact's numerical advantages: electronic warfare, tanks and guided antitank weapons, and control of the air. In all three areas, the Soviet forces are qualitatively as well as quantitatively ahead. We have been forced back into the world of John Foster Dulles, where we must rely on nuclear weapons to check a Soviet advance into western Europe. But the Soviets now also have quantities of nuclear weapons. So western Europe and even the American heartland are placed in jeopardy from nuclear war because our conventional forces are inadequate for the new electronic precision warfare.

The key to an understanding of the present military balance in Europe lies in the 1973 Middle East war, when Soviet and American weapons were last used against each other in combat. I went to Europe this spring for a month of intensive reporting to see how NATO and the U.S. Army and Air Force were absorbing the lessons of that war. I expected to find new precision-guided weapons being used to hit distant targets, new methods of controlling and massing forces, new systems and tactics for surveying the battlefield so that commanders could locate the enemy and select targets accurately. I found none of this. In fact, I found that the newer weapons and tactics were on the enemy side.

I made few "official visits" to any headquarters. By and large, I traveled along an old-boy network, which has dangers as well as advantages. These were people I had known since they were young majors or captains when I covered the Pentagon during the Korean War, or instructors or cadets at West Point when I lectured there, or officers whom I had met and come to respect in Vietnam. I have taken great care in this article both to protect their identities and to check everything I was told.

OUR VULNERABLE FIST TEAMS

The first area in which NATO has fallen behind is electronic warfare. Electronic warfare (EW for short) includes a variety of weapons and weapons systems. There is radio and radar jamming so that the enemy can't communicate with his units or locate your tanks and planes. There is eavesdropping on enemy radio communications and finding targets by various means. EW also includes our ability to get our own radio messages and other forms of data transmission through so we can control our outnumbered units more efficiently than the Russians control theirs.

In this field of electronic warfare, the experience of the 1973 Yom Kippur war points to a surprising and unpublicized edge for the Russians. Within the first half hour of their attack, the Egyptian forces had stripped the Israelis of virtually all their radar and air-ground communication and most of their long-range ground communication. The Israeli radars and radios either were destroyed by Soviet-made beam-riding missiles or jammed by both ground-based and airborne equipment. After that, the Israeli pilots could not be guided to targets from the ground, or hear the cries of ground commanders for help.

Yet, in spite of the fact that one of the major lessons of the Yom Kippur war is that ground-based radars and ground-to-air communication will not be present, NATO continues to maneuver and plan as if there was no threat from beam-riding missiles or Soviet jammers. Front-line Army and Air Force commanders know this planning is foolish, and it makes them both apprehensive and angry.

The basic unit of U.S. combat communications is the Fire Support Team, or FIST team—six or seven men with special radios deployed at army company level all along the front lines to direct artillery fire, missiles and aircraft at attacking enemy tanks and artillery. Because the radios they use for air-ground communication operate on a unique set of frequencies, the Russians will have an easy time locating them.

"Do you really expect many FIST teams to be alive after the first day?" I asked one officer, walking through his brigade area late at night.

This is a complicated question, he replies. Since our published doctrine calls for the FIST teams to be at the front lines with each infantry and tank company, the Soviets know that by locating our FIST teams they know just where our front is. Indeed, he adds, with our poor communications, the Russians will probably have a better idea of where our front is than we will. (He was not the only commander to say this.) So it is to the Russians' advantage to keep the FIST teams alive and merely jam their radios so they can't communicate. On the other hand, the teams' artillery radios are good enough so that some artillery communications may get through. So it may be to the Russians' advantage to kill FIST teams. He doesn't know which they will do.

At another base in Germany, drinking coffee with a group of Air Force colonels and captains, all of whom have flown over North Vietnam, I ask one, "Colonel, do you expect to be talking to the FIST team after the first half hour?"

"Hadley, I don't expect to be able to talk to my wing man after the first 10 minutes." The other pilots rock back and forth on their chair legs or nod in agreement. They look slightly nervous in talking to a stranger about what they only hash over in secret.

WORDS VERSUS DATA BURSTS

Because the Defense Department has kept quiet about the Soviet lead in jamming equipment and beam-riding missiles, the public is unaware of other areas of Soviet excellence.

For instance, the United States has maintained that the electronic warfare equipment on the Mig-25 flown to Japan by a defecting Soviet pilot in September 1976 was markedly inferior to our own. In fact, its electronic equipment performed better. While its radar uses tubes, not modern transistors, it puts out more power to penetrate enemy jamming than does the radar carried by our fighters. The "black box" used to separate friend from foe was so sophisticated that it stumped our codebreakers. and only after months of work did the Japanese crack its secrets.

Our fighters are still guided to their targets by words over radios: "Two bogies, at 3 o'clock, speed 400 knots, 12 miles." Even the old Soviet equipment used by the Egyptians in 1973 prevented such transmissions. The "inferior" Mig doesn't rely on words from the ground; its information on where to go and what to attack comes in a data burst, brief enough (less than a second) and powerful enough to burn through jamming. The data is displayed on the pilot's windshield: an arrow for the direction to fly, a symbol for the target and numbers for the target's direction and speed. The pilot's acknowledgement of the message is also data-coded.

I ask two senior defense officials whether what I had learned about the Mig from sources in Europe were true. Both will only talk for background. Both squirm in their chairs, lace and unlace their fingers, look at the ceiling. Finally one asks me to keep quiet in the "national interest." The other insists that voice transmission is an advantage since it provides command flexibility and is the American way—even if the voice won't reach the aircraft.

FINDING THE TARGET

Another area in which NATO, with its access to the West's advanced communications industry, should be decisively ahead of the Russians is electronic target location. In fact, we are decisively behind—by "five years," as two generals, one at NATO headquarters, the other at a forward air base, put it.

The Russians have two mobile radio direction-finding units in each division and are about to go to four. These vital pieces of equipment locate the radios being used by enemy headquarters, artillery batteries, or FIST teams, so that fire can be dumped on them. We have none.

The Russians have several mobile radio and radar jamming units with directional antennas in each division. More primitive models of these tied up the Israelis in 1973. We have none.

The Russians have mobile listening stations and have trained their crews in how to distinguish between targets like tank battalions and intelligence sources like brigade headquarters. Our equipment is mostly static and many of its operators understand Vietnamese, not Russian. "I have no one in this headquarters who can tell a tank battalion headquarters from an artillery battery," says a division intelligence officer.

In a maneuver in Texas last summer, the 1st Cavalry Division was loaned special electronic equipment so that it could fight like a Soviet division. Its opponent, the 2nd Armored Division, relied on its regular electronic warfare equipment. The 2nd Armored was wiped out. The journal Military Intelligence drew these conclusions: "The (American) divisional EW equipment was judged, to a large extent, unsuitable for combat. The antennas and vehicles are the wrong type, the system is manpower-intensive, and there is no tactical DF [direction finding]."

When asked about such problems, even on background, senior officials at NATO headquarters and the Pentagon do what I have come to call the "rain dance." They compare the weapon the Russians now have in use in Europe to some American weapon still in the design stage, and the American weapon always beats the Soviet weapon hollow. The trouble is that the American weapons' actual production date is three to five years away, and by then the Soviets may be fielding something better. And many weapons systems when put in the field don't work as well as claimed.

INFRARED AND COMMUNICATIONS

Even when the tools of electronic warfare are available, they are so new and their operations often so complex and expensive to practice that people from privates to generals rarely understand how to employ them.

A division commander lets me interview the four captains who make up his "All Source Intelligence Center." He is proud of the center, which he and his staff perfected to pull together information from radar, scouts, prisoner interrogation, electronic eavesdroping, secret agent reports from higher headquarters, photographic and sensor intelligence, etc. Yet "All Source" is something of an exaggeration, for the center receives no space satellite information,

which is so secret that it is kept from front-line troops.

The captains show me some infrared photos, taken for them by the Air Force on recent maneuvers using a new system called FLIR (for Forward Looking Infra Red) which can pick out parts of a landscape that give out more radiation than others. (A well-known advertisement uses infrared photography to show the difference between a well-insulated house and a poorly insulated one.) The Air Force-Army cooperation is impressive, but it takes 8 hours from the time the request is made until the information comes into the intelligence center. And the information comes in the form of coordinates and data printouts, so that senior commanders, inexperienced with FLIR, cannot judge its reliability.

The day after the data arrive, the pictures themselves come in. That is what the captains have declassified to show me. It all looks something like snow on an old black-and-white TV set. But right in the middle of one photo is this big, luminous square.

"What's that?" asks the colonel, who is monitoring our meeting.

"That's what we've been trying to explain to you, sir. That's your headquarters, hidden inside that farm house. Remember, we told you all those generators in that building would make it stand out."

"No. They must have found out some other way, then took the picture."

The captains and I exchange glances. Later one of them shows me all the infrared strips. Sure enough, in one of them there is this little pinpoint of light, crying, "notice me, notice me," to some specialist. When it was blown up that bright dot revealed the barn and the division headquarters.

Later I ask one of the specialists if he can tell the difference between a tank and a truck. "Oh, yes, and between a tank with its hatches open or closed. Sometimes I can spot the commander's tank and tell if the tanks have been recently refueled."

"People ask you for this information much?"

"No."

And how would he transmit this information to where it is needed if he were asked? The transmission of information about where we and the enemy are is meant to be one of our strengths—a "combat multiplier," to use the jargon of the trade. But the multiplier is working in favor of the Soviets, who, unlike us, use jam-proof data bursts and often maneuver in a jammed environment.

NATO has as its number one scientific priority a highly classified project to develop secure voice communication for commanders. All the scientists I talked to regard this project as a waste of time and money. Voice communication is expensive, difficult to make secure, relatively easy to to jam and takes up a large portion of the radio spectrum. It also relies on language, and there are many languages in NATO. Data is universal, it is transmitted in short bursts that cut through jamming, is so quick that it can't be located by direction finding, and has no voice signature to tell the enemy who is talking to whom.

Yet the senior U.S. commanders both in NATO and the Joint Chiefs have insisted on voice. They claim they want to get the "feel" of their subordinates.

THE CAMOUFLAGED SENSORS

Our problems in electronic warfare extend to the smallest things. Sensors, for instance. Sensors are small tubes, about 3 inches in diameter and a foot long, that are inserted in the ground behind enemy lines by hand or from the air to measure movement, vibrations, sounds and changes in the electromagnetic field, and broadcast this information automatically so that intelligence officers can gain insight into troop movements they cannot see.

Owing to a painful bit of recent history, the air-dropped sensors are disguised as small palm shoots. Neither the Army nor the Air Force has found the money to change this camouflage. Yet surely a Soviet lieutenant attacking through the pines and snows of Germany will at least blink when his eye lights on a group of baby palm trees along his route.

Next, the sensors broadcast over the same frequencies as German taxis and other private radios. This means no one gets a chance to practice with them. Yet emplacing sensors correctly and interpreting their data is a complex and demanding process. Do we really believe we can do these things right without constant practice?

THE TANK GAP

In tanks, NATO is outnumbered, 3 to 1. Here again, the Warsaw Pact forces also have a qualitative edge. Here again, the American forces in NATO are not well enough trained to use effectively the weapons they do have.

In no other area is the rain dance—the technique of comparing drawing-board U.S. weapons to actively used Soviet weapons—as prevalent. The entire military and civilian high command of the Defense Department compares the Soviet T72 tank, which is now in the field, to the U.S. XM1 main battle tank, which will not arrive in NATO until 1982 at the earliest, and whose gun will not have the killing power of the Soviet tank's.

Even the tanks we do have are so complicated that today's volunteer Army does not use them very well. On a recent three-day maneuver, the 3rd Armored Division had mechanical failures on 150 major systems on its tanks, almost one-third of its total. The problem, as a German staff officer put it, is that "today's weapons are too complex for today's soldiers."

The tank now costs three times as much in constant dollars as the World War II fighter plane; it has more complex weapons systems and is harder to maintain. Yet that fighter was commanded by a lieutenant with two years of college or the equivalent; today's tank is commanded by a sergeant who may well not be a high school graduate.

Or, to look at the problem another way, a tank and a helicopter cost about the same and are equally complex. Yet the helicopter is flown by two warrant officers and maintained by a crew headed by a senior sergeant. But the tank is still commanded by a sergeant and maintained by privates.

Turnover is another part of the problem. A high school dropout comes into the Army, matures and develops into a leader and a great tank commander. After three years, or maybe five, he gets a high school diploma and says to the Army, "Thank you for what you have done for me. I'm getting out now, going to college, to make something of myself." Although both the Army and Air Force put heavy pressure on junior officers to talk their men out of leaving the service, the incentives for the ablest to use the GI Bill to go to college are greater than the rewards for staying in.

The results are predictable. In a recent NATO tank crew competition, the best American crews finished last in gunnery behind such minor powers as the Dutch and the Belgians. The Germans point out, and honest American commanders admit, that the level of tank-driving skill in the U.S. Army is so low that tanks don't know how to maneuver individually and can only charge in massed formations. On the tank-firing qualification range—in the battalion I watched, at least half the tanks had major defects—the crew gets a passing score if they identify a pop-up target and shoot at it in 40 seconds. Actually they are allowed about a minute. In the real world you get 10 seconds.

All over NATO, commanders fudge their figures a bit in an effort to make the mating of today's personnel and modern weapons look better than it is. You can't help but recall those Hamlet Evaluation statistics out of Vietnam. For example, a division commander told me proudly, and his battalion commanders confirmed, that his men scored 95 percent hits with the hand-held antiaircraft missile, the infrared-guided Redeye. I found that the reason for the good score was that the target had been slowed down to 60 miles an hour. At speeds closer to that of an attacking aircraft, most soldiers missed the target.

"THAT DRAGON KICKS A BIT"

Another paramount lesson of the Yom Kippur war is the importance of precision-guided infantry antitank weapons, like the Soviet Saggers with which the Egyptian infantry destroyed charging Israeli tanks. The primary U.S. infantry weapon in this field is the wire-guided Dragon. The infantryman has to keep his Dragon sight on the target and the missile will automatically correct its course to make a bull's-eye. I never found a single soldier in NATO who had fired a Dragon, though commanders were always assuring me that most of their men had qualified.

Furthermore, the Dragon has grave problems. It is too heavy to fire standing up, and if it is fired the best way, lying down, its blast burns off the firer's buttocks. Its sight is so delicate that it must be sent to the rear for recalibration every seven days, and there is no device on the weapon to tell the soldier whether the sight needs adjustment.

I watch a test Dragon firing, in which an excellent electronic simulator is used for training. Even with the simulator, everyone has trouble hitting the target. I ask the sergeant training the recruits whether he has ever fired a Dragon. The sergeant, an old-timer, says he hasn't, but he once saw one fired. He was at a special Dragon school and the top man in his class, a Marine captain, got to fire the school's one Dragon. "Did he hit the target?" I asked. "No," says the sergeant in his soft Kentucky twang, the poor fellow didn't. The recuits cluster around listening, leaving their simulator tubes. "He was a big man, sir, real big. But that Dragon kicks a bit. Oh, sir, you should have seen what it done to his neck."

Slightly bigger than the Dragon is the TOW (for tube-launched, optically tracked, wire-guided) antitank missile, which is fired from the M113 infantry carrier or the Cobra helicopter. You can hit a target with a TOW missile, and I found quite a few people who had fired one or even two rounds (supposedly every TOW gunner gets to fire one round every other year.) But the man who fires it is my candidate for the bravest man in the world. He sits on top of the M113 behind a tripod that pops up through the roof. He has to hold his breath as he fires, because the mount is so delicate that his breathing throws the missile off target. The Soviets fire their TOWs from inside their infantry vehicles.

The TOW fired from the Cobra helicopter is one of the most sophisticated antitank weapons actually deployed in NATO. A gunner in the nose of the helicopter works a small joystick about the size of an index finger to keep the crosshairs in a 14-power telescopic sight lined up on the target while the pilot in the rear seat maneuvers the helicopter. It is an accurate and easy-to-handle weapon. Whether the TOW-Cobra system can survive under the massed artillery fire the Soviets employ is a question NATO commanders are loath to face. But then, they have so little else that works.

PRACTICE COSTS MONEY

The pilots flying these Cobras average 110 flying hours a year. According to Air Force fighter pilots and some of their commanders, the men flying NATO's complex speed-of-sound fighter planes like the F4s and F15s average only 115 hours a year. In at least one squadron, cross-wind landings have been forbidden because pilots are not getting

enough flying time. The Pentagon's computers insist that the average front-line pilot is flying 170 hours a year, but, as in Vietnam, I would rather trust the evidence from those on the spot.

Even if the figure is 170 hours, consider that both the federal government and the insurance companies believe that I, who fly a far simpler and slower aircraft here in the United States, need at least 200 hours a year in order not to be a danger to myself.

The low flying time for fighter pilots comes about because the fuel is so expensive and the planes so precious. And since the weapons are also expensive, no one gets to fire them often enough to develop confidence. And the little fixes necessary to mate weapons, men and machines don't get made.

For example, one of the vital precision-guided weapons on which the defense of NATO rests is the air-to-ground killer called the Maverick, a fighter-carried missile with a TV camera in its nose. Once the pilot has locked the missile onto target, the missile follows its own TV picture on down. This is the weapon credited by the Israelis with helping turn the tide of battle once their ground troops had dealt with the Egyptian antiaircraft defenses. But the Israelis found that the missiles, which cost $30,000 apiece were being wasted by knocking out the same tanks again and again, because the TV pictures seen by the pilots could not distinguish between dead and live tanks.

Now a passive infrared device has been added to the Maverick's TV camera to identify live tanks. But it took the 1973 war to lead to this vital fix. The missiles were so expensive that the Air Force had not practiced enough with them to discover the problem. Today, our pilots get to fire one every year on a range in the Iranian desert.

All through NATO, the expense, complexity and lethality of weapons combine to leave weapons unperfected and men untrained in their use. Since intensive jamming would knock out European radios, aircraft radars and TV broadcasts, no one maneuvers in a jammed environment. The Army crews that fire the Chaparral antiaircraft missile get to fire one missile every other year from a base in Crete. And how does a tanker learn to maneuver in a town, when the best maneuver is to blast out part of a building wall and snuggle into the rubble?

The answer to such problems is to make massive use of simulators. That's what U.S. commercial airlines do. And both the British and Germans make more use of simulators that we do. But the Defense Department and Congress have been slow in asking and voting funds for simulators. They tend to ask: "You want weapons or simulators, general?" And the general replies, "Weapons."

WHO WOULD CONTROL THE AIR?

What about the final area of NATO's presumed "qualitative edge": control of the air? Even if our pilots lack flying time and can't talk to the ground, are not both they and their planes far superior to the Russians'?

Again, the lessons of the Arab-Israeli war paint a dark picture. The Israelis found they couldn't get through the barrage of missiles and antiaircraft fire protecting the Egyptian and Syrian forces until their tanks and artillery had knocked out the Soviet antiaircraft missiles and gun radars.

The West Germans, who have been much quicker to adopt the lessons of the Yom Kippur war than we have, are particularly concerned about our unquestioned belief that we are superior in this area. "The Soviets are decisively ahead in the air," said one of the highest officials of the German Defense Ministry.

When Soviet armored divisions attack, they advance under something our pilots call "the bubble." That's a protective covering of SAM6 antiaircraft missiles for high-altitude work and ZU23 self-propelled, four-barrelled antiaircraft guns with their own radar, by far the best antiaircraft guns in the world. There are 140 such weapons in a Soviet armored division. The way our aircraft are supposed to penetrate this "bubble" to get at the tanks is to stay below 200 feet, while the Army fires at the radars and jams them to make a corridor through which the aircraft can fly to hit the enemy tanks and then get back out. But in the real world, the Army doesn't have the jamming equipment and the locators to find the enemy radar. The Army and the Air Force have not practiced the split-second timing necessary in this maneuver.

There are special Air Force squadrons called Wild Weasels that have F4 jets with onboard jamming equipment and computers to throw off enemy guns and missiles. But the Wild Weasels lack effective beam-riding missiles to take out the radars. When questioned about this problem, high defense officials do the rain dance again: "HARM takes care of that." But HARM (for High Speed Anti-Radiation Missile) will not be ready until the early 1980s at best.

Another way to keep our planes alive is to have them stay away from the front lines, and lob their weapons in from low altitudes outside the bubble. The weapons would be laser-guided to their targets by the FIST teams. But the planes don't have the beam-riding bombs and the FIST teams don't have the laser designators.

Many NATO fighter pilots also complain that the Air Force is building the wrong type of fighters. They don't believe that one man can operate all the equipment necessary to stay alive at 200 feet while flying 400 knots in a hostile environment. They contend that the F15 has the space and power to have been a two-pilot aircraft, but that the old fighter types at the top of the service kept it a single-pilot plane. This is a serious charge, vigorously denied by most senior Air Force generals, who insist that the F15 is so fully automated that it is easier to fly than a World War II fighter.

TELLING FRIEND FROM FOE

The final area of air control in which NATO falls apart is called IFF (for identification Friend or Foe). In modern battle all those planes, ours and the enemy's, are going to be mixed together in the air, attacking targets on the ground, often moving at supersonic speeds or within 200 feet of the surface. Helicopters of both sides will be everywhere. Until now, shooting at your own people didn't matter so much because most shots missed. But modern weapons hit the target. Identification is now the ball game.

But in their last two NATO maneuvers, the German air force discovered that its own troops had shot it out of the air after two days. The British Royal Air Force is so short of funds that it has no hope of putting effective IFF equipment on its planes; as a result, the Germans, Americans and even the French have had to quietly insist that if there is a real war the RAF had better stay out of it lest it be shot out of the skies by its allies. Finally, the U.S. medium-range anti-aircraft missile system, the Chaparral, requires a man with field glasses to stand in front of the launcher; after the radar picks out a target, he tries to find it in his glasses and tell if it's friend or foe. That's the way it was done in 1944.

On IFF the Defense Department does the rain dance again and talks about JTIDs (for Joint Tactical Information Distribution System). The concept is brilliant, simple and workable: a network of some 600 radios is linked by computers that shift their frequencies roughly 10 times a second. Each time a radio comes on it fires off a burst of data that says roughly: "Here I am, I am doing this, I will need that." The data bursts are almost impossible to jam, the codes virtually unbreakable.

But JTIDS is already over three years late. It is so far behind schedule because the Navy is holding out for a more complicated model that will also tell where its submarines are, and no one in the Defense Department has the courage to take on the Navy and its friends in Congress.

THE VITAL "TAIL"

Yet suppose all the weapons work. After two days the Russians, East Germans and Czechs have been fought to a virtual standstill in the most deadly conventional warfare in history. What happens on the third day?

The Yom Kippur war proved that in the electronic precision-guided munitions age the losses are horrendous, approaching those of nuclear warfare. NATO war plans call for each American division to fire 5,000 tons of ammunition on the first day, and 3,000 tons a day thereafter. At these rates of fire, artillery gun tubes will last less than a week. But there are not enough trucks or drivers to bring such masses of supplies forward. Nor does NATO have the mechanics to do the repairs. With agony on his face, one officer responsible for this problem tells me he will be 500 rounds short for every gun in his division by the third day.

The fault lies in Washington. No one in the Defense Department will ask Congress for funds for trucks, fork lifts or mechanics. Why? Because those are noncombat troops or "tail." And Congress and President Carter want the military to cut the noncombat "tail" in favor of combat "teeth." But as the teeth get more deadly, you must increase the tail, as both the Israelis and West Germans have done since 1973.

If the lessons of the Yom Kippur war are correct and we lose tanks the way the Israelis did, 300 new tanks are going to have to be brought forward in the first two days for each 360-tank armored division. As a result of the 1973 war, the Germans have vastly increased their forward stocks of new tanks. We have not. Nor do we have the tank carriers and crews to move the new tanks forward. Congress has turned down Defense Department requests for mobile steam cleaners to get the mud off and the charred flesh out of damaged tanks so they can be rebuilt. The Israelis and West Germans now have these. Nor do we have the spray to mask the smell of burned flesh which the Israelis developed so mechanics can work inside damaged tanks.

NATO plans call for M60 tanks, stored in climate-controlled warehouses, to be issued to troops that will be flown in from the States. In recent maneuvers, these tanks worked better than those in daily use. But they are stored on the wrong side of the Rhine, the west bank. Will the bridges they must cross still be intact? And the tanks have no radios; the radios are stored in a warehouse miles away, and they don't fit the tanks without a special bracket that takes two days to make.

Another general tells me about the night sights for his division's machine guns, sights which are so delicate and valuable that they have been kept in those warehouses since their arrival five years ago. He has just checked and found out that the sights don't fit his division's machine guns. He can build several thousand $65 brackets to fit the sights, but he has been told that his division will get new machine guns two years from now. What should he do?

Over and over one finds examples like this. There is a bitter private jest heard throughout NATO that U.S. plans to fight a war in Europe are based on flying imaginary troops in nonexistent planes to airbases that are destroyed at the command of headquarters no longer in action.

The jest has tragic overtones, because neither the qualitative deficiencies nor the

wide gaps in training need occur. The West does have the better technological base. The electronic revolution is more advanced in NATO. But we cannot apply the knowledge and power we have to problems we claim do not exist.

LIBERALS SEEK TO CRIPPLE U.S. SPACE PROGRAM WHILE AMERICA PAYS FOR INDIAN ONE

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHBROOK. Mr. Speaker, the Carter budget for this year calls for a substantial increase in aid for India. We are to pay that country $220 million this year, up from $182 million last year. In 1974, India showed its idea of spending priorities by exploding an atomic bomb which had cost hundreds of millions of dollars to develop. For all their rhetoric about avoiding nuclear proliferation, it was the liberals' own foreign aid policy which indirectly financed India's development of its own atomic bomb.

Recently, the Indian Republic announced its own space program. The whole package will cost an estimated $500 million between now and 1982. Our taxpayers' gifts to India, thanks to Mr. Carter and his fellow liberals, will assure India of ample funds to support that program.

Last year, the same liberal leadership that pushes through these foreign aid rip-offs came very close to crippling our own space program by junking the Jupiter Orbital Probe (JOP). Had the liberal Democratic leadership succeeded in this attempt to cancel the JOP, a large number of specialists brought together through the years of our space program would have been fired. The team of experts absolutely essential to a successful space program would have been broken up. The liberals, who send billions abroad without batting an eye, said they were doing this to save the budget $150 million over the next few years. That amount is less than a third of the cost of the Indian space program we are indirecly financing.

Fortunately, the House membership of both parties saw through the insanity of junking the JOP. It voted in favor of the JOP by a margin of over two to one, with over 90 percent of the membership present. It was a victory of reason over blind leftist ideology.

The leftist push to cripple our space program was bad enough in itself. But seen in conjunction with indirectly financing an Indian space program costing more than three times as much, it borders on lunacy. This is one more example of the absolutely blind obedience to liberal ideology, the total unconcern with the national interest or even with simple logic, that characterizes so many of the actions of the old line liberal Democratic leadership in this House and in the Carter administration.

NEW YORK CITY

(Mr. COLLINS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Texas. Mr. Speaker, within the next few days the House of Representatives will once again be called upon to consider additional aid to New York City. When this body approved the original financing package for New York, we were assured that it was a "one time only" bond guarantee, yet New York City is back again begging for more. Their difficulty is that they have failed to recognize and address the real causes of their economic woes.

Large metropolitan areas in many parts of the country have sound financial health and they are attracting business and jobs at an ever increasing rate. Texas alone gained 288,000 jobs over the last 10 years, tops in the Nation.

Because the economic health of New York City is in such direct contrast with its Texas counterparts, I decided to compare various aspects of New York's budget and municipal practices with those of Dallas, Houston, and San Antonio, the three major metropolitan areas of Texas. The results of these startling comparisons underline the waste and extravagance that New York City is asking the rest of the country to finance.

Perhaps the most revealing insight into how New York City has bankrupted itself is to be found in their wage scales and policies for municipal employees. According to figures compiled by the Bureau of the Census, New York has 49 city employees per 1,000 residents as compared with 16 per thousand for Dallas, 12 per thousand for Houston, and 14 per thousand for San Antonio. Compare the facts per 1,000 residents: in New York City, they have 49 whereas in Dallas there are 16. This is three times as many for New York City as are needed.

New York's extravagance does not stop when it comes to paying its army of city employees. As the following comparative chart shows, the average city employee is paid $26,654 per year, with extra benefits being 65 percent of base pay. This ratio of extra benefits to base pay is twice as high as the average of these Texas metropolitan areas.

WAGE COMPARISONS—AVERAGE MUNICIPAL WORKERS

	New York	Dallas	Houston	San Antonio
Base pay	$15,976	$12,252	$11,388	$9,408
Cost-of-living adjustment	294	674	900	433
Total earnings	16,270	12,926	12,288	9,841
Total extra benefits (fringe benefits, retirement benefits, vacation benefits)	10,384	3,798	4,214	3,051
Total labor costs	26,654	16,724	16,502	12,459

	New York	Dallas	Houston	San Antonio
Extra benefits as a percent of base pay	65	31	37	31
Hourly labor costs	$18.13	$9.17	$9.29	$7.05
Hours worked annually	1,470	1,824	1,776	1,768
Days worked annually	210	228	222	221
Total labor costs adjusted for cost-of-living [1]	$21,590	$16,724	$16,502	$12,459

After Cost of Living Adjustment—the average New York City employee makes 22.6 percent more than his Dallas counterpart, 23.6 percent more than his Houston counterpart, and 36.7 percent more than his San Antonio counterpart.

Hourly labor costs adjusted for cost of living

New York	$14.68
Dallas	9.17
Houston	9.29
San Antonio	7.05

After Cost of Living Adjustment—the average New York City employee makes 37.5 percent more than his Dallas counterpart, 36.7 percent more than his Houston counterpart, and 52 percent more than his San Antonio counterpart.

On a yearly basis, after including an adjustment for the difference between the cost of living in Texas and New York City, the average New York City employee makes 29.5 percent more than his Texas counterpart. Since municipal employees in New York only work 35 hours a week and 210 days a year, a more accurate comparison is based on hourly labor costs. The average New York City employee makes 42.1 percent more per hour than the average Texas municipal worker after the cost of living adjustment.

New York City municipal salaries and work hours are enough to make even a Federal bureaucrat turn green with envy. So well taken care of is your average city employee that when salaries were frozen during the height of the last fiscal crisis, their take home pay managed to increase by as much as 19.9 percent as a result of various contract clauses. As another "cost saving measure," the number of full time city employees declined by 61,000 (20.7 percent) between January 1, 1975 and June 30, 1977; yet, total city payroll expenses decreased by less than 1 percent.

With these increases in salary and the city constantly facing the specter of default, New York City workers should be increasing their productivity to meet the challenge. This has not happened. The New York State Comptroller General in a report published on April 8 of this year, notes that in one department alone, the municipal workers are not productive 61 percent of their workdays. The report states that these practices potentially cost the city about $16 million annually in the department alone. Other reports published by the mayor's temporary commission on finances confirm this startling lack of productive effort.

This cavalier attitude when it comes to the taxpayers' money is also reflected in New York City's spending policies for services. For example, a New York welfare family receives average monthly payments of $370 per month as compared with the Texas average of $105.21. When all the other welfare benefits are figured

in, the family can receive an estimated $600 a month.

For education, New York City spends $2,190 per pupil—adjusted for cost of goods—as opposed to Dallas' $1,747, Houston's $1,404, and San Antonio's $1,322. It spends $74.86 per capita for police as opposed to the Texas three-city average of $41.50. New York spends $45 per ton to remove garbage as compared to the Texas average of $15.

High levels of spending, however, are not the same thing as high levels of service. Though New York spends 55 percent more than the Texas cities for police protection, it has 2½ times the amount of violent crime per 100,000 residents. Though the State of New York spends 32 percent more per pupil than does Texas, Texas in 1976 had 39.8 percent more merit scholarship finalists and 59.7 more merit scholarship winners per thousand eligible students.

As the following chart shows, New York City spends almost 5½ times more per capita—after CPI adjustment—than its Texas counterparts.

PER CAPITA COMPARISONS

All city expenditures[2]	$1,390.33	$282.78	$284.86	$218.55	Average tax burden[3]	1,186.00	490.00	431.00	387.00
Total debt	2,080.60	592.77	537.35	566.99	Revenue-sharing dollars received per year	929.22	59.08	51.74	52.23

[1] Cost-of-living adjustment based on the average of 1977 Department of Labor total consumption index estimates for Dallas, Houston, and San Antonio.
[2] Figure adjusted by the total consumption index. Preadjustment figure—$1,716.52.
[3] Includes all State and local taxes. No Federal taxes included.
Source: City Government Finances in 1975–76, Bureau of the Census.

After reviewing New York City's employment practices and per capita expenditures, it is no wonder that their residents are faced with the highest tax burden in the Nation (272 percent higher than the residents of these three Texas cities). It is also no wonder that New York City residents also bear the highest per capita debt load of any major city. Debt service accounts for $1.535 billion in this year's budget alone, yet the city wants to borrow even more.

Many have claimed that one of the major reasons New York City is in financial trouble is because it does not get enough money from the Federal Government. The facts, however, do not bear this out. New York City gets $929.22 per resident per year in revenue sharing dollars. This is the highest in the Nation and 17 times more dollars per capita than Dallas, Houston, and San Antonio receive. New York State receives $1.27 in services for every dollar its residents contribute to the Federal Government. Texans receive only $0.76 for every dollar they contribute.

The main cause, and it is about time the city leadership faced it, of New York City's problems is its constant and excessive overspending. Comparison with the three thriving cities of Dallas, Houston, and San Antonio underline that fact in indelible terms.

These comparisons also underline the fact that if a city (or nation) wants to prosper it will do so only if business and its residents are not excessively burdened by high taxes and too much government. As recently as 1966, there were 198 of the top industrial companies headquartered in New York City, today less than 120 remain. In the last 10 years 600,000 jobs have been lost. New York City is caught in the cycle of a dwindling tax base resulting in higher taxes, resulting in a dwindling tax base. A recent economic study determined that if a businessman invested $1 million in a new business to bring more jobs in New York City, and made a 10 percent, $100,000 profit its first year, it would have only $5,719 dollars left after being soaked for all of the local, State, and Federal taxes in New York City. It should be obvious why industry and jobs are fleeing New York by the hundreds of thousands.

Only by cutting its social services and municipal wages, and reducing its tax burden to a level comparable to prospering areas, like those in Texas, will New York be able to break the cycle. Reducing fringe benefits for New York City municipal workers, for example, from their current 65 percent to the Federal Government's level of 35 percent of base pay would reduce personnel costs by $1.5 billion a year. This alone could be the difference between a billion dollar deficit and a half-billion dollar surplus in this year's budget. The city's leadership, however, refuses to consider such measures and has instead opted for what is in the short run more politically profitable, but in the long run is financial suicide.

There is no justification for the rest of the country to bear the cost of New York City's mismanagement. Until New York shows a willingness to face the causes of its problems, and correct them, Congress should watch, not help. With our own continual deficit spending and resulting inflation, I am wondering just how far behind New York City the Federal Government is.

A TRIBUTE TO SENATOR ROBERT F. KENNEDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. McHUGH) is recognized for 10 minutes.

● Mr. McHUGH. Mr. Speaker, 10 years have passed since the tragic death of Robert F. Kennedy.

When he died, the people of my State of New York sustained a special loss, for he was our representative in the U.S. Senate. Since he was also an international figure, however, and one constantly involved in great and challenging issues, his loss was felt far beyond the borders of New York.

For those of us who were touched by Robert Kennedy in life, the memory of his untimely death tends to produce a rush of feelings, and a struggle to try to express our thoughts on the meaning of his life and work.

While Robert Kennedy lived, the word "charisma" had come to be used, and was indeed overused, in describing public figures who commanded a following. The word's ancient meanings evoke a sense of reaching out to others and greeting them joyfully, of sweeping them up in one's own enthusiasm for celebrating life and its possibilities. In that sense, Robert Kennedy was one of the few figures in public life of whom that word "charisma" could fairly be used.

He celebrated life, he experienced joy and invited others to share in it. Those are the emotional memories I have of him; yet there is another dimension, too—the sense of urgency he had about him. Wherever there was injustice or people suffered, he took it as a personal matter. He seemed tireless in his efforts to stop or diminish the injustices he saw in the world: the sufferings of the poor, the oppression visited upon the weak by bigotry or greed, the discrimination against minorities.

When he had been Attorney General only 6 weeks, he spent an evening in Harlem talking with street gang members. He was so moved by their feelings of being trapped in violence, poverty, and hopelessness that other meetings followed, resulting in the President's Commission on Juvenile Delinquency and Youth Crime. And later, as a Senator working to restore ghetto neighborhoods, he continued his concern, always trying to seek practical ways of alleviating a problem. There are many examples: youth job programs, prisoners' training and work programs, support for migrant workers seeking fair wages, community restoration.

His brother Edward Kennedy described his efforts with simple eloquence in a eulogy we will always remember:

> A good and decent man, who saw wrong and tried to right it, saw suffering and tried to heal it, saw war and tried to stop it.

Other people have similar ideals, but it is the rare person who can rally thousands of people to join in his specific efforts. Robert Kennedy was able to do so, perhaps because he was deeply moved by the human condition, and was in turn able to move others.

Those who were present will never forget his visit to an Indian reservation on the very day that a baby died there of starvation. He told friends that when that baby died, a part of him died too. For him, fighting poverty was not an abstract cause. It was suffering people who needed his help and the help of those whom he could inspire to join his efforts.

To inspire people: that was a special talent of his. Because he and his family had suffered, he understood the sufferings of others and knew how to touch their hearts. He could encourage others to try to reach goals and dreams beyond their grasp. His Presidential campaign speeches of 1968 always concluded with the visionary words of George Bernard Shaw:

> Some men see things as they are and ask why; I dream things that never were and ask why not.

In that sense, the most significant impact Robert Kennedy had on his country was on its political life and institutions, specifically on our vision of Government. Many think he could have been elected

President in 1968. We will never know. But his real contribution had nothing to do with this and other goals he was not able to reach.

At a time when America was torn by divisions, domestic violence and failing hope, Robert Kennedy did more than any other public figure to help people believe that the American system could work, that our political process is sound if only we commit ourselves to active participation in it. Those whom he encouraged most in this belief were the seriously disadvantaged in our society, the very ones who were most prone to cynicism.

It is in that sense that he more than fulfilled the challenge of Horace Mann's words: "Be ashamed to die until you have won some victory for humanity."

To countless young people whom he inspired by his example, Robert Kennedy opened the doors to an understanding of politics and public service as an honorable profession, full of opportunities to turn responsibilities into achievements.

I was one of them, Mr. Speaker, and I am proud to honor his memory today.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SARASIN) is recognized for 5 minutes.

● Mr. SARASIN. Mr. Speaker, on June 2, 1978, I was absent for part of the legislative session of the House of Representatives. Had I been present, I would have voted in the following fashion:

Rollcall No. 404. H.R. 12157: Export-Import Bank.—The House agreed to an amendment that strikes language exempting the People's Republic of China from the provision requiring a Presidential determination before the Bank may do business in a Communist country, "Yes".

Mr. Speaker, on June 5, 1978, I was absent from the legislative session of the House of Representatives. Had I been present, I would have voted in the following fashion:

Rollcall No. 405. H.R. 185: Coast Guard Employees Transportation.—The House passed the measure to amend section 2632 of title 10, United States Code, to provide the Secretary of the department in which the Coast Guard is operating with the authority to transport Coast Guard employees to and from certain places of employment, "Yes";

Rollcall No. 406. H.R. 188: Marine Pollution Protocol.—The House passed the measure, amended, to amend the Intervention on the High Seas Act to implement the Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substance Other Than Oil, 1973, "Yes";

Rollcal No. 407. H.R. 12140: Water Pollution Control Authorizations.—The House passed the measure to amend the Federal Water Pollution Control Act to provide additional authorizations for certain operating programs under the Act, "Yes";

Rollcall No. 408. H.R. 12250: Boundary Areas Canoe Area.—The House agreed to the rule (H. Res. 1213) under which the bill was considered, "Yes";

Rollcall No. 409. H.R. 12250. Boundary Areas Canoe Area.—The House agreed to an amendment in the nature of a substitute, as amended by a substitute, that retains most of the provisions of the original bill, but eliminates the recreation area; establishes a mining protection area; and makes certain changes in motorboat use on specified lakes, "Yes";

Rollcall No. 410. H.R. 12250: Boundary Areas Canoe Area.—The House passed the measure to designate the Boundary Waters Canoe Area Wilderness and to establish the Boundary Waters Canoe Area National Recreation Area, "Yes";

Rollcall No. 411. H.R. 12481: Insular Areas Authorization.—The House agreed to the rule (H. Res. 1191) under which the bill was considered, "Yes"; and

Rollcall No. 412. H.R. 12481: Insular Areas Authorization.—The House passed the measure to authorize appropriations for certain insular areas of the United States, "Yes".●

AMENDING U.S. CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BURKE) is recognized for 5 minutes.

● Mr. BURKE of Florida. Mr. Speaker, today I am introducing a bill which I hope many of my colleagues will cosponsor. This bill will amend title 39 of the United States Code and would authorize the distribution of sample ballot card information and voter instructional material, to registered voters, postage free.

Although there were over 150 million people eligible to vote in the 1976 Presidential election, according to the Census Bureau, the voter turnout rate was lower in the Presidential election of 1976 (59.2 percent) than in 1972 (63 percent). There have been a variety of reasons put forth for this decline in participation, and there have been many solutions proposed ranging from post card voter registration to public campaign financing.

Mr. Speaker, I am sure my colleagues share my concern about the need to improve voter participation in elections. The bill I am introducing today is the brainchild of the supervisor of elections in Broward County, Fla.—Mrs. Jane Carroll. She and other election supervisors throughout the United States feel that some of the voter apathy is due to ignorance about voter procedure and actual questions on the ballot. It is the feeling of Mrs. Carroll and myself that if more people knew beforehand exactly what the official ballot contained they would have more interest in participating. In addition, prior consideration of sample ballots at home, could increase the speed of voters in making selections at the polls and hence reduce long lines at the polling places.

There are many jurisdictions—city, county, and State—which presently prepare and mail sample ballots to the voters a few days in advance of the elections. The problem is the cost is prohibitive. The postage is particularly expensive and with the recent increase in the first-class postage rate from 13 cents to 15 cents the cost of sample ballots increase by a minimum of 2 cents each. If my proposal were enacted, and all 150 million voters received sample ballots the postage alone would be $22,500,000 if the sample ballots were sent by first-class mail. Obviously, the cost of such mailings makes voter education via sample ballots and other mailings prohibitive to small, poor communities. In other words, the people most removed from the election process by education, or economic status, or habit, are being kept ignorant for want of funds to disseminate information about their constitutional right to participate intelligently in choosing public officials to represent them.

My bill would make available to the various election supervisors throughout our country funds for postage to mail sample ballots to registered voters prior to elections. It is my belief that an informed electorate would participate more in the election process and that is my reason for proposing this bill today.●

A YOUNG STUDENT'S BRAVERY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia, Mr. WAMPLER is recognized for 5 minutes.

● Mr. WAMPLER. Mr. Speaker, an incident was recently brought to my attention which I think is deserving of recognition. The bravery exhibited by a young student from my congressional district is rare in one so young, and I know both his family and community are very proud of him.

Kevin Todd Baxter, 8 years old, is a third grade student at Marion Primary School. On October 10, 1977, he was awakened in the early morning hours by unusual noises. Young Kevin somehow realized that his family was in danger, and ran from room to room until he had awakened them all. Becase of this young man's brave actions, the family was able to escape from their home. The house was completely destroyed by fire.

I commend Kevin for this action, and I know the citizens of the Marion, Va. community are proud of him.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN), is recognized for 5 minutes.

● Mr. DRINAN. Mr. Speaker, during a part of the afternoon of Monday, June 5, I was unavoidably absent from the House of Representatives on official business.

Had I been present for the entire session, I would have voted as follows:

Roll No. 408, rule providing for the consideration of H.R. 12250, the Boundary Waters Canoe Area Wilderness bill—"aye."

Roll No. 409, Vento compromise amendment to H.R. 12250—"aye."

Roll No. 410, final passage of H.R. 12250—"aye."

Roll No. 411, rule providing for the consideration of H.R. 12481, Insular Areas Authorization Act—"aye."

Roll No. 412, final passage of H.R. 12481—"aye."

Mr. Speaker, as an early cosponsor of the Boundary Waters Canoe Area bill, I also wish to commend the gentleman from Minnesota (Mr. FRASER) for his outstanding leadership in bringing this legislation through committee and on to the House floor. I also wish to commend the members of the Interior Committee, particularly the gentleman from Cali-

fornia (Mr. PHILLIP BURTON) and the gentleman from Minnesota (Mr. VENTO), for achieving the constructive compromises which enabled yesterday's overwhelming House vote in favor of H.R. 12250.●

LET THE WAYS AND MEANS COMMITTEE RECONSIDER ITS RECONSIDERATION OF SOCIAL SECURITY TAXATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

● Mr. REUSS. Mr. Speaker, our concern with the financial needs of the social security system has blinded us to the issue of how these financial needs should be met. Although I have spoken about this problem before, I consider it necessary to do so again because resolution of the issue will determine whether we will have continuing inflation or price stability, and whether we will have growing prosperity or lapse once again into recession.

The inflation rate has recently increased sharply. Consumer prices rose at an annual rate of 9.3 percent in the first quarter of this year compared with 6.8 percent in 1977. Newly released data indicates that the performance of consumer prices will be very unfavorable during the current quarter.

Alarmed at what it perceives as an acceleration of inflation, the Federal Reserve has undertaken a policy of sharp monetary tightening that has raised the Federal funds rate to over 7.3 percent, the Treasury bill rate to 6.5 percent, and the rediscount rate to 7 percent. All of these interest rates are now much higher than they were a year ago and the effect has been to curtail drastically the flow of deposits into thrift institutions. This monetary stringency is causing many economists to forecast a slowdown in the economy by yearend and a possible recession in 1979.

I regret to say that the administration and the Congress have been doing very little to slow the rate of inflation. And since this failure spurs the Federal Reserve on in its policy on monetary strangulation, we find ourselves indirectly contributing to the recession that is now widely anticipated.

Many of our recent policies have exacerbated the inflation that bedevils us rather than alleviate it. We increased the minimum wage by 15 percent at the start of the year, with further increases locked into the law in years to come. We have reverted to a misguided farm policy that depends on price rigging through cutbacks in farm acreage. We have acceded to the pleas of special interests by granting trade protection that will force the American consumer to pay higher prices for TV sets, shoes, sugar, CB radios, and products containing steel. Perhaps worst of all, we have continued to raise the payroll taxes that finance social security and unemployment insurance, and it now appears that nothing will be done to prevent the major escalation in these taxes that is scheduled to begin in 1979.

For some time it appeared as if the eminently sensible social security amendment of Representative SAM GIBBONS of Florida would meet with the approval of the Ways and Means Committee. Representative GIBBONS proposed to inject general funds into the health insurance (HI) trust fund to make up the revenue losses that would result from his proposed reductions in social security tax rates and bases. The proposal would have cost about $6.2 billion and $8.3 billion in 1979 and 1980, respectively, and it would therefore have approximated a welcome 2-year delay in implementing the social security law that Congress passed last December.

The recent reversal by the Ways and Means Committee is a serious blow to those who regard a rollback of social security taxes as essential. The committee apparently believes that it is just as efficacious to lower income taxes as to lower payroll taxes. Since income taxes are to be reduced anyway, the committee seems to feel that it is not necessary to undo the social security legislation.

This is an error. I do not intend to repeat here what I have been saying about the social security fiasco for many months. But I remind my colleagues once again that a reduction in income taxes does not offset the economic harm done by an equivalent rise in payroll taxes. I also consider it necessary to emphasize why the decision of the Ways and Means Committee is especially unfortunate in the light of forecast economic conditions.

The portion of the social security tax paid by employees is a proportional tax on wages up to a maximum taxable base. Labor income in excess of this base is not taxed at all, nor is nonlabor income such as rents, royalties, interest, and dividends. The social security tax is therefore a highly regressive and unfair form of taxation. To raise these taxes while lowering the progressive income tax causes the net progressivity of our overall tax system to be reduced. It also reduces consumer expenditures, because lower income families tend to spend a larger fraction of incremental income than higher income families.

Although in general the employee contribution to social security is a regressive tax, the specific increases scheduled for 1979 hit middle income families the hardest. This is because there will be only a modest change in the tax rate—from 6.05 to 6.13 percent—combined with an enormous increase in the taxable base of $5,200 from $17,700 to $22,900. Any covered employee with a wage or salary income equal to or above $22,900 will therefore have to pay an additional $332.92 in social security taxes. Since the present maximum tax is $1,070.85, this increase amounts to a jump of at least 31 percent in the social security taxes of all employees who will earn $22,900 or more in 1979.

The modest rate increase means that lower income employees will be spared significant tax increases. Very highly paid employees, while still liable to the tax increase of $332.92, will find that this is a smaller percent of their income relative to those whose incomes are in the neighborhood of $23,000. The scheduled tax increase is therefore progressive relative to poor people but regressive relative to rich people.

It is no wonder that middle income taxpayers are frustrated and threatening to rebel against our increasingly arbitrary and burdensome system of taxation. Any income tax relief that may be contemplated is certain to be a pittance compared to the additional social security tax burden that these middle income taxpayers will have to bear. This distributional consideration is one important reason why income and payroll tax changes are not adequate substitutes for each other.

While the most serious distributional consequences of increased payroll taxes are to be found in the employee portion, it is the employer portion that has the most adverse consequences for inflation and economic growth. The employer contributions to social insurance are labor costs that are shifted forward into higher prices. Increases in employer payroll taxes therefore contribute directly to inflation.

Because the higher prices reduce consumer real income, real consumer spending declines and production and employment therefore fall. The higher prices also invite the Federal Reserve to engage in additional monetary restriction. And even if the Fed does not slow the growth of the nominal stock of money, the real value of the money stock will automatically decline because of the higher price level. Interest rates will therefore rise, expenditures on home construction and consumer durables will decline, and capital spending may also be adversely affected.

By contrast, higher income taxes tend to slow the rate of inflation. As hinted by Chairman MILLER, a smaller income tax reduction could permit the Fed to relent somewhat in pursuit of its restrictive monetary policies and could therefore help to avert recession. Consequently, it is evident that the adverse effects of higher payroll taxes on inflation and growth will be far from canceled by an equivalent reduction in income taxes. The two measures again show themselves not to be adequate substitutes.

I particularly emphasize this last because, as noted earlier, forecasts are now suggesting that faster inflation is very likely to be accompanied by a slowing of growth later on this year. We will therefore have more stagflation, and at the same time the rise in social security taxes scheduled for January 1 will seriously aggravate that condition. Indeed, we may well have an inflationary-recession in 1979 unless we act promptly and decisively to prevent it. In my judgment, a payroll tax rollback is essential if such a calamity is to be prevented.

I do not know what the exact effect on the inflation rate of the new law will be. But an educated guess can easily be arrived at. We recently experienced a frightening first quarter during which unit labor costs in private business increased at a staggering annual rate of 18.3 percent. Part of this was attributable to a 3.6 percent productivity decline that I trust will be temporary.

However, productivity optimism cannot obscure the fact that hourly compensation increased at a rate of 14 per-

cent. It was estimated by the Bureau of Labor Statistics in recent testimony before the Joint Economic Committee that 1.1 percent of this increase was attributable to the social security tax increases that came in in January. This may seem like a small fraction of the increase in compensation, but when we remember that next year's scheduled tax increase is close to twice as large as this year's, we can easily imagine a rise of 2 percent in hourly compensation and unit labor cost in the first quarter of 1979 caused by social security taxes alone.

Some would argue that this will cause no more than a one-shot increase in the price level. However, as Arthur Okun noted in the March-April issue of Challenge:

> Any initial inflationary force feeds into wages and back into prices in our economy, and hence there is no such animal as one-shot inflation.

To widen our perspective, it is not clear that the appropriate choice is between a one-for-one substitution of income versus payroll taxes. First, I am very concerned that, regardless of the composition of our taxes, the overall level will be too high to prevent a serious slackening in our rate of economic growth. According to current Joint Economic Committee staff estimates, the "fiscal drag" to be expected in 1979 is about $28 billion—$17.6 billion attributable to income taxes and $10.4 billion attributable to higher social security taxes. For a specific tax, fiscal drag means the tax increase that will occur in excess of the increase that would keep the revenue from the tax proportional to GNP.

It now appears as if Congress will reduce taxes by about $21 billion. In combination, the fiscal drag of $28 billion and a legislated revenue reduction of $21 billion imply that there will actually be a net tax increase of about $7 billion. This is hardly appropriate fiscal policy for an economy that is widely assumed to be heading for a slowdown. It is true that inflation is becoming more worrisome, but this suggests not that the tax reduction should be smaller, but rather that it should be granted in the form of payroll tax relief.

The continuing reluctance of the Congress to adopt general revenue financing for social insurance reflects an obsolete and dangerous attitude that stems from Congress lack of faith in its own ability to hold down benefit levels once the link between benefits and contributions is broken. Representative GIBBONS attempted to accommodate this attitude by restricting general revenue assistance to the health insurance program, where no link between benefits and contributions exists. But even this very sensible effort at accommodation has been rejected by those who are fearful that any general revenue assistance would set a dreadful precedent.

It is essential that we change our attitude. General revenue funding would permit income taxes to be substituted for the very harmful payroll taxes that now finance social insurance. In addition, general revenue assistance could make available the borrowing power of the Treasury to the social insurance programs. This would eliminate the need to raise taxes during those times—such as the period since 1974—when tax increases of any description are harmful because they retard the recovery of the economy.

I am not advocating exclusive reliance on general funds for social security. But I do believe that payroll taxes should be rolled back, and that they should not be raised in the future. Accordingly, I believe that health insurance should henceforth be financed by general revenues. And I also propose that general revenue funds be infused into the social security trust funds during periods of economic slack. President Carter proposed this at one time, and I deeply regret that he abandoned that proposal so quickly. A triggered program such as suggested by the President would contribute to the stability of the economy rather than to its instability.

We must stop raising payroll taxes if we wish to stop stagflation. The new social security law is a threat to price stability and economic growth throughout the foreseeable future.●

CORRECTIONS TO TECHNICAL ERRORS IN HOUSE REPORT 95–1134, PART 1

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 5 minutes.

● Mr. STAGGERS. Mr. Speaker, the Committee on Interstate and Foreign Commerce has discovered a few technical errors that appear in House Report 95–1134, Part 1, which accompanied H.R. 11209, the International Maritime Satellite Telecommunications Act, which was reported on May 11, 1978, and unanimously passed by the House of Representatives on May 15, 1978.

The committee provides the following corrections so that the report will read correctly:

First. On page 10, in the third line of the second paragraph under the heading "Comsat" insert "not" immediately after "does."

Second. On page 10, in the 13th line of the first paragraph under the heading "connecting carrier" strike out the first "mode."

Third. On page 12, in the second line of the second paragraph strike out "in" and insert in lieu thereof "if." ●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 5 minutes.

● Ms. HOLTZMAN. Mr. Speaker, I was unable to be present for the following votes. If I had been present, I would have voted as indicated:

On May 15, 1978: Rollcall 315, "yes"; Rollcall 316, "yes"; Rollcall 317, "yes"; Rollcall 318, "no".●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CARR) is recognized for 5 minutes.

● Mr. CARR. Mr. Speaker, on Friday, June 2, I was traveling to my district for a number of important engagements and I missed two recorded votes on amendments to H.R. 12157, the Export-Import Bank bill.

Had I been present, I would have voted "no" on roll No. 403, the Ashbrook amendment which sought to delete provisions prohibiting the Bank's participation in transactions in the Republic of South Africa.

On roll No. 404, I would have voted "no," against the Vanik amendment, which strikes language exempting the People's Republic of China from the provision requiring a Presidential determination before the Bank may do business in a Communist country.●

INTRODUCTION OF JOINT RESOLUTION DIRECTING THAT FACE OF ABIGAIL ADAMS BE PORTRAYED ON NEW DOLLAR COIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

● Mr. BURKE of Massachusetts. Mr. Speaker, the Historic Preservation and Coinage Subcommittee, chaired by the distinguished Mr. FAUNTROY, will soon report to the full Banking, Finance and Urban Affairs Committee a bill to amend the Coinage Act of 1965 to change the size, weight, and design of the one dollar coin. The small dollar coin is a durable, cost-effective replacement for some of the paper money in circulation. No one, least of all Treasury Department experts, objects to the mintage of a smaller dollar coin.

There has, however, been a measure of controversy over whose visage should appear on the coin. Historically, we have honored outstanding Americans by portraying them on our pennies, nickels, dimes, quarters, 50-cent pieces, and silver dollars. We have recognized the great contributions of Abraham Lincoln, Thomas Jefferson, Franklin Roosevelt, George Washington, Benjamin Franklin, Dwight D. Eisenhower, and John F. Kennedy. Yet we have never minted a coin recognizing any one of the many American women significant to our history. We are long overdue.

The Treasury Department has recommended the mythological portrayal of Miss Liberty, preferring this traditional symbol of the American woman. The Historic Preservation and Coinage Subcommittee disagrees and appears ready to submit the Susan B. Anthony Dollar Coin Act to the Congress. Indeed Susan B. Anthony, as leader of the suffrage movement, was an outstanding American leader, and I commend my colleague, Congresswoman OAKAR, for bringing forth her name.

I am today introducing a joint resolution directing the President and the Secretary of Treasury to protray Abigail Adams on the face of the new dollar coin. Abigail Adams is unquestionably an outstanding American, significant to our history, whose outspoken support for women's rights preceded Susan B. An-

thony by a century. A prolific correspondent, it was on March 31, 1776, that Abigail Adams wrote:

If a particular care and attention is not paid to the Ladies, we are determined to foment a Rebelion, and will not hold ourselves bound by any law in which we have no voice, or Representation.

Abigail Adams was both the wife and mother of a President. However, contrary to the traditional role of the wife and mother in the 18th century, Abigail Adams successfully managed the family farming business saying:

I hope in time to have the reputation of being as good a farmer as my partner has of being a good statesman.

Abigail Adams was very much a part of the struggle for American independence. She closely observed and recorded current events, frequently expressing independent political opinions which in turn guided the actions of the second President of the United States. With her constant warning to, "Remember the Ladies" when forming the Government, Abigail Adams is truly the first proponent of women's rights in America. She paved the way for the women's rights' activists of the 19th and 20th centuries.

The portrayal of Abigail Adams on the new dollar coin is a logical compromise to the mythological Miss Liberty and significant American women who were active in the 1800's and 1900's. I urge Chairman FAUNTROY, the members of the Historic Preservation and Coinage Subcommittee, Chairman REUSS, the members of the Banking Committee, and all my House colleagues to support the Abigail Adams dollar coin resolution.●

HOSPITAL CARE IN AMERICA, A RESEARCH SURVEY BY LOUIS HARRIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

● Mr. BRADEMAS. Mr. Speaker, today I had the privilege of listening to the distinguished public opinion analyst, Louis Harris, discuss the results of a national opinion research survey which his firm, Louis Harris & Associates, Inc., released today entitled, "Hospital Care in America."

This study, which is described as "A National Opinion Research Survey of Consumers, Government Officials and Health Care Community Attitudes Toward Health and Hospital Care," will, I am confident, be of interest to all Members of the House of Representatives and Senate as we consider legislation in this field.

I ask unanimous consent to insert at this point in the RECORD the text of Mr. Harris' remarks today describing the results of this survey.

The text follows:

REMARKS OF LOUIS HARRIS

Early on in the life of nearly all Americans, hospitals become part of their consciousness, not much different from the awareness of policemen and firemen. But, up until very recently, hospitals have been known primarily as a last resort; an ultimate life support capability to be used hopefully as a fail-safe, a kind of final protection against the most dire consequence of being in poor health, traditionally, people have gone to a hospital in case of serious illness, for an operation, in an emergency, or when no other medical care was immediately available. Of course, in the back of people's minds as well has been the not inconsiderable worry that if you are stricken badly enough, you might even die in a hospital. By any measure, the news that one has to go to a hospital has been serious business, indeed.

Yet, in a curious way, having to go to a hospital has also been beyond the pale. You can be admitted to a hospital only when a doctor orders you there. While you must give your permission to be operated on, the basic decisions about going to a hospital and, once there, the treatment accorded you, what is your ultimate fate has almost aways been in the hands of your doctor and the rather faceless authorities who run things there.

Suddenly, over the past few years, hospitals have moved to a front and center position as a bona fide subject for public discussion, debate, and controversy.

THE HOSPITAL COST PROBLEM

The trigger for this development has been inflation: the pressing matter of costs. From other recent surveys we have found that a high 87 percent of the public feels that health and hospital costs have risen faster than other prices—more than food, which 31 percent feel has risen more rapidly, and energy, which 78 percent think has risen in price more rapidly than other costs. This result is all the more remarkable, given the fact from this survey that fully 88 percent of the families of the country are now covered by some form of hospitalization insurance.

In his response to this hospital cost issue, secretary of HEW Califano has taken the hospital industry to task and wants Congress to pass legislation putting a 9 percent cap on rises in hospital charges. Congress is debating the Secretary's proposal and a spate of other bills dealing with health and hospital problems. Looming more and more imminent is the entire health care issue, whose center piece is whether the country needs some kind of extended national health insurance. The consumer movement is now clearly present in the hospital area. And nearly for the first time on a national basis, the consumers of health care, the broad mass of the American people want in on the hospital decision-making process. In a very real sense, what has been largely an area of blind faith in the high order of health and hospital professionalism is now being put on trial. Health and hospitals have become a public issue as never before. A key question is how well the reputation for professionalism in hospitals stand the test under the white heat of public and political scrutiny. Now, what potential patients think of hospital care must be faced by the hospital industry long before they ever go through the throes of being admitted to a hospital.

This study, conducted in considerable depth among a national cross-section of 1,503 adults, 61 key members of congress involved in health legislation, 106 physicians, 29 of the top health insurance company executives, 26 top hospital administrators, and 62 hospital trustees, points clearly to where the focus of action is going to take place as far as hospitals are concerned. We asked each group surveyed who they feel now has major influence over decision-making in hospitals today. Hospitals administrators emerged number one, cited by 65 percent of the public; doctors were next at 58 percent, then medical organizations, such as the AMA, at 49 percent. Further down the list came blue cross and blue shield, 34 percent, and the Federal Government at 32 percent. But, when we asked who should wield influence in the future over decision-making in hospitals, the thrust of public demand is that every one of these elements have less rather than more influence: hospital administrators, down from 65 percent to 49 percent; doctors down from 58 percent to 54 percent; organizations such as the AMA, down from 49 percent to 34 percent; blue cross down from 34 percent to 14 percent; and the Federal Government down from 32 percent to 22 percent.

By contrast, people say they want to see two power centers grow in influence over the key decisions hospitals make: those hospital board members drawn from the community—viewed as an important influence today at 48 percent, but with a preference on the part of a higher 52 percent to have a more central role—and consumer interest groups, now seen as only a minor influence, singled out by 5 percent, but in terms of preference for the future to grow six fold to 31 percent.

Of course, people do not want consumers to take over and run hospitals. In control of quality in hospitals, people clearly recognize that as a job for professionals—doctors and hospital administrators, although it must be noted that board members from the community are also right up there as the public's surrogates on keeping quality in hospitals. Notably, the public does not expect consumer advocates to lead in insuring quality service in hospitals.

The message that emerges from this study loud and clear is that as the hospitals have come full front and center as a major issue, unmistakeably there is a vacuum over who really can be trusted to represent the public interest and to whom hospitals should be ultimately accountable. The public wants that vacuum filled and fast—but not at the sacrifice of professionalism.

Let me also report that the hospital establishment appears to have begun to get the message: Doctors, health insurance executives, hospital trustees, and hospital administrators all think it is both necessary and desirable to give more authority and influence to board members drawn from the community and to consumer interest groups. Members of congress surveyed feel most strongly this way, with the number who want more influence for consumer types rising from a current estimated 11 percent all the way up to 69 percent.

The hospital cost problem is the central issue now besetting the hospital industry, but, as will be seen in a moment, the current relatively high standing of hospitals could be jaded in the future, unless steps are taken to meet some of the pressing issues head on. At the top of the list of costs which have risen most in the past few years is hospital care. The most overpriced item singled out from the same list was again hospital care. The major perceived causes of this spiraling cost are seen as inflation in general, the rise in hospital staff salaries and doctor fees, and the added cost of modern and sophisticated equipment. A majority of 66% of the public, 62% of the congressional sample, 69% of the health insurance executives, and 55% of hospital trustees all think doctors are now overpaid. However, 66% of the doctors themselves and 56% of hospital administrators do not think doctors are overpaid. A higher 69% of the public thinks recent rises in doctors' fees are not justified, a view shared by nearly every other group, except, of course, doctors, 50% of whom feel that increases in their fees have been justified. On hospital charge increases, an even higher 72% of the public thinks they are not justified, a view shared

by 82% of the Members of Congress polled, 90% of the health insurance executives, and 52% of the doctors. However, a 54% majority of hospital administrators and an even higher 66% of the hospital trustees think the increases in charges is justified. Here we can observe the consistent pattern in this study that the ranks of the professionals associated with hospital care are by no means closed or united. Doctors often find themselves isolated from the rest when they fear their ox is being gored, an experience that happens to hospital administrators, when their domain is being threatened.

Rationally, 96% of the public can understand that hospital costs have gone up along with everything else, 88% that hospitals are spending more money than they used to spend on more and better equipment, 78% that patients will want to pay less but still receive the best care no matter how expensive, and 78% that people would spend less on health care if they had to pay for more of it themselves. But the bottom line, rational or not, and mark it well, is found in the 82% who say, "we should be able to get the same quality of hospital care we get now, but at a lower cost." In addition, there is one interesting difference between the public and the special leadership groups surveyed: By 71–19%, a majority of the public agrees with the claim that "better health care, which saves lives and makes the sick healthy, is worth almost any price." However, Members of Congress agree with this emotion-laden claim by only 48–41%, and doctors by no more than 49–42%, while health insurance executives disagree with it by 48–41%. The leadership obviously has passed the point where it is willing to view hospital care as such a sacred cow that any cost for it can be rationalized in the name of saving life.

HOSPITAL COST CONTAINMENT

Well, then, what are some of the ways to contain hospital costs? First, by over ten to one, every group surveyed agrees that "hospitals ought to work together more than they do now to keep costs from rising so fast." Almost as high a majority also favor "providing incentives to hospitals to contain costs."

On price controls over hospitals, a 50–34% plurality of the public favors them, although this shrinks immediately to only 22% who advocate such controls if they don't take into account the differences between the efficiency and quantity of services provided by different hospitals. However, it should be noted that key members of Congress are 72–20% opposed to such price controls for hospitals. It is not surprising that even larger majorities of doctors, health insurance executives, and hospital administrators and trustees oppose price control.

The notion of the Federal Government controlling the amount spent on hospital care by setting a limit on each hospital's annual revenues is rejected by 50–30% by the public and by a higher 75–16% by the Members of Congress surveyed.

Neither the proposed cap on hospital costs nor voluntary efforts meet with much groundswell of backing among the public or the other groups surveyed. But a whole roster of other measures do meet with resounding public and leadership support, all of which are perceived as potential impactors on controlling rises in hospital costs. For example, 86% of the public favors requiring hospitals to use up-to-date management techniques, 78% favor encouraging more people with minor illnesses not to go to a hospital but to stay home and receive treatment, 77% of the public favor the requirement of having a second medical opinion before allowing hospitalization or operations, 76% support having hospitals in an area share equipment and services, 74% back requiring annual management audits of hospitals to review staffing needs and assess the productivity of employees and procedures and routines, 73% favor having admission procedures and medical tests completed before entering the hospital, 73% favor having medical tests done on an out-patient basis, and 71% favor having minor operations without staying overnight (same-day surgery). The only exception the leadership groups take to this roster of reforms are doctors who by 57–37% stand opposed to the patient obtaining a second doctor's judgment about hospitalization or operations.

On the use of shared facilities by hospitals, only in the case of emergency rooms and cardiac care units for heart attacks would the public and leadership take real exception. They would stand still for sharing of kidney dialysis machines, obstetrics and maternity departments, open heart surgery, cancer therapy, and CAT scanner equipment.

This is not to say that in the best of all worlds, people would not prefer to have their hospital to be equipped with all of them. But, they appear to be willing to face minor inconveniences to achieve some cost containment.

On the question of overbedding, whether or not there are more beds in hospitals than are needed and this condition in turn leads to higher costs, by 71–12%, the public does not believe it. Nor do doctors or hospital administrators, although pluralities of every leadership group are willing to see some attrition take place on bed facilities to save costs. The public by 65–21% is not willing. However if a private room costs $10 more than a semi-private room, by 68–26%, most will settle quickly for a semi-private room. Finally, by 85–8%, a lopsided majority of the public favors the increased use of paramedics, who would give them injections and operate hospital machines which are examining them.

What all this adds up to on the pressing cost issue is that both the public and the leadership groups do not see any quick fix, no matter how spectacular, that is likely to set the perceived out of control costs of hospital care right in a hurry. Instead, most hold firmly to the view that there are a series of trade-offs and improved management practices which can be instituted and which hold out the promise of cutting waste and saving on costs while not destroying the quality of hospital care.

PUBLIC CONFIDENCE IN QUALITY OF HEALTH CARE

Now, having just described some of the more ominous shots that are being fired across the bow of hospital institutions, let me try to put these findings in a broader perspective. In terms of public confidence, it is true that 39% of the public expresses a great deal of confidence in doctors and 37% in those running hospitals, which contrasts sharply with only 18% who have high confidence in the Federal Government and a lowly 12% with high respect for congress. But, having said this, to put it all in the proper context, it must also be reported that in the case of doctors, high confidence has dropped from a high of 71% in 1966 all the way down some 32 points to a current all-time low of 39%. Over the same period, Congress has declined in confidence a lesser 29 points, but, then, Congress never did have that far to fall.

Highly important is the fact that sizable majorities of the public express satisfaction with the quality of health care generally, the availability of health care, the concern of doctors and nurses for patients, the quality of health care in hospital emergency rooms, the quality of health care to patients staying in hospitals, the quality of dental care, and their own health insurance. By the same token, majorities are dissatisfied with the cost of health care, the unwillingness of doctors to make house calls, the filling out of forms to claim health insurance, the red tape involved in it all.

However, there is one caveat I would make to those in the hospital industry who might be tempted to take bows based on these numbers. It must be born in mind that your industry is a critically essential mainstay in modern American life. So you will quickly find that you must not apply the same criteria that, for example, is used to determine who can serve in public office in elections, where anything over 50% is golden. The fact that a critical minority of 30% is unhappy with the concern of doctors and nurses for patients could be a worrisome thing, as is the 31% who are negative about health care in emergency rooms, or the 22% who are worried about the availability of health care, or even the 18% who are unhappy about the overall quality of health care. You are in the same invidious position as those who must maintain highways which might be viewed as unsafe 20% of the time or television programs which are usually taken off the air when over 20% of the viewing audience does not like them. I would say that in the health and hospital care field, any negative mass above the 30% mark ought to be viewed as a early warning red flag waving that must be tended to promptly, and you will find yourself in real peril if you ignore it. As one final example, it might be viewed as heartening at a time of high consumer protest that a majority of 52% of the public thinks the quality of care in hospitals is better now than it was 10 years ago, and there is objective evidence to bear this out. But, by the same token, a rather substantial 37% see no improvement or even a deterioration of quality.

There is other news from this in-depth study that is highly encouraging. For example, a clear majority of 52% wants to give a higher priority to preventive medicine than to curative medicine. Over 90% realize that if Americans lived healthier lives, ate more nutritious food, smoked less, maintained their proper weight, and exercised regularly, it would do more to improve our health than anything doctors or medicine could do for us. Perhaps the time is at hand for a massive shift from top priority having been given to the bricks and mortar approach, under which all that was needed were better baskets to catch people and then cure them no matter how they ignore their own health, to a new emphasis that people ought to be charged for medical service on the basis of how much they need to go to visit doctors and hospitals, so a premium is put on patients who take care of themselves getting socked with less of the freight.

As for in-hospital care, there is general high regard for the services rendered by doctors, the housekeeping services, lab tests, and care provided by interns and residents. But significant minorities are not nearly as impressed by the quality of the food and meals, the emergency room service, admissions procedures, and respect and concern for patients as individuals. And majorities are downright critical of the value they receive for the money and the unreasonableness of the fees they are charged. One idea whose time may have come is that people be admitted to hospitals by simply showing a special identification card provided for that purpose.

And, despite the minority criticisms voiced about emergency rooms, by 69–24%, a majority of the public reports that it is sometimes faster to go to an emergency room for treatment than to wait for an appointment with your family doctors. And by 65–26%, the public also feels that if it weren't for the emergency room, many people just would

not have anywhere to go to get adequate medical care.

Substantial numbers of the public are also disturbed about the paucity of information given them in a hospital: by 48–46%, a plurality complains they are simply not told the condition of their health and what is really wrong with them; by 51–43%, they are not given the reasons why various treatments rendered them are prescribed; by 65–30%, a majority has just about given up trying to figure out why they were charged what they were by the hospital and their doctors, only a 59–32% majority feels that they are told why they need the surgery they have, although the 32% minority is not a comfortable number who feel they don't know in the case of surgery.

The syndrome of the past, where in effect people were admitted to hospitals and the process took over with their own participation being to survive the treatment accorded them, is evident in the sharp gulf that separates the public's and leadership's judgments about what potential patients are adequate judges of. By wide margins, the public is convinced that it is capable of judging the quality of health care received in a hospital, how well the doctors are doing their work, how well the hospital is being run, and whether the hospital has enough staff, doctors, and nurses. On all these counts, doctors, hospital administrators, hospital trustees, health insurance executives, and congressmen are just as convinced that the public is not an adequate judge of these matters. I am not a professional in the hospital field and cannot render an objective judgment on this finding. But I will say flatly and categorically that if the perceived lack of public competence to make such judgments becomes an excuse not to pay attention to what the patients are saying and people are not reassured on these dimensions, then just watch out. Those running hospitals just could be courting an incremental rise in consumerism in the hospital field. It is well to remember that 23% of those who have recently been in a hospital said they had complaints and by 59–40%, they remained dissatisfied by the way their complaint was handled. That is a formula for making enemies on a massive scale.

As far as different types of hospitals go, public and veterans hospitals appear to be in the most trouble with both the leadership and the professionals surveyed, while church-run and hospitals owned by professional hospital management companies appear to be best received, although the latter are unknown quality to fully 43% of the public.

FEDERAL REGULATION OF HOSPITALS

Now, as much as people might complain about the current state of hospitals in this country, the prospect of the Federal Government taking over and running the health care and hospital systems in the U.S. is simply rejected by a 58–23% margin by the public. In addition, by 46–38%, a plurality also opposed additional Federal regulation of hospital. When asked if the individual hospital or Government should determine the fees hospitals set, the opening of a new department such as a new maternity ward, or the closing of departments, or the purchase of an expensive piece of equipment, or the total revenues of the hospital, or the number of staff employed by the hospital, majorities of the public opt for letting the local hospital make these choices, instead of having them determined by decisions made under Government regulation. The same pattern prevails in the case of doctors—the fees they charge, the location of their practice, the length of time patients should stay in the hospital, which tests should be administered to patients, and the hospitals to which they admit patients.

What all this adds up to is the fact that as in so many areas of American life today, the hand of Government is perceived in more cases than not to be an essentially dead hand, stultifying initiative, and putting crucial matters in the control of a mindless bureaucracy.

I am firmly convinced that it is precisely this deep distrust and lack of confidence in Government that leads so many people to express qualified satisfaction with the system as it works today. But for those in the hospital industry, such news ought not be taken as a sign that they are home free. The reason is not hard to find. They are just undergoing their first test in broad daylight with the people. Unless they are at least three paces ahead of them all the way, then they will quickly find that as a last resort Government will be turned to. Time of reckoning is at hand. All concerned must seize the initiative and listen carefully to the voices being raised. Your time to act may be shorter than you think.●

PERSONAL EXPLANATION

(Mr. ROBINSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. ROBINSON. Mr. Speaker, during the meeting of the House on Thursday, June 1, 1978, I apparently was temporarily out of range of the bells while engaged in discussion related to business of the Permanent Select Committee on Intelligence during rollcall No. 395 on an amendment in the nature of a substitute to H.R. 12050, to amend the Internal Revenue Code of 1954 to provide a Federal income tax credit for tuition.

Had I been present in the Chamber on that rollcall, I would have voted "no."

On rollcall No. 396 of the same day, I voted for passage of the bill.●

METHODIST CHURCH OF VILLAGE OF NORTH MANLIUS ORGANIZED IN 1830

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. HANLEY. Mr. Speaker, like individual bricks in a great building, the small towns and villages of America have contributed to the unique vitality and appeal of this Nation in many ways. One of the most important is in the area of organized religion.

The small settlements that sprang up near the canals, turnpikes, and natural pathways of 19th century America invariably developed church groups or affiliations as naturally as they did grange halls and political cubs. The Baptist or the Methodist or the Presbyterian Church often became the focal point of social activities, and, many times, they shared the same structures for worship in a foreshadowing of present-day spirit of ecumenism.

Such is the origin of the Methodist Church organized in 1830 in the village of North Manlius, just a few miles northeast of present-day Syracuse, New York.

Though organized in 1830, the Church was without its own building, so the Presbyterians generously offered their church, built in 1817, to both the Methodists and Baptists.

The village itself, settled about 1790, was on the natural pathway to and from huge Oneida Lake to the interior of central New York. It was not until 1853, when local surveyor John Adams donated land, that the Methodist Church was erected.

It is noted that Mr. Adams and party of men cut virgin timber across Oneida Lake, some 12 miles away, in winter, and carried the timber across the frozen lake by sled. A plaque above the church door commemorates the architect as N. Moses, and the builder as J. B. Schaick.

It is this particular achievement of 125 years ago, culminating in the construction of their first church building, which will be formally celebrated on June 17, 1978.

As nearby communities began to grow and develop their own church groups, the North Manlius Church became the parent church lending a helping hand in initial organization, and even aided the fledgling Syracuse University in the early 1870's.

Due to the ambitious quilting work of the ladies, it was often identified as "the quilting church."

In 1951, following complete destruction of their building by fire, the Baptist congregation joined with the Methodists to form the North Manlius United Church.

Participating in the observance of this 125th anniversary will be the Rev. Edgar Klatt, denominational evangelist for the North American Baptist General Conference from Edmonton, Alberta, Canada, and four former pastors will be guests: Rev. Sheldon Stephenson, Rev. Paul deMeuerers, Rev. John Wood, and Rev. Richard Vogel.

On the following day, June 18, the Rev. Bishop Joseph Yaekel will deliver the anniversary sermon. The church will be open all day for the celebration, with an old-fashioned picnic lunch. Pictures, old records, and memorabilia will be on display.

With this celebration, the congregation reaffirms the faith held for 125 years that the North Manlius Church is a vital and honored church serving the Lord and the community.

Mr. Speaker, I join in that reaffirmation.●

TAX EQUITY AND THE STEIGER AMENDMENT

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. MIKVA. Mr. Speaker, a few weeks ago, on April 15, most of us went through the annual ritual of completing our 1977 tax returns. That is never a pleasant task, but most Americans do it faithfully and honestly because it is an important responsibility in a democratic society, and because it is a responsibility shared by all Americans.

I wonder what the reaction of last month's taxpayers would have been had they known that some Americans earn-

ing $100,000 or $200,000 or even $1 million were not paying any taxes? I think most Americans would have been justifiably outraged by such an obvious injustice.

The possibility of that fact occurring next April 15 is a certainty, however, if the Congress agrees to accept the amendment offered by Congressman BILL STEIGER to the tax cut package presently before the Ways and Means Committee. This amendment—and similar amendments by others—would remove the capital gains preference income from the individual and corporate minimum tax, extend the lower alternative capital gains tax to individual and corporate capital gain income in excess of $50,000, and liberalize the treatment of capital losses, at a total revenue loss of well over $2 billion.

The amendment is being described as a capital formation tool, but it is in reality a gutting of the minimum tax and a tax bonanza for the wealthiest two-tenths of 1 percent of the taxpayers in the country. The minimum tax was enacted because the public was incensed at reports of people with large earnings escaping the responsibility of paying taxes through the use of tax preferences. The Steiger amendment would roll back the code to its previous inequity.

Prior to adoption of the minimum tax—and the amendments to it in 1976—tax preferences enabled 532 people filing individual returns to list adjusted gross incomes (AGI) above $100,000 and to pay no Federal income tax. Included in that group were 17 individual returns listing AGI above $1 million with no tax liability. The minimum tax subjected some of those preferences to taxation and has helped to reduce significantly this kind of gross tax avoidance. The single most important element in the minimum tax is the capital gains preference income which comprises 82 percent of the minimum tax collected. Therefore, excluding capital gain from the minimum tax as proposed by Congress STEIGER is tantamount to repeal of the minimum tax and a return to the time when wealthy people could avoid taxes. Moreover, it would be a signal to the great majority of middle-class taxpaying Americans that this Congress supports special preferential tax treatment for the very affluent.

Mr. Speaker, I think it is totally inadequate and inaccurate to cloak a repeal of the minimum tax in the mantle of capital formation. I do not favor repealing the capital gains preference tax which proponents of capital formation argue is so vital to our economy, but neither do I favor letting millionaires use the preference to escape from paying any tax. It is this basic question of fairness—all people paying something—that is at issue in the Steiger amendment—not capital formation.

I am enclosing a table prepared by the Joint Committee on Taxation which graphically shows the complete inequity of the Steiger amendment. Removal of the untaxed half of capital gains from the minimum tax provides more than $630 million in tax cuts for people with incomes above $200,000, and an additional $210 million in cuts for people with incomes above $100,000. This astounding act of generosity to the people who least need tax relief is compounded by the other major aspects of the Steiger amendment.

In addition to the minimum tax changes, the extension of the lower capital gains rate to gains in excess of $50,000 offers those with incomes above $200,000 an extra $400 million of tax cuts. In fact, this provision concentrates 97 percent of its tax advantages on people earning more than $200,000 a year. The total effect of the Steiger amendment is to direct close to 68 percent of its $1.8 billion of individual tax relief to those with income of more than $100,000, and 56 percent of the benefits to people with incomes above $200,000.

Mr. Speaker, I question whether this is the kind of "targeted" tax relief most Members of Congress have been endorsing when they meet with disgruntled constituents back home. And, I wonder how we will explain to our constituents that in order to provide tax relief for millionaires, we will have to increase the deficit by more than $2 billion or raise their taxes to make up for the revenue loss. I am not sure what the answers to those questions are, but I am sure that the answer is not to say that we must give $1.2 billion of tax relief to the wealthiest two-tenths of 1 percent of the population in order to spur capital formation.

Mr. Speaker, I suggest that the simplest answer is to say "no" to the Steiger amendment; and to say that the Congress thinks it is vital to go on record in opposition to special treatment for the wealthy. I firmly believe that if the Members of Congress examine this distribution table, and talk to their constituents, they will come to the same conclusion.

DISTRIBUTION OF STEIGER H.R. 12111 AS IT AFFECTS INDIVIDUALS' 1978 INCOME LEVELS

Expanded income	Alternative tax		Minimum tax		Capital losses		Total (millions)	Percentage distribution
	Returns (thousands)	Amount (millions)	Returns (thousands)	Amount (millions)	Returns (thousands)	Amount (millions)		
Below $5,000			$3	−$6	$27	−$1	−$7	0.4
$5,000 to $10,000			(1)	(1)	130	−13	−13	.7
$10,000 to $15,000			1	(1)	187	−22	−22	1.2
$15,000 to $20,000			11	−3	197	−30	−33	1.8
$20,000 to $30,000			30	−14	400	−64	−78	4.2
$30,000 to $50,000			99	−66	357	−84	−150	8.0
$50,000 to $100,000	(1)	(1)	126	−225	162	−54	−279	15.0
$100,000 to $200,000	(1)	−$13	50	−210	32	−13	−236	12.7
$200,000 and over	$14	−406	22	−637	6	−3	−1,046	56.1
Total	15	−420	340	−1,161	1,500	−284	−1,865	100.0

1 Less than 500 returns or $500,000.

TRIBUTE TO THE MEMORY OF ROBERT F. KENNEDY ON THE 10TH ANNIVERSARY OF HIS DEATH

(Mr. O'NEILL (at the request of Mr. GAMMAGE) was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. O'NEILL. Mr. Speaker, I join my distinguished colleagues in tribute on the 10th anniversary of the untimely death of Senator Robert F. Kennedy.

Today, 10 years after the unnatural death of Robert F. Kennedy, his heroic spirit continues to be a guiding light for all the people he championed during his life. His public career was tireless dedication to helping the poor, the dispossessed, the blacks, and to all people less fortunate than he. Senator Kennedy could have selected a life of social convenience which would have been a life of noninvolvement in public service but, it was not in the indomitable spirit of this man to shun his unquenchable appetite of a life of adventure. His commitment to life was in aiding others to improve their status. To help them fulfill the American dream. He helped others by using his energy and passion for improving life as he saw it. He made America a better place to live in by fighting racial injustice with courage that was tempered with compassion. He tried to have people understand that by lowering the barriers of discrimination a greater human spirit develops that makes the world a better place. His devotion to justice was fortified with a fearless pursuit of the right that he echoed constantly for the cries of the poor, the oppressed, the silent, and the ignored. He saw clearly the ills, the inequities, and the injustices in society and set as his public and personal goals to end them. This need to help others arose innately from the character of the man, from his resolute sense of duty which was imbued with a strong sense of morality and compassion. The people who came in contact with him knew instinctively that he cared for them, that he was their friend and they reached out to him. He gave people who

were economically and socially deprived hope through his actions. As a man of action, he challenged the youth of his day to reaffirm their lives to improving the world through social action. He extorted them to seek change in a world that yields to change slowly. Indeed, this man's life for action has etched an indelible symbol for all people in public and private life to respectfully emulate. His life is a tribute to all men and women who strive to live with moral conviction and who strive with courage and sensitivity to try to solve the greatest problems of our time.

In closing, it seems appropriate to cite a quote adapted from George Bernard Shaw that Senator Robert Kennedy was fond of using during his political campaigns. It is as follows:

Some men see things as they are and say, "Why?" I dream things that never were and say "Why not?"

As we continue our struggles against social injustices in this world, let us not forget, in the memory of Senator Robert F. Kennedy, to ask, "Why not?"●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. COTTER (at the request of Mr. WRIGHT), for today, on account of a death in the family.

Mr. DENT (at the request of Mr. WRIGHT), for today, on account of illness in the family.

Mr. FOUNTAIN (at the request of Mr. WRIGHT), until 12:45 p.m. today, on account of official business.

Mr. NEDZI, for June 7, 1978, through June 16, 1978, on account of official business.

Mr. RODINO (at the request of Mr. WRIGHT), for today, on account of illness in the family.

Mr. STUMP (at the request of Mr. WRIGHT) for today, on account of official business

Mr. YOUNG of Alaska (at the request of Mr. RHODES), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PURSELL) and to revise and extend their remarks and include extraneous matter:)

Mr. SARASIN, for 5 minutes, today.

Mr. BURKE of Florida, for 5 minutes, today.

Mr. WAMPLER, for 5 minutes, today.

Mr. MCKINNEY, for 5 minutes, today.

(The following Members (at the request of Mr. GAMMAGE) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. DRINAN, for 5 minutes, today.

Mr. REUSS, for 30 minutes, today.

Mr. STAGGERS, for 5 minutes, today.

Ms. HOLTZMAN, for 5 minutes, today.

Mr. CARR, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MOORHEAD of Pennsylvania, and to include extraneous matter, on H.R. 12426, in the Committee of the Whole today.

Mr. STEIGER and to include extraneous matter.

(The following Members (at the request of Mr. PURSELL) and to include extraneous matter:)

Mr. FINDLEY in two instances.

Mr. DERWINSKI.

Mr. ASHBROOK in two instances.

Mr. WYLIE.

Mr. SARASIN in two instances.

Mr. RUDD.

Mr. WIGGINS.

Mr. TRIBLE.

Mr. FORSYTHE.

Mr. BADHAM in two instances.

Mr. GRASSLEY.

Mr. GILMAN.

Mr. KEMP.

(The following Members (at the request of Mr. GAMMAGE) and to include extraneous material:)

Mr. LUKEN.

Mr. DENT in two instances.

Ms. KEYS in two instances.

Mr. PEPPER in three instances.

Mr. GONZALEZ in three instances.

Mr. ANDERSON of California in three instances.

Mr. BLOUIN.

Mr. TEAGUE.

Mr. ADDABBO.

Mr. CLAY.

Mr. FORD of Michigan.

Mr. WOLFF.

Mr. UDALL.

Mr. BENNETT.

Mr. LAFALCE.

Mr. RISENHOOVER.

Mr. HAMILTON.

Mr. BOLAND.

Mr. SOLARZ.

Mr. RANGEL in two instances.

Mr. DRINAN.

Mr. FOLEY.

Mr. MCDONALD.

ADJOURNMENT

Mr. GAMMAGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 27 minutes p.m.) the House adjourned until tomorrow Wednesday, June 7, 1978, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4326. A letter from the Assistant Secretary of Defense (Comptroller), transmitting notice of the intent to obligate certain funds available in the Army Stock Fund for war reserve stocks, pursuant to section 835 of Public Law 95–111; to the Committee on Appropriations.

4327. A letter from the Assistant Secretary of the Navy (Manpower, Reserve Affairs and Logistics), transmitting notice of the proposed transfer of the obsolete destroyer ex-*Laffey* (ex *DD–724*) to the State of South Carolina represented by the Patriots Point Development Authority, Charleston, S.C., pursuant to 10 U.S.C. 7308(c); to the Committee on Armed Services.

4328. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Navy's proposed sale of certain defense equipment to Saudi Arabia (transmittal No. 78–48), pursuant to section 813 of Public Law 94–106; to the Committee on Armed Services.

4329. A letter from the Deputy Assistant Secretary of the Interior, transmitting notice of the Secretary's determination that certain lands in the States of Oregon, Colorado, Wyoming and Idaho are not suitable for disposal under the provisions of the Unintentional Trespass Act, pursuant to section 214 (b) of Public Law 94–579; to the Committee on Interior and Insular Affairs.

4330. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense equipment to Saudi Arabia (transmittal No. 78–48), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

4331. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense services to Saudi Arabia (transmittal No. 78–51), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

4332. A letter from the Acting Secretary of Commerce, transmitting an interim report on the implementation of the Olympic Winter Games Authorization Act of 1976, covering the period September 28, 1976, through February 15, 1978, pursuant to section 7(a) of the act; to the Committee on Interstate and Foreign Commerce.

4333. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

4334. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(2) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LONG of Louisiana: Committee on Rules. House Resolution 1218. Resolution waiving certain points of order against H.R. 12930. Making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1979, and for other purposes (Rept. No. 95–1271). Referred to the House Calendar.

Mr. SMITH of Iowa: Committee on Small Business. Report on Food and Drug Administration's food labeling regulation: Its ef-

fect on small business (Rept. No. 95-1272). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLOUIN:

H.R. 12985. A bill to amend the Internal Revenue Code of 1954 to make the investment tax credit applicable to certain buildings and their structural components and to make permanent the 10 percent investment tax credit; to the Committee on Ways and Means.

By Ms. KEYS:

H.R. 12986. A bill to amend the Coinage Act of 1965 to change the size, weight, and design of the $1 coin, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. McKINNEY (for himself and Mr. LUKEN):

H.R. 12987. A bill to amend the Internal Revenue Code of 1954 to allow an individual to exclude from gross income the gain from the sale or exchange of the individual's principal residence; to the Committee on Ways and Means.

By Mr. MURPHY of New York (for himself, Mr. BREAUX, Mr. UDALL, Mr. KAZEN, Mr. ZABLOCKI, Mr. BINGHAM, Mr. FRASER, Mr. PRITCHARD, and Mr. DERWINSKI):

H.R. 12988. A bill to promote the orderly development of hard mineral resources in the deep seabed, pending adoption of an international regime relating thereto; jointly to the Committees on Interior and Insular Affairs, International Relations, Merchant Marine and Fisheries, and Ways and Means.

By Mr. PANETTA (for himself, Mr. ANDERSON of California, Mr. ARMSTRONG, Mr. CLEVELAND, Mr. DOWNEY, Mr. EDWARDS of Oklahoma, Mr. GEPHARDT, Mr. HUGHES, Mr. McCORMACK, Mr. McDONALD, Mr. PATTERSON of California, and Mr. WRIGHT):

H.R. 12989. A bill to disregard, for purposes of certain taxes imposed by the Internal Revenue Code of 1954 with respect to employees, certain changes since 1975 in the treatment of individuals as employees; to the Committee on Ways and Means.

By Mr. PERKINS:

H.R. 12990. A bill to amend the Railroad Retirement Act of 1974 to provide that certain additional military service shall be deemed part of the years of service of an individual for the computation of certain annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE (for himself and Mr. BOB WILSON) (by request):

H.R. 12991. A bill to amend section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1)) to provide greater training flexibility for Reserve officers ordered to active duty for training for not more than 6 months by deleting the requirement that they be ordered to active duty for not less than 3 months; to the Committee on Armed Services.

H.R. 12992. A bill to amend chapter 55 of title 10, United States Code, to authorize the use of CHAMPUS in patient cost-sharing rates for surgery performed on an outpatient basis; to the Committee on Armed Services.

By Mr. ROE (for himself, Mr. JOHNSON of California, Mr. HAMMERSCHMIDT, and Mr. HARSHA) (by request):

H.R. 12993. A bill to amend the Public Works and Economic Development Act of 1965, as amended, to provide public works employment for the long-term unemployed, and for other purposes; to the Committee on Public Works and Transportation.

H.R. 12994. A bill to amend the Public Works and Economic Development Act of 1965, as amended; to the Committee on Public Works and Transportation.

H.R. 12995. A bill to authorize the appropriation of funds to provide for additional administrative expenses associated with the implementation of the Local Public Works Capital Development and Investment Act of 1976, as amended; to the Committee on Public Works and Transportation.

By Mr. ROSE (for himself, Mr. PREYER, Mr. FOUNTAIN, Mr. WHITLEY, Mr. HEFNER, Mr. ANDREWS of North Carolina, Mr. BROYHILL, Mr. NEAL, Mr. MARTIN, and Mr. JONES of North Carolina):

H.R. 12996. A bill to establish an administrative procedure and guidelines to be followed by the Department of the Interior in its decision to acknowledge the existence of certain Indian tribes; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of Iowa (for himself and Mr. CONTE) (by request):

H.R. 12997. A bill to amend the Small Business Act to increase the maximum allowable compensation and travel expenses for experts and consultants; to the Committee on Small Business.

By Mr. WHITEHURST:

H.R.12998. A bill to provide a basic allowance for quarters for certain members of the armed services while on field or sea duty; to the Committee on Armed Services.

By Mr. BRINKLEY:

H.R. 12999. A bill to disregard, for purposes of certain taxes imposed by the Internal Revenue Code of 1954 with respect to employees, certain changes since 1975 in the treatment of individuals as employees; to the Committee on Ways and Means.

By Mr. BURKE of Florida:

H.R. 13000. A bill to amend title 39 of the United States Code to provide free postal service to the States and political subdivisions thereof for the mailing of sample ballots in connection with elections conducted by such States and political subdivisions; to the Committee on Post Office and Civil Service.

By Mr. JOHN L. BURTON (for himself, Mr. DERWINSKI, Mr. EILBERG, Mr. GARCIA, Mr. HARKIN, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. PRICE, Mrs. SPELLMAN, Mr STARK, Mr. TREEN, and Mr. TRIBLE):

H.R. 13001. A bill to amend the Congressional Budget Act of 1974 to prevent the shifting of fiscal burdens to State and local governments; to the Committee on Rules.

By Mr. BYRON:

H.R. 13002. A bill to amend the Internal Revenue Code of 1954 to provide, for purposes of the deduction for real property taxes, that certain assessments on real property which are used to provide municipal-type services shall be treated as real property taxes; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.R. 13003. A bill to provide that certain rules which relate to firearms and which are proposed by or for the Bureau of Alcohol, Tobacco and Firearms shall be subject to public comment for not less than 120 days and to veto by either House of Congress; jointly, to the Committees on the Judiciary, Ways and Means, and Rules.

By Mr. BURKE of Massachusetts (for himself, Mrs. HECKLER, and Mr. CUNNINGHAM):

H.J. Res. 961. Joint resolution to amend the Coinage Act of 1965 to change the size, weight, and design of the $1 coin, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LATTA (for himself, Mr. GRADISON, Mr. TUCKER, and Mr. CHARLES WILSON of Texas):

H.J. Res. 962. Joint resolution designating the composition known as "The Stars and Stripes Forever" as the national march of the United States; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

425. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the issuance of a postage stamp commemorating the land of Sir Francis Drake in California in 1579, to the Committee on Post Office and Civil Service.

426. Also, memorial of the Legislature of the State of Louisiana, relative to forgiveness of SBA loans to victims of flooding in Louisiana on May 2, 1978; to the Committee on Small Business.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRON:

H.R. 13004. A bill for the relief of Charlotte F. Worgan; to the Committee on the Judiciary.

By Mr. FAUNTROY:

H.R. 13005. A bill for the relief of Alix Fils-Aime; to the Committee on the Judiciary.

By Mr. MOORHEAD of California:

H.R. 13006. A bill for the relief of Jesse Kuo Tang and Sharon Kuo Tang; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

474. By the SPEAKER: Petition of Oil Capital Barracks No. 3075, Veterans of World War I of the U.S.A., Inc., Tulsa, Okla., relative to pensions for World War I veterans and widows; to the Committee on Veterans' Affairs.

475. Also, petition of the Monroe County Legislature, Rochester, N.Y., relative to tuition tax credits; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 12929

By Mr. STOKES:

—On page 39, strike out lines 14 through 17.

H.R. 12929

By Mr. WALKER:

—Page 46, immediately after line 12, insert the following new section:

SEC. 410. No part of any appropriation contained in this Act may be obligated or expended in connection with the issuance, implementation, or enforcement of any rule, regultaion, standard, guideline, recommendation, or order which, for purposes of compliance with any ratio, quota, or other numerical requirement related to race, creed, color, national origin, or sex, requires any individual or entity to take any action with respect to (1) the hiring or promotion policies or practices of such individual or entity, or (2) the admissions policies or practices of such individual or entity.

H.R. 12930

By Mr. MITCHELL of New York:

—Page 26, line 19, strike out "$77,000,000" and insert in lieu thereof "$93,400,000".

—Page 27, line 5, strike out "$19,500,000" and insert in lieu thereof "$43,600,000".

EXTENSIONS OF REMARKS

NO MERIT IN SUGARMAN PLAN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. DERWINSKI. Mr. Speaker, as ranking member of the Post Office and Civil Service Committee, I have been deeply concerned over the obvious problems inherent in the Sugarman plan. Given the aloofness of top level bureaucrats, typified by Mr. Sugarman, along with the "we know best" mentality involved in this approach, the implementation of this plan will in the long run harm the civil service.

The basis for promotion in the civil service should be on merit. Any form of a quota system is bound to have a negative effect on the services rendered to the public. This point is very appropriately presented in an editorial in the Washington Star of June 2. I insert it at this time for the Members' attention:

NO MERIT IN SUGARMAN PLAN

President Carter's civil service "reform" plan has received wide publicity and comment but there has been a curious lack of attention to another proposed program—the Sugarman plan—that could have significant and, we think, deleterious effects on the federal service.

The plan, disclosed several months ago by *The Star's* federal columnist, Joseph Young, was drafted by Jule Sugarman, who was appointed to the Civil Service Commission by President Carter and currently is the CSC's vice chairman. It is designed to bring more women and minorities into middle and upper level government jobs by allowing them to bypass regular merit hiring procedures.

The plan calls for the Civil Service Commission to survey various types of government employment and determine if minorities or women are "under-represented" in them. If the CSC decides there is under representation, it could set aside up to 20 percent of the jobs in each category for "special emphasis" hiring.

Under tihs special hiring, minority and women applicants would not have to take regular civil service exams but would be evaluated by a team of "experts" trained by the CSC. Those who passed muster would be placed in the jobs for a probationary period of two years, after which they would be eligible for permanent civil service status.

Although the aim of opening more opportunities for minorities and women is commendable, there are several things wrong with the Sugarman plan.

It is a "quota" system pure and simple. No amount of sugar coating can disguise it. Setting aside large blocks of jobs for women and minorities is not setting "goals"—a favorite expression of HEW Secretary Joseph Califano—it is establishing a firm number of jobs from which certain people are to be barred and for which certain others are to be hired.

The quality of the federal service is likely to drop. Middle and upper level jobs are not run of the mill employment. In many, if not most, cases they are supervisory posts. On the face of it, the aim of the Sugarman plan is to allow the employment of applicants who can't score high enough on competitive civil service exams. Really, does the public want people running government programs who can't pass civil service exams?

Promotion opportunities for present employees would be curtailed. Most of the set-aside jobs presumably would be filled by people not now government employees, which means that many present employees trying to work their way up—including minority workers and women—would be stymied.

The potential would be there for political abuse. With large blocks of jobs taken out of the regular hiring channels, what's to prevent an administration from filling them with political appointees? We've seen no figures on how many jobs might come under the Sugarman plan but undoubtedly many thousands would be involved.

Civil Service officials had hoped to have the Sugarman plan in operation this month on an experimental basis but apparently it is running into some snags and there is talk of a two-month delay. It ought to get snagged permanently.●

CAMBODIA

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. WYLIE. Mr. Speaker it is with some sense of urgency that I feel compelled to protest the artrocities being perpetrated by the Government of Cambodia. A sense of moral responsibility, as well as the common bonds of humanity, requires me to declare my outrage at the systematic slaughter of innocent people being carried out by the Cambodian regime.

While a shroud of mystery has encompassed Cambodia since entry into the country was barred 3 years ago, thousands of refugees who have escaped relate tales of terror and devastation which indict the Cambodian Government by any measure of human dignity and freedom. Supporters of the previous regime, and indeed persons in all walks of life, have fallen victim to the savage killings in Cambodia. Even those fleeing across the borders have been gunned down mercilessly. A constant sense of fear pursues those who remain. The Cambodians have been driven from their cities, families have been separated, summary executions have become common practice. The government seems determined to force its conception of organization upon the people by destroying all traces of the previous regime and social framework according to reliable information being disseminated through the news media.

As a nation dedicated to the promotion of basic human rights, we as a people, must move to make public our abhorrence of the murderous policies of the Cambodian regime. Our lack of diplomatic or economic ties frustrates our efforts to manifest our condemnation tangibly, and intercession through the People's Republic of China, which does have ties with Cambodia, is blocked due to the same lack of formal diplomatic relations. This must not, nevertheless, prevent us from exposing the brutality of the present regime and our total rejection of its egregious abuses of internationally recognized human rights.

Reports of such persecutionary practices as those of the Cambodian Government instantly bring to mind the crimes of Nazi Germany. Because those terrors remain etched indelibly in our consciousness, we carry the responsibility to censure any regime whose policies demonstrate a flagrant disregard for fundamental human freedoms.

So that our position may not be taken as one of acquiescence, we must make known our repulsion to such abuses. Our protest against the Cambodian regime must reaffirm our conviction that any government which attempts to control its citizenry through total repression cannot survive.●

GREGORY WITTINE—EAGLE SCOUT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. WOLFF. Mr. Speaker, I rise today to pay tribute to Gregory Wittine, who, after enormous determination on his part, will be awarded an Eagle Scout badge on June 9. Greg has multiple handicaps as the result of being afflicted with cerebral palsy. In spite of these obstacles, he has fulfilled the necessary requirements to earn an Eagle Scout badge. This included a 10-mile hike, part of which Greg accomplished by crawling on his hands and knees.

Unfortunately, for a while it seemed as though Greg's extraordinary efforts had been in vain. The National Council of Boy Scouts of America overruled the decision of the local Eagle Scout Review Board on the ground that a Boy Scout cannot advance in rank beyond his 18th birthday and Greg was 22 years of age. I was asked by Greg's scoutmaster, who is a constituent of mine, to look into this denial by the National Council. I informed the National Council that its policy was understandable as a general rule, but when applied to this case was unnecessarily harsh.

I was, therefore, pleased to learn that the Boy Scouts have recently changed their regulations and have removed any age limit for handicapped scouts. I believe that this enlightened new policy will encourage many handicapped Scouts to continually strive to achieve knowing that their efforts will no longer be administratively frustrated.

Mr. Speaker, individuals are always

confronted with challenges. Some shrink from the task for want of incentive or for lack of inspiration. I believe that Greg's efforts and accomplishment should be an inspiration and incentive to us all and should serve as a reminder that adversity need not be an impediment to achievement; it can also be an opportunity to excel.●

MISSOURI LAST IN SCHOOL FUNDS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. CLAY. Mr. Speaker, a recent study by the National Education Association has made some disturbing disclosures with respect to the school system in the State of Missouri.

These startling revelations outlined in the article below evidence the distance we must go if we are to fulfill our obligation to our most valuable resource—our children:

STUDY SHOWS MISSOURI LAST IN SCHOOL FUNDS

(By Eric L. Zoeckler)

Although Missouri ranks in the top third of the 50 states in personal income, it is dead last in the share of that income spent to aid local schools, a teachers organization study shows.

The study, undertaken by the National Education Association, also discloses that the state's ranking in financial support for public schools has slipped in several other categories, even though the amount spent has increased.

The survey disclosed that Missouri ranks 15th in terms of personal income but last in the percentage of that income—3.9 percent—going to public schools.

"It is difficult to understand why Missouri, with the nation's 15th-largest school population and an identical ranking in terms of personal income, is so obviously reluctant to make a more appropriate investment in the education of its youth," commented Clarence Siebert, president of Missouri-NEA, the state affiliate of the national teachers organization.

A newly enacted state school aid formula increased the amount spent per pupil annually in Missouri by $125 to $1,425. But the increase was too small to keep the state's ranking in that category from slipping three places to 36th, the survey showed.

The $50 million increase in state aid to local schools under the new formula apparently was a "too little, too late effort," said Siebert.

"The gap continues to grow," he said. "The question Missouri now faces is, 'Can we ever catch up?' "

The study also showed that the average teacher's salary in Missouri is $12,357, about $1,900 less than the national average. The state's ranking in that category dropped one place, to 33rd, Siebert said.

In 1966, the state's average teacher salary of $5,773 a year was within 11 percent of the national average and ranked 28th in the nation, Siebert said.

Although the St. Louis area is considered one of the wealthiest in the state, many districts fall below the national average in the amount spent for each pupil.

Although the average of $1,500 spent for each pupil in St. Louis County in the 1976–1977 school year was just $64 below the national average, 11 of the 23 regular county districts spent less than the national average.

Those districts were Bayless, Hancock Place, Hazelwood, Lindbergh, Maplewood-Richmond Heights, Mehlville, Normandy, Parkway, Ritenour, Riverview Gardens and Rockwood.

Despite the new state aid formula, the amount contributed by local districts to finance public schools still remains at about 56 percent, up 7 percent from three years ago.●

PERSECUTION OF THE SLEPAKS

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. UDALL. Mr. Speaker, I have joined many of my colleagues today in signing a letter to President of the Soviet Union, Leonid Brezhnev, protesting the treatment of Vladimir Slepak and his family by the Soviet police. Representative WAXMAN has taken the lead in this matter, and I commend him for it.

The Slepaks were violently arrested by Moscow police last week after they had hung a banner from the balcony of their apartment. The banner read: "Let us go to our son in Israel." In an open, democratic society, such a plea would be unnecessary, as freedom of emigration has long been regarded as one of the basic rights of every citizen. Only in countries like the Soviet Union, where human rights are consistently disregarded, would police storm into a private apartment, rip down a banner with a seemingly innocuous message, violently seize the "culprits," and spirit them away to the station house. According to one report, the police even resorted to pouring boiling water on the Slepaks from the apartment above.

Slepak is a member of the Soviet group organized to monitor the performance of the Government of the Soviet Union on the provisions of the Helsinki Accords, signed in 1975. Those accords pledged the signatory nations to honor the political rights of their citizens, including the right to be united with their families, even if that necessitated emigration. It is ironic indeed that the very group which is trying to encourage the Soviet Government to honor its pledges is showing the world that the U.S.S.R. has no intention of improving its past poor performance on human rights. The fact that the Soviet Government has chosen to persecute this group, when it must know that such an action will attract the attention of the world, shows me that the Soviets care little about the reaction in this country to this consistent, willful violation of its promises. And it makes me wonder just how much the Soviet Union values its continued economic and technological relations with the United States.

I fully support moves that President Carter may take to impress upon President Brezhnev the concern we all have with these actions of the Soviet Government. The letter we have signed to President Brezhnev will let him know of our strong feelings.●

PANAMA CANAL

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. PEPPER. Mr. Speaker, often we get little reaction from voters on many issues and problems such that it is interesting to hear from citizens who have particularly strong feelings about an issue. Mrs. Roberta Lunkenheimer, such a citizen, has requested the publication in the CONGRESSIONAL RECORD of a poem she has authored concerning the Panama Canal. I appreciate Mrs. Lunkenheimer's own civic contribution, and as requested offer it for the RECORD:

OUR CANAL

From a mosquito infested swampland
Our Canal was cut across
An Isthmus to the south of us
At considerable human loss.

Brave Frenchmen, led by Count de Lesseps
Had, some twenty years before,
Tried the monstrous undertaking—
Mosquitos felled them by the score.

So de Lesseps, who was successful,
On Egypt's shifting sand,
Had to forsake swamps and mountains
And return to his own land.

Abandoned were his hopes of conquest,
Defeated by the wild terrain;
But along came Teddy Roosevelt—
To the wreckage he laid claim.

Out of the chaos he brought order,
But the colossal task embraced
Was not accomplished in a fortnight,
'Tho he proceeded with much haste.

But the speed was laced with caution—
There were Treaties to be made;
And many facts to be considered
E'er the ground work could be laid.

Senator Spooner from Wisconsin
Authored the great Spooner Act,
Which guaranteed U.S. ownership
Of all land in the Zonal tract.

Taxpayers of this glorious Nation,
The French Canal Company paid
$40 million in gold dollars;
In 1902 the deal was made,

Then to the Government of Panama,
When the Colombians rejected it,
$10 million for construction rights;
And cash for Natives, bit by bit.

An annuity of $250 thousand,
Which has nothing to do with rent,
Was agreed upon for railroad fares;
Now $2.3 million is spent.

Then in nineteen-twenty-one, to Colombia,
$25 million was paid;
This we didn't have to do—
We took their land, they said.

All this adds up to an enormous sum—
$161 million;
But our cost to the present date
Is almost $7 billion.

But what of the Treaties our Country made,
And Panama's Revolution?
She'd had trouble with Colombia—
Cessation was the solution.

But Panama needed financial help,
So Manuel Amador Guerrero
Called on Cromwell in New York,
And later became a hero.

For 'twas this frail and venerable Doctor
Who sought the needed aid;
And although Cromwell tricked him,
More valid plans were made.

'Twas then he met Phillippe Bunau/Varilla,
A brilliant de Lesseps engineer,
Who then arrived in Manhattan,
And readily lent an ear.

He worked tirelessly toward harmonizing
All the dissenting factions,
Reclaiming part of France's loss
Along with his other actions.

For Bunau/Varilla and Secretary Hay,
Acting for the U.S.A.
Authored the Treaty of 1903
That is legal even to-day.

And tho' a Frenchman, Varilla became
Ambassador for Panama;
Amador was the first President,
And Colombia had to withdraw.

The Revolution was won by Panama
With only a single life lost,
While the U.S. gunboat Nashville
Stood silently off the coast.

However, this action was nothing new—
We owned a railroad there;
And Revolutions were common place,
But in this we had a share.

So all Treaties were signed, money exchanged,
And arguments pro and con,
Preceded the great performance,
And the eventual victory won.

For ten years the unknown labored,
Directed by those who found fame—
Stevens, Goethals, Gorgas and "Teddy"
All deserve great acclaim.

Then there are the tax payers of that time,
Without whom it couldn't have been;
Mothers and wives whose men went forth
Never to return again.

Our treasured possession to the south of us
Can never be replaced,
But the enemy counts it for his own—
And reality must be faced.

But what of the years the United States,
Imparted favor to none?
Keeping the Canal open for all,
It has been efficiently run.

Do lives, money and tenure mean naught
In Universal opinion?
Must we be forced to feed the world
While surrendering dominion?

Nay, that for which our forefathers died
Should be kept whatever the cost,
For if freedom is taken away
The whole world will be lost.

But the battle is really not ours alone;
God will help if we but ask;
If applied, II Chronicles, seven, fourteen,
Is the answer for our great task.

Mrs. Roberta Lunkenheimer, Copr. Sept. 7, 1977.●

PERSONAL EXPLANATION

HON. MARTHA KEYS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Ms. KEYS. Mr. Speaker, on Friday, June 2, 1978, I was unavoidably absent from the House. Had I been present, I would have voted on matters coming before the House as follows:

"Nay" on rollcall No. 403, an amendment to H.R. 12157 that strikes language exempting the People's Republic of China from the provision requiring a Presidential determination before the Bank may do business in a Communist country.

"Nay" on rollcall No. 404, an amendment to H.R. 12157 that sought to strike the language prohibiting the Bank's participation in transactions in the Republic of South Africa.●

SWEDISH IMMIGRATION—LIBERALISM FAILS AGAIN

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. ASHBROOK. Mr. Speaker, a lead in a Washington Post article last year read, "Immigration Produces Racial Tension, Swedes Find." Could anyone but a liberal write something that naive about anyone but other liberals? Immigration has led to major racial confrontations in Britain and in most other countries, yet liberals act like it just does not happen or will not happen. Their theories rarely are vindicated by what happens in actual practice.

Sweden has lectured the world for many years on morality of every description. Its policy toward communism has been that which, when practiced by the United States in the late 1940's, allowed Stalin to take half of Europe under his rule. and which placed the fifth of the world's population which was mainland China under the murderous yoke of Mao Tse-tung. Sweden's economic policy has become so oppressive that even Ingmar Bergman has left his native land to avoid confiscatory taxation. As the home of the "new morality," Sweden has produced a society which is not only unhappy, but which has one of the world's highest suicide rates.

But, like all leftists, Swedish officials like to preach most on subjects they know least about. No country has been more vociferous in its denunciations of South Africa and Rhodesia, or in delivering itself of supercilious platitudes about America's racial problems. But now, faced with a tiny racial minority of its own, the Swedish Government finds that none of its platitudes seem applicable.

Sweden has had its first race riot. In Sodertalje, a town of 77,000, there are 3,000 Assyrians. There, in June of 1977 there was a battle between Assyrians and young Swedes. This is a very sad thing, but if it helps Swedes to grow up a bit morally, it will have had at least one good effect. If Sweden cannot deal with a minority which makes up one in a thousand of the country's residents, maybe it will be a bit less shrill when it comes to denouncing South Africa and the United States.

But there is a lesson in the Swedish situation for Americans as well, a reminder of how absurd and dangerous liberal policy is anywhere in dealing with serious problems like immigration and race. Any adult should know that real-world difficulties cannot be handled by pious platitudes, yet it is a lesson liberals seem to be incapable of learning.

Our own immigration policy, for example, is guided by an insatiable greed for cheap labor wedded to a liberal hunger for minority bloc votes, all covered with a thin veneer of Swedish-type liberal platitudes. It is a horrible sham, a fake morality which will produce real and terrible problems with which our children will have to live.

Liberals talk about equality of opportunity, but massive immigration today means just the opposite. At the turn of the century, there was room to grow in this country, and immigrants were able to grow with the country. Today a substantial proportion of our national leadership in all areas—including the membership of this House—consists of descendants of those who entered this country at that time. But today is not the turn of the century.

Our country is full of people. If we bring in more, it will not so much improve the status of immigrants as it will lower the living standard of our own working people to the level of those in the world's poor countries. Marxists, of course, would be happy with such a situation. They would then have the land they want America to be, a land of the rich few and the starving masses, ripe for revolution. Many businessmen do not seem to care whether this is America's future, so long as they can get cheap labor now.

What are liberals going to do about 10 million illegal aliens in our country? Aliens who take away the jobs of our working men—do not fall for the claptrap that they all do stoop labor—and fill our welfare rolls? You can bet little or nothing. Maybe even make them legal. Do not we ever learn? ●

AIRLIFT FOOD TO ETHIOPIA

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. FINDLEY. Mr. Speaker, there are differences of opinion worldwide over the upheavals in Africa. But one issue—famine that threatens at least a million Ethiopians with starvation—must be elevated above politics, at home and abroad.

I propose that the United States invite all nations—including the Soviet Union, the People's Republic of China, Saudi Arabia, and Israel, Angola and the Union of South Africa, regardless of their differences, to join Americans in a global airlift to avert starvation.

If the peoples of the world can unite on one issue in Africa, an international famine rescue operation, the way may open for cooperation in resolving other problems on that troubled continent.

The United States can show the way—in a mercy airlift of food—to a continent which has witnessed too many airlifts of weapons and foreign troops.

Those starving in the northeastern Ethiopian province of Wollo, reduced to eating poisonous herbs and grain tainted by ergot, a fungus that can cause gangrene and convulsions, will be less inter-

ested in the political views of food donors than in a demonstration that understanding and compassion still exist in today's world.

Such an effort could be undertaken within the United Nations framework or through some other agreed system of coordination. The subordination of political differences of benefactors would show that humanity can unify in at least a limited context to save lives.

Unrelenting warfare in Ethiopia has taken peasants away from their land, reducing agricultural output and increasing difficulties in food distribution.

Food relief deliveries to Ethiopia are now stymied by inadequate port facilities. Airlift is the only way to get food to starving people in time.

An effective airlift will not only save lives, it will buy time during which the United States can help Ethiopia develop a famine prevention program. I have urged President Carter to propose such an airlift as soon as possible.●

TRIBUTE TO ABRAM PUCCIO

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. ADDABBO. Mr. Speaker, an outstanding citizen of Queens County was honored last weekend. For 45 years, Abram Puccio has been a vital force in building the Tudor Village Civic Association into one of the most respected community organizations in all of New York City. Now that he is retiring and moving with his wife to the warmer breezes of Florida, his friends and neighbors gathered last Friday evening to pay tribute to this selfless man who has given of himself so often on behalf of others.

Few people in this Nation care enough any more to spend the long and tedious hours that it takes to do community work. All too many of us turn over a contribution to charity and feel we have done our share. But thankfully there are people like Abram Puccio who fought unceasingly against apathy and cynicism to lead the community into battles to save itself as a decent and pleasant place to live. Because of him, Tudor Village-Ozone Park remains a well-balanced and vital neighborhood in comparison with the many neighborhoods of my city that have deteriorated quickly because no one cared.

Abe Puccio has led a life filled with caring about others, and so it was uniquely gratifying last Friday to have played a minor role in the salute to this wonderful man. All of us who remain in Queens owe him a deep debt of gratitude, and we wish him all the best as he begins his new life in Florida.

I insert in the RECORD this statement by Civic Association President William J. Clemente:

Our neighbors, Mr. and Mrs. Abram Puccio, will shortly leave Tudor Village, their home of forty-five years, for the warmer climate of Florida.

From the beginning, Abe has been a vital force in building our Civic Association into one of the most respected community organizations in the City of New York.

Like everyone else, we want our neighborhood to have all of the essential ingredients and services to raise our families in a wholesome environment. Yet, few people are willing to pay the price to achieve and sustain this cherished goal in behalf of their fellow neighbors. Abe Puccio is such a man.

A unique individual indeed, if we consider the growing apathy, cynicism and "me" attitude which immobilizes the human spirit.

He has given freely of his time and energies through the years. We in the community applaud you, Abe Puccio, for a job well done.●

UNDER A MUSHROOM CLOUD

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. BROWN of California. Mr. Speaker, the recent attention paid to veterans and others who have had occupational exposure to radiation has affected all of us in some way. Those of us who have constituents who fear they will contract a delayed illness know the personal side of this tragedy. Unfortunately, there is little that can be said with certainty about the effects of low-level exposure to ionizing radiation. Even more unfortunate is the fact that numerous new substances are being created and found which also cause terrible delayed effects. These manmade disasters are difficult to predict, and very difficult to control. My hope is that we can learn to do both, and prevent the situation of unknowingly creating new epidemics and fears of epidemics.

Mr. Speaker, the following essay from the June 12 issue of Newsweek describes, in poignant prose, the personal side of this matter:

UNDER A MUSHROOM CLOUD

(By Janet Lowe)

Just before dawn, I was jerked from a deep sleep. The bare plaster walls of my bedroom glowed a fiery red. The house must be on fire! I leapt up and dashed for the door, screaming, but by the time I clutched the knob, the room was dark again. The door opened, and my mother took me into her arms.

"Don't be frightened, it's just an A-bomb. Back to sleep now." My knees still trembled as I padded to the window, and in the first rays of morning saw a mushroom cloud rising in the sky.

I did go back to bed that morning in 1951, and I didn't worry. At least for the next 26 years I didn't worry.

After all, it wasn't the first time I'd seen an atomic bomb. And it wasn't to be the last.

Our first hint of the atomic era came in 1950 when a medical team appeared at our one-room school in Goodsprings, Nev. They were there to make blood tests and gather data for dog tags.

"Why dog tags?" I asked my older and wiser brother.

"It has something to do with Communists," he replied importantly.

Several weeks later the medics returned. They confirmed our names, then slipped the chains with embossed plates around our necks.

My brother was delighted. He had a new prop for his war games. I was miffed. As I understood it, we were to wear these things day and night forever. They simply would not go well with my Sunday-school dress.

EXCITEMENT

In my childish wisdom, I didn't see how a dog tag was going to protect me from anything. But why should I be scared? Nobody else was frightened. I'd never heard of Hiroshima or Nagasaki, and those holocaustic events were never mentioned.

Southern Nevada revved up for its big event. The A-bomb test. Excitement filled the desert. There would be demonstrators, and my Uncle Ralph, justice of the peace in the town nearest the test site, worried that his tiny jail might not be ble to hold the crowds. The law officers of Beatty (total population: several hundred) weren't trained for such things.

On the day of the first test, we arrived at school wearing our dog tags. The morning began the usual way. Pledge of Allegiance to the flag. Spelling. The teacher checked her watch again and again, and finally let us outdoors to the flagpole, for a better view. To each child she gave a pair of celluloid glasses, like those worn to watch a 3-D movie.

"Don't take them off," she cautioned, "for any reason. Watch to the north, just above Potosi Peak, and if the light seems too bright, look away." She spoke with controlled calm. A show this big didn't often come to Goodsprings.

She fingered her dog tag and glanced down the row to see that each child wore one. We stood expectantly, scanning the horizon. The minutes ticked by, the silence unbearable. A little boy jerked his neighbor's pigtail. She shrieked and we all giggled, pleased to have the silence broken.

SURPRISE

Suddenly came the flash. The earth bounced. A boom echoed across the valley and stopped abruptly. I caught my breath from the surprise of the impact.

Slowly and theatrically, a snowy column rose in the Wedgwood-blue sky. Then like an angered beast, it erupted outward with a churning, boiling motion, into a mushroom cloud. It grew even larger, above the blue and lavender mountains where miners still prospected with pick and shovel, and burros and mustangs ran free.

The great puff hung there for a long time before it began to fuzz around the edges, and disperse into the atmosphere. Calm returned to the schoolyard. The test was over.

Up in Beatty, the protesters jammed the jail. Dr. Benjamin Spock was among them. The prisoners were so peaceable that Uncle Ralph booked and released them quickly.

The tests soon became part of our lives. No explanation was offered for the dog tags, and the medical team never returned. After a while we forgot to wear the tags. They gathered dust on dresser tops, and at last were tossed out.

Afterward the nation went through a shock phase. Civil defense and bomb shelters became a preoccupation. Nevil Shute's book "On the Beach" terrified us, but eventually we began to laugh at our possible annihilation. The movies "The Omega Man" and "Planet of the Apes" provided comic relief, and, in a Dracula-like way, made our worries seem as silly as fearing vampires.

For years the tests continued, at first on the earth's surface and, finally, underground. Nobody worried about them, including myself.

Then one day last spring, word went out that the government was looking for soldiers who had observed those early blasts. They were suspected of having leukemia. Though the soldiers had been closer to the explosion, they had been exposed to only one. We had witnessed dozens.

On my annual checkup, I hesitantly told my doctor about the years we'd lived on the edge of the test side. He took my concern very seriously. "If you have been exposed to radiation or to fallout, the government will never admit it." He was cheerier after checking my thyroid and blood samples. No sign of illness.

Not yet, anyway. Cancer from radiation takes at least twenty years to develop, often longer. "Don't have any X-rays that aren't absolutely necessary," the doctor warned. I couldn't help remembering the X-rays I'd already had of ankles that were only sprained, lungs with no spots and sinuses that obviously suffered from hay fever.

HORROR

I've recovered from the initial horror that our dog tags may not have warded off evil.

Since then I've thought a lot about those early '50s. Maybe it isn't a big boom that will turn us into the zombies of "The Omega Man" or underearthlings of "Planet of the Apes." Perhaps the real danger will come in dribs and drabs. It will drop from odorless, tasteless, invisible clouds of fallout from Chinese nuclear tests. Some will come from plutonium packs lost in the Himalayas. Perhaps some danger will leak from nuclear waste that takes many thousands of years to deactivate.

Maybe other people will be just like me someday . . . a person who is usually happy, optimistic, and comfortable. Also a person who is uncertain and frightened when she thinks too much about nuclear radiation.●

VICTORY IS SWEETER

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. SARASIN. Mr. Speaker, the taste of victory, as we all know, is indeed a sweet taste, for its savors excellence and perfection and recognizes the fulfillment of potential. The taste of consecutive victories, therefore, must be even sweeter, for it exemplifies the sustenance of perfection. The Ansonia High School Chargerettes have attained this height as they became the first Lower Naugatuck Valley team to win consecutive State championships in basketball.

During the short 4 years of their existence and under the direction of head coach Margratha Chambers, the Chargerettes have demonstrated amazing dexterity and coordination to compile an outstanding record of 70–12. Their record alone demonstrates the unlimited potential and capabilities possible when real cooperation and team effort combine with a lot of spirit to create a finely tuned and fired-up team.

Under the leadership of Assistant Coach Judy Foster and Senior Captain Linda Killingbeck, and supported by the superior skills of their first 1,000-point scorer, Carol Sovinski, the Chargerettes won the class M State title with a 23–3 record, retaining the reputation they established in 1977 when they won the class L State championship with a 23–0 record. In addition to being CIAC State champions for 2 consecutive years, they have also succeeded in capturing the league titles during the 2 years they have been in the Naugatuck Valley League.

On June 4 there was a dinner in honor of these outstanding women who have given much time to both their school and community. Their dedication, hard work and fine skills have done much to reinforce the foundation of sports in our school system. It is with great pleasure that I congratulate them on their outstanding achievements and wish them every future success on the courts.●

CHAIRMAN ZABLOCKI'S ADDRESS TO THE CONFERENCE WAS A FUNDAMENTAL STATEMENT ON AMERICA'S COMMITMENT TO BASIC HUMAN RIGHTS NOT ONLY IN POLAND, BUT AROUND THE WORLD

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. DENT. Mr. Speaker, I would like to share Chairman ZABLOCKI's thoughts on the issues of human rights with the Members of this House and therefore request that his speech be printed in this RECORD.

The speech follows:

REMARKS BY HON. CLEMENT J. ZABLOCKI

Your Eminence, Cardinal Krol, fellow participants and friends.

It is a pleasure to be here to participate in the Polonia 78—Polonia of Tomorrow Conference. As an American deeply proud of my Polish descent, it is most gratifying to see so many representatives of Polish descendants from practically all the countries of the free world.

The Polish people have made numerous and invaluable contributions to mankind down through the ages.

Poles have made great contributions to every field of human endeavor. Some are:

Mikolaj Kopernik in the field of astronomy and science;

Henryk Siekiewicz and Adam Mickiewicz in the fields of literature and poetry;

Pawel Wlodkowic in the field of democratic thought and civil rights in the 15th c, which became the basis of the Polish Constitution of 1791;

Stanislaw Staszyc, called by many the "father" of the Polish Constitution;

Leopold Stokowski, Frederick Chopin, Ignacy Padrewski, and Helen Modjeska in the fields of music and the fine arts;

Casimir Pulaski and Thaddeus Kosciuszko in the fields of military and political statesmanship;

Henry Kalussowski in the field of history and political thought during the 19th c, and a founder of the Polish National Alliance;

Florian Znaniecki in the field of sociology in the early 20th c.;

Marie Sklodowska-Curie in the field of physics and chemistry by her discovery of radium at the beginning of this century;

Casimir Gzowski, a Polish Canadian, in the fields of construction and engineering who, in the 19th c. contributed to the building of the Canadian railway; and

Stefan Stykolt, another Polish Canadian, who is in the 20th c. made numerous contributions, in the area of economic thought and theory.

These are but a few of many famous Poles who have fostered the great Polish heritage. They have contributed to the development of modern Western civilization and the welfare of mankind.

All of us have retained our cherished Polish customs and culture which, I as a fellow Pole, am very proud to be associated with. Like you, I am deeply committed toward preserving our Polish heritage and extending the principles of individual freedom to our brothers and sisters in Poland today.

This great, Polish heritage of the past continues in the hearts and minds of Polish people everywhere. The respect for democratic institutions and ideals, so much a part of this heritage, was again commemorated earlier this month on May 3, when we celebrated the 187th anniversary of the Polish Constitution. It is significant to note that this democratic spirit, this vigorous pursuit of human rights which is embodied in the 1791 Constitution, which the Polish people have strived for and supported, has found new emphasis in the present policies of President Carter on human rights and U.S.-Polish relations.

During President Carter's visit to Poland last year, he took particular note of the Polish Constitution and the principles it represents. Despite the long recorded history of these principles and expressions of man's basic human rights as exemplified in the Polish Constitution 187 years ago, we still find the denial of human freedom so prevalent in the world today that we must publicly establish and pursue the cause of human rights as a specific international policy.

You will recall that on August 1, 1975, 35 nations, including Poland and the Soviet Union, signed the Helsinki Accords guaranteeing fundamental freedom to all without distinction, including freedom of thought, conscience, and religion. These principles are long established and have been the basis for every formal expression of man's desire to be free from oppression and be able to exercise his God-given freedom of choice.

These principles, which recognize the dignity of the individual, were the very foundation of the U.S. Constitution in 1789 and two years later, of the Polish Constitution of 1791. At first glance, it seems remarkable that two nations so diverse in their history, culture, language, and heritage could arrive at so similar a goal almost simultaneously. Yet it is not really so remarkable when we recognize that both documents are expressions of mankind's inevitable destiny to be free.

The agreement at Helsinki, like other international declarations of human rights principles, including the universal declaration of human rights of the United Nations, could become just another historic document without practical effect. President Carter and the U.S. Congress, however, have let the world know that the U.S. will lend its strong moral support to the cause of freedom everywhere in the world. As a Polish American concerned about the repeated violations of human rights in the Soviet Union and Eastern European countries, I have sponsored, with several of my colleagues, House Concurrent Resolution 624, urging the President to continue to express U.S. opposition to the imprisonment of members of Soviet groups monitoring Soviet compliance of the Helsinki Accords.

In a similar manner, international forums such as this conference, can serve as a rededication by Polish descendants from all corners of the world to the cause of human rights and freedoms worldwide and in Poland today.

In Poland, as well as in other nations under Soviet domination, courageous champions of individual rights continue to press for relaxation of restrictions on personal freedom at great risk to themselves and their families.

In this respect, it would seem, these efforts in Poland have proven helpful and positive

for the Polish people. There have been some signs of relaxation, albeit tentative and modest, by the present Polish regime. For instance:

Last year at this time, 10 Polish workers were freed from prison after serving less than one year of an eight year sentence;

Despite recent repressive and illegal detention against those lecturing for the "Flying University," the U.S. Department of State has recently advised that most scheduled lectures were resumed and other dissident activities and publications continue with some degree of tolerance by the regime:

Last month at the Polish Writers Union Congress held in Katowice, four dissidents were elected to the Governing Board of the Congress;

Total trade between the U.S. and Poland has doubled over the last four years; and

Continued growth of cultural and educational exchange programs sponsored under government auspices and private organizations such as the Kosciuszko Foundation.

As I stated, these are positive, although modest, developments in favor of the integrity and freedom of the Polish people. It is a reflection that we Poles living in the Western world can best help our brethren in Poland not by isolating ourselves from Poland today but rather by widening contacts of all types with the Polish people.

In this respect, U.S. and private efforts to cultivate political and economic freedoms through cultural and educational exchanges and increased trade enhance the efforts toward relaxation of controls by exemplifying U.S. interest in the everyday lives of the Polish people.

Such exchanges contribute in a significant fashion towards ending the isolation of the Polish people and provide a clear mechanism to assist the people of Poland regardless of the political system imposed on them at the present time.

Let there be no misunderstanding; talking to and trading with the present Polish regime does not in any way constitute an endorsement of its system or ideology. It is rather an effective way to improve the condition of our brethren in Poland today, to mitigate against the oppressive and arbitrary regime which has imposed its way upon the Polish people.

Cardinal Wyszynski has best exemplified this principle by his actions with the Polish Regime although in no way endorsing its philosophy or principles.

Another important factor one must realize is that cultural and economic contacts between ourselves and Poland reinforce the mutual respect for democratic institutions and ideals which have long been contained in the rich history of the Polish people. Such contacts should continue even while Poland suffers under Soviet domination. A failure to pursue such contacts would not lessen this Soviet domination. Accordingly, I encourage all of us here today to broaden our efforts and those of our adopted homelands towards seeking more ways to foster a constructive relationship with Poland today.

As we pursue such efforts, we must, however, recognize that in Poland today the denial of basic freedoms is still in evidence. While we seek a constructive relationship, then, we must realize that the subject of human rights should continue to be a subject of continued discussions between leaders of our respective governments.

Although progress has been made in areas of freedom of movement and communication, there have been continued instances of denial of passports to Polish citizens anxious to join members of their immediate families in the United States. Likewise, visas have been denied others wishing to visit Poland to see their relatives.

Also of particular concern are reports from Poland regarding the continued suppression of religious houses, convents, and monasteries. Despite Premier Gierek's meeting with the Pope some months ago, the Polish government reportedly continues to harass religious institutions. With threats of closure, heavy taxes and other forms of intimidation, churches always face the prospect of being turned into public museums. Such activity is obviously not in keeping with, and indeed openly flaunts the spirit of the Final Act of Helsinki. You can be sure that if these reports can be verified that I will urge our government to take appropriate steps and express official concern to the Polish government.

Our relationship with the Goverment of Poland, therefore, must reflect both our long-term hopes for a democratic Poland and a short-term pragmatism supported by cultural contacts and trade which are necessary to make our long-term hopes possible.

We must express our concern and outrage when the present Polish regime pursues policies that oppress the Polish people. We should also recognize that it is only through cultural, political, and economic contacts that our concerns find effective articulation and foster the mutual respect for democratic institutions and ideals that we share with the Polish people.

In short, this mixture of concern and pursuance of activities that make our concerns effective should prove the most useful way of improving the conditions of our Polish brethren in Poland today as we all continue to pursue the future goal of a democratic Poland.

Our Polish-American Organizations, united in this effort, can contribute much to the fate and welfare of the people in Poland.

Thank you very much.●

A HERO IN HIS OWN TIME

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. SARASIN. Mr. Speaker, the ability to sustain and preserve human life is the highest achievement toward which man can strive. Life is, indeed, all too short and when the opportunity presents itself to enhance or prolong it, we should seize it with the greatest compassion and reverence. It is with great pride, then, that I recognize before my colleagues the outstanding actions of one individual, Mr. John E. Allen of Ridgefield, Conn., who exemplified these qualities in his uncommon concern for the well-being of another whose life was endangered. His alertness, quick thinking and Red Cross training enabled him to save the life of a 76-year-old gentleman through the application of external cardiac compression while another applied mouth-to-mouth resuscitation. There is no doubt that his meritorious action saved the life of the victim.

Trained by the Red Cross in cardiopulmonary resuscitation (CPR), Mr. Allen has been awarded the Red Cross Certificate of Merit along with the accompanying pin. It will be presented to him on Tuesday, June 13, at the Ridgefield Lions Club meeting by Mr. Donald Rowland, director of the Danbury Chapter of the Red Cross, and Marcia Bissell, their director of safety programs. This is the highest award presented by the American National Red Cross to a person who saves or sustains a life by using skills and knowledge learned in a volunteer training program offered by the Red Cross. He is indeed deserving of this recognition as his actions not only reveal untold respect for human life but also serve as an example to the entire community of the importance of preparation and foresight. Together with the Red Cross and the community of Ridgefield, I applaud his commendable efforts that saved the life of one human being and demonstrated to all the importance of making CPR/first aid training a top priority in our community education.●

TRIBUTE TO R. V. DORWEILER

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. WIGGINS. Mr. Speaker, the San Gabriel Valley is rich in the heritage of California. Our State's earliest pioneers settled in this valley to begin the development of a lifestyle and unique culture which is now known and envied around the world.

The story of California, however, is not fully told by references to its unparalleled climate and its natural beauty. Modern California is the product of its people, and particularly those productive and adventuresome citizens who abandoned their homes in the East to seek new and challenging careers in California. One such citizen, R. V. Dorweiler of El Monte, Calif., recently passed away and it is wholly fitting that his enormous contribution to the growth and prosperity of the San Gabriel Valley be recognized in the CONGRESSIONAL RECORD.

Mr. Dorweiler—"R. V." to his countless friends—was born in Iowa in 1898. In his early life, he worked as a railroad brakeman. His travels took him to California more than 50 years ago, and to the advantage of the people of the San Gabriel Valley, he settled in El Monte. In short order, he invested in a Chevrolet-Oldsmobile agency—now the oldest in the valley—and became a hard-working and involved member of the community.

Literally thousands of us who have known him have had our lives touched and enriched by R. V. Dorweiler. He was an active Rotarian and never failed to offer generously of his time and resources to its good works. He was a contributor to worthy civic causes; his family attended the local schools and R. V. was an active booster of youth programs in the community.

One cannot catalog fully the contributions of R. V. Dorweiler. Suffice it to say that if the task was worth doing and help was needed, R. V. stood ready to lend a hand.

In his later years, R. V. concentrated

on his family, his Rotary activities and a string of handsome race horses.

By all accounts, my friend R. V. Dorweiler of El Monte, lived a full, useful, and happy life. I am better for having known him. We all shall miss the support and leadership of this outstanding citizen of San Gabriel Valley.●

BUCHMAN CENTENNIAL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. BENNETT. Mr. Speaker, I have just returned from a weekend in the Allentown and Pennsburg areas in Pennsylvania where the centennial of the birth of Frank Buchman was celebrated in these places associated with the early life of Frank Buchman, the initiator of Moral Re-Armament.

At the same time, Buchman's birth a century ago at Pennsburg was being celebrated at various places throughout the world. Outstandingly a unique world assembly for this purpose was being held in Freudenstadt, West Germany, expected to be attended by more than 1,000 people from 25 countries. The President of the German Federal Republic, Walter Scheel sponsored the German event. Buchman died in Freudenstadt in "August 1961. It was there the phrase "Moral Re-Armament" was born in 1938. For the Freudenstadt occasion, leaders in 15 countries formed an invitation committee, including government and opposition members of the German Parliament and the presiding bishop of the Lutheran Church.

In India, Prime Minister Moraji Desai opened another MRA conference in March, with the theme, "A Dynamic, Durable, Ethical Democracy."

And in Japan leaders of industry, government, and unions have called an MRA conference in late May to tackle, with Europeans and Americans, the problems of industry and trade on the basis of "what is right, not who is right."

Across America, this year sees a resurgence of Moral Re-Armament. Meetings and conferences have recently been held in Cape Cod, New York, Minneapolis, Frederick, Md., Richmond, Va., Washington, D.C., Seattle, Wash., as well as across Canada from Quebec to Vancouver. Centers for Moral Re-Armament are now established in New York, Richmond, and Cambridge, Mass. In August, Americans and Canadians will host a week's session of the World MRA conference at Caux, Switzerland, on the theme, "Change in People: the uniting idea for our time."

Buchman's first mission was to poor boys in Philadelphia, but, when his plans were frustrated by his finance committee, he resigned in deep disappointment, but expanded his horizons. In the next years he used what he had learned in life to mobilize people on every continent and create a committed network bridging longstanding divisions—personal, class, racial, and national.

Buchman launched his idea of "world changing through life changing" in the 1920's. "If you want to see the world different, the best place to start is with yourself," he said.

"MRA gives the full dimension of change," he often emphasized. "Economic change. Social change. National change. International change. All based on personal change."

He was certain that every man, woman, and child—whatever his faith or lack of it—could hear and obey God's inner promptings. Each could try the experiment, testing his actions by absolute standards of honesty, purity, unselfishness and love, and putting right past wrongs.

The redirection of one's will that follows, he demonstrated, brings lasting commitment to fight for God's government in every circumstance.

The unfolding decades since have shown that this uniting purpose provides the solvent for industrial conflicts, family feuds, and class, racial, and national confrontations.

Chancellor Konrad Adenauer of West Germany and France's Robert Schuman acknowledged Moral Re-Armament's role in the rapprochement between their two countries. The French Government awarded him the Legion of Honor, and the West Germans gave him their Grand Cross of the Order of Merit. The Governments of Greece, Iran, Japan, the Philippines, Taiwan, and Thailand also decorated him.

An ambassador who, in over 40 years at U.N. and other posts, has taken part in most major postwar conferences, gave this verdict on Buchman:

He has done three things. He saw the real problem many years before the rest of us understood it. He forged an answer out of human lives that cured the problem. He then did the hardest thing of all—he built a force of people in every continent who are bringing that answer to the world.

Buchman set out to recall America to William Penn's conviction:

Men must choose to be governed by God or they condemn themselves to be ruled by tyrants.

The World Assemblies at Caux, Switzerland, held each summer since 1946 and often at other times, have drawn over 340,000 people from 119 countries.

MRA centers at present operate in 20 countries, enabling people of every sector of society to meet informally and talk over problems in an atmosphere of reconciliation. International teams are using films, stage productions, and books as well as seminars and conferences in expanding the moral revolution for which MRA stands. From my own observations of the movement it has been a positive force for good amongst thousands of people and in the solving of many personal, national, and international problems. It is fitting that the birthday of Buchman is being widely observed on many a distant shore.

The remarks follow:

REMARKS BY CONGRESSMAN RICHARD T. SCHULZE

It gives me great pleasure to be here with you this evening to celebrate the centennial birthday of one of Pennsburg's . . . Pennsylvania's . . . and the United States' greatest sons . . . Dr. Frank Nathan Daniel Buchman.

Frank Buchman lived his life based on four basic tenets:

Absolute honesty;
Absolute purity;
Absolute unselfishness; and
Absolute love.

How many of us here today can make the claim that we approach our public . . . much less our private lives . . . based on such absolutes? Yet Frank Buchman not only lived by his ideals . . . he passed the word . . . created his moral re-armament movement in response to the needs of the world . . . and made men around the world stop and consider . . . "It is not a question of who is right . . . but a question of what is right."

Frank Buchman was not one to pay lipservice to great ideals. He took his beliefs . . . his four tenets for christian living . . . and he made them a reality. It's particularly refreshing to reflect on Dr. Buchman's crusade . . . and his desire to make men stop and think about God . . . defense . . . and a moral ideology which seems lacking in our world today.

Frank Buchman believed that God could guide every man . . . and that . . . in turn . . . these men could change the fate of the world by allowing God to guide them . . . morally . . . in matters of war and peace. He taught men and women throughout the world that unless men change and adhere to absolute standards . . . wars . . . and the threat of wars . . . will always be with us.

Frank Buchman lived his beliefs. . . . He went to where people worked . . . and lived . . . and taught them a new way of living. He opened his moral re-armament center in Switzerland . . . and in 15 years . . . 125,000 people from 120 nations of the world came to learn from Frank Buchman. Among them were leaders of government . . . labor . . . business . . . and students. His touch pervaded all aspects of living . . . all men and women.

Frank Buchman taught us that people . . . individuals . . . make up nations . . . and the only way to change the direction of the world . . . toward peace . . . is through individual change. If every man and woman in the world lived by Dr. Buchman's four absolute tenets . . . and lived a life committed to God and each other . . . then the world today would be a different place.

Let me leave you with some words from the late Reverend Peter Marshall, chaplain of the Senate . . . which I feel sums up Frank Buchman's approach to living in our world today:

"Our Father in heaven . . . give us the christian view of our work . . . and our world. Help us to see that it is better to fail in a cause that will ultimately succeed than to succeed in a cause that will ultimately fail. May Thy will be done here . . . and may Thy program be carried out . . . beyond time and circumstance . . . for the good of America . . . and the peace of the world." ●

FORMER CONGRESSMAN GLEN DALE JOHNSON HONORED

Hon. Theodore M. (Ted) Risenhoover

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. RISENHOOVER. Mr. Speaker, a former member of this body, the Hon. Glen Dale Johnson, continues to distinguish himself in his native Oklahoma.

I wish to call to the attention of our colleagues that the Okemah Lions Club has presented Mr. Johnson with a plaque for "sincere appreciation and recognition of distinguished service, loyalty and devotion to the objectives and furtherance of Lionism." He is a charter member of that club and the award was presented by Jim Parks of Okemah.

Mr. Johnson was a member of the Oklahoma Legislature who resigned his seat during World War II to enter military service. He later served in Congress and afterward was active in the Federal Government.

He is a distinguished Oklahoman and a great American who truly deserves the recognition of his fellow Lions and all of his countrymen.●

CARIBBEAN–U.S. TRADE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. PEPPER. Mr. Speaker, the recent success of the second annual Caribbean Conference on Trade, Investment, and Development makes me proud to present for the RECORD the opening address delivered by the Honorable Philip F. Ashler, Secretary of Commerce for the State of Florida. Mr. Ashler's eloquent remarks, which I had the pleasure of hearing personally while attending the conference, reflect the importance that our country places on the Caribbean area and the increased role that southern Florida is playing in the development of pan-Caribbean commerce. I take pleasure in commending the Florida Department of Commerce, and Mr. Ashler personally, for their efforts in expanding in a most beneficial way our existing relationships with our Caribbean neighbors. Thus, I offer this address for the RECORD hoping that it will make us more aware of the vital, growing links between our country and the peoples of the Caribbean:

WELCOMING REMARKS BY THE HONORABLE PHILIP F. ASHLER

Thank you, Luis. That modest young man failed to introduce himself. He is Luis Lauredo, the general chairman and the man basically responsible for all that is going on here yesterday and the next two days.

And for that effort, I shall introduce you first by saying "Luis, then Ambassador Todman, Mayor Ferre, Congressman Pepper, distinguished speakers, ladies and gentlemen, friends all".

On behalf of Governor Ruben Askew of the State of Florida, I welcome you officially to this very important and significant conference. And as the Secretary of Commerce of the State of Florida, I am pleased to offer my personal welcome to all of you at this the Second Annual Caribbean Conference on Trade, Investment and Development.

And it is only fitting and proper that the Conference—a conference of this magnitude and significance—should be held here in the Sunshine State, in spite of today's weather, . . . in the beautiful State of Florida . . . and that it should be held during this period in our State's history. In recent years there has been a reawakening of interest in the Caribbean Basin area—an awakening the likes of which we have not seen in the last two hundred years.

Three centuries ago the economic strength of the entire Western Hemisphere was centered in the Caribbean sea. Historians are fond of telling us that the prime reason why no serious effort was ever made to settle what is now called the United States of America was because none of the great powers in Euorpe thought it was economically worthwhile. And yet it is an historical fact that on May 21st in 1667, a hundred and seventy five years after Columbus, at the Treaty of Breda that the British ceded the area now called Suriname to the Dutch in exchange for New York. The Dutch were not at all displeased because the deal included not only New York, but northern New Jersey and the State of Delaware. And the Dutch were pleased because they felt that this land was worth a lot more than that which they were giving up elsewhere.

Now the pendulum of history—remember somebody sold Manhattan Island for 24 bucks . . . I often wondered what happened to those folks . . . and what would happen to them . . . well, you know, a few years ago you could not have sold Manhattan Island for 24 dollars—and now, the pendulum of history is swinging towards the Caribbean and this "renewed interest" in the Caribbean will be the basic theme of our conference.

Let me talk for a moment just about one aspect of this theme—mainly, the role that the State of Florida can play in helping to develop and sustain this historical interest and to promote trade and investment in the Caribbean region. For some years Florida has been referred to, as our Mayor told you, as "The Gateway to the Americas." And this title is correct insofar as it went, although it merely tended to relate solely to the movement of peoples among the Americas. The reasons why Florida evolved as the Gateway of the Americas are twofold. The first is really a natural accident of geography. On a straight-line basis, Florida is that part of the continental United States that is closest to the Caribbean islands and all of Latin America. The other formidable factor in this process can be traced to the advent of modern, large-scale commercial aviation, which has tended to shrink the size of the world and bring all of us much closer together.

The airport here in Miami is second in the United States only to JFK in New York in terms of international travel. And we have reason to believe that JFK will soon fade into second place to be replaced by Miami International in the not too distant future.

However, there is now being added a new dimension to the role of the State of Florida in the affairs of this hemisphere. Florida is now emerging as the "Business and Cultural Center of the Americas." Some refer to us as the "Wall Street of the Americas"; others, "The New Pulse of the Americas"; and still others, "The Heart of the Americas." Now, these aren't titles dreamed up by local reporters in Miami. But these are accolades that were developed by such distinguished journalists as those who write for the New York Times, Forbes, the Harvard Business Review and others. In a recent issue of the Harvard Business Review they included this part of the State of Florida in the same category as Paris, France, calling it one of the three worldwide "Global Cities of the Future." Now these accolades resulted from a great number of detailed studies which were conducted by some of the most respected economists and demographers in our country. They considered as many as 43 variable factors, ranging all the way from availability of international financial institutions to the ability of your employees to worship in churches or synogogues of their choice. And not to be outdone by the publishing media, many of the multinational corporations, some of them of the more prestigious Fortune 500 group, did much the same study and arrived at the same conclusion. Namely, that if you want to do business in more than one Caribbean or Latin American country, you can do it better from Florida than any other place in the world.

Now this conference, as important as it is, is only one of the many upcoming events which demonstrate the new role of Florida in hemispheric affairs. The next international event of exceptional significance to be held in Florida is the City of Miami Trade Fair of the Americas. Eighteen nations of the Western Hemisphere are participating in this commercial encounter, sponsored by the Organization of American States and developed with an active support of the City of Miami and the State of Florida.

And in closing, let me assure you that my office, the Department of Commerce, will spare no effort to assist you and your fellows in expanding these existing relationships and doing everything we can to create new ones to our mutual benefit. Thank you for being with us.●

GEN. WALTER T. KERWIN, JR., CHAMPION OF THE USAR

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. BADHAM. Mr. Speaker, in the preamble of the Constitution we find the phrase "to provide for the common defense." It has been my observation that the retiring Vice Chief of Staff of the U.S. Army, Gen. Walter T. Kerwin, Jr., has contributed immeasurably to the Army's role in providing for the common defense during his more than 40 years of service to our flag.

Particularly noteworthy has been General Kerwin's advocacy of properly sized, equipped, and trained Reserve forces as an essential element of the total force. Knowing that as a Nation we no longer have the luxury of assuming a lengthy period of time for mobilization to counter any future crisis, General Kerwin has provided leadership in bringing the Army Reserve components to a high state of readiness.

General Kerwin has been aptly termed "Champion of the USAR" in recognition of his support of the Army Reserve. The Senior Army Reserve Commanders Association has adopted a resolution commending General Kerwin for his contributions to the Army Reserve, and I am pleased to submit their resolution for inclusion in the RECORD:

RESOLUTION OF THE SENIOR ARMY RESERVE COMMANDERS ASSOCIATION

Whereas General Walter T. Kerwin, Jr., was appointed Vice Chief of Staff of the United States Army on 21 October 1974, and

Whereas, during his tenure as Vice Chief of Staff, General Kerwin has emphasized the role of the citizen soldier as a full partner in our Nation's military forces, and

Whereas General Kerwin has engendered among Active Component personnel a broader understanding of the vital role of the Army Reserve in providing for the common defense, and

Whereas General Kerwin will be placed on the retired rolls on 30 June 1978, culminating over forty years of patriotic service to the US Army,

Now therefore be it resolved, the Senior Army Reserve Commanders Assn hereby recognizes and commends General Walter T. Kerwin, Jr. on the occasion of his retirement and bestows upon him the title "Champion of the USAR".

Approved by the executive committee: 1 Jun 78.

NORRIS E. SILLS,
Major General, USAR,
President.●

BATTLE OF SARATOGA

HON. PAUL S. TRIBLE, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. TRIBLE. Mr. Speaker, on April 14, 1978, Vice President MONDALE announced that the Service Life Extension Program (SLEP) work on the aircraft carrier *Saratoga*, would be performed in the Philadelphia Naval Shipyard. This announcement prompted considerable debate within the Navy and among the members of the House and Senate Armed Services Committees.

In an article in Barron's, Shirley Scheibla outlines how the decision was made to award the *Saratoga* to Philadelphia and what has happened since the Vice President made his announcement. Ms. Scheibla summarizes her article in these words:

The questions boil down to whether the Administration is playing politics with the nation's security, getting less bang for its Navy bucks and losing an opportunity to prevent the decline of the only yard in the country capable of building carriers.

Mr. Speaker, I believe we must move swiftly to insure that the *Saratoga* goes to that shipyard that can perform the work most economically, expeditiously, and effectively. I urge my colleagues to read Ms. Scheibla's article in Barron's, a copy of which follows:

BATTLE OF SARATOGA—POLITICS MAY WIN THE DAY FOR THE PHILADELPHIA NAVY YARD

(By Shirley Scheibla)

WASHINGTON.—Vice President Walter Mondale recently made an astonishing announcement which went virtually unnoticed in the press. He said that the government was giving a $496 million aircraft carrier overhaul job to the Philadelphia Navy yard to make up for a broken Presidential campaign promise not to close the Frankfurt Arsenal in Philadelphia.

The action came at the behest of Rep. Joshua Eilberg (D., Pa.), who got President Carter into hot water by persuading him to fire David Marston as U.S. Attorney in Philadelphia because of his investigations into corruption. (The Congressman reportedly is now under investigation by the Department of Justice.)

Billions of dollars are involved, since the first carrier overhaul, on the U.S.S. Saratoga, is likely to be followed by at least three more and perhaps as many as eight. Yet the decision to award the work to the Philadelphia Navy Yard was made with no cost analysis to see if it would be cheaper to do the work at a private yard. (Tenneco's Newport News Shipbuilding is the only one capable of handling it.) In fact, the Administration's decision ran counter to the advice of its own Navy experts.

THREAT OF LAYOFFS

In an unprecedented move, the House and Senate Armed Services Committees have voted not to authorize money for the work until the Navy supplies a cost study. Moreover, 22 Representatives have asked Comptroller General Elmer B. Staats to make an extensive analysis of the Administration's decision.

Newport News Shipbuilding has been unable to book adequate forward work and faces the likelihood of laying off between 3,000 and 4,000 employes by 1980, when the Saratoga overhaul is to begin. Contrariwise, the Philadelphia Yard will have to hire around 2,700 workers to handle the job.

What the detailed questions for Staats boil down to is whether the Carter Administration is playing politics with the nation's security, getting less bang for its Navy bucks and losing an opportunity to prevent the decline of the only yard in the country capable of building carriers.

The Saratoga overhaul will be the first under the Administration's so-called Service Life Extension Program, or SLEP. The strategy is to extend the service life of the dozen carriers afloat 15 years beyond their normal span of 30. One project will be launched every 28 months, with the first to begin in October 1980. Without SLEP, the Administration's proposed ship program would reduce the nation's carrier force to one third of its present strength by 1994.

Last June, Rep. Eilberg wrote to the White House about the closing of the Frankfurt Arsenal and the need for the Administration to provide government jobs and economic adjustment assistance to Philadelphia. The President replied that to reverse the Ford Administration's decision to close the Arsenal could be justified from neither an economic nor security standpoint. "Immediately following this determination, the President's Economic Adjustment Committee took steps to plan and implement an economic recovery program for Philadelphia . . . ," wrote the chief executive. He went on to say that the program aimed to increase employment of the Philadelphia Navy Yard by 700 in October and by another 2,000 in 1980.

TUGGING AND HAULING

After some further political tugging and hauling, Vice President Mondale on April 14 announced: "I'm pleased to join with the U.S. Navy in announcing that the transfer of the U.S.S. *Saratoga* to the Philadelphia Navy Yard will bring more than 2,600 new jobs to Philadelphia. Shortly before the 1976 election, I made a commitment to keep the Frankfurt Arsenal open, if President Carter and I were elected. I made that commitment in good faith and made a sincere and conscientious effort to fulfill it after we took office. However, in March 1977, the Defense Department concluded that the previous Administration's decision had gone too far to be reversed, and I was forced to concede that I could not keep that commitment. For the past 15 months my staff and I have been working with local and state officials to find new jobs for arsenal employes and create job opportunities in Philadelphia to help reduce the social and economic impact of the decision to close the arsenal. . . . I am pleased that our efforts . . . have now been successful."

Less than 24 hours earlier, Navy Secretary W. Graham Claytor, Jr., told a press conference in Philadelphia that he had not yet decided on where the *Saratoga* should go. His decision, he added, would be made "on the basis of what is considered in the best interest of the Navy, and nothing else."

The Senate Armed Services Committee entered the fray nearly a year ago, when it issued a report which said: "It seems inconsistent to project serious declines in future private yard work forces and at the same time plan to increase Naval shipyard work forces to perform . . . the SLEP. Further, the committee is not convinced the Navy's current plans represent the least cost approach.

"Accordingly, the Secretary of the Navy is requested to review current Navy plans and be prepared to justify the recommended procurement approach in connection with the FY 1979 authorization request. In addition, a copy of the cost comparison study of the in-house versus contractor costs, as required under the provisions of OMB Circular A–76, should be made available to this committee when completed."

At the time Vice President Mondale announced that the Saratoga would go to Philadelphia, the Navy still had not supplied the justification and cost study. But now Claytor must come up with the analysis. Rep. Paul Trible, a Republican from Newport News who is a member of the Armed Services Committee, introduced an amendment to the Defense Authorization Act which says there'll be no money for SLEP without a comparison of costs of doing the work at private and Navy yards, and that Congress will have 60 days to study the comparison. The Committee approved the amendment 10 days after the Mondale announcement. On May 5, the Senate Armed Services Committee, passed a similar amendment introduced by Sen. Harry F. Byrd Jr. (Ind., Va.).

WEIGHING WAGES

Trible also wrote Comptroller General Staats a letter signed by 22 colleagues asking an analysis of the decision to award the Saratoga SLEP to Philadelphia. The Congressmen also sought his opinion on who should get the job.

Rear Admiral H. A. Hoffmann is deputy commander of the Naval Sea Systems Command, and Director of the Industrial and Facility Management Directorate. Last October he testified before the House Budget Committee's Task Force on National Security and International Affairs: "Wages paid to naval shipyard blue collar workers are as much as 12% higher than those paid to private shipyard workers in the same geographic area."

Yet Everett Pyatt, Deputy Assistant Secretary of the Navy, who is guiding the SLEP program, told Barron's that labor costs for the Saratoga job would run the same at Newport News and Philadelphia. At Philadelphia, the 1,500-member Saratoga crew would help with the overhaul, handling such duties as paint scraping, security, fire watch and checking out electronic equipment. Since the pay for Navy enlisted men is lower than that of civilian shipyard workers, Pyatt says that makes the labor costs come out even. (At

Newport News, only about 300 crew members would remain with the ship.)

Still, the calculations also must include the pay of thousands of Navy yard workers who come under Civil Service. A couple of years ago, the Office of Management and Budget was requiring the government, in deciding whether to contract out work or do it inhouse, to figure retirement costs for Civil Service workers at 24.7% of pay. Pyatt says that is probably the true cost, but the Military Appropriation Act last year lowered the figure to 7.14%. "It looks like the 7.14% will be in the bill for fiscal 1979 too, and that is the figure we used on our cost analysis," he explains.

If the Navy estimates labor costs the same at Newport News and Philadelphia, total costs at each then depend a great deal on which yard handles material more efficiently. At the end of March, the General Accounting Office issued a report which condemned material handling by Navy yards. They had inadequate estimating techniques and work measurement systems, and then overbought.

Material purchased, but not used, has accumulated during the years and much of it is unidentifiable. Other items have been scrapped or declared excess and disposed of. The Norfolk Navy Yard did not use 38% of the material ordered for its six most recent carrier overhauls, GAO said, and it sometimes ordered material available in the yard. The GAO report also noted that a Navy Audit Service report on the Philadephia yard said that 56 of 71 job orders showed significant variances between actual results and those sought, but never were investigated to determine the causes.

"A ROUGH FIRST CUT"

A 1972 report for the Navy by Booz, Allen & Hamilton found that it cost 30% more to build ships in Navy yards. Pyatt said he doesn't know of anything to change that finding. Last year, at the request of the Secretary of Defense, the Navy studied the advisability of assigning possibly 10% of new construction to Navy yards, but decided against it because of the higher costs involved.

Nobody can be sure of the final cost for the Saratoga SLEP, no matter where it's done. James W. Griffith, director of public relations for Newport News, explains: "Overhauling a ship is a little like rehabilitating a house; you can't be sure of the cost until you go into the walls and take a look at the wiring."

Pyatt agrees. While the Navy-Mondale announcement used the figure of $496 million, Pyatt told Barron's, "I tried to put 'about $500 million' in the press release announcing the contract award because the price is a rough first cut. But I was too late." Offered a bet that it will be much more than $500 million, Pyatt replied, "I'm not taking any of those bets."

Newport News and the Navy still have not settled their differences over the Vinson, a nuclear carrier now on the ways. The company is continuing construction under an interim arrangement under which the Navy pays costs plus 6 percent until a final contract is signed. Newport News blames unwise contracts for the dispute, and says its newer ones for submarine overhaul are working out well. They call for cost plus incentive fees, with a minimum guaranteed fee of 4-5 percent and a maximum up to 14 percent for outstanding performance. Newport News would like a similar contract for the Saratoga.●

WOMAN'S IMAGE ON DOLLAR COIN

HON. MARTHA KEYS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Ms. KEYS. Mr. Speaker, I am today introducing legislation which I hope will resolve the controversy over which American woman's image should appear on the new dollar coin. The woman I am supporting for this signal honor is a great Kansas lady who—far beyond Susan B. Anthony or the mythical Miss Liberty—has had an actual hand on the monetary affairs of our country; Georgia Neese Clark Gray, who was the first woman Treasurer of the United States.

Georgia was a successful and respected midwestern banker and business leader from Richland, Kans., when she was chosen as U.S. Treasurer. While Treasurer, she traveled across the country and made numerous speeches urging women to take active leadership roles in Government and business. She said of that time, "I never worked harder in my life than when I was U.S. Treasurer; I knew I had to make good on behalf of American women." The rising profile of American women at all levels of business and government owes a great deal to the boldness and vigor with which our first woman Treasurer pursued her duties.

I would like to insert an editorial statement from the Topeka Daily Capital which sets forth Georgia's many excellences:

[From the Topeka Daily Capital, June 1, 1978]

LET US HONOR GEORGIA

There's no reason for government officials to wrangle over whether to put the image of Liberty or of Susan B. Anthony, early-day women's rights champion, on the new, smaller dollar coin.

Let them honor Mrs. Georgia Neese Gray, first woman treasurer of the United States.

Azie Taylor Morton, now U.S. treasurer, says the coin should bear the image of a woman who has contributed to the history of the United States.

So searchers need look no further than to Topeka's Mrs. Gray. Her 1949 appointment to the treasurer's post made history.

Mrs. Frances Perkins had been named secretary of labor by Franklin Roosevelt in 1933, but extremely few women held high office by the 1940's. So when Harry S. Truman named the Kansas Democratic National Committeewoman to the treasurer's post it was a big boost for women's rights.

Mrs. Gray's service as U.S. Treasurer—a position which put her signature on millions of pieces of U.S. currency—was the high point of a busy and continuing career.

She was on the stage in the 1920's and was a farmer, storekeeper, elevator operator and banker at the small city of Richland. Since her return from Washington, she has been a Topeka banker, active in political and civic affairs.

When Truman appointed her, Mrs. Gray had the support of Kansas' two Republican senators. It was evidence of the esteem in which she is held by people of all political faiths in the state.

It is particularly appropriate to introduce this legislation today, as it was on this day in 1949 that President Harry S. Truman nominated Georgia for this high post. I hope my colleagues will agree that the first woman whose signature appeared on our paper money should also appear on our new dollar coin.●

INVESTMENT TAX CREDIT AND AGRICULTURE

HON. MICHAEL T. BLOUIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. BLOUIN. Mr. Speaker, for several years there has been continuing confusion over the proper interpretation of the Revenue Act of 1971 as it relates to the applicability of the investment tax credit vis-a-vis agriculture-related structures. Moreover, with President Carter's tax reform proposal to make the present 10-percent investment tax credit permanent, it would seem logical not to limit its applicability to the construction of new and the rehabilitation of existing buildings—defined in this particular proposal as manufacturing and utility buildings—but rather to make this credit applicable across the board.

It is for this reason, therefore, that I have today introduced legislation that would amend the Internal Revenue Code of 1954 to make the 10-percent investment tax credit permanent and that this credit be made applicable to the construction of all new buildings, as well as the rehabilitation of all existing buildings effective January 1, 1978.

I feel that the passage of this type of legislation is necessary for two very important reasons. First, such legislation would clarify once and for all the questionable IRS interpretations of the past as it relates to agriculture-related structures, and so forth. Second, rather than limiting the applicability of this credit to only a portion of the private sector, it would rightly extend this feature to all segments of the private sector. In my mind, this would be of enormous benefit to small business and agriculture as a whole.

I would, therefore, like to insert in the RECORD at this time a copy of this proposed legislation for the House's consideration.

The text of this legislation follows:

A bill to amend the Internal Revenue Code of 1954 to make the investment tax credit applicable to certain buildings and their structural components and to make permanent the 10 percent investment tax credit

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INVESTMENT CREDIT MADE APPLICABLE TO CERTAIN BUILDINGS AND STRUCTURAL COMPONENTS.

(a) IN GENERAL.—Subparagraph (B) of section 48(a)(1) of the Internal Revenue

Code of 1954 (defining section 38 property) is amended by striking out "(not including a building and its structural components)" and inserting in lieu thereof "(including a building and its structural components)".

(b) Conforming Amendment.—Subparagraph (B) of section 1245(a)(3) of such Code (defining section 1245 property) is amended by striking out "(not including a building or its structural components)" and inserting in lieu thereof "(including a building and its structural components)".

(c) Effective Date.—The amendments made by this section shall apply to property—

(1) the construction, reconstruction, or erection of which is completed by the taxpayer after December 31, 1977, but only to the extent of the basis thereof attributable to the construction, reconstruction, or erection after December 31, 1977, or

(2) which is acquired after December 31, 1977, and shall apply to taxable years ending after December 31, 1977.

SEC. 2. 10 PERCENT CREDIT MADE PERMANENT.

Subparagraph (D) of section 46(a)(2) of such Code (relating to amount of investment credit allowable) is amended—

(1) in clause (i) by striking out "and before January 1, 1981,";

(2) in clause (ii) by striking out "and before January 1, 1981, and placed in service by the taxpayer before January 1, 1981,"; and

(3) in clause (iii) by striking out ", and before January 1, 1981".●

PERSONAL EXPLANATION

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. FORSYTHE. Mr. Speaker, on Friday, June 2, 1978, and on part of Thursday, June 1, 1978, I was unavoidably absent from the House. Had I been present, I would have voted on matters before the House as follows:

"Yes" on Rollcall No. 392, the rule under which H.R. 12050, the Tuition Tax Credit, was considered; "Yes" on Rollcall No. 397, the rule under which H.R. 12157, a bill amending and extending the Export-Import Bank Act of 1945, was considered; "Yes" on Rollcall No. 398, the rule under which H.R. 15, the Education Amendments of 1978, is to be considered.

"Yes" on Rollcall No. 399, a motion for the House to resolve itself into the Committee of the Whole House to consider H.R. 12157, a bill amending and extending the Export-Import Bank Act of 1945; "No", on Rollcall No. 401, an amendment to permit the Eximbank to guarantee, insure, or extend credit to South Africa as long as it also extends credit to or is authorized to extend credit to Communist countries.

"Yes" on Rollcall No. 402, a motion for the House to resolve itself into the Committee of the Whole House for further consideration of H.R. 12157; "No" on Rollcall No. 403, an amendment to strike the language prohibiting the Eximbank's participation in transactions in the Republic of South Africa; and "Yes" on Rollcall No. 404, an amendment striking language exempting the People's Republic of China from the provision requiring a Presidential determination before the Bank may do business in a Communist country.●

INTERNATIONAL SISTER CITIES

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. PEPPER. Mr. Speaker, it is quite worthwhile to observe how very well the fine concepts and noble ideals upon which the international Sister City programs were founded are faring around this Nation. I recently had the distinct honor of attending the presentation of the fifth annual Roberto Clemente Humanitarian Award at a dinner hosted by my friends of the Hialeah-Managua Sister City Committee in Hialeah, Fla., and was equally honored to present a Roberto Clemente Silver Medallion myself. The recipient of the 1978 Roberto Clemente Humanitarian Award, Mr. Gordon Darling, is being so honored for his work in making possible the visit to the Japanese sister city of his Vallejo, California, community of a group of Vallejo's youngsters. Mr. Darling's 25 years of unending service to his community can serve as an inspiration to all of the fine men and women of America who selflessly dedicate their efforts to the betterment of mankind. I find it personally very touching to behold the genuine efforts of people often unknown to each other, and many miles apart, helping one another with no benefit of personal gain but that of the satisfaction of having done something to better understanding among peoples as has been occurring through the Hialeah-Managua Sister City program. Hence, Mr. Speaker, I am proud to offer for the RECORD this fine report of the activities of my friends at the Hialeah-Managua Sister City Committee for the information of the Members of Congress and all who read this RECORD:

Hialeah's award-winning Sister City Program with Managua, Nicaragua, has been nominated for an unprecerented seventh national award.

In cooperation with the Hialeah-Managua Sister City Committee, the city has received six consecutive Reader's Digest Foundation Awards for various projects in behalf of beleaguered Managua which has been Hialeah's Sister City since 1963.

According to Mayor Dale G. Bennett, the Committee has "a very positive opportunity" to obtain another national award at the Town Affiliation Association National Convention in St. Louis for its paramedic program.

The first one to receive a Technical Assistance Grant from the Federal Government, the Committee's paramedic program has been one of the projects which has helped to put Managua back on its feet since the December 1972 earthquake.

Among the many welfare and lifesaving projects of the Hialeah Committee was the donation of two surplus ambulances to the citizens of Managua. Personnel in Managua to make use of the two ambulances were practically non-existent. The subsequent project of the Hialeah-Managua Sister City Committee was to initiate and update the instruction of people from Managua in rescue and lifesaving techniques, ultimately leading to the initiation of a very successful paramedic training program.

The program consists of a jointly sponsored effort by Hialeah Hospital and the Sister City Committee and is the first of its type by a Sister City Committee with its foreign counterpart.

Initially, the instructors for Hialeah Hospital taught 38 students who were accepted in Managua, to give adequate and personal live instruction. To obtain a basic knowledge of emergency oriented procedure: the mechanics, extraction, transportation, local traffic patterns, communication, public contact, and any situation which could arise in modern paramedic procedures. Specifically during the two-week course, the following subjects were covered: general orientation to the emergency medical systems, oxygen therapy, neurology, shock, childbirth, hemmorrhage, fractures, drownings, burns, poisoning, drug overdose, cardiopulmonary resuscitation, cardiac general anatomy, and initial assessment. At the end of the course, 26 of the 38 students passed tests and were qualified as paramedic personnel. During the course in Managua, Jorge Gil of Hialeah Hospital assessed the following equipment and repaired it: a blood gas machine which was donated by Great Britain and two ventilators.

With the help of a Technical Assistant Project Grant from Sister Cities International, the second phase of the paramedic program was launched and it consisted of update training of the 26 previous students and the initiation of a new training program.

A local television station volunteered to film the work of the Hialeah Hospital team and produced a documentary which would help continue instruction and help acquaint the people of Managua with the new service. The second two-week emergency medical training program in Managua was carried out late in 1977 for 30 students but due to some guerrilla warfare, it was necessary for six to withdraw from the class.

The program consisted of: general orientation to Emergency Medical Systems, initial assessment, cardiopulmonary rescuscitation and practice, coma, burns, shock, trauma of the head, neck, chest, abdomen and extremities, childbirth, poisoning and drug overdose, management of Cardiac Disturbance, IV therapy, and communication, records, and supplies. The Hialeah Hospital instructors also gave practical experience to the students by "on the scene" trainin; at emergencies.

Both the short term and long term objectives of the project have been accomplished. Initially the City of Managua was equipped with qualified paramedic personnel to administer basic life supporting measures. On a long term basis, the program has and will provide additional trained paramedics for Managua as well as for the country. Those previously trained are now in the position of conducting training programs themselves. We now feel that the paramedic training program has saved hundreds of lives and is providing benefit to the entire Managua area in addition to Nicaragua itself.

A Vallejo, California community volunteer worker has been selected for the fifth annual Roberto Clemente Humanitarian Award presented by the Hialeah-Managua Sister City Committee and the City of Hialeah.

Gordon Darling, who was nominated by Vallejo Mayor Florence E. Douglas, won out in the final judging over three other finalists who included the late U.S. Senator Hubert

H. Humphrey, Mrs. J. C. "Louise" Chargois of Lafayette, Louisiana and Dr. Susie C. Holley of Florida Memorial College.

Darling, who has given more than 25 years of service to Vallejo, was selected by a panel of judges of the presidents of the colleges and universities in Dade County.

He joins such previous winners of the award as Herbert L. Bellamy of Buffalo, New York; M. L. "Tigue" Moore of Lafayette, Louisiana; Caesar Murphy of Passaic, New Jersey and Rafael M. Estevez of Hialeah, Florida.

The Clemente award, named for the late Pittsburgh Pirate baseball star who lost his life while on a relief flight to Managua, Nicaragua, Hialeah's Sister City, is based on dedicated, unselfish community service, amount of time and effort and work over and above regular duties.

GORDON DARLING, RECIPIENT, FIFTH ANNUAL ROBERTO CLEMENTE HUMANITARIAN AWARD

The fifth annual Roberto Clemente Humanitarian Award is presented to Gordon Darling, of Vallejo, California, who has an exemplary record of community volunteer work over a period of more than 25 years.

According to Mayor Florence E. Douglas of Vallejo, Mr. Darling has raised funds personally to send Vallejo children to Japan on a Sister City trip, has solicited more than $12,000 worth of clothing and supplies for earthquake victims in Guatemala and has been active with minority groups for which he won the Vallejo Human Relations Award.

Mr. Darling, in his years of service to Vallejo, has deprived himself and his family from summer vacations in order that he could work for the youth of the community.

Serving as a volunteer with no pay of any sort, he has felt compelled to do this for his community because, as a youth, he was an orphan and many leaders of the community helped him struggle through his early years and he has sought to pay back the debt by helping children in return.

All of his free time has gone to the youth of the community on weekends and evenings in addition to summer vacations.

Many of the youngsters he has helped and guided have since gone on to professional football, professional baseball, the Air Force Academy and the Olympic Games.

He has taken on the responsibility of seeing that many crippled children visit Disneyland knowing that more than 80 percent of them die before they reach the age of 15.

His involvement goes beyond his regular job because he is a member and works for such organizations as the Kiwanis Club, Sister City Committee, YMCA, Junior Chamber of Commerce, Red Cross, Greater Vallejo Recreation District, San Francisco Youth Programs, Boy Scouts, Veteran's Hospitals and the Salvation Army.

Active with youths, many of whom are from disadvantaged homes, he works with all sports-minded organizations in the community.

In 1975, Mr. Darling guided the appearance of a Little League All Star team from Japan playing against the Vallejo Baseball All Stars, with more than 25,000 viewing the game in San Francisco's Candlestick Park.

He has also engineered the appearance of a Vallejo high school All Star Baseball team in Japan playing an All Star team from Vallejo's Sister City of Akashi.

More than 22,000 children from Vallejo have been spectators at San Francisco Giant baseball games, 49ers Football games and the 1960 Winter Olympics in Squaw Valley because of Gordon Darling.

Among his awards are: National Recreation, U.S. Marines, Armed Services, American Red Cross, San Francisco Giants, Key Man, Century YMCA, Radio Free Europe, Boy Scouts of America, and one of five selected for California's Man of the Year.

All of the organizations in which Mr. Darling participates, as well as the youth of Vallejo, are much richer because of his efforts. He is truly of the same mold as Roberto Clemente.●

THE CYPRIOT ISSUE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. TEAGUE. Mr. Speaker, several weeks ago I received a letter from one of my constituents who has worked and resided in the Cypriot area for a number of years in which he discussed at great length the moral issue of Greek-Turkey-Cyprus problem.

I asked him if he would give me permission to place his letter in the RECORD for the benefit of my colleagues. He has given his permission, and I commend its reading by all:

COLLEGE STATION, TEX.
May 12, 1978.

Hon. OLIN E. TEAGUE,
2311 Rayburn House Office Building, Washington, D.C.

SIR: I have been disturbed in recent weeks to read and hear editorials favoring military aid to Turkey solely on the basis of Turkey's undoubted addition of strength to NATO.

Nowhere have I heard voices raised in support of Turkey's moral position.

I have been visiting and working in Turkey since 1952. At the same time, I have lived in Greece for two years, and have worked on Greek projects. I hope to spend more time in both countries in the future.

Lastly, my home at the time of the Cyprus War was in Greek-Cypriot Nicosia. I had both Greek Cypriot and Turkish Cypriot friends.

On Cyprus I was struck by the differences in dialect, food, architecture and customs between Greek Cypriots and mainland Greeks. When I pointed this out to my Greek Cypriot friends, or friends in the Greek Embassy in Nicosia, thinking it a compliment, I was always rebuked with the comment: "No. We are Greeks. Cyprus is Greek." Learned Greek Cypriot archaeologists, it seemed, even misinterpreted their evidence to show that Greeks had colonized Cyprus as far back as the Late Bronze Age. Acquaintances bragged that they were in EOKA.

Turkish Cypriots, on the other hand, seemed proud to be Cypriots, even though they were in a very poor position, whatever the causes, in the country.

Greek Cypriots, even though they enjoyed the best of the country, brought about their own troubles, of course, by the coup that brought the worst possible elements to power. The Turkish Cypriots were badly outnumbered by those who now planned to make Cyprus completely Greek.

The Turkish army had no choice but to intervene. No one else would have protected the Turkish Cypriots on Cyprus.

As an American, after intervention, I felt safe only when in the Turkish occupied zone, even though most of my friends previously had been Greek Cypriots. We were warned by Greek Cypriot "friends" to leave the country at once, because we were American. Shortly after we left, of course, the American Ambassador was killed by Greek Cypriots.

Yet all this time in the United States there were repeated calls for Turkish military withdrawal from Cyprus. Sometimes the calls were for the withdrawal of all foreign troops, which meant the same thing.

Is there any doubt whatsoever that the outcries in the United States came first from Greek-Americans? The outcries were nationalistic in origin, having nothing to do with the best interests, moral or otherwise, of the United States. Is there any doubt that had the Turkish army not intervened that the Turkish Cypriots would have suffered terribly?

On my last trip to Cyprus, I met some of my Greek Cypriot friends who had so loudly proclaimed their "Greekness" before, but who now realized that the Greek army could not or would not come to their aid.

"You must understand," the garage mechanic told me, "that we are Cypriots, not Greeks. We have our own ways, our own customs. We could get along well with Turkish Cypriots if only we were left alone. It was just a few crazy EOKA types who caused the war. They did not represent the people."

As I drove away from the garage I looked back and saw the huge, old sign in his window: EOKA . . . CYPRUS–GREECE.

Again and again I heard similar comments from Greek Cypriot acquaintances. They were repeating what had always been clear, but by their blindness they had brought about their own defeat. Earlier they had the best possible Mediterranean world.

American treatment of Turkey since the Cyprus War has been wrong, and it has been politically inspired by Greek-American politicians.

America should consider her friendship with Turkey for many reasons, not least because it is the right thing to do.

Sincerely yours,

GEORGE F. BASS.●

TAXES TAKE 47 CENTS OF EVERY DOLLAR

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. RUDD. Mr. Speaker, a taxpayers' revolt is taking place today in the State of California.

Voters there are expected to approve the Jarvis-Gann initiative, Proposition 13 on the State ballot, which will slash property taxes to 1 percent of the 1975–76 assessed full cash value and impose a constitutional requirement of a two-thirds vote if the legislature wants to increase State taxes.

Government bureaucrats and vested interest groups that rely on public funds are gnashing their teeth over this tax cut referendum. But no one can blame the people for approving the Jarvis-Gann initiative. How else can the public control or stop the wild and irresponsible spending excesses of Government?

According to Department of Commerce statistics, taxes at all levels of Government now take about 47 cents out of every dollar earned in the United States.

Following is a breakdown of this in-

formation from the January 1978, "Survey of Current Business:"

[In millions]

Total personal income	[1] $1,600,500
Less government benefits payments	[2] 212,500
Total earned income	1,388,000
Federal expenditures	[3] 446,700
State and local expenditures	[4] 276,200
Less Federal revenue sharing	72,200
	204,000
Total government expenditures	650,700
Percentage of total earned income taken for government expenditures	46.9 percent

[1] "Survey of Current Business," U.S. Department of Commerce, January 1978, page 11, table 10, line 1, 4th Quarter of 1977.
[2] *Ibid*, line 15.
[3] *Ibid*, page 12, table 12, line 12.
[4] *Ibid*, page 12, table 13, line 13.

Mr. Speaker, a taxpayers' revolt is a perfectly natural and understandable reaction when Government at all levels is taking almost 47 cents out of every dollar earned by the people, in order to pay for government programs—many of which are wasteful and inefficient.

The people are correct in their belief that this is much too much, and that only resolute action such as passage of the Jarvis-Gann initiative will control reckless government spending and taxation.

I am reminded that English serfs in bondage during pre-Revolutionary times were required to give their masters 2 days of work out of every 7.

Today, the American people are required to give an average of about 2½ days each week of their working time—of their earned income—to the government via taxation. At the current level of taxation, people work for 132 days each year just to pay their taxes, before they can count any of their earnings for their own food, clothing, shelter, and family recreation.

I know that I join millions of Americans in hoping for passage of the Jarvis-Gann initiative in California. Many other States are expected to follow suit by passing similar measures designed to bring about Government fiscal responsibility and reduced taxes.

We could do with some of this fiscal restraint and tax reduction at the Federal level, which is why I am cosponsoring several bills to end Federal deficits and balance the budget, and to provide permanent tax cuts for the people and productive enterprises as a way to increase economic freedom and job-producing economic growth.

Whatever follows the Jarvis-Gann initiative, one message is clear: The people are demanding relief for the overburdened taxpayers. I applaud this action. It is long overdue. Maybe we can control excessive Government and reverse the trend before we get any closer to having the Government take more than half our earned income—truly making taxpayers economic slaves to the recipient class—for Government programs. ●

INSURERS LOBBY AGAINST SELF-INSURANCE TRUSTS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. LAFALCE. Mr. Speaker, my Subcommittee on Capital, Investment and Business Opportunities has undertaken an extensive investigation into the product liability problem plaguing our Nation. Our report recommended, as an interim measure to ameliorate this problem, that businesses be permitted to create product liability trusts, and to fund them with pretax dollars. This recommendation was concurred in by the Federal Interagency Task Force on Product Liability, headed by the Department of Commerce. At present, there are over 20 bills pending in the House which would affect this proposal, cosponsored by almost 150 Members.

In our hearings, this concept was supported by virtually all witnesses except those representing the insurance industry. Recently, the insurance industry has undertaken a massive lobbying effort to thwart these proposals. As is noted in a recent editorial from Business Insurance, the insurance industry position is inconsistent: On the one hand, insurance companies have been and continue to be "vocal about the 'product liability crisis' and the need for tort reform limiting corporate liability for product injuries." However, largely as a result of the "lucrative markets" they stand to lose, they have swung their massive bulk" behind the opposition to a measure that would alleviate the situation, and when opposing this particular approach, argue that there is no real problem. They simply cannot have it both ways.

The editorial, which follows, notes these and other inconsistencies in the insurance industry position:

[From the Business Insurance, May 29, 1978]

TAX BREAKS FOR RESERVES CAN ONLY HELP

Unbeknown to many risk managers, the insurance industry is quietly pouring loads of money into a massive lobbying effort to thwart a proposal which would give corporations tax breaks for self-insurance reserves.

The need for such a measure became patently clear as the product liability problems of this country have come into focus in recent months. Corporate America was faced with product liability risks of a magnitude that caused insurance companies to begin charging high prices for their policies covering these losses. Thus, commercial insurance buyers reported facing another very real problem: not being able to afford to buy product liability insurance.

Yet, recognizing that there was no other feasible way for them to prepare ahead of time for these losses, by pre-funding them using tax-free dollars, buyers of insurance got behind a legislative plan that would help solve the insurance affordability problems. The proposed law would enable companies to build internal product liability loss reserves, while taking tax deductions for the funds they set aside for this purpose.

At the same time, the insurance industry has been equally vocal about the "product liability crisis" and the need for tort reform limiting corporate liability for product injuries.

Though it appeared insurance buyers and underwriters were on the same side of the fence on this issue, at second glance it becomes evident this is far from true.

The insurance industry, recognizing it stands to lose what amounts to a lucrative market should their customers suddenly find it advantageous to build internal self-insurance reserves for product liability losses, has swung its massive bulk behind the opposition to the bill.

Risk managers, if they are to convince Congress that there is indeed a product liability problem, must move now to counteract the insurers' lobbying. Tax breaks are necessary for companies which want to build self-insurance reserves against liability losses and which are willing to get actuarial certification that these reserves are reasonable and warranted. This annual actuarial or independent assessment of reserving practices would go a long way toward preventing abuses of such a tax loophole, a major reason why the insurance industry says it is opposing the bill.

Why is the industry so concerned that small businesses won't be able to adequately fund their self-insurance reserves, leaving some injured person uncompensated or under-compensated for an injury? Though the industry steadfastly maintains there's plenty of product liability insurance available—albeit at a steep price—there's evidence a growing number of businesses are going without any coverage at all, because they either can't afford the premiums or don't think the insurance offers enough value for the price. Since there's not now and not likely to be any legislation requiring companies to buy product liability insurance, it seems much more important at this juncture to assure that companies without insurance have an incentive to fund their future liabilities another way, lest they be unable to compensate injured parties for damage done.

There's another glaring inconsistency here. Insurers have maintained for years that there's inadequate financial capacity for them to underwrite all of the liability coverage being demanded. Now to have them turn around and oppose a measure which would actually help to alleviate this capacity shortage—if there is one, and we think there is—leaves us baffled. Do we or do we not want to encourage companies to pay their own losses at the lower levels, to free up underwriting capacity for catastrophic coverage? ●

TRIBUTE TO CHAIRMAN CLEM ZABLOCKI

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. DENT. Mr. Speaker, today I wish to pay a fitting tribute to a dear friend and colleague; one who has made a lasting contribution to the cause of human rights around the world. CLEM ZABLOCKI, the distinguished Chairman of the House Committee on International Relations, is among the foremost advocates of civil and human liberties for all people. Among other priorities, Chairman ZABLOCKI is committed to translating the 1975 Helsinki Accords from a mere state-

ment of principles into lasting reality, thereby achieving the guarantee of fundamental freedom for all people without distinction, including the freedom of thought, conscience and religion.

As a Polish American, proud of his ancestry, Chairman ZABLOCKI has repeatedly demonstrated his concern over the violations of human rights in the Soviet Union, Poland, and other countries. Through the sponsorship of House Concurrent Resolution 624 he seeks to express American opposition to the imprisonment of those Soviet citizens who are attempting to monitor Soviet compliance with the Helsinki agreements.

Mr. Speaker, on May 27, 1978, Chairman ZABLOCKI was the featured speaker at the "Conference on Polonia 78—Polonia sponsored by the Polish American Congress and the Canadian Polish Congress in Toronto, Canada. The purpose of this conference, attended by over 1,500 Polish delegates from all over the world, was to establish a set of principles and create a framework to bind together people of Polish descent in the spirit of cooperation and brotherhood.●

ED BEARD FIGHTS ITALO-AMERICAN SLUR

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. BIAGGI. Mr. Speaker, as an Italo-American I wish to pay tribute to my distinguished colleagues from Rhode Island, ED BEARD who recently demanded and received an apology from the president of the Rhode Island Press Club who was responsible for presenting a totalling disparaging song at a recent function in Kingston, R.I.

The song was a clear slap at Italo-Americans and tragically enough—was uttered in the presence of distinguished present and former Rhode Island elected officials including former Senator John Pastore, former Governor Notte and present Providence Mayor Vincent Cianci. The song was an attempted piece of satire but was so tasteless that it forced Senator Pastore to leave the room.

ED BEARD whose wife is an Italo-American demanded an apology and the very next day, the responsible party did so.

Ethnic humor is one thing when done in good taste. However under no conditions could this be considered anything but a damnable attack on the Italo-American community.

I praise my colleague for his prompt response to this incident and it further demonstrates his inherent sense of justice. He has demonstrated this time and time again as a Member of Congress and the Italo-American community is in his debt for his championing of their rights to be free from defamatory remarks.

At this point in the RECORD I wish to insert two press accounts of the incident. Due to the utterly tasteles nature of the song, I have deleted the words. I assure my colleagues that they were the height of bad taste.

The press accounts follow:

[From the Echo, Apr. 6, 1978]

CONGRESSMAN BEARD DEFENDS ITALIAN AMERICANS

Congressman Edward P. Beard has called a song presented at the Rhode Island Press Club's 10th annual Governor's Night show "a direct and vicious attack on the entire Italian American community."

The song, "Federal Hill Things," is set to the music of *My Favorite Things*, and was written by Mike Cabral of radio station WPJB–FM, a Providence *Journal* owned station.

According to Beard, the song was a "blatant attack on Italians, specifically Chief Justice Bevilacqua, trying to tie his name with the ACI and rackets."

Beard has demanded a public apology from the Rhode Island Press Club be made to residents of Federal Hill and to persons of Italian American heritage. "It was a disgraceful attack on the Italian American people of the state and was totally without need."

Rhode Island's leading newspaper carried an account of the roast and the protests made over the song in its April 3 edition, but it was "buried" next to the legal announcements in the second section.

Again, this newspaper reveals its true colors toward Rhode Island's Italian American community, especially in view of the coverage that has been given Lt. Gov. Thomas DiLuglio in recent weeks. While front page articles with bold headlines seek to discredit DiLuglio, coverage of an event that slaps the faces of one-third of the state's population merited only a corner of a page deep within the bulk of the issue.

Given the overall attitude of the local press and its idea of "humor" it would not have been surprising to see the article on the comic page.

In a telephone conversation with *The Echo*, Jack Kavanaugh, president of the Rhode Island Press Club, stated that the Governor's Night is a rough roast. "It always has been and it will continue to be."

Does this mean that insults and discredit will replace satire? That bias and prejudice will replace humor? That the Italian American community can expect the press to continue its abuse, cynicism and lack of integrity?

Kavanaugh stated that "Mr. Cabral, who could not be reached for comment, felt the audience was mature enough to handle this type of humor. Kavanaugh further commented that "technically no apology should be needed for statements made in the format of a roast."

A final question * * * the minds of all Rhode Islanders and specifically the Italian American community. If these people of the Rhode Island Press Club represent the news media of this state, the same people who mold the news, how unbiased can they possibly be in doing their job?

[From the Evening Bulletin, Apr. 3, 1978]

CLUB OFFERS APOLOGY FOR OFFENDING SONG

PROVIDENCE.—Jack Kavanagh, president of the Rhode Island Press Club, has apologized to anyone who may have been offended by a song, "Federal Hill Things," sung during a "roast" in North Kingstown Saturday night attended by about 350 newsmen and public figures.

Kavanagh's comments came yesterday in response to a demand from Rep. Edward P. Beard that the club "apologize publicly" for singing the song, which Beard called "a direct and vicious attack on the entire Italo-American community."

Lyrics to the song, written by Mike Cabral, a reporter for WPJB–FM radio, and in the form of "My Favorite Things."

The song was sung as an encore after the Press Club's 10th annual "Governor's Night" show, held at the Quonset "O" Club and billed as a satiric revue of the news.

The audience included Governor Garrahy, former Sen. John O. Pastore, former Governors Philip W. Noel, Frank Licht, John A. Notte Jr. and Dennis J. Roberts, Providence Mayor Vincent A. Cianci, Jr. and Beard.

Pastore reportedly walked out of the club when the song was sung.

Beard, whose wife is an Italo-American, yesterday said he thought the song was "disgraceful and totally uncalled for," and that it had elicited "outrage from about 90 percent" of the audience.

"If the song has gone on for another two minutes, I think John Pastore would have taken a heart attack," Beard said.

"They'll try to tell you it was 'humor.' They'll try to get out of it that way. But you don't pinpoint one nationality with derogatory references and call that 'humor.'

"What that song said was that Italians, especially those on Federal Hill, are the bottom of the barrel, period."

Beard said he wanted the Press Club to "apologize publicly, first of all to all the residents of Federal Hill, and then to Senator Pastore. Marguerite Garrahy (wife of the governor) and all others of Italian extraction who attended that shambles . . . and then to anyone else (the club) may have offended."

Kavanaugh, a WJAR–TV newsman, said he had not known the song was to be sung. "It came as a complete surprise to me," he said.

"Quite a few people took offense at that one particular number," he acknowledged, "and to those people who did, the Press Club publicly apologizes and sincerely regrets."

However, he said, "Governor's Night is a rough roast. It always has been and it will continue to be."●

ARMS CONTROL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for June 7, 1978, into the CONGRESSIONAL RECORD:

ARMS CONTROL

These are the undisputed facts of the arms race:

In 1970 the nations of the world spent $200 billion on military arms, but this year they will spend $400 billion, more than a billion dollars a day.

Regular armed forces throughout the world have increased to 23 million in 1978, 7 million more than in 1960.

Every year the largest industrial nations export weapons worth $8 billion to the poor nations, almost three times as much as in 1970.

Since the early 1970s the United States and the Soviet Union have increased their nuclear stockpiles from 8,000 to 14,000 warheads.

With one tax dollar in six going for the purchase of weaponry, the average family

pays more to support the arms race than to educate its children.

The crushing financial burden of the arms race has many adverse effects. It clashes with worldwide development efforts, stimulates inflation, contributes to unemployment, makes cooperation among nations more difficult and threatens international stability. These effects and others have led the nonaligned nations to demand that the United Nations General Assembly convene a special session on disarmament. That session is now being held in New York City.

The arms control conference had its origins in a general dissatisfaction with the slow progress toward disarmament. Many nations desired a forum in which they could express their concern to the major military powers. These nations are asking for restraint in the development and use of nuclear and conventtional weapons, commitment to spend a portion of arms control savings for economic development, achievement of regional limitations on weapons and forces, acceptance of non-military security measures such as notification and early warning, and multilateral mechanisms to deal with arms control issues. The conference, which is just getting underway, will have few immediate results because disagreements are too great for a quick solution. In any case, the purpose of the conference is to discuss arms control, not to negotiate arms reductions.

Although no new disarmament accords will be reached, it is helpful to call attention to the basic facts of the arms race and to describe the problems of arms control accurately. The latter task is not as simple as it may seem. The disadvantages of the arms race are apparent, but so are the reasons for it. Heavy armament has provided security, fostered self-confidence and prevented a major war for more than 30 years. It may also be helpful to point out inadequacy of the present attempts to control arms. By forcing all nations—especially the superpowers—to defend their arms control policies in full public view, some positive pressure for change may be brought to bear.

What progress there is may go beyond general ideas about disarmament. The special session has already produced specific, technical proposals to control arms. French President Valery Giscard d'Estaing, one of the 20 heads of state or government attending the conference, suggested that the UN orbit satellites to monitor troop movements and missile emplacements. Vice President Walter Mondale advocated the creation of a special UN peacekeeping force and the use of aerial photography and sophisticated listening devices to lessen tensions in trouble spots. Other concrete proposals are being made.

Arms control talks have become more common and more productive in recent years. The UN Conference of the Committee on Disarmament, which is co-chaired by the United States and the Soviet Union, is one of the principal forums. Among its recent successes are the Limited Test Ban Treaty, the Treaty of Non-Proliferation of Nuclear Weapons and other agreements. The most important arms control efforts at present—the Strategic Arms Limitation Talks—are the continuing negotiations between the United States and the Soviet Union on the limitation and reduction of nuclear weapons. Efforts are also underway to secure a ban on nuclear explosions and the development and production of chemical and radiological weapons. Talks have been going on in Vienna for five years on the mutual reduction of armed forces and armaments in Central Europe. Other initiatives would limit arms in the Indian Ocean and control foreign transfer of conventional weapons and anti-satellite systems.

True arms control is an arduous process involving nothing less than improved security for all nations and a stable world order in which human talents and energies may be devoted to the basic needs of people. It is easy to regard this process with cynicism and a sense of futility, but such an attitude will only ensure failure.

It has been our policy for many years that soundly conceived, verifiable arms control measures can provide a safer, more durable and less expensive way of defending our nation. I believe that the Congress and the American people support this policy and will work for it.●

WHAT NEW YORK ASKS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. RANGEL. Mr. Speaker, in view of the fact that the New York City Financial Assistance Act of 1978 is being considered by the House today, I would like to share a New York Times editorial with my colleagues.

The editorial clearly enumerates the city's valiant effort to meet its financial problems and the urgent need for the Federal Government and Congress to support this effort:

WHAT NEW YORK ASKS

In its fashion, New York City has now pulled its act together. It has squeezed more aid from New York State, held its employees to a raise that is less than half the current rate of inflation, and repaid every cent of emergency Federal loans, with interest. Before that, during three years at the edge of bankruptcy, it reduced its work force by about 20 percent, let its plant and equipment deteriorate to an appalling degree, revolutionized its bookkeeping systems, raised taxes, froze wages, increased transit fares and imposed tuition at its university. It delayed repayment of its debts and pressured its workers to invest their pension funds in the citys' future.

All this to avert the chaos of formal bankruptcy, to keep alive a vestige of self-government, a chance of an early return to the private bond markets and of economic revival. All this to atone for past mismanagement and extravagance. And all this out of pride that New York is special and capable of retaining its cultural pre-eminence while serving as the nation's foremost poorhouse.

Now, after all this, New York City turns again to Congress to request one more measure of extraordinary assistance: a Federal guarantee of up to $2 billion in loans to permit the orderly refinancing of a huge debt, the essential repair of public facilities and a gradual shift to reliance on private lenders. The smug will find many reasons why even now New York City deserves no special consideration; they might be won over only if the city changed its name to Lockheed. But the honestly skeptical should know as they listen to Mayor Koch before the Senate Banking Committee today that he speaks not for decadence or socialism but only for survival and continued sacrifice in the most competitive and hard-pressed city in the land.

We do not pretend to know whether the latest commitments that Senator Proxmire and his Banking Committee demanded before considering the loan guarantee were entirely reasonable. Quite properly, they wanted to see the outlines of the next contract between the city and its 200,000 workers. Well there it is: a 4 percent raise this year and 4 percent next. There remain outrageous work rules and work habits, and the Mayor should have established at least the principle of union collaboration in their undoing. More important, he might have used the present crisis to set a pattern for sharing future savings and surpluses—50 cents of every dollar, say, for wage increases, a quarter for the taxpayer, a quarter for the capital construction budget. He has not achieved an ideal labor compact.

But what governmental unit has? The fact is New York has negotiated its workers into a gradual reduction of their real income while persuading them to invest significant portions of it in bonds that banks and private citizens would not buy. That is the measure of New Yorkers' self-help. Moreover, to guarantee continued fiscal prudence, the city and its unions have submitted to the discipline of a state control board that will monitor city budgets for a generation. And the inevitable consequence of a Federal loan guarantee will be yet another monitor in the Federal Treasury.

A loan guarantee will not assure the city's economic health. More than half a million jobs have disappeared from New York in a decade while millions of poor people moved in. More than sacrifice and prudence are needed to assure the long term health of New York and other major cities. Nor is it clear that a loan guarantee is essential to stave off bankruptcy for another year or two; a few more Federal tideover loans might work as well. But only a guarantee will let responsible New York managers escape the quarterly shortages of cash and the burdensome bulges of the debt. What is so promising about a guarantee is the long-term aspect, which would let the city plan for survival over a period of years instead of weeks.

It is not charity the city seeks, only a chance.●

ANNUAL QUESTIONNAIRE RESULTS IN MICHIGAN 15TH CONGRESSIONAL DISTRICT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. FORD of Michigan. Mr. Speaker, I am pleased to submit for the RECORD the results of my annual questionnaire survey of the residents in Michigan's 15th Congressional District, which I have the honor to represent.

These percentage results represent the tabulation of the first 10,000 replies. Questionnaires are still being returned daily, but not in sufficient number to affect the overall results.

This annual survey, Mr. Speaker, is one of the most valuable projects that we carry out each year. There is no more effective way I know to obtain such a broad cross-section of opinion among my constituents.

In addition to a number of questions on specific areas of national concern, I have asked my constituents each year

to tell me what they consider the most important problems facing our Nation. Over the years, several items have consistently appeared in the top four or five—crime, inflation, unemployment, energy and drugs.

This year, for the first time, inflation headed the list, chosen by 23 percent of the respondents as the single most important problem facing our Nation. Another 12 percent listed it in the top 3.

I think it is significant, also, how my constituents replied when I asked them in what areas they would increase, and decrease, the Federal budget.

The great majority—61 percent—would decrease spending for foreign aid. Nearly half would cut spending for welfare programs, and 29 percent would reduce the budget for space exploration.

Energy research emerged as the most popular area for increased spending, followed closely by programs to fight crime and drug use, programs to aid senior citizens, and for health, education, and jobs programs.

For the first time, I included on this year's questionnaire a box for the respondents to mark their age group. The results show that the largest number—36 percent—were in the 45 to 60 age group, followed by 32 percent aged 30 to 45, 20 percent under 30, and the rest over the age of 60.

I am sure these survey results will be of interest to you, Mr. Speaker, and to our colleagues here in the Congress:

1. Congress is considering several plans to help middle-income families meet the rising cost of college education for children. At present, Federal grants and subsidies are available only for those with family incomes of less than $15,000. President Carter is urging a higher income limit to extend Federal assistance to middle income families—defined as those with incomes up to $25,000, for outright grants, and up to $45,000, for subsidized loans. What is your opinion?

a. Agree with these higher family income limits, 55%; b. Prefer even higher family income limits, 14%; c. Prefer lower family income limits, 18%; d. Other, 13%.

2. Many American farmers are protesting what they consider inadequate profits, and are asking that the Federal government guarantee them "parity" in farm prices—basically, a pricing system to ensure profits each year. Opponents argue that this would mean using the consumer's own tax dollars to keep his food bill high. Some economists point out that farmers, like any other businessmen, should expect price fluctuations, and should be prepared to deal with ups and downs in the market place. What do you think?

a. The Federal Government should guarantee farm profits, 14%; b. Farm prices should be regulated by supply and demand, 74%; c. Other, 14%.

3. Foreign imports continue to have a drastic effect on employment and on business profits in the United States. The problem is aggravated by the practice of some nations of "dumping" their products onto the American market—that is, subsidizing their manufacturers so that their products can be sold at below-market prices. What do you think is the answer?

a. Establish higher tariffs on all imported goods, 24%; b. Set limits on how much can be imported from any nation, 34%; c. Negotiate with other nations to forbid "dumping", 33%; d. Other, 9%.

4. Congress is considering legislation to curtail the growing problem of "runaway plants." The legislation would restrict the practice of businesses moving their factories or offices to other states or areas to take advantage of lower taxes, cheaper labor or other economic advantages, leaving behind unemployment, vacant property and lowered tax bases. This bill would require companies to give advance notice of such closings and provide economic justification for any move, and would provide Federal aid to workers and communities affected by plant closings. What do you think?

a. Agree with this legislation, 53%; b. Disagree with this legislation, 47%.

5. Alarmed by the potential insolvency of the Social Security Trust Fund, Congress was forced last year to pass emergency legislation increasing the tax rate and wage base on Social Security payments by both workers and employers. We are now considering a plan to use general Federal revenues to stabilize the Trust fund, and at the same time cut substantially (from 6.13% to 3.90%) the rate paid by employers and employees. This is even proposed as an alternative to President Carter's proposed tax reduction. What do you think?

a. Favor this plan rather than the increased rates, 49%; b. Favor this plan as an alternative to tax reduction, 2.4%; c. Oppose this plan, 14%; d. Other, 13%.

6. The nation's total cost for health care this year to citizens and the government will exceed $180 billion, and by 1985 is expected to reach nearly $400 billion. To help stop this appalling inflation, Congress is considering legislation to create a National Health Insurance Program to provide complete health care for all. It would be financed through a payroll tax like Social Security, but not connected in any way with the Social Security Program. Some would prefer to provide such insurance only for catastrophic health problems, while others would leave health insurance entirely in the hands of private companies. Which do you prefer?

a. National Health Insurance for everyone, 39%; b. Federal insurance only for catastrophic illness, 23%; c. Let private companies provide health insurance, 31%; d. Other, 7%.

7. Experts agree that the world is fast running out of fossil-fuel resources—oil, gas and coal—but cannot agree on the primary energy source for the future. In the meantime, the United States is importing more and more petroleum and the cost of energy continues to rise. Which of the following do you think should be stressed in our national energy policy?

a. Conservation; reduction of individual energy use, 18%; b. Exploration for new sources of petroleum, 14%; c. Development of alternate sources; nuclear, solar, etc., 48%; d. More dependence on U.S. coal reserves, 14%; e. Other, 6%.

8. Congress is considering a Federal Budget of over $500 billion, and will be considering proposals to increase or decrease this budget in various areas. In which of the following areas would you reduce the Federal budget?

a. Foreign Aid, 61%; b. Welfare Programs, 49%; c. Space Exploration, 29%; d. Military spending, 21%; e. Jobs and Training Programs, 11%; f. Education, 7%; g. Fighting Crime, Drugs, 5%; h. Health, 5%; i. Senior Citizens, 4%; j. Energy Research, 3%.

9. In which of the following areas would you increase the Federal budget?

a. Energy Research, 40%; b. Fighting Crime, Drugs, 31%; c. Senior Citizens, 30%; d. Education, 26%; e. Health, 26%; f. Jobs & Training Programs, 22%; g. Military Spending, 16%; h. Space Exploration, 9%; i. Welfare Programs, 2%; j. Foreign Aid, 0.5%.

10. What do you consider the single most important problem facing our nation today?

a. Inflation, 23%; b. Energy, 13%; c. Crime and Drugs, 9%; d. Unemployment, 4%; e. Taxes, 3%.

What do you consider the next two most important problems?

a. Crime and Drugs, 18%; b. Energy, 17%; c. Inflation, 12%; d. Unemployment, 8%; e. Health Care, 6%; f. Taxes, 6%; g. Welfare, 6%; h. Education, 5%; i. Senior Citizens, 4%; j. Government Spending, 3%.

11. Occupation of persons responding to the questionnaire survey:

a. Housewives, 20%; b. Retirees, 12%; c. Skilled Workers, 9%; d. Unskilled Workers, 9%; e. Professionals, 8%; f. Office Workers, 6%; g. Educators, 5%; h. Engineers, 5%; i. Salespersons, 5%; j. Supervisors, 5%; k. Technicians, 4%; l. Building Tradesmen, 2%; m. Students, 1.5%; n. Self-Employed, 1.5%; o. Farmers, 0.1%; p. Unspecified, 6.9%.

12. Age groups of persons responding to the questionnaire survey:

a. Under 30, 20%; b. 30–45, 32%; c. 45–60, 36%; d. 60–65, 3%; e. Over 65, 9%.

DEFENDING PRESS FREEDOM

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. DRINAN. Mr. Speaker, the U.S. Supreme Court decision on May 31 in the case of Zurcher against Stanford Daily has shocked the American people. Citizens were very distressed to learn that the Court had upheld the right of police authorities to search a newspaper's office without any showing of probable cause of criminal activity by the newspaper's employees.

To overturn the effects of this decision, I have introduced H.R. 12952, the Press Protection Act of 1978. My bill would protect the rights of the electronic as well as the print media and would prohibit the kind of search undertaken in the Stanford Daily case. Because I believe the Congress must strengthen and secure the press' freedom to publish or broadcast without fear of indiscriminate search and seizure, I am asking my colleagues to join me by cosponsoring the Press Protection Act.

The following editorial in the June 2 Boston Herald American demonstrates the fallacy of the Court's ruling and thereby shows why Congress must reverse the Stanford Daily decision.

The editorial follows:

NEW CURBS ON A FREE PRESS

There is a tendency, on the part of the media, to over-react sometimes when it perceives that a danger threatens to undermine the freedom of the press. But the immediate and almost universal expression of outrage over the U.S. Supreme Court's ruling on Wednesday—giving the police broad new powers to invade newspaper offices without prior notice and to rummage through files,

desks or wastebaskets in search of evidence which may or may not be useful in solving a crime—is thoroughly justified.

The Fourth Estate isn't crying "wolf." The danger is real this time. At worst, the Supreme Court's decision is a serious threat which could result in widespread harassment of the media and hamper the ability of the press to protect its sources of information and thereby keep the public adequately informed. At best, the decision represents a continuing chipping away of constitutional rights and freedoms guaranteed not only by the First Amendment, but by the Fourth and Fifth as well.

The case decided by the court involved a student newspaper at Stanford University. Its premises had been searched by the Palo Alto police who were looking for photographs of participants in a campus protest demonstration. Two lower federal courts had ruled that the search was illegal, but the Supreme Court reversed those rulings.

If this were an isolated incident, perhaps there would be little cause for fear. But unfortunately it is not. Jack Laudau of the Reporters Committee for Freedom of the Press points out that policemen have conducted 10 similar newsroom searches in California, and that a television station in Rhode Island and a wire service office in Montana have also been raided recently.

Such raids are almost sure to escalate in view of the Supreme Court's new ruling. What effect will those raids have? Justice Potter Stewart supplied the answer in a strongly-worded dissenting opinion:

"Protection of (confidential news) sources is necessary to insure that the press can fulfill its constitutionally designated function of informing the public, because important information can often be obtained only by an assurance that the source will not be revealed.

"It requires no blind leap of faith to understand that a person who gives information to a journalist only on condition that his identity will not be revealed will be less likely to give that information if he knows that, despite the journalist's assurance, his identity may in fact be disclosed . . .

"It seems obvious to me that a journalist's access to information, and thus the public's, will thereby be impaired."●

THE ROAD TO PROSPERITY—PART VII—THE WASHINGTON POST IS BOTH FOR AND AGAINST CAPITAL GAINS TAX REFORM

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. STEIGER. Mr. Speaker, last Friday, the Washington Post ran an interesting editorial, "Rich, Poor and Taxes," questioning the Investment Incentive Act. This is a proposal which I have sponsored to return to the pre-1969 tax treatment for capital gains. The Post is perplexed by the wide support my proposal has garnered. The Post also berates our citizens for allegedly no longer being generous, just concerned about their economic well-being.

In light of the economic misfortunes which have beset this country over the last decade, it is no wonder the average citizen is concerned about his or her well-being. High inflation, the threat of joblessness, and general economic doldrums have been the tone for this period.

In another editorial today, the Post succinctly states why the people are unhappy, and why we need the Investment Incentive Act. The editorial, "The Federal Deficit," reveals that State and local governments are overflowing with funds. Second, we have a huge trade deficit because we are not competitive either domestically or internationally with our foreign competition. Last, business is not investing in new plant, equipment, technology, or jobs.

Unfortunately, the Post made the erroneous conclusion that the solution is more Federal deficit spending. That is the problem, not the solution. The people want the State and local governments to reduce their taxes, not run surpluses. Rather than continuing a Federal deficit, the people want less spending and lower taxes. This would reduce inflation and free more funds for investment. New companies could start up. Existing firms could expand and exploit new technologies to promote American competitiveness in the world market. One step is to promote capital development by reducing the capital gains tax. I hope the Post finally sees the light. The editorials follow:

[From the Washington Post, June 6, 1978]

THE FEDERAL DEFICIT

The size of the federal budget deficit is drawing more hostile attention than ever, as congressional anxieties over inflation rise. There seems to be a prevailing inclination to regard federal deficits as a national bad habit, like smoking, to be broken by exercise of will power. It's quite true that in the past several years the deficits have been, by any previous standard, stupendous. The rule has always been that a bigger deficit means greater stimulation of business activity—and yet, despite a $45-billion deficit last year and one estimated at $53 billion this year, the current growth rate is at best uncertain.

The explanation is that the federal government tilts its budget to counterbalance other things that have gone awry in the economy. Before Congress gets carried away with deficit-reduction fever, it might want to consider a bit more carefully what the deficit is offsetting. Before you take away the prop, you're always wiser to find out what it's holding up. In this case, there are three points at which the American economy has got monumentally out of line since the last recession four years ago.

(1) State and local governments are suddenly running a gigantic surplus. It's now something over $30 billion a year and, apparently, rising. About half represents the sums being paid into state and local employees' pension funds. The rest results from inflation, which raises taxes at a time when circumstances—the effect, for example, of falling birth rates on school costs—are slackening the pressure for state and local spending.

(2) The United States is spending vastly more abroad than it earns. The net outflow on goods and services was $20 billion last year, and so far this year it's running substantially higher. This outflow is due partly to the very large American imports of foreign oil. Partly it's due to low economic growth in other countries, reducing the demand for American exports. President Carter's energy policy, and business conditions in Japan and Europe, are all elements in setting the size of the U.S. budget deficit.

(3) American business is investing somewhat less, currently, than it has usually done at this stage of the business cycle. By the end of last year the shortfall in business investment appeared to be running in the range of $6 billion.

Each of those three factors represents purchasing power that is being taken out of the U.S. economy or, in the case of investment, expected and accustomed purchasing power that isn't being put in. If you add the three together—$30 billion in state and local surpluses, more than $20 billion in foreign deficits, a $6-billion shortfall in business investment—it comes to a total that's even a little larger than the $53 billion federal budget deficit. That's why the country can run a huge federal deficit without seeing any great spurt of economic growth.

The point of this arithmetic exercise is a simple one. There is a danger in reducing the federal deficit, if all those other imbalances continue to run at their present levels. The purpose of the deficit is to restore, at one point in the economy, the purchasing power that is being drained out at others. Those drains, if they are not offset, will make the economy run more slowly until, before long, it tips into another recession. The safe way to cut the federal deficit is to begin by reducing the state and local governments' surpluses, curbing the foreign deficits and encouraging more business investment.

[From the Washington Post, June 2, 1978]

RICH, POOR AND TAXES

Congressional attitudes toward taxation grow more and more curious. Majorities in both Houses resist passing the full $25-billion tax cut that President Carter proposed, on grounds that it would be too inflationary. But simultaneously there is powerful and bipartisan support for a wide array of bills to open up new tax advantages costing billions of dollars a year, or reviving old ones. Most of those breaks would benefit mainly people with incomes well above the average; some of the most popular would help the rich exclusively. It's obvious that there has been profound change in basic opinions about the tax structure—particularly among the Democrats.

During the Nixon and Ford administration, Congress enacted tax laws that made the federal income tax more progressive, and, by the definitions that most people accepted at the time, fairer. Now, with the White House occupied by a Democrat committed to tax reform, Congress with its large Democratic majorities is moving forcefully to make the income tax less progressive and perhaps unravel some of the last decade's reforms as well. The thread running through all of these bills seems to be a general feeling that the present tax structure taxes too much from the prosperous, to a point at which it hurts the national economy and everyone who depends on it. That idea was once the exclusive and undisputed property of the more rigorous among the Republicans. But no more. You could hardly have a sharper indication of the depth of the political changes now overtaking this country.

There is a lengthening list of tax bills illustrating the point. The votes on the tuition tax credit in the House yesterday suggest that President Carter is going to have to

carry out his threat to veto it. There is the extremely expensive little bill to restore certain large benefits to Americans who work overseas. Above all, and most spectacularly, there is the Steiger amendment.

It would reduce substantially the tax rates on capital gains for people in high tax brackets, and it would take capital gains beyond the reach of the minimum-tax rule. The minimum tax was instituted to ensure that people with high incomes, regardless of their accountants' skill at constructing tax shelters, would have to pay at least a modest tax. The Steiger amendment would benefit at most some 400,000 taxpayers—that is to say, perhaps 8 percent of all those with taxable capital gains, and fewer than half of 1 percent of all those people who file income-tax returns. Nearly all of the benefits will go to people with incomes over $100,000 a year. The claim is that it will lift the stock market, encourage the rich to invest more and, through higher investment, eventually help everyone else. That line of argument is not a new one; the truly remarkable thing is that it is currently being embraced by a wide assortment of Democrats.

The Democratic leadership is sufficiently impressed to have begun serious negotiations over a compromise. It appears exceedingly likely that at least a toned-down version will become law this year.

The precise reasons for this astonishing swing in opinion are not yet fully clear. It has a lot to do with five years of high inflation. American attitudes toward money have been affected. Families have watched with dismay as their savings shrank, while the value of their property—especially houses—rose rapidly and became unexpectedly exposed to capital-gains taxation. Perhaps it also has something to do with the prospect of long years of relatively low economic growth ahead and poorer returns to investors than those to which they became accustomed during the long boom of the 1960s and the go-go stock markets. Business investment has, in fact, been running lower than most economists think healthy.

The money involved in these little bills is less important than the evidence of change in American views of the rich, the poor, and the balance that represents that indispensable ingredient of tax policy, fairness. It is not a change in the direction of generosity or of the customary American ideals of a national community. But it is, apparently, genuine.●

SALUTE TO REV. EDWINN J. HAMANN, CHURCH OF THE LITTLE FLOWER, CINCINNATI, OHIO, UPON THE 45TH ANNIVERSARY OF HIS ORDINATION

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. LUKEN. Mr. Speaker, on Saturday, June 10, residents of my congressional district and Hamilton County will join with members of the Church of the Little Flower congregation, Cincinnati, Ohio in commemoration of the 45th anniversary of ordination to the holy priesthood of Rev. Edwinn J. Hamann and in deep appreciation for the outstanding service that he has provided as unselfishly to his parish and to the entire community. I know that you and our colleagues will want to join with me and with his congregation in extending our warmest greetings and congratulations to Reverend Hamann on this most joyous occasion.

Reverend Hamann was ordained on June 10, 1933. During his early priesthood he taught at Cincinnati Elder High School until 1946. Then, as our country entered World War II, Father Hamann went to the South Pacific as a Navy Chaplain. Upon his return to the United States he was assigned to Little Flower parish as an assistant pastor. After only 1 year he was sent to St. Rose parish as their pastor until 1956, when he returned, as pastor, to Little Flower. He has held that position until just recently.

Father Hamann has been the principal figure in the building of Little Flower parish into what it is today. In 1960 a new church and rectory were built along with a library and eight additional classrooms. The congregation has grown from 600 in 1956 to 1,475 families in 1978.

Mr. Speaker, it is a privilege and honor to seek this national recognition of Reverend Hamann and all his good works. I ask my colleagues to join with me in offering our most sincere appreciation for the devout service that he has given so freely to all of his people for so many years.●

COMPUTERIZED FIREARMS RECORDS

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. FOLEY. Mr. Speaker, I wish to express my views on the regulations proposed on March 21, 1978 by the Bureau of Alcohol, Tobacco and Firearms which would require the submission and computerization of quarterly reports reflecting any and all transactions of firearms by dealers, manufacturers and importers.

Considering the general mood of the American public and the Congress in recent years it is perhaps not surprising that a large segment of the population is expressing alarm over the Bureau's desire to establish a centralized computer record of firearms' transactions as the beginning of a complex system through which full firearms' registration will be achieved.

Based on public sentiment and lack of success of efforts in the Congress to date to require the registration of firearms, I perceive no public mandate for the creation of such an apparatus.

During debate on the Gun Control Act of 1968, the House rejected amendments making it a criminal offense to possess an unregistered handgun, rifle, or shotgun. The Senate also rejected similar amendments and overwhelmingly rejected an amendment to require registration at both the local and Federal levels.

In 1972, the Senate, while debating the gun control bill rejected amendments that would federally register first handguns and second, all firearms and owners.

In the 94th Congress, the House Judiciary Committee rejected two amendments to require States to register handguns, an amendment to establish national handgun registration and an amendment to authorize Law Enforcement Assistance Administration funds for States to register handguns.

The legislative history of Federal registration of firearms clearly indicates that the Congress has consistently rejected this concept. I do not find a congressional mandate for Federal registration or any indication that significant steps toward Federal registration would receive congressional approval.

I believe that regulations of this controversial and comprehensive a nature should be made only after a congressional mandate. I have introduced House Concurrent Resolution 626 disapproving these regulations, and I support the recent House Appropriations Committee action to prohibit the use of any funds appropriated to the Bureau of Alcohol, Tobacco and Firearms for issuing or carrying out the proposed regulations published in the Federal Register on March 21, 1978.●

GENERAL SINGLAUB SPEAKS OUT—PART IV

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. McDONALD. Mr. Speaker, in this fourth part of the series by General Singlaub he sketches out the overall situation in the context of Korea. In the preface he points out the interesting parallel between our betrayal of Nationalist China and South Vietnam, where in both cases we arbitrarily cut off their supplies of munitions. He further points out how well the South Korean soldiers served in Vietnam in support of our own forces. Guilt and fear appear to be motivating us in that part of the world, according to the General rather than logic or sound strategy. As with his prior articles, I commend them to the attention of my colleagues. The article from the Atlanta Journal and Constitution of June 4, 1978, follows:

[From the Atlanta Journal and Constitution, June 4, 1978]

GUILT, FEAR AT BOTTOM OF PACIFIC POLICY

(By Maj. Gen. John K. Singlaub, U.S.A., Ret.)

If I were asked what I sincerely believe is the most important lesson the American people must learn, in the context of the hot-and-cold struggle between the communist

and non-communist powers of this world, I would answer:

We're not dealing with born-again Christians, we're dealing with born-again Bolsheviks. These people are very pragmatic. The leaders of the Soviet Union and Communist China don't accept as individuals or as nations any idea of being nice to someone else in hopes that he will be nice to you. This Judeo-Christian ethic doesn't guide them in their foreign policy.

I think that what happened in Vietnam did a lot of damage to our relationship with our friends in the Far East. It certainly caused the South Koreans, the non-communist Chinese, the Thais, the Indonesians, the Malaysians, to take a second look at their associations with the United States.

What we did in Vietnam was immoral; that's the only way you can describe it.

We forced the South Vietnamese to sign a peace treaty that they knew was not in their best interests. We assured them that if there was any violation of that treaty by North Vietnam, we would come to their aid immediately. But in fact the most flagrant violations took place, were clearly documented, quite obvious, and this gave a signal then to the communists that we obviously weren't going to do anything, and they made an all-out effort to throw us out.

Well, that so demoralized the South Vietnamese that they lost their will to resist, in the same way that the Chinese Nationalists did back in 1948 and 1949, when we refused to come to their aid when they needed us. We refused to allow them to even receive the ammunition to fire in the weapons we had given them to save themselves.

That was so demoralizing: it looked like the whole country collapsed. The communists can blame it on a weak leadership and all that, but, you know, you need to have allies if you're not able to go it alone, and it was clear that the Nationalists were so weak after World War II that they could not go it alone; they needed our help.

One of the best things we had in Vietnam was the South Korean force. The Koreans maintained two divisions and a brigade fighting alongside the other free world military assistance forces there, and the Vietnamese would look at those Korean troops and the way they performed, the professional conduct of everything they did, and they admired them.

And I would say to my Vietnamese friends, "Let me tell you, the Koreans 25 years ago were in worse shape than your army is today, but because they professionalized their officer corps, set up a good school system, tried to emulate some of the better parts or our system, accepted our support and help, rejected the lures of communism and so forth, you can see what they are."

Well, it was a tremendous source of encouragement to see those Koreans operate. And in my view, if we had hung in there, the South Vietnamese would have come out of it in the same way the South Koreans did. But we didn't.

The Southeast Asian countries of Thailand and Malaysia, Indonesia and the Philippines have hope that we will add the stability there to keep Communist China from expanding into those areas. We are a symbol there.

When I visited friends in Thailand and in Taiwan after I left Korea on my way here, they all expressed deep concern that our withdrawal from Korea would be a signal to China to expand its influence, that we are no longer going to try to maintain peace in the Western Pacific.

Communist China's influence in Southeast Asia now is rather significant, and there's a big conflict going on in Vietnam between the Soviet-sponsored elements and the supporters of Red China. Cambodia has the support of China and Hanoi has the support of Russia, and there's a confrontation on the border.

China is wooing Thailand, and Thailand is nervous about what's going to happen.

Gen. Kriangsak Chamanand, Thailand's premier, made a trip to Peking a couple of months ago. He hasn't been invited to this country, and I think that's a shocking thing. His country has such a long tradition of freedom, of independence and a close association with the United States. Yet we have given him no indication of our support. I think to run the risk of losing that very valuable ally is also shocking.

Wherever I would go in traveling around talking to representatives of non-communist Southeast Asia nations, they would ask questions:

What is the policy of the United States for the Pacific? We understand there were some domestic problems in the United States that enabled anti-war groups to overcome reason and cause the debacle of South Vietnam. But are you really going to abandon South Korea, a nation that's been your ally for so many generations? Are you really going to withdraw your forces? Does that mean you are no longer going to be a Pacific Power?

And tell me, why is Korea different from Europe? Unless there's a Caucasian syndrome here—we don't want to say that this thing is a little racist—why is there such a willingness to spend more and do more on NATO in Europe? You're talking about withdrawing from Korea, and we just don't understand that. You do more trading in the Pacific basin than you do with Europe.

These are hard questions to answer. But they give you a feel for how the Asians look upon this part of the world.

I think our policy appears to be based upon some feeling of guilt and fear, and I don't think those are very good foundations for foreign policy.

In fact, there's been no articulation of our foreign policy. George McGovern wrote a whole bunch of words on the pro side of the withdrawal issue, but after reading it and re-reading it, it really doesn't say anything except that if we are not there (in Korea), we can't get involved in a land war in Asia.

But we tell the Koreans that we're going to withdraw, but we will come to your aid if you need it. Well, you can't have both. If you guarantee you're going to come back in the event of an attack, they know we won't. Who are we fooling?

That's just basic dishonesty.●

STOP OSHA'S REGULATION OF HUNTING

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. ASHBROOK. Mr. Speaker, I want to speak in support of language to be presented on Wednesday, June 7, which will stop the Occupational Safety and Health Administration (OSHA) from involvement in regulation of hunting. I am pleased to say that a 1975 prohibition against regulation of small family farms has been somewhat effective in combating abuses by OSHA inspectors. How clearly I recall accounts of an army of OSHA inspectors telling farmers to avoid unsafe piles of cow manure and unsecure ladders.

We now have an opportunity to remind this agency of its purpose—to protect workers in the workplace. I am appalled, as a member of the committee which considered this legislation in 1970, that this agency is now desiring to regulate deer hunting in Louisiana. It is seeking to define a "workplace" as a parcel of land, no matter how large, which may be traveled by a few workers for the purpose of marking trees for timber cutting.

HISTORY OF LOUISIANA CASE

OSHA's current effort to curb hunting on private lands arose from a complaint it received from a junior forester employed by Olinkraft, Inc., a timber company doing business in Louisiana. He charged that he was not being provided a safe working place because the company allowed hunting on its woodlands. Although OSHA has no specific standard covering hunting, it concluded that Olinkraft violated the catchall "general duty" provision of the act, section 5(a)(1), by not furnishing a workplace "free from recognized hazards."

IS HUNTING AN EMPLOYEE "HAZARD?"

Hunters have never been considered a "recognized hazard" by the timber industry. Investigation by timber companies and associations throughout the United States have found not a single case in the past decade in which an employee was injured by a hunter and only one minor incident within the past 20 years. The Louisiana company and its predecessors have never had such an accident in 70 years of operation. Such a record hardly indicates an "obvious or recognized hazard" warranting citation under OSHA's "general duty" clause.

CAN A COMPANY ELIMINATE HUNTING TO COMPLY WITH AN OSHA ORDER?

OSHA has presented the Louisiana timber company with the alternatives of creasing operations or removing all hunters from the woods. It is economically impossible for them to cease work on their forest lands during the hunting season without a complete cessation of its entire operation. Since this is economically impossible, the company is left with the option only of removing all hunters.

The tradition of public use of private woodlands is strong in the South, and in other parts of the country. Efforts to exclude hunters would be of little avail, since rural law enforcement personnel may be unsympathetic to restrictions on hunting and since community hostility might result in arson, property destruction, and threats to forestry employees.

To legally exclude trespassers, Louisiana law requires that fences have triple strands of barbed wire and that signs be posted every 50 feet. It would cost the Louisiana firm an estimated $4 million to comply with this requirement in that one State alone. The expense of fencing similar tracts in other States, and of fenc-

ing timber and agrecultural land held by others where hunters might threoretically jeopardize safe working conditions, would be astronomical.

Fencing forestry tracts to exclude hunters would not be feasible. Much land is not in contiguous tracts, but is interspersed with property held by others. Boundaries are difficult to ascertain and change as new land is acquired and holdings are sold or exchanged. Fencing these long, irregular, and fluctuating perimeters would require thousands of miles of barbed wire and posts, and would necessitate continual maintenance. Boundary changes would necessitate alterations and additions to fencing.

If local law enforcement officials declined to enforce the "no trespassing" provisions, timber firms would be forced to employ armed guards to do so. The ironic effect would be to place more employees "at risk."

WOULD THE LOUISIANA HUNTING CASE EXTEND TO OTHER PARTS OF THE COUNTRY?

Ending the tradition of multiple use of timberlands would generate problems on several levels.

According to section 19(a) of the Occupational Safety and Health Act of 1970 and related Executive orders, Federal agencies must provide safe and healthful places and conditions of employment. If hunting on land which is also used for growing timber or other purposes is found to be a recognized hazard, then Federal agencies would be required to institute measures to prevent hunters from using Federal land for hunting. Affected agencies would include the U.S. Forest Service, the Bureau of Land Management, the Department of Defense, the Army Corps of Engineers, the Bureau of Indian Affairs, and the Fish and Wildlife Service. The cost of effective measures would be enormous, considering the vast acreage of Federal lands which hunters presently utilize.

CONSERVATION OF ANIMALS WOULD BE IMPOSSIBLE

Another unfortunate consequence of a ban on hunting timberlands would be uncontrolled deer population explosion. Uncontrolled deer populations eat seedlings, eat leaves off the trees as high as they can reach, and deform or kill young trees. This could cause serious economic destruction and mass starvation of deer, which would require the timber company or the State to reinstate deer hunting or to bring in hunters to control the deer population. An experiment with restrictions on deer hunting in the Grand Canyon demonstrated this hazard and resulted in a loss in the value of the timber there.

THE AGENCY ABUSED ITS AUTHORITY IN LOUISIANA

The Occupational Safety and Health Act of 1970, which provides in section 8(a) and 8(e) for inspections by OSHA officers, gives employer and employee representatives the right to accompany the inspector on his tour. As a decision by the Occupational Safety and Health Review Commission has pointed out, including the employer on the inspection tour serves a useful function. It helps to assure the accuracy of the officer's report and to explain ambiguous situations. In the Louisiana case, the OSHA inspector never notified the timber operator that he intended to inspect the workplace. In fact, he seems to quite possibly have conducted no inspection at all; a discussion with several employees may have been the sole basis upon which the citation was issued.

LEGISLATIVE EFFORTS

We are pursuing a legislative remedy. Just as we have opposed the Department of the Treasury regulations requiring centralized government registration of firearms, we are now seeking to curtail the efforts of OSHA to regulate hunting. These efforts are not unlike our enactment of Public Law 94–284 on May 11, 1976, withdrawing jurisdiction over firearms and firearm ammunition from the jurisdiction of the Consumer Product Safety Commission.

There is urgent need to block OSHA's overreacting. It is my hope that all of my colleagues will join the effort to stop the use of funds to regulate recreational hunting, fishing, and shooting. While I am not convinced that our efforts will put an end to OSHA's mischief, I believe it to be a valuable beginning in sending a clear message to this agency that it is going beyond the needs of the public.

The legislative initiative is next. I am pleased to announce that Mr. WILSON of Texas and I are cosponsoring this valuable legislation in the House, and Senator MCCLURE is doing so in the Senate. I urge my colleagues to join us in both the appropriations remedy and the legislative cure.●

TRIBUTE TO MAJ. GEN. CARL W. HOFFMAN

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. BADHAM. Mr. Speaker, rarely does a Member of this body have the honor of paying tribute to a person of such outstanding qualities and achievements that words seem inadequate as a means of properly expressing one's appreciation for a record of public service.

But today, however inadequate they may be, I have the privilege of offering a few words on behalf of a distinguished American, who has served his country for 38 years in time of war and peace.

That person is Maj. Gen. Carl W. Hoffman, commanding general of Camp Pendleton, Calif.

General Hoffman is retiring from the U.S. Marine Corps on June 30, 1978, and is being honored by his many friends at a banquet on June 13, in Oceanside, Calif., which is in the 40th Congressional District.

I would like to call the attention of my colleagues to the fact that all of us who serve in the Congress of the United States, all of the citizens of this Nation who remember the horrors of World War II, the Korean war, and Vietnam and all the others who value their freedom and the American way of life, can thank dedicated career military men such as Carl Hoffman for helping to provide us with a free country in which to live.

For without the Carl Hoffmans of the Marine Corps, the Navy, Army, Air Force, and Coast Guard whether they are buck privates or four-star generals; seamen or admirals, this country long ago would have gone the way of other extinct civilizations.

From his early days as a member of the Marine Corps Reserve, beginning in 1940, Carl Hoffman has shown a lifetime pattern of leadership, whether in an executive capacity behind a desk or as company commander slogging it out with the ground marines in the nasty island campaigns of World War II.

A native of Nebraska, General Hoffman holds a bachelor's degree from Drake University in Des Moines, Iowa, and a master's degree from George Washington University in Washington, D.C.

After signing up with the Marines 38 years ago last month, Hoffman went through platoon leadership courses and was called into active duty following the outbreak of World War II and commissioned a second lieutenant in March 1942.

In rapid order, he served with the 2d Marine Division in the Pacific Ocean island campaigns on Guadalcanal, the first land victory for the United States in its war with Japan, then led troops ashore in the bloody, historic invasion of Tarawa.

It was in this battle that Hoffman brought his company of marines through chest-deep water, protected only by a concrete pier, onto the beach where the Marines had established a precarious foothold against deadly Japanese fire from well-concealed bunkers. In the vicious battle which ensued, Carl Hoffman was wounded and had to be evacuated to an offshore hospital ship, while his troops who remained fought on, eventually to win the battle in which casualties were so great that the Nation was shocked into disbelief.

After an interlude from the battlefield in Washington as an aide at Headquarters, Marine Corps, and as a recruiting officer in New York, Hoffman was back in the field again as a battalion commander, this time with the 1st Marine Division, now the resident division at Camp Pendleton.

The 1st Division was to remain important in Hoffman's life, because a few years later, after graduating from the Army War College and serving on the faculty in 1963, Hoffman came to Camp Pendleton as commanding officer of the 1st Marine Regiment.

In the Vietnam war, Hoffman, by this time a brigadier general, was in the bat-

tle zone as assistant division commander of the 3d Marine Division, and later served as commanding general of Task Force Hotel near the demilitarized zone.

After service in Hawaii, General Hoffman was named commanding general of the Marine Corps Recruit Depot, Parris Island, S.C., later serving at Headquarters Marine Corps in Washington and as commanding general of the 3d Fleet Marine Amphibious Force, Okinawa, before assuming his present command at Camp Pendleton in 1975.

Much has been said and written about Carl Hoffman's tour of duty as commanding general at Camp Pendleton, during a period of turbulence over the relationship between the Marines and the civilians at Oceanside.

The most eloquent comment, however, was the simple request by the Commandant of the Marine Corps, Gen. Louis H. Wilson, who personally requested last year that Carl Hoffman extend his active duty service and delay his retirement 1 year.

General Hoffman, the professional that he is, agreed to do so.

Thus it is, with the greatest of personal pride, not only as a Member of Congress, but as a member of the House Armed Services Committee, that I rise today to pay tribute to Carl Hoffman.

His has been a distinguished military career, marked by an incredible 31 medals from the United States and other nations, but not only has his service been to defend our Nation from its enemies but in times of peace he has been a leader in helping to establish and maintain the best of relationships between the Military Establishment and the country's civilians.

We need more men like Carl Hoffman. His dedicated public service will be sorely missed by all of us.●

CONSUMERS NEED TO UNDERSTAND BEEF PRICES

HON. CHARLES E. GRASSLEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1978

● Mr. GRASSLEY. Mr. Speaker, I have recently enumerated my concerns to my colleagues about the attention currently being given beef prices. I am particularly concerned about the possibility that President Carter will respond to those who advise that he lift restrictions on imported beef. I have urged him to take no action. It is well documented that livestock producers have been operating at a loss for much of the time in recent years.

There are a couple of additional points which I would like to share with my colleagues concerned about high beef prices for the consumer. First, I feel it is important that the consumers in this country be educated to past and present problems of cattle producers. Second, I think history has shown that efforts to influence the retail prices of beef by the Government has, in the long run, been counterproductive. In short, consumers must be made aware of the problems facing livestock producers, and the Government should allow the market to work and refrain from attempting to make the American public think they can have as much beef as they want at artificially low prices.

I would like to share with my colleagues two articles which speak to the points I have mentioned. The first article appeared in the June 3, 1978 edition of the Iowa Farm Bureau Spokesman and is entitled "Need Consumer Education of Causes of Higher Meat Prices." The second article by Frank Whitsitt appeared in the May 31, 1978 edition of Farmland News and is entitled "Cattlemen to Government: Keep Out."

NEED CONSUMER EDUCATION EFFORT ON CAUSES OF HIGHER MEAT PRICES

A united effort to educate the consumer about the causes of higher meat prices is the best approach to combating buying resistance it was agreed at an industry-wide meeting in Chicago last week.

Representatives of packers, retailers, commodity groups, feeders, news media, producers and marketing interests attended the meeting called by the American Farm Bureau, and agreed the consumer must be told what is going on and why.

Malcolm McGregor of Nashua, chairman of the Iowa Farm Bureau beef advisory committee, attended the meeting.

By informing the consumer it is hoped an organized consumer boycott such as that in 1973 can be avoided. It was generally agreed that if a housewife decided on her own to cut back her purchase of meat it is supply and demand working and the industry will respond. But an organized movement would give a false reading to the market and would upset the market system.

Dr. Ed Uvacek, extension economist at Texas A & M University, said the beef price level at the supermarket will probably move up within the next several weeks. He said the price now averages $1.70 (a new all-time high) reflecting $55 cattle. "But cattle are selling at $59–$60 so the price must increase." He expects another 10 percent rise before a possible break later this summer.

Uvacek said meat is now 40 cents per pound higher than it was during the consumer boycott of 1973.

He also pointed out that meat prices were high in 1975 and there was little resistance. The difference is that the retailer had inexpensive hamburger and that took the pressure off. "Because of the decrease in cow slaughter and non-fed slaughter, that abundance of hamburger will not be there now," he said.

While personal income is up in relation to beef prices, it is not up so high that it can be used as an argument when visiting with consumers about meat prices, Uvacek said.

"In actuality the increase in beef prices and personal income run very close."

It was also agreed that reminding the consumer about the plight of the cattle feeder for the past several years would not necessarily get a positive response.

Dr. Timothy Hammonds, senior vice president, Food Marketing Institute, Washington, D.C., says the consumer mood is still basically good and this is helping the beef industry. He emphasized it is important for all segments of the industry to be presenting consistent information.

Hammonds reported that a February survey showed a concern about prices generally but only 4 out of 10 listed food prices as a major worry—the lowest level in 3 years. Only 22 percent expected sharp increases, down from 33 percent in 1977.

Fifteen percent thought some prices at the supermarket were outrageous, but none involved edible products. And he said for the last 2 years, consumers in the survey have blamed government for high food prices.

While this all sounds good, Hammonds says it presents a problem because consumers are facing a reversal of what they expected.

Hammonds said he hoped the government does not over-react. "They should view the cattle cycle from a historical perspective and realize that producers have to think over a period of years and not days or months. When someone is in that kind of planning mode one thing you shouldn't do is change the rules every day."

Those attending the meeting agreed that:

Producers must continue the orderly marketing of cattle.

Producers and packers must move toward a closer working relationship.

The industry must work at gaining consumer understanding on the cost of production, nature of the cattle cycle, need for profit before supplies increase, nutritional value of meat and economics of the meat industry.

Food retailers should alert consumers to higher meat prices emphasizing that the cattle cycle and the supply-demand relationship are responsible and the industry should work with news media and take advantage of the current interest to tell the story of the cattle cycle as well as the role inflation plays in the overall increase in prices.

Specifically, retailers were urged to coordinate with food editors and others to inform the consumer; hold a briefing for food editors, explaining the situation and tying in what part inflation plays; merchandize meat in cost per serving as opposed to cost per pound; market smaller boneless cuts; and continue featuring beef in advertisements.

It was agreed the industry should provide tips to consumers on how to stretch the beef dollar; provide backgrounders to the media explaining what is going on; and continue advertisements to tell the story and promote the product.

All activities should be aimed at avoiding government intervention and any organized consumer resistance that would upset the market system, it was agreed.

The American Farm Bureau beef advisory committee met May 26 to consider information presented at the meeting and make recommendations to the American Farm Bureau board of directors.

A meeting similar to the Chicago meeting was held at the Iowa Farm Bureau building earlier in the week. The need for gaining consumer understanding was also stressed at that meeting.

CATTLEMEN TO GOVERNMENT: KEEP OUT

The upward push in beef prices is both heartening and worrisome to those in the cattle industry. Heartening because the better prices are overdue after some discouraging years. Worrisome because of memories of 1973, when consumer resistance and boycotts goaded Congress into forcing the Nixon administration to slap a freeze on beef prices.

Anxious to try to head off a repeat of the disastrous consequences of that action, the National Cattlemen's Association is distributing a list of questions and answers on what's behind the higher beef prices. The message, of course, is aimed at urban consumers but growers of livestock would do well to review

the NCA logic so as to be better defenders of their cause.

Beef prices go down as well as up, the NCA points out, but over the long pull, there are more ups than downs. That's generally true because beef prices, like everything else, are affected by inflation. The farm value in a dollar's worth of beef generally is about 60%; the other 40% goes for processing, transportation and merchadising. For the most part, the NCA says, it's the farmer's share of each beef dollar that fluctuates. The annual farm-to-retail prices spread keeps going up with inflation.

For example, the average price of Choice steers in Omaha for March this year was only 11% higher than the average for 1973. But the farm-to-retail beef spread went from an average of 42 cents a pound in 1973 to 63 cents.

Does that mean the middleman is getting a lot more? What goes into the middleman's margin, the NCA adds, is primarily a lot of costs. There's really nothing mysterious about it. Just check the consumer price index and the figures on personal income. "The problem is inflation," the NCA concludes.

Sharp reduction of cattle numbers, of course, is a major reason for the price surge. The NCA asks if this means beef prices will keep going up for the next few years and answers, "Not necessarily." The longer term trend may be upward until herds are rebuilt, but there will be shorter-term downs as well as ups. "Actually, cattle prices have to increase further before the total industry can be profitable again," the organization says.

As to whether government should intervene to control peaks and valleys in the cattle cycle, the NCA says it doesn't work and cites the price freeze which disrupted the market, resulted in sharply reduced supplies and caused retail prices to reach record highs for a while.

"Unfortunately for cattlemen," the NCA says, "the best cure for low prices is low prices. Why? Because low prices bring needed supply adjustments. Similarly, the best cure for high prices is high prices—because higher prices eventually bring supply increases, which then moderate prices to consumers."

Finally, the NCA pleads, keep the government on the sidelines while these market forces are at work.

Cattlemen need an opportunity to recover their losses, to repay their debts and earn a profit on their investments. They expect government to stay out of their business now, just as government stayed out when they were suffering big losses. It would be unfair, the NCA emphasizes, for the government to change the rules of the game now and try to artificially increase meat supplies or impose price restrictions.●